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Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 21—USE OF ARMY AIRCRAFT

AIRCRAFT ACCIDENTS *

The regulations therein having been deleted in revision of Army Regulations No. 95–120, 17 December 1943, § 21.10 pertaining to damage to persons or private property resulting from aircraft accidents is hereby rescinded and the following reference substituted therefor:

§ 21.10 *Aircraft accident; injury to persons or damage to private property.* In case of injury to persons or damage to private property, an investigation will be conducted in accordance with the provisions of Army Regulations and §§ 36.1 to 36.23, C.F.R. (R.S. 161; 5 U.S.C. 22) [Par. 5, AR 95–120, 17 December 1943]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43–20714; Filed, December 31, 1943; 10:14 a. m.]

Chapter III—Claims and Accounts

PART 37—CLAIMS ON BEHALF OF THE UNITED STATES

DAMAGE TO OR LOSS OR DESTRUCTION OF GOVERNMENT PROPERTY AND FOR EXPENSE OR LOSS SUSTAINED INCIDENT TO INJURY TO OR DEATH OF MILITARY PERSONNEL

Sections 37.3, 37.4 and 37.5 (8 F.R. 7301) are hereby amended to read as follows. The regulations in these sections are also contained in Army Regulations No. 25–220, dated 3 July 1943, the particular paragraphs being shown in brackets at end of sections.

§ 37.3 *Definitions.* The words "claim" and "defendant," and the expression "Government property" are used in these regulations as follows:

(a) *Claim.* The right of the United States to demand from a defendant reimbursement for damage to or loss or destruction of Government property, or for loss of service, cost of medical treatment, hospitalization, travel, or other expense or loss sustained and to be sustained by the Government incident to injury to or death of military personnel, arising from negligence or wrongful act.

(b) *Defendant.* (1) Any individual, excluding military personnel and civilian employees of the United States acting within the scope of their employment when only simple negligence is involved; and

(2) Any partnership, association, corporation, or governmental body other than an instrumentality of the United States.

(c) *Government property.* Real or personal property owned by the Government or otherwise in the custody or control of the War Department or of the Army. Where liability to the Government for the particular loss, damage, or destruction is fixed by contract, for example, property furnished to or otherwise acquired by a War Department contractor or subcontractor, such liability will be asserted under the contract and not pursuant to the provisions of these regulations. [Par. 1]

§ 37.4 *Scope.* Included within the provisions of the regulations in §§ 37.3 to 37.5 are claims in excess of $25 for:

(a) Damage to or loss or destruction of Government property.

(b) Amount of pay and allowances paid or payable by the Government to military personnel for any period of incapacitation incident to injury to such personnel.

(c) Cost of medical treatment, hospitalization, travel, or other expense or loss to the Government in the rehabilitation of military personnel incident to injury to such personnel.

(d) Cost of funeral, burial, transportation, or other expense or loss to the Government incident to death of military personnel. [Par. 2]

§ 37.5 *Action by reviewing authorities.* Upon receipt by the commanding general of a service command, or the commanding officer of an air service command, or the claims service of a foreign command, as the case may be,

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NOTICE

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each claims officer's report will, unless the report is accompanied by a statement that payment in full has been made, be reviewed and, after any corrective action deemed necessary with relation thereto, appropriate administrative action will be taken. Such action, unless the claims officer's report is accompanied by a statement that payment in full has been made or by a compromise offer which such reviewing authority deems it advisable to accept, will include a determination whether the defendant is legally liable to the United States and, if so, the amount of such liability. Upon a determination that the defendant is liable and of the amount of such liability, the commanding general of the service command, or the commanding officer of the air service command, or the chief of the claims service of the foreign command, will cause a written demand to be made upon the defendant for payment of the claim. If such demand is complied with, the certified check or postal money order will be accepted and transmitted to the appropriate fiscal officer. If the defendant fails to comply with the demand within a reasonable time, and the amount involved, the financial responsibility of the defendant, and other circumstances of the case appear to make advisable the institution of suit, or if the defendant has already made, or on such demand makes, a compromise offer accompanied by a certified check or postal money order, the commanding general of the service command, or the commanding officer of the air service command, or the chief of the claims service of the foreign command, will forward the original and one copy of the file, including any compromise offer and certified check or postal money order, with his recommendation as to the advisability of acceptance of such compromise offer, if any, or, if none, as to the advisability of instituting suit, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action. [Par. 4]

(R.S. 161; 5 U.S.C. 22)

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-20715; Filed, December 31, 1943; 10:14 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[Gen. Order 16, Interpretation 1]

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS

An interpretation to § 803.16 is issued to read as follows:

Wage adjustments required by State statutes which prohibit wage discrimination between the sexes are "adjustments which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations" within the meaning of General Order No. 16 and may be made without approval of the National War Labor Board. Such adjustments need not, however, be reported to the Board as required by subparagraph (1) of General Order No. 16.

(E.O. 9250, 7 F.R. 7871)

L. K. GARRISON,
Executive Director.

DECEMBER 27, 1943.

[F. R. Doc. 43-20712; Filed, December 31, 1943; 10:04 a. m.]

TITLE 31—MONEY AND FINANCE

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1944 4th Amdt. to Dept. Circ. No. 530, 5th Rev.]

PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

MISCELLANEOUS AMENDMENTS

JANUARY 1, 1944.

Department Circular No. 530, Fifth Revision, dated June 1, 1942, as amended, is hereby further amended as follows:

1. Section 315.5 is amended by striking out the second sentence of the first paragraph and inserting in lieu thereof the following:

Bonds of these two series may also be registered in the names of fiduciaries, corporations, associations or partnerships, except that they may not be registered in the names of commercial banks, which are defined for this purpose as those accepting demand deposits: *Provided, however,* That bonds originally issued on or after January 1, 1944, may be registered in the name of a commercial bank having savings deposits to the extent and under the conditions set forth in § 315.9 (c) hereof.

2. Section 315.5 (d) is amended to read as follows:

(d) In the name of any private organization, whether incorporated or unincorporated (except that bonds originally issued prior to January 1, 1944, may not be registered in the name of a commercial bank as hereinbefore defined), using in each case the full legal name of the organization without mention of any officer or member but making reference, if desired, to a particular bookkeeping account or fund (not a trust), as follows:

(1) A private corporation, followed by the words "a corporation", for example: "Smith Manufacturing Company, a corporation";

(2) An unincorporated association, lodge, church or society, or similar body, followed by the words "an unincorporated association", for example: "The Lotus Club, an unincorporated association". The term "an unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name;

(3) A partnership, considered as an entity, followed by the words "a partnership", for example: "Smith and Brown, a partnership".

3. Section 315.9 (c) is amended to read as follows:

(c) Series F and G—$50,000 (issue price) for the calendar year 1941, and $100,000 (issue price) for each calendar year thereafter, of either series or of the combined aggregate of both: *Provided, however,* That as to bonds of these series originally issued on or after January 1, 1944, the amount held by a commercial bank having savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System shall not in any case exceed $100,000 (issue price) or ten percent of such savings deposits as shown on the bank's books as of the date of the most recent call statement required by the supervising authorities prior to the date of acquisition of such savings bonds, whichever is less; *And provided further,* That the amount of savings bonds of Series F and G originally issued on or after January 1, 1944, held by a commercial bank together with 2½ percent Treasury Bonds of 1965–70, to be issued under Treasury Department Circular No. 729, and 2¼ percent Treasury Bonds of 1956–59, to be issued under Treasury Department Circular No. 730, shall not exceed in the aggregate $200,000 or ten percent of the savings deposits of such bank as above defined, whichever is less.

(R.S. 161 (U.S.C. 5, sec. 22), The Second Liberty Bond Act, as amended, and The Public Debt Act of 1941)

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 43-20719; Filed, December 31, 1943; 10:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

[General License 3]

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART D—GENERAL LICENSES

Pursuant to the authority vested in the Commandant of the Coast Guard by § 6.18 of the regulations contained in this part, it is hereby found that the continuance in force of General License No. 3 in its present form would be inimical to the war effort and that its reissuance as hereafter set forth would not be inimical to the war effort or to the safety and protection of vessels or the territorial waters, and General License No. 3 is amended and reissued as follows:

§ 6.202 *General License No. 3.* All vessels exclusive of those covered by § 6.19 of this part which are now in or which may hereafter enter the local waters are hereby generally licensed to depart from local waters by crossing the international boundary between the United States and Canada, subject to the following terms and conditions:

(a) Pleasure vessels departing from a port or place within the United States may not touch at any Canadian port or place without having obtained a permit from the Captain of the Port.

(b) This general license may be revoked by the Commandant of the Coast Guard whenever he finds its continuance in force would be inimical to the war effort and to the safety and protection of vessels or the navigable waters of the United States.

(c) The Commandant of the Coast Guard may, in his discretion, exclude individual vessels from this general license upon notification to the owners, agents, masters, or operators thereof, but any vessel so excluded may be granted an individual license under the provisions of § 6.15 of Subpart A.

(d) The issuance of this general license does not in any manner relieve any vessel covered thereby or its owner, master, or operator from compliance with the provisions of any other applicable law or regulations.

R. R. WAESCHE,
Commandant.

DECEMBER 30, 1943.

[F. R. Doc. 43-20718; Filed, December 31, 1943; 10:34 a. m.]

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES IN LOUISIANA

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.241 (8 F.R. 15610, 18687) are hereby extended to include additional bridges in Louisiana, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

• • • • • •

Lacombe Bayou, La.: Louisiana Department of Highways bridge at Lacombe, La. (At least forty-eight hours' advance notice required.)

Colyell Bayou, La.: Louisiana Department of Highways bridge near Port Vincent, La. (At least forty-eight hours' advance notice required.)

Bayou Lafourche, La.; Louisiana Department of Highways bridge at Labadieville, La. (At least forty-eight hours' advance notice required.)

Grosse Tete Bayou, La.; Louisiana Department of Highways bridge near Rosedale, La. (At least forty-eight hours' advance notice required.)

Vermilion River, La.; Louisiana Department of Highways bridge near Lafayette, La. (At least forty-eight hours' advance notice required.)

Des Cannes Bayou, La.; Louisiana Department of Highways bridge near Evangeline, La. (At least forty-eight hours' advance notice required.)

Nezpigue Bayou, La.; Louisiana Department of Highways bridge near Jennings, La. (At least forty-eight hours' advance notice required.)

Choupique Bayou, La.; bridges of Louisiana Department of Highways near Calcasieu, La. (At least forty-eight hours' advance notice required.)

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-20716; Filed, December 31, 1943; 10:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13]

PROCESSED FOODS

Ration Order 13 and Amendments 1 through 101 thereto are revised, and reissued as Revised Ration Order 13, to read as follows:

§ 1407.1101 *Rationing of processed foods.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 5, issued by the Secretary of Agriculture on February 20, 1943, Revised Ration Order 13 (Processed Foods), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407.1101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562, and Supplementary Directive 1-M, 7 F.R. 7234; and Food Directive 5, 8 F.R. 2251, 3469.

REVISED RATION ORDER NO. 13—PROCESSED FOODS

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3.8 Processors must keep records.

[1] 8 F.R. 11048, 11383, 11483, 11563, 11513, 11753, 11812, 12026, 12297, 12485, 12297, 12548, 12560, 12312, 12693, 12446, 13301, 13492, 13990, 14346, 14472, 14473, 14587, 14764, 14476, 14477, 15326, 14620, 15454, 14766, 15386, 15524, 15594, 15716, 16199, 16258, 16293, 16427, 16318, 16606, 16861, 16796.

Sec.
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20.1 Office of Price Administration may issue suspension orders.

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22.1 Processed foods may be exported point-free.
22.2 Points may be obtained to acquire processed foods for export.
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24.4 Country shipper may not do business if he does not register and file reports.
24.5 Country shippers must report their inventories.
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ARTICLE XXVII—DEFINITIONS

27.1 Definitions.

APPENDICES

Appendix A
Appendix B

ARTICLE I—INTRODUCTION[1]

SECTION 1.1 *This order covers processed foods.* (a) The foods which are covered by this order are called "processed foods" and are listed in section 27.1 (a) (10).

(b) Puncturing or opening the container in which processed foods are packed, or merely removing them from the container, does not cause them to cease to be processed foods. Frozen processed foods which thaw out do not thereby cease to be processed foods.

(c) When any processed food is prepared for service and served, it is no longer considered a processed food. Thus, a "person" who is served canned peaches in a restaurant, as part of a meal, is not getting processed food. Furthermore, when a processed food has been used in making a product which is not rationed under this order, it ceases to be a processed food. For example, canned peaches may be used in baking peach pie—that pie, and the peaches in it, are not processed foods.

SEC. 1.2 *Processed foods are rationed by the point system.* (a) All types of processed foods are rationed together, as a group, through the use of the point system of rationing. Each item of processed foods is given a particular point value for each size in which it is sold. The point value of a processed food is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official table of point values. These point values may be changed from time to time, as conditions require.

SEC. 1.3 *Points come in the form of stamps, certificates or ration coupons and ration checks.* (a) There are several forms of tokens or ration currency which represent points.

(b) The basic tokens are the blue "stamps" in War Ration Book Two and the green stamps in War Ration Book Four, which are designated by the Office of Price Administration to be used for the acquisition of processed foods. They are the form in which points are generally given up by consumers.

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R–1201) or ration coupons and ration checks drawn on ration bank accounts. A certificate or ration coupon is issued by the Office of Price Administration (or a person authorized by that office to issue it) and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money. (The cases in which ration checks are used are covered in Articles VIII and IX.)

ARTICLE II—CONSUMERS

SEC. 2.1 *When a person is a consumer.* (a) Any "person" who buys or "acquires" "processed foods" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets processed foods in order to resell them or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get processed foods for personal uses.)

SEC. 2.2 *Consumers and industrial and institutional users may not purchase processed foods between certain dates.* (a) From February 21, to February 28, 1943, inclusive, no consumer may buy or acquire processed foods from any other person. (However, a consumer may borrow processed foods from, and return borrowed processed foods to, another consumer and may acquire processed foods from another consumer for consumption at a common table.)

(b) From October 23 to October 30, 1943, inclusive, no consumer, "industrial" or "institutional user" may buy or acquire "jams", "jellies", "fruit butters", "marmalades" (other than citrus marmalades) or "preserves" (other than cream pie or pastry fillings, with or without fruit flavoring) from any other person. (However, consumers may, during that period, borrow such foods from, and return such borrowed foods to, another consumer and may acquire such foods from another consumer for consumption at a common table. In addition, industrial and institutional users may accept delivery of any jams, jellies, fruit butters, marmalades, or preserves which were in transit to them on October 22, 1943.)

SEC. 2.3 *Consumers may purchase after February 28, 1943 only for points.* (a) Beginning March 1, 1943, a consumer may buy or acquire processed foods only by giving up points equal to the point value of the processed foods acquired. However, a consumer may exchange processed foods with any other person for other processed foods of equal point value, without giving up points and may transfer and acquire processed foods as provided in Article XXVI of this order. Moreover, consumers may sell or transfer processed foods having a zero point value at the time of the sale or transfer.

[1] Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. All definitions are given in section 27.1 of the order.

(b) Consumers may lend processed foods to, or borrow them from, other consumers, and they may return borrowed processed foods. They may also acquire processed foods from other consumers for consumption at a common table. No points are to be given up for such transactions. (A transaction is not a loan of processed foods if any charge is made.)

(c) A consumer who has acquired processed foods for points may give them to another consumer point-free. He may also give them point-free to a religious, charitable, civic, or municipal organization, as his agent, to give them point-free to another consumer. (A transaction is not a gift if any charge is made.)

SEC. 2.4 *How points are given up by consumers*—(a) *A consumer uses stamps.* A consumer gives up points, when he acquires processed foods, by surrendering blue "stamps" taken from his War Ration Book Two or the green stamps taken from his War Ration Book Four.

(b) *Stamps may be used only during fixed periods.* Each blue stamp in War Ration Book Two is good for a limited time only and a consumer may use it only during that time. The letter printed on the stamp is used to indicate the time when it may be used by a consumer. Blue stamps lettered "A" "B" and "C" may be used only during March 1943. Blue stamps lettered "D," "E" and "F" may be used only from March 25, 1943 to April 30, 1943, inclusive. The other blue stamps in War Ration Book Two and the green stamps in War Ration Book Four may be used only during periods which will be fixed in a supplement to this order. These periods may be changed by the Office of Price Administration, even after they have begun.

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a stamp is worth is shown by the figure printed on it. Stamps must be given up at the time processed foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the processed foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken, or for use at a table at which he eats.

(d) *A consumer also uses certificates.* Any consumer to whom a "board" issues a "certificate" may use it to acquire processed foods, just as stamps are used. However, a consumer may give up the certificate at or before the time when the processed foods are acquired.

The number of points a certificate is worth, and the date when it expires, will be shown on that certificate. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

(e) *How mail order purchases are made.* A consumer who orders processed foods for delivery by mail may detach stamps from his war ration book and send them with his order. The stamps are good if the envelope in which they are inclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may endorse that check and use it to get processed foods.

SEC. 2.5 *Consumers who need more processed foods because of illness may apply for more points.* (a) Any consumer whose health requires that he have more processed foods than he can get with his war ration book, may apply for additional points. The application must be made, on OPA Form R–315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. His application (on OPA Form R–315) must contain a written statement signed by a person licensed by the laws of the State in which the certification is made to prescribe for human medication all internal drugs which may be prescribed within that State. The statement must show why the applicant must have more processed foods, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

(b) If the board finds that his health depends upon his getting more processed foods, and that he cannot use or cannot get unrationed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional processed foods he needs during the next two months.

SEC. 2.6 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get processed foods during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the stamps in his war ration book, so that he can get the amount of processed foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R–315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the processed foods to which he is entitled during the periods when his stamps are good (for the reasons set forth above), it may issue to him a certificate. The certificate may be for any number of points up to the value of his remaining stamps which may be used to acquire processed foods. The board must remove from each war ration book, and cancel such stamps worth the amount of the certificate.

SEC. 2.7 *Service men may get certificates to acquire processed foods.* (a) Members of the Armed Forces of the United States and Allied Nations who do not have a war ration book which can be used to acquire processed foods, and are not entitled to have it, may obtain certificates to get processed foods under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

SEC. 2.9 *Consumers who must have more processed foods for their subsistence may apply for more points.* (a) Consumers (including those who eat in group one institutional establishments, as defined in General Ration Order 5) may apply for additional points if they cannot get enough fruits or vegetables to meet minimum nutritional needs for such foods, because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs.

(b) Any consumer who needs more processed foods for the reasons set forth in paragraph (a) of this section, may apply to his board, in person or by mail, on OPA Form R–315. He must submit his war ration book with his application. One application may be made covering more than one consumer, but the name of each shall be listed on the application, and the war ration book of each person included in the application must be submitted with it. The application must state in detail:

(1) Why the persons included therein cannot obtain enough fruits or vegetables to meet minimum nutritional standards;

(2) How many pounds of processed foods they will need;

(3) For how long a period;

(4) How many pounds of processed foods (including home canned) they have, at the time of application; and

(5) How many pounds of fresh fruits or vegetables (excluding potatoes) will be available to them during the period covered by the application.

(c) All regional offices are authorized to rule on applications under this section, and to authorize boards or district offices to rule on them. A board or district office may rule on such an application only if the regional office for the area where it is located has given it such authority. If the board has not been given such authority, it shall forward the application with its recommendation to the district office. If the district office has been given such authority, it shall indicate what action is to be taken, and return the file to the board. If the district office has not been given such authority, it shall forward the file to the regional office. The regional office shall then indicate what action is to be taken, and return the file to the board. All certificates to be issued under this section shall be issued by boards.

(d) The regional office, or board or district office which is authorized to rule on such applications, may issue or authorize the issuance of one or more certificates for the number of points that it finds should be allowed. No board or district or regional office shall

issue or authorize the issuance of a certificate unless it finds that the applicants will be unable to get enough fruits or vegetables, during the period covered by the application, to meet minimum nutritional needs for such foods because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs. In determining how many points to allow, consideration shall be given to the amount of processed foods, and fresh fruits or vegetables (excluding potatoes) which will be available to the applicants during the period covered by the application. In addition, the board or district office shall be governed by any further conditions established by the regional or Washington office.

(e) Any board which issues certificates under this section shall keep a record of the number of points which it has issued. It shall, within five (5) days after the end of each month, send to the district office a statement of the total number of points issued each month. The district office shall forward such statements to the regional office. The regional office shall forward such statements to the Washington office.

ARTICLE III—PROCESSORS

SEC. 3.1 *Explanation of the terms processor and processor establishment*—(a) *A place where processed foods are produced is a processor establishment.* Any place at which a "person" produces "processed foods" for sale or other "transfer" or for "industrial use," is a "processor establishment." (This article does not apply with respect to dry beans, peas, or lentils, to "growers" or to "country shippers." Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "processor" of other processed foods is controlled by both Article XXIV and Article III of this order.)

(1) A person produces processed foods:

(i) If he bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) If he subjects fruits, vegetables, or fruit or vegetable juices to a freezing operation as a result of which they become "frozen" food. (NOTE: When unfrozen fruits or vegetables or juices are placed in a locker plant, cold storage warehouse, or other freezing facility, and thus subjected to the freezing process, the place where the foods are frozen is the processor establishment of the person who subjected them to the process, whether or not he is the person who operates the locker plant, warehouse or other freezing facility. In other words, the determining factor is who subjects the foods to the freezing process and not who maintains the process, or who owns the foods.) (However, a person who subjects foods to freezing under the conditions described in section 26.4a of this order is not a processor with respect to those foods.)

(iii) If he makes "jams", "jellies", "fruit butters", "marmalades", or "preserves."

(iv) If he packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(vi) If he precooks dry beans, peas, or lentils; or

(viii) If he uses processed foods to produce other processed foods (as, if he uses canned peaches to make canned fruit salad).

NOTE: Not all items in the above groups are processed foods as that term is defined. For example, fruit and vegetable juices packed in containers over one gallon are not processed foods. Canned olives are not processed foods. Therefore, a person who packs fruit juices in containers over one gallon, or who cans or bottles olives, does not thereby produce a processed food.

(2) The first person, other than a dehydrator or grower of dried prunes or "raisins", who "acquires" dried prunes or raisins from a dehydrator or grower of those fruits is considered to "produce" those processed foods if he is regularly engaged in the distribution of dried prunes or raisins and if more than 50 per cent of the dried prunes or raisins sold or transferred by him are sold or transferred to persons other than "consumers." However, a processor of dried prunes or raisins who also produces other processed foods for sale or transfer is deemed to be two separate processors with respect to those operations. His inventories and transfers of dried prunes or raisins must be treated separately from his inventories or transfers of other processed foods. In addition, a processor of dried prunes or raisins is not a dehydrator, grower, "wholesaler", or "retailer" with respect to those fruits, and he may not include those fruit in the inventory or transfers of any of his "wholesale" or "retail establishments."

(b) *A place to which processed foods are imported is a processor establishment.* Any place (including space in a public warehouse) to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer, or for industrial use, is also a processor establishment.

(c) *Place where person keeps only processed foods he produced is a processor establishment.* The term processor establishment also includes any place (including space in a public warehouse) at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only stocks of processed foods which he himself produced or imported. (If he also regularly keeps there, for sale or transfer, processed foods produced or imported by someone else it is a processor establishment only if it meets the requirements of paragraph (d); otherwise it is a wholesale or retail establishment, depending upon the nature of his operations there.)

(d) *A place where a person keeps processed foods produced by someone else may be a processor establishment.* There are two cases in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment:

(1) A place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, is a processor establishment as to those stocks if the person keeping such processed foods, also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, acquire (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10% by weight of the processed foods he himself produced or imported in the previous calendar year. As soon as his acquisitions for sale or transfer, of processed foods produced or imported by someone else exceed that 10%, within the calendar year, that place shall cease to be a processor establishment as to those stocks, and becomes a wholesale or retail establishment depending upon the nature of his operations there. He must then follow the procedure set forth in Article XII with respect to new businesses.

(2) There is one other case in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment. A person may get processed foods from someone else, to use them in producing other processed foods for sale or transfer. If he keeps the processed foods obtained from someone else only to produce other processed foods, the place where he keeps them is a processor establishment.

(e) *Certain places where processed foods are produced only for own use are not processor establishments.* A place at which a person produces or imports processed foods only for his own use (other than industrial use) and not for sale or transfer is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in serving meals, that place is not a processor establishment.) Also, a place does not become a processor establishment because a person produces home processed foods there, even if he produces them for sale or transfer.

(f) *Person who has processor establishment is a processor.* Any person who has a processor establishment is called a processor.

SEC. 3.2 *Processors must register and file reports*—(a) *Registration.* Every processor must register with the Office of Price Administration by filing OPA Form R–1305, at any time from March 1, 1943 to March 10, 1943, inclusive. The form must be completed and signed by the

processor or his authorized agent. If he has more than one processor establishment, he must show, for each, its name and address, the type of business done there, and the name of the person authorized to report for it on OPA Form R–1305.

(b) *Reports.* Every processor must file periodic reports, also on OPA Form R–1305, covering the operations of his processor establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one processor establishment, he must file a separate report for each, except that he may combine in a single report all his processor establishments in a single state. The first report which must be filed is for February 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

(c) *Some processors need not file reports for reporting periods after February 1943.* A processor who produced and imported less than 10,000 pounds of processed foods during 1942, must register but need not file a report for any reporting period after that covered in his registration. However, if his total production and imports in 1943 reach 10,000 pounds, he must file reports beginning for the reporting period in which that figure was reached.

(d) *Processors must give information called for by form.* The processor must give all information called for by OPA Form R–1305.

(e) *Registration and reports must be filed in Washington.* The processor's registration and periodic reports must be filed by mailing OPA Form R–1305 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

(f) *Registration of persons who become processors because of additions to the list of processed foods, or because of changes in the definition of processor and processor establishment.* A person who becomes a processor because the foods he produces are added to the list of processed foods or because of changes in the definition of processor or processor establishment must, within eight days after such addition or change, file a report on OPA Form R–1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., and is treated as his registration.

SEC. 3.3 *Processor is given a registration number.* (a) After a processor has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each invoice or similar document prepared in connection with any sale or transfer of processed foods from any of his processor establishments.

SEC. 3.4 *Processor may not do business if he does not register and file reports.* (a) No processor may transfer or acquire processed foods after March 10, 1943, unless he has registered in the manner required.

(b) No processor may transfer or acquire processed foods after any date on which a report is due from him, unless he has filed that report.

SEC. 3.5 *Processors must report their inventories.* (a) As part of his registration, a processor must report, on OPA Form R–1305, the point value of his inventory of processed foods (by items and sizes) at the close of business on February 28, 1943. His inventory at the beginning and end of each reporting period must then be reported in his report for that period.

(b) A processor's inventory at his processor establishment consists of all processed foods physically located at that establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Prpcessed foods included in the inventory of one of his other establishments.

SEC. 3.6 *A processor must turn over the points he receives to the Washington office.* (a) A processor is required to turn over to the Washington Office points he receives for sale or transfers of processed foods. However, a processor other than a processor of dried prunes or raisins, may use some of them for the following purposes:

(1) To get back processed foods he transferred; or

(2) To acquire processed foods with which to produce other processed foods; or

(3) To acquire for sale or transfer processed foods produced or imported by someone else, if the place at which he acquires them is a processor establishment as to those stocks, under section 3.1 (d) (1).

A processor of dried prunes or raisins is permitted to use points he receives for sales or transfers of those fruits only to acquire dried prunes or raisins.

(b) A processor must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of processed foods. Not later than the eighth day of every reporting period he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the preceding reporting period. A processor who is required to file periodic reports on OPA Form R–1305, must attach his check to the report. A processor who does not have to file reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address and registration number.

(c) A processor who used some of those points to acquire processed foods, as permitted in paragraph (a) of this section, must issue and send his check for the rest. He must enclose with his check a statement giving the names and addresses of the persons from whom he acquired the processed foods, the items he acquired, and their point values. If he used the points to acquire processed foods, as permitted in paragraph (a) (3) of this section, he must state, in pounds, the total amount of processed foods he produced or imported during the preceding calendar year and his total acquisitions during the current calendar year, for sale or transfer, of processed foods produced or imported by someone else.

SEC. 3.8 *Processors must keep records.* (a) Beginning March 1, 1943, every processor must keep, at each of his processor establishments, a record showing, by items and sizes:

(1) All processed foods produced or imported there;

(2) All processed foods sold or transferred to (or reserved for) exempt agencies;

(3) All processed foods used in producing other processed foods; and

(4) All processed foods, produced or imported by someone else, acquired for sale or transfer.

(b) He must also keep, at his principal business office, a copy of his registration and of his periodic reports on OPA Form R–1305 (if any are required). If he has more than one processor establishment, he must keep at each establishment a copy of the report filed for it. (However, if he has filed a combined report for several processor establishments, he must keep copies of the reports at one of them.)

(c) In addition, at the time of any change in the point value of any item of processed foods every processor must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every processor must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one processor establishment, he must make and keep such a record at each establishment.

SEC. 3.9 *Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.* (a) Every processor must attach to his periodic report on OPA Form R–1305, beginning with the report for March 1943, a statement accounting for all differences between the point value of the processed foods sold or transferred by him during that reporting period, and the number of points given up by him to the Office of Price Administration. Also, if he used any processed foods in grading the processed foods which he produced or imported, he must attach a statement showing how much he used. The statements must be signed by the same person who signed the periodic report.

SEC. 3.10 *Industrial users who become processors because of the addition of items to the list of processed foods.* (a) An industrial user who, because of the addition of items to the list of processed foods, becomes a processor with respect to items he produced as an industrial user, must, if he is not already registered as a processor, register as such in accordance with section 3.2 (f), and open a ration bank account for his processor operations. He must deposit all points he has as an industrial user in his processor ration bank account. If he has an industrial user ration bank account, he may draw a check for the balance therein and deposit it in his processor account. All processed foods he has in his industrial user inventory shall be deemed to be part of his processor inventory.

(1) An industrial user who ceases to be such because all the items he produced as an industrial user are added to the list of processed foods must, within eight days after he ceases to be an industrial user, give to the board with which he is registered the notice required in section 13.1 that he will cease to operate as an industrial user, and he must close out his industrial user bank account, if any.

(2) An industrial user who becomes a processor with respect to some, but not all, the items he produced as an industrial user must, within eight days after the items produced by him as an industrial user are added to the list of processed foods, amend his industrial user registration by eliminating from his base period use of processed foods his use of those foods for the production of the items added to the list of processed foods. The board shall cancel his current allotment, and any excess inventory with which he may be charged, and shall grant for the remainder of the current allotment period, an allotment based on his use of processed foods in the corresponding base period to produce items as to which he remains an industrial user. However, this allotment is to be reduced in proportion to the part of the allotment period which had elapsed at the time he amended his industrial user registration. (Any such industrial user who, by the operation of this subparagraph, is unable to use any unused portion of his past allotments allocable to the products as to which he continues to be an industrial user, may petition for an adjustment under section 14.5.)

ARTICLE IV—WHOLESALERS

SEC. 4.1 *Explanation of the terms wholesaler and wholesale establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "wholesale establishment," if fifty percent or more of those stocks are transferred from there directly to persons other than "consumers." However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:

(1) At least one of his wholesale establishments; or

(2) At least four of his "retail establishments."

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a wholesale establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a wholesale establishment. This article does not apply, with respect to dried prunes or "raisins," to a dehydrator, grower, or "processor" of those fruits. In addition, this Article does not apply, with respect to dry beans, peas, or lentils, to "growers" or to "country shippers." Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "wholesaler" of other processed foods, is controlled by both Article XXIV and Article IV of this order.)

(b) Any person dealing in processed foods who has a wholesale establishment is called a wholesaler.

SEC. 4.2 *Wholesalers must register and file reports.*—(a) *Registration.* Every wholesaler must register with the Office of Price Administration by filing OPA Form R–1310, at any time from April 1, 1943 to April 10, 1943, inclusive. The form must be completed and signed by the wholesaler or his authorized agent. If he has more than one wholesale establishment, he must file a combined registration for all of them on a single form.

(b) *Reports.* Every wholesaler must file periodic reports, also on OPA Form R–1310, covering the operations of his wholesale establishment during each reporting period set forth in Appendix B. The report must be filed by him or by his authorized agent. If he has more than one wholesale establishment he must file a separate inventory report for each on Schedule B of that form, except that he may combine on a single inventory report all his wholesale establishments in a single state. He must also file a combined Schedule A of that form covering all of his wholesale establishments. The first report which must be filed is for March 1943 and is part of his registration. Reports for reporting periods must be filed within eight days after the end of the reporting period.

(c) *Wholesaler must give information called for by form.* The wholesaler must give all information called for by OPA Form R–1310.

(d) *Registration and reports must be filed in Washington.* The wholesaler's registration and periodic reports must be filed by mailing OPA Form R–1310 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

(e) *Registration of persons who become wholesalers because of additions to the list of processed foods.* (1) A person who becomes a wholesaler because foods he keeps for sale or transfer are added to the list of processed foods, must, within eight days after such addition, file a report on OPA Form R–1310 covering his operations during the preceding reporting period. He must give all the information called for by the form. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

(2) His maximum allowable inventory is then determined in the following way:

(i) For his first reporting period, his maximum allowable inventory is determined by multiplying his sales or transfers of each such item during the preceding reporting period (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) by the point value assigned to that item. The resulting figures are added together and the sum is multiplied by the wholesale factor fixed for the reporting period in question in a supplement to this order;

(ii) For his second reporting period, his maximum allowable inventory is the same as it was for his first reporting period;

(iii) For his third reporting period, his maximum allowable inventory is determined by dividing by two the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during the first two of the three preceding reporting periods, and multiplying the result by the wholesale factor fixed for the reporting period in question;

(iv) For his fourth reporting period and thereafter, his maximum allowable inventory is determined in the way described in section 4.6 (b) for wholesalers who registered between April 1 and April 10, 1943.

SEC. 4.3 *Wholesaler may not do business if he does not register and file reports.* (a) No wholesaler may transfer or "acquire" processed foods after April 10, 1943, unless he has registered in the manner required.

(b) No wholesaler may transfer or acquire processed foods after any date on which a report is due from him unless he has filed that report.

SEC. 4.4 *Wholesalers must report their inventories.* (a) As part of his registration, a wholesaler must report, on OPA Form R–1310, his inventory of processed foods (by items and sizes) at the opening of business on March 1, 1943, and the point value of his inventory of processed foods (by items and sizes) at the close of business on March 31, 1943. If he has more than one wholesale estab-

lishment, his registration must include a report of the total point value of his inventory at all those establishments. His inventory at the beginning of the next reporting period must then be reported in his report for that period.

(b) A wholesaler's inventory at his wholesale establishment consists of processed foods physically located at that establishment or in transit to it. It includes processed foods which he holds there on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 4.5 *Wholesalers must report their sales and points on hand.* (a) A wholesaler must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his wholesale establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) The point value of his transfers during each subsequent reporting period and the total number of points he has at the end of that period for which he can get processed foods must then be reported in his report for that period.

SEC. 4.6 *A wholesaler is allowed a maximum inventory*—(a) *General.* For each reporting period every wholesaler is entitled to an operating inventory, called a maximum allowable inventory. This maximum allowable inventory is stated in terms of points, and is based on the point value of his transfers of processed foods during preceding reporting periods.

(b) *Amount of maximum allowable inventory.* A wholesaler's maximum allowable inventory for any reporting period is calculated in the following way:

(1) The point value of his transfers of processed foods during the first three of the four preceding reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.);

(2) That figure is divided by three to arrive at an average for the three periods;

(3) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he already has given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at a particular time, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The wholesaler must make this computation at the time of filing his periodic report on OPA Form R–1310.

(d) *When a wholesaler is entitled to receive a certificate.* If a wholesaler's maximum allowable inventory for any reporting period is greater, by at least 10%, than his point inventory at the beginning of the preceding reporting period, he will be issued a "certificate" for the number of points needed to make up the difference. However, during November 1943 a wholesaler who is entitled to receive a certificate under this paragraph will receive one for the number of points which represents the difference between his maximum allowable inventory for the November reporting period and his point inventory on October 30, 1943; or the difference between his maximum allowable inventory for the December reporting period and his point inventory on October 31, 1943, whichever is greater. The certificate will be issued by the "Washington Office" after his report has been checked.

SEC. 4.7 *Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory.* (a) A wholesaler must not acquire processed foods at any time when his actual inventory is larger than his maximum allowable inventory. A wholesaler also must not acquire processed foods if it would bring his actual inventory above his maximum allowable inventory. Even if he has points available, he may not use them to get more stock than is needed to bring his actual inventory up to his maximum allowable inventory. However, if he has already given up points for a transfer of processed foods at a time when he was entitled to acquire them, he may take delivery of those foods. Furthermore, regardless of his actual inventory, he may, during a reporting period, acquire processed foods for the purpose of keeping his stocks balanced, in an amount not more than 10% of the number of points he received for his sales or transfers of processed foods during the period covering April 1 to May 1, 1943, inclusive.

SEC. 4.8 *Washington Office may grant working point capital to wholesalers.* (a) For the purpose of providing a wholesaler with enough points with which to acquire processed foods up to the amount of his maximum allowable inventory when that maximum is raised during the height of the packing season, the Washington Office of the Office of Price Administration may issue points to him in anticipation of such an increase. The number of points to be issued for this purpose will be calculated in the following manner:

(1) The point value of the wholesaler's transfers of processed foods during the reporting period covering April 1 to May 1, 1943, inclusive, is determined;

(2) That figure is multiplied by 7 (a number which it is believed will give each wholesaler a working point capital sufficient to provide the points he will need to acquire processed foods up to the amount of his greatest maximum allowable inventory);

(3) From that figure is deducted the wholesaler's point inventory at the close of business on May 1, 1943, (including the number of points the wholesaler owes the Office of Price Administration on account of his March excess inventory) and the point value of any certificates issued to him by the Office of Price Administration to increase his point inventory since May 1, 1943;

(4) To the resulting figure is added the number of points given up to the Office of Price Administration by such wholesaler since May 1, 1943, on account of his March excess inventory.

SEC. 4.9 *Wholesaler must keep records.* (a) Every wholesaler must keep, at each of his wholesale establishments, a record of the point value of all transfers of processed foods from that establishment during each reporting period. He must also keep, at his principal business office, a copy of his registration and of the reports on OPA Form R–1310 which he filed with it. If he has more than one wholesale establishment, he must keep at each establishment a copy of the reports filed for it. (However, if he has filed a combined report for several wholesale establishments he must keep copies of the reports at one of them, and must also keep a record of the inventory of each at the close of business on March 31, 1943.)

(b) In addition, at the time of any change in the point value of any item of processed foods, every wholesaler must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every wholesaler must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one wholesale establishment, he must make and keep such a record at each establishment.

SEC. 4.10 *Inventory adjustments because of additions to the list of processed foods.* (a) Whenever an item is added to the list of processed foods at the beginning of a reporting period, a wholesaler's maximum allowable inventory is adjusted in his report for that period in the following way:

(1) The amount of that item which he sold or transferred during the preceding reporting period (less returns of that item made during such period) is multiplied by the point value assigned to that item at the beginning of the current reporting period;

(2) The resulting figure is multiplied by the wholesale factor fixed for the current reporting period in the supplement to this order.

(b) Whenever a wholesaler adjusts his maximum allowable inventory as described in paragraph (a) of this section, he must attach to his report a statement showing:

(1) His inventory of that item at the beginning of the preceding reporting period;

(2) The amount of that item acquired by him during the preceding reporting period; and

(3) His inventory of that item at the end of the preceding reporting period.

ARTICLE V—RETAILERS

SEC. 5.1 *Explanation of the terms retailer and retail establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "retail establishment" if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment, even if the amount sold or transferred to consumers is fifty per cent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishments", and not more than three retail establishments, are supplied from there.

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a retail establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a retail establishment. In addition, this article does not apply, with respect to dried prunes or "raisins", to a dehydrator, grower or "processor" of those fruits, or with respect to dry beans, peas or lentils, to a "country shipper" or "grower".)

(b) Any person dealing in processed foods who has a retail establishment is called a "retailer".

SEC. 5.2 *Retailers must get statement of purchases during March 1943.* (a) When a retailer buys or "acquires" processed foods during March 1943, he must get from his seller or transferor a statement showing the name of the seller or transferor, the date of the purchase or acquisition, and the number of points given up for the processed foods.

SEC. 5.3 *Retailers must register*—(a) *General.* Every retailer must register his retail establishments with the Office of Price Administration, at any time from April 1, 1943 to April 10, 1943, inclusive, on OPA Form R–1302. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R–1302.

(b) *Place where registration must be filed.* A retailer who has only one retail establishment must file his registration, in person or by mail, with the "board" for the place where that establishment is located. If he has more than one retail establishment, he must file a combined registration for all those establishments, in person or by mail, with the board for the place where his principal business office is located. A person who has a wholesale or a processor establishment, as well as a retail establishment, must file his retailer registration, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(c) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before April 10, 1943.

(d) *Registration of persons who become retailers because of additions to the list of processed foods.* (1) A person becomes a retailer because foods he keeps for sale or transfer at his establishment are added to the list of processed foods, must, within 10 days after his first full calendar month of operation following such addition, register that establishment, on OPA Form R–1302, in the same way that retailers registered between April 1 and April 10, 1943. He must give all the information called for by the form. However, he must show his sales and transfers of those foods from that establishment during the preceding calendar month, instead of during March 1943, and must report his point inventory at the end of the preceding calendar month, instead of at the end of March 1943. When he registers, he may get a "certificate" or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943.

(2) If he needs points to acquire stocks before the end of his first full month of operation following such addition to the list of processed foods, he may apply for a certificate to get processed foods. The application shall be made on OPA Form R–315, to the board or the "Washington Office," depending upon where he is required to register. A certificate may be issued to him any time before the end of that month. The number of points which it provides are part of his point inventory at the end of that month.

SEC. 5.4 *Retailer may not do business unless he has registered.* (a) No retailer may transfer or acquire processed foods after April 10, 1943, unless he has registered in the manner required.

SEC. 5.5 *Retailers must report their inventories.* (a) As part of his registration, every retailer (except those covered in section 5.7) must report the point value of his inventory of processed foods at the close of business on March 31, 1943. If he has more than one retail establishment, a separate inventory report for each establishment must be filed with his registration.

(b) A retailer's inventory at his retail establishment consists of processed foods physically located at that establishment or in transit to it, and also of processed foods stored, or in transit for storage, for that establishment at any other place (including a public warehouse). It includes processed foods held on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods still in the possession of his seller or transferor;

(3) Processed foods included in the inventory of one of his other establishments.

SEC. 5.6 *Retailers must report their sales and points on hand.* (a) Every retailer (except those covered by section 5.7) must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his retail establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) He must attach to and file with his registration, a statement showing each of his purchases or other acquisitions of processed foods during March 1943, the name and address of his seller or transferor, and the points he gave up for each purchase or other acquisition.

SEC. 5.7 *Certain retailers need not report inventory and other information.* (a) A retailer whose gross sales of all commodities during March 1943 were $200 or less must register on OPA Form R–1302, but need not report his inventory, sales or transfers, and points on hand. However, if he elects not to report this information, he will have to operate on the basis of turnover of the stocks he has, and he will not be eligible, when he registers, to receive a certificate enabling him to increase his working stocks.

SEC. 5.8 *A retailer is given an allowable inventory*—(a) *General.* Every retailer (except those who elect not to

report, as permitted by section 5.7) is entitled to an operating inventory, called an allowable inventory, which is based on his transfers of processed foods during March 1943. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory the point value of all processed foods transferred from his retail establishments during March 1943, is multiplied by a factor fixed by the Office of Price Administration in a supplement to this order. The result is his allowable inventory. Exchanges of processed foods, and transfers from one to another of his retail establishments, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not yet shipped, or points he owes for processed foods already shipped to him, are not included.

(2) The sum of the above two figures, at the close of business on March 31, 1943, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The retailer makes this computation at the time of filing his registration on OPA Form R–1302.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inventory at the close of business on March 31, 1943, is less than his allowable inventory, he is entitled to receive a certificate for the number of points needed to make up the difference. The certificate will be issued by the board with which he registers, or by the Washington Office, if he is required to register with that office.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on March 31, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a certified check drawn on that account, made payable to the Office of Price Administration. A retailer who does not have enough points at the time of registration must, within one week after the last day of each calendar month (beginning with the month of December 1943), give up to the board with which he is registered (or to the Washington Office, if he is registered there) the points which he has on hand and in his ration bank account at the end of that month, until he has, in this way, given up points equal to his excess inventory. He may, however, keep points equal to 25% of the number of points he received for his sales or transfers of processed foods during March 1943, or, if March 1943 is not the period used for establishing his allowable inventory, then during the month which has been used as such base. (Points for which ration checks are outstanding, points owed for acquisitions of processed foods during such month, and points owed for under-deliveries of such foods are not considered points which he has "on hand".) However, until he has given up points equal to his excess inventory, he may not acquire during any one calendar month processed foods having a point value of more than 25 percent of the number of points he received for his sales or transfers of processed foods during March 1943.

SEC. 5.10 *Retailers must keep records.* (a) Every retailer must keep a copy of his registration, at his principal business office. If he has more than one retail establishment, he must keep at each establishment a copy of the inventory report filed for it.

(b) He must also keep, at his principal business office, the statements from his suppliers showing their sales or transfers to him during March 1943.

(c) In addition, at the time of any change in the point value of any item of processed foods, after March 31, 1943, every retailer must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every retailer must keep a record of the amounts, sizes, and point value of that item which he has in his inventory. If he has more than one retail establishment, he must make and keep such a record at each establishment.

SEC. 5.11 *Retailers must post point prices.* (a) Beginning March 1, 1943, every retailer must post the current Official Table of Point Values (OPA Form R–1313) in his retail establishment in such manner that it can be plainly seen and read by purchasers.

(b) Every retailer who has an establishment at which the processed foods he carries are displayed to consumers must post there the point value of every item of processed foods he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers, in one or more of the following ways:

(1) On the commodity itself; or

(2) On the shelf or other place where the commodity is kept; or

(3) On a list attached to, or posted next, to the shelf or other place where the commodity is kept.

(c) When a change is made in the point value of any processed food, a retailer is allowed one full business day after the change becomes effective in which to correct the point values which he has posted in compliance with paragraph (b) of this section.

ARTICLE VI—INDUSTRIAL USERS

SEC. 6.1 *Explanation of the terms industrial user and industrial user establishment.* (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not.) A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment", and not an industrial user establishment. (An "institutional user" may obtain processed foods allotments, and may use processed foods, only in accordance with the provisions of General Ration Order 5.) It also includes any place (except a place where processed foods are used for sampling or demonstration in accordance with section 10.9 or a place where processed foods are used only for demonstration purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which processed foods are used for experimental, educational, testing, or demonstration purposes.

(b) Any "person" who operates an industrial user establishment is called an "industrial user".

(c) A person who marks or labels dry beans, peas or lentils in accordance with applicable Federal or State seed laws (or, if none is applicable, in accordance with the standards stated in the Federal seed law), for sale or transfer as seed, does not thereby become an industrial user.

SEC. 6.2 *Industrial users must register—*(a) *General.* Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943 to March 10, 1943, inclusive, on OPA Form R–1308, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent.

(b) *Re-registration between December 15, 1943 and January 5, 1944.* Every industrial user who is registered under this order on December 14, 1943, must re-register his industrial user establishment by filing OPA Form R–1200 at any time from December 15, 1943 to January 5, 1944, inclusive, in accordance with General Ration Order 16.

(c) *Industrial user must register all his establishments separately or as a unit.* An industrial user who has more than one industrial user establishment, must either register each establishment separately or all of them together. If he has more than one industrial user establishment, and registers them separately, each of those establishments must be treated and operated separately for all purposes of this order just as though the establishments were owned by different persons. If he registers them together, they must be treated as a unit for all purposes of this order. An industrial user who has more than one establishment which he registered together on OPA Form R–1308 may register all his establishments together or each separately when he re-registers them on OPA Form R–1200.

(d) *Industrial users must register with the board.* Each industrial user must register with the "board" for the place where his industrial user establishment is located. If he has more than one industrial user establishment and registers them together, the registration form must be filed with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(e) *Allocation of inventory and unused allotments.* An industrial user who has more than one industrial user establishment which he registers separately on OPA Form R–1200, may allocate any unused part of his prior allotments and the inventory of processed foods which he has on the date of his re-registration among his various industrial user establishments as he wishes.

SEC. 6.3 *Industrial user may not do business unless he has registered.* (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

(b) No industrial user may acquire or use processed foods at his industrial user establishment after January 5, 1944 until he has re-registered as required by General Ration Order 16.

SEC. 6.4 *Industrial users must report their inventories.* (a) As part of his registration, on OPA Form R–1308, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration on OPA Form R–1308.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of any of his other establishments of any type.

(c) His industrial user inventory also includes all processed foods which he holds at, or which are in transit to, any other place for his "industrial use." However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered, his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition, in accordance with section 6.7 of this order.

SEC. 6.5 *Industrial users must report their base-period use.* (a) As part of his registration on OPA Form R–1200, an industrial user must report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following quarters in 1942, called base periods:

(1) January to March, inclusive;
(2) April to June, inclusive;
(3) July to September, inclusive;
(4) October to December, inclusive.

(b) The report must show his use during those periods, of each of the following classes of processed foods:

(1) Fruits;
(i) Canned and bottled,
(ii) Frozen,
(iii) Dried and dehydrated.
(2) Vegetables;
(i) Canned and bottled,
(ii) Frozen.
(3) Miscellaneous;
(i) Dry beans,
(ii) "Jams", "jellies", "marmalades", "preserves" and "fruit butters".

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon.

(c) He must include, in his report of his base-period use, any adjustments in that use authorized by the Office of Price Administration.

(d) If an industrial user establishment was not in operation for a full quarter, his industrial use of processed foods during that quarter is fixed, for all the purposes of this order, in the following way:

(1) If the establishment was in operation during a part of the quarter:

(i) The amount of such foods used by him at his industrial user establishment during that part of the quarter is determined;

(ii) That amount is divided by the number of days the establishment was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) If the establishment was not in operation at all during the quarter but was in operation in any other part of 1942:

(i) The amount of such foods used by him at his industrial user establishment during all of 1942 is determined;

(ii) That amount is divided by the number of days the establishment was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) If the establishment was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive:

(i) The amount of processed foods used by him at his industrial user establishment between January 1, 1943 and February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days the establishment was in operation between January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the quarter. (If the establishment of an industrial user was not in operation at any time from January 1, 1942 to February 28, 1943, inclusive, he is treated as a new industrial user as to that establishment and must apply for permission to register as a new industrial user under the provisions of this order.)

(e) The rules set forth under (1) and (2) of paragraph (d) of this section do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1944.

(f) An industrial user must exclude the following from his base-period use reported on OPA Form R–1200:

(1) His use of processed foods for demonstration purposes, when such use was under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture;

(2) His use of any item of processed foods having a zero point value at the time he applies for his allotment.

SEC. 6.6 *Industrial users' allotments*—(a) *General.* An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishment. Allotments are given for fixed periods called allotment periods. The first allotment period for 1944, is from January 1 through March 31, 1944. The second period is from April 1 through June 30, 1944. The third period is from July 1 through September 30, 1944. The fourth period is from October 1 through December 31, 1944.

(b) *Application for allotments.* After December 14, 1943, no industrial user may apply for or receive any allotment for any 1943 allotment period. An industrial user's re-registration on OPA Form R–1200 is treated as an application for an allotment for the first allotment period of 1944. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen days before, nor more than five days after, the beginning of the period. The board may permit the application to be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period. However, if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies for the allotment.

NOTE: An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore, need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total use of processed foods at his industrial user establishment during the quarterly period in 1942 corresponding to the allotment period. The amount of each class of processed foods (set forth in section 6.5 (b)) used by him during the corresponding quarter of 1942 for the classes of products or uses listed by him on Schedule I of OPA Form R–1200, is multiplied by a factor fixed in a supplement to this order for that class of processed foods and for that class of product or use. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods.)

(d) *Right to a certificate; excess inventory.* (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is, therefore, given a "certificate" for the number of points he needs in order to get that amount. However, if he had stocks on hand, on February 28, 1943, when rationing of processed foods began, he could use them for his allotment and therefore needed fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943, was deducted from his allotments. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.) If the point value of an industrial user's inventory on February 28, 1943, was less than his first allotment, he was entitled to get, from the board with which he registered, a certificate for the number of points needed to make up the difference. If the point value of his inventory was greater than his first allotment, the difference was excess inventory. In that case, he was not entitled to receive a certificate for the first allotment period, nor for any subsequent allotment period until the total of his subsequent allotments exceeded his excess inventory.

(2) If an industrial user has or is chargeable with any excess inventory at the time he re-registers on OPA Form R–1200, that excess must be entered on the form at the time he re-registers his industrial user establishment. If he has more than one such establishment and registers them separately, he may allocate such excess inventory among them in any way he wishes. However, if an industrial user has more than one establishment which he re-registers separately, he must file with the board for the place where his principal business office is located, a statement of his total excess inventory of processed foods and the amount allocated to each of his establishments. The statement must be signed by the industrial user or his authorized agent.

(3) If the point value of an industrial user's excess inventory is less than his allotment for the first allotment period of 1944, he is entitled to get, from the board with which he re-registers, a certificate for the number of points needed to make up the difference. If the point value of such excess inventory is greater than his allotment for the first allotment period of 1944, he is not entitled to get a certificate for that allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled during any allotment period, except that if he has more than one industrial user establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of processed foods acquired point-free or at reduced point values.* An industrial user who, between March 1 and October 4, 1943, inclusive, produced processed foods, or, at any time after February 28, 1943, acquired processed foods without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the processed foods so produced or acquired, must report such production and acquisition and the amount produced or acquired when applying for his next allotment. The processed foods so produced or acquired shall be treated as excess inventory. An industrial user must also report, when applying for his allotment, the amount and point value of processed foods acquired by him during the preceding allotment period at a reduced point value under the provisions of section 9.11.

(g) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, or by any other office of the Office of Price Administration, the amount of the excess shall be treated as excess inventory.

(h) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of processed foods, he may apply, on OPA Form R–315, to the board with which he is registered for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

(i) *Industrial users may apply for points with which to make advance purchases of frozen foods.* An industrial user may apply at any time before August 15, 1943 for points with which to acquire, in advance, frozen processed foods. The application must be made on OPA Form R–315 to the board with which he is registered and must state the amount of frozen processed foods he wishes to acquire under this paragraph. The board may issue a certificate to the applicant. However, the number of points issued must not exceed an amount computed in the following way:

(1) Determine the total number of pounds of frozen processed foods which the applicant used from September 1 through December 31, 1942, inclusive, and from January 1 through April 30, 1942, inclusive;

(2) Multiply that number by 2.4;

(3) Deduct the amount of his excess inventory.

The points so issued must then be treated as excess inventory. One half of the points so issued must be deducted from any certificate issued to the applicant for the third allotment period of 1943 and the balance must be deducted from any certificate issued to him for the first allotment period of 1944.

SEC. 6.7 *Registration after March 10, 1943*—(a) *Registration of persons whose use of processed foods becomes an industrial use because of changes in the list of processed foods.* (1) Any person who becomes an industrial user, or whose use of certain foods becomes an industrial use, because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which were removed from the list of processed foods) must register his use of those foods with the Office of Price Administration within 20 days after his use of the foods in question becomes an industrial use of processed foods.

(i) If he is not already registered as an industrial user under this or any other food ration order of the Office of Price Administration, he must register his industrial user establishment by filing OPA Form R–1200, in duplicate, with the board for the place where his establishment is located. If he has more than one such industrial user establishment he must either register each establishment separately on a separate form or he must register all of them together on a single form. If he has more than one such establishment and registers them together, the registration form must be filed in person or by mail with the board for the place where his principal business office is located. If he has more than one such industrial user establishment and registers them separately, the registration form for each must be filed with the board for the place where it is located.

(ii) If he is already registered under any other food ration order he may register as an industrial user under this order by amending his registration on OPA Form R–1200 to show his use of processed foods.

(iii) If he is already registered as an industrial user under this order he must amend his registration, on OPA Form R–1200, to show his use of the foods in question.

(2) He must give all the information called for by the form with respect to his use of the foods in question. In addition, he must attach to the form a statement showing the point value of his inventory of those foods as of the time his use of them became an industrial use.

(i) An industrial user who used the foods in question in his operations before March 1, 1943, must show on his registration his base-period use of those foods. If he did not use those foods in his operations during all of 1942, he may compute his use of those foods during each quarter in the way described in section 6.5 (d) and (e). If the board finds that he used those foods in his operations before March 1, 1943, it shall grant him an allotment for the allotment period in which he registers (or amends his registration) reduced in proportion to the portion of the allotment period which has elapsed at the time he registers (or amends his registration).

(ii) An industrial user who is unable to establish a base-period use because he did not use the foods in question in his operations before March 1, 1943, must apply on OPA Form R–315 to the board with which he is registering for the assignment of a base-period use. His application must show:

(a) The product the applicant makes;

(b) The size of the establishment;

(c) The amount invested in it;

(d) The market supplied;

(e) The date on which he started to use the foods in question;

(f) His inventory of those foods;

(g) The amount and kinds of foods used since he began operations;

(h) The amount of base-period use requested; and

(i) That he became an industrial user because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods).

The board may not pass on the application for the assignment of a base-period use but must forward it, together with all information received, to the district office. The board may attach its recommendation, if any, as to the action to be taken. If the district office finds that the applicant became an industrial user, or that his use of the foods in question became an industrial use, because the foods he uses in his operations were added to the list of processed foods (or because he uses processed foods in making a product which was removed from the list of processed foods) it shall assign to him a base-period use of those foods. The board shall grant the applicant an allotment on the basis of such assigned base-period use reduced in proportion to the portion of the allotment period which has elapsed at the time of his application.

(b) *Late registration.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, he must not acquire or use processed foods at his industrial user establishment until he registers, and the amount of his allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he registers. In addition, he may not receive any allotment for expired allotment period.

SEC. 6.8 *Restrictions on use of processed foods by industrial users.* (a) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory or which he acquired with points he received as an industrial user.

(b) No industrial user may use, during an allotment period, more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods. He may also use processed foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted, he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

(c) After December 31, 1943, no industrial user may use processed foods to make a product or use not included in a class of products or uses checked by him on Schedule I of OPA Form R–1200. Furthermore, after December 31, 1943, no industrial user may use, to make any class of product or use, more processed foods than the part of his allotment representing his base-period use of processed foods for that class, as shown on OPA Form R–1200.

(d) Processed foods acquired by an industrial user at less than their full point value under section 9.11 shall, for all the purposes of this article, be considered to have the point value at which he acquired them.

(e) The restrictions imposed by this section on an industrial user's use of processed foods do not apply to items of processed food having a zero point value.

SEC. 6.9 *Industrial users must keep records.* (a) Every industrial user must keep a copy of his registration on OPA Form R–1308 and on OPA Form R–1200. He must also keep a record of his inventory at the close of business on February 28, 1943. If he has more than one industrial user establishment which he registers together, these records must be kept at his principal business office; otherwise, they must be kept at the establishment covered by them. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, each industrial user must keep, at the same place, a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at his industrial user establishment during each allotment period. He must also keep there a record of the amount of the following items used by him:

(1) Fruit and vegetable juices in containers over 1 gallon.

SEC. 6.10 *Users of dried or dehydrated fruits which are not processed foods are governed by special rules.* Any person who uses dried or dehydrated fruits, whether or not they are processed foods, in producing or manufacturing for sale or transfer any product which is not a processed food, is an industrial user. He must register under the provisions of this order in the same manner as any other industrial user. He shall include, in his registration, his use of dried or dehydrated fruits of any kind during each base period, and the board shall include that use in computing his allotment.

However, he shall not include dried or dehydrated fruits other than dried prunes or raisins in reporting his inventory.

ARTICLE VII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS

SEC. 7.1 *A person who operates different types of establishments is treated as if he were different persons.* (a) (1) The same "person" may operate different kinds of establishments. He may have, for example, both a "wholesale establishment" and a "retail establishment" For the purposes of this order, he is both a "wholesaler" and a "retailer", since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" "processed foods" from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "processor" or "industrial user establishments".

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

SEC. 7.2 *The same person may be both a wholesaler or retailer and industrial user at the same place.* (a) A person may keep stocks of processed foods at a place for sale or other transfer and may also use processed foods at that place for the production of some commodity other than processed foods. (For example, he may sell canned peaches at a particular place and may also operate a bakery there and use canned peaches in baking pies.) In a case of this type, the place is treated as two establishments. If processed foods are sold or transferred from there, it may be a retail or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since processed foods are used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of processed foods and its stocks held for sale or transfer must be included in that registration. It must also be registered as an industrial user establishment, and its stocks held for such use must be included in the industrial user registration.

SEC. 7.3 *The same person may be both a wholesaler or retailer and an institutional user at the same place.* (a) If, in the case described in the last section, the person operated a restaurant at that place as well as (or instead of) a bakery, it would also be an "institutional user establishment" (Restaurants are covered by General Ration Order 5 and are called "institutional users" in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of processed foods held for restaurant use must be included in that registration.

SEC. 7.4 *The same person may be both a processor and a wholesaler or retailer at the same place.* (a) A person may produce or import processed foods at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, processed foods which he did not produce or import, but which he acquired from someone else. In such a case, that place is a processor establishment, since he produced or imported processed foods there. It may also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer, processed foods which someone else produced or imported. (This does not apply if the place where he keeps, for sale or transfer, processed foods produced or imported by someone else is a processor establishment as to those stocks, under section 3.1 (d) (1). In such a case, the place is not a wholesale or retail establishment.)

(b) A place of the type described in the last paragraph must be registered as a processor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production and imports, and its stocks and shipments of processed foods produced or imported there, must be included in the processor report. Stocks which were produced or imported by someone else, and the sales or transfers of those stocks, must be included in the wholesaler or retailer report. (However, stocks of processed foods kept there for producing other processed foods must be included in the processor report.)

SEC. 7.5 *The same place may be more than one establishment.* (a) The situations described in the last three sections are examples of the rule that the same place may be more than one establishment, depending upon the type of business or operationss carried on there. Wherever the operations at a place are such that it is more than one establishment, it is treated just as if each of those establishments were located at a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both.

(c) The word establishment, as it is used in this order, covers the operation at a place, as well as the place itself. Where a person such as a wholesaler or a retailer does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as an establishment. Similarly, if a person who deals in processed foods and makes sales or transfers of them does not actually keep processed foods at any particular place, his operations as a whole, are regarded as his establishment, and he may register as a wholesaler or a retailer, depending on the class of persons to whom he makes transfers.

ARTICLE VIII—RATION BANK ACCOUNTS

SEC. 8.1 *A ration bank account is an account in which points are deposited.* (a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks. (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.[3])

SEC. 8.2 *Who must open a ration bank account*—(a) *Processors.* Every "processor" must open at least one ration bank account for all his "processor establishments". If he has more than one processor establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has processor establishments.

(b) *Wholesalers.* Every "wholesaler" must open at least one ration bank account for all his "wholesale establishments". If he has more than one wholesale establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has wholesale establishments.

(c) *Retailers.* Every "retailer" whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2,500.00, and every retailer who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has retail establishments. Also, any retailer who receives points ("stamps," "certificates", or endorsed ration checks) from, and makes transfers to, "consumers" by mail must have a ration bank account. Any other retailer may open an account for

[3] 8 F.R. 1130, 1449.

his retail establishment if he had a processed foods ration bank account on April 16, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.) No other retailer may open an account.

(d) *Industrial users.* (1) Every industrial user who has, or has assigned to him, a quarterly-period use of 2,000 pounds or more of processed foods during any quarterly period from January 1, 1942 on, may open an account. If he has more than one industrial user establishment and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any quarterly period. If he opens an account, he may either open one account for all, or a separate account for any establishment or for any group of them which used 2,000 pounds or more during any quarterly period, but all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. Any industrial user who has opened a ration bank account and who is not entitled to have it under this section, as amended, must close that account on or before January 15, 1944. Such an industrial user who has not reduced his account to zero on or before such date, may draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check, at his board, for a certificate equal in point value to the amount of the check.

(2) Any industrial user who has more than one establishment and registers those establishments on OPA Form R–1200 in a way different from that in which they were previously registered on OPA Form R–1308 (by registering two or more establishments separately when they were previously registered together) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He shall also close any account that is no longer needed. Where an industrial user changes the establishments which are served by an account and it is necessary that he use some or all of the points in that account for an establishment that will no longer be served by the account, he may issue, on or before January 15, 1944, the necessary checks to withdraw such points from the account, and may deposit them in the account which will serve the establishment for which he wishes to use the points, or if he has no account for such establishment, he may use the checks to obtain processed foods for such establishment. Any industrial user who closes an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on or before January 15, 1944, draw a check to the Office of Price Administration for the balance in his account, less outstanding checks, and have it certified on or before January 15, 1944. He may exchange such certified check at his board for a certificate equal in point value to the amount of the check.

(e) *Institutional users.* The opening of ration bank accounts by "institutional users" is covered by General Ration Order 5.

(f) *Application for additional accounts.* Any processor, wholesaler, or retailer who wishes to open more ration bank accounts than the number permitted by this section, may apply on OPA Form R–315 to the "Washington Office" for authority to open further ration bank accounts. He must state in his application all the facts which he claims show his need for additional ration bank accounts.

(g) *Washington Office may open accounts.* The Washington Office of the Office of Price Administration may open one or more ration bank accounts and it may issue ration checks instead of certificates to persons entitled to receive points under the provisions of this order. Wherever this order provides that the Washington Office shall issue a certificate, it may, in its discretion, issue a ration check instead.

(h) *Certain airplane operators.* An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may open one ration bank account for each of his offices at which he regularly purchases processed foods for use as planes' stores.

SEC. 8.3 *All points must be deposited in the account.* (a) Every processor, wholesaler, retailer, or industrial user, who has a ration bank account, must deposit in his account all points he receives, whether in the form of stamps,[4] certificates or ration checks.

SEC. 8.4 *When points must be deposited*—(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "months", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

(b) *Certificates.* He may not deposit a certificate later than 20 days after the date which appears on it. (The fact that the certificate may have passed through several hands before reaching him does not give him any more time to deposit it.) Ration coupons may be deposited at any time.

(c) *Effect of failure to deposit stamps or certificates.* A stamp or certificate which was not deposited on time is not good, and may not be used or accepted for any purpose.

(d) *Ration checks.* Ration checks may be deposited at any time.

ARTICLE IX—SALES AND TRANSFERS OF PROCESSED FOODS

SEC. 9.1 *No transfers may be made to certain persons between certain dates.* (a) From February 21, 1943 to February 28, 1943, inclusive, no "person" may sell or "transfer" "processed foods" to a "consumer" regardless of any contract or other agreement. (Certain transactions between consumers, covered in section 2.2 are excepted from this rule.)

(b) From October 23 to October 30, 1943, inclusive, no person may sell or transfer "jams", "jellies", "fruit butters", "marmalades" (other than citrus marmalades) or "preserves" (other than cream pie or pastry fillings, with or without fruit flavoring) to a consumer, "industrial" or "institutional user", regardless of any contract or other agreement. (Certain transactions, covered in section 2.2, are excepted from this rule.)

SEC. 9.2 *Only certain persons may transfer processed foods.* (a) Beginning March 1, 1943, only "retailers," "wholesalers," "processors," "country shippers," "growers," and dehydrators and growers of dried prunes or "raisins" may sell or transfer processed foods. (Certain transactions between consumers, covered in section 2.3 (b); certain transactions by seed dealers, covered in section 14.7; and certain other transactions covered in Articles X and XXVI are excepted from this rule.)

(b) An industrial user who has an excess inventory of processed foods may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R–315 to the board with which he is registered. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the board requests. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the board all points

[4] For the purposes of General Ration Order 3A, blue "stamps" from the War Ration Book Two and the green stamps in War Ration Book Four, certificates (Form OPA R–1201) or ration coupons and ration checks are to be regarded as "evidences". That term is not, however, actually used in this order.

which he received for the processed foods sold or transferred. The board shall reduce his excess inventory by an amount equal to the number of points given up. An industrial user may also sell or transfer processed foods which are in imminent danger of spoilage, as provided in section 9.11.

(c) Institutional users may sell or transfer processed foods only as permitted in General Ration Order 5, and in section 9.11.

(d) Any person not covered by paragraphs (a), (b) or (c) may apply for permission to sell or transfer processed foods. The application shall be made on OPA Form R–315 to the board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the board requests. Only one such application may be made by a person on his own behalf or on behalf of the members of his family unit. The board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the board all points which he received for the processed foods sold or transferred.

(e) If the person making the sale or transfer, as permitted in paragraph (d), is a consumer who has been charged with an excess number of cans of processed foods (as shown by a notation on the inside front cover of his War Ration Book Two, or by the removal from his War Ration Book Two of eight point blue "stamps" which have not yet become valid), the number of cans with which he is charged shall be reduced by one for each can or bottle of processed foods of eight ounces or over which he has transferred and for which he turns over points. If the number of cans by which that reduction is to be made does not exceed the notation on the inside front cover of the consumer's book, the board shall reduce the number noted on the book by the appropriate amount. Otherwise, the board shall issue a substitute book exactly corresponding to that surrendered by the consumer, except that no number shall be written on the inside front cover of the substitute book and an appropriate reduction shall be made in the number of eight point blue stamps not yet valid, which are to be removed. If the processed foods sold or transferred were charged against several members of a family unit the board shall divide the reduction as equally as possible among the book of members of the family unit which have been charged with an excess number of cans of processed foods.

SEC. 9.3 *Transfers after February 28, 1943 may be made only for points.* (a) Beginning March 1, 1943, no person may sell or transfer, and no person may buy or "acquire" processed foods, regardless of any contract or other agreement, unless points are given up in the way this order requires. (The word "transfer", as it is defined means to sell, as well as to transfer in other ways. The word "acquire", means to buy as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

NOTE: The rules covering various kinds of transactions are set forth in the sections which follow.

SEC. 9.4 *How processed foods are transferred to consumers.* (a) *General.* Processed foods may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain transactions between consumers covered in section 2.3, are excepted from this rule. Certain other exceptions are covered in Article X.)

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of stamps from a war ration book, a "certificate" issued for him, or a ration check issued to him and endorsed by him.

(c) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the processed foods are transferred. (Exceptions to this rule are covered in paragraphs (f) and (g) of this section.)

(d) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of a war ration book in his presence. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor.

(e) *When stamps are good.* Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the stamp serves to indicate when it may be used by a consumer. Blue stamps lettered A, B and C may be accepted from a consumer, only during March 1943. Blue stamps lettered D, E and F may be accepted only from March 25, 1943 to April 30, 1943, inclusive. The periods during which other stamps may be accepted from a consumer are fixed by the Office of Price Administration in a supplement to this order.

(f) *Use of certificates.* A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write.) A certificate is not valid for a transfer to a consumer after the date shown on its face, and may not be used or accepted for such a transfer after that date. A certificate may be accepted from a consumer at or before the time when the processed foods are transferred.

(g) *Mail order sales.* (1) Processed foods may be transferred to consumers by mail if a certificate, detached stamps, or a ration check payable to, and endorsed by the consumer, are received with the order. Stamps or certificates which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

(2) If the transferor fails to deliver processed foods equal in point value to the points received, he shall issue and send to the consumer a ration check for the balance.

(3) Before accepting stamps from and making transfers to consumers by mail, any retailer, wholesaler, or processor who wishes to do so must notify, in writing, the district office for the place where his principal business office is located. The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries of processed foods to consumers during 1942. He may not make any such transfers until he has given this notice. Beginning March 1, 1943, he must keep a record of the dollar volume or the point value of his transfers of processed foods to consumers by mail.

(4) No retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

(h) *Ration checks.* A ration check may be accepted from a consumer only if it is payable to him and has been endorsed by him (or by someone authorized to act for him, if he cannot write).

(i) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

SEC. 9.5 *How processed foods are transferred to persons other than consumers*—(a) *General.* Processed foods may be transferred to and acquired by a retailer, wholesaler, or a processor, or an industrial user or institutional user only if he gives up to the seller (or transferor) points equal to the point value of the processed foods transferred.[8] (Certain exceptions to this rule are covered in Article X.)

(b) *Point value.* The number of points which must be given up for a transfer of processed foods is determined by their point value at the time of the transfer.

(c) *When points must be given up.* (1) The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. Exceptions to this rule are stated in the next two subparagraphs.

(2) If the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the processed foods.

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. (However, if money payment for the foods transferred is made less than 10 days after the transfer, points must be given up at the time the money payment is made.) A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for processed foods bought or acquired) or in his ration bank account (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the processed foods transferred. The transferor must, at or before the time he transfers the processed foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the processed foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district office for the place where his establishment is located, of the default. As long as the transferee is in default, he must not acquire any processed foods and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire processed foods and transferors may continue to transfer such foods to him, pursuant to Article X.) If the District Director is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire processed foods is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Director shall so inform all persons whom he informed of the default.

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

(d) *Form in which transferor must get points.* The transferor may take points from the transferee only in the form of stamps, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

(1) *Stamps.* No stamp may be accepted from the transferee more than one month after the last date on which it was good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month. The stamps must either be pasted on gummed sheets (OPA Form R–120) or enclosed in sealed envelopes. If the stamps are pasted on gummed sheets, the name and address of the transferee must be written on each sheet, and only stamps of the same point value, and valid for a transfer to the transferee at the time they are given up, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes, they must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelope.

(2) *Certificates.* A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee. The certificate may not be accepted more than ten days after the date shown on its face. However, if it was issued to the transferee, it may not be accepted after the date shown on its face.

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

(4) *Ration coupons.* A ration coupon may be accepted at any time. A person who has a ration bank account must enclose any ration coupons he has, for deposit, in sealed envelopes in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. A person who does not have a ration bank account may use ration coupons without enclosing them in a sealed envelope.

(e) *Form in which transferee must give up points*—(1) *Wholesalers and processors.* A wholesaler or a processor must give up points only in the form of a ration check drawn on his ration bank account.

(2) *Retailers.* A retailer who is required to have a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps, certificates, or ration checks endorsed by them.

(3) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Any other industrial or institutional user may give up points only in the form of certificates or ration checks endorsed by him.

(4) *General.* Points may be transferred freely between establishments of the same type operated by the same person, which are or may be registered together, and points of one of those establishments may be used to get processed foods for another of them. However this rule does not apply to the movement of points between institutional user establishments, which is covered by the provisions of General Ration Order 5.

(f) *Transfers to retailers during March 1943.* A retailer, wholesaler or processor who transfers processed foods to a retailer during March 1943, must prepare and give to the retailer a written statement (in any convenient form) showing the name and address of both the transferor and transferee, the date of the transfer, and the number of points given up by the transferee. The transferor must keep a copy of the statement at his principal business office.

SEC. 9.6 *Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.* (a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer processed foods from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.)

(b) The rules set forth above which apply to transfers from one person to another also apply to transfers between establishments of the same type which are operated by the same person but which are registered separately under this order.

SEC. 9.7 *Transferor may not use points he receives in advance until processed foods are transferred.* (a) A transferor may receive points from his transferee before he actually transfers the processed foods. In that case, he may not use points so received, to get other processed foods, until he has actually transferred to the transferee processed foods worth that number of points.

SEC. 9.8 *Points may be returned for underdeliveries of processed foods.* (a) If a retailer, wholesaler, processor, country shipper, or grower receives points in advance for a transfer of processed foods, and is unable to transfer all or any part of the amount ordered, he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of processed foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, deposit all the points received by him, and draw a check for any amount to be returned. However, this section does not apply to consumers, except in connection with mail order transactions.)

SEC. 9.9 *Points must be given up for imports of foods.* (a) Any person (other than persons importing processed foods in accordance with section 10.10) who imports processed foods must give up points to the Collector of Customs (or

[8] For convenience, the retailer, wholesaler processor, or industrial or institutional user, to whom the transfer is made, will sometimes be called "the transferee", in the paragraphs which follow.

[8] 8 F.R. 2858, 2997, 4840, 6965.

his deputy) at or before the time the foods are released or delivered to him by the Collector.

(b) The Collector of Customs shall turn over each month, to the district office for the area in which the point of entry is located, all points received by him in this way during the preceding month.

SEC. 9.10 *Permitted transfers of dried prunes or raisins, in exchange for points, by dehydrator or grower of fruit.* (a) Any dehydrator or grower of fruit who sells or transfers dried prunes or "raisins", must do so only for points equal to the point value of the dried prunes or raisins sold or transferred. (Exceptions to this rule are set forth in section 10.17.)

(b) Points received by a dehydrator or grower of fruit during any month as a result of such sales or transfers, may not be used by him for any purpose. They must, between the 1st and 10th days of the following month, be given up to the board for the area where his principal place of business is located.

SEC. 9.11 *Sale at lower point values of foods in danger of spoilage*—(a) *Permitted sales and transfers.* Processed foods which cannot be sold at their full point value because they are in imminent danger of spoilage may be sold or transferred at less than their full point value in the way described in this paragraph, if and to the extent authorized under paragraphs (b) and (c). Such sales or transfers may be made only to consumers, industrial or institutional users, and persons principally engaged in the business of reconditioning or selling damaged articles, and only if the money price is reduced in the following way:

(1) No reduction in point value may be made unless the money price of the food has been reduced at least twenty-five per cent below its ceiling price established by applicable orders of the Office of Price Administration;

(2) If the money price has been reduced by at least twenty-five per cent below such ceiling price, it may be sold or transferred at twenty-five per cent below its full point value;

(3) If the money price has been reduced more than twenty-five per cent and less than fifty per cent below such ceiling price, it may be sold or transferred at a point value reduced in the same proportion that the money price has been reduced; and

(4) If the money price has been reduced by fifty per cent or more below such ceiling price, it may be sold or transferred point-free.

If the point value of any item of processed foods sold or transferred under this section (or any group of such items sold or transferred under this section at the same time) comes out to a fraction, the point value at which it may be sold or transferred is the next higher whole number. For the purposes of this paragraph, the ceiling price of a person principally engaged in the business of reconditioning or selling damaged articles, is deemed to be the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the District Office in accordance with the provisions of paragraph (b). The ceiling price of the United States Government or any of its agencies will be fixed by the Washington Office in accordance with the provisions of paragraph (b).

(b) *Application for authorization to sell or transfer.* A person who wishes to sell or transfer processed foods in the way set forth in paragraph (a), may apply for authorization. However, no application may be made by a consumer. Application must be made on OPA Form R-315 to the District Office (or, if made by a retailer, to the board) for the area where the processed foods are located. However, application by the United States Government or any of its agencies shall be made to the Washington Office. The application must show:

(1) The applicant's name and address;

(2) The items and amounts of processed foods which the applicant desires to transfer at less than their full point value;

(3) The point value of each item;

(4) The ceiling price established for each item by applicable orders of the Office of Price Administration. However, if the applicant is a person principally engaged in the business of reconditioning or selling damaged articles, the applicant shall, instead of stating a ceiling price, give the names and addresses of the three wholesalers whose establishments are nearest to the place where such foods are located;

(5) A description of the condition of the food, to show why it cannot be disposed of at its full point value and, if known, the cause of such condition.

The board or District Office to which the application is made or the Washington Office, if the application is made by the United States government or any of its agencies, may inspect such processed foods and conduct such other investigation as it finds necessary to pass upon the application. If it finds that the foods described in the application are in such condition that they should be used immediately in order to avoid spoilage, it may grant the application and authorize the applicant to sell or transfer the foods at less than their full point value, in the way described in paragraph (a). (If the Washington Office grants an application made by the United States government or any of its agencies, it will fix a ceiling price for the purposes of paragraph (a). If the board or District Office grants the application of a person principally engaged in the business of reconditioning or selling damaged articles, it shall determine the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located. In either case, the applicant shall be notified of the ceiling price which has been fixed or determined.) The applicant must make and keep a record of each item of processed foods transferred by him pursuant to the authorization, showing the point value and price at which each transfer was made and the date of each transfer.

(c) *Sales or transfers for which no prior authorization is needed.* Any person, other than a consumer, may sell or transfer, under the conditions described in paragraph (a), without prior authorization, frozen processed foods which are in imminent danger of spoilage. Furthermore, any processor, country shipper, wholesaler, retailer, industrial user or institutional user may, without prior authorization, sell or transfer processed foods which are in imminent danger of spoilage under the conditions set forth in paragraph (a), but not more than the total quantities set forth in the following subparagraphs during the periods referred to in those subparagraphs:

(1) In the case of a processor, during any successive twelve month period beginning March 1, 1943, one tenth of one per cent of all processed foods produced or imported by him during that period.

(2) In the case of a country shipper, during any successive twelve month period begining March 1, 1943, one tenth of one per cent of all dry beans, peas or lentils acquired by him during that period;

(3) In the case of a wholesaler, in any one reporting period, one twentieth of one per cent of the amount of processed foods which he sold or transferred during the preceding reporting period;

(4) In the case of a retailer, in any one month, one fortieth of one percent of his allowable inventory;

(5) In the case of an industrial user or an institutional user, in any one allotment period, one fortieth of one per cent of his allotment for that allotment period.

(d) *Resale of foods acquired under this section.* Any person who acquires processed foods under the provisions of this section and who is permitted to transfer processed foods under the provisions of section 9.2 may not transfer them at a point value greater than that at which they were acquired by him. He may transfer them at a lower point value only if authorized under paragraphs (b) or (c). If he transfers them at the same point value at which he acquires them, the provisions of paragraph (a) covering price reductions do not apply to the transfer of those foods by him. However, he may transfer any such foods only to a consumer, industrial or institutional user, or a person principally engaged in the business of reconditioning or selling damaged articles.

(e) *Records and reports.* (1) Any person who transfers processed foods under the provisions of paragraph (c) of this section shall maintain and keep records showing, with respect to each such transfer, the following:

(i) His name and address;

(ii) The name and address of any person, other than a consumer, to whom the transfer was made;

(iii) The date of the transfer;

(iv) The items and amounts of processed foods transferred and the price and point value for which each item was transferred;

(v) A description of the condition of the foods, to show why they could not be sold or transferred at their full point value and, if known, the cause of such condition.

(2) Any person who transfers processed foods under the provisions of paragraph (d) at the same point value at which he acquired them and any person who transfers frozen processed foods under the provisions of paragraph (c) must, within three days after the transfer, give a statement to the District Office for the area where his principal place of business is located. However, if the transfer was made by the United States Government or any of its agencies, the statement shall be given to the Washington Office. The statement shall show the name and address of the transferor, the items and amounts of processed foods transferred, the point value and price at which they were transferred and the date of transfer.

(3) Any person principally engaged in the business of reconditioning or selling damaged articles, who acquires processed foods under this section at less than their full point value, must, within five days after the end of each calendar month during which he acquired those foods in this way, give to the District Office for the area where his principal place of business is located a statement showing his name and address, the name and address of the person from whom he acquired them, the items and amounts of processed foods acquired, the point value at which they were acquired and the date of the acquisition.

(f) *Miscellaneous requirements.* Any person who transfers processed foods at a reduced point value under this section must also comply with the following requirements:

(1) Whenever he sells or transfers an item of processed food at less than its full point value and at a reduced price, he must sell or transfer that item, so long as he has it on hand, to any person who is willing to buy or acquire it at that reduced point value and price.

(2) If he is a retailer, wholesaler, country shipper, or processor who has an establishment at which processed foods which he carries are displayed to consumers he must post a notice where it may be clearly seen and read by such consumers showing:

(i) The items he is selling at the lower point value and the point value at which he is selling them;

(ii) That he is selling that item at less than regular point value in order to prevent spoilage;

(iii) The reduced money price at which he is selling the item and, unless he is principally engaged in the business of reconditioning or selling damaged articles, its ceiling price. If he is a person engaged in the business of reconditioning or selling damaged articles, he must post as his ceiling price the average ceiling price of the same food in good condition applicable to the three wholesalers whose establishments are nearest to the place where such foods are located, as determined by the board or District Office to which application is made under paragraph (b).

(3) He must clearly mark on the container of each item sold the point value at which he transfers it, preceded by the words "reduced point value to avoid spoilage", unless it has previously been marked in that manner pursuant to this paragraph and is not being transferred at a further reduction in point value. However, he need not so mark the container if he sells it to a consumer from an establishment at which he posts a notice as required by subparagraph (2). Furthermore, the container need not be so marked if it is sold or transferred by the United States Government or any of its agencies.

(g) *Replacement of points.* A wholesaler, retailer or industrial or institutional user who sold or transferred processed foods at less than their regular point value under paragraph (b) may apply on OPA Form R-315, for a certificate to replace his point losses resulting from such transfers. The application must be made to the District Office, or the board, to which he applied for authorization to transfer the foods at a reduced point value. The application must be signed by the applicant or his authorized agent. It must show the name and address of the applicant, the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer, and the name and address of each transferee other than a consumer. It must contain a statement that he reduced the money price of the food sold or transferred at the lower point value, in the way required by this section. The application must also specify the date on which the authorization to sell such foods at less than full point value was granted. If the District Office or board finds that the applicant suffered a point loss because of such transfer, it shall issue a certificate for the number of points he lost. No application to replace point losses may be made more than 30 days after the close of the month in which the transfers at reduced point value occurred.

(h) *Statements by processors and country shippers.* A processor, or country shipper, who during any reporting period sells or transfers processed foods at less than their full point value, under paragraphs (b) or (c), must file with his periodic report required by section 3.2 (b), or section 24.2 (b), for that period a statement showing the items and amounts of foods so transferred, the point value and price at which they were transferred, the date of transfer and the name and address of each transferee other than a consumer. If the sale or transfer was made pursuant to an authorization granted by a District Office, the statement must specify the date on which the authorization was granted and the District Office which granted it.

ARTICLE X—POINT-FREE TRANSFERS

SEC. 10.1 *Processed foods in transit prior to effective date of rationing, may be acquired point-free.* (a) No points need be given up for a delivery of "processed foods" to a "person" other than a "consumer", if those processed foods were in transit to him on February 28, 1943.

(NOTE: Processed foods which were in transit to a "processor", or an "industrial" or "institutional user" at the close of business on February 28, 1943, must be included in the inventory which he reports in his registration.)

(b) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the list of processed foods, if the item was in transit to him on the day preceding such addition.

(c) No points need be given up for a "transfer" of processed foods having a zero point value at the time of the transfer.

SEC. 10.2 *Processed foods may be exchanged for other processed foods.* (a) Any person may exchange processed foods with any other person for processed foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the processed foods exchanged.) However, neither a "grower" nor a "country shipper" may exchange dry beans, peas or lentils for other processed foods. Furthermore, neither a dehydrator, grower nor processor of dried prunes or "raisins" may exchange dried prunes or raisins for other processed foods.

SEC. 10.3 *Lost or stolen processed foods may be returned, point-free.* (a) No points need be given up for a return of lost or stolen processed foods to the person who lost them or from whom they were stolen.

SEC. 10.4 *Stocks of processed foods may be moved point-free between establishments of the same person which are registered together.* (a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person transfers processed foods between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons, if those establishments are registered together.

(b) This rule does not apply to the movement of stocks between "institutional user establishments", which is covered by the provisions of General Ration Order 5.

SEC. 10.5 *Processed foods may be stored and returned from storage, point-free.* (a) No points need be given up for a delivery of processed foods for storage purposes only.

(b) No points need be given up for a delivery of processed foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 10.6 *Security interests in processed foods may be created and released, point-free.* (a) No points need be given up for a transfer of processed foods, or of any interest in them, for security purposes only. (For example, if processed foods are pledged or mortgaged the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in processed foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged processed foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on his processed foods need not give up points when the mortgage is ended.)

SEC. 10.7 *Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* No points need be given up for a transfer of processed foods to a person who gets them for liquidation only. Also, no points need be given up for a transfer of processed foods as part of a judicial proceeding, or by operation of law, or for a transfer made under the direction of or pursuant to an order of a court, or by judicial process.[1] (For example, processed foods may be taken over by a creditor, under a court order, without any surrender of points. If processed foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits processed foods or "acquires" them by will.)

(b) *How transferee may dispose of the processed foods.* A person who acquires processed foods in this way must within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and the point value of the processed foods acquired;

(2) The name and address of the person from whom they were acquired;

(3) The way in which and the date when they were acquired. He may not use the processed foods unless he gives up to the district office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. (If he transfers the foods to any other person who is also entitled under this or any other section of this order to acquire them point-free he need not, of course, get points from the transferee, and he need not give up any to the district office.)

(c) *Consumer inheritance.* A consumer who gets processed foods from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 10.8 *Processed foods may be acquired, point-free, by insurers or for salvage*—(a) *Acquisition of damaged processed foods.* Damaged processed foods, and undamaged processed foods mingled with them, may be transferred to, and acquired by, the following persons, without any surrender of points:

(1) A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse himself by taking them over;

(2) A person in the business of adjusting losses or of reconditioning or selling damaged articles.

(b) *Disposal of the processed foods.* The person acquiring the processed foods must, within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and point value of the processed foods acquired;

(2) The name and address of the person from whom he acquired them;

(3) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value. If he cannot dispose of them all, he must report to the district office the amount which was not saleable.

SEC. 10.9 *Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.* (a) A processor, country shipper, or grower may deliver processed foods to prospective buyers (other than consumers) for sampling, without getting points. However, he may not deliver in this way more than one-fortieth of one percent of the total amount of processed foods produced or imported by him.

(b) A retailer or wholesaler, who acquires processed foods from a processor, country shipper, or grower, may sample some of them in order to check grades and quality and may use some of them to demonstrate them to prospective purchasers other than consumers. However, he may not use for this purpose more than one-tenth of one percent of the total amount of processed foods acquired by him. A wholesaler shall attach to his periodic report to the Washington Office on OPA Form R-1310 a statement accounting for the amount of processed foods used by him for sampling or demonstration to prospective purchasers.

SEC. 10.10 *Processed foods may be delivered point-free to certain persons*—(a) *Point-free delivery to processors.* No points need be given up for a transfer of processed foods by an authorized customs official to a processor if the processor gives his signed statement to the official showing:

(1) His name;

(2) His principal business address;

(3) His processor registration number;

(4) The address of the establishment at which the foods are to be kept for sale or transfer or for his own use in making other processed foods; and

(5) The amount and kind of processed foods imported at the time.

(b) *Point-free delivery to country shippers.* No points need be given up for a transfer of dry beans, peas or lentils by an authorized Customs Official to a country shipper if the country shipper gives his signed statement to the Official showing:

(1) His name;

(2) His principal business address;

(3) His country shipper's registration number; and

(4) The amount of dry beans, peas and lentils imported at the time.

(c) *Collector of Customs to send statements to Washington Office.* After the close of each month the Collector of Customs shall deliver all processors' and country shippers' statements received during that month to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(d) *Point-free delivery to representatives of foreign governments, prisoners of war, internees and others.* No points need be given up for a transfer of processed foods by an authorized customs official:

(1) Upon request by the Department of State, to representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937;

(2) To members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the processed foods are consigned or addressed to them and are intended for their personal or official use;

(3) To enemy prisoners of war and enemy civilian internees and detainees in the United States, where the processed foods are consigned or addressed to them.

(e) *Point-free delivery to home processors.* No points need be given up for a transfer of home processed foods by an authorized customs official to the person who produced them in a way described in Article XXVI, if the person gives his signed statement to the official showing:

[1] A "wholesaler" may acquire processed foods in this way even if his actual inventory is or would become larger than his maximum allowable inventory.

(1) His name and address;

(2) The place where the home processed foods were produced;

(3) The amount and kinds of home processed foods being imported;

(4) A statement showing that he produced the home processed foods in a way described in Article XXVI.

The Collector of Customs shall turn over, each month, to the district office for the area in which the point of entry is located, all statements received by him in this way during the preceding month.

SEC. 10.11 *Processed foods may be transferred, point-free, in connection with transfer of a business.* (a) No points need be given up for a sale or transfer of processed foods in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires processed foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XI.)

SEC. 10.12 *Processors may transfer point free to allow for spoilage.* (a) In any case in which a processor makes a money allowance to his transferee to cover spoilage of the processed foods transferred, he may, in order to allow for spoilage, transfer to his transferee, without receiving points, processed foods in an amount not exceeding the same percentage of the total amount transferred that the money allowance made is of the total price paid. However, such transfer may not, in any event, exceed one-fourth of one percent of the total amount transferred.

(b) If the actual spoilage of processed foods transferred by a processor exceeds one-fourth of one percent, the transferee may return the spoiled foods to the processor and receive points for the difference between the amount spoiled and any allowance already made. However, if he does not return the spoiled processed foods, he may receive points for that difference only if and to the extent that the processor makes a money adjustment for the spoiled processed foods.

(c) The processor must keep a record of the name and address of each person to whom such point-free transfers and point returns are made, the dates thereof, and the amounts of such transfers and returns.

SEC. 10.13 *Grower of dry beans, peas, or lentils may transfer them to country shippers point-free.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a grower to a country shipper. At the time of the point-free sale or transfer, the country shipper must give to the grower, and the grower must get from the country shipper, a written receipt on which the country shipper's OPA registration number appears.

SEC. 10.14 *Country shipper or grower of dry beans, peas, or lentils may transfer them point-free to growers for seed purposes.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a country shipper or grower to a grower, when the transferee acquires the dry beans, peas, or lentils for use as seed.

SEC. 10.15 *Wholesaler or retailer may transfer dry beans, peas; or lentils point-free for seed.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a wholesaler or retailer to a person when such person acquires the dry beans, peas, or lentils for use as seed. However, when the transferor sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, he shall make and keep a record of the name and address of the transferee, the date of the sale or transfer, and the amounts of dry beans, peas, or lentils transferred point-free for use as seed.

SEC. 10.16 *Dry beans, peas, or lentils may be transferred point-free between country shippers.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by one country shipper to another country shipper. At the time of the point-free sale or transfer, the country shippers must exchange written receipts and invoices on which their respective names and addresses and OPA registration numbers appear.

SEC. 10.17 *Point-free transfers of dried prunes or raisins by a dehydrator or grower of fruit.* (a) No points need be given up for a sale or transfer of dried prunes or raisins by a dehydrator or grower of those fruits to a dehydrator, grower or processor of dried prunes or raisins.

(b) Any dehydrator or grower of fruit who sells or transfers dried prunes or raisins under this section, without receiving points, must keep a record showing, for each such sale or transfer, the amount sold or transferred, the name and address of the transferee and the date of sale or transfer. If the sale or transfer is made to a processor, the processor must give to the transferor, and the transferor must get from the processor, a written receipt containing the processor's OPA registration number and the information of which the transferor must keep a record as required by this paragraph. The receipt must be retained by the transferor and constitutes that record.

(c) Any dehydrator or grower of fruit and any processor who acquires dried prunes or raisins under this section, without surrendering points, must keep a record showing, for each such acquisition, the amount acquired, the name and address of the transferor and the date of sale or transfer.

SEC. 10.18 *Title to foods may be transferred point-free where the one who has title does not have possession.* (a) A person who has title to processed foods but who does not have possession of them and who may not get possession of them without giving up points, may transfer his title to such foods point-free. (However, a person who acquires title to processed foods in a way permitted by this section must give up points to obtain possession of such foods.)

SEC. 10.19 *Point-free transfer of jams, jellies, fruit butters, marmalades and preserves in Christmas gift packages.* (a) Prior to January 9, 1944, jams, jellies, fruit butters, marmalades and preserves contained in a package made up before October 23, 1943, for sale or transfer for use as a gift during the 1943 Christmas season, may be transferred to and acquired by any person point-free. Each package must have on it a statement that it was made up before October 23, 1943. In addition, all transfers of such foods by persons other than consumers must be made in accordance with the provisions of paragraph (b) of this section.

(b) A person other than a consumer may transfer jams; jellies, fruit butters, marmalades and preserves contained in packages of the kind described in paragraph (a), if the total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages held by him for sale or transfer is less than 400 points. Such a person must keep a record, at his principal business office, of the number of such packages which he holds for sale or transfer, and the total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages. A person other than a consumer who wishes to transfer jams, jellies, fruit butters, marmalades and preserves contained in packages of the kind described in paragraph (a) must, if the total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages is 400 points or more, apply in writing to the district office for the place where his principal business office is located for permission to do so. His application must state:

(1) The name and address of his establishment;

(2) The number of packages of the kind described in paragraph (a) that he has;

(3) The total point value of the jams, jellies, fruit butters, marmalades and preserves contained in all such packages; and

(4) That the packages covered by this statement were made up before October 23, 1943, for sale or transfer for use as a gift during the 1943 Christmas season.

If the applicant did not have the packages before October 23, 1943, and is not the person who made up the packages, he may, instead of making the statement called for in (4) above, attach to his statement a statement in writing from the person from whom he acquired the packages, that they were made up before October 23, 1943, for sale or transfer for use as a gift during the 1943 Christmas season. If the district office finds that

the packages held by the applicant meet the requirements in paragraph (a), it shall authorize him to transfer the packages point-free.

ARTICLE XI—SALE OF BUSINESS

SEC. 11.1 *Sale or transfer of retail, wholesale, or processor establishment*—(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "processor establishment", for continued operation, they must both notify the "board" at which the establishment is registered or the "Washington Office", if it is registered there. The notice must be given in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it;

(ii) The point value of the inventory transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "processed foods" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(b) *Purchaser of retail or wholesale establishments may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory, except as permitted by section 4.7 (a).) If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the "stamps" and "certificates" he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get processed foods.)

(c) *Seller of processor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a processor establishment must, within five (5) days after the transfer, turn over to the Washington Office, all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent processed foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

(d) *Same rules apply to sale of an entire chain.* The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation. He must give the information, and give up or transfer the points for all the establishments.

(e) *Sale of part of a chain.* Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, while the purchaser or transferee may acquire the processed foods inventory of the transferred establishment, he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer," or "wholesaler," he may use the points with his other establishment of the same kind as the transferred establishment. If he is a "processor," he must give up to the Washington Office, the points received for sales and transfers of processed foods from that establishment at the time that he is required to give up points received by his other processor establishments.

SEC. 11.2 *Sale or transfer of industrial user establishments*—(a) *General.* (1) When an industrial user sells or transfers to any other person the business and inventory of his "industrial user establishment," for continued operation, both the transferor and transferee must notify the board at which the establishment is registered. The notice must be in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The point value of the inventory transferred;

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A.

(b) *Transferor must give up unused points.* The seller or transferor must give up to the board all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his certified ration check payable to the Office of Price Administration. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(c) *Application for allotment by transferee.* The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R-315, to the board for the place where his principal business office is located, and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment the good will, and the processed foods inventory, has been transferred;

(2) The transferee will continue to serve, from that establishment, the same general class of customers and the same area served by it before the transfer;

(3) The transferee will continue to produce, at the establishment, the same class of product or products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(d) *Granting of allotment.* If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it shall assign to the transferee the transferor's allotment and base period use, for that establishment. It shall also give him a certificate for the number of points that the transferor surrendered to the board, or, if the amount of processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them, for continued operation whether or not they were registered separately.

(f) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a), (b), (c) and (d) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he registered for a redetermination of his allotment and base-period use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the district office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(g) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base period use to him.

(h) *Use of allotment by transferee.* A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

SEC. 11.3 *Moving establishment to another place.* (a) A person may move his retail, wholesale or processor establishment to another place after notifying the board at which the establishment is registered, or the Washington Office if it is registered there, of his new address.

(b) If a person wishes to move his industrial user establishment to another place, he must treat his moving as the closing of one establishment and the opening of a new establishment unless he applies for and is granted permission to continue his operations at the new place. The application must be made on OPA Form R-315, to the board at which the establishment is registered, and must, in addition to showing the new address, give explanations indicating whether:

(1) The entire establishment, including substantially all the equipment and the inventory of processed foods will be moved to the new place;

(2) He will continue to serve, from the new place, the same general class of customers and the same area he serves from his present place;

(3) He will continue to produce, at the new place, the same class of product or products which he produces at his present place. The board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated in substantially the same manner as at its present place, and that the tests described above are satisfied, it shall grant the application.

ARTICLE XII—NEW BUSINESSES

SEC. 12.1 *New retail establishments may be opened*—(a) *How stocks are obtained.* A "person" who wishes to open a "retail establishment" after February 1943 may apply for a "certificate" to get stocks of "processed foods". The application must be made, on OPA Form R-315 to the "board" for the place where the establishment will be located. (If he also has a "wholesale" or "processor establishment", he must apply to the "Washington Office", and not to the board.) The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of certificate.* The board (or the Washington Office) will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full month of operation he must register that establishment, on OPA Form R-1302 in the same way that "retailers" register between April 1 and April 10, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of processed foods from that establishment during his first full month of operation instead of during March 1943, and must report his point inventory at the end of that month, instead of at the end of March 1943. When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R-315.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operation with the stocks he has. However, before making any sales or transfers of processed foods from the establishment after April 10, 1943, he must notify the board for the place where the establishment is located. If he also has a wholesale or a processor establishment, he must notify the Washington Office, instead of the board. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full month of operation, he must register the establishment and follow the procedure described in the last paragraph.

SEC. 12.2 *New wholesale establishments may be opened*—(a) *How stocks are obtained.* A person who wishes to open a wholesale establishment after February 1943, may apply for a certificate to get stocks of processed foods. The application must be made to the Washington Office on OPA Form R-315. The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any certificate issued to him by the Washington Office, plus the point value of any inventory of processed foods which he has at the time he notified the Washington Office of his intention to begin operations as a wholesaler;

(2) For his second reporting period, his maximum allowable inventory is determined by multiplying the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during his first full reporting period of operations, by the wholesale factor fixed for the reporting period in question in a supplement to this order;

(3) For his third reporting period, his maximum allowable inventory is the same as it was for his second reporting period;

(4) For his fourth reporting period, his maximum allowable inventory is determined by dividing by two the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during the first two of the three preceding reporting periods, and multiplying the result by the wholesale factor fixed for the reporting period in question;

(5) For his fifth reporting period and thereafter, his maximum allowable inventory is determined in the way described in section 4.6 (b) for wholesalers who registered between April 1 and April 10, 1943.

SEC. 12.3 *New processor establishments may be opened.* (a) A person who opens a processor establishment which was not in operation during February 1943 must notify the Washington Office before making sales or transfers of processed foods from that establishment. The notice must be in writing and must show:

(1) The name and address of the establishment;

(2) The type of processed foods he produces or imports there;

(3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R–1305, beginning for the reporting period in which he started operations there.

SEC. 12.4 *In special cases, allotments may be granted for new industrial user establishments.* (a) A person who has or wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942 and February 28, 1943, may apply for an allotment. No such application may be granted in any case, unless it is found that:

(1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; and

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.

(b) The application must be made on OPA Form R–315, to the board for the place where the establishment is or will be located. The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any processed foods he may have for that establishment;

(6) The amount of the allotment requested.

(c) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office. It may attach its recommendation, if any, as to the action to be taken. The district office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(d) An industrial user who already has an allotment, may not open another industrial user establishment and use his allotment there, unless he applies under this section and is given permission to do so.

ARTICLE XIII—CLOSING OF BUSINESS

SEC. 13.1 *What a person who closes his establishment must do*—(a) *General.* (1) Any "retailer", "wholesaler", "processor", "country shipper", or "industrial user" who goes out of the business of dealing in or using "processed foods" at his establishment must notify the "board" at which it is registered, or the "Washington Office", if it is registered there. (A "person" is considered as going out of the business of dealing in or using processed foods if the foods he deals in or uses at his establishments are removed from the list of processed foods.) The notice must be given in writing within five (5) days after he goes out of the business. It must show:

(i) The name and address of the establishment;

(ii) The point value of its inventory at the time that he ceases doing business in processed foods at that establishment; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account he must also notify the district office in the way required by General Ration Order 3A (the Ration Banking Order).

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of processed foods have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above, may sell or "transfer" his unused stocks of processed foods in the same way that a retailer is permitted to make sales or transfers.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section, also apply to a person who has more than one establishment of a particular kind and who goes out of business at all of them. He must give the information required, and must give up the points, for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has several retail, wholesale or processor establishments may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues.

(i) If the establishment closed was a "retail establishment", he must notify the board at which it is registered within five (5) days after he closes it. If it is registered at the Washington Office, he must notify that office instead. The notice must be in writing and must give the name and address of the establishment closed.

(ii) If the establishment closed was a "wholesale" or "processor establishment", he must indicate that fact in his next periodic report.

(2) A person who has several "industrial user establishments", which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in paragraph (a) of this section as to each of the establishments at which he goes out of business.

(3) A person who has several industrial user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

ARTICLE XIV—MISCELLANEOUS ADJUSTMENTS

SEC. 14.1 *Retailer may apply for inventory adjustments after March 1943*—(a) *How to apply.* A "retailer" who finds that his allowable inventory is inadequate may apply for an adjustment. The application must be made, on OPA Form R–315, to the "board" with which he registered, or to the "Washington Office", if he registered there. The application must give the following information:

(1) The amount of his allowable inventory;

(2) The reasons why he claims that it is inadequate;

(3) The point value of his sales and "transfers" of "processed foods" during the thirty days before his application, not including exchanges, and transfers from one of his "retail establishments" to another;

(4) The amount of the adjustment which he needs.

He must also give any other information that the board (or the Washington Office) may request.

(b) *Application based on increase of business.* If he asks for a larger inventory because of an increase in business which is not due to regular seasonal variations, his application is to be acted upon in the following way:

(1) The point value of his sales or transfers upon which his allowable inventory was based is determined;

(2) The point value of his sales and transfers of processed foods, during the thirty days before the application is determined;

(3) If the second figure is more than ten percent larger than the first figure, he is to get a "certificate" for the difference between them multiplied by the factor fixed in the supplement to this order for determining retailer allowable inventories;

(4) If the second figure is not more than ten percent larger than the first, his application is to be denied.

(c) *Other applications.* If he asks for a larger inventory for any other reason, a board may not act on the application but must send it, and any other information received, to the district office. The board may attach its recommendation, when it transmits the application. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.2 *Wholesaler may apply for inventory adjustments after March 1943*—(a) *How to apply.* A "wholesaler" who finds that his maximum allowable inventory is inadequate may apply for an adjustment. The application must be made to the Washington Office, on OPA Form R–315, and must give the following information:

(1) The amount of his maximum allowable inventory for the reporting period in which he applies;

(2) The reasons why he claims that it is inadequate;

(3) The amount of the adjustment which he needs.

He must also give any other information that the Weshington Office may request.

(b) *Action on application.* The Washington Office will act on the application according to the circumstances of the case.

SEC. 14.3 *Wholesalers and retailers may apply for point loans*—(a) *General.* A retailer or a wholesaler may have large seasonal variations in the amount of business that he does. He may therefore need an unusually large inventory at certain times. In other cases, due to difficulties of transportation a retailer or a wholesaler may have a large number of points tied up in the hands of his supplier, for processed foods which he has not yet received. In these situations the retailer or wholesaler may wish to borrow points in order to get enough processed foods to tide himself over. He does not need a permanent adjustment, but simply a loan of points which he can pay back later.

(b) *Application for a point loan.* A retailer or wholesaler may apply for a point loan when he needs more points to get processed foods for a limited period of time because of uncertainties or delays in transportation or because of seasonal variations in his business. He must apply on OPA Form R–315, to the board with which he is registered (or to the Washington Office, if he is registered there). The application must show:

(1) His allowable inventory;

(2) The reasons he needs a point loan;

(3) The number of points he needs to borrow;

(4) The length of time for which he needs the loan.

He must give any other information that the board (or the Washington Office) requests.

(c) *Action on application.* If he needs a point loan for any of the reasons set forth in the last paragraph, he may be given a certificate for the number of points needed. The loan can be for any period up to two months. He must give back that number of points to the Office of Price Administration, for cancellation, not later than the date set at the time the certificate is issued.

(d) *When Board may not act upon application.* A board may not grant a point loan of more than fifty percent of the applicant's allowable inventory. If more than that is needed, it must send the application, together with all information it received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.4 *Adjustments for lost, destroyed, stolen or spoiled processed foods*—(a) *Lost, destroyed or stolen processed foods*—(1) *How to apply.* Any "person" whose processed foods were lost, destroyed or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. The application must be made on OPA Form R–315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the Washington Office, if he is registered there). The application must give:

(i) A description of the processed foods he wishes to replace, showing their point value;

(ii) A description of the way in which they were lost, destroyed, stolen, or taken away.

He must also give any other information that the board (or the Washington Office) may request.

(2) *Action on application.* If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(3) *Recovery of lost or stolen foods.* If the applicant gets back any of the processed foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the foods he recovered.

(b) *Spoiled processed foods.* Application for replacement of processed foods which spoiled in the applicant's hands before they could be used or transferred may be made under the provisions of section 14.5. Spoiled processed foods not covered by section 10.12 may be replaced by exchanging them for other processed foods of equal point value. However, a "processor" must account in his periodic report (and a country shipper must account in his monthly report) to the Washington Office, for processed foods which spoiled in his hands, or which he took back in an exchange.

SEC. 14.5 *Applications may be made for other adjustments*—(a) *How to apply.* Any retailer, wholesaler, processor, "country shipper," or "industrial user" who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R–315, to the board with which he is registered, or to the Washington Office, if he is registered there. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the Washington Office) requests.

(b) *Action on application.* A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.6 *Wholesaler or retailer may apply for points to replace dry beans, peas, or lentils transferred point-free for seed.* (a) Any wholesaler or retailer who sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, may apply on OPA Form R–315 to the board with which he is registered (or to the Washington Office, if he is registered there) for a certificate for the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils so transferred.

(b) The application must contain a statement:

(1) Of the amounts of such dry beans, peas, or lentils sold or transferred point-free for seed purposes;

(2) That the applicant did not receive points for the sales or transfers;

(3) Of the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils sold or transferred point-free for use as seed; and

(4) Of the dates between which the sales or transfers were made. The total number of points for which application is made must not exceed the total point value of the amounts of dry beans, peas, and lentils which were in the applicant's inventory on March 1, 1943, or which he "acquired" for points and which he sold or transferred point-free for use as seed and of which records are kept as required by section 10.15 (a).

(c) If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils sold or transferred point-free for use as seed.

SEC. 14.7 *Person acquiring seed beans, peas, or lentils may transfer them as*

food only for points. (a) Any person who, for sale or transfer, acquired dry beans, peas, or lentils marked or labeled in accordance with any applicable federal or state seed laws (or, if none is applicable, in accordance with the standards stated in the federal seed law), may transfer them for use as food only if the transferee gives up points equal to the point value of the processed foods so sold or transferred.

(b) Points received for dry seed beans, peas, or lentils, acquired point-free for use or transfer as seed but sold or transferred for use as food, may not be used by the transferor for any purpose. They must, within 5 days of the sale or transfer, be given up to the board for the place where the principal business office of the transferor is located. At the time the points are given up, the transferor must report in writing to the board:

(1) The amounts of dry seed beans, peas, or lentils sold or transferred as food;

(2) The reason that the dry seed beans, peas, or lentils were sold or transferred as food; and

(3) The names and addresses of the persons to whom they were transferred.

ARTICLE XV—ISSUANCE AND USE OF CERTIFICATES AND RATION COUPONS

SEC. 15.1 *How certificates are issued*—(a) *By whom issued.* "Certificates" (OPA Form R–1201) may be issued by the "Washington Office", by a "board", by any authorized officer or representative of the Office of Price Administration, or by any "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

(b) *How certificates are issued.* The person who issues a certificate must insert, in ink, the words "Processed Foods" in the appropriate space and must sign it and fill in:

(1) The number of points for which it is issued;

(2) The name of the person for whom it is issued; and

(3) The expiration date of the certificate, which is 60 days after the date on which it is issued.

A certificate which is not filled out in this way is not good for the acquisition of processed foods and may not be used or accepted for that purpose.

SEC. 15.2 *Certificates are good for a limited time.* (a) A certificate may not be used by the person for whom it was issued after the date shown on its face. However, a "retailer" who "transferred" processed foods for a certificate may use it to acquire processed foods within ten days after the date shown on its face, if he does not have and is not required to have a ration bank account. Any person who has a ration bank account may deposit a certificate (whether it was issued to him, or received by him for a transfer of processed foods) within twenty days after the date shown on its face. A certificate is thus not valid for any purpose more than twenty days after the date shown on its face.

SEC. 15.3 *A certificate must be endorsed.* (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him, if he cannot write.

(b) Any retailer, "wholesaler" or "processor" who has transferred processed foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

SEC. 15.5 *Names of persons who have been given certificates may be posted.* (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 15.6 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 15.7 *Sugar purchase certificates may be corrected and used as processed foods purchase certificates.* (a) Where no food ration certificates (OPA Form R–1201) are available, sugar purchase certificates (OPA Form R–306) may be used instead, if the word "sugar" in the title is changed to "processed foods", and the rest of the sentence following the applicant's name and address and ending with "Administration" is changed to read "is issued [amount in words] ([amount in numerals]) points of processed foods". In the upper right corner, "not valid before" shall be changed to "not valid after", and the date inserted there shall be 60 days from date of issue. The date in the lower right corner shall be left blank.

SEC. 15.8 *How ration coupons are issued*—(a) *General.* Whenever a board, district office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account. However, ration coupons may be issued to a retailer who does not have, and is not required to have, a ration bank account.

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Blue ration coupons may be used for the acquisition of all processed foods. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as "stamps," certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check.)

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

ARTICLE XVI—RECORDS, REPORTS AND INSPECTIONS

SEC. 16.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 16.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 16.3 *Places where processed foods are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "processed foods" are produced, imported or kept. Any person who produces, imports, or has processed foods, must permit such inspection of the place where he produces, imports or keeps them.

SEC. 16.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 16.5 *Office of Price Administration may extend time for registration and reports.* (a) The "Washington Office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the Washington Office. He must explain, in his application, why he needs more time. The Washington Office may impose any conditions it finds proper, when it grants such an extension of time.

SEC. 16.6 *Office of Price Administration may require applicants to give information.* (a) The Washington Office, a "board", or a district director or regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for passing on his case.

SEC. 16.7 *Persons who produce certain items similar to processed foods must file reports.* (a) Every person, who, for sale or "transfer" (1) produces fountain fruits, or (2) cans or bottles fruit or vegetable juices in hermetically sealed containers over one gallon and sterilizes them by the use of heat, or (3) cans fish or shellfish in hermetically sealed containers sterilized by the use of heat, or (4) packages dried or dehydrated vegetables or meat stocks whether or not in combination with noodles or other similar paste products, for use as a dried soup or soup base, must file periodic reports on OPA Form R–1305. Such periodic reports must also be filed by the first person, other than a dehydrator or grower of fruit, who "acquires" dried or dehydrated fruit other than dried prunes or "raisins" from a dehydrator or grower of fruit if he is regularly engaged in the distribution of dried or dehydrated fruit and if more than 50 per cent of such fruits sold or transferred by him are sold or transferred to persons other than "consumers." He must give all information as to those items called for by the form.

(b) The first report is for February 1943 and must be filed, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., not later than March 10, 1943. Reports for subsequent reporting periods must be filed not later than eight days after the end of the period.

ARTICLE XVII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

SEC. 17.1 *Chains must keep records of transfers of stocks and points between establishments.* (a) Every "person" who has more than one "retail", "wholesale" or "processor establishment" must keep at each establishment (or at the place exercising immediate supervision over that establishment) a record in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred, or from which they were acquired. The record must show the amount of processed foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept for transfers of processed foods to "consumers"); and

(2) The number of points received for transfers of processed foods from that establishment, the disposition of those points, and the dates of their disposition. If the records are kept at the place exercising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

ARTICLE XVIII—APPEALS

SEC. 18.1 *Persons directly affected by action taken under this order can appeal.* (a) Any "person" directly affected by the action of a "board", district director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under sections 12.4 or 14.5, except action taken by a board, district, or regional office which has been authorized by the Office of Price Administration to grant or deny such application.

ARTICLE XIX—MISCELLANEOUS RULES AND PROHIBITIONS

SEC. 19.1 *Additional prohibitions.* (a) No "person" shall use points unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall "transfer", "acquire", use or possess "processed foods" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp" or a "certificate" to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer processed foods for a stamp, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, certificate or ration check.

(h) No person shall offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(i) Paragraphs (b), (c), (e), (f) and (g) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(j) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(k) No person shall, after demand, withhold a stamp, certificate or ration check from the person who is entitled to have it.

(l) No person shall sell or transfer any item of processed foods at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(m) Beans, lentils, or peas acquired point-free for use as seed shall not be used by any person as food.

SEC. 19.2 *Stamps and certificates may not be taken by legal process or acquired by will.* (a) No stamp, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a war ration book or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 19.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a stamp, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, certificate or check.

SEC. 19.4 *General Ration Order 5 governs whenever inconsistent with this order.* (a) If any provision of this order is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern, and shall supersede the provisions of this order to the extent that they are inconsistent.

SEC. 19.5 *References to Ration Order 13 deemed references to Revised Ration Order 13.* (a) References to Ration Order 13 in any order, amendment, rationale, form, or other document shall be deemed references to Revised Ration Order 13.

ARTICLE XX—SUSPENSION ORDERS

SEC. 20.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any

"transfer" or delivery of, or from selling or using or otherwise disposing of, any "processed food" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

ARTICLE XXII—EXPORTS

SEC. 22.1 *Processed foods may be exported point-free.* (a) Any "person" who exports "processed foods" to any foreign country or to any territory or possession of the United States (other than the District of Columbia) need not receive points for the export.

SEC. 22.2 *Points may be obtained to acquire processed foods for export.* (a) A person who needs points with which to "acquire" processed foods for export to any foreign country or to any territory or possession of the United States (other than the District of Columbia), may apply, on OPA Form R-315, to the district office for the place where his principal business office is located. The application must show:

(1) His name and business address;

(2) The port (or other shipping point) from which they will be shipped, and the method of shipment;

(3) The name and address of the person to whom the foods are to be exported; and

(4) The number of points needed.

He must also give any other information which the district office may request. However, military or naval information which is secret in nature need not be disclosed.

(b) If the district office finds that the processed foods will be acquired for export, it shall issue a "certificate" for the number of points needed.

(c) No person may use processed foods acquired for a certificate issued under this section, for any purpose other than export to a foreign country or to a territory or possession of the United States (other than the District of Columbia). However, if he is unable to export them, he may dispose of them by sale or transfer in the way a "retailer" is permitted to do so under this order. Immediately after such a sale or transfer, he must give up to the district office all points received for them.

SEC. 22.3 *Exporter must account for all processed foods exported.* (a) Any person who exports processed foods (other than a "consumer" who acquired them with his "stamps") must submit a copy of a Shippers' Export Declaration (Commerce Form 7525) to the Office of Price Administration within seven days after the export. The declaration must contain a list of the processed foods exported and must contain a signed statement by an authorized customs official that, to the best of his knowledge and belief, those processed foods were exported by such person. A "processor", or a "wholesaler" who did not receive an advance of points under section 22.2 must mail the declaration to the "Washington Office" along with his report for the reporting period in which he exported the processed foods. Any other person must send the declaration to the district office.

(b) If the foods were consigned to an agency of the United States and no Shippers' Export Declaration was filed at the time of the shipment the exporter may submit, instead of the declaration, a bill of lading, manifest, or other satisfactory evidence that the foods were actually exported.

(c) A person who received an advance of points under section 22.2 must account to the district office within thirty days for all the points he received. At that time he must return any points which he did not use to acquire processed foods for export. If, within that time, he exported all the processed foods which he acquired with the points received, he need only submit the declaration or other evidence of export.

(d) A "retailer" or wholesaler who exported processed foods and who did not receive an advance of points under section 22.2 may, when he submits the declaration or other evidence of export, apply on OPA Form R-315 for points equal to the point value of the processed foods he exported. If the district or the Washington Office finds that the stated amount of processed foods was exported by the applicant and that he has not already received points with which to acquire or replace them, it shall issue a certificate to him for the number of points needed to replace the processed foods which he exported.

(e) An agency of the United States which has exported processed foods need not submit a declaration or other evidence of export, and need not account for an advance of points under section 22.2.

ARTICLE XXIII—EXEMPT AGENCIES; SHIPS' STORES; GOVERNMENTAL INVESTIGATORY AGENCIES

SEC. 23.1 *Exempt agencies may acquire processed foods.* (a) Nothing in this order restricts the amounts of "processed foods" which may be "acquired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the Maritime Commission, War Shipping Administration, Office of Lend-Lease Administration or Food Distribution Administration. (These agencies are referred to in this order as "exempt agencies" and are exempt agencies for the purpose of General Ration Order 3B.) In addition, the Army Exchange Service, to the extent it acquires processed foods for export to a foreign country or a territory or possession of the United States (except the District of Columbia), and ships' service departments afloat, are exempt agencies under this order and General Ration Order 3B, and may acquire processed foods without restriction as to quantity.

SEC. 23.2 *How exempt agencies acquire processed foods.* (a) Each of the agencies listed in section 23.1 is authorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Processed foods may be "transferred" to and acquired by these agencies only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred. However, processed foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers processed foods to any of these agencies must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) If for any reason a ration check cannot be used when one of these agencies acquires processed foods, an emergency acknowledgment shall be given to the transferor, instead of a check. This acknowledgment may be in any form, but must show the name of the agency, the name and address of the activity within the agency for which the processed foods are acquired, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a ration check, the point value of the processed foods acquired, and the date of acquisition. The acknowledgment must be signed by an authorized officer or employee of the agency, and must show his official title or rank. A person to whom such an acknowledgment is given may not exchange it at a "board" or use it to acquire processed foods but must send it to the agency activity designated thereon, and a ration check for the amount of processed foods transferred shall be given to him in exchange for the acknowledgment.

SEC. 23.3 *Post exchanges and ships' service departments ashore may acquire processed foods for points.* (a) Processed foods may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred, without regard to who transfers them. However, these activities may not open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of processed foods will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Administration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of processed foods for institutional use is covered by General Ration Order 5.)

(b) Any person who transfers processed foods to any of the activities enumerated in paragraph (a) must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

(c) Points may be transferred freely without a transfer of processed foods among ration bank accounts maintained for Army exchanges, among accounts maintained for post exchanges, among accounts maintained for ships' service departments ashore of the Navy, among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and among accounts maintained for ships' service departments ashore of the Coast Guard.

(d) During March 1943, Army exchanges, Post Exchanges, Ships' Service Departments Ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire processed foods, in the way described in section 23.2 (c). An emergency aknowledgment issued under this section may not be used by the person to whom it was issued to acquire processed foods, but must be exchanged for a ration check at the activity designated thereon.

SEC. 23.4 *Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.* (a) Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, and any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard and the Food Distribution Administration may transfer processed foods only in exchange for points in the same way as "retailers" are permitted to make transfers under this order. However, they are not required to register as retailers, "wholesalers", or "processors".

(b) All points so received by Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, or any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard or by the Food Distribution Administration must be deposited in the ration bank accounts maintained for them. These points may then be used to acquire other processed foods.

SEC. 23.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of processed foods for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

SEC. 23.6 *Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.* (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after February 28, 1943, in the manufacture of which he used processed foods may apply to and obtain from his board a "certificate" equal in point value to the processed foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of processed foods he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial users allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a processed food in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may apply for replacement or advance of such processed foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

SEC. 23.7 *Ships' and planes' stores.* (a) Processed foods may be acquired for use as ships' and planes' stores under the provisions of General Ration Order 5.

(b) Any operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or Military Officer) under section 21.2 or 21.3 of General Ration Order 5 may acquire processed foods up to the amount authorized thereon without surrendering points. Any retailer, wholesaler or processor may, in exchange for the statement, transfer to the operator of the vessel or plane, without getting points, processed foods up to the amount specified on the statement.

(c) A retailer or wholesaler may exchange such statement for a certificate, at his board. He must attach to the statement a signed receipt, invoice, or other evidence to prove the transfer of the processed foods. If the board is satisfied that the processed foods were transferred as ships' or planes' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the processed foods transferred. A processor must send the Customs Collector's (or Military Officer's) statement and the attached receipt or other evidence with his periodic report (on OPA Form R-1305) to the Office of Price Administration, care of the Bureau of Census, Washington, D. C.

(d) An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may exchange for a certificate a statement issued by a Collector of Customs (or Military Officer) under section 21.3 of that order at a board covering any area where the operator maintains an office.

SEC. 23.8 *Governmental investigatory agencies may acquire processed foods needed in their investigations.* (a) An investigatory agency of the United States or of any State or local government which needs processed foods in order to perform its inspections or investigations may apply for points to acquire them. The application must be in writing, on an official letterhead of the agency (if any is available), and must state the name of the agency, the purpose for which points are needed, the period during which they are needed, and the number of points required. An agency of the United States may make its application to the "Washington Office," or to any district office. An agency of a State or local government shall apply to the district office. If the district or Washington Office finds that points are needed in order to carry on the investigatory activities of the agency, it shall issue one or more certificates for the number of points required.

(b) The Food and Drug Administration of the Federal Security Agency (which is hereby designated an exempt agency for this purpose) may open one or more exempt ration book accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire processed foods which are needed for inspection or investigation.

(c) Any government agency which acquires processed foods for purposes of inspection or investigation may, after they have served the purpose for which they were acquired, dispose of them to any federal, state or local institution without receiving points for them. The institution which receives the processed foods shall report in writing the amount received and the date on which it was received to the district office for the area in which it is located. Its allotment shall not be regarded as increased by such acquisition.

SEC. 23.9 *Issuance and use of checks by Extension Service of Department of Agriculture.* (a) The Extension Service of the Department of Agriculture may open a ration bank account. It may deposit in that account ration checks issued to it by the Office of Price Administration for food demonstrations, and may issue checks on that account to any State Director of a State agricultural Extension Service.

(b) A State Director of a State agricultural Extension Service may open a ration bank account. He may deposit in that account ration checks issued to him by the Extension Service of the Department of Agriculture for food demonstrations, and may issue checks on that account to persons who may use the points to acquire processed foods covered by the order. Such foods may be used only for the purpose of demonstrations sponsored by the State agricultural Extension Service.

(c) A person who receives a check from a State Director of a State agricultural Extension Service may exchange that check for one or more certificates or ration coupons at any board.

ARTICLE XXIV—GROWERS AND COUNTRY SHIPPERS OF DRY BEANS, PEAS, AND LENTILS

SEC. 24.1 *Explanation of terms grower and country shipper with respect to dry beans, peas, and lentils*—(a) *Grower.* Any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of himself and others, is a "grower" with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

(b) *Country shipper.* A country shipper is:

(1) The first person who "acquires" dry beans, peas, or lentils in their raw dry state from a grower for purposes of sale or transfer if such person is regularly engaged in the distribution of such dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users"; or

(2) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

NOTE: Such person is a country shipper whether he acquires the dry beans, peas, or lentils by warehouse receipt, or otherwise. A person operating a warehouse in which dry beans, peas, or lentils are sorted or cleaned for the account of another person is not a country shipper unless the warehouseman acquires title to the dry beans, peas, or lentils.

(c) *Country shipper may not be grower, processor, wholesaler or retailer.* A person who is a country shipper is not considered to be a "grower", "processor", "wholesaler", or "retailer" with respect to dry beans, peas, or lentils, nor may he include dry beans, peas, or lentils in the inventory or transfers of any of his processor, wholesale, or "retail establishments". (Any country shipper who is also a processor of other "processed foods" is covered by Article III with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, and lentils. Similarly any country shipper who is also a wholesaler or retailer of other processed foods is covered by Article IV or Article V with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, and lentils.)

SEC. 24.2 *Country shippers must register and file reports*—(a) *Registration.* Every country shipper of dry beans, peas, or lentils must register with the Office of Price Administration by filing OPA Form R–1303 at any time before April 20, 1943. The form must be completed and signed by the country shipper or his authorized agent.

(b) *Reports.* Every country shipper of dry beans, peas, or lentils must file a monthly report, also on OPA Form R–1303, covering his operations during the month before. The reports must be signed by him or his authorized agent. His first report will cover March 1943, and will be his registration. Reports for each subsequent month must be filed within 20 days after the end of the month. Any country shipper of dry beans, peas, or lentils who is also a processor of other processed foods must file reports on both OPA Form R–1305 and OPA Form R–1303.

(c) *Some country shippers need not file reports for months after March 1943.* A country shipper of dry beans, peas, or lentils who handled less than 10,000 pounds of dry beans, peas, and lentils during 1942 must register but need not file a report for any month after March 1943. However, if the dry beans, peas, and lentils transferred by him in 1943 reach a total of 10,000 pounds, he must file reports beginning for the month in which that figure was reached.

(d) *Country shippers must give information called for by form.* Country shippers of dry beans, peas, or lentils must give all the information called for by OPA Form R–1303.

(e) *Registration and reports must be filed in Washington.* The country shipper's registration and monthly reports must be filed by mailing OPA Form R–1303 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

SEC. 24.3 *Country shipper is given a registration number.* (a) After a country shipper of dry beans, peas, or lentils has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each report, invoice, or similar document prepared in connection with any sale or transfer by him of dry beans, peas, or lentils. (A country shipper who is also a processor of other processed foods will receive two registration numbers. He will receive one registration number as a processor when he registers by filing OPA Form R–1305. That number must be used on his documents prepared in connection with his sales or transfers of processed foods other than dry beans, peas, and lentils. He will receive a different registration number when he registers by filing OPA Form R–1303. That second number must be used on his documents prepared in connection with his sales, transfers, and acquisitions of dry beans, peas, or lentils.)

SEC. 24.4 *Country shipper may not do business if he does not register and file reports.* (a) No country shipper may transfer or acquire dry beans, peas, or lentils after April 20, 1943 unless he has registered in the manner required.

(b) No country shipper may transfer or acquire dry beans, peas, or lentils after any date on which a report is due from him, unless he has filed that report.

SEC. 24.5 *Country shippers must report their inventories.* (a) As part of his registration and monthly reports, a country shipper must report his inventory.

(b) A country shipper's inventory consists of all dry beans, peas, and lentils owned or possessed by him, or in transit to him. However, the following items are not part of that inventory:

(1) Dry beans, peas, or lentils stored for the account of persons other than his purchasers or transferees;

(2) Dry beans, peas, or lentils held by him as security for a loan made by him to another (or similar transaction); or

(3) Dry beans, peas, or lentils in transit to him for either of those purposes.

SEC. 24.6 *A country shipper must turn over the points he receives to the Washington office.* (a) A country shipper is permitted to use points he receives for sales or transfers of dry beans, peas, or lentils only to acquire dry beans, peas, or lentils.

(b) A country shipper must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of dry beans, peas, and lentils. Not later than the 20th day of every month he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the month before. A country shipper who is required to file monthly reports on OPA Form R–1303, must attach his check to the report. A country shipper who does not have to file monthly reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address, and registration number.

(c) A country shipper who used some of those points to acquire dry beans, peas, or lentils must issue and send his check for the rest. He must enclose with his check a statement giving the name and address of each person from whom he acquired dry beans, peas, and lentils for points and their point value.

SEC. 24.7 *A country shipper must keep records.* (a) Beginning April 1943, every country shipper of dry beans, peas, or lentils must keep at his principal business office a record showing:

(1) All dry beans, peas, and lentils acquired by him;

(2) All dry beans, peas, and lentils sold or transferred for points;

(3) All dry beans, peas, and lentils sold or transferred for purposes of seed;

(4) All dry beans, peas, and lentils sold or transferred point-free to other country shippers; and

(5) All weight adjustments.

(b) He must also keep, at his principal business office, a copy of his registration and of his monthly report on OPA Form R–1303 (if any are required).

(c) In addition, at the time of any change in the point value of dry beans, peas, or lentils, every country shipper must make a record of the amount of that item which he has in his inventory. The record must show the point value of the item before and after the change and the amount by which the point value of his inventory was increased or decreased as a result.

SEC. 24.8 *Country shippers must open a ration bank account.* (a) Every country shipper must open at least one ration bank account for his operations in dry beans, peas, and lentils. If he has more than one business office, he may, if he wishes, open a separate account for each or for any group of them.

SEC. 24.9 *Growers who sell or transfer dry beans, peas, or lentils to persons other than country shippers must do so only for points.* (a) Any grower, who sells or transfers dry beans, peas, or lentils directly to persons other than country shippers, must do so only for points equal to the point value of the dry beans, peas, and lentils sold or transferred.

(b) Points, received by a grower as a result of sales or transfers of dry beans, peas, or lentils directly to persons other than country shippers, may not be used by the grower for any purpose. They must, between the 1st and 10th days of the following month, be given up to the "board" for the place where the dry beans, peas, or lentils were grown.

ARTICLE XXV—ACQUISITION OF PROCESSED FOODS BY RESIDENTS OF MEXICO

SEC. 25.1 *Residents of Mexico may acquire processed foods in the United States.* (a) Any "person" who resides in Baja California, Mexico, within ninety kilometers of the border between Mexico and the United States, or in any other part of Mexico within twenty kilometers of that border, may apply for points to "acquire" "processed foods" in the United States. The application must be made, in person, on OPA Form R–183, to the "board" whose office is nearest his customary point of entry into the United States, or if the applicant is unable to apply to the board because of inadequacy of transportation, to the customs officer in charge of his customary point of entry. A single application must be made by the applicant for himself and for all members of his family unit (that is, for all persons living in his household who are related to him by blood, marriage, or adoption) who wish to acquire processed foods. An application may be made by a person under 18 years of age only if he is the head of a household or is not a member of a family unit. However, anyone who can complete the application may sign or present it as agent for an applicant who is unable to appear.

(b) The application must be signed by the applicant or his agent and must show:

(1) His name, address and age;

(2) The names and ages of all persons living in his household who are related to him by blood, marriage or adoption and who wish to acquire processed foods;

(3) The name and address of the "retailer", "wholesaler", "processor", "country shipper", or "grower" from whom the processed foods are to be acquired; and

(4) The serial number of the Non-Resident Alien's Border Crossing Identification Card, if any, or of the passport, if any, bearing either a visa for entry into the United States or a notation showing that such a visa has been issued for use by the applicant, and of any cards or passports issued for use by the persons included in the application. The applicant shall present them, if any have been issued, to the board (or Customs Officer) at the time he makes his application. He shall also give any other information which the board or Customs Office may request.

(c) If the board (or Customs Officer) finds that the persons covered by the application reside in Mexico, within the area described in paragraph (a), and desire to acquire processed foods in the United States, it shall grant the application and shall issue yellow punch cards (OPA Form R–184) as provided in this article. (Applicants who have received certificates for a period prior to July 1, 1943, may obtain yellow punch cards for a subsequent period by returning to the board (or Customs Officer) the duplicate copies of such certificates, in accordance with paragraph (m).)

(d) The monthly ration of processed foods for each of the persons for whom the application is granted shall be 48 points. Yellow punch cards shall be issued for periods of two calendar months, beginning July 1, 1943. However, a card shall be issued for only one calendar month, if it is issued in August 1943 or in any second month thereafter, unless it is then issued for the next two month period. The full monthly ration shall be allowed for the month in which the application is made regardless of the time of the month when it is made, if a ration is desired for that month.

(e) One yellow punch card shall be issued for all persons included in the application. However, if there are more than 5 such persons, one additional yellow punch card shall be issued for each additional 5 persons or less. The board (or Customs Officer) shall indicate the number of persons for whom the card is issued by perforating the appropriate box on the top of the card. For each person fewer than 5 for whom a card valid for two months is issued, the board (or Customs Officer) shall remove two of the horizontal strips, each containing the numbers 1 to 48, starting at the bottom of the card. For each person fewer than 5 for whom a card valid for one month is issued, the board (or Customs Officer) shall remove horizontal strips starting at the bottom of the card, in sufficient number to leave as many strips attached to the card as there are persons for whom the card is issued.

(f) The board (or Customs Officer) shall indicate the period for which the yellow punch card is valid by perforating the appropriate boxes under the words "Ration for". The name and address of the applicant and of the retailer, wholesaler, processor, country shipper or grower from whom the processed foods will be acquired shall be written by the board (or Customs Officer) in the spaces on the card provided for that purpose. If the applicant has a Non-Resident Alien's Border Crossing Identification Card, or passport bearing either a visa for entry into the United States or a notation showing that such a visa has been issued, the board (or Customs Officer), at the time a yellow punch card is issued, shall endorse the letter "R" upon these immigration papers and upon the immigration papers, if any, of the other persons included in the application. A validation stamp (OPA Form R–123) shall be pasted on the reverse side of each yellow punch card issued.

(g) If the board (or Customs Officer) which issued a yellow punch card is not the board for the area in which the supplier designated on the card is located it shall notify the supplier's board of the issuance by following the procedure indicated below:

(1) If the card is issued pursuant to an application on OPA Form R–183, it shall send to the supplier's board a copy of the application, with a notation of its action.

(2) If the card is issued upon surrender of an expired certificate or yellow punch card, without a new application on OPA Form R–183, as provided in paragraph (m), it shall send the expired card or certificate to the supplier's board.

(h) Between the 10th and the 15th of July 1943, and between the 10th and 15th day of every second month thereafter, each board shall send a "certificate" to each retailer, wholesaler, processor, country shipper or grower within its area entitled thereto, who has been designated on yellow punch cards for which he has not previously been given a certificate. However, no certificate shall be issued to any such supplier until he has submitted to the board the reports required by section 25.3.

(i) Each certificate issued under paragraph (h) in July 1943, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued prior to July 10, 1943;

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes, is the total number of points given him by certificates previously issued under this Article, less the point value of all processed foods transferred by him to residents of Mexico, prior to July 1, 1943.

(j) Each certificate issued under paragraph (h) in September 1943, or in any second month thereafter, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued before the 10th day of the current month and after the 9th day of the second preceding month, and for which no certificate has previously been issued.

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes is the total number of points given him by all certificates previously issued to him

under this Article, less the point value of all processed foods transferred by him to residents of Mexico, up to the end of the preceding month, pursuant to this Article.

(k) For the purposes of paragraphs (i) and (j) only, a yellow punch card issued by a Customs Officer or a board other than the supplier's board shall be considered issued on the date when the supplier's board receives the information as to issuance, as provided in paragraph (g).

(l) A retailer or wholesaler designated on any yellow punch card issued to an applicant at any time other than between the 1st day and the 9th day of July 1943, or of any second month thereafter, may apply to his board for a certificate to cover that card. His application need not be on any particular form. He must show that he will be unable to acquire sufficient processed foods to meet consumer demand under rationing if he waits until the next regular period for issuance of certificates under paragraph (h). The board may give him a certificate for the number of points allowed by any such cards.

(m) Upon expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any yellow punch card, or after the full number of points provided by such certificate or card have been used by the applicant or members of his family unit to acquire processed foods, the board (or Customs Officer) shall issue a yellow punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, not later than five days after the expiration of any certificate or yellow punch card issued to him, return the duplicate of the certificate, or the card, to the board (or Customs Officer), either in person or by mail. However, if the duplicate certificate or yellow punch card has been lost, destroyed or stolen, a supplier's statement given to the applicant before July 1, 1943, under section 25.2 as it read prior to that date, or a white punch card given to the applicant by his supplier as provided in section 25.2 as amended, may be returned to the board (or Customs Officer) instead. If the applicant has not received such a statement or a white card, a board may waive compliance with this requirement. No new application is required for the issuance of a yellow punch card to replace an expired yellow punch card or an expired certificate issued for a period prior to July 1, 1943, unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire processed foods. Acceptance by applicant of a yellow punch card to replace an expired card or certificate shall constitute a representation by the applicant that the number of such persons has not been reduced.

(n) An applicant may apply to the board (or Customs Officer) where his original application was made, to change the retailer, wholesaler, processor, country shipper or grower from whom he acquires processed foods. However, no application for such a change shall be made with respect to any currently valid yellow punch card unless the supplier designated on the card refuses to transfer processed foods against it under section 25.2. Any yellow punch card thereafter issued to the applicant by the board (or Customs Officer) shall be issued with the name and address of the new supplier written on it in the space provided for that purpose.

SEC. 25.2 *How processed foods may be transferred to residents of Mexico.* (a) Each supplier who has been designated by an applicant as the person from whom processed foods are to be acquired, may transfer to the applicant to whom a yellow punch card has been issued, or to his authorized agent, and the applicant (or his agent) may acquire from the supplier, processed foods up to the number of points allowed by the yellow punch card, at any time during the valid period indicated on the card.

(b) A supplier who transfers processed foods against a yellow punch card shall, at or before the time of his first transfer against that card, make an exact copy of it on a white punch card which will be furnished to him by his board.

(c) Each time a supplier transfers processed foods against a yellow punch card he shall indicate, on the transferee's yellow punch card and upon the duplicate white punch card made out by the supplier, the point value of the processed foods transferred. This is to be done by perforating the appropriate box in the horizontal strip, or crossing out the number in that box, beginning at the bottom of the card, and by removing one strip for each 48 points of processed foods transferred. (For example, if the processed foods first transferred have a point value of 44 points, the supplier is required to perforate the box in the first horizontal strip containing the number 44 or to cross out that number. If the second transfer is for 24 points, the supplier is required to remove the first strip and to perforate the box in the second horizontal strip containing the number 20 or to cross out that number.)

(d) No transfer may be made unless the yellow punch card is presented to the transferor. However, if the applicant or his agent fails to present the yellow punch card on the ground that it has been lost, destroyed or stolen, the supplier may make an exact copy of his white punch card on another white punch card. He shall sign the white punch card which he makes out in this manner. This card may then be used in place of the lost, destroyed or stolen yellow punch card.

SEC. 25.3 *Records and reports by supplier from whom processed foods are to be acquired.* (a) Any retailer, wholesaler, processor, country shipper or grower who has been designated by an applicant as the supplier from whom processed foods are to be acquired shall maintain and keep at his place of business the white punch card which he is required by section 25.2 (b) to make out for each such applicant. Not later than the 10th day of September 1943 and not later than the 10th day of every second month thereafter the supplier must give his board a written statement showing the total number of points given to him by certificates issued under this Article during the two preceding calendar months and the total number of unused points left on yellow punch cards valid for those months, on which he has been designated as supplier.

SEC. 25.4 *Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.* (a) Any retailer, wholesaler, processor, country shipper or grower to whom a certificate has been issued under this Article prior to July 1, 1943, shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such certificate, the point value of each certificate and of all processed foods transferred against it and the dates of such transfers. Before the 10th day of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of processed foods made under such certificates during that month.

ARTICLE XXVI—HOME PROCESSED FOODS

SEC. 26.1 *Explanation of terms home processor and home processed foods—(a) Processed foods produced in kitchen are home processed foods.* "Processed foods" produced in a "kitchen" are "home processed foods".

(1) A "person" is considered to "produce" home processed foods, for the purposes of this Article, if he:

(i) Takes an active part in the processing of such foods; or

(ii) Contributes the fruits or vegetables for processing by others; or

(iii) Contributes facilities, such as steamers, pressure cookers, or the kitchen, to be used by others to produce such foods.

(2) The term "kitchen" means a place used principally for the preparation of meals. It includes a place used principally to teach consumers how to prepare food.

SEC. 26.2 *Person may consume home processed foods he produces and may give away limited amounts—(a) Points need not be given up for use.* A person may consume home processed foods he produces, and may let members of his "family unit", and others who eat at his table or on a farm he operates, consume them, without giving up points.

(1) A "family unit" consists of all persons related by blood, marriage, or adoption, who regularly reside in the same household.

(b) *Gifts.* He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than fifty (50) quarts (or one hundred (100) pounds) of such foods per member may be given away point-free by the family unit in any calendar year. (One quart of processed foods is considered the equivalent of two pounds.)

SEC. 26.3 *A person may sell home processed foods he produces—(a) He may sell only for points.* A person may not sell or "transfer" home processed foods produced by him (except for those he is permitted to give away point-free under section 26.2 (b)) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by section 26.2 (b). (The point value of home processed foods is fixed by Revised Supplement No. 1 to this order.)

(b) *He must keep records and surrender points to board.* For this purpose he need not register as a "processor" or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers of home processed foods for points during any month, he must give up the points to his "board," on or before the tenth day of the next month.

SEC. 26.4 *Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods—(a)* A person may produce processed foods in a place not used principally either for the preparation of meals or for teaching consumers how to prepare food (and hence not a "kitchen" as defined in section 26.1 (a) (2)). Yet the facilities he uses may not differ substantially from those ordinarily found in a "kitchen", and may clearly not be commercial-scale processing facilities. For example, a farmer may have a kitchen in his home, where the meals for his household are prepared, and separate facilities elsewhere on his premises, perhaps in a shed, consisting of a stove, and a steamer or pressure cooker. A person who has such a place and facilities may apply to his board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities to be used are clearly not commercial-scale processing facilities and do not differ substantially from those ordinarily found in a kitchen, it shall notify the applicant that the foods so produced may be treated as home-processed foods. The applicant may then use and transfer them as permitted by sections 26.2 and 26.3 of this order.

SEC. 26.4a *Frozen processed foods produced primarily for home consumption may be consumed point-free.* (a) A person who produces frozen foods in a place other than a "kitchen" may consume what he produces and may let the members of his family unit and others who eat at his table or on a farm he operates consume them without giving up points only if he produces them primarily for consumption in his household or on a farm he operates, from fruits or vegetables which he or members of his family unit have grown. In such case, he and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than 50 quarts or 100 pounds of such foods per member may be given away point-free by the family unit in any calendar year. He may not sell or transfer any such foods (except for these permitted gifts) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by the last paragraph. (Such foods are not home processed foods, and they may be transferred only at their regular point value, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.) For this purpose, he need not register as a processor or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers for points during any month, he must give up the points to his board on or before the tenth day of the next month.

SEC. 26.5 *Person may have foods grown by members of his family unit processed by a processor for household consumption—(a) He may acquire such foods point-free.* A person may "acquire" from a processor, point-free, processed foods produced for him (including foods frozen for him) from foods which he or members of his family unit have grown, if he supplies all the ingredients in an amount necessary to produce such foods. Not more than one hundred (100) quarts of such processed foods per member may be acquired by or for any family unit under this section in any calendar year. He may acquire such processed foods point-free only if he gives to the processor a signed statement that the foods to be processed were grown by a member of his family unit, together with the names of each member of his family unit. The processor shall retain this statement for one year.

(b) *He may consume such foods and give away limited amounts.* He may consume such foods, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume them, without giving up points. He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but not more than fifty (50) quarts of such foods per members may be given away point-free in any calendar year by the family unit.

(c) *He may sell only for points, and must surrender points he gets to the board.* He may not sell or transfer any of such foods (except for those he is permitted to give away point-free by the last paragraph) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by the last paragraph. (Such foods are not home processed foods, and they may be transferred only at their regular point value, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.) For this purpose, he need not register or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers for points during any month, he must give up the points to his board on or before the tenth day of the next month.

SEC. 26.6 *Consumer groups may acquire and use processed foods they produce in commercial scale processing facilities—(a) Member of group may acquire his share of processed foods produced.* In some cases, a group of persons may be permitted by the owner or operator of commercial-scale processing facilities to use such facilities after business hours, or during the off-season. Each member of a group which produces processed foods in such facilities primarily for consumption in their households or on farms they operate, may acquire his share of the foods so produced point-free, and without the limitation as to amount established by section 26.5 of this order, but only if:

(1) He produces his share of such processed foods (he produces such share if he participates in the production by doing any of the things described in section 26.1 (a) (1) of this order); and

(2) Neither the person who owns or who normally operates the facilities used, nor an employee of this person, does any of the processing; and

(3) The members of the group have used the same facilities for the same purpose in the past, or if they have not, they use such facilities only to process fruits or vegetables grown by a member of the group, or by a member of his family unit.

(b) *Member of group may apply to board.* Any member of a group which wishes so to produce processed foods in commercial-scale processing facilities may make application to his board in writing on behalf of the group, stating:

(1) The name and address of each member of the group; and

(2) The facts which bring the group under paragraph (a); and

(3) The total amount of processed foods to be produced; and

(4) The disposition to be made of the foods produced.

(c) *Board may approve application.* If the board finds that the group and its members meet all the requirements of paragraph (a) of this section, it shall approve the application.

(d) *Member may acquire and consume his share point-free and give away limited amounts.* Upon receipt of ap-

proval of the application from the board, each member of the group may acquire his share of the processed foods produced by the group point-free, and may consume it, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume it, without giving up points. He and the members of his family unit may give (but not sell) his share to any other person, but no more than fifty (50) quarts of such foods per member may be given away point-free by the family unit in any calendar year. Processed foods produced pursuant to this paragraph are not home processed foods. A member of a group who sells or transfers any part of his share of such foods (except for the amount he is permitted to give away point-free by this paragraph) is considered a processor as to that part. He must register and file the reports required by section 3.2 of this order. He may make such transfers only in exchange for points equal to the regular point value of the processed foods transferred, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.

SEC. 26.7 *Certain community groups may apply to Washington Office for an exception*—(a) In certain instances, as in the case of some religious groups or sects, communities carry on their activities and produce and distribute foods among their members on a cooperative basis. In such cases, certain members of the community may produce processed foods from fruits and vegetables grown by members, while others produce other types of foods. The various types of foods produced may then be interchanged, but many members of the community who get the processed foods may not have been members of the group which produced them and so may not meet the requirements of this Article. If, in such case, the processed foods are produced exclusively for consumption by members of the community, the group may apply to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., for an exception permitting distribution of such processed foods to any members of the community. The application must be in writing, in any form, and must show the manner in which the community operates, the type of facilities used for processing, the source of the foods processed, the amount of processed foods produced, and the class of persons by whom they are produced and to whom they are to be distributed.

(b) The Director of the Food Rationing Division will act on the application according to the circumstances of the case and may, in his discretion, permit distribution of the foods among the members of the community in such manner and under such conditions as he establishes.

SEC. 26.8 *Group II and III institutional users may use and transfer processed foods they produce as provided in General Ration Order 5.* This Article does not apply to the production of processed foods for use in, or to the use of processed foods in, Group II or III "institutional user establishments." The production, use, and transfer by Group II or III "institutional users" of home processed foods and of other processed foods they produce, are governed by General Ration Order 5.

SEC. 26.9 *Applicability.* The provisions of this Article apply whether or not the home processed foods are produced within the forty-eight states of the United States and the District of Columbia.

ARTICLE XXVII—DEFINITIONS

SEC. 27.1 *Definitions.* (a) When used in this order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Certificate" means a certificate on OPA Form R-1201, or on OPA Form R-306 revised in accordance with section 15.7.

(4) "Consumer" means any "person" who "acquires" "processed foods" for personal use, or for use at a table at which he eats.

(5) "Industrial user" means any "person" who has an "industrial user establishment".

(6) "Industrial user establishment" means any place where a "person" uses "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food. It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9) at which processed foods are used for experimental, educational, testing or demonstration purposes.

(7) "Institutional user" means any "person" who has an "institutional user establishment".

(8) "Institutional user establishment" means an institutional user establishment as defined in General Ration Order 5. (With certain exceptions, it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers", or in the service of food to consumers.)

(9) "Person" means not only an individual, but also a partnership, corporation, association, or business trust. It includes a government, government agency and any other organized group or enterprise.

(10) "Processed foods" means:

(i) The following fruits and purees, fruit juices, vegetables and purees, vegetable juices, soups, and baby foods in hermetically sealed containers of any type and sterilized by the use of heat:

FRUITS AND PUREES

Apples (including crabapples).
Applesauce.
Apricots.
Berries.
Cherries.
Cranberries or sauce (whole, strained, or jellied).
Figs.
Fruit cocktail, fruits for salad, or mixed fruits.
Grapefruit.
Peaches.
Pears.
Pineapple.
Plums.
Prunes.

FRUIT JUICES

Citrus juices.
Apricot, peach, or pear juice or nectar.
Grape juice.
Pineapple juice.
Prune juice.

VEGETABLES AND PUREES

Asparagus.
Beans, all types and varieties (including soaked dry beans, pork and beans, lentils, etc.).
Beets (including pickled).
Carrots.
Chili sauce.
Corn.
Greens, leafy (including only beet, collard, dandelion, kale, mustard, poke, or turnip).
Mixed vegetables (containing over 20% by weight of vegetables listed under this subdivision).
Mushrooms.
Peas.
Pumpkin.
Sauerkraut.
Spinach.
Squash.
Tomatoes.
Tomato catsup.
Tomato paste.
Tomato pulp or puree.
Tomato sauces (containing over 8% dry tomato solids).

VEGETABLE JUICES

Tomato juice.
Vegetable juice combinations (containing 70% or more of tomato juice.)

SOUPS

All concentrated canned or bottled soups.
All ready-to-serve (not concentrated) canned or bottled soups.

BABY FOODS

All canned or bottled types and varieties (including custards).

(ii) The following frozen fruits, vegetables, juices, and purees:

Fruits, juices and purees:

Apples	Huckleberries
Applesauce	Loganberries
Apricots	Olympicberries
Blackberries	Peaches
Blueberries	Plums
Boysenberries	Prunes
Cherries	Raspberries
Currants	Rhubarb
Dewberries	Strawberries
Elderberries	Youngberries
Grapes	

Mixed fruits (containing over 20% by weight of fruits listed under this subdivision):
All fruit juices.

Vegetables and purees:

Asparagus	Carrots
Beans, lima	Cauliflower
Beans, prepared dry (include baked, boiled, etc.)	Cut Corn
	Peas
	Pumpkin
Beans, snap	Spinach
Beets	Squash
Broccoli	All leafy greens
Brussels sprouts	

Mixed vegetables (containing over 20% by weight of vegetables listed under this subdivision).

(iii) Dry beans, peas, and lentils (including dry precooked beans, peas, or lentils with or without added dry or dehydrated condiments, whether such added condiments are mixed with the dry beans, peas or lentils, or packaged with them in a separate envelope or packet).

(iv) Dried prunes and "raisins" and mixed dried fruits (containing over 20% by weight of dried prunes or raisins).

(v) The combination of grated-dehydrated cheese (weighing not more than one and one-half ounces) and rationed tomato sauce, when packed in combination dinners (such as spaghetti or macaroni dinners).

(vi) "Jams," "jellies," "fruit butters," "marmalades" and "preserves."

NOTE: Foods in the above group which are not covered by this order are listed in Appendix A. The foods listed in Appendix A are not "processed foods" as that term is used.

(11) "Processor" means any "person" who has a "processor establishment".

(12) "Processor establishment" means any place where a "person" produces "processed foods" for sale or "transfer." This does not apply, with respect to dry beans, peas, or lentils, to "growers" or to "country shippers."

(i) A person is considered to "produce" if he:

(*a*) Bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(*b*) If he subjects fruits, vegetables, or fruit or vegetable juices to a freezing operation as a result of which they become "frozen" food. (NOTE: When unfrozen fruits or vegetables or juices are placed in a locker plant, cold storage warehouse, or other freezing facility, and thus subjected to the freezing process, the place where the foods are frozen is the processor establishment of the person who subjected them to the process, whether or not he is the person who operates the locker plant, warehouse or other freezing facility. In other words, the determining factor is who subjects the foods to the freezing process and not who maintains the process, or who owns the foods.) (However, a person who subjects foods to freezing under the conditions described in section 26.4a of this order is not a "processor" with respect to those foods); or

(*c*) Packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(*d*) Precooks dry beans, peas, or lentils; or

(*e*) Uses processed foods to produce other processed foods.

(*f*) Makes "jams," "jellies," "fruit butters," "marmalades" or "preserves."

(ii) The first person, other than a dehydrator or grower of fruit, who "acquires" dried prunes or "raisins" from a dehydrator or grower of those fruits is considered to "produce" those processed foods if he is regularly engaged in the distribution of dried prunes or raisins and if more than 50 per cent of the dried prunes or raisins sold or transferred by him are sold or transferred to persons other than "consumers."

The term "processor establishment" also means any place to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer. It also includes a place at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only processed foods which he himself produced or imported.

The term "processor establishment" also means a place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, if the person keeping such processed foods also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, "acquire" (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10 percent by weight of the processed foods he himself produced or imported in the previous calendar year.

Finally, there is one other case in which a place where a person keeps stocks of processed foods produced or imported by someone else is a processor establishment. If he keeps those stocks at that place just to use them to produce other processed foods, that place is a processor establishment.

(13) "Retail establishment" means any place, (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(i) If some of those stocks are transferred directly to consumers; and

(ii) If he keeps the rest of the stocks just to supply his own establishments; and

(iii) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

(14) "Retailer" means any "person" who has a "retail establishment."

(15) "Stamp" means a blue stamp in, or taken from a War Ration Book Two or a green stamp in, or taken from a War Ration Book Four.

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he holds for sale or transfer is considered a transfer of those foods to himself. Also, a transfer takes place when an industrial user uses processed foods which he produced or imported after October 4, 1943. However, delivery to a carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

(17) "Washington Office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

(18) "Wholesale establishment" means any place (other than a "processor establishment" or a place at which dry beans, peas, or lentils are kept by a "grower" or "country shipper") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if fifty percent or more of those stock are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies;

(i) At least one of his wholesale establishments; or

(ii) At least four of his "retail establishments".

(19) "Wholesaler" means any "person" who has a "wholesale establishment".

(20) "Country shipper" means:

(i) The first "person" who "acquires" dry beans, peas, or lentils in their raw dry state from a "grower" for purposes of sale or "transfer" if such person is regularly engaged in the distribution of such dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users";

(ii) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

(21) "Grower" means any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of himself and others. Such person is a grower with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

(22) "Industrial use" means any use of "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food.

(23) "Frozen fruit or vegetable" means any fruit or vegetable in which ice crystals have been produced within the body of the fruit or vegetable itself by a process customarily used for that purpose, or by a process intended to produce that result.

(24) "Frozen fruit or vegetable juice" means any fruit or vegetable juice in which some of the liquid has been turned into ice crystals by a process customarily used for that purpose, or by a process intended to produce that result.

(25) "Fruit butter" means:

(i) A product meeting the standards for fruit butter established in the regulations promulgated by the Food and Drug Administration. (5 F.R. 3561); or

(ii) A product sold or "transferred", or held for sale or transfer, or principally used as a fruit butter or an imitation fruit butter, whether or not labelled as such.

(26) "Jam" or "preserve" means:

(i) A product meeting the standards for jams or preserves established in the regulations promulgated by the Food and Drug Administration. (5 F.R. 3554); or

(ii) A product sold or "transferred", or held for sale or transfer, or principally used as a jam or preserve or as an imitation jam or preserve, whether or not labelled as such; or

(iii) [Revoked]

(27) "Jelly" means:

(i) A product meeting the standards for jellies established in the regulations promulgated by the Food and Drug Administration. (5 F.R. 3558); or

(ii) A product sold or "transferred", or held for sale or transfer, or principally used as a jelly or as an imitation jelly, whether or not labelled as such.

(iii) A viscous or semi-solid product containing fruit juice or pectin, which is sold or transferred, or held for sale or transfer, or principally used as a pastry filling, flavoring or topping, whether or not labelled as such.

(28) "Marmalade" means a viscous or semi-solid food product made from citrus fruit, including the rind or peel, and cooked with sugar or other saccharin ingredients; and any product sold or "transferred" or held for sale or transfer, or principally used as a marmalade or imitation marmalade, whether or not labelled as such.

(29) "Citrus marmalade" means a marmalade containing citrus fruit and no other fruit.

APPENDICES

Appendix A. The following foods are not "processed foods" as that term is used in this order:

Apple cider.
Apple juice.
Artichoke paste.
Bean flour.
Beans, lentils, or peas held for sale or transfer exclusively as seed for sowing or planting (and not for human consumption) and marked or labeled in accordance with any applicable federal or state seed laws, or, if none is applicable, in accordance with the standards stated in the federal seed law.
Beans, lentils, or peas which contain not more than 10% sound beans, lentils, or peas; and beans, lentils, or peas infested with insects or otherwise unfit for human consumption.
The by-product, if sold exclusively as animal feed or fertilizer, of milling and sorting or otherwise processing for marketing as seed, and consisting of a mixture of dry beans, peas, or lentils which is not a recognized trade variety (for human consumption) of dry beans, peas, or lentils.
Bitters.
Bouillon cubes and powders.
Brandied, spiced, or pickled fruits packed in hermetically sealed containers.
Bread or cake with raisins including brown bread.
Candied fruits.
Cane syrups.
Capers.
Cereals.
Chili con carne.
Chocolate syrup.
Clam broth.
Clam juice.
Clam juice cocktail.
Condiment sauces (other than those containing a base of tomato products).
Corn-on-the-cob (hermetically packed).
Corn syrup.
Date and nut bread.
Dates (unless packed in hermetically sealed containers and sterilized by the use of heat).
Dehydrated vegetables (hermetically packed).
Dried mushrooms (hermetically packed).
Dry blackeye peas (otherwise known as dry blackeye beans).
Dry cow peas.
Dry garbanzo beans.
Figs (unless packed in hermetically sealed containers and sterilized by the use of heat).
Flaked or dehydrated prunes or raisins containing less than 6% of moisture by weight.
Fountain fruits. Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulant or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.
Fruit and vegetable dyes and flavoring extracts, fruit syrups and similar products (other than full strength or concentrated fruit or vegetable juices).
Fruit and vegetable juices in containers over one (1) gallon.
Fruit cakes.
Fruit flavoring bases prepared for use in the further manufacture of products for human consumption and consisting of a combination of fruit juice with one or more of the following added ingredients: acidulent, citrus oil, fruit extract or other flavoring material.
Fruit puddings.
Gravy mixes.
Green turtle soup.
Health foods with wheat, gluten or other cereal or flour base.
Hearts of palm and hearts of artichokes.
Horseradish.
Maraschino cherries.
Marrons and nesselrode.
Meat stews even though containing some vegetables.
Milk.
Mincemeat.
Molasses and bead molasses.
Mustard.
Nectarines and nectar juice and nectar.
Nuts, nut meats and nut milks.
Olives.
Onion soup (hermetically packed).
Oyster soup.
Papaya nectar.
Peanut butter.
Peppers and pimentos.
Pickles; relishes; pickled onions, tomatoes and watermelon; cocktail onions, mushrooms and oranges; and spiced cantaloupe and watermelon.
Pie or pastry cream fillings, with or without fruit flavoring containing corn starch, flour, gelatin, or other similar thickening agent other than pectin.
Popcorn.
Potato salad.
Raisin blows and sweepings. Raisin blows and sweepings means the by-product of the sorting, packaging, or otherwise processing of raisins, and consists of a mixture of cap stems, stalks, over-ripe, under-ripe and damaged raisins, which is not a recognized trade variety of raisins (for human consumption), and which is customarily sold as animal feed or for use in making alcohol.
Raisins dried for sale or transfer in clusters on the original stems.
Raisins packaged in machine made cardboard cartons and weighing less than two ounces.
Root and ginger beer extracts.
Soft drinks containing less than 25% by weight of natural fruit juices.
Soya bean milk and soya bean oil.
Soy sauce.
Spaghetti, macaroni, noodles or similar paste products packed in hermetically sealed containers, even though mixed or combined with added vegetable sauces.
Spices.
Terrapin soup.
Vegetable seasonings including liquid and salts.

Appendix B. The reporting periods for which "processors" and "wholesalers" must prepare and file reports, are as follows:

1. February 1 to February 28, 1943, inclusive (processors only).
2. March 1 to March 31, 1943, inclusive.
3. April 1 to May 1, 1943, inclusive.
4. May 2 to June 5, 1943, inclusive.
5. June 6 to July 3, 1943, inclusive.
6. July 4 to July 31, 1943, inclusive.
7. August 1 to September 4, 1943, inclusive.
8. September 5 to October 2, 1943, inclusive.
9. October 3 to October 30, 1943, inclusive.
10. October 31 to December 4, 1943, inclusive.
11. December 5, 1943 to January 1, 1944, inclusive.
12. January 2 to January 29, 1944, inclusive.
13. January 30 to March 4, 1944, inclusive.
14. March 5 to April 1, 1944, inclusive.
15. April 2 to April 29, 1944, inclusive.
16. April 30 to June 3, 1944, inclusive.
17. June 4 to July 1, 1944, inclusive.
18. July 2 to July 29, 1944, inclusive.
19. July 30 to September 2, 1944, inclusive.
20. September 3 to September 30, 1944, inclusive.
21. October 1 to October 28, 1944, inclusive.
22. October 29 to December 2, 1944, inclusive.
23. December 3 to December 30, 1944, inclusive.

Effective date. This revised ration order shall become effective December 30, 1943.

NOTE: All reporting and record-keeping requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20716; Filed, December 30, 1943; 4:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 42]

MOLASSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.3 (h) (1) (vi) is added to read as follows:

(vi) Molasses produced in and imported from Hawaii for use in producing ethyl alcohol.

This amendment shall become effective December 30, 1943.

*Copies may be obtained from the Office of Price Administration.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20709; Filed, December 30, 1943; 4:52 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 171]

PART 95—CAR SERVICE

SHIPMENTS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of December, A. D. 1943.

Upon request of the Office of Defense Transportation and it appearing that the loading of box cars with bauxite ore concentrates from the Aluminum Ore Company, Mobile, Alabama, and the assembling and forwarding of the loaded cars from Mobile in trainload lots of 1800 tons, or more, by common carriers by railroad are impeding the use, control, supply, movement, distribution, exchange, and interchange of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic, it is ordered that:

§ 95.326 *Shipments of bauxite ore concentrates*—(a) *Shipments of bauxite ore concentrates to be forwarded within one day (24 hours).* Common carriers by railroad subject to the Interstate Commerce Act transporting in switch and line-haul movement trainload shipments of 1800 tons, or more, of bauxite ore concentrates from the Aluminum Ore Company, Mobile, Alabama, shall forward each individual carload consisting of part of a shipment made under section 1, Item 1050 of Agent L. E. Kipp's I.C.C. 1499, or as amended; from Mobile, Alabama, within one day (24 hours) after the first 7 a. m. after the car is loaded.

(b) *Cars comprising minimum trainload must be moved within three days (72 hours).* Each common carrier by railroad shall forward all carloads comprising minimum trainload shipment mentioned in paragraph (a) of this section from Mobile, Alabama, within three days (72 hours) after the first 7 a. m. after the first car is loaded.

(c) *Exceptions.* Box cars in which mechanical defects have developed after loading.

(d) *Computing time.* In computing the time under this order Sundays and bank holidays shall be included.

(e) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 A. M., January 2, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-20733; Filed, December 31, 1943; 11:20 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1944 Dept. Circ. No. 654, 2d Rev.]

UNITED STATES SAVINGS BONDS SERIES F AND SERIES G

OFFERING OF BONDS

JANUARY 1, 1944.

I. *Offering of United States Savings Bonds of Series F and Series G.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale, to the people of the United States, through the Federal Reserve Banks, United States Savings Bonds of Series F and Series G, which may hereinafter be referred to as bonds of Series F and Series G. Bonds of a new design, without change in terms, will be provided for issue hereunder in regular course without further notice as stocks of the prior bonds of Series F and Series G become exhausted. The sale of bonds of Series F and Series G will continue until terminated by the Secretary of the Treasury.

2. United States Savings Bonds of Series F and Series G include bonds of any designation issued under this circular as originally published and amended, and those issued under this circular as previously or as now revised. As their terms are identical, no distinction is to be made between any bonds of Series F or Series G so issued.

II. *Description and terms of bonds.* 1. Bonds of Series F and Series G will be issued only in registered form, in denominations of $25 (for Series F only), $100, $500, $1,000, $5,000 and $10,000 (maturity values), at prices hereinafter set forth. Each bond will bear the facsimile signature of the Secretary of the Treasury, and will bear an imprint in color (brown for Series F and blue for Series G) of the Seal of the Treasury. At the time of issue, on the face of each bond, the issuing agent will inscribe the name and address of the owner and the name of the co-owner or beneficiary, if any, will enter the issue date (which is the first day of the month in which payment of the issue price is received by the Treasury or an authorized issuing agent), and will imprint his dating stamp (to show the date the bond is actually inscribed). Bonds of Series F and Series G shall be valid only if duly inscribed and dated, as above provided, and delivered by an authorized agent following receipt of payment therefor.

2. The bonds of each series will, in each instance, be dated as of the first day of the month in which payment of the issue price is received by an agent authorized to issue the bonds, which date is herein referred to as the issue date; the bonds will mature and be payable at face value 12 years from such issue date. The issue date is the basis for determining the redemption or maturity period of the bond, and the date appearing in the issuing agent's stamp should not be confused therewith. The bonds of either series may not be called for redemption by the Secretary of the Treasury prior to maturity, but they may be redeemed prior to maturity, after six months from the issue date, at the owner's option, at fixed redemption values.

3. Bonds of Series F will be issued on a discount basis at 74 percent of their maturity value. No interest as such will be paid on the bonds, but they will increase in redemption value at the end of the first year from issue date, and at the end of each successive half-year period thereafter until their maturity, when the face amount becomes payable. The increment in value will be payable only upon redemption of the bonds. A table of redemption values appears on each bond. The purchase price of bonds of Series F has been fixed so as to afford an investment yield of about 2.53 percent per annum compounded semiannually if the bonds are held to maturity; if the owner exercises his option to redeem a bond prior to maturity the investment yield will be less.

4. Bonds of Series G will be issued at par, and will bear interest at the rate of 2½ percent per annum, payable semi-annually from issue date. Interest will be paid by check drawn to the order of the registered owner. Interest will cease at maturity, or, in case of redemption before maturity, at the end of the interest period next preceding the date of redemption. A table of redemption values appears on each bond, and the difference between the face amount of the bond and the redemption value fixed for any period represents an adjustment (or refund) of interest. Accordingly, if the owner exercises his option to redeem a bond prior to maturity, the investment yield will be less than the interest rate on the bond. Bonds of Series G may be redeemed at par, in whole or in part, (1) upon the death of the owner, or a co-owner, if a natural person, or (2) as to bonds held by a trustee or other fiduciary, upon the death of any person which results in termination of the trust. If the trust is terminated only in part, redemp-

tion at par will be made only to the extent of the pro rata portion of the trust so terminated, to the next lower multiple of $100. In any case request for redemption at par must be received by the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, or by a Federal Reserve Bank or Branch within 4 months after the date of death and in accordance with the regulations governing savings bonds.

5. Tables at the end of this circular show separately for bonds of Series F and those of Series G: (1) The redemption values, by denominations, during the successive half-year periods following issue, (2) the approximate investment yield on the issue price from issue date to the beginning of each half-year period, and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity at the end of the 12-year period.

6. Bonds of Series F and Series G will not be transferable, and will be payable only to the owner named thereon, except in case of death or disability of the owner or as otherwise specifically provided in the regulations governing savings bonds, and in any event only in accordance with said regulations. Accordingly they may not be sold, discounted, hypothecated as collateral for a loan or the performance of a service, or disposed of in any manner other than as provided in the regulations governing savings bonds, and, except as provided in said regulations, the Treasury Department will recognize only the inscribed owner, during his lifetime and competency, and thereafter his estate or heirs.

7. *Taxation.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for bonds of Series F (which are issued on a discount basis), and the redemption value received therefor (whether at or before maturity) shall be considered as interest, and that interest and interest on bonds of Series G, are not exempt from income or profits taxes now or hereafter imposed by the United States.[1] The bonds shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

III. *Purchase of bonds*—1. *Agencies.* Bonds of Series F and Series G may be purchased, while this offer is in effect, upon application to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Washington 25, D. C. Sales agencies, duly qualified under the provisions of Treasury Department Circular No. 657, as amended and supplemented, and banking institutions generally, may submit applications for account of customers, but only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official agencies, and the receipt of application and payment at an official agency will govern the dating of the bonds issued.

2. *Payment for bonds.* Every application must be accompanied by payment in full of the issue price. Any form of exchange, including personal checks, will be accepted, subject to collection. Checks or other forms of exchange, should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to the provisions of Treasury Department Circular No. 92 (Revised), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

3. *Postal savings.* Subject to regulations prescribed by the Board of Trustees of the Postal Savings System, the withdrawal of postal savings deposits will be permitted for the purpose of acquiring savings bonds.

4. *Form of application.* In applying for bonds under this circular, care should be exercised to specify whether those of Series F or Series G are desired, and there must be furnished: (1) Instructions for registration of the bonds to be issued, which must be in one of the authorized forms (see sec. V); (2) the post office address of the owner; (3) address for delivery of the bonds; and (4), in case of bonds of Series G, address for mailing interest checks. The use of an official application form is desirable, but not necessary. The application should be forwarded to the Federal Reserve Bank, or Branch, of the district, or to the Treasurer of the United States, accompanied by remittance to cover the purchase price ($74 for each $100 face amount of bonds of Series F, or $100 for each $100 face amount of bonds of Series G).

5. *Issue prices.* The issue prices of the various denominations of bonds of Series F and Series G follow:

SERIES F

Denomination (maturity value)	$25.00	$100	$500	$1,000	$5,000	$10,000
Issue (purchase) Price	18.50	74	370	740	3,700	7,400

SERIES G

Denomination (maturity value)	$100	$500	$1,000	$5,000	$10,000
Issue (purchase) Price	100	500	1,000	5,000	10,000

IV. *Limitations on holdings.* 1. The amount of United States Savings Bonds of Series F, or of Series G, or the combined aggregate amount of both series, originally issued during any one calendar year to any one person, including those registered in the name of that person alone, and those registered in the name of that person with another named as co-owner, that may be held by that person at any one time shall not exceed $100,000 (issue price): *Provided, however,* That as to bonds of these series originally issued on or after January 1, 1944, the amount held by a commercial bank having savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System shall not in any case exceed $100,000 (issue price) or ten percent of such savings deposits as shown on the bank's books as of the date of the most recent call statement required by the supervising authorities prior to the date of acquisition of such savings bonds, whichever is less; and *Provided further,* That the amount of savings bonds of Series F and Series G originally issued on or after January 1, 1944, held by a commercial bank together with 2½ percent Treasury Bonds of 1965–70, to be issued under Treasury Department Circular No. 729, and 2¼ percent Treasury Bonds of 1956–59, to be issued under Treasury Department Circular No. 730, shall not exceed in the aggregate $200,000 or ten percent of the savings deposits of such bank as above defined, whichever is less.

2. Any bonds acquired on original issue which create an excess must immediately be surrendered for refund of the issue price, as provided in the regulations governing savings bonds.

V. *Authorized forms of registration.* 1. United States Savings Bonds of Series F and Series G may be registered only in one of the following forms:

(1) In the names of natural persons (that is, individuals), whether adults or minors, in their own right, as follows: (a) in the name of one person; (b) in the names of two (but not more than two) persons as coowners; and (c) in the name of one person payable on death to one (but not more than one) other designated person.

(2) In the name of an incorporated or unincorporated body, in its own right, except that they may not be registered in the names of commercial banks which are defined for this purpose as those accepting demand deposits: *Provided, however,* That bonds originally issued on or after January 1, 1944, may be registered in the name of a commercial bank having savings deposits to the extent and under the conditions set forth in section IV hereof.

(3) In the name of a fiduciary (except where the fiduciary would hold the bonds merely or principally as security for the performance of a duty or obligation).

(4) In the name of the owner or custodian of public funds.

2. *Restrictions.* Registration on original issues and authorized reissues, whether as owners, coowners, or designated beneficiaries, is restricted to residents (whether individuals or others) of the United States (which for the purposes of this section shall include the territories, insular possessions and the Canal Zone), citizens of the United States temporarily residing abroad, and to nonresident aliens employed in the United States by the Federal Government or an agency thereof: *Provided, however,* That on original issues but not on reissues, a nonresident alien (not a citizen of an enemy nation) may be named as coowner or designated beneficiary; and *Provided further,* That a nonresident alien, whether owner, coowner or beneficiary, succeeding to title on death of the owner, or succeeding to title upon the death of the surviving coowner or beneficiary will be entitled only to request and receive payment either at or before maturity and will not be entitled to reissue.

3. Full information regarding authorized forms of registration will be found in the regulations currently in force governing United States Savings Bonds.

VI. *Delivery and safekeeping of bonds.* Federal Reserve Banks and Branches and the Treasurer of the United States are authorized to deliver bonds of Series F and Series G, duly inscribed and dated, upon receipt of the issue price. Bonds not delivered in person will be delivered by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and insular possessions and the Canal Zone.[2] No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, bonds will be delivered at an address in the United States, or held in safekeeping, as the purchaser may direct. Personal delivery should not be accepted by any purchaser until he has verified that the correct name, or names, and address are duly inscribed, that the issue date (the first day of the month in which payment of the issue price was received by the agent) is duly entered, and that the dating stamp of the issuing agent is duly imprinted with current date—all on the face of the bond. If received by mail, the same verification should be made, and if any error in inscription or dating appears, such fact should immediately be reported to the issuing agent, and instructions requested.

2. Savings bonds of Series F and Series G will be held in safekeeping without charge by the Secretary of the Treasury if the holder so desires, and in such connection the facilities of the Federal Reserve Banks,[3] as fiscal agents of the United States, and those of the Treasurer of the United States, will be utilized. Arrangements may be made for such safekeeping at the time of purchase, or subsequently.

VII. *Payment at maturity or redemption prior to maturity*—1. *General.* Any savings bond of Series F or Series G will be paid in full at maturity, or, at the option of the owner, after 6 months from the issue date, will be redeemed in whole or in part at the appropriate redemption value prior to maturity, on the first day of any calendar month, on one month's notice in writing, following presentation and surrender of the bond, with the request for payment properly executed, all in accordance with the regulations governing savings bonds.

2. *Notice of redemption.* When a savings bond of Series F or Series G is to be redeemed prior to maturity, a notice in writing of the owner's intention must be given to and be received by a Federal Reserve Bank or Branch, or the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, not less than one calendar month in advance. A duly executed request for payment will be accepted as constituting the required notice.

3. *Execution of request for payment.* The registered owner, or other person entitled to payment under the regulations governing savings bonds, must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign the request for payment, adding the address to which the check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use. Unless otherwise authorized in a particular case, the form of request appearing on the back of the bond must be used.

4. *Officers authorized to witness and certify requests for payment.* The officers authorized to witness and certify requests for payment of savings bonds are fully set forth in the regulations governing savings bonds, and include but are not limited to (1) United States postmasters and certain other post office officials or designated employees; and (2) officers (or designated employees) of all banks or trust companies incorporated in the United States or its organized territories, including officers at domestic branches (within the United States or its territories or insular possessions and the Canal Zone), or at foreign branches. All certificates should be authenticated by official seal, if there is one, or by an imprint of an issuing agent's dating stamp.

5. *Presentation and surrender.* After the request for payment has been duly executed by the person entitled and by the certifying officer, the bond must be presented and surrendered to a Federal Reserve Bank or Branch, or to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, at the expense and risk of the owner. For the owner's protection, the bond should be forwarded by registered mail, if not presented in person.

6. *Disability or death.* In case of the disability of the registered owner, or the death of the registered owner not survived by a coowner or a designated beneficiary, instructions should be obtained from a Federal Reserve Bank or Branch, or the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, before the request for payment is executed.

7. *Method of payment.* The only agencies authorized to pay or redeem savings bonds are the Federal Reserve Banks and Branches, and the Treasurer of the United States. Payment in all cases will be made by check drawn to the order of the registered owner or other person entitled to payment, and mailed to the address given in the request for payment.

8. *Partial redemption.* Partial redemption at current redemption value of a bond of Series F, of a denomination higher than $25 (maturity value), or of a bond of Series G, of a denomination higher than $100, is permitted, but must correspond to an authorized denomination. In case of partial redemption the remainder will be reissued in authorized denominations bearing the same issue date as the bond surrendered.

VIII. *Series designation.* 1. Bonds of Series F, issued during the calendar year 1944 are designated Series F–1944, and those of Series G are similarly designated Series G–1944, and those of either series which may be issued in subsequent calendar years will be similarly designated by the series letter, F or G, followed by the year of issue.

IX. *Lost, stolen, or destroyed bonds.* 1. If a bond of Series F or Series G is lost, stolen, or destroyed, a duplicate may be issued on the owner furnishing a description of the bond and establishing its loss, theft, or destruction.

2. In any case of the loss, theft, or destruction of a bond of Series F or Series G, the owner should give immediate notice to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, briefly stating the facts and giving a description of the bond. On receipt of such notice, full instructions for procedure will be given the owner.

3. A descriptive record of each bond of Series F or Series G held should be kept by the owner, apart from the bonds, so that a full description of the bonds will be available if they are lost, stolen, or destroyed. The record for each bond should show: (1) The denomination; (2) the serial number (with its prefix and suffix letters); (3) the inscription (name or names, and address, on the face of the bond); and (4) the issue date (month and year of issue).

X. *General provisions.* 1. All bonds of Series F and Series G, issued pursuant to this circular, shall be subject to the regulations prescribed from time to time by the Secretary of the Treasury to govern United States Savings Bonds. The present regulations governing savings bonds are set forth in Treasury Department Circular No. 530, Fifth Revision, as amended, copies of which may be obtained on application to the Treasury Department or to any Federal Reserve Bank or Branch.

2. The Secretary of the Treasury reserves the right to reject any application for savings bonds of either Series F or Series G, in whole or in part, and to refuse to issue or permit to be issued hereunder any such savings bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

3. Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such

[1] For information concerning the taxable and exempt status under Federal tax laws of the interest (increment in value) on United States Savings Bonds issued on a discount basis (including bonds of Series F), and alternate methods of reporting such interest, see Internal Revenue Mimeograph, Coll. No. 5299, R. A. No. 1177, dated December 17, 1941. For credits on account of Victory Tax, see Internal Revenue Regulation 103, sections 19.453 and 19.454, as amended by Treasury Decision 5249.

[2] During the war emergency the Treasury may suspend deliveries to be made at its risk and expense from or to the continental United States and its territories, insular possessions and the Canal Zone, or between any of such places.

[3] Safekeeping facilities may be offered at some Branches of Federal Reserve Banks, and in such connection an inquiry may be addressed to the Branch.

services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, safekeeping, redemption, and payment of savings bonds of Series F and Series G.

4. The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, information as to which will be promptly furnished the Federal Reserve Banks and Branches.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-20720; Filed, December 31, 1943; 10:51 a. m.]

DEPARTMENT OF THE INTERIOR.

Solid Fuels Administration for War.

DEFICIENCY IN STOCKS IN DESIGNATED SOUTHERN STATES

NOTICE TO PRODUCERS IN DISTRICT NO. 8

The necessity for shipping adequate supplies of bituminous coal to areas normally served by the Great Lakes, and to other northern areas experiencing inclement weather relatively early during the heating season of 1943 has resulted in deficient stocks of bituminous coal to meet the requirements of retail dealers who supply household consumers and others with coal in the States of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Kentucky, and Florida. In order to meet the present emergency in these states and to avoid hardship and suffering caused by lack of sufficient fuel, the following direction to producers in District No. 8, the district which normally serves these states, is issued pursuant to Executive Order No. 9332, issued by the President on April 19, 1943 (8 F.R. 5355), and Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832):

Each producer in District No. 8 (as described in the Annex to the Bituminous Coal Act of 1937) is hereby directed to ship on the first three operating days of the week of January 3, 1944, from each of his mines to his all-rail retail dealers in the above mentioned States from whom he now has orders the entire production of all sizes covered by such orders. Any producer who does not have sufficient orders from retail dealers in the above mentioned states to cover his entire production of domestic sizes during such period shall immediately communicate by telephone or telegraph with Mr. Wayne Ellis, Area Distribution Manager, Solid Fuels Administration for War, 600 Transportation Building, Cincinnati, Ohio, for directions concerning the shipment of such excess tonnage.

Each such producer shall notify his retail dealer customers of these directions and advise him that shipments are made pursuant to Solid Fuels Administration for War directions.

Each such producer shall report in writing on or before January 10, 1944, to Mr. Ellis, the name and location of each customer to whom coal is shipped in accordance with these directions, and the tonnage shipped to each customer. In lieu of such report any producer may file with Mr. Ellis a copy of each invoice covering the tonnage shipped in accordance with these directions.

These directions take precedence over, but shall not otherwise alter, requirements of all other regulations, orders, or directions.

The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 31st day of December 1943.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 43-20727; Filed, December 31, 1943; 11:08 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 924]

AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of American Airlines, Inc., for an amendment of temporary certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of the Act, in the above-entitled proceeding insofar as it proposes to include San Antonio, Texas, as an intermediate point between Fort Worth-Dallas, Texas, and Monterrey, Mexico, on its Fort Worth-Dallas-Mexico City, Mexico route, that hearing now assigned January 10, 1944, is hereby postponed to January 25, 1944, at 10 a. m. (eastern war time) in Conference Room C, Departmental Auditorium between 13th and 14th Streets on Constitution Avenue, Washington, D. C.

Dated Washington, D. C., December 31, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20717; Filed, December 31, 1943; 10:32 a. m.]

[Docket No. SA-88]

ACCIDENT OCCURRING NEAR BURLINGTON, VT.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 38844 and NC 35873 which occurred near Burlington, Vermont, on December 28, 1943.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Tuesday, January 4, 1944, at 9:30 a. m., (e. w. t.) in the Post Office Building, Burlington, Vermont.

Dated at Washington, D. C., December 31, 1943.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 43-20734; Filed, December 31, 1943; 11:37 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

BILGE PUMP FOR LIFEBOATS

No. 2 semi-rotary bilge pump (U.S.C.G. No. 2) (Dwgs. No. 1544, dated 9 December 1942, and No. 1600, dated 29 September 1943), manufactured by Amity Foundry & Machine Co., Perth Amboy, N. J.

LIFE RAFT

20-person, improved type steel life raft (Dwg. No. 100A, dated 27 November 1943), manufactured by the Redwood City Boat Works, Redwood City, Calif.

LIFESAVING NET

Superior chain ladder, multiple (debarkation) models "BIL" & "BST" (Dwg. dated 23 April 1943, revised 1 December 1943), submitted by the Superior Fire Equipment Corporation, New York, N. Y.

LINE-THROWING GUN

2½" line-throwing gun (Assembly Dwg. No. 475, dated 5 December 1943), submitted by Kent Marine Products Corp., West Babylon, N. Y.

EMBARKATION-DEBARKATION LADDER

Embarkation-debarkation ladder for use except on tank vessels (Dwg. No. 241-A, Revised 7 September, 1943), submitted by the American Chain Ladder Company, New York, N. Y.

(This supersedes the listing of the embarkation-debarkation ladder submitted by the American Chain Ladder Company published in 8 F.R. 16088 on 26 November, 1943.)

R. R. WAESCHE,
Commandant.

DECEMBER 30, 1943.

[F. R. Doc. 43-20711; Filed, December 31, 1943; 9:23 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5826]

THE MONTANA POWER COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

DECEMBER 28, 1943.

It appearing to the Commission that:

(a) On August 1, 1940, The Montana Power Company filed its purported reclassification and original cost studies pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licenses, effective January 1, 1937, and the Commission's order of May 11, 1937, pertaining thereto;

(b) The staff of this Commission made a field examination of the Company's studies and submitted a report to the Commission covering such examination entitled, "The Montana Power Company, Butte, Montana, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(c) On February 5, 1943, the report of the staff was transmitted to the Company together with a request that it make the accounting adjustments indicated in such report; submit copies of the entries effecting these adjustments; dispose of certain amounts established by the staff in Account 107, Electric Plant Adjustments, in the manner proposed by the staff; submit plans for the disposition of certain other amounts established by the staff in Account 107, Electric Plant Adjustments, and Account 108.15, Common Utility Plant Acquisition Adjustments; and prepare certain additional studies as recommended in that report;

(d) On June 9, 1943, the Company submitted revised reclassification and original cost studies to the Commission together with a response to the recommendations contained in the report of the staff;

(e) In its report, the staff of the Commission proposed the classification of (1) $2,707,690.26 in Account 108.15, Common Utility Plant Acquisition Adjustments, pending disposition, (2) a net amount of $50,632,841.26 in Account 107, Electric Plant Adjustments, pending disposition, and (3) $4,031,252.69 in Account 100.6, Electric Plant in Process of Reclassification, pending further studies by the Company;[1]

(f) In its revised studies, the Company has concurred in the aforesaid classification of $2,707,690.26 in Account 108.15 and proposes the classification of the $54,664,093.95, proposed by the staff for classification in Accounts 107 and 100.6 as stated in paragraph (e), above, in the following accounts:

301,	Organization	$38,610.41
320,	Land and Land Rights	37,670,331.22
351,	Structures and Improvements	18,911.05
100.5,	Electric Plant Acquisition Adjustments	14,144,405.63
107,	Electric Plant Adjustments	2,439,622.86
131,	Materials and Supplies	10,266.14
151,	Capital Stock Expense	341,946.64
	Total	$54,664,093.95

(g) Montana proposes to dispose of the $2,707,690.26 classified in Account 108.15 by "(1) charges to the applicable depreciation and amortization reserves upon the retirement of the depreciable property, i. e., the proportional amount associated with units of property retired from service from time to time will be added to the original cost of such units when retired, and the total of such amounts will be charged against the applicable reserves, and (2) the retention of any remaining amount until such time as (a) the disposal, by sale or otherwise, of the utility service with which the amount is identifiable, or (b) the amount ceases to have value"; to classify and retain $9,270,780.72 of the $14,144,405.63 included by Montana in Account 100.5, Electric Plant Acquisition Adjustments, under a subaccount designated as Account 320, Land and Land Rights, and dispose of the remainder of $4,873,624.91 in the same manner as that proposed for the amount of $2,707,690.26 classified in Account 108.15, Common Utility Plant Acquisition Adjustments; to dispose of the $2,439,622.86 it has classified in Account 107 by a charge to Account 271, Earned Surplus; and to retain all other amounts in the accounts described in paragraph (f) hereof;

(h) On May 4, 1943, the Commission entered an order granting the Company's petition to take depositions to perpetuate the testimony of C. F. Kelley and W. D. Thornton, and pursuant to that order their testimony on direct examination has been taken and completed, but counsel for the Commission has not completed cross-examination, and by order of November 16, 1943, the Commission authorized counsel for the Commission to defer completion of cross-examination until January 5, 1944;

The Commission finds that:

It is appropriate to carry out the provisions of the Federal Power Act that a public hearing be held for the purpose of determining the appropriate disposition of $2,707,690.26 classified in Account 108.15, and the appropriate classification and disposition of the $54,664,093.95, as hereinafter provided;

The Commission orders that:

(A) A public hearing be held commencing on January 31, 1944, at 9:45 a. m. (e. w. t.) in the Commission's Hearing Room at 1800 Pennsylvania Avenue NW., Washington, D. C., and at such hearing The Montana Power Company show cause, if any there be, why the Commission should not by order find, determine and direct that Montana:

(1) Dispose of the $2,707,690.26 classified by it in Account 108.15, Common Utility Plant Acquisition Adjustments, in accordance with the evidence adduced at the hearing respecting the appropriate method of disposition thereof;

(2) Classify the $50,632,841.26 in Account 107, Electric Plant Adjustments, in accordance with the recommendations of the staff report;

(3) Dispose of the $50,632,841.26 in accordance with such plan as the Commission shall approve or prescribe;

(4) Prepare additional studies with respect to $4,031,252.69 for the purpose of determining the appropriate classification and disposition of this amount in accordance with the requirements of the Commission's Uniform System of Accounts;

(B) At said hearing, Montana submit plans for the disposition of any and all amounts proposed for classification in Account 100.5, Electric Plant Acquisition Adjustments, Account 107, Electric Plant Adjustments, and Account 108.15, Common Utility Plant Acquisition Adjustments;

(C) Upon motion and subject to the determination of any objection which may properly be maintained thereto, the portion of the testimony of C. F. Kelley and W. D. Thornton heretofore taken on deposition may physically be incorporated in the record of the hearing, upon completion of cross-examination of said C. F. Kelley and W. D. Thornton, the time for which is hereby further extended until the hearing in this matter is concluded;

(D) Nothing in paragraph (C) of this order shall be taken as a ruling by the Commission as to the materiality, relevancy or competency of any testimony of C. F. Kelley and W. D. Thornton;

(E) The Board of Railroad Commissioners of the State of Montana and the Idaho Public Utilities Commission may participate in the hearing as provided in Part 39, § 39.4 of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[1] The staff of the Commission also proposed that $54,296,108.91 be classified in Account 100.1, Electric Plant in Service.

[F. R. Doc. 43-20713; Filed, December 31, 1943; 10:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-838]

THE LAKE SHORE GAS CO. AND ASSOCIATED ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 28th day of December, 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and its wholly controlled subsidiary, The Lake Shore Gas Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to sell to Malvern Hill, a non-affiliate, for the base price of $720,000, all of Associated Electric Company's interest in its subsidiary, The Lake Shore Gas Company. The securities and indebtedness to be sold consist, as of September 30, 1943, of the following:

First Mortgage 5½% Bonds, due November 1, 1950, ($599,000 p. a. outstanding) principal amount	$154,000.00
Accrued interest thereon aggregating	3,529.17
Open Account Indebtedness (bearing interest at the rate of 6% per year when earned)	1,270,000.00
Accrued interest thereon aggregating	6,400.00
Open Account Indebtedness, non-interest-bearing	50,000.00
Common Stock (no par) 100% of the outstanding issue	6,000 shares

Associated Electric Company also proposes to acquire from The Lake Shore Gas Company all of the latter's holdings of 550 shares of common stock of Atlantic Utility Service Corporation, for a total cash consideration of one dollar.

The filing designates sections 9 (a) (1), 10, 12 (d), and 12 (f) of the Act, and Rules U-43 and U-44 promulgated thereunder, as applicable to the filing.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters;

It is ordered, That a hearing on such matters under the applicable provisions of said act and rules of the Commission thereunder be held on January 13, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 11, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commisison.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the consideration to be received for the proposed sale is fair and reasonable;

3. Whether the proposed acquisition by Associated Electric Company of the common stock of Atlantic Utility Service Corporation complies with the provisions of section 10 of the Act;

4. The propriety of the accounting treatment to reflect the proposed transactions on the books of the applicants-declarants;

5. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts or capital structure of The Lake Shore Gas Company, or otherwise in regard to the proposed transactions;

6. Whether, in all other respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-20726; Filed, December 31, 1943; 10:49 a. m.]

[File No. 70-837]

OHIO-MIDLAND LIGHT AND POWER CO. AND ASSOCIATED ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 28th day of December 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Ohio-Midland Light and Power Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to sell to Joseph B. Wilson, a non-affiliate, for the base price of $1,835,000, in cash, subject to adjustments, all of Associated Electric Company's interest in its subsidiary. As at September 30, 1943, the outstanding securities and indebtedness of Ohio-Midland Light and Power Company, which are to be sold, consist of the following:

The Scioto Valley Railway and Power Company First Mortgage, 6% Gold Bonds, due June 1, 1943, principal amount	$844,000.
Accrued interest thereon aggregating	$16,880.
The Scioto Valley Railway and Power Company 6% Gold Notes, due March 1, 1932, principal amount	$355,000.
Accrued interest thereon aggregating	$1,775.
Open Account Indebtedness (bearing interest at the rate of 6% per year when earned)	$455,000.
Accrued interest thereon aggregating	$2,325.
$6.50 Series First Preferred Stock (par value $100 per share)	1,000 shares.
$5.00 Series Preferred Stock (no par)	1,975.46⅔ shares.
Class A Stock (no par)	3,774.16⅔ shares.
Common Stock (no par)	1,640 shares.

Associated Electric Company also proposes to acquire from Ohio-Midland Light and Power Company all of the latter's holdings of 580 shares of common stock of Atlantic Utility Service Corporation, for a total cash consideration of one dollar.

The filing designates sections 9 (a), 10, 12 (d), and 12 (f) of the act, and Rules U-43, U-44, and U-50 promulgated thereunder, as applicable to the filing.

The said application-declaration also contains a request that the Commission find that, with respect to the proposed sale, compliance with the provisions of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate to meet the objectives referred to in paragraph (a) (5) of said rule.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters:

It is ordered, That a hearing on such matters under the applicable provisions of said act and rules of the Commission thereunder be held on January 26, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held:

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 18, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the consideration to be received for the proposed sale is fair and reasonable;

3. Whether the proposed acquisition by Associated Electric Company of the common stock of Atlantic Utility Service Corporation complies with the provisions of section 10 of the act;

4. The propriety of the accounting treatment to reflect the proposed transactions on the books of the applicants-declarants;

5. Whether compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate;

6. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts or capital structure of Ohio-Midland Light and Power Company, or otherwise in regard to the proposed transactions;

7. Whether, in all other respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-20725; Filed, December 31, 1943; 10:49 a. m.]

[File No. 31-375]

MIDDLE WEST UTILITIES COMPANY OF CANADA LIMITED

ORDER EXTENDING ORDER OF EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of December, A. D. 1943.

Middle West Utilities Company of Canada Limited having applied for an extension of an order granted on May 24, 1939, and heretofore extended by order dated January 8, 1942, exempting it and its subsidiaries from certain specified sections of the Public Utility Holding Company Act of 1935 pursuant to sections 3 (a) (5) and 3 (b) thereof, such extended order providing that the exemption granted thereby should expire December 31, 1943, without prejudice to the right of Middle West Utilities Company of Canada Limited to apply on behalf of it and its subsidiary companies for an extension of the time during which such order shall be effective and also without prejudice to the right of said Middle West Utilities Company of Canada Limited to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate;

The Commission having considered such application and the record herein, and it appearing that no substantial changes have occurred in the position of the applicant and its subsidiaries since the issuance of said order of January 8, 1942, and that the granting of a further extension of said order of May 24, 1939 would not be detrimental to the public interest or the interest of investors or consumers;

It is hereby ordered, That the time during which such order of exemption shall be effective be and the same hereby is extended until December 31, 1944, without prejudice to the right of Middle West Utilities Company of Canada Limited to apply on behalf of it and its subsidiary companies for an extension of the time during which such order shall be effective and also without prejudice to the right of said Middle West Utilities Company of Canada Limited to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-20721; Filed, December 31, 1943; 10:49 a. m.]

[File No. 70-831]

ELECTRIC POWER & LIGHT CORPORATION AND LOUISIANA POWER & LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of December, A. D. 1943.

Louisiana Power & Light Company, an electric utility company, and its corporate parent, Electric Power & Light Corporation, a registered holding company, having filed a joint declaration and application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9, 10 and 12 thereof, and Rules U-42, U-45, and U-62 promulgated thereunder with respect to the following transactions:

Electric Power & Light will make a capital contribution of 30,000 shares of the $6 Second Preferred Capital Stock of Louisiana Power & Light Company (being all of such stock issued and outstanding) to the latter company. Louisiana Power & Light will acquire such shares of stock and take the following steps:

(1) Cancel the 30,000 shares of its Second Preferred Stock surrendered to it as above, and reduce its capital stock liability by $3,000,000, the amount of the claim on liquidation of such shares;

(2) Credit its capital surplus account with the said $3,000,000 reduction in capital stock liability and charge thereto a balance of $3,000,000 presently classified in its plant account which it has been ordered to eliminate therefrom;

(3) State its capital stock liability on its outstanding 60,000 shares of $6 (First) Preferred Stock at $100 per share or $6,000,000 its claim on liquidation, and its capital stock liability on its outstanding 1,200,000 shares of common stock, at $5 per share or $6,000,000.

Louisiana Power & Light Company in addition proposes to amend its certificate of incorporation, such amendments to provide in substance that:

1. The present authorization for the issuance of Second Preferred Stock ($6) shall be eliminated, and the authorization for 205,000 shares of $6 (First) Preferred Stock shall be reduced to 200,000 shares;

2. In the event that accumulated and unpaid preferred dividends at the date of any annual meeting shall aggregate four full quarterly dividends a majority of the Preferred Stockholders, voting as a class, shall be entitled at any annual meeting to elect a majority of the Board of Directors;

3. Any mortgage or pledge of fixed assets (other than to refund existing mortgage debt or to take action required to be taken under the existing mortgage) shall be first approved by a majority of each class of stockholders present and voting at a meeting called for such purpose;

4. Any change in the provisions set out in paragraphs (2) and (3) above shall be approved by two-thirds of the Preferred Stockholders voting as a class:

5. The provision permitting transfer of all outstanding stock to a new corporation in return for the capital stock of such new corporation upon a vote of stockholders required to dissolve the corporation shall be eliminated.

Louisiana Power & Light Company further proposes to mail proxies, proxy statements and other accompanying data permitted by Rule U-62 in connection with the solicitation of proxies for a special stockholders' meeting to approve the above proposals; and

Said application and declaration having been filed on December 1, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said application and declaration, as amended, within the period specified within such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said amended application and permit said amended declaration, to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application, as amended, be granted and the said declaration, as amended, be and the same is hereby permitted to become effective forthwith.

By the Commission, Commissioner Healy filing a dissenting statement, which is attached hereto.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

Healy C. Dissenting:

I dissent for the reasons stated in my memorandum of April 1, 1940. I think it is particularly regrettable that this case did not go to hearing and that there was no explanation in the record of several book entries which were made by the applicant after the October 20, 1943 order of the Federal Power Commission. Of particular interest among such items is one whereby $1,552,509.62 of Account 107, pure write-up, was charged off against Reserve for Property Retirements. I question whether such an entry actually eliminates the approximately $1,500,000 of write-up on a net basis. I question also whether, if this retirement reserve was created by accruals charged as operating expenses and recovered through rates paid by consumers, it is fair to the consumers that the reserve be used to absorb a write-up which has been created to balance some other item, such as common stock. If this approximate $1,500,000 of write-up is part of the water against which stock was issued why should the retirement reserve be used to retire it? Why should not such a reserve be used to retire property and not pure write-up? These are important questions but in the absence of a record I do not care to hazard an answer.

[F. R. Doc. 43-20724; Filed, December 31, 1943; 10:50 a. m.]

[File No. 70-822]

NORTHERN STATES POWER COMPANY (DELAWARE) AND NORTHERN STATES POWER COMPANY (MINNESOTA)

ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of December 1943.

Northern States Power Company (Delaware), a registered holding company, and its subsidiary, Northern States Power Company (Minnesota), also a registered holding company, having filed a joint declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 of the general rules and regulations promulgated thereunder, regarding a proposal to postpone the payment of $806,517.09, the balance of installments due on or before December 31, 1943, on the principal of the open account indebtedness (which is now in the amount of $7,530,852.08) owing by Northern States Power Company (Delaware) to Northern States Power Company (Minnesota), until June 30, 1944, because a plan filed by Northern States Power Company (Delaware) pursuant to section 11 (e) of said act for its liquidation and dissolution, the proceedings on which are still pending, provides for the disposition of said indebtedness primarily by the surrender by Northern States Power Company (Minnesota) of 481,111 shares of the common stock of the last mentioned company, all of which is owned by Northern States Power Company (Delaware), and for a distribution of the remaining shares of the common stock of Northern States Power Company (Minnesota) among the stockholders of Northern States Power Company (Delaware), and because a reduction in the indebtedness would necessitate an alteration in the allocations proposed by the plan and serve no useful purpose; Northern States Power Company (Minnesota) agrees that, pending the consummation of the plan and until June 30, 1943, or the date of such consummation (whichever shall be earlier), it will segregate on its books $806,517.09 of its earned surplus as not being available for the declaration of dividends on its common stock; declarants further request that Northern States Power Company (Minnesota) be permitted to waive all interest due on said indebtedness for the period from December 31, 1943, to June 30, 1944;

Said joint declaration having been filed on November 30, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified within such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 and to the agreement with respect to earned surplus set forth in said joint declaration, that the said declaration be and the same is hereby permitted to become effective forthwith: *Provided, however*, That nothing contained in this order shall be construed as constituting a determination by the Commission of the propriety of the disposition of the open account indebtedness as proposed in the aforementioned plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-20723; Filed, December 31, 1943; 10:49 a. m.]

[File No. 54-46]

LONE STAR GAS CORP., ET AL.

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December 1943.

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, et al. File No. 54-46.

Lone Star Gas Company (successor to Lone Star Gas Corporation, formerly a registered holding company) and Lone Star Gas Corporation having filed an amendment to a plan under section 11 (e) of the Public Utility Holding Company Act of 1935, which plan, providing, in part, for the disposition by the Lone Star holding company system of all interests in the gas production and distribution properties operating in and around the City of El Paso, Texas, was approved by the Commission in its order dated October 22, 1942; Lone Star Gas Company having proposed in the said amendment the sale of the physical properties and assets, including material and supplies, equipment, and accounts receivable, comprising the gas production and distribution systems serving El Paso, Texas and adjacent territory, for the sum of $2,700,000 in cash (subject to certain adjustments) and the use of $2,617,000 of the proceeds of such proposed sale to reduce its outstanding long-term Bank Loan Notes; the purchaser of said properties being Southern Union Gas Company which operates natural gas properties in New Mexico, Texas, and Oklahoma;

Lone Star Gas Company having requested that the order of the Commission approving such transactions conform with the requirements of sections 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, and contain the findings therein specified;

A public hearing having been held after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein; the Commission finding that the sale by Lone Star Gas Company of the physical properties and assets comprising the gas production and distribution systems serving El Paso, Texas and adjacent territory, for the said sum of $2,700,000 (subject to certain adjustments) and the application of $2,617,000 of such proceeds of sale to the reduction of its outstanding long-term Bank Loan Notes dated August 26, 1943, as provided for in the Bank Loan Agreement between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks, dated August 26, 1943, are necessary or appropriate to the integration or simplification of the Lone Star system, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

The said El Paso gas production and distribution properties being more completely specified, itemized, and described in the contract of sale and purchase between Lone Star Gas Company and Southern Union Gas Company, dated November 5, 1943; the said contract, having been filed as a part of the record of this proceeding, is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein;

The said outstanding Bank Loan Notes of Lone Star Gas Company being more completely described and specified in the Bank Loan Agreement dated August 26, 1943, between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks; the said Bank Loan Agreement, having been filed as a part of the record of this proceeding, is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein;

It is ordered, That the sale by Lone Star Gas Company of the physical properties and assets comprising the El Paso gas production and distribution system serving El Paso, Texas, and adjacent territory, for the sum of $2,700,000 (subject to certain adjustments) and the application of $2,617,000 of such proceeds of sale to the reduction of its outstanding long-term Bank Loan Notes dated August 26, 1943, as provided for in the Bank Loan Agreement between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks, dated August 26, 1943, are necessary or appropriate to the integration or simplification of the Lone Star system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the application relating to the said sale of the El Paso properties be, and hereby is, approved, and that the declaration relating to the said sale be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-20722; Filed, December 31, 1943; 10:50 a. m.]

WAR FOOD ADMINISTRATION.

DESIGNATED MARKETING AREAS IN MASSACHUSETTS, NEW YORK AND PENNSYLVANIA

EQUIVALENT PRICE FOR ANIMAL FEED DRY SKIM MILK

Formula for use in computing equivalent price for animal feed dry skim milk under the orders regulating the handling of milk in the marketing areas of Greater Boston, Massachusetts; Fall River, Massachusetts; Lowell-Lawrence, Massachusetts; New York Metropolitan; and Philadelphia, Pennsylvania.

Pursuant to the applicable provisions[1] of the orders regulating the handling of milk in the marketing areas of Greater Boston, Massachusetts;[2] Fall River, Massachusetts;[3] Lowell-Lawrence, Massachusetts;[4] New York metropolitan;[5] and Philadelphia, Pennsylvania,[6] it is hereby determined that for each applicable period the price equivalent of dry skim milk quotations for animal feed, as used in §§ 904.6 (b) (2) (iii); 947.4 (b); 934.6 (c) (2) (iii); 927.4 (a) (15); and 961.4 (a) (2) (ii) of such orders, shall be a price computed by the respective market administrator under each order, by multiplying the average manufacturers' wholesale selling price per pound of animal feed dry skim milk for the second preceding month, as published by the United States Department of Agriculture in Evaporated, Condensed, and Dried Milk Report, by 1.1308, and subtracting 0.1617 from the result of such multiplication. It is hereby further determined that, for the purposes of § 927.2 (e) (1) of the order regulating the handling of milk in the New York metropolitan marketing area, the price equivalent for the period of 30 days preceding the 25th day of each month shall be a weighted average of the equivalent prices otherwise determined herein for each of the calendar months comprising such 30-day period; with weighting according to the number of days in each such calendar month during such 30-day period in which quotations for dry skim milk, "other brands, human consumption, carlots, bags, or barrels," were published in The Producers' Price-Current.

(E.O. 9322, 8 F.R. 3907; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 30th day of December 1943.

THOMAS J. FLAVIN, *Assistant to the War Food Administrator.*

[F. R. Doc. 43-20708; Filed, December 30, 1943; 3:30 p. m.]

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[1] 8 F.R. 8294.
[2] 7 CFR, 1941 Supp., 904 *et seq.*
[3] 7 CFR, 1941 Supp., 947 *et seq.*
[4] 7 CFR, 1941 Supp., 934 *et seq.*
[5] 7 CFR, 1940 Supp., 927 *et seq.*
[6] 7 F.R. 2377.

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FEDERAL REGISTER

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Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1943-24]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM[1]

PRODUCTION PRACTICE ALLOWANCE IN SOUTH CAROLINA

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.405 (e) (5) South Carolina is amended to read as follows:

§ 701.405 *Production practice goals, allowances, practices and rates of payment.* • • •

(e) *Farm production practice allowance.* • • •

(5) *Farms in the Southern Region.* • • •

SOUTH CAROLINA

(i) The allowance for the construction of standard terraces furnished as a conservation service for which proper outlets are provided in Chesterfield, Greenwood, Lexington, and Spartanburg Counties shall be the extent of the practice times the approved rate therefor.

(ii) The allowance for other practices shall be the sum of the following:

(a) 50 cents per acre of cropland on the farm.

(b) $1.50 per acre of commercial vegetables grown on the farm in 1942 where the acreage was 3 acres or more.

(c) $2.00 per acre of commercial orchards on the farm in 1942.

[1] Subpart E, 1943.

Done at Washington, D. C. this 31st day of December 1943.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 43-20756; Filed, December 31, 1943; 3:17 p. m.]

[ACP-1943-23]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1943 COTTON AND WHEAT ALLOTMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.401 (b) (2) (ii), the first sentence thereof is amended to read as follows:

§ 701.401 *Allotments, yields and grazing capacities.* • • •

(b) *Cotton.* • • •

(2) *Farm acreage allotments.* • • •

(ii) *Farms on which cotton was not planted during period 1940-42.* Allotments for farms on which cotton was not planted in any of the three years, 1940 through 1942, will be determined on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton, taking into consideration also the producer's farming plans.

2. In § 701.401 (c) (1), the first sentence of the sixth paragraph, is amended to read as follows:

(c) *Tobacco.* • • •

(1) *Farm acreage allotment* • • •

Allotments shall be determined for farms on which tobacco has not been produced since 1937 insofar as acreage

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FEDERAL REGISTER

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NOTICE

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is available from the national reserve for such farms, on the basis of the tobacco producing experience of the farm operators; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco.

3. In § 701.401 (f) (2), the first sentence of the third paragraph, is amended to read as follows:

(f) *Wheat.* • • •

(2) *Farm acreage allotments.* • • •

Allotments for farms on which wheat was not seeded for harvest in any of the three years, 1940 through 1942, will be determined on the basis of tillable acreage, crop rotation practices, and types of soil and topography, taking into consideration the producer's farming plans for 1943.

Done at Washington, D. C., this 1st day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44–87; Filed, January 1, 1944; 3:33 p. m.]

Chapter VIII—War Food Administration (Sugar Regulations)

PART 802—SUGAR DETERMINATIONS

DEFINITION OF A FARM IN PUERTO RICO

Determination of a farm in Puerto Rico, pursuant to the Sugar Act of 1937, as amended (revised).

Pursuant to the provisions of section 304 (b) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943 (8 F.R. 3807) as amended by Executive Order No. 9334, issued April 19, 1943 (8 F.R. 5423), the following determination is hereby issued:

§ 802.40 *Definition of a farm in Puerto Rico.* A farm in Puerto Rico means all land which is farmed by a producer, or group of producers, as a single farming unit with cropping practices, work stock, equipment, labor, and management substantially separate from that of any other such unit: *Provided, however,* That where tracts of land are operated as cooperative enterprises for the benefit of producers and laborers thereon pursuant to specific provisions of law with regard thereto, the parcels of such tracts which are separate administrative units for purposes of distributing the benefits of the cooperative enterprise, as determined by the Officer or Acting Officer in Charge of the San Juan Office of the Agricultural Adjustment Agency, shall be deemed to be separate farming units.

This determination supersedes the "Determination of a Farm, and of Farming Practices to be Carried Out in Connection with the Production of Sugarcane during the Crop Year 1937–38 for Puerto Rico (Revised)," issued April 29, 1939, insofar as that determination relates to the definition of a farm in Puerto Rico.

(Sec. 304, 50 Stat. 911; 7 U.S.C., 1940 ed. 1134; 8 F.R. 3807; 8 F.R. 5423)

Done at Washington, D. C., this 1st day of January 1944.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44–101; Filed, January 6, 1944; 11:18 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79–92, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SPRINGFIELD, MO., SALES AREA

Pursuant to the authority vested in the Director by Food Distribution Order No. 79, dated September 7, 1943 (8 F.R. 12426) as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–92 (8 F.R. 15476), relative to the conservation and distribution of fluid milk in the Springfield, Missouri, milk sales area, issued by the Director of Food Distribution on November 6, 1943, is amended as follows:

Delete the numerals "350" wherever they appear in § 1401.129 (h) and insert, in lieu thereof, the numerals "150".

Effective date. This amendment of FDO 79–92, shall become effective at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44–28; Filed, January 1, 1944; 1:17 p. m.]

[FDO 75, Amdt. 9]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F. R. 11119, 14508, 15684, 15772, 16353, 16587, 16675, 16887, 17290), § 1410.15, issued under authority of the War Food Administrator on August 9, 1943, is further amended by amending (l) thereof to read as follows:

(l) *Support prices; ceiling prices.* (1) All Class 1 and Class 2 slaughterers shall pay, for good to choice butcher hogs (barrows and gilts) within the weight range of from 200 to 300 pounds, not less than the support prices, as set forth in the following paragraphs of this section, applicable at the market where such hogs are sold. The support price for each market shall remain in effect until the War Food Administrator determines the need for and announces a modification with respect thereto. In making such determination, the War Food Administrator will give consideration to information received from producers, packers, and others indicating that the support price in effect at any market does not, under existing conditions, represent an appropriate differential in relation to the Chicago support price.

(2) At the following specified markets, support prices shall be as follows:

Market	*Price per cwt.*
Chicago	$13.75
North Dakota:	
Fargo	13.00
Counties of Cavalier, Pembina, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Foster, Griggs, Steele, Traill, Stutsman, Barnes, Cass, La Moure, Ransom, Dickey, Sargent, Richland	12.85
Remainder of the State	12.75

Market	*Price per cwt.*
South Dakota:	
Sioux Falls	$13.20
Counties of Brown, Marshall, Day, Roberts, Spink, Clark, Codington, Hamlin, Grant, Deuel, Beadle, Kingsbury, Brookings, Sanborn, Miner, Lake, Moody, Davison, Hanson, McCook, Minnehaha, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, Union	13.10
Remainder of the State	13.00
Montana:	
Billings	12.65
Remainder of the State	12.50
Wyoming:	
Cheyenne	13.25
Remainder of the State	13.00
Idaho	12.75
Utah:	
Ogden and Salt Lake	13.50
Remainder of the State	13.25
Washington:	
Spokane	13.50
Seattle	13.75
Tacoma	13.60
Counties of Perry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, Asotin	13.25
Counties of Okanogan, Douglas, Chelan, Kittitas, Grant, Yakima, Benton, Klickitat	13.40
Remainder of the State	13.50
Oregon:	
Portland	13.75
Counties of Umatilla, Union, Wallowa, Grant, Baker, Harney, Malheur, Curry, Josephine, Jackson, Klamath, Lake	13.25
Counties of Clatsop, Columbia, Washington, Multnomah, Tillamook, Yamhill, Clackamas, Polk, Marion, Linn, Benton, Lincoln	13.50
Remainder of the State	13.40
Kentucky:	
Louisville	13.70
Counties of Hancock, Ohio, Butler, Warren, Simpson, Logan, Todd, Muhlenberg, McLean, Daviess, Henderson, Union, Webster, Hopkins, Christian, Trigg, Lyon, Caldwell, Crittenden, Livingston, Marshall, Calloway, Graves, McCracken, Ballard, Carlisle, Hickman, Fulton	13.20
Remainder of the State	13.40
Tennessee:	
Nashville	13.50
Memphis	13.35
Union City	13.20
Chattanooga	13.50
Knoxville	13.50
Counties of Johnson, Carter, Sullivan, Washington, Union, Hawkins, Greene, Hancock, Grainger, Hamblen, Jefferson, Sevier, Claiborne, Unicoi, Knox, Blount, Anderson, Campbell, Cooke	13.35
Remainder of the State	13.20
Ohio:	
Cincinnati	13.90
Missouri:	
Springfield	13.25
Texas:	
Amarillo	13.25
New Mexico:	
Counties of Colfax, Union, Mora, Harding, San Miguel, Quay, Guadalupe, DeBaca, Curry, Roosevelt, Chaves, Lea, Eddy	13.25

(3) At any market other than those specified in (1) (2) hereof, the support price shall be $1.00 per hundredweight below the maximum price in effect at such market on November 29, 1943, under regulations of the Office of Price Administration.

(4) For hogs which produce soft or oily pork, applicable support prices may be reduced by the amount of the normal discount at the market. The discount for hogs which produce oily pork shall not exceed $1.50 per cwt., and the discount for hogs which produce soft pork shall reflect not less than the normal difference between such discounts. Unless purchased "subject to kill", not less than the applicable support price shall be paid in all cases where a certificate is furnished by any county agent, vocational agricultural representative, or person acting in a similar capacity, to the effect that the hogs have been raised and fed in accordance with a production and feeding program that will ensure firm pork.

(5) All Class 1 and Class 2 slaughterers shall pay not more than such maximum prices for hogs as may be established by the Office of Price Administration under the Emergency Price Control Act of 1942, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 2807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 31st day of December 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44-27; Filed, January 1, 1944; 1:17 p. m.]

[FDO 34, Amdt. 2]

PART 1460—FATS AND OILS

GLYCERINE

Food Distribution Order 34, as amended (8 F.R. 14194), issued by the Assistant War Food Administrator on October 18, 1943, is amended to read as follows:

§ 1460.3 *Glycerine; use and distribution restricted*—(a) *Definitions.* (1) The term "glycerine" means any and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(2) The term "producer" means any person engaged in the production of glycerine and includes any person who has glycerine produced for him pursuant to a toll agreement and any person who, on splitting any fat or oil, is entitled to the glycerine resulting therefrom. The term does not include any refiner of glycerine.

(3) The term "refiner" means any person engaged in the refining of glycerine.

(4) The term "distributor" means any person who has purchased or purchases glycerine for purposes of resale.

(5) The term "base period" means the calendar year 1940.

(6) The term "calendar quarter" means any of the several three-month periods beginning on January 1, April 1, July 1, or October 1 of any year.

(7) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(8) The term "Director" means the Director of Food Distribution Administration, War Food Administration.

(b) *General restriction on use.* Except as provided in (c) and (d) hereof, no person shall use glycerine, unless and except as specifically authorized by the Director. Applications for such authorization shall be made on Form FDA-478, or such other form or forms as the Director may prescribe.

(c) *Unrestricted uses.* Notwithstanding the provisions of (b) hereof, specific authorization by the Director shall not be required for the use by any person of glycerine in any class of use listed in Schedule A below.

SCHEDULE A

Class of use
(1) The manufacture of, or use as, aircraft deicing fluid.
(2) The manufacture of camouflage cloth and camouflage paint.
(3) The manufacture of cellulose meat casings.
(4) The manufacture of cutting oils and cutting oil emulsifiers.
(5) The manufacture of drugs, pharmaceuticals, and medical supplies.
(6) The manufacture of emulsifiers for margarine.
(7) The manufacture of emulsifiers for shortening.
(8) The manufacture of, or use as, evaporation and oxidation inhibitor for ethyl fluid for aviation gasoline.
(9) The manufacture of explosives.
(10) The manufacture of fire retardant.
(11) The manufacture of mechanical and food closure gaskets.
(12) The manufacture of grinding compounds.
(13) The manufacture of, or use as, hydraulic fluid.
(14) The manufacture of industrial pressure sensitive tape.
(15) Use in the processing of leather.
(16) The manufacture of leather substitutes for shoe linings.
(17) The manufacture of litharge-glycerine cement.
(18) The manufacture of, or use as, a lubricant for machines or ships.
(19) The manufacture of masking compounds for military or naval aircraft.
(20) The manufacture of metal drawing compounds.
(21) The manufacture of flotation reagents for concentrating minerals.
(22) Use in concentration of minerals by flotation.
(23) The manufacture of packing compounds.
(24) The manufacture of parachute cloth.
(25) The manufacture of printing rollers.
(26) The manufacture of printing supplies.
(27) Use in the quick freezing of food.
(28) Use in research and control laboratories for testing or experimental purposes.

SCHEDULE A—Continued

Class of use
(29) The manufacture of resins for impregnating and sealing fiber containers for oil, gasoline, paint, food, water, or corrosive chemicals.
(30) Use in the processing of rubber.
(31) The manufacture of photosensitive paper.
(32) The manufacture of shoe adhesives.
(33) The manufacture of soldering flux.
(34) The manufacture of textile dyes.
(35) The manufacture of textile oils.
(36) The manufacture of welding electrodes.
(37) The manufacture of any product delivered or contracted for delivery to any of the agencies or persons named in (c) (2) hereof, or the manufacture of any intermediate product to be used in the manufacture of such a product.

(d) *Uses subject to quota restrictions.* Notwithstanding the provisions of (b) hereof, specific authorization by the Director shall not be required for the use of glycerine by any person in any calendar quarter in any class of use listed in Schedule B below, in a quantity not in excess of a quota equal to the percentage specified for such class of use in said Schedule B of the quantity of glycerine used in the corresponding calendar quarter of the base period by such person in such class of use.

SCHEDULE B

Class of use	*Permitted percentage*
(1) The manufacture of adhesives	100
(2) The manufacture of beverages, flavors, candy, and gum	100
(3) The manufacture of cellophane other than cellophane caps or bands	100
(4) The manufacture of cellophane caps and bands	100
(5) The manufacture of cork products (other than mechanical gaskets, food closures, and crown liners)	100
(6) The manufacture of cosmetics, toilet preparations, dentifrices, and shaving preparations	100
(7) The manufacture of crown liners	100
(8) The manufacture of glassine and greaseproof paper	100
(9) The manufacture of paper (other than photosensitive, glassine or greaseproof paper)	100
(10) The manufacture of protective coatings, including, but not limited to, alkyd resins, ester gums, and varnishes	100
(11) The manufacture of synthetic detergents and emulsifiers (other than emulsifiers for margarine or shortening)	100
(12) Textile printing, dying, and finishing	100
(13) Processing of tobacco	100

In addition to the amounts of glycerine which may be used pursuant to the foregoing provisions of this paragraph (d), any person, in any calendar quarter, may use, in the aggregate, in classes of use listed under Schedule B hereof, 3500 pounds or less of glycerine, without specific authorization by the Director.

(e) *Exceptions.* (1) Notwithstanding the provisions of (b) hereof, any person, in any calendar quarter may use, in the aggregate, in classes of use not listed under Schedule A of (c) or Schedule B of (d) hereof, 50 pounds or less of glycerine, without specific authorization by the Director.

(2) The restrictions of (b) and (d) hereof shall not apply to the use of glycerine by the Army, Navy, Marine Corps, or Coast Guard of the United States; the War Shipping Administration; the United States Maritime Commission; The Veterans' Administration; or any other instrumentality or agency designated by the War Food Administrator.

(3) The restrictions of (b) hereof shall not apply to the use of crude glycerine by a refiner for the production of refined glycerine.

(f) *Prohibited uses.* Notwithstanding any other provision of the order:

(1) No person shall use or consume glycerine in the manufacture of any antifreeze product for use as a coolant in gasoline or Diesel engines, nor shall any person use glycerine as a coolant in a gasoline or Diesel engine.

(2) No person shall use or consume glycerine in the manufacture of soap other than shaving soap or cream.

(3) No person shall use glycerine or an emulsifier containing glycerine in the manufacture of margarine, unless the amount of glycerine present in the finished margarine, which was added as a separate ingredient (including glycerine added as a separate ingredient in producing an emulsifier used in the manufacture of such margarine), does not exceed 0.06 percent of the fat content of such margarine, computed on a weight basis.

(4) No person shall use glycerine or an emulsifier containing glycerine in the manufacture of shortening, unless the amount of glycerine present in the finished shortening, which was added as a separate ingredient (including glycerine added as a separate ingredient in producing an emulsifier used in the manufacture of such shortening), does not exceed 1 percent of the fat content of such shortening, computed on a weight basis.

(g) *Further allocations.* Notwithstanding any other provision of this order, the Director is authorized to issue, at any time, orders requiring glycerine to be set aside for sale and delivery to governmental agencies, or restricting the grades of glycerine which may be produced or refined by a producer or refiner.

(h) *Records and reports.* (1) Each producer, refiner, or distributor who, in any month produces crude glycerine, refines crude glycerine, or delivers more than 1150 pounds of glycerine shall file with the Director on or before the 15th day of the succeeding month one copy of Form FDO-34-1 (Revised) or such other form or forms as may be prescribed by the Director.

(2) Every person who uses or consumes 1150 pounds or more of glycerine in any calendar month shall fill out and file, on or before the 15th day of the following month, Bureau of the Census Form BM-1, with the Bureau of the Census, Washington 25, D. C. The foregoing provision shall not be construed as requiring any person to file more than one Form BM-1 for any calendar month.

(3) Every person subject to this order shall, for at least two years (or such period of time as the Director may designate), maintain an accurate record of his transactions in glycerine. Such records shall reflect the amount of glycerine used by him in each calendar quarter in each class of use listed in Schedule "A" of (c) and Schedule "B" of (d) hereof.

(4) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(5) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stock of glycerine of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(j) *Petition from relief of hardship.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him, because he did not use glycerine in the base period, or used in such period a substantially lower amount of glycerine than his current requirements, or for any other reason, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 34. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(k) *Prior relief cancelled.* Any base period use of glycerine established for a petitioner prior to the effective date of this amendment under the appeal provisions of War Production Board Order K-58 (7 F.R. 10329) or Food Distribution Order 34 (8 F.R. 3476) or Food Distribution Order 34, as amended (8 F.R. 14194) is hereby cancelled. Any person affected by this cancellation may apply for relief in accordance with (j) hereof.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using glycerine, or any other material subject to the priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any

and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C. Ref. FDO 34.

(o) *Territorial extent.* This order shall apply only in the 48 States of the United States, and the District of Columbia.

(p) *Effective date.* This amendment shall become effective at 12: 01 a. m., e. w. t. January 1, 1944. However, with respect to violations of said Food Distribution Order 34, as amended, or rights accrued or liabilities incurred thereunder prior to said date, said Food Distribution Order 34, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 30th day of December 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-20758; Filed, December 31, 1943; 3:19 p. m.]

[FDO 87, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON INVENTORIES OF FATTY ACIDS

Food Distribution Order 87 (8 F.R. 14419) § 1460.31, issued by the War Food Administrator on October 23, 1943, is amended to read as follows:

§ 1460.31 *Restrictions on inventories of fatty acids*—(a) *Definitions.* (1) The term "fatty acids" means all grades and qualities of fatty acids, whether distilled or undistilled, produced from animal, vegetable, fish, or marine animal fats and oils, excluding crude and refined tall oil; raw of acidulated foots produced in the refining of animal, vegetable, fish, or marine animal fats and oils; pitch; and fatty acids which have been processed to the extent that they no longer exist as such by reason of chemical changes or compounding with non-fatty materials.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(3) The term "user" means any person who engages in the manufacturing of any product by any process which requires the use of fatty acids, without regard to whether or not fatty acids are incorporated in the product.

(4) The term "inventory" means the total quantity of fatty acids owned by any user at any particular time, excluding fatty acids which were produced by such user, or delivered to him pursuant to a specific authorization by the Director.

(5) The term "base period" means the period beginning on July 1, 1943 and ending on December 31, 1943.

(6) The term "base period use" means the total quantity of fatty acids used by any person, as a user, in the base period, excluding fatty acids which were produced by such user, or used by him pursuant to a specific authorization by the Director, except that any fatty acids of a particular kind used by a user in the base period pursuant to a specific authorization by the Director may be included whenever fatty acids of the same kind may, by order of the War Food Administrator, be used without specific authorization by the Director.

(7) The term "maximum unit" means, with respect to any user, the largest, single, segregate, commercial quantity of fatty acids which such user accepted delivery of, from other persons, during the base period. For example, such a unit might be one, but not more than one, of the following: a tank car, or fraction thereof; a tank truck, or fraction thereof; a carload, or fraction thereof, of packages; or a truckload, or fraction thereof, of packages.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Inventory limitations.* Except as provided for in (c) hereof, no user shall accept delivery of any fatty acids from any other person, if such acceptance of delivery will cause his inventory to exceed a quantity equal to one-third of his base period use.

(c) *Exceptions.* Notwithstanding the provisions of (b) hereof:

(1) Any user may accept delivery of his maximum unit of fatty acids, if at the time of such acceptance of delivery his inventory does not exceed a quantity equal to one-sixth of his base period use, and

(2) Any user may accept delivery of fatty acids, if such acceptance of delivery will not cause his inventory to exceed 3,000 pounds.

(d) *Restrictions on delivery.* No user shall accept delivery of more than 50 pounds of fatty acids in any calendar month unless and until he shall have properly filled out, executed, and delivered to the person making delivery of such fatty acids a certificate in the following form:

The undersigned hereby certifies to the War Food Administration and to ---------- (name of ---------- that he is familiar with supplier) the provisions of Food Distribution Order No. 87, and all amendments, if any, thereto, and that the acceptance of delivery by him of -------- pounds of fatty acids, from said supplier, in connection with which this certificate is furnished, will not be in violation of the provisions of said Food Distribution Order No. 87, or any amendment thereto.

(Name of deliveree)

By ----------
(Authorized official)

(Date)

No person shall deliver more than 50 pounds of fatty acids in any calendar month to any user without receiving such a certificate.

(e) *Records and reports.* (1) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in fatty acids, and retain all certificates received by him pursuant to (d) hereof.

(2) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fatty acids of any person, and to make such investigations, as may be necessary or appropriate, in this discretion, to the enforcement or administration of the provisions of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, because he did not use fatty acids in the base period, or used in such period a substantially lower amount of fatty acids than his current requirements, or for any other reason, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 87. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using fatty acids, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 87.

(k) *Territorial extent.* This order shall apply only in the forty-eight States of the United States, and the District of Columbia.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., January 1, 1944. However, with respect to violations of said Food Distribution Order 87, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 87 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 30th day of December 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-20757; Filed, December 31, 1943; 3:19 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4979]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BERNARD ENGINEERING COMPANY, ET AL.

§ 3.6 (a 10) *Advertising falsely or misleadingly — Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (c 5) *Neglecting, unfairly or deceptively, to make material disclosure — Qualities or properties of product.* In connection with offer, etc., in commerce, of respondents' "Wonder solv" anti-freeze preparation, or any other similar anti-freeze solution, representing, directly or by implication, that said product (1) is a safe or dependable anti-freeze preparation for use in the cooling systems of automobile engines; (2) is a superior type of anti-freeze preparation; (3) will protect the cooling systems of automobile engines against corrosion, rust, or other deterioration; (4) will not cause rust, corrosion, or other damage to the cooling systems of automobile engines or damage to such engines or to radiators or hose connections or the exterior finish of automobiles; (5) will not evaporate in use or clog passages in the cooling systems of automobile engines; (6) will not injure, rust, or corrode aluminum, brass, copper, zinc, iron, or other metals, or injure the rubber parts of the cooling systems of automobile engines; and (7) is an anti-freeze preparation for use in the cooling systems of automobile engines, without affirmatively disclosing, in a clear and conspicuous manner in immediate connection with such representation, that said preparation will rust and corrode the cooling systems of automobile engines and may clog the passages in such systems; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., sec 45b) [Cease and desist order, Bernard Engineering Company, et al., Docket 4979, December 11, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1943.

In the Matter of Bernard Engineering Company, a Corporation; Lionel Bernard, Individually and as an Officer of Bernard Engineering Company, a Corporation; and William I. Miller, an Individual

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondents upon the record; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Bernard Engineering Company, a corporation; Lionel Bernard, individually and as an officer of Bernard Engineering Company; William I. Miller, an individual trading under the name of Miller Manufacturing Company and as an officer of Miller Manufacturing Company, a corporation, and their respective agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of their anti-freeze preparation designated Wonder-Solv, or any other anti-freeze solution of substantially similar composition or possessing substantially similar chemicals or ingredients, whether sold under the same name or under any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said product is a safe or dependable anti-freeze preparation for use in the cooling systems of automobile engines.

2. That said product is a superior type of anti-freeze preparation.

3. That said product will protect the cooling systems of automobile engines against corrosion, rust, or other deterioration.

4. That said product will not cause rust, corrosion, or other damage to the cooling systems of automobile engines or damage to such engines or to radiators or hose connections or the exterior finish of automobiles.

5. That said product will not evaporate in use or clog passages in the cooling systems of automobile engines.

6. That said product will not injure, rust, or corrode aluminum, brass, copper, zinc, iron, or other metals, or injure the rubber parts of the cooling systems of automobile engines.

7. That said product is an anti-freeze preparation for use in the cooling systems of automobile engines, without affirmatively disclosing, in a clear and conspicuous manner in immediate connection with such representation, that said preparation will rust and corrode the cooling systems of automobile engines and may clog the passages in such systems.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they are complying with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-102; Filed, January 3, 1944; 11:24 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50983]

PART 58—FREE ENTRY OF CERTAIN FEEDS FOR LIVESTOCK AND POULTRY

FREE ENTRY OF FEEDS

Entry free of duty of certain feeds for livestock and poultry under Public Law 211, approved December 22, 1943.

§ 58.1 *Free entry authorized.* Under the authority of sections 1 and 2 of Public Law 211, approved December 22, 1943,[1]

[1] Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Tariff Act of 1930, the following, when imported into the United States from foreign countries, and when entered, or withdrawn from warehouse, for consumption, during the period of ninety days beginning with the day following the date of enactment of this joint resolution, to be used as, or as a constituent part of, feed for livestock and poultry, shall be exempt from duty: Wheat, oats, barley, rye, flax, cottonseed, corn, or hay, or products in chief value of one or more of the foregoing or derivatives thereof: *Provided,* That this

the following products, if entered, or withdrawn from warehouse, for consumption on or after December 23, 1943, and before March 22, 1944, and if actually used in the United States as, or as a constituent part of, feeds for livestock or poultry, are exempt from duty:

(1) Wheat, oats, barley, rye, flax, cottonseed, corn, or hay;

(2) Derivatives of the foregoing;

(3) Products wholly or in chief value of one or more of the products mentioned in (1) and (2) above.

The exemption does not apply to wheat or other grain which is used in the manufacture of flour for human consumption, to flaxseed or cottonseed for oil milling, nor to other merchandise to be processed for the purpose of producing a product which is not to be used as, or as a constituent part of, feed for livestock or poultry. If the required use is shown, the exemption is applicable to imported derivatives of the products named in Public Law 211, such as feed flour, linseed cake or meal, and cottonseed cake or meal, and is applicable to products in chief value of one or more of the derivatives and/or the named products. (Pub. Law 211, 78th Congress)

§ 58.2 *Entry requirements.* (a) There shall be filed in connection with the entry an affidavit of the importer that the merchandise, which shall be described by name, is imported to be used as, or as a constituent part of, feed for livestock or poultry.

(b) If the product is entered for consumption, there shall also be filed in connection with the entry a bond on customs Form 7551 or 7553, with an added condition, concurred in by the surety, for the payment of duty at the appropriate rate in the event that the proof of required use prescribed by § 58.3 is not produced within one year from the date of entry, or any lawful extension of that period. If the importer has on file a general term bond for the entry of merchandise, the conditionally free merchandise may be charged against such bond, provided there is added thereto, with the concurrence of the surety, the before-mentioned condition. When such merchandise is entered for warehouse the regular warehouse entry bond, customs Form 7555, shall be given unless the merchandise is charged against a general term bond for the entry of merchandise, customs Form 7595, and in either case withdrawals shall be made on customs Form 7506. Liquidation of the consumption entries and warehouse entries shall be suspended pending the submission of proof that the merchandise has been used as, or as a constituent part of, feed for livestock or poultry. (Pub. Law 211, 78th Congress)

§ 58.3 *Proof of use.* (a) Within one year from the date of entry (in the case of warehouse entries as well as consumption entries) the importer shall submit and affidavit of the superintendent or manager of the manufacturing plant stating the use to which the article has been put. If the collector is satisfied that the imported product was not used by the importer and was not used in a manufacturing process, but was sold substantially as the imported product to the ultimate user, he may accept as proof of the nature of such use an affidavit of the wholesaler or other person making the final sale of the product. In appropriate cases statements as to the use of products covered by more than one entry may be included in one affidavit, but in this event the affidavit shall be filed in duplicate, one copy to be forwarded to the comptroller of customs.

(b) Upon satisfactory proof of use of the product as, or as a constituent part of, feed for livestock or poultry, the entry shall be liquidated free of duty. When such proof is not filed within one year from the date of entry or any authorized extension of the period of the bond, the entry shall be liquidated with the assessment of duty at the appropriate rate under the proper provision of the tariff act. (Pub. Law 211, 78th Congress)

§ 58.4 *Quota limitations.* Articles of the kinds subject to quantitative limitations upon entry or withdrawal for consumption which are accorded free entry pursuant to Public Law 211 are subject to such quota limitations. (Pub. Law 211, 78th Congress)

The foregoing regulations supersede those contained in the Department's telegram of December 24, 1943. (461.5)

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-103; Filed, January 3, 1944; 11:46 a. m.]

Act shall not be construed to authorize the importation of wheat for milling purposes. As used in this joint resolution the term "United States" means the several States, the District of Columbia, the Territories, Puerto Rico, and the Virgin Islands.

SEC. 2. The exemptions from duties provided for by this joint resolution shall be subject to compliance with regulations to be prescribed by the Secretary of the Treasury.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 155—CANNED OYSTERS; REGULATIONS FOR INSPECTION

Under the authority of section 702A[1] of the Federal Food, Drug, and Cosmetic Act the following regulations for the inspection of canned oysters are hereby promulgated:

Sec.
155.30 Application for inspection service.
155.31 Granting or refusing inspection service; cancellation of application.
155.32 Inspection periods.
155.33 Assignment of inspectors.
155.34 Uninspected oysters excluded from inspected establishments.
155.35 General requirements for plant and equipment.
155.36 General operating conditions.
155.37 Code marking.
155.38 Processing.
155.39 Examination after canning.
155.40 Labeling.
155.41 Certificates of inspection; warehousing and export permits.
155.42 Inspection fees.
155.43 Suspension, withdrawal, and termination of inspection service.

AUTHORITY: §§ 155.30 to 155.43, inclusive, issued under 52 Stat. 1040, et seq.; 21 U.S.C. 301, et seq.

§ 155.30 *Application for inspection service.* (a) Applications for inspection service on canned oysters under the provisions of section 702A of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration. Except as provided in paragraph (b) of this section, no application for an initial inspection period filed with the Food and Drug Administration less than 60 days preceding the opening date of the canning season in any year shall be considered unless the applicant shows substantial cause. The opening date of the canning season in each State shall be the date set by the State agency responsible for controlling the opening date of the canning season in the State in which the plant for which the application is filed is located. A separate application shall be made for each inspection period in each establishment in which the service is applied for. Each application for an initial inspectiton period shall be accompanied by an advance deposit of $164, as prescribed by § 155.42 (b), except establishments receiving inspection service under the regulations for the inspection of canned shrimp for which establishments no additional advance deposit will be charged. Such deposit shall be paid in the manner prescribed by § 155.42 (e).

(b) For the year ending June 30, 1944, applications will be considered which are received prior to February 1, 1944.

(c) An application by two or more packers for inspection service in one establishment to be jointly or severally operated by them shall be accompanied by an agreement signed by such packers binding each to be jointly and severally liable for the payment of all fees and deposits required for such establishment by § 155.42.

§ 155.31 *Granting or refusing inspection service; cancellation of application.* (a) The Administrator of the Federal Security Agency may grant the inspection service applied for when he determines that the establishment covered by such application complies with the requirements of § 155.35.

(b) The Administrator may refuse to grant the inspection service at any establishment for cause. In case of refusal he shall notify the applicant of the reason therefor and shall return to such applicant the payment which accompanied the application, less any expenses incurred by the Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by giving written notice to the Administrator, may withdraw his application for inspection service before an inspector is assigned to the establishment. In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any expenses incurred by the Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

§ 155.32 *Inspection periods.* (a) The initial inspection period in each establishment in which inspection service under these regulations is granted shall be four months. Extension inspection periods, each of which shall begin at the close of the preceding inspection period, may be granted in such establishment if application therefor, accompanied by a deposit of $123 as prescribed by § 155.42, is made at least two weeks in advance of the close of such preceding inspection period: *Provided*, That upon request by the packer and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(b) Each initial inspection period shall begin on or after October 1, but not later than February 1, of each year. No initial or extension inspection period shall extend beyond June 30 of any year.

(c) The date of the beginning of each initial inspection period shall be regarded as the date specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved by the Administration; but if the Administrator is not prepared to begin the service on the specified date, the date of the beginning of such period shall be regarded as the date on which the service is begun.

(d) Inspection service shall be continuous throughout the inspection periods.

§ 155.33 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under these regulations is granted. Thereafter the Administration shall adjust the number of inspectors assigned to each establishment to the number required for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances for transporting oyster to such establishment.

§ 155.34 *Uninspected oysters excluded from inspected establishments.* (a) No establishment to which inspection service on canned oysters has been granted shall at any time thereafter can oysters which have not been inspected under these regulations, or handle or store in such establishment any canned oysters which have not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein as authorized by § 155.43.

(b) All oysters delivered to or held in an establishment shall be subject to inspection, but certificates of inspection shall be issued under these regulations only on canned oysters.

§ 155.35 *General requirements for plant and equipment.* (a) All exterior openings of the cannery, including those of the shucking sheds, shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps or other approved insect-control devices shall be installed.

(b) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the oysters before delivery for steaming or other means of opening.

(c) Shucking sheds and packing rooms shall be separate, and fixtures and equipment thereof shall be so constructed and arranged as to permit thorough cleaning. Such sheds and rooms shall be adequately lighted and ventilated, and the floors thereof shall be tight and arranged for thorough cleaning and proper drainage. Open drains from shucking shed shall not enter packing room. If shucking shed and packing room are in separate buildings such buildings shall not be more than 100 yards apart, unless, with the approval of the Food and Drug Administration, such conditions are maintained as will enable efficient inspection.

(d) All surfaces of washers, belts, tables, tanks, utensils, and other equipment with which shucked oysters come in contact shall be of metal other than lead or of other smooth, nonporous material that can be readily cleaned. Metal seams shall be smoothly soldered.

(e) Suitable means shall be provided for removal of shells and debris from shucking shed.

(f) Adequate supplies of steam and of clean, unpolluted running water shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(g) Adequate toilet facilities of sanitary type shall be provided.

(h) An adequate number of sanitary wash basins, with liquid or powdered soap, shall be provided in both the shucking shed and packing room. Paper towels shall also be provided in the packing room.

(i) Signs requiring employees handling oysters to wash their hands after each absence from post of duty shall be conspicuously posted in the shucking shed and packing room and elsewhere about the cannery as conditions require.

(j) If steam boxes are used for opening the oysters, they shall be provided with adequate steam inlets, exhausts, drains, a safety valve, and a pressure gauge.

(k) Suitable devices shall be provided for washing the shucked oysters and for their subsequent drainage.

(l) One or more suitable devices shall be provided for the removal of shell and grit from the shucked oysters.

(m) One or more suitable inspection belts shall be installed for the inspection of shucked oysters.

(n) Equipment shall be provided for code-marking cans.

(o) Each processing retort shall be fitted with at least the following equipment.

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F., with scale divisions not greater than 2°, installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. If the thermometer is installed within a fitting such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least ⅛ inch in diameter. If the thermometer is installed within the door or shell of the retort the bulb shall project at least two-thirds of its length into the principal chamber thereof.

(3) A recording thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided wtih an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds with scale divisions not greater than 1 pound. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) A blow-off vent of at least ¾ inch inside diameter in the top of the retort.

(6) A ⅛-inch bleeder in top of retort.

(7) A baffle plate in the base of retort, unless retort baskets with perforated base plates are provided.

(p) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

§ 155.36 *General operating conditions.* (a) The decks and holds of boats tonging or dredging oysters for any inspected establishment shall be kept in a sanitary condition. Such boats shall be equipped with adequate means for protecting the oysters against contamination with bilge water.

(b) Canneries, cannery boats and other cannery conveyances shall accept only live, clean, sound oysters taken from unpolluted areas. When necessary, ice or other suitable refrigerant shall be provided to prevent spoilage.

(c) The decks and holds of all boats and the bodies of other conveyances transporting oysters to the cannery shall be kept in sanitary condition.

[1] Section 10A of the Federal Food and Drugs Act (49 Stat. 871; 21 U.S.C. 14a) which remains in force and effect and is applicable to the provisions of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U.S.C. 301 et seq.). It is provided in Public Law 135, 78th Congress, Title II, that section 10A of the Federal Food and Drugs Act, as amended by the Act of August 27, 1935 (21 U.S.C. 372a), may hereafter be cited as section 702A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 801-892).

(d) After delivery of each load of oysters to cannery, decks and holds of each boat and the body of each conveyance making such delivery shall be washed down with clean, unpolluted water and all debris shall be cleaned therefrom before leaving the cannery premises.

(e) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(f) As often as is necessary to maintain sanitary conditions unloading platforms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(g) After each delivery to the cannery oysters shall be handled expeditiously and under such conditions as to safeguard against contamination or spoilage.

(h) Before steaming or opening by other means the oysters shall be washed with clean, unpolluted water. After washing, the oysters shall be passed over the inspection belt and culled to remove dirty, muddy, or decomposed oysters and extraneous material. Muddy oysters may be returned to the washer for rewashing.

(i) Shucking knives may be maintained by the individual owner and shall be thoroughly washed with soap and water and chlorinated before use each day.

(j) The packer shall immediately destroy for food purposes any oysters in his possession condemned by the inspector as filthy, decomposed, putrid, or unfit for food. Oysters condemned on boat or unloading platform shall not be taken into the cannery but shall be either destroyed or returned to a bedding ground.

(k) When the oysters are opened by steaming the time and temperature of steaming shall not exceed the minimum time and temperature necessary to open the oyster and slip one eye.

(l) Shells shall be removed from the shucking shed continuously and shall not be allowed to accumulate in or about the cannery or premises in such a manner as to create a nuisance.

(m) Offal, debris, or refuse from any source whatever, shall not be allowed to accumulate in or about the cannery or premises.

(n) No shucked oysters shall be returned to the shucker after delivery to the weigher.

(o) The shucked oysters shall be washed by a suitable device and immediately drained. The time of washing shall not exceed the minimum time necessary for cleansing.

(p) When the oysters, at any time after shucking and until enclosed in the can, are transported from one building to another, they shall be protected by properly covered containers.

(q) All floors and other parts of the cannery and all cannery fixtures, equipment, and utensils shall be cleaned as often as is necessary to maintain them in sanitary condition.

(r) The packer shall require all employees handling oysters to wash their hands after each absence from post of duty.

(s) The packer shall require all employees to observe proper habits of cleanliness, and shall not knowingly employ in or about the cannery any person afflicted with infectious or contagious disease.

§ 155.37 *Code marking.* (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least (1) the date of packing, (2) the establishment where packed, and (3) the size of the oysters when such oysters were graded for size.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection. For the purposes of the regulations in this part all cans or other immediate containers bearing the same code mark shall be regarded as comprising a lot.

§ 155.38 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of processing the canned oysters shall be adequate to prevent bacterial spoilage.

(b) The following processes shall be the minimum employed for the containers indicated:

Size	Time at 240° F.	Time at 250° F.
	Minutes	*Minutes*
211 x 400	23	13
307 x 409	27	13
301 x 411	25	13

(c) The blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire processing period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least five years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least one year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.39 *Examination after canning.* (a) Adequate samples shall be drawn by the inspector from the lot of canned oysters identified by each code mark to determine whether or not such lot conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, any lot of canned oysters condemned by the inspector as not complying with § 155.38, or as filthy, decomposed, putrid, or unfit for food.

§ 155.40 *Labeling.* (a) Labels on canned oysters packed and certified under these regulations shall bear the mark "Production Supervised by U. S. Food and Drug Administration," with or without the official establishment number. Such mark shall be plainly and conspicuously displayed in type of uniform size and style on a background of strongly contrasting color, and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of each label intended for use on inspected canned oysters or on or within the cases therefor, shall be submitted to the Food and Drug Administration for approval. If proofs or proof and photostat are submitted, eight specimens of the label shall be sent to the Administration after printing. The Food and Drug Administration is hereby authorized to approve labels for use on canned oysters inspected under these regulations if such labels when so used comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Food and Drug Administration may approve for temporary use labels which bear the mark required by § 155.40 (a) although such mark is not displayed in the manner prescribed by that section. The Food and Drug Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labels for canned oysters intended for export under the provisions of § 155.41 (e).

(c) No commercial brand or brand name appearing on any label approved under (b) of this regulation, and no label simulating one so approved, shall be used thereafter on any canned oysters other than those which have been inspected under these regulations: *Provided*, That this paragraph shall not apply to any packer's label after termination of inspection as provided in § 155.43, or to any distributor's label after three months' written notice by the owner thereof to the Food and Drug Administration that its use on inspected canned oysters has been discontinued and will not be resumed.

(d) Canned-oyster labeling authorized by or approved under (a) or (b) of this regulation shall be used only as authorized by these regulations. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Food, Drug, and Cosmetic Act, as amended.

§ 155.41 *Certificates of inspection; warehousing and export permits.* (a) After finding that the canned oysters comprising any parcel (1) have been handled, prepared, and packed in compliance with all provisions of these regulations, (2) bear labeling approved as authorized under § 155.40 (b), and (3) comply with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned oysters so comply. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size and kind of containers, the commercial brand name on the labels, and the condition of the oysters if they are broken. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned oysters may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, they comply with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned oysters shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or export authorized under paragraph (e) of this section, or for destruction as provided by § 156.39 (b).

(c) Applications to move unlabeled canned oysters from storage in a warehouse elsewhere than in the establishment where such oysters were packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned oysters are to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned oysters so stored, and that conditions which will preserve the identity of each parcel of such canned oysters shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned oysters comprising any parcel (1) have been packed in compliance with these regulations, (2) are not slack-filled, and (3) conform, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned oysters. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the oysters, the size and kind of containers, and the condition of the oysters if they are broken. When any provision of the agreement is violated the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned oysters stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for re-storage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.39 (b).

(e) Section 801 (d) of the Federal Food, Drug, and Cosmetic Act provides that a food intended for export shall not be deemed to be adulterated or misbranded under the act if it (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show that it is intended for export. An application to export canned oysters under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if so required by the Administration, evidence showing that such canned oysters are not in conflict with the laws of the country to which they are intended for export; and, if shipment of labeled canned oysters is specified or directed, eight specimens of the labeling therefor. If canned oysters prepared or packed according to such specifications are not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such canned oysters comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned oysters were packed in compliance with the requirements of these regulations regarding sanitary conditions and processing; are not filthy, decomposed, putrid, or otherwise unfit for food; accord to such specifications, and are labeled on the outside of the shipping package to show that they are intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such canned oysters were packed under sanitary conditions, are wholesome, and accord to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned oysters. Canned oysters intended for export under this subsection shall not be stored in any warehouse in the United States elsewhere than in the establishment where such canned oysters were prepared or packed, except on written permission of the inspector, or of the chief of the Food and Drug Administration Station within whose territory such warehouse is located.

§ 155.42 *Inspection fees.* (a) Except as otherwise provided by these regulations, the fee prescribed for inspection service shall be eight (8) cents for each case of canned oysters packed under such service. For the purpose of this section a case of canned oysters shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. The sum of not less than $240 shall be paid at the beginning of the initial inspection period, and thereafter similar advance deposits shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal year shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) In addition to the fee prescribed by paragraph (a) of this section, an advance deposit of $123 multiplied by the number of months of the inspection period shall be paid for each inspection period in each establishment which is not receiving inspection service and is making or has made advance deposits for the period covered by this application under the Regulations for the inspection of canned shrimp (7 F.R. 4945 et seq., as amended 8 F.R. 7751), as follows: Each application for an initial inspection period shall be accompanied by an advance deposit of $164, and subsequent deposits of $164 shall be made at monthly intervals from the date of the beginning of such period as defined in § 155.32 (c), until the total amount of the deposit for the initial inspection period shall have been made. Each application for an extension inspection period shall be accompanied by a deposit of $123, and at subsequent monthly intervals thereafter additional deposits of $123 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of $4.10 for each day of such time. Advance deposits made under this subsection shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and any appropriations made by Congress for such purpose. The deposits by each packer shall be so charged in the same ratio to the total deposits as the number of months of inspection service rendered in such packer's establishment bears to the total number of months of inspection service rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers at the end of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.43 (a), the Administration shall not return to the packer any of the advance deposits made for such establishments; and such deposits shall be charged with the cost incurred and the balance transferred into the Treasury as a miscellaneous receipt. Such deposits shall not be included in the total deposits when computing charges against such total deposits.

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the Government, for salary, travel, subsistence, and other purposes incident to inspection for the purpose of issuing a certificate or warehousing or export permit on canned oysters stored or held at any place at which a sea-food inspector is not assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay an extra fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.30 (a), shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after making appropriate records thereof they will be endorsed and

transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the receipt account "758013 Deposits, Sea Food Inspection Fees, Food and Drug Administration."

(f) Refunds to the packers making advance deposits will be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officer.

§ 155.43 *Suspension, withdrawal, and termination of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment (1) upon failure of the packer to comply with any provision of these regulations, or (2) upon the dissemination by the packer or any person in privity with him of any representation which is false or misleading in any particular regarding the application to any sea food of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

(c) After inspection service for a fiscal year is closed in an establishment, but before the resumption of packing therein during the next fiscal year, the packer may terminate inspection service under the regulations in this part by giving written notice of such termination to the Administration.

These regulations shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] WATSON B. MILLER,
Acting Administrator.

DECEMBER 31, 1943.

[F. R. Doc. 43-20745; Filed, December 31, 1943; 12:21 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Rev. Reg. 2, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

LIMITATION OF ANTHRACITE DELIVERIES

Some retail dealers had received large tonnages of anthracite prior to the issuance of Revised Regulation No. 2 so that shipments received after the issuance of the regulation in accordance with its provisions, when added to the prior shipments, exhausted or nearly exhausted the quotas of such dealers. To prevent serious injury to the retail distribution channels upon which equitable distribution to consumers depends; to prevent the loss of employees by many dealers; and to utilize effectively available equipment and manpower, it is necessary to permit the shipment of a limited amount of anthracite to such dealers for the remainder of the present coal-burning year.

No restrictions have been placed upon the shipment of anthracite by producers and wholesalers within the United States to wholesalers engaged in business outside the continental limits of the United States. In order to provide for the equitable distribution of the available supply of anthracite within the continental limits of the United States, it now appears necessary to place restrictions upon shipments to wholesalers engaged in business outside the continental limits of the United States.

Revised Regulation No. 6, which places limitations upon deliveries of anthracite for space heating by retail dealers to consumers, has been issued and it is therefore necessary to amend § 602.5 of Revised Regulation No. 2.

Accordingly, pursuant to the powers conferred by Executive Order No. 9332, Solid Fuels Administration for War Revised Regulation No. 2 is hereby amended in the following respects:

1. Section 602.4 is amended by the addition of paragraphs (d), (e) and (f) as follows:

(d) If any producer, wholesaler or equipped retail dealer has shipped to any equipped or unequipped dealer tonnages of anthracite in an amount which, as of the end of any calendar month, exceeds proportionately to such date the 90 percent limitation imposed by this regulation, then such producer, wholesaler or equipped retail dealer shall forthwith reduce his shipments to such equipped or unequipped retail dealer so that by March 31, 1944 such equipped or unequipped retail dealer shall not have received in excess of 90 percent of the tonnages received during the base period, including any adjustments made pursuant to this regulation: *Provided, however,* That in no event shall a producer, wholesaler or equipped retail dealer be precluded by this regulation from shipping to any equipped or unequipped retail dealer in each calendar month for the period January to March 1944, inclusive, 1/24th of the tonnage shipped to such dealer during the base period, including any adjustments of such tonnage made by the Solid Fuels Administration for War, pursuant to this regulation.

(e) During the period April 1, 1943 to March 31, 1944, inclusive, no producer or wholesaler shall ship anthracite for the account of any wholesaler whose place of business is outside the continental limits of the United States if his total shipments, during said period, to all such wholesalers exceeds 90% of the anthracite shipped during the base period for the account of all wholesalers whose place of business is outside the continental limits of the United States, during the base period. In complying with the provisions of this paragraph, each producer or wholesaler shall consider all anthracite shipped subsequent to April 1, 1943 as part of the total tonnage which he may ship during the entire period April 1, 1943 to March 31, 1944, inclusive.

(f) On or before January 25, 1944, each producer and wholesaler shall report in writing to the Solid Fuels Administrator for War at Washington, D. C., the total actual tonnage shipped to each wholesaler whose place of business is outside the continental limits of the United States during the period April 1, 1943, to January 1, 1944, inclusive. On or before the 25th day of each succeeding month, each producer and wholesaler shall report in writing to the Solid Fuels Administrator for War the actual tonnage shipped to each such wholesaler whose place of business is outside the continental limits of the United States during the preceding full calendar month. The reports required by this paragraph shall set forth the tonnage of broken, egg, stove, chestnut and pea as a single, total for each month covering the domestic sizes and separately set forth the tonnage of No. 1 buckwheat for each month.

2. Section 602.5 is amended to read as follows:

§ 602.5 *Limitations of deliveries to consumers.* In addition to this regulation, and in order to assure a more equitable distribution of anthracite among consumers, the Solid Fuels Administrator for War has heretofore issued Revised Regulation No. 6, which prescribes limitations upon the delivery of anthracite for space heating to consumers in the same areas designated by the Administrator in Order No. 4.

This amendment shall take effect on the first day of January 1944.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 31st day of December 1943.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44-5; Filed, January 1, 1944; 10:58 a. m.]

[Reg. 11]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON ANTHRACITE SHIPMENTS

The present supply of anthracite is inadequate to meet the demands for such fuel for space heating. Accordingly, in order to effectuate the purposes of Executive Order No. 9332, the following regulation is issued.

Sec.
602.201 Definitions.
602.202 Restrictions on shipments by wholesalers or producers.
602.203 Action under other regulations.
602.204 Limitations upon applicablity of this regulation.
602.205 Damages for breach of contract.
602.206 Violations.
602.207 Applications for modification and exception.
602.208 Effective date.

AUTHORITY: §§ 602.201 to §§ 602.208, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719, sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

§ 602.201 *Definitions.* For the purposes of this regulation, the definitions contained in Solid Fuels Administration for War Revised Regulation No. 2, as amended, shall be the meaning of the words, "anthracite," "producer," "wholesaler," "destination," and "person."

§ 602.202 *Restrictions on shipments by wholesalers or producers.* Prior to April 1, 1944, no producer or wholesaler shall ship anthracite to any destination within the continental limits of the United States except in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia; and prior to April 1, 1944, no producer or wholesaler shall ship anthracite to any destination in the Dominion of Canada which is west of a line running north and south from Lake Erie along the western boundary of Chatham, Ontario, Canada, to the northernmost boundary of Canada: *Provided, however,* That this restriction on shipments shall not apply to anthracite owned by any producer or wholesaler and stored on docks or any other storage facilities located outside the portions of the United States within which shipments may continue to be made under this section, and; *Provided further,* That this restriction on shipments shall not apply to anthracite in transit at the time this regulation becomes effective.

§ 602.203 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1, or under any other regulation heretofore or hereafter promulgated by him.

§ 602.204 *Limitations upon applicability of this regulation.* The restrictions of this regulation shall apply only to anthracite shipped for use by a consumer for space heating, domestic hot water or domestic cooking, and this regulation shall not be applicable to and shall not in any wise be deemed to restrict shipments of anthracite to any industrial plant for use in the process of manufacturing or generating steam for industrial use or for space heating which is incidental thereto, or to any person for use in poultry brooders or hatcheries: *Provided, however,* That the buyer when placing his order shall certify in writing that the anthracite covered by such order is to be used only by an industrial plant in the process of manufacturing or generating steam for industrial use or for space heating which is incidental thereto, or in poultry brooders or hatcheries, as the case may be.

§ 602.205 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this regulation.

§ 602.206 *Violations.* Any person who violates any provision of this regulation or who obtains delivery of anthracite in violation of this regulation may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. sec. 80) or under the Second War Powers Act (Pub. No. 507, 77th Cong., March 27, 1942).

§ 602.207 *Applications for modification and exception.* Any application for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

§ 602.208 *Effective date.* This regulation shall take effect at 12:01 a. m. on January 3, 1944.

Issued this 31st day of December 1943.

HAROLD L. ICKES,
Solids Fuels Administrator for War.

[F. R. Doc. 44-4; Filed, January 1, 1944; 10:58 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

[1943 Dept. Circ. 728]

PART 320—ISSUE OF AND TRANSACTIONS IN UNITED STATES EXCESS PROFITS TAX REFUND BONDS

DECEMBER 31, 1943.

Section 260 of the Revenue Act of 1942, amended Subchapter E of Chapter 2 of the Internal Revenue Code by adding thereto Part III, consisting of sections 780 to 783, inclusive. Section 780 creates a credit of an amount equal to 10% of the tax imposed under Subchapter E for each taxable year, ending after December 31, 1941 (except in the case of a taxable year beginning in 1941 and ending before July 1, 1942), and not beginning after the date of the cessation of hostilities in the present war. It further provides for the issue by the Secretary of the Treasury of bonds of the United States in an aggregate amount equal to 10% of the tax paid in respect of which a credit is provided.

Under the authority of section 782 of said part the following regulations are prescribed with respect to bonds so authorized:

Sec.
320.1 Authority for issue.
320.2 Designation.
320.3 Issue of bonds.
320.4 Terms of the bonds.
320.5 Future provision.
320.6 Address for communications.
320.7 Amendments.

§ 320.1 *Authority for issue.* Bonds will be issued under the authority of and subject to the provisions of the Second Liberty Bond Act, as amended, and pursuant to sections 780 to 783, inclusive, of the Internal Revenue Code, as amended.

§ 320.2 *Designation.* The bonds will be designated as "Excess Profits Tax Refund Bonds", and will be issued in series depending upon the calendar year, the credit for which is used for the purchase of the bonds. Those purchased with the credit for any taxable year beginning within the calendar years 1941 and 1942 will be designated as "First Series"; those purchased with the credit for any taxable year beginning within the calendar year 1943 will be designated "Second Series"; those purchased with the credit for any taxable year beginning within the calendar year 1944 will be designated "Third Series"; and those purchased with the credit for any taxable year beginning after December 31, 1944, will be designated "Fourth Series". Bonds of the First, Second, Third and Fourth Series will mature, respectively, on the last day of the second, third, fourth and fifth calendar years beginning after the cessation of hostilities in the present war, determined as provided in section 780 (e) of the Internal Revenue Code, as amended, but will be redeemable (at the option of the United States), after said cessation of hostilities, in whole or in part upon three months' notice.

§ 320.3 *Issue of bonds.* The bonds will be issued following certification by the Commissioner of Internal Revenue of the amount of bonds to which a taxpayer is entitled, and will be issued only in registered form in the name so certified; each bond will be dated as of the day the credit available for its purchase is transferred to the Public Debt account. If the amount of the credit is less than $1,000, a single bond will be issued for the exact amount of the credit. If the credit equals or exceeds $1,000, one bond will be issued for the highest possible multiple of $1,000, and an additional bond will be issued for any remaining amount less than $1,000. In case of later deficiency assessments or determination of overassessment, provisions will be made for adjustments of the amount of the bonds.

§ 320.4 *Terms of the bonds.* The bonds will bear no interest, will be nonnegotiable and may not be transferred by sale, exchange, assignment, pledge, hypothecation or otherwise, on or before the date of said cessation of hostilities. After such date the bonds will be fully negotiable and may be exchanged or transferred without restriction. Bonds issued hereunder are subject to estate, inheritance, gift or other excise taxes, whether Federal or state, but are exempt from all taxation now or hereafter imposed on the principal thereof by any state or any of the possessions of the United States, or by any local taxing authority; the proceeds of the bonds upon redemption shall not be included in gross income under the Internal Revenue Code.

§ 320.5 *Future provision.* Provisions will hereafter be made for the reissue of bonds in the names of successors of registered owners by reason of dissolution, merger, or consolidation of corporations; bankruptcy or insolvency of a registered owner, relief in the case of lost, stolen or destroyed bonds, and for the exchange or transfer of bonds subsequent to the cessation of hostilities as provided in said section 780.

§ 320.6 *Address for communications.* All correspondence in connection with the issue of bonds hereunder after certification by the Commissioner of Internal Revenue, and as to further transactions therein, should be addressed to the Treasury Department, Division of Loans and Currency, Washington, D. C.

§ 320.7 *Amendments.* The Secretary of the Treasury reserves the right at any time, or from time to time, to revoke or amend these regulations or to prescribe and issue supplemental or amendatory rules and regulations governing Excess Profits Tax Refund Bonds.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-41; Filed, January 1, 1944; 3:53 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 196, 2d Ed.]

PART 609—PROPERTY ACCOUNTABILITY

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend § 609.1 to read as follows:

§ 609.1 *Property of the United States.* (a) All equipment and supplies of whatever character acquired by purchase with Government funds, transfer from some other Federal agency, or donation, as specifically authorized in the Selective Training and Service Act of 1940, as amended, are the property of the United States and shall be used solely for the transaction of Government business.

(b) All equipment and supplies shall be accounted for in the manner prescribed by the Director of Selective Service.

(c) The classification of property, as between expendable and nonexpendable, shall be determined by the Director of Selective Service.

2. Amend § 609.3 to read as follows:

§ 609.3 *Annual report required.* (a) As of the last day of each fiscal year, each responsible officer shall render on Nonexpendable Property Inventory (Form 16) to the accountable officer an inventory of all articles of nonexpendable property owned by the United States for which each such officer is held responsible.

(b) As of the last day of each fiscal year, each accountable officer shall render on Consolidated Nonexpendable Property Report (Form 17) to the Director of Selective Service an inventory of all articles of nonexpendable property owned by the United States for which each such officer is held accountable.

(c) If required Nonexpendable Property Continuation Sheet (Form 18) shall be used in conjunction with Nonexpendable Property Inventory (Form 16) and Consolidated Nonexpendable Property Report (Form 17).

3. Amend § 609.5 to read as follows:

§ 609.5 *Unserviceable property.* Whenever any article of nonexpendable property becomes unserviceable through fair wear and tear in service, the responsible officer shall prepare and submit a report thereof to the State Director of Selective Service.

4. Amend § 609.6 to read as follows:

§ 609.6 *Nonexpendable property; lost, stolen, destroyed, or damaged.* Whenever any article of nonexpendable property is lost, stolen, destroyed, or damaged other than through fair wear and tear in service, the responsible officer shall prepare and submit in triplicate to the State Director of Selective Service, Report of Survey (Form 105). All copies of Report of Survey (Form 105) shall be forwarded, through the accountable officer, to a surveying officer specifically designated by the State Director of Selective Service to make an investigation and report of his findings with recommendations. After reviewing the evidence pertaining to the loss, theft, destruction, or damage of the nonexpendable property and the recommendations of the surveying officer, the State Director of Selective Service will indicate his approval or disapproval and forward all copies to the Director of Selective Service for final action and instructions.

5. Amend § 609.7 to read as follows:

§ 609.7 *Obsolete blank forms; disposition of.* Obsolete blank forms and other printed matter will be disposed of only as ordered by the Director of Selective Service.

6. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 11, 1943.

[F. R. Doc. 44-40; Filed, January 1, 1944; 3:17 p. m.]

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amendment 132]

PART 802—GENERAL LICENSES

METAL DRUMS AND CONTAINERS, GROUP M

Paragraph (d) of § 802.14 *Metal Drums and containers* is hereby amended by inserting in line 4 thereof between the words "Group G," and the words "and Group V" the words "Group M."

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Low 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: December 18, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-29; Filed, January 1, 1944; 2:29 p. m.]

[Amendment 133]

PART 801—GENERAL REGULATIONS

COTTON MANUFACTURES AND MISCELLANEOUS VEGETABLE PRODUCTS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Cotton manufactures:		
Braids, ribbons, trimmings, bindings, lacings, tape-labels, and webbing	3160.00	K
Fabrics, narrow, n. e. s. (include lamp wicks and wicking and hose not rubberized)	3161.00	K
Vegetable products, miscellaneous:		
Vegetable products, inedible, other (include straw and cocoa expeller cake, pressed cake, waste and shells, and sulphite lignin liquor)	2999.98	-------
Agar agar, powdered, flake and other crude forms	2999.98	None
Almond hull pulp ground	2999.98	None
Clover screenings	2999.98	None
Cocoa expeller cake or press cake	2999.98	None
Corn cob meal	2999.98	None
Cottonseed oil pitch and oil waste	2999.98	None
Figs, dried cells, unfit for human consumption	2999.98	None
Gluten	2999.98	None
Hop lupulin or lupulin extract	2999.98	None
Lignin liquor	2999.98	None
Soybean flour, inedible	2999.98	None
Tapioca flour, inedible	2999.98	None
Tobacco, marked unfit for domestic consumption	2999.98	None
Other vegetable products, inedible, n. e. s.	2999.98	K

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: December 18, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-30; Filed, January 1, 1944; 2:29 p. m.]

[Amendment 134]

PART 801—GENERAL REGULATIONS

JEWELRY

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Jewelry:		
Jewelry findings, parts and materials (specify by name)	9035.00	-------
Flints, cigarette lighter	9035.00	K
Other jewelry findings, parts and materials (specify by name)	9035.00	G2

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: December 24, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-31; Filed, January 1, 1944, 2:29 p. m.]

[Amendment 135]

PART 802—GENERAL LICENSES

GENERAL LICENSE "VMC"

Part 802, General Licenses, is hereby amended by adding thereto § 802.25 *General license "VMC"* as follows:

§ 802.25 *General license "VMC."* A general license designated "VMC" is hereby granted authorizing the exportation of vessels of 50 gross tons or over which have not been built purposely for export: *Provided*, That the United States Maritime Commission has issued transfer orders for such vessels for registration under neutral flags and/or sale or charter to an alien.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: December 21, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-32; Filed, January 1, 1944; 2:30 p. m.]

[Amendment 136]

ASSIGNMENT OF GENERAL LICENSE NUMBERS TO SPANISH MOROCCO AND TANGIER

PART 802—GENERAL LICENSES

Paragraph (a) of § 802.2 *General license numbers* is hereby amended by deleting therefrom the countries Spanish and International Morocco and Tangier and the general license number 98 assigned said countries, and inserting in lieu thereof the countries and their respective general license numbers as follows:

Spanish Morocco	98
Tangier	121

PART 805—SELECTED DESTINATIONS CLEARANCE PROCEDURE

Part 805, Selected Destinations Clearance Procedure, is likewise amended accordingly.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: December 30, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-33; Filed, January 1, 1944; 2:31 p. m.]

[Amendment 137]

PROHIBITED EXPORTATIONS (NEWSPRINT) AND CERTAIN GENERAL LICENSE COUNTRY GROUPS

PART 801—GENERAL REGULATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodity listed below, at every place where said commodity appears in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Newsprint	4711.00	V

Shipments of the above commodity, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

PART 802—GENERAL LICENSES

Section 802.3 *General license country groups* is hereby amended by adding to Group V thereof the following countries:

Brazil.	Haiti.
Chile.	Honduras.
Colombia.	Nicaragua.
Costa Rica.	Panama.
Dominican Republic.	Paraguay.
Ecuador.	Peru.
El Salvador.	Uruguay.
Guatemala.	Venezuela.

This amendment shall become effective January 10, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: December 31, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-34; Filed, January 1, 1944; 2:29 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 27]

PRIORITIES ACTION BY THE FOREIGN ECONOMIC ADMINISTRATION

§ 903.39 Directive 27. (a) *Rating of orders of less than $500.* The Foreign Economic Administration may assign preference ratings up to and including AA-3 to the delivery, for export, of any item of material having a value of less than $500 except:

(1) any material as to which there is in effect, at the time of assignment, a Program Determination of the Requirements Committee or approved Decision of a Division Requirements Committee of the War Production Board of the kind referred to in paragraph (b);

(2) any material as to which an applicable regulation or order of the War Production Board provides that ratings assigned on Form WPB-541 (formerly PD-1A) are not effective;

(3) accessories, spare parts, or complementary or other related equipment for any principal item being exported if the principal item has a value of $500 or more;

(4) a quantity of any item of material which appears to the Foreign Economic Administration to have been subdivided for the purpose of coming within this paragraph; or

(5) any material which the Program Vice Chairman may except from this paragraph in order to prevent inconsistency with domestic rating patterns.

In assigning preference ratings under this paragraph, the Foreign Economic Administration shall follow such processing instructions as the Program Vice Chairman may prescribe from time to time.

(b) *Rating of programmed material.* In addition, the Foreign Economic Administration may assign preference ratings to the delivery of material for export to the extent authorized by a Program Determination of the Requirements Committee or an approved Decision of a Division Requirements Committee of the War Production Board, as transmitted to the Foreign Economic Administration by the War Production Board.

(c) *Form of assignment of rating.* The Foreign Economic Administration shall assign ratings under this directive by endorsement of the following legend: "Under authority of the War Production Board, delivery of the material referred to herein is assigned a preference rating of ---------- Application and extension of rating shall be made in accordance with Priorities Regulation No. 3." Where a rating is assigned under paragraph (b), the legend shall also contain the following: "This material is to be charged to the period from ---------- to ----------." The legend shall be endorsed on the export license (including release certificate where used, or on the Lend-Lease requisition or commitment letter to the procuring agency in the case of material being procured by or on behalf of the Foreign Economic Administration, or on other appropriate instrument approved for this purpose by the War Production Board.

(d) *General provisions.* (1) The Foreign Economic Administration may exercise the authority delegated in this directive through such of its officials as the Administrator of the Foreign Economic Administration may determine.

(2) The Foreign Economic Administration shall make to the Program Vice Chairman such monthly reports on the exercise of the authority granted by this

directive as the Program Vice Chairman shall require from time to time.

(3) A true copy of every document on which a preference rating is assigned pursuant to the provisions of this directive shall be maintained by the Foreign Economic Administration for inspection by a representative of the War Production Board at any time.

(e) *Revocation of Priorities Directive No. 3.* Priorities Directive No. 3 is hereby revoked effective January 1, 1944.

(f) *Effective date.* This directive shall take effect January 1, 1944.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 1st day of January 1944.

J. A. KRUG,
Program Vice Chairman.

[F. R. Doc. 44-18; Filed, January 1, 1944; 11:27 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 33]

DISTRIBUTION OF COKE

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9040 of January 24, 1942, and Executive Order 9125 of April 7, 1942, and in order to delegate to the Solid Fuels Administrator for War authority to provide for the equitable and efficient distribution of coke to domestic consumers, it is hereby ordered that:

§ 903.46 *Directive 33.* (a) The Solid Fuels Administrator for War shall, subject to the direction of the Chairman of the War Production Board, perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (Pub. No. 671, 76th Congress, 54 Stat. 676) as amended by the Act of May 31, 1941 (Pub. No. 89, 77th Congress, 55 Stat. 236) and as further amended by Title III of the Second War Powers Act, March 27, 1942 (Pub. No. 507, 77th Congress, 56 Stat. 176), with respect to the exercise of control over the sale, transfer, delivery or other disposition of coke by any person to any domestic consumer and over the use of coke by any domestic consumer. This authority, however, shall not include the power to limit or restrict the quantity of coke obtainable by the Army, Navy, Marine Corps or Coast Guard of the United States; by government agencies or other persons to the extent to which they acquire such coke for export to and use in any foreign country; or by any person to the extent that he acquires coke for use in an industrial process or for the production of power or for space heating which is incidental thereto.

(b) The authority of the Solid Fuels Administrator for War under this delegation shall include the power to regulate or prohibit the sale, transfer or delivery or other disposition of coke, or use of coke, by any person or domestic consumer who has acted in violation of any regulation or order prescribed by the Solid Fuels Administrator for War for the distribution of coke.

(c) The Solid Fuels Administrator for War is authorized to perform the functions and exercise the power, authority and discretion delegated to him by paragraphs (a) and (b) hereof upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense. In order to perform such functions and exercise such power, authority, and discretion, the Solid Fuels Administrator for War is further authorized to exercise the authority, in accordance with the provisions of said Executive Order No. 9125, to obtain information, require reports and the keeping of records, make inspection of books, records and other writings, premises or property of any person, make investigations, administer oaths and affirmations, and require the attendance and testimony of witnesses, and the production of books, records and other documentary or physical evidence.

(d) The Solid Fuels Administrator for War may exercise the power, authority and discretion conferred upon him by this directive through such personnel of the Solid Fuels Administration for War and the Department of Interior, and in such manner as he may determine and accept the services of other departments, agencies and officials of the government in carrying out the purposes of this directive.

(e) As used in this directive the term "domestic consumer" means any person who acquires coke for space heating, domestic hot water or domestic cooking but does not include any person to the extent that he acquires coke for use in an industrial process or for the production of power or for space heating which is incidental thereto; and the term "person" means any individual, partnership, corporation, association, government or government agency or any other organized group or enterprise; and the term "coke" means coke made from bituminous coal.

(f) Nothing herein shall be construed to limit or modify any regulation, order or directive heretofore issued by or under the authority of the Chairman of the War Production Board nor to terminate or limit the power of the Chairman of the War Production Board to issue further directives, regulations or orders regulating the transactions referred to above, nor to affect the authority vested in the Chairman of the War Production Board, pursuant to Executive Orders 9024, 9040 and 9125 to determine the relative importance of deliveries and certify as to the preferential treatment to be accorded them with respect to any of the transactions referred to above, nor to affect the program of rationing coal, coke and wood for the Northwest Pacific Area by the Office of Price Administration in accordance with the provisions of its Rationing Order 14-A, effective September 18, 1943.

(Sec. 2a, 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 31st day of December 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 44-19; Filed, January 1, 1944; 11:27 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[WPB Reg. 1, as Amended Mar. 24, 1943, Amdt. 2]

Section 903.0 War Production Board Regulation 1, as amended March 24 and March 25, 1943, is hereby further amended by:

1. Striking the language in paragraph (b) (2) and substituting therefor:

(2) Action taken pursuant to paragraphs (c), (d) or (e) of this regulation.

2. Striking the language in paragraph (c) and substituting therefor:

(c) The Chairman, the Executive Vice Chairman, or the Program Vice Chairman of the War Production Board may, in his own name, authorize the following officials to perform such functions and exercise such powers, authority and discretion now or hereafter vested in the Chairman as he may prescribe, either in the name of such officials or otherwise, and subject to such restrictions or conditions as he may impose:

(1) Officials of the War Production Board in its regional and district offices;

(2) Officials of or assigned to the Aircraft Resources Control Office or the Aircraft Scheduling Unit.

3. Inserting a new paragraph (d) reading as follows:

(d) The Chairman, the Executive Vice Chairman, or the Program Vice Chairman of the War Production Board may, in his own name, authorize officials of the War Production Board to deny, in whole or in part, either in the name of such officials or otherwise:

(1) An initial application for an allocation of materials or the assignment of a preference rating or any other administrative action which is expressly contemplated by the terms of any order or regulation of the War Production Board.

(2) An appeal from an order, regulation or other action of the War Production Board.

4. Striking former paragraph (d) and substituting therefor a new paragraph (e) reading as follows:

(e) The Chairman, the Executive Vice Chairman, or the Program Vice Chairman of the War Production Board may, in his own name, authorize any agency of the United States Government outside of the War Production Board, or any official of such agency, to perform such functions and exercise such powers, authority and discretion now or hereafter vested in the Chairman as he may prescribe, in such manner and subject to such restrictions or conditions as he may impose.

5. Relettering former paragraph (e) as "(f)", and striking the first sentence thereof and substituting therefor: "All existing rules, regulations, orders, directives, directions, certificates, delegations of authority and other actions taken by or under authority of the Director General for Operations or of his predecessors, the Director of Industry Operations of the War Production Board or the Director of Priorities of the Office of Production Management, or by or under the authority of the Rubber Director, the Director of War Utilities or the Program Vice Chairman of the War Production Board are hereby ratified and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended, and any references therein or in any rule, regulation, order, directive, direction, certificate or other action hereafter issued or taken, to action taken by the Director General for Operations, the Director of Industry Operations, the Director of Priorities, the Rubber Director or the Director of War Utilities shall be deemed to be references to action taken pursuant to this Regulation, as amended."

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F. R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 31st day of December 1943.

CHARLES E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44-63; Filed, January 1, 1944; 4:30 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-450]

MERVIN L. GARDNER

Mervin L. Gardner, of Reno, Nevada, is a general building contractor. In February, 1943, Mervin L. Gardner began construction which consisted of remodeling and extending certain buildings located at 2220 Plumas Street, Reno, Nevada. The estimated cost of this residential construction was in excess of $200.00, the limit permitted under Conservation Order L-41, and its actual cost was approximately $1,690.56. In May, 1943, Mervin L. Gardner commenced another project located at the end of Plumas Street, Greenfield Acres, Washoe County, which consisted of the remodeling of a residence and the construction of a contiguous garage. The estimated cost of this construction was also in excess of $200.00, and both of these projects were commenced without authorization and exceeded the limitations specified in Conservation Order L-41. Furthermore, Mervin L. Gardner was advised as to the restrictions of the order prior to the commencement of those projects, and these acts constituted willful violations of Conservation Order L-41.

These violations have resulted in the diversion of scarce material to uses unauthorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, it is hereby ordered, that:

§ 1010.450 *Suspension Order No. S-450.* (a) Deliveries of material to Mervin L. Gardner, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, for a period of three months from the effective date of this order.

(b) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order of the War Production Board, shall be made to Mervin L. Gardner, his successors or assigns, unless hereafter specifically authorized in writing by the War Production Board, for a period of three months from the effective date of this order.

(c) Neither Mervin L. Gardner, his successors or assigns, nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure material or construction plant in order to continue or complete construction or remodeling of the premises of one Chester V. Emmons on Plumas Street, Greenfield Acres, Washoe County, Nevada, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing in this order shall be deemed to relieve Mervin L. Gardner from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on December 31, 1943.

Issued this 24th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20728; Filed, December 31, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-469]

DR. LEROY GREENLAW

Dr. Leroy Greenlaw of Auburn, Maine, is a chiropractor. During the month of September, 1943, without authorization from the War Production Board, he began construction of additions to the premises at 307 Turner Street, Auburn, Maine, for his professional purposes. The estimated cost of the construction exceeded the $200 limit permitted by Conservation Order L-41 by about $2100. Dr. Greenlaw knew of the order, yet waited about a week after starting construction to file an application for War Production Board approval. He continued construction operations without receiving a permit. His application was denied on October 7, 1943, but he continued construction until November 10, 1943, when stopped by the Boston office of the War Production Board. By that time at least $2260 had been expended and approximately $900 more would be required, in material and labor, to complete the project. The beginning and carrying on of such construction was a wilful violation of Conservation Order L-41.

This violation of Conservation Order L-41 has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.469 *Suspension Order No. S-469.* (a) Neither Dr. Leroy Greenlaw, his successors or assigns, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material, construction plant or equipment in order to continue or complete construction of additions to the premises located at 307 Turner Street, Auburn, Maine, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Dr. Leroy Greenlaw from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board.

(c) This order shall take effect December 31, 1943.

Issued this 24th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20729; Filed, December 31, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-473]

IDEAL SHEET METAL WORKS

George Nelson, doing business as the Ideal Sheet Metal Works, located at 444 West Washington Street, Phoenix, Arizona, is engaged in the business, among other things, of manufacturing and supplying evaporative coolers. In June 1943 Mr. Nelson in the course of his business manufactured, sold and delivered 24 new evaporative coolers having a c. f. m. of less than 2,000 in violation of Limitation Order L-38. Mr. Nelson was fully familiar with the provisions of Limitation Order L-38 and his conduct was a wilful violation of Limitation Order L-38. This violation impaired the operation and the impartial administration of the controls established by the War Production Board over the distribution of critical materials and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.473 *Suspension Order No. S-473.* (a) Deliveries of material to George Nelson, doing business as Ideal Sheet Metal Works or otherwise, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating orders, preference rating certificates, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to George Nelson, doing business as Ideal Sheet Metal Works, his successors or assigns, of any material the supply or

distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve George Nelson, doing business as Ideal Sheet Metal Works, or otherwise, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 31, 1943 and shall expire February 29, 1944.

Issued this 24th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20730; Filed, December 31, 1943; 11:32 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-241, as Amended December 31, 1943]

COMMERCIAL PRINTING

Section 3133.9, General Limitation Order L-241, is hereby amended to read as follows:

§ 3133.9 *General Limitation Order L-241*—(a) *The purpose of this order.* This order does four things: First, it limits the amount of paper which a printer may use for commercial printing. This amount is called his "consumption quota", and is based upon the amount of paper which he used in 1941. Second, it limits the amount of paper which he may accept, based upon the tonnage of paper he has in inventory. Third, it limits the basis weight of paper which may be used in printing certain items. Fourth, it limits the amount of paper which a person may cause to be consumed in printing certain items.

Definitions and Explanations

(b) *Printer.* "Printer" means anyone who operates a printing plant. It does not mean a publisher or a person who orders printing. This order applies to every printer, including a printer who operates a private or "captive" plant as well as a printer who does work for the trade.

(c) *New printers.* Any person who did not print, in 1941, the types of material covered by this order has no quota for such printing.

(d) *Paper.* "Paper" means any grade, quality type, basis weight or size of paper which is used in commercial printing. It includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber.

(e) *Paper not purchased by a printer.* A printer may not use more than his quota of paper for the types of printing covered by this order, even if the blank paper is supplied to him by some other person.

(f) *Use.* Sometimes paper is put through a press more than once, either by the same printer or by different printers, for instance, when several colors are used or when the imprint of a particular distributor is added after part of the printing is done. For the purposes of this order the paper is deemed to be "used" when ink is first applied to it. It makes no difference how many other applications of ink are put on the paper by the same or different printers. All production waste shall be included in determining the amount of paper "used" by a printer.

(g) *Inventory.* "Inventory" means all the paper which is available for a printer's use. Paper in transit is not to be included. It is immaterial whether the paper is in the printer's hands or the hands of a paper dealer or other person.

(h) *Consumption in a quarter.* When a job is started in one calendar quarter and runs over into the next, the paper actually used during each quarter must be charged against the printer's quota for that quarter. The entire job may not be regarded as if it were started and finished in the same quarter.

(i) *Transfer of quotas.* It sometimes happens that one printer does work for another printer, and there is a question as to which one should deduct the paper from his quota. Printer A may "farm out" certain work by purchasing "press time" from printer B. This may be done, for example, where printer A cannot fill an order for a customer because he does not have available the right equipment, material, personnel, or facilities. In such a case, where the customer looks only to A for the finished product and where B acts merely as a sub-contractor, the paper may be charged against A's quota, even though B actually does the printing. This does not mean that A may assign his quota to B. The rules governing this subject are contained in Priorities Regulation 7-A.

Consumption Quota

(j) *Printing which is covered by other orders.* Certain types of printing are not covered by this order. When a printer adds up the weight of paper which he used in 1941, he may not count the paper which went into those items. Also, a printer may not use the quota which he gets under this order for the printing of any of those items. They are:

(1) Newspapers (defined in Limitation Order L-240).

(2) Magazines (defined in Limitation Order L-244).

(3) Books (defined in Limitation Order L-245).

(4) Greeting Cards and Illustrated Post Cards (defined in Limitation Order L-289).

(5) Displays (defined in Limitation Order L-294).

(6) Wallpaper (defined in Limitation Order L-177).

(7) Boxes (defined in Limitation Order L-239).

(8) Converted products named in Lists A, B, C or D of General Conservation Order M-241-a.

(9) Any other "converted products" defined in General Conservation Order M-241-a, except those which must be printed in order to serve the purpose for which they are made. For example, paper drinking cups or paper plates are among the items which are not covered by this order, even though they may contain some printing, because they are just as useful without that printing. On the other hand, items such as calendars or maps would be useless without printing. Therefore, such articles are included in this order and they should be counted when a printer determines, and uses, his quota.

(k) *Commercial printing which is not restricted.* (1) A printer is not limited in the amount of paper which he may use for printing ordered and paid for by a department or agency of the United States, its territories or possessions, or any State, County or Municipality of the United States. This rule applies whether the printing is ordered as a separate item or is included in a contract for something else purchased by a government agency. Official Army or Navy post, camp, station, or unit newspapers or news sheets are not limited if:

(i) They are ordered by the officer in command of the Army or Navy establishment on official War Department or Navy Department purchase orders, requisitions or contracts;

(ii) They contain no paid advertising; and

(iii) They are not owned, edited or operated by civilians but are run entirely by military personnel (although the printing may be done in commercial plants).

(2) When a printer adds up the weight of paper which he used in 1941, he may not count the paper which went into the items described above. Also, a printer may use an unlimited amount of paper for those items from now on.

(l) *Limits on the amount of paper which a printer may use.* In figuring out his quota for any calendar quarter a printer may choose between two different methods, depending on the needs of his particular plant:

(1) *First method.*

(i) Add up the total pounds of paper used in 1941.

(ii) Subtract the pounds of paper used in 1941 for the items covered by other orders, as listed in paragraph (j) above.

(iii) Subtract the pounds of paper used in 1941 for the unrestricted items listed in paragraph (k) above.

(iv) Take 18¾ percent of the difference.

(v) This is the printer's quota for the calendar quarter. He may use that many pounds of paper for any type of printing which is not covered by other orders, as listed in paragraph (j). Also, he may use any amount of paper in addition to his quota for the unrestricted items described in paragraph (k).

(2) *Second method.*

(i) Add up the total pounds of paper used during the same calendar quarter of 1941.

(ii) Subtract the pounds of paper used during that quarter of 1941 for the items covered by other orders, as listed in paragraph (j).

(iii) Subtract the pounds of paper used during that quarter of 1941 for the unrestricted items listed in paragraph (k).

(iv) Take 75 percent of the difference.

(v) This is the printer's quota for the calendar quarter. He may use that many pounds of paper for any type of printing which is not covered by other orders, as listed in paragraph (j). Also, he may use any amount of paper in addition to his quota for the unrestricted items described in paragraph (k).

(3) *Yearly limit.* Even though quotas operate on a quarterly basis, there is a yearly limit on a printer's use of paper. During the year 1944 a printer may not use for the types of printing covered by this order more than 75 percent of the paper which he used for such printing in 1941. As long as he keeps within his yearly limit, he may use one of the two methods described above in one quarter and the other method in another quarter. A printer is allowed to exceed his yearly limit only to the extent of the borrowing and carry-over permitted in paragraph (n).

(m) *Exceptions for small printers.* (1) If a printer used less than 10 tons of paper in any quarter of 1941, he may use the same amount in the corresponding quarter of 1944. Such a printer is not permitted to increase his consumption of paper to 10 tons in a quarter of 1944 if he used less than that amount in the same quarter of 1941. For example, if a printer used 8 tons of paper during the first quarter of 1941, he may use no more than 8 tons in the first quarter of 1944.

(2) If a printer used more than 10 tons but less than 13⅓ tons in any quarter of 1941, his quota in the same quarter of 1944 is 10 tons. For example, if a printer used 12 tons of paper in the first quarter of 1941, the 25 percent cut required by paragraph (l) would limit him to 9 tons in the first quarter of 1944. However, he need not make this entire reduction but may use 10 tons instead.

(n) *Borrowing and carry-over.* A printer may add, under either method, an extra 15 percent to his quota if he uses that much less during the next quarter. Also, if he uses less than he is allowed for one quarter, he may increase his use in later quarters by that amount.

(o) *Certification by publisher of certain items.* No printer may fill an order for (1) magazines, (2) books, or (3) any of the items listed in Schedule II of this order unless he receives, or has previously received from the person who publishes or issues the printed matter, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with [insert the relevant provision] (i) Order L-244 (magazines), (ii) Order L-245 (books), (iii) Schedule II to Order L-241 of the War Production Board and that all printing ordered for items regulated by that order (or schedule), as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order.

Delivery Restrictions

(p) *Limits on the amount of paper which a printer may accept.* No printer or other person may accept delivery of any quantity of paper if his total inventory of all kinds of paper for use in commercial printing is, or by virtue of such acceptance will become, greater than 60 consecutive days' supply. However, if the amount of a particular item is less than 30 days' supply, he may accept delivery of not more than an additional 30 days' supply of that item, provided the amount purchased is required for his production within 30 days of acceptance even if acceptance of that delivery will increase his total inventory to more than a 60 days' supply. The number of days' supply shall be computed at the average daily rate of allowable consumption for the current calendar quarter.

(q) *Certification to paper dealer or mill.* No printer may order paper unless he furnishes, or has previously furnished, to the paper dealer or mill, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L-241 of the War Production Board and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order.

Issuance of Schedules

(r) *Prohibited and restricted uses of paper and paperboard.* The War Production Board may issue, from time to time, schedules which will prohibit the use of paper in certain items, limit the basis weight of paper which may be used in other items and limit the amount of paper which a person who publishes or issues certain items may cause to be consumed in the printing of those items.

Miscellaneous Provisions

(s) *Records which must be kept.* In order to assure compliance with this order, every printer must calculate, as accurately as he can, the weight of paper which he used during each quarter of 1941 for the items covered by this order. He must also keep accurate records of this type of information for each calendar quarter beginning with January 1, 1943. He must preserve these figures and his work sheets for inspection by War Production Board officials as long as this order remains in force and for two years after that.

(t) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(u) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(v) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(w) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-241.

(x) *Effective date.* This amendment shall become effective on January 1, 1944.

SCHEDULE I

(a) *Limits on basis weights.* No person may manufacture and no person may cause to be manufactured any of the items listed in this schedule in a basis weight, thickness, area or weight per unit greater than the maximum specified for such use.

(1) Art reproductions, without advertising—basis weight 25 x 38—120#.

(2) Diaries, date books, desk calendar pads, and advertising memo pads 9" x 6" or smaller—basis weight 17 x 22—16#. Larger than 9" x 6" basis weight 17 x 22—20#.

(3) Dodgers and handbills—basis weight 24 x 36—35#.

(4) News letters and loose leaf services other than books (as defined in Order L-245)—basis weight 17 x 22—16# if printed on one side; basis weight 17 x 22—18# if printed on two sides.

(5) Accounting records, books and forms—basis weight 17 x 22—32#.

(6) Corporate securities, checks, domestic and foreign currency—basis weight 17 x 22—24#.

(7) Notes, contracts, mortgages, wills, deeds and insurance policies—basis weight 17 x 22—20#.

(8) Letterheads—basis weight 17 x 22—16#.

(9) Card indexes and card records—basis weight 25½ x 30½—140#.

(10) Time cards—caliper .014 inches.

(11) County record books—basis weight 17 x 22—36#.

(12) Prospectuses for the sale of securities—basis weight 25 x 38—50#.

(13) Legal briefs and records on appeal—basis weight 25 x 38—50#.

(14) All other office, business, financial and legal forms, except blank books—basis weight 17 x 22—16#.

(15) Road and street maps and guides for civilian use—basis weight 17 x 22—20#.

(16) Telephone directories—body basis weight 24 x 36—28#; cover basis weight 22½ x 28½—110#.

(b) *Exceptions.* The above restrictions do not apply to paper which has been manufactured before October 21, 1943.

(c) *Exceptions to Order L-120.* Schedules I, II and III to Order L-120 provide: "Paper may be manufactured in any basis weight or thickness permitted for a particular use by any subsequent order, provided the basis weight or thickness does not exceed the maximum specified by the War Production Board for such use, and provided all other provisions of this or such subsequent order are fully complied with." Pursuant to this provision the manufacture of paper in the basis weights specified in this list for art reproductions, corporate securities, checks, domestic and foreign currency, and telephone directory covers is hereby permitted. All other basis weights specified in this list may be manufactured only in the grades in which they are permitted under the relevant schedules of Order L-120.

SCHEDULE II

(a) *Limits on the amount of paper which a person may cause to be consumed in printing certain items.* During the year 1944, and each year after that, no person may cause to be consumed in the printing of items listed in this schedule more than 75 percent, by

weight, of the paper which he caused to be consumed in the printing of those items in 1941. It is not necessary for the weight of each copy or edition to be reduced, as long as the total weight of paper consumed in the printing of all copies or editions is reduced by the required amount.

(1) Catalogs (including supplements) of 12 or more bound pages issued by a person who manufactures, distributes or offers for sale the products, commodities or services listed therein.

(2) Directories (except telephone directories) of 12 or more bound pages issued by a person whose primary business is not publishing.

(3) Shopping guides, free distribution newspapers, want ad publications and free distribution circulars in newspaper format which are not "newspapers" as defined in Order L–240.

(4) School and college annuals and yearbooks.

(b) *Certification.* No person may order any of the items listed in this schedule to be printed unless he furnishes, or has previously furnished to the printer, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

> The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the printer and to the War Production Board that he is familiar with Schedule II to Order L–241 of the War Production Board and that all printing ordered from you of items regulated by that schedule, as amended from time to time, will be in compliance therewith.
>
> This is a one-time certification and need not accompany each individual order.

Issued this 31st day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–20731; Filed, December 31, 1943; 11:32 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M–369]

TUNGSTEN AND MOLYBDENUM PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tungsten and molybdenum products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 3294.156 *General Preference Order M–369*—(a) *Definitions.* For the purpose of this order:

(1) "Tungsten products" means the element tungsten in pure form fabricated to the extent that it is hydrogen-reduced powder, ingot, wire, rod or sheet, or further fabricated into shapes, such as, but not limited to, coils, filaments, spirals, grids, welds, leads or plates, but does not include tungsten in the form of carbon-reduced powder or tungsten contacts.

(2) "Molybdenum products" means the element molybdenum in pure form fabricated to the extent that it is hydrogen-reduced powder, ingot, wire, rod or sheet, or further fabricated into shapes such as, but not limited to, coils, filaments, spirals, grids, welds, leads or plates, but does not include molybdenum in the form of carbon-reduced powder or molybdenum contacts.

(3) "Alloy products" means any ingot, wire, rod or sheet which contains substantially pure tungsten and molybdenum but no other material.

(4) "Processor" means any person who produces tungsten or molybdenum in the form of hydrogen-reduced powder, ingot, wire, rod or sheet.

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(c) *Restrictions on deliveries.* No person shall make delivery of, and no person shall accept delivery of, tungsten products, molybdenum products or alloy products without the specific authorization in writing of the War Production Board. The restrictions of the first sentence of this paragraph shall not apply to deliveries between affiliates, or to deliveries from one branch, division, department, or section of a single enterprise to another branch, division, department, or section of the same enterprise, of molybdenum products, tungsten products or alloy products to be made into ingot, rod, wire or sheet; but they shall apply to all deliveries of molybdenum products, tungsten products or alloy products between affiliates, and to intracompany deliveries thereof, in all cases not just mentioned. In addition, use of rod to make contacts shall be deemed a delivery when the rod and contacts are manufactured in the same branch, division, department or section of a single enterprise.

(d) *Reports and applications.* (1) Each processor shall file, in such manner as the War Production Board may from time to time prescribe, reports with the War Production Board on or before the seventh day of each calendar month, showing his proposed production of tungsten products, molybdenum products or alloy products, for the next calendar month.

(2) Each person who desires to acquire any tungsten products, molybdenum products or alloy products shall apply to the War Production Board for an authorization which, if granted, will permit his supplier to deliver the desired tungsten products, molybdenum products or alloy products. The application shall be made not later than the first day of the month preceding the month in which delivery of the tungsten products, molybdenum products or alloy products is desired, on Form WPB–2868 and/or WPB–765, or such other form as the War Production Board may from time to time prescribe. All such applications must be accompanied by reports of the applicant on Form WPB–2870 and/or WPB–2446, or on such other form as may be prescribed for the purpose from time to time by the War Production Board. In order to facilitate the desired delivery of tungsten products, molybdenum products or alloy products, it is imperative that each applicant file with his supplier a copy of Form WPB–2868 and/or WPB–765 broken down into the various categories at the same time he submits the original application to the War Production Board on that form. Failure by that person to file this copy with his supplier on the date specified may result in his failing to secure an allocation.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Ferro-Alloys Branch, Steel Division, War Production Board, Washington 25, D. C. Reference M–369.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 31st day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–20732; Filed, December 31, 1943; 11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L–98, as Amended June 6, 1943, Amdt. 1]

DOMESTIC SEWING MACHINES

Section 3291.280[1] *Limitation Order L–98* is hereby amended to read as follows:

Change "1943" in the third line of Paragraph (b) (2) to read "1944."

Issued this 31st day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–20772; Filed, December 31, 1943; 4:53 p. m.]

PART 937—ZINC

[Conservation Order M–11–b, as Amended Jan. 1, 1944]

§ 937.3 *Conservation Order M–11–b*—(a) *Prohibition on use of zinc or zinc products in articles appearing on List A.* (1) No person shall use any zinc or zinc products to make any item on List A. Additional items may, from time to time, be added to List A by amendment and the restrictions of this order made applicable to such items after a specified date. In each such case the effective date for the particular item will be indicated in parenthesis after the item.

(2) No person shall use any metal which has a protective coating or plating (other than paint) of zinc to make any item on List A, and no person shall apply a protective coating or plating (other than paint) of zinc to any item on List A unless the item on List A has a notation to the contrary.

(b) *Limitation of use of zinc or zinc products to make items not on List A.* In addition to the prohibitions of paragraph (a) above no person shall, during any calendar quarter, use more:

(1) Zinc products in the manufacture of any item, or

(2) Zinc in the production of any zinc product not requiring further processing, assembling, or finishing, or

(3) Zinc or zinc products for the purpose of applying a protective coating or plating (other than paint),

than 15% of the amount by weight of zinc or zinc products, respectively, used by him for such purpose during the entire calendar year 1941.

(c) *General exceptions.* The prohibitions and restrictions in paragraphs (a) and (b) shall not apply to the use of zinc or zinc products for the manufacture of any of the items or for any of the purposes following:

(1) Under a specific contract or subcontract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration to the extent required by specifications, including performance specifications, applicable to the contract, sub-contract or purchase orders.

(2) For use to comply with safety regulations issued under government authority which require the use of zinc to the extent employed, or in safety equipment as permitted by General Limitation Order L–114, where and to the extent the use of any less scarce material is impractical.

(3) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical.

(4) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(5) For health supplies of the following types only:

(i) Dental instruments, apparatus and equipment;
(ii) Dental supplies and appliances;
(iii) Lamps, health electric;
(iv) Medicinal chemicals (limited to medical uses only);
(v) Ophthalmic products and instruments;
(vi) Physiotherapy products, electrical;
(vii) Surgical and medical instruments, equipment and supplies;
(viii) Orthopedic appliances;
(ix) X-Ray apparatus and tubes;
(x) Class I and II garments, as defined by General Limitation Order L–90;
(xi) Waterproof sheeting for hospital beds and hospital hampers and infants' crib sheets;
(xii) Hearing aids.

(6) For precision measuring, recording and control instruments, systems or equipment for use in industrial processes.

(7) For stamping and forming dies.

(8) For use as zinc dust in the following:

(i) Metal refining and recovery;
(ii) Smoke mixtures;
(iii) Rubber processing;
(iv) Chemicals for medicinal products;
(v) Sodium hydrosulfite and sulfoxylate and zinc hydrosulfite;
(vi) Dyestuffs, intermediates and dyes;
(vii) Electroplating.

(9) For adjustable stencils for marking shipments and products.

(10) For applying a protective coating or plating (other than paint) of zinc to any item for which the processor has used cadmium for the same purpose after September 1, 1943.

(11) For protective coatings on coins made by the Bureau of the Mint or on fare tokens.

(12) For dry cell batteries to the extent that the manufacture of such batteries is permitted by General Limitation Order L–71.

(13) For printing plates to the extent that the manufacture of such plates is permitted by General Limitation Order M–339.

(14) For the manufacture of zinc oxide.

(15) For eyelets and grommets.

(16) For applying a protective coating or plating of zinc on plumbing fixture fittings and trim.

(17) For universal portable electric tools as defined in Schedule I to Limitation Order L–216.

(18) For portable pneumatic tools which, in the course of normal use, are lifted, held, and operated by not more than two persons.

(19) For light power driven tools as defined in General Limitation Order L–237.

(20) For data, instruction and identification plates.

(21) For air compressors (functional parts).

(22) For airline, water, and oil separators.

(23) For air regulators, as part of spraying equipment.

(24) For closures for glass containers as permitted by Conservation Order M–104 or General Limitation Order L–103–b.

(25) For repair parts to replace similar parts of zinc.

(26) For motors, electric.

(27) For pulleys for power transmission.

(28) For flexible couplings.

(d) *Prohibitions against sales or deliveries of zinc or zinc products.* No person shall sell or deliver any zinc or zinc products to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of this order must be by letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal, filed with the field office of the War Production Board for the District in which is located the plant or branch of the appellant to which the appeal relates. The appeal shall contain, in addition, the following: (i) Zinc consumed in the year 1941 for the purpose for which the appeal is made; (ii) whether the quantity appealed for is to establish or exceed quota; (iii) the reason why zinc must be used if it was not consumed during the base period. The reporting requirements of paragraph (e) (1) of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Definitions.* (i) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc scrap and zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(ii) "Zinc products" means zinc in the form of sheet, strip, rod, wire, castings, or dust.

(iii) "Use" means to process, assemble, or finish zinc products or to consume zinc.

(iv) "Item" means any article or component part thereof.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A amended January 1, 1944.

The use of zinc in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing Conservation Order M–11–b. Where sublistings appear under a general heading on this list, the prohibition against the use of zinc and zinc products applies only to the sublisted items.

Art craft and furnishings:
- Andirons.
- Bookends.
- Candlesticks.
- Coat hooks.
- Door chimes.
- Fireplace fittings.
- Mirror frames.
- Picture frames.
- Statues.

Automotive: (except mechanical or functional items):
- Diesel engines.
- Locking devices for wheels, tires or gasoline tanks.
- Passenger cars.

[1] Formerly Part 1192, § 1192.1.

Automotive—Continued.
Trailers.
Tractors.
Trucks:
Truck tractors.
Banks, personal, toy, miniature.
Beauty shop and barber shop equipment and supplies (whether for home or business uses):
Hair curlers.
Hair dryers.
Lotion dispensers.
Permanent waving machines.
Bicycles and Tricycles:
Bicycles (except for protective coatings on wire for spokes).
Tricycles.
Binoculars.
Builders' finishing hardware (except as permitted by General Limitation Order L-236, Schedule I, whether specifically or by reference to this order)
Builders' supplies (except protective coatings):
Down spouts.
Drainage fittings.
Flashing.
Gutters.
Mouldings.
Roofing
Trim
Bulletin and menu boards, directories and similar items, and letters for same
Burial equipment:
Caskets
Casket hardware
Markers
Vaults
Coin operated devices:
Automatic phonographs
Gaming machines
Vending machines (except sanitary napkin machines as permitted by General Limitation Order L-27)
Clock & watch cases
Closures and associated items (except as permitted by General Limitation Order L-68)
Cooking appliances:
Electric stoves and ranges
Gas-fired stoves and ranges
Cosmetics:
Cosmetic containers, compacts and lipstick holders
Lotion dispensers
Perfume dispensers
Costume jewelry
Drill holder stands
Electric fans
Electrical household appliances
Grilles
Hand tools (except for gears and protective coatings)
Handbag fittings
Health supplies (except as permitted by paragraph (c) (5) of this order)
Insignia
Insulation
Key blanks (except protective coatings)
Kitchen, household, restaurant & soda fountain items:
Butter chippers
Can openers
Coffee grinders
Coffee urns
Dishwashing machines (except protective coatings)
Drink mixers and shakers
Egg slicers
Food mixers
Fruit juicers
Grilles
Ice cream cabinets
Ice crushers
Meat slicers
Patent medicine dispensing machines
Potato slicers & mashers
Sterilizers
Toasters
Lamps (except protective coatings)
Laundry tags and other clothing markers (except protective coatings)
Lawn mowers and lawn sprinklers
Lighting equipment, interior (except protective coating)
Luggage:
Fittings
Hardware
Mechanical pencils
Metal furniture
Metal plastering bases (See also Order L-50-b)
Musical instruments
Novelties:
Advertising novelties
Jewelry cases
Letter openers
Novelty jewelry
Souvenirs
Office supplies:
Box openers
Calendar bases & holders
Envelope openers
Envelope sealing machines
List finders
Paper weights
Pen bases
Pencil sharpeners
Stapling machines
Ornamental and decorative uses (whether or not the item is included in List A)
Outboard motors
Paper and paper product dispensing machines and devices (except protective coatings)
Paper coatings
Parking meters
Photographic equipment, accessories, and parts (except as permitted by General Limitation Order L-267)
Portable and standing lamps (except protective coatings)
Portable gasoline and Diesel engines (except mechanical or functional items)
Radios and non-coin operated phonographs
Refrigerators, mechanical, electric or gas (except for essential food storage, food transportation and industrial uses)
Sewing machines
Signs:
Advertising specialities
Billboards
Merchandise displays of all kinds
Name plates
Smokers' supplies:
Ash trays
Cigar and cigarette lighters
Smokers' accessories
Soap dispensers
Slugs and tokens of all kinds (except as permitted by paragraph (c) (11) of this order)
Soot removers (except as produced from scrap)
Spittoons
Stair treads and thresholds
Stationary gasoline and Diesel engines (except mechanical and functional items)
Stenciling devices (except as permitted by paragraph (c) (9) of this order)
Stokers
Terrazzo strips (except for grids in hospital operating and operating service rooms)
Ticket vending machines
Toys and games
Vacuum cleaners and sweepers
Venetian blind slats and hardware
Washing machines

[F. R. Doc. 44-20; Filed, January 1, 1944; 11:26 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-257-a as Amended Jan. 1, 1944]

EXPORTS

§ 1029.16 *Limitation Order L-257-a*—(a) *What this order does.* This order describes the rules governing the manufacture for export of machinery and equipment (both farm and non-farm) and repair parts, and supplements Limitation Order L-257 covering domestic production. All general provisions of the domestic order, such as definitions and rules for production schedules, will apply to producers for export under this order, unless this order indicates otherwise. It is expected that this order L-257-a will be the basic export order from year to year, but that "applicable export schedules" of quotas will be issued for each "current quota period", just as explained in Order L-257 for domestic quotas. It may be assumed that the applicable export schedules in effect at any particular time will continue into the next "current quota period", until such time as new schedules are issued.

(b) *Additional definitions.* The definitions of Order L-257, unless otherwise indicated in this order, shall apply for the purpose of this order, and also the following:

(1) "Base shipment" means one-half the net shipping weight of the total quantity (as reported on Form PD-388) of farm machinery and equipment and repair parts in the aggregate exported by a producer during the calendar years 1940 and 1941 combined to any country or group of countries (except Canada) listed on an applicable export schedule.

(2) "Lend-Lease order" means any order for machinery and equipment (both farm and non-farm) or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Applicable export schedule" means any schedule which relates to a current quota period and fixes manufacturing quotas for the foreign country or countries listed for that period.

(c) *Restrictions on production for export*—(1) *General export quotas (except Canada).* During any current quota period, no producer shall manufacture for shipment, or ship, to foreign countries more machinery and equipment (both farm and non-farm) and repair parts than his quota for the particular country or countries, as indicated on the applicable export schedule. Where countries are listed on an applicable export schedule as a group with only one quota percentage, the producer's quota for all countries in the group as a whole is the listed percentage of his base shipments to those countries. Where countries are listed individually with separate quota percentages, the producer's quota for each country is the applicable percentage of his base shipment to that country. Where the quota percentage is 0% for any country or group of countries listed, or where a particular foreign country is not listed at all, shipments can be made only by getting a special quota under paragraph (c) (4). These special quotas will be given only as the need arises.

Each export quota for a country or group of countries (except Canada) is an over-all tonnage, which the producer can divide up among farm machinery and equipment, non-farm machinery and equipment, and repair parts, as he chooses.

Exceptions to these general rules are stated in paragraph (d).

(2) *Canadian quotas.* During any current quota period, no producer shall manufacture for shipment to Canada more of any item of farm machinery and equipment (in units) or attachments and repair parts (by weight) than his quota as indicated on the applicable export schedule. For each item of farm machinery and equipment (excluding attachments) the producer's quota is half the number of that item (in units) shipped by him to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. (Quotas for Canada do not include non-farm machinery and equipment.)

For each item of attachments, the quota is half the net shipping weight of that item shipped by the producer to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. However, the producer may choose to lump all attachments as explained in paragraph (d) (3).

For repair parts, the quota is half his total 1940 and 1941 shipments by weight of all repair parts to Canada, multiplied by the indicated percentage.

Exceptions to these general rules are stated in paragraph (d).

(3) *Special restrictions.* No producer shall manufacture for shipment, or ship, to any foreign country (including Canada):

(i) [Deleted Dec. 28, 1943]

(ii) Any item of farm machinery and equipment or repair parts except to the extent listed on an approved production schedule under paragraph (e).

(4) *Adjustments in quotas.* The War Production Board may, by specific written directions or authorizations issued to any producer or other person affected by this order, increase or decrease any export quota or authorized use of materials; and may transfer any portions of quotas between producers, taking into account the amount and weight of materials to be used, the need for particular items at the time required in particular countries, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be proper.

(d) *Exceptions*—(1) *Production before or after current quota periods*—(i) *Advance planning of production.* Before the beginning of any current quota period, producers may plan their advance production for export as explained for domestic production in subparagraph (d) (5) (i) of Order L-257.

(ii) *Carry-over of uncompleted portions of quotas.* Any portions of export quotas under an applicable export schedule (including all amendments, appeals and specific authorizations) which are not completely manufactured by the end of the current quota period, may be carried over and added to the corresponding quotas of the next current quota period, but only to the extent that the particular items are covered by an export license issued by the Office of Economic Warfare or by a Lend-lease order, dated before July 1 of this next period. However, items for Canada may be carried over to the extent that they can be completed by July 31 of this next period.

(iii) *Uncompleted L-170 quotas.* Uncompleted export quotas under Order L-170 (except Canada) may be carried over as explained in subparagraph (d) (1) (ii) above to the extent that they are covered by an export license or Lend-Lease order dated before October 1, 1943. Uncompleted L-170 quotas for Canada may be completed up to June 30, 1944.

(2) *Bracketed items for Canada.* Wherever, in an applicable export schedule for Canada, two or more items are bracketed together, the producer may distribute his total quota (in units) for that bracket among all the items in that bracket, as set forth for domestic items in paragraph (d) (2) of Order L-257.

(3) *Attachments for Canada.* Any producer may choose not to follow the individual quota percentages for attachment items for Canada as indicated on the applicable export schedule, and instead manufacture up to 75% of half his total 1940 and 1941 shipments of all attachments (by weight) to Canada, under the terms set forth for domestic attachments in paragraph (d) (3) of Order L-257.

(e) *Production schedules.* Each producer who is not a "small producer" must have available for shipment export the quantities of items of machinery and equipment (both farm and non-farm) and repair parts as indicated on his production schedules which have been filed and approved in accordance with paragraph (e) of Order L-257. All provisions of that paragraph apply to production schedules for export, unless otherwise indicated. However, any item manufactured for export, whether for an O. E. W. country or Lend-Lease country (excluding Canada), may be shipped to any foreign country (except Canada) regardless of the schedule filed on Form WPB-3053 or WPB-3181, *Provided*, That the total shipments to any country or group of countries during the current quota period must not be more than the quota for that country or group of countries established under this order. Shifts of this nature do not have to be reported on Form WPB-3181.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C., Ref.: L-257-a.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPLICABLE EXPORT SCHEDULES OF ORDER L-257-A FOR CURRENT QUOTA PERIOD JULY 1, 1943 TO JUNE 30, 1944

Quotas for countries listed on Schedules X-1, X-3, X-4, X-5, X-6, X-7 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments of farm machinery and equipment and repair part to all the countries in the particular group.

Quotas for countries listed on Schedule X-8 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments to each such country.

NOTE: Quota percentages are not established for countries listed in Schedules X-2 and X-9 below. Quotas for these countries, and for special projects in any country, will be allocated specifically from time to time under paragraph (c) (4).

O. E. W. COUNTRIES

Schedule X-1—Quota Percentage 45%

Argentina
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Haiti
Honduras
Mexico
Nicaragua
Panama
Paraguay
Peru
Uruguay
Venezuela

Schedule X-2—Other O. E. W. Countries Quota Percentage—0%

Azores
Belgian Congo
British Oceania
Canary Islands
Cape Verde Islands
Curacao (N. W. Indies)
Eire
French Guiana
French Oceania
French West Indies
Greenland
Liberia
Madagascar
Miquelon and St. Pierre
Mozambique
Newfoundland and Labrador
Portugal
Portuguese Guinea and Angola
Rio de Oro and Spanish Guinea
Spain
Spanish Morocco
Surinam (Dutch Guiana)
Sweden
Switzerland
Tangier

LEND-LEASE COUNTRIES

Schedule X-3—Quota Percentage 87%

United Kingdom:
Great Britain
North Ireland
Scotland
Wales

Schedule X-4—Quota Percentage 580%

French North Africa:
Algeria
French Morocco
Tunisia

Schedule X-5—Quota Percentage 479%

Other French Africa:
French Equatorial Africa
French Somaliland
Cameroons (French)

Schedule X-6—Quota Percentage 151%

British West Indies:
Bahamas
Barbados
Bermuda
Jamaica
Leeward Islands
Trinidad and Tobago
Windward Islands

Schedule X-7—Quota Percentage 37%

British West Africa:
Cameroons (British)
Gambia
Gold Coast
Nigeria
Sierra Leone

Schedule X–8

Countries:	Quota percentages
Australia	399%
British East Africa	167%
British Honduras	70%
British Guiana	200%
Egypt and Sudan	880%
Iceland	922%
India	55%
Iran	53%
Iraq (Mesopotamia)	469%
New Zealand	232%
Palestine	415%
North & South Rhodesia	132%
Turkey	43%
Union of South Africa	121%

Schedule X–9—Other Areas Quota Percentage—0%

Aden
Arabia Peninsula States
Belgium
British Somaliland
Ceylon
China (Free)
Cyprus
Italian Somaliland
Ethiopia
Falkland Islands
French West Africa
France
Greece
Denmark
Gibraltar
Italy
Malta and Gozo
Mauritius and Dependencies
Netherlands
Norway
Poland
State of Bahrein
St. Helena and Dependencies
Syria
U. S. S. R.
Yugoslavia

CANADA

Schedule X–10

Quotas for the following items of farm machinery and equipment (excluding attachments) are expressed as a percentage of one-half the number of units of each item shipped to Canada during the combined calendar years 1940 and 1941; where applicable, the item numbers correspond to those in Schedule A of Order L–257. Bracketed items may be handled as indicated in paragraph (d) (2).

The quota base for each item of attachments, and for repair parts, is one-half the net shipping weight of the 1940 and 1941 shipments thereof. Note option to lump all attachments as provided in paragraph (d) (3).

Items not listed are not to be manufactured for shipment to Canada.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item		Quota percentages
4	Two row corn planters	81
6	Three row and over corn planters	81

Division 2: Planters (Tractor Mounted)

10	Two row corn planters	81
12	Three row and over corn planters	81

Division 3: Potato Planters (Horse or Tractor Drawn)

14	One row	152
14a	Two row and larger	125

Division 4: Transplanters

[1]	Horse or tractor drawn	77
16	Hand, wheel type	77

[1] No applicable item number on Schedule A of Order L–257.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY—continued

Division 7: Beet Drills

Item		Quota Percentage
[1]	Horse or tractor drawn	69

Division 8: Grain Drills

[1]	Fertilizer drills, horse or tractor drawn	75
[1]	Plain drills, horse or tractor drawn	75
[1]	Press drills, horse or tractor drawn	82

Division 10: Garden Planters

30	Hand planters, wheel type	100

Division 12: Lime Spreaders (Sowers)

33	Wheeled type, horse or tractor drawn	70

Division 13: Manure Spreaders

36	Four wheeled, horse or tractor drawn	133
37	Two wheeled tractor drawn	133

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42	Walking, one horse, steel bottom	0
43	Walking, one horse, chilled bottom	0
44	Walking, two horse, or larger	51
46	Gang, two bottom and larger	26

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47	One bottom, tractor drawn	57
48	Two bottom, tractor drawn	57
49	Three bottom, tractor drawn	57
50	Four bottom, tractor drawn	57
51	Five bottom, and larger, tractor drawn	57
52	One bottom, tractor mounted	51
53	Two bottom, tractor mounted	51

Division 5: One Way Disc Plows or Tillers

63	Under five feet	72
63a	Five foot and under eight foot	72
63b	Eight foot and over	72

Division 11: Seeding Boxes

[1]	Seeding boxes for one way plows or tillers	92

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78	Spike tooth harrow sections, horse or tractor drawn (steel)	63
79	Spring tooth harrow sections, horse or tractor drawn (steel)	65
[1]	Disc harrows, horse or tractor drawn:	
	(1) wide tractor disc harrow	42
	(2) tandem tractor disc harrow	56
	(3) horse disc harrow	51

Division 3: Soil Pulverisers and Packers

[1]	Trailer packers for one way disc, drill and plow	41

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and tractor drawn)

91	One horse, all types	58
93	Corn cultivators, one row	96
95	Beet cultivators	76
[1]	Field cultivators	66
97	Hand cultivators and weeders	100

GROUP 4: CULTIVATORS AND WEEDERS—COR.

Division 2: Cultivators (Tractor Mounted)

Item		Quota Percentage
98	One row	83
99	Two row, shovel type	83
100	Three or four row, shovel type	83
101	Five row and over	83

Division 4: Weeders

103	Rod weeders, horse or tractor drawn	25

Division 5: Other Cultivators and Weeders

[1]	Tobacco cultivators	50

GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers and Traction Sprayers

[1]	Power sprayers	116
[1]	Traction sprayers	95

Division 2: Hand Sprayers (Capacity one quart & over)

110	Compressed air	84
111	Knapsack self-contained	
112	Trombone pump type	
113	Bucket pump type, single cylinder	
114	Bucket pump type, double cylinder	
115	Atomizing single action (1 qt. and larger)	
116	Atomizing continuous (1 qt. and larger)	

Division 3: Sprayers with Tank, Barrel, Knapsack, etc., (6 gals. or more)

117	Barrel pump sprayer	84
118	Wheelbarrow type	

Division 4: Spray Pump (Power)

119	Spray pumps, power	100

Division 6: Dusters

121	Power dusters, auxiliary engine	162
121a	Power dusters, power take-off	162
122	Traction dusters	162
123	Hand dusters, rotary type	84

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvesting thrashers)

126	Width of cut, 6 feet and under	110
127	Width of cut, over 6 feet including 10 feet	110
128	Width of cut, over 10 feet	110
[1]	Pickup for combines	200
128a	Swather	244

Division 2: Grain and Rice Binders

129	Grain binder (ground drive)	61
130	Grain binder (power take-off drive)	64

Division 3: Corn Binders

132	Corn binders (row binder) horse or tractor drawn	75

Division 4: Corn Pickers

133	One row, mounted type	128
134	Two row, mounted type	128
135	One row, pull type	128
136	Two row, pull type	128

Division 5: Field Ensilage Harvester (Row type)

137	Field ensilage harvester (40 units to be allotted)	0

Division 6: Potato Diggers

[1]	Horse or tractor	158

Division 8: Beet Lifters

141	Horse or tractor	97

GROUP 7: HAYING MACHINERY

Division 1: Mowers

Item		Quota Percentage
146	Horse or tractor drawn (ground drive)	77
147	Tractor mounted or semi-mounted (Power take-off drive)	77
[1]	Knife or sickle grinder	71

Division 2: Rakes

148	Sulky, dump	93
149	Side delivery	129
150	Sweep, horse	75

Division 3: Hay Loaders

151	Hay loaders	159

Division 4: Stackers

152	Stackers (Stationary type)	100

Division 5: Hay Balers

[1]	Pick-up hay balers (50 units to be allotted)	0

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Thrashers

158	Thrashers, width of cylinder under 28 inches	32
159	Thrashers, width of cylinder 28 inches or over	32
162	Ensilage cutters (silo fillers)	89

Division 5: Feed Cutter (Hand and Power)

163	Feed Cutters, hand and power	105

Division 6: Corn Shellers

164	Corn shellers, hand	33
165	Power corn shellers (2, 4, 6 and 8 hole)	33
166	Power corn shellers, cylinder (150 bu. and under)	33
167	Power corn shellers, cylinder (over 150 bu.)	33

Division 9: Feed Grinders and Crushers

174	Power Burr type	183
175	Hammer	66
175a	Roughage mills	66
175b	Feed mixer (not concrete mixer)	126

Division 10: Cleaners and Graders (Farm type)

176	Cleaners and graders (corn and grain)	100

Division 11: Potato Sorters and Graders

177	Potato sorters and graders	85

Division 16: Other Machines for Preparing Crops for Market Use

[1]	Roller or crusher type feed cutters	33
[1]	Pulper (feed)	100

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators (portable)

188	Elevators, portable	50

Division 2: Elevators (stationary)

189	Elevators, stationary	0

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192	Special purpose under 30 h. p.	75
193	Special purpose 30 or over h. p.	
194	All purpose under 30 h. p.	
195	All purpose 30 and over h. p.	

[1] No applicable item number on Schedule A of Order L–257.

GROUP 10: TRACTORS—continued

Division 2: Garden Tractors

Item		Quota Percentage
196	Garden tractors including motor tillers (325 units to be allotted)	

GROUP 11: ENGINES

NOTE: Engines and repairs for same are not controlled by this order, but are scheduled by the Automotive Division.

GROUP 12: FARM WAGONS AND TRUCKS (NOT MOTOR)

Division 1: Wagons

205	Wagons, farm, without boxes	90
206	Trucks, farm, without boxes	97

Division 2: Wagon Bodies

207	Wagon and truck boxes, farm	141

GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well System

213	Deep well, reciprocal	135
214	Deep well, jet pumps	135
215	250–499 gals. per hour, shallow well	135
216	500 to 3000 gals. per hour, shallow well	135

Division 2: Power Pumps

217	Horizontal type up to and including 50 gals. per min. 100 lb. pressure	135

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, Water

220	Pitcher pumps or cistern pumps	86
221	Hand and windmill pumps	162

Division 2: Windmills

222	Windmill heads	86
223	Windmill towers	35

Division 3: Pump Jacks

224	Pump jacks	160

GROUP 15: IRRIGATION EQUIPMENT

Division 2: Distribution Equipment

[1]	Repairs, sprinklers, valves and gates for truck garden sprinkling equipment, excluding piping and lawn sprinklers: (1,000 pounds to be allotted)	0

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

237	Milking machines (with 2 pails per pump)	185

Division 2: Farm Cream Separators

238	Farm cream separators, capacity 250 lbs. per hour or less	0
239	Farm cream separators, cap. 251–800 lbs. per hour	186
240	Farm cream separators, capacity 801–1500 lbs. per hour	186

Division 3: Farm Milk Coolers

241	Immersion type (200 units to be allotted)	0

Division 4: Farm Butter Making Equipment

243	Butter churns	80

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 2: Hay Unloading Equipment

254	Hay carriers	103
255	Track for hay carriers	103
256	Hay forks, harpoon and grapple	103
257	Pulleys and fittings	103

GROUP 17: BARN AND BARNYARD EQUIPMENT—continued

Division 4: Livestock Drinking Cups and Watering Bowls

Item		Quota Percentage
261	Livestock drinking cups	138

Division 5: Hog Troughs

264	Hog troughs	50

Division 8: Other Barn and Barnyard Equipment

270	Hog waterers	50
271	Hog rings	(15,000 lbs. to be allotted) 0
272	Bull rings	

GROUP 18: FARM POULTRY EQUIPMENT

Division 1: Incubators

274	Incubators, 1000 egg capacity and smaller	105
275	Incubators, over 1000 egg capacity	105

Division 2: Floor Brooders (over 100 chick capacity)

277	Coal	
279	Wood	159
280	Electric	

NOTE: Producers may use one-half their production of oil brooders (over 100 chick capacity), as well as one-half their production of coal, wood and electric types, during 1940 and 1941, in figuring their total brooder quota; but they can produce for shipment to Canada only the coal, wood, and electric types listed above.

Division 8: Egg Cleaners and Brushes (hand use only)

[1]	Egg cleaners and brushes (hand use only)	150

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 4: Harness Hardware

298	Harness hardware (pounds)	156

Division 6: Electric Fence Controllers

300	Electric fence controllers	225
301	Electric fence accessories (pounds)	200

Division 8: Farm Wood-Sawing Machines

309	Farm wood-sawing machines	89

Division 10: Farm Lighting Plants

311	Wincharger type (battery not included)	25

ATTACHMENTS AND REPAIR PARTS

[1]	Repair parts, in the aggregate (base is one-half the net shipping weight of total 1940–1941 shipments of repairs)	156
[1]	Attachments: Quota percentage for each attachment item is the same as that listed above for the machine or item with which the attachment is used, except that the base is net shipping weight instead of units. However, option may be chosen to lump all attachments as provided in paragraph (d) (3) of Order L–257–a.	

[F. R. Doc. 44–21; Filed, January 1, 1944; 11:27 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[General Exports Order M-148, Revocation]

Section 1222.1 *General Exports Order M-148* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Effective date. This revocation shall take effect January 1, 1944.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-23; Filed, January 1, 1944; 11:28 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[General Exports Order M-148, Revocation of Supplement 2]

Section 1222.3 *Supplement 2 to General Exports Order M-148* is hereby revoked. This revocation does not affect any liabilities incurred under the supplement.

Effective date. This revocation shall take effect January 1, 1944.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-24; Filed, January 1, 1944; 11:28 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[General Exports Order M-148, Revocation of Supplement 3]

Section 1222.4 *Supplement 3 to General Exports Order M-148* is hereby revoked. The substance of this supplement is being reissued as paragraph (e) of General Conservation Order M-356. This revocation does not affect any liabilities incurred under the supplement.

Effective date. This revocation shall take effect January 1, 1944.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-22; Filed, January 1, 1944; 11:28 a. m.]

PART 3046—CAST IRON BOILERS

[General Limitation Order L-187 as Amended Jan. 1, 1944]

Section 3046.1 *General Limitation Order No. L-187* is hereby amended to read as follows:

§ 3046.1 *General Limitation Order No. L-187*—(a) *Definition.* For the purposes of this order: "Cast iron boiler" means any pressure vessel designed to absorb heat generated by the burning of a fuel through cast iron heating surfaces in order to provide heat for the interior of structures, for processing, or for domestic hot water supply. It does not mean a small heater known in the industry as a dome top, a flat top, or a bucket-a-day hot water supply boiler or laundry stove, or any heating device commonly known as a gas steam radiator.

(b) *Restrictions on production.* No person shall in the first three months of 1944, and in each following three months period, manufacture more low pressure cast iron boilers than 25% of the low pressure cast iron boilers he manufactured in the whole year 1940, except that any person may exceed this quota if he applies to the War Production Board by letter for permission and permission is granted. These quota limitations do not apply to the manufacture of repair parts for boilers. The War Production Board will not authorize for production by all manufacturers more low-pressure cast iron boilers than were produced in 1940.

(c) *Reports.* Manufacturers of low pressure cast iron boilers shall report on or before the tenth of each month on Form WPB-1610. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Communications.* All reports to be filed and other communications concerning this order, except appeals, shall be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref.: L-187.

(e) *Violations and false statements.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-26; Filed, January 1, 1944; 11:27 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Limitation Order L-219, Interpretation 5]

The following interpretation was issued with respect to Limitation Order L-219:

(a) *Interpretation 8 of Priorities Regulation 1 does not apply to Order L-219.* Interpretation 8 of Priorities Regulation 1, regarding the separate application of inventory restrictions to individual units of the same enterprise, does not apply to the restrictions of Order L-219. Paragraph (d) of the interpretation explains that it is inapplicable where a contrary rule is expressed in the applicable order, and paragraph (f) (1) of Order L-219 does expressly state a contrary rule.

(b) *Cancellation of orders and return of goods.* (1) Inquiries made since the issuance of Interpretation 4 of Order L-219 indicate that the interpretation has not been fully understood.

(2) A controlled merchant is not in violation of Order L-219 merely because his mercantile inventory at the beginning of a quarter of his inventory years exceeds his inventory limit calculated under paragraph (c) of the order. Hence, a merchant is not required by Order L-219 to refuse delivery of merchandise because acceptance would cause his mercantile inventory to exceed his inventory limit. However, when a merchant's mercantile inventory at the beginning of a quarterly period of his inventory years does exceed his inventory limit then his receipts of consumers' goods during that quarterly period must be restricted to his allowable receipts, in accordance with paragraphs (d) (1) and (d) (2) of the order. Under paragraph (d) of the order, the amount of his allowable receipts depends upon the amount of his excess inventory.

(3) A merchant whose receipts are thus restricted under Order L-219 must keep his receipts within the limits permitted by the order, that is, within his allowable receipts. He must refuse delivery, regardless of contracts or commitments, if that is necessary to keep within his allowable receipts. A merchant who knowingly exceeds his allowable receipts is in violation of the order and is subject to criminal penalty as well as administrative action.

(4) The subject of returns of merchandise is dealt with in paragraph (n) of Interpretation 2 to Order L-219 published in the FEDERAL REGISTER, October 26, 1943. That interpretation points out that a merchant who knowingly exceeds his allowable receipts is not automatically excused from such violation of the order by returning goods after he has accepted delivery. However, as explained in that interpretation, a merchant whose receipts are restricted but who has not exceeded his allowable receipts may apply to the War Production Board for an increase of his allowable receipts under paragraph (n) (2) of Order L-219. Such an application may be made on the basis of "cross-stream" or "upstream" sales, which include a sale by a merchant back to his vendor.

(5) The War Production Board has not attempted in Interpretation 4 to give an opinion on the subject of whether a purchaser who refuses delivery in order to avoid violating Order L-219 is under financial obligation to his vendor. That subject, which involves Title III of the Second War Powers Act, is within the jurisdiction of the courts rather than the War Production Board, as explained in the second paragraph of Interpretation 4.

(c) *Piece goods used in covering and recovering furniture.* Piece goods used for covering or recovering furniture are consumers' goods even though held in and sold through service departments. The rules for determining when such goods are to be included in mercantile inventory are the same as the rules explained in paragraph (c) of Interpretation 3 to Order L-219, published in the FEDERAL REGISTER, October 26, 1943, which deals generally with piece goods and other consumers' goods manufactured from piece goods. Thus, for example, a retail furniture merchant who owns piece goods which are customarily used for covering or recovering furniture for his retail customers only, must include such goods in his mercantile inventory under the order, both in his base period and current computations. The fee for the covering or recovering service must be excluded from net sales in the merchant's computations under the order if it is practicable to do so, as for example, if the service fee is separately billed. If it is impracticable to exclude the service fee then it is to be included in net sales.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13; Filed, January 1, 1944; 11:27 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-328, as Amended Jan. 1, 1944]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M-328*—(a) *Restrictions on preference ratings for textiles, clothing, leather, etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filling a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order or by any regulation (such as CMP-5 or CMP-5A) shall be valid for any item on Schedule A, except as permitted by paragraphs (a) (2), (a) (3) or (a) (4). For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned, or

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priorities Regulation 17), the Maritime Commission or War Shipping Administration; or

(3) The rating has been assigned by or pursuant to any supplement to this order or the particular order specified after the item on Schedule A.

(4) The material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A: 1, 4, 5, 6, 7, 11, 15, 17, 19.

SCHEDULE A

1. Animal bristles and hair.
2. Closures, apparel and all others which are restricted by L-68.
3. Clothing, footwear (including safety shoes), hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. This order does not apply to the following when specifically designed and used to furnish protection against specific occupational hazards (other than weather):
   - Asbestos clothing.
   - Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   - Metal mesh gloves, aprons and sleeves.
   - Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
   - Plastic and fibre safety helmets.
   - Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
   - Safety industrial leather clothing other than gloves or mittens.
   - Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
4. Combinations of cotton, wool or synthetic yarn.
5. Combination of cotton, wool, or synthetic woven, felted, knitted or braided fabrics. M-166, M-298.
6. Cotton Yarn. L-282, M-317.
7. Cotton woven, knitted or braided fabric. M-166, M-207, M-298, M-317, P-116.
8. Dyestuffs.
9. Eyelets, metal.
10. Findings, shoe (metal) except shoe wire.
11. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M-310).
12. Manila, Agave, Istle, Hemp (Cannabis Sativa), Sunn Hemp, Rama, Flax, Jute, Coir yarn and other fibers, when used for cordage; and cordage products made primarily therefrom. M-84, P-56, P-73, P-98-b.
13. Sponges.
14. Synthetic yarn.
15. Synthetic woven, knitted or braided fabric. M-166.
16. Tacks, cut steel and wire.
17. Textile fibers (animal or vegetable, including sisal processor's mill waste, sisal bagasse, curled istle, etc.), and products made primarily from textile fibers or textiles, not including fabrics which have been coated and not including fire hose. M-85, M-317.
18. Wool and wool yarn.
19. Wool woven, knitted, felted or braided fabric.

(b) *Notation on purchase orders bearing a preference rating.* (1) Any person applying or extending a preference rating shall satisfy the certification requirements of Priorities Regulation 3. In addition, any person applying or extending a preference rating which is permitted by paragraph (a) (1), (a) (2) or (a) (4) shall place upon the purchase order a notation substantially as follows:

This rating can be used under Order No. M-328.

However, the Army or Navy of the United States, the Maritime Commission and the War Shipping Administration shall not be required to place this notation on their direct purchase orders.

If the rating is assigned by any order listed on Schedule A, the person applying or extending the same shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by Order No. ..... (insert number of order on Schedule A assigning the rating).

This notation is not necessary if the purchase order contains the specific identifying certification prescribed by an order on Schedule A, or if the rating is assigned by the Foreign Economic Administration in the manner provided in paragraph (a) (1) and the purchase order contains a notation substantially as follows:

This rating has been assigned by the Foreign Economic Administration.

(2) *Restriction on extension of ratings.* Notwithstanding the provisions of Priorities Regulation 3, no rating specifically permitted to be used by paragraphs (a) (1), (a) (3) or (a) (4) to obtain any item on Schedule A shall be extended for the delivery of any other item on Schedule A for physical incorporation into the item. For example, a rating for fabric may not be extended to obtain yarn unless to fill an Army, Navy, Maritime Commission or War Shipping Administration order as permitted by subparagraph (a) (2).

(c) *Specific directives.* The war Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodi-

cally, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds*—(1) *Definitions.* "Rejects" means anything made to fill a rated order which (i) is so defective that it will be refused if tendered, (ii) the purchaser has refused, or (iii) the purchaser has notified the seller will be refused because of defects, failure to deliver on time, or termination of the procurement of the United States Government or any of its agencies for which the product was ordered. The term also is used to include seconds, over-runs or by products. A "Second" is anything made to fill a rated order but not actually offered or tendered to the purchaser because of defects, or for any other reason. An "Over-run" is anything made to fill a rated order but not delivered because in excess of the quantity actually needed to fill the order. A "By-product" is anything produced entirely or partly from a reject.

(2) *No one may purposely make a reject.* No manufacturer, processor or converter shall manufacture, process or order any product on Schedule A which he knows or should know will be a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition of rejects.* No manufacturer, processor or converter shall sell or deliver a reject listed on Schedules B or C, and no one may accept delivery of such reject except as permitted by this subparagraph (e) (3) or by the schedule on which it is listed.

Rejected hides, skins and leather and products made primarily therefrom may be disposed of only as authorized under General Conservation Order M-310.

Any item listed on Schedule A, but not listed on Schedules B or C, or covered as to disposition of rejects by M-310 or by any direction issued pursuant to this order, may be disposed of for use in the United States or to fill a rated order without regard to the limitations of § 944.11 of Priorities Regulation 1.

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Production Board stating the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects or material obtained with priorities assistance, but not used for the purpose for which the priorities assistance was given. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

SCHEDULE B—REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

Equipage: Military luggage and sleeping bags.
Plain print cloth, 80 sley and higher, finished and unfinished, if not seconds or shorts.
Slide fasteners.
Silk and nylon yarn, silk and nylon woven, knitted and braided fabrics.

SCHEDULE C—REJECTS, IF NOT SECONDS OR SHORTS, WHICH MAY BE DELIVERED ONLY FOR USE IN THE UNITED STATES AND ONLY FOR THE SPECIFIED END USES STATED BELOW, OR TO FILL A RATED ORDER

8.5 oz. herringbone twill for footwear and foundation garments.
8.2 oz. twill, Types I, II, III, IV and V, for footwear, foundation garments and clothing.
30" 2.50 drill and pro-rata widths, for mattress or pillow tickings, pocketings, footwear and clothing.
6 oz. combed twill for clothing.
7.5 oz combed navy twill for footwear and foundation garments.
5 oz. wind resistant poplin for foundation garments and clothing.
9 oz. sateen for foundation garments, footwear and clothing.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref: M-326.

(4) *Appeals.* Any appeal from the provisions of paragraphs (c), (d) or (e) of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15; Filed, January 1, 1944; 11:28 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-356 as Amended Jan. 1, 1944]

SYNTHETIC FIBERS, YARNS AND FABRICS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of synthetic fibers, yarns and fabrics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.326 *General Conservation Order M-356*—(a) *Definitions.* (1) "Nylon" means synthetic fiber-forming polymeric amides having a protein-like chemical structure, derivable from coal, air and water, or other substances, and characterized by extreme toughness and strength and the peculiar ability to be formed into fibers (yarns and fabrics) and into various shapes, such as bristles, sheets, etc.

(2) "Nylon waste" means waste, nolls and garnetted or reclaimed fibers (including scraps and clippings, generated in the manufacture of thread, fabrics, rope, braiding or other material containing nylon) the total nylon content of which is 95% or more by weight.

(b) *Restrictions on nylon.* (1) No person shall sell or deliver nylon except as specifically authorized in writing by the War Production Board.

(2) No person shall knowingly purchase, accept delivery or commercially use nylon contrary to any restriction of the War Production Board.

(c) *Restrictions on nylon waste.* No person shall sell, purchase, deliver, accept delivery, process or commercially use nylon waste except to recover nylon flake. No person shall mix nylon waste with any other waste material having less than 95% nylon content by weight.

(d) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, and General Conservation Order M-328, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-356.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Export of rayon yarn*—(1) *Establishment of export quotas.* An export quota system is hereby established for the producers of fine rayon yarn as defined in General Preference Order M-37-d. Such export quotas will be established from time to time by the War Production Board within which quotas the Foreign Economic Administration will be authorized to assign preference ratings. On and after January 1, 1944, and until further notice from the War Production Board, each producer of fine rayon yarn shall, notwithstanding any preference rating which may be served upon him, each day set aside to the extent that he possesses active spindles, an amount of such yarn equal to the production of 4% of the total number of his active spindles producing viscose yarn and 2% of the total number of his active spindles producing acetate yarn. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule. No producer of fine rayon yarn shall be compelled to export or accept an order for export of fine rayon yarn under export license granted by the Foreign Economic Administration in excess of the export quota so established for him: *Provided,* That no such producer shall be prohibited from exporting or accepting an order for export of fine rayon yarn in excess of such quota, unless specifically prohibited by the War Production Board.

(2) *Disposition of export yarn not booked or delivered.* All export yarn set aside from the production of any one month, pursuant to the provisions of paragraph (a) and which has not been delivered or booked during said month, shall be immediately available for sale to any person otherwise eligible to purchase such yarn.

(3) *Effective date.* This paragraph (e) shall take effect January 1, 1944.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14; Filed, January 1, 1944; 11:28 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-6, as Amended Jan. 1, 1944]

DOMESTIC LAUNDRY EQUIPMENT

§ 3291.25 *General Limitation Order L-6*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic laundry equipment" means washing machines and ironing machines designed primarily for home use.

(2) "Manufacturer" means any person engaged in the production or assembly of domestic laundry equipment or replacement or repair parts for domestic laundry equipment.

(3) "Special order" means any order for domestic laundry equipment stating on its face that the equipment is for shipboard use, or any order which is to be delivered to or for the account of the Army, Navy, United States Maritime Commission or War Shipping Administration. It also means any order for domestic laundry equipment to be delivered to or for the account of Army or Marine Corps Post Exchanges, Navy or Coast Guard Ships Service Departments and War Shipping Administration Training Organization Ships' Service activities, when the equipment purchased is not to be resold by those exchanges, departments or activities.

(b) *Restrictions on production and delivery of domestic laundry equipment.* (1) No manufacturer shall produce or assemble any domestic laundry equipment except as authorized by the War Production Board in response to an application by letter which should be filed in duplicate.

(2) The War Production Board will usually not approve production of any domestic laundry equipment except washing machines from fabricated parts in manufacturers' inventories prior to January 1, 1943, and will approve this production or assembly only in such quantities as shall be determined to fill special orders. Upon request, the War Production Board will inform any manufacturer of the production authorized.

(3) No manufacturer shall deliver any new domestic laundry equipment except as authorized by the War Production Board in writing to fill special orders. This restriction does not apply to ironing machines.

(c) *Restrictions on the production of repair and replacement parts.* No manufacturer shall produce any repair or replacement parts for domestic laundry equipment if, as the result of such production, he will have more parts of the type produced in his inventory than he sold during the first six months of the calendar year 1943. A manufacturer shall not be required to produce less than a minimum practical run of repair or replacement parts for domestic laundry equipment in order to comply with this provision.

(d) *Restrictions on the delivery of repair or replacement parts.* No manufacturer shall sell any repair or replacement part for domestic laundry equipment containing copper or copper base alloy unless he

(1) Delivers it to fill a special order, or for export; or

(2) Obtains a similar used part or is informed that an amount of copper and copper base alloy equivalent to the amount of the metal and alloy in the part he is selling has been scrapped.

(e) *Reports.* Each manufacturer authorized to produce or assemble domestic laundry equipment must file monthly with the War Production Board, Form WPB-372 (formerly PD-205) showing his completed production, delivery and inventory.

(f) *Applicability of regulations and other orders.* The provisions of this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of domestic laundry equipment to a greater extent than this order does, the other order shall govern unless it states otherwise.

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Communications.* All reports to be filed and all other communications concerning this order, except appeals, should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-6.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: List A deleted Jan. 1, 1944.

[F. R. Doc. 44-16; Filed, January 1, 1944; 11:27 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L–140–b, Amdt. 1]

FLATWARE AND HOLLOW WARE

Section 3291.176 *General Limitation Order L–140–b* is hereby amended as follows:

Paragraph (f) (1) is amended by striking out in the third sentence of paragraph (f) (1) the words "they did in 1943" and substituting the words "their average production in the third and fourth calendar quarters of 1943."

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–17; Filed, January 1, 1944; 11:27 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–444]

MANSBACH METAL COMPANY

Joseph Mansbach, Sylvia Mansbach and J. T. Fish are partners, doing business as Mansbach Metal Company, located at Ashland, Kentucky, with a branch office at Logan, West Virginia. Their principal business is buying and selling iron and steel scrap, and, to a lesser extent, copper and aluminum scrap. During the period March 26, 1943, through June 7, 1943, respondent sold and delivered in 24 instances approximately 29,000 pounds of usable copper wire, without authority of the War Production Board and without conforming to the provisions governing such sales, as provided by General Preference Order M–9–c and Controlled Materials Plan Regulation No. 4. Such sales and deliveries were violations of the aforementioned order and regulation, of which respondents had knowledge prior to such transactions, but failed to abide by them. These wilful violations of the respondents have hampered and impeded the war effort of the United States. In view of the foregoing; it is hereby ordered, that:

§ 1010.444 *Suspension Order No. S–444.* (a) Deliveries of brass mill products or wire mill products made from copper or copper base alloy, including copper wire, to Joseph Mansbach, Sylvia Mahsbach and J. T. Fish, individually, or as a partnership doing business under the name of Mansbach Metal Company or otherwise, their successors or assigns, directly or indirectly, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment of brass mill products or wire mill products made from copper or copper base alloy, including copper wire, shall be made to Joseph Mansbach, Sylvia Mansbach and J. T. Fish, individually, or as a partnership doing business under the name of Mansbach Metal Company or otherwise, their successors or assigns, directly or indirectly, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Joseph Mansbach, Sylvia Mansbach and J. T. Fish, individually, or as a partnership, doing business as Mansbach Metal Company or otherwise, their successors or assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect January 1, 1944, and shall expire April 1, 1944.

Issued this 24th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–64; Filed, January 1, 1944; 4:30 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–464]

THE MARSHALLAN MANUFACTURING COMPANY

The Marshallan Manufacturing Company is an Ohio Corporation owned jointly by Harry A. Bedol and his wife, Delia G. Bedol, having its principal place of business at 1061 West Eleventh Street, Cleveland, Ohio, where it has engaged in the manufacture and sales of metal products, one of its major items being frying pans. The company consumed steel in the production of frying pans in excess of the amount of steel it was permitted to consume for this purpose under General Limitation Order L–30 in the following amounts: second quarter, 1942, 126,508 pounds; third quarter, 1942, 188,067 pounds; fourth quarter, 1942, 193,941 pounds; first quarter, 1943, 31,201 pounds. The excess use for the third and fourth quarters of 1942 were violations, but were not wilful, but the excess use in the second quarter of 1942 and the first quarter of 1943 were wilful violations of Orders L–30 and L–30–d.

On or about December 21, 1942, the company applied to the purchase of 35,000 frying pans, a rating of AA–5, taken from its approved application on Form PD–25A for the fourth quarter of 1942, which rating was authorized for the purchase of carbon steel to be used in its manufacturing operations. This improper application of rating was a violation of Priorities Regulation No. 11 and Priorities Regulation No. 3, and was wilful, as the company knew or should have known, as a manufacturer who had been operating under the Priorities Regulations, that such application of rating was prohibited.

During the first quarter of 1943, the company manufactured or caused to be manufactured black steel frying pans having a bottom diameter of six and six and a half inches in violation of Supplementary Limitation Order L–30–d, which prohibited the manufacture of black steel frying pans with a diameter of less than eight inches. The company was familiar with the terms of Supplementary Limitation Order L–30–d, and these acts constituted wilful violations of the order.

These violations of Limitation Order L–30, Supplementary Order L–30–d, Priorities Regulation No. 11, and Priorities Regulation No. 3 have diverted scarce materials to uses unauthorized by the War Production Board. In view of the foregoing; it is hereby ordered, that:

§ 1010.464 *Suspension Order No. S–464.* (a) During the term of this order, The Marshallan Manufacturing Company, its officers, agents, employees, successors, and assigns, shall not put in process nor use, directly or indirectly, nor procure to be put in process or used in any and all operations or for any and all purposes governed by War Production Board Supplementary Limitation Order L–30–d, as amended July 17, 1943, more than 50 per cent of the amount of iron and steel which they or any of them would otherwise under authority of Supplementary Limitation Order L–30–d be entitled to put in process or use or to receive as their quota of iron and steel during each of said quarters, unless hereafter specifically authorized by the War Production Board.

(b) In the event that Supplementary Limitation Order L–30–d is amended or supplemented the provisions of paragraph (a) limiting the amount of iron and steel which may be used or procured by the Marshallan Manufacturing Company, its officers, agents, employees, successors, and assigns, shall be continued in force and be applicable to the order which amends or supplements L–30–d.

(c) Nothing contained in this order shall be deemed to relieve the Marshallan Manufacturing Company, its officers, agents, employees, successors and assigns, from any restrictions, prohibitions, or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 1, 1944, and shall expire on April 30, 1944, at which time the restrictions contained in this order shall be of no further effect.

Issued this 20th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–65; Filed, January 1, 1944; 4:30 p. m.]

PART 3270—CONTAINERS

[Limitation Order L–232 as Amended Jan. 3, 1944]

WOODEN SHIPPING CONTAINERS

§ 3270.56 *Limitation Order L–232—*(a) *Definitions.* For the purposes of this order:

(1) "Wooden shipping container" means any new shipping container made wholly or partially of wood which is used for the shipment and delivery of commodities. The term does not include trunks, luggage, military locker boxes, or boxes consisting of more than 50% of corrugated or solid fibre (by area).

(2) "Shipper" means any person to whom a bill of lading or manifest is issued, or, in cases where these are not issued, any person who authorizes the shipment of a commodity.

(b) *Restrictions*—(1) *Manufacture, sale or delivery of containers.* No person shall manufacture, sell or deliver any wooden shipping containers or parts which he knows or has reason to believe will be used or accepted in violation of any provision of this order.

(2) *Manufacture and assembly of containers.* No person shall commercially manufacture or assemble any wooden shipping container for the purposes described in the several tables of Schedule A, which does not meet the specifications contained in those tables. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or pails.

(3) *Manufacture of container parts.* No person shall commercially manufacture any wooden parts designed for any wooden shipping container described in the several tables of Schedule A which, when assembled, will not conform with the specifications of those tables. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or pails.

(4) *Coloring.* No manufacturer, dealer in, or commercial user of wooden shipping containers or parts shall dye, stain, or otherwise color containers or parts which are described in Schedule A. The restrictions of this paragraph shall not apply to barrels, drums, kegs, kits or pails.

(5) *Printing.* All stamping, printing and labeling, unless otherwise required by law, shall be placed on only one outside surface of any wooden shipping container covered by the several tables of Schedule A of this order, whether it be an end, a side, bottom, top or cover. The restrictions of this paragraph (b) (5) shall not apply to barrels, drums, kegs, kits or pails or to paper, labels or markings which only:

(i) State the capacity of the container in terms of whole or fractional pints, quarts, pecks, or bushels; or

(ii) in the case of baskets and hampers are identifying markings provided for in regulations of the Secretary of Agriculture issued under the United States Standard Container Act of 1928; or

(iii) are designed for the purpose of encouraging salvage and reuse of the container, provided the label or printing does not include the name, brand, trade-mark or other reference to any person, firm, partnership or corporation.

(c) *Restrictions on packing and shipping.* (1) No person shall commercially ship in any wooden shipping container any of the commodities listed in Table I of Schedule B. This shall not, however, restrict the shipment of any commodity listed which has already been packed on the date it was included in this Table or the shipment of any listed commodity in wooden shipping containers which were in the shipper's inventory or in transit to him on the date it was included in this table, but only for a period of sixty days thereafter.

(2) No person shall commercially pack for shipment in any quarter of the calendar or seasonal year, whichever is specified, any commodity listed in Table II of Schedule B in wooden shipping containers to an extent greater than the designated percentage of that commodity that he packed for shipment in wooden shipping containers in the same quarter of the specified base period.

(3) Except as permitted by this paragraph, no person shall ship in wooden shipping containers during any calendar or seasonal year, whichever is specified, any commodity listed in Table II of Schedule B (whether such commodities were packed by himself or received by him from growers or other packers) to an extent greater than the designated percentage of that commodity that he shipped in wooden shipping containers for the same grower or packer during the base period. Any grower or other packer may change his shipper. Any shipper may increase the amount of any commodity which he may ship for any grower or other packer, to the extent that the excess results from a change of shippers by the grower or packer. However, he may do this only if he reports by letter to the War Production Board, giving the name and address of the former shipper, the commodity, and the amount of the commodity which was shipped through the former shipper in the base period. This report shall be filed within ten (10) days after the transfer of the quota, or if the transfer shall have taken place before September 8, 1943, then within ten (10) days after September 8, 1943. Where a grower or packer does his own shipping he shall not have a separate quota in his capacity as grower and as shipper; and where a grower or packer changes his shipper so that he may do his own shipping, he must file the report called for in this paragraph (c) (3).

(4) [Deleted Oct. 25, 1943.]

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: L–232.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

NOTE: The reporting requirements of paragraph (c) (3) has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—SPECIFICATIONS FOR WOODEN SHIPPING CONTAINERS

TABLE I—HAMPERS, BASKETS, BERRY CUPS FOR FRESH FRUITS AND VEGETABLES

(a) Specifications for the types and dry capacities of permitted hampers, baskets, and berry cups are as follows:

Type—(1)	*Dry capacity* (2)
1. Hampers	½, ⅝, 1 bu.
2. Round stave baskets	½, 1 bu.
3. Splint baskets	8, 12, 16, 24, 32 qts.
4. Climax baskets	4, 12 qts.
5. Till baskets	1, 2, 3, 4 qts.
6. Berry cup	½, 1 pt., 1 qt.

(b) *Exceptions.* The restrictions of paragraphs (b) (2), (3), (4) and (5) of this order and of paragraph (a) of this table shall not apply to:

(1) The manufacture or assembly of wooden shipping containers referred to in this Table by any person from wooden parts cut to size by him before March 4, 1943, provided such manufacture or assembly is completed by August 31, 1943;

(2) The assembly of wooden shipping containers referred to in this table by any person from cut-to-size wooden parts bought and received by him before April 1, 1943, provided such assembly is completed by August 31, 1943.

(c) "Hamper", "round stave basket", and "splint basket" have the same meanings as in rules and regulations[1] of The Secretary of Agriculture issued under the United States Standard Container Act of 1928.[2] "Climax basket", "till basket", and "berry cup" mean baskets and containers of the type subject to rules and regulations[3] of The Secretary of Agriculture issued under the United States Standard Container Act of 1916,[4] as amended.[5]

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[1] U. S. Department of Agriculture Service and Regulatory Announcements No. 116, as amended.

[2] 45 Stat. 685; 15 U.S.C. 257.

[3] U. S. Department of Agriculture Service and Regulatory Announcements No. 104, revised.

[4] 39 Stat. 673; 15 U.S.C. 251.

[5] 45 Stat. 930; 15 U.S.C. 251.

TABLE II—WOODEN SHIPPING CONTAINERS FOR FRESH FRUIT AND VEGETABLES

Usual name (1)	Inside depth (inches) (2)	Inside width (inches) (3)	Inside length (inches) (4)
1. Apple box	10½ [1]	11½	18.
2. Apple box	11	12½	16.
3. Apple box	11	13	17.
4. Apricot lug	4½	12½	16.
5. Artichoke box	9½	11	20½.
6. Asparagus crate	10½	9 or 9½ top, 11 bottom	17½s or 18.
7. Asparagus crate	12½	9¼ top, 10½ bottom	17¼.
8. Asparagus crate	11	9¾ top, 12 bottom	16¼.
9. Avocado box	4½	18½	16.
10. Berry crate	2¾	16½	21½.
11. Berry crate	2¾	13½	18.
12. Berry crate	3½ or 5½	13½	18.
13. Berry crate	9 or 9½	9	18.
14. Berry crate	7½	11	22.
15. Berry crate	9	11	22.
16. Berry crate	11	11	21¼ to 22.
17. Bushel crate	12	12	16.
18. Cantaloupe pony crate	11	11	22.
19. Cantaloupe standard crate	12	12	22.
20. Cantaloupe jumbo crate	11	13	22.
21. Cauliflower crate	8½	18	21¼ to 22.
22. Cauliflower crate	13¾	14½	23.
23. Celery crate	9¾	11	20½.
24. Celery crate	10	16	20.
24a. Celery crate	8¼	16	22.
25. Celery crate	8	18	12¼.
26. Celery crate	8¾	11½	12½.
*27. Cherry, apricot, prune lug	3¾	10½	14.
*28. Cherry, apricot, prune lug	3½	10½	14.
*29. Cherry, apricot, prune lug	3½	10½	15.
30. Cranberry box	9½	11	15.
31. Cranberry box	2¾	13½	18 15/16.
31a. Date box	1⅞	11	16.
32. Fig box	8	11½	16.
*33. Fruit box	4	11½	16.
*34. Fruit box	4½	11½	16.
*35. Fruit box	5	11½	16.
*36. Fruit box	4¼	16	16.
*37. Four-basket crate	4¼	16	16.
*38. Four-basket crate	4¼	16	16.
*39. Four-basket crate	4¾	16	16.
*40. Four-basket crate	6	16	22.
41. Honey dew standard crate	6¾	16	22.
42. Honey dew jumbo crate	7¾	16	25.
43. Lemon box	9¾	17½	21¼ to 22.
44. Lettuce crate	13¾	12	12.
45. Lime box	6	13¼	16.
*46. Lug box	6¾	18½	16.
*47. Lug box	4¾	13½	16.
*48. Lug box	8¾	12	22.
49. Melon crate	6¾	14	22.
50. Melon crate	7¾	11½	24.
51. Orange and grapefruit box	11½	12	24.
52. Orange and grapefruit box	12	9½	19.
53. Half orange and grapefruit box	9½	11½	18.
54. Pear box	8½	11½	18.
55. Half pear box	6½	13¼	20¾.
*56. Pear lug	6¼	13¼	22.
57. Pepper crate	13¾	11	17¼.
58. Produce box (½ bushel)	7 1/16 [2]	17½	12¾.
59. Produce box (½ bushel)	7 1/16 [2]	12¾	33.
60. Pineapple crate	10½	12	24½.
61. Rhubarb box	9	11½	24½.
62. Rhubarb box	3 15/16	11½	15 top.
63. Sweetpotato crate	12 5/16	12¼ top 13¼ bottom	16 bottom.
64. Sweetpotato crate	12	12	16¾.
65. Vegetable crate	12	17½	21¼ to 22.
66. Vegetable crate	9	13	21¼ to 22.
67. Vegetable crate	8	12	22.
68. Vegetable crate	7½	15 or 15½	18¾.

[1] The inside depth of this box may be increased up to 11½", either by the addition of cleats of any thickness or by the use of a solid end.

[2] The inside depth of this box may be increased up to 7 1/16" by the addition of cleats of any thickness or by the use of a solid end.

*Wherever an asterisk appears, cleats may be used for such items, as provided for in paragraph (c) of the text of Table II.

(a) The designation in column (1) of Table II is merely for identification and shall not be construed as restricting usage. 'Inside width' and 'Inside depth' of the container are the width and length, respectively, of the end pieces or end frames, exclusive of any cleats. 'Inside length' of the container shall be its outside length minus the combined thickness of both ends and of the center piece (if any).

(b) An optional variation of up to 1/8" under or up to ¼" over the specified inside lengths is allowed. A tolerance of up to ⅛", plus or minus, in the specified inside depths and inside width is allowed for shrinkage and manufacture.

(c) No cleats may be so used as to increase inside dimensions except where an asterisk appears in Column (1) of Table II or where, and as, specified in any footnote after that table. Where an asterisk appears in Column (1) of Table II, one or more cleats of ¼", 5/16", ½", 5/8", 11/16", or ¾" thickness may be attached to the top of each end piece, or end frame, provided such cleat or cleats do not increase the inside dimensions of the container by more than the specified thickness of the cleat or cleats.

(d) *Exceptions.* (1) The restrictions of paragraphs (b) (2), (3), (4) and (5) of this order and of this Table II shall not apply to:

(i) The manufacture or assembly of wooden shipping containers by any person from wooden parts cut to size by him before March 4, 1943; provided, such manufacture or assembly is completed by August 31, 1943;

(ii) The assembly of wooden shipping containers by any person from cut-to-size wooden parts bought and received by him before April 1, 1943; provided, such assembly is completed by August 31, 1943;

(2) The restrictions of this Table II shall not apply to the manufacture or assembly of wooden shipping containers, or the manufacture of wooden parts for wooden shipping containers, to be delivered:

(i) To or for the account of the Army, the Navy, the Coast Guard, the Maritime Commission, the War Shipping Administration, or the Department of Agriculture (for Lend-Lease purposes); provided, the government agency's specifications require wooden shipping containers which do not comply with Table II.

(ii) To any person for use in packing fresh fruits or vegetables for delivery to or for the account of such government agencies; provided, the government agency's specifications require wooden shipping containers which do not comply with Table II; and provided further, such person furnishes the container or container-parts supplier with a written certification in substantially the following form, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7:

"This is to certify that specifications of orders received by the undersigned from (designate government agency) require wooden containers not conforming with Order L-282. The material ordered herewith is for that purpose only.

Company_____
By_____
Title_____ Date_____"

Such certification shall constitute a representation to the supplier and to the War Production Board as to the truth of the facts stated therein. The supplier may rely upon such representation unless he has knowledge or reason to believe that it is not true.

TABLE III—WOODEN SHIPPING CONTAINERS FOR DRESSED CHICKENS & TURKEYS

Chicken boxes (approximate weight) (1)	Inside length (inches) (2)	Inside width (inches) (3)	Inside depth (inches) (4)
101. 36 lbs	18	14	7¼
102. 42 lbs	19	14½	7½
103. 48 lbs	20	15½	7½
104. 54 lbs	21	16½	7¾
105. 60 lbs	22	17	8
106. 72 lbs	24	18	8½
TURKEY BOXES			
111. Small	28	24	6¼
112. Large	32	26	7¼
113. Very large	31	19	8
114. West Coast	30	22	8½

(a) *Exceptions.* The restrictions of paragraph (b) (2), (3), (4) and (5) of this order and of this Table III shall not apply to:

(1) The manufacture or assembly of wooden chicken and turkey boxes by any person from wooden parts cut to size by him before July 30, 1943, provided such manufacture or assembly is completed by September 30, 1943;

(2) The assembly of wooden chicken and turkey boxes by any person from cut-to-size wooden parts bought and received by him before August 15, 1943, provided such assembly is completed by September 30, 1943.

SCHEDULE B—RESTRICTIONS IN USE OF WOODEN SHIPPING CONTAINERS

TABLE I—COMMODITIES WHICH MAY NOT BE SHIPPED IN WOODEN SHIPPING CONTAINERS

(a) The restrictions of this Table I shall not apply to (1) shipments to or for the account of the Army or Navy of the United States, or shipments to military exchanges (as defined in Priorities Regulation No. 17) located outside the 48 states, the District of Columbia and Canada, (2) shipments to be delivered ultimately outside the 48 states of the United States, the District of Columbia and Canada, (3) shipments of stores for shipboard use on ocean-going vessels, (4) shipments in wooden barrels, kegs, drums, kits or pails, except in the case of soda ash, bicarbonate of soda, and salt, (5) shipments of the fresh vegetables listed until after January 1, 1944.

(b) Whenever the letter "b" appears after a commodity in this list, the restriction applies to this commodity only when packaged in glass, textile, metal or paper.

(c) Soda ash and bicarbonate of soda were included in Table I on July 23, 1943 and all the other commodities were added on October 25, 1943.

(d) The headings used in this table are only for the purpose of separating the items into groups of similar commodities.

Building Materials

1. Asphalt roofing (rolls or shingles), siding and tiles
2. Brick, except fire and glass
3. Cement [b]
4. Cork (except pipe covering and slabs)
5. Mineral wool, except slabs, blocks, batts and insulation (formed, metal encased)
6. Plaster, cement lime, gypsum (this does not include dental, orthopedic and industrial mold grades)
7. Roof coatings and cements [b]
8. Steel sash and windows

Foods (Fresh Vegetables Are Listed as Items 38-43 and Animal Foods, Item 101)

9. Bakery goods, except in multiple trip returnable containers
10. Baking powder
11. Candy or confectionery
12. Canned and glassed foods
13. Cereals, prepared
14. Chocolate
15. Cocoa
16. Coffee
17. Condiments [b]
18. Corn starch [b]
19. Dessert powders
20. Flours, prepared products
21. Food seasoning, coloring and related products [b]
22. Fruit and vegetable juices [b]
23. Gelatins [b]
24. Horseradish products [b]
25. Ice cream cones
26. Macaroni [b]
27. Mayonnaise and salad dressing [b]
28. Noodles [b]
29. Nuts, edible
30. Peanut butter and peanuts [b]
31. Popcorn
32. Potato chips
33. Rice
34. Salt
35. Spaghetti [b]
36. Spices (except mustard flour)
37. Tea

Fresh Vegetables

38. Cabbage
39. Corn, green
40. Onions, dry
41. Potatoes, white
42. Rutabagas
43. Turnips, root

Glass Products

44. Jars, home canning
45. Ornaments and decorations

Hardware

46. Buckets and pails (wood or metal)
47. Handles, wooden, for hand tools
48. Wash tubs, wood or metal

Horticultural Items

49. Flowers, flower seeds, and flower plants
50. Shrubs, ornamental
51. Trees, ornamental

Leather Products

52. Belting butts and shoe leather, except cut stock (repair taps, insoles, counters, box toes, second welting)
53. Bridles
54. Harnesses
55. Horse collars
56. Novelties
57. Pocketbooks
58. Saddles
59. Suitcases
60. Traveling bags—all kinds
61. Trunks
62. Whips and crops

Paper Products

63. Advertising displays—counter, window or floor
64. Albums
65. Announcements
66. Calendars
67. Catalogues
68. Greeting cards
69. Illustrated post cards
70. Magazines, including house organs
71. Novelties
72. Posters
73. Punch boards

Textiles (Except Clothing)

74. Awnings
75. Blankets
76. Comforters
77. Mattresses
78. Rope, string and twine
79. Tents

Miscellaneous

80. Adhesives or cements, household
81. Appliances, electric, domestic (except stoves, refrigerators, washing machines and mangles)
82. Art supplies
83. Ash trays
84. Baskets
85. Bed springs
86. Beverages, carbonated, malt or alcoholic and concentrates, except in multiple trip returnable containers.
87. Bicarbonate of soda
88. Brushes and brooms
89. [Deleted Jan. 3, 1944]
90. Candles, except for religious purposes
91. Ceramics, ornamental
92. Charcoal, except activated carbon
93. Cigars and cigarettes
94. Combs
95. Cosmetics
96. Dentifrices
97. Depilatories
98. Dry cleaning preparations, household
99. Electric light bulbs
100. Fertilizers
101. Food, animal and pet
102. [Deleted Jan. 8, 1944]
103. Hair, dressing and dyes, shampoos and tonics
104. Hats, millinery
105. Heels and soles, footwear
106. Hose, rubber and fabric
107. Jewelry
108. Mops
109. Ornaments, made of glass, plastic, pottery, china, metal, wood, paper or leather
110. Paint [b]
111. Peat moss
112. Pens and pencils
113. Perfumes and toiletries
114. Polishes [b]

Miscellaneous—Continued

115. Scouring and cleaning compounds and detergents (does not include liquid acidic materials shipped in carboys with a capacity of 5 gallons or more).
116. Shoes
117. Soap [b]
118. Soda ash
119. Sporting goods
120. Starch [b]
121. Tobacco [b]
122. Toys and games
123. Varnishes [b]
124. Waxes [b]

TABLE II—COMMODITIES WHOSE PACKING AND SHIPPING IN WOODEN SHIPPING CONTAINERS IS RESTRICTED

Fruits and Vegetables

Commodity:	Quota based on 1942 calendar year (percent)
1. Cantaloupes and melons	80
2. Carrots	100
3. Cauliflower	80
4. Celery	80
5. Cucumbers	50
6. Grapes, juice [a]	50
7. Grapes, table: [a]	
a. Thompson	100
b. Muscat	100
c. Sultana	100
d. Zante Currant	100
e. All other varieties	110
8. Lettuce	80
9. Radishes	50

Miscellaneous Products

NOTE: "Furniture * * *" deleted Jan. 8, 1944.

10. Animal proprietary drug remedies	65
11. Books	80
12. Carpets	80
13. China and glassware (except vitrified for commercial use)	80
14. Clothing, except shoes	80
15. Glass tableware and glass kitchen articles	80
16. Hooks and eyes, slide and snap fasteners, buckles, buttons, and miscellaneous metal apparel bindings	80
17. Linoleum	80
18. Musical instruments	80
19. Pottery products, household (except ornamental)	80
20. Printing and publishing products, except those listed elsewhere	80
21. Rugs	80
22. Tile (floor, wall, facing, glazed or unglazed)	80

NOTE 1: Juice grapes are grapes of the following varieties:

Alicante Bouschet	Malvoisie
Alicante Ganzin	Mataro
Aramon	Mission
Barbera	Mondeuse
Beclan	Mourastel
Carbernet Sauvignon	Nebbiola
Carignane	Petit Bouschet
Charbono	Petite Sirah
Crabb's Black Burgundy	Portuguese Blue
Friesa	Salvador
Gamay	St. Macaire
Grand Noir	Tannat
Grenache	Teoulier
GrignoHno	Trousseau
Lenoir	Valdepenas
Limberger	Zinfandel
Malbec	

NOTE 2: In the case of Thompson, Muscat, Sultana and Zante Currant variety of table grapes, the shipping quota is limited to each of these varieties, and in the event that the

quantity of each of these varieties is insufficient to fill the quota, no other variety of grape may be shipped as part of that quota.

NOTE 3: The base period and quota period quantities of a commodity shall be determined by weight, volume or count of that commodity packed for shipment or shipped in wooden shipping containers, or by the board footage content of the wooden shipping containers required. The same measure shall be used in both the base period and quota period quantities for any commodity.

NOTE 4: *Exceptions.* (i) No person shall be bound by quota restrictions contained in paragraphs (c) (2) or (3) applicable to any commodity during any calendar year or seasonal year, whichever is specified, during which he neither packs nor ships more than one carload or 30,000 pounds of that commodity, whichever is the lesser.

(ii) The provision with respect to reporting change of shippers contained in paragraph (c) (3) shall not apply where less than a carload or 30,000 pounds of a commodity, whichever is the lesser, is being shifted from one shipper to another.

NOTE 5: Unused quotas of any commodity in this list may not be used for packing or shipping any other commodity. For example, where a person has packed for shipment or shipped both juice grapes and table grapes in the base period, he is limited to his quota of each in the quota period and may not pack for shipment or ship table grapes in place of all or part of his juice grape quota, or vice versa.

NOTE 6: In the case of fruits and vegetables in this Table II, with the exception of juice grapes and table grapes, the quota restriction shall not become effective until April 1, 1944.

[F. R. Doc. 44-98; Filed, January 3, 1944; 10:52 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81 as Amended Jan. 3, 1944]

CANS

Section 3270.31 *Conservation Order M-81* as amended October 23, 1943 is hereby amended to read as follows:

§ 3270.31 *Conservation Order M-81*—(a) *Prohibitions on purchase, acceptance and use of cans.* No person shall purchase, accept delivery of or use any can for any other purpose than for packing a product listed in a schedule attached to this order.

(b) *Restrictions on purchase, acceptance and use of cans.* No person shall, during any calendar year (or any seasonal year when packing quota is based on a seasonal year in the schedules), purchase, accept delivery of or use for packing any product which is listed in a schedule attached to this order, more cans than his packing quota for that product. However, jobbers or retailers may obtain and sell cans in conformity with the provisions of this order.

(c) *Restrictions on can material and sizes.* No person shall purchase, accept delivery of or use for packing any listed product, cans made of any kind of plate or of any size except those permitted for that product in the schedules of this order. He may, however, use a can larger than the largest permitted size for packing a listed product.

When tinplate is specified for the manufacture of cans for packing a particular product, the coating indicated represents the maximum weight of tin coating per single base box. The term "0.50 tinplate" or "0.75 tinplate" wherever used in this order includes menders arising in the production of such tinplate which have been hot-dipped with a maximum tin coating of 1.25 pounds per base box, and hot-dipped waste-waste. When SCMT is specified, special coated manufacturers' terneplate is referred to.

(d) *Prohibition against repacking.* No product packed in a can shall be repacked for sale in a can or any other container by the same or different person in the same or different form except to the extent specifically permitted in the schedules attached to this order or pursuant to Conservation Order M-104, as it may be amended from time to time or superseded by Order L-103-b.

(e) *Prohibition against packing dried or frozen fruits or vegetables.* No dried or frozen fruits or vegetables shall be packed in a can except to the extent specifically permitted in the schedules attached to this order.

Restrictions on Manufacture, Sale and Delivery

(f) *General Restriction.* No person shall manufacture, sell or deliver any cans which he knows, or has reason to believe, will be accepted or used in violation of any prohibition or restriction of this order.

(g) *Certificate.* No person shall manufacture, sell or deliver any cans except under a purchase order or contract validated by a delivery to him of a purchaser's certificate, signed manually by the purchaser as provided in Priorities Regulation No. 7. This certificate shall be in substantially the form attached hereto as Exhibit A. This certificate, once filed by a purchaser with a supplier, covers all future deliveries to him from that supplier. No certificate shall be required from a retailer who buys for resale, or from persons purchasing from retailers.

Exceptions

(h) *Exceptions to restrictions on purchase, acceptance or use.* The restrictions imposed by this order shall not apply to the purchase, acceptance of delivery or use of the following cans:

(1) Cans (other than for samples distributed for the purpose of advertising or promoting the sale of a product) for packing any product which is not to be sold in the same or different form.

(2) Fibre cans with ends made of waste-waste or blackplate rejects for packing the following products: any food product for human consumption, antiseptic or medicinal powders, dental plastics and impression materials, dentifrice powders including denture cleaners and adhesives, insecticides and rodent poisons, seed disinfectants and inoculants, cements, photographic chemicals, cleansing powders, wallpaper cleaner and inner-tube repair kits.

(3) Fibre cans with ends made of sheets recovered from used cans. Permission to accept delivery of used cans or sheets recovered from used cans for this purpose must be obtained under Conservation Order M-325.

(4) Cans for packing any products not listed in Schedules I or II attached to this order when such cans are to be delivered either (a) packed or empty to the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), pursuant to a letter of intent approved by or a purchase order or contract negotiated for or with any of these agencies, or (b) to other persons pursuant to authorization by the Maritime Commission under Form WPB 646 (formerly PD-300).

(i) *Inventory Exceptions*—(1) *Schedules I and II.* The restrictions concerning can materials and sizes contained in paragraph (c) shall not apply to cans made of tinplate which was either in process at the tin mill, in the inventory of the tin mill for the account of the manufacturer, or in the inventory of the can manufacturer, on or before January 3, 1944, for packing products listed in Schedules I or II.

(2) *Schedule III.* The restrictions concerning can materials and sizes contained in Paragraph (c) shall not apply to cans made of terneplate or blackplate which was either in process at the tin mill, in the inventory of the tin mill for the account of the manufacturer, or in the inventory of the can manufacturer, on or before January 3, 1944 for packing products listed in Schedule III.

(j) *Small user.* Nothing in this order shall prohibit any person, who, during the calendar year 1942, used cans requiring for their manufacture less than 25 base boxes from purchasing, accepting delivery of, or using during any subsequent calendar year without restriction an aggregate of cans requiring for their manufacture not more than 25 base boxes.

Definitions

(k) For the purpose of this order:

(1) "Can" means any unused container which is made in whole or in part of tinplate, terneplate or blackplate, and which is suitable for packing any product. The term includes any container closure or fitting made in whole or in part of tinplate, terneplate or blackplate, but does not include a closure or fitting to be used on or as a part of a glass container or fibre or steel drum (as defined in Orders L-103, M-313 and L-197). The term does not include fluid milk shipping containers as defined in Conservation Order M-200.

(2) "Tin plate" means steel sheets coated with tin (including primes, seconds and hot-dipped waste-waste), and includes (i) electrolytic tinplate in which the tin coating is applied by electrolytic deposition, and (ii) hot-dipped tinplate in which the tin coating is applied by immersion in molten tin. The term does not include waste.

(3) "Terneplate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste). The term does not include waste.

"Terne Metal" means the lead-tin alloy used as the coating for terneplate, but does not include lead recovered from secondary sources which contains not more than 2½% residual tin.

(4) "Blackplate" means steel sheets 29-gauge or lighter other than tinplate or terneplate. The term includes "blackplate rejects," "electrolytic waste-waste" and chemically treated blackplate (CTB). The term does not include waste.

(5) "Waste" means scrap tinplate, terneplate and blackplate (including strips and circles) produced in the ordinary course of manufacturing cans, and also tinplate and terneplate strips produced in the ordinary course of manufacturing tinplate and terneplate.

(6) "Pack" unless otherwise specified, means the quantity, by area measurement of tinplate, terneplate, and blackplate required for the manufacture of all sized cans used by a person for packing a particular product during the base period specified.

(7) "Packing quota" unless otherwise specified, means the quantity by area measurement of tinplate, terneplate or blackplate that a person may use for packing a particular product during any calendar year (or any seasonal year when the packing quota is based on a seasonal year in the schedules).

(8) "Seasonal year" means the twelve-month period for packing a particular product beginning in one calendar year and ending in the next.

(9) "Frozen tinplate, terneplate or blackplate" means only tinplate, terneplate or blackplate which, since prior to January 3, 1944, has been held in the inventory of a can manufacturer (or in the inventory of a supplier of such plate having been produced for the account of a can manufacturer) because it had been so processed, or was of such size, gauge or grade, that it was not suitable for the manufacture of cans for which tinplate, terneplate or blackplate are specified.

Miscellaneous

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in duplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington 25, D. C., *Ref:* M-81.

(o) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 3d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

PURCHASER'S CERTIFICATE

One copy of this certificate is to be delivered to each person from whom purchases are made of cans made in whole or in part of tinplate, terneplate, or blackplate. Such certificate shall cover all purchases present and future so long as Conservation Order M-81, in its present form or as it may be amended from time to time, remains in effect.

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-81 of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

Date _____

_____
(Legal name of Purchaser)
By _____
(Authorized Official)
_____
(Title of Official)
_____
(Address of Purchaser)

SCHEDULE I—FOOD CANS

The packing quota specified in this Schedule I indicates total packs of the respective products listed, for all purposes including cans required by any order of the War Production Board, the Department of Agriculture, or the Director of Food Distribution, to be set aside for purchase by a Government agency. The designation FDO-22 indicates that cans may be used for packing only the quantity of product required to be set aside by Food Distribution Order No. 22 and orders supplementary thereto, as same may be amended from time to time. Such quantity is sometimes referred to as "set aside quotas".

Product (1)	Packing quota (2)	Can sizes (3)	Can materials	
			Body (4)	Ends (5)
FRUITS AND FRUIT PRODUCTS				
1. Apples, including crabapples. Whole apples not to be packed	100% 1942-43	10	1.50 tin	0.50 tin.
2. Apple sauce, including sauce from crabapples	100% 1942-43	2-10	1.50 tin	0.50 tin.
3. Apricots. Whole apricots not to be packed unless fully ripe and 12 or more to the pound.	Unlimited	2½-10	1.50 tin	1.50 tin.
4. Blackberries, black raspberries, red raspberries, boysenberries, loganberries, youngberries, blueberries, and huckleberries when packed as berries.	Unlimited	2-2½-10	1.50 tin	1.50 tin.
5. Cherries	Unlimited	2-2½-10	1.50 tin	1.50 tin.
6. Cherries, R&P—frozen only	50% of total frozen tonnage packed in all containers in 1942.	½ of pack in 30 lb. cans; ½ of pack in 50 lb. cans.	0.50 tin	0.50 tin.
7. Cranberries, including Cranberry Sauce	Total pack in 1944 in cans and glass not to exceed by weight 100% of 1942 pack.	300	1.50 tin	1.50 tin.
8. Figs—(Kadota)	Unlimited	2½-10	1.50 tin	0.50 tin.
9. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans, to the extent of 10 percent of the fruit cocktail.	Unlimited	2½-10	1.50 tin	0.50 tin.

Product (1)	Packing quota (2)	Can sizes (3)	Can materials: Body (4)	Can materials: Ends (5)
FRUITS AND FRUIT PRODUCTS—Continued				
10. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent Diced Peaches, and not less than 35 percent nor more than 45 percent Diced Pears; or a combination of not less than 80 percent nor more than 60 percent Diced Peaches and not less than 20 percent nor more than 40 percent Diced Pears with not less than 6 percent nor more than 10 percent Grapes. Such peaches or pears shall be peeled, pitted, or cored, and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than ¾", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2¼-10	1.50 tin	0.50 tin.
11. Grapefruit, segments	FDO-22	2	1.25 tin	1.25 tin.
12. Grapefruit juice	Unlimited	2-3 cyl-10	1.25 tin	1.25 tin.
13. Orange juice	73% 1941-42	2-3 cyl-10	1.25 tin	1.25 tin.
14. Orange-grapefruit juice blended (50% orange—50% grapefruit)	145% 1941-42	2-3 cyl-10	1.25 tin	1.25 tin.
15. Lemon juice	50% 1941	8 oz. Tall-2-10	1.50 tin	1.50 tin.
16. Olives—ripe and green-ripe	25% 1941-42	10	1.50 tin	1.50 ton.
17. Peaches, halves, slices or cubes	Unlimited	2¼-10	1.50 tin	0.50 tin.
18. Pears, halves, slices, or cubes	Unlimited	2½-10	1.50 tin	1.25 tin.
19. Pineapple, slices, chunks, crushed or tidbits. Spears not to be packed	Unlimited	2-2½-3 cyl-10	1.25 tin	1.25 tin.
20. Pineapple juice	Unlimited	2-3 cyl-10	1.25 tin	1.50 tin.
21. Plums	Unlimited	2¼-10	1.50 tin	1.50 tin.
22. Prunes, fresh Italian	100% 1943	2¼-10	1.50 tin	
VEGETABLES AND VEGETABLE PRODUCTS				
23. Asparagus, all-green or culturally bleached	Unlimited	2-2½-10	1.25 tin	1.25 tin.
24. Beans, green or wax	Unlimited	2-2½-10	1.50 tin	CTB.
25. Fresh shelled beans (whether referred to as beans or peas), including but not limited to Lima Beans, black-eyed peas or beans, field peas, soy beans.	Unlimited	2-2½-10	0.50 tin	CTB.
26. Beans, with or without pork or tomato sauce (from dried beans)	Total pack in 1944 in cans and glass not to exceed by weight 50% 1941.	2	0.50 tin	CTB.
27. Beets. Whole beets over 1¾" diameter not to be packed	120% 1942	2-2½-10	1.25 tin	1.25 tin.
28. Carrots. Whole carrots not to be packed	150% 1942	2-2½-10	1.25 tin	CTB.
29. Corn, fresh, sweet, cut cream style or whole kernel	Unlimited	2-2-vacuum (307 x 306) for vacuum pack-10.	0.50 tin	CTB.
30. Peas and carrots—fresh green peas only. Carrots not to exceed 40 percent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2-2½-10	1.25 tin	CTB.
31. Succotash—Provided, that no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2-2½-10	0.50 tin	CTB.
32. Mixtures of vegetables (except succotash, and peas and carrots) which consist of not less than 90 percent of any combination of vegetables listed in this schedule; Provided, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, Provided, further, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2-2 vacuum (307 x 306)-2½-10.	1.25 tin	CTB.
33. Mushrooms	50% 1941-42	2 oz-4 oz-8 oz	1.25 tin	0.50 tin.
34. Okra	100% 1943	2-2½-10	1.25 tin	CTB.
35. Tomatoes and okra	100% 1943	2-2½-10	1.25 tin	1.25 tin.
36. Peas, green	Unlimited	2-2 vacuum (307 x 306) for vacuum pack-10.	0.50 tin	CTB.
37. Pumpkin and squash	100% 1943	2½	1.25 tin	0.50 tin.
38. Sweet potatoes—including yams	150% 1943	2½-3 vacuum	1.25 tin	CTB.
39. Soups: Limited to the below-listed kinds of seasonal and nonseasonal soups containing, in the case of all soups except mushroom and bean, no less than the specified percentage, by weight, of dry solids from dairy products in any form, poultry or poultry products in any form, fresh, brined, or frozen meats, fish, vegetables, and other products of the kinds listed in Schedules I and II. Mushroom or bean soups shall contain no less than the specified percentage of salt free solids.	Unlimited	1 picnic	1.25 tin	0.50 tin.
a. Seasonal soups	100% of total 1942 pack of specified non-seasonal soups.	1 picnic	1.25 tin	0.50 tin.
Kinds and minimum solids:				
Asparagus, 7% dry solids.				
Pea, 7% dry solids.				
Spinach, 7% dry solids.				
Tomato, 7% dry solids.				
Mushroom, 10½% salt-free solids.				
b. Non-seasonal soups				
Kinds, minimum solids:				
Chicken, chicken gumbo, chicken noodle, gumbo creole, consomme, bouillon, chicken broth, 6% dry solids.				
Clam or fish, 8% dry solids, chowders, turtle.				
Scotch broth, vegetable, vegetable-vegetarian, pepper pot, oxtail, mock turtle, country style chicken, and corn chowder, 10% dry solids.				
Beef and vegetable beef, 12% dry solids.				
Bean (from dried beans), 25% salt-free solids.			1.50 tin	CTB.
40. Green Leafy vegetables	100% 1942	2-2½-10		
Spinach	100% 1942	2-2½-10		
Other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke, and turnip greens.				
41. Pimientos	50% 1942	2¼-10	1.25 tin	1.25 tin.
42. Tomatoes	Unlimited	2-2½-10	1.25 tin	1.25 tin.
43. Tomato Catsup, not less than 25 percent (specific gravity 1.11), by weight of total dry solids.	FDO-22	2½-3 cyl-10	1.25 tin	0.50 tin.

Product (1)	Packing quota (2)	Can sizes (3)	Can materials: Body (4)	Can materials: Ends (5)
VEGETABLES AND VEGETABLE PRODUCTS—Continued				
44. Tomato juice, containing no other vegetable juices	Unlimited	2-3 cyl-10	1.25 tin	0.50 tin.
45. Tomato juice, containing not more than 30% of other vegetable juices	Unlimited	2-3 cyl-10	1.25 tin	1.25 tin.
46. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037), by weight of dry tomato solids and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice oils, and other flavoring ingredients.	Unlimited	2-10	1.25 tin	0.50 tin.
	125% 1942 pack sizes 8Z and 1 picnic.	5 gal reusable	1.25 tin	1.25 tin.
		8Z—1 picnic	1.25 tin	0.50 tin.
47. Tomato paste from fresh tomatoes, containing not less than 25 percent, by weight of dry tomato solids.	Unlimited	2-2¼-10-12	1.25 tin	0.50 tin.
	125% 1942 pack of size 6Z	5 gal reusable	1.25 tin	1.25 tin.
		6Z	1.25 tin	0.50 tin.
48. Tomato pulp or puree, from fresh tomatoes, containing not less than 10.7 percent (specific gravity 1.043) or more than 25 percent, by weight of dry tomato solids.	Unlimited	2-2¼-10	1.25 tin	0.50 tin.
	122% 1942 pack or size 1 picnic.	5 gal reusable	1.25 tin	1.25 tin.
		1 picnic	1.25 tin	0.50 tin.
NOTE: Tomato paste, tomato pulp or puree and tomato sauce, may be repacked from No. 10, or from 5 gal. or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste, or tomato pulp or puree) but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.				
FISH AND SHELLFISH (Processed, and in hermetically sealed cans)				
49. Clams, soft, hard or razor	Unlimited	½ flat (307 x 200.25) (307 x 201.25) 1 picnic (211 x 400)-1 tall (301 x 411)-2 (307 x 409)-10 (603 x 700).	0.80 tin	0.80 tin.
50. Crabmeat	Unlimited	½ flat (307 x 201.25)	0.50 tin	0.50 tin.
51. Fish flakes. Dried fish flakes not to be packed	Unlimited	300 (300 x 407)-2 (307 x 409)	0.50 tin	0.50 tin.
52. Ground fish, containing no filler and packed for human consumption only	Unlimited	300 (300 x 407)	0.50 tin	0.50 tin.
53. Fish livers and fish liver oils	Unlimited	5 gal. reusable	1.25 tin	1.25 tin.
54. Fish roe	Unlimited	300 (300 x 407) ½ oval (512 x 307 x 103)	0.50 tin	0.50 tin.
55. Herring, Atlantic Sea, by whatever name known, including sardines	Unlimited	¼ drawn (300.5 x 404 x 014.5)-¼ drawn (304 x 308 x 105)-¼ three piece (308 x 412 x 112)-300 (300 x 407).		
Packed in brine			0.80 tin	0.80 tin.
Packed in oil			0.50 tin	CTB.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin.
56. Herring, Pacific Sea	Unlimited	1 tall (301 x 411)		
Packed in brine			0.80 tin	0.80 tin.
Packed in oil			0.80 tin	CTB.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin.
57. Herring, river (alewives)	Unlimited	300 (300 x 407)-2 (307 x 409)	0.50 tin	0.50 tin.
58. Mackerel	Unlimited	300 (300 x 407)	0.50 tin	0.50 tin.
59. Menhaden	Unlimited	300 (300 x 407)	0.50 tin	0.50 tin.
60. Mullet	Unlimited	300 (300 x 407)	0.50 tin	0.50 tin.
61. Mussels	Unlimited	1 picnic (211 x 400)-2 (307 x 409)-10 (603 x 700).	0.80 tin	0.80 tin.
62. Oysters. No. 1 picnic cans shall contain not less than 7½ ounces of oysters by cut-out drained weight; No. 2 cans 14 ounces; and other permitted size cans shall contain a fill correspondingly proportionate to the No. 1 picnic can.	Unlimited	1 picnic (211 x 400)-1 tall (301 x 411)-2 (307 x 409).	0.50 tin	0.50 tin.
63. Pilchards, by whatever name known including sardines	Unlimited	8Z short (211 x 300)-½ oblong (204 x 508 x 303)-(306 x 510 x 104)-300 (300 x 407)-1 oval (607 x 406 x 108).		
Round and oval cans:				
Packed in brine			0.50 tin	0.80 tin.
Packed in oil			0.50 tin	CTB.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin.
Oblong cans:				
Packed in brine			1.80 tin	0.80 tin.
Packed in mustard or tomato sauce			1.80 tin	1.25 tin.
64. Salmon	Unlimited	½ flat (307 x 200.25) (307 x 201.25)-1 flat (401 x 410.5) (401 x 211)-1 tall (301 x 411).		
Collapsed cans			1.25 tin	0.80 tin.
Non-collapsed cans			0.50 tin	0.50 tin.
65. Shad	Unlimited	300 (300 x 407)	0.50 tin	0.50 tin.
66. Shrimp	Unlimited	1 picnic (211 x 400)-5 (502 x 410).	0.80 tin	0.50 tin.
67. Squid	Unlimited	300 (300 x 407)	0.50 tin	0.50 tin.
68. Tuna, bonito, and yellowtail	Unlimited	¼ tuna (307 x 113)-1 tuna (401 x 205.5) 4 lb. tuna (603 x 408).	0.50 tin	0.50 tin.
69. Turtle	Unlimited	300 (300 x 407)	0.50 tin	0.50 tin.
DAIRY PRODUCTS				
70. Condensed milk, as defined by the Federal Security Administrator, Federal Register, July 2, 1940—18.525, page 2444 and 18.530, page 2445, as amended, Federal Register August 8, 1941, pages 3978 and 3974.	100% 1942	14 oz		
Until March 31, 1944			1.25 tin	1.25 tin.
After March 31, 1944			0.75 tin	0.75 tin.
71. Evaporated milk as defined by the Federal Security Administrator, Federal Register, July 2, 1940—18.520, page 2444.	Unlimited	8 lb		
	95% 1942 pack of 14½ oz. size	14½ oz		
	95% 1942 pack of 6 oz. size	6 oz		
Until March 31, 1944			1.25 tin	1.25 tin.
After March 31, 1944			0.75 tin	0.75 tin.
72. Liquid modifications of milk, for human consumption only, including only milk treated or mixed with other edible substances; provided the packer packed the product in substantially the same form in 1942.	95% 1942 pack size 14½ oz	14½ oz		
	95% 1942 pack size 6 oz	6 oz		
Until March 31, 1944			1.25 tin	1.25 tin.
After March 31, 1944			0.75 tin	0.75 tin.

Schedule II—Food Cans

Packing quotas specified in this Schedule II indicate permitted packs of the respective products listed for all purposes except for the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such commission or Administration for use thereon), or for any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941 entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act). While restrictions pertaining to can sizes and can materials are applicable to such cans, cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered either (a) pursuant to a letter of intent approved by or a contract or purchase order negotiated with or for, any of the foregoing agencies, or (b) to other persons pursuant to authorization by the Maritime Commission under Form WPB 646 (formerly PD-300). The word "none" indicates that no cans shall be used for packing the applicable product except for the above mentioned agencies. When determining a quota for packing a product listed in this Schedule II, cans packed during the specified base period for the above mentioned agencies shall be excluded.

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
(1)	(2)	(3)	(4)	(5)
Meat and Meat Products				
(Processed and in hermetically sealed cans)				
1. Bacon	None	24 oz	0.50 tin	CTB.
		14 lb	1.25 tin	Bim. 0.50 tin. Top 1.25 tin.
2. Beef, veal, mutton, and pork (including tushonka); corned, roast, or boiled, and containing not less than 85 percent meat by cooked weight.	None			
Cans with all seams soldered		Any size	1.25 tin	1.25 tin.
Cans with only side seams soldered	125% 1942	Any size	0.50 tin	CTB.
3. Brains	125% 1942	10½ oz	0.50 tin	CTB.
4. Meat products as follows:		7 oz	0.50 tin	CTB.
a. Meat loaf, containing not less than 90 percent meat, by uncooked weight, and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal, whole milk, eggs, and seasoning.		2 oz	0.50 tin	CTB.
b. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped product shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.				
c. Sausage in casings, containing no cereal or similar substance and not to exceed 10 percent added water, by weight, except pork sausage, which may be prepared with not to exceed 3 percent added water by weight:				
Vienna sausage, pork sausage		4 oz	0.50 tin	CTB.
Sausage in oil, lard or rendered pork fat		No. 5	0.50 tin	CTB.
d. Bulk sausage meat, containing not to exceed 3½ percent cereal and not to exceed 3 percent added water, by weight.		24 oz	0.50 tin	CTB.
e. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.		12 oz	0.50 tin	CTB.
f. Potted meat, consisting of chopped meat or by-products of meat, without added cereal or similar substance, and labeled as a potted or deviled meat product.		3¼ oz	0.50 tin	CTB.
g. Whole Hams	75% 1941	Any size	1.25 tin	1.25 tin.
h. Corned beef hash, when packed according to Food Distribution Administration standards.	Total pack in 1944 in cans and glass not to exceed by weight 50% of 1941 pack.	2	0.50 tin	CTB.
i. Chili with or without beans when packed according to Food Distribution Administration standards.	Total pack in 1944 in cans and glass not to exceed by weight 50% of 1941 pack.	2	0.50 tin	0.50 tin.
j. Tongue	125% 1942	6 oz	0.50 tin	CTB.
k. Turkey, boned, and chicken, boned	50% 1941	12 oz	0.50 tin	CTB.
Miscellaneous Foods				
10. Baby foods:				
a. Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits, vegetables, meats, poultry products, dairy products, sugar, salt, or seasoning, yeast or yeast derivatives. Dried prunes may be included and frozen fruits and vegetables may be used. Potatoes and cereal products may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Pine-apple may be repacked from No. 10 or larger cans.	125% 1943	202 BF (202 x 214)	1.50 tin	1.50 tin.
b. Milk formulas, liquid	125% 1942	14½ oz	1.25 tin	1.25 tin.
Until March 31, 1944			0.75 tin	0.75 tin.
After March 31, 1944			1.25 tin	0.50 tin.
c. Soybean milk, liquid	125% 1942	300	0.50 tin	CTB.
d. Milk formulas, dry or powdered	Unlimited	1 lb		
No person shall pack any milk formulas unless he packed the product in substantially the same form in 1942.				
11. Dehydrated vegetables	None	10	0.50 tin	CTB.
		5 gal	0.50 tin	0.50 tin.
12. Grape juice and grape pulp	100% 1942	5 gal. reusable	1.50 tin	1.50 tin.
13. Citrus pulp and citrus peel	150% 1942	5 gal. reusable	1.25 tin	1.25 tin.
14. Honey	Unlimited	60 lb. reusable	1.25 tin	1.25 tin.
15. Goat's milk	100% 1942	14½ oz	0.50 tin	0.50 tin.
16. Milk, skimmed, dry or powdered	None	50 lb	0.50 tin	CTB.
17. Milk, whole, dry or powdered	100% 1942	1 lb.–2½ lb., 5 lb	0.50 tin	0.50 tin.
		25 lb.–50 lb	1.25 tin	1.25 tin.
18. Liquid edible oils, including only animal, vegetable, olive, fish and other marine animal and edible blends of such oils.	150% 1943 pack of size 5 gal.	5 gal. reusable		
	125% 1943 pack of 1 gal. size in cans and glass.	1 gal	0.50 tin	0.50 tin.
Note: Any liquid edible oil packed in 1-gallon glass in 1944 shall be charged to the above quotas.				
19. Citrus concentrates	Unlimited			
a. Orange		2–10	1.25 tin	1.25 tin.
32° Brix or higher		6 oz.–2–2½–10	1.25 tin	1.25 tin.
Over 65° Brix		10	1.25 tin	1.25 tin.
b. Grapefruit, lemon 32° Brix and over		10	1.25 tin	
c. Blended Orange and Lemon 32° Brix and over				
Note: Concentrates of 32° brix must contain as a minimum equivalent 2¼ volumes of single strength juice; concentrates of 65° brix must contain as a minimum equivalent 5 volumes of single strength juice.				
20. Butter and oleomargarine	None	10	0.50 tin	0.50 tin.

Schedule II—Food Cans—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
(1)	(2)	(3)	(4)	(5)
Miscellaneous Foods—Continued				
21. Sweet syrups, cane, maple, molasses, sorghum, and corn syrup, including blends.	150% 1943 pack of No. 10 size or larger in cans and glass.	10 or 10 lb		
Cans all seams soldered			1.25 tin	1.25 tin.
Cans with only side seams soldered			0.50 tin	0.50 tin.
22. Chocolate Syrup	100% 1943 pack of No. 10 size or larger in cans and glass.	10 or 10 lb	0.50 tin	0.50 tin.
Note: Any syrups included in items 21 and 22 packed in 1-gallon glass during 1944 shall be charged to the above quotas.				
23. Pectin, liquid only	Unlimited	5 gal. reusable	1.50 tin	1.50 tin.
24. Beer, to be packed for Army export or Navy off-shore use only	None	12-oz	0.50 tin	0.50 tin.
25. Salted Nuts, Army export only	None	8-oz	0.50 tin	CTB.
Fish and Shellfish				
(For refrigerated shipment, fresh)				
26. Oysters, fresh-shucked	Unlimited	1-gal	CTB	CTB.
	100% 1941 pack of 1-pt. size	1-pint	CTB	CTB.
27. Clams, fresh-shucked	Unlimited	1-gal	CTB	CTB.
28. Mussels, fresh-shucked	Unlimited	1-gal	CTB	CTB.
29. Fillets & Steaks, fresh	Unlimited	20-lb	CTB	CTB.
30. Crabmeat, fresh-cooked	Unlimited	1-lb	CTB	CTB.
31. Lobster meat, fresh-cooked	Unlimited	1-lb	CTB	CTB.
32. Shrimp, fresh-cooked	Unlimited			
Other than Alaska		1-gal	CTB	CTB.
Alaska only		10	1.25 tin	0.50 tin.

Schedule III—Non-Food Cans

(a) Packing quotas specified in this Schedule III indicate permitted packs of the respective products listed for all purposes except for the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act). Cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered either (1) pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for any of the foregoing agencies, or (2) to other persons pursuant to authorization by the Maritime Commission under Form WPB 646 (formerly PD-300). When determining a quota for packing a product listed in this Schedule III, cans packed during the specified base period for the above mentioned agencies shall be excluded.

(b) Wherever blackplate is specified for making the body or ends of a can for packing a product listed in this Schedule III, special coated manufacturers' terneplate (SCMT) may be substituted for making any part or fitting of the can which is required to be soldered. Wherever blackplate is specified chemically treated black plate (CTB) may be used.

Product	Packing quota	Can sizes	Can materials	
			Body	End
(1)	(2)	(3)	(4)	(5)
1. Acid nitre-hydrochloric (outer Container)	100% 1942	1-lb	Blackplate	Blackplate.
2. Alcohol (excluding Anti-freeze)	100% 1940			
Pharmaceutical and chemically pure		1-gal	1.25 tin	1.25 tin.
Industrial		1-gal	SCMT	Blackplate.
3. Aniline	100% 1942	5-lb	1.25 tin	1.25 tin.
4. Anti-freeze, ethylene glycol type	100% 1941	1-gal	SCMT	Blackplate.
5. Bee feeder cans for use in shipping bees	100% 1942	Any size	0.50 tin	CTB.
6. Benzol, naphtha, toluene, and xylene	100% 1942	1-gal	SCMT	Blackplate.
7. Blood plasma	Unlimited	Any size	0.50 tin	CTB.
8. Calcium carbide	100% 1942	2-lbs., 10-lb	Blackplate	Blackplate.
9. Carbon bisulfide	100% 1942	1-lb	SCMT	SCMT.
10. Caulking Compound	75% 1940	1-lb., 1-qt., 1-gal	Fibre	Blackplate.
Note: The quantity of Caulking Compound packed in 1944 in glass containers pursuant to Order L–102–b must be deducted from the quantity of the product permitted to be packed in cans in 1944.				
11. Caustic soda, lye, drain cleaners	100% 1942	12-oz	Blackplate	Blackplate.
12. Cements and dressings, limited to belting, furnace, linoleum, pipe joint, and radiator. Not to be packed dry.	100% 1942	Any size	Blackplate	Blackplate.
13. Cements; rubber, solvent, or latex	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
14. Chloroform and ether	100% 1942	Any size	1.25 tin	1.25 tin.
15. Chloropicrin, bromacetone, mouochloroacetone, and acrolein	100% 1942	1-lb	SCMT	SCMT.
16. Chromic acid (outer container)	100% 1942	¼-lb., 1-lb	Blackplate	Blackplate.
17. Chromium trioxide	100% 1942	25-lb	Blackplate	Blackplate.
18. Cleaning fluids, inflammable	100% 1940	½-pt., 1-qt., 1-gal	SCMT	Blackplate.
19. Creosote and wood preservatives	100% 1942	1-gal	SCMT	Blackplate.
20. Cyanide, calcium, potassium sodium, and mixtures (including cyanide-chloride mixtures).	100% 1942	1-lb., 2½-lbs	SCMT	Blackplate.
21. Disinfectants and germicides, liquid	100% 1941	1-qt., 1-gal	SCMT	Blackplate.
22. Film cans	100% 1940	Any size	Blackplate	Blackplate.
23. Fire extinguisher fluid, limited to chlorinated hydrocarbon type, and foam powder extinguisher charges.	100% 1942	1-qt., 1-gal	SCMT	SCMT.
24. Gasket assembling compounds	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
25. Glues and adhesives, liquids	100% 1942	1-qt., 1-gal	SCMT	SCMT.
26. Grain fumigant, liquid	100% 1942	1-gal	SCMT	SCMT.
27. Graphite, with liquid content	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
28. Greases, lubricating	100% 1942	1-lb., 5-lb., 10-lb., 25-lb.	Blackplate	Blackplate.
29. Grinding and buffing compounds, industrial. Not to be packed dry	100% 1943	Any size	Blackplate	Blackplate.
30. Hydraulic brake fluid	100% 1940	1-qt., 1-gal	SCMT	Blackplate.
31. Hypochlorite powders	100% 1942	3¾ lbs., 5-lbs	SCMT	Blackplate.
32. Inks, printing, duplicating, and lithographing	80% 1942	8-oz., 1-lb., 2-lb., 5-lb., 10-lb.	Blackplate	Blackplate.
33. Ink, spirit aniline and rotogravure	100% 1942	5-gal	SCMT	SCMT.

SCHEDULE III—NON-FOOD CANS—Continued

Product (1)	Packing quota (2)	Can sizes (3)	Can materials: Body (4)	Can materials: End (5)
34. Insecticides and fungicides, liquid	Unlimited 150% of 1943 pack of 1-qt. size in cans and glass.	1-gal 1-qt	SCMT SCMT	Blackplate. Blackplate.
NOTE: The quantity of these products packed in 1944 in 1-qt. glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in 1-qt. cans in 1944.				
35. Lubricating oils (excluding Motor Oil)	100% 1940	1-gal	SCMT	Blackplate.
36. Motor Oil	25% 1940	1-qt., 5-qt	Blackplate	Blackplate.
NOTE: The quantity of Motor Oil packed in 1944 in fibre cans, and in glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in metal cans in 1944.				
37. Nicotine sulphate	100% 1943	5-lb	1.50 tin	1.50 tin.
38. Nitric acid, fuming (outer Container)	100% 1942	¼-lb., 1-lb	Blackplate	Blackplate.
39. Oils, essential; distilled or cold pressed	100% 1942	1-qt	1.25 tin	1.25 tin.
40. Oils, transformer	100% 1942	1-gal	0.50 tin	0.50 tin.
41. Ointment and salve	125% 1940	Any size	Blackplate	Blackplate.
42. Paints, copper bottom or antifouling	150% 1943	1-gal	1.25 tin	1.25 tin.
43. Paint products as follows	75% 1940			
(a) Pigmented Oil or Oleoresinous, Ready-Mixed, Semi-Paste and Paste, including but not limited to white lead in oil and colors in oil.		1-qt., 1-gal ¼-pt., ½-pt., 1-pt. ½ gal., 1 gal., 14 oz., 24 oz.	Fibre SCMT SCMT	Blackplate. Blackplate. SCMT.
(b) Paste Water Paints including Resin Emulsion		½-pt., 1-pt., 1-qt., 1-gal.	SCMT	Blackplate.
(c) Varnishes—Varnish Stain and Oil Stain, and Shingle Stain		¼-pt., ½-pt., 1-pt., 1-qt., 1-gal.	SCMT	Blackplate.
(d) Lacquer, Clear and Pigmented		½ gal., 1 gal., 14 oz., 24 oz. ¼-pt., ½-pt., 1-pt., 1-qt., 1-gal.	SCMT SCMT	Blackplate. Blackplate.
(e) Aluminum Paint		1-qt., 1-gal		
NOTE: Wherever practical a fibre body may be substituted for SCMT.				
NOTE: The quantity of Paint Products packed in 1944 in glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in cans in 1944.				
44. Polishes and waxes: Liquid Paste	100% 1940 100% 1940	1-pt., 1-qt., 1-gal ½-lb., 1-lb	SCMT SCMT	Blackplate. Blackplate.
NOTE: The quantity of these products packed in 1944 in glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in cans in 1944.				
45. Putty	100% 1940	1-lb., 5-lb	Blackplate	Blackplate.
NOTE: The quantity of Putty packed in 1944 in glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in cans in 1944.				
46. Phenol	100% 1942	5-lb	1.50 tin	1.50 tin.
47. Phosphoric acid meta sticks	100% 1942	25-lb	Blackplate	Blackplate.
48. Phosphorus	100% 1942	1-oz., 1¼ lb., 1 lb	1.25 tin	1.25 tin.
49. Potassium hydroxide	100% 1942	25-lb	Blackplate	Blackplate.
50. Potassium permanganate, reagent grade	100% 1942	5-lb	1.25 tin	1.25 tin.
51. Potassium sulfide	100% 1942	25-lb	Blackplate	Blackplate.
52. Liquid and Plastic Roof Cements, Fibrous and Non-Fibrous Roof Coatings (Excluding Lap Cement).	75% 1940			
Other than tar base		1-lb., 1-qt., 1-gal	Fibre	Blackplate.
Tar base		1-lb., 1-qt., 1-gal	SCMT	Blackplate.
53. Lap Cement	100% 1940	1-pt	Tinplate or terneplate waste—waste or blackplate rejects.	Tinplate or terneplate waste—waste or blackplate rejects.
54. Shellac	100% 1942	1-qt., 1-gal	8# Terneplate	8# Terneplate.
NOTE: The quantity of Shellac packed in 1944 in glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in cans in 1944.				
55. Shoe and leather polishes, waxes, dyes, dressings, stains and saddle soap.	125% 1942	Any size	Blackplate	Blackplate.
NOTE: The quantity of these products packed in 1944 in glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in cans in 1944.				
56. Soap, paste (including paste cleaners)	125% 1942	1-lb	Blackplate	Blackplate.
57. Sodium and potassium metals	100% 1942	1-oz., ¼-lb., 1-lb	1.25 tin	1.25 tin.
58. Sodium peroxide	100% 1942	25-lb	Blackplate	Blackplate.
59. Sodium sulfide	100% 1942	Any size	Blackplate	Blackplate.
60. Soldering pastes, soldering and welding fluxes, and boiler sealing compounds.	40% 1942	10-oz	Fibre	Blackplate.
61. Toilet bowl cleaner, limited to cleaners containing not less than 70% bisulphate of soda.	25% 1942	10-oz	Blackplate	Blackplate.
62. Turpentine	100% 1940	1-gal	SCMT	SCMT.
63. Varnish Remover	100% 1942	½-pt., 1-qt., 1-gal	SCMT	SCMT.
NOTE: The quantity of Varnish Remover packed in 1944 in glass containers pursuant to Order L-103-b must be deducted from the quantity of the product permitted to be packed in cans in 1944.				
64. Zinc Chloride	100% 1942	25-lb	Blackplate	Blackplate.
65. Dangerous chemicals for shipment in compliance with Interstate Commerce Commission regulations when a metal can is required by such regulations and no alternate package is permitted.	100% 1942	Any size	Blackplate	Blackplate.

[F. R. Doc. 44-97; Filed, January 3, 1944; 10:52 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-d, Interpretation 1]

CURTAIN RODS AND FIXTURES; JOINING HARDWARE

The following interpretation is hereby issued under Limitation Order L-30-d (§ 3291.165):

Small metal hooks or other hardware used for attaching curtains or drapery to non-metal rods or rings may be treated as "joining hardware." Hence under the provisions of paragraph (d) (2), Order L-30-d does not prohibit the manufacture of "curtain rods and fixtures and drapery attachments" with such metal hardware attached to them, provided the hardware is made of iron and steel and does not exceed 5% of the total weight of the rods and rings when assembled as completed units.

Issued this 3d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-99; Filed, January 3, 1944; 10:52 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 477,[1] Amdt. 2]

SALES OF RUBBER HEELS AND SOLES IN THE SHOE FACTORY AND HOME REPLACEMENT TRADES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 477 is amended in the following respects:

1. The title of the regulation is amended to read as follows: "Sales of Rubber Heels and Soles in the Shoe Factory and Home Replacement Trades."

2. In section 1 the first sentence of the text preceding paragraph (a) is amended to read as follows: "This regulation fixes maximum prices for all sales in the shoe factory and home replacement trades of heels and soles made in whole or in part of rubber."

3. Section 1 (d) is added to read as follows:

(d) "Sale in the home replacement trade" means any sale or offer for sale, except one in the shoe repair trade, of heels or soles made in whole or in part of rubber, which are used for the repair of civilian (non-military) shoes. A "sale in the shoe repair trade" is a sale or offer for sale by or to a shoe repairman, by wholesalers to the persons who sell rubber heels or soles to a shoe repairman, or by manufacturers to any of the persons just named.

4. Section 4 (a) is amended to read as follows:

(a) No person is permitted to sell or deliver any heels or soles at a price which is higher than the maximum price fixed by this regulation.

5. In section 4 (b) the first sentence thereof is amended to read as follows: "No person is permitted to buy or receive any heels or soles at a price which is higher than the maximum price."

6. Section 6 is amended to read as follows:

Sec. 6. Maximum prices for sales in the shoe factory trade of heels and soles listed in Appendix A. This section is applicable to all sales in the shoe factory trade of heels and soles listed in Appendix A. The seller shall determine the maximum price of a heel or sole covered by this section by deducting from the price for the heel or sole listed in Appendix A all discounts, allowances and any other deductions from the list price that he had in effect to a purchaser of the same class during March, 1942.

7. The headnote of section 7 is amended to read as follows: "Maximum manufacturers' prices for sales in the shoe factory trade of heels and soles not listed in Appendix A."

8. In section 7 (a) the first sentence of the text preceding subparagraph (1) is amended to read as follows: "This paragraph is applicable to sales in the shoe factory trade of heels and soles not listed in Appendix A which are the same as a heel or sole delivered or offered for delivery in the shoe factory trade by the manufacturer during the period October 1, 1941, to March 31, 1942, inclusive."

9. In section 7 (b) (1) the first sentence thereof is amended to read as follows: "This paragraph is applicable to sales in the shoe factory trade of heels and soles not listed in Appendix A which are not the same as a heel or sole delivered or offered for delivery in the shoe factory trade by the manufacturer during the period October 1, 1941, to March 31, 1942, inclusive."

10. The headnote of section 8 is amended to read as follows: "Maximum prices for sales in the shoe factory trade of heels and soles not listed in Appendix A by persons other than manufacturers."

11. The headnote of section 9 is amended to read as follows: "Maximum prices for sales in the shoe factory trade of heels and soles than can not be priced under sections 6, 7 or 8."

12. Section 9a is added to read as follows:

SEC. 9a. *Maximum prices for sales of heels and soles in the home replacement trade.*—(a) *Maximum prices for sales of heels in the home replacement trade.* The maximum prices for all sales of heels in the home replacement trade shall be the price listed in Appendix B.

(b) *Maximum prices for sales of soles in the home replacement trade.* The maximum price for all sales of soles in the home replacement trade shall be determined in accordance with the provisions of the General Maximum Price Regulation.[2]

13. In section 16 (a) the text preceding subparagraph (1) is amended to read as follows: "Every person subject to this regulation shall keep accurate records of each sale (except sales at retail) of a heel or sole covered by the regulation. These records shall show:"

14. Section 22 (a) (7) is added to read as follows:

(7) "Sale at retail" means a sale to an ultimate consumer.

15. Section 22 (a) (8) is added to read as follows:

(8) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

16. Appendix B is added to read as follows:

APPENDIX B—HEELS SOLD IN THE HOME REPLACEMENT TRADE

MAXIMUM PRICES

Item	Manufacturer's price [1] per dozen pair	Wholesale price [2] per dozen pair	Retail price per pair
Men's half heel	$0.85	$1.15	$0.15
Men's whole heel	1.05	1.35	.15
Boys' whole heel	.85	1.15	.15
Junior heel	.70	.90	.10
Women's scoop heel	.60	.80	.10
Junior wedge heel	.65	.85	.10
Women's cuban heel	.50	.65	.10
Toplift and French heel	.45	.60	.10

[1] Maximum manufacturers' prices are subject to a 2% cash discount and the manufacturer shall not reduce any transportation allowance he had in effect to a purchaser of the same class during March, 1942.

[2] Maximum wholesalers' prices are subject to any cash discount and transportation allowance the wholesaler had in effect to a purchaser of the same class during March, 1942.

This amendment shall become effective January 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20751; Filed, December 31, 1943; 12:12 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 65]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.1007 (a) is amended to read as follows:

(a) Take an inventory of all unmounted tires and tubes in his posses-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14004, 16168.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4744, 4978, 4848, 6047, 6928, 8511, 9025, 9091, 11955.

[1] 7 F.R. 9160, 9392, 9724.

sion and control on March 31, June 30, September 30 and December 31 of each year and keep a record thereof. Such an inventory shall include all unmounted tires and tubes on hand, whether owned outright or under consignment or subject to lien or to conditional sale, plus such tires and tubes as have been ordered by, and are in transit (as limited on the inventory report blank OPA Form R–17) to, the person taking the inventory.

2. Section 1315.1007 (b) is amended to read as follows:

(b) File a report of such inventory when it discloses possession and control of any truck-type tires or of any truck-type tubes or of six or more passenger type tires. The report shall be made on OPA Form R–17 in accordance with the instructions thereon.

This amendment shall become effective December 31, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 31st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–20752; Filed, December 31, 1943; 12:11 p. m.]

PART 1358—TOBACCOS

[MPR 500]

BURLEY TOBACCO (TYPE NO. 31) OF 1943 CROP

Correction

In F. R. Doc. 43–19492, appearing at page 16524 of the issue for Wednesday, December 8, 1943, the first of the two leaf grades designated "B5D" in section 2 (a) should read "B3D".

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[1] Amdt. 20]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 20 of Maximum Price Regulation No. 418 is amended by the addition of a new paragraph (a) to read as follows:

(a) The Regional Administrator for Region VIII may by order fix maximum prices for all types of sales of fresh fish or seafood of species for which a maximum price has not been established in this Maximum Price Regulation No. 418: *Provided*, That: (1) During the year preceding the issuance of the order, all of such species of fish or seafood which was consumed in the United States entered the United States at or was produced within Region VIII; (2) substantially all of such species of fish or seafood during the year preceding the issuance of the order was consumed within Region VIII; and (3) the maximum price fixed by the order for each type of sale of such species of fish or seafood does not exceed the 1942 weighted average price for that type of sale: *Provided*, That such price is otherwise in accord with the provisions of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and Executive Order No. 9328.

The Regional Administrator for Region VIII shall issue with each order an opinion setting out the above circumstances. Each order shall provide such allowances and deductions of general applicability as are provided in Maximum Price Regulation No. 418. All of the other provisions of general applicability in Maximum Price Regulation No. 418 shall be incorporated in each order. Any order issued pursuant to this section shall apply to the area designated by the Regional Administrator, but in no event shall the order extend beyond the limits of Region VIII.

This amendment shall become effective January 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43–20749; Filed, December 31, 1943; 12:12 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 94]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.7851 (b) (2) (vii) is added to read as follows:

(vii) To transport a member of the armed forces who is on leave and is convalescing from illness or injury acquired on active duty, for the purpose of travel to and from his home or a resort or other place of recuperation. However, no ration shall be issued under this subdivision unless the applicant presents to the Board his official leave papers, together with a statement from the cognizant Medical Officer certifying that transportation by passenger automobile, rather than transportation by other means, will materially assist in the recovery of the applicant's health.

At the time of issuance of the ration the Board shall endorse upon the leave papers the Board's designation, the words "Medical Ration", the date of issuance, the expiration date of the ration and the number of gallons for which the ration is issued.

This amendment shall become effective January 1, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 31st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–20753; Filed, December 31, 1943; 12:10 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 92]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5151 (a) (1) (iv) (b) is amended to read as follows:

(b) the applicant may obtain an additional ration for the operation of a space heater for a purpose specified in § 1394.5342 (a) (1):

2. Sections 1394.5301 through 1394.5310 are revoked.

3. An undesignated center headnote is added preceding § 1394.5341 to read as follows: "Additional Rations for Heat and Hot Water."

4. Sections 1394.5341 to 1394.5348 are added as follows:

§ 1394.5341 *How to apply for additional rations*—(a) *Who may apply for an additional ration.* A person who has a current ration for furnishing heat or hot water to any premises may apply for an additional ration if he satisfies the conditions required by one or more of the next six sections.

(b) *How application for an additional ration is made.* Application for an additional ration must be made to the Board on OPA Form R–1104 (Revised) by the person who has the current ration but he may authorize someone to make the application for him. However, if that form is not available, the applicant must submit to the Board, in person or by mail, a statement, signed by him or by the person authorized to act for him, setting forth:

(1) His name and the address where the ration will be used;

(2) The special conditions which he claims cause him to need more fuel oil, and why his current ration is not enough for this purpose; and

(3) The amount of fuel oil he has on hand, and the total gallonage value of his unused coupons or unused ration credits, for the purpose of furnishing heat or hot water to the premises.

§ 1394.5342 *Additional rations when current ration insufficient for specified purposes*—(a) *Current ration insufficient for specified purposes.* An additional ration for heat or hot water may be allowed by the Board if it finds that the current ration is insufficient because the applicant has used, or requires, more fuel oil:

(1) *Sick and infirm persons.* For the care or treatment of a person who is sick or infirm, or for the examination or treatment of patients in a hospital or sanitorium or in other buildings used for those purposes by a duly licensed physician, surgeon, dentist, osteopath, chiropractor, or religious practitioner (other than a minister). However, in the case of premises other than a private dwelling, the additional ration may be allowed only for use in a space heater, unless the building is a hospital, sanitorium or other building primarily used for the care and treatment of the sick or of patients.

(2) *Schools, orphanges and homes for the aged.* For the care of children under 4 years of age in a school or orphanage, or for the care of persons in a home for the aged.

(3) *Exhibits.* For the care or maintenance of exhibits in an aquarium, zoological or botanical garden, art gallery, museum, or similar public establishment, maintained by an educational, charitable or governmental institution.

(4) *Process, research and experiment.* For conducting an industrial, agricultural or extractive process, or a research or experimental operation, depending upon temperature control.

(5) *Public health, safety or war work.* For conducting, in non-residential premises, an activity or operation essential to the public health or safety or the war effort, which can be performed efficiently only at a higher temperature.

(b) *How the additional ration for these purposes is figured.* The additional ration shall be the amount of fuel oil, in addition to the current ration, required to furnish the additional heat or hot water needed.

§ 1394.5343 *Additional heat rations for children under 4 years old*—(a) *When allowed.* An additional ration for heating a private dwelling (other than a house trailer) or for heating other residential premises using a space heater may be allowed if the Board finds that one or more children less than 4 years of age regularly occupy the premises and the current heat ration does not include a children's allowance under §§ 1394.5256 (b) or 1394.5319 (a) (2).

(b) *How the additional ration is figured*—(1) *Central heating equipment in private dwellings.* If the ration is for use in central heating equipment in a private dwelling, the additional ration will be the figure found by multiplying the amount specified in § 1394.5256 (b) for the zone in which the dwelling is located by the appropriate percentage figure determined from Table VIII in § 1394.5851 (e). The appropriate percentage figure is shown opposite the date the occupancy of the child or children began, listed under the weather station nearest the Board. If that date is not listed, the appropriate percentage figure is determined by the Board from the two dates between which that date of first occupancy falls.

(2) *Space heaters in any residential premises.* If the ration is for use in a space heater in residential premises, the additional ration shall be the amount determined by the Board to be needed because of the occupancy of the child or children under 4 years old, but not more than the amount which would be allowable for central heating equipment.

§ 1394.5344 *Additional heat rations in certain residential premises because of increase in space heated*—(a) *When allowed.* An additional ration for heating a private dwelling (other than a house trailer), or for heating other residential premises using a space heater may be allowed if the Board finds that the floor area regularly used for necessary living and sleeping quarters and occupational purposes has increased over the amount included in figuring the current ration. However, the Board shall not consider any floor area in excess of the amount allowed in § 1394.5256.

(b) *How the additional ration is figured.* The Board may determine the additional amount needed because of the increase in floor area. However, the amount may not exceed the figure found by taking the difference between the midpoint of the range for the floor area included in figuring the current ration and the midpoint of the range for the increased floor area and by multiplying that difference by the appropriate percentage figure determined from Table VIII in § 1394.5851 (e). The appropriate percentage figure is shown opposite the date the increase in floor area occurred, listed under the weather station nearest the Board. If that date is not listed, the appropriate percentage figure is determined by the Board from the two dates between which that date of increase falls.

§ 1394.5345 *Additional hot water rations in private dwellings*—(a) *When allowed.* An additional ration for furnishing domestic hot water to a private dwelling by means of equipment other than an attachment to a space heater or to cooking equipment may be allowed if the Board finds that the number of persons regularly occupying the dwelling has increased over the number included in figuring the current ration.

(b) *How the additional ration is figured.* The additional ration shall be:

(1) In the case of central heating equipment, two-thirds (⅔) of the figure obtained by adding five (5) gallons for each additional person regularly occupying the dwelling, and multiplying that sum by the number of months for which the additional ration is needed.

(2) In the case of separate water heating equipment, the amount determined by the Board to be needed, but not more than the amount which would be allowable for central heating equipment.

§ 1394.5346 *Additional heat or hot water rations in premises other than a private dwelling, because of increase in normal requirements*—(a) *When allowed.* An additional ration for furnishing heat or hot water to any premises (other than residential premises using a space heater only or any private dwelling) may be allowed if the Board finds that the applicant's normal requirements for heat or hot water or both have substantially increased over the requirements which were the basis for figuring the current ration.

(b) *How the additional ration is figured.* The additional ration shall be two-thirds (⅔) of the amount of fuel oil the Board determines to be needed to meet the increase in the applicant's normal requirements.

§ 1394.5347 *Additional heat or hot water rations to avoid undue and immediate hardship*—(a) *When allowed.* An additional ration for furnishing heat or hot water to residential premises may be allowed if the Board finds that undue and immediate hardship will be suffered by the applicant because he does not have sufficient fuel oil on hand and unexpired ration evidences or ration credits to meet his current minimum requirements for heat or hot water, or both, even though he has taken all reasonable measures, within the limits of his financial ability, to reduce his consumption of fuel oil. However, an additional ration for this purpose may not be issued until the Regional Administrator has declared, upon receipt of such information from the Washington Office, that there is available in the area where the applicant is located an adequate supply of fuel oil for the purpose. The applicant must include in his statement, in addition to the matters mentioned in § 1394.5341 (b), an explanation of all the efforts he has made to save fuel oil.

(b) *How the additional ration is figured.* The additional ration shall be the minimum amount of fuel oil the Board determines the applicant needs to avoid the undue hardship.

§ 1394.5348 *Issuance of additional rations.* After the Board figures the amount of the additional ration, it will issue Class 3 coupon sheets for that amount. However, if the applicant is a depositor for the establishment, the additional ration will be issued in a fuel oil deposit certificate.

5. Section 1394.5553 is revoked.

6. Section 1394.5554 is revoked.

7. Section 1394.5667 is added as follows:

§ 1394.5667 *Unavoidable loss of fuel oil.* (a) A consumer who sustains an unavoidable loss, by theft, fire, or accident, of fuel oil acquired in accordance with the provisions of Ration Order No. 11, may apply immediately after the loss occurs, in writing, to the Board which issued a ration to such consumer pursuant to which such fuel oil was acquired, for coupons or if he is a depositor, a fuel oil deposit certificate, for the amount of

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

[1] 8 F.R. 15937, 16250, 16421.

[1] 7 F.R. 8480.

the fuel oil so lost. The applicant shall state:

(1) The time, manner and circumstances of such loss;

(2) The steps taken to prevent further loss;

(3) The number of gallons of fuel oil so lost.

(b) If the Board is satisfied that the applicant has sustained an unavoidable loss of fuel oil, by theft, fire or accident, and that the applicant has taken all possible steps (within the limits of his financial ability) to prevent such further loss, it may issue to him Class 3 coupon sheets or, if he is a depositor, a fuel oil deposit certificate, for the amount of fuel oil so lost.

This amendment shall become effective on January 6, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 31st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–20754; Filed, December 31, 1943; 12:12 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 8 to Supp. 1]

FUEL OIL RATIONING REGULATIONS

A new subparagraph (4) is added to § 1394.9101 (b) as follows:

(4) In zones A–1, A–3, B–1, B–3, C–1 and C–3 the value of one unit represented by coupons numbered "3" on Class 4 coupon sheets, and the value of five units represented by coupons numbered "3" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "3" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

Amendment No. 8 to Supplement No. 1 (§ 1394.9101) shall become effective on January 4, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 31st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–20750; Filed, December 31, 1943; 12:10 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 49]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 2.11 (b) is amended by adding the following sentence at the end of the paragraph: "Ration currency must also be collected for low priced women's shoes released from rationing under paragraph (h) of this section if sold above the price limitation specified therein."

2. Section 2.11 (h) is added to read as follows:

(h) Any establishment which has filed an inventory form R–1701A, as required by section 2.3 (d), may mark and transfer as non-rationed a limited quantity of women's shoes, in accordance with the following provisions:

(1) During the period from January 17 to January 29, 1944, inclusive, an establishment whose transfers of shoes are made principally to consumers, other than one whose transfers are made principally on mail orders, may transfer to consumers, ration-free, any women's shoes located at the establishment on January 16, 1944 if the price charged does not exceed $3.00 per pair and the total number of pairs so transferred ration-free does not exceed 15% of the number of pairs of women's shoes in its inventory on September 30, 1943 as reported on OPA Form R–1701A (line 4).

(2) In the case of any other eligible establishment desiring to transfer women's shoes under this paragraph, the establishment must apply to its District Office for non-rationed stickers. The application must be filed, or placed in the mail, on or before January 29, 1944. The application need not be on any prescribed form, but must be accompanied by a copy of its inventory form R–1701A and must contain a statement of the number of pairs of women's shoes in its inventory January 16, 1944 which it desires to transfer ration-free under this paragraph. The District Office, if satisfied that the applicant is eligible and that the application is made in good faith, shall issue to it a supply of official non-rationed stickers (OPA Form R–1711, or OPA Form R–123 with the words "Non-Rationed Shoes" printed on it) not in excess of 15% of the number of pairs of women's shoes the establishment had in its inventory on September 30, 1943, as reported on OPA Form R–1701A (line 4). Before transferring any shoes as non-rationed under this subparagraph the establishment must affix one of such stickers to each pair of shoes and the establishment shall write or print on each sticker the words "Frozen stock" and a code number assigned by the District Office. The stickers may be affixed only to women's shoes which were physically located at the establishment on January 16, 1944. Any unused stickers must be returned to the District Office within 30 days after their receipt by the establishment.

(3) Shoes marked in accordance with subparagraph (2) above are non-rationed when transferred by the applicant, and in all other transactions, unless they are sold at a price in excess of $3.00 per pair. Any establishment selling such shoes at a price in excess of $3.00 per pair must collect ration currency for them and surrender the currency to the District Office within five days.

(4) When such shoes are offered for sale in any notice or advertisement they shall be referred to as "OPA release—women's low-priced shoes".

(5) Each establishment shall keep a record, in the manner required by section 2.13 (b) (9), showing the amount of the reduction of its rationed shoe inventory resulting from the transfer of shoes ration-free under this paragraph.

This amendment shall become effective January 17, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43–20755; Filed, December 31, 1943; 12:11 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 86]

MEATS, FATS, FISH AND CHEESES

Correction

In F.R. Doc. 43–19446, appearing at page 16424 of the issue for Tuesday, December 7, 1943, the second sentence of section 26.7 (b) should read as follows: "This allowable inventory is his working capital and is determined by multiplying by 2 the number of pounds of household salvage fats he acquired in October 1943, less the number of pounds he has on hand on the date of his application."

PART 1429—POULTRY AND EGGS

[MPR 333, Amdt. 20]

EGGS AND EGG PRODUCTS

Correction

In F. R. Doc. 43–20613, appearing in the issue for Thursday, December 30, 1943, the following word should appear at the beginning of the eighth line in the third column of page 17486: "*Assistant*".

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A, Amdt. 4]

STOVES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

[1] 8 F.R. 15834.

* Copies may be obtained from the Office of Price Administration.

Ration Order 9A is amended in the following respects:

1. Section 1.3 (c) is amended to read as follows:

(c) This order is not intended to limit or restrict the quantity of stoves obtainable by the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States (called exempt agencies in this order); or by agencies of the United States or other persons to the extent to which they acquire stoves for export to and consumption or use in any foreign country or territory or possession of the United States (other than the District of Columbia); or by agencies of the United States or other persons to the extent to which they acquire stoves for installation in a project when the installation by such agencies or persons has been specifically authorized by the War Production Board by the issuance of an order in the series designated P–19, P–55, or P–110; or by persons engaged in the business of manufacturing or assembling new house trailers to the extent to which they acquire stoves for installation in such house trailers. Transfers to or for these agencies or persons and the replenishment of stoves thus transferred by dealers and distributors are made under applicable priority orders of other agencies of the United States.

2. Section 2.1 is amended to read as follows:

SEC. 2.1 *Who is a consumer.* (a) Any "person" who needs or has "acquired" a "new stove" for any use is a "consumer." The term consumer includes also: (1) a lessor of premises who needs or has acquired a new stove for the use of a tenant occupying such premises, or who installs in such premises for the use of his tenant, a new stove he holds for sale or other transfer; (2) a person who needs or has acquired a new stove for installation in premises which he is offering for rent, or who installs in such premises a new stove he holds for sale or other transfer; and (3) any person who uses a new stove which he holds for sale or other transfer, except that a dealer, distributor or manufacturer is not a consumer as to a stove he demonstrates or exhibits as part of the business of transferring stoves.

(b) However, an exempt agency or a person acquiring a stove for export or for installation in a project authorized by the War Production Board by the issuance of an order in the P–19, P–55 or P–110 series (unless the person to whom the War Production Board authorization was issued is relieved from the responsibility for installing a stove in that project by the National Housing Agency) or for installation in a house trailer which he is currently manufacturing or assembling (that is, a person or agency specified in section 1.3 (c)) is not a consumer within the meaning of this order.

3. Section 2.2 (a) is amended to read as follows:

(a) No offer or order from a consumer for the purchase or acquisition of a stove may be accepted by any person unless and until the consumer gives up to that person a certificate for that type of stove. Nor may a stove be transferred to, or acquired by a consumer unless he gives up to the transferor a certificate for that type of stove.

4. Section 2.3 is amended to read as follows:

SEC. 2.3 *Heating stoves; eligibility requirements*—(a) *Who is eligible.* Any consumer who needs a stove to heat essential living or working space, or space in which there is carried on an activity which contributes to the war effort or to the public welfare (or who needs a heating stove for installation in space which is being offered for rent to be so used) is eligible for a certificate if he comes within at least one of the following classes:

(1) He has no equipment for that purpose; or

(2) He has for that purpose only heating equipment which is worn out or damaged and cannot be repaired within a reasonable time or at a reasonable cost; or

(3) He has for that purpose only heating equipment, the use of which is prohibited by state or local law, or in the case of oil heating equipment, the equipment cannot be used because the transfer or use of oil for its operation is prohibited by federal law; or

(4) He has for that purpose only heating equipment for which there is no adequate flue or chimney or other means of venting, and one cannot be provided within a reasonable time or at a reasonable cost; or

(5) He has for that purpose only heating equipment which no member of the occupant's household is physically able to operate when required to supply sufficient heat to meet the occupant's minimum heating requirements for health, and the service of any other person for such purpose cannot be obtained except at unreasonable expense; or

(6) He has for that purpose only gas heating equipment which cannot be used because the War Production Board prohibits the delivery of gas for its operation or because the parts or materials needed to install that equipment are not available; or

(7) He has for that purpose only gas heating equipment using liquefied or bottled gas which cannot be used because the materials needed for its operation are not available; or

(8) The District Director has designated the area as one in which a sufficient supply of the fuel for the operation of the equipment he has for that purpose is not available and the equipment cannot be used because the fuel is unavailable.

(b) *The type of equipment for which the consumer may be given a certificate.* A consumer who is eligible may be given a certificate for any one of the following types of stoves:

(1) A coal or wood heating stove; or

(2) An oil heating stove or a conversion burner under one of the following conditions:

(i) for use outside the "emergency oil shortage area", or

(ii) for use inside that area to replace oil heating equipment; or

(iii) for use inside that area if a coal or wood stove cannot be obtained or is not adequate for the purpose. However, if the consumer claims that a coal or wood stove is not adequate for the purpose because a sufficient supply of fuel for its operation is not available, the board may not issue him a certificate for an oil heating stove unless the OPA District Director has designated that area as one in which a sufficient supply of fuel for the operation of coal or wood burning equipment is not available,

(The emergency oil shortage area is that area described in Ration Order No. 11 as the limitation area, other than the States of Georgia, Oregon, Washington, Florida and Idaho. A District Director for a district outside the emergency oil shortage area may by his declaration include, for the purposes of this section, all or any part of his district in the emergency oil shortage area until a specified date or further declaration); or

(3) A gas heating stove if the War Production Board does not prohibit the delivery of gas or of a gas stove or of the equipment necessary for its operation.

NOTE: A fireplace, with or without a grate or andirons, is not equipment for the purposes of section 2.3.

5. Section 2.4 is amended to read as follows:

SEC. 2.4 *Cooking stoves; eligibility requirements.* (a) Any consumer who needs a stove for cooking in essential living or working premises or in premises in which there is carried on an activity which contributes to the war effort or to the public welfare (or who needs a cooking stove for installation in premises which are being offered for rent as essential living space) is eligible for a certificate for any type of cooking stove, if he comes within at least one of the following classes:

(1) He has no equipment for that purpose; or

(2) He has for that purpose only equipment which is worn out or damaged and cannot be repaired within a reasonable time or at a reasonable cost; or

(3) He has for that purpose only equipment for which there is no adequate flue, chimney or other means of venting, and one cannot be provided within a reasonable time or at a reasonable cost; or

(4) He has for that purpose only electric equipment and electricity for its operation is not available; or he has for that purpose only gas equipment and gas for its operation is not available; or

(5) He has only gas equipment which cannot be used because the War Production Board prohibits the use of the parts or materials needed to install such equipment or because such parts or materials are not available; or

(6) He has for that purpose only gas equipment using liquefied or bottled gas and the necessary materials are not available; or

(7) He has for that purpose only equipment the use of which is prohibited by state or local law; or

(8) The District Director has designated the area as one in which a suf-

* Copies may be obtained from the Office of Price Administration.

ficient supply of the fuel needed for the operation of the equipment he has for that purpose is not available and the equipment cannot be used because the fuel is unavailable; or

(9) He has for that purpose only equipment which cannot be used because no member of the occupant's household is physically able to operate the equipment when required and the services of any other person for that purpose cannot be obtained except at unreasonable expense.

NOTE: A fireplace, with or without a grate o. andirons, is not equipment for the purposes of section 2.4.

6. Section 2.7 (a) (2) is amended by substituting for the phrase "transferred a stove" the phrase "transferred heating or cooking equipment, other than a fireplace grate or andirons".

7. The undesignated paragraph in section 2.7 (a) is amended to read as follows:

The board must issue a separate certificate for each type of stove, and must indicate on the face of each certificate at the time it is issued, in addition to other information required by the form, the type of stove which may be acquired. However, no board may issue a certificate for a gas heating or cooking stove if gas service will not be available for its operation. Nor may a board issue a certificate for a stove if it will be used to acquire a stove for a project in which the installation of a stove of that type is specifically authorized by the War Production Board by the issuance of an order in the series designated P–19, P–55 or P–110 unless the National Housing Agency has relieved the person to whom the order was issued from the responsibility for installing a stove of that type in that project.

8. Section 2.9 is added to read as follows:

SEC. 2.9 *When a certificate may not be used to acquire stoves for installation in a project authorized by War Production Board.* (a) No person may use a certificate to acquire a stove for a project in which the installation of a stove of that type is specifically authorized by the War Production Board by the issuance of an order in the series designated P–19, P–55 or P–110 unless the National Housing Agency has relieved the person to whom the order was issued from the responsibility for installing a stove of that type in that project.

9. Section 6.3 (a) is amended to read as follows:

(a) *Consumer contracts: trade contracts made on or after September 1, 1943.* (1) Beginning August 24, 1943, no offer or order from a consumer for the purchase or acquisition of a stove may be accepted by any person unless and until the consumer gives up to the transferor a certificate for that type of stove.

(2) Beginning September 1, 1943, a dealer, distributor or manufacturer must give up a certificate to the transferor of a stove at the time the offer is made or the order is placed for that stove, and the transferor may not accept the offer or order unless it is accompanied by a certificate. However, when a stove is being disposed of by a dealer, distributor or manufacturer in connection with the closing of his establishment, an offer or order for such stove may be made without the giving up of a certificate. In such case, the offer or order may not be accepted unless and until a certificate for that type of stove is given up.

(3) The setting aside or ear-marking of a stove, directly or indirectly, or the taking of a down payment, is an acceptance of an offer or order within the meaning of this paragraph (a).

10. Section 6.6 (a) is amended by deleting the comma after the phrase "authorized by the War Production Board" and adding after that phrase, the phrase "by the issuance of an order in the P–19, P–55 or P–110 series or for installation in house trailers they are currently manufacturing or assembling (that is, those persons or agencies specified in section 1.3 (c))."

11. Section 13.1 (a) (5) is amended to read as follows:

(5) "Consumer" has the meaning given that term by section 2.1.

12. Section 13.1 (a) (11) is amended to read as follows:

(11) "Emergency oil shortage area" means that area described in Ration Order No. 11 as the limitation area, other than the States of Georgia, Oregon, Washington, Florida and Idaho. Other areas may be included therein by declaration of the District Director.

13. Section 13.1 (a) (17) is amended by inserting after the word "equipment" wherever appearing the parenthetical phrase "(other than a fireplace grate or andirons)".

14. Section 13.1 (a) (18) is amended to read as follows:

(18) "Transfer" means to sell, give, exchange, lease, lend, deliver, consign, supply or furnish. It includes any transfer of possession, or of title by operation of law or otherwise, however accomplished, any movement of a stove by a person from one to another of his establishments or from an establishment to other premises for use, and the use by any person of any stove which he holds for sale or transfer except the use of such a stove by a dealer, distributor or manufacturer for exhibition or demonstration purposes as a part of the business of transferring stoves. Delivery to a carrier for shipment or by a carrier in the course of or in completion of shipment is not regarded as a transfer to or by the carrier. However, if a stove was delivered to a consumer before August 24, 1943, or to any other person before September 1, 1943, the transfer to such person of title to the stove after that date is not regarded as a transfer within the meaning of this order.

This amendment shall become effective on January 6, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1–S, 8 F.R. 6018)

Issued this 31st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–20747; Filed, December 31, 1943; 12:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 74]

WAREHOUSING OF COTTON

The statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subdivision (iv) is added to section 8.2 (b) (6) of Revised Supplementary Regulation No. 14 to read as follows:

(iv) *In Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.* From January 1, 1944, to July 31, 1944, inclusive, cotton warehousemen in the states of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia may charge, for the services of storing, receiving, handling, and compressing cotton and for miscellaneous services in connection with the warehousing of cotton, their maximum prices established by § 1499.2 and Amendments 14 and 40 to Supplementary Regulation No. 14 (now designated as section 8.2 (b) (1) to (5), inclusive, of Revised Supplementary Regulation No. 14), plus a surcharge in the amount of 10%.

This amendment shall become effective January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43–20748; Filed, December 31, 1943; 12:11 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300,[1] Amdt. 18]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 300 is amended in the following respects:

1. In § 1315.1755c (a) (1), the date June 30, 1944 is substituted for the date December 31, 1943.

2. In § 1315.1755c (a) (2) (ii), the second sentence is amended to read as follows: "That differential shall be $0.05 for breast pump bulbs and for bulb goods containing breast pump bulbs."

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43–20769; Filed, December 31, 1943; 4:53 p. m.]

PART 1334—SUGAR, CONFECTIONERY, AND SOFT DRINKS

[RPS 16,[1] Amdt. 4]

RAW CANE SUGARS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Price Schedule 16 is amended in the following respects:

1. Section 1334.9 (a) (1) is amended to read as follows:

(1) United States Atlantic ports north of Cape Hatteras including New York and Boston 3.74 cents.

2. Section 1334.9 (a) (2) is hereby revoked.

3. Section 1334.16 is added to read as follows:

§ 1334.16 *Adjustable pricing.* No person may deliver or agree to deliver at a price to be adjusted upward after delivery except upon authorization of the Office of Price Administration. Such an authorization may be given by the Price Administrator when a request for a change in the applicable maximum price is pending if the authorization is deemed necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act, as amended.

This amendment shall become effective as to § 1334.9 on January 1, 1944.

This amendment shall become effective as to § 1334.16 on January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43–20765; Filed, December 31, 1943; 4:51 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9203, 11251, 13173, 14984.

[1] 7 F.R. 1239, 2133, 2132, 8946; 8 F.R. 6849, 16991.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 11]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 422 is amended in the following respect:

1. A new section 25a is added to read as follows:

SEC. 25a. *Ceiling prices for sales of poultry pursuant to Food Distribution Order No. 91.* When the United States government or its agencies purchases or requisitions any poultry items set aside pursuant to Food Distribution Order No. 91, your ceiling price for such sales shall be the total of the following amounts:

(a) The amount you paid your supplier for the poultry items being priced (less all discounts except the discount for prompt payment), which may not exceed your supplier's ceiling price.

(b) Transportation charges actually paid by you (except local trucking or local unloading) which may not exceed the charges for deliveries of such poultry items purchased from a customary type of supplier delivered to your usual receiving point by a customary means of delivery.

(c) Charges actually paid by you or incurred by you for storage of such poultry items in a public warehouse.

(d) One and one-half cents per pound where transfers are requested by the purchaser in quantities of less than 10,000 pounds, or one cent per pound where transfers are requested by the purchaser in lots of 10,000 pounds or more (whether or not transferred by you at one time in such quantities). Sales or transfers from separate warehouses shall be considered as separate transfers.

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43–20763; Filed, December 31, 1943; 4:51 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[2] Amdt. 12]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 423 is amended in the following respect:

1. Section 18 (j) is added to read as follows:

(j) Section 25a. *Ceiling prices for sales of poultry pursuant to Food Distribution Order No. 91.* (Applies to you if the United States Government or its agencies purchases or requisitions any poultry items set aside pursuant to Food Distribution Order No. 91.)

This amendment shall become effective December 31, 1943.

(56 Stat. 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43–20764; Filed, December 31, 1943; 4:51 p. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269,[1] Amdt. 22]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 269 is amended in the following respect:

Section 1429.27 is added to read as follows:

§ 1429.27 *Maximum prices for poultry items set aside for and purchased by the United States Government or its agencies pursuant to Food Distribution Order No. 91.* Irrespective of other provisions of this regulation, the maximum price at which the United States Government or its agencies may purchase or requisition dressed poultry items set aside pursuant to Food Distribution Order No. 91 shall be:

(a) From producers, processors or wholesalers, the seller's maximum base price, at the point of the purchase by the government, plus his permitted mark-up as established by the appropriate provisions of this regulation for sales to the United States Government or its agencies.

(b) From "Hotel supply houses", the seller's cost of acquisition[2] not to exceed his maximum buying price, at the point of purchase by the government, plus a maximum amount of 1½ cents per pound on quantity sales of less than 10,000 pounds or a maximum amount of 1 cent per pound on quality sales of 10,000 or more pounds.

(c) From any type of seller, other than retail sellers and those listed in

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9395, 10569, 10967, 12443, 12611, 13294, 15251, 14853, 15586, 15607.

[2] 8 F.R. 9407, 10570, 10968, 12443, 12611, 13294, 14854, 15587, 15608, 16031.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9299, 10940, 11691, 13302, 13303, 13813, 14016, 15258, 14854, 15190.

paragraphs (a) and (b) of this section, the seller's cost of acquisition not to exceed his maximum buying price, at the point of purchase by the government, plus all storage rates actually paid or accrued to a public warehouse plus a maximum amount of 1½ cents per pound on quantity sales of less than 10,000 pounds or a maximum amount of 1 cent per pound on quantity sales of 10,000 or more pounds.

Examples of types of sellers other than retailers and those listed in paragraphs (a) and (b) above: Restaurants, hotels, railroad dining cars, night clubs, etc.

(d) *Provided, however,* That where the transfer and sale in one transaction of poultry contained in one warehouse is requested by the United States Government or any of its agencies from the seller in quantities of 10,000 or more pounds, the seller shall add only the one cent per pound mark-up provided for sales in such quantities and shall not, regardless of the size quantities in which the poultry is sold, add the 1½ cents per pound mark-up permitted for quantity sales of less than 10,000 pounds, if the total of all such sales to the government equals or exceeds 10,000 pounds.

Example. Mr. A, a wholesaler,[2] owns 25,000 pounds of assorted poultry items in X warehouse. The Army requests sale at one time of the entire 25,000 pounds. Mr. A refuses to sell the 25,000 pounds in one transaction, but agrees to sell 9,000 pounds in one transaction, 9,000 in another and the remaining 7,000 pounds in the last transaction. Mr. A may not, nevertheless, add more than 1 cent per pound as to any of the poultry sold in any of the three transactions. In other words, he is limited to the mark-up he could have charged if he had sold the poultry in the quantity or quantities requested by the Army. If the Army had requested 18,000 pounds in one sale and 7,000 in another, Mr. A could charge 1½ cents per pound on the latter transaction, but still would be limited to a mark-up of 1 cent per pound on the former.

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20761; Filed, December 31, 1943; 4:50 p. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269,[1] Amdt. 23]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of Amendment 16 to Revised Maximum Price Regulation 269 is amended to read as follows:

Amendment 16 shall become effective October 11, 1943, except that § 1429.19 (h) (2) shall become effective February 15, 1944.

This amendment shall become effective as of October 11, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20762; Filed, December 31, 1943; 4:51 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-6, Amdt. 3]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN MICHIGAN

A statement of the considerations involved in the issuance of this Amendment No. 3 to Restaurant Maximum Price Regulation No. 3-6, has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 3, sub-section (c) of Restaurant Maximum Price Regulation No. 3-6 is amended to read as follows:

(c) *Legal holidays.* (1) Your ceiling price for food items or meals served on those days designated legal holidays by federal law or by the law of the state in which the establishment is located may be the same as your Sunday ceiling prices for such establishment.

(2) Where you customarily charged higher than Sunday prices for meals and food items served on Thanksgiving Day, Christmas Day, New Year's Day and Easter, you may continue to charge higher prices on such special holidays: *Provided, however,* That such higher prices shall in no event exceed 115% of your ceiling prices for Sundays as established under this order.

This amendment shall become effective December 18, 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 18, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-20767; Filed, December 31, 1943; 4:52 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] Amdt. 25]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.586 (a) is amended in the following respects:

a. In the table under (1) thereof Maine, Vermont and New Hampshire are added in alphabetical order to the list of states in Region I, in Region II Mississippi and Tennessee are added in alphabetical order, and in Region III Montana is added in its alphabetical order.

b. In the table under (2) thereof Maine, Vermont and New Hampshire are added in alphabetical order to the list of states in Region I, and in Region II Montana and Tennessee are added in alphabetical order. Region III is added immediately following Region II to read as follows:

Region	State	Grades	Multiply maximum price by
III	Mississippi	Fancy All other	1.020 1.020

c. In the table under (3) thereof Montana and Tennessee are added in its alphabetical order to the list of states in Region II and in Region IV Vermont is added in its alphabetical order. Region I is added immediately preceding Region II to read as follows:

Region	States	Grades	Multiply maximum price by	
			Cream style	Whole kernel
I	Maine, New Hampshire.	Fancy All other	1.02 1.025	1.02 1.025

d. In the table under (4) thereof Montana is added in alphabetical order to the list of states in Region V and in Region III Mississippi and Tennessee are added in its alphabetical order. Region I is added immediately preceding Region II to read as follows:

Region	States	Grades	Multiply maximum price by	
			Cut	Whole
I	Maine, New Hampshire, Vermont.	Fancy All other	1.025 1.030	1.020 1.015

2. Section 1341.586 (b) is amended in the following respects:

a. In the table under (1) thereof Maine, Mississippi, Montana, New Hampshire, Tennessee, and Vermont are added in alphabetical order to the list of states therein.

b. In the table under (2) thereof Maine, Mississippi, Montana, New Hampshire, Tennessee, and Vermont are added in alphabetical order to the list of states beginning with Colorado.

c. In the table under (3) thereof Maine, Mississippi, Montana, New Hampshire, Tennessee, and Vermont are added in alphabetical order to the list of states therein.

3. The first pararaph of § 1341.586 (c) is amended to read as follows:

(c) Processors whose factories are located in the states or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation for sales of the items designated to government procurement agencies if (i) they have incurred wage rate increases with the approval of the War Labor Board or under the Fair Labor Standards Act; (ii) if the wage rate increases became effective after January 1, 1943; and (iii) if 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made by multiplying the maximum prices for sales to government procurement agencies by the figure indicated for each state or portion thereof: *Provided,* That no processor whose factory is located in Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas, or whose wage rate increase was incurred under the Fair Labor Standards Act, shall adjust his maximum prices for increases in labor unless, prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase.

4. Section 1341.586 (c) is amended in the following respects:

a. In the table under (1) thereof Maine, New Hampshire, Vermont, Rhode Island, Massachusetts and Connecticut are added in alphabetical order to the list of states beginning with New York, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, Florida, Georgia, South Carolina, Alabama, Mississippi, Missouri, Texas, Oklahoma, Kansas, Louisiana and Arkansas are added in alphabetical order to the list of states beginning with Delaware; North Dakota and South Dakota are added in alphabetical order to the list of states beginning with Illinois; Montana, New Mexico, Arizona and Nevada are added in alphabetical order to the list of states beginning with California.

b. In the table under (2) thereof Montana, New Mexico, Arizona and Nevada are added in alphabetical order to the list of states beginning with California; to the list of states beginning with Delaware the following states are added in alphabetical order: Connecticut, Kentucky, Maine, Massachusetts, New Hampshire, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas.

c. In the table under (3) thereof Maine, Mississippi, Montana, New Hampshire, Tennessee, and Vermont are added in alphabetical order to the list of states therein.

d. In the table under (4) thereof the following states are added in alphabetical order to the list of states therein: Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas.

5. Section 1341.586 (d) is amended in the following respects:

a. The first paragraph of § 1341.586 (d) is amended to read as follows:

(d) Processors whose factories are located in the states or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation for sales of the items designated to government procurement agencies and also their maximum prices for other sales if (i) they have incurred wage rate increases with the approval of the War Labor Board or under the Fair Labor Standards Act; (ii) if the wage rate increases become effective after January 1, 1943; and (iii) if 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made for sales to government procurement agencies by multiplying the maximum prices for such sales by the figure indicated for each state or portion thereof, and such adjustments are to be made for sales other than to government procurement agencies by multiplying the maximum prices for such sales by the same figure. *Provided,* That no processor whose factory is located in Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Arkansas, Florida, Georgia, Kansas Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas, or whose wage rate increase was incurred under the Fair Labor Standards Act, shall adjust his maximum prices for increases in labor unless, prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase.

b. In the tables under (1), (2), (3) and (4) thereof the following states are added in alphabetical order: Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas.

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20771; Filed, December 31, 1943; 4:53 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 409,[1] Amdt. 9]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 409 is amended in the following respects:

1. Section 3 (c) (1) is amended to read as follows:

(1) *Increase for labor.* A packer shall figure an increase for labor (i) if he has incurred a wage rate increase with the approval of the War Labor Board or under the Fair Labor Standards Act; (ii) if the wage rate increase became effective after January 1, 1943; and (iii) if 50% or more of his 1943 production of the variety being priced was made after the effective date of the wage rate increase. *Provided,* That no packer whose factory is located in Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia or any State listed in Area 5, below, or whose wage rate increase was incurred under the Fair Labor Standards Act, shall figure an increase for labor unless, prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase.

This increase shall apply to sales of the varieties listed in the following table, except sales of corn, peas, snap beans, peaches and pears to purchasers other than government procurement agencies. The increase shall be figured by multiplying the packer's base price under paragraph (b), above, by the figure indicated for the variety and area in which his factory is located.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5358, 9298, 11034, 11080, 11952, 16204, 16207, 16625.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 5736, 9299, 10940, 11691, 13303, 13813, 14016, 15258, 14854, 15190.

[2] Cost of acquisition may include cost of purchase and also cost of transportation to the point of purchase by the government, the total, however, not to exceed the seller's maximum base purchase price at the place of purchase by the government.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16896.

(Percentages are to be applied to "base prices" under section 3 (b))

	Areas				
	1	2	3	4	5
VEGETABLES	*Percent.*	*Percent.*	*Percent.*	*Percent.*	*Percent.*
Asparagus	2.5	5.0	3.5	3.0	5.0
Corn	4.5	4.5	4.0	4.0	4.5
Peas	3.0	4.5	3.0	3.0	4.5
Lima beans	3.0	4.5	4.5	3.5	4.5
Snap beans	4.0	4.5	4.0	4.0	4.5
Spinach	4.5	5.5	4.5	5.0	5.5
Other vegetables	6.0	6.0	6.0	6.0	6.0
FRUITS					
Apples	2.5	2.5	2.5	2.5	2.0
Peaches	5.0	5.0	3.0	3.0	5.0
Cherries	3.0	2.0	2.0	3.0	2.0
Apricots				3.5	2.0
Grapes	3.0	3.0	3.0	2.0	2.0
Other fruits	2.0	2.0	2.0	2.0	2.0
BERRIES					
Strawberries	4.5	4.5	4.0	2.0	1.0
Raspberries, red	1.5	2.0	1.5	1.5	1.0
Raspberries, black	2.0	3.0	2.0	2.0	1.0
Blackberries	2.5	2.5	2.5	1.5	1.0
Other berries	2.0	2.0	2.0	2.0	1.0

States included in areas:

Area 1: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

Area 2: Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia and West Virginia.

Area 3: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.

Area 4: Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming.

Area 5: Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas.

2. Section 3 (m) (1) (v) is amended to read as follows:

(v) The direct labor cost per unit figured at the October 3, 1942 wage rates, adjusted to reflect any wage rate increases, incurred by the packer with the approval of the War Labor Board or under the Fair Labor Standards Act, which became effective after January 1, 1943 but prior to completion of at least 50% of the packer's 1943 production of the item, plus

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20760; Filed, December 31, 1943; 4:50 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 473,[1] Amdt. 4]

MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 473 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

(a) *General pricing method.* The packer shall figure a maximum price per dozen or other unit, f. o. b. factory, for each kind, flavor, brand and container type and size of fruit preserves, jams and jellies. The maximum price for such an item shall be figured by adding together his base price, his permitted increase for raw material costs and his permitted increase for labor.

2. Sections 2 (d), 2 (h) and 2 (i) are redesignated sections 2 (h), 2 (i), and 2 (l) respectively.

3. A new section 2 (d) is added to read as follows:

(d) *Permitted increase for labor.* A packer shall figure a permitted increase for labor (1) if he has incurred a wage rate increase with the approval of the War Labor Board or under the Fair Labor Standards Act; and (2) if the wage rate increase became effective after January 1, 1943; and (3) if prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase; and (4), for an item packed from 1943 fresh fruit, if 50% or more of his production of the flavor being priced was made after the effective date of the wage rate increase. The increase shall be figured by multiplying the sum of the packer's base price and permitted increase for raw material costs under paragraphs (b) and (c), above, by the figure indicated in the following table for the area in which his factory is located.

Area	States	Percent
1	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.	1.5
2	Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.	2.0
3	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.	1.5
4	Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.	1.5

4. Section 2 (k) (1) (iv) is amended to read as follows:

(iv) The direct labor cost per unit figured at the October 3, 1942 wage rates, adjusted to reflect any wage rate increases, incurred by the packer with the approval of the War Labor Board or under the Fair Labor Standards Act, which became effective after January 1, 1943 and, in the case of an item packed from 1943 fresh fruit, prior to completion of at least 50% of the packer's production of the item, plus

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20770; Filed, December 31, 1943; 4:53 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 498,[1] Amdt. 1]

MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF APPLE BUTTER

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 498 is amended in the following respects:

1. The undesignated paragraph following the section headnote of section 2 is amended to read as follows:

The packer shall figure a maximum price per dozen or other unit, f. o. b. factory, for sales to purchasers other than government procurement agencies, for each brand, container type and size of apple butter. The maximum price for such an item shall be figured by adding together his base price, his permitted increase for fruit and his permitted increase for labor.

2. Section 2 (c) is redesignated section 2 (i).

3. A new section 2 (c) is added to read as follows:

(c) *Permitted increase for labor.* A packer shall figure a permitted increase for labor (1) if he has incurred a wage rate increase with the approval of the War Labor Board or under the Fair Labor Standards Act; (2) if the wage rate increase became effective after January 1, 1943; (3) if prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase; and (4) if 50% or more of his production of apple butter packed from 1943 fruit was made after the effective date of the wage rate increase. The increase shall be figured by multiplying the sum of the packer's base price and permitted increase for fruit under paragraphs (a) and (b), above, by the figure indicated in the following table for the area in which his factory is located.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13104, 13346, 15257, 16129.

[1] 8 F.R. 16503.

Area	States	Percent
1	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.	1.0
2	Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.	1.5
3	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.	1.0
4	Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.	1.0

4. Section 6 (a) (4) is amended to read as follows:

(4) The direct labor cost per unit figured at the October 3, 1942 wage rates, adjusted to reflect any wage rate increases, incurred by the packer with the approval of the War Labor Board or under the Fair Labor Standards Act, which became effective after January 1, 1943 but prior to completion of at least 50% of the packer's production of the item, plus

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20759; Filed, December 31, 1943; 4:50 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 493,[1] Amdt. 2]

DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943 CROP AND AFTER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 493 is amended in the following respect:

1. Section 14 (a) is amended to read as follows:

(a) Processors of any of the items listed in section 9 whose factories are located in the states listed below shall adjust their maximum prices otherwise established under the provisions of this regulation if (i) they have incurred wage rate increases with the approval of the War Labor Board or under the Fair Labor Standards Act; (ii) if the wage rate increase became effective after January 1, 1943; and (iii) if 50% or more of the processor's pack of the particular item was processed after the effective date of the wage rate increase. The adjustments in each case shall be made by multiplying the maximum price for the item by the figure indicated below for the product and state where the processor's factory is located: *Provided*, That no processor whose factory is located in Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Florida, Georgia, Kansas, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, and Texas, or whose wage rate increase was incurred under the Fair Labor Standards Act, shall adjust his maximum prices for increases in labor unless prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase.

State: Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

Product:	*Multiply maximum price by*
Packed apples	1.03
Applesauce	1.02
Apple juice	1.02
Sweet cider	1.02

State: California, Oregon and Washington.

Product:	*Multiply maximum price by*
Packed apples	1.04
Applesauce	1.045
Apple juice	1.02
Sweet cider	1.02

(b) Processors of any of the items listed in sections 10, 11, and 12, whose factories are located in the states listed below shall adjust their maximum prices otherwise established under the provisions of this regulation by multiplying the maximum price in each case by the figure indicated for the product.

State: California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming.

Product:	*Multiply maximum price by*
Dried apples	1.04
Apple chops	1.02
Boiled cider	1.005
Concentrated cider	1.005
Filtered concentrated apple juice	1.005
Depectinized concentrated apple juice	1.005
Bland apple syrup	1.02
Vinegar stock	1.02

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765, Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20768; Filed, December 31, 1943; 4:52 p. m.]

PART 1440—PROCESSED FOOD COMMODITIES

[MPR 488,[1] Amdt. 1]

PICKLES AND CERTAIN PICKLED PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 488 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *General pricing method*—(a) *Maximum prices for salters, briners and final processors.* In sales of any item by salters, briners or final processors, the seller's maximum price to any class of purchaser is his maximum price under the General Maximum Price Regulation plus the following permitted increases:

(1) *Permitted increase for raw materials.* For salters and briners, the seller's permitted increase for raw materials is 25¢ per bushel, in the case of cucumbers, and 20% of the 1942 cost of the raw vegetable, in the case of cauliflower, onions, and pepper hulls. "1942 cost" means the total amount paid for the particular vegetable divided by the total number of bushels, or other selling unit for which a price is being determined, purchased in 1942.

For final processors, the seller's permitted increase for raw materials is 5% of his maximum price under the General Maximum Price Regulation.

(2) *Permitted increase for labor.* (i) The seller shall add an increase for labor only under the following circumstances:

(a) If he has incurred a wage rate increase with the approval of the War Labor Board or under the Fair Labor Standards Act;

(b) If the wage rate increase becomes effective after January 1, 1943;

(c) If prior to November 26, 1943 he applied to the Office of Price Administration, Washington, D. C., for authorization to figure an increase for labor; and

(d) If, with respect to an item of stock salt made from 1943 fresh vegetables, 50% or more of his 1943 production of the commodity was made after the effective date of the wage rate increase.

(ii) The seller shall figure his permitted increase for labor by adding the permitted increase for raw material to his maximum price under the General Maximum Price Regulation, and multiplying the resulting amount by the percentage figure indicated in the following table for the area in which his plant is located.

Area and States:	*Percentage*
Area I: Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania	2.5
Area II: Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Missouri, Arkansas, Oklahoma, Texas	3.5
Area III: Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, North Dakota, South Dakota	2.5

[1] 8 F.R. 15187, 15865.

Area and States—Continued.	Percentage
Area IV: Idaho, Wyoming, Montana, Utah, Colorado, Nevada, Washington, Oregon, California, Arizona, New Mexico	2.5

(b) *Maximum prices for wagon wholesalers.* In sales of any item by wagon wholesalers, the seller's maximum price to any class of purchasers is his maximum price under the General Maximum Price Regulation plus the difference between the respective supplier's maximum price under the General Maximum Price Regulation and the supplier's maximum price under this regulation.

(c) *Maximum prices for all other sellers.* For all sellers (other than wholesalers and retailers) not specifically mentioned in this section, the maximum price in each case is the supplier's maximum price, as established by this regulation for sales to that seller, adjusted where necessary to include incoming freight.

2. Section 5 (a) (3) is amended to read as follows:

(3) The direct labor cost per unit figured at the October 3, 1942, wage rates, adjusted to reflect any wage increase incurred by him which was made with the approval of the War Labor Board or under the Fair Labor Standards Act and which became effective after January 1, 1943, plus.

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20766; Filed, December 31, 1943; 4:52 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-13]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN THE STATE OF OHIO

In the judgment of the District Director of the Toledo, Ohio, District Office of the Office of Price Administration, the prices of food and beverages sold for immediate consumption in the 19 counties comprising the Toledo District, all located in the State of Ohio, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the Toledo District, maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as possible, the District Director of the Toledo District gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the Toledo District hereby issues this Restaurant Maximum Price Regulation No. 3–13, establishing as maximum prices for food and drink sold for immediate consumption the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943, in the Counties of Allen, Auglaize, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Wood, Williams and Wyandotte.

§ 1448.213 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Toledo District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50, issued by the Office of Price Administration, Toledo Restaurant Maximum Price Regulation No. 3–13 (Food and Drink Sold for Immediate Consumption) is hereby issued.

AUTHORITY: § 1448.213 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4908.

RESTAURANT MAXIMUM PRICE REGULATION NO. 3–13—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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*Copies may be obtained from the Office of Price Administration.

SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking establishments, you must not offer or sell any "food item" (including beverages) or "meal" within its proper class as set forth herein, at a price higher than the highest price at which you offered the same "food item" or "meal" in such class during the seven-day period beginning Sunday, April 4, 1943 and ending Saturday, April 10, 1943. You must not sell or offer to sell any other "food item" or "meal" at a price higher than the ceiling price which you figure according to the provisions of sections 2, 3, and 4 herein. You may, of course, sell at less than the ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you did not sell in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period, as follows:

(a) If you served the same food item or meal within thirty days prior to April 4, 1943, you may take as your ceiling price the highest price at which you offered the same food item or meal in its proper class during said thirty-day period. In any such case your records, as set forth in section 10 (c) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

(b) If you did not sell or offer to sell the food item or meal during the seven-day period, and if you cannot price the food item or meal under the provisions of section 2 (a), then you choose from the food items or meals served in the seven-day period, for which a ceiling price has already been fixed, the food item or meal in the same class which is most similar to the food item or meal you are pricing and then proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal. The word "currently" as used herein means current at the time the pricing of the new food item or meal takes place.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the the new food item or meal.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly provided herein.

SEC. 3. *Class of food items and meals—*(a) *Classes of meals.*

(1) For the purpose of classification under this regulation, there shall be thirteen classes of meals as follows: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays; children's breakfast, lunch and dinner.

(2) Where you differentiated in price or otherwise between any of the above classes of meals during the period, April 4 to April 10, 1943, you shall continue to maintain such differential. A meal shall be further classified according to the food item category hereinafter listed in which the main dish of such meal is grouped.

Example. A week day roast pork dinner would be in a different class from a week day roast pork lunch or a Sunday roast pork dinner or a week day vegetable plate dinner, but would be in the same class as a week day pork chop dinner.

(b) *Classes of food items.* (1) For the purpose of this regulation food items as herein referred to shall be classified into the following categories:

FOOD ITEMS

Sec.
1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.
5. Entrees: all other dishes served at breakfast.
6. Breads, rolls, buns, danish-pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies, and preserves.
8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef: steaks and roasts.
11. Veal: steaks, chops, and roasts.
12. Pork: loin, chops, steaks, roasts.
13. Lamb or mutton: chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries, and other baked goods.
24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts: seasonal dessert specialties including but not limited to watermelons, cantaloupes, fresh fruits, and fresh berries.
26. Desserts: all others, including fruits, pudding and cheese.
27. Cold sandwiches: including garnishings, salads and vegetables.
28. Hot sandwiches: including garnishings, salads and vegetables.
29. All other food items served in a meal including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.
31. Non-alcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins and brandies.
35. Cordials, including fruit liqueurs.
36. All other alcoholic beverages, including mixed drinks, cocktails, highballs, etc.

(2) Where you customarily, during the period April 4 to April 10, 1943, differentiated in price or otherwise as to the serving of the same a la carte food item between any two or more of the following: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays, and children's breakfast, lunch and dinner, you shall continue to maintain such differentials, and where such differentials exist such food items shall be deemed to be distinguished as to class.

Example. Mashed potatoes offered a la carte for week day lunches would be in the same class of food items as potatoes au gratin offered a la carte for week day lunches but would be in a different class than mashed potatoes offered a la carte for week day dinners or Sunday suppers or in connection with other meal menus if during the base period they were customarily distinguished in price or otherwise.

(c) Your ceiling prices for food items or meals served on those designated legal holidays by Federal Law or by the Law of the State in which the establishment is located may be the same as your Sunday ceiling prices for such establishment.

If you customarily charged more than usual Sunday prices for meals and food items served on Easter, Thanksgiving, Christmas, New Year's Eve, or New Year's Day, you may, notwithstanding the provisions of sections 1 and 2 herein, continue to charge higher prices on those particular days, such higher prices, however, in no event to exceed 115% of your Sunday ceiling prices.

SEC. 4. *No ceiling prices to be higher than the highest price in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal of the same class during the seven-day period, except that, if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 10 herein, must include the menu or information showing the previous offering of such food item or meal at the higher prices. The restriction of this section shall not apply to seasonal dessert specialties as specified in section 3, paragraph (b), Class 25.

Example. If during the seven-day period your highest price for a week day dinner was $1.25, in general, that is the highest price you may charge for any week day dinner. If, however, you served a chicken dinner at $1.50 on any week day within 30 days prior to April 4, 1943, then you may continue to serve the same chicken dinner at $1.50 even though that is a higher price than any price charged for the same class dinner during the seven-day period. But you may not add a new meal not served during the 30-day period, at a price in excess of $1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

SEC. 5. *Substitution of food items in meals.* If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by sections 1 and 2.

SEC. 6. *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer on week days at least as many different meals at or below the lowest price charged by you for meals of the same class on any week day that you select in the seven-day period, as you did on that day.

(c) You continue to offer on Sundays and legal holidays at least as many different meals at or below the lowest price charged by you for meals of the same class on Sunday, April 4, 1943.

Example. Thus, you may select any week day in the seven-day period as the base day for week-day meals. If you select Friday, April 9, 1943, to determine the lowest price and the number of week day meals offered at that price, and if on that day you offered six week day dinners, of which two were priced at 85c and one each at 90c, $1.00, $1.10, $1.15 you must continue to offer at least two week day dinners at 85c.

SEC. 7. *Evasion.* (a) You must not evade the provisions of this regulation by any scheme or device, including,

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction.

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at

less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals.

(5) Discontinuing a no tipping practice without a compensating reduction in your maximum prices.

(6) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal, or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of those things during the seven-day period.

(1) You may limit your customer to one pat of butter per meal; and when necessitated by the restrictions of the rationing program, you may vary the size of such pats of butter.

(2) You may reduce the quantity of ketchup, chili sauce, or any other condiment which is rationed;

(3) You may reduce the amount of sugar served according to your available supply.

SEC. 8. *Rules for new proprietors and new establishments.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties prescribed by this regulation as the previous proprietor. Prior to the commencement of business, however, you may apply to the Toledo District Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating or drinking place operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

(c) *Changing type of service.* If you operated an eating or drinking establishment in the same establishment where you operated an eating or drinking place during the period April 4th to 10th, but changed your type of operation, you shall apply to the Toledo District Office of Price Administration for your proper maximum prices.

(d) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating or drinking establishment you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4–10, 1943, use the rules set forth in sections 2, 3, and 4 of this regulation.

(2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 8, paragraph (a) and (b) herein.

(3) If you cannot price under paragraphs (1) or (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Toledo District Office of Price Administration. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information:

(i) Your name and address and the address of your establishment.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the present or coming season, differentiating between week day, and Sunday and holiday prices.

(iv) The date on which you plan to commence operations.

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration may, at any time, after proper investigation and hearing, establish or re-establish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under paragraphs (1) or (2) herein, you shall, within 10 days of the effective date of this order, file application with the Toledo District Office of Price Administration for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under paragraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

SEC. 9. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or any increase in the amount of a previous tax on the sale of food or drink or in the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 10. *Records*—(a) *Filing of menus.* General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943 and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4–10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 11. *Posting.* (a) If you made menus available to customers in the seven-day period April 4 to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in clear and legible printing or writing, the following statement:

All prices listed are at or below our ceiling price, which, by OPA regulation, are the highest prices we charged for the same item or meal from April 4 to April 10, 1943. Our records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4–10 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

SEC. 12. *Operation of several places.* If you own or operate more than one eating and drinking place, you must do everything required by this regulation for each place separately.

SEC. 13. *Relation to other maximum price regulations.* The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

SEC. 14. *Geographical application.* The provisions of this order shall be applicable to all eating and drinking places (as hereinafter defined in section (15) (e)) located in the counties of Allen, Auglaize, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Wood, Williams, and Wyandotte, all located in the State of Ohio.

SEC. 15. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association, or any organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political sub-divisions, and any agency of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 1 and 2, when they are items in different classes (see section 3 (b) for "classes of food items"). For example: Lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, etc.

(f) Unless the context otherwise requires, the definitions set forth in Sec. 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 16. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Exemptions.* Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation.

(a) Eating and drinking places operated in connection with special church, temple, synagogue, Sunday School, or other religious occasions.

(b) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(c) Hospitals, except for food items and meals served to persons other than the patients, when a separate charge is made for such food items and meals.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual), which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy shall be considered students.

SEC. 18. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

1. The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

2. Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

3. By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the Toledo District Office of Price Administration an application in duplicate. The application should contain the following information:

(1) Your name and address.

(2) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc.; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period, (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information as may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by the District Director who has been authorized to do so by order of the Regional Administrator.

SEC. 20. *Amendments.* You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the Regional Administrator.

SEC. 21. *Licensing.* The provisions of Licensing Order No. 1 of the Office of Price Administration, licensing all per-

sons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or the regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended. Under Licensing Order No. 1, a license is automatically granted without application by the seller.

SEC. 22. *Revocation.* This regulation may be modified, amended, corrected, or revoked at any time by the Office of Price Administration.

This regulation shall become effective January 24, 1944, 12:01 a. m.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 15th day of December 1943.

HAROLD G. BOGART,
Acting District Director.

[F. R. Doc. 44-35; Filed, January 1, 1944; 2:50 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Corr. to Amdt. 87]

MILEAGE RATIONING: GASOLINE REGULATIONS

In paragraph 21 of Amendment No. 87 to Ration Order 5C, the reference "§ 1394.8004 (d)" appearing in § 1394.-8153 (a) (5) is corrected to read "§ 1394.-8004 (e)".

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O 9125, 7 F.R. 2719)

Issued this 1st day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-73; Filed, January 1, 1944, 5:00 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, Amdt. 1]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The word "yellow" is deleted wherever it appears in the following sections: Sections 25.1 (c), (d), (e), (f), (g), (h), (j), (k), (l), (n), 25.2 (a), (c), and 25.3 (a).

2. Section 25.1 (c) is amended by deleting the sentence in parentheses.

[1] 8 F.R. 15937, 16250, 16421.

3. The fourth sentence of section 25.1 (e) is amended by substituting the number "50" for the number "48".

4. The first sentence of section 25.1 (f) is amended by deleting the words "Ration for" and substituting therefor the words "Ration for months punched".

5. Section 25.1 (g) (2) is amended by substituting for the phrase "an expired certificate or" the word "a"; and by deleting the phrase "or certificate".

6. Section 25.1 (i) is revoked.

7. Section 25.1 (k) is amended by changing the phrase "paragraphs (i) and (j)" to read "paragraph (j)".

8. Section 25.1 (m) is amended to read as follows:

(m) Upon the expiration of any punch card, or after the full number of points provided by such card has been used by the applicant or members of his family unit to acquire processed foods, the board (or Customs Officer) shall issue a punch card for a subsequent period, but only if the applicant returns the expired card to it. The applicant must, not later than five days after the expiration of a punch card (or duplicate card) issued to him, return it to the board (or Customs Officer), either in person or by mail. However, if the punch card has been lost, destroyed or stolen, and the applicant has not received a duplicate card, a board may waive compliance with this requirement. No new application is required for the issuance of a punch card to replace an expired punch card unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire processed foods. Acceptance by the applicant of a punch card to replace an expired card shall constitute a representation by the applicant that the number of such persons has not been reduced.

9. Section 25.1 (o) is added to read as follows:

(o) Whenever a punch card is issued, the "Dealer card" portion of that card shall be perforated, and horizontal strips shall be removed from it in the same manner as the "Consumer card" portion issued to the applicant.

10. Section 25.1 (p) is added to read as follows:

(p) An applicant whose punch card has been lost, destroyed or stolen, may apply to the board (or Customs Officer) for a replacement. If the board (or Customs Officer) finds that the applicant's card was lost, destroyed or stolen, it shall issue to him a "Consumer card" portion of a punch card and shall write the word "duplicate" on it. It shall detach the "Dealer card" portion from any duplicate card issued under this paragraph.

11. Section 25.2 (b) is amended to read as follows:

(b) A supplier, who transfers processed foods against a punch card must, at or before the time of his first transfer against that card, sign the "Consumer card" portion of that card and make an exact copy of it on the "Dealer card" portion of the card. He shall detach and retain the "Dealer card".

12. The first sentence of section 25.2 (c) is amended by deleting the words "duplicate white punch card" and substituting instead the words "'Dealer card'."

13. Section 25.2 (d) is amended to read as follows:

(d) No transfer may be made unless the punch card is presented to the transferor. If the punch card is marked "duplicate", no transfer may be made unless the supplier first makes an exact copy of his "Dealer card" on the duplicate "Consumer card" by making the same perforations or deletions of numbers on the duplicate as have been made on the "Dealer card" and removing from the duplicate the same number of strips as have been removed from the "Dealer card". He must also sign the duplicate.

14. The first sentence of section 25.3 (a) is amended to read as follows: (a) Any retailer, wholesaler, processor, country shipper or grower who has been designated by an applicant as the supplier from whom processed foods are to be acquired shall maintain and keep at his place of business the "Dealer card" which he is required by section 25.2 (b) to make out for each such applicant, and the white punch card which he was required to make out for each such applicant prior to January 1, 1944.

This amendment shall become effective January 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 1st day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-75; Filed, January 1, 1944; 5:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 96]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The word "green" is deleted wherever it appears in the following sections:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15263, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695.

Sections 25.1 (c), (d), (e), (f), (g), (h), (j), (k), (l), (n), 25.2 (a), (c) and 25.3 (a).

2. Section 25.1 (c) is amended by deleting the sentence in parentheses.

3. The first sentence of section 25.1 (f) is amended by deleting the word "Ration" and substituting therefor the words "Ration for months punched".

4. Section 25.1 (g) (2) is amended by substituting for the phrase "an expired certificate or" the word "a"; and by deleting the phrase "or certificate".

5. Section 25.1 (i) is revoked.

6. Section 25.1 (k) is amended by changing the phrase "paragraphs (i) and (j)" to read "paragraph (j)".

7. Section 25.1 (m) is amended to read as follows:

(m) Upon the expiration of any punch card, or after the full number of points provided by such card has been used by the applicant or members of his family unit to acquire foods covered by this order, the board (or Customs Officer) shall issue a punch card for a subsequent period, but only if the applicant returns the expired card to it. The applicant must, not later than five days after the expiration of a punch card (or duplicate card) issued to him, return it to the board (or Customs Officer), either in person or by mail. However, if the card has been lost, destroyed or stolen, and the applicant has not received a duplicate card, a board may waive compliance with this requirement. No new application is required for the issuance of a punch card to replace an expired punch card unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire foods covered by this order. Acceptance by the applicant of a punch card to replace an expired card shall constitute a representation by the applicant that the number of such persons has not been reduced.

8. Section 25.1 (o) is amended by deleting the words "or certificate" in the last sentence.

9. Section 25.1 (p) is added to read as follows:

(p) Whenever a punch card is issued, the "Dealer card" portion of that card shall be perforated, and horizontal strips shall be removed from it in the same manner as the "Consumer card" portion issued to the applicant.

10. Section 25.1 (q) is added to read as follows:

(q) An applicant whose punch card has been lost, destroyed or stolen, may apply to the board (or Customs Officer) for a replacement. If the board (or Customs Officer) finds that the applicant's card was lost, destroyed or stolen, it shall issue to him a "Consumer card" portion of a punch card and shall write the word "duplicate" on it. It shall detach the "Dealer card" portion from any duplicate card issued under this paragraph.

11. Section 25.2 (b) is amended to read as follows:

(b) A supplier, who transfers foods covered by this order against a punch card must, at or before the time of his first transfer against that card, sign the "Consumer card" portion of that card and make an exact copy of it on the "Dealer card" portion of the card. He shall detach and retain the "Dealer card".

12. The first sentence of section 25.2 (c) is amended by deleting the words "duplicate white punch card" and substituting instead the words "Dealer card".

13. Section 25.2 (d) is amended to read as follows:

(d) No transfer may be made unless the punch card is presented to the transferor. If the punch card is marked "duplicate", no transfer may be made unless the supplier first makes an exact copy of his "Dealer card" on the duplicate "Consumer card" by making the same perforations or deletions of numbers on the duplicate as have been made on the "Dealer card" and removing from the duplicate the same number of strips as have been removed from the "Dealer card". He must also sign the duplicate.

14. The first sentence of section 25.3 (a) is amended to read as follows:

(a) Any retailer, wholesaler or primary distributor who has been designated by an applicant as the supplier from whom foods covered by this order are to be acquired shall maintain and keep at his place of business the "Dealer card" which he is required by section 25.2 (b) to make out for each such applicant, and the white punch card which he was required to make out for each such applicant prior to January 1, 1944.

This amendment shall become effective January 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-76; Filed, January 1, 1944; 5:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 7 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (3) is added to read as follows:

(3) Brown stamps lettered L, M, N, P, and Q are valid for use by consumers in San Francisco, San Mateo, Contracosta, Alameda, and Marin counties in the State of California until 12:01 a. m. January 11, 1944. For all purposes of Ration Order 16, stamps so used are deemed to have been used prior to January 2, 1944.

This amendment shall become effective at 12:01 a. m., January 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-77; Filed, January 1, 1944; 5:00 p. m.]

PART 1420—BREWERY, WINERY AND DISTILLERY PRODUCTS

[MPR 445,[1] Amdt. 11]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 445 is amended in the following respects:

1. Section 4.12 (c) of Maximum Price Regulation 445 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11161, 11851, 13496, 13500, 13845, 14016, 14400, 15912, 16997, 16928, 17415.

(c) As to a brand, type and kind of bulk or packaged non-current California grape wine for which a processor is permitted by section 4.8 to apply for authority to establish a special maximum price, if the processor gives notice of intention to file such application to the Office of Price Administration, Beverage Section, Washington, D. C., on or before October 22, 1943, and such application is filed in accordance with section 4.9 on or before November 10, 1943, this article shall not apply to the processor's sales, offers to sell or deliveries of such bulk or packaged non-current wine made prior to the sixtieth day after the filing of such application or January 10, 1944, whichever is the earlier date, or to sales of that wine which the seller is required by statute, ordinance or regulation to make at a price posted or listed prior to the appropriate date referred to above with a state or other public authority (if the price so posted or listed is greater or less than that established under this article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity after that date.

2. Section 6.3 (a) (4) is amended to read as follows:

(4) Every broker or agent taking part in a sale of packaged domestic distilled spirits shall be considered the agent of the seller and not the agent of the buyer. In each case the amount paid by the buyer to the broker or agent as a buyer's fee, broker's fee, finder's fee, service charge or other payment plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation charges (not already included in the seller's maximum price) actually paid by the seller or by the broker or agent.

3. Section 7.6 (b) is revoked.

4. Section 7.6a is added to read as set forth below, and the headnote of section 7.6a is added in numerical order to the list of sections in sections 1.10, 2.5, 3.6, 4.11, 5.9, and 6.4.

SEC. 7.6a *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation, except monopoly states. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-79; Filed, January 1, 1944; 5:00 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 109]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

A new item is added to § 1407.243 to read as follows:

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
• • •	•	•
No. 16 (Jan. 16, 1944 to March 31, 1944)	Book Four, Sugar Stamp 30	5 pounds

This amendment shall become effective January 7, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-112; Filed, January 3, 1944; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 35 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (c) (11) is added to read as follows:

(11) For the reporting period beginning January 30, 1944 and ending March 4, 1944..... 4

This amendment shall become effective January 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-113; Filed, January 3, 1944; 11:54 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14820, 15368, 15489.

[1] 8 F.R. 1840, 3949, 4892, 5818, 6341, 8757, 6138, 6964, 7689, 8067, 8705, 9203, 10085, 10089, 10728, 11387, 11447, 11483, 11812, 12026, 12161, 12292, 13492.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 93]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 5.6 (e) is amended by deleting the last sentence and inserting in lieu thereof, the following:

A wholesaler who does not have enough points at the time of registration must, within one week after the last day of each calendar month (beginning with the month of December 1943), give up to the board with which he is registered the points which he has on hand and in his ration bank account at the end of that month until he has, in this way, given up points equal to his excess inventory. He may, however, keep points equal to 15% of his allowable inventory. (Points for which ration checks are outstanding, points owed by him for acquisitions, during that month, of foods covered by this order and points owed for underdeliveries of foods are not considered to be points which he has "on hand".) He may not, until he has given up points equal to his excess inventory, buy or acquire during any one calendar week foods covered by this order having a point value of more than 15% of his allowable inventory.

2. Section 6.6 (e) is amended by deleting the last sentence and inserting in lieu thereof, the following:

A retailer who does not have enough points at the time of registration must, within one week after the last day of each calendar month (beginning with the month of December 1943), give up to the board with which he is registered the points which he has on hand and in his ration bank account at the end of that month, until he has, in this way, given up points, equal to his excess inventory. He may, however, keep points equal to 25% of his allowable inventory. (Points for which ration checks are outstanding, points owed by him for acquisitions during that month of foods covered by this order, and points owed for underdeliveries of such foods are not considered to be points which he has "on hand".) He may not, until he has given up points in an amount equal to his excess inventory, buy or acquire during any calendar week foods covered by this order having a point value in excess of 25% of his allowable inventory.

This amendment shall become effective January 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[1] 8 F.R. 13128, 13394.

[F. R. Doc. 44-114; Filed, January 3, 1944; 11:54 a. m.]

Chapter XIII—Petroleum Administration for War

PART 1515—PETROLEUM PRODUCTION AND NATURAL GASOLINE RECOVERY OPERATIONS

[PAO 11, as Amended Jan. 1, 1944]

General order covering the United States, its territories and possessions.

The fulfillment of the requirements for the defense of the United States has created a shortage of materials necessary for the production of petroleum for defense, for private account, and for export; and the following order is deemed necessary in the public interest, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential purposes.

§ 1515.6 *Petroleum Administrative Order No. 11*—(a) *Scope of this order.* Except as otherwise modified by the provisions of any order issued as a supplement to this order, the provisions of this order shall be applicable to the use of material in petroleum production and natural gasoline recovery operations in the United States, its territories or possessions.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) "Petroleum" means crude oil, condensate, natural gasoline, or natural gas.

(4) "Production" means any operation directly incident to the discovery, development, or depletion of a petroleum pool.

(5) "Natural gasoline recovery" means any operation directly incident to the extraction or recovery of natural gasoline and associated hydrocarbons.

(6) "Maintenance and repair" means (without regard to accounting practice):

(i) The upkeep of any structure, equipment, or material in sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down, or is worn out, damaged, or destroyed;

(ii) Any other use of material not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

"Maintenance and repair" shall not include the drilling, redrilling, deepening, plugging back, or multiple completion of any well, the initial installation on any well of pumping or other artificial lifting equipment, or the extension or the initial construction or installation of a field gas gathering line.

(7) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in production or natural gasoline recovery and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense, including, among other items, chemicals, additives, and blending agents.

(8) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, production or natural gasoline recovery operations by means of research, technical, or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(9) "Exploratory well" means any well located at least two miles from every other drilling or producible well. However, no well is an exploratory well if it is located in any Restricted Area or in any field which, when drilling of the well is commenced, has been proved to be productive only of gas or condensate or both.

(10) "Pool" means any underground accumulation of petroleum constituting a single and separate reservoir or source of supply within a field.

(11) "Sectionalized land" means:

(i) Land which has been divided into sections by or on behalf of the Federal Government, and generally known as "public land surveys", whether the land is publicly or privately owned; and in other instances,

(ii) Land which has been divided into approximately square tracts similar to sections and which tracts contain about 640 acres (not more than 720 acres nor less than 560 acres) and can be subdivided by quartering into approximately square subdivisions of about 40 acres (not more than 45 acres nor less than 35 acres), or land which has been classified as "sectionalized land" by an authorized official of the Petroleum Administration for War.

A quarter of a quarter section of a "public land survey" or of an approximately square 640 acre tract, as defined above, is called a "quarter-quarter section" in this order.

(12) "Non-sectionalized land" means land other than sectionalized land.

(13) "Lease equipment" means material for use in production to be located within or adjacent to any field, including, among other items, oil treating equipment, salt water disposal facilities and disposal wells, fresh water production facilities and wells, production office facilities, and camp facilities.

However, lease equipment shall not include: an oil, gas, or condensate well; well equipment or pumping or other artificial lifting facilities for an oil, gas, or condensate well; a flow, lead, or gathering line for a gas or condensate well; a crude oil gathering line connecting a lease or field shipping tank or battery where petroleum is first gauged to any other petroleum gathering or movement facility or any refining facility; a vacuum plant or facilities; a cycling plant or facilities; a pressure maintenance plant or facilities; a plant or facilities for the extraction or recovery of natural gasoline or associated hydrocarbons, or for other treatment or processing of natural gas.

(14) "Property interest" means an interest in land which gives the owner of the interest the right to enter on the land and drill for or produce petroleum and obtain title to part or all of the production. Such interest is usually created by a deed or an oil and gas lease, and is commonly called a "working interest".

(15) "Condensate well" means a well which produces or is capable of producing a liquid which is predominantly condensate. However, a well which is completed separately in two or more horizons will be considered a "condensate well" only in the horizon or horizons which produce or are capable of producing a liquid which is predominantly condensate.

(16) "Restricted area" means a field, pool, or area, or any portion thereof, designated as a "restricted area" by an authorized official of the Petroleum Administration for War. Any field or pool, or portion of either, which has been designated by the Petroleum Administration for War as a condensate field and which has not been removed from such classification up to the date of the issuance of this order is declared to be a "restricted area".

(17) "Complete" or "recomplete", wherever used in connection with an oil well, shall include equipping and connecting the well, but shall not include the initial installation on any well of pumping or other artificial lifting equipment; and, wherever used in connection with a gas or condensate well, shall include equipping and connecting in a manner sufficient to test the well, but shall not include connecting the well to a gas gathering line or to a natural gasoline recovery or gas cycling plant.

(c) *General restrictions on use of material.* (1) No material may be used to drill or complete any well in a "restricted area" or to drill any well for gas or condensate in a discovered field, unless:

(i) Drilling was commenced prior to the designation of the area as a "restricted area" and conforms to the applicable provisions of Petroleum Administrative Order No. 11 or to a specific exception heretofore granted authorizing the drilling and completion of the well; or

(ii) Drilling is authorized by a specific exception or other grant of authority as provided for by paragraph (m).

(2) No material may be used in connection with any production or natural gasoline recovery operation other than those specified in paragraph (c) (1), unless the use is authorized by the provisions of this order or by specific exception or other grant of authority as provided for by pargraph (m).

(d) *Authorized uses of material for maintenance, repairs, operating supplies,*

lease equipment, or laboratory equipment. Notwithstanding any other provision of this order, material may be used in production and natural gasoline recovery for maintenance and repair purposes, as operating supplies, for lease equipment, or for laboratory equipment and the installation thereof.

(e) *Authorized uses of material in exploratory operations.* Material may be used for operations directly involved in the search for and discovery of a previously unknown pool by means of geological, geophysical, or geochemical prospecting, the drilling and completion of, and providing additions to, any exploratory well, or the drilling of any core hole. However, if a core hole is drilled less than two miles from any drilling or producible well and the location of the core hole does not conform to the provisions set forth in paragraph (f) for the use of material in development drilling operations, only surface casing or tubing of less than 500 feet in length may be installed in the core hole, and no petroleum may be produced therefrom unless permission has been granted by an authorized official of the Petroleum Administration for War.

(f) *Authorized uses of material in oil development drilling operations.* Material may be used to drill, complete, and provide additions to, any oil well in any discovered field other than a "restricted area," or to drill, complete, and provide additions to, any oil well not in a discovered field but within two miles of a drilling or producible well, if the material is used in accordance with the following provisions:

(1) Where the oil well is located on sectionalized land,

(i) The provisions of paragraph (f) (3) must be complied with, and

(ii) The well must be located on a drilling unit consisting of a quarter-quarter section upon which no other drilling or producible well is located, and

(iii) If a well spacing pattern has been specified for the field, pool, or area by an authorized official of the Petroleum Administration for War, the well must be located within 150 feet of a location which conforms with the specified pattern.

If no well spacing pattern has been specified, the well must be located on the quarter-quarter section within 150 feet of a location which corresponds to the location on a quarter-quarter section of the pattern-fixing well for the field. The pattern-fixing well is the first well (including the discovery well but excluding any well completed as a dry hole) spudded in the field after December 23, 1941, in search of oil, and located on a quarter-quarter section not closer than 300 feet from any line thereof and on which quarter-quarter section no other drilling or producible well is located.

The well spacing pattern for a well not located in a discovered field but located within two miles of a drilling or producible well shall be the same as the well spacing pattern applicable to the nearest drilling or producible well, unless otherwise specified by an authorized official of the Petroleum Administration for War.

An authorized official of the Petroleum Administration for War may specify that no uniform well spacing pattern need be followed in designated fields, pools, or areas.

(2) Where the oil well is located on non-sectionalized land,

(i) The provisions of paragraph (f) (3) must be complied with, and

(ii) The well must be located on a drilling unit consisting of at least 40 contiguous surface acres upon which no other drilling or producible well is located, and

(iii) The distance between any two points farthest apart on the drilling unit upon which the well is located must not exceed a distance of 2,100 feet, and

(iv) No portion of the drilling unit attributed to the well shall fall within 330 feet of any other drilling or producible well located on the same lease or property.

(3) Where the oil well is located on either sectionalized land or non-sectionalized land,

(i) The drilling unit upon which the well is located must not be attributed in whole or in part to any other drilling or producible well, and

(ii) All separate property interests in the drilling unit upon which the well is located must first be consolidated, and

(iii) The well must be located at least 900 feet from every other drilling or producible well, and

(iv) The well must be located at least 330 feet from every lease line, property line, and subdivision line separating unconsolidated property interests, and

(v) The well must be drilled with due diligence to maintain a vertical well bore.

However, a well may be intentionally deviated from the vertical if the surface location of the well (in this case, the place on the surface directly over the bore hole at the lowest level at which the well is open to production) conforms to the other provisions applicable to sectionalized or non-sectionalized land which have been set out above.

Where a well is intentionally deviated from the vertical, a directional survey of the well-bore must be filed with the Director of Production of the District in which the well is located within 30 days after completion of the well.

If any well drilled in conformity with the provisions of this paragraph (f) is completed as a gas or condensate well, it shall not be produced other than for a test period of not exceeding 15 days, and no material may be used to produce the well or provide additions therefor, except as necessary for such testing of the well, until authorization has been granted by an authorized official of the Petroleum Administration for War.

(g) *Computation of acreage attributable to oil wells.* (1) The acreage attributable to any oil well spudded on or before December 23, 1941, shall be determined by assigning to the well an acreage equivalent to that of the existing well density contiguous to the well. In no event need the attributed acreage be greater than 40 acres.

(2) The acreage attributable to any oil well spudded after December 23, 1941, shall be the same as the drilling unit assigned to the well pursuant to Conservation Order M-68, Petroleum Administrative Order No. 11, or any supplement or exception thereto, or any amendment thereof.

(h) *Authorized uses of material for deepening, plugging back or reworking, and recompletion of wells.* To the extent that the use of material for deepening, plugging back, or reworking and recompletion operations in connection therewith, is not prohibited or otherwise limited by the provisions of any exception heretofore or hereafter issued pursuant to Conservation Order M-68, Petroleum Administrative Order No. 11, or any amendments thereof, or by the provisions of any order heretofore or hereafter issued as a supplementary order to Petroleum Administrative Order No. 11, or any amendment thereof, such deepening plugging back, or reworking, and recompletion operations in connection therewith, may be undertaken without obtaining further authorization if the material is used for or in connection with any of the following operations:

(1) Multiple completion of any well in the pool from which the well is producing and in any other pool or pools into or through which casing was set at the time the well was originally drilled;

(2) Multiple completion of any well which has been deepened in accordance with paragraph (h) (5);

(3) Plugging back and recompletion of any well in a shallower pool, or completion of any well in a deeper pool into or through which casing was set at the time the well was originally drilled;

(4) Reworking and recompletion or deepening and recompletion of any well within the pool from which the well is producing or from which it last produced, if

(i) The well, in the reworking or deepening operation, is not drilled into a deeper pool, and

(ii) The operation does not involve drilling or redrilling from a point more than 500 feet above the top of the pool, and

(iii) The length of additional casing or liner used in the operation does not exceed the distance from the bottom of the hole to a point 600 feet above the top of the pool;

(5) Deepening and recompletion of any well in another pool, if, with respect to the pool in which the well is to be deepened and recompleted,

(i) The well is located on a drilling unit consisting of quarter-quarter section of at least 35 surface acres, if located on sectionalized land, or of at least 40 contiguous surface acres, if located on non-sectionalized land, and

(ii) No other well located on the drilling unit is producible from the pool in which the well is recompleted, and

(iii) The drilling unit upon which the well is located is not attributed in whole or in part to any other well producible from the pool in which the well is recompleted, and

(iv) All separate property interests in the drilling unit upon which the well is located are first consolidated, and

(v) No portion of the drilling unit attributed to the well falls within 330 feet of any other well, located on the same lease or property, producible from the pool in which the well is recompleted, and

(vi) The well is located at least 900 feet from every other well producible from the pool in which the well is recompleted, and

(vii) The well is located at least 330 feet from every lease line, property line, and subdivision line separating unconsolidated property interests.

If any well completed or recompleted in conformity with the provisions of this paragraph (h) is completed or recompleted as a gas or condensate well, it shall not be produced other than for a test period of not exceeding 15 days, and no material may be used to produce the well or provide additions therefor, except as necessary for such testing of the well, until authorization has been granted by an authorized official of the Petroleum Administration for War. However, this provision shall not apply to the recompletion of any gas or condensate well in conformity with paragraph (h) (4).

(i) *Authorized uses of material for installation of pumping or other artificial lifting facilities.* Material may be used to install or reinstall pumping or other artificial lifting equipment, including a central pumping power unit, or to install additional tubing or sucker rods, if

(1) The pumping or other artificial lifting equipment is reinstalled on the same well to which it was connected at the time any operation authorized under paragraph (h) was initiated, or

(2) The pumping or other artificial lifting equipment is installed on any well deepened or recompleted in conformity with paragraph (h) (5), or

(3) The pumping or other artificial lifting equipment is installed on or connected to a well located on any lease or tract where the number of wells to which pumping or other artificial lifting equipment is then attached does not exceed an average of one well to every 10 productive acres, or

(4) The pumping or other artificial lifting equipment is installed on a well located on any lease or tract of 10 acres or less whereon no other well is located to which pumping or other artificial lifting equipment is already attached, but in no event may a lease or tract be subdivided or rearranged for the purpose of making this provision applicable, or

(5) The pumping or other artificial lifting equipment is transferred in its entirety from one well to another well located on the same lease or tract, or

(6) The pumping or other artificial lifting equipment is installed on a well which has been drilled pursuant to an exception to Conservation Order M-68, Petroleum Administrative Order No. 11, or any amendment or supplement to either of such orders, which exception contains no prohibition against the installation of pumping or other artificial lifting equipment, or

(7) The additional tubing or sucker rods are installed on a well to which there is already attached pumping or other artificial lifting equipment which has been regularly operated prior to the installation of the additional tubing or sucker rods.

However, in no instance may pumping or other artificial lifting equipment be installed unless it is to be used regularly thereafter in producing the well or wells to which it is connected to the extent permitted by law.

(j) *Authorized uses of material for gas gathering lines and gas lift and booster plants not exceeding 500 h. p.* (1) Material may be used for construction, installation, or extension of a field gas gathering line, if

(i) The cost of material for any one complete operation does not exceed $5,000, and

(ii) The cost of material originally obtained for maintenance and repair purposes through the use of priorities assistance, used in any one complete operation, does not exceed $500, and

(iii) The well or wells to which the line is to be connected were spudded prior to December 23, 1941, or were drilled and completed in conformity with Conservation Order M-68, Petroleum Administrative Order No. 11, or any amendment, supplement or exception to either of such orders, and

(iv) The line does not duplicate in whole or in part the transportation function of any existing line or lines.

(2) Material may be used for construction, installation, expansion, extension, improvement, reconstruction, remodeling, or other similar operation in connection with any gas lift compression plant or field gas booster plant, if

(i) The material to be installed or added does not increase the rated capacity of the plant more than 500 h. p., and

(ii) The cost of material originally obtained for maintenance and repair purposes through the use of priorities assistance, used in any one complete operation, does not exceed $500, and

(iii) No one complete operation is subdivided for the purpose of making this provision applicable.

Where priorities assistance is necessary to obtain more than $500 worth of material for any one complete operation authorized in this paragraph (j), all additional priorities assistance must be obtained through the procedure established in the section of P-98-b covering "Material for Use in Production".

(k) *Authorized uses of material for natural gasoline recovery, gas treating, cycling, pressure maintenance, or gas lift and booster plants exceeding 500 h. p.* Material may be used for construction, installation, expansion, extension, improvement, reconstruction, remodeling, or other similar operation in connection with any natural gasoline recovery operation, gas desulphurization operation, gas dehydration operation, gas cycling operation for condensate recovery, pressure maintenance operation, or in connection with any gas lift compression plant or field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 h. p., if

(1) The cost of material for any one complete operation does not exceed $5000, and

(2) The cost of material originally obtained for maintenance and repair purposes through the use of priorities assistance, used in any one complete operation, does not exceed $500.

Where a person desires to use material in connection with the operations under this paragraph (k), but cannot do so because of the limitations imposed by paragraphs (k) (1) and (k) (2), he must make application both for authorization to use the material and for necessary priorities assistance by completing and filing PAW Form 30. Instructions for filing are given in PAW Form 30, and any communications should be filed in accordance with the same instructions.

(l) *Applications for exception to this order.* Where a person desires to use material in connection with production, other than for the operations listed in paragraph (k), but cannot do so under the provisions of this order or any supplement hereto, he may make an application for an exception by filing the information requested in PAW Form 3 (revised) attached to this order. Instructions for filing applications and any communications in connection therewith are given in PAW Form 3 (revised).

(m) *Exceptions or supplements to this order or to preceding related orders.* Material may be used in connection with any production or natural gasoline recovery operation authorized by,

(1) Any exception to Conservation Order M-68,

(2) Any supplementary order to Petroleum Administrative Order No. 11 issued March 30, 1943, or any amendment thereof, until such supplementary order is revoked, or

(3) Any exception or authorization issued by the Petroleum Administration for War either on its own initiative or in response to an application for exception filed under Petroleum Administrative Order No. 11 issued March 30, 1943, or under the preceding paragraphs (k) and (l) of this order.

(n) *Continuing effect of liabilities.* The amendment of Petroleum Administrative Order No. 11, effected by this order, shall not excuse or condone any violation or affect in any way any liability or penalty incurred because of any violation of Conservation Order M-68, Petroleum Administrative Order No. 11, or any supplement or exception to either of these orders.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or may be subject to other appropriate action.

(p) *Effective date.* This order shall take effect on the date of issuance.

(E.O. 9276, 7 F.R. 10091; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R.

2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of January 1944.

HAROLD L. ICKES,
Petroleum Administrator for War.

[F. R. Doc. 44-87; Filed, January 3, 1944; 10:31 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES IN MARYLAND

Pursuant to section 5 of the River and Harbor Act of 18 August 1894 (28 Stat. 362; 33 U.S.C. 499), §§ 203.255 and 203.315 are hereby superseded and the provisions of § 203.241 are hereby further extended to include a highway bridge over the Pocomoke River and a highway and railroad bridge over Dorseys (College) Creek in Maryland, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

* * * * * * *

Pocomoke River, Md.: Maryland State Roads Commission bridge at Snow Hill, Md. (At least five hours' advance notice required.)

Dorseys (College) Creek, Md.: bridges of the Maryland State Roads Commission (highway) and the Baltimore and Annapolis Railroad Company (railroad) at Annapolis, Md. (At least five hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs., 8 November 1943, CE 800.211 SPEXH as amended 22 December 1943, CE 823.01 SPEWR]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-86; Filed, January 3, 1944; 10:16 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 199]

CALIFORNIA

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT IN CONNECTION WITH MARCH FIELD RIFLE RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department in connection with the March Field Rifle Range:

SAN BERNARDINO MERIDIAN

T. 2 S., R. 4 W., sec. 34, SE¼NE¼.
The area described contains 40 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described land.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The land, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 22, 1943.

[F. R. Doc. 44-104; Filed, January 3, 1944; 11:50 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration[1]

[G. O. 34]

PART 306—GENERAL AGENTS AND AGENTS

SUBPART A—DRY CARGO VESSELS

Sec.
306.71 Vessels included.
306.72 Compensation of agents and general agents.
306.73 Compensation for port services in the continental United States.
306.74 Compensation for services incident to way cargo.
306.75 Compensation of sub-agents at ports outside of the continental United States.

SUBPART B—TANKERS

306.76 Vessels included.
306.77 Compensation of agents and general agents.
306.78 Compensation for port services of sub-agents in the continental United States.
306.79 Compensation of sub-agents at ports outside of the continental United States.

SUBPART C—PASSENGER VESSELS

306.80 Vessels included.
306.81 Compensation of general agents.
306.82 Compensation for port services in the continental United States.
306.83 Compensation of sub-agents at ports outside of the continental United States.

[1] Formerly Chapter IV.

SUBPART D—COLLIERS

Sec.
306.84 Vessels included.
306.85 Compensation of agents and general agents.
306.86 Compensation for port services of sub-agents.

SUBPART E—TUGS AND BARGES

306.87 Vessels included.
306.88 Compensation of general agents.
306.89 Compensation for port services in the continental United States.
306.90 Compensation of sub-agents at ports outside of the continental United States.

SUBPART F—GENERAL PROVISIONS

306.91 Definitions.
306.92 Freight brokerage.
306.93 Commissions on fares.
306.94 Communication expenses.
306.95 Payments on account of recapture.
306.96 Recapture to eliminate excessive profits.
306.97 Renegotiation.
306.98 Increases and reductions of compensation under certain circumstances.
306.99 Accounting.
306.100 Effective date.

AUTHORITY: §§ 306.71 through 306.100, inclusive, issued under E.O. 9054, 7 F.R. 837.

SUBPART A—DRY CARGO VESSELS

§ 306.71 *Vessels included.* This Subpart A of General Order 34 (§§ 306.71 through 306.75) is applicable to services rendered in connection with the operation of dry cargo vessels, as defined in § 306.91 (e), under the standard form of service agreements CAA, TCA, and BA.

§ 306.72 *Compensation of agents and general agents.* (a) Each general agent shall be paid for husbanding the vessel and for services related thereto at the rate of $65.00 per day per vessel.

(b) Each agent and general agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like. Each agent and general agent shall also be entitled to the compensation provided in § 306.73 when performing any of the services therein described.

(c) Except as provided in § 306.75 (or except as provided in § 306.98 where applicable), each agent, general agent, and berth agent shall compensate all sub-agents performing services which are required to be performed by him under the service agreements from the compensation received by the agent, general agent, or berth agent under the provisions of this section or § 306.73.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.73 *Compensation for port services in the continental United States.* Except as otherwise provided, the agent, general agent, or berth agent who performs services in continental United States ports in connection with the activities set forth below shall be compensated at the rates set forth below, out of which the agent, general agent, or berth agent, as the case may be, shall pay his sub-agents:

(a) *Army or Navy cargo.* (1) 15¢ per manifest ton outward and 12½¢ per manifest ton inward, if the agent is required to prepare bills of lading, or other cargo documents, tally the cargo, or perform other cargo services; bulk cargo, 5¢ per manifest ton outward or inward.

(2) If the cargo is handled by the Army or Navy, and the agent is not required to perform the cargo services referred to in subparagraph (1) above, $200.00 where the vessel handles Army or Navy cargo exclusively, and $100.00 where the Army or Navy cargo is not the only cargo loaded or discharged. This lump sum fee shall be paid whether or not the vessel is loaded or discharged at a commercial terminal or at an Army or Navy terminal.

(b) *Lend-Lease cargo.* 5¢ per manifest ton for outward or inward bulk Lend-Lease cargo; all other Lend-Lease cargo, 15¢ per manifest ton outward, and 12½¢ per manifest ton inward.

(c) *Other cargoes*—(1) *General cargo.* All general cargo outward, 30¢ per manifest ton; 25¢ per manifest ton inward.

(2) *Bulk cargo.* 5¢ per manifest ton for all outward or inward bulk cargo, in excess of 1000 tons, 10¢ per manifest ton for all other outward or inward bulk cargo; except coastwise cargoes of coal, sulphur, and other bulk commodities carried by vessels temporarily employed in the coastwise trade, in which case the compensation shall be 3½¢ per manifest ton for coal, and 5¢ per manifest ton for sulphur and other bulk commodities, loaded and discharged (one fee for both operations).

(3) *Ad valorem cargo and mail.* On ad valorem cargo except specie, 2½% of the vessel's revenue outward, and 1½% of the vessel's revenue inward. (Specie shall be handled at rates to be determined by the Administrator.) 5¢ per bag for mails transported, including Army or Navy mail.

(d) *Passengers.* (The terms "passenger" and "military personnel" are defined in § 306.91 (g) and (h).)

(1) *Commercial passengers.* $3.00 for each passenger carried outward, and $2.00 for each passenger carried inward.

(2) *Military personnel*—(i) *Agents, general agents, or berth agents.* For additional expenses connected with the operation of the vessels as well as for ticketing and other miscellaneous services, each agent, general agent or berth agent shall be paid (for services performed by him):

$1.50 for each military passenger carried outward, maximum $300.00; $1.00 for each military passenger carried inward, maximum $200.00.

(ii) *General agents.* For extra husbanding duties and other miscellaneous services, each general agent shall be paid (for services rendered by him):

For military passengers carried outward:

$1.00 per passenger up to 300;
$0.75 per passenger from 301 to 600;
$0.50 per passenger, 601 and over; maximum $750.00.

For military passengers carried inward:

$1.00 per passenger, maximum $300.00.

(e) *Miscellaneous.* (1) Minimum compensation for each port of call, if cargo is loaded or discharged, $100.00, except where the cargo loaded or discharged is less than 25 tons, in which case the minimum fee shall be $50.00.

(2) Compensation for services rendered whenever a vessel enters a port for purposes other than loading or discharging cargo shall be $50.00 for all services in connection with entrance and clearance, arranging for pilotage and towage, or other port services of like nature. If one agent handles the vessel inward and another handles the vessel outward, this compensation of $50.00 shall be divided equally between the two agents.

(3) If a vessel loads cargo at a port outside of the continental United States and is lost prior to arrival at the port of destination of the cargo, the agent, general agent, or berth agent that is responsible for the cargo business shall be paid one fee of 50% of the inward rates provided in this § 306.73.

§ 306.74 *Compensation for services incident to way cargo.* (a) On way cargo loaded outward from Canadian or Newfoundland ports the agent, general agent, or berth agent, that is responsible for the cargo business shall be compensated as provided in § 306.73, out of which the agent will pay his Canadian or Newfoundland sub-agent.

(b) Except as provided in paragraph (a) of this section, or as otherwise determined by the Administrator, the agent, general agent, or berth agent who is responsible for the cargo business incident to way cargo shall be paid one fee of 25% of the outward rates provided in § 306.73 for supervisory services rendered, with a minimum fee of $50.00.

§ 306.75 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for all ordinary services in connection with the business of the vessel and her cargo rendered by sub-agents or branch houses outside of the continental United States, the agent, general agent, or berth agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the following, except as provided in § 306.74 (a):

(a) *Army or Navy cargo.* (1) 15¢ per manifest ton outward and 12½¢ per manifest ton inward, if the agent is required to prepare bills of lading or other cargo documents, tally the cargo, or perform other cargo services; bulk cargo 2½¢ per manifest ton outward or inward.

(2) If the cargo is handled by the Army or Navy, and the agent is not required to perform the cargo services referred to in paragraph (a) (1) of this section, $200.00 where the vessel handles Army or Navy cargo exclusively, and $100.00 where the Army or Navy cargo is not the only cargo loaded or discharged. This lump sum fee shall be paid whether or not the vessel is loaded or discharged at a commercial terminal or at an Army or Navy terminal.

(b) *Lend-Lease cargo.* 2½¢ per manifest ton for outward or inward bulk Lend-Lease cargo; all other Lend-Lease cargo, 10¢ per manifest ton outward or inward.

(c) *Other cargoes*—(1) *General cargo.* All general cargo outward, 25¢ per manifest ton; 20¢ per manifest ton inward.

(2) *Bulk cargo.* 2½¢ per manifest ton for all outward or inward bulk cargoes.

(3) *Ad valorem cargo and mail.* On ad valorem cargo except specie, 2½% of the vessel's revenue outward, and 1½% of the vessel's revenue inward. (Specie shall be handled at rates to be determined by the Administrator.) 5¢ per bag for mails transported, including Army or Navy mail.

(d) *Passengers.* Commercial passengers and military personnel, $2.00 for each person embarked, maximum $500.00; $1.00 for each person disembarked, maximum $250.00. (The terms "passenger" and "military personnel" are defined in § 306.91 (g) and (h).)

(e) *Miscellaneous.* If the maximum compensation provided in this section for a port of call, where cargo is loaded or discharged, amounts to less than $50.00, the sub-agent or branch house may be paid the commercial rate but not in excess of $50.00. Vessel calling for orders, ballast, or fuel, $50.00.

SUBPART B—TANKERS

§ 306.76 *Vessels included.* This Subpart B of General Order 34 (§§ 306.76 through 306.79) is applicable to services rendered in connection with operations of tank vessels under the standard forms of tanker service agreements (Warshipoil-TCA) and GAA (Tankers).

§ 306.77 *Compensation of agents and general agents.* (a) Each general agent shall be compensated for his services for husbanding the vessel and for services related thereto at the rate of $65.00 per day per vessel.

(b) Each agent and general agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like. Each agent and general agent shall also be entitled to the compensation provided in paragraph (e) of this section when performing any of the services therein described.

(c) Except as provided in §§ 306.78 and 306.79, (or except as provided in § 306.96 where applicable), each agent and general agent shall compensate all sub-agents and branch houses performing services which are required to be performed by the agent or general agent under the service agreements from the compensation received by the agent or general agent under the provisions of this section.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

(e) Except as otherwise provided, the agent or general agent for tank vessels who performs services in connection with

passengers, dry cargo, or mail carried on a tank vessel shall be compensated at the rates set forth in § 306.73 for comparable services performed by agents in connection with dry cargo vessels, except the compensation provided in § 306.73 (e) (2) shall not apply. Out of such compensation the agent or general agent shall pay his sub-agents employed by him, except that the United States shall pay sub-agency fees to the extent required to be paid by the United States as provided in §§ 306.78 and 306.79.

§ 306.78 *Compensation for port services of sub-agents in the continental United States.* When it is necessary for an agent or general agent to employ a sub-agent or a branch house in the continental United States to perform port services for the United States, such sub-agent shall be paid for the account of the United States at the prevailing commercial rate, but in no event in excess of a lump sum of $45.00 for the first three days the vessel remains in port, and thereafter at the rate of $10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs.

§ 306.79 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services rendered for the United States by a foreign sub-agent or branch house at ports outside of the continental United States, the foreign sub-agent or branch house shall be paid for the account of the United States the prevailing commercial rate, but in no event in excess of a lump sum of $45.00 for the first three days the vessel remains in port, and thereafter at the rate of $10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs. As compensation for services rendered by sub-agents or branch houses outside of the continental United States in connection with passengers, dry cargo or mail carried on tank vessels, the agent or general agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the maximum rates set forth in § 306.75 for comparable services performed by sub-agents or branch houses in connection with dry cargo vessels.

SUBPART C—PASSENGER VESSELS

§ 306.80 *Vessels included.* This Subpart C of General Order 34 (§§ 306.80 through 306.83) is applicable to services rendered in connection with the operation of passenger vessels for the War Shipping Administration under the standard form of service agreement GAA, as modified by Part II for passenger vessels.

§ 306.81 *Compensation of general agents.* (a) Each general agent shall be paid for husbanding the vessel, acting as accounting line, and for services related thereto, at special rates to be hereafter determined by the Administrator.

(b) Except as provided in § 306.83 (or except as provided in § 306.98 where applicable), each general agent shall compensate all sub-agents performing services which are required to be performed by him under his service agreement from the compensation received by the general agent for husbanding the vessel or under the provisions of § 306.82.

(c) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.82 *Compensation for port services in the continental United States.* Except as otherwise provided, the general agent or berth agent who performs services for passenger vessels in continental United States ports in connection with the activities set forth in § 306.73 shall be compensated at the rates provided in said section, except that the rates provided in § 306.73 (d) (2) (ii) shall not apply.

§ 306.83 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services rendered by sub-agents or branch houses outside of the continental United States, the General Agent or Berth Agent may pay, for the account of the United States, with respect to cargo handled or for other services performed at rates provided in § 306.75.

SUBPART D—COLLIERS

§ 306.84 *Vessels included.* (a) This Subpart D of General Order 34 (§§ 306.84 through 306.86) is applicable to services rendered in connection with the operation of vessels regularly employed in the coastwise transportation of coal under the standard form of service agreements GAA and TCA.

(b) The provisions of this Subpart D and the compensation herein provided shall apply only while the vessel is engaged in the coastwise transportation of coal including ballast or loaded legs of voyages. When the vessel is engaged in other trades, unless otherwise provided by the Administrator, the compensation shall be as provided in Subpart A of this order.

§ 306.85 *Compensation of agents and general agents.* (a) Each general agent shall be compensated for his services for husbanding the vessel and for services related thereto at the rate of $65.00 per day per vessel.

(b) Each agent and general agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided for in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like.

(c) Except as provided in § 306.86 (or except as provided in § 306.93 where applicable), each agent and general agent shall compensate all sub-agents and branch houses performing services which are required to be performed by the agent or general agent under the service agreements from the compensation received by the agent or general agent under the provisions of this section.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.86 *Compensation for port services of sub-agents.* When it is necessary for an agent or general agent to employ a sub-agent or a branch house to perform port services for the United States, such sub-agent shall be paid for the account of the United States at the prevailing commercial rate, but in no event in excess of a lump sum of $45.00 for the first three days the vessel remains in port, and thereafter at the rate of $10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs.

SUBPART E—TUGS AND BARGES

§ 306.87 *Vessels included.* This Subpart E of General Order 34 (§§ 306.87 through 306.90) applicable to services rendered in connection with the tugs and barges allocated to general agents under the standard form of service agreements GAA (Barge Service) and GAA (Salvage).

§ 306.88 *Compensation of general agents.* (a) Each general agent shall be paid for husbanding tugs, or tugs and barges, acting as accounting line, and for related services, at the following rates:

(1) *Barge service.* Tugs and barges engaged in coastwise barge service, including the New England coal trade, Cuban-Florida sugar service, and Trans-Gulf barge service:

(i) *Tugs.*
First tug, $700.00 per month;
Each additional tug, $350.00 per month.
(ii) *Barges.*
First barge, $350.00 per month;
Each of next 4 barges, $250.00 per month;
Each of next 5 barges, $150.00 per month;
Each barge in excess of 10 barges, $100.00 per month.

(2) *Harbor service.* Tugs engaged in harbor service in the continental United States:

First tug, $500.00 per month;
Each additional tug, $350.00 per month.

(3) *Sea towage.* V–4 type tugs engaged in seagoing towage:

First tug, $1200.00 per month.
Each of net five tugs, $1000.00 per month;
Each of next five tugs, $850.00 per month;
Each tug in excess of 15 tugs, rate to be determined by the Administrator.

(4) *Special service tugs.*

First tug, $600.00 per month;
Each additional tug, $350.00 per month.

(5) *Navy rescue service.* Tugs engaged in the Navy rescue service:

First tug, $600.00 per month;
Each additional tug, $350.00 per month.

(b) Except as provided in § 306.90 (or except as provided in § 306.98 where applicable), each general agent shall compensate all sub-agents performing services which are required to be performed by him under his service agreement from the compensation received by the General Agent under the provisions of this section or § 306.89.

(c) The compensation provided in paragraph (a) of this section shall be calculated on the basis of a calendar month or pro rata for any portion thereof. Part days shall be counted as whole days.

§ 306.89 *Compensation for port services in the continental United States.* When the general agent performs any of the following services in continental United States ports, he shall be compensated in accordance with the following scale, out of which he shall pay his sub-agents:

(a) *Army or Navy cargo.* If the full use of the barge is let to the Army or Navy on a lump sum basis, the general agent shall receive 2½¢ per ton on the deadweight capacity of the barge; if the full use of the barge is not utilized by the Army or Navy, $50.00 for the Army or Navy cargo.

(b) *Bulk cargo.* 5¢ per manifest ton for all outward or inward bulk cargo in excess of 1000 tons, 10¢ per manifest ton for all other outward or inward bulk cargo; except coastwise cargoes of coal, sulphur, and other bulk commodities, in which case the compensation shall be 8½¢ per manifest ton for coal, and 5¢ per manifest ton for sulphur and other bulk commodities, loaded and discharged (one fee for both operations).

(c) *General cargo.* All general cargo outward, 25¢ per manifest ton; 15¢ per manifest ton inward.

(d) *Miscellaneous.* (1) Where the compensation provided above for loading or discharging is less than $50.00, the general agent will be compensated in the amount of $50.00.

(2) Compensation for services rendered whenever a tug or tug with tow enters a port for purposes other than loading or discharging cargo shall be $50.00 for tugs of the V–4 type, and $25.00 for all other tugs, for all services in connection with entrance and clearance, arranging for pilotage and towage, or other port services of like nature.

§ 306.90 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services in connection with the activities set forth below rendered by sub-agents outside of the continental United States, the general agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the following:

(a) *Tugs.* For handling entrance or clearance of War Shipping Administration tug with or without tow, maximum fee of $25.00 for either service, entering or clearing.

(b) *Barges.* (1) For handling one or more War Shipping Administration barges arriving at Cuban ports in tow of a single tug, maximum fee of $25.00 when empty and $75.00 when loaded or partially loaded.

(2) For handling one or more War Shipping Administration barges with cargo out of Cuban ports in tow of a single tug, maximum fee of $125.00.

SUBPART F—GENERAL PROVISIONS

§ 306.91 *Definitions*—(a) *General agent.* A "general agent" is a person, firm, or corporation designated as "general agent" under a standard form of service agreement GAA.

(b) *Agent.* An "agent" is a person, firm, or corporation designated as "agent" under a standard form of service agreement TCA.

(c) *Berth agent.* A "berth agent" is a person, firm, or corporation designated as "berth agent" under a standard form of service agreement BA, pursuant to General Order 21.

(d) *Sub-agent.* A "sub-agent" is a person, firm, or corporation who is appointed by an agent, general agent, or berth agent to perform any of the functions of the agent, general agent, or berth agent under the standard forms of service agreements.

(e) *Dry cargo vessel.* A "dry cargo vessel" is a vessel not included in Subparts B, C, D, and E hereof.

(f) *Passenger vessel.* A "passenger vessel" is a vessel which was constructed or materially reconditioned prior to December 7, 1941, to accommodate at least fifty passengers.

(g) *Passenger.* A "passenger" is a person carried on the vessel other than members of the gun crew, the master, and licensed and unlicensed personnel of the vessel, and military personnel.

(h) *Military personnel.* "Military personnel" are members of the armed forces of the United States or its allies, prisoners of war, and enemy aliens or involuntary passengers traveling under supervision and direction of the United States Army or Navy, regardless of travel status.

(i) *Manifest tons.* Unless otherwise approved by the Administrator, "manifest tons" are the number of freight payable tons of cargo loaded or discharged by the vessel at each port as manifested on a weight or measurement basis in accordance with the practice of the trade in which the vessel is operated, with the following exceptions:

(1) A ton of cargo which is billed at a rate per cubic foot shall be computed as 40 cubic feet.

(2) A ton of cargo transported at a rate per 100 pounds shall be computed as 2240 pounds.

(3) A ton of cargo transported at a rate per package shall be computed as 40 cubic feet or 2240 pounds, whichever produces the greater tonnage.

(4) A ton of liquid cargo carried in deep tanks of dry cargo vessels shall be computed as 2240 pounds.

(5) Lumber and piling billed on the basis of board foot measure, 600 feet board measure shall constitute one manifest ton.

(6) Piling which is transported at a rate per lineal foot, 30 lineal feet shall be computed as one ton.

(j) *Outward cargo.* "Outward cargo" is cargo loaded outward from any port.

(k) *Inward cargo.* "Inward cargo" is cargo discharged at any port.

(l) *Coastwise cargo.* "Coastwise cargo" is cargo handled between two ports within the continental United States.

(m) *Bulk cargoes.* "Bulk cargoes" are cargoes not hand stowed (excluding liquid cargo carried in deep tanks of dry cargo vessels which shall be regarded as general cargo), such as bulk cargoes of grain, ores, coal and similar cargoes.

(n) *Ad valorem cargo.* "Ad valorem cargo" is cargo handled at a percentage rate based on the value of the goods.

(o) *Express.* Express shall be considered as cargo.

(p) *Continental United States.* "Continental United States" includes only the forty-eight states of the United States and the District of Columbia.

§ 306.92 *Freight brokerage.* Where payment of brokerage is customary under ordinary commercial practice, and where the bill for brokerage is certified as provided in paragraph (c) of this section, brokerage will be paid to qualified brokers who perform a service in connection with the booking, handling, etc., of cargo shipped on dry cargo, passenger, and collier vessels under the following terms and conditions:

(a) *Rates.* Brokerage will be paid at the customary rates, but not in excess of the rates provided in this paragraph (a). No brokerage will be paid on cargoes procured under Lend-Lease requisitions moving from continental United States ports, except as provided in General Order 38 (§§ 301.51 through 301.57):

(1) General commercial cargo outward, commonly known as package cargo: 1¼% of the base freight rates before all surcharges, war or otherwise;

(2) Sugar, metals, ores and bulk cargoes outward (including cargo owned by any department or agency of the Government for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in the nearby trades, which includes Carribean and Canadian: 1¼% of the base freight charges before all surcharges, war or otherwise; *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of $5.00 per manifest ton;

(3) Sugar, metals, ores, and bulk cargoes outward (including cargo owned by any department or agency of the Government for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in long voyage trades or in spheres outside of those covered by subparagraph (2) of this paragraph: 1¼% of the base freight before all surcharges, war or otherwise; *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of $8.00 per manifest ton.

(4) Outward bulk cargoes coastwise covered by bills of lading, charter party, or contract of affreightment: 1¼% of the base freight before all surcharges, war or otherwise. *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of 80¢ per manifest ton on coal and $3.00 per manifest ton on phosphate rock, sulphur and other bulk cargoes except coal.

(b) *Qualified broker.* A "qualified broker" is one who conducts a bona fide brokerage business. No broker shall be qualified as to:

(1) Any cargo shipped by or to him or in his behalf, unless the shipping documents clearly identify him as an agent of a named principal;

(2) Any cargo in which he has a financial interest other than as authorized herein;

(3) Any cargo shipped by or to or on behalf of any person, firm, or corporation which bears an affiliate relationship to such broker either as subsidiary, parent, or through any other means of actual or possible control, directly or indirectly;

(4) Any cargo carried on any vessel for which the agent or sub-agent of the War Shipping Administration is also the broker or bears an affiliate relationship to the broker, as defined in paragraph (b) (3) of this section.

(c) *Brokerage certificate.* Brokerage fees as provided in paragraph (a) of this section may be paid only where a brokerage bill is presented, certified as follows:

Certified and warranted that this bill is submitted for a service performed in the interest of this shipment described; that the undersigned has not been compensated for the service from any other source, and is a qualified broker within the meaning of General Order 34 of the War Shipping Administration; and that no portion of any amount paid hereunder shall revert directly or indirectly to any person having or having had a financial interest in this shipment. Further warranted and represented that the broker does not have an affiliate relationship, which includes but is not limited to relationship as a subsidiary or parent company, with either the shipper or the consignee; or with either the Agent, General Agent, or Berth Agent for the vessel. This warranty made in full knowledge that the United States, or its agents, will make payment thereon.

(d) *Payment.* The general agent, agent, or berth agent acting for the War Shipping Administration shall make payment against brokerage bills so certified if the payment of brokerage is consistent with customary commercial practice, and if such agent believes that a service was in fact performed, but in no event shall more than one brokerage be paid on any one cargo or shipment.

§ 306.93 *Commissions on fares.* General agents and agents are authorized to pay in all trades to bona fide travel or tourist agents a commission of 5% on fares paid by or for passengers traveling for private or commercial account. No commission shall be allowed on fares paid by or for repatriated seamen traveling as passengers.

§ 306.94 *Communication expenses.* (a) All cablegrams, telegrams, and radiograms that pertain directly and exclusively to the business of the United States, dispatched by agents, general agents, berth agents, and their branch houses and domestic and foreign subagents, between the continental United States and points outside of the continental United States, shall be for the account of the United States and the cost thereof shall be included in the voyage accounts. All telegrams, cablegrams, and radiograms that pertain directly and exclusively to the business of the United States, dispatched by foreign sub-agents and branch houses, shall be for the account of the United States and the cost thereof shall be included in the voyage accounts. Except as herein provided, communication expenses shall remain a part of the administrative and general expenses of the agents, general agents, and berth agents.

(b) To the extent that the cablegrams, telegrams, and radiograms referred to in paragraph (a) of this section are entitled to Government rate and are exempt from the Federal tax on communications, all agents, general agents, berth agents, and their branch houses and subagents are authorized and directed to certify that such messages pertain exclusively to official Government business and are for the account of the United States, as may be required to entitle such messages to the Government rate and tax exemption.

(c) Postage or express charges incurred in sending ships' disbursements accounts, manifests and other cargo documents to or from the continental United States, or between foreign ports, may be included in the voyage accounts as reimbursable items of expense.

§ 306.95 *Payments on account of recapture.* Each agent, general agent, and berth agent who receives compensation under the provisions of Subparts A, B, C, and D of this order shall submit interim quarterly recapture statements in accordance with the provisions of § 306.96 on or before May 1, August 1, and November 1, of each year, covering the period from January 1 to March 31, June 30, and September 30, respectively. With each such interim statement and with the final statement at the end of the year, the agent, general agent, or berth agent shall remit to the Administrator 90% of the amount indicated in such statements to be recapturable, or, if previous interim remittances have been made during the same calendar year, such amount as when added to such previous interim remittance will amount to 90% of the amount indicated to be recapturable. All interim statements shall be subject to adjustment in the final statement at the end of the year, in accordance with § 306.96, which final statement shall be rendered not later than March 31 of the following year. Such payments as are made in accordance with the provisions of this section are to be considered as payments on account of recapture, as provided under § 306.96.

§ 306.96 *Recapture to eliminate excessive profits.* (a) If the aggregate amount of the compensation accrued to an agent, general agent, or berth agent, except compensation paid to an agent who is not also a general agent, under Subparts A, B, C and D of this order, after deducting therefrom fees paid to subagents for performing services which are required to be performed by the agent, general agent, or berth agent under the provisions of this order, exceeds the sum of:

(1) Such agents' fair and reasonable overhead expense as determined by the Administrator for the comparable period involved, after deducting from such expense (i) sums allowed such agents and their related companies (as defined in Article 13 of the service agreements) in the Administrator's calculation of the hire for vessels chartered to the Administration to cover overhead expenses, and (ii) in instances where such agents or related companies engage in other activities in addition to the conduct of the business of the vessels in connection with which the aforesaid compensation accrued, such proportion of the agents' overhead expenses, as, in the judgment of the Administrator, is properly allocable to such additional activities; and

(2) $15.00 per day per vessel for all dry cargo, tank, and collier vessels operated by a general agent under general agency service agreements; $5.00 per pay per vessel for all dry cargo, tank, and collier vessels operated by an agent under time charter service agreements; and 5 cents per gross ton per month for passenger vessels operated by a general agent under general agency service agreement, as amended by Part II thereof, but not less than $15.00 per day per passenger vessel;

then 90% of such excess shall be recaptured by, and remitted to, the United States. The permissible allowances provided in paragraph (a) (2), are based exclusively on the services rendered as agents and general agents, no such allowance being permitted for services as berth agents.

(b) For the purpose of adjusting earnings under this section, that portion of any salary paid by an agent, general agent, or berth agent in excess of the maximum provided by section 605 (c) of the Merchant Marine Act of 1936 shall be excluded; and all other salaries deemed by the Administrator to be excessive or unreasonable shall be excluded to such extent as they are deemed to be excessive or unreasonable by the Administrator. All agents, general agents, and berth agents, shall file with the War Shipping Administration, lists of salaries as required from time to time.

(c) Pursuant to section 403 (i) (2) of the Sixth Supplemental National Defense Appropriation Act of 1942, as amended, the Administrator hereby determines that the profits accruing from the compensation payable to an agent, general agent, or berth agent, except compensation paid to an agent who is not also a general agent, under Subparts A, B, C, and D of the order, and after recapture as provided in paragraph (a) of this section, are determinable with reasonable certainty, and the Administrator further determines that the recapture provisions of paragraph (a) of this section are adequate to prevent excessive profits, and that based on these determinations said compensation payable after recapture is exempted from renegotiation pursuant to section 403 of said act; *Provided, however,* That in any case where the executive officers of any agent, general agent, or berth agent have not discharged their duties or responsibilities in an efficient or economical manner as determined by the Administrator, the said compensation shall be subject to renegotiation as provided in section 403 of said act.

§ 306.97 *Renegotiation.* The compensation payable under Subpart E of this order, or under Subparts A, B, C, and D of this order to an agent who is not also a general agent, or any other compensation payable under this order which is not subject to the provisions of § 306.96, and the service agreements pursuant to which any of said compensation is payable, are subject to the provisions of section 403 of the Sixth Supplemental National Defense Appropriation Act of 1942, as amended, and payment of said compensation is subject to the following provisions: (a) The Administrator may renegotiate said compensation at a period when the profits can be determined with reasonable certainty, (b) any amount of said compensation which is deemed by the Administrator to represent excessive profits and an amount of said compensation equal to the amount of reduction in said compensation of any sub-contractor under said service agreement pursuant to renegotiation of said sub-contract as hereinafter provided will be re-paid to the Administrator or may be retained by the United States, and, (c) the agent, general agent, or berth agent, as the case may be, will insert in each sub-contract for an amount in excess of $100,000.00 made by said agents under their respective service agreements: (1) A provision for renegotiation by the Administrator and the sub-contractor of the contract price of such sub-contract at a period when the profits can be determined with reasonable certainty, (2) a provision for the retention by the United States or the repayment to the United States of any amount of the sub-contract price which is deemed by the Administrator to represent excessive profits, and, (3) a provision for relieving said agents from any liabilities to the sub-contractor on account of any amounts so retained by or re-paid to the United States.

§ 306.98 *Increases and reductions of compensation under certain circumstances.* (a) If the rates provided in this general order, with respect to an agent, general agent, berth agent, or their foreign sub-agents and branch houses, or with respect to the agents, general agents, or berth agents as a class, are found by the Administrator not to represent fair and reasonable compensation for the services required to be performed by the agent under the service agreements, based on the fair and reasonable average cost of performing such services as determined by the Administrator on the basis of maximum reasonable efficiency and economy of operations, then the Administrator, in his discretion, may adjust such compensation in such amount as he shall determine to be fair and reasonable under the circumstances.

(b) In addition to the compensation elsewhere provided in this order, the Administrator shall provide compensation in such amount as he shall determine to be fair and reasonable under the circumstances for (1) extraordinary services heretofore or hereafter rendered by an agent, general agent, or berth agent, or foreign sub-agent or branch house, which the Administrator finds were not intended to be covered by the compensation provided for in this order, and (2) services required to be performed before delivery or after redelivery or loss of a vessel.

(c) The Administrator reserves the right to make equitable reductions of compensation with regard to any vessel or vessels while idle. No compensation shall be allowed for any period of time lost by reason of the inefficiency of the agent or general agent.

(d) The Administrator reserves the right to exempt specific operations from the scope of this General Order 34, or to amend, modify, or terminate said order.

§ 306.99 *Accounting.* The payment and adjustment of the compensation provided in this Order shall be subject to compliance by the agent, general agent, or berth agent with all and singular the terms and conditions of the applicable service agreements and of such rules and regulations appertaining thereto as have been, or from time to time may be, issued by the War Shipping Administration, including, but not limited to, fiscal regulations precribing instructions to be observed in billing for such compensation.

§ 306.100 *Effective date.* (a) Unless otherwise provided, this General Order 34 shall become effective on January 1, 1944, at 12:01 a. m., except that port services rendered to a vessel that has arrived in port prior to January 1, 1944, shall be completed, and compensated for, in accordance with the applicable provisions of General Order 12, rather than under §§ 306.73 and 306.75 of this order, but all such services rendered to a vessel that arrives in port after midnight December 31, 1943, shall be performed and compensated for in accordance with this General Order 34.

(b) Except as provided in paragraph (a) of this section, General Order 12 is cancelled and superseded by this General Order 34, effective as of December 31, 1943, at midnight.

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.

DECEMBER 31, 1943.

[F. R. Doc. 44-1; Filed, January 1, 1944; 10:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 130-A]

PART 95—CAR SERVICE

TRANSPORTATION OF WATERMELONS BETWEEN ARIZONA AND CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of December, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 130 (8 F.R. 8083) of June 10, 1943, as amended (8 F.R. 8553), and good cause appearing therefor: *It is ordered,* That:

Section 95.311 prohibiting the use of refrigerator cars for transporting watermelons between points in Arizona and California of Service Order No. 130 (8 F. R. 8083) of June 10, 1943, as amended (8 F.R. 8553) be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., December 31, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-10; Filed, January 1, 1944; 11:31 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of December, A. D. 1943.

The matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers being under consideration:

It is ordered, That the order of January 28, 1943, in the Matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers be, and it is hereby, vacated and set aside, effective January 1, 1944, and the following order shall become effective in lieu thereof:

§ 205.1 *Form prescribed for annual reports.* Each Class I Common and Contract Motor Carrier of Property and each Class I Common and Contract Motor Carrier of Passengers shall file under oath an annual report for the year ended December 31, 1943, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A (Class I Motor Carriers of Property or Passengers) which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Motor Carriers, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U.S.C. 320)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-11; Filed, January 1, 1944; 11:31 a. m.]

[1] Form filed as part of the original document.

Chapter II—Office of Defense Transportation

[General Order ODT 18A, Amdt. 1]

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

Pursuant to Executive Order 8989, as amended, General Order ODT 18A (8 F.R. 14477) is hereby amended by including in § 500.75 of the order an exemption numbered (k) reading as follows: "(k) Carload freight consisting of cotton.", and by changing § 500.76 of the order to read as follows:

§ 500.76 *Consignor's certificate.* There shall be endorsed on the shipping instructions issued with respect to any carload freight (other than carload freight which is loaded in compliance with the provisions of paragraphs (a), (b), or (c) of § 500.72 of this order, or any special direction issued by the Director, Division of Traffic Movement, Office of Defense Transportation, under the provisions of § 500.73 of this order, or which is covered by the provisions of paragraphs (a), (b), (c), (d), (e), or (k) of § 500.75 of this order), a certificate executed by the consignor specifying compliance with the provisions of paragraph (d) of § 500.72 of this order, the exemption applicable to such carload freight, or the number of any special permit issued by the chief operating officer or division superintendent of a rail carrier, or the number of any special or general permit issued by the Office of Defense Transportation, authorizing the transportation of such carload freight in the manner offered for transportation. Where carload freight of more than one consignor is loaded in a single freight car at point of origin, the consignor completing the loading of the car shall execute the certificate. Any agent of a consignor other than a rail carrier may execute such certificate. The failure of a consignor or his agent to furnish a rail carrier a consignor's certificate covering a carload of freight subject to this order shall constitute a representation to the rail carrier that the car containing such carload freight has been loaded in compliance with the provisions of paragraphs (a), (b), or (c) of § 500.72 of this order, or in compliance with the provisions of a special direction issued by the Director, Division of Traffic Movement, Office of Defense Transportation, or that the carload freight is covered by an exemption contained in paragraphs (a), (b), (c), (d), (e), or (k) of § 500.75 of this order. Nothing in this § 500.76 shall be construed as relieving a rail carrier from any of the provisions of § 500.72 of this order.

This Amendment 1 to General Order ODT 18A shall become effective on December 31, 1943.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 31st day of December 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-20739; Filed, December 31, 1943; 12:16 p. m.]

[General Order ODT 27, Amdt. 2]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

INTERCITY COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, 9214 and 9294, § 501.164 of General Order ODT 27, as amended (7 F.R. 11016, 8 F.R. 14583) is hereby amended to read as follows:

§ 501.164 *Operating requirements.* On and after the effective date of this order, no common carrier in the operation of intercity passenger vehicle shall:

(a) Operate a limited schedule in intercity service;

(b) Operate a round-trip schedule in intercity service where it is reasonable to believe, in the light of experience and prospective travel, that during any calendar month the number of passenger kilometers on such schedule will be less than 40 percent of the number of seat kilometers;

(c) Extend or inaugurate intercity service, without the prior approval of the Office of Defense Transportation, or unless necessary to comply with the provisions of paragraph (c) of § 501.163 of this order over a route not being served by the carrier on January 15, 1943;

(d) Operate intercity service for the primary purpose of supplying transportation to or from a golf course, athletic field, race track, theatre, dancing pavilion or other place conducted primarily for purposes of amusement or entertainment;

(e) Operate any intercity passenger vehicle without distinctly marking such vehicle to indicate that it is engaged in intercity service;

(f) Operate any intercity passenger vehicle for any purpose, including social or recreational purposes, personal to the driver or operator;

(g) Transport any member of the military or naval forces of the United States in uniform to or from, or discharge any such member within, any area designated by the military or naval authorities as an "off-limit area". Information concerning the location of such "off-limit areas" may be obtained from the Office of the Provost Marshall, United States Army Headquarters, San Juan, Puerto Rico, from any military policeman or shore patrolman on duty, or from the Regional Office of the Office of Defense Transportation, San Juan, Puerto Rico. This subparagraph (g) shall not apply to the transportation of uniformed members of the armed forces of the United States to and from any "off-limit area" when such member displays a permit issued by competent authority allowing travel to such "off-limit area".

This amendment shall become effective on January 7, 1944.

(E.O. 8989, 9156, 9214, 9294; 6 F.R. 6725 and 8 F.R. 14183, 7 F.R. 3349, 6097, 8 F.R. 221)

Issued at Washington, D. C., this 31st day of December 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-20744; Filed, December 31, 1943; 12:17 p. m.]

[General Order ODT 36, Amdt. 1]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE IN LOCAL SERVICE IN PUERTO RICO

Pursuant to Executive Orders 8989, as amended, 9156, 9214 and 9294, § 501.325 of General Order ODT 36 (8 F.R. 4266) is hereby amended to read as follows:

§ 501.325 *Operating requirements.* (a) No person shall:

(1) Engage in the performance of local service unless there is in force in respect of such a person a license, permit, certificate, or other grant of authority issued by the Insular Government of Puerto Rico, or by a governmental subdivision thereof, authorizing said person to engage in such local service;

(2) Perform local service for the primary purpose of supplying transportation to or from a golf course, athletic field, race track, theatre, dancing pavilion, or other place conducted primarily for purposes of amusement or entertainment;

(3) Operate any local passenger vehicle without distinctly marking such vehicle to indicate that it is engaged in local service;

(4) Operate any local passenger vehicle for any purpose (including social or recreational purposes) personal to the driver or operator.

(5) Transport any member of the military or naval forces of the United States in uniform to or from, or discharge any such member within, any area designated by the military or naval authorities as an "off-limit area". Information concerning the location of such "off-limit areas" may be obtained from the Office of the Provost Marshall, United States Army Headquarters, San Juan, Puerto Rico, from any military policeman or shore patrolman on duty, or from the Regional Office of the Office of Defense Transportation, San Juan, Puerto Rico. This subparagraph (5) shall not apply to the transportation of uniformed members of the armed forces of the United States to or from any "off-limit area" when such member displays a permit issued by competent authority allowing travel to such "off-limit area".

(b) No person engaged in the business of furnishing local service shall permit a local passenger vehicle under his direction or control to be driven or operated in violation of this § 501.325.

This amendment shall become effective on January 7, 1944.

(E.O. 8989, 9156, 9214 and 9294; 6 F.R. 6725 and 8 F.R. 14183, 7 F.R. 3349, 6097, 8 F.R. 221)

Issued at Washington, D. C., this 31st day of December 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-20743; Filed, December 31, 1943; 12:17 p. m.]

[ODT 18A, Gen. Permit 1A]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, as amended, (8 F.R. 14477, and this issue), General Permit ODT 18A-1, as amended, shall be superseded, and, it is hereby authorized, that:

§ 520.493 *Loading of certain carload freight.* Any person may offer for transportation, and any rail carrier may accept for transportation at point of origin, or forward therefrom, carload freight consisting of any of the commodities included in items hereinafter shown, when such carload freight is loaded in a freight car either in accordance with the provisions of this General Permit ODT 18A-1A or in accordance with the provisions of § 500.72 of General Order ODT 18A, as amended:

5. *Bags, textile.* All fibre bags, such as burlap, gunny, ixtle (istle), jute, cotton, or sisal, old or new, lined or not lined, in machine compressed bales, may be loaded to a weight not less than 45,000 pounds.

10. *Calcium chloride.* In bags, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds.

15. *Carbon dioxide, solid (dry ice).* When loaded at point of production, may be loaded to a weight which equals or exceeds the applicable tariff carload minimum weight.

20. *Cement.* In packages, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds.

25. *Cement, lime, mortar mix, plaster, and/or stucco.* In packages, mixed carloads, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds.

30. *Coal.* In closed freight cars, may be loaded to a weight not less than 70 per cent of the marked capacity of cars of 100,000 pounds capacity or more, and to a weight not less than 60 per cent of the marked capacity of cars of less than 100,000 pounds capacity.

35. *Cylinders, gas.* In empty return movement, may be loaded to a weight not less than 36,000 pounds.

40. *Egg case material.* Wooden; when shipments consist of complete cases, knocked down: type A cars (see Note 1, Item 45) may be loaded with not less than 6,500 cases, type B cars (see Note 1, Item 45) may be loaded with not less than 7,500 cases, and type C cars (see Note 1, Item 45) may be loaded with not less than 10,000 cases; but when shipments consist of ends and centers only, or of sides, tops, and bottoms only: type A cars may be loaded with not less than 13,000 sets, type B cars may be loaded with not less than 14,000 sets, and type C cars may be loaded with not less than 20,000 sets.

45. *Note 1.* Type A cars means cars 39 feet 6 inches or less in length; type B cars means cars over 39 feet 6 inches but not over 46 feet 6 inches in length; and type C cars means cars over 46 feet 6 inches in length.

50. *Freight, carload, other than perishable:* Straight or mixed carloads, when loaded in a single refrigerator car, the furnishing and transporting of which has been authorized by the Interstate Commerce Commission in Service Order No. 104, as amended or in effect at time of shipment, shall be exempt from the loading requirements of General Order ODT 18A, as amended, or any special direction issued thereunder.

This General Permit ODT 18A-1A shall become effective December 31, 1943.

General Permit ODT 18A-1, as amended (8 F.R. 14480, 14858, 16220), is hereby revoked as of the effective date of this General Permit ODT 18A-1A.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 18A, as amended, 8 F.R. 14477, and this issue)

Issued at Washington, D. C., this 31st day of December 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-20741; Filed, December 31, 1943; 12:16 p. m.]

[ODT 18A, Amdt. 1 to Special Dir. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, as amended (8 F. R. 14477 and this issue), Special Direction ODT 18A-1 is hereby amended by changing items numbered 10, 60, 65, 150, 535, 540, 660, 665, 685, 805, and 835 to read as shown below, and by adding three new items numbered 16, 66, and 346 which are also shown below:

• • • • • •

10. *Bolts; hardware, builders'; nuts; rivets; screws; and washers.* In packages, straight or mixed carloads, in closed freight cars, shall be loaded to a weight not less than 60,000 pounds.

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16. *Cement.* In packages, when loaded in cars of 100,000 pounds capacity or greater, shall be loaded to a weight not less than 95,000 pounds.

• • • • • •

60. (a) In barrels, casks, or drums, less than 300 pounds gross weight each, shall be loaded on end, four tiers high, covering the entire floor space of the car;

65. (b) In barrels, casks, or drums, 300 pounds or more but less than 500 pounds gross weight each, shall be loaded on end, two tiers high, covering the entire floor space of the car;

66. (c) In barrels, casks, or drums, 500 pounds or more gross weight each, shall be loaded on end, one tier high covering the entire floor space of the car.

• • • • • •

150. (a) In bags, shall be loaded to a weight not less than 70,000 pounds.

• • • • • •

346. *Feed, animal or poultry, other than feed manufactured from grain exclusively.* In packages, straight carloads, or in mixed carloads with articles included in Item 535 hereof, shall be loaded to a weight not less than 60,000 pounds.

• • • • • •

535. *Cereal food preparations; feed, animal or poultry; grain by-products; grain products; malt; meal, including vegetable oil meal; and rice, in packages containing less than 100 pounds each.* In packages; straight or mixed carloads; or in mixed carloads with seeds, in packages, and/or vegetable oil cake; shall be loaded to a weight not less than 60,000 pounds.

540. *Cereal food preparations; feed, animal or poultry; grain by-products; grain products; malt; meal, vegetable oil; and vegetable oil cake.* In bulk; straight or mixed carloads; shall be loaded to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls.

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660. *Ester gum, pine pitch, pine tar, rosin, rosin batting dross, and rosin dross.*

665. (a) In bags, straight or mixed carloads, shall be loaded to a weight not less than 70,000 pounds when solidified or in lumps, and to a weight not less than 50,000 pounds when pulverized.

• • • • • •

685. (a) In bottles or cans packed in boxes, straight or mixed carloads; or in bottles or cans packed in boxes, and in barrels or drums, mixed carloads, shall be loaded to a weight not less than 40,000 pounds: *Provided*, That, at least 25 per cent of the weight of any such mixed shipment is packed in bottles or can in boxes.

• • • • • •

805. *List No. 2.* Paper, viz., bag; blotting; cigarette, uncut; cloth lined, gummed; enameled; glazed, gummed; lining; manila; printing; surface coated; vegetable parchment; wall, blank unfinished (fibre content consisting of less than 60 percent groundwood); window shade; wrapping; and writing; and

Pulpboard (including fibreboard), viz., binders board; boxboard; chipboard; fibreboard, made from woodpulp or rags; friction board; newsboard, paperboard; pulpboard; paper stock board; strawboard; tag board, paper; and woodpulp board.

• • • • • •

835. *Paper, pulpboard, and paper and/or pulpboard articles, included in List No. 3, Item 825, and/or in List No. 4, Item 840. In bundles, cartons, cases, packages, rolls, or on skids, in club, mixed, or pool carloads,* shall be loaded to a weight not less than 55,000 pounds, or so as to occupy and utilize all of the practicable stowage space of the car: *Provided*, That, when a car contains 85 per cent or more by weight of one article, the loading requirements for that article, in straight carloads, shall be applicable, subject to Note 1, Item 760.

• • • • • •

This Amendment 1 to Special Direction ODT 18A-1 shall become effective December 31, 1943.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 18A, as amended, 8 F.R. 14477, and this issue)

Issued at Washington, D. C., this 31st day of December 1943.

HENRY F. MCCARTHY,
Director, Division of Traffic Movement, Office of Defense Transportation.

[F. R. Doc. 43-20742; Filed, December 31, 1943; 12:16 p. m.]

[ODT 18A, Special Direction 2A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, as amended (8 F.R. 14477, and this issue), Special Direction ODT 18A–2 shall be superseded, and, it is hereby ordered that:

§ 520.491 *Loading of certain perishable carload freight.* Notwithstanding the provisions of § 500.72 of General Order ODT 18A, as amended, any person may offer for transportation, and any rail carrier may accept for transportation at point of origin, or forward therefrom, carload freight consisting of any of the commodities included in items hereinafter shown when such commodities have been loaded in a freight car either to the extent hereinafter shown or in conformity with the provisions of paragraphs (a), (b), or (c) of § 500.72 of General Order ODT 18A, as amended. Except as otherwise shown the loading requirements named herein apply to straight carload shipments:

5. *Dairy products and related commodities.* (Items 5 to 85, inclusive.)

10. *Butter; cheese; eggs; lard; lard substitutes; oleomargerine; poultry, dressed; and vegetable oil shortening.*

15. *Butter and oleomargarine.*

20. (a) Fresh, in bulk, in containers fibreboard, or in tubs, shall be loaded to a weight not less than 45,000 pounds;

25. (b) Fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

30. (c) Fresh, in bulk, in containers, fibreboard, or in tubs; and in prints; mixed carloads, shall be loaded to a weight not less than 40,000 pounds.

35. *Cheese.* In bulk, or in any type of container, shall be loaded to a weight not less than 40,000 pounds.

40. *Eggs, dried.* In any type of container, shall be loaded to a weight not less than 40,000 pounds.

45. *Eggs, shell.* In containers, fibreboard or wooden, shall be loaded with not less than 600 containers.

50. *Lard, lard substitutes, and vegetable oil shortening.*

55. (a) Fresh, in bulk, in containers, fibreboard, or in tubs, shall be loaded to a weight not less than 45,000 pounds;

60. (b) Fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

65. (c) Fresh; in bulk, in containers, fibreboard, or in tubs; and in prints; mixed carloads, shall be loaded to a weight not less than 40,000 pounds.

70. *Poultry, dressed.* Fresh, chilled, shall be loaded to a weight not less than 33,000 pounds.

75. *Eggs, shell; poultry, dressed; and other dairy products.*

80. (a) Mixed carloads, shall be loaded to a weight not less than 30,000 pounds;

85. (b) When shipped from original point of production to a processing or packing plant, storage warehouse, creamery, or any other house, station, or platform, at which produce is assembled or consolidated for straight or mixed carload movement, located within 350 miles of original point of production, cars may be loaded to a weight which equals or exceeds the applicable tariff minimum weight.

90. *Foodstuffs, cold pack or frozen.* (Items 90 to 135, inclusive.)

95. *Berries, cold pack or frozen.* In barrels, shall be loaded on end, two tiers high, covering the entire floor space of the car.

100. *Butter and oleomargarine, frozen.* In containers, fibreboard; in prints; in tubs; or in any other type of container; shall be loaded to a weight not less than 45,000 pounds.

105. *Cherries, cold pack or frozen.* In barrels, shall be loaded on end, two tiers high, covering the entire floor space of the car.

110. *Eggs, frozen.*

115. (a) Shipped during the period June 1 to September 30, inclusive, in any type of container, shall be loaded to a weight not less than 36,000 pounds;

120. (b) Shipped during the period October 1 to May 31, inclusive, in any type of container, shall be loaded to a weight not less than 50,000 pounds.

125. *Lard, lard substitutes, and vegetable oil shortening, frozen.* In containers, fibreboard; in prints; in tubs; or in any other type of container; shall be loaded to a weight not less than 45,000 pounds.

130. *Poultry, dressed, frozen.* Shall be loaded to an elevation not lower than 18 inches from the ceiling of the car measured at its side walls.

135. *Berries, fish and other sea food, fruits, juices, meat, and vegetables, frozen.* Straight or mixed carloads, in any type of container, except berries and cherries in barrels, see items 95 and 105, shall be loaded to an elevation not lower than 18 inches from the ceiling of the car measured at its side walls.

140. *Fruits and vegetables, fresh.* (Items 140 to 580, inclusive.)

145. *Apples.*

150. (a) In boxes, standard, shall be loaded to a weight not less than 39,900 pounds;

155. (b) In bulk; or loose, in baskets of one bushel or less capacity or in boxes, open-top, unlidded; shall be loaded to a weight not less than 31,500 pounds.

160. *Bananas.* Shall be loaded to a weight not less than 23,000 pounds.

165. *Beets, fresh harvested, new.*

170. (a) In bulk; or in sacks, burlap or cloth; shall be loaded to a weight not less than 30,000 pounds;

175. (b) In half crates, shall be loaded with not less than 640 crates;

180. (c) In L. A. crates, in refrigerator cars equipped with stationary ice bunkers, shall be loaded with not less than 358 crates;

185. (d) In L. A. crates, in refrigerator cars equipped with collapsible ice bunkers, shall be loaded with not less than 427 crates.

190. *Beets, storage.* In bulk; in sacks, burlap, cloth, or paper; or in any other type of container; shall be loaded to a weight not less than 40,000 pounds.

195. *Cabbage, fresh harvested, new.*

200. (a) In bulk; or in sacks, burlap or cloth; shall be loaded to a weight not less than 30,000 pounds;

205. (b) In half crates, shall be loaded with not less than 638 crates;

210. (c) In L. A. crates, in refrigerator cars equipped with stationary ice bunkers, shall be loaded with not less than 316 crates;

215. (d) In L. A. crates, in refrigerator cars equipped with collapsible ice bunkers, shall be loaded with not less than 364 crates.

220. *Cabbage storage.* In bulk; in sacks, burlap, cloth or paper; or in any other type of container; shall be loaded to a weight not less than 35,000 pounds.

225. *Carrots, fresh, harvested, new.*

230. (a) In bulk; or sacks, burlap or cloth; shall be loaded to a weight not less than 30,000 pounds;

235. (b) In half crates, shall be loaded with not less than 640 crates;

240. (c) In L. A. crates, in refrigerator cars equipped with stationary ice bunkers, shall be loaded with not less than 358 crates;

245. (d) In L. A. crates, in refrigerator cars equipped with collapsible ice bunkers, shall be loaded with not less than 427 crates.

250. *Carrots, storage.* In bulk; or in sacks, burlap, cloth, or paper; or in any other type of container; shall be loaded to a weight not less than 40,000 pounds.

255. *Citrus fruits.* (Items 255 to 360, inclusive.)

260. *Oranges.* (When loaded in refrigerator cars, unless otherwise indicated.)

265. (a) In boxes, standard, nailed, shall be loaded not less than three tiers high; two tiers, each box placed on end, and the top tier, each box placed bottom or side down, each tier to cover the entire floor space of the car;

270. (b) In crates, Bruce, wire-bound, shall be loaded not less than five tiers high, each crate placed bottom or side down, and each tier to cover the entire floor space of the car;

275. (c) In cloth, burlap, or paper bags, shall be loaded to a weight not less than 40,000 pounds;

280. (d) In bushel baskets, shall be loaded not less than five tiers high, each tier to cover the entire floor space of the car;

285. (e) When loaded in a ventilated box car, in any type of container, shall be loaded to a weight not less than 40,000 pounds.

290. *Grapefruit.* (When loaded in refrigerator cars, unless otherwise indicated.)

295. (a) In boxes, standard, nailed, shall be loaded not less than three tiers high; two tiers, each box placed on end, and the top tier, each box placed bottom or side down, each tier to cover the entire floor space of the car;

300. (b) In crates, Bruce, wire-bound, shall be loaded not less than five tiers high, each crate placed bottom or side down, and each tier to cover the entire floor space of the car;

305. (c) In cloth, burlap, or paper bags, shall be loaded to a weight not less than 36,000 pounds;

310. (d) In bushel baskets, shall be loaded not less than five tiers high, each tier to cover the entire floor space of the car;

315. (e) When loaded in a ventilated box car, in any type of container, shall be loaded to a weight not less than 36,000 pounds.

320. *Oranges and grapefruit.* Mixed carloads.

325. (a) When packed in bushel baskets, shall be loaded not less than five tiers high, each tier to cover the entire floor space of the car;

330. (b) When packed in bags, and boxes, shall be loaded to a weight not less than 42,000 pounds.

335. *Tangerines.*

340. (a) In 4/5 bushel standard nailed box, No. 679, shall be loaded three tiers high, each box placed on end, or six tiers high, each box placed side or bottom down, each tier to be the same length and width as the floor space of the car;

345. (b) In 4/5 bushel wire-bound box, No. 3677, shall be loaded not less than five tiers high, each box placed side or bottom down, and each tier to cover the entire floor space of the car;

350. (c) In bushel baskets, shall be loaded not less than five tiers high, each tier to cover the entire floor space of the car;

355. (d) In crates, Bruce, wire-bound, shall be loaded not less than four tiers high, each crate placed bottom or side down, and each tier to cover the entire floor space of the car.

360. *Lemons.* In boxes, standard, shall be loaded with not less than 464 boxes.

365. *Cranberries.* In any type of container shall be loaded to a weight not less than 34,500 pounds.

370. *Grapes, juice varieties.* In any type of container, shall be loaded to a weight not less than 36,000 pounds.

375. *Grapes, table varieties.* In boxes, display or plain lugs, or baskets, shall be loaded to a weight not less than 34,000 pounds.

380. *Lettuce.*

385. (a) In L. A. crates, in refrigerator cars equipped with stationary ice bunkers, shall be loaded with not less than 316 crates;

390. (b) In L. A. crates, in refrigerator cars equipped with collapsible ice bunkers, shall be loaded with not less than 364 crates.

395. *Melons, including cantaloupes, casaba, honeyball, honeydew, persian, and watermelons.* Shall be loaded to a weight not less than 24,000 pounds.

400. *Onions.* In any type of container, shall be loaded to a weight not less than 40,000 pounds, subject to Note 1, Item 405.

405. *Note 1.* Applications for the issuance of special permits which will specify minimum loading requirements for early, immature onions and onion sets, during season of harvesting, may be made to the Division of Traffic Movement, Office of Defense Transportation, Washington 25, D. C.

410. *Peaches.*

415. (a) In baskets, bushel, shall be loaded not less than three tiers high, each tier to cover the entire floor space of the car;

420. (b) In baskets, half-bushel, shall be loaded not less than four tiers high, each tier to cover the entire floor space of the car;

425. (c) In boxes, standard 20-pound peach, divided load, shall be loaded to a weight not less than 28,000 pounds;

430. (d) In crates, standard peach, shall be loaded not less than four tiers high, each tier to cover the entire floor space of the car.

435. *Pears, Bartlett, fresh pack.*

440. (a) In baskets, bushel, or half-bushel, shall be loaded to a weight not less than 30,000 pounds;

445. (b) In boxes, standard, shall be loaded to a weight not less than 36,000 pounds.

450. *Pears, Kieffer or Seckel.* In any type of container, shall be loaded to a weight not less than 36,000 pounds.

455. *Pears, winter varieties.* In boxes, standard, shall be loaded to a weight not less than 37,800 pounds.

460. *Pineapples.* In crates, standard, shall be loaded not less than five tiers high, each tier to cover the entire floor space of the car.

465. *Potatoes, white, (Irish).*

470. (a) In bags, burlap or cloth; in boxes; or in sacks, paper; containing less than 100 pounds each; shall be loaded to a weight not less than 42,000 pounds, subject to Note 1, Item 485;

475. (b) In bags, burlap or cloth; in boxes; or in sacks, paper; containing 100 pounds or more each; shall be loaded to a weight not less than 45,000 pounds, subject to Note 1, Item 485;

480. (c) In bulk, shall be loaded to a weight not less than 40,000 pounds; subject to Note 1, Item 485.

485. *Note 1.* Applications for the issuance of special permits which will specify minimum loading requirements for early white, immature potatoes, during season of harvesting; also for certain types of seed potatoes, may be made to the Division of Traffic Movement, Office of Defense Transportation, Washington 25, D. C.

490. *Potatoes, white (Irish), and onions.* Mixed carloads.

495. (a) In bags, burlap or cloth; in boxes; or in sacks, paper; containing less than 100 pounds each; shall be loaded to a weight not less than 42,000 pounds;

500. (b) In bags, burlap or cloth; in boxes; or in sacks, paper; containing 100 pounds or more each; shall be loaded to a weight not less than 45,000 pounds.

505. *Root vegetables, fresh harvested, new.* Mixed carloads.

510. (a) In bulk; or in sacks, burlap or cloth; shall be loaded to a weight not less than 30,000 pounds;

515. (b) In half crates, shall be loaded with not fewer than 640 crates;

520. (c) In L. A. crates, in refrigerator cars equipped with stationary ice bunkers, shall be loaded with not less than 358 crates;

525. (d) In L. A. crates, in refrigerator cars equipped with collapsible ice bunkers, shall be loaded with not less than 427 crates.

530. *Root vegetables, storage.* Mixed carloads; in bulk; in sacks, burlap, cloth, or paper; or in any other type of container; shall be loaded to a weight not less than 40,000 pounds.

535. *Sweet potatoes.* In any type of container shall be loaded to a weight not less than 28,000 pounds.

540. *Tomatoes.*

545. (a) In boxes, standard lug, loaded solid throughout the full length and width of the car, shall be loaded not less than five complete tiers high;

550. (b) In boxes, standard lug, when the load is divided by center gates, shall be loaded not less than six complete tiers high in each half of the car, and the space for center gates shall be no greater than the width of two stacks of boxes, standard lug.

555. *Turnips, fresh harvested, new.*

560. (a) In bulk; or in sacks, burlap or cotton; shall be loaded to a weight not less than 30,000 pounds;

565. (b) In half crates, shall be loaded with not fewer than 640 crates;

570. (c) In L. A. crates, in refrigerator cars equipped with stationary ice bunkers, shall be loaded with not less than 358 crates;

575. (d) In L. A. crates, in refrigerator cars equipped with collapsible ice bunkers, shall be loaded with not less than 427 crates.

580. *Turnips, storage.* In bulk; in sacks, burlap, cloth or paper; or in any other type of container; shall be loaded to a weight not less than 40,000 pounds.

585. *Other perishables.* (Items 585 to 595, inclusive.)

590. *Ice.* In bars or blocks, 150 pounds or more gross weight each, shall be loaded each bar or block placed upright on end, in one tier, covering the entire floor space of the car.

595. *Oysters.* Shall be loaded to a weight which equals or exceeds the applicable tariff carload minimum weight.

600. *Special loading requirements.* When the loading requirements for carload freight consisting of any commodity or commodities covered by this Special Direction ODT 18A–2A are shown by weight or by number of containers or crates in individual items named in this Special Direction ODT 18A–2A, and such carload freight is transported in a refrigerator car the capacity of which is in excess of 2,300 cubic feet, the loading requirements for such carload freight transported in such refrigerator car shall be not less than 120 per cent of the weight, or not less than 120 per cent of the number of containers or crates, as the case may be, which is shown in such individual items.

This Special Direction ODT 18A–2A shall become effective December 31, 1943.

Special Direction ODT 18A–2 (8 F.R. 14484) is hereby revoked as of the effective date of this Special Direction ODT 18A–2A.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 18A, as amended, 8 F.R. 14477, and this issue)

Issued at Washington, D. C., this 31st day of December 1943.

HENRY F. MCCARTHY,
Director, Division of Traffic Movement, Office of Defense Transportation.

[F. R. Doc. 43–20740; Filed, December 31, 1943; 12:16 p. m.]

Notices

WAR DEPARTMENT.

WAR DEPARTMENT OPERATIONS OF RAILROADS

To: Lieutenant General Brehon Somervell, Commanding General, Army Service Forces.

1. By Executive Order No. 9412, copy attached,[1] possession and control of all common carriers by railroad referred to therein was taken and assumed through me, as of 7 o'clock p. m. on the 27th day of December, 1943.

2. Pursuant to the Executive order, the authority and powers vested in me thereby are hereby delegated to you, subject to the limitations stated below. You may exercise such powers either personally or through such officers or civilian officials of the War Department or public or private instrumentalities or persons as you may direct, and you may authorize the successive redelegation of any of the powers hereby delegated.

3. In exercising the powers and authority hereby delegated to you, recognition will be given to the following general principles:

a. Exclusion of certain properties from taking. The provisions of the Executive order are not construed as taking possession or assuming control of non-transportation property, facilities or assets of carriers whose transportation systems were taken over by that order. It is determined that possession, control or operation by the United States of such properties are not required to prevent interruption of transportation service. To the extent that any such properties or assets might be deemed to be included within the general language of taking in the Executive order, possession and control thereof are hereby relinquished and terminated.

b. Operation of carriers by existing management. Control of the operations of the carriers will be exercised by the Government to the full extent necessary to maintain continuous and uninterrupted transportation service. Wherever the cooperation of the carrier and its personnel is assured, the existing management and organization of the carrier will be utilized, and the carrier will continue operations in the usual and ordinary course of business, as a going enterprise, in its own name, and by means of any agencies or instrumentalities now employed by the carrier, as fully as if possession and control had not been assumed by the Government, subject,

[1] E. O. 9142 appears at 8 F. R. 17395.

however, to the terms of the Executive order and to all general and special orders, rules and regulations which may be issued thereunder. Where the prompt and effective cooperation of the management and organization of the carrier is not assured, appropriate action will be taken under the terms of the Executive order. No action taken by the owners or managements of the carriers in response to the Government's request for cooperation, and nothing done in sufferance under the Executive order shall be deemed in any way to waive or impair the rights of the companies or stockholders or of bondholders, creditors and other persons having interests in the properties taken or in the profits from their operation to claim just and adequate compensation for the use, control and operation of the properties by the United States.

c. The accounts of the carriers will continue to be kept in the manner prescribed by the Interstate Commerce Commission. For convenience of accounting, the books of the carriers shall be closed as of midnight, December 31, 1943. Until otherwise directed, for the purpose of accounting the books as to the possession and control by the United States shall be opened as of January 1, 1944.

d. All personnel of the carriers, both officers and employees, are called upon by the Executive order and by this order to serve the Government of the United States, by continuing to perform their usual duties, but nothing in the Executive order or this order shall be construed as authorizing or requiring application to such personnel of the provisions of the Civil Service Act.

e. Employment, wages and working conditions. (a) Subject to the terms of the Executive order, wage scales and working conditions in effect on the effective date of the Executive order will be maintained, and full recognition will be given to the rights of the employees and all classes thereof.

(b) All deductions for the benefit of employees now being made by law or agreement, including insurance payments, Railroad Retirement and Unemployment Compensation deductions, and other deductions of every kind, and all arrangements governing the payment of wages, including war bond purchase plans, shall be continued, subject to any legal right of discontinuance.

f. Possession, control and operation of any other carrier or system of transportation pursuant to the Executive order will be taken only by my order and possession, control and operation by you on behalf of the United States of any carrier taken by or pursuant to the Executive order will be relinquished and terminated only with my written approval.

g. Suits, attachments and garnishments permitted until further order. Until otherwise ordered, the carriers shall remain subject to suit as heretofore, and consent is hereby given, as provided for in the Executive order, to the levy of attachments by mesne process, garnishment, execution or otherwise on or against the property and assets of the carriers, but no receivership, reorganization of similar proceeding affecting any carrier taken under the Executive order shall be instituted without the prior written consent of the Commanding General, Army Service Forces or his delegate. Nothing herein shall be deemed to require approval of any action authorized or required by an interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in equity receivership cases now pending.

HENRY L. STIMSON,
Secretary of War.

DECEMBER 27, 1943.

[F. R. Doc. 44–85; Filed, January 3, 1944; 10:18 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

HUMBOLDT PROJECT, NEV.

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 27, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Humboldt project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the act of June 17, 1902 (32 Stat. 388) by Departmental Orders of June 11, 1903, February 7, 1905 and December 30, 1909, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

HUMBOLDT PROJECT

MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 46 E.,
Sec. 1.
T. 36 N., R. 46 E.,
Sec. 36.
T. 35 N., R. 47 E.,
Secs. 4 to 9, inclusive;
Secs. 16, 17, 20, 21, 28 and 29.
T. 36 N., R. 47 E.,
Secs. 29, 30, 31 and 32.
T. 32 N., R. 54 E.,
Secs. 1, 2, 11 and 12.
T. 32 N., R. 55 E.,
Secs. 1 to 18, inclusive.
T. 33 N., R. 55 E.,
Secs. 29 to 36, inclusive.
T. 39 N., R. 55 E.,
Secs. 1, 2, 11 and 12.
T. 40 N., R. 55 E.,
Secs. 25, 26, 35 and 36.
T. 39 N., R. 56 E.,
Secs. 1 to 12, inclusive.
T. 40 N., R. 56 E.,
Secs. 23 to 36, inclusive.
T. 37 N., R. 57 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14 and 15.
T. 38 N., R. 57 E.,
Secs. 1, 2, 3, secs. 10 to 15, inclusive,
Secs. 22 to 27, inclusive, secs. 34, 35 and 36.
T. 39 N., R. 57 E.,
Secs. 5, 6, 7, secs. 22 to 27, inclusive,
Secs. 34, 35 and 36.
T. 40 N., R. 57 E.,
Secs. 19, 20, secs. 28 to 33, inclusive.
T. 37 N., R. 58 E.,
Secs. 5 to 8, inclusive.
T. 38 N., R. 58 E.,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, secs. 28 to 33, inclusive.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 15, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

DECEMBER 21, 1943.

[F. R. Doc. 44–106; Filed, January 3, 1944; 11:50 a. m.]

ROGUE RIVER PROJECT, OREG.

AMENDMENT OF ORDER

DECEMBER 6, 1943.

The SECRETARY OF THE INTERIOR.

SIR: By Departmental Order of November 19, 1943, Rogue River project, Oregon, certain lands previously withdrawn from public entry, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), were released from reclamation withdrawal.

The above-cited Departmental Order contains two errors in land description and it is recommended that the order be amended, effective as of November 19, 1943, as follows:

ROUGE RIVER PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 39 S., R. 3 E.,
Sec. 22, NW¼NW¼ rather than sec. 23, NW¼NW¼.
T. 39 S., R. 4 E.,
Sec. 6, E½, NW¼ rather than sec. 6, E½, SW¼.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 14, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

DECEMBER 21, 1943.

[F. R. Doc. 44–107; Filed, January 3, 1944; 11:50 a. m.]

KENDRICK PROJECT, WYO.

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 27, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with Kendrick project, formerly the Casper-Alcova project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the act of June 17, 1902 (32 Stat. 388), by Departmental Order of October 6, 1933, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

KENDRICK PROJECT

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 35 N., R. 80 W.,
Sec. 33, NE¼NE¼.
T. 32 N., R. 81 W.,
Sec. 4, S½SE¼;
Sec. 9, N½NE¼, NE¼SW¼, S½SW¼;
Sec. 20, SW¼SE¼.
T. 33 N., R. 81 W.,
Sec. 15, NW¼SW¼;
Sec. 18, SW¼NW¼;
Sec. 19, NW¼NE¼, NE¼NW¼;
Sec. 23, SE¼SW¼, S½SE¼;
Sec. 26, N½NE¼, NE¼SE¼.
T. 34 N., R. 81 W.,
Sec. 33, N½SW¼;
Sec. 34, W½SE¼.
T. 35 N., R. 81 W.,
Sec. 30, S½NW¼.
T. 30 N., R. 82 W.,
Sec. 6, NW¼, N½SW¼, SW¼SW¼.
T. 32 N., R. 82 W.,
Sec. 2, W½SW¼;
Sec. 12, NW¼NW¼;
Sec. 13, SE¼SW¼, SW¼SE¼.
T. 33 N., R. 82 W.,
Sec. 13, S½NE¼.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 15, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

DECEMBER 21, 1943.

[F. R. Doc. 44–108; Filed, January 3, 1944; 11:50 a. m.]

COLUMBIA BASIN PROJECT, WASH.

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 19, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the act of June 17, 1902 (32 Stat. 388).

COLUMBIA BASIN PROJECT

WILLAMETTE MERIDIAN, WASHINGTON

T. 20 N., R. 24 E.,
Sec. 28, N½NW¼.
T. 14 N., R. 26 E.,
Sec. 4, N½SW¼.
T. 16 N., R. 26 E.,
Sec. 2, SE¼NW¼.
T. 21 N., R. 26 E.,
Sec. 34, NE¼NW¼.
T. 19 N., R. 27 E.,
Sec. 2, Lots 1, 2 and 4.
T. 20 N., R. 27 E.,
Sec. 26, N½;
Sec. 30, NE¼;
Sec. 32, SE¼NE¼, NE¼SE¼, S½SE¼.
T. 13 N., R. 28 E.,
Sec. 12, NW¼;
Sec. 14, NE¼, S½;
Sec. 26, NW¼.
T. 14 N., R. 28 E.,
Sec. 12, N½NE¼.
T. 19 N., R. 28 E.,
Sec. 12, SE¼.
T. 20 N., R. 26 E.,
Sec. 14, S½SW¼;
Sec. 34, S½.
T. 21 N., R. 28 E.,
Sec. 30, S½SE¼.
T. 23 N., R. 28 E.,
Sec. 10, SW¼NW¼, N½SW¼.
Sec. 24, Lots 1, 2, 4, SE¼NE¼.
T. 12 N., R. 29 E.,
Sec. 6, Lot 5.
T. 14 N., R. 30 E.,
Sec. 2, SW¼;
Sec. 6, Lots 6, 7, E½SW¼, SE¼;
Sec. 10, N½NE¼, NW¼SW¼;
Sec. 14, S½NE¼, NW¼NW¼, NW¼SW¼, E½SE¼.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 15, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

DECEMBER 21, 1943.

[F. R. Doc. 44–109; Filed, January 3, 1944; 11:51 a. m.]

BOISE PROJECT, IDAHO

REVOCATION OF FIRST FORM WITHDRAWAL

DECEMBER 1, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Boise project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by Departmental Orders of November 9, 1937 and April 26, 1938, no longer appears necessary to the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

BOISE PROJECT

BOISE MERIDIAN, IDAHO

T. 19 N., R. 1 E.,
Secs. 5 to 8, inclusive;
Sec. 17, E½;
Sec. 18, N½;
Sec. 20, E½;
Sec. 29.
T. 19 N., R. 1 W.,
Sec. 4;
Sec. 8, W½;
Sec. 9;
Sec. 17, W½;
Sec. 20, W½;
Sec. 22, E½;
Sec. 23;
Sec. 29, W½.
T. 20 N., R. 1 W.,
Secs. 3 to 5, inclusive;
Secs. 8 to 10, inclusive;
Secs. 15 to 17, inclusive;
Secs. 21 to 27, inclusive;
Sec. 36.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 14, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

DECEMBER 18, 1943.

[F. R. Doc. 44–110; Filed, January 3, 1944; 11:51 a. m.]

MILK RIVER PROJECT, MONT.

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 30, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Milk River project, the withdrawal of the hereinafter described lands, withdrawn in the first and second forms prescribed by section 3 of the act of June 17, 1902 (32 Stat. 388) by Departmental Orders of May 14 and October 21, 1902, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

MILK RIVER PROJECT

PRINCIPAL MERIDIAN, MONTANA

T. 32 N., R. 6 W.,
Secs. 1 to 36, inclusive.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 14, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

DECEMBER 18, 1943.

[F. R. Doc. 44-111; Filed, January 3, 1944; 11:51 a. m.]

UMATILLA PROJECT, OREG.

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 25, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Umatilla project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by Departmental Order of March 29, 1905, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

UMATILLA PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 1 S., R. 18 E.,
Sec. 36.
T. 3 S., R. 18 E.,
Sec. 2, SW¼NW¼, N½SW¼;
Sec. 14, E½, NW¼;
Sec. 15, NE¼, W½.
T. 1 S., R. 19 E.,
Sec. 30 Lots 11, 12, S½SE¼.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 15, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUSS,
First Assistant Secretary.

DECEMBER 21, 1943.

[F. R. Doc. 44-105; Filed, January 3, 1944; 11:50 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 795]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 21, 1943.

I hereby amend: (a) Administrative Order No 627, dated October 8, 1941, by changing the project designation therein given as "Nebraska 2076S7 Southern Nebraska District Public" in the amount of $16,000 to read "Nebraska 2076S7 Southern Nebraska District Public" in the amount of $11,000 and "Nebraska 2076S8 Southern Nebraska District Public" in the amount of $5,000;

(b) Administrative Order No 631, dated October 15, 1941, by changing the project designation therein given as "Oregon 2026B1 Wasco" in the amount of $90,000 to read "Oregon 2026B1 Wasco" in the amount of $65,000 and "Oregon 2026G1 Wasco" in the amount of $25,000.

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 43-20735; Filed, December 31, 1943; 11:37 a. m.]

[Administrative Order 796]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 21, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 4062D1 Wright	$28,000
Nebraska 4051D5 Burt District Public	60,000
Oklahoma 4019C2 Craig	36,000
Texas 4116A3 Grimes	190,000

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 43-20736; Filed, December 31, 1943; 11:37 a. m.]

[Administrative Order 797]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 21, 1943.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arizona 4014S3 Cochise	$10,000
Texas 4131S1 Stanton	25,000

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 43-20737; Filed, December 31, 1943; 11:37 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 12]

AMERICO DAIRY SUPPLY CO., ET AL.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Americo Dairy Supply Company, et al., Cincinnati, Ohio. (Case No. S-519.)

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local 100 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and certain concerns engaged in transportation activities in and around Cincinnati, Ohio;

I find, as to the concerns involved in the above labor dispute with Local 100 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, that motor vehicle transportation of goods, articles, and commodities, except retail deliveries thereof, by any such concern, pursuant to any contract whether or not with the United States, to or from any plant, mine or facility equipped for manufacturing, producing or mining any articles or materials which may be required or useful in connection with the prosecution of the war, or to or from any establishment engaged in wholesaling or storing any such articles or materials, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 31st day of December 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-26; Filed, January 1, 1944; 11:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6046]

RATES AND CHARGES, U. S.—WEST INDIES, CENTRAL AND SOUTH AMERICA

ORDER FOR HEARING

In the matter of the investigation of rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America and South America.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of December, 1943;

The Commission, having under consideration revised tariff schedules filed by R. C. A. Communications, Inc., effective January 1, 1944, with respect to telegraph service from Colombia to the United States; and having also under consideration the tariff schedules filed with it by All America Cables and Radio, Inc., Mackay Radio and Telegraph Company, Inc., and The Western Union Telegraph Company for telegraph service from Colombia to the United States, and the Commission's Report and Order of June 22, 1943 herein (T-29); and

It appearing that the above-cited tariff schedules of R. C. A. Communications, Inc. are not in conformity with the principles and conclusions set forth in the Commission's Report and Order of June 22, 1943 herein;

It is ordered, That a further hearing be, and it is hereby, directed to be held herein with respect to the matter of rates and charges, and related practices, classifications, and regulations for and in connection with telegraph communication service between the United States and Colombia;

It is further ordered, That, without limiting the scope of the proceeding, the hearing shall include the question of whether any of the carriers subject to the provisions of the Communications Act of 1934, as amended, are violating the provisions of the Act by charging, demanding, collecting or receiving a greater or less or different compensation for or in connection with telegraph communication service between the United States and Colombia than the charges specified in their respective tariff schedules on file with the Commission applicable to such service;

It is further ordered, That the hearing hereby directed to be held shall begin at 10:00 a. m. on the 26th day of January, 1944, at the offices of the Commission in Washington, D. C.

It is further ordered, That the authorization of Commissioner Ray C. Wakefield to conduct the proceeding herein shall be continued in effect.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-67; Filed, January 1, 1944; 4:30 p. m.]

[Docket Nos. 6568, 6539]

RATES AND CHARGES, U. S.—FOREIGN POINTS

ORDER FOR INVESTIGATION

In the matter of telegraph communication service between the United States and Foreign Points. In the matter of Press Wireless, Inc. Rates and charges for communication services.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 28th day of December, 1943;

The Commission, having under consideration the matter of telegraph communication service between the United States and foreign points; and having also under consideration the matters involved in Docket No. 6539, including the motion filed therein on October 21, 1943, by Press Wireless, Inc.; and

It appearing that the matter of telegraph communication service between the United States and foreign points has been subject to informal investigation; that such investigation should be formalized; and that hearings with respect to this matter should be held hereafter from time to time as appropriate;

It further appearing that the matters presented in the above motion of Press Wireless, Inc., are disposed of by the action herein taken;

It is ordered, That an investigation be, and it is hereby, instituted, on the Commission's own motion, into the rates, charges, practices, classifications, regulations, facilities, traffic arrangements, and services of all carriers subject to the Communications Act of 1934, as amended, for or in connection with, or in any way affecting, telegraph communication service between the United States and foreign points;

It is further ordered, That the proceeding in Docket No. 6539 be, and it is hereby, consolidated with the proceeding of investigation hereby instituted, and the hearing presently scheduled in Docket No. 6539 for January 17, 1944 be, and it is hereby, cancelled;

It is further ordered, That the motion filed by Press Wireless, Inc., on October 21, 1943, in Docket No. 6539, and the petition filed by R. C. A. Communications, Inc., on October 9, 1943, for leave to intervene in Docket No. 6539, be, and they are hereby, dismissed;

It is further ordered, That hearings in these proceedings shall be held at such time as may be hereafter fixed by the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-68; Filed, January 1, 1944; 4:30 p. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

INSURED BANKS

ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (U.S.C., 1940 Ed., title 12, sec. 264 (h) (1)), *It is ordered*, That each insured bank file with the Corporation on or before January 15, 1944, the following described certified statement forms: (1) Certified Statement—Part One, Based on Deposits for the Six Months Ending December 31, 1943, Form 545–Q, in quadruplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending December 31, 1943, Form 555–Q, in triplicate.[1]

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 44-80; Filed, January 3, 1944; 10:03 a. m.

NONMEMBER MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Resolution of Board of Directors adopted December 30, 1943, authorizing call for report of condition and annual report of earnings and dividends on insured mutual savings banks not members of the Federal Reserve System.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Friday, December 31, 1943, on Form 64 (Savings) and a report of earnings and dividends for the calendar year ending December 31, 1943 on Form 73 (Savings).[1] Said report of condition and report of earnings and dividends shall be prepared in accordance with the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64 (Savings) and Reports of Earnings and Dividends on Form 73 (Savings) by Insured Mutual Savings Banks", issued as of December, 1940.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 44-81; Filed, January 3, 1944; 10:03 a. m.]

NONMEMBER INSURED STATE BANKS

CALL FOR REPORT OF EARNINGS AND DIVIDENDS

Resolution of Board of Directors adopted December 30, 1943, authorizing call for report of condition and annual report of earnings and dividends on insured State banks not members of the Federal Reserve System, except banks in the District of Columbia and mutual savings banks.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Friday, December 31, 1943, on Form 64 (Short form)—Call No. 20, and a report of earnings and dividends for the calendar year ending December 31, 1943, on Form 73.[1] Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64, December, 1938," and said annual report of earnings and dividends shall be prepared in accordance with the instruction booklet issued as of December, 1937.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 44-82; Filed January 3, 1944; 10:03 a. m.]

[1] Filed as part of the original document.

FEDERAL POWER COMMISSION.

[Docket No. G-516]

UNITED FUEL GAS COMPANY

NOTICE OF APPLICATION

DECEMBER 31, 1943.

Notice is hereby given that on December 29, 1943, the United Fuel Gas Company (hereinafter referred to as "Applicant"), a West Virginia corporation with its principal place of business located at Quarrier and Dunbar Streets, Charleston, West Virginia, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(a) Applicant proposes to dismantle and remove one 450 H. P. horizontal single Snow compressing unit from its Buff Lick compressing station in Kanawha County, West Virginia, and erect the same at its Glenville compressor station in Gilmer County, West Virginia.

(b) Applicant proposes to dismantle and remove one 600 H. P. Clark angle compressing unit from its Goldtown compressor station in Jackson County, West Virginia, and erect the same at the Carnegie compressor station in Wetzel County, West Virginia, which station is owned by Carnegie Illinois Steel Corporation but operated by Applicant.

(c) Applicant proposes to install four 13" x 36" compressing cylinders on three of the present existing units at Spencer compressing station, Spencer, West Virginia.

As a result of the foregoing proposed construction, Applicant states it will be enabled to deliver an additional 20 million cubic feet of natural gas daily to The Manufacturers Light and Heat Company, 15 million cubic feet thereof at Spencer Compressor station and 5 million cubic feet thereof at Majorsville, West Virginia.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 20th day of January, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-88; Filed, January 3, 1944; 10:30 a. m.]

FEDERAL RESERVE SYSTEM.

CONSUMERS HOME EQUIPMENT CO., DETROIT, MICH.

ORDER SUSPENDING LICENSE

Consumers Home Equipment Co., having appeared by its president, A. B. Chereton, in connection with alleged violations of Regulation W of the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), and having waived notice and opportunity for hearing before the Board and consented to the issuance of this order for the suspension of its license, and having agreed that:

1. It was at all times mentioned herein and now is engaged in the business of making instalment sales of listed articles through salesmen, with offices, stores or branches located at:

Flint, Michigan (1327 South Saginaw Street).
Grand Rapids, Michigan (112 South Division St.).
Chicago, Illinois (1412 South Michigan Avenue).
Detroit, Michigan (4801-19 Woodward Avenue).
Indianapolis, Indiana (401 North Capital Ave.).
Cleveland, Ohio (1262 Ontario Street).
Cincinnati, Ohio (120 West Seventh Street).
Columbus, Ohio (495 North High Street).
Louisville, Kentucky (224 West Walnut Street).
Pittsburgh, Pennsylvania (1912 Murray Avenue).
Altoona, Pennsylvania (1716 11th Avenue).
Buffalo, New York (715 Main Street).
Erie, Pennsylvania (14th and Peach Streets).

2. It duly filed the registration statement required by the Board's Regulation W and was at all times mentioned herein and now is subject to such regulation;

3. Prior to December 1, 1943, it failed to comply with Regulation W in a number of instances; and

Said Consumers Home Equipment Co. having further agreed that during the period of suspension of its license under this order it will close all of its offices, stores and branches, including but not limited to those listed above, and that, upon resumption of business following the termination of this suspension period, it will conform its business to the requirements of the regulation:

The Board, having considered the consent, representations and agreements of the party named, and under authority of section 5 (b) of the Act of October 6, 1917, as amended, and the Executive order of the President No. 8843, hereby orders:

1. That the license of said Consumers Home Equipment Co. issued pursuant to the Board's Regulation W be and the same is hereby suspended for the period commencing at 6 a. m. on January 2, 1944 and ending at 6 a. m. on January 9, 1944, unless said order is sooner terminated by the Board: *Provided*, That this order during the suspension period shall not prohibit (a) the carrying on of regular office and accounting work, (b) the receipt of any payments through the mails or through the normal and usual collection facilities which have heretofore been maintained, and (c) the making of payments on any obligations, including obligations to employees for salaries or wages;

2. Any terms used in this order that are defined in regulation W shall have the meaning therein given them.

By order of the Board of Governors of the Federal Reserve System, this 29th day of December 1943.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 43-20788; Filed, December 31, 1943; 12:01 p. m.]

FEDERAL TRADE COMMISSION.

[Docket 5008]

KAY-SHERMAN LUGGAGE CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1943.

In the matter of Max L. Kizelstein and Leon Sherman, copartners trading as Kay-Sherman Luggage Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 17, 1944, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 505, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-2; Filed, January 1, 1944; 10:52 a. m.]

[Docket 5018]

DURAKOTE PAINT CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D., 1943.

In the matter of Durakote Paint Corporation, a corporation, and Philip H. Eisgrau, Cele Eisgrau, Nathan Pashman and Theodore Shapiro, individually and as officers of Durakote Paint Corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 24, 1944, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-3; Filed, January 1, 1944; 10:52 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 164, Gen. Permit 5, as Amended]

CITRUS FRUIT SHIPMENTS

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a mixed shipment of tangerines and other citrus fruits originating at any point or points in the State of Florida provided that the tangerines in the car comprise not less than fifty (50) percent of the lading and further provided that the waybills shall show reference to this general permit.

This general permit shall become effective at 12:01 a. m., December 12, 1943, and shall expire at 12:01 a. m., January 20, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of December 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-9; Filed, January 1, 1944; 11:31 a. m.]

[S. O. 169-A]

MERIDIAN AND BIGBEE RIVER RAILWAY CO.

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission Division 3, held at its office in Washington, D. C., on the 31st day of December, 1943.

Upon further consideration of Service Order No. 169 (8 F.R. 17379) of December 23, 1943, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 169 (8 F.R. 17379) of December 23, 1943, rerouting freight traffic on the Meridian and Bigbee River Railway Company (J. C. Floyd, Trustee) because of bridge destruction, be and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 6 p. m. December 31, 1943; that copies of this order and direction shall be served upon the Meridian and Bigbee River Railway Company (J. C. Floyd, Trustee), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL;
Secretary.

[F. R. Doc. 44-8; Filed, January 1, 1944; 11:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

ORDER OF REVOCATION

Order Nos. 3 (2d Revised); 44, 106 (Revised), 107, 147, 149, 153, 164, 166, 169, 188, 208, 210, 217, 220, 229, 291, 318, 320 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

For the reason that Order No. 216 under Maximum Price Regulation No. 120 was included in the above titled order of revocation, the order of revocation is corrected by deleting the number 216.

This correction to order of revocation shall become effective as of December 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-20746; Filed, December 31, 1943; 12:12 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-47 and 59-43]

JACKSONVILLE GAS CO. AND AMERICAN GAS AND POWER CO.

MEMORANDUM FINDINGS AND ORDER ON FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of December, A. D. 1943.

This Commission[1] and the District Court of the United States for the Southern District of Florida[2] have heretofore approved the plan, as modified, of Jacksonville Gas Company for compliance with section 11 (e) of the Public Utility Holding Company Act of 1935. Estimates of fees and expenses incident to consummation of the plan, aggregating $30,000, were included in the plan as approved by this Commission and by the Court.

The Court Order dated October 14, 1942, authorized and directed Jacksonville Gas Company, among other things,

> • • • to do such acts as may be necessary or appropriate to carry out the terms and provisions of the plan, including, but without limiting the generality of the foregoing, such acts as may be necessary to
>
> • • • • •
>
> (f) Incur and pay or cause Jacksonville Gas Corporation to incur and pay, taxes, charges, expenses, compensation and fees in connection with the consummation of the plan in amounts not exceeding the sums estimated as part of the plan, subject to obtaining approval of the Commission for all payments requiring such approval under the applicable rules and orders of the Commission.

Thereafter Jacksonville Gas Company filed with this Commission Amendment No. 11 to its application for approval of the plan, increasing its estimate of fees and expenses to an aggregate of $51,297.30. Annexed hereto as Appendix 1 is a tabulation showing the estimated expenses incident to the consummation of the plan, according to the estimates included in the plan as heretofore approved and according to the revised estimates contained in Amendment No. 11.

Included in the company's revised estimates is the proposed payment to Lawrence E. Fleischman, attorney for certain debenture holders, of a fee in the amount of $500 and expenses in the amount of $1,001.12. Fleischman has filed in these proceedings a petition requesting that he be allowed, in addition to reimbursement of expenses in the above amount, a fee of $3,500. Subsequently, Fleischman filed a revised statement of expenses in the amount of $785.11.

After appropriate notice, public hearings were held and the record closed. Having considered the record, we make the following findings with respect thereto.

A condensed opening balance sheet as at February 1, 1943, of Jacksonville Gas Corporation, organized pursuant to the plan as successor to Jacksonville Gas Company, is annexed hereto as Appendix 2. After paying or reserving for all reorganization expenses per the revised estimates, and treating the reserve for such expenses as a current liability, the balance sheet shows current assets of $246,677 as against current and accrued liabilities of $129,423, a current ratio of almost 2 to 1. It appears that the new corporation is financially able to pay the proposed fees and expenses.

Under all the circumstances herein, we find that the proposed fees and ex-

[1] *Jacksonville Gas Company*, Holding Company Act Releases No. 3570, Findings and Opinion dated May 27, 1942; No. 3572, Order dated May 28, 1942; No. 3959, Supplemental Order dated December 8, 1942; No. 4048, Second Supplemental Order dated January 8, 1943; and No. 4290, Third Supplemental Order dated May 3, 1943.

[2] *In re Jacksonville Gas Company*, 46 F. Supp. 852 (1942); Court Orders dated October 14, 1942, and January 28, 1943.

APPENDIX 2—JACKSONVILLE GAS CORPORATION

BALANCE SHEET—AS AT FEBRUARY 1, 1943

Assets	
Utility plant	$5,942,209
Investments (less $39,336 reserve)	23,057
Current assets:	
Cash	$60,689
Accounts receivable (less $32,726 reserve)	46,240
Merchandise, materials and supplies	110,557
Other current assets	1,192
	246,677
Deferred charges	5,236
	$6,226,449
Liabilities and capital	
Capital stock:	
Common shares $5 par	$953,200
Long term debt:	1,745,000
First mortgage 5% bonds, due 1966	
Current liabilities:	
Accounts payable	$15,648
Accrued interest on long term debt	58,167
Accrued taxes	20,724
Other current liabilities	2,573
	99,262
Consumers' deposits and interest accrued thereon	104,444
Reserves:	
Depreciation	$2,057,228
Renewals and repairs	295
Reorganization expenses	20,204
	625,324
	1,032,335
Capital surplus	$6,226,449

[F. R. Doc. 43-20676; Filed, December 30, 1943; 10:36 a. m.]

[File No. 70-832]

COLUMBIA GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of December 1943.

Columbia Gas & Electric Corporation (Columbia Gas), a registered holding company, having filed declarations pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, and Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies prescribed by the Commission under the Act, with respect to the following transactions:

Columbia Gas proposes to make capital contributions aggregating $9,313,371.58 to four of the five oil and gasoline subsidiaries whose stock and indebtedness it acquired from Columbia Oil & Gasoline Corporation (Columbia Oil) as a result of a plan, pursuant to section 11 (e) of the act, approved by this Commission (see Holding Company Act Release No. 3685). The proposed contribution will consist of forgiveness of income

It is therefore ordered, That the proposed payment by the reorganized company of fees and expenses in the maximum amounts set forth in Amendment No. 11 be and the same is hereby approved, subject to the condition that the maximum amount payable to Lawrence E. Fleischman in reimbursement of expenses shall be no more than $785.11.

It is further ordered, That the petition of Lawrence E. Fleischman for an order requiring Jacksonville Gas Company to pay him an additional fee of $3,000, in addition to the $500 fee proposed to be paid by Jacksonville Gas Company, be and the same is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APPENDIX I—JACKSONVILLE GAS COMPANY

ESTIMATED EXPENSES

	Estimates heretofore included in plan	Revised estimates	
		Amount	Increase
Charges incident to organizing new corporation	$4,200.00	$3,781.00	($73,400.00)
Printing and mailing notices; printing said engraving mortgage bonds and stock certificates	5,800.00	3,061.34	(2,418.66)
Other expenses of transfer agent and registrars	1,300.00	5,950.00	4,700.00
Fees and expenses of counsel, consultants, engineer and trustee:			
Hunse, Buck, Smith & Stowell:			
Fees	7,500.00	7,500.00	
Expenses	2,500.00	1,580.38	1,580.38
Elliott Adams: Fees		3,157.50	1,157.50
Gilman & Hickey:			
Fees	2,000.00	224.27	224.27
Expenses			
O. Rose Holmes:			
Fees	3,000.00	4,628.95	1,628.95
Expenses		258.99	258.99
Offy Nat'l Bank & Trust Co. of Chicago and Arthur T. Leonard, Mortgage Trustee:			
Fees		1,750.00	1,750.00
Expenses		1,667.44	1,667.44
Central Republic Co.: Expenses		1,341.51	1,341.51
Pam, Hurd & Reichmann: Fees		2,000.00	2,000.00
Guaranty Trust Co. of N. Y., Debenture Trustee:			
Fees		1,200.00	1,200.00
Expenses		66.21	66.21
Davis Polk Wardwell Sunderland & Kiendl:			
Fees		3,500.00	3,714.23
Expenses		214.23	708.39
Joseph A. Vann: Expenses		708.39	
Lawrence E. Fleischman:			
Fees		a 600.00	1,601.12
Expenses		1,001.12	2,800.00
Miscellaneous Expenses		a 2,800.00	
	30,000.00	51,207.30	21,207.30

a Included estimated charges of trustee.
b Jacksonville Gas Company requests approval of $500.
c Fleischman claimed expenses of Homes, Buck, Smith & Stowell, Gilman & Hickey, and C. Rose Holmes.
( ) indicates decrease.

demand notes of such subsidiaries as follows: The Ohio Fuel Supply Company, $662,416.06; The Preston Oil Company, $4,944,116.56; Viking Distributing Company, $44,812.15; Virginian Gasoline and Oil Company, $3,662,026.79. It is stated that the proposed contributions will be used by these subsidiaries to create capital surplus which, together with surplus already available, will be utilized principally for making reductions in property accounts in order to restate them at "historical cost (cost to system companies first acquiring the property)," increasing existing depletion and retirement reserves, adjustments of accrued taxes, and in the case of Viking Distributing Company, for elimination a deficit in surplus as at December 31, 1937.

The adjustments which are applicable to the period prior to December 31, 1937 aggregate $19,036,891.59. The subsidiaries will charge $9,723,520.01 of this amount to Surplus Prior to January 1, 1938 and the balance of $9,313,371.58 to the capital surplus being created. A summary of these adjustments is as follows:

Proposed Adjustments for Period Prior to December 31, 1937

	Property	Depletion and retirement reserve	Other	Total	Surplus balance 12/31/37	Proposed capital contribution
The Ohio Fuel Company	----------	$700,682	$(21,062)	$679,620	$17,204	$662,416
The Preston Oil Company	----------	5,083,579	(49,283)	5,084,596	90,479	4,944,117
Viking Distributing Company	----------	----------	----------	----------	(44,812)	44,812
Union Gasoline & Oil Corporation	$283,657	1,645,268	----------	1,928,975	2,234,144	----------
Virginian Gasoline & Oil Corp	9,250,999	2,054,792	37,909	11,353,700	7,691,674	3,662,027
Total	$9,534,656	$9,534,641	$(32,436)	$19,036,891	----------	$9,313,372

Columbia Gas proposes to record its investment in the common stocks of the subsidiaries at the adjusted underlying book value thereof at December 31, 1937, and in the indebtedness of the subsidiaries in the amount remaining after the capital contributions, as is shown below by companies:

	Common stock			Indebtedness remaining	Combined
	Par or stated value of common	Adjusted surplus at 12/31/37	Total		
Ohio	$1,437,751	----------	$1,437,751	$296,584	$1,734,335
Preston	2,000,000	----------	2,000,000	965,883	2,965,883
Viking	10,000	----------	10,000	118,168	128,168
Union	500,000	$855,169	1,355,169	203,000	1,558,169
Virginian	890,200	----------	890,200	2,627,973	3,518,173
	4,837,951	855,169	5,693,120	4,211,628	9,904,748

In addition to the common stock and indebtedness of the subsidiaries, Columbia Gas will receive from Columbia Oil net current assets aggregating $2,606,823.

In recording these investments Columbia Gas in effect will be substituting investments in and advances to the oil and gas subsidiaries for its investment in the preferred stock of Columbia Oil. Columbia Gas presently carries $29,638,647 as its investment in Columbia Oil preferred stock, against which there is a reserve of $12,000,000.

The valuations assigned to the assets acquired from Columbia Oil as compared with the carrying value of the Columbia Oil investment and the proposed disposition of the difference are shown below.

Investment in Columbia Oil	$29,638,657	
Reserve therefor	12,000,000	
		$17,638,647
Proposed carrying amounts for investments in and advances to subsidiaries	9,904,748	
Cash and net current assets received from Col. Oil	2,606,823	
		12,511,571
Difference		(5,127,076)
Difference to be disposed of by Col. Gas as follows:		
Surplus Prior to 1/1/38 (exhausting balance thereof)		(939,905) Dr.
Special Capital Surplus		(6,616,451) Dr.
Earned Surplus Since 12/31/37 (representing surplus since that date per Columbia Oil)		2,429,280 Cr.
		(5,127,076)

Said declarations having been filed on December 2, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declarations within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having reviewed the proposed transactions in the light of the record made in the proceedings in respect of the section 11 (e) plan approved by the Commission involving among other things, the transfer of these five subsidiaries from Columbia Oil to Columbia Gas, including various valuation data therein, together with substantial supplemental data filed with respect to the present proposals; and

The Commission being satisfied that the amounts proposed to be recorded by Columbia Gas on its books for its investments in and advances to the five subsidiaries involved are not unreasonable, and finding that the requirements of Instruction 8-C of the Uniform System of Accounts for Public Utility Holding Companies are met and that no adverse findings are necessary under section 12 of the act and Rule U-45 thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declarations to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations be, and the same hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-43; Filed, January 1, 1944; 4:00 p. m.]

[File No. 31-494]

MANUFACTURERS TRUST CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December 1943.

Manufacturers Trust Company, the owner of all of the common stock of The Marion-Reserve Power Company, and of all of the common stock and of 6,621 shares of the preferred stock of Eastern Minnesota Power Corporation, and of 248,483 shares of the common stock of New England Public Service Company, having filed a verified application for an indefinite extension of the exemption granted it pursuant to section 3 (a) (4) of the Public Utility Holding Company Act of 1935 by orders of April 20, 1939, May 17, 1941, February 26, 1942, February 26, 1943, July 12, 1943, and September 15, 1943; and it appearing to the Commission that said applicant has entered into a contract to sell the common stock of The Marion-Reserve Power Company to Ohio Public Service Company and that an application by the latter company with respect to said acquisition is pending before this Commission (File No. 70-825); and it further appearing to the Commission that proceedings with respect to compliance with section 11 (b) of the act by Eastern Minnesota Power Corporation (File No. 54-48) and by New England Public Service Company, File No. 59-15) are likewise pending before this Commission; and

The Commission having considered said application and finding that it should be granted subject to the conditions hereinafter specified;

It is hereby ordered, That Manufacturers Trust Company be, and it is hereby exempted until the further order of this Commission from all of the provisions of the act applicable to it as a holding company by reason of its ownership of the common stock of The Marion-Reserve Power Company; *Provided, however*, That jurisdiction is hereby reserved to enter such further orders as the Commission may deem appropriate in the event the contemplated disposition of said stock is not consummated within a reasonable period;

It is further ordered, That Manufacturers Trust Company be, and it is hereby exempted until the further order of this Commission from all of the provisions of the act applicable to it as a holding company by reason of its direct and indirect ownership of the voting securities of Eastern Minnesota Power Corporation and New England Public Service Company, and subsidiary companies thereof, except the provisions of section 4 (a) (3) of the act insofar as they relate to the sale or other disposition by Manufacturers Trust Company of said voting securities, upon condition, however, that said Manufacturers Trust Company shall not, except upon approval by this Commission by order, make or renew any loan to, enter into a financial transaction with, receive deposits from, act as trustee under any indenture of, act as transfer agent for any securities of, or in any manner act as financial agent for, New England Public Service Company, or any of its subsidiary companies, other than to the extent that said Manufacturers Trust Company is now acting as co-paying agent for Central Maine Power Company and Central Vermont Public Service Corporation;

It is also ordered, That the jurisdiction of this Commission is hereby reserved for the purpose of entering such further orders as may from time to time be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-44; Filed, January 1, 1944; 4:00 p. m.]

[File No. 70-816]

AMERICAN LIGHT & TRACTION CO., ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December 1943.

In the matter of American Light & Traction Company, Michigan Consolidated Gas Company, American Production Company, American Michigan Pipe Line Company, and Waverly Company.

The Commission having entered an order on the 5th day of August 1941 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, requiring, among other things, that The United Light and Power Company and The United Light and Railways Company, both registered holding companies, dispose of their direct and indirect interests in Michigan Consolidated Gas Company, American Production Company, American Michigan Pipe Line Company and San Antonio Public Service Company; and

The Commission having entered an order on the 20th day of December 1943 granting applications and permitting declarations to become effective with respect to various transactions including, among others, (1) the reduction in par value of the common stock of Michigan Consolidated Gas Company from $100 to $14 per share and the issuance to American Light & Traction Company in connection therewith of 2,548,642.86 shares of new common stock in exchange for the 356,810 shares of common stock of Michigan Consolidated Gas Company now outstanding, all of which are owned by American Light & Traction Company, (2) the issuance and sale by Michigan Consolidated Gas Company of 150,621.43 additional shares of its new common stock to American Light & Traction Company for $2,108,700 in cash representing a portion of the proceeds remaining from the sale by such latter company in 1942 of its investment in San Antonio Public Service Company, (3) the acquisition by Michigan Consolidated Gas Company of all the property and assets of American Production Company and American Michigan Pipe Line Company, subsidiaries of American Light & Traction Company, in exchange for the issuance by Michigan Consolidated Gas Company of 68,785.71 additional shares of new common stock to such subsidiaries and the assumption of all the liabilities of those companies owing to the public, (4) the dissolution of American Production Company and American Michigan Pipe Line Company following the transfer by them to American Light & Traction Company of the common stock of Michigan Consolidated Gas Company acquired in the preceding transaction and the receipt from American Light & Traction Company of its outstanding securities for cancellation, and (5) the dissolution of Waverly Company following the distribution of all its assets to, and the assumption of its liabilities by, American Light & Traction Company in exchange for the outstanding securities of Waverly Company, all of which are owned by American Light & Traction Company; and

It appearing that the transactions described hereinabove are appropriate steps preliminary to the disposition of all direct or indirect interest of The United Light and Power Company and The United Light and Railways Company in Michigan Consolidated Gas Company, American Production Company and American Michigan Pipe Line Company; and

The applicants having requested that the Commission enter an order conforming to the formal requirements specified in sections 371 and 1808 of the Internal Revenue Code, as amended to date, and containing the findings therein specified; and

The Commission finding that the transactions hereinabove referred to are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U.S.C., Title 15, sec. 79k (b));

It is hereby ordered, That the issuances, transfers and exchanges of securities and the conveyances specified and itemized hereinabove, and more fully specified and itemized in Form U-1 filed in these proceedings and made a part hereof by reference, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

It is further ordered, That the sum to be invested by American Light & Traction Company in additional common stock of Michigan Consolidated Gas Company is invested as a contribution to the capital of Michigan Consolidated Gas Company and that such investment is necessary or appropriate to the integration or simplification of the holding company system.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-45; Filed, January 1, 1944; 4:00 p. m.]

[File Nos. 70-646, 59-63]

UTAH POWER & LIGHT CO. ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of December, A. D. 1943.

In the matter of Utah Power & Light Company, Utah Light and Traction Company, and The Western Colorado Power Company, File No. 70-646; and Electric Power & Light Corporation, Utah Power & Light Company, Utah Light and Traction Company, and The Western Colorado Power Company, respondents, File No. 59-63.

The Commission having heretofore on November 29, 1943, issued its order herein granting a joint application and permitting to become effective a joint declaration of Utah Power & Light Company, Utah Light and Traction Company and The Western Colorado Power Company pursuant to sections 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 regarding the issue and sale at competitive bidding pursuant to Rule U-50 of $42,000,000 aggregate principal amount of its First Mortgage Bonds due 1968, and certain related transactions, reserving, however, its jurisdiction with respect to the fees, commissions or other remunerations to be paid in connection with the said joint application and declarations; and

Hearings having been held with respect to the propriety and reasonableness of (i) a fee of $40,000 proposed to be paid by Utah Power & Light Company to the First Boston Corporation for financial advice and assistance in formulating a financial program for Utah Power & Light Company and for services in creating a market for the sale of its bonds; and (ii) a fee of $27,500 proposed to be paid by the

underwriters of Utah Power & Light Company's bonds for the legal services of Beekman, Bogue, Stephens & Black as counsel for said underwriters; and

The Commission having considered the record herein and having found that the fee to be paid to the First Boston Corporation and the fee to be paid the law firm of Beekman, Bogue, Stephens and Black are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved with respect to the fees, commissions or other remunerations to be paid in connection with the said joint application and declaration be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-46; Filed, January 1, 1944; 4:00 p. m.]

[File Nos. 70-717, 70-704]

UNITED LIGHT AND RAILWAYS CO., ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December 1943.

In the matter of The United Light and Railways Company, Continental Gas & Electric Corporation, Iowa Nebraska Light and Power Company, and Des Moines Electric Light Company, File No. 70-717; Illinois Iowa Power Company, File No. 70-704.

Illinois Power Company, (formerly Illinois Iowa Power Company) a registered holding company, having heretofore filed a declaration and amendment thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder with respect to the sale to Continental Gas & Electric Corporation of its entire interest in Des Moines Electric Light Company and Iowa Power and Light Company; and

The Commission, on August 16, 1943, having issued an order permitting said declaration, as amended, to become effective and having by the provisions of said order reserved jurisdiction with respect to the reasonableness and the allocation of fees and expenses paid or incurred in connection with said sale; and

Illinois Power Company having filed on December 20, 1943, an application for the release of jurisdiction heretofore reserved over said fees and expenses, together with a statement of the actual fees and expenses incurred by it in the total amount of $49,001.63; and

Applicant having requested that action upon said application be accelerated so that the same may be disposed of during the current fiscal year of applicant, which is the calendar year of 1943; and

The Commission having considered the matter, finds that said fees and expenses are not unreasonable and are a proper charge and expense to be incurred and paid by Illinois Power Company in connection with the sale of its interests in Des Moines Electric Light Company and Iowa Power and Light Company; and

It appearing to the Commission that it is in the public interest that the application be granted:

It is therefore ordered, That the jurisdiction reserved in the order heretofore entered herein, on August 16, 1943, with respect to the reasonableness and the allocation of fees and expenses paid or incurred in connection with the sale by Illinois Power Company of its interests in Des Moines Electric Light Company and Iowa Power and Light Company, be and the same is hereby released in so far as the reservation of jurisdiction relates to fees and expenses paid or incurred by Illinois Power Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-47; Filed, January 1, 1944; 4:00 p. m.]

[File No. 70-789]

CONSOLIDATED ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of December 1943.

Consolidated Electric and Gas Company, a registered holding company, on its own behalf and on behalf of those of its subsidiary companies which join with it in the filing of consolidated Federal income and excess profits tax returns, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 12 (b) and 12 (f) and Rule U-45 thereof regarding a proposed amendment to the agreement presently in effect among said companies relative to the allocation of such taxes so that said agreement, as amended, will provide that if any subsidiary company which is a party to said agreement shall sell or exchange all or a substantial part of its assets, any loss resulting therefrom shall be excluded in computing the amount to be paid by each subsidiary (party to said agreement) to the parent company as its said share of the consolidated tax liability;

A public hearing having been held on said declaration, after appropriate notice, and the Commission having examined the record and made and entered its findings herein;

It is ordered, That said declaration of Consolidated Electric and Gas Company on its own behalf and on behalf of certain of its subsidiary companies be, and is hereby, permitted to become effective, subject, however, to the terms and conditions contained in Rule U-24 of this Commission, and the further conditions that the Commission reserves jurisdiction over the use of the funds to be derived from the proposed transaction by Consolidated Electric and Gas Company, that adequate disclosure be made upon the books and financial statements of the subsidiaries affected so as to indicate clearly the nature of the payments to be made to the parent company as a result of the amendment of the abovementioned agreement, and that the proposed amendment of said agreement shall be so reworded as to apply only to Federal income and excess profits taxes for the year 1943, without prejudice to the filing by Consolidated Electric and Gas Company and its subsidiary companies of declarations relative to the allocation of taxes for future taxable years.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-48; Filed, January 1, 1944; 4:00 p. m.]

[File No. 812-279]

ULEN REALIZATION CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of December, A. D. 1943.

Ulen Realization Corporation having filed an application under section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 8 (b) of the Act relating to the filing of a registration statement, section 30 (a) relating to the filing of annual reports, section 30 (b) (1) and Rule N-30B-1 promulgated thereunder, relating to the filing of quarterly reports and section 30 (d) relating to the transmittal of reports to stockholders;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on January 10, 1944, at 10:00 a. m., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Henry C. Lank, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-49; Filed, January 1, 1944; 4:01 p. m.]

[File No. 70-824]

THE COMMONWEALTH & SOUTHERN CORP. AND OHIO EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 30th day of December, A.D. 1943.

The Commonwealth & Southern Corporation, a registered holding company, and Ohio Edison Company, a subsidiary thereof, having filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder in regard to the proposed retirement by Ohio Edison Company of 96,598 shares of its preferred stock constituting all the shares of the $6.00 series, $7 series and $7.20 series outstanding, of which 84,464 shares are held by the public and 12,134 shares are owned by The Commonwealth & Southern Corporation; and

The Commonwealth & Southern Corporation and Ohio Edison Company having consented to a reservation of jurisdiction by this Commission which provides that if the Commission should determine that the acquisition by Ohio Edison of its preferred shares held by The Commonwealth & Southern Corporation in the manner proposed in the declaration would not be appropriate under the standards of section 12 (c) or other applicable provisions of the act, then the transfer of the shares shall be deemed to be a contribution by The Commonwealth & Southern Corporation to the common stock equity of Ohio Edison Company, such reservation of jurisdiction also covering the accounting entries to reflect any such contribution; and

A public hearing having been held after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That pursuant to the applicable provisions of said act and the rules thereunder the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith, subject, however, to a reservation of jurisdiction, consented to by the declarants, in the terms set forth above, and to a further reservation of jurisdiction to determine the cost of the preferred shares to The Commonwealth & Southern Corporation or its predecessors, and to the terms and provisions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-50; Filed, January 1, 1944; 4:01 p. m.]

[File No. 70-834]

UNITED GAS CORP. AND HOUSTON GAS SECURITIES CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of December, A. D. 1943.

United Gas Corporation, a subsidiary of Electric Power & Light Corporation, which, in turn, is a subsidiary of Electric Bond and Share Company, both registered holding companies, and its subsidiary, Houston Gas Securities Company, all of whose capital stock is owned by United Gas Corporation, having filed a joint declaration and amendment thereto pursuant to sections 6 (a) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder concerning the following transactions:

United Gas Corporation will acquire by merger all of the assets and will assume all of the obligations of Houston Gas Securities Company, including its 5% Collateral Trust Gold Bonds due March 1, 1952, of which $3,900,000 principal amount are outstanding. United Gas Corporation will enter into an agreement with Houston Gas Securities Company and the Chase National Bank of the City of New York, trustee under the collateral trust indenture underlying said bonds, providing for such assumption.

The only indebtedness of Houston Gas Securities Company other than the said bonds consists of current liabilities which at October 31, 1943, totalled $162,979.29. Its assets consist of $293,772.19 in cash, $122,850 accrued interest receivable and $4,585,000 principal amount of Twenty-year 6% Gold Debentures due March 1, 1952 and $3,650,000 principal amount of 6% Debentures due July 1, 1953 of United Gas Public Service Company, all assumed by United Gas Corporation.

Said declaration having been filed on December 9, 1943, and said amendment having been filed thereto on December 18, 1943, and notice of filing having been given in the form and manner prescribed in Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said declaration within the time specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-51; Filed, January 1, 1944; 4:01 p. m.]

[File No. 812-341]

PETROLEUM CORPORATION OF AMERICA, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of December A. D. 1943.

In the matter of Petroleum Corporation of America, Sinclair Oil Corporation, and Adams Express Company, file No. 812-341.

Petroleum Corporation of America ("Petroleum") and Adams Express Company ("Adams"), both registered closed-end management investment companies, and Sinclair Oil Corporation ("Sinclair"), have filed a joint application for an order pursuant to sections 17 (b) and 23 (c) (3) of the Investment Company Act of 1940, exempting from the provisions of section 17 (a) and permitting under the provisions of section 23 (c) (3) of the Act, a transaction whereby Petroleum proposes to offer to each of its stockholders the right to exchange his stock for his pro rata share of each class of securities owned by Petroleum, together with his pro rata share of Petroleum's net cash, less 1% of the total value of his pro rata share of all net assets. The proposed transaction involves, in addition, the purchase by Sinclair from Petroleum, at the closing market or bid prices on the day when the offer to stockholders expires, of such portfolio stocks of Petroleum as may be sold to provide cash to be paid to stockholders in lieu of fractional interests in the portfolio securities of Petroleum allocable to such shares of stock of Petroleum as may be exchanged pursuant to the offer. The application requests an order of exemption from the provisions of section 17 (a) of the act insofar as the provisions of said section prohibit the purchase of portfolio securities from Petroleum by Sinclair, Adams, and other affiliated persons or affiliated persons of affiliated persons of Petroleum. Sinclair and Adams are affiliated persons of Petroleum by reason of the ownership of 783,776 shares and 135,600 shares, respectively, of the capital stock of Petroleum, constituting in each case more than 5% of the outstanding voting securities of Petroleum.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on January 10, 1944, at 10:00 a. m., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Henry C. Lank, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Petroleum Corporation of America, Sinclair Oil Corporation, Adams Express Company and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-84; Filed, January 3, 1944; 10:16 a. m.]

[File Nos. 59-26, 70-403]

FLORIDA POWER AND LIGHT CO., ET AL.

ORDER APPROVING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December, A. D. 1943.

In the matter of Florida Power & Light Company, American Power & Light Company, and Electric Bond and Share Company, File No. 59-26; Florida Power & Light Company and American Power & Light Company, File No. 70-403.

The Commission having instituted proceedings under sections 11 (b) (2), 12 (b), 12 (c), 12 (f) and 15 (f) of the Public Utility Holding Company Act of 1935 directed to Florida Power & Light Company, an electric and gas utility, its corporate parent, American Power & Light Company, a registered holding company, and Electric Bond and Share Company, also a registered holding company, raising issues therein as to: the existence of substantial write-ups in the plant account; the adequacy of the reserve for retirements and depreciation; the necessity for stopping dividends on preferred and common stocks held by American, and interest on the debentures owned by American; the existence of an unfair and inequitable distribution of voting power among its various classes of security holders, the steps necessary to cure such inequities, if found to exist, including subordination to publicly-held securities of American Power & Light Company's holdings of Florida Power & Light Company's preferred stock and debentures; and the treatment to be afforded certain sums received by American Power & Light Company from Florida Power & Light Company, on or about July 1, 1941 as dividends on preferred stock; and

Florida Power & Light Company and American Power & Light Company having filed joint applications and declarations with amendments thereto under sections 6, 7, 9, 10 and 12 of said act relating to: the issuance and sale by Florida Power & Light Company to the public of $45,000,000 principal amount of first mortgage bonds and $10,000,000 principal amount of sinking fund debentures pursuant to the competitive bidding requirements of Rule U-50 under the said act; the issuance and sale of $5,000,090 principal amount of serial notes to certain banks and institutions; the issuance of $5,000,000 principal amount of sinking fund debentures to American Power & Light Company in exchange for $5,000,000 debentures presently held by that company; the surrender by American Power & Light Company to Florida Power & Light Company, as a capital contribution to the latter company, of $17,000,000 principal amount of the debentures, 13,477 shares of the $7 preferred stock, 10,000 shares of the $6 preferred stock, and 20,000 shares of the second preferred stock of the latter company; and the transfer by American Power & Light Company, as a capital contribution to Florida Power & Light Company, of the notes, open account indebtedness, and capital stock of Utilities Land Company (a wholly-owned subsidiary of American Power & Light Company); and these proceedings by order having been consolidated with the aforesaid proceedings instituted by the Commission; and

Samuel Okin having filed a request for leave to intervene in the above consolidated proceedings and having requested oral argument and permission to file a brief therein, and having been granted limited participation by the trial examiner; and

Public hearings having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

(1) *It is hereby ordered*, Pursuant to sections (15) (f) and 20 (a) of the Public Utility Holding Company Act of 1935 that Florida Power & Light Company shall make upon its books of account the following adjustments:

(a) Florida shall, by appropriation from earned surplus (including earned surplus made available by transfer from insurance reserve), increase its reserve for property retirements in the amount of $2,400,000 as proposed by Florida;

(b) Florida shall, by charge to earned surplus, eliminate from its plant account, the known system write-up therein in the amount of $27,615,043.91;

(c) Florida shall, by charge to earned surplus, eliminate from its plant account interest on excess capacity capitalized therein in the amount of $1,888,067.20;

(d) Florida shall, by charge to earned surplus, eliminate from its plant account capital stock expense capitalized therein in the amount of $114,728.00;

(2) *It is further ordered*, That Florida Power & Light Company shall classify in Account 107 and eliminate from the plant account by charge to earned surplus not later than December 31, 1944, an amount of $1,815,655 consisting of capitalized intra-system profits paid to affiliated companies as construction and engineering fees;

(3) *It is further ordered*, That Florida Power & Light Company, as a provision for the disposition of the capitalized intra-system profits ordered in paragraph (2) above to be classified in Account 107 and eliminated from the plant account by charging to earned surplus, shall each month during the calendar year 1944 retain out of, and shall restrict, earned surplus in an amount of not less than one-twelfth (1/12) of $1,815,655 until such time as a total of $1,815,655 shall have been retained and restricted and shall indicate by appropriate footnotes to all published financial statements that its earned surplus is subject to that restriction; compliance with such order so restricting surplus to be without prejudice to respondents' right to contest the classification of said $1,815,655 in Account 107 and the elimination of such item;

(4) *It is further ordered*, That pending final determination of the amount and disposition to be made of Account 100.5 items presently in the plant account of Florida, Florida shall annually, beginning with the calendar year 1944, appropriate out of earned surplus to a contingency reserve, at least $700,000, such act of appropriation to be without prejudice, however, to respondents' right to contest the validity of any definitive order with respect to such items as may ultimately be issued;

(5) *It is further ordered*, That the provisions of paragraphs (2), (3), and (4) above shall be deemed severable from the remaining portions of this order and shall not be deemed conditions to the granting of the applications and the effectiveness of the declarations with respect to the transactions proposed by applicants-declarants which are approved in paragraph (6) hereof;

(6) *It is further ordered*, That said applications, as amended, be, and hereby are, granted, and said declarations, as amended, subject to Commission approval by further order of the terms of the bond and debenture financing which shall be determined by competitive bidding, and subject to Commission approval by further order of the terms of the serial note issue to be supplied by amendment, be, and hereby are, permitted to become effective forthwith, all subject to the terms and conditions contained in Rule U-24, and subject to the further condition that prior to or concurrently with the final closing with respect to the sale of the proposed bonds and debentures American Power & Light Company shall have made the proposed capital contributions to Florida Power & Light Company and Florida Power & Light Company shall have made upon its books of account the accounting adjustments proposed by it and hereinbefore ordered by us to be made in paragraph (1), subparagraphs (a), (b), (c) and (d) above.

(7) *It is further ordered*, That jurisdiction be, and hereby is, reserved over all fees, commissions, or other remunerations to be paid in connection with the said joint applications and declarations;

(8) *It is further ordered*, That the restriction contained in our order of July 10, 1941, which required American Power & Light Company to retain in a special account the dividends received on or about July 1, 1941 on its holdings of Florida's $7 and $6 preferred stock, is hereby terminated; and

(9) *It is further ordered*, That the requests of Samuel Okin for leave to intervene, for oral argument, and for permission to file a brief be, and hereby are, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-83; Filed, January 3, 1944; 10:16 a. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 19]

KENTUCKY BOARDS OF APPEAL NOS. 2 AND 3

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with recommendations of the Honorable Simeon S. Willis, Governor of the State of Kentucky, and Colonel Frank D. Rash, State Director of Selective Service for the State of Kentucky, I hereby order and direct:

That the State Director of Selective Service for the State of Kentucky is hereby authorized to disestablish the

board of appeal areas for Boards of Appeal Nos. 2 and 3, State of Kentucky, and to establish one board of appeal area coextensive with the counties of Adair, Anderson, Barren, Breckenridge, Bullitt, Carroll, Clinton, Cumberland, Franklin, Crayson, Green, Hardin, Hart, Henry, Jefferson, Larue, Marion, Meade, Metcalfe, Monroe, Nelson, Oldham, Owen, Russell, Shelby, Spencer, Taylor, Trimble and Washington, State of Kentucky.

LEWIS B. HERSHEY,
Director.

JANUARY 1, 1944.

[F. R. Doc. 44-38; Filed, January 1, 1944; 3:17 p. m.]

[Order 232]

REPLACEMENT SCHEDULE CERTIFICATION AND INDIVIDUAL CERTIFICATION

ORDER PRESCRIBING FORMS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 400-A, entitled "Replacement Schedule Certification",[1] effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 401-A, entitled "Individual Certification,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 31, 1943.

[F. R. Doc. 44-39; Filed, January 1, 1944; 3:17 p. m.]

WAR FOOD ADMINISTRATION.

[P. S. Docket 402]

MARKET AGENCIES AT UNION STOCKYARDS, CHICAGO, ILL.

NOTICE OF PETITION FOR MODIFICATION

In re: Market agencies doing business at the Union Stock Yards, Chicago, Illinois (formerly styled C. H. Acker, doing business as C. H. Acker & Company et al.), respondents.

By orders dated January 8 and March 12, 1934, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 1940 ed. 181 et seq.), maximum rates and charges for selling and buying livestock by market agencies at the Union Stock Yards, Chicago, Illinois, were prescribed. By orders dated June 28, July 8 and July 10, 1941, pursuant to petitions filed by the market agencies, the Assistant Secretary of Agriculture, with the consent of the petitioners, temporarily suspended the provisions of the orders of January 8 and March 12, 1934, for a trial period for the purpose of testing a simplified rate structure. By supplemental orders entered on June 30, 1942, December 29, 1942, and June 30, 1943, all the provisions of the orders of June 28, July 8 and July 10, 1941, as amended by an order dated November 27, 1941, were extended to December 31, 1943. Under the orders dated June 28, July 8 and July 10, 1941, the provisions of which have been extended to December 31, 1943, the petitioners have been permitted to collect and assess higher rates than the maxima prescribed in the orders of January 8 and March 12, 1934.

On or about November 30, 1943, the market agencies, members of the Chicago Live Stock Exchange (respondents herein), filed a petition, which was amended on December 30, 1943, seeking a further modification of the orders heretofore entered in this docket. In their petition, as amended, the respondents requested that a supplemental consent order be entered which would permit the respondents to continue the rates now in effect for a further period of six months from January 1 to June 30, 1944, inclusive, with the exception that the respondents also seek to have cattle and calves denominated as separate species for rate purposes. The effect of such modification would result in additional revenue to the respondents because its effect would be to place consignments of livestock containing cattle and calves into rate brackets calling for the assessment of higher rates.

It appears that public notice should be given to all interested persons of the request of the members of the Chicago Live Stock Exchange (respondents herein) for a further modification of the orders entered in this docket and to afford all interested persons, including patrons of the respondents, an opportunity to manifest their desire to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the request of the members of the Chicago Live Stock Exchange (respondents herein) for a further modification of the orders entered in this docket and for the purpose of affording said respondents and all other interested persons, including patrons of the respondents, an opportunity to be heard upon the matters covered in the petition.

All interested persons who desire to be heard shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within fifteen days from the date of the publication of this order.

Copies hereof shall be served on the respondents by registered mail or in person.

Done at Washington, D. C., this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-6; Filed, January 1, 1944; 11:24 a. m.]

[P. S. Docket 1598]

FOUST-YARNELL STOCK YARDS

ORDER OF INQUIRY AND NOTICE OF HEARING

This proceeding is instituted pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 *et seq.*), hereinafter referred to as the act, and the following allegations are made:

1. Foust-Yarnell Stock Yards, a corporation (hereinafter referred to as the respondent), is engaged in the business of operating a stockyard at Chattanooga, Tennessee, known as the Foust-Yarnell Stock Yards, which has been found by the Secretary of Agriculture to be a "stockyard" within the meaning of that term as it is defined in the act, and notice of such finding has been given to the owner and to the public, as required by the act.

2. The respondent is also registered under the act as a market agency and dealer. The respondent, in the capacity of a market agency and stockyard owner, is engaged in the business of buying and selling livestock on commission and of furnishing "stockyard services", in commerce, within the meaning of that term as it is defined in the act, at the stockyards known as the Foust-Yarnell Stock Yards, located at Chattanooga, Tennessee.

3. Pursuant to the provisions of the act, the respondent has heretofore filed and put into effect schedules of rates and charges for facilities furnished and services rendered by it as a stockyard owner and market agency.

4. Upon the basis of information in the possession of the War Food Administration, there is reason to believe that the tariff schedules of respondent now in effect contain rates and charges which are unreasonable and otherwise unlawful.

It is concluded that a proceeding should be instituted, under the provisions of the act, for the purpose of determining the reasonableness and lawfulness of all rates and charges of the respondent and of any rule, regulation or practice affecting said rates and charges, and whether any services are rendered by the respondent as a stockyard owner or market agency without making a lawful charge therefor.

It is, therefore, ordered, That notice to the respondent shall be and it is hereby given that a hearing covering the matters and things alleged herein shall be held before an examiner at a time and place of which the respondent shall have at least ten days' notice. At such hearing the respondent and all other interested persons shall have a right to appear and to present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington 25, D. C., within twenty days from the date of the publication of this order.

It is further ordered, That a copy hereof shall be served upon the respondent by registered mail, and that this order shall be filed in the office of the Director of the Division of the Federal Register.

[1] Filed as part of the original document.

Done at Washington, D. C., this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-7; Filed, January 1, 1944; 11:24 a. m.]

BAKERY PRODUCTS

DELEGATION OF AUTHORITY

Pursuant to the authority vested in the Director of Food Distribution by Food Distribution Order 1, issued on December 29, 1942 (7 F.R. 11105), as amended on December 11, 1943 (8 F.R. 16777), and to effectuate the purposes of such orders, the Administrator of Food Distribution Order 1 or, in his absence or inability to act, the Alternate Administrator is hereby authorized, under the direction and supervision of the Chief of the Grain Products Branch, to grant specific authorizations to bakers to make or sell in or from any one bakery during any week more than 20 varieties of bread or 12 varieties of rolls.

The authority delegated herein is in addition to any authority heretofore conferred upon the Administrator or the Alternate Administrator of Food Distribution Order 1.

Nothing contained herein shall be construed to affect any power or authority vested in the Director of Food Distribution.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-36; Filed, January 1, 1944; 3:33 p. m.]

WAR PRODUCTION BOARD.

SUN OIL CO.

NOTICE OF REVOCATION OF SPECIAL DIRECTIONS

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with high octane gasoline facilities construction projects to which urgency number listed below was assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency Rating Number, Builder's Serial Number, Company, Address, and Location of Project

15, 3088, Sun Oil Co., 1608 Walnut Street, Philadelphia, Penn., Marcus Hook, Pennsylvania.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-12; Filed January 1, 1944; 11:28 a. m.]

AMALGAMATED STEEL COMPANY

CONSENT ORDER

H. S. Meshorer, doing business as a steel warehouse under the name of Amalgamated Steel Company, at 7835 Broadway Avenue, Cleveland, Ohio, was found in an investigation conducted by representatives of the War Production Board to have violated Supplementary Order M-21-b and General Preference Order M-21-b-1 by accepting into its warehouse stock 206.8 tons of steel products in excess of its quota, between October 1st, 1941, and June 30th, 1943. H. S. Meshorer admits the violations as charged, and has consented to the issuance of this order, but the Company states that the violation was not deliberate and resulted from misunderstanding and misinterpretation of General Preference Order M-21-b:

Wherefore, upon the agreement and consent of H. S. Meshorer, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) During the first quarter of 1944 and the second quarter of 1944, which quarters cover the period from January 1st, 1944, to June 30th, 1944, H. S. Meshorer, his successors or assigns, doing business as Amalgamated Steel Company, or under any other name, shall not receive into his warehouse stock general steel products as defined in General Preference Order M-21-b-1, as amended, of the product group and type authorized by its Warehouse Certificate, in an amount greater than a total of 234 tons, unless hereafter specifically authorized in writing by the War Production Board.

(b) For the purposes of this order the word "steel" as used herein shall bear the same meaning as defined in paragraph (b) of General Preference Order M-21-b-1, as amended, and shall include any steel purchased from idle or excess inventories pursuant to paragraph (d) of General Preference Order M-21-b-1, as amended, the provisions of this paragraph to the contrary notwithstanding.

(c) Nothing contained in this order shall be deemed to relieve H. S. Meshorer, his successors or assigns, doing business as Amalgamated Steel Company, or under any other name, from any restrictions, prohibitions or provisions contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect upon the date of issuance and shall expire June 30th, 1944, at which time it shall have no further force or effect.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-66; Filed, January 1, 1944; 4:30 p. m.]

WAR SHIPPING ADMINISTRATION.

"CHILKOOT"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress).

Whereas on March 16, 1943 title to the vessel "Chilkoot" (208841), (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: December 31, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 44-100; Filed, January 3, 1944; 10:58 a. m.]

JAN 6 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 3

Washington, Wednesday, January 5, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79–103]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MEMPHIS, TENN., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79, (8 F.R. 12428), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.136 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Memphis, Tennessee, metropolitan milk sales area, and is referred to hereinafter as the "sales area": The city of Memphis and all of Shelby County, Tennessee, and the city of West Memphis in Crittenden County, Arkansas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a subhandler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

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FEDERAL REGISTER

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(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 250 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities:* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall immediately inves- Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.01 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-42; Filed, January 1, 1944; 4:03 p. m.]

[FDO 79-104]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CHATTANOOGA, TENN., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.144 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Chattanooga, Tennessee, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Chattanooga and the civil districts 1, 2, 3, and 4 in Hamilton County, Tennessee; and the militia districts of Creek in Dade County, Ninth in Catoosa County, and Lookout Mountain, Lisbon, Rossville, and Chickamauga in Walker County, Georgia.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools; and *Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account

which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.01 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-53; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79-105]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN KNOXVILLE, TENN., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.138 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Knoxville, Tennessee, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Knoxville and Knox County, the towns of Maryville and Alcoa in Blount County, the town of Jefferson City in Jefferson County, and the towns of Lenoir City and Loudon in Loudon County, all in the State of Tennessee.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.01 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-53; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79-106]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN NASHVILLE, TENN., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.137 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Nashville, Tennessee, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Nashville, and Civil Districts Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13 all in Davidson County, Tennessee.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.01 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-54; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79-107]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ATLANTA, GA., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.141 *Quota restrictions.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Atlanta, Georgia, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Atlanta and the counties of Fulton, De Kalb and Cobb all in the State of Georgia.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 125 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.*—Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent,

within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-55; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79-108]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN COLUMBUS, GA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.146 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using an an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Columbus, Georgia, milk sales area, and is referred to hereinafter as the "sales area":

The city of Columbus, Georgia, and the county of Muscogee in the State of Georgia, and the incorporated town of Phoenix-Girard located in Lee and Russell counties in the State of Alabama.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 125 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling of processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of 0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-56; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79-109]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN BIRMINGHAM, ALA., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.142 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Birmingham, Alabama, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Birmingham and the territory located in Jefferson and Shelby counties, located within Jefferson and Shelby counties, Alabama: Beginning at a point nine (9) miles due north of the northeast corner of the Jefferson County Courthouse, Birmingham division, thence running due west for fifteen (15) miles, thence running due south for eighteen (18) miles, thence running due east for twenty-eight (28) miles, thence running due north for eighteen (18) miles, thence running due west for thirteen (13) miles to the point of beginning.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 125 units of milk, cream, and milk

byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44–57; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79–110]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MONTGOMERY, ALA., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.143 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Montgomery, Alabama, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Montgomery and the county of Montgomery in the State of Alabama.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44–58; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79–111]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MUSKEGON, MICH., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.140 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Muskegon, Michigan, milk sales area, and is referred to hereinafter as the "sales area":

The cities of Muskegon, Muskegon Heights and North Muskegon and the townships of Laketon, Muskegon, Fruitport, and Norton, all in the county of Muskegon, Michigan.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.01 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the appoval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-50; Filed, January 1, 1944; 4:02 p. m.]

[FDO 79-112]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN BATTLE CREEK, MICH., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.139 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Battle Creek, Michigan, milk sales area, and is referred to hereinafter as the "sales area":

The city of Battle Creek and the townships of Emmett, Pennfield, Bedford, and Battle Creek, in Calhoun County, Michigan.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which

show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.01 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-60; Filed, January 1, 1944; 4:01 p. m.]

[FDO 79-113]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN WINSTON-SALEM, N. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.147 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Winston-Salem, North Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Winston-Salem in the county of Forsyth in the State of North Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-61; Filed, January 1, 1944; 4:01 p. m.]

[FDO 79-114]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CHARLOTTE, N. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.145 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by 0.906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Charlotte, North Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Charlotte and the township of Charlotte in the county of Mecklenburg in the State of North Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) *Quota period.* Each calendar month, beginning with the effective date of this order, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota and adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota, for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any

quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler, during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 31st day of December 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-62; Filed, January 1, 1944; 4:01 p. m.]

[FDO 21, Amdt. 1]

PART 1415—IMPORTED FOODS

DISTRIBUTION OF TEA FOR CIVILIAN CONSUMPTION

Food Distribution Order No. 21, issued by the Secretary of Agriculture on February 15, 1943 (8 F.R. 2077), is amended to read as follows:

§ 1415.1 *Distribution of tea.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "Commodity" means the Commodity Credit Corporation, War Food Administration.

(4) The term "packer" means any person who packs tea owned by him or who has tea owned by him packed for his account by some other person.

(5) The term "qualified distributor" means a person designated as a qualified distributor in accordance with the provisions of (c) hereof.

(b) *Restrictions.* (1) No person other than a qualified distributor shall purchase tea from Commodity; and each qualified distributor shall purchase tea only from Commodity and only in accordance with an allocation hereunder and pursuant to the provisions of this order.

(2) During the calendar year 1944, and during each subsequent calendar year, the Director shall compute the percentage of the quantity of tea of all types which each qualified distributor may purchase, in accordance with the provisions of this order, from Commodity during each calendar year. Such percentage shall be in the same proportion that each qualified distributor's average annual imports of tea of all types during the calendar years 1940 and 1941 bore to the average annual imports of tea of all types by all the qualified distributors during the calendar years 1940 and 1941.

(3) The Director shall, from time to time, during the calendar year 1944, and during each subsequent calendar year, allocate, in his discretion, to the respective qualified distributors such quantities and types of tea as may be available for sale by Commodity at such time, so as to enable such qualified distributors to fulfil, as nearly as practicable, the requirements of packers' orders received by such qualified distributors: *Provided*, That the total amount so allocated to each qualified distributor shall not, during any calendar year, exceed the total quantity of tea which is obtained by applying the qualified distributor's percentage, computed in accordance with the provisions of (b) (2) hereof, to the total quantity of tea made available for sale by Commodity during such year.

(c) *Designation of qualified distributors.* (1) The Director shall, by publication in the FEDERAL REGISTER, designate as qualified distributors those tea importers, who have indicated a willingness to act as such, and who are, in the judgment of the Director, by reason of their experience, facilities, and personnel, able efficiently to distribute tea to packers and otherwise to discharge the functions and duties which the Director may, from time to time, specify.

(2) Any importer of tea who is not designated as a qualified distributor, as aforesaid, and believes that he is qualified to act as such may submit a petition in writing with the Order Administrator within 15 days after the publication in the FEDERAL REGISTER of any list of qualified distributors. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 21, Special Commodities Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such action shall be in writing and shall set forth the pertinent facts and the reasons which the petitioner considers entitle him to be designated as a qualified distributor. If such petitioner is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. In case any such petitioner is designated as a qualified distributor, the quantity of tea allocated to him shall be computed in accordance with the provisions of (b) (2) and (b) (3) hereof, and the allocations for other qualified distributors shall be recomputed accordingly.

(3) The Director may at any time terminate the designation of a qualified distributor, as such, who (i) fails to enter into the contract offered by Commodity for the purchase of tea and the performance of services incident to the handling of tea, (ii) after contracting with Commodity, as aforesaid, fails to comply with the terms of such contract, or (iii) violates any provision of this order.

(4) A qualified distributor may terminate his designation as such upon giving the Director at least 30 days' written notice of such intention to terminate.

(d) *Appointment of collaborator to serve as tea allocation supervisor.* The Director may appoint a person to serve as tea allocation supervisor and, insofar as he performs functions for the United States, such person shall act under his appointment as a collaborator without compensation from the United States.

(e) *Contracts.* The provisions of this order and of any regulations or orders issued in pursuance hereof shall be observed without regard to contracts heretofore or hereafter entered into or any rights accrued or payments made thereunder.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of tea of any person and to make such investigations, as may be necessary or appropriate, in the discretion of the Director for the enforcement or administration of the provisions of this order.

(g) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the discretion of the Director for the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall maintain, for at least two years or for such other period of time as the Director may designate, an accurate record of his transactions in tea.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 21, Special Commodities Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final.

(j) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using tea or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Communications.* All reports required to be filed and all communications concerning this order shall be addressed to Order Administrator, Food Distribution Order No. 21, Special Commodities Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref. FDO 21.

(l) *Food Distribution Order No. 18, as amended, not abrogated or suspended.* The provisions of this order shall not be construed to abrogate or suspend Food Distribution Order No. 18, as amended (8 F.R. 1778, 3244, 8388, 9103), or Food Distribution Order No. 18-3, as amended (8 F.R. 8389, 9103, 12122, 13434).

(m) *Effective date.* This amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 21, prior to the effective time of this amendment, said Food Distribution Order No. 21, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-70; Filed, January 1, 1944; 4:58 p. m.]

[FDO 21-1]

PART 1415—IMPORTED FOODS

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by Food Distribution Order No. 21 (8 F.R. 2077), issued by the Secretary of Agriculture on February 15, 1943, as amended, and in order to effectuate the purposes thereof, it is hereby ordered, as follows:

§ 1415.7 *Delegation of authority.*—(a) *Definitions.* The definitions contained in Food Distribution Order No. 21, as amended, shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 21, as amended; and when used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "order" means Food Distribution Order No. 21 (8 F.R. 2077), issued by the Secretary of Agriculture on February 15, 1943, as amended.

(2) The term "Order Administrator" means the person designated by the Director to serve as Order Administrator or alternate for the Order Administrator.

(3) The term "tea allocation supervisor" means the person designated by the Director to serve in that capacity.

(b) *Authority delegated.* In accordance with the provisions of the order, there is hereby delegated the following authority:

(1) The Order Administrator shall exercise the authority conferred upon the Director by the provisions of § 1415.1 (b) (2) and § 1415.1 (b) (3) of the order.

(2) Under the supervision of the Order Administrator, the tea allocation supervisor may exercise the authority granted in § 1415.1 (b) (3) of the order.

(c) *Retention of authority by the Director.* Nothing herein contained shall be construed to abrogate any powers or authority vested in the Director by the order.

(d) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 21, as amended, 8 F.R. 2077)

Issued this 1st day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-69; Filed, January 1, 1944; 4:57 p. m.]

[FDO 81, Amdt. 1]

PART 1440—ESSENTIAL OILS

OIL OF PEPPERMINT

Food Distribution Order No. 81 (8 F.R. 12525), issued by the War Food Administrator on September 10, 1943, is amended to read as follows.

§ 1440.1 *Restrictions relative to oil of peppermint*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "oil of peppermint" means: (i) the volatile oil distilled by steam, or processed by any other means, from any variety of the peppermint plant, including, but not limited to, the variaties mentha piperita and mentha arvensis; or (ii) the quantity of oil of peppermint, as defined in (i) above, contained in any blend, compound, or concentrate which is designed or intended for use in further manufacturing operations.

(3) The term "chewing gum" means any preparation of chicle, or other similar substance, which has been sweetened and flavored for chewing, and which contains oil of peppermint.

(4) The term "confectionery" means any preparation of candy, sweetmeats, or other form of sweets, which contains oil of peppermint, including, but not being limited to, peppermint candy and cough drops.

(5) The term "pharmaceutical preparation" means any combination of drugs (other than cough drops) compounded for medicinal use, and which contains oil of peppermint.

(6) The term "dentifrice" means any powder, liquid, or paste, which contains oil of peppermint, and which is generally designed and intended for use in connection with (i) the cleaning of natural or artificial teeth; (ii) the massaging of the gums or palate; or (iii) the stabilizing of dentures, or for use otherwise in connection with dentures.

(7) The term "menthol" means the product, known commercially by that name, which is extracted from oil of peppermint, and which is either a liquid, crystalline, or granular compound, and which has the taste and odor of peppermint.

(8) The term "miscellaneous article" means any finished preparation or product (other than chewing gum, confectionery, pharmaceutical preparations, dentifrices, or menthol) which contains oil of peppermint, including, but not being limited to, soaps.

(9) The term "year" means the consecutive 12-month period extending from October 1 of any calendar year to September 30 of the following calendar year, both inclusive.

(10) The term "calendar quarter" means any consecutive three-month period beginning either October 1, or January 1, or April 1, or July 1 of any year.

(11) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions on use of oil of peppermint.* (1) No person shall, in any calendar quarter, use oil of peppermint in any class of use, listed in the following schedule in excess of the quantity equal to the percentage, specified in such schedule, of his use of oil of peppermint in that same class of use during the corresponding calendar quarter in 1941:

Class of use:	Permitted percentages of 1941 use
Manufacture of chewing gum	70
Manufacture of confectionery	70
Manufacture of pharmaceutical preparations	100
Manufacture of dentifrices	75
Manufacture of miscellaneous articles	70

Any person who did not manufacture the particular product during the corresponding calendar quarter in 1941 may, upon making written application therefor to the Director and furnishing such information as the Director may require, be granted a use quota, for the manufacture of such product, for the calendar quarter or calendar quarters specified by the Director and in such amount as the Director may deem to be necessary or appropriate in the public interest and to promote the national defense. The Director is hereby authorized to grant or refuse to grant a quota to any such person who submits an application and information, as aforesaid; and the Director may modify, amend, or rescind any such quota granted by him, as aforesaid. No person shall, in any calendar quarter, use more oil of peppermint in the manufacture of menthol than the quota which has been granted to him by the Director.

(3) Any person who has, during the period between the effective date (September 13, 1943) of Food Distribution Order No. 81 (8 F.R. 12525), and the effective date (November 1, 1943) of this amendment to said order, used oil of peppermint in any class of use referred to in (1) or (2) of this paragraph (b) in an amount in excess of 30 percent of the quantity of oil of peppermint used by him in the same class of use during the corresponding period in 1941, pursuant to authorization by the Director on a petition for relief from hardship, filed in accordance with the provisions of paragraph (g) of said Food Distribution Order No. 81, shall deduct, in the manner specified in the last sentence of this paragraph (3), such amount used in excess of 30 percent of the amount used for the same purpose or purposes, during the corresponding period in 1941, from his quota of oil of peppermint for the same class of use. Any person who has, during the period between the date on which this amended order is made effective (November 1, 1943) and the date on which this amended order is issued (January 1, 1944) used more oil of peppermint in any class of use referred to in (1) or (2) of this paragraph (b) than his quota specified in this amended order for the same class of use during the calendar quarter in which such period is included, shall not, on that account, be deemed to have violated the provisions of either such original order or this amended order in any case where the Director had previously authorized, pursuant to action taken by him on a petition for relief from hardship filed in accordance with the provisions of paragraph (g) of said Food Distribution Order No. 81, such use to that extent; but any such excess amount so used shall be deducted, in the manner specified in the next sentence of this paragraph (3), by such person from his quota of oil of peppermint for the same class of use provided for in this amended order. Any excess use of oil of peppermint referred to in the two preceding sentences shall be deducted by the user from his quota of oil of peppermint for the same class of use for any subsequent calendar quarter which he may elect prior to the calendar quarter which will begin on October 1, 1944.

(4) Any person may ship oil of peppermint outside the limits of the 48 States of the United States and the District of Columbia in any case where he has obtained authorizations for such shipment as may be required by the appropriate Federal governmental organizations other than the War Food Administration.

(c) *Quota exemptions.* The restrictions as to the use of oil of peppermint, as contained herein, shall not apply, in any quota period, to any person who used oil of peppermint during 1941 in his manufacturing operations, or other uses, but whose aggregate use of oil of peppermint in such current quota period is 10 pounds or less.

(d) *Restrictions on inventory of oil of peppermint.* (1) Any person who had an inventory of oil of peppermint on November 1, 1943, which was in excess of his permitted usage of oil of peppermint for the year (as defined in (a) (9) hereof) is not required by this amended order to dispose of such excess, but he may retain and use it as permitted in (b) hereof: *Provided,* That no such person shall make any further purchase of oil of peppermint, except in accordance with the terms and conditions which are set forth in (2) of this paragraph (d).

(2) No person, other than the person who had an inventory of oil of peppermint on November 1, 1943 which was in excess of his permitted usage, as provided in (1) of this paragraph, shall, on or after November 1, 1943, own, control, or have in his possession (either personally, or through an agent, or bailee) more oil of peppermint in the aggregate during any year (as defined in (a) (9) hereof) than his quota of oil of peppermint for that year. That is, the total requirements of oil of peppermint by any person (either personally, or through an agent, or bailee) during any such year shall not, when added to the amount of oil of peppermint which he had on hand (either personally, or through an agent, or bailee) unused at the beginning of that year, exceed his quota of oil of peppermint for such year: *Provided,* That any person may carry on hand at any one time, in addition to the amount authorized in the two preceding sentences, a stock of oil of peppermint sufficient to meet his requirements for the next succeeding 90 days in manufacturing products for delivery to or for the account of the agencies or persons listed or referred to in (f) hereof. *Provided further,* That the Director may, if he shall deem it desirable to do so at any time, fix the amount of oil of peppermint which any such person may carry on hand for such non-quota use, in which event the amount so fixed by the Director shall be the maximum amount which may be carried on hand for that purpose.

(3) The restrictions set forth in (1) and (2) of this paragraph (d) shall not apply to any person in connection with oil of peppermint which he manufactures, or which he holds, in the capacity of wholesaler or dealer, for sale to others: *Provided,* That those restrictions shall apply in connection with oil of peppermint which he uses in manufacturing other products.

(e) *Carrying over of quotas.* If, in any calendar quarter, any person does not use, in any class of use, his quota of oil of peppermint, as provided for in (b) hereof, he may carry over such unused portion to the succeeding calendar quarter or quarters and use such portion during any such succeeding quarter or quarters in his discretion.

(f) *Non-quota uses.* Notwithstanding the restrictions contained in (b) hereof, and without charge to his quotas thereunder, any person may use any amount of oil of peppermint necessary for the manufacture of any product listed in (b) hereof which is to be delivered to:

(1) The Army, Navy, Marine Corps, or Coast Guard of the United States (including, but not limited to, United States Army post exchanges, United States Navy ships' service departments, and United States Marine Corps post exchanges);

(2) The Food Distribution Administration, War Food Administration (including, but not limited to, the Federal Surplus Commodities Corporation);

(3) The War Shipping Administration;

(4) The Veterans Administration;

(5) The United Service Organizations, Inc.;

(6) Any person who, pursuant to a food distribution regulation, is entitled to purchase oil of peppermint subject to this order;

(7) Any other instrumentality or agency designated by the War Food Administrator;

(8) Any person for use in the manufacture of any product to be delivered to any of the agencies or persons listed or referred to in (1), (2), (3), (4), (5), (6), and (7) of this paragraph (f); or

(9 Any wholesaler or jobber for delivery to any of the agencies or persons listed or referred to in (1), (2), (3), (4), (5), (6), and (7) of this paragraph (f): *Provided, however,* That the responsibility shall be upon the person claiming such exemption for non-quota use to establish, to the satisfaction of the Director, that the oil of peppermint involved was actually used in the manufacture of the products delivered to one or more of the exempt agencies or persons listed or referred to above.

(g) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(h) *Territorial extent.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of oil of peppermint of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(j) *Records and reports.* (1) Each person who uses oil of peppermint and who used more than 40 pounds of oil of peppermint in any calendar year during 1941, 1942, or 1943 shall, within 30 days after the date of the issuance of this amended order, report to the Director on Form No. FDO 81-2 the number of pounds of oil of peppermint used by him in any of those years, and the quantity of oil of peppermint which he had on hand (either personally, or through an agent, or bailee) on December 31, 1943.

(2) The Director shall be entitled to obtain such other information from, and require such other reports and the keeping of such other records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in oil of peppermint.

(4) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 81, Special Commodities Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using oil of peppermint, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provisions of this order.

(m) *Delegation of authority.* The Administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(n) *Communications.* All reports required to be filed and all communications concerning this order shall be addressed to Order Administrator, Food Distribution Order No. 81, Special Commodities

Branch, Food Distribution Administration, Washington 25, D. C., Ref. FDO 81.

(c) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., November 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-71; Filed, January 1, 1944; 4:57 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—War Relocation Authority

PART 5—ISSUANCE OF LEAVE FOR DEPARTURE FROM A RELOCATION AREA

Pursuant to the provisions of Executive Order No. 9102 of March 18, 1942, Part 5, Chapter I, Title 32 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.
5.1 Types of leave.
5.2 Application for leave.
5.3 Proceedings upon application for leave.
5.4 Appeals; requests for reconsideration.
5.5 Leave assistance; reports during leave.
5.6 Modification of leave.
5.7 Restrictions on leave.
5.8 Expiration of leave.
5.9 Definitions.
5.10 Effective date.
5.11 Forms.

AUTHORITY: §§ 5.1 to 5.11, inclusive, issued under E.O. 9102, 7 F.R. 2165.

§ 5.1 *Types of leave.* Leaves are of the following types:

(a) A short term leave, for not more than sixty days, for attending to affairs requiring the applicant's presence outside the relocation area;

(b) A seasonal work leave, for seasonal employment and residence outside the relocation area; and

(c) An indefinite leave, for indefinite employment, education, or residence outside the relocation area.

§ 5.2 *Application for leave.* Any person residing within a relocation center who has been evacuated from a military area or who has been specifically accepted by the War Relocation Authority for residence within a relocation center may apply for leave. No such person shall depart from a relocation area before receiving leave.

§ 5.3 *Proceedings upon application for leave.* (a) Short term leaves, seasonal work leaves, and indefinite leaves may be issued by the project director in accordance with the provisions of this part, as supplemented by instructions issued by the Director from time to time.

(b) Except as may otherwise be determined by the Director, every person eligible to apply for leave who is 17 years of age or older shall file an application for leave clearance before he shall be eligible for leave. After such investigation as may be prescribed by instructions issued by the Director, the project director shall forward the application to the Director with his recommendations. The Director will secure from the Federal Bureau of Investigation such information as may be obtainable and will take such additional steps as may be necessary to determine the probable effect of the issuance of indefinite leave to the applicant upon the war program and upon the public peace and security. The Director will thereupon approve or disapprove the application and instruct the project director accordingly. A person whose application for leave clearance is disapproved shall be ineligible to receive indefinite leave and shall be transferred to the Tule Lake Center in northern California. A person resident at the Tule Lake Center whose application for leave clearance is approved shall be transferred to another center.

(c) Indefinite leave may be issued prior to approval of an application for leave clearance only in accordance with instructions issued by the Director from time to time. In the case of each application for indefinite leave, the Director will cause such steps to be taken as may be necessary to satisfy himself concerning the applicant's willingness to make the reports required of him under the provisions of this part, his means of support, the conditions and factors affecting his successful maintenance of residence at the proposed destination, the probable effect of the issuance of the leave upon the war program and upon the public peace and security, and such other conditions and factors as may be relevant. The Director will issue instructions covering the issuance or denial of indefinite leave in each such case. The project director shall issue or deny indefinite leaves pursuant to such instructions.

(d) A leave shall issue to an applicant in accordance with his application in each case, subject to the provisions of this part and under the procedures herein provided, as a matter of right, where the applicant agrees to make the reports required of him under the provisions of this part and to comply with all applicable provisions hereof, where there is no reasonable cause to believe that he will not have employment or other means of support or that he cannot otherwise successfully maintain residence at the proposed destination, and where there is no reasonable cause to believe that the issuance of leave in the particular case will interfere with the war program or otherwise endanger the public peace and security.

(e) Such special conditions may be attached to the leave to be issued in a particular case as may be necessary in the public interest. The special conditions to be so attached shall be governed by instructions issued from time to time. Every leave issued under the provisions of this part shall state the conditions that are applicable thereto.

(f) The project director shall promptly notify the applicant of the approval or disapproval of an application for leave or leave clearance, and of any special conditions attached to the approval of an application for leave, with a statement of the reasons therefor. In the case where the application for leave has been disapproved, or has been approved subject to special conditions, the project director shall advise the applicant of his right to appeal under the provisions of § 5.4.

(g) An applicant shall be required to arrange with the project director, in conformity with the applicable instructions of the Director, to provide for the support of any dependents of the applicant left in a relocation center.

(h) The project director shall promptly notify the Director of the names of any persons who have failed to return to the relocation center upon expiration of leave.

§ 5.4 *Appeals; requests for reconsideration.* (a) Any applicant whose application for a short term or seasonal work leave has been disapproved or approved with special conditions under § 5.3 may submit to the project director, within ten days following receipt of notice of such action, an appeal requesting the project director to transmit the appeal and all related papers to the Director. The applicant may submit any supplemental written statement he wishes in support of the appeal. Within five days following receipt of such an appeal, the project director shall transmit the appeal and all related papers to the Director, together with any supplemental statement he believes necessary or desirable.

(b) Every person resident at the Tule Lake Center whose application for leave clearance has been disapproved shall upon written request be entitled to reconsideration of his case by the Director. Prior to such reconsideration the request shall be referred to a board of persons designated by the Director who are not employed by the War Relocation Authority in any other capacity. The board shall conduct a full investigation and make findings of fact and recommendations to the Director with respect to the disposition of the request for reconsideration. During the course of such investigation, the applicant shall be given full opportunity to be heard before the board.

(c) The Director will thereupon consider the appeal, or request for reconsideration, as if it were a proper original application, and will issue instructions for the issuance or denial of leave, or the approval or disapproval of leave clearance, as the case may be, in accordance with the applicable provisions of this part. The Director will notify the project director of his disposition of the case, and the project director shall notify the applicant accordingly.

§ 5.5 *Leave assistance; reports during leave.* (a) The project director shall provide transportation for the applicant to whom a leave has been issued to the most convenient railroad or bus station. Assistance in meeting transportation costs to destination and initial subsistence expenses may be provided, in accordance with instructions issued by the Director from time to time, to persons to whom indefinite leave has been granted.

(b) Every seasonal work leave shall require the center resident to report his arrival and every change of address to the relocation officer. Each applicant for indefinite leave shall be required to agree to notify the Director promptly of his arrival at destination, his business or school and residential addresses, and all subsequent changes in school, employment, or residence.

§ 5.6 *Modification of leave.* (a) Any center resident to whom a short term leave has been issued may submit to the project director of the relocation center in which he resides a written application for an extension of such leave for a specified period. Any center resident absent from the center under a seasonal work leave may apply to the relocation officer for an extension of such leave for a specified period. Each such application must be submitted in due time for consideration before the original leave expires. Extensions of leave shall be issued or denied upon the same grounds as applications for original leave. No short term leave shall be prolonged beyond a total period of 60 days. A seasonal work leave may be extended in recurring periods of not more than 60 days if the seasonal employment is not completed or if the applicant obtains other similar employment. There shall be no implied authorization to remain on leave pending disposition of an application for extension.

(b) Any center resident absent from the center under a seasonal work leave may apply to the relocation officer for a modification or change in the travel area specified in the leave.

(c) Any center resident may, while absent from a center under a short term leave, apply to the project director of the center for indefinite leave. Any center resident absent from a center under seasonal work leave may apply for short term leave, indefinite leave, or leave clearance through the relocation officer. Within the limits prescribed by instructions issued by the Director from time to time, applications may be made and processed while the applicant is absent from the relocation center on leave.

§ 5.7 *Restrictions on leave.* (a) No short term leave or seasonal work leave issued under the provisions of this part shall authorize the person to whom the leave is issued to be present in any place except at, or en route to or from, a destination stated in the leave, within the dates stated therein. More than one destination may be stated in the leave where necessary. Such destination shall be defined in terms of towns or counties as accurately as practicable.

(b) An indefinite leave may permit travel unlimited except as to restrictions imposed by military authorities with reference to military areas or zones, or may permit only travel within designated states, counties, or comparable areas.

(c) Whenever the military authorities of the United States require a pass or other authorization to enter any designated area, no leave shall be issued under the provisions of this part to permit entry into such area until the required pass or authorization has been obtained for the applicant. Whenever such military authorities impose restrictions on movement or conduct within the area, the continuance of such leave shall be contingent upon the observance of any such restrictions in addition to the observance of the other conditions of such leave.

(d) When any alien of enemy nationality is issued a leave under the provisions of this part, the leave shall recite that travel to the first destination has been permitted by the Department of Justice, and the project director shall notify the United States Attorney of the judicial district in which the first destination is located concerning the name, description, last residence, destination, and date of departure of such alien. Any subsequent travel within the terms of the leave may take place only with the permission of the United States Attorney for the judicial district including the new point of departure. In addition, the project director shall arrange for the alien to notify the Immigration and Naturalization Service and the Federal Bureau of Investigation of his change of address, in accordance with Department of Justice regulations controlling the conduct of enemy aliens. If such alien has been paroled by order of the Attorney General or the War Department, or released under bond or on his own recognizance pending deportation, leave shall not issue until supervisory arrangements satisfactory to the Immigration and Naturalization Service have been completed.

§ 5.8 *Expiration of leave.* (a) Any leave issued under the provisions of this part shall expire:

(1) On the expiration date stated in the leave; or

(2) On the return to a relocation center, as a resident, of the person to whom the leave has been issued; or

(3) At any time that the person to whom the leave has been issued shall violate any of the conditions applicable to such leave; or

(4) On notice from the Director, the project director, or the relocation supervisor that the leave is revoked pursuant to the provisions of paragraph (b) of this section.

(b) The Director may revoke any leave when conditions are so far changed, or when such additional information has become available, that an original application by such person for leave would be denied under the provisions of this part. The project director may revoke any short term leave and the relocation supervisor may revoke any seasonal work leave on similar grounds. When the project director or relocation supervisor revokes a leave he shall promptly notify the Director.

§ 5.9 *Definitions.* As used in this part:

(a) "Director" means the Director of the War Relocation Authority.

(b) "Project director" means the project director of the War Relocation Authority for the relocation center in which the particular applicant or person to whom a leave has been issued resides or resided at the time application was made.

(c) "Relocation supervisor" means the relocation supervisor of the War Relocation Authority for the area in which the particular person to whom a leave has been issued is to be found.

(d) "Relocation officer" means the relocation officer of the War Relocation Authority for the district in which the particular person to whom a leave has been issued is to be found. A relocation officer is under the immediate supervision of a relocation supervisor; his district comprises a territorial subdivision of the area that is within the jurisdiction of the relocation supervisor.

(e) "Relocation center" means a relocation community administered by the War Relocation Authority for occupancy by persons evacuated from military areas.

(f) "Relocation area" means the entire area, administered by the War Relocation Authority, surrounding a relocation center.

(g) "Applicant" includes the applicant for a leave and every member of his family who seeks to accompany him on the leave.

(h) "Center resident" means a person to whom a short term leave or seasonal work leave has been issued under the provisions of this part.

§ 5.10 *Effective date.* The provisions of this part shall become effective on publication in the FEDERAL REGISTER.

§ 5.11 *Forms.* Applications for leave or leave clearance, leaves, and notices provided for in this part shall be made and issued on the prescribed forms wherever such forms are issued by the Director and distributed to the appropriate offices.

Issued at Washington, D. C., the 1st day of January 1944.

D. S. MYER,
Director.

[F. R. Doc. 44-115; Filed, January 3, 1944; 12:49 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Interpretation 3, as Amended Jan. 4, 1944]

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

The following interpretation is issued with respect to Priorities Reg. 1:

(a) Section 944.2 of Priorities Regulation No. 1 states that a seller must sell his product to any person who presents him with a rated order. Five exceptions under which rated orders may be refused are specified in sub-section (b) of that section. The third exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload

lots may reject a rated order for a less than carload lot.

This exception applies similarly to a person who regularly sells only in multiples of a specified quantity and receives a rated order for a number which is not a multiple of that quantity. For example, a manufacturer who regularly sells his product only in standard shipping packages containing one dozen receives a rated order for 40. He may fill the whole order or he may fill it to the extent of 36 and reject it for 4.

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated AA-4 and 20 rated AA-5. In such a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated AA-4 and 24 rated AA-5 and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) It should be noted that the above exception includes the requirement that "there shall be no discrimination . . . in establishing such prices or terms". This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-142; Filed, January 4, 1944; 11:25 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Limitation Order L-1-g, Revocation]

Section 976.17, *Supplementary Limitation Order L-1-g* is hereby revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Limitation Order L-1-E, as amended simultaneously with this revocation.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-133; Filed, January 4, 1944; 11:23 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-123 as Amended Jan. 4, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of general industrial equipment for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.1 *General Limitation Order L-123*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "General industrial equipment" means new equipment of the kinds listed, from time to time, in list A. General industrial equipment shall be deemed to be new when it has not been delivered to any person acquiring it for use.

(3) "Manufacturer" means any person producing general industrial equipment.

(4) "Distributor" means any person in the business of distributing general industrial equipment.

(5) "Order" means any commitment or other arrangement for the delivery of general industrial equipment, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for general industrial equipment bearing a preference rating of A-1-c or higher.

(ii) Any order for general industrial equipment for the Army, the Navy, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development.

(iii) [Revoked June 7, 1943.]

(b) *Restrictions on acceptance of orders for, and production and distribution of general industrial equipment*—(1) *General restrictions.* (i) No person shall accept any order for general industrial equipment or commence production of any general industrial equipment in fulfillment of any order, whether accepted or not; unless such order is an approved order.

(ii) No person shall deliver, and no person shall accept delivery of, any general industrial equipment, except pursuant to an approved order.

(iii) The restrictions and limitations of this paragraph (b) (1) shall not apply to:

(a) The delivery of general industrial equipment by any manufacturer to any distributor to fill approved orders actually received by such distributor or to replace general industrial equipment delivered by such distributor to fill an approved order.

(b) The extension by any manufacturer of any preference rating certificate to secure materials for the production of general industrial equipment, or

(c) The delivery, prior to February 1, 1944, by any person of any general industrial equipment to a farmer, in accordance with Priorities Regulation 19.

(c) *Non-applicability to repair or maintenance.* (1) The provisions of paragraph (b) shall not apply to any order for, or delivery of, maintenance or repair parts, (i) in an amount not exceeding $1,000 for any single piece of general industrial equipment to be repaired or maintained; or (ii) in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(2) [Revoked February 27, 1943]

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Applicability of other orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, acquire, fabricate or process in any manner, any raw materials, semi-fabricated parts, or finished parts in contravention of terms of any regulation of the War Production Board, effective at the date of any of the transactions specified in this paragraph.

(f) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after May 26, 1942. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-123.

(i) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for general industrial equipment. All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the War Production Board shall from time to time request.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

1. Conveying machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) farm elevators included within the provisions of Order L-26, as amended, (ii) machinery or parts used on board ship in the operation of any vessel, or used in the operation of aircraft, tanks, ordnance, or similar combat equipment, (iii) power and hand lift trucks, (iv) cranes, hoists and platform elevators, (v) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vi) cars and car dumpers, (vii) steel mill tables, (viii), sintering conveyors, (ix) metal pig conveyors, (x) underground mining machinery (other than slope conveyors); and (xi) conveying machinery covered by any order authorized by the War Production Board under Order L-193.

2. Mechanical power transmission equipment (and any important component part thereof) of the following kinds (except (i) equipment or parts used in the operation of any vessel, or in the operation of aircraft, tanks, ordnance or similar combat equipment or (ii) equipment covered by any order authorized by the War Production Board under Order L-193:

(a) Open and enclosed gearing for transmitting more than ¼ horse power; except marine propulsion gears, gears used as an integral part of a machine, gears built into a turbine, and gears used on household manually powered, automotive, or farm machinery;

(b) Mechanical drives and parts thereof for transmitting more than ¼ horse power; except belting, drives used as an integral part of a machine and drives used on household, manually powered, automotive, or farm machinery.

3. [Revoked Feb. 27, 1943]

4. Turbo blowers, except turbo blowers covered by the provisions of Limitation Order L-163.

5. Industrial compressors and vacuum pumps, mechanically operated, all types; except "Critical Compressors" as defined in General Limitation Order L-100, and units having a displacement of less than one cubic foot per minute.

6. [Revoked Feb. 27, 1943]

7. [Revoked Feb. 27, 1943]

8. Stationary steam engines, except marine engines and steam engine generator sets.

9. Air washers.

10. Heat exchangers; except (i) heat exchangers for domestic use, (ii) heat exchangers covered by the provisions of Limitation Order L-172, (iii) surface condensers, (iv) unit heaters, (v) unit ventilators, (vi) blast heating surfaces not enclosed in a pressure vessel, and (vii) convectors designed and used solely for comfort heating of building spaces or for processes requiring heat. "Surface Condenser" means any device consisting of a shell and bare tubes, including auxiliary air removal equipment when such auxiliary equipment is purchased with and used on said device, which condenses exhaust steam from a steam driven prime mover for the purpose of maintaining a minimum absolute exhaust pressure.

11. Industrial dust collectors.

12. [Revoked Feb. 27, 1943]

13. Portable (platform type) elevators and steel platforms. "Portable (platform type) elevator" means any device mounted on wheels or casters with either power operated or hand operated lift, used primarily to elevate and lower material for the purpose of tiering or stacking; and "steel platform" means any steel platform or skid, with or without box tops or enclosures, standing on legs or legs and wheels, designed for use in handling material in conjunction with hand or power operated lift trucks, portable (platform type) elevators, lift jacks or other similar devices.

14. [Revoked Feb. 27, 1943]

15. [Revoked Feb. 27, 1943]

16. [Revoked Feb. 27, 1943]

17. Safety switches and knife switches, single and double throw, two, three and four pole, rated 60 amperes and higher, 600 volts and below.

18. Circuit breakers, thermal and magnetic trip, manually and electrically operated, rated 50 to 575 amperes, inclusive, 600 volts and below.

19. Lifting magnets, circular type, 18 inches in diameter and larger; and lifting magnet controllers.

20. Dynamometers, electric type; and rotary converters.

21. Electric motors, rated less than one horsepower; except motors used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers and off-the-highway motor vehicles, as defined in Order L-156, or in the operation of stationary automotive type engines.

INTERPRETATION 1

General industrial equipment shall be considered to be delivered, within the meaning of this order, prior to May 26, 1942, when the machinery or equipment has been placed in the hands of a common or contract carrier for shipment to the purchaser prior to May 26, 1942. (Issued June 13, 1942.)

INTERPRETATION 2

Paragraph (a) (2) defines "general industrial equipment" to mean new equipment of the kinds listed, from time to time, in List A to the order. Such equipment is deemed to be new when it has not been delivered to any person acquiring it for use. Paragraph (b) imposes restrictions on the acceptance of orders for, and commencement of production and deliveries of, general industrial equipment.

Paragraph (c) provides an exemption from the restrictions of paragraph (b) for any order or delivery of maintenance and repair parts in an amount not exceeding $1,000 for any single piece of general industrial equipment to be repaired or maintained; or in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment. The exemption provided in paragraph (c) is intended for such repair or maintenance parts to be used to repair or maintain any existing equipment, i. e., equipment which has been delivered for use to a user and requires repair or maintenance. The exemption is not intended to apply to spare parts for new equipment nor is it limited to the repair or maintenance of equipment delivered after the date of the order. (Issued December 14, 1942.)

INTERPRETATION 3

It has been the practice of the motor repair industry to take in trade a broken down fractional horsepower motor and repair it for redelivery to another customer, on a similar basis, rather than to engage in repair of a fractional horsepower motor at the point of operation. The sale of the fractional horsepower motor for replacement would be within the exemption provided by paragraph (c) of Order L-123 (§ 1226.1) with respect to delivery of maintenance and repair parts, if it is the practice of the seller to take in trade the broken down motor, to repair it or have it repaired where practicable, and to resell it under similar conditions. (Issued July 14, 1943.)

[F. R. Doc. 44-137; Filed, January 4, 1944; 11:24 a. m.]

PART 1253—BERYLLIUM SCRAP

[Supplementary Order M-160-a as Amended Jan. 4, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of beryllium scrap for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1253.2 *Supplementary Order M-160-a*—(a) *Definitions.* For the purposes of this order.

(1) "Beryllium scrap" means all copper or copper base alloy materials or objects which are the waste or by-product of industrial fabrication or which have been discarded on account of obsolescence, failure or other reason, and which contain 0.1% or more of metallic beryllium.

(2) "Producer" means Beryllium Corporation of Pennsylvania, Brush Beryllium Company, Clifton Products, Inc., and any other persons who may be so designated in writing by the War Production Board.

(3) "Approved smelter" means any person whose name appears on Schedule A attached to this order as the same may be amended from time to time.

(4) "Dealer" means any person regularly engaged in the business of buying and selling beryllium scrap.

(b) *Restrictions on use of beryllium scrap.* (1) No person other than a producer or an approved smelter, shall melt, reprocess, smelt or otherwise use beryllium scrap, unless specifically authorized so to do in writing by the War Production Board on application made by letter to the Mica-Graphite Division. Reference: M-160-a; provided, however, that a brass mill may remelt beryllium scrap generated by it and that a foundry may remelt its gates, sprues and risers, if in so doing the brass mill or foundry does not debase or contaminate the material, and if, in applying for permission to acquire beryllium copper or beryllium master alloy, it reduces the requirements on its suppliers by an amount equal to the anticipated recoverable metal. A foundry may also accept a new casting of its own production, which is found to be defective or was spoiled in ma-

chining, and recast and reship it to replace the original casting.

(2) The War Production Board may issue directives to approved smelters, producers and others who may be permitted to melt beryllium scrap, which directives may direct the exact alloy or alloys which must be produced therewith and the amount of such alloy or alloys, and may prohibit the production of certain alloys. The War Production Board may also issue directives describing the amount of secondary ingot all fabricators and foundries (either integrated or independent) may be required to blend with primary master alloy in the production of fabricated and cast shapes, and the War Production Board may, by directives, designate certain producers or smelters who shall be the only persons permitted to receive and melt beryllium scrap of certain alloys and to produce certain alloys. Directives with respect to all matters described in this paragraph (b) (2) may contain directions as to the production schedules of the persons to whom they are issued.

(c) *Segregation of beryllium scrap.* (1) Any person who in the course of manufacture generates 100 pounds or more of beryllium scrap in a plant in any month after June, 1943, shall carry out thereafter in any such plant the Beryllium Copper Scrap Segregation Program set forth in Schedule B attached to this order and made a part hereof, unless otherwise directed in writing by the War Production Board.

(2) Any person receiving beryllium scrap shall keep such scrap segregated, prior to using it in the manner permitted by paragraph (b) hereof to at least the same extent as when it was received by him; and if he redelivers such scrap he shall do so segregated at least to the same extent as when it was received by him.

(d) *Contamination of beryllium scrap.* No person shall contaminate beryllium scrap with any other material except that a producer or approved smelter may mix beryllium scrap with other metals in the production of beryllium master alloys or beryllium copper subject to the restrictions contained in any applicable directives and that a brass mill or foundry may mix beryllium scrap with other metals when using beryllium scrap to the extent permitted by the provisions of paragraph (b) (1) hereof.

(e) *Sale and delivery of beryllium scrap.* Except as otherwise specifically authorized in writing by the War Production Board, all persons generating or holding beryllium scrap shall after September 1, 1943, deliver all such scrap at intervals not to exceed 30 days (except that brass mills or foundries may retain for more than 30 days beryllium scrap which they are entitled to use under the provisions of paragraph (b) (1) hereof) in accordance with the following provisions:

(1) *Segregated plant scrap.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (4) hereof, beryllium scrap generated in the course of manufacture in a plant subject to the Beryllium Copper Scrap Segregation Program by paragraph (c) (1) hereof and beryllium scrap in such plant consisting of defective or rejected material, shall be segregated in accordance with the program (Schedule B). After segregation, such beryllium scrap shall be shipped directly to any producer or approved smelter provided, however, that where the amount of such scrap of any one type required to be kept separate by the program does not amount to 200 pounds in any month, the scrap of such type may also be shipped directly to any dealer.

(2) *All other scrap.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (4) hereof, any person (other than a dealer) who owns or originates any beryllium scrap which he is not required to segregate in accordance with paragraph (c) (1) of this order, shall deliver such scrap to any dealer or approved smelter and shall not use or dispose of such scrap in any other way.

(3) *Dealers' operations.* Unless the War Production Board has issued a directive in writing to the contrary pursuant to paragraph (e) (4) hereof, all dealers must deliver any beryllium scrap (whether or not deemed to be usable in "as is" form) to a producer or approved smelter; provided, however, that any dealer may sell any beryllium scrap to another dealer if, in the regular course of business, he does not currently collect sufficient beryllium scrap to make it practicable for him to sell directly to a producer or approved smelter.

(4) *Directives.* The War Production Board may issue directives to a particular person or to a class of persons directing him or them to deliver beryllium scrap of certain alloys to another specific person or to a class of persons.

(f) *Certification upon sale of segregated scrap.* The generator of beryllium scrap which is segregated as provided in paragraph (c) (1) hereof and the Beryllium Copper Scrap Segregation Program (Schedule B), shall furnish the person to whom he makes delivery of such scrap with a signed document in the form of WPB 3067, or in substantially similar form showing:

(i) The alloy number or the designation "mixed beryllium scrap" when applicable;
(ii) Form of scrap;
(iii) Weight (on a clean and dry basis, moisture content estimated, if necessary); and
(iv) The name and address of the plant where generated.

This document shall bear a notation as to the date of delivery and names and addresses of the parties to the transaction, and, in case of redelivery of such scrap, shall be endorsed and delivered to the person receiving such scrap. Any person delivering scrap segregated as provided in Part I of the Program (Schedule B), shall clearly mark it showing the alloy number or specification, form and source. No mixed beryllium scrap or beryllium scrap other than scrap segregated in accordance with Part I of the Program (Schedule B), shall be designated as "segregated scrap" by any person.

(g) *Tolling prohibited.* No beryllium scrap may be delivered or received pursuant to toll, repurchase or similar arrangement, unless such transaction is specifically authorized in writing by the War Production Board.

(h) *No acquisition or delivery in violation of order.* No person shall hereafter acquire or deliver beryllium scrap or products made therefrom if he has reason to believe such material has been or is to be used in violation of the terms of this or any other order of the War Production Board: *Provided, however,* That any producer or approved smelter may acquire beryllium scrap for any purpose permitted by this order and any directives issued hereunder at any time, irrespective of the right of the person disposing of the same to have acquired or to deliver such scrap.

(i) *Records.* Each person who participates in any transaction involving beryllium scrap shall keep and preserve for at least two years complete and accurate records as to all such transactions, which records shall be subject to inspection by the War Production Board. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Reports.* Any person generating or receiving beryllium scrap in any quarter, or having in his possession beryllium scrap at the end of any calendar quarter, shall file with the Mica-Graphite Division quarterly reports on Form WPB 3066 not later than the 20th day after the end of such calendar quarter, if he is instructed so to do by instructions on Form WPB 3066, or if otherwise specifically directed by War Production Board. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(k) *Addressing of communications.* All applications, statements, reports or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Mica-Graphite Division, Washington 25, D. C., Reference: M-160-a.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—APPROVED BERYLLIUM SMELTERS

American Brass Company, Waterbury, Connecticut.

Wilbur B. Driver Company, Newark, New Jersey.

Riverside Metal Company, Riverside, New Jersey.

Beryllium Corporation of Pennsylvania, Reading, Pennsylvania.

SCHEDULE B—BERYLLIUM COPPER SCRAP SEGREGATION PROGRAM

I. *Segregation of beryllium scrap other than mixed beryllium scrap*—(1) *By alloy content.* Beryllium scrap (other than mixed beryllium scrap as hereinafter defined) of each individual alloy (for example, nickel or cobalt bearing scrap) shall be segregated from beryllium scrap of every other alloy.

NOTE: Scrap from plated or otherwise coated material may not be included with uncoated material of the same alloy specifications.

(2) *By form.* In addition to the above segregation on the basis of alloy content, the scrap of each alloy (other than mixed beryllium scrap as hereinafter defined) shall be segregated into four form types:

(i) "Solids from wrought shapes" generated by shearing, clipping, cutting, blanking or similar processes and also defective or rejected wrought beryllium parts.

(ii) "Casting solids" consisting of defective or rejected casting and gates, sprues, risers or similar foundry scrap.

(iii) "Wrought machinings" generated by machining, drilling, boring, turning, milling or like operations on wrought products or wrought parts.

(iv) "Casting machinings" generated by machining, drilling, boring, turning, milling or like operations on foundry products and parts made therefrom.

In no event shall solids and machinings be combined.

II. *Segregation of mixed beryllium scrap by form*—(1) *Definition.* "Mixed beryllium scrap" shall consist of beryllium scrap in the form of solids or machinings, the alloy content of which cannot be identified, or of grindings, sawings, buffings and other fines and of drosses, skimmings and sweepings.

(2) *Classification.* All mixed beryllium scrap shall be segregated into four classes as follows:

(i) Solids;
(ii) Machinings;
(iii) Sawings;
(iv) Drosses, skimmings, grindings, buffings and sweepings and other fines.

Each of the four classes of mixed beryllium scrap shall be handled separately from each other class of mixed beryllium scrap and from all other beryllium scrap.

III. *General provisions*—(1) *Official responsible for handling beryllium scrap.* Each person operating a plant generating in any month after June, 1943, 100 pounds or more of beryllium scrap, shall appoint a responsible employee to supervise the collection, segregation and handling of all beryllium scrap generated in the plant. The name of such employee shall be forwarded to the Mica-Graphite Division, Washington 25, D. C. No dealer or other person not a regular employee of the plant shall perform any such function except as the War Production Board may specifically authorize in writing.

(2) *Collection and identification.* Segregation shall be effected at the machine where the beryllium scrap is generated. Separate containers for collection and bins for storage shall be provided for each type of beryllium scrap required to be segregated by this program. All containers and bins shall be clearly marked to identify the alloy and the form of scrap for which they are intended, and they shall be kept clean, dry and in good condition, so that their contents shall be protected from contamination and the weather. Each container and bin shall be used only as a receptacle for the alloy and form of scrap for which it is designated and marked.

(3) *Identification of segregated scrap for shipment.* Each unit of segregated scrap shall, upon shipment, be clearly marked or labelled to show the alloy number or the designation "mixed beryllium scrap" where applicable, the form and the source, i. e., the plant where generated.

(4) *Obligation as regards subcontractors.* Each person operating a plant as part of his arrangement with any subcontractor to whom he furnishes beryllium copper, shall impose an obligation upon, and otherwise make every effort to see to it that, such subcontractor institutes and carries out an adequate beryllium copper scrap collection and segregation program in conformance with this schedule and Order M-160-a.

[F. R. Doc. 44-143; Filed, January 4, 1944; 11:25 a. m.]

PART 3114—SIMPLIFICATION AND STANDING EQUIPMENT, MECHANICS' HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, MACHINE TOOL ACCESSORIES

[Limitation Order L-216, Schedule IV as Amended Jan. 4, 1944]

ROTARY FILES AND BURS

§ 3114.5 *Schedule IV to Limitation Order L-216*—(a) *Definitions.* For the purposes of this schedule, including the Appendix:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of rotary files.

(3) "Rotary file" means any file, rasp or bur which is held by means of a chucking device and rotated by a power driven shaft, excluding dental, medical, and craniotomy burs, finning burs, and small burs.

(4) "Finning bur" means any file or bur which has a shank diameter of ¼", a cutting diameter of ¼" or less, and a cutting length of 1½" or more.

(5) "Small bur" means any file or bur which has a shank diameter of $\frac{3}{16}$" or less.

(6) "Cutting diameter" means the maximum diameter of the cutting section of a rotary file which is marked dimension A in the illustrations in the attached Appendix.

(7) "Cutting length" means the maximum length of the cutting section of a rotary file which is marked dimension B in the illustrations in the attached Appendix.

(8) "Over-all length" means the maximum length of a rotary file, including the cutting length, shoulder length and shank length, which is marked dimension C in the illustrations in the attached Appendix.

(9) "Chip-breaker" means an interrupted cut in the cutting section of a rotary file.

(10) [Revoked Jan. 4, 1944]

(b) *Limitations on manufacture.* (1) On and after June 15, 1943, except as permitted by paragraph (b) (2) of this schedule, no person shall manufacture any rotary file in any size or shape other than the sizes and shapes specified in the attached Appendix, and then only as follows:

(i) Shanks for any rotary files having a cutting diameter of ½" or more shall be manufactured from carbon steel only.

(ii) The diameter of the shank for any rotary file having a cutting diameter of less than ½" shall be limited to ¼".

(iii) Where the shank is manufactured from alloy steel, the over-all length of any rotary file having a cutting diameter of less than ½" shall not exceed 2½", except that where the cutting length and shoulder length combined total 1½" or more, the shank length may be up to 1½" and the over-all length may accordingly exceed 2½".

(2) (i) Any producer may manufacture special rotary files not permitted by paragraph (b) (1) which are required to fill actual purchase orders received by the producer, but the total quantity of such special files which any producer may put into production in any month may not exceed 25% of the producer's total production in the preceding month. Total production means the total number of rotary files produced. These special rotary files may not be manufactured for the producer's stock.

(ii) Any producer now manufacturing rotary files having a cutting length shorter than that set forth in the attached Appendix may continue such manufacture subject, however, to all other limitations contained in this schedule; provided, however, that no such manufacturer shall also manufacture the same shape rotary file having the cutting length specified in the attached Appendix.

(c) *Selection of sizes for regular manufacture.* If, with respect to any shape of rotary files, it is indicated under a particular shape in the Appendix attached hereto that a certain size thereof shall be selected, each producer shall select such size as he may desire to manufacture regularly and shall forthwith give notice in writing of such selection to the War Production Board, Tools Division, Ref.: L-216 Schedule IV. The producer may thereafter apply for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing, the original selection shall remain binding upon such producer.

(d) *Chip-breakers eliminated.* On and after June 15, 1943, no chip-breakers shall be cut in any new rotary files or in any used rotary files which are being resharpened or converted unless specifically requested by the purchaser.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

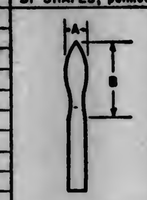
Appendix to Schedule IV to L-216
(Dimension in inches)

FLAME SHAPE



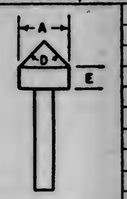
A	B
5/8	7/8
5/8	1 7/16
3/4	1 3/4

BI-SHAPES, pointed end



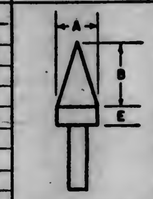
A	B
1/4	1
5/16	1 1/8

CONE SHAPES, 60° and 90°



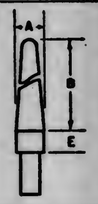
A	D	E
1/2	60°	1/4
5/8	60°	1/4
3/4	60°	1/4
1/2	90°	1/4
5/8	90°	1/4
3/4	90°	1/4

CONE SHAPES, other



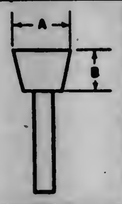
A	B	E
1/4	1/2	
1/4	3/4	
1/4	1	
1/4	1 1/4	
5/16	3/4	1/4
5/16	1	1/4
3/8	5/8	1/4
1/2	7/8	1/4
5/8	1	1/4

TAPERED SHAPES, radius end



A	B	E
5/16	5/8	1/4
5/16	1 1/4	1/4
3/8	1 3/4	1/4
5/8	1	1/4

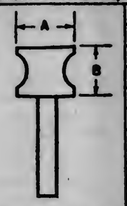
INVERTED CONE SHAPES



A	B
3/4	5/8

Angle of cutting length (B) optional

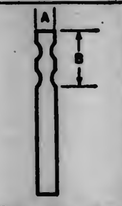
CONCAVE SHAPES, type I



A	B
3/4	5/8
1	7/32
1 1/4	7/32

Dimension of Radius Optional

CONCAVE SHAPES, type II

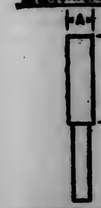


A	B
1/4	

Dimension of Radius Optional. Not more than 4 concave grooves permitted

Appendix to Schedule IV to L-216—Continued
(Dimension in inches)

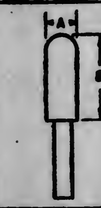
CYLINDRICAL SHAPES, flat end



A	B
1/8	1/2
1/4	1
3/8	1
1/2	1
5/8	3/4

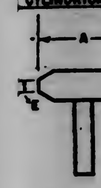
End Cut Optional

CYLINDRICAL SHAPE, radius end



A	B
1/8	1/2
1/4	1
3/8	1
3/8	1 1/2
1/2	1
5/8	1
3/4	1 1/4

CYLINDRICAL SHAPES, double taper



A	B	E
1 5/32	3/8	5/32

BARREL SHAPES



A	B
1/2	1

BALL SHAPES



A	B
1/8	1/8
3/16	1/16
1/4	1/4
5/16	5/16
3/8	3/8
1/2	1/2
5/8	5/8
3/4	3/4
1	1

OVAL SHAPES



A	B
3/16	
1/4	
3/8	
7/16	
1/2	
5/8	
3/4	
1	

Each producer shall select one cutting length (B) only for each cutting diameter (A).

TREE SHAPES, pointed end



A	B
1/4	1/2
3/8	3/4
1/2	3/4
1/2	1 1/8
5/8	1
1 1/8	2

TREE SHAPES, radius end



A	B
1/4	3/4
3/8	3/4
1/2	1 1/8
3/4	1
1 1/8	2

[F. R. Doc. 44-138; Filed, January 4, 1944; 11:24 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANIC'S HAND SERVICE TOOLS, FILES, HACK AND BAND-SAWS, VISES, AND MACHINE TOOL ACCESSORIES

[Limitation Order L-216, Schedule VI as Amended Jan. 4, 1944]

VISES

§ 3114.7 *Schedule VI of Limitation Order L-216*—(a) *Definitions.* For the purpose of this schedule and the table attached hereto:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) Names of various types of vises shall have the same meaning as in Federal Specifications GGG-V-436-a, and the illustrations in such specifications shall be deemed the graphic descriptions of the vises referred to; provided, however, that none of the other provisions of such specifications shall be controlling.

(3) "Jaw cap" means the cap designed to be placed across the face of the jaw of a vise to cover the surface of the jaws.

(b) *Manufacture of jaw caps.* No person shall perform any manufacturing operation upon or sell any jaw caps made of any metal other than lead or lead base alloy.

(c) *Limitation on manufacture of vises.* (1) No person shall use in the manufacture of vises any metals other than carbon steel or cast or malleable iron, except that jaw facings may be manufactured of tool steel.

(2) No person shall manufacture any vise of any of the types listed in Table 1, except in the jaw sizes there specified.

(d) *Exceptions.* Nothing contained in paragraphs (b) and (c) of this schedule shall be deemed to prohibit the sale of jaw caps or vises which on January 4, 1944, were completely fabricated, nor to prohibit the manufacture and sale of jaw caps or vises which on January 4, 1944, had been so fabricated that completion in compliance with the provisions of this schedule would be impracticable. Each person who shall manufacture or sell any jaw cap or vise under the terms of this exception, shall keep and maintain, subject to inspection by the War Production Board, accurate records with respect to each such transaction.

(e) *Manufacture of repair parts.* Nothing contained in paragraph (c) of this schedule shall be deemed to prevent the manufacture of repair parts for vises, notwithstanding the fact that the vises for which such parts are made do not conform to the limitations set forth in this schedule. No person shall assemble repair parts so produced into a complete vise, but shall use them only for the purpose of replacing parts of vises which are broken or so badly worn that they are no longer serviceable.

(f) *Effective date of schedule.* This schedule and the attached table shall take effect January 4, 1944.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE I—TYPES OF VISES WHICH MAY BE MANUFACTURED ONLY IN THE JAW SIZES SPECIFIED

NOTE.—Table I, formerly II, redesignated and amended Jan. 4, 1944.

Types of vise:	*Jaw size, inches*
Combination, bench and pipe, swivel base	4½
	6
	3
	3½
Machinists' bench, stationary base and jaw	4
	4½
	5
	6
	8

	Jaw size, inches
Types of vise—Continued.	
Machinists' bench, swivel base, stationary jaw	2
	3
	3½
	4
	4½
	5
	6
	8
Machinists' bench, swivel base and jaw	3½
	4½
	6

[F. R. Doc. 44–139; Filed, January 4, 1944; 11:24 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Revocation of Direction 12]

MATERIAL FOR WATER WELLS

Direction No. 12 to CMP Regulation No. 1 is revoked. Material for water wells may be obtained under Order P–148 for rural and suburban wells, and by filing Form WPB–617 (formerly PD–200) (or other appropriate construction application forms) for other purposes.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–141; Filed, January 4, 1944; 11:25 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E–10, as Amended Jan. 4, 1944]

ANTI-FRICTION BEARINGS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of anti-friction bearings for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.61 *General Preference Order E–10*—(a) *Definitions.* For the purpose of this order: (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of individuals, whether incorporated or not.

(2) "Producer" means any person who is engaged in the manufacture of anti-friction bearings.

(3) "Anti-friction bearing" means any bearing employing as rolling elements balls of any size or rollers of any size or shape.

(4) "Production order" means

(i) Any purchase order or contract for one or more anti-friction bearings of any one size having a total purchase price of $500 or more, or

(ii) Any purchase order or contract for more than five hundred anti-friction bearings of any one size.

(5) "Miscellaneous order" means any purchase order or contract for anti-friction bearings other than production orders: *Provided, however,* That no person shall subdivide his purchase orders or contracts for anti-friction bearings for the purpose of coming within this definition.

(6) "Total quarterly production" means the total number of units of all types of anti-friction bearings to be manufactured by a producer in any given quarter.

(7) "Total monthly deliveries" means the total number of units of all types of anti-friction bearings to be delivered by a producer in any given month.

(8) "Continental United States" means the territory comprising the several States and the District of Columbia.

(b) *Scheduling of total quarterly production.* (1) Each producer shall schedule his total production for the four months period September, October, November and December 1943, and, beginning January 1, 1944, he shall schedule his total quarterly production of anti-friction bearings in such manner as to make available during such period or quarter 85% of his production for delivery against production orders and 15% of his production for delivery against miscellaneous orders: *Provided, however,* That these percentages allocated to production orders and miscellaneous orders, respectively, may be varied by any producer to the extent that he does not have enough unfilled purchase orders and estimated future orders reasonably anticipated to be received within the next ninety days to absorb one or the other of such percentage allocations.

(2) Notwithstanding the provisions of Priorities Regulation No. 1, any producer who shall schedule the production of a given size of anti-friction bearings to fill an order or orders therefor, delivery of which is required during any given quarter, may schedule the production of additional bearings of such size either

(i) When necessary to bring the quantity scheduled to a minimum practicable production run, or

(ii) To meet orders therefor not yet actually received but reasonably to be anticipated within the next 90 days: *Provided, however,* That in no event shall the additional quantity of bearings to be scheduled for production to meet such anticipated orders exceed the average quarterly quantity of such bearings sold by such producer during 1942.

(c) *General Scheduling Order M–293.* Anti-friction bearings now appear on Table 12 of General Scheduling Order M–293. Therefore, in addition to complying with the provisions of General Preference Order E–10, producers are subject to the provisions of General Scheduling Order M–293 including the requirement contained in that order that they file operations reports on Form WPB–1314.

(d) [Deleted Nov. 10, 1943]

(e) *Deletion and addition of purchase orders in schedules.* No producer who receives any instruction from any purchaser to withhold work on, or delivery under, any contract or purchase order for anti-friction bearings shall retain such contract or order in his schedule for more than ten days. Whenever any such contract or order has been deleted from such schedule, the producer shall immediately notify the purchaser of such action. No contract or order, which shall have been deleted from a producer's schedule pursuant to this paragraph (e), shall be reinstated in the same or any subsequent schedule for delivery on its original schedule delivery date. In the event the purchaser withdraws such instruction to withhold work on, or delivery under, any contract or purchase order, notice of such withdrawal may be treated by the producer as the placing of a new contract or purchase order for the same amount, type and size of anti-friction bearings as covered by the unfilled portion of the original contract or purchase order, and may be scheduled in the same way as a new contract or purchase order.

(f) *Allocation of deliveries against production orders and miscellaneous orders.* Each producer shall allocate 85% of his total monthly deliveries to production orders and 15% of his total monthly deliveries to miscellaneous orders: *Provided, however,* That the percentage of total monthly deliveries allocated to production orders and miscellaneous orders, respectively, by this paragraph (f), may be varied by any producer to the extent that such producer does not have sufficient unfilled purchase orders to absorb one or the other of such percentage allocations. The sequence of deliveries against production orders and miscellaneous orders within the respective percentage limitations on such deliveries imposed by this paragraph (f) shall be scheduled according to the terms of Priorities Regulation No. 1 and other applicable regulations of the War Production Board: *Provided, however,* That notwithstanding paragraph (d) of § 944.7 of Priorities Regulation No. 1, material specifically produced for an order for anti-friction bearings rated AA–5 or higher shall not be diverted and delivered under a higher rated order subsequently accepted if such material is completed at the time of the acceptance of the higher rated order or is in production and scheduled for completion within thirty days thereafter, unless such diversion is specifically directed by the War Production Board or unless the subsequently accepted order bears a rating of AAA.

(g) *Necessity for preference ratings.* No producer shall accept any purchase order for or make delivery of anti-friction bearings unless such order or delivery bears a preference rating of AA–5 or higher: *Provided,* That this restriction shall not apply to deliveries against purchase orders received prior to November 24, 1943 which bear a rating of A–10 or higher. Also, deliveries of anti-friction bearings produced in accordance with the provisions of Limitation Order L–158 or L–257 shall not be subject to this restriction.

(h) *Limitation on inventories.* No person shall accept delivery of any anti-friction bearings of any type and size if his inventory of such type and size of bearings is, or will, by virtue of such acceptance, become greater than the quantity of such item he will be required by his current practices to put into use during the succeeding sixty-day period for production, construction, operating supplies, or maintenance, or repair, or greater than a minimum practicable working inventory thereof, whichever is smaller; *Provided, however,* That the deliveries of anti-friction bearings pursuant to the following designated types of purchase orders shall be permitted to effect such an increase:

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for anti-friction bearings required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Purchase orders placed by distributors for anti-friction bearings, which are intended to be used as replacement parts, as defined by paragraph (b) (1) of Limitation Order L–158: *Provided,* That in no event shall such distributor's inventory of such bearings exceed the quantities specified in paragraph (h) of Limitation Order L–158.

(4) Any other purchase order specifically excepted from this restriction by the War Production Board.

(i) *End use classification.* (1) No producer shall schedule any purchase order or contract received after June 1, 1943, for production or delivery unless it contains

(i) An endorsement placed thereon by the purchaser pursuant to CMP Regulation 5 or 5A, or pursuant to an order of the P or U series, assigning preference rating assistance to a particular industry for maintenance, repair or operating supplies, or

(ii) The purchaser's allotment number placed thereon by the purchaser pursuant to CMP Regulation No. 3, or

(iii) In the case of Lend-Lease purchase orders or contracts, a statement of the foreign country for which the anti-friction bearings are purchased, or

(iv) In the case of any other purchase order or contract, if no allotment number or symbol has been assigned, a statement of the product into which such bearings are intended to be incorporated, if known to the purchaser.

(2) Producers are not required to secure any identification of end use with respect to any order placed prior to June 1, 1943, but may be required to report the product into which such bearings are intended to be incorporated, if known to the producer.

(3) Except in the case of Lend-Lease orders, no producer shall schedule production or delivery of any contract or purchase order received after November 24, 1943 for more than one thousand anti-friction bearings unless it is accompanied by a statement of the percentage of such bearings, if any, which are spares; or if no spares are included in such a purchase order, the statement "No spares included." Spares are those bearings which the purchaser does not build into the end product being produced by him but which are delivered by such purchaser as extra bearings.

(i–1) *Restrictions on disposal of excess bearings.* (1) Notwithstanding the provisions of paragraph (b) of § 944.11 of Priorities Regulation No. 1, any person who has obtained anti-friction bearings with priorities assistance who no longer requires them for the purpose for which the priorities assistance was given, may dispose of them only in one of the following ways:

(i) The bearings may be redelivered to the person from whom they were obtained if such person is willing to accept redelivery; or

(ii) The bearings may be disposed of to fill any order rated AAA; or

(iii) The bearings may be disposed of to fill any order rated AA–5 or higher placed by the Army, Navy, Maritime Commission, or War Shipping Administration, or by any prime or subcontractor of any of them, who will incorporate the bearings into, or will deliver them as spare bearings with, a product being manufactured by him.

(iv) If the quantity of bearings which he wishes to dispose of in any one calendar month had a total cost to him of $250 or less, he may dispose of them to fill any order placed with him rated AA–5 or higher; or

(v) If the quantity of bearings which he wishes to dispose of in any one calendar month had a total cost to him in excess of $250 and if they are not being disposed of pursuant to subparagraphs (i–1) (1) (i), (ii), or (iii) above, he must apply to the War Production Board for permission to dispose of the bearings. Application for such permission shall be made by letter addressed to the Bearings Section, Tools Division, War Production Board, stating the quantity and size of the bearings to be disposed of, the person, if any, to whom he wishes to dispose of them, and the purpose for which the bearings will be used by such person.

(2) Nothing contained herein shall release any person listed on Schedule A to War Production Board Directive No. 16, issued August 30, 1943, from complying with the restrictions on the transfer of certain ball bearings as there set forth.

(j) *Changes in schedules.* Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of anti-friction bearings or component parts thereof, allocate any order for anti-friction bearings or component parts thereof to any other producer of anti-friction bearings or component parts thereof, or direct the delivery of any anti-friction bearings or component parts thereof, to any other person in accordance with prices and terms regularly established for sales by the supplying producer to such a purchaser.

(k) *Applicability of other orders and regulations.* All transactions affected by this order are subject to applicable provisions of the regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control, and may be deprived of priorities assistance.

(m) *Reports.* All producers affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(o) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to: War Production Board, Tools Division, Washington 25, D. C. Ref: E–10.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–140; Filed, January 4, 1944; 11:24 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L–79, as Amended Jan. 4, 1944]

METAL PLUMBING AND HEATING EQUIPMENT

§ 3288.31 *General Limitation Order No. L–79*—(a) *Definitions.* For the purpose of this order:

(1) "Plumbing equipment" means any fixture, material, device or apparatus, including component parts thereof, used as a unit or included in a system designed for the supply of water for drinking or sanitary purposes, for heating or storage of domestic hot water, or for the removal of waste water or water-borne wastes, and the gases therefrom, including water, gas and sewer piping, or designed for the chemical treatment of waste matter. It does not include equipment operated for general use as a public utility, equipment designed for industrial processing, or fire protection systems, or for use in aircraft, railroad vehicles or ships, or equipment using electricity as a fuel.

(2) "Heating equipment" means any material, device or apparatus, including component parts thereof, used as a unit or included in a system designed for generating, conveying, circulating, distributing, transferring, or controlling

heat, and designed for, but not necessarily limited to, heating air spaces or controlling temperature within building or other structures, excluding ships.

It shall not include critical heat exchanges as defined in L–172, fans and blowers as defined in L–260, equipment designed primarily for refrigeration or dehumidification as defined in L–38, steel power boilers of the types defined in L–117, steel boilers designed for locomotive or for marine shipboard use, equipment exterior to a building which is heated by steam or hot water distributed from a central source for general use as a public utility, equipment designed for industrial processing, equipment for generating power, equipment using electricity as a fuel, or equipment designed for heating aircraft or automotive or railroad vehicles, but it shall include trailer and caboose stoves.

It shall not include heating system controls as specified in Schedule A.

(3) "Consumer" means any person who purchases for use but not for resale any material, equipment or parts included in the definitions of "plumbing equipment" and "heating equipment" above.

(b) *Plumbing and heating equipment to be delivered only on rated orders.* On and after September 1, 1943 no person shall deliver or accept delivery of plumbing and heating equipment except on an order rated A–10 or higher.

(c) Exceptions. The restrictions of this order shall not apply to the following:

(1) Any unit of non-metallic plumbing equipment or heating equipment including any such unit of non-metallic equipment the construction or assembly of which (into the form as sold by its producer) calls for incorporation of metallic components of the kind needed to permit connection to the unit of water and waste pipes, faucets, valves, fittings, or plumbing trim.

(2) The minimum quantity of metal items or parts needed to install and hold in place any unit of the kind described in subparagraph (c) (1) including, but not limited to, nuts, bolts, screws, clamps, rivets, and other items of joining hardware (excluding chair carriers) provided such use is not prohibited by any other order of the War Production Board. This exception does not include the running of any water, steam, gas, oil or drain pipes to the unit or any metal items or parts needed to connect the unit to an existing piping system.

(3) Any item of plumbing equipment or heating equipment the cost of which to the purchaser is not more than $5.00.

(4) Plumbing equipment or heating equipment to be incorporated in a project for which the consumer has been given authority to begin construction on Form GA–235 (formerly PD–443). In such a case, the purchaser's order shall contain the following signed statement, listing the items of equipment to be sold or delivered:

The following equipment ---------- is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which have been specifically authorized by the War Production Board on Form GA–235.

Dated ----------

Signed ----------

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated.

(5) Power-driven coal stokers approved on Form WPB 1612 (formerly PD–668).

(6) Oil burners.

(7) Equipment rationed by a certificate issued by a local War Rationing Board.

(8) Plumbing equipment or heating equipment which has previously been used by a consumer.

(9) Steel and wrought iron pipe.

(d) *Applicability of other orders.* Insofar as any other order issued, or to be issued, limits the production, delivery or use of any plumbing equipment or heating equipment to a greater extent than the limits imposed by this order, the restrictions of such other orders shall govern unless otherwise specified therein.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any person affected by this order may appeal from its provisions by filing Form WPB 1477 (formerly PD–500) with a field office of the War Production Board.

(i) *Communications.* All reports to be filed and other communications concerning this order, except appeals, shall be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L–79.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—HEATING SYSTEM CONTROLS

Automatic temperature control equipment used in steam, warm air and hot water heating systems.
Thermostats (indoor and outdoor types).
Draft and damper regulators.
Draft adjustors, barometric and mechanical.
Motor-operated valves (steam and hot water).
Pressure reducing valves (steam heating system).
Induced and forced draft blowers.
Draft gauges.
Flue gas thermometers.
Thermometers (space heating and domestic hot water type only).
Thermostatic valves, capillary tube and self contained types to control the flow of steam or hot water.
Air vent valves and eliminators.
Thermostatic traps, radiator and drip.
Radiator valves having cast iron bodies only.
Thermostatic valves and checks.
Orifices and other proportioning devices.
Low pressure heating pumps, single only (vacuum, condensation and hot water circulating).
Hot water flow checks and balancing elbows.
Time switches.
Air filters (warm air heating).
Zone (single) temperature control systems.
Heating system temperature control panelboards.
Flue gas analyzers and CO_2 meters.

INTERPRETATION 1

1. Are the following items included in the definitions of plumbing and heating equipment:

Q. Water softeners and filters, water systems, pumps for water systems?

A. Yes. They are part of a system designed for the supply of water. However, other War Production Board orders also affect the sale of this equipment and to the extent to which any other order is more restrictive, the more restrictive order governs.

Q. Sump pumps and cellar drainers?

A. Yes. They are fixtures used as a unit, designed for the removal of waste water. However, this equipment is also affected by other orders of the War Production Board.

Q. Stokers under 60 lbs. per hour?

A. Yes. They are part of a system designed for producing heat.

Q. Bathroom accessories, such as soap dishes, towel racks, tooth brush holders, etc.?

A. No.

Q. Fireplace grates and irons?

A. No. These are not used as unit nor included in a system.

Q. Electric water heaters?

A. No. Equipment using electricity as fuel is specifically exempt from the definition of plumbing equipment. It is subject to Order L–65. However, there are some items used interchangeably as components of electric and non-electric heaters, and these items, when sold separately, are subject to the order.

2. May the following items be sold without preference ratings due to the fact that they are composed of non-metallic materials:

Q. Victory shower stalls complete with trim?

A. No. The trim is not needed to install and hold the fixture in place. However, a non-metallic shower stall less trim may be sold without a rating in accordance with paragraph (c) (1).

Q. China sinks with wooden under-cabinets, less trim?

A. Yes. Since the fixture is completely non-metallic, it may be sold without a rating. However, if the trim is included, a rating is required.

Q. China closet bowl with spud?

A. Yes. The spud, although made of metal is a metallic component of the type defined in paragraph (c) (1) and therefore, no preference rating is required in the sale of this fixture.

Q. A china closet tank complete with fittings?

A. No. The closet tank fittings, such as ball cocks, flush valves, float rods, etc., when incorporated into the fixture by the producer, make the fixture a restricted item which may not be sold without a rating.

3. Paragraph (c) (2) permits the sale without a rating of metal items or parts needed to install units of non-metallic plumbing or heating equipment as described in paragraph (c) (1). Does this mean that plumbing fixture fittings and trim are excepted from the restrictions of the order?

A. No. This exception relates only to items of joining hardware. The fittings and trim are component parts of plumbing equipment and are restricted under paragraph (b).

4. If the manufacturer sells a faucet to a wholesaler for $4, the wholesaler sells it to the dealer for $5.05 and the dealer sells it to the consumer for $6, when is a preference rating required?

A. Delivery of the faucet from the manufacturer to the wholesaler without a rating is permissible under paragraph (c) (3) which permits the sale of an item costing the purchaser not more than $5. However, since the item costs the dealer and the consumer in excess of $5, a preference rating is necessary before sale to them can be made.

5. Is it permissible under L–79 to sell without a preference rating a closet combination the total cost of which is $14, of which the metallic items involved cost less than $5 each?

A. If the fittings are sold as a complete unit, whether or not the fittings are listed separately on the purchase order, its sale is restricted to an order rated A–10 or better.

6. Is it permissible for one person to sell to another person 12 lavatory faucets, 12 F. O. plugs and 12 laundry tray faucets without a rating provided that each of the items listed costs the purchaser no more than $5?

A. Yes. Since each of these items costs the purchaser less than $5, there is no requirement that a preference rating be obtained before making the sale.

7. Is it permissible under paragraph (b) to return merchandise to the factory without restrictions?

A. Yes, if the transaction is in effect a cancellation of the original purchase order.

8. Are plumbing and heating materials for export restricted by the order?

A. Yes. The order restricts all sales and deliveries of plumbing and heating equipment except on an order rated A–10 or higher unless the materials are listed in one of the exceptions in paragraph (c).

9. Paragraph (c) (7) exempts from the preference rating requirement equipment rationed by the Office of Price Administration. What items included in the definitions of L–79 are being rationed by OPA?

A. The equipment listed below is now being rationed by OPA:

Coal and wood heating stoves.
Oil heating stoves (including those using kerosene or gasoline as a fuel).
Gas heating stoves and heaters.
Coal and wood cooking stoves and ranges.
Oil cooking stoves and ranges (including those using kerosene or gasoline as a fuel).
Gas cooking stoves and ranges.
Combination ranges (except those using electricity as one of the fuels).
Bungalow ranges (except those using electricity as one of the fuels).
Coal or wood laundry stoves (except those having a built-in water jacket or coils).
Conversion burners (to convert coal or wood ranges to use of kerosene or oil).
Kitchen heater ranges.
Oil table stoves.

This list is subject to change. In the future, authoritative information should be obtained by consulting OPA Ration Regulation 9A or a local War Ration Board. (Issued Sept. 25, 1943.)

[F. R. Doc. 44–136; Filed, January 4, 1944; 11:23 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L–72, Revocation]

RAZORS AND RAZOR BLADES

Section 3291.255 *Limitation Order L–72* is revoked. This revocation does not affect any liabilities accrued under the order. The manufacture and delivery of straight razors, safety razors and safety razor blades remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–134; Filed, January 4, 1944; 11:23 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT[2]

[Limitation Order L–1–e, as Amended January 4, 1944]

MOTOR TRUCKS AND TRUCK TRAILERS

Section 3292.1[2] *Limitation Order L–1–e* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of rubber, steel and other materials entering into the production of trucks, trailers, and passenger carriers for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3292.1 *Limitation Order L–1–e*—(a) *Definitions.* For the purposes of this order.

(1) "Motor truck" means a complete motor vehicle, or the chassis thereof, designed for operating entirely or in part on rubber tires for use either on or off the public highways in the military or commercial transportation of materials or persons, but does not include motorized fire equipment as defined in Limitation Order L–43 or passenger carriers as defined in Limitation Order L–101.

(2) "Truck-trailer" means a complete full trailer or semi-trailer, or the chassis thereof, designed for the transportation of materials or persons and to be drawn by a motor truck, but does not include integral trailer buses as defined in Limitation Order L–101.

(3) "Component" means any automotive type assembly, with the parts thereof, listed on Schedule A to this order as amended from time to time, whether to be incorporated into trucks, truck-trailers or other end products and includes military spares.

(4) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of motor trucks or trailers.

(5) "Supplier" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of components.

(b) *Prohibition of production of motor trucks and trailers.* On and after January 1, 1944, no producer shall produce any motor trucks or truck-trailers either for military or non-military use, except as authorized in writing by the War Production Board.

(c) *Production to be scheduled.* The War Production Board will transmit to each producer an authorized motor vehicle production schedule on Form GA 1188, which schedule becomes a "frozen" schedule under Priorities Regulation 18. The producer must schedule his production and make his shipments so as to fill the frozen schedule without regard to preference ratings or directions of any governmental agency, other than the War Production Board. The War Production Board will as necessity arises issue specific directions to suppliers, directing the production of any component on Schedule A, both for original equipment and for replacement parts for civilian use, and establishing production and shipping schedules which will become frozen schedules under Priorities Regulation 18. *Provided,* That whenever any such specific direction is received by a supplier which would interfere with the production or shipment of previously accepted orders bearing AA–1 or higher preference ratings, or with a frozen schedule under Priorities Regulation No. 18, the supplier shall immediately notify the Automotive Division, War Production Board, in writing, and the specific direction shall not become effective pending instructions from the War Production Board. Any frozen schedule may be amended by the War Production Board in accordance with Priorities Regulation 18 or paragraph (g) of this order.

(d) *Protection of frozen schedules.* On and after January 4, 1944, except as permitted by the provisions of paragraph (b) of Priorities Regulation 18, no producer or supplier shall accept an order for any product the production of which will delay or interfere with his frozen schedule under this order.

(e) *No duplication of orders.* No producer or supplier shall place any order with one or more suppliers for a total quantity of any component on Schedule A in excess of his actual requirements of that component to fill his own production schedule.

(f) *Schedules to be filed when directed.* If no production schedule is supplied by the War Production Board as provided for in paragraph (c) above, producers when so directed by the War Production Board shall file schedules for the production and shipment of trucks and truck-trailers; and suppliers of components on Schedule A when so directed by the War Production Board shall file schedules for the production and shipment of such components, both for original equipment and for replacement parts for civilian use. In arranging the sequence of production and shipment on his schedule, the producer and the supplier shall be governed by Priorities Regulation 1, unless otherwise instructed. When the schedule has been filed it becomes a froz-

[1] Formerly Part 1143, § 1143.1.
[2] Formerly Part 976, § 976.15.

en schedule under Priorities Regulation 13 and the producer or supplier shall schedule his production and make his shipments so as to fill the frozen schedule, without regard to preference ratings or directions of any governmental agency except the War Production Board.

(g) *Other scheduling provisions.* With respect to production or shipping of motor trucks, truck-trailers or components on Schedule A, both for original equipment and for replacement parts for civilian use, the War Production Board may, notwithstanding any other order, preference rating, directive, rule or regulation (except Priorities Regulation 13) of the War Production Board, or other governmental agency:

(1) Revoke or modify any authorization provided for in paragraph (b) of this order.
(2) Direct the return or cancellation of any purchase order on the books of a producer or supplier.
(3) Direct changes in the production or shipping schedule of a producer or supplier.
(4) Cancel purchase orders placed with one producer or supplier and direct that they be placed with another producer or supplier.

(h) *Preference rating of AA-1 assigned.* Producers of motor trucks and truck trailers and suppliers of components on Schedule A produced on frozen schedules under the terms of this order, are assigned a rating of AA-1 for materials entering into the production of motor trucks, truck-trailers and components on Schedule A.

(i) *Vehicles for civilian use to be subject to Conservation Order M-100.* All trucks and truck-trailers produced under the terms of this Order, except those produced on orders for the United States Army or Navy, will be subject to the rationing procedures of Conservation Order M-100.

(j) *Reports.* Producers of trucks and trailers and suppliers of components on Schedule A shall file such reports as may be required from time to time by the War Production Board.

(k) *Applicability of War Production Board Regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time except where otherwise stated.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Field Office of the War Production Board nearest the appellant's place of business, referring to the particular provision appealed from and stating fully the grounds for appeal.

(n) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Ref.: Order L-1-E.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

The following items, with the parts thereof, are the automotive type components referred to in paragraph (a) (3) of this order:

Axles	Clutches
Rims	Transmissions
Brakes	Propeller shafts
Transfer cases	Wheels

[F. R. Doc. 44-132; Filed, January 4, 1944; 11:23 a. m.]

PART 1161—OIL BURNERS

[Limitation Order L-74, as Amended Jan. 4, 1944]

§ 1161.1 *General Limitation Order L-74*—(a) *Definitions.* For the purpose of this order:

(1) "Oil burner" means any devise which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

(i) Mechanical, steam or air atomizer oil burner.
(ii) Vertical or horizontal rotary oil burner.
(iii) Mechanical vaporizing oil burner.
(iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment as defined in L-182.

(2) "Class A oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 5, No. 6 or heavier fuel oil, or which regardless of what grade fuel oil it burns, is designed or manufactured specifically for shipboard use or for heat processing.

(3) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 (except a Class C oil burner), No. 2, No. 3, or No. 4 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(4) "Class C oil burner" means any pot type vaporizing oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(5) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Numbers 1, 2, 3, 4, 5, and 6, bunker C, diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(6) "Replacement" means replacement of any oil burner by another oil burner.

(7) "New installation" includes an oil burner installed in a new heating plant or an oil burner installed as a conversion from any other fuel.

(8) "Producer" means any person who manufactures, fabricates or assembles oil burners.

(b) *Restrictions on producers of Class B oil burners.* No producer shall manufacture or assemble a Class B oil burner or deliver such a burner either assembled or in sets of parts except to fill an order already received, which has been approved on Form WPB-2727. He may produce or assemble such burners only to the extent necessary to fill orders on hand which he cannot fill from his inventory of completely assembled burners. Any person who wants to buy a Class B oil burner from a producer should file Form WPB-2727 in triplicate with the War Production Board, Plumbing and Heating Division, Washington 25, D. C.

(c) *Restrictions on delivery of Class B oil burners for installation; restrictions on installation.* No dealer or distributor may deliver a Class B oil burner for installation, either assembled or in sets of parts, and no person may install a Class B oil burner, except as follows:

(1) *Replacement.* A dealer may deliver any Class B oil burner from his stock for installation as a replacement, and the installation may be made, if the owner of the premises has applied for and obtained the approval of the appropriate War Production Board District office on Form WPB 1319. The dealer may deliver and the installation may be made without advanced approval from any source, if the burner to be replaced is over ten years old, or has actually broken down and is beyond repair during the season in which it is in use. No installation may be made for replacement unless the installer arranges to have the old burner scrapped or dismantled, but this requirement does not mean that the installer is entitled to take the old burner without the owner's consent or without crediting him with its value.

(2) *New installations.* Any person may deliver a Class B burner from a dealer's inventory for a new installation if the Petroleum Administration for War has specifically approved in writing the delivery of fuel oil for a Class B oil burner on the premises in question.[1] The authorization of a local War Price and Rationing Board to accept delivery of fuel oil will not be sufficient.

(3) *Food processing installations.* Any person may deliver a Class B burner from a dealer's inventory for use in raising and preparing crops, poultry, livestock and other agricultural products for market.

(4) *Burners assembled in other products.* If the War Production Board has approved the delivery of a Class B oil burner on Form WPB-2727 for physical incorporation in or assembly with another product, such as a water heater, further authority is not required for delivery of the other product, but the restrictions of L-79 (prohibiting delivery except to fill a rated order) must be complied with.

(5) *Sales to dealers.* Any dealer or distributor may sell or deliver any Class B oil burner to another dealer or distributor for resale.

(6) *Oversea shipment.* Any person may deliver a Class B burner to fill a rated order for shipment to a foreign country or a territory or overseas possession of the United States.

(d) *Restrictions on sale of Class A and Class C oil burners.* On and after January 4, 1944, Class A and Class C oil burners may be delivered only on orders bearing a preference rating of AA-5 or higher. In case of a new installation in the continental United States, application for preference rating must be accompanied by copy of authorization from the Petroleum Administration for War.[2]

(e) *General exception.* Regardless of the terms of this order, any Class B oil burner (as defined by this order as in force prior to June 28, 1943) authorized under an appeal from L-74 as in force prior to June 28, 1943, may be manufactured, fabricated, assembled and delivered.

NOTE: Paragraphs (f), (g) and (h), formerly (h), (i) and (j), redesignated Jan. 4, 1944.

(f) *Appeals.* Any appeals from the provisions of this order shall be filed on Form WPB-1477, formerly PD-500, with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(g) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L-74.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Bureau of the Budget.* The Bureau of the Budget has approved the use of Forms WPB-1319 and WPB-2727, and other reporting requirements of this order, in accordance with the Federal Reports Act of 1942.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-135; Filed, January 4, 1944; 11:23 a. m.]

[1] Under PDO-13, as amended or supplemented from time to time. At present applications to the P. A. W. for approval are made by letter, which must be submitted in quadruplicate.

[2] Under PDO-13, as amended or supplemented from time to time.

Chapter XI—Office of Price Administration

PART 1335—CHEMICALS

[RPS 31, Amdt. 4]

ACETIC ACID

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1335.210 (a) (1) is amended by changing the period at the end to a comma and adding a clause to read as follows: "except that such maximum price shall be $7.18 per hundred pounds, f. o. b. works, in tank cars where the acetic acid is produced in California from fermentation ethyl alcohol."

This amendment shall become effective January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-116; Filed, January 3, 1944; 4:49 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 336,[1] Amdt. 10]

RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

The statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 336 is amended in the following respects:

1. The title of Maximum Price Regulation No. 336 is amended to read: "Retail Ceiling Prices for Pork Cuts and Certain Sausage Products" as set forth above.

2. Section 1364.1001 is amended to read as follows:

§ 1364.1001 *Maximum prices for fresh and processed pork cuts and certain sausage products at retail.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 336 (Retail Ceiling Prices for Pork Cuts and Certain Sausage Products) which is annexed hereto and made a part hereof, is hereby issued.

3. Article I of the table of contents appearing at the beginning of the regulation is amended to read as follows:

Sec.
1. What this regulation does.
2. Your ceiling prices.
3. When the new ceiling prices take effect.
4. What pork products and sausage products you may sell.
5. Sales to eating places.
6. Post your ceiling prices.
6a. Descriptive labeling requirements.
7. Records, sales slips and receipts.
8. Licensing.
9. Indirect price increases.
10. Prohibitions.

4. Article III of the table of contents appearing at the beginning of the regulation is amended to read as follows:

17. Description of zones for pork cuts.
17a. Description of zones for sausage products.
18. Map of zones.
19. OPA list of retail ceiling prices for pork cuts.
20. OPA list of retail ceiling prices for sausage products covered by Maximum Price Regulation No. 336.

5. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation fixes dollar-and-cents ceiling prices on all retail sales of fresh and processed pork cuts, and on all retail sales of the following sausage products: fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna, Lebanon bologna, all beef knackwurst and all beef salami, loaves, Braunschweiger, fresh and smoked liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin, and Polish sausage. The United States is divided into zones by this regulation and different ceiling prices are fixed for sales made in each zone and for sales made by different groups of retail stores. Your ceiling prices depend on the zone where your store is and its group and on the type and casing, wrapper or container of the sausage product you are selling. A store includes any place where pork cuts or sausage products subject to this regulation are sold at retail.

6. Section 2 (a) is amended to read as follows:

(a) You will find your ceiling prices for pork cuts on your "OPA list of retail ceiling prices for pork cuts" (Article III, section 19) and for sausage products subject to this regulation on your "OPA list of retail ceiling prices for sausage prod-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2855, 4253, 8817, 5634, 6212, 7682, 8944, 9366, 12460, 13161, 15670.

ucts covered by Maximum Price Regulation No. 336" (Article III, section 20). A copy of these lists for your zone and group will be attached to this regulation. A complete price list showing prices for both pork cuts and sausage products may be obtained from your local war price and rationing board or from your district office. (If you are a "Group 3 and 4" store, you should obtain your copy of the complete price list from your regional OPA office.)

7. Section 3 (b) is amended to read as follows:

(b) *Sausage products.* (1) On September 8, 1943, the dollar-and-cents ceiling prices fixed by this regulation take the place of all previous ceiling prices fixed by the Office of Price Administration upon retail sales of the following sausage products: fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna other than Lebanon, all beef knackwurst and all beef salami. On and after September 8, 1943, you must not sell any such sausage product at a price higher than the ceiling price fixed by this regulation.

(2) On January 8, 1944, the dollar-and-cents ceiling prices fixed by this regulation take the place of all previous ceiling prices fixed by the Office of Price Administration upon retail sales of the following sausage products: Lebanon bologna, loaves, Braunschweiger, fresh and smoked liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin and Polish sausage. On and after January 8, 1944, you must not sell any such sausage product at a price higher than the ceiling price fixed by this regulation.

8. Section 4 is amended to read as follows:

SEC. 4. *What pork products and sausage products you may sell.* (a) On and after January 8, 1944, the only pork products and sausage products you may sell are (1) those fresh, frozen or processed pork cuts which are given dollar-and-cents ceiling prices under this regulation; (2) the following sausage products which are given dollar-and-cents ceiling prices under this regulation: fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna, Lebanon bologna, all beef knackwurst and all beef salami, loaves, Braunschweiger, fresh and smoked liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin and Polish sausage; (3) canned pork products for which your ceiling prices are fixed by Maximum Price Regulation No. 422 or Maximum Price Regulation No. 423; (4) pork variety meats or offal (including cutlets, brains, chitterlings, liver, kidneys, tongues, lips, snouts, ears, hearts, cheek and head meat, weasand meat and heads) for which your ceiling prices are fixed by Maximum Price Regulation No. 355; and (5) the following pork and sausage products for which your ceiling prices are to remain as fixed under the General Maximum Price Regulation: uncanned sausage products (described in section 1 (b) (1) of Maximum Price Regulation No. 389 (Ceiling Prices for Certain Sausage Items at Wholesale)) not covered by Maximum Price Regulation No. 336 and quick-frozen cuts which are sold and delivered to you in the individual packages in which you sell them.

(b) The pork cuts listed in the OPA list of retail ceiling prices for pork cuts are defined in Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts. If the Office of Price Administration allows any person to make a different cut, you will receive notice when you buy that cut of the ceiling price you may charge for it at retail.

(c) The sausage products listed in the OPA list of retail ceiling prices for sausage products covered by Maximum Price Regulation No. 336 are defined in Maximum Price Regulation No. 389—Ceiling Prices for Certain Sausage Items at Wholesale.

Any sausage made by you other than the sausage described in section 1 (b) of Maximum Price Regulation No. 389 must meet the requirements for one of the kinds and types of sausage for which prices are established by this Maximum Price Regulation No. 336. Any such sausage made by you must also comply with the labeling requirements of section 4 of Maximum Price Regulation No. 389.

9. Section 5 is amended to read as follows:

SEC. 5. *Sales to eating places.* Your ceiling prices for sales of pork cuts and sausage products covered by this regulation to hotels, restaurants, institutions and other eating places selling or furnishing meals are the ceiling prices fixed by Revised Maximum Price Regulation No. 148 for pork cuts and by Maximum Price Regulation No. 389 for sausage products. Nevertheless, you may, during any month, use the ceiling prices fixed by this regulation in selling to eating places if 80 percent or more of your total dollar sales of meat during the previous calendar month were retail sales to consumers, that is, to persons who buy the pork cuts or sausage products to be eaten by themselves or their families off of your premises.

10. Section 6 is amended to read as follows:

SEC. 6. *Post your ceiling prices.* Not later than June 21, 1943, you must post at your store your official OPA list of retail meat prices, showing ceiling prices for pork cuts and sausage products. You may use an exact copy of the OPA list as long as the printing is just as legible and at least as large. Put it on or at the counter of the meat department in your store in one or more places where your customers can easily see and read it. You must have at least one list posted for each 20 feet of meat counter space. You must get your official copies of the price lists for posting or copying from your war price and rationing board or from your district OPA office. You may, if you wish, underline on the lists you post, those pork cuts and sausage products which you carry. If you display any pork cut or sausage product, as in your show case, you must post on it your selling price for that cut or product.

11. The headnote of section 6a is amended to read "Descriptive labeling requirements."

12. Section 6a (a) is amended to read as follows:

(a) On and after November 1, 1943, fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna, knackwurst, including all beef sausage other than Lebanon bologna, must bear a descriptive label in accordance with the provisions of this section. On and after February 26, 1944, Lebanon bologna, loaves, Braunschweiger, smoked and fresh liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin and Polish sausage must bear a descriptive label in accordance with the provisions of this section. A label satisfying the requirements of this section shall appear on each one and one-half pounds of frankfurters and pork or breakfast sausage stuffed in sheep or hog casings, and once on each piece of other sausage product stuffed in casings or packed in wrappers, including but not limited to pork sausage and breakfast sausage (other than that stuffed in sheep or hog casings), bologna, loaves, all beef sausage, New England, Berliner or Berlin, liver sausage and Polish sausage. The label may be a band or tag securely affixed to the sausage product or printed or stamped upon the outside of the casing or wrapper. A similar label also shall be stamped or printed upon the outside of the carton or other immediate container in which the sausage product is placed. Enamel display cases or trays are not immediate containers.

You may not have in your store refrigerator or cooler any sausage product subject to this regulation which has not been properly labeled, except fresh or smoked pork sausage and breakfast sausage, frankfurters, bologna or knackwurst, including all beef sausage other than Lebanon bologna, bought from a seller who has received from the Office of Price Administration written authorization, pursuant to section 4 (b) (4) (i) of Maximum Price Regulation No. 389, to sell such sausage products unlabeled, which authorization in no event may extend beyond December 31, 1943.

13. Section 6a (b) (1) is amended to read as follows:

(1) The name of the kind of sausage product as used in Maximum Price Regulation No. 389 (Ceiling Prices for Certain Sausage Items at Wholesale) and in addition, if the seller desires, a trade name, provided it does not include the name of some other kind of sausage product priced under this regulation.

14. Section 6a (b) (3) is amended to read as follows:

(3) Whatever of the following letters or words are appropriate to show the kind of casing used: H. C. for hog casing; S. C. for sheep casing; B. C. for beef casing; A. C. for artificial casing, except that no such designation is required for an artificial casing on which is printed the casing manufacturer's name or trade-mark; skinless, where artificial casings have been removed by the manufacturer. Where the same price applies to the sausage product in each kind of natural casing, the letters N. C., indicating natural casing, may be used. The label need not contain a designation of the kind of casing used where the same price applies to the sausage product no matter what kind of casing, carton or wrapper is used.

15. Sections 6a (c) and (e) are hereby revoked and section 6a (d) is redesignated section 6a (c).

16. Redesignated section 6a (c) is amended to read as follows:

(c) The label must be left on the sausage product which you buy. Different types of the same kind of sausage product must not be put together in the show case. Sausage products which are alike, except for the kind of casing, container or wrapper used which affects the price, must not be put together in the show case.

17. Section 7 is amended to read as follows:

SEC. 7. *Records, sales slips and receipts.* After June 21, 1943, you shall keep the same kind of records you have customarily kept, showing the prices you charge for pork cuts and sausage products. You shall show the records to any representative of the Office of Price Administration upon request. If you have customarily given a customer a sales slip, receipt or similar evidence of purchase, you shall continue to do so. Furthermore, regardless of your previous custom, you shall, upon request by any customer, give a receipt showing the date, your name and address, the name and weight of each pork cut sold, the name, type, weight, and casing, container or wrapper identification of each sausage product sold, and the price you received for the pork cut or sausage product.

18. Section 9 is amended to read as follows:

SEC. 9. *Indirect price increases.* The price limitations set forth in this regulation shall not be evaded directly or indirectly by you; and you shall not require the purchaser to buy at any price other food products as a condition of selling pork cuts or sausage products.

19. Section 10 is amended to read as follows:

SEC. 10. *Prohibitions.* On and after April 1, 1943, the date this regulation takes effect, if you sell or deliver any pork cut or sausage product at a higher price than your ceiling price, or if you otherwise violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person, who in the course of trade or business buys from you at a price higher than your ceiling price, is subject to the criminal penalties and civil enforcement actions provided for by that act.

20. The headnote of section 17 is amended to read "Description of zones for pork cuts."

21. The headnote and first paragraph of section 17a are amended to read as follows:

SEC. 17a. *Description of zones for sausage products.* The zones for the sausage products covered by this regulation are the same as those for pork cuts except for the following zones which take the place of "Zones 8 and 9 South" and "Zones 8 and 9 North."

22. Section 20 is amended to read as follows:

SEC. 20. *OPA list of retail ceiling prices for sausage products covered by Maximum Price Regulation No. 336.*

GROUP 1 AND 2 STORES

[Price per pound]

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 North and South	Zone 9 North and South	Zone 10
1. Berliner or Berlin:											
1. Natural casings (N. C.)	$0.38	$0.36	$0.36	$0.36	$0.35	$0.36	$0.36	$0.36	$0.37	$0.37	$0.37
2. Artificial casings (A. C.)	.37	.36	.35	.35	.34	.35	.35	.36	.36	.36	.37
2A. Bologna, natural casings (N. C.):											
1. Lebanon	.48	.47	.46	.46	.45	.46	.47	.47	.48	.49	.48
2. All beef	.44	.42	.40	.40	.39	.39	.39	.40	.40	.40	.41
3. Type 1	.37	.35	.35	.35	.34	.35	.35	.35	.36	.36	.36
4. Type 2	.37	.35	.35	.35	.34	.35	.35	.35	.36	.36	.36
5. Type 3	.32	.31	.31	.30	.30	.30	.31	.31	.31	.32	.32
6. Type 4	.28	.26	.26	.26	.25	.26	.26	.26	.27	.27	.27
2B. Bologna, artificial casings (A. C.):											
1. Lebanon	.48	.46	.45	.45	.45	.46	.46	.46	.47	.48	.48
2. All beef	.43	.41	.39	.39	.38	.38	.38	.39	.39	.39	.40
3. Type 1	.36	.34	.34	.33	.33	.33	.34	.34	.35	.35	.35
4. Type 2	.36	.34	.34	.33	.33	.33	.34	.34	.35	.35	.35
5. Type 3	.31	.30	.30	.29	.29	.30	.30	.30	.30	.31	.31
6. Type 4	.27	.25	.26	.25	.24	.25	.25	.25	.26	.26	.26
3. Braunschweiger:											
1. Sewed hog bungs (H. C.)	.42	.41	.40	.40	.39	.40	.40	.41	.41	.41	.42
2. Other hog casings (H. C.)	.40	.38	.38	.38	.37	.38	.38	.38	.39	.39	.40
3. Artificial casings (A. C.)	.36	.34	.34	.34	.33	.34	.34	.34	.35	.35	.36
4A. Frankfurters, sheep casings (S. C.):											
1. All beef	.51	.49	.48	.47	.46	.46	.46	.47	.47	.48	.48
2. Type 1	.44	.42	.42	.42	.41	.42	.42	.42	.43	.43	.43
3. Type 2	.44	.42	.42	.42	.41	.42	.42	.42	.43	.43	.43
4. Type 3	.39	.38	.38	.37	.37	.37	.38	.38	.38	.39	.39
5. Type 4	.35	.33	.33	.33	.33	.33	.33	.33	.34	.34	.35
4B. Frankfurters, hog casings (H. C.), artificial casings (A. C.) or skinless:											
1. All beef	.46	.45	.43	.42	.41	.41	.41	.42	.42	.43	.43
2. Type 1	.39	.38	.38	.37	.37	.37	.38	.38	.38	.39	.39
3. Type 2	.39	.38	.38	.37	.37	.37	.38	.38	.38	.39	.39
4. Type 3	.35	.34	.33	.33	.32	.33	.33	.34	.34	.35	.35
5. Type 4	.31	.29	.29	.29	.28	.29	.29	.29	.30	.30	.30
5A. Knackwurst, natural casings (N. C.):											
1. All beef	.44	.42	.40	.40	.39	.39	.39	.40	.40	.40	.41
5B. Knackwurst, artificial casings (A. C.):											
1. All beef	.43	.41	.39	.39	.38	.38	.38	.39	.39	.39	.40
6A. Liver sausage, fresh:											
1. Hog bungs (H. C.)	.36	.35	.34	.34	.33	.34	.34	.35	.35	.36	.36
2. Beef casings (B. C.)	.34	.33	.32	.32	.31	.32	.32	.33	.33	.33	.34
3. Artificial casings (A. C.)	.33	.32	.32	.31	.30	.31	.32	.32	.32	.33	.33
6B. Liver sausage, smoked:											
1. Sewed hog bungs (H. C.)	.42	.40	.40	.40	.39	.40	.40	.41	.41	.41	.41
2. Other hog bungs (H. C.)	.40	.38	.38	.37	.36	.37	.38	.38	.38	.39	.39
3. Artificial casings (A. C.)	.36	.35	.34	.34	.33	.34	.34	.35	.35	.36	.36
7. Liver cheese:											
1. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.44	.43	.42	.42	.41	.42	.42	.43	.43	.43	.44
8. Liver loaf:											
1. Artificial casings (A. C.), natural casings (N. C.), cardboard cartons or sealed packages of moisture resistant paper	.35	.34	.33	.33	.32	.33	.33	.34	.34	.34	.35
9. Liver pudding:											
1. Beef casings (B. C.)	.30	.28	.28	.28	.27	.28	.28	.28	.29	.29	.29
2. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.29	.28	.27	.27	.26	.27	.27	.28	.28	.28	.29
10. Loaves, artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper:											
1. Type 1	.65	.64	.64	.63	.62	.62	.62	.63	.63	.64	.64
2. Type 2	.50	.48	.48	.48	.47	.48	.48	.48	.49	.49	.50
3. Type 3	.36	.34	.34	.34	.33	.34	.34	.34	.35	.35	.36
4. Type 4	.31	.29	.29	.28	.28	.28	.29	.29	.29	.30	.30
11. Minced luncheon:											
1. Natural casings (N. C.)	.40	.38	.38	.38	.37	.38	.38	.38	.39	.39	.40
2. Artificial casings (A. C.)	.39	.38	.37	.37	.36	.37	.37	.38	.38	.38	.39
12. New England:											
1. Natural casings (N. C.)	.59	.57	.57	.57	.56	.57	.57	.57	.58	.58	.58
2. Artificial casings (A. C.)	.58	.57	.56	.56	.55	.56	.56	.57	.57	.57	.58
13. Polish sausage, hog casings (H. C.) or skinless:											
1. Type 1	.59	.57	.57	.57	.56	.57	.57	.57	.58	.58	.59
2. Type 2	.48	.46	.46	.45	.45	.46	.46	.46	.47	.47	.48
3. Type 3	.38	.36	.36	.36	.35	.36	.36	.36	.37	.37	.38

GROUP 1 AND 2 STORES—Continued

[Price per pound]

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 North and South	Zone 9 North and South	Zone 10
14A. Pork or breakfast sausage, fresh, sheep casings (S. C.):											
1. Type 1	$0.64	$0.61	$0.59	$0.54	$0.54	$0.53	$0.55	$0.54	$0.56	$0.56	$0.59
2. Type 2	.50	.49	.49	.48	.47	.47	.48	.48	.48	.49	.49
3. Type 3	.43	.42	.41	.41	.40	.40	.40	.41	.41	.41	.42
4. Type 4	.36	.34	.34	.33	.32	.32	.33	.33	.33	.34	.34
14B. Pork or breakfast sausage, fresh, hog casings (H. C.):											
1. Type 2	.46	.45	.44	.44	.43	.43	.43	.44	.44	.44	.45
2. Type 3	.39	.37	.37	.36	.35	.36	.36	.36	.37	.37	.37
3. Type 4	.31	.30	.30	.29	.28	.28	.29	.29	.30	.30	.30
14C. Pork or breakfast sausage, fresh, artificial casings (A. C.) or sealed heavy cardboard waxed cups, 1 lb. each or less:											
1. Type 2	.44	.43	.42	.42	.41	.41	.41	.42	.42	.42	.43
2. Type 3	.37	.36	.35	.34	.33	.34	.34	.34	.35	.35	.35
3. Type 4	.29	.28	.27	.27	.26	.26	.26	.27	.27	.27	.28
14D. Pork or breakfast sausage, fresh, cardboard cartons or sealed packages of moisture resistant paper, 1 lb. each or less:											
1. Type 2	.43	.41	.41	.40	.39	.39	.40	.40	.41	.41	.41
2. Type 3	.35	.33	.33	.32	.31	.32	.32	.32	.33	.33	.33
3. Type 4	.25	.24	.23	.23	.22	.22	.22	.23	.23	.23	.24
14E. Pork or breakfast sausage, fresh, bulk:											
1. Type 1	.55	.52	.49	.45	.45	.44	.47	.45	.47	.47	.49
2. Type 2	.41	.40	.39	.39	.38	.38	.38	.39	.39	.39	.40
3. Type 3	.33	.32	.32	.31	.30	.30	.31	.31	.31	.32	.32
4. Type 4	.24	.23	.23	.22	.21	.21	.22	.22	.22	.23	.23
15. Pork or breakfast sausage, smoked, hog casings (H. C.), artificial casings (A. C.) or skinless:											
1. Type 2	.51	.49	.49	.49	.48	.49	.49	.49	.50	.50	.50
2. Type 3	.47	.45	.45	.45	.44	.45	.45	.45	.46	.46	.47
3. Type 4	.36	.34	.34	.33	.33	.33	.34	.34	.35	.35	.35
16A. Salami, soft, artificial casings (A. C.):											
1. All beef	.49	.48	.47	.46	.46	.46	.46	.46	.47	.47	.48
16B. Salami, medium or hard, artificial casings (A. C.) (Sold weight shall not exceed 80% of the purchased weight):											
1. All beef	.69	.68	.67	.66	.66	.66	.66	.66	.67	.67	.68

GROUP 3 AND 4 STORES

[Price per pound]

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 North and South	Zone 9 North and South	Zone 10
1. Berliner or Berlin:											
1. Natural casings (N. C.)	$0.36	$0.34	$0.34	$0.34	$0.33	$0.34	$0.34	$0.34	$0.35	$0.35	$0.35
2. Artificial casings (A. C.)	.35	.34	.33	.33	.32	.33	.33	.34	.34	.34	.35
2A. Bologna, natural casings (N. C.):											
1. Lebanon	.46	.45	.44	.44	.44	.44	.45	.45	.45	.47	.46
2. All beef	.42	.41	.39	.39	.38	.38	.38	.38	.39	.39	.39
3. Type 1	.35	.33	.33	.33	.32	.33	.33	.33	.34	.34	.34
4. Type 2	.35	.33	.33	.33	.32	.33	.33	.33	.34	.34	.34
5. Type 3	.31	.29	.29	.29	.28	.29	.29	.29	.30	.30	.30
6. Type 4	.26	.25	.24	.24	.23	.24	.24	.25	.25	.26	.26
2B. Bologna, artificial casings (A. C.):											
1. Lebanon	.45	.44	.43	.43	.43	.44	.44	.44	.45	.46	.45
2. All beef	.41	.40	.38	.38	.37	.37	.37	.37	.38	.38	.38
3. Type 1	.34	.32	.32	.32	.31	.32	.33	.32	.33	.33	.33
4. Type 2	.34	.32	.32	.32	.31	.32	.32	.32	.33	.33	.33
5. Type 3	.30	.28	.28	.28	.27	.28	.28	.28	.29	.29	.29
6. Type 4	.25	.24	.23	.23	.22	.23	.23	.24	.24	.24	.25
3. Braunschweiger:											
1. Sewed hog bungs (H. C.)	.40	.38	.38	.37	.36	.38	.38	.38	.39	.39	.40
2. Other hog casings (H. C.)	.38	.36	.36	.36	.35	.36	.36	.36	.37	.37	.37
3. Artificial casings (A. C.)	.34	.33	.32	.32	.31	.32	.32	.33	.33	.33	.34
4A. Frankfurters, sheep casings (S. C.):											
1. All beef	.49	.48	.46	.46	.44	.44	.45	.45	.46	.46	.46
2. Type 1	.41	.40	.40	.39	.39	.39	.40	.40	.40	.41	.41
3. Type 2	.41	.40	.40	.39	.39	.39	.40	.40	.40	.41	.41
4. Type 3	.37	.36	.36	.35	.35	.35	.36	.36	.36	.37	.37
5. Type 4	.33	.32	.31	.31	.30	.31	.31	.32	.32	.32	.33
4B. Frankfurters, hog casings (H. C.), artificial casings (A. C.) or skinless:											
1. All beef	.44	.43	.41	.41	.40	.40	.40	.40	.41	.41	.41
2. Type 1	.37	.36	.36	.35	.35	.35	.36	.36	.36	.37	.37
3. Type 2	.37	.36	.36	.35	.35	.35	.36	.36	.36	.37	.37
4. Type 3	.33	.32	.32	.31	.31	.31	.32	.32	.32	.33	.33
5. Type 4	.29	.28	.27	.26	.26	.27	.27	.28	.28	.28	.29
5A. Knackwurst, natural casings (N. C.):											
1. All beef	.42	.41	.39	.39	.38	.38	.38	.38	.39	.39	.39
5B. Knackwurst, artificial casings (A. C.):											
1. All beef	$0.41	$0.40	$0.38	$0.38	$0.37	$0.37	$0.37	$0.37	$0.38	$0.38	$0.38
6A. Liver sausage, fresh:											
1. Hog bungs (H. C.)	.34	.33	.33	.32	.32	.32	.33	.33	.33	.34	.34
2. Beef casings (B. C.)	.32	.31	.30	.30	.29	.30	.30	.31	.31	.32	.32
3. Artificial casings (A. C.)	.32	.30	.30	.29	.29	.29	.30	.30	.30	.31	.31
6B. Liver sausage, smoked:											
1. Sewed hog bungs (H. C.)	.40	.38	.38	.38	.37	.38	.38	.38	.39	.39	.39
2. Other hog bungs (H. C.)	.38	.36	.36	.35	.34	.35	.36	.36	.36	.37	.37
3. Artificial casings (A. C.)	.34	.33	.33	.32	.32	.32	.33	.33	.33	.34	.34
7. Liver cheese:											
1. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.42	.40	.40	.40	.39	.40	.40	.40	.41	.41	.42
8. Liver loaf:											
1. Artificial casings (A. C.), natural casings (N. C.), cardboard cartons or sealed packages of moisture resistant paper	.33	.32	.32	.31	.30	.31	.32	.32	.32	.33	.33
9. Liver pudding:											
1. Beef casings (B. C.)	.28	.27	.26	.26	.25	.26	.26	.27	.27	.27	.28
2. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.27	.26	.26	.25	.24	.25	.26	.26	.26	.27	.27
10. Loaves, artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper:											
1. Type 1	.63	.61	.61	.60	.59	.59	.60	.60	.60	.61	.61
2. Type 2	.48	.46	.46	.45	.45	.46	.46	.46	.46	.47	.47
3. Type 3	.34	.33	.32	.32	.31	.32	.32	.33	.33	.33	.34
4. Type 4	.29	.27	.27	.27	.26	.27	.27	.27	.28	.28	.28
11. Minced luncheon:											
1. Natural casings (N. C.)	.38	.36	.36	.36	.35	.36	.36	.36	.37	.37	.37
2. Artificial casings (A. C.)	.37	.36	.35	.35	.34	.35	.35	.36	.36	.36	.37
12. New England:											
1. Natural casings (N. C.)	.56	.55	.54	.54	.53	.54	.54	.55	.55	.55	.56
2. Artificial casings (A. C.)	.55	.54	.54	.53	.52	.53	.54	.54	.54	.55	.55
13. Polish sausage, hog casings (H. C.) or skinless:											
1. Type 1	.56	.55	.54	.54	.53	.54	.54	.55	.55	.56	.56
2. Type 2	.46	.44	.44	.44	.43	.44	.44	.44	.45	.45	.45
3. Type 3	.36	.34	.34	.34	.33	.34	.34	.34	.35	.35	.36
14A. Pork or breakfast sausage, fresh, sheep casings (S. C.):											
1. Type 1	.61	.58	.56	.52	.52	.50	.53	.52	.54	.54	.56
2. Type 2	.48	.47	.46	.46	.45	.45	.45	.46	.46	.46	.47
3. Type 3	.41	.39	.39	.38	.37	.38	.38	.38	.39	.39	.39
4. Type 4	.34	.32	.32	.31	.30	.31	.31	.31	.32	.32	.32
14B. Pork or breakfast sausage, fresh, hog casings (H. C.):											
1. Type 2	.44	.42	.42	.41	.40	.41	.41	.41	.42	.42	.42
2. Type 3	.37	.35	.35	.34	.33	.34	.34	.34	.35	.35	.35
3. Type 4	.30	.28	.28	.27	.26	.27	.27	.27	.28	.28	.28
14C. Pork or breakfast sausage, fresh, artificial casings (A. C.) or sealed heavy cardboard waxed cups, 1 lb. each or less:											
1. Type 2	.42	.40	.40	.39	.38	.39	.39	.39	.40	.40	.40
2. Type 3	.35	.33	.33	.32	.31	.32	.32	.32	.33	.33	.33
3. Type 4	.28	.26	.26	.25	.24	.24	.25	.25	.26	.26	.26
14D. Pork or breakfast sausage, fresh, cardboard cartons or sealed packages of moisture resistant paper, 1 lb. each or less:											
1. Type 2	.40	.39	.39	.38	.37	.37	.38	.38	.38	.39	.39
2. Type 3	.33	.32	.31	.31	.30	.30	.30	.31	.31	.31	.32
3. Type 4	.23	.22	.22	.21	.20	.20	.21	.21	.21	.22	.22
14E. Pork or breakfast sausage, fresh, bulk:											
1. Type 1	.52	.50	.47	.43	.43	.41	.44	.43	.45	.45	.47
2. Type 2	.39	.38	.37	.37	.36	.36	.37	.37	.37	.37	.38
3. Type 3	.32	.30	.30	.29	.28	.29	.29	.29	.30	.30	.30
4. Type 4	.23	.21	.21	.20	.19	.20	.20	.20	.21	.21	.21
15. Pork or breakfast sausage, smoked, hog casings (H. C.), artificial casings (A, C.) or skinless:											
1. Type 2	.48	.47	.47	.46	.46	.46	.47	.47	.47	.48	.48
2. Type 3	.45	.43	.43	.42	.42	.42	.43	.43	.44	.44	.44
3. Type 4	.34	.32	.32	.32	.31	.32	.32	.32	.33	.33	.33
16A. Salami, soft, artificial casings (A. C.):											
1. All beef	.47	.46	.45	.45	.44	.44	.44	.45	.45	.46	.46
16B. Salami, medium or hard, artificial casings (A. C.) (Sold weight shall not exceed 80% of the purchased weight):											
1. All beef	.67	.66	.65	.65	.64	.64	.64	.65	.65	.66	.66

This amendment shall become effective January 8, 1944, except that subitem 3 of item 14A, subitem 2 of item 14B and subitem 2 of item 14C in the tables for Group 1 and 2 and Group 3 and 4 stores of section 20 shall become effective January 15, 1944, and except that section 6a (a) shall become effective as of November 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–117; Filed, January 3, 1944; 4:51 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 432,[1] Amdt. 2]

NORTHERN HARDWOOD FLOORING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

Maximum Price Regulation No. 432 is amended in the following respects:

1. In the title and preamble, the words "maple, birch and beech flooring" wherever appearing are amended to read "Northern hardwood flooring".

2. In sections 1 (a), 7 (a) (2) and 9, the words "maple, birch and beech flooring" wherever appearing are amended to read "hardwood flooring covered by this regulation".

3. Section 2 is amended to read as follows:

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of unfinished and prefinished hardwood flooring, other than oak and pecan flooring, produced anywhere in the United States except in the following hardwood lumber regions: Appalachian region, Southern region and South Central region.[2] The regulation applies regardless of the kind of mill or plant in which the flooring is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself or others, is subject to this regulation.

This amendment shall become effective January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–118; Filed, January 3, 1944; 4:50 p. m.]

[*] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10079, 12180.

[2] For description of Appalachian hardwood region, see MPR 146, 7 F.R. 3776; for description of Southern hardwood region, see RMPR 97, 8 F.R. 142; for description of South Central hardwood region, see MPR 155, 7 F.R. 4108.

PART 1389—APPAREL

[MPR 438,[1] Amdt. 3]

MANUFACTURERS' PRICES FOR CERTAIN FALL AND WINTER OUTERWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 438 is amended in the following respects:

1. The date in the third unnumbered paragraph of section 3 is amended to read March 1, 1944.

2. The date in the fourth unnumbered paragraph of section 4 (a) is amended to read March 1, 1944.

3. The date in the last sentence of section 6 (b) (1) is amended to read March 11, 1944.

4. The date in the fifth sentence of section 6 (b) (2) is amended to read March 11, 1944.

5. The date in the last sentence of the text of section 6 (b) (3) is amended to read March 21, 1944.

6. The date in the first sentence of the effective date provision is amended to read March 1, 1944. The date January 1, 1944 in the third sentence of this provision is amended to read March 1, 1944.

This amendment shall become effective January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-72; Filed, January 1, 1944; 5:00 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SILK SYNTHETICS AND ADMIXTURES

[MPR 127,[2] Amdt. 16]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1400.82 (s) (1) of Maximum Price Regulation No. 127 is amended to read as follows:

(s) *Restrictions on sales of finished piece goods by certain producers.* (1) The percentage of the total business of any producer which is represented by dollar sales of finished piece goods to persons other than cutters, manufacturers, retailers, or war procurement agencies shall be no greater in relation to his total business than the average percentage of such dollar sales during the years 1939, 1940 and 1941: *Provided*, That without regard to the foregoing a producer may:

(i) Honor a preference rating for goods to be exported; and

(ii) Through February 15, 1944 sell finished piece goods to any wholesaler, jobber, or converter-jobber who has certified in writing to such producer that during any three-month period beginning on or after July 1, 1943, 65 per cent or more of his sales of finished piece goods were made to retailers and/or purchasers outside the continental United States.

Sales of finished piece goods by a producer which are made after January 1, 1943, in fulfillment of firm commitments for the sale of such goods entered into prior to December 1, 1942, shall not be included by the producer in determining the percentage of his sales which are restricted.

This amendment shall become effective January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-119; Filed, January 3, 1944; 4:51 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 8,[1] 10th Rev. Zoning Order 1]

SUGAR RATIONING REGULATIONS; ORDER ESTABLISHING ZONES

Pursuant to § 1407.168, the Ninth Revised Zoning Order No. 1 is amended to read as follows:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments, and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and all counties in the State of Connecticut not located in Zone 2.

Zone 2 shall include the State of New York; Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex, and Union Counties in the State of New Jersey; and Fairfield County in the State of Connecticut.

Zone 3 shall include the States of Delaware and Pennsylvania and that part of the State of New Jersey which is not included in Zone 2.

Zone 3A shall include the State of Ohio; Brooke, Hancock, Ohio, and Marshall Counties in the State of West Virginia; and that part of the State of Indiana which is not located in Zone 8.

Zone 4 shall include the State of Maryland; Barbour, Berkeley, Braxton, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt, and Wood Counties in the State of West Virginia; Accomac, Arlington, Caroline, Charles City, Clarke, Culpeper, Elizabeth City, Essex, Fairfax, Fauquier, Frederick, Gloucester, Greene, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Madison, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince George, Princess Anne, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, and York Counties and the independent cities of Alexandria, Fredericksburg, Hampton, Harrisonburg, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, Suffolk, Williamsburg, and Winchester in the State of Virginia; and the District of Columbia.

Zone 5 shall include all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland; that part of the State of Virginia which is not included in Zone 4; and that part of the State of West Virginia which is not included in Zones 3A and 4.

Zone 6 shall include the States of Georgia and South Carolina; and that part of the State of North Carolina which is not included in Zone 5.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Louisiana, and Mississippi; that part of the State of Florida which lies west of the Apalachicola River; those parts of the States of Kentucky and Tennesseee which are not located in Zone 8A; and Benton, Boone, Brown, Carroll, Clark, Clay, Clinton, Crawford, Daviess, Dubois, Floyd, Fountain, Gibson, Greene, Harrison, Hendricks, Jasper, Johnson, Knox, Lake, Lawrence, Marion, Martin, Monroe, Montgomery, Morgan, Newton, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, Warrick, Washington, and White Counties in the State of Indiana.

Zone 8A shall include Bell, Boyd, Breathitt, Carter, Elliott, Floyd, Greenup, Harlan, Johnson, Knott, Lawrence, Leslie, Letcher, Magoffin, Martin, Perry and Pike Counties in the State of Kentucky; and Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier, Sullivan, Unicoi, Union, and Washington Counties in the State of Tennessee.

Zone 9 shall include that part of the State of Texas which is not located in Zone 9A.

Zone 9A shall include Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terrell, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum Counties in the State of Texas.

Zone 10 shall include the lower peninsula of the State of Michigan.

Zone 11 shall include the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin; the upper peninsula of the State of Michigan; and all counties in the State of Oklahoma except Beaver, Cimarron, and Texas Counties.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11, inclusive.

(b) "Base rate", as used herein, refers to the lowest published refiners' base rate in effect on the effective date of this Tenth Revised Zoning Order No. 1.

(c) Sugar may be delivered, shipped, or transferred as follows:

(1) From Zone 6 to any point in Zone 8A or to any point in the City of Bristol located in the State of Virginia.

(2) From Zone 8 to any point in Zones 3A, 8A, 9, 10, 11 or to any point in the City of Bristol located in the State of Virginia.

(3) From Zone 9 to any point in Zone 9A.

(4) From Zone 12 to any point in Zones 9A or 11.

(d) Prior to January 10, 1944, sugar may be delivered, shipped or transferred from Zones 2 or 3 to any point in Zones 3A or 10.

(e) (1) Granulated sugar in 5 and 10 pounds packages and confectioners' sugar in bulk may be delivered, shipped, or transferred from Zone 4 to any point located in Zone 5 and to any point in the City of Bristol located in the State of Tennessee.

(2) Confectioners' sugar in bulk may be delivered, shipped, or transferred from Zone 6 to any point in Zone 7.

(3) Sugar produced in the State of Minnesota may be delivered, shipped or transferred from any point in Zone 11 located in the State of Minnesota to any point in Zone 12 located in the State of North Dakota.

(f) Any carrier who has, prior to the effective date of this Tenth Revised Zoning Order No. 1, accepted sugar for a delivery, shipment, or transfer not at that time prohibited by §§ 1407.281 and 1407.168 may complete such delivery, shipment, or transfer after the effective date of this Tenth Revised Zoning Order No. 1 and any carrier who has, prior to January 10, 1944, accepted sugar for a delivery, shipment, or transfer from Zones 2 or 3 to any point in Zones 3A or 10 may complete such delivery, shipment, or transfer on or after January 10, 1944.

This revised zoning order shall become effective January 3, 1944.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005; Sec. 1407.168 of R.O. No. 3)

Issued this 3d day of January 1944.

WALTER F. STRAUB,
Director, Food Rationing Division.

[F. R. Doc. 44-123; Filed, January 3, 1944; 4:52 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, 2d Rev. Supp. 1]

PROCESSED FOODS

Revised Supplement 1 to Ration Order 13 is redesignated Second Revised Supplement 1 to Revised Ration Order 13 and is revised to read as follows:

§ 1407.1102 *Second Revised Supplement 1 to Revised Ration Order 13.* This supplement to Revised Ration Order 13 (§ 1407.1101), is hereby issued:

(a) Processed foods shall have the point value set forth in the Official Table of Point Values (No. 11) which is made a part hereof:

(b) The industrial user factors (referred to in section 6.6 (c) of Revised Ration Order 13) are as follows:

(1) For the allotment period from January 1, 1944 to March 31, 1944, inclusive:

Processed foods	Class of product or use (on Schedule I of OPA Form R-1200)	Factor
(i) Fruits:		
(a) Canned and bottled	All	10
(b) Frozen	All	9
(c) Dried and dehydrated	All	4.6
(ii) Vegetables:		
(a) Canned and bottled	All	10
(b) Frozen	All	9
(iii) Miscellaneous:		
(a) Dry beans	All	2
(b) Jellies, jams, marmalades, preserves, fruit butters.	All	4

(c) The wholesale factor which is referred to in section 4.6 (b) of Revised Ration Order 13 is as follows:

(1) For the reporting period beginning December 5, 1943 and ending January 1, 1944—5.5.

(2) For the reporting period beginning January 2, 1944, and ending January 29, 1944—5.

(3) For the reporting period beginning January 30, 1944, and ending March 4, 1944—4.

(d) The retail factor which is referred to in section 5.8 (b) of Revised Ration Order 13 is 3.

(e) The following are the periods referred to in sections 2.4 (b) and 9.4 (e) of Revised Ration Order 13, during which stamps may be used by consumers:

(1) Green stamps from War Ration Book Four:

(i) A, B, and C may be used from November 1 to December 20, 1943, inclusive.

(ii) D, E, and F may be used from December 1, 1943 to January 20, 1944, inclusive.

(iii) G, H, and J may be used from January 1 to February 20, 1944, inclusive.

(f) Home processed foods shall have the point value assigned to corresponding processed foods items, in the Official Table of Point Values, except that the point value of an item of home processed foods shall in no event exceed 8 points per quart.

(g) Fruit juice single strength (natural fruit juice) or diluted shall have the point value set forth in the Official Table of Point Values. Fruit juice concentrated to more than single strength shall have a proportionately higher point value. (For example, a double strength fruit juice shall have a point value of twice the point value set forth in the table.)

This supplement shall become effective 12:01 a. m. on January 2, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 1st day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-74; Filed, January 1, 1944; 5:02 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 30]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 14 is hereby deleted.

2. Section 41, Table XXVIII is amended to read as follows:

SEC. 41. *Table XXVIII: Maximum prices at retail for certain grocery items*—(a) *Records and reports.* Notwithstanding the provisions of section 11 of this Maximum Price Regulation 373, every person making sales of the commodities subject to this section 41 shall on and after the date any such commodity becomes subject to this regulation:

(1) Keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each purchase made by the seller, the date thereof, the name and address of the person selling to the seller, the direct cost thereof, the price paid, the quantity purchased, and

(2) Keep a "price book" and enter therein, in the case of commodities for which the maximum prices are calculated by a division or multiplication factor (not the commodities for which dollar and cent prices are specified), the net cost, the number of retail units in the customary wholesale unit (e. g. 48 cans to a case); every step in the calculation, including the division or multiplication factor used, and the resulting maximum price per retail unit. In addition to the matters set forth above, multiple outlet retail stores shall enter the quantity purchased in the price book where the ceiling price is computed on a weighted average basis. Such price book shall be available for inspection by the Office of Price Administration, or any consumer.

(b) *Prices to be marked and posted.* On and after the date any commodity becomes subject to this section 41 every person offering to sell any such commodity shall:

(1) Mark the maximum price of such commodity in a manner plainly visible

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10503, 12712, 14012.

[2] 8 F.R. 3057, 4851, 6181, 9023, 12934.

[1] 8 F.R. 14812, 15368, 15489, 15524, 15594, 15662.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139.

to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale: *Provided*, That whichever of the above methods of posting is adopted, the maximum price of each commodity offered for sale shall be plainly visible to the purchaser at the place in the business establishment where the commodity is offered for sale, and shall not be obscured by the posted prices of other commodities, whether by use of price books or catalogs or layers of price lists or otherwise or in any other manner. The maximum price shall be stated as follows: "Ceiling Price $------"; or "Our Ceiling $------".

(2) Post in a place and manner easily accessible to and understandable by the purchasing public the price posters issued by this office, which will contain the maximum prices fixed by this regulation, wherever the sales of 50% of a retail outlet or any department thereof are priced in accordance with this regulation.

(c) *Sales slips and receipts.* Every seller of the commodities subject to this section 41, who has customarily given purchasers sales slips or receipts, shall continue to do so. Upon request from a purchaser, every such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the commodity sold and the price received for it.

(d) *Maximum prices.* The maximum prices for the grocery items covered by this section are set forth in Tables A, B, C, D, E and F following paragraph (f) of this section. These grocery items are divided into categories. In each category maximum dollar and cents prices may be specified for certain named items. The maximum prices for all other items in each category shall be computed by dividing or multiplying (as the case may be) net cost of the item by the division factor or the multiplication factor specified in the particular category. Where delivery of an item is received at a net cost different from that of an identical item already on hand, the retailer with multiple outlets may use as his net cost for the entire inventory a weighted average net cost of the inventory on hand. Stores which do not possess multiple outlets must price each delivery separately and market the various lots on a first in first out basis. Sellers in no event may resort to pricing by means of a multiplication or division factor where a dollar and cent price is specified: *Provided, however*, That a peddler purchasing from a second wholesaler in the Territory of Hawaii (who has determined his maximum price under the provisions of section 41a (c) (5) of this Maximum Price Regulation 373) shall determine his maximum retail prices for commodities thus purchased as follows: If a minimum price for the commodity purchased is listed in dollars and cents in this section, such price is the peddler's maximum price; if the maximum price for the commodity is to be determined by means of a division or multiplication factor, said factor shall be applied to the maximum price of the primary wholesaler (from whom the second wholesaler purchased) rather than to the actual price paid by the peddler to the second wholesaler. (Second wholesalers are required by the provisions of section 41a (c) (5) of this Maximum Price Regulation 373 to furnish the peddler with a statement of the maximum price of the primary wholesaler.)

(1) *Example of use of division factor.* Assume the net cost for a case of 24 cans of Brand X is $2.64 and the division factor is .76. Dividing $2.64 by .76 yields $3.385. Dividing this figure by 24 yields 14.1 cents per can. Adjusting this figure to the nearest cent, in accordance with MPR 373, section 7, results in a maximum price of 14 cents per can.

(2) *Example of use of multiplication factor.* Assume the net cost for a case of 24 cans of Brand Y is $3.78 and the multiplication factor is 1.2. Multiplying $3.78 by 1.2 yields $4.536. Dividing this figure by 24 yields 18.9 cents per can. Adjusting this figure to the nearest cent, in accordance with MPR 373, section 7, results in a maximum price of 19 cents per can.

(e) *"Net cost" and certain transportation allowances.*—(1) *Local purchases.*—(i) *"Net cost".* In the event an item is purchased from a supplier on the same Island "net cost" means the amount paid by the retailer as shown on the invoice of his supplier, less all discounts except the discount for prompt payment. *Provided*, That, in no event may this "net cost" exceed the maximum wholesale price of the seller of the commodity according to the provisions of section 41a of this Maximum Price Regulation No. 373.

(ii) *Transportation allowances.* When a retailer located in Zones 2 and 3 of any Island, as defined by Tables B and C of this section 41 purchases any item from a wholesaler located on the same Island but outside of Zones 2 or 3, he may add the actual cost of transportation from the wholesale warehouse to his place of business incurred by him to his invoice cost to obtain his "net cost." This "net cost" may then be divided by the appropriate division factor.

(2) *Inter-island purchases.*—(i) *"Net cost".* In the event an item is purchased by a retailer from a producer, retailer, or wholesaler located on another island in the Territory of Hawaii, "net cost" means the amount paid by the retailer as shown on the invoice of his supplier, less all discounts except the discount for prompt payment. *Provided*, That in no event may this "net cost" exceed the maximum wholesale price of the commodity in the island of origin according to the provisions of section 41a of this Maximum Price Regulation No. 373.

(ii) *Transportation allowances.* After computing his maximum price on the basis of "net cost" as defined above, the retailer importing from another island may increase his maximum price by adding thereto all actual costs necessary to place the article at the shipping terminal of the island of destination, and if the retailer is located in Zones 2 or 3 of the Islands of Maui and Hawaii he may add also the actual transportation cost from the terminal to his place of business; and if the retailer is located outside of Zones 2 or 3 of the Islands of Maui and Hawaii as above defined, he may add also a local trucking charge as actually incurred but in no event to exceed $1.20 per ton by weight or measurement at the option of the retailer.

(3) *Mainland purchases.*—(i) *"Net cost".* In the event an item is imported by a retailer directly from the mainland, the "net cost" shall be the wholesale ceiling price in the island of destination computed according to the provisions of section 41a of this Maximum Price Regulation No. 373.

(ii) *Obligations of importing retailers.* Importing retailers shall be subject to all of the provisions of section 41a with respect to imports from the mainland. An importing retailer is a retailer who purchases grocery items directly from a supplier located outside of the Territory of Hawaii. If any such retailer elects not to take the mark-up, provided by said section 41a, he shall be exempt from the obligations imposed by said section 41a, and he shall determine his "costs", upon which the retail mark-up is taken, as the sum of the costs named as elements of "landed cost" in section 41a (c) (1) (i) through (vi) of this Maximum Price Regulation 373, with the exception of the trucking allowance therein provided. In lieu of such trucking allowance, he may, at his option, add instead, as one of his costs, his actual expense for such cartage from the dock to his place of business.

(f) *Definitions.* (1) "Baby foods" mean all foods prepared in hermetically sealed containers of glass, tin, or other material, expecially designed for the nourishment of infants and juniors, such as strained or diced vegetables, Pablum and Cerevim, but do not include (i) Dextrimaltose, (ii) S. M. A. products other than Pablum, (iii) Nestle's and Mellin's Baby Foods, (iv) Lactogen, (v) Beta-Lactose, (vi) Olac, (vii) Casec, and (viii) other proprietary baby foods customarily listed by drug wholesalers, and normally purchased for use under the direction of a physician. Sales of Pabena, Pablum and Cerevim when made in drug stores are exempted from this section.

(2) "Dried edible beans and peas" mean all bulk or packaged threshed and dried field or garden beans and peas, and lentils used for human consumption.

(3) "Beverage bases and concentrates" include Kool-Aid, Ovaltine, Hires Root Beer extracts, and similar products, but do not include coffee or any bottled ready to drink beverages, such as Ginger Ales, Colas, and Tom Collins mixes.

(4) "Bakers' supplies" mean all imported supplies sold for use in the preparation of bakery products, and shall include but are not limited to baking powder, coloring matter, mince meats, and yeast in shelf sizes. Excluded from this category are flour, sugar, and any other commodity included in any other category of this section or specifically covered by another regulation.

(5) "Breakfast cereals" mean bulk or packaged processed cereal grains used as breakfast foods, both uncooked and ready to eat types. Included in this classification are hominy grits, puffed rice and puffed wheat; excluded are buckwheat flour, corn meal, pancake flour, pearled barley, and rice.

(6) "Cocoa and chocolate in shelf sizes" include, but are not limited to, powdered, cake, cooking chocolate. Excluded is chocolate bar candy coated with chocolate.

(7) "Mustard, vinegar, soy, catsup and tomato sauces" refer to food garnishes commonly known by these names.

(8) "Condiments and sauces" mean food garnishes, including but not limited to chili sauce, chutney, meat sauces, tobasco sauce, worcestershire sauce, and cocktail sauce, and pimientos.

(9) "Charcoal" means any bagged charred wood, imported or locally produced.

(10) "Corn starch" means edible starch used for cooking.

(11) "Crackers" mean all cookies, crackers and biscuits imported from the mainland or locally produced.

(12) "Dessert powders" shall include all concentrates of fruits or vegetables used in the preparation of gelatinous desserts, and tapioca.

(13) "Dessert preparations" mean all canned and packaged preparations ready to serve for dessert.

(14) Bakers and family flour. (i) "Bakers flour" means flour in bulk and prepared bulk flour from wheat other than flour made from durum wheat for use by commercial, institutional, or governmental users.

(ii) "Family flour" means flour in bulk from wheat which is packed and sold for ultimate use in the home.

(15) "Prepared packaged flour" means flour and flour mixes made from buckwheat, corn, potatoes, rice, or wheat, including but not limited to Aunt Jemima, Bisquick, corn meal, Dromedary, Sperry, buckwheat flour, Swansdown, and other ready to use packaged flour. Excluded is cake flour.

(16) "Cake flour" means flour and flour mixes made from buckwheat, corn, potatoes, rice, or wheat used in the making of cake.

(17) "Canned fruits and berries" mean fruits and berries preserved by heat and hermetically sealed in containers of metal, glass, or any other material, and include, but are not limited to, the following: apples, apple sauce, apricots, cherries, figs, fruit cocktails, fruits for salads, peaches, pears, pineapples, plums, blackberries, blueberries, boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, strawberries, and youngberries.

(18) "Dried fruits" mean fruits or parts thereof from which the major portion of moisture has been removed by natural or artificial drying, and include but are not limited to apples, apricots, currants, dates, figs, grapes (raisins), nectarines, peaches, pears, and prunes.

(19) "Canned juices" mean berry juices, citrus fruit juices, fruit juices and nectar, and vegetable juices packed in containers of metal, glass, or any other material.

(20) "Mayonnaise and salad dressing" mean all prepared dressings for salads except cooking and salad oils, and sandwich spreads with a mayonnaise base, or cheese base.

(21) "Chicken and turkey" mean preparations of chicken and turkey in jars or tins with mixed noodles and/or other ingredients.

(22) "Meats" mean canned meats and meats in combination with other foods, in containers of tin or glass, such as luncheon meats, spreads, sausages and sausage meats, frankfurters, hamburger, loaf goods, brains, tongues, bacon, corned beef, dried beef, sliced dried beef, hash, potted and deviled meats, spaghetti and meat balls, spaghetti sauce with meat, noodles and meat, stew (if in chief part meat), chili con carne, poultry in cans or glass, tamales, tortillas, and similar items which are customarily considered shelf goods, and are not stored under refrigeration.

(23) "Evaporated milk" means evaporated milk in hermetically sealed containers of metal, glass, or any other material. Other milk products mean any food commodity which is processed or manufactured from cow's milk, such as Klim, Avoset, condensed milk. Excluded, however, are butter, cheese, powdered skim milk, fresh milk, and malted milk products.

(24) "Packaged nuts" means all nuts packed in glass, tin, or cartons, shelled or unshelled, roasted or unprocessed, and sold in self sizes, and include almonds, brazil nuts, macadamia nuts, salted nuts and peanuts, and all other nuts, whether locally grown or imported. Bulk nuts mean nuts which are not customarily sold by the retailer in the original package.

(25) "Olives" mean all kinds of olives, whether green, ripe, stuffed, oiled, brined, and include olives packed in vinegar and mustard.

(26) "Paper products" mean toilet tissue, paper towels, paper napkins and picnic supplies, and wax paper. Picnic supplies include paper eating implements, plates and cups.

(27) "Paste products" mean all canned, packaged, and bulk macaroni, shells, noodles, spaghettis, and vermicelli.

(28) "Pet foods" mean all kinds of pet foods, packaged, bulk, canned, or dry.

(29) "Pickles" mean all kinds of pickles, whether green, ripe, stuffed, oiled, brined, and include pickles packed in vinegar and mustard.

(30) "Popcorn" means corn in tins or bags intended for the purpose of making popcorn.

(31) "Preserves, jams and jellies" mean all preserves, jams, jellies, and marmalade, except bakers' jams and jellies. Peanut butter shall include all spreads of ground peanuts, irrespective of the size of the granules or pieces of peanuts contained therein, including peanut butter chunk.

(32) "Rice" means all grades of white and brown milled rice sold in all types of containers.

(33) "Salt" includes all table and cooking salt.

(34) "Seafood" means all processed fish and sea food in hermetically sealed containers of metal, glass, or any other material, and includes, but is not limited to abalone, crab meat, lobster, salmon, sardines, shrimp, canned clam juice and broth. Excluded are fresh, dried, salted, smoked, and frozen fish and sea food.

(35 & 36) "Soap" means bar and packaged laundry and toilet soap in bars, cake, chips, powder, plain, granulated, or liquid form, but does not include medicated soaps, toilet soaps and soap products which, when priced under the margins established in this regulation, result in a maximum retail price in excess of 10 cents per unit, unless a dollar and cent price for such soap is specifically listed in this regulation.

(37) "Canned soups" mean any soups or broths in hermetically sealed containers of metal, glass, or any other material, and include condensed soups and broths and clam chowders.

(38) "Dehydrated soups" mean any commodity intended for the making of soup by the addition of liquid and shall include noodle soup mixes.

(39) "Spices and extracts" mean all kinds of spices and extracts, including but not limited to sodium glutumate, extracts in shelf sizes, grated cheese, cinnamon, pepper, vanilla, and bouilion cubes.

(40) "Cleansers and home laundry supplies" shall include Clorox, Old Dutch Cleanser, laundry starch, bluing, powder and cake cleaners other than soaps, and all other cleansers, and home laundry supplies. Excluded are poisonous home supplies, the merchandising of which requires a license, and brass, metal and silver polish, upholstery, floor, rug, wall and dry cleaners.

(41) "Sugar" means specialty sugars in packages or cartons imported from the mainland and also means direct-consumption sugar manufactured in the Territory of Hawaii.

(42) Syrup and honey. (i) "Syrups mean all edible molasses, sorghum, cane, maple and corn syrups and blends thereof;

(ii) "Honey" means imported extracted honey and includes combinations of extracted and comb honey.

(43) "Tea" means all kinds of tea, green and black, packaged and in bulk.

(44) "Canned vegetables" mean vegetables packed in containers of metal, glass, or any other material, and include but are not limited to beans, carrots, corn, okra, peas, pumpkins, puree of chopped vegetables, rhubarb, sauerkraut, spinach, tomatoes, stew, if in chief part vegetable, and vegetable paste.

(45) "Dehydrated vegetables" mean vegetables or vegetable mixtures which are prepared for consumption by the addition of liquid to restore the product to its original condition.

(46) "Specific wooden products" mean products of wood locally made or imported, and limited specifically to the following: brooms and their constituent parts, matches (including book matches), clothes pins, and toothpicks. Excluded are brooms manufactured by the Territorial Workshop for the Blind, all

brushes, and all brooms other than house brooms with brush of straw.

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU

(a) This Table A shall apply to the Island of Oahu only.

(b) The following maximum prices shall apply in the Island of Oahu.

Commodity and size:	Ceiling price per unit (cents)
(1) *Baby food:*	
Heins Junior Foods, 6½ oz	12 (2 for 23)
Heins Strained Foods:	
Apple Sauce, 4½ oz	10
All others, 4½ oz	10 (2 for 19)
Fablum, 18 oz	46
Fablum, 8 oz	23
Cerevim, 16 oz	42
Cerevim, 8 oz	23

For all other baby foods covered by this regulation the division factor is .80.

(2) *Dried beans & peas.*—For all dried beans and peas packaged and in bulk the division factor is .77.

(3) *Beverage bases and concentrates.*	
Cocomalt, 1 lb. gl	60
Cocomalt, 1 lb. tin	50
Kool-Aid, assorted	5
Ovaltine, plain, 14 oz	67
Ovaltine, plain, 6 oz	42
Postum, Instant, 8 oz	54
Postum, Instant, 4 oz	31

For all other bases and concentrates, the division factor is .75.

(4) *Bakers' supplies & baking soda.*	
Calumet Baking Powder, 1 lb	23
K. C. Baking Powder, 25 oz	25
K. C. Baking Powder, 10 oz	10
Royal Baking Powder, 12 oz	54
Royal Baking Powder, 6 oz	28
Arm & Hammer Baking Soda, 1 lb	12
Arm & Hammer Baking Soda, ½ lb	6

For all other bakers' supplies and baking soda the division factor is .80.

(5) *Cereals.* (i) Prepared, ready to eat, breakfast cereals.	
All Bran, Kellogg, 15 oz	29
All Bran, Kellogg, 10 oz	17
Bran Flakes, Kellogg, 8 oz	14
Bran Flakes, Post, 8 oz	14
Bran Shredda Whole, Post, 10 oz	18
Cheerioats, Gold Medal, 7 oz	17
Corn Flakes, Albers, 6 oz	9
Corn Flakes, Kellogg, 11 oz	16
Corn Flakes, Kellogg, 6 oz	10
Grapenuts, Post, 12 oz	18
Grapenut Flakes, Post, 12 oz	21
Grapenut Flakes, Post, 7 oz	14
Kix, Gold Medal, 7 oz	17
Krumbles, Kellogg, 9 oz	16
Pep, Kellogg, 10 oz	18
Pep, Kellogg, 8 oz	15
Puffed Rice, Quaker, 5 oz	18
Puffed Wheat, Quaker, 4 oz	16
Rice Krispies, Kellogg, 5½ oz	17
Shredded Wheat, NBC 12 oz	16
Tens, Assorted Post, 11 oz	33
Tens, Assorted Kellogg, 11 oz	34
Toasties, Post, 11 oz	16
Toasties, Post, 6 oz	10
Wheaties, Gold Medal, 8 oz	16

For prepared, ready to eat cereals the division factor is .82.

(ii) Cooking cereals.	
Cream of Wheat, all types, 28 oz	31
Cream of Wheat, all types, 14 oz	18
Grapenut Wheat Meal, Post, 1 lb	17
Pearls of Wheat, 28 oz	24

Commodity and size—Con.	Ceiling price per unit (cents)
(5) (ii) Cooking cereals—Con.	
Quick Oats & Regular, Albers Premium, 48 oz	47
Quick Oats & Regular, Albers, No Premium, 48 oz	38
Quick Oats & Regular, Albers, 20 oz	18
Quick Oats, H-O, 20 oz	18
China Oats, Mother's, All types, 48 oz	46
China Oats, Mother's, All types, 20 oz	19
Rolled Oats, Carnation, 48 oz	39
Rolled Oats, Quaker, All types, 45 oz	37
Rolled Oats, Quaker, All types, 20 oz	17
Sperry Wheat Hearts, 28 oz	27
Sperry Wheat Hearts, 14 oz	16
Wheat Flakes, Carnation, Premium, 48 oz	44
Wheat Flakes, Carnation, No Premium, 48 oz	38
Wheat Flakes, Carnation, 16 oz	18

For all cooking cereals the division factor is .80.

(6) *Cocoa, chocolate.*	
Baker's Breakfast Cocoa, 1 lb	23
Baker's Breakfast Cocoa, ½ lb	13
Baker's Dot Sweetened Chocolate, ½ lb	27
Baker's Prem. Unswtd., ½ lb	31
Ghiradelli Ground Chocolate, 1 lb	34
Ghiradelli Ground Chocolate, ½ lb	20
Guittard Ground Chocolate, 2 lb	55
Guittard Ground Chocolate, 1 lb	30
Nestles Swt. Milk Cocoa, 1 lb	40
Nestles Swt. Milk Cocoa, 8 oz	22

For all other cocoa and chocolate the division factor is .80.

(7) *Mustard, vinegar, soy, catsup, and tomato sauce.*	
Catsup:	
Alameda, 14 oz	15
CHB, 14 oz	20
Del Monte, 14 oz	21
Heins Ketchup, 14 oz	26
Kern's, 14 oz	17
Sacramento, 14 oz	22
Sunblest, 14 oz	20
Sunblest, 12 oz	18
Sunstrand, 14 oz	16
Yolo Tomato, 14 oz	17
Yolo Tomato, 12 oz	15
Mustard:	
CHB, 8 oz	12
French's Prepared, 9 oz	14
French's Prepared, 6 oz	10
Gulden's, 8½ oz	15
Gulden's, 2 oz	5
Heins, 6 oz	12
Libby Prepared, 9 oz	12
Libby Prepared, 6 oz	10
Schillings Sauce, 6 oz	12
Soya sauce:	
Blue Label, 1 gal	$1.51
Blue Label, 22 oz	.36
CHB, 1 gal	1.77
CHB, 32 oz	.51
Fuji, 1 gal	2.60
Fuji, ½ gal	1.35
Green Label, 1 gal	2.15
Green Label, 24 oz	.48
Jan-u-Wine 6 Star, 1 gal	2.26
Jan-u-Wine 6 Star, 22 oz	.52
Jan-u-Wine 2 Star, 1 gal	1.50
Jan-u-Wine 2 Star, 22 oz	.36
Kikkoman, 1 gal	1.39
King, 1 gal	1.86
King, 22 oz	.40
King, 11 oz	.28
Red Label, 1 gal	1.60

Commodity and size—Continued.

(7) *Mustard, vinegar, soy, catsup, and tomato sauce.*	Ceiling price per unit
Soya sauce—Continued.	
Red Label, 24 oz	$0.35
Ringer, 1 gal	1.75
Tomato sauce:	Cents
All brands, other than tomato hot sauce, 8 oz	7
Vinegar:	
CHB, white or cider, qt	20
CHB, white or cider, pt	12
Heins, white or cider, qt	26
Heins, white or cider, pt	14
Heins Tarragon, pt	30
Heins Malt, pt	21
Lady's Choice, qt	21
Lady's Choice, pt	13
Mopico, qt	19
Mopico, pt	13
S and W cider, qt	23
Wellman, pt	13

For all other mustard, vinegar, soy, catsup and tomato sauces, the division factor is .80.

(8) *Condiments & sauces.*	
A-1 Sauce, 11 oz	58
A-1 Sauce, 6 oz	36
B & M Corn Relish, 14 oz	23
Best Foods Horseradish Mustard, 9 oz	10
Bouquet, Kitchen, 4 oz	49
Del Monte Chili Sauce, 12½ oz	26
Exquisite Cranberry Sauce, 16 oz	24
Heins Chili Sauce, 12½ oz	37
Heins India Relish, 12 oz	28
Heins India Relish, 8 oz	17
Heins Beefsteak Sauce, 8 oz	30
Heins Worcestershire Sauce, 12 oz	45
Heins Worcestershire Sauce, 6 oz	30
Heins Horseradish, 2½ oz	21
IXL Mushroom Sauce, 7¾ oz	16
Lea & Perrins Worcestershire Sauce, 10 oz	71
Lea & Perrins Worcestershire Sauce, 5 oz	40
Libby Chili Sauce, 12 oz	29
McIlhenny's Tobasco Sauce, 2 oz	42
Trappeys Tobasco Peppers, 3 oz	11

For all other condiments and sauces the division factor is .75.

(9) *Charcoal.* For all charcoal the division factor is $0.82.	
(10) *Corn starch, edible.*	
Argo, 1 lb	11
Kingsford, 1 lb	12, 23
Staleys, 1 lb	10
Tiger, 1 lb	11

For all other edible corn starches the division factor is .80.

(11) *Crackers, biscuits & Cookies.*	
Mrs. Benzen's Danish Cookies, 14 oz	70
Home Run, Diamond & Love's Crackers	
Cream and Saloon Pilot, 2 lbs	41
Crackers, all types, 2 lbs	41
Crackers, all types, 1 lb	21
Crackers, all types, 8½ oz	11
Crackers, all types, 4½ oz	6
Graham Crackers, 3¼ lbs	75
Graham Crackers, 1 lb	23
Graham Crackers, 12 oz	20
Graham Crackers, 7½ oz	11
Jersey Cream, 2½ lbs	53
Jersey Cream, 1½ lbs	35
Jersey Cream, 1 lb	23

For all other crackers, biscuits and cookies the division factor is .78.

(12) *Dessert powders.*	
Jello, all flavors, & Jello Puddings, 3 oz	8
Royal Puddings, Gelatine, 3¼ oz	8

For all other dessert powders the division factor is $0.80.

Commodity and size—Con.	Ceiling price per unit (cents)
(13) *Dessert preparations.* For all other dessert preparations, specifically fruit cake packaged or tinned, puddings, mince meats, the division factor is .75.	
(14) *Flour, baker's and family.*	
Family Flour, 49 lb	$2.75
Family Flour, 5 lb	.32

For all other baker's and family flour the maximum price shall be determined by multiplying invoice cost by 1.2.

(15) *Prepared package flour (not including cake flour).*	Cents
Albers Flapjack, 20 oz	15
Aunt Jemima Pancake Flour, 20 oz	15
Sperry Pancake & Waffle Flour, 28 oz	21
Sperry Pancake & Waffle Flour, 14 oz	12
Bisquick, Gold Medal, 40 oz	39
Bisquick, Gold Medal, 20 oz	21
Fishers Biskit Mix, 40 oz	39
Albers White and Yellow Cornmeal Flour, 20 oz	13
Sperry's White and Yellow Cornmeal Flour, 16 oz	12

For all other prepared package flour (not including cake flour) the division factor is .80.

(16) *Cake flour, prepared packaged.*	
Cinch White and Golden Cake Mix, 17 oz	34
Dromedary Mix Gingerbread, 12½ oz	25
Gold Medal, Softasilk, 44 oz	35
Swans Down, 44 oz	40

For all other prepared packaged cake flours the division factor is .75.

(17a) *Quick frozen fruits and vegetables.* For quick frozen fruits and vegetables the division factor is .75.	
(17b) *Canned fruits.*	
Apples:	
Comstock Sliced Pie, No. 2½ gl	28
Comstock pie tin, No. 2 can	19
Apple sauce:	
Bowman's, No. 2 can	15
Hood River, No. 2 can	14
Libby, No. 2 can	20
S & W, No. 2 can	23
V-B (Very Best), No. 2 can	18
Wegners, 303 gl	18
Apricots:	
Dodge, No. 2½ gl	39
S & W, No. 2½ gl	41
Top Flight Halves, No. 2½ gl	33
Cherries:	
Del Monte (Royal Anne), No. 2½ can	45
Del Monte (Royal Anne), No. 303 gl	27
Felice (Royal Anne), No. 2½ can	49
Figs:	
Palmdale, No. 2 can	39
Demand Kadota, No. 300 gl	24
Fruit cocktail:	
Del Monte, No. 1 can	24
Exquisite, 16 oz	19
Goblin, No. 1 can	22
Libby, No. 2½ can	34
Libby, No. 1 can	19
Rosedale Fruit Mix, No. 2½ gl	32
S & W, No. 2½ can	41
S & W, No. 1 can	23
Santa Cruz, No. 1 can	19
T & M, No. 1 can	22
Fruit salad:	
Above Par, No. 2½ can	50
Del Monte, No. 1 can	24
S & W, No. 2½ can	52
Signet, No. 2½ gl	45
Signet, No. 1 gl	27

Commodity and size—Con.	Ceiling price per unit (cents)
(17b) *Canned fruits*—Con.	
Grapefruit:	
Libby, 46 oz	53
Libby, 28 oz	20
Oranges:	
Mandarin, 11 oz	12
Peaches:	
FSCC "C" (Various Brands), No. 2½ can	25
FSCC "D" (Various brands), No. 2½ can	24
Pears:	
Britewest Std. Bartlett, No. 2½ can	31
Del Monte, Bartlett, No. 2½ can	34
Del Monte, Bartlett, No. 2½ gl	38
Del Monte, Bartlett, No. 303 gl	25
Del Monte, Sliced, No. 2½ gl	36
Del Monte, Sliced, No. 303 gl	26
Flav-R-Pac Choice, No. 2½ Cont	35
Glorietta, Fancy, No. 2½ Cont	39
Libby, No. 2½ Cont	36
Pacific Mist, No. 2½ Cont	34
Rosebowl, Bartlett, No. 2½ Cont	34
Rosebowl, Bartlett, No. 2 tin	25
Selkirk, choice, No. 2½ Cont	38
Southern Beauty, No. 2½ Cont	34
Pineapples:	
Dole, Libby, Del Monte, all types:	
No. 2½ can	25
No. 2 can	21
Vitagold, King of Hawaii, Hawaiian Cross, all types (except crushed No. 2 cans):	
No. 2½ can	24
No. 2 can	20
Vitagold, King of Hawaii, Hawaiian Cross, crushed, No. 2 can	18
Plantation, Hawaiian Star, Vitapine, Sure Hit, sliced:	
No. 2½ can	23
No. 2 can	19
Uklele, Hillsdale, Flowerland, Vitafruit, Mountain Top; half sliced and broken sliced:	
No. 2½ can	22
No. 2 can	18
Plums:	
Del Monte Deluxe, No. 2½ gl	25
Del Monte Deluxe, No. 303 gl	18
Prunes:	
All Gold prepared, No. 2½ gl	28

For canned apples, applesauce, apricots, Royal Anne cherries, fruit cocktail, grapefruit, oranges, peaches, pears, pineapples, and combinations thereof other than when prepared for diabetics, the division factor is .82.

For all other canned fruits and berries, the division factor is .77.

(18) *Dried fruits.*	
Prunes "30/40", 1 lb. cont	18
Prunes "50/60", 1 lb. cont	17
Prunes "60/70", 1 lb. cont	15
Prunes "90/100", 1 lb. cont	14
Raisins, 15 oz. box	13

For all other dried fruits the division factor is .80.

(19) *Canned juices.*	
Apple cider:	
Martinelli, 1 gal	$1.10
Martinelli, 1 qt	.29
Trexler's, 1 gal	1.60
Apple juice:	
D. Mann, 6 oz	.10
Hood River, 32 oz	.28
Hood River, 16 oz	.17
Martinelli, 32 oz	.28
Martinelli, 12 oz	.12
Miller, 1 gal	1.54
Miller, 6 oz	.13
Signet, 32 oz	.35
S & W, 12 oz	.20
Apricot nectar:	Cents
Apricade, S & W, 12 oz	13
Heart's Delight, 12 oz	10
Highway, 12 oz	10
Table Aid, 12 oz	14

Commodity and size—Con.	Ceiling price per unit (cents)
(19) *Canned juices*—Con.	
Grape juice:	
Briardale, 1 qt	44
Keystone, 1 qt	55
Keystone, 1 pt	29
S & W, 1 qt	48
S & W, 1 pt	26
Welch, 1 qt	58
Welch, 1 pt	31
Welch, 4 oz	9
Grapefruit juice:	
Big "R" Nat'l, No. 2 can	20
Donald Duck Unswt., 46 oz	42
Donald Duck Unswt., No. 2 can	16
Florida Gold Unswt., 46 oz	42
Florida Gold Unswt., No. 2 can	18
Libby Natural, 46 oz	35
S & W, All kinds, No. 2 can	21
Shaver, 46 oz	42
Shaver, No. 2 can	20
Silver Nip Unswt., 46 oz	43
Silver Nip Unswt., No. 2 can	18
Treesweet Unswt., 46 oz	39
Valley Gold Unswt., 46 oz	40
Valley Gold Unswt., No. 2 can	17
Orange juice:	
Absopure, 47 oz	65
Absopure, 12 oz	16
Citra Gold, 18 oz	24
Citra Gold, 12 oz	17
Libby's, 47 oz	60
Libby's, 18 oz	24
Libby's, 12 oz	16
Old South, 18 oz	26
Sunshine, 18 oz	24
Sunshine, 12 oz	20
Papaia:	
Haley's Papaia Nectar, No. 2 can	18
Peach nectar:	
Chevy Chase, 12 oz	13
S & W, 12 oz	13
Pineapple juices:	
Dole, Libby's, Del Monte, All brands, 46 oz	33
Dole, Libby's, Del Monte, All brands, 18 oz	14
Prune juice:	
Heart's Delight, 1 qt	28
Libby, 12 oz	11
Tomato juice:	
All brands, 46 oz	35
All brands, No. 2½ can	21
All brands, No. 2 can	15
Vegetable juices:	
Big 9 Vegetable Juice, 46 oz	52
Big 9 Vegetable Juice 12½ oz	16

For all other canned juices the division factor is .80.

(20) *Mayonnaise, salad dressings and sandwich spreads.*	
Mayonnaise:	
Best Foods, 1 qt	60
Best Foods, 1 pt	35
Best Foods, 8 oz	20
Durkee, 1 qt	62
Durkee, 1 pt	36
Durkee, 8 oz	21
Kraft, 16 oz	38
Kraft, 1 qt	66
Kraft, 8 oz	22
Salad dressings:	
Best Foods French Dressing, 16 oz	33
Best Foods French Dressing, 8 oz	18
Dinner Bell, 32 oz	39
Dinner Bell, 16 oz	27
Durkee French Dressing, 16 oz	31
Durkee French Dressing, 8 oz	18
Kraft French Dressing, 8 oz	19
Kraft Miracle Whip Salad Dressing, 32 oz	52
Kraft Miracle Whip Salad Dressing, 16 oz	33
Kraft Miracle Whip Salad Dressing, 8 oz	19
Sandwich spreads:	
Best Foods Relish Spread, 16 oz	35
Best Foods Relish Spread, 8 oz	20
Durkee Sandwich Spread, 32 oz	52
Durkee Sandwich Spread, 16 oz	32

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Continued.

(20) *Mayonnaise, salad dressings and sandwich spreads*—Continued.

Sandwich spreads—Con.	Ceiling price per unit (cents)
Kraft cream spread: Old English and Roka, 5 oz.	24
Pimento, Olive Pimento & Relish Spread, 5 oz.	21
Kraft Miracle Whip Sandwich Spr., 16 oz.	38
Kraft Miracle Whip Sandwich Spr., 8 oz.	19
Pabstette Blue Label Cream Sprs., 5 oz. gl.	19
Pabstette Cream Spreads, 6½ oz pkg	22

For all other mayonnaise, salad dressings and sandwich spreads, the division factor is .80.

(21) *Chicken and turkey.*

Diplomat boned Chicken, 10½ oz.	$1.48
Diplomat boned Chicken, 5½ oz.	.78
Lynden Egg Noodles and Chicken, 16 oz.	.36
Lynden Egg Noodles and Turkey, 16 oz.	.36
Lynden Twistee Noodle Dinner, 16 oz.	.17
Lynden Ravioli Italian Style, 16 oz.	.23
Lynden Boned Chicken, 3½ oz.	.53
Lynden Sliced Chicken, 5½ oz.	.81
Lynden Minced Chicken, 4 oz.	.44
Lynden Diced Chicken, 4 oz.	.50
Lynden Boned Turkey, 8 oz.	1.00
Lynden Chicken a la King, 16 oz.	.48
Lynden Roast Chicken, 16 oz.	1.34
Lynden Roast Chicken, 8 oz.	.73
R & R Boned Chicken, 5½ oz.	.93
R & R Boned Chicken, 3½ oz.	.61

For all other chicken and turkey the division factor is .77.

(22a) *Meats—Deviled ham, dried beef, lamb, sheep and ox tongue, pork sausage and canned hamburger and onions, pigs feet, chili con carne, tamales, ravioli, enchilada and tortillas.*

	Cents
Chile con Carne, IXL 12¼ oz. tin	50
Deviled Ham, Cudahy Puritan, 2¾ oz.	18
Deviled Ham, Libby, No. ¼ tin	19
Deviled Ham, Swifts, No. ¼ tin	19
Deviled Ham, Underwood, 5 oz.	32
Deviled Ham, Underwood, 3 oz.	22
Dried Beef, Armour's Star, 7 oz.	50
Dried Beef, Armour's Star, 3½ oz.	27
Dried Beef, Armour's Star, 2½ oz.	21
Hamburger Steak & Onions, Libby, 5 oz.	16
Lunch Tongue, Libby, No. ¼ tin	13
Lunch Tongue, Cudahy Rex, 12 oz.	53
Lunch Tongue, Cudahy, 6 oz.	29
Pigs Feet, Armour's Star, 14 oz.	31
Pigs Feet, Morrell Semi-boneless, 28 oz. gl.	43
Pigs Feet, Morrell Semi-boneless, 14 oz. gl.	26
Pigs Feet, Morrell Semi-boneless, 9 oz. gl.	20
Pork Sausage, FSCC, all branch, 24 oz.	69
Sheep Tongue "V. B.," No. 1 tin	39
Sheep Tongue "V. B.," No. ½ tin	21
Sheep Tongue, Star, No. 1 tin	39
Sheep Tongue, Star, No. ½ tin	21
Sliced Beef, Libby, 2 oz.	20
Spiced Ham, Cudahy Puritan, 12 oz.	51
Tamale, Armour's Star, 16 oz.	29
Tamale, Armour's Star, 10½ oz.	22
Tortillas, Ashley, 11 oz.	36

For all other deviled ham, dried beef, lamb, sheep and ox tongue, sausage and canned hamburger and onions, pigs feet, chili con carne, tamale, ravioli, enchilada, and tortillas the division factor is .80.

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit
(22b) *Meats, other.*	
Corned Beef, all brands, 6 lb.	$2.42
Corned Beef, all brands, 12 oz.	.85
Corned Beef Hash, all brands, 8½ lbs.	1.92
Corned Beef Hash, all brands, 24 oz.	.46
Deviled or Potted Meats, all brands, No. ½ tin	.12
Deviled or Potted Meats, all brands, No. ¼ tin (2 for .15)	.08
Pork Brains, Swifts, 12 oz.	.22
Pork Luncheon Meat, Spam, 12 oz.	.45
Pork Luncheon Meat, Prem, Neet, FSCC, all other, 12 oz.	$0.43
Pork Tongue, 6 lb.	3.26
Sausage Meat, Armour's Banner, No. 1 tin	.21
Veal Loaf, Libby, 7 oz.	.22
Veal Loaf, Cudahy, 7 oz.	.27
Vienna Sausage, Armour's Star and Libby's, No. ½ tin	.15
Lunch Tongue, Armour's Star, No. 1 tin	.49
Lunch Tongue, Armour's Star, No. ½ tin	.26
Lunch Tongue, Banner Brand, No. ½ tin	.20

For all other meats the maximum price shall be determined by multiplying invoice cost by 1.2.

(23) *Milk Products.*

Avoset Whipping Cream, ½ pt.	$0.37
Avoset Light Cream, ½ pt.	.28
Eagle Condensed Milk, No. 1 can	.22
Evaporated Milk, all brands: 48/14½ oz. cans	5.28
12/14½ oz. cans	1.38
One 14½ oz. can	.12
Klim Powdered Milk, 5 lb. can	3.25
Klim Powdered Milk, 1 lb. can	.77

For all other milk products (not including butter, cheese, powdered, skimmed milk and fresh milk) the division factor is .80.

(24) *Nuts.*	Cents
Planters' Peanuts, 5 oz.	17

For all other packaged unsalted nuts and salted peanuts the division factor is .80.

For all unsalted nuts in bulk the division factor is .77.

For all salted nuts (not including salted peanuts) the division factor is .70.

(25) *Olives.*

Libby Mammoth Ripe, No. 1 tin	31
Lindsay Mammoth Ripe, No. 1 tin	27
Sunland Jumbo Ripe, Pt. tin	32

For all olives the division factor is .75.

(26) *Paper products.*

Scott Tissue, Roll (2 for 25)	13
Waldorf Toilet Tissue, Roll (2 for 17)	9

For other paper products the division factor is as specified: toilet tissue .82; paper towels .80; paper napkins and picnic supplies .77 and wax paper .80.

(27) *Paste products.*

Eagle Brand: Plain Noodle (Udon), 15 oz.	15
China Saimin Noodle, 14 oz.	15
Fancy Noodles (Somen), 14 oz.	15
Round Noodle (Maruba), 10 oz.	13
Saimin & Chow Fun, 10 oz.	18
Saimin & Chow Fun, 8 oz.	15
Macaroni, spaghetti, Ditalini and Shells, 8 oz.	10
Fontana Paste Products, 8 oz.	10
Canton Poppy Noodles, 14 oz.	12
Gold Medal elbow, cut and salad macaroni, 1 lb. (2 for 35)	18

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit (cents)
(27) *Paste products*—Con.	
Gold Medal Macaroni and spaghetti, 1 lb. (2 for 35)	18
Gold Medal Shells, 1 lb.	18
Gold Medal Egg Noodles, 1 lb. (2 for 59)	30
Gold Medal Egg Noodles, 8 oz. (2 for 31)	16
Royal Spaghetti & Macaroni, 8 oz.	9
Van Camp's Tenderoni, 6 oz.	11
Paste products, all brands, in bulk: Semolina macaroni, spaghetti and all semolina paste products all brands in bulk, lb.	15
Flour macaroni, spaghetti and all flour paste products all brands in bulk, lb.	13

For all other paste products the division factor is .80.

(28) *Pet food.*

Dog food: Friskies, Albers, 2 lb.	28
Friskies, Albers, 12 oz.	11
Husky Concentrated, 8 oz.	9
Old English Dogfood, 10 oz.	11
Red Heart Dehydrated Dogfood, 12 oz.	16
Strong Heart Concentrated, 8 oz.	9
Bird seed: French's, 10 oz.	13
Robinson Blue Bird, 12 oz.	13
S & W, 12 oz.	19
Spratt's 1 lb.	18

For all other pet foods the division factor is .80.

(29) *Pickles.*

CHB Dill Pickles "14–18": 1 gal.	$1.05
Per pickle	.08
CHB Dill Pickles "20–24": 1 gal.	1.17
Per pickle	.06
CHB Sour Mixed, 21 oz.	37
CHB Sweet Whole, 21 oz.	45
CHB Sweet Mixed, 21 oz.	45
CHB Sweet Dills, 21 oz.	38
CHB Chow Chow, 21 oz.	37
CHB Whole Dills & Kosher Dills, 21 oz.	31
CHB Chili Peppers, 21 oz.	31
CHB Sweet Whole, 12 oz.	29
CHB Sweet Mixed, 12 oz.	29
CHB Chow Chow, 12 oz.	29
CHB Chili Pepper, 12 oz.	24
CHB Pepper Mixed, 12 oz.	25
CHB, All types, 8 oz.	17
Del Monte Chili Pepper, 31 oz.	34
Del Monte Sweet Mix, 21 oz.	47
Del Monte Sour Mix, 21 oz.	42
Del Monte Chow Chow, 21 oz.	41
Del Monte Dill Pickles, 12 oz.	22
Del Monte Sour & Sour Mixed, 12 oz.	23
Del Monte Sweet & Sweet Mixed, 12 oz.	30
Del Monte Chow Chow, 12 oz.	30
Del Monte, All types, 6 oz.	17
Heins Sweet Gherkins, Jumbo	52
Heins Sweet Mixed or Mustard, Jumbo	50
Heins Sweet Gherkins & Mixed, Modern	30
Heins Sweet Gherkins & Mixed, Picnic	19
Heins Chow Chow, Jumbo	51
Heins Chow Chow, Modern	30
Heinz Cucumber, Jumbo	30
Heinz Cucumber, Octagon Jr.	19
Libby Sweet & Sweet Mixed, 21 oz.	46
Libby Dill Pickles, Picnic	17
Libby Sweet & Sweet Mixed, Picnic	17
Libby Homemade, Family	32

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit (cents)
(29) *Pickles*—Continued.	
Trappeys Green Pickled Chili Peppers, 32 oz. jar	32
Yolo Dill Pickles "15–25": 1 gal.	99
Per pickle	07

For all other pickles the division factor is .78.

(30) *Popcorn.*

For all popcorn the division factor is .77.

(31) *Preserves, jams, jellies & peanut butter*

Apple Butter, Heinz, 17½ oz.	27
Apple Butter, Libby, 33 oz.	34
Berryland Ass't. Preserves, 32 oz.	56
CHB Strawberry Preserves, 16 oz.	30
Crystal Apricot Preserves, 32 oz.	38
Crystal Fig Preserves, 32 oz.	38
Crystal Logan berry Preserves, 32 oz.	43
Crystal Peach Preserves, 32 oz.	38
Crystal Plum Preserves, 32 oz.	38
Crystal Youngberry Preserves, 32 oz.	43
Del Monte Deluxe Apricot Jam, 2 lb. gl.	51
Del Monte Deluxe Apricot Jam, 1 lb.	30
Del Monte Deluxe Peach Jam, 2 lbs.	50
Del Monte Deluxe Peach Jam, 1 lb.	28
Del Monte Deluxe Plum Jam, Buffet	13
Del Monte Deluxe Raspberry Jam, Buffet	18
Del Monte Deluxe Strawberry Jam, Buffet	18
Gold Coast Black Raspberry Jam, 32 oz.	58
Gold Coast Boysenberry Jam, 32 oz.	55
Gold Coast Blackberry Jam, 32 oz.	55
Gold Coast Loganberry Jam, 32 oz.	56
Gold Coast Red Raspberry Jam, 32 oz.	62
Gold Coast Youngberry Jam, 32 oz.	55
Gold Coast Strawberry Jam, 32 oz.	58
Gold Coast Quince Jelly, 16 oz.	30
Gold Coast Crab Apple, 16 oz.	30
Haiku Guava Jelly, 20 oz.	38
Haiku Guava Jelly, 8 oz.	14
Kern's Pine Apricot Jam, 2 lbs.	50
Kern's Peach Jam, 2 lbs.	45
Kern's Apricot, 2 lbs.	45
King Kelly Orange Marmalade, 16 oz.	21
Mary Ellen Plum Jam, 32 oz.	47
Mary Ellen Orange Marmalade, 2 lbs.	42
Mary Ellen Orange Marmalade, 1 lb.	26
Sierra Club Plum and Apple Jam, 32 oz.	34
Starr Strawberry Jam, 32 oz.	62
Starr Strawberry Jam, 16 oz.	33
Sunstrand Strawberry Pres., Buffet	18
Wellman Orange Marmalade, 32 oz.	46
Wellman Orange Marmalade, 16 oz.	25
Peanut butter: Armour's, 2 lbs.	75
Bishop's, 1½ lbs.	63
Bishop's, 1 lb.	52
CPC Peanut Butter, 2 lbs.	79
CPC Peanut Butter, 1 lb.	44
Phillip's, 1 lb.	35
Phillip's, 6 oz.	18
Skippy Chunk Peanut Butter, 1 lb.	46

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit (cents)
(31) *Preserves, jams, jellies & peanut butter*—Con.	
Peanut butter—Continued. Skippy Creamy Peanut Butter, 1½ lbs.	68
Skippy Creamy Peanut Butter, 1 lb.	46

For all other preserves, jams, jellies and peanut butters, the division factor is .78.

(32) *Rice.*

U. S. #3 and Brown, 100 lbs.	$8.70
U. S. #3 and Brown, 50 lbs.	4.40
U. S. #3 and Brown, 25 lbs.	2.23
U. S. #3 and Brown, 1 lb.	.09
U. S. #4, 100 lbs.	8.55
U. S. #4, 50 lbs.	4.32
U. S. #4, 25 lbs.	2.18
U. S. #4, 1 lb.	.09
U. S. #5, 100 lbs.	8.40
U. S. #5, 50 lbs.	4.25
U. S. #5, 25 lbs.	2.15
U. S. #5, 1 lb.	.09

For all other rice the maximum price shall be determined by multiplying invoice cost by 1.2.

(33) *Salt.*	Cents
Aloha, 2 lb. pkg.	8
Arden Shaker, 2 lb. pkg.	9
Arden Shaker, 1½ lb. pkg.	5
Leslie, 2 lb. pkg.	9
Leslie, 1½ lb. pkg.	5
Leslie, 2 lb. bag.	7
Leslie, 1½ lb. bag.	6
Morton, 26 oz. pkg.	9
Morton, 2 lb. bag.	7
Morton, 1½ lb. bag.	6

For all other salt the division factor is .80.

(34) *Seafood.*

(i) *Salmon, sardines, tuna, pilchards, herring (other than pickled herring) and mackerel*

Herring (FSCC) Various Brands, No. 1 oval	15
Mackerel, La Sirena Horse, 15 oz.	20
Pilchards, Various Brands, Nat., 16 oz. tall	12
Pilchards, Various Brands, Tomato, 15 oz. oval	15
Pilchards, Various Brands, Tomato, 1 tall (2 for 25)	13
Pink "No. 3" Salmon, 1 tall	26
Salmon, Red, Grade 1, tall	45
Salmon, FSCC Chinook, 7¾ oz.	33
Tomato Maine Sardines, Various Brands, 3¼ oz.	7
Tuna, Best Buy, Grated, 6 oz.	37
Tuna, Sun Harbor, Light Meat, 6½ oz.	42
Tuna, Sun Harbor, Grated, 6½ oz.	38
Tuna, Warranty, Fancy, No. ½ size	51
Tuna, Warranty, Grated, No. ½ size	48

For all other salmon, sardines, tuna, pilchards, herring (other than pickled herring), mackerel and seafoods not elsewhere specified the maximum price shall be determined by multiplying invoice cost by 1.2.

(ii) *Oysters, barracuda, codfish, codfish cakes, fish flakes and squid*

Barracuda, Sea View, 6 oz.	33
Coddies, Davies Bros., 10 oz.	22
Codfish Cakes, Dory Mate, 10 oz.	20
Fish Flakes, Davis, 7 oz.	23
Clipper Oysters, 7½ oz.	46
High Sea Oysters, 7½ oz.	46
American Beauty Oysters, 7½ oz.	43
Biloxi Oysters, 7½ oz.	50
Empire Oysters, 7½ oz.	49
Sea Coast Oysters, 7½ oz.	50
Treasure Bay Oysters, 7½ oz.	50
Tropical Oysters, 7½ oz.	45
Best Buy Squid, No. 1 Tall	19
Cordova in ink Squid, No. 1 Tall	18
Cresta Blanca Squid, No. 1 Tall	18
Natural Squid, No. 1 Tall	19

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Continued.

(34) *Seafood*—Continued. (ii) *Oysters, barracuda, codfish, codfish cakes, fish flakes and squid*—Con.	Ceiling price per unit (cents)
Ocean Fresh in ink Squid, No. 1 Tall	16
Portola Squid, No. 1 Tall	16
St. Francis California Squid, 15 oz.	17

For all other oysters, barracuda, codfish, codfish cakes, fish flakes and squid the division factor is .80.

(iii) *Lobster, crab, shrimp, clam, shadroe, abalone, anchovies, caviar and pickled herring*

Lobster Bolero Cuban Rock, 6½ oz.	60
Clams, Pioneer Whole, No. 1 tin	33
Clams, Pioneer, Minced, No. ½ tin	31
Crabmeat, Tokeland Dungeness, 3¼ oz.	34
Crabmeat, Tokeland Fancy, 6½ oz.	54
Crabmeat, Newport, No. ½ tin	61

For all other lobster, crab, shrimp, clam, shadroe, abalone and anchovies, caviar and pickled herring the division factor is .75.

(35) *Soap, bar, package and laundry.*

Blue Mottled Soap (L. A. Soap Co.), Cake–60s	7
Blue Mottled Soap (L. A. Soap Co.), Cake–100s	6
Borene, Granulated, Giant Pkg.	91
Borene, Granulated, Thrift	46
Borene, Granulated, Lge. Pkg.	32
Calla Lilly Granulated, Lge. Pkg.	29
Crystal White, Reg. Size	5
Fels Naphtha, Bar	6
Ivory Soap Flakes, Large	30
Ivory Soap Flakes, Small	12
Ivory Snow, Large	30
Ivory Snow, Small	12
Lava, Lge. Bar	12
Lava, Sml. Bar	8
Lux Flakes, Lge. Pkg.	29
Lux Flakes, Small	12
Nu Bora Granulated, Gt. Pkg.	66
Nu Bora Granulated, Lge. Pkg.	25
OK Blue Soap, Cake (2 for 15)	8
OK Brown Soap, Cake	7
Oxydol, Gt. Pkg.	85
Oxydol, Large	30
Oxydol, Small	12
Peets Granulated, Gt. Pkg.	66
Peets Granulated, 35 oz.	33
Peets Granulated, 24 oz.	25
Peets Mechanics' Soap, Cake	8
P & G Laundry Soap, Cake (3 for 16)	6
Rinso, Gt. Pkg.	82
Rinso, Large	29
Rinso, Small	12
Strykers Kitchen Soap, Regular	5
Supersuds, Gt. Pkg.	81
Supersuds, Lge. Pkg.	28
White King Granulated, Jumbo 66 oz.	88
White King (W. K.) Gran., Giant	65
White King (W. K.) Gran., Fam. 29 oz	29
White King (W. K.) Gran., Lge. 23 oz	31
White King (W. K.) Gran., Small 8 oz	14
White King (W. K.) Laundry Soap, Cake (3 for 16)	6

For all other soap, bar, package and laundry, the division factor is .82.

(36) *Soap, toilet.*

Camay, Regular	9
Cashmere Bouquet, Regular	10
Cashmere Bouquet, Small (2 for 11)	6
Ivory, Lge. Cake	13
Ivory, Med. Cake (3 for 23)	8
Ivory, Guest Cake	6

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit (cents)
(36) *Soap, toilet*—Continued.	
Lifebouy, Regular Cake	9 (2 for 17)
Lifebouy, Guest or Sml	5
Lux, Cake	9 (3 for 25)
Palmolive, Lge. or bath	12 (3 for 35)
Palmolive, Reg. Cake	9 (3 for 25)
Swan Soap, Lge. Cake	13
Swan Soap, Reg. Cake	8 (3 for 23)

For all other toilet soap the davision factor is .80.

(37) *Soups, canned.*	
Heins Condensed Soups:	
Chicken Noodle, No. 1 can	19 (2 for 37)
Tomato, No. 1 can	14 (2 for 27)
Vegetable, No. 1 can	16
Vegetable—Beef, No. 1 can	19 (2 for 37)
Lynden's Chicken Noodle Soup, No. 1 can	12
Rancho Vegetable Soup, 10½ oz.	9
Royal Chef Clam Chowder, No. 1 can	25
R & R Chicken Broth, 12½ oz.	24
Van Camp's Soups:	
Vegetable, No. 300 tall	15
Tomato, No. 300 tall	13
Asparagus, No. 1 can	10

	Old style	New conden.
Campbell's Soups:		
Chicken, No. 1	14½¢ can	19½¢ can
Chicken Gumbo, No. 1		18¢ can
Bouillon, No. 1	14½¢ can	18¢ can
Consomme, No. 1	14½¢ can	18¢ can
Vegetable—Beef, No. 1	12½¢ can	18¢ can
Beef, No. 1	12½¢ can	18¢ can
Chicken-Noodle, No. 1	12½¢ can	17½¢ can
Vegetable, No. 1	13¢ can	14½¢ can
Pea, No. 1	12½¢ can	
Cream of Potato, No. 1	12½¢ can	
Black Bean, No. 1	12½¢ can	
Scotch Broth, No. 1		14½¢ can
Assorted, No. 1	12½¢ can	
Asparagus, No. 1	14½¢ can	14½¢ can
Bean with Bacon, No. 1	14½¢ can	14½¢ can
Celery, No. 1	12½¢ can	
Clam Chowder, No. 1	12½¢ can	14½¢ can
Mock Turtle, No. 1	12½¢ can	14½¢ can
Oxtail, No. 1	12½¢ can	14½¢ can
Pepper Pot, No. 1	12½¢ can	14½¢ can
Vegetarian Veg., No. 1		14½¢ can
Consomme Madrilene, No. 1		14½¢ can
Tomato, No. 1	10¢ can	11¢ can

For all other canned soups, the division factor is .80.

(38) *Soups dehydrated*	
All Brands, 1¾ oz. to 2½ oz. pkg	10¢

For all other dehydrated soups the division factor is .80.

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit (cents)
(39) *Spices and extracts.*	
Extracts:	
Bouillon Cubes, Libby: jar/100	$2.33 (2 for .05)
Lemon, Schillings, 4 oz.	.80
Lemon, Schillings, 2 oz.	.41
Lemon, Schillings, 1 oz.	.23
Vanilla, Burnett's, 4 oz.	.83
Vanilla, Burnett's, 2 oz.	.43
Vanilla, Burnett's, 1 oz.	.24
Vanilla, Schillings, 4 oz.	.80
Vanilla, Schillings, 2 oz.	.41
Vanilla, Schillings, 1 oz.	.23
Pepper:	Cents
Black, Schillings:	
8 oz. tin	23
4 oz. gl	18
4 oz. tin	13
2 oz. gl	10
2 oz. tin	7
White, Schillings:	
4 oz. gl	13
2¼ oz. gl	13
2 oz. tin	10
Durkee, Black, 1¾ oz. cont	6
Durkee, White, 2 oz. cont	7
Enterprise, Black, 4 oz. cont	14
Enterprise, Black, 2 oz. cont	7
Enterprise, White, 2 oz. cont	9
Tropic, Black, 4 oz. cont	18
Spices, miscellaneous:	
Celery Salt, Schillings, 3 oz.	15
Cinnamon, Enterprise, 2 oz.	19
Cinnamon, Schillings, 2 oz.	19
Garlic Salt, Schillings, 3 oz.	15
Nutmeg, Schillings, 2 oz.	14
Onion Salt, Schillings, 3 oz.	15

For all other spices and extracts the division factor is .75.

(40) *Supplies for the home and cleansers.*	
Babbitt, 13 oz.	6
Bear Brand Bluing, 32 oz.	20
Bear Brand Bluing, 22 oz.	17
Bear Brand Bluing, 16 oz.	12
Bear Brand Bluing, 10 oz.	11
Blue, Magic or Robin, Square	1
Park Bluing, Quart	24
Park Bluing, 12 oz.	11
Mrs. Stewart's, 10 oz.	17
Sunnyscene Liquid Bluing, 1 pt.	18
Bon Ami, Cake	11
Bon Ami, Powder, Tin	14
Clorox, ½ gal	30
Clorox, 1 qt	17
Clorox, 1 pt	10
Crystal White Cleanser, 13 oz.	5
Lighthouse Cleanser, 13 oz.	8
Old Dutch, Can	11
Pearline, 10 oz.	5
Purex, 1 gal	54
Purex, ½ gal	31
Purex, 1 qt	17
Purex, 1 pt	9
Sapolio, Cake	11
Smith Chemical Bleach in bulk, 1 gal	45
Smith Chemical Bleach in bulk, ½ gal	25
Smith Chemical Bleach in bulk, 1 qt	15
Smith Chemical Bleach in bulk, 1 pt	8
SOS Cleaner, Box of 4	15
Starch Gloss, Argo, 1 lb.	13 (2 for 25)
Starch Gloss, Calumet, 1 lb.	11 (2 for 21)
Starch Gloss, Chinese, Bulk	14
Starch Gloss, Elastic, 12 oz.	10
Starch Gloss, Kingsford, 1 lb.	13
Starch Gloss, Staley's, 1 lb.	11 (2 for 21)
Starch Gloss, Red, Bulk	11
Stryker's Cleanser, 9 oz. can	10
Sunbrite Cleanser, 9 oz. can	7

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

For all other supplies for the home and cleansers other than poisonous supplies, the merchandising of which requires a license, the division factor is .82.

Commodity and size—Con.	Ceiling price per unit (cents)
(41) *Sugar.*	
Granulated White Sugar, branda, bagged or bulk, lb.	All 7
C & H Cubelets, 2 lb.	23
C & H Cubelets, 1 lb.	12
C & H Brown Sugar, 1 lb.	10
C & H Powdered Sugar, 1 lb.	11
Washed Hawaiian Sugar, 1 lb.	6 (2 for 11)

For all other locally produced sugar, the maximum price shall be determined by multiplying the invoice cost by 1.2. For all other imported sugar the division factor is .82.

(42) *Syrups, honey and molasses.*	
Honey, locally produced; strained and comb.	
1 qt. gl. jar (48 oz. net wt., or 32 liq. oz.)	65
1 pt. gl. jar (24 oz. net wt. or 16 liq. oz.)	38
⅔ pt. gl. jar (16 oz. net wt. or 12 liq. oz.)	26
½ pt. gl. jar (12 oz. net wt. or 8 liq. oz.)	20
¼ pt. gl. jar (6 oz. net wt. or 4 liq. oz.)	10
4½" Square Combs	27
Molasses:	
Green Brer Rabbit, 12 fl. oz. can	20
Gold Brer Rabbit, 12 fl. oz. can	23
Syrups:	
Ewa Cane, 24 oz. gl	34
Karo—Red Label, 24 oz.	22
Karo—Blue Label, 24 oz.	21
Log Cabin, 1 gal	$1.89
	Cents
Log Cabin, 56 oz.	93
Log Cabin, 24 oz.	42
Log Cabin, 12 oz. gl	26
Log Cabin, 12 oz. tin	21
Staley's Golden, 24 oz.	20

For all other syrups, honey and molasses the division factor is 0.80.

(43) *Tea.*	
Bliss, ¼ lb.	23
Lipton, ¼ lb.	31
Maxwell House, ½ lb.	66
Maxwell House, ¼ lb.	34
Tenderleaf Green Tea, ¼ lb.	22
Tenderleaf Orange Pekoe, ¼ lb.	26
Tenderleaf Tea Balls, 20 balls	25
Tenderleaf Tea Balls, 8 balls	10

For all other teas the division factor is 80.

(44) *Canned vegetables.*	
Asparagus:	
All Gold, All Green, Square can	14
Crescent Large Nat., No. 1 can	41
Del Monte Early Garden Spears, No. 2 can	59
Del Monte All Green Salad Points, 16 oz. can	37
Del Monte All Green Salad Points, Picnic	29
Del Monte E. G. Tips, Picnic	23
Homelike Asp. Spears green and white tips, No. 2 can	33
Hunt's green, No. 2 can	44
Libby Blended Asparagus, No. 2 can	34
Prince Finest Mary Washington, all green, 1 square can	44
Rialto White, No. 2 can	41
Santa Cruz Fcy. Cut Asp., 9 oz.	15
S & W Mamoth Green, No. 2 can	41
Trupack Mamoth or Large Green Tips, No. 2 can	38
T & M, Natural, 1 square can	45
T & M, Natural, 1 tall can	14
Warranty, No. 2 can	41

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit (cents)
(44) *Canned vegetables*—Con.	
Beans:	
Big R cut Green String, No. 2 can	25
Crines, Ex. Std. flat cut, No. 2 can	24
Del Monte Whole Green, No. 303 gl	21
Diamond R Florida Cut, No. 2 can	23
Reba Florida String, No. 2 can	24
Green Pearl Rd. Cut String, No. 2 can	24
Hollywood Bowl, No. 2 can	20
Indian River Ex. Std. flat cut, No. 2 can	24
Kelly's Ex. Std. Rnd. or flat, No. 2 can	22
Lord Chesterfield Ex. Std. Rnd. Cut, No. 2 can	23
Mountain Fresh Ex. Std. flat cut, No. 2 can	20
Osage String, No. 2 can	23
Ruskel Std., flat cut, No. 2 can	21
Success Cut String, No. 2 can	20
Sunblest Str. Extra cut Choice, No. 2 can	24
Van Camp's Red Kidney, No. 300 can	14
Beets:	
All Gold Sliced, No. 303 gl	17
All Gold Diced, No. 303 gl	15
All Gold Medium Whle., No. 2 can	17
All Gold Medium Whle., No. 303 gl	19
Deerfield Whole, No. 2 can	17
Del Monte Medium Whole, No. 303 gl	19
Del Monte Medium Whole, No. 2 can	18
Del Monte Diced, No. 303 gl	16
Del Monte Sliced, No. 303 gl	17
Del Monte Midget Whole, No. 2 can	20
Dodge Sliced, No. 2 can	15
Exquisite, sliced, diced and shoestring, No. 2 can	14
Prince medium whole, No. 2 can	17
Prince midget whole, No. 2 can	19
Stokely, sliced, diced and shoestring, No. 2 can	14
Sunblest tiny whole, No. 2 can	22
Sunblest sliced, No. 2 can	16
Sunkist diced beets, No. 303 gl	17
Carrots:	
All Gold diced, No. 303 gl	14
Del Monte diced, No. 303 gl	15
Del Monte Julienne, No. 303 gl	14
Libby, Diced, No. 303 gl	13
T. M. Diced, No. 2 can	15
Corn:	
Cross Keys, No. 2 can	16
Del Monte, all kinds, No. 303 gl	19
Del Monte, all kinds, No. 303 tin	16
Del Monte, all kinds, No. 2 can	19
Dodge Cream Style, No. 2 can	19
Exquisite Whole Kernel, No. 2 can	19
Exquisite Cream Style, No. 2 can	18
H. G. P. & Co., all types, No. 2 can	18
Libby, Whole Kernel and Cream Style, No. 2 can	19
Libby, Whole Kernel, No. 303 gl	18
Libby, Cream Style, No. 303 gl	16
Mrs. Grimes, C. S., No. 2 can	18
S & W Baby Kernel, No. 2 can	20
Stokely Whole Kernel, No. 2 can	19
Stokely Cream Style, No. 2 can	18
T. M. Cream Style, No. 2 can	21
T. M. Whole Kernel, No. 2 can	20
Peas:	
FSCC Various Brands, No. 2 can	18

TABLE A—MAXIMUM PRICES FOR THE ISLAND OF OAHU—Continued

Commodity and size—Con.	Ceiling price per unit (cents)
(44) *Canned vegetables*—Con.	
Pork and Beans:	
FSCC All Brands, No. 2½ can	23
Truhawaiian Beans with Pork, 7 oz. can	13
Potato:	
Shoe String Brownie, 3½ oz. Pkg	13
Pumpkin:	
Del Monte, 2½ can	16
Libby, 2½ glass	16
Sunstrand, 2½ can	16
Sauerkraut, Champion, Qt. glass	16
Spinach:	
Del Monte, 2½ can	18
Exquisite, 2½ can	20
Raiters, 2½ can	19
Stew, beef and vegetable:	
FSCC, all brands, 30 oz.	36
FSCC, all brands, 28 oz.	33
Tomato:	
Cals Ripe Standard, No. 2½ can	18
Del Monte, No. 2½ can	23
Del Monte, No. 2 can	17
Exquisite, Solid Pack, No. 2½ can	22
Libby, No. 2½ can	23
Mission, No. 2½ can	17
Mission, No. 2 can	16
Nations Treat, No. 2½ can	17
Premium Standard, No. 2½ can	17
Premium Standard, No. 2 can	14
Rosebowl, No. 2½ can	18
Silverdale Standard, No. 2½ can	17
Silverdale Solid Pack, No. 2 can	17
State Fair, No. 2½ can	18
Stokeley, No. 303 gl	13
Sunblest, No. 2½ can	21
Van Camp's Solid Pack, No. 2½ can	21

For all other canned asparagus, beans, beets, carrots, corn, peas, pork and beans, potato, pumpkin, stew, spinach, tomato, and combinations thereof other than when prepared for diabetics, the division factor is .82. For all other canned vegetables the division factor is .77.

(45) *Dehydrated vegetables.*	

For all dehydrated vegetables the division factor is 0.80.

(46) *Wooden products.*	
Diamond Toothpicks, Pkg.	5
Kant Roll Clothes Pins, Dozen	5
Book matches, all brands (other than Diamond), Box of 50	16
Diamond Book Matches, Box of 50	18
Diamond Book Matches, Box of 15	5
Domino Wood Matches, Box	9
Fire Chief Safety Matches, Box	9
Gold Medal Matches, Box	9
Greenglo, Box	9
Japanese, Box	9
Signal Light, Box	9
Western Matches, S. O. B., Box	9

For all specified wooden products the division factor is .80. This includes toothpicks, clothespins, brooms and parts thereof, and matches, including book-matches.

TABLE B—MAXIMUM PRICES FOR THE ISLAND OF HAWAII

(a) This table shall apply to the Island of Hawaii only.

(b) The following maximum prices shall apply in the Island of Hawaii, except for commodities imported from another island in the Territory of Hawaii; as to these imported commodities see paragraph (e) below.

Definition No. (See Para. (i))	Commodity	Size	Ceiling price
5	Sperry Wheat Hearts	14 oz.	18¢
7	Yolo Tomato Catsup	14 oz.	19¢
7	Yolo Tomato Catsup	12 oz.	17¢
7	French's Prepared Mustard.	6 oz.	12¢
7	King's Shoyu	1 gal.	$1.96
7	King's Shoyu	22 oz.	43¢
7	King's Shoyu	11 oz.	20¢
7	B. B. Shoyu	1 gal.	$1.42
8	Kitchen Bouquet	4 oz. Cont.	51¢
17b	V-B Apple Sauce	No. 2 can	15¢
17b	S & W Apple Sauce	No. 2 can	21¢
17b	Gale Compote Pears	32 oz.	31¢
19	Absopure Orange Juice	12 oz.	18¢
20	Durkee French Dressing	8 oz.	20¢
22a	FSCC Dried Beef	7 oz.	48¢
22a	V-B Sheep Tongue	No. 1 can	39¢
22a	V-B Sheep Tongue	No. ½ can	23¢
22b	Swift's Pork Brains	12 oz.	25¢
24a	Planters Peanuts	5 oz.	19¢
28	Albers Friskies	2 lb.	33¢
28	Albers Friskies	12 oz.	11¢
34a	Tuna, Blue Sea Fancy White Meat.	No. ½ can	49¢
34a	Tuna, All White Solid Pack.	No. ½ can	48¢
34a	Tuna, Halfhill Light Meat.	No. ½ can	43¢
34a	Tuna, Luxury grated	No. ½ can	40¢
34b	Sea View Barracuda	6 oz.	40¢
34b	Oysters, High Sea or Mississippi Miss.	7 oz.	42¢
34c	Bolero Cuban Rock Lobster.	5½ oz.	45¢
35	NuBora Granulated Soap.	Giant Size	78¢
35	NuBora Granulated Soap.	Large Size	30¢
42	Karo Red Label Syrup	24 oz. gl.	23¢
42	Karo Red Label Syrup	24 oz. tin	20¢
44a	Hearts Delight Asparagus	No. 2 can	38¢
44a	Del Monte Diced Beets	No. 303 gl.	18¢
44a	Del Monte Sliced Beets	No. 303 gl.	20¢

(c) The specific dollar and cent ceilings listed in Table A for the Island of Oahu shall apply to the Island of Hawaii in all cases where the commodity ceiling price is not set forth in paragraph (b) of this table, except for commodities imported from another Island in the Territory of Hawaii; as to these imported commodities, see paragraph (e) below.

(d) In all cases where a specific dollar and cent ceiling price is not provided for any grocery item covered by this schedule, the ceiling price shall be computed by means of the multiplication or division factors set forth in Table A, and the "net cost", as defined in paragraph (e) of this section 41, except that:

(1) All stores in Zone 2 of the Island of Hawaii must use, in lieu of those set forth in Table A, a division factor .02 higher than those set forth; and in lieu of a multiplication factor of 1.2, a division factor of .85 shall be used. Zone 2 on the Island of Hawaii shall comprise the districts of North Hilo, Hamakua and Kau, as defined by Hawaiian Statute.

(2) All stores in Zone 3 of the Island of Hawaii must use a division factor, in lieu of those set forth in Table A, a division factor .03 higher than those there set forth; and in lieu of a multiplication factor of 1.2, a division factor of .86 must be used. Zone 3 of the Island of Hawaii shall comprise the districts of North Kohala, South Kohala, North Kona and South Kona as defined by Hawaiian Statute.

(e) Where a commodity is imported into the Island of Hawaii from any other Island in the Territory of Hawaii, the specific dollar and cent ceilings set forth in Table A and section (b) of Table B shall not apply, but the maximum price shall be computed by means of the appropriate division or multiplication factors set forth in paragraph (d) of

this Table and the "net cost" as defined in paragraph (e) of this section 41. This maximum price may be increased by the addition of such transportation allowances as are permitted by said paragraph (e). No commodity sold by the FSCC in the Island of Hawaii shall be regarded as an "import" regardless of its origin. Wherever a specific dollar and cent ceiling price is specified in Table A or in paragraph (b) of this Table on a FSCC item, such ceiling price shall be in effect on the Island of Hawaii.

(f) All retail grocery stores in Zones 2 or 3 of the Island of Hawaii may add 2 or 3% respectively to the maximum retail sales prices listed or computed in accordance with this Table. These additions must be made as a separate computation at the time of payment. Prior to the addition of the 2 or 3% differential appropriate to each zone, stores shall obtain and prominently display the poster issued by the Office of Price Administration stating the right of the store to this differential. Zones 2 and 3 shall be defined according to paragraph (d) above.

TABLE C—MAXIMUM PRICES FOR THE ISLAND OF MAUI

(a) This table shall apply to the Island of Maui only.

(b) The following maximum prices shall apply in the Island of Maui, except for commodities imported from another Island in the Territory of Hawaii; as to these imported commodities see paragraph (c) below.

Definition No. (See Para. (f))	Commodity	Size	Ceiling price
5b	Albers Quick Oats and Regular.	48 oz.	48¢
5b	Sperry Wheat Hearts	14 oz.	18¢
7	OHB Catsup	14 oz.	22¢
7	OHB Soya	32 oz.	55¢
7	Jan-U-Wine 6 Star Soya	1 gal.	$2.11
7	Paradise Soya	1 gal.	$1.73
7	Paradise Soya	1 qt.	47¢
7	Pals Shoyu	1 gal.	$2.19
7	Pals Shoyu	1 qt.	55¢
7	Maui Shoyu	1 gal.	$2.11
7	King Shoyu	1 gal.	$1.96
7	King Shoyu	27 oz.	43¢
7	King Shoyu	11 oz.	29¢
12	Jello	3 oz.	9¢ 3/25
12	Royal Puddings	3¼ oz.	9¢ 3/25
15	Sperry Cornmeal (all types)	16 oz.	13¢
19	Martinelli Apple Juice	32 oz.	30¢
19	Martinelli Apple Juice	12 oz.	13¢
19	Olmite Grapefruit Juice	No. 2 can	20¢
19	Absopure Orange Juice	12 oz.	20¢
19	Libby's Orange Juice	12 oz.	18¢
21	Lynden Twistee Noodle Dinner.	16 oz.	10¢
21	Lynden Minced Chicken	4 oz.	46¢
21	Lynden Boned Turkey	8 oz.	$1.04
21	Lynden Chicken a la King	16 oz.	80¢
22a	FSCC Dried Beef	7 oz.	48¢
22a	Underwood Deviled Ham	3 oz.	17¢
22a	"V. B." Sheep Tongue	No. ¼ tin	25¢
22b	Armour's Star Lunch Tongue.	No. ½ tin	22¢
27	Fontana Pasta Products	8 oz. pkg.	11¢
27	Royal Spaghetti and Macaroni.	8 oz. pkg.	10¢
35	Oxydol	Giant	88¢
40	Clorox	1 qt.	21¢
40	Sapollo	Cake	12¢
44a	Tru-Hawaiian Maui Soy Beans with Pork.	7 oz.	12¢

(c) The specific dollar and cents ceilings listed in Table A for the Island of Oahu shall apply to the Island of Maui in all cases where the commodity ceiling price is not set forth in paragraph (b) of this table, except for commodities imported from another Island in the Territory of Hawaii; as to these imported commodities, see paragraph (e) below.

(d) In all cases where a specific dollar and cent ceiling price is not provided for any grocery item covered by this section, the ceiling price shall be computed by means of "net cost" as defined in paragraph (e) of this section 41, and the multiplication or division factors set forth in Table A, except that:

(1) All stores in Zone 2 of the Island of Maui must use, in lieu of those set forth in Table A, a division factor .02 higher than those there set forth; and in lieu of a multiplication factor of 1.2, a division factor of .85 shall be used. Zone 2 of the Island of Maui shall comprise the district of Hana and that portion of the district of Makawao lying south of the south boundary of Ahupuha Kamaole, as defined by Hawaiian Statute.

(e) Where a commodity is imported into the Island of Maui from any other Island in the Territory of Hawaii, the specific dollar and cent ceiling set forth in Table A and paragraph (b) of Table B shall not apply, but the maximum price shall be computed by means of the "net cost" as defined in paragraph (e) of this section 41, and the division or multiplication factors set forth in paragraph (d) of this table for the various sections of Maui. This maximum price may be increased by the addition of such transportation allowances as are permitted by said paragraph (e). No commodity sold by the FSCC in the Island of Maui shall be regarded as an "import" regardless of its origin. Wherever a specific dollar and cent ceiling price is specified in Table A or in paragraph (b) of this table, on a FSCC item, such ceiling price shall be in effect on the Island of Maui.

(f) All retail grocery stores in Zone 2 of the Island of Maui may add 2% to the maximum retail sales prices listed or computed in accordance with this Table C. These additions must be made as a separate computation at the time of payment. Prior to the addition of the 2%, stores shall obtain and prominently display the poster issued by the Office of Price Administration stating the right of the store to this differential. Zone 2 of the Island of Maui shall be defined according to paragraph (d) of this table.

TABLE D—MAXIMUM PRICES FOR THE ISLAND OF KAUAI

(a) This table shall apply to the Island of Kauai only.

(b) The following maximum prices shall apply in the Island of Kauai except for commodities imported from another island in the Territory of Hawaii; as to these imported commodities see paragraph (d) below.

Definition No. (See Para. (f))	Commodity	Size	Ceiling price
5b	Quaker Oats, Regular	48 oz.	47¢
5b	Mother's Cbina Oats	48 oz.	48¢
7	Radcliffe Shoyu	1 gal.	$2.29
7	Radcliffe Shoyu	1 qt.	73¢
7	King Shoyu	1 gal.	$1.96
7	King Shoyu	22 oz.	43¢
7	King Shoyu	11 oz.	29¢
12	Jello	3 oz.	9¢ 3/25
12	Royal Gelatin	3¼ oz.	9¢ 3/25
16	Gold Medal Softasi'k Cake Flour.	44 oz.	37¢
17b	Mandarin Oranges	11 oz.	14¢
19	MacComber's Apple Juice	32 oz.	32¢
19	MacComber's Orange Juice	12 oz.	14¢
19	Absopure Orange Juice	12 oz.	17¢
19	Libby Orange Juice	12 oz.	18¢
30	Durkee Mayonnaise	8 oz.	32¢
30	Dinner Bell Salad Dressing	16 oz.	30¢
22a	FSCC Dried Beef	7 oz.	48¢
34a	Halfhills Horse Mackerel	No. 1 can	21¢
34b	Oysters, Clipper, High Seas and Mississippi Miss.	7 oz.	48¢

(c) The specific dollar and cents ceilings listed in Table A for the Island of Oahu shall apply to the Island of Kauai in all cases where the commodity ceiling price is not set forth in paragraph (b) of this table, except for commodities imported from another Island in the Territory of Hawaii as to these imported commodities, see paragraph (d) below.

(d) Where a commodity is imported into the Island of Kauai from any other Island in the Territory of Hawaii, the specific dollar and cent ceiling set forth in Table A or in paragraph (b) of this table shall not apply, but the maximum price shall be computed by means of the "net cost" as defined in paragraph (e) of this section 41 and the appropriate division or multiplication factor specified in Table A. This maximum price may be increased by the addition of such transportation allowances as are permitted by said paragraph (e). No commodity sold by the FSCC in the Island of Kauai shall be regarded as an "import" regardless of its origin. Wherever a specific dollar and cent ceiling price is specified in Table A or in paragraph (b) of this table for a FSCC item, such ceiling price shall be in effect on the Island of Kauai.

TABLE E—MAXIMUM PRICES FOR THE ISLAND OF MOLOKAI

(a) This table shall apply to the Island of Molokai only.

(b) The following maximum prices shall apply in the Island of Molokai. To these prices may be added the differential permitted by paragraph (e) below.

Definition No. (See Para. (f))	Commodity	Size	Ceiling price
5b	Albers Quick Oats & Regular.	48 oz.	40¢
14	Flour, family, FSCC	(100 lbs.	$2.67
		(5 lbs.	31¢
22a	Dried Beef, FSCC	7 oz.	47¢
22b	Pork Luncheon Meat, FSCC; Prem, Treet, all brands.	12 oz.	42¢

	U. S. #3 & brown	U. S. #4	U. S. #5
32 Rice, FSCC:			
100 lb.	$8.44	$8.29	$8.15
50 lb.	4.27	4.19	4.12
25 lb.	2.17	2.12	2.09
1 lb.	.09	.09	.09

(c) The specific dollar and cents ceiling prices listed in Table A for the Island of Oahu shall apply to the Island of Molokai in all cases where the commodity ceiling price is not set forth in paragraph (b) of this table. To these ceiling prices may be added the differential permitted by paragraph (e) below.

(d) In all cases where a specified dollar and cent ceiling price is not provided in Table A or in paragraph (b) of this table, the maximum price shall be computed by means of the "net cost" as defined in paragraph (e) of this section 41, and the appropriate division factor. This maximum price may be increased by the addition of such transportation allowances as are permitted by said paragraph (e). The division factors to be used shall be found by adding .03 to all division factors set forth in Table A and by using a division factor of .86 in lieu of a multiplication factor of 1.2 whenever this factor is specified in Table A. To these prices thus computed may be added the differentials permitted by paragraph (e) below.

(e) All retail grocery stores on the Island of Molokai may add 2% to the maximum retail sales prices listed or computed in accordance with this table. This addition must be made as a separate computation at the time of payment. Prior to the addition of the 2% differential, stores shall obtain and prominently display the poster issued by the Office of Price Administration stating the right of the store to this differential.

TABLE F—MAXIMUM PRICES FOR THE ISLAND OF LANAI

(a) This table shall apply to the Island of Lanai only.

(b) The specific dollar and cents ceiling prices listed in Table A for the Island of Oahu shall apply to the Island of Lanai. To these prices may be added the differentials permitted by paragraph (d) below.

(c) In all cases where a specific dollar and cent ceiling price is not provided in Table A, the maximum price shall be computed by means of the "net cost" as defined in paragraph (e) of this section 41 and the appropriate division factor. This maximum price may be increased by the addition of such transportation allowances as are permitted by said paragraph (e). The factor to be used shall be found by adding .02 to all division factors set forth in Table A and by using a division factor of .85 in lieu of a multiplication factor of 1.2, whenever this factor is specified in Table A. To the prices thus computed may be added the differentials permitted by paragraph (d) below.

(d) All retail grocery stores on the Island of Lanai may add 2% to the maximum retail sales prices listed or computed in accordance with this Table. This addition must be made as a separate computation at the time of payment. Prior to the addition of the 2% differential stores shall obtain and prominently display the poster issued by the Office of Price Administration stating the right of the store to this differential.

This amendment shall become effective as of October 7, 1943, except that:

(a) The provisions of section 41 with respect to sales of commodities for which the maximum price is set forth herein in dollars and cents or in dollars and cents plus a two or three per cent differential shall become effective September 23, 1943.

(b) On and after September 9, 1943 any seller covered by this regulation may, at his option, use as his maximum prices the maximum prices set forth in section 41.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–121; Filed, January 3, 1944; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14[1] to the GMPR, Amdt. 73]

PINE WOOD EXCELSIOR PRODUCED IN VIRGINIA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended in the following respect:

Section 6.35 is added to read as follows:

SEC. 6.35 *Pine wood excelsior produced in Virginia*—(a) *Maximum prices for sales by manufacturers and by Virginia Excelsior Mills, Incorporated, Doswell, Virginia.* The maximum price f. o. b. mill per net ton for sales by manufacturers, and by Virginia Excelsior Mills, Incorporated, Doswell, Virginia, of pine wood excelsior produced in the State of Virginia shall be as follows:

Grade:	*Maximum price for carload lots shipped to jobbers and distributors Per net ton f. o. b. mill*
XX	$23.50
XXXX	25.50
Wood Wool	36.50
Fine Wood Wool	44.50

Addition for less than carload shipments.

1 to 10 tons, add $2.00 per ton to above prices

Less than 1 ton, add $4.00 per ton to the above prices

Addition for shipments direct to consumer.

Add $2.00 per ton to above prices

(b) *Maximum price for sales by jobbers or distributors.* The maximum price per net ton for sales by jobbers and distributors of pine wood excelsior produced in Virginia shall be the seller's maximum price established under the General Maximum Price Regulation for the particular grade of excelsior, and class of consumer, plus $2.50 per ton.

(c) *Grade.* The grades used in this section shall be of the same standards and specifications as are commonly used by the wood excelsior industry, and generally understood in the trade.

This amendment shall become effective January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–126; Filed, January 3, 1944; 4:49 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364,[1] Amdt. 10]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 364 is amended in the following respects:

1. Section 3 (c) is amended to read as follows:

(c) *Wholesaler's mark-up for different classes of sales.* Mark-up is the percentage over net cost set forth hereinafter for each class of wholesaler or the type of sale involved. To obtain the selling price, multiply the net cost by the percentage mark-up figure—the result added to the net cost is the selling price. The mark-up which applies in any particular sale depends on the class in which the wholesaler is and the kind of service performed in the particular sale. The classes, types of service, and mark-ups are set forth in the following paragraph (d). No wholesaler who purchases from and sells to other wholesalers may sell at a price higher than his seller's maximum price. In no event shall the price charged for a sale to a retail store or purveyor of meals include more than one primary wholesaler mark-up (regardless of whether that mark-up is taken pursuant to this section or section 2) and one retailer-owned cooperative or cash and carry or service and delivery wholesaler mark-up.

2. Section 3 (d) (1) is amended to read as follows:

(1) Primary wholesalers are wholesalers other than importers who buy frozen fish or seafood from processors or importers and distribute it for resale from cold storage warehouses to other wholesalers or to retailer-owned cooperative and chain store warehouses. In the sale of frozen fish or seafood which has been unloaded, stored and warehoused in the regular course of his business, the primary wholesaler's mark-up is 12%. In the case of sales of goods which have not been stored and warehoused, the primary wholesaler's mark-up is 7%. In the case of sales involving delivery from the processor's cold storage warehouse to the primary wholesaler's customer, there is no mark-up. In the case of sales of Atlantic Coast smelts to any wholesaler, the seller may take no mark-up over the base price listed in section 14.

3. Section 3 (e) is amended to read as follows:

(e) *Imported frozen fish and seafood.* The maximum price at which any importer may sell any imported frozen fish or seafood listed in section 14 to a person other than a retailer or purveyor of meals shall be the base price listed in section 14 for the species and style of dressing plus or minus the differential for packaging provided for in section 13, plus the actual freight to the importer's warehouse from the point at which the frozen fish or seafood enters the United States. If that freight is less than the carload rail freight rate from the shipping point in the United States closest to the foreign processor's plant to the importer's warehouse, the latter may be added in place of the actual freight. However, where frozen Atlantic Coast smelts are imported for resale in the United States, the freight from the point of shipment to the importer's warehouse, not to exceed the carload rail freight rate if such rate is available, may be added. The maximum price for sales by an importer who performs the function of a retailer-owned cooperative wholesaler, cash and carry wholesaler or service and

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9787.

[1] 8 F.R. 4640, 5566, 7692, 11175, 12028.

delivery wholesaler shall be the foregoing maximum price plus the appropriate mark-up as provided in section 3 (d) (2), (3), (4), (5), or (6).

This amendment shall become effective January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-122; Filed, January 3, 1944; 4:53 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 8 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (4) is added to read as follows:

(4) "Spare" stamp numbered "2" in War Ration Book IV, is good for five points. It may be used by consumers from January 2, 1944 to 12:01 a. m., January 16, 1944, only to acquire all types of sausage, and fresh and frozen pork, except canned or bottle sausage or pork. It may be used by persons other than consumers in the same way as a five-point brown stamp.

This amendment shall become effective at 12:01 a. m., January 2, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-120; Filed, January 3, 1944; 4:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1[2] to GMPR, Amdt. 43]

EXCEPTIONS OF COMMODITY TRANSACTIONS FROM THE GENERAL MAXIMUM PRICE REGULATION

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respects:

1. Section 4.2 (f) is amended to read as follows:

(f) Clay pigeons, but this exemption shall expire on April 1, 1944.

2. Section 4.3 (k) is amended to read as set forth below:

(k) The following commodities, but this exception shall expire April 1, 1944:
(1) The following ski troop equipment: carabiners, ice axes, pitons, ski bindings, ski poles, ski wax, mountain and ski goggles;
(2) Field ranges, Model-1937 (Quartermaster Corps); spare parts thereof, Class A.
(3) Deliveries of the following commodities pursuant to contracts entered into prior to January 1, 1943:
(i) Accessories for field range Model-1937 (Quartermaster Corps). Parts 222, 223, 224, 225, 226, 227, 228, 229, 230, as listed in Instructions for Operation and Care of Gasoline Field Range, Model-1937 (Quartermaster Corps);
(ii) Metal insignia, cap and collar (for enlisted men).
(4) Deliveries of canteen cups and meat cans, Model M-1942 pursuant to contracts entered into prior to April 1, 1943.

This amendment shall become effective as of January 1, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-125; Filed, January 3, 1944; 4:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 79]

IMPORTED HARD CANDY

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation 14 is amended in the following respects:

1. Section 1.25 (b) (1) is added to read as follows:

(1) All sellers of the imported hard candy which becomes subject to the provisions of this section on February 15, 1944, except retailers, shall render an invoice covering each sale made on or after December 27, 1943, stating thereon that shipment was made from a foreign port on or before December 5, 1943. All sellers of such imported hard candy from December 27, 1943, through February 14, 1944, shall keep for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, customary records such as shipping papers, supplies' invoices, or other appropriate evidence showing that the candy was actually shipped from a foreign port on or before December 5, 1943.

2. The effective date provisions of Amendment 59 to Revised Supplementary Regulation 14 are amended to read as follows:

This amendment 59 shall become effective February 15, 1944, as to all imported hard candy shipped from a foreign port on or before December 5, 1943.

This amendment 59 shall become effective December 27, 1943, as to all imported hard candy shipped from a foreign part after December 5, 1943.

This amendment 59 shall become effective November 24, 1943, as to all domestic hard candy.

This amendment shall become effective as of December 27, 1943.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-127; Filed, January 3, 1944; 4:50 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16393.

[2] 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754, 9016, 9025, 9218, 9219; 10002, 10304, 10759, 11572, 11754, 11738, 11814, 11951, 12406, 12793, 13171, 13513, 14473, 14819, 15381, 15432, 15527.

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. CMA-13]

CHLOE ELKHORN COAL CO., INC.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mine of the Chloe Elkhorn Coal Company, Inc., Pikeville, Kentucky. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mine is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mine of the said mining company including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mine be, and it is hereby, terminated and that there be conspicuously displayed at the mining property copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the regulations for the operation of coal mines under Government control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner: *And provided further,* That except as otherwise ordered, the appointment of the Operating Manager for the mine of said company shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 3, 1944.

[F. R. Doc. 44-129; Filed, January 4, 1944; 10:23 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 798]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 22, 1943.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Texas 4-S13251 Merkel	$25,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-144; Filed; January 4, 1944; 11:30 a. m.]

[Administrative Order 799]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 22, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 4-R9011B2 Jackson	$70,000
Colorado 4-R9016E2 Jefferson	50,000
Delaware 4-3002D3 Sussex	60,000
Michigan 4-3028F2 Presque Isle	30,000
Minnesota 4-3034C2 Stearns	100,000
Minnesota 4-3063F2 Scott	74,000
Missouri 4-2028C3 Barton	45,000
Missouri 4-2055B1 Cedar	90,000
Oklahoma 4-2002E2 Kay	80,000
Oklahoma 4-2022E1 Cotton	100,000
Pennsylvania 4-3015F3 Bradford	50,000
Virginia 4-2011H4 Rockingham	50,000
Wisconsin 4-3029B2 Clark	50,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-145; Filed January 4, 1944; 11:30 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 170, Gen. Permit 1]

BALTIMORE AND OHIO RAILROAD CO., ET AL.

ORDER TO DISREGARD CERTAIN PROVISIONS FOR REROUTING

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 97.9, 8 F.R. 17488) of Service Order No. 170 of December 27, 1943, permission is granted for The Baltimore and Ohio Railroad Company, the Reading Company, and the Western Maryland Railway Company:

To disregard entirely the provision of paragraph (a) (1) of § 97.9 (8 F.R. 17488) of Service Order No. 170 of December 27, 1943.

This permit shall become effective at 12:01 a. m., December 30, 1943.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of December 1943.

HOMER C. KING,
Director.

[F. R. Doc. 44-130; Filed, January 4, 1944; 10:35 a. m.]

[S. O. 172]

CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY CO.

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of January, A. D. 1944.

It appearing, that due to a derailment and partial bridge destruction on The Cincinnati, New Orleans and Texas Pacific Railway Company that carrier by railroad is unable to transport the traffic offered to it; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people, *It is ordered,* That:

(a) *Derailment and partial bridge destruction—rerouting of freight traffic.* The Cincinnati, New Orleans and Texas Pacific Railway Company is hereby directed to forward freight traffic routed over its lines by routes most available to expedite its movement and prevent congestion without regard to the routing thereof made by shippers and by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded only as conflicting with the directions hereby made: *Provided,* That the billing covering all cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to this order is deemed to me due to carriers' disability, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved as originally routed.

(c) *Divisions of rates.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized, they shall not be changed or affected by this order. (40 Stat. 101, Secs. 402, 418, 41 Stat. 476, 485, Secs. 4, 10, 54, Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4)).

It is further ordered, That this order shall become effective at 12:01 a. m. January 3, 1944; that copies of this order and direction shall be served upon The Cincinnati, New Orleans and Texas Pacific Railway Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-131; Filed, January 4, 1944; 10:35 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2816]

HEDWIG ENGEL

In re: Claim, by virtue of a judgment of the Supreme Court, New York, owned by Hedwig Engel.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Hedwig Engel is Stettinerstrasse 43 Amklam Pommern, Germany, and that she is a resident of

Germany and a national of a designated enemy country (Germany);

2. That Hedwig Engel is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Hedwig Engel in and to a claim against The Chase National Bank of the City of New York by virtue of a judgment entered in the Supreme Court of the State of New York, County of New York, on September 17, 1940 and the judgment of reversal in part thereof entered the 5th day of August, 1941 in an action entitled The Chase National Bank of the City of New York individually and as successor by consolidation of the Equitable Trust Company of New York as trustee, under a certain agreement of trust entered into by and between Hedwig Engel and the Equitable Trust Company of New York on February 24, 1928, Plaintiff, against Hedwig Engel, Central Savings Bank of the City of New York and the Bank of New York, Defendants, together with any and all obligations, contingent or otherwise and whether or not matured, owing to Hedwig Engel by The Chase National Bank of the City of New York, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the rights to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–89; Filed, January 3, 1944, 10:45 a. m.]

[Vesting Order 2817]

JUNICHI FUJII

In re: Real property in Honolulu, T. H., fire insurance policy and bank account owned by Junichi Fujii.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Junichi Fujii is 22 Nakajima, Honmachi, Hiroshima, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Junichi Fujii is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Junichi Fujii in and to the sum of $1500, constituting a portion of Savings Account No. 149781 in the Bank of Hawaii, Honolulu, T. H., which is due and owing to, and held for and in the name of Junichi Fujii, including but not limited to all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect the same, and

c. All right, title and interest of Junichi Fujii in and to fire insurance policy No. 92680, issued by the Fidelity-Phenix Fire Insurance Company of New York, insuring the premises described in subparagraph 3–a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property, (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof, all such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All of that certain parcel of land (portion of the land described in and covered by Royal Patent Grant Number 3291 to John A. Hassinger), situate, lying and being at Kulaokahua, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:

Beginning at a point on the South side of Pensacola Street, 589.1 feet mauka from the East angle of Pensacola and Lunalilo Streets and running as follows:

1. N. 43°35' E. true 176 feet, along Pensacola Street;
2. S. 46°25' E. true 120 feet, along W. C. Wilder Land;
3. S. 43° 35' W. true 176 feet, along South East half of Lot #11;
4. N. 46°25' W. true 120 feet, along Road to initial point.

[F. R. Doc. 44–90; Filed, January 3, 1944; 10:45 a. m.]

[Vesting Order 2818]

LUDWIG GARTNER

In re: First mortgages, contract of sale, property insurance policies, and a bank account owned by Ludwig Gartner.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Ludwig Gartner is Steinbach, Donnersburg, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Ludwig Gartner is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. All right, title, interest, and estate, both legal and equitable, of Ludwig Gartner in and to a certain land contract entered into between Clyde Bowles and Hattie M. Bowles, his wife, as vendors, and Charles Leo Mallory, as vendee, dated February 18, 1941, and assigned to H. H. Roach for the benefit of Ludwig Gartner on February 18, 1941, by Clyde Bowles and Hattie M. Bowles, his wife, wherein in consideration of certain payments, the vendors are to convey title to certain real estate,

b. All those certain mortgages held of record by either H. H. Roach, Jewell, Kansas, or the Citizens State Bank, Jewell, Kansas, for the benefit of Ludwig Gartner, and filed for record in the Office of the Register of Deeds, Jewell County, Kansas, particularly described in the following paragraphs, and any and all obligations secured by such mortgages, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgages) for any and all such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations:

1. That certain first mortgage executed by Clyde Bowles, and Hattie M. Bowles, his wife, as mortgagors on April 20, 1933, in favor of the Citizens State Bank, Jewell, Kansas, and recorded in Volume 121 of Mortgages, Page 418, and

2. That certain first mortgage executed by John H. Menhusen and Betty M. Menhusen, his wife, as mortgagors on July 15, 1942, in favor of H. H. Roach, Jewell, Kansas, and recorded in Book 129 of Mortgages, Page 648, and

3. That certain first mortgage executed by J. H. Coffield, a widower, as mortgagor, on April 26, 1940, in favor of H. H. Roach, Jewell, Kansas, and recorded in Book 127 of Mortgages, Page 535, and

4. That certain first mortgage executed by Bert C. Saint and Lilly A. Saint, his wife, as mortgagtors on August 12, 1938 in favor of H. H. Roach, and recorded in Book 127 of Mortgages, Page 270, and

5. That certain first mortgage executed by Ernest L. Peters, a single man, as mortgagor, on June 4, 1942, in favor of the Citizens State Bank, Jewell, Kansas, and recorded in Volume 129 of Mortgages, Page 633, and

6. That certain first mortgage executed by Bd Tucker, a widower, as mortgagor on January 2, 1941, in favor of H. H. Roach, and recorded in Book 127 of Mortgages, Page 604, and

7. That certain first mortgage executed by Olive M. Knowlton and Clarence G. Knowlton, her husband, as mortgagors, on June 11, 1941 in favor of H. H. Roach, Jewell, Kansas, and recorded in Book 129 of Mortgages, Page 604, and

8. That certain first mortgage executed by Milton A. Axtell and Ada E. Axtell, his wife, as mortgagors, on October 14, 1942, in favor of H. H. Roach, Jewell, Kansas, and recorded in Book 129 of Mortgages, Page 651, and

9. That certain first mortgage executed by Pid Jones and Eileen Jones, his wife, as mortgagors, on October 23, 1942, in favor of H. H. Roach, Jewell, Kansas, and recorded in Book 129 of Mortgages, Page 676, and

10. That certain first mortgage executed by Samuel Louder and Mina Pearl Louder, his wife, as mortgagors on August 26, 1940, in favor of H. H. Roach, Jewell, Kansas, and recorded in Book 127 of Mortgages, Page 578, and

11. That certain first mortgage executed by Albert Schmidt, a widower, as mortgagor on August 24, 1938, in favor of H. H. Roach, Jewell, Kansas, and recorded in Book 127 of Mortgages, Page 276, and

c. All right, title, and interest of Ludwig Gartner in and to the following fire insurance policies: Policy No. FW 77134 issued by the National Fire Insurance Company, Hartford, Connecticut; and Policy No. 70229 issued by the Republic Mutual Fire Insurance Company, Belleville, Kansas, which policies insure the real property covered by the first mortgages described in subparagraph 3–b, 1 and 4 hereof, and

d. All right, title, interest and claim of Ludwig Gartner in and to the sum of $1,500 constituting a portion of a certain bank account in the Citizens State Bank, Jewell, Kansas, which is due and owing to and held for and in the name of Ludwig Gartner, including but not limited to all security rights in and to any and all collateral for any or all of such account, or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–c and 3–d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3–a and 3–b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–91; Filed, January 3, 1944, 10:45 a. m.]

[Vesting Order 2819]

NABUICHI KAMURA

In re: Interest in real property, a claim and fire insurance policy owned by Nabuichi Kamura.

Under the authority of the Trading with the Enemy Act, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Nabuichi Kamura is Hiroshima, Japan, and that he is a resident of Japan, and a national of a designated enemy country (Japan);

2. That Ben M. Nishimoto, a citizen of the United States, whose last known address is Route 4, Fort Collins, Colorado, is acting or purporting to act directly or indirectly for the benefit, or on behalf of, Nabuichi Kamura, a national of a designated enemy country (Japan), who is at present within such designated enemy country, and that the said Ben M. Nishimoto is a national of a designated enemy country (Japan);

3. That Nabuichi Kamura is the beneficial owner of the real property described in subparagraph 5–a hereof, held in the name of Ben M. Nishimoto, and that he owns the property described in subparagraphs 5–b and 5–c hereof;

4. That Ben M. Nishimoto is the record owner of the real property described in subparagraph 5–a hereof;

5. That the property described as follows:

a. The undivided one-half interest, identified as the interest acquired by Nabuichi Kamura by deed from Oliver P. Adams executed August 3, 1912, in and to the real property situated in Los Angeles County, California, particularly described as the Northeast one-fourth (¼) of Section twenty-one (21), Township eight (8) North, Range Thirteen (13) West, S. B. B. & M, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Nabuichi Kamura in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Nabuichi Kamura by Ben M. Nishimoto, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against Ben M. Nishimoto arising out of the payments made by A. C. Steele as lessee of the property described in subparagraph 5–a hereof, and

c. All right, title, and interest of Nabuichi Kamura in and to fire insurance policy No. 241587 issued by the Insurance Company of North America, insuring the premises described in subparagraph 5–a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 5–b and 5–c hereof is necessary for the maintenance and safeguarding of other property (namely, that property described in subparagraph 5–a here-

of) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to section 2 of said Executive order;

And determining that to the extent Ben M. Nishimoto is the owner of record of the real property described in subparagraph 5–a hereof, he is controlled by, or acting for or on behalf of Nabuichi Kamura, a national of a designated enemy country (Japan), who is a person within such country;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 5–a hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 5–b and 5–c hereof, all such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–92; Filed, January 3, 1944; 10:45 a. m.]

[Vesting Order 2620]

MARTHA KENNER

In re: Real property and a claim owned by Martha Kenner.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Martha Kennet is Mettinger bei Esslingen, Wurttemberg, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Martha Kenner is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Russell County, Kansas, particularly described as the West one-half (W ½) of the Northeast Quarter (NE ¼) of Section twenty-one (21), Township eleven (11), Range thirteen (13) west of the 6th P. M., together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. All right, title, interest, and claim of any name or nature whatsoever of Martha Kenner in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Martha Kenner by Myrtle Crawford, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and including particularly all right, title, interest, and claim of Martha Kenner in and to those certain War Savings Bonds in the name of Myrtle Crawford, particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3–b hereof, all such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Serial number and date of issue:	Price paid
Q3603375E, Dec. 1, 1941	$18.75
Q4983368E, Dec. 1, 1941	18.75
Q52356245E, Nov. 1, 1942	18.75
Q52356241E, Nov. 1, 1942	18.75
Q52356240E, Nov. 1, 1942	18.75
Q52356242E, Nov. 1, 1942	18.75
Q52356236E, Nov. 1, 1942	18.75
Q52356239E, Nov. 1, 1942	18.75
Q52356246E, Nov. 1, 1942	18.75
Q51773265E, Sept. 1, 1942	18.75
Q51773267E, Sept. 1, 1942	18.75
Q42863368E, Aug. 1, 1942	18.75
Q42863367E, Aug. 1, 1942	18.75
Q42869593E, July 1, 1942	18.75
Q245068888E, June 1, 1942	18.75
Q224075899E, May 1, 1942	18.75
Q18629654E, May 1, 1942	18.75
Q172637279E, Sept. 1, 1943	18.75
Q172637270E, Aug. 1, 1943	18.75
Q172637271E, Aug. 1, 1943	18.75
Q172637272E, Aug. 1, 1943	18.75
Q172637273E, Aug. 1, 1943	18.75
Q172637299E, July 1, 1943	18.75
Q172637214E, June 1, 1943	18.75
Q172637209E, May 1, 1943	18.75
Q129668884E, Apr. 1, 1943	18.75
Q129668885E, Apr. 1, 1943	18.75
Q129668835E, Mar. 1, 1943	18.75
Q129668834E, Mar. 1, 1943	18.75
Q129668810E, Feb. 1, 1943	18.75
Q129668809E, Feb. 1, 1943	18.75
Q115341184E, Feb. 1, 1943	18.75
Q115341135E, Feb. 1, 1943	18.75
L25720511E, Jan. 1, 1943	37.50
Q115341112E, Jan. 1, 1943	18.75
Total	675.00

[F. R. Doc. 44–93; Filed, January 3, 1944; 10:45 a. m.]

[Vesting Order 2621]

BARBARA NOLL, ET AL.

In re: Interests in bonds and mortgages, general insurance policies, and claims owned by Barbara Noll, also known as Anna Barbara Noll, and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the fourteen persons whose names and addresses appear on Exhibit A attached hereto and by reference made a part hereof, are persons whose last known addresses as particularly described in said Exhibit A, are Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That the fourteen persons whose names appear on Exhibit A attached hereto and by reference made a part hereof, are the owners of the property described in subparagraphs 5–a, 5–b, 5–c, and 5–f hereof;

3. That the nine persons whose names, identified by the numerals 3, 4, 5, 8, 9, 10, 12, 13 and 14, appear on Exhibit A attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 5–d hereof;

4. That the two persons whose names, identified by the numerals 2 and 11 appear on Exhibit A attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 5–e hereof;

5. That the property described as follows:

a. The undivided eleven-twelfths (11/12) interest in a mortgage executed on June 1, 1922 by Edward J. Krug, Jr., and recorded on June 3, 1922 in the Register's Office of Bronx County, New York, in Liber 612 of Mortgages, page 19, identified as the total undivided eleven-twelfths (11/12) interest which was assigned by Manufacturers Trust Company, as Executor of and under the Last Will and Testament of Eliese Strauch, late of New York County, New York, deceased, to the fourteen persons named in Exhibit A attached hereto and by reference made a part hereof, on May 16, 1938 by instrument of assignment recorded on June 3, 1938 in the Register's Office of Bronx County, New York, in Liber 1813 of Mortgages, page 479, and any and all obligations, which are secured by the interest in said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations, and

b. The undivided eleven-twelfths (11/12) interest in a mortgage executed on November 6, 1936 by John Bosser and Margaret Bosser, his wife, and recorded on November 7, 1936 in the Register's Office of Kings County, New York, in Liber 8153 of Mortgages, page 104, identified as the total undivided eleven-twelfths (11/12) interest which was assigned by Manufacturers Trust Company, as Executor of and under the Last Will and Testament of Eliese Strauch, late of New York County, New York, deceased, to the fourteen persons named in Exhibit A attached hereto and by reference made a part hereof, on May 16, 1938 by instrument of assignment recorded on June 2, 1938 in the Register's Office of Kings County, New York, in Liber 8278 of Mortgages, page 4, and any and all obligations, which are secured by the interest in said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations, and

c. All right, title, interest and claim of any name or nature whatsoever of the fourteen persons named in Exhibit A attached hereto and by reference made a part hereof, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the fourteen persons named in Exhibit A attached hereto and by reference made a part hereof, by Manufacturers Trust Company, 55 Broad Street, New York, New York, and represented on the books of Manufacturers Trust Company as a credit balance due the fourteen persons whose names appear in said Exhibit A, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

d. All right, title, interest and claim of any name or nature whatsoever of the nine persons whose names identified by the numerals 3, 4, 5, 8, 9, 10, 12, 13 and 14 appear on Exhibit A attached hereto and by reference made a part hereof, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said nine persons whose names identified by the numerals 3, 4, 5, 8, 9, 10, 12, 13 and 14 appear on said Exhibit A, by John Steneck & Sons, Inc., and represented on the books of John Steneck & Sons, Inc., as a credit balance due the said nine persons, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

e. The undivided five forty-eighths (5/48) interest in the proceeds of a mortgage executed on January 22, 1923, by John J. Dowd and Lillian F. Dowd, his wife, and recorded on January 23, 1923, in the Register's Office of Bronx County, New York, in Liber 668 of Mortgages, page 214, identified as the total undivided five forty-eighths (5/48) interest which was assigned by Manufacturers Trust Company, as Executor of and under the last Will and Testament of Eliese Strauch, late of New York County, New York, deceased, to the two persons whose names, identified by the numerals 2 and 11 appear on Exhibit A attached hereto and by reference made a part hereof, on May 16, 1938 by instrument of assignment recorded on June 3, 1938 in the Register's Office of Bronx County New York, in Liber 1815 of Mortgages, page 488, arising out of the satisfaction of the aforesaid mortgage by payment of the amount due thereon to the City Treasurer of the City of New York pursuant to an order of Honorable Isidor Wasservogel, Justice of the Supreme Court of the State of New York, in and for Bronx County, dated March 8, 1940 in a proceeding entitled "In the Matter of Application of Walter S. Hannan to Cancel of Record a Certain Mortgage covering Premises 3414 Giles Place in the City of New York, County of Bronx," and

f. All right, title and interest of the fourteen persons whose names appear on Exhibit A attached hereto and by reference made a part hereof, in and to the following insurance policies:

(i) Fire insurance policy No. 231636, issued by the Franklin National Insurance Company of New York, insuring the premises covered by the mortgage described in subparagraph 5–a hereof;

(ii) Fire insurance policy No. 694008, issued by the Royal Insurance Company, Ltd., insuring the premises covered by the mortgage described in subparagraph 5–a hereof;

(iii) War damage insurance policy No. 106–54–7564, issued by the War Damage Corporation, Royal Insurance Company, Ltd., authorized fiduciary agent, insuring the premises covered by the mortgage described in subparagraph 5–a hereof;

(iv) Fire insurance policy No. 148960, issued by the Glens Falls Insurance Company, insuring the premises covered by the mortgage described in subparagraph 5–b hereof;

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 5–c, 5–d, 5–e, and 5–f hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 5–a and 5–b hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 (c) of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Name and Last Known Address

(1) Barbara Noll, also known as Anna Barbara Noll, Bieben, Kreis Alsfeld, Germany.

(2) Philip Strauch, also known as Phillip Strauch, % Hotel, Alsfeld, Germany.

(3) Margareta Schmidt, also known as Margarete Schmidt or Margarethe Schmidt, Hatterode, uber Hersfeld Land, Germany.

(4) Christina Becker, also known as Christine Becker, Breitenbach, uber Hersfeld Land, Germany.

(5) Julianna Wahl, also known as Julianna Wahll, or Juliana Wahl, or Juliane Wahl, Breitenbach, uber Hersfeld Land, Germany.

(6) Conrad Bosser, also known as Konrad Bosser, Oberjassa, uber Hersfeld Land, Germany.

(7) Gela Schmidt, also known as Johanna Schmidt or Anna Gela Schmidt, Machtlos, uber Hersfeld Land, Germany.

(8) Frederick Winter, also known as Frederick-Fritz Winter, Koeln, Radesberg Bruehlerstrasse, Germany.

(9) Andreas Schmidt, Schwerte am Ruhr, Germany.

(10) Kunigunda Kruse, also known as Anna Kunigunda Kruse or Kingunda Kruse, Koln, Germany.

(11) Eliese Kummel, Erndtebruck 1/Westf., Germany.

(12) Anna Bredenbrock, Gelsenkirchen-Buer, Neumarket 6, Germany.

(13) Heinrich Lotz, Alten-Essen, Baumingh-austrabe 97, Germany.

(14) Ferdinand Jackel, as Ancillary Guardian of Marianne Jackel, Muelheim Ruhr, Buschkante 9, Germany.

[F. R. Doc. 44–94; Filed, January 3, 1944; 10:46 a. m.]

[Vesting Order 1547, Amdt.]

MARIA CAMPLESE

In re: Real property and claim owned by Maria Camplese.

Vesting Order 1547, dated May 27, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Maria Camplese is Atri, Province of Teramo, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Maria Camplese is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Maria Camplese, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Maria Camplese by the Zaccaria Realty Company, 1705 South 20th Street, Philadelphia, Pennsylvania, and represented on the books of Zaccaria Realty Company as a credit balance due Maria Camplese, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3–b. above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded, liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3–b hereof, all such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to consitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the South side of Watkins Street at the distance of two hundred and eighty-two feet Westward from the West side of Nineteenth Street in the Thirty-sixth Ward of the City of Philadelphia.

Containing in front or breadth on the said Watkins Street fourteen feet and extending Southwardly in length or depth between lines parallel with said Nineteenth Street forty-seven feet to a certain four feet wide alley which leads East and West and communicates at each end thereof with two other four feet wide alleys extending from Watkins Street to Pierce Street.

[F. R. Doc. 44–96; Filed, January 3, 1944; 10:46 a. m.]

[Vesting Order 2330, Amdt.]

PAULA WHITENER

In re: Real properties situated in St. Louis and Maplewood, Missouri, and bank account owned by Paula Whitener.

Vesting Order 2330, dated October 5, 1943, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 3–a of said Vesting Order and substituting therefor the following words and figures "Real property situated in St. Louis County, Missouri, particularly described as Parcel No. 1, and real property situated in the City of St. Louis, Missouri, particularly described as Parcels No. 2, 3, 4 and 5, in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;"

2. By deleting the first paragraph of Exhibit A, attached to and by reference made a part of said Vesting Order and substituting therefor the following words: "All that tract or parcel of land particularly described as follows, which is situated in St. Louis County, Missouri:"

3. By inserting a new subparagraph, immediately preceding the words and figure "Parcel No. 2" in Exhibit A attached to and by reference made a part of said Vesting Order, with the following words and figures. "All those 4 tracts or parcels of land particularly described as follows, which are situated in the City of St. Louis, Missouri:"

All other provisions of said Vesting Order 2330 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–95; Filed, January 3, 1944; 10:45 a. m.]

JAN 7 4

FEDERAL REGISTER

VOLUME 9 NUMBER 4

Washington, Thursday, January 6, 1944

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[FCA Order 391]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY AND DESIGNATION OF ORDER OF PRECEDENCE

Authority, and designation of order of precedence, of Deputy Intermediate Credit Commissioners, Assistant Intermediate Credit Commissioner, and Assistant Deputy Intermediate Credit Commissioner to act as Intermediate Credit Commissioner in the absence of the latter.

Section 3.31 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 3.31 *Authority, and designation of order of precedence, of Deputy Intermediate Credit Commissioners, Assistant Intermediate Credit Commissioner, and Assistant Deputy Intermediate Credit Commissioner to act as Intermediate Credit Commissioner in the absence of the latter.* John T. Walker, Jr., Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner is unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Arthur C. Sullivan, Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner and Deputy Intermediate Credit Commissioner John T. Walker, Jr., are unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Martin H. Uelsmann, Assistant Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner, Deputy Intermediate Credit Commissioner John T. Walker, Jr., and Deputy Intermediate Credit Commissioner Arthur C. Sullivan are unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Franklin D. Van Sant, Assistant Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner, Deputy Intermediate Credit Commissioner John T. Walker, Jr., Deputy Intermediate Credit Commissioner Arthur C. Sullivan, and Assistant Intermediate Credit Commissioner Martin H. Uelsmann are unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

(E.O. 9084, Mar. 27, 1933; 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940, and sec. 80 (b), 48 Stat. 273; 12 U.S.C. 638 (b))

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 44–215; Filed, January 5, 1944; 11:23 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79–69, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK IN CEDAR RAPIDS, IOWA, SALES AREA

Pursuant to the authority vested in the Director by Food Distribution Order No. 79, dated September 7, 1943 (8 F.R. 12426), as amended, and to effectuate the purposes thereof, Food Distribution Or-

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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der No. 79–89, § 1401.125, relative to the conservation of fluid milk in the Cedar Rapids, Iowa, milk sales area (8 F.R. 15473), issued by the Acting Director of Food Distribution on November 6, 1943, is amended as follows:

The expense of administration specified in § 1401.125 (c) of the original order is increased from $0.01 to $0.02.

Effective date. This amendment of FDO 79–89, shall become effective at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 4th day of January, 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44–180; Filed, January 4, 1944; 3:45 p. m.]

[FDO 79–90, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK IN WATERLOO, IOWA, SALES AREA

Pursuant to the authority vested in the Director by Food Distribution Order No. 79, dated September 7, 1943 (8 F.R. 12426), as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–90, § 1401.126, relative to the conservation of fluid milk in the Waterloo, Iowa, milk sales area (8 F.R. 15474), issued by the Acting Director of Food Distribution on November 6, 1943, is amended as follows:

The expense of administration specified in § 1401.126 (c) of the original order is increased from $0.01 to $0.02.

Effective date. This amendment of FDO 79–90, shall become effective at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 4th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44–181; Filed, January 4, 1944; 3:45 p. m.]

[FDO 79–109]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN BIRMINGHAM, ALA., METROPOLITAN SALES AREA

Correction

In F. R. Doc. 44–57, appearing on page 143 of the issue for Wednesday, January 5, 1944, the description of the Birmingham milk sales area in paragraph (b) should read as follows:

The city of Birmingham and the territory within the following boundaries and located in Jefferson and Shelby counties, Alabama: • • •

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—War Food Administration[1]

Subchapter A—Meat Inspection Regulations

[B. A. I. Rev. Order 211, Amdt. 16]

MEAT INSPECTION

ORDER AMENDING REGULATIONS

Pursuant to the authority conferred upon the War Food Administrator by Executive Order No. 9280, of December 5, 1942 (7 F.R. 10179), and Executive Order No. 9322, of March 26, 1943 (8 F.R. 3807), as amended by Executive Order No. 9334, of April 19, 1943 (8 F.R. 5423), and pursuant to the provisions of the Act of Congress approved March 4, 1907 (34 Stat. 1260–1265; 21 U.S.C. 71–91), as amended and extended, Title 9, Chapter I, Subchapter A, Code of Federal Regulations [B.A.I. Order 211, Revised], as amended, is hereby further amended, effective immediately, as follows:

1. Section 1.1 [Reg. 1, sec. 1] is amended by adding the following new paragraph:

(ff) *Division.* The Meat Inspection Division, Livestock and Meats Branch, Food Distribution Administration, War Food Administration.

2. Section 7.5 is amended to read as follows:

§ 7.5 *Overtime work of meat inspection employees.* The management of an official establishment desiring to operate under conditions which will require the services of an employee of the Division on Sunday or a holiday, or for more than eight working hours of any day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall reimburse the Secretary of Agriculture for the cost of such overtime upon receipt of notice from an authorized official of the Department. It will be administratively determined from time to time which days constitute holidays.

3. Section 21.1 [Reg. 21, sec. 1] is amended to read as follows:

§ 21.1 *Appeals from meat inspection actions.* Any appeal from a decision of an employee of the Division shall be made to his immediate superior having jurisdiction over the subject matter of the appeal.

4. Sections 30.3 [Reg. 30, sec. 3] and 7.6 are revoked.

5. By striking out the terms "Director" and "Secretary of Agriculture" wherever they appear in §§ 1.1 (k) [Reg. 1, sec. 1, par. 11] and 1.1 (bb) [Reg. 1, sec. 1, par. 28], Parts 4 [Reg. 4] and 5 [Reg. 5], §§ 6.3 [Reg. 6, sec. 3], and 7.7 [Reg. 7, sec. 5], Parts 8 [Reg. 8], 9 [Reg. 9], 10 [Reg. 10], 13 [Reg. 13], 15 [Reg. 15], 16 [Reg. 16], 17, 18 [Reg. 18], 19 [Reg. 19], 20 [Reg. 20], 22 [Reg. 22], 23 [Reg. 23], and 24 [Reg. 24], § 25.15 [Reg. 25, sec. 12], § 27.6 (b) [Reg. 27, sec. 5, par. 2], § 27.8 [Reg. 27, sec. 7], § 27.17 (a) [Reg. 27, sec. 9, par. 6], § 27.18 [Reg. 27, sec. 10], and Parts 29 [Reg. 29], 30 [Reg. 30], and 31, as amended, and inserting the words "Chief of Division" in lieu thereof.

6. By striking out the term "Director" wherever it appears in §§ 25.6 [Reg. 25, sec. 6], 25.10 [Reg. 25, sec. 7], 25.11 [Reg. 25, sec. 8], 25.13 [Reg. 25, sec. 10], 25.14 [Reg. 25, sec. 11], and 25.16 [Reg. 25, sec. 13], § 27.6 (f) [Reg. 27, sec. 5, par. 6], §§ 27.7 [Reg. 27, sec. 6], and 27.23 [Reg. 27, sec. 11], as amended, and inserting the words "Chief of the Meat Inspection Division" in lieu thereof.

7. The authority delegated herein to the Chief of the Meat Inspection Division shall be exercised by him under and subject to the supervision of the Chief of the Livestock and Meats Branch and the Director of the Food Distribution Administration. Nothing contained herein shall be construed to abrogate any power or authority vested in the Secretary of Agriculture or the War Food Administrator.

Done at Washington, D. C., this 4th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–218; Filed, January 5, 1944; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[WPB Reg. 1 as Amended Dec. 31, 1943[1]]

DELEGATION OF POWERS AND RATIFICATION OF PREVIOUS ACTIONS

§ 903.0 *War Production Board Regulation 1.* (a) The Executive Vice Chairman of the War Production Board may, in his own name, perform the functions and exercise all the powers, authority, and discretion now or hereafter vested in the Chairman of the War Production Board (including the amendment of this Regulation), except those conferred upon the Chairman by Public Law 603, 77th Congress (Smaller War Plants Act).

(b) All actions taken in performance of the functions or in exercise of the powers, authority and discretion now or hereafter vested in the Chairman of the War Production Board which are not taken in the name of the Chairman, or in the name of the Executive Vice Chairman pursuant to paragraph (a) of this Regulation, shall be taken in the name of the War Production Board, countersigned or attested by the Executive Secretary or the Recording Secretary of the War Production Board, except:

(1) Action under Public Law 603 referred to in paragraph (a) of this Regulation, or

(2) Action taken pursuant to paragraphs (c), (d) or (e) of this regulation.

(c) The Chairman, the Executive Vice Chairman, or the Program Vice Chairman of the War Production Board may, in his own name, authorize the following officials to perform such functions and exercise such powers, authority and discretion now or hereafter vested in the Chairman as he may prescribe, either in the name of such officials or otherwise, and subject to such restrictions or conditions as he may impose:

(1) Officials of the War Production Board in its regional and district offices;

(2) Officials of or assigned to the Aircraft Resources Control Office or the Aircraft Scheduling Unit.

(d) The Chairman, the Executive Vice Chairman, or the Program Vice Chairman of the War Production Board may, in his own name, authorize officials of the War Production Board to deny, in whole or in part, either in the name of such officials or otherwise:

(1) An initial application for an allocation of materials or the assignment of a preference rating or any other administrative action which is expressly contemplated by the terms of any order or regulation of the War Production Board.

(2) An appeal from an order, regulation or other action of the War Production Board.

(e) The Chairman, the Executive Vice Chairman, or the Program Vice Chairman of the War Production Board may, in his own name, authorize any agency of the United States Government outside of the War Production Board, or any official of such agency, to perform such functions and exercise such powers, authority and discretion now or hereafter vested in the Chairman as he may prescribe, in such manner and subject to such restrictions or conditions as he may impose.

NOTE: Paragraph (f), formerly (e), redesignated Dec. 31, 1943.

(f) All existing rules, regulations, orders, directives, directions, certificates, delegations of authority and other actions taken by or under authority of the Director General for Operations or of his predecessors, the Director of Industry Operations of the War Production Board or the Director of Priorities of the Office of Production Management, or by or under the authority of the Rubber Director, the Director of War Utilities or the Program Vice Chairman of the War Production Board are hereby ratified and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended, and any references therein or in any rule, regulation, order, directive, direction, certificate or other action hereafter issued or taken, to action taken by the

[1] This chapter formerly entitled "Food Distribution Administration."

[1] This document is a restatement of Amendment 2 to WPB Regulation 1, as Amended March 24, 1943, which appeared in the FEDERAL REGISTER of January 4, 1944, page 64, and reflects the order in its completed form as of December 31, 1943.

Director General for Operations, the Director of Industry Operations, the Director of Priorities, the Rubber Director or the Director of War Utilities shall be deemed to be references to action taken pursuant to this regulation, as amended. Pending the adoption and preparation of revised forms, and until otherwise ordered, rules, regulations, orders, directives, directions, certificates, delegations or other actions hereafter issued or taken in the name of the Director General for Operations, the Rubber Director or the Director of War Utilities in any manner heretofore or hereafter authorized shall be valid for all purposes to the same extent as if issued or taken in the manner prescribed in this regulation as amended.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of December 1943.

CHARLES E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44-182; Filed, January 4, 1944; 4:47 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDER

[Suspension Order S-474]

C. H. SIMPSON AND SON

Charles H. Simpson and Joseph A. Simpson are co-partners, doing business as C. H. Simpson and Son, with offices at 1819 Carey Avenue, Cheyenne, Wyoming. The business carried on by the firm is that of electrical contractors. Without authorization from the War Production Board, on or about April 23, 1943, C. H. Simpson and Son began construction of a store building or warehouse, in Cheyenne, Wyoming, at a cost of approximately $4,000.00. This was a violation of Conservation Order L-41. In connection with this construction, C. H. Simpson and Son improperly extended an AA-3 preference rating which the firm had received for government work, and thereby obtained over $400.00 worth of critical materials to go into this private project. This was a violation of Priorities Regulation No. 3. These violations were admitted by the respondents, and inasmuch as the firm knew that general construction work was restricted by Conservation Order L-41, and in view of the fact that the firm had done considerable work as electrical contractors on government projects which involved the use of the priorities system, the violations must be deemed to have been wilful.

In committing these violations, C. H. Simpson and Son have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing; *it is hereby ordered*, That:

§ 1010.474 *Suspension Order No. S-474.* (a) Deliveries of material to Charles H. Simpson and Joseph A. Simpson, individually, or doing business as C. H. Simpson and Son or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order, except through the extension of preference ratings which were assigned to persons other than the respondent, pursuant to a PD-3-a certificate, or an order in the P-19 or P-55 series, or a CMPL-224 authorization, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Charles H. Simpson and Joseph A. Simpson, individually, or doing business as C. H. Simpson and Son or otherwise, their successors or assigns, of any material or product, the supply or distribution of which is governed by any order or regulation of the War Production Board, unless such allocation or allotment is made in connection with one or more of the certificates, orders or authorizations referred to in paragraph (a) of this order, or unless otherwise hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Charles H. Simpson, Joseph A. Simpson or C. H. Simpson and Son, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 4, 1944, and shall expire on May 4, 1944.

Issued this 28th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-183; Filed, January 4, 1944; 4:47 p. m.]

PART 3270—CONTAINERS

[Conservation Order M-104, Revocation]

CLOSURES FOR GLASS CONTAINERS

Section 3270.37 *Conservation Order M-104* is revoked.

This revocation does not affect any liabilities incurred under the order. The order is superseded by order L-103-b as amended simultaneously with this revocation.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-186; Filed, January 4, 1944; 4:48 p. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-140-b as Amended Jan. 1, 1944 [1]]

FLATWARE AND HOLLOW WARE

§ 3291.176 *General Limitation Order L-140-b*—(a) *Definitions.* For the purposes of this order:

(1) "Flatware" means knives, forks, spoons and similar implements used for eating or serving food at the table, which have metal blades, tines or bowls as well as handles made of metal. It does not include carving sets or articles of cutlery covered by Order L-140-a, or any order in the L-30 series.

(2) "Hollow ware" means all articles commonly known as hollow ware in the trade, including but not limited to, metal table ware used for serving foods and beverages and ornamental ware, whether plated or unplated. For example, it includes coffee and teapots, and sets; sugar and cream containers and sets; berry sets, vegetable dishes and servers, gravy boats or bowls and trays, platters, trays of all types and pitchers; vases, bowls of all types, and frames for china, glass or oven-glass dishes of all types; trivets, cocktail shakers, glasses, sets and accessories; plain and vacuum lined ice containers; mustard pots and pepper and salt shakers and sets; candlesticks and candelabra. It does not include flatware or any articles covered by any order in the L-30 series, church goods covered by Order L-136, or electrical appliances covered by Order L-65.

(3) "Manufacturer" means any person engaged in the business of fabricating, assembling or plating any flatware or hollow ware or any parts for such ware. A person who performs no operation except plating on another person's flatware or hollow ware is not a manufacturer.

(4) "Put into process" means to put metal into production for the first time, whether in the form of raw material or in purchased parts. It does not include buffing, wire wheel brushing, burnishing, lacquering or similar finishing of flatware or hollow ware, after plating.

(5) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. A purchase order placed with a manufacturer by a distributor or dealer to replace in inventory flatware or hollow ware sold on a preferred order, is also a preferred order. Orders from Post Exchanges, Ships' Service Stores, Officers' and Enlisted Men's Service Clubs on military or naval reservations are not preferred orders.

(6) "Distributor" means any person or firm other than a dealer engaged in the business of selling flatware or hollow ware not manufactured by that firm.

[1] This document is a restatement of Amendment 1 to L-140-b, which appeared in the FEDERAL REGISTER of January 4, 1944, page 78, and reflects the order in its completed form as of January 1, 1944.

(7) "Dealer" means any person who sells flatware or hollow ware at retail to members of the public for home use.

(8) "Type A flatware" means silver plated or chromium plated flatware produced on or after November 5, 1943, conforming to the specifications for Type A flatware on Table A of this order.

(9) "Type B flatware" means silver plated or chromium plated flatware produced on or after November 5, 1943, conforming to the specifications for Type B flatware on Table A of this order.

(10) "Alloy steel flatware" means graded or ungraded flatware produced from alloy steel conforming to the gauges for Type A or Type B flatware on Table A of this order.

(b) *Production and delivery of sterling silver flatware or hollow ware not restricted.* Nothing in this order restricts the production or delivery of sterling silver flatware or sterling silver hollow ware.

(c) *What flatware and hollow ware may be produced.* (1) No manufacturer shall produce any flatware except

(i) For preferred orders;

(ii) Flatware listed on Table A of this order, according to the specifications in that table;

(iii) Gold, silver, and sterling silver flatware;

(iv) Flatware produced from iron and steel in inventory or on order from the mill on November 5, 1943, if the plating specifications in Table A are followed.

(2) No manufacturer shall produce any hollow ware containing metal except

(i) For preferred orders;

(ii) Gold, silver and sterling silver;

(iii) Unalloyed iron or steel put into process before November 5, 1943, if no metal other than gold, silver and chromium is used for plating.

(d) *Production and delivery of flatware for preferred orders.* (1) On or after January 1, 1944, no manufacturer shall produce or deliver any flatware to fill preferred orders except in accordance with quotas specifically approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer must file this form with the War Production Board on or before the 15th day of November, February, May and August, according to instructions accompanying the form.

(e) *Production and delivery of flatware for other than preferred orders.* (1) During the period November 5, 1943, through December 31, 1943, no manufacturer shall put into process in the production of flatware for other than preferred orders in the aggregate more than 35% of the average quarterly amount of iron, steel and other metals in the aggregate used by him in the production of flatware during the period July 1, 1940, through June 30, 1941.

(2) On or after January 1, 1944, no manufacturer shall put into process in the production of flatware for other than preferred orders any iron, steel or alloy steel except in accordance with quotas specifically approved by the War Production Board on Form WPB-2719 (formerly PD-880). This does not apply to sterling silver flatware.

(3) Each manufacturer must file this form with the War Production Board on or before the 15th day of November, February, May, and August, according to instructions accompanying the form.

(f) *General statement of policy.* (1) It will be the general policy of the War Production Board to authorize the total production of flatware other than sterling silver flatware, for both preferred and other orders, according to approved requirements. Production which would exceed such approved requirements will not be authorized. Plants located in critical labor areas as classified by the War Manpower Commission will not be permitted to produce this flatware at a greater rate than their average production in the third and fourth calendar quarters of 1943. Production to meet the requirements determination will be allocated in less critical labor areas to the fullest extent of the available capacity.

The War Production Board will plan to divide total production of this flatware for other than preferred orders into 65% Type A flatware and alloy steel flatware and 35% Type B flatware, and will give notice to each manufacturer of the total and individual authorizations.

(2) The War Production Board will not assign preference ratings on flatware produced for other than preferred orders except on Form WPB-541 (formerly PD-1A) on orders for delivery to governmental agencies, hospitals, and educational and charitable institutions, providing that such flatware is distributed with due regard to established trade connections, needs of distributors or dealers whose usual supply has been cut off or diverted, and increased needs in certain areas. If flatware is not being distributed in this manner, ratings will be issued on WPB-547 (formerly PD-1X) or Form WPB-541 (formerly PD-1A) to take care of special cases.

(g) *Distribution of Type A flatware.* No manufacturer or distributor shall sell any Type A flatware, except

(1) Manufacturers may sell Type A flatware to fill preferred orders.

(2) Manufacturers and distributors may sell Type A flatware to hospitals, or institutions for the aged, sick or poor, prisons, educational institutions, orphanages, hotels, restaurants, canteens, clubs, cafeterias, lunch rooms, lunch counters, and similar eating places including those operated by common carriers.

(3) Manufacturers and distributors may sell Type A flatware to distributors or for export.

(4) Manufacturers and distributors may sell Type A flatware to Post Exchanges, Ships' Service Stores, Officers' and Enlisted Men's Service Clubs on military or naval reservations for use on the premises but not for resale by them.

(5) Distributors may sell Type A flatware to fill preferred orders only if they receive permission from the War Production Board in writing.

(h) *Distribution of Type B flatware.* No manufacturer or distributor shall sell any Type B flatware, except

(1) Manufacturers and distributors may sell Type B flatware to distributors, dealers for export, or direct to members of the public buying for home use.

(2) Manufacturers or distributors may sell Type B flatware to fill preferred orders only if they receive permission from the War Production Board in writing.

(i) *Distribution of alloy steel flatware.* No manufacturer or distributor shall sell any alloy steel flatware, except

(1) Manufacturers may sell alloy steel flatware to fill preferred orders.

(2) Manufacturers and distributors may sell alloy steel flatware to distributors or to the establishments and organizations enumerated in paragraph (g) (2).

(3) A manufacturer or distributor may not sell any alloy steel flatware for export.

(4) Distributors may sell alloy steel flatware to fill preferred orders only if they receive permission from the War Production Board in writing.

(j) *Special provisions concerning distribution of all flatware.* (1) No manufacturer or distributor shall sell any flatware produced after June 30, 1942 (except sterling silver flatware) for distribution free or for a nominal consideration in connection with advertising sales promotion or other similar plan.

(2) No manufacturer who has made flatware or hollow ware to fill a preferred order and cannot use it for that purpose because of overruns, rejects, cancellation of the order or any other reason shall sell it except to fill a preferred order unless he receives permission from the War Production Board on Form WPB-1319 (Formerly PD-556).

(3) No manufacturer intending to produce either Type A, Type B or alloy steel flatware for other than preferred orders, who because of some unexpected mechanical difficulty, produces flatware which does not conform to the specifications in Table A for Type A, Type B or alloy steel flatware, shall transfer or distribute such flatware, unless he receives permission of the War Production Board to make delivery after applying on Form WPB-1319 (formerly PD-556).

(k) *Repairs not limited by this order.* This order and Table A do not in any way limit the repair, plating or refinishing of used or shopworn flatware or hollow ware.

(l) *Reports.* On or before December 1, 1943, each manufacturer of flatware shall file by letter in duplicate with the War Production Board, Washington 25, D. C., Ref: L-140-b a report showing the total amount of all flatware, other than sterling silver flatware produced by him during the period January 1, 1943 through November 15, 1943, for both preferred and other orders, in dozens or gross. This report shall list knives separately from all other items of flatware. This reporting requirement has been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(m) *Applicability of other orders and regulations.* This order and all transactions affected by this order are sub-

ject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of flatware and hollow ware to a greater extent than does this order, the other order shall govern unless it states otherwise.

(n) *Appeals.* Any appeal from this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(o) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-140-b.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Definitions. (1) "Graded", as applied to forks or spoons, means articles which have been shaped through mechanical processes so that the thickest portion of the handle is in the shank with a taper in thickness toward the tip of the handle and toward the tip of the bowl of the spoon or tines of the fork.

(2) "Ungraded", as applied to forks or spoons, means articles which have not been graded.

(3) "Significant surfaces" for the purpose of Table A means all surfaces of the pieces of flatware except those between the tines of the forks, the tips of the tines or the cutting edges of the knives.

Specifications.

Knife. Straight blade or grill. With or without bolsters. Handles of two-piece knives must be firmly secured to blade without solder. Blades must be of .60 to .80 carbon steel or of alloy steel within the limits of the restrictions on alloy steel in this table.

	Type A or alloy steel		Type B or alloy steel (ungraded only)
	Graded	Ungraded	
Fork, dessert size (flat handle only with uniformly spaced tines).	Finished weight not lighter than 11½ pounds per gross. Tines shall taper uniformly to a point.	Not lighter than .085 inch.	Not lighter than .065 inch.
Dessert spoon	Finished weight not lighter than 11½ pounds per gross. Bowls must taper uniformly from center to tip.	Not lighter than .065 inch.	Not lighter than .055 inch.
Teaspoon	Finished weight not lighter than 7½ pounds per gross. Bowls must taper uniformly from center to tip.	Not lighter than .065 inch.	Not lighter than .050 inch.

A manufacturer may produce plated flatware in either Type A or Type B or both and may produce alloy steel flatware. Type A or alloy steel forks and spoons may be either graded or ungraded; Type B shall be ungraded only.

Patterns. No manufacturer shall produce more than a total of two different patterns in Type A flatware and the same two patterns in alloy steel flatware and two patterns in Type B flatware. No new patterns shall be made up in any type of flatware. Whenever two patterns are used, one must be a plain or Windsor pattern. Any other pattern of ungraded flatware used must be of a simple design so constructed as to reinforce the shanks of spoons and forks.

Restrictions on alloy steel. Alloy steel used in the manufacture of alloy steel flatware shall be alloy steel as defined in Order M-21-a, which was in his inventory on November 5, 1943, or obtained by him on a special sale as defined in Priorities Regulation 13.

Flatware blanks. All steel for forks and spoons shall be cold rolled strip or sheet steel. All flatware blanks shall be made in one piece except knives, which may be made of two pieces at the manufacturer's option. On all significant surfaces all flatware before plating shall have a smooth finish, at least equal to a greased No. 220 emery finish. Angles between adjoining significant surfaces shall have a rounded contour without sharp edges.

Metal coatings. Metal coatings may be either silver or chromium within the following limits:

Silver plating. All silver-plated flatware shall be plated with an undercoating of nickel of an average thickness of .0002 inch. In addition, a manufacturer may use a copper-silver strike in accordance with the provisions of Conservation Order M-9-c. The average thickness of the whole metal coating, including the silver and nickel undercoating shall be not less than .001 inch on Type A flatware and not less than .0005 inch on Type B flatware. All significant surfaces on all pieces must have a minimum thickness of coating equal to at least 60% of the above standards. The final silver coating shall have a uniform finish in accordance with regular commercial standards, and shall be brushed or butler finish only.

Chromium plating. Chromium-plated Type A flatware shall be plated with an undercoating of nickel of an average thickness of .0002 inch. All significant surfaces and all pieces shall have a minimum thickness of nickel undercoating equal to at least 50% of the above standards. No chromium-plated Type B flatware shall have any metal strike or undercoating. The average thickness of the chromium plating on any flatware, excluding undercoating when used, shall be not less than .00002 inch or more than .00004 inch.

Markings. All flatware produced under this table must bear markings indicating the type of flatware and plating used, which shall be substantially as follows:

Type of flatware

Type A flatware ..... "o"
Type B flatware ..... "oo"
Alloy steel flatware ..... "Stainless"

Type of plating used

Silver-plated flatware ..... "Steel-S. P."
Chromium-plated flatware ..... "Steel-C. P."

It must also bear markings indicating the manufacturer's identity. These markings may be either the manufacturer's name or its abbreviation, a registered trade mark or any other symbol which he notifies the War Production Board he intends to use.

[F. R. Doc. 44-187; Filed, January 4, 1944; 4:47 p. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L-98 as Amended Dec. 31, 1943[2]]

DOMESTIC SEWING MACHINES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.280[1] *General Limitation Order L-98—(a) Definitions.* For the purposes of this order:

(1) "Domestic sewing machine" means any sewing machine designed for household use.

(2) "Attachment" means any special purpose detachable device which is designed for use with a domestic sewing machine but which is not essential to the most simplified operation of such machine.

(3) "Sewing machine part" means any part (including, but not limited to, a needle, an electric motor, a cabinet, a portable base, a cover, a table or a stand) of a domestic sewing machine, but does not include an attachment.

(4) "Attachment part" means any part of an attachment.

(5) "Repair part" means any sewing machine part used for the purpose of repairing or replacing a similar part which through wear, tear or damage has caused a domestic sewing machine to become unfit to perform its function of sewing in the most simplified manner. Repair part shall not include any attachment part.

(6) "To produce a new domestic sewing machine" means to complete the manufacturing operations on a new domestic sewing machine other than the final assembly of the machine head into a cabinet, portable base and cover, or table and stand.

(7) "Manufacturer" means any person who produces any new domestic sewing machine or who manufactures or assembles any sewing machine part, attachment or attachment part.

(8) "Restricted period" means the period from April 25, 1942 to June 15, 1942, inclusive.

(9) "Average daily production" or "average daily manufacture" means the total production or manufacture within a specified period divided by the number of days (including Sundays and holidays) contained in such period.

(10) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(b) *General restrictions.* (1) During the restricted period no manufacturer shall:

(i) Produce more new domestic sewing machines than 75% of his average daily production of such new machines in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period; or

(ii) Manufacture more new attachments of any type than 75% of his average daily manufacture of new attachments of such type in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period.

(2) No manufacturer shall manufacture any new sewing machine parts except that during the year 1944 a manufacturer may produce sewing machine parts for use as repair parts under the following conditions:

(i) He may put into process in the manufacture of needles not more iron and steel than 75% of the iron and steel, by weight, contained in the needles manufactured by him during the two-year period ending December 31, 1941;

(ii) He may put into process in the manufacture of sewing machine parts (other than needles) not more iron and steel than 62½% of the iron and steel, by weight, contained in the sewing machine parts (other than needles) manufactured by him for use as repair parts during the two-year period ending December 31, 1941; and

(iii) He may not put into process any non-ferrous metal except that copper and copper base alloy may be used for the purpose of conducting electricity, provided that he does not put into process more copper and copper base alloy than 50% of the amount of copper and copper base alloy, by weight, used for the purpose of conducting electricity in the sewing machine parts produced by him for use as repair parts during the two-year period ending December 31, 1941.

(3) No manufacturer shall on and after May 25, 1942, and no person other than a manufacturer shall on and after July 15, 1942, install any new sewing machine part, other than a repair part, in a new or used domestic sewing machine, except to complete the new domestic sewing machines, the production of which is permitted under the terms of paragraph (b) (1).

(4) On and after June 16, 1942, no manufacturer shall:

(i) Produce any new domestic sewing machines or (except as provided in paragraph (b) (5) of this order) assemble any new sewing machine parts for the production of such machines; or

(ii) Manufacture or assemble any new attachments or new attachment parts.

(5) Nothing in the foregoing provisions shall limit the final assembly by a manufacturer or any other person of a new domestic sewing machine head into a cabinet, portable base and cover, or table and stand: *Provided*, That such head, cabinet, base and cover, or table and stand were not produced or manufactured in violation of the terms of this or of any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board.

(6) Manufacturers shall sell materials in their inventory only in accordance with the provisions of Priorities Regulation No. 13 (Part 944) and all other applicable orders and regulations.

(c) *Restrictions on transfer of domestic sewing machines.* On and after June 5, 1943, no manufacturer of domestic sewing machines shall transfer the physical possession of or title to:

(1) Any domestic sewing machines except in accordance with a letter of authorization from the War Production Board to be issued prior to June 14, 1943, which letter will permit the transfer without restriction of all domestic sewing machines other than those specified in paragraph (c) (2) below.

(2) Any domestic sewing machines which are required by the Army or Navy of the United States, the War Shipping Administration, the United States Maritime Commission or for lend-lease and export purposes. The domestic sewing machines not released by the letter of authorization referred to in paragraph (c) (1) above are to be held for transfer to the persons or for the purposes specified in this paragraph (2). In order to obtain a release for any of such domestic sewing machines, a specific authorization of the War Production Board is required on Form WPB-1319 (formerly Form PD-556) pursuant to an application filed on said Form. In completing Form PD-556 manufacturers are to supply all information requested in section I. Under section II fill in (a) and (e). Do not fill in (b), (c), (d) and (f). Under Section III fill in only (1) (B) and (5). Disregard (1) (A), (2), (3), (4), (6), (7) and (8).

(d) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of domestic sewing machines, attachments, or parts thereof inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of domestic sewing machines, attachments, or parts thereof at the rates permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as such board shall from time to time prescribe.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD-500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of domestic sewing machines, attachments, sewing machine parts or attachment parts to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumer Durable Goods Division, Washington, D. C., Ref.: L-98.

Issued this 31st day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-188; Filed, January 4, 1944; 4:47 p. m.]

PART 955—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 7, Interpretation 1]

PREFERENCE RATING MUST BE FURNISHED BY THE BUYER

The following interpretation is issued with respect to Priorities Reg. 7:

Paragraph (f) of Priorities Regulation No. 7, which permits a seller to waive the buyer's certification where he knows the facts, does not allow the seller to rate an order which the buyer has not attempted to rate. If the buyer has stated the rating on the order but has not certified it, the seller may add the appropriate certification; and if the buyer has not shown the rating on the order, but has otherwise informed the seller that he wishes to apply or extend the rating, the seller may also insert it on the order.

Issued this 5th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-211; Filed, January 5, 1944; 11:11 a. m.]

[1] Formerly Part 1192, § 1192.1.

[2] This document is a restatement of Amendment 1 to L-98, as Amended June 5, 1943, which appeared in the FEDERAL REGISTER of January 4, 1944, page 68, and reflects the order in its completed form as of December 31, 1943.

PART 3287—GOVERNMENT SERVICES[1]

[Preference Rating Order P-141, as Amended Jan. 6, 1944]

PUBLIC SANITARY SEWERAGE FACILITIES—MAINTENANCE, REPAIR AND OPERATING SUPPLIES

§ 3287.26[1] *Preference Rating Order P-141*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, engaged in or constructing facilities for the purpose of engaging in, the operation of a public sanitary sewerage system or a public sanitary sewerage system combined with a storm sewerage system, whether or not such operator has applied the preference ratings herein assigned.

(2) "Controlled material" means steel—both carbon (including wrought iron) and alloy—copper (including copper base alloys) and aluminum, in each case only in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(3) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(4) "Maintenance" means the minimum upkeep necessary to continue an operator's property and equipment in sound working condition.

(5) "Repair" means the restoration of an operator's property and equipment to sound working condition after wear and tear, damage, destruction of parts or the like, have made such property or equipment unfit or unsafe for service.

(6) "Operating supplies" means:

(i) Material which is essential to the operation of the system specified in paragraph (a) (1) and which is generally charged to operating expense account.

(ii) Material for an addition to or an expansion of sewerage system or works, other than buildings, provided that such an addition or expansion shall not include any work order, job, or project, in which the cost of material shall exceed $1,500 in the case of underground sewer or pipeline addition or extension, and $500 in the case of any other addition or expansion and provided that no single construction project shall be subdivided into parts in order to come below these limits.

(7) Material for "maintenance", "repair" and "operating supplies" includes any material which is essential to minimum service standards, and does not include material for the improvement of an operator's property or equipment through the replacement of material which is still usable.

(8) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of material to an operator, or to another supplier.

(9) "Calendar quarterly period" means the several three months of the year commencing January 1, April 1, July 1, and October 1, or the operator's customary accounting period closest to such period.

(10) "Inventory" means all new or salvaged material in the operator's possession, unless physically incorporated in plant, without regard to its accounting classification, excluding, however, material which is segregated for use in additions and expansions specifically authorized under paragraph (g) (2) of this order or by an operative preference rating order or certificate issued by the War Production Board.

(b) *Preference ratings.* A preference rating of AA-1 is hereby assigned to orders to be placed by an operator for material to be used for maintenance or repair, and for operating supplies.

NOTE: Paragraph (2) deleted Jan. 5, 1944.

(c) *Controlled materials*—(1) *Steel and copper.* Subject to the quantity restrictions contained in paragraph (f) of this order, any operator requiring delivery of any controlled material, except aluminum, for maintenance, repair or operating supplies, may obtain the same by placing on his delivery order the certification required in paragraph (e) (1) (i) hereof. An order bearing such certification shall constitute an authorized controlled material order.

(2) *Aluminum.* (i) Any operator requiring aluminum in any of the forms or shapes constituting a controlled material, for essential maintenance, repair or operating supplies, where the use of other materials for the purpose is impracticable, may obtain the same from a controlled materials producer or from a distributor specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale, in an amount not to exceed 100 pounds from all sources during any one calendar quarterly period by placing on his delivery order the certification required in paragraph (e) (1) (i) hereof. An order bearing such certification shall constitute an authorized controlled material order.

(ii) Any operator who requires aluminum in any of the forms or shapes constituting a controlled material, in amounts aggregating more than 100 pounds from all sources during any one calendar quarterly period for use as essential maintenance, repair or operating supplies where the use of other material for such purpose is not practicable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarterly period by letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington 25, D. C., Ref: P-141. The letter should contain substantially the information called for by paragraphs (d) (1) to (6) of Supplementary Order M-1-i, as amended March 10, 1943. If the application is granted, the applicant will receive an allotment number or symbol and may place an authorized controlled material order by endorsing an order with such allotment number or symbol and the certification prescribed in paragraph (e) (1) (i) hereof.

(d) *Restrictions on use of symbol and ratings.* (1) The allotment symbol and preference ratings hereby assigned shall not be used by an operator or supplier to obtain deliveries of scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design.

(2) The preference ratings assigned by paragraph (b) hereof for maintenance, repair and operating supplies shall not be used to obtain any item included in Lists A or B of Priorities Regulation No. 3.

(e) *Application and extension of ratings; application of CMP allotment symbol*—(1) *Certification.* The AA-1 rating assigned by paragraph (b) of this order and the CMP allotment symbol MRO-P-141 may be applied by an operator to deliveries of material for use in maintenance, or repair, or as operating supplies only by use of a certification in substantially the following form:

Preference Rating AA-1, CMP Allotment Symbol MRO-P-141. The undersigned purchaser certifies, subject to the penalties of Section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that to the best of his knowledge and belief the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

Name of operator

Signature of designated official

Such certification shall be signed manually or as provided in Priorities Regulation No. 7.

NOTE: Paragraph (2), formerly (3), redesignated Jan. 5, 1944.

(2) The ratings assigned by this order may be extended by a supplier in the manner provided in Priorities Regulation No. 3, and CMP Regulation No. 3.

(f) *Restrictions on deliveries, inventory and withdrawals*—(1) *Deliveries and withdrawals.* No operator shall, during any calendar quarterly period, accept delivery of any material or withdraw from inventory any material, to be used for maintenance or repair or as operating supplies or for any other purpose (except material to be segregated for use in extensions specifically authorized under paragraph (g) (2) of this order or by an operative preference rating order or certificate issued by the War Production Board), the aggregate dollar value of which shall exceed the aggregate dollar value of materials used for maintenance or repair or as operating supplies, during the corresponding calendar quarterly period of the year 1942, or at the operator's option, twenty-five per cent of the aggregate dollar value of materials used for said purpose during the operator's fiscal year ending closest to December 31, 1942.

(2) *Inventory.* No operator shall at any time, accept delivery of any material if the operator's inventory will, by virtue of such acceptance, be in excess of a practical working minimum.

(3) *Exceptions.* The provisions of paragraph (f) (1) of this order are subject to the following exceptions:

(i) An operator who, during the calendar year 1942 (or fiscal year ending closest to December 31, 1942), used for maintenance, repair, and as operating supplies, materials of the aggregate value of not exceeding $1,000 and whose estimated requirements for materials to be used for maintenance, repair and as operating supplies during any calendar year (or corresponding fiscal year) do not exceed $1,000 may, during such year, exceed the quantity restrictions prescribed by paragraph (f) (1) of this order. If the actual requirements of material for maintenance, repair and operating supplies for such year should prove to be in excess of $1,000, such operator shall not accept any deliveries of material or withdraw from inventory any material to be used for maintenance, repair or as operating supplies if such deliveries or withdrawals, when taken together with other deliveries or withdrawals within such year, would, in the aggregate, exceed $1,000. In such case the operator may apply for specific authorization to exceed such quantity restrictions pursuant to the provisions of paragraph (f) (4) hereof.

(ii) An operator may, in any calendar quarterly period, increase scheduled deliveries, and withdrawals of material required for maintenance or repair or as operating supplies over the limits prescribed in paragraph (f) (1) of this order, in proportion to the increase in the load on the system during the preceding calendar quarterly period of the year 1942 corresponding to the calendar quarterly period in question, determined by a measurement of the average daily flow for the two comparative periods: *Provided*, That in determining the average daily flow of sewage, any flow of surface storm water which enters the system shall not be taken into account.

(iii) An operator may, in any calendar quarterly period, accept deliveries of material or make withdrawals from inventory of material, necessary for the maintenance or repair of the operator's property or equipment which is damaged by acts of the public enemy, sabotage, explosion, or fire or by flood, storm or other similar climatic conditions: *Provided*, That if the restrictions of paragraph (f) (1) are exceeded because of such deliveries or use, a full report thereof shall be made within thirty days after such delivery or withdrawal, to the War Production Board.

(iv) An operator may, in any calendar quarterly period, accept delivery of material, having in the aggregate, a dollar value of not more than the dollar value of material of the same class taken from the operator's inventory for delivery to other persons authorized to accept delivery under applicable regulations of the War Production Board but only if, and to the extent that such taking has reduced the operator's inventory of material below a practical working minimum.

(v) An operator may, during any calendar year (or his fiscal year), withdraw from inventory, material, having in the aggregate, a dollar value of not more than the dollar value of usable material of the same class salvaged from plant during such year.

(vi) The provisions of paragraph (f) (1) and (f) (2) shall not apply to fuel or to chemicals for sewage treatment.

(4) The War Production Board, on its own initiative, or on application of any operator by letter, in triplicate, addressed to the Government Division, War Production Board, Washington 25, D. C., Ref: P-141, may modify the limitations on practical working minimum inventory, and on scheduling or accepting deliveries, or on use or withdrawals, set forth in this paragraph (f).

(g) *Restrictions on construction of sewerage facilities.* No operator shall construct any sewerage facilities, including but not limited to sewer pipelines, manhole structures, pumping stations, sewage disposal or treatment plants and connections, and no operator shall, in case of contract construction, accept deliveries of material for such purposes except as follows:

(1) An operator may construct an addition to or an expansion of, sewerage system or works, other than buildings: *Provided*, That such addition or expansion shall not include any work order, job or project in which the cost of material shall exceed $1,500 in the case of underground sewer pipeline addition or extension, and $500 in the case of any other addition or expansion: *And provided*, That no single construction project shall be subdivided into parts in order to come below these limits: *And further provided*, That in making house connections or extension of line to serve premises, no iron or steel pipe shall be used except the minimum quantities required in making necessary connections.

(2) An operator may construct an extension of sewerage facilities, other than buildings, to serve premises which are being built or remodeled under authority of any Preference Rating order of the P-55 series, a specific authorization issued pursuant to Conservation Order L-41 or pursuant to any Petroleum Administrative Order issued by the Petroleum Administrator for War if all of the following conditions are satisfied:

(i) The cost of material for such extension does not exceed $5,000 (but exceeds $1,500 in the case of underground sewer pipeline extension or $500 in the case of any other extension).

(ii) The extension does not duplicate an adequate service already installed.

(iii) No other operator can render the same service with lesser amounts of critical material.

(iv) The extension will not cause an overload on system including sewage disposal plants.

(v) The operator has completed Form WPB-3445 and delivered it to the builder of the premises to be served for attachment to the builder's application for L-41 approval. Preference ratings and allotment number to acquire material required for such extensions are assigned by paragraph (h) of this order.

(3) In addition to the authorization contained in paragraphs (g) (1) and (g) (2) an operator may construct sewage facilities of any kind if such construction is specifically authorized by the War Production Board. Application should be made on Form WPB-617 (formerly PD-200) or on such other form as may be prescribed. The following preference rating orders or certificates include permission for construction under this order although they do not say so: P-19-h, CMPL-127, CMPL-224. In all other cases a preference rating is not enough unless the instrument which assigns the rating also states that construction is permitted. However, any operator who prior to January 15, 1944, has been specifically authorized in writing by the War Production Board to use the lowest rating assigned to a rated project to obtain material to construct sewerage facilities to serve such project may use such rating to obtain material required for that purpose within the limits of said authorization.

(h) *Assignment of preference rating and CMP allotment symbol for extensions authorized under paragraph (g) (2).* (1) The preference rating AA-3 is hereby assigned to orders for material other than controlled material, and the abbreviated allotment number P-141-S2 is hereby assigned to orders for controlled material to be placed by an operator for use in the construction of extensions of facilities authorized by paragraph (g) (2) of this order or to replace in inventory material so used.

(2) The preference ratings and allotment number assigned by paragraph (h) (1) may be applied by an operator by using the certification provided in CMP Regulation No. 7. An order for controlled material bearing such certification and allotment number shall constitute a controlled material order.

NOTE: Paragraphs (i), (j), (k), (l), (m) and (n), formerly (h), (i), (j), (k), (l), and (m), redesignated Jan. 5, 1944.

(i) *Sales of material from inventory.* Any operator may sell to another operator, material from seller's inventory in excess of a practical minimum working inventory: *Provided*, That (1) a preference rating of AA-5 or higher assigned by this order or by any preference rating certificate, or (2) a specific direction issued by the War Production Board, is applied or extended to the operator selling such material.

(j) *Audits and reports.* (1) Each operator and each supplier who applies

[1] Formerly Part 3209, § 3209.1.

the preference ratings or allotment symbol hereby assigned, and each person who accepts a purchase order or contract for material to which a preference rating or symbol is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the War Production Board.

(2) Each operator and each such supplier shall execute and file with the War Production Board, such reports and questionnaires as said Board shall from time to time request, subject to approval by the Bureau of the Budget as required under the Federal Reports Act.

(3) Each operator shall maintain a continuing record of inventory and of segregated material in his possession and all material used by him for maintenance, repair or as operating supplies.

(k) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed by the War Production Board be addressed to the War Production Board, Government Division, Washington 25, D. C., Ref: P-141.

(l) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

(m) *Revocation or amendment.* This order may be revoked or amended at any time as to any operator or any supplier. In the event or revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the ratings to any other deliveries shall thereafter be made by the operator or supplier affected by such revocation.

(n) *Applicability of regulations.* (1) Preference Rating Order P-141 is issued in lieu of Preference Rating Order P-46 in so far as it affects public sanitary sewerage systems as defined in paragraph (a) (1) hereof and any reference in any order or regulation of the War Production Board to said Preference Rating Order P-46 shall constitute a reference to orders in the P-141 series.

(2) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable regulations of the War Production Board as amended from time to time, *Provided*, That none of the provisions of CMP Regulations No. 5 or No. 5A shall apply to operators as defined in paragraph (a) (1) hereof, and no such operator shall obtain any material under the provisions of either of said regulations.

Issued this 5th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-210; Filed, January 5, 1944; 11:11 a. m.]

PART 3302—SERVICE EQUIPMENT[1]

[General Limitation Order L-54-c, as Amended Jan. 5, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials used in the production of office machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3302.11[1] *General Limitation Order L-54-c*—(a) *Definitions.* For the purposes of this order:

(1) "Office machinery" means machinery, including attachments thereto, of the type included in Lists I, II and III attached to this order as they may be amended from time to time.

(2) "New" office machinery means office machinery which has not been delivered to any person acquiring it for use. The term shall not describe any machine which has been delivered for trial, loan, rental or demonstration at any time prior to March 14, 1942. "Used" office machinery means office machinery other than new office machinery.

(3) "Restricted office machinery" means:

(i) Any new office machinery included in List I.

NOTE: Subparagraph (3) (ii), formerly (3) (iii), redesignated Jan. 5, 1944.

(ii) Any used punched card tabulating machinery which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, regardless of its age.

(4) "Manufacturer" means any person manufacturing new office machinery or sets of parts, to the extent that he is engaged in such manufacture, and shall include majority-owned sales, distribution, and manufacturing subsidiaries.

(5) "Dealer" means any wholesaler, retailer or other distributor of restricted office machinery other than a sales or distribution subsidiary of a manufacturer, and shall include any person, firm or corporation normally receiving restricted office machinery on consignment.

(6) "Delivery" means any physical transfer of restricted office machinery, and includes transfers for trial, loan, rental, demonstration or other use.

(7) "Army", "Navy" and "Maritime Commission" mean the War Department, the Navy Department, and the Maritime Commission, respectively, but shall not include any privately operated plant, shipyard, training school, or other enterprise controlled or financed by the Army, Navy, Maritime Commission, or any other agency of the United States Government, nor any plant or shipyard privately operated on a cost-plus-fixed-fee basis under the control or direction of the Army, Navy, Maritime Commission, or any other agency of the United States Government.

(8) "Lend-Lease purchaser" means any person requesting authorization to receive delivery of restricted office machinery for export to any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(9) "Sets of parts" means parts for office machinery produced at plants in the United States for shipment to foreign countries for assembly into new office machinery of the types included in List I.

(10) "Dollar value" means

(i) With respect to assembled new office machinery, the retail list price of such machinery to customers located in the United States;

(ii) With respect to sets of parts, the retail list price to customers located in the United States of the number of units of assembled machinery into which such sets of parts can be assembled.

(11) "Non-electric" machines are machines which are assembled without electric motors and which are not designed for the addition of electric motors at a future time.

(12) [Deleted Jan. 5, 1944]

(b) *Restrictions on production*—(1) *List I items.* A manufacturer may produce new office machinery included in List I, and sets of parts for export, only to fill orders approved by the War Production Board on Form WPB-1688 and Form WPB-2798 certificates, and also to maintain an inventory worth up to 20 per cent of the dollar value of similar machinery billed to customers and sets of parts exported during the calendar year 1941. This means that unless a manufacturer's inventory is below the 20 per cent figure he may not produce for inventory, even to replace what he has delivered from inventory to filled approved orders. Dollar value figures must be used in calculating production for inventory, unless the manufacturer has customarily leased his product instead of selling it. In that case, the manufacturer may base his production for inventory on the number of machines assembled and the number of sets of parts exported during 1941.

NOTE: Paragraphs (2), (4), (5) and (6), formerly (4), (5), (6) and (7); redesignated Jan. 5, 1944.

(2) *List II items.* No manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of any new office machinery included in List II and no manufacturer shall assemble any new office machinery included in List II.

(3) No manufacturer may buy any steel under paragraph (d) (4) of CMP Regulation No. 4 for use in the fabrication or assembly of new office machinery listed in List III.

(4) *Repair and service parts.* The restrictions upon the manufacturer of new office machinery contained in this paragraph (b) shall not apply to the manufacture of parts to be used to service or repair any kind of office machinery included in Lists I and II.

(5) *Discontinued new office machinery.* No manufacturer shall fabricate parts for any new office machinery or assemble any new office machinery of any kind which he has elected to deliver free of all restrictions pursuant to paragraph (g) of this order.

(6) *Special authorizations.* Notwithstanding the restrictions of paragraph (b) or paragraph (g) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers to fabricate, to cause to be fabricated, to contract to purchase, to assemble, or to manufacture in any manner, specified quantities of parts or machinery restricted by paragraph (b) or paragraph (g) or both.

(c) *Restrictions on delivery*—(1) *General restrictions.* Regardless of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, or any preference rating order, no manufacturer or dealer shall deliver any restricted office machinery or sets of parts therefor (other than machines which may be delivered free of restrictions pursuant to an election under paragraph (g) of this order) except upon receipt of and pursuant to the terms of Form WPB-2798 (respecting deliveries to the Army, Navy or Maritime Commission or sets of parts for export) or Form WPB-1688 (respecting deliveries to all other persons) approved by the War Production Board.

(2) *Sequence of deliveries.* Except when specifically directed otherwise in writing by the War Production Board, the sequence of deliveries of machines authorized on Forms WPB-2798 and WPB-1688 shall be determined by the delivery dates specified on such forms. If a form specifies a delivery date prior to the date on which it is received by the supplier named therein, the form shall be treated by the supplier as calling for delivery on the day when it was received by him. If a supplier receives two or more forms specifying the same delivery date for identical machines, he shall make delivery of the machines in the order in which the forms were received by him.

(3) *Intracompany deliveries.* Without further authorization, a manufacturer may for the purpose of redelivery, but not for use, deliver restricted office machinery from one branch, division or section of his enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, to another branch, division or section of the same enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, except that he may not deliver to a subsidiary, branch, or other outlet located outside the United States, its territories, and possessions.

(4) *Delivery to dealers and returns to manufacturers.* Without further authorization, dealers may return restricted office machinery to any manufacturer willing to accept the same and manufacturers may accept all such restricted office machinery from dealers. Without further authorization, manufacturers or dealers may deliver restricted office machinery to dealers in the following instances only:

(i) To fill an order approved by the War Production Board on Form WPB-2798 or WPB-1688 already received by such dealer or to replace restricted office machinery delivered by such dealer from his inventory to fill an order approved by the War Production Board on any such form, *Provided*, That such dealer has furnished to the manufacturer or to the other dealer a photostat, or other certified copy, of the approved Form WPB-2798 or WPB-1688, as provided in Priorities Regulation No. 5.

(ii) To store or display such restricted office machinery on the dealer's premises in the United States, its territories and possessions, provided that the restricted office machinery so stored or displayed is in the absolute control and ownership of the manufacturer or delivering dealer and may be removed, transferred or shipped by such manufacturer or delivering dealer at any time in his discretion.

(5) *Deliveries under Utilities Order U-5.* The issuance of an authorization on Form WPB-2798 or on Form WPB-1688 to deliver a time stamp machine, a time recording machine, or collateral equipment shall constitute a preference rating of AA-5 or higher within the meaning of § 4504.1, Utilities Order U-5, for the particular items authorized to be delivered.

(6) *Special authorizations.* Notwithstanding the restrictions of paragraph (c) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers or dealers, or both, to deliver specified quantities of restricted office machinery.

(7) *Deliveries of non-electric machines by manufacturers.* Manufacturers may deliver non-electric adding machines and non-electric duplicating machines to the extent permitted by paragraphs (c) (1) to (c) (6) of this order, inclusive (e. g., to fill an Army, Navy or Maritime Commission order pursuant to the terms of an approved Form WPB-2798, or to fill an order for export pursuant to an approved Form WPB-1688). In addition, without further authorization, a manufacturer may deliver to purchasers within the United States, other than the Army, the Navy and the Maritime Commission, new assembled non-electric adding machines and new assembled non-electric duplicating machines worth not more than the applicable percentage of the same type of machines (both electric and non-electric) billed to his customers during the calendar year 1941. Any portion of this amount undelivered by the end of any quarter may be delivered free of restrictions during subsequent quarters to domestic purchasers, other than the agencies named, in addition to the percentage which the manufacturer is regularly entitled to deliver.

The percentage applicable to unrestricted deliveries of non-electric adding machines is in the first table. The percentages applicable to unrestricted deliveries of non-electric duplicating machines by manufacturers who make only non-electric duplicating machines are in the second table. The percentages applicable to unrestricted deliveries of non-electric duplicating machines by manufacturers who make both electric and non-electric duplicating machines are in the third table:

TABLE No. 1

Manufacturer's total 1941 adding machine billings:	*Applicable percentage per quarter (per cent)*
Any amount	4.5

TABLE No. 2

Manufacturer's total 1941 duplicating machine billings:	*Applicable percentage per quarter (per cent)*
Under $50,000	25
$50,000 to $100,000	18.75
$100,000 to $250,000	15
Over $250,000	6.25

TABLE No. 3

Manufacturer's total 1941 duplicating machine billings:	*Applicable percentage per quarter (per cent)*
Under $100,000	12.5
$100,000 to $500,000	10
$500,000 to $2,000,000	7.5
$2,000,000 to $4,000,000	2.5
Over $4,000,000	2

(8) *Deliveries of non-electric machines by dealers.* Dealers may deliver new non-electric adding machines and new non-electric duplicating machines to the extent permitted by paragraphs (c) (1) to (c) (6) of this order, inclusive (e. g., to fill an Army, Navy or Maritime Commission order pursuant to the terms of an approved Form WPB-2798, or to fill an order for export pursuant to an approved Form WPB-1688). In addition, without further authorization dealers may deliver new non-electric adding machines and new non-electric duplicating machines to purchasers within the United States, other than the Army, the Navy, and the Maritime Commission.

(d) *Special procedures and information.* (1) Private contractors engaged in construction work for the Army, Navy, Maritime Commission or Defense Plant Corporation, and private operators of any plant, shipyard, training school or other enterprise controlled or financed, on a cost-plus-fixed-fee basis or otherwise, by the Army, Navy, Maritime Commission or any other agency of the United States Government shall, when requesting restricted office machinery on Form WPB-1688, furnish a certification by the Government inspector assigned to the project (i) that no Government equipment is available for use in lieu of the equipment requested, (2) that the contractor or operator has no equipment available from any other source for use in lieu of the equipment requested, and (3) that the equipment requested is to be used exclusively by the contractor's or operator's private personnel for the duration of the project on work which

[1] Formerly Part 1112, § 1112.4.

the contractor is required to perform under the terms of his contract.

(2) [Deleted Jan. 5, 1944]

(3) [Deleted Jan. 5, 1944]

(4) [Deleted Jan. 5, 1944]

(e) *Sets of parts.* (1) No person shall deliver any sets of parts for export from the United States unless the War Production Board has authorized such delivery on Form WPB–2798. Application for authority to export sets of parts shall be made on Form WPB–2798 and shall indicate therein or by accompanying letter the number of units of new office machinery into which such sets of parts can be assembled, the model numbers of such machinery and the retail price of such machinery to customers located in the United States. Nothing in this order shall be construed to authorize any exportation without an export license.

(2) No manufacturer manufacturing and delivering sets of parts for export shall directly or indirectly import any new office machinery of the kind listed in List I, except by permission of the War Production Board in writing.

(f) *Reports.* Each manufacturer must send a monthly report to the War Production Board on Form WPB–1263. Separate reports must be made on this form with regard to non-electric adding machines and non-electric duplicating machines.

(g) *Election to cease manufacture and to deliver without restrictions.* Any manufacturer who prefers to cease manufacture of any particular kind, model or type of new office machinery and to obtain authorization to deliver his existing stock of such machinery free of the restrictions of this order, rather than to continue manufacture and delivery of such machinery subject to the terms of this order, may make application for authorization to make unrestricted delivery. Such application must set forth the kind, model or type of new office machinery to which the application relates, the model or style numbers of such machinery, the applicant's inventory of such machinery as of the date of the application and the total dollar value of such inventory. Such authorization shall extend to the manufacturer to whom it is addressed and to any dealer possessing stocks of such kind, model or type of machine; and such manufacturer shall notify his dealers of any authorization received under this paragraph.

Nothing in this paragraph (g) shall be construed to entitle any applicant to disregard any provisions of this order until specific authorization of the War Production Board in writing is received by such applicant and then only to the extent of, and subject to the conditions contained in, such authorization.

(h) *Bureau of the Budget approval.* Form WPB–2798, Form WPB–1688, Form WPB–1263 and the form of application for authorization to make unrestricted delivery of new office machinery contained in paragraph (g) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref.: L–54–c.

Issued this 5th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

NOTE: List I amended Jan. 5, 1943.

1. Accounting machines, bookkeeping machines, and billing machines (accounting principle). Also continuous forms handling machines typewriter principle, having carbon paper handling devices constructed as an integral part of the machine, and collateral equipment, except autographic registers.
2. Adding machines.
3. Addressing machines, including but not limited to embossing machines for plates, and stencil-cutting machines embodying typewriter principle.
4. Calculating and computing machines.
5. Duplicating machines, including but not limited to ink ribbon, gelatin, spirit, stencil and reproducing typewriter principle machines and Multilith and Davidson duplicators.
6. Machines and collateral equipment intended for use for dictating purposes.
7. Microfilm machines designed for office functions.
8. Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression).
9. Payroll denominating machines.
10. Punched card tabulating and accounting machines.
11. Time recording machines except watchmen's clocks.
12. Time stamp machines.
13. Combination dictating and telephone recording equipment.

LIST II

1. Autographic registers.
2. Cash (registering) machines.
3. Change making machines.
4. Check cancelling machines.
5. Check cutting machines.
6. Check dating machines.
7. Check endorsing machines.
8. Check numbering machines.
9. Check protecting machines.
10. Check signing machines.
11. Check sorting machines.
12. Check writing machines.
13. Coin counting machines.
14. Coin sorting machines.
15. Coin wrapping machines.
16. Currency counting machines.
17. Envelope contents folding machines.
18. Envelope handling machines.
19. Envelope mailing machines.
20. Envelope opening machines.
21. Envelope sealing machines.
22. Envelope stuffing machines.
23. Mail room folding machines.
24. Perforating machines (marking and cancelling).
25. Postal permit mailing machines.
26. Post office cancelling machines.
27. Shorthand writing machines.
28. Stamp affixing machines.

INTERPRETATION 2

(1) An authorization to deliver restricted office machinery, issued on Form WPB–1688 or on Form WPB–2798, is not a preference rating certificate within the meaning of Interpretation No. 6 of Priorities Regulation No. 3. Accordingly, that interpretation is inapplicable to such authorizations.

(2) If permission to deliver office machinery is granted on Form WPB–2798 or on Form WPB–1688, the only person to whom the supplier may deliver the machinery is the applicant named in the form. Moreover, the supplier named in the form is the only manufacturer or dealer who is authorized to deliver the machinery to the applicant. However, other manufacturers and dealers may deliver the machinery described in the form to the supplier named in the form pursuant to paragraph (c) (4) (i) of Order L–54–c.

(3) Form WPB–1688 requires the applicant to state the "name of manufacturer" of the machinery to be delivered. This is an essential part of the description of the machinery which the War Production Board authorizes the supplier to deliver pursuant to paragraph (c) (1) of Order L–54–c. The supplier may not deliver to the applicant machinery produced by another manufacturer, even though his product is similar to the machinery produced by the manufacturer named in the form WPB–1688 approved by the War Production Board. (Issued Nov. 8, 1943.)

[F. R. Doc. 44–209; Filed, January 5, 1944; 11:11 a. m.]

PART 1112—OFFICE MACHINERY

[General Limitation Order L–54–c, Revocation of Interpretation 1]

Interpretation 1 has been superseded by subsequent amendments.

Issued this 5th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–219; Filed, January 5, 1944; 11:57 a. m.]

Chapter XI—Office of Price Administration.

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 444]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; COTTONSEED HULLS AND HULL BRAN; AND WHOLE PRESSED COTTONSEED

Maximum Price Regulation 444 is redesignated Revised Maximum Price Regulation 444 and is revised and amended to read as hereafter set forth.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E. O. 9250 and E. O. 9328.

Insofar as this revised regulation may use specifications and standards which were not, prior to such use, in general use in the trade or industry affected or insofar as their use was not lawfully required by another Government Agency, the Administrator has determined with respect to such standardization that no practical alternative exists for securing effective price control with respect to the commodities subject to this revised regulation.

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351.364 *Maximum prices for cottonseed oil meal, cake, sized cake and pellets; cottonseed hulls and hull bran; and whole pressed cottonseed.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Revised Maximum Price Regulation 444 (Cottonseed oil meal, cake, sized cake and pellets; cottonseed hulls and hull bran; and whole pressed cottonseed) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.364 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 444—COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; COTTONSEED HULLS AND HULL BRAN; AND WHOLE PRESSED COTTONSEED

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SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic cottonseed oil meal, cake, sized cake and pellets; cottonseed hulls and cottonseed hull bran; and whole pressed cottonseed, whether produced from domestic or imported cottonseed.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business, sell, deliver, buy or receive any cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or cottonseed hull bran or whole pressed cottonseed at prices above the maximum prices established by this regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who processes cottonseed by expeller, extraction or hydraulic process into cottonseed oil and cottonseed oil cake or meal, sized cake, pellets, cottonseed hulls, hull bran and linters and whole pressed cottonseed.

"Grinder" is a person who buys cottonseed oil cake or whole pressed cottonseed and processes or procures the processing of the same into cottonseed oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets. It includes a processor who buys cottonseed oil cake or whole pressed cottonseed and processes the same into cottonseed oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets.

"Cottonseed oil meal, cake (or loose slab cake), sized cake, pellets and whole pressed cottonseed" refer to the products produced by a processor or grinder from cottonseed as above described. The cottonseed used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal or cake, sized cake or pellets after the crushing of the oil from the cottonseed.

"Cottonseed hulls and hull bran" refer to the by-products produced by a processor from cottonseed as above described.

"Recognized handler" means any person other than a processor regularly engaged in the business of growing, purchasing and selling cottonseed.

"Jobber" is a person other than a processor, grinder, recognized handler or retailer who distributes cottonseed oil meal, cake, sized cake, pellets, cottonseed hulls and hull bran or whole pressed cottonseed owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed, unloads it into a warehouse and resells the same to a retailer or a person who processes the same further. It does not include a recognized handler.

"Retailer" is a person who buys cottonseed oil meal, cake, sized cake, pellets, cottonseed hulls and hull brans, or whole pressed cottonseed, receives it at his place of business and resells the same in less than carload lots to feeders. It does not include a processor or grinder selling at retail at the plant where the product is produced or off-cars at other points nor a recognized handler.

"Feeder" is a person who feeds any cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed to animals or poultry.

"Carload lot" means a lot of cottonseed oil meal, cake, sized cake or pellets or whole pressed cottonseed of 30 tons or more and for cottonseed hulls or hull bran the minimum established in official railroad tariffs.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

*Copies may be obtained from the Office of Price Administration.

"Less than carload lot" means a quantity other than a carload or pool car lot, and includes truck quantities.

"Transportation charges" shall be computed at:

(a) The lowest common carrier rate (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(b) If there is no such rate, the reasonable value of the service (including said 3 percent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sale of domestic cottonseed oil meal, cake, sized cake and pellets, other than specified in section 5 hereof by processors.* (a) The maximum prices for the sale and delivery of domestic cottonseed oil meal and sized cake (other than that specified in section 5 hereof) per ton, in carload lots or pool car lots, bulk, 41 percent up to 43 percent of protein, at production plant, by a processor shall be as follows:

State where production plant is located:	Maximum price
Mississippi	$45.00
Tennessee	45.50
Arkansas (counties of Arkansas, Clay, Craighead, Crittenden, Cross, Greene, Jackson, Lawrence, Lee, Mississippi, Monroe, Phillips, Poinsett, Randolph, St. Francis and Woodruff)	45.50
Arkansas (other points)	46.00
Missouri	46.00
Illinois	46.25
Louisiana	46.00
Oklahoma	47.00
Texas (exclusive of El Paso)	47.00
Texas (El Paso)	48.00
Alabama	46.00
Georgia	46.50
Florida	46.50
South Carolina	47.00
North Carolina	47.50
New Mexico	48.00
Arizona	48.00
California	48.00
Any other state—The maximum price of the state wherein is located the production plant nearest to the plant in question.	

(b) The foregoing maximum prices shall be decreased at the rate of 75 cents per ton for a like sale and delivery of a like quality of cottonseed oil cake.

(c) The maximum prices specified in paragraph (a) of this section shall be increased at the rate of $1.50 per ton for a like sale and delivery of a like quality of cottonseed oil meal pellets.

(d) The foregoing maximum prices shall be decreased for the sale of lots of cottonseed oil meal, cake, sized cake or pellets containing less than 41 percent protein at the rate of 75 cents per ton for each 1 percent or fraction thereof of protein below 41 percent of protein.

(e) The foregoing maximum prices shall be increased at the rate of $2.00 per ton for the sale of any lot of cottonseed oil meal, cake, sized cake or pellets containing 43 percent or more of protein.

(f) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any cottonseed oil meal, cake, sized cake or pellets in a less than carload lot.

(g) The foregoing maximum prices shall be increased for a sale and delivery of any cottonseed oil meal, cake, sized cake or pellets by a processor at any point other than the plant where produced by transportation charges from said production plant to such point by a usual route and method of transportation.

SEC. 5. *Maximum prices for sale of domestic cottonseed oil meal, cake, sized cake or pellets owned or under contract by a processor from cottonseed of the 1942 crop owned or under contract by a processor on July 31, 1943.* (a) The maximum price for the sale and delivery of domestic cottonseed oil meal, cake, sized cake or pellets, which is owned or under contract by a processor or which is produced from cottonseed of the 1942 crop owned or under contract by a processor on July 31, 1943, per ton, in carload lots or pool car lots, bulk, 41 per cent up to 43 per cent of protein at production plant, by a processor shall be $2.00 per ton more than the minimum trade prices specified in Schedule A of the processor contract, 1942 Cottonseed Program, of the Commodity Credit Corporation, except that in the case of sales by processors located in the States of New Mexico, Arizona and California such maximum price shall be $3.00 per ton, $4.00 per ton, and $5.00 per ton, respectively, more than the minimum trade prices specified in said Schedule A.

(b) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any cottonseed oil meal, cake, sized cake or pellets in a less than carload lot.

(c) The maximum prices established by this section shall be applicable to all processors irrespective of whether or not the above named processor contract is in effect.

SEC. 6. *Maximum prices for the sale of domestic cottonseed hulls and hull bran for processors.* (a) The maximum price for the sale of domestic cottonseed hulls, per ton, bulk, by the processor shall be $12.00 per ton for sales in carload lots, and $13.00 per ton for sales in less than carload lots, plus transportation charges from plant where produced to the buyer's receiving point by a usual route and method of transportation.

(b) The foregoing maximum prices shall be increased at the rate of $4.00 per ton for a sale of any cottonseed hull bran.

SEC. 7. *Maximum prices for the sale of domestic whole pressed cottonseed by a processor.* (a) The maximum prices for the sale of domestic whole pressed cottonseed containing 28 per cent or more of protein shall be $7.00 per ton less the maximum prices established for the sale of cottonseed oil meal and sized cake of 41 per cent protein, and the same amount may be added thereto for sales in less than carload lots and for transportation charges from production point to another point where the product is sold and delivered.

(b) The foregoing maximum prices shall be decreased for the sale of lots of whole pressed cottonseed containing less than 28 per cent protein at the rate of 75 cents per ton for each 1 per cent or fraction thereof of protein below 28 per cent of protein.

SEC. 8. *Maximum prices for the sale of domestic cottonseed oil meal, sized cake or pellets or whole pressed cottonseed by grinders.* (a) The maximum price for the sale or delivery of cottonseed oil meal, sized cake or pellets by a grinder shall be the maximum price of the processor (from whom the cottonseed oil cake was obtained) for a like sale of such oil meal, sized cake or pellets plus an addition at the rate of 50 cents per ton plus actual or reasonable transportation charges, if any, incurred by the seller in respect to the lot sold.

(b) Where a processor makes a sale as a grinder, the burden shall always rest upon him to establish by clear evidence that he in fact actually performed the functions of a grinder.

SEC. 9. *Maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed by jobbers.* The maximum price for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed by a jobber shall be:

(a) 75 cents per ton (maximum markup) for all sales in carload lots; and less than carload lots.

(b) $1.00 per ton (maximum markup) for sales in pool car lots, over the maximum price which he could lawfully have paid a processor or grinder for the quantity or quality of the commodity as purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 10. *Maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or whole pressed cottonseed by recognized handlers.* The maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or whole pressed cottonseed by recognized handlers shall be:

(a) In the case of sales to feeders, other recognized handlers and to all other persons the maximum prices of the processor as set forth in section 4 hereof; plus transportation charges actually incurred in respect to the lot sold.

SEC. 11. *Maximum prices for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed by wholesalers.* The maximum price for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed by a wholesaler shall be:

(a) $2.50 per ton (maximum markup) for sales of cottonseed oil meal, cake, sized cake, pellets or whole pressed cottonseed; and

(b) $2.00 per ton (maximum markup) for sales of cottonseed hulls or hull bran, over the maximum price which he could lawfully have paid the processor, grinder or jobber for the quantity or quality purchased (from out of which lot the sale in question is made) delivered at his warehouse, in either case plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 12. *Maximum prices for sales of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed by retailers.* The maximum price for the sale of domestic cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed by a retailer shall be:

(a) $5.50 per ton (maximum markup) for sales of cottonseed oil meal, cake, sized cake, pellets or whole pressed cottonseed; and

(b) $4.00 per ton (maximum markup) for sales of cottonseed hulls or hull bran over the maximum price which he could lawfully have paid the processor, grinder, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point, in either case plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 13. *Maximum prices for sales of imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed.* (a) The basic maximum price, f. o. b. the port of entry, for the sale (within the 48 states and the District of Columbia of the United States) of any imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at that domestic production plant located nearest the port of entry: *Provided,* That:

(1) If the port of entry is located in Oregon or Washington said maximum price for such sale thereof shall be the maximum price for a sale by a processor of a like quantity and quality of the domestic product f. o. b. production plant at San Francisco, California; or

(2) If the port of entry is not located in a state specifically named in section 4 (a) hereof or in Oregon or Washington said basic maximum price for such sales thereof shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product f. o. b. production plant at Memphis, Tennessee.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as provided as to domestic products over the maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not, then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 14. *Maximum prices in other cases.* (a) The maximum price for the sale of any cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which the person from whom he purchased could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided,* That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore specifically prescribed for said class of sellers.

SEC. 15. *Increases for sacks.* When any seller has bulk domestic or imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls or hull bran or whole pressed cottonseed and desires to sell the same sacked, the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

(a) For sales of cottonseed oil meal, cake, sized cake or pellets or whole pressed cottonseed:

(1) In seller's sacks, the reasonable market value of the sacks, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided,* That if the sacks were purchased from the buyer by the seller, the seller shall not charge more than the price he paid for such sacks.

(2) In buyer's new or recleaned sacks, $0.50.

(3) In buyer's sacks of any other kind, $1.00.

(b) For sales of cottonseed hulls and hull bran:

(1) In seller's sacks, the reasonable value of the sacks not exceeding any maximum price thereon plus 75 cents per ton for sacking at the time of the sale or delivery.

SEC. 16. *Sales of cottonseed oil meal, cake, sized cake or pellets or whole pressed cottonseed on basis of guaranteed minimum percentage of protein and adjustment for deficiencies.* (a) No person shall sell any domestic or imported cottonseed oil meal, cake, sized cake or pellets or whole pressed cottonseed except on the basis of a specified guaranteed minimum percentage of protein therein.

(b) If an actual analysis of any lot of domestic or imported cottonseed oil meal, cake, sized cake or pellets or whole pressed cottonseed differs from the guaranteed minimum percentage of protein therein then:

(1) If above said guaranteed minimum percentage of protein, no increase in the maximum price is permitted.

(2) If below said guaranteed minimum percentage of protein, the deficiency shall be adjusted and settled in accordance with the applicable rules of the National Cottonseed Crushers Association and the resulting figure is the adjusted maximum price thereof.

SEC. 17. *Maximum prices for export sales.* The maximum prices for export sales of cottonseed oil meal, cake, sized cake, or pellets or cottonseed hulls or hull bran or whole pressed cottonseed shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

SEC. 18. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 19. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 20. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of cottonseed oil meal, cake, sized cake, or pellets or cottonseed hulls or hull bran or whole pressed cottonseed after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[2]

SEC. 21. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

[1] 8 F.R. 4132, 8967, 7662.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 22. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.*

SEC. 23. *Sales by the Commodity Credit Corporation.* Notwithstanding any other provision of this regulation, any cottonseed oil meal, cake, sized cake or pellets purchased by the Commodity Credit Corporation from a processor at not more than the maximum prices established in section 5 hereof, or otherwise acquired by such Corporation, may be sold and delivered by such Corporation, acting directly or through such other person as it may designate, at not more than the maximum prices established in section 4 hereof.

This regulation shall become effective January 10, 1944.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-146; Filed, January 4, 1944; 12:07 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 94,[1] Amdt. 10]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 94 is amended in the following respects:

1. In § 1381.501, paragraph (c) is deleted.

2. In § 1381.504, paragraph (b) is deleted, together with the phrase "including imports" in the section heading.

3. Section 1381.522 is amended to read as follows:

§ 1381.522 *Appendix J: Maximum prices for lumber produced in the "fringe area" and Canada and Mexico.* (a) For lumber produced in the fringe area, in Canada, or in Mexico (except as covered by paragraph (c) of this section), which is separated as to species and sold on grade, the maximum prices shall be delivered prices consisting of the f. o. b. mill prices set forth in the appropriate price tables plus an amount equal to estimated railroad freight charges based on estimated weights from Appendix K times the carload rate from the appropriate basing-point shown below to destination. ("Destination" means the final point to which the lumber moves in "direct-mill shipment" as defined in § 1381.502 (a) (1)). The basing points are:

(1) *Fringe area.* (South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, and that part of California within or south of the counties of Monterey, San Benito, Fresno, Madera, and Inyo):

Spokane, Washington; Klamath Falls, Oregon; or Susanville, California—whichever produces the lowest rate to destination.

(2) *Canada:* Spokane, Washington.

(3) *Mexico:* Susanville, California.

(b) Since the maximum prices established by paragraph (a) of this Section are delivered prices, no transportation additions other than "basing-point" freight to destination are permitted, and § 1381.504 does not apply. In every case the maximum price must finally be determined according to paragraph (a) above as a delivered price at final destination. As to pricing "f. o. b. mill", note the following examples—(1) In a sale to a distribution yard at the mill's shipping point, since shipping point and final destination are the same, the addition for basing-point freight may be made even though the sale has all the usual characteristics of a sale "f. o. b. mill". (2) If a wholesaler should buy "f. o. b. mill" and sell the lumber for direct-mill shipment, his maximum price is the price at final destination established under paragraph (a), and therefore the f. o. b. mill price which he pays would be less than the price receivable by the mill in example (1), depending upon the difference between the through rate from basing-point to destination and the combination of locals from basing point to mill and mill to destination.

(c) *Government purchase; Mexican pine lumber.* The maximum price for lumber produced in Mexico and imported for the account of or for direct sale to a United States Government agency or to a government contractor to whom such lumber has been allocated by C. P. A., shall be a price f. o. b. the port of entry consisting of the maximum f. o. b. mill price set forth in the appropriate price tables plus estimated railroad freight charges from Susanville, California to the port of entry, computed on the carload rate and using estimated weights given in Appendix K. Additions for further transportation beyond the port of entry may be made in accordance with § 1381.504.

This amendment shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-150; Filed, January 4, 1944; 12:11 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,[2] Amdt. 12]

Schedule A of the Rent Regulation for Hotels and Rooming Houses is amended by adding item (371) to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(371) Puerto Rico	Puerto Rico	Puerto Rico	Oct. 1, 1942	Feb. 1, 1944	Mar. 31, 1944

This amendment shall become effective February 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-151; Filed, January 4, 1944; 12:10 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing,[3] Amdt. 15]

HOUSING IN PUERTO RICO

Rent Regulation for Housing is amended in the following respects:

1. Section 7 is amended by adding a new paragraph (d) to read as follows:

(d) *Housing in Puerto Rico Defense-Rental Area.* The provisions of this section 7 (d) shall be substituted for the provisions of section 7 (a) for housing accommodations in the Puerto Rico Defense-Rental Area.

On or before the date specified in Schedule A of this regulation, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in the area rent office a form provided by the area rent office for this purpose. The form shall identify each dwelling unit and shall specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Administrator shall require.

(1) *Notice of maximum rent.* The landlord shall prepare the form known as "Notice of Maximum Rent" if the maximum rent for the dwelling unit is determined under paragraph (a) of section 4. The landlord shall prepare the notice in duplicate and shall send one copy to the tenant and one copy to the area rent office.

(2) *Registration statement.* The landlord shall prepare the form known as "Registration Statement" if the maximum rent for the dwelling unit is determined under any paragraph of section 4 other than paragraph (a), (g), or (h). The landlord shall prepare the Registration Statement in triplicate and shall send the three copies to the area rent office. The Administrator shall retain one copy on file, and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord.

(3) *Change in tenancy.* Within five days after renting to a new tenant, the landlord shall file a form provided by the area rent office for this purpose. The landlord shall state the maximum rent for the dwelling unit, and he shall obtain the new tenant's signature on this form.

2. Schedule A is amended by adding item (371) to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(371) Puerto Rico	Puerto Rico	Puerto Rico	Oct. 1, 1942	Feb. 1, 1944	Mar. 31, 1944

This amendment shall become effective February 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-152; Filed, January 4, 1944; 12:10 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[2d Rev. MPR 339]

WOMEN'S RAYON HOSIERY

Revised Maximum Price Regulation 339 is redesignated Second Revised Maximum Price Regulation 339 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Second Revised Maximum Price Regulation 339 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1401.101 *Women's rayon hosiery.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Second Revised Maximum Price Regulation 339 (Women's Rayon Hosiery) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1401.101 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION 339—WOMEN'S RAYON HOSIERY

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SECTION 1. *Ceiling prices fixed by this regulation.* This regulation fixes ceiling prices for all sales of women's rayon hosiery in the finished state or in the greige.

(a) *Finished women's rayon hosiery.* The ceiling prices for sales at retail, sales at wholesale and sales by manufacturers of finished women's rayon hosiery are set forth below in Tables I, II and III of Appendix B. Table I applies to full-fashioned hosiery. Table II applies to circular knit hosiery. Table III applies to certain special constructions.

As used in this regulation, finished women's rayon hosiery includes women's and misses' full length hosiery of less than 45 inches in length, the leg of which is made in whole or in part of rayon. It does not include hosiery in which the leg is made of rayon in combination with silk, wool or nylon.

(b) *Women's rayon hosiery in the greige.* The ceiling prices for any sale of women's rayon hosiery in the greige are fixed at $1.25 per dozen less than the manufacturers' ceiling prices for first quality finished unbranded women's hosiery as set forth in Appendix B.

As used in this regulation, women's rayon hosiery in the greige include the same kind of hosiery described in paragraph (a) except that they are in the greige rather than the finished state.

SEC. 2. *Types of sales.*—(a) *Sales at retail.* A sale at retail is a sale to an ultimate consumer. Also, sales to industrial, commercial or institutional users are sales at retail if made by a person who sells principally at retail. If not made by such a person, then they are either sales at wholesale or sales by manufacturers.

(1) *"Chain stores."* Certain sellers at retail are classified as "chain stores." As used in this regulation a chain store means a group of five or more commonly owned or controlled retail stores which, as a group, had in any calendar year since 1938 an "average percentage of initial markup" of 34% or less on women's full length hosiery. To determine this markup the chain must (i) compute the total of the initial retail prices at which all purchases of this hosiery were marked during a given year, (ii) compute the total of all invoice charges on purchases of the hosiery during the same year (figured after all discount deductions and including all transportation costs), (iii) subtract the total secured in (ii) from the total secured in (i) and (iv) divide the remainder by the total obtained in (i).

(2) *"Mail order houses".* A mail order house is an establishment selling at retail which makes offerings through catalogs or written price lists, receives orders and delivers by mail and which in any calendar year since 1938 had an average percentage of initial markup of 34% or less on women's full length hosiery. "Average percentage of initial markup" shall be computed in accordance with the provision of subparagraph (1) of this paragraph.

(b) *Sales at wholesale.* (1) A "sale at wholesale" is the sale in any quantity by an establishment which

(i) Is engaged in the business of selling women's hosiery to retailers generally, at least 50% of sales being out-of-stock (as opposed to drop shipments), and

(ii) Regularly carries representative stocks of women's hosiery belonging to it in its own place of business, and

(iii) Buys the hosiery (finished or in the greige) forming the subject of such sale after it has been knitted and assembled, and

(iv) Sells the hosiery which forms the subject of such sale to any one other than an ultimate consumer, and

(v) Continuously since January 1, 1942 has represented itself as a wholesaler, and has not represented itself as a manufacturer, and has been generally known only as a wholesaler, and not in any way known as a manufacturer, and has done business as such separately and apart from any establishment where rayon hosiery is manufactured.

(2) Where an establishment qualifies to make sales at wholesale under the foregoing definition, but directly or indirectly owns, controls, conducts or manages the business of a manufacturer or is directly or indirectly owned, controlled, conducted or managed by a manufacturer or by a person who owns, controls, conducts or manages the business of a manufacturer, it may not sell in any calendar year at ceilings for sales at wholesale, a greater proportion of such manufacturer's production than it sold in the year 1942.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10048; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136, 12296, 12878.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6178.

[3] 8 F.R. 14663, 14815, 15585, 16032, 16208, 16427.

[3] 8 F.R. 14676, 14814, 15581, 16032, 16207, 16427.

(3) Any establishment which entered the business of selling women's hosiery after January 1, 1942, which satisfies the first four subdivisions of this paragraph (b) (1) and which does not directly or indirectly own, control, conduct or manage the business of a manufacturer and which is not directly or indirectly owned, controlled, conducted or managed by a manufacturer or by a person owning, controlling, conducting or managing the business of a manufacturer, which represents itself and is generally known only as a wholesaler and is not in any way known as a manufacturer and which does business as such separately and apart from any establishment where rayon hosiery is manufactured, must make sales at ceilings no higher than for sales by manufacturers until it has sent by registered mail to the Office of Price Administration, Washington 25, D. C., a written notice which must state the seller's name and address, information showing it is qualified to make sales at wholesale under the provisions of this subparagraph (3), and its relationship or affiliation, if any, to any person engaged in the sale of hosiery. Such establishment may not make any sales at ceilings higher than for sales by manufacturers after a change in any of the qualifying conditions specified in this paragraph.

(c) *Sales by manufacturers.* "Sales by manufacturers" include any sale by a "manufacturer" as defined as follows: A "manufacturer" is a person who knits, sews or assembles rayon hosiery or for whom rayon hosiery is sewn, knit or assembled from yarn or other materials which he supplied, purchased or furnished. All sales which do not qualify as sales at wholesale or sales at retail take the ceiling prices for sales by manufacturers.

SEC. 3. *Branded full-fashioned hosiery*—(a) *Two kinds of mill prices.* Two sets of ceiling prices are fixed for sales of full-fashioned hosiery by manufacturers. One set applies to sales of "branded hosiery" (as defined below). Another set applies to sales of unbranded hosiery (that is, hosiery which does not meet the definition of "branded").

(b) *Definition of branded hosiery.* For the purpose of this regulation women's full-fashioned rayon hosiery is branded if it meets all of the following conditions:

(1) It is first quality hosiery delivered by a manufacturer directly to retail establishments under the manufacturer's trade name or trademark, and sold by the retailer to the consumer under such trade name or trademark; and

(2) The trade name or trademark under which the hosiery is known was regularly advertised by the manufacturer in either the year 1941 or 1942 in the consumer press or by some form of advertising directed to the ultimate consumer other than by advertising matter accompanying the hosiery itself; and

(3) It is delivered by a manufacturer who in each of the years 1941, 1942 and 1943 has regularly serviced retail outlets out of finished stock owned and kept on hand by the manufacturer for that purpose.

(c) *Limitation on amount of "branded" hosiery to be sold.* No manufacturer shall deliver branded rayon hosiery in any calendar-quarter year at prices above those specified for unbranded rayon hosiery in Appendix B to a greater percentage of his total sales in dozens of pairs than his "branded percentage." A manufacturer's "branded percentage" is the percentage that his deliveries of women's branded full length hosiery of all fibres bore to his total deliveries of women's full length hosiery of all fibres both finished and in the greige for the year 1941. The ceiling price for all sales in excess of the "branded percentage" is the ceiling price for unbranded hosiery.

On or before April 20, 1944 and on or before the 20th day of each July, October, January and April thereafter, every manufacturer who has delivered branded women's rayon hosiery in the previous calendar-quarter year shall file with the Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., a signed statement showing his total volume delivered (by dozens of pairs) of women's rayon hosiery for the previous calendar-quarter year, and his total volume delivered (by dozens of pairs) of branded women's rayon hosiery broken down by the brands.

(d) *Report which must be filed before selling "branded" hosiery.* Before commencing to sell any hosiery as branded hosiery, a manufacturer must complete and file with the Consumer Goods Price Division of the Office of Price Administration, Washington 25, D. C., a signed statement showing:

(1) The total number of dozen pairs of women's full length hosiery of all types which he delivered in the year 1941.

(2) The trade names and trademarks owned and used by him in each of the years 1941, 1942 and 1943 on first quality women's full length hosiery of all fibres which he delivered directly to retail establishments serviced out of his own finished stock kept on hand for that purpose.

(3) The number of dozen pairs delivered in the manner described in subparagraph (2) of this paragraph must be separately stated for each brand and the total of brands delivered in this way must be stated for each of the years 1941, 1942 and 1943.

(4) An exact statement showing dates and media of advertisements for each brand since January 1, 1941. Advertising directed to ultimate consumers (not to the trade) paid for in whole or in part by the manufacturer should be reported. Not more than ten advertisements per annum need be reported for any one brand.

(5) The amount of the "branded percentage" as defined in paragraph (c) of this section.

SEC. 4. *Maximum prices by special application*—(a) *Rayon hosiery not specifically priced.* Maximum prices for women's rayon hosiery not specifically priced in Appendix B can be established only by specific authorization from the Office of Price Administration, Washington, D. C. No person is permitted to deliver rayon hosiery for which a maximum price is not provided in Appendix B unless he receives such authorization. A seller who wants to secure a specific maximum price must file with the Consumer Goods Price Division of the Office of Price Administration, Washington, D. C. an application setting forth a description in detail of the rayon hosiery concerning which the application is made, together with a sample thereof. The seller must also submit such additional cost and construction information as may be required by the Administrator.

(b) *Hosiery specifically priced, but having additional features.* Where rayon hosiery is specifically priced in this regulation, but contains special features, a higher ceiling than that already stated may be authorized in certain exceptional cases. Higher ceilings for hosiery with special features will be established upon application where the special features are readily recognizable and where the Administrator is satisfied, from evidence submitted by the applicant that the special features will extend the useful life of the hosiery at least to the extent of the price increase. Consideration will not be given to pricing of special features the cost of which is less than 35¢ per dozen in the case of full-fashioned hosiery and 20¢ per dozen in the case of circular knit.

A seller who wants to secure such a higher than established ceiling for hosiery containing special features must file with Consumer Goods Price Division of the Office of Price Administration, Washington, D. C., an application setting forth a description in detail of the special features concerning which the application is made. The seller must also submit such additional cost and construction information as may be required by the Administrator as well as such information as the Administrator may require with respect to the added utility value of the features.

SEC. 5. *Marking and other information*—(a) *What marking must be made.* The person who first sells the hosiery in a finished state must mark it with a transfer, label, ticket or other device firmly affixed to at least one stocking of each pair of hosiery. An insert may be used by manufacturers until April 15, 1944. Other sellers may use the insert until July 15, 1944. Where delivery is made to an ultimate consumer in an envelope sealed by the manufacturer, the marking may be placed on the outside of the envelope. In such case delivery must be made to the ultimate purchaser with the envelope unopened. The marker must contain the following information:

(1) The word "ceiling" accompanied by the maximum price at retail under this regulation; (if the hosiery is sold to a person selling at wholesale the letter "W" must precede the maximum price. If the hosiery meets the definition of "branded" as stated in this regulation and is permitted to be sold at branded ceiling prices, the letter "T" must precede the maximum price);

(2) The trademark, trade name, or the Office of Price Administration registration number of the person who first sells the hosiery in a finished state; (sellers who have not already secured registration numbers may do so by writing to the Office of Price Administration, Washington, D. C.);

(3) The gauge or needle count of the hosiery;

(4) The word "proportioned" on all proportioned hosiery;

(5) The word "misses'" on all misses' hosiery;

(6) The word "out-size" on all out-size hosiery;

(7) The words "extra-long" on all viscose process hosiery 32" in length or longer and on all acetate yarn hosiery 33½" in length or longer;

(8) The word "irregulars" on all irregulars; the word "seconds" on all seconds; and the word "thirds" on all thirds. This marking of substandard hosiery must be placed on each stocking of the pair.

Information required by subparagraphs (1) and (3) above must be marked on the welt within an outlined space or block having dimensions no less than ¾" x 1½" in the case of a transfer or no less than ⅜" x ¾" in the case of a label or ticket. Two examples are set forth below:

Ceiling 81¢ 45 gauge

Ceiling—W—36¢ 260 ndls.

Any of the other information required by this paragraph may be placed on the welt provided it does not confuse or obscure the information contained in the space or block or it may be placed upon the foot of the stocking. Where inserts are permitted temporarily, all information may be placed on the insert.

(b) *Responsibility for marking.* No person who first sells the hosiery in a finished state and no retailer may deliver any hosiery covered by this regulation unless all of the marking provisions of this section are complied with. A person selling at wholesale shall not deliver hosiery which he knows or has reason to believe is improperly marked. These marking provisions do not apply to sales made to "exporters", as that term is defined in Second Revised Maximum Export Price Regulation.[2] However, exporters must mark any hosiery which they sell in the domestic market in accordance with the provisions of this section. These marking requirements likewise do not apply to retail sales of hosiery made by a manufacturer to employees.

(c) *Interim provision for sellers at retail and at wholesale.* Sellers at retail and at wholesale who on January 15, 1944 have in stock hosiery correctly marked in accordance with the provisions of Revised Maximum Price Regulation 339,[3] need not re-mark that hosiery. Retailers may continue to sell at or below the marked ceilings until April 16, 1944. Also, sellers at retail who purchase hosiery from wholesalers which has been correctly marked in accordance with the provisions of Revised Maximum Price Regulation 339 need not re-mark that hosiery and may continue to sell at or below the marked ceilings until April 16, 1944. On and after April 16, 1944, all such hosiery must be re-marked and sold pursuant to the provisions of this Second Revised Maximum Price Regulation 339.

(d) *Exceptions for certain hosiery.* Hosiery which sellers at wholesale and at retail had in stock prior to and on the effective date of this Second Revised Maximum Price Regulation 339, which was classified as "Grade B" hosiery under Revised Maximum Price Regulation 339 (issued August 23, 1943) or hosiery the production of which was formerly, but is no longer, authorized by War Production Board, shall continue subject to the ceiling prices and the marking provisions contained in the former Revised Maximum Price Regulation 339.

(e) *Other information*—(1) *Retail classification.* An establishment selling at retail unbranded hosiery purchased directly from a manufacturer shall within 10 days after receipt of written request therefor by the manufacturer, inform such manufacturer whether or not it is a mail order house or a chain store as defined in section 2 (a).

(2) *For marking.* Any person making a sale at wholesale or a sale by a manufacturer shall furnish to his purchaser within 5 days after receipt of a written request all information regarding the construction and quality of the rayon hosiery pertinent to the marking required of the purchaser.

SEC. 6. *Explanation of terms.* (a) The "gauge" of full-fashioned hosiery is the number of needles per 1½" of the needle bar on which the hosiery is knit, assuming use of the full needle bar except for a tolerance of 4 needles.

(b) The "needle count" of circular knit hosiery is the total number of needles which operate to make the stocking on the knitting cylinder of the machine on which the hosiery is knit.

(c) "Full-length hosiery" is hosiery designed to be worn with the welt above the knee.

SEC. 7. *Amendments.* Any person seeking an amendment which will have general applicability may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[4] issued by the Office of Price Administration.

SEC. 8. *When taxes may be added to ceiling price.* If a statute or ordinance permits a tax to be separately stated, the seller is permitted to charge or collect, in addition to the price, a tax on the sale or delivery of the hosiery provided he states the tax separately. This applies, however, only to a tax on a particular sale or delivery such as a gross tax or compensating use tax. Taxes on prior sales or deliveries may not be added.

SEC. 9. *Relation to other maximum price regulations*—(a) *General Maximum Price Regulation*[5]—(1) *Applicability.* The General Maximum Price Regulation shall not apply and this regulation shall apply to sales, deliveries and offers to sell women's rayon hosiery. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and each seller must comply with them:

(i) Current records (§ 1499.12).

(ii) Sales slips and receipts (§ 1499.-14).

(2) *Definitions incorporated by reference.* Unless the context otherwise requires, or unless otherwise specifically provided herein, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Maximum Price Regulation 157,*[6] *172,*[7] *and Second Revised Maximum Export Regulation.* This regulation shall not apply to nor supersede transactions regulated or governed by Maximum Price Regulation 157 or 172 or Second Revised Maximum Export Price Regulation.

(c) *Licensing Order No. 1.*[8] The licensing provisions of Licensing Order No. 1 licensing all persons who make sales under price control shall apply to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or this regulation. A person whose license is suspended may not during the period of suspension make any sale for which his license has been suspended.

SEC. 10. *Geographical applicability.* This regulation shall be applicable to the continental United States and to the District of Columbia, but not to the territories and possessions of the United States.

SEC. 11. *Prohibitions and enforcement*—(a) *Prohibitions.* On and after January 15, 1944, regardless of any contract or obligation, no person shall:

(1) Sell or deliver any rayon hosiery at a price higher than the maximum price permitted by this regulation; or

(2) Except as authorized in section 5 (d), sell or deliver any rayon hosiery not meeting the minimum requirements of the War Production Board; or

(3) Deliver any rayon hosiery for which a maximum price is not provided in Appendix B unless he receives from the Office of Price Administration, Washington, D. C., a specific Maximum price therefor, as provided in section 4; or

(4) Require a purchaser to buy or agree to buy any hosiery or other articles, service, package or wrapper in connection with a sale or delivery of rayon hosiery; or

(5) Buy or receive rayon hosiery in the course of trade or business at a price higher than the maximum price permitted by this regulation; or

(6) Offer, attempt, or agree to do any of the acts prohibited by this regulation; or

(7) Do any other act which directly or indirectly increases above the maximum price the consideration paid by the purchaser for the rayon hosiery. Any practice which is a device to secure the effect of a higher than ceiling price is as much a violation as an outright raising of the

[2] 8 F.R. 4132, 5067, 7662, 9998, 15193.
[3] 8 F.R. 11741, 12014, 14622, 15906.
[4] 7 F.R. 8961, 8 F.R. 2313, 3533, 6173.
[5] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4976, 4848, 6047, 6962, 8511, 9925, 11955.
[6] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948, 8 F.R. 3948, 7507, 16005.
[7] 7 F.R. 4882, 6684, 8351, 8948, 10864, 8 F.R. 8063.
[8] 8 F.R. 13240.

maximum price. This applies to but is not limited to the devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tying-agreements, trade understandings and all similar practices.

(b) *Enforcement.* Persons violating any provisions of this Second Revised Maximum Price Regulation 339 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

Appendix A—Standards of Inspection

Rayon hosiery must be classified and marked according to the standards of inspection set forth below:

(a) *Explanation of table of defects.* The following table illustrates how hosiery containing any of the defects listed should be classified.

(1) *Full fashioned hosiery.* Full fashioned hosiery containing any of the defects listed in Column (1) cannot be considered first quality but must be considered irregulars. Similarly hosiery containing any of the defects listed in Column (2) must be considered seconds and not irregulars and hosiery containing any defects listed in Column (3) must be considered thirds.

(2) *Circular knit hosiery.* Circular knit hosiery containing any of the defects listed in Columns (1) and (2) cannot be considered first quality, but must be considered irregulars. Hosiery containing any of the defects listed in Column (3) must be considered as seconds.

(b) *Table of defects.* (Reference is to defect in either stocking.)

TABLE

(Column 1)	(Column 2)	(Column 3)
(i) Welt defects. (i) Badly mismatched welts. (ii) Leg defects. (i) Minor yarn defects such as slubs, knots, broken filaments, shiners. (ii) Visible rings or shadows. (iii) Visible sinker stripes or lines. (iv) Visible picked up pull threads. (v) Uneven stitch construction. (vi) Light color contrasts or shadings. (iii) Foot defects. (i) Heavy dye streaking. (iv) Light mismatching at instep.	(1) Welt defects. (i) Menders less than ½". (2) Leg defects. (i) Menders or seamers less than ¼". (ii) Major yarn defects such as decided rings, heavy slubs, kinks or large knots. (iii) Fuzzy sinker or needle line marks. (iv) Sharply defined color contrasts or shadings. (3) Foot defects. (i) Heavy mismatching at instep. (4) Over-all defects. (i) Lengths under 26½". (ii) Menders, limited to two medium or two small menders.	(1) Welt defects. (i) Menders in excess of ½". (2) Leg defects. (i) Menders or seamers of ¼". (3) Over-all defects. (i) More than two medium or three small menders.

Appendix B—Schedule of Maximum Prices

TABLE 1—MAXIMUM PRICES FOR SALES OF FULL-FASHIONED HOSIERY [1]

[All prices are net f. o. b. point of shipment]

First Quality

(a) Gauge	By manufacturers (per dozen) (b) Unbranded	By manufacturers (per dozen) (c) Branded	At wholesale (per dozen) (d) Drop shipments 5% below these prices	At retail (per pair) (e) By chain and mail order houses	At retail (per pair) (f) By other retailers: Of unbranded buying from manufacturers	At retail (per pair) (g) By other retailers: Of branded or buying from wholesalers, also house to house
30	$5.95	$6.35	$7.00	$0.71	$0.79	$0.84
42	6.25	6.70	7.35	.75	.83	.89
45	6.75	7.20	7.95	.81	.90	.96
48	7.25	7.70	8.55	.87	.96	1.03
51	7.75	8.25	9.10	.93	1.03	1.10
54	9.95	10.45	11.70	1.20	1.32	1.40
57	10.90	11.45	12.80	1.30	1.45	1.53
60 and higher	11.90	12.45	14.00	1.42	1.59	1.66
Permissible Additions for Special Constructions of First Quality. Description of These Constructions Will Be Found at End of This Table						
Premium heel and sole	$0.35	$0.35	$0.40	$0.05	$0.05	$0.05
Premium welts	.50	.50	.60	.06	.07	.07
Extra lengths	.50	.50	.60	.06	.07	.07
Outsize—14 to 14½" head	.50	.50	.60	.06	.07	.07
Outsize—15 to 15½" head	1.00	1.00	1.20	.12	.14	.15
Outsize—16" and wider	1.50	1.50	1.80	.18	.20	.21
Lace and mesh	1.50	1.50	1.80	.18	.20	.21
Premium yarn construction	1.75	1.75	2.05	.21	.23	.24
Non-Run construction	2.00	2.00	2.35	.24	.26	.26
Irregulars						
39	$5.00	----------	$6.90	$0.60	$0.67	$0.71
42	5.30	----------	6.25	.63	.71	.75
45	5.70	----------	6.75	.69	.75	.81
48	6.05	----------	7.10	.74	.81	.85
51	6.60	----------	7.60	.79	.85	.90
54	8.80	----------	10.40	1.05	1.17	1.25
57	9.65	----------	11.40	1.15	1.29	1.37
60 and higher	10.50	----------	12.40	1.28	1.40	1.48
Permissible Additions for Special Constructions of Irregulars. Description of These Constructions Will Be Found at End of This Table						
Prem. heel and sole	$0.30	----------	$0.35	$0.04	$0.04	$0.05
Premium welts	.45	----------	.50	.06	.06	.07
Extra lengths	.45	----------	.50	.06	.06	.07
Outsize—14 to 14½" Head	.45	----------	1.00	.11	.11	.12
Outsize—15 to 15½" Head	.85	----------	1.50	.15	.17	.19
Outsize—16" and Wider	1.25	----------	1.50	.15	.17	.19
Lace and mesh	1.25	----------	1.50	.17	.20	.21
Prem. yarn construction	1.50	----------	1.75	.18	.20	.21
Non-Run construction	1.70	----------	2.00	.21	.23	.23
Full-fashioned—Seconds						
39 & 42	$4.00	----------	$4.75	$0.50	$0.53	$0.59
45 & 48	4.40	----------	5.20	.56	.59	.65
51	4.85	----------	5.75	.60	.65	.71
54 and higher	5.25	----------	6.20	.63	.70	.75

See footnote at end of table.

Appendix B—Schedule of Maximum Prices—Continued

TABLE 1—MAXIMUM PRICES FOR SALES OF FULL-FASHIONED HOSIERY—continued

Permissible Additions for Special Constructions of Seconds. Description of These Constructions Will Be Found at End of This Table

(a) Gauge	By manufacturers (per dozen) (b) Unbranded	By manufacturers (per dozen) (c) Branded	At wholesale (per dozen) (d) Drop shipments 5% below these prices	At retail (per pair) (e) By chain and mail order houses	At retail (per pair) (f) By other retailers: Of unbranded buying from manufacturers	At retail (per pair) (g) By other retailers: Of branded or buying from wholesalers, also house to house
Prem. heel and sole	$0.20	----------	$0.25	$0.03	$0.03	$0.03
Premium welts	.30	----------	.35	.04	.04	.04
Extra lengths	.30	----------	.35	.04	.04	.04
Outsize—14 to 14½" head	.30	----------	.35	.04	.04	.04
Outsize—15 to 15½" head	.60	----------	.70	.07	.08	.08
Outsize—16" and wider	.90	----------	1.05	.11	.12	.13
Lace and mesh	.90	----------	1.05	.11	.12	.13
Prem. yarn construction	1.05	----------	1.25	.13	.14	.15
Non-run construction	1.20	----------	1.40	.15	.16	.17
Full-fashioned—Thirds						
39–42 and 45	$3.00	----------	$5.55	$0.38	$0.40	$0.46
48–51	3.25	----------	3.85	.40	.43	.46
54 and higher	3.75	----------	4.40	.45	.50	.53

[1] *How to use tables. Retailers* who meet the definition for chains and mail order houses will find the maximum prices at which they may sell rayon hosiery in column (e) above. Other retailers who buy unbranded hosiery direct from manufacturers will find the maximum prices at which they may sell rayon hosiery in column (f) and they will find in column (g) the maximum prices at which they may sell branded hosiery purchased from a manufacturer or hosiery branded or unbranded which they bought from a wholesaler. Hosiery sold "house to house" may be sold at the prices shown in column (g). Only first quality hosiery may be sold at branded ceiling prices.

Manufacturers have but two possible types of sales. When they sell "branded hosiery" (as that term is defined in Sec. 3 of the regulation) they will find their ceilings in column (c). The unbranded hosiery ceilings are found in column (b). Hosiery classed as irregulars, seconds or thirds may not be sold at "branded" ceilings. Manufacturers should likewise note that no hosiery which they sell to wholesale establishments may be sold at prices higher than those shown in column (b).

Description of premium values referred to in table 1

Premium heels and soles are those reinforced with cotton, spun rayon, or combination yarn.

Premium welts are welts made of cotton, silk, spun rayon, blended, or combination yarn.

Extra length stockings are those with a minimum length of 32" if made of viscose rayon, or 33½" if made of acetate rayon.

Lace and mesh stockings are those with a distinctive lace or mesh pattern throughout the leg portion, knit with full lace or modified lace tackle on a full-fashioned knitting machine. No lace or mesh premium may be applied to gauges finer than 51 if such premium results in a price greater than the corresponding lace or mesh price for 51 gauge.

Premium yarn construction consists of stockings, legs of which are made of spun rayon, blended, plied, or combination yarn and with premium welts and premium heels and soles.

Combination yarn is plied yarn in which filament rayon is twisted with other fibers.

Plied yarn is a yarn in which two or more separate ends of rayon yarn are combined by twisting.

Spun rayon yarn is yarn spun from rayon staple fiber.

Blended yarn is yarn which is spun from mixtures of rayon staple fiber and cotton fiber.

Outsize hosiery 14 and 14½" outsize hosiery is hosiery which

(i) is knit on 14 or 14½" needle bar using the full needle bar (with a tolerance of 4 needles);

(ii) is knit with no fashionings or narrowings in the flare;

(iii) is boarded on outsize forms in accordance with accepted trade practice.

15" and 16" outsize hosiery is hosiery which is knit on a full 15" or 16" needle bar (with a tolerance of 4 needles) and is boarded on outsize forms in accordance with accepted trade practice. No outsize premium may be applied to gauges finer than 45 if such premium results in a price greater than the corresponding price of 45 gauge.

Non-run stockings are those which are knit throughout the leg portion by one of the generally accepted methods of knitting non-run fabric. No non-run premium may be applied to gauges finer than 45 if such premium results in a price greater than the corresponding non-run price for 45 gauge.

Appendix B—Schedule of Maximum Prices—Continued

TABLE 2—MAXIMUM PRICES FOR SALES OF CIRCULAR KNIT RAYON HOSIERY [1]

[All prices are net, f. o. b. point of shipment]

First Quality

(a) Needle count	(b) By manufacturers, per dozen	(c) At wholesale per dozen (drop shipments 5% below these prices)	At retail (per pair) (d) By retailers buying from manufacturers	At retail (per pair) (e) By retailers buying from wholesalers
200 and lower	$2.00	$2.37½	$0.25	$0.29
220–240	2.25	2.65	.28	.32
260	2.80	2.95	.31	.36
280	2.80	3.15½	.33	.38
300 Prod. Twist	2.80	3.37½	.35	.41
300 High Twist	3.30	3.95	.42	.48
320	3.80	4.30	.45	.52
340	3.95	4.75½	.50	.57
360–380	4.45	5.20	.55	.64
400	5.20	6.20	.64	.75
Permissible Additions for Special Constructions of First Quality				
Single end mesh producers twist	$0.20	$0.25	$0.03	$0.03
Single end mesh high twist	.30	.35	.04	.04
Double end mesh	.65	.75	.08	.09
Cotton welts on 260 needle and coarser	.25	.30	.03	.03
Cotton welts on 300 needle and finer	.35	.40	.04	.05
High twist 280 needle and below	.30	.35	.04	.04
Outsizes				
Leg of rayon plaited with cotton with premium welt—280 needle and coarser	.35	.40	.04	.05
Leg of blended, combination, or spun rayon yarn with premium welt 280 needle and coarser	.60	.70	.08	.08
Plied continuous filament rayon in leg	.60	.70	.08	.08
Leg of 2 ply spun rayon yarn with premium welt:				
280 needles and coarser	1.10	1.30	.14	.16
300 needles and finer	.60	.70	.08	.08
Leg made of plied rayon yarn spun on silk system with premium welt:				
280 needles and coarser	2.35	2.77½	.29	.34
300 needles and finer	1.85	2.20	.23	.27
Irregulars				
200 and lower	$1.50	$1.77½	$0.19	$0.22
220–240	1.70	2.00	.21	.24
260	1.90	2.25	.24	.27
280	2.00	2.37½	.25	.29
300 Prod. Twist	2.10	2.47½	.26	.30
300 High Twist	2.50	2.95	.31	.36
320	2.75	3.25	.34	.39
340	3.00	3.55	.37	.43
360–380	3.40	4.00	.42	.48
400	3.95	4.65	.49	.56

[1] All retailers who buy from manufacturers will find maximum prices at which they can sell circular knit rayon hosiery in column (d) of the above table. If they buy from wholesalers they may use the ceiling prices shown in column (e).

APPENDIX B—SCHEDULE OF MAXIMUM PRICES—Continued

TABLE 2—MAXIMUM PRICES FOR SALES OF SPECIAL CONSTRUCTIONS OF RAYON HOSIERY[1]

[All prices are net f. o. b. point of shipment]

(a) Description	(b) At retail (per pair)	(c)	(d)	(e)	(f)
			At retail (per pair)		
	By manufacturers, per dozen	At wholesale per dozen (drop shipments 5% below these prices)	By chains and mail order houses	By other retailers	
				Buying from manufacturers	Buying from wholesalers
33 and 36 gauge full-fashioned made of combination yarn:					
First Quality	$5.50	$6.83	$0.70	$0.77	$0.62
Irregulars	4.50	5.80	.59	.65	.50
Seconds	3.55	4.50	.46	.51	.35
Thirds	2.90	3.45	.35	.39	.42
Bursom type, Continuous Filament Standard:					
First Quality	4.40	5.20	.53	.59	.62
Irregulars	3.75	4.45	.45	.50	.31
Seconds	2.20	2.60	.26	.29	
Outsize:					
First Quality	4.95	5.85	.59	.65	.78
Irregulars	4.20	4.95	.50	.55	.36
Seconds	2.50	2.95	.30	.33	
Extra outsize:					
First Quality	5.95	7.00	.71	.80	.54
Irregulars	5.00	5.90	.60	.66	.43
Seconds	3.00	3.55	.36	.40	
Combination Yarn, Standard:					
First Quality	4.30	5.05	.51	.57	.61
Irregulars	3.65	4.30	.44	.49	.33
Seconds	2.15	2.55	.26	.29	
Outsize:					
First Quality	4.65	5.50	.56	.63	.66
Irregulars	3.95	4.65	.47	.53	.34
Seconds	2.35	2.77½	.28	.31	

(NOTE.—Hosiery of Burson types below first quality shall be graded as provided for circular knit.)

[1] Retailers who come under the definition of chain or mail order houses will find the maximum prices at which they may sell hosiery of these types listed in accordance with instructions in column (d). Other retailers who buy from manufacturers will find their ceiling prices in column (e) and they will find in column (f) maximum prices at which they may sell such hosiery bought from wholesalers.

Effective date. This Second Revised Maximum Price Regulation No. 339 shall become effective January 15, 1944.

NOTE: The records and reports provisions of this regulation have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 4th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-147; Filed, January 4, 1944; 12:07 p. m.]

PART 1449—CHARCOAL

[MPR 431[1] Incl. Amdt. 6]

CHARCOAL

Paragraph (b) of Appendix A amended by Amendment 6, effective January 10, 1944, so that Maximum Price Regulation No. 431 shall read as follows:

A statement of the considerations[2] involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Preamble as amended by Supplementary Order No. 67, 8 F.R. 12558, effective 9-11-43]

§ 1449.1 *Maximum prices for charcoal.* Under the authority vested in the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328,

[1] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9628.

APPENDIX B—SCHEDULE OF MAXIMUM PRICES—Continued

TABLE 2—MAXIMUM PRICES FOR SALES OF CIRCULAR KNIT RAYON HOSIERY—continued

Permissible Additions for Special Constructions of Irregulars

(a) Needle count	(b) At retail (per pair)	(c)	(d)	(e)
	By manufacturers, per dozen	At wholesale per dozen (drop shipments 5% below these prices)	At retail (per pair)	
			By retailers buying from manufacturers	By retailers buying from wholesalers
Single end mesh producers twist	$0.15	$0.17½	$0.02	$0.02
Single end mesh high twist	.22½	.27½	.03	.03
Double end mesh	.30	.40	.03	.03
Cotton welts on 200 needle and coarser	.27½	.32½	.03	.04
Cotton welts on 240 needle and finer	.22½	.27½	.03	.03
High twist 280 needle and below	.22½	.27½	.03	.03
Outsizes				
Leg of rayon plaited with cotton with premium welt: 200 needle and coarser	.27½	.32½	.03	.04
Leg of blend, combination or spun rayon yarn with premium welt—280 needle and coarser	.45	.52½	.06	.03
Plied continuous filament rayon in leg	.45	.52½	.06	.06
Leg of 2 ply spun rayon yarn with premium welt: 200 needle and coarser	.82½	.97½	.10	.12
240 needle and finer	.45	.52½	.06	.06
Leg and of plied rayon yarn spun on silk system with premium welt:				
280 needle and coarser	1.75	2.07½	.22	.26
300 needle and finer	1.37½	1.62½	.17	.20

Circular Knit—Seconds

200 and lower	$1.00	$1.20	$0.12	$0.15
220-240	1.15	1.37½	.14	.17
260	1.25	1.47½	.15	.19
280	1.40	1.72½	.17	.21
300 Fred. Twist	1.70	2.00	.21	.25
300 High Twist	1.90	2.12½	.22	.26
330	2.00	2.37½	.25	.29
350-360	2.35	2.75	.28	.32
400	2.60	3.07½	.32	.37

Permissible Additions for Special Constructions of Seconds

Single end mesh producers twist	$0.10	$0.12½	$0.01	$0.01
Single end mesh high twist	.15	.17½	.02	.02
Double end mesh	.22½	.40	.03	.03
Cotton welts on 200 needle and coarser	.17½	.22½	.02	.02
Cotton welts on 240 needle and finer	.17½	.17½	.02	.02
High twist 280 needle and below	.15	.17½	.02	.02
Outsizes				
Leg of rayon plaited with cotton with premium welt: 200 needle and coarser	.17½	.22½	.02	.03
Leg of blend, combination or spun rayon yarn with premium welt—280 needle and coarser	.30	.35	.04	.04
Plie-l continuous filament rayon in leg				
Leg of 2 ply spun rayon yarn with premium welt: 200 needle and coarser	.55	.65	.07	.08
240 needle and finer	.30	.35	.04	.04
Leg made of plied rayon yarn spun on silk system with premium welt:				
280 needle and coarser	1.40	1.75	.15	.17
300 needle and finer	1.10	1.62½	.12	.14

Maximum Price Regulation No. 431 (Charcoal), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1449.1 (issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681).

MAXIMUM PRICE REGULATION 431—CHARCOAL

Sec.

1. Prohibition against sales of charcoal at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Relationship of this to other maximum price regulations.
5. Geographical applicability.
6. Records and reports.
7. Evasion.
8. Enforcement and licensing.
9. Definitions.
10. Petitions for amendment.

Appendix A: Maximum prices for hardwood charcoal.

Appendix B: Maximum prices for pine wood charcoal.

SECTION 1. *Prohibition against sales of charcoal at higher than maximum prices.* On and after July 12, 1943, regardless of any contract or other obligation:

No person making a sale of charcoal for which maximum prices are set forth in this regulation shall sell or deliver such charcoal at prices higher than the maximum prices set forth in this regulation.

No person purchasing charcoal from a seller for whom maximum prices are set forth in this regulation shall buy or receive such charcoal in the course of trade or business at prices higher than the maximum prices set forth in this regulation.

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894, 8 F.R. 1312, 3702) provides that: Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.]

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship of this to other maximum price regulations.*—(a) *General Maximum Price Regulation.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation[1] with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Exports; (Second Revised Maximum Export Price Regulation applicable.)* The maximum price at which a person may export charcoal shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

(c) *Imports; (Revised Supplementary Regulation No. 12 applicable.)* The provisions of this regulation do not apply to purchases, sales, or deliveries of charcoal which originate outside of and are imported into the continental United States. Sales, purchases, and deliveries of such imported charcoal are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.[3]

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales or purchases of charcoal after July 11, 1943 for which maximum prices are established by this regulation, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the seller and the buyer, the price paid or received, and the quantity of charcoal sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of charcoal, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 8. *Enforcement and licensing.*—(a) *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Paragraph (b) as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 9. *Definitions.* (a) When used in this regulation, the term:

"Charcoal" means an amorphous form of carbon obtained by the incomplete combustion of either hardwood or softwood.

"Hardwood charcoal" means charcoal produced from hardwoods.

"Pine wood charcoal" means charcoal produced from pine wood in the states of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

[Above definition added by Am. 1, 8 F.R. 11444, effective 8-21-43]

"Lump charcoal" means unprocessed charcoal which will pass over a screen with ¾ inch openings.

"Charcoal screenings" means unprocessed charcoal which will not pass over a screen with ¾ inch openings, and includes fines and braize.

"Granulated" or "ground charcoal" means charcoal which has been subjected to a granulating or grinding process.

"Kiln charcoal" means charcoal produced from mixed hardwoods in a kiln.

"Producer" means any person who produces charcoal and includes any agent of a producer.

"Hardwood distiller" means a person who produces charcoal from mixed hardwoods by the destructive distillation process and who recovers in the process such chemicals as wood alcohol, acetic acid, or acetate of lime.

"Dealer" means a person who purchases charcoal and resells it in substantially the same form, and includes a person who purchases charcoal and grinds it before reselling it.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political

[1] 8 F.R. 2006, 3849, 4947, 4486, 4724, 4978, 4849, 6047, 6962, 8511, 9025, 9991, 11955.

[2] 8 F.R. 4132, 5987, 7662, 9998, 15193.

[3] Superseded by Maximum Import Price Regulation; 8 F.R. 11661, 12287, 13244.

[4] 8 F.R. 13240.

subdivisions, or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[7]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

APPENDIX A—MAXIMUM PRICES FOR HARDWOOD CHARCOAL

(a) *Sales by producers.* The maximum price for a sale by a producer of hardwood charcoal in quantities of one ton or more shall be the maximum price established under the General Maximum Price Regulation including any order issued thereunder or the maximum price set forth below, whichever is higher. The prices set forth below are per ton of hardwood charcoal, f. o. b. producer's plant.

(1) Sales by hardwood distillers of charcoal made from mixed hardwoods:

(i) Produced in New York and Pennsylvania:	
Lump charcoal in bulk	$33.00
Lump charcoal in bags (bags extra and returnable)	35.00
Charcoal screenings	23.00
(ii) Produced in Michigan and Wisconsin:	
Lump charcoal in bulk	33.00
Briquets in bulk	35.00
Briquets in 100-lb. bags (bags included)	41.00
Briquets in 20 and 40-lb. bags (bags included)	40.00
Granulated charcoal in bags (bags included)	44.00
Charcoal screenings	23.35
(iii) Produced in Tennessee and Arkansas:	
Lump charcoal in bulk	27.00
Lump charcoal in bags (bags included)	35.00
Granulated charcoal in bags, ground and sized (bags included)	34.50
Standard Briquettes in bulk	38.00
Midget Briquettes (bags included)	47.00
Standard Briquettes in bags (bags included)	40.00
Soft Waterproof Briquettes in bulk	40.00
Charcoal screenings	19.40

[Subparagraph (iii) as amended by Am. 3, 8 F.R. 13059, 13945, effective 9-29-43]

[7] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

(2) Sales of kiln charcoal made from mixed hardwoods:

	Per ton
Lump kiln charcoal in bulk or in bags (bags included)	$40.00
Kiln charcoal screenings	29.00

[Subparagraph (2) as amended by Am. 4, 8 F.R. 15527, effective 11-17-43]

(b) *Sales by dealers.* The maximum price for a sale by a dealer of hardwood charcoal for which a maximum price is set forth in paragraph (a) shall be the highest of the following:

(1) The dealer's maximum price for a sale of the same grade and quantity of charcoal in the same kind of containers established by the General Maximum Price Regulation including any order issued thereunder.

(2) The dealer's maximum price computed pursuant to the first applicable method set forth below:

(i) The dealer's maximum price for a sale of the same grade and quantity of charcoal in the same kind of containers established by the General Maximum Price Regulation plus any increase in the price which he is required to pay to the producer from whom he purchases charcoal under the provisions of paragraph (a) over the highest price paid by him to that producer for such charcoal during March 1942, or, if no purchases were made by him during March 1942 from such producer, during the last calendar month of 1942 prior thereto during which such purchases were made by him.

(ii) Where a dealer is unable to determine his maximum price for charcoal under subparagraph (1) of this subparagraph (2), the maximum price established by this regulation for a sale of such charcoal by his most closely competitive seller.

(3) The dealer's delivered cost per ton (not in excess of the producer's maximum price under paragraph (a) plus actual freight) plus the amount per ton set opposite the applicable delivered cost range as follows:

Delivered cost per ton:	Amount per ton to be added
$1.00–$9.99	$1.25
$10.00–$19.99	3.75
$20.00–$29.99	6.25
$30.00–$39.99	8.55
$40.00–$49.99	11.25
$50.00 and over	12.00

[Paragraph (b) as amended by Amendment 6, effective 1-10-44]

(c) *Sales by Delta Chemical and Iron Company.* Notwithstanding any other provision of this regulation, the maximum prices for sales of charcoal made from mixed hardwoods by Delta Chemical and Iron Company, Wells, Michigan, f. o. b. plant, shall be:

	Per ton
Lump charcoal in bulk	$40.00
Charcoal screenings	30.00

[Paragraph (c) added by Am. 2, 8 F.R. 12444, effective 9-6-43]

APPENDIX B—MAXIMUM PRICES FOR PINE WOOD CHARCOAL

(a) *Sales by producers.* The maximum prices for sales of pine wood charcoal by producers f. o. b. producer's plant shall be:

	Per ton
(1) Lump pine wood charcoal:	
(i) Carload or more	$20.00
(ii) Less than carload:	
(a) Bulk	24.00
(b) In bags (bags included)	30.00
(2) Granular pine wood charcoal in bags:	
(i) Carload or more (bags included)	30.20
(ii) Less than carload (bags included)	41.00

[Paragraph (a) as amended by Am. 5, 8 F.R. 16035, effective 11-30-43]

(b) *Sales by dealers.* The maximum price for a sale by a dealer of pine wood charcoal shall be the dealer's maximum price for a sale of pine wood charcoal established by the General Maximum Price Regulation including any order issued thereunder, or the maximum price computed pursuant to the first applicable method set forth below, whichever is higher.

(1) The dealer's maximum price for a sale of pine wood charcoal established by the General Maximum Price Regulation plus any increase in the price which he is required to pay to the producer from whom he purchases charcoal under the provisions of paragraph (a) of this appendix over the highest price paid by him to that producer for such pine wood charcoal during March 1942, or, if no purchases were made by him during March 1942 from such producer, during the last calendar month of 1942 prior thereto during which such purchases were made by him.

(2) Where a dealer is unable to determine his maximum price for pine wood charcoal under subparagraph (1) of this paragraph (b), the maximum price established by this regulation for a sale of such pine wood charcoal by his most closely competitive seller.

(c) *Containers.* (1) The maximum prices set forth in this Appendix B include bags. The seller may, however, require the buyer to return bags, but where he does so the maximum prices for the contents of such bags as established by this appendix, shall be decreased by an amount equal to the maximum price established by the applicable regulation for used bags of the same kind in good condition, f. o. b. buyer's place of business.

(2) If the seller does not sell the bags he may require a reasonable deposit to insure their return, but such deposit must be refunded to the buyer upon return of the bags in good condition within a reasonable time. Transportation costs with respect to the return of empty bags to the seller shall in all cases be borne by the seller.

[Paragraph (c) as amended by Am. 5, 8 F.R. 16035, effective 11-30-43]

[Appendix B added by Am. 1, 8 F.R. 11444, effective 8-21-43]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

This regulation shall become effective July 12, 1943.

[Issued July 12, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-148; Filed, January 4, 1944; 12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 41]

USED AIRPLANES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation 1 is amended in the following respects:

1. Section 3.2 (b) (3) is added to read as follows:

(3) Sales and deliveries of used airplanes, powered with a single engine of not more than 500 horsepower.

2. In section 3.2 (c) a sentence is added thereto to read as follows:

This exception shall not apply to sales and deliveries of used airplanes, powered with a single engine of not more than 500 horsepower.

This amendment shall become effective January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-149; Filed, January 4, 1944; 12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 72]

USED AIRPLANES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.34 is added to read as follows:

SEC. 6.34 *Used airplanes*—(a) *Coverage.*[1] This section applies to all sales (except those made to the War Department or the Department of the Navy) of any airplane, powered with a single engine of not more than 500 horsepower, that has been used other than for the purpose of sale.

(b) *Maximum prices*—(1) *How to determine the maximum price.* The maximum price for any used airplane covered by this section shall be determined as follows:

(i) The seller shall first determine the base price as follows:

(a) The seller shall first find the price listed in paragraph (d) for the airplane when new. If no price is listed in paragraph (d) for the airplane, the seller shall find the price listed in paragraph (d) for the nearest equivalent new airplane of the same make. An "equivalent airplane" is one that is similar to the one being priced in size, equipment, power, condition and ability to function. If no price is listed in paragraph (d) for an equivalent airplane of the same make, the seller shall find the price listed in paragraph (d) for the nearest equivalent airplane of a different make.

(b) The seller shall then add to the price determined under (a) above the airplane manufacturers' installed list price (determined in accordance with subparagraph (2)) for any extra equipment which was installed in the airplane on the date of its acquisition when new by the original purchaser or whose date of installation cannot be determined. "Extra equipment" means any equipment which would normally be furnished only at an additional cost with the airplane listed in paragraph (d), which is used as a basis for pricing under (a) above.

(c) The seller shall then deduct from the resultant price the airplane manufacturer's installed list price (determined in accordance with subparagraph (2)) for any item of equipment with which the airplane is not equipped on the date of sale and which the manufacturer furnished at no extra cost with the airplane which is listed in paragraph (d), and used as a basis for pricing under (a) above.

(ii) The seller shall then subtract from the base price an amount for depreciation. This amount shall be determined by multiplying 8% of the base price by the number of years from the date of acquisition by the original purchaser for use of the airplane when new to the date of sale. In measuring that period of time, the number of years is to be calculated to the nearest quarter of a year and the airplane shall be deemed to be not less than one nor more than ten years old.

(iii) The seller shall then add to the resultant price the depreciated value of extra equipment installed after date of acquisition of the airplane when new by the original purchaser for use. "Extra equipment" means supplementary equipment normally furnished to the purchaser at an extra cost when he purchases the type of airplane in question. The depreciated value of extra equipment shall be determined as follows: The seller shall subtract an amount for depreciation from the airplane manufacturer's installed list price (determined in accordance with subparagraph (2)) of the extra equipment. The amount for depreciation shall be determined by multiplying 8% of this installed list price by the number of years from the date of installation of the extra equipment to the date of sale. In measuring that period of time, the number of years is to be calculated to the nearest quarter of a year and the equipment shall be deemed to be not less than one nor more than 10 years old. If the seller cannot determine the date of installation of the extra equipment, he may not add the depreciated value thereof to the depreciated value of the airplane. In such case, the extra equipment is taken into account in determining the base price in accordance with (i) above.

(iv) The seller shall then deduct an amount for the number of hours of normal engine wear since the last overhaul. This deduction shall be determined by multiplying the number of hours of use since the last overhaul of the engine by the amount set forth in the following table for an engine of the same horsepower:

Horsepower:	Amount
Less than 50	$0.20
50 to 89, inclusive	.40
90 to 145, inclusive	1.20
146 to 225, inclusive	1.45
226 to 500, inclusive	2.00

(2) *Installed list price.* The "installed list price" of any equipment shall be the first applicable of the following:

(i) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of the airplane for the same equipment installed in the same airplane;

(ii) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of the airplane for similar equipment installed in the same airplane;

(iii) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of another airplane for the same equipment installed in a similar airplane;

(iv) The October 1, 1941, installed list price, or lacking that, the latest installed list price of the manufacturer of another airplane for similar equipment installed in a similar airplane; or

(v) If none of the above is applicable, the maximum price of the used airplane must be determined under paragraph (c).

(3) *Example of determination of maximum price.*

1. Price listed in paragraph (d) for the same or nearest equivalent airplane. (See subparagraph (1) (i) (a)) ------

2. Sum of airplane manufacturer's October 1, 1941, installed list prices for extra equipment installed in airplane at time of original delivery or for which installation date cannot be determined. (See subparagraph (1) (i) (b)). ------

*Copies may be obtained from the Office of Price Administration.

[1] The maximum prices established by this section apply both to airworthy and non-airworthy airplanes. However, lower prices than those established by this section may be charged, demanded, paid or offered. Accordingly, it is recognized that when a non-airworthy airplane is sold, the selling price will probably be lower than the maximum price established by this section, in order to compensate the buyer for needed repairs.

8. Item 1 plus item 2. ------
4. Sum of airplane manufacturer's October 1, 1941, installed list price for standard equipment with which airplane is not equipped at time of sale. (See subparagraph (1) (i) (c)). ------
5. Item 3 minus item 4 (Base price). ------
6. Depreciated value of item 5. (See subparagraph (1) (ii)). ------
7. Sum of the depreciated values of extra equipment installed after date of delivery to original purchaser. (See subparagraph (1) (iii)). ------
8. Item 6 plus item 7. ------
9. Deduction for hours of normal engine wear since last overhaul. (See subparagraph (1) (iv)). ------
10. Maximum price. Item 8 minus item 9. ------

(c) *Specific authorization of a maximum price.* The maximum price for any used airplane, covered by this section, that cannot be priced under paragraph (b) shall be a price, in line with the level of maximum prices established by this section, specifically authorized by the Office of Price Administration. Any seller seeking such an authorization shall file an application with the Office of Price Administration, Washington, D. C. If the seller does not file under this paragraph, the Office of Price Administration may establish a maximum price of its own accord. This price will be in line with the level of maximum prices established by this section.

(d) *List prices of new airplanes:*

AEROCRAFT (TIMM)

Model	Engine	Hp.	List price
2-SA	Kinner	160	$6,880.00

AEROMARINE KLEMM

L-26-A	LeBlond	60-65	$2,500.00

AERONCA

50-C	Continental	50	$1,695.00
50-F	Franklin	50	1,565.00
50-L	Lycoming	50	1,595.00
65-C	Continental	65	1,795.00
50-LA	Lycoming	50	1,695.00
65-LA	Lycoming	65	1,695.00
65-LB	Lycoming	65	1,910.00
50-TC	Continental	50	1,495.00
65-TC	Continental	65	1,595.00
60-TF	Franklin	60	1,900.00
65-TF	Franklin	65	1,490.00
50-TL	Lycoming	50	1,445.00
65-TL	Lycoming	65	1,495.00
65-TAO	Continental	65	1,660.00
65-TAF	Franklin	65	1,595.00
65-TAL	Lycoming	65	1,570.00
65-CA, Super Chief, Stand.	Continental	65	1,995.00
65-LB, Super Chief, Stand.	Lycoming	65	1,910.00
KM	Menasco	50	1,795.00
C-2	Aeronca	36	1,245.00
C-3	Aeronca	36	1,890.00
K	Aeronca	40	1,480.00
KCA	Continental	50	1,795.00
KC	Continental	40	1,360.00
LC	Warner	90	3,375.00
KF	Franklin	50	1,725.00
C-F	Franklin	40	1,445.00
8-50-F	Franklin	50	1,464.00
8-50-C	Continental	50	1,584.00
8-65-C	Continental	65	1,694.00
8-65-CA (Stand. Seaplane).	Continental	65	1,894.00

AIRCRAFT MECHANICS

Model	Engine	Hp.	List price
Eagle Rock A-15	Kinner	100	$3,400.00
Flyabout D-2	Szekeley	45	1,575.00
Eagle Rock A-2	Curtis OX-5	90	1,850.00
Eagle Rock A-13	Curtis Challenger	185	4,350.00
Eagel Rock A-14	Wright	175	5,247.00
Eagle Rock A-12	Comet	150	5,247.00

AMERICAN EAGLE

Lincoln 201	Kinner	100	$3,995.00
Eaglet 230	Szekeley	30	1,473.00
Eaglet B-31	Szekeley	45	1,575.00

ALLIANCE

Argo	Hess-Warrior	115	$4,800.00

ARROW

V-8, Model F	V-8, Model F	82	$1,500.00
Arrow-Sport	LeBlond	70	2,700.00

BARNARD

New Standard (D-29-A).	Kinner	100	$4,185.00

BEECHCRAFT

B-17-E	Wright	285	$12,980.00
B-17-L	Jacobs	225	13,900.00
B-17-R	Wright	330-420	14,500.00
C-17-B	Jacobs	285	9,250.00
C-17-E	Wright	285	10,384.00
C-17-L	Jacobs	225	6,840.00
G-17-R	Wright	320-420	11,000.00
D-17-A	Wright	320-350	17,800.00
D-17-R	Wright	420-450	21,100.00
D-17-S	Pratt & Whitney	400-450	21,100.00
E-17-B	Jacobs	285	13,580.00
F-17-D	Jacobs	300-330	14,580.00
E-17-L	Jacobs	225	9,690.00

BELLANCA

14-9	Ken Royce	90	$3,975.00
14-12F-8	Franklin	120	4,375.00
F-2, Skyrocket	Pratt & Whitney Wasp.	450	19,800.00
CH-400 Skyrocket.	P & W Wasp	420	17,950.00
300-W, Pacemaker.	P & W Wasp	300	15,550.00
CH-300 Pacemaker.	Wright	330	15,150.00

BIRD

BW	Warner	125	$4,250.00
CJ	Jacobs	170	4,995.00
BK	Kinner	100	2,995.00
Bird A	Curtis OX-5	90	1,995.00
CK	Kinner	125	4,395.00

BUHL AIRCRAFT

Bull Pup	Szekeley	45	$1,280.00
C-A-6	Wright	330	13,500.00

CESSNA

C-34	Warner	145	$4,985.00
C-37	Warner	145	5,490.00
C-38	Warner	145	6,490.00
C-145	Warner	145	7,875.00
C-165	Warner	165	8,275.00
DC-6B	Wright	250	9,750.00

COMMAND AIRE

3-C-3A	Warner	125	$4,675.00
5C-3	Curtis Challenger	185	5,600.00

CROWN

Model	Engine	Hp.	List price
B-8	Kinner	100	$4,975.00

CULVER

LCA Cadet	Continental	75	$2,695.00
LFA Cadet	Franklin	80	2,895.00
Dart GW	Warner	90	4,200.00
Dart GW	LeBlond	90	3,975.00

CURTIS ROBIN

J-1	Wright	165	$5,995.00
Robin 4C-1	Curtis Challenger	185	5,995.00
Robin 4C-1A	Curtis Challenger	185	7,995.00
	Curtis OX-5	90	2,495.00

CURTIS WRIGHT

Jr. CW-1	Szekeley	45	$1,490.00

DAVIS

D-1-K	Kinner	100	$2,995.00
D-1	LeBlond	70	2,995.00
D-166	LeBlond	85	2,795.00

DOYLE

O-2	LeBlond	65	$2,995.00

ENGINEERING RESEARCH

Ercoupe 415-C	Continental	65	$2,665.00

FAIRCHILD

F-45	Wright	320-350	$17,400.00
KR-34-C	Wright	175	5,675.00
KR-21-B	Kinner	125	4,625.00
M-62-A	Ranger	175	9,510.00
M-62-B	Warner	165	9,067.00
22-C7A	Cirrus	95	2,775.00
22-C7E	Warner	125	3,825.00
22-C7D	Wright-Gypsy	90	2,990.00
22-C7G	Warner	145	4,975.00
24-C8A	Warner	125	3,850.00
24-C8C	Warner	145	4,990.00
24-C8D	Ranger	145	4,990.00
24-C8E	Warner	145	5,390.00
24-C8F	Ranger	145	5,540.00
24-G (Stand)	Warner	145	5,290.00
24-G (Deluxe)	Warner	145	5,890.00
24-H	Ranger	150	6,190.00
24-J	Warner	145	6,190.00
24-K	Ranger	150-165	6,530.00
24-R9 (Stand)	Ranger	165	6,530.00
24-R9 (Deluxe)	Ranger	165	7,230.00
24-R40	Ranger	175	7,230.00
24-W9 (Stand)	Warner	145	6,190.00
24-W9 (Deluxe)	Warner	145	6,890.00
24-W40	Warner	145	6,190.00
24-W41	Warner	145	6,780.00
24-W41-A	Warner	145	7,980.00
24-C8	Cirrus	95	3,360.00
22-C-7	Rover	75	2,675.00
22-C-7F	Warner	145	4,440.00
KR-21	Kinner	100	4,375.00
71-A	P & W Wasp	420	18,400.00
Pilgrim KR-34D.	Comet	165	5,675.00
42	Wright	330	12,900.00

FLEET

2	Kinner	100	$3,985.00
7	Kinner	125	4,685.00
8	Kinner	125	5,185.00
9	Kinner	125	5,185.00
10	Kinner	125	4,951.00

FOKKER

Super-Universal	P & W Wasp	420	$17,500.00

FRANKLIN

Model	Engine	Hp.	List price
90	Lambert (Monocoupe).	90	$3,350.00

FUNK

B	Funk E	63	$1,950.00
B-75-L	Lycoming	75	2,160.00

GENERAL

Aristocrat	Warner	125	$4,250.00
Aristocrat 102-E	Wright	175	5,250.00
11-C	Warner	125	4,000.00

GREAT LAKES

2T-1A	Cirrus	100	$2,985.00
2T-1E	Cirrus	95	3,185.00

HAMILTON

H-45	P & W Wasp	420	$24,500.00

HAMMOND

100	Kinner	100	$2,995.00

HARLOW

PJ-C2	Warner	145	$12,000.00

HEATH

CNA-40	Continental	37	$1,224.00

HOWARD

DGA-8	Wright	320-350	$14,850.00
DGA-11	Pratt & Whitney Wasp, Jr.	400-450	17,685.00
DGA-9	Jacobs	285	8,980.00
DGA-12	Jacobs	300-330	12,885.00
DGA-15P	Pratt & Whitney Wasp, Jr.	400-450	21,885.00
DGA-15W	Wright	320-350	16,885.00
DGA-15J	Jacobs	300-330	17,885.00
DGA-18	Warner	125	7,485.00
DGA-18K	Kinner	160	8,685.00

INLAND

W-300	Warner	125	$4,985.00
B-300	LeBlond	65	3,485.00

INTERSTATE

S-1	Continental	50	$1,875.00
S-1A	Continental	65	2,095.00
S-1A-85F	Franklin	85	2,650.00
S-1A-65F	Franklin	65	2,053.00
S-1A-40F	Franklin	90	2,650.00

IRELAND AMPHIBIAN

N-2-C	P & W Wasp	420	$23,000.00

KEYSTONE

K-64 Commuter	Wright	330	$16,800.00

KINNER

Model	Engine	Hp.	List price
B Sportster	Kinner	125	$3,290.00
B-2 Sportwing	Kinner	125	3,890.00
K Sporister	Kinner	100	2,990.00
R Playboy	Kinner	160	5,250.00
C-7 Envoy	Kinner	300	12,800.00

LAIRD

LC-B	Wright	220	$9,850.00
LC-RW-450	P & W Wasp	420-450	21,000.00
LC-R-300	Wright	330	11,500.00
LC-B-300	Wright	330	10,850.00

LINCOLN

PT-K	Kinner	100	$3,865.00
PT-W	Warner	125	4,315.00
PT-T	Brownback Tiger	90	3,300.00

LOCKHEED

Vega 5-C	P & W Wasp	450	$17,500.00
Air Express	P & W Wasp	420-450	19,985.00

LUSCOMBE

Model 8, Trainer	Continental	80	$1,895.00
8-A, Stand	Continental	65	2,195.00
8A-1, Silvaire Trainer	Continental	65	2,095.00
Model 8B-2	Lycoming	65	2,095.00
8A-2, Silvaire Master	Continental	65	2,095.00
8-B	Lycoming	65	1,885.00
8-C	Continental	75	2,795.00
8C-1, Silvaire (Deluxe)	Continental	75	3,095.00
8D, Deluxe	Continental	75	3,395.00
8D-1, Trainer	Continental	75	2,770.00
Phantom 1	Warner	145	5,975.00

MERCURY

Chic T-2	LeBlond	90	$1,750.00

MEYERS

OTW	Warner	125	$7,000.00
OTW	Warner	145	7,250.00
OTW	Ken Royce	120	6,375.00

MONOCOACH

Monocoach	Wright	220	$8,250.00

MONOCOUPE

90-A	Lambert	90	$3,795.00
90-AF	Franklin	90	3,845.00
Monocoupe 90-J	Warner	90	3,900.00
110 Special	Warner	145	7,000.00
110	Warner	125	4,485.00
90	Lambert (Monocoupe).	90	2,885.00
70-V	Velie	70	2,395.00
D-145	Warner	145	5,600.00

MONOPREP

Monoprep	Lambert (Monocoupe).	65	$2,835.00

MOTH

60-GM	Gypsy	85	$3,960.00

NICHALAS-BEASLEY

Model	Engine	Hp.	List price
NB 3-G	Genet Mark 2	80	$3,900.00
NB-8-G	Genet Mark 2	80	1,790.00

PARKS

P-1	OX-5	90	$1,700.00

PARAMOUNT

Cabinaire	Wright	175	$5,750.00

PHEASANT

H-10	Curtis OX-5	90	$2,695.00

PIPER

J3C-50	Continental	50	$1,368.00
J3F-50	Franklin	50	1,298.00
J3L	Lycoming	50	1,298.00
J3L	Lycoming	65	1,298.00
J3C-65	Continental	65	1,618.00
J3F-60	Franklin	60	1,298.00
J3F-65	Franklin	65	1,360.00
J3L-65	Lycoming	65	1,580.00
J4	Continental	50	1,995.00
J4-A	Continental	65	1,995.00
J4-B	Franklin	60	1,935.00
J4-E	Continental	75	2,575.00
J4-F	Lycoming	65	1,948.00
J5-A	Continental	75	2,150.00
J5-B	Lycoming (Geared).	75	2,150.00
J3P	Lenape	50	1,595.00
F-2	Aeromarine	40	1,495.00
E-2	Continental	37-40	1,425.00
J-2	Continental	40	1,270.00
J-3 Cub Trainer	Continental	40	995.00
J3C-40	Continental	40	1,270.00

PITCAIRN

7A-7S	Wright	250	$8,000.00

PORTERFIELD (Columbia)

CP-55, Stand	Continental	50	$1,695.00
CP-55, Deluxe	Continental	50	1,835.00
CP-65, Stand	Continental	65	1,795.00
CP-65, Deluxe	Continental	65	2,025.00
CP-65, Stand. Seaplane.	Continental	65	2,595.00
CP-65, Deluxe Seaplane	Continental	65	2,835.00
CP-65, Instrument Trainer	Continental	65	3,340.00
CP-40	Continental	40	1,095.00
FP-65, Stand	Franklin	65	1,780.00
FP-65, Deluxe	Franklin	65	1,925.00
LP-65, Stand	Lycoming	65	1,725.00
LP-65, Deluxe	Lycoming	65	1,955.00
75-C	Continental	75	3,000.00
35-70	LeBlond	60-70	2,250.00
35-W	Warner, Jr	90	2,995.00

REARWIN

6000-M	Meansco	125	$3,695.00
7000	Ken Royce	70	2,195.00
8090	LeBlond	90	3,995.00
8500	LeBlond	85	2,761.00
8125	Ken Royce	120	4,295.00
8135	Ken Royce	120	4,995.00
8135-T	Ken Royce	120	5,995.00
9000	Warner	90	2,960.00
9000-L	LeBlond	90	3,295.00
9000-KR	Ken Royce	90	3,295.00
175	Continental	75	2,495.00
180	Continental	80	2,765.00
180-F	Franklin	80	2,545.00
6000	Cirrus	95	3,495.00
2000-CO	Continental	165	6,500.00
2000-C	Curtis Challenger	185	6,750.00

ROSE

Model	Engine	Hp.	List price
Parakeet A-1	Continental	40	$1,475.00

RYAN

SCW-145	Warner	145	$7,000.00
ST-3KR	Kinner	160	8,400.00
STA	Menasco	125	5,725.00
ST	Menasco	95	3,955.00
B-7	P & W Wasp	420	16,985.00
B-5	Wright	330	12,985.00

ST. LOUIS

Cardinal C-2-90	LeBlond	90	$3,750.00
Cardinal C-2-110	Kinner	100	3,985.00

SECURITY

Airster 8-1A	Kinner	100	$2,495.00

SIOUX

Coupe 90	Lambert	90	$3,365.00

SKYLARK

S	Rover	75	$1,995.00
S-65	Cirrus	90	1,995.00

SPARTAN

C-3-225	Wright	250	$7,750.00
FW	Pratt & Whitney Wasp.	380-450	16,500.00
C3-165	Wright	175	5,975.00

STAR

Cavalier E	Lambert	90	$3,310.00
Cavalier	Velie	65	2,985.00

STATES

B-8	Kinner	100	$3,645.00

STEARMAN-HAMMOND

Y-18	Menasco	150	$7,150.00

STEARMAN

4E	P & W Wasp	450	$16,000.00
4D	P & W Wasp	200	12,500.00
C-3-R	Wright	250	8,500.00
4-C	Wright	330	12,500.00
4-CM-1	Wright	330	12,500.00

STINSON

Stinson 10	Continental	80	$3,370.00
10-A, Deluxe	Franklin	90	4,246.00
HW-75	Continental	75	2,995.00
Jr.-S	Lycoming	215	4,995.00
Jr.-R	Lycoming	215	5,594.00
Jr.-SR	Lycoming	210	4,395.00
Jr.-R-2	Lycoming	240	5,995.00
Jr.-R-3	Lycoming	240	6,495.00
SM-7-B	Pratt & Whitney Wasp.	300	8,995.00
SM8A, Jr	Lycoming	215	5,775.00
SR-8C	Lycoming	260	7,385.00
SR-8A	Lycoming	245	6,550.00
SR-8E	Lycoming	225	6,775.00
SR-8	Lycoming	245	6,770.00
SR-6A	Lycoming	225	6,995.00
SR-6B	Lycoming	260	6,995.00
SR-7A	Lycoming	225	6,485.00
SR-7B	Lycoming	245	7,485.00

STINSON—Continued

Model	Engine	Hp.	List price
SR-7C	Lycoming	260	$7,885.00
SR-8A	Lycoming	225	7,550.00
SR-8B	Lycoming	245	7,985.00
SR-8C	Lycoming	260	8,685.00
SR-8D	Wright	285	10,985.00
SR-8E	Wright	350	11,985.00
SR-9B (Stand)	Lycoming	245	8,485.00
SR-9B D(Deluxe)	Lycoming	245	9,385.00
SR-9CD (Deluxe)	Lycoming	260	9,785.00
SR-9DD (Deluxe)	Wright	285	11,585.00
SR-9ED (Deluxe)	Wright	320	12,785.00
SR-9FD (Deluxe)*	Wasp	450	16,785.00
SR-10-B	Lycoming	245	8,985.00
SR-10C	Lycoming	260	9,985.00
SR-10D	Wright	285	13,585.00
SR-10E (Deluxe)	Wright	320-350	13,985.00
SR-10F	Pratt & Whitney Wasp.	450	17,985.00
SR-10G	Lycoming	290	12,585.00
SR-10K	Wright	450	17,985.00
W	P & W. Wasp	300	5,995.00
SM-8B	Wright	250	8,495.00

*Note: Add $485.00 to List Price where constant speed governor is added.

SWALLOW

TP	Curtis OX-5	90	$2,878.00
TP-K	Kinner	90	1,285.00

TAYLORCRAFT

BL-65	Lycoming	65	$1,695.00
BC-65	Continental	65	1,835.00
BC-12	Continental	65	2,285.00
BF-12	Franklin	65	2,175.00
BL-12	Lycoming	65	2,195.00
BLT-50	Lycoming	50	1,585.00
BLT-65	Lycoming	65	1,795.00
BFT-65	Franklin	65	1,935.00
DC-65-D	Continental	65	1,995.00
DF-65-D	Franklin	65	1,955.00
Model A	Continental	40	1,565.00

TIMM

PT-290-C	Continental	220	$10,850.00

TRAVELAIRE

4000	Wright	220	$8,100.00
E-4000	Wright	175	6,425.00
12Q	Wright Gypsy	90	3,500.00
12W	Warner	125	4,455.00
16E	Wright	175	4,600.00
16K	Kinner	125	4,495.00
A-6000-A	P & W Wasp	420-450	16,500.00
4-D	Wright	250	7,960.00
S-6000-B	Wright	330	13,500.00

VEGA

35-70	Menasco	125	$9,080.00

VERVILLE

AT	Continental	165	$5,250.00

VIKING

Kitty-hawk B-4	Kinner	100	$4,250.00
Kitty-hawk B-2	Siemens-Halske 8H-14.	105	4,650.00
Kitty-hawk B-8	Kinner	125	4,250.00

WACO

Model	Engine	Hp.	List price
ACC-8	Jacobs	300-320	$10,495.00
AQC-6	Jacobs	300-330	11,600.00
ARE	Jacobs	300-330	14,000.00
AVN-8	Jacobs	300	12,950.00
BSO	Wright	175	6,370.00
CSO	Wright	250	7,335.00
CUC-1	Wright	250-285	8,400.00
CPF-1	Wright	250	8,500.00
CTO (Tapering)	Wright	250	8,525.00
CJC	Wright	250	8,165.00
DQC-7	Wright	285	10,390.00
DQC	Wright	285	8,975.00
EGC-7	Wright	320-350	11,125.00
EGC-8	Wright	320-350	12,860.00
EQC-8	Wright	300-330	9,650.00
HRE	Lycoming	285-300	14,900.00
INF	Kinner	125	4,110.00
KNF	Kinner	100	3,630.00
MNF	Menasco	125	4,675.00
PBF	Jacobs	170	4,415.00
QCF	Continental	165	4,985.00
RNF	Warner	125	4,210.00
8RE	P & W Wasp	400-450	18,900.00
UKC	Continental	210	6,285.00
UK8-7	Continental	225	6,460.00
UPF-7	Continental	220	8,600.00
UBF	Continental	210	5,025.00
UEC	Continental	210	5,985.00
UIC	Continental	210	6,530.00
UMF	Continental	210	6,630.00
UQC	Continental	240-250	5,890.00
VK8-(Narrow Landing gear).			
VK8-7 (Wide Landing gear).	Continental	240-250	8,190.00
VK8-7F (Special Cross Country).	Continental	240	12,500.00
YK3-6	Jacobs	225	4,995.00
YK8-7 (Narrow Landing gear).	Jacobs	225	5,695.00
YK8-7 (Wide Landing gear).	Jacobs	225	8,190.00
YPF-7	Jacobs	250	7,895.00
YQC-6	Jacobs	225	8,875.00
YQC	Jacobs	225	6,895.00
YPF-6	Jacobs	225	7,295.00
YKO	Jacobs	225	6,940.00
YMF	Jacobs	225	6,795.00
ZK8-7 (Wide Landing gear).	Jacobs	225-285	8,660.00
ZK8-7 (Narrow Landing gear).	Jacobs	225-285	6,435.00
ZQC-7	Jacobs	285	8,435.00
ZQC-8	Jacobs	285	9,895.00
ZVN-8	Jacobs	285	10,695.00
ZPF-6	Jacobs	285	7,635.00
ZPF-7	Jacobs	285	8,965.00
ZQC-6	Jacobs	285	10,390.00
QSO	Continental	165	5,575.00
QDO	Continental	165	5,985.00
UBA	Continental	210	4,985.00
PBA	Jacobs	170	4,255.00
PSO	Jacobs	170	5,175.00
RBA	Warner	125	4,195.00
S-3H-D	P & W Wasp	400	16,100.00
ASO	Wright	220	7,335.00
ATO	Wright	220	8,525.00

WELCH

Model	Engine	Hp.	List price
OW-6M	Aeronca	36	$996.00
OW-5M	Continental	40	995.00

WILEY POST

Wiley Post A	Straughan (Wiley Post).	40	$1,485.00

WHITE

New Standard D-25-A	Wright	250	$9,750.00

This amendment shall become effective January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-153; Filed, January 4, 1944; 12:10 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1B,[1] Amdt. 3]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

Ration Order 1B is amended in the following respects:

1. Section 1.3 (a) (18) is amended to read as follows:

(18) "Passenger-type camelback" means Grade C or Grade F camelback as defined by the War Production Board.

2. Section 1.3 (a) (31) is amended by deleting therefrom the words "or Grade C".

3. Section 1.6 (d) is deleted.

4. Section 2.2 (d) is amended by the addition of a new subparagraph (5) to read as follows:

(5) An applicant who is a member of the Army or Navy may obtain a certificate for any grade of tire or tube to equip a passenger automobile which he operates on official business, if he presents to the Board a certification of the Commanding General Headquarters Antilles Department or of the Commandant of the 10th Naval District stating that such passenger automobile is actually operated by the applicant on official business.

5. Section 2.4 (b) (3) is deleted.

6. Section 2.7 is amended by the addition of a new paragraph (g) to read as follows:

(g) *Allotment of camelback to recappers.* The Director may issue certificates to recappers authorizing the acquisition of allotments of camelback whenever he determines that allotments of camelback are necessary to insure the full utilization of the recapping facilities of the territory.

7. The third sentence of section 2.23 (a) is amended to read as follows: "Upon transfer of any motor vehicle to which the provisions of this section apply, the record pertaining to the vehicle, and Parts D for tires mounted on the vehicle, must be transferred with it.

8. Section 2.26 (a) is amended by changing the period at the end to a comma, and by adding the following words after the comma: "or as authorized in writing by the Director."

9. In section 2.31 (d) (1), the phrase "no passenger-type camel-back shall be used in recapping a truck-type tire to be mounted on a truck, bus, farm implement, earth-mover, road-grader or similar off-the-road vehicle, and" is deleted.

10. Section 3.4 (a) (2) is amended to read as follows:

(2) File a report on OPA Form PRR-17 (Revised), in accordance with the instructions thereon, for each month, setting forth the stocks on hand at the beginning of the month, the stocks received during the month, the stocks sold or otherwise transferred during the month, and the stocks on hand at the close of business on the last day of the month. The quantities of tires and tubes shall be reported as required by the revised form to show size, type and grade of new and used tires and tubes. The movement of unserviceable tires and tubes during the month shall also be set forth in the report. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed with the Director on or before the fifth day after the end of each month.

This amendment shall become effective January 6, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719, W.P.B. Dir. No. 1, Supp. Dir. No. 1-J, as amended, 7 F.R. 562, 5043, 8731, Supp. Dir. No. 1-Q, as amended, 8 F.R. 2013, Rev. Gen. Order No. 20, 8 F.R. 2416)

Issued this 31st day of December 1943.

JORGE L. CORDOVA,
Territorial Director,
Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 44-174; Filed, January 4, 1944; 3:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285, Amdt. 5]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

In § 1351.1254a the headnote is amended, and a new paragraph (b) is added, to read as follows:

§ 1351.1254a *Adjustment of maximum prices for wholesalers and jobbers by appropriate regional or district office.*

* * *

(b) In any instance where there is hauling between a wholesaler's customary receiving point and his place of business or his ripening facilities, any regional office of the Office of Price Administration or such district office as may be authorized by such regional office, may adjust the wholesaler's maximum prices upward not to exceed 35¢ per cwt., to provide for the costs of such hauling.

No adjustment shall be made in any instance or in any manner which will increase the price of bananas at retail, or which will cause or tend to cause a shortage of bananas in another area or locality, or to provide for the cost of local hauling within the free delivery zone surrounding the wholesaler's customary receiving point.

This amendment shall become effective January 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-176; Filed, January 4, 1944; 3:38 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 319,[1] Amdt. 11]

CERTAIN BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The proviso at the end of § 1351.1903 (c) is amended to read as follows:

Provided, That when a producer sells the same product both to retailers for sales to ultimate consumers and directly to ultimate consumers he may make sales directly to ultimate consumers at the maximum prices provided by § 1351.1904 for sales by such retailers to ultimate consumers.

This amendment shall become effective January 4, 1944.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-175; Filed, January 4, 1944; 3:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 75]

TAPIOCA PRODUCTS OTHER THAN FLOUR AND FOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.18 is added to read as follows:

SEC. 4.18 *Tapioca products other than flour and foods*—(a) *Applicability*—(1) *Products.* This section applies to tapioca adhesives, sizings and dextrines. It does not apply to products consisting entirely of unprocessed tapioca flour nor to edible products.

[1] 8 F.R. 9551, 12695.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1808, 2719, 2720, 3846, 7196, 10599, 13339, 15379.

(2) *Geographical applicability.* This section 4.16 applies in the forty-eight States of the United States and the District of Columbia.

(b) *Maximum prices.* (1) The maximum price per 100 pounds for the sale and delivery of a tapioca product by any person, shall be the seller's maximum price as determined under the General Maximum Price Regulation plus an amount computed by multiplying $1.38 by the percentage by weight of tapioca flour or dextrine contained in the tapioca product.

Where such a tapioca product is sold in a dry state, the maximum price set forth in this subparagraph (1) does not include containers and the seller may make an additional charge for containers. Such additional charge shall not exceed the maximum price for the container actually used as established by the applicable maximum price regulation of the Office of Price Administration, or the actual delivered cost of the container to the seller of the tapioca product, whichever is lower.

(2) Where the seller's maximum price is determined under § 1499.3 (b) of the General Maximum Price Regulation, the maximum price to be used for the comparable product shall be the maximum price established under § 1499.2 (a) (1), and the report or application required by § 1499.3 (b) shall be filed with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. Such report or application shall include the percentage by weight of tapioca in the product.

(c) *Notification.* Every seller who increases his maximum price on a tapioca product under the provisions of this section shall, with or prior to the first delivery at the increased price, furnish each purchaser who is not an ultimate consumer a copy of this section 4.18 of Revised Supplementary Regulation No. 14, and a written notice containing the following information:

(1) Maximum price for sales of the product to that purchaser as determined under the General Maximum Price Regulation.

(2) Adjusted maximum price for sales of the product to that purchaser under this section.

(d) *Report.* Each seller of a tapioca product shall file with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. before March 6, 1944, a report on OPA Form No. 692–666 containing the information specified therein. A supplemental report shall be filed within thirty days after the end of each calendar quarter beginning with the calendar quarter which ends on March 31, 1944. Each such supplemental report shall cover tapioca products not included in previous reports. Copies of the form may be obtained from the district, regional or national offices of the Office of Price Administration. A form copied from such form may be used.

This amendment shall become effective January 11, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-222; Filed, January 5, 1944; 12:00 m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 22]

LOGS AND BOLTS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the addition of a new paragraph (h) to section 9, as follows:

(h) *Limitations on suspensions.* In any case where suspensions are granted to petitioners under this section 9, the suspension is subject to the limitation that during the suspension period the petitioners may not pay prices any higher than those proposed in the petitions which they filed.

This amendment shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-223; Filed, January 5, 1944; 12:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 94]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The last sentence of section 3.4 (d) is amended to read as follows:

He must, within five days after the transfer, send one copy of the certification to the board named therein, and file the other with his report on OPA Form R–1606, OPA Form R–1606 (Revised), OPA Form R–1607, OPA Form R–1609 or OPA Form R–1609 (Revised) for the reporting period in which the transfer was made.

2. Section 3.4 (e) is amended by inserting in the first sentence after the phrase "OPA Form R–1609" the phrase "or OPA Form R–1609 (Revised)".

3. Sections 4.11 (a), (b), (d) and (f) are amended by inserting the phrase ", OPA Form R–1606 (Revised) or OPA Form R–1607," after the phrase "OPA Form R–1606", and the phrase "or OPA Form R–1609 (Revised)" after the phrase "OPA Form R–1609", wherever those phrases appear therein.

4. Section 4.11 (b) is amended as follows:

a. By inserting after the phrase "on or before May 31, 1943," the following sentence:

Reports on OPA Form R–1606 (Revised), OPA Form R–1607 or OPA Form R–1609 (Revised) for reporting periods ending in November 1943, may be filed on or before January 31, 1944, and for reporting periods ending in December 1943, may be filed on or before February 15, 1944.

b. By inserting before the last sentence the following:

However, a primary distributor who reports on OPA Form R–1609 (Revised) must adopt calendar month reporting periods. If he has not been reporting on a calendar month reporting period basis, his first report on a calendar month reporting period basis on OPA Form R–1609 (Revised) must include his operations from the end of the preceding reporting period to the end of the calendar month covered in the report.

5. Section 4.11 (c) is amended by designating the text as (c) (1) and adding subparagraphs (2), (3), (4) and (5) to read as follows:

(2) A primary distributor who does not import foods covered by this order, and who does not use points to acquire such foods, must report on OPA Form R–1609 (Revised) for his reporting periods beginning after November 30, 1943, if his sales or transfers of such foods from the place where he produces them consist entirely of one or more of the following:

(i) Sales or transfers of meat he slaughtered under a War Food Administration Farm Slaughter's Permit (including meat from his livestock which he has custom slaughtered);

(ii) Sales or transfers of lard he rendered from the carcasses of swine slaughtered for home consumption (or for consumption on his premises) or slaughtered under a War Food Administration Farm Slaughterer's Permit;

(iii) Sales or transfers of butter he made from cream (or milk) which he produced, if the cream (or milk) was not neutralized or pasteurized;

(iv) Sales or transfers of cheese he made from milk which he produced; or

(v) Sales or transfers of other foods covered by this order which he produced in an amount of not more than $200 during the month covered by the report.

For reporting periods beginning between October 31, 1943 and November 30, 1943, inclusive, he may use either OPA Form R–1609 or OPA Form R–1609 (Revised). Such a primary distributor need not file a report for any month during which he made no transfer of foods covered by this order (other than loans permitted by section 3.1 (b)). However, once he reports on OPA Form R–1606 (Revised or OPA Form R–1607, he may not thereafter report on OPA Form R–1609 (Revised).

(3) Any primary distributor who is not required to report on OPA Form R–1609 (Revised) may report on OPA Form R–1607 for each reporting period beginning on or after December 1, 1943, if he does not sell or transfer, during the period covered by the report, more than $2,000 worth of foods covered by this order, if he does not import foods covered by this order, and if his acquisitions of such foods for his primary distributor operations during that period do not constitute more than 10% by weight of his total sales and transfers of such foods during the period.

(4) A primary distributor who has more than one primary distributor establishment which are or will be registered together, may file a single report on OPA Form R–1609 (Revised) or OPA Form R–1607 for those establishments only if all of them combined meet the requirements set forth in this section for reporting on such forms.

(5) Any primary distributor who is not required to report on OPA Form R–1609 (Revised) and who does not report on OPA Form R–1607 must report on OPA Form R–1606 (Revised) for each reporting period beginning on or after December 1, 1943. However, for reporting periods beginning between October 31, 1943 and November 30, 1943, inclusive, he may use either OPA Form R–1606 or OPA Form R–1606 (Revised). In addition, a primary distributor who reports on OPA Form R–1606 (Revised), who transfers canned fish, must, at the same time and in the same manner that he makes his report on OPA Form R–1606 (Revised), report on OPA Form R–1606A.

6. The first sentence of section 4.16 (a) is amended by deleting the clause "a record showing his production and processing, by weight, and his acquisitions and transfers," and substituting therefor the clause "a record showing his production, processing, acquisitions and transfers,".

7. Section 4.16 (d) is added to read as follows:

(d) A primary distributor who is required to report on OPA Form R–1606 (Revised) or OPA Form R–1607 must, for every reporting period beginning on or after December 1, 1943, keep a record at his establishment (or, if the establishment is one of a group which has been or will be registered together, at the central office for such group) showing, as of the beginning and end of each such period, the point value of his inventory, as defined in section 4.11 (e), of each of the following foods: Meat, lard, shortening, margarine, cooking and salad oils, butter, rationed cheeses, canned milk and rationed canned fish. He must also keep a similar record with respect to any item which is added to the foods covered by this order, beginning on the date the item is added.

8. Section 4.16 (e) is added to read as follows:

(e) A primary distributor who is required to report on OPA Form R–1606 (Revised) or OPA Form R–1607 must also keep (at the place where he keeps the other records required by this section) a record of the quantity and sizes of each item of canned fish in his inventory as of the beginning and end of each of his reporting periods beginning on or after December 1, 1943.

9. Section 5.8 (a) is amended by adding the following sentence at the end thereof:

(a) * * * In addition, any wholesaler who is required by section 5.10 to file reports on OPA Form R–1310, must keep at that place a copy of each such report filed by him.

10. Section 5.10 is added to read as follows:

SEC. 5.10 *Wholesalers must report inventories of canned fish*—(a) *Who must report.* Every wholesaler who transfers canned fish must file a report on OPA Form R–1310 for each reporting period set forth in section 30.3, giving all the information called for by Schedule B of that form, for items included under the heading "Canned and bottled fish and shellfish."

(b) *Where reports must be filed.* The report must be signed by the wholesaler or by his authorized agent and must be filed by mailing to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., within 8 days after the end of the reporting period. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

11. The first sentence of section 9.2 (a) is amended to read as follows:

Every "primary distributor" who is required to report on OPA Form R–1606 or OPA Form R–1606 (Revised) must open a separate ration bank account for each of his "primary distributor" establishments.

12. The last sentence of section 13.2 (a) is amended to read as follows:

(a) * * * He must file reports for that establishment beginning for the reporting period in which he started operations there.

13. Section 17.7 (a) (13) is added to read as follows:

(13) Wholesalers must keep a record of canned fish inventories. (section 5.8 (e))

14. Section 17.7 (b) (33) is added to read as follows:

(33) Primary distributors must report inventories of canned fish. (section 4.11 (c))

15. Section 17.7 (b) (34) is added to read as follows:

(34) Wholesalers must report inventories of canned fish. (section 5.10)

16. Section 21.3 (a) is amended by adding at the end thereof the following:

However, a primary distributor shall attach the copy of the Shipper's Export Declaration to his report on OPA Form R–1606, OPA Form R–1606 (Revised), OPA Form R–1607, OPA Form R–1609 or OPA Form R–1609 (Revised) for the reporting period in which the export was made.

17. The last sentence of section 22.7 (c) is amended by deleting the phrase "(on OPA Form R–1606 or OPA Form R–1609)".

18. Section 30.3 is added to read as follows:

SEC. 30.3 *Reporting periods for wholesalers who transfer canned fish.* The following are the reporting periods for which wholesalers, who transfer canned fish, are required to report by section 5.10:

1. December 5, 1943 to January 1, 1944, inclusive.
2. January 2 to January 29, 1944, inclusive.
3. January 30 to March 4, 1944, inclusive.
4. March 5 to April 1, 1944, inclusive.
5. April 2 to April 29, 1944, inclusive.
6. April 30 to June 3, 1944, inclusive.
7. June 4 to July 1, 1944, inclusive.
8. July 2 to July 29, 1944, inclusive.
9. July 30 to September 2, 1944, inclusive.
10. September 3 to September 30, 1944, inclusive.
11. October 1 to October 28, 1944, inclusive.
12. October 29 to December 2, 1944, inclusive.
13. December 3 to December 30, 1944, inclusive.

This amendment shall become effective January 10, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125; 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-221; Filed, January 5, 1944; 12:00 m.]

PART 1425—LUMBER DISTRIBUTION

[2d Rev. MPR 215,[1] Amdt. 1]

DISTRIBUTION YARD SALES OF SOFTWOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Second Revised Maximum Price Regulation 215 is amended in the following respect:

Second 13 is amended by the addition of a new paragraph (d) to read as follows:

(d) *Special exception for remanufacturing Douglas fir and other West Coast Lumber.* In the case of Douglas fir and other West Coast lumber covered by Revised Maximum Price Regulation 26,[2] the milling charges shown in the above table

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16196, 16304, 16297.

[2] 8 F.R. 13126, 13894, 16960, 14899, 14638, 14764, 14845, 15258, 15454, 15524.

[1] 8 F. R. 14145.

[2] 8 F.R. 7570, 9519, 11508, 12315, 12406.

may be added, and the price and weight of the original size remanufactured may be used in figuring the f. o. b. maximum price where standard sizes of boards and dimension are remanufactured from larger sizes, by the same distribution yard which sells the lumber, subject to the following conditions:

(1) Any yard wishing to compute its remanufacturing charges under this paragraph (d) must make application to the Lumber Branch, Office of Price Administration, Washington, D. C., for specific permission. The applicant must show that he is unable to purchase enough standard sizes of boards and dimensions from mills or concentration yards to meet his orders. He must state total footage of softwood lumber delivered from his yard stock during each of the three months immediately preceding the date of his application. The applicant must also describe the remanufacturing facilities of his yard, including the number and capacity of resaws, planers, etc.

The remanufacturing provisions of this paragraph may be adopted by the yard as soon as application is filed. Permission may be granted by letter or telegram and may be withdrawn at any time for failure to comply with all of the provisions of this paragraph or if it appears that a yard is using it as a method of evading any other provision of this regulation.

(2) In no case will the permission granted under this paragraph be applicable in any one month to more than 30 percent of the average monthly footage of softwood lumber delivered by the yard during the 3 months immediately preceding, or to sales on which the distribution yard mark-up is greater than $5.00 and 10 percent.

(3) The total charge for ripping, resawing and/or dressing may not include an addition of more than two of these workings per piece. For example, there may be one rip and one resaw; or one resaw and one dressing charge; etc.

(4) Any yard which is granted permission to remanufacture under this paragraph must file with the Lumber Branch, Office of Price Administration, Washington, D. C., on or before the 10th day of each month a statement of the softwood footage shipped and remanufactured by it during the preceding month. Yards operating under this paragraph must keep records available to the Office of Price Administration at all times showing the amount of lumber remanufactured during any month, the nature of the remanufacturing, the size and condition of the lumber before and after remanufacturing, and any additional information which the Office of Price Administration may deem necessary to prevent evasion of the regulation.

This amendment shall become effective January 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-220; Filed, January 5, 1944; 12:00 m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

DISCHARGE OF ENLISTED PERSONS

The regulations, United States Coast Guard Reserve, 1941 (6 F.R. 1925), as amended, are hereby further amended as follows:

In § 8.6206 the title is amended to read as follows: *"Discharge of enlisted persons on inactive duty or training duty."*

Section 8.6207 is amended to read as follows:

§ 8.6207 *Honorable discharge.* In time of peace an honorable discharge shall be issued only on the expiration of enlistment. In general, an honorable discharge will carry with it recommendation for reenlistment.

R. R. WAESCHE,
Commandant.

Approved: December 31, 1943.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 44-156; Filed, January 4, 1944; 1:27 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 173]

PART 97—ROUTING OF TRAFFIC

ROUTING OF CARLOAD FREIGHT FROM MONROE OR WEST MONROE, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of January, A. D. 1944.

It appearing, that both transit and non-transit carload freight originating at Monroe, or West Monroe, Louisiana, is being routed to destinations east of the Mississippi River by the way of common carriers by railroad west of Monroe or West Monroe; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people. *It is ordered*, that:

§ 97.10 (a) *Routing of carload freight from Monroe or West Monroe, Louisiana.* Irrespective of shippers' or carriers' routing, no common carrier by railroad subject to the Interstate Commerce Act serving Monroe, or West Monroe, Louisiana, shall route any transit or non-transit carload freight to destinations east of the Mississippi River by the way of any route west of the Arkansas & Louisiana Missouri Railway Company to Crossett, Arkansas, or west or north of The Chicago, Rock Island and Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees) from Crossett to Little Rock, or north of the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) from Little Rock to St. Louis, Missouri.

(b) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(e) *Application.* This order shall not be construed to apply to transit or non-transit carload freight moving from Monroe or West Monroe, La., prior to the effective date of this order. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4))

It is further ordered, That this order shall become effective at 12:01 a. m., January 6, 1944, that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-216; Filed, January 5, 1944; 11:26 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 12A]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

DOMESTIC TRAFFIC MOVEMENT OF EXPORT, IMPORT, COASTWISE, AND INTERCOASTAL FREIGHT

General outline. This order is designed to prevent traffic congestion at port areas within the continental United States by broadening the control over export, coastwise, or intercoastal freight held at port areas, and establishing a control over import freight held at port areas. The order is also designed to release for other service as occasions demand, railway cars detained at port areas under load. The order supersedes General Order ODT 12 which established a control only over export, coastwise, or intercoastal freight in the possession of a rail carrier.

Pursuant to Executive Orders 8989, as amended, and 9156, in order to assure the orderly and expeditious movement of troops, materials and supplies of war; to coordinate domestic traffic movements with ocean shipping to avoid congestion of traffic at port areas in the United States; to assure maximum utilization of port facilities and to maintain a maximum flow of traffic, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 12, as corrected, (§§ 502.20–502.21) shall be superseded, and; *It is hereby ordered*, That:

Sec.
502.25 Import, export, coastwise, or intercoastal freight to be removed from, or unloaded at port areas when directed.
502.26 Applicability.
502.27 Definitions.
502.28 Communications.

AUTHORITY: §§ 502.25 to 502.28, inclusive, issued under E.O. 8989, as amended; 6 F.R. 6725, 8 F.R. 14183; and E.O. 9156, 7 F.R. 3349.

§ 502.25 *Import, export, coastwise, or intercoastal freight to be removed from, or unloaded at port areas when directed.* When so directed by the Director, Division of Railway Transport, Office of Defense Transportation, in order to eliminate or avoid traffic congestion or to release railway cars for other service, any person having possession or control, within a port area, of any freight which has moved by ocean vessel to such port area, or which is intended for movement by ocean vessel from such port area, shall cause such freight to be removed from such port area, or if such freight is loaded in or on a railway car, shall cause such freight to be unloaded from such car, pursuant in each case to the terms of such direction. Nothing in this § 502.25 shall be construed as authorizing the ordering of the removal of any freight from a storage facility which is operated by, or under the exclusive control of, an agency or department of the United States, unless such freight is loaded in or on a railway car.

§ 502.26 *Applicability.* The provisions of this order shall be applicable only within the continental United States.

§ 502.27 *Definitions.* As used in this order (§§ 502.25–502.28) or in any order or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(b) "Port area" means any locality within which facilities are maintained for the interchange of freight between ocean vessels and other transportation instrumentalities, and includes all warehouses, wharves, piers, docks, yards, tracks, grounds and other facilities used in connection with the interchange or storage of export, import, coastwise or intercoastal freight within any such locality;

(c) "Continental United States" means the 48 States and the District of Columbia.

§ 502.28 *Communications.* Communications concerning this order should refer to "General Order ODT 12A", and unless otherwise directed should be addressed to the Director, Division of Railway Transport, Office of Defense Transportation, Washington 25, D. C.

This General Order ODT 12A shall become effective on January 5, 1944.

General Order ODT 12, as corrected (7 F.R. 4858, 6589), is hereby revoked as of the effective date of this General Order ODT 12A.

Issued at Washington, D. C., this 5th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-213; Filed, January 5, 1944; 11:14 a. m.]

[Administrative Order ODT 1, Amdt. 10]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY; DIVISION OF RAILWAY TRANSPORT

Pursuant to Executive Order 8989, as amended, subparagraphs (1) and (2), paragraph (a), § 503.4, of Administrative Order ODT 1 (8 F.R. 6001), are hereby amended to read as follows:

§ 503.4 *Division of Railway Transport.* (a) * * *

(1) *Removal of freight from, and unloading of cars at port areas.* To issue, in his discretion, the directions contemplated by § 502.25 of General Order ODT 12A, *supra*, or as such order may be amended, revised, or reissued.

(2) To amend, modify, or revoke any direction issued pursuant to the provisions of § 502.25 of General Order ODT 12A, or as such order may be amended, revised, or reissued.

This Amendment 10 to Administrative Order ODT 1 shall become effective on January 5, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 5th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-227; Filed, January 5, 1944; 12:14 p. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[SO 170, Special Permit 2]

BALTIMORE AND OHIO RAILROAD CO., ET AL.

ORDER TO DISREGARD CERTAIN PROVISIONS FOR REROUTING

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 97.9, 8 F.R. 17488) of Service Order No. 170 of December 27, 1943, permission is granted for The Baltimore and Ohio Railroad Company, the Reading Company, and the Western Maryland Railway Company:

To disregard entirely the provision of item (2) in paragraph (a) of § 97.9 (8 F.R. 17488) of Service Order No. 170 of December 27, 1943.

This permit shall become effective at 12:01 p. m., January 3, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-217; Filed, January 5, 1944; 11:26 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2534]

THE HAKUBUNDO

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That The Hakubundo, a copartnership established and doing business under the laws of the State of California, is a business enterprise within the United States;

2. That by reason of a one-half interest in The Hakubundo, owned by Hiroshi Nozawa, and a certain partnership agreement, dated December 1933, Hiroshi Nozawa controls The Hakubundo;

3. That Hiroshi Nozawa, whose last known address is Tokyo, Japan, is a national of a designated enemy country (Japan);

and determining:

4. That The Hakubundo, a copartnership, is controlled by Hiroshi Nozawa and is a national of a designated enemy country (Japan);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated

as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Hiroshi Nozawa as a copartner in and to the business and assets of The Hakubundo, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprises within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–208; Filed, January 5, 1944; 11:08 a. m.]

[Vesting Order 2832]

JULIUS KESSLER

In re: Estate of Julius Kessler, deceased; File D–34–123; E. T. sec. 4562.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Elizabeth Horsnyo, as Executrix, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Ladislaus Horti, Hungary.
Bela Horti, Denmark.
Ilma Goldberger de Buda, Denmark.
Nora Goldberger de Buda, Denmark.
Schatzi Reday, Hungary.

And determining that—

(3) Bela Horti, Ilma Goldberger de Buda and Nora Goldberger de Buda, citizens or subjects of a designated enemy country, Hungary, and within an enemy-occupied country, Denmark, are nationals of a designated enemy country, Hungary;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ladislaus Horti, Bela Horti, Ilma Goldberger de Buda, Nora Goldberger de Buda and Schatzi Reday, and each of them, in and to the Estate of Julius Kessler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–189; Filed, January 5, 1944; 11:05 a. m.]

[Vesting Order 2833]

ZILLA FISCHER

In re: Estate of Zilla Fischer, deceased; File D–28–2176; E. T. sec. 3086.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) That property and interests hereinafter described are property which is in the process of administration by Ernst von Briesen, 401 Brumder Building, Milwaukee (3), Wisconsin, Administrator, acting under the judicial supervision of the Milwaukee County Court of the State of Wisconsin, in and for the County of Milwaukee;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louis Fischer, Germany.
Kurt Fischer, Germany.
Gertrude Gross geb. Fischer, Germany.
Jenny Fischer, Germany.
Erna Friebel geb. Fischer, Germany.
Johanna Fischer, Germany.
Erich Fischer, Germany.
Hertna Irmgard Fischer, Germany.
Otto Werner Fischer, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louis Fischer, Kurt Fischer, Gertrude Gross geb. Fischer, Jenny Fischer, Erna Friebel geb. Fischer, Johanna Fischer, Erich Fischer, Hertna Irmgard Fischer and Otto Werner Fischer, and each of them, in and to the estate of Zilla Fischer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–190; Filed, January 5, 1944; 11:05 a. m.]

[Vesting Order 2834]

MARIE HAINES

In re: Estate of Marie Haines, deceased; File D–68–482; E. T. sec. 3198.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Northern Trust Company, Executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Kuchinke, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Kuchinke in and to the estate of Marie Haines, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–191; Filed, January 5, 1944; 11:05 a. m.]

[Vesting Order 2835]

STANISLAWA JAHNS

In re: Estate of Stanislawa Jahns, also known as Mary Jahns, deceased; file D–28–7603; E. T. sec. 8016.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Philip Lippert, 4631 Seventh Avenue, Kenosha, Wisconsin, Executor, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Kenosha;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Leokadia Baschin, Germany.
Marta Gorz, Germany.
Hedwig Jahns, Germany.
Maximillian Jahns, Germany.
Adalbert Jahns, Germany.
Bruno Jahns, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $261.85 in the possession of Philip Lippert, executor of the estate of Stanislawa Jahns, also known as Mary Jahns, deceased, and ordered to be paid by him to the Alien Property Custodian by the County Court of Kenosha County, Wisconsin, also,

All right, title, interest and claim of any kind or character whatsoever of Leokadia Baschin, Marta Gorz, Hedwig Jahns, Maximillian Jahns, Adalbert Jahns and Bruno Jahns, and each of them, in and to the estate of Stanislawa Jahns, also known as Mary Jahns, deceased.

to be held, used, determined, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–192; Filed, January 5, 1944; 11:05 a. m.]

[Vesting Order 2836]

ELIZABETH KIEPER

In re: Estate of Elizabeth Kieper, deceased; File D–28–3767; E. T. sec. 6365.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of Greene County, Carrollton, Illinois, Depositary, acting under the judicial supervision of the County Court of Greene County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Maria Noll (Lurubach), Germany.
Eliza Noll, Germany.
Martha Noll (Getting), Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $900.00 which is in the possession and custody of the Treasurer of Greene County, Illinois, Depositary, pursuant to an order of the County Court of Greene County, Illinois, entered November 30, 1942, in the matter of the estate of Elizabeth Kieper, deceased; also all right, title, interest and claim of any kind or character whatsoever of Maria Noll (Lurubach), Eliza Noll and Martha Noll (Getting), and each of them, in and to the estate of Elizabeth Kieper, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–193; Filed, January 5, 1944; 11:05 a. m.]

[Vesting Order 2837]

ANNA LOSCHE VS. ANTON BAUMANN AND GUSTAVE STEPHAN

In re: Partition proceedings: Anna Losche vs. Anton Baumann and Gustave Stephan; File D–28–3744; E. T. sec. 6348.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Sheriff of Stark County, Ohio, Depositary, acting under the judicial supervision of the Common Pleas Court of the State of Ohio, in and for the County of Stark;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gustav Stephan, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $1,041.82 in the hands of the Sheriff of Stark County, Ohio, for payment to Leo T. Crowley, Alien Property Custodian, for Gustave Stephan by the order of the Court of Common Pleas of Stark County, Ohio, dated July 22, 1943,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–194; Filed, January 5, 1944; 11:06 a. m.]

[Vesting Order 2838]

KANJIRO ONISHI

In re: Estate of Kanjiro Onishi, deceased; File D–39–2138; E. T. sec. 8384.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bridget H. Sullivan, 1 North LaSalle Street, Chicago, Illinois, Administrator de bonis non, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Fama Onishi, Japan.
Fumiko Iyeda, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $567.61 which is in the process of administration by and is in the possession and custody of Bridget H. Sullivan, administrator de bonis non, of the estate of Kanjiro Onishi, deceased; also all right, title, interest and claim of any kind or character whatsoever of Fama Onishi and Fumiko Iyeda, and each of them, in and to the estate of Kanjiro Onishi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–195; Filed, January 5, 1944; 11:06 a. m.]

[Vesting Order 2842]

CONSUMERS IMPORT CO., INC., ET AL., VS. KABUSHIKI KAISHA KAWASAKI ZOSENJO, ET AL.

In re: Consumers Import Co., Inc., et al., vs. Kabushiki Kaisha Kawasaki Zosenjo, et al.; File F–39–1703.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is owned or controlled by a national of a designated enemy country, Japan, namely,

National and Last Known Address

Kabushiki Kaisha Kawasaki Zosenjo, Japan.

And determining that—

(2) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kabushiki Kaisha Kawasaki Zosenjo in and to any costs awarded by or pursuant to any final decree entered by the United States District Court for the Southern District of New York in a proceeding entitled Consumers Import Co., Inc., et al., vs. Kabushiki Kaisha Kawasaki Zosenjo, et al., together with interest thereon,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–196; Filed, January 5, 1944; 11:06 a. m.]

[Vesting Order 2845]

NATHAN GOTTLIEB

In re: Estate of Nathan Gottlieb, deceased; File D–57–296; E. T. sec. 7759.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lena Gottlieb, Executrix, acting under the judicial supervision of the Surrogate's Court, County of Kings, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Roumania, namely,

National and Last Known Address

Clara Gottlieb, Yasi, Roumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Roumania; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

"All right, title, interest and claim of any kind or character whatsoever of Clara Gottlieb in and to the estate of Nathan Gottlieb, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–197; Filed, January 5, 1944; 11:06 a. m.]

[Vesting Order 2846]

JACOB C. HECK

In re: Estate of Jacob C. Heck, deceased; File D–28–3807; E. T. sec. 6424.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George Francis Schiffmayer, Metuchen, New Jersey and Miss Pauline Heck, Stroudsburg, Pennsylvania, Co-Executors, acting under the judicial supervision of the Passaic County Orphans' Court, Passaic County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Sophie Klenk, Germany.
Miss Gerda Klenk, Germany.
Otto Klenk, Germany.
Mrs. Johana Frik, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Sophie Klenk, Miss Gerda Klenk, Otto Klenk and Mrs. Johana Frik, and each of them, in and to the estate of Jacob C. Heck, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–198; Filed, January 5, 1944; 11:07 a. m.]

[Vesting Order 2847]

AUGUST KUNTZ

In re: Estate of August Kuntz, deceased; file D–28–2572; E. T. sec. 4382.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lewis Gordon, Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of

a designated enemy country, Germany, namely,

Nationals and Last Known Address

Minna Rubel, Oberstreubenbach, Germany.
Alwine Emig, Ludwigshafen, Germany.
Lina Haehnlein, Frankfort A/M, Germany.
Karl Kuntz, Ludwigshafen, Germany.
Else Kuntz, Maikammer, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Minna Rubel, Alwine Emig, Lina Haehnlein, Karl Kuntz and Else Kuntz, and each of them, in and to the Estate of August Kunts, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Pfoperty Custodian.

[F. R. Doc. 44–199; Filed, January 5, 1944; 11:07 a. m.]

[Vesting Order 2848]

AUGUSTE KUNZELMANN

In re: Estate of Auguste Kunzelmann, deceased; File D–28–7531; E. T. sec. 7825.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Public Administrator of the County of New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

"John" Michel, his true first name being unknown, Germany.
Wilhelm Joseph Alter, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property or interests:

All right, title, interest and claim of any kind or character whatsoever of "John" Michel, his true first name being unknown and Wilhelm Joseph Alter, and each of them, in and to the estate of Auguste Kunzelmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–200; Filed, January 5, 1944; 11:07 a. m.]

[Vesting Order 2849]

HERMANN MEYER

In re: Estate of Hermann Meyer, deceased; File D–28–7425; E. T. sec. 7607.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Herman Wagner, Administrator, acting under the judicial supervision of the Surrogate's Court, County of Kings, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johannes Meyer, Deichstr. 87, Bremerhaven, Germany.
Hermann Meyer, Rockwinkler Heerstr. 69, Oberneuland, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johannes Meyer and Hermann Meyer, and each of them, in and to the estate of Hermann Meyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–201; Filed, January 5, 1944; 11:07 a. m.]

[Vesting Order 2850]

THERESA BAUMAN

In re: Estate of Theresa Bauman, deceased; D–28–7822; E. T. sec. 8527.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Walter Loughridge, Administrator, acting under the judicial supervision of the County Court, Bexar County, Texas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Koeppel, Germany.
Elisabeth Canis, Germany.
Anna Dolling, Germany.
Children of Elisabeth Canis, names unknown, Germany.
Children of Anna Dolling, names unknown, Germany,

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Heinrich Koeppel, Elisabeth Canis, Anna Dolling, Children of Elisabeth Canis, names unknown and Children of Anna Dolling, names unknown, and each of them, in and to the estate of Theresa Bauman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–202; Filed, January 5, 1944; 11:07 a. m.]

[Vesting Order 2851]

HELEN BUCHERER

In re: Committee of the Property within the State of New York of Helen Bucherer, an incompetent person. File F–28–15734; E. T. sec. 1431.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Camilla Hegeler Bucherer, Committee of the Property within the State of New York of Helen Bucherer, an incompetent person, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Helen Bucherer, an incompetent, Waldbreitbach Sanitorium, Waldbreitbach, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Helen Bucherer of any nature whatsoever in the possession of Camilla Hegeler Bucherer, as Committee of the property within the State of New York of Helen Bucherer, an incompetent person,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–203; Filed, January 5, 1944; 11:07 a. m.]

[Vesting Order 2852]

MARIE FUCHS

In re: Estate of Marie Fuchs, deceased; File D–34–694; E. T. sec. 8372.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Antonia Wallen, as Executrix, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals and Last Known Address

Johann Loos, Germany.
Gasper Fuchs, Hungary.
Arnold Fuchs, Hungary.
Fritz Fuchs, Hungary.
Heinrich Fuchs, Hungary (Czechoslovakia).

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johann Loos, Gasper Fuchs, Arnold Fuchs, Fritz Fuchs and Heinrich Fuchs, and each of them, in and to the Estate of Marie Fuchs, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be

paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–204; Filed, January 5, 1944; 11:08 a. m.]

[Vesting Order 2853]

R. HENRY GINSBERG

In re: Estate of R. Henry Ginsberg, also known as Reinhard H. Ginsberg, deceased; File D–28–3535; E. T. sec. 5703.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Walter Herrmann, 5 Woodward Avenue, Warrensburg, Warren County, New York, as Administrator, C. T. A., acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louisa Gerhard, Germany
Albert Ginsberg, Germany.
Anna Mayer, Germany.
Kurt Otto Mayer, Germany.
Harde Reinhard Mayer, Germany, and other issue of Anna Mayer whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louisa Gerhard, Albert Ginsberg, Anna Mayer, Kurt Otto Mayer, Harde Reinhard Mayer and other issue of Anna Mayer whose names are unknown, and each of them, in and to the estate of R. Henry Ginsberg, also known as Reinhard H. Ginsberg, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 29, 1943:

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–205; Filed, January 5, 1944; 11:08 a. m.]

[Vesting Order 2854]

HERMAN FRED WEHLING

In re: Estate of Herman Fred Wehling, deceased; File D–28–3897; E. T. sec. 6656.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry Jackson, R. F. D., Leonard, North Dakota, Executor, acting under the judicial supervision of the County Court of the State of North Dakota, in and for the County of Cass;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Otto Wehling, or his heirs, Germany.
Betta Wehling, or her heirs, Germany.
Frieda Wehling, or her heirs, Germany.
Carl Wehling, or his heirs, Germany.
Betta Stavanouski, or her heirs, Poland.
Minna Deimert, or her heirs, Poland.
Julius Wehling, or his heirs, Germany.

And determining that—

(3) Betta Stavanouski, or her heirs, and Minna Deimert, or her heirs, citizens or subjects of a designated enemy country, Germany, and within an enemy occupied country, Poland, are nationals of a designated enemy country, Germany;

(4) To the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $5,288.09 which is in the process of administration by, and is in the possession and custody of Henry Jackson, Executor of the estate of Herman Fred Wehling, deceased; also all right, title, interest and claim of any kind or character whatsoever of Otto Wehling, or his heirs; Betta Wehling, or her heirs; Frieda Wehling, or her heirs; Carl Wehling, or his heirs; Betta Stavanouski, or her heirs; Minna Deimert, or her heirs; Julius Wehling, or his heirs, and each of them, in and to the estate of Herman Fred Wehling, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–206; Filed, January 5, 1944; 11:09 a. m.]

[Vesting Order 2857]

PETER BRUMMER

In re: Estate of Peter Brummer, deceased; File D–28–3677; E. T. sec. 6564.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Northern Trust Company, Administrator, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

George Brummer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of George Brummer in and to the estate of Peter Brummer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–207; Filed, January 5, 1944; 11:09 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Administrative Order ODT 1–6]

DESIGNATED MEMBERS OF THE STAFF OF THE DIVISION OF RAILWAY TRANSPORT

DELEGATION OF AUTHORITY

Pursuant to § 503.4 (a) (5) of Administrative Order ODT 1, as amended (8 F.R. 6001 and *supra*):

1. Each Regional Director of the Division of Railway Transport, Office of Defense Transportation, within his respective region, is hereby authorized to issue, subject to the conditions named herein, the directions contemplated by § 502.25 of General Order ODT 12A (*supra*), or as such order may be hereafter amended, revised or reissued:

(i) No direction shall be issued directing the removal of any freight from a storage facility which is operated by, or is under the exclusive control of, an agency or department of the United States unless such freight is loaded in or on a railway car.

(ii) When freight consigned to or shipped for account of the War Department, Navy Department, or War Shipping Administration is being held at a port area in or on a railway car and such car is needed for other service, or when freight is being held in storage for account of the War Department, Navy Department, or War Shipping Administration, in a storage facility which is not operated by or under the exclusive control of, an agency or department of the United States, and such storage space is needed for other purposes, the appropriate field representative of the War Department, Navy Department, or War Shipping Administration, as the case may be, shall be consulted before the unloading of such car is directed, or before such freight is ordered removed from such storage facility. In the event objection is made by such representative to the unloading of such car, or to the removal of such freight from such storage facility, the matter shall be referred to the Director, Division of Railway Transport, Office of Defense Transportation, for determination.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Division of Railway Transport, Office of Defense Transportation.

Issued at Washington, D. C., this 5th day of January 1944.

V. V. BOATNER,
Director,
Division of Railway Transport.

[F. R. Doc. 44–212; Filed, January 5, 1944; 11:14 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 11]

WOOSTER BRUSH CO.

APPROVAL OF MAXIMUM PRICES

Order No. 11 under subparagraph (5) of Order No. A–2 issued under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of brushes using imported bristles manufactured by the Wooster Brush Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order Nos. 9250 and 9328, and subparagraph (5) of Order No. A–2 issued under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) This order permits the manufacturer, Wooster Brush Company, Wooster, Ohio, and the distributors and dealers of its brushes to add an amount specified below to their ceiling prices for brushes manufactured from imported bristles.

(1) *Manufacturer's prices.* On and after January 5, 1944, Wooster Brush Company may add to its maximum prices of brushes fabricated from imported bristles, 66⅔ per cent of the difference between the costs of bristles used in the manufacture of brushes at the time the maximum prices were established and the costs of bristles currently used in the manufacture of brushes. However, in computing the costs of bristles currently used, no increase in foreign invoice price occurring after August 20, 1943, may be included.

(2) *Distributor's and dealer's prices.* All distributors and dealers may recalculate their maximum prices for brushes using imported bristles and manufactured by the Wooster Brush Company by adding to their maximum prices established by the General Maximum Price Regulation the dollar increase permitted the manufacturer by this order.

(b) *Notification.* At or prior to the first delivery of any of the brushes for which the maximum prices have been adjusted by this order, the manufacturer shall notify in writing each distributor and dealer, and each distributor shall notify in writing each dealer who purchases from them for resale, of the lot number and size of each brush and the amount of the increase permitted by this order and of the fact that this order permits each distributor and dealer to add to his present ceiling price the dollar amount of the increase permitted the manufacturer.

(c) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

This Order No. 11 shall become effective on the 5th day of January 1944.

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–179; Filed, January 4, 1944; 3:36 p. m.]

[Order 50 Under RMPR 122, Amdt. 2]

PENNSYLVANIA ANTHRACITE COAL

PRICES IN YORK AND HARRISBURG COAL TRADING AREAS

Amendment No. 2 to Order No. 50 under Revised Maximum Price Regulation No. 122. Solid Fuels sold and delivered by dealers.

For the reasons set forth in the opinion issued herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered that Order No. 50 under Revised Regulation No. 122 be amended in the following respects:

1. Paragraph (g) is deleted; paragraph (f) is redesignated paragraph (g) and new paragraph (f) is added to read as follows:

(f) The prices set forth in paragraphs (d) and (e) above for the respective coal trading areas and for "direct delivery" and "yard sales" may be increased for sales of "Colonial" anthracite by no more than 65 cents per ton in the egg, stove, nut, pea and buckwheat sizes; and by 55 cents for the rice size and 10 cents for the barley size, if:

(1) The dealer keeps "Colonial" anthracite separate in storage and delivery, from any other kind of solid fuel; and

(2) The dealer keeps complete and accurate records of his purchases of Colonial anthracite for such time as this paragraph (f) (2) is in effect. The records shall show: the date he receives the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent him by the producer.

(3) The "Colonial" anthracite is produced by Colonial Colliery Corporation at its mine at Natalie, Northumberland County, Pennsylvania and is sold as "Colonial" anthracite by the dealer.

2. In paragraph (l), the words "upon petition" are deleted.

3. In paragraph (m), the first and second sentences are amended to read as follows:

If you are a dealer subject to this order, you are governed by the licensing provisions of Supplementary Order No. 72, issued by the Office of Price Administration. This provides, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established.

4. Paragraph (n) is amended to read as follows:

Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date, the name and address of the buyer, if known, the price charged and the kind and size of fuel sold. The fuel shall be identified in the manner in which the fuel is described in this order. The record shall also state separately each service rendered and the charge made for it.

This Amendment No. 2 to Order No. 50 under Maximum Price Regulation No. 122 shall become effective as of December 27, 1943.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-126; Filed, January 3, 1944; 4:52 p. m.]

[Order 465 Under MPR 188, Amdt. 1]

CERTAIN READY MIXED EXTERIOR AND INTERIOR PAINTS

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 1 to Order No. 465 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The paragraph immediately following paragraph (e) which specifies the effective and termination dates of the order is amended to read as follows:

This order shall become effective June 30, 1943.

This amendment shall become effective as of December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-124; Filed, January 3, 1944; 4:52 p. m.]

Regional and District Office Orders.

[Region VIII Order G-1 Under MPR 376, Amdt. 2]

CARROTS IN CALIFORNIA

Amendment 2 to Order No. G-1 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered*, That paragraph (b) and paragraph (c) be amended to read as set forth below:

(b) The adjusted maximum price for the sale of carrots by a country shipper delivered to any wholesale receiving point in Region VIII shall be the applicable price set forth in paragraph (a) above, plus "freight" from Salinas, California, to the wholesale receiving point.

(c) The adjusted maximum price for sales of carrots f. o. b. any point in Region VIII, other than Salinas, California, shall be the applicable price set forth in paragraph (b) above, for the wholesale receiving point of the purchaser, less freight from the country shipping point to such wholesale receiving point.

This amendment may be revoked, corrected or amended at any time.

This amendment shall become effective upon issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-160; Filed, January 4, 1944; 8:34 p. m.]

[Region VIII Order G-2 Under MPR 188]

COMMON BRICK IN SPOKANE, WASH.

Order No. G-2 under Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Adjusted maximum prices for sales of common brick by certain persons in Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.161 (a) (2) of Maximum Price Regulation No. 188 and § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum prices at which Washington Brick & Lime Co., Spokane, Washington, may sell and deliver common brick, shall be its present maximum prices, plus $2.50 per thousand.

(b) The adjusted maximum prices at which any dealer located in Region VIII who purchases any common brick from Washington Brick & Lime Co., Spokane, Washington, at the adjusted maximum prices set forth in paragraph (a) above, may sell said brick shall be the particular dealer's present maximum prices, plus the increased dollars and cents amount which the dealer has paid said supplier pursuant to paragraph (a) above.

(c) All allowances, discounts or other price differentials in effect during March 1942, shall be maintained.

(d) This order may be amended, revoked or corrected at any time.

(e) *Definition.* (1) The term "Region VIII" means: The states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(f) All prayers of Washington Brick & Lime Co., Spokane, Washington, in its application for adjustment, not hereby specifically granted, are hereby denied.

(g) To the extent to which the aforesaid application of Washington Brick & Lime Co., has been denied, it may, within 15 days after date on which this order is mailed to it, request the Price Administrator to review such order of denial in the manner provided by Revised Procedural Regulation No. 1.

This order shall become effective December 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-161, Filed, January 4, 1944; 3:28 p. m.]

[Region VIII Order G-2 Under RMPR 122, Amdt. 2]

BITUMINOUS COAL IN SEATTLE, WASH., AREA

Amendment No. 2 to Order No. G-2 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for certain sales of bituminous coal in Seattle, Washington, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That Tables I to XIV, inclusive, be amended to read as follows below; and that Table XII-A be inserted in the schedule under paragraph (b) (1):

TABLE I—DISTRICT 19, WYOMING, SUB-DISTRICT NO. 1, "KEMMERER"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 8"	$0.80	$13.85	$0.85	$8.15	$14.85	$14.60	$14.35	------
2 Lump 7"								
3 Lump 5"								
4 Lump 3"								
5 Stove 8 x 3"	.75	12.65	.80	7.55	13.65	13.40	13.15	------
7 Grate Nut 8 x 1⅜"								
Egg 5 x 3"								
8 Nut 3 x 1⅜"	$0.75	$12.20	$0.80	$7.35	$13.20	$12.95	$12.70	------
9 Pea 1⅜ x 1"	.70	11.25	.75	6.85	12.25	12.00	11.75	------
10 Pea No. 2 1⅜ x ½"	.65	11.00	.70	6.75	12.00	11.75	11.50	$11.25
11 Stoker Pea 1 x 3/16								
15 Slack 1⅜ x 0"	.65	10.45	.70	6.45	11.45	11.20	10.95	10.70
16 Slack 1 x 0"								

TABLE II—DISTRICT 19, WYOMING, SUB-DISTRICT NO. 2, "ROCKSPRINGS"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 8"	$0.80	$13.65	$0.85	$8.05	$14.65	$14.40	$14.15	------
2 Lump 7"								
3 Lump 5"								
4 Lump 3"	.80	13.40	.85	7.95	14.40	14.15	13.90	------
5 Stove 8 x 3"								
7 Grate Nut 8 x 1⅜"	.75	12.60	.80	7.50	13.50	13.25	13.00	------
Egg 5 x 3"								
8 Nut 3 x 1⅜"	$0.75	$12.10	$0.80	$7.30	$13.10	$12.85	$12.60	------
9 Pea 1⅜ x 1"								
10 Pea No. 2 1⅜ x ½"	.70	11.20	.75	6.85	12.20	11.95	11.70	$11.45
11 Stoker Pea 1 x 3/16								
15 Slack 1⅜ x 0"	.65	10.75	.70	6.60	11.75	11.50	11.25	11.00
16 Slack 1 x 0"								

TABLE III—DISTRICT 19, WYOMING, SUB-DISTRICT NO. 3, "HANNA RAWLINGS"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 8"	$0.80	$13.35	$0.85	$7.90	$14.35	$14.10	$13.85	------
2 Lump 7"								
3 Lump 5"								
4 Lump 3"	.80	13.10	.85	7.80	14.10	13.85	13.60	------
5 Stove 8 x 3"								
7 Grate Nut 8 x 1⅜"	.75	12.70	.80	7.60	13.70	13.45	13.20	------
Egg 5 x 3"								
8 Nut	$0.75	$12.50	$0.80	$7.50	$13.50	$13.25	$13.00	------
9 Pea 1⅜ x 1"	.65	11.20	.70	6.85	12.20	11.95	11.70	$11.45
10 Pea No. 2 1⅜ x ½"	.65	10.95	.70	6.70	11.95	11.70	11.45	11.20
15 Slack 1⅜ x 0"	.65	10.75	.70	6.60	11.75	11.50	11.25	11.00
Slack 1 x 0"								

TABLE IV—DISTRICT 19, WYOMING, SUB-DISTRICT NO. 5, "GEBO-KIRBY"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 8"	$0.85	$14.70	$0.90	$8.60	$15.70	$15.45	$15.20	------
2 Lump 7"								
3 Lump 5"								
4 Lump 3"								
5 Stove 8 x 3"								
6 Stove 7 x 3"								
7 Grate Nut 8 x 1⅜"	.85	14.05	.90	8.25	15.05	14.80	14.55	------
Egg 5 x 3"								
8 Nut 3 x 1⅜"	$0.80	$13.30	$0.85	$7.90	$14.30	$14.05	$13.80	------
9 Pea 1⅜ x 1"	.70	11.75	.75	7.10	12.75	12.50	12.25	$12.00
10 Pea 1⅜ x ½"	.70	11.20	.75	6.85	12.20	11.95	11.70	11.45
15 Slack 1⅜ x 0"	.65	10.45	.70	6.45	11.45	11.20	10.95	10.70
16 Slack 1 x 0"								

TABLE V—DISTRICT 19, WYOMING, SUB-DISTRICT NO. 7, "SHERIDAN"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 8"	$0.75	$12.60	$0.80	$7.55	$13.60	$13.35	$13.10	------
2 Lump 7"								
5 Stove 8 x 3"	.75	12.30	.80	7.40	13.30	13.05	12.80	------
6 Stove 7 x 3"								
7 Grate Nut 8 x 1⅜"								
Egg 5 x 3"	.70	11.80	.75	7.15	12.80	12.55	12.30	------
8 Nut 3 x 1⅜"								
9 Pea 1⅜ x 1"	$0.65	$10.50	$0.70	$6.65	$11.60	$11.55	$11.30	$11.05
10 Pea No. 2 1⅜ x ½"								
14 Slack 2¼ x 0"	.65	10.60	.70	6.55	11.60	11.35	11.10	10.85
15 Slack 1⅜ x 0"	.65	10.45	.70	6.45	11.45	11.20	10.95	10.70

TABLE VI—DISTRICT 20, UTAH, SUB-DISTRICT NO. 1, "CASTLEGATE"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 11 x 8"	$0.80	$13.65	$0.85	$8.05	$14.65	$14.40	$14.15	------
2 Lump 10"								
3 Lump 3" [1]								
4 Lump 1⅝"	.80	13.45	.85	7.95	14.45	14.20	13.95	------
5 Stove 8 x 3"								
6 Egg 8 x 1⅝"	.80	13.00	.85	7.75	14.00	13.75	13.50	------
7 Nut 3 x 1⅜"	$0.75	$12.20	$0.80	$7.35	$13.20	$12.95	$12.70	------
8 Pea 1⅜ x 1"								
9 Stoker 1 x 3/16	.70	11.20	.75	6.85	12.20	11.95	11.70	$11.45
10 Slack 1⅜ x 0"								
11 Slack 1 x 0"	.65	10.75	.70	6.60	11.75	11.50	11.25	11.00

TABLE VII—DISTRICT 22, MONTANA, SUBDISTRICT NO. 1, "ROUNDUP"

Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1 Lump 6" and up	$0.80	$13.40	$0.85	$7.95	$14.40	$14.15	$13.90	------
2 Lump 3"								
3 Furnace 9 x 6"								
4 Egg 6 x 3"	.80	13.25	.85	7.85	14.25	14.00	13.75	------
5 Stove 6 x 2"								
6 No. 1 nut 3 x 2"	$0.80	$12.40	$0.80	$7.45	$13.40	$13.15	$12.90	------
7 Nut 2 x 1¼"	.70	11.55	.75	7.15	12.85	12.60	12.35	------
9 Stoker pea 1¼ x ¾"	.65	10.80	.70	6.55	11.80	11.55	11.30	$11.05
10 Slack 1½ x 0"	.60	9.70	.70	6.10	10.70	10.45	10.20	9.95

[1] The maximum prices for size group 3, 3" Lump, produced by the Utah Blue Diamond Coal Company, shall be, the following:

3 Lump 3"	$0.80	$13.95	$0.85	$8.20	$14.95	$14.70	$14.45	------

TABLE VIII—DISTRICT 23, MONTANA, SUBDISTRICT NO. 2, "RED LODGE"

	Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
		100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
1	Lump 6" up	$0.80	$13.80	$0.85	$8.15	$14.80	$14.55	$14.80	.....
2	Lump 2"								
3	Furnace 9 x 6"								
4	Egg 6 x 3"	.80	13.40	.85	7.95	14.40	14.15	13.90	.....
5	Stove 6 x 2"								

	Size groups	Delivered f. o. b. yard		Delivered to buyer's premises					
		100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton	3 ton	5 ton
6	No. 1 nut 3 x 2"	$0.75	$12.20	$0.80	$7.40	$12.80	$12.05	$12.80	.....
7	Nut 2 x 1¼"	.70	11.70	.75	7.10	12.70	12.45	12.20	.....
8	Chestnut 1¼ x 1"								
9	Stoker pea 1¼ x ⅝"	.65	10.45	.70	6.45	11.45	11.20	10.95	$10.70
10	Slack 1¼ x 0"	.60	9.85	.65	6.15	10.85	10.60	10.35	10.10

TABLE IX—DISTRICT 23, WASHINGTON, SUBDISTRICT A, "ROSLYN"

2	Lump 3½"	$0.70	$11.50	$0.75	$7.00	$12.50	$12.25	$12.00	.....
3	Lump 2"								
8	Egg 3¼ x 1½"	.70	11.30	.75	6.90	12.30	12.05	11.80	.....
10	Egg nut 3 x 1¼"	.70	11.05	.75	6.80	12.05	11.80	11.55	.....
12	Nut 2 x 1¼"	.65	10.45	.70	6.50	11.45	11.20	10.95	.....

13	Nut No. 2, 2 x ⅝"	$0.65	$10.15	$0.70	$6.35	$11.15	$10.90	$10.65	.....
16	Nut pea 1 x ⅝"	.60	9.40	.65	5.95	10.40	10.15	9.90	$9.65
21	Slack 2 x 0"	.60	9.20	.65	5.85	10.20	9.95	9.70	9.45
23	Slack 1 x 0"	.60	8.95	.65	5.75	9.95	9.70	9.45	9.20
19	Minerun 6 x 0", 4 x 0"	.65	10.30	.70	6.20	11.30	11.05	10.80	.....

TABLE X—DISTRICT 23, WASHINGTON, SUBDISTRICT B, "PIERCE COUNTY"

2	Lump 3½"	$0.75	$12.15	$0.80	$7.35	$12.15	$12.90	$12.65	.....
3	Lump 2"								
7	Egg 3¼ x 2½								
13	Nut egg No. 2 2 x ⅝"	.70	11.15	.75	6.85	12.15	11.90	11.65	.....

21	Slack 2 x 0"	$0.65	$10.30	$0.70	$6.40	$11.30	$11.05	$10.80	$10.55
22	Slack 1¼ x 0"	.65	10.15	.70	6.35	11.15	10.90	10.65	10.40
19	Minerun 6 x 0", 4 x 0"	.70	11.15	.75	6.85	12.15	11.90	11.65	.....

TABLE XI—DISTRICT 23, WASHINGTON, SUBDISTRICT D, "BELLINGHAM"

1	Lump 4"	$0.70	$11.00	$0.75	$6.75	$12.00	$11.75	$11.50	.....
3	Lump 2"								
6	Stove 4 x 2"	.65	10.65	.70	6.60	11.65	11.40	11.15	.....
7	Egg 3½ x 2¼"	.65	10.35	.70	6.45	11.35	11.10	10.85	.....

9	Egg Nut 3½ x 1¼"	$0.65	$10.10	$0.70	$6.30	$11.10	$10.85	$10.60	.....
12	Nut 2 x 1¼"	.60	9.80	.65	6.15	10.80	10.55	10.30	.....
14	Chestnut 1¼ x 1"	.60	9.15	.65	5.85	10.15	9.90	9.65	.....
16	Pea 1 x ⅝"	.55	8.85	.60	5.70	9.85	9.60	9.35	$9.10

TABLE XII—DISTRICT 23, WASHINGTON, SUB-DISTRICT E, "MCKAY-LAWSON" EXCLUDING COALS PRODUCED AT THE MCKAY MINE

2	Lump 3½"	$0.75	$12.55	$0.80	$7.80	$13.55	$13.30	$13.05	.....
3	Egg 3¼ x 1½"	.75	12.35	.80	7.45	13.35	13.10	12.85	.....
9	Egg Nut 3¼ x 1¼"								
10	Egg Nut 3 x 1¼"								
12	Nut 2 x 1¼"	.70	11.95	.75	7.25	12.95	12.70	12.45	.....
14	Pea 1¼ x 1"								
15	Pea 1¼ x ½"								

17	Pea 1¼ x ⅜"	$0.65	$10.75	$0.70	$6.65	$11.75	$11.50	$11.25	$11.00
18	Stoker 1 x ⅜"								
21	Slack 2 x 0"								
22	Slack 1¼ x 0"								

TABLE XII (A)—DISTRICT 23, WASHINGTON, SUB-DISTRICT E, ONLY COALS PRODUCED AT THE MCKAY MINE

1	Lump 4"	$0.80	$13.50	$0.85	$8.00	$14.50	$14.25	$14.00	.....
2	Lump 3½"								
3	Lump 2"								
4	Lump 1"								
5	Lump ⅝"								
6	Egg 4 x 2"								
7	Egg 3½ x 2¼"	.75	12.70	.80	7.60	13.70	13.45	13.20	.....
8	Egg Nut 3¼ x 1½"								
9	Egg Nut 3½ x 1¼"								

10	Nut 3 x 1¼"	$0.70	$11.75	$0.75	$7.10	$12.75	$12.50	$12.25	.....
11	Nut 2½ x 1"								
12	Nut 2 x 1¼"								
13	Nut 2 x ¾"								
14	Pea Stoker 1¼ x 1"	.70	11.25	.75	6.85	12.25	12.00	11.75	$11.50
15	Pea Stoker 1¼ x ½"								
16	Stoker 1 x ¾"								
17	Stoker 1¼ x ⅜"								
18	Stoker 1 x ⅜"	.65	10.95	.70	6.70	11.95	11.70	11.45	11.20
19	Minerun								
20	Slack 3½ x 0"								

TABLE XIII—DISTRICT 23, WASHINGTON, SUBDISTRICT F, RENTON RIELD

2	Lump 3½"	$0.70	$11.35	$0.75	$6.95	$12.35	$12.10	$11.85	.....
8	Egg 3 x 1¾"	.65	10.85	.70	6.70	11.85	11.60	11.35	.....
9	Egg Nut 3½ x 1¼"								
10	Egg Nut 3 x 1¼"	.65	10.80	.70	6.60	11.80	11.25	11.00	.....
12	Nut 2 x 1¼"								

14	Chestnut 1¼ x 1"	$0.60	$9.85	$0.65	$6.30	$10.85	$10.60	$10.35	.....
16	Pea 1 x ⅝"	.60	9.45	.65	6.00	10.45	10.20	9.95	$9.70
22	Slack 1¼ x 0"	.60	9.20	.65	5.85	10.20	9.95	9.70	9.45

TABLE XIV—DISTRICT 23, WASHINGTON, SUB-DISTRICT G, "CUMBERLAND"

2	Lump 3½"	$0.70	$11.60	$0.75	$7.05	$12.60	$12.35	$12.10	.....
3	Lump 2"								
4	Lump 1"								
5	Lump ⅝"								
8	Egg 3¼ x 1⅝"	.70	11.20	.75	6.85	12.20	11.95	11.70	.....
9	Egg Nut 3½ x 1¼"								

10	Nut 3 x 1¼"	$0.65	$10.80	$0.70	$6.50	$11.80	$11.25	$11.00	.....
11	Nut 2½ x 1"								
12	Nut No. 2 2 x 1¼"	.65	10.25	.70	6.40	11.25	11.00	10.75	$10.50
14	Pea 1¼ x 1"								
19	Mine run 6 x 0"	.65	10.25	.70	6.40	11.25	11.00	10.75	.....
16	Pea No. 2 1 x ¾"	.60	9.75	.65	6.15	10.75	10.50	10.25	10.00
21	Slack 2 x 0"	.60	10.50	.65	6.60	10.50	10.25	10.00	9.75

This amendment to Order G–2 shall become effective December 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–162; Filed, January 4, 1944; 8:32 p. m.]

[Region VIII Order G–3 Under 18 (c), Amdt. 35]

FLUID MILK IN WASHINGTON

Amendment No. 35 to Order No. G–3 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by special authorization from the Price Administrator dated December 15, 1943, it is hereby ordered that Order No. G–3 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

Section (1) is hereby amended by adding at the end thereof the following:

TOWN OF FRIDAY HARBOR

Quantity	Not less than 4 percent milk fat	
	Wholesale delivered	Retail
Gallons		$0.45
Quarts	$0.1125	.13
½-pints	.0325	

This amendment shall become effective December 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–163; Filed, January 4, 1944; 3:32 p. m.]

[Region VIII Order G–4 Under RMPR 122, Amdt. 1]

BITUMINOUS COAL IN KELLOGG, IDAHO, AREA

Amendment No. 1 to Order No. G–4 under Revised Maximum Price Regulation No. 122. Maximum prices for certain sales of bituminous coal in Kellogg, Idaho, and specified adjacent vicinity.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Office of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered that Order No. G–4 under Revised Maximum Price Regulation No. 122 be amended as set forth below:

(a) Paragraph (b) (1) is hereby amended to read as follows:

The maximum prices for sales of the types of coal specified below delivered within the City of Kellogg, Idaho, shall be:

Type of coal	Delivered f. o. b. yard		Delivered to storage facility on buyer's premises			
	Ton	100-lb. sack	Ton	½ ton	500 lbs.	100-lb. sack
Utah Lump and Stove, all sizes	$11.60	$0.76	$12.60	$6.80	$3.63	$0.86
Rock Springs Lump, all sizes	11.70	.76	12.70	6.85	3.65	.86
Utah Nut, 3" x 1¼"	10.85	.76	11.85	6.40	3.48	.86
Rock Springs Nut, 3" x 1¼"	10.95	.76	11.95	6.45	3.50	.86
Utah Special Stoker, Treated, 1" x 3/16"	9.15	.....	9.90	5.45	2.98	.....
Utah Slack, Treated, 1⅝" x 0" or 1" x 0"	8.90	.....	9.65	5.30	2.93	.....

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; RMPR 122, Sec. 1340.260, 8 F.R. 440)

Issued this 23d day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–164; Filed, January 4, 1944; 3:33 p. m.]

[Region VIII Order G–4 Under 18 (c), Amdt. 3]

FLUID MILK IN NEVADA

Amendment No. 3 to Order No. G–4 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 5 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by special authorization from the Price Administrator dated December 15, 1943; *It is hereby ordered*, That Order No. G–4 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 5 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) The preamble is amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and under the authority of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, § 1499.75 (a) (9) of Supplementary Regulation No. 15, and special authorization conferred by the Price Administrator; *It is hereby ordered:*

(b) Section (1) is hereby amended by striking out the heading "The Settlement of Gabbs Valley" and the schedule of prices thereunder and substituting therefor the following:

THE SETTLEMENT OF GABBS VALLEY

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Gallon	$0.56	$0.64
Half gallon	.29	.33
Quart container	.15	.17
Pint container	.08	.09

This amendment shall become effective December 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–165; Filed, January 4, 1944; 3:32 p. m.]

[Region VIII Rev. Order G–8 Under MPR 220, Amdt. 2]

FLUID MILK IN CALIFORNIA

REGION VIII

Amendment No. 2 to Revised Order No. G–8 Under Maximum Price Regulation No. 280, as amended. Maximum prices for specific food products. Sales of milk by handlers located in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817 (a) of Maximum Price Regulation No. 280, as amended; *It is hereby ordered*, That paragraph (a) be amended as set forth below:

(a) Paragraph (a) (4) is hereby amended to read as follows:

For such sales of skim milk, except as provided in paragraph (a) (5) below, the maximum price shall be as follows:

(i) For such sales to purchasers who purchased from that same seller during August 1943, the maximum price shall be the highest price which the particular seller charged such purchaser during August 1943.

(ii) For such sales to purchasers who did not purchase milk from the same seller during August 1943, the maximum price shall be the highest price which the seller charged any purchaser during August 1943.

(iii) For such sales by a seller who did not sell during August 1943, the maximum price shall be the highest price which the most similar competitive seller charged any purchaser during August 1943.

(b) Paragraph (a) (5) is added to read as follows:

For such sales of skim milk delivered to the purchaser's plant located in the cities of San Francisco, Oakland, San Jose and Santa Clara the maximum price shall be the price as specified in paragraph (a) (4) or $1.45 per hundred pounds, whichever is higher.

This amendment to Revised Order No. G–8 shall become effective December 24th, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 23d day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–166; Filed, January 4, 1944; 3:33 p. m.]

[Region VIII Order G–11 Under MPR 165]

RENTAL OF FISHING BOATS

Order No. G–11 under Maximum Price Regulation No. 165, as amended. Services. Adjusted maximum prices for rental of fishing boats by persons in Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of

Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended; *It is hereby ordered:*

(a) The adjusted maximum rental at which any person in Region VIII may rent on a percentage or share basis, a fishing boat to be used for a particular purpose, shall be a rental calculated upon the basis of the highest percentage or share received during March 1942, or if no rental for the particular purpose was made during said month, during the last period prior to March 1942 when rental for such purpose was made:

(1) For the same boat or;

(2) If no rental were made for the same boat, for a similar boat.

(b) If a person cannot determine an adjusted maximum rental on a share or percentage basis, under (a) above, his adjusted maximum rental shall be the adjusted maximum rental of the "most closely competitive seller of the same class."

(c) "Region VIII" as herein used means: The States of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benowah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) This order may be revoked, amended, or corrected at any time.

This order shall become effective December 28, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 23d day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-167; Filed, January 4, 1944; 3:33 p. m.]

[Region VIII Order G-30 Under MPR 329, Amdt. 1]

FLUID MILK IN YAKIMA CO., WASH.

Amendment No. 1 to Order No. G-30 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, as amended, *It is hereby ordered*, That paragraph (a) be amended to read as set forth below:

(a) The maximum price at which any person may purchase fluid milk from a producer whose dairy is located in Yakima County in the State of Washington shall be as follows:

(1) For purchases of milk f. o. b. the producer's dairy, the maximum price shall be $.80 per pound milk fat.

(2) For purchases of milk delivered to the purchaser's plant, the maximum price shall be the price specified in paragraph (a) (1), plus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's plant, computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by the producer or the purchaser, the transportation allowance shall be the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of a carrier operated or controlled by the producer, the transportation allowance shall be an amount equal to the lowest available common or contract carrier rate for the same or similar service.

This amendment to Order No. G-30 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

L. F. GENTNER,
Regional Administrator.

Approved:

BUELL F. MABEN,
Regional Director, Food Distribution Administration, War Food Administration, Western Region.

[F. R. Doc. 44-168; Filed, January 4, 1944; 3:29 p. m.]

[Region VIII Order G-65 Under 18 (c), Amdt. 1]

FIREWOOD IN SPOKANE, WASH., AREA

Amendment No. 1 to Order No. G-65 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Sawing of firewood in Spokane, Washington, and vicinity.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation: *It is hereby ordered*, That Order No. G-65 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be amended as set forth below:

(a) Paragraph (a) is hereby amended to read as follows:

(a) *Prices to ultimate consumers.* Within the City of Spokane, Washington, and in all areas within a radius of ten miles of the city limits of said city, the adjusted maximum prices chargeable to ultimate consumers by any person operating a power saw for performing the services hereinafter described in this paragraph (a) shall be as follows:

Service	Maximum price per cord
(1) For sawing forest cordwood from 4 ft. lengths to lengths of 24 in. or less	$1.50
(2) For sawing slabwood from 4 ft. lengths to lengths of 24 in. or less	1.75
(3) For sawing slabwood from 8 ft. 6 in. lengths to lengths of 4 ft. or 4 ft. 3 in.	1.25
(4) For sawing slabwood from 8 ft. 6 in. lengths to lengths of 24 in. or less	2.00
(5) For sawing sawmill edgings from 4 ft. lengths to lengths of 24 in. or less	2.00
(6) For sawing scrap lumber, polewood, and any other type of firewood not described above, irrespective of the length of the wood or the number of cuts:	
	Per hour
(i) For services of one man and one power saw	$3.75
(ii) For services of two men and one power saw	4.75

This amendment shall become effective upon issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-169; Filed, January 4, 1944; 3:28 p. m.]

[Region VIII Order G-77 Under 18 (c), Amdt. 1]

DEHYDRATED ALFALFA MEAL IN REGION VIII

Amendment No. 1 to Order No. G-77 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for sales of dehydrated alfalfa meal in Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, and Order No. G-77 under such section, Order No. G-77 under § 1499.18 (c), as amended, of the General Maximum Price Regulation is amended as follows:

Paragraph (e) (2) is amended to read as follows:

(2) "Jobber" means any person other than a "wholesaler" or "retailer" who buys dehydrated alfalfa meal from the processor or another jobber for resale.

This amendment shall become effective upon its issuance.

(56 Stat. 23, 765; Pub. Law 151, 76th Cong.; E.O. 9250, 7 F.R. 7671 and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-176; Filed, January 4, 1944; 3:36 p. m.]

[Region VIII Order G-83 Under 18 (c)]

TRANSPORTATION OF GRAIN AND FEED IN CALIFORNIA BY MOTOR CARRIERS

Order No. G-83 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of grain and feed in California by motor carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation; *It is hereby ordered:*

(a) The adjusted maximum prices which may be charged by any carrier other than a common carrier for the service of transporting grain and feed by motor truck for the distances and under the conditions specified in Appendix A attached hereto, where the point of origin and the point of destination are in the State of California, including customary loading and unloading, shall be the applicable rates specified in the said Appendix A.

(b) In determining the distance between any two points for purposes of this order, the constructive highway mileages set forth in Distance Table No. 3, issued by the Railroad Commission of the State of California on December 27, 1938, in connection with its decision No. 31605, as said table has been amended and supplemented up to the date of this order, shall be used.

(c) For the purposes of this order:

(1) The term "grain" means whole grain (including paddy rice and flax seed) and grain products except grain products suitable for human consumption.

(2) The term "feed" means poultry and livestock feeds, including mixed feeds and the usual ingredients going into mixed feeds.

(d) This order may be amended, revoked or corrected at any time.

This order shall become effective December 28th, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 23d day of December 1943.

L. F. GENTNER,
Regional Administrator.

APPENDIX A

ADJUSTED MAXIMUM PRICES IN CENTS PER HUNDRED POUNDS

Miles		Minimum 10,000 Lbs.	Minimum 20,000 Lbs.	Minimum 30,000 Lbs.
Over	But not over			
0	5	10	7½	6½
5	10	10	8	7
10	15	11	8½	7½
15	20	11	9	8
20	25	12	9½	8½
25	30	13	10	9
30	40	----------	11	10
40	50	----------	12	11
50	60	----------	13	12
60	70	----------	14	13
70	80	----------	15	14
80	90	----------	16	15
90	100	----------	17	16
100	120	----------	19	17½
120	140	----------	21	19
140	160	----------	23	20½
160	180	----------	25	22
180	200	----------	27	23½
200	220	----------	29	25
220	240	----------	31	26½
240	260	----------	33	28
260	280	----------	35	29½
280	300	----------	37	31
For distances over 300 miles add for each 25 miles or fraction thereof		----------	2	1½

[F. R. Doc. 44-172; Filed, January 4, 1944; 3:32 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-713]

UNITED UTILITIES, INCORPORATED

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December 1943.

United Utilities, Incorporated, a registered holding company, having filed an application, and amendments thereto, under the Public Utility Holding Company Act of 1935 for the approval of the acquisition of 7002 shares of $50 par value common capital stock of The United Telephone Company of Pennsylvania from The Bell Telephone Company of Pennsylvania and the issuance of securities by The Western Petroleum Exploration Company to evidence a bank loan in the amount of $200,000, the proceeds from which are to be applied to the partial payment of indebtedness owing by such latter company to its parent, United Utilities, Incorporated;

Public hearings having been held on said application after appropriate notice, and the Commission having examined the record and made and filed its findings and opinion based thereon;

It is ordered, That said application, as amended, be and is hereby granted subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-157; Filed, January 4, 1944; 2:57 p. m.]

[File No. 70-839]

ASSOCIATED GENERAL UTILITIES COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of January 1944.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Associated General Utilities Company, a subsidiary of Associated Gas and Electric Company and Associated Gas and Electric Corporation, registered holding companies. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Associated General Utilities Company proposes to expend approximately $125,000 for the purpose of acquiring and retiring a portion of its debt securities, such debt securities being all equal in rank. It is proposed to acquire such securities through tenders from security holders. Any balance of the fund remaining after the acceptance of tenders by the company will be expended to the purchase of debt securities in the open market through regular security dealers.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter, and that said declaration shall not become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matter under the applicable provisions of said Act and rules of the Commission thereunder be held on January 18, 1944, at 10 o'clock a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declaration shall become effective. Notice is hereby given of said hearing to the above named declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of the Commission, on or before January 13, 1944, an appropriate request or application to be heard as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of issues presented by said declaration otherwise to be considered in this proceeding, particular attention will be directed in this hearing to the following matters and questions:

1. Whether all actions proposed to be taken comply with the requirements of the Public Utility Holding Company Act of 1935 and rules, regulations or orders promulgated thereunder;

2. Whether terms and conditions are necessary to be imposed to insure compliance with the provisions of said Act or rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-158; Filed, January 4, 1944; 2:57 p. m.]

[File No. 812-342]

NATIONAL AVIATION CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of January, A. D. 1944.

National Aviation Corporation, a registered investment company, having

filed an application under the provisions of section 10 (f) of the Investment Company Act of 1940 for an order permitting it to purchase as a shareholder pursuant to rights its aliquot portion of shares of a proposed offering by United Air Lines, Inc. of 4½% cumulative preferred stock to holders of its common stock at a price of $100 per share in the ratio of 7 shares of 4½% cumulative preferred stock for each 100 shares of common stock held, such offering being underwritten in part by Hornblower and Weeks, 40 Wall Street, N. Y., N. Y., and Paine, Webber, Jackson and Curtis, 25 Broad Street, N. Y., N. Y., of which firms certain directors of the applicant are affiliated persons;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on January 7, 1944 at 10:00 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.; and

It is further ordered, That William W. Swift, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-159; Filed, January 4, 1944; 2:57 p. m.]

SOCIAL SECURITY BOARD.

STATE UNEMPLOYMENT COMPENSATION LAWS

CERTIFICATION TO SECRETARY OF TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code as amended, the Social Security Board has heretofore approved the unemployment compensation laws of the following States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In accordance with the provisions of section 1603 (c) of the Internal Revenue Code, the Social Security Board hereby certifies the foregoing States to the Secretary of the Treasury for the taxable year 1943.

[SEAL] SOCIAL SECURITY BOARD,
By A. J. ALTMEYER,
Chairman.

DECEMBER 31, 1943.

Approved:

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 44-155; Filed, January 4, 1944; 12:18 p. m.]

STATE UNEMPLOYMENT COMPENSATION LAWS

CERTIFICATION TO SECRETARY OF TREASURY

Certification of state laws to the Secretary of the Treasury pursuant to section 1602 (b) (1) of the Internal Revenue Code.

Whereas, the Social Security Board has heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1943, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas, the Social Security Board hereby finds that reduced rates of contributions were allowable under the laws of each of said States with respect to the taxable year 1943 only in accordance with the provisions of subsection (a) of section 1602 of said Code:

Now therefore, pursuant to section 1602 (b) (1) of said Code, the Social Security Board hereby certifies to the Secretary of the Treasury the Unemployment Compensation Law of each of the following States for the taxable year 1943:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

[SEAL] SOCIAL SECURITY BOARD.
By A. J. ALTMEYER,
Chairman.

DECEMBER 31, 1943.

Approved:

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 44-156; Filed, January 4, 1944; 12:18 p. m.]

WAR FOOD ADMINISTRATION.

WAGE RATES AND PRICES FOR 1944 CROP OF SUGAR BEETS

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, notice is hereby given that public hearings will be held at Washington, D. C., in room 1409 of the South Building of the Department of Agriculture on January 14, 1944 at 9:30 a. m., at Detroit, Michigan in room 859 of the Federal Building on January 25, 1944 at 9:30 a. m. and at Denver, Colorado in the Cosmopolitan Hotel on January 28, 1944 at 9:30 a. m.

The purpose of the hearing in Washington, D. C., is to receive evidence likely to be of assistance to the War Food Administrator in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1944 crop of sugar beets on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1944 crop of sugar beets to be paid under either purchase or toll agreements, by processors who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the War Food Administrator in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugar beets and with respect to the terms and conditions of contracts between laborers and producers of sugar beets.

The purpose of the hearings at Detroit, Michigan, and Denver, Colorado, is to receive evidence likely to be of assistance to the War Food Administrator in determining, pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1944 crop of sugar beets on farms with respect to which applications for payments under the said act are made; and to receive evidence likely to be of assistance to the War Food Administrator in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between laborers and producers of sugar beets.

These hearings, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officer, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officer.

Joshua Bernhardt, C. M. Nicholson, C. R. Oviatt and H. H. Simpson are hereby designated as presiding officers to conduct, either jointly or severally, the aforementioned hearings.

Done at Washington, D. C., this 4th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-214; Filed, January 5, 1944; 11:23 a. m.]

FEDERAL REGISTER

VOLUME 9 NUMBER 5

Washington, Friday, January 7, 1944

The President

EXECUTIVE ORDER 9413

ESTABLISHING A SPECIAL EMERGENCY BOARD TO REPORT ON THE CLAIMS FOR WAGE ADJUSTMENTS OF NON-OPERATING RAILWAY EMPLOYEES

WHEREAS a Special Emergency Board was appointed by me on October 16, 1943, to consider claims for wage adjustments of non-operating railway employees, and

WHEREAS the Economic Stabilization Director on November 4, 1943, entered an order authorizing the wage adjustments recommended by said Special Emergency Board to become effective on November 19, 1943, and

WHEREAS the non-operating railway employees' organizations in the first instance refused to accept the recommendations of said Special Emergency Board and invoked the services of the National Mediation Board to enjoin the carriers from putting the recommendations into effect, and

WHEREAS the non-operating railway employees' organizations on December 27, 1943, announced that they had abandoned their objections to the recommendations of said Special Emergency Board, but asserted additional claims with respect to payments for or in lieu of overtime after forty hours per week, particularly in view of the wage adjustments recently granted to railway operating employees on account of similar and other claims; and

WHEREAS the carriers and the non-operating railway employees have not been able to reach an agreement with respect to such additional claims of the non-operating railway employees;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes, and particularly by the First War Powers Act, 1941, the Railway Labor Act and the Stabilization Act of October 2, 1942, as President of the United States and Commander-in-Chief of the Army and Navy, it is hereby ordered as follows:

1. There is hereby established a Special Emergency Board of three members to be selected by me from the National Railway Labor Panel to consider the unsettled claims for wage adjustments of the non-operating railway employees, and to recommend to me such wage adjustments, if any, as should be made within the limitations of the Act of October 2, 1942, and the Executive Orders thereunder.

2. The parties before the Special Emergency Board shall be the same as those included within the recommendations of the Emergency Board appointed by me on October 16, 1943.

3. The Special Emergency Board shall report to me as soon as practicable, but not later than 30 days after the date of this Order. Copies of the report shall be filed at the same time with the Economic Stabilization Director, the National War Labor Board and the Commissioner of Internal Revenue.

The recommendations of the Special Emergency Board in regard to proposed changes affecting wage and salary payments shall become effective fifteen days after the date of the filing of its report with me, unless and except to the extent the Economic Stabilization Director otherwise directs.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 4, 1944.

[F. R. Doc. 44-258; Filed, January 5, 1944; 3:04 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[3d Rev. FPO 9, Order 3]

PART 1220—FEED

SET ASIDE REQUIREMENTS FOR PROCESSORS

Pursuant to the authority vested in me by Food Production Order No. 9, Revision No. 3 (8 F.R. 16960), issued on December 18, 1943, and to effectuate the purposes of such order pertaining to set aside requirements for oilseed meal produced by processors, and to secure an equitable distribution of such oilseed meal, it is hereby ordered, that:

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FEDERAL REGISTER

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NOTICE

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§ 1220.5 *Set aside requirements for processors of oilseed for February 1944*—(a) *Amount to be set aside.* Each processor shall set aside at each processing plant operated by him 20 percent of his production of cottonseed, soybean, linseed and peanut oil meal, cake or pellets (hereinafter called "oilseed meal"), during February 1944. The amount of production upon which the quantity of oilseed meal set aside is based shall not include any oilseed meal produced for the Commodity Credit Corporation under the provisions of contracts designated "CCC Soybean Form 106, 1943 Crop", and this order shall not apply to oilseed meal produced under such contracts.

(b) *Sale and delivery of oilseed meal set aside.* (1) Oilseed meal set aside pursuant to this order shall not be sold or delivered by any processor except to the holder of a Certificate of Designated Buyer issued by the Agricultural Conservation Committee for the State or county in which the buyer's farm or establishment is located. The certificate shall be in the following form:

CERTIFICATE OF DESIGNATED BUYER

_____ is authorized to purchase and accept delivery of _____ (tons-pounds) of oilseed meal from amounts set aside by _____ of _____
(Name of Processor) (Address _____, pursuant to the order of the Director of Food Production. (If, for any reason, delivery of oilseed meal cannot be made, this certificate shall be returned by the processor to the issuing Agricultural Conservation Committee with the reasons why delivery was not made.)

Food Production Administration

_____ Agricultural Conservation Committee of
_____
(Address)

_____
J. B. Hutson, Director
By _____
(Chairman)

Expiration Date _____

(2) Agricultural Conservation Committees may commence issuing Certificates of Designated Buyers pursuant to this order during January 1944, and processors may commence delivery of oilseed meal pursuant to such certificates during January 1944. A processor shall be entitled to credit such deliveries made in January 1944 against the quantity of oilseed meal which he is required to set aside in February 1944, if he makes the report provided for in paragraph (c) (1) hereof.

(3) A processor may, but shall not be required to, deliver any oilseed meal to the holder of any certificate which is presented to such processor after the expiration date of such certificate. Any such certificate received by a processor after the expiration date thereof, or which is otherwise invalid, for which delivery of oilseed meal is not made, shall be returned by the processor to the issuing Agricultural Conservation Committee.

(4) Shipment of any oilseed meal, set aside pursuant to this order, must be made by a processor within 7 days of the receipt of any such certificate.

(5) A certificate may be presented by the holder thereof directly to the processor designated thereon, or through any dealer, jobber, or broker, for the purpose of securing delivery of oilseed meal to the person to whom such certificate was issued. The processor who delivers such oilseed meal pursuant to a certificate shall file such certificate as required under the provisions of paragraph (c) (2).

(c) *Processor's reports*—(1) *Report of tonnage for January delivery for credit against February set aside.* If a processor wishes to make deliveries of oilseed meal pursuant to this order in January 1944 for credit against his set aside in February 1944, he must report to the Director in writing (or by telegraph) not later than January 25, 1944, the estimated tonnage of each kind of oilseed meal which will be available at each of his processing plants for delivery in January 1944 for such credit. Each processor may also submit such additional information as he deems pertinent to the allocation or distribution of oilseed meal to be set aside under this order.

(2) *Report of tonnage set aside and deliveries made.* Each processor subject to this order shall file a report with the Director on FPA Form 2 not later than March 10, 1944, for each plant operated by him. Certificates of Designated Buyers, pursuant to which oilseed meal has been delivered, shall be attached to and made a part of FPA Form 2.

(d) *Certificates issued by County Agricultural Conservation Committees.* No County Agricultural Conservation Committee shall issue Certificates of Designated Buyers unless authorized to do so by its State Agricultural Conservation Committee.

(e) *Communications.* All reports required to be filed hereunder and all communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Food Production, War Food Administration, Washington 25, D. C., Ref: FPO 9-3.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 9, Rev. 3, 8 F.R. 16960)

Issued this 5th day of January 1944.

J. B. HUTSON,
Director.

[F. R. Doc. 44-336; Filed, January 6, 1944; 11:17 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 30—SERVICEMEN'S DEPENDENTS ALLOWANCE

JOINT REGULATIONS UNDER SERVICEMEN'S DEPENDENTS ALLOWANCE ACT, AS AMENDED

Section 30.1 as published in the FEDERAL REGISTER, 3 August 1943 (8 F.R. 10706) is rescinded and the following new § 30.1 is substituted therefor:

§ 30.1 *Period of entitlement and payment of family allowances.* Under provisions of the Servicemen's Dependents Allowance Act of 1942, as amended, the Secretary of War and the Secretary of the Navy prescribe jointly the following regulations pertaining to family allowances:

(a) Payments of all family allowances shall be for periods of full calendar months.

(b) To insure expeditious payment of the initial family allowance:

(1) Payment shall be made on the basis of the statements of the enlisted man in the application, filed within the prescribed period, and to or on behalf of eligible dependents designated therein; and

(2) Eligibility for initial family allowance will be deemed to have existed on and from the date of entry into active service if the application indicates eligibility on the date of application.

(c) Erroneous statements or misrepresentations in applications for initial family allowances may, as determined by the Secretary of the department concerned, be the basis for recovery by charge against the pay of the applicant, or otherwise, and for disciplinary action.

(d) When an initial family allowance is paid to any dependent for the month of an enlisted man's entry into active service in a pay status, no regular

monthly family allowance shall be paid to any dependent of such enlisted man for that month. When no initial family allowance is paid, the period of entitlement and payment of the regular monthly family allowance shall begin as hereinafter prescribed.

(e) Except as otherwise provided, the period of entitlement to and payment of regular monthly family allowances, including any increases therein, shall begin as of the first day of the calendar month in which a required written application (or a notice of change in a case of increase) is filed, or the first day of the calendar month in which a dependent is acquired, whichever is later, but in no case earlier than the month of entry of the enlisted man into active service in a pay status. In case of Class B or Class B–1 dependents the period of entitlement and payment may begin as of the first day of any subsequent calendar month that the enlisted man requests.

(f) Any increase in a regular monthly family allowance in effect to a wife, or wife and children, incident to the birth of a child or additional child, shall be effective as of the first day of the calendar month during which the birth occurs notwithstanding that notice or evidence thereof is received in a subsequent month.

(g) Except as otherwise provided, the period of payment of monthly family allowance shall terminate, or payment shall be decreased, as of the end of the calendar month during which any notice is received by the disbursing officer paying the allowance of a change which terminates or limits the entitlement of the dependent or dependents to such allowance. Entitlement to family allowance shall terminate or be modified at the end of the month in which such change occurs. Checks to which there is no entitlement may be permanently withheld.

(h) Insofar as practicable the period of entitlement and payment of any Class B or Class B–1 regular monthly family allowance requested in writing by the enlisted man to be discontinued, other than by reason of change in status of dependents, shall terminate as of the end of the calendar month requested by the enlisted man or the end of the calendar month during which such request is received by the disbursing officer paying the allowance, and in no case later than the end of the next succeeding calendar month.

(i) For the purpose of determining amounts of family allowance to be paid:

(1) In cases in which no family allowance has been granted to a wife or divorced wife, the amount of family allowance payable to children shall be the amount specified in the statute where there is no wife or divorced wife;

(2) In cases in which no family allowance has been granted to a parent, the amount of family allowance payable to brothers and sisters shall be the amount specified in the statute where there is no parent;

(3) All children of an enlisted man shall be considered one family entity irrespective of differences in their custody, residence, or parentage;

(4) Parents of an enlisted man, and all his brothers and sisters irrespective of differences in their custody, residence, or parentage, shall be considered one family entity;

(5) The total amount of monthly family allowance payable to or for the benefit, respectively, of two or more children, of two parents, or of two or more brothers and sisters, shall be equally divided among the respective children, parents, or brothers and sisters or shall be otherwise apportioned and paid within the respective groups as the Secretary of the department concerned may direct.

(j) Whenever a court order or decree or written agreement of separation provides a single sum for alimony to a divorced wife or maintenance for a wife and also for the support of a child or children, the proportional share of the wife or divorced wife in such sum shall, for the purpose of carrying out the provisions of section 106 (c) of the act, be deemed to be sixty per centum thereof in the case of one child and forty per centum thereof in any case of two or more children. Regardless of any limit stated in a court order or decree or written agreement the full statutory amount of family allowance shall be payable to or on behalf of any child or children.

(k) Application of section 106 (c) (1) shall be made in those cases in which there is a lawful wife living separate and apart from the enlisted man and there is also a court order or decree or a written agreement which expressly or impliedly provides for the beginning or continuance of such living separate and apart. In construing a court order or decree or written agreement full consideration shall be given to all the facts and circumstances under which the order, decree or agreement is issued or made. A penal order for marital support or an order in a desertion case is not within this statutory limitation; in such cases the full allowance for a wife is payable.

(l) The payment of any amounts of a family allowance uncollected at the time of death of a dependent shall be made to such payee or payees, including the enlisted man when appropriate, as the Secretary of the department concerned shall deem equitable, subject to the provisions of section 115 of the act.

(m) The Secretary of the department concerned may at any time require additional evidence in any family allowance case. Failure to furnish such evidence within a reasonable time after request or any insufficiency of evidence shall constitute good cause for the discontinuance or modification of such family allowance.

These joint regulations are effective November 1, 1943; they rescind and supersede the joint regulations approved July 19, 1943.

(56 Stat. 381, 57 Stat. 577, 37 U.S.C. Sup. 201, et seq.)

Approved: December 4, 1943.

HENRY L. STIMSON,
Secretary of War.

Approved: December 21, 1943.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 44–259; Filed, January 5, 1944; 12:14 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 296]

AUTHORIZATION TO ADMINISTRATOR OF CIVIL AERONAUTICS TO ISSUE "ASSISTANT AIRLINE TRANSPORT PILOT CERTIFICATES" TO DESIGNATED CLASS OF PILOTS

SPECIAL CIVIL AIR REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of December 1943.

Effective January 1, 1944, Special Civil Air Regulation Serial Number 278 is amended by striking the words "December 31, 1943" and inserting in lieu thereof the words "June 30, 1944".

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44–288; Filed, January 6, 1944; 10:39 a. m.]

[Civil Air Regs., Amdt. 61–15]

PART 61—SCHEDULED AIR CARRIER RULES

EMERGENCY EXITS OF AIRCRAFT CARRYING PASSENGERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of December 1943.

Effective December 29, 1943, the effective date of § 61.797 adopted October 22, 1943, is changed from January 1, 1944, to February 1, 1944.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44–287; Filed, January 6, 1944; 10:39 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 35]

PART 600—DESIGNATION OF CIVIL AIRWAYS

GREEN CIVIL AIRWAY NO. 5

DECEMBER 13, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By deleting in § 600.10004 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.)*[1] after the words: "Fort Worth, Tex., radio range station;" the following:

the intersection of the center lines of the on course signals of the northeast leg of the Fort Worth, Tex., radio range and the southwest leg of the Texarkana, Ark., radio range.

[1] 7 F.R. 1748; 8 F.R. 7219, 13448.

This amendment shall become effective 0001 e. w. t., December 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 44–279; Filed, January 6, 1944; 9:48 a. m.]

[Amendment 36]

PART 600—DESIGNATION OF CIVIL AIRWAYS

RED CIVIL AIRWAYS 12, 24; BLUE CIVIL AIRWAYS 4, 9

DECEMBER 18, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking in § 600.10211 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.)* the words:

to the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the southwest leg of the Chicago, Ill., radio range.

and substituting in lieu thereof the following:

and the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the southwest leg of the Chicago, Ill., radio range, to the Chicago, Ill., radio range station.

2. By amending § 600.10223 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.)* to read as follows:

From the Amarillo, Tex., radio range station via the intersection of the center lines of the on course signals of the southeast leg of the Amarillo, Tex., radio range and the southwest leg of the Oklahoma City, Okla., radio range to the Oklahoma City, Okla., radio range station.

3. By amending § 600.10303 *Blue civil airway No. 4 (Boston, Mass., to U. S.-Canadian Border)* to read as follows:

From the Boston, Mass., radio range station via the intersection of the center lines of the on course signals of the northeast leg of the Boston, Mass., radio range and the southeast leg of the Concord, N. H., radio range; Concord, N. H., radio range station and the Burlington, Vt., radio range station; to the intersection of the center line of the on course signal of the northwest leg of the Burlington, Vt., radio range and the U. S.-Canadian Border.

4. By striking in § 600.10308 *Blue civil airway No. 9 (Kirksville, Mo., to the U. S.-Canadian Border)* the words:

From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the intersection of the center line of the on course signal of the northeast leg of the Duluth, Minn., radio range and the U. S.-Canadian Border.

and substituting in lieu thereof the following:

From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station and the Two Harbors, Minn., radio range station to the intersection of the center line of the on course signal of the northeast leg of the Two Harbors, Minn., radio range and the U. S.-Canadian Border.

This amendment shall become effective 0001 e. w. t., December 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 44–284; Filed, January 6, 1944; 9:53 a. m.]

[Amendment 37]

PART 600—DESIGNATION OF CIVIL AIRWAYS

RED CIVIL AIRWAY 16; BLUE CIVIL AIRWAY 28

DECEMBER 20, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By amending § 600.10215 *Red civil airway No. 16 (Augusta, Ga., to Charleston, S. C.)* to read as follows:

§ 600.10215 *Red civil airway No. 16 (Augusta, Ga., to Florence, S. C.).* From the Augusta, Ga., radio range station, via the Columbia, S. C., radio range station; the intersection of the center lines of the on course signals of the east leg of the Columbia, S. C., radio range and the southwest leg of the Florence, S. C., radio range; to the Florence, S. C., radio range station.

2. By adding a new § 600.10327 *Blue civil airway No. 28 (Columbia, S. C., to Charleston, S. C.)* to read as follows:

From the Columbia, S. C., radio range station, via the intersection of the center lines of the on course signals of the southeast leg of the Columbia, S. C., radio range and the northwest leg of the Charleston, S. C., radio range to the Charleston, S. C., radio range station.

This amendment shall become effective 0001 e. w. t., December 20, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 44–285; Filed, January 6, 1944; 9:53 a. m.]

[Amendment 54]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

LAKE CHARLES, LA., ARMY AIR FIELD

DECEMBER 20, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 (6 F.R. 6453) so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City	*Name of airport*
Lake Charles, Louisiana	Lake Charles Army Air Field.

This amendment shall become effective 0001 e. w. t., December 30, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 44–280; Filed, January 6, 1944; 9:48 a. m.]

[Amendment 55]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

NORTH PLATTE, NEBR., MUNICIPAL AIRPORT

DECEMBER 20, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 (6 F. R. 6453) so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City	*Name of airport*
North Platte, Nebr.	Municipal Airport

This amendment shall become effective 0001 e. w. t., December 31, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 44–281; Filed, January 6, 1944; 9:48 a. m.]

[Amendment 56]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

RED CIVIL AIRWAY 12; BLUE CIVIL AIRWAY 9

DECEMBER 18, 1943.

Redesignation of Radio Fixes: Red civil airway No. 12; Blue civil airway No. 9.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Administrator of Civil Aeronautics as follows:

1. By adding in § 601.40212 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.)* after the words: "Burlington, Iowa radio range station;" the following:

the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the southwest leg of the Chicago, Ill., radio range.

2. By adding in § 601.40309 *Blue civil airway No. 9 (Kirksville, Mo., to U. S.—*

Canadian Border) after the words: "La Crosse, Wis., radio range;" the following:

Duluth, Minn., radio range station; Two Harbors, Minn., radio range station.

This amendment shall become effective 0001, e. w. t., December 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 44-282; Filed, January 6, 1944; 9:48 a. m.]

[Amendment 57]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

RED CIVIL AIRWAY 16, BLUE CIVIL AIRWAY 28

DECEMBER 20, 1943.

Designation of Red civil airway No. 16 Airway Traffic Control Areas; Designation of Radio Fixes: Blue civil airway No. 28.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking in § 601.10216 *Red civil airway No. 16 airway traffic control areas (Augusta, Ga., to Charleston, S. C.)* the following portion of the caption: "Charleston, S. C." and substituting in lieu thereof the following: "Florence, S. C."

2. By adding a new § 601.40328 *Blue civil airway No. 28 (Columbia, S. C., to Charleston, S. C.)* to read as follows: "All of Blue civil airway No. 28."

This amendment shall become effective 0001 e. w. t., December 20, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 44-283; Filed, January 6, 1944; 9:48 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 115]

AMENDMENTS TO RULES OF PRACTICE AND REGULATIONS

DECEMBER 28, 1943.

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly section 309 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, hereby adopts, promulgates, and prescribes the following amendments to the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938, as amended:

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

Section 32.30 *Who shall apply* be and it is hereby amended by adding at the end thereof as a separate paragraph the following:

In connection with applications hereunder, attention is directed to the provisions of §§ 32.50 to 32.52 inclusive relative to applications for Presidential Permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country in compliance with Executive Order No. 8202, dated July 13, 1939.

Section 32.33 *Required exhibits* be and it is hereby amended by adding at the end of the paragraph beginning Exhibit C the following sentence:

The map should indicate with particularity the facilities owned by the owner of the source of supply and those owned by the transmitter of the electric energy.

and adding at the end of § 32.33 the following:

Exhibit E. Photostatic, or certified copy of articles of incorporation and by-laws of applicant company.

Exhibit F. A detailed statement of the financial and corporate relationship existing between applicant and any other person or corporation.

Any exhibit required by this section already on file with the Commission may be incorporated by reference.

Section 32.35 *Transferability* be and it is hereby amended to read as follows:

§ 32.35 *Transferability.* Authorization to transmit electric energy from the United States to a foreign country granted by order of the Commission under §§ 32.30 to 32.38 inclusive pursuant to section 202 (e) of the Federal Power Act shall not be transferable or assignable. The Commission order granting the authorization may, however, provide that the authorization shall continue in effect temporarily for a reasonable time thereafter in the event of the involuntary transfer of facilities used thereunder by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application for permanent authorization and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer and as stated in the initial application for such authorization.

The Commission may also, at any time subsequent to the original order of authorization, from time to time, after opportunity for hearing, make such supplemental orders in the premises as it may find necessary or appropriate.

Application for Construction, Operation, Maintenance, or Connection at International Boundary of the United States and a Foreign Country of Facilities for Transmission of Electric Energy Between the United States and Foreign Countries, Under Executive Order No. 8202, Dated July 13, 1939

Section 32.50 *Who shall apply* be and it is hereby is amended by adding at the end thereof as a separate paragraph the following:

In connection with applications hereunder, attention is directed to the provisions of §§ 32.30 to 32.38 inclusive relative to applications for authorization to transmit electric energy from the United States to a foreign country under section 202 (e) of the Federal Power Act.

Section 32.51 *Contents of application* be and it is hereby amended by substituting a period for the semicolon after the last word in subparagraph (2) and adding the following sentence to the paragraph:

The map should indicate with particularity the ownership of the facilities at or on each side of the border between United States and the foreign country.

PART 35—FILING OF RATE SCHEDULES

Part 35 be and it is hereby amended by adding a new section designated as § 35.15 as follows:

§ 35.15 *Filing of rate schedules, notices, etc., by persons authorized to transmit electric energy from the United States to a foreign country.* Reference is hereby made to the provisions of § 32.38 requiring persons authorized to transmit electric energy from the United States to a foreign country to file rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such energy.

The amendments to the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated, and prescribed by this order shall become effective on February 1, 1944. The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-277; Filed, January 6, 1944; 9:40 a. m.]

[Order 116]

AMENDMENT OF PROVISIONAL RULES OF PRACTICE AND REGULATIONS

DECEMBER 28, 1943.

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly section 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, hereby adopts, promulgates, and prescribes the following amendments to the "Provisional Rules of Practice and Regulations Under the Natural Gas Act, Effective July 11, 1938":

PART 53—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

Section 53.1 *Who shall apply* be and it is hereby amended by adding at the end thereof as a separate paragraph the following:

In connection with applications hereunder, attention is directed to the provisions of §§ 53.10 to 53.12 inclusive relative to applications for Presidential Permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation and importation of natural gas to or from a foreign country in compliance with Executive Order No. 8202, dated July 13, 1939.

Section 53.4 *Required exhibits* be and it is hereby amended by adding at the end of the paragraph beginning *Exhibit F* the following:

The map should indicate with particularity the ownership of such facilities at or on each side of the border between the United States and the foreign country.

and, at the end of the section, the following:

Any exhibit required by this section already on file with the Commission may be incorporated by reference.

Part 53 be and it is hereby amended by adding the following as § 53.6:

§ 53.6 *Transferability.* Authorizations to export natural gas from the United States to a foreign country or to import natural gas from a foreign country granted by order of the Commission under §§ 53.1 to 53.5 inclusive pursuant to section 3 of the Natural Gas Act shall not be transferable or assignable. The Commission order granting the authorization may, however, provide that the authorization shall continue in effect temporarily for a reasonable time in the event of the involuntary transfer of facilities used thereunder by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application for permanent authorization and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer and as stated in the initial application for such authorization.

The Commission may also, at any time subsequent to the original order of authorization, from time to time, after opportunity for hearing, make such supplemental orders in the premises as it may find necessary or appropriate.

Part 53 be and it hereby is amended by adding the following as §§ 53.7 and 53.8:

§ 53.7 *Authorization not exclusive.* No authorization granted pursuant to section 3 of the Natural Gas Act shall be deemed to prevent authorization being granted to any other person to export natural gas from the United States to a foreign country or to import natural gas from a foreign country for the same use, or to prevent any other person from making application for such authorization.

§ 53.8 *Filing of rate schedules, notices, etc.* Persons authorized to export natural gas from the United States to a foreign country or to import natural gas from a foreign country shall file all rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such natural gas in the form and manner specified in the provisions of §§ 54.1 to 54.14.

Application for Construction, Operation, Maintenance, or Connection at International Boundary of United States and a Foreign Country, of Facilities for Exportation or Importation of Natural Gas to or from Foreign Countries, Under Executive Order No. 8202, Dated July 13, 1939

Section 53.10 *Who shall apply* be and it is hereby amended by adding at the end thereof as a separate paragraph the following:

In connection with applications hereunder, attention is directed to the provisions of §§ 53.1 to 53.5 inclusive relative to applications for authorization to export or import natural gas to or from a foreign country under Section 3 of the Natural Gas Act.

Section 53.11 *Contents of application* be and it is hereby amended by substituting a period for the semicolon after the last word in subparagraph (2) and adding the following sentence to the paragraph:

The map should indicate with particularity the ownership of such facilities at or on each side of the border between the United States and the foreign country.

PART 54—FILING OF RATE SCHEDULES

Part 54 be and it is hereby amended by adding a new section designated as § 54.17 as follows:

§ 54.17 *Filing of rate schedules, notices, etc., by persons authorized to export or import natural gas between the United States and a foreign country.* Reference is hereby made to the provisions of § 53.8 requiring persons authorized to export natural gas from the United States to a foreign country or import natural gas from a foreign country to the United States to file rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such natural gas.

The amendments to the "Provisional Rules of Practice and Regulations under the Natural Gas Act, With Approved Forms, Effective July 11, 1938" adopted, promulgated and prescribed by this order shall become effective on February 1, 1944. The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-278; Filed, January 6, 1944, 9:40 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA General Order 60-2B]

PART 702—PRIVATE WAR HOUSING OCCUPANCY AND DISPOSITION

Supersedes NHA General Order 60-2A.

The National Housing Agency is responsible for the proper occupancy of housing programmed for war workers and for the adoption of regulations assuring that war housing will be held available for eligible war workers for the duration of the national emergency declared by the President on September 8, 1939 (4 F.R. 3851). The purpose of this general order is to set forth the private housing to which occupancy standards apply, the persons who are eligible war workers for such housing, the length of time such housing must be held for their use, the conditions under which such housing may be transferred or sold, and the conditions under which occupancy standards applicable to such housing may be modified or removed.

Sec.
702.1 Private war housing to which occupancy standards apply.
702.2 Persons who are eligible war workers.
702.3 Length of time private war housing must be reserved for occupancy by eligible war workers.
702.4 Disposition of private war housing.

AUTHORITY: §§ 702.1 to 702.4, inclusive, issued under E.O. 9070, 7 F.R. 1529, 12 CFR 222.8 (c).

§ 702.1 *Private war housing to which occupancy standards apply.* (a) Private war housing to which occupancy standards apply are the following:

(1) All new housing, and the additional housing accommodations created by remodeling or rehabilitation, which received or receives priority assistance or authority to begin construction as follows:

(i) Application for priority assistance was submitted prior to February 10, 1943, on Form PD-105 and received or receives priority assistance through Preference Rating Order No. P-55, or

(ii) Application for priority assistance or authority to begin construction is submitted on or after February 10, 1943, on Form PD-105 (Revised 2-10-43) if section B thereof is executed;

(2) All new housing, and the additional housing accommodations created by remodeling or rehabilitation, which received or receives either priority assistance or authority to begin construction,

as a result of submitting an application for such assistance or authority on Form PD–200, if such application was accompanied by the form Applicant's Supplemental Certification and if such housing was not to be occupied by the owner;

(3) The additional housing accommodations created by remodeling or rehabilitation financed under Class 1 (b) of Title I of the National Housing Act;

(4) Housing financed under Class 3 of Title I of the National Housing Act for which an application was or is submitted to the local office of the Federal Housing Administration:

(i) Prior to February 10, 1943, and such application was accompanied by, or supplemented with, a War Housing Statement Form, or

(ii) On or after February 10, 1943, and the applicant also executes section B of Form PD–105 (Revised 2–10–43) in connection with such housing;

(5) Housing financed with a mortgage loan insured by the Federal Housing Administration under section 603 of Title VI of the National Housing Act for which an application was submitted to the local office of the Federal Housing Administration:

(i) Prior to February 10, 1943, and such application was accompanied by, or supplemented with, FHA Form 2004 (e), or

(ii) On or after February 10, 1943;

(6) Housing financed with a mortgage loan insured by the Federal Housing Administration under section 608 of Title VI of the National Housing Act; and

(7) The additional housing accommodations created by remodeling or rehabilitation in projects designated as "defense housing," by either the Division of Defense Housing Coordination or the National Housing Agency, in order to exempt such housing from Federal Reserve Board Regulation W.

(b) For the purposes of this general order, private war housing is "begun" on the date of submitting to the Federal Housing Administration a properly executed application for priority assistance or authority to begin construction in connection with such housing; or, if remodeling or rehabilitation of any private war housing did not receive priority assistance or authority to begin construction, such housing was "begun" either on the date a properly executed application was filed under Title I, Class 1 (b), of the National Housing Act in connection with such housing, or on the date a properly executed application for exemption from Federal Reserve Board Regulation W was submitted to a registrant in connection with such housing.

(c) For the purposes of this general order, the date of "completion" of any private war housing shall be the date upon which such housing is offered for initial rental or sale, or the date upon which such housing is first ready for immediate occupancy, whichever is later.

(d) The phrase "held for rental" includes only an ordinary landlord-tenant relationship or such a tenancy coupled with an option to purchase containing the following provisions:

(1) The tenant shall not be obligated to purchase and the option shall run only in behalf of the tenant;

(2) No payment shall be required in any one month in addition to the listed monthly payment while a tenant, which monthly payment shall not exceed the fair rental for the dwelling unit under an ordinary landlord-tenant relationship not coupled with an option to purchase;

(3) The monthly payment while a tenant shall not be in excess of rental for comparable accommodations;

(4) The total purchase price shall be a fair market price, or $6000, whichever is lower;

(5) The option may not be exercised prior to the expiration of two months' occupancy;

(6) The option shall continue in effect for at least 30 months unless sooner exercised; and

(7) The occupancy and disposition provisions shall continue to apply to such housing after the option is exercised, or terminated, for the duration of the national emergency declared by the President on September 8, 1939.

§ 702.2 *Persons who are eligible war workers.* (a) For private war housing begun on or after February 10, 1943, an eligible war worker shall be only a person who qualifies under the provisions of NHA General Order No. 60–1B.[1]

(b) For private war housing begun prior to February 10, 1943, an eligible war worker shall be only a person who qualifies under the provision of the application (and other instruments related thereto) for priority assistance or authority to begin construction, FHA insurance, or exemption from Federal Reserve Board Regulation W submitted in connection with such housing; or, at the option of the owner of such housing, a person who qualifies under the provisions of NHA General Order No. 60–1B. Private war housing for which applications for priority assistance were filed with the Federal Housing Administration before February 10, 1943, but for which quotas did not become available until on or after that date, shall not be approved after July 15, 1943 except subject to the rules applicable to private war housing so "begun" on or after February 10, 1943.

(c) The Joint Army-Navy-NHA Directive of July 16, 1942 is incorporated by reference in NHA General Order No. 60–1B, which defines indispensable inmigrant civilian war workers, who are eligible for private war housing begun on or after February 10, 1943. For private war housing begun prior to February 10, 1943, eligible war workers as defined in the standard application for such housing include "members of the armed forces". Hence members of the armed forces, including convalescents as well as those on active duty, are eligible for such housing, as well as for reference (by War Housing Centers or other appropriate placement agency) to existing private structures programmed for war workers.

[1] Not filed with the Division of the Federal Register.

§ 702.3 *Length of time private war housing must be reserved for occupancy by eligible war workers.* (a) Private war housing begun on or after February 10, 1943, shall be made available for initial occupancy, and for re-occupancy, only by eligible war workers: *Provided, however,* That at any time subsequent to 60 days after completion of such housing, the owner of such housing may petition the National Housing Agency to permit initial occupancy, or re-occupancy, as the case may be, by a person other than an eligible war worker, in accordance with NHA General Order No. 60–3C (*infra*).

(b) Private war housing begun prior to February 10, 1943, shall be made available for initial occupancy, and for re-occupancy, by eligible war workers for at least the period of time after completion specified in the application (and other instruments related thereto) for priority assistance or authority to begin construction, FHA insurance, or exemption from Federal Reserve Board Regulation W submitted in connection with such housing. Whenever any such application (or other instruments related thereto) provided for an exclusive preference to eligible war workers for a specified time, such exclusive preference shall be so given for at least such specified time; and whenever any such application (or other instruments related thereto) provided for merely a general preference to eligible war workers, at least such general preference shall be so given for at least such specified time.

§ 702.4 *Disposition of private war housing.* (a) Private war housing begun on or after February 10, 1943, shall be held for rental only to eligible war workers for the duration of the national emergency declared by the President on September 8, 1939, and, except for involuntary transfers, shall be disposed of only as follows:

(1) (i) An occupant, after two months' occupancy, may purchase the private war housing unit occupied by him subject to NHA General Order No. 60–3C.

(ii) Without conforming to (i) which precludes selling except at the option of the eligible war worker exercised after at least two months' rental occupancy, a dwelling unit in a private war housing project may be held for sale or sold to an eligible war worker as provided in NHA General Order No. 60–3C: *Provided,* That any sale so made shall take place not later than 15 days after the Federal Housing Administration makes its final Priority Compliance Inspection Report ("Completion Report") with respect to the unit (after which time the unit if not sold shall be held for rental as indicated in (i): *And provided further,* That no owner shall sell more than one-third of the units in all projects (begun on or after February 10, 1943) which he has placed under actual construction in any war housing area except such sales as are made in conformity with the requirement of holding for rental as indicated in (i): *And provided further,* That any sale made pursuant to (ii) shall be within a price range for the general types of units intended to be sold which is acceptable to the National Housing Agency. The proposed price range shall be submitted to the Federal Housing Administration in advance of sale by letter or other appropriate method, and in the case of all PD–105 applications filed on or after August 1, 1943 shall be submitted with the application.

(2) A person who will not himself occupy such housing may purchase or otherwise acquire such housing at any time, in accordance with NHA General Order No. 60–3C, *Provided,* The occupancy and disposition limitations applicable to such housing prior to such purchase or acquisition shall continue to be applicable to such housing after such purchase or acquisition.

(3) An eligible war worker under NHA General Order No. 60–1B may himself build, own and occupy a private war housing unit suitable to his needs, without complying with the rental requirements, as provided in and subject to the provisions of paragraph (a) of § 702.11 of NHA General Order No. 60–3C. Or,

(4) At any time subsequent to 60 days after completion of any such housing, the owner of such housing may petition the National Housing Agency, in accordance with NHA General Order No. 60–3C, to permit such housing to be disposed of otherwise than as provided above in this paragraph (a).

(b) Private war housing begun prior to February 10, 1943, shall be rented, sold, or transferred only in accordance with the provisions of the application (or other instruments related thereto) for priority assistance, authority to begin construction, or exemption from Federal Reserve Board Regulation W submitted in connection with such housing, except that whenever any such application for priority assistance or authority to begin construction provided that such housing could be disposed of, with the prior approval of the War Production Board, otherwise than as stated in such application, a prior approval by the National Housing Agency (instead of by the War Production Board) shall be required in order to dispose of such housing otherwise than as stated in such application. NHA General Order No. 60–3C sets forth the provisions regarding the disposition of such housing.

This order shall become effective November 17, 1943.

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 44-339; Filed, January 6, 1944; 11:27 a. m.]

[NHA General Order 60–3C]

PART 702—PRIVATE WAR HOUSING

METHODS OF DISPOSITION

Methods of disposition of private war housing including rent levels, sales prices, and petitions to the National Housing Agency.

Supersedes NHA General Order 60–3B (8 F.R. 12080).

The National Housing Agency occupancy and disposition policies applicable to all private war housing are stated in NHA General Order No. 60–3B (*supra*). The purpose of this order is to promulgate regulations implementing such policies.

Sec.
702.10 Definitions.
702.11 Disposition of private war housing.
702.12 Adjustment of rent or sale price.
702.13 Modification of occupancy and disposition provisions by Regional Representatives.

AUTHORITY: §§ 702.10 to 702.13, inclusive, issued under 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177, 50 U.S.C. 1152; E.O. 9024, 7 F.R. 329 as amended by E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719, E.O. 9335, 8 F.R. 5423; WPB Preference Rating Order P–55–a, 8 F.R. 2260; WPB Preference Rating Order P–55–b, 8 F.R. 4705; WPB Directive 25, 8 F.R. 8601.

§ 702.10 *Definitions.* (a) As used in this order, the following terms are defined as follows:

(1) "Private war housing," "begun," "completion," and "held for rental" shall have the meaning ascribed to them in NHA General Order No. 60–2B;

(2) "Sale price" means the total consideration paid by the purchaser for the dwelling unit described in the priority application as approved, excluding those incidental charges which a purchaser of real estate customarily assumes in the community where the real estate is located;

(3) "Shelter rent" shall have the meaning ascribed to it in NHA General Order No. 60–9 (8 F.R. 11894);

(4) "Tenant services" shall have the meaning ascribed to it in NHA General Order No. 60–9;

(5) "Room" means only a living room, dining room, sleeping room, or kitchen, except that a kitchenette or dinette is considered as one-half room each.

§ 702.11 *Disposition of private war housing.* (a) For the duration of the national emergency declared by the President on September 8, 1939, (4 F.R. 3851) all private war housing begun on or after February 10, 1943 shall be held for rental to eligible war workers as provided in NHA General Order No. 60–2B, (*supra*) at the payments specified in the application for priority assistance or authority to begin construction submitted in connection with such dwelling units, which total monthly payments (unless otherwise authorized in § 702.14 hereof) shall in no event exceed $50 per month shelter rent per unfurnished dwelling unit plus a reasonable charge for tenant services (in no event, exceeding $3 per month per room), plus a reasonable price for garage space, plus the actual cost on a pro rata basis of tenant gas and electricity; and, except for involuntary transfers, shall be disposed of only as follows:

(1) (i) A dwelling unit in a private war housing project may be purchased by an occupant (initial occupant or re-occupant) after two months' continuous occupancy by such occupant.

(ii) Without conforming to (i) which precludes selling except at the option of the eligible war worker occupant exercised after at least two months' rental occupancy, a dwelling unit in a private war housing project may be held for sale or sold to an eligible war worker: *Provided,* That any sale so made shall take place not later than 15 days after the Federal Housing Administration makes its final Priority Compliance Inspection Report ("Completion Report") with respect to the unit (after which time the unit if not sold shall be held for rental as indicated in (i)): *And provided, further,* That no owner shall sell more than one-third of the units in all projects (begun on or after February 10, 1943) which he has placed under actual construction in any war housing area except such sales as are made in conformity with the requirement of holding for rental as indicated in (i), *And provided, further,* That any sale made pursuant to (ii) shall be within a price range for the general types of units intended to be sold which is acceptable to the National Housing Agency. The proposed price range shall be submitted to the Federal Housing Administration in advance of any sale by letter or other appropriate method, and in the case of all PD–105 applications filed on or after August 1, 1943 shall be submitted with the application. Any sale, either with or without prior rental occupancy, is subject to the conditions that:

(a) The sale price (except as provided in § 702.12 hereof) is not in excess of the fair market price thereof, or $6000, whichever is lower,

(b) The purchaser is an eligible war worker under the provisions of NHA General Order No. 60–1B, and

(c) The owner submits to the National Housing Agency regional representative, through the local office of the Federal Housing Administration, an agreement in the prescribed form (Form NHA 60–1), properly executed by the purchaser, stating that such purchaser will continue to occupy the dwelling unit or will hold the dwelling unit subject to all occupancy and disposition provisions set forth in NHA General Order No. 60–2B.

A sale may be made under this paragraph (a) (1) without obtaining further approval from the National Housing Agency, provided the above-mentioned Form NHA 60–1 is submitted to the National Housing Agency regional representative, through the local office of the Federal Housing Administration, immediately following such sale.

(2) Any such housing may be transferred to a person who will not occupy any part of such housing as his (or her) own dwelling, if

(i) The sale price (except as provided in § 702.12 hereof) of each dwelling unit in such housing is not in excess of the fair market price thereof, or $6,000, whichever is lower, and

(ii) The transferor submits to the National Housing Agency regional representative, through the local office of the Federal Housing Administration, an agreement in the prescribed form (Form NHA 60–1), properly executed by the transferee, stating that such transferee will hold the premises subject to all occupancy and disposition provisions set forth in NHA General Order No. 60–2B.

A transfer may be made under this paragraph (a) (2) without obtaining further approval from the National

Housing Agency, provided the abovementioned Form NHA 60–1 is submitted to the National Housing Agency regional representative, through the local office of the Federal Housing Administration, immediately following such transfer.

(3) An eligible war worker under NHA General Order No. 60–1B may file an application for priority assistance for a private war housing unit suitable to his needs, and upon approval of such application may build, own and occupy such unit without conformity to rental requirements: *Provided*, That such war worker submits satisfactory evidence to the Federal Housing Administration that he has the bona fide intention and capacity to build for himself and is not being utilized to circumvent the rental requirements which exist for his protection. Any disposition of such unit by such war worker shall be subject to the rules of disposition set forth in paragraph (a).

(b) All private war housing begun prior to February 10, 1943, the ownership of which has been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner without exception.

(c) All private war housing begun prior to February 10, 1943, which has not been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner except that for the duration of the national emergency declared by the President on September 8, 1939:

(1) Rentals or sales prices (except for involuntary transfer and except to the extent approved prior to February 10, 1943 by the War Production Board, or subsequent to February 10, 1943 by the National Housing Agency) shall not exceed the respective maximum amounts permitted by the conditions of the application (or other instruments related thereto) for priority assistance, authority to begin construction, or exemption from Federal Reserve Board Regulation W (7 F.R. 3351) submitted in connection with such housing; and the requirements of such application (or other instruments related thereto) with respect to occupancy preference to war workers shall be complied with; or

(2) All such housing constructed with priority assistance, or with authority to begin construction, obtained from the War Production Board by filing an application for such assistance or authority on Form PD–105 (Revised 4–23–42), or Form PD–200 accompanied by a form Applicants' Supplemental Certification if such application was for authority to begin construction of housing not to be occupied by the owner, may be disposed of, except for involuntary transfers, only as provided in such application or as follows:

(i) If such application did not provide for sale, such housing may be sold subject to the provisions set forth in paragraph (a) (1) (i) above: (*Provided*, That the purchaser may be a person who has occupied the housing continuously for two months and who is an eligible war worker either under the provisions of NHA General Order No. 60–1B or the provisions of the application for priority assistance or authority to begin construction submitted in connection with such housing), or

(ii) If such application did not provide for rent or lease-option, such housing may be rented, with or without an option to purchase, after the National Housing Agency regional representative for the area in which such housing is located has approved the initial rent or the lease-option payments for such housing. Any petition requesting such an approval of the initial rent or the lease-option payments for such housing shall be submitted to a National Housing Agency regional representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60–3. Each National Housing Agency regional representative is hereby authorized to approve in the particular case the amount of such initial rent or lease-option payments.

§ 702.12 *Adjustment of rent or sale price.* (a) The initial rent charge prior to any occupancy or the sale price for any housing accommodations in a private war housing project may be increased over the amount provided therefor in § 702.11 of this general order only when approved by the National Housing Agency. The owner of any such housing may petition the National Housing Agency to permit an increase in rent charge or sale price at any time. Any such petition shall be submitted to the National Housing Agency regional representative, through the local office of the Federal Housing Administration, on a properly executed form NHA 60–4. Each National Housing Agency regional representative is hereby authorized to grant such relief as he deems appropriate in the particular case, provided the petition for relief shows clearly that the owner has incurred, or will incur, costs in the construction or operation of such housing, over which the owner had or has no control, in excess of the costs estimated originally in connection with such housing.

(b) Any request for permission to increase the rent charge for any private war housing after such housing has been occupied initially must be submitted to the local office of the Office of Price Administration.

§ 702.13 *Modification of occupancy and disposition provisions by regional representatives.* (a) At any time subsequent to 60 days after completion of any private war housing, the original owner, or any subsequent owner, of such housing may petition the National Housing Agency to permit such housing to be disposed of otherwise than as provided above in § 702.11 (a). Any such petition shall be submitted to a National Housing Agency regional representative, through the local office of the Federal Housing Administration with the recommendation thereof, on a properly executed Form NHA 60–2. Each National Housing Agency regional representative is hereby authorized to grant such relief to persons who so petition as the National Housing Agency Regional Representative deems appropriate, in the particular case, by relaxing the occupancy and disposition provisions applicable to such housing.

(b) Each National Housing Agency regional representative is hereby authorized on his own initiative (or on the basis of recommendations which the local office of the Federal Housing Administration may initiate) to relax the occupancy and disposition provisions applicable to any private war housing, where such action is deemed appropriate in the interests of the war housing program. When so acting, the regional representative may act without reference to whether the housing has been completed or whether it has been occupied for 60 days after completion.

(c) Any relaxation of occupancy and disposition provisions may permit a shortening of any holding period applicable to the housing involved or a liberalization of the definition of eligible war worker applicable to such housing or both; may permit a change in rent level or sale price in accordance with § 702.12 of this general order; and, in exceptional cases, where the NHA regional representative determines that there is no further need for reserving such housing for eligible war workers, the occupancy and disposition provisions may be removed entirely from such housing.

(d) Relaxation of occupancy and disposition provisions shall rest primarily upon the need to make prompt and effective use of private war housing units not needed by in-migrant war workers because of inexact forecasting in earlier programming or because of changes in contract and employment schedules after the programs were written. Relaxation in response to petitions of individual builders may be made to avoid undue hardship to the builders caused by unusual circumstances: *Provided*, That the hardship goes beyond the common hardships which result from the war and from war housing regulations: *And provided*, That on an equitable balance of all the factors the relief to the builder in the particular case would not unduly affect the war housing program in the locality.

(e) When relaxation of occupancy and disposition provisions relates to an entire locality or to a very substantial volume of private war housing, as distinguished from individual cases or relatively small volumes of housing, the regional representative shall feel free if he deems it necessary to consult with the Office of the Administrator prior to taking action. What constitutes a "very substantial volume" of private war housing varies with local conditions, but a volume amounting to more than 25 percent of the total number of private war housing units in the locality would certainly be so considered. Whether a relaxation is individual, small or substantial, the regional representative shall notify the Office of the Administrator of action taken as promptly as feasible, in order that such Office may keep abreast of current developments.

(f) When the National Housing Agency regional representative authorizes a relaxation applicable to a number of builders in the locality, the local office of the Federal Housing Administration shall be promptly notified and requested to extend prompt notification to the builders affected. The regional representative shall also send prompt notification of all relaxations to the War Housing Center in the locality.

This order shall become effective November 12, 1943.

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 44–340; Filed, January 6, 1944; 11:27 a. m.]

[NHA General Order No. 60–5B]

PART 703—PUBLIC WAR HOUSING

OCCUPANCY

Supersedes NHA General Order 60–5 (8 F.R. 1832) and 60–5A (8 F.R. 3568).

Sec.
703.1 General policy.
703.2 Exclusive reservation.
703.3 Limited reservation.
703.4 Modification of occupancy provisions.

AUTHORITY: §§ 703.1 to 703.4, inclusive, issued under E.O. 9070, 7 F.R. 1529.

§ 703.1 *General policy.* (a) The purpose of this general order is to set forth the public war housing to which occupancy standards apply, the persons who are eligible war workers for such housing, the length of time such housing must be held for their use, and the conditions under which such housing may be made available for other purposes.

§ 703.2 *Exclusive reservation.* (a) On or after February 10, 1943, initial occupancy and re-occupancy of every dwelling accommodation in all Federally-owned or leased public war housing projects under the jurisdiction or control of NHA, or any of its constituent units,[1] shall be reserved exclusively for eligible war workers, as defined in NHA General Order No. 60–1B, except (1) with respect to 4 Lanham Act mutual ownership projects under the jurisdiction of FPHA (which are substantially completed and occupied), resident as well as in-migrant civilian war workers may be admitted to occupancy, and (2) with respect to off reservation or off post projects programmed for military or naval personnel prior to July 16, 1942 (the date of the joint directive of the War Department, Navy Department and National Housing Agency), eligible military or naval personnel, as certified by the local commandant,[2] may be admitted to occupancy: *Provided*, That preference (without a specified reservation period) has first been given to indispensable in-migrant civilian war workers.

(b) On or after February 10, 1943, initial occupancy or re-occupancy of every dwelling accommodation in all FPHA-aided public war projects[3] for which applications for priority assistance are submitted to WPB after February 10, 1943 shall be reserved exclusively for such eligible war workers, as defined in NHA General Order No. 60–1B, as are eligible for occupancy thereof under applicable state or Federal laws.[4]

(c) On or after February 10, 1943, re-occupancy of every dwelling accommodation in such Federally-owned public non-war housing projects[5] under the jurisdiction of FPHA, as the National Housing Administrator determines are suitable to provide war housing, shall be reserved exclusively for eligible war workers as defined in NHA General Order No. 60–1B.[6]

§ 703.3 *Limited reservation.* (a) Reasonable preference for occupancy by war workers (as required by the conditions under which priority assistance was granted[7]) shall be observed with respect to all FPHA-aided public war housing projects for which applications for priority assistance were submitted to WPB prior to February 10, 1943.[8] The local housing authorities that own and manage these projects shall be requested to conform, to the extent practicable, their management programs by reserving initial occupancy or re-occupancy in these projects to such eligible war workers (as defined in NHA General Order No. 60–1B) as are eligible under applicable state or Federal laws in the same manner as is required with respect to the projects described in § 703.2 (b) above.

§ 703.4 *Modification of occupancy provisions.* (a) Each National Housing Agency regional representative is hereby authorized on his own initiative (or on the basis of recommendations which the NHA constituent unit having control of the public war housing involved may initiate) to relax the exclusive reservation requirements for any public war housing, where such action is deemed appropriate in the interests of the war housing program. When so acting, the regional representative may act without reference to whether the housing has been completed or to how long it has been held available after completion. The regional representative shall give prompt notification of any such relaxation to the NHA constituent unit having control of the public war housing involved, in order that such unit may put the proposed relaxation into effect or discuss it further with the regional representative.

(b) The NHA constituent unit having control of any public war housing may relax the exclusive reservation requirement applicable to such housing, where such action is deemed appropriate in the interests of the war housing program: *Provided*, That the NHA constituent unit shall advise the National Housing Agency regional representative not less than 10 days prior to taking such action in order that the regional representative may have adequate opportunity if he so desires to require a further holding period for the housing involved. Such relaxations may be made without reference to whether the housing has been completed or to how long it has been held available after completion.

(c) Relaxation of the exclusive reservation requirements applicable to public war housing shall rest primarily upon the need to make prompt and effective use of public war housing units even when not needed for the precise types of war workers eligible under existing occupancy rules, because of inexact forecasting in earlier programming or because of changes in contract and employment schedules after the programs were written. After the exclusive reservation requirements have been relaxed, the NHA constituent unit having control of the public war housing involved shall permit such housing to be occupied in the following order of preference: (1) Eligible war workers under the existing rules; (2) eligible in-migrant military personnel, viz, enlisted men in the naval or military services of the United States or officers of the Army or Marine Corps not above the rank of Captain, and officers of the Navy and Coast Guard not above the grade of Lieutenant, Senior Grade, assigned to duty at military or naval reservations, posts or bases, or to duty at defense industries; (3) other civilian war workers (as defined in NHA General Order No. 60–1B) or eligible mil-

[1] All public war housing projects undertaken pursuant to (a) the Lanham Act (Public No. 849, 76th Congress) as amended (including conversion projects undertaken under the supervision of NHA Homes Use Service), (b) Public Acts Nos. 9, 73, 353, 77th Congress, and (c) Public Act No. 781, 76th Congress; all projects of Defense Homes Corporation; and all Federally-owned projects undertaken pursuant to Public Act No. 671, 76th Congress.

[2] In such projects, tenants are selected by the local commandant.

[3] Federally-aided local authority-owned Public Act No. 671 projects and priority assisted Public Act No. 412 projects.

[4] Tenant selection, in projects included in this paragraph (b) which are located in States that have not enacted appropriate defense or war housing legislation, is subject to low income limitations of applicable state housing legislation; and with respect to those projects which are not converted to Public Act No. 671, tenant selection is subject also to the low income limitations of the United States Housing Act and of applicable state housing legislation.

[5] FPHA-operated PWA Housing Division projects, local authority-leased PWA Housing Division projects, and non-farm housing projects transferred to FPHA from FSA pursuant to the provisions of paragraph 1 (g) of Executive Order 9070 (7 F.R. 1529).

[6] On all projects described in this paragraph (c) where there are outstanding lease or sale agreements, compliance with the provisions of this order is subject to appropriate modification of such outstanding lease or sale agreements to conform them to the provisions of this order. On all PWA Housing Division projects, compliance with the provisions of this order is subject to the obtaining of appropriate Presidential findings and conversion to Public Act No. 671.

[7] The conditions under which priority assistance for these projects were granted defined reasonable preference as meaning that each dwelling unit shall be reserved for occupancy by in-migrant or resident war workers for 30 days after the entire project is available for occupancy or 90 days from starting to take tenant applications, whichever period is longer.

[8] Includes Federally-aided local authority-owned Public Act No. 671 projects and priority assisted Public Act No. 412 projects, but excludes normal low rent housing projects under Public Act No. 412 which merely obtained civilian priority assistance without a requirement of reasonable preference for war workers.

itary personnel; or (4) (in the event there is no present or anticipated demand for occupancy by such other civilian war workers or military personnel) others eligible for occupancy as determined and prescribed by the NHA constituent unit having control of the public housing involved.

(d) When relaxation of exclusive reservation requirements is contemplated for an entire locality or for a very substantial volume of public war housing, as distinguished from individual cases or relatively small volumes of housing, the regional representative shall feel free if he deems it necessary to consult with the Office of the Administrator prior to taking action. What constitutes a "very substantial volume" of public war housing varies with local conditions, but a volume amounting to more than 25 percent of the total number of public war housing units in the locality would certainly be so considered. Whether the relaxation be individual, small or substantial, the regional representative shall notify the Office of the Administrator of action taken as promptly as feasible, in order that such Office may keep abreast of current developments.

This order shall become effective November 12, 1943.

JOHN B. BLANDFORD, JR.,
Administrator.

[F. R. Doc. 44-341; Filed, January 6, 1944; 11:27 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5323]

PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

SUBPART K—REPORTS OF WHOLESALE LIQUOR DEALERS, RECTIFIERS, AND TAX-PAID BOTTLING HOUSES

Pursuant to sections 2857, 2859, 3171, and 3176, Internal Revenue Code (U.S.C., title 26, secs. 2857, 2859, 3171, 3176), the following regulations are prescribed:

§ 171.110 *Additional requirements.* (a) Every producer of or dealer in distilled spirits required to submit any of the following forms, shall report, on the appropriate form, the name and address of each consignee in the column now designated "Name", as follows: Form 52A, column 2; Form 52B, column 2; Form 52C, column 2; Form 52D, Part 3, column 7; Form 52E, Parts 1 and 2, column 2; and Form 45, Part 5, column 7. In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(b) Where a wholesale liquor dealer ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer detailed records of the transactions shall be kept on Record 52 by (1) the wholesale liquor dealer making the shipment or delivery, (2) the wholesale liquor dealer giving the order, and (3) the consignee if he is a wholesale liquor dealer. For example, assuming that wholesale dealer (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made in Record 52 by the parties involved as follows: (1) Wholesale dealer (A) will show in his Record 52 the name and address of wholesale dealer (B), who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered; (2) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C), giving the name and address of (C); and (3) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from wholesale dealer (A), giving name and address of both. Transcripts of Record 52 on Forms 52A and 52B, required to be filed with the District Supervisor, will similarly show the details of such transactions.

(c) Where rectifiers, proprietors of tax-paid bottling houses, and wholesale dealers who keep records other than Record 52, are parties to transactions similar to those described in paragraph (b), they shall make similar detailed entries of such transactions in their official records, Form 45, Form 52D, Form 52C, or Form 52E, as the case may be; and the transcripts of such records, required to be filed with the District Supervisor, will likewise show the details of the transactions.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-331; Filed, January 6, 1944, 11:28 a. m.]

[T. D. 5322]

PART 180—LIQUORS AND ARTICLES FROM PUERTO RICO, VIRGIN ISLANDS AND PHILIPPINE ISLANDS

Pursuant to sections 2857, 3171 and 3176, Internal Revenue Code (U.S.C., title 26, secs. 2857, 3171 and 3176), §§ 180.92, 180.144 and 180.178 of Regulations 24 (26 CFR, Part 180) are hereby amended to read as follows:

§ 180.92 *Reports.* Except as otherwise provided herein, every person required to keep the prescribed records shall file, daily, full and complete transcripts of Form 52E (Parts 1 and 2) and Record 52 on Forms 52E (Parts 1 and 2) 52A and 52B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 52E or 338:

I hereby certify that these transcripts, consisting of ... pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E and Record 52 in accordance with the provisions of § 180.90. Monthly summary reports on Form 52E (Part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

§ 180.144 *Reports.* Except as otherwise provided herein, every person required to keep the prescribed records shall file, daily, full and complete transcripts of Form 52E (Parts 1 and 2) and Record 52 on Forms 52E (Parts 1 and 2), 52A and 52B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 52E or 338:

I hereby certify that these transcripts, consisting of ------ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E and Record 52 in accordance with the provisions of § 180.142. Monthly summary reports on Form 52E (Part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding

the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

§ 180.178 *Reports.* Except as otherprovided herein, every person required to keep the prescribed records shall file, daily, full and complete transcripts of Form 52E (Parts 1 and 2) and Record 52 on Forms 52E (Parts 1 and 2), 52A and 52B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the District Supervisor shall direct, the transcripts shall bear the following certification signed by the person or officer authorized to execute Form 52E or 338:

I hereby certify that these transcripts, consisting of ---- pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E and Record 52 in accordance with the provisions of § 180.176: Monthly summary reports on Form 52E (Part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-330; Filed, January 6, 1944; 11:28 a. m.]

[T. D. 5314]

PART 182—INDUSTRIAL ALCOHOL

REPORTS

Pursuant to sections 2857, 3101, and 3171, Internal Revenue Code (U. S. C., title 26, secs. 2857, 3101, and 3171), paragraph (c) of § 182.648 of Regulations 3 (26 CFR, Part 182) is hereby amended to read as follows:

(c) *Reports.* Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Record 52 and Form 52E (Parts 1 and 2) on Forms 52A, 52B, and 52E (Parts 1 and 2) with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or Form 52E:

I hereby certify that these transcripts, consisting of ---- pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in tax-paid alcohol occurred. In such event, transactions will be entered on Record 52 and Form 52E in accordance with the provisions of paragraph (a). Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in tax-paid alcohol occurred. Where the proprietor keeps Record 52, and there are no receipts or disposals of bottled alcohol during the day or the month, as the case may be, Forms 52A and 52B need not be submitted; but Form 338 must be rendered monthly to the District Supervisor, showing the quantity of bottled alcohol on hand the first and last of the month and marked "No transactions during month." Records kept on Record 52 and Form 52E shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-322; Filed, January 6, 1944; 11:30 a. m.]

[T. D. 5315]

PART 183—PRODUCTION OF DISTILLED SPIRITS

REPORTS

Pursuant to sections 2857, 2859 and 3176, Internal Revenue Code (U.S.C., title 26, secs. 2857, 2859 and 3176), § 183.406 of Regulations 4 (26 CFR, Part 183) is hereby amended to read as follows:

§ 183.406 *Reports.* Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Record 52 and Forms 52C and 52E (Parts 1 and 2) on Forms 52A, 52B, 52C and 52E (Parts 1 and 2) with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338, 52C, or 52E:

I hereby certify that these transcripts, consisting of -- pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52, Form 52C, and Form 52E in accordance with the provisions of § 183.404. Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Record 52 and Forms 52C and 52E shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F R. Doc. 44-323; Filed, January 6, 1944; 11:29 a. m.]

[T. D. 5316]

PART 184—PRODUCTION OF BRANDY

REPORTS

Pursuant to sections 2857 and 3176, Internal Revenue Code (U.S.C., title 26, secs. 2857 and 3176), § 184.425 of Regulations 5 (26 CFR, Part 184) is hereby amended to read as follows:

§ 184.425 *Reports.* Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Record 52 and Form 52E (Parts 1 and 2) on Forms 52A, 52B, and 52E (Parts 1 and 2) with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification

signed by the person or officer authorized to execute Form 338 or 52E:

I hereby certify that these transcripts, consisting of ____ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52 and Form 52E in accordance with the provisions of § 185.423. Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Record 52 and Form 52E shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-328; Filed, January 6, 1944; 11:29 a. m.]

[T. D. 5317]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

REPORTS

Pursuant to sections 2857, 2859 and 3176, Internal Revenue Code (U.S.C., title 26, secs. 2857, 2859, and 3176), § 185.478 of Regulations 10 (26 CFR, Part 185) is hereby amended to read as follows:

§ 185.478 *Reports.* Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Record 52 and Forms 52C and 52E (Parts 1 and 2) on Forms 52A, 52B, 52C and 52E (Parts 1 and 2) with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338, 52C, or 52E:

I hereby certify that these transcripts, consisting of ____ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52, Form 52C and Form 52E in accordance with the provisions of § 185.476. Monthly summary reports on Form 338 (where Record 52 is kept) and Form 52E (Part 3) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. The proprietor shall also file a monthly report on Part 2 of Form 52C, in duplicate, with the District Supervisor on or before the 10th day of the succeeding month. Records kept on Record 52 and Forms 52C and 52E shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-324; Filed, January 6, 1944; 11:29 a. m.]

[T. D. 5318]

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

REPORTS

Pursuant to sections 2857 and 3176, Internal Revenue Code (U.S.C., title 26, secs. 2857 and 3176), § 189.135 or Regulations 11 (26 CFR, Part 189) is hereby amended to read as follows:

§ 189.135 *Reports.* Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Form 52D (Part 3) and Record 52 on Forms 52D (Part 3), 52A and 52B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338 or 52D:

I hereby certify that these transcripts, consisting of ____ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions occurred. In such event, transactions will be entered on Form 52D and Record 52 in accordance with the provisions of § 189.133. A full and complete transcript of Form 52D (except Part 3 where such part is filed daily) shall be prepared and forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred. Where Record 52 is kept, a monthly summary report on Form 338 shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred. Records kept on Form 52D and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-325; Filed, January 6, 1944; 11:29 a. m.]

[T. D. 5319]

PART 190—RECTIFICATION OF SPIRITS AND WINES

REPORTS

Pursuant to sections 2801 (e) (1), 2855, 2857 and 3176, Internal Revenue Code (U.S.C., title 26, secs. 2801 (e) (1), 2855, 2857, and 3176), § 190.434 of Regulations 15 (26 CFR, Part 190) is hereby amended to read as follows:

§ 190.434 *Reports.* Except as otherwise provided herein, the proprietor shall file, daily, full and complete transcripts of Form 45 (Part 5) and Record 52 on Forms 45 (Part 5), 52A and 52B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 45 or 338:

I hereby certify that these transcripts, consisting of ____ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions occurred. In such event, transactions will be entered on Form 45 and Record 52 in accordance with the provisions of § 190.430. A full and complete transcript of Form 45 (except Part 5 where such part is filed daily) shall be prepared and forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred.

Where Record 52 is kept, a monthly summary report shall be prepared on Form 338, in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions occurred. The District Supervisor will, after audit, forward one copy of Form 45 to the Commissioner not later than the last day of the month succeeding that for which the report is rendered, and will retain the remaining copy.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-326; Filed, January 6, 1944; 11:29 a. m.]

[T. D. 5321]

PART 191—IMPORTATION OF DISTILLED SPIRITS AND WINES

REPORTS

Pursuant to sections 2857, 3171, and 3176, Internal Revenue Code (U. S. C., title 26, secs. 2857, 3171, 3176), § 191.61 of Regulations 21 (26 CFR, Part 191) is hereby amended to read as follows:

§ 191.61 *Reports.* Except as otherwise provided herein, the importer shall file, daily, full and complete transcripts of Form 52E (Parts 1 and 2) or Record 52, as the case may be, on Forms 52E (Parts 1 and 2), 52A and 52B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to sign Form 52E or 338:

I hereby certify that these transcripts, consisting of ____ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E and Record 52 in accordance with the provisions of § 191.59. Monthly summary reports on Form 52E (Part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-329; Filed, January 6, 1944; 11:28 a. m.]

[T. D. 5320]

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

REPORTS

Pursuant to section 2857, Internal Revenue Code (U. S. C., Title 26, sec. 2857) § 194.80 (a) of Regulations 20 (26 CFR, Part 194) is hereby amended to read as follows:

§ 194.80 *Reports.* (a) Except as otherwise provided herein, a wholesale liquor dealer shall file, daily, transcripts of Record 52 on Forms 52A and 52B with the District Supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the District Supervisor shall direct, the transcripts shall be so filed with the Investigator in Charge instead of with the District Supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338:

I hereby certify that these transcripts, consisting of ____ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the District Supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52 in accordance with the provisions of § 194.75 (b). Summary report on Form 338 shall be filed with the District Supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Record 52 shall be preserved for a period of four years and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by any internal revenue officer.

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: January 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-327; Filed, January 6, 1944; 11:28 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[1944 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

FIRST QUARTER OF 1944

JANUARY 1, 1944.

§ 129.7 *Calendar year 1944—(a) Quarter beginning January 1, 1944.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning January 1, 1944, expressed in any such foreign monetary units: *Provided, however*, That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS: NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentine Republic	Peso	$1.6336	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia	Pound	3.2397	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	.1695	By decree of Mar. 31, 1936. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the franc of the Belgian Congo at 176.625 francs for £1 sterling.
Bolivia	Boliviano	.0180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Cruzeiro (Milreis)	.0606	Based upon official rate for cruzeiro in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930. Under decree law of October 6, 1942, the cruzeiro became the unit of currency, replacing the milreis.
British Honduras	Dollar	1.0031	Conversion of notes suspended.
Bulgaria	Lev	.0122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.0031	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.

VALUES OF FOREIGN MONETARY UNITS—Continued

Country	Monetary unit	Value in terms of U. S. money	Remarks
Chile	Peso	$0.2060	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931.
China	Yuan		Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for yuan fixed at 20 to the U. S. dollar by Stabilization Board of China, July 10, 1942.
Hong Kong	Dollar		Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate.
Colombia	Peso	.5714	Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold 9/10 fine established by monetary law of Nov. 19, 1938, effective Nov. 30, 1938.
Costa Rica	Colon	.7879	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1942.
Cuba	Peso	1.0000	By law of May 25, 1934.
Czechoslovakia	Koruna		
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Dollar	1.0031	U. S. money is principal circulating medium.
Ecuador	Sucre	.3396	Conversion of notes into gold suspended Feb. 9, 1932.
Egypt	Pound (100 piasters)	3.9692	Conversion of notes into gold suspended Sept. 21, 1931.
Estonia	Kroon	.4537	Conversion of notes into gold suspended June 28, 1933.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
France	Franc		Provisions of monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
Germany	Reichsmark	.4033	Exchange control established July 13, 1931.
Great Britain	Pound Sterling	3.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.0031	Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	.5066	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengo	.2961	Exchange control established July 17, 1931.
India [British]	Rupee	.4180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster		Piaster pegged to French franc at the rate of 1 piaster=10 French francs; conversion of notes into gold suspended Oct. 5, 1936.
Ireland	Pound	3.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan	Yen	.3440	Embargo on gold exports Dec. 13, 1941.
Latvia	Lat		Currency pegged to sterling Sept. 26, 1936, at 2,522 lati=£100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should depreciate by more than 5 percent with respect to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on gold or some other monetary unit.
Liberia	Dollar	1.0031	U. S. money is principal circulating medium.
Lithuania	Litas	.1663	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso		Decree of Aug. 26, 1936, left the monetary unit, the peso, to be later defined by law.
Netherlands and colonies	Guilder (florin)	.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 26, 1938; prohibition restored by Act of Nov. 25, 1939. The Anglo-Netherlands financial agreement of June 14, 1940, established the official rate of exchange between the Netherlands Indies guilder and the pound sterling at 7.00 guilders for £1 sterling. By act of September 20, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by law, that the Java Bank shall fix the value of its stocks of gold coin and bullion at Fl. 2.121 per kilogram fine.
Newfoundland	Dollar	1.0031	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	3.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931.
Nicaragua	Cordoba	1.0033	Embargo on gold exports Nov. 13, 1921.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama	Balboa	1.0000	U. S. money is principal circulating medium.
Paraguay	Guarani		New unit established by decree law Oct. 5, 1943, effective 30 days later; not tied to gold. Certain prior-dated obligations, etc., expressed in the gold peso (oro sellado) are converted at rate of 18 pesos equivalent to 1¼ Guaranis. Initial exchange rate fixed by Bank of the Republic of Paraguay at 1 Guarani equals U. S. $.3255. Exchange control established June 28, 1932.
Persia (Iran)	Rial	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	.5000	By act approved Mar. 15, 1935.
Poland	Zloty	.1909	Exchange control established Apr. 27, 1936.
Portugal	Escudo	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Salvador	Colon	.5666	Conversion of notes into gold suspended Oct. 7, 1931.
Spain	Peseta		
Straits Settlements	Dollar	.9613	British pound sterling and Straits dollar and half dollar legal tender.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Switzerland	Franc		Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold.
Thailand (Siam)	Baht (Tical)	.7491	Conversion of notes into gold suspended May 11, 1942.
Turkey	Piaster	.0744	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Union of South Africa	Pound	3.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Republics	Chervonetz	5.7123	One chervonetz equals 10 rubles. Notes not convertible into gold.
Uruguay	Peso	.6583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .585018 grams of pure gold per peso established by monetary law of Jan. 12, 1938.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia	Dinar	.0296	Exchange control established Oct. 7, 1931.

[F. R. Doc. 44-238; Filed, January 5, 1944; 1:55 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-480]

LYNN DYEING & FINISHING CO., INC.

Lynn Dyeing and Finishing Company, Inc., of 51-61 Keen Street, Paterson, New Jersey, is engaged in the business of dyeing textiles, in which it uses dyes with anthraquinone derivatives which are controlled by Conservation Order M-103. During the third and fourth quarters of 1942 and the first quarter of 1943 it used six hundred pounds of such dyes in excess of the amount allocated to it by the War Production Board. Such excessive use was the result of gross negligence in failing to comply with the conditions of the allocation made to the company on October 31, 1942, together with its purchase of such dyes in the first quarter of 1943 although no quota had been assigned to it for that period. Its conduct must be deemed wilful.

The present quota for anthraquinone Class C dyestuffs contained in Conservation Order M-103 is expressed in dollars, rather than pounds, and the formula is, in substance, $1.50 to the pound.

These violations of Conservation Order M-103 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.480 *Suspension Order No. S-480* (a) During each of the first three calendar quarters of 1944, Lynn Dyeing and Finishing Company, Inc., its successors or assigns, shall abstain from receiving in any quarter, and no person shall sell or deliver to Lynn Dyeing and Finishing Company, Inc., its successors or assigns, anthraquinone Class C dyestuffs of a value in excess of the difference between its duly allotted quota for such period, calculated in dollars, and the sum of three hundred ($300) dollars, unless otherwise authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Lynn Dyeing and Finishing Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on issuance and shall expire on September 30, 1944.

Issued this 5th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-275; Filed, January 5, 1944; 4:41 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Int. 8]

ELECTRONIC INTERCOMMUNICATING SYSTEMS AND WIRE INTERCOMMUNICATING SYSTEMS

The following interpretation is issued with respect to Priorities Reg. 3:

List B of Priorities Regulation 3 (§ 944.23) forbids the use of blanket MRO ratings to obtain electronic intercommunicating systems or wire intercommunicating systems. This restriction applies only to getting systems not yet installed. Therefore, blanket MRO ratings may be used to obtain repair parts and materials for existing intercommunicating systems. Also, those blanket MRO ratings which may be used for minor capital additions, may within prescribed dollar limits be used to add stations to an existing intercommunicating system to bring it to its designed capacity. Thus, if an intercommunicating system is designed for 16 stations, with only 12 stations originally installed, four stations may be added by the use of blanket MRO ratings. However, an expansion beyond the 16 stations, or any enlargement of or an extension beyond the designed capacity, may not be obtained by use of blanket MRO ratings.

In conjunction with the above interpretation, it should be pointed out that a related item, signal and alarm equipment, also appears on List B of Priorities Regulation 3. With respect to signal and alarm equipment, blanket MRO ratings may be used to get parts and materials for repair and maintenance of existing equipment. However, since signal and alarm equipment is generally installed without a specific margin of unused designed capacity, no additions or extensions by the use of blanket MRO ratings are permitted.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-299; Filed, January 6, 1944; 11:25 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[PR 11, Rev.]

PRODUCTION REQUIREMENTS PLAN

Section 944.32 *Priorities Regulation No. 11* is revoked. This revocation does not affect any liability incurred under the regulation. The manufacture and delivery of products and materials remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-300; Filed, January 6, 1944; 11:25 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[PR 11A, Rev.]

PRODUCTION REQUIREMENTS PLAN

Section 944.32A *Priorities Regulation No. 11A* is revoked. This revocation does not affect any liability incurred under the regulation. The manufacture and delivery of products and materials remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-301; Filed, January 6, 1944; 11:25 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Regulation 1 as Amended Oct. 4, 1943, Amdt. 1]

Insert "slugs" under the item "sheet, strip, plate and foil" under the general heading "Aluminum" in Schedule I.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-302; Filed, January 6, 1944; 11:22 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 42]

COPPER POWDER

The following direction is issued pursuant to CMP Regulation 1:

(a) Powders made from copper or copper-base alloys which were classified as controlled materials beginning with the fourth quarter of 1943, will cease to be controlled materials beginning January 1, 1944.

(b) During the first quarter of 1944, producers of such powders may deliver them either on authorized controlled materials orders or on orders placed by customers who have been authorized on Form WPB-2959 to receive such powders. After March 31, 1944, producers of such powders may deliver them only on orders placed pursuant to an authorization on Form WPB-2959.

(c) Applications by producers of such powders (either metallurgical or flake) for materials to make them should be filed on Form WPB-2959. Applications by users of such powders (either metallurgical or flake) for authority to purchase them should be filed on Form WPB-2959.

(d) During the first quarter of 1944 applications may be made on Form WPB-2959 by users of such powders, even though they have received an allotment. If a user who has received an allotment of copper or copper-base alloy foundry products for the first quarter of 1944 to cover his requirements for such powders during that quarter elects to file an application on Form WPB-2959 for authority to purchase such powders during any month of the first quarter of 1944 he is limited in the amount of such powders which he can buy during the month by the amount authorized on Form WPB-2959, regardless of the amount allotted to him.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-303; Filed, January 6, 1944; 11:22 a. m.]

PART 3176—SHIPBUILDING

[Limitation Order L-252, as Amended Jan. 6, 1944]

VALVES AND VALVE PARTS

The fulfillment of requirements for the defense of the United States has created a shortage of steel, copper, and other critical materials used in the manufacture of valves and valve parts, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3176.1 *Limitation Order L-252*—(a) *Definitions.* Wherever used in this order:

(1) "Producer" means any person who manufactures valves and valve parts.

(2) "Valves" means gate, globe, angle, cross, lift check, angle check, or swing check valves (including variations of those types, such as the valves generally referred to as quick opening, blow off, hose end, Y-type and hydraulic), except drilling through and flow line valves for oil production service. This definition does not include valves of the types generally referred to as "specialties".

(3) "Valve parts" means parts for valves as defined above.

(4) "Put into process" means to process, machine, or fabricate or in any other manner alter any material by physical or chemical means.

(b) *Limitations.* Except as specifically authorized by the War Production Board, no producer shall after May 1, 1943, put into process or cause to be put into process, any material to be incorporated into valves or valve parts, except for the manufacture of valves and valve parts which conform to the specifications contained in the Appendix attached to and a part of this order, or for the manufacture of:

(1) Valves

(i) The bodies or bonnets of which were cast or forged before May 1, 1943;

(ii) For use as part of the equipment of aircraft or watercraft other than pleasure craft; or

(iii) For the conduction of liquid or gas having chemical or physical properties which render the use of valves described in the Appendix dangerous or impractical; and

(2) Valve parts for repair of valves which are completed on May 1, 1943, or which are produced thereafter in accordance with the provisions of paragraph (b) (1) of this order.

(c) *Restricted deliveries.* Except as specifically authorized by the War Production Board:

(1) No producer shall sell or make delivery of any valves or valve parts manufactured in violation of the terms of this order, and

(2) No person shall knowingly purchase or accept delivery of any valve or valve part produced in violation of this order.

(d) *Order superseded.* The provisions of this order supersede the provisions of Schedule No. 1 of Limitation Order L-42.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of all applicable priorities regulations.

(f) *Records.* Each producer shall retain in his files for a period of two years records showing his inventory and production of all valves, including those for the manufacture of which material was put into process subsequent to May 1, 1943. These records shall be kept readily available and open to inspection by duly authorized representatives of the War Production Board.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Shipbuilding Division, War Production Board, Washington, 25 D. C., Ref.: L-252.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX

Specifications for Valves and Valve Parts

The following specifications govern the manufacture of valves and valve parts. These specifications do not purport to contain any recommendations regarding the most efficient or safe use of any valve or valve parts covered herein.

Certain of the terms used in this appendix (including the terms valves and valve parts) are defined in the body of this order, L-352. In addition, certain exceptions are made, and certain obligations imposed upon producers and others. You should, therefore, be thoroughly familiar with the body of the order before reading this appendix.

PART 1

Iron Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

1. *Standard size schedule: Iron valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1 and in the particular sizes, specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary [1] pressure classifications in pounds per square inch		Gates (inches)			Globe and angle (inches)		Lift check (inches)		Swing check (inches)		
Steam	Water	Screwed	Flanged	Hub	Screwed	Flanged	Screwed	Flanged	Screwed	Flanged	Hub
25	50		4 to 72	4 to 72							
	100		4 to 72	4 to 72							
125	150 to 200	2 to 6	2 to 72	2 to 72	2 to 4	2 to 10	2 to 4	3 to 6	2 to 6	2 to 24	4 to 24
150 [2]	250	[3] 1¼ to 3	[3] 1 to 3		[3] 1¼ to 3	[3] 1 to 3	[3] 1¼ to 3		[3] 1¼ to 3		
250	500	2 to 4	2 to 24		2 to 4	2 to 6			3 to 4	2 to 12	
300 [2]		[3] 1¼ to 3	[3] 1 to 3		[3] 1¼ to 3	[3] 1 to 3			[3] 1¼ to 3		
	600	2 to 6	3 to 12							3 to 12	

[1] The primary pressure classification designates a class of valves and does not necessarily mean that all sizes in a given class carry the primary pressure classification. American Standards Association standards and manufacturers practice frequently reduce the pressure ratings as size increases and may not always rate valves for both steam and water.

[2] In sizes 3" and smaller the 150# and 300# primary pressure classification valves are included as substitutes for brass valves. Flanged valves may be rated in accordance with the American Flange Standard used.

NOTE: Other valve end connections in common use on the date of issuance of this order, including among others, the types known as Victaulic, Dresser and Universal, may be manufactured, but only in accordance with the specifications listed in Table 1. For the purposes of this order, "common use" means use by at least ten companies.

(b) Detail of permitted sizes (see 1 (a) above):

TABLE 2

(Sizes in inches)

⅛	4	24
⅜	5	30
½	6	36
¾	8	42
1	10	48
1¼	12	54
1½	14	60
2	16	66
2½	18	72
3	20	

2. *General requirements for iron valves.* (a) End flanges shall conform to American Standards Association standards for corresponding pressure classes, except that for 150# and 300# valves when made of malleable iron as substitutes for brass valves, flanges conforming to Manufacturers Standardization Society of the Valve and Fitting Industry Bronze Flange Standard SP-2 may be used. Flanges may be furnished to the American Gas Association flange standard for low pressure gas service.

(b) Face to face of flanged valves, size 4" and larger, shall comply with American Petroleum Institute standard #5-G-1 and American Standards Association standard B-16.10 for the pressure classes and types which these standards cover.

(c) Valves for 150# primary steam rating and lower shall have manufacturer's standard seating materials, comprising any of the following:

Non-metallic disc.
Iron or carbon steel.
Brass or bronze.
Nickel alloy.

(d) Valves for 250# primary steam rating and higher shall have manufacturer's standard seating materials, comprising any of the following:

Non-metallic disc.
Iron or carbon steel.
Brass or bronze.
Chrome iron.

(e) Bonnet bolts or studs shall be carbon steel.

(f) Nuts for bonnet bolting shall be carbon steel.

(g) Handwheels shall be of ferrous metal, either cast or otherwise fabricated, or of suitable non-metallic material.

(h) All extension stems, couplings and gear housings shall be of ferrous metal.

(i) Spot facing or back facing on iron valve flanges is prohibited except when necessary to prevent scrapping otherwise usable products.

3. *Iron gate valves.* (a) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(b) Discs for solid wedge gates 4" and larger and for split wedge or double disc gates 5" and larger, shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

Discs for non-rising stem valves may be provided with brass or bronze bushing for stem thread.

(c) Bonnet bushing for backseating shall not be provided in outside screw and yoke valves.

(d) Packing gland flange bolts or studs shall be carbon steel.

(e) Nuts for packing gland flange bolts or studs shall be carbon steel, brass or bronze, at manufacturer's option.

(f) For valve 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass.

4. *Iron globe, angle, and cross valves.* (a) "Plug" type discs shall not be used for primary pressure 125# classification; but no manufacturer shall make more than one design of metal to metal seat in this class.

(b) Discs for valves 4" and larger shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(c) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(d) Bonnet bushing for back seating shall not be provided.

(e) Packing gland flange bolts or studs shall be carbon steel.

(f) Nuts for packing gland flange bolts or studs shall be carbon steel, brass or bronze, at manufacturer's option.

(g) For valves 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass.

(h) Cross valves shall not be manufactured.

5. *Iron check valves.* (a) Discs for valves 4" and larger shall be either all iron, or iron or steel with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(b) Nuts for attaching swing check disc to hinge or arm shall be carbon steel, malleable iron, brass, or bronze, at manufacturer's option.

(c) The hinge or arm for valves 2" and larger shall be of ferrous metal and may be bronzed brushed.

PART 2

Brass or Bronze Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

1. *Standard size schedule: Brass or bronze valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary pressure classifications in lbs. per sq. in. [1]	Sizes [2] screwed end (inches)	Sizes flanged end (inches)	Sizes solder end (inches)
100 Steam	⅛ to 2		⅛ to 2
125 Steam	⅛ to 2		⅛ to 2
150 Steam	⅛ to 2	1 to 2	⅛ to 2
200 Steam	⅛ to 2	[3] 1 to 2	⅛ to 2
200 Steam	⅛ to 2	1 to 2	⅛ to 2
Hydraulic 1000 & Higher	⅛ to 2		⅛ to 1½

[1] The primary steam rating in no way regulates the pressure at which these valves should be rated for other fluids, but restricts the classes to those mentioned.

[2] Only globe and angle valves may be made in the ⅛" size.

[3] These valves are rated 150#.

(b) Detail of permitted sizes (see 1 (a) above):

TABLE 2

(Sizes in inches)

⅛	½	1¼
¼	¾	1½
⅜	1	2

2. *General requirements for brass or bronze valves.* (a) Check valves shall be horizontal lift and vertical lift or swing check types only. Angle type prohibited.

(b) Spot facing on end connecting flanges is prohibited.

(c) 150# primary pressure classification and lower shall have integral seats.

(d) 150# primary pressure classification and lower shall have brass, bronze, or non-metallic disc only, and plug type discs shall not be used in globe and angle valves.

(e) 200# primary pressure classification and higher shall have manufacturer's standard seating materials comprising any of the following:

Non-metallic disc.
Brass or bronze.
Chrome iron.
Nickel alloy.

(f) Union bonnet rings and union rings for valve ends shall be brass, bronze, malleable iron or steel, at manufacturer's option.

(g) Stuffing box packing nuts shall be brass, bronze, malleable iron or steel, at manufacturer's option.

(h) Handwheels and valve handles shall be ferrous metal, either cast or otherwise fabricated; or suitable non-metallic material.

(i) End flanges shall conform to:

1. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 150#-SP-2.

2. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 300#-SP-2.

(Depending upon rated pressure of the valve.)

(j) Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP-20 grade A or American Society for Testing Materials B-62 or EA-B62 brass or bronze for all valve pressure castings in valves in primary pressure classifications of 125#, 150# and 200# Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP-20 grade B or American Society for Testing Materials B-61 brass or bronze for all valve pressure castings in valves in primary classifications of 300# or higher. Bonnets 200# and higher pressure classification may be made of a "cast bearing bronze."

(k) Cross valves shall not be manufactured.

PART 3

Steel Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

NOTE: These limitations do not apply for primary ratings higher than 1500#. Moreover, these limitations do not apply for valves for temperatures exceeding 1000 degrees F. or below minus 50 degrees F. Furthermore, these limitations do not apply to drilling through or flow line valves for oil production service.

The term "stainless" is used in this Part 3 of this appendix to describe any of the iron base alloys such as 12% chrome, or 18-8 chrome nickel whose primary characteristics are resistance to corrosive attack, or elevated temperature, or both.

1. *Standard size schedule: Steel valves.* (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2 which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

Primary pressure classification in lbs. per sq. in.	Gate (inches)			Globe and angle (inches)			Horizontal and angle check (inches)			Swing check (inches)		
	Screwed	Flanged	Welded	Screwed	Flanged	Welded	Screwed	Flanged	Welded	Screwed	Flanged	Welded
150	2 to 4	2 to 24		2 to 4	2 to 8			2 to 8		2 to 4	2 to 8	
300	2 to 4	2 to 24		2 to 4	2 to 12					2 to 4	2 to 12	
600	¼ to 2	½ to 24	¼ to 24	1¼ to 2	½ to 14	⅛ to 14	¼ to 2	2 to 8	¼ to 14	½ to 2	1¼ to 14	1¼ to 14
900		3 to 18	3 to 18		3 to 14	3 to 14		3 to 14	3 to 14		3 to 14	3 to 14
1500	¼ to 2	1½ to 14	¼ to 14	¼ to 2	1½ to 14	¼ to 14	¼ to 2	1½ to 14	¼ to 14		3 to 14	3 to 14

(b) Detail of permitted sizes.

TABLE 2

(Sizes in inches)

⅛	2	10
¼	2½	12
⅜	3	14
½	4	16
¾	5	18
1	6	20
1¼	8	24
1½		

2. *General requirements for steel valves.* (a) Valves covered by items 3, 4, and 5, which follow, shall be in accordance with American Petroleum Institute standard 600A for gate valves, and with American Standards Association B16e for all types, except as modified by the specifications set forth in this part 3 of this appendix.

(b) Face to face of flange end valves shall comply with American Petroleum Institute standard 5-G-1 and American Standards Association B16.10 for the types covered by these standards except as modified by the specifications contained in paragraph 4 of part 3 of this appendix.

(c) Discs of valves 5" and larger shall be made of the same material as the valve body, with seating material laid on or attached.

(d) Handwheels 24" diameter and smaller shall be malleable iron, or fabricated steel.

(e) Raised contact faces on flanges shall be serrated (concentric or spiral) or smooth at manufacturer's option.

(f) Cross valves shall not be manufactured.

3. *150 lb. Pressure class: Steel valves.* (a) End flange faces shall have American Standards Association 1/16" raised face.

(b) Bodies and bonnets shall be carbon steel.

(c) Seating materials shall be any of the following:

Carbon steel.
Brass or bronze.
12% chrome iron.

(d) Bonnet bushing for back seating shall not be provided, but backseating shall be included.

(e) Stems shall be carbon steel, brass or bronze.

(f) Bonnet bolting shall be either carbon steel or manganese steels of the SAE 1300 Series.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

(h) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(i) Bonnet gaskets shall be asbestos composition sheet.

4. *300 lb. Pressure class. Steel valves.* (a) End flange faces shall be American Standards Association 1/16" raised face, or American Petroleum Institute octagonal ring joint groove providing the groove is cut in the basic flange thickness.

(b) Bodies and bonnets shall be carbon steel, except when required to resist extreme corrosion or temperature conditions they may be 4% to 6% chrome, ½% molybdenum.

(c) The seating materials shall be any of the following:

Same material as body.
Brass or bronze.
12% chrome iron.
Nickel copper alloy.
Hard facing.

(d) Stems shall be any of the following:

Brass or bronze.
12% chrome iron.

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140 steel.

2. For temperatures over 850 degrees F., Grade B14 steel per American Society for Testing Materials specification A193.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

5. *600 lb. 900 lb. & 1500 lb. Pressure classes. Steel valves.* (For 600 lb. and 1500 lb. general purpose valves, see paragraph 6) (a) End flange faces shall be either American Standards Association octagonal ring joint groove or American Petroleum Institute octagonal ring joint groove, or ¼" American Standards Association large male face.

(b) Bodies and bonnets shall be carbon or carbon molybdenum steel, except when required to resist extreme corrosion or temperature conditions in which case they may be 4% to 6% chrome, ½% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) The seating materials shall be of any of the following:

Same material as body.
Stainless (See definition in note under heading of Part 3).
Nickel copper alloy.
Hard facing.

(d) Stems shall be the following:

Stainless (See definition in note under heading of Part 3)

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140 steel.

2. For temperature over 850 degrees F., Grade B14 steel per American Society for Testing Materials specification A193.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

6. *General purpose steel valves: 600 lb. & 1500 lb.—2in and smaller.* (a) End connections shall be:

1. Flanged American Standards Association standard with ¼" large male face.
2. Screwed end.
3. Socket welding end.

The 600 lb. class flanged end valves may be made with 150-lb. American Standards Association steel flange diameter, drilling, and/or facing.

(b) Bodies and bonnets shall be carbon or carbon molybdenum steel, except when required to resist extreme corrosion or temperature conditions, in which case they may be 4% to 6% chrome, ½% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) Seating materials shall be any of the following:

Same material as body.
Brass or bronze.

Stainless. (See definition in note under heading of Part 3.)

Nickel copper alloy.
Hard facing.

[F. R. Doc. 44-304; Filed, January 6, 1944; 11:25 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Dir. 1 under Table 8, as amended]

PRODUCTION OF BOILERS FOR STOCK

The following Direction is issued pursuant to Table 8 of General Scheduling Order M-293:

In order to conserve materials and manufacturing facilities for the production of land power boilers, boiler units and auxiliaries listed on Table 8 of General Scheduling Order M-293, and to prevent the accumulation of duplicate stocks of such boilers, units and auxiliaries in the hands of manufacturers, dealers and warehouses, the following Direction under Table 8 of M-293 is issued:

(1) Notwithstanding the provisions of Priorities Regulation 1, or of paragraphs (c) (2) and (d) (2) of General Scheduling Order M-293, no manufacturer shall, without specific authorization from the War Production Board, begin production of any boiler, boiler unit or auxiliary listed on Table 8 of General Scheduling Order M-293, which the manufacturer knows, or has reason to believe, will be held in the stock of any manufacturer, wholesaler, dealer or any other person rather than shipped directly for installation.

(2) Application for specific authoriztion may be made either by letter or by notation on the Form WPB-1790 which the manufacturer files to show his proposed shipping schedule.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-311; Filed, January 6, 1944; 11:24 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L-103-b as Amended Jan. 4, 1944]

GLASS CONTAINER AND CLOSURE QUOTAS

Section 3270.36 *Supplementary Order* L-103-b is amended to read as follows:

§ 3270.36 *Supplementary Order L-103-b.*

What This Order Does

This order lists the only products which may be commercially packed in new machine-made, glass containers or with new metal closures. It specifies closure materials and sets forth the number of glass packages and metal closures which may be used for each listed product. In addition, some restrictions are placed upon the manufacture of closures.

The order limits "commercial packs" only. Although there are certain manufacturing restrictions, the use of glass containers or metal closures for home canning purposes is not affected.

Likewise, the provisions of this order cover only *new* glass containers and closures. Used containers, or closures are not limited. However, closures which are fabricated from used closures—that is, where the used closures are a production material—are regarded as new closures made of "waste" and are governed by the pertinent provisions of this order.

Definitions of the various terms used in this order appear in paragraph (x) hereof.

Restrictions On Use of Glass Containers and Closures

(Note exceptions from these restrictions in paragraphs (p) through (v)).

(a) *Prohibited acceptances and uses of glass containers and closures.* No packer shall accept delivery of or use any new glass container, or any new metal closure for packing any product not listed in a schedule of this order.

(b) *Limitations on acceptance and use of glass containers and closures.* Likewise, during any calendar year beginning with 1944, no packer shall accept delivery of or use, for packing any product which is listed in a schedule of this order, more new glass containers or more new metal closures (other than closures made from waste) than his quota for that product. However, jobbers or retailers may obtain closures and glass containers and resell them in conformity with the provisions of this order.

(c) *Closure materials.* No packer shall accept delivery of or use, for packing any product, new metal closures made of any material except those permitted for that product in the schedules of this order. However, blackplate closures (including rejects) may be used wherever tinplate or terneplate is specified, and frozen plate may be used wherever tinplate, terneplate or blackplate is specified. Likewise, closures made of waste may be used in accordance with the following paragraph:

(d) *Closures made of waste.* Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order. Closures made of waste may be used in addition to specified quotas for listed products.

(e) *Home canning jars.* No packer shall pack any commodity in a home canning jar. (Note that the use of these jars for home canning is not restricted).

Quotas

(f) *General.* Closure and glass quotas are stated separately in the attached schedules, and are not necessarily the same for any given product.

Quotas are not interchangeable as between listed products. That is, a packer who packs two products, product A and product B, must compute his quota (in the manner described in the following paragraph (g)) for each product separately. He cannot allot any portion of his quota for product A to product B, even if he does not pack his full quota of product A.

Furthermore, quotas may not be transferred from one packer to another except as provided in Priorities Regulation 7A.

(g) *Computation of quotas.* In most cases where this order provides a quota for the packing of any product, it does so, in the attached schedules, by stating a percentage figure followed by a calendar year—for instance, 100% 1943. Where this appears in the "glass quota" column opposite a product, it means, unless otherwise specified, that a packer's glass container quota for that product during 1944 and subsequent calendar years is computed as follows:

(1) He takes the number of new glass containers which he used for packing that product during the named base year.

(2) He subtracts the number of new glass containers which he used for packing that product during the named base year and which were quota exempt under the provisions of any prior order of the War Production Board or under any previous amendment of this order.

(3) He multiplies the resulting figure by the applicable percentage.

Identical rules apply to the computation of closure quotas, except that unless otherwise specified they are based on the number of new metal closures used during the specified base period.

The schedules of this order provide that the quotas for some products are based on the number of new metal closures or new glass containers accepted rather than those used during the specified base period. Here again, the method of computation, described in this paragraph, applies, except that the word "accepted" should be substituted for the word "used" in steps 1 and 2 above. Only the new metal closures or the new glass containers which a packer actually accepted delivery of and those which were invoiced to him during the applicable base period may be included in his quota base in such cases. But, for the purpose of making charges against quota, a packer must include the new metal closures and the new glass containers which he actually accepts delivery of, and those which are set aside for him or held by another party for his account—whether or not they are actually invoiced to him.

In a few cases, the schedules of this order set forth special rules, not covered by the above, for the computation of quotas for particular products. Such rules must be followed, and supersede the general statements contained in this paragraph (g) to the extent that they conflict with them.

(h) *Use of quotas.* As indicated above, most quotas are based on past use. The word "use" refers only to the actual filling operation in the case of glass and the actual capping operation in the case of closures. Therefore, to the extent that a person did not do this directly during the base period, he has no quota, despite the fact that he may have supplied the actual packer with the product, closures, containers, etc. After December 31, 1943, any packing done for him must be within the quota of the person performing the actual filling and capping operation.

In the case of products whose quotas are based upon acceptances, a person is deemed to have "accepted" glass containers or closures (for the purpose of computing quotas) only to the extent that he himself actually took possession of them or had them invoiced to him. If he did not do this during the base period, he has no quota, and the rules stated in the preceding paragraph of this paragraph (h) apply.

Packers who use or accept new glass containers or metal closures for packing products for the account of others, as well as for their own account, must conduct both operations within their own quotas. Without a special appeals grant under this order, they cannot regard their use or acceptances of glass containers and metal closures for the account of others as an addition to their quotas. This is true even where the other person may represent to the packer that he has a quota which he is not using himself.

On the other hand, packers are entitled to include, in their own quota bases, their use or acceptances of new glass containers or new metal closures, for the account of others during the specified base periods.

Restrictions on Sale and Delivery of Class Containers and Closures

(i) *General restrictions.* No person shall sell or deliver any glass containers or closures which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(j) *Export deliveries.* During any calendar year, no person shall sell or deliver more empty new glass containers or more new metal closures to persons outside of the 48 States of the United States and the District of Columbia than he sold or delivered to such persons during 1943.

(k) *Certificates.* No person shall sell or deliver any new glass containers or new metal closures except under a purchase order or contract validated by the delivery to such person of a purchaser's certificate, signed manually, or as provided in Priorities Regulation 7.

This certificate shall be in substantially the form attached hereto as Exhibit A in the case of sales or deliveries of all glass containers, and of all metal closures except malt and non-alcoholic beverage closures. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

The certificate should be in substantially the form attached hereto as Exhibit B, where sales or deliveries of malt or non-alcoholic beverage closures are concerned. This certificate differs from Exhibit A in that it must be filed with each purchase order for beverage closures in order to validate the order.

(l) *Outstanding certificates.* Certificates previously filed with a supplier under any previous amendment of this order, shall remain valid insofar as sales or deliveries of glass containers are concerned. Exhibit A certificates previously filed under order M-104, shall remain valid insofar as closure (other than malt or non-alcoholic beverage), deliveries are concerned. In either of the above cases, no new certificate need be filed by any purchaser to validate his orders placed with the supplier to whom the previous certification was made.

(m) *Cases where certificates need not be filed.* No certificates shall be required for the sale or delivery of home canning jars or home canning closures, nor shall any certificates be required for the sale or delivery of any kind of glass containers or closures to: (1) Retailers, for resale empty or unused; or (2) persons purchasing closures or glass containers from retailers.

(n) *Standard certifications.* The standard certification provided for in paragraph (d) of Priorities Regulation 7, cannot be used in place of the certifications provided by this order; nor may the certifications provided by this order be waived in accordance with paragraph (f) of Priorities Regulation 7.

Restrictions Relating Solely to Manufacture of Closures

(o) *Closure material* (1) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium (other than paraffin) such as another closure.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (o) (2).

(2) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, or wire for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule VII attached to this order. No closure manufactured pursuant to Schedule VII shall knowingly be sold to, or used by, any person for packing any product for sale.

(3) No person shall use any tinplate, terneplate or blackplate heavier than 90 pounds per base box for the manufacture of crown caps. This restriction does not apply to rejects, frozen plate or waste-waste.

(4) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box; and all persons manufacturing closures shall, to the greatest extent available, use 0.50 tinplate for the manufacture of closures for which tinplate is permitted by the provisions of this order.

(5) No person shall use any wire for the manufacture of paperboard disc plug caps, having a diameter of two inches or less, for milk bottles.

Exceptions Pertaining to Both Glass Containers and Closures

(p) *Deliveries to certain agencies and persons.* Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of glass containers or closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for

such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy Camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other nonprofit Defense Recreation Committees, engaged in the operation of recreation centers in the 48 States of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (p) (3) by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(q) *Special provisions in schedules relative to exempt deliveries to certain agencies and persons.* The schedules of this order contain certain limitations on the exception provided by the preceding paragraph (p) in the case of certain products—as, for instance, ice cream mix and malt and nonalcoholic beverages. In such cases, the provisions of the schedules are controlling and supersede paragraph (p) to the extent that they conflict therewith.

Exceptions Relative to Glass Containers Only

(r) *Small users.* The restrictions of this order which pertain to glass containers shall not apply to any person during any calendar year in which he accepts no more than a total of five hundred ($500.00) dollars worth (cost price to him) of empty new glass containers for all products.

(s) *Large size glass containers.* The restrictions of this order which pertain to glass containers shall not apply to any glass container with a capacity larger than 140 fluid ounces.

(t) *Glass containers manufactured prior to the date of this order.* The restrictions of this order shall not prevent any person's acceptance or use, for a product not listed in the schedules of this order, of any glass container manufactured before January 1, 1944, if the glass container in question was originally manufactured for the purpose of packing an unlisted product, or was originally manufactured for packing a listed product but has a capacity not permitted for that product in the attached schedules of this order. This paragraph does not permit the quota free use of glass containers for listed products regardless of when the containers were manufactured.

(u) *Quota free use of certain glass containers in inventory of packer on or before December 31, 1943.* To the extent that as of January 1, 1944, a packer had in his possession, empty glass containers which he was permitted to accept under paragraphs (b) (c) and (d) of order L–103–b as amended November 1, 1943, (excluding containers which he was permitted to accept under paragraph (e) of that order), he may use them during 1944 for packing any listed product in addition to his quota for that product. Nothing in this paragraph shall permit the quota free use of glass containers "borrowed" against anticipated 1944 usage, in accordance with paragraph (e) of this order as amended November 1, 1943.

Exceptions Pertaining to Closures Only

(v) *Small users.* The restrictions of this order which pertain to closures shall not apply to any person during any calendar year in which he accepts no more than five thousand new metal closures for all products.

Prior Appeals

(w) *Appeals granted prior to December 31, 1943 under Order M–104 and Order L–103–b.* All appeals granted prior to December 31, 1943 under orders L–103–b and M–104 are cancelled and shall be ineffective on and after January 1, 1944. Therefore, after that date, no person shall accept delivery of or use or shall manufacture, sell or deliver any new glass container or any new metal closure except in accordance with the provisions of this order—unless he receives a new grant on appeal after January 1, 1944.

Definitions

(x) *Definitions.* For the purposes of this order:

(1) "Glass container" means any empty new machine-made bottle, jar or tumbler, with a capacity of 140 fluid ounces or less, which is made of glass and which is suitable for packing any product.

(2) "Packer" means any person who uses glass containers or closures for commercially packing any product in the continental United States (the 48 States and the District of Columbia).

(3) "Home canning jar" means a glass container which is specifically made for use as a home canning jar (that is, for the purpose of packing or preserving food or food products in the home) and which carries some lettering or other marking identifying it as such.

(4) "Closure" means any new sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(5) "Metal closure" means any closure which is made of zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste, or waste.

(6) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(7) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", and all other forms of terneplate except waste and waste-waste.

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, and includes "rejects", and all other forms of blackplate except waste.

(9) "Frozen plate" means only tinplate, terneplate or blackplate which, since before August 9, 1943, has been held in the owner's inventory because, for any reason, it was not suitable for manufacture by the owner into articles permitted the use of steel under the provisions of War Production Board orders.

(10) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(11) Tinmill blackplate "rejects" means steel sheets rejected during processing by the producer because of imperfections which disqualify such sheets for sale as prime blackplate.

(12) "Waste", means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures or cans.

(13) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

Miscellaneous

(y) *Applicability of regulation.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(z) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(aa) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington (25), D. C., Ref.: L–103–b.

(bb) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A—PURCHASER'S CERTIFICATE FOR ALL GLASS CONTAINER DELIVERIES AND ALL CLOSURE DELIVERIES EXCEPT MALT AND NON-ALCOHOLIC BEVERAGE CLOSURES

One copy of this certificate is to be delivered to each person from whom purchases of new glass containers or new metal closures (other than malt and non-alcoholic beverage closures) are made. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L–103–b and that he will not use or sell any glass containers or any closures purchased from

Name of seller

Address of seller

pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date

Legal name of purchaser

By

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

EXHIBIT B

Certificate required by Order L–103–b to validate each purchase of new metal closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

INVENTORY

(a) Permitted inventory (20 percent of number of such closures and cans used for packaging malt or non-alcoholic beverages in 1941.) ---------- gross.

(b) Inventory on date of this certification (Exclusive of Closures made from waste) ---------- gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) ---------- gross.

(d) Requested delivery from ----------
Seller
---------- gross.

The undersigned purchaser hereby certifies to the seller in and to the War Production Board that he is familiar with Limitation Order L–103–b, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures for malt beverages or non-alcoholic beverages received from the seller pursuant to the above-described "requested delivery" in violation of the terms of such order.

Date

Legal name of purchaser

By

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

SCHEDULES—GENERAL EXPLANATION

Schedules I through VI list the only products which may be packed in new glass containers or with new metal closures. Schedule VII relates to the manufacture of home canning closures.

The data set forth in the two "quota" columns, opposite each product, indicate the number of new glass containers and new metal closures (determined in accordance with the general rules set forth in paragraph (g) of Order L–103–b), which may be used for packing that product. However, any special quota provisions which these schedules make applicable to any product, are controlling to the extent that they conflict with paragraph (g).

The "X" mark which appears opposite each product in one of the columns headed "closure material" indicates that, except as listed hereafter, only closure made of the specified material may be used to pack that product. The general exceptions from this rule are:

(i) Closure made of blackplate (including rejects) may be used, within quotas, wherever tinplate or terneplate is specified.

(ii) Closures made of frozenplate may be used, within quota, wherever either tinplate, terneplate or blackplate is specified.

(iii) Closures made of waste may be used in addition to specified quotas for list 1 products.

All special provisions of these schedules relating to closure materials for specific products must be followed, and control to the extent that they conflict with the above.

All size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L–103 and its schedules.

Attention is called to paragraphs (p) through (v) of Order L–103–b which establish limited exceptions to the provisions of this order. Here again, any special provisions which these schedules contain relative to quota exceptions—as in the case of ice cream mix and certain beverages—must be observed.

SCHEDULE I—FOODS

No product packed in a can shall be repacked for sale in a glass container by the same or a different person, in the same or a different form, except as follows (or as otherwise specifically permitted in this schedule):

(i) When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice, grape pulp, citrus peel and pulp may be repacked from reusable cans, 5-gallons or larger. Apricots and peaches, solid pie pack, may be repacked from No. 10 cans or larger. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

(ii) Tomato paste, tomato pulp or puree, and tomato sauce may be repacked from No. 10, or from 5-gallon or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste or tomato pulp or puree), but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
FRUIT AND FRUIT PRODUCTS				
1. Apples including crab apples, whole apples not to be packed	100% 1943	100% 1943	X	
2. Apple cider, gallons only	100% 1943	100% 1943	X	
3. Apple juice, not to be packed in containers smaller than 1 pint capacity	100% 1943	100% 1943	X	
4. Applesauce including sauce from crab apples	Unlimited	Unlimited	X	
5. Apricots, fresh	Unlimited	Unlimited	X	
6. Blackberries, black raspberries, blueberries or huckleberries, red raspberries, boysen berries, loganberries, and youngberries when packed as berries.	Unlimited	Unlimited	X	
7. Cherries, red sour pitted and sweet	100% 1943	100% 1943	X	
8. Cranberries	Unlimited	Unlimited	X	
9. Figs—(Kadota)	Unlimited	Unlimited	X	
10. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans, to the extent of 10 percent of the fruit cocktail.	Unlimited	Unlimited	X	
10a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent diced peaches, and not less than 35 percent nor more than 45 percent diced pears; or a combination of not less than 50 percent nor more than 60 percent diced peaches and not less than 30 percent nor more than 40 percent diced pears with not less than 6 percent nor more than 10 percent grapes. Such peaches or pears shall be peeled, pitted, or cored and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than 3/4", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
11. Fruit butters, minimum size (excluding tumblers) 3/4 pound. At least 70 percent of containers packed to be 1 1/2 pounds or larger.	100% 1943	100% 1943	X	
12. Fruits crushed, fountain fruits and ice cream toppings	Unlimited	Unlimited	X	
13. Fruit conserves, jams, marmalades and preserves. At least 10 percent of the number of containers packed with these products, excluding tumblers, to be 2 pounds or larger.	Unlimited	Unlimited	X	
14. Fruit jellies	100% 1943	100% 1943	X	
15. Fruit juices, other than grape, apple, or apple cider, or mixtures of fruit juices (undiluted except for the addition of sweetening). Minimum size 1 pint	Unlimited	Unlimited	X	
16. Grape juice, minimum size 1 pint	100% 1943	100% 1943	X	
17. Fruit concentrates, liquid, when concentrated on a ratio 5 or more to 1	100% 1943	100% 1943		X
18. Fruit concentrates, dry	100% 1943	100% 1943	X	
19. Fruit nectars, minimum size 1 pint	Unlimited	Unlimited	X	
20. Olives, ripe and green ripe	Unlimited	Unlimited	X	
21. Peaches, halves, slices or cubes	Unlimited	Unlimited	X	
22. Pears—whole pears, except seckel pears, not to be packed	Unlimited	Unlimited		X
23. Pectin, liquid	Unlimited	Unlimited	X	
24. Plums	Unlimited	Unlimited	X	
25. Prunes, fresh Italian	Unlimited	Unlimited	X	

SCHEDULE I—FOODS—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
VEGETABLES AND VEGETABLE PRODUCTS				
26. Asparagus, all-green or culturally bleached	Unlimited	Unlimited	X	
27. Beans, with or without pork	100% 1943	100% 1943	X	
28. Beans, fresh, all varieties	Unlimited	Unlimited	X	
29. Beets—whole beets over 1¼" diameter not to be packed	Unlimited	Unlimited	X	
30. Carrots—whole carrots not to be packed	Unlimited	Unlimited	X	
31. Peas and carrots—fresh green peas only. Carrots not to exceed 40 per cent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
32. Corn, fresh, sweet cut only	Unlimited	Unlimited	X	
33. Mixtures of vegetables (except succotash, and peas and carrots) which consist of not less than 90 percent of any combination of vegetables listed in this schedule: *Provided*, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, *Provided further*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
34. Mushrooms	100% 1943	100% 1943	X	
35. Okra, including tomatoes and okra	100% 1943	100% 1943	X	
36. Peas, green	Unlimited	Unlimited	X	
37. Peppers, sweet, including pimientos. Minimum size container 6 fluid ounces	100% 1943	100% 1943	X	
38. Pumpkin and squash	100% 1943	100% 1943	X	
39. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke and turnip greens	100% 1943	100% 1943	X	
40. Succotash, fresh vegetables only	Unlimited	Unlimited	X	
41. Tomatoes	Unlimited	Unlimited	X	
42. Tomato catsup and chili sauce, containing not less than 10.8 percent (specific gravity 1.045) by weight of dry tomato solids	Unlimited	Unlimited	X	
43. Tomato paste from fresh tomatoes, containing not less than 25 percent by weight of dry tomato solids				
44. Tomato pulp or puree from fresh tomatoes, containing not less than 10.8 percent (specific gravity 1.045) or more than 25 percent, by weight of dry tomato solids	Unlimited	Unlimited	X	
45. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037) by weight of dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.	Unlimited	Unlimited	X	
46. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning, minimum size 1 pint	Unlimited	Unlimited	X	
MEAT AND MEAT PRODUCTS				
47. Beef, dried—tumblers and caps for tumblers may be used in addition to quota	100% 1943	100% 1943	X	
48. Beef extract	100% 1943	100% 1943	X	
49. Chicken, boned	100% 1943	100% 1943	X	
50. Corned beef hash	100% 1943	100% 1943	X	
51. Mince meat, fresh apples only. No containers holding less than one pound net weight of mince meat to be packed	200% 1943	200% 1943	X	
52. Pigs feet and cutlets, pickled. No containers of a capacity less than one pint to be packed	50% 1943	50% 1943	X	
53. Scrapple (Philadelphia type)	100% 1943	100% 1943	X	
54. Tamales	100% 1943	100% 1943	X	
55. Chili con carne, with or without beans (only when packed in accordance with F. D. A. standards)	100% 1943	100% 1943	X	
56. Meat spreads, including ham, tongue, liver, beef and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	100% 1943	100% 1943	X	
57. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight	100% 1943	100% 1943	X	
58. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 percent added water by weight	100% 1943	100% 1943	X	
59. Tongue	200% 1943	200% 1943	X	
FISH AND SHELLFISH				
60. Any person who packed fish or shellfish products in 1943 may pack the same products in 1944 or any subsequent year, except that no clam broth shall be packed	150% 1943	150% 1943	X	
MILK AND DAIRY PRODUCTS				
61. Cheese spreads, processed or unprocessed. Tumblers and caps for tumblers may be used in addition to quota	125% 1943	125% 1943	X	
62. Milk, cultured, as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like	100% 1943	100% 1943		X
63. Milk, fluid with or without flavoring	Unlimited	Unlimited		X
64. Dry milk, malted milk, (including chocolate milk), and milk fortifiers	100% 1943	100% 1943		X
65. Ice cream mix, dry—notwithstanding the provision of paragraph (p) of this Supplementary Order L-103-b, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies. Containers and closures used for such packs must be charged to quotas for this product	100% 1943	100% 1943	X	
66. Miscellaneous dairy products packed in returnable glass containers, including but not limited to fluid milk, cultured milk, liquid modifications of milk, sweet cream, sour cream and cottage cheese	Unlimited	None		
SYRUPS AND HONEY				
67. Syrups—blended, cane, corn, maple, molasses, sorghum. Containers under 1 gallon capacity only to be packed	150% 1943 (see note).	Unlimited		X
NOTE: Only new glass containers under 1 gallon capacity to be included for purpose of computing quota in accordance with paragraph (g).				
68. Syrups—bottlers, malt, chocolate, and fountain syrups	100% 1943	Unlimited		X
69. Honey	Unlimited	Unlimited		X
OLIVES, PICKLES, RELISHES, CONDIMENTS & SAUCES				
70. Pickles, piccalilli and relishes	125% 1943	125% 1943	X	
71. Horseradish	100% 1943	100% 1943	X	
72. Mustard	100% 1943	100% 1943	X	
73. Green Olives	100% 1943	100% 1943	X	
74. Sauces—beefsteak, cooking, soya pepper and Worcestershire	100% 1943	100% 1943	X	
EDIBLE OILS AND DRESSINGS				
75. Dressings—Mayonnaise, Russian, salad, Thousand Island, Tartar Sauce and sandwich spreads (other than meat or cheese spreads). At least 60 percent of the containers used by any person to pack any or all of these products must be pints or larger	125% 1943	125% 1943		X
76. French dressing	100% 1943	100% 1943	X	

SCHEDULE I—FOODS—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
EDIBLE OILS AND DRESSINGS—Continued				
77. Oil, edible, liquid	125% 1943 (see note).	100% of quota glass containers.		X
NOTE: Both new glass containers and new metal cans packed during base period to be included for purpose of computing quota under paragraph (g).				
No containers other than quarts and pints may be packed, with the following exceptions: (i) Olive oil may be packed in quarts, pints and smaller sizes. (ii) Any person who packed liquid edible oils prior to January 1, 1942 in glass containers larger than one quart may continue to do so in 1944 and subsequent calendar years.				
78. Shortenings	100% 1943	None		
MISCELLANEOUS FOODS				
79. Baby foods. Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used. Potatoes and cereals may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Formulas—dry and liquid	150% 1943	150% 1943	X	
81. Cherries, maraschino	100% 1943	100% 1943	X	
82. Coffee, not including soluble coffee	75% 1941 (see note).	50% quota glass containers. (See note.)		X
NOTE: Glass quotas for coffee are based on the capacity of new glass containers and metal cans accepted, rather than on the number of those used during 1941. Therefore, after computing his quota base in accordance with steps 1 and 2 of paragraph (g), on this basis, a coffee packer is permitted to accept and use enough new glass containers (of any size), to enable him to pack 75 percent of the capacity of new metal cans and jars resulting from such computation. No more than 40 percent of yearly glass quota may be accepted in period May 1 through October 31. New metal caps used in any one month shall not exceed 50 percent of the number of new glass containers packed in that month.				
83. Coffee, soluble	150% 1943	150% 1943		X
84. Baking powder	100% 1943	100% 1943		X
85. Dyes, certified colors, liquid	100% 1943	100% 1943	X	
86. Flavoring extracts	100% 1943	100% 1943		X
87. Malt, dry	150% 1943	150% 1943		X
88. Nut butters including soybean butter. To be packed in 1 pound, 1¼ pound, 2 pounds and larger containers only, except for tumblers which may be used subject to provisions of L-103. At least 10 per cent of containers used to be 2 pounds or larger	100% 1943	100% 1943	X	
89. Spices and seasonings	100% 1943	100% 1943	X	
90. Vinegars. At least 70 percent of the containers packed must be quarts or larger. No containers less than pint capacity to be packed	(See note)	(See note)	(See note)	(See note).
91. Special foods, for human consumption only, limited to foods other than usual table foods				
NOTE: Quota—no person shall pack any special food product unless he packed the product in substantially the same form in 1943, and unless he obtains prior permission upon application to the War Production Board.				

SCHEDULE II—DRUG PRODUCTS

[Products for medicinal purposes only]

Closures made of aluminum may be used for any product listed in this schedule to the extent that the packer used aluminum closures for the same product in 1941. However, all aluminum closures must be used within, and charged to, the quotas established by this schedule. Closure manufacturers must obtain permission from the Administrator of Order M-1-i to receive aluminum plate.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Alcohol, rubbing or medicated	Note 1	Note 1		X
2. Anesthetic solutions	Unlimited	Unlimited	X	
3. Biological preparations	Unlimited	Unlimited	X	
4. Blood plasma	Note 1	Note 1		X
5. Capsules, pills, tablets, troches, lozenges	Unlimited	Unlimited	X	
6. Chemicals, dry or liquid	Note 1	Note 1		X
7. Citrate of magnesia	Note 1	Note 1		X
8. Elixirs	Note 1	Note 1		X
9. Emulsions	Note 1	Note 1		X
10. Extracts, dry or liquid	Note 1	Note 1		X
11. Glycerine	Note 1	Note 1	X	
12. Glycerites	Note 1	Note 1		X
13. Jellies, aqueous	Note 1	Note 1		X
14. Liniments	Note 1	Note 1	X	
15. Liniments of ammonia	Note 1	Note 1		X
16. Lotions, medicinal only	Note 1	Note 1	X	
17. Magmas	Note 1	Note 1		X
18. Oleoresins	Note 1	Note 1	X	
19. Oils, fixed, volatile or medicated	Note 1	Note 1		X
20. Ointments, cerates, petrolatum pastes	Note 1	Note 1	X	
21. Ointments, ophthalmic	Note 1	Note 1		X
22. Powders	Unlimited	Unlimited	X	
23. Prescriptions	Note 1	Note 1		X
24. Proprietary preparations	Note 1	Note 1		X
25. Salts, effervescent, hygroscopic, efflorescent only	Note 1	Note 1	X	
26. Soaps, medicinal only	Note 1	Note 1	X	
27. Solutions, aqueous	Note 1	Note 1	X	
28. Solutions, other than aqueous	Unlimited	Unlimited	X	
29. Solutions, parenteral	Note 1	Note 1		X
30. Spirits	Note 1	Note 1	X	
31. Spirits of ammonia, aromatic	Note 1	Note 1	X	
32. Spirit of ether compound and spirit of ether	Unlimited	Unlimited		X
33. Sulfonamide preparations	Note 1	Note 1		X
34. Suppositories	Note 1	Note 1		X
35. Syrups	Unlimited	Unlimited		X
36. Tinctures	Unlimited	Unlimited	X	
37. Tincture of iodine	Note 1	Note 1		X
38. Waters, laxative, purgative or medicinal	Note 1	Note 1		X
39. Other drug products				

NOTE 1: The total number of new metal closures and new glass containers which may be used, during any calendar year, for packing all of the products referring to this note is 100 percent of the number of new metal closures or new glass containers, respectively, a person used for said purpose during 1943. This quota may be used for any one or more of said products.

SCHEDULE III—CHEMICALS

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Adhesives, glue, mucilages and pastes	100% 1943	100% 1943		X
2. Alcohol, liquid or solidified (excluding anti-freeze)	100% 1943	100% 1943		X
3. Ammonia, household, and/or household liquid cleaners. No containers of less than 1 quart capacity may be packed.	100% 1943	100% 1943	X	
4. Aromatic chemicals used for their odoriferous and/or flavoring properties	Unlimited	Unlimited	X	
5. Automotive maintenance or repair items, liquid or paste	100% 1943	100% 1943		X
6. Bluings	100% 1943	100% 1943	X	
7. Bleaches, liquid. No containers of less than 1 quart capacity may be packed	100% 1943	Unlimited	X	
8. Cements—dry, paste or liquid	100% 1943	100% 1943		X
9. Cements used for dental purposes	Unlimited	Unlimited		X
10. Chemicals, dry, not elsewhere specified	80% 1943	80% 1943		X
11. Chemicals, liquid, not elsewhere specified	80% 1943	80% 1943	X	
12. Chemicals for food sanitation purposes only	150% 1943	150% 1943		X
13. Chemicals, reagent	200% 1943	200% 1943	X	
14. Cleaners—dry, paste or liquid, not including liquid household cleaners	100% 1943	100% 1943		X
15. Compounds for grinding, polishing, or sealing	100% 1943	100% 1943		X
16. Deodorants—dry, not for use on human body	100% 1943	100% 1943		X
17. Deodorants—liquid or paste, not for use on human body	100% 1943	100% 1943	X	
18. Dressings for industrial purposes. Belt dressings and similar preparations	100% 1943	100% 1943		X
19. Dyes	100% 1943	100% 1943	X	
20. Essential oils, distilled or cold pressed	100% 1943	100% 1943	X	
21. Embalming fluid	Unlimited	Unlimited		X
22. Fire extinguisher fluids	100% 1943	100% 1943		X
23. Fumigants	100% 1943	100% 1943		X
24. Fungicides, insecticides, disinfectants and livestock or agricultural solutions or sprays No containers larger than 1 quart to be packed.	150% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
25. Germicides	125% 1943	125% 1943	X	
26. Graphite with liquid	100% 1943	100% 1943		X
27. Glycerine	100% 1943	100% 1943		X
28. Hand protective compounds (industrial protective only and only when packed in 8 oz. container or larger).	150% 1943	150% 1943		
29. Hypochlorite powders	125% 1943	125% 1943	X	
30. Inks	100% 1943	100% 1943	X	
31. Ink eradicators	100% 1943	100% 1943	X	
32. Paints, clear (including shellac) except nitro-cellulose base paints; containers limited to quarts and smaller.	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
33. Paints, pigmented except nitro-cellulose base paints; containers limited to one-half pints and smaller	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one pint capacity and smaller may be included in computing quota under paragraph (g).				
34. Paint thinner, including turpentine, paint and varnish removers and linseed oil; excluding thinners for nitro-cellulose products; quart, pint and half-pint containers only.	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
35. Phenols	100% 1943	100% 1943	X	
36. Photographic supplies	100% 1943	100% 1943	X	
37. Poisons	100% 1943	100% 1943		X
38. Polishes, liquid. Furniture, auto, metal and floor polishes, quart and smaller containers only	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
39. Putty	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g)				
40. Polishes not otherwise specified	75% 1943	75% 1943		X
41. Shoe and leather polishes, waxes, dyes, stains and dressings not including liquid or cream shoe white	125% 1943	125% 1943		X
42. Shoe white, liquid or cream	100% 1943	100% 1943		X
43. Soap, liquid or paste	100% 1943	100% 1943		X
44. Solvents—organic solvents and petroleum distillates	100% 1943	100% 1943		X
45. Synthetic resins	100% 1943	100% 1943		X
46. Waxes	100% 1943	100% 1943		X
47. Wood preservatives and/or fillers	100% 1943	100% 1943		X

SCHEDULE IV—COSMETICS AND TOILETRIES

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Cosmetics, solid and semisolid types; such as face creams, hand creams, vanishing creams, deodorant and anti-perspirant creams and cream rouge.	100% 1943	85% permitted new glass containers.		X
2. Cosmetics and toileteries, fluid or powder; such as deodorants, antiperspirants, shampoos, hair tonics, hair dyes, wave solutions, hair rinses, oral antiseptics, tooth pastes, tooth powders, liquid dentifrices, after shave lotions, liquid soaps, perfumes, toilet waters, face and hand preparations, lotions, fingernail preparations.	100% 1943	50% permitted new glass containers.		X
3. Soaps, hand	100% 1943	100% 1943		X
4. Shaving cream	100% 1943	100% 1943		X

SCHEDULE V—MISCELLANEOUS PRODUCTS

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Artist supplies	100% 1943	100% 1943		X
2. Candle tumblers	Unlimited	None		
3. Dental floss	100% 1943	100% 1943		X
4. Lighter fluids	100% 1943	100% 1943		X
5. Oils, lubricating and machine. Motor oils to be packed in quarts only	100% 1943	100% 1943		X
6. Tobacco and snuff not including cigars and cigarettes	100% 1943	None		

SCHEDULE VI—BEVERAGES

(The rules set forth in this Schedule are controlling wherever they conflict with any other provisions of Order L–103–b. However, except as modified herein, all provisions of Order L–103–b are applicable)

MALT BEVERAGES

Product: Malt beverages, including only beer, ale, porter, near beer and mixtures thereof.

Glass Containers

(a) *Glass container quota.* During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for malt beverages shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for malt beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering malt beverages to or for any of the persons listed under paragraph (p) of this order:

(1) *Export shipment.* The full amount of glass containers for delivering malt beverages to or for any such person for shipment to points outside the continental United States.

2. *Domestic consumption.* 8% of the full amount of glass containers for delivering malt beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Note 3).* 115% of the number of new metal closures used for malt beverages during 1943 under quotas provided by order M–104. (Quota exempt closures may not be included in base).

(d) *Closure material.* (See Note 1). Rejects, electrolytic waste-waste and frozen blackplate. Hot dipped waste-waste may be used only to make malt beverage closures which are to be exported unused.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L–103–b, except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

NON-ALCOHOLIC BEVERAGES

Product. Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters and unflavored naturally carbonated and still waters (See Note 2); drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85% by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk.

Glass Containers

(a) *Glass containers quota.* During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for non-alcoholic beverages shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for non-alcoholic beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering non-alcoholic beverages to or for any of the persons listed in paragraph (p) of this Order.

(1) *Export shipment.* The full amount of glass containers for delivering non-alcoholic beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 8% of the full amount of glass containers for delivering non-alcoholic beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Notes 2 and 3).* 115% of the number of new metal closures *used* for non-alcoholic beverages during 1943 under the quotas provided by Order M–104, (Quota exempt closures are not to be included in base).

(d) *Closure material (See Note 1).* Rejects, electrolytic waste-waste, and frozen blackplate. Hot dipped waste-waste may be used only to make non-alcoholic beverage closures which are to be exported unused.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L–103–b except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

WINES

Product. Wines.

Glass container quota. During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for wines shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

Closure quota. 50% quota glass containers.

Closure material. Blackplate.

DISTILLED SPIRITS

Product. Distilled spirits, including cordials.

Glass container quota. During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for distilled spirits shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

Closure quota. 50% quota glass containers.

Closure material. Blackplate.

NOTE 1: Permission to accept delivery of used cans or of sheets recovered from such cans or of tinplate slitter or shear trimmings, lithographing lay sheets and discs must be obtained in accordance with Conservation Order M–325.

NOTE 2: Except with regard to items listed in Schedule II, no new metal closures shall be affixed to glass containers smaller than 12 fl. oz. for packing unflavored carbonated natural or mineral waters unless such glass containers were manufactured on or before June 1, 1942.

NOTE 3: No person other than a jobber purchasing for resale shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory (including closures for use as described in Paragraph (p) of this Order) beyond 20% of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.

SCHEDULE VII—HOME CANNING CLOSURES

Description of closure	Manufacturer's quota	Closure material indicated by X: 0.50 tinplate	Wire bails	Zinc	Blackplate
1. Top seal metal lids, 70 mm [1]	Unlimited	X			
2. Bands for 70 mm. top seal metal lids [1]	Unlimited	X			
3. Bands for use with 70 mm. glass lids	Unlimited	X			
4. Lightning type	Unlimited		X		
5. Top seal metal lids, smaller than 70 mm	Unlimited	X			
6. One piece metal closures, 70 mm. shoulder seal type [1]	Unlimited	X			
7. One piece metal closures, 70 mm. top seal type [1]	Unlimited	X			
8. Top seal metal lids larger than 70 mm	From October 1, 1943 to September 30, 1944—6% of production of 70 mm. lids from October 1, 1942 to September 30, 1943.	X			
9. Zinc Mason P/L closures, 70 mm	60% 1941 production			X	
10. Jelly glass lids	Unlimited				X

[1] No manufacturer of glass containers shall ship any jars with 70 mm. screw finish, intended for home canning unless at least 40% of such jars shipped during each calendar month are delivered as a unit, consisting of the jar and a "glass lid closure" packed together. A "glass lid closure" is one consisting of a glass lid, a screw band and a top seal jar ring.

[F. R. Doc. 44–184; Filed, January 4, 1944; 4:48 p. m.]

PART 3270—CONTAINERS

[Supplementary Order L–103–b, Interpretation 1, Revocation]

Interpretation 1 of Supplementary Order L–103–b is superseded by paragraphs (g) and (h) of the order as amended January 4, 1944.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–185; Filed, January 4, 1944; 4:48 p. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M-361, Direction 1]

DELIVERIES OF SOUTHERN YELLOW PINE LUMBER TO FARM MACHINERY MANUFACTURERS

The following direction is issued in accordance with Order M-361, paragraph (d):

(a) This direction tells how a manufacturer of farm machinery may get the restricted Southern yellow pine lumber he needs for production material without having to file on Form WPB-2720.

(b) A manufacturer of farm machinery must endorse the following certificate on his purchase orders:

All restricted Southern yellow pine lumber covered by this purchase order or contract is required in order to enable me to fulfill an authorized production schedule for the production of farm machinery and equipment. Delivery may be made to me under Direction 1 to Order M-361, with the terms of which I am familiar.

Purchaser

By ---
Duly authorized official

Date ---

(c) Any producer may sell, ship, or deliver restricted Southern yellow pine lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate, just as if the order were certified in the way prescribed by paragraphs (b) (1) or (b) (2) of Order M-361. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M-361 with respect to certified orders, so far as applicable. No one may use the certificate to get more lumber than the minimum necessary to fulfill his authorized schedules for the production of farm machinery, or to get lumber for any use except as production material: for example, no one can get lumber under this direction for boxing and crating his product. The inventory restrictions of paragraph (c) of Order M-361 are waived so long as the above restrictions are complied with.

(d) Manufacturers of farm machinery who get Southern yellow pine lumber under this direction shall report by letter, ten days after the end of each quarter, to the War Food Administration, Office of Materials and Facilities, Washington, D. C., stating their inventories of Southern yellow pine for production material at the beginning of the quarter, the amount delivered to them for production material during the quarter, and the amount used for production material during the quarter, whether obtained under this direction or in some other way. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) Manufacturers of farm machinery do not have to get restricted Southern yellow pine lumber under this direction unless they want to. They may get it in any other way that is allowed under M-361. For example, a small manufacturer who buys from a mill producing less than 10,000 board feet a day may prefer not to change his arrangement. Manufacturers who buy from a limited number of sources may prefer to file on WPB-2720.

(f) "Farm machinery" means farm machinery and equipment as defined in Orders L-257 and L-257-a. "Production material" means material for the production of farm machinery.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-312; Filed January 6, 1944; 11:25 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M-364, Direction 1]

DELIVERIES OF HARDWOOD LUMBER TO FARM MACHINERY MANUFACTURERS

The following direction is issued in accordance with Order M-364, paragraph (d):

(a) This direction tells how a manufacturer of farm machinery may get the restricted hardwood lumber he needs for production material without having to file on Form WPB-2720.

(b) A manufacturer of farm machinery must endorse the following certificate on his purchase orders:

All restricted hardwood lumber covered by this purchase order or contract is required in order to enable me to fulfill an authorized production schedule for the production of farm machinery and equipment. Delivery may be made to me under Direction 1 to Order M-364, with the terms of which I am familiar.

Purchaser

By ---
Duly authorized official

Date ---

(c) Any producer may sell, ship, or deliver restricted hardwood lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate, just as if the order were certified in the way prescribed by paragraphs (b) (1) or (b) (2) of Order M-364. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M-364 with respect to certified orders, so far as applicable. No one may use the certificate to get more lumber than the minimum necessary to fulfill his authorized schedules for the production of farm machinery, or to get lumber for any use except as production material: for example, no one can get lumber under this direction for boxing and crating his product. The inventory restrictions of paragraph (c) of Order M-364 are waived so long as the above restrictions are complied with.

(d) Manufacturers of farm machinery who get restricted hardwood lumber under this direction shall report by letter, ten days after the end of each quarter, to the War Food Administration, Office of Materials and Facilities, Washington, D. C., stating their inventories of restricted hardwood for production material at the beginning of the quarter, the amount delivered to them for production material during the quarter, and the amount used for production material during the quarter, whether obtained under this direction or in some other way. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) Manufacturers of farm machinery do not have to get restricted hardwood lumber under this direction unless they want to. They may get it in any other way that is allowed under M-364. For example, a small manufacturer who buys from a mill producing less than 10,000 board feet a day may prefer not to change his arrangements. Manufacturers who buy from a limited number of sources may prefer to file on WPB-2720.

(f) "Farm machinery" means farm machinery and equipment as defined in Orders L-257 and L-257-a. "Production material" means material for the production of farm machinery.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-313; Filed, January 6, 1944; 11:25 a. m.]

PART 3293—CHEMICALS [1]

[Allocation Order M-25 (General Preference Order M-25), as Amended Jan. 6, 1944]

FORMALDEHYDE, HEXAMETHYLENETETRAMINE AND PENTAERYTHRITOL

§ 3293.56 [1] *Allocation Order M-25*—(a) *Definitions.* For the purpose of this order:

(1) "Formaldehyde" means the chemical compound known by that name in any form and from whatever source derived. The term formaldehyde includes formaldehyde in solution form of any concentration including, but not limited to, solutions known as Formalin and Formol. The term formaldehyde also includes formaldehyde in dry form, commonly known as paraformaldehyde.

(2) "Hexamethylenetetramine" means the reaction product of formaldehyde and ammonia known also as hexamethylenemine, methenamine, hexamine, aminoform, urotropin, formin, cystamin, and cystogen.

(3) "Pentaerythritol" means the reaction product of formaldehyde and acetaldehyde.

(4) "Supplier" means any producer or distributor as herein defined.

(5) "Producer" means any person who produces formaldehyde, hexamethylenetetramine or pentaerythritol, regardless of whether he produces it for his own account or pursuant to toll agreement.

(6) "Distributor" means any purchaser of formaldehyde, hexamethylenetetramine, or pentaerythritol from a producer for purpose of resale without further processing or admixing.

(b) *Restrictions on use and delivery of formaldehyde, hexamethylenetetramine or pentaerythritol.* (1) On and after March 1, 1943, no supplier of formaldehyde, hexamethylenetetramine or pentaerythritol shall use or deliver such material, and no person shall accept delivery of such material from a supplier, except as specifically authorized by the War Production Board, upon application pursuant to paragraph (f).

(2) Each person authorized to use or accept delivery of formaldehyde, hexamethylenetetramine or pentaerythritol shall use such material only for the purpose authorized, except as otherwise specifically directed by the War Production Board.

(3) In addition to regular monthly allocations, the War Production Board, at its discretion, may at any time issue special directions to any person with respect to the use, transportation or delivery of formaldehyde, hexamethylenetetramine, or pentaerythritol by such person, or of products made from such materials allocated to such person, notwithstanding the provisions of paragraphs (c), (d) or (e) hereof, or may issue special directions to any producer with respect to the kinds or quantity of formaldehyde, hexamethylenetetramine or pentaerythritol which he may produce or manufacture.

(c) *Small order exemption.* Notwithstanding the provisions of paragraph (b) (1):

(1) Any person may use or accept delivery of formaldehyde in quantities of 10,000 pounds or less of 37% solution formaldehyde (or any other weight or solution containing the same amount of formaldehyde) plus 3,000 pounds or less of paraformaldehyde, and hexamethylenetetramine in quantities of 10,000 pounds or less, and pentaerythritol in quantities of 100 pounds or less, in the aggregate during any calendar month without specific authorization under this order if he has not been specifically authorized to use or accept delivery of any quantity of the same material during the same month.

(2) A supplier may fill small orders for the quantities specified in the above paragraph (c) (1) if he delivers not more than these quantities to any customer in any calendar month, and if the total amount delivered on all such orders does not exceed the following:

(i) The amount which he has been specifically authorized, upon application pursuant to paragraph (f) (2), to deliver on small orders; or

(ii) The amount which he has been specifically authorized, upon application pursuant to paragraph (f) (1), to accept delivery of, or to use, to fill small orders; or

(iii) The amount which he himself acquired on small orders and has not used for other purposes.

Suppliers who customarily resell exclusively on small orders shall not be subject to the limit on total small orders imposed by paragraphs (c) (2) (i) (ii) and (iii) above.

(d) *Defense plant production exemption.* Formaldehyde, hexamethylenetetramine and pentaerythritol produced by any department or agency of the United States Government, or produced in any plant owned by any agency of the United States Government, and which is delivered to and consumed by any such department, agency or plant, may be so used and delivered without specific authorization under this order, notwithstanding the provisions of paragraph (b) (1).

(e) *Special exemption for March.* Notwithstanding the provisions of paragraph (b) (1), any supplier may deliver formaldehyde, hexamethylenetetramine or pentaerythritol, and any person may accept such delivery, prior to receipt of authorization by the War Production Board to make and to accept such delivery, if:

(1) Application pursuant to paragraph (f) to make and to accept such delivery shall have been filed with, or mailed to, the War Production Board on or before February 28, 1943; and

(2) Shipment shall have originated on or before March 31, 1943.

(f) *Applications and reports.* (1) Each person seeking authorization to accept delivery of formaldehyde, hexamethylenetetramine and pentaerythritol, and each supplier seeking authorization to use or accept delivery of formaldehyde, hexamethylenetetramine, or pentaerythritol, shall file application on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. Applications for delivery from a supplier shall be filed in time to ensure that copies will have reached the supplier and the War Production Board on or before the 15th day of the month preceding the month for which authorization for use or acceptance of delivery is requested, where the supplier is a producer; and on or before the 10th day where the supplier is a distributor.

During February, 1943, applications shall be filed as soon as practicable.

Number of copies. Five copies shall be prepared, of which one shall be retained by the applicant; one (with columns 11 through 23 inclusive blank) shall be sent to the supplier, and three certified copies shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C. Ref.: M-25.

Number of sets. A separate set of PD-600 application forms shall be submitted for each supplier and requests on separate sets of forms shall be made for formaldehyde, hexamethylenetetramine and pentaerythritol, respectively.

Heading. Under name of chemical, specify formaldehyde, hexamethylenetetramine or pentaerythritol, as the case may be; under War Production Board order number, specify M-25; under unit of measure, specify pounds; and fill in other information as required.

Column 1. In the case of formaldehyde, specify whether dry or solution form and specify strength of the solution. In the case of hexamethylenetetramine and pentaerythritol, specify grade as U. S. P., Technical, or other specified grade.

Column 2. Fill in as indicated.

Column 3. Fill in as follows:

For orders on hand:
- *Primary product
- Export (in original form)
- Resale (in original form)

For anticipated orders:
- *Primary product
- Export (in original form)
- Resale (in original form)

Inventory (in original form)
- *The primary products referred to above should be specified as follows:

(For formaldehyde)
- Allocated resins (specify type of resin)
- Non-allocated resins (specify type of resin)
- Hexamethylenetetramine
- Pentaerythritol
- Ethylene glycol
- Embalming fluid
- Drugs and pharmaceuticals (specify)
- Disinfectants
- Insecticides
- Fungicides
- Cellulose esters (specify)
- Dyes
- Photographic chemicals
- Other (specify)

(For hexamethylenetetramine)
- Explosives
- Allocated resins (specify type of resin)
- Non-allocated resins (specify type of resin)
- Drugs and pharmaceuticals (specify)
- Other (specify)

(For pentaerythritol)
- Allocated resins (specify type of resin)
- Non-allocated resins (specify type of resin)
- Explosives
- Other (specify)

Column 4. Opposite any primary product listed in Column 3 which is subject to allocation, specify only the allocation order number in Column 4. For each primary product not under allocation, specify end use in Column 4.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization", or "for exempt small orders" (in accordance with paragraph (c) above).

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom or for whose account the material will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify Lend-Lease. Also, indicate in Column 4 the same information with respect to any primary product listed in Column 3 which will be exported and which is not under allocation. For example, where explosives are specified in Column 3, indicate whether such explosives are to be exported.

Opposite "Inventory" in Column 3, leave Column 4 blank.

Columns 5, 6, 7, 8, and 9. Leave blank.

Column 10. Specify requested delivery dates.

Table II. Fill in as indicated. The same grades, if any, shall be listed in Column 11 as in Column 1.

Table III. Fill in as indicated.

Table IV. Fill in as indicated for each primary product listed in Column 3 above, except those primary products under direct allocation under another War Production Board order (such as allocated synthetic resins).

(2) Each supplier seeking authorization to make delivery of formaldehyde, hexamethylenetetramine or pentaerythritol during any calendar month shall file application on Form PD-601 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-601. Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

Time. Each supplier shall make application on Form PD-601 on or before the 20th day of the month preceding the month for which authorization to make delivery is requested, except that applications for March, 1943, may be filed or mailed as late as February 28, 1943.

Number of copies. Four copies shall be prepared, of which one shall be retained by the supplier and three certified copies shall be filed with the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-25.

[1] Formerly Part 967, § 967.1.

Number of sets. A separate set of PD–601 forms shall be filed for each plant or shipping point of supplier, and a separate set for formaldehyde, hexamethylenetetramine and pentaerythritol respectively.

Heading. Under name of chemical, specify formaldehyde, hexamethylenetetramine or pentaerythritol, as the case may be; under War Production Board order number, specify M–25; under unit of measure, specify pounds; and fill in other information as required.

Table I. Fill in as indicated. Each supplier filing a PD–600 application for use or acceptance of delivery, specifying himself as his supplier, shall list his own name as customer on his PD–601 form. An aggregate quantity may be requested for delivery on exempt small orders (paragraph (c) above) without listing individual customers.

Table II. Fill in all columns as indicated. Grades shall be specified as provided in the instructions above for Column 1 of Form PD–600.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(g) *Allocations for inventory.* Formaldehyde, hexamethylenetetramine or pentaerythritol allocated for inventory shall not be used for any purpose except as specifically directed by the War Production Board or except to fill orders for authorized uses pending arrival of the formaldehyde, hexamethylenetramine or pentaerythritol allocated to fill such orders. Upon arrival of such material, the allocated inventory shall be restored.

(h) *Delayed deliveries.* Each supplier shall fill all authorized orders in full and during the month for which allocated, as far as possible.

Each supplier shall notify the War Production Board of the cancellation of any authorized order, or of postponement of any authorized delivery for more than ten days after the allocation month, or of his inability to make any authorized delivery, as soon as possible after he has notice of such fact.

(i) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(j) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–25.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–315; Filed, January 6, 1944, 11:22 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–31 as Amended Jan. 6, 1944]

ALCOHOL

§ 3293.71[1] *Allocation Order M–31*—(a) *Definitions.* (1) "Methyl alcohol" (methanol), known also as wood alcohol, means methyl alcohol in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of methyl alcohol and includes any person who has methyl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases methyl alcohol for purposes of resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall on and after January 15, 1943 deliver or use methyl alcohol, and no person shall accept delivery of methyl alcohol from a producer or distributor, except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each calendar month will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time at its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. The War Production Board may also at any time issue directions with respect to the use or uses which may or may not be made of material to be delivered or then on hand, or issue directions to a producer with respect to the grade of methyl alcohol which he may or must manufacture.

(3) Each person specifically authorized to accept delivery of methyl alcohol shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Methyl alcohol allocated for inventory shall not be used except as specifically directed by the War Production Board. Methyl alcohol allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(5) The quantity of methyl alcohol that may be used in the manufacture of anti-freeze shall be controlled by the provisions of General Limitation Order No. L–51, as amended from time to time.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 540 gallons (10 drums) or less of methyl alcohol in the aggregate: *Provided,* That such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall have filed with him a certificate in substantially the following form:

> The undersigned purchaser hereby certifies to the War Production Board and to his supplier that the methyl alcohol hereby ordered for delivery in _____, 194__, does not, taken with all other methyl alcohol delivered or to be delivered in such month, exceed 540 gallons (10 drums).
>
> _____
> Name of purchaser
> By _____
> Authorized official title

Provided, however, That no producer shall deliver an aggregate amount of methy alcohol in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of his estimated production of methyl alcohol for such month.

(3) The use by any producer in any calendar month of 540 gallons (10 drums) or less of methyl alcohol in the aggregate.

(d) *Applications for delivery of methyl alcohol and reports.* (1) Each person seeking authorization to accept delivery of methyl alcohol during any calendar month, beginning with February, 1943, whether for his own consumption or resale, (and each producer seeking authorization to use methyl alcohol during any calendar month) shall file application therefor on or before the 10th day of the month preceding the month for which authorization for delivery or use is requested, except that requests for delivery from a distributor shall be filed not later than the 7th day of such preceding month. Application for acceptance of delivery or use in January, 1943, shall be filed as many days as possible in advance of the requested delivery or use. In any case, such application should be made on Form WPB–2945 (formerly PD–600) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–31, the fifth to be retained for applicant's files.

(iii) In the heading, under name of chemical, specify "methyl alcohol"; under "WPB Order No.", specify "M–31"; under unit of measure, specify gallons; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, indicate grade in terms of the following: Pure, denaturing grade, 95–97%.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Acetic acid.	Methyl acetate.
Denaturant.	Methyl chloride.
Dimethyl aniline.	Methyl formate.
Dimethyl phthalate.	Methyl methacrylate.
Ethylene glycol.	Other (specify).
Formaldehyde.	Resale (as methyl alcohol).
Formamide.	Inventory (as methyl alcohol).
Formic acid.	
Methyl amine.	

(vi) In Column 4, specify ultimate use of product. For example, if the "primary product" called for in Column 3 is "formaldehyde," the "ultimate use" of the product might be "phenol formaldehyde resin." Also, specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer, and give government specification number, if any. Where the Form WPB–2945 (formerly PD–600) is an application for methyl alcohol for resale to others, leave Column 4 blank. Where the Form WPB–2945 (formerly PD–600) is an application for methyl alcohol for inventory, applicant shall specify in Column 4 the amount, if any, considered necessary to bring his inventory to a safe working minimum.

(2) Each producer or distributor seeking authorization to make delivery of methyl alcohol during any calendar month, beginning with February, 1943, shall file application on or before the 17th day of the month preceding the month for which authorization is requested. Where authorization to deliver in January, 1943, is sought, such Form WPB–2946 (formerly PD–601) shall be filed as many days as possible in advance of the requested delivery. Such application shall be made on Form WPB–2946 (formerly PD–601) in the manner prescribed herein, subject to the following special instructions:

(i) Copies of Form WPB–2946 (formerly PD–601) may be obtained at local field offices of the War Production Board.

(ii) Four copies shall be prepared, of which three shall be filed with the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–31, the fourth to be retained for applicant's files. A separate set of Form WPB–2946 (formerly PD–601) shall be filed for each grade of methyl alcohol for which authorization to deliver is sought, viz, Pure, denaturing grade, 95–97%.

(iii) Producers and distributors who have filed application on Form WPB–2945 (formerly PD–600), specifying themselves as their suppliers, shall list their own names as customers on Form WPB–2946 (formerly PD–601), and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify "methyl alcohol"; under WPB Order No., specify "M–31"; under name of company, state your name and mailing address; under unit of measure, specify gallons; and state the month and year during which deliveries covered by the application are to be made.

(v) List all customers alphabetically. The names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4 specify the estimated quantity. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on the last sheet which is the only one that need be certified.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Leave Column 6 blank.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions with respect to preparing and filing Forms WPB–2945 (formerly PD–600) and WPB–2946 (formerly PD–601).

(f) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priority Regulations as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–31.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–305; Filed, January 6, 1944, 11:22 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–183 as Amended Jan. 6, 1944]

PHOSPHATE PLASTICIZERS[1]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of phosphate plasticizers, as hereinafter defined, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.256[1] *Allocation Order M–183*—(a) *Definitions.* For the purpose of this order:

(1) "Phosphate plasticizers" means the following phosphate plasticizers in any form and from whatever source derived:

Tricresyl phosphate
Triphenyl phosphate
Di-phenyl mono-(ortho xenyl) phosphate
Di-(ortho xenyl) mono-phenyl phosphate

(2) "Producer" means any person engaged in the production of phosphate plasticizers and includes any person who has such phosphate plasticizers produced for him pursuant to toll agreement.

(3) "Distributor" means any purchaser of phosphate plasticizers for purpose of resale.

(b) *Restrictions on use and delivery of phosphate plasticizers.* Except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (c), no person shall use, deliver or accept delivery of tricresyl phosphate or triphenyl phosphate on or after August 1, 1942, or of di-phenyl mono-(ortho xenyl) phosphate or di-(ortho xenyl) mono-phenyl phosphate on or after June 1, 1943; *Provided, however,* That no such specific authorization shall be required with respect to:

(1) The use or acceptance of delivery by any person during any one calendar month of one thousand (1000) pounds or less of phosphate plasticizers;

(2) The delivery by any producer or distributor of one thousand (1000) pounds or less of phosphate plasticizers to any one person during any one calendar month (which may be made without regard to preference ratings), provided that the aggregate amount of such deliveries by any producer or distributor during any one calendar month shall not exceed two percent (2%) of the deliveries which he is specifically authorized to make during such month, or such amount as may be specifically authorized by the War Production Board.

(c) *Applications and reports.* (1) Each person (including producers and distributors seeking authorization to use or accept delivery of phosphate plasticizers during any calendar month shall file application on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested. Such application shall be made on the Form WPB–2945 (formerly PD–600), except as provided in paragraph (c) (3), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three certified copies to the War Production Board, Chemicals Division, Washington 25, D. C. Ref: M–183. Only

[1] Formerly Part 971, § 971.2 (*General Preference Order M–31*).

[1] Formerly Part 1294, § 1294.1.

four copies need be prepared where supplier is "own stocks." A separate set shall be made up for each supplier from whom delivery is requested (except that where application is made for acceptance of delivery of any quantity from a supplier, it is not necessary to file a separate set listing "own stocks" as supplier). Also, separate sets shall be made for each different phosphate plasticizer sought.

(iii) In the heading, under the name of chemical, specify the particular phosphate plasticizer sought (not more than one); under War Production Board Order, Specify M–183; under name of company, specify name and mailing address, and specify delivery destination, supplier and shipping point; under unit of measure, specify pounds; and specify the month and year for which authorization for use or acceptance of delivery is sought.

(iv) Leave Column 1 blank.

(v) In Columns 3, 20 and 22, specify primary product in terms of the following:

Army cable insulation.
Navy cable insulation.
Other wire coatings.
Textile coatings.
Airplane dope.
Army cable lacquer.
Navy cable lacquer.
Other wire lacquers.
Other lacquers.
Paper coatings.
Molding compounds.
Photographic film.
Chemical resistant coatings.
Oil additive.
Motor fuel additive.
Inks.
Adhesives.
Artificial leather.
Rubber (natural or synthetic).
Sheet plastic.
Lubricants.
Miscellaneous (specify).
Inventory.
Export (as phosphate plasticizer; specify contract, country and whether Lend-Lease).
Resale (as phosphate plasticizer, upon further authorization).

Phosphate plasticizers allocated for inventory shall not be used except as specifically directed by the War Production Board, or to fill orders authorized by the War Production Board pending arrival of the phosphate plasticizers allocated to fill such orders, provided that upon arrival of such plasticizers the allocated inventory is restored.

(vi) In column 4 describe the use or end product, such as windshield glass, raincoats, tank cable, and the like. Opposite "Miscellaneous" in column 3 show in column 4 the groupings, insofar as possible, of the more important miscellaneous primary products.

(vii) In Columns 11 and 19 specify only the particular phosphate plasticizer sought and fill in the other columns of Tables II and III accordingly.

(viii) Subject to the above instructions fill in all tables and columns of the form as prescribed therein, leaving only columns 1, 9 and 10 blank.

(2) Each producer and distributor seeking authorization to make delivery of phosphate plasticizers during any calendar month shall file application on or before the 24th day of the month preceding the month for which authorization is requested. Such application shall be made on Form WPB–2946 (formerly PD–601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form WPB–2946 (formerly PD–601) may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three certified copies to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M–183. Separate sets of forms shall be filed for each different phosphate plasticizer.

(iii) Suppliers who have filed application on Form WPB–2945 (formerly PD–600) specifying themselves as supplier, shall list their own names as customers on Form WPB–2946 (formerly PD–601) and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify the particular phosphate plasticizer to be delivered (not more than one); under War Production Board Order, specify M–183; under name of company, specify name and mailing address; give address of plant or warehouse; check whether producer or distributor; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) Leave columns 3 and 8 blank.

(vi) In column 5 specify proposed deliveries, delivery dates, and shipping container (drums or tank cars).

(vii) No statement need be made with respect to deliveries which may be made during the next month pursuant to paragraph (b) (2) of this order.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(ix) Fill in all columns in Tables I and II, except columns 3, 6, 7 and 8.

(3) Application for authorization under this order by the United States Army, Navy, Coast Guard, Maritime Commission and War Shipping Administration may be made in any manner.

(4) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special directions to any person with respect to preparing and filing Forms WPB–2945 (formerly PD–600) and WPB–2946 (formerly PD–601).

(d) *Notification of customers.* Producers and distributors of phosphate plasticizers are requested to notify as soon as practicable each of their regular customers of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–183.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–316; Filed, January 6, 1944, 11:22 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–190 as Amended Jan. 6, 1944]

CALCIUM CARBIDE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of calcium carbide for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.271[1] *Allocation Order M–190*—(a) *Definitions.* (1) "Calcium carbide" means the chemical compound of that name.

(2) "Producer" means any person engaged in the production of calcium carbide and includes any person who has such material produced for him pursuant to toll agreement.

(3) "Distributor" mean any person who has purchased or purchases calcium carbide for resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, on and after January 1, 1943, no producer or distributor shall deliver or use calcium carbide, and no person shall accept delivery of calcium carbide from a producer or distributor, except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month, beginning with January, 1943, will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time (including the period prior to January 1, 1943), at its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of calcium carbide shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Calcium carbide allocated for inventory shall not be used except as specifically directed by the War Production Board. Calcium carbide allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(c) *Exemption from requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, no specific written authorization or direction of War Production Board shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of not more than 30 tons of calcium carbide in the aggregate; provided that such person has not been specifically authorized or directed to accept delivery of any quantity of calcium carbide during such month. For the purposes of paragraph (c) (1) and (c) (2), the term "person" means usual purchasing unit, whether plant, distributing agency, or corporation or other legal entity.

(2) The delivery by any producer or distributor to any person in any one calendar month of not more than 30 tons of calcium carbide, provided that such producer or distributor has not been specifically authorized or directed to deliver any quantity of calcium carbide to such person in such month.

(3) The use by any producer in any calendar month of 30 tons or less of calcium carbide in the aggregate.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of calcium carbide during any calendar month, beginning with January, 1943 (except as provided in paragraph (c) hereof), whether for his own consumption or resale, shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. Applications by producers for authorization to use calcium carbide shall be filed in the same manner. In any case, the application shall be made on Form WPB 2945 (formerly PD–600) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB 2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier, three forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–190, and the fifth retained for your files.

(iii) In the heading, under name of chemical, specify calcium carbide; under WPB Order No., specify M–190; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify size in terms of the following:

Unscreened.
Lump (3½ x 2 inches).
Egg (2 x ½ inch).
Nut (1¼ x ⅜ inch).
Miners (½ inch).
Quarter (¼ x ½ inch).
Rice (Almost the size of rice).
14ND (Finely granulated).
Fines (Dust).

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Neoprene.
Acetic anhydride.
Trichlorethylene.
Tetrachlorethane.
Acetylene for resale only.
Acetylene for use by you in (insert whether manufacture of steel, production of scrap iron, ship building, railroads, aircraft, automotive, mining, house lighting, all others).
Hexachlorethane.
Polyvinylchloride.
Vinyl acetate.
Other chemical (specify).
Resale (as calcium carbide).
Inventory (see paragraph (b) (4)).

(vi) In Column 4, specify ultimate use of product, (for example, if the primary product called for by Column 3 is acetic anhydride, the ultimate use of product might be rayon truck tire fabric), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. Column 4 may be left blank when the "primary product" is bottled acetylene gas.

(vii) [Revoked June 15, 1943]

(2) Each producer or distributor seeking authorization to make delivery of calcium carbide during any calendar month beginning with January, 1943, shall file application on or before the 20th day of the month preceding the month for which authorization is requested. Such application shall be made on Form WPB 2946 (formerly PD–601), in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB 2946 (formerly PD–601) may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–190, retaining the fourth copy for your files.

(iii) Producers or distributors who have filed application on Form WPB 2945 (formerly PD–600), specifying themselves as their suppliers, shall list their own names as customers on Form WPB 2946 (formerly PD–601), and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify calcium carbide; under WPB Order No., specify M–190; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) In Columns 3 and 8, specify size in terms indicated in paragraph (d) (1) (iv) hereof.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4, the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such persons with respect to preparing and filing Forms WPB 2945 (formerly PD–600) and WPB 2946 (formerly PD–601).

(e) *Certification of customer's use of acetylene for certain uses.* (1) On and after July 1, 1943, no person who is required by paragraph (b) (1) hereof to obtain specific authorization or direction in writing of War Production Board, to receive or use calcium carbide for the generation of acetylene, shall accept or fill any order for acetylene for a purpose other than welding or cutting unless the person placing the order shall have furnished him or shall have filed with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–190, a certificate in substantially the following form:

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order M–190, that the acetylene hereby ordered will be used by him in the manufacture of the following product(s), and that such product(s), on the basis of an order or orders filed by the undersigned, will be put to the following end use(s):

	Cubic feet	Primary product	End use
(A)	----------	----------	----------
(B)	----------	----------	----------

(See paragraph (e) (2) hereof)

Name of purchaser

By ----------
Date — Duly authorized official — Title

Such certificate may be written on the purchase order or take the form of a separate instrument annexed to such order. If the certificate has been filed with War Production Board, the purchase order must contain a notation to that effect.

(2) The information set out in the certificate called for by paragraph (e) (1) shall be sufficiently specific to enable the generator of acetylene with whom the order is placed to indicate accurately on the application filed by him pursuant to paragraph (d) (1), both primary product and product end use (ultimate use). Also, the certificate must show whether the ultimate user is Army, Navy, other Government Agency, Lend-Lease or civilian customer, and must set

[1] Formerly Part 3003, § 3003.1.

forth specification or contract numbers, if any.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref.: M-190.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-306; Filed, January 6, 1944, 11:22 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M-203, as Amended Jan. 6, 1944]

PHTHALATE PLASTICIZERS

§ 3293.281[2] *Allocation Order M-203*—(a) *Definitions.* For the purpose of this order:

(1) "Phthalate plasticizers" means the following esters of phthalic acid:

GROUP I

Dimethyl phthalate
Diethyl phthalate
Dibutyl phthalate
Diamyl phthalate
Dicapryl phthalate
Di-methoxy ethyl phthalate
Di-ethoxy ethyl phthalate
Di-butoxy ethyl phthalate
Tributyl glycerol triphthalate
Di-cyclohexyl phthalate
Di-methylcyclohexyl phthalate
Castor oil phthalate
Hydrogenated castor oil phthalate
Isobutyl castor oil phthalate

GROUP II

Di 2-ethyl hexyl phthalate
Ethyl phthalyl ethyl glycollate
Butyl phthalyl butyl glycollate
Methyl phthalyl ethyl glycollate

(2) "Producer" means, with respect to any particular phthalate plasticizer, any person who produced such phthalate plasticizer, including any person who had such phthalate plasticizer produced for him pursuant to toll agreement, but does not include any person who produced such phthalate plasticizer for another person pursuant to toll agreement.

(3) "Distributor" means, with respect to any particular phthalate plasticizer, any purchaser of such phthalate plasticizer from a producer for purpose of resale without further processing.

(b) *Restrictions on use and delivery of phthalate plasticizers.* (1) No producer or distributor shall use or deliver phthalate plasticizers, and no person shall accept delivery of phthalate plasticizers from a producer or distributor, except as specifically authorized by the War Production Board upon application pursuant to paragraph (d), or except as provided in paragraph (c).

(2) Each person authorized to accept delivery of phthalate plasticizers shall use such phthalate plasticizers for the purpose authorized, except as otherwise specifically directed by the War Production Board.

(3) The War Production Board in its discretion may from time to time issue special directions to any person with respect to the use, transportation or delivery of phthalate plasticizers by such person, or of products made from phthalate plasticizers allocated to such person.

(c) *Exceptions.* Specific authorization pursuant to paragraph (b) shall not be required with respect to the use, delivery or acceptance of delivery of phthalate plasticizers (which may be made without regard to preference ratings) as follows:

(1) Any producer or distributor may deliver phthalate plasticizers to any person entitled to accept delivery pursuant to paragraphs (c) (2) and (3) hereof: *Provided*, That no producer or distributor shall deliver an amount of any one kind of phthalate plasticizer in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of such phthalate plasticizer which he is specifically authorized to deliver during such month pursuant to paragraph (b) above, or such other amount as may be specifically authorized by the War Production Board.

(2) Any producer may use and any person may accept delivery of five (5) gallons or less of each kind of phthalate plasticizer during any one calendar month.

(3) In addition to quantities of phthalate plasticizers which may be used and accepted pursuant to paragraph (c) (2), any person may use and accept delivery of 220 gallons or less of phthalate plasticizers of all kinds, consisting of not more than 110 gallons of any one kind of Group I phthalate plasticizer and not more than 55 gallons of any one kind of Group II phthalate plasticizer during any one calendar month: *Provided*, That he has not been specifically authorized to accept delivery during the same month of any quantity of the same kinds of phthalate plasticizers pursuant to paragraph (b): *And provided*, That no delivery pursuant to this paragraph (c) (3) shall be made or accepted unless and until the person accepting delivery shall file with the person making delivery a certificate as follows:

CERTIFICATE

Order M-203 Small Order

The undersigned purchaser hereby represents to the seller and to the War Production Board that this order is placed in compliance with the terms of paragraph (c) (3) of phthalate plasticizer Order M-203, with the terms of which the undersigned is familiar.

_____ _____
(Name of purchaser) (Address)
By _____ _____
(Signature and title of duly authorized officer) (Date)

The above certificate shall be endorsed on or attached to the written contract or purchase order and shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The producer or distributor receiving such certificate may rely on it unless he knows or has reason to believe that it is false.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of phthalate plasticizers, and each producer or distributor seeking authorization to use phthalate plasticizers during any calendar month, shall file application on Form WPB-2945 (formerly PD-600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2945 (formerly PD-600). Copies of Form WPB-2946 (Formerly PD-601) may be obtained at local field offices of the War Production Board.

Time. Application on Form WPB-2945 (formerly PD-600) shall be filed on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested.

Number of copies. Five copies shall be prepared, of which one with columns 11 through 23 inclusive blank shall be forwarded to supplier, and three certified completely filled out copies shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-203. Only four copies need be prepared when supplier is "Own stocks".

Number of sets. A separate set of applications shall be made for each supplier from whom delivery is requested and separate sets shall also be made for each different phthalate plasticizer sought. It shall not be necessary, however, to make a separate application for use from own stock where application is also made for delivery from a supplier.

Heading. In the heading, under name of chemical, specify the phthalate plasticizer (one only); under War Production Board Order, specify M-203; under the name of company, specify name and mailing address; specify delivery destination, supplier and shipping point; and under unit of measure, specify pounds.

Table I. Specify the month and year for which authorization for use or acceptance of delivery is sought.

Column 1. Leave blank.

Column 3. Specify primary product in terms of the following:

Adhesives
Airplane dope
Artificial leather
Cellophane
Cellulose acetate plastics
Cellulose acetate-butyrate plastics
Chemical resistant coatings
Denatured alcohol
Electric wire or cable
Electric insulation other than wire or cable
Ethyl cellulose plastics
Inks
Lacquers and enamels
Laminated glass
Linoleum
Motor fuel additives
Nitrocellulose plastics
Oil additives
Paper coatings
Photographic films
Rubber—natural
Rubber—synthetic
Synthetic yarns and textiles
Textile coatings
Vinyl acetate and acetal plastics
Miscellaneous (identify)
Resale (in original form)
Export (in original form)
*Inventory (in original form)

Column 4. In Column 4 describe the use or end product. For example, textile coatings should be further described as window shade cloth, Army raincoats, Army airplane paulins, etc., and lacquers should be further described as aircraft, furniture, etc. In addition, where the product listed in Column 3 is to be produced for direct war use as defined in the next paragraph, the applicant shall so specify, and shall also specify the particular Government department or agency if such department or agency is purchasing directly from the applicant.

Direct war use. "Direct war use", for the purpose of applications under this order, means any use where the phthalate plasticizers or products made therefrom are to be delivered to, or incorporated into material to be delivered to, the United States Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, or Office of Scientific Research and Development, or the government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or the government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

Columns 5, 6, 7, 8, 9, and 10. Leave blank, except for remarks, if any, in Column 10.

Tables II and III. Fill in as indicated, with reference to the one phthalate plasticizer specified in the heading of the form. Leave Columns 11 and 19 blank. In Table II report total inventory irrespective of whether or not received on allocation.

Table IV. Leave blank.

(2) Each producer and distributor seeking authorization to make delivery of phthalate plasticizers during any calendar month shall file application on Form WPB-2946 (formerly PD-601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies of Form WPB-2946 (formerly PD-600) may be obtained at local field offices of the War Production Board.

Time. Application on Form WPB-2946 (formerly PD-601) shall be filed on or before the 22nd day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Prepare 4 copies and forward 3 certified copies to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-203.

Number of sets. Separate sets of forms shall be filed for each phthalate plasticizer requested.

Suppliers who are customers. Suppliers who have filed applications on Form WPB-2946 (formerly PD-601) specifying themselves as suppliers, shall list their own names as customers on Form WPB-2946 (formerly PD-601) and shall list their request for allocation in the manner prescribed for other customers.

Heading. In the heading, under name of chemical, specify the phthalate plasticizer (one only); under WPB order number, specify M-203; under name of company, specify name and mailing address; give address of plant or warehouse; check whether producer or distributor; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

Columns 1, 2, 3 and 4. Fill in Columns 1, 2 and 4 as indicated and leave Column 3 blank.

Column 5. Specify proposed deliveries, delivery dates, and shipping container.

Columns 6 and 7. Column 6 must be left blank and Column 7 may be left blank.

Small orders. No statement need be made with respect to deliveries which may be made during the next month pursuant to paragraph (c) (1) of this order.

Table II. Fill in as indicated with reference to the one phthalate plasticizer specified in the heading of the form. Leave Column 8 blank.

Extra sheets. If it is necessary to use more than one set of sheets to list customers, number each set of sheets in order and show grand totals for all sheets on the last set of sheets, which should have Table II filled out and are the only ones that need be certified.

(3) Application for authorization under this order may be made in any manner by the United States Army, Navy, Maritime Commission, or War Shipping Administration.

(4) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601).

(e) *Notification of customers.* Each producer and distributor shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order where inconsistent herewith.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of phthalate plasticizers shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-203.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-307; Filed, January 6, 1944, 11:23 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M-224, as Amended Jan. 6, 1944]

FURFURAL

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of furfural for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.306 *Allocation Order M-224*—(a) *Definitions.* For the purpose of this order:

(1) "Furfural" means monomeric furfuryl aldehyde from whatever source derived.

(2) "Producer" means any person who produces furfural.

(3) "Distributor" means any purchaser of furfural from a producer for purpose of resale without further processing.

(b) *Restrictions on use and delivery of furfural.* (1) On and after October 1, 1942, no producer or distributor shall use or deliver furfural, and no person shall accept delivery of furfural from a producer or distributor, except as specifically authorized by the War Production Board upon application pursuant to paragraph (d), or as provided in paragraph (c).

(2) Each person specifically authorized to accept delivery of furfural shall

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[1] Formerly Part 3030, § 3030.1.

*Inventory. Phthalate plasticizer allocated for inventory shall not be used for any purpose except as specially directed by the War Production Board, or except to fill orders for authorized uses, pending arrival of the phthalate plasticizers allocated to fill such orders. Upon such arrival, the allocated inventory shall be restored.

[1] Formerly General Preference Order M-224, Part 3070, § 3070.1.

use such furfural for the purpose authorized, except as otherwise specifically directed.

(3) The War Production Board in its discretion may at any time issue special directions to any person with respect to the use or delivery of furfural by such person, notwithstanding the provisions of paragraph (c).

(c) *Small order exemption.* (1) Any person may accept delivery of, and any producer or distributor may use, 110 gallons or less of furfural in the aggregate during any one calendar month without specific authorization: *Provided*, That such person has not been specifically authorized to use or accept delivery of any quantity of furfural during such month.

(2) No delivery of 5 gallons or more of furfural shall be made or accepted pursuant to this paragraph unless and until the person accepting delivery shall certify in writing to the person making delivery that such delivery is accepted within the terms of paragraph (c) (1).

(3) Any producer or distributor may deliver furfural without specific authorization to any person entitled to accept delivery pursuant to this paragraph, provided that:

(i) No producer shall deliver an aggregate amount of furfural in any one calendar month pursuant to this paragraph in excess of 2% of the amount of furfural which he is specifically authorized to deliver during such month or other such amount as may be specifically authorized by the War Production Board; and

(ii) No producer or distributor shall make deliveries during any month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month; and

(iii) Any producer or distributor may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of furfural, and each producer or distributor seeking to use or accept delivery of furfural during any calendar month, shall file application on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested. Such application shall be made on Form WPB–2945 (formerly Form PD–600), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three certified copies to the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–224.

(iii) In the heading, under name of chemical, specify "furfural"; under War Production Board order, specify "M–224"; under name of company, specify name and mailing address; under unit of measure, specify pounds; and specify the month and year for which authorization for use or acceptance of delivery is sought.

(iv) Columns 1 and 11 shall be left blank.

(v) In Column 3 specify primary product in terms of the following:

Gas purification.	Hydrogenation.
Resins.	Miscellaneous.
Petroleum refining.	Export (as furfural).
Rosin refining.	Resale (as furfural).
Abrasive wheel binder.	Inventory.

(vi) In Column 4:

Identify gas purified.

State end-use of resins, insofar as practicable, such as, general molding, oil filter binder, etc.

Opposite petroleum or rosin refining in Column 3, leave Column 4 blank.

State name of product produced by hydrogenation.

Opposite "miscellaneous" show the groupings, as far as possible, of the more important miscellaneous primary products.

Opposite "inventory," specify the amount considered necessary, if any, to bring the applicant's inventory to a safe working minimum; the ratings called for by Columns 5, 6, 7, and 8 need not be filled in opposite inventory in Column 3. Furfural allocated for inventory shall not be used or consumed without further authorization.

(vii) Tables III and IV shall be left blank.

(2) Each producer or distributor seeking authorization to make delivery of furfural during any calendar month shall file application on or before the 22nd day of the month preceding the month for which authorization is requested. Such application shall be made on Form WPB–2946 (formerly Form PD–601), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form WPB–2946 (formerly Form PD–601) may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three certified copies to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–224.

(iii) Producers or distributors who have filed application on Form WPB–2945 (formerly Form PD–600), specifying themselves as their suppliers, shall list their own names as customers on Form WPB–2946 (formerly Form PD–601), and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify "furfural"; under War Production Board order, specify "M–224"; under name of company, state name and mailing address; under unit of measure specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) Columns 3 and 8 shall be left blank.

(vi) Column 5 may, at discretion, be left blank.

(vii) No statement need be made with respect to small order deliveries which may be made during the next month pursuant to paragraph (c) of this order.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms WPB–2945 and 2946 (formerly Forms PD–600 and PD–601).

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions.* (1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time.

(2) *Effect of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other order of the War Production Board.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–224.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–308; Filed, January 6, 1944; 11:23 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–226, as Amended Jan. 6, 1944]

DICHLORETHYL ETHER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of dichlorethyl ether for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.311[1] *Allocation Order M–226*—(a) *Definitions.* For the purposes of this order: (1) "Dichlorethyl ether" means a chlorinated ether having a specific gravity of 1.219 to 1.224 at 20° C. and having a boiling point range of 170° to 180° C. at 760 m.

(2) "Producer" means any person engaged in the production of dichlorethyl ether and includes any person who has such material produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases dichlorethyl ether for purposes of resale.

(b) *Restrictions on use and delivery.* (1) On and after October 1, 1942 no producer or distributor shall use, and no person shall deliver, dichlorethyl ether except as specifically authorized by the War Production Board upon application pursuant to paragraph (d) hereof, and no person shall accept any delivery of such material which he knows or has reason to believe is made in violation of this order.

(2) Each person accepting delivery of dichlorethyl ether pursuant to specific authorization of the War Production Board shall use such material only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given from time to time by the War Production Board with respect to the use or delivery of dichlorethyl ether.

(c) *Small order exemption.* Notwithstanding the provisions of paragraph (b) (1) of the order, specific authorization of War Production Board is not necessary for acceptance of delivery and use by any person of not more than 550 pounds of dichlorethyl ether in any calendar month. No supplier may deliver in any calendar month more than the aggregate quantity of dichlorethyl ether authorized by War Production Board for such small deliveries on Form WPB 2946.

NOTE: Paragraphs (d), (e), (f) and (g), formerly paragraphs (c), (d), (e) and (f), redesignated Jan. 6, 1944.

(d) *Directions with respect to production and inventories.* (1) Each producer shall comply with such directions as may be given from time to time by the War Production Board with respect to the production of dichlorethyl ether.

(2) Each person affected by this order shall comply with such directions as may be given from time to time by the War Production Board with respect to the establishment of inventories of dichlorethyl ether.

(e) *Applications and reports.* In addition to such other reports as may from time to time be required by the War Production Board.

(1) Each producer or distributor seeking authorization to use, and each person seeking authorization to accept delivery of, any dichlorethyl ether pursuant to paragraph (b) (1) hereof, shall apply therefor on Form WPB–2945 (formerly Form PD–600). Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested and shall file with his supplier one copy of such form on or before the 15th day of such month if the supplier is a producer, on or before the 10th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "dichlorethyl ether" and order number "M–226" and specify pounds as the unit of measure and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify crude or refined.

(iii) *Columns 3, 20, and 22.* In the case of a distributor, specify "resale pursuant to further authorization". In the case of a consumer, specify "dichlorethyl ether."

(iv) *Column 4.* In the case of a distributor, disregard. In the case of a consumer, specify purification of butadiene, stock-piling, treatment of lubricating oil, manufacture of insecticides or other. If "other" is specified, describe briefly.

(2) Each producer and distributor seeking authorization to deliver dichlorethyl ether pursuant to paragraph (b) (1) hereof, shall apply therefor on Form WPB–2946 (formerly Form PD–601). Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "dichlorethyl ether" and order number "M–226" and specify pounds as the unit of measure and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Column 1.* List names of customers who apply on Form WPB 2945. After completing the list of customers, insert "Total small order deliveries (estimated)" for the dichlorethyl ether to be delivered pursuant to paragraph (c) of this order.

NOTE: Subdivision (e) (2) (iii), formerly (e) (2) (ii), redesignated Jan. 6, 1944.

(iii) *Columns 3 and 8.* Specify crude or refined.

(f) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(g) *Miscellaneous provisions.* (1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of dichlorethyl ether, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemical Division, Washington 25, D. C. Ref.: M–226.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–309; Filed, January 6, 1944; 11:23 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–227, as Amended Jan. 6, 1944]

COPPER CHEMICALS

§ 3293.316[1] *Allocation Order M–227*—(a) *Definitions.* (1) "Copper chemicals" means copper sulfate, copper carbonate, copper oxide, copper chloride and copper cyanide. The term includes copper chemicals in both cupric and cuprous form.

(2) "Supplier" means any producer or distributor.

(3) "Producer" means any person engaged in the production of any copper chemical and includes any person who has any such chemical produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases any copper chemical for purpose of resale without change in form.

(5) "Quarter" means calendar quarter.

(b) *Restrictions on delivery and use.* (1) No supplier shall deliver or use any copper chemical, and no person shall accept delivery of any copper chemical from any supplier, except as specifically authorized by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted will, so far as practicable, be issued by the War Production Board prior

[1] Formerly Part 3074, § 3074.. (General Preference Order M–226).

[1] Formerly Part 3075, § 3075.1 (*General Preference Order M–227*).

to the commencement of the quarter to which such authorizations or directions relate. The War Production Board may also in advance of each quarter issue directions with respect to use by suppliers in such quarter, but it may issue directions at any time to any person respecting use which may or may not be made of copper chemicals to be delivered or then on hand. Applications for copper chemicals not filed in advance of the quarter to which they relate at the times and in the manner provided by paragraph (d) (1) hereof, will not be approved in the absence of a showing of special circumstances.

(3) Each person authorized to accept delivery of copper chemicals shall use the same for the purpose authorized and only for such purpose except as otherwise specifically directed by the War Production Board.

(4) Copper chemicals allocated for inventory shall not be used or redelivered except as otherwise specifically directed by the War Production Board.

(5) Deliveries specifically authorized or directed to be made in any quarter by the War Production Board where the authorization or direction does not specify dates or order of shipment, may be made by any supplier in such quarter, without regard to preference ratings applicable to particular orders.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1), no specific authorization or direction of the War Production Board shall be required for:

(1) Delivery by any supplier to any one person in any quarter, or the acceptance of delivery by any one person in any quarter from any supplier, of not more than 4000 lbs. of copper sulphate or of not more than 10 pounds each of copper carbonate, copper chloride, copper cyanide and cupric oxide (no exemption for cuprous oxide): *Provided, however,* That the aggregate quantity of any copper chemical which any supplier may deliver in any quarter pursuant to this paragraph (c) (1) shall not exceed the quantity which the War Production Board shall have specifically authorized such supplier to deliver in such quarter under this paragraph (c) (1), on application filed by such supplier pursuant to subparagraph (d) (2) (vi) hereof.

(2) Delivery by any supplier to any person who shall have filed with him prior to such delivery a certificate in substantially the following form (which certificate may be endorsed upon or attached to the purchase order):

The undersigned hereby certifies to the War Production Board and to his supplier that the copper chemicals hereby ordered will be *used, or resold for use* [strike out inapplicable word or words] only for soil treatment or as an insecticide or fungicide in connection with the cultivation of agricultural crops, or in the manufacture of animal medicinals.

Name of Purchaser.

By ---
Authorized Official.

Date.

Title.

Such certificate shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of any copper chemical by a supplier where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(3) Acceptance of delivery by any person from any supplier solely for use, or for resale for use, for soil treatment or as an insecticide or fungicide in connection with the cultivation of any agricultural crop or in the manufacture of animal medicinals; provided that such person has filed with his supplier from whom delivery is accepted, a certificate in substantially the form set out in paragraph (c) (2).

(d) *Applications and reports.* (1) Each person requiring authorization to accept delivery of any copper chemical in any quarter, whether for own consumption or resale (and each supplier requiring authorization to use any copper chemical in any quarter) shall file application therefor on Form WPB 2945 (formerly PD–600). Such form shall be prepared in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB 2945 (formerly PD–600) may be obtained at the local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which three shall be forwarded to the War Production Board, Chemicals Division, Washington 25 D. C., Ref: M–227, one forwarded to the supplier and the fifth retained as a file copy by the applicant. At least one of the copies forwarded to the War Production Board shall be signed by applicant by a duly authorized official.

(iii) The three copies required to be forwarded to the War Production Board shall be sent in sufficient time to be received not later than the 5th day of the last month of the preceding quarter. The copy to be forwarded to supplier shall be sent in sufficient time to be received by supplier, if supplier is a producer, not later than such 5th day of the last month of the preceding quarter, or if supplier is a distributor, not later than the 1st day of such last month, applications covering the second quarter of 1943 shall be submitted not later than March 15, 1943, if supplier is a producer, or if supplier is a distributor, not later than March 12, 1943.

(iv) Under heading "Name of chemical", specify "Copper chemicals"; under "WPB Order No.", specify "M–227"; under heading "Indicate unit of measure", specify "pounds".

(v) In heading at top of Table I, specify "First quarter", "second quarter", etc., as the case may be, and insert year.

(vi) In Columns 1, 11 and 19 specify copper sulfate, copper carbonate, cuprous oxide, cupric oxide, copper chloride or copper cyanide and in each case indicate the percentage by weight of copper content.

(vii) In Columns 3, 20 and 22, applicant must specify his primary product in terms of the following:

Water treatment
Wire drawing
Electro plating
Mining
Catalyst
Gas sweetener
Anti-fouling paints
Preservatives
Dyes and pigments
Mildew-proofing
Agriculture
Other (specify)
Resale (as copper chemicals)
Inventory (as copper chemicals)

(viii) In Column 4, except where purchase is for resale or inventory, specify the ultimate use to which the product manufactured by applicant will be put, in the terms of the following:

Heat pads
Synthetic rubber
Petroleum
Electric batteries
Textiles
Lumber
Paint
Wood pulp
Pharmaceuticals
Pyrotechnics
Ceramics
Glazes
Porcelain enamel
Soot remover
Paper
Glass
Water
Other (specify)

Applicant will also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer and, where purchase is by government agency, will also indicate specification number, if any.

(2) Each supplier requiring authorization to make delivery of any copper chemical during any quarter shall file application therefor on or before the 10th day of the last month of the quarter preceding the quarter to which the application relates, except that applications for deliveries in the second quarter of 1943 may be filed on or before March 20, 1943. The application shall be made on Form WPB–2946 (formerly PD–601) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB–2946 (formerly PD–601) may be obtained at the local offices of the War Production Board.

(ii) Four copies shall be prepared of which three shall be sent to the War Production Board, Chemicals Division, Washington, D.C, Ref: M–227, the fourth copy to be retained for supplier's files. At least one of the three copies filed with War Production Board will be signed by the supplier by a duly authorized official.

(iii) Each supplier who has filed application on Form WPB–2945 (formerly PD–600) specifying himself as his supplier, shall list his own name as a customer on Form WPB–2946 (formerly PD–601) and shall list his request for allocation in the manner prescribed for other customers.

(iv) In the heading, under "Name of chemical", specify "Copper chemicals"; under "WPB Order No.", specify "M–227"; under "Name of company", state name and mailing address; under "Indicate unit of measure", specify "pounds"; and state the quarter and year during which deliveries covered by your application are to be made.

(v) In Column 1 insert names of customers for the delivery to whom it is necessary to obtain specific authorization, except as provided in the next two subparagraphs. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(vi) Names of customers to whom supplier proposes to make small order deliveries during the next quarter pursuant to paragraph (c) (1) of this order need not be listed, but supplier shall insert in Column 1 "Total proposed small order deliveries" and in Column 4 shall state the quantity.

(vii) Names of customers to whom deliveries are to be made by a distributor during the next quarter pursuant to paragraph (c) (2) for use, or resale for use, for soil treatment or as an insecticide or fungicide or in the manufacture of animal medicinals, need not be listed, but insert in Column 1 "Agricultural deliveries pursuant to paragraph (c) (2)" and in Column 4 state the quantity. Where the deliveries for Agricultural purposes pursuant to paragraph (c) (2) are to be made by a producer (as opposed to a distributor), the names of customers to whom such deliveries are to be made must be listed in Column 1.

(viii) In Columns 3 and 8, specify particular copper chemical, in terms of chemicals listed in paragraph (d) (1) (vi) hereof, and in each case indicate the percentage, by weight, of copper content.

(ix) The supplier may, if he wishes, leave Column 5 blank.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms WPB–2945 (formerly PD–600) and WPB–2946 (formerly PD–601).

(e) *Restriction on use.* The use of copper chemicals in plating is prohibited in every case where the use of copper products or copper base alloy products in plating is prohibited by paragraph (d) (2) of Conservation Order M–9–c, as amended from time to time.

(f) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–227.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–310; Filed, January 6, 1944; 11:23 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–230, As Amended Jan. 6, 1944]

PHOSPHORUS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of phosphorus, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.321[1] *Allocation Order M–230.*—(a) *Definitions.* For the purposes of this order:

(1) "Phosphorus" means the chemical element of that name in both yellow and white form excluding however, red phosphorus and other allotropic forms of phosphorus.

(2) "Producer" means any person engaged in the production of phosphorus and includes any person who has phosphorus produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased, or purchases, phosphorus for resale.

(b) *Restrictions on use and delivery of phosphorus.* (1) On and after October 1, 1942, no person shall, subject to the exemption provided for in paragraph (c) hereof, deliver or use any phosphorus without the specific authorization of the War Production Board upon application pursuant to paragraph (e) hereof, and no person shall accept delivery of any phosphorus which he knows or has reason to believe is made in violation of this order.

(2) Each person accepting delivery of phosphorus pursuant to specific authorization of the War Production Board shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given from time to time by the War Production Board with respect to the use or delivery of phosphorus.

(c) *Small order exemption.* The specific authorization provided for in paragraph (b) (1) hereof, shall not be required with respect to the following:

(1) Use by any person of 10,000 pounds or less of phosphorus during any one month.

(2) Delivery by any person of 10,000 pounds or less of phosphorus to any one persons during any one month, and the acceptance of delivery thereof by such person, subject to the following conditions:

(i) Each person desiring to make small order deliveries of phosphorus pursuant to this paragraph (c) (2) shall apply for authorization to make small order deliveries pursuant to paragraph (e) (2) (ii) hereof, and the aggregate amount of small order deliveries made by any such person during any month shall not exceed the amount of such deliveries which he is specifically authorized to make: *Provided, however,* That authorization to make small order deliveries pursuant to this paragraph (c) (2) (i) shall not be required with respect to small order deliveries by any one person where the aggregate amount of such deliveries during any month does not exceed 10,000 pounds of phosphorus.

(ii) Each person seeking delivery of 10,000 pounds or less of phosphorus during any month shall file with his supplier at the time of placing his order therefor, a certificate to the effect that if the delivery covered by such order is made, the deliveree will not have received during the current month in excess of an aggregate of 10,000 pounds of phosphorus.

(d) *Production and establishment of inventories.* (1) Each producer shall comply with such directions as may be given from time to time by the War Production Board with respect to the production of phosphorus.

(2) Each person affected by this order shall comply with such directions as may be given from time to time by the War Production Board with respect to the establishment of inventories of phosphorus.

(3) Each person producing any primary product specifically named in paragraph (e) (1) (iii) hereof, regardless of whether produced directly from phosphorus or from any other material, shall comply with such directions as may be given from time to time by the War Production Board with request to the production of any such primary product and with respect to the establishment of inventories thereof.

(e) *Applications and reports.* In addition to such other reports as may be required from time to time by the War Production Board:

(1) Each person seeking authorization to use or accept delivery of phosphorus shall apply therefor on Form WPB 2945 (formerly Form PD–600). Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which such authorization is requested and shall file one copy of such form with his supplier on or before the 15th day of such month if the supplier is a producer or on or before the 10th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "phosphorus" and order number "M–230", and specify pounds as the unit of measure, and in addition to specifying the delivery destination indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify "P", the chemical symbol for phosphorus.

(iii) *Columns 3, 20 and 22.* In the case of a distributor, specify "resale pursuant to further authorization". In the case of a consumer specify:

Red phosphorus.
Phosphoric anhydride.
Phosphorus trichloride.
Phosphorus pentachloride.
Phosphorus oxychloride.
Phosphorus sesquisulphide.
Phosphorus pentasulphide.
Phosphoric acid.
Mono ammonium phosphate.

[1] Formerly Part 3079, § 3079.1 (General Preference Order M–230).

Di ammonium phosphate.
Phosphor copper.
Mono calcium phosphate.
Di calcium phosphate.
Tri calcium phosphate.
Mono sodium phosphate.
Di sodium phosphate.
Tri sodium phosphate.
Tetra sodium pyrophosphate.
Sodium metaphosphate.
Sodium acid pyrophosphate.
Sodium tetraphosphate.
Other.

If "other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor, disregard. In the case of a consumer, specify:

Lend-Lease.
Phosphate plasticizers.
Bomber plastics.
Mining flotation agents.
Bearing metals.
Rustproofing.
Petroleum catalysts.
Petroleum additives.
Sulfa drugs.
Conditioners (identify).
Dyestuffs.
Matches.
Activated carbon.
Household soaps.
Industrial soaps.
Food sanitation.
Pharmaceuticals (other than sulfa drugs & vitamins).
Yeast.
Oil well drilling.
U. S. Army specification number.
U. S. Navy specification number.
U. S. Army-Navy Aircraft specification number.
U. S. Maritime Commission specification number.
Chemical Warfare Service specification number.
Other (identify) U. S. Government agency specification number.
Boiler water treatment.
Vitamins.
Textiles.
Household detergents.
Industrial detergents.
Fireproofing.
Acid leavening agents.
Sugar refining.
Gelatin.
Beverages.
Other.

If "other" is specified, describe briefly.

(2) Each producer and distributor seeking authorization to deliver phosphorus pursuant to paragraph (b) (1) hereof, shall apply therefor on Form WPB 2946 (formerly Form PD-601) Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "phosphorus" and order number "M-230" and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address indicate the address to which communications should be directed.

(ii) *Column 1.* If authorization to make small order deliveries under paragraph (c) (2) (i) hereof is requested, insert "aggregate small order deliveries" in Column 1 after completing the list of customers requiring in excess of 10,000 pounds of phosphorus and specify in Column 4 the aggregate amount of small order deliveries requested to be authorized.

(iii) *Columns 3 and 8.* Specify "phosphorus".

(f) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of phosphorus, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref.: M-230.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-317; Filed, January 6, 1944; 11:23 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M-287 as Amended Jan. 6, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of anhydrous aluminum chloride for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.376[1] *Allocation Order M-287.*—(a) *Definitions.* (1) "Anhydrous aluminum chloride" means the chemical of that name, in any form.

(2) "Supplier" means any producer or distributor of anhydrous aluminum chloride.

(3) "Producer" means any person who produces anhydrous aluminum chloride.

(4) "Distributor" means any person who purchases anhydrous aluminum chloride for resale.

(b) *Restrictions on deliveries and use.* (1) On and after March 15, 1943, no supplier shall deliver or use anhydrous aluminum chloride, and no person shall accept delivery of anhydrous aluminum chloride from a supplier, except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month beginning with April, 1943 (and with respect to use by supplier) will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time at its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. The War Production Board may also at any time issue directions with respect to the use or uses which may or may not be made by any person of anhydrous aluminum chloride to be delivered or then on hand, or with respect to the kinds of anhydrous aluminum chloride which a producer may manufacture.

(3) Each person specifically authorized to accept delivery of anhydrous aluminum chloride shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the War Production Board.

(4) Anhydrous aluminum chloride allocated for inventory shall not be used except as specifically directed by the War Production Board. Anhydrous aluminum chloride allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory.

(5) Each person who receives specific authorization to accept delivery of anhydrous aluminum chloride in any calendar month and who shall not prior to the first day of the next succeeding month have received delivery in full of the quantity so authorized, shall report such fact to the War Production Board not later than the 5th day of such succeeding month.

(6) Deliveries specifically authorized or directed to be made in any calendar month where the authorization or direction does not specify dates or order of shipment may be made without regard to preference ratings applicable to particular orders.

(c) *Exception to requirement for specific authorization.* (1) Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization or direction of the War Production Board shall not be required for:

(i) The acceptance of delivery by any person, or use by any supplier, of not more than 600 lbs. of anhydrous aluminum chloride in the aggregate in any calendar month: *Provided,* That such person (or supplier) has not been specifically authorized to use or accept delivery of any quantity of anhydrous aluminum chloride during such month.

(ii) The delivery of anhydrous aluminum chloride by any supplier to any person who shall have filed with him a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the War Production Board and to his supplier that the anhydrous aluminum chloride hereby ordered for delivery in _____ (month) 194.., does not, taken with all other anhydrous aluminum chloride delivered or to be delivered from all sources in such month, exceed 600 lbs., the amount which he is entitled to receive under paragraph (c) (1) of Allocation Order M-287.

_____
Name of purchaser

_____ By _____ _____
Date Authorized official Title

Provided, however, That no certificate shall be required respecting deliveries by any supplier to any person in any calendar month of not more than 10 lbs. Such certificate shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of anhydrous aluminum chloride by a supplier where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(2) No producer shall in any calendar month pursuant to paragraph (c) (1) deliver an aggregate amount of anhydrous aluminum chloride in excess of one per cent of the amount of anhydrous aluminum chloride which he is specifically authorized to deliver during such month.

(3) No supplier shall make deliveries during any calendar month pursuant to paragraph (c) (1) if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of (and each supplier seeking authorization to use) anhydrous aluminum chloride in any calendar month beginning with April, 1943, whether for own consumption or resale, shall file application on or before the 15th day of the preceding month. Where delivery or use is to be in March, 1943, such application shall be filed as many days as possible in advance of the requested acceptance of delivery or use. In each case, application shall be made on Form WPB-2945 (formerly PD-600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to the supplier and three to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-287, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify anhydrous aluminum chloride; under WPB Order No., specify M-287; under name of company, specify name and mailing address; under unit of measure, specify pounds; and specify the month and year for which authorization for acceptance of delivery or use is sought.

(iv) In Columns 1, 11 and 19 specify grade in terms of the following: technical grade, chemically pure.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Aviation gasoline
Refining aluminum metal
Synthetic rubber
Synthetic detergents
Toluene
Vat dyes
Nylon
Pharmaceuticals
Terpene resins
Lubricating oil additive
Lubricating oil refining
Catalyst for aviation gasoline, its components and raw materials
Other chemicals (specify)
Others (specify)
Resale (as anhydrous aluminum chloride)
Inventory (as anhydrous aluminum chloride)

(vi) In Column 4, specify ultimate use of product (where, for example, your primary product called for in Column 3 is "vat dyes", the ultimate use of product might be "overcoats"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. Where the Form WPB 2945 (formerly PD-600) is an application for anhydrous aluminum chloride for resale or inventory (in each case as anhydrous aluminum chloride), leave Column 4 blank.

(2) Each supplier seeking authorization to make delivery of anhydrous aluminum chloride during any calendar month beginning with April, 1943, shall file application on or before the 20th day of the preceding month. The application shall be made on Form WPB-2946 (formerly PD-601) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB-2946 (formerly PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three certified copies to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-287.

(iii) Suppliers who have filed application on Form WPB-2945 (formerly PD-600) specifying themselves as their suppliers, shall list their own names as customers on Form WPB-2946 (formerly PD-601) and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify "anhydrous aluminum chloride"; under WPB Order No., specify "M-287"; under name of company, state name and mailing address; under unit of measure specify "pounds"; and state the month and year during which deliveries covered by your application are to be made.

(v) In Columns 3 and 8, specify grades as stated in customer's Form WPB-2945 (formerly PD-600)

(vi) The supplier may, if he wishes, leave Column 5 blank.

(vii) Names of customers to whom small order deliveries are to be made during the next calendar month pursuant to paragraph (c) (1) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing (Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601).

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-287.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-318; Filed, January 6, 1944; 11:24 a. m.]

[1] Formerly Part 3195, § 3195.1.

PART 3293—CHEMICALS [1]

[Allocation Order M-291, as Amended Jan. 6, 1944]

POTASH

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of potash for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.386 [1] *Allocation Order M-291* — (a) *Definitions.* (1) "Potash" means the following primary potash salts: muriate of potash, sulfate of potash, sulfate of potash-magnesia and run-of-mine potash.

(2) "Potassium oxide" (hereinafter referred to as "K_2O") means the highly caustic oxide of potassium. As such it does not exist commercially but is used as a standard unit of measure in determining the relative value of potash salts.

(3) "Muriate of potash" means the chloride salt of potassium. In commerce it is offered in two grades: muriate of potash containing 48 to 52 per cent K_2O, and high grade muriate of potash containing 58 to 62.7 per cent K_2O.

(4) "Sulfate of potash" means commercial potassium sulfate, a potash salt containing approximately 48 per cent or more K_2O, chiefly as sulfate. It does not include recrystallized salt.

(5) "Sulfate of potash-magnesia" means a potash and magnesia salt containing from approximately 18 to 25 per cent K_2O and 18 to 25 per cent sulfate of magnesia.

(6) "Run-of-mine potash" (also known as manure salts and kainit) means potash salts containing a high percentage of chlorides and containing more than 18 and less than 48 per cent K_2O.

(7) "Producer" means any person engaged in the production of potash and includes any person who has potash produced for him pursuant to toll agreement.

(8) "Distributor" means any person who, for his own account or as agent or broker for any producer, sells potash in any form. The term includes importers but does not include any manufacturer (including any fertilizer manufacturer) to the extent that he uses potash as one of his raw materials, any person who purchases potash exclusively for sale at retail, or any governmental agency which delivers fertilizers to farmers.

(9) "Supplier" means a producer or distributor.

(10) "Period" means one of the three periods specified in paragraphs (a) (11), (a) (12) and (a) (13).

(11) "Period One" means April 1, 1943 through May 31, 1943.

(12) "Period Two" means June 1, 1943 through March 31, 1944

(13) "Period Three" means April 1, 1944 through May 31, 1944.

(b) *Restrictions on deliveries and use.* (1) On and after April 1, 1943 no supplier shall deliver potash to any person, and no person shall accept delivery of potash from a supplier except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to quantities of potash which may be received in any period will be issued by the War Production Board as soon as possible after the receipt of the applications called for by paragraph (e) (1) hereof. Thereafter, after persons so authorized to receive potash have placed with producers or distributors their orders for potash within the totals provided in such authorizations and such producers and distributors have made application pursuant to paragraph (e) (3) to make delivery to such persons, the War Production Board will issue to each producer or distributor authorizations with respect to deliveries to be made. The War Production Board may, however, at any time, at its discretion, and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of potash to be delivered or then on hand. Insofar as authorizations or directions relate to the quantities of particular grades of mixed fertilizer to be manufactured from potash or to the quantity of potash to be made available for direct application to the soil, such authorizations or directions will so far as practicable be issued in conformity with needs for grades of mixed fertilizer or for potash as determined by the Director of Food Production of the Department of Agriculture.

(3) Each person specifically authorized to accept delivery of potash shall use such material for the purpose authorized and only for such purpose except as otherwise specifically directed by the War Production Board.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the War Production Board shall not be required for:

(1) Acceptance of delivery by any person from all sources in any period of not more than 5 tons of potash for each month of such period, in terms of K_2O content;

(2) Delivery by any supplier in any period to any person who shall have furnished to such supplier a certificate in substantially the following form:

The undersigned hereby certifies that the potash hereby ordered to be delivered in Period ---------- [insert One, Two or Three] does not, taken with all other potash delivered or to be delivered from all sources in such period, exceed 5 tons for each month of such period, in terms of K_2O content.

Name of purchaser

By---------- ----------

Authorized official Title

Date

The above certificate shall constitute a representation to (but shall not be filed with) the War Production Board. Such certificate shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of such potash by a supplier where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate;

(3) Delivery by any supplier to any person in any period prior to the receipt of any specific authorization or direction of the War Production Board with respect to deliveries to be made in such period of not more than 20% of the quantity of any potash salt delivered by such supplier to such person during the corresponding period in the 12 months ending March 31, 1943. Any person delivering or receiving potash delivered in any period pursuant to this paragraph (c) (3) shall charge the amount so delivered or received against the amount which he is or may be specifically authorized or directed to deliver or receive in such period, and against any amount which may be delivered or received pursuant to paragraphs (c) (1) and (c) (2);

(4) Delivery by any supplier to any person, and acceptance of delivery by any person from any supplier, of any undelivered balance under any contract which provides for completion of delivery prior to April 1, 1943;

(5) Delivery by any supplier to any person, and acceptance of delivery by any person from any supplier, of any potash which such supplier has been directed by specific direction of the War Production Board to deliver to such person prior to May 1, 1943.

(d) *Transportation and storage directions.* For the purpose of conserving transportation and storage facilities, the War Production Board may issue directions to any person respecting deliveries or storage of potash which may or may not be made, and respecting form of transportation and shipping routes.

(e) *Applications and reports.* (1) Each person requiring authorization to accept delivery of potash in any period, whether for own consumption or resale, shall file application therefor on Form WPB-2945 (formerly PD-600) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(ii) Four copies shall be prepared, of which three shall be filed with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-291, the fourth to be retained for applicant's files.

(iii) The date when such applications shall be filed with the War Production Board will be as follows:

(a) Where the application is for authorization to accept delivery of potash in Period One: on or before March 7, 1943.

(b) Where the application is for authorization to accept delivery of potash in Period Two: on or before May 1, 1943.

(c) Where the application is for authorization to accept delivery of potash in Period Three: on or before March 1, 1944.

(iv) In the heading, under "name of chemical" specify "Potash"; under "WPB Order No.", specify "M-291"; under heading "Indicate Unit of Measure", specify "Short Tons of Potash Salt" (not K_2O content). Do not specify supplier.

(v) In heading at top of Table I, specify "Period ----------" [One, Two or Three], not month.

(vi) In Columns 1 and 11, specify particular potash salt as follows: muriate of potash, sulfate of potash, sulfate of potash-magnesia, run-of-mine potash, and also indicate in each case per cent of K_2O content.

(vii) In Column 2 indicate quantity in short tons of each salt requested (not K_2O content).

(viii) In Column 3, applicant will specify his primary product in terms of the following:

Fertilizers
Potassium bitartrate
Potassium carbonate
Potassium chlorate
Potassium cyanide
Potassium hydroxide
Potassium nitrate
Potassium perchlorate
Potassium permanganate
Potassium phosphates
Other chemical (specify)
Resale (as potash) subject to further authorization.

(ix) In Column 4 applicant will specify ultimate use of product (where, for example, the primary product called for in Column 3 is "Potassium carbonate" the ultimate use of product might be "optical glass"), and will also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer. Where the Form WPB-2945 (formerly PD-600) is an application for potash for resale (as potash) pursuant to further authorization, applicant will leave Column 4 blank. Where primary product called for in Column 3 is potassium chlorate or potassium perchlorate, specify "Order M-171" in Column 4 and omit further statement of use.

(x) Leave blank Columns 13 to 15c, inclusive.

(xi) In heading at top of Column 16 "Estimated stocks end current month", strike out "end current month" and insert "beginning period ----------" [specify number of period to which application relates]. In Column 16, specify estimated amount of inventory of each potash salt listed in Column 11, including any amounts estimated to be undelivered as of the beginning of such period pursuant to the contracts or directions referred to in paragraphs (c) (4) and (c) (5).

(xii) Leave blank Tables III and IV in their entirety.

(2) On or before the 7th day following the commencement of each period, each person who has applied for authorization to accept delivery of potash during such period pursuant to paragraph (e) (1) hereof, shall file a single copy of Form WPB-2945 (formerly PD-600) with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-291, subject to the following special instructions:

(i) In the heading, under "name of chemical" specify "Potash"; under "WPB Order No.", specify "M-291"; under heading "Indicate Unit of Measure" specify "Short Tons of Potash Salt" (not K_2O content). Do not specify supplier.

(ii) Tables I, III and IV should be left blank in their entirety.

(iii) In Column 11 (Table II) specify particular potash salt as follows: muriate of potash, sulfate of potash, sulfate of potash-magnesia and run-of-mine potash, and in each case, per cent of K_2O content.

(iv) Leave blank Columns 13 to 15c, inclusive, and strike out heading at top of Column 16 "Estimated stocks end current month", and substitute for that heading "Stocks beginning period ----------" [insert number of period in which report is filed]. In Column 16, specify amount of inventory of each potash salt listed in Column 11, including any amounts undelivered at the beginning of such period pursuant to the contracts or directions referred to in paragraphs (c) (4) and (c) (5).

(3) Each supplier seeking authorization to make delivery of potash during any period shall file application therefor on Form WPB-2946 (formerly PD-601) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB-2946 (formerly PD-601) may be obtained at local field offices of the War Production Board.

(ii) Four copies shall be prepared, of which three shall be filed with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-291, the fourth to be retained for supplier's files.

(iii) The date when such application shall be filed with the War Production Board will be as follows:

(a) Where the application relates to Period One: on or before April 7, 1943.

(b) Where the application relates to Period Two: on or before July 7, 1943.

(c) Where the application relates to Period Three:: on or before April 7, 1944.

(iv) In the heading, under "name of chemical", specify "Potash"; under "WPB Order No.", specify "M-291"; in heading "This schedule is for deliveries to be made during the month of ", substitute the word "period" for word "month", and indicate "One, Two, or Three", as the case may be; under heading "Indicate unit of measure", specify short tons of potash salt (not K_2O content).

(v) In Column 1 indicate the name of each customer to whom supplier proposes to make delivery of potash in the period to which application relates. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified. It is not necessary, however, to list the names of customers to whom, in such period, applicant proposes to make small order deliveries pursuant to paragraph (c) (1) and (c) (2) hereof, but applicant must specify in Column 1 "Total small order deliveries (estimated)" and in Column 4 must state the estimated quantity.

(vi) In Column 3 specify particular potash salt which applicant proposes to deliver as follows: muriate of potash, sulfate of potash, sulfate of potash-magnesia and run-of-mine potash, and in each case, the per cent of K_2O content.

(vii) Leave blank Columns 5 to 16, inclusive, except for any remarks considered pertinent, which may be listed in Column 7.

(4) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Form WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601).

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Notification of customers.* Producers shall as soon as practicable notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(3) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of potash shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref.: M-191.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-319; Filed, January 6, 1944; 11:24 a. m.]

PART 3293—CHEMICALS [1]

[Conservation Order M-304 as Amended Jan. 6, 1944]

ADIPIC ACID AND DERIVATIVES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of adipic acid and its derivatives for defense, for private account and for export; and the following order is deemed necessary and appropriate for the public interest and to promote the national defense:

§ 3293.406 [1] *Conservation Order M-304*—(a) *Definitions.* (1) "Adipic acid" means adipic acid in any form and from whatever source derived.

(2) "Derivative" means any chemical compound other than "Nylon" derived from adipic acid, including but not limited to diisobutyl adipate.

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[1] Formerly Part 3204, § 3204.1.

[1] Formerly Part 3237, § 3237.1.

(3) "Producer" means any person who produces adipic acid, whether for his own account or for another person pursuant to toll agreement.

(b) *Restrictions on use and delivery.* (1) No producer shall use or deliver adipic acid or its derivatives, and no person shall accept delivery of adipic acid or its derivatives from a producer, except:

(i) For the manufacture of "Nylon"; or

(ii) In ten pound quantities per month as provided in paragraph (d); or

NOTE: Paragraph (iii), formerly (ii), redesignated Jan. 6, 1944.

(iii) As specifically authorized by the War Production Board upon application pursuant to paragraph (c).

(2) Each person authorized to accept delivery of adipic acid or its derivatives shall use such material for the purpose authorized, except as otherwise specifically directed by the War Production Board.

(3) The War Production Board, at its discretion, may at any time issue special directions to any person with respect to the use, delivery or production of adipic acid or its derivatives, or of products made from adipic acid or its derivatives allocated to such person.

(c) *Applications and reports.* (1) Each person seeking authorization to accept delivery of, and each producer seeking authorization to use, adipic acid or any of its derivatives, for a purpose other than the manufacture of "Nylon", shall file application on Form WPB–2945 (formerly PD–600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB–2945 (formerly PD–600) Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

Number of copies. If the applicant is seeking delivery of adipic acid or any of its derivatives from a producer he shall prepare a set of five copies, retaining one and forwarding four certified copies to the War Production Board. One such copy may have Tables II, III and IV blank and this will be the copy mailed by the War Production Board to the producer.

If the applicant is a producer seeking authorization to use his own stock of adipic acid or any of its derivatives, he shall prepare a set of four copies, retaining one and forwarding three certified copies to the War Production Board.

Heading. Under name of chemical, specify adipic acid or the particular derivative sought; under War Production Board order number, specify M–304; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. Fill in as indicated, leaving Column 1 blank. In Column 3 specify product to be manufactured from the material requested, and in Column 4 specify the end use of the primary product.

Also explain fully in Column 4 why the material sought is essential to the manufacture of the primary product, what attempt at substitution has been made, and how much longer the material sought will be required in such manufacture.

Tables II, III and IV. Fill in as indicated, leaving Column 11 blank.

(2) Receipt by a producer from the War Production Board of a copy of Form PD–600 signed by the Executive Secretary or Recording Secretary, shall constitute authorization for the purpose of this order to make the deliveries called for by the form.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Form WPB–2945 (formerly PD–600).

(d) *Small order exemption.* Specific authorization of the War Production Board shall not be required for:

(1) Use by a producer of ten pounds or less of adipic acid or its derivatives for any purpose during any calendar month;

(2) Delivery of ten pounds or less of adipic acid or its derivatives by a producer to any customer in any calendar month and the acceptance of such delivery for any purpose.

NOTE: Paragraph (e), formerly (d), redesignated Jan. 6, 1944.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Previous directives.* This order supersedes and cancels previous directives with respect to adipic acid and its derivatives, but does not alter or modify previous special directives with respect to "Nylon".

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C.; Ref: M–304.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–320; Filed, January 6, 1944; 11:24 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–340 as Amended Jan. 6, 1944]

MISCELLANEOUS CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.491 *Allocation Order M–340*—(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form WPB–2947 (formerly PD–602) which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed:

(i) The quantity which he has been specifically authorized, upon application pursuant to Appendix D, to deliver on small orders; or

(ii) If he is a distributor, the quantity which he acquired upon certification that it was required to fill small orders or the quantity which he acquired himself on such a small order; or

(iii) If he is a distributor who customarily delivers exclusively on small orders, any quantity.

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form WPB–2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form WPB–2947 (formerly PD–602).

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M–340.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST–115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.–78" means the chemical known by that trade name.

Effective date—August 1, 1943 Comes in the following grades: no grades.

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Effective date—September 1, 1943. Comes in the following grades: no grades.

(6) "Oxidized petrolatum" means high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos. AXS–673, 52–C–18 and AN–C–52, such as those petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 20%; complete solubility in lower alcohols; toluene insoluble 10 to 30 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(8) "Methyl abietate" means the chemical known by that name and by the trade mark "Abalyn".

Effective date—October 9, 1943. Comes in the following grades: no grades.

(9) "Hydrogenated methyl abietate" means the chemical known by that name and by the trade mark "Hercolyn".

Effective date—October 9, 1943. Comes in the following grades: no grades.

(10) [Deleted Oct. 22, 1943.]

(11) "DDT" means the chemical 2, 2-bis (para chlorophenyl) 1, 1, 1-tri-chloroethane, and is also known by the trade name "Neocid".

Effective date—January 1, 1944. Comes in the following grades: no grades.

APPENDIX B

NOTE: Items (8) and (9) amended Jan. 6, 1944.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST–115	Gallon	54 gallons	None.
(3) Dehydrol-O	Gallon	54 gallons	None.
(4) G. C.–78	Gallon	54 gallons	None.
(5) By-product phosphoric acid	Ton	5 Tons	None.
(6) Oxidized petrolatum.	Pound	25 pounds	None.
(7) Vinsol resins.	Pound	500 pounds	None.
(8) Methyl abietate.	Pound	5000 pounds	None.
(9) Hydrogenated methyl abietate.	Pound	5000 pounds	None.
(10) Deleted Oct. 22, 1943.			
(11) DDT	Pound	1 pound	None.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-340, that the _____ (specify subject chemical) ordered for delivery in _____, 194__, Month will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Quantity	Primary product	End use
(A)			
(B)			

_____
Name of purchaser

_____ By _____ _____
Date Duly authorized official Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. A distributor ordering the subject chemical for resale as such will specify "resale" or, if ordering exclusively for resale on exempt small orders, will specify "small orders of _____ or less" (specify quantity stated in Column 3 of Appendix B). If purchase is for inventory, state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB-2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Copies of Form WPB-2947 (formerly Form PD-602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form WPB-2947 (formerly Form PD-602) for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form WPB-2947 (formerly Form PD-602) relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M-340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1-a (except for small orders as explained in (7) below), specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (1) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form WPB-2947 (formerly Form PD-602) specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB-2947 (formerly Form PD-602) shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 44-321; Filed, January 6, 1944; 11:24 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-366]

CYANIDE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cyanide for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.581 *Allocation Order M-366*—(a) *Definitions.* For the purpose of this order:

(1) "Cyanide" means all grades and mixtures of sodium cyanide and solutions of sodium cyanide which contain 20% or more cyanide by weight.

(2) "Supplier" means any person who produces cyanide or who purchases cyanide for resale as such.

(b) *Restrictions on delivery.* On and after February 1, 1944, no supplier shall deliver cyanide, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(c) *Restrictions on acceptance of delivery.* On and after February 1, 1944, no person shall accept delivery of cyanide from a supplier, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(d) *Restrictions on use.* (1) Each person specifically authorized to accept delivery of cyanide shall use such cyanide only for the purpose authorized, unless otherwise specifically directed by the War Production Board.

(2) On and after February 1, 1944, no supplier shall use more than 1000 pounds of cyanide (computed on 96% basis) during any calendar month except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(e) *Small order exemption.* (1) Any person may accept delivery of 1000 pounds or less of cyanide (computed on 96% basis) in the aggregate from all suppliers in any calendar month without restriction under this order, if acceptance of such delivery will not cause his inventory to exceed 200 pounds (computed on 96% basis) or a 45-day supply, whichever is greater.

(2) A supplier may fill small orders for 1000 pounds (computed on 96% basis) or less of cyanide, if he delivers not more than this quantity to any customer in any calendar month, and if the total amount delivered on all small orders does not exceed the following:

(i) The amount he has been specifically authorized, upon application pursuant to Appendix A, to deliver on small orders;

(ii) The amount which he has been specifically authorized, upon application pursuant to Appendix B, to accept delivery of, or to use, to fill small orders;

(iii) The amount which he himself acquired on small orders and has not used for other purposes;

(iv) The amount which he had in stock on February 1, 1944, if he delivers exclusively on exempt small orders.

(f) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to: (1) use, delivery or acceptance of delivery of cyanide; or (2) preparation and filing of application forms required by Appendices A and B, subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

(g) *Duration of authorization for delivery.* If it is not practicable for a supplier to make all deliveries in the month for which authorized, he may complete them as early as practicable in the next month, but the purchaser must place his purchase order before the end of the authorized month and may not require postponement of delivery beyond 10 days after the authorized month.

(h) *Duration of authorization for use.* Each person specifically authorized to accept delivery of cyanide upon application under Appendix B shall use the cyanide for that use within 45 days after receipt of the authorization or of the cyanide allocated for the use, whichever is later. What is not used in this period shall not be used for any purpose until further authorized for use from inventory.

(i) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(j) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Orders M-164 and M-165.* On and after February 1, 1944, cyanide shall not be subject to the provisions of synthetic ammonia General Preference Order M-164 (§ 3293.206, formerly § 1264.1) or of cyanamid General Preference Order M-165 (§ 3293.211, formerly § 1265.1).

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Reference M-366.

NOTE: FORMS WPB-2945 and 2946, and the instructions in Appendices A and B, have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR FILING APPLICATION TO DELIVER CYANIDE

Each supplier seeking authorization to deliver cyanide shall file application on Form WPB-2946 (formerly PD-601), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies may be obtained at local field offices of the War Production Board.

Time. Application shall be filed or mailed in time to reach the War Production Board on or before the 20th day of the month preceding request for delivery.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-366.

Number of sets. A consolidated set of forms may be filed for all plants and warehouses of the applicant.

Heading. Under name of chemical, specify sodium cyanide; under War Production Board order number, specify M-366; specify allocation month; under unit of measure, specify pounds (specify basis—96% basis preferred); and otherwise fill in as indicated.

An aggregate estimated minimum quantity may be requested for exempt small order deliveries without listing customers' names.

Table I. Fill in Columns 1, 2, 3 and 4 as indicated. Leave Columns 5 and 5a blank. File a consolidated report for all shipping points.

Table II. Producers are to fill in as indicated for each cyanide produced. Resellers shall fill in Columns 8, 10, 12 and 13. Leave Columns 15 and 16 blank.

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO ACCEPT DELIVERY OR USE CYANIDE

Each person seeking authorization to use or accept delivery of cyanide, shall file application on Form WPB-2945 (formerly PD-600) in the manner prescribed therein, subject to the following instructions for the purpose of this order.

Form WPB-2945 (formerly PD-600). Copies may be obtained at local field offices of the War Production Board.

Time. Application shall be filed or mailed in time to reach the War Production Board on or before the 15th day of the month preceding the request for allocation.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-366. Do not send a copy to your supplier, but submit your order to your supplier in time to be included on the supplier's application form.

Heading. Under name of chemical, specify sodium cyanide; under War Production Board order number, specify M-366; under unit of measure, specify pounds (specify basis—96% preferred); and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

Column 1. Specify the grade, mixtures or
ance of delivery or use is sought.

Column 2. Specify pounds requested for each primary production and product end use specified in Columns 3 and 4 of the application. Do not request quantities in excess of actual requirements for the month for which allocation is requested.

Column 3. Fill in as follows:

Barbiturates.	Flotation reagents.
Plating.	Other (specify).
Case hardening.	Export (as cyanide).
Zinc mining.	Resale (as cyanide).

Column 4. Opposite each primary product in Column 3, specify in Column 4 the end use briefly and accurately, indicating as far as possible whether for direct or for indirect Army, Navy or Lend-Lease orders. (Do not specify contract numbers.)

Opposite "Resale" in Column 3, write in Column 4 "subject to further authorization" or for "exempt small orders". Suppliers who resell in both large and small quantities shall request a total quantity for authorized resale and shall apply under Appendix A for small order deliveries.

Opposite "Export" in Column 3, specify in Column 4, the country of destination and the export license numbers unless Lend Lease, in which case merely specify "Lend Lease".

Columns 9 and 10. Leave blank.

Table II. Fill in as indicated for each cyanide referred to in Table I, Column 1 of the application.

Table III. Fill in as indicated.

Tables IV and V. Leave blank.

[F. R. Doc. 44-314; Filed, January 5, 1944; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 279,[1] Amdt. 2]

HOPS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 279 is amended in the following respects:

1. Section 2 (b) (2) is amended by adding the following sentence:

(2) * * * Notwithstanding the foregoing provisions of this subparagraph (2), any person who paid assessments to the Hop Control Board as a grower dealer during the calendar year 1942 shall be deemed to be a grower dealer for the purposes of this regulation. The Hop Control Board is a board established by and functioning under Federal Hop Marketing Agreement 100 and Order 63, regulating the handling of hops grown in the States of Oregon, California, Washington, and Idaho.

2. In section (2) (c) the figure "10 per cent" is amended to read "30 per cent."

This amendment shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4651)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: December 24, 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-224; Filed, January 5, 1944; 12:01 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 93]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8105 (a) (1) is amended to read as follows:

(1) Whenever a person violates any provision of Ration Order No. 1A or Ration Order No. 5C, or whenever any other person using a motor vehicle on his behalf or at his direction or with his consent, violates any provision of Ration Order No. 1A or Ration Order No. 5C, any Board after hearing may, in its discretion, revoke and suspend his rations in whole or in part (and in such a case require the surrender to it of coupons, coupon books or other ration evidences and any folder outstanding in connection therewith and prohibit him from using any gasoline which is a part of any ration which is revoked or suspended by such order) and deny him a ration or rations, in whole or in part, for such period as it may deem appropriate in the public interest. The Board may designate one or more of its members to perform the function described in this paragraph.

2. In § 1394.8105 (a) (2) (i) the second sentence is amended to read as follows:

If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that a violation of a provision of Ration Order No. 1A or Ration Order No. 5C described in such notice has been committed by the respondent, or by a person using a motor vehicle on his behalf or at his direction or with his consent, the Board may by order revoke, and suspend for a period which shall be stated therein, the rations issued to the respondent in whole or in part (and in such a case, by its order, direct him to surrender to it the coupons, coupon books or other ration evidences issued to him and any folder outstanding in connection therewith to the extent required to make such revocation effective, and prohibit the respondent from using any gasoline which is a part of any ration which is revoked or suspended by such order) and the Board may, by order, deny him a ration or rations, in whole or in part, for such period as it may deem appropriate in public interest.

3. In § 1394.8211 the present text is redesignated paragraph (a) and a new paragraph (b) is added to read as follows:

(b) No person shall alter the name on any coupon sheet (Form OPA R-120), to which any ration evidence has been attached or mutilate any such sheet; and no person shall detach or remove any coupons from a coupon sheet, or attach to a coupon sheet any coupons which have been removed or detached from another coupon sheet. A person who inadvertently attaches coupons to a sheet to which they should not be attached, or who inadvertently mutilates or spoils a coupon sheet to which any coupons have been attached, shall take the coupon sheet to a Board. The Board shall issue to him inventory coupons if the sheet is presented by a dealer, or a gasoline deposit certificate if the sheet is presented by a distributor, equal in gallonage value to the gallonage value of any coupons on the sheet submitted which were not acquired in violation of any provision of Ration Order No. 5C.

This amendment shall become effective January 10, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-225; Filed, January 5, 1944; 12:01 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A, Amdt. 6 to Supp. 1[1]]

STOVES

Supplement 1 to Ration Order 9A is amended in the following respect:

The first sentence in § 1432.69 (b) (1) is amended to read as follows:

Any dealer or distributor to whom an allowable inventory has been granted may apply to his Board for an increase in his allowable inventory for coal or wood heating stoves.

This amendment shall become effective January 10, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-226; Filed, January 5, 1944; 12:01 p. m.]

PART 1345—COKE

[MPR 77,[1] Amdt. 2]

BEEHIVE OVEN COKE

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9 (b) (2) is amended to read as follows:

(2) A producer or distributor of beehive oven coke, other than beehive oven furnace coke, made in the Connellsville District, may add a sum not to exceed $1.25 per net ton for hand-drawn coke or $1.00 per net ton for machine-drawn coke.

This amendment shall be effective as of November 29, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-173; Filed, January 4, 1944; 3:38 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11586, 12443.

[2] 8 F.R. 15037, 16250, 16421.

[1] 8 F.R. 13204, 14620, 15454, 15609, 15717.

[2] 8 F.R. 16787.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 465,[1] Amdt. 1]

USED PRESSURE VESSELS AND USED ENCLOSED ATMOSPHERIC PRESSURE VESSELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 (c) (5) is added to read as follows:

(5) (i) The actual cost in excess of $100 of installing the used vessel being sold at the present location where (a) the vessel is installed underground at the time of sale, and (b) the vessel is purchased for use in its present location. This actual cost of installation shall be depreciated at the rate of 5% per year on the straight-line method. The period of time from the date from which the present installation was made to the date of sale shall be used to determine the amount of depreciation. In measuring that period of time, a fractional period of a month, consisting of 16 days or more, shall be regarded as a full month and a fractional period of a month consisting of 15 days or less shall be disregarded.

(ii) When the seller makes the addition permitted by this subparagraph, he shall file a report with the Office of Price Administration within 10 days after he sells the used vessel. This report shall state:

(a) The date the vessel was installed in the present setting and the location of the present setting.

(b) The cost of installing the vessel being sold in the present setting.

(c) A calculation showing that the amount added to the maximum price for installation was computed in accordance with this subparagraph (5).

This amendment shall become effective January 11, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-276; Filed, January 5, 1944; 4:44 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 152]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c) (3) (xxxix) is added to read as follows:

(xxxix) *Minneapolis and St. Paul, Minnesota—range oil.* The maximum tankwagon prices for range oil, stove oil or heater oil for the bulk plant points of Minneapolis, and St. Paul, Minnesota, and the circuit points and rural territories served from such plant or plants shall be as follows:

	Cents per gallon
In quantities of less than 100 gallons	.098
In quantities of as much as 100 gallons but less than 200 gallons	.088
In quantities of 200 gallons or over	.083

This amendment shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-265; Filed, January 5, 1944; 4:31 p. m.]

PART 1340—FUEL

[MPR. 121,[1] Corr. to Amdt. 26]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

Amendment 26 is corrected in the following respects:

1. In item 4 the reference to "Section 1340.248 (3) (ii)" is corrected to read "Section 1340.248 (a) (3) (ii)".

2. In item 5 the reference to "Section 1340.248 (b)" is corrected to read "Section 1340.248 (a) (4)".

These corrections shall be effective as of December 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-270; Filed, January 5, 1944; 4:37 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[1] Amdt. 24]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 306 is amended in the following respects:

1. Paragraphs (a) and (b) of § 1341.565 are amended to read as follows:

(a) Wherever a grade for an item is specifically listed (e. g., "A", "B", "C", or "Fancy", "Extra Standard" and "Standard") or prices are determined by reference to an item so listed, the term "grade" means the grade at the time of shipment, as established and defined by the United States Department of Agriculture. Each processor selling such an item shall furnish the purchaser, at or before the time of delivery, with an invoice describing the item and separately stating its grade.

(b) In all other cases, the term "grade" means the commercial grade or customary trade quality designation at the time of shipment.

This amendment shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-261; Filed, January 5, 1944; 4:34 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 224,[1] Amdt. 4]

CEMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1346.102 is amended to read as set forth below and a new paragraph (c) is added to § 1346.104.

§ 1346.102 *Maximum prices for export sales of cement.* Any manufacturer making the kind or type of sale or transaction defined as "export" or "export sale" in section 11 (1) of the Second Revised Maximum Export Price Regulation shall be subject to that regulation rather than this Maximum Price Regulation No. 224.

§ 1346.104 *Maximum prices for sales and deliveries of cement by manufacturers.* * * *

(c) *Method of determining maximum domestic prices for export sales and sales to an exporter—(1) Direct export sales.* The maximum domestic price which shall apply in determining the maximum export price under the Second Revised Maximum Export Price Regulation for American Society for Testing Materials Types 1 and 2 Portland cement exported by a manufacturer shall be a price not in excess of the highest price determined under the following methods:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12625.

[2] 8 F.R. 3718.

[1] 7 F.R. 9237, 9969, 4463, 8941, 6002, 6886, 8567, 8321, 8938, 8948, 10529; 8 F.R. 1895, 2756, 4179, 5757, 6261.

[2] 8 F.R. 16896, 17224, 17298.

[1] 7 F.R. 7396, 8650, 8944, 9495, 8 F.R. 8275.

(i) A delivered price at the point of exit shall be such that the cost to the purchaser at that point for like quantities and classifications of cement is not in excess of what it was or would have been to a domestic purchaser of the same class for delivery to such purchaser completed between March 1 to 15, 1942. Such price shall be calculated upon the basis of the prices, pricing practices, freight practices, trade discounts, charges (including package charges), allowances, and deposits (other than deposits on cloth bags which may be required in a reasonable amount so long as the refund equals the deposit) most favorable to purchasers in effect, published, listed, or quoted by the seller during the period March 1 to 15, 1942, but upon the basis of the freight rates in effect at the time of any shipment made subsequent to September 23, 1942.

(ii) A price f. o. b. mill in bulk not in excess of the price listed in paragraph (b) (ii) of this section for the Bureau of Mines District in which the mill is located.

(2) *Sales to exporters.* The maximum price for cement sold by a manufacturer to an exporter (a person who buys cement for his own account for sale to a purchaser outside the United States), shall be, except as provided below, the highest of the following:

(i) A price at the destination designated by the purchaser not in excess of the maximum price established under paragraph (a) of this section for a domestic sale at such destination by a mill whose normal market area includes such destination, or

(ii) A price f. o. b. mill in bulk not in excess of the price listed in paragraph (b) (ii) of this section for the Bureau of Mines District in which the mill is located.

(a) The manufacturer may use the alternative pricing method set forth in paragraph (2) (ii) above only if he indicates on the billing that the price has been determined in accordance with § 1346.104 (c) (2) (ii) of this Maximum Price Regulation No. 224 and secures an affidavit from the purchaser that the cement purchased will not be resold in the normal course of trade to a person other than a foreign purchaser, and the manufacturer retains such affidavit in his possession for a period of two years and makes it available for inspection by the Office of Price Administration.

(3) A delivered price may be charged under paragraph (ii) of paragraphs (c) (1) and (2) of this section equal to the f. o. b. mill price plus freight charges incurred by the manufacturer in making delivery to the point of destination: *Provided*, That if the seller makes delivery with his own facilities he may add to the f. o. b. mill price the charges which he customarily made for such transportation services during the period March 1 to 15, 1942, but in no event to exceed the lowest common carrier charge for such shipment by the mode of transportation employed.

(4) The maximum prices established under this paragraph (c) are subject to trade discounts, quantity differentials, charges (including package charges) allowances, and deposits (other than deposits on cloth bags which may be required in a reasonable amount so long as the refund equals the deposit) most favorable to domestic purchasers of the same class, which the manufacturer had in effect, published, listed, or quoted, during the period March 1 to 15, 1942: *Provided, however*, That the manufacturer may add an amount to his maximum domestic price to compensate for export packaging costs in excess of those incurred on domestic sales.

(5) The maximum prices under paragraph (c) (1) (ii) and (2) (ii) may be increased to the extent that a cash discount is offered to purchasers under conditions as favorable as were offered by the seller during the period March 1 to 15, 1942: *Provided*, That during the period of the war emergency a reasonable period of grace sufficient to permit routine handling shall be allowed to any war procurement agency within which to avail itself of the cash discount.

(6) The differentials from the price of American Society for Testing Materials Types 1 and 2 Portland cement which prevailed on March 15, 1942, with respect to American Society for Testing Materials Type 3 Portland cement (high early strength cement), white cement, oil-well cements, masonry cement, and other cement, shall be added to or subtracted from, as the case may be, the maximum selling prices established under this paragraph for American Society for Testing Materials Types 1 and 2 Portland cement, to determine the maximum prices for such other cements.

This Amendment No. 4 to Maximum Price Regulation No. 224 shall become effective January 11, 1944.

NOTE: The record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-268; Filed, January 5, 1944; 4:32 p. m.]

PART 1367—FERTILIZERS

[2d Rev. MPR 135,[1] Incl. Amdt. 1]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

Section 10 (a) (4) and Schedules C, D, G, I, J, M, N, O and Q are amended; a paragraph is added before Schedule A and paragraph (f) is added to Schedule K by Amendment 1, effective January 11, 1944, so that 2d Revised Maximum Price Regulation 135 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales to consumers of mixed fertilizer, superphosphate and potash which differ from and supersede such maximum prices established under Revised Maximum Price Regulation No. 135, as amended.[2]

The maximum prices established herein are not below the average prices of mixed fertilizer, superphosphate and potash sold to consumers during the year 1941. They do however meet the minimum required by law being above their average prices on September 15, 1942 only to the extent of intervening unabsorbable increases in costs of production and distribution. The Price Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry affected by this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the fertilizer industry and have previously been promulgated and their use lawfully required by another Government agency.

A statement of the considerations involved in the issuance of this Second Revised Maximum Price Regulation No. 135 has been issued simultaneously herewith and filed with the Division of the Federal Register.[3]

§ 1367.31 *Maximum prices of mixed fertilizer, superphosphate and potash when sold to consumers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and Executive Order No. 9328, Second Revised Maximum Price Regulation No. 135, Mixed Fertilizer, Superphosphate and Potash, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1367.31 Second Revised Maximum Price Regulation No. 135, issued under 56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION 135—MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

Sec.

1. Prohibition against selling mixed fertilizer, superphosphate and potash to consumers at prices above the maximum.
2. Sales at less than maximum prices permitted.
3. Scope of this regulation and its relation to other regulations.

ARTICLE II—MAXIMUM PRICES

4. Maximum prices of mixed fertilizer, superphosphate and potash when sold to consumers.
5. Prohibited practices.
6. Records and reports.
7. Enforcement.
8. Petitions for amendment and application for adjustment.
9. Adjustable pricing.
10. Definitions.
11. Optional effective date of this regulation.

[1] 8 F.R. 16706.

[2] 8 F.R. 3621, 8540, 10572, 11481.

[3] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

ARTICLE III—MAXIMUM PRICE SCHEDULES

Schedule A—Maine (Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth).
Schedule B—Maine (except the part in Schedule A), Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island.
Schedule C—New York and New Jersey.
Schedule D—Pennsylvania.
Schedule E—Delaware, Maryland and the District of Columbia.
Schedule F—West Virginia (counties north of and including Mason, Jackson, Roane, Clay, Webster, Randolph, Pendleton, and the part of Nicholas County served by the Baltimore and Ohio Railroad).
Schedule G—West Virginia (Counties of Jefferson, Berkeley and the part of Nicholas County served by the Chesapeake and Ohio Railroad, also counties south of and including Pocahontas, Greenbrier, Kanawha, Putnam, Cabell), Virginia, North Carolina, South Carolina and Georgia.
Schedule H—Florida (east of the Apalachicola River).
Schedule I—Alabama and Florida (west of the Apalachicola River).
Schedule J—Mississippi and Louisiana (east of the Mississippi River).
Schedule K—Louisiana (west of the Mississippi River), Arkansas, Texas, New Mexico and Oklahoma (except Counties of Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa, and Delaware. Prices for these counties are in Schedule N with Kansas).
Schedule L—Tennessee.
Schedule M—Kentucky.
Schedule N—Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, and Oklahoma (counties excepted in Schedule K).
Schedule O—Wyoming, Colorado, Utah, Idaho, Montana, Nevada.
Schedule P—Oregon and Washington.
Schedule Q—California and Arizona.
Schedule R—Puerto Rico.
Schedule S—Victory Garden and Specialty Fertilizers.

ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

SECTION 1. *Prohibition against selling mixed fertilizer, superphosphate and potash to consumers at prices above the maximum.* On and after November 23, 1943, but not later than January 1, 1944, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver to a consumer, and no person in the course of trade or business shall buy or receive mixed fertilizer, superphosphate or potash at prices higher than the maximum prices established herein, and no person shall agree, offer, solicit or attempt to make such a sale, purchase or delivery.

SEC. 2. *Sales at less than maximum prices permitted.* Prices lower than the maximum prices established herein may be charged and paid.

SEC. 3. *Scope of this regulation and its relation to other regulations—(a) Transactions and materials.* This regulation applies only to sales to consumers of mixed fertilizer, superphosphate and potash.

(b) *Persons affected.* This regulation covers all sales by manufacturers and dealers to consumers.

(c) *Geographical applicability.* This regulation applies to sales and deliveries in the 48 states of the United States and the District of Columbia, and in the territory of Puerto Rico.

(d) *Relation to Revised Maximum Price Regulation 135, as amended.* This regulation supersedes Revised Maximum Price Regulation 135, as amended, on the effective date or dates with respect to each seller of mixed fertilizer, superphosphate or potash on or after November 23, 1943, as hereinafter provided but not later than January 1, 1944.

(e) *Relation to Hawaiian General Maximum Price Regulation.*[4] This regulation does not supersede the Hawaiian General Maximum Price Regulation which shall continue to apply to sales and deliveries in the territory of Hawaii.

(f) *Relation to General Maximum Price Regulation.*[5] This regulation supersedes the General Maximum Price Regulation except insofar as the provisions of the General Maximum Price Regulation apply to sales and deliveries in territories and possessions of the United States; and further except that the following sections of the General Maximum Price Regulation and amendments thereto shall apply:

(1) Transfers of business or stock in trade (§ 1499.5)
(2) Federal and state taxes (§ 1499.7)
(3) Registration (§ 1499.15)[6]
(4) Licensing (§ 1499.16)[6]
(5) Penalties (§ 1499.17)

(g) *Relation to the Second Revised Maximum Export Price Regulation.*[7] The maximum prices for export sales of mixed fertilizer, superphosphate and potash are governed by the Second Revised Maximum Export Price Regulation.

(h) *Imports.* The provisions of this regulation apply to the purchases, sales and deliveries of mixed fertilizer, superphosphate and potash originating outside of and imported into continental United States.

ARTICLE II—MAXIMUM PRICES

SEC. 4. *Maximum prices of mixed fertilizer, superphosphate and potash when sold to consumers.* The maximum prices at which sales and deliveries of mixed fertilizer, superphosphate and potash may be made to consumers shall be no greater than as set forth in the schedules hereinafter attached and made a part hereof.

[NOTE: Supplementary Order No. 13 (7 F.R. 6523) provides that retail sellers of commodities or services, who own more than one establishment and who have maintained a fixed practice of selling commodities or services at retail at uniform or at substantially uniform prices, may apply for authorization to determine and use uniform maximum prices.]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of extra packing expenses to procurement agencies of the United States.]

SEC. 5. *Prohibited practices; general.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this Second Revised Maximum Price Regulation No. 135 as an outright overceiling price. This applies to changes in credit practices and cash discounts, and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

SEC. 6. *Records and reports.* (a) Every person (including a dealer, agent or other person) making a sale of mixed fertilizer, superphosphate, or potash, in quantities of 250 pounds or more, to a consumer, after November 22, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records of each sale, showing the date thereof; and name and address of the buyer, of the person (including an agent) making the sale, and of the manufacturer of the mixed fertilizer, superphosphate or potash; the quantity, grade and kind of the mixed fertilizer, superphosphate or potash sold; the bags or containers in which delivered; the price charged or received therefor; the terms of payment (time, cash, discounts, etc.); and the method and conditions of delivery.

(b) (1) Not later than January 1, 1944, every manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers and dealers, whether by or through any agent or other person, shall file with the Office of Price Administration in Washington, D. C., one copy of each and every written or printed price schedule, whether temporary or permanent, issued by him in connection with the sale thereof to consumers and dealers from and after the effective date of this regulation for the seller and area affected as hereinafter provided together with all written or printed amendments and supplements to any such schedules.

(2) Upon request addressed to the Office of Price Administration, Washington, D. C., copies of this Second Revised

[4] 8 F.R. 3907, 6362, 13244, 14765.

[5] 8 F.R. 3092, 3849, 4347, 4486, 4724, 4978, 4948, 6047, 6862, 8811, 9085, 9991; 11955.

[6] § 1499.15 of the General Maximum Price Regulation revoked, and § 1499.16 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43, to read as follows:

§ 1499.16 *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[7] 8 F.R. 4182, 8987, 7662, 9008, 15108.

Maximum Price Regulation No. 135 will be furnished each manufacturer for distribution to his agents and dealers.

(3) Each dealer or agent shall post at his place of business a list of his consumer's maximum prices.

(4) Each manufacturer selling direct to consumers shall post at his office, plant and warehouse his consumers' price list in effect for the area served by each such office, plant, or warehouse.

(c) Persons affected by this Second Revised Maximum Price Regulation No. 135, shall submit such other information to the Office of Price Administration as it may, from time to time, require, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Enforcement.* (a) Persons violating any provision of this Second Revised Maximum Price Regulation No. 135 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this Regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

SEC. 8. *Petitions for amendment and application for adjustment*—(a) *Amendments.* Persons seeking any modification of this Second Revised Maximum Price Regulation No. 135 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[8] issued by the Office of Price Administration.

(b) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this Second Revised Maximum Price Regulation No. 135 is impeding or threatens to impede production of mixed fertilizer, superphosphate, or potash which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6.[9] A copy can be had at any office of the Office of Price Administration.

(3) As soon as the application is filed, deliveries may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(4) Any manufacturer who is requested by a governmental agency, or a contractor on a governmental project, to submit a bid on, and offer to supply, a grade and kind of mixed fertilizer, superphosphate or potash on which the manufacturer had not established a maximum price, may quote a price, offer for sale, sell and deliver, such commodity to the governmental agency or contractor on a governmental project upon the condition that if the price is later disapproved by the Office of Price Administration, the manufacturer shall forthwith make the appropriate refund to the governmental agency, or its fiscal or disbursing office, or to the contractor on the governmental project, from whom he received payment for the commodity.

[NOTE: Supplementary Order No. 28 (7 F.R. 9619; 8 F.R. 7256) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 10. *Definitions.* (a) When used in this Second Revised Maximum Price Regulation No. 135, the term:

(1) "Person" includes an individual, corporation, partnership, association, farmers' or consumers' cooperative or other organized group of persons, or legal successor or repesentative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person who produces, mixes or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(3) "Dealer" means a person who purchases mixed fertilizer, superphosphate or potash and resells it to a consumer.

(4) "Consumer" means the person purchasing mixed fertilizer, superphosphate or potash for use in aiding the growth of crops or plants (and not for resale) including the Agricultural Adjustment Agency when purchasing superphosphate from nonproducers.

[Subparagraph (4) as amended by Am. 1, effective 1-11-44]

(5) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(6) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(7) "Potash" means muriate, chloride or sulphate of potash, manure salts and any other substance containing potassium oxide (K_2O), when marketed or sold as an aid to the growth of crops or plants.

(8) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants, except when so marketed or sold without the admixture of any potash or superphosphate.

(9) "Chemical nitrogen" means any nitrogen, other than natural organic nitrogen, including, but not limited to, ammonium sulphate, ammonium nitrate, sodium nitrate, calcium cyanamid, urea and nitrogen-bearing solutions.

(10) "Natural organic nitrogen material" means a fertilizer material of vegetable or animal origin containing nitrogen, including, but not limited to, animal, fish and other tankages, castor pomace, tobacco stems, cotton seed meal, peanut meal, soybean meal, sewage sludge and cocoa shell meal.

(11) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of nitrogen, available phosphoric acid, and water-soluble potash, e. g. 4–12–4, 0–14–7, 0–20–0, 0–0–50.

(12) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as, for example, in the case of nitrogenous material, 80% water-soluble and 20% water-insoluble nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(13) "Price schedule" means any price list or statement, irrespective of form, issued or used by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery and any other provisions relating to sales of the commodities being priced.

(14) "Place of delivery" means rail or truck destination for goods sold under a price schedule quoting delivered prices, or f. o. b. plant for goods sold under a price schedule quoting f. o. b. plant prices.

(15) "Net to manufacturer" means the amount received by a manufacturer for a sale after deducting discounts and agent's compensation, if any, from his sales price.

(16) "Margin" means the amount of markup which may be added to the dealer's net delivered cost.

(17) "Spring season" means the fertilizer selling season from December 1 of any calendar year to and including June 30 of the next succeeding calendar year.

(18) "Fall season" means the fertilizer selling season from July 1 to November 30, inclusive, of any calendar year.

(19) "Victory garden fertilizer" means any grade of fertilizer authorized by the War Food Administration for use on victory gardens.

(20) "Specialty fertilizer" means a grade and kind of mixed fertilizer (but not Victory garden fertilizer) permitted by the War Food Administration to be manufactured, packaged, and sold for unrestricted use and which is generally marketed through retail outlets other than those selling fertilizer for commercial agricultural use.

(21) "Special ingredients" means elemental sulphur, or chemical compounds of aluminum, boron, copper, iron, manganese, zinc or magnesium, except magnesium in the dolomitic form, when added separately by the fertilizer manufacturer to a mixed fertilizer, superphosphate or potash.

(22) "Premium brand" means a kind and grade of mixed fertilizer, superphosphate or potash which during the period February 16–20, 1942, was listed by the manufacturer of the premium brand at an additional price above the price of a similar regular grade of mixed fertilizer, superphosphate or potash manufactured and listed by him.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SEC. 11. *Optional effective date of this regulation.* This Second Revised Maximum Price Regulation No. 135 shall, at the option of each fertilizer manufacturer, become effective on or after November 23, 1943, but not later than January 1, 1944, and until such effective date for each fertilizer manufacturer Revised Maximum Price Regulation 135, as amended, shall remain in full force and effect.

[Issued November 17, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

ARTICLE III—MAXIMUM PRICE SCHEDULES

Pricing other permitted grades of mixed fertilizer, superphosphate or potash not priced in schedules A to Q inclusive. Other grades such as multiples of grades in New England and in the Middle Atlantic states, permitted variations of nitrogen and/or available phosphoric acid in the 4–16–0 in all states, increases in available phosphoric acid content in superphosphate, increases and decreases in K_2O content in potash salts, prices for which are not given in schedules A and Q inclusive shall be priced as follows: In each area, based on the price for the grade of mixed fertilizer, superphosphate or potash on which the variation is to be made, add or deduct the following unit values to determine the maximum consumer price for the permitted grade, subject to discounts as provided in the applicable schedule.

	Per unit
Nitrogen	$2.25
Potash from muriate forms	.75
Potash from sulphate	1.00
Available phosphoric acid:	
Schedules A to F inclusive and O to Q inclusive	1.10
Schedules G to N inclusive	1.00

[Above paragraph added by Am. 1, effective 1-11-44]

SCHEDULE A—MAINE

(Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth.)

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grades:	*Price per ton*
7–7–7	$46.70
6–9–15	52.00
5–10–10	47.25
5–10–5	43.75
5–9–7	43.25
5–7–10	44.40
4–16–0	43.75
3–12–6	41.95
0–14–14	42.85
0–20–0	35.00
0–19–0	34.00
0–18–0	33.00
0–0–60 Muriate of potash	50.60
0–0–50 Muriate of potash	45.20
0–0–21.5 Sulphate potash-magnesia	45.20

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate	$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

$1.25 per ton for 167 or 200-pound textile bags;
$1.50 per ton for 125-pound textile bags;
$1.75 per ton for 100-pound textile bags;
$5.00 per ton for barrels.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1. For goods shipped sight draft, cash in advance, cash upon delivery or cash within 10 days from date of shipment, a discount of 5% is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) On rail shipments, when delivery is taken at car door, deduct 75¢ per ton.

(2) When delivery is taken at a warehouse located in the area, deduct 75¢ per ton.

(3) When delivery is taken at factories, deduct the carload rate of freight from the factory to consumer's nearest railroad station plus 75¢ per ton.

(4) For l. c. l. or less truckloads, an additional charge may be made equal to the additional cost of transportation.

SCHEDULE B—NEW ENGLAND

(Except the part of Maine in Schedule A)

Column I—Maine (except Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth.) *Vermont* (except Bennington and Windham Counties.) *New Hampshire* (except Cheshire, Hillsboro, Rockingham, Sullivan, Merrimack, Strafford and Belknap Counties.)

Column II—Vermont (Bennington and Windham Counties.) *New Hampshire* (counties excepted above.) *Massachusetts, Connecticut, Rhode Island.*

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton I	Price per ton II
7–7–7	$51.20	$48.70
6–9–15	57.50	.....
5–10–10	50.95	48.45
5–10–5	47.70	45.20
5–9–7	47.40	44.90
5–7–10	48.55	.....
4–16–0	46.95	44.45
3–12–6	45.35	42.85
0–14–14	48.05	45.55
0–20–0	32.05	30.55
0–19–0	31.75	29.25
0–18–0	30.45	27.95
0–0–60 Muriate of potash	56.20	53.70
0–0–50 Muriate of potash	50.80	48.30
0–0–48 Sulphate of potash	60.25	57.75
0–0–21.5 Sulphate potash-magnesia	50.80	48.30
TOBACCO GRADES ONLY		
6–3–6	.....	170.00
5–3–5	.....	63.40
4–10–0	.....	59.80

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate (except tobacco grades)	$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05

Tobacco goods only. Add for potash from cotton hull or boll ashes, 25¢ per unit.

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

[8] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.
[9] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

(d) *Bag differentials.* Add to the prices in (a):

$1.35 per ton for 167 or 200-pound textile bags;

$1.70 per ton for 125-pound textile bags;

$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1. For goods shipped sight draft, cash in advance, cash upon delivery, or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

Quantity discounts. Except on tobacco goods, the prices in (a) are subject to the following discounts:

5% but not over $2.25 per ton for 10 to 49 tons.

7% but not over $3.15 per ton for 50 to 99 tons.

10% but not over $4.50 per ton for 100 tons or over.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) On rail shipments, when delivery is taken at car door, deduct $1.00 per ton, except on tobacco goods.

(2) When delivery is taken at a factory or producer-controlled warehouse, deduct (for the shortest highway mileage to consumer's nearest railway station) not less than the following rates:

50¢ per ton for distance up to five miles.

2½¢ per ton per mile additional for the next 175 miles.

(3) For l. c. l. or less truckloads, an additional charge may be made equal to the additional cost of transportation.

SCHEDULE C—NEW JERSEY AND NEW YORK

Column I—New Jersey, New York: Long Island, Richmond, New York and Rockland Counties.

Column II—New York: Orange and Ulster Counties.

Column III—New York: All remaining counties except St. Lawrence, Franklin, Clinton, and Essex.

Column IV—New York: St. Lawrence, Franklin, Clinton, and Essex Counties.

(a) Maximum delivered to the farm time prices, full carload, 20-ton boatload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton			
	I	II	III	IV
10–6–4 [1]	$44.40			
7–7–7	42.35	$43.45	$44.95	$45.95
5–10–10	42.20	43.30	44.80	45.80
5–10–5	38.45	39.55	41.05	42.05
5–8–7 [1]	38.35			
4–16–0	37.10	38.20	39.70	40.70
4–12–8	39.90	41.00	42.50	43.50
4–12–4	36.90	38.00	39.50	40.50
4–8–12	39.70	40.80	42.30	43.30
3–12–6	36.00	37.10	38.60	39.60
3–9–15	40.35	41.45	42.95	43.95
3–9–12	38.10	39.20	40.70	41.70
2–12–6	33.60	34.70	36.20	37.20
0–14–7	31.15	32.25	33.75	34.75
0–12–12	33.30	34.40	35.90	36.90
0–10–20	37.70	38.80	40.30	41.30
0–20–0	26.50	27.60	28.40	29.40
0–19–0	25.25	26.35	27.15	28.15
0–18–0	24.00	25.10	25.90	26.90
0–0–60 Muriate of potash	52.70	53.80	55.30	56.30
0–0–50 Muriate of potash	47.10	48.20	49.70	50.70
0–0–48 Sulphate of potash	57.10	58.20	59.70	60.70
0–0–21.5 Sulphate of potash-magnesia	47.10	48.20	49.70	50.70

[1] New Jersey only.

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except *premium brands*).

	Per unit.
Potash from sulphate	$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar sources	1.00
	Per pound.
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

$1.35 per ton for goods in 167 or 200-pound textile bags;

$1.70 per ton for goods in 125-pound textile bags;

$2.00 per ton for goods in 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail, boat or truck, subject to the following differentials from prices in (a):

(1) On rail or boat shipments, an allowance of 75¢ per ton shall be made for delivery from railroad station or boat landing to consumer premises for New Jersey, Long Island and, Richmond, New York and Rockland Counties, N. Y.; $1.00 per ton for all other counties in New York State.

(2) On goods trucked from factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

(i) New Jersey; Richmond, New York, and Rockland counties, N. Y.:

75¢ per ton for a distance up to 5 miles, 2½¢ per ton per mile for additional mileage but not to exceed $3.50 per ton total, including ferry tolls.

(ii) Long Island; 75¢ per ton for a distance up to 5 miles; 3¢ per ton per mile for distances beyond 5 miles up to but not exceeding carload rate of freight.

(iii) Remainder of New York State: $1.00 per ton for a distance up to 5 miles, 2½ cents per ton per mile for distances beyond 5 miles up to but not exceeding carload rate of freight.

[Subparagraphs (ii) and (iii) as amended by Am. 1, effective 1–11–44]

(3) For l. c. l., less than 20-ton boatload or less than full truckload, an additional charge may be made equal to the additional cost of transportation.

SCHEDULE D—PENNSYLVANIA

Column I. Carbon, Cumberland, Dauphin, Fulton, Franklin, Monroe, Schuylkill, and all counties east and south thereof.

Column II. Bedford, Blair, Cambria, Centre, Clinton, Columbia, Huntingdon, Juniata, Luzerne, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Somerset and Union counties.

Column III. Tioga, Bradford, Susquehanna, Sullivan, Wyoming, Wayne, Pike and Lackawanna counties.

Column IV. Potter, Cameron, Clearfield, Indiana, Westmoreland, Fayette and all counties west thereof.

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton			
	I	II	III	IV
10–6–4	$44.85	$46.15	$46.60	$47.20
7–7–7	42.80	44.10	44.55	45.15
5–10–10	42.65	43.95	44.40	45.00
5–10–5	38.90	40.20	40.65	41.25
4–16–0	37.55	38.85	39.30	39.90
4–12–8	40.35	41.65	42.10	42.70
4–12–4	37.35	38.65	39.10	39.70
4–8–12	40.15	41.45	41.90	42.50
3–12–6	36.45	37.75	38.20	38.80
3–9–15	38.55	39.85	40.30	40.90
2–12–6	34.05	35.35	35.80	36.40
0–14–7	31.60	32.90	33.35	33.95
0–12–12	33.75	35.05	35.50	36.10
0–20–0	26.65	27.95	28.40	29.00
0–19–0	25.50	26.80	27.25	27.85
0–18–0	24.35	25.65	26.10	26.70
0–0–60 Muriate of potash	53.05	54.35	54.80	55.40
0–0–50 Muriate of potash	47.65	48.95	49.40	50.00
0–0–48 Sulphate of potash	57.65	58.95	59.40	60.00
0–0–21.5 Sulphate of potash magnesia	47.65	48.95	49.40	50.00

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Nitrogen, tobacco grades only	$0.30
Potash from sulphate	.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar sources	1.00
	Per pound
Copper sulphate	.10
Manganese sulphate, 65%	.05
Borax	.05

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

$1.35 per ton for 167 or 200-pound textile bags.

$1.70 per ton for 125-pound textile bags.

$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail, boat or truck, subject to the following differentials from prices in (a):

(1) On rail or boat shipments an allowance of 75¢ per ton shall be made for delivery from railroad station or boat landing to consumer's premises in all counties except those listed below; deduct $1.00 per ton in Erie, Crawford, Warren, McKean, Potter, Tioga, Bradford, Susquehanna, Sullivan, Wyoming, Wayne, Pike and Lackawanna counties.

(2) On goods trucked from factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

(i) Columns I, II, and IV.

$0.75 per ton for distances up to five miles, $0.02½ per ton per mile additional for the next 100 miles,

$0.01 per ton per mile for next 175 miles.

(ii) Column III. $1.00 per ton for distances up to 5 miles, 2½ cents per ton per mile for the next 100 miles but total trucking allowance is not to exceed carload rate of freight.

[Subparagraph (ii) as amended by Am. 1, effective 1–11–44]

(3) For less car rail shipments, less truckload or less than 20 tons by boat, an additional charge may be made equal to the additional cost of transportation.

SCHEDULE E—DELAWARE, MARYLAND, DISTRICT OF COLUMBIA

Column I—Delaware, Maryland (counties of Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester).

Column II—District of Columbia, Maryland (counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington).

Column III—Maryland (counties of Garrett and Allegany).

(a) Maximum delivered to the farm time prices, full carload, full truckload, or 20-ton boatload basis, for goods in 100-pound paper bags.

Grade	Price per ton		
	I	II	III
10–6–4	$43.20	$43.60	$44.90
7–7–7	41.15	41.55	42.85
6–8–6	38.80	39.20	40.50
5–10–10	41.00	41.40	42.70
5–10–5	37.25	37.65	38.95
4–16–0	35.90	36.30	37.60
4–12–8	38.70	39.10	40.40
4–12–4	35.70	36.10	37.40
4–8–12	38.50	38.90	40.20
3–12–6	34.80	35.20	36.50
3–9–12	36.90	37.30	38.60
3–12–12	36.90	37.30	38.60
3–12–6	32.40	32.80	34.10
0–14–7	29.95	30.35	31.65
0–12–12	32.10	32.50	33.80
0–20–0	25.30	25.70	27.00
0–19–0	24.30	24.70	26.00
0–18–0	23.30	23.70	25.00
0–0–60 Muriate of potash	51.10	51.50	52.80
0–0–50 Muriate of potash	45.70	46.10	47.40
0–0–48 Sulphate of potash	55.70	56.10	57.40
0–0–21.5 Sulphate of potash magnesia	45.70	46.10	47.40

[1] Maryland tobacco only.

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a), as follows: (except premium brands)

	Per unit
Nitrogen, tobacco grades only	$0.30
Potash from sulphate	.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

$1.35 per ton for 167 or 200-pound textile bags.

$1.70 per ton for 125-pound textile bags.

$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail, boat or truck, subject to the following differentials from prices in (a):

(1) On rail or boat shipments, an allowance of 75¢ per ton shall be made for delivery taken at railroad station or boat landing.

(2) On delivery taken at a factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

(i) Column I:

75¢ per ton for distances up to 5 miles,

2½¢ per ton per mile additional for the next 70 miles.

(ii) Column II:

75¢ per ton for distances up to 5 miles,

2½¢ per ton per mile additional for the next 100 miles.

(iii) Column III:

75¢ per ton for distances up to 5 miles,

2½¢ per ton per mile additional for the next 100 miles,

1¢ per ton per mile additional for next 175 miles.

(3) For less car rail shipments, less truck load or less than 20 tons by boat, an additional charge may be made equal to the additional cost of transportation.

SCHEDULE F—WEST VIRGINIA

(Counties north of and including Mason, Jackson, Roane, Clay, Webster, Randolph, Pendleton and the part of Nicholas county served by the B. & O. Railroad.)

Column I. Morgan, Hampshire, Hardy, Grant and Pendleton counties.

Column II. Mineral, Preston and Tucker counties.

Column III. Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongahela, Pleasants, Randolph, Ritchie, Taylor, Tyler, Upshur, Webster, Wetzel counties and the part of Nicholas county served by the B. & O. Railroad.

Column IV. Hancock, Brooke, Ohio and Marshall counties.

Column V. Calhoun, Jackson, Mason, Roane, Wirt and Wood counties.

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton				
	I	II	III	IV	V
10–6–4	$43.60	$44.90	$46.20	$46.80	$47.50
8–10–10	41.40	42.70	44.00	44.60	45.30
5–10–5	37.65	38.95	40.25	40.85	41.55
4–16–0	36.30	37.60	38.90	39.50	40.20
4–12–8	39.10	40.40	41.70	42.30	43.00
4–12–4	36.10	37.40	38.70	39.30	40.00
2–12–6	35.20	36.50	37.80	38.40	39.10
2–12–6	32.60	34.10	35.40	36.00	36.70
0–14–7	30.35	31.65	32.95	33.55	34.25
0–12–12	32.50	33.80	35.10	35.70	36.40
0–20–0	25.70	27.00	28.30	28.90	29.60
0–19–0	24.70	26.00	27.30	27.90	28.60
0–18–0	23.70	25.00	26.30	25.90	27.60
0–0–60 Muriate of potash	51.50	52.80	54.10	54.70	55.40
0–0–50 Muriate of potash	46.10	47.40	48.70	49.30	50.00
0–0–48 Sulphate	56.10	57.40	58.70	59.30	60.00
0–0–21.5 Sulphate of potash-magnesia	46.10	47.40	48.70	49.30	50.00

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Nitrogen, tobacco grades only	$0.30
Potash from sulphate	.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

$1.35 per ton for 167 or 200-pound textile bags.

$1.70 per ton for 125-pound textile bags.

$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within 7 days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) On rail shipments an allowance of 75¢ per ton shall be made for delivery taken at a railroad station.

(2) On delivery taken at a factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

75¢ per ton for a distance up to 5 miles,

2½¢ per ton per mile additional for the next 100 miles, except in Morgan county,

1¢ per ton per mile additional for the next 175 miles.

(3) For l. c. l. or less truck loads, an additional charge may be made equal to the additional cost of transportation.

SCHEDULE G—WEST VIRGINIA (EXCEPT COUNTIES IN SCHEDULE F), VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA

Column I—*Virginia:* (Except Carroll, Floyd, Montgomery, Craig, Allegheny, and counties west thereof). *West Virginia:* (Jefferson and Berkley counties).

Column II—Virginia: (counties excepted in Column I.) *West Virginia:* (Pocahontas, Greenbrier, Nicholas (the part served by C & O Railroad), Clay, Kanawha, Putnam, Cabell and all counties south thereof.

Column III—North Carolina.

Column IV—South Carolina.

Column V—Georgia.

(a) Maximum delivered to the farm cash prices for goods in 100-pound paper bags.

Grade	Price per ton				
	I	II	III	IV	V
10–6–4	$40.90	$42.90			
10–0–10			$40.60	$40.40	$40.40
7–7–7	[1] 39.30	[1] 41.30			
6–8–6	[1] 36.90	[1] 38.90	36.60	36.40	36.40
6–8–4	[1] 35.50	[1] 37.50	35.20	------	35.00
5–10–10	[1] 38.70	[1] 40.70	------	------	------
5–10–5	35.20	37.20	34.90	34.70	34.70
5–7–5			32.80		
4–16–0	33.50	35.50	33.20	33.00	33.00
4–12–8	36.30	38.30	------	------	------
4–12–4	33.50	35.50	33.20	33.00	33.00
4–10–6			33.20	33.00	------
4–10–4	[1] 32.10	[1] 34.10	31.80	31.60	31.60
4–8–8			33.20	33.00	33.00
4–8–6					31.60
3–12–6	32.50	34.50	32.20	32.00	------
3–9–12	[1] 31.60	[1] 36.60	------	------	------
3–9–9			32.20	32.00	------
3–9–6				29.90	29.90
2–12–6	30.10	32.10	29.80	29.60	29.60
2–10–6			28.40	------	------
0–14–10					29.00
0–14–7	27.40	29.40	27.10	26.90	26.90
0–12–12	29.50	31.50	29.20	29.00	------
0–10–10			26.40	------	------
0–20–0	23.35	25.35	22.70	22.25	22.25
0–19–0	22.50	24.50	21.85	21.40	21.40
0–18–0	21.60	23.60	21.00	20.60	20.60
0–0–60 Muriate of potash	49.60	51.60	49.60	49.60	49.60
0–0–50 Muriate of potash	44.20	46.20	44.20	44.20	44.20
0–0–25 Manure salts	30.60	32.60	30.60	30.60	30.60
0–0–48 Sulphate of potash	54.20	56.20	54.20	54.20	54.20
0–0–21.5 Sulphate of potash-magnesia	44.20	46.20	44.20	44.20	44.20
Unburned lime, 6% potash [4]	18.50	------	18.50	------	------
Burned lime, 6% potash [4]	20.50	------	20.50	------	------
Burned lime, 6% potash, 4% water-soluble magnesium [4]	22.65	------	22.65	------	------

TOBACCO GRADES ONLY

5–5–20 [3]	------	------	52.00	------	39.50
4–10–8	[1] 34.90	[1] 36.90	34.60	34.40	34.40
4–0–3 [3]	------	------	36.80	36.60	36.60
3–9–9	[1] 34.10	[1] 36.10	33.80	33.60	33.60
3–8–5	[1] 32.40	[1] 34.40	32.10	------	------
3–12–6	------	------	35.90	------	------
2–12–6	[1] 33.00	[1] 35.00	------	32.80	------
2–10–6	------	------	31.30	------	------

[1] Virginia only.
[2] All potash from sulphate.
[3] West Virginia only.
[4] Based on Norfolk, Va., only.

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands and tobacco grades).

Water-insoluble nitrogen: 15¢ per unit of nitrogen for each 5% above 10% in regular and truck fertilizers:

	Per unit
Potash from sulphate	$0.30
Magnesium oxide from sulphate of potash-magnesium, seawater magnesium or similar source	1.00

	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05

Tobacco grades only. Add or deduct 15¢ per unit of nitrogen for each 5% water-insoluble nitrogen varying from 25% water-insoluble. If more than 2% chlorine is guaranteed, deduct 30¢ from the price per ton for each unit of chlorine in excess of 2%. For tobacco goods made with the potash all from sulphate of potash, add 60¢ per ton except on grades in (a) marked footnote 2, which are priced on the basis of potash all being derived from sulphate. Add $1.00 per cwt. for oilseed meal added to tobacco grades.

[Above text as amended by Am. 1, effective 1–11–44]

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Add $1.25 per ton for 167- or 200-pound textile bags.

Add $1.50 per ton for 125-pound textile bags.

Add $1.80 per ton for 100-pound textile bags.

(e) *Terms.* (1) For shipment and sale in 30-ton carload lots by rail to buyer's railroad station or in 10-ton truck lots to buyer's premises, deduct 2%.

(2) For c. o. d. sales, shipments S. D. B. L., or cash within ten days after delivery, deduct 1%.

(3) Deduction in (1) and (2) to be made after deducting freight differentials in (f) below.

(4) Time prices are to be determined as follows:

From the prices in (a) deduct freight differentials in (f) plus tonnage discount in (e) (1) if applicable; to this amount add 10%. Interest may be added at not more than legal rate from May 1 on spring goods and from December 1 on fall goods.

[Subparagraph (4) as amended by Am. 1, effective 1–11–44]

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) *Freight differentials*—(i) *Except Accomac and Northampton Counties of Virginia and area in Column II.* When the lowest trucking rate, figured as per [(2) (i) (a) or (b)] below, from the nearest port to buyer's premises is less than $3.75 per ton deduct from the price per ton the difference between $3.75 and the trucking rate so figured.

[Subparagraph (1) amended, (ii) added, former (ii) redesignated (iii) and amended by Am. 1, effective 1–11–44]

(ii) *For Accomac and Northampton Counties of Virginia.* Deduct from the price per ton in Column I the difference between $2.25 and the trucking rate calculated at the rate of 1 cent per ton per mile by shortest highway mileage from Cape Charles, Virginia, to buyer's premises.

(iii) *For area in Column II.* Where the lowest published carlot freight rate from Baltimore, Md., or Norfolk, Va., to buyer's nearest rail delivery point in effect at time of shipment is less than $5.00 per ton, deduct from the price per ton the difference between $5.00 and the effective carload freight rate.

(2) *Trucking allowances*—(i) *Except area in Column II.* (a) If buyer takes delivery by truck from seller's plant except at Baltimore, allow hauling expense on the following basis:

75¢ per ton for distance up to 15 miles,
$1.00 per ton for distances between 15 and 25 miles,
$1.50 per ton for distances between 25 and 40 miles,
1¢ per ton per mile for additional mileage.

(b) If buyers in Virginia and Jefferson and Berkeley counties, West Virginia, as covered in Column I, take delivery by truck from seller's plant at Baltimore or distributing warehouses in that area (provided the rates so figured shall in no case exceed the 20-ton rail or boat rate to destination) allow:

75¢ per ton for distances up to 5 miles,
2½¢ per ton per mile for the next 70 miles,
1¢ per ton per mile for additional mileage.

(c) If shipment is made in 30-ton carload lots by rail, the difference between the trucking rates above provided and the rail rate (from nearest port to destination) shall be allowed.

(ii) *Area in Column II.* (a) If delivery is taken at railhead or at agent's warehouse, deduct 75¢ per ton to cover hauling expense to farm. Hauling expense in excess of 75¢ per ton is for account of buyer.

[Subparagraph (a) as amended by Am. 1, effective 1–11–44]

(b) If the buyer takes delivery by truck from seller's plant, allow hauling expense to the farm on the following basis:

75¢ per ton for a distance up to 40 miles,
1¢ per ton per mile for additional mileage.

SCHEDULE H—FLORIDA (EAST OF THE APALACHICOLA RIVER)

(a) Consumer's delivered to the farm time prices for goods in 100-pound paper bags.

Grade:	*Price per ton*
12–0–10	$47.85
8–0–12	41.65
8–0–8	38.85
6–6–6	36.95
6–4–8	37.25
5–8–8	37.55
5–7–5	34.90
5–6–10	37.65
5–5–8	35.90
4–16–0	34.45
4–12–6	36.45
4–12–4	35.05
4–10–7	36.05
4–9–3	32.70
4–8–8	35.65
4–8–6	34.25
4–8–4	32.85
4–7–5	33.00
4–6–8	34.55
4–5–7	33.30
4–4–8	33.45
3–8–8	33.75
3–8–5	31.65
3–6–10	34.05
3–6–8	32.65
2–10–4	30.15
2–8–10	33.25
2–8–6	30.45
0–14–10	32.75
0–14–5	29.25
0–12–16	35.85
0–10–10	30.55
0–8–24	39.25
0–8–12	30.85
0–20–0	24.00
0–19–0	23.50
0–18–0	23.00
0–16–0	22.00
0–0–60 Muriate	54.40
0–0–50 Muriate	49.00
0–0–25 Manure salts	35.00
0–0–48 Sulphate	59.00
0–0–21.5 Sulphate potash magnesia	49.00

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's delivered time prices, as follows:

Nitrate nitrogen	$0.50 per unit.
Total organic nitrogen (excess over one-tenth water-soluble shall be priced as ammonical nitrogen	$4.40 per unit.
Potash other than muriate	$0.30 per unit.
Sulphur	$0.55 per unit of S.
Copper sulphate	$5.30 per unit of CuO.
Borax	$2.50 per unit of B_2O_3.
Zinc sulphate	$3.65 per unit of ZnO.
Iron sulphate	$1.30 per unit of Fe_2O_3.
Aluminum sulphate	$4.50 per unit of Al_2O_3.
Manganese sulphate	$3.00 per unit of MnO.
Magnesium oxide	$1.00 per unit of MgO.

(c) *"Premium brand" differentials.* Add to maximum prices in (a) above, differentials not greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.* Add $1.35 for 200-pound textile bags.

Add $1.95 for 100-pound textile bags.

(e) *Terms.* (1) For payment in cash 10 days following delivery, deduct from the applicable maximum time price (after quantity discounts have been deducted) 5% of such applicable maximum time price.

(2) *Quantity discounts.* The maximum time price to a buyer who, during the course of an entire year, accepts delivery of and pays for mixed fertilizer and materials containing nitrogen, phosphoric acid or potash in the quantities specified, shall be reduced as follows:

30 tons or more but less than 100 tons—deduct 5 per cent.

100 tons or more but less than 300 tons—deduct 8 per cent.

300 tons or more 10 per cent.

(f) *Delivery*—(1) *Freight discount.* A discount per ton is to be deducted from prices in (a) equal to the difference between $4.50 per ton and the actual freight paid on the shipment from Jacksonville or Tampa, whichever is lower.

(2) *Farm delivery discount.* When delivery is made at railroad station, boat landing or agent's warehouse, deduct an additional 75 cents per ton.

(3) *Factory discount.* For prices f. o. b. Tampa or Jacksonville factories deduct $5.25 per ton ($4.50 freight plus 75¢ farm delivery discount).

(4) *Inland factories.* To the f. o. b Tampa or Jacksonville price above, add actual freight to inland plant from nearest port to determine f. o. b. price.

SCHEDULE I—ALABAMA, FLORIDA (West of the Apalachicola River)

(a) Maximum delivered-to-the-farm cash prices for goods in 100-pound textile bags:

Grade:	*Price per ton*
12–0–10 [1]	$45.40
8–0–12 [1]	37.80
8–0–8 [1]	35.00
6–8–4 [2]	34.50
6–6–6 [1]	34.20
6–4–8 [1]	33.90
5–8–8 [1]	35.05
5–7–5 [1]	32.10
5–6–10 [1]	34.75
5–5–8 [1]	32.50
4–16–0	34.00
4–12 [1]–6 [1]	34.80
4–12–4 [1]	33.40
4–10–7 [1]	33.80

Grade:	*Price per ton*
4–10–6 [2]	$33.10
4–10–4 [2]	31.70
4–0–3 [1]	30.15
4–8–8 [1]	32.80
4–8–6 [1]	31.40
4–8–4 [1]	30.00
4–7–5 [1]	29.85
4–6–8 [1]	31.10
4–5–7 [1]	29.55
4–4–8 [1]	29.40
3–8–8 [1]	30.55
3–8–5 [1]	28.45
3–6–10 [1]	30.25
3–6–8 [1]	28.85
2–10–4 [1]	27.20
2–8–10 [1]	29.70
2–8–6 [1]	26.90
0–14–10	30.30
0–14–5 [1]	26.80
0–12–16 [1]	32.80
0–10–10 [1]	26.90
0–8–24 [1]	35.00
0–8–12 [1]	26.60
0–20–0	22.50
0–19–0	21.75
0–18 [1]–0	21.00
0–16–0	20.00
0–0–60 Muriate of potash	50.40
0–0–50 Muriate of potash	45.00
0–0–25 Manure salts	31.35
0–0–48 Sulphate of potash	55.00
0–0–21.5 Sulphate of potash-magnesia	45.00
Tobacco grades only:	
3–9–9 [1]	36.60
3–8–8 [1]	34.75

[1] Florida only.
[2] Alabama only.

[Paragraph (a) as amended by Am. 1, effective 1–11–44]

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer delivered cash prices in (a), as follows: (except premium brands and tobacco grades).

	Per unit
Potash from sulphate	$0.30
Magnesium oxide from sulphate of potash-magnesia, seawater magnesia or like materials	1.00

	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Sulphur	.035

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.* Add $1.35 for 200-pound textile bags.

Deduct $0.55 per ton for 200-pound textile bags.

Deduct $1.75 per ton for 100-pound paper bags.

(e) *Terms.* (1) For C. O. D. sales, shipments, S. D. B. L., or cash within 10 days after delivery, deduct 1%.

(2) Time prices are determined by adding 10% flat to the cash prices, plus interest from May 1 to maturity @ 6% per annum.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) *Rail shipments.* If shipment is made in 30-ton carload lots by rail, allow 75¢ per ton for delivery from railhead to farm.

(2) *Truck deliveries.* Allowances to buyers who take delivery at factories:

75¢ per ton for distances up to 15 miles,
$1.00 per ton for distances between 15 and 25 miles.
$1.50 per ton for distances between 25 and 40 miles,
1¢ per ton per mile for additional mileage.

(3) If rail shipments are made in less than 30-ton carload lots, the difference between the 30-ton rate and the rate applicable to the shipment—not including the 3% tax—may be added to the net delivered price for carload rail shipment.

SCHEDULE J—MISSISSIPPI AND LOUISIANA (EAST OF THE MISSISSIPPI RIVER)

(a) Maximum consumer's delivered-to-railhead or dealer's warehouse cash prices for goods in 100-pound textile bags.

[Paragraph (a) as amended by Am. 1, effective 1–11–44]

Grade:	*Price per ton*
12–8–0 [1]	$44.30
10–0–10 [1]	39.70
6–8–4	35.10
5–10–5	35.20
4–16–0	34.90
4–12–6 [1]	35.30
4–12–4 [1]	33.90
4–8–8	32.90
3–12–12 [1]	37.00
0–14–7	28.50
0–12–12 [1]	30.10
0–20–0	24.00
0–19–0	23.25
0–18–0	22.50
0–0–60 Muriate of potash	51.80
0–0–50 Muriate	46.45
0–0–25 Manure salts	32.60
0–0–48 Sulphate of potash	56.45
0–0–21.5 Sulphate of potash-magnesia	46.45

[1] Louisiana only.

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's delivered cash prices, as follows: (except premium brands).

	Per unit
Potash from sulphate	$0.30
Magnesium oxide from sulphate of potash-magnesia, seawater magnesia or like materials	1.00

	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

(c) *Premium brands.* Add to the maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Deduct $0.55 per ton for 200-pound textile bags.

Deduct $1.75 per ton for 100-pound paper bags.

(e) *Terms.* Time prices: Add 10% to the cash prices, plus interest from May 1st for Spring or December 1st for Fall shipments until paid @ 6% per annum in Mississippi, 8% in Louisiana.

SCHEDULE K—LOUISIANA (WEST OF THE MISSISSIPPI RIVER), ARKANSAS, TEXAS, NEW MEXICO, OKLAHOMA

(Except counties of Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa and Delaware. These counties take Kansas prices and terms in Schedule N).

(a) Maximum consumer's cash prices f. o. b. railhead or agent's warehouse for goods in 100-pound textile bags.

Column I—Louisiana (West of the Mississippi River).

Column II—Arkansas, Oklahoma (except counties of Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa and Delaware.) *Eastern Texas* (Except areas in Columns III and IV.)

Column III—Texas, Rio Grande Valley and Winter Garden Area: Counties south of and including Maverick, Kavala, Frio, Atascosa, Live Oak and San Patricio.

Column IV—New Mexico, Western Texas, counties west of and including Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Greene, Schleicher, Sutton, Edwards and Kinney.

Grade	Price per ton I	II	III	IV
12–15–0		[1] $54. 20	$51. 20	$57. 20
12–8–0	$45. 20			
10–20–0		[1] 55. 20	57. 20	58. 20
10–10–0		[1] 42. 60	44. 60	45. 60
10–6–10	42. 60			
6–30–0		[1] 57. 20	59. 20	60. 20
6–12–0		[1] 36. 20	38. 20	39. 20
6–8–4	36. 20	36. 20	38. 20	39. 20
5–10–5	36. 40	36. 40	38. 40	39. 40
4–16–0	35. 20	35. 20	37. 20	38. 20
4–12–6	36. 60	36. 60	38. 60	39. 60
4–12–4	35. 20	35. 20	37. 20	38. 20
4–12–0		[2] 32. 20		
4–10–0		[1] 30. 60	32. 60	33. 60
4–8–12		[2] 38. 20		
4–8–8	36. 20	[1] 36. 20	37. 20	38. 20
3–12–12	39. 20			
3–9–18		[2] 41. 40		
2–12–6		[2] 32. 60		
0–14–7	31. 00	31. 00	33. 00	34. 00
0–12–12	33. 20	[2] 33. 20		
0–10–20		[2] 37. 60		
0–45–0	56. 60	56. 60	58. 60	59. 60
0–20–0	27. 60	27. 60	29. 60	30. 60
0–19–0	27. 20	27. 20	29. 20	30. 20
0–18–0	26. 60	26. 60	28. 60	29. 60
0–0–60 Muriate	53. 00	53. 00	55. 00	56. 00
0–0–50 Muriate	47. 60	47. 60	49. 60	50. 60
0–0–48 Sulphate	57. 60	57. 60	59. 60	60. 60
0–0–21.5 Sulphate of potash magnesia	47. 60	47. 60	49. 60	50. 60
0–0–30 Manure salts	34. 60	34. 60	36. 60	37. 60
0–0–25 Manure salts	32. 60	32. 60	34. 60	35. 60
0–0–22 Manure salts	29. 60	29. 60	31. 60	32. 60

[1] Texas only.
[2] Arkansas only.
[3] Oklahoma only.

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate	$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Iron sulphate	.04

(c) *Premium brands.* Add to the maximum prices in (a) differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Deduct $0.55 per ton for 200-pound textile bags.

Deduct $1.75 per ton for 100-pound paper bags.

(e) *Time prices.* Consumer's time prices are determined by dividing cash prices in (a) by .9. Consumer's notes taken at time prices shall bear interest from May 1 at the rate of 8% per annum to maturity (10% per annum after maturity, Arkansas, Oklahoma, Texas and New Mexico only) until paid on all goods delivered prior to May 1 and from the first of the following month on all goods delivered thereafter.

(f) *Less carload lots.* For shipments in l. c. l. by rail, add the difference between c. l. and l. c. l. freight rates.

[Paragraph (f) added by Am. 1, effective 1–11–44]

SCHEDULE L—TENNESSEE

(a) Maximum consumer's delivered to railhead or agent's warehouse cash prices for goods in 125-pound textile bags.

Grade:	Price per ton
8–5–5	$37. 20
6–8–4	34. 60
5–10–5	35. 00
4–16–0	33. 60
4–12–4	33. 80
4–12–0	30. 40
4–9–3	30. 50
4–8–8	34. 00
3–9–9	33. 60
3–9–6	31. 00
2–12–6	31. 40
2–14–4	31. 20
0–14–7	29. 80
0–14–4	27. 20
0–12–12	32. 40
0–20–0	24. 80
0–19–0	24. 20
0–18–0	23. 40
0–0–60 Muriate of potash	56. 60
0–0–50 Muriate of potash	51. 00
0–0–25 Manure salts	36. 00
0–0–50 Sulphate of potash	61. 00
0–0–21.5 Sulphate of potash magnesia	51. 00

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's cash prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate	$0.30
Magnesia from sulphate potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

(c) *Premium brands.* Add to the maximum prices in (a), differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Add 30¢ per ton for 100-pound textile bags.

Deduct 25¢ per ton for 200-pound textile bags.

Deduct $1.45 per ton for 100-pound paper bags.

(e) *Time prices* are determined by dividing the cash prices by .9. Consumer's notes taken at time prices shall bear interest at the rate of 6% per annum from date of delivery until paid.

(f) *Less carload lots.* For shipments in l. c. l. by rail, add the difference between c. l. and l. c. l. freight rates.

SCHEDULE M—KENTUCKY

(a) Maximum consumer's delivered to railhead or agent's warehouse basis prices for goods in paper bags.

Grade:	Price per ton
10–6–4	$42. 10
6–8–6	37. 30
5–10–10	40. 40
4–16–0	34. 90
4–12–8	38. 30
4–12–4	34. 90
4–12–0	31. 50
4–10–6	34. 90
3–12–12	39. 60
3–9–6	32. 00
2–14–4	32. 60
2–12–6	32. 60
0–20–20	51. 10
0–20–10	39. 60
0–14–14	37. 00
0–14–7	31. 10
0–14–4	28. 60
0–12–12	33. 50
0–45–0	54. 50
0–20–0	26. 00
0–19–0	24. 70
0–18–0	23. 40
0–0–60 Muriate of potash	55. 90
0–0–50 Muriate of potash	50. 40
0–0–48 Sulphate of potash	60. 40
0–0–21.5 Sulphate of potash-magnesia	50. 40

[Table as amended by Am. 1, effective 1–11–44]

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's delivered time prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate	$0.40
Magnesium oxide from sulphate potash magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

Ground tobacco stems, per cwt.:

In complete mixed fertilizers	$0.30
In phosphate-potash mixtures	.50
In superphosphate	1.00

(c) *Premium brands.* These may take a price above the maximum prices in (a) no greater in cents per ton than was in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Add $1.30 per ton for 167 or 200-pound textile bags.

Add $1.60 per ton for 125-pound textile bags.

Add $1.90 per ton for 100-pound textile bags.

(e) *Terms*—(1) *Discounts.* 5% for cash.

(2) *Time price.* Consumer's notes taken at basis prices shall bear interest at the rate of 6% per annum from delivery date until paid.

(f) *Less carload lots.* For shipment l. c. l. by rail, add the difference between carlot and less carlot freight rates.

SCHEDULE N—OHIO, INDIANA, MICHIGAN, ILLINOIS, WISCONSIN, IOWA, MISSOURI, MINNESOTA, NEBRASKA, KANSAS, NORTH DAKOTA, SOUTH DAKOTA, OKLAHOMA (COUNTIES OF CIMARRON, TEXAS, BEAVER, HARPER, WOODS, ALFALFA, GRANT, KAY, OSAGE, WASHINGTON, NOWATA, CRAIG, OTTAWA AND DELAWARE ONLY)

(a) Maximum consumer's delivered to railhead or agent's warehouse basis prices for goods in paper bags.

(1) Grade	Ohio	Indiana	Illinois	Michigan S. P.	Michigan N. P.	Wisconsin
10–6–4	$41. 75	$42. 10	$42. 60	$41. 75	$44. 90	$43. 70
8–8–8	42. 25	42. 60	43. 10	42. 25	45. 40	44. 20
6–10–10	39. 35					
4–16–4	33. 85	34. 20	34. 70	33. 85	37. 00	35. 80
4–16–0	34. 45	34. 80	35. 30	34. 45	37. 60	36. 40
4–10–6	43. 60	43. 95	44. 45	43. 60	46. 75	45. 55
3–18–9	38. 35	38. 70	39. 20	38. 35	41. 50	40. 30
3–12–12	40. 90	41. 25	41. 75	40. 90	44. 05	42. 85
3–9–18		37. 20	37. 70	36. 85	40. 00	
2–16–8	31. 95	32. 30	32. 80	31. 95	35. 10	33. 90
2–12–6	50. 85	51. 20	51. 70	50. 85	54. 00	52. 80
0–20–20	40. 95	41. 30	41. 80	40. 95	44. 10	42. 90
0–20–10	35. 45	35. 80	36. 30	35. 45	38. 60	37. 40
0–14–14	30. 20	30. 55	31. 05	30. 20	33. 35	32. 15
0–14–7	32. 65	33. 00	33. 50	32. 65	35. 80	34. 60
0–12–12	37. 35	37. 70	38. 20	37. 35	40. 50	39. 30
0–10–20	42. 40	42. 75	43. 25	42. 40	45. 55	44. 35
0–9–27	56. 00	56. 70	57. 60	56. 00	59. 50	58. 35
0–45–0	27. 00	27. 30	27. 70	27. 00	30. 00	28. 80
0–20–0	25. 65	25. 95	26. 35	25. 65	28. 65	27. 40
0–19–0	24. 30	24. 60	25. 00	24. 30	27. 30	26. 00
0–18–0	56. 10	55. 70	55. 70	56. 80	57. 80	56. 80
0–0–60 Muriate	50. 70	50. 30	50. 30	51. 40	52. 40	51. 40
0–0–50 Muriate	60. 70	60. 30	60. 30	61. 40	62. 40	61. 40
0–0–60 Sulphate	50. 70	50. 30	50. 30	51. 40	52. 40	51. 40
0–0–21.5 Sulphate potash magnesia	35. 70	35. 30	35. 30	36. 40	37. 40	36. 40
0–0–25 Manure salts						

(2) Grade	Missouri	Iowa	Minnesota	Nebraska	Kansas and Oklahoma	North and South Dakota
10–6–4	$44. 50	$44. 90	$44. 90	$45. 50	$45. 30	$47. 00
10–20–0				51. 60		53. 10
8–16–12			59. 20			
8–8–8			45. 40			47. 50
6–30–0				50. 50		52. 00
6–12–18			55. 90			
5–10–10	42. 10				42. 90	
4–24–12			59. 60			
4–16–16			54. 60			
4–16–4		40. 80		41. 40		
4–16–0	36. 60	37. 00	37. 00	37. 60	37. 40	39. 10
4–12–4	37. 00	37. 40	37. 40		37. 80	
4–10–6	37. 20	37. 60	37. 60	38. 20	38. 00	39. 70
3–18–9	46. 35	46. 75	46. 75	47. 35	47. 15	48. 85
3–12–12	41. 10	41. 50	41. 50	42. 10	41. 90	43. 60
3–9–18	43. 65	44. 05	44. 05	44. 65	44. 45	46. 15
2–16–8			40. 00			
2–12–6	34. 70	35. 10	35. 10	35. 70	35. 50	37. 20
0–30–15			60. 25			
0–20–20	53. 60	54. 00	54. 00	54. 60	54. 40	56. 10
0–20–10	43. 70	44. 10	44. 10	44. 70	44. 50	46. 20
0–14–14	38. 20	38. 60	38. 60	39. 20	39. 00	40. 70
0–14–7	32. 95	33. 35	33. 35	33. 95	33. 75	35. 45
0–12–36			58. 00			
0–12–24			47. 20			
0–12–12	35. 40	35. 80	35. 80	36. 40	36. 20	37. 90
0–10–20	40. 10	40. 50	40. 50	41. 10	40. 90	42. 60
0–9–27		45. 55	45. 55	46. 15	45. 95	47. 65
0–45–0	56. 15	58. 30	58. 35	56. 85	56. 65	59. 75
0–45–0				54. 85		57. 75
0–20–0	30. 80	31. 20	31. 20	31. 80	31. 60	32. 60
0–19–0	29. 45	29. 85	29. 85	30. 45	30. 25	31. 25
0–18–0	28. 10	28. 50	28. 50	29. 10	28. 90	29. 90
0–0–60 Muriate	56. 70	57. 20	57. 80	57. 80	57. 80	60. 00
0–0–50 Muriate	51. 30	51. 80	52. 40	52. 40	52. 40	54. 60
0–0–60 Muriate	61. 30	61. 80	62. 40	62. 40	62. 40	64. 60
0–0–60 Sulphate	51. 30	51. 80	52. 40	52. 40	52. 40	54. 60
0–0–21.5 Sulphate potash magnesia	36. 30	36. 80	37. 40	37. 40	37. 50	39. 60
0–0–25 Manure salts						

[Subparagraphs (1) and (2) as amended by Am. 1, effective 1–11–44]

(3) Differentials for western Nebraska, North Dakota and South Dakota.

Eastern Nebraska. Prices in (a) (2) apply to delivery east of and including counties of Dakota, Thurston, Burt, Dodge, Saunders, Lancaster, and Gage.

Central Nebraska. Add $1.40 per ton for deliveries in counties west of the above and east of and including counties of Knox, Antelope, Boone, Nance, Merrick, Hill, Adams and Webster.

Western Nebraska. For territory west of counties listed in Central Nebraska, add excess carload rate of freight above $5.00 from Chicago divided by .84 to the basis prices for Central Nebraska.

North Dakota. Prices in (a) (2) apply to delivery east of and including counties of Pembina, Walsh, Grand Forks, Cass, Richland and Traill.

South Dakota. Prices in (a) (2) apply to delivery east of and including counties of McPherson, Falk, Edmunds, Hyde, Buffalo, Burle, and Cherles Mix.

Western North and South Dakota. For territory west of counties listed above, add excess carload rate of freight above $5.00 from Chicago divided by .82 to the basis prices for eastern North and South Dakota.

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's basis prices in (a) (1) and (2), as follows: (except premium brands)

	Per unit
Sulphate of potash	$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

Ground tobacco stems, per cwt:

In complete mixed fertilizers	$0.50
In phosphate-potash mixtures	.50
In superphosphate	1.00

(c) *Premium brands.* These may take a price above the maximum prices in (a) no greater in cents per ton than was in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Add $1.30 per ton for 167 or 200-pound textile bags.

Add $1.60 per ton for 125-pound textile bags.

Add $1.90 per ton for 100-pound textile bags.

(e) *Terms.* (1) Discounts. 5% for cash payment.

(2) Time prices. Consumer's notes taken at basis prices and dated the date of delivery, shall bear interest at the legal rate for the state.

(f) *Delivery.* For less carlot shipments, add the difference between the carload and less-than-carload rates of freight.

SCHEDULE O—WYOMING, COLORADO, UTAH, IDAHO, MONTANA, NEVADA

(a) Maximum consumer's cash price f. o. b. dealer's warehouse for goods in paper bags.

Grade:	Price per ton
17–7–0	$74. 20
17–4–4	68. 20
12–12–0	54. 20
11–22–0	66. 20
10–18–5	63. 30
10–16–8	62. 20
10–12–14	62. 00
10–20–0	61. 00
6–30–0	64. 00
4–24–4	57. 20
4–24–0	54. 40
4–12–4	44. 00
0–12–20	47. 20
0–43–0	52. 00
0–18–0	30. 50
0–0–60 Muriate	55. 00
0–0–51 Sulphate	65. 00
5–10–10	48. 00
5–10–5	44. 50
3–10–20	51. 00
3–10–10	44. 00

[Table as amended by Am. 1, effective 1–11–44]

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the prices in (a) above, as follows: (except premium brands)

	Per unit
Potash from sulphate	$0.30
	Per pound
Copper sulphate	$0.07
Manganese sulphate	0.06
Borax	0.05
Elemental sulphur	0.03
Zinc sulphate	0.05
Iron sulphate	0.04

(c) *Premium brands.* Add to the maximum prices in (a) differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Add $1.30 per ton for 167 or 200-pound textile bags.

Add $1.60 per ton for 125-pound textile bags.

Add $1.90 per ton for 100-pound textile bags.

(e) *Terms.* Add $3.00 per ton to cash prices plus interest at the legal rate from date of delivery, for time prices.

(f) *Delivery.* Hauling expense in excess of $1.00 per ton from rail delivery point to dealer's warehouse may be added to prices in (a).

SCHEDULE P—WASHINGTON AND OREGON

(a) Maximum consumer's basis prices f. o. b. factories Seattle, Tacoma or Portland for goods in 100-pound paper bags.

Grade:	Price per ton
17–12–0 [1]	$71.00
17–4–4 [1]	63.80
12–12–0	59.75
10–16–8 [2]	65.85
10–12–14	65.05
10–20–0	65.25
9–4–6	48.55
6–10–4	47.30
6–30–0	69.50
5–10–10	49.00
5–10–5	45.50
5–6–8	42.60
4–24–4 [2]	59.80
4–24–0	57.00
4–16–0	47.00
4–12–4	44.80
3–10–20	51.00
3–10–10	44.00
0–12–20	46.00
0–43–0	54.70
0–18–0	31.50
0–0–60 Muriate of potash	50.40
0–0–51 Sulphate of potash	56.00

[1] Washington only.
[2] Oregon only.

(b) *Special ingredients.* For specified quantities of the following ingredients an extra charge may be added to the prices in (a) above, as follows: (except premium brands)

	Per unit
Potash from sulphate	$0.40
Synthetic organic nitrogen	.75
Natural organic nitrogen	4.25

(c) *Bag differentials.*

Add $1.30 per ton for 167 or 200-pound textile bags.

Add $1.60 per ton for 125-pound textile bags.

Add $1.90 per ton for 100-pound textile bags.

(d) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(e) *Terms.* (1) Discounts, 5% for cash payment. (C. O. D., cash with order or SD/BL).

(2) Time prices. To the prices in (a), add interest at the rate of 8% per annum after 30 days from date of delivery.

(f) *Deliveries—Less carlots.* For less carlots shipped by rail, for delivery to freight terminals add,

$1.00 per ton on 5-ton lots

$2.00 per ton on less than 5-ton lots.

SCHEDULE Q—CALIFORNIA AND ARIZONA

(a) Maximum consumer's delivered basic prices, full truck or carlots, for goods in 100-pound paper bags.

(1) *Column I—California.* Counties of Los Angeles, Orange, San Bernardino and western part of Riverside.

Column II—California. Counties of Imperial, San Diego, Ventura, Santa Barbara (except Cuyama Valley), Hemit and Indo districts of Riverside County.

Column III—California. Cuyama Valley only of Santa Barbara County, counties north of and including San Luis Obispo, Kern and Inyo.

Grade	Price per ton		
	I	II	III
0–10–12	$43.10	$44.10	$44.60
2–10–8	43.40	44.40	44.90
4–6–8	43.80	44.80	45.00
4–10–10	50.00	51.00	51.50
4–12–4	43.90	44.90	47.40
4–16–0	46.10	47.10	47.60
4–18–18	67.20	68.20	68.70
5–12–5	49.20	50.20	50.70
5–14–0	55.60	56.60	57.10
5–5–5	49.20	50.20	50.70
6–10–4	48.20	49.20	49.70
6–12–8	54.60	55.60	56.10
8–0–12	50.10	51.10	51.60
8–6–8	52.80	53.80	54.00
8–8–4	50.60	51.60	52.00
8–10–12	61.10	62.10	62.60
10–5–5	52.75	53.75	54.25
10–5–10	58.00	59.00	59.50
10–10–0	53.00	54.00	54.50
10–10–5	58.25	59.25	59.75
10–12–10	65.70	66.70	67.20
10–16–8	68.00	69.00	69.50
10–20–0	64.00	65.00	65.50
12–6–0	53.10	54.10	54.60
12–0–14	61.20	62.20	62.70
14–0–8	59.40	60.40	60.90
17–7–0	65.50	66.50	67.00
0–19–0	27.75	28.75	29.25
0–43–0	52.00	53.00	54.00
0–47–0	56.00	57.00	58.00
0–0–51 Sulphate	57.00	58.00	58.50
0–0–60 Muriate	51.50	52.50	53.00

(2) *Arizona.*

Grade:	Price per ton
4–8–0	$40.60
4–12–4	49.20
4–16–0	49.40
4–19–5	57.95
6–10–4	51.50
6–12–0	49.50
6–18–0	56.10
8–8–0	49.60
8–12–0	54.00
8–16–0	58.40
10–10–0	56.30
10–20–0	67.30
10–38–0	87.10
14–6–0	60.90
0–18–0	32.30
0–43–0	53.30
0–0–60 Muriate of potash	54.80
0–0–51 Sulphate of potash	60.30

[Subparagraph (2) as amended by Am. 1, effective 1–11–44]

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the prices in (a) (1) and (2), as follows: (except premium brands)

Synthetic organic nitrogen, $0.75 per unit.
Natural organic nitrogen, $4.25 per unit.
Deduct 25¢ per unit for Potash from Muriate.
Sulphur (Elemental), $0.02 per pound.
Sulphur (Elemental), $.0375 per pound Arizona only.
Copper sulphate ($CuSO_4.5H_2O$), $.07 per pound.
Borax ($Na_2B_4O_7.10H_2$), $0.05 per pound.
Zinc sulphate ($ZnSO_4.7H_2O$), $0.05 per pound.
Iron sulphate ($FeSO_4.7H_2O$), $0.04 per pound.
Aluminum sulphate ($Al)_2(SO_4)3..15H_2O$), $0.04 per pound.
Manganese sulphate ($MnSO_4.4H_2O$), $0.05 per pound.
Water-soluble magnesium oxide, $0.80 per unit.

(c) *Premium brands.* Add to the maximum prices in (a) (1) and (2), differentials no greater in cents per ton than were in effect during the period February 16–20, 1942.

(d) *Bag differentials.*

Add $1.30 per ton for 167 or 200-pound textile bags.

Add $1.60 per ton for 125-pound textile bags.

Add $1.90 per ton for 100-pound textile bags.

(e) *Terms.* (1) Cash discount. Deduct 5% for cash payment within 10 days of delivery.

(2) Time prices. Add legal rate of interest to the prices in (a) (1) and (2) after 30 days from date of delivery.

(f) *Delivery.* (1) Prices in (a) (1) and (2) are, at manufacturer's option, delivered to consumer's ranch in full truckloads or to consumer's nearest railway siding in full carloads, except that for deliveries by sellers located in California, freight to the consumer's ranch or railroad siding from the seller's nearest plant or operating warehouse, at the full truckload or the full carload rate, whichever is applicable, in excess of $3.00 per ton may be for buyer's account. For deliveries by sellers located in Arizona freight in excess of $1.50 per ton may be for the buyer's account.

(2) F. O. B. factory prices: California manufacturers electing to sell basis f. o. b. factory or warehouse shall deduct from prices in (a) (1):

$1.00 per ton from prices in Column I.
$2.00 per ton from prices in Column II.
$2.50 per ton from prices in Column III.

(3) *Less truckload deliveries.* When delivery is made at buyer's option in less than full truckloads, there may be added to the prices in (a) (1) and (2) the difference between the less-than-truckload rate and the full truckload rate.

[Paragraph (f) as amended by Am. 1, effective 1–11–44]

SCHEDULE R—PUERTO RICO

(a) *Manufacturer's maximum prices to consumers.* A manufacturer's maximum prices to consumers shall be the prices set forth in the written or printed price schedule or list effective on October 15, 1941, denoted herein as the base period prices, subject to upward or downward adjustment as follows:

Beginning on April 1, 1943, and quarter-annually thereafter, a manufacturer's base period price may be increased or shall be decreased, net to the manufacturer, by the amount of the difference, if any, between (1) the manufacturer's average delivered-to-factory cost per unit of the ammonia, available phosphoric acid and potash received by him and the cost of the bags or containers used by him during the period July 1 to December 31, 1941, inclusive, and (2) the manufacturer's average delivered-to-the-factory cost of such materials received by him and bags or containers used by him during the three months' period last preceding the quarter annual adjustment date; if, during any such three months' period, no materials or bags were received by the manufacturer, then the average cost for the next preceding three months' period shall be applied in making the appropriate increase or decrease in his base period prices.

(b) *Dealer's maximum prices to consumers.* A dealer's maximum prices to consumers may not exceed by more than five per cent the maximum prices which the manufacturer might charge such consumers for the same kind of sale.

SCHEDULE S—VICTORY GARDEN AND SPECIALTY FERTILIZERS

(a) *Victory garden fertilizer.* (1) Maximum consumer prices shall be:

	Per package	
	Superphosphate	Other kinds
In 100-pound packages:		
2,000 pounds or more	$2.20	$3.20
1,000 to 1,900 pounds	2.45	3.45
200 to 900 pounds	2.55	3.55
100 to 400 pounds	2.70	3.70
In smaller packages:	*Each*	*Each*
50-pound package	1.70	2.35
25-pound package	1.20	1.45
10-pound package	.65	.80
5-pound package	.45	.50

(2) Maximum prices delivered to dealers shall be:

	Per package	
	Superphosphate	Other kinds
100-pound package	$1.85	$2.70
50-pound package	1.20	1.70
25-pound package	.85	1.05
10-pound package	.46	.56
5-pound package	.30	.35

(3) Where mixed fertilizer labeled "Victory Garden Fertilizer—For Food Production Only" is sold for use in the commercial production of crops, the maximum prices of such fertilizer provided in sections 1 and 2 hereinabove set forth shall not apply and the maximum prices shall be as provided in Article III, Maximum Price Schedules.

(b) *Specialty fertilizers.* (1) Maximum prices of specialty fertilizers sold and delivered to dealers shall be: (i) the prices set forth in the written or printed price schedule or list last issued by the manufacturer prior to February 21, 1942, and effective for any portion of the period from February 16, 1942 to February 20, 1942, inclusive, for the same brand of fertilizer, regardless of the kind of nitrogen or other fertilizer materials then mixed in that brand; or (ii) a price based on the following prices for a 3–8–7 grade with nitrogen derived entirely from natural organic nitrogen materials:

Specialty fertilizer 3–8–7 (all organic nitrogen).

Size of package: [1]	Price per package
100-pound	$3.10
50-pound	1.90
25-pound	1.15
10-pound	.56
5-pound	.35

[1] The price per pound in packages of any size other than those listed shall be no higher than the price per pound in the next larger size of package which is listed.

(2) For variations in nitrogen, available phosphoric acid and potash adjustments per package shall be made at the following rates:

Size of package	Price adjustment per unit	
	Total nitrogen	Available phosphoric acid or potash
100-pound	$0.30	$0.04
50-pound	.15	.02
25-pound	.075	.01
10-pound	.03	.00
5-pound	.015	.00

(3) When chemical nitrogen is used to replace organic nitrogen the prices established under (1) and (2) above shall be reduced at the rate of 20¢ per 100-pound package, 10¢ per 50-pound package and 5¢ per 25-pound package for each unit of nitrogen per ton derived from chemical rather than natural organic nitrogen materials.

(4) Each manufacturer shall continue to offer such quantity discounts, as were set forth in his written or printed price schedule last issued prior to February 21, 1942, and effective for any portion of the period from February 16, 1942, to February 20, 1942, inclusive.

(5) Maximum prices of specialty fertilizers for sales to consumers may be established by adding to the dealer's maximum prices established under (b) (1), (2) or (3) above:

(i) The percentage markup over the price to dealers as recommended in the written or printed price schedule last issued by the manufacturer prior to February 21, 1942, and effective for any portion of the period from February 16–20, 1942, inclusive; or

(ii) A markup of 40 per cent over the price to dealers as herein established if no recommended margin was provided in the price list in effect during the period from February 16, 1942 to February 20, 1942, inclusive.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–267; Filed, January 5, 1944; 4:32 p. m.]

PART 1416—COAL TAR PRODUCTS

[MPR 447,[1] Amdt. 2]

COAL TAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Maximum Price Regulation No. 447 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Prohibition against dealing in coal tar at higher than maximum prices.* On and after August 20, 1943, regardless of any contract or other obligation (except as provided in section 3a):

No producer shall sell or deliver coal tar in quantities of 50 gallons or more at a price higher than the maximum price established by this regulation;

No person shall buy or receive coal tar from producers in quantities of 50 gallons or more in the course of trade or business at a price higher than the maximum price so established; and

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

2. A new section 3a is added to read as follows:

SEC. 3a. *Inapplicability of price regulation to transactions under certain types of contracts—(a) Participating contracts.* Nothing in this Maximum Price Regulation No. 447, or in the General Maximum Price Regulation, shall apply to sales or deliveries of coal tar pursuant to a participating contract: *Provided*, That within 30 days following the close of each calendar quarter, the buyer of any coal tar subject to such contract shall submit a written report to the Chemicals and Drugs Branch, Office of Price Administration, Washington, 25, D. C., containing the information required by paragraph (b) hereof.

"Participating contract" is defined in section 9 of this regulation.

(b) *Information required as a condition for exemption of transactions under participating contracts.* The report required by paragraph (a) hereof shall contain the following items of information:

(1) The name of the seller and the location of the seller's plant from which the coal tar was obtained.

(2) The total amount, in gallons, of coal tar purchased during the preceding calendar quarter.

(3) The price per gallon, if any, set forth in the participating contract as the base price to which adjustments are to be applied by the terms of such contract.

(4) The price per gallon for coal tar purchased during the calendar quarter as determined under the adjustment provisions of such contract. In the event that the contract calls for final adjustment and settlement at the end of a period longer than a calendar quarter, the report shall so state, indicating the duration of such longer period.

(5) In the event that final adjustment of price and settlement under a participating contract should cover a period longer than a calendar quarter, the report covering the calendar quarter in which such final adjustment and settlement is required to be made by the contract shall contain the information above required in subparagraphs (1), (2), (3) and (4) for such longer period.

(c) *Barter type contracts.* Exemptions from this Maximum Price Regulation No. 447 and the General Maximum Price Regulation may be authorized by the Office of Price Administration for transactions pursuant to contracts in which the seller of coal tar agrees to barter coal tar in return for fuel oil furnished to him by the buyer of the coal tar. Any such authorization may contain such terms or conditions as are deemed necessary or appropriate in order to comply with or effectuate the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

Such an authorization will be given only where it is necessary to promote distribution or production, and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Specifically, the following will be required in this connection:

(1) Certification by the appropriate federal governmental agency in charge of supply that the supply of the coal tar in question is essential both as to volume and as to quality.

(2) Evidence that authorization will not result in the buyer's paying a total

[1] 8 F.R. 11383, 15673.
[2] Copies may be obtained from the Office of Price Administration.

2. Section 33a is added to read as follows:

SEC. 33a. *Maximum prices for canned fish sold or delivered in the Territory of Puerto Rico.*

TABLE 19A—MAXIMUM PRICES FOR CANNED FISH

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Sea-Slivers:				*Per unit*
Portola (natural juice)	Case of 48/15 oz.	$6.25	$8.00	$0.24
Best-Ever (natural juice)	Case of 48/15 oz.	8.30	10.10	.27
La Campagnola (natural juice)	Case of 48/½ kg.	16.70	18.00	.49
Mackerel:				
La Campagnola	Case of 24/1 kg.	10.60	11.80	.85
La Campagnola (fillet in oil)	Case of 60/315 grms.	28.35	31.50	.95
Blue Fish:				
La Campagnola	Case of 24/1 kg.	10.00	11.00	.82
Tuna, White:				
La Campagnola (in oil)	Case of 48/210 grms.	18.45	20.90	.54
La Campagnola (in oil)	Case of 48/1/2 kg.	18.90	21.00	.57
La Campagnola (Red Label, in oil)	Case of 48/1/4 kg.	25.00	26.75	.75
La Campagnola (Yellow Label, in oil)	Case of 48/1/4 kg.	19.00	21.50	.85
La Campagnola (fillet in oil)	Case of 100/140 grms.	28.20	30.10	.93
La Campagnola (fillet in tomato)	Case of 24/1/2 kg.	16.00	17.00	.93
Mussels:				
Cove (natural)	Case of 48/1/4 kg.	11.30	12.20	.85
Sea Bream:				
La Campagnola (fillet in oil)	Case of 24/550 grms.	15.40	16.00	.90
Hake:				
La Campagnola (in oil)	Case of 48/1/4 kg.	13.40	14.40	.29
La Campagnola (in tomato)	Case of 48/1/4 kg.	13.40	14.40	.29
Cuttlefish:				
La Campagnola (natural)	Case of 48/1/4 kg.	16.90	18.10	.49
Clams:				
La Campagnola (natural)	Case of 48/1/4 kg.	10.00	11.45	.51
Anchovies:				
La Campagnola (fillet in oil)	Case of 100/100 grms.	25.65	27.40	.35
Pilchards:				
Natural	Case of 96/3 oz. can	5.85	6.55	.16
Natural	Case of 48/6½ tall can	4.65	5.00	.14
Natural, spiced	Case of 48/6½ tall can	4.65	5.00	.14
Tomato	Case of 96/3 oz. can	5.20	5.80	.16
Tomato	Case of 48/6½ oval can	5.55	6.10	.16
Tomato	Case of 48/6½ tall can	4.85	5.45	.16
Tomato	Case of 100/3 oz. can	5.35	6.00	.16
Oil:				
Helms	Case 24/16 oz. bottle	$2.65	$3.00	$0.17
Helms	Case 12/32 oz. bottle	2.25	2.50	.30
National Food Product Co.	5 gal. Jug	2.60	2.90	.77
Wm. Lyon	Case 12/12 oz. bottle	2.50	2.75	.30
Sterling Cider Co.	Case 11 gal. jugs			.99

3. Section 42 Table 33b is added to read as follows:

TABLE 33B—MAXIMUM PRICES FOR GELATINE DESSERTS

Item and brand name	Sales at wholesale per dozen	Sales at retail per unit
Jello, all flavors	$0.75	$0.10
Royal, all flavors	.75	.10

4. Section 42 Table 33c is added to read as follows:

TABLE 33C—MAXIMUM PRICES FOR VINEGAR

Item and brand name	Unit	Price to wholesaler	Price at wholesale	Retail price per unit
Cider:				
Helms	Case 24/16 oz. bottle	$2.65	$3.00	$0.17
Helms	Case 12/32 oz. bottle	2.25	2.50	.30
National Food Product Co.	5 gal. Jug	2.60	2.90	.77
Wm. Lyon	Case 12/12 oz. bottle	2.50	2.75	.30
Sterling Cider Co.	Case 11 gal. jugs			.99

consideration in return for coal tar in excess of an amount equivalent to the average price (weighted according to volume) of sellers of the same class, or the maximum price of the particular seller's nearest competitor of the same class, adjusted for any proved quality differences, whichever is lower. For the purpose of determining the total consideration paid, the fuel oil exchanged shall be valued at the maximum price applicable to deliveries thereof to the coal tar seller's plant.

3. Section 9 (a) is amended by adding the following paragraph at the end thereof:

"Participating contract" means a contract under which the seller's price for coal tar varies according to the revenue obtained by the buyer thereof from the sale of coal tar derivatives distilled by him.

This Amendment No. 2 shall become effective January 11, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-268; Filed, January 5, 1944; 4:34 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 19]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

SEC. 21a. *Maximum prices for certain fruit juices packed in the Territory of Puerto Rico.*

TABLE 4A—MAXIMUM PRICES FOR GRAPEFRUIT JUICE

	To wholesalers price per case of—		At wholesale price per case of—		At retail price per one—	
	2 dozen #2 can	½ dozen #10 can	2 dozen #2 can	½ dozen #10 can	# 2 can	#10 can
All brands:						
Natural, fancy	$2.40	$2.70	$2.80	$3.10	$0.15	$0.67
Sweetened, standard	2.20	2.45	2.60	2.90	.14	.61
Sweetened, fancy	2.30	2.55	2.65	2.95	.14	.63

(a) "Fancy grapefruit juice" means grapefruit juice processed in such a manner as to prevent the mixing of citrus oil with the juice.

(b) "Standard grapefruit juice" means all locally processed grapefruit juice other than fancy grapefruit juice.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9832, 10763, 10906, 11437, 11847, 12540, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

5. Section 42 Table 33d is added to read as follows:

TABLE 33D—MAXIMUM PRICES FOR REFINED SALT

Item and brand name		Price to wholesaler	Price at wholesale	Retail price per unit
Table salt:				
Diamond Crystal	Ctn. of 24/26 oz. pkg	$1.80	$2.00	$0.11
Sterling	Ctn. of 24/2# pkg	1.45	1.60	.09
Sterling	Ctn. of 36/1½# pkg	1.35	1.50	.06
Sterling	Ctn. of 36/1½# pkg	1.40	1.55	.06
Carey's	Ctn. of 24/2# pkg	1.90	2.05	.11
Carey's		1.70	1.85	.03
Carey's Fine Salt	100# cot			or 2 for .05
Jefferson	Ctn. of 36/26 oz. pkg	1.45	1.60	.06
Jefferson	Ctn. of 24/2# pkg	2.00	2.20	.11
Jefferson	Ctn. of 36/1½# pkg	1.35	1.50	.06
Jefferson		1.60	1.75	.03
Jefferson	100# cot			or 2 for .05
Myle's	Ctn. of 24/2# pkg	1.80	2.00	.11

This amendment shall become effective as of December 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-266; Filed, January 5, 1944; 4:31 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[1] Amdt. 17]

SPECIFIC MAXIMUM PRICES IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363 (c) (1) is amended by adding a note to the table and subparagraphs (2), (3) and (4) are amended to read as follows:

NOTE: The maximum retail price for 89 and lower score butter shall be computed by deducting one cent per pound from the appropriate price set forth above.

(2) Maximum prices for 90–93 score butter in prints or rolls parchment wrapped and packed in brine sold at retail in the Territory of Alaska shall be:

	Price per pound sold out of the keg	25# keg, price per keg	30# keg, price per keg	50# keg, price per keg	57# keg, price per keg	60# keg, price per keg	100# keg, price per keg	112# keg, price per keg
Ketchikan	$0.68	$17.00	$20.40	$33.50	$37.52	$40.20	$66.00	$73.92
Wrangell	.68	17.00	20.40	33.50	37.52	40.20	66.00	73.92
Petersburg	.68	17.00	20.40	33.50	37.52	40.20	66.00	73.92
Juneau-Douglas	.68	17.00	20.40	33.50	37.52	40.20	66.00	73.92
Skagway-Haines	.68	17.00	20.40	33.50	37.52	40.20	66.00	73.92
Sitka	.68	17.00	20.40	33.50	37.52	40.20	66.00	73.92
Cordova	.70	17.50	21.00	34.50	38.64	41.40	68.00	76.16
Valdez	.70	17.50	21.00	34.50	38.64	41.40	68.00	76.16
Seward	.70	17.50	21.00	34.50	38.64	41.40	68.00	76.16
Kodiak	.70	17.50	21.00	34.50	38.64	41.40	68.00	76.16
Anchorage	.72	18.00	21.60	35.50	39.76	42.60	70.00	78.40
Palmer	.73	18.25	21.90	36.00	40.32	43.20	71.00	79.52
Points on Alaska R. R. north of Anchorage & south of Curry	.73	18.25	21.90	36.00	40.32	43.20	71.00	79.52
Curry & all points on Alaska R. R. north of Curry & south of Fbks	.76	19.00	22.80	37.50	42.00	45.00	74.00	82.88
Fairbanks	.76	19.00	22.80	37.50	42.00	45.00	74.00	82.88
Nome	.76	18.00	21.60	35.00	39.20	42.00	70.00	78.40

(3) For sales of fractions of a pound the maximum price shall be proportionately computed.

(4) The maximum retail price for all grades of butter sold in places other than those enumerated above shall continue to be established by Maximum Price Regulation 194,[2] if imported, and by the General Maximum Price Regulation [3] if produced in the Territory of Alaska.

2. Section 1418.363 (d) (1) is amended to read as follows:

(1) The maximum prices for hay produced in the Territory of Alaska and sold in the Territory of Alaska shall be $42.50 per ton. For sales of different quantities the maximum price shall be computed proportionately.

This amendment shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-271; Filed, January 5, 1944; 4:37 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 31]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. The table following section 21 (c) (1) is amended by changing the item "Onions, red, yellow and white" to read "Onions, dry, all colors."

2. The table following section 21 (d) (1) is amended by changing the wholesale maximum prices for grapefruit, all sizes, from "$4.80 per box" to "$4.25 per box"; Apples, California Newton Pippin from "$4.15 per box" to "$4.40 per box"; Apples, North West Newton Pippin from "$4.70 per box" to "$5.20 per box"; Apples, Winesaps from "$5.00 per box" to "$5.20 per box"; Pears, Danjous from "$8.80 per lug" to "$11.35 per lug."

3. Section 22 (b) (8) is added to read as follows:

(8) ¾ cents per gallon for shipments by barge from Honolulu to Kawaihae.

4. Section 33 (b) is amended and (c) and (d) are added to read as follows:

(b) Maximum prices for sales at retail of packaged cosmetics, which packages have been marked "Retail ceiling price $____ (MPR 393)" in accordance with the provisions of Maximum Price Regulation 393,[2] as amended, shall be the prices so marked on such packages plus an amount equal to the actual cost of transportation to the territory of Hawaii.

(c) "Cosmetic" means any product intended to be rubbed, poured, sprinkled, or sprayed upon, or introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance. "Cosmetic" does not include any product for internal or external use intended to be used for the diagnosis, cure, mitigation, or prevention of diseases of man or other animals, or any product whose label indicates it may be for such use. Soaps are not cosmetics, but as used herein, the term "cosmetic" includes shaving soaps and liquid shampoos.

(d) "Packaged" means packaged by or for a manufacturer in a package of a size and type customarily sold to an ultimate consumer.

5. Section 42 (b) (1) is amended by adding two new brands to the category "Scotch whiskies" to read as follows:

	Maximum price per drink
Scotch whiskies:	
John Crabbie	$0.40
Findlators	0.40

6. The first item of section 42 (c) is amended by adding the words "John

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3844, 8184, 12549, 13166, 14305.

[2] 7 F.R. 5909, 6268, 5744, 8023, 8358, 8947, 9195, 10231, 10790, 11012; 8 F.R. 856.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139.

[2] 8 F.R. 6268, 12478, 12661.

Crabbie or Findlators" after the words "or Cutty Sark".

7. Section 47 (c) (3) is amended and (g) and (h) are added to read as follows:

(3) The maximum price for any article listed and described in subparagraph (a) (1) of this section which the retailer purchases from a mainland jobber or wholesaler shall be 1.50 times the sum of the wholesaler's or jobber's invoice price plus the amounts set forth in subdivisions (ii), (iii), (iv), (v), and (vi) of subparagraph (b) (2) of this section.

(g) *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the resulting maximum wholesale or retail prices determined on the basis of such allocated costs.

(h) *Maximum prices for certain merchandise purchased at lower than manufacturer's maximum price.* In cases where a wholesaler or retailer purchases from a manufacturer or wholesaler located outside the Territory of Hawaii any article listed and described in subparagraph (a) (1) of this section, at a price lower than the manufacturer's maximum price and lower than a price which the purchaser previously paid for the same or similar merchandise, and where such lesser price was paid by reason of the size of the purchase or the seasonal nature of the goods, application may be made to the Office of Price Administration for a maximum price for resale of the merchandise, which maximum price is based upon the higher price previously paid to such manufacturer, and the appropriate multiple provided by the section. Any such application must be accompanied by the invoice for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature.

8. Section 52 (b) (6) is amended, (b) (9) and (c) (9) are added to read as follows:

(6) *Manufacturing-wholesalers and manufacturing-retailers.* The maximum price for sales at wholesale of any article listed and described in paragraph (a) of this section which the wholesaler or retailer makes or has made for him from materials owned by him shall be computed by multiplying the sum of the costs of manufacturing by 1.15. The costs of manufacturing shall include only: (i) the wholesale price of the material, which for the wholesaler shall be no higher than his maximum wholesale price for such material and for the retailer shall be the actual cost of the material to him which may in no case be higher than the wholesale price, (ii) the sewing charges as listed with this office under Maximum Price Regulation 20 of the Military Governor of the Territory of Hawaii or Maximum Price Regulation 165 of the Office of Price Administration, and (iii) the maximum price permitted under this regulation for any block prints which may be printed on the articles by or for the manufacturing-wholesaler or manufacturing-retailer.

(b) (9) *Allowance for block printing.* Where a wholesaler block prints or has block printed for him any article covered in this section he may, for the purpose of determining the maximum price under this regulation, add to the manufacturer's selling price the maximum price permitted by this regulation for such prints.

(c) (9) *Allowance for block printing.* Where a retailer block prints or has block printed for him any article covered in this section he may, for the purpose of determining the maximum price under this regulation, add to the manufacturer's selling price or wholesaler's selling price, depending on the source of purchase, the maximum price permitted by this regulation for such prints.

9. Section 53 (b) (6) is amended, (b) (9) and (c) (9) are added to read as follows:

(6) *Manufacturing - wholesalers and manufacturing - retailers.* The maximum price for sales at wholesale of any article listed and described in paragraph (a) of this section which the wholesaler or retailer makes or has made for him from materials owned by him shall be computed by multiplying the sum of the costs of manufacturing by 1.15. The costs of manufacturing shall include only: (i) the wholesale price of the material, which for the wholesaler shall be no higher than his maximum wholesale price for such material and for the retailer shall be the actual cost of the material to him which may in no case be higher than the wholesale price, (ii) the sewing charges as listed with this office under Maximum Price Regulation 20 of the Military Governor of the Territory of Hawaii or Maximum Price Regulation 165 of the Office of Price Administration, and (iii) the maximum price permitted under this regulation for any block prints which may be printed on the articles by or for the manufacturing-wholesaler or manufacturing-retailer.

(b) (9) *Allowance for block printing.* Where a wholesaler block prints or has block printed for him any article covered in this section he may, for the purpose of determining the maximum price under this regulation, add to the manufacturer's selling price or wholesaler's selling price, depending on the source of purchase, the maximum price permitted by this regulation for such prints.

(c) (9) *Allowance for block printing.* Where a retailer block prints or has block printed for him any article covered in this section he may, for the purpose of determining the maximum price under this regulation, add to the manufacturer's selling price or wholesaler's selling price, depending on the source of purchase, the maximum price permitted by this regulation for such prints.

10. Section 58 is added to read as follows:

SEC. 58. *Maximum prices for block printing and certain block printed articles.* (a) The maximum prices per print for block printing shall be as follows:

ON APPAREL ITEMS

Size of print (in square inches)	One color print	Two color print	Three or more color print
1–15	$0.05	$0.10	$0.15
16–50	.10	.15	.20
51–100	.15	.20	.25
101–200	.20	.25	.30
201–400	.40	.45	.50
401–600	.60	.65	.70
Over 600	.90	1.00	1.20

ON OTHER ITEMS

Size of print (in square inches)	One color print	Two color print	Three or more color print
1–15	$0.05	$0.10	$0.15
16–50	.10	.15	.20
51–100	.15	.20	.25
Over 100	.20	.25	.30

NOTE: The above prices are for finished work which includes drying and pressing of the items. The number of square inches in a print shall be determined by multiplying the width of the print by the length. Length and width shall be measured at longest and widest portions of the print.

(b) *Definitions.* (1) "Block printing" is the reproducing of a decorative design or pattern on cloth by means of a carved linoleum or zinc block.

(2) A "print" is complete design or pattern block printed on cloth.

(3) A "one color print" is a print of only one color, or of one or more shades of one color.

(4) A "two color print" is a print of two colors or of one or more shades of each of two colors.

(5) A "three or more color print" is a print of three or more colors, or of one or more shades of each of three or more colors.

(6) "Apparel items" include all dresses, robes, blouses, skirts, shirts, pinafores, jumpers, sun suits, negligees, gowns, pajamas, swim suits, and all other wearing apparel except accessories.

(7) "Other items" include all articles made of woven or knitted fabric but do not include "Apparel items".

(c) *Maximum manufacturer's selling price for locally made block printed "other items".* The manufacturer's maximum selling price for any article described in subparagraph (b) (7) which the manufacturer block prints or has block printed for him shall be computed by multiplying by 1.15 the sum of the following amounts:

(1) An amount equal to the actual cost of the material, which in no case may be higher than the maximum price at wholesale for the material.

(2) An amount equal to the cost of cutting and fringing, which in no case may exceed 1¢ for every 15 inches of the perimeter.

(3) An amount equal to the cost of sewing, which in no case may exceed maximum prices therefor which have been filed with the Price Control Section of the Office of the Military Governor or the Office of Price Administration under Maximum Price Regulation No. 20 of the Military Governor of the Territory of Hawaii, or under Maximum Price Regulation No. 165 of the Office of Price Administration.

(4) An amount equal to the maximum prices permitted by the section for the print or prints on the item.

This amendment shall become effective as follows:

(a) As to section 21 (c) (1) and (d) (1), as of December 11, 1943.

(b) As to section 22 (b) (8) January 11, 1944.

(c) As to section 33 (b) (c) and (d), as of November 8, 1943.

(d) As to section 42 (b) (1) and (c), as of November 8, 1943.

(e) As to section 47 (c) (3), (g) and (h), as of November 15, 1943.

(f) As to section 52 (b) (6) (9) and (c) (9), as of November 18, 1943.

(g) As to section 53 (b) (6) (9) and (c) (9), as of November 18, 1943.

(h) As to section 58, as of November 18, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–264; Filed, January 5, 1944; 4:34 p. m.]

PART 1420—BREWERY, WINERY AND DISTILLERY PRODUCTS

[MPR 445,[1] Corr. to Amdt. 10]

DISTILLED SPIRITS AND WINES

Amendment No. 10 to Maximum Price Regulation 445 is corrected in the following respects:

1. The introductory phrase in paragraph 9, reading "Section 1.7 (b) (1) (ii) is amended to read as follows:", is corrected to read "Section 1.7 (b) (2) (ii) is amended to read as follows:".

2. The introductory phrase in paragraph 10, reading "Section 1.7 (b) (2) (i) (b) is amended to read as follows:", is corrected to read "Section 1.7 (b) (3) (i) (b) is amended to read as follows:".

3. The introductory phrase in paragraph 12, reading "Section 1.7 (b) (2) (i) (*h*) is amended to read as follows:", is corrected to read "Section 1.7 (b) (3) (i) (*h*) is amended to read as follows:".

4. The introductory phrase in paragraph 13, reading "Sections 1.7 (b) (2) (ii), (iii) and (v) are amended to read as follows:", is corrected to read "Sections 1.7 (b) (3) (ii), (iii) and (iv) are amended to read as follows:

This correction shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–272; Filed, January 5, 1944; 4:37 p. m.]

[1] 8 F.R. 11161, 11851, 13496, 13500, 13845, 14016, 14400, 15912, 16697, 16928.

PART 1499—COMMODITIES AND SERVICES

[MPR 503]

WESTERN CONTRACT LOGGING SERVICES

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1499.2252 *Maximum prices for Western contract logging services.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 503 (Western Contract Logging Services), which is annexed hereto and made a part hereof, is hereby issued:

AUTHORITY: § 1499.2252 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 503—WESTERN CONTRACT LOGGING SERVICES

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7. Petitions for amendment.
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10. Prohibited practices.
11. Geographical applicability.

SECTION 1. *Sales of Western contract logging services at higher than maximum prices prohibited.* (a) On and after January 11, 1944, no person shall sell or provide Western contract logging services, and no person shall buy or receive contract logging services in the course of trade or business, at prices higher than the maximum prices fixed by this regulation; and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may be charged and paid.

SEC. 2. *What services are covered.* (a) This regulation covers under the term "logging services" all services in connection with the transportation and production of logs, bolts, pulpwood and other primary forest products, including all operations in connection therewith, such as hauling, road construction, felling, bucking, cutting, skidding, yarding, peeling, loading and reloading, etc. It also covers the transportation of gravel, building materials, machinery and the like when performed solely in connection with a logging operation. "Primary forest products" include all logs, bolts, pulpwood, chemical wood, posts, poles, piling, hewn railroad ties, mine materials (other than sawn), etc.; but does not include firewood. It includes booming and rafting when performed by the log producer but not when rendered as a separate service.

(b) "Western" contract logging services means only those performed west of the 100th meridian in the continental limits of the United States, namely in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, and the western portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

(c) The term "contract logging service" covers only services rendered by independent contractors who do not own the stumpage. It does not include transactions where commodities, as distinguished from services, are sold; in that case, the ceiling on logs, pulpwood, etc., governs the transaction.

SEC. 3. *Maximum prices.* (a) The maximum prices on Western contract logging services shall be the difference between the ceiling price[1] on the logs, bolts, pulpwood or other primary forest products, and the stumpage cost of those items, compared at the delivery points specified in the appropriate regulations and on the basis of the same scale. For example, if the ceiling price on a given type of log is $20.00 per M delivered to towable waters and the stumpage cost on the same scale rule is $4.50 per M, the ceiling on the complete contract logging service of delivering logs from stump to towable waters would be $15.50 per M; if under the contract only a portion of a service is rendered, such as loading, transportation, etc., the price of that portion shall not exceed the delivery point price minus stumpage (or, in this example, $15.50) less all other costs of producing the logs from stump to delivery point.

(b) If more than one primary forest product is cut or where species or items of different value are cut, the total stumpage cost of each primary forest product, species, or species group, shall be determined in accordance with the usual bookkeeping practice of the buyer of the services. These amounts shall then be deducted from the total value at ceiling prices of each of those primary forest products or species. The remainders then constitute the ceiling price on the contract logging service for each item, species or different primary forest product. On lump sum transactions, however, the total stumpage cost may be deducted from the total estimated value at ceiling prices of all the primary forest products to be cut, and that remainder will represent the maximum lump sum amount which can be paid for the contract logging of all those products.

(c) Where only a portion of a complete logging service is rendered, as where only loading or transportation is performed, the cost of that portion when added to all other costs of logs delivered

* Copies may be obtained from the Office of Price Administration.

[1] Where the transaction is subject to Maximum Price Regulation 348, but dollars-and-cents prices have not been established in the particular area, then the maximum price established under section 3 of that regulation. If there are no purchased log transactions, see paragraph (f) of section 3 of this regulation.

to the consuming mill or delivery point, including the stumpage cost, must not exceed the ceilings established on the logs or other primary forest products produced.

(d) Where more than one portion of a tract or holding in not more than four counties and belonging to a single owner is being operated by contract loggers, the test of paragraph (a) will be met if the total of all the logging contracts plus the total cost of all the stumpage being cut does not exceed the total value at the applicable ceilings of the products into which the stumpage is made.

(e) "Stumpage cost" means the actual cost or book value of the timber being cut. "Stumpage" means all timber (whether green or dead, standing or down) of all species, classes and sizes, which has not been severed from the stump. In cases where only portions of larger tracts are being cut, the buyer of the service may allocate a value to the particular portion in accordance with his usual bookkeeping practice. The portions so allocated, however, must "average-out" so that the value assigned the whole tract is not less than actual cost or book value.

(f) If there are no specific maximum prices on any of the logs, bolts, pulpwood, chemical wood or other primary forest products, and no maximum price can be computed under Maximum Price Regulation 284, Revised Maximum Price Regulation 161 or section 3 of Maximum Price Regulation 348, the buyer and seller should join in requesting the Lumber Branch, Office of Price Administration, Washington, D. C., to establish a contract logging price. The Lumber Branch may establish the maximum price by letter or telegram.

(g) Any contracts on a formula, percentage or any basis other than a specific price, must contain a maximum limitation which meets the requirements of this section.

(h) The buyer of the service must file the report required by section 6 (b) covering each contract for logging services as defined herein.

SEC. 4. *Revision of contracts.* The Lumber Branch may, at any time during the continuance of the contract, require its revision, if it appears that the price established does not meet the test of section 3 or that the stumpage cost assigned by the buyer of logging services is abnormally low in relation to current market values, and that this abnormality results in a contract logging maximum price as high as to cause a shortage of contract logging services for other buyers requiring these services. Before such action is taken, the parties shall be given 15 days' notice in order that they may have an opportunity to file objections to the proposed revision.

SEC. 5. *Previous contracts.* Any contracts on logging services either established or adjusted under Maximum Price Regulation No. 165, prior to the effective date of this regulation remain in effect in accordance with their terms until and unless revised under section 4. A report covering each such contract as required by section 6 (b) shall be filed by the buyer of the service within 10 days of the effective date of this regulation.

SEC. 6. *Records and reports.* (a) All buyers of contract logging services must keep a record of the name and address of the contractors used, the price established, location of operation involved, actual stumpage cost and all other costs assigned to the particular tract or portion being cut under the contract, as well as copies of the contracts. These records must be kept for so long as the Emergency Price Control Act remains in effect, for inspection by the Office of Price Administration.

(b) Buyers of contract logging services shall file with the Lumber Branch, Office of Price Administration, Washington, D. C., one copy of Form 675–678 for each logging contract made. In the case of contracts existing when this regulation takes effect, the form shall be filed within 30 days of that effective date. As to all contracts made after this effective date, the form shall be filed within 15 days of the date of execution of the contract.

SEC. 7. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 8. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 9. *Licensing.* The provisions of Licensing Order No. 1,[1] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 10. *Prohibited practices*—(a) *General.* Any practice which is a device to obtain the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright overceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, and the like.

(b) The following is among the specific practices prohibited:

(1) Attempting to evade this regulation by selling stumpage to the contractor at less than a fair market value and repurchasing it in the form of logs, pulpwood, or other primary forest products.

SEC. 11. *Geographical applicability.* This regulation applies in so much of the 48 states of the United States and the District of Columbia as lies west of the 100th meridian.

[1] 8 F.R. 13240.

This regulation shall become effective January 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–273; Filed, January 5, 1944; 4:37 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 490,[1] Amdt. 3]

EDIBLE TREE NUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 490 is amended in the following respects:

1. Section 2 (a) (10) is added to read as follows:

(10) "Net delivered cost" means the amount the seller pays for the item being priced (in a purchase which is customary for him in quantity, type of supplier, receiving point and means of transportation), less all discounts allowed him except the discount for prompt payment. However, the expense of local trucking or unloading is not included.

2. Section 8 (e) is redesignated section 9 and is amended to read as follows:

SEC. 9. *Sales by wholesalers and retailers*—(a) *In-shell items.* (1) The maximum price in each case for the in-shell items listed in section 8 (b), in sales by wholesalers, is the seller's net delivered cost of the most recent delivery to him before January 5, 1944, of the item being priced, multiplied by 1.15.

(2) The maximum price in each case for the in-shell items listed in section 8 (b), in sales by retailers who customarily purchase from wholesalers or wagon wholesalers, is the seller's net delivered cost of the first delivery to him after January 5, 1944, of the item being priced, multiplied by 1.35. Until that time, his maximum price is his maximum price in effect just prior to January 3, 1944.

For retailers who customarily purchase from persons other than wholesalers and wagon wholesalers, the seller's maximum price in each case is his net delivered cost of the most recent delivery to him before January 5, 1944, of the item being priced, multiplied by 1.35.

(3) In any case where a wholesaler's or retailer's customary type of supplier of the item being priced is another wholesaler or retailer, as the case may be, his maximum price shall not exceed his supplier's maximum price.

(4) For any item of which a wholesaler or retailer has not received a delivery before January 5, 1944, the maximum price shall be his net delivered cost of the first delivery of the item on or after that date, multiplied by the applicable mark-up.

(b) *Shelled, roasted, or salted items.* (1) The maximum price in each case for the shelled, roasted or salted items listed in section 8 (b), in sales by wholesalers and retailers, is the highest price charged by the seller for the item to the same class of purchasers (as explained in section 8 (c), above) during the period October 25 to October 30, 1943, inclusive.

(2) If any seller named in the preceding paragraph did not deliver or offer to deliver the item being priced during the period October 25 to October 30, 1943, his maximum price shall be his net delivered cost of the first delivery of the item to him after that period, plus the difference between his net delivered cost and his selling price for the most closely comparable item which he sold during that period to the same class of purchasers (converted to the same selling unit) or, if he did not sell a comparable item, the highest price charged for the same item during that period by the most closely competitive seller to a purchaser of the same class.

3. Section 8 (f) is redesignated section 8 (e).

4. Section 8 (g) is redesignated section 8 (f) and is amended to read as follows:

(f) *Sales by wagon wholesalers.* (1) The maximum price which a wagon wholesaler may charge for an item is the net delivered cost of the most recent delivery to him before January 5, 1944, (or if none, then the first delivery) of the item being priced, multiplied by 1.25.

(2) A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale.

5. Section 9 is redesignated section 10, and paragraph (c) thereof is deleted.

6. Section 10 is redesignated section 11.

This amendment shall become effective January 5, 1944.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 4, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–262; Filed, January 5, 1944; 4:34 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 278, Amdt. 2]

TOTAQUINA AND TOTAQUINA PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 278 is amended in the following respects:

1. Section 1396.305 is amended to read as follows:

§ 1396.305 *Notification.* On and after January 1, 1944, every seller, other than a retailer, shall supply each purchaser before or at the time of that purchaser's first purchase of totaquina or any totaquina product, with a notification form containing a full copy of § 1396.317, as amended, maximum prices for totaquina powder, totaquina capsules, and totaquina tablets, to which is added the following statement:

The Office of Price Administration requires that you keep this information available for examination. Copies of Maximum Price Regulation No. 278 may be obtained from the Office of Price Administration.

Such notification may be discontinued after July 1, 1944.

2. Section 1396.317 is amended to read as follows:

§ 1396.317 *Appendix A: Maximum prices for totaquina powder, totaquina capsules and totaquina tablets.* Maximum prices are f. o. b. seller's shipping point, containers included. Maximum prices for sales in intermediate size containers or quantities shall be the price per unit applicable to the next larger size container or quantity.

Container size	A	B	C
	Sales other than sales to retailers or at retail	Sales to retailers	Sales at retail
(a) *Totaquina powder:*			
50 oz. (avd) or more per oz	$0.52	$0.60	
25 oz. per oz	.53	.61	
5 oz. per oz	.65	.72	$1.20
1 oz. per oz	.66	.73	1.22
½ oz. per oz	.62	.80	1.34
¼ oz. per oz	.74	.96	1.60
⅛ oz. per oz	.90	1.20	2.00
4 drachms (apoth. wt.)			.75
2 drachms			.45
1 drachms			.30
30 grains			.20
20 grains or less			.15
(b) *Totaquina capsules,*			
(1) *5 grains:*			
1,000 or more, per 1,000	9.00	10.80	18.00
500, per 500	4.75	5.70	9.50
100, per 100	1.00	1.20	2.00
50, per 50	.60	.72	1.20
36, per 36			.80
24, per 24			.65
12, per 12			.35
6, per 6			.20
1, per 1			.04
(2) *3 grains:*			
1,000 or more, per 1,000	6.50	7.80	13.00
500, per 500	3.50	4.20	7.00
100, per 100	.75	.90	1.50
50, per 50			.90
36, per 36			.65
24, per 24			.50
12, per 12			.30
6, per 6			.16
1, per 1			.03
(c) *Totaquina tablets:*			
(1) *5 grains:*			
1,000 or more, per 1,000	7.50	9.00	15.00
500, per 500	4.00	4.80	8.00
100, per 100	.88	1.05	1.75
50, per 50	.50	.60	1.00
(2) *3 grains:*			
1,000 or more, per 1,000	$5.25	$6.30	10.50
500, per 500	2.88	3.45	5.75
100, per 100	.65	.78	1.30
50, per 50			.75
36, per 36			.55
24, per 24			.40
12, per 12			.25
6, per 6			.15
1, per 1			.03

(d) *Sales to physicians, nurses, hospitals and clinics.* Maximum prices for sales to physicians, nurses, hospitals and clinics shall be the maximum prices set forth in column C above, subject to customary discounts and allowances applicable to sales of comparable products to purchasers of the same classes.

(e) *Sales by the Defense Supplies Corporation.* The maximum price for sales by the Defense Supplies Corporation in any quantity to any buyer shall be 42 cents per ounce.

This amendment shall become effective January 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–269; Filed, January 5, 1944; 4:31 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[RMPR 487]

WHEAT

Maximum Price Regulation No. 487 is redesignated Revised Maximum Price Regulation No. 487 and is revised and amended to read as follows:

The original regulation covered soft wheat. This revision applies to all wheat. The maximum prices herein established are fair and equitable, and will reflect to producers of wheat the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by Executive Order 9250, and have been approved and directed by the Director of Economic Stabilization pursuant to section 5 of Executive Order No. 9328.

Such specifications and standards as are used in this regulation have previously been promulgated and their use lawfully required by another Government agency. A statement of the considerations involved in the issuance of this regulation has been issued simul-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14079, 15259.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14986.

taneously herewith and has been filed with the Division of the Federal Register.*

In fixing the maximum prices established by this regulation, the Price Administrator has given adequate weighting to farm labor. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

§ 1439.353 *Maximum prices for sales of wheat.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 487 (Wheat) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.353 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 487—WHEAT

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SECTION 1. *Applicability.* (a) Except as provided in paragraphs (b), (c) and (d) hereof, this regulation shall apply to all sales and deliveries (whether immediate or future) of wheat in the District of Columbia and the 48 states of the United States.

(b) Any contract entered into while the original Maximum Price Regulation No. 487 was in effect may be performed according to its terms if such contract complies with the provisions of said original Maximum Price Regulation No. 487.

(c) This regulation shall not apply to any contracts for the sale or delivery of wheat entered into prior to the effective date of this Revised Maximum Price Regulation No. 487 which were not subject to the original Maximum Price Regulation No. 487.

(d) This regulation shall not apply to sales of wheat for seed.

SEC. 2. *Effect of maximum prices.* (a) While this regulation is in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive wheat at prices above the maximum prices established by this regulation nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

SEC. 3. *Definitions.* (a) When used in this regulation the term:

(1) "Wheat" means the grain of that name as defined in the official Grain Standards of the United States. Where reference is made to classes and grades of wheat herein the official Grain Standards of the United States shall apply. As used herein the term "Wheat" also includes certain mixed grain as hereinafter indicated.

(2) "Bushel" as a unit of measurement of wheat means 60 pounds of wheat net weight.

(3) "Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing; and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

(4) "Commission merchant" means a person who receives wheat at one of the cities hereinafter named on behalf of the owner. He arranges for the sampling, inspection or weighing of the wheat and negotiates a sale thereof in carload quantities on a recognized grain exchange in any of the following cities, to wit:

Chicago, Ill.	Milwaukee, Wis.
Peoria, Ill.	Dallas, Tex.
Kansas City, Mo.	Fort Worth, Tex.
St. Joseph, Mo.	Enid, Okla.
St. Louis, Mo.	Sioux City, Iowa.
Indianapolis, Ind.	Hutchinson, Kans.
Omaha, Nebr.	Salina, Kans.
Philadelphia, Pa.	Baltimore, Md.
Minneapolis, Minn.	Buffalo, N. Y.
Duluth, Minn.	Wichita, Kans.

New York, N. Y.

No person can be a commission merchant as to wheat owned by him. No more than one such sale shall be made on any one of said exchanges.

(5) "Producer" means a person who grew or harvested the wheat in question and also includes any landowner receiving a lot of wheat in lieu of rent or any farmer or trucker who procured the wheat from its producer. A producer shall be deemed to be acting in that capacity in selling wheat to any country shipper or to any person at the farm where grown or harvested and in making any other sale of wheat except at a different level of marketing as provided in section 12 hereof.

(6) "Country shipper" means a person regularly engaged in the purchase of wheat from producers which he places in storage facilities such as an elevator or warehouse or loads in a railroad car or barge or vessel at any point. A country shipper shall be deemed to be acting in that capacity in selling wheat in carload quantities:

(i) Through brokers or commission merchants;

(ii) In store at said facilities or loaded in a railroad car or barge or vessel where delivered to the purchaser prior to movement; and

(iii) In making any other such sale of wheat except at a different level of marketing as provided in section 12 hereof.

(7) "Merchandiser" means any person selling wheat other than a person acting in the capacity of producer, country shipper, broker or commission merchant.

(8) "Broker" means a person who, acting for the account of either seller or buyer, negotiates a sale or purchase of wheat in carload quantities for such seller or buyer on a brokerage basis. No broker shall represent both seller and buyer in a given single transaction. No person can be a broker as to wheat owned by him.

(9) "Carload quantity" means a lot of wheat of 60,000 pounds or more: *Provided*, That a lot of wheat of 30,000 pounds or more shipped in a mixed, pool, or bulkhead car or a lot of wheat of any quantity shipped in a clean up car shall be considered a carload quantity.

(10) "Less than carload quantity" means a lot of wheat of less than 60,000 pounds except mixed, pool, bulkhead, or clean up car lots above included in carload quantities. It includes truck quantities.

(11) "Interior point" means any place outside the corporate and railroad switching limits of any terminal city.

(12) "Interior rail point" means any interior point having facilities for the loading or unloading of railroad freight cars.

(13) "Terminal city" means any place within the corporate or railroad switching limits of the cities hereinafter so designated.

(14) "Wheat for feed" means any wheat intended by both seller and buyer for use in feeding animals or poultry.

(15) "Transportation cost" means the cost of transportation actually incurred after deducting any transportation subsidy received by the shipper, but it shall not exceed:

(i) Where shipment has been made by rail in carload quantities, the lowest carload rail rate for the shipment or billing applied between the two points in question, including any applicable transportation tax.—

(ii) Where shipment is by barge or lake vessel, the lowest water freight rate published as provided by law between the two points in question, including any applicable transportation tax plus marine insurance and outturn insurance.

(iii) In any other case where shipment is made by common carrier the lowest applicable common carrier rate between the two points in question, including any applicable transportation tax.

(iv) If the conveyance used is not a common carrier, 1½¢ per bushel for the first 5 miles and, ¼ cent for each five miles or fraction thereof of the haul, the distance to be determined by the shortest one-way route between the two points in question reasonably suited for truck travel.

(v) Where the movement is by two or more of the foregoing methods of transportation the sum of the minimum cost provided in subdivisions (i), (ii), (iii) or (iv) for the distance travelled by each method of transportation.

(16) "Area A" includes the following states: Kansas, Oklahoma, Texas, South Dakota, North Dakota, Montana, Kentucky, Wyoming, Idaho, Utah, Nevada, Washington, Tennessee (except the area east of the western boundaries of Campbell, Anderson, Roane, Rhea and Hamilton Counties), Oregon, California, Minnesota, Iowa, Missouri, Nebraska, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Maryland (except the Eastern Shore south of a line drawn east and west through Chesapeake City), Colorado east of the western boundaries of Larimer, Boulder, Gilpin, Clear Creek, Park, Fremont, Custer, Huerfano and Las Animas counties.

(17) "Missouri River Markets" includes Kansas City, Missouri; Kansas City, Kansas; Atchison, Kansas; St. Joseph, Missouri; Omaha, Nebraska; Council Bluffs, Iowa; Sioux City, Iowa.

SEC. 4. *Maximum prices of producers.* (a) The maximum price for any sale of wheat, bulk, by the producer shall be the maximum price specified in the Appendix A at the terminal city or interior point where delivered to the purchaser, less 3 cents per bushel.

(b) Where wheat is sold and delivered at the farm where grown, if the purchaser performs any services connected with the growing, harvesting, or assembling at a point on the farm where available for ready transportation from the farm, the reasonable value of all such services must be deducted from the appropriate maximum price hereinbefore set forth.

SEC. 5. *Maximum prices of country shippers.* The maximum price for the sale of any wheat, bulk, by a country shipper shall be the maximum price specified in Appendix A at that terminal city or interior rail point where delivered to the purchaser.

SEC. 6. *Maximum service charge of commission merchants.* (a) Notwithstanding any other law or regulation, the maximum service charges for the services of a commission merchant in connection with any sale of any wheat shall be 1½ cents per bushel. This service charge shall be in addition to the appropriate maximum price of the wheat so sold.

(b) Every seller who paid any service charge under this section may add the same in computing his maximum prices for any sale.

SEC. 7. *Maximum service charge of brokers.* (a) Notwithstanding any other law or regulation, the maximum service charge for the services of a broker in connection with any sale or purchase of any wheat shall be ½ cent per bushel. This service charge shall be in addition to the appropriate maximum price of the wheat so sold or purchased.

(b) No seller who paid a brokerage hereunder may add said brokerage in computing his maximum price for any sale.

SEC. 8. *Maximum prices of merchandisers.* (a) The maximum price for the sale of any wheat other than wheat for feed, bulk, in any quantity, by any merchandiser to any person, shall be calculated by adding 1½ cents (maximum markup) to the merchandiser's basic maximum price calculated under paragraph (c) of this section.

(b) The maximum price for the sale of any wheat for feed, bulk, in any quantity, by any merchandiser to any person shall be calculated by adding one of the following maximum markups to the merchandiser's basic maximum price calculated under paragraph (c) of this section:

(1) 1½ cents per bushel for sales in carload quantities.

(2) 3 cents per bushel for sales in less than carload quantities of 100 bushels or more.

(3) 6 cents per bushel for sales of less than 100 bushels.

(c) The merchandiser's basic maximum price above referred to shall be calculated as follows:

(1) The formula price specified in Appendix A at that terminal city or interior rail point where delivered to the purchaser, plus all permitted charges and increases (other than transportation costs) previously added thereto; or as an alternative in the case of a sale in a less than carload quantity, the formula price specified in Appendix A at the terminal city or interior point where such seller took delivery of the wheat in question, plus (in addition to all permitted charges and markups previously added thereto, other than transportation costs) transportation charges actually incurred by the seller from said terminal city or interior point at which he took delivery of the wheat in question to the point where he delivered the same to his buyer.

(d) Irrespective of the number of merchandisers or commission merchants who may have handled the wheat in question, the maximum price to the purchaser shall not be increased by the addition of markups or service charges under this section and under section 6 hereof (whether singly or combined) to a greater extent than:

(1) In the case of any wheat other than wheat for feed:

(i) 4½ cents per bushel.

(2) In the case of wheat for feed:

(i) 4½ cents per bushel for sales in carload quantities.

(ii) 7½ cents per bushel for sales in less than carload quantities of 100 bushels or more.

(iii) 13½ cents per bushel for sales in less than carload quantities of less than 100 bushels.

SEC. 9. *Increases for handling.* (a) Where any wheat is received at a commercial warehouse or elevator in carload quantities, unloaded into the same and also loaded out in carload quantities, the appropriate maximum price of the seller as above set forth may be increased by 1 cent per bushel.

(b) Irrespective of the number of such handlings of the wheat in question the maximum price to any purchaser shall not be increased by additions under this section of more than 2 cents per bushel.

(c) This section shall have no application to any wheat purchased by the seller from a producer under section 4 hereof at such elevator or warehouse and no increase for handling shall be permissible in such case.

SEC. 10. *Increases for sacks and sacking.* (a) Where any seller sells wheat sacked and furnishes both the sacks and sacking, the foregoing maximum prices for a like sale in bulk may be increased by the reasonable value of the sacks (not exceeding any maximum price established thereon) plus, except where the seller is the producer, 3 cents per bushel for the sacking.

(b) Where any seller other than a producer sells wheat sacked after furnishing the service of sacking (but not the sacks) the foregoing maximum prices for a like sale in bulk may be increased by 3 cents per bushel for the sacking service.

SEC. 11. *Storage and carrying charges.* (a) In addition to the appropriate maximum prices for wheat, a storage and carrying charge, not exceeding 1/25th of a cent a day per bushel may be charged by a seller from the date of the expiration of free time, under a contract of sale, to the date selected by the buyer as the date on which shipment shall be made, or the date on which shipment is actually made, whichever is earlier: *Provided*, That the seller may in all cases have five days from the date of receipt of instructions within which to make shipment, and may charge carrying charges accordingly.

(b) For any resale, the maximum price of the seller shall not be increased for any such carrying charge previously paid by him in connection with his purchase of the wheat in question.

(c) This section shall have no application to wheat stored or remaining on the farm where grown.

SEC. 12. *Transfers between distinct branches of a business performing several marketing operations.* (a) This regulation in speaking of a sale or purchase by a given person includes, in the case of a business performing several marketing operations, transfers without passage of title or payment of consideration, between distinct branches or units of such business comprising separate and segregated levels of marketing. Thus, by way of illustration only, a country shipper acting in that capacity may sell wheat grown by him at the maximum price established for country shippers; or a merchandiser acting through different units of such business may receive more than one markup under section 8 hereof as hereinafter provided.

(b) However, where a seller makes a sale at the maximum price for a given class of seller, where he would also qual-

*Copies may be obtained from the Office of Price Administration.

ify to make a sale to a like purchaser at a lower maximum price as a different class of seller, the burden shall always rest upon him to establish by clear evidence that said sale was in the regular course of his conduct of a distinct and segregated branch or unit of his entire business which branch has corresponding facilities and performs like services and functions as independents perform who belong to that class of seller. For the purposes of this regulation only one producer branch and one country shipper branch shall be recognized in any single business performing several marketing operations, but each merchandiser branch, constituted as a distinct and segregated branch or unit, may take one of the permitted merchandiser's markups and no more.

SEC. 13. *Sales by the Commodity Credit Corporation.* (a) Notwithstanding any other provision of this regulation the Commodity Credit Corporation may sell, and any person may buy from the Commodity Credit Corporation, wheat at prices higher than those specified herein if such sale or purchase is necessary in order to comply with laws applicable to the Commodity Credit Corporation.

(b) This section shall have no application to any resale of any wheat purchased from the Commodity Credit Corporation.

SEC. 14. *Documents and reports.* (a) Every person subject to this regulation making a sale or purchase of wheat in the course of trade or business on or after the effective date of this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of such sales and purchases, including the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point and the quantity of wheat sold or purchased: *Provided;* That producers and sellers of quantities of 100 bushels or less need keep only such records as they customarily kept as of the effective date of this regulation.

(b) Persons affected by this regulation shall submit such records to the Office of Price Administration as it may from time to time require.[2]

SEC. 15. *Evasive practices.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to wheat, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement, or other trade understanding or by any other means.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Licensing.* The provisions of Licensing Order No. 1 [1] licensing all persons who make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended. These provisions do not apply to any producer selling wheat produced by him.

SEC. 18. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending; but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[1] 8 F.R. 13240.

SEC. 19. *Maximum prices for export sales.* The maximum prices for export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

SEC. 20. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

SEC. 21. *Exempt sales.* Whenever circumstances of emergency make the purchase of wheat by the United States or any of its agencies imperative and it is impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, such purchases and deliveries may be made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation.

SEC. 22. *Adjustment of maximum price containing a fraction of a cent.* If a maximum price determined under this regulation results in a fraction of a cent other than ½ of a cent or multiple thereof, the same may be increased to the next higher ⅛ of a cent.

APPENDIX A—SCHEDULE OF FORMULA PRICES

1. *Purpose and scope of this appendix.* This appendix sets forth a schedule of formula prices. These are simply the basic maximum prices from which the actual maximum price for every sale by every seller is calculated as previously set forth in the text of this regulation. These formula prices shall not be used independently as the maximum price for any sale.

2. *Formula prices at terminal cities.* (a) (1) The formula prices per bushel for the following grades and classes of wheat, dockage free, with a protein content of less than 13.0%, bulk, at the following terminal cities shall be as follows:

[1] 8 F.R. 4132, 7662, 9087, 9998.
[2] 7 F.R. 8961; 8 F.R. 3313, 3558, 6173, 11806.

TABLE I

Terminal city	No. 1 Heavy Dark Northern Spring, No. 1 Heavy Northern Spring, No. 1 Heavy Red Spring, No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Hard White	No. 1 Red Winter, No. 1 Western Red, No. 1 Soft White, No. 1 White Club, No. 1 Western White
	Price per bushel	*Price per bushel*
Duluth, Minn.	$1.63¾	$1.63⅝
Minneapolis, Minn.	1.63¾	1.63⅝
Missouri River Markets	1.61¾	1.60⅝
East St. Louis, Ill.	1.68¾	1.71⅛
St. Louis, Mo.	1.71¾	1.71⅛
Chicago, Ill.	1.71¾	1.71⅛
Milwaukee, Wis.	1.71¾	1.71⅛
Boston, Mass.	1.88⅛	1.85⅛
New York City, N. Y.	1.87⅛	1.87½
Philadelphia, Pa.	1.86¼	1.86¼
Baltimore, Md.	1.85¾	1.85⅛
Atlanta, Ga.	1.90½	1.93
Memphis, Tenn.		1.75¾
Galveston, Tex.	1.71¼	1.76⅝
New Orleans, La.	1.76¼	1.81⅜

TABLE IIa

Grade	No. 1 Heavy Dark Northern Spring, No. 1 Heavy Northern Spring, No. 1 Heavy Red Spring, No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Hard White	No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Western Red, No. 1 Hard White, No. 1 White Club, No. 1 Western White
	Cents per bushel	*Cents per bushel*
#1 (not heavy)	1	0
#2	1½	1
#3	2½	2
#4	3½	3
#5	6	5½
Sample grade (other than moisture)	8	8
½% of 1% smut dockage	1	1
1% or over smut dockage	3	3
Light (Garlicky, Garlicky, Weevily, Treated)	1	1
Garlicky	3	3
Weevily	1	1
Treated	5	5

(3) The formula prices set forth in Table II of this Appendix A shall be decreased by 1 cent per bushel for each ½ per cent or fraction thereof of moisture over 14.5 per cent of moisture in the case of all other wheats mentioned in said table: *Provided*, That in the case of mixed wheat the predominating class of the mixture shall govern in applying the moisture discount.

(4) The formula prices set forth in Table II of this Appendix A may be increased for protein content as follows:

TABLE IIb

Percentage of protein	Hard Red Spring	Hard Red Winter, White Wheat
	Cents per bushel	*Cents per bushel*
10.0% to 10.5%	2	2
10.6% to 11.0%	4	4
11.0% to 11.5%	6	6
11.6% to 12.0%	8	8
12.0% to 12.5%	10	10
12.6% to 13.0%	12	11
13.0% to 13.5%	14	12
13.6% to 14.0%	16	13
14.0% to 14.5%	18	14
14.6% to 15.0%	20	15
15.0% to 15.5%	22	16
15.6% to 16.0%	24	17
16.0% to 16.5%	2 for each ½% or fraction thereof	
16.6% to 17.0%		
17.0% to 17.5%		
17.6% to 17.9%		
Over 17.9%		

(2) The formula prices set forth in Table I of this Appendix A shall be decreased for lower grades of wheat as follows:

TABLE Ia

Grade	No. 1 Heavy Dark Northern Spring, No. 1 Heavy Northern Spring, No. 1 Heavy Red Spring	No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Western Red, No. 1 Hard White, No. 1 White Club, No. 1 Western White
	Cents per bushel	*Cents per bushel*
#1 (not heavy)	1	0
#2	1½	1
#3	2½	2
#4	3½	3
#5	6	5½
Sample grade (other than moisture)	8	8
Light smutty	1	1
Smutty	3	3
Light Garlicky	1	1
Garlicky	3	3
Weevily	1	1
Ergoty	1	1
Treated	5	5

(3) The formula prices set forth in Table I of this Appendix A shall be decreased by 1 cent per bushel for each ½ per cent or fraction thereof of moisture over 14.5 per cent of moisture in the case of all other wheats mentioned in said table: *Provided*, That in the case of mixed wheat, the predominating class of the mixture shall govern in applying the moisture discount.

(4) The formula prices set forth in Table I of this Appendix A may be increased for protein content as follows:

TABLE Ib

Percentage of protein	Amount of increase per bushel: Hard Red Spring	Hard Red Winter White Wheat
	Cents	*Cents*
13.0% to 13.5%	2	2
13.6% to 14.0%	4	4
14.0% to 14.5%	6	5
14.6% to 15.0%	8	6
15.0% to 15.5%	10	7
15.6% to 16.0%	12	8
16.0% to 16.5%	14	9
16.6% to 17.0%	16	10
17.0% to 17.5%	18	11
17.6% to 17.9%	20	12
Over 17.9%	2 for each ½% of protein over 17.9%	

TABLE II

No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Western Red, No. 1 Hard White, No. 1 White Club, No. 1 Western White

Price per bushel

10.0% to 10.5%	$1.56½
10.6% to 11.0%	1.56½
11.0% to 11.5%	1.56½
11.6% to 12.0%	1.56½
12.0% to 12.5%	1.56½
12.6% to 13.0%	1.56½
13.0% to 13.5%	1.56½
13.6% to 14.0%	1.56½
14.0% to 14.5%	1.56½
14.6% to 15.0%	1.56½
15.0% to 15.5%	1.56½
15.6% to 16.0%	1.56½
16.0% to 16.5%	1.56½
16.6% to 17.0%	1.56½
17.0% to 17.5%	1.56½
17.6% to 17.9%	1.56½
Over 17.9%	1.56½

TABLE IIa

Grade	No. 1 Heavy Dark Northern Spring, No. 1 Heavy Northern Spring, No. 1 Heavy Red Spring, No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Hard White	No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Western Red, No. 1 Hard White, No. 1 White Club, No. 1 Western White
	Cents per bushel	*Cents per bushel*
#1 (not heavy)	1	0
#2	1½	1
#3	2½	2
#4	3½	3
#5	6	5½
Sample grade (other than moisture)	8	8
½% of 1% smut dockage	1	1
1% or over smut dockage	3	3
Light (Garlicky, Garlicky, Weevily, Ergoty, Treated)	1	1
Garlicky	3	3
Weevily	1	1
Ergoty	1	1
Treated	5	5

(3) The formula prices set forth in Table II of this Appendix A shall be decreased by 1 cent per bushel for each ½ per cent or fraction thereof of moisture over 14.5 per cent of moisture in the case of all other wheats mentioned in said table: *Provided*, That in the case of mixed wheat, the predominating class of the mixture shall govern in applying the moisture discount.

(4) The formula prices set forth in Table II of this Appendix A may be increased for protein content as follows:

TABLE IIb

Percentage of protein	Hard Red Spring	Hard Red Winter, White Wheat
	Cents per bushel	*Cents per bushel*
10.0% to 10.5%	2	2
10.6% to 11.0%	4	4
11.0% to 11.5%	6	6
11.6% to 12.0%	8	8
12.0% to 12.5%	10	10
12.6% to 13.0%	12	11
13.0% to 13.5%	14	12
13.6% to 14.0%	16	13
14.0% to 14.5%	18	14
14.6% to 15.0%	20	15
15.0% to 15.5%	22	16
15.6% to 16.0%	24	17
16.0% to 16.5%	2 for each ½% or fraction thereof	
16.6% to 17.0%		
17.0% to 17.5%		
17.6% to 17.9%		
Over 17.9%		

(2) The formula prices set forth in Table I of this Appendix A shall be decreased for lower grades of wheat as follows:

TABLE Ia

| Grade | No. 1 Heavy Dark Northern Spring, No. 1 Heavy Northern Spring, No. 1 Heavy Red Spring, No. 1 Dark Hard Winter, No. 1 Hard Winter, No. 1 Yellow Hard Winter, No. 1 Hard White

(c) (1) The formula prices per bushel for the following subclasses and classes and grades of wheat, dockage free, bulk at the following terminal cities shall be as follows:

TABLE III

Terminal city	No. 1 Hard Amber Durum, No. 1 Amber Durum, No. 1 Durum, No. 1 Amber Mixed Durum, No. 1 Mixed Durum	No. 1 Red Durum
	Price per bushel	*Price per bushel*
Duluth, Minn.	$1.67⅜	$1.57⅜
Minneapolis, Minn.	1.67⅜	1.57⅜
Chicago, Ill.	1.75⅜	1.65⅜
Boston, Mass.	1.92⅜	1.82⅜
Philadelphia, Pa.	1.90¾	1.80¾
Atlanta, Ga.	1.97	1.87
Portland, Oreg.	1.66¼	1.56¼
Los Angeles, Calif.	1.80¼	1.70¼
Galveston, Tex.	1.75½	1.65½
Missouri River Markets	1.65½	1.55½

(2) The foregoing formula prices set forth in Table III of this Appendix A shall be decreased for lower grades as follows:

TABLE III-A

Grade:	*Amount of decrease Cents per bushel*
#1	0
#2	1
#3	2
#4	3
#5	4½
Sample grade (other than moisture)	6
Light smutty	1
Smutty	3
Light Garlicky	1
Garlicky	3
Weevilly	1
Ergoty	5
Treated	2

(3) The formula prices set forth in Table III of this Appendix A shall be decreased by 1 cent per bushel for each ½ per cent or fraction thereof of moisture over 14.5 per cent of moisture in the case of all wheats mentioned in said table: *Provided*, That in the case of mixed wheat the predominating class of the mixture shall govern in applying the moisture discount.

(d) The discounts for the grades mentioned in Tables Ia, IIa and IIIa are cumulative. For example, wheat grading No. 2 garlicky is subject to a discount of at least 1 cent for grading No. 2 plus a further discount of at least 3 cents for grading "garlicky" or a minimum total discount of 4 cents per bushel.

(e) The formula prices mentioned in Tables I, II and III shall be decreased 3 cents per bushel for sales in any of the terminal cities mentioned in said tables without transit billing annexed to the lot sold.

3. *Formula prices at interior rail points.* (a) The price per bushel for any wheat, bulk, at any interior rail point in Area A shall be that maximum price specified in Appendix A, Tables I, II and III which, less transportation charges at the lowest published domestic carload rail transportation rate from that interior rail point to any terminal city, will result in the highest price at said interior rail point, plus, if the wheat sold at said interior rail point is accompanied by transit billing usable beyond said interior rail point, the value of the transit billing. This value shall be calculated at the difference between the amount of the transportation charges, deducted from the appropriate terminal city's maximum price in calculating a maximum price for said interior rail point as above provided, and the rail transportation charges payable on the transit billing or movement of wheat from said interior rail point to said terminal city.

(b) The formula for any wheat per bushel, bulk, at any interior rail point in the following areas shall be as follows:

(1) In Alabama, Mississippi, Florida, Georgia, North Carolina, South Carolina, in Tennessee east of the Western boundaries of Campbell, Anderson, Roane, Rhea and Hamilton counties, Virginia, West Virginia, Delaware, New Jersey, the New England States and the Eastern Shore of Maryland south of a line drawn east and west through Chesapeake City, the formula price at Chicago, Illinois or St. Louis, Missouri, as above set forth, plus the transportation cost at the lowest domestic carload rail proportional rate from Chicago or St. Louis to the interior rail point in question, whichever is lower.

(2) In Arizona, the formula price at Kansas City, Missouri, plus 17 cents per bushel.

(3) In New Mexico, except in Quay, Debaca, Curry, Roosevelt, Chaves, Lea, Eddy, Guadelupe, Lincoln and Otero counties, the formula price at Kansas City, Missouri, less 16¾¢ per bushel, plus the lowest flat carload rail rate from Lamar, Colorado to the interior rail point in question.

(4) In Colorado west of Larimer, Boulder, Gilpin, Clear Creek, Park, Fremont, Custer, Huerfano and Las Animas counties, the formula price at Kansas City, Missouri less 12 cents per bushel.

4. *Formula prices at interior non-rail points.* The formula price for any wheat, bulk, at any interior non-rail point shall be the maximum price set forth in section 3 of this Appendix A at the rail point (either interior rail point or terminal city, as the case may be) nearest thereto by the most usually traveled route, less transportation charges from said interior non-rail point to said rail point: *Provided*, That if a commercial elevator or warehouse for the purchase and handling of grain is operated at a non-rail point, the formula price at that point shall be the same as that at the nearest rail point.

5. *Formula prices for mixed wheat.* The formula price per bushel, bulk, for mixed wheat at any terminal city or interior point shall be the appropriate maximum price for the class and grade of wheat predominating in the mixture at such terminal city or interior point adjusted for the moisture and protein content in the mixture in accordance with the tables in Appendix A less (unless the mixture consists wholly of hard red winter and hard red spring wheats or wholly of soft red winter and white wheats or is of the subclasses of Amber Mixed Durum or Mixed Durum) two cents per bushel.

6. *Formula prices for mixed grain.* The formula price per bushel, bulk, for mixed grain containing more than 50 per cent of wheat at any terminal city or interior point shall be determined by multiplying the percentage of each such grain in the mixture by the appropriate maximum price thereof at such terminal city or interior point, or, if there is no such maximum price for a particular grain, by the reasonable market value thereof at such terminal city or interior point, and adding the results, less 5 cents per bushel.

This regulation shall become effective January 4, 1944.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 3, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-177; Filed, January 4, 1944; 3:36 p.m.]

PART 1305—ADMINISTRATION

[Supplementary Order 81]

SALES BY THE UNITED STATES GOVERNMENT OR ITS AGENCIES

A statement of the reasons involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1305.108 *Sales by the United States Government or its agencies.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Supplementary Order No. 81 (Sales by the United States Government or its agencies), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.108 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SUPPLEMENTARY ORDER NO. 81—SALES BY THE UNITED STATES GOVERNMENT OR ITS AGENCIES

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SECTION 1. *What this supplementary order does.* This supplementary order establishes maximum prices at which government agencies shall sell food commodities and exempts from price control sales of food by government agencies to the persons and organizations listed in section 7. This supplementary order does not, however, establish maximum prices for the sale by government agencies of any food commodity which is not otherwise subject to price control, nor does it cover sales which are, by express reference to government agencies or any government agency, specifically governed by the provisions of other orders or price regulations unless the sale is exempted from price control by the operation of section 7.

*Copies may be obtained from the Office of Price Administration.

SEC. 2. *Where this supplementary order applies.* The provisions of this supplementary order shall be applicable only to the 48 states of the United States of America and to the District of Columbia.

SEC. 3. *What this supplementary order permits.* Lower prices than those established by this supplementary order may be charged, demanded, paid or offered, whether by way of discounts, allowances or otherwise.

SEC. 4. *What this supplementary order prohibits.* On and after January 12, 1944, regardless of any contract, agreement or other obligation, no government agency or official or employee of a government agency shall sell, deliver or purchase, or cause to be sold, delivered or purchased, for the account of any government agency, food commodities at a price higher than the maximum prices established by this supplementary order, and no person in the course of trade or business shall buy or receive such foods at a price higher than the maximum prices established by this supplementary order; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 5. *Definitions*—(a) *Government agency.* For the purposes of this supplementary order the term "government agency" shall include the United States Government or any department, agency, commission, corporation or other such instrumentality of the United States Government.

(b) *Food or food commodity.* For the purposes of this supplementary order, the term "food" or "food commodity" shall mean all commodities or products, simple, mixed or compound, or complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate consumption. Furthermore, the term shall include tobacco, all starches, sugars, vegetable and animal fats and oils, and all other commodities which may be designated by the Administrator of the Office of Price Administration upon request of the War Food Administrator.

(c) *Person.* The term "person" includes an individual, corporation, partnership, association, government agency or any other organized group of persons as hereinbefore defined or the legal successor or representative of any of the foregoing.

(d) *Definitions of the Emergency Price Control Act of 1942, and the General Maximum Price Regulation.* Unless the context requires otherwise, the definitions of section 302 of the Emergency Price Control Act of 1942, as amended, and of the General Maximum Price Regulation, as amended, shall apply to the terms used in this supplementary order.

SEC. 6. *Sales not covered by this supplementary order.* This supplementary order shall not apply to, supersede, or in any other way affect any provision of other orders or price regulations which:

(a) Excludes from price control the sale of any food commodity by any government agency; or

(b) Establishes maximum prices for the sale of food by government agencies by express reference to such government agencies and not by mere residual clauses or by the common definition of the term "person" to include government agencies. However, if the sale under such provision is exempted from price control by section 7, the provisions of section 7 shall govern the sale.

SEC. 7. *Sales exempt from price control.* Irrespective of the provisions of any other price regulation, or order, no government agency shall be required to abide by or conform to any maximum or ceiling prices in the sale of food to:

(a) Any other government agency; or

(b) Any foreign government or agency of a foreign government; or

(c) Any relief organization for donation or export sale.

SEC. 8. *Non-exempt sales*—(a) *How to determine the maximum price.* Any sale of food commodities by government agencies which is not excluded from the operation of this supplementary order by section 6, or exempted from price control by section 7, shall be subject to the following maximum or ceiling prices:

(1) *Sale to the producer, processor, or manufacturer from whom the food was purchased.* The resale of food to the producer, processor, or manufacturer from whom purchased shall be at a price not to exceed the buyer's maximum selling price for the food in the quantity and at the place and season that delivery is made or at the price paid[1] for it by the government agency originally purchasing the food, whichever is the higher.

(2) *Sale to other producers, processors or manufacturers of the same or a similar food commodity.* (i) The sale of food to other producers, processors, or manufacturers of the same food commodity shall be at a price not to exceed the buyer's maximum selling price for the food in the quantity and at the place and season that delivery is made.

(ii) The sale of food to a producer, processor, or manufacturer of a similar food commodity shall be at a price not to exceed the maximum price at which its producer, processor, or manufacturer, if he can be readily ascertained, could sell the food in the quantity and at the place and season that delivery is made. If the producer, processor, or manufacturer is not readily ascertainable, then the sale shall be at a price not to exceed the buyer's maximum selling price for the food in the quantity and at the place and season of delivery under the price regulation covering that specific food commodity.

(3) *Sales to distributors other than manufacturers, processors, or producers.* (i) The sale of food to a distributor dealing in the same food commodity, other than a manufacturer, processor, or producer, shall be at a price not to exceed the highest maximum price the distributor could pay any of his usual suppliers for the food in the quantity and at the place and season that delivery is made.

(ii) The sale of food to a distributor who deals in a similar but not in the same food commodity, other than a manufacturer, processor, or producer, shall be at a price not to exceed the highest maximum price which the most closely competitive distributor of the same class could pay any of his usual suppliers for the specific food commodity being sold in the quantity and at the place and season that delivery is made. If, however, the distributor's maximum price cannot be determined by the foregoing method, the sale shall be at a price not to exceed the maximum price at which the food could be sold in the quantity and at the time and season of delivery to the distributor by his usual supplier under the price regulation covering the specific food commodity being sold.

(4) *Sales to all others.* The sale of food to anyone who does not produce, process, manufacture, or distribute the same or a similar food commodity shall be at a price not to exceed (1) the price which the government agency originally purchasing it paid[1] for the food commodity or (2) such price as is necessary to reflect to producers or growers the higher of the minimum prices required by section 3 of the Emergency Price Control Act of 1942, as amended, whichever is the higher.

(b) *When unusual packaging costs may be added to the maximum prices.* The government agency may add the cost of special or unusual packaging of the food commodity to the maximum price as computed under the appropriate paragraph of this section only when, and to the extent that, such packaging is of value to the buyer. If the special or unusual packaging is of no value to the buyer, however, the maximum price which the government agency may receive shall be the maximum price computed under the appropriate paragraph of this section for the food commodity in its usual packaged form, and the purchaser shall not then be required to pay for extra packaging costs incurred by the government agency for the packaging of the commodity in any other than its usual form.

SEC. 9. *Liability of officials of government agencies.* Officials of government agencies making sales under the paragraphs of section 8 are exempted from any liability for the violation of any of the maximum price ceilings prescribed herein if they have obtained from the buyer a sworn certificate attesting to the buyer's maximum or ceiling price for the food commodity as computed under the provisions of the appropriate paragraph

[1] The "price paid" is to be determined in the same manner, whether by averages or otherwise, usually used to compute such prices.

of section 8 and have sold the food commodity at a price not in excess of the certified maximum price.

SEC. 10. *Enforcement.* All persons, other than government agencies, violating any provision of this supplementary order are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

This Supplementary Order No. 81 shall become effective January 12, 1944.

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: December 28, 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-342; Filed, January 6, 1944; 11:53 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 13—SERVICEMEN'S DEPENDENTS ALLOWANCE

JOINT REGULATIONS UNDER SERVICEMEN'S DEPENDENTS ALLOWANCE ACT, AS AMENDED

Section 13.1 as published in the FEDERAL REGISTER 3 August 1943 (8 F.R. 10764) is rescinded and the following new § 13.1 is substituted therefor:

§ 13.1 *Period of entitlement and payment of family allowances.* Under provisions of the Servicemen's Dependents Allowance Act of 1942, as amended, the Secretary of War and the Secretary of the Navy prescribe jointly the following regulations pertaining to family allowances.

(a) Payments of all family allowances shall be for periods of full calendar months.

(b) To insure expeditious payment of the initial family allowance:

(1) Payment shall be made on the basis of the statements of the enlisted man in the application, filed within the prescribed period, and to or on behalf of eligible dependents designated therein; and

(2) Eligibility for initial family allowance will be deemed to have existed on and from the date of entry into active service if the application indicates eligibility on the date of application.

(c) Erroneous statements or misrepresentations in applications for initial family allowances may, as determined by the Secretary of the department concerned, be the basis for recovery by charge against the pay of the applicant, or otherwise, and for disciplinary action.

(d) When an initial family allowance is paid to any dependent for the month of an enlisted man's entry into active service in a pay status, no regular monthly family allowance shall be paid to any dependent of such enlisted man for that month. When no initial family allowance is paid, the period of entitlement and payment of the regular monthly family allowance shall begin as hereinafter prescribed.

(e) Except as otherwise provided, the period of entitlement to and payment of regular monthly family allowances, including any increases therein, shall begin as of the first day of the calendar month in which a required written application (or a notice of change in a case of increase) is filed, or the first day of the calendar month in which a dependent is acquired, whichever is later, but in no case earlier than the month of entry of the enlisted man into active service in a pay status. In case of Class B or Class B–1 dependents the period of entitlement and payment may begin as of the first day of any subsequent calendar month that the enlisted man requests.

(f) Any increase in a regular monthly family allowance in effect to a wife, or wife and children, incident to the birth of a child or additional child, shall be effective as of the first day of the calendar month during which the birth occurs notwithstanding that notice or evidence thereof is received in a subsequent month.

(g) Except as otherwise provided, the period of payment of monthly family allowance shall terminate, or payment shall be decreased, as of the end of the calendar month during which any notice is received by the disbursing officer paying the allowance of a change which terminates or limits the entitlement of the dependent or dependents to such allowance. Entitlement to family allowance shall terminate or be modified at the end of the month in which such change occurs. Checks to which there is no entitlement may be permanently withheld.

(h) Insofar as practicable the period of entitlement and payment of any Class B or Class B–1 regular monthly family allowance requested in writing by the enlisted man to be discontinued, other than by reason of change in status of dependents, shall terminate as of the end of the calendar month requested by the enlisted man or the end of the calendar month during which such request is received by the disbursing officer paying the allowance, and in no case later than the end of the next succeeding calendar month.

(i) For the purpose of determining amounts of family allowance to be paid:

(1) In cases in which no family allowance has been granted to a wife or divorced wife, the amount of family allowance payable to children shall be the amount specified in the statute where there is no wife or divorced wife;

(2) In cases in which no family allowance has been granted to a parent, the amount of family allowance payable to brothers and sisters shall be the amount specified in the statute where there is no parent;

(3) All children of an enlisted man shall be considered one family entity irrespective of differences in their custody, residence, or parentage, shall be considered one family entity;

(5) The total amount of monthly family allowance payable to or for the benefit, respectively, of two or more children, of two parents, or of two or more brothers and sisters, shall be equally divided among the respective children, parents, or brothers and sisters or shall be otherwise apportioned and paid within the respective groups as the Secretary of the department concerned may direct.

(j) Whenever a court order or decree or written agreement of separation provides a single sum for alimony to a divorced wife or maintenance for a wife and also for the support of a child or children, the proportional share of the wife or divorced wife in such sum shall, for the purpose of carrying out the provisions of section 106 (c) of the act, be deemed to be sixty per centum thereof in the case of one child and forty per centum thereof in any case of two or more children. Regardless of any limit stated in a court order or decree or written agreement the full statutory amount of family allowance shall be payable to or on behalf of any child or children.

(k) Application of section 106 (c) (1) shall be made in those cases in which there is a lawful wife living separate and apart from the enlisted man and there is also a court order or decree or a written agreement which expressly or impliedly provides for the beginning or continuance of such living separate and apart. In construing a court order or decree or written agreement full consideration shall be given to all the facts and circumstances under which the order, decree or agreement is issued or made. A penal order for marital support or an order in a desertion case is not within this statutory limitation; in such cases the full allowance for a wife is payable.

(l) The payment of any amounts of a family allowance uncollected at the time of death of a dependent shall be made to such payee or payees, including the enlisted man when appropriate, as the Secretary of the department concerned shall deem equitable, subject to the provisions of section 115 of the act.

(m) The Secretary of the department concerned may at any time require additional evidence in any family allowance case. Failure to furnish such evidence within a reasonable time after request or any insufficiency of evidence shall constitute good cause for the discontinuance or modification of such family allowance.

These joint regulations are effective 1 November 1943; they rescind and supersede the joint regulations approved 19 July 1943.

(56 Stat. 381, 57 Stat. 577; 37 U.S.C. Sup. 201, et seq.)

Approved: December 4, 1943.

HENRY L. STIMSON,
Secretary of War.

Approved: December 21, 1943.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 44-259; Filed, January 5, 1944; 12:14 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

NORTH PLATTE PROJECT, NEBRASKA-WYOMING

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

The Bureau of Reclamation Wage Board adopted on September 13, 1943, a schedule of wage rates for the powerhouse, power line and substation operation and maintenance employees of the Bureau of Reclamation on the North Platte Project. This schedule was approved by the Acting Secretary on September 21. New information recently submitted by the project requires the addition of certain wage rates to the schedule heretofore approved.

The Bureau of Reclamation Wage Board finds that the hourly rates listed below are prevailing for similar work in the vicinity of the North Platte Project and recommends them for your adoption.

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Machinist, maintenance	$1.15	$1.15
Machinist's helper, maintenance	.75	.75
Line patrolman's helper	.79	.79
Truck driver, maintenance	.75	.75
Laborer, power or irrigation system	.62	.62
Laborer, senior	.79	[1].79

[1] Restricted to present incumbent; no other employment to be made in this classification.

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat., 522.)

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all employees of the Bureau of Reclamation on the North Platte Project, except those allocated to grade, and except those classified or reclassified in accordance with the schedule approved September 21, 1943, mentioned above, be classified or reclassified in accordance with the schedule herein recommended, effective as of the beginning of business on January 1, 1944. The Board further recommends that all positions at this project not allocated to grade and for which job titles are not listed in the schedule herein recommended, or in said schedule approved September 21, 1943, be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 6th day of December 1943.

GUY W. NUMBERS,
Chairman.
JOSEPH C. MCCASKILL,
Member.
CHARLES A. BISSELL,
Member.

I concur in the above recommendations.

C. WARREN STAPLETON,
Special Adviser on Labor Relations.

Approved: December 15, 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 44-260; Filed, January 5, 1944; 2:43 p.m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD–14]

HARRIS TRANSFER AND WAREHOUSE CO.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Harris Transfer and Warehouse Company, Birmingham, Alabama. (Case No. S–588),

I find that motor vehicle transportation of goods and commodities pursuant to contracts with railroad companies and with war contractors in and around Birmingham, Alabama, and storage of food and chemicals pursuant to contracts with producers thereof, by the Harris Transfer and Warehouse Company, Birmingham, Alabama, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 5th day of January 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-332; Filed, January 6, 1944; 11:39 a. m.]

[WLD–15]

WITTICHEN TRANSFER AND WAREHOUSE CO.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Wittichen Transfer and Warehouse Company, Birmingham, Alabama (Case No. S–589),

I find that motor vehicle transportation of goods and commodities pursuant to contracts with railroad companies and with war contractors in and around Birmingham, Alabama, and storage of food, oil and seed pursuant to contracts with producers thereof, by the Wittichen Transfer and Warehouse Company, Birmingham, Alabama, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 5th day of January 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-333; Filed, January 6, 1944; 11:39 a. m.]

[WLD–16]

ALABAMA CARTAGE CO.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Alabama Cartage Company, Birmingham, Alabama (Case No. S–590),

I find that motor vehicle transportation of goods and commodities by the Alabama Cartage Company, Birmingham, Alabama, pursuant to contracts with war contractors in and around Birmingham, Alabama, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 5th day of January 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-334; Filed, January 6, 1944; 11:39 a. m.]

[WLD–17]

ATKINSON KIER CO.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Atkinson, Kier Company, San Francisco, California (Case No. S–632),

I find that the construction of concrete work on Keswick Dam and power house, Shasta County, California, by Atkinson, Kier Company, San Francisco, California, pursuant to its contract dated August 9, 1941, with the Bureau of Reclamation of the United States Department of the Interior, is contracted for in the prosecution of the war within the

meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 5th day of January 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-335; Filed, January 6, 1944; 11:39 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6566]

VANCOUVER RADIO CORP. (KVAN)

NOTICE OF HEARING

In re application of Vancouver Radio Corporation (KVAN); date filed, October 6, 1943, for construction permit; class of service, broadcast; class of station, broadcast; location, Vancouver, Washington; operating assignment specified: Frequency, 930 kc.; power, 250 w. night, 500 w. day; hours of operation, unlimited. File No. B5-P-3552.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942 or as modified September 22, 1942.

2. To determine the extent of any interference which would result from the simultaneous operation of Station KVAN, as proposed, and Station CJCA, Edmonton, Alberta, Canada.

3. To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement (Part II, section D, paragraph 2 NARBA).

4. To determine the areas and populations which would receive primary service from the operation of Station KVAN, as proposed, and what other broadcast service is available to these areas and populations.

5. To determine whether Station KVAN, operating as proposed, would provide primary service to the metropolitan district of Portland, Oregon, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the assignment requested by this application is in accordance with § 3.22 of the Commission's rules and section 1 of the Standards of Good Engineering Practice.

7. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Vancouver Radio Corporation, Radio Station KVAN, P. O. Box 610, Vancouver, Washington.

Dated at Washington, D. C., January 5, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-289; Filed, January 6, 1944; 10:55 a. m.]

[Docket No. 6567]

WSPR, INC. (WSPR)

NOTICE OF HEARING

In re application of WSPR, Inc. (WSPR); date filed, October 29, 1943, for construction permit; class of service, broadcast; class of station, broadcast; location, Springfield, Mass.; operating assignment specified: Frequency, 1270 kc; power, 1 kw; hours of operation, unlimited (D. A. night and day). File No. B1-P-3554.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WSPR, as proposed, and Stations WXYZ, Detroit, Michigan and CJCB, Sidney, Nova Scotia, Canada.

3. To determine the areas and populations, if any, which would be deprived of primary service particularly from Station WXYZ, as a result of the operation of Station WSPR, as proposed, and what other broadcast services are available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement. (Appendix II, Table 1, NARBA)

5. To determine the areas and populations which may be expected to gain primary service as a result of the operation of Station WSPR, as proposed, and what other broadcast services are available to these areas and populations.

6. Determine whether in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: WSPR, Incorporated, Radio Station WSPR, 63 Chestnut Street, Springfield 5, Massachusetts.

Dated at Washington, D. C., January 5, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-290; Filed, January 6, 1944; 10:55 a. m.]

[Docket Nos. 6569, 6539]

RATES AND CHARGES, U. S.-FOREIGN PORTS

ORDER FOR INVESTIGATION

In the order of the Commission adopted December 28, 1943, instituting an investigation into the matter of Telegraph Communication Service between the United States and Foreign Points, the Docket No. should read 6569 instead of 6568.

Publication of the order was made in the Tuesday, January 4, 1944 issue of the FEDERAL REGISTER on page 123.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-291; Filed, January 6, 1944; 10:55 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 172-A]

CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY CO.

TERMINATION OF REROUTING ORDER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of January, A. D. 1944.

Upon further consideration of Service Order No. 172 (9 F.R. 185) of January 3, 1944, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 172 (9 F.R. 185) of January 3, 1944, directing The Cincinnati, New Orleans and Texas Pacific Railway Company to reroute traffic over its line because of a derailment and partial bridge destruction, be and it is hereby vacated and set aside. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4))

It is further ordered, That this order shall become effective at 9:00 a. m. January 5, 1944; that copies of this order and direction shall be served upon The Cincinnati, New Orleans and Texas Pacific Railway Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-286; Filed, January 6, 1944; 10:24 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Rev. ODT 3, Supp. Order 143]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ARKANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

[1] Filed as part of the original document.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-143," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 10, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Arkansas Motor Freight Lines, Inc. (a corporation), 201 Rogers Street, Fort Smith, Arkansas.

2. Arkansas Warehouse Co. (a corporation), 123 Rogers St., Ft. Smith, Arkansas.

3. Campbell "66" Express, Inc. (a corporation), 501 Phelps Street, Springfield, Missouri.

4. Carl Caulk (an individual), doing business as Caulk Truck Line, Ozark, Arkansas.

5. Frisco Transportation Co. (a corporation), 906 Olive St., St. Louis, Missouri.

6. Gordon Interstate, Inc. (a corporation), 109 West McLemore, Memphis, Tennessee.

7. Keystone Freight Lines (a corporation), 1522 East 5th Place, Tulsa, Oklahoma.

8. Powell Brothers Truck Lines, Inc. (a corporation), Springfield, Missouri.

[F. R. Doc. 44-292; Filed, January 6, 1944; 11:01 a. m.]

[Rev. ODT 3, Supp. Order 144]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NEW YORK CITY AND ALBANY, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Dorn's Transportation, Inc., Rensselaer, New York, William Selley, doing business as Selley Express, Rensselaer, New York, and State Parcel Corporation, Albany, New York, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necesssary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible; but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–144," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 10, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–293; Filed, January 6, 1944; 11:01 a. m.]

[Rev. ODT 3, Supp. Order 145]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN OREGON AND WASHINGTON

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Gustav Robertson, doing business as Robertson Freight Lines, Portland, Oregon, Pacific Highway Transport, Inc. (Washington Corporation), Seattle, Washington, South Bay Motor Freight Co. Inc., Aberdeen, Washington, and Puget Sound Freight Lines (Corporation), Seattle, Washington, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—145," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 10, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–294; Filed, January 6, 1944; 11:01 a. m.]

[Rev. ODT 3, Supp. Order 146]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ST. LOUIS, MO., AND LOUISVILLE, KY.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Transamerican Freight Lines, Inc., Detroit, Michigan, Keeshin Motor Express Co., Inc., Chicago, Illinois, Riss & Company, Inc., Kansas City, Missouri, Interstate Motor Freight System (Michigan corporation), Grand Rapids, Michigan, Western Trucking Company, Inc., St. Louis, Missouri, Husmann & Roper Freight Lines, Inc., St. Louis, Missouri, and Yellow Cab Transit Co., doing business as Yellow Transit Company, Oklahoma City, Oklahoma, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582, a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—146," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 10, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–295; Filed, January 6, 1944; 11:02 a. m.]

[ODT 20A, Supp. Order 52]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN XENIA, OHIO, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Xenia, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Dayton, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–52" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Dayton, Ohio.

8. This order shall become effective January 20, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of January 1944.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX 1

Kelley Taxi Service, 27 S. Detroit St., Xenia, Ohio.
Crawford Cab Co., 28½ N. Detroit St., Xenia, Ohio.
Homer Johnson Taxi, 837 E. Main St., Xenia, Ohio.
Xenia Cab Co., 21 E. Main, Xenia, Ohio.
Bill's Cab, 11 W. Second St., Xenia, Ohio.

[F. R. Doc. 44–296; Filed, January 6, 1944; 11:02 a. m.]

[ODT 20A, Supp. Order 53]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE LOUISVILLE, KENTUCKY, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Louisville, Kentucky, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan

[1] Filed as part of the original document.

[1] Filed as part of the original document.

into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed as having required or as requiring the inclusion of section 4 (f) in Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Louisville, Kentucky, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–53" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Louisville, Kentucky.

8. This order shall become effective January 20, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Avenue Cab Company, Inc., Louisville, Kentucky.
Liberty Taxi Service, Inc., Louisville, Kentucky.
Lincoln Taxi Company, Louisville, Kentucky.
Maud Greer Brown, d/b/a Central Cab Company, Louisville, Kentucky.
Richerd Lewis, d/b/a Central Cab Company, Louisville, Kentucky.
Hanah Florence McGhee, d/b/a Central Cab Company, Louisville, Kentucky.
James Merriweather, d/b/a Central Cab Company, Louisville, Kentucky.
Winfred Talbert, d/b/a City Cab Company, Louisville, Kentucky.
Robert Shelman, d/b/a City Cab Company, Louisville, Kentucky.
John Lewis, d/b/a City Cab Company, Louisville, Kentucky.
Robert L. Hurd, d/b/a City Cab Company, Louisville, Kentucky.
John H. Henderson, Jr., d/b/a City Cab Company, Louisville, Kentucky.
Frank Crowell, d/b/a City Cab Company, Louisville, Kentucky.

[F. R. Doc. 44–297; Filed, January 6, 1944; 11:02 a. m.]

[ODT 20A, Supp. Order 54]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN MADISON, WIS., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Madison, Wisconsin, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment; materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Madison, Wisconsin, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–54" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Madison, Wisconsin.

8. This order shall become effective January 20, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

City Car Co., 531 State Street, Madison, Wisconsin.
Yellow Cab & Transfer Company, 643 E. Wilson Street, Madison, Wisconsin.
Checker Cab & Transfer Co., 148 So. Blair Street, Madison, Wisconsin.

[F. R. Doc. 44–298; Filed, January 6, 1944; 11:03 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region I Order G–34 Under RMPR 122]

SPECIFIED SOLID FUELS IN BATH, MAINE, AREA

Order No. G–34 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Bath, Maine Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–34 is explained in paragraph (g) and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–34. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–34 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Maine, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I; sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Bath, Maine Area.

Kind and size	Per net ton	¼ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut	$17.25	$8.90	$4.55	$1.00
Pea	15.70	8.10	4.20	.90
Buckwheat	13.55	7.05	3.65	.80
Rice	12.45	6.50	3.35	.75
Yard screenings	5.50			
Coke:				
Egg, stove, and chestnut	17.00	8.75	4.50	1.00
Ambricoal	16.00	7.75	4.00	.90

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in the following places in the Bath, Maine Area: Bath, West Bath, Woolwich and Phippsburg, except for points beyond Winnegance.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to consumers whose bins or storage facilities are located in the following places in the Bath, Maine Area:

	Per net ton	¼ ton	¼ ton
Arrowsic, Georgetown, and points beyond Winnegance in Phippsburg	$0.50	$0.25	$0.15

(3) *Maximum authorized service charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point	$0.50	$0.25	$0.15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be charged by the dealer for bags furnished by him shall be 15 cents per bag.

(c) *Price Schedule II; yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bath, Maine, area to consumers.

Kind and size	Per net ton	¼ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut	$16.75	$8.65	$4.45	$0.95
Pea	15.20	7.85	4.05	.85
Buckwheat	13.05	6.80	3.50	.75
Rice	11.95	6.25	3.25	.70
Yard screenings	5.00			
Coke:				
Egg, stove, and chestnut	16.50	8.50	4.40	.95
Ambricoal	14.50	7.50	3.90	.85

(2) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be charged by the seller for burlap bags furnished by him shall be 15 cents per bag.

(d) *Price Schedule III; yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bath, Maine, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut	$15.25	$7.90	$4.05
Pea	13.70	7.10	3.70
Buckwheat	11.55	6.05	3.15
Rice	10.45	5.50	2.85
Yard screenings	3.50		
Coke:			
Egg, stove, and chestnut	15.00	7.75	4.00
Ambricoal	13.00	6.75	3.50

(2) *Maximum authorized bagging charges.* (a) If the buyer requests such service of him, the seller, may make the following charges for bagging, exclusive of any charges for bags furnished by the seller.

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be charged by the seller for burlap bags furnished by him shall be 15 cents per bag.

(e) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel the maximum prices set forth in paragraphs (b), (c) and (d), shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by the following amounts:

	Per net ton	Per ½ ton	Per ¼ ton
Coke and Pennsylvania anthracite (except Pennsylvania anthracite yard screenings)	$1.00	$0.50	$0.25
Ambricoal	.50	.25	.10

which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(f) *Transportation tax.* Any dealer subect to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(g) *Geographical applicability.* The maximum prices established by this Order G–34 for "yard sales" shall apply to all such sales of the specified solid

fuels at a yard located in the Bath, Maine, Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Bath, Maine, Area, regardless of whether the dealer is located within said area.

(h) *Definitions.* When used in this Order G–34, the term:

(1) "Bath, Maine, Area" shall include the following cities and towns in the State of Maine: Arrowsic, Bath, Georgetown, Phippsburg, West Bath and Woolwich.

(2) "Specified solid fuels" shall include all Pennsylvania Anthracite, Ambricoal and Coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices: Sales slips and receipts.* (1) Every dealer subject to this Order G–34 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–34 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–34 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provisions of this Order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G–34 shall become effective December 31, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong. E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 44–264; Filed, January 5, 1944; 12:38 p. m.]

[Region II Order G–10 Under MPR 329]

FLUID MILK IN CHAUTAUQUA COUNTY, N. Y.

Order No. G–10 under Maximum Price Regulation No. 329, as amended. Purchasers of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, as amended, *It is hereby ordered:*

(a) The maximum price at which a purchaser in the course of trade or business may purchase or receive from a producer Grade A Class I fluid milk which is thereafter resold as such in the cities of Dunkirk or Jamestown, or in the villages of Fredonia, Celoron, Falconer and Lakewood, all in the County of Chautauqua in the State of New York, or in other places in the County of Chautauqua where such purchaser's maximum wholesale price for Grade A Class I fluid milk is 12¢ per quart or maximum retail price is 14¢ per quart, shall be the higher of either of the following:

(1) The maximum price established under Maximum Price Regulation No. 329, as amended, or

(2) $3.30 per cwt., f. o. b. purchaser's receiving or processing plant for such milk having a butterfat content of 3.5% plus or minus 4¢ for each 1/10 of 1% butterfat content in excess of or below 3.5%, as the case may be.

(b) *Definitions.* When used in this order, the term:

(1) "Grade A Class I fluid milk" shall have the meanings prescribed by the Sanitary Code, Chapter 3, (Revised to February 26, 1941) established by the Public Health Council of the State of New York, and issued by the New York State Department of Health.

(2) "F. o. b. the purchaser's receiving or processing plant" means delivery at or to a receiving or processing plant which is either owned by the purchaser or in which with respect to the particular purchase the Grade A Class I fluid milk purchased from the producer is actually received by such purchaser.

(3) Unless the context manifestly otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, issued by the Office of Price Administration, shall apply to other terms herein.

(c) *Geographical applicability.* This order applies to all purchases of Grade A Class I fluid milk pursuant to which a purchaser receives physical delivery within the geographic limits of Region II, and which is thereafter sold as Class I fluid milk by such purchaser in the County of Chautauqua as indicated in paragraph (a) hereof.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective the 21st day of December 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

DANIEL P. WOOLLEY,
Regional Administrator.

Approved:

F. D. CRONIN,
Regional Director.

[F. R. Doc. 44–243; Filed, January 5, 1944; 12:34 p. m.]

[Region III Order G–14 Under MPR 329]

FLUID MILK IN CERTAIN DESIGNATED COUNTIES IN KENTUCKY

Order No. G–14 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any milk distributor in the County of Calloway in the State of Kentucky may pay producers an amount not in excess of 71¢ per lb. butterfat on $2.84 per cwt. for 4% milk on a straight basis.

(b) Any milk distributor in the County of Graves in the State of Kentucky may pay producers an amount not in excess of $3.15 per cwt. for 4% milk, plus or minus .05¢ for each 1/10 of 1% butterfat variation over or under 4%.

(c) Any milk distributor in the County of McCracken in the State of Kentucky may pay producers an amount not in excess of $3.15 per cwt. for 4% milk, plus or minus .05¢ for each 1/10 of 1% butterfat variation over or under 4%.

(d) Any milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(e) The provisions of this order supersede and replace the provisions of Order No. G–3 under Maximum Price Regulation No. 329, Purchases of Milk from Producers for Resale as Fluid Milk and Order No. G–6 under Maximum Price Regulation No. 329, Purchases of Milk from Producers for Resale as Fluid Milk. Said Order No. G–3 is therefore revoked as to distributors located in the Counties of Calloway and Graves in the State of Kentucky and Order No. G–6 is therefore revoked as to distributors located in the County of McCracken in the State of Kentucky.

(f) *Definitions.* (1) "Milk distributor" is defined to mean an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purposes of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(g) This order may be modified, amended or revoked at any time.

This order shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 4, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–239; Filed, January 5, 1944; 12:32 p. m.]

[Region IV Order G–14 Under RMPR 122]

SOLID FUELS IN DURHAM, N. C.

Order No. G–14 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Durham in the State of North Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point within the corporate limits of the City of Durham, North Carolina, and the area lying within ten miles thereof by the most direct highway route.

(2) This order contains a price schedule applicable to sales of high volatile bituminous coal from District 8 and low volatile bituminous coal from District 7.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–14 but less than maximum prices may at any time be charged, paid or offered.

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this order.

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; consumer sales.* (1) This price schedule sets forth maximum prices for sales of specified solid fuels when delivery is made to any point within the corporate limits of the City of Durham, North Carolina, and the area lying within ten miles thereof by the most direct highway route.

(i) *"Direct delivery or domestic" basis.*

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Stove	$10.75	$5.38	$3.07
Nut	9.65	4.83	3.07
Stoker	9.25	4.63	3.07

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg (A to D classification)	$10.65	$5.43	$3.05
Virginia egg	10.20	5.10	3.05
West Virginia egg	9.95	4.98	3.05
Stove	9.65	4.83	3.05
Stoker	9.35	4.68	3.05
Nut and slack	7.70	3.85	

(ii) *Special sales and services*—(a) *Carry or wheel service.* If buyer requests such service, the dealer may charge not more than $1.00 per ton for such service.

(b) *Sack coal.* For splint coal in sacks the dealer may charge not more than 56¢ for 100 pounds and 31¢ for 50 pounds at the yard, plus 15¢ per sack if the dealer furnishes the sack. No deliveries of sack coal will be required if in quantities of less than 200 pounds. If the dealer delivers sack coal, he may charge not more than 68¢ per 100 pounds delivered, plus 15¢ per sack if the dealer leaves the dealer's sack with the purchaser.

(c) *Yard sales.* When the purchaser picks up coal at the dealer's yard, the dealer must reduce his domestic price at the rate of $1.00 per ton.

(d) *Quantity.* When the purchaser purchases in carloads, the dealer must reduce his domestic price $1.00 per ton on all grades except stoker coal, on which the reduction must be 50¢ per ton.

(e) *Delivery zone.* For deliveries beyond the corporate limits of the City of Durham, North Carolina, and within a hauling distance of ten miles thereof, the dealer may add not more than 10¢ per ton per mile, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route. Dealer may make a minimum charge of 50¢ per ton for any delivery beyond the city limits of Durham, North Carolina.

(f) *Sales tax.* The State sales tax of 3% may be added to the prices established by this order.

(g) *Credit.* No additional charges over the prices provided in this order may be made for the extension of credit.

(d) *Ex parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (j) (2). (This tax need not be stated separately in sales to the United States or any agency thereof—see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(g) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(h) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, comodities for which maximum prices are established. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(i) *Records and reports.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (j) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Raleigh District Office of the Office of Price Administration.

(l) *Definitions and explanations.* When used in this Order No. G-14, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, dispose, barter, exchange, supply, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accesible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry or wheel service" refers to the movement of fuel to the buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" and "low volatile bituminous coal" refer to coal produced in certain sections of the producing district specified herein.

(9) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943. Where the applicable minimum price schedule does not make specific mention of any size designated in this Order, such size designation shall refer to the sizes of bituminous coal sold as such during December, 1941, in the area covered by this Order.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(m) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-14 shall become effective January 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 30, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44-244; Filed, January 5, 1944; 12:34 p. m.]

[Region V Order G-1 Under RMPR 122]

SOLID FUELS IN ST. LOUIS, MO., AND PARTS OF ST. LOUIS COUNTY, MO.

Order No. G-1 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the City of St. Louis, Missouri, and parts of St. Louis County, Missouri.

Pursuant to the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered at or to any point in the greater St. Louis, Missouri, metropolitan area. These are the highest prices that any dealer may charge when he sells or delivers any of such fuel at or to a point in the City of St. Louis, Missouri, and that part of the County of St. Louis, Missouri, lying between the corporate limits of the City of St. Louis and the following described boundary line: Commencing at the Chain of Rocks Bridge, thence west along Missouri State Highway No. 77 to Lindbergh Boulevard, thence south along Lindbergh Boulevard to the northern boundary of the City of Kirkwood, Missouri, thence along the northern, western, and southern boundaries of the City of Kirkwood, Missouri, to Lindbergh Boulevard, thence west to Geyer Road, thence south along Geyer Road to Big Bend Road, thence east along Big Bend Road to Lindbergh Boulevard, thence south and east along Lindbergh Boulevard to the western boundary of Jefferson Barracks, thence north and east along the boundary of Jefferson Barracks to the Mississippi River. The boundary line so described shall be construed as following the center of the public highways named.

(1) *Solid fuels not covered by this order.* There are a few kinds and sizes of solid fuels covered by Revised Maximum Price Regulation No. 122 sold and delivered in the area covered by this order which are not included in and for which prices are not established in this order. The maximum prices of such solid fuels when sold by any person covered by this order shall continue to be the maximum prices for such fuels established by Revised Maximum Price Regulation No. 122, as amended. Such sales shall in all respects be governed by the provisions of Revised Maximum Price Regulation No. 122, as amended.

(b) *What this order prohibits.* Regardless of any obligation no person shall:

(1) Sell, or in the course of trade or business buy, solid fuels at prices higher than the maximum prices set by this Order No. G-1; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by

(i) Charging for a service unless such service is expressly requested by the buyer and unless specifically authorized to do so by this order;

(ii) Charging a price higher than the schedule price for a service;

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him; or

(iv) Using any other device by which a higher than maximum price is obtained directly or indirectly.

(c) *Price schedule.* (1) Below and a part of this paragraph is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds, and quantities of solid fuels.

MAXIMUM PRICE SCHEDULE[1]

Description of fuel	Maximum price per ton
I. High Volatile Bituminous Coal from District 10 (Illinois):	
(A) Belleville Sub-District:	
1. Lump, larger than 2"; Egg, top size—no limit, bottom size 3" to larger than 2"	$6.80
2. Lump, larger than 1½"; Egg, top size—no limit, bottom size 2" to larger than 1½"	6.00
3. Stoker 1½" x 28 Mesh	5.75
4. Stoker or screenings other than 1½" x 28 Mesh (Raw)	5.50
(B) Central Sub-District:	
1. Lump, larger than 2"; Egg top size—no limit, bottom size 3" to larger than 2"	6.80
2. Egg, Nut & Pea, top size not exceeding 3", bottom size 3" and larger	6.30
3. Stoker, ¾" x 10 Mesh	6.10
4. Stoker, ⅜" x 28 Mesh	5.85
(C) DuQuoin Sub-District (Price Group 11):	
1. Lump, larger than 4"	7.05
2. Egg, top size—no limit, bottom size 4" to larger than 2"	6.85
3. Stoker, ¾" x 10 Mesh	6.65
4. Stoker, single screened coals; top size 1½" and smaller (Raw)	5.80
(D) Southern Sub-District (Price Groups 1, 2, and 8):	
1. Lump, larger than 4"	7.40
2. Egg, top size—no limit, bottom size 3" to larger than 2"	7.35
3. Small Egg, top size 4", bottom size 2" to larger than 1½"	7.10
4. Stove and Nut, top size 2", bottom size larger than 10 Mesh or ⅜"	6.85
5. Pea, ¾" x ⅜"	6.75
6. Stoker, ⅜" x 28 Mesh	6.85
7. Stoker, raw single screened coal; top size 1½" to larger than ¾"	6.95
8. Stoker, top size 1½", bottom size 10 Mesh or 28 Mesh	6.45
9. Stoker, top size ¾", bottom size larger than 10 Mesh or ⅜"	7.00
II. High Volatile Bituminous Coal from District 11 (Indiana):	
1. Block or lump, larger than 4"	7.60
III. Low Volatile Bituminous Coal from Districts 1, 7, and 8 (Pennsylvania, Virginia, and West Virginia):	
1. Lump; Egg, double screened coal with a top size larger than 3"; Stove, top size 3" to larger than 1¼" bottom size smaller than 3"	10.10
2. Nut, top size 1¼" to larger than ¾", bottom size smaller than 1¼"	9.50
3. Domestic run of mine	9.90
IV. Pennsylvania anthracite:	
1. Egg, stove, and nut	15.50
2. Pea	13.95
3. Buckwheat	12.65
V. Coke:	
1. Furnace, By-Product, top size 4", bottom size 1½"	11.35
2. Chestnut, By-Product, top size 1½", bottom size ¾" (Based on Furnace)	11.35
3. Low Temperature, produced in St. Clair and Franklin Counties, top size no limit, bottom size ¾"	9.00
VI. Briquettes:	
1. Made in Arkansas from District 14, Low-Vol. Coal	12.10
2. Made in West Virginia from District 7 or 8, Low-Vol. Coal	11.40
3. Made in Illinois from Southern Illinois High-Vol. Coal	8.00

[1] Except where so indicated by the word "Raw" all stoker coals included in the foregoing schedule are washed or air cleaned.

(2) The prices set forth in the foregoing schedule are per ton prices on sales of the specified fuels in quantities of two tons or more.

(3) On sales of one ton or more but less than two tons the dealer may add an additional charge not to exceed 50¢ to the schedule price.

(4) On sales of less than one ton, except sales covered by paragraph (e) below, the dealer may add an additional charge not to exceed $1.00 to the schedule price.

(5) When sales are made for cash, a cash discount of 25¢ per ton shall be applied to the per ton price in the foregoing schedule or as computed above on sales involving quantities of less than two tons. This cash discount, however, shall apply only on sales made by dealers who allowed a cash discount on the major portion of their sales of solid fuels in December 1941. Cash and credit, as used in this paragraph, shall mean the terms of sale of the dealer in effect on the effective date of Revised Maximum Price Regulation No. 122.

(6) On sales of solid fuel by one dealer to another dealer the price shall not be less than $1.75 per ton under the maximum price of the fuel as set forth in the foregoing schedule.

(7) On sales to commercial and industrial users a discount of 75¢ per ton shall be applied to the prices set forth in the foregoing schedule. A commercial or industrial user, for the purposes of this order, shall mean any person who purchases for use fifty or more tons of coal per annum.

(8) All dealers making sales under this order must maintain all discounts not specifically set forth in this order which were in effect during the major portion of December 1941.

(d) *Service charges.* (1) Below and as a part of this paragraph (d) is a schedule that sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Such service shall be separately stated in the dealer's invoice, sales slip or receipt.

(i) A service charge not to exceed 75¢ per ton may be charged for the service described as job, carry or wheel-in service, in the case of all solid fuels except coke.

(ii) On sales of coke a service charge of not to exceed $1.00 per ton may be added.

(e) On sales of Low Volatile Bituminous Coal, minimum ¾ inches, in quantities less than ½ ton, delivered, the maximum price shall be 50¢ per bushel of a minimum weight of eighty pounds.

(f) *Ex parte 148 freight rate increase; transportation tax; Missouri State sales tax*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealers' freight rates are the same as those of December, 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set out by this order provided the dealer states it separately from the price of the fuel and lists it separately on any invoice, sales slip or receipt given to the buyer. (This tax need not be stated separately on sales to the United States or any agency thereof. See Amendment No. 12 to Revised Maximum Price Regulation No. 122). No part of this tax may be collected in addition to maximum prices on sales of ¼ ton or lesser quantities.

(3) *The Missouri sales tax.* The seller may add to the prices listed in the schedule in paragraph (c) the sales tax required to be collected by the laws of the State of Missouri. This tax shall be separately stated in the dealer's invoice, sales slip or receipt.

(g) *Addition of increase in supplier's prices prohibited.* (1) The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Power to amend or revoke.* (1) The Price Administrator or the Regional Administrator of Region V may amend, revoke, or rescind this order, or any provision thereof, at any time.

(i) *Petitions for amendment.* (1) Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(j) *License.* (1) Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(k) *Records and reports.* (1) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date, the name and address of the buyer, if known, the price charged and the kind and size of fuel sold. The fuel shall be identified in the manner in which the fuel is described in this order: The record shall also state separately each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) In the case of all sales covered by this order every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. In any case if a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, sizes and quantity of the solid fuel sold to him on the price charged, the dealer shall comply with buyer's request and furnish such sales receipt.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the St. Louis, Missouri, District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, includes the United States, or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but if this is impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Job," "carry," and "wheel" mean the movement or transportation of fuel to the buyer's bin or storage space from the vehicle in which delivery is made or from the point at which the fuel was dumped or unloaded in the course of direct delivery.

(6) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(7) "High volatile bituminous coal" means coal produced in the high volatile sections of the producing districts specified herein.

(8) "Low volatile bituminous coal" means coal containing no higher than 23% volatile matter.

(9) "Price groups" and "size groups," as used in this order, refer to the price groups and size groups established by the former Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, as amended, and as in effect at midnight, August 23, 1943.

(10) "Solid fuel" (or "solid fuels") means all solid fuel except wood and wood products, including all kinds of anthracite and semianthracite; bituminous and semi-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and sea coal used for foundry facings.

(11) "Egg, stove, nut," etc., sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, and in effect (or established) as of midnight August 23, 1943.

Where the minimum price schedules do not make specific mention of any size designated in this order, such size designations shall refer to the sizes of bituminous coal sold as such in the St. Louis metropolitan area during December 1941.

(12) Except as otherwise specifically provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein.

(o) *Effect of this order on Revised Maximum Price Regulation No. 122.* (1) To the extent applicable, the provisions of this Order supersede Revised Maximum Price Regulation No. 122.

(2) This Order No. G–1 shall become effective the 27th day of December, 1943.

NOTE: This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this the 20th day of December 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44–255; Filed, January 5, 1944; 12:39 p. m.]

[Region V Order G–7 Under 18 (c), Amdt. 1]

FIREWOOD IN CERTAIN COUNTIES OF DALLAS AND FORT WORTH, TEX., DISTRICTS

Amendment No. 1 to Order No. G–7 under section 18 (c), of the General Maximum Price Regulation. Maximum prices for firewood in certain counties of the Dallas, Texas, and Fort Worth, Texas, districts of the Office of Price Administration.

Pursuant to the Emergency Price Control Act of 1942, and the authority vested in the Regional Administrator under section 18, paragraph (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, *It is ordered*, That Order No. G–7 issued by the Regional Administrator at Dallas, Texas, on the first day of December, 1943, establishing maximum prices for firewood in certain counties of the Dallas, Texas, and Fort Worth, Texas Districts of the Office of Price Administration, be hereby amended as follows:

Paragraph (r) (2) (ii), reading as follows: "Any loss in volume resulting from cutting four foot wood into shorter lengths shall be borne by the purchaser and not by the seller cutting the wood", shall be deleted from such order.

The following language shall be substituted therefor and become paragraph (r) (2) (ii):

(ii) Any loss in volume resulting from cutting a cord of four foot wood into shorter lengths shall be borne by the purchaser and not by the seller, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut; *Provided*, That such loss or shrinkage in volume shall not exceed twenty-four cubic feet when four food wood is cut into two foot lengths and shall not exceed thirty-two cubic feet when four foot wood is cut into lengths less than two feet; *And provided*, That no seller, selling firewood in lengths shorter than four feet, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut, may deliver less than 104 cubic feet of firewood when cut in two foot lengths or less than 96 cubic feet of firewood when cut into lengths less than two feet, without a compensating reduction in the applicable per cord price for firewood set out in Order No. G–7.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued and effective at Dallas, Texas, this 31st day of December 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44–240; Filed, January 5, 1944; 12:33 p. m.]

[Region VI Order G–12 Under RMPR 122]

ANTHRACITE COAL IN MILWAUKEE, WIS.

Order No. G–12 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Temporary adjusted maximum prices for anthracite coal in Milwaukee, Wisconsin.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *Prices established.* The maximum prices for sales of Pennsylvania anthracite coal delivered to consumers and for sales to dealers or truckers, f. o. b. seller's yard, shall be as follows:

PENNSYLVANIA ANTHRACITE

[*Maximum prices per net ton*]

Size of coal	Delivered ton consumers	Sales to dealers at yard
Egg, stove, and nut	$15.50	$13.15
Pea	14.00	11.60
Buckwheat	12.30	9.90
Rice	10.10	7.70

(b) *Geographical applicability.* This order shall apply to all anthracite coal sold within Milwaukee, Wisconsin, or sold by dealers whose yards are located within Milwaukee, Wisconsin.

(c) *Effective period.* This order shall become effective as of Wednesday, December 22, 1943, and shall remain in effect until specifically revoked, amended or modified, either by special order or by the issuance of uniform area price order under the provisions of § 1340.260 of Maximum Price Regulation No. 122.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–256; Filed, January 5, 1944; 12:39 p. m.]

[Region VI Order G–12 Under SR 15, MPR 329]

FLUID MILK IN APPLETON AND GREEN BAY, WIS.

Amendment No. 1 to Order No. G–12 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Appleton and Green Bay, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280 and § 1351.408 (b) of Maximum Price Regulation No. 329, *It is ordered*, That paragraph (a) be amended to read as set forth below:

(a) The maximum price of milk sold for human consumption in fluid form which may be paid to producers by distributors selling milk in Appleton, Wisconsin and Green Bay, Wisconsin, shall be 80¢ per pound of butterfat or the highest price which such distributors may pay to producers under the provisions of Maximum Price Regulation No. 329, whichever of the above two prices is higher. The maximum price of 80¢ per pound of butterfat permitted by this order shall apply only to purchases from producers from whom such distributors purchased milk in August or September 1943 and are not applicable to purchases from producers who did not in August or September 1943 sell to any Appleton or Green Bay distributors.

This amendment to Order No. G–12 shall become effective December 20, 1943.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.)

Issued this 17th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–237; Filed, January 5, 1944; 12:32 p. m.]

[Region VI Order G–15 Under SR 15, MPR 280]

FLUID MILK IN MARSHALL, ILL.

Order No. G–15 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and under Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices for Marshall, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and by § 1351.807 (a) of Maximum Price Regulation No. 280, it is ordered:

(a) *Maximum prices for sales at wholesale in bulk.* The maximum price for the sale and delivery of fluid milk at wholesale in bulk in the Marshall, Illinois, area shall be 37¢ per gallon, or the seller's maximum price as determined under the provisions of the General Maximum Price Regulation or any regulation supplementary thereto, whichever is higher.

(b) The maximum price for the sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Marshall, Illinois, area shall be the seller's maximum price as determined under the provisions of the General Maximum Price Regulation or any regulation supplementary thereto, or the applicable adjusted price specified in the schedule set forth below, whichever is higher:

Container size	Wholesale	Retail
	Cents	*Cents*
Gallon	37	45
½ gallon	19	23
Quart	10	12
Pint	5½	6½
½ pint	3	3½

(c) *Fractional cents.* Where the maximum price set forth above is expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must however be given to each buyer to purchase two units. Home deliveries at retail and all sales at whole-

sale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(d) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Marshall, Illinois, area shall mean:

i. All sales made within the city limits of Marshall, Illinois, and all sales at or from an establishment located in Marshall, Illinois, and

ii. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Marshall, Illinois.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, bottled, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purpose of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(e) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall apply.

(f) This order may be revoked, amended or corrected at any time.

This order shall become effective December 15, 1943.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of December 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 44-257; Filed, January 5, 1944; 12:40 p. m.]

[Region VI Order G-16 Under SR 15, MPR 280]

FLUID MILK IN FOND DU LAC, WIS.

Order No. G-16 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280. Maximum prices for specific food products and under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Fond Du Lac, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280 and § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be either,

1. $3.00 per cwt. for 3.5% milk, plus not more than 5½¢ for each $\frac{1}{10}$ of a pound of butterfat in excess of 3.5%, and minus not less than 5½¢ for each $\frac{1}{10}$ of a pound of butterfat below 3.5%, or

2. The maximum price which distributors to whom this order applies are permitted to pay to producers pursuant to the provisions of Maximum Price Regulation No. 329—Purchases of Milk From Producers for Resale as Fluid Milk,

whichever of the above two prices is higher.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Fond du Lac, Wisconsin, or who sell within Fond du Lac, Wisconsin, 30% or more of the milk sold by them, except that paragraph (a) shall apply only to purchases from producers from whom such distributors purchased milk in August or September, 1943, and is not applicable to purchases from producers who did not in August or September, 1943, sell to any Fond du Lac distributor.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in the Fond du Lac, Wisconsin, area shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be the higher:

	Wholesale	Retail
	Cents	*Cents*
1. Standard butterfat content milk:		
Sales in bulk (per gallon)	44	----
Sales in bottles and paper containers:		
Gallon	44	48
½ gallon	23	25
Quart	12	13
½ pint	3½	5
2. Chocolate milk:		
Sales in bulk (per gallon)	48	----
Sales in bottles and paper containers:		
Gallon	48	52
Quart	13	14
½ pint	4	5
3. Buttermilk:		
Sales in bulk (per gallon)	26	----
Sales in bottles and paper containers:		
Gallon	26	29
Quart	8	9

4. *Premium milk.* If during March 1942 a distributor handled a premium milk other than chocolate milk or buttermilk which sold at a higher price than standard butterfat content milk, the maximum price for such premium milk shall be either the price established for it under the provisions of the General Maximum Price Regulation or a price established by adding to the price above specified for the standard butterfat content milk, the exact amount by which the price of such premium milk exceeded the price of standard butterfat content milk in March 1942.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Fond du Lac, Wisconsin, area shall mean:

1. All sales made within the city limits of Fond du Lac, Wisconsin, and all sales at or from an establishment located in Fond du Lac, Wisconsin;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Fond du Lac, Wisconsin.

(e) *Definitions.* For the purpose of this order:

1. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(g) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective December 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-236; Filed, January 5, 1944; 12:32 p. m.]

[Region VI Order G-17 Under SR 15, MPR 329]

FLUID MILK IN WADENA, MINN.

Order No. G-17 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Wadena, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $2.72 per cwt. for 3.5% milk, plus not more than 5¢ for each $\frac{1}{10}$ of a pound of butterfat in excess of 3.5% and minus not less than 5¢ for each $\frac{1}{10}$ of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Wadena, Minnesota, or who sell within that city 50% or more of the milk sold by them. Prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk in August or September 1943 and are not applicable to purchases from producers who did not in those months sell to any Wadena, Minnesota, distributor covered by this order.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Wadena, Minnesota, shall be the maximum price determined under the General Maximum Price Regulation or the following prices, whichever shall be higher:

	Wholesale	Retail
	Cents	*Cents*
Standard butterfat content		
Fluid milk per quart bottle	09½	11½

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price, namely 23¢ at retail. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within Wadena, Minnesota, shall mean:

1. All sales made within the corporate limits of Wadena, Minnesota, and all sales at or from an establishment located in that city;

2. All sales of fluid milk by any seller at retail at or from an establishment which obtains the major portion of its supply of milk from a seller at wholesale located in Wadena, Minnesota.

(e) *Definitions.*

1. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(g) This order may be revoked, amended or corrected at any time.

This order shall be effective December 28th, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-246; Filed, January 5, 1944; 12:35 p. m.]

[Region VI Order G-18 Under SR 15, MPR 280]

FLUID MILK IN SPARTA, WIS.

Order No. G-18 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280. Maximum prices for specific food products and under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

Adjustment of fluid milk prices for Sparta, Wisconsin. For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280 and § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $3.15 per cwt. for 4% milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Sparta, Wisconsin, or who sell within that city 50% or more of the milk sold by them. Prices provided in paragraph (c) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk in August or September 1943 and are not applicable to purchases from producers who did not in those months sell to any Sparta, Wisconsin, distributor covered by this order.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Sparta, Wisconsin, shall be the maximum price determined under the General Maximum Price Regulation or the following prices, whichever shall be higher:

Standard butterfat content fluid milk	Wholesale	Retail
	Cents	*Cents*
Gallons in bulk	37	----
Gallons	37	45
Quarts	10	12
Pints	5½	6½
½ pints	3	5

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Sparta, Wisconsin, area shall mean:

1. All sales made within the city limits of Sparta, Wisconsin, and all sales at or from an establishment located in Sparta, Wisconsin;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Sparta, Wisconsin.

(e) *Definitions.* 1. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(g) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective December 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-247; Filed, January 5, 1944; 12:37 p. m.]

[Region VI Order G-21 Under MPR 329]

FLUID MILK IN GREENDALE, WIS.

Order No. G-21 under Maximum Price Regulation No. 329. Purchases of milk by the Van Alstine Farm Dairy for distribution in Greendale, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price which Thomas Van Alstine doing business as the Van Alstine Farm Dairy may pay to producers for milk sold for human consumption in fluid form shall be $3.00 per cwt. for 3.5% milk plus not more than 4¢ for each 1/10 of a pound of butterfat in excess of 3.5% and minus not less than 4¢ for each 1/10 of a pound of butterfat below 3.5%.

(b) This order shall apply to all purchases of milk from producers for resale by the applicant for human consumption in fluid form in Greendale, Wisconsin.

(c) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and § 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January of 1943.

(e) This order may be revoked, amended or corrected at any time.

This order shall be effective December 27, 1943.

(56 Stat. 23.765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-248; Filed, January 5, 1944; 12:37 p. m.]

[Region VII Order G-4 Under MPR 329, Amdt. 1]

FLUID MILK IN MONTANA

Order No. G-4 under Maximum Price Regulation No. 329, Amendment No. 1. Purchases of fluid milk from producers in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1351.408 (b) of Maximum Price Regulation No. 329, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d), *Maximum price for milk purchased from producers in District No. 3 of the State of Montana*, is amended by adding thereto the following:

Provided, however, That in those areas in Richland County which lie within a radius of ten miles from the center of the municipality of Sidney and within a radius of ten miles from the center of the hamlet of Fairview the price for milk purchased from producers in said District No. 3 of the State of Montana shall be 84¢ per pound of butterfat content f. o. b. the producer's place of production, or the maximum producer's price established under the provisions of the Agricultural Marketing Agreement Act of 1937 as amended, whichever is the higher.

2. *Effective date.* This Amendment No. 1 shall become effective on the 1st day of October 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-233; Filed, January 5, 1944; 12:31 p. m.]

[Region VII Order G-9 Under MPR 329, Amdt. 2]

FLUID MILK IN UTAH

Order No. G-9 under Maximum Price Regulation No. 329, Amendment No. 2. Purchases of milk from producers in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1351.408 (b) of Maximum Price Regulation No. 329, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Amendment No. 1 to Order No. G-9 under Maximum Price Regulation No. 329, issued October 2, 1943, is hereby amended by deleting from the fourth line of paragraph 1 thereof the words "and Cache".

2. Paragraph (f) (3) of said Order No. G-9 is hereby amended to read as follows:

(f) • • •

(3) "District No. 1 of the State of Utah" means all that area of the State of Utah contained within the boundaries of the counties of Salt Lake, Utah, Summit, Morgan, Weber, Boxelder, Tooele, Carbon, Emery, Cache, and Juab.

3. A new paragraph designated (f-1) *Premium milk*, is hereby added to said Order No. G-9 under Maximum Price Regulation No. 329, to be inserted therein immediately preceding paragraph (g) and reading as follows:

(f-1) *Premium milk.* If at the time this order becomes effective it was customary for any purchaser of milk in either or both of the districts as hereinabove defined in paragraph (f) to pay a premium for milk produced under the supervision of and in accordance with the rules and regulations promulgated by any established and generally recognized national association of dairy cattle breeders, such as but not limited to "Golden Guernsey" milk or "Jersey Creamline" milk, all purchasers of such premium milk may pay the producer thereof such customary premium, in addition to the specific prices set forth in paragraphs (b) and (c) hereof.

4. *Effective dates.* Paragraph 3 of this amendment is hereby made effective retroactively as of August 1, 1943, the effective date of said Order No. G-9, and all other provisions of this Amendment No. 2 shall be effective on the 10th day of December 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-232; Filed, January 5, 1944; 12:30 p. m.]

[Region VII Order G-10 Under § 1499.18 (c), Amdt. 4]

FLUID MILK IN UTAH

Order No. G-10 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 4. Order modifying wholesale and retail prices for fluid milk in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 4 is issued.

1. Order No. G-10, modifying wholesale and retail prices for fluid milk in the State of Utah, and issued on January 16, 1943, is hereby amended by inserting therein a new paragraph designated (b) (1), immediately following paragraph (b) of said Order No. G-10, and reading as follows:

(1) On and after December 15, 1943, the wholesale and retail prices for Grade A fluid milk sold in glass or paper containers anywhere in the County of Cache in the State of Utah, shall be as follows:

Container size	Wholesale	Retail
	Cents	*Cents*
½ pints	4	5
Pints	7	8
Quarts	10½	12½
½ gallons	20	25

2. *Effective date.* This Amendment No. 4 shall become effective on the 10th day of December 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-231; Filed, January 5, 1944; 12:30 p. m.]

[Region VII Order G-22 Under RMPR 122]

SOLID FUELS IN DESIGNATED UTAH TRADE AREAS

Order No. G-22 Under Revised Maximum Price Regulation No. 122. Solid Fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1340.259 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G-22 is issued.

(a) *Geographical applicability.* This order shall apply to all of the trade areas known as the "Magna-Garfield Trade Area" and the "Tooele-Tod Town Trade Area" in the State of Utah, and which said trade areas are defined with particularity in paragraph (n) hereof.

(b) *What this order does.* If you are a dealer in bituminous coal, you will find set forth in this order under Tables I and II the maximum prices which you may charge for sales and deliveries made by you from your place of business in the specific area served; and if you are a purchaser in the course of trade or business the prices set forth herein in Tables I and II are the maximum prices which you may pay any coal dealer in the specific trade area covered for the kinds, sizes and quantities of coals specified in said tables when purchased in his place of business in the particular area covered.

(c) *To what sales this order applies.* If you sell coal of the kind specified herein and make delivery thereof to any person within the areas covered, the maximum price which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Tables I and II of this order.

(d) *Specific maximum prices.* (1) If you sell and deliver in the Magna-Garfield Trade Area any one or more of the kinds and sizes of coal named in Table I below, your maximum prices therefor are the prices specified in said Table I.

TABLE 1.—MAXIMUM DELIVERED PRICES MAGNA-GARFIELD TRADE AREA

Kind and size	Per ton	Per ½ ton	Per ¼ ton	100 lb.
Bituminous coal produced in District 20:				
Subdistrict 1, Castlegate:				
#2—10" lump	$8.35	$4.60	$2.30	$0.50
#3—10 x 3 stove	[1]8.20	4.50	2.25	.45
#5—8 x 3 stove				
#7—3 x 1½ nut	7.95	4.35	2.20	.45
#8—1¼ x 1 pea:				
Treated	7.15	3.95	1.95	.40
Untreated	7.00	3.85	1.90	.40
#11—1 x 0 slack:				
Treated	[1]6.40	3.50	1.75	.35
Untreated	[1]6.15	3.40	1.70	.35

[1] Slack prices are based on domestic sales. On sales for commercial use the maximum prices of slack shall be the listed price less 25¢.

(2) If you sell and deliver in the Tooele portion of the Tooele-Tod Town Trade Area any one or more of the kinds and sizes of coal named in Part 1 of Table II below, your maximum prices therefor are the prices specified in Part 1 of Table II; if you sell and deliver coal to the Tooele Ordnance Depot housing project known as Tod Town, or to any other place in said Tooele-Tod Town Trade Area other than the Tooele portion thereof, your maximum prices for the kinds and sizes of bituminous coal are the prices set forth below in Part 2 of said Table II.

TABLE II.—MAXIMUM DELIVERED PRICES TOOELE-TOD TOWN TRADE AREA

PART 1.—TOOELE DELIVERED PRICES

Kind and size	Per ton	Per ½ ton	Per ¼ ton	100 lbs.
Bituminous coal produced in District 20:				
Subdistrict 1, Castlegate:				
#2—10" lump	$8.40	$4.60	$2.30	$0.50
#3—10 x 3 stove	[1]8.30	4.55	2.30	.50
#5—8 x 3 stove				
#7—3 x 1½' nut	7.90	4.35	2.20	.45
#8—1¼ x 1 pea:				
Treated	7.20	3.95	2.00	.40
Untreated	7.05	3.90	1.95	.40
#11—1 x 0 slack:				
Treated	[1]6.50	3.60	1.80	.35
Untreated	[1]6.25	3.45	1.70	.35

[1] Slack prices are based on domestic sales. On sales for commercial use the maximum prices of slack shall be the listed price less 25 cents.

PART 2.—TOD TOWN DELIVERED PRICES

Bituminous coal produced in District 20:				
Subdistrict 1, Castlegate:				
#2—10" lump	$8.70	------	$4.75	------
#3—10 x 3 stove	[1]8.60	------	4.70	------
#5—8 x 3 stove				
#7—3 x 1¼ nut	8.20	------	4.50	------
#8—1¼ x 1 pea:				
Treated	7.50	------	4.10	------
Untreated	7.35	------	4.05	------
#11—1 x 0 slack:				
Treated	[1]6.80	------	3.75	------
Untreated	[1]6.55	------	3.60	------

[1] Slack prices are based on domestic sales. On sales for commercial use the maximum prices of slack shall be the listed price less 25 cents.

(3) If in connection with a sale and delivery of coal made by you in the areas covered herein, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services follow:

Special service charges	Per ton	Per half ton
"Wheel-in"	$1.00	$0.50
"Full-back" or "trimming"	.25	.15
"Carrying up or down stairs"	1.00	.50

(e) *Determination of mixed coals prices.* If you mix sizes or kinds of coal, your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed adjusted to the nearest five cents.

(f) *When transportation tax may be collected.* If on any purchase of coal made by you you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in subparagraphs (1) and (2) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket or other memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the areas covered herein with like force and effect as though the same were re-written herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(h) *Filing requirements.* Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(i) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into, you shall not:

(1) Sell, or in the course of trade or business buy solid fuels of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary cash discounts and allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the areas for which the maximum prices are herein set forth or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December, 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(j) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(l) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the Regional Administrator and acted upon by him.

(m) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(n) *Definitions.* (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(6) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the areas covered herein and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(7) "Bituminous coal" means coal produced in District 20 and any subdistricts thereof as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight, August 23, 1943.

(8) "Area descriptions":

(i) The "Magna-Garfield Trade Area" means all of the areas contained within the municipal boundaries of the municipalities of Magna and Garfield, Utah, and all of the area lying between those municipalities and within a distance of two miles on either side of United States Highway No. 50.

(ii) The "Tooele-Tod Town Area" means all of the area lying within the municipality of Tooele, Utah, and all of the area covered by or included in the Tooele Ordnance Depot housing project known as Tod Town.

(o) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Effective date. This Order No. G–22 shall become effective on December 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–234; Filed, January 3, 1944, 12:31 p. m.]

[Region VII Order G–23 Under RMPR 122]

SOLID FUELS IN NEPHI TRADE AREA, UTAH

Order No. G–23 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold and delivered by dealers in the Nephi trade area of the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.259 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G–23 is issued.

(a) *Geographical applicability.* This order shall apply to all of the trade area contained within the corporate boundaries of the municipality of Nephi, in the State of Utah, and the same is hereby designated the "Nephi Trade Area".

(b) *What this order does.* If you are a dealer in bituminous coal, you will find set forth in this order under Table I the maximum prices which you may charge for sales and deliveries made by you from your place of business in the specific area served; and if you are a purchaser in the course of trade or business the prices set forth herein in Table I are the maximum prices which you may pay any coal dealer in the specific trade area covered for the kinds, sizes and quantities of coals specified in said tables when purchased in his place of business in the particular area covered.

(c) *To what sales this order applies.* If you sell coal of the kind specified herein and make delivery thereof to any person within the area covered, the maximum price which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Table I of this order.

(d) *Specific maximum prices.* If you sell and deliver in the Nephi Trade Area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices therefor are those specified in said Table I.

TABLE I—MAXIMUM DELIVERED PRICES NEPHI TRADE AREA

Kind and size	Per ton
Bituminous Coal produced in District 20:	
Subdistrict 1, Castlegate:	
#3 and #5—3" lump, 10 x 3 and 8 x 3 stove	$8.50
#7—3 x 1¼ nut	7.80
#10 and #11—1¼ x 0 and 1 x 0 slack:	
Treated	6.40
Untreated	6.15

If in connection with a sale and delivery of coal made by you in the area covered herein, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services follow:

Special service charges	Per ton	Per half ton
"Wheel-in"	$1.00	$0.50
"Pull-back" or "trimming"	.25	.15
"Carrying up or down stairs"	1.00	.50

(e) *Determination of mixed coals prices.* If you mix sizes or kinds of coal, your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed adjusted to the nearest five cents.

(f) *When transportation tax may be collected.* If on any purchase of coal made by you you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket or other memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the area covered herein with like force and effect as though the same were re-written herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(h) *Filing requirements.* Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(i) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into, you shall not:

(1) Sell, or in the course of trade or business buy solid fuels of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary cash discounts and allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the area for which the maximum prices are herein set forth or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December, 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(j) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. Those specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(l) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the Regional Administrator and acted upon by him.

(m) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(n) *Definitions.* (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(6) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the area covered herein and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(7) "Bituminous coal" means coal produced in District 20 and any sub-districts thereof as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight, August 23, 1943.

(o) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is supended may not, during the period of suspension, make any sale for which his license has been suspended.

Effective date. This Order No. G–23 shall become effective on December 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–235; Filed, January 5, 1944; 12:31 p. m.]

[Region VIII Order G–2 Under 18 (c), Amdt. 20]

FLUID MILK IN DESIGNATED AREAS OF CALIFORNIA

Amendment No. 20 to Order No. G–2 under § 1499.18 (c) of the General Maximum Price Regulation, as amended. Fluid milk prices at wholesale and retail in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15, and under the authority reserved in Order No. G–2 under § 1499.18 (c) of the General Maximum Price Regulation to amend the said order at any time, the said Order No. G–2 is hereby amended as set forth below:

(a) Schedule A as amended is hereby further amended by striking out the heading "Santa Barbara Marketing Area and Ventura County" and substituting therefor the heading "Ventura County and that portion of Santa Barbara County lying east of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to the range line between ranges 32 and 33 west, thence north along that line to the line between townships 7 and 8 north, thence east along that line to the range line between ranges 31 and 32 west and thence north along that line to the San Luis Obispo County Line".

(b) Schedule A as amended is hereby further amended by striking out the heading "San Luis Obispo Marketing Area" and substituting therefor the heading "San Luis Obispo Marketing Area and that portion of Santa Barbara County lying west of the line beginning at the Pacific Ocean thence north along the range line between ranges 33 and 34 west to the line between townships 5 and 6 north, thence east along that line to the range line between ranges 32 and 33 west, thence north along that line to the line between townships 7 and 8 north, thence east along that line to the range line between ranges 31 and 32 west and thence north along that line to the San Luis Obispo County Line."

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–253; Filed, January 5, 1944; 12:38 p. m.]

[Region VIII Order G–2 Under MPR 136, Amdt. 1]

WOODWORKING MACHINERY MANUFACTURED BY DAVIS AND WELLS

Amendment No. 1 to Order No. G–2 under Maximum Price Regulation No. 136 as amended. Adjusted maximum prices for woodworking machinery manufactured by Davis & Wells.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1390.25a of Maximum Price Regulation No. 136 as amended, *It is hereby ordered,* That paragraph (a) of Order No. G–2 under Maximum Price Regulation No. 136 as amended be amended to read as follows:

(a) The adjusted maximum price at which any person whose place of business is located within the Eighth Region of the Office of Price Administration may sell any of the machines hereinafter listed, manufactured by Davis and Wells, Los Angeles, California, shall be the particular seller's existing net maximum price after all appropriate discounts and

allowances, as established under Maximum Price Regulation No. 136 as amended, plus the following addition for each such machine:

Machine:	*Addition*
Saw table	$26.47
6" jointer	7.87
Boring machine	22.63
30" standard band saw	5.35
20" metal cutting band saw	26.57
Jointer stand	2.72

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-249; Filed, January 5, 1944; 12:37 p. m.]

[Region VIII Order G-2 Under RMPR 269]

POULTRY IN RENO AND LAS VEGAS, NEV.

Order No. G-2 under Revised Maximum Price Regulation No. 269, as amended. Poultry.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1429.14 (a) of Revised Maximum Price Regulation No. 269, as amended, *It is hereby ordered:*

(a) The adjusted maximum price for sales of less than 10,000 pounds of any poultry item, except turkey items, by wholesalers located in the cities of Reno and Las Vegas, Nevada, to any type of buyer, shall be the applicable base price determined pursuant to § 1429.19 of Revised Maximum Price 269, as amended, plus the following permitted increases;

(i) 3¢ per pound on non-delivered sales;

(ii) 3½¢ per pound on delivered sales within 25 miles;

(iii) 4¢ per pound on delivered sales over 25 miles.

(b) All the terms used in this order shall have the same meaning as Revised Maximum Price Regulation 269, as amended, unless the context clearly requires otherwise.

This order may be revoked, corrected or amended at any time.

This order shall become effective December 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-250; Filed, January 5, 1944; 12:37 p. m.]

[Region VIII Order G-3 Under MPR 376]

TOMATOES IN SAN FRANCISCO REGION, CALIF.

Order No. G-3 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables (fresh tomatoes).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered:*

(a) The maximum delivered price of sales of fresh tomatoes in Region VIII shall be as follows:

(1) *Carlot or trucklot sales.* (i) $3.50 per crate of not less than 30 pounds net weight f. o. b. Nogales, Arizona, plus "freight" to the wholesale receiving point.

(ii) $2.57 per four basket crate of not less than 21 pounds net weight f. o. b. Nogales, Arizona, plus "freight" to the wholesale receiving point.

(2) *Less than carlot or less than trucklot sales (to persons other than ultimate consumers).* The maximum price determined above under (a) (1) plus:

(i) $.04 per pound when "repacked" or when sold in four basket crates.

(ii) $.02 per pound when sold in any other manner.

(b) *Definitions.* (1) "Repacked" means removed from Los Angeles lugs and graded as to color, size and uniform degree of maturity and repacked in containers not exceeding 25 pounds net weight.

(2) "Region VIII" means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the state of Idaho; Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(3) "Freight" shall include cost of refrigeration and shall mean lowest available freight by common or contract carrier.

(4) All the terms used in this order shall have the same meaning as in Maximum Price Regulation No. 376, as amended, unless the context clearly requires otherwise.

(c) This amendment may be amended, revoked or corrected at any time.

(d) This amendment shall become effective December 31, 1943: *Provided, however,* That the District Director of any District Office of the Office of Price Administration in Region VIII may by order extend the effective date for any individual receiving a carlot of merchandise at a wholesale receiving point who (a) exhibits a bill of lading showing the carlot was actually shipped from Nogales, Arizona, prior to December 25, 1943, and (b) shows that he cannot dispose of the merchandise prior to December 31, 1943. The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond January 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-251; Filed, January 5, 1944; 12:38 p. m.]

[Region VIII Order G-15 Under MPR 329, Amdt. 1]

FLUID MILK IN DESIGNATED AREAS OF WASHINGTON

Amendment No. 1 to Order No. G-15 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, as amended, *It is hereby ordered,* That paragraph (a) be amended to read as set forth below:

(a) The adjusted maximum price at which any person may purchase milk from producers located in Benton or Franklin County in the state of Washington shall be as follows:

(1) For purchases of milk from producers other than "new producers" either f.o.b. producer's dairy or delivered to the purchaser's plant, the adjusted maximum price shall be as follows:

Milk fat content:	*Price per gallon*
3.2% but less than 3.5%	$0.27
3.5% but less than 3.8%	.28
3.8% but less than 4.1%	.29
4.1% but less than 4.4%	.30
4.4% or more	.31

(2) For purchases of milk from "new producers" delivered to the purchaser's plant, the adjusted maximum price shall be the price as provided in paragraph (a) (1) above.

(3) For purchases of milk from "new producers" f. o. b. producer's dairy, the adjusted maximum price shall be the prices specified in paragraph (a) (1) above minus an allowance for transporting milk purchased from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $0.16 per hundred pounds of milk.

This amendment to Order No. G-15 shall become effective December 27, 1943.

(56 Stat. 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

L. F. GENTNER,
Regional Administrator.

Approved:

BUELL F. MABEN,
Regional Director, Food Distribution Administration, War Food Administration.

[F. R. Doc. 44-230; Filed, January 5, 1944; 12:30 p. m.]

[Region VIII Order G-19 Under MPR 329, Amdt. 3]

FLUID MILK IN CERTAIN COUNTIES OF IDAHO AND WASHINGTON

Amendment No. 3 to Order No. G-19 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, Order No. G-19 under Maximum Price Regulation No. 329 is hereby amended as follows:

(a) Paragraph (a) (1) is hereby amended by striking therefrom the figure "$0.70" appearing opposite the name "Bonner County, Idaho" and substituting therefor the figure "$0.795".

This amendment to Order No. G-19 shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of December 1943.

L. F. GENTNER,
Regional Administrator.

Approved:

BUELL F. MABEN,
Regional Director, Food Distribution Administration, War Food Administration.

[F. R. Doc. 44-242; Filed, January 5, 1944; 12:33 p. m.]

[Region VIII Order G-26 Under MPR 329, Amdt. 1]

FLUID MILK IN PEND OREILLE COUNTY, WASH.

Amendment No. 1 to Order No. G-26 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, as amended, *It is hereby ordered,* That paragraph (a) be amended to read as set forth below:

(a) The maximum price at which any purchaser whose place of business is located in Pend Oreille County in the State of Washington may purchase milk for resale for human consumption as fluid milk from a producer who did not sell milk to any purchaser for resale as fluid milk during January, 1943, shall be as set forth below:

(1) For purchases of milk f. o. b. the producer's dairy, the maximum price shall be $0.775 per pound milk fat.

(2) For purchases of milk delivered to the purchaser's place of business, the maximum price shall be the price specified in paragraph (a) (1) above, plus an allowance for the transportation from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or owned by either the producer or the purchaser, the transportation allowance shall be no more than the amount paid the carrier for the transportation service.

(ii) In all other cases, the transportation allowance shall not be more than the lowest motor truck common carrier or a contract carrier rate for the same or most similar haul.

This amendment to Order No. G-26 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

L. F. GENTNER,
Regional Administrator.

Approved:

BUELL F. MABEN,
Regional Director, Food Distribution Administration, War Food Administration.

[F. R. Doc. 44-252; Filed, January 5, 1944; 12:38 p. m.]

[Region VIII Order G-31 Under 18 (c), Amdt. 2]

FLUID MILK IN CERTAIN LOCALITIES IN IDAHO

Amendment No. 2 to Order No. G-31 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Sales of fluid milk at wholesale and retail in certain localities in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15, *It is hereby ordered,* That Order No. G-31 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

(a) The preamble is amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, § 1499.75 (a) (9) of Supplementary Regulation No. 15, and special authorization conferred by the Price Administrator, *It is hereby ordered:*

(b) Paragraph (a) is hereby amended by adding at the end thereof the following:

THE TOWN OF SANDPOINT, IDAHO—NOT LESS THAN 3.6 PERCENT MILK FAT

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices either home delivered or store delivered
Gallon container	$0.40	$0.45
Quart container	.11	.13
Pint container	.06	.07
½-pint container	.04	

This amendment to Order No. G-31 shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-241; Filed, January 5, 1944; 12:33 p. m.]

[Region VIII Order G-34 Under 18 (c)]

CERTAIN TRANSPORTATION SERVICES IN CALIFORNIA

Order No. G-34 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices of transportation services performed within the State of California by carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum price which any carrier other than a common carrier in the State of California furnishing a transportation service subject to a minimum rate established by the Railroad Commission of the State of California may charge for such service shall be the minimum rate established by the Railroad Commission of the State of California, or the maximum price established by the General Maximum Price Regulation or any supplementary regulation or order issued by the Office of Price Administration, whichever is higher.

(b) The term "minimum rate established by the Railroad Commission of the State of California" means the applicable minimum rate determined under any decision, in effect at the effective date of this order, issued by the Railroad Commission of the State of California in any of the proceedings designated upon its docket by any of the following case numbers: 4084, 4108, 4121, 4246, 4293, and 4434, or issued by the said Commission pursuant to any application for permission to charge rates lower than those specified in any such decision.

(c) This order shall become effective December 28th, 1943, and shall apply to transportation services rendered on and after January 5, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 23d day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-245; Filed, January 5, 1944; 12:35 p. m.]

[Region VIII Order G-81 Under 18 (c)]

FIREWOOD IN ARIZONA

Order No. G-81 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Maximum prices for sales of firewood in Arizona.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation; *It is hereby ordered:*

(a) Maximum prices for firewood sold to retailers and sellers at retail in the State of Arizona.

(1) On and after the effective date hereof, regardless of any contract or other obligation, no person shall sell or deliver, or offer, solicit, or agree to sell or deliver, in the District of Arizona, any firewood, and no person shall buy or receive in the course of trade or business in said District, any firewood at prices higher than the maximum prices set forth in paragraph (a) (2) hereof, or their maximum prices as determined under § 1499.2 of the General Maximum Price Regulation, whichever is the higher.

(2) The maximum price of firewood sold to retailers and at retail in the District of Arizona shall be the seller's maximum price as determined in § 1499.2 of the General Maximum Price Regulation, or the applicable adjusted maximum prices specified in Schedule A set forth below, whichever is the higher.

SCHEDULE A

	Sales to retailers	Sales at retail: Yard	Sales at retail: Delivered
(i) For areas outside Phoenix, Tucson and Jerome areas:			
(a) For Mesquite wood:			
Per cord of 4' lengths	$8.75	$11.50	$12.50
Per ½ cord of 24" lengths	5.75	7.50	8.00
Per ¼ cord of 12" lengths	4.00	5.00	5.50
(b) For Pine, Pinion, Cedar and Juniper wood:			
Per cord of 4' lengths	11.00	14.00	15.00
Per ½ cord of 24" lengths	6.75	8.75	9.25
Per ¼ cord of 12" lengths	4.00	5.00	5.50
(c) For Oak Wood:			
Per cord of 4' lengths	12.25	15.50	16.50
Per ½ cord of 24" lengths	7.75	9.75	10.25
Per ¼ cord of 12" lengths	4.50	5.50	6.00
(d) For Ironwood:			
Per cord of 4' lengths	12.75	17.00	18.00
Per ½ cord of 24" lengths	8.00	10.50	11.00
Per ¼ cord of 12" lengths	4.75	6.00	6.50
(ii) For Phoenix, Tucson and Jerome areas:			
(a) For Mesquite wood:			
Per cord of 4' lengths	10.75	14.00	15.00
Per ½ cord of 24" lengths	7.00	9.00	9.50
Per ¼ cord of 12" lengths	4.75	6.00	6.50
(b) For Pine, Pinion, Cedar and Juniper wood:			
Per cord of 4-foot lengths	12.75	17.00	18.00
Per ½ cord of 24-inch lengths	8.00	10.50	11.00
Per ¼ cord of 12-inch lengths	4.75	6.00	6.50
(c) For Oak wood:			
Per cord of 4-foot lengths	15.00	18.80	19.50
Per ½ cord of 24-inch lengths	9.25	11.25	11.75
Per ¼ cord of 12-inch lengths	5.25	6.50	7.00
(d) For Ironwood:			
Per cord of 4-foot lengths	15.75	20.00	21.00
Per ½ cord of 24-inch lengths	9.75	11.75	12.25
Per ¼ cord of 12-inch lengths	5.75	7.00	7.50

(iii) The maximum prices of ⅛ of a cord of 12" wood sold at retail shall be one-half the applicable price for ¼ cord, as set forth in paragraphs (i) and (ii) of Schedule A, plus 25¢ rounded off to the nearest 1/20th of a dollar.

(iv) The maximum prices for all kinds of firewood not specifically listed above, when sold by the cord or fraction of a cord, including but not limited to mill blocks and kindling wood, shall be the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation for such kinds and sales of firewood, increased by 25 percent, rounded off to the nearest ¼ of a dollar.

(v) The maximum prices of all types of firewood sold to ultimate consumers other than by the cord or fraction of a cord, including but not limited to firewood sold by the tub, sack or by weight, shall be the seller's price for such quantities as determined under § 1499.2 of the General Maximum Price Regulation, increased by 25 percent, rounded off to the nearest 1/20th of a dollar.

(b) *Evasion.* No seller shall evade any of the provisions of this order by changing his customary allowances, discounts, or other price differentials, unless such change will result in lower maximum prices than those permitted by this order.

(c) *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

(d) *Definitions.* When used in this order:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or the representative of the foregoing, and includes the United States or any government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Firewood" means any wood prepared and intended for consumption as fuel.

(3) A "cord" shall mean 128 cubic feet of wood 48" in length. A cord of wood consisting of lengths greater than 48" shall contain at least 128 cubic feet.

(4) A cord of wood in lengths measuring 24" shall contain not less than 104 cubic feet of wood.

(5) A cord of wood in lengths measuring 12" or less shall contain not less than 96 cubic feet of wood.

(6) For wood sizes above 12", other than those specifically mentioned above, the cubical contents of a cord shall be determined on a proportionate basis. For example, a cord of wood containing lengths measuring 16" shall contain at least 98⅔ cubic feet. This is determined as follows:

16" lies between 12" and 24"

24" wood contains at least 104 cubic feet
12" wood contains at least 96 cubic feet

Difference 12" — 8 cubic feet

16"−12"=4"
4/12 x 8 cubic feet=2⅔ cubic feet
96 cubic feet plus 2⅔ cubic feet=98⅔ cubic feet

(7) "Delivered" means deposited on or at premises designated by the buyer.

(8) "Sales at retail" means a sale to an ultimate consumer.

(9) "Sales to a retailer" means a sale to a person who buys firewood and resells it to ultimate consumers, and for the purpose of this order shall include all sales of firewood other than sales made at retail.

(10) Phoenix, Tucson, and Jerome areas shall mean the city of Phoenix, the city of Tucson, and the city of Jerome, and the surrounding areas adjacent thereto within a radius of 20 miles, 7 miles and 2 miles, respectively, from the city limits thereof.

(11) "Seller" means a seller of, or dealer in firewood.

(e) *Requirement.* This order shall not be effective as to any seller at retail unless and until he has posted the ceiling prices authorized by this order, as required by § 1499.2 (a) of the General Maximum Price Regulation, and filed the same as a supplement to his cost-of-living commodity list with his War Price and Rationing Board. Such supplementary cost-of-living commodity list shall be signed by the seller, and shall set forth in parallel columns the seller's maximum prices for all kinds and quantities of firewood customarily sold by him, as determined under § 1499.2 of the General Maximum Price Regulation, and the maximum prices thereof as authorized by this order. A copy of such supplementary list shall be mailed by such seller at retail within ten days after he has filed the same with the War Price and Rationing Board, to the State Office of the Office of Price Administration, 17 West Van Buren Street, Phoenix, Arizona. The Regional Administrator may adjust any price so reported which he finds to be contrary to the provisions of this order.

(f) This order may be revoked, amended, or corrected at any time.

Issued this 20th day of December 1943.

This order shall become effective immediately.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-170; Filed, January 4, 1944; 3:26 p. m.]

[Region VIII Order G-82 Under 18 (c)]

CERTAIN BRICK IN SAN FRANCISCO REGION

Order No. G-82 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for sales of certain brick by persons located in Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation; *It is hereby ordered:*

(a) The adjusted maximum prices at which any dealer located in Region VIII may sell common brick purchased from Moscow Firebrick Clay Company, Moscow, Idaho at the adjusted maximum prices set forth in an order issued by the Regional Administrator on December 2, 1943, shall be the particular dealer's maximum prices determined pursuant to the General Maximum Price Regulation, plus the increased dollars and cents amount which the dealer has paid pursuant to said order of December 2, 1943.

(b) All allowances, discounts, or other price differentials in effect during March 1942 must be maintained.

(c) Definition:

(1) The term "Region VIII" means: The states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) This order may be revoked, amended, or corrected at any time.

This order shall become effective December 2d 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-171; Filed, January 4, 1944; 3:34 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-51]

NATIONAL POWER AND LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 3d day of January, A. D. 1944.

Notice regarding filing subject to Rule U-23 (Application No. 6).

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Power & Light Company, a registered holding company, and a subsidiary of Electric Bond and Share Company, likewise a registered holding company;

Notice is further given that any interested person may, not later than January 12, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any

time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

National Power & Light Company ("National") states that it desires to provide for the payment in full, with interest to maturity, of $25,000 principal amount of non-callable fifty-year five per cent collateral trust mortgage gold bonds, due July 1, 1951, of Lancaster County Railway & Light Company ("collateral trust bonds"). National assumed liability with respect to $414,500 principal amount of the collateral trust bonds in September 1939 and since that date has reacquired $389,500 principal amount of such bonds, of which $388,000 in principal amount have been delivered to The Pennsylvania Company for Insurances on Lives and Granting Annuities ("successor trustee"), pursuant to the provisions of the Indenture of Mortgage. There now remain outstanding in hands of persons other than National $25,000 principal amount of said bonds.

National now proposes to authorize the successor trustee to sell in the open market certain securities, now held by the successor trustee as collateral for said collateral trust bonds, and to authorize the successor trustee to retain from the proceeds of such sale, in full satisfaction of National's obligation with respect to said bonds, a sum equal to the aggregate of (1) the principal amount of said collateral trust bonds now outstanding with the public, (2) an amount sufficient to pay interest at the rate of 5% per annum on said bonds from the interest date next preceding the date of such sale until the maturity of said bonds, July 1, 1951, (3) an amount sufficient to pay all accrued and unpaid interest represented by coupons then validly outstanding, if any, and (4) the sum of $1,185, representing the successor trustee's fee for services rendered. It is proposed that an agreement between the successor trustee, National, and United States Fidelity and Guaranty Company be executed, which agreement provides for the discharge of all obligations and liabilities heretofore assumed by National in connection with said collateral trust bonds.

National describes the proposals set forth in its application or declaration as a step toward compliance with this Commission's order of August 23, 1941, under section 11 (b) (2) of the Act requiring the dissolution of National.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-228; Filed, January 5, 1944; 2:43 p. m.]

[File No. 54-51]

NATIONAL POWER AND LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 4th day of January, A. D. 1944.

Order granting application and permitting declaration to become effective, (Application No. 7).

National Power & Light Company ("National"), a registered holding company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, requesting permission to retire on January 31, 1944, at liquidating value of $100 per share plus accumulated and unpaid dividends to that date, the remaining 12,000 shares of its $6 preferrred stock outstanding with the public, and to retire 1,048 shares of said $6 preferred stock heretofore reacquired by National and now held in its treasury; and requesting approval of the solicitation material to be used by National to solicit from its stockholders their proxies for authorization of such reduction of capital stock and of capital and for the amendment of National's charter; and requesting permission to reduce its outstanding common stock to 5,456,100 shares by purchase in the open market of 17 shares of such common stock; and

Said application and declaration having been filed on December 17, 1943 and an amendment thereto having been filed on December 21, 1943, and notice having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and National having requested that the Commission make the findings specified in section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission finding that the proposed transactions by National are steps in compliance with the order of the Commission dated August 23, 1941, issued pursuant to section 11 (b) (2) of the act, directing the dissolution of National, that the requirements of section 12 of the act and Rules U-42 and U-62 thereunder are satisfied, and that it is appropriate in the public interest and in the interest of investors and consumers to grant said application and to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be and hereby is granted and said declaration, as amended, be and hereby is permitted to become effective forthwith.

It is further ordered, That the retirement by National of 12,000 shares of its $6 preferred stock on January 31, 1944

at $100 a share, plus accumulated and unpaid dividends to such date, is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and to comply with the Commission's order of August 23, 1941, and said order is hereby supplemented so as to authorize, permit and approve the retirement of said shares in order to effectuate the provisions of section 11 (b) of said act and said order dated August 23, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-229; Filed, January 5, 1944; 2:43 p. m.]

WAR FOOD ADMINISTRATION.

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follows:

REGION I—NEW YORK

ONEIDA COUNTY

Locality I: Consisting of the towns of Annsville, Ava, Boonville, Camden, Deerfield, Florence, Floyd, Forestport, Lee, Marcy, Remsen, Steuben, Trenton, Vienna, and Western; city of Rome, $4,709.

Locality II: Consisting of the towns of Augusta, Bridgewater, Kirkland, Marshall, New Hartford, Paris, Sangerfield, Vernon, Verona, Westmoreland, and Whiteston; city of Utica, $6,359.

REGION III—OHIO

TUSCARAWAS COUNTY

Locality I: Consisting of the townships of Dover, Franklin, Lawrence, Sandy, Sugarcreek, and Wayne, $6,384.

Locality II: Consisting of the townships of Auburn, Bucks, Goshen, Warwick, and York, $4,979.

Locality III: Consisting of the townships of Clay, Fairfield, Jefferson, Mill, Oxford, Perry, Rush, Salem, Union, Warren, and Washington, $3,196.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: January 5, 1944.

R. W. HUDGENS, *Acting Administrator, Farm Security Administration.*

[F. R. Doc. 44-338; Filed, January 6, 1944; 11:17 a. m.]

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

(a) In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of said rules and regulations. A description of the localities and the determination of value for each follow:

REGION V—ALABAMA

GENEVA COUNTY

Locality I: Consisting of the precincts of Fadette, Hurricane Church, Malvern, Slocomb and Tate Schoolhouse, and St. Paul, $2,553.

Locality II: Consisting of the precincts of Geneva and Noblins, $3,523.

Locality III: Consisting of the precincts of Center, Chancellor, Gilmores, Mari, Piney Grove, and Vaughanville, $3,162.

Locality IV: Consisting of the precincts of Hacoda and Lowrey and Davis Schoolhouse, $1,938.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: January 5, 1944.

R. W. HUDGENS, *Acting Administrator, Farm Security Administration.*

[F. R. Doc. 44-337; Filed, January 6, 1944; 11:17 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with synthetic rubber facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating number	Builder's serial number	Company	Address	Location of project
9	27794	E. I. duPont de Nemours & Co.	Wilmington, Del.	Newark, N. J.
18	49135	Pan American Ref.	122 E. 42d St., New York, N. Y.	Texas City, Tex.
37	8370	U. S. Rubber Co.	1230 6th Ave., New York, N. Y.	Naugatuck, Conn.
48	24641	Q. O. Chemical Co.	P. O. Box 235, Hollywood Sta., Memphis, Tenn.	Memphis, Tenn.

Issued this 5th day of January 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, *Recording Secretary.*

[F. R. Doc. 44-274; Filed, January 5, 1944; 4:40 p. m.]

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FEDERAL REGISTER

VOLUME 9 NUMBER 6

Washington, Saturday, January 8, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-102, Amdt. 1]

PART 1401—DAIRY PRODUCTS

DELEGATION OF AUTHORITY TO MARKET AGENTS IN THE ADMINISTRATION OF FOOD DISTRIBUTION ORDERS FOR THE CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-102 (8 F.R. 16313), issued by the Director of Food Distribution on November 30, 1943, is amended as follows:

1. By adding as (5), in § 1401.135 (b) the following provision:

(5) To permit a determination of a handler's quotas as follows:

(i) Divide by 20 the total pounds of milk solids delivered by the handler in the base period within the sales area in the form of milk, and in the form of cream and milk byproducts, after excluding quota exempt deliveries;

(ii) Multiply the above results by the number of days in the quota period; and

(iii) Multiply the aforesaid resulting amounts by 100 percent in the case of milk solids delivered in the form of milk, and 75 percent in the case of milk solids delivered in the form of cream and milk byproducts: *Provided*, That the fluid volume of cream delivered subject to quota in any quota period shall not exceed 100 percent of cream deliveries of this character in the base period, irrespective of the milk solids content of such deliveries. (For the purpose of this order, the milk solids content of milk, and cream and milk byproducts shall be computed as follows: Each hundredweight of milk, and cream and milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of solids for each one percent of butterfat content of such cheese.)

2. By adding as (6) in § 1401.135 (b) the following provision:

(6) To permit each handler whose deliveries are governed by the quota determination described in (b) (5) hereof to increase his quota for milk in any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-102, rights accrued or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-102 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 6th day of January 1944.

ROY F. HENDRICKSON, *Director of Food Distribution.*

[F. R. Doc. 44-347; Filed, January 6, 1944; 3:22 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

REPORTS OF REGISTERED INVESTMENT COMPANIES, EXERCISE OF WARRANTS BY REGISTERED INVESTMENT COMPANIES, AND DEFINITION OF "INVESTMENT ADVISER"

Acting pursuant to the Investment Company Act of 1940, particularly sec-

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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tions 2 (a), 6 (c), 10 (f) and 38 (q) thereof, and deeming such action appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act, the Securities and Exchange Commission hereby adopts § 270.4 [Rule N-4], § 270.2a–3 [Rule N-2A–3] and § 270.10f–2 [Rule N-10F–2] to read as follows:

§ 270.4 *Incorporation by reference.* (a) A registered investment company may incorporate by reference as an exhibit, in any registration statement, application or report filed with the Commission, any document or part thereof previously or concurrently filed with the Commission pursuant to any act administered by the Commission. The incorporation may be made whether the matter incorporated was filed by such registered company or any other person. If any modification has occurred in the text of any such document since the filing thereof, the company shall file with the reference a statement containing the text of any such modification and the date thereof. If the number of copies of any document previously or concurrently filed with the Commission is less than the number required to be filed with the registration statement, application or report which incorporates such document, the company shall file therewith as many additional copies of the document as may be necessary to meet the requirements of the registration statement, application or report.

(b) A registered investment company may incorporate by reference, in any registration statement, application or report filed with the Commission, any financial statement or part thereof previously or concurrently filed with the Commission pursuant to any act administered by the Commission, if it substantially conforms to the requirements of the form on which such registration statement, application or report is filed. The incorporation may be made whether the matter incorporated was filed by such registered company or any other person. If a certificate of an independent public accountant or accountants is required to accompany a financial statement in any registration statement, application or report, the incorporation by reference of a certificate previously or concurrently filed will not be deemed a compliance with such requirements unless the written consent of the accountant or accountants to such incorporation is filed with the registration statement, application or report.

(c) In each case of incorporation by reference, the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated in the registration statement, application or report at the particular place where the information is required.

(d) Notwithstanding any particular provision permitting incorporation by reference, no registration statement, application or report shall incorporate by reference any exhibit or financial statement which (1) has been withdrawn, or (2) was filed in connection with a registration under the Investment Company Act of 1940, or a registration on a national securities exchange, which has ceased to be effective, or (3) is contained in a registration statement or report subject, at the time of the incorporation by reference, to pending proceedings under section 8 (b) or 8 (d) of the Securities Act of 1933 (C. 38, sec. 8, 48 Stat. 79; C. 686, sec. 301, 54 Stat. 857; 15 U.S.C. 77h), section 8 (e) of the Investment Company Act of 1940 (sec. 8 (e), 54 Stat. 805; 15 U.S.C. 80a–8), or to an order entered under any of those sections.

(e) Notwithstanding any particular provision permitting incorporation by reference, the Commission may refuse to permit such incorporation in any case in which in its judgment such incorporation would render the registration statement,

application or report incomplete, unclear, or confusing. (Sec. 6 (c), 54 Stat. 802; 15 U.S.C. 80a–6; sec. 38, 54 Stat. 841; 15 U.S.C. 80a–38) [General Rules and Regulations, Rule N-4, effective January 5, 1944]

§ 270.2a–3 *Definition of "investment adviser" of an investment company for purposes of section 12 (d) (3).* The term "investment adviser" of an investment company, for purposes of paragraph (3) of section 12 (d) of the act, shall not be deemed to include a bank, as defined in section 2 (a) (5) (sec. 2 (a), 54 Stat. 791; 15 U.S.C. 80a–2) of the act: *Provided*, That nothing herein contained shall permit any registered investment company or any company or companies controlled by such registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any bank which is an investment adviser or such registered investment company or controlled company. (Sec. 2 (a), 54 Stat. 790; 15 U.S.C. 80a–3; sec. 6 (c), 54 Stat. 802; 15 U.S.C. 80a–6; sec. 38 (a), 54 Stat. 841; 15 U.S.C. 80a–38) [General Rules and Regulations, Rule N-2A–3, effective January 5, 1944]

§ 270.10f–2 *Exercise of warrants or rights received on portfolio securities.* Any purchase or other acquisition of securities by a registered investment company pursuant to the exercise of warrants or rights to subscribe to or to purchase securities shall be exempt from the provisions of section 10 (f) (sec. 10 (f), 54 Stat. 807; 15 U.S.C. 80a–10) of the act, *Provided*, That the warrants or rights so exercised (a) were offered or issued to such company as a security holder on the same basis as all other holders of the class or classes of securities to whom such warrants or rights were offered or issued, and (b) do not exceed 5% of the total amount of such warrants or rights so issued. (Sec. 10 (f), 54 Stat. 807; 15 U.S.C. 80a–10; sec. 6 (c), 54 Stat. 802; 15 U.S.C. 80a–6; sec. 38 (a), 54 Stat. 841; 15 U.S.C. 80a–38) [General Rules and Regulations, Rule N-10F–2, effective January 5, 1944]

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–345; Filed, January 6, 1944; 3:11 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Selective Service System

PART 603—SELECTIVE SERVICE OFFICERS

[Amdt. 201, 2d Ed.]

COMPOSITION AND APPOINTMENT OF BOARD OF APPEAL

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend § 603.22 to read as follows:

§ 603.22 *Composition and appointment.* For each board of appeal area, a board of appeal, normally of five members, shall be appointed by the President, upon recommendation of the Governor. The members shall be male citizens of the United States who are not members of the land or naval forces; they shall be residents of the area for which their board is appointed; and they should be at least 38 years old. The board of appeal should be a composite board, representative of all activities of its district, and as such should include one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. If the number of appeals sent to one board becomes too great for the board to handle without undue delay, additional groups of five members similarly constituted shall be appointed to the board by the President, upon recommendation of the Governor. Each such group shall have full authority to act for the board on all cases assigned to it by the board. Each group shall act separately. An additional member to supervise and coordinate the work of all the groups of a board of appeal may be appointed by the President, upon recommendation of the Governor.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

JANUARY 6, 1944.

[F. R. Doc. 44–352; Filed, January 7, 1944; 9:33 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943; 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–447]

AMERICAN HEATING COMPANY

Albert P. Mergardt, doing business as American Heating Company, Washington, D. C., is engaged in the business of selling and installing new metal plumbing and heating equipment as defined in Limitation Order L–79. On June 17, 1943, he was investigated by the War Production Board and was advised that he was not conforming to regulations and that he must do so. During the month of August, 1943, he made numerous sales of new metal plumbing and heating equipment including tank hot water heaters, to ultimate consumers at a price in excess of $5.00 each on orders which did not bear a preference rating. These deliveries constituted violations of Limitation Orders L–79 and L–185. On or about September 1, 1943, he applied a preference rating of A–10 under Preference Rating Order P–84 to a purchase order for radiators, which radiators were not to be sold on rated orders or to replace heating equipment sold on such orders. The application of this rating, therefore, constituted a violation of Preference Rating Order P–84. At the time of the transactions set forth above, Albert P. Mergardt had in his possession copies of Limitation Order L–79 and Preference Rating Order P–84 and had been advised of their significance, and, therefore, the aforesaid acts were wilful violations of these two orders.

These violations of Limitation Order L–79 and L–185 and Preference Rating Order P–84 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.447 *Suspension Order No. S–447.* (a) Albert P. Mergardt, doing business as American Heating Company or otherwise, his or its successors and assigns, are hereby prohibited from selling or delivering to any person any new metal plumbing or heating equipment as defined in Limitation Order L–79 except on orders which bear a preference rating of AA–3 or higher, unless hereafter specifically authorized by the War Production Board.

(b) Deliveries of material to Albert P. Mergardt, doing business as American Heating Company or otherwise, his or its successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board unless such deliveries are to fill orders bearing a preference rating of AA–3 or higher, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation or allotment shall be made to Albert P. Mergardt, doing business as American Heating Company or otherwise, his or its successors or assigns, directly or indirectly, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless such allocation or allotment is to be used to fill orders bearing a preference rating of AA–3 or higher, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Albert P. Mergardt from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on January 7, 1944, and shall terminate on April 30, 1944.

Issued this 1st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–348; Filed, January 6, 1944; 4:36 p. m.]

PART 1085—PLANTS CANNING OR PROCESSING FRUITS, VEGETABLES OR FISH

[Preference Rating Order P-115, as Amended Jan. 7, 1944]

§ 1085.1 *Preference Rating Order P-115*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning or otherwise processing fruits, vegetables, or fish, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this order is specifically issued.

(2) "Canning" means the preparation of fruits, vegetables, or fish for market by packing such fruits, vegetables, or fish (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

(3) "Processing" means the primary preparation of fruits, vegetables or fish for market by freezing, dehydration, and packing for the fresh market.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind, used in the canning or processing of fruits, vegetables or fish, but does not include any planting or harvesting equipment, fishing vessels, or fishing equipment or office or transportation equipment, or material for the replacement of the structural or exterior parts of any building.

(5) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment, when not constituting repair.

(6) "Material required for more efficient operation" means:

(i) Material necessary for the most effective use of machinery in existing production lines;

(ii) Material necessary for the expansion of a producer's facilities not including construction forbidden without WPB permission under Conservation Order L-41;

(iii) Material necessary for the conversion of a producer's facilities so as to permit the use by him of containers fabricated of less critical materials;

(iv) Material required to adapt such lines to the requirements of Order M-81, as amended from time to time, and other orders restricting permitted uses of containers and closures.

(7) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a producer or to another supplier.

(8) "Fish" includes shellfish.

(b) *Assignment of preference ratings.* Preference rating AA-3 is hereby assigned, subject to the restrictions and conditions of paragraph (c), to deliveries of material required by a producer for replacement, or for more efficient operation; excluding, however, any deliveries of material;

(1) For Maintenance, Repair or Operation obtained pursuant to the provisions of CMP Regulation 5.

(2) For any other purpose that, in the opinion of the War Production Board at the time application is made, as provided in paragraph (c) (2) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Application of preference rating.* (1) A producer or any supplier, in order to apply or extend the preference rating assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time. Any person in Canada authorized to use a preference rating assigned hereunder shall use such rating in the manner provided by Priorities Regulation No. 22.

(2) The producer shall not apply preference rating AA-3 assigned pursuant to this order, unless he shall have made application to the War Food Administrator on Form WPB-576 (formerly PD-285) describing the material needed and the nature of the proposed replacement or addition, and shall have received from the War Production Board a specific authorization to apply such rating. Authorization to apply a preference rating for deliveries to be made into the Dominion of Canada from the United States will be granted by the War Production Board only upon the recommendation of the Priorities Officer of the Department of Munitions and Supply in Canada.

(d) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Food Administrator, Department of Agriculture, Washington 25, D. C.; Ref: P-115.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications or extensions of the rating to any other deliveries shall thereafter be made by the producer or supplier affected by such revocation.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 7th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-385; Filed, January 7, 1944; 11:11 a. m.]

PART 1108—PLANTS PROCESSING DAIRY PRODUCTS OR EGGS

[Preference Rating Order P-118 as Amended Jan. 7, 1944]

§ 1108.1 *Preference Rating Order P-118*—(a) *Definitions.* For the purposes of this order;

(1) "Processor" means any person located in the United States, its territories and possessions, engaged in the business of processing dairy products or eggs, or poultry, or any person located in the Dominion of Canada, to whom and in whose name, a copy of this order is specifically issued.

(2) "Processing dairy products" means the processing operations in connection with any of the following businesses, excluding operations performed at retail outlets in connection with retail sale, or at restaurants or hotels:

(i) Pasteurizing milk,

(ii) Receiving milk from other persons for cooling preparatory to reshipment for further processing,

(iii) Producing dairy products, for sale, by processing milk or cream in a plant not located on the farm where the milk was produced or by processing ice cream mix produced in the same plant or in another plant under the same ownership as the processing plant.

(3) "Processing eggs" means only the primary processing operations in connection with any of the following businesses performed in plants operating for the primary purpose of directly or indirectly supplying eggs to or for the War Food Administration or for the armed forces (or, in Canada, plants approved by the Special Products Board of Canada):

(i) Candling and grading eggs,

(ii) Breaking, packaging, and freezing liquid eggs,

(iii) Dehydrating eggs.

(4) "Processing poultry" means only the primary processing operations in connection with any of the following businesses performed in plants operating for the primary purpose of directly or indirectly supplying poultry to or for the War Food Administration or for the armed forces.

(i) Dressing poultry (not eviscerated).

(ii) Eviscerating poultry.

(iii) Canning poultry and poultry products.

(iv) Feather drying.

(5) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment, when not constituting repair.

(6) "Material required for more efficient operation" means:

(i) Material necessary for the most effective use of machinery in existing production lines;

(ii) Material necessary for the expansion of a processor's facilities not including construction forbidden without WPB permission under Conservation Order L-41;

(iii) Material necessary for the conversion of a processor's facilities so as to permit the use by him of containers fabricated of less critical materials;

(iv) Material required to adapt such lines to the requirements of Order M-81, as amended from time to time, and other orders restricting permitted uses of containers and closures.

(7) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a processor or to another supplier.

(b) *Assignment of preference ratings.* Preference rating AA-3 is hereby assigned, subject to the restrictions and conditions of paragraph (c), to deliveries of material required by a processor for replacement, or for more efficient operation; excluding, however, any deliveries of material,

(1) For maintenance, repair or operation obtained pursuant to the provisions of CMP Regulation 5.

(2) For any other purpose that, in the opinion of the War Production Board at the time application is made, as provided in paragraph (c) (2) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Application of preference rating.* (1) A processor or any supplier, in order to apply or extend the preference rating assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time. Any person in Canada authorized to use a preference rating assigned hereunder shall use such rating in the manner provided by Priorities Regulation No. 22.

(2) The processor shall not apply preference rating AA-3 assigned pursuant to this order, unless he shall have made application to the War Food Administrator on Form WPB-748 (formerly PD-414) describing the material needed and the nature of the proposed replacement or addition, and shall have received from the War Production Board a specific authorization to apply such rating. Authorization to apply a preference rating for deliveries to be made into the Dominion of Canada from the United States will be granted by the War Production Board only upon the recommendation of the Priorities Officer of the Department of Munitions and Supply in Canada.

(d) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Food Administrator, Department of Agriculture, Washington 25, D. C.; Ref: P-118.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Revocation or amendment.* This order may be revoked or amended at any time as to any processor or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications or extensions of the rating to any other deliveries shall thereafter be made by the processor or supplier affected by such revocation.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 7th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-386; Filed, January 7, 1944; 11:11 a. m.]

PART 3133—PRINTING AND PUBLISHING[1]

[General Limitation Order L-188 as Amended Jan. 7, 1944]

LOOSE LEAF METAL PARTS AND UNITS

Section 3133.45[1] *General Limitation Order L-188* is hereby amended to read as follows:

§ 3133.45[1] *General Limitation Order L-188*—(a) *Definition.* For the purpose of this order:

(1) "Binder" means a blank book, loose leaf book or cover.

(2) "Unit" means a complete device designed to hold together loose leaves, covers, paper products or other materials in a binder.

(3) "Part" means a component used in the construction of a unit.

(4) "To fabricate" means to change the shape or form of metal in any manner.

(5) "To assemble" means to combine parts into completed units. It does not mean to attach completed units to binders.

(b) *Allotments.* In any calendar quarter, it is the intention of the War Production Board to allot iron or steel to a fabractor of loose leaf metal parts and units in an amount equal to 18¾ percent by weight of metal fabricated by him into metal parts and units in the calendar year 1941.

(c) *Order M-126.* Conservation Order M-126 does not apply to binders.

(d) *Simplified practices.* (1) No metal other than iron or steel may be used in fabricating metal parts or units for binders. (2) No metal other than rivets, eyelets or similar attachment or reinforcement hardware may be used in the following styles or parts of binders.

Styles:
- Visible record books.
- Compression types of ledgers.
- Corporation minute and sales books containing more than three metal studs and two steel rods.
- Pocket memorandum books.
- Chain post binders.

Parts:
- Boosters, triggers or automatic opening devices.
- Hinges or rims.
- Reinforcements for fly leaves and sheets.

(3) Back plates containing iron or steel may not be less than 1½ inches in width.

(4) Metal rings may not be used in binders in excess of:

(i) Two in binders less than 8½ inches on the binding side.

(ii) Three in binders less than 11 inches on the binding side.

(iii) Four in binders less than 14 inches on the binding side.

(e) *Assembly of parts in inventory.* Any person may complete the fabrication and assembly of binders from parts or units fabricated or purchased by him prior to August 3, 1942, provided the completion of such fabrication or assembly does not require iron or steel in excess of 75 percent of the weight of the iron or steel in the completed binder.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing Form WPB-1477 (PD-500), referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All communications concerning this order shall be addressed to War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-188.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control and may be deprived of priorities assistance.

Issued this 7th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-384; Filed, January 7, 1944; 11:11 a. m.]

[1] Formerly Part 3047, § 3047.1.

PART 3270—CONTAINERS

[Conservation Order M-261 as Amended Jan. 7, 1944]

STRAPPING FOR SHIPPING CONTAINERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of strapping for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.9 *Conservation Order M-261*—(a) *Definition.* "Strapping" means any iron, steel or other metal wire or band reinforcements or closures, twelve (12) inches or more in length, for shipping containers excepting: metal for barrel hoops, reinforcement edging on

returnable delivery cases, stitching, baling of compressed material, fastening of material or filled containers into bundles, or for fastening or blocking of material to skids or in vehicles or vessels.

Restriction

(b) *Restriction on use of strapping.* No person shall use commercially any strapping on shipping containers unless:

(1) The weight of the container and contents exceeds ninety pounds, or

(2) The net weight of the contents of the container exceeds .058 pounds per cubic inch, or

(3) Use of the strapping is required by regulation or order of the Interstate Commerce Commission, or

(4) The container for which the strapping is used, and its contents, are to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration, and the strapping is required by such agency, or

(5) The shipment is for delivery outside of both the United States and Canada, or

(6) The strapping is for any of the following containers, provided the strapping is essential to the safe delivery of the contents and has been customarily used for the same type of shipment and container:

(i) Wooden or fibre containers containing fruits, vegetables, meats, fish, or poultry.

(ii) Wooden containers containing plumbing supplies or fixtures, made of vitreous china.

(7) The strapping is for wooden lard or butter tubs, and wooden buckets or pails, or

(8) Use of strapping by railroad companies or truckers is required by them to reinforce containers damaged in transit, or

(9) The strapping is for closing fibre drums or hexagonal or octagonal fibre containers.

(10) The strapping is for use on telescope boxes by a clothing manufacturer for the shipment of clothing, and then only if he has customarily used it for the same type of container and shipment.

Miscellaneous Provisions

(c) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the appropriate Field Office of the War Production Board. The appeal should refer to the particular provision appealed from and explain fully the grounds for appeal, including a description of the item to be packaged, the size and weight of the packaged product and the reason why strapping is required.

(e) *Records.* All persons affected by this order shall keep for at least two years records concerning inventory, production, purchases and sales, and shall make reports on same if required.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: M–261.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 7th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–387; Filed, January 7, 1944; 11:11 a. m.]

PART 3287—GOVERNMENT SERVICES

[Supplementary Limitation Order L–32–b]

METALLIC LICENSE PLATES

§ 3287.3 *Supplementary Limitation Order L–32–b*—(a) *Purpose.* The purpose of this order is to permit the restricted manufacture and issue of metallic license plates for motor vehicles to be used for the licensing year which begins after June 30, 1944 and before July 1, 1945. Supplementary Limitation Order L–32–a governs the manufacture and issue of such plates for the immediately preceding licensing year.

(b) *Definitions.* For the purpose of this order:

(1) "1942 license plate" means any metallic license plate for motor vehicles designed to be used for the licensing year which began after June 30, 1941 and before July 1, 1942.

(2) "1945 license plate" means any metallic license plate for motor vehicles designed to be used for the licensing year which begins after June 30, 1944 and before July 1, 1945.

(c) *Permitted use of 1945 license plates.* Any governmental unit may manufacture or cause to be manufactured, and issue 1945 license plates only subject to the following conditions:

(1) Such license plates shall not exceed, in area or dimension, the 1942 license plates issued by such governmental unit.

(2) Only one 1945 license plate shall be issued for the same motor vehicle except in replacement of a plate which has been lost, stolen or so damaged as to be no longer serviceable.

(3) The total quantity of 1945 license plates manufactured by or for any governmental unit shall not exceed fifty per cent in number of the license plates issued by such governmental unit for the licensing year 1942, except that any governmental unit which, for such license year, issued only one 1942 license plate for each motor vehicle, may manufacture as many 1945 license plates as such governmental unit issued for the license year 1942.

(4) 1945 license plates shall be manufactured only, (i) from metal owned by such governmental unit on January 1, 1944; or, (ii) from sheet or strip metal not heavier than 22 gauge acquired by such governmental unit pursuant to specific authorization by the War Production Board. Application for such authorization shall be made on Form CMP–4–B addressed to the Government Division, War Production Board, Washington 25, D. C., Ref: L–32–b.

This order does not constitute an authorization to purchase or accept delivery of metal for the manufacture of 1945 license plates, but specific authorization from the War Production Board must be obtained.

Issued this 7th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–383; Filed, January 7, 1944; 11:11 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L–30–a, Direction 1]

SUPPLEMENTARY QUOTAS FOR FIRST QUARTER OF 1944

The following direction is issued pursuant to Limitation Order L–30–a:

This direction gives each manufacturer under Order L–30–a a supplementary quota of iron and steel for the first quarter of 1944 for use in making the following restricted articles: pails and buckets, wash tubs, wash boilers, funnels, fire shovels and storage cans for petroleum products. In addition to his quotas under paragraphs (d) (3), (d) (4), (e) (2), (f) (2) and (f) (3) of Order L–30–a, he may put into process in that quarter in the production of any or all of the articles listed above not more than three times 43⅓% of the average monthly amount of iron and steel put into process by him during the base period in the production of these restricted articles. All articles made under this direction must be produced in accordance with all provisions of Order L–30–a other than the quota provisions mentioned above.

Issued this 7th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–382; Filed, January 7, 1944; 11:11 a. m.]

Chapter XI—Office of Price Administration

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3–4, Revocation]

FOOD AND DRINK IN DESIGNATED COUNTIES IN MICHIGAN

For the reasons set forth in a statement of considerations issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Executive Order No. 9328, and General Order No. 50, issued by the Office of Price Administration, *It is ordered*, That Restaurant Maximum Price Regulation No. 3–4 entitled "Food and Drink Sold for Immediate Consumption, Designated Counties in Michigan" be, and the same is, hereby revoked.

The provisions of Supplementary Order No. 40, "Effect of Repeal, Revocation, Amendment or other Modifications of Price Regulations" issued by the Price Administrator on April 2, 1943, shall apply with full force and effect to this order of revocation.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4866)

Issued and effective November 30, 1943.

BERKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–349; Filed, January 6, 1944; 5:09 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 39]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS[*]

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

The effective date provision of Amendment No. 14 to Maximum Price Regulation No. 280 is amended to read as follows:

This amendment shall become effective February 22, 1943, and shall terminate on February 23, 1944.

This Amendment No. 39 shall become effective as of November 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44–351; Filed, January 6, 1944; 5:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14A[2] to GMPR, Amdt. 11]

MILK AND MILK PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

The effective date provision of § 1499.73a (a) (1a), as provided for in Amendments Nos. 119 and 184 to Supplementary Regulation No. 14 and Amendments Nos. 2 and 4 to Supplementary Regulation No. 14A, is amended to read as follows:

This amendment shall become effective February 22, 1943, and shall terminate on February 23, 1944.

This Amendment No. 11 shall become effective as of November 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44–350; Filed, January 6, 1944; 5:16 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 292, Amdt. 8]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS

Correction

In F.R. Doc. 43–20526, appearing on page 17425 of the issue for Wednesday, December 29, 1943, the column headings of the table should read:

Season	9 lb. box	26 lb. L. A. lug	26 lb. ½ box	54 lb. box	All other containers	Bulk without container

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PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 25]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

Maximum Price Regulation 348 is amended by the addition of Appendix L, Table 4.

TABLE 4

Area. The States of Arkansas, Louisiana, Mississippi and Texas.

Species. The species of oak of the genus Quercus known to the industry as white oak and red oak, red and sweet gum (Liquidamber styraciflua); Tupelo gum (Nyssa aquatica); black gum (Nyssa sylvatica); and other hardwood species.

Scaling and grading rules. The basis for measurement shall be the standard cord of 128 cubic feet. The prices for units of different specifications than the standard cord specifications of 4' x 4' x 8' shall be determined as follows:

(a) Convert the unit to cubic feet.

(b) Determine the ratio which the unit bears to the cord of 128 cubic feet; (A table of conversions is set forth at the beginning of Appendix L.)

(c) Multiply the price for the standard cord of 128 cubic feet by the ratio so obtained.

Example: If the unit contains 180 cubic feet, the ratio is

$$\frac{180}{128}=1.406$$

Grade specifications.—(1) *Bourbon grade stave bolts.* Must be of white oak species; 38" in length; sound, straight-grained, free of all visible defects and must be cut from timber large enough to split into 4 or more bolts so that each bolt will square 4 or more inches of red or heartwood. The 4 inch square is to be measured at the small end of the bolt.

(2) *Bourbon grade heading bolts.* Must be of white oak species; 23" in length, sound, straight-grained, free from all visible defects, and must be cut from timber large enough to split into 4 or more bolts so that each bolt will square 4½ or more inches of red or heartwood. The 4½ inch square is to be measured at the small end of the bolt.

(3) *Oil grade mixed oaks stave bolts.* Can include both red and white oak bolts that are sound, straight-grained, free of knots, catfaces and large worm holes, and must be cut from timber large enough to split into 3 or more bolts so that each bolt will square at least 4½ inches of both heart and sapwood. The 4½ inch square is to be measured at the small end of the bolt. The bolts are to be 38" in length.

(4) *Oil grade mixed oaks heading bolts.* Can include both red and white oak bolts that are sound, straight-grained, free of knots, catfaces and large worm holes, and must be cut from timber large enough to split into 3 or more bolts so that each bolt will square at least 4½ inches of both heart and sapwood. The 4½ inch square is to be measured at the small end of the bolt. The bolts are to be 23" in length.

(5) *#1 Grade block (or billet).* The minimum diameter for the blocks shall be 12", The blocks shall be cut into lengths of 23" and 38" unless otherwise specifically ordered by the buyer. All blocks are to be sound, straight-grained, free of knots, catfaces and large worm holes, except that two small knots 1" or less in diameter will be permitted if the knots are in strict alignment.

(6) *#2 Grade blocks or bolts.* Any bolt or block not meeting the requirements of a #1 block or an oil bolt shall be considered as a #2 block or bolt. All bolts cut two pieces from one cut will be included in this grade.

Maximum prices	*Per cord of 128 cubic feet*
Bourbon Grade Stave Bolts	$25.00
Bourbon Grade Heading Bolts	25.00
Oil Grade Stave Bolts	17.00
Oil Grade Heading Bolts	17.00
#1 Grade Red and Sweet Gum Blocks	14.00
#1 Grade Mixed Gum Blocks	13.00
#1 Grade Other Hardwood Blocks	13.00
#2 Grade all species—Blocks or Bolts	7.00

These prices to prevail f. o. b. cars or for bolts and blocks delivered to the mill by truck.

If the buyer takes delivery at a point other than on railroad cars or at his mill, the maximum prices must be reduced by either of the following depending upon the delivery point:

1. The cost per cord to the buyer of trucking bolts or blocks to the closest rail siding and loading on cars if delivery to mill is by rail.

2. The cost to the buyer of trucking bolts or blocks to his mill if delivery to mill is by truck.

The prices herein established are for the purchase of blocks or bolts produced in the area described above and will govern for all buying plants purchasing blocks and bolts

[*] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5165, 7566, 9357, 7196, 7599, 7670, 8005, 8180, 9521, 9386, 9683, 10513, 11811, 13060, 13721, 16597, 16795.

[2] 8 F.R. 9835, 9885, 10514, 12793, 13060, 13724, 13289, 15708, 16604, 16428, 16919.

[1] 8 F.R. 16115, 16198, 16204, 16397.

in these areas, whether or not the buying plants are located in the area.

This amendment shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-394; Filed, January 7, 1944; 11:38 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87,[1] as Amended, Incl. Amdt. 9]

SCRAP RUBBER

The preamble, §§ 1315.1261 (a) (3), 1315.1263 Table III are amended, and §§ 1315.1261 (a) (5), (6), 1315.1263 (h), (i) are added by Amendment 9, effective January 6, 1944, so that Revised Price Schedule No. 87, as Amended, shall read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish specific and uniform maximum prices for sales of scrap rubber. In the judgment of the Price Administrator the maximum prices established by this revised price schedule are and will be generally fair and equitable and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this revised price schedule, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Insofar as this schedule uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, the Price Administrator has determined with respect to such specifications that no practicable alternative exists for securing effective price control with respect to the commodities subject to this schedule.

[Preamble amended by Supplementary Order 68, 8 F.R. 12555, effective 9–11–43, and Am. 9, effective 1–6–44]

Sec.

1315.1251 Maximum prices for scrap rubber.
1315.1252 Licensing.
1315.1253 Sales for export.
1315.1254 Applicability of the General Maximum Price Regulation.
1315.1255 Less than maximum prices.
1315.1256 Adjustable pricing.
1315.1257 Evasion.
1315.1258 Records and reports.
1315.1259 Enforcement.
1315.1260 Petitions for amendment.
1315.1261 Definitions.
1315.1262 Effective date.
1315.1263 Appendix A: Maximum prices for scrap rubber.

AUTHORITY: §§ 1315.1251 to 1315.1263, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1315.1251 *Maximum prices for scrap rubber.* On and after June 26, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver scrap rubber to a consumer, and no consumer shall buy or receive scrap rubber, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1263; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That a sale of scrap rubber articles or materials to a person who acquires them solely for the purpose of re-sale shall not be deemed a sale to a consumer. *Provided further*, That this schedule shall not apply to any scrap rubber articles or materials which are acquired for the purpose of repairing or reconditioning them, or of reselling them to be repaired or reconditioned, to make them re-usable for their original purpose, even though such articles or materials may be acquired together with scrap rubber which is covered by this schedule.

[§ 1315.1251 as amended by Am. 4, 8 F.R. 4628, effective 4–13–43]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1315.1252 *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1315.1252 as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10–1–43]

[NOTE: The provisions of Licensing Order No. 2 (8 F.R. 13241) continue the registration provisions of Supplementary Order No. 5 (7 F.R. 3403, 6077, 9723; 8 F.R. 605, 13242) requiring the registration of dealers selling to a consumer any waste, scrap, or salvage material covered by Revised Price Schedule No. 87, as amended.]

§ 1315.1253 *Sales for export.* The maximum prices at which a person may export scrap rubber shall be determined in accordance with the provisions of the Maximum Export Price Regulation[4] issued by the Office of Price Administration.

§ 1315.1254 *Applicability of the General Maximum Price Regulation.*[5] The provisions of this Revised Price Schedule No. 87, as Amended, supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established in this Schedule.

§ 1315.1255 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1315.1263) may be charged, demanded, paid or offered.

§ 1315.1256 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1315.1256 as amended by Am. 6, 8 F.R. 8844, effective 7–2–43]

§ 1315.1257 *Evasion.* The price limitations set forth in this Revised Price Schedule No. 87, as Amended, shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to scrap rubber, alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1258 *Records and reports.* (a) Every person making a sale or purchase of scrap rubber subject to this Revised Price Schedule No. 87, as Amended, after February 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (1) each such sale or purchase showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade purchased or sold, and (2) the quantity of each grade of scrap rubber on hand and on order, as of the close of each calendar month.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.1259 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 87, as Amended, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 87, as Amended, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1260 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Price Schedule 87, as Amended, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[6]

[§ 1315.1260 as amended by Supplementary Order No. 25, 7 F.R. 8948, effective 11–4–42]

§ 1315.1261 *Definitions.* (a) When used in this Revised Price Schedule No. 87, as Amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Scrap rubber" includes any waste or discarded rubber article or material usable for the production of reclaimed rubber or in the manufacture of any product.

(3) "Consumer" means any persons consuming scrap rubber in the production of reclaimed rubber or in the manufacture of any product. "Consumer" shall include any person who splits scrap rubber tires into their component parts.

(4) "Ton" means a short ton of 2,000 pounds net weight. Bags, coverings or containers shall not be included in the net weight.

(5) "Rubber" means all types and forms of natural and synthetic rubber, but does not include balata or substitute rubber.

(6) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

[Subparagraph (3) amended and (5) and (6) added by Am. 9, effective 1–6–44]

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1262 *Effective date.* This Revised Price Schedule No. 87, as Amended (§§ 1315.1251 to 1315.1263, inclusive) shall become effective June 26, 1942.

[Issued June 26, 1942]

[NOTE: Effective dates of amendments are shown in notes following the parts affected]

§ 1315.1263 *Appendix A: Maximum prices for scrap rubber*—(a) *Chief consuming centers.* The maximum prices listed in Tables I, II and III for each consuming center are applicable to every sale of scrap rubber to any consumer for use in a consuming mill located in such consuming center, regardless of the place from which the scrap rubber may have been shipped or where the actual sale may have been made.

TABLE I

[Dollars per short ton]

Kind of scrap rubber	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	Naugatuck, Conn.	East St. Louis, Ill.	Memphis, Tenn.	Gadsden, Ala.	Los Angeles, Calif.
Pneumatic tire casings: [1]							
Mixed passenger 4 ires [2]	$20.00	$19.50	$18.50	$18.40	$17.40	$16.00	$14.00
Beadless passenger tires [3]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Passenger dykes [4]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Passenger S. A. G. [5]	20.50	20.00	19.00	18.90	18.00	16.80	14.50
Mixed truck tires [6]	20.00	19.50	18.50	18.40	17.50	16.00	14.00
Beadless truck tires [7]	26.00	25.50	24.12	24.00	22.88	21.00	18.50
Truck dykes [8]	26.00	25.50	24.12	24.00	22.88	21.00	18.00
No. 1 truck S. A. G. [9]	13.50	13.00	12.00	12.90	12.00	14.30	12.50
No. 2 truck S. A. G. [9]	13.00	13.00	17.00	16.90	16.00	14.50	12.50
Solid tires [10]	36.00	35.50	33.50	33.00	31.50	30.00	25.50

[1] *Pneumatic tire casings:* Shall consist of whole pneumatic tire casings and shall be free from bicycle tires, hard, oxidized, burnt, filled, strip, and non-pneumatic tires, and from leather and metal.

[2] *Mixed passenger tires:* This kind shall consist of pneumatic tire casings having six plies or less. A maximum of 20 percent may consist of road worn tires.

[3] *Beadless passenger tires:* This kind shall consist of mixed passenger tires from which the beads have been removed but which conform otherwise to the specifications for mixed passenger tires.

[4] *Passenger dykes:* This kind shall consist of beadless passenger tires from which two or more layers of fabric have been removed.

[5] *Passenger S. A. G.:* This kind shall consist of pieces of mixed passenger tires from which the treads and beads have been removed, but may contain sidewall rubber or beads from which the wire has been removed.

[6] *Mixed truck tires:* This kind shall consist of pneumatic tire casings having seven plies or more. A maximum of 10 percent may consist of road worn tires.

[7] *Beadless truck tires:* This kind shall consist of mixed truck tires from which the beads have been removed but which conform otherwise to the specifications for mixed truck tires.

[8] *Truck dykes:* This kind shall consist of beadless truck tires from which two or more layers of fabric have been removed.

[9] *No. 1 truck S. A. G.:* This kind shall consist of pieces of mixed truck tires from which the treads and beads have been removed, but may contain sidewall rubber or beads from which the wire has been removed.
No. 2 truck S. A. G.: This kind shall consist of a mixture of passenger S. A. G. and No. 1 truck S. A. G.

[10] *Solid tires:* This kind shall consist of solid motor truck tires and shall be free from oxidized tires, metal, hard bases, fibre bases and cloth bases.

[Table I amended by Am. 3, 7 F.R. 8700, effective 10–31–42 and Am. 7, 8 F.R. 9017, effective 7–1–43]

TABLE II

Kind of scrap rubber	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	*Dollars per short ton*
No. 1 passenger peelings [1]	$32.25	$44.00
No. 2 passenger peelings [2]	33.00	34.75
No. 3 passenger peelings [3]	30.25	22.00
No. 1 truck peelings [4]	42.25	41.25
No. 1A truck peelings [5]	53.00	42.00
No. 2 truck peelings [6]	33.00	24.75
No. 3 truck peelings [7]	30.25	22.00
No. 1 light colored (zinc) carcass [8]	57.75	44.00
No. 2 light colored carcass [9]	55.00	42.00
Gray carcass [10]	52.25	41.25

[1] *No. 1 passenger peelings:* This kind shall consist of treads stripped from Pneumatic Tire Casings having six plies or less. The material shall be free from fabric, metal, leather, and from hard, burnt or oxidized treads.

[2] *No. 2 passenger peelings:* This kind shall consist of treads stripped from Pneumatic Tire Casings having six plies or less. The material may contain cushion rubber, breaker fabric, and sidewalls, plus not more than one full ply of carcass fabric.

[3] *No. 3 passenger peelings (Buff Head Peelings):* This kind shall consist of No. 2 Passenger Peelings from which a part of the tread has been removed.

[4] *No. 1 truck peelings:* This kind shall consist of treads stripped from Pneumatic Tire Casings having seven plies or more. The material may contain cushion rubber but shall be free from fabric, metal, leather, and from hard burnt or oxidized treads. This grade may contain not more than 10 percent of No. 1 Passenger Peelings.

[5] *No. 1A truck peelings:* This kind shall be the same as No. 1 Truck Peelings, except that it shall be free from cushion rubber.

[6] *No. 2 truck peelings:* This kind shall consist of treads stripped from Pneumatic Tire Casings having seven plies or more. The material may contain cushion rubber, breaker fabric, and sidewalls, plus not more than one full ply of carcass fabric.

[7] *No. 3 truck peelings (Buff Head Peelings):* This kind shall consist of No. 2 Truck Peelings from which a part of the tread has been removed.

[8] *No. 1 light colored (Zinc) carcass:* This kind shall consist of all white zinc carcass fabric and shall be free from black edges and from any other colored rubber.

[9] *No. 2 light colored carcass:* This kind shall consist of light colored carcass fabric such as white, pink, light gray, pure gum, and light brown carcass fabric, and shall be free from all dark colored rubber, from black edges and from black rubber.

[10] *Gray carcass:* This kind shall consist of colored carcass fabric too dark for delivery under No. 2 Light Colored Carcass, and shall be free from black edges and from black rubber.

	Cents per pound	Cents per pound
Passenger tubes: [11]		
No. 2 passenger tubes [12]	7¾	7¾
Light colored No. 2 passenger tubes [13]	6¾	7¾
Red passenger tubes [14]	7¾	7
Black passenger tubes [15]	6¼	6¼
Mixed passenger tubes [16]	6½	6
Truck tubes: [17]		
No. 2 truck tubes [18]	7¾	7
Red truck tubes [19]	7¾	6¾
Black truck tubes [20]	6¼	6
Mixed truck tubes [21]	6¼	5¾
Two-toned black-gold tubes [22]	6¼	6¼
Two-toned red-black tubes [23]	6½	6
Miscellaneous inner tubes [24]	6	5½

[11] *Passenger tubes:* Shall consist of inner tubes for pneumatic tire casings having six plies or less, and shall be free from puncture-proof tubes, from crusty and oxidized tubes, and from metal and punchings. All passenger tubes, except Mixed Passenger Tubes, shall be free from metal valves. All Passenger Tubes, except Mixed Passenger Tubes and Black Passenger Tubes, shall be free from black rubber valve cots and from the bases of such valves.

[12] *No. 2 passenger tubes:* This kind shall consist of all Passenger Tubes except black, red, and Two-Toned Passenger Tubes.

[13] *Light colored No. 2 passenger tubes:* This kind shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and seller.

[14] *Red passenger tubes:* This kind shall consist of strictly red Passenger Tubes.

[15] *Black passenger tubes:* This kind shall consist of strictly black Passenger Tubes.

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[1] Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 4781.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[4] 8 F.R. 13240.

[5] Second Revision: 8 F.R. 4132, 5987, 7663, 9996, 15193.

[6] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9085, 9901, 11965.

[14] *Mixed passenger tubes:* This kind shall consist of Passenger Tubes of various colors and qualities.

[15] *Truck tubes:* Shall consist of inner tubes for pneumatic tire casings having seven plies or more, and shall be free from puncture proof tubes, from crusty and oxidized tubes, and from metal and punchings. All Truck Tubes, except Mixed Truck Tubes, shall be free from metal valves. All Truck Tubes, except Mixed Truck Tubes and Black Truck Tubes, shall be free from black rubber valve cots and from the bases of such valves.

[16] *No. 6 truck tubes:* This kind shall consist of all Truck Tubes except Black, Red and Two-Toned Truck Tubes.

[17] *Red truck tubes:* This kind shall consist of strictly red Truck Tubes.

[18] *Black truck tubes:* This kind shall consist of strictly black Truck Tubes.

[19] *Mixed truck tubes:* This kind shall consist of Truck Tubes of various colors and qualities.

[20] *Two-toned black-gold tubes:* This kind shall consist of two-toned black and gold Passenger or Truck Tubes.

[21] *Two-toned red-black tubes:* This kind shall consist of two-toned red and black Passenger or Truck Tubes.

[22] *Miscellaneous inner tubes:* This kind shall consist of all kinds of inner tubes for pneumatic tires, not elsewhere listed in Table II, and miscellaneous lots of any kinds of unsorted inner tubes for pneumatic tires, and may or may not contain metal valve stems.

[Table II amended by Am. 1, 7 F.R. 5177, effective 7-11-42; Am. 3, 7 F.R. 8700, effective 10-31-42; and Am. 7, 8 F.R. 9017, effective 7-1-43]

TABLE III

Kind of scrap rubber	Maximum prices at all consuming centers, cents per pound
Mechanical scrap, other than Neoprene and Buna N Types:[1]	
Black, specific gravity 1.15 or below	5
Black, specific gravity above 1.15	1
White or colored, specific gravity 1.10 or below	10
White or colored, specific gravity 1.11 to 1.30	5
White or colored, specific gravity 1.31 to 1.50	4½
White or colored, specific gravity above 1.50	4
Mechanical scrap, Neoprene and Buna N Types[2]	4
Friction scrap, unprocessed:[3]	
White or colored	10
Black or mixed	6
Friction scrap, processed:[4]	
White or colored	12½
Black or mixed	8½
Other unvulcanized scrap rubber:[5]	
White or colored	18
Black or mixed	9

[1] Mechanical scrap, other than Neoprene and Buna N Types: Shall consist of all forms of rubber articles, except articles in which any synthetic rubber of the Neoprene Type or Buna N Type (such as Hycar, Perbunan, Chemigum, Butaprene and Thiokol RD) is included, and shall be free from fabric, metal, wood, and other extraneous materials.

[2] This kind shall consist of all forms of black, white, or colored rubber articles of all specific gravities in which any synthetic rubber of the Neoprene Type or Buna N Type (such as Hycar, Perbunan, Chemigum, Butaprene, and Thiokol RD) is included, and shall be free from fabric, metal, wood, and other extraneous materials.

[3] This kind shall consist of unvulcanized factory scrap, containing fabric.

[4] This kind shall be the same as No. 3 except that it must be processed in accordance with standard trade practices.

[5] This kind shall consist of unvulcanized scrap rubber and shall be free from fabric and all extraneous materials.

Kind of scrap rubber	Maximum prices at all consuming centers, per short ton
Buffings[6]	$35.00
Bicycle tires[7]	15.00
Passenger tire beads[8]	5.00
Truck tire beads[9]	7.00
Air bags and water bags[10]	15.00
Air brake hose[11]	25.00
Miscellaneous hose[12]	17.00
Mats and matting[13]	15.00
Rubber boots and shoes[14]	33.00
No-mark soles and trimmings[15]	35.00
Black soles and trimmings[16]	32.00
Rubber heels[17]	16.00
Miscellaneous scrap rubber[18]	15.00

[6] Buffings. This kind shall consist of buffings from tires or rubber stocks comparable in quality to tires, and shall be commercially clean.

[7] Bicycle Tires. This kind shall consist of bicycle tires, with or without beads, and shall be free from oxidized tires and metal valves.

[8] Passenger Tire Beads. This kind shall consist of the beads of all motor car tires having six plies or less.

[9] Truck Tire Beads. This kind shall consist of the beads of all motor car tires having seven or more plies.

[10] Air Bags and Water Bags. This kind shall consist of air bags or water bags and shall be free from metal, and from burnt, cracked rubber.

[11] Air Brake Hose. This kind shall consist of railroad air brake hose and shall be free from steam hose or any other kind of hose.

[12] Miscellaneous Hose. This kind shall consist of all types of rubber hose except Air Brake Hose and shall be free from metal, rags, and rope.

[13] Mats and Matting. This kind shall consist of all types of rubber mats and matting, and shall be free from metal, rags, and rope.

[14] Rubber Boots and Shoes. This kind shall consist of rubber boots and shoes, untrimmed arctics, and tennis shoes, including black, white, or colored boots and shoes, both top shoes and gaiters, and light all-rubber gaiters. It shall be free from leather.

[15] No-mark Soles and Trimmings. This kind shall consist of rubber soles and the trimmings from rubber soles made from white or light colored stock but shall be free from black rubber stock, metal, leather, wood, and other extraneous materials.

[16] Black Soles and Trimmings. This kind shall consist of rubber soles, and the trimmings from rubber soles, made from black rubber stock, and shall be free from metal, leather, wood, and other extraneous materials.

[17] Rubber Heels. This kind shall consist of rubber heels with or without nails and shall be free from leather.

[18] Miscellaneous Scrap Rubber. This kind shall consist of miscellaneous unsorted rubber articles and articles not elsewhere classified in Tables I, II, or III.

[Table III amended by Am. 3, 7 F.R. 8700, effective 10-31-42, and Am. 9, effective 1-6-44]

(b) *Other consuming mills.* (1) For any sale of scrap rubber of the kinds specified in Tables I and II to any consumer for use in a consuming mill not located in one of the consuming centers listed in Tables I and II, the applicable maximum prices shall be those set forth in Tables I and II for the one of the consuming centers there listed to which the freight charge on scrap rubber from such consuming mill is lowest. If to any such consuming mill the freight charge on scrap rubber from two or more of the consuming centers listed in Tables I and II is equal, and it is not lower from any of the others, the maximum prices applicable to sales for consumption in such mill shall be the prices set forth in Tables I and II for the one of those consuming centers with equal freight rates whose maximum prices are lowest.

(2) For any sale of scrap rubber of the kind specified in Table III to any consumer for use in a consuming mill not located in a consuming center, the applicable maximum prices shall be those set forth in Table III.

(c) *Scrap rubber not meeting grade specifications.* The highest grade or quality of each kind of scrap rubber is defined by the specifications set forth in the footnotes to Tables I, II and III of paragraph (a) of this section. All prices listed represent respectively the maximum prices for the highest grade or quality of each kind as so defined. The presence of one or more of the objectionable features specified in the respective grade or quality specifications shall be deemed to lower the quality of the particular kind of scrap rubber sold. Any sale of scrap rubber of lower quality than that specified in Table I, II or III for the respective kind shall be made at an appropriate differential, below the maximum price for that kind listed in Table I, II or III and commensurate with the difference in quality involved.

(d) *Delivered prices.* The prices specified in this Appendix are the maximum prices that may be paid by any consumer, or charged by any person, for scrap rubber sold to a consumer and delivered to the consumer's mill. The maximum prices set forth shall include all transportation costs. If the seller does not deliver the scrap rubber to the consumer's mill, the maximum prices shall be the maximum prices specified in paragraphs (a), (b) and (c) of this section, less the lowest applicable published charges for transportation by rail, water or truck carrier to the consumer's mill, or if no such charges are published, the direct costs actually involved in transporting the scrap rubber to the consumer's mill.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702, 9521) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

(e) *Packing.* (1) The prices specified in this Appendix represent maximum prices for scrap rubber that is packed as follows:

(i) Mixed and headless tires, solid tires and bicycle tires may be shipped bundled or loose in cars.

(ii) All other kinds of scrap rubber shall be packed in bags, bales or bundles, with each kind packed separately. Each bale or bundle shall weigh not less than 500 pounds nor more than 1500 pounds and shall be well and securely bound.

[Subparagraphs (i) and (ii) as amended by Am. 3, 7 F.R. 8700, effective 10-31-42]

(2) Any sale of scrap rubber not packed in accordance with the provisions of this paragraph must be made at appropriate differentials below the maximum prices specified in paragraphs (a), (b) and (c) of this section.

(f) *Premiums for large deliveries on sales contracted for prior to June 26, 1942.* In any sale of scrap rubber, contracted for prior to June 26, 1942, as to which, under the provisions of § 1315.1260 (f) of Revised Price Schedule No. 27 in effect at the time of making such contract, a premium in addition to the listed maximum prices was allowed to be charged and paid, any premium that could properly have been added under the provisions of said § 1315.1260 (f) may be charged and paid, though delivery is not completed until on or after June 26, 1942. In sales contracted for on or after June 26, 1942, no premium shall be added to the listed maximum prices for large deliveries.

[Paragraph (f) added by Am. 2, 7 F.R. 8002, effective 6-26-42]

(g) *Maximum prices for hard rubber scrap and for certain bicycle inner tubes.* Anything in this regulation to the contrary notwithstanding, the maximum price for (1) hard rubber scrap and (2) bicycle inner tubes sold for the manufacture of rubber bands shall be determined in accordance with the provisions of the General Maximum Price Regulation. In applying those provisions to sales and deliveries by the Rubber Reserve Company, other persons who were dealing in scrap rubber during March 1942 shall be deemed to be competitive sellers of the same class as the Rubber Reserve Company.

[Paragraph (g) added by Am. 5, 8 F.R. 5986, effective 5-13-43 and amended by Am. 8, 8 F.R. 11039, effective 8-13-43]

(h) *Maximum prices for pneumatic casing carcass fabric sold for certain uses.* Anything in this schedule to the contrary notwithstanding, the maximum price for pneumatic casing carcass fabric suitable for use in the manufacture of tire patches or retiners or as material from which to stamp or cut shoe soles, when sold for such uses, shall be 8 cents per pound, delivered, regardless of the gauge or number of plies of thickness.

(i) *Maximum prices for certain sales of specially sorted scrap rubber.* A seller of scrap rubber articles (except tires, tire parts and inner tubes) who wishes to establish a higher maximum price than the maximum price set forth in Table III for such scrap rubber articles, may do so pursuant to this paragraph where:

(1) Such articles of scrap rubber are specially sorted; and

(2) They are to be sold to a consumer for use in the manufacture of rubber products other than reclaimed rubber.

The seller shall file a report with the Office of Price Administration, Washington, D. C., which must include the following information:

(1) The name and address of the seller.

(2) The name and address of the proposed purchaser.

(3) A description of the scrap rubber and the use to which such scrap rubber articles will be put by the purchaser.

(4) A statement of the actual cost per pound, or, if actual costs are not available, of the estimated costs per pound of sorting and handling such scrap rubber articles.

(5) The proposed maximum price and a statement of the reasons why such price is believed to be fair and equitable.

The seller may sell or deliver such specially sorted scrap rubber articles at his proposed maximum price at any time after mailing his report. However, he may not receive payment in excess of the maximum price that would otherwise be established under Table III until the Office of Price Administration approves the proposed maximum price in writing or until 20 days have elapsed after the mailing of the report without the Office of Price Administration disapproving of the proposed maximum price. If the Office of Price Administration disapproves of the proposed maximum price, it will designate a different maximum price in writing. The seller may not receive payment at a price in excess of that so designated. The maximum price, either approved or designated in the manner just set forth, shall be the maximum price for all subsequent sales to purchasers of the same class. However, after the 20-day period, the Office of Price Administration may establish in writing a different maximum price, not to apply retroactively.

[Paragraph (h) and (i) added by Am. 9, effective 1-6-44]

NOTE: All reporting and record-keeping requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-391; Filed, January 7, 1944; 11:37 a. m.]

PART 1340—FUEL

[MPR 436,* Amdt. 6]

CRUDE PETROLEUM, PETROLEUM AND NATURAL GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 436 is amended in the following respects:

1. Section 8 (a) (3) is added to read as follows:

(2) *Smackover Field.* The maximum price at the receiving tank for crude petroleum produced in the Smackover Field, Ouachita and Union Counties, Arkansas, shall be a flat price of 98¢ per barrel.

2. Section 8 (e) (6) is added to read as follows:

(6) *Bayou Des Allemands, Raceland, Gibson, Lake Arthur, Tepetate, North Tepetate, and Abbeville Fields.* The maximum price at the receiving tank for crude petroleum of 40° A. P. I. gravity and above produced in the Bayou Des Allemands Field in La Fourche and St. Charles Parishes; Raceland Field in La Fourche Parish, Gibson Field in Terrebonne Parish, Lake Arthur, Tepetate, North Tepetate and Abbeville Fields all located in Louisiana, shall be $1.30 per barrel with the customary differentials for lower gravity crudes.

3. Section 8 (f) (2) is added to read as follows:

(2) *Headquarters Field.* The maximum price at the receiving tank for crude petroleum produced in the Headquarters Field, Roscommon County, Michigan, shall be $1.48 per barrel.

This amendment shall become effective January 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-392; Filed, January 7, 1944; 11:37 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,* Amdt. 15]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 1351.965 (a) (5) is amended to read as follows:

(5) "Bottled egg nog" is a specialty holiday beverage made from fresh or

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11369.

[2] 7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 5164, 9201, 10568, 11040, 12447, 14985, 15935.

powdered eggs, syrup, cream and milk. The product does not contain any distilled spirits (bottled egg nog containing distilled spirits is priced under Maximum Price Regulation No. 445.)[2]

This amendment shall become effective January 6, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-396; Filed, January 7, 1944; 11:39 a. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A,[1] Amdt. 5]

STOVES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 9A is amended in the following respects:

1. Section 3.1 (a) is amended to read as follows:

(a) Any place other than a "manufacturing establishment", where a "person" regularly "acquires" and "transfers" "stoves covered by this order," is a "dealer establishment" if the sales or other transfers from there are made primarily to "consumers." Such a place is a "distributor establishment" if the sales or other transfers from there are made primarily to persons other than consumers or primarily to supply one's own establishments. However, if such a place is used by a person to keep stoves just to supply his own establishments, that place is a distributor establishment only if it supplies:

(1) At least two of his own distributor establishments, or

(2) At least three of his own dealer establishments.

NOTE: The term "manufacturing establishment" is explained in section 4.1.

2. Section 4.1 is amended to read as follows:

SEC. 4.1 *Explanation of the term manufacturing establishment and manufacturer.* (a) Any place where a "person" makes or assembles any "stoves covered by this order" for sale or "transfer" is, as to those stoves, a manufacturing establishment. Any other place where a person gets stoves from his manufacturing establishment for sale or transfer primarily to persons other than consumers is, as to those stoves, a part of that manufacturing establishment.

(b) Any person who has a manufacturing establishment is called a manufacturer.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11564.

[2] 8 F.R. 11161, 11851, 13496, 13500, 13845, 14016, 14401, 15913, 16997, 17415, 16928.

3. Section 13.1 (a) (7) is amended to read as follows:

(7) "Dealer establishment" has the meaning given that term by section 3.1 (a).

4. Section 13.1 (a) (9) is amended to read as follows:

(9) "Distributor establishment" has the meaning given that term by section 3.1 (a).

5. Section 13.1 (a) (13) is amended to read as follows:

(13) "Manufacturing establishment" has the meaning given that term by section 4.1 (a).

This amendment shall become effective January 11, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-395; Filed, January 7, 1944; 11:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 81]

SUBSTITUTE SOLE FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation 14 is amended in the following respects:

1. Section 3.8 (a) is amended by substituting the date January 24, 1944 for January 11, 1944.

2. Section 3.8 (b) is amended by substituting the date March 1, 1944 for January 11, 1944 in both places in which it appears.

3. Section 3.8 (e) is added to read as follows:

(e) *Optional maximum prices.* Sellers of substitute sole footwear other than at wholesale or retail may, prior to January 24, 1944, determine their maximum prices in accordance with paragraph (a), above.

Sellers at wholesale or retail of substitute sole footwear which has been priced by the manufacturer in accordance with paragraph (a), above, may, prior to March 1, 1944, determine their maximum prices in accordance with paragraph (b), above.

This amendment shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-397; Filed, January 7, 1944; 11:39 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 160-A]

PART 95—CAR SERVICE

HOLDING OF GRAIN OR SEEDS AT DESIGNATED MINNESOTA LOCALITIES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of January, A. D. 1944.

Upon recommendation of the Office of Defense Transportation, and upon further consideration of Service Order No. 160 (8 F.R. 14223-24) of October 13, 1943, and good cause appearing therefor: *It is ordered*, That:

Section 95.34 prohibiting the holding for orders of carloads of grain or seeds at Glenwood, St. Cloud, Staples, Thief River Falls, or Willmar, Minnesota, Service Order No. 160 (8 F.R. 14223-24) of October 13, 1943, be, and it is hereby, suspended until further order of this Commission.

Announcement of suspension. Each of the railroads affected by this order shall publish, file, and post a supplement to each of its tariffs affected hereby effective on or before the effective date of this order and upon not less than ten days' notice to the Commission and to the public in accordance with the provisions of the Commission's Tariff Circular No. 20 announcing the suspension of Service Order No. 160 (8 F.R. 14223-24) of October 13, 1943, and stating that the provisions in Item No. 155 of Great Northern Railway Company Tariff G. N. Ry. I. C. C. No. A-9071, the second paragraph of Item No. 145 of Minneapolis, St. Paul & Sault Ste. Marie Railway Company (G. W. Webster and Joseph Chapman, Trustees) Tariff M. St. P. & S. Ste. M. I. C. C. No. 6980, and the second paragraph of Item No. 155 of Northern Pacific Railway Company Tariff (N. P. Ry.) I. C. C. No. 9617, and any and all other tariffs, amendments thereto, or reissues thereof, will be applied on and after the effective date of this order. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 21, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-398; Filed, January 7, 1944; 11:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

NEVADA

MODIFICATION OF GRAZING DISTRICT

Under and pursuant to the authority vested in me by the provisions of the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. sec. 315 et seq.) as amended, commonly known as the Taylor Grazing Act, the following described lands are hereby added to Nevada Grazing District No. 3:

NEVADA

MOUNT DIABLO MERIDIAN.

T. 16 N., R. 19 E.,
Sec. 27, E½NW¼, SW¼NW¼, SE¼;
Sec. 28, NW¼NE¼, NE¼NW¼;
Sec. 34, E½NW¼;
Sec. 35, SW¼;
Sec. 36, NE¼, SE¼NW¼, SE¼SW¼, SW¼SE¼;
T. 17 N., R. 19 E.,
Sec. 14, all;
Sec. 22, W½NE¼, SE¼NE¼, NW¼, S½;
Sec. 27, SW¼NE¼, S½NW¼, W½SE¼;
T. 15 N., R. 20 E.,
Sec. 2, W½NE¼, SE¼NE¼, SE¼NW¼, N½S½;
Sec. 11, SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, NW¼NE¼, E½E½;
T. 16 N., R. 20 E.,
Sec. 4, E½, SW¼;
Sec. 16, NE¼NE¼, E½W½, SW¼SW¼, SE¼SE¼;
Sec. 25, SW¼, W½SE¼, SE¼SE¼, W½NE¼SE¼;
Sec. 26, all;
Sec. 27, S½;
Sec. 28, N½, N½S½, SE¼SW¼;
Sec. 29, S½NE¼, S½SW¼, NE¼SE¼, SW¼SE¼;
Sec. 30, lot 1 of NW¼, S½ lot 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 31, S½ lot 1 of NW¼, N½ lot 1 of SW¼, N½ lot 2 of SW¼, lots 3, 4, NE¼NE¼, SW¼NE¼, NW¼SE¼;
Sec. 32, N½, N½S½;
Sec. 33, E½NE¼, NW¼, NE¼SE¼;
Sec. 34, all;
Sec. 35, all;
Sec. 36, N½NE¼, W½, S½SE¼;
T. 17 N., R. 20 E.,
Sec. 17, NE¼SW¼;
Sec. 18, SE¼NE¼, S½;
Sec. 19, SE¼NW¼SW¼, SW¼NE¼SW¼, NE¼SW¼SW¼, NW¼SE¼SW¼, SE¼SE¼;
Sec. 20, N½;
Sec. 28, all;
Sec. 30, E½, NE¼NW¼, NE¼SW¼;
Sec. 32, E½E½, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 33, SW¼SW¼;
T. 18 N., R. 21 E.,
Sec. 2, all;
Sec. 3, all;
Sec. 4, S½;
Sec. 5, SE¼;
Sec. 6, N½, SW¼, W½SE¼;
Sec. 7, N½NW¼, SW¼NW¼, SE¼;
Sec. 8, E½, E½NW¼, SW¼;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 14, all;
T. 18 N., R. 21 E.—Continued.
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, E½, S½NW¼, SW¼;
T. 19 N., R. 21 E.,
Sec. 27, SW¼NW¼;
Sec. 30, lots 2, 3, 4, SE¼NE¼, SE¼NW¼, W½NW¼ and S½;
Sec. 29, E½E½, SW¼NE¼, W½SW¼ and NW¼SE¼;
Sec. 30, NW¼NE¼, W½W½SW¼NE¼, N½NW¼, E½SE¼NW¼, SW¼SW¼ NW¼, E½E½SE¼;
Sec. 31, E½E½NE¼, and S½;
Sec. 32, E½NE¼, NW¼NE¼, W½NW¼, and S½;
Sec. 33, NW¼.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 31, 1943.

[F. R. Doc. 44-399; Filed, January 7, 1944; 11:56 a. m.]

[Withdrawal 214]

IDAHO

AIR NAVIGATION SITE WITHDRAWAL

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U.S.C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 214:

BOISE MERIDIAN

T. 4 S., R. 4 E.,
Sec. 11, W½NW¼NE¼;
T. 4 S., R. 5 E.,
Sec. 19, NE¼NE¼SE¼.

The areas described aggregate 30 acres.

This order shall take precedence over, but shall not modify, the order of the Secretary of the Interior of April 8, 1935, establishing Idaho Grazing District No. 1, so far as it affects the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941, 55 Stat. 1647. Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 30, 1943.

[F. R. Doc. 44-400; Filed, January 7, 1944; 11:56 a. m.]

Office of the Secretary.

CONSTRUCTION IN MONTANA

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 15, 1943, and entitled Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior, the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 6 of the Grazing Service. Region 6 is composed of the State of Montana. Extensive wage rate investigations have been made by the Wage Board.

The Grazing Service Wage Board finds that the hourly wage rates listed below are appropriate for construction work in the State of Montana and recommends them for your adoption:

Construction job title:	*Recommended basic hourly rate for GRS employees*
Blacksmith	$1.25
Blacksmith helper	.90
Carpenter	1.25
Compressor operator	1.00
Concrete finisher	1.25
Concrete mixer operator	1.25
Construction laborer	.75
Construction laborer leadman	.85
Electrician	1.50
Electrician helper	1.00
Grader operator (road or blade)	1.25
Heavy duty mechanic	1.50
Iron worker, reinforcing	1.25
Iron worker, structural	1.37½
Jackhammer operator	1.00
Labor foreman	1.00
Mixed gang foreman	1.25
Apprentice engineer and oiler	.90
Painter	1.25
Pile driver operator	1.50
Plasterer	1.50
Plumber	1.50
Powderman	1.00
Powderman helper	.85
Rock crusher operator	1.25
Shovel or dragline operator	1.50
Stone mason	1.50
Teamster, 2 up	.65
Teamster, 3 up	.70
Teamster, 4 up	.75
Tractor operator (under 50 hp)	1.25
Tractor operator (50 hp and over)	1.50
Truck driver	.90
Truck driver, specials	1.25
Well driller	1.25
Well driller helper	.75

It is the understanding of the Wage Board that the Grazing Service employees paid in accordance with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat. 522).

The Wage Board recommends that all field employees of the Grazing Service in Region 6 not allocated to grade and engaged in construction be classified or

reclassified in accordance with the foregoing scshedule, effective at the beginning of the first pay period following the date of approval by the Secretary. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board recommends that no person employed by the Grazing Service shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 10th day of December, 1943.

GUY W. NUMBERS,
Chairman.
ARCHIE D. RYAN,
Member.
JOHN F. SHANKLIN,
Member.

I concur in the above recommendations.

C. WARREN STAPLETON,
Special Adviser on Labor Relations.

Approved: December 17, 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 44-368; Filed, January 7, 1944; 11:35 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-515]

W. C. FEAZEL, ET AL.

ORDER POSTPONING DATE OF HEARING

JANUARY 6, 1944.

In the matter of W. C. Feazel, J. Floyd Hodge, Thomas J. Hill and R. J. Leche.

It appearing to the Commission that:

(a) By order dated December 21, 1943, the Commission directed that a hearing in the above entitled matter be held beginning January 19, 1944;

(b) On December 27, 1943, W. C. Feazel requested a postponement of the hearing until January 25, 1944, because of important conflicting engagements;

The Commission orders that:

The hearing heretofore ordered to be held beginning on January 19, 1944, be and the same is hereby postponed to January 25, 1944, at 9:45 a. m., in the Federal Court Room, in the United States Post Office Building, Monroe, Louisiana.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-353; Filed, January 7, 1944; 9:59 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

LEOPOLD H. P. KLOTZ AND NORTH AMERICAN INVESTING CO., INC.

ORDER FOR AND NOTICE OF HEARING

Whereas on April 7, 1942, the Alien Property Custodian issued Vesting Order No. 3 (7 F.R. 2698) which vested certain property consisting of notes issued by Luscombe Airplane Corporation to Leopold H. P. Klotz, collateral notes issued by North American Investing Company to Leopold H. P. Klotz, collateral security deposited with Leopold H. P. Klotz to secure payment of the aforementioned collateral notes, a contract, as amended, between North American Investing Company and Leopold H. P. Klotz and all right, title and interest of Leopold H. P. Klotz in certain shares of Luscombe Airplane Corporation all of which property is more particularly described in Exhibit A attached to said Vesting Order No. 3, in which vesting order there was recited, among other things, a finding that the said property was the property of nationals of a foreign country designated in Executive Order No. 8389, as amended, as defined therein, and that the action taken was in the public interest; and

Whereas Leopold H. P. Klotz has filed Notice of Claim No. 553, by which said Leopold H. P. Klotz asserts a claim to some or all of the property vested by said vesting order and alleges that he is a national of a friendly foreign country and that he resides in the United States; and

Whereas North American Investing Company, Inc., has filed Notice of Claim No. 554, by which said North American Investing Company, Inc., asserts claim to some or all of the property vested by said vesting order and alleges that it is a Delaware corporation all of whose officers, directors, and stockholders are citizens of and reside in the United States.

Now, therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian (8 F.R. 16709), that the hearing thereon be held before the Vested Property Claims Committee on Thursday, January 20, 1944, at 10:00 a. m. eastern war time, in Room 633, National Press Building, 14th and F Streets NW., Washington, D. C. to continue thereafter at such times and places as the Committee may determine. *It is further ordered,* That this notice of hearing be served by registered mail upon the said claimants and upon the persons designated in paragraph 2 of the said notices of claim and upon each person listed in paragraph 5 of Exhibit A attached to Vesting Order No. 3 as registered owner of shares of stock of Luscombe Airplane Corporation, all right, title and interest of Leopold H. P. Klotz in said shares having been vested.

Any person desiring to be heard either in support of or in opposition to the said claims or either of them may appear at the hearing and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington (25), D. C., on or before January 15, 1944.

The foregoing characterization of the claims is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claims. Copies of the claims and of the said vesting order are available for public inspection at the above address.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.

[F. R. Doc. 44-357; Filed, January 7, 1944; 10:41 a. m.]

[Divesting Order 3]

SEVEN PATENTS, INCLUDING NO. 1,656,804

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having, on October 2, 1942, vested, pursuant to Vesting Order Number 201, as property in which nationals of a foreign country or countries had interests, the property described as follows:

All right, title, interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, among others, identified in Exhibit A attached hereto and hereby made a part hereof;

2. Having thereafter discovered that the patent designated in such Vesting Order Number 201 and in said Exhibit A attached hereto as No. 1,777,234, was correctly described in such vesting order except for its number which should have been No. 1,777,235;

3. Having thereafter received a claim executed by American Lumber and Treating Co. (herein called Altco) on Form APC-17 in which Altco claims that at the time of the aforesaid vesting on October 2, 1942, it was the sole legal owner of each and all of the aforesaid patents and of all right, title and interest therein;

4. Finding, as a result of further investigation conducted subsequent to October 2, 1942, that each of said patents and all right, title and interest therein were on October 2, 1942, owned by Altco, and that the latter was at that time and at all times since then has been and now is a corporation organized under the laws of the State of Delaware, having its principal place of business in Chicago, Illinois, and not acting or purporting to act directly or indirectly for the benefit or on behalf of, and not controlled by nor a cloak for, any designated enemy country or national thereof;

5. Determining that the aforesaid vesting was effected by the undersigned under mistakes of fact;

6. Having received no other claim (except the one hereinbefore mentioned in subparagraph 3), or notice of claim, on Forms APC-1, APC-2, APC-16, APC-17 or otherwise, to any of said patents, or to any interest in any of such patents, or arising as a result of such vesting order; and having no knowledge of any interest in any of such patents held by any national of any foreign country;

7. Having neither assigned, transferred or conveyed to anyone any of such patents or any part of any thereof or any interest in any thereof, nor issued any license with respect to any thereof nor in any manner created in any thereof any right or interest in any person whomsoever;

8. Determining that the error committed in vesting such patents should be corrected by assigning and conveying said patents to Altco, and that such disposition of the latter's claim, being for the purpose of correcting mistakes made in vesting such patents originally, does not require the filing of any further claim or any further hearing;

9. Having made all determinations and taken all action required by law; and

10. Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States;

hereby orders that the aforesaid patents be assigned to Altco.

Now, therefore, the undersigned hereby, without warranty, assigns, transfers and conveys to American Lumber and Treating Co., Chicago, Illinois, the following described property:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to those certain United States Letters Patent identified in Exhibit A attached hereto.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on April 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents identified as follows:

Patent No. 1,656,804; Wolman Karl Heinrich; Wood preserving composition; Issued 1-17-28; 28.

Patent No. 1,700,010; Wolman Karl Heinrich; Wood preserving means; Issued 1-22-29; 28.

Patent No. 1,777,235; All Grubenholzimpragnierung G. m. b. H.; Process for preserving wood; Issued 9-30-30; 28.

Patent No. 1,800,423; All Grubenholzimpragnierung G. m. b. H.; Wood preservative; Issued 4-14-31; 28.

Patent No. 1,800,593; Brock Max; Means for protecting wooden masts, poles, sleepers and the like; Issued 4-14-31; 28.

Patent No. 1,957,872; Wolman Karl Heinrich; Preservative for wood; Issued 5-8-34; 28.

Patent No. 1,957,873; All Grubenholzimpragnierung G. m. b. H.; Wood preservative; Issued 5-8-34; 28.

[F. R. Doc. 44-358; Filed, January 7, 1944; 10:47 a. m.]

[Vesting Order 2643]

RESSORT AKTIENGESELLSCHAFT FUER PATENTVERWERTUNG

In re: Patents and interest of Ressort Aktiengesellschaft Fuer Patentverwertung in agreements relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ressort Aktiengesellschaft Fuer Patentverwertung is a corporation organized under the laws of and having its principal place of business in Switzerland and is a national of a foreign country (Switzerland);

2. That Ressort Aktiengesellschaft Fuer Patentverwertung is included in The Proclaimed List of Certain Blocked Nationals;

3. That the property described in subparagraph 4 hereof is property of Ressort Aktiengesellschaft Fuer Patentverwertung;

4. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Switzerland);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date, Inventor and Title

1,761,711; 6-3-30; Alfred Ehlenbeck; Process of and device for making spring insertions for cushions and the like.

1,868,279; 7-19-32; Alfred Ehlenbeck; Cushion or insert for mattresses and the like consisting of spiral springs.

1,925,868; 9-5-33; Alfred Ehlenbeck; Spring mattress, cushion or the like.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ressort Aktiengesellschaft Fuer Patentverwertung by virtue of an agreement dated June 17, 1935 (including all modifications thereof and supplements thereto, including, but not by way of limitation, the amendatory agreement between the same parties dated June 26, 1935) by and between Ressort Aktiengesellschaft Fuer Patentverwertung and Epeda Corporation, which agreement relates, among other things, to Patent No. 1,925,868,

(3) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ressort Aktiengesellschaft Fuer Patentverwertung by virtue of an agreement dated June 25, 1940 (including all modifications thereof and supplements thereto, if any) by and between Epeda Corporation and American Chain & Cable Company, Inc., which agreement relates, among other things, to patents,

(4) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ressort Aktiengesellschaft Fuer Patentverwertung by virtue of an agreement dated June 25, 1940 (including all modifications thereof and supplements thereto, if any), by and between American Chain & Cable Company, Inc. and Owen Silent Spring Company, Inc., which agreement relates, among other things, to patents.

[F. R. Doc. 44-361; Filed, January 7, 1944; 10:44 a. m.]

[Vesting Order 2644]

WOLDEMAR HUGO KNAPP

In re: Patent and interest of Woldemar Hugo Knapp in an agreement with Westinghouse Electric & Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Woldemar Hugo Knapp is a resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in paragraph 3 hereof is property of Woldemar Hugo Knapp;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number	*Date of Issue*	*Inventor and Title*
1,880,259	10–4–32	Woldemar Hugo Knapp; Insulating device for high voltage lines.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Woldemar Hugo Knapp by virtue of an agreement dated September 3, 1925 (including all modifications thereof and supplements thereto, including, but without limitation, the exercising of the option provided for in such agreement), by and between Woldemar Hugo Knapp and Westinghouse Electric & Manufacturing Company, which agreement relates, among other things, to Patent No. 1,880,259.

[F. R. Doc. 44–362; Filed, January 7, 1944; 10:44 a. m.]

[Vesting Order 2645]

ETABLISSEMENTS ET LABORATOIRES GEORGES TRUFFAUT

In re: Interest of Etablissements et Laboratoires Georges Truffaut in an agreement with Standard Chemical Products, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Etablissements et Laboratoires Georges Truffaut is a corporation organized under the laws of France and is a national of a foreign country (France);

2. That the property described in subparagraph 3 hereof is property of Etablissements et Laboratoires Georges Truffaut;

3. That the property described as follows:
Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number	*Date of Issue*	*Inventor and Title*
1,947,230	2–13–34	Georges Truffaut & Isaac Pastac; Remedy for combating diseases of plants and in a process for applying the same.
2,054,509	9–15–36	Isaac Pastac; Method for the selective destruction of weeds.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Etablissements et Laboratoires George Truffaut by virtue of an agreement dated March 2, 1938 (including all modifications thereof and supplements thereto, if any), by and between Etablissements et Laboratoires Georges Truffaut and Standard Chemical Products, Inc., which agreement relates, among other things, to United States Letters Patent No. 1,947,230 and 2,054,509.

[F. R. Doc. 44–363; Filed January 7, 1944; 10:45 a. m.]

[Vesting Order 2644]

GESELLSCHAFT FUER SCHLAMMTROCKNUNG M. B. H. AND DR. GUSTAV TER MEER

In re: Interests of Gesellschaft Fuer Schlammtrocknung-M. B. H. and Dr. Gustav ter Meer in an agreement with Albert T. Otto & Sons, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Gesellschaft Fuer Schlammtrocknung M. B. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That Dr. Gustav ter Meer is a resident of Germany and is a national of a foreign country (Germany);

3. That the property identified in subparagraph 4 hereof is property of Gesellschaft Fuer Schlammtrocknung M. B. H. and/or Gustav ter Meer;

4. That the property described as follows:
All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gesellschaft Fuer Schlammtrocknung M. B. H. and Gustav ter Meer, and each of them, by virtue of an agreement by and between Gesellschaft Fuer Schlammtrocknung M. B. H., Gustav ter Meer and Albert T. Otto & Sons, Inc., executed by Albert T. Otto & Sons, Inc., on July 15, 1930 and Gesellschaft Fuer Schlammtrocknung M. B. H. and Gustav ter Meer on June 8, 1931 (including all modifications of and supplements to such agreement, including, but without limitation, an agreement dated January 4, 1933, and an agreement consummated by a letter dated June 15, 1939) which agreement and modifications relate, among other things, to Patent No. 1,842,464,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–364; Filed, January 7, 1944; 10:45 a. m.]

[Vesting Order 2647]

G. HILSCHER, WIRKMASCHINEN FABRIC

In re: Interest of G. Hilscher, Wirkmaschinen Fabric in an Agreement with Hemphill Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That G. Hilscher, Wirkmaschinen Fabric is a company organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of G. Hilscher, Wirkmaschinen Fabric;

3. That the property described as follows:
All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in G. Hilscher, Wirkmaschinen Fabric by virtue of an agreement dated June 12, 1934 (including all modifications thereof and supplements thereto, if any) by and between G. Hilscher, Wirkmaschinen Fabric and Hemphill Company, which agreement relates, among other things, to United States Letters Patent No. 2,194,485,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–365; Filed, January 7, 1944; 10:45 a. m.]

[Vesting Order 2648]

KARL KADEN

In re: Interest of Karl Kaden in an agreement with No-Sag Spring Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Karl Kaden is a resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Karl Kaden;

3. That the property described as follows:
All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Karl Kaden by virtue of an agreement dated July 13, 1939 (including all modifications thereof and supplements thereto, if any) by and between No-Sag Spring Company and Karl Kaden, which agreement relates, among other things, to United States Reissue Letters Patent No. 21,263.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–366; Filed, January 7, 1944; 10:45 a. m.]

[Vesting Order 2649]

WILLY BECHER

In re: Interest of Willy Becher in an agreement with The Mathieson Alkali Works, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Willy Becher is a resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Willy Becher;

3. That the property described as follows:
All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Willy Becher by virtue of an agreement dated July 20, 1937 and August 9, 1937 (including all modifications thereof and supplements thereto, if any) by and between Willy Becher and The Mathieson Alkali Works, Inc., which agreement relates, among other things, to United States letters Patent No. 1,904,190 and 1,910,741,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–367; Filed, January 7, 1944; 10:45 a. m.]

[Vesting Order 2650]

LEONORE GOTZ

In re: Interest of Leonore Gotz in an agreement between Richard Gotz and Spicer Manufacturing Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Leonore Gotz is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Leonore Gotz;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Richard Gotz by virtue of an agreement dated August 15, 1932 (including all modifications thereof and supplements thereto, if any) by and between Richard Gotz and Spicer Manufacturing Corporation, which agreement relates, among other things, to United States Reissue Patent No. 18,080,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–368; Filed, January 7, 1944; 10:46 a. m.]

[Vesting Order 2651]

SOCIETE ANONYME POUR LES APPLICATIONS DE L'ELECTRICITE ET DES GAZ RARES ETABLISSEMENTS CLAUDE-PAZ ET SILVA AND SOCIETE POUR L'ETUDE & EXPLOITATIONS DES MATIERES LUMINESCENTES

In re: Interest of Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva and Societe Pour L'Etude & Exploitations des Matieres Luminescentes in agreements with each other and with General Electric Company and Claude Neon Lights, Inc.; United States patents owned by nationals of France.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva and Societe Pour L'Etude & Exploitations des Matieres Luminescentes are corporations organized under the laws of France and are nationals of a foreign country (France);

2. That Andre Claude and Pierre Lemaigre-Voreaux are residents of France and are nationals of a foreign country (France);

3. That the property identified in subparagraph 9a, 9b and 9c hereof is property of Societe Anonyme Pour Les Applications De L'Electricite et Des Gaz Rares Etablissements Claude-Paz et Silva;

4. That the property identified in subparagraph 9d hereof is property of Societe Anonyme Pour Les Applications De L'Electricite et Des Gaz Rares Etablissements Claude-Paz et Silva and/or Societe Pour L'Etude & Exploitations des Matieres Luminescentes;

5. That the property identified in subparagraph 9e hereof is property of Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva;

6. That the property identified in subparagraph 9f hereof is property of Andre Claude;

7. That the property identified in subparagraph 9g hereof is property of Pierre Lemaigre-Voreaux;

8. That the property identified in subparagraph 9h hereof is property of Societe Pour L'Etude & Exploitations des Matieres Luminescentes;

9. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 30, 1937 (including all modifications thereof and supplements thereto, if any) by and between Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva and General Electric Company, which agreement relates, among other things, to Patent No. 2,030,957,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 30, 1937 (including all modifications thereof and supplements thereto, if any) by and between Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva and Claude Neon Lights, Inc., which agreement relates, among other things, to Patent No. 2,030,957,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva and Societe Pour L'Etude & Exploitations des Matieres Luminescentes, and each of them, by virtue of an agreement dated February 20, 1939 (including all modifications thereof and supplements thereto, if any) by and between Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva and Societe Pour L'Etude & Exploitations des Matieres Luminescentes, which agreement relates, among other things, to Patents Nos. 2,179,134 and 2,210,780,

(e) All right, title and interest, owned by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares, Etablissements Claude-Paz et Silva, including all rights to grant licenses and all royalties and all damages and profits recoverable at law or in equity by it from any person, firm, corporation or government for past infringement thereof, to which the owner of such right, title and interest is entitled, in and to the following patent:

Patent Number	*Date of Issue*	*Inventor, and Title*
1,908,271	4-18-33	Erich Koch; Electric glow-discharge vessel.

(f) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number	*Date of Issue*	*Inventor, and Title*
1,972,128	9-4-34	Andre Claude; Electric gaseous discharge tube.
1,987,845	1-15-35	Andre Claude; Electric gaseous discharge device.
2,029,900	2-4-36	Andre Claude; Electric lighting apparatus.

2,041,595	5-19-36	Andre Claude; Electric gaseous discharge apparatus.

(g) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number	*Date of Issue*	*Inventor, and Title*
2,235,802	3-18-41	Pierre Lemaigre-Voreaux; Luminescent substance for electric discharge vessels.

(h) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number	*Date of Issue*	*Inventor, and Title*
2,179,134	11-7-39	Marcel Servingne; Inorganic luminous material.
2,210,780	8-6-40	Marcel Servingne; Electric discharge tube.

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent Number	*Date of Issue*	*Inventor, and Title*
Re. 20,909	11-8-38	Andre Claude; Discharge tube.
2,030,957	2-18-36	Joseph Bethenod & Andre Claude; Electromagnetic apparatus.
2,091,953	9-7-37	Jacques Becquemont; Electric discharge tube.
2,149,414	3-7-39	Joseph Bethenod; Induction excitation of electric discharge tubes.
2,173,208	9-19-39	Jean Lecorguillier; Electrode.
2,177,684	10-31-39	Joseph Bethenod & Daniel Andre Kayser; Electric discharge apparatus.
2,178,326	10-31-39	Jean Lecorguillier; Method of and means for eliminating occluded gases from an enclosure.
2,182,609	12-5-39	Joseph Bethenod; Device for starting and feeding electric discharge tubes.
2,221,862	11-19-40	Andre Claude; Lighting device.
2,223,399	12-3-40	Joseph Bethenod; Supply of electric discharge tubes excited inductively.
2,272,513	2-10-42	Fernand Courdil; Electric lamp.

[F. R. Doc. 44–369; Filed, January 7, 1944; 10:46 a. m.]

[Vesting Order 2652]

I. G. FARBENINDUSTRIE A. G. AND AKTIENGESELLSCHAFT FUR STICKSTOFFDUNGER

In re: Patent application of I. G. Farbenindustrie Aktiengesellschaft and patent and interest of Aktiengesellschaft fur Stickstoffdunger in an agreement with Union Carbide Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft and Aktiengesellschaft fur Stickstoffdunger are corporations organized under the laws of Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 4a hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described in subparagraphs 4b apd 4c hereof is property of Aktiengesellschaft fur Stickstoffdunger;

4. That the property identified as follows:

(a) United States patent application identified as follows:

Serial Number	*Filing Date*	*Inventor, and Title*
260,146	3-6-39	H. Holler & O. Mues; process for the generation of acetylene from calcium carbide and water.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

(b) All right, title and interest including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number	*Date*	*Inventor and Title*
Re. 20,527	10-5-37	C. Weibezahn & F. Walter; Process for preparing acetylene,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Aktiengesellschaft fur Stickstoffdunger by virtue of an agreement dated May 28, 1937 (including all modifications thereof and supplements thereto, if any) by and between Aktiengesellschaft fur Stickstoffdunger and Union Carbide Company, which agreement relates, among other things, to United States Reissue Patent No. 20,527,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–370; Filed, January 7, 1944; 10:46 a. m.]

[Vesting Order 2683]

J. D. RIEDEL-E. DE HAEN AKTIENGESELLSCHAFT, ET AL.

In re: Interests of J. D. Riedel-E. de Haen Aktiengesellschaft, Schering-Kahlbaum Aktiengesellschaft, Elchemie G. m. b. H. and Leo Lowenstein in Agreements with E. I. du Pont de Nemours & Company and Buffalo Electro-Chemical Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That J. D. Riedel-E. de Haen Aktiengesellschaft, Schering-Kahlbaum Aktiengesellschaft and Elchemie G. m. b. H. are corporations organized under the laws of Germany and are nationals of a foreign country (Germany);

2. That Leo Lowenstein is a resident of Germany and is a national of a foreign country (Germany);

3. That the property identified in subparagraph 4 hereof is property of J. D. Riedel-E. de Haen Aktiengesellschaft, Schering-Kahlbaum Aktiengesellschaft, Elchemie G. m. b. H. and Leo Lowenstein;

4. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in J. D. Riedel-E. de Haen Aktiengesellschaft, Schering-Kahlbaum Aktiengesellschaft, Elchemie G. m. b. H. and Leo Lowenstein, and each of them, by virtue of an agreement dated March 24, 1933 (including all modifications thereof and supplements thereto, if any) by and between J. D. Riedel-E. de Haen Aktiengesellschaft, Schering-Kahlbaum Aktiengesellschaft, Elchemie G. m. b. H. and Leo Lowenstein and E. I. du Pont de Nemours & Company, which agreement relates, among other things, to United States Letters Patent No. 1,851,941.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in J. D. Riedel-E. de Haen Aktiengesellschaft, Schering-Kahlbaum Aktiengesellschaft, Elchemie G. m. b. H. and Leo Lowenstein, and each of them, by virtue of an agreement dated March 27, 1933 (including all modifications thereof and supplements thereto, if any) by and between J. D. Riedel-E. de Haen Aktiengesellschaft Schering-Kahlbaum Aktiengesellschaft, Elchemie G. m. b. H. and Leo Lowenstein and Buffalo Electro-Chemical Company, Inc., which agreement relates, among other things, to United States Letters Patent No. 1,851,961.

[F. R. Doc. 44–380; Filed, January 7, 1944; 10:46 a. m.]

[Vesting Order 2864]

ELISABETH STEIN

In re: Reissue Patent and Interest of Elisabeth Stein in an agreement between Paul Stein and Elkhart Brass Mfg. Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Elisabeth Stein is a resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Elisabeth Stein;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

Re. 21,469; 5–28–40; Paul Stein; Jet pipe for fire extinguishing purposes.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Paul Stein by virtue of an agreement executed by him on October 15, 1936, and executed on behalf of Elkhart Brass Mfg. Co. on October 20, 1936 (including all modifications thereof and supplements thereto, if any) by and between Paul Stein and Elkhart Brass Mfg. Co., which agreement relates, among other things, to Reissue Patent No. 21,469.

[F. R. Doc. 44–381; Filed, January 7, 1944; 10:47 a. m.]

[Vesting Order 2866]

BERTHA M. BENDER

In re: Estate of Bertha M. Bender, deceased; File D–38–7716; E. T. sec. 8228.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob J. Bender, Executor, acting under the judicial supervision of the Orphans Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Albert Ziemann, Germany.
Children of Albert Ziemann, names unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albert Ziemann and the Children of Albert Ziemann, names unknown, and each of them in and to the estate of Bertha M. Bender, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–371; Filed, January 7, 1944; 10:41 a. m.]

[Vesting Order 2867]

ANDREW BURZLANDER

In re: Estate of Andrew Burzlander, deceased; file: D–57–328; E. T. sec. 8877.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Chas. W. Day, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Yolo;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

National and Last Known Address

Mrs. Gustavina Burzlander Roth, Rumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Gustavina Burzlander Roth, in and to the Estate of Andrew Burzlander, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–372; Filed, January 7, 1944; 10:41 a. m.]

[Vesting Order 2868]

FRANCIS J. CLAMER

In re: Trust under the will of Francis J. Clamer, deceased; File D–66–331; E. T. sec. 2773.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Norristown-Penn Trust Company and Guilliam H. Clamer, Co-trustees, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Gertrude Bauer or her heirs, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gertrude Bauer or her heirs, and each of them, in and to the trust estate created under the will of Francis J. Clamer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–373; Filed, January 7, 1944; 10:41 a. m.]

[Vesting Order 2869]

THEODORE DREES

In re: Estate of Theodore Drees, deceased; File D–28–4153; E. T. sec. 7989.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is being administered in Williamson County, Texas by Mary Still, Independent Executrix;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Joseph Drees, Germany.
Annie Drees Wartom, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Drees

and Annie Drees Wartom, and each of them, in and to the estate of Theodore Drees, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–374; Filed, January 7, 1944; 10:42 a. m.]

[Vesting Order 2870]

ALEXANDER S. HAY

In re: Estate of Alexander S. Hay, deceased; File D–39–14869; E. T. sec. 4729.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Reginald W. Hay, Administrator, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Allen Burns Hay, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Allen Burns Hay in and to the Estate of Alexander S. Hay, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–375; Filed, January 7, 1944; 10:43 a. m.]

[Vesting Order 2871]

SHIZUO KITAMOTO

In re: Estate of Shizuo Kitamoto, deceased; File D–39–17333; E. T. sec. 9038 (H–72).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur E. Restarick, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Ito Kitamoto, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever-of Ito Kitamoto in and to the Estate of Shizuo Kitamoto, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–376; Filed, January 7, 1944; 10:43 a. m.]

[Vesting Order 2872]

WILLIAM REESE

In re: Estate of William Reese, deceased; File D–28–2364; E. T. sec. 4327.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The First National Bank of Newport News, Administrator, acting under the judicial supervision of the Corporation Court, City of Newport News, Virginia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Jaus, Germany.
Bertha Riese, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emma Jaus and Bertha Riese, and each of them, in and to the estate of William Reese, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–377; Filed, January 7, 1944; 10:43 a. m.]

[Vesting Order 2873]

JOSEF STEIN

In re: Estate of Josef Stein, deceased; File D–28–6130; E. T. sec. 7714.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Margarete Stein, Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Hungary and Germany, namely,

Nationals and Last Known Address

Mrs. Sofie Blumenschein, (Austria) Germany.
Mrs. Olga Pohanka also known as Mrs. Olga Prohanka, (Austria) Germany.
Mrs. Grete Prohac, nee Kornitzer, (Austria) Germany.
Franzi Braun, nee Joachim, (Austria) Germany.
Mrs. Helena Balint, nee Machlup, or her heirs, France.
Mrs. Magda Ertl, nee Fuchs, Yugoslavia.
Mrs. Margit Baumgarten, nee Nass, Hungary.
Daughter, name unknown, of Samuel Stein, deceased, Germany.

And determining that—

(3) Mrs. Helena Balint, nee Machlup and Mrs. Magda Ertl, nee Fuchs, citizens or subjects of a designated enemy country, Germany, and within enemy occupied areas, France and Yugoslavia respectively, are nationals of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Sofie Blumenschein, Mrs. Olga Pohanka, also known as Mrs. Olga Prohanka, Mrs. Grete Prohac, nee Kornitzer, Franzi Braun, nee Joachim, Mrs. Helena Balint, nee Machlup, or her heirs, Mrs. Magda Ertl, nee Fuchs, Mrs. Margit Baumgarten, nee Nass and daughter, name unknown, of Samuel Stein, deceased, and each of them, in and to the Estate of Josef Stein, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–378; Filed, January 7, 1944; 10:43 a. m.]

[Vesting Order 2874]

FREDERICK WESTENDORF

In re: Estate of Frederick Westendorf, deceased; File D–28–7971; E. T. sec. 8837.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Harry Leimkuhler, executor, acting under the judicial supervision of the Orphans Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Bernhard Westendorf, Germany.
Joseph Westendorf, Germany.
Maria Busch, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Bernhard Westendorf, Joseph Westendorf and Maria Busch, and each of them, in and to the estate of Frederick Westendorf, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–379; Filed, January 7, 1944; 10:44 a. m.]

[Vesting Order 1636, Amdt.]

PATENT AND PATENT APPLICATIONS OF AKOMFINA A. G.

Whereas pursuant to Vesting Order No. 1636 of June 7, 1943, the undersigned intended to vest, among other things,

patent application Serial Number 223,321; and

Whereas in describing such patent application in said Vesting Order No. 1636, the number was, as a result of a typographical error, inadvertently designated at "223,231";

Now, therefore, Vesting Order Number 1636 of June 7, 1943, is hereby amended as follows and not otherwise:

By substituting the number "223,321" for the number "223,231" appearing therein.

All other provisions of said Vesting Order Number 1636 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-360; Filed, January 7, 1944; 10:47 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order A-2]

ADJUSTMENT PROVISIONS FOR CERTIAN PRODUCERS OF LIME

Amendment No. 8 to Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this Amendment No. 8 to Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188 has been issued simultaneously herewith, and filed with the Division of the Federal Register.

Order No. A-2 under Maximum Price Regulation No. 188 is amended in the following respect:

1. Subparagraph (5) (ii) of paragraph (a) is amended to read as follows:

(ii) Articles as to which relief may be granted:

(a) Brooms made of imported fiber not including imported broom corn.

(b) Brushes made of imported bristles, hair, or fiber.

(c) Cocoa mats and cocoa matting made of imported coir yarn.

This amendment shall become effective January 7, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-389; Filed, January 7, 1944; 11:39 a. m.]

[MPR 188, Amdt. 24 to Order A-1]

REFRACTORY FLINT CLAY

MODIFICATION OF MAXIMUM PRICES

Amendment No. 24 to Order A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) (13) of Order No. A-1 is amended to read as follows:

(13) *Modification of maximum prices for gypsum wall board, lath and sheathing.*—(i) *Manufacturers' sales.* Manufacturers' sales of gypsum wall board, lath and sheathing may be made at prices not exceeding the maximum prices specified below when the following conditions have been met:

(a) The sale is made f. o. b. at a mill located within the shipping-point originating territory set forth below;

(b) The sale must be made:

(*i*) To the War Department, the Navy Department, the Maritime Commission, the Federal Public Housing Authority or the Public Building Administration;

(*ii*) To any lumber or building material dealer holding a War Production Board priority rating of AA-3 or higher for the purchase of gypsum board products on behalf of any of these designated government agencies; or

(*iii*) To a dealer holding a War Production Board priority rating of AA-3 or higher and the National Housing Agency symbol "H-1" for the purchase of gypsum board products for use on a project under the jurisdiction of the National Housing Agency.

(c) The gypsum wall board, lath or sheathing must be for use on a "government project," or a Federal Housing Authority project; and

(d) The gypsum wall board, lath or sheathing must be destined for use in California, Arizona, Oregon, and Washington.

Shipping point origin.—Indiana, Iowa, Michigan, Oklahoma, Texas, Ohio:

	Per M sq. ft.
Gypsum wall board ¼"----------	$20.00
Gypsum wall board ⅜"----------	23.00
Gypsum wall board ½"----------	25.00
Gypsum lath----------	13.00
Gypsum sheathing ½"----------	20.00

(ii) *Dealers' sales.* Any lumber or building material dealer holding a War Production Board priority rating of AA-3 or higher for the purchase of gypsum board products on behalf of the government agencies designated in subparagraph (i) (b) (*i*) or to a dealer holding a War Production Board priority rating of AA-3 or higher and the National Housing Agency symbol "H-1" for the purchase of gypsum board products for use on a project under the jurisdiction of the Federal Housing Authority who purchases gypsum wall board, lath or sheathing for use on a "government project" within the States of California, Arizona, Oregon and Washington from a manufacturer located at any of the shipping point origins specified above may add to his cost, at such shipping point, the actual cost of transportation from such shipping point to destination plus the same dollar mark-up as he would add on a shipment originating at a mill located within the State of California for a comparable sale.

(iii) Every manufacturer making sales subject to this subparagraph (13) shall submit on or before the first day of each month after the effective date of this amendment to the Office of Price Administration, Building Materials Price Branch, Washington, D. C., a monthly report showing:

The name and address of each purchaser or dealer.
Point of origin of shipment.
Kind, quantity and thickness sold.
The name and location of job, except F. H. A. projects.

(iv) Every lumber or building material dealer making sales subject to this subparagraph (13) shall submit on or before the first day of each month after the effective date of this amendment to the Office of Price Administration, Building Materials Price Branch, Washington, D. C., a monthly report showing:

The name and address of each purchaser.
Point of origin of shipment and name of manufacturer.
Kind, quantity and thickness sold.
The name and location of job.

(v) The term "government project" used in this subparagraph (13) shall mean a project constructed pursuant to a contract entered into with any of the following government agencies or any subcontract thereunder: The War and Navy Departments, the Maritime Commission, the Federal Public Housing Authority or the Public Building Administration, or a project constructed under the jurisdiction of the Federal Housing Authority.

(vi) This subparagraph (13) may be revoked at any time.

This amendment shall become effective January 7, 1944, and shall terminate July 1, 1944, unless otherwise extended by amendment.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-390; Filed, January 7, 1944; 11:37 a. m.]

[MPR 188, Amdt. 23 to Order A-1]

REFRACTORY FLINT CLAY

MODIFICATION OF MAXIMUM PRICES

Amendment No. 23 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of maximum prices in Maximum Price Regulation No. 188.

An opinion accompanying Amendment No. 23 to Order A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Order No. A-1 is amended by adding a new paragraph (a) (21) to read as follows:

(a) *Modification of maximum prices in Maximum Price Regulation No. 188.* The provisions of Maximum Price Regulation No. 188 as applied to certain commodities subject thereto are modified in accordance with § 1499.159b of Maximum Price Regulation No. 188 as hereafter provided.

(21) *Modification of maximum prices for fireclay, super-duty fireclay, high alumina, silica, or insulating refractory brick.* (i) On and after January 7, 1944, specific authorization is hereby given to any producer of fireclay, super-duty fireclay, high alumina, refractory insulating, and silica brick to determine the maximum piece price for any fireclay, super-duty fireclay, high alumina, silica, or insulating refractory brick produced by him and for which he has no established maximum price by the following formula:

The producer's maximum price for each such brick shall be a net price (after adjustment for all applicable differentials, discounts or other allowances) not in excess of that at which he would have sold such a brick during March 1942 under the pricing formula or method of calculating price used by him in March 1942, employing the same cost factors (labor, cost of materials and overhead) and margins which were in effect for him in March 1942, even though his costs or margin may have increased since that date.

(ii) For the purposes of this subparagraph, the term "brick" means a manufactured refractory object, of any size or shape, and includes standard sizes, standard 9-inch straights and series, special shapes, rectangular tile, and modified shapes. It applies to all fireclay refractories, including brick intended for super-duty service, as well as for high, intermediate, moderate, and low-heat duty service, high alumina, silica, and insulating refractories.

(iii) Every producer of fireclay, super-duty fireclay, high alumina, silica, or refractory insulating brick shall keep on file at his principal office at all times for inspection by the Office of Price Administration:

(*a*) A detailed explanation of the formula or method of calculation by which he priced the brick covered by this paragraph (a) (21).

(*b*) Calculations setting forth in detail the use of such formula in determining prices charged for different brick actually delivered during March 1942, and calculations setting forth in detail the computation of maximum prices for all sales of brick covered by this paragraph (a) (21) made subsequent to the effective date of this amendment. For the purpose of this paragraph (a) (21), no recomputation of a previously calculated maximum price for any brick covered herein is required.

(iv) Every producer subject to the provisions of this paragraph (a) (21) shall file with the Office of Price Administration such reports as may be required from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(v) This subparagraph may be revoked, modified, or amended at any time.

This Amendment No. 23 shall become effective January 7, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-393; Filed, January 7, 1944; 11:38 a. m.]

*Copies may be obtained from the Office of Price Administration.

*Copies may be obtained from the Office of Price Administration.

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on December 13, 1943.

REGION II

Maryland Order No. 10, Amendment No. 1, filed 11:49 a. m.
Maryland Order No. 11, Amendment No. 1, filed 11:48 a. m.

REGION IV

Jacksonville Order No. 1-F, Amendment No. 5, filed 11:48 a. m.

The following orders under General Order 51 were filed with the Division of the Federal Register December 16, 1943.

REGION III

Charleston Order No. 2-F, filed 5:02 a. m.
Columbus Order No. F-1, filed 5:00 p. m.
Columbus Order No. F-2, filed 5:01 p. m.
Lexington Order No. 1-F, Amendment No. 7, filed 5:00 p. m.
Lexington Order No. 2-F, filed 12:01 p. m.

REGION VIII

San Diego Order No. 1-F, Amendment No. 11, filed 5:02 p. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on December 20, 1943.

REGION II

Delaware Order No. 7, Correction, filed 11:50 a. m.
Delaware Order No. 8, filed 11:50 a. m.
Syracuse Order No. 7, filed 11:47 a. m.
Syracuse Order No. 8, filed 11:49 a. m.

REGION III

Iron Mountain Order No. 14, Amendment No. 1, filed 11:50 a. m.

REGION V

Little Rock Order No. 12, filed 11:49 a. m.
Shreveport Order No. 10, Amendment No. 1, filed 11:47 a. m.
Tulsa Order No. G-6, filed 11:48 a. m.
Tulsa Order No. G-7, filed 11:47 a. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on December 30, 1943.

REGION III

Detroit Order No. 5, Amendment No. 24, filed 11:43 a. m.
Detroit Order No. 5, Amendment No. 25, filed 11:43 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-343; Filed, January 6, 1944; 11:53 a. m.]

[Region IV Orders G-3—G-11 Under RMPR 122, Supp. Order 1]

SOLID FUELS IN CERTAIN SOUTHERN STATES

Supplementary Order No. 1 to Orders No. G-3, G-4, G-5 as amended, G-6, G-7, G-8, G-9, G-10, as amended, and G-11 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers applying respectively in or about the following areas:

Fulton and Dekalb Counties, Georgia; Raleigh, North Carolina; Charlotte, North Carolina; Savannah, Georgia; Knoxville, Tennessee; Columbia, South Carolina; Danville, Virginia; Henrico and Chesterfield Counties and the City of Richmond, Virginia; and Roanoke, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122; *It is hereby ordered*, That:

The following increases may be added to the maximum prices established by the above orders when said orders refer specifically to the following districts and weights:

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Per ton—2,000 lbs.	Per ½ ton—1,000 lbs.	Per ¼ ton—500 lbs.
$0.20	$0.10	$0.05

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 13

Per ton—2,000 lbs.	Per ½ ton—1,000 lbs.	Per ¼ ton—500 lbs.
$0.10	$0.05	$0.03

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Per ton—2,000 lbs.	Per ½ ton—1,000 lbs.	Per ¼ ton—500 lbs.
$0.25	$0.13	$0.07

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Per ton—2,000 lbs.	Per ½ ton—1,000 lbs.	Per ¼ ton—500 lbs.
$0.20	$0.10	$0.05

To the maximum prices for bagged or sacked coal provided in the above captioned orders may be added the sum of 1¢ per bag or sack, regardless of the weight of the bag or sack specified in the applicable orders.

The provisions of this Supplementary Order No. 1 may be amended or revoked at any time by the Regional Administrator.

This supplementary order shall become effective November 29, 1943.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 1, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44-344; Filed, January 6, 1944; 11:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-65, 59-6]

UNITED GAS IMPROVEMENT CO., ET AL.

ORDER APPROVING PLAN PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of December, A. D. 1943.

In the matter of The United Gas Improvement Company, applicant, File No. 54-65; The United Gas Improvement Company and Subsidiary Companies, respondents, File No. 59-6.

The United Gas Improvement Company, a registered holding company, having filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and the rules and regulations of the Commission promulgated thereunder, requesting an order approving said plan and authorizing and directing and requiring that the transactions proposed therein be consummated in accordance with its terms and provisions, and requesting that said order of the Commission conform to the pertinent requirements of the Internal Revenue Code, as amended, including sections 371 (a), 371 (c), 371 (f) and 1808 (f) thereof, and contain the specifications therein set forth; and

The United Corporation, a registered holding company and the parent of The United Gas Improvement Company, having requested approval of the acquisition of the shares of Delaware Power & Light Company to be distributed to it by The United Gas Improvement Company in accordance with the plan; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein; and

The Commission having found that said plan as amended is necessary to effectuate the provisions of section 11 (b) of said act and is fair and equitable to the persons affected thereby, and the Commission having made and filed herein its report on said plan pursuant to section 11 (g) of the act;

It is ordered, That said plan, as amended, be and the same hereby is, approved, and that said applications and declarations, as amended, be, and the same hereby are, granted, and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and The United Gas Improvement Company is authorized, directed, and required to carry out and consummate the transactions proposed in said plan in accordance with its terms and provisions.

It is further ordered, That the following transaction, included in the plan, is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

The distribution by The United Gas Improvement Company pro rata to the holders of its presently outstanding 23,252,005 shares of Capital Stock, as a partial distribution of capital, of the 1,162,600 shares of common stock of Delaware Power & Light Company, in the ratio of one share of Delaware Power & Light Company for each twenty shares of The United Gas Improvement Company stock, excluding, however, any shares remaining in the hands of The United Gas Improvement Company by reason of the distribution of cash in lieu of fractional shares of Delaware Power & Light Company.

It is further ordered, That the request of The United Corporation for approval of the acquisition of the shares of Delaware Power & Light Company to be distributed to it by The United Gas Improvement Company in accordance with the plan herein approved, be, and the same hereby is granted.

It is further ordered, That the report of the Commission, made and filed herein pursuant to section 11 (g) of said act, be, and the same is hereby, approved and adopted as the report herein made by the Commission and as the form in which copies of said report may be used by The United Gas Improvement Company in making solicitations, pursuant to said section 11 (g), of the holders of the shares of its outstanding Common Stock in respect of the matters therein referred to.

It is further ordered, That jurisdiction be, and hereby is, reserved to consider all matters relating to these consolidated proceedings not disposed of by this order, to entertain such further proceedings, to make further and supplemental findings and to take such additional and further action as may be found by the Commission to be appropriate in the premises in connection with the consummation of said plan and related and incidental transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-346; Filed, January 6, 1944; 3:11 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-69, 59-65]

OGDEN CORPORATION AND SUBSIDIARY COMPANIES

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of January, A. D. 1944.

The Commission having previously entered an order dated May 20, 1943 (Holding Company Act Release No. 4307) (1) approving a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by Ogden Corporation, a registered holding company, and certain of its subsidiary companies, designed to enable that company and certain of its subsidiary companies to comply with the provisions of section 11 (b) of the Act, said plan providing, among other things, for the disposition by Ogden Corporation of its ownership of common stock of Derby Gas & Electric Corporation, a registered holding company, and (2) directing under section 11 (b) of the Act that action be taken by Ogden Corporation, as proposed in said plan, to divest itself of all its interest, held directly and indirectly, in holding and public utility companies, including, among others, Derby Gas & Electric Corporation;

Ogden Corporation having filed a declaration, and amendments thereto, as an amendment to its aforesaid plan, regarding the sale of 91,577 shares of common stock, no par value, of Derby Gas & Electric Corporation; and

The Commission having by order entered herein under date of December 16, 1943 (Holding Company Act Release No. 4768), permitted the said declaration, as amended, to become effective, except as to price, underwriting and other fees and expenses, subject to the terms and conditions of Rule U-24, and to the further condition that the proposed sale shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order shall have been entered by this Commission, which order may contain further terms and conditions as may then be deemed appropriate;

The record herein having now been completed in respect to the results of said competitive bidding and the action proposed to be taken by Ogden Corporation with respect thereof, and it appearing that Ogden Corporation has accepted a bid for the aforesaid Derby Gas & Electric Corporation, no par value, common stock from Allen & Co.; the price bid for said common stock being $15.50 per share and the price at which said common stock will be offered to the public being $18.00 per share, representing a spread to the underwriter of $2.50 per share;

The Commission having examined the record herein and finding no basis for imposing terms and conditions with respect to the proposed transactions, other than those prescribed by Rule U-24;

It is ordered, That said declaration, as amended, be and the same is hereby, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-356; Filed, January 7, 1944; 11:07 a. m.]

[File Nos. 54-49, 70-427, 70-534, 59-30]

VIRGINIA PUBLIC SERVICE CO., ET AL.

ORDER GRANTING REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December, A. D. 1943.

In the matter of Virginia Public Service Company, File Nos. 54-49 and 70-427; General Gas & Electric Corporation, File No. 70-534; Associated Gas and Electric Company and Stanley Clarke, Trustee thereof, in his capacity as such; Associated Gas and Electric Corporation, and Willard L. Thorp and Denis J. Driscoll, Trustees thereof, in their capacity as such; General Gas & Electric Corporation, Southeastern Electric and Gas Company, and Virginia Public Service Company, File No. 59-30.

The Commission having issued its order herein on November 2, 1943, with respect to the amended plan of Virginia Public Service Company, pursuant to section 11 (e) and other applicable provisions of the Public Utility Holding Company Act of 1935;

Petitions for rehearing having been filed pursuant to Rule XII (d) of the Commission's rules of practice by General Gas & Electric Corporation and Northeastern Water and Electric Corporation, and a petition to intervene and be heard having been filed by Commonwealth Electric Cooperative; and

The Commission having considered said petitions and having this day issued its memorandum opinion herein; on the basis thereof: *It is hereby ordered*, That reargument in this matter be and hereby is granted at a date to be fixed hereafter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-354; Filed, January 7, 1944; 11:07 a. m.]

[File No. 54-51]

NATIONAL POWER & LIGHT CO. AND BIRMINGHAM ELECTRIC CO.

NOTICE OF FILING OF AN AMENDMENT AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of January, A. D. 1944.

In the matter of National Power & Light Company and Birmingham Electric Company, (Application No. 5).

Notice is hereby given that National Power & Light Company ("National") and Birmingham Electric Company ("Birmingham") have filed an amendment to their joint applications and declarations previously filed pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations thereunder. The original applications and declarations, among other things, proposed: (1) That National surrender an unspecified number of shares of the common stock of Birmingham to facilitate a subsequent distribution of such common stock to the common stockholders of National (application by National to make such distribution is not included herein); (2) that in connection with such surrender the stated value of the common stock be reduced $2,962,400; (3) that the reserve for property retirement be increased $3,298,451; and (4) that plant account be reduced $1,967,231 to remove excess over "book system cost" therefrom.

The foregoing proposals by National and Birmingham as amended provide: (1) That National will surrender 545,610 shares of the common stock of Birmingham to facilitate a subsequent distribution of the common stock of Birmingham to the common stockholders of National; (2) that in connection with such surrender the stated value of the common stock be reduced $2,818,641 instead of $2,962,400; (3) that the reserve for property retirement be increased $2,950,000 instead of $3,298,451; and (4) that plant account be reduced $2,187,667 to remove excess over system cost therefrom instead of $1,967,231 to remove excess over "book system cost".

It appearing to the Commission that the hearing on the original applications and declarations, having been adjourned subject to call, should be reconvened for the purpose of adducing evidence in respect of the foregoing amended proposals and for consideration of the issues pertaining thereto as set forth in our original order for hearing dated October 4, 1943,

It is ordered, That the hearing in this matter be reconvened on January 14, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on said date by the hearing room clerk in Room 318, before the same Trial Examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-355; Filed, January 7, 1944; 11:07 a. m.]

JAN 13 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 7

Washington, Tuesday, January 11, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 31, Amdt. 1]

PART 1460—FATS AND OILS

USE, PROCESSING, CONSUMPTION AND DELIVERY OF OITICICA OIL

Food Distribution Order No. 31 (6 F.R. 971), § 1460.6, issued by the Acting Secretary of Agriculture on the 19th day of March, 1943, is amended as follows:

By inserting after the end of paragraph (q) thereof the following:

(r) *Temporary suspension of paragraphs (b), (c), and (d).* The restrictions and provisions of paragraphs (b), (c), and (d), of this order, shall not apply to the delivery, acceptance of delivery, use, processing, or blending of oiticica oil by any person when such delivery, acceptance of delivery, use, processing, or blending occurs in the period beginning January 1, 1944 and ending on June 30, 1944.

(s) *Additional reporting requirements.* (1) Every person, except a wholesale or retail distributor, who accepts delivery of, uses, processes, or blends 1,000 pounds or more of oiticica oil in any month after January 1, 1944, shall, on or before the 15th day of the month succeeding the month in which such acceptance of delivery, use, processing, or blending occurs, properly fill out and file Census Form BM 1, with the Bureau of the Census, Washington 25, D. C. Such form shall be obtained from the Bureau of the Census. Nothing herein shall be construed as requiring any person to file more than one Form BM 1 for any month.

(2) Every person, except a wholesale or retail distributor, who accepts delivery of, uses, processes, or blends 3,000 pounds or more of oiticica oil in any calendar quarter hereafter, beginning with the calendar quarter which commences on January 1, 1944, shall, on or before the 15th day of the second month succeeding the end of the calendar quarter in which such acceptance of delivery, use, processing, or blending occurs, properly fill out and file Census Form BM 2, with the Bureau of the Census, Washington 25, D. C. Such forms shall be obtained from the Bureau of the Census. Nothing herein shall be construed as requiring any person to file more than one Form BM 2 for any quarter.

(t) *Further restrictions on delivery and acceptance of delivery.* After the time for filing any report required by paragraph (s) hereof has expired, no person who is required by the provisions of said paragraph (s) to file such a report or reports shall accept delivery of oiticica oil unless he has properly filed the required report or reports and, in connection with each acceptance of delivery of oiticica oil by him, has properly filled out and delivered to the person making delivery of the oiticica oil, within 30 days prior to the date of delivery, a certificate in the following form:

The undersigned hereby certifies to the Food Distribution Administration, War Food Administration, and _____
(supplier)
that this certificate is given in connection with the acceptance of delivery by the undersigned of _____ pounds of oiticica oil to be delivered by said supplier to the undersigned in _____
(month)
194..., and that, on the date hereof, the undersigned has complied with the reporting provisions of paragraph (s) of Food Distribution Order No. 31, as amended.

_____
(Deliveree)
By: _____
(Authorized Official)
_____
(Date)

No person shall deliver oiticica oil to any other person without receiving the certificate provided for in this paragraph when he knows or has reason to believe that the person accepting delivery of the oiticica oil involved is required by the terms hereof to give such a certificate, and no person shall deliver oiticica oil pursuant to a certificate given hereunder when he knows, or has reason to believe, that such certificate is false, but, in the absence of such knowledge or reason for

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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belief, he may rely on the certificate. All certificates given hereunder shall be retained by the persons receiving them for, at least, two years or for such other periods of time as the Director may hereafter specify.

(u) *Additional approval by Bureau of the Budget.* The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(v) *Effective date.* This amendment shall become effective on the 1st day of January 1944, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 31, rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 31 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 7th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–471; Filed, January 8, 1944; 12:45 p. m.]

[FDO 36, Amdt. 1]

PART 1460—FATS AND OILS

USE AND DELIVERY OF CASHEW NUT SHELL LIQUID

Food Distribution Order No. 36 (8 F. R. 3480) § 1460.12, issued by the Acting Secretary of Agriculture on the 19th day of March, 1943, is amended as follows:

By inserting after the end of paragraph (m) thereof the following:

(n) *Temporary suspension of paragraph (b).* The restrictions and provisions of paragraph (b) of this order shall not apply to the delivery, acceptance of delivery, use, processing, or blending of cashew nut shell liquid by any person when such delivery, acceptance of delivery, use, processing, or blending occurs in the period beginning on January 1, 1944 and ending on June 30, 1944.

(o) *Additional reporting requirements.* Every person who accepts delivery of, uses, processes, or blends cashew nut shell liquid in any calendar month, shall properly fill out and file Census Form BM1 for such month, with respect to cashew nut shell liquid, with the Bureau of the Census, Washington 25, D. C., on or before the 15th day of the succeeding month.

(p) *Additional approval by Bureau of the Budget.* The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(q) *Effective date.* This amendment shall become effective on the 1st day of January 1944, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 36, rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 36 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 6th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–414; Filed, January 7, 1944; 2:11 p. m.]

[FDO 81, Amdt. 1]

PART 1440—ESSENTIAL OILS

OIL OF PEPPERMINT

Correction

In F.R. Doc. 44–71, appearing on page 152 of the issue for Wednesday, January 5, 1944, the second sentence of paragraph (d) (2) should read: "That is, the total acquirements of oil of peppermint * * *."

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5326]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXEMPTION OF ALIEN EMPLOYEES OF FOREIGN GOVERNMENT

PARAGRAPH 1. Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] and Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Sup.] are amended by striking out the first sentence of the second paragraph of § 19.116-2 and § 29.116-2, respectively, and inserting in lieu thereof the following:

All employees of a foreign government (including consular or other officers, or nondiplomatic representatives) who are not citizens of the United States are exempt from Federal income tax with respect to wages, fees, or salaries received by them as compensation for official services rendered to such foreign government, provided (1) the services are of a character similar to those performed by employees of the Government of the United States in such foreign country and (2) the foreign government whose employees are claiming exemption grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country.

(Secs. 62 and 116 of the Internal Revenue Code (53 Stat. 32 and 48; 26 U.S.C. 62 and 116))

[SEAL] ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.

Approved: January 8, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–541; Filed, January 10, 1944; 11:17 a. m.]

[T. D. 5325]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CREDIT FOR TAX WITHHELD AT SOURCE AND REFUNDS

In order to conform Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Sup.] to the provisions of sections 3 (relating to credit for tax withheld at source) and 4 (relating to refunds) of the Current Tax Payment Act of 1943, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 35 the following new section:

§ 29.35–1 *Credit for tax withheld on wages.* The tax deducted and withheld at the source upon wages under Subchapter D of chapter 9 is allowable as a credit against the tax imposed by chapter 1 upon the recipient of the income. If the tax has actually been withheld at the source, credit or refund shall be made to the recipient of the income even though such tax has not been paid over to the Government by the employer. See section 322. For the purpose of the credit, the recipient of the income is the person subject to tax imposed under chapter 1 upon the wages from which the tax was withheld. For instance, if a husband and wife domiciled in a State recognized as a community property State for Federal tax purposes make separate returns, each reporting for income tax purposes one-half of the wages received by the husband, each spouse is entitled to one-half of the credit allowable for the tax withheld at source with respect to such wages. Similarly, if the wages of a minor child are includible in the gross income of a parent of such child, the amount of income tax withheld at the source on such wages shall be allowed

as a credit against the tax imposed upon the parent.

The credit shall be allowed against the tax imposed by chapter 1 for the taxable year of the recipient of the income which begins in such calendar year. If such recipient has more than one taxable year beginning in such calendar year, the credit shall be allowed against the tax for the last taxable year so beginning.

PAR. 2. Section 29.322–2 of Regulations 111 is amended by striking out the first and second sentences thereof and inserting in lieu thereof the following:

Credits or refunds of overpayments may not be allowed or made after the expiration of the statutory period of limitation properly applicable unless prior to the expiration of such period a claim therefor has been filed by the taxpayer.

PAR. 3. Section 29.322–3 is amended as follows:

(A) By inserting after "Form 843," in the first paragraph thereof the following: "or on Form 1040 or Form 1040A as provided in this section,".

(B) By striking from the second sentence thereof the words "on such form".

(C) The second paragraph thereof is amended to read as follows:

No refund or credit will be allowed after the expiration of the statutory period of limitation applicable to the filing of a claim therefor except upon one or more of the grounds set forth in a claim filed prior to the expiration of such period. The claim must set forth in detail and under oath each ground upon which a refund is claimed, and facts sufficient to apprise the Commissioner of the exact basis thereof. For taxable years beginning after December 31, 1942, a properly executed return on Form 1040 or Form 1040A shall, at the election of the taxpayer, constitute a claim for refund or credit within the meaning of section 322 for the amount of the over-payment disclosed by such return. For the purposes of section 322 such claim shall be considered as filed on the date on which such return is considered as filed. An election to treat the return as a claim for refund or credit shall be evidenced by a statement on the return setting forth the amount determined as an overpayment and advising whether such amount shall be refunded to the taxpayer or shall be applied as a credit against the taxpayer's estimated tax for the taxable year immediately succeeding the taxable year for which such return is filed. For taxable years beginning in 1943 the tax imposed by chapter 1 includes the amount of any increases under section 6 of the Current Tax Payment Act of 1943, and such increases shall be taken into account in computing the amount of any overpayment for such years. An "amended return", so-called, shall not be considered a claim for refund or credit. If the taxpayer desires the refund or credit of an amount greater than the overpayment disclosed by his original return, he should file a claim on Form 843. A claim which does not comply with this paragraph will not be considered for any purpose as a claim for refund. With respect to limitations upon the refunding or crediting of taxes, see § 29.322–7.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), and secs. 3 and 4 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.), approved June 9, 1943)

[SEAL] ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.

Approved: January 8, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–540; Filed, January 10, 1944; 11:17 a. m.]

Subchapter D—Employment Taxes

[T. D. 5324]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

ACTS TO BE PERFORMED BY AGENTS

Regulations 106 [Part 402, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the employees' tax and employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), are amended as follows:

Immediately following the provisions of law under the caption "Section 1430 of the Act" as set forth in subpart H, the following is inserted:

SECTION 2 OF THE CURRENT TAX PAYMENT ACT OF 1943

(a) *In general.* Chapter 9 of the Internal Revenue Code (relating to employment taxes) is amended by inserting at the end thereof the following new subchapters:

* * * * *

SUBCHAPTER E—GENERAL PROVISIONS

* * * * *

SEC. 1632. ACTS TO BE PERFORMED BY AGENTS. In case a fiduciary, agent or other person has the control, receipt, custody, or disposal of, or pays the wages of an employee or group of employees, employed by one or more employers, the Commissioner, under regulations prescribed by him with the approval of the Secretary, is authorized to designate such fiduciary, agent or other person to perform such acts as are required of employers under this chapter and as the Commissioner may specify. Except as may be otherwise prescribed by the Commissioner with the approval of the Secretary, all provisions of law (including penalties) applicable in respect of an employer shall be applicable to a fiduciary, agent or other person so designated but, except as so provided, the employer for whom such fiduciary, agent or other person acts shall remain subject to the provisions of law (including penalties) applicable in respect of employers.

* * * * *

(d) *Effective date.* The amendments made by subsections (a) * * * shall take effect July 1, 1943 * * *.

§ 402.804a *Acts to be performed by agents.* If an employer pays wages to an employee or group of employees through a fiduciary, agent, or other person who also has the control, receipt, custody, or disposal of, or pays the wages payable by another employer to such employee or group of employees, the Commissioner may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of employers under the act and these regulations. Application for authorization to perform such acts, signed by such fiduciary, agent, or other person, should be filed with the Commissioner of Internal Revenue, Washington, D. C. If the fiduciary, agent, or other person is authorized by the Commissioner to perform such acts as are required of employers under the act and these regulations, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable in respect of an employer shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable in respect of employers.

(Sec. 1429 of the Internal Revenue Code (53 Stat. 178; 26 U.S.C. 1429), and sec. 1632 of the Internal Revenue Code, added by sec. 2 (a) of the Current Tax Payment Act of 1943 (Pub. Law 68—78th Cong.))

[SEAL] ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.

Approved: January 8, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–539; Filed, January 10, 1944; 11:17 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 23 as Amended Jan. 7, 1944]

MILITARY RATING PROCEDURE

§ 903.35 *Directive 23*—(a) *Purpose.* The purpose of this War Production Board directive is to provide for review by representatives of the War Production Board of certain priorities actions taken by the Army and Navy and other government agencies, and for approval of placement of certain purchase orders rated by such agencies; and to define the scope of such review.

(b) *Requirement of War Production Board approval for ratings of capital equipment and machine tools.* Every preference rating certificate on Form PD–3A, if such instrument assigns a rating to any delivery of capital equipment or machine tools (whether such delivery is to be made directly to the Army or Navy or other government agency or to a prime or subcontractor thereof), shall, prior to issuance, be approved by a duly authorized official of the War Production Board by endorsing thereon the statement "approved for issuance" duly signed, unless exempt under paragraph (e).

(c) *Procedure for review of rating actions by War Production Board officials.* (1) Instruments assigning a rating to the delivery of capital equipment and/or machine tools required in connection with a production project in a single plant, where the total cost of all tools and equipment required for the project is less than $100,000, shall be submitted after countersignature by the appropriate Service Officer to the War Production Board field office within whose jurisdiction the tools or equipment are to be located. If the instrument assigns a rating to the production, as well as delivery, of equipment or machine tools it shall be approved by a War Production Board official of the field office only after he has determined that the item or items requested are required and that no suitable existing equipment or subcontracting facilities are available or that the availability or unavailability of such equipment or facilities cannot be ascertained within 10 calendar days after receipt thereof. If the instrument designates existing equipment or machine tools and the location thereof, it shall be approved by a War Production Board official of the field office if he determines that the item or items are required, regardless of whether other existing equipment or subcontracting facilities are available. Purchases shall not be divided for the purpose of coming within this paragraph (c) (1). The fact that the equipment and/or machine tools appear on a single preference rating application or on several such applications shall not determine whether the capital equipment and/or machine tools are in connection with a single given project, but the War Production Board field office shall determine this after full consideration of all the facts surrounding such application or applications. When an instrument which has been countersigned by the appropriate Service Officer under paragraph (c) (1) is disapproved by a War Production Board official in a War Production Board field office, the Service Officer may request the War Production Board field office to forward the latter's entire file in the matter, together with a statement of the facts, to the Facilities Bureau of the War Production Board, at the same time forwarding a copy of the statement of the facts to the Army and Navy Munitions Board in Washington and an additional copy to the Production Resources Division of the War Production Board. The Facilities Bureau of the War Production Board may in its discretion direct the issuance of the instrument in question.

(2) Instruments assigning a rating to the delivery of capital equipment and/or machine tools required in connection with a production project in a single plant, where the total cost of all tools and equipment required for the project is $100,000 or more, shall be submitted after countersignature by the appropriate Service Officer to the appropriate War Production Board field office specified in paragraph (c) (1) or the Routing and Issuance Branch of the War Production Board, Washington 25, D. C., at the option of the sponsoring agency. If such instrument or instruments are submitted to the War Production Board field office under this paragraph, the field office shall not approve the same but shall recommend the granting or denying of approval and forward the same together with its recommendation to the Facilities Bureau of the War Production Board for approval or disapproval in accordance with prescribed procedure.

(3) The Tools Division of the War Production Board may from time to time specify certain machine tools as to which instruments assigning a rating to the delivery thereof shall follow the procedure specified in paragraph (c) (2) above, irrespective of whether the capital equipment and/or machine tools for the project in question may have a total cost of less than $100,000.

(d) *Approval of placement of certain purchase orders by War Production Board officials.* No person to whom a preference rating has been or is at any time assigned on Form PD–3 or PD–3A, covering deliveries of capital equipment and/or machine tools required in connection with a production project in a single plant where the total cost of all tools and equipment required for the project is $100,000 or more, shall apply the rating or any subsequent rerating to any purchase order unless a War Production Board official has approved the purchase order or it is exempt under paragraph (e). Approval of a purchase order may be obtained by submitting, to the War Production Board field office within whose jurisdiction the tools or equipment are to be located, the purchase order, or a true copy thereof, or a written document containing such appropriate parts of the order as the field office may specify. Before approving the purchase order the field office must determine that no suitable existing equipment or subcontracting facilities are available, or that their availability or unavailability cannot be ascertained within ten calendar days after its receipt of the order. If approval is refused, the person desiring to rate the purchase order may request the field office to forward its file together with its recommendation to the Facilities Bureau of the War Production Board in Washington for final approval or disapproval.

(e) *Exemptions.* (1) Preference rating certificates countersigned under any of the following circumstances are exempt from the requirements of paragraph (b):

(i) Where the total value of the delivery or deliveries rated by the instrument does not exceed $500. Purchases shall not be divided for the purpose of making this exemption available.

(ii) Where the countersigning takes place outside of the forty-eight States, the District of Columbia and the Dominion of Canada.

(iii) A purchase made pursuant to approval given by a commanding officer, commandant, or the Bureau of Supplies and Accounts of the Navy, or by a commanding officer of a defense command of the Army, in an emergency where the degree of urgency is such that advance approval by a War Production Board official cannot be obtained, provided that in each such case a copy of the rating document is mailed within 24 hours after issuance to the appropriate Regional Office of the War Production Board.

(iv) Where the capital equipment or machine tools are for shipboard use (including floating dry docks), or are for use outside the forty-eight States and the District of Columbia for military operations.

(v) Where capital equipment, not including machine tools, is purchased by or for the account of the Army or the Navy for military operations, or where the purchaser intends to devote the items solely to administrative uses as distinguished from productive or operational uses.

(vi) Where the certificate assigns a rating to a command construction project of which the capital equipment and/or machine tools are only a part.

(2) Purchase orders placed under any of the following circumstances are exempt from the requirements of paragraph (d):

(i) Where the dollar value of the items covered by the purchase order does not exceed $500. Purchases shall not be divided for the purpose of making this exemption available.

(ii) Where the purchase order is being rated by a certificate which was exempted by paragraph (e) (1), or would have been exempted by paragraph (e) (1) if this directive had been in effect when the certificate was issued.

(iii) Where each unit of capital equipment or machine tools covered by the purchase order was listed either in the certificate originally assigning a rating thereto or in a certificate (such as Form PD–4X) subsequently rerating the same or listed in an appendix or its equivalent (an itemized list) attached to such a certificate approved by the Facilities Bureau after May 31, 1943, or expressly referred to therein.

(3) Purchases of jigs, fixtures, gauges and special tools designed for the individual job and made for a special application to standard machine tools are exempt from the requirements of paragraph (e).

(4) The requirements of paragraphs (b), (c) and (d) shall not apply to such cases as may be exempted in writing by the Facilities Bureau of the War Production Board.

(f) *Rating of military construction.* (1) All construction, other than command construction as defined below, will be rated only by the War Production Board, even though the facilities, when completed, will be owned, leased or operated by the Army, Navy or Maritime Commission.

(2) "Command construction" as used in this directive means the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy, viz: air fields; military housing; alien housing; facilities for the repair of finished items of munitions; overseas or theatre of operations construction; seacoast fortifications; ports and depots; camouflage and other passive defense projects (whether or not owned and operated by the Army or Navy); emergency flood control projects having a value of less than $100,000; military hospitals; maneuver, training and staging areas and proving grounds.

(3) Command construction as defined above may be rated on PD–3A certificates by Army or Navy contracting and procurement officers. Review thereof by

War Production Board officials is no longer required.

(g) *Status of existing administrative orders and instructions.* Except as otherwise provided herein, ratings on PD-3A certificates may be assigned by appropriate officials of the Army and Navy and other designated federal agencies as provided in Division Administrative Order No. 1 as heretofore supplemented, subject to existing and future Army and Navy Munitions Board Instructions, and subject to approval by a War Production Board official where required by paragraph (b) hereof.

(h) *Priorities Directive No. 2 superseded.* This directive as amended supersedes Priorities Directive No. 2.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of January 1944.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44-417; Filed, January 7, 1944; 4:39 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-459]

GENERAL GAS CORPORATION

General Gas Corporation of Baton Rouge, Louisiana, is engaged in the business of selling plumbing and heating equipment. Although it was fully familiar with the terms of General Limitation Order L-79, from July 10, 1942 to December 1, 1942, General Gas Corporation sold and delivered a number of items of new metal plumbing and heating equipment to ultimate consumers without securing the preference ratings or the certifications required under Limitation Order L-79. The violations have, therefore, been deemed wilful; they have diverted scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *it is hereby ordered*, That:

§ 1010.459 *Suspension Order No. S-459.* (a) Deliveries of materials to General Gas Corporation, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to General Gas Corporation, its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in the foregoing paragraphs (a) and (b) shall be deemed applicable to materials used by General Gas Corporation for maintenance, repair and operating supplies, as defined in Controlled Materials Plan Regulation No. 5.

(d) Nothing in this order shall be deemed to relieve the General Gas Corporation, its successor or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect the 7th of January 1944, and shall terminate sixty days thereafter.

Issued this 31st day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-415; Filed, January 7, 1944; 4:39 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-475]

STANFORD L. HIGGINS

Stanford L. Higgins of West Granby, Connecticut, purchased a farm on Day Street, West Granby, in June 1942. In August 1942 he started making substantial repairs at the dwelling house at said farm, and also began new construction. The new construction, as distinguished from the repairs cost $800 up to the end of December 1942.

After an interview with representatives of the War Production Board, Stanford L. Higgins filed an application on Form PD-200 dated February 23, 1943, asking authorization for the installation of a water system and fixtures for use therewith. After receiving authorization to install the materials listed, Mr. Higgins installed more extensive and different materials than those listed, and engaged in a substantial amount of additional construction wholly unrelated to said authorization.

Stanford L. Higgins knew when he commenced the construction in August 1942 that there were restrictions upon such construction; he was specifically informed of the provisions of Order L-41 before he filed his application on Form PD-200; hence, his violations of Order L-41 by beginning such construction in August 1942, and his violations thereof after receiving the authorization resulting from his PD-200 application, were wilful violations of Conservation Order L-41.

These violations of Conservation Order L-41 have diverted scarce materials and labor to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, *it is hereby ordered*, That:

§ 1010.475 *Suspension Order No. S-475.* (a) Neither Stanford L. Higgins, his successors or assigns, nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction of the premises on Day Street, West Granby, Connecticut, owned by Stanford L. Higgins, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Stanford L. Higgins from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on January 7, 1944.

Issued this 31st day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-416; Filed, January 7, 1944; 4:39 p. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63 as Amended Jan. 8, 1944]

§ 1042.1 *General Imports Order M-63*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M-63.

(b) *Restrictions on imports of materials*—(1) *General restriction.* No person, except as authorized in writing by the War Production Board, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order, regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon List I, List II, and List III attached hereto.

(2) *Authorization by War Production Board.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form WPB-1041 (formerly PD-222C) addressed to the War Production Board, Ref.: M-63, Washington, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the War Production Board under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions.* Unless otherwise directed by the War Production Board, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) To materials imported by mail where the value of the shipment is less than $100.00; or

(v) To materials consigned as gifts or as samples, or for use as samples, or imported for personal use, where the value of each consignment or shipment is less than $200.00; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) To any material on List I or List II imported by any person under any contract or other arrangement made before, or in existence on the governing date and which, on December 28, 1942, was in transit to a point within the continental United States; or

(viii) To manufactured materials which are imported in bond solely for the purpose of having them repaired and then returned to the owner outside the continental United States; or

(ix) To materials which were grown, produced, or manufactured in the continental United States, and which were shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which are now returned as rejected by the prospective purchaser; or

(x) To materials shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada.

(c) *Restrictions on disposition of List I material.* Except as hereinafter specifically provided in paragraph (d) hereof:

(1) *Restrictions upon owners and consignees.* No owner or consignee of any material on List I which is imported after the governing date shall in any way, directly or indirectly:

(i) Dispose of any interest in such material;

(ii) Process or in any way change the physical condition of such material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such material except to the port of entry and from the port of entry to the place of initial storage of such material; or

(iv) Change, or cause or permit a change of, the location of such material except to the port of entry and from the port of entry to the place of initial storage of such material.

Provided: That a consignee of such material may dispose of his interest in such material to the extent necessary to complete any commitment or contract made prior to the governing date. The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any material on List I shall in any way, directly or indirectly, dispose of any such interest, or transfer possession, or cause or permit a transfer of possession, of such instrument, unless:

(i) Such material was imported before the governing date; or

(ii) Such person neither knows nor has reason to know that such material was imported after the governing date; or

(iii) Such disposition or transfer is necessary to permit a consignee to make a permissible disposition of material in accordance with subparagraph (1) of this paragraph (c); or

(iv) Such disposition or transfer is made to the owner of the material and such owner has complied with all the provisions of this order.

(d) *Permissible disposition of List I materials* — (1) *Transfer to governmental agency.* Nothing contained in this order shall prohibit an owner or consignee of any material on List I imported after the governing date, or a bank or other person having possession of, or an interest in, a written instrument evidencing an interest in such material, from disposing of, or making any arrangement to dispose of, any interest in such material to the Office of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation.

(2) *Authorization by War Production Board.* Notwithstanding the provisions of paragraph (c), an owner or consignee of material on List I imported after the governing date or a bank or other person having possession of or an interest in a written instrument evidencing an interest in such material, may process such material or may dispose of any interest in such material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the War Production Board. Any such person may make application in duplicate for such an authorization on Form WPB-1039 (formerly PD-222A), which form shall be addressed to the War Production Board, Ref.: M-63, Washington 25, D. C.

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any material after any United States governmental department, agency, or corporation becomes the owner thereof, and shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, and shall not apply to any material purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(e) *Restrictions on disposition of List II or List III material.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any material on List II or List III, which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the War Production Board which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for

any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form WPB–1040 (formerly PD–222B) in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.: M–63, Washington 25, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington 25, D. C., Ref.: M–63.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance. In addition, the War Production Board may direct the disposition and use of any material which is imported without authorization as required by paragraph (b).

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Effect on liability of removal of material from order.* The removal of any material from the order shall not be construed to affect in any way any liability for violation of the order which accrued or was incurred prior to the date of removal.

This amended order shall become effective January 12, 1944.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

NOTE: "Asphalt" removed Jan. 8, 1944.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Agave manufactures and semi-manufactures:		
Sisal cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns	3417.010	[1] 1/18/43
	3417.110	[1] 1/18/43
Carpet yarns of agave, dyed or undyed	N. S. C.	[2] 7/21/42
Cordage of agave fibers, other than sisal	N. S. C.	[1] 1/18/43
Cords and twines of agave fibers	N. S. C.	[1] 1/18/43
Fabrics woven of agave fibers	N. S. C.	[3] 9/11/42
Other manufactures (including all products in whole or in part of agave fibers)	N. S. C.	1/18/43
Albarco logs	N. S. C.	1/18/43
Albarco lumber	N. S. C.	1/18/43
Alpaca llama, and vicuna hair	(3535.000–3535.400 inc.	[4] 7/2/42
Alpargatas	0369. 500	6/26/43
Beef and mutton tallow—includes oleo stock	0038. 000	5/22/42
Beef and mutton tallow (inedible)—includes oleo stock	0515. 000	10/6/42
Brazilian pebble (quartz crystals), unmanufactured	5120. 600	10/6/42
Brazilian pebble (quartz crystals) manufactured and semimanufactured in blanks, slabs, bars, etc.	N. S. C.	10/6/42
Bristles, hog and pig	0917. 000	[5] 3/14/42
	0979. 100	[5] 3/14/43
Broomcorn	2036. 000	[11] 11/23/42
Brushes, n. s. p. f.:		
Paint brushes (including artists)	9715. 100	6/23/43
Other (except toilet brushes and hair pencils)	9715. 900	9/23/43
Cachaunanche oil	N. S. C.	1/18/43
Cachaunanche seeds	N. S. C.	3/5/43
Castor beans	2231. 000	4/8/42
Cedar, Spanish:		
Logs	4082. 000	4/28/43
Lumber, rough, not further manufactured than sawed, and flooring	4202. 000	4/28/43
Lumber, dressed, not further manufactured than planed, tongued, and grooved	N. S. C.	4/28/43
Chrome ore (Chromite)	6213. 100	[6] 12/28/41
	6213. 300	[6] 12/28/41
	6213. 500	[6] 12/28/41
Cinchona bark or other bark from which quinine may be extracted	2201. 000	5/22/42
Cod oil	0804. 000	5/22/42
Columbium ore (columbite) or concentrates	6270. 350	4/8/42
Cottonseed oil, crude, refined	1421. 100	5/22/42
	1421. 200	5/22/42
Divi-divi pods	2320. 140	7/2/42
Divi-divi, hemlock and chestnut extracts	2345. 000	7/2/42
Feathers for beds (including goose and duck feathers and down, and mixtures thereof, new and used)	0922. 200	6/26/43
Flaxseed (linseed)	2233. 000	5/22/42
Graphite or plumbago:		
Amorphous, natural (except of Mexican origin)	5730. 100	4/8/42
Crystalline flake	5730. 200	12/28/41
Crystalline, crucible lump and chip graphite	5730. 610	4/8/42
Crystalline, dust and other crystalline lump and chip graphite	5730. 630	4/8/42
Hemp (Cannabis Sativa type only), unmanufactured:		
Hackled, including "line of hemp"	3263. 000	9/11/42
Not hackled	3263. 200	9/11/42
Tow	3263. 300	9/11/42
Hides and skins:		
Deer: buck or doe	0293. 100	[9] 9/11/42
Horse mane and tail hair, raw and drawn, including switches	3694. 000	3/14/42
	3694. 100	3/14/42
Lac: crude, seed, button and stick	2105. 000	[7] 4/8/42
Lard oil	N. S. C.	3/5/43
Lard (including rendered pork fat)	0036. 000	3/5/43
Lard compounds and lard substitutes made from animal or vegetable oils and fats	0036. 100	3/5/43

[1] Moved from List II 4/28/43.
[2] Moved from List III 1/18/43.
[3] Moved from List II 11/23/42.
[4] Moved from List III 4/28/43.
[5] Moved from List II 5/14/43.
[6] Moved from List III 3/5/43.
[7] Moved from List II 10/6/42.
[8] Moved from List III 4/28/43.

LIST I—Continued

Material	Commerce Import Class No.	Governing date
Leather, unmanufactured:		
Leather made from hides or skins of cattle of the bovine species	(0300. 100–0317. 900 inc.	7/2/42
Goat and kidskin leather (except vegetable-tanned)	(0343. 000–0343. 100	7/2/42
	(0333. 000–0333. 500 inc.	7/2/42
	(0335. 400	7/2/42
	0340. 800	7/2/42
	0345. 200	7/2/42
	0345. 300	7/2/42
Linseed oil, and combinations and mixtures, in chief value of such oil	2254. 000	5/22/42
Macuiba oil	N. S. C.	4/14/43
Manganese ore (including ferruginous) or concentrates, and manganiferrous iron ore, containing 35 percent and over of manganese	6211. 200	5/14/43
	6211. 300	5/14/43
Mangrove bark	2230. 150	[7] 7/2/42
Mangrove extract (including Philippine cutch)	2342. 000	7/2/42
Muru muru nut oil	N. S. C.	5/21/42
Myrobalan fruit and extract	2304. 000	7/2/42
	2345. 800	7/2/42
Neatsfoot oil and animal oils known as neatsfoot stock	0808. 950	5/22/42
Oleo oil	0036. 200	5/22/42
Palmyra fiber, unmanufactured	3409. 310	4/28/43
Palmyra fiber, manufactured in whole or in part, including bagasine	3410. 030	4/28/43
Palmyra stalks	N. S. C.	4/28/43
Peanut (ground nut) oil	1427. 000	5/22/42
Peanuts:		
Shelled	1367. 000	4/2/43
Not shelled	1368. 000	4/2/43
Prima Vera:		
Logs	4032. 400	4/28/43
Lumber, rough, not further manufactured than sawed, and flooring	N. S. C.	4/28/43
Lumber, dressed, not further manufactured than planed, tongued, and grooved	N. S. C.	4/28/43
Pyrethrum or insect flowers	2302. 000	10/21/42
Pyrethrum, or insect flowers, advanced in value or condition	2220. 310	10/21/42
Quebracho extract	2344. 000	7/2/42
Quebracho wood	2305. 000	7/2/42
Rapeseed	2227. 000	[8] 5/22/42
Red squill	2210. 650	10/21/42
Rotenone bearing roots (cubé root (timbo or barbasco) derris and tuba) crude and advanced	2210. 280	5/4/42
	2210. 300	5/4/43
	2220. 260	5/4/42
	2220. 370	5/4/42
Rubber seed	2239. 000	5/22/42
Rubber seed oil	N. S. C.	5/22/42
Rutile	6270. 200	12/28/41
Sesame oil	0616. 000	7/2/42
Sesame oil, edible and inedible	1428. 200	[7] 7/21/42
	2249. 000	[7] 7/21/42
Sunflower oil, edible and denatured	1421. 000	5/22/42
	2247. 000	5/22/42
Sunflower seed	2240. 000	[8] 5/22/42
Tanning extracts, not specially provided for (including urunday)	2345. 900	[7] 7/2/42
Tantalum ore (tantalite)	6270. 400	4/8/42
Tara	2320. 230	7/2/42
Tucum oil	N. S. C.	7/2/42
Valonia beards and valonia extract	2307. 000	7/2/42
	2345. 100	7/2/42
Vegetables, dehydrated	N. S. C.	4/28/43
Vermiculite	N. S. C.	3/5/43
Wattle bark	2309. 000	[7] 7/2/42
Wattle extract	2345. 500	7/2/42
Whale oil (other than sperm)	0803. 500	5/22/42
Wool grease, including degras or brown wool grease (all grades)	0813. 200	5/22/42
	0813. 300	5/22/42
	0813. 500	5/22/42
Zirconium ore	6270. 500	12/28/41

[9] Moved from List III 4/2/43.

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

LIST II

NOTE: List II amended Jan. 8, 1944.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Agave fibers, unmanufactured, not elsewhere specified on this order (including flume tow and bagasse waste)	N. S. C.	5/5/43
Aluminum scrap	6362. 200	6/1/42
Antimony	6650. 000	12/28/41
	6651. 000	12/28/41
	6651. 100	12/28/41
	6280. 150	12/28/41
	6280. 210	12/28/41
Asbestos, unmanufactured (originating in Rhodesia or Union of South Africa)	5500. 010	1/13/42
	5500. 020	1/13/42
	5500. 080	1/13/42
	5500. 300	1/13/42
	5500. 500	1/13/42
	5501. 000	1/13/42
	5501. 100	1/13/42
	5501. 900	1/13/42
	5502. 100	1/13/42
Babassu nuts and kernels	2239. 150	4/8/42
	2239. 180	4/8/42
Babassu nut oil	2257. 100	4/8/42
Balsa wood:		
Logs	4029. 100	6/10/42
Sawed boards, planks, deals and sawed timber	4118. 000	6/10/42
Beryl ore or beryllium ore	6270. 000	5/4/42
Beryllium oxide, carbonate and other beryllium salts	6280. 063	5/4/42
Cashew nut kernel oil	2257. 400	4/8/42
Cashew nut shell liquid (oil)	2171. 850	4/8/42
Castor oil	2260. 020	4/8/42
Cattle, or, and calf tail hair including switches	3695. 100	7/2/42
Cement oil	2242. 500	[12] 3/13/43
Cohune nuts and kernels	N. S. C.	4/8/42
Cohune nut oil	N. S. C.	9/11/42
Coir fiber	3409. 000	[11] 11/23/42
Coir yarn	3420. 000	[11] 11/23/42
Coir manufactures, other than pile mats, floor coverings, mattings, etc.	N. S. C.	[11] 11/23/42
Copper	6401. 000	12/28/41
	6417. 100	3/14/42
	6430. 000	3/14/42
	6418. 300	6/1/42
Copper and brass scrap	6401. 900	12/28/41
	6418. 100	7/2/42
	6453. 000	6/1/42
Copper, brass, and bronze manufactures:	6760. 020	6/1/42
Copper, brass, or bronze manufactures, not elsewhere specified on this order, which contain 25% or more of copper, brass, or bronze, by weight	N. S. C.	6/28/43
Copper table, household, kitchen, and hospital utensils, and hollow or flat ware, n. s. p. f.	6420. 060	4/2/43
Brass blow torches, and incandescent lamps operated by compressed air and kerosene or gasoline	6458. 700	4/2/43
Brass table, household, kitchen, and hospital utensils, and hollow or flat ware, n. s. p. f.	6458. 900	4/2/43
Copra	2232. 000	1/13/42
Corn or maize oil (edible)	1422. 000	5/22/42
Corundum and emery in grains, or ground, pulverized or refined	5470. 010	6/22/42
Corundum ore	5460. 000	5/22/42
Cotton yarns and fabrics:		
Airplane cloth, type MM	N. S. C.	8/21/42
Balloon fabric, type HH	N. S. C.	8/21/42
Balloon fabric, type 88	N. S. C.	8/21/42
Cotton rope for spinning mules	N. S. C.	11/23/42
Decating apron fabric	N. S. C.	11/23/42
English spun combed cotton yarn, single or plied, in counts of 86's and finer	N. S. C.	11/23/42
Fliter cloth	N. S. C.	11/23/42
Grey tracing cloth fabric	N. S. C.	11/23/42
Lithorraph moleskin cloth	N. S. C.	11/23/42
Printers molleton	N. S. C.	11/23/42
Tracing cloth	3970. 000	8/21/42
Typewriter ribbon fabric	N. S. C.	8/21/42
Cottonseed hull fiber	N. S. C.	7/21/42
Emetine and salts thereof	N. S. C.	[1] 5/5/43
Fir, other than Douglas fir:		
Logs	N. S. C.	4/28/43

[1] Moved from List I 1/8/44.

LIST II—Continued

Material	Commerce Import Class No.	Governing date
Fir, other than Douglas fir—Con.		
Lumber, rough sawed boards, planks, deals, etc.	4104. 040	4/28/43
Lumber, dressed sawed boards, planks, deals, etc.	4104. 050	4/28/43
Flax, unmanufactured (all types):		
Hackled, including "dressed line"	3261. 000	7/2/42
Not hackled:		
Valued less than $340 per ton	3262. 100	4/8/42
Valued $340 or more per ton	3262. 600	4/8/42
Noils	3262. 700	7/2/42
Tow	3262. 800	5/4/42
Straw	3262. 900	5/4/42
Glycerine, crude and refined	2390. 000	5/22/42
	2391. 100	5/22/42
Hides and skins:		
Buffalo hides, dry and wet	0203. 000	1/13/42
	0203. 100	1/13/42
Cabretta skins or hair sheep skins	0285. 000	7/2/42
Calf, dry and wet	0207. 000	1/13/42
	0208. 000	1/13/42
Cattle hides, dry and wet	0201. 000	1/13/42
	0202. 000	1/13/42
Goat and kid skins, dry and wet	0241. 000	7/2/42
	0242. 000	7/2/42
Kip, dry and wet	0205. 000	1/13/42
	0206. 000	1/13/42
Ipecac, crude and advanced in value or condition	2210. 450	[1] 1/18/43
	2220. 170	[1] 1/18/43
Iron and steel scrap, fit only for remanufacture	6004. 000	6/1/42
	6004. 100	6/1/42
Istle or tampico fiber, manufactured in whole or in part (dressed)	3410. 010	3/5/43
Istle or tampico fiber manufactures (including all products in whole or in part of istle)	N. S. C.	11/23/42
Istle or tampico fiber, unmanufactured (including istle waste)	3405. 000	8/14/42
Jewels, for any movement, mechanism, device or instrument dutiable under paragraphs 367 and 368 of the Tariff Act of 1930, or any meter or compass (Jewel bearings)	9860. 000	1/12/44
Jute and manufactures:		
Waste bagging and waste sugar sack cloth	3243. 000	6/10/43
Jute yarns or roving, single	3244. 000	6/10/43
	3244. 100	6/10/43
	3244. 200	6/10/43
	3244. 300	6/10/43
Jute cordage, twine and twist of 2 or more yarns twisted together, size of single yarn or roving:		
Not bleached, dyed or otherwise treated	3245. 200	6/10/43
	3245. 300	6/10/43
	3245. 400	6/10/43
	3245. 500	6/10/43
Bleached, dyed or otherwise treated	3245. 220	6/10/43
	3245. 320	6/10/43
	3245. 420	6/10/43
	3245. 520	6/10/43
Bagging for cotton, gunny cloth, etc., of single yarns, not bleached, colored, or printed, not exceeding 16 threads in warp and filling to the square inch, of jute or other vegetable fiber	3246. 000	6/10/43
	3246. 100	6/10/43
Burlaps and other woven fabrics wholly of jute, n. s. p. f.	3247. 000	6/10/43
	3247. 200	6/10/43
Plain woven fabrics of jute, weighing less than 4 ounces per square yard	3248. 000	6/10/43
Woven fabrics of jute for paddings or interlinings exceeding 30 threads in warp and filling to the square inch, weighing from 4½ to 12 ounces, inclusive, per square yard	3248. 100	6/10/43
Woven fabrics, n. s. p. f. in chief value but not wholly of jute	3248. 200	6/10/43
Jute sliver	3250. 000	6/10/43
Jute webbing, not exceeding 12 inches in width	3250. 700	6/10/43
Jute manufactures, n. s. p. f.	3250. 900	6/10/43
Jute bags or sacks	3249. 000	4/2/43
	3249. 100	4/2/43
Jute butts, unmanufactured	3242. 000	10/6/42
Jute, unmanufactured	3241. 000	10/6/42

[1] Moved from List I 1/8/44.

LIST II—Continued

Material	Commerce Import Class No.	Governing date
Kapok	3403. 000	7/2/42
Kyanite and sillimanite	6630. 050	12/28/41
Lead	6504. 000	12/28/41
	6505. 000	1/9/42
	6505. 100	12/28/41
	6506. 100	1/9/42
	6506. 500	1/9/42
	6506. 900	6/1/42
	6507. 000	1/9/42
	6509. 000	1/9/42
Leather, unmanufactured:		
Rough tanned leather (incl. India-tanned):		
Vegetable-tanned goat and sheepskins	0339. 000	[1] 7/2/42
	0339. 100	[1] 7/2/42
Loofa (Luffa) sponges	N. S. C.	8/21/42
Luggage and related articles of bovine leather (include suitcases, valises, satchels, traveling and overnight bags, hat boxes, trunks, and other luggage; and boxes, caskets, chests, baskets, rolls, brief cases, and other cases, except handbags, and flat leather goods)	N. S. C.	8/5/43
Magnesium, metallic and scrap	6760. 310	6/1/42
Maguey or cantala, unmanufactured	3409. 200	1/18/4
Mahogany, dressed (sawed and not further manufactured than planed, tongued, and grooved)	4204. 100	7/21/42
Mahogany logs	4081. 000	7/2/42
Mahogany rough (not further manufactured than sawed)	4202. 100	7/21/42
Manila or abaca cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns	3417. 095	6/28/43
	3417. 195	6/28/43
Manila or abaca fiber (except T grade tow)	3402. 200	4/28/43
Manila or abaca tow (T grade only)	3402. 500	4/28/43
Manila or abaca fiber manufactures (incl. all manila or abaca products)	N. S. C.	4/28/43
Mercury-bearing ores and concentrates	N. S. C.	4/8/42
Mercury or quicksilver (metallic)	6662. 000	12/28/41
Meshita fiber	N. S. C.	10/6/42
Metallic beryllium, cesium, lithium, and potassium	6390. 870	5/4/42
Metallic mineral substances in crude form, not otherwise classified (such as drosses, skimmings, residues, brass foundry ash, and flue dust)	6740. 190	6/1/42
Mica	5560. 700	3/14/42
	5560. 800	3/14/42
	5560. 910	3/14/42
	5560. 920	3/14/42
	5560. 930	3/14/42
	5560. 940	3/14/42
	5560. 950	3/14/42
	5560. 960	3/14/42
	5560. 970	3/14/42
	5560. 980	3/14/42
	5560. 990	3/14/42
	5561. 000	3/14/42
	5561. 700	7/21/42
	5561. 800	3/14/42
	5561. 810	3/14/42
	5561. 820	3/14/42
	5561. 830	3/14/42
	5561. 850	3/14/42
	5561. 900	3/14/42
	5564. 000	3/14/42
	5564. 200	3/14/42
Milkweed	N. S. C.	1/18/43
Nutgalls or gall nuts	2310. 000	9/11/42
Oiticica oil	2255. 600	4/8/42
Ouricury (uricury) nuts and kernels	2230. 610	5/22/42
	2239. 620	5/22/42
Ouricury (uricury) oil, inedible and edible	2257. 800	5/22/42
	2257. 830	5/22/42
Palm nut kernels	2235. 500	3/14/42
Palm kernel oil	2248. 000	3/14/42
Palm oil	2243. 000	1/13/42
Paper pulp or paper making machines, n. s. p. f., and parts thereof	7800. 880	8/5/43
Pine, other than Northern white or Norway pine:		
Logs	N. S. C.	4/28/43
Lumber, sawed boards, planks, deals, etc., rough and dressed	4107. 700	4/28/43

List II—Continued

Material	Commerce Import Class No.	Governing date
Pulpwood	4590.000–4596.000 inc.	1/12/44
Punga fiber	N.S.C.	3/5/43
Quinine salts or alkaloids from cinchona bark:		
Quinine sulphate	8102.000	3/5/43
Quinine alkaloid	8103.200	3/5/43
Other salts and derivatives of quinine	8103.300	3/5/43
Cinchonidine and its salts	8103.400	3/5/43
Cinchonine and its salts	8103.500	3/5/43
Quinidine and its salts	8103.600	3/5/43
Totaquine and totaquine compounds	N.S.C.	3/5/43
Raffia, unmanufactured	3409.500	4/28/43
Rapeseed oil, denatured and not denatured	2246.000	5/22/43
	2253.000	1/13/42
	2107.200	3/14/42
Shellac, unbleached and bleached	2108.000	3/14/42
Silk:		
Cocoons	3703.000	10/21/43
Partially manufactured silk, and silk noils exceeding 2 inches in length, not twisted or spun	3799.000	10/21/42
Raw silk in skeins, reeled from the cocoon, or re-reeled, not wound, doubled, twisted, or advanced	3702.000	10/21/42
Silk waste	3704.000	10/21/42
Wild silk or tussah	3702.100	10/21/42
Silver:		
Ores, concentrates, and base bullion, valuable chiefly for silver content	6819.500	7/21/42
Bullion, refined	6819.000	7/21/42
Coin, foreign	6819.500	7/21/42
Sweepings and scrap, including silver sulphides	6819.600	7/21/42
Semiprocessed items, valuable chiefly for silver content	N.S.C.	7/21/42
Compounds, mixtures and salts, valuable chiefly for silver content	N.S.C.	7/21/42
Sisal and henequen, unmanufactured (includes flume tow and bagasse waste)	3401.000	1/18/43
Sperm oil, crude, refined or otherwise processed	0603.000	5/22/42
	0603.100	5/22/42
Talc, steatite (magnesium silicate), containing not to exceed 1¼% lime and 1½% ferric oxide:		
Crude and unground	N.S.C.	11/28/42
Ground, washed, powdered, or pulverized	N.S.C.	11/28/42
Tin:		
Alloys, chief value tin, n.s.p.f. (including alloy scrap)	6551.200	6/1/42
Bars, blocks, pigs, grain or granulated	6551.300	6/1/42
Metallic scrap (except alloyed scrap)	6551.500	6/1/42
Tin-plate scrap	6740.050	7/2/42
Tung oil (China wood oil)	2241.000	1/31/42
Tungsten ore and concentrates	6232.000	12/28/41
Urena lobata fiber	N.S.C.	10/6/42
Vanadium ore	6260.000	12/28/41
Yucca fiber	N.S.C.	3/5/43

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

List III

Note: List III amended Jan. 8, 1944.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Commerce Import Class No.	Governing date
Agave fiber processors' mill waste (including sisal and henequen processors' mill waste)	N.S.C.	8/3/43
Alewives and other pickled or salted fish, n.s.p.f.	0073.300–0073.900 inc.	7/2/42

List III—Continued

Material	Commerce Import Class No.	Governing date
Alfalfa seed	2401.000	7/2/42
Anchovies, canned, not in oil or in oil and other substances	0067.000	7/2/43
Anchovies, in oil or in oil and other substances	0064.200	1/18/43
	0064.300	1/18/43
Annatto and annatto extracts	2320.000	7/2/42
Apples, dried, desiccated, or evaporated	1330.010	6/28/43
Apricots, dried, desiccated, or evaporated	1330.150	6/28/43
Argols, tartar and wine lees, and crude calcium tartrate	8329.000	7/2/42
	8330.000	7/2/42
	8286.013	7/2/42
Balata, Massarandubа	N.S.C.	3/5/43
Balata, Peruvian, F.A.Q., white	N.S.C.	3/5/43
Bananas, dried, desiccated, or evaporated	1330.170	6/28/43
Bananas, green or ripe	1301.000	7/2/42
Barley malt	1080.000	7/2/42
Baskets and bags of wood, straw, etc.	4221.000	7/2/42
	4221.200	7/2/42
	4221.800	7/2/42
	4221.600	7/2/42
	4221.900	7/2/42
Beans, dried	1192.000	7/2/42
Beef and veal, pickled or cured	0029.000	7/2/42
Beef, canned, including corned beef	0028.000	7/2/42
Beef, fresh, chilled or frozen	0018.000	5/14/43
Beeswax	0972.000	7/2/43
	0972.100	7/2/43
	0974.000	7/2/42
Berries, dried, desiccated, or evaporated	1330.210	6/28/43
Blood, dried	8505.000	7/2/42
Bone black, bone char, and blood char	0990.130	7/2/42
Bones, crude	0911.300	7/2/42
Bones, ground, ash, dust, meal and flour	0911.300	7/2/42
Bottle caps, collapsible tubes, and sprinkler tops of metal, including foil bottle caps (except screw caps and patented closures)	6790.010	5/14/43
	6790.020	5/14/43
Boxwood logs	4033.000	7/2/42
Bran, shorts, and other wheat byproduct feeds	1181.000	7/2/42
Brasil or cream nuts	1356.000	7/2/42
	1357.000	7/2/42
Butter	0044.000	7/2/42
Buttermilk, dried	0041.200	4/2/43
Cacao butter (cocoa butter)	1420.000	7/2/42
Camel's hair	3510.000	4/28/43
	3511.000	4/28/43
	3511.100	4/28/43
	3511.200	4/28/43
	3511.300	4/28/43
	3511.400	4/28/43
	3560.000	1/18/43
Camel's hair tops	2452.000	7/2/42
Canary seed	2252.200	7/2/42
Candelilla wax	2251.000	7/2/42
Carnauba wax	4092.800	7/2/42
Caroa fiber	N.S.C.	1/18/43
Caroa manufactures	N.S.C.	10/6/42
Caroa yarn	N.S.C.	7/2/42
Casein or ixtlarene	0943.000	4/6/43
Cashew nuts and kernels	1377.000	
Cashmere goat hair, Angora rabbit hair, and hair of other like animals, n.e.s.	3535.500	4/2/43
	3535.600	4/2/43
	3535.700	4/2/43
	3535.800	4/2/43
	3535.900	4/2/43
Cassia buds, unground	1533.000	10/6/42
Cassia, cassia vera, unground	1533.100	10/6/42
Cassia, cassia buds and cassia vera, ground	1550.070	10/6/42
Castor bean pomace (castor oil cake and castor oil cake meal)	8509.100	1/18/43
Celery seeds	1525.000	8/5/43
Cheese	0045.100–0046.990 inc.	7/2/42
Cherries, dried, desiccated, or evaporated	1317.100	6/28/43
Chickens and guineas:		
Dead, fresh, chilled or frozen, dressed or undressed	0025.400	4/28/43
Live	N.S.C.	4/28/43
Prepared or preserved	N.S.C.	4/28/43
Chickpeas and garbanzos, dried	1200.000	7/2/42
Chicle, crude and refined or advanced	2131.000	7/2/42
	2189.300	7/2/42
China clay or Kaolin	5300.000	8/21/42
Cinnamon and chips of, unground	1526.000	10/6/42
Cinnamon and chips of, ground	1550.030	10/6/42
Citrons, or citron peel, crude, dried	1220.200	6/28/43
Cocoa beans or cacao beans	1501.300	7/2/42

List III—Continued

Material	Commerce Import Class No.	Governing date
Cocoa powder, unsweetened and sweetened	1502.100	1/18/43
	1502.300	1/18/43
	1502.900	1/18/43
Coconuts, in the shell	1351.000	10/21/42
Coconut meat, shredded and desiccated or similarly prepared	1379.000	10/21/42
Cod, haddock, hake, pollock, and cusk, pickled or salted (not in oil etc., and not in airtight containers, weighing, with contents, not over 15 lbs. each)	0069.000	4/2/43
	0069.200	4/2/43
	0069.900	4/2/43
Coffee, raw or green; roasted or processed	1511.000	7/2/42
	1511.100	7/2/42
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specifically provided for	2280.120	7/21/42
Corn	1081.000	7/2/43
Corn, cracked	1080.180	7/2/42
Cornstarch	2815.000	10/25/43
Cotton linters, (all grades)	3005.000	7/2/42
Cotton, raw (all staple length)	3001.000	7/2/42
	3002.600	7/2/42
	3002.700	7/2/42
	3002.800	7/2/42
Cotton waste	3002.100	7/2/42
	3002.200	7/2/42
	3002.310	7/2/42
	3002.320	7/2/42
	3002.350	7/2/42
	3002.600	7/2/42
	3280.280	7/2/42
	3280.290	7/2/42
Cotton—Merino waste	9850.902	7/2/42
Crabs, fresh or frozen, prepared or preserved	0086.400	7/2/42
	0086.500	7/2/42
Cream, dried	0041.308	4/2/43
Crin vegetal	3407.000	6/28/43
Currants, dried	N.S.C.	6/28/43
Dates, dried	N.S.C.	6/28/43
Dog food	1190.700	7/2/42
	1190.800	7/2/42
Egg albumen, dried	0094.000	3/5/43
Egg albumen, frozen, or otherwise prepared or preserved, n.s.p.f.	0095.000	3/5/43
Eggs (chicken) whole, in the shell	0096.100	7/2/42
Eggs, dried	0090.000	3/5/43
Eggs, frozen, or otherwise prepared or preserved, n.s.p.f.	0091.000	3/5/43
Eggs of poultry other than chicken, whole, in the shell	0095.500	3/5/43
Egg yolks, dried	0092.000	3/5/43
Egg yolks, frozen, or otherwise prepared or preserved, n.s.p.f.	0093.000	3/5/43
Ergot	2210.330	10/6/42
Fatty acids, not specifically provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:		
Cottonseed oil	2260.220	5/22/42
Linseed oil	2260.210	7/21/42
Soybean oil	2260.230	7/21/42
Other, not elsewhere specified	2260.240	7/21/42
Fatty alcohols and fatty acids sulphated, not elsewhere specified, and salts of fatty acids sulphated, not elsewhere specified	2260.260	7/21/42
Figs, dried	N.S.C.	6/28/43
Fish scrap and fish meal	0976.000	7/2/42
	8509.700	2/7/42
Fish-liver oil, n.e.s. (include halibut-liver oil)	2220.250	1/12/44
Floor coverings:		
Carpets and carpeting, mats, rugs, art squares, etc., of wool, n.s.p.f.	3660.000–3670.570 inc.	10/21/42
Pile mats and floor coverings of cocoa fiber (coir fiber)	3960.100	10/21/42
Pile mats and floor coverings of rattan	3960.300	10/21/42
Matting and articles of cocoa fiber (coir fiber) or rattan	3963.000	10/21/42
Floor coverings of grass or rice straw, not in chief value of cotton	3963.200	10/21/42
Textile floor coverings, other than wool, cotton, silk, rayon, etc.	3963.600	10/21/42
Fluorspar	5301.000	7/2/42
	5301.100	7/2/42
Fruits, dried, not elsewhere specified on this order	N.S.C.	6/28/43
Garlic	1205.000	7/2/42
Ginger root, unground, not preserved or candied	1536.100	10/6/42

List III—Continued

Material	Commerce Import Class No.	Governing date
Ginger root, ground, not preserved or candied	1550.080	10/6/42
Glue, except glue size and fish glue (value under 40¢ lb.)	0980.100	7/2/42
Glue stock, not elsewhere specified	0980.900	8/5/43
Goat and kid hair except Angora (mohair) and Cashmere	3600.200	7/2/42
Grapefruit and pomelose	1302.000	7/2/42
Grapes, dried, other than raisins	1319.000	6/28/43
Grapes, fresh (other than hothouse)	1318.500	7/2/42
Guano	8804.000	7/2/42
Gums, n.e.s., used in manufacture of chewing gum	N.S.C.	3/5/43
Gums copal (include Kongo, Manila, East India, Animi, Accroides, Yacca)	2109.700	1/12/44
Hairpins of base metal, not plated with gold or silver, not jewelry (including bobby pins)	6790.380	5/14/43
Hempseed	2238.000	8/22/42
Hempseed oil	2280.030	7/21/42
Herring (including sprats, pilchards and anchovies), all types	0070.000–0070.900 inc.	7/2/42
Hibiscus cannabinus or ferox	N.S.C.	7/2/42
Hide cuttings, raw	0030.500	7/2/42
Hide splits, limed, pickled or dried (suitable for manufacturing into leather)	N.S.C.	1/12/44
Hides and skins:		
Horse, colt, and ass	0211.100	7/2/42
	0211.300	7/2/42
	0212.100	7/2/42
	0212.200	7/2/42
	0212.300	7/2/42
	0212.500	7/2/42
Shearlings, dry and wet (except close shorn skins with commercially worthless wool, ¼ inch and down)	N.S.C.	7/2/42
Sheep and lamb skins, except shearlings, cabrettas, etc.:		
Pickled skins, not split, no wool	0224.000	7/2/42
Pickled fleshers, split, flesh side	0224.100	7/2/42
Pickled skivers, split, grain side	0224.200	7/2/42
Other wooled, (wool on) except shearlings	0221.500	7/2/42
Hydrogenated or hardened oils and fats, vegetable or animal	2260.100	7/21/42
Ilmenite (including ilmenite sand)	6270.100	7/2/42
Iodine	8800.000	7/2/42
	8380.680	7/2/42
Iron ore	6001.000	7/2/42
Kola nuts	2216.490	7/2/42
Lamb, fresh, chilled or frozen	0041.000	5/14/43
	0832.000–0832.500 inc.	2 7/2/42
	0834.000–0835.350 inc.	2 7/2/42
Leather unmanufactured (all types except bovine, goat and kid, and rough vegetable-tanned goat and sheep skins)	0835.500–0835.990	2 7/2/42
	0340.000–0340.700 inc.	2 7/2/42
	0345.400–0345.900	2 7/2/42
Leche caspi (including crude sorva gum)	2170.000	3/5/43
Lentils	1199.000	7/2/42
Limaloe oil or Bois de Rose	2260.270	7/2/42
Limes	1304.000	7/2/42
Lobsters, canned and not canned	0083.000	7/2/42
	0084.000	7/2/42
	1199.100	7/2/42
Lupines	1540.000	10/6/42
Mace, unground	1550.080	10/6/42
Mace, ground	1549.200	10/6/42
Mace, Bombay or wild, unground	1530.100	10/6/42
Mace, Bombay or wild, ground	2210.570	7/2/42
Maté	1770.000	10/6/42
Maté, Yerba, advanced in value or condition (Paraguay tea)		
Meats, canned n.e.s., and prepared or preserved meats, n.s.p.f. (include liver paste; also include mutton)	0032.900	10/21/42
Meat extracts, including fluid	0096.000	7/2/42
Melons	1330.000	7/2/42
	1330.430	7/2/42
Milk, condensed and evaporated	0040.000	7/2/42
	0040.100	7/2/42
	0040.700	7/2/42
Milk, skimmed, dried	0041.100	4/2/43
Milk, whole, dried	0041.000	4/2/43
Mohair (Angora goat hair)	3530.000–3530.400 inc.	7/2/42
Mohair tops	3560.100	1/18/43
Mohair yarns	3570.300–3570.600 inc.	1/18/43

[1] Moved from List I 1/8/44.

List III—Continued

Material	Commerce Import Class No.	Governing date
Molasses and sugar sirup, edible and inedible	1630.480–1640.000 inc.	7/2/42
Monazite sand and other thorium ore	5930.300	7/2/42
Muru muru nuts and kernels	2229.630	5/22/42
	2229.640	5/22/42
Mutton, fresh, chilled or frozen	0021.000	5/14/43
Nitrates, Sodium and Potassium	8805.000	7/2/42
	8327.500	7/2/42
	8327.900	7/2/42
Nitrogenous material, n.s.p.f. (including hoof meal and horn meal)	8509.800	1/18/43
Nutmegs, unground	1530.000	10/6/42
Nutmegs, ground	1550.110	10/6/42
Oats, hulled and unhulled	1041.000	7/2/42
	1041.100	7/2/42
Offal, edible	0025.500	7/2/42
Oil cake and oil cake meal:		
Coconut or copra	1111.000	3/5/43
Soybean	1112.000	3/5/43
Cottonseed	1114.000	7/2/42
Linseed	1115.000	3/5/43
Peanut	1119.500	7/2/42
Hempseed	1119.700	7/2/42
Other n.s.p.f.	1119.900	7/2/42
Oleo stearin	0698.200	7/2/42
Olive oil, edible	1424.000	9/23/43
	1425.000	9/23/43
Olive oil, inedible:		
Sulphured or foots	2244.000	9/23/43
Other	2245.000	9/23/43
Onions, edible	1206.100	7/2/42
Orange flower or neroli oil	2260.280	1/18/43
Orange oil (including mandarin)	2277.000	1/18/43
Orange oil, terpeneless (including mandarin)	2277.100	1/18/43
Paper base stock:		
Rags for paper stock	4691.000	7/2/42
Waste bagging, gunny cloth and bags	4692.000	7/2/42
Grasses, fibers, waste, shavings, clippings, etc., n.e.s.	4692.900	7/2/42
Paprika, ground or unground	1523.100	8/5/43
Peaches, dried, desiccated, or evaporated	1330.620	6/28/43
Peaches, green, ripe, or in brine	1330.610	7/2/42
Peanut butter	1380.090	9/23/43
Pearl shells or mother-of-pearl shells, unmanufactured	0961.000	8/5/43
Pears, dried, desiccated, or evaporated	1330.670	6/28/43
Pears, green, ripe or in brine	1330.660	7/2/42
Peas, dried and split	1197.000	7/2/42
	1198.000	7/2/42
Peppers	1210.050	7/2/42
Piassava fiber	3409.350	7/2/42
Piassava fiber, manufactured in whole or in part (dressed cut to length, etc.)	3410.050	3/5/43
Pigeons, racing or fancy	0695.500	7/2/42
Pigeons, other	N.S.C.	7/2/42
Pimento (allspice), unground	1543.000	10/6/42
Pimento (allspice), ground	1550.130	10/6/42
Pimientos, packed in brine or oil, or prepared or preserved	1244.000	8/5/43
Pork:		
Fresh or chilled	0020.100	5/14/43
Frozen	0020.500	5/14/43
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc.	0030.900	7/2/42
	0031.900	7/2/42
Prunes, prunelles, and plums:		
Green or ripe, not in brine	1330.510	6/28/43
In brine	1330.530	6/28/43
Dried, desiccated, or evaporated	1330.540	6/28/43
Otherwise prepared or preserved, n.s.p.f.	1330.550	6/28/43
Psyllium seed (plantago psyllium seed, fleawort, fleaseed and fleaseed husks)	2208.000	5/14/43
Raisins:		
Made from seedless grapes	1319.100	6/28/43
Other	1319.200	6/28/43
Ramie fiber or China grass, unmanufactured	3409.600	9/23/43
Rice:		
Paddy	1051.000	10/25/43
Uncleaned or brown rice	1051.100	10/25/43
Cleaned or milled rice	1053.000	10/25/43
Patna rice, cleaned, for use in canned soups	1054.000	10/25/43
Rice meal, flour, polish and bran	1059.106	10/25/43
Rice, broken	1059.200	7/2/42
Rye	1044.000	7/2/42
Salts derived from vegetable oils, animal oils, fish oils, animal fats and greases, not elsewhere specified, or from fatty acids thereof	2260.260	7/21/42
Sansevieria fiber	N.S.C.	6/28/43
Sansevieria manufactures (including all products in whole or in part of sansevieria)	N.S.C.	6/28/43
Sardines, in oil or in oil and other substances	0063.200	4/2/43
	0063.300	4/2/43

List III—Continued

Material	Commerce Import Class No.	Governing date
Sausage casings, sheep, lamb and goat only	0034.000	7/2/42
Sausage casings, other	0035.300	7/2/43
Sesame seed	2234.000	5/22/42
Shark-liver oil, including oil produced from dogfish livers, n.s.p.f.	0808.730	1/12/44
Soap (except Castile) and soap powder	8712.300–8719.900 inc.	7/2/42
	2210.520	7/2/42
Soap bark or quillaya	1610.750–1610.900 inc.	7/2/42
Sugar, cane		
Syrups and extracts for use in the manufacture of beverages	N.S.C.	3/5/43
Tallow, vegetable	2250.000	7/2/42
Tankage (incl. cracklings, greave cakes, liver meal, meat meal, meat flour, meat scrap, etc.)	0975.000	
	8509.600	7/2/42
Tapioca, tapioca flour, and cassava (including manioca flour)	1228.000	7/2/42
Tea, not specially provided for	1521.000	7/21/42
Textile waste, not elsewhere specified in the order, including jute thread and flax, etc. (except sisal and henequen processors' mill waste)	N.S.C.	7/2/42
Tobacco, unmanufactured	2601.000–2610.000 inc.	7/2/42
Tonka beans	1546.000	7/2/42
Tops of hair other than camel's hair, mohair, and wool (including alpaca and vicuna), n.e.s.	3580.500	1/18/43
	2239.650	5/22/42
Tucum nuts and kernels	2239.660	
Tuna fish, fresh or frozen	0058.000	7/2/42
Tuna fish, in oil or in oil and other substances	0065.200	4/2/43
Turkeys:		
Dead, fresh, chilled or frozen, dressed or undressed	0024.000	4/28/43
Live	0014.000	4/28/43
Prepared or preserved	N.S.C.	4/28/43
Turtles	0086.300	7/2/42
Vanilla beans	1545.000	7/2/42
Veal, fresh, chilled or frozen	0019.000	5/14/43
Vegetable ivory or tagua nuts	2911.000	7/2/42
Vegetable oil foots, other than olive	N.S.C.	7/21/42
Vegetable soapstock	N.S.C.	7/21/42
Wool, advanced, n.e.s.	3560.900	1/18/43
	3506.000–3574.000 inc.	7/2/42
Wool, apparel, 40's or coarser	3509.500	7/2/42
Wool, apparel, finer than 40's, not finer than 44's on the skin	3534.000–3535.000 inc.	7/2/42
Wool, apparel, finer than 44's[1]	3520.000	7/2/24
	3521.100	7/2/42
	3521.200	7/2/42
	3521.300	7/2/42
	3522.000	7/2/42
	3523.100	7/2/42
	3523.200	7/2/42
	3523.300	7/2/42
	3526.000	7/2/42
	3527.100	7/2/42
	3527.200	7/2/42
	3527.300	7/2/42
	3526.000	7/2/42
	3529.100	7/2/42
	3529.200	7/2/42
	3529.300	7/2/42
Wool apparel, (finer than 40's but not finer than 44's)[1]	3512.000	7/2/42
	3514.100	7/2/42
	3514.200	7/2/42
	3514.300	7/2/42
	3524.000	7/2/42
	3525.100	7/2/42
	3525.200	7/2/42
	3525.300	7/2/42
Wool, carpet	3501.000–3502.300 inc.	7/2/42
Wool mungo	3553.000	11/23/42
Wool noils and waste	3550.000–3553.700 inc.	7/2/42
Wool press cloth waste	9850.908	7/2/42
Wool rags	3554.000	11/23/42
Wool shoddy and wool extract	3553.800	11/23/42
Wool tops	3560.400	1/18/43
Wool yarns and yarns of other hair	3574.200–3574.600 inc.	1/18/43
Yarns wholly or in chief value of Angora rabbit hair	3573.400–3573.800 inc.	1/18/43

[1] Moved from List II 9/23/43.

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1

No authorization under paragraph (b) of the order is necessary for the release or withdrawal of materials on List II or List III from a free port, a free zone, or the bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States regardless of the date when such materials first entered such place. The actual importation, which is the subject of restriction under paragraph (b), is deemed to have occurred before the question of release or withdrawal arises. Also, no authorization under paragraph (d) of the order is necessary for the subsequent disposition, processing, or shipment of such released or withdrawn List II and List III materials.

As to List I materials which are similarly situated, no authorization under paragraph (b) of the order is necessary for their release or withdrawal from free port, free zone, or bonded custody, but authorization under paragraph (d) of the order is necessary for their subsequent disposition, processing, or shipment unless they are shipped in bond to Canada, Mexico, or some other foreign country, in which event the foreign destination is deemed to be the place of initial storage as such term is used in the order; *Provided, however*, That List I materials which are imported in bond after July 2, 1942, can be shipped to Mexico, Canada, or some other foreign country without the express authorization required under paragraph (d) only if the import application filed under paragraph (b) stated that the material was being imported for the purpose of such export shipment. (Issued June 30, 1942, and amended Sept. 23, 1943.)

INTERPRETATION 2

The following official interpretation is hereby issued by the War Production Board with respect to the meaning of the term "in transit" as defined in paragraph (a) (6) of General Imports Order M-63 (§ 1042.1) as amended:

By amendment dated December 17, 1942, the definition of material "in transit" was changed by adding the following clause, "or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship, the material must have been afloat, or an on board ocean bill of lading must have been issued with respect to it, on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3

When by amendment of the order a material already on List II or List III is moved to List I and hence becomes subject to the restrictions of paragraph (c) covering the disposition, processing, transfer, or change of location of such material, the governing date for the application of such restrictions is the effective date of the amendment by which the material was moved to List I and not the date when such material first became subject to General Imports Order M-63. (Issued May 14, 1943.)

[F. R. Doc. 44-451; Filed, January 8, 1944; 11:38 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-a, as Amended Jan. 8, 1944]

Pursuant to General Imports Order M-63, as amended, which this order supplements, It is hereby ordered, That:

§ 1042.2 *Supplemental General Imports Order M-63-a.* Until further order of the War Production Board, the provisions of General Imports Order M-63, as amended June 2, 1942, and thereafter, shall not apply to materials on List III of said order which are located in, and are the growth, production, or manufacture of, and are transported into the continental United States overland, by air, or by inland waterway from, Canada, Mexico, Guatemala, or El Salvador, except with respect to materials listed on Schedule A attached hereto.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Table amended Jan. 8, 1944.

Material:	Commerce Import Class No.	Effective date
Agave fiber processors' mill waste (including sisal and henequen processors' mill waste)	N. S. O.	Aug. 5, 1943
Bones, crude	0911.200	Aug. 5, 1943
Bottle caps, collapsible tubes, and sprinkler tops of metal, including foil bottle caps (except screw caps and patented closures)	6790.010	May 14, 1943
	6790.020	May 14, 1943
Canary seed	2452.000	Dec. 14, 1942
Chicle, crude and refined or advanced	2131.000	Dec. 14, 1942
	2189.300	Dec. 14, 1942
Chickpeas and garbanzos, dried	1200.000	Mar. 5, 1943
Cod, haddock, hake, pollock, and cusk, pickled or salted (not in oil; etc., and not in airtight containers, weighing, with contents, not over 15 pounds each)	0069.000	Aug. 5, 1943
	0069.200	Aug. 5, 1943
	0069.900	Aug. 5, 1943
Coffee: raw or green	1511.000	Mar. 5, 1943
roasted or processed	1511.100	Mar. 5, 1943
Fish-liver oil, n. e. s. (include halibut-liver oil)	2220.250	Jan. 12, 1944
Hairpins of base metal, not plated with gold or silver, not jewelry (including bobby pins)	6790.350	May 14, 1943
Molasses and sugar sirup, edible and inedible	1630.480–1640.000 inclusive	Dec. 14, 1942
Oil cake and oil cake meal:		
Coconut or copra	1111.000	Mar. 5, 1943
Soybean	1112.000	Mar. 5, 1943
Cottonseed	1114.000	Dec. 14, 1942
Linseed	1115.000	Mar. 5, 1943
Peanut	1119.600	Dec. 14, 1942
Hempseed	1119.700	Dec. 14, 1942
Other, n. s. p. f.	1119.900	Dec. 14, 1942
Onions (edible)	1208.100	Dec. 20, 1943
Peanut butter	1380.060	Sept. 23, 1943
Pigeons, other	N. S. C.	Jan. 12, 1944
Pigeons, racing or fancy	0895.500	Jan. 12, 1944
Sansevieria fiber	N. S. C.	June 28, 1943
Sansevieria manufactures (including all products in whole or in part of sansevieria)	N. S. C.	June 28, 1943
Sesame seed	2234.000	Nov. 26, 1942
Shark-liver oil, including oil produced from dogfish livers, n. s. p. f.	0808.730	Jan. 12, 1944
Syrups and extracts for use in the manufacture of beverages, if transported in railway tank cars	N. S. C.	April 28, 1943

[F. R. Doc. 44-455; Filed, January 8, 1944; 11:38 a. m.]

PART 3109—MEDICAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[General Limitation Order L-214, Schedule 1, Revocation]

HOSPITAL ENAMELED WARE

Section 3109.2 *Schedule 1 to General Limitation Order L-214* is revoked. This revocation does not affect any liabilities incurred under this schedule. The schedule is superseded by Order L-30-b, as amended, simultaneously with this revocation.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-459; Filed, January 8, 1944; 11:39 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 43]

ELIMINATION OF 1943 ORDERS FOR ALUMINUM

The following direction is issued pursuant to CMP Regulation 1 (§ 3175.1):

(a) Notwithstanding Direction 23 to CMP Regulation No. 1 and paragraph (t) (4) of CMP Regulation No. 1, Producers of Aluminum and Controlled Material Form, are hereby directed to remove from their production schedules by January 1, 1944, all authorized controlled material orders bearing a 1943 CMP allotment number which are not in production by December 31, 1943. This does not apply to authorized controlled material orders for the fourth quarter of 1943 which have not been produced or entered into production because of inability of the producer to meet his production schedules. If the customer still wants delivery of the orders removed under this direction, they may only be restored to the schedule and produced under the conditions applicable to a new authorized controlled material order placed at the time the new allotment and new certification is furnished.

(b) An order taken out of a producer's production schedule because it has a 1943 allotment number on it, should not be reported as an unfilled order to the Aluminum and Magnesium Division on any report.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-454; Filed, January 8, 1944; 11:38 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-b, as Amended Jan. 8, 1944]

ENAMELED WARE

Section 3291.155 *Limitation Order L-30-b* is hereby amended to read as follows:

§ 3291.155 *Limitation Order L-30-b*—(a) *What this order does.* This order states the rules governing the manufacture of household, cooking and hospital articles made of vitreous-enameled iron and steel. The kinds and sizes of enameled ware which may be made are described, including hospital ware which was formerly covered by Schedule I to Order L-214. Quotas are placed on the use of iron and steel. Special provisions are made for military and export orders.

(b) *Definitions.* When used in this order:

(1) "Enameled ware" means any of the articles listed on Table A when made of vitreous-enameled iron or steel. It does not include any furniture, electrical or gas appliance or power-driven equipment.

(2) "Preferred orders" means any purchase order or contract for enameled ware which will be ultimately delivered to the Army or Navy of the United States, the U. S. Maritime Commission or War Shipping Administration.

(3) "Export orders" means any purchase order or contract for enameled ware for delivery outside the United States, its territories and possessions.

(4) "Civilian order" means any purchase order or contract other than a preferred order or export order.

(c) *What enameled ware may be made.* (1) No manufacturer shall produce or assemble any enameled ware that does not conform to Table A. Exceptions to this rule are stated below.

(2) A manufacturer may complete the following operations on enameled ware which was otherwise completed by December 31, 1942; making and attaching handles, bails, spouts and ears; welding together fabricated parts; applying a vitreous-enameled or other coating.

(3) The War Production Board may authorize on Form WPB-1319 (formerly PD-556) enameled ware not conforming to Table A to fill export orders.

(4) The provisions of Table A do not apply to enameled ware which is produced to fill preferred orders or for experimental use in a scientific laboratory in connection with the development of enameled ware standards.

Quota Restrictions

(d) *General.* No manufacturer shall use more iron and steel in making enameled ware than the amounts stated below. Each manufacturer has a quota for civilian orders and a separate quota for preferred orders and export orders. In each calendar quarter a manufacturer is limited to a percentage of the iron and steel he used in his total production of enameled ware in the twelve months ending June 30, 1941, the "base period." The gross weight of iron and steel when first put into production, whether in the form of raw materials or as purchased parts, is considered the amount of iron and steel used and to be used in figuring out the quotas. A manufacturer who purchases black shapes and covers them with an enamel coating should include the weight of these black shapes in his "use" of iron and steel, while a manufacturer who fabricates the black shapes should consider the gross weight of the sheets he cuts up as part of his "use" of iron and steel.

(e) *Civilian quotas*—(1) *General rule.* In his production for civilian orders of all enameled ware (except roasters), a manufacturer is limited in each calendar quarter to one-fourth of 70% of the iron and steel which he used for all enameled ware (except roasters) in the base period. No manufacturer may produce during any calendar year more enameled roasters than 15% of the number he produced in the base period.

(2) *Optional quotas for manufacturers of hospital ware.* Instead of following the general rule any manufacturer may use in any calendar quarter in producing hospital enameled ware (See Table A) not more than one-fourth of 100% of the iron and steel which he used for that ware in the base period. If he does this, however, his civilian quota for non-hospital ware (except roasters) is reduced to one-fourth of 60% of the iron and steel he used for that ware in the base period. Any manufacturer who chooses this alternative or who later decides to follow the general rule stated in the preceding paragraph shall notify the War Production Board by January 15, 1944 or before the first day of the quarter in which he intends to do this.

(3) *Division of quota among different articles.* In allocating his iron and steel among the items listed in column (2) of Table A, a manufacturer should use his best efforts to divide his quota of iron and steel among all the articles which he customarily makes in such a way as to meet the essential needs for those articles. If it is found that an undue shortage exists in certain articles or that production is being concentrated too much on other articles, the War Production Board may issue written instructions to any manufacturer directing him to allocate a specified share of his production to articles which are considered most essential. Failure to comply with a specific direction shall be deemed a violation of this order.

(f) *Quotas for preferred orders and for export.* In addition to his civilian quota, a manufacturer may use during any quarter in producing enameled ware to fill preferred orders and export orders not more than one-fourth of 55% of the iron and steel which he used in the base period for all enameled ware.

(g) *Unused quotas.* A manufacturer may use for civilian orders during any calendar quarter, in addition to his quota for that quarter, any unused balance of his previous quarter's civilian quota. A manufacturer may also use to fill preferred orders and export orders during any calendar quarter, in addition to his quota for that quarter, any unused balance of his previous quarter's quota for such orders.

(h) *Special permission to exceed quotas.* The War Production Board from time to time may permit manufacturers to exceed their quotas. This will only be done in special cases and for limited periods of time. For example, if one or more manufacturers are unable to use their full quota in any quarter, other manufacturers may be permitted to use the unused amount in addition to their own quotas. Similarly, if additional iron or steel becomes available at any time, the War Production Board may authorize its use in addition to the quotas. As far as practicable increases will be permitted for all manufacturers of the articles to be made in proportion to their quotas. Permission will be granted either in the form of individual letters or of published directions supplementary to this order.

Miscellaneous Provisions

(i) *Overruns, rejects and cancellations.* Enameled ware made to fill a preferred order, which, because of overruns, rejects, cancellations of orders or any other reasons cannot be used to fill that order, may be used or disposed of only as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1.

(j) *Reports.* (1) Each manufacturer shall file with the War Production Board on or before January 31, 1944, a letter showing the amount of iron and steel which he used in hospital enameled ware and non-hospital enameled ware during the twelve months ending June 30, 1941.

(2) Each manufacturer shall file with the War Production Board on or before

January 20, April 20, July 20, and October 20 of each year, a report on Form WPB–1600 (formerly PD–655), showing his production, shipments, and inventory of enameled ware for the preceding quarter.

(3) These reporting provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(k) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of enameled ware to a greater extent than does this order, the other order shall govern unless it states otherwise.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Appeals.* Any appeal from this order should be made on Form WPB–1477 (formerly PD–500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(n) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–30–b.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

General. Under the provisions of paragraph (c) of Order L–30–b, no manufacturer shall produce or assemble any enameled ware falling within any class in column (1) except articles listed in column (2) conforming to the restrictions of columns (3) and (4). When a manufacturer is permitted to make more than one size of any article, each size he manufactures shall fall within a different one of the size ranges specified, except that if only one size range is specified he may manufacture the permitted number of sizes anywhere within that range.

(1) Class of articles	(2) Permitted types in each class	(3) Number of sizes permitted each manufacturer	(4) Sizes
Cooking enameled ware (Utensils used primarily in the preparation, cooking, serving or storage of foods or beverages, whether for household, institutional, commercial, governmental or any other use).	Baine Marie pots	2	2 to 2¼ quart and 4 to 4½ quart capacity.
	Coffee boilers [1]	1	9½ to 12-quart capacity.
	Double boilers [1]	2	1½ to 2½ quart and 6½ to 8 quart capacity.
	Kettles [1]	1	14 to 20-quart capacity.
	Ladles	1	Manufacturer's choice.
	Percolators (with or without baskets).[1]	1	6 to 9-cup capacity.
	Drip coffee makers [1]	1	6 to 9-cup capacity.
	Roasters (single wall) [1]	1	15" to 19" in length.
	Sauce pans	1	1¾ to 2½ quart capacity.
	Sauce pots [1]	2	3½ to 8½ quart capacity.
	Steamtable insets [1]	3	To fit openings of 6½", 8½" and 10½" in diameter.
	Steamtable pans	2	Manufacturer's choice, to fit rectangular openings only.
	Stock pots [1]	3	15 to 36 quart capacity.
	Tea Kettles [1]	1	4 to 7-quart capacity.
	Water pails [1]	1	10 to 12½ quart capacity.
	Dish pans	1	9 to 15 quart capacity.
Household enameled ware (Enameled pails, buckets, and tubs, including infants' bathtubs; dish pans and sink strainers; baby bottle sterilizers).			
Enameled combinets, commodes, chambers and chamber covers.			
Hospital enameled ware (Any wash basin, any step-on can insert, and any article designed primarily for hospital or sick room use, including but not limited to, sponge basins, pus basins, solution basins, bed pans, irrigators, dressing jars, instrument trays, instrument sterilizers (without heating elements or stands), urinals, catheter trays, feeding cups and douche pans, but excluding any article in another class in this column).	Combinets [1]	1	8 to 12 quart capacity.
	Basin, pus	1	9½ to 10½ inches in length.
	Basin, sponge	1	6 to 7 inches in diameter.
	Basin, solution	1	13 to 13½ inches in diameter.
	Basin, wash	1	12 to 12⅝ inches in diameter.
	Bedpan	1	Size and style to be determined by the manufacturer.
	Irrigator	1	2 to 2½ quart capacity.
	Jar, dressing [1]	2	2 to 2½ quart and 4 to 4½ quart capacity.
	Step-on can inserts, as may be permitted under Schedule 3 of Order L–214.		
	Sterilizer, instrument (without heating element or stand).[1]	1	18 to 19 inches in length; 4 to 5 inches in depth; 8 to 9 inches in width.
	Tray, instrument [1]	2	Sizes and styles to be determined by the manufacturer.

[1] Metal covers may be made for these articles but not for any others in this table.

[F. R. Doc. 44–456; Filed, January 8, 1944; 11:38 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[General Limitation Order L–30–b, Interpretation 1, Revocation]

Interpretation 1 of Order L–30–b is superseded by paragraphs (c) (4) and (d) of the order as amended January 8, 1944.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–457; Filed, January 8, 1944; 11:38 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L–128, Revocation]

USE OF CHROMIUM AND NICKEL IN AUTOMOTIVE VALVES

Section 3292.76, *Limitation Order L–128*, as amended December 18, 1943, is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of automotive valves remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–458; Filed, January 8, 1944; 11:39 a. m.]

PART 1282—BABY CARRIAGES

[Limitation Order L–152 and Schedules, Revocation]

Order L–152 (§ 1282.1), Schedule I (§ 1282.2), Schedule II (§ 3291.287) and Schedule III (§ 3291.288) are revoked. This revocation does not affect any liabilities incurred under the order or schedules. The manufacture and delivery of baby carriages remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–475; Filed, January 8, 1944; 3:45 p. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L–152, Revocation of Schedules II and III]

Note: See Part 1282, *supra.*

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, as Amended Sept. 13, 1943, Amdt. 3]

Section 3175.5 *CMP Regulation No. 5* is amended by:

(1) Change the item "II—Batteries, dry cells." to "I—Batteries, dry cell." in the schedule attached to the regulation under the general heading "Electrical Products."

(2) Change the item "II Lighting equipment and accessories, aircraft, airport and marine" appearing in the schedules of the regulation under the general heading "Electrical Products." to read "I Lighting equipment and accessories, aircraft, airport and marine." Add the item "II Lighting equipment and accessories other than aircraft, airport and marine" after the item "I Lighting equipment and accessories, aircraft, airport and marine" appearing in the schedules of the regulation under the general heading "Electrical Products."

(3) Change the item "I Search lights, flood lights, spot lights and parts" appearing in the schedules under the general heading "Electrical Products" to read "I Search lights and flood lights."

(4) Change the item "II Warehouses, public" appearing in the schedules under the general heading "Conduct of the Following Business or Activities" to read "II Warehouses: public: dry and open storage."

(5) Add the item "I, Warehouses, refrigerated; perishable food products" after the item "Warehouses: public: dry and open storage" appearing in the schedules under the general heading "Conduct of the Following Business or Activities."

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–452; Filed, January 8, 1944; 11:38 a. m.]

PART 1001—TIN

[General Preference Order M–43, as Amended Jan. 10, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1001.1 *General Preference Order M–43*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to January 9, 1943, or pursuant to a contract supported by an allotment symbol or a preference rating. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the use of tin in the production of any item or article, the limitations of such other order shall be observed.

(c) *Definitions.* For the purposes of this order:

(1) "Tin" means and includes both pig tin and secondary tin.

(2) "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, small bars, and ingots) produced from ores, residues or scrap.

(3) "Secondary tin" means any material (except tin plate and terne plate as those terms are defined in Supplementary Order M–21–e) which contains less than 98% but not less than 1.5% by weight of the element tin.

(4) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any way, but does not include the processing of tin ore, concentrates, residues or scrap into metallic tin.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with, or available for the use of such person.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Base period" means the corresponding calendar quarter of 1940.

(8) "Distributor" means any person regularly engaged in the business of buying and selling tin, and includes warehousemen and jobbers.

(d) *General restrictions on use of tin.* (1) No product or article or part thereof shall be manufactured of pig tin if it is possible to use secondary tin for such purpose.

(2) No tin in any form shall be used in the manufacture of any item or in any process appearing on List A of this order; nor shall tin be used for any purpose except to manufacture the items or for the purposes listed in Schedule 1 of this order, and then, only within the limitations and restrictions specified in Schedule 1 with respect to such item or purpose.

(e) *Restrictions on the use of certain tin products.* Except with the specific permission in writing of the War Production Board granted pursuant to appeal under paragraph (k), no person shall use any of the tin-bearing products on List B of this order in the manufacture or treating of any other product or article; provided, That when any such tin-bearing product is listed in Schedule 1, it may be used for the purposes for which it is permitted to be manufactured as specified in Schedule 1.

(f) *Restrictions on deliveries.* (1) No person shall deliver or accept delivery of pig tin without the specific authorization in writing of the War Production Board; provided, however, that in the absence of a contrary direction by the War Production Board, pig tin may be delivered without specific authorization:

(i) To the Metals Reserve Company or to any other corporation organized under section 5(d) of the Reconstruction Finance Corporation Act as amended (15 U. S. C., sec. 606 (b)), or to any duly authorized agent of any such corporation.

(ii) By any distributor in lots of three long tons or less up to but not exceeding a total of five long tons to any one customer in the same calendar month; provided, That the aggregate of such deliveries which any person may receive from all distributors pursuant to the authority of this paragraph shall in no event exceed five long tons in any calendar month; and provided further, that any person seeking such a delivery shall, at the time of placing his purchase order, file with the distributor a statement substantially in the following form, signed manually or as provided in Priorities Regulation No. 7 by an official duly authorized for such purpose:

The undersigned hereby certifies:

(a) That no allocation of pig tin has been made to the undersigned by the War Production Board during the calendar month in which delivery of the pig tin covered by the accompanying purchase order is specified;

(b) That such pig tin if delivered will not cause the undersigned's total receipts of pig tin from all distributors during the same calendar month pursuant to the authorization of paragraph (f) of General Preference Order M–43, as amended, to exceed five long tons; and

(c) That such pig tin will not be used or disposed of by the undersigned in violation of any order or regulation of the War Production Board.

_____
(Name of purchaser)
By_____
(Duly authorized official)

(2) On or before the 10th day of each calendar month, each distributor shall report to the War Production Board in such form and detail as said Board may from time to time prescribe, (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942) his transactions in all pig tin during the previous month.

(g) *Allocations.* The War Production Board will from time to time allocate the supply of pig tin, including all pig tin released by the Metals Reserve Company, and issue specific directions as to the source, destination, and the amount of pig tin to be delivered or acquired. The War Production Board may also specifically direct the purposes and end products for which any person may convert, process or fabricate pig tin allocated to him.

(h) *Applications for, and reports of pig tin.* Application for allocations of

pig tin or for specific authorization to accept delivery thereof under paragraph (f) shall be made to the War Production Board not later than the 20th day of the month next preceding the month in which delivery is desired, on Form PD–213 or such other form as the War Production Board may from time to time prescribe. Any person who on the first day of a calendar month has in his possession or under his control two long tons or more of pig tin or who used during the preceding calendar month, 3,000 pounds or more of pig tin, shall, not later than the 20th day of such month, report to the War Production Board on Form PD–213 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of pig tin or specific authorization to accept delivery thereof during the next succeeding month.

(i) *Prohibitions against sales or deliveries with knowledge of intended misuse.* Notwithstanding the authorization by the War Production Board of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe such statement to be false, and any such statement shall constitute on the part of the person making the same, a representation to the War Production Board within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. Sec. 80.

(j) *Limitation on inventories.* No person shall receive delivery of tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order. In the absence of special permission to acquire or hold a greater supply of pig tin, forty-five days' inventory of such tin shall, for the purpose of this order, be deemed a practicable working inventory for any person except a manufacturer of tin plate as tin plate is defined in Supplementary Order M–21–e, as from time to time amended. Application for such special permission shall be made by letter to the War Production Board setting forth fully the facts upon which the applicant relies.

(k) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds of the appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Tin and Lead Division, Washington 25, D. C., reference: M–43.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Pursuant to the foregoing order, the use of tin in any form, including semi-finished and finished products, in the manufacture of the items and for the purposes listed below is prohibited:

1. Advertising specialties.
2. Art objects.
3. Automobile body solder, or any similar material commonly used as a filler or smoother for automobile or truck bodies or fenders except as permitted in Schedule 1, section (6) (x).
4. Band and other musical instruments (except as permitted in Schedule 1 under the item "pipe organs").
5. Britannia metal.
6. Broom wire.
7. Buckles.
8. Buttons.
9. Chimes and bells.
10. Emblems and insignia.
11. Fasteners: eyelets, spiral binders, office and industrial staples, book match clips, paper clips, slide fasteners, dress hooks.
12. Foil (except as permitted in Schedule 1 under the item "foil").
13. Zinc galvanizing.
14. Household furnishings and equipment.
15. Jewelry.
16. Kitchen equipment (including cutlery and tableware), except as permitted in Schedule 1, sections (10) and (19).
17. Novelties, souvenirs and trophies.
18. Ornaments and ornamental fittings.
19. Pewter and pewter holloware.
20. Plating or coating for decorative purposes.
21. Powder (decorative).
22. Refrigerator trays and shelves.
23. Seals and labels.
24. Slot, game and vending machines.
25. Coated paper.
26. Tin oxide.
27. Toys and games.

LIST B

The following tin-bearing products shall not be used in the manufacture or treating of any other products except in accordance with the provisions of paragraph (e) of the foregoing order:

1. Automobile body solder or any similar material containing tin, commonly used as a filler or smoother for automobile or truck bodies or fenders.
2. Tin oxide.
3. Solder containing more than 21% by weight of tin.
4. Babbitt metal or similar alloys used as babbitt containing more than 12% by weight of tin.
5. Brittania metal, pewter metal or other similar tin-bearing alloy.
6. Foil containing more than 1% tin by weight.

SCHEDULE 1

Pursuant to the foregoing order, tin may be used only in the production of the items and for the purposes set forth in this Schedule, subject to any limitations, restrictions or conditions specified with respect to any such item or purpose, and then, only to the extent that substitution of a less critical material is impracticable:

(1) *Implements of war.* The conditions, restrictions and limitations set forth in this Schedule with respect to any listed item or purpose shall not apply to the manufacture of "implements of war" produced for the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where the use of tin in the grade and to the extent employed is required by the latest applicable specifications (including performance specifications, unless otherwise directed by the War Production Board) of the government service or agency for which the same are being produced.

(2) *Detonators and blasting caps (including electric blasting caps).* This item includes all necessary parts and accessories but is limited to detonators and blasting caps which are to be used in mining, quarrying or oil drilling operations. Necessary materials to be incorporated in such detonators or blasting caps shall be exempt from the limitations, conditions and restrictions specified in this Schedule with respect to any such material.

(3) *Tin plate, terne plate and terne metal.* Tin plate, terne plate and terne metal, as respectively defined in Supplementary Order M–21–e, as from time to time amended, may be manufactured as permitted under the provisions of said Supplementary Order. Terne metal, however, may be manufactured from secondary tin only.

(4) *Collapsible tubes.* The use of tin in the manufacture of collapsible tubes is permitted subject to the limitations and restrictions of Conservation Order M–115, as amended from time to time.

(5) *Brass and bronze.* The tin content of brass and bronze alloys shall be limited as follows according to the purposes for which such alloys are to be used:

(a) *Cast alloys.* (1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or discs, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, or step bearings—not more than 12% tin by weight.

(2) For the manufacture of heavy, slow cooling castings (such as, for example, steel mill screw down nuts) where for performance characteristics, the alpha-delta eutectoid must be retained—not more than 18% tin by weight.

NOTE: Former paragraph (a) (3) deleted, and former paragraphs (a) (4), (5), (6) redesignated (a) (3), (4), (5), Nov. 3, 1943.

(3) For the manufacture of piston rings for airbrake equipment—not more than 21.5% tin by weight.

(4) For the manufacture of piston rings for locomotives—not more than 20% tin by weight.

(5) For all other purposes, a maximum tin content of 9% by weight, unless the lead content of the alloy is equal to or greater than, the tin content, and in such event, not to exceed 12% by weight.

(b) *Wrought alloys.* (1) For the manufacture of thermostatic discs or diaphragms, bronze welding rods, fourdrinier warp wire or rifle nuts in air hammers—not more than 9% tin by weight.

(2) For all other purposes—not more than 5.8% tin by weight.

(6) *Solder.* In the manufacture of solder, the tin content shall be limited as follows, according to the purposes for which the solder is to be used:

(i) For the manufacture of open top sanitary cans—not more than 21% tin by weight until January 1, 1944 and then not more than 5% tin by weight.

(ii) For the maintenance and repair of electric motors and generators—not more than 40% tin by weight.

(iii) For the manufacture of agricultural equipment made from galvanized sheet (excluding dairy equipment and dairyware)—not more than 40% tin by weight.

(iv) For the fabrication or repair of galvanized sheet metal air, heat and refrigeration ducts, gutters, downspouts, leaders, and roofing—not more than 30% tin by weight.

(v) For the manufacture and repair of the following dairy and egg processing machinery and equipment as defined in Order L–292: Cheese vats, clarifiers, and separators (milk and egg processing plant sizes only), coolers, heaters and prebeaters, dehydrators, fillers, filters, forewarmers, hot wells, homogenizers and high pressure sanitary pumps, pasteurizers, sanitary centrifugal and positive pumps, vacuum pans, and sanitary pipe lines in connection with soldering on sanitary ferrules and fittings—not more than 40% tin by weight.

(vi) For the repair of fluid milk shipping containers and other dairy equipment—not more than 30% tin by weight.

(vii) For the manufacture of electrical fuses—not more than 40% tin by weight.

(viii) For the repair and maintenance of automotive radiators—not more than 30% tin by weight, but only in the form of solid wire or cored wire solder.

(ix) For the repair and maintenance of lap and top combs used in the textile industry—not more than 30% tin by weight.

(x) For the *repair* of automotive bodies and fenders—not more than 3% tin by weight derived from secondary sources only.

(xi) For the repair of gas meters in accordance with Supplementary Order M–43–b, as amended—not more than 38% tin by weight.

(xii) For wiping lead sheathed cable joints or lead pipe joints—not more than 32.5% tin by weight.

(xiii) For use in the manufacture and repair of industrial instruments (as defined in Conservation Order L–134) and their associated control valves—50% tin by weight: *Provided*, That solder of a lower tin content shall be used whenever its use will not cause damage or change the physical or electrical properties of the part soldered.

(xiv) For the installation and repair of water service pipes connecting the piping of a structure with the outside water main—not more than 38% tin by weight.

(xv) For all other purposes, not more than 21% tin by weight.

The total quantity of tin which any person may use in the manufacture of solder during any calendar quarter, beginning January 1, 1943, shall be limited to 50% of the quantity used by him in the manufacture of solder during the base period.

(7) *Babbitt.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purposes for which it is to be used:

(i) For repair, maintenance or replacement in existing diesel engines, turbines, locomotive connecting rod or coupling rod bearings: *Provided in any such case*, That the design of the machine or equipment makes the substitution of lead base babbitt impossible—not more than 90% tin by weight.

(ii) For manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives—no restriction.

(iii) For repair, maintenance or replacement in an industrial engine, compressor, or pump being used by operator engaged in the petroleum industry; *Provided in any such case*, That any priorities assistance required for such repair, maintenance or replacement is obtained in accordance with Preference Rating Order P–98–b, as amended, and that the design of the machine or equipment makes the substitution of lead base babbitt impossible—not more than 90% tin by weight.

(iv) For repair, maintenance or replacement in vessels or shipping facilities pursuant to a preference rating duly established or assigned by the United States Maritime Commission—not more than 90% tin by weight.

(v) For manufacture, repair, maintenance or replacement in connecting rod and main engine bearings for motor vehicles of 16,000 pounds or more gross vehicle rating and for passenger carriers having a seating capacity of not less than 11 persons as defined in Limitation Order L–158—not more than 90% tin by weight.

(vi) For all other purposes—not more than 12% tin by weight and only secondary tin shall be used.

The total quantity of tin which any person may use in the manufacture of babbitt metal, or other similar alloys used as babbitt, during any calendar quarter, beginning January 1, 1943, shall be limited to 40% of the quantity used by him for such purposes during the base period.

(8) *Foil.* In the manufacture of foil the tin content shall be limited as follows according to the purposes for which it is to be used:

(i) Electrotypers foil—not more than 16% tin by weight.

(ii) Dental foil—not more than 30% tin by weight.

(iii) Foil to be used in condensers—not more than 4½% tin by weight.

(iv) Soft babbitt foil for the preparation of industrial metallic packing—not more than 1.5% tin by weight.

(v) Foil for any other purpose—not more than 1% tin by weight and such content shall not be derived from pig tin.

The quantity of tin which any person may use in the manufacture of foil during any calendar quarter, beginning January 1, 1943, shall be limited to 35% of the quantity used by him for such purposes during the base period.

(9) *Dairy equipment.* Tin may be used to coat fluid milk shipping containers which are manufactured within the restrictions and in accordance with the provisions of Conservation Order M–200. Tin may be used to manufacture dairy equipment other than such fluid milk shipping containers, but the total quantity used by any person in the manufacture of such other dairy equipment during any calendar quarter beginning January 1, 1943, shall be limited to the quantity used by him for such purposes during the base period. Any dairy equipment may be retinned, provided only that the amount of tin which any retinner may use during any calendar quarter, beginning January 1, 1943, for the retinning of dairy equipment, shall be limited to 150% of the quantity used by him for such purposes during the base period.

(10) *Kitchen, galley and mess equipment for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Forest Service of the United States Department of Agriculture.* Tin may be used to coat the foregoing equipment excluding flat ware, to the extent required by the applicable specifications (including performance specifications, unless otherwise directed by the War Production Board) of the service or agency to which such equipment is to be delivered.

(11) *Wire—Coating.* Tin or tin alloys may be prepared and used for coating wire only as follows and then, only when specified:

(a) *For copper wire.* There shall be no limitation upon the tin content of the coating alloy when the copper wire to be coated therewith is of a size of .0320" nominal diameter or finer. If the wire to be coated is of a size larger than .0320" nominal diameter, the tin content of the coating alloy shall be limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

(12) *Foundry chaplets—Coating.* Alloys containing not more than 5% of tin by weight may be manufactured and used for coating foundry chaplets. Tin in no other form may be used for such coating, except as permitted under Supplementary Order M–21–e, as amended.

(13) *Printing plates and type metal for use by the printing, publishing and related service industries.* Secondary tin only may be used in the manufacture of such plates and type metal. The quantity of secondary tin which any person may use in the manufacture of such plates and type metal during any calendar quarter, beginning January 1, 1943, shall be limited to 75% of the quantity of tin used by him for such purposes during the base period.

(14) *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys but the tin content of any such alloy shall be limited to 30% tin by weight.

(15) *Pipe organs for religious and educational institutions.* Tin may be used only in the repair or maintenance of such organs and only where and to the extent that the substitution of a less critical material is impossible.

(16) *Bolster metal for use in the manufacture of cutlery and surgical instruments for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.* The tin content of such bolster metal shall not exceed 10% by weight and shall be derived from secondary tin only.

(17) *Fusible alloys and dry pipe valve seat rings.* Tin may be used in the manufacture of fusible alloys and dry pipe valve seat rings to the extent required to meet performance specifications with respect to the operation of the product in which such alloy is to be contained.

(18) *Lead-base alloys for coating sheet or wire.* Lead-base alloys containing tin may be manufactured and used to coat steel sheet or steel wire provided the tin content of any such alloy does not exceed 2.50% by weight and is not derived from pig tin.

(19) *Equipment for preparing and handling food.* In addition to the purposes specified in item (9) of this Schedule with respect to dairy products, tin may be used in the manufacture or repair of the following types of equipment, but only to the extent herein indicated:

(i) To coat or to retin articles of equipment used in the process or handling of meat in the meat-packing industry, to the extent that any such article comes into actual contact with meat. The equipment intended to be covered by this provision includes, but is not limited to: bacon combs, hangers, metal molds, shovels, forks and

scoops for handling sausage and cooking utensils.

(ii) To coat or retin equipment used in the preparation or handling of any food by institutions or by industrial or commercial establishments, but only such equipment as actually comes into contact with food.

(20) *Tin pipe for use in the repair or maintenance of beverage dispensing units and parts thereof.* Tin pipe may be manufactured only for use in the repair or maintenance of beverage dispensing units and parts thereof, provided that any customer for whom such pipe is manufactured shall return to the manufacturer a quantity of used pipe equal in tin content to that of the new pipe delivered to him.

(21) *Descaling of metal castings.* Tin may be used in descaling of metal castings to the extent specifically authorized by the War Production Board upon application made to it by letter.

[F. R. Doc. 44-524; Filed, January 10, 1944; 11:10 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Limitation Order L-42, Interpretation 1 to Direction 1]

CAST IRON BATHTUBS

The following interpretation is issued with respect to Direction 1 of Limitation Order L-42:

Paragraph (c) of Direction 1 provides that bathtubs manufactured as the direction permits "may be delivered only to fill orders for installation in projects rated by orders in the P-19 and P-55 series, bearing the symbol H-1." This does not mean that a jobber or dealer may get these tubs to replace in his inventory tubs or other equipment he has previously delivered to fill orders bearing the H-1 symbol. It means that delivery to a jobber or dealer may be made only to enable him to deliver the tubs to fill an actual order for installation in a housing project for which the symbol H-1 is used. Consequently, a manufacturer should not accept the symbol alone as evidence of his authority to deliver to a dealer but should demand information to assure himself that the tubs will be installed in an authorized project.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-525; Filed, January 10, 1944; 11:10 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L-192 as Amended Jan. 10, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of rubber and other materials used in the production of construction machinery and equipment and repair parts; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.10 *Limitation Order L-192.*

(a) [Revoked Jan. 10, 1944]

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable Regulations of the War Production Board, as amended from time to time.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of equipment.

(3) "Equipment" means that construction machinery and equipment listed in Schedules A, B, and D attached hereto, but shall not include any equipment on rubber tired chassis or running gear built for or usable for the transportation of commodities or persons.

(4) "New", when applied to equipment, means any equipment which has never been received or accepted by any person acquiring it for use.

(5) "Repair part" means any part manufactured for use in the repair and maintenance of equipment; but does not include components or attachments which change the functional operations of the equipment as originally shipped.

(6) "War agency" means the Army, Navy, Maritime Commission, War Shipping Administration and the military forces of any foreign country entitled to receive deliveries pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(7) "United States" means the United States of America and its territories and possessions.

(8) "Supplier" means any producer, dealer, distributor or other person engaged in the business of selling equipment or repair parts.

(9) "Dealer or distributor" means any person who is engaged in the business of purchasing equipment or repair parts for the purpose of resale.

(d) *Procedure for placing and receiving equipment orders*—(1) *For Schedule A equipment.* No person shall place or accept any order for new equipment listed in Schedule A, except according to the following procedure:

(i) Every person, except a war agency, desiring to place such an order shall file an application for authorization to purchase on Form WPB-1319 in quintuplicate with the War Production Board regional office in the region in which such person desires to use such equipment. Such application when approved by the War Production Board shall establish all conditions under which such order may be placed with the supplier including the assignment of preference ratings if not previously granted.

(ii) Every person, except a war agency, who applies for such equipment by filing Form WPB-1319 thereby makes representation that he has complied with all the terms of Limitation Order L-196 as amended.

(iii) A war agency shall furnish the Construction Machinery Division, War Production Board, Washington 25, D. C. with Form WPB-1319 made out in duplicate at the time that any order for such equipment is placed with a producer.

(iv) No person shall accept an order for such equipment from any person except a war agency, unless such order is accompanied by such authorization on Form WPB-1319.

(2) *For Schedule B equipment.* Nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule B, subject to all applicable regulations of the War Production Board.

(3) [Revoked Jan. 10, 1944]

(4) Except as provided in paragraph (e) (2), nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule D, subject to all applicable regulations of the War Production Board.

(e) *Restrictions on production of equipment.* (1) No producer shall use or put into process any materials for the production or assembly of

(i) Any new equipment except in accordance with such production schedules as may be approved by the War Production Board as provided in paragraph (f) hereof;

(ii) [Revoked Jan. 10, 1944]

(iii) Any parts to be physically incorporated into new equipment in excess of those required by approved production schedules: *Provided,* That this subparagraph (e) (1) (iii) shall not apply to the production of repair parts or components or attachments;

(iv) [Revoked Jan. 10, 1944]

(2) In addition to such limitations and prohibitions as may be imposed by Order L-217 and all schedules thereto, no producers shall use or put into process any materials for the production or assembly of any equipment listed in Schedule D.

(f) *Production schedules.* (1) On or before the 15th day of each calendar month, every producer shall file in quadruplicate on Form WPB-1689 a statement of his production for the previous month and his proposed production schedule of all new equipment projected for all additional monthly periods for which production may be planned. Approval or modification of such production schedule of all new equipment for the three calendar months succeeding such filing, or for such shorter time as production may be planned, will be indicated on an approved copy of said Form WPB-1689 returned to such producer prior to the first day of the calendar month succeeding such filing. Except as provided in paragraph (f) (2) hereof, no producer shall change his production schedules as approved or changed by the War Production Board without specific authorization of the War Production Board.

(2) Any producer of new equipment listed in Schedule B may produce all or any one or more items of such equipment appearing on his approved production schedules on Form WPB-1689 at any time during the months for which the schedules were approved, and need not therefore in that regard produce in strict accordance or sequence with the individual monthly production schedules approved: *Provided,* That the total quantity of each item produced during such period shall not exceed that authorized on such approved schedules.

(3) In scheduling production of equipment for delivery to persons other than war agencies, it will be the general policy of the War Production Board to allow each producer a quarterly production quota based on the ratio of his production in the period 1937-1941, inclusive, to the total production of all producers during that period. For example, if a producer's production of a particular item during the period 1937-1941, inclusive, was 10% by dollar value of the total production of that item by all producers during that period, it will be the general policy to allow him in each calendar quarter a quota of 10% of the total approved production of that item for persons other than war agencies.

(g) *Inventory reports.* On or before the 15th day of each calendar month, every producer shall file in quadruplicate on Form WPB-1689, a statement of finished unsold inventory, as of the last day of the preceding calendar month, of new equipment including that in the possession of his dealers and distributors. Every dealer and distributor, on the fifth day of the month, shall report his inventory of new equipment as of the last day of the preceding calendar month to the producer from whom such equipment was purchased, or, if not purchased, to the producer for whom the distributor or dealer is acting as agent.

(h) *Prohibiting transfer and use of new equipment.* No producer shall use for other than experimental or demonstration purposes, or sell, lease, trade, lend, deliver, ship or transfer any new equipment unless

(1) [Deleted Jan. 10, 1944]

(2) Such use, sale, lease, trade, loan, delivery, shipment or transfer has been specifically approved by the War Production Board as follows:

(i) On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every producer shall file in quadruplicate on Form WPB-1689 a statement showing his proposed delivery schedule of all unfilled orders of new equipment, his shipments made during the calendar month previous to filing, and also his shipments during the current month to the date of filing. Approval of a delivery schedule of all new equipment for the calendar month succeeding such filing, whether or not such equipment is actually shipped during that month, will be indicated on an approved copy of said form returned to such producer prior to the first day of that month.

(ii) [Deleted Jan. 10, 1944]

(iii) The War Production Board may at any time revoke any delivery authorization provided for in subparagraph (h) (2) (i) above as to any or all new equipment included therein, direct or change the schedule for deliveries of any new equipment, allocate any order for any new equipment listed on a producer's Form WPB-1689 to any other producer, or direct the delivery of any new equipment to any other person, at regularly established prices and terms.

(iv) Except as provided in subparagraph (h) (2) (v) hereof, and notwithstanding any preference rating heretofore or hereafter granted, no producer shall change his schedule of deliveries of any new equipment as approved or changed by the War Production Board, without specific authorization of the War Production Board.

(v) Any producer may deliver any item of new equipment listed in Schedule B to the amount permitted by approved production schedules regardless of his schedule of deliveries of such equipment as listed on his current Form WPB-1689. Such deliveries shall be subject to all applicable Regulations of the War Production Board.

(i) *Restrictions on resale, rental and use.* (1) Every person, except a war agency, to whom delivery of any new equipment listed in Schedule A has been authorized pursuant to this order, must use such equipment on the project described in the authorization to purchase and will be subject to the provisions of paragraphs (i) (2) and (i) (3) hereof.

(2) Every person except a war agency, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB 1333 to the Used Construction Machinery Regional Specialist in the War Production Board Regional office in the region in which the WPB-1319 was originally approved for such equipment.

(3) The War Production Board at any time on two weeks' written notice, may require any such person who owns such equipment to sell, lease, or use such equipment as directed.

(4) Nothing in this order shall be deemed to affect the applicability of Limitation Order L-196.

(j) *Restrictions on sale and delivery of repair parts.* Suppliers must not sell or deliver repair parts to any person except to fill purchase or delivery orders placed in accordance with one of the procedures described below:

(1) *Repairs for current maintenance.* A supplier may sell or deliver repair parts to any person if the purchaser certifies that the parts are needed for current maintenance of equipment in sound working condition. A purchaser must not certify that a part is needed for current maintenance unless he expects to use it to replace a worn out part within 30 days after receiving it. The certification must be in substantially the following form: "Authorized under Order L-192". This certification, when used to get repair parts for current maintenance, shall constitute a representation to the War Production Board that the repair parts ordered are needed for that purpose, that they will be required to replace worn out parts within 30 days after delivery, that the purchaser does not have parts on hand or on order for this purpose and that the purchaser has complied with the provisions of Limitation Order L-196 (if the equipment for which the repair parts are sought is subject to the provisions of Limitation Order L-196).

Exception. Repair parts must not be ordered for current maintenance to repair any equipment listed on Schedule A if such equipment was manufactured before January 1, 1930. If the purchase or delivery order is for repair parts for Schedule A equipment manufactured before January 1, 1930, it must be approved on Form WPB-1319. See subparagraph (4) below. These limitations on the purchase of repair parts for equipment manufactured before January 1, 1930, do not apply to the purchase of repair parts for current maintenance of dredges, shovels, cranes, or draglines, with a capacity of 2½ cubic yards and larger.

(2) *War agencies and persons repairing war agency equipment.* A supplier may sell or deliver repair parts to a war agency for direct use by it. A supplier may sell or deliver repair parts to any person who has contracted to repair equipment owned by a war agency if the purchaser certifies that the parts will be used only to repair equipment owned by the war agency. This certification must be given in substantially the following form: "Authorized under Order L-192". The certification in this case shall constitute a representation to the War Production Board that the buyer has contracted to repair equipment owned by a war agency and that the parts ordered will be used only for the repair of that equipment.

(3) *Exports.* A supplier may sell or deliver repair parts for export on any purchase order for $50 or less if the purchaser certifies that the parts are for export. This certification must be given

in substantially the following form: "Authorized under Order L–192". The certification, in this case, shall constitute a representation to the War Production Board that the parts ordered are for export. If the purchase order is for more than $50, it must be approved on Form WPB–1319, as explained in the next subparagraph. However, nothing in this order shall be deemed to relieve any person from the necessity of getting an export license from the Foreign Economic Administration where such license is required.

(4) *Specific authorization to buy repair parts.* A supplier may sell or deliver repair parts for any purpose not provided for above if the purchase order has been specifically authorized by the War Production Board. Application for this authorization and for a preference rating, if none has been previously assigned, may be made by filing Form WPB–1319, in quadruplicate, with any Regional or District Office or with the Washington Office of the War Production Board. When a person receives authorization on Form WPB–1319, to purchase repair parts, he may give his supplier the authorization along with his purchase order or, if he prefers, he may give the supplier a certification in substantially the following form: "Authorized under Order L–192." The certification in this case shall constitute a representation to the War Production Board that the purchase order has been specifically authorized by the War Production Board on Form WPB–1319.

(5) *Sales to suppliers.* Unless otherwise specifically directed by the War Production Board, a supplier may sell or deliver repair parts to another supplier located in the United States or Canada without regard to this paragraph (j).

(6) *Orders received before January 25, 1944.* Suppliers may make delivery of repair parts on any order received before January 25, 1944, if the order has been placed in accordance with paragraph (j) of Order L–192, as amended July 2, 1943.

(k) *Certification.* The certification "Authorized under Order L–192", provided for above, must be signed manually or as provided in Priorities Regulation 7. If the person signing the certification is using a preference rating on the order, he may add the certification "Authorized under Order L–192" to any certification used to apply the preference rating instead of giving two separate certifications. The standard certification of Priorities Regulation 7 must not be used instead of the certification "Authorized under Order L–192", although the standard certification may be used along with it in applying a preference rating.

(l) *Spares.* Orders for repair parts intended to be used as spares for new equipment listed in Schedule A must be placed with the producer at the same time as the order for such new equipment and must be listed on the Form WPB–1319, on which the new equipment is listed.

(m) *Allocation of repair parts production.* No producer shall deliver to war agencies in any one month any repair part whatsoever in excess of 75% of his sales of that repair part during the month, if the delivery would prevent deliveries of such repair part to fill orders properly placed by other persons. Similarly, no producer shall deliver to other persons in any month more than 25% of his sales of any repair part if the delivery would prevent the filling of orders for delivery of such repair part to war agencies. "Other persons", as used in this paragraph, shall not include dealers or distributors who have ordered repair parts for their stock or inventory. A dealer or distributor, in placing a purchase order with a producer for repair parts for which he has received a customer's order that he is unable to fill out of his stock, may state on his purchase order to the producer whether the repair part is being ordered for a war agency or not. If the repair part is being ordered for a war agency, delivery by the producer on such order shall be considered a delivery to a war agency for the purpose of this paragraph. If the repair part is being ordered for a person other than a war agency, delivery by the producer on the order shall be considered a delivery to "other persons" for the purposes of this paragraph.

(n) *Filling repair parts orders upon specific direction of the War Production Board.* A producer shall, upon the specific direction of the War Production Board on Form WPB–1319, make delivery of any repair part to fill any order specified in such direction. When application has not previously been filed, the person authorized to receive such repair part shall return to the War Production Board a signed copy of Form WPB–1319 as confirmation of the application. However, confirmation copies need not be filed by War agencies.

NOTE: Paragraphs (o), (p), (q), (r), (s), (t), formerly (k), (l), (m), (n), (o), (p), redesignated Jan. 10, 1944.

(o) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repairs parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium, or fabricated rubber products where the use of other less critical materials will not impair the efficiency of operation of such item.

(p) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, purchases, production and sale.

(q) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(r) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(s) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter should be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(t) *Communications.* All communications concerning this order, except where specific reference is made therein to the contrary, shall be addressed to Construction Machinery Division, War Production Board, Washington 25, D. C., Ref: L–192.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Schedule A amended Jan. 10, 1944.

Angledozers and modifications thereof
Batchers, construction material
Batching plants, construction type
Bins, construction material, portable
Bins, construction material, stationary
Brooms, contractors rotary
Buggies and carts, concrete hand operated
Buggies and carts, concrete power propelled
Bulldozers and modifications thereof
Chutes, concrete handling
Concrete surfacing machines, highway type
Conveyors, construction material, portable belt type and for portable plants
Cranes, crawler mounted power
Cranes, tractor mounted power and modifications thereof
Cranes, rubber tired mounted power except freight handling lift trucks
Crushers, jaw (sizes 9" x 14" to 30" x 44" openings, inclusive); except those intermediate sizes as indicated in Schedule D (Ref: L–217), and except those sizes of a type designed exclusively for mining and smelting

Crushers, roll, construction aggregates, portable type, except those sizes and types as indicated in Schedule D (Ref. L–217)
Crushing plants, portable type
Derricks, guy, contractors and material handling, stationary type
Derricks, stiff leg, contractors and material handling, stationary type
Discs, road, harrow type for construction work
Discs, road, wheel mounted type
Distributors, bituminous
Distributors, water (street sprinklers and flushers)
Ditchers, blade
Ditchers, ladder
Ditchers, wheel
Draglines (see cranes)
Draglines, slack line
Draglines, walking
Dredges and dredge equipment, except mining
Drilling machines, blast hole drills, churn drill type
Drilling machines, portable water well, churn drill type
Drilling machines, rock portable mounted
Dryers, construction aggregate
Earth boring machines, vertical auger type (except post hole diggers)
Excavators (see power shovels)
Finegraders and subgraders, self-propelled type
Finishers, concrete paving
Finishers, bituminous paving
Finishers and rodding machines for wet concrete
Forms, concrete road
Graders, blade or pull type earth moving
Graders, elevating earth moving
Graders, self-propelled earth moving
Graders, under truck type
Grapples
Hammers, pile
Heaters, and circulators, tank car
Hoists, contractor and material handling exceeding 6,000 pounds line pull at 250 FPM line speed or exceeding 1,300,000 foot pounds effort based on second wrap of cable
Hoppers, portable concrete
Jacks, mud
Loaders, portable bucket (other than drag, flight or scraper type coal conveyors)
Loaders, portable snow
Logging arches, tractor drawn
Maintainers, road
Maintainers, shoulder
Mixers, aggregate pulverizer
Mixers, agitator concrete truck type, except those sizes and types as indicated in Schedule D (Ref. L–217)
Mixers, concrete truck mounted with elevating towers
Mixers, concrete construction, above 7 cubic feet except those sizes and types as indicated in Schedule D (Ref. L–217)
Pavers, concrete
Plants, stabilizing
Plants, asphalt, including travel mix type
Plants, bituminous patch, hot or cold mixer type (more than 10 ton per hour capacity)
Plows, cable laying
Plows, snow (rotary and blower types)
Plows, snow (V and blade types—truck, tractor, grader or railroad mounted, including wings)
Power control units for tractors (both cable and hydraulic)
Pumps, concrete, except for well cementing
Pumps, portable engine or electric-motor-driven pumping units mounted on skids, with or without handles, or trailer mounted larger than 90,000 gallons per hour, self-priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractor's purposes or by contractors for dewatering and supply, except those sizes and types as indicated in Schedule D (Ref. L–217)
Rippers, road
Rollers, road pneumatic tired
Rollers, road portable
Rollers, tamping and sheepsfoot
Rollers, road tandem
Rollers, road three wheeled
Scarifiers—complete machines not attachments
Scrapers, carrying and hauling, both drawn and self-propelled, except sizes listed in Schedule D
Screening plants, portable type
Shovels, crawler mounted power
Shovels, rubber tired mounted power
Shovels, tractor mounted power
Sprayers, (maintenance units) bituminous material (over 300 gallon capacity)
Spreaders, concrete paving
Sweepers, street
Sweepers, street motor pick-up
Towers, concrete placing
Towers, material elevating
Wagons, crawler trailer (contractors', logging cane, etc.)
Wagons, logging (wheel type)
Washing and screening plants, portable type
Wheels, crawler trailer (complete assemblies)
Winches, tractor mounted

SCHEDULE B

Backfill tampers
Breakers, paving
Buckets, clamshell [1]
Buckets, concrete [1]
Buckets, dragline [1]
Buckets, orange peel [1]
Buckets, scraper (bottomless) for dragline operation [1]
Clay diggers
Concrete surfacing machines, hand carried type
Derricks, small stiff leg, guy, pole, tripod, and setter types with hand power hoists or winches of not over 4 ton maximum capacity
Drills, jack hammer
Drills, rock, except portable mounted
Form tamping and pulling machines
Heaters, asphalt surface
Heaters, concrete mixer
Hoists, contractors and material handling, hand type and power driven having specifications not exceeding 6,000 pounds line pull at 200 FPM line speed or not exceeding 1,300,000 foot pounds effort based on second wrap of cable
Joint and crack filling machines
Kettles, bituminous heating
Mixers, concrete construction, 7 cubic feet and smaller; except those sizes and types as indicated in Schedule D (Ref. L–217)
Mixers, plaster and mortar
Paving breakers
Plants, bituminous patch, hot or cold mixer type (10 ton per hour capacity and under)
Post hole diggers, vertical auger type (power driven)
Pumps, portable engine or electric motor driven pumping units, mounted on skids, with or without handles, or trailer mounted 90,000 gallons per hour and smaller self-priming centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for contractors purposes or by contractors for dewatering and supply, excluding farm type, industrial type and underwriters approved fire fighting pumps; except those sizes and types as indicated in Schedule D (Ref. L–217)
Screen, rotary, vibrator and gravity types, other than coal, mining, industrial or those for screening mud on well drilling, used as a component part of or replacement for a portable crushing, screening or mashing plant.

[1] This item may be purchased as a repair part if it is being purchased to replace a similar item that is worn out.

Sprayers, (maintenance units) bituminous material (300 gallon capacity and smaller)
Spreaders, construction material
Vibrators, concrete
Winches, contractor (see hoists)

SCHEDULE C. [Revoked] Jan. 10, 1944, and items transferred to Schedule A]

SCHEDULE D

The manufacture of items of equipment appearing in Schedule D will be discontinued in accordance with paragraph (e) (2).

Any item to the extent prohibited by any schedule to Limitation Order L–217
Finegraders and subgraders, drawn type
Joint levellers
Scrapers, carrying and hauling, over 15 cu. yd. struck capacity
Scrapers, drag, fresno and rotary over 27 cubic feet (or one cubic yard) capacity except those under jurisdiction of Limitation Order 257

[F. R. Doc. 44–527; Filed, January 10, 1944; 11:11 a. m.]

PART 1157—CONSTRUCTION MACHINERY EQUIPMENT

[Limitation Order L–192, Revocation of Interpretation 1]

Interpretation 1 to Limitation Order L–192 is hereby revoked.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–528; Filed, January 10, 1944; 11:11 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L–192, Direction 1 as Amended Jan. 10, 1944]

REPAIR PARTS FOR CERTAIN LEND-LEASE EQUIPMENT

The following amended direction is issued pursuant to Limitation Order L–192:

The Foreign Economic Administration, and any government agency acting as procurement agent for the Foreign Economic Administration in connection with the acquisition of used construction equipment to be exported for use in open cast coal mining, are hereby assigned a preference rating of AA–1 for repair parts needed to repair, rebuild or recondition such equipment and for spare parts to accompany such equipment. This rating may be applied by any such agency on any purchase order for repair or spare parts for such equipment or on any contract or order requiring the repair, rebuilding or reconditioning of such equipment, whether the work is to be performed by the seller of the equipment or by another person. This rating may be applied or extended in the manner provided in Priorities Regulation 3 or Priorities Regulation 7. In addition to the certification applying or extending the rating, the identifying symbol "L–192—Direction 1" may be endorsed on any contract or order bearing this rating.

The restrictions on the sale and delivery of repair parts, as provided in paragraph (j) of Order L–192, shall not apply to the sale or delivery of repair parts under this direction if the purchase or delivery order bears the identifying symbol "L–192—Direction 1".

All deliveries of repair and spare parts by producers, pursuant to this direction, shall be treated as deliveries to war agencies for the purpose of paragraph (m) of Order L-192.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-526; Filed, January 10, 1944; 11:11 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT [1]

[Supplementary Limitation Order L-112-a as Amended Jan. 10, 1944]

INDUSTRIAL POWER TRUCKS

In accordance with the provisions of § 1210.1 *General Limitation Order L-112*, which the following order supplements: *It is hereby ordered*, That:

§ 1226.122 [1] *Supplementary Limitation Order L-112-a*—(a) *Approved standard models.* Pursuant to paragraph (d) (2) of Limitation Order L-112, approved standard models of industrial power trucks for each manufacturer named in this supplementary order shall be those models listed below for such manufacturer: *Provided, however*, That notwithstanding any other provision of Limitation Order L-112, as supplemented, no such model shall be manufactured which is not produced in accordance with the following restrictions:

(1) No such model shall be manufactured in more than one size of platform width and length, nor shall any such model contain battery boxes built to accommodate larger capacity batteries than the manufacturer's standard battery for the model; and

(2) No fork truck (other than Army or Navy Ordnance models) having a load capacity rated at less than ten thousand (10,000) pounds shall be manufactured which is not (i) of the tilting, telescopic type and having a standard minimum overall height not in excess of eighty-three (83) inches, and a standard maximum lift height, adopted for such model of fork truck by the manufacturer thereof, except that if any such model of fork truck has a rated load capacity for which one or more alternative (in addition to standard) maximum lift heights are shown in Table I below, then such model of fork truck may also be manufactured with any maximum lift height thus shown and with a standard minimum overall height which may be in excess of eighty-three (83) inches, adopted for such fork trucks by the manufacturer; and (ii) equipped with a standard fork of the length designated in Table I for trucks of such capacity (but this restriction shall not be deemed to prohibit the furnishing of separate fork extensions) [1].

[1] Formerly Part 1210, § 1210.2.

TABLE 1

Rated load capacity	Maximum lift height	Fork length
2,000 lb.	Standard	30"
3,000 lb.	Standard or 144"	30"
4,000 lb.	Standard or 144"	30"
6,000 lb.	Standard, 144" or 169"	42"
7,000 lb.	Standard or 144"	42"

Any manufacturer who has been engaged, prior to July 10, 1943, in producing fork trucks without standard heights or in heights not permitted by this order, shall determine upon and adopt a standard minimum over-all height and a standard maximum lift height for each of the approved standard models (and for each of the permitted maximum lift heights which he proposes to furnish in any model) being produced by him, in accordance with this order, within ten (10) days after July 20, 1943 (and for any proposed new model which he may propose to manufacture, within ten (10) days after the listing of such model in this order as an approved standard model); and such manufacturer shall not thereafter commence the manufacture of any model which is not produced in accordance with the standard heights so adopted by him.

Name of manufacturer and approved standard models	
NOTE: Table amended Jan. 10, 1944.	
Atlas Car & Mfg. Co.	HP-3, 3-EA-62, 3-EA-17, 3-DWT-2, 2-WT-2
Automatic Transportation Co.	LN-2, LN-3, LO-5, TLN-2, TLN-3, TLO-5, CHTF-2, THTF-L-4, THTF-L-6, THTF-L-6 (Ordnance Model), THTF-L-7, THTF-M-10, TN-4, TN-6, TW-4, TW-6- in platform lengths 36, 48, 60, and 72 inches and heights 6, 7, 9, and 11 inches, P-427, 2000# crane attachment
Baker-Raulang Co.	E-2, E-3, E-5, H-2, H-3, H-5 JOMH-20, JOMH-40, JOMH-60, CXA, CXB, CXF
Barrett-Cravens Co.	Power OX—in platform lengths 48 and 60 inches, widths 19 and 25 inches, and heights 7, 9, and 11 inches.
Berry Motor Car Co.	TT3-2NC, FHLT-2, FHLT-3
Buda Co.	Chore Boy, Chore Boy-FF
Clark Equipment Co.	Favorite, Tops, Plate, Elec-Plate, Stalwart-6025, Elec-Stalwart-6025, Clarkat, Standard, Mill, Transport
Crescent Truck Co.	LA-3, NA-4, NA-6, LDLF, NBR-4, NDRE-4, NDRE-6, NCRE-4, NCRE-6, NCDE-4, NCTE-10, NTW
Dallas Machine & Locomotive Works, Inc.	PH-462-130, PH-562-130, PH-662-130, 4MH-4560, 4MH-5170, SMH-4560, SRH-5660, SRH-5770, SRH-5778, SRH-6978, SMH-5170, SRH-4560
Easton Car & Construction Co.	HP-4, HF-6, LP-4, LP-6, LL-4, LL-6, LL6-10, TL6-10, TLC-4, TLC-6
Elwell-Parker Electric Co.	EQ-4, EP-4-11, EP-6, GEP-6, EP-10, ELN-6, ELN-10, F-23, F-19, F-25, C-4, C-X, C-Z, 2000# crane attachment
John Engelson	66B
Erickson Special Equipment Mfg. Co.	FT, FA
Harry Ferguson, Inc.	Moto-Tug-25, Moto-Tug-40
Hadley & Dye Aircraft Parts Co.	Model 101
W. F. Hebard Equipment Co.	A-3-Victory, A-14-Victory, J-233, J-233-N, J-233-P
"HH" Manufacturers	1646, 1646TV, 2NC, 2NHD, 2GHD C-2T, C-34
Hi-way Service Corp.	Drott L
Howell Industrial Truck Co.	112, 30, 90, 80-FC, 5
Lansing Co.	Models J and R
Lewis-Shepard Co.	EFTT3, EFTT4, GFTT3, GFTT4
Lift Trucks, Incorporated	EHN-3000# in platform lengths 36, 44, 50, and 62 inches, EHW-3000#, EHW-4000#, EHW-6000# in platform lengths 44, 50, 62, and 74 inches. All in 6, 7, 9, and 11 inch platform heights.
MacDonald Truck Co.	A, B, C
Mercury Manufacturing Co.	A-1007, A-1006, A-1020, A-1001, A-1017, A-1018, A-1360, A-1480, A-1540, A-540, Banty
Moto-Truc Co.	NMSD-1, WE-1, MT-1, MT-3 MT-5, MT-6—Moto Truck platform in widths 20 and 26½ inches; lengths 36, 48, 60, and 90; heights 6, 7, 9, and 11 inches
Nutting Truck & Caster Co.	SCT, SLT, STT
Prescott Iron Works, Inc.	Model B
Rocky Mountain Steel Products, Inc.	Pony Express-24 volt, Pony Express-32 volt, Pony Express-Gas
Ross Carrier Co.	20-H, 18-H, 16-H, 15-H, 12-H, 70-5445, 70-6051, 90-6544, 90-6556, 90-7056, 90-7968, 90-10668
Schwitzer-Cummins Co.	F-462
Silent Hoist Winch & Crane Co.	A, AX, AY, DY, CK
Superior Grinding & Motor Parts Co.	STD, HD, TRX
Towmotor Co.	LT-40, LT-44, LT-50, LT-56, LT-62, LT-72
Vaughan Motor Co.	TAW
Whiting Corp.	3-DHLT

Name of manufacturer and approved standard models—Continued	
Willamette Hyster Co.	Karry Krane, Hyster-20, Hyster-75, Space Saver, M-4560, M-5766, MH-4566, MH-5778, MH-57-108, MH-6370, MH-6878
Wright-Hibbard Industrial Electric Truck Co., Inc.	RBH and TRC in platform widths of 16 or 24 inches, platform lengths of 42 or 53 inches and lowered heights of 6½, 9, or 11 inches in 4000# capacity
Yale & Towne Mfg. Co.	K20-4, K20-6, KM-4L, K23-E4, K23-E6, K26-S10, K22-4, KM-4H, K-25, K-33, KN30-2M, K41-II, K41-III, K41-V, K42-3-7-65, K42-SH6-78, K42-G10-5½-78, C2-T
Yard-Man, Incorporated	C-Truck-Man

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-529; Filed, January 10, 1944; 11:11 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Limitation Order L-157, Schedule VII, as Amended Jan. 10, 1944]

WHEELBARROWS

§ 1293.8 *Schedule VII to General Limitation Order L-157*—(a) *Definitions.* For the purposes of this schedule:

(1) "Wheelbarrow" means a vehicle having one or two wheels pivoted between the end of a pair of shafts formed into handles at the other end and supporting the body of such vehicle. "Wheelbarrow" shall not include any hand truck, dolly, lift truck or platform truck as defined in General Limitation Order L-111, or any construction machinery or equipment as defined in Limitation Order L-192.

(2) "Manufacturer" means any person who manufactures, fabricates or assembles wheelbarrows.

(b) *Simplified practices.* (1) No manufacturer shall manufacture a two wheel wheelbarrow.

(2) After December 21, 1943, no person shall manufacture any wheelbarrow which does not conform to the designations, gauges of trays, maximum capacities and maximum weights set forth in Appendix A, except upon written authorization of the War Production Board. Application for any such authorization should be made by letter addressed to the Building Materials Division, War Production Board, Washington 25, D. C., Ref: L-157, Sch. VII.

(3) On or before December 21, 1943, each manufacturer shall file on Form WPB-1902 (formerly PD-754) with the War Production Board, Building Materials Division, Washington 25, D. C., the catalog number and specifications of each wheelbarrow to be manufactured by him under each designation established in Appendix A hereto. The use of Form WPB-1902 as called for in this paragraph has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

(1) *Wood wheelbarrows* may be manufactured, fabricated or assembled in any design or shape. Joining hardware, tray braces and wheel may be made of iron or carbon steel. All other parts shall be made of wood or other non-metallic material.

(2) *Steel wheelbarrows* shall be manufactured in accordance with the designations, gauges of tray, maximum capacity and maximum weight established in Table I herein:

TABLE I—STEEL TRAY WHEELBARROWS

NOTE: Table I amended Jan. 10, 1944.

Designation [1]	Gauge of steel tray [2]	Maximum capacity		Maximum weight
		Struck	Rated or heaped	
	Inclusive	*Cu. ft.*	*Cu. ft.*	*Pounds*
S-2 [3]	16-18	2	3	70.
S-4 [4]	12-16	3	4	125 incl. reinforcement.
S-6 [5]	12-16	4½	6	130 incl. reinforcement.
S-17				
S-18 [6]	14-16	4	5	85.
S-19				
Coal delivery.	14-16		6½	120.
Coke handling.	14-16		10	120.

Handles. Wood handles may be substituted in lieu of steel handles for S-2, S-4 and S-6 designations. Steel handles may be substituted in lieu of wood handles for S-17, S-18, S-19, coal delivery and coke handling designations.

[1] Designations given in the above table are from Simplified Practice Recommendation R105-32, Wheel barrows, U. S. Department of Commerce, Bureau of Standards, effective April 1, 1932.

[2] *Gauges of steel tray.* Gauges are steel manufacturers' standard gauges and are subject to manufacturers' standard tolerances. A manufacturer may use no more than one gauge for each designation.

[3] S-2 wheelbarrow when furnished with steel handles is equivalent to Type A, Federal Specification KKK-W-291, as amended May 21, 1938, except for maximum weight.

[4] S-4 wheelbarrow when furnished with wood handles is equivalent to Type C, Federal Specification KKK-W-291, as amended May 21, 1938, except for maximum weight.

[5] S-6 wheelbarrow when furnished with steel handles is equivalent to Type B, Federal Specification KKK-W-291, as amended May 21, 1938, except for maximum weight.

[6] S-17, 18, 19 wheelbarrow when furnished with wood handles is equivalent to Type D, Federal Specification KKK-W-291, as amended May 21, 1938, except for maximum weight. A manufacturer may choose one size only from list of three sizes given in this group.

[F. R. Doc. 44-530; Filed, January 10, 1944; 11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Interpretation 10, as Amended Jan. 10, 1944]

CHANGES MADE BY CUSTOMERS IN ORDERS PLACED WITH PRODUCERS

Interpretation 10 is amended to read as follows:

(a) This interpretation deals with the procedure to be followed when a customer, having placed an authorized controlled material order with a producer, wishes to make changes in that order.

(b) The general rule is that any change in a customer's order constitutes a cancellation of the earlier order and must be considered as a new order received on the date of the change, if (but only if) the change necessitates alteration of the producers' production schedule to a point which would interfere with production. For example:

(1) The mere substitution of one allotment number for another which does not require alteration of the producer's schedule is not considered to constitute the placing of a new order. The customer must, of course, have an allotment identified by the substituted allotment number to support the change.

(2) A change in shipping destination does not constitute the placing of a new order.

(3) An increase in the total amount ordered constitutes the placing of a new order to the extent of the increase.

(4) An advancement or deferment of delivery, when made by the customer, will constitute entry of a new order.

(5) A reduction in the total amount ordered will presumably not require a change in the producer's schedule and will not constitute a new order. Of course, if the quantity is reduced below a minimum mill quantity, the producer may reject the order and remove it from his schedule, as provided in paragraph (t) (2) (i) of CMP Regulation No. 1, though he must not discriminate between customers in so doing.

(6) When the customer directs the producer to hold or suspend production on an order, without specifying a new delivery date, the order will not be considered as on a producer's books for the purpose of determining his obligation to accept other orders. When the customer instructs the producer to reinstate a suspended order, it shall be considered a new order as of the date of such instruction.

(7) Where minor variations in size, shape, gauge, etc., are requested by the customer and can be arranged by the producer without interfering with his production, such changes do not constitute a new order.

(c) In the case of changes which constitute a new order under this interpretation, the acceptance or rejection of the new order and its place on the producer's schedule shall be governed by conditions existing at the time the changes are received.

(d) This interpretation, as amended, supersedes Interpretation 12 of CMP Regulation No. 1 and CMPL letter 414, which are hereby revoked.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-531; Filed, January 10, 1944; 11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 3, Interpretation 4]

USE OF PRODUCTION MATERIAL RATINGS IN ORDERING NON-CONTROLLED MATERIALS AND COMPONENTS FOR ADVANCE QUARTER DELIVERY

The following interpretation is issued with respect to CMP Regulation 3:

(a) Under paragraph (d) (3) of CMP Regulation 3 a consumer may use the preference rating assigned with an authorized production schedule only to get production materials (other than controlled materials) "in the minimum practicable amounts required to fill such schedules or to replace production

materials in his inventory." This does not prevent placing rated orders for delivery after the quarter for which the allotment of controlled material is made. While an allotment authorizes the ordering of controlled materials for delivery only in the quarter for which the allotment is valid, it is recognized that the production for which controlled materials are allotted may not be completed until a later quarter, if there is a long production cycle or if the controlled materials are received near the end of the quarter. In such cases, non-controlled materials and components may not be needed until a later quarter and the rating may be used to order them for delivery when required. In fact, they must not be ordered for delivery before they are actually needed. Also, where items are taken from inventory in meeting the schedules, replacements may not be needed until a later quarter.

(b) For purposes of using the rating to fill authorized production schedules, a consumer may assume (in the absence of specific information to the contrary), that he will receive authorized production schedules at least big enough to use all the controlled materials he is allotted, and he may place his rated orders accordingly. For example, if a manufacturer of generators which take six months to make has received allotments only through the third quarter of 1944, he may assume that he will receive authorized production schedules for the fourth quarter and the first quarter of 1945 big enough to use up the controlled materials allotted, and he may proceed on this assumption in ordering the non-controlled materials and components which he will need in those quarters.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-518; Filed, January 10, 1944; 11:11 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, Revocation of Direction 1]

CANS

Section 3270.31 Direction 1 to *Conservation Order M-81*, issued December 11, 1943 is hereby revoked. This direction is superseded by Conservation Order M-81 as amended.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-519; Filed, January 10, 1944; 11:10 a. m.]

PART 3270—CONTAINERS[1]

[Conservation Order M-115, as Amended Jan. 10, 1944]

COLLAPSIBLE TUBES

Section 3270.39,[1] *Conservation Order M-115*, is hereby amended to read as follows:

§ 3270.39[1] *Conservation Order M-115*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Tube" means any collapsible container in the shape of a tube, including but not limited to any such container made in whole or in part of tin, aluminum, lead, or any combination thereof and includes closures, crowns and caps for such tubes.

(2) "Retailer" means a person who sells or distributes tubes to the ultimate user.

(3) "Ultimate user" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefor), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

(c) *Restrictions upon the manufacture, sale and delivery of blanks and tubes and upon the use of tubes for packing.* (1) No person shall manufacture or sell tube blanks or tubes, and no person shall purchase, accept delivery of or use any tubes, for packing products except as specifically permitted in the schedules attached to this order.

(2) Packers of commodities listed in the schedules attached to this order are restricted in the quantity of the commodity (by weight) which they may pack in tubes in any calendar year. The packing quotas and the base period for each commodity are shown in the schedules. Commodities packed in tubes sold to the Army or Navy of the United States (including military exchanges or service departments as defined in Priorities Regulation No. 17) or to the American Red Cross, shall not be included either in computing the base period quantity or the packing quota for the current year.

(d) *Conservation of tin.* (1) All manufacturers, packers and users of tubes are requested to conserve tin by using to the greatest extent possible the larger size tubes in place of the smaller size tubes.

(2) No retailer shall sell or deliver any filled tube containing dental cleansing or shaving preparations to any ultimate user unless he receives in exchange a used tube for each tube sold or delivered. The retailer shall deliver all used tubes to the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, agent for the Metals Reserve Company, or to any person who is a duly authorized representative of the Tin Salvage Institute. No charge shall be made for tubes so delivered, but the cost of delivering them shall be paid for by the Tin Salvage Institute. This exchange requirement shall terminate on March 1, 1944, but retailers will be required to deliver all used tubes on hand as provided herein.

(e) *Exceptions.* (1) Gift kits or combination set boxes containing several items including a tube filled with a dental cleansing or a shaving preparation, the value of which comprises not over 25% of the total value of the package, may be disposed of without taking a used tube in exchange, provided they are delivered or sent by the seller to a member of the armed forces of the United States.

(2) When any military exchange or service department (as defined in Priorities Regulation No. 17) sells or delivers a tube containing a dental cleansing or shaving preparation, a used tube shall not be required to be taken in exchange if the sale or delivery takes place (i) aboard ship, in the Territory of Alaska, or outside the 48 States and the District of Columbia; (ii) at ports of embarkation, induction centers, receiving stations or shipped to newly inducted selectees or enlistees or other persons designated by the commanding officer; (iii) in hospitals under the jurisdiction of the armed forces of the United States. No tubes containing more than 3% of tin shall be sold or delivered under the provisions of this subparagraph.

(3) When the American Red Cross gives away tubes containing dental cleansing or shaving preparations, it will not be required to take a used tube in exchange. Such tubes, however, shall not contain more than 3% of tin.

(f) *Certificates and reports relating to all kinds of tubes covered by this order*—(1) *Certificate of tube packers.* Each tube packer who purchases any tubes shall furnish to the tube manufacturer from whom he buys, a certificate, in substantially the form attached hereto as Exhibit A. Only one such certificate covering all present and future purchases from a given tube manufacturer need be furnished by a tube packer to that tube manufacturer (who shall retain such certificate), but no tube manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false. No tube manufacturer shall sell any tubes except under contracts or orders validated by the certification required by this paragraph.

(2) *Reports.* Each tube manufacturer and each tube packer shall file such reports as the War Production Board may prescribe for the purpose of effective administration of the order.

(g) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Sales of tin.* No person shall hereafter sell or deliver tin to any tube manufacturer or tube packer if he knows or has reason to believe that such tin is to be used in violation of the terms of this order.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C. Ref: M-115.

(5) *Effect of other orders.* Insofar as any other order of the War Production Board heretofore or hereafter issued limits or curtails to a greater extent than herein provided the use of any material used in the production of tubes, the limitations of such order shall control.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[1] Formerly Part 1147, § 1147.1.

SCHEDULE I

Products	Packing quota	Tube material
1. Ointments and other preparations for ophthalmic use.	Unlimited	Tin, Aluminum, Lead, or any combination thereof.
2. Sulfa drugs in ointment or jelly form	Unlimited	Do.
3. Diagnostic extracts (allergens)	Unlimited	Do.
4. Morphine for hypodermic injection	Limited to tubes containing individual doses only and sold directly to the Army or Navy of the U. S.	Do.

SCHEDULE II

1. (a) Medicinal and pharmaceutical ointments not included in Schedule I.	Unlimited	Aluminum, or Lead and Tin (tin content of tubes not to exceed 7½% by weight).
(b) Preparations which are intended for introduction into the body orifices (nasal, vaginal, rectal, surgical jelly, etc.) not included in Schedule I.	Unlimited	Do.

SCHEDULE III

Dental cleansing preparations	75% of the product (by weight) packed in 1941.	Aluminum, or Lead and Tin (tin content of tubes not to exceed 3% by weight).

SCHEDULE IV

Any product	Unlimited	Lead (containing not more than 0.5% tin as an impurity, derived from secondary sources).

EXHIBIT A

TUBE PACKER'S CERTIFICATE

Certificate required by paragraph (f) (1) of Conservation Order M-115. One copy of this certificate is to be delivered to each tube manufacturer from whom the tube packer purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-115 of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

_____
(Legal name of tube packer)

By _____
(Authorized official)

_____
(Title of official reporting)

[F. R. Doc. 44-520; Filed, January 10, 1944; 11:10 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M-361, Direction 2]

PURCHASES OF SOUTHERN YELLOW PINE LUMBER THROUGH WHOLESALERS

The following direction is issued in accordance with Order M-361, paragraph (d). It tells how orders placed through wholesalers can be approved on Form WPB-2720 in cases where, because of the number of producers the wholesaler buys from and the uncertainty of deliveries from them, it is not feasible to designate producers on the form.

(a) Any person who wants to buy restricted Southern yellow pine lumber through a wholesaler may obtain his requirements under this direction instead of as specified in Order M-361, paragraph (b). In filing a Form WPB-2720 he need not show the name of the producer, but only the name of the wholesaler with whom he has placed his order. He must state that he is applying under Direction 2 in the space provided for the name of the producer. On the back of the form he must show that his order has been accepted by the wholesaler named. The purchaser must file a separate application for each wholesaler with whom orders have been placed.

(b) Any wholesaler who has received an order approved on Form WPB-2720 may order restricted Southern yellow pine lumber from one or several producers in a total amount not exceeding the amount authorized. He may endorse on his purchase order or contract the following certificate:

All restricted Southern yellow pine lumber covered by this purchase order or contract is required in order to enable me to deliver an amount authorized on Form WPB-2720, WPB Case Number _____, and delivery may be made without regard to the limitations of paragraph (b) on deliveries by producers.

_____
(Wholesaler)

Any producer may sell, ship or deliver restricted Southern yellow pine lumber to fill any order supported by the above certificate, just as if the order were certified in the manner prescribed by paragraphs (b) (1) or (b) (2) of Order M-361. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M-361 with respect to certified orders, so far as applicable.

(c) "Wholesaler" for the purposes of this direction means a person who buys lumber from producers for resale but who does not himself receive, process, or store the lumber obtained under this direction.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-522; Filed, January 10, 1944; 11:10 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M-364, Direction 2]

PURCHASES OF HARDWOOD LUMBER THROUGH WHOLESALERS

The following direction is issued in accordance with Order M-364, paragraph (d). It tells how orders placed through wholesalers can be approved on Form WPB-2720 in cases where, because of the number of producers the wholesaler buys from and the uncertainty of deliveries from them, it is not feasible to designate producers on the form.

(a) Any person who wants to buy restricted hardwood lumber through a wholesaler may obtain his requirements under this direction instead of as specified in Order M-364, paragraph (b). In filing a Form WPB-2720 he need not show the name of the producer, but only the name of the wholesaler with whom he has placed his order. He must state that he is applying under Direction 2 in the space provided for the name of the producer. On the back of the form he must show that his order has been accepted by the wholesaler named. The purchaser must file a separate application for each wholesaler with whom orders have been placed.

(b) Any wholesaler who has received an order approved on Form WPB-2720 may order restricted hardwood lumber from one or several producers in a total amount not exceeding the amount authorized. He may endorse on his purchase order or contract the following certificate:

All restricted hardwood lumber covered by this purchase order or contract is required in order to enable me to deliver an amount authorized on Form WPB-2720, WPB Case Number _____, and delivery may be made without regard to the limitations of paragraph (b) on deliveries by producers.

_____
(Wholesaler)

Any producer may sell, ship or deliver restricted hardwood lumber to fill any order supported by the above certificate, just as if the order were certified in the manner prescribed by paragraphs (b) (1) or (b) (2) of Order M-364. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M-364 with respect to certified orders, so far as applicable.

(c) "Wholesaler" for the purposes of this direction means a person who buys lumber from producers for resale but who does not himself receive, process, or store the lumber obtained under this direction.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-523; Filed, January 10, 1944; 11:10 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-356 as Amended Jan. 10, 1944]

SYNTHETIC FIBERS, YARNS AND FABRICS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of synthetic fibers, yarns and fabrics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.326 *General Conservation Order M-356*—(a) *Definitions.* (1) "Nylon" means synthetic fiber-forming polymeric amides having a protein-like chemical structure, derivable from coal, air and water, or other substances, and characterized by extreme toughness and strength and the peculiar ability to be formed into fibers (yarns and fabrics) and into various shapes, such as bristles, sheets, etc.

(2) "Nylon waste" means waste, noils and garnetted or reclaimed fibers (including scraps and clippings, generated in the manufacture of thread, fabrics, rope, braiding or other material containing nylon) the total nylon content of which is 95% or more by weight.

(b) *Restrictions on nylon.* (1) No person shall sell or deliver nylon except as specifically authorized in writing by the War Production Board.

(2) No person shall knowingly purchase, accept delivery or commercially use nylon contrary to any restriction of the War Production Board.

(c) *Restrictions on nylon waste.* No person shall sell, purchase, deliver, accept delivery, process or commercially use nylon waste except to recover nylon flake. No person shall mix nylon waste with any other waste material having less than 95% nylon content by weight.

(d) *Definitions.* (1) "Rayon fabrics" mean broad woven synthetic fabrics (over 24 inches in width) made from continuous filament viscose yarn, cuprammonium yarn or cellulose acetate yarn, from viscose or acetate staple fiber, or from combinations or blends containing more than fifty-one per cent or more by weight of any such synthetic yarns. The term shall not include velvets, plushes, and other pile fabrics, upholstery, drapery and tapestry fabrics, and jacquard woven fabrics.

(2) "Producer" means a person who wove, or caused to be woven for him on commission, an average of more than 25,000 yards of rayon fabrics per week during the three months' period ending September 30, 1943. Wherever the words "his total yardage production" or "produced by him" are used in paragraph (e), they refer to the yardage of rayon fabrics manufactured for, as well as by, the producer.

(3) "Procurement orders" mean orders for rayon fabrics placed by the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priority Regulation 17), the Maritime Commission or War Shipping Administration.

(4) "Export orders" mean orders for rayon fabrics bearing a preference rating of AA-5 or higher, upon which there is endorsed a certification in substantially the following form:

> The undersigned purchaser hereby represents that the item(s) hereby ordered are for export under license number ----------, and pursuant to General Conservation Order M-356.
>
> ----------
> Name of person
>
> ----------
> Duly authorized official

(e) *Export of rayon yarn*—(1) *Establishment of export quotas.* An export quota system is hereby established for the producers of fine rayon yarn as defined in General Preference Order M-37-d. Such export quotas will be established from time to time by the War Production Board within which quotas the Foreign Economic Administration will be authorized to assign preference ratings. On and after January 1, 1944, and until further notice from the War Production Board, each producer of fine rayon yarn shall, notwithstanding any preference rating which may be served upon him, each day set aside to the extent that he possesses active spindles, an amount of such yarn equal to the production of 4% of the total number of his active spindles producing viscose yarn and 2% of the total number of his active spindles producing acetate yarn. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule. No producer of fine rayon yarn shall be compelled to export or accept an order for export of fine rayon yarn under export license granted by the Foreign Economic Administration in excess of the export quota so established for him: *Provided,* That no such producer shall be prohibited from exporting or accepting an order for export of fine rayon yarn in excess of such quota, unless specifically prohibited by the War Production Board.

(2) *Disposition of export yarn not booked or delivered.* All export yarn set aside from the production of any one month, pursuant to the provisions of paragraph (a) and which has not been delivered or booked during said month, shall be immediately available for sale to any person otherwise eligible to purchase such yarn.

(3) *Effective date.* This paragraph (e) shall take effect January 1, 1944.

(f) *Establishment of export quota for rayon fabrics.* (1) An export quota system is hereby established for rayon fabrics. Pursuant to such system export quotas will be fixed from time to time by the War Production Board. Until further notice from the War Production Board, each producer must accept and fill export orders for rayon fabrics until they aggregate for the current calendar quarter four per cent of his total yardage production of rayon fabrics (excluding yardage produced by him to fill procurement orders) during the preceding calendar quarter. No producer is required to accept or fill export orders for more than the established export quota, nor for more than fifteen per cent of any particular construction of rayon fabrics produced by him during the current calendar quarter. However, he is not prohibited from doing so, unless compliance with other orders or regulations of the War Production Board would forbid it.

(2) *Unfilled export quota to be carried over to next quarter.* If a producer does not fill his entire export quota of rayon fabrics in any calendar quarter, the unfilled portion shall be added to his quota for the next succeeding quarter. The portion so carried over which is not filled in such succeeding quarter may be dropped. To illustrate: if the export quota of a producer for the second quarter of 1944 is 100,000 yards and he books or delivers only 75,000 yards during that quarter, the remaining 25,000 yards shall be added to his quota for the third quarter of 1944. If his quota for that quarter is also 100,000 yards, he is required to accept and fill export orders aggregating 125,000 yards during the third quarter. Any part of the 25,000 yards not delivered during the third quarter is thereafter free from the restrictions of this order.

Miscellaneous Provisions

NOTE: Paragraph (g), formerly (d), redesignated Jan. 10, 1944.

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, and General Conservation Order M-328, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Reports.* Each producer of rayon fabrics shall forward to the War Production Board each week a copy of every export order accepted by him during the week. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

NOTE: Paragraph (5), formerly (5), redesignated Jan. 10, 1944.

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-356.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-521; Filed, January 10, 1944; 11:10 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4500—POWER; WATER, GAS, AND CENTRAL STEAM HEAT

[Utilities Order U-7 (formerly L-81), General Directive 1, as Amended Jan. 8, 1944]

Whereas, because of an increasing shortage of natural gas in the Appalachian area, the following restrictions upon deliveries, acceptance and use of natural gas in such area are necessary to protect gas deliveries to war industries and essential services:

Now, therefore, pursuant to the provisions of paragraphs (b) (1) and (c) (1) of Utilities Order U-7, it is ordered and directed:

§ 4500.16 *General Directive 1 under Utilities Order U-7.* (a) The Appalachian area shall be deemed an area in which a gas shortage exists, within the meaning of paragraphs (b) and (c) of Utilities Order U-7.

(b) Commencing January 12, 1944 and until March 31, 1944, except as otherwise ordered by the War Production Board, no utility or non-utility supplier in the Appalachian area shall make deliveries of natural gas to any commercial or industrial consumer having standby facilities capable of utilizing a fuel other than natural gas or liquid petroleum gas, except to the extent that the fuel requirements of any such consumer cannot be supplied by such standby facilities: *Provided,* That any additional curtailments which are necessary shall be made in accordance with the provisions of paragraph (c) (1) of Utilities Order U-7.

(c) No consumer to whom deliveries of natural gas are prohibited by paragraph (b) above, shall accept any such deliveries.

(d) As used in this directive, Appalachian area shall include the States of Virginia, West Virginia, Maryland, Ohio, Pennsylvania, New York, the District of Columbia, and the following counties of the State of Kentucky: Bourbon, Boyd, Bracken, Bullitt, Campbell, Carter, Clark, Fayette, Floyd, Franklin, Greenup, Hardin, Harrison, Jefferson, Johnson, Kenton, Knott, Lawrence, Lewis, Martin, Mason, Magoffin, Meade, Menifee, Montgomery, Morgan, Pendleton, Pike, Scott, Shelby, and Woodford.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1, as amended May 15, 1943, 8 F.R. 6727)

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-453; Filed, January 8, 1944; 11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 82]

SALES TO DEALERS FOR RESALE OF SCRAP, WASTE AND USED MATERIALS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1305.109 *Sales to dealers for resale, by the War Department, the Department of the Navy, or the Procurement Division of the Treasury Department, of scrap, waste and used materials*—(a) *Exemption of scrap metals.* No price regulation of the Office of Price Administration shall apply to sales or deliveries of scrap metals by the War Department, the Department of the Navy, or the Procurement Division of the Treasury Department to dealers in such materials purchasing for resale: *Provided,*

(1) That the dealer certifies to the Army, Navy or Procurement Division in his bid, quotation or otherwise that he is purchasing such materials for resale and that in reselling he will not exceed the applicable Office of Price Administration maximum prices, and

(2) That the selling officer has no reason to doubt the accuracy of the certificate.

(b) *Exemption from liability for sales and deliveries of used, waste and scrap materials (excepting scrap metals).* The War Department, the Department of the Navy, and the Procurement Division of the Treasury Department, and any officer, employee or agent thereof, shall be relieved of all liability, civil or criminal, provided in any price regulation or by the Emergency Price Control Act of 1942, as amended, in respect of sales of deliveries of used, waste and scrap materials (excepting scrap metals) to dealers in such materials purchasing for resale: *Provided,*

(1) That the dealer certifies to the Army, Navy, or Procurement Division in his bid, quotation or otherwise, that he is purchasing such materials for resale, that the prices offered, contracted for, or paid, do not exceed the applicable Office of Price Administration maximum prices, and that in reselling he will not exceed the applicable maximum prices, and

(2) That the selling officer has no reason to doubt the accuracy of the certificate.

(c) *Certain transactions not affected by this supplementary order.* The exemptions from the General Maximum Price Regulation[1] of used, waste and scrap materials sold by the War and Navy Departments and by the Procurement Division of the Treasury Department, continue to apply and are not limited by this Supplementary Order No. 82.

Specific price regulations now in effect or subsequently issued covering various used, waste and scrap materials shall continue in all respects to apply, except that sales of such materials to dealers for resale, by the War Department, the Navy Department, and the Procurement Division of the Treasury Department, shall be subject to this Supplementary Order No. 82.

(d) *Availability to Office of Price Administration of war procurement agencies' records.* The War Department, the Department of the Navy, and the Procurement Division of the Treasury Department will make available to any accredited official or employee of the Office of Price Administration copies of bids, quotations and contracts subject to this Supplementary Order No. 82.

(e) *Definitions.* As used herein, the term "price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or supplement thereto or order heretofore or hereafter issued thereunder.

As used herein, the term "materials" includes, but is not limited to, all commodities and parts thereof.

This Supplementary Order No. 82 shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-420; Filed, January 7, 1944; 4:48 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 23]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the insertion of Table 4, Appendix C, as follows:

TABLE 4

Area. Part or all of the States of *Texas, Oklahoma* and *Louisiana* by zones as listed below:

Zone 1: The entire State of *Texas.*

Zone 2: The entire State of *Oklahoma.*

Zone 3: In the State of *Louisiana* the parishes of Caddo, Bossier, Webster, Claiborne, Bienville, Red River, De Soto, Sabine, Natchitoches, Vernon, Beauregard, Allen, Calcasieu, Jefferson Davis, Cameron, Union, Lincoln and Jackson.

Species. The following commercial species: Sycamore (Platanus occidentalis), Hackberry (Celtis occidentalis), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), Tupelo Gum (Nyssa aquatica).

All commercial species of the following genera: Cottonwood (Populus), Pine (Pinus), Ash (Fraxinus), Basswood and Lynn (Tilia), Oak (Quercus), Box Elder and Maple (Acer), Beech (Fagus), Birch (Betula), Honey Locust (Gleditsia), Elm (Ulmus), Magnolia (Magnolia), Pecan (Hicoria), and Willow (Salix) as well as all other species.

Scaling and grading rules. a. All logs will be measured with the Doyle-Scribner log rule. The diameter shall be measured at the small end of the log at the smallest diameter. Hardwood logs shall be measured inside the bark while Pine logs shall be measured from the inside of one bark to the outside of the other bark.

b. All logs will be purchased on a woods-run basis except in the case of those logs covered by Maximum Price Regulation No. 313. Thus, no log lower in quality than a Prime grade log can be purchased at a price higher than that established on a woods-run grade.

c. A woods-run of logs shall consist of hardwood logs 12" and up in diameter, and pine logs 8" and up in diameter as produced from the forest that are better than culls. When any small sized or low quality logs have been removed from the run of logs, the remaining logs may still be sold at the woods-run price. A cull shall be considered as any log where the net board feet scale after deductions have been made for defects is less than 50 percent of the gross board feet scale. Logs shall be cut in standard lengths as specified by the buyer. The minimum length of log acceptable shall be 30 inches. All logs must be cut at least 4 inches over length to allow for trim. All logs that are not cut at least 4 inches over length shall be reduced in length to the next lower standard length.

d. Logs must be cut from woods-run of live timber. Dead, poisoned and hollow timber will be culled out as worthless.

e. All unsound and unusable wood must be deducted by allowance in measurement.

PRICES PER M FEET LOG SCALE

	Pine	Cottonwood	Hardwoods and all other species
Zone 1	$23.50	$23.50	$22.50
Zone 2	21.00	21.00	21.00
Zone 3	20.50	21.00	21.00

a. These prices shall prevail f. o. b. railroad cars at rail siding or for logs delivered to the mill by truck from within 25 miles. If logs are delivered to the mill by truck from a distance in excess of 25 miles, a sum not to exceed 10¢ per M feet log scale may be added for each additional load mile.

b. If the buyer takes delivery at some place other than on railroad cars or at his plant, the maximum prices must be reduced by either of the following:

1. The cost to the buyer of trucking logs to the closest rail siding and loading on cars if delivery to mill is by rail.

2. The cost to the buyer of trucking logs to his plant if delivery to mill is by truck.

c. If logs are delivered to a rail siding and not loaded on cars, the buyer must deduct from the ceiling price the cost of loading on cars.

d. The prices herein established will prevail for the purchase of logs produced in the area described above and will prevail for all buying plants purchasing logs in these areas whether or not the buying plants are located in the area.

e. If the logs are peeled by the seller, $2.00 per thousand feet log scale may be added to the above prices.

This amendment shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-426; Filed, January 7, 1944; 4:49 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 24]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348, Appendix C, Table 4 is amended to read as follows:

TABLE 4

(Northwestern Arkansas and Oklahoma)

Area. The State of Oklahoma and part of the State of Arkansas by zones as follows:

Zone 1: The entire State of Oklahoma.

Zone 2: In the State of Arkansas, the counties of Crawford, Washington, and Benton.

Species. Chemical cordwood of elm, oak, ash, hickory, dogwood and willow species.

Scaling and Grading Rules. The basis of measurement shall be the cord of 128 cubic feet. Willow wood shall not exceed 5" in diameter. All wood exceeding 8" in diameter must be split.

Maximum Prices.

Zone 1: $10 per cord of 128 cubic feet, delivered to the mill.

Zone 2: $6.00 per cord of 128 cubic feet for oak, elm, ash, hickory, and dogwood, f. o. b. cars or delivered to the mill by truck.

$9.00 per cord of 128 cubic feet for willow wood not debarked f. o. b. cars or delivered to mill by truck.

$12.00 per cord of 128 cubic feet for willow wood debarked f. o. b. cars or delivered to mill by truck.

This amendment shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-422; Filed, January 7, 1944; 4:48 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 473,[1] Amdt. 5]

MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 473 is amended in the following respects:

1. Section 2 (c) (2) (ii) (d) is redesignated section 2 (c) (2) (ii) (e) and amended to read as follows:

(e) The "applicable base period" prescribed in subdivision (a), (b), (c) or (d) for the variety which predominates by weight, in the case of any mixed flavor.

2. A new section 2 (c) (2) (ii) (d) is added to read as follows:

(d) The months of November and December, 1943, and January 1944, for packed Concord grape juice and packed Concord grape pulp.

3. Section 15 (c) is amended to read as follows:

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

4. Section 15 (d) is added to read as follows:

(d) *Licensing.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control, are applicable to all sellers subject to this schedule or regulation. A seller's license may be suspended for violations of the license or one of more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

This amendment shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-421; Filed, January 7, 1944; 4:48 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214, 12797, 13337.

[2] 8 F.R. 16115, 16196, 16204, 16297.

[1] 8 F.R. 13104, 13846, 15257, 16129.

[2] 8 F.R. 13240.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 182, Amdt. 10]

KRAFT WRAPPING PAPER AND CERTAIN BAG PAPER AND CERTAIN BAGS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 182 is amended in the following respects:

1. In § 1347.301 (a) the figure "30" appearing after each of the following grades is amended to read "40":

Standard Kraft wrapping paper
No. 1 Kraft wrapping paper
Superstandard Kraft wrapping paper

2. Section 1347.301 (b) (4) (ii) is amended to read as follows:

(ii) For grades other than imitation Kraft wrapping paper, standard and No. 1 unbleached Kraft butchers wrapping paper, Standard Kraft wrapping paper, No. 1 Kraft wrapping paper and Superstandard Kraft wrapping paper:

3. Section 1347.301 (b) (4) (iii) is added to read as follows:

(iii) For Standard Kraft wrapping paper, No. 1 Kraft wrapping paper and Superstandard Kraft wrapping paper:

For basis weights which are less than 40 lb., there may be added 5¢ per cwt. for each lb. below 40 lb. down to and including 30 lb. basis weight; and 10¢ per cwt. for each lb. below 30 lb. basis weight down to and including 25 lb. basis weight; and 20¢ per cwt. for each lb. below 25 lb. basis weight down to and including 18 lb. basis weight.

This amendment shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-424; Filed, January 7, 1944; 4:49 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 319,[1] Amdt. 10]

CERTAIN BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1910 (c) of Maximum Price Regulation No. 319 is amended to read as follows:

(c) *Modification of maximum prices.* Whenever a maximum price calculated and reported under this regulation is apparently based upon a miscalculation or appears to be excessive, the Office of Price Administration may require the filing of data supporting the price as calculated and reported. After a maximum price has been calculated and reported it may not be changed except by the written consent of the Office of Price Administration which will be given only in cases of excusable clerical error or other mistake.

This amendment shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-419; Filed, January 7, 1944; 4:47 p. m.]

PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASON MATERIALS

[MPR 116, Corr. to Amdt. 5]

CHINA AND POTTERY

The heading and first sentence of subparagraph (2) to § 1362.61 (c) is corrected to read as follows:

(2) *Reporting of maximum prices for articles priced under subdivision (iii).* Prior to first offering the article for which a maximum price is established by subdivision (iii) of this paragraph (c) (1) for sale, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price.

This correction shall become effective as of December 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-425; Filed, January 7, 1944; 4:49 p. m.]

[1] 8 F.R. 1806, 2719, 3720, 3846, 7196, 10599, 13339.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 32]

FINISHED PIECE GOODS IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 60 is added to read as follows:

SEC. 60. *Maximum prices for finished piece goods at wholesale and retail.* (a) To what commodities and transactions this section applies.

(1) *What commodities are covered.* This section applies to all finished piece goods 12" or more in width. These are classified as follows:

(i) *Woolen or worsted fabrics.* This classification includes all finished piece goods composed of 5% or more of woolen fibre.

(ii) *Dress goods.* This classification includes all finished piece goods commonly used for dress or other garment making except the following: Woolen or worsted fabrics, canvas, denim, cotton duck, cotton drill, men's shirting chambray, work clothing suedes, whipcord, khaki, buckram, cotton jean, lining materials, sateen, terry cloth, cotton twill, cotton flannel and flannelette, belting cloth, moleskin and coutil.

(iii) *Table damask.* This classification includes finished piece goods commonly known as table damask.

(iv) *Upholstery and drapery fabrics.* This classification includes all finished piece goods commonly used for upholstery and for draperies and includes repp, monk's cloth, damask, cretonne, brocatelle, mohair, brocades, tapestry, novelty upholstery fabrics and chenille, but does not include denim, canvas, blackout cloth, ticking, buckram, burlap, lining materials, sateen, automobile upholstery and top material, window shade cloth and awning materials.

(v) *Curtain materials.* This classification includes all finished piece goods commonly used for curtains and includes marquisette, net scrim, lace and dotted swiss, but does not include oil cloth, kitchen cloth, shower cloth, gauze, mosquito netting and cheesecloth.

(vi) *All other fabrics.* This classification includes all finished piece goods not included in any of the foregoing classifications and includes finished piece goods commonly used for utility or household purposes such as oilcloth, kitchen cloth, shower cloth, canvas, denim, cotton duck, cotton drill, men's shirting chambray, work clothing suedes, whipcord, khaki, waterproof sheeting, blackout cloth, sheeting, towelling, casing, gauze, ticking, unbleached muslin,

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 13023, 13342, 13500, 14139, 14305, 14638, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201.

mosquito netting, cheesecloth, awning material, buckram, burlap, cotton jean, lining materials, sateen, terry cloth, cotton twill, cotton flannel and flannelette, diaper cloth, belting cloth, bunting, table and laundry felt, moleskin, coutil, buff cloth, filter press cloth, auto upholstery and top material, window shade cloth, and similar materials.

(2) *What transactions are covered.* This section applies to all sales by converter-jobbers and sales at wholesale and retail of the finished piece goods described in subparagraph (1) above.

(3) *Effect upon General Maximum Price Regulation for Hawaii and other maximum price regulations.* The provisions of this section supersede the provisions of the General Maximum Price Regulation for the Territory of Hawaii,[3] General Order No. 49, and all other maximum price regulations issued by the Office of Price Administration, except as hereinafter provided, with respect to sales at wholesale and at retail in the Territory of Hawaii of the finished piece goods set forth in subparagraph (1) above.

(b) *Maximum prices for sales at wholesale.* The maximum prices at wholesale for finished piece goods shall be:

(1) Where the sale is by a wholesaler or jobber who has purchased the finished piece goods from a mainland converter as a Class I purchaser, the maximum price shall be an amount equal to the sum of the invoice price less all discounts and allowances except cash discounts up to 2% and the "landing costs" (as defined in paragraphs (f) or (g)), multiplied by 1.22. The wholesaler or jobber must have in his possession proof that he purchased as a Class I purchaser before taking the markup provided by this section. Such proof may be in the form of a notation on the invoice by the converter.

(2) Where the sale is by a wholesaler or jobber who has purchased the finished piece goods from a local wholesaler or jobber, the maximum price shall be the same as the maximum price of the local wholesaler or jobber from whom he purchased.

(3) Where the sale is by a wholesaler or jobber who has purchased the finished piece goods from a mainland converter as a Class II purchaser, or has purchased from a mainland wholesaler or jobber, the maximum price shall be an amount equal to the sum of the invoice price less all discounts and allowances except cash discounts up to 2% and the "landing costs" (as defined in paragraph (f) or (g)), except in the case of woolen or worsted fabrics sold to custom tailors. In such case the maximum price shall be determined by the pricing formula provided in paragraph (b) (1) above.

(4) *Inability to price finished piece goods.* Any person who is unable to determine price for finished piece goods under subparagraph (1), (2) or (3) above shall apply to the Office of Price Administration, Honolulu, Hawaii, for the determination of the maximum price.

[3] 8 F.R. 5307, 6362, 14765, 15586.

(c) *Maximum prices for sales by converter-jobbers.* The maximum prices for a sale by a local converter-jobber of finished piece goods which he finishes or causes to be finished for his account shall be the maximum price established for each converter-jobber upon his application to the Office of Price Administration, Hawaii Territorial Office. The application of a converter-jobber for the establishment of such maximum prices must show:

(1) The basic grey goods cost.
(2) The grey freight.
(3) Working allowance.
(4) Finishing cost.
(5) Put-up charges.
(6) The "landing costs" (as defined in paragraph (f) or (g).

With the exception of "landing costs", the foregoing items of cost shall be determined in the manner specified in Maximum Price Regulation 127,[4] as now or hereafter amended.

(d) *Averaging of prices by converter-jobber, wholesalers or jobbers.* Where a converter-jobber finishes or causes to be finished for his account or a wholesaler or jobber purchases various colors of the same pattern or style, and where the maximum prices for such colors vary, or where maximum prices for separate lots of same pattern or style vary, the converter-jobber, jobber or wholesaler may after computing the maximum price for such color, or lot, determine and use as his maximum price for the entire pattern or style a weighted average of such varying prices.

(e) *Premiums allowed wholesalers—*(1) *Sales of cut lengths. A premium* not in excess of 10% of the applicable maximum price may be charged on the sale of cut lengths provided that such cut lengths are cut from a larger piece by the wholesaler to fill a specific order.

(2) *Sales of woolen or worsted fabrics, lining materials, and canvas to custom or merchant tailors.* (i) A premium not exceeding 10% of the applicable maximum price may be charged on the sale of full lengths.

(ii) A premium not exceeding 20% of the applicable maximum price may be charged on the sale of cut lengths.

(iii) A premium not in excess of 30% of the applicable maximum price may be charged on the sale of cut lengths of 15 yards or less when the woolen or worsted fabric is purchased by a local wholesaler from a converter.

(iv) A premium not exceeding 40% of the applicable maximum price may be charged on the sale of cut lengths of 15 yards or less when the woolen or worsted fabric is purchased by a local wholesaler from a mainland jobber.

(f) *"Landing costs".* For articles imported from outside the Territory of Hawaii "landing costs" shall be the total of the following amounts:

(1) An amount equal to the transportation charges, if any, actually incurred by the wholesaler for transportation from the mainland point at which the wholesaler received delivery, to the mainland port of shipment (including Federal transportation tax and terminal charges) not in excess of public (common or contract) carrier rates.

(2) An amount equal to mainland storage charges, and insurance in connection therewith, actually incurred by the wholesaler, but charges for storage and insurance in connection therewith in excess of three months shall not be included.

(3) An amount equal to cartage charges actually incurred by the wholesaler for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(4) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler, and there may be included in this amount Territorial tolls and tonnage taxes as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included but the type of coverage is at the discretion of the buyer and seller.

(5) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from dock to warehouse, computed at a rate not in excess of $1.20 per ton, weight or measurement, provided that the commodity is moved from the dock at the wholesaler's expense.

(g) *"Landing costs" in cases of inter-island shipments.* In the case of finished piece goods originally imported from without the Territory of Hawaii to one island of the Territory and subsequently shipped to another island in the Territory, the "landing costs" in the island of final destination for sale at wholesale shall be:

(1) An amount equal to the "landing costs" at the island from which the article was shipped, calculated under paragraph (f) above.

(2) An amount equal to cartage charges for cartage from the warehouse to the dock in the island from which the article was shipped, calculated at the rate set forth in paragraph (f) (5), above, whether or not such cartage charges are actually incurred but in no event shall such cartage charges exceed public (common or contract) carrier rates.

(3) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler for shipment between the Islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included.

(4) An amount equal to cartage charges on the Island of destination, from dock to warehouse, computed at a rate not in excess of the amount set forth in paragraph (f) (5) above, *Provided*, That the articles are moved from the dock at the wholesaler's expense.

(h) *Maximum prices for sales at retail—*(1) *Mainland purchases.* The maximum price for sales at retail of finished piece goods shall be computed by multiplying the converter's, converter-jobber's, wholesaler's or jobber's invoice price less all discounts and allowances except cash discounts up to 3% by the figure given below in the first column (1) for the classification of goods to be priced.

[4] 8 F.R. 3057, 4851, 6181, 9023, 12934, 15906.

(2) *Local purchases.* The maximum price for sales at retail for finished piece goods shall be computed by multiplying the local wholesaler's, jobber's, or converter-jobber's invoice price less all discounts and allowances except cash discounts up to 3% by the figure given below in the second column (2) for the classification of goods to be priced.

TABLE OF RETAIL MULTIPLICATION FIGURES

	Mainland purchases Column (1)	Local purchases Column (2)
Woolen or worsted fabrics	1.80	1.65
Dress goods	1.75	1.60
Table damask	1.75	1.60
Upholstery & drapery fabrics	1.85	1.65
Curtain materials	1.75	1.60
All other fabrics	1.65	1.60

(3) *Inability to determine at retail.* Any person who is unable to determine his maximum price at retail under subparagraph (1) or (2) of this paragraph (h) shall apply for the establishment of a maximum price to the Office of Price Administration, Hawaii Territorial Office.

(i) *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the resulting maximum wholesale or retail prices determined on the basis of the allocated costs.

(j) *Maximum prices for certain merchandise purchased at lower than manufacturer's maximum price.* In cases where a retailer or wholesaler purchases any article listed and described in paragraph (a) of this section, at a price lower than a price which the purchaser previously paid to the same seller for the same or similar merchandise, and where such lesser price was paid by reason of the size of the purchase or the seasonal nature of the goods, application may be made to the Office of Price Administration for a maximum price for resale of this merchandise, which maximum price is based upon the higher price previously paid to such seller, and the appropriate multiple provided by this section. Any such application must be accompanied by the invoice for the goods in question and invoice establishing the former higher price or other evidence of a similar nature.

(k) *Odd cent maximum prices at wholesale or at retail.* Whenever the calculation of a maximum wholesale or retail price results in a fraction of a cent, the maximum price shall be adjusted to the nearest cent.

(l) *Definitions—*(1) *"Class I Purchaser."* A Class I purchaser is a wholesaler or jobber who buys finished piece goods at the converter's price to Class I purchasers in accordance with the provisions of the mainland regulation Maximum Price Regulation 127, Finished Piece Goods.

(2) *"Class II purchaser."* A Class II purchaser is a person who buys finished piece goods at the converter's price to Class II purchasers in accordance with the provisions of the mainland regulation Maximum Price Regulation 127, Finished Piece Goods.

(3) "Converter" means a person who sells finished piece goods after having finished such goods or after causing such goods to be finished for his account.

(4) *"Converter-jobber"* means a converter who is also regularly engaged in performing, in addition to his converting business, the function of a jobber or wholesaler, and includes a jobber or wholesaler controlling, controlled by or under common control with a converter.

(5) *"Finished piece goods"* means woven fabrics, more than 12" in width, bleached, dyed, printed, mercerized or otherwise finished or processed.

(m) *Records and reports by sellers other than at retail.* In addition to such records as the seller is required to keep under section 10 of this regulation, every person making a sale of finished piece goods other than at retail shall furnish the buyer at the time of the delivery of the finished piece goods with a written invoice or sales memorandum, setting forth the date of sale, the name and address of the buyer and seller, quantity and description of the finished piece goods sold (style or lot number), the price charged or received therefor, and either the retailer's ceiling price for the finished piece goods as calculated under paragraph (h) or the appropriate retail multiple figure as given in the table in paragraph (h) (2).

All the provisions of this amendment shall become effective November 29, 1943, except as follows with respect to sales at retail of finished piece goods in inventory as of November 29, 1943:

Such piece goods need not be priced under this amendment until January 29, 1944: *Provided*, That any such finished piece goods which is the same or similar to piece goods received in inventory after November 29, 1943, shall not be sold at a price higher than the maximum price established by this amendment for such new finished piece goods. For the purposes of this paragraph, one article shall be deemed "similar" to another article if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such article, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such articles would ordinarily have been sold shall not be taken into account.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-418; Filed, January 7, 1944; 4:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 76]

STEEL WIRE GARMENT HANGERS

Amendment No. 76 to Revised Supplementary Regulation No. 14. Modification of maximum prices for certain commodities, services and transactions.

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

Section 6.36 is added to read as follows:

SEC. 6.36 *Maximum prices for sales by jobbers to industrial and commercial users of steel wire garment hangers—*(a) *Scope of this section.* This section permits jobbers to add to their current delivered cost of steel wire garment hangers, the dollar mark-up they customarily enjoyed in October 1941 on sales of steel garment hangers. It applies only for sales to industrial or commercial users. When used in this section, the term "jobber" means any person who buys garment hangers from the manufacturer and resells them, without substantially changing their form, to industrial or commercial users.

(b) *Maximum prices for sales and deliveries of steel wire garment hangers by jobbers to industrial and commercial users.* If you are a jobber, you determine your maximum price for sales of steel wire garment hangers to industrial and commercial users in the following manner:

(1) Select from the garment hangers sold by you during October 1941 the type most similar to the steel wire garment hanger for which you are determining your ceiling price.

(2) Subtract from the highest price you charged industrial and commercial users, f.o.b. your warehouse, during October 1941 for that garment hanger, the amount you paid for that garment hanger, including any freight charges.

(3) Add the amount so obtained to your delivered cost of the steel wire garment hanger you are pricing. The resulting figure will be your ceiling price, f. o. b. your warehouse, for sales of steel wire garment hangers to industrial and commercial users: You must give the same discounts, freight allowances, and terms which you allowed during October 1941.

(c) *Maximum prices for sales and deliveries of steel wire garment hangers by jobbers who have no records.* If you are a jobber and do not have any records by which to determine a maximum price for your sales pursuant to this section, you must submit to your nearest Regional Office of the Office of Price Administration, a report applying for specific authorization of maximum prices for sales of such steel wire garment hangers. This report shall contain a description of the steel wire garment hanger, the manufacturer's name and address, your cost, and any other information which

*Copies may be obtained from the Office of Price Administration.

you may wish to submit. You must also submit such additional information as the Office of Price Administration may request. You may not sell such steel wire garment hangers until you have received authorization from the Office of Price Administration and must sell in accordance with the terms of such authorization. The maximum price authorized by the Office of Price Administration will be in line with the level of maximum prices established by this section for steel wire garment hangers.

Any Regional Office of the Office of Price Administration or such offices as may be authorized by the appropriate Regional Office, may, by order, establish maximum prices for sales of steel wire garment hangers by jobbers in any area or locality within its jurisdiction.

(d) *Records to be kept by jobbers.* If you are a jobber and have established maximum prices for your sales under this section, you must keep and make available for examination by the Office of Price Administration (1) records showing your cost and your selling price of the garment hangers sold by you in October 1941 which you have used in determining your maximum prices for garment hangers currently being sold, and (2) invoices showing your current costs of the steel wire garment hangers for which maximum prices have been established under this section.

This amendment shall become effective on the 13th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The record-keeping and reporting provisions of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-423; Filed, January 7, 1944; 4:49 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149,[1] Amdt. 16]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 149 is amended in the following respects:

1. Section 1315.21a (f) is added, to read as follows:

(f) *Maximum prices for mechanical rubber goods containing materials purchased from Defense Supplies Corporation.* This paragraph is applicable to mechanical rubber goods that contain materials purchased from Defense Supplies Corporation. Notwithstanding any other provisions of this regulation, the maximum manufacturers' price of any mechanical rubber goods covered by this paragraph shall be determined as follows: The manufacturer shall first determine the price of the mechanical rubber goods in accordance with the applicable provisions of paragraphs (a) to (e), inclusive. The manufacturer shall then determine the maximum price by adding to this price a differential. This differential shall be determined by multiplying the estimated quantity of the material, purchased from Defense Supplies Corporation and used in the production of the mechanical rubber goods being priced, by the difference between the net price he pays Defense Supplies Corporation for the material and the price of the material determined in accordance with paragraph (a) (2) (iii), in the case of mechanical rubber goods listed in Appendix A, and paragraph (b), in the case of mechanical rubber goods listed in Appendix B.

2. Section 1315.31 (a) (3) is amended to read as follows:

(3) "Mechanical rubber goods" means all the articles and services listed in Appendices A and B, but does not include the articles listed in Appendix C.

3. In Appendix A the item "Lined or covered tanks, pipes and fittings, and other rubber lined or rubber covered items when lined or covered with either soft rubber or hard rubber, excepting rubber covered rolls" is amended to read "Lined or covered tanks, pipes and fittings, other rubber lined or rubber covered items when lined or covered with either soft rubber or hard rubber (except rubber covered rolls), and the lining or covering of items with either soft or hard rubber (except the covering of rolls)".

4. In Appendix B the item "Rubber covered rolls" is amended to read "Rubber covered rolls and the covering of rolls with rubber."

5. Paragraph (a) (3) is added to Appendix D, to read as follows:

(3) *Extra charges.* The manufacturer may add to the maximum price, determined in accordance with the applicable provisions of subparagraph (1) or (2) above, the charge that he had in effect on October 1, 1941, for cutting the hose into short lengths or for performing any other operation associated with the manufacture of hose for which he had an extra charge in effect on October 1, 1941.

This amendment shall become effective January 14, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9205, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-463; Filed, January 8, 1944; 12:11 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11, Amdt. 12]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 11 is amended in the following respects:

Under the heading "aeroplane ply yarns" in Table I of § 1316.41 (d) the cents per yard prices of "40.85" and "41.85" opposite reference numbers AS1 and AS2 are changed to "43.89" and "44.87" respectively.

This amendment shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-464; Filed, January 8, 1944; 12:09 p. m.]

PART 1340—FUEL

[MPR 120, Amdt. 77]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.224 (b) (13), the first sentence is amended to read as follows:

"The prices established by subparagraphs (1) through (12) of this paragraph (b) or by orders issued on or after May 1, 1943 and prior to December 1, 1943 for coals produced at an underground truck mine without a rail siding or connection may be increased no more than 20 cents per ton."

2. Section 1340.228 (b) (5) is amended to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) of this paragraph (b) or by orders issued prior to December 1, 1943 for coals produced at an underground truck mine without a rail siding or connection may be increased by no more than 20 cents per ton.

This amendment shall become effective as of November 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-465; Filed, January 8, 1944; 12:11 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10813, 13172, 15255.

PART 1372—SEASONAL COMMODITIES

[MPR 298,[1] Amdt. 4]

ROTENONE

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 298 is amended in the following respect:

Section 1372.157 is amended to read as follows:

§ 1372.157 *Petitions for amendment and applications for adjustment*—(a) *Petitions for amendment.* Any person subject to any provision of this Maximum Price Regulation No. 298 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 * issued by the Office of Price Administration.

(b) *Applications for adjustment.* Any person subject to a maximum price determined in accordance with provisions of §§ 1372.169; 1372.170; 1372.171; or 1372.172, who is able to show (1) that such price subjects him to substantial hardship and (2) that any adjustment granted would not raise his price above that charged by competitive sellers, may apply for adjustment of his maximum price in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

In addition to other data believed necessary by the applicant to support the adjustment requested, the application shall show;

(1) Net sales, net worth at the end of the year, and net profit before federal income and excess profits taxes by fiscal years from 1936 to date for the over-all operations of the seller.

(2) A complete operating statement, covering the product for which price adjustment is sought, for the most recent fiscal year available, showing:

(i) Gross sales
(ii) Freight and other allowances and discounts
(iii) Net sales (Units sold and dollar value)
(iv) Cost of goods sold
  Inventory adjustments
  Raw materials (Units and dollar value showing each material separately.)
  Direct production costs
    Labor
    Other
  Containers
(v) Gross operating margin
(vi) Administrative and selling costs
(vii) Net profit on operations

(3) If the operating statement for the most recent fiscal year is no longer deemed representative, also submit a comparable statement for current or anticipated operations, explaining all differences from the statement as provided under 2.

(4) A list of prices currently charged by competitive sellers for products the same or similar to that for which price adjustment is sought.

If any of the above data has been filed with the Bureau of Internal Revenue the applicant may authorize the Office of Price Administration to obtain the necessary information from that source, or if such data has already been filed with the Office of Price Administration the applicant may refer to such previously filed report and request that necessary information be taken therefrom.

This amendment shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-466; Filed, January 8, 1944; 12:18 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 365, 5589, 6440, 16297.

[2] 7 F.R. 8961.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5E,[1] Amdt. 2]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5E is amended in the following respects:

1. Section 2.2 (a) is amended to read as follows:

SEC. 2.2 *Basic ration books.* (a) Class A ration books shall be issued as basic rations for passenger automobiles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the following periods:

Coupons:	*Valid period*
A-18	January 1944.
A-19	February 1944.
A-20	March 1944.
A-21	April 1944.
A-22	May 1944.
A-23	June 1944.

2. Section 2.4 (b) is amended to read as follows:

(b) B and C ration books shall contain twelve (12) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the following periods:

B or C coupons bearing number:	*Valid period—6 days commencing with—*
61	January 3, 1944.
62	January 10, 1944.
63	January 17, 1944.
64	January 24, 1944.
65	January 31, 1944.
66	February 7, 1944.
67	February 14, 1944.
68	February 21, 1944.
69	February 28, 1944.
70	March 6, 1944.
71	March 13, 1944.
72	March 20, 1944.
73	March 27, 1944.
74	April 3, 1944.
75	April 10, 1944.
76	April 17, 1944.
77	April 24, 1944.
78	May 1, 1944.
79	May 8, 1944.
80	May 15, 1944.
81	May 22, 1944.
82	May 29, 1944.
83	June 5, 1944.
84	June 12, 1944.
85	June 19, 1944.
86	June 26, 1944.
87	July 3, 1944.

3. Section 2.12 (d) is amended to read as follows:

(d) Coupons of all categories of S ration books shall be valid for transfers of gasoline to the holders thereof only during the periods as follows:

S-1, S-2, S-3, S-4, or S-5 coupons bearing number:	*Valid period—6 days commencing with*
60	January 3, 1944.
61	January 10, 1944.
62	January 17, 1944.
63	January 24, 1944.
64	January 31, 1944.
65	February 7, 1944.
66	Februray 14, 1944.
67	February 21, 1944.
68	February 28, 1944.
69	March 6, 1944.
70	March 13, 1944.
71	March 20, 1944.
72	March 27, 1944.
73	April 3, 1944.
74	April 10, 1944.
75	April 17, 1944.
76	April 24, 1944.
77	May 1, 1944.
78	May 8, 1944.
79	May 15, 1944.
80	May 22, 1944.
81	May 29, 1944.
82	June 5, 1944.
83	June 12, 1944.
84	June 19, 1944.
85	June 26, 1944.
86	July 3, 1944.

4. Section 2.22 (b) (5) is amended to read as follows:

(5) To carry persons to and from established places of registration for voting, to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; by a bona fide candidate for nomination in a primary election or for an elective public office, for purposes essential to the prosecution of his candidacy.

5. Section 5.5 (c) is amended by deleting the figure "50" and inserting in its place the figure "10."

6. Section 7.17 (a) is amended by deleting the figure "1%" and inserting in its place the phrase "one half of one percent."

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9975.

This amendment shall become effective January 3, 1944.

(Pub. Law 871, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law No. 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, WPB Directive No. 1, Supp. Dir. 1–J, 7 F.R. 562)

Issued this 3d day of January 1944.

JORGE L. CORDOVA,
Territorial Director for Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 44-467; Filed, January 8, 1944; 12:18 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 20]

CANNED FOODS IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 20 Table 3 is amended by adding a new brand to the category "Royal Anne cherries", by changing the prices of "Canned red raspberries: Del Monte", by adding the category "Canned boysenberries", all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Royal Anne cherries:				*Per can*
Trupack	Case of 6/#10 cans	$8.25	$9.50	$2.05
Canned red raspberries:				
Del Monte	Case of 12/#303 (glass)	3.70	4.25	0.46
Canned boysenberries:				
Del Monte	Case of 12/#303 (glass)	2.85	3.25	0.35

2. Section 20 Table 3a is added to read as follows:

TABLE 3A.—MAXIMUM PRICES FOR FRUIT SAUCES AND PRESERVES

Item and brand name	Unit	Price to wholesaler	Price at wholesale	Retail price
Apple sauce:				*Per can*
Dodge	Case of 6/#10 cans	$4.60	$5.25	$1.14

3. Section 21 Table 4 is amended by adding a new brand to the category "Apple juice" to read as follows:

Items and brand name	Unit	Price to wholesaler	Price at wholesale	Retail price
Apple juice:				*Per container*
Hartmann	Case of 24/12 oz. bot	$2.75	$3.15	$0.17

4. Section 22 Table 5a is added to read as follows:

TABLE 5A—MAXIMUM PRICES FOR CANNED CORNED BEEF HASH AND CANNED STEW

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Corned beef hash:				*Per unit*
Stokeley Bros	Case of 24/24 oz. cans	$8.30	$8.90	$0.45
Stew meat and vegetables:				
Libby	Case of 24/28 oz. cans	5.80	6.30	0.32

5. Section 23 Table 7 is amended by changing the prices of "Campbell: Vegetarian Vegetable" to read as follows:

Item and brand name	Unit	Price to wholesaler	Price at wholesale	Retail price
Campbell:				*Per can*
Vegetarian Vegetable	Case of 48/#1 cans	$5.65	$6.15	$0.16 or 2 for $0.31

6. Section 23 Table 7a is added to read as follows:

TABLE 7A—MAXIMUM PRICES FOR DEHYDRATED SOUP

Item and brand name	Unit	Price to wholesaler	Price at wholesale	Retail price
Aunt Polly (all varieties)	Case of 48/2¼ oz. pkg	$4.35	$4.75	*Per unit* $0.12

7. Section 24 Table 8 is amended by adding two new brands to the category "Tomato paste" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Tomato paste:				*Per container*
S & W	Case of 72/8 oz. cans	$4.25	$4.90	$0.09
Green Bow	Case of 72/8 oz. cans	4.05	4.65	0.09

8. Section 24 Table 9 is amended by adding a new size to the items "Canned tomato juice: Libby", "Canned tomato juice: Exquisite", "Canned tomato juice: Hurff", all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned tomato juice:				*Per container*
Libby	Case of 24/#2 cans	$2.65	$3.05	$0.16
Exquisite	Case of 24/#2 cans	2.85	3.25	0.18
Hurff	Case of 24/#2 cans	2.60	3.00	0.16

9. Section 25 Table 10 is amended by changing the prices of "Canned asparagus: Del Monte (Early Garden)" and "Canned Asparagus tips: Del Monte (Early Garden)," by adding 2 new types to the category "Canned beans", by adding a new brand to the item "Canned beets: Diced", by adding 2 new types to the category "Canned carrots", by adding 2 new types to the category "Canned corn", by adding 5 new types to the category "Canned peas" and by adding a new brand to the category "Canned peas and carrots", all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned asparagus:				*Per container*
Del Monte (Early garden)	Case of 24/#2 cans	$7.60	$8.65	$0.46
Canned asparagus tips:				
Del Monte (Early garden)	Case of 24/#1 sq. cans	9.05	10.10	0.54
Canned beans:				
Cut, green: Del Monte	Case of 12/#303 glass	2.15	2.45	0.26
Pork and beans:				
Van Camp's	Case of 72/8 oz. cans	4.20	4.75	0.09
Van Camp's	Case of 48/8 oz. cans	2.90	3.35	0.09
Van Camp's	Case of 24/#303 tall	3.30	3.75	0.20
Van Camp's	Case of 24/#2 jumbo	3.90	4.45	0.24
Canned beets:				
Diced: Del Monte	Case of 12/#303 glass	1.85	2.12	0.28
Canned carrots:				
Diced: Del Monte	Case of 12/#303 glass	1.80	2.05	0.22
Julienne: Del Monte	Case of 12/#303 glass	1.80	2.05	0.22
Canned corn:				
Whole kernel, golden, vacuum pack: Del Monte	Case of 24/12 oz. cans	3.60	4.10	0.22
Cream style, golden: Del Monte	Case of 24/#2 cans	3.95	4.50	0.24
Canned peas:				
Early garden:				
Del Monte	Case of 78/8 oz. cans	6.15	7.00	0.12
Del Monte	Case of 24/#2 cans	3.95	4.60	0.23
Very small:				
Del Monte	Case of 24/#2 cans	4.25	4.85	0.25
Blended #1 and #2 sieve E. J. Libby	Case of 24/#2 cans	3.65	4.15	0.21
Rosedale blended #1 and #2 Libby	Case of 24/#2 cans	3.35	3.80	0.20
Happyvale #4 sieve E. J. Libby	Case of 24/#2 cans	2.85	3.25	0.15
Canned peas and carrots: Del Monte	Case of 12/#303 cans	2.10	2.40	0.26

10. Section 25a Table 10a is amended by adding a new brand to read as follows:

Item and brand name	Unit	Price to wholesaler	Price at wholesale	Retail price
Hurff Vegetable Juice Cocktail	Case of 48/12½ oz. cans	$5.65	$6.40	*Per can* $0.17

11. Section 29 Table 14 is amended by adding the category "Other varieties" to read as follows:

Brand	Container, type and size	To wholesalers (per doz. containers)	At wholesale (per doz. containers)	At retail
Other varieties:				*Per container*
Florencitas	2½ lb. container	$7.60	$8.05	$0.94
Florencitas	3 lb. container	8.90	9.80	0.94
Borinquen Lunch	1½ lb. container	3.90	4.30	0.45
Borinquen Lunch	3 lb. container	7.20	7.90	0.82
Borinquen Lunch	5 lb. container	12.00	13.20	1.37

12. Section 32 Table 18a is amended by adding two new brands to the category "Vegetable oils" to read as follows:

Brand	Container-size and unit	Price to wholesaler	Price at wholesale	Retail price
Vegetable oils:				*Per unit*
Cipo	Case of 24/1½ lts. cans	$30.35	$33.35	$1.70
Alher	Case of 24/1½ lts. cans	20.70	22.75	1.18

13. Section 36 Table 23 is amended by adding a new brand to the category "Flour" to read as follows:

Item and brand name	Unit	Price to wholesaler	Price at wholesale	Retail price
Flour: American Beauty	Bales of 20/5 lb. bags	$6.40	$7.00	*Per unit* $0.45

14. Section 45 Table 37 is amended by adding a new type to the category "Pork" to read as follows:

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Pork: Mess pork	$0.16	$0.1775	$0.22

15. Section 47 Table 39 is amended by adding new brands to the categories "Toilet soap" and "Powdered soap" and by adding the category "Cleanser soap" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Toilet soap:				*Per unit*
Lifebuoy	Ctn. 100/4 oz.	$6.55	$7.20	$0.09
Lifebuoy	Ctn. 144/3 oz.	5.85	6.45	0.06 or 2 for 0.11
Lifebuoy	Ctn. 500/1 oz.	6.30	6.95	0.02
Swan	Ctn. 100/regular	7.05	7.75	0.10
Cashmere Bouquet	Ctn. 144/1¼ oz.	6.30	6.70	0.06
Powdered soap:				
Octagon	Ctn. 100/7 oz. pkg.	2.90	3.20	0.04
Octagon	Ctn. 120/7 oz. pkg.	3.45	3.90	0.04
Extracto Babbit	Ctn. 144/5 oz. pkg.	3.20	3.50	0.03
Cleanser soap:				
Limpia Mucho	Ctn. 100/10½ oz. cakes	4.45	4.90	0.06
Sapolio	Ctn. 36/284 grms. cakes	3.10	3.40	0.12

16. Section 50 Table 41 is amended by adding a new item to read as follows:

	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Beans, green including all varieties and grades not imported from the continental United States	$0.125	[1] $0.15

[1] On home delivered sales the maximum price at retail may be increased by 1¢ per pound.

17. Section 53 Table 44 is amended to read as follows:

TABLE 44—MAXIMUM PRICES FOR WAR ALARM CLOCKS

	At wholesale	At retail
War alarm clocks (Gross prices including all taxes)	$1.55	$2.00

This amendment shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-468; Filed, January 8, 1944; 12:09 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Corr. to Amdt. 40]

TERMINAL SERVICES IN OREGON AND WASHINGTON

Amendment No. 40 to Revised Supplementary Regulation No. 14 is corrected in the following respects:

1. Section 8.5 (a) is hereby corrected by deleting from the fourth unnumbered paragraph thereof:

• • • state office of the Office of Price Administration as follows:

Washington State: Office, White-Henry-Stuart Bldg., 1201 Fourth Ave., Seattle, Wash.
Oregon State: Office, 520 SW. Sixth Ave., Portland, Oreg.

and substituting therefor the words:

• • • district offices of the Office of Price Administration as follows:

Seattle District: Office, 1338 Fourth Ave., Seattle, Wash.
Portland District: Office, 520 SW. Sixth Ave., Portland, Oreg.

2. Section 8.5 (b) (15) is hereby corrected to read as follows:

(15) Terminals and wharfingers in Washington and Oregon which have facilities for servicing ocean going vessels and which are not specifically covered by the provisions of this paragraph (b) may charge rates not in excess of those set forth in the tariff pages of Port of Seattle Terminals Tariff No. 2–C listed in paragraph (b) (1) above or the rates set forth in the tariff pages of Port of Tacoma Terminals Tariff No. 1 listed in paragraph (b) (2) above, or the rates set forth in the tariff pages of Terminal Tariff No. 2–A of the Commission of Public Docks of the City of Portland, Oregon listed in paragraph (b) (14) above: *Provided*, That terminals and wharfingers which elect to charge the rates permitted by this subparagraph (15) shall file with the appropriate offices of the Office of Price Administration as set forth in paragraph (a) above, a statement containing the following:

(i) Name and location of the terminal or wharfinger.

(ii) Tariff or rate schedule of the terminal or wharfinger's present maximum rates.

(iii) Effective date or dates of adoption of rates of Seattle Terminals Tariff No. 2–C or Portland Terminal Tariff No. 2–A or Port of Tacoma Terminals Tariff No. 1.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–469; Filed, January 8, 1944; 12:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 77]

CURED DEER AND ELK SKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 3.9 is added to read as follows:

SEC. 3.9 *Cured deer and elk skins*—(a) *Maximum prices for cured deer and elk skins.* On and after January 14, 1944, the maximum prices for cured deer and elk skins shall be the prices established in the table below. The prices under Column I apply to all cured deer and elk skins sold by collectors. The prices under Column II apply to all cured deer and elk skins sold by dealers and include commissions and all other charges. All maximum prices are f. o. b. domestic point of shipment.

DEERSKINS

Western (Skins of the type customarily identified with the states of Utah, Colorado, Nevada, Idaho, California and Washington.)

	Column I Collector (per lb.)	Column II Dealer (per lb.)
#1 flint dried	$0.40	$0.425
#1 dry salted	.37	.395
Slightly damaged flint dried	.267	.283
Slightly damaged dry salted	.247	.263
Culls and damaged flint dried	.20	.2125
Culls and damaged dry salted	.185	.198

Middle Western, Canadian and Eastern (Skins of the type customarily identified with Canada and the states of Wisconsin, Minnesota, Michigan, Maine, New Hampshire, Vermont, Pennsylvania and New York.)

	Collector (per skin)	Dealer (per skin)
#1's	$2.40	$2.55
Slightly damaged	1.60	1.70
Culls and damaged	1.20	1.275

Southerns (Skins of the type customarily identified with the states of Virginia, West Virginia, North Carolina and Texas.)

	Collector (per skin)	Dealer (per skin)
#1's	$1.75	$1.90
Slightly damaged	1.17	1.27
Culls and damaged	.875	.95

ELKSKINS

	Collector (per lb.)	Dealer (per lb.)
Whole skins, flint dried	$0.25	$0.275
Half skins, flint dried	.125	.138
Quarter skins, flint dried	.0625	.069
Whole skins, culls and damaged, flint dried	.125	.138
Whole skins, dry salted	.22	.245
Half skins, dry salted	.11	.1225
Quarter skins, dry salted	.055	.0613
Whole skins, culls and damaged, dry salted	.11	.1225

(b) *Maximum brokerage charges.* In the event that the services of a broker are used in connection with a purchase or sale of deer or elk skins, a commission or fee not in excess of the amount specified below may be charged and paid for such services: *Provided*, That in the case of a sale by a dealer the total of the selling price and the brokerage commission or fee shall not exceed the applicable maximum price for the skins established in Column II of paragraph (a) above. No person may charge a brokerage commission or fee for purchasing or selling deer or elk skins unless he discloses to his principal the name and address of the seller or the purchaser of the skins. The maximum commissions or fees which may be charged for such services are as follows:

DEERSKINS

	(Per lb.)
Western:	
#1 flint dried	$0.0125
#1 dry salted	.0125
Slightly damaged	.0083
Culls and damaged	.0063
Middle Western, Canadian, Eastern and Southern	Per skin
#1's	$0.0750
Slightly damaged	.05
Culls and damaged	.0375

ELKSKINS

	Per lb.
Whole skins	$0.0125
Half skins	.0063
Quarter skins	.0032
Whole skins, culls and damaged	.0063

(c) *Definitions.* (1) The term "cured deer and elk skins" means untanned skins of deer or elk, which have been preserved by salting or drying.

(2) The term "collector" means a person who is engaged in the business of buying and selling deer or elk skins and whose purchases of cured deer and elk skins constitute less than 75% of his total purchases of both cured and uncured deer and elk skins.

(3) The term "dealer" means a person who is engaged in the business of buying and selling deer or elk skins and whose purchases of cured deer and elk skins constitute at least 75% of his total purchases of both cured and uncured deer and elk skins.

This amendment shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–470; Filed, January 8, 1944; 12:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 78]

SALES OF COFFEE URN BAGS BY MANUFACTURERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended to read as follows:

SEC. 3.8 *Sales of coffee urn bags by manufacturers.* Manufacturers of coffee urn bags may charge a price not in excess of the maximum price established under the General Maximum Price Regulation or the price listed opposite the specifications of each such bag in the table below; whichever is higher:

*Copies may be obtained from the Office of Price Administration.

Diameter (inches)	Top (inches) Length	Top (inches) Depth	Bottom (inches) Diameter	Bottom (inches) Circumference	Maximum price per 100 bags
10	32¼	6	10¾	33.77	$4.75
12	38½	7	12¾	40.25	5.80
14	45	7	14½	45.55	6.50
16	51½	7	16½	51.83	7.73
18	58	7	18½	58.11	8.98

This amendment shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–462; Filed, January 8, 1944; 12:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165,[1] Supp. Service Reg. 23]

POWER LAUNDRIES SELLING COMMERCIAL FLATWORK IN OKLAHOMA CITY, OKLA.

A statement of the considerations involved in the issuance of this Supplementary Service Regulation No. 23 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 23 is hereby issued.

§ 1499.2253 *Power laundries selling commercial flatwork in Oklahoma City.* (a) Dollars-and-cents maximum prices established for commercial flatwork sold by power laundries located in Oklahoma City.

(1) The maximum prices established by Maximum Price Regulation No. 165, as amended, for commercial flatwork services sold by power laundries located in Oklahoma City are hereby modified and shall henceforth be as follows:

250 pounds or less in a single pick-up, 5¢ per lb.;
251 to 500 pounds in a single pick-up, 4½¢ per lb.;
Over 500 pounds in a single pick-up, 4¢ per lb.;

(2) *Definitions.* As used in this supplementary service regulation, the term:

"Power laundries" means all establishments in Oklahoma City offering laundry services for sale with the exception of such hand laundries as do not use power machinery to wash laundry.

"Oklahoma City" means the corporate limits of the city of Oklahoma City, Oklahoma.

"Commercial flatwork" means that type of laundry service which by common trade practice and use is known by that name in Oklahoma City.

(3) *Notice requirements.* Within 15 days after the effective date of this regulation every power laundry located in Oklahoma City shall notify its commercial flatwork customers of the maximum prices established herein.

(4) *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

(5) *Other laundry services.* Services performed by power laundries not covered herein shall be governed by Maximum Price Regulation 165.

This Supplementary Service Regulation No. 23 (§ 1499.2253) shall become effective January 14, 1944.

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–461; Filed, January 8, 1944; 12:10 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118, Amdt. 22]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 118 is hereby amended in the following respects:

1. In § 1400.118 (d) (14) (ii) (a) the words "The maximum prices for gauze nursery products shall be" are amended to read "The maximum prices of manufacturers for gauze nursery products shall be".

2. In § 1400.118 (d) (14) (ii) inferior subdivision (c) is added to read as follows:

(c) The maximum prices of wholesalers for gauze nursery products shall be: For sales of 48 dozen or more, the sum of the cost of the product delivered to the wholesaler's warehouse (not to exceed the manufacturer's maximum price, plus the freight from the manufacturer to the wholesaler's warehouse) and the cents-per-dozen margin shown in the table below; for sales of less than 48 dozen, the sum of the cost of the product f. o. b. the manufacturer's mill (not to exceed the manufacturer's maximum price) and the cents-per-dozen margin shown in the table below.

WHOLESALER'S MARGINS

Type of products	Type of sale: 48 doz. or more	Type of sale: Less than 48 dozen
Standard gauze diapers:	Per dozen	Per dozen
20" to 21" x 40"	$0.16	$0.28
27" x 27"	.16	.28
27" x 44"	.18	.37
30" x 30" [1]	.18	.37
Nursery Gauze Pads:		
17" x 18" or 20" x 19"	.34	.60
18" x 20"	.62	1.11
27" x 40"	1.08	2.29
"Cribmaker" [1]	1.53	3.23
Gauze bibs	.19	.36

[1] Pad section 27" x 30", overall dimensions 58" x 81".

This amendment No. 22 shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–478; Filed, January 8, 1944; 4:59 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 43]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. Section 5.5 (a) is amended by deleting the date "January 15, 1944" in the first sentence and substituting in place thereof, the date "February 1, 1944".

2. Section 18.2 (c) is revoked and a new section 18.2 (c) is added to read as follows:

(c) If, because of the nature of his operations, it is an undue hardship for a Group III institutional user to keep records, in accordance with this section, of the actual number of persons served and dollar revenue received, he may file with the Board a petition for relief on OPA Form R–315. He must state in his petition his method of keeping records of cash receipts (such as punch checks, written checks, cash register, etc.), the reason why it would be a hardship in his type of operation to keep the required records, and the method, other than a complete daily count, he can use for determining the required information.

If the Board finds that it is an undue hardship for the institutional user to keep daily records, it may authorize him, in writing, to keep such records for any full week during each month, specifying the record-keeping method and the weeks which it approves. The proportions which the number of persons served food and the dollar revenue derived from such services during that week bear to the total persons served and the total dollar revenue during that week, will be deemed to be the proportions for the entire month. If an institutional user petitions for permission to use a method not involving records for a full week in each month, the Board may not act on his petition, but must forward it to the District Office. The District Office shall act on such petitions in accordance with instructions from the Washington Office.

This amendment shall become effective January 8, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Acts of 1942.

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–477; Filed, January 8, 1944; 4:58 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 8,[1] Amdt. 4]

GENERAL PROHIBITIONS AND PENALTIES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 8 is amended in the following respects:

1. Section 1.2 is amended by inserting the words "stamp envelope," immediately following the words "stamp card," and the word "token," immediately following the words "coupon sheet," in the definition of the term "Ration document".

2. Section 2.4 (b) is amended by inserting the word "die," immediately following the word "plate,".

3. Section 2.4 (c) is amended by inserting the word "die," immediately following the word "plate,".

4. Section 2.17 (c) is amended to read as follows:

(c) Authority is hereby given to make, hold, dispose of and use illustrations of ration documents for the purpose of disseminating information relating to a rationed commodity: *Provided*, That the illustrations are in black and white only, and are of a size less than ¾ or more than 1½ in linear dimension, of each part of the document: *Provided further*, That illustrations of tokens only may be made in color but must comply with the above requirements as to size.

5. Section 2.18 is amended by amending the heading to read *"Possession or use of distinctive safety paper or vulcanized fiber"* and by adding the words "or vulcanized fiber" immediately following the words "safety paper" in the text of the section.

This amendment shall become effective January 14, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–537; Filed, January 10, 1944; 11:30 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3783, 5677, 9626.

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 36]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the addition of Appendix E, Table 2.

APPENDIX E

* * * * *

TABLE 2

Area. Parts of the States of Kentucky, Tennessee and Illinois as follows:

Kentucky. All counties west of and including the counties of Henderson, McClean, Muhlenberg, Butler, Warren and Allen.

Tennessee. All counties west of but not including the counties of Pickett, Fentress, Morgan, Roane, Rhea and Hamilton counties, except the counties of Shelby, Fayette, Hardeman, Haywood, Tipton and Lauderdale; but including that portion of Hamilton County lying south of the Nashville, Chattahooga and St. Louis Railroad.

Illinois. That portion of the state south of a line running from East St. Louis, Illinois, in St. Clair County along the tracks of the Louisville and Nashville Railroad through the cities of Belleville, Mt. Vernon and Eldorado, Illinois to their intersection with the eastern boundary of Saline County, thence along the eastern boundary of that county to its intersection with the northern boundary of Hardin County, thence east along the northern boundary of that county to the Ohio River.

Species. The following species:

Yellow Poplar	(Liriondendron tulipifera).
Sweet Gum	(Liquidamber styraciflua).
Tupelo Gum	(Nyssa aquatica).
Black Gum	(Nyssa sylvatica).
Cypress	(Taxodium distichum)
Beech	(Fagus grandifolia).
Sycamore	(Platanus occidentalis).
Hackberry	(Celtis occidentalis).
Walnut	(Juglans nigra).

as well as all botanical species of the following genera:

Oak	(Quercus).
Magnolia	(Magnolia).
Maple	(Acer).
Cherry	(Prunus).
Ash	(Fraxinus).
Elm	(Ulmus).
Cottonwood	(Populus).
Hickory	(Hicoria).
Birch	(Betula).
Basswood	(Tilia).

and other commercial species.

Scaling and grading rules. All logs are to be scaled with the Doyle Log Rule. The diameter shall be measured at the small end of the log, inside the bark, and at the smallest diameter. Fractions of an inch below ½ inch shall be counted back to the next lower full inch, while fractions of an inch above ½ inch may be raised to the next higher inch. (Thus a log 14.4 inches would be 14" and a log 14.6 inches would be 15"). If the fraction of an inch is exactly ½ inch, it shall be counted as of the nearest even inch. (Thus 13½ inches would be counted as 14", and 14½ inches would be counted as 14").

All unsound and unusable wood must be eliminated from the scale by deduction in measurement. The defects for which full deduction must be made in measurement include hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, rotten and wormy sap, and crooks.

Logs are to be cut in even lengths unless otherwise specified by the buyer with the minimum length accepted as 8 feet. All logs must be cut 4" over length to allow for trim. Logs that are not at least 4" over the specified length will be scaled as of the next lower even length. Logs less than 8' in length may be purchased subject to conditions quoted below:

Grade specifications: Clear grade—minimum diameter 24". All logs 24" and over in diameter must be clear of all visible defects. Sound sap knots 1" and less in diameter will not be considered as a defect in this grade. A rot or dote 4" in diameter or less located in the center of the log will not degrade the log but deduction for the defect must be made in scaling the log.

Select grade—minimum diameter 16". Logs 16" to 23" in diameter must be clear of all defects. Logs 24" and over in diameter must have at least 3 clear faces or have 75 per cent of the length clear in one continuous section. Sound sap knots 1" or less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" in diameter will be permitted for logs 24" and over and up to 3" in diameter for logs 16" to 23" in diameter. This defect will not degrade the log but full deduction for the defect must be made in scaling.

No. 1 grade—minimum diameter 12". Logs 12" to 15" in diameter must be clear of all visible defects. Logs 16" to 23" in diameter must have at least 3 clear faces or 75 percent of the length clear in one continuous section. Logs 24" and over in diameter must have at least 2 clear faces or have at least 50 percent of the length clear in one continuous section. Sound sap knots 1" or less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" in diameter is permitted for logs 24" and up, up to 3" in diameter for logs 16" to 23", and up to 2" in diameter for logs 12" to 15" diameter. This defect will not degrade the log, but full deduction must be made for the defect when scaling the log.

No. 2 grade—minimum diameter 12". This grade shall include all sound logs above the specified diameter limits that are better than a cull and that do not grade as a No. 1 log.

A cull—shall be considered as any log where the net board foot scale after deductions have been made for defects contains less than 50 percent of the gross board foot scale.

Woods run grade—shall consist of hardwood and cypress logs 12" and up in diameter as produced from the forest that are better than culls and from which no selection of large-sized or high-quality logs has been made. If any large-sized or high-quality logs have been removed from the run of logs, the remaining logs must be sold at prices no higher than the No. 2 grade prices if ungraded, or at the applicable grade prices if graded. When any small-sized or low-quality logs have been removed from the run of logs, the remaining logs may still be sold at the woods run price.

A summary of grades as based upon diameters and number of clear faces is given below.

Diameter range	4 clear faces	3 clear faces or 75% of length clear in one continuous section	2 clear faces or 50% of length clear in one continuous section	Other (better than cull)
24" and up	Clear grade	Select grade	No. 1 grade	No. 2 grade.
16"–23"	Select grade	No. 1 grade	No. 2 grade	No. 2 grade.
12"–15"	No. 1 grade	No. 2 grade	No. 2 grade	No. 2 grade.

Maximum prices.

[Per M Feet Log Scale]

Species	Clear grade	Select grade	No. 1 grade	No. 2 grade	Woods run grade
White Oak	$65.00	$45.00	$32.50	$20.00	$27.50
Red Oak	55.00	40.00	30.00	19.00	26.00
Poplar	65.00	45.00	32.50	20.00	27.00
Magnolia	55.00	40.00	30.00	19.00	25.00
Sweet Gum	55.00	40.00	30.00	19.00	26.00
Black Gum	40.00	35.00	25.00	18.00	24.00
Tupelo Gum	40.00	35.00	25.00	18.00	24.00
Cypress	45.00	35.00	25.00	18.00	24.00
Maple	40.00	35.00	27.50	19.00	24.00
Cherry	50.00	40.00	30.00	20.00	25.00
Tough Ash [1]	50.00	37.50	27.50	20.00	27.00
Other Ash	30.00	25.00	20.00	15.00	20.00
Beech	40.00	32.50	25.00	18.00	23.00
Sycamore	40.00	30.00	23.00	17.00	22.00
Elm	35.00	30.00	22.50	17.00	22.00
Hackberry	35.00	30.00	22.50	17.00	22.00
Cottonwood	35.00	30.00	23.00	18.00	23.00
Hickory [1]					26.00
Walnut [1]					35.00
Birch	50.00	35.00	25.00	18.00	23.00
Basswood	55.00	40.00	30.00	20.00	24.00
Other Species	35.00	30.00	25.00	15.00	20.00

[1] If sold in conjunction with other species. Ceiling prices will be established for Walnut, Ash and Hickory when purchased on an individual selection basis.

The above prices are for logs f. o. b. cars at rail sidings; f. o. b. barge at towable waters; or delivered to mill by truck from within a distance of 25 miles. If logs are delivered to the mill from a distance in excess of 25 miles a sum not to exceed 10 cents per thousand feet may be added for every additional load mile.

If the buyer takes delivery of logs at any place other than f. o. b. cars at a rail siding, f. o. b. barge at towable waters or at his mill, the buyer must deduct from his ceiling price either

(1) the cost of delivering logs to a rail siding and loading on cars if delivery to mill is by rail;

(2) the cost of delivering logs to towable waters and loading on barges if delivery to mill is by water;

(3) the cost of trucking logs to the mill if delivery to mill is by truck.

If logs are purchased in lengths lower than 8' on a grade basis, the above ceiling prices must be reduced by at least 10 per cent; if logs less than 8' are purchased on a woods run basis, no deduction will be necessary.

Clear logs 10" and 11" in diameter, 8' in length and longer may be purchased at the woods run price; clear logs 10" and 11" in diameter less than 8' in length may be purchased at 90 per cent of the woods run price.

The prices herein are for logs produced in the area described above and will govern for all buying plants purchasing logs in these areas whether or not the buying plants are located in the area.

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–538; Filed, January 10, 1944; 11:31 a. m.]

[1] 8 F.R. 3670, 5163, 5565, 6358, 8751, 9515, 10023, 11214, 12797, 13337, 14212, 14394, 15190, 15696, 15837, 15838.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 95]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 13.3 (a) is amended to read as follows:

(a) A person who wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942 and March 19, 1943, may apply for an allotment. No such application may be granted in any case, unless it is found that:

(1) The operation of the establishment will make a direct contribution to the War effort or is essential to meet civilian needs in the area it will serve; and

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.

In addition, any person who wishes to open an industrial user establishment which he did not operate at any time between January 1, 1942 and March 19, 1943, to make a product or use for which a provisional allowance is granted under this order may apply for a provisional allowance of foods covered by this order for such purpose.

2. Section 13.3 (b) (5) is amended by inserting between the words "allotment" and "requested" the words ", or provisional allowance,".

This amendment shall become effective January 14, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WPB Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–536; Filed, January 10, 1944; 11:30 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 97]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 2.3 (c) is amended by deleting the word "only" in the next to the last sentence; and by inserting before the period at the end of the next to the last sentence "or for household salvage fats"; and by changing the last three words in the last sentence to read, "in these ways."

2. Section 10.5 (f) is amended by adding a subparagraph (7) to read as follows:

(7) *Points to be given up for household salvage fats.* Notwithstanding any other provision of this order, a primary distributor, wholesaler, or retailer who acquires household salvage fats from a consumer or Group I institutional user must give such person ration coupons or one point ration stamps.

3. Section 17.7 (a) is amended by adding subparagraphs (14) and (15) to read as follows:

(14) Renderers who acquire household salvage fats must keep records of such acquisitions. (Section 26.5)

(15) Independent collectors who acquire household salvage fats for sale or transfer must keep records of such acquisitions, sales and transfers. (Section 26.8)

4. Section 17.7 (b) is amended by adding subparagraphs (35) and (36) to read as follows:

(35) Renderers must register. (Section 26.2 (a))

(36) Renderers must file reports of their acquisitions of household salvage fats. (Section 26.4)

5. Section 26.3 (b) is amended by changing the number "10" in the third sentence to "20".

6. Section 26.3 (c) is amended by inserting before the period at the end of the last sentence the following: (excluding the points he owes for acquisitions of household salvage fats).

7. Section 26.4 (a) is amended to read as follows:

(a) *General.* Every renderer must file a report on OPA Form R–1620 of his acquisitions of household salvage fats during each month beginning December, 1943. (However, this report for December, 1943 shall cover only the period from December 13, through December 31, 1943.) He must give all the information called for by the form. The report must be filed at the district office where he is registered within 20 days after the end of the month which it covers. If he has more than one rendering establishment and they are registered together, he must file a single report for all of them.

8. Section 26.4 (b) is revoked.

9. Section 26.11 (b) (2) is amended to read as follows:

(2) A person who acquires household salvage fats from a consumer or Group I institutional user must give such person ration coupons or one point ration stamps (designated by the Office of Price

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394.

Administration to be used for the acquisition of foods covered by this order).

10. Section 26.11 (c) (2) is amended to read as follows:

(2) Points for household salvage fats must be given up to all other persons not later than the 10th day of the month following the month in which the transfer was made. However, if money payment for the household salvage fats is made before this time, the points must be given up at the same time the money payment is made.

11. Section 26.12 (1), (2) and (3) are redesignated as 26.12 (a), (b) and (c), respectively.

12. Section 26.12 (b) is amended to read as follows:

(b) A consumer may exchange, point-free, with another consumer, a primary distributor, wholesaler or retailer, household salvage fats for foods covered by this order equal in point value to such household salvage fats.

13. Section 26.13 is amended by inserting before "and 23.1" the following: "22.1, 22.2 (a), 22.4,"

This amendment shall become effective January 10, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–535; Filed, January 10, 1944; 11:30 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

PART 341—SHIP WARRANT RULES AND REGULATIONS

[General Order 25, Supp. 2]

BLANKET SPECIAL PRIORITY AUTHORIZATIONS

Section 341.42 *Special priority authorization* is amended by adding thereto the following paragraph:

(a) *Blanket special priority authorizations.* The Administrator, through the Director, Ship Warrants Division, may, if such action is deemed expedient and in furtherance of the war effort, issue blanket special priority authorizations with respect to the servicing of specific classes of vessels at specified areas, ports, or facilities, subject to such conditions as may be imposed by the War Shipping Administration through the Director, Ship Warrants Division; *Provided, however,* That the application of such blanket priority authorizations may be revoked as to any vessel refusing or neglecting to comply with any conditions imposed as aforesaid.

(1) *Canal Zone.* Until further notice, a blanket priority authorization pursuant to § 341.42 (a) is issued with respect to servicing at Canal Zone of vessels of 500 gross tons and under, plying in trade between Panamanian ports and nearby Central and South American countries.

(E.O. 9050, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.

JANUARY 8, 1944.

[F. R. Doc. 44–532; Filed, January 10, 1944; 11:24 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 174]

PART 95—CAR SERVICE

RESTRICTIONS ON ACCEPTING GRAIN SHIPMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of January, A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation; upon request of the Office of Defense Transportation, and it appearing that the practice of shipping carload shipments of grain, grain products, grain by-products, and seeds to "notify" or to "advise" to a destination at which the "notify" or "advise" party is not located or has no representative is resulting in delays in unloading, reconsigning, or diverting such carload shipments and delaying the release of cars; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

§ 95.327 *Restrictions on accepting grain shipments*—(a) *Acceptance of carload shipments of grain, grain products, grain by-products, and seeds covered by order notify, or straight-advise bills of lading.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport or move carload shipments of grain, grain products, grain by-products, or seeds:

(1) When consigned to a "notify" party or to an "advise" party at a location other than the billed destination of the shipment;

(2) When consigned to a "notify" or to an "advise" party at the billed destination of the shipment, unless the "notify" or "advise" party is authorized to accept notice of arrival of the shipment and to furnish disposition orders to the carrier's agent at the billed destination.

(b) *Tariff provisions suspended.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein, and changing the provisions of such tariffs so as to establish the provisions of this order.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(e) *Application.* (1) This order shall apply to carload shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(2) The provisions of this order shall not be construed to apply to a carload shipment for which a shipping order or bill of lading has been tendered to a common carrier by railroad prior to the effective date of this order. (40 Stat. 101, sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that this order shall become effective at 12:01 a. m., January 16, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44–449; Filed, January 8, 1944; 11:05 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 12]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY—NECESSITY CERTIFICATES—DIVISION OF RAILWAY TRANSPORT

Pursuant to Executive Orders 8989, as amended, and 9406, and the regulations prescribed by the Chairman of the War Production Board governing the issuance of Necessity Certificates under section 124 (f) of the Internal Revenue Code, it is hereby ordered, that:

§ 503.300 *Recommendations in respect to the issuance of Necessity Certificates.* Mr. M. Ellis Burk, Assistant Director, Division of Railway Transport, Washington, D. C., is hereby authorized and directed to make and issue in his name such recommendations with respect to the disposition of applications for Necessity Certificates under section 124 (f) of the Internal Revenue Code concerning the construction, reconstruction, erection, installation or acquisition of domestic transport facilities and storage and warehouse facilities at points of transfer and in terminal areas as the Chairman of the War Production Board or his duly authorized representative may request from the Office of Defense Transportation. In the discharge of his duties he shall be guided by such policies as may be prescribed by any Director of a Division of the Office of Defense Transportation concerning facilities under his jurisdiction.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9406, 8 F.R. 16955; Regulations prescribed by Chairman of the War Production Board, 8 F.R. 16964)

Issued at Washington, D. C., this 8th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–448; Filed, January 8, 1944; 10:35 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

NEVADA

MODIFICATION OF GRAZING DISTRICT

Correction

In F.R. Doc. 44–399, appearing on page 349 of the issue for Saturday, January 8, 1944, the land description for section 31 of T. 16 N., R. 21 E. should read:

Sec. 31, E½E½NE¼, and SE¼;

DEPARTMENT OF LABOR.

Division of Public Contracts.

CERTAIN CANNED AND DEHYDRATED FRUITS AND VEGETABLES

EXTENSION OF CONTRACTS

In the matter of an exception from the provisions of the Walsh-Healey Public Contracts Act of contracts for certain canned and dehydrated fruits and vegetables.

Whereas the Secretary of War on December 28, 1943, made written findings that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) in contracts awarded during the period from January 1, 1944, to the termination of the present war and three months thereafter for the canned and dehydrated fruits and vegetables enumerated in my orders of December 22, 1942 (7 F.R. 10794) and October 16, 1943 (8 F.R. 14353), will seriously impair the conduct of Government business; and

Whereas the Secretary of War has requested that an exception be granted under section 6 of the act to permit the award of contracts during that period for such canned and dehydrated fruits and vegetables without the inclusion of the representations and stipulations of section 1 of the act; and

Whereas exceptions have been granted heretofore to permit the award of contracts for such canned and dehydrated fruits and vegetables until December 31, 1943, without including the representations and stipulations of the Public Contracts Act; and

Whereas it appears, on the basis of the facts stated in the findings of the Secretary of War, that justice and public interest will be served by extending the exception orders until December 31, 1944, unless otherwise ordered;

Now, therefore, I do hereby extend the exception orders dated December 22, 1942, and October 16, 1943, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35), until December 31, 1944, unless otherwise ordered.

Dated: December 31, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44–444; Filed, January 7, 1944; 5:13 p. m.]

Wage and Hour Division.

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

RECOMMENDATION OF INDUSTRY COMMITTEE FOR MINIMUM WAGE RATE

Notice of oral argument before the Administrator in the matter of the recommendation of Industry Committee No. 62 for a minimum wage rate in the fruit and vegetable packing and farm products assembling industry.

Whereas a hearing was held on August 26 and December 2, 1943, before Donald M. Murtha as presiding officer, at which all interested persons were given on opportunity to be heard and to offer evidence on the following question:

Whether the recommendation of Industry Committee No. 62 for a minimum wage rate in the Fruit and Vegetable Packing and Farm Products Assembling Industry should be approved or disapproved;

and

Whereas, the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will hear oral argument on the record of said hearing on January 26, 1944, at 10:00 a. m. at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing, provided that on or before January 24, 1944 such person informs the Wage and Hour Division of his intention to offer oral argument and the amount of time he will require for his presentation.

Signed at New York, New York, this 5th day of January 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44–442; Filed, January 7, 1944; 5:13 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Abbeville Shirt Company, Inc., Abbeville, South Carolina; military and civilian shirts; 10 percent (T); effective December 29, 1943, expiring December 28, 1944.

J. H. Bonck Company, 1100 S. Jefferson Davis Parkway, New Orleans, Louisiana; dress, work shirts and pants; 10 percent (T); effective December 29, 1943, expiring December 28, 1944.

The Forwood Company, Taylor, Texas; cotton work clothing; 60 learners (E); effective December 28, 1943, expiring June 27, 1944.

Frances Gee Garment Company, Richmond, Missouri; nurses' uniforms, utility house dresses; 10 learners (T); effective January 3, 1944, expiring January 2, 1945.

Jay Dress Company, 701 17th Avenue, Belmar, New Jersey; children's cotton dresses; 6 learners (T); effective January 5, 1944, expiring January 4, 1945.

Mauch Chunk Apparel Company, 268 West Broadway, Mauch Chunk, Pennsylvania; ladies' housecoats and dresses; 10 learners (T); effective January 2, 1944, expiring January 1, 1945.

Princeton Dress Manufacturing Company, Inc., Wertsville Road, Hopewell, New Jersey; ladies' dresses; 4 learners (T); effective December 29, 1943, expiring December 28, 1944.

Ripley Manufacturing Company, Ripley, Mississippi; cotton shirts; 50 learners (E); effective December 31, 1943, expiring June 30, 1944.

Triangle Raincoat Company, 461 E. Federal Street, Youngstown, Ohio; cotton gabardine and worsted raincoats; 10 percent (T); effective January 1, 1944, expiring December 31, 1944.

GLOVE INDUSTRY

Jasper Glove Company, Inc., 611 Main Street, Jasper, Indiana; leather palm and cotton combination work gloves; 5 percent as machine stitchers, hand and machine stitchers, finger knitters and finger stitchers (T); effective January 13, 1944, expiring January 12, 1945.

Wells Lamont Corporation, Louisiana, Missouri; cotton and leather palm work gloves; 5 percent (T); effective January 12, 1944, expiring January 11, 1945.

HOSIERY INDUSTRY

James Knitting Mills, Hickory, North Carolina; seamless hosiery; 10 learners (AT); effective December 29, 1943, expiring December 28, 1944.

McPar Hosiery Mills, Inc., 110 West Henderson Street, Marion, North Carolina; men's seamless hosiery; 5 percent (T); effective January 12, 1944, expiring January 11, 1945.

Rollins Hosiery Mills, Inc., E. 26th Street and Dean Avenue, Des Moines, Iowa; full-fashioned hosiery; 5 percent (T); effective January 1, 1944, expiring December 31, 1944.

TELEPHONE INDUSTRY

Montezuma Mutual Telephone Company, Montezuma, Iowa; to employ learners as commercial switchboard operators at its Montezuma exchange, located at Montezuma, Iowa; effective January 1, 1944, expiring December 31, 1944.

San Marcos Telephone Company, San Marcos, Texas; to employ learners as commercial switchboard operators at its San Marcos exchange, located at San Marcos, Texas; effective December 30, 1943, expiring December 29, 1944.

KNITTED WEAR INDUSTRY

Malone Knitting Company, Wolfeboro, New Hampshire; infants' knitted underwear; 15 learners (E); effective December 29, 1943, expiring June 28, 1944.

TEXTILE INDUSTRY

Beacon Manufacturing Company, Swannanoa, North Carolina; blankets, papped goods; 3 percent (T); effective January 3, 1944, expiring January 2, 1945.

Carolina Mills, Inc., Maiden, North Carolina; carded cotton yarn; 3 percent (T); effective December 29, 1943, expiring December 28, 1944.

Luray Textile Corporation, Hawksbill Street, Luray, Virginia; rayon yarn, nylon, "commission throwing"; 3 percent (T); effective January 5, 1944, expiring January 4, 1945.

New City Mills Company, Inc., 235 East 2nd Street, Newton, North Carolina; cotton textiles; 3 percent (T); effective January 2, 1944, expiring January 1, 1945.

Signed at New York, N. Y., this 1st day of January 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-443; Filed, January 7, 1944; 8:14 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 503 etc.]

BRANIFF AIRWAYS, INC., ET AL.

NOTICE OF HEARING

In the matter of the application of Braniff Airways, Inc., for amendment of its existing certificate of public convenience and necessity to extend route No. 15 from Oklahoma City, Okla., to Atlanta, Ga., via intermediate points.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned for February 1, 1944, 10 a. m. (eastern war time) in Conference Room A, Departmental Auditorium, Constitution Ave. between 14th St. and 12th St. NW., before Examiner Berdon M. Bell.

Dated Washington, D. C., January 6, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-481; Filed, January 10, 1944; 9:58 a. m.]

[Docket No. 930]

ALASKA AIRLINES, INC. AND CORDOVA AIR SERVICE, INC.

NOTICE OF HEARING

Application for approval under sections 408 (b) and 401 (i) of the Civil Aeronautics Act of 1938, as amended, of the purchase by Alaska Airlines, Inc., of the property and business of Cordova Air Service, Inc., and the transfer of the certificate of public convenience and necessity held by Cordova Air Service, Inc., to Alaska Airlines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on January 20, 1944, at 9:30 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before Examiner Lawrence J. Kosters.

Dated Washington, D. C., January 8, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-533; Filed, January 10, 1944; 11:32 a. m.]

[Docket No. 779]

PAN AMERICAN-GRACE AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the alteration, amendment, and modification of the certificate of public convenience and necessity of Pan American-Grace Airways, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, to provide for a route terminal in the United States.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, in the above-entitled proceeding, that oral argument on the motion of Pan American Airways Corporation to dismiss the proceeding for want of jurisdiction is assigned to be held on January 31, 1944, at 10:00 a. m. (Eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated Washington, D. C., January 10, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-534; Filed, January 10, 1944; 11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-518]

KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

JANUARY 7, 1944.

Notice is hereby given that on January 1, 1944, Kentucky Natural Gas Corporation (hereinafter referred to as "Applicant") filed with the Federal Power Commission an application seeking authority under section 7 (b) of the Natural Gas Act to abandon its service of natural gas to the Village of Flat Rock, Illinois.

The applicant states that it has been serving natural gas to the Village of Flat Rock pursuant to the terms of a contract dated July 25, 1942, and that, because of the failure of the Village to make payment for gas delivered in accordance with such contract, it desires to terminate service to, and its contract with, the Village. The applicant further states that, to its knowledge, there is no other wholesale natural-gas supplier from which the Village can obtain similar service.

Any person desiring to be heard or to make any protest with reference to this application should, on or before January 26, 1944, file with the Federal Power Commission a petition or protest in accordance with the rules of practice and regulations of the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-445; Filed, January 8, 1944; 10:18 a. m.]

[Docket No. G-519]

HOME GAS COMPANY

NOTICE OF APPLICATION

JANUARY 4, 1944.

Notice is hereby given that on January 1, 1944, the Home Gas Company (hereinafter referred to as "Applicant"), a New York Corporation with its principal place of business located at 267 Court Street, Binghamton, New York, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(a) Applicant proposes to acquire from Producers Gas Company of Olean, New York, approximately 10.05 miles of 6-inch pipe line and to recondition 9.2 miles thereof. This line extends in an easterly direction from Olean, New York, parallel to Applicant's existing pipe line.

(b) Applicant proposes to lease from Empire Gas and Fuel Company, Limited, of Wellsville, New York, and to operate, 21⅞ miles of 6-inch pipe line, which line is an extension of the same line that Applicant intends to purchase from Producers Gas Company.

(c) Applicant proposes to construct several cross-over connections between the pipe line proposed to be acquired, referred to in (a) above, and the pipe line proposed to be leased, referred to in (b) above, with the present pipe line of Applicant, and in connection therewith to construct five orifice meter stations and one positive meter station.

(d) Applicant proposes to install at its Wellsville, New York, compressing station, one 160 H. P. twin Cooper-Bessemer compressor and in connection therewith to install two new compressor cylinders.

As a result of the foregoing proposed construction, acquisition and operation, Applicant states that it will be enabled to transport an additional 10,000 Mcf of natural gas per day through its facilities, 5,000 Mcf thereof to Penn-York Natural Gas Corporation, 4,000 Mcf thereof to Penn-York Natural Gas Corporation for the account of North Penn Gas Company, and 1,000 Mcf thereof to Producers Gas Company.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 20th day of January 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-446; Filed, January 8, 1944; 10:18 a. m.]

[Docket No. G-510]

THE MANUFACTURERS LIGHT AND HEAT CO., ET AL.

NOTICE OF AMENDED APPLICATION

JANUARY 5, 1944.

In the matter of the Manufacturers Light and Heat Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company.

Notice is hereby given that on January 1, 1944, The Manufacturers Light and Heat Company (hereinafter referred to as "Light and Heat"), Manufacturers Gas Company (hereinafter referred to as "Manufacturers") and Pennsylvania Fuel Supply Company (hereinafter referred to as "Pennsylvania"), Pennsylvania corporations having their principal place of business at 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed with the Federal Power Commission a joint application, amendatory insofar as Light and Heat Manufacturers is concerned, for certificates of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(a) Light and Heat proposes to dismantle and remove two 1,100 H. P. compressors from its Hundred, West Virginia, compressor station, two 1,100 H. P. compressors from its Sedalia, West Virginia, compressing station, and one 825 H. P. compressor from its Rosbys Rock compressing station, and to install those units, together with one 1,000 H. P. unit proposed to be purchased from its affiliate United Fuel Gas Company, at its proposed Hughes River site, Murphy District, Ritchie County, West Virginia, together with other facilities necessary to construct a 6,200 H. P. compressing station complete with auxiliaries, cooling equipment, dehydration plant, piping, buildings and appurtenances.

(b) Light and Heat proposes to install an additional 1,300 H. P. unit at its Ellwood City compressing station, Pennsylvania, and to enlarge its existing dehydration plant at that location.

(c) Light and Heat proposes to construct 21.5 miles of 10-inch pipe line beginning at a point approximately 20 miles easterly of the Ellwood City compressing station and extending to the Rimersburg compressing station, Clarion County, Pennsylvania.

(d) Pennsylvania proposes to construct 12.2 miles of 10-inch pipe line beginning at the Rimersburg compressing station and extending to Truittsburg, Clarion County, Pennsylvania.

(e) Manufacturers proposes to construct 15.3 miles of 10-inch pipe line beginning at Truittsburg, Clarion County, Pennsylvania, and extending to the Iowa compressing station, Pine Creek Township, Pennsylvania. From the latter point, Manufacturers proposes to construct 30 miles of 8-inch line extending in a northerly direction to a point near McKinley compressing station, Elk County, Pennsylvania.

(f) Manufacturers proposes to install an additional 1,600 H. P. unit at its Iowa compressing station and enlarge the existing hydrocarbon control plant at that location.

As a result of the foregoing construction, applicants state that they will be enabled to receive from United Fuel Gas Company 20,000 Mcf of additional gas daily and transport same through their present and proposed facilities for resale in northern Pennsylvania and western New York.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 20th day of January, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-450; Filed, January 8, 1944; 11:18 a. m.]

[Docket No. G-517]

LOUISVILLE GAS AND ELECTRIC COMPANY

NOTICE OF APPLICATION

JANUARY 7, 1944.

Notice is hereby given that on December 30, 1943, Louisville Gas and Electric Company, a Kentucky corporation having its principal office at Louisville, Kentucky, filed with the Federal Power Commission its application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, requesting authorization to sell and deliver natural gas for resale to the Indiana Utilities Corporation at the Kentucky-Indiana state line.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 25, 1944, file with the Federal Power Commission a petition or protest in accordance with the Rules of Practice and Regulations of the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-487; Filed, January 10, 1944; 9:58 a. m.]

[Project No. 432]

CAROLINA POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

JANUARY 8, 1944.

It appearing to the Commission that:

(a) On November 16, 1943, the Commission entered an order for hearing in the above-entitled matter to commence January 12, 1944;

(b) On December 22, 1943, a prehearing conference was held pursuant to the applicable provisions of the rules of practice and regulations;

(c) On January 5, 1944, a stipulation following the prehearing conference was filed, signed by Counsel for the Licensee and by Counsel for the Commission and this matter is now under consideration;

The Commission finds that good cause exists for the postponement of said hearing; and

The Commission orders that the hearing heretofore set for January 12, 1944, in the above-entitled matter, be and the same hereby is postponed subject to the further order of the Commission.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-542; Filed, January 10, 1944; 12:01 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[RPS 16, Order 3]

HAWAIIAN RAW SUGAR PRODUCERS AND J. D. AND A. B. SPRECKELS CO.

ORDER AUTHORIZING ADJUSTABLE PRICING

Order No. 3 under § 1334.16 of Revised Price Schedule No. 16. Raw cane sugar.

An application requesting a change in the applicable maximum prices for raw cane sugars as provided in Revised Price Schedule No. 16, is now pending, which will require extended consideration. The request in particular involved proposed contracts between certain Hawaiian raw sugar producers and J. D. and A. B. Spreckels Company, doing business as to one of its departments under the name and style of Western Sugar Refinery. Contracts between these parties for the year 1943 were approved by the Administrator. The contracts now offered for approval are dated to become effective January 1, 1944. The production and distribution of raw cane sugar covered by proposed contracts is essential to the war effort and domestic economy.

The Administrator has found that authority to use adjustable pricing pending final action on the request for increase in the maximum prices of raw cane sugar applicable to United States Pacific Coast ports is necessary to promote the production and distribution of this essential product. It is further found that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. Therefore, in accordance with § 1334.16 of Revised Price Schedule No. 16, *It is ordered*, That:

(a) Producers of raw cane sugar for delivery at United States Pacific Coast ports may sell and deliver, and purchasers may buy and receive raw cane sugar at said ports at prices to be adjusted upward after delivery to amounts not to exceed the maximum price determined at the time of final action by the Administrator upon the application of producers and refiners, such action to be taken by final disposition of the application, or amendment to the provision of Revised Price Schedule No. 16 applying to maximum prices at United States Pacific Coast ports. Prior to such final action, no payment for raw cane sugars shall be made or received in excess of the maximum prices prevailing at the time of delivery.

(b) This order shall automatically be revoked upon the change by the Office of Price Administration of maximum prices for producers of raw cane sugar sold at United States Pacific Coast ports, or upon denial of the application of producers and J. D. and A. B. Spreckels Company dated November 16, 1943. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 1, 1944.

Issued this 7th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-441; Filed, January 7, 1944; 4:49 p. m.]

[RPS 60, Order 11]

AMERICAN SUGAR REFINING CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 11 under § 1334.51 (a) (6) (i) of Revised Price Schedule No. 60. Direct consumption sugar.

For the reasons set forth in an opinion issued simultaneously herewith it is ordered:

(a) *Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar.* (1) The American Sugar Refining Company and other primary distributors of direct consumption sugar are hereby authorized to determine their maximum price for granulated sugar packed 35 pounds net in 5 gallon square tin cans by adding a differential of 90 cents per 100 pounds net to the maximum basis price.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-460; Filed, January 8, 1944; 12:09 p. m.]

[Rev. General Order 51]

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

General Order No. 51 [1] is revised and amended to read as follows:

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, it is hereby ordered:

(a) *Authority to fix community dollars-and-cents ceiling prices for food items.*—(1) *Sales at retail.* Any Regional Office of the Office of Price Administration, and such other offices as may be authorized by the appropriate Regional Office, may, by order, fix community dollars-and-cents ceiling prices or other dollars-and-cents ceiling prices for sales at retail of any food item by all sellers (including "retail route sellers", "health food stores", and farmers) in any area or locality within its jurisdiction. No person may sell or offer to sell any such food item at prices higher than the dollars-and-cents ceiling prices fixed by any order issued hereunder.

(2) *Other sales.* Any Regional Office of the Office of Price Administration and such other offices as may be authorized by the appropriate Regional Office, may, by order fix dollars-and-cents ceiling prices for sales, other than at retail, in any area or locality within its jurisdiction of any food item.

(3) *Areas included in more than one district.* If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one district office of the Office of Price Administration, the district office for the district in which the majority of the sellers to be covered by the order is located shall have authority to issue an order fixing community dollars-and-cents ceiling prices for all sellers in the marketing area.

(4) *Request for community dollars-and-cents ceiling price.* If an order fixes a community dollars-and-cents ceiling price for any brand of a food item, the appropriate office may fix a community dollars-and-cents ceiling price for any other brand of the same food, on written request of any seller of that brand in the area covered by the order and on a showing of a reasonable volume of sales of that brand in such area.

(b) *Posting.*—(1) *Selling prices.* Every person selling food items at retail must post his selling price for each food item for which a community dollars-and-cents ceiling price is fixed by any order issued hereunder. The selling price must be posted either on the item or at or near the place where the item is offered for sale.

(2) *Ceiling prices.* Every person selling food items at retail must also post, in a conspicuous place in the store or place of sale, a list of the community dollars-and-cents ceiling prices fixed hereunder for such food items, when that list is supplied by the Office of Price Administration. If the dollars-and-cents ceiling prices established hereunder do not replace the ceiling prices of a seller, he must continue to post his ceiling prices as required by any other applicable regulation.

(3) *Group of store.* Every person selling food items at retail must post the group his store or selling establishment is in. The group must be determined in accordance with Maximum Price Regulations Nos. 422 [2] and 423,[3] or the applicable maximum price regulation covering the sale at retail of the food item for which orders are issued hereunder, or in accordance with this Order or orders issued hereunder. The group must be posted on a sign clearly visible to purchasers, reading "OPA-1", "OPA-2", "OPA-3", or "OPA-4", whichever applies, or on a sign which may be furnished by the Office of Price Administration.

(c) *Additions allowed for deliveries.*—(1) *Deliveries.* Orders issued hereunder shall set forth the schedule of delivery charges authorized for sellers under the applicable maximum price regulations. These charges shall continue to be applicable only to sellers covered by those regulations.

(2) *Mail-order sales.* Any person making mail-order sales of any food item for which community dollars-and-cents ceiling prices are established, may add to that ceiling price the actual express charge or postage to the purchaser's address.

(d) *Taxes.* Any tax upon or incident to the sale of any food item covered by any order issued hereunder, which the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting separately from the selling price, may be collected by the seller in addition to his selling price, if he states the tax separately.

(e) *Indirect price increases.* No person shall evade any of the provisions of any order issued hereunder by any stratagem, scheme or device. He must not, as a condition of selling any food, require a customer to buy anything else.

(f) *Sales slips and receipts.* Every person selling food items at retail must, if he has customarily given a sales slip, receipt or similar evidence of purchase, continue to do so. Furthermore, regardless of custom, every person must give any customer who asks for it a receipt showing the date of the sale, the name and address of the seller, the customer's name, each food item sold, and the price charged for the item.

(g) *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this order or any order issued hereunder. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(h) *Prohibitions.* On and after the effective date of any order issued hereunder, any person who sells or offers to sell at a price higher than the ceiling price fixed by such order, or who otherwise violates any provisions of this order or any order issued hereunder shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also any person who in the course of trade or business buys at a price higher than the ceiling price fixed by any order issued hereunder, is subject to the criminal penalties and civil enforcement actions provided for by that act.

(i) *Force and effect of orders.* Any order issued or action taken in accordance with this order shall have the same force and effect as if issued or taken by the Price Administrator.

(j) *Authority of local War Price and Rationing Boards.* Each Regional Administrator or each District Director as may be authorized, may instruct any or all of the War Price and Rationing Boards in the region or district within his jurisdiction to receive complaints from the public, investigate prices charged by sellers covered by any order issued hereunder, hold hearings either on complaint or on its own motion, and make appropriate recommendations to its District Office.

(k) *Adjustment of prices.* Any Regional Office of the Office of Price Administration and any District Office as has been or may be authorized by order issued by the appropriate regional office to fix community dollars-and-cents ceiling prices hereunder, is hereby authorized to adjust for Group 3 or Group 4 stores in its community, that buy from wholesalers, the dollars-and-cents ceiling prices fixed by it for such groups of stores.

(l) *Geographical applicability.* This order shall apply to the United States including the District of Columbia, but not to its territories and possessions.

(m) *Definitions.* (1) "Group of store" shall be determined in accordance with Maximum Price Regulation Nos. 422 and 423, or the applicable maximum price regulation covering the sale at retail of the food item for which orders are issued hereunder, or in accordance with this order or orders issued hereunder.

(2) *"Group 1 store".* A store is in Group 1 if it is an "independent" store with annual gross sales of less than $50,000. A store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined annual gross sales are $500,000 or more.

(3) *"Group 2 retail stores".* A store is in Group 2 if it is an "independent" store with annual gross sales of $50,000 or more, but less than $250,000.

(4) *"Group 3 retail stores".* A store is in Group 3 if its annual gross sales are less than $250,000, and if it is not an "independent" store.

(5) *"Group 4 retail stores".* A store is in Group 4 if its annual gross sales are $250,000 or more.

(6) *"Health food stores".* A "health food store" is one whose sales to consumers consist principally of especially prepared vitamin-enriched foods customarily included in the trade term "health foods" which are usually sold for special dietary purposes.

(7) *"Retail route seller".* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(8) "Sale at retail" means a sale to an ultimate consumer other than to a commercial, industrial or institutional user.

(9) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, as amended, shall apply to the other terms used herein.

This Revised General Order No. 51 shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-479; Filed, January 8, 1944; 4:58 p. m.]

[1] 8 F.R. 6008, 6071, 8690, 9434.

[2] 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607.

[3] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031.

[4] 8 F.R. 13240.

[RMPR 122, Rev. Order 47 Amdt. 2]

SOLID FUELS IN WASHINGTON AREA AND ALEXANDRIA, VA.

ADJUSTMENT OF AUTHORIZED PRICES

Amendment No. 2 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122. Solid fuel sold and delivered by dealers.

For the reasons set forth in the opinion issued herewith and in accordance with § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 under Revised Regulation No. 122 be amended in the following respects:

1. New paragraph (f1) is added to read as follows:

(f1) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas and for "direct delivery" and "yard sales" may be increased for sales of "Colonial" anthracite by no more than 65 cents per ton in the egg, stove, nut, pea and buckwheat sizes; and by 55 cents for the rice size, if:

(1) The dealer keeps Colonial anthracite separate in storage and delivery, from any other kind of solid fuel; and

(2) The dealer keeps complete and accurate records of his purchases of Colonial anthracite for such time as this paragraph (fa) (2) is in effect. The records shall show: the date he receives the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent him by the producer.

(3) The "Colonial" anthracite is produced by Colonial Colliery Corporation at its mine at Natalie, Northumberland County, Pennsylvania and is sold as "Colonial" anthracite by the dealer.

2. In paragraph (1), the first and second sentences are amended to read as follows:

If you are a dealer subject to this order, you are governed by the licensing provisions of Supplementary Order No. 72, issued by the Office of Price Administration. This provides, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established.

3. Paragraph (m) is amended to read as follows:

(m) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date, the name and address of the buyer, if known, the price charged and the kind and size of fuel sold. The fuel shall be identified in the manner in which the fuel is described in this order. The record shall also state separately each service rendered and the charge made for it.

This Amendment No. 2 to Revised Order No. 47 under Maximum Price Regulation No. 122 shall be come effective January 10, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-480; Filed, January 8, 1944; 4:59 p. m.]

Regional and District Office Orders.

[Region I Order G-3 Under RMPR 122]

BAGGED ANTHRACITE COAL IN METROPOLITAN BOSTON AREA

Revised Order No. G-3 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-3 under Revised Maximum Price Regulation No. 122 is revised and amended and is hereby issued as Revised Order No. G-3, to read as follows:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, and 1340.265 of Revised Maximum Price Regulation No. 122 for all Pennsylvania Anthracite coal in 25 pound paper bags sold and delivered in the Metropolitan Boston Area are modified, so that the maximum prices thereof shall be the prices (in cents per bag) hereinafter set forth. The prices for deliveries to retail stores and to consumers from trucks shall apply whenever the fuel is delivered within the Metropolitan Boston Area, regardless of the location of the seller's place of business. The prices for sales at dealer's yard, at auxiliary stations operated by dealers and at retail stores shall apply to sales at all such places which are located in the Metropolitan Boston area. Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Revised Order G-3, except that the prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122. Specifically, the prohibitions contained in § 1340.252 apply except to the extent that this Revised Order G-3 provides uniform terms of sale, and so forth.

(b) *Maximum prices.* All prices are expressed in cents per 25 pound paper bag.

(1) *Price Schedule I; unmixed coal.*

	Chestnut	Stove	Pea
Sales to dealers (including retail stores), f. o. b. buyer's trucks at dealer's yard	20.5	20.5	18.5
Sales to ultimate consumers at dealer's yard	22.5	22.5	20.5
Sales to dealers (including retail stores), f. o. b. buyer's trucks at a dealer's auxiliary station	22	22	20
Sales to ultimate consumers at a dealer's auxiliary station	24.5	24.5	22.5
Delivered to retail stores	23	23	21
Sales to ultimate consumers from dealer's truck, delivered	26.5	26.5	24.5
Sales at retail stores:			
Chain stores	26.5	26.5	24.5
Independent outlet	27.5	27.5	25.5

(2) *Price Schedule II; mixtures.* (50% of each by weight).

	Chestnut and stove	Chestnut and pea	Stove and pea
Sales to dealers (including retail stores), f. o. b. buyer's trucks at dealer's yard	20.5	19.5	19.5
Sales to ultimate consumers at dealer's yard	22.5	21.5	21.5
Sales to dealers (including retail stores), f. o. b. buyer's trucks at a dealer's auxiliary station	22	21	21
Sales to ultimate consumers at a dealer's auxiliary station	24.5	23.5	23.5
Delivered to retail stores	23	22	22
Sales to ultimate consumers from dealer's truck, delivered	26.5	25.5	25.5
Sales at retail stores:			
Chain stores	26.5	25.5	25.5
Independent outlet	27.5	26.5	26.5

(c) *Fractions of a cent.* (1) In the case of sales to dealers and stores, f. o. b. buyer's trucks, at dealer's yard or auxiliary station, and sales delivered to retail stores, the total amount charged shall be adjusted to the next lower cent if an odd number of units is sold.

(2) In all other sales, including the sale of a single unit, the total amount charged may be adjusted to the next higher cent if an odd number of units is sold: *Provided, however,* That the seller shall allow the purchaser to buy an even number of units to the extent that the available supply is adequate.

(d) *Terms of sale.* Terms of sale may be net cash, but no additional charge may be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(e) *Definitions.* When used in this Revised Order G-3, the term: (1) "Metropolitan Boston Area" means the following cities and towns in the Commonwealth of Massachusetts: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Dover, Everett, Hingham, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop, and Woburn.

(2) "Pennsylvania Anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(3) "Dealer" means any person selling Pennsylvania Anthracite except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of a mine, or ground storage facility. The term includes retail stores except when the context indicates that retail stores are accorded separate treatment. For example, the term "dealer's yard" does not include a retail store but refers to the facilities of a dealer who is equipped to receive coal in bulk by rail or water.

(4) "A dealer's auxiliary station" means any distribution facilities operated by a dealer at a point separate and apart from the dealer's yard, without rail connections and not in the immediate vicinity of the dealer's yard. The term shall also include any retail store operated by a dealer, or controlled by or under common control with a dealer.

(5) "Chestnut", "stove" and "pea" sizes of Pennsylvania Anthracite refer to the legal standard sizes for anthracite offered for sale in the Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Division of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926).

(6) "Chain store" means a retail outlet which is a unit of four or more retail outlets under one ownership.

(7) "Independent outlet" means a retail outlet which is not a unit of four or more retail outlets under one ownership.

(8) "Truck" shall include a wagon or other vehicle used for the carriage and distribution of the bagged coal which is the subject of this order.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(f) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by purchasers, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck, the posting shall be on the truck.

(2) Every dealer selling to dealers and retail stores shall give to each such purchaser an invoice or similar document showing the date of the sale or delivery, the name and address of the seller and of the buyer, the kind (using the designations in this order) and number of bags sold, and the price charged per bag and in the aggregate.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the seller, the kind and quantity of coal sold to him or the price charged, the seller shall comply with the buyer's request as made by him.

(g) *Information requirements.* Each dealer shall furnish a copy of this Revised Order G-3 to each buyer, except ultimate consumers, at the time of the first sale to such buyer of 25 pound bags of Pennsylvania Anthracite on or after the effective date hereof, and shall similarly furnish to such buyers copies of any future amendments of this order.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Records.* Every person making a sale for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer (if known), the price charged and the coal sold. The coal shall be identified in the manner in which it is described in this order.

(j) *Mixtures.* Mixtures other than those listed in Price Schedule II (paragraph (b) (2)) shall not be sold in the Metropolitan Boston Area by any seller until he has secured an approved maximum price from the Regional Administrator.

(k) *State statutes and regulations.* Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the Commonwealth of Massachusetts concerning the sale of coal in paper bags. All bags shall be clearly labeled with information as to the contents thereof in accordance with said statutes and any rules and regulations of the Division on the Necessaries of Life of the Department of Labor and Industries of the Commonwealth of Massachusetts.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

This Revised Order No. G-3 shall become effective January 4, 1944.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-403; Filed, January 7, 1944; 12:12 p. m.]

[Region I Order G-3 Under MPR 376, Amdt. 1]

CARROTS IN NEW ENGLAND

Amendment No. 1 to Order No. G-3 Under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, *It is hereby ordered,* That the second paragraph of the footnote in paragraph (h) be amended to read as set forth below:

"Freight" means the actual cost, but not in excess of the lowest available rate, or pre-cooling, initial icing, and refrigeration services, of freight by common or contract carrier, and of unloading of cars at the carlot receiving point, except that in the case of carrots originating in California, Texas, Arizona, Colorado, New Mexico, Arkansas, Kansas, Louisiana, Missouri, or Oklahoma "freight" means $1.80 per L. A. crate of at least six dozen bunches.

This amendment shall be effective December 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 27, 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-406; Filed, January 7, 1944; 12:13 p. m.]

[Region I Order G-6 Under RMPR 122, Amdt. 3]

BITUMINOUS COAL IN HARTFORD, CONNECTICUT AREA

Amendment No. 3 to Order No. G-6 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-6 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The following proviso is added to subparagraph (1) of paragraph (d):

Provided, however, That this Order G-6 shall not apply to coals produced by the Walker Coal Mining Company at its Big Sewell #2 Mine (Mine Index #1272).

2. Subparagraph (2) of paragraph (d) is revoked.

This Amendment No. 3 to Order No. G-6 shall become effective December 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December, 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 44-404; Filed, January 7, 1944; 12:12 p. m.]

[Region I Order G-23 Under 18 (c), Amdt. 1]

CHARCOAL IN CERTAIN NEW ENGLAND AREAS

Amendment No. 1 to Order No. G-23 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Order No. G-23 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended in the following respects:

(1) The words "industrial and commercial" in preliminary paragraph of paragraph (a) are deleted.

(2) The words "industrial or commercial" in the first line of subparagraph (1) of paragraph (c) are deleted and the word "an" which immediately preceded those words is amended to read "a".

(3) The words "industrial or commercial" are deleted in subparagraph (1) of paragraph (c) at the second point where those words appear in said subparagraph.

(4) The words "industrial or commercial" are deleted from subparagraphs (2) and (3) of paragraph (c) at all four points where those words appear in said subparagraphs.

(5) Paragraph (d) is revoked.

This Amendment No. 1 to Order No. G-23 shall become effective December 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 44-405; Filed, January 7, 1944; 12:12 p. m.]

[Region I Order G-32 Under 18 (c)]

FIREWOOD IN CONNECTICUT

Order No. G-32 under section 18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, it is hereby ordered:

(a) *Maximum prices for firewood.* Regardless of any contract, agreement or other obligation, no person shall sell or deliver in the State of Connecticut and no person shall buy or receive in the course of trade or business in the State of Connecticut any firewood at prices higher than the maximum prices set forth in Appendix A. Lower prices than the maximum prices established by this order may be charged and paid.

(b) *Evasion.* (1) The price limitations set forth in this order shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to firewood in the State of Connecticut, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(2) Without in any way limiting the generality of the foregoing, the following practices are forbidden:

(i) The sale, delivery, purchase or acceptance of firewood in units other than a cord, halfcord, quartercord, or any multiples thereof, or

(ii) Requiring as a condition of any sale or delivery of firewood that the buyer use the services of the seller in stacking the purchased firewood on the premises of the buyer.

(3) The maximum prices established in this order shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

(4) The seller shall furnish to the purchaser at the time of the delivery of firewood a receipt signed by the seller setting forth:

(i) The kind, size, price and number of cords of firewood sold.

(ii) A statement that each cord contains 128 cubic feet of compactly piled wood. If, however, such firewood is in cut lengths of 12", 16", or 24", the statement shall set forth that each such cord contains the quantity of wood sawed from 128 cubic feet of compactly piled wood. Where fractional parts of a cord are sold, the fractional contents shall be similarly described, computed and stated.

(c) *Definitions.* (1) When used in this order the term

(i) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any government, or any of its political subdivisions, or any agency of any of the foregoing.

(ii) A "cord" shall mean (1) a standard cord of 128 cubic feet of compactly piled firewood in 4 foot lengths, or (2) in the case of cut lengths, the amount of firewood cut from a standard cord of 4 foot wood. This order does not recognize the term "running cord" or any other similar term, except as such term may be used to describe a proportion of a cord of wood containing 128 cubic feet.

(iii) "Firewood" means any wood prepared and intended for consumption as fuel.

(iv) "Cordwood" means any firewood so prepared that at least 80% thereof consists of cleft wood or merchantable body wood in the round of desirable species.

(v) "Slab wood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs.

(vi) "Hardwood cordwood" and "hardwood slabwood" means cordwood and slabwood respectively cut from the following deciduous woods: oak, beech, black, yellow, and white birch, hard and soft maple, hickory, ash, cherry, elm and gum.

(vii) "Softwood cordwood" and "softwood slabwood" means cordwood and slabwood respectively cut from any trees other than those set forth in paragraph (c) (1) (vi) of this order.

(viii) "Mixed slabwood" means a mixture of hardwood slabwood and softwood slabwood containing not less than 50% of quantity of hardwood slabwood in the total quantity delivered on any individual sale of mixed slabwood.

(ix) "Delivered" means deposited on or at the premises designated by the buyer.

(2) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to the other terms used herein.

(d) *Appendix A; maximum prices for firewood.* (1) To the maximum prices set forth in this Appendix A, the seller may add a charge at a rate not to exceed $1.00 per cord for his services in neatly stacking firewood in the house or in any covered outbuilding of the buyer if the buyer requests such services.

(2) When used in this Appendix A, Zone 1 shall mean the following towns: Bridgeport, Darien, East Hartford, Fairfield, Greenwich, Hartford, Milford, New Britain, New Canaan, New Haven, Newington, Norwalk, Stamford, Stratford, Waterbury, West Hartford, West Haven, Westport, Wethersfield.

Zone 2 shall mean the following towns: Ansonia, Avon, Beacon Falls, Berlin, Bloomfield, Bristol, Cheshire, Cromwell, Danbury, Derby, East Haven, Easton, Farmington, Glastonbury, Groton, Hamden, Manchester, Meriden, Middletown, Naugatuck, New London, Newtown, North Haven, Norwich, Orange, Plainville, Portland, Putnam, Rocky Hill, Seymour, Shelton, Simsbury, Southington, Thompsonville, Torrington, Trumbull, Wallingford, Watertown, Weston, Wilton, Windham, Windsor, Windsor Locks, and Woodbridge.

Zone 3 shall mean all other towns in the State of Connecticut not included in Zone 1 or Zone 2.

HARDWOOD CORDWOOD

	At roadside lengths, 20"-4'6" per cord	Delivered into reseller's yard, 4' lengths per cord	At roadside cut lengths, 12"-30" per cord	At retail yard, cut lengths, 12"-30"			Delivered into yard of consumer, 20"-4'6"; cut lengths 12"-30" lengths			
				Per cord	Per ½ cord	Per ¼ cord	Per cord	Per cord	Per ½ cord	Per ¼ cord
Zone 1	$10.00	$14.00	$12.00	$17.00	$8.50	$4.50	$18.00	$20.00	$10.00	$5.50
Zone 2	10.00	12.50	12.00	15.00	7.50	4.00	15.00	17.00	8.50	4.75
Zone 3	10.00	11.50	12.00	13.50	6.75	3.50	12.50	14.50	7.25	4.10

SLABWOOD

	Hardwood slabwood				Softwood slabwood				Mixed slabwood			
	At mill all lengths per cord	Delivered into consumer's yard, cut lengths, 12"-30"			At mill all lengths per cord	Delivered into consumer's yard, cut lengths, 12"-30"			At mill all lengths per cord	Delivered into consumer's yard, cut lengths, 12"-30"		
		Per cord	Per ½ cord	Per ¼ cord		Per cord	Per ½ cord	Per ¼ cord		Per cord	Per ½ cord	Per ¼ cord
Zone 1	$4.50	$12.00	$6.00	$3.50	$2.50	$10.00	$5.00	$3.00	$3.50	$11.00	$5.50	$3.25
Zone 2	4.50	11.00	5.50	3.25	2.50	9.00	4.50	2.75	3.50	10.00	5.00	3.00
Zone 3	4.50	10.00	5.00	3.00	2.50	8.00	4.00	2.50	3.50	9.00	4.50	2.75

(e) On and after its effective date, this Order G-32 supersedes Connecticut State Price Order No. 1 (redesignated Order G-1 under Supplementary Regulation 14 to the GMPR) issued October 16, 1942, as to all sales and deliveries for which maximum prices are fixed by this order.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective December 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-406; Filed, January 7, 1944; 12:13 p. m.]

[Region II Rev. Order G-3 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN DESIGNATED NEW YORK BOROUGHS

Revised Order No. G-3 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

Pennsylvania anthracite delivered by dealers in the Boroughs of Manhattan, Bronx, Brooklyn and Queens, City of New York, State of New York.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 as amended, of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

(a) *Maximum prices established by this order.* The maximum prices of dealers for Pennsylvania anthracite, in the sizes and quantities set forth in Schedules I to IV hereof (contained in paragraphs (d) to (g), respectively), delivered to or at any point in the zones described in such Schedules, shall be the applicable zone maximum prices prescribed therein. The maximum delivered price shall be determined by reference to the appropriate schedule of this order covering the zone to which the delivery is made, whether the dealer is located in one of said four zones, or elsewhere. The maximum price for a "yard" sale, as herein defined, shall be determined by reference to the appropriate schedule covering the zone in which the purchaser takes physical possession or custody of the anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligation, no person shall

(1) Sell or, in the course of, trade or business, buy Pennsylvania anthracite, of the sizes and in the quantities set forth in the schedules herein, at prices higher than the applicable maximum prices specified in such schedules, though less than maximum prices may be charged, paid or offered;

(2) Obtain any price higher than the applicable maximum price by changing the discounts authorized herein; or charging a price for any service set forth in the schedules higher than the maximum price prescribed therein for such service; or charging for any service for which a charge is not specifically authorized by the applicable schedule; or increasing any interest rate on debts over that charged in December 1941; or using any other device by which a price higher than the applicable maximum price is obtained; or using any tying agreement or imposing any requirement that anything other than the fuel requested by the buyer be purchased by him.

(c) *Method of computing maximum prices.* The specific maximum prices for sales of Pennsylvania anthracite on a delivered basis, in the sizes and quantities set forth in Schedules I to IV hereof (contained in paragraphs (d) to (g), respectively), shall be computed by deducting from the applicable prices set forth in paragraph (1) (i) of each schedule, the amount of the discounts set forth in paragraph (1) (ii) of each schedule. The amount of such discounts shall be separately stated. There may be added, for certain services actually rendered by the dealer at the request of the purchaser, an amount not in excess of the amount specified in paragraph (1) (iii) of each schedule as the maximum authorized charge for such service, provided such amount is separately stated. The required discounts and the maximum authorized service charges are generally stated in terms of an amount per net ton, or per 100 lbs. In the case of deliveries of fractions of a net ton, or fractions of 100 lbs., respectively, the required discounts and the maximum authorized service charges shall be apportioned accordingly, to the nearest full cent. The specific maximum prices for "yard" sales shall be the applicable prices set forth in paragraph (2) of each schedule.

(d) *Schedule I, covering Manhattan and part of the Bronx.* Schedule I establishes specific maximum prices for certain sizes of Pennsylvania anthracite, in certain specific quantities, delivered to or at any point within Zone I. Zone I embraces the Borough of Manhattan and that part of the Borough of the Bronx which is west and south of the Bronx River.

(1) *Delivered sales*—(i) *Sales made on a "sidewalk delivery" basis.*

Size	Per net ton for sales of 5 tons or more	Per net ton for sales of less than 5 tons, but more than ½ ton	½ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs. for sales of less than 100 lbs.
Broken, egg, stove, nut	$13.75	$14.00	$7.25	$0.95	$0.10
Pea	12.05	12.30	6.40	.85	.09
Buckwheat	9.55	9.80	5.15		
Rice	8.50	8.85	4.70		
Barley	7.60	7.85	4.20		

(ii) *Required discounts.* The following discounts, per net ton, shall be deducted from the prices set forth in paragraph (1) (i) of this schedule for payment on or before the tenth day of the month immediately following the month during which delivery was made:

Sizes:	Required discounts (cents)
Broken, egg, stove, nut	15
Pea, buckwheat	10
Rice, barley	5

(iii) *Maximum authorized service charges.*

Special service rendered:	Maximum authorized charge (cents per net ton)
Single trim	30
Double trim	45
Regular labor	60

(Where it is necessary to move the coal by regular labor from the truck to the chute or window, and, then, as a separate operation, from the cellar floor to the bin, two, but no more than two, regular labor charges may be made.)

Carry labor:	Cents per 100 lbs.
No more than 2 steps up or down	20
For each additional 2 steps up or down	5
Carrying upstairs, in deliveries of 100 lbs. or more but not more than one ton, for each full flight of stairs above the ground floor (where a charge is made for carrying upstairs, no charge may be made for carry labor)	10

(2) *"Yard" sales.*

Size	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs., for sales of less than 100 lbs.
Broken, egg, stove, nut	$11.75	$0.85	$0.09
Pea	9.95	.75	.08
Buckwheat	7.90		
Rice	6.95		
Barley	6.90		

(e) *Schedule II, covering that part of the Bronx not included in Schedule I.* Schedule II establishes specific maximum prices for certain sizes of Pennsylvania anthracite, in certain specific quantities, delivered to or at any point within Zone II. Zone II embraces that part of the Borough of the Bronx not included in Zone I, and which is north and east of the Bronx River.

(1) *Delivered sales*—(i) *Sales made on a "sidewalk delivery" basis.*

Size	Per net ton, for sales of 5 tons or more	Per net ton for sales of 3 tons or more, but less than 5 tons	Per net ton for sale of more than ½ ton, but less than 3 tons	½ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs. for sales of less than 100 lbs.
Broken, egg, stove, nut	$13.75	$14.20	$14.45	$7.50	$0.95	$0.10
Pea	12.05	12.50	12.75	6.65	.85	.09
Buckwheat	9.55	9.80	9.80	5.15		
Rice	8.50	8.85	8.85	4.70		
Barley	7.60	7.85	7.85	4.20		

(ii) *Required discounts.* The following discounts, per net ton, shall be deducted from the prices set forth in paragraph (1) (i) of this schedule for payment on or before the tenth day of the month immediately following the month during which delivery was made:

Sizes:	Required discounts (cents)
Broken, egg, stove, nut	15
Pea, buckwheat	10
Rice, barley	5

(iii) *Maximum authorized service charges.*

Special service rendered:	Maximum-authorized charge (cents per net ton)
Single trim	30
Double trim	45
Regular labor	60

(Where it is necessary to move the coal by regular labor from the truck to the chute or window, and, then as a separate operation, from the cellar floor to the bin, two, but no more than two, regular labor charges may be made.)

Carry labor:	Cents per 100 lbs.
No more than 2 steps up or down	20
For each additional 2 steps up or down	5
Carrying upstairs, in deliveries of 100 lbs. or more but not more than one ton, for each full flight of stairs above the ground floor	10

(Where a charge is made for carrying upstairs, no charge may be made for labor.)

(2) *"Yard" sales.*

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs., for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs. for sales of less than 100 lbs.
Broken, egg, stove, nut	$11.75	$0.85	$0.09
Pea	9.95	.75	.08
Buckwheat	8.15		
Rice	7.20		
Barley	5.90		

(f) *Schedule III, covering Brooklyn and Western Queens.* Schedule III establishes specific maximum prices for certain sizes of Pennsylvania Anthracite, in certain specific quantities, delivered to or at any point within Zone III. Zone III embraces the Borough of Brooklyn and that part of the Borough of Queens which is referred to herein as Western Queens, and is defined in paragraph (r) (12) of this order.

(1) *Delivered sales*—(i) *Sales made on a "delivered to storage" basis.*

Size	Per net ton for sales of ½ ton or more	½ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs. for sales of less than 100 lbs.
Broken, egg, stove, nut	$14.20	$7.35	$0.95	$0.10
Pea	12.65	6.50	.85	.09
Buckwheat	9.60	5.05		
(Rescreened)	10.10	5.30		
Rice	8.50	4.50		
(Rescreened)	9.00	4.75		
Barley	7.50	4.00		

(ii) *Required discounts.* There shall be deducted from the prices set forth in paragraph (1) (i) of this schedule, on sales and deliveries of broken, egg, stove, nut and pea sizes of Pennsylvania anthracite, a discount of twenty-five cents (25¢) per net ton, for cash on delivery. For payment on or before the tenth day of the month immediately following the month during which delivery was made, there shall be deducted from such prices, on sales and deliveries of all the sizes of Pennsylvania anthracite set forth in the schedule, a discount of one percent (1%) of the selling price.

(iii) *Maximum authorized service charges.*

Special service rendered:	Maximum authorized charge (cents per 100 lbs.)
Carrying upstairs, in deliveries of 100 lbs. or more, but not more than one ton, for each full flight of stairs above the ground floor	10
Deliveries not within the meaning of "delivered to storage", as hereinafter defined, provided that there shall be no extra charge for deliveries to those premises to which delivery was made without extra charge prior to January 1, 1942	Per net ton $1.00

(2) *"Yard" sales.*

Size	At yards, etc., receiving other than via water, per net ton, for sales of ½ ton or more	At yards, etc., receiving via water, per net ton, for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs. for sales of less than 100 lbs.
Broken, egg, stove, nut	$12.00	$11.75	$0.85	$0.09
Pea	10.45	10.20	.75	.08
Buckwheat	8.15	7.90		
Rice	7.20	6.95		
Barley	6.15	5.90		

(g) *Schedule IV, covering Eastern Queens.* Schedule IV establishes specific maximum prices for certain sizes of Pennsylvania anthracite, in certain specific quantities, delivered to or at any point within Zone IV. Zone IV embraces that part of the Borough of Queens not included in Zone III, and which is referred to herein as Eastern Queens and is defined in paragraph (r) (13) of this order.

(1) *Delivered sales*—(i) *Sales made on a "delivered to storage" basis.*

Size	Per net ton for sales of ½ ton or more, but less than ½ ton	½ ton	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs. for sales of less than 100 lbs.
Broken, egg, stove, nut	$14.45	$7.50	$0.95	$0.10
Pea	12.90	6.70	.85	.09
Buckwheat	10.35	5.45		
Rescreened	10.60	5.55		
Rice	9.40	4.95		
Rescreened	9.65	5.10		
Barley	8.40	4.45		

(ii) *Required discounts.* There shall be deducted from the prices set forth in paragraph (1) (i) of this schedule, on sales and deliveries of all the sizes of Pennsylvania anthracite set forth therein, a discount of twenty-five cents (25¢) per net ton for cash on delivery; or a discount of one (1%) percent of the selling price for payment on or before the tenth day of the month immediately following the month during which delivery was made.

(iii) *Maximum authorized service charges.*

Special service rendered:	Maximum authorized charge (cents per 100 lbs.)
Carrying upstairs, in deliveries of 100 lbs. or more, but not more than one ton, for each full flight of stairs above the ground floor	10
Deliveries not within the meaning of "delivered to storage", as hereinafter defined, provided that there shall be no extra charge for deliveries to those premises to which delivery was made without extra charge prior to January 1, 1942	Per net ton $1.00

(2) *"Yard" sales.*

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs., for sales of 100 lbs. or more, but less than ½ ton	Per 10 lbs., for sales of less than 100 lbs.
Broken, egg, stove, nut	$12.25	$0.85	$0.09
Pea	10.70	.75	.08
Buckwheat	8.40		
Rice	7.45		
Barley	6.45		

(h) *Commingling.* If one size of anthracite is sold commingled with another size of anthracite, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "delivered sale" or a "yard sale", except in the following situation: Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if these sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(i) *Addition of increases in suppliers' maximum prices prohibited.* The specific maximum prices established by this order may not be increased to reflect, in whole or in part, any subsequent increase to a dealer in his suppliers' maximum price for the same fuel. The specific maximum prices already reflect increases to dealers in their suppliers' maximum prices occurring up to the effective date of this order. If increases in suppliers' maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* A dealer subject to this order may collect, in addition to the specific maximum prices established herein, provided he states it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased. A retail dealer subject to this order may also collect, in addition to the specific maximum prices established herein, provided he states it separately, the amount of the N. Y. C. sales tax payable by such dealer. On sales to the United States or any agency thereof, you need not state this tax separately.

(k) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Storage services.* Notwithstanding any prohibitions in this order against the imposition of charges for services other than those specifically authorized herein, a dealer may request the Regional Administrator to establish a price for rendering storage services where, during December 1941, the dealer did not render the same or substantially similar storage service without charge. The application shall set forth in writing:

(1) A detailed description of the services to be rendered.

(2) The classes of purchasers to whom it will be rendered.

(3) Whether the service was rendered in December 1941 and, if so, the charge, if any, then imposed.

(4) Whether the service was rendered after December 1941 and, if so, the charge, if any, imposed.

(5) A proposed price for the service which shall be shown to the satisfaction of the Regional Administrator to be reasonable in relation to the actual costs the dealer will incur in rendering the service.

(6) Any other pertinent information the Regional Administrator may request.

Where the Regional Administrator believes that the establishment of a maximum price for such service will not impede essential distribution of anthracite within the area covered by Order No. G-3, and is otherwise warranted, he shall establish a maximum price therefor. The maximum price for such service shall be a price specifically authorized in writing by the Regional Administrator.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the Petition shall be filed in the New York Regional Office of the Office of Price Administration.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(p) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all his maximum prices (as set forth in the applicable schedule or schedules of this order) in his place of business in a manner plainly visible to and understandable by the purchasing public.

(2) Every dealer subject to this order shall, except in the case of Pennsylvania anthracite sold in bags in lots of one hundred pounds or less, not exceeding a total of one-half ton, give each purchaser a sales slip or receipt showing the name and address of the dealer, the kind, size, and quantity of the solid fuel sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts, the authorized service charges and the taxes, which must be deducted from, or which may be added to, the specific maximum prices prescribed herein.

In the case of sales of Pennsylvania anthracite in bags in lots of one hundred pounds or less not exceeding a total of one-half ton, every dealer subject to this order shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if such dealer during December 1941 customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to the criminal penalties, civil and enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the New York District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(r) *Definitions and explanations.* When used in this Order No. 1, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and delivery, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser", shall be construed accordingly.

(3) "Dealer" means any person selling Pennsylvania anthracite of the sizes set forth in the schedules herein, or a person who sold Pennsylvania anthracite of such sizes subject to Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers, or subject to Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities other than Producing Facilities—Dealers, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Distributor" means a person who purchases Pennsylvania anthracite at or for delivery from a mine or a preparation plant operated as an adjunct of any mine or briquette plant, for resale, and resells the same in not less than cargo or railroad carload lots, without physically handling such anthracite, and any person acting as an agent of such distributor in the sale of Pennsylvania anthracite.

(5) "Sidewalk delivery" means delivery to the point nearest and most accessible to the buyer's place of storage, and at which the coal can be discharged directly from the seller's truck.

(6) "Delivered to storage" means delivery to the buyer's bin or storage space. The seller's truck shall be driven to the point nearest and most accessible to the bin or storage space designated by the buyer. If the distance to be traversed in delivering the coal from the truck to the bin or storage space is no greater than 90 feet, and if the coal is moved by wheelbarrow or barrel and need be dumped no more than once after removal from the truck, no service charge may be made in connection with such delivery.

(7) "Yard" sales means delivery into the buyer's possession or custody at the yard, dock, barge, car, or at a place of business of the dealer other than at his truck or vehicle.

(8) "Single trim" refers in general to the movement of coal by shovel, usually performed to make room for more coal to be delivered, and effected by a downward movement of the shovel to make the coal slide.

(9) "Double trim" refers in general to the movement of coal by shovel from one place to another, effected by heaving, tossing or lifting the coal by shovel.

(10) "Regular labor" refers in general to the movement of coal by wheelbarrow or barrel.

(11) "Carry labor" refers in general to the labor involved in carrying coal in baskets from the truck to the bin or storage space.

(12) "Western Queens" refers to that part of the borough of Queens, in the City of New York, lying generally west of the following boundary lines: Starting at a point at the foot of Lefferts Boulevard at Jamaica Bay; thence in a northerly direction along Lefferts Boulevard, to the intersection of Lefferts Boulevard and Kew Gardens Road; then in a northwesterly direction along Kew Gardens Road to the intersection of Kew Gardens Road, Queens Boulevard and Union Turnpike; thence in a northeasterly direction along Union Turnpike to the intersection of Union Turnpike and Francis Lewis Boulevard; thence in a northwesterly direction along Francis Lewis Boulevard to the intersection of Francis Lewis Boulevard and Willets Point Boulevard; thence northeasterly along Willets Point Boulevard to the Long Island Sound shore line. Premises on the eastern or southern side of the boulevards, roads and turnpike which form the boundary line separating West-

ern Queens from Eastern Queens shall be deemed a part of Western Queens for the purposes of this order.

(13) "Eastern Queens" refers to that part of the Borough of Queens not included in Western Queens as herein defined.

(14) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice and barley shall refer to the same sizes of the same fuels as were sold and delivered in the boroughs of Manhattan, Bronx, Brooklyn, and Queens with such designation during December 1941.

(15) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.265 and 1340.266 of Revised Maximum Price Regulation 122 shall apply to terms used herein.

(s) *Automatic roll-back pursuant to Amendment No. 3 to Order No. G–3 as originally issued.* Amendment No. 3 to Order No. G–3, issued on October 21, 1943 and effective October 22, 1943, by its terms provided that all dealers subject thereto would, on April 1, 1944, revert to the schedules of prices in effect immediately prior to the amendment. Since that amendment increased "delivered sales" prices by 30¢ per net ton and 15¢ per net ½ ton, and "yard sales" prices by 10¢ per net ton, all dealers subject to this Revised Order shall, on and after April 1, 1944, reduce their maximum prices for "delivered sales" as set forth herein by 30¢ per net ton and 15¢ per net ½ ton, and their maximum price for "yard sales" as set forth herein by 10¢ per net ton. No such reduction is required for sales under ½ ton. This roll-back shall be in addition to any further roll-back that may be occasioned by a reduction in supplier's maximum prices.

(t) *Right of amendment or revocation.* The Regional Administrator reserves the right at any time to amend, revoke or rescind this order, or any provision thereof.

(u) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122 except as to any sales or deliveries of solid fuels not specifically subject to this order.

(v) *Effect of order on Order No. G–3 as originally issued, and as amended, and on Order No. G–23.* Order No. G–3 under Revised Maximum Price Regulation No. 122, as issued on February 3, 1943, and as subsequently amended, is hereby revoked in full as of the effective date of this order. This order also supersedes Order No. G–23 issued under that regulation on November 24, 1943, to the extent that Order No. G–23 was applicable to Order No. G–3.

Effective date. This revised order shall become effective December 14, 1943.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of December 1943.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–401; Filed, January 7, 1944; 12:10 p. m.]

[Region II Order G–26 Under RMPR 122]

"COLONIAL", "SILVER BROOK", AND "SALEM HILL" ANTHRACITE SOLD SUBJECT TO DESIGNATED AREA DOLLARS-AND-CENTS ORDERS

Order No. G–26 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered:*

(a) Dealers making sales of "Colonial", "Silver Brook" and "Salem Hill" anthracite, as hereinafter defined, in communities subject to the area dollars-and-cents orders listed in paragraph (c) of this order, may redetermine the maximum price for sales of such "Colonial", "Silver Brook" and "Salem Hill" anthracite in accordance with the following provisions:

(1) There may be added to the maximum per net ton prices for designated sizes of anthracite established in those orders, for sales and deliveries within the territorial limits of those orders, an amount not to exceed the following:

For Sales of "Colonial" Anthracite—Permitted Per Net Ton Increase Above Applicable Area Ceiling Price for Anthracite

Size:	
Broken, egg, stove, nut, pea and buckwheat	$0.65
Rice	.55
Barley	.10
Buckwheat #4	.10

For Sales of "Silver Brook" Anthracite—Permitted Per Net Ton Increase Above Applicable Area Ceiling Price for Anthracite

Size:	
Broken, egg, stove, nut, pea and buckwheat	$0.30
Rice	.25

For Sales of "Salem Hill" Anthracite—Permitted Per Net Ton Increase Above Applicable Area Ceiling Price for Anthracite

Size:	
Egg and stove	$0.70
Nut	.30
Pea	.25
Rice	.10

(2) For sales of fractions of a net ton, but not less than ¼ ton, dealers may take a proportionate increase based upon the per net ton increases in the preceding subparagraph.

(3) *Conditions and limitations; commingling.* To be eligible for the increases authorized by this order, the dealer must keep each kind of anthracite specified herein separate, in storage and delivery, from any other kind of solid fuel, and sell and invoice it under the name herein designated, *except* that a dealer, if he satisfied the following conditions, may commingle different kinds of fuel including those herein specified, and price as indicated:

Where a purchaser expressly requests that any kind or size of anthracite specified herein be commingled in one delivery with another kind or size of anthracite specified herein, or with any other kind or size of solid fuel, then, and in that event, if those kinds and sizes are separately weighed at the point of loading, the dealer may commingle those kinds and sizes in the truck or other vehicle in which the delivery is made. The maximum price for solid fuels so commingled shall be the weighted average of the maximum prices for each element in the combination. The invoice shall separately state the maximum price for the quantity of each kind and size in the combination.

Where anthracite specified herein is commingled under conditions other than above defined, the maximum price for the combination shall be the maximum price established by regulation or order for the least expensive kind or size of fuel in the combination.

(b) *Records.* Every dealer making sales of solid fuels subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration complete and accurate records of the quantities of "Colonial", "Silver Brook", and "Salem Hill" anthracite purchased and sold hereunder, and a record of every sale of such fuel, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. Where such fuel is sold in combination with solid fuels not subject to this order, the latter shall be identified in the manner described in the regulation or order governing their sale by dealers. The record shall also state separately each service rendered and the charge made for it.

(c) *Area dollars-and-cents orders subject to increases set out in paragraph (a) herein.* The following orders and any subsequent revisions thereof:

Second Revised Order No. G–1 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–2 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Revised Order No. G–3 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–5 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G–6 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G–7 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–8 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–9 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–11 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–12 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–13 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–14 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–15 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–16 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–18 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–19 under §1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–20 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–22 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–24 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–25 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

(d) *Definitions and explanations.* When used in this Order No. G–26, the term:

(1) "Colonial" anthracite means anthracite produced by the Colonial Colliery Corporation of Philadelphia, Pennsylvania, at its mine at Natalie, Northumberland County, Pennsylvania, and marketed under the trade name "Colonial".

(2) "Silver Brook" anthracite means anthracite produced by the Haddock Mining Company of Wilkes-Barre, Pennsylvania, at the Deringer Colliery, Fern Glen, Luzerne County, Pennsylvania, and the Tomhicken Colliery, Sugar Loaf Township, Luzerne County, Pennsylvania, which is shipped to the Beaver Meadow Breaker, Beaver Meadows, Carbon County, Pennsylvania, for preparation, and which is marketed under the trade name "Silver Brook".

(3) "Salem Hill" anthracite means anthracite produced by the Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, and marketed under the trade name "Salem Hill".

(4) The sizes of anthracite described herein as broken, egg, stove, nut, pea, buckwheat, rice, barley, and buckwheat #4 shall refer to the same sizes of the same fuel as were sold and delivered with such designation during December 1941.

(5) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(e) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke, or rescind this order, or any provision hereof, at any time.

Effective date. This Order No. G–26 shall become effective December 31, 1943.

NOTE: The record-keeping and reporting requirements of the order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–410; Filed, January 7, 1944; 12:15 a. m.]

[Region IV Order G–2 Under 75 (a) (9)]

FLUID MILK IN BUCHANAN AND TAZEWELL COUNTIES, VA.

Order No. G–2 under § 1499.75 (a) (9) of the General Maximum Price Regulation. Adjustment of approved fluid milk prices in Buchanan and Tazewell Counties, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration for Region IV by § 1499.75 (a) (9) (ii) of the General Maximum Price Regulation as amended, it is hereby ordered:

(a) *Adjusted maximum prices for approved fluid milk.* On and after January 1, 1944, the maximum prices for approved fluid milk sold and delivered to any person within Buchanan and Tazewell Counties, Virginia, at wholesale or retail in glass or paper containers of one quart or less shall be:

	Quarts		Pints		½-pints	
	Glass	Paper	Glass	Paper	Glass	Paper
	Ct.	Ct.	Ct.	Ct.	Ct.	Ct.
Wholesale	14	15	8	9	4	5
Retail out-of-store	16	17	9	10	5	6
Retail home delivered	16	17	9	10	5	6

Provided, That no person subject to this order shall establish a maximum price under this order at wholesale or retail which exceeds his price established under § 1499.2 of the General Maximum Price Regulation by more than 1½¢ per quart.

(b) *Definitions.* Buchanan County and Tazewell County, Virginia, mean the territories lying within the established boundaries of Buchanan and Tazewell Counties, Virginia.

(c) *Applicability of General Maximum Price Regulation and other supplementary orders of the Office of Price Administration.* Except as otherwise provided herein, all transactions subject to this order remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments, supplementary regulations and orders which have heretofore or may be hereafter issued.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective January 1, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: December 30, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–407; Filed, January 7, 1944; 12:13 p. m.]

[Region IV Order G–13 Under RMPR 122]

SOLID FUELS IN WILMINGTON, N. C.

Order No. G–13 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Wilmington in the State of North Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point within the corporate limits of the City of Wilmington, North Carolina, and the area lying within twenty miles thereof by the most direct highway route.

(2) This order contains a price schedule applicable to sales of low volatile bituminous coals from District 7, high volatile bituminous coals from District 8, and Pennsylvania anthracite, Virginia anthracite, and Briquettes, as well as Raven Red Ash Egg Coal.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–13 but less than maximum prices may at any time be charged, paid or offered.

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this order.

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; consumer sales.* (1) This price schedule sets forth maximum prices for sales of specified solid fuels when delivery is made to any point within the corporate limits of the City of Wilmington, North Carolina, and the area lying within twenty miles thereof by the most direct highway route.

(i) *"Direct delivery or domestic" basis:*

LOW VOLATILE BITUMINOUS COALS FROM DISTRICT NO. 7

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg, stove, or lump	$12.80	$6.41	$3.33
Stoker	9.30	4.91	2.47
Run-of-mine	9.70	5.11	2.68

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT NO. 8

Egg or lump	$11.10	$5.80	$3.03
Splint, egg, lump, or stove	10.35	5.43	2.84
Stoker	9.45	4.98	2.61
Nut and slack	8.25	4.38	2.31

LOW VOLATILE BITUMINOUS COALS FROM DISTRICT NO. 8

Raven Red ash egg	$11.65	$6.06	$3.16

PENNSYLVANIA ANTHRACITE, VIRGINIA ANTHRACITE, AND BRIQUETTES

Pennsylvania anthracite (stove or nut)	$18.25	$9.38	$4.82
Virginia anthracite (egg or stove)	12.85	6.68	3.46
Briquettes	12.90	6.70	3.48

(ii) *Special sales and services*—(a) *Carry from curb or up or down stairs.* Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 80¢ per ton.

(b) *Trimming.* If the buyer requests such service, the dealer may charge not more than 25¢ per ton. If the buyer does not request this service, no charge may be made.

(c) *Sack coal.* When the purchaser furnishes the sacks, the dealer may charge not more than 55¢ per hundred pounds of coal sold at the yard. If the dealer furnishes the sacks, he may charge an additional 15¢ per sack. For deliveries of not less than 500 pounds of sack coal, the dealer may charge not more than a price based on the ¼ ton rate plus a sacking charge at the rate of $1.00 per ton.

(d) *Yard sales.* When the buyer picks up coal at the yard, the dealer must reduce the applicable domestic price by $1.00 per ton. On sales to other dealers, the dealer must reduce the applicable domestic price $1.75 per ton.

(e) *Quantity.* When the buyer purchases in carload lots, the dealer must reduce the apolicable domestic price of High Volatile Bituminous Nut and Slack Coal from District 8, 50¢ per ton, of Low Volatile Bituminous Stoker Coal from District 7, $1.20 per ton, and of all other grades $1.00 per ton.

(f) *Delivery zone.* For deliveries beyond the corporate limits of Wilmington, North Carolina, and within twenty miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(g) *Sales tax.* The State sales tax of 3% may be added to the prices provided in this order.

(h) *Credit.* No additional charges over the prices provided in this order may be made for the extension of credit.

(d) *Ex parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941; therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (j) (2). (This tax need not be stated separately in sales to the United States or any agency thereof—see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(g) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(h) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, commodities for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(i) *Records and reports.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (j) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips, or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Raleigh District Office of the Office of Price Administration.

(l) *Definitions and explanations.* When used in this Order No. G–13, the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, dispose, barter, exchange, supply, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry from curb or up or down stairs" refers to the movement of fuel to the buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery."

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" and "low volatile bituminous coal" refer to coal produced in certain sections of the producing districts specified herein.

(9) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943. Where the applicable minimum price schedule does not make specific mention of any size designated in this order, such size designation shall refer to the sizes of bituminous coal sold as such during December, 1941, in the area covered by this order.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.268 of Regulation No. 122 shall apply to terms used herein.

(m) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This Order No. G–13 shall become effective January 4, 1944.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: December 30, 1943.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44-412; Filed, January 7, 1944; 12:15 p. m.]

[Region IV Order G–15 Under RMPR 122]

SOLID FUELS IN WINSTON-SALEM, N. C.

Order No. G–15 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Winston-Salem in the State of North Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point within the corporate limits of the City of Winston-Salem, North Carolina, and the area lying within ten miles thereof by the most direct highway route.

(2) This order contains a price schedule applicable to sales of high volatile bituminous coal from District 8, low volatile bituminous coal from District 8, and low volatile bituminous coal from District 7, as well as Pennsylvania anthracite and briquettes.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–15 but less than maximum prices may at any time be charged, paid or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this order.

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule. Consumer sales.* (1) This price schedule sets forth maximum prices for sales of specified solid fuels when delivery is made to any point within the corporate limits of the City of Winston-Salem, North Carolina, and the area lying within ten miles thereof by the most direct highway route.

(i) *"Direct delivery or domestic" basis.*

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Lump, chunk, or block	$9.65	$5.05	$2.60
Egg coal from the No. 5, Upper Banner, Dean, and Straight Creek Seams and from the Harlan Seam in Kentucky	9.85	5.15	2.65
Splint egg	9.10	4.80	2.46
Stoker	8.60	4.55	2.34

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Nut	$8.90	$4.70	$2.41

PENNSYLVANIA ANTHRACITE AND BRIQUETTES

Pa. anthracite nut	$20.85	$10.65	$5.40
Briquettes	9.60	5.05	2.59

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Egg	$10.25	$5.35	$2.75
Stove	9.90	5.20	2.66
Nut	8.95	4.73	2.43
Pea stoker	8.55	4.53	2.33
Run-of-mine	8.80	4.65	2.39

(ii) *Special sales and services.* (a) *Carry or wheel service.* Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 50¢ per ton.

(b) *Sack coal.* For splint coal in sacks the dealer may charge not more than 51¢ per 100 pounds.

(c) *Yard sales.* When buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price $1.00 per ton. On sales to other dealers at the yard, the dealer must reduce the domestic price $1.20 per ton.

(d) *Quantity.* On carload sales of forty tons or more to a single purchaser in a single order, the dealer may charge not more than the per ton maximum price of the coal at the mine, plus the per ton freight from the mine, plus $1.00 per ton for delivery.

(e) *Delivery zone.* For deliveries beyond the corporate limits of Winston-Salem, North Carolina, and within ten miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(f) *Sales tax.* The State sales tax of 3% may be added to the prices provided in this order.

(g) *Credit.* No additional charges over the prices provided in this order may be made for the extension of credit.

(d) *Ex parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December, 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (j) (2). (This tax need not be stated separately in sales to the United States or any agency thereof—see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or less quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(g) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(h) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, commodities for which maximum prices are established. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(i) *Records and reports.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged,

and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (j) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Charlotte District Office of the Office of Price Administration.

(l) *Definitions and explanations.* When used in this Order No. G–15, the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, dispose, barter, exchange, supply, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser' shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry or wheel service" refers to the movement of fuel to the buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" and "low volatile bituminous coal" refer to coal produced in certain sections of the producing districts specified herein.

(9) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943. Where the applicable minimum price schedule does not make specific mention of any size designated in this order, such size designation shall refer to the sizes of bituminous coal sold as such during December, 1941, in the area covered by this order.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(m) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–15 shall become effective January 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: December 30, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–411; Filed, January 7, 1944; 12:15 p. m.]

[Region V Order G–1 Under RMPR 122]

SOLID FUELS IN ST. LOUIS, MO.

Amendment No. 1 to Order No. G–1 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the City of St. Louis, Missouri, and parts of St. Louis County, Missouri.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

The prices for the solid fuels listed in section (c) (Price Schedule) (1) (V), Coke, are changed as follows:

	Old price	New price
1. Furnace, byproduct, top size 4", bottom size 1¼"	$11.35	$11.65
2. Chestnut, byproduct, top size 1¼", bottom size ¾" (based on furnace)	11.35	11.65
3. Low temperature, produced in St. Clair and Franklin Counties, top size no limit, bottom size ¾"	9.00	9.30

(56 Stat. 23, 765, Pub. Law 151, 76th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued and effective at Dallas, Texas, this the 29th day of December 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44–413; Filed, January 7, 1944; 12:16 p. m.]

[Region VI Order G–1 Under RMPR 271]

POTATOES AND ONIONS IN ILLINOIS, ETC.

Order No. G–1 under Revised Maximum Price Regulation No. 271. Potatoes and onions. Order adjusting maximum prices of potatoes and onions sold by intermediate sellers in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region VI of the Office of Price Administration by § 1351.1001, article II, section II (c) (7) of Revised Maximum Price Regulation No. 271, it is hereby ordered:

(a) *What this order does.* This order establishes maximum markups for intermediate sellers' sales of white flesh table stock potatoes and dry onions and provides a method of calculating dollars and cents maximum prices in Region VI. The maximum prices herein established shall be the only maximum prices for the sales covered except to the extent that any prices established by this order are inconsistent with the prices for the same commodity established by any community flat pricing order issued under General Order No. 51, in which case the prices established by such community flat pricing order shall be the maximum price for such sales. Schedule A which contains the price schedules put in effect by this order is divided into two subsections establishing maximum prices for carlot and trucklot receivers, and

distributing wholesalers. A method of permitting carlot and trucklot receivers who customarily perform the distributing wholesaler's function to use the maximum prices of the distributing wholesaler is given in section (c). The definitions of "distributing wholesaler" and "carlot or trucklot receiver" and other terms used in this order are found in section (d). No one may sell or offer to sell white potatoes or dry onions on and after December 29, 1943, at prices higher than the maximum prices fixed under this order except as modified by section (c).

(b) *Maximum prices for intermediate sellers.* On the effective date of this order and on Wednesday of each week thereafter the seller shall calculate his maximum prices for each grade of potatoes or dry onions by first determining his base price as provided in section 11 (a) of Revised Maximum Price Regulation No. 271. The seller shall then determine whether he is a carlot or trucklot receiver or a distributing wholesaler. He shall then add to his base price for each grade of potatoes or dry onions the appropriate markup as specified in Schedule A of this order for the particular distributive function which he performs on each individual sale.

(c) *When a carlot or trucklot receiver may use the price of a distributing wholesaler.* All carlot and trucklot receivers may compute their maximum prices in accordance with the prices in Schedule A (2) for distributing wholesalers when making the applicable type of sale until January 12, 1944. A carlot or trucklot receiver who has received approval from the Regional Office of the Office of Price Administration or from any district office in Region VI to act as a distributing wholesaler in the sale of lettuce as provided for in Order G–1 under Maximum Price Regulation No. 426 is hereby considered to be a distributing wholesaler under this order and may continue to use the distributing wholesaler's markup in Schedule A (2) without further application to or order from the Office of Price Administration Regional or District Offices. Any other carlot or trucklot receiver who, during the four month period from July 1, 1942, to November 1, 1942, or if not in business during that period, during the four month period most closely subsequent to that period, made 65% or more of his total dollar volume of sales of fresh fruits and vegetables to retailers, hotels, restaurants and institutions and who desires to use the maximum prices provided for distributing wholesalers shall file with the appropriate district office of the Office of Price Administration serving his community an application containing the following information:

(1) A statement that the application is being made pursuant to section (c) of Regional Order No. G–1 under Revised Maximum Price Regulation No. 271 for permission to use distributing wholesalers maximum prices as set forth in Schedule A (2).

(2) The amount of sales in dollars of fresh fruits and vegetables from July 1 to November 1, 1942, or if the applicant was not in business during that period, during the four month period most closely subsequent to that four month period.

(3) The amount of sales in dollars to retailers, hotels, restaurants and institutions for the same period.

No carlot or trucklot receiver may use the distributing wholesaler's markups in his maximum prices after January 12, 1944, unless he has qualified by reason of action previously taken under Order No. G–1 of Maximum Price Regulation No. 426 as above set forth or unless he has received permission from his district office of the Office of Price Administration pursuant to an application filed under this section.

Pursuant to the authority conferred by the Emergency Price Control Act of 1942 as amended and section 11 (c) (7) of Revised Maximum Price Regulation No. 271, *It is ordered*, That each of the district directors within Region VI be and they are hereby authorized to receive applications for reclassification filed under this order and to grant or deny permission for carlot or trucklot receivers to use the markups of distributing wholesalers. Any action taken by any district director pursuant to this delegation of authority shall have the same force and effect as if taken by the Price Administrator or by the Regional Price Administrator. The Office of Price Administration reserves the right to withdraw permission given any carlot or trucklot receiver to use the applicable markup for distributing wholesalers and if notice is given to such effect, or if the seller qualifies as a distributing wholesaler under action taken under Order No. G–1 of Maximum Price Regulation No. 426 and a withdrawal of permission is issued under such order, the seller must from that time forward use the prices for carlot or trucklot receivers in Schedule A (1).

(d) *Definitions.* 1. "Carlot or trucklot receiver" means any intermediate seller who purchases potatoes or onions in carlot or trucklot quantities. Except as modified by section (c) of this order, a person is a carlot or trucklot receiver for all potatoes or onions received in this manner.

2. "Distributing wholesaler" means any intermediate seller who purchases potatoes or onions in less than carlot or trucklot quantities and sells to retailers, hotels, restaurants or institutions.

3. The definition of other terms used in this order will be found in section 8 of Revised Maximum Price Regulation No. 271 or shall have the same meaning as otherwise provided in that regulation.

(e) *Geographical applicability.* The provisions of this order shall be applicable to all sales pursuant to which delivery is made within the states of Illinois, Wisconsin, Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Lake County in the state of Indiana.

(f) The maximum prices which are set forth in this order shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to potatoes or onions alone or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(g) Except as otherwise provided herein the provisions of Revised Maximum Price Regulation No. 271 shall remain in full force and effect.

(h) This order may be revoked, amended or corrected at any time.

This order shall become effective on the 29th day of December 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

SCHEDULE A

[Markups over base price (computed under section 11 (a) of RMPR 271)]

	Onions 50 lbs.	Potatoes 100 lbs.
(1) Carlot or trucklot receivers:		
(a) From railroad car or truck	$0.08	$0.12
(b) F. o. b. seller's warehouse to any purchaser provided that commodity shall have been removed from car or truck to a place in seller's warehouse or store	.13	.20
(c) Delivered to the physical premises of another wholesaler, a retail store or a hotel, restaurant, or institutional user within the seller's free delivery zone	.18	.28
(d) Delivered to the premises of any purchaser outside the seller's free delivery zone	(1)	(1)
(2) Distributing wholesalers:		
(a) F.o.b. seller's business establishment to another wholesaler	.13	.20
(b) Delivered to the physical premises of another wholesaler within the seller's free delivery zone	.18	.28
(c) F.o.b. seller's business establishment to any purchaser other than another wholesaler	.34	.50
(d) Delivered to the physical premises of a retail store, hotel, restaurant or institutional user within the seller's free delivery zone	.40	.60
(e) Delivered sales by a hotel and restaurant supply house to the physical premises of a hotel, restaurant or institutional user within seller's free delivery zone	.55	.70
(f) Delivered to the premises of any purchaser outside the seller's free delivery zone	(2)	(2)

[1] The applicable price determined under (1) (c) above, plus zone differential if such zone differential has been filed in accordance with section 11 (c) (7) of RMPR 271 with the appropriate District Office of the Office of Price Administration.

[2] The price determined under (2) (b), (2) (d), or (2) (e) above, whichever is applicable, plus zone differential if such zone differential has been filed in accordance with section 11 (c) (7) of RMPR 271 with the appropriate District Office of Office of Price Administration.

[F. R. Doc. 44–409; Filed, January 7, 1944; 12:13 p. m.]

[Region VI Order G–14 Under SR 15, MPR 280]

FLUID MILK IN WITTENBERG, WIS.

Order No. G–14 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and under Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices for Wittenberg, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and by § 1351.807 (a) of Maximum Price Regulation No. 280, it is ordered:

(a) *Maximum prices for sales at wholesale in bulk.* The maximum price for the sale and delivery of fluid milk at wholesale in bulk in the Wittenberg, Wisconsin, area shall be 37¢ per gallon.

(b) *Maximum prices in bottles and paper containers.* The maximum price for the sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Wittenberg, Wisconsin, area shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be the higher:

Container size	Wholesale	Retail
	Cents	*Cents*
Gallon	37	45
Quart	10	12
Pint	5½	6½

(c) *Fractional cents.* Where the maximum price set forth above is expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must however be given to each buyer to purchase two units. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(d) *Definitions.* For the purposes of this order:

(1) Sales and deliveries within the Wittenberg, Wisconsin, area shall mean:

(i) All sales made within the city limits of Wittenberg, Wisconsin, and all sales at or from an establishment located in Wittenberg, Wisconsin, and

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Wittenberg, Wisconsin.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, bottled, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purpose of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(e) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall apply.

(f) This order may be revoked, amended or corrected at any time.

This order shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of November 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 44–402; Filed, January 7, 1944; 12:10 p. m.]

[Region I Order G–16 Under SR 15, MPR 280 329; Amdt. 10]

FLUID MILK IN MASSACHUSETTS

Amendment No. 10 to Order G–16 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the Commonwealth of Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280, as amended, and by § 1351.408 of Maximum Price Regulation No. 329, as amended, *It is hereby ordered*, That Order No. G–16 under § 1499.18 (c) of the General Maximum Price Regulation be redesignated as Order G–16 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Regulation; that subparagraph (7) of paragraph (a) be amended and that subparagraph (10) of paragraph (h) be added to read as set forth below:

(a) • • •

(7) Massachusetts milk marketing area 5A (the city of Northampton and the towns of Amherst, Easthampton and Hadley):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.055
Half-pint bottles			.0425
8-quart cans			1.00
10-quart cans			1.25
20-quart cans			2.50

Price to producers: $4.25 per hundredweight.

(h) • • •

(10) Amendment No. 10 shall become effective at 12:01 a. m. on December 12, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: December 11, 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–438; Filed, January 7, 1944; 4:55 p. m.]

[Region I Order G–16 Under SR 15, MPR 280, 329; Corr. to Amdt. 10]

FLUID MILK IN MASSACHUSETTS

Correction to Amendment No. 10 to Order G–16 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, § 1351.408 of Maximum Price Regulation 329. Fluid milk in the Commonwealth of Massachusetts.

The maximum prices set forth in subparagraph (7) of paragraph (a) are corrected so that said subparagraph shall read as follows:

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.15	$0.135
Pint bottles			.075
10-ounce bottles			.055
Half-pint bottles			.0425
8-quart cans			1.04
10-quart cans			1.30
20-quart cans			2.50

Price to producers: $4.25 per hundredweight.

This correction shall become effective as of 12:01 a. m. on December 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: December 13, 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–427; Filed, January 7, 1944; 4:54 p. m.]

[Region I Order G–16 Under SR 15, MPR 280, 329; Amdt. 11]

FLUID MILK IN MASSACHUSETTS

Amendment No. 11 to Order G–16 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the Commonwealth of Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280, as amended, and by § 1351.408 of Maximum Price Regulation No. 329, as amended; *It is hereby ordered*, That subparagraphs (18), (19) and (21) of paragraph (a) and Paragraph (c) be amended, and subparagraph (11) of paragraph (h) be added to read as set forth below:

(a) • • •

(18) Massachusetts milk marketing area 9A (the towns of Charlton, Dudley, Oxford, Southbridge, Sturbridge and Webster):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles	$0.16	$0.16	$0.14
Pint bottles			.075
10-ounce bottles			.055
Half-pint bottles			.04
Bulk in cans (per quart)			.135

Price to producers: $4.25 per hundredweight.

(19) Massachusetts Milk Marketing Area 9B (the towns of Bellingham, Blackstone, Douglas, Hopedale, Mendon, Milford, Millville, Northbridge, Sutton, Upton and Uxbridge):

Milk	Retail delivered	Wholesale delivered
Quart bottles or cans (per quart)	$0.16	$0.14
Pint bottles		.075
10-ounce bottles		.055
Half-pint bottles		.04

Price to producers: $4.25 per hundredweight.

• • • • •

(21) Massachusetts milk marketing area 9E (the towns of Brimfield, Holland, Monson, Palmer and Wales):

Milk	Retail delivered	Wholesale delivered
Quart bottles	$0.16	$0.14
Pint bottles		.075
10-ounce bottles		.055
Half-pint bottles		.04
Bulk in cans (per quart)		.135

Price to producers: $4.25 per hundredweight.

(c) The maximum price for any sale of fluid milk subject to the General Maximum Price Regulation or to Maximum Price Regulation 280, for which no price is fixed in sections (a) and (b) of this order in the localities specified therein, shall be computed by increasing the seller's maximum price as determined under these regulations (without considering the increases permitted by Region I General Order 15 in Areas 1B, 3A, 3B, 5B, 6B, 6C, 7A, 9A and 9B on February 21, 1943, or by Region I Price Order 2 in Area 9A on November 19, 1942) by the following amounts per quart:

1½¢: Areas 1B, 3A, 3B, 4 and 9A.

1¢: Areas 5A, 5B, 6A, 6B, 6C, 7A, 9B, 9E, 16B, 16C and 19.

½¢: Areas 2B, 7B, 7C, 7E, 7F, 9C, 10C, 10D, 11AB, 12, 15C, 16A (No.), 16A (So.), 17 and 18.

No increase: Areas 1C, 2A, 8, 10B, 11C, 13A, 13B, 14A, 14B, 15A and 15B.

(h) • • •

(11) Amendment No. 11 shall become effective at 12:01 a. m. on December 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: December 16, 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–436; Filed, January 7, 1944; 4:54 p. m.]

[Region I Order G–21 Under SR 15, MPR 280, 329; Amdt. 7]

FLUID MILK IN MAINE

Amendment No. 7 to Order G–21 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation 280, as amended, and by § 1351.408 of Maximum Price Regulation 329, as amended, *It is hereby ordered*, That Order No. G–21 under section 1499.18 (c) of the General Maximum Price Regulation be redesignated as Order G–21 under section 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation; that the subdivision designated Aroostook County in paragraph (a) (2) be amended and that subparagraph 7 of paragraph (h) be added to read as set forth below:

(a) • • •

(2) • • •

Aroostook County:

Blaine, Fort Fairfield, Mars Hill ... Zone 4
Caribou, Houlton, Mapleton, Presque Isle ... Zone 13
Remainder of Aroostook County ... Zone 10

(h) • • •

(7) Amendment No. 7 shall become effective at 12:01 a. m. on December 18, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–429; Filed, January 7, 1944; 4:55 p. m.]

[Region I Order G–21 Under SR 15, MPR 280, 329; Amdt. 8]

FLUID MILK IN MAINE

Amendment No. 8 to Order No. G–21 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280, and § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That the subdivisions designated as Androscoggin County, Franklin County, Kennebec County, Knox County, Lincoln County, Penobscot County, Piscataquis County, Somerset County and Waldo County in paragraph (a) (2) be amended, and that subparagraph (8) of paragraph (h) be added to read as set forth below:

(a) • • •

(2) • • •

Androscoggin County:

Lisbon Falls (a part of Lisbon) ... Zone 8
Auburn, Lewiston, Lisbon (except that part known as Lisbon Falls), Livermore Falls, Livermore (except the parts generally known as Brettun's Mills and South Livermore) ... Zone 4
Mechanic Falls, Poland ... Zone 5
The remainder of Androscoggin County ... Zone 8

• • • • • •

Franklin County:

Dallas Plantation, Farmington, Jay, New Vineyard, Rangeley, Rangeley Plantation, Sandy River Plantation, Wilton ... Zone 4
Remainder of Franklin County ... Zone 9

• • • • • •

Kennebec County:

Augusta, Chelsea, Farmingdale, Gardiner, Hallowell, Manchester, Randolph, West Gardiner, Winthrop ... Zone 3
Waterville, Winslow, Benton ... Zone 4
The remainder of Kennebec County ... Zone 8

Knox County:

Camden, North Haven, Owls' Head, Rockland, Rockport, Thomaston, Vinalhaven ... Zone 3
The remainder of Knox County ... Zone 5

Lincoln County:

Boothbay, Boothbay Harbor, Bristol, Damariscotta, New Castle, Nobleboro, Southport, Waldoboro ... Zone 3
The remainder of Lincoln County ... Zone 4

• • • • • •

Penobscot County:

Bangor, Bradley, Brewer, Charleston, Dexter, East Millinocket, Hampden, Medway, Milford, Old Town, Orono, Orrington, Veazie, Newport ... Zone 4
Millinocket ... Zone 12
The remainder of Penobscot County ... Zone 9

Piscataquis County:

Brownsville, Dover-Foxcroft, Greenville, Guilford, Milo, Sangerville ... Zone 4
The remainder of Piscataquis County ... Zone 9

• • • • • •

Somerset County:

Anson, Bingham, Fairfield, Madison, Moscow, Norridgewock, Skowhegan, Solon, Pittsfield ... Zone 4
The remainder of Somerset County ... Zone 9

• • • • • •

Waldo County:

Islesboro ... Zone 3
Belfast and Northport ... Zone 4
The remainder of Waldo County ... Zone 10

(h) • • •

(8) Amendment No. 8 shall be effective January 1, 1944 at 12:01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this first day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F.R. Doc. 44–430; Filed, January 7, 1944; 4:54 p. m.]

[Region I Order G–22 Under 18 (c) and MPR 280 and 329, Amdt. 4]

Fluid Milk in Vermont

Amendment 4 to Region I Order Number G–22 under § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280: Prices for specific food products, and § 1351.408 of Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Fluid milk in the State of Vermont.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended by § 1351.807 of Maximum Price Regulation No. 280, as amended, and by § 1351.408 of Maximum Price Regulation No. 329, as amended: *It is hereby ordered*, That order No. G–22 be revised and amended to read as set forth below:

Order No. G–22 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Vermont.

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280 for fluid milk sold or delivered in the State of Vermont are modified so that the maximum prices for such fluid milk shall be as specified in this paragraph (a).

(1) Localities in the State of Vermont are allocated among five price zones, as specified below, and the maximum prices for fluid milk sold or delivered in such localities shall be as follows:

Price Zone 1. Price Zone 1 shall include the following market areas as further defined in paragraph (h) of this order:

Barre	Northfield
Bellows Falls	Rutland
Bennington	St. Johnsbury
Brattleboro	Springfield
Burlington (including Ft. Ethan Allen)	Waterbury
Montpelier	White River Jct.
	Windsor

Fluid Milk With a Butterfat Content of Over 4.2%

Quantity	Retail delivered	Retail over counter	Wholesale	Dealer to dealer
Quart bottles	$0.15	$0.15	$0.13	$0.12
Pint bottles	-------	.09	.06	.07
Half-pint bottles	-------	.07	.045	.04
Bulk, per quart	-------	-------	.12	-------

Fluid Milk With a Butterfat Content of 4.2% or Less

Quart bottles	$0.14	$0.14	$0.12	$0.11
Pint bottles	-------	.08	.07	.065
Half-pint bottles	-------	.06	.04	.035
Bulk, per quart	-------	-------	.11	-------

Price Zone 2. Price Zone 2 shall include the following market areas as further defined in paragraph (h) of this order:

Barton	North Troy
Bethel	Orleans
Bradford	Pittsford
Brandon	Johnson
Bristol	Lyndonville
Cavendish-Ludlow	Newport
Chelsea	Plainfield
Chester	Randolph
Fairlee	Richmond
Derby	Rochester
Enosburg Falls	Stowe
Essex Junction	Vergennes
Gilman	Wallingford
Hardwick	Williamstown
Island Pond	Wilmington
Jeffersonville	Woodstock
Manchester	Richford
Middlebury	St. Albans
Morrisville	

Fluid Milk With a Butterfat Content of Over 4.2%

Quantity	Retail delivered	Retail over counter	Wholesale	Dealer to dealer
Quart bottles	$0.14	$0.14	$0.12	$0.11
Pint bottles	-------	.08	.07	.065
Half-pint bottles	-------	.06	.04	.035
Bulk, per quart	-------	-------	.11	-------

Fluid Milk With a Butterfat Content of 4.2% or Less

Quart bottles	$0.13	$0.13	$0.11	$0.10
Pint bottles	-------	.07	.06	.055
Half-pint bottles	-------	.06	.04	.035
Bulk, per quart	-------	-------	.10	-------

Price Zone 3. Price Zone 3 shall include all localities in the State of Vermont not listed in Price Zones 1, 2, and 4 of this order and situated south of a line commencing at a point which is the northwest corner of the Town of Charlotte and running easterly along the northerly boundary lines of the towns of Charlotte and Hinesburg to a point which is the northeast corner of said town of Hinesburg; thence southerly along the eastern boundary line of the town of Hinesburg to a point where the northerly boundary line of the town of Huntington intersects with the easterly boundary line of the town of Hinesburg; thence easterly along the northerly boundary line of the town of Huntington to a point where the northerly boundary line of the town of Huntington intersects with the westerly boundary line of the town of Duxbury; thence northerly along the westerly boundary line of the town of Duxbury to the northwesterly corner of said town of Duxbury; thence easterly along the northerly boundary lines of the towns of Duxbury, Moretown, Berlin, and Barre to the northwest corner of Orange County; thence easterly along the northerly boundary line of Orange County to a point which is the northeasterly corner of Orange County.

Fluid Milk With a Butterfat Content of Over 4.2%

Quantity	Retail delivered	Retail over counter	Wholesale	Dealer to dealer
Quart bottles	$0.135	$0.135	$0.115	$0.105
Pint bottles	-------	.07	.06	.06
Half-pint bottles	-------	.06	.04	.035
Bulk, per quart	-------	-------	.105	-------

Fluid Milk With a Butterfat Content of 4.2% or Less

Quart bottles	$0.125	$0.125	$0.105	$0.095
Pint bottles	-------	.07	.06	.055
Half-pint bottles	-------	.06	.04	.035
Bulk, per quart	-------	-------	.095	-------

Price Zone 4. Price Zone 4 shall include the following Market Areas as further defined in paragraph (h) of this order:

Milton
Montgomery
Westmore

Fluid Milk With a Butterfat Content of Over 4.2%

Quantity	Retail delivered	Retail over counter	Wholesale	Dealer to dealer
Quart bottles	$0.13	$0.13	$0.11	$0.10
Pint bottles	-------	.07	.06	.055
Half-pint bottles	-------	.06	.04	.035
Bulk, per quart	-------	-------	.10	-------

Fluid Milk With a Butterfat Content of 4.2% or Less

Quart bottles	$0.12	$0.12	$0.10	$0.09
Pint bottles	-------	.07	.06	.055
Half-pint bottles	-------	.05	.035	.03
Bulk, per quart	-------	-------	.09	-------

Price Zone 5. Price Zone 5 shall include all localities in the State of Vermont not listed in Price Zones 1, 2, and 4 of this order and situated north of the line described above under Price Zone 3.

Fluid Milk With a Butterfat Content of Over 4.2%

Quantity	Retail delivered	Retail over counter	Wholesale	Dealer to dealer
Quart bottles	$0.125	$0.125	$0.105	$0.095
Pint bottles	-------	.07	.06	.055
Half-pint bottles	-------	.06	.04	.035
Bulk, per quart	-------	-------	.095	-------

Fluid Milk With a Butterfat Content of 4.2% or Less

Quart bottles	$0.115	$0.115	$0.095	$0.085
Pint bottles	-------	.06	.05	.05
Half-pint bottles	-------	.05	.035	.03
Bulk, per quart	-------	-------	.085	-------

(2) The above retail prices for standard milk shall be the maximum prices for sales for home consumption by producers, dealers, producer-dealers and stores, whether sold for cash or on credit, and whether sold on the premises or delivered to the consumer. The above retail prices shall also be the maximum prices for sales of standard milk by hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments for other than home consumption: *Provided*, That if the maximum retail prices of any such seller as established under § 1499.2 of the General Maximum Price Regulation are higher than those set forth above, the maximum retail prices so established under such Regulation shall be such seller's maximum prices.

(3) The above wholesale prices for standard milk shall be the maximum prices for sales in containers of the sizes listed, in any quantity, to stores, hotels, restaurants, hospitals, schools and other incidental wholesale trade, and to religious and fraternal organizations and institutions and government agencies, and also for sales averaging eight or more quarts daily to boarding houses, tourist lodges serving meals, and wayside stands.

(4) The above dealer-to-dealer maximum prices shall be the maximum prices for sales by dealers or producer-dealers to other dealers or producer-dealers.

(5) For milk sold in paper containers, not more than one cent per container may be added to applicable prices set forth herein.

(6) The maximum prices fixed in this order for standard milk shall be applicable whether the milk is pasteurized or raw, except that where pasteurized milk is delivered by a seller in a market other than the one in which its principal place of business is located, its maximum price for such milk shall be the maximum price for such milk in the market in which its principal place of business is located if such price is higher than that in the market in which it delivers the milk. Any purchaser which resells such pasteurized milk may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subsection (6).

(7) All other customary deposit charges and price differentials which any seller had in effect during the base period for special milk, including but not limited to Grade A milk, flavored milk, trade-marked milk, but excluding milk of specially high or low butterfat content, may be added to or must be subtracted from, as the case may be, the maximum prices for fluid milk as fixed in this paragraph (a). The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the GMPR, March 1942.

(ii) For sales of fluid milk subject to MPR 280, the period September 28, 1942 to October 2, 1942 inclusive.

(8) The maximum prices for single pints sold at retail in combination with one or more quarts, or when quarts are not available, shall be no more than one-half of the above retail quart prices. The maximum price for two-quart bottles shall be two times the price of quart bottles in the applicable schedule above.

(9) Where the total bill at the time of sale, if sold for cash, or at the end of any billing period if sold on credit, comes out at a fraction of a cent, the seller may charge the next higher cent.

(b) The maximum prices established by § 1351.402 of MPR 329 for fluid milk bought or received from producers in Region I for ultimate resale as fluid milk in the State of Vermont are modified as specified in this paragraph (b).

(1) The maximum prices for fluid milk bought or received from producers in Region I for ultimate resale as fluid milk in the localities in the State of Vermont specified below shall be as follows, except that for each 1/10 of 1% by weight by which the butterfat content of such fluid milk exceeds or is less than 3.7% by weight, the appropriate price to the producer shall be increased or diminished, as the case may be, by the butterfat differential announced for the applicable month for the Boston Market by the Milk Administrator of the Greater Boston Marketing Area:

Addison County: the entire County, $3.69.
Bennington County: the entire County, $3.71.
Caledonia County: Hardwick and Newark, $3.65; the remainder of Caledonia County, $3.69.
Chittenden County: The entire County, $3.65.
Essex County: the entire County, $3.65.
Franklin County: the entire County, $3.63.
Grand Isle County: the entire County, $3.63.
Lamoille County: the entire County, $3.65.
Orange County: the entire County, $3.69.
Orleans County: the entire County, $3.65.
Rutland County: the entire County, $3.71.
Washington County: the entire County, $3.69.
Windham County: Dummerston, Guilford, Putney, Rockingham, Vernon and Westminster, $3.79; Brattleboro, $3.95; the remainder of Windham County, $3.71.
Windsor County: Baltimore, Cavendish, Chester, Hartford, Hartland, Ludlow, Norwich, Springfield, Weathersfield, West Windsor, Windsor and Woodstock, $3.79; the remainder of Windsor County, $3.71.

(2) All other customer's deposit charges and price differentials which were in effect for purchases from any producer during January 1943 for special milk, including but not limited to Grade A milk, but excluding milk of specially high or low butterfat content, may be added to or must be subtracted from, as the case may be, the maximum prices for fluid milk as fixed in this paragraph (b).

(3) Where the total bill at the time of sale, if sold for cash, or the end of any billing period, if sold on credit, comes out at a fraction of a cent, the fraction may be adjusted to the next higher cent.

(c) Each milk distributor selling milk subject to this order to purchasers for purposes of resale shall promptly notify such purchasers in writing of the maximum prices permitted by this order for sales by the distributor and by such purchasers, and of the requirement that such maximum prices for sales at retail be posted by such purchaser (if a retailer) in accordance with the provisions of section 13 of the General Maximum Price Regulation.

(d) All previous Region I Price Orders affecting the maximum prices of fluid milk sold in the State of Vermont are superseded by this Order G–22, including:

(1) Region I Price Order 3 under section 18 (c) of the General Maximum Price Regulation: Fluid Milk in Bennington, Vermont.

(2) Region I Price Order 4 under section 18 (c) of the General Maximum Price Regulation: Fluid Milk in Montpelier and Barre, Vermont.

(3) Region I Price Order 5 under section 18 (c) of the General Maximum Price Regulation: Fluid Milk in St. Albans and Swanton, Vermont.

(4) Region I Price Order 11 under section 18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation 280: Fluid Milk in Vermont.

(e) This order may be revoked, amended, or corrected at any time.

(f) This order shall become effective April 7, 1943 at 12:01 a. m.

(g) Amendments to Order G–22 shall become effective as follows:

(1) Amendment 1 shall become effective May 23, 1943, at 12:01 a. m.

(2) Amendment 2 shall become effective as of April 7, 1943, at 12:01 a. m.

(3) Amendment 3 shall become effective July 14, 1943, at 12:01 a. m.

(4) Amendment 4 shall become effective December 26, 1943, at 12:01 a. m.

(h) The market areas mentioned in this order shall be composed of localities as specified below:

Market Areas and Localities Included

Barre: The city of Barre: Town of Barre, including East Barre, South Barre, Graniteville, the village of Foxville in the town of Williamstown; and the Montpelier road to Dodge Crossing.

Barton: Incorporated Village of Barton and summer cottages immediately adjacent to Crystal Lake.

Bellows Falls: Incorporated village of Bellows Falls, Saxtons River, East Parish, and North Westminster.

Bennington: The town of Bennington and such parts of the town of Shaftsbury as lie within the limits of the villages of North Bennington and Shaftsbury.

Bethel: The Whitcomb School District.

Bradford: The incorporated village of Bradford.

Brandon: The village of Brandon as far north on Route 7 as Pine Hill Cemetery; out Tucker road as far as and including T. Davidson's farm; out Champlain Street as far as the overpass; down Pearl Street as far as the village dump; down Carver Street as far as and including Harry Dundon's farm; through the Jones Pond District as far south on Route 7 as and including Pate's Tourist Home: residences along Golf Course road from Goodnow's to Mrs. Edward's inclusive; from Mrs. Edward's residence across to the Catholic Cemetery to the Forestdale-Brandon road; all residences on Seminary Hill.

Brattleboro: The town of Battleboro.

Bristol: Village of Bristol to Dawes Corners, west to Richardson Place but not including Richardson Place, east to Rocky Dale, north to schoolhouse at Gold Grounds.

Burlington: Winooski, Winooski Park, Burlington, Shore Line and summer resorts from north end of Malletts Bay in Colchester to southerly boundary of Bartletts Bay and congested area in South Burlington.

Cavendish-Ludlow: Township of Cavendish including the incorporated village of Proctorsville and the village of Cavendish; the incorporated village of Ludlow, and the Township of Ludlow.

Chelsea: The Fire District of the Village of Chelsea.

Chester: Chester Fire District No. 1 and Fire District No. 2, including on the Andover Road the farm of John Arcott.

Derby: The township of Derby including the incorporated villages of Derby and Derby Line.

Enosburg Falls: Incorporated village of Enosburg Falls.

Essex Junction: The village of Essex Junction.

Fairlee: The town of Fairlee.

Gilman: The village of Gilman including the road leading north as far as Ida Bell's farm; south to the James Grant farm; west to Irwin Power's farm, and east to the Connecticut River.

Hardwick: The incorporated village of Hardwick and the village of Mackville.

Island Pond: The village of Island Pond and the town of Brighton.

Jeffersonville: The incorporated villages of Cambridgeboro and Jeffersonville and the village of Cambridge Junction.

Johnson: The village of Johnson, incorporated.

Lyndonville: The village of Lyndonville and the township of Lyndon.

Manchester: The town of Manchester.

Middlebury: The township of Middlebury and that portion of the town of Weybridge from Gorham's Corner through Pulp Mill Bridge to Seymour Street.

Milton: The area bounded by the limits of the village of Milton and, in certain directions extending to and including the following points along the cement road to the airport, the St. Albans road to Jim Manley's, the Miltonboro road to John Laroque's, the south road to McMullen's Crossing; meaning to include all intervening territory within the aforesaid bounds.

Montgomery: The Villages of Montgomery and Montgomery Center.

Montpelier: City of Montpelier, Barre road to Dodge Bridge, Worcester road including village of Wrightsville, East Montpelier Village to Plainfield line and Burlington road to Middlesex Line.

Morrisville: The township of Morristown and the township of Hyde Park excluding North Hyde Park Village.

Newport: City of Newport and the Newport Country Club.

Northfield: The town of Northfield.

North Troy: Including all the territory within the boundary of the North Troy Corporation.

Orleans: The incorporated village of Orleans.

Pittsford: Pittsford Village bounded as follows: on the North by farm of J. B. Candon, Main Route #7; on the East by what is known as the Plains and Pittsford Furnace; on the West by Otter Creek and on the South by Hudson School House.

Plainfield: The incorporated village of Plainfield.

Randolph: The village of Randolph.

Richford: The incorporated village of Richford.

Richmond: Incorporated village of Richmond and village of Jonesville.

Rochester: North Boundary—Bean Bridge; South Boundary—Severy Bridge; East Boundary—Brooks Street to village reservoir. Also Bethel Mountain road to Pearl Sander's house. Also including that part of Rochester village lying west of the River on the west of said Village.

Rutland: Rutland City, Rutland Town, Center Rutland.

St. Albans: The city of St. Albans and the township of St. Albans.

St. Johnsbury: The incorporated village and the township of St. Johnsbury.

Springfield: The town of Springfield.

Stowe: Village of Stowe including lower village; Waterbury road as far as Karl Moody Farm; Morrisville road as far as E. C. Scribner place; West Branch road as far as Leon McCutcheon; on the Notch road to Jeffersonville up to and including Barnes Camp; Stowe Hollow as far as Will Rollins, Moscow Road as far as Collins' place, so-called.

Vergennes: The City of Vergennes.

Wallingford: Village of Wallingford and, to be specific, a radius of two miles with the True Temper Inn as a center.

Waterbury: All of the town of Waterbury, Duxbury, beginning at Winooski Creek Bridge extending to and including Duxbury Corner to Cromett Hill turn by Demeritt Saw Mill, then to Morestown town line near South Main Street Bridge and in Morestown to include all of the area adjacent to Duxbury Corner and extending in Middlesex to Buck Bridge.

Westmore: On the east side of the lake south to and including Trail's End; east on the Long Pond road to Gerald Perkins' farm and on the East Hill Road to Charles Shover farm and M. LaCrosse farm; north to the Brownington and Barton lines; west around the lake including all the camps up to and including Irving Robinson's and back from the lake to Lem Woodard's farm.

White River Junction: Town of Hartford, Town of Norwich, that part of the town of Hartland known as District #4.

Williamstown: The Fire District of the village of Williamstown.

Wilmington: The incorporated village of Wilmington and all intervening territory within the following limits: From the Averill stand corner on the Brattleboro Road to West Street at the barn and garage of the Forest and Stream Club, and from the Crafts Farm on the north to the top of Castle Hill on the south.

Windsor: Town of Windsor, Village of Windsor, Town of Hartland excepting District #4.

Woodstock: The Town of Woodstock.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of December 1943.

K. B. Backman,
Regional Administrator.

[F. R. Doc. 44-431; Filed, January 7, 1944; 4:53 p. m.]

[Region I Supp. Order 1 Under RMPR 122]

Solid Fuels in Boston Region

Supplementary Order No. 1 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Quality standards. Pennsylvania anthracite.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended: *It is hereby ordered*, That:

(a) The following provision concerning quality standards and the use of the specific maximum prices for Pennsylvania anthracite contained in the orders listed, is added by the specified paragraph to the Region I orders under Revised Maximum Price Regulation No. 122 which are listed in paragraph (b) of this Supplementary Order No. 1, to read as follows:

Quality standards and applicability of prices for Pennsylvania anthracite. The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the Area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request. The price will be established either by an amendment of this order or by a letter to the applicant.

(b) The paragraphs which add the provision concerning quality standards and the use of the specific maximum prices for Pennsylvania anthracite set forth in this Supplementary Order No. 1, and the applicable Region I orders under Revised Maximum Price Regulation No. 122, are as follows:

Paragraph, Order Number, and Area

(l); Revised G-8; Metropolitan Boston Area.
(17); G-4; Rhode Island.
(n); G-9; Metropolitan Boston Area.
(p); G-11; Lawrence, Massachusetts, Area.
(m); G-12; Haverhill, Massachusetts, Area.
(m); G-13; Lynn-Salem Area.
(p); G-14; Lowell, Massachusetts, Area.
(m); G-15; Manchester, New Hampshire, Area.
(m); G-16; Brockton, Massachusetts, Area.
(m); G-17; Taunton, Massachusetts, Area.
(l); G-18; New London, Connecticut, Area.
(m); G-19; Concord, New Hampshire, Area.
(m); G-21; Nashua, New Hampshire, Area.
(m); G-22; Worcester, Massachusetts, Area.
(m); G-23; Stoughton, Massachusetts.
(m); G-24; Bridgeport, Connecticut, Area.
(o); G-25; Portland, Maine, Area.
(m); G-26; Portsmouth-Kittery Area.
(n); G-28; Bangor, Maine, Area.
(n); G-29; Lewiston-Auburn Area.
(m); G-30; Augusta, Maine, Area.
(m); G-31; Brunswick, Maine, Area.
(m); G-32; Rockland, Maine, Area.
(n); G-33; Biddeford-Saco Area.
(n); G-34; Bath, Maine, Area.

This Supplementary Order No. 1 shall become effective January 17, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong. E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

K. B. Backman,
Regional Administrator.

[F. R. Doc. 44-432; Filed, January 7, 1944; 4:53 p. m.]

[Region III Order G-1 Under RMPR 271]

Dry Onions in Cleveland Region

Order No. G-1 under revised Maximum Price Regulation No. 271. Order adjusting maximum wholesale prices of dry onions sold in Region III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.1001, Article II, section 11 (c) (7) (iii) of Revised Maximum Price Regulation No. 271, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for dry onions when sold by intermediate sellers. It provides a method of calculating dollars-and-cents maximum prices for all sales by intermediate sellers in Region III. All terms not defined herein shall have the same meaning as provided in Revised Maximum Price Regulation No. 271, as the same now exists or hereafter may be amended. The maximum prices herein established shall be the only maximum prices for the sales covered, except to the extent that any prices established by this order are inconsistent with the prices for the same grade of dry onions established by any Community Flat Pricing Orders issued under General Order No. 51 by any District Office, in which case the prices established by such Community Flat Pricing Orders shall be the effective prices for such sales.

(b) *Maximum prices for intermediate sellers.* On the effective date of this order and on Wednesday of each week thereafter, the seller shall calculate his maximum prices for each grade of onion by determining his base price as provided in Article II, section 11 of Revised Maximum Price Regulation No. 271. The seller shall next determine whether he is a first or second intermediate seller as defined in this order. He shall then add to his base price for each grade and variety of dry onions the appropriate mark-up as specified in Schedule A of this order for the particular distributive function which he performs on each individual sale.

(c) *Geographical applicability.* The provisions of this order shall be applicable to all sales pursuant to which delivery is made at any point within the States of Indiana, (except the County of Lake), Kentucky, Michigan, Ohio, and West Virginia.

(d) *Definitions.* (1) First intermediate seller means an intermediate seller at any receiving point who has purchased any quantity of dry onions from a country shipper, either directly or through a broker or grower's agent, or from a carlot or trucklot distributor, and who resells such onions in less than carlot or truck-lot quantities.

(2) Second intermediate seller means an intermediate seller who has purchased dry onions in less than carlot or truck-lot quantities from another intermediate seller and who resells such onions in less than carlot or trucklot quantities. An intermediate seller can be a second intermediate seller in selling only those quantities of onions purchased from another intermediate seller in less than carlot or trucklot quantities.

(e) The provisions of Revised Maximum Price Regulation No. 271, as to sales and transactions with respect to onions, shall not be affected by this order, except as such provisions are specifically changed or modified herein.

This order may be modified, amended, or revoked at any time by the Office of Price Administration.

This order shall become effective January 3, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 & E.O. 9328, 8 F.R. 4681)

Issued December 27, 1943.

Berkett L. Williams,
Regional Administrator.

Schedule A

Maximum prices for intermediate sellers of dry onions

(1) *First intermediate sellers.* (i) From railroad car or truck.

Base price as established on Wednesday of each week under the provisions of article II, section 11 of Revised Maximum Price Regulation No. 271, plus 18 cents per 50# bag.

(ii) F. o. b. seller's warehouse or delivered to physical premises of a chain store warehouse, or another intermediate seller, provided that onions have been removed from a car or truck to a place in a seller's warehouse or store.

Base price as established on Wednesday of each week under the provisions of article II, section 11 of Revised Maximum Price Regulation No. 271 plus 18 cents per 50# bag.

(iii) Delivered to the physical premises of a retail store, hotel, restaurant, or institutional user in the seller's free delivery zone except by a hotel and restaurant supply house.

Base price as established on Wednesday of each week under the provisions of article II, section 11 of Revised Maximum Price Regulation No. 271 plus 30 cents per 50# bag.

(iv) Delivered to the physical premises of retailers or institutional users located outside the free delivery zone of the seller.

The applicable price determined under (iii) of Schedule A (1) above, plus zone differential if such zone differential has been determined under MPR 271, section 11 (c) (7) and has been filed with the appropriate District Office of the Office of Price Administration.

(2) *Second intermediate sellers.* (i) F. o. b. the seller's business establishment to any purchaser or delivered to the premises of another intermediate seller.

Base price as established on Wednesday of each week under the Provisions of article II, section 11 of Revised Maximum Price Regulation No. 271 plus 30 cents per 50# bag.

(ii) Delivered to the physical premises of a retailer, hotel, restaurant, or institutional user located within the free delivery zone of the seller.

Base price as established on Wednesday of each week under the provisions of article II, section 11 of Revised Maximum Price Regulation No. 271 plus 40 cents per 50# bag.

(iii) Delivered to the physical premises of a retailer or institutional user located outside the free delivery zone of the seller.

The applicable price determined under (ii) of Schedule A (2) above plus zone differential if such zone differential has been determined under MPR 271, section 11 (c) (7) and has been filed with the appropriate District Office of the Office of Price Administration.

(3) *Hotel and restaurant supply houses.* (i) F. o. b. the seller's business establishment to any hotel, restaurant, commercial, industrial or institutional user.

Base price as established on Wednesday of each week under the provisions of article II, section 11 of Revised Maximum Price Regulation No. 271 plus 45 cents per 50# bag.

(ii) Delivered to the physical premises of a hotel, restaurant, commercial, industrial or institutional user located within the seller's free delivery zone.

Base price as established on Wednesday of each week under the provisions of article II, section 11 of Revised Maximum Price Regulation No. 271 plus 55 cents per 50# bag.

(iii) Delivered to the physical premises of a hotel, restaurant, commercial, industrial, or institutional user located outside of the seller's free delivery zone.

The applicable price determined under (ii) of Schedule A (3) above plus zone differential if such zone differential has been determined under MPR 271, section 11 (c) (7) and has been filed with the appropriate Office of the Office of Price Administration.

[F. R. Doc. 44-435; Filed, January 7, 1944; 4:55 p. m.]

[Region III Order G-16 under 18 (c) Amdt. 7]

Fluid Milk and Special Milk in Kentucky

Amendment No. 7 to Order No. G-16 under § 1499.18 (c) as Amended, of the General Maximum Price Regulation. Adjustment of the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is hereby ordered:*

(1) That the County of Clark be deleted from the list of counties appearing in paragraph B of section I.

(2) That the County of Mason be deleted from the list of counties appearing in subparagraph 1 of paragraph D of section I.

(3) That paragraph E of section I be amended to read as set forth below:

I. • • •

E. The maximum prices of any person selling or delivering approved fluid milk at retail or wholesale in the Counties of Harlan and Knott in the State of Kentucky shall be (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The Maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) The prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	62¢ per gallon.
Retail	Glass or paper	One-half gallon	32¢ per one-half gallon.
Retail	Glass or paper	One quart	17¢ per quart.
Retail	Glass or paper	One pint	9½¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	55¢ per gallon.
Wholesale	Glass or paper	One-half gallon	29¢ per one-half gallon.
Wholesale	Glass or paper	One quart	15¢ per quart.
Wholesale	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

(4) That paragraph I of section I be re-numbered as paragraph L.
(5) That new paragraphs I, J and K, as set forth below, be added to section I.

I. • • •

I. The maximum prices of any person selling or delivering approved fluid milk at retail or wholesale in the Counties of Clark and Madison in the State of Kentucky shall be (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) The prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	62¢ per gallon.
Retail	Glass or paper	One-half gallon	27½ per one-half gallon.
Retail	Glass or paper	One quart	14¢ per quart.
Retail	Glass or paper	One pint	8¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	45½ per gallon.
Wholesale	Glass or paper	One-half gallon	24¢ per one-half gallon.
Wholesale	Glass or paper	One quart	12¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

J. Any person may sell or deliver approved fluid milk at retail or wholesale in the Counties of Clay, Mason and Whitley in the State of Kentucky at (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) The prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	61¢ per gallon.
Retail	Glass or paper	One-half gallon	26½ per one-half gallon.
Retail	Glass or paper	One quart	15½ per quart.
Retail	Glass or paper	One pint	8½ per pint.
Retail	Glass or paper	One half-pint	7½ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	48½ per gallon.
Wholesale	Glass or paper	One-half gallon	25½ per one-half gallon.
Wholesale	Glass or paper	One quart	13½ per quart.
Wholesale	Glass or paper	One pint	7½ per pint.
Wholesale	Glass or paper	One-half pint	4½ per one-half pint.

K. The maximum prices of any person selling or delivering approved fluid milk at retail or wholesale in the County of Johnson in the State of Kentucky shall be (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) The prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	59¢ per gallon.
Retail	Glass or paper	One-half gallon	30½ per one-half gallon.
Retail	Glass or paper	One quart	16½ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	6½ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	53½ per gallon.
Wholesale	Glass or paper	One-half gallon	27½ per one-half gallon.
Wholesale	Glass or paper	One quart	14½ per quart.
Wholesale	Glass or paper	One pint	7½ per pint.
Wholesale	Glass or paper	One-half pint	4½ per one-half pint.

This amendment to Order No. G–18 under § 1499.18 (c), as amended, of the General Maximum Price Regulation shall become effective December 24, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 24, 1943.

BURKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–439; Filed, January 7, 1944; 4:56 p. m.]

[Region III Order G–20 Under 18 (c), Amdt. 4]

FLUID MILK IN MICHIGAN

Amendment No. 4 to Order No. G–20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, Order No. G–20 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended in the following respects:

1. The Counties of Bay, Kent and Saginaw are deleted from the list of Counties set forth in paragraph 2 of Schedule A and are added to the list of Counties set forth in paragraph 3 of Schedule A.

2. The County of Berrien is deleted from the list of counties set forth in paragraph 1 of Schedule A and is added to the list of counties set forth in paragraph 3 of Schedule A.

3. The Counties of Branch, Cass, St. Joseph and Van Buren are deleted from the list of counties set forth in paragraph 1 of Schedule A and are added to the list of counties set forth in paragraph 2 of Schedule A.

This Amendment No. 4 to Order No. G–20 under § 1499.18 (c) of the General Maximum Price Regulation shall become effective December 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: December 22, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44–438; Filed, January 7, 1944; 4:53 p. m.]

[Region IV Order G–2 Under RMPR 122, Amdt. 2]

SOLID FUELS IN CLARKE COUNTY, GA.

Amendment No. 2 to Order No. G–2 under § 1340.260 of Revised Maximum Price Regulation No. 122 (formerly designated as "General Order No. 2 under Revised Maximum Price Regulation No. 122"). Solid fuels sold and delivered by dealers in Clarke County, Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That paragraph (a) (1) and paragraph (a) (5) of Order No. G–2 under § 1340.260 of Revised Maximum Price Regulation No. 122 (formerly designated as General Order No. 2 under Revised Maximum Price Regulation No. 122) be amended to read as set forth below:

(a) *Maximum prices for bituminous coal sold at retail by dealers located in Clarke County, Georgia.* On and after November 29, 1943, the maximum prices for the various kinds and sizes of bituminous coal set forth below sold at retail by dealers whose business establishments are located in Clarke County, Georgia, shall be:

(1) Maximum prices per ton:
5" to 6" Harlan or Jellico lump or block, $10.05 (regular); $10.55 (premium).
2½" x 5" and 3" x 6" Harlan or Jellico egg, $9.55 (regular); $10.05 (premium).
0" to 1¼" stoker, $9.55.
Nut and slack, $6.65.
Montevallo 8" black, $11.05.

• • • • •

(5) The maximum price for any quantity less than 100 pounds shall be determined by adding $1.00 to the maximum price in paragraph (a) (1) above and dividing the sum by a proportionate divisor.

For example: The maximum price for 50 pounds of 5" Harlan lump would be:
$10.05 plus $1.00=$11.05.
50 pounds=1/40 of 2,000 pounds.
$11.05÷40=Maximum price for 50 pounds.

• • • • •

This Amendment No. 2 to Order No. G–2 shall become effective November 29, 1943.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F. R. 4681)

Issued: December 3, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–436; Filed, January 7, 1944; 4:56 p. m.]

[Dallas Order 1 Under Restaurant MPR 5–4, Amdt. 2]

MALT BEVERAGES IN DALLAS DISTRICT

Amendment No. 2 to Order No. 1 under Restaurant Maximum Price Regulation No. 5–4. Food and drink sold for immediate consumption. Maximum prices for malt beverages.

An opinion involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 1 under Restaurant Maximum Price Regulation No. 5–4 is amended in the following respects:

1. Section 3 (a) is amended to read as follows:

SEC. 3. *Your ceiling prices.* Your ceiling prices for malt beverages are set forth below:

(a) Brand or trade name	Maximum prices per bottle			
	6 oz.	12 oz.	24 oz.	32 oz.
	Cents	*Cents*	*Cents*	*Cents*
Carta Blanca	.....	25	.....	.....
Pabst Ale	.....	20	.....	.....
Red Top Ale	.....	15	.....	20
Bohemian (Splits) Ale	17	.....	.....	.....
Budweiser	.....	15	.....	.....
Blatz Pilsener	.....	15	.....	20
Mashlebach Pilsener	.....	15	.....	20
Pabst Blue Ribbon	.....	15	.....	20
Pilsener Club	.....	15	33	20
Schlitz	.....	15	.....	20
Country Club	.....	15	.....	20
Miller's High Life	.....	15	.....	20
Barbarossa	.....	15	.....	20
Peerless Amber	.....	15	.....	20
Silver Fox	.....	15	.....	20
Downs	.....	15	.....	20
Canadian Ace	.....	15	.....	20
Lemp's Black Label	.....	15	.....	20
Koenigs Brau	.....	15	.....	20
Birk's Trophy (Premium Beer)	.....	15	.....	20
Blue Bonnet	.....	13	.....	20
Falstaff	.....	13	.....	20
Grand Prise	.....	13	.....	20
Jax	.....	13	.....	20
Lone Star	.....	13	.....	.....
Mellow Brew	.....	13	25	20
Pearl	.....	13	.....	20
Stern Brau	.....	13	.....	20
Pom Roy	.....	13	.....	20
Southern Select	.....	13	.....	20
Topaz	.....	13	.....	.....
White Seal	.....	13	.....	.....
Victory	.....	13	.....	20
Pioneer	.....	13	.....	20
Polo	.....	15	.....	20

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective December 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued at Dallas, Texas, this 16th day of December 1943.

GUS W. THOMASSON,
District Director.

[F. R. Doc. 44–440; Filed, January 7, 1944; 4:47 p. m.]

[Region VII Order G–1 Under 19a]

SALES OF MILK TO ARMED FORCES IN UTAH

Order No. G–1 under § 1499.19a of the General Maximum Regulation. Adjustable pricing on sales of milk to the armed forces.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.19a of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this order is issued.

(a) *Maximum prices for sales of milk to the armed forces.* The maximum prices for milk sold in glass or paper containers to the armed forces at any place in the State of Utah by any seller shall be the seller's present maximum prices as established under the applicable price regulations now in force and effect; *Provided*, That the seller may agree with the buyer to deliver at prices to be adjusted upward in accordance with action taken by the Denver Regional Office, Region VII, after delivery, and pursuant to the adjustment provisions contained in Amendment 8 to Supplementary Regulation 14A to the General Maximum Price Regulation.

(b) *Right to revoke or amend.* This order may be revoked, modified, or amended by the Price Administrator or the Regional Administrator at any time.

Effective date. This order becomes effective January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–434; Filed, January 7, 1944; 4:56 p. m.]

[Region VII Order G–11 Under MPR 329, Amdt. 1]

FLUID MILK IN WYOMING

Order No. G–11 under Maximum Price Regulation No. 329, Amendment No. 1. Purchases of milk from producers in the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1351.408 (b) of Maximum Price Regulation No. 329, as amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (c) is amended by adding thereto a second and further proviso to read as follows: *Provided further*, That milk distributors who have established places of business within Albany or Laramie Counties in the State of Wyoming may purchase milk from the following named Colorado producers, at the price hereinabove stated for District No. 1:

(1) Richard Ayers, Carr, Colo.
(2) Lester Chadwick, Carr, Colo.
(3) Deasons Dairy, Greeley, Colo.
(4) Vernon Doughty, Eaton, Colo.
(5) Harry Evans, Fort Collins, Colo.
(6) Elmo Sheldon, Greeley, Colo.
(7) L. E. Johnson, Carr, Colo.
(8) A. J. Mair, Fort Collins, Colo.
(9) Morrison Brothers, Carr, Colo.
(10) Henry Prange, Carr, Colo.
(11) Raymond Schneider, Fort Collins, Colo.
(12) H. F. Schroeder, Carr, Colo.
(13) Hillman Thayer, Timnath, Colo.
(14) R. H. Watts, Timnath, Colo.
(15) Dr. Lowell Little, Fort Collins, Colo.
(16) K. L. Grossaint, Greeley, Colo.
(17) Pete Miller, Fort Collins, Colo.
(18) A. R. Dayton, Carr, Colo.
(19) Wilbur Thomas, Carr, Colo.
(20) P. C. Lamb, Windsor, Colo.
(21) Kester Kemp, Ault, Colo.
(22) L. D. Balmer, Carr, Colo.
(23) Kleber Brothers, Ault, Colo.
(24) H. D. Miles, Carr, Colo.
(25) Floyd Anderson, Bellvue, Colo.
(26) M. R. Collicott, Carr, Colo.
(27) Paul Walker, Ault, Colo.
(28) Allen Bitters, Carr, Colo.
(29) P. J. McCoy, Windsor, Colo.
(30) J. W. Kennedy, Pierce, Colo.
(31) W. A. Rhoadarmer, Pierce, Colo.
(32) C. K. Alkire, Pierce, Colo.
(33) H. E. Rhoadarmer, Pierce, Colo.
(34) Clarence Gardner, Fort Collins, Colo.
(35) Phillip Schneider Windscr, Colo.
(36) C. E. Rhoadarmer, Pierce, Colo.

(37) Dave Weitzel, Fort Collins, Colo.
(38) Jake Stelback, Pierce, Colo.
(39) John Jeromiason, Ault, Colo.
(40) Gilbert Graff, Pierce, Colo.
(41) R. L. Giddings, Fort Collins, Colo.
(42) A. D. Macey, Pierce, Colo.
(43) H. Macey, Pierce, Colo.
(44) A. M. Macey, Pierce, Colo.

Effective date. This Amendment No. 1 shall become effective retroactively as of October 15, 1943, the effective date of said Order No. G–11.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong. E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–437; Filed, January 7, 1944; 4:55 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7–728, 7–729, 7–730]

PHILADELPHIA STOCK EXCHANGE

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of January, A. D. 1944.

In the matter of applications by the Philadelphia Stock Exchange to extend unlisted trading privileges to Consolidated Natural Gas Company Capital Stock, $15 Par Value, File No. 7–728; Farnsworth Television & Radio Corporation Common Stock, $1 Par Value, File No. 7–729; and Libby, McNeill & Libby Common Stock, $7 Par Value, File No. 7–730.

The Philadelphia Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F–1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, January 24, 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–473; Filed, January 8, 1944; 9:17 p. m.]

[File No. 70–844]

CENTRAL OHIO LIGHT & POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of January, A. D. 1944.

Notice is hereby given that an application or declaration (or both) has been filed pursuant to the Public Utility Holding Company Act of 1935 by Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company.

All interested persons are referred to said application or declaration (or both), which is on file at the offices of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Central Ohio Light & Power Company proposes to issue and sell $4,300,000 principal amount of First Mortgage Bonds, Series A, 3¼%, due February 1, 1974. Such Series A Bonds will be sold through competitive bidding, pursuant to Rule U-50 promulgated under the Public Utility Holding Company Act of 1935.

The proceeds from the sale of such bonds, except accrued interest, together with other cash from funds in the company's treasury, are to be used by Central Ohio Light & Power Company as follows: (1) To redeem and retire all its presently outstanding First Mortgage 4% Bonds, Series C, due August 1, 1964, in the principal amount of $3,981,000 at 106.75% of the principal amount thereof together with accrued interest thereon; (2) to redeem and retire all its presently outstanding First Mortgage 3½% Bonds, Series D, due March 1, 1966 in the principal amount of $394,000 at 103.25% of the principal amount thereof together with accrued interest thereon; and (3) to pay duplicate interest and the expenses of such financing.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application or declaration (or both) shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on said matter under the applicable provisions of said Act and rules of the Commission thereunder be held on January 19, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Notice is hereby given of said hearing to the above-named applicant-declarant, to the Public Utilities Commission of Ohio, and to all interested persons, said notice to be given to said applicant-declarant and to the Public Utilities Commission of Ohio by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application or declaration (or both), particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issuance and sale of bonds are solely for the purpose of financing the business of the company and have been authorized by the Public Utilities Commission of Ohio.

(2) Whether, if so, it is necessary and appropriate to impose terms and conditions in the public interest or for the protection of investors and consumers, and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–474; Filed, January 8, 1944; 9:17 p. m.]

[File No. 30–206]

STANDARD OIL CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of January 1944.

Notice is hereby given that an application has been filed with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 by Standard Oil Company (New Jersey) ("Standard") for an order that it has ceased to be a holding company. The application states that on August 12, 1943, Standard registered as a holding company under section 6 of the act, by virtue of its ownership of all the voting stocks of four gas utility subsidiaries (Hope Natural Gas Company, The East Ohio Gas Company, The Peoples Natural Gas Company and The River Gas Company). Thereafter, pursuant to a plan filed under section 11 (e), and approved by the Commission (Holding Company Act Release No. 4617), Standard caused Consolidated Natural Gas Company ("Consolidated") to be organized and Standard tranferred to it all the stock of the four gas utility subsidiaries and also the stock of New York State Natural Gas Corporation, a non-utility pipeline subsidiary, in exchange for all the shares of stock of Consolidated, which stock was distributed by Standard to its stockholders. The application further

states that Standard has fully consummated the transactions proposed in the plan by completely divesting itself of all of the stock of Consolidated and has ceased directly and indirectly to own or control the voting securities of these former subsidiaries or any other public utility or holding company within the meaning of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing in this proceeding be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on the 21st day of January 1944, in such room as may be designated on such day by the hearing room clerk. At such hearing, cause shall be shown why such application shall be granted.

All persons desiring to be heard or otherwise wishing to participate shall notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice on or before January 20, 1944.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of this order by mailing a copy thereof by registered mail to Standard Oil Company (New Jersey) and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented by said application otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the requested declaration of status is consistent with all applicable requirements of the act and the rules thereunder.

2. Whether it is necessary or appropriate for the protection of investors to impose any terms and conditions and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–486; Filed, January 10, 1944; 9:58 a. m.]

[File No. 70–833]

GLENDALE WATER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of January, A. D. 1944.

Glendale Water Company, a wholly-owned subsidiary company of Pennsylvania State Water Corporation, a subsidiary company of American Water Works and Electric Company, Incorporated, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 promulgated thereunder regarding the payment of liquidating dividends to its only stockholder, Pennsylvania State Water Corporation, by distributing $57,500 as a partial liquidating dividend, the balance of its assets, $10,204 in cash, to be used initially to satisfy tax and any other remaining liabilities, and thereafter paid as a final liquidating distribution; and

Said declaration having been filed on December 9, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (c) are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, pursuant to Rule U-46, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the said declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–485; Filed, January 10, 1944; 9:58 a. m.]

[File No. 70–805]

ILLINOIS POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of January 1944.

Illinois Power Company, a public-utility company which is a registered holding company and also a subsidiary of The North American Company, North American Light & Power Company and Illinois Traction Company, all registered holding companies, having filed an application on October 23, 1943, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said act regarding: (1) the issue and sale, by competitive bidding pursuant to the requirements of Rule U-50 promulgated under said act, of $65,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, —% Series due November 1, 1973, and (2) the issue and sale to commercial banks of its 2¾% Serial Notes in the principal amount of not less than $4,000,000 and not more than $5,000,000, maturing serially in not more than five years from date; and

Hearings having been held on said application on November 23, 1943, after appropriate notice; and

Illinois Power Company having on December 20, 1943, filed an amendment to the aforesaid application requesting, pursuant to the provisions of subparagraph (5) of Rule U-50 (a), that the proposed bonds be exempted from the competitive bidding requirements as set forth in paragraphs (b) and (c) of said rule; and a hearing having been held on said amendment on December 27, 1943, after appropriate notice; and the Commission having made and filed its findings and opinion herein in which, for reasons set forth therein, the application filed pursuant to section 6 (b) was considered as a declaration pursuant to section 7;

It is ordered, That the declaration pursuant to section 7 with respect to the issue and sale of the above-described bonds and serial notes be and the same is hereby permitted to become effective subject to the terms and conditions prescribed by Rule U-24 and subject also to the following additional terms and conditions:

1. That the issue and sale of the proposed bonds and notes shall not be consummated until the price and terms of the new bonds have been incorporated in an amendment filed in these proceedings and a further order has been entered by this Commission; jurisdiction is hereby reserved for the entrance of such further order and the imposition of such terms and conditions as may be deemed appropriate in connection therewith;

2. That the applicant file an amendment containing a revised estimate of the fees and expenses to be incurred in connection with the proposed refunding; jurisdiction is hereby reserved over the payment of all such fees and for the entrance of such orders as may be deemed appropriate with respect thereto.

It is further ordered, That the amended application filed pursuant to subparagraph (5) of Rule U-50 (a) for an exemption of the bonds from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50 be and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–482; Filed, January 10, 1944; 9:58 a. m.]

[File Nos. 59–68, 70–842]

TIDE WATER POWER CO. AND GENERAL GAS AND ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR CONSOLIDATION AND HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 7th day of January 1944.

In the matter of Tide Water Power Company, Respondent, File No. 59–68; General Gas & Electric Corporation, File No. 70–842.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by General Gas & Electric Corporation, a registered holding company; and

All interested persons are referred to the said declaration, which is on file in the office of the said Commission, for a statement of the transaction therein proposed, which is summarized below:

General Gas & Electric Corporation proposes to sell to Warren W. Bell, for the cash consideration of $55,000, all of the outstanding 115,789 shares of common stock of Tide Water Power Company. Bell is a director of Tide Water Power Company.

The declarant has designated section 12 (d) of the act, and Rule U-44 promulgated thereunder, as applicable to the filing.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter, and that said declaration shall not become effective except pursuant to further order of this Commission; and

The Commission having heretofore instituted proceedings (bearing File No. 59-68) under sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) of the act, with respect to Tide Water Power Company, and a public hearing having been held on such matter; and

It appearing to the Commission that the said proceedings instituted by the Commission under File No. 59-68 and the matter arising by reason of said declaration, filed under File No. 70-842, are related, and that the evidence offered in respect to each of such matters may have a bearing upon the other matter, and that substantial savings of time and expense will result if the matters are consolidated for hearing;

It is hereby ordered, That such proceedings in File No. 59-68 be, and hereby are, consolidated with the matter regarding the declaration filed under File No. 70-842;

It is further ordered, That a hearing on such matters under the applicable provisions of said act and the rules of the Commission thereunder be held on February 8, 1944, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held;

At such hearing cause shall be shown why such declaration shall become effective. Notice is hereby given of said hearing to the above-named declarant and to all interestd parties.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 5, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transaction is in the public interest and in the interest of investors and consumers;

2. More specifically, whether the proposed sale of the common stock to and its acquisition by an affiliate are in the public interest and not detrimental to the interest of investors or consumers or in circumvention of the provisions of the act and rules, regulations, or orders promulgated thereunder;

3. Whether the consideration to be received for the proposed sale is fair and reasonable;

4. The propriety of the accounting treatment to reflect the proposed transaction on the books of the declarant;

5. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts or capital structure of Tide-Water Power Company, or otherwise in regard to the proposed transaction;

6. Whether, in all other respects, the proposed transaction complies with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-483; Filed, January 10, 1944; 9:58 a. m.]

[File No. 70-821]

FEDERAL LIGHT & TRACTION COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of January 1944.

Federal Light & Traction Company, a registered holding company and a direct subsidiary of Cities Service Power & Light Company, and an indirect subsidiary of Cities Service Company, both registered holding companies, having filed a declaration pursuant to section 12 (d) of the act and Rule U-44 thereunder regarding the sale of 2,500 shares (100%) of $100 par value capital stock of Rawlins Electric Company, an electric utility subsidiary operating in Rawlins, Wyoming, to Edmund Steinauer of Lincoln, Nebraska, for a basic cash consideration of $350,000 pursuant to an agreement dated November 19, 1943; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, That said declaration is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24, and without prejudice to our jurisdiction to require segregation of Federal Light & Traction Company's unallocated investments.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-484; Filed, January 10, 1944; 9:58 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 404, 481, 489, 367, 463a), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

BUOYANT APPARATUS

20-person metallic buoyant apparatus Model No. 1 (Dwg. No. 1742 dated 23 October 1943), submitted by L. A. Young Spring and Wire Corporation, Oakland, California.

BUOYANT CUSHION

15" x 15" x 2" Typha filled buoyant cushion for use on motorboats of classes A, 1, and 2 not carrying passengers for hire (Dwg. dated 8 December 1943), Approval No. B-208, manufactured by the American Pad & Textile Company Greenfield Ohio.

JACKKNIVES

Jackknives, Types Q-5 and Q-6, submitted by the Camillus Cutlery Company, Camillus, New York.

FIRE RESISTIVE SUBSTANCE

Navy deck blue machine compound type 6A, for use in the treatment of cotton drill covers of life preservers, finished by the American Pad & Textile Company, Greenfield, Ohio, furnished by Buckeye Fabric Finishing Company, Coshocton, Ohio.

LIFE FLOAT

15-person rectangular balsa wood life float, Model No. 2 (Dwg. dated 9 December, 1943), submitted by the William J. Jaeger Furniture Company, Los Angeles, California.

R. R. WAESCHE, *Commandant.*

JANUARY 7, 1944.

[F. R. Doc. 44-447; Filed, January 8, 1944; 10:18 a. m.]

WAR PRODUCTION BOARD.

BUTANE EQUIPMENT COMPANY, INC.

CONSENT ORDER

Butane Equipment Company, Inc., a Texas corporation with its main office at 3301 South Lamar Street, Dallas, Texas, is charged by the War Production Board with having used 40 tons of carbon steel in the production of liquefied petroleum gas equipment during the fourth quarter of 1943, when the only allotment which had been made to it by the War Production Board of carbon steel which could be used for this purpose and the authorized production schedule issued by the War Production Board to it consisted of 20 tons of such material for the manufacture of pressure vessels during that quarter. Although the Butane Equipment Company does not admit or deny the charges made by the War Production Board, nevertheless it does not desire to contest such charges and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Butane Equipment Company, Inc., the Regional Compliance Chief and the Regional Attorney and upon approval of a compliance Commissioner, *It is hereby ordered*, That:

(a) Butane Equipment Company, Inc., shall list with the Facilities Department of the Eighth Region of the War Production Board all carbon steel sheet and plate in excess of a sixty-day working inventory of approximately 120 tons. It agrees to dispose of the steel so listed under the provisions of Priorities Regulation No. 13.

(b) Butane Equipment Company, Inc., shall use its facilities to manufacture and make deliveries of all defense orders as provided in § 944.7 of Priorities Regulation No. 1.

(c) This order shall be effective for a period of ninety (90) days from the date of issuance.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-476; Filed, January 8, 1944; 3:33 p. m.]

JAN 14

FEDERAL REGISTER

VOLUME 9 NUMBER 8

Washington, Wednesday, January 12, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[Reg. 2-1]

PART 1598—GENERAL REGULATIONS

REVISION OF SCHEDULES TO REGULATION 2

Pursuant to the authority vested in me by the provisions of Food Distribution Regulation No. 2, as amended (8 F. R. 7523, 13879, 15655), the schedules to that regulation are hereby revised to read as follows:

SCHEDULE A

Set-aside foods:	*Applicable food distribution order*
American cheese	15
Beef	75–2
Dried skim milk	54
Rice	10

SCHEDULE B

Restricted foods:	
Cocoa products	25
Fats and oils products (excluding lard), (limited to salad and cooking fats, shortening and compounds, margarine, and soap (bar soap and soap powder))	42
Frozen dairy foods	8
Honey	47
Fluid milk, fluid cream, and milk by-products (fluid buttermilk, skim milk, flavored milk drink or beverage containing more than 35% of skim milk; and cottage, pot or baker's cheese)	79
Molasses	51
Peanuts and peanut butter	59
Spices	19
Tea	18

This revision shall be effective on January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; F.D.R. No. 2, 8 F.R. 7523, 13879, 15655)

Issued this 8th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-553; Filed, January 10, 1944; 2:44 p. m.]

[Reg. 3-1]

PART 1598—GENERAL REGULATIONS

REVISION OF SCHEDULES TO REGULATION 3

Pursuant to the authority vested in me by the provisions of Food Distribution Regulation No. 3, as amended (8 F.R. 13880, 15655), the schedules to that regulation are hereby revised to read as follows:

SCHEDULE A

Set aside foods:	*Applicable food distribution order*
American (Cheddar) cheese	15
Beef	75–2
Concentrated Citrus Juices	3
Dried Skim Milk	54
Rice	10

SCHEDULE B

Restricted foods:	
Frozen dairy foods	8
Fats and oils (excluding lard) (Limited to salad and cooking fats, shortening and compounds, margarine, and soap (bar soap and soap powder))	42
Honey	47
Imported salted fish	72
Milk, milk by-products, and cream	79
Molasses	51
Peanuts and peanut butter	59
Spices	19
Tea	18

SCHEDULE C

Designated foods:	
Canned fish and shellfish (Limited to Maine and California sardines, salmon, shrimp, mackerel)	44
Canned fruits and fruit juices (Limited to apples, apricots, berries, red sour pitted cherries, figs, fruit-cocktail, grapefruit, peaches, pears, pineapple, orange juice, grapefruit juice, orange and grapefruit juice, and pineapple juice)	22–4
Canned vegetables and vegetable juices (Limited to asparagus, lima beans, snap beans, beets, carrots, corn, peas, pumpkin and squash, spinach, tomatoes, tomato puree, tomato paste, tomato juice, and tomato catsup)	22–4
Dehydrated vegetables (Limited to beets, cabbage, onions, and rutabagas)	30
Dried fruits (Limited to apples, apricots, pears, peaches, prunes, and raisins)	16

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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This revision shall be effective on January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; F.D.R. No. 3, 8 F.R. 13880, 15655)

Issued this 8th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-554; Filed, January 10, 1944; 2:44 p. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Order 1848]

PART 202—INCORPORATION, CONVERSION, AND ORGANIZATION

CHARTERS OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

JANUARY 4, 1944.

Order relating to § 202.9, Part 202 of Chapter II, Title 24 of the Code of Federal Regulations, in connection with amendments to charters of federal savings and loan associations.

It is hereby ordered, That the Governor, an Assistant Governor, or the Chief Supervisor shall be authorized to reaffirm in writing or otherwise the approval of the Federal Home Loan Bank Administration of the proposal by the board of directors of any Federal association operating under Charter K to adopt any of the standard amendments to Charter K set forth and approved in § 202.9 (d) of the rules and regulations for the Federal Savings and Loan System.

Effective January 4, 1944.

(Sec. 5 (a), (c), 48 Stat. 132, Sec. 18, 49 Stat. 297; 12 U.S.C. 1464 (a), (c) and Sup.; E.O. 9070, 7 F.R. 1529)

[SEAL] JAMES TWOHY,
Governor.

Approved:

HAROLD LEE,
General Counsel.

[F. R. Doc. 44-560; Filed, January 10, 1944; 3:40 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 233]

ORDER TO REPORT—PREINDUCTION PHYSICAL EXAMINATION, ETC.

ORDER PRESCRIBING FORMS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 215, entitled "Order to Report—Preinduction Physical Examination," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 216, entitled "Transfer—Preinduction Physical Examination," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 217, entitled "Physical Examination List," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 218, entitled "Certificate of Fitness," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 219, entitled "Request for Immediate Induction," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 223, entitled "Call on State—Preinduction Physical Examination," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 224, entitled "Call-Preinduction Physical Examination," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing additions shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1944.

[F. R. Doc. 44-556; Filed, January 10, 1944; 2:50 p. m.]

[1] Filed as part of the original document.

[No. 234]

ORDER TO REPORT FOR FINAL-TYPE PHYSICAL EXAMINATION

ORDER PRESCRIBING FORMS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 48A, entitled "Order to Report for Final-Type Physical Examination," effective February 1, 1944.[1]

The foregoing discontinuance shall become a part of the Selective Service Regulations effective February 1, 1944.

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1944.

[F. R. Doc. 44-557; Filed, January 10, 1944; 2:50 p. m.]

[No. 235]

NOTICE OF CALL, ETC.

ORDER PRESCRIBING FORMS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 10, entitled "Notice of Call," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The DSS Form 10 entitled "Notice of Call" (Revised 2/4/43) is rescinded effective February 1, 1944, and on that date all unused copies will be disposed of.

Revision of DSS Form 12, entitled "Notice of Call on State," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The DSS Form 12 entitled "Notice of Call on State" (Revised 2/4/43) is rescinded effective February 1, 1944, and on that date all unused copies will be disposed of.

Revision of DSS Form 151, entitled "Delivery List," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The DSS Form 151, entitled "Delivery List" (Revised 6/30/43) is rescinded effective February 1, 1944, and on that date all unused copies will be disposed of.

Revision of DSS Form 154, entitled "Request for Transfer for Delivery," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The DSS Form 154 entitled "Request for Transfer for Delivery" (Revised 2/10/43) is rescinded effective February 1, 1944, and on that date all unused copies will be disposed of.

LEWIS B. HERSHEY,
Director.

JANUARY 10, 1944.

[F. R. Doc. 44-558; Filed, January 10, 1944; 2:50 p. m.]

[No. 236]

TRANSFER OF REGISTRANT FOR DELIVERY

ORDER PRESCRIBING FORMS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 155, entitled "Transfer of Registrant for Delivery," effective February 1, 1944.[1]

Discontinuance of DSS Form 156, entitled "Order for Transferred Man to Report for Induction," effective February 1, 1944.[1]

The foregoing discontinuance shall become a part of the Selective Service Regulations effective February 1, 1944.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1944.

[F. R. Doc. 44-559; Filed, January 10, 1944; 2:50 p. m.]

PART 623—CLASSIFICATION PROCEDURE

[Amdt. 197]

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend § 623.2 to read as follows:

§ 623.2 *Information considered for classification.* The registrant's classification shall be made solely on the basis of the Selective Service Questionnaire (Form 40), Affidavit of Dependent Over 18 Years of Age (Form 40A), Affidavit—Occupational Classification (Form 42), or Affidavit—Occupational Classification (Form 42A), and such other written information as may be contained in his file: *Provided, however,* When a registrant has failed or hereafter fails to return his Selective Service Questionnaire (Form 40) within the time allowed by § 621.2 or when he has failed or hereafter fails to provide the local board with any other information concerning his status which he is requested or required to furnish, the local board shall proceed with his classification without such information. Oral information should not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances should the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file.

2. Amend § 623.11 to read as follows:

§ 623.11 *Registrants transferred for classification.* (a) After returning the Selective Service Questionnaire (Form 40) and before the local board of origin has undertaken the classification of a registrant, he may be transferred to another local board for classification if he is so far from his local board as to make complying with notices a hardship.

(b) After returning the Selective Service Questionnaire (Form 40), a registrant may be transferred to another local board for classification, at any time, when a majority of the members of the local board cannot act on his case because of disqualification under the provisions of § 603.55 or when a majority of the members of the local board, because of any conflicting interest, bias, or other reason, withdraw from consideration of the registrant's classification.

3. Amend § 623.21 to read as follows:

§ 623.21 *Order in which classes are to be considered.* (a) Upon undertaking to classify any registrant, consideration

shall be given to the following classes in the order listed and the registrant shall be classified in the first class for which grounds are established:

Class I-C.	Class II-C.
Class IV-A.	Class II-B.
Class IV-D.	Class II-A.
Class IV-B.	Class III-D.
Class III-C.	

(b) If the registrant is not classified in one of the classes set forth in paragraph (a) of this section, consideration shall next be given to his classification in Class IV-C. If the only reason for considering the classification of a registrant in Class IV-C is that he may not be acceptable to the armed forces due to the fact that he is a citizen or subject of a certain country or because of his ancestry, his acceptability shall be determined and he shall be placed in Class IV-C only if it is determined that he "is not" acceptable to the armed forces.

(c) If the registrant is not classified in one of the classes set forth in paragraph (a) or paragraph (b) of this section, it shall be determined whether the registrant should be classified in Class IV–F (moral) because of being disqualified for service under the moral standards of the armed forces. If, under such moral standards, the registrant is disqualified for service in the armed forces and he does not meet the requirements permitting application for waiver of such moral disqualification, he shall be placed in Class IV–F. If, under such moral standards, the registrant is disqualified for service in the armed forces but he does meet the requirements permitting application for waiver of such moral disqualification, application for such waiver shall be made and the registrant placed in Class IV–F only if the armed forces decline to grant such waiver. If, under such moral standards, the registrant cannot qualify for service in the armed forces unless an order suspending civil custody is secured, the proper civil authority shall be requested to issue an order suspending such civil custody for the period of time that the registrant is in the armed forces and the registrant shall be placed in Class IV–F only if the proper civil authority declines to issue such an order.

(d) If the registrant is not classified in one of the classes set forth in paragraphs (a), (b), or (c) of this section, he shall be classified in Class I–A: *Provided*, If he claims to be a conscientious objector, the claim shall be determined; and, if he is found to be a conscientious objector to combatant military service only, he shall be classified in Class I–A–O or, if he is found to be a conscientious objector to both combatant and noncombatant military service, he shall be classified in Class IV–E.

4. Amend § 623.31 to read as follows:

§ 623.31 *Manner in which registrants are to be examined.* (a) Physical examination of registrants classified in Class I–A, Class I–A–O, or Class IV–E, except those forwarded for induction prior to February 1, 1944, will be accomplished under the provisions of Part 629.

(b) Registrants forwarded for induction or for pre-induction physical examination during the month of January, 1944, shall, whenever possible, be given a serological test and the results of such test shall be sent with the registrant when he is forwarded for induction or for pre-induction physical examination. It shall be the duty of the registrant to present himself for and submit to serological tests at the times and places designated by the local board.

5. Amend the regulations by deleting § 623.32 in its entirety.

6. Amend the regulations by deleting § 623.33 in its entirety.

7. Amend the regulations by deleting § 623.34 in its entirety.

8. Amend the regulations by deleting § 623.35 in its entirety.

9. Amend the regulations by deleting § 623.41 in its entirety.

9a. Amend the centerhead preceding § 623.51 to read as follows: "Classification after physical examination".

10. Amend § 623.51 to read as follows:

§ 623.51 *Registrant disqualified for service.* If, under the provisions of Part 629, the registrant is found to be disqualified for service, the local board shall reopen his classification and classify him in Class IV–F.

11. Amend the regulations by deleting § 623.52 in its entirety.

12. Amend the regulations by deleting § 623.53 in its entirety.

13. Amend the regulations by deleting § 623.54 in its entirety.

14. Amend paragraphs (a) and (c) of § 623.61 to read as follows:

§ 623.61 *Classification and change of classification.* (a) As soon as practicable after the local board has classified or changed the classification of a registrant, it shall mail a notice thereof on a Notice of Classification (Form 57) to the registrant. (The date on which the deferment of the registrant terminates will be shown if he is classified in Class II–A or Class II–B.) At the same time, it shall mail a Classification Advice (Form 59) to the following:

(1) Every person whose signed Affidavit — Occupational Classification (Form 42) or Affidavit—Occupational Classification (Form 42A) is on file in the registrant's Cover Sheet (Form 53);

(2) Every person whose signed Affidavit of Dependent Over 18 Years of Age (Form 40A) is on file in the registrant's Cover Sheet (Form 53); and

(3) Any other person authorized to request the reopening of the registrant's classification under the provisions of § 626.2 and whose request that the registrant's classification be reopened is on file in the registrant's Cover Sheet (Form 53).

* * * * * * *

(c) When the local board classifies or changes the classification of a registrant, it shall record such classification on the Selective Service Questionnaire (Form 40) and the Classification Record (Form 100).

14a. Amend the centerhead preceding § 623.71 to read as follows: "Determination of acceptability of certain aliens".

15. Amend paragraph (a) of § 623.71 to read as follows:

§ 623.71 *Steps to be taken by registrant and local board.* (a) The Director of Selective Service will advise local boards that certain registrants' acceptability for service in the armed forces must be determined because they are citizens or subjects of certain countries. When, under the provisions of paragraph (b) of § 623.21, the local board is considering whether such registrant should be placed in Class IV–C, an Alien's Personal History and Statement (Form 304) shall be forwarded to such registrant.

16. Amend § 623.72 to read as follows:

§ 623.72 *Steps to be taken by State Director of Selective Service before action by armed forces.* The State Director of Selective Service, when he receives from a local board an original and three copies of an Alien's Personal History and Statement (Form 304), shall (1) enter an acknowledgement thereof upon the receipt attached to the State Headquarters Alien Record (Form 306), (2) mail such receipt to the local board, (3) enter the date of receipt thereof on the State Headquarters Alien Record (Form 306), (4) transmit the original and all three copies thereof to the Commanding General of the Service Command, (5) enter the date of such transmittal upon the State Headquarters Alien Record (Form 306) and (6) file the State Headquarters Alien Record (Form 306) in an alphabetical file of pending alien cases.

17. Amend § 623.73 to read as follows:

§ 623.73 *Steps to be taken by armed forces.* The Commanding General of the Service Command will endorse on the original and all three copies of the Alien's Personal History and Statement (Form 304) that such registrant either "is, if otherwise qualified," acceptable to the armed forces or "is not" acceptable to the armed forces. If such endorsement indicates that the registrant "is, if otherwise qualified," acceptable to the armed forces, the Commanding General of the Service Command will retain one copy of the Alien's Personal History and Statement (Form 304) and forward the original and two copies to the State Director of Selective Service from whom they were originally received. If such endorsement indicates the registrant "is not" acceptable to the armed forces, the Commanding General of the Service Command will retain the original and one copy of the Alien's Personal History and Statement (Form 304) and forward two copies thereof to the State Director of Selective Service from whom they were originally received.

18. Amend paragraphs (a) and (b) of § 623.74 to read as follows:

§ 623.74 *Steps to be taken by State Director of Selective Service after action by armed forces.* (a) The State Director of Selective Service shall carefully check the Alien's Personal History and Statement (Form 304) received by him from the Commanding General of the Service Command to make certain that the endorsement thereon shows whether the registrant "is, if otherwise qualified," or "is not" acceptable to the armed forces.

(b) The State Director of Selective Service shall then enter upon the State Headquarters Alien Record (Form 306) the date upon which the Alien's Personal History and Statement (Form 304) was received from the Commanding General of the Service Command and shall also enter thereon whether such registrant was found to be acceptable, if otherwise qualified, or not acceptable to the armed forces.

19. Amend § 623.75 to read as follows:

§ 623.75 *Steps to be taken by local board after action by armed forces.* (a) When the local board receives from the State Director of Selective Service the original and one copy of the Alien's Personal History and Statement (Form 304) which bears the endorsement of the armed forces showing the registrant "is, if otherwise qualified," acceptable to the armed forces, or one copy of the Alien's Personal History and Statement (Form 304) which bears the endorsement of the armed forces showing the registrant "is not" acceptable to the armed forces, it shall take the following action:

(1) Change the registrant's classification to Class IV–C, if the registrant "is not" acceptable to the armed forces; or

(2) Complete the registrant's classification in the same manner as in the case of any other registrant, if the registrant "is, if otherwise qualified," acceptable to the armed forces.

(b) The local board shall also:

(1) If the registrant has been found to be acceptable, if otherwise qualified, forward the original of the Alien's Personal History and Statement (Form 304) to the examination station at the time the registrant is forwarded for pre-induction physical examination and to the induction station at the time the registrant is forwarded for induction and file the remaining copy in the registrant's Cover Sheet (Form 53);

(2) If the registrant has been found to be not acceptable, file the copy of the Alien's Personal History and Statement (Form 304) in the registrant's Cover Sheet (Form 53); and

(3) Record the action of the armed forces and the date upon which it received the Alien's Personal History and Statement (Form 304) from the State Director of Selective Service with the endorsement of the armed forces thereon in the blank columns of the Classification Record C (Form 100A) and under "Minutes of Other Actions" on the back of the Selective Service Questionnaire (Form 40).

20. Amend the regulations by deleting § 623.76 in its entirety.

21. Amend the regulations by deleting § 623.77 in its entirety.

22. Amend the regulations by adding a new section to be known as § 623.81 to read as follows, preceded by the centerhead "Determination of Acceptability of Certain Citizens":

§ 623.81 *Determination of acceptability of certain registrants who are United States citizens.* The Director of Selective Service will advise local boards that certain registrants' acceptability for service in the armed forces must be determined because of their ancestry. This determination shall be made in the manner prescribed by the Director of Selective Service. A registrant whose acceptability for service must be determined because of his ancestry shall comply with all orders of his local board issued in connection with such determination.

23. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1944.

[F. R. Doc. 44–543; Filed, January 10, 1944; 11:58 a. m.]

[Amdt. 198]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend the regulations by deleting Part 651 in its entirety.

2. The foregoing amendment to the Selective Service Regulations shall be effective January 1, 1944, *Provided*, That the present provisions of Part 651, Selective Service Regulations, shall continue in effect as to all registrants who have been mailed or who are hereafter mailed an Order to Report for Final-Type Physical Examination (Form 48A) when the date fixed in such order for final-type physical examination is on or before January 31, 1944.

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1944.

[F. R. Doc. 44–544; Filed January 10, 1944; 11:58 a. m.]

[Amdt. 199]

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend paragraph (a) of § 652.1 to read as follows:

§ 652.1 *Report of conscientious objector to Director of Selective Service.* (a) When a registrant is classified in Class IV–E and his classification is not under consideration on appearance, reopening, or appeal, and the time in which he is entitled to request an appearance or take an appeal has expired, and his order number is reached in the process of selecting Class I–A and Class I–A–O registrants to report for induction, the local board shall immediately notify the Director of Selective Service on Conscientious Objector Report (Form 48) that the registrant is available for assignment to work of national importance under civilian direction.

2. Amend paragraph (a) of § 652.11 to read as follows:

§ 652.11 *Preparation and distribution of Order to Report; delinquency of Class IV–E registrants.* (a) Upon receipt of an Assignment to Work of National Importance (Form 49) for a registrant, the local board shall prepare six copies of an Order to Report for Work of National Importance (Form 50). The local board shall then proceed as follows:

(1) In the case of a registrant classified in Class IV–E: Mail the original of the Order to Report for Work of National Importance (Form 50) to the registrant at least 10 days before the date set for him to report. At the time the registrant leaves the local board for the camp, mail the remaining five copies of the Order to Report for Work of National Importance (Form 50), together with the original and the first copy of the registrant's Report of Physical Examination and Induction (Form 221), to the camp directors, and retain the second copy of the registrant's Report of Physical Examination and Induction (Form 221) in the registrant's Cover Sheet (Form 53).

(2) In the case of a registrant discharged from the land or naval forces because of conscientious objections which make him unadaptable for military service: Mail or deliver to the registrant before the time set for him to report, the original of the Order to Report for Work of National Importance (Form 50). At the time the registrant leaves the local board for the camp, mail the remaining five copies of the Order to Report for Work of National Importance (Form 50), together with a letter explaining the circumstances under which the registrant was ordered to report for work of national importance, to the camp director at such camp. No other records shall be forwarded to the camp director with such registrant. When an Order to Report for Work of National Importance (Form 50) is mailed or delivered to a registrant as hereinbefore provided, it shall be his duty to comply therewith, to report to the camp at the time and place designated therein, and to thereafter perform work of national importance under civilian direction for the period, at the place, and in the manner provided by law.

3. The foregoing amendments to the Selective Service Regulations shall be effective January 1, 1944: *Provided*, That the present provisions of Part 652, Selective Service Regulations, shall continue in effect as to all registrants who have been mailed or who are hereafter mailed an Order to Report for Final-Type Physical Examination (Form 48A) when the date fixed in such order for final-type physical examination is on or before January 31, 1944.

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1944.

[F. R. Doc. 44–545; Filed, January 10, 1944; 11:58 a. m.]

[Amdt. 200]

PART 629—PHYSICAL EXAMINATION

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition are amended in the following respect:

1. Amend the regulations by deleting Part 629 in its entirety and substituting therefor the following:

DUTIES OF REGISTRANT UPON RECEIVING ORDER TO REPORT FOR PHYSICAL EXAMINATION

Sec.
629.1 Who will be examined.
629.2 Order to report pre-induction physical examination.
629.3 Preparing records for a group ordered to report for pre-induction physical examination.
629.4 Local board physical examination authorized for registrants who request it.

TRANSFER FOR PRE-INDUCTION PHYSICAL EXAMINATION

629.11 Certain registrants may request transfer.
629.12 Director of Selective Service may direct transfer.

PRE-INDUCTION PHYSICAL EXAMINATION

629.21 Duty of registrant to report for and submit to pre-induction physical examination.
629.22 Forwarding registrants for pre-induction physical examination.
629.23 Request for immediate induction.

ACTION TAKEN AFTER PRE-INDUCTION PHYSICAL EXAMINATION

629.31 Records completed at induction station.
629.32 Mailing Certificate of Fitness to registrant accepted or rejected.
629.33 Action when further serology requested for accepted registrant.
629.34 Action when registrant's status not determined.
629.35 Action when it is found that the registrant is disqualified for service.

SPECIAL CASES

629.41 Director to determine.

DUTIES OF REGISTRANT UPON RECEIVING ORDER TO REPORT FOR PHYSICAL EXAMINATION

§ 629.1 *Who will be examined.* (a) Every registrant, before he is ordered to report for induction, shall be given a pre-induction physical examination under the provisions of this part unless (1) he signs a Request for Immediate Induction (Form 219) or (2) he is a delinquent.

(b) The armed forces will not accept the results of a pre-induction physical examination after 90 days. Therefore, when a registrant's induction will shortly occur and it appears that the date fixed for his induction will be more than 90 days after the date of his pre-induction physical examination, he will be given a new pre-induction physical examination before he is ordered to report for induction unless the Director of Selective Service or the State Director of Selective Service directs otherwise.

§ 629.2 *Order to report pre-induction physical examination.* (a) In accordance with instructions of the Director of Selective Service, the State Director of Selective Service will issue to each local board Call Pre-Induction Physical Examination (Form 224) specifying thereon the number of registrants to be delivered for pre-induction physical examination and the time and place fixed for such delivery.

(b) The local board shall mail an Order to Report Pre-Induction Physical Examination (Form 215) to a sufficient number of registrants who have been classified in Class I–A or Class I–A–O under the provisions of § 623.2I to fill each Call Pre-Induction Physical Examination (Form 224) which it receives. In filling such calls, the local board, as far as practicable, shall first select volunteers, then nonfathers, and finally fathers, and within each group shall make such selections in sequence of order numbers without regard to whether the registrant has requested or will request a personal appearance before the local board and without regard to whether an appeal has been or will be taken.

(c) The local board shall also mail an Order to Report Pre-Induction Physical Examination (Form 215) to each registrant classified in Class IV–E when his order number is reached (without regard to whether he has requested or will request a personal appearance before the local board and without regard to whether an appeal has been or will be taken) in the process of ordering Class I–A and Class I–A–O registrants to report for pre-induction physical examination under the provisions of paragraph (b) of this section.

(d) The local board may also mail an Order to Report Pre-Induction Physical Examination (Form 215) to any registrant (1) who is classified in a class other than Class I–A, Class I–A–O, or Class IV–E, if it determines that his induction will shortly occur, or (2) when directed to do so by the Director of Selective Service or the State Director of Selective Service.

§ 629.3 *Preparing records for a group ordered to report for pre-induction physical examination.* (a) As soon as the local board has mailed Orders to Report Pre-Induction Physical Examination (Forms 215) to all registrants who are directed to appear for such pre-induction physical examination at a particular time and place, it shall:

(1) Prepare in quadruplicate a Physical Examination List (Form 217), entering thereon the name and order number of each such registrant and indicating in column 3 thereof whether such registrant is a nonfather or a father.

(2) Prepare the original, the first copy, and the second copy of the Report of Physical Examination and Induction (Form 221) for each such registrant, and complete section I thereof.

(3) Prepare the original and copy of Certificate of Fitness (Form 218) for each such registrant, placing thereon the local board stamp, and the registrant's name and order number.

(4) Assemble and attach to the registrant's Report of Physical Examination and Induction (Form 221) the prepared original and copy of the Certificate of Fitness (Form 218); any waiver of disqualification, order terminating civil custody, Alien's Personal History and Statement (Form 304) or Statement of United States Citizen of Japanese Ancestry (Form 304A) bearing the armed forces endorsement of acceptability for military service; all records available bearing upon the medical, social, and educational history of such registrant; and all other information that should be considered by the armed forces in determining the fitness of the registrant for military service.

(b) Whenever a registrant referred to in paragraph (a) is transferred to another local board for pre-induction physical examination, a notation of such transfer shall be made in column 3 of the Physical Examination List (Form 217) and all of the other records of such registrant prepared under paragraph (a) shall be transmitted to the local board to which such registrant is transferred for pre-induction physical examination in the manner and at the time provided in § 629.11.

§ 629.4 *Local board physical examination authorized for registrants who request it.* (a) When a registrant believes that he has a disqualifying defect which is manifest, as listed in List of Defects (Form 220), he may present himself for examination at the office of the local board on or before the date specified in the "Important Notice to Registrants" portion of his Order to Report Pre-Induction Physical Examination (Form 215). If the registrant claims that he has a disqualifying defect which is manifest, as listed in List of Defects (Form 220), the member or clerk of the local board to whom such registrant presents himself shall, from the information received from the registrant, complete (a) and (b) of Item 18 of section II of the registrant's Report of Physical Examination and Induction (Form 221) and the registrant shall certify to the correctness of such entries in (c) and (d) of Item 18. The member or clerk of the local board shall then refer the registrant to the local board examining physician for examination and it shall be the duty of the registrant to present himself to the local board examining physician at the time and place designated by the member or clerk of the local board and to submit to such examination as the local board examining physician shall direct.

(b) When, because of a physical defect, a registrant is unable to personally present himself for examination, a reputable physician may file an affidavit, or an authorized representative of a Federal or State agency may file an official statement with the local board stating (1) the character of the defect, (2) that the physician has personal professional knowledge thereof, or that the representative has official knowledge thereof, and (3) that the registrant is unable to personally present himself for examination due to the character of the defect. The local board shall refer any affidavit or official statement which it receives under the provisions of this paragraph to the local board examining physician for review.

(c) The local board examining physician shall (1) examine each registrant who presents himself for examination pursuant to the direction of a member or clerk of the local board and (2) review each affidavit of a reputable physician or official statement of a representative of a Federal or State agency referred to him by the local board. From such examination or review, the local board examining physician shall determine whether the registrant has one of the defects listed in the List of Defects (Form 220) and will record his findings in Item 19 of the Report of Physical Examination and Induction (Form 221).

(d) When no local board examining physician is available, the local board, to the extent that it is capable of doing so, shall make the examination, review, and finding provided for in paragraph (c) of this section.

(e) If the local board determines that the registrant has a defect which disqualifies him for military service, it shall:

(1) Classify or reclassify him in Class IV–F and immediately mail him a Notice of Classification (Form 57), and

(2) Note the fact that he has been found disqualified for service and classified in Class IV–F in column 3 of the Physical Examination List (Form 217).

TRANSFER FOR PRE-INDUCTION PHYSICAL EXAMINATION

§ 629.11 *Certain registrants may request transfer.* (a) Any registrant who has received an Order to Report Pre-Induction Physical Examination (Form 215) and who is so far from his own local board that reporting to his own local board would be a hardship may be transferred for pre-induction physical examination (including local board physical examination under § 629.4 when applicable) to the local board having jurisdiction of the area in which he is at that time located.

(b) Any such registrant desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at that time located; present his Order to Report Pre-Induction Physical Examination (Form 215); and complete, in quadruplicate, the request portion of Transfer Pre-Induction Physical Examination (Form 216).

(c) The local board with which such registrant files such request shall investigate the circumstances of the registrant's absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon his request; mail the original thereof to the registrant's own local board; mail a copy to the registrant; and file the remaining copies. Such registrant will then be required to report in accordance with instructions contained in the Order to Report Pre-Induction Physical Examination (Form 215) which he received from his own local board.

(d) If the local board with which the registrant files such request finds that he has a good reason for his absence from his own local board area and that he is so far from his own local board area that it would be a hardship for him to return to his own local board area for his pre-induction physical examination, it shall endorse its approval upon his request; mail the original and one copy by airmail (unless ordinary mail is as expeditious), to the registrant's own local board; mail a copy to the registrant; and file the remaining copy.

(e) Immediately upon receiving the approved Transfer Pre-Induction Physical Examination (Form 216), the registrant's own local board shall endorse on the original thereof the order transferring the registrant for pre-induction physical examination. It shall then mail the original of the Transfer Pre-Induction Physical Examination (Form 216) to the local board to which the registrant is being transferred for pre-induction physical examination and shall file the copy in the registrant's Cover Sheet (Form 53). It shall also mail to the local board to which the registrant is being transferred for pre-induction physical examination, the original and all copies of the Report of Physical Examination and Induction (Form 221) and all other records referred to in subparagraph 4 of paragraph (a) of § 629.3.

(f) The local board to which such registrant is transferred for pre-induction physical examination, when it receives the papers from the registrant's own local board as provided in paragraph (e) of this section, shall prepare and mail to the registrant a new Order to Report Pre-Induction Physical Examination (Form 215) and shall add the name of the registrant to its Physical Examination List (Form 217) indicating in the Remarks column that the registrant is a transfer from another local board.

(g) When the transferred registrant's examination has been completed or if he fails to report for such examination, the local board to which such registrant was transferred for pre-induction physical examination shall forward all the papers with reference to such registrant to his own local board.

§ 629.12 *Director of Selective Service may direct transfer.* (a) The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants be transferred for pre-induction physical examination to such local board or local boards as he shall designate.

(b) In each such case, the registrant's own local board shall complete Transfer Pre-Induction Physical Examination (Form 216) by writing on the face of the request "By direction of the Director of Selective Service" and by endorsing the order transferring the registrant to the designated local board in the manner directed by the Director of Selective Service. Thereafter, the procedure described in paragraphs (e), (f), and (g) of § 629.11 shall be followed.

PRE-INDUCTION PHYSICAL EXAMINATION

§ 629.21 *Duty of registrant to report for and submit to pre-induction physical examination.* When the local board mails to a registrant an Order to Report Pre-Induction Physical Examination (Form 215), it shall be the duty of the registrant to report for such examination at the time and place fixed in such order unless, after the date the Order to Report Pre-Induction Physical Examination (Form 215) is mailed and prior to the time fixed therein for the registrant to report for his pre-induction physical examination, he has received from the local board a Notice of Classification (Form 57) advising him that he has been placed in Class IV–F. It shall also be the duty of each such registrant upon reporting for pre-induction physical examination (1) to follow the instructions of a member or clerk of the local board as to the manner in which he will be transported to the location where his pre-induction physical examination will take place, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for pre-induction physical examination, (3) to appear for and submit to such examination as the commanding officer of the induction station shall direct, and (4) to follow the instructions of a member or clerk of the local board as to the manner in which he will be transported on his return trip from the place where his pre-induction physical examination takes place.

§ 629.22 *Forwarding registrants for pre-induction physical examination.* When the registrants who are to be forwarded for pre-induction physical examination have assembled, the local board shall proceed as follows:

(a) The roll shall be called, using the previously prepared Physical Examination List (Form 217) and any absences shall be recorded in the Remarks column.

(b) As each registrant's name is called he shall be observed by a member, or clerk, of the local board. If the member or clerk of the local board knows or sees a registrant who he believes may be disqualified for military service because of a manifestly disqualifying defect listed in the List of Defects (Form 220) the registrant shall not be forwarded for pre-induction physical examination on that day but shall be given a local board physical examination as provided in § 629.4 and if not disqualified shall then be forward for a pre-induction physical examination.

(c) A leader and assistant leaders shall be appointed and furnished with proper credentials.

(d) The leader shall be given the following:

(1) The original and all copies of the Physical Examination List (Form 217).

(2) For each registrant being forwarded, the original and both copies of the Report of Physical Examination and Induction (Form 221) and the original and copy of the Certificate of Fitness (Form 218) and other records referred to in subparagraph (4) of paragraph (a) of § 629.3.

(3) Transportation and meal and lodging requests for the group, both for the trip to the induction station and for the return trip.

The leader shall be instructed to deliver the original and copies of the Physical Examination List (Form 217), all Reports of Physical Examination and Induction (Form 221), all Certificates of Fitness (Form 218), and other information to the commanding officer of the induction station or his representative. He shall be instructed to return any unused portions of the transportation re-

quests or any unused meal and lodging requests to the local board.

(e) The local board shall instruct all registrants in the group that it is their duty to obey the instructions of the leader or assistant leaders during the time they are going to and returning from the induction station; that they will be met by proper representatives of the armed forces when they arrive at the induction station; that while they are at the induction station, they will be subject to and must obey the orders of the representatives of the armed forces; that they must present themselves for and submit to such examination as the commanding officer of the induction station shall direct; that they will be returned to the local board when the examination is completed.

§ 629.23 *Request for immediate induction.* (a) Any registrant may sign a Request for Immediate Induction (Form 219) before he leaves the local board for the induction station for the purpose of taking his pre-induction physical examination. If he does so, he will be forwarded to the induction station for immediate induction, and will be listed on a Delivery List (Form 151) and crossed off of any Physical Examination List (Form 217) upon which he appears.

(b) Any registrant may sign a Request for Immediate Induction (Form 219) after he arrives at the induction station for the purpose of taking his pre-induction physical examination. If he does so and he is found to be acceptable for military service, he will be immediately inducted. Each registrant inducted under the provisions of this paragraph will be listed on the Delivery List (Form 151) prepared for registrants delivered to fill the next call of the branch of service into which he was inducted and the fact that he was previously inducted, together with the date of such induction, will be noted in column 3 of such Delivery List (Form 151).

(c) When a registrant is inducted under the provisions of this section, he shall be immediately classified in Class I–C and shall be counted towards filling the next call of the branch of service into which he was inducted.

ACTION TAKEN AFTER PRE-INDUCTION PHYSICAL EXAMINATION

§ 629.31 *Records completed at induction station.* (a) After pre-induction physical examination, the armed forces will:

(1) Complete sections III and IV, Items 69 and 70 of section V, and, if the registrant is rejected, Item 71 of section V of the original, the first copy, and the second copy of the Report of Physical Examination and Induction (Form 221). The armed forces will stamp at the top of page 1 of the original, the first copy, and the second copy of the Report of Physical Examination and Induction (Form 221) either "Army—General Service," "Army—Limited Service," or "Navy" except when the registrant is rejected or his status is not finally determined because of incomplete records or serology which is not satisfactory.

(2) Complete the original and copy of Certificate of Fitness (Form 218) for each registrant who is accepted or rejected. When the serology of an accepted registrant is positive, Item 8 of the Certificate of Fitness (Form 218) will also be completed.

(3) Complete Item 6 of the Certificate of Fitness (Form 218) for each registrant whose status is not determined because his serology is not satisfactory.

(4) Complete Item 7 of the Certificate of Fitness (Form 218) for each registrant whose status is not determined because of incomplete records.

(5) Complete entries in column 4 of Physical Examination List (Form 217).

(b) After completing the records in the manner provided in paragraph (a) of this section, the induction station will return all records to the local board except (1) for registrants inducted, it will retain the original of the Report of Physical Examination and Induction (Form 221), and (2) it will retain one copy of the Physical Examination List (Form 217); forward one copy of such list to the Director of Selective Service, 10th Floor, Gimbel Building, 35 S. 9th Street, Philadelphia, Pennsylvania; and forward one copy of such list to the State Director of Selective Service.

§ 629.32 *Mailing Certificate of Fitness to registrant accepted or rejected.* When a Certificate of Fitness (Form 218) indicates that a registrant has been accepted for the Army or the Navy or that a registrant has been rejected, the local board shall immediately mail the original of such certificate to the registrant.

§ 629.33 *Action when further serology requested for accepted registrant.* When it is indicated in Item 8 on a registrant's Certificate of Fitness (Form 218) that his serology is "Positive" and it is requested that the registrant be given further serological tests, the local board shall direct the registrant to submit to such further serological tests as may be necessary to determine whether his serology is "Definitely Positive" or "Definitely Negative" and it shall be the duty of the registrant to present himself for and submit to such serological tests at the time and place fixed by the local board. The results of such serological tests shall be attached to the Original of the registrant's Report of Physical Examination and Induction (Form 221) and shall be forwarded with the registrant when he is forwarded for induction.

§ 629.34 *Action when registrant's status not determined.* (a) If the induction station returns the records of a registrant without determining his status:

(1) If it is indicated in Item 6 of the Certificate of Fitness (Form 218) of such registrant that his status has not been determined because his serology is not satisfactory and it is requested that the registrant be given further serological tests, the local board shall direct the registrant to submit to such further serological tests as may be necessary to determine whether his serology is "Definitely Positive" or "Definitely Negative" and it shall be the duty of such registrant to present himself for and submit to such serological tests at the time and place fixed by the local board.

(2) If it is indicated in Item 7 of the Certificate of Fitness (Form 218) of such registrant that his status has not been determined because his records were incomplete, the local board shall secure the required records.

(b) The results of further serological tests and spinal fluid survey, if given, or the required records secured under the provisions of paragraph (a) of this section shall be mailed to the induction station together with the registrant's Report of Physical Examination and Induction (Form 221) and all other records which were transmitted to the induction station at the time the registrant was forwarded for pre-induction physical examination.

(c) The induction station will then determine the acceptability and will complete the Certificate of Fitness (Form 218) of the registrant. If the induction station is unable to determine whether such registrant is acceptable to the Army or to the Navy or should be rejected, it will request that the registrant be again forwarded to the induction station for further pre-induction examination. Upon receiving such a request from the induction station, the local board will again mail to the registrant an Order to Report Pre-Induction Physical Examination (Form 215), note his special status in the Remarks column of the Physical Examination List (Form 217), and again forward him to the induction station for completion of his pre-induction physical examination.

§ 629.35 *Action when it is found that the registrant is disqualified for service.* If, in carrying out the provisions of § 629.33 or § 629.34, it is determined, as a result of a spinal fluid survey, that a registrant has cerebrospinal syphilis or, as a result of other examinations, that a registrant has cardiovascular or visceral syphilis and, in either case, a statement to that effect is filed with the local board by a Public Health Officer, State Medical Officer, or a local board examining physician or if, for any other reason the registrant is found to be completely disqualified for service, his classification shall be reopened and he shall be placed in Class IV–F and neither he nor his records shall be forwarded for further consideration by the armed forces.

SPECIAL CASES

§ 629.41 *Director to determine.* Notwithstanding any of the provisions of this part, the Director of Selective Service under such procedures as he prescribes and based upon such information concerning the registrant's physical and mental fitness as he specifies, may direct a local board to classify a registrant in Class IV–F or as available for service. When he does so, the local board shall classify the registrant as directed.

2. The foregoing amendment to Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 4, 1944.

[F. R. Doc. 44–546; Filed, January 10, 1944; 11:58 a. m.]

[Amdt. 202]

PART 627—APPEAL TO BOARD OF APPEAL

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend § 627.13 by deleting paragraph (d) thereof in its entirety.

2. Amend the regulations by adding a new section to be known as § 627.14 to read as follows:

§ 627.14 *Time when record to be forwarded on appeal.* (a) When an appeal is taken from the classification of a registrant in Class I–A, Class I–A–O, or Class IV–E the file of the registrant shall be held by the local board and shall not be forwarded to the board of appeal or the State Director of Selective Service, as the case may be, until (1) the registrant has been ordered to report for his pre-induction physical examination in the usual manner when his order number is reached and (2) the results of the pre-induction physical examination have been received by the local board or the registrant has failed to appear for his pre-induction physical examination at the time he is ordered to do so. If as a result of the pre-induction physical examination such registrant is found to be disqualified for service his classification shall be reopened and he shall be classified in Class IV–F. In such cases the appeal will not be forwarded.

(b) When an appeal is taken from the classification of a registrant in a class other than Class I–A, Class I–A–O, or Class IV–E, the registrant's file shall be forwarded to the board of appeal or the State Director of Selective Service, as the case may be, immediately after the local board has complied with the provisions of § 627.13.

(c) The local board shall enter in the Classification Record (Form 100) the date it transmits the registrant's file to the board of appeal or the State Director of Selective Service, as the case may be.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 5, 1944.

[F. R. Doc. 44–547; Filed, January 10, 1944; 11:58 a. m.]

PART 622—CLASSIFICATION

[Amdt. 203]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend paragraph (a) of § 622.15 to read as follows:

§ 622.15 *Class I–C: Member of land or naval forces of United States.* (a) In Class I–C shall be placed or retained:

(1) Every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve (other than temporary), or any other branch or component of the land or naval forces; or

(2) Every registrant who is a cadet of the United States Military Academy, a midshipman of the United States Naval Academy, or a cadet of the United States Coast Guard Academy; or

(3) Every registrant who has been separated from the land or naval forces by death at any time; or

(4) Every registrant who has been separated from the land or naval forces by honorable discharge based on physical or mental disability; provided, the classification of such registrant may be reopened and he may be placed in a class immediately available for service under the provisions of Part 623.

2. Amend § 622.32 to read as follows:

§ 622.32 *Class III–D: Man deferred by reason of extreme hardship and privation to wife, child, or parent.* (a) In Class III–D shall be placed any registrant not otherwise deferred if (1) it is determined that his induction into the land or naval forces would result in extreme hardship and privation to a wife, child, or parent with whom he maintains a bona fide family relationship in their home regardless of the date on which such bona fide family relationship in their home was established, and (2) by reason of such determination, it is considered advisable that he be deferred.

(b) The term "child" as used in paragraph (a) of this section means a legitimate or illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

3. Amend paragraph (a) of § 622.33 to read as follows:

§ 622.33 *Certain relatives defined.* (a) The term "child" as used in these regulations, except in § 622.32, means a legitimate child born prior to September 15, 1942, a stepchild, adopted child, foster child, or a person who is in the relationship of child to the registrant, who became such prior to December 8, 1941, who is less than eighteen years of age, or who by reason of mental or physical defects is incapable of self-support, who is unmarried, and with whom the registrant has maintained a bona fide family relationship in their home since December 7, 1941, or since the date of birth if such date is later than December 7, 1941.

4. Amend § 622.41 to read as follows:

§ 622.41 *Class IV–A: Man deferred by reason of age.* In Class IV–A shall be placed every registrant liable for training and service who has attained the forty-fifth anniversary of the day of his birth and (1) who has not been inducted into the land or naval forces, or (2) who after being inducted into the land or naval forces has been separated therefrom under circumstances which require his reclassification under the provisions of paragraph (c) of § 623.54: *Provided*, That if and when the Director of Selective Service advises the local board that such a registrant is acceptable to the land or naval forces, such registrant may file with his local board a written request that he be inducted in which case he shall be classified without reference to his age, and if he is not placed in a deferred classification he may be inducted.

5. Amend paragraph (a) of § 622.43 to read as follows:

§ 622.43 *Class IV–C: Registrants not acceptable for training and service because of nationality or ancestry, neutral aliens requesting relief from training and service, registrants not acceptable to the armed forces or to the Director of Selective Service, and aliens who have departed and are not residing in the United States.* (a) In Class IV–C shall be placed any registrant:

(1) Who is an alien and because of his nationality or ancestry, is within a class of persons not acceptable under any circumstances to the land or naval forces for training and service or to the Director of Selective Service for work of national importance under civilian direction. The Director of Selective Service will advise local boards which classes of registrants are not acceptable under any circumstances.

(2) Who is an alien and who is a citizen or subject of a neutral country (see § 601.2) and who, at any time prior to (i) his induction into the land or naval forces of the United States, or (ii) his assignment to work or national importance under civilian direction, files with his local board an Application by Alien for Relief from Military Service (Form 301) executed in duplicate. The local board shall forward the original of such form to the Director of Selective Service through the State Director of Selective Service and shall retain the duplicate in the registrant's Cover Sheet (Form 53).

(3) Who because he is an alien or because of his ancestry is, under procedure prescribed by the Director of Selective Service, found by the land or naval forces to be unacceptable for training and service or by the Director of Selective Service to be unacceptable for work of national importance under civilian direction.

(4) Who is an alien and has departed from and is no longer residing in the United States. Such alien shall be classified in Class IV–C even though he is a delinquent, but this classification shall in no way relieve him from liability for prosecution for violation of the selective service law. If any registrant so classified under this paragraph returns to the United States to reside therein, his classification shall be reopened and he shall be classified anew.

6. Amend § 622.62 to read as follows:

§ 622.62 *Class IV–F: Physically or mentally unfit.* In Class IV–F shall be placed any registrant who is found to be physically or mentally unfit for service, unless such a registrant is entitled to be placed in Class I–C because he has been separated from the land or naval forces based on physical or mental disability, provided that the classification of a registrant placed in Class IV–F may be reopened and he may be placed in a class immediately available for service under the provisions of Part 623.

7. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1944.

[F. R. Doc. 44–548; Filed, January 10, 1944; 11:59 a. m.]

[Amdt. 204]

PART 623—CLASSIFICATION PROCEDURE

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend the center head preceding § 623.51 to read as follows: "Classification After Physical Examination, Delivery for Induction, or Separation From Service".

1a. Amend § 623.51 to read as follows:

§ 623.51 *Registrant qualified for service.* When a registrant has been found acceptable for service under the provisions of Part 629 prior to his reclassification into Class I–A, Class I–A–O, or Class IV–E, he shall, if not continued in a deferred class, be reclassified into Class I–A, Class I–A–O, or Class IV–E when his order number is reached in the normal process of classification.

2. Add § 623.52 to read as follows:

§ 623.52 *Registrants inducted into the land or naval forces.* Upon receiving notice that a registrant has been inducted into the land or naval forces, the local board shall reopen the classification of the registrant and classify him in Class I–C.

3. Add § 623.53 to read as follows:

§ 623.53 *Registrant disqualified for service.* If, under the provisions of Parts 629 or 633, the registrant is found to be disqualified for service, the local board shall reopen his classification and classify him in Class IV–F unless he is a man who has been separated from the land or naval forces by honorable discharge based on physical or mental disability, in which case the local board shall place him in Class I–C.

4. Add § 623.54 to read as follows:

§ 623.54 *Man separated from the land or naval forces.* (a) The local board shall not change the classification of a registrant separated from the land or naval forces by death but shall note the facts in the Classification Record (Form 100), on the Registrant's Cover Sheet (Form 53), and on his Registration Card (Form 1).

(b) When a man has been separated from the land or naval forces by honorable discharge based on physical or mental disability, the local board shall, if the man is a registrant, retain him in Class I–C, or, if the man was not a registrant at the time of his separation but thereafter registers, classify him in Class I–C.

(c) When a man has been separated from the land or naval forces for any causes other than those stated in paragraphs (a) or (b) of this section, the local board shall, if the man is a registrant, reopen his classification and classify him anew, or, if the man was not a registrant at the time of his separation but thereafter registers, classify him in the usual manner. If, in classifying a registrant under the provisions of this paragraph, it is determined that he should be placed in a class available for service, the local board shall comply with instructions issued by the Director of Selective Service pertaining to such registrants before such registrant is so classified.

5. Add § 623.55 to read as follows:

§ 623.55 *Reclassification of separated or disqualified men.* (a) The classification of a registrant who has been placed in Class IV–F or Class I–C because he has been separated from the land or naval forces or because he is disqualified for service may be reopened only after the local board has complied with the provisions of this section.

(b) If the local board, upon review of the reasons for such registrant's separation from the land or naval forces or disqualification for service, is of the opinion that he may presently be acceptable for service, it will first determine whether or not the registrant is qualified for a deferred classification. If the local board determines that the registrant is qualified for a deferred classification, it shall reopen the registrant's classification and place him in such deferred classification unless he is a man who has been separated from the land or naval forces by honorable discharge based on physical disability, in which case the local board should place or retain him in Class I–C. If the local board determines that the registrant is not qualified for a deferred classification, the local board shall, without reopening the classification of the registrant, comply with the instructions of the Director of Selective Service pertaining to such registrants including, when applicable, examination of the registrant by a member or members of a medical advisory board or under Part 629.

(c) If, after complying with the instructions of the Director of Selective Service, the local board is of the opinion that the registrant is still disqualified for service, no further consideration should be given to his case. If the local board believes that the registrant is qualified for service, it may reopen his classification and classify him accordingly.

(d) It shall be the duty of the registrant (1) to comply with any directions given by the local board in carrying out the instructions of the Director of Selective Service, (2) to report to and be examined by a member or members of the medical advisory board or under Part 629 when directed to do so by the local board, and (3) to comply with such directions and to submit to such examination as the member or members of the Medical Advisory Board, local board examining physician or representatives of the armed forces, shall deem necessary to make a complete determination of the registrant's physical condition.

6. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1944.

[F. R. Doc. 44–549; Filed, January 10, 1944; 11:59 a. m.]

[Amdt. 205]

PART 624—VOLUNTEERS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend § 624.5 to read as follows:

§ 624.5 *Duty of volunteer.* (a) A volunteer who is placed in Class I–A or Class I–A–O will be selected for pre-induction physical examination (Part 629) and for induction (Part 632) in the same manner as other registrants except that his status as a father or non-father and his order number will be disregarded and he will be selected before all other registrants who have not volunteered.

(b) If a volunteer desires to be immediately inducted, he should, in addition to signing and filing an Application for Voluntary Induction (Form 165), sign and file a Request for Immediate Induction (Form 219) with his local board.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1943.

[F. R. Doc. 44–555; Filed, January 10, 1944; 2:50 p. m.]

[Amdt. 206]

PART 632—INDUCTION CALLS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service regulations, Second Edition are amended in the following respect:

1. Amend the regulations by deleting Part 632 in its entirety and substituting therefor the following:

Sec.
632.1 Call for men for service in the Army.
632.2 Call for men for service in the Navy.
632.3 Manner of allocating requisitions and calls.
632.4 Manner of selecting registrants to fill an induction call for the Army.
632.5 Manner of selecting registrants to fill an induction call for the Navy.
632.6 Certain registrants inducted without calls.

§ 632.1 *Call for men for service in the Army.* (a) The Secretary of War will issue to the Director of Selective Service requisitions for the number of specified men who have been found to be acceptable to the Army required for service in the Army.

(b) The Director of Selective Service shall (1) allocate to the States concerned the number of specified men who have been found to be acceptable to the Army requisitioned by the Secretary of War, (2) issue to the State Director of Selective Service of each State concerned a Notice of Call on State (Form 12) for the number of specified men who have been found to be acceptable to the Army allocated to such State, and (3) send two copies of such Notice of Call on State (Form 12) to the Secretary of War.

(c) The State Director of Selective Service upon receiving such Notice of Call on State (Form 12) from the Director of Selective Service shall (1) allocate to the local boards concerned within his State the number of specified men who have been found to be acceptable to the Army which his State is called upon to furnish for service in the Army, (2) issue to each local board concerned a Notice of Call (Form 10) directing the local board to select and deliver for induction into the Army the number of specified men who have been found to be acceptable to the Army fixed in such Notice of Call (Form 10), and (3) send a copy of such Notice of Call (Form 10) to the Commanding General of the Service Command and a copy to the Commanding Officer of the Reception Center to which the selected men are directed to report for induction.

(d) Each local board upon receiving a Notice of Call (Form 10) from the State Director of Selective Service shall select the number of specified men who have been found to be acceptable to the Army required to fill the call.

§ 632.2 *Call for men for service in the Navy.* (a) The Secretary of the Navy will issue to the Director of Selective Service requisitions for the number of specified men who have been found to be acceptable to the Navy required for service in the Navy (including the Marine Corps and the Coast Guard).

(b) The Director of Selective Service shall (1) allocate to the States concerned the number of specified men who have been found to be acceptable to the Navy requisitioned by the Secretary of the Navy, (2) issue to the State Director of Selective Service of each State concerned a Notice of Call on State (Form 12) for the number of specified men who have been found to be acceptable to the Navy allocated to such State, and (3) send two copies of such Notice of Call on State (Form 12) to the Secretary of the Navy.

(c) The State Director of Selective Service upon receiving such Notice of Call on State (Form 12) from the Director of Selective Service shall (1) allocate to the local boards concerned within his State the number of specified men who have been found to be acceptable to the Navy which his State is called upon to furnish for service in the Navy, (2) issue to each local board concerned a Notice of Call (Form 10) directing the local board to select and deliver for induction into the Navy the number of specified men who have been found to be acceptable to the Navy fixed in such Notice of Call (Form 10) and (3) send a copy of such Notice of Call (Form 10) to the Commanding General of the Service Command and a copy to the Commanding Officer of the Reception Center to which the selected men are directed to report for induction.

(d) Each local board upon receiving a Notice of Call (Form 10) from the State Director of Selective Service shall select the number of specified men who have been found to be acceptable to the Army or to the Navy.

§ 632.3 *Manner of allocating requisitions and calls.* The requisitions of the Secretary of War and of the Secretary of the Navy and the calls of the Director of Selective Service and of the State Directors of Selective Service shall, notwithstanding the provisions of section 4 (b) of the Selective Training and Service Act of 1940, as amended, be allocated on the basis of the best information available at the time of allocating calls, without affecting the usual regular and orderly flow of the nation's manpower into the armed forces as required for service therein, and in accordance with the provisions of the Selective Training and Service Act of 1940, as amended, so that registrants shall, on a nation-wide basis within the nation and a state-wide basis within each state, be ordered for induction in such a manner that registrants who are fathers as defined in § 622.33 (d) will be inducted after the induction of other registrants not deferred, exempted, relieved from liability or postponed from induction under selective service law who are available for induction and who have been found to be acceptable to the Army or to the Navy.

§ 632.4 *Manner of selecting registrants to fill an induction call for the Army.* In filling a call for the Army, the local board, as far as it is practicable to do so without affecting the usual regular and orderly flow of the nation's manpower into the armed forces, shall select specified men who are available for induction and have been found to be acceptable to the Army and who are not deferred, exempted, relieved from liability or postponed from induction under selective service law, to whom the local board has mailed a Certificate of Fitness (Form 218) at least 21 days before the date fixed for the induction, taking volunteers first, then nonfathers, and finally fathers, and within each group making selection in sequence of order number.

§ 632.5 *Manner of selecting registrants to fill an induction call for the Navy.* In filling a call for the Navy, the local board, as far as it is practicable to do so without affecting the usual regular and orderly flow of the nation's manpower into the armed forces, shall select specified men who are available for induction and have been found to be acceptable to the Navy and who are not deferred, exempted, relieved from liability or postponed from induction under selective service law, to whom the local board has mailed a Certificate of Fitness (Form 218) at least 21 days before the date fixed for the induction, taking volunteers first, then nonfathers, and finally fathers, and within each group making selection in sequence of order number.

§ 632.6 *Certain registrants inducted without calls.* (a) Any man ages 18 through 37 who signs a Request for Immediate Induction (Form 219) and who is in a class available for service or any man ages 18 through 37 who is a delinquent and who is ordered to report for induction under Part 642 may, without any call being made for the delivery of such man, be forwarded to the induction station for induction when the local board is forwarding men for pre-induction physical examination or at any other time when special arrangements have been made with the induction station.

(b) Under special procedures prescribed by the Director of Selective Service, men ages 18 through 37 may enlist or be inducted outside of the United States.

(c) When any registrant referred to in paragraph (a) or paragraph (b) of this section is inducted or enlisted, his local board will be advised that he was inducted or enlisted either in the Army or in the Navy (the term "Navy" includes the Marine Corps and the Coast Guard). Such registrant shall then be counted toward the filling of the next call of the Army or of the Navy, as the case may be.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register: *Provided*, The present provisions of Part 632 shall continue in effect as to all registrants who have been mailed or who are hereafter mailed an Order to Report for Induction (Form 150) when the date fixed in such order for induction is on or before January 31, 1944.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1944.

[F. R. Doc. 44–550; Filed, January 10, 1944; 11:59 a. m.]

[Amdt. 207]

PART 633—DELIVERY AND INDUCTION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend the regulations by deleting Part 633 in its entirety and substituting therefor the following:

GENERAL

Sec.
633.1 Place where deliveries are to be made.
633.2 Order to Report for Induction (Form 150).
633.3 Preparing records for a group ordered to report for induction.

TRANSFER FOR INDUCTION

633.11 Certain registrants may request transfer for induction.
633.12 Director of Selective Service may direct transfer for induction.

INDUCTION

633.21 Duty of registrant to report for and submit to induction.
633.22 Forwarding registrants for induction.
633.23 Induction procedures for registrants requesting immediate induction and for delinquents.
633.24 Registrants inducted because of request for immediate induction, or delinquency, or outside United States to be listed on Delivery List (Form 151).
633.25 Induction.

DISPOSITION OF RECORDS

633.31 Records returned to local board.
633.32 Disposition of other records by armed forces.

RECLASSIFICATION

633.41 Classification of registrants inducted or rejected.

COBELLIGERENT ALIENS

633.91 Induction and subsequent classification of cobelligerent aliens.

GENERAL

§ 633.1 *Place where deliveries are to be made.* (a) Men selected under the provisions of § 632.1 to fill a call of the Army will be delivered to the Army Reception Center.

(b) Men selected under the provisions of § 632.2 to fill a call of the Navy (including the Marine Corps and the Coast Guard) will be delivered to the Navy Recruiting Station.

(c) Men who sign a Request for Immediate Induction (Form 219) and delinquents ordered to report for induction under the provisions of Part 642 will be delivered to the armed forces induction station.

(d) Men who are outside the United States whose order numbers have been reached in the process of filling a call shall be ordered to report for induction and shall be inducted at such place as the Director of Selective Service shall designate.

§ 633.2 *Order to Report for Induction (Form 150).* (a) Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (Form 150) in duplicate. The date specified for reporting for induction shall be at least 10 days after the date on which the Order to Report for Induction (Form 150) is mailed. The local board shall mail the original of the Order to Report for Induction (Form 150) to the registrant and shall file the copy in his Cover Sheet (Form 53).

(b) In case of death or extreme emergency to a person in the registrant's immediate family, serious illness of registrant, or other extreme emergency beyond the registrant's control, the local board may, after the Order to Report for Induction (Form 150) has been issued, postpone the time when such registrant shall so report for a period not to exceed 60 days from the date of such postponement, subject, however, in cases of imperative necessity, to one further postponement for a period not to exceed 60 days; and provided also that the Director of Selective Service or any State Director of Selective Service (as to registrants within his State) may, for good cause, at any time prior to the issuance of an Order to Report for Induction (Form 150), order a local board to postpone the issuance of such order until such time as he may deem advisable, or the Director of Selective Service or any State Director of Selective Service (as to registrants within his State) may, for good cause, at any time after the issuance of an Order to Report for Induction (Form 150), order a local board to postpone the induction of a registrant until such time as he may deem advisable, and no registrant shall be inducted into the land or naval forces during the period of any such postponements.

(c) The date of issuance and the date of expiration of any period of postponement authorized in paragraph (b) above shall be noted in the "Remarks" column of the Classification Record (Form 100).

(d) Any period of postponement may be terminated before the date of expiration when the issuing authority so directs.

§ 633.3 *Preparing records for a group ordered to report for induction.* (a) As soon as the local board has mailed Orders to Report for Induction (Form 150) to all registrants who are directed to report for induction at a particular time and place, it shall:

(1) Prepare in quadruplicate a Delivery List (Form 151) entering thereon (A) the name and order number of each such registrant and (B) the name and order number of each registrant who should be entered upon such Delivery List (Form 151) under the provisions of § 633.24 and indicating in column 3 thereof whether such registrant is a nonfather or a father.

(2) Assemble and attach to the registrant's Report of Physical Examination and Induction (Form 221) the copy of the Certificate of Fitness (Form 218); any waiver of disqualification; any order terminating civil custody; any Alien's Personal History and Statement (Form 304) or Statement of United States Citizen of Japanese Ancestry (Form 304A) bearing the armed forces endorsement of acceptability for military service; all records available bearing upon the medical, social, and educational history of such registrant; and all other information bearing on the fitness of the registrant for military service.

(b) Whenever a registrant referred to in paragraph (a) is transferred to another local board for induction, a notation of such transfer and the identity of the local board to which he is transferred shall be made in column 3 of the Delivery List (Form 151). All of the records of such registrant prepared under subparagraph (2) of paragraph (a) of this section shall be transmitted to the local board to which such registrant is transferred for induction in the manner and at the time provided in § 633.11.

TRANSFER FOR INDUCTION

§ 633.11 *Certain registrants may request transfer for induction.* (a) Any registrant who is so far from his own local board that reporting to his own local board for induction would be a hardship may be transferred for induction to the local board having jurisdiction of the area in which he is at that time located. Application for transfer may be made either at the time the registrant receives his Order to Report—Pre-Induction Physical Examination (Form 215) or at the time he receives his Order to Report for Induction (Form 150).

(b) Any such registrant desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at that time located; present his Order to Report—Pre-Induction Physical Examination (Form 215) or his Order to Report for Induction (Form 150); and complete, in quadruplicate, the request portion of Request for Transfer for Delivery (Form 154).

(c) The local board with which such registrant files such request shall investigate the circumstances of the registrant's absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon his request; mail the original thereof to the registrant's own local board; mail a copy to the registrant; and file the remaining copies. Such registrant will then be required to report in accordance with instructions contained in the Order to Report for Induction (Form 150) of his own local board.

(d) If the local board with which the registrant files such request finds that he has a good reason for his absence from his own local board area and that he is so far from his own local board area that it would be a hardship for him to return to his own local board area for induction, it shall endorse its approval upon his request; mail the original and one copy by air mail (unless ordinary mail is as expeditious), to the registrant's own local board; mail a copy to the registrant; and file the remaining copy.

(e) When the registrant's own local board receives the approved Request for Transfer for Delivery (Form 154) and it has already mailed an Order to Report for Induction (Form 150) to the registrant, it shall:

(1) Immediately endorse on the original of the Request for Transfer for Delivery (Form 154) the order transferring the registrant for induction;

(2) Mail the original of the Request for Transfer for Delivery (Form 154) to the local board to which the registrant is being transferred for induction, together with the original and all copies of the Report of Physical Examination and Induction (Form 221) and all other records referred to in subparagraph (2) of paragraph (a) of § 633.3; and

(3) File the copy of the Request for Transfer for Delivery (Form 154) in the registrant's Cover Sheet (Form 53).

(f) When the registrant's own local board receives the approved Request for Transfer for Delivery (Form 154) and it has not yet issued to the registrant an Order to Report for Induction (Form 150), it shall:

(1) Immediately endorse on the original of the Request for Transfer for Delivery (Form 154) the order transferring the registrant for induction and place such Request for Transfer for Delivery (Form 154) in the registrant's Cover Sheet (Form 53) until such time as it selects the registrant to fill a call;

(2) When it selects the registrant to fill a call, prepare an Order to Report for Induction (Form 150) for the registrant in the usual manner, but instead of mailing the original of such Order to Report for Induction (Form 150) to the registrant, attach it to the original of the Request for Transfer for Delivery (Form 154), mail such original Request for Transfer for Delivery (Form 154) with the original Order to Report for Induction (Form 150) attached thereto, together with the original and all copies of the Report of Physical Examination and Induction (Form 221) and all other records refered to in subparagraph (2) of paragraph (a) of § 633.3, to the local board to which the registrant is transferred for induction.

(3) File the copy of the Request for Transfer for Delivery (Form 154) and a copy of the Order to Report for Induction (Form 150) in the registrant's Cover Sheet (Form 53).

(g) When the local board to which such registrant is transferred for induction receives the papers from the registrant's own local board, as provided in paragraph (e) or paragraph (f) of this section, it shall proceed to deliver him for induction as soon as practicable after the date fixed for him to report for induction in the Order to Report for Induction (Form 150) issued by his own local board. If possible, the transferred registrant shall be delivered with the next call on the local board to which he has been transferred, but if there is to be no such call at an early date, it shall deliver such transferred registrant specially whenever the Army Reception Center the Navy Recruiting station, or the induction station, whichever is appropriate, is receiving men. The local board to which such registrant has been transferred for induction shall prepare its own Order to Report for Induction (Form 150) in duplicate in the same manner as though such transferred registrant were one of its own registrants, mail the original to the transferred registrant, and file the copy. The local board to which such registrant has been transferred for induction shall add the name of the registrant to its Delivery List (Form 151) and shall make a notation of such transfer and the identity of the local board from which he is transferred in column 3 of the Delivery List (Form 151).

(h) The local board to which such registrant has been transferred for induction shall not substitute the transferred registrant for one of its selected men but shall deliver the transferred registrant in addition to any deliveries it otherwise would make to fill its own call.

(i) When the transferred registrant has been inducted or rejected or if he fails to report for induction, the local board to which such registrant was transferred for induction shall forward all papers with reference to such registrant, with the exception of the Delivery List (Form 151), to his own local board.

(j) The transferred registrant, if inducted, shall not be credited to the local board to which he was transferred for delivery, but shall be credited to his own local board.

§ 633.12 *Director of Selective Service may direct transfer for induction.* (a) The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants be transferred for induction to such local board or local boards as he shall designate.

(b) In each such case, the registrant's own local board shall complete Request for Transfer for Delivery (Form 154) by writing on the face of the request "By direction of the Director of Selective Service" and by endorsing the order transferring the registrant to the designated local board in the manner directed by the Director of Selective Service. Thereafter, the procedure described in paragraphs (e) or (f) and paragraphs (g) through (j) of § 633.11 shall be followed.

INDUCTION

§ 633.21 *Duty of registrant to report for and submit to induction.* (a) When the local board mails to a registrant an Order to Report for Induction (Form 150), it shall be the duty of the registrant to report for induction at the time and place fixed in such order. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuous duty of the registrant to report for induction upon the termination of such postponement and he shall report for induction at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuous duty from day to day to report for induction to his local board and to each local board whose area he enters or in whose area he remains.

(b) Upon reporting for induction, it shall be the duty of the registrant: (1) to follow the instructions of a member or clerk of a local board as to the manner in which he shall be transported to the location where his induction will be accomplished, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for induction, (3) to appear at the place where his induction will be accomplished, (4) to obey the orders of the representatives of the armed forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is not accepted by the armed forces, to follow the instructions of the representatives of the armed forces as to the manner in which he will be transported on his return trip to the local board.

§ 633.22 *Forwarding registrants for induction.* When the registrants who are to be forwarded for induction have assembled, the local board shall proceed as follows:

(1) The roll shall be called using the previously prepared Delivery List (Form 151) and noting any absences thereon in column 3 under Remarks. If any registrant fails to report for delivery, fails to report at the place of induction, is transferred to another local board for delivery, or is rejected, the local board shall not furnish a replacement for such registrant.

(2) A leader and assistant leaders shall be appointed and furnished with proper credentials. Leaders and assistant leaders shall have such authority as is necessary to deliver the group to the place of induction.

(3) The leader shall be given the following:

(A) The original and all copies of the Delivery List (Form 151).

(B) For each registrant being forwarded, the original and both copies of the Report of Physical Examination and Induction (Form 221); the copy of the Certificate of Fitness (Form 218); and other records referred to in subparagraph (2) of paragraph (a) of § 633.3.

(C) When it is necessary, transportation and meal and lodging requests for the group, covering their trip to the place of induction.

The leader shall be instructed to deliver the original and all copies of the Delivery List (Form 151), the originals and all copies of all Reports of Physical Examination and Induction (Form 221), all copies of Certificates of Fitness (Form 218), and all other information concerning the registrants in the group to the Commanding Officer of the Army Reception Center, the Navy Recruiting Station, or the induction station, as the case may be, or to his representative.

(4) The local board shall instruct all registrants in the group that it is their duty to obey the instructions of the leader or assistant leaders during the time they are going to the place of induction; that they will be met by proper representatives of the armed forces at the place of induction; that while they are at the place of induction, they will be subject to and must obey the orders of the representatives of the armed forces; that they must present themselves for and submit to induction; that if they are rejected, the representatives of the armed forces will, to the extent prescribed by the regulations of the armed forces, provide transportation and subsistence for their return trip.

§ 633.23 *Induction procedures for registrants requesting immediate induction and for delinquents.* (a) The records to be forwarded to the induction station with registrants who have signed a Request for Immediate Induction (Form 219) and the records to be forwarded to the induction station with delinquents

who have been ordered to report for induction under Part 642 shall be the same as for registrants forwarded for induction to an Army Reception Center or to a Navy Recruiting Station under §§ 633.3 and 633.22 except that such registrants will not ordinarily have been given a pre-induction physical examination.

(b) When such registrants are forwarded to the induction station, they will be given a complete physical examination and, if found to be acceptable for service in the armed forces, will be immediately inducted into the Army or the Navy (or the Marine Corps or Coast Guard). The local board will be advised as to which registrants are inducted into the Army and which registrants are inducted into the Navy (or the Marine Corps or Coast Guard) in column 4 under Disposition on the Delivery List (Form 151) forwarded by the local board to the induction station with such registrants when they are forwarded for induction and returned to the local board by the induction station after such registrants have been inducted.

§ 633.24 *Registrants inducted because of request for immediate induction, or delinquency, or outside United States to be listed on Delivery List (Form 151).* (a) When the local board receives a Delivery List (Form 151) from the induction station under the provisions of § 633.23 showing that a registrant who has signed a Request for Immediate Induction (Form 219) or showing that a delinquent who has been ordered to report for induction under Part 642 has been inducted into the Army at such induction station or when the local board receives a Delivery List (Form 151) or other information showing that a registrant has enlisted or has been inducted into the Army outside the United States, it shall (1) list such registrant on the Delivery List (Form 151) for the next group selected to report for induction at the Army Reception Center to fill a call for the Army, (2) opposite the name of each such registrant under Remarks in column 3, enter the fact that such registrant has been inducted at the induction station or has enlisted or been inducted outside the United States, the date of such induction or enlistment, and the fact that such induction resulted from the registrant signing a Request for Immediate Induction (Form 219), from the registrant being a delinquent, or from the registrant enlisting or being inducted outside the United States, and (3) count such registrant toward filling such call for the Army.

(b) When the local board receives a Delivery List (Form 151) from the induction station under the provisions of § 633.23 showing that a registrant who has signed a Request for Immediate Induction (Form 219) or showing that a delinquent who has been ordered to report for induction under Part 642 has been inducted into the Navy (or Marine Corps or Coast Guard) at such induction station or when the local board receives a Delivery List (Form 151) or other information showing that a registrant has been enlisted or has been inducted into the Navy (or Marine Corps or Coast Guard) outside the United States, it shall (1) list such registrant on the Delivery List (Form 151) for the next group selected to report for induction at a Navy Recruiting Station to fill a call for the Navy, (2) opposite the name of each such registrant under Remarks in column 3, enter the fact that such registrant has been inducted at the induction station or has enlisted or been inducted outside the United States, the date of such induction or enlistment, and the fact that such induction resulted from the registrant signing a Request for Immediate Induction (Form 219), from the registrant being a delinquent, or from the registrant enlisting or being inducted outside the United States, and (3) count such registrant toward filling such call for the Navy.

§ 633.25 *Induction.* At the Army Reception Center, the Navy Recruiting Station, or the induction station, as the case may be, the selected men who have been forwarded for induction and found acceptable will be inducted into the land or naval forces.

DISPOSITION OF RECORDS

§ 633.31 *Records returned to local board.* (a) The Commanding Officer of the Army Reception Center, the Navy Recruiting Station, or the induction station will return to the local board the following documents concerning registrants forwarded for induction:

(1) The original Delivery List (Form 151) indicating under column 4 the disposition of each registrant forwarded for induction.

(2) For each registrant inducted, the first copy and the second copy of Report of Physical Examination and Induction (Form 221).

(3) For registrants not inducted, the original, the first copy, and the second copy of Report of Physical Examination and Induction (Form 221).

(b) Upon receipt of the documents described in paragraph (a) above, the local board shall take the following action:

(1) File the original Delivery List (Form 151).

(2) When the registrant is placed in Class I–C or Class IV–F, transmit the first copy of the Report of Physical Examination and Induction (Form 221) for such registrant to the State Director of Selective Service for review and transmission to the Surgeon General's Office, War Department, Washington 25, D. C., using Transmission of Reports of Physical Examination and Induction (Form 205) as a covering memorandum.

(3) File the second copy of Report of Physical Examination and Induction (Form 221) in the Cover Sheet (Form 53) for each registrant inducted.

(4) File the original and the second copy of Report of Physical Examination and Induction (Form 221) in the Cover Sheet (Form 53) for each registrant rejected.

§ 633.32 *Disposition of other records by armed forces.* The Commanding Officer of the Army Reception Center, the Navy Recruiting Station, or the induction station will dispose of the documents described below as follows concerning registrants forwarded for induction:

(1) For registrants inducted, retain the original of the Report of Physical Examination and Induction (Form 221);

(2) Retain one copy of the Delivery List (Form 151);

(3) Forward one copy of the Delivery List (Form 151) to the Director of Selective Service, 10th Floor, Gimbel Building, 35 South Ninth Street, Philadelphia 7, Pennsylvania, and forward one copy of such list to the State Director of Selective Service.

RECLASSIFICATION

§ 633.41 *Classification of registrants inducted or rejected.* Upon receiving notice from the Army Reception Center, the Navy Recruiting Station, or the induction station, as the case may be, that a selected man who has been forwarded for induction has been inducted or rejected, the local board shall reopen his classification and classify him anew under Part 623.

COBELLIGERANT ALIENS

§ 633.91 *Induction and subsequent classification of cobelligerent aliens.* (a) At any time prior to his induction into the land or naval forces of the United States, a registrant who is not a citizen of the United States and who has not declared his intention to become a citizen of the United States but who is a citizen or subject of a cobelligerent nation may request and be permitted to be inducted into the armed forces of such cobelligerent nation, provided an agreement has been entered into between the United States Government and the government of such cobelligerent nation, the terms of which permit such induction and give to citizens or subjects of the United States residing in such cobelligerent nation a reciprocal right to serve in the land or naval forces of the United States.

(b) The manner in which, the time when, and the place where a request may be made by such registrant and the procedure to be followed in order for such registrant to be inducted into the armed forces of the cobelligerent nation of which he is a citizen or subject shall be prescribed by the Director of Selective Service.

(c) When such registrant files a request for induction into the armed forces of the cobelligerent nation of which he is a citizen or subject and fails to report for or to be inducted into the armed forces of such cobelligerent nation, he shall, if acceptable, be inducted into the armed forces of the United States when his order number is reached.

(d) When it has been determined that any registrant has been inducted into the armed forces of a cobelligerent nation in the manner in this section provided, his classification shall be reopened and he shall be placed in Class II–B.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register, provided the present provisions of Part 633 shall continue in effect as to all registrants who have been mailed or who are hereafter mailed an Order to Report for Induction (Form 150) when the date fixed in such order for induction is on or before January 31, 1944.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1944.

[F. R. Doc. 44–551; Filed, January 10, 1944; 11:59 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 43, as Amended Jan. 10, 1944]

ELIMINATION OF 1943 ORDERS FOR ALUMINUM

The following direction is issued pursuant to CMP Regulation 1:

(a) Notwithstanding Direction 23 to CMP Regulation No. 1 and paragraph (t) (4) of CMP Regulation No 1, Producers of Aluminum in controlled material form, are hereby directed to remove from their production schedules by February 1, 1944, all authorized controlled material orders bearing a 1943 CMP allotment number which are not in production by January 31, 1944. This does not apply to authorized controlled material orders accepted for delivery in the months of November and December, 1943, which have not been produced or entered into production because of inability of the producer to meet his production schedules. If the customer still wants delivery of the orders removed under this direction, they may only be restored to the schedule and produced under the conditions applicable to a new authorized controlled material order placed at the time the new allotment and new certification is furnished.

(b) An order taken out of a producer's production schedule because it has a 1943 allotment number on it, should not be reported as an unfilled order to the Aluminum and Magnesium Division on any report.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–563; Filed, January 10, 1944; 4:45 p. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Limitation Order L–126, Schedule III, as Amended Jan. 11, 1944]

REQUIRED SPECIFICATIONS FOR COIL OR TUBE ASSEMBLIES FOR REFRIGERATION CONDENSERS OR COOLERS

§ 1071.5 *Schedule III to Limitation Order L–126—(a) Definitions.* For the purpose of the schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles any coil or tube assemblies for refrigeration condensers or coolers.

(2) A "coil or tube assembly for condensers" means an assembly used in a refrigerating or air conditioning "system" as defined in paragraph (a) (1) of Limitation Order No. L–126 consisting of any arrangement of pipes, tubing, pressure vessels, or plates by means of which heat is removed from the vaporized refrigerant.

(3) A "coil or tube assembly for coolers" means an assembly used in a refrigerating or air conditioning "system" as defined in paragraph (a) (1) of Limitation Order No. L–126 consisting of any arrangement of pipes, tubing, pressure vessels, or plates by means of which heat is absorbed by either a volatile refrigerant or a non-volatile medium such as water.

(4) "Protective coating" means a surface coating applied to any or all parts of a "coil or tube assembly for condensers or coolers" for the purpose of retarding or preventing corrosion.

(5) "Integral fin tubing" means finned tubing, the fins and tubes of which are formed from the same piece of metal by extrusion or by any machine operation.

(6) "Metallic fin bond" means a tie between tubing and fins obtained through the use of a metallic base substance usually applied with heat. The fin surface of integral fin tubing shall be considered as having a metallic fin bond.

(7) "Mechanical fin bond" means a tie obtained between tubing and fins by physical contact and without the use of a metallic base substance.

(8) "Fin height" means the distance from the outside of a pipe or tube to the nearest outside edge of the fin.

(9) "Return bend" means a semi-circular section of tubing or pipe used to join parallel runs of tubing or pipe.

(10) "Lend-lease country" means the government of any foreign country receiving aid pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) *Required specifications.* Pursuant to Limitation Order No. L–126, the following required specifications are hereby established for coil or tube assemblies for condensers or coolers:

(1) In the manufacture of any coil or tube assembly for condensers or of any coil or tube assembly for coolers, no producer shall, except for use aboard ship,

(i) Use any non-ferrous metals, except

(*a*) For soldering or brazing materials, or

(*b*) For protective coatings, or

(*c*) For any coil or tube assembly for water cooled condensers as referred to in paragraph (b) (3) of this schedule, or

(*d*) For coolers which come in direct contact with dairy or egg products (whether or not the coolers have a protective coating).

(*e*) For coil or tube assemblies for coolers of the finned type only, or

(*f*) For coil or tube assemblies to be used in farm milk coolers of the immersion type, or

(*g*) For pipe or tubing to be used in water or brine coolers of the shell and tube type.

(ii) Use any seamless steel tubing, except

(*a*) To form integral fin tubing, or

(*b*) That which has been made into return bends but only if the radius thereof is less than 1½ times the outside diameter of such tubing and the straight extensions thereof are not longer than 2 times the outside diameter of such tubing; or

(iii) Use any steel tubing (other than integral fin tubing) of wall thickness greater than the following:

	Wall thickness maximum inch
(a) Up to & including ⅜"----------	0.028
(b) Over ⅜" up to & including ½"---	.035
(c) Over ½" up to & including ¾"---	.049
(d) Over ¾" up to & including 1"----	.065
(e) Over 1" up to & including 1¼"---	.083
(f) Over 1¼" up to & including 2"---	.095
(g) Over 2" up to & including 2½"---	.120

Provided, That where external refrigerant working pressures exceed 400 lbs. per sq. in. gauge, a producer may use a wall thickness in excess of the foregoing but not to exceed the thickness being used by him on September 2, 1942.

(2) In the manufacture of any coil or tube assembly for air-cooled condensers no producer shall

(i) Except for use aboard ship, use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller;

(ii) Except for use aboard ship, use a metallic protective coating (other than paint) where a mechanical fin bond is employed;

(iii) Use a protective coating containing more than 7% tin where a metallic fin bond is employed;

(3) In the manufacture of any coil or tube assembly for water-cooled condensers, no producer shall, except for use aboard ship

(i) Use more than 7 lbs. of non-ferrous metals per condensing unit nominal horse power for all self-contained refrigeration condensing units: *Provided, however,* That where, for the purpose of simplification, one condenser is designed to be used with either of two or more self-contained condensing units, not more than 9.0 lbs. of non-ferrous metals per condensing unit nominal horse power of the smaller unit may be used.

(ii) Use more non-ferrous metals per ton of refrigeration, for other than self-contained condensing unit condenser assemblies, than the following:

7 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures above 30° F.

8 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures from 0° to 30° F., inclusive.

9 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures below 0° F.

"Ton of refrigeration", as here used, means the removal of heat, at the low side, at the rate of 12,000 B. T. U. per hour; total tons to be based on the design operating load of the low side connected to the condensing unit or units with which the condenser is used.

(4) In the manufacture of any coil or tube assembly for evaporatively cooled condensers, no producer shall:

(i) Use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller; or

(ii) Use a combination protective coating and metallic fin bond containing more than 7% tin.

(5) In the manufacture of any cooler coil or tube assembly for air-cooling, no producer shall:

(i) Use a metallic protective coating containing more than 7% tin, except that when the coil is used in food storage and the air passing over the coil is in direct contact with the food a hot-dipped galvanized coating or a coating containing not more than 35% tin may be used, and except also that for use aboard ship in connection with food storage the use of protective metallic coatings is not restricted by this paragraph; or

(ii) [Deleted Jan. 11, 1944]

(c) *Applicability of order.* (1) The required specifications established by paragraph (b) (1) to (5) inclusive, shall not prohibit:

(i) The production, fabrication, delivery, acceptance, or installation of coil or tube assemblies, the plans of which had on September 2, 1942, been drawn and accepted by or for the account of the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, or Lend-Lease countries, or

(ii) The use (in the production or fabrication of, or the delivery, acceptance, or installation of coil or tube assemblies for condensers or coolers) of any of the following materials in a producer's possession or control or in transit to a producer on September 2, 1942:

(a) Steel tubing.

(b) Coil or tube assemblies which on said date were in finished form or the parts for which had on said date been cast, machined or otherwise processed in such manner that the manufacture of such assemblies in conformance with this Schedule III would be impractical.

(iii) The use (in coil or tube assemblies for condensers or coolers) of non-ferrous metals where the assembly is to replace an existing assembly of like metal.

Issued this 11th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-595; Filed, January 11, 1944; 11:44 a. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Limitation Order L-126, Schedule VI as Amended January 11, 1944]

REQUIRED SPECIFICATIONS FOR SERVICE CONNECTIONS

§ 1071.8 *Schedule VI to Limitation Order L-126*—(a) *Definitions.* For the purpose of this schedule:

(1) [Deleted January 11, 1944]

(2) "Service connection" means any pipe or tubing joining any part of a refrigeration or air conditioning system to a water or drain outlet. As used in this schedule, the term "service connection" refers only to such connections to be used in connection with a "system" as defined in paragraph (a) (1) of Limitation Order No. L-126.

(3) [Deleted January 11, 1944]

(b) *Required specifications.* Pursuant to Limitation Order L-126, the following required specifications are hereby established for refrigerant and service connections:

(1) No person shall use copper or copper base alloy pipe or tubing for:

(i) [Deleted January 11, 1944]

(ii) Any service connections.

(c) *Applicability of order.* (1) The required specifications established by paragraph (b) (1) of this schedule shall apply to all service connections: *Provided, however,* That the foregoing shall not prohibit:

(i) The use of copper or copper base alloy pipe or tubing for service connections on refrigeration or air conditioning systems to be used aboard ship or at advanced bases by the Army or Navy of the United States, the Maritime Commission, or the War Shipping Administration; or

(ii) The use of copper or copper base alloy pipe or tubing for service connections on refrigeration or air conditioning systems, the plans of which had on April 6, 1943, been drawn and accepted by or for the account of the Army or Navy of the United States, the Maritime Commission, or the War Shipping Administration, to the extent that such plans require construction, design or materials not in accordance with the provisions of this schedule.

(d) [Deleted September 30, 1943.]

Issued this 11th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-596; Filed, January 11, 1944; 11:44 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-292, Quota Schedule III, as Amended Jan. 11, 1944]

PRODUCTION QUOTAS FOR CANNING MACHINERY AND EQUIPMENT

§ 1226.80 *Production quotas for canning machinery and equipment*—(a) *Purpose of the schedule.* The purpose of this schedule is to fix production quotas for canning machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944. These quotas shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L-292 with respect to canning machinery and equipment.

(b) *Definition.* "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use in the fabrication or assembly of canning machinery and equipment (except dehydrators), more controlled materials than 110% of the annual average gross tonnage of controlled materials used by him for this purpose during the calendar years 1939, 1940 and 1941. During the period beginning January 11, 1944, and ending September 30, 1944, each manufacturer may fabricate or assemble dehydrators only to fill rated orders actually received in accordance with Order L-292.

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of canning machinery or equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada, or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may by specific written directions issued to any manufacturer or class of manufacturers, increase or decrease any quota established by this schedule and may transfer any portions of a quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292 as amended from time to time.

Issued this 11th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-597; Filed, January 11, 1944; 11:44 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 27]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

Maximum Price Regulation 348 is amended by the addition of Appendix C, Table 8 and Appendix E, Table 1.

APPENDIX C—SOUTHERN AREA

* * * * *

TABLE 8

Area. The State of Arkansas excluding the counties of Calhoun, Union, Chicot, Bradley, Drew and Ashley.

In the State of Mississippi the counties of Bolivar, Coahoma, De Soto, Tallahatchie, Quitman, Tunica, Tate, Marshall, Benton, Tippah, Prentiss, Tishomingo, and Alcorn.

Species. The following commercial species:

Sweet Gum	(Liquidamber styraciflua).
Black Gum	(Nyssa sylvatica).
Tupelo Gum	(Nyssa aquatica).
Sycamore	(Platanus occidentalis).
Cypress	(Taxodium distichum).
Hackberry	(Celtis occidentalis).
Beech	(Fagus grandifolia).
Poplar	(Liriodendron tulipifera).

as well as all botanical species of the following genera:

Oak	(Quercus).
Maple	(Acer).
Cottonwood	(Populus).
Birch	(Betula).
Ash	(Fraxinus).
Elm	(Ulmus).
Hickory	(Hicoria).
Basswood	(Tilia).
Pine	(Pinus).

and all other hardwood species.

Scaling and grading rules. All logs are to be scaled according to the Doyle Log Rule. The diameter will be measured at the small end of the log at the smallest diameter with all fractions of an inch counted back to the next lower full inch. The diameter shall be measured inside of the bark for hardwood and cypress, and from the inside of one bark to the outside of the other bark for Pine.

All unsound and unusable wood must be eliminated from the scale by deduction in measurement. The defects for which full allowance must be made in measurement include hollows or large holes, rot, dote, windshake, large or excessive worm holes, splinter pulls and crook.

Logs shall be cut in standard even lengths unless otherwise specified by the buyer. An allowance of at least 4 inches for trim shall be made. Logs that do not meet the specified minimum allowance for trim shall be reduced in scale to the next lower standard length. The prices quoted below are for logs 10 feet and longer in length. Logs less than 10 feet in length can be purchased subject to conditions given below.

Grade specifications. Woods run grade shall consist of hardwood and cypress logs 12" and up in diameter, and pine logs 8" and up in diameter as produced from the forest that are better than culls and from which no selection of large-sized or high-quality logs has been made. If any large-sized or high-quality logs have been removed from the run of logs, the remaining logs must be sold at prices no higher than the #2 grade prices if ungraded, or at the applicable grade prices if graded. When any small sized or low quality logs have been removed from the run of logs, the remaining logs may still be sold at the woods run price.

A cull log shall be considered as one where the net board foot scale after deductions have been made for defects is less than 50 percent of the gross scale.

Clear Grade—minimum diameter, 24". All logs 24" or over in diameter that are clear of all visible defects.

Select Grade—minimum diameter, 16". Logs 16"–23" in diameter shall be clear of all visible defects. Logs 24" and over in diameter must have at least 3 clear faces or have 75 percent of the length clear in one continuous section.

No. 1 Grade—minimum diameter, 12". Logs 12"–15" in diameter shall be clear of all visible defects. Logs 16"–23" in diameter shall have at least 3 clear faces or have 75 percent of the length clear in one continuous section.

Logs 24" and over in diameter shall have at least 2 clear faces or have 50 percent of the length clear in one continuous section.

NOTE: In the Clear, Select and No. 1 grades, sound sap knots 1" in diameter or less will not be considered as a defect. A center rot or dote 4" in diameter or less will be permitted in logs over 24" in diameter, 3" in diameter or less in logs 16"–23" in diameter, and 2" in diameter or less in logs 12"–15" in diameter. This defect will not degrade the log, although deduction for the defect must be made in scaling.

No. 2 Grade—This grade shall include all sound logs that are better than a cull and that do not grade as a No. 1 log. The minimum diameter shall be 12" for hardwoods and cypress and 8" for pine.

Shiptimber Grade—must be of White Oak species, minimum diameter 16"; minimum length of log 22 feet. Logs must be straight, sound to the center. These logs will permit one standard sound knot or its equivalent for every five feet in length. A standard sound knot can be no larger than 4" in diameter.

A summary of grades by diameters and clearness is given below:

Summary of Grades for Hardwoods and Cypress by Diameters and Clear Faces

Diameter range	4 clear faces	3 clear faces or 75% of length clear in 1 continuous section	2 clear faces or 50% of length clear in 1 continuous section	Other (better than cull)
24" and up	Clear grade	Select grade	No. 1 grade	No. 2 grade.
16–23"	Select grade	No. 1 grade	No. 2 grade	No. 2 grade.
12–15"	No. 1 grade	No. 2 grade	No. 2 grade	No. 2 grade.

Maximum prices: Per M Feet Log Scale

Species	Clear grade	Select grade	No. 1 grade	No. 2 grade	Woods run grade
Poplar	$40.00	$35.00	$25.00	$18.00	$23.00
White Oak	55.00	35.00	25.00	18.00	23.50
Red Oak	45.00	35.00	25.00	17.00	22.50
Cypress	40.00	35.00	27.50	18.00	24.00
Sweet Gum	55.00	37.50	27.50	18.00	23.00
Other Gum	40.00	35.00	25.00	17.00	22.00
Hard Maple	50.00	35.00	25.00	18.00	23.00
Soft Maple	35.00	30.00	22.50	16.00	21.00
Sycamore	40.00	30.00	25.00	18.00	22.00
Cottonwood	35.00	30.00	25.00	18.00	23.00
Birch	25.00	22.00	20.00	16.00	20.00
Tough Ash [1]	50.00	40.00	30.00	20.00	27.50
Other Ash	30.00	25.00	20.00	15.00	20.00
Elm	35.00	30.00	24.00	17.00	21.00
Hackberry	35.00	30.00	24.00	17.00	21.00
Hickory [1]					22.00
Beech	30.00	25.00	22.00	16.00	21.00
Basswood	50.00	35.00	25.00	17.00	22.00
Other Hardwoods	35.00	30.00	22.50	14.00	20.00
Pine					21.50

[1] If sold in conjunction with other species. Ceiling prices will be established separately for Ash and Hickory when purchased on an individual selected basis.

Shiptimber White Oak Logs

22', 24', 26', and 28' long—$45 per M' log scale.
30'; 32', and 36' long—55 per M' log scale.
36', 38', and 40' long—65 per M' log scale.

These prices will prevail for logs f. o. b. railroad cars at rail siding, f. o. b. barge at towable waters, or for logs delivered to the buying plant by truck from within 25 miles of the buying plant. For logs delivered to the plant from a distance in excess of 25 miles, the buyer may add the sum of not to exceed 10 cents per mile per thousand feet log scale for every load mile or fraction thereof over the original 25 miles.

Cull logs can be purchased at ⅔ of the No. 2 grade prices by paying only for the net scale.

For the purchase of logs less than 10' in length purchased on a grading basis the above ceiling prices must be reduced by at least 10 percent. If logs below 10 feet in length are purchased on a woods run basis, no reduction in price need be made.

The prices herein will prevail for the purchase of logs produced in the area described above and will govern for all buying plants purchasing logs in these areas whether or not the buying plants are located in the area.

* * * * *

APPENDIX E—CENTRAL AREA

TABLE 1

Area. In the State of Tennessee, the counties of Fayette, Hardeman, Haywood, Lauderdale, Shelby and Tipton.

Species. The following commercial species:

Poplar	(Liriodendron tulipifera).
Sweet Gum	(Liquidamber styraciflua).
Black Gum	(Nyssa sylvatica).
Tupelo Gum	(Nyssa aquatica).
Sycamore	(Platanus occidentalis).
Cypress	(Taxodium distichum).
Hackberry	(Celtis occidentalis).
Beech	(Fagus grandifolia).
Walnut	(Juglans nigra).

and all commercial botanical species of the following genera:

Oak	(Quercus).
Magnolia	(Magnolia).
Maple	(Acer).
Cherry	(Prunus).
Ash	(Fraxinus).
Elm	(Ulmus).
Cottonwood	(Populus).
Hickory	(Hicoria).
Birch	(Betula).
Basswood	(Tilia).

as well as all other species.

[*] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220.

Scaling and grading rules: All logs are to be scaled with the Doyle Log Rule. The diameter shall be measured inside the bark at the small end of the log and at the smallest diameter with all fractions of an inch counted back to the next lower full inch.

All unsound and unusable wood must be eliminated from the scale by deduction measurement. The defects for which full allowance must be made in measurement include hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, rotten and wormy sap, and crooks.

Logs are to be cut in even lengths unless otherwise specified by the buyer, with a minimum length acceptable of 10 feet. All logs must be cut 4" over length to allow for trim. Logs that are not at least 4" over the specified length will be scaled as of the next lower even length. Logs that are less than 10' in length may be purchased subject to conditions given below.

Grade specifications: 1. *Clear Grade*—Minimum diameter 24"—All logs 24" and over in diameter that are clear of all visible defects. Sound sap knots 1" and less in diameter will not be considered as a defect in this grade. A rot or dote 4" in diameter or less, located in the center of the log will not degrade the log, but deduction for the defect must be made in scaling the log.

2. *Select Grade.*—Minimum diameter 16". Logs 16" to 23" in diameter must be clear of all defects. Logs 24" and over in diameter must have at least 3 clear faces or have 75 percent of the length clear in one continuous section. Sound sap knots 1" and less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" diameter for logs 24" and over, and up to 3" in diameter for logs 16" to 23" in diameter will not degrade the log but full deduction for the defect must be made in scaling.

3. *No. 1 Grade*—Minimum diameter 12". Logs 12" to 15" in diameter must be clear of all visible defects. Logs 16" to 23" in diameter must have at least 3 clear faces or 75 percent of the length clear in one continuous section. Logs 24" and over in diameter must have at least 2 clear faces or have at least 50 percent of the length clear in one continuous section. Sound sap knots 1" or less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" in diameter for logs over 24", up to 3" in diameter for logs 16" to 23", and up to 2" in diameter for logs between 12"–15" in diameter, will not degrade the log, but full deduction must be made for the defect when scaling the log.

No. 2 Grade—Minimum diameter 12", all sound logs above the specified diameter limits that are better than a cull and that do not grade as a No. 1 log.

A Cull log shall be considered as one where the net board foot scale after deductions have been made for defects, is less than 50 percent of the gross board foot scale.

Woods Run Grade shall consist of hardwood and Cypress logs 12" and up in diameter as produced from the forest that are better than culls and from which no selection of large-sized or high-quality logs has been made. If any large-sized or high-quality logs have been removed from the run of logs, the remaining logs must be sold at prices no higher than the No. 2 grade prices if ungraded, or at the applicable grade prices if graded. When any small-sized or low-quality logs have been removed from the run of logs, the remaining logs may still be sold at the woods run price.

A summary of clear face requirements of the various grades is as follows:

Diameter range	4 clear faces	3 clear faces or 75% of length clear in one continuous section	2 clear faces or 50% of length clear in one continuous section	Other (better than cull)
24" and up	Clear grade	Select grade	No. 1 grade	No. 2 grade.
16–23"	Select grade	No. 1 grade	No. 2 grade	No. 2 grade.
12–15"	No. 1 grade	No. 2 grade	No. 2 grade	No. 2 grade.

Maximum prices: [per M Feet, Log Scale]

	Clear grade	Select grade	No. 1 grade	No. 2 grade	Woods run grade
White Oak	$55.00	$37.50	$27.50	$20.00	$25.00
Red Oak	50.00	35.00	26.50	19.00	24.00
Poplar	55.00	40.00	30.00	20.00	25.00
Magnolia	55.00	40.00	30.00	20.00	25.00
Sweet Gum	55.00	40.00	30.00	20.00	25.00
Black Gum	40.00	35.00	25.00	18.00	23.00
Tupelo Gum	40.00	35.00	25.00	18.00	23.00
Cypress	45.00	35.00	27.50	19.00	25.00
Maple	40.00	35.00	25.00	19.00	23.00
Cherry	50.00	40.00	30.00	20.00	25.00
Tough Ash [1]	50.00	37.50	27.50	20.00	27.00
Other Ash	30.00	25.00	20.00	16.00	20.00
Beech	32.50	27.50	22.00	17.00	21.00
Sycamore	40.00	30.00	23.00	17.00	21.50
Elm	35.00	30.00	22.50	17.00	21.00
Hackberry	35.00	30.00	22.50	17.00	21.00
Cottonwood	35.00	30.00	25.00	18.00	23.00
Hickory [1]					24.00
Walnut [1]					30.00
Birch	40.00	30.00	22.50	16.00	20.00
Basswood	50.00	35.00	25.00	17.00	22.00
Other Species	35.00	30.00	25.00	15.00	20.00

[1] If sold in conjunction with other species. Ceiling prices will b established separately for Walnut, Ash, and Hickory when purchased on an individual selection basis.

The above prices are to prevail for logs f. o. b. cars at rail sidings; f. o. b. barge at towable waters; or delivered to mill by truck from a distance of 25 miles. If logs are delivered to the mill from a distance in excess of 25 miles, a sum not to exceed 10 cents per M ft. may be added for every load mile in excess of the first 25 miles.

If logs are purchased in lengths lower than 10' on a grade basis, the above ceiling prices must be reduced by at least 10 percent. If logs less than 10 feet in length are purchased on a woods run basis, no reduction will be necessary.

The prices herein will prevail for the purchase of logs produced in the area described above and will govern all buying plants purchasing logs in these areas whether or not the buying plants are located in the area.

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–570; Filed, January 10, 1944; 5:15 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 504]

COTTON HOOKED RUG MATERIALS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for cotton hooked rug materials by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

§ 1347.805 *Maximum prices for cotton hooked rug materials.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 504, Cotton Hooked Rug Materials, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.805 issued under 56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

MAXIMUM PRICE REGULATION NO. 504—COTTON HOOKED RUG MATERIALS

CONTENTS

Sec.
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Appendix A—Maximum prices for cotton hooked rug materials.

SECTION 1. **Prohibition against dealing in cotton hooked rug materials at prices *above the maximum*.** On and after January 15, 1944, regardless of any contract or other obligation:

(a) No person shall sell or deliver any cotton hooked rug materials at higher prices than those set forth in Appendix A of this regulation.

(b) No person shall buy or receive cotton hooked rug materials in the course of trade or business at prices higher than those set forth in Appendix A of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states and to the District of Columbia.

SEC. 4. *The relation of this regulation to other regulations.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation [1] and of Maximum Price Regulation No. 344.[2] New Cotton, Linen and Underwear Cuttings, with respect to sales and deliveries for which maximum prices are established by this regulation. Since the term "cotton hooked rug materials," as defined in section 14 (a) (2), does not include any material used for any purpose other than the making of cotton hooked rugs, Maximum Price Regulation No. 344 continues to apply to sales of any of the materials listed in Appendix A of this regulation when sold for such other purposes.

SEC. 5. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of cotton hooked rug materials imposed by any statute of the United States or statute or ordinance of any state or any subdivision thereof, shall be treated as follows in determining the seller's maximum price for such cotton hooked rug materials and in preparing the records of such seller with respect thereto:

If, at the time the seller determines his maximum price the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

SEC. 6. *Export sales.* The maximum price at which a seller may export cotton hooked rug materials or may sell cotton hooked rug materials for export shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [3] issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing cotton hooked rug materials shall pay a total price for such materials including United States custom duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to cotton hooked rug materials alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 11. *Records and reports.* (a) Every person making sales or purchases of 10 tons of cotton hooked rug materials per month, or more, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete and accurate records of each such sale or purchase, showing the following:

(1) Date of purchase or sale.
(2) Name and address of the buyer or seller.
(3) Grade of cotton hooked rug materials purchased or sold.
(4) Quantity of each grade purchased or sold.
(5) Prices paid or received.
(6) Warranties, if any, given or received.

Such records shall set forth separately the f. o. b. point of shipment price, the origin and destination of the shipment, the means of transportation used, the amount of the transportation charge, and any other amounts paid or received in connection with such sale. Such records may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase, providing the invoice contains the information specified above.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[5]

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. *Definitions.* (a) When used in this regulation, the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Cotton hooked rug materials" consist of the knitted cotton or mercerized material used in making cotton hooked rugs.

(3) "Rugmaker" means a person who makes cotton hooked rugs.

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[1] 8 F.R. 3096, 3819, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025, 9991, 11955, 13724.
[2] 8 F.R. 3198, 6109.
[3] 8 F.R. 4132, 5987, 7662, 9998, 15193.
[4] 8 F.R. 13240.
[5] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

(4) "Foreign materials" includes all material which cannot be used in making cotton hooked rugs.

(5) "Tare" means the covering on a carton or bale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

APPENDIX A—MAXIMUM PRICES FOR COTTON HOOKED RUG MATERIALS

(a) The maximum prices set forth below are established for the listed grades of cotton hooked rug materials. These maximum prices are per pound, delivered to buyer's usual receiving point, except that delivery shall be to Asheville, North Carolina, in all cases where buyer's place of business is located in the Asheville area. Sales may be made upon an f. o. b. basis, in which case, however, there must be deducted from the maximum price as listed below an amount at least equal to the transportation cost seller would have incurred if the sale had been upon a delivered basis, which amount shall not be less than the lowest established transportation rate.

All grades as defined herein must consist of clean, dry material free of thread waste and other foreign materials, unless otherwise specified. Mixtures of grades may be sold, providing the price for the mixture does not exceed the maximum price established by this regulation for the lowest-priced grade contained in the assortment. Tare weight in excess of 3 percent must be deducted from the weight of the bale in computing the maximum price for the bale.

	Maximum prices, cents per pound
White tubing and white ribbed leg pieces—consists of full length leg pieces of children's hosiery, from which the feet of the stocking have been removed. The pieces must be of lightweight cotton material at least 10 inches long	13.00
White sock tops—consists of the defective tops of white knitted socks or stockings. The tops must be of soft, lightweight cotton or mercerized material and at least 5 inches in length. The packing must be free of leg waste, threads and other foreign material	10.00
White sock tops with leg waste—consists of the defective tops and leg waste of white knitted socks or stockings. The tops must be of soft, lightweight cotton or mercerized material	6.00
Lightweight colored tops and/or spring covers, repacked—consists of lightweight colored sock tops and tubular knitted containers of lightweight material, free of thread waste and other foreign material. Sock tops and/or spring covers must be at least 5 inches long	8.00
Heavyweight sock tops and/or spring covers, containing thread waste—consists of heavyweight white or colored sock tops and tubular knitted containers which may contain thread waste	4.00
Anklet and leg waste—consists of waste pieces of socks or stockings. Heavyweight short pieces and thread waste may be included in the packing	4.00

(b) *Maximum prices to rugmakers.* Upon sales to rugmakers, a maximum amount of 2¢ per pound may be added to the maximum prices listed above. Maximum prices to the rugmaker are per pound, delivered to rugmaker's customary receiving point.

(c) *Special packing, packaging or services.* There may not be added to any maximum price established herein any additional amount or differential for any special packing, packaging or services.

This Maximum Price Regulation No. 504 shall become effective January 15, 1944.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-565; Filed, January 10, 1944; 5:14 p. m.]

PART 1415—PROTECTIVE COATINGS

[MPR 264,[1] Amdt. 2]

INDUSTRIAL WAXES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 264 is amended in the following respects:

1. Section 1415.65 (b) (4) is amended to read as follows:

(4) *Crude imported beeswax.*

Grade:	*Cents per pound*
Imported sun-bleachable other than African	44.75
Imported non-sun-bleachable other than African	41.50
African (either sun-bleachable or non-sun-bleachable)	37.50

2. Section 1415.65 (d) is amended to read as follows:

(d) The maximum prices established in paragraph (b), with the exception of those calculated for Candelilla Wax, are calculated upon freight of $2.00 per 100 pounds to New York, marine insurance at 0.5 per cent, and war risk insurance at 1½ per cent for South, Central and North America and Caribbean Area and 3 per cent for other than South, Central and North America and Caribbean Area. Any actual charges in excess of the amounts based on the above rates, if such excess amounts to more than 25 cents per 100 pounds, may be added to the maximum prices established herein and separately charged to the buyer's account. In the event actual charges are less than the amounts based on the above rates by 25 cents or more per 100 pounds, the maximum prices established herein shall be reduced accordingly and the reductions credited to the buyer's account. As used in this paragraph (d) "War risk insurance" means the war risk insurance rates as posted by the War Shipping Administration. No costs of importation other than those named in this paragraph (d) may be added to the maximum prices established in this Appendix A.

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-564; Filed, January 10, 1944; 5:14 p. m.]

PART 1441—CHEMICAL TANNING MATERIALS

[MPR 352,[2] Amdt. 1]

CHESTNUT EXTRACT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 352 is amended in the following respects:

1. Section 1 (b) is amended to read as follows:

(b) Nothing in this regulation or in the General Maximum Price Regulation shall apply to sales or deliveries of chestnut extract by Defense Supplies Corporation.

2. Section 2 (a) (1) (ii) is amended to read as follows:

(ii) *Exceptions for certain manufacturers.* Notwithstanding the provisions of subdivision (i) above, the following maximum prices, f. o. b. plant, are established for sales by the manufacturers stated:

Teas Extract Company, Nashville, Tennessee, and Leas and McVitty, Salem, Virginia:

	Standard	Special
	Per 100 pounds	*Per 100 pounds*
Sales in tank cars or tank trucks	$2.50	$2.75
Sales in barrels in carloads	3.10	3.35
Sales in barrels in less than carloads	3.35	3.60

Charles A. Schieren Company, New York, New York, and The Rosman Tanning Extract Company, Rosman, North Carolina:

	Standard	Special
	Per 100 pounds	*Per 100 pounds*
Sales in tank cars or tank trucks	$2.95	$3.20
Sales in barrels in carloads	3.55	3.80
Sales in barrels in less than carloads	3.80	4.05

Gardner Extract Company, Frank, West Virginia:

	Standard	Special
	Per 100 pounds	*Per 100 pounds*
Sales in tank cars or tank trucks	$3.10	$3.35
Sales in barrels in carloads	3.70	3.95
Sales in barrels in less than carloads	3.95	4.20

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9193; 8 F.R. 2507.

[2] 8 F.R. 3793.

3. Subdivision (ii) of section 2 (b) (1) is redesignated (iii) and a new subdivision (ii) is added to read as follows:

(ii) *Exceptions for certain manufacturers.* Notwithstanding the provisions of subdivision (i) above, the following maximum prices, f. o. b. plant, are established for sales by Teas Extract Company, Nashville, Tennessee:

	Standard	Special
	Per 100 pounds	*Per 100 pounds*
Sales in bags in carloads	$7.15	$8.15
Sales in bags in less than carloads	7.90	8.90

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-571; Filed, January 10, 1944; 5:16 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 44]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 5.5 (a) is amended by deleting the words "II and" from the first sentence of that section, and by deleting the words "For establishments in Group III, the supplement must also show:" between subparagraph (5) and subparagraph (6) of that section.

This amendment shall become effective January 10, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-566; Filed, January 10, 1944; 5:14 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 292,[2] Amdt. 9]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 292 is amended in the following respects:

In § 1351.1416, in the table entitled "(a) Oranges, Tangerines, Temple Oranges, and King Oranges," for items 2 and 5, the maximum prices for all varieties, containers and bulk sales listed for the seasons commencing January 1 are deleted and the maximum prices listed for the seasons ending December 31 are respectively substituted therefor.

This amendment shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 8, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-568; Filed, January 10, 1944; 5:15 p. m.]

PART 1358—TOBACCO

[MPR 441,[1] Amdt. 2]

FLUE-CURED TOBACCO; 1943 CROP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 7 is amended to read as follows:

SEC. 7 *Reports.* Within twenty days after the close of the marketing season every buyer of flue-cured tobacco of the 1943 crop shall file with the Office of Price Administration, Washington, D. C., a statement separately showing the following:

(a) The total amount in pounds of loose leaf flue-cured tobacco of the 1943 crop purchased by him and the total amount paid therefor.

(b) The total amount in pounds of untied loose leaf flue-cured tobacco of the 1943 crop purchased by him between August 14, 1943 and the close of the marketing season and the total amount paid therefor.

(c) The total amount in pounds of farm scrap flue-cured tobacco of the 1943 crop purchased by him and the total amount paid therefor.

This amendment shall become effective as of January 1, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[1] 8 F.R. 10443, 11428.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-567; Filed, January 10, 1944; 5:15 p. m.]

PART 1306—IRON AND STEEL

[MPR 43,[1] Amdt. 1]

USED STEEL DRUMS, PAILS AND CONTAINERS AND RECONDITIONING OF USED STEEL DRUMS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 43 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Geographical application.* The provisions of this regulation shall be applicable in the 48 states of the United States, the District of Columbia and the territory of Puerto Rico.

2. Sections 6 (a), 7 (a), 8 (a), 9 (a) and 9 (b) are amended in the following respects:

Wherever the names of the states of California, Oregon, and Washington appear, the territory of Puerto Rico shall be added.

This amendment shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-587; Filed, January 11, 1944; 11:34 a. m.]

PART 1340—FUEL

[MPR 121, Amdt. 27]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 121 is amended in the following respects:

1. Section 1340.247 (d) is amended by inserting after the word "packaged" the word "fuel" and deleting the word "coal".

2. Section 1340.248 (a) (2) is amended by inserting after the word "packaged" the word "fuel" and deleting the word "coal".

3. Section 1340.248 (a) (3) (ii) is amended by inserting after the word "packaged" the word "fuel" and deleting the word "coal".

[1] 8 F.R. 13738.

4. Section 1340.248 (a) (4) is amended by inserting after the word "briquette" the words, "or packaged fuel".

5. Section 1340.249 (d) (1) is redesignated §1340.249 (e) (1) and is amended by inserting after the word "briquette" the words "or packaged fuel".

6. Section 1340.249 (d) (2) is redesignated §1340.249 (e) (2).

7. Section 1340.249 (d) (4) is redesignated §1340.249 (d) (1) and is amended to read as follows:

(1) A producer of briquettes or packaged fuel may redetermine his maximum price established by the Office of Price Administration and in effect on November 23, 1943 in the manner and subject to the conditions hereinafter set forth:

(i) There may be added to the maximum price in effect on November 23, 1943 the increase in the cost of solid fuel, f. o. b. mine, preparation plant or producing facility used in the manufacture of briquettes or packaged fuel actually incurred by the producer on or after November 24, 1943, except where such price has been adjusted by order of a regional office of the Office of Price Administration and reflects such increase in the cost of solid fuel: *Provided*, That the increase in the cost of Pennsylvania anthracite f. o. b. mine or preparation plant used in the manufacture of briquettes or packaged fuel shall not exceed the sum of 50 cents per net ton.

(ii) If a mixture of solid fuels is used in the manufacture of briquettes or packaged fuel the increase shall be determined according to the percentage of each solid fuel used in the mixture as computed on OPA Form No. 653–432, hereinafter set forth.

(iii) There must be deducted from the maximum price in effect on November 23, 1943, or as redetermined under this paragraph or former paragraph (d) (4) the exact amount of any decrease actually incurred by a producer in the cost of the solid fuel f.o.b. mine, preparation plant or producing facility, used in the manufacture of briquettes or packaged fuel.

(iv) Each producer redetermining his maximum price under this paragraph (d) (1) must compute such redetermined price on OPA Form No. 653–432 set forth below, or if a maximum price has been redetermined pursuant to paragraph (d) (4) of this section as in effect prior to this amendment such producer is required to show the computation of this redetermined price on said Form No. 653–432. The completed forms must be filed in duplicate with the Office of Price Administration on or before February 29, 1944. Copies of these forms may be obtained from the Office of Price Administration or any regional or district office thereof.

OPA Form 653–432 (12–43)
Form Approved
Budget Bureau No. 06–R767

United States of America
Office of Price Administration
Solid Fuels Price Branch
Washington 25, D. C.

SCHEDULE FOR COMPUTING REDETERMINED MAXIMUM PRICES FOR BRIQUETTES OR PACKAGED FUEL

(Under Amendment No. 27 to MPR 121)

Name of Company

Address—Number and Street

Trade, or Brand Name of Product (if not sold under a name, describe briefly)

PART I—INSTRUCTIONS

An original and one copy of this report must be filed with the Solid Fuels Branch of the Office of Price Administration, Washington 25, D. C., for each fuel (briquettes or packaged fuel) for which an increase in price is computed as a result of increased costs of solid fuel ingredients. The increase in price as computed on this schedule may be charged immediately after the schedule is filed, and will remain in effect unless later modified.

In Part IIA of this form list the kind and origin of each solid fuel used in making the product. In Columns 1 to 4 identify the solid fuel as to kind (anthracite, bituminous, coke, lignite, etc.), size and origin of the fuel. In Column 5 enter the percent of each kind of solid fuel used in the product; in Column 6 enter the F. O. B. mine or plant price per ton; and in Column 7 the cost of each solid fuel ingredient per ton of product. In Columns 8, 9, and 10 enter the current data for each fuel used in the product.

NOTE: Changes in solid fuel ingredients used may occur. The ingredients used previous to November 24, 1943, should be listed followed by the fuels used currently.

In Part IIB record the increase, or decrease, permitted by § 1340.249 (d).

In Part III record the increase, or decrease, as it affects the maximum price of the producer for each class of purchaser.

The list of methods of determining the original maximum prices is given below. This list is to be used in connection with Part III to indicate how your maximum prices were determined.

LIST OF METHODS OF DETERMINING ORIGINAL MAXIMUM PRICES

(a)—Under paragraph (a) § 1340.249 of MPR 121, "The maximum price . . . shall be the price specified in the last price circular, list or schedule issued by such person on or before December 31, 1941, and in effect during any portion of the period December 15–31, inclusive, 1941."

(b)—Under paragraph (b) "If the maximum price cannot be determined under paragraph (a) . . . the maximum price for the sale of miscellaneous solid fuel . . . shall be the 'average price' charged by the same person during the period December 15–31, inclusive, 1941."

(c) (1)—Under paragraph (c) (1) "If the maximum price cannot be determined under paragraphs (a) or (b) the maximum price shall be the price of any other producer or distributor of miscellaneous solid fuel, as specified in any price circular, list or schedule issued prior to December 31, 1941, and in effect for any portion of the period December 15–31, 1941, inclusive."

(c) (2)—Under paragraph (c) (2) if the maximum price cannot be determined under paragraphs (a), (b) or (c) (1) above, the maximum price shall be the price for the most similar sale of miscellaneous solid fuels.

Other—In addition to these four methods the maximum price may have been determined by an order. (Check Column 7 of Part III.)

PART IIA—WORK SHEET FOR COMPUTING THE AMOUNT BY WHICH THE PRODUCER OF BRIQUETTES OR PACKAGED FUEL MAY INCREASE, OR MUST DECREASE, MAXIMUM PRICES AFTER NOVEMBER 24, 1943

Kind and origin of fuels used in the manufacture of briquettes or packaged fuel				Latest cost previous to November 24, 1943			Current solid fuel costs			Freight cost per ton, point of origin to producer's plant
Kind of solid fuel	Screen size or size group	Origin of fuel: Producing district No.	Origin of fuel: Mine index No. or name [1]	Percent each solid fuel used	F. o. b. mine price per ton [2]	Solid fuel cost per ton of product	Percent each solid fuel used	F. o. b. mine price per ton [2]	Solid fuel cost per ton of product	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Total fuel cost per ton of product				100.0	X X X		100.0	X X X		X X X

PART IIB—COMPUTATION OF AMOUNT OF INCREASE OR DECREASE IN MAXIMUM PRICES

1	Total of entries in Part IIA—Column 10	
2	Total of entries in Part IIA—Column 7	
3	Difference—Increase (or decrease) in Solid Fuel cost per ton of product	

NOTE: If the total of the entries in Column 10, Part IIA, is greater than the total of the entries in Column 7, the amount of the difference may be added to the November 24th, 1943 maximum prices. If the entry in Column 10 is smaller than the entry in Column 7 the difference must be subtracted from the November 24th, 1943 maximum prices.

[1] For coke or other processed solid fuel enter the producer's name and location of facility.
[2] For coke or other processed solid fuel enter the F. O. B. price at producer's facility.

PART III—SCHEDULE OF REDETERMINED MAXIMUM PRICES

Class of purchaser (as determined by type of purchase and quantity purchased as shown in column 2)	Quantity purchased	Method of determining maximum price (check one) under sec. 1340.249: Paragraph MPR 121 (a)	(b)	(c) (1)	(c) (2)	Other (give order No.)	Maximum price: Original maximum price	On Nov. 24, 1943 [1]	Increase or decrease (Part II B–3)	New maximum price [2]	Discount or allowance [3]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

[1] If the November 24, 1943 price is greater than the original maximum price explain on an attached sheet.
[2] The entry in Column 11 is the new maximum price that may be charged immediately after the filing of this report.
[3] Discounts and allowances made during December 15–31, 1941 must be deducted from the maximum prices. See Sec. 1340.249 (b).

APPROVED AND CERTIFIED CORRECT

Signature of company official. Title. Date.

OPA Form 653–432 (12–43) Back

(v) The maximum prices as redetermined under this paragraph (d) may be charged and received by the producer immediately after redetermination unless notified to the contrary by the Office of Price Administration: *Provided*, That after February 29, 1944 a producer of briquettes or packaged fuel may not charge higher prices than those he had in effect on November 23, 1943, unless such producer has filed with the Office of Price Administration at Washington, D. C., OPA Form No. 653–432 filled out in detail, and the Office of Price Administration has acknowledged receipt of such form. All producers must file OPA Form No. 653–432 by February 29, 1944 if after that date they wish to charge higher prices than those they had in effect on November 23, 1943. If they have not so filed they shall be limited to a price no higher than the price they had in effect on November 23, 1943.

8. Section 1340.249 (d) (2) is added to read as follows:

(2) A producer of briquettes or packaged coal whose maximum price has been established by order pursuant to § 1340.249 (c) (3) of this regulation, after November 23, 1943 may add to such price the increase in the purchase cost of solid fuel, f. o. b. mine, preparation plant or producing facility, used in the manufacture of briquettes or packaged fuel actually incurred by him on or after the effective date of the order establishing such price, in the manner and subject to the conditions set forth in paragraph (d) (1) above. Such redetermined maximum price must be reported to the Office of Price Administration on OPA Form No. 563–432 set forth in paragraph (d) (1) (iv) of this section within thirty days after he has computed the same. If such producer fails to report his redetermined maximum price in the manner and within the time specified above he may not charge higher prices than those he had in effect prior to redetermination under this paragraph.

9. Section 1340.249 (d) (5) is redesignated § 1340.249 (e) (3).

10. Section 1340.249 (e) is redesignated § 1340.249 (f) and subparagraph (1) thereof is amended to read as follows:

(1) There shall be deducted from the maximum prices established in paragraphs (a), (b), (c) and (d) of this section the cash and quantity discounts and other allowances (other than freight rate absorptions) which the same producer or distributor actually made, or made available to, purchasers during the period December 15–31, inclusive, 1941.

This amendment shall become effective January 11, 1944.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–588; Filed, January 11, 1944; 11:34 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 349,[1] Amdt. 4]

DISTRIBUTORS' MAXIMUM PRICES FOR CERTAIN COARSE PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 349 is amended in the following respects:

1. Section 1 (c) 49 (v) is amended to read as follows:

(v) Parchment:	
Rolls	Cwt.
Sheets (over 200 square inches)	Cwt.
Sheets (under 200 square inches)	M

2. Section 1 (c) 49 (xiv) is added to read as follows:

(xiv)	Waterproofing papers	Cwt. or roll or 100 square feet

3. Section 1 (c) 49 (xv) is added to read as follows:

(xv)	Insulating papers	Cwt. or 100 square feet

This Amendment No. 4 to Maximum Price Regulation No. 349 shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–589; Filed, January 11, 1944; 11:33 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 458,[1] Amdt. 2]

OAK, PECAN, AND MISCELLANEOUS HARDWOOD FLOORING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 458 is amended in the following respects:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3617, 6110, 7266, 11434.

[1] 8 F.R. 11736, 15323.

1. In the title of the regulation, preamble and table of contents, the words "oak and pecan flooring" wherever appearing are amended to read "Oak, pecan, and miscellaneous hardwood flooring",

2. In sections 1 (a), 3 (b), 7 (a) (2), and 9, the words "oak and pecan flooring" wherever appearing are amended to read "hardwood flooring covered by this regulation".

3. Section 2 is amended to read as follows:

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of oak flooring and pecan flooring, unfinished and prefinished, produced anywhere in the United States; also hardwood flooring unfinished and prefinished of any other species, produced in the Southern, South Central, and Appalachian hardwood regions.[1] For the purposes of this regulation, prefinished hardwood flooring means flooring that has been sanded, filled, finished, waxed, and pressure-rubbed to form a finished product ready for immediate use after installation. The regulation applies regardless of the kind of mill or plant in which the flooring is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself or others, is subject to this regulation.

4. Section 3 (a) is amended to read as follows:

(a) The maximum f. o. b. mill prices for oak flooring, pecan flooring, and beech flooring are set forth in Article IV.

5. In section 4, the title of the table of estimated weights is amended to read as follows: "Estimated Weights for Red Oak, White Oak, Pecan, and Beech Flooring."

6. In Article IV—*Price Tables*, Tables 3 and 4 are redesignated 4 and 5 respectively; and new Tables 3 and 6 are added, to read as set forth below:

TABLE 3.—MAXIMUM PRICES PER M'BM FOR STANDARD GRADES AND VICTORY GRADE BEECH FLOORING

25/32 INCH X 1 1/2 INCHES

Grade:	*Maximum price per M'BM*
First grade—Red	$74.50
First grade	68.50
Second grade	66.00
Third grade	54.50
Third grade and better shorts	48.50
Victory grade	64.50

25/32 INCH X 2 1/4 INCHES

First grade—Red	$90.00
First grade	84.50
Second grade	81.50
Third grade	68.00
Third grade and better shorts	62.00
Victory grade	79.00

25/32 INCH X 3 1/4 INCHES

Victory grade	$85.00

[1] Copies may be obtained from the Office of Price Administration.

[2] For description of Southern hardwood region, see RMPR 97, 8 F.R. 142;

For description of South Central hardwood region, see MPR 155, 7 F.R. 4108;

For description of Appalachian hardwood region, see MPR 146, 7 F.R. 3776.

TABLE 6.—MAXIMUM PRICES PER M'BM FOR PREFINISHED BEECH FLOORING

Grades	25/32 x 3¼"	25/32 x 2¼"	25/32 x 2¼"	½ x 2½"	½ x 2"
Prime	$109.50	$103.50	$103.50	$103.50	$103.50
Standard	106.50	100.50	100.50	100.50	100.50
Standard and better	108.00	102.00	102.00	102.00	102.00

This amendment shall become effective January 17, 1944.

(56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-590; Filed, January 11, 1944; 11:33 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 39, Amdt. 6]

WOVEN DECORATIVE FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 39 is amended in the following respect:

That portion of § 1400.164 (b) (3) beginning with the word *"Provided"* is amended to read as follows:

Provided, That if the fabric was acquired by the seller from a source other than a manufacturer or a converter the maximum price shall in no event exceed 185 per cent of the manufacturer's maximum price for the fabric, or of the converter's maximum price for the fabric if such fabric was initially purchased by a converter as defined in § 1400.161 (a) (3): *Provided further*, That the formula contained in this subparagraph shall not be used to determine the maximum price of a fabric which was sold to the seller as a remnant, close-out or second, or of a fabric which was purchased by the seller as part of a lot of mixed patterns; or

This amendment shall become effective as of January 4, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-591; Filed, January 11, 1944; 11:34 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 80]

PURE RASPBERRY SYRUP

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

Section 1.26 is added to read as follows:

SEC. 1.26 *Pure raspberry syrup*—(a) *Maximum prices which processors may charge for pure raspberry syrup.* The processor's maximum prices per dozen bottles for pure raspberry syrup, f. o. b. factory, shall be as follows:

Size of bottle:	*Maximum price per dozen bottles*
10-ounce	$2.93
12-ounce	3.37
16-ounce	4.38
32-ounce	8.34

(b) *Meaning of "processor".* "Processor" means a person who processes any part of what he sells of the brand of pure raspberry syrup being priced.

(c) *Maximum prices which distributors other than wholesalers and retailers may charge for pure raspberry syrup.* The maximum price for an item of pure raspberry syrup, f. o. b. shipping point, of a distributor who is not a wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him. ("Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 421,[1] 422[2] and 423.[3])

(d) *Meaning of "distributor".* A "distributor" is one who purchases all he sells (for his own account) of the pure raspberry syrup being priced and resells it without processing any part of it.

(e) *Meaning of "pure raspberry syrup".* "Pure raspberry syrup" means a syrup consisting of pure raspberry juice and dry cane sugar, containing no preservatives, colorings, flavorings, or acidulants other than those contained in pure raspberry juice or dry cane sugar.

This amendment shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-592; Filed, January 11, 1944; 11:34 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, Supp. Service Reg. 24]

MAXIMUM PRICES FOR INSPECTION OF HARDWOOD LUMBER BY THE NATIONAL HARDWOOD LUMBER ASSOCIATION

§ 1499.2255 *Inspection of lumber by National Hardwood Lumber Association for Office of Price Administration.* The maximum price for the service of inspecting hardwood lumber, performed by the National Hardwood Lumber Association for the Office of Price Administration, shall be, for the services of one inspector at one place, $25.00 per day for the first day, and $15.00 a day for each succeeding day, with no allowance for hotel expenses, meals, travel, or other items of expense. In calculating the amount of time spent, travel time to and from the inspector's headquarters shall not be included.

This supplementary service regulation shall be effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-593; Filed, January 11, 1944; 11:35 a. m.]

[1] 8 F.R. 9388, 10569, 10987, 13293, 15250, 15607.

[2] 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607.

[3] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 8—REGULATIONS, U. S. COAST GUARD RESERVE

PHYSICAL EXAMINATIONS; TEMPORARY RESERVISTS; ENLISTMENTS

The Regulations, United States Coast Guard Reserve, 1941 (6 F.R. 1925), as amended are hereby further amended as follows:

Section 8.1401 (a) is amended to read as follows:

§ 8.1401 *Physical examinations of Reservists; when required.* (a) A candidate for appointment or reappointment, enlistment or reenlistment, is required to take a physical examination, except that an applicant for reappointment or reenlistment shall not be required to take such examination if he applies for reappointment or reenlistment within twenty-four hours after expiration of previous appointment or enlistment.

Section 8.1401 is further amended by adding the following:

(d) The provisions of this section shall not apply to temporary members of the Reserve. The physical requirements for temporary members of the Reserve shall be as prescribed from time to time by the Commandant.

Section 8.2206 is amended to read as follows:

§ 8.2206 *Procurement of temporary Reservists.* Temporary members of the United States Coast Guard Reserve may be enrolled by the Commandant for duty under such conditions as he may prescribe. They are governed by the Articles for the Government of the Navy, the regulations for the United States Coast Guard, the regulations for the United States Coast Guard Reserve, and by such instructions as may be issued from time to time by the Commandant not inconsistent therewith.

Section 8.2207 is deleted.

Sections 8.2208 and 8.2209 are renumbered as §§ 8.2207 and 8.2208.

Section 8.2304 is amended to read as follows:

§ 8.2304 *Term of enlistments.* Enlistments and reenlistments in the Reserve except for temporary reservists shall be for terms of three years.

R. R. WAESCHE,
Commandant.

Approved: January 10, 1944.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 44-598; Filed, January 11, 1944; 11:48 a. m.]

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES IN LOUISIANA

The amendment to § 203.241 (f), published in the FEDERAL REGISTER 1 January 1944 (9 F.R. 3), is corrected to include bridge at English Bayou, Louisiana, and to show correct spelling of Nezpique, Louisiana, as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

• • • • • •

Nezpique Bayou, La.; Louisiana Department of Highways bridge near Jennings, La. (At least forty-eight hours' advance notice required.)

• • • • • •

English Bayou, La.; Louisiana Department of Highways bridge near Lake Charles, La. (At least forty-eight hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 8 November 1943, CE 800.211 SPEKH, as amended by Regs. 20 December 1943, CE 823.01 SPEWR]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-580; Filed, January 11, 1944; 9:59 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicates in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL INDUSTRY

Royal Manufacturing Company, Tilghman & Jordan Streets, Allentown, Pennsylvania; men's and boys' trunks and briefs; 5 percent (T); effective January 5, 1944, expiring January 4, 1945.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Anthracite Overall Manufacturing Company, 430 Penn Avenue, Scranton, Pennsylvania; trousers, breeches, overalls, coveralls, jackets, and mackinaws; 10 percent (T); effective January 8, 1944, expiring January 7, 1945.

Alpheus Aughenbaugh, Etters P. O., Goldsboro, Pennsylvania; Army shirts, white Maritime jumpers; 10 percent (T); effective January 12, 1944, expiring January 11, 1945.

Chardon Manufacturing Corporation, 86 Broadway, Kingston, New York; ladies'

blouses; 10 learners (T); effective January 8, 1944, expiring July 7, 1944.

Cohen-Fein Company, Inc., 199–201 South Washington Street, Wilkes-Barre, Pennsylvania; government field jackets, mackinaws; 10 percent (T); effective January 12, 1944, expiring January 11, 1945.

Esskay Manufacturing Company, 303 Main Street, Fredericksburg, Texas; outer garments for boys; 10 learners (T); effective January 8, 1944, expiring July 7, 1944.

Grantham Manufacturing Company, Grantham, Pennsylvania; ladies' and junior wash dresses; 10 percent (T); effective January 8, 1944, expiring January 7, 1945.

L. & H. Shirt Company, Cochran, Georgia; men's and boys' shirts; 15 percent (AT); effective January 5, 1944, expiring July 4, 1944.

S. Liebovitz & Sons, Inc., Mont Alto, Pennsylvania; cotton and rayon sport shirts; 10 learners (T); effective January 8, 1944, expiring January 7, 1945.

Marcus Loeb & Company, Inc., 127 Trinity Avenue, S. W., Atlanta, Georgia; men's and boys' pants; 10 percent (T); effective January 8, 1944, expiring January 7, 1945.

M. Nirenberg Sons, Inc., Fair Haven, Vermont; shirts; 5 learners (T); effective January 12, 1944, expiring January 11, 1945.

Quality First Shirt Company, Market Street, Bridgeville, Delaware; men's shirts; 10 percent (T); effective January 5, 1944, expiring January 4, 1945.

Joseph Rogow & Sons, Inc., 4701 Liberty Avenue, Pittsburgh, Pennsylvania; washable uniforms, coats, aprons, trousers, smocks; 20 learners (AT); effective January 6, 1944, expiring July 5, 1944.

I. Taitel and Son, 111 Cherry Street, Scottsburg, Indiana; jackets and shirts; 5 learners (T); effective January 7, 1944, expiring January 6, 1945.

West Plains Manufacturing Company, 5 East Main Street, West Plains, Missouri; overalls, pants, one-piece suits; 15 learners (AT); effective January 4, 1944, expiring July 3, 1944.

HOSIERY INDUSTRY

Amos & Smith Hosiery Company, Pilot Mountain, North Carolina; ladies' full-fashioned, rayon and cotton hosiery; 10 percent (AT); effective January 22, 1944, expiring January 21, 1945.

Dayton Hosiery Mills, Dayton, Tennessee; men's seamless hosiery; 15 learners (AT); effective January 4, 1944, expiring July 3, 1944.

Interwoven Stocking Company, Chambersburg, Pennsylvania; men's seamless hosiery; 5 percent (T); effective January 6, 1944, expiring January 5, 1945.

J. H. Kissinger Knitting Company, Inc., P. O. Box 328, Millersburg, Pennsylvania; children's anklets, and half socks (seamless); 10 learners (AT); effective January 8, 1944, expiring July 8, 1944.

Paul Knitting Mills, 27 Commerce & Lagrange Streets, Pulaski, Virginia; seamless hosiery; 10 percent (AT); effective January 15, 1944, expiring July 14, 1944.

Penn-Carol Hosiery Mills, Inc., Concord, North Carolina; full-fashioned hosiery; 5 learners (T); effective January 8, 1944, expiring January 7, 1945.

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, North Carolina; seamless hosiery; 10 percent (AT); effective January 12, 1944, expiring July 11, 1944.

Surry Hosiery Mills, Inc., 316 Willow Street, Mount Airy, North Carolina; ladies' and misses' anklets; 5 percent (T); effective January 12, 1944, expiring January 11, 1945.

Williamson Hosiery Mills, Englewood, Tennessee; seamless hosiery; 5 learners (T); effective January 7, 1944, expiring January 6, 1945.

The Winsted Hosiery Company, 196 Holabird Avenue, Winsted, Connecticut; seamless hosiery; 5 percent (T); effective January 8, 1944, expiring January 7, 1945.

KNITTED WEAR INDUSTRY

Beaunit Mills, Inc., 1 North Mohawk Street, Cohoes, New York; knitted underwear; 5 percent (T); effective January 8, 1944, expiring January 7, 1945.

Reidler Knitting Mill, 757 West Broad Street, Hazelton, Pennsylvania; cotton knit underwear; 20 learners (AT); effective January 8, 1944, expiring January 7, 1945.

Royal Manufacturing Company, Alburtis, Pennsylvania; men's knitted athletic shirts, broadcloth shorts; 10 learners (AT); effective January 5, 1944, expiring July 4, 1944.

TEXTILE INDUSTRY

Carolina Mills, Inc., Plant #2, Newton, North Carolina; carded cotton yarn; 3 percent (T); effective January 8, 1944, expiring January 7, 1945.

Green River Mills, Inc., Tuxedo, North Carolina; cotton thread and yarn; 3 percent (T); effective January 7, 1944, expiring January 6, 1945.

Hickory Dyeing and Winding Company, 1211 N. Hill Street, Hickory, North Carolina; rayon yarn; 12 learners (E); effective January 10, 1944, expiring July 9, 1944.

Micolas Cotton Mills, Inc., Opp, Alabama; sheeting; 5 percent (AT); effective January 15, 1944, expiring July 14, 1944.

Signed at New York, N. Y., this 8th day of January, 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44–582; Filed, January 11, 1944; 11:26 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

American Needlecrafts, Inc., Hardinsburg, Kentucky; sleeping bags, etc.; 10 learners (T); sewing machine operator, finisher and presser for a learning period of 240 hours at 35 cents per hour; effective January 10, 1944, expiring July 10, 1944.

Signed at New York, N. Y. this 8th day of January, 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44–583; Filed, January 11, 1944; 11:26 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 175]

NEW YORK CENTRAL RAILROAD CO.

ROUTING OF TRAFFIC REQUIRING LIGHTERAGE DELIVERY IN NEW YORK HARBOR

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of January, A. D. 1944.

It appearing, that an emergency exists which, in the opinion of the Commission requires immediate action to best promote the service in the interest of the public and the commerce of the people: *It is ordered*, That:

(a) *Routing of traffic requiring lighterage delivery in New York harbor.* The New York Central Railroad Company is hereby directed to accept and forward over its line to Corning, New York, and the Erie Railroad Company beyond, twelve (12) cars of floating cranes consisting of hulls and derricks shipped by the War Department from Dolomite Products Company, Odenbach Siding, New York, to the War Department via Erie Railroad Company New York lighterage delivery, under Block Permit QMR–WB O11303–W, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded only as conflicting with the directions hereby made; *Provided*, That the billing covering all cars so routed shall carry a reference to this order as authority for the routing.

(b) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to this order is deemed to be due to carriers' disability, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved without specific routing.

(c) *Divisions of rates.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized, they shall not be changed or affected by this order. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, That this order shall become effective immediately; that copies of this order and direction shall be served upon The New York Central Railroad Company, the Erie Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44–599; Filed, January 11, 1944, 11:58 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 201, Amendment]

PATENTS OF ENEMY NATIONALS

Vesting Order Number 201 of October 2, 1942 (8 F.R. 625), is amended as shown in Exhibit I attached hereto and made a part hereof and not otherwise.

All other provisions of said Vesting Order Number 201 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT I

Vesting Order No. 201, Exhibit A, amendments:

After each of the patent numbers 1,569,023; 1,569,027, 1,569,048 and 1,569,111, change "Issued 11-12-26" to "Issued 1-12-26".

Change "Patent No. 1,573,940, issued 2-23-26", to "Patent No. 1,573,949, issued 2-23-26".

Change "Patent No. 1,589,044, issued 6-15-29", to "Patent No. 1,589,044, issued 6-15-26".

After "Patent No. 1,590,091, issued 6-22-26, all Isabellenhutte G. m. b. H. (28)", insert "Silver alloy".

After "Patent No. 1,596,018, issued 8-31-26", insert "Ernst Schlumberger (28)".

Above "Patent No. 1,601,917, issued 10-5-26", cancel "System of taking photographic and cinematographic pictures".

After "Patent No. 1,604,150", insert "Dornier Claudius Girder" (28).

Change "Patent No. 1,647,800, issued 11-22-27", to "Patent No. 1,649,900, issued 11-22-27".

Change "Patent No. 1,647,907, issued 11-22-27", to "Patent" No. 1,649,907, issued 11-22-27".

Change "Patent No. 1,647,930, issued 11-22-27", to "Patent No. 1,649,930, issued 11-22-27".

Change "Patent No. 1,670,006, issued 5-15-28, Imamura Shinataro, (39), Patent No. 1,670,358, issued 5-22-28, Prym Hans, (28), Wireworking machine," to "Patent No. 1,670,006, issued 5-15-28, Prym Hans, (28), Wireworking machine, Patent No. 1,670,358, issued 5-22-28, Imamura Shinataro, (39), Mechanical stoker".

Change "Patent No. 1,679,993, issued 8-7-28, all Pfalzische Chamotte und Thonwerke, (28)," to "Patent No. 1,679,993, issued 8-7-28, Otto Strack (28), ½ Pfalzische Chamotte und Thonwerker (28)".

After "Patent No. 1,695,011, issued 12-11-28", insert "Fornaca Guido (38)".

Above "Patent No. 1,702,881, issued 2-19-29", cancel "Byproducts or the like."

Change "Patent No. 1,711,508, issued 5-7-29" to "Patent No. 1,711,518, issued 5-7-29".

After each of the patent numbers 1,714,669, 1,714,835, 1,714,844, 1,715,187, 1,715,251, 1,715,313, 1,715,331, and 1,715,338, change "Issued 5-28-22" to "Issued 5-28-29".

After "Patent No. 1,715,364, issued 6-4-29", change "Collecting carts" to "all Schmidt & Melmer (28), Device for the dust free discharge of circular dust bins into refuse collecting carts".

Change "Patent No. 1,715,781, issued 6-4-29, Pein Heinz, (28), all Schmidt and Melmer Firm of Device for the Dust Free Discharge of Circular Dust Bins into Refuge (28), Method and means for the electric transmission of written characters", to "Patent No. 1,715,781, issued 6-4-29, Pein Heinz, (28), Method and means for the electric transmission of written characters".

After "Patent No. 1,722,076, issued 7-23-29, change "I. G. Farbenindustrie A. G. (28)" to "all I. G. Farbenindustrie A. G. (28)".

After "Patent No. 1,722,095, issued 7-23-29", insert "Juliusburger Josef (28), Machine for untwisting and carding fibrous materials".

Above "Patent No. 1,722,124, issued 7-23-29", cancel "Juliusberger Josef (28), Machine for untwisting and carding fibrous materials".

After "Patent No. 1,727,449, issued 9-10-29", change "Schulz Josef" to "Schulz Josef (28)".

Change "all Drahtlose Telegraphie G m. b. H., arrangement for audio frequency amplification Patent No. 1,732,032, issued 10-15-29", to "Patent No. 1,732,031, issued 10-15-29, all Drahtlose Telegraphie G. m. b. H. (28), Arrangement for audio frequency amplification".

After "Patent No. 1,734,064, issued 11-5-29", change "64532 3193 (28)" to "Funck Carl (28)".

After "Patent No. 1,738,950, issued 12-10-29, all Rheinische Metall Waaren Und. (28)", insert "Escapement mechanism for typewriters".

Above "Patent No. 1,738,965, issued 12-10-29", cancel "Escapement mechanism for typewriters".

After "Patent No. 1,740,543, issued 12-24-29", change "Allkali Chimie A G (28)" to "all Kali Chimie A G (28)".

After "Patent No. 1,740,756, issued 12-24-29", insert "all Deutsche Schiff und Maschinenbau A G Power Transmission Gear" (28).

Above "Patent No. 1,740,776, issued 12-24-29", cancel "all Deutsche Schiff und Maschin55B14 17 (28), Power Transmission Gear".

Change "Voigt Eduard Max (28) Patent No. 1,742,366, issued 1-7-30; Patent No. 1,742,331, issued 1-7-30, Collecting Cup; all Yashima Yuka (39), Hydraulic Accommodation Fan" to "Patent No. 1,742,331, issued 1-7-30. Voigt Eduard Max, (28), Collecting Cup; Patent No. 1,742,366, issued 1-7-30, all Yashima Yuka (39), Hydraulic Accommodation Fan".

After "Patent No. 1,748,445, issued 2-25-30", insert "All Fahdt Julius Machine Factory (28), Compound steam engine".

Above "Patent No. 1,748,453, issued 2-25-30" cancel "All Fahdt Julius Machine factors (28), Compound steam engine".

After "Patent No. 1,753,706, issued 4-8-30", insert "Junkers Hugo (28), Unit for assembling lattice work".

Above "Patent No. 1,753,723, issued 4-8-30", cancel "Junkers Hugo (28)".

Above "Patent No. 1,753,816, issued 4-8-30", change "Unit for assembling lattice work cod liver oil" to "Cod liver oil".

Change "Patent No. 1,755,765" to "Patent No. 1,755,765, issued 4-22-30".

Above "Patent No. 1,756,049, issued 4-29-30", cancel "Glowlamp".

After "Patent No. 1,777,841, issued 10-7-30", change "All Motorenfabrik Deutz A. G. (38)" to "All Motorenfabrik Deutz A. G. (28)".

After "Patent No. 1,777,861, issued 10-7-30," change "All Jenaer Glaswerk Schott and Gen (38)" to "All Jenaer Glaswerk Schott and Gen (28)".

Change "Georg Otto (28), Frictional screw spindle press, Patent No. 1,783,114, issued 11-25-30," to "Patent No. 1,783,115, issued 11-25-30, Georg Otto (28), Frictional screw spindle press."

After "Patent No. 1,783,561, issued 12-2-30," change "I. G. Farbenindustrie A. G. (28)" to "All I. G. Farbenindustrie A. G. (28)."

Change "Multipressure oiler installation, Patent No. 1,783,842, issued 12-2-30, all Schmidt Scheheisdampf Ges m. b. H. (28)," to "Patent No. 1,783,842, issued 12-2-30, all Schmidtsche Heissdampf G. m. b. H. (28), Multipressure oiler installation."

After "Patent No. 1,791,320, issued 2-3-31," change "Bewinsohn Hermann (28)" to "all Lewinsohn Hermann (28)."

After "Patent No. 1,792,609, issued 2-17-31, Schumacher Heinrich, (28)," insert "½ Konnecker Karl (28)."

After "Patent No. 1,792,663, issued 2-17-31," change "All Pfalzische Chamotte und Tronwerke (28)" to "Strack, Otto (28), ½ Pfalzische Chamotte und Tronwerke (28)."

Above "Patent No. 1,795,025, issued 3-3-31", cancel "All Bosch Robert A. G., (28), Electric switchbox".

Before "Patent No. 1,795,369, issued 3-10-31", cancel "All Siemens & Halske A. G. (28), circuit arrangement for automatic telephone systems".

Above "Patent No. 1,799,112, issued 3-31-31", cancel "Erkens, Paul (28), Long sieve machine for the manufacture of multiple web papers and card board".

After "Patent No. 1,804,280, issued 5-5-31", change "Serra Luigi M. (39)" to "Serra Luigi M. (38)".

Before "Patent No. 1,811,867, issued 6-30-31", cancel "Gminder Emil (28), Method of producing fancy figures on textile material by mercerization".

Change "Patent No. 1,813,840, issued 7-14-31", to "Patent No. 1,813,841, issued 7-14-31".

Above "Patent No. 1,816,396, issued 7-28-31" cancel "Metal oxides, method of producing finely divided".

Change "Patent No. 1,817,829, issued 8-4-31", to "Patent No. 1,817,828, issued 8-4-31".

After "Patent No. 1,818,111, issued 8-11-31", change "Bek Ernst Gideon (28)" to "All Bek Ernst Gideon (28)".

Change "Patent No. 1,819,034, issued 8-18-31", to "Patent No. 1,819,934, issued 8-18-31".

Above "Patent No. 1,822,138, issued 9-8-31", cancel "Wilberz Johannes, (28), Method of and apparatus for trimming grinding wheels."

After "Patent No. 1,825,555, issued 9-29-31", change "Teves Alfred, (28), all maschinen und armaturen fabrik", to "all Teves Alfred (28), Maschinen und armaturen fabrik."

After "Patent No. 1,837,010, issued 12-15-31", change "Brown, Donald (28)", to "all I. G. Farbenindustrie A. G. (28)."

After "Patent No. 1,850,036, issued 3-15-32, Steffen, Carl, Jr. (6)", cancel "Support for the feet".

Before "Patent No. 1,858,777, issued 5-17-32", cancel "all Siemens & Halske A. G. (28), Process for the production of beryllium oxide or beryllium hydroxide from technical alkali beryllium double halides in particular fluorides".

After "Patent No. 1,869,494, issued 8-2-32, Osborg Hans, (28)", insert "Composition containing lithium".

After "Patent No. 1,870,738, issued 8-9-32", change "Kruckenberg Franz (28)", to "all Kruckenberg Franz (28)".

Change "Patent No. 1,872,322, issued 8-30-32", to "Patent No. 1,874,322, issued 8-30-32".

Above "Patent No. 1,872,432, issued 8-16-32", cancel "Arc lamp electrode".

After "Patent No. 1,877,245, issued 9-13-32", change "All Kruckenberg Franz and Heyner Fritz (28), Railway signalling system (2)" to "All Kruckenberg Frans (28), Railway signalling system".

Change "Patent No. 1,879,238, issued 9-27-32", to "Patent No. 1,879,235, issued 9-27-32",

Volume 3, in the code numbers on the front of the volume, add "27 France".

After "Patent No. 1,915,761, issued 6-27-33", change "All Hydrometer A. G. Breslau (34)" to "All Hydrometer A. G. Breslau (28)".

Above "Patent No. 1,921,395, issued 8-8-33", cancel "Media for protecting furs, hairs, feathers and animal textile products against the attack of animal and plant pests".

After "Patent No. 1,938,011, issued 12-5-33", change "Soc Italiana Pirelli (38)" to "All Soc Italiana Pirelli (38)".

Above "Patent No. 1,946,011, issued 2-6-34", change "Cereals or the like machine for making dough" to "Machine for making dough from cereals or the like".

Above "Patent No. 1,950,651, issued 3-13-34", cancel "All Schering Kahlbaum A. G. (28), Hydroxy 3 .5 Di Iodo pyridine 2 carboxylic acid".

After "Patent No. 1,950,831, issued 3-13-34", change "Wikkenhauser Gustac, C (28), von Okolicsanyi Frans et al. (28)" to "All Telehor A. G. (28)".

Above "Patent No. 1,957,009, issued 5-1-34", cancel "Lange Fritz, C (28), Dahl Max, C (28), Brasch Arno et al. (28), Impulse generator".

Change "Patent No. 1,961,316, issued 6-5-34, Weingand Richard (28), Manufacturing flat walled or sheet libv; Patent No. 1,957,008, issued 5-1-34, Cellulose products", to "Patent No. 1,961,316, issued 6-5-34, Weingand Richard (28), Manufacturing flat walled or sheet like cellulose products; Patent No. 1,957,008, issued 5-1-34, Lange Fritz C (28), Dahl Max C (28), Brasch Arno et al. (28), Impulse generator".

After "Patent No. 1,962,267, issued 6-12-34", change "all Grunwald Julius (28)" to "Biechschmidt Gunter (28), ½ Grunwald Julius (28)".

After "Patent No. 1,988,799, issued 1-22-25", change "all Yuasa Storage Battery Co., Ltd. (39)", to "Kato Yogoro (39), ½ Yuasa Storage Battery Co., Ltd., (39)".

After "Patent No. 1,988,903, issued 1-22-35, Krauss Friedrich (6)", insert "Pencil or crayon case".

Above "Patent No. 1,988,918, issued 1-22-35", change "Horizontal louver like wings rotating flying machine with beating and slidiex opposite directions" to "Flying machine with beating and sliding horizontal louver like wings rotating in opposite directions".

Change "Patent No. 1,989,259, issued 1-29-35 (28), all Junkers Hugo, Structural member nitrogen tetroxide; Patent No. 1,989,267, issued 1-29-35, Frank Albert Rudolf, C (28), Caro Nikodem, et al. (28), Wendlandt Rudolf, C (28); Patent No. 1,989,273, issued 1-29-35, Tramm Heinrich, C (28), Fischer Thomas, C (28), Grimme Walter, et al. (28), Production of acetylene", to "Patent" No. 1,989,259, issued 1-29-35, all Junkers Hugo, structural member (28); Patent No. 1,989,267, issued 1-29-35, Frank Albert Rudolf, C (28), Caro Nikodem, et al. (28), Wendlandt Rudolf, C (28), Fischer Thomas, C (28), Production of nitric acid and liquid nitrogen tetroxide; Patent No. 1,989,273, issued 1-29-35, Tramm Heinrich, C (28), Grimme Walter, et al. (28), Production of acetylene".

After "Patent No. 1,992,372, issued 2-26-35, all Bohler Gebr & Co A G, (28)," insert "Hard Metal Alloy."

After "Patent No. 1,994,459, issued 3-19-35," insert "Beisser Georg Dec (28), Process for Preserving Material of Animal Origin."

Above "Patent No. 1,994,517, issued 3-19-35," cancel "Beisser Geroc Dec (28), Process for Preserving Material of Animal Origin."

After "Patent No. 1,994,517, issued 3-19-35, all Siemens and Halske A G (28)," insert "Signaling."

After "Patent No. 1,997,516, issued 4-9-35, all Rheinische Metallwaaren und (28)," insert "Machine for Setting Projectile Fuses."

Above "Patent No. 1,998,300, issued 4-16-35," cancel "Hard Metal Alloy."

Change "Patent No. 2,000,171, issued 5-7-35," to "Patent No. 2,000,017, issued 5-7-35."

Above "Patent No. 2,019,946, issued 11-5-35," cancel "Tool and Method of Making Same."

After "Patent No. 2,042,122, issued 5-26-36, Piccardo Cesare (38)," change "Automatic Discharge of Mud from Steam Boilers and Heaters of Liquids System for the Prevention of Scale Formation and for the continuous" to "System for the Prevention of Scale Formation and for the Continuous Automatic Discharge of Mud from Steam Boilers and Heaters of Liquids."

Above "Patent No. 2,044,116, issued 6-16-36" cancel "Fatty Acid Compounds".

Above "Patent No. 2,045,824, issued 6-30-36" cancel "All Schloemann A. G. (28), Method of Making Tubes by Extrusion".

After "Patent No. 2,046,631, issued 7-7-36", change "Janicke Hermann (28), Junkers Hugo (28)" to "All Junkers Hugo (28)".

Change "Patent No. 2,051,836, issued 10-1-35", to "Patent No. 2,015,836, issued 10-1-35".

Change "Patent No. 2,055,689, issued 9-29-36, With Calculating Machines, Refrigerator, all Petxholdt, J. S. (28), and Granular Masses Machine for Working Liquid Pulverulent" to "Patent No. 2,055,689, issued 9-29-36, all Petxholdt J. S. (28), Machine for Working Liquid Pulverulent and Granular Masses".

After "Patent No. 2,062,923, issued 12-1-36, Nagy Pal Sandor (34)", insert "30% Csarada Hella (34)".

After "Patent No. 2,066,345, issued 1-5-37", change "Greby Jules Ernest Michel (28)" to "Greby Jules Ernest Michel (27)".

After "Patent No. 2,067,544, issued 1-12-37", change "All Zellstoffabrik Waldhof (28)", to "Radestock Hans (28), ½ Zellstoffabrik Waldhof (28)".

Above "Patent No. 2,090,074, issued. 8-17-37", cancel "Alloys".

Change "Radio signals, Patent No. 2,093,889, issued 9-21-38, Lindner Herbert" to "Patent No. 2,093,889, issued 9-21-37, Horn Arthur Walter, Strip of fabric adaptable for tents and capes".

Volume 4, in the code numbers on the front of the volume, add "27 France".

Above "Patent No. 2,101,939, issued 12-14-37" cancel "all Atlas Werke A. G. (28), Means for mounting submarine signaling apparatus".

Change "Patent No. 2,116,112, issued 10-1-40", to "Patent No. 2,216,112, issued 10-1-40".

After "Patent No. 2,116,356, issued 5-3-38", change "all Nationale de Matieres Colorantes et (28)", to "all Nationale de Matieres Colorantes et (27)".

After "Patent No. 2,125,360, issued 8-2-38, Schmitt Karl Josef (28)", insert "Combing machine for wool cotton".

After "Patent No. 2,133,660, issued 10-18-38", change "Eckl Karl, (28)" to "All Eckl Karl, (26)".

After "Patent No. 2,133,984, issued 10-25-38", insert "Glas Maurus (28)".

Above "Patent No. 2,138,909, issued 12-6-38", cancel "all Bosch Robert G. m. b. H. (28), Process for the Manufacture of Electrostatic Condensers".

Above "Patent No. 2,139,185, issued 12-6-30", cancel "all Siemens & Halske A. G. (28), Tefephone system".

After "Patent No. 2,147,615, issued 2-14-39", change "Baroni Augusto (34), to "Baroni Augusto (38)".

Change "Patent No. 2,154,288, issued 4-11-39", to "Patent No. 2,154,300, issued 4-11-39".

Above "Patent No. 2,170,020, issued 8-22-39", cancel "all I. G., Farbenindustrie AKG (28), Sulpho carboxylic esters suitable as assistants for the textile and related industries."

Above "Patent No. 2,170,052, issued 8-22-39", cancel "all Siemens & Halske AKG (28), Permanent magnet of copper cobalt nickel alloy".

Above "Patent No. 2,170,931, issued 8-29-39", cancel "all Siemens and Halske A. G. (28), Telephone system".

Above "Patent No. 2,172,350, issued 9-12-39", cancel "all Zeiss Ikon A. G. (28), Photoelectric cathode".

Change "Patent No. 2,173,305, issued 9-5-39, all I. G. Farbenindustrie A. G. (28), Resins soluble in alcohol", to "Patent No. 2,173,305, issued 9-19-39, Marx, Alfred (28)".

Change "Patent No. 2,184,604, issued 12-26-39", to "Patent No. 2,184,601, issued 12-26-39".

After "Patent No. 2,186,582, issued 1-9-40", change "All Danuvia Ipari Es Kereskedelmi R. T. (34)" to "Gebauer (34), Ferenc ½ Danuvia Ipari Es Kereskedelmi R. T. (34)".

After "Patent No. 2,190,889, issued 2-20-40", change "Von Forster Hermann (28)" to "all Von Forster Hermann (28)".

After "Patent No. 2,213,029, issued 8-27-40", change "Union Special Maschinenfabrik G.m.b.H. (28)" to "all Union Special Maschinenfabrik G.m.b.H. (28).

After "Patent No. 2,213,136, issued 8-27-40", change "Keller and Knappich G.m.b.H. (28)" to "all Keller and Knappich G.m.b.H. (28)".

Above "Patent No. 2,216,081, issued 9-24-40", cancel "or printing machines".

After "Patent No. 2,223,066, issued 11-26-40", change "Lorenz, C., AG, C, (28)" to "all Lorenz, C., AG (28)".

After "Patent No. 2,235,176, issued 3-18-41", change "All Quade Fritz (28)" to "Schless Stefan (28), 30% Quade Fritz (28)".

Above "Patent No. 2,240,017, issued 4-29-41", cancel "Marzoli Luigi (38), Holding and centering device for spinning twisting and like machines".

Change "Patent No. 2,240,047, issued 4-29-41", to "Patent No. 2,240,047, issued 4-29-41, Marzoli Luigi (38), Holding and centering device for spinning twisting and like machines".

Above "Patent No. 2,242,614, issued 5-20-41", cancel "All Fides Ges fur Die Verwaltun 7 U54 (28), Controllable electric discharge tube operating with alternating current".

Change "Patent No. 2,248,782, issued 7-8-41, All Lorenz A. G., C, (28) Practising", to "Patent No. 2,248,782, issued 7-8-41, All Lorenz C. A. G. (28), Tuning arrangement for electric oscillations".

Before "Patent No. 2,250,898, issued 7-29-41", cancel "All Klockner Humboldt Deutz A. G. (28), Fuel injector for internal combustion engines".

After "Patent No. 2,251,266, issued 8-5-41", insert "All Erben Georg von Giesche S. (28), Magnesium alloy".

Above "Patent No. 2,251,510, issued 8-5-41", cancel "All Erben Georg von Giesche S. (28), Magnesium alloy".

Above "Patent No. 2,287,486, issued 6-23-42", cancel "Windshield cleaner".

[F. R. Doc. 44-359; Filed, January 7, 1944; 10:47 a. m.]

[Vesting Order 2690]

ARTURO CAPROTTI

In re: Interest of Arturo Caprotti in an agreement with The Baldwin Locomotive Works.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Arturo Caprotti is a citizen and resident of Italy and is a national of a foreign country (Italy);

2. That the property identified in subparagraph 3 hereof is property of Arturo Caprotti;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Arturo Caprotti by virtue of an agreement dated October 17, 1927 (including all modifications thereof and supplements thereto, including, but not by way of limitation, the supplemental agreement dated October 17, 1927) by and between Arturo Caprotti and The Baldwin Locomotive Works, which agreement relates, among other things, to United States Patent No. 1,869,463,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-494; Filed, January 10, 1944; 11:06 a. m.]

[Vesting Order 2691]

"PATIAG" PATENTSVERWERTUNGS UND INDUSTRIE AKTIENGESELLSCHAFT

In re: Patents and contractual interests of "Patiag" Patentsverwertungs und Industrie Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That "Patiag" Patentsverwertungs und Industrie Aktiengesellschaft is a corporation having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of "Patiag" Patentsverwertungs und Industrie Aktiengesellschaft;

3. That the property described as follows:

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patents:

Patent Number, Date, Inventor and Title

1,771,836; 7-29-30; Rudolf Schmidt; Rotary pumps.

1,834,976; 12-8-31; Rudolf Schmidt; Rotary compressor pump or the like.

1,846,692; 2-23-32; Rudolf Schmidt; Rotary pumps and the like.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in "Patiag" Patentsverwertungs und Industrie Aktiengesellschaft by virtue of an agreement dated December 22, 1930 (including all modifications and supplements to such agreement, including, but without limitation modifications dated July 22, 1931, December 30, 1932 and July 25, 1933) by and between "Patiag" Patentsverwertungs und Industrie Aktiengesellschaft and Commercial Patents Incorporated, relating, among other things, to patent No. 1,771,863, issued July 29, 1930, inventor Rudolf Schmidt, for Rotary Pumps,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-495; Filed, January 10, 1944; 11:06 a. m.]

[Vesting Order 2692]

NATIONALS OF SWITZERLAND

In re: United States Letters Patent of nationals of Switzerland appearing on The Proclaimed List of Certain Blocked Nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each of the business organizations to which reference is made in the column headed "Owner" in Exhibit A attached hereto and made a part hereof is organized under the laws and has its principal place of business in Switzerland and is a national of a foreign country (Switzerland);

2. That the patents and other property related thereto identified in subparagraph 4 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective numbers thereof in said Exhibit A;

3. That the persons whose names appear in the column headed "Owner" in said Exhibit A appear on The Proclaimed List of Certain Blocked Nationals;

4. That the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the United States Letters Patent identified in Exhibit A attached hereto and made a part hereof,

is property of nationals of a foreign country (Switzerland);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

United States Letters Patent which are identified as follows:

Patent Number, Date, Owner, Inventor, and Title

2,140,254; 12-13-38; Ammonia Casale, S. A.; Mario Zavka; Operation of internal combustion engines and the production of and supply of fuel thereto.

2,163,223; 6-20-39; Ammonia Casale, S. A.; Mario Zavka; Process of obtaining products of polymerization of acetylene.

2,152,142; 3-28-39; Sapal S. A. Des Plieuses Automatiques; Maurice Krafft; Wrapping Machine.

2,162,707; 6-20-39; Contraves A. G.; Frederich E. Fischer; Bearings.

[F. R. Doc. 44–496; Filed, January 10, 1944; 11:06 a. m.]

[Vesting Order 2693]

HANS LUCKHARDT AND ANDREAS GAAL

In re: Undivided 50% interests in United States patents owned by Hans Luckhardt and Andreas Gaal of Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Hans Luckhardt and Andreas Gaal are citizens and residents of Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 4a hereof is property of Hans Luckhardt;

3. That the property described in subparagraph 4b hereof is property of Andreas Gaal;

4. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) An undivided one-half (50%) interest which stands of record in the United States Patent Office in the name of Hans Luckhardt, in and to the following United States Letters Patents:

Patent Number, Date of Issue, Inventor and Title

2,195,091; 3-26-40; Hans Luckhardt & Anton Lorens; Foldable reclining chair.

2,266,055; 12-16-41; Hans Luckhardt & Anton Lorens; Adjustable reclining chair.

2,276,053; 3-10-42; Hans Luckhardt & Anton Lorens; Adjustable reclining chair.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled.

(b) An undivided one-half (50%) interest which stands of record in the United States Patent Office in the name of Andreas Gaal, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title

2,135,586; 11-8-38; Anton Lorenz & Andreas Gaal; Furniture support.

2,208,800; 7-23-40; Anton Lorenz & Andreas Gaal; Adjustable reclining chair or the like.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled.

[F. R. Doc. 44–497; Filed, January 10, 1944; 11:06 a. m.]

[Vesting Order 2694]

MASCHINENFABRIK AUGSBURG-NURNBERG A. G. AND AKTIENGESELLSCHAFT FUR INDUSTRIELLE BETEILIGUNGEN

In re: Interests of Maschinenfabrik Augsburg-Nurnberg A. G. and Aktiengesellschaft fur Industrielle Beteiligungen in a patent and in agreements with The Bartlett Hayward Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Maschinenfabrik Augsburg-Nurnberg A. G. is a joint stock company organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That Aktiengesellschaft fur Industrielle Beteiligungen is a business organization organized under the laws of and having its principal place of business in Switzerland and is a national of a foreign country (Switzerland);

3. That Aktiengesellschaft fur Industrielle Beteiligungen is acting for or on behalf of Maschinenfabrik Augsburg-Nurnberg A. G. and is a national of a foreign country (Germany);

4. That the property described in subparagraph 6a hereof is property of Maschinenfabrik Augsburg-Nurnberg A. G.;

5. That the property described in subparagraphs 6b and 6c hereof is property of Maschinenfabrik Augsburg-Nurnberg, A. G. and Aktiengesellschaft fur Industrielle Beteiligungen;

6. That the property described as follows:

(a) An undivided ½ (50%) interest, which stands of record in the United States Patent Office in the name of Maschinenfabrik Augsburg-Nurnberg A. G., in and to the following patent:

Patent Number, Date of Issue, Inventor and Title

1,829,519, 10-27-31, Konrad Jagschitz & Paul M. Kuehn, Gasometer.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled;

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Aktiengesellschaft fur Industrielle Beteiligungen and Maschinenfabrik Augsburg-Nurnberg A. G., and each of them, by virtue of an agreement dated July 18, 1923 (including all modifications thereof and supplements thereto, if any) executed by Aktiengesellschaft fur Industrielle Beteiligungen and Maschinenfabrik Augsburg-Nurnberg A. G., which agreement relates, among other things, to certain United State Letters Patent, including Patent No. 2,064,916;

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Aktiengesellschaft fur Industrielle Beteiligungen and Maschinenfabrik Augsburg-Nurnberg A. G., and each of them, by virtue of an agreement dated January 3, 1924 executed by Aktiengesellschaft fur Industrielle Beteiligungen and The Bartlett Hayward Company, and assented to by Maschinenfabrik Augsburg-Nurnberg A. G. (including all modifications of and supplements to such agreement, including, but without limitation, an agreement dated July 25, 1925 executed by Aktiengesellschaft fur Industrielle Beteiligungen and The Bartlett Hayward Company, and assented to by Maschinenfabrik Augsburg-Nurnberg A. G.; an agreement dated August 14, 1926 executed by Aktiengesellschaft fur Industrielle Beteiligungen and The Bartlett Hayward Company and assented to by Maschinenfabrik Augsburg-Nurnberg A. G.; a letter dated July 13, 1931 from The Bartlett Hayward Company to Maschinenfabrik Augsburg-Nurnberg A. G.; a letter dated July 28, 1931 from Maschinenfabrik Augsburg-Nurnberg A. G. to The Bartlett Hayward Company, and a letter dated April 4, 1941 from Aktiengesellschaft fur Industrielle Beteiligungen to Koppers Company, Bartlett Hayward Division) which agreement as modified and supplemented relates, among other things, to certain United States Letters Patent, including Patent No. 2,064,916,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–498; Filed, January 10, 1944; 11:07 a. m.]

[Vesting Order 2695]

SOCIETE D'ELECTRO-CHIMIE D'ELECTRO METALLURGIE ET DES ACIERIES ELECTRIQUES D'UGINE

In re: Certain patents and interest of Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine in agreements with Birdsboro Steel Foundry and Machine Company and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Jean Baptiste Durand is a resident of France and is a national of a foreign country (France);

2. That Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine is a corporation organized under the laws of France and is a national of a foreign country (France);

3. That the property described in subparagraph 5a hereof is property of Jean Baptiste Durand and/or Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine;

4. That the property described in subparagraphs 5b, 5c, 5d, 5e, 5f and 5g hereof is property of Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine;

5. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title

1,918,089; 7-11-33; Jean Baptiste Durand; Manufacture of foundry molds.

1,918,090; 7-11-33; Jean Baptiste Durand; Composition for foundry molds.

1,924,028; 8-22-33; Jean Baptiste Durand; Manufacture of foundry molds.

(b) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title

2,144,532; 1-17-39; John Howe Hall; Manufacture of foundry molds.

2,169,384; 8-15-39; John Howe Hall; Manufacture of foundry molds.

2,169,385; 8-15-39; John Howe Hall; Manufacture of foundry molds.

2,169,386; 8-15-39; John Howe Hall; Manufacture of foundry molds.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine by virtue of an agreement dated April 18, 1935 (including all modifications thereof and supplements thereto, if any) by and between Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine and Birdsboro Steel Foundry and Machine Company, relating, among other things, to certain United States Letters Patent, including Patent No. 1,924,028,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine by virtue of an agreement dated November 29, 1935 (including all modifications thereof and supplements thereto, if any) by and between Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine and Chambersburg Engineering Company, relating, among other things, to certain United States Letters Patent, including Patent No. 1,924,028,

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine by virtue of an agreement dated May 1, 1936 (including all modifications thereof and supplements thereto, if any) by and between Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine and Vulcan Mold & Iron Company, relating, among other things, to certain United States Letters Patent, including Patent No. 1,924,028,

(f) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine by virtue of an agreement dated November 1, 1937 (including all modifications thereof and supplements thereto, if any) by and between Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine and Farrel-Birmingham Company, Incorporated, relating, among other things, to certain United States Letters Patent, including Patent No. 1,924,028,

(g) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine by virtue of an agreement dated June 29, 1938 (including all modifications thereof and supplements thereto, if any) by and between Societe d'Electro-Chimie d'Electro Metallurgie et des Acieries Electriques d'Ugine and General Railway Signal Company, relating, among other things, to certain United States Letters Patent, including Patent No. 1,924,028,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice

of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-499; Filed, January 10, 1944; 11:07 a. m.]

[Vesting Order 2696]

DIMITRI SENSAUD DE LAVAUD

In re: Interest of Dimitri Sensaud De Lavaud in patents and agreements relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dimitri Sensaud De Lavaud is a resident of France and is a national of a foreign country (France);

2. That the property described in subparagraph 3 hereof is property of Dimitri Sensaud De Lavaud;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States: *Provided, however,* That the property herein vested shall not include any right, title or interest of said Borg-Warner Corporation in and to the aforesaid option agreement identified in section (3) of said Exhibit A, nor shall such vesting disturb in any way the right of said Borg-Warner Corporation to exercise such option or affect adversely in any way any right, title, interest or privilege it might have as a result of having exercised such option.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patents:

Patent Number, Date, Inventor and Title

2,034,429; 3-17-36; Dimitri Sensaud De Lavaud; Hydraulic transmission.
2,080,199; 5-11-37; Dimitri Sensaud De Lavaud; Hydraulic device for the transmission of movement.
2,106,423; 1-25-38; Dimitri Sensaud De Lavaud; Hydraulic transmission.
2,168,862; 8-8-39; Dimitri Sensaud De Lavaud; Hydraulic device for the transmission of power.
2,168,863; 8-8-39; Dimitri Sensaud De Lavaud; Hydraulic power transmitting device.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dimitri Sensaud De Lavaud by virtue of an agreement entered into in 1934 (including all modifications thereof or supplements thereto, if any) by and between Dimitri Sensaud De Lavaud and The Variable Speed Gear Limited, relating to patent number 1,760,480, issued May 27, 1930, inventor A. Coats, for Rotary Power Transmission;

(3) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dimitri Sensaud De Lavaud by virtue of an agreement dated August 2, 1940 (including all modifications thereof or supplements thereto, if any) by and between Dimitri Sensaud De Lavaud and Borg-Warner Corporation, relating, among others, to patent number 2,034,429, issued March 17, 1936, inventor Dimitri Sensaud De Lavaud, for Hydraulic Transmission, and including the granting of an option to Borg-Warner Corporation.

[F. R. Doc. 44-500; Filed, January 10, 1944; 11:07 a. m.]

[Vesting Order 2709, Amendment]

WALTER BROOKS

In re: Trust under the Will of Walter Brooks, deceased; File No. D-28-4916; E. T. sec. 1420.

Vesting Order No. 2709, dated December 2, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Guaranty Trust Company of New York, Courtland Kelsey, and Thomas D. Thacher, as Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Karoline Margarete Elfreide Heine, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Karoline Margarete Elfreide Heine, in and to a trust created under the Will of Walter Brooks, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in a special appropriate account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-501; Filed, January 10, 1944; 11:07 a. m.]

[Vesting Order 2736]

SOCIETE DE PARTICIPATION FINANCIERE "ELECTRIC PUMP" SOCIETE ANONYME, ET AL.

In re: Patents and Interests of Societe de Participation Financiere "Electric Pump" Societe Anonyme, Wladimir Dolgoff, Felix Bruinincex and Leslie Reginald Hulle in an agreement with Worthington Pump & Machinery Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Wladimir Dolgoff and Leslie Reginald Hulle are residents of France and are nationals of a foreign country (France);

2. That Felix Bruinincex is a resident of Belgium and is a national of a foreign country (Belgium);

3. That Societe de Participation Financiere "Electric Pump" Societe Anonyme is a corporation organized under the laws of Luxembourg and is a national of a foreign country (Luxembourg);

4. That the property identified in subparagraph 6a hereof is property of Wladimir Dolgoff and/or Societe de Participation Financiere "Electric Pump" Societe Anonyme;

5. That the property identified in subparagraph 6b hereof is property of Societe de Participation Financiere "Electric Pump" Societe Anonyme, Wladimir Dolgoff, Felix Bruinincex and Leslie Reginald Hulle;

6. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date of Issue, Inventor and Title

1,968,996; 8-7-34; Wladimir Dolgoff, Induction motor.
2,124,610; 7-26-38; Wladimir Dolgoff; Submersible motor.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe de Participation Financiere "Electric Pump" Societe Anonyme, Wladimir Dolgoff, Felix Bruinincex and Leslie Reginald Hulle, and each of them, by virtue of an agreement dated September 1, 1933 (including all modifications thereof and supplements thereto, if any) by and between Societe de Participation Financiere "Electric Pump" Societe Anonyme, Wladimir Dolgoff, Felix Bruinincex, Leslie Reginald Hulle and Worthington Pump & Machinery Corporation, which agreement relates, among other things, to Patent No. 2,124,610,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Belgium, France, Luxembourg);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-502; Filed, January 10, 1944; 11:07 a. m.]

[Vesting Order 2737]

HANS SCHULLER, ET AL.

In re: Interests of Hans Schuller, Emil Matzner and Armand Kallich in an agreement with United States Rubber Products, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hans Schuller, Emil Matzner and Armand Kallich are residents of Germany and are nationals of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Hans Schuller, Emil Matzner and Armand Kallich;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Schuller, Emil Matzner and Armand Kallich, and each of them, by virtue of an agreement dated September 14, 1937 (including all modifications thereof and supplements thereto, if any) by and between Hans Schuller, Emil Matzner, Armand Kallich and United States Rubber Products, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,124,636 and 2,124,637,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-503; Filed, January 10, 1944; 11:07 a. m.]

[Vesting Order 2738]

DEUTSCHE HYDRIERWERKE AKTIENGESELLSCHAFT AND BOHME FETTCHEMIE G. M. B. H.

In re: Patents of Deutsche Hydrierwerke Aktiengesellschaft and Bohme Fettchemie G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Deutsche Hydrierwerke Aktiengesellschaft and Bohme Fettchemie G. m. b. H. are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That the patents, patent applications and other property related thereto identified in subparagraphs 4a and 4c hereof are property of Deutsche Hydrierwerke Aktiengesellschaft;

3. That the patents and other property related thereto identified in subparagraph 4b hereof are property of Bohme Fettchemie G. m. b. H;

4. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof,

(b) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from

any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit B attached hereto and made a part hereof,

(c) Patent applications identified in Exhibit C attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent Number, Date, Inventor and Title

1,928,438; 9-26-33; Walther Schrauth; Process for manufacturing high melting wax products.

2,022,979; 12-3-35; Wilhelm Rittmeister; Manufacture of dithiocarbamates.

2,048,499; 7-21-36; Walter Gelliendien & Johann Eggert; Gelatine solutions.

2,153,318; 4-4-39; Kurt Stickdorn; Process for producing resin-like condensation products.

2,200,603; 5-14-40; Winfrid Hentrich; Method for the improving of goods.

2,201,347; 5-21-40; Wilhelm Rittmeister; Method for the manufacture of nitrogenated products of furfurol.

2,235,702; 3-18-41; Rudolf Endres; Method for the refinement of copa oils, resin oils, resin balms and the like.

2,244,263; 6-3-41; Walter Schrauth & Stefan Morgenstern; Procedure for the manufacture of caoutchouc products.

2,264,150; 11-25-41; Richard Hueter & Richard Neu; Method for the preparation of aqueous solutions of substances insoluble or difficultly soluble in water.

2,273,636; 2-17-42; Walter Gellendien & Johann Eggert; Procedure for the dressing and softening of cellulose products.

2,277,859; 3-24-42; Erik Schirm, Richard Hueter & Heinz-Joachin Engelbrecht; process for the performing of organic chemical reactions.

2,285,100; 6-2-42; Kurt Stickdorn; Process for refining montan wax.

2,288,702; 7-7-42; Winfrid Hentrich & Alfred Kirstahler; Method for the production of capillary active stuffs.

2,292,997; 8-11-42; Winfrid Hentrich & E. Schirm; Capillary-active sulphonic acid imides.

2,292,998; 8-11-42; Winfrid Hentrich & E. Schirm; Nitrogen substituted sulphimides.

2,295,655; 9-15-42; Winfrid Hentrich, W. Kaiser & Werner Reuss; Quarternary ammonium compounds and method of producing the same.

2,298,533; 10-13-42; Winfrid Hentrich & Erik Schirm; Capillary active condensation product.

2,306,439; 12-29-42; Winfrid Hentrich & Erik Schirm; Process of producing condensation products.

2,306,440; 12-29-42; Winfrid Hentrich & Erik Schirm; Dissolving, softening, gelatinizing and swelling agents.

2,309,592; 1-26-43; Richard Hueter; Method for the production of aqueous solutions.

2,310,074; 2-2-43; Ernst Gotte; Treatment bath.

2,310,109; 2-2-43; Richard Neu; Method for production of capillary active media.

2,312,708; 3-2-43; Johann Eggert & Walter Gellendien; Composition for dressing and softening regenerated cellulose products.

2,316,242; 4-13-43; Winfrid Hentrich, W. Kaiser & R. Endres; Plasticized cellulose derivative composition.

2,320,181; 5-25-43; Winfrid Hentrich; A. Kirstahler & F. Schlegel; Method for the production of capillary active agents.

EXHIBIT B

Patent Number, Date, Inventor, and Title

1,848,819; 3-8-32; Heinrich Bertsch; Chemical compounds for textile finishing processes and the like.

1,881,347; 10-4-32; Heinrich Bertsch; Method of rendering higher alcohols soluble.

1,890,492; 12-13-32; Heinrich Bertsch; Process of improving the efficiency of refining baths of the textile art, the refining bath and process of refining textile material.

1,951,469; 3-20-34; Heinrich Bertsch; Wetting, cleansing, foaming and dispersion agents.

1,951,784; 3-20-34; Heinrich Bertsch; Process of preparing esters.

1,951,785; 3-20-34; Heinrich Bertsch; Process of preparing esters.

2,007,492; 7-9-35; Heinrich Bertsch; Process of preparing sulphonated oils.

2,048,991; 7-28-36; Karl Buts, Gustav Deuschle and Gunther Simon; Process for bleaching fibrous material.

2,101,251; 12-7-37; Ernest Gotte & Walter Kling; Pigmenting fibrous materials.

2,254,965; 9-2-41; Walter Kling, E. Goette, K. Heide & H. Gerstner; Process for the dyeing of fibrous materials.

EXHIBIT C

Serial Number, Date, Inventor, and Title

240,705; 11-16-38; Rudolf Endres; Vulcanizable caoutchouc-mixtures with elastic glycerine-esters.

267,338; 4-11-39; Winfrid Hentrich & E. Schirm; Process of producing condensation products.

277,300; 6-3-39; Winfrid Hentrich & E. Schirm; Method for the production of p-amino-benzine-sulfamide derivatives.

277,302; 6-3-39; Winfrid Hentrich, Kurt Stickdorn & Richard Hueter; Wax substitutes.

286,356; 7-25-39; Winfrid Hentrich, Wilhelm Kaiser & Rudolf Endres; Dissolving, softening, gelatinising and swelling agents.

290,189; 8-15-39; Rudolf Endres; Dissolving, softening and gelatinizing agents, etc.

294,670; 9-13-39; Winfrid Hentrich & E. Schirm; Process of producing condensation products.

300,406; 10-20-39; Kurt Stickdorn; Wax substitution products.

300,407; 10-20-39; Kurt Stickdorn; Manufacture of surface treatment preparations.

305,459; 11-21-39; Winfrid Hentrich & E. Schirm; Method for the manufacture of condensation products.

[F. R. Doc. 44–504; Filed, January 10, 1944; 11:07 a. m.]

[Vesting Order 2758]

CHINOIN CHEMICAL & PHARMACEUTICAL WORKS CO., LTD.

In re: Interest of Chinoin Chemical & Pharmaceutical Works Co., Ltd. in an agreement with The Treemond Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Chinoin Chemical & Pharmaceutical Works Co., Ltd. is a corporation organized under the laws of Hungary and is a national of a foreign country (Hungary);

2. That the property described in subparagraph 3 hereof is property of Chinoin Chemical & Pharmaceutical Works Co., Ltd.;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chinoin Chemical & Pharmaceutical Works Co., Ltd. by virtue of an agreement dated August 25, 1941 (including all modifications thereof and supplements thereto, if any) by and between Chinoin Chemical & Pharmaceutical Works Co., Ltd. and The Treemond Company, which agreement relates, among other things, to United States Patent Application Serial No. 267,168,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–505; Filed, January 10, 1944; 11:08 a. m.]

[Vesting Order 1598, as Amended, Amendment]

HELEN WARD DOERFERT

In re: Real property in Brooklyn, New York, claim and insurance policies owned by Helen Ward Doerfert.

Vesting Order Number 1598, dated June 3, 1943, as amended, is hereby further amended as follows and not otherwise:

By deleting Exhibit A attached to and by reference made a part of said vesting order and substituting therefor Exhibit A attached hereto and by reference made a part hereof.

All other provisions of said Vesting Order Number 1598, as amended, and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain plot, piece or parcel of land with the buildings thereon erected or to be erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the westerly side of West 5th Street distant three hundred twenty-seven feet and thirty-two one hundredths of a foot (327.32') northerly from the corner formed by the intersection of the westerly side of West 5th Street and the northerly side of Neptune Avenue; running thence westerly at right angles to West 5th Street, part of the distance through a party wall, fifty-seven feet and thirty-one one-hundredths of a foot (57.31') to land now or formerly of Court van Sicklen; thence northerly along said land now or formerly of Court Van Sicklen, sixteen feet and two one-hundredths of a foot (16.02'); thence easterly at right angles to West 5th Street, fifty-six feet and sixty-five one hundredths of a foot (56.65') to the westerly side of West 5th Street; and thence southerly along the westerly side of West 5th Street, sixteen (16') feet to the point or place of beginning.

[F. R. Doc. 44–491; Filed, January 10, 1944; 11:08 a. m.]

[Vesting Order 2533, Amendment]

ROBERT METZGER

In re: Household furniture and furnishings, and other personal property owned by Robert Metzger.

Vesting Order Number 2533, dated November 6, 1943, is hereby amended as follows and not otherwise:

a. By deleting the words and figures "Household furniture and furnishings, and other personal property, particularly described in Exhibit A, attached hereto and by reference made a part hereof, which is held in storage by Lyon Van & Storage Co., 3600 South Grand Avenue, Los Angeles, California under Warehouse Receipt No. 0-10276", appearing in subparagraph 3 of said vesting order and substituting therefor the words and figures "Household furniture and furnishings, and other personal property which is held in storage by Lyon Van & Storage Co., 3600 South Grand Avenue, Los Angeles, California, under Warehouse Receipt No. 0-10276,"

b. By deleting Exhibit A, attached to and by reference made a part of said vesting order.

All other provisions of said Vesting Order Number 2533 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–492; Filed, January 10, 1944; 11:08 a. m.]

[Vesting Order 2759]

NAAMLOOZE VENNOOTSCHAP CHEMISCHE FABRIEK L. VAN DER GRINTEN

In re: Interest of Naamlooze Vennootschap Chemische Fabriek L. van der Grinten in an agreement with Charles Bruning Company, Inc., relating, among other things, to Patent No. 2,295,632.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Naamlooze Vennootschap Chemische Fabriek L. van der Grinten is a limited liability company organized under the laws of and having its principal place of business in The Netherlands and is a national of a foreign country (The Netherlands);

2. That the property described in subparagraph 3 hereof is property of Naamlooze Vennootschap Chemische Fabriek L. van der Grinten;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Naamlooze Vennootschap Chemische Fabriek L. van der Grinten by virtue of an an agreement dated January 14, 1938 (including all modifications thereof and supplements thereto, if any) by and between Naamlooze Vennootschap Chemische Fabriek L. van der Grinten and Charles Bruning Company, Inc., which agreement relates, among other things, to Patent No. 2,295,632,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (The Netherlands);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered; liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existance, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–508; Filed, January 10, 1944; 11:04 a. m.]

[Vesting Order 2760]

NAAMLOOZE VENNOOTSCHAP CHEMISCHE FABRIEK L. VAN DER GRINTEN

In re: Interest of Naamlooze Vennootschap Chemische Fabriek L. van der Grinten in an agreement with Charles Bruning Company, Inc., relating, among other things, to Patent No. 2,161,644.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Naamlooze Vennootschap Chemische Fabriek L. van der Grinten is a limited liability company organized under the laws of and having its principal place of business

in The Netherlands and is a national of a foreign country (The Netherlands);

2. That the property described in subparagraph 3 hereof is property of Naamloose Vennootschap Chemische Fabriek L. van der Grinten;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Naamloose Vennootschap Chemische Fabriek L. van der Grinten by virtue of an agreement dated January 14, 1938 (including all modifications thereof and supplements thereto, if any) by and between Naamloose Vennootschap Chemische Fabriek L. van der Grinten and Charles Bruning Company, Inc., which agreement relates, among other things, to Patent No. 2,161,644,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (The Netherlands);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–509; Filed, January 10, 1944; 11:04 a. m.]

[Vesting Order 2761]

N. V. CHEMISCHE FABRIEK L. VAN DER GRINTEN

In re: Interest of N. V. Chemische Fabriek L. van der Grinten in an agreement with Charles Bruning Company, Inc., which agreement relates, among other things, to Patent No. 2,241,104.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That N. V. Chemische Fabriek L. van der Grinten is a limited liability company organized under the laws of and having its principal place of business in The Netherlands and is a national of a foreign country (The Netherlands);

2. That the property described in subparagraph 3 hereof is property of N. V. Chemische Fabriek L. van der Grinten;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in N. V. Chemische Fabriek L. van der Grinten by virtue of an agreement dated January 1, 1937 (including all modifications thereof and supplements thereto, if any) by and between N. V. Chemische Fabriek L. van der Grinten and Charles Bruning Company, Inc., which agreement relates, among other things, to Patent No. 2,241,104,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (The Netherlands);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–510; Filed, January 10, 1944; 11:04 a. m.]

[Vesting Order 2771]

L'AIR LIQUIDE, SOCIETE ANONYME POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE, ET AL.

In re: Patents and Interests of L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude and Georges Claude in Agreements with each other and between L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude and Air Reduction Company, Incorporated.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude is a corporation organized under the laws of France and is a national of a foreign country (France);

2. That Georges Claude is a resident of France and is a national of a foreign country (France);

3. That the property described in subparagraph 4 hereof is property of L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude, and/or Georges Claude;

4. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the United States Letters Patent identified in Exhibit A attached hereto and made a part hereof,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude and Georges Claude, and each of them, by virtue of an agreement dated April 3, 1911 (including all modifications thereof and supplements thereto, if any) by and between L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude and Georges Claude, relating, among other things, to certain United States Letters Patent, including Patent No. 2,217,467,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude and Georges Claude, and each of them, by virtue of an agreement dated January 15, 1916 (including all modifications thereof and supplements thereto, if any) by and between L'Air Liquide, Societe Anonyme Pour L'Etude et L'Exploitation des Procedes Georges Claude and Air Reduction Company, Incorporated, relating, among other things, to certain United States Letters Patent, including patent No. 2,217,467,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 13, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent Number, Date of Issue, Inventor and Title

1,621,728; 3-22-27; Eugene Jordan; Tray for gas and liquid contact apparatus.

1,626,345; 4-26-27; Jean Le Rouge; Method of separating gaseous mixtures.

1,638,005; 8-2-27; Jean Le Rouge; Process of separation of the elements of air or of other gaseous mixtures by liquefaction and rectification.

1,842,263; 1-19-32; Maurice Gobert; Low temperature treatment of gases.

1,869,757; 8-2-32; Hans Kuhni; Apparatus for contacting liquids and gases.

1,878,317; 9-20-32; Charles Picard; Apparatus for conserving and vaporizing liquefied gases.

1,895,295; 1-24-33; Charles Picard; Apparatus for the distribution of gases under pressure by means of liquefied gases.

1,945,367; 1-30-34; Maurice Gobert; Process for the separation of gaseous mixtures.

1,998,829; 4-23-35; Henri Lagarde; Process of and apparatus for transferring liquefied gases.

2,081,043; 5-18-37; Hans Kuhni; Heat exchanger.

2,186,139; 11-8-38; Hans Kuhni; Bubble plate for contacting gases and liquids.

2,217,467; 10-8-40; Henri Bonnaud; Apparatus for transferring liquefied gases.

[F. R. Doc. 44–511; Filed, January 10, 1944; 11:04 a. m.]

[Vesting Order 2772]

FERDINAND GANTNER

In re: Interests of Ferdinand Gantner in a patent and an agreement with Ernst Sorter.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Ferdinand Gantner is a resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Ferdinand Gantner;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 13, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) An undivided quarter (25%) interest, which stands of record in the United States Patent Office in the name of Ferdinand Gantner in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

2,291,957; 8-4-42; Ferdinand Gantner & Ernst Sorter; Luminous sign.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled;

(2) All interest and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ferdinand Gantner by virtue of an agreement dated April 19, 1939 (including all modifications thereof and supplements thereto, if any) by and between Ferdinand Gantner and Ernst Sorter, which agreement relates, among other things, to Patent No. 2,291,957.

[F. R. Doc. 44–512; Filed, January 10, 1944; 11:04 a. m.]

[Vesting Order 2773]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement with General Aniline Works, Inc. dated December 11, 1937 and January 10, 1938.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., evidenced by an exchange of two letters between the parties dated December 11, 1937 and January 10, 1938, and all amendments of and supplements to said agreement, including, but not by way of limitation, an agreement relating to Textile Assistants dated March 18, 1940 by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline & Film Corporation and a letter from I. G. Farbenindustrie Aktiengesellschaft to General Aniline & Film Corporation dated March, 1940,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 13, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–513; Filed, January 10, 1944; 11:04 a. m.]

[Vesting Order 2774]

OBERBAURAT BUCHHOLZ

In re: Interest of Oberbaurat Buchholz in an agreement between Max Buchholz, G. m. b. H. and Walter Kidde & Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Oberbaurat Buchholz is a resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Oberbaurat Buchholz;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Max Buchholz, G. m. b. H. by virtue of an agreement dated January 5, 1934 and February 10, 1934 (including all modifications of and supplements to such agreement, including, but without limitation, an addendum dated February 10, 1934) by and between Max Buchholz, G. m. b. H. and Walter Kidde & Company, Inc., which agreement relates, among other things, to United States Patent No. 1,984,112,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on December 13, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–514; Filed, January 10, 1944; 11:04 a. m.]

[Vesting Order 2775]

HANS LUCKHARDT

In re: Undivided interest in Patents No. 2,227,597 and 2,234,266 owned by Hans Luckhardt.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hans Luckhardt is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Hans Luckhardt;

3. That the property described as follows:

An undivided one-half (50%) interest which stands of record in the United States Patent Office in the name of Hans Luckhardt, in and to the following patents:

Patent Number, Date, Inventor and Title

2,227,597; 1-7-41; Hans Luckhardt & Anton Lorenz; Adjustable reclining chair.

2,234,266; 3-11-41; Hans Luckhardt & Anton Lorenz; Adjustable reclining chair.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof to which the owner of such interest is entitled,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on December 13, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–515; Filed, January 10, 1944; 11:05 a. m.]

[Vesting Order 2776]

ERNST HEINKEL AND DYNAMIT-ACTIEN-GESELLSCHAFT VORMALS ALFRED NOBEL & Co.

In re: Interests of Ernst Heinkel and Dynamit - Actien - Gesellschaft vormals Alfred Nobel & Co. in agreements between Ernst Heinkel, The American Explosive Rivet Company and E. I. du Pont de Nemours and Company.

Under the authority of Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Ernst Heinkel is a resident of Germany and is a national of a foreign country (Germany);

2. That Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co. is a business organization organized under the laws of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 4 hereof is property of Ernst Heinkel and/or Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co.;

4. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 13, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ernst Heinkel and Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co., and each of them, by virtue of an agreement dated October 19, 1939 (including all modifications thereof and supplements thereto, if any) by and between Ernst Heinkel, The American Explosive Rivet Company and E. I. du Pont de Nemours and Company, relating, among other things, to United States Letters Patent No. 2,293,373.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ernst Heinkel and Dynamit-Actien-Gesellschaft vormals Alfred Nobel & Co., and each of them, by virtue of an agreement dated October 19, 1939 (including all modifications thereof and supplements thereto, if any) by and between The American Explosive Rivet Company and E. I. du Pont de Nemours and Company, relating, among other things, to United States Letters Patent No. 2,293,373.

[F. R. Doc. 44–516; Filed, January 10, 1944; 11:05 a. m.]

[Vesting Order 2777]

FRIED. KRUPP, A. G.

In re: Patent applications, trademarks and interests in a contract relating thereto of Fried. Krupp, A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Fried. Krupp, A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Fried. Krupp, A. G.;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 13, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) Patent applications identified as follows:

Serial Number, Date of Filing, Inventor and Title

177,496; 12-1-37; Ewald Imbusch; Fireproof investment material.

404,836; 7-31-41; Ewald Imbusch & W. Tofante; Application of Austenite steel alloys,

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications.

(2) The trademarks identified as follows which are registered in the United States Patent Office under the numbers and on the dates set forth under the columns headed respectively "Registration No." and "Date",

Registration Number, Date, Registrant and Character of Goods

221,529; 12-7-26; Fried. Krupp, A. G.; Artificial limb components and artificial chewing apparatus.

222,156; 12-21-26; Fried. Krupp, A. G.; Iron and steel alloys, sheets, plates, bars, etc.

and the registrations thereof, together with:

(a) The respective good will of the business in the United States and all its possessions to which said trademarks are appurtenant;

(b) Any and all indicia of such good will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers' lists, labels, machines and other equipment);

(c) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademarks and registrations thereof; and

(d) All accrued royalties payable or held with respect to such trademarks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof.

(3) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fried. Krupp, A. G. by virtue of an agreement dated Essen, Germany, March 16, 1934 and New York, N. Y., March 21, 1934 and April 21, 1934, effective as of January 1, 1934 (including all modifications of and supplements to such agreement, including, but without limitation, a letter from Fried. Krupp, A. G. to Austenal Laboratories, Inc., dated September 21, 1936) by and between Fried. Krupp, A. G., Krupp Nirosta Co., Inc. and Austenal Laboratories, Inc., relating among others to Patent No. 1,684,700, dated September 18, 1928, inventor Friedrich Hauptmeyer, for Cast Articles of Corrosion Proof Steel.

[F. R. Doc. 44–517; Filed, January 10, 1944; 11:05 a. m.]

[Vesting Order 2828]

JAMES A. KARAKAWA

In re: Interest in real property located in Sacramento, California, contract for sale of real property, a claim and fire insurance policy owned by James A. Karakawa, also known as James Arata Karakawa, and as Arata Karakawa.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of James A. Karakawa, also known as James Arata Karakawa and Arata Karakawa, is Supporo, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That James A. Karakawa, also known as James Arata Karakawa and Arata Karakawa, is the owner of the property described in is subparagraph 3 hereof;

3. That the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of James A. Karakawa in and to a certain land contract entered into between Mylinda I. Koening, Hulda G. Hymes, Claire Koening, and Ella I. Koening, as Vendors, and James A. Karakawa, as Vendee, dated August 27, 1937, wherein in consideration of certain payments, the Vendors

are to execute and deliver to James A. Karakawa a good and sufficient grant deed,

b. All right, title, and interest, both legal and equitable, of James A. Karakawa in and to the real property covered by said contract situated in the City and County of Sacramento, State of California, particularly described as the South Forty-four (44) feet of Lot Eight (8) in the Block bounded by and between 4th and 5th and "N" and "O" Streets, in said City of Sacramento, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims of James A. Karakawa for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title, interest and claim of James A. Karakawa in and to a certain bank account in the Bank of American National Trust and Savings Association, 8th and J Streets, Sacramento, California, which is due and owing to and held for James A. Karakawa in the name of "Hisako Osuga", including but not limited to all security rights in and to any and all collateral for any or all such account or portion thereof and the right to enforce and collect the same, and

d. All right, title and interest of James A. Karakawa in and to fire insurance policy No. 145565 issued by the Springfield Fire and Marine Insurance Company, Springfield, Massachusetts, insuring the premises described in subparagraph 3–b above,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3–c and 3–d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3–a and 3–b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–488; Filed, January 10, 1944; 11:05 a. m.]

[Vesting Order 2829]

AUGUST THOMAS AND FIRMA GOETZEWERKE FRIEDRICH GOETZE A. G.

In re: Patent applications of August Thomas and of Firma Goetzewerke Friedrich Goetze A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That August Thomas is a resident of Germany and is a national of a foreign country (Germany);

2. That Firma Goetzewerke Friedrich Goetze A. G. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

3. That the property identified in subparagraph 5a hereof is property of August Thomas;

4. That the property identified in subparagraph 5b hereof is property of Firma Goetzewerke Friedrich Goetze A. G.;

5. That the property described as follows:

(a) Patent application identified as follows:

Serial Number, Filing Date, Inventor and Title
166,306; 9-29-37; A. Thomas; direction indicator for vehicles.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

(b) Patent application identified as follows:

Serial Number, Filing Date, Inventor and Title
312,785; 1-6-40; K. Diehl; process for tightening plates.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on December 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–489; Filed, January 10, 1944; 11:05 a. m.]

[Vesting Order 2830]

FRITZ ARLEDTER, ET AL.

In re: Interests of Fritz Arledter, Martin Licht and Landwirtschaftliche Genossenschaft Zur Verwertung Der Harzprodukte In Piesting Registrierte Genossenschaft mit Beschrankter Haftung in contracts with Gustav Staelin and Anthony William Deller.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Fritz Arledter and Martin Licht are citizens and residents of Germany and are nationals of a foreign country (Germany);

2. That Landwirtschaftliche Genossenschaft Zur Verwertung Der Harzprodukte In Piesting Registrierte Genossenschaft mit Beschrankter Haftung is a corporation organized under the laws of Austria and is a national of a foreign country (Germany);

3. That the property identified in subparagraph 6a hereof is property of Fritz Arledter and Martin Licht;

4. That the property identified in subparagraph 6b hereof is property of Fritz Arledter;

5. That the property identified in subparagraph 6c hereof is property of Fritz Arledter and Landwirtschaftliche Genossenschaft Zur Verwertung Der Harzprodukte In Piesting Registrierte Genossenschaft mit Beschrankter Haftung;

6. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fritz Arledter and Martin Licht, and each of them, by virtue of an agreement dated October 22, 1929 (including all modifications thereof and supplements thereto, if any) by and between Fritz Arledter, Gustav Staelin and Anthony William Deller, which agreement relates, among other things, to Patent No. 1,906,102,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fritz Arledter by virtue of an agreement dated May 3, 1933 (including all modifications thereof and supplements thereto, if any) by and between Fritz Arledter, Gustav Staelin and Anthony William Deller, which agreement relates, among other things, to Patent No. 1,906,740,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fritz Arledter and Landwirtschaftliche Genossenschaft Zur Verwertung Der Harzprodukte In Piesting Registrierte Genossenschaft mit Beschrankter Haftung, and each of them, by virtue of an agreement dated March 8, 1938 (including all modifications thereof and supplements thereto, if any) by and between Fritz Arledter, Landwirtschaftliche Genossenschaft Zur Verwertung Der Harzprodukte In Piesting Registrierte Genossenschaft mit Beschrankter Haftung, Gustav Staelin and Anthony William Deller, which agreement relates, among other things, to Patent No. 2,268,060,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on December 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–490; Filed, January 10, 1944; 11:05 a. m.]

[Vesting Order 2839]

FERDINAND HORST

In re: A mortgage, interests in insurance, policies, a chattel mortgage, a promissory note and a savings account owned by Ferdinand Horst.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Ferdinand Horst is Anreppen bei Delbrueck, Paderborn Land, Westphalia, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Ferdinand Horst is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage executed on May 27, 1936 by William T. Jones, also known as W. T. Jones, and Adelheid Jones, his wife, as mortgagors, in favor of Ferdinand Horst, as mortgagee, and recorded in the office of Register of Deeds of the County of Meeker, State of Minnesota, on May 28, 1936 in Book 1942 of Mortgages at page 238, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations, and

b. All right, title, and interest of Ferdinand Horst in and to: Fire Insurance Policy #664 issued by the Twin City Fire Insurance Company of Minneapolis, Minnesota, and Tornado Insurance Policy #T1546 issued by the Fire Association of Philadelphia, both insuring the premises covered by the mortgage described in subparagraph 3–a hereof, and

c. A certain chattel mortgage executed on November 12, 1935, by Math Turner and Rosa Turner, as mortgagors, in favor of Ferdinand Horst, as mortgagee, and recorded in the Office of Register of Deeds of Meeker County, Minnesota, on November 12, 1935 and entered in the Chattel Mortgage Registry Index, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid chattel mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations, and

d. A certain promissory note in the amount of $600 executed on November 24, 1924, by Joseph Wieneke, as maker, in favor of Ferdinand Horst, which is now in the possession of the Farmers State Bank of Watkins, Minnesota, attorney in fact for Ferdinand Horst, and any and all obligations evidenced by said promissory note, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and

e. All right, title, interest and claim of Ferdinand Horst in and to savings account #1152 with the Farmers State Bank of Watkins, Minnesota, which is due and owing to, and held for and in the name of Ferdinand Horst, including but not limited to all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance and safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 (c) of said Executive order, and that the property described in subparagraph 3–c hereof is necessary for the maintenance and safeguarding of other property (namely, that property described in subparagraphs 3–a, 3–c and 3–d hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 (c) of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–506; Filed, January 10, 1944; 11:05 a. m.]

[Vesting Order 2840]

KAY SHIDO

In re: Real property and bank account owned by Kay Shido, also known as K. (Kay) Shido.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Kay Shido, also known as K. (Kay) Shido, is

Saga Ken, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Kay Shido also known as K. (Kay) Shido, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Hood River County, Oregon, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of Kay Shido in and to the sum of $500, constituting a portion of a certain bank account in the Hood River Branch, First National Bank of Portland, Hood River, Oregon, which is due and owing to, and held for Kay Shido, in the name of Harold Herahner, as Guardian for Kay Shido, including but not limited to all security rights in and to any and all collateral for such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraph 3-b above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land situated in the County of Hood River, State of Oregon, more particularly described as follows:

The Southwest Quarter of the Southeast Quarter (SW¼ of SE¼) of Section Eleven (11), Township Two (2) North, Range Ten (10) East of the Willamette Meridian, excepting therefrom a tract of 12.2 acres heretofore conveyed to Walter McDougal and excepting a right-of-way for road purposes heretofore granted, 25 feet wide along the West line of said tract and also excepting an easement granted to the City of Hood River, Oregon, for a right-of-way for a municipal water pipe line, said tract containing 27.8 acres, and also

The East Half (E½) of all that part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section Fourteen (14), Township Two (2) North, Range Ten (10) East of the Willamette Meridian, lying North of the Stream of Hood River, excepting that part thereof lying between the center line of the Stream of Hood River and a line drawn 100 feet North of and parallel with the high water mark on the North bank of the stream of Hood River flowing by or through the premises, including the riparian rights in said stream and all other rights in and to the water of said stream.

Also 10 inches of water in the Farmers Irrigating Company.

[F. R. Doc. 44-507; Filed, January 10, 1944; 11:06 a. m.]

[Vesting Order 2685]

TORBJORN LINGA

In re: Patents and interest of Torbjorn Linga in an agreement with Kingston Products Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Torbjorn Linga is a citizen and resident of Norway and is a national of a foreign country (Norway);

2. That the property described in subparagraph 3 hereof is property of Torbjorn Linga;

3. That the property identified as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date of Issue, Inventor and Title
1,851,711; 3-29-32; Torbjorn Linga; Carburetor.
1,906,962; 5-2-33; Torbjorn Linga; Carburetor.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Torbjorn Linga by virtue of an option agreement dated June 1, 1939 (including all modifications thereof or supplements thereto, if any) by and between Torbjorn Linga and Kingston Products Corporation, relating, among others, to patent number 1,851,711, issued March 29, 1932, inventor Torbjorn Linga, for Carburetor,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Norway);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States: *Provided, however*, That the property herein vested shall not include any right, title or interest of said Kingston Products Corporation in and to the aforesaid option agreement, nor shall such vesting disturb in any way the right of said Kingston Products Corporation to exercise such option or affect adversely in any way any right, title, interest or privilege it might have as a result of having exercised such option.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on November 30, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-493; Filed, January 10, 1944; 11:06 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 6 Under the Maximum Import Price Regulation]

HAWAIIAN MOLASSES SOLD FOR USE IN PRODUCTION OF ETHYL ALCOHOL

MODIFICATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 21 of the Maximum Import Price Regulation, *It is hereby ordered:*

(a) Notwithstanding any other provisions of the Maximum Import Price Regulation or the General Maximum Price Regulation, the maximum price, 48 percent sugars basis, for molasses produced in and imported from Hawaii and sold for use in the production of ethyl alcohol shall be $19.00 per ton of 2,000 pounds, f. o. b. tank stations at west coast ports of entry.

(b) This order may be revoked or amended at any time.

This order shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-509; Filed, January 10, 1944; 5:15 p. m.]

[MPR 188, Amdt. 23 to Order A-1]

FIRECLAY, SUPER-DUTY FIRECLAY, HIGH ALUMINA, SILICA OR INSULATING REFRACTORY BRICK

MODIFICATION OF MAXIMUM PRICES

Correction

The caption for Amendment 23 to Order A-1 under MPR 188, F.R. Doc. 44-393 appearing on page 360 of the issue for Saturday, January 8, 1944, should read as set forth above.

[MPR 188, Amdt. 24 to Order A-1]

GYPSUM WALL BOARD, LATH AND SHEATHING

MODIFICATION OF MAXIMUM PRICES

Correction

The caption for Amendment 24 to Order A-1 under MPR 188, F.R. Doc. 390, appearing on page 360 of the issue for Saturday, January 8, 1944, should read as set forth above.

[Order A-1 Under MPR 188, Amdt. 25]

FIBER INSULATION BOARD PRODUCTS

MODIFICATION OF MAXIMUM PRICES

Amendment No. 25 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of maximum prices on sales between manufacturers of fiber insulation board products.

An opinion accompanying Amendment No. 25 to Order A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A-1 is amended by adding a new paragraph (a) (22) to read as follows:

(22) *Modification of maximum prices on sales between manufacturers of fiber insulation board products.* Any manufacturer of fiber insulation board products, as defined herein, may, subject to the filing provisions of subdivision (iv) below, offer to sell, sell, and deliver any such products to any other manufacturer, as defined herein, at a price agreed upon by the selling and buying manufacturers, when the price so agreed upon is in excess of the maximum price for the seller under Maximum Price Regulation No. 188, under the following conditions:

(i) Both the seller and the buyer must be "Manufacturers" as that term is defined herein;

(ii) The buying manufacturer must resell the commodity in the same form as purchased from the selling manufacturer; and

(iii) Any increase in price resulting from the agreement under this subparagraph (22) must be absorbed by the buying manufacturer and may not be reflected, directly or indirectly, in the resale price nor may such increase be used as a basis for a request for an increase in price by way of an application for adjustment or petition for amendment under Maximum Price Regulation No. 188.

(iv) Before any sale or delivery may be made upon the basis of the price arrived at pursuant to this subparagraph (22), the buying manufacturer must submit a statement to the Office of Price Administration, Building Materials Price Branch, Washington, D. C., showing:

(*a*) The specific fiber insulation board products involved in the sale;

(*b*) The names of the selling and buying manufacturers;

(*c*) A specific statement from the buyer that the increase in price will not be passed on in the resale of the commodity and that such increase resulting from the agreement will not be made the basis for an application for adjustment or petition for amendment under Maximum Price Regulation No. 188.

(v) As used in this subparagraph (22), the term:

"Manufacturer" means any person who produces, by manufacture, any fiber insulation board product subject to this subparagraph (22) and includes any person who purchases, rather than produces, such commodity or commodities from a producer for resale in the same form and without further processing, usually under his own name or trade brand, to the same trade classifications through which original producers usually distribute such commodities. The designation also includes commission salesmen, manufacturers' representatives, and any other manufacturers' agents.

"Fiber insulation board products" means "insulation board" and "roof insulation" and shall have the meaning and shall be subject to the same specifications and standards as those set forth in "Commercial Standard CS42-43, Structural Fiber Insulating Board," issued by the Department of Commerce, July 24, 1943, and effective August 25, 1943.

Such standards and specifications as are used in this subparagraph have previously been promulgated and their use lawfully required by another Government agency.

This Amendment No. 25 shall become effective January 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-594; Filed, January 11, 1944; 11:33 a. m.]

[MPR 188, Amdt. 8 to Order A-2]

BROOMS, BRUSHES, COCOA MATS AND MATTING

MODIFICATION OF MAXIMUM PRICES

In F.R. Doc. 44-389, which appears on page 360 of the issue for Saturday, January 8, 1944, the captions should read as set forth above.

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 7, 1944.

REGION IV

Birmingham, Order No. 1-F, filed 12:28 p. m.
Birmingham, Order No. 11, Amendment No. 2, filed 12:32 p. m.
Memphis, Order No. 4F, Amendment No. 8, filed 12:31 p. m.
Memphis, Order No. 4F, Amendment No. 9, filed 12:32 p. m.
Savannah, Order No. 1-F, Amendment No. 13, filed 12:31 p. m.
Savannah, Order No. 2-F, Amendment No. 8, filed 12:31 p. m.
Savannah, Order No. 3-F, Amendment No. 6, filed 12:31 p. m.
Savannah, Order No. 4-F, Amendment No. 5, filed 12:33 p. m.

REGION VII

Colorado, Order No. 20, Amendment No. 2, filed 12:30 p. m.
Colorado, Order No. 21, Amendment No. 2, filed 12:30 p. m.
Colorado, Order No. 22, Amendment No. 2, filed 12:30 p. m.
Colorado, Order No. 23, Amendment No. 2, filed 12:30 p. m.
Colorado, Order No. 26, Amendment No. 2, filed 12:29 p. m.
Colorado, Order No. 27, Amendment No. 2, filed 12:29 p. m.
Colorado, Order No. 28, Amendment No. 2, filed 12:29 p. m.
Colorado, Order No. 29, Amendment No. 3, filed 12:28 p. m.
Colorado, Order No. 30, Amendment No. 2, filed 12:28 p. m.
Colorado, Order No. 31, filed 12:33 p. m.

Colorado, Order No. 32, filed 12:33 p. m.
Colorado, Order No. 33, filed 12:32 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-572; Filed, January 10, 1944; 5:16 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 8, 1944.

REGION II

Camden, Order No. 9, filed 10: 00 a. m.
Camden, Order No. 10, filed 10: 00 a. m.

REGION III

Charleston, Order No. 2-F, Amendment No. 1, filed 9:56 a. m.
Cleveland, Order No. 16 (Revised), Amendment No. 1, filed 10: 02 a. m.
Detroit, Order No. 9, filed 10: 01 a. m.
Lexington, Order No. 1-F, Amendment No. 8, filed 10: 01 a. m.

REGION IV

Memphis, Order No. 4F, Amendment No. 10, filed 9: 57 a. m.

REGION V

Kansas City, Order No. 4, Amendment No. 4, filed 9: 58 a. m.
Kansas City, Order No. 5, Amendment No. 2, filed 9: 58 a. m.
Kansas City, Order No. 6, Amendment No. 2, filed 9:58 a. m.
Kansas City, Order No. 7, Amendment No. 2, filed 9:59 a. m.
Kansas City, Order No. 8, Amendment No. 2, filed 9: 59 a. m.

REGION VI

Chicago, Order No. 5, Amendment No. 9, filed 9: 59 a. m.
Omaha, Order No. 7, Amendment No. 1, filed 9: 57 a. m.
Omaha, Order No. 8, Amendment No. 1, filed 9: 56 a. m.
Omaha, Order No. 6A, Amendment No. 1, filed 9: 56 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-573; Filed, January 10, 1944; 5: 16 p. m.]

OFFICE OF WAR MOBILIZATION.

TERMINATION OF GOVERNMENT FIXED PRICE SUPPLY CONTRACTS

DIRECTIVE ORDERS TO ALL PROCUREMENT AGENCIES

The Uniform Termination Article for Government fixed price war supply contracts and the Statement of Principles on the Determinations,[1] adopted by the Joint Contract Termination Board and approved by the War and Post War Adjustment Unit of the Office of War Mobilization, are hereby made effective.

The Termination Article shall be used to the fullest extent practicable in all new war contracts and contractors shall be given the earliest practical opportunity to have the Article included in existing contracts.

Situations in which it is deemed impracticable to use the Termination Article should be promptly reported to this Office for further instructions.

JAMES F. BYRNES,
Director.

JANUARY 8, 1944.

[1] *Infra.*

UNIFORM TERMINATION ARTICLE FOR FIXED PRICE SUPPLY CONTRACTS

ARTICLE. *Termination at the option of the Government.* (a) The performance of work under this contract may be terminated by the Government in accordance with this Article in whole, or from time to time in part, whenever the contracting officer shall determine any such termination is for the best interests of the Government. Termination of work hereunder shall be effected by delivery to the contractor of a Notice of Termination specifying the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective. If termination of work under this contract is simultaneous with, a part of, or in connection with, a general termination (1) of all or substantially all of a group or class of contracts made by the _____ Department for the same product or for closely related products, or (2) of war contracts at, about the time of, or following, the cessation of the present hostilities, or any major part thereof, such termination shall only be made in accordance with the provisions of this Article, unless the contracting officer finds that the contractor is then in gross or wilful default under this contract.

(b) After receipt of a Notice of Termination and except as otherwise directed by the contracting officer, the contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the contracting officer, all of the right, title and interest of the contractor under the orders or subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts with the approval or ratification of the contracting officer to the extent that he may require, which approval or ratification shall be final for all the purposes of this Article; (6) transfer title and deliver to the Government in the manner, to the extent and at the times directed by the contracting officer (i) the fabricated or unfabricated parts, work in process, completed work, supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and (ii) the plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government; (7) use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the contracting officer, any property of the types referred to in subdivision (6) of this paragraph: *Provided, however,* That the contractor (i) shall not be required to extend credit to any purchaser and (ii) may retain any such property at a price or prices approved by the contracting officer; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary or as the contracting officer may direct for protection and preservation of the property, which is in the possession of the contractor and in which the Government has or may acquire an interest.

(c) The contractor and the contracting officer may agree upon the whole or any part of the amount or amounts to be paid to the contractor by reason of the total or partial termination of work pursuant to this Article, which amount or amounts may include a reasonable allowance for profit, and the Government shall pay the agreed amount or amounts. Nothing in paragraph (d) of this Article prescribing the amount to be paid to the contractor in the event of failure of the contractor and the contracting officer to agree upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article shall be deemed to limit, restrict or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the contractor pursuant to this paragraph (c).

(d) In the event of the failure of the contractor and contracting officer to agree as provided in paragraph (c) upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (c), shall pay to the contractor the following amounts:

(1) For completed articles delivered to and accepted by the Government (or sold or retained as provided in paragraph (b) (7) above) and not theretofore paid for, forthwith a sum equivalent to the aggregate price for such articles computed in accordance with the price or prices specified in the contract;

(2) In respect of the contract work terminated as permitted by this Article, the total (without duplication of any items) of (i) the cost of such work exclusive of any cost attributable to articles paid or to be paid for under paragraph (d) (1) hereof; (ii) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the notice of termination of work under this contract, which amounts shall be included in the cost on account of which payment is made under subdivision (i) above; and (iii) a sum equal to _____ %[1] of the part of the amount determined under subdivision (i) which represents the cost of articles or materials not processed by the contractor, plus a sum equal to _____ %[2] of the remainder of such amount, but the aggregate of such sums shall not exceed 6% of the whole of the amount determined under subdivision (i), which for the purpose of this subdivision (iii) shall exclude any charges for interest on borrowings;

(3) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b) (9) hereof; and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the contractor as the result of the termination of work under this contract.

The total sum to be paid to the contractor under subdivisions (1) and (2) of this paragraph (d) shall not exceed the total contract price reduced by the amount of payments otherwise made and by the Contract price or work not terminated. Except for normal spoilage, and to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the contractor as provided in paragraph (d) (1) and paragraph (d) (2) (i), all amounts allocable to or payable in respect of property, which is destroyed, lost, stolen or damaged so as to become undeliverable prior to the transfer of title to the Government or to a buyer pursuant to paragraph (b) (7) or prior to the 60th day after delivery to the Government of an inventory covering such property, whichever shall first occur.

(e) The obligation of the Government to make any payments under this article: (i) shall be subject to deductions in respect of (i) all unliquidated partial or progress payments, payments on account theretofore made to the contractor and unliquidated advance payments, (ii) any claim which the Government may have against the contractor in connection with this contract, and (iii) the price agreed upon or the proceeds of sale of any materials, supplies or other things retained by the contractor or sold, and not otherwise recovered by or credited to the Government, and (2) in the discretion of the contracting officer shall be subject to deduction in respect of the amount of any claim of any subcontractor or supplier whose subcontract or order shall have been terminated as provided in paragraph (b) (3) except to the extent that such claim covers (i) property or materials delivered to the contractor or (ii) services furnished to the contractor in connection with the production of completed articles under this contract.

(f) In the event that, prior to the determination of the final amount to be paid to the contractor as in this article provided, the contractor shall file with the contracting officer a request in writing that an equitable adjustment should be made in the price or prices specified in the contract for the work not terminated by the Notice of Termination, the appropriate fair and reasonable adjustment shall be made in such price or prices.

(g) The Government shall make partial payments and payments on account, from time to time, of the amounts to which the contractor shall be entitled under this Article, whether determined by agreement or otherwise, whenever in the opinion of the contracting officer the aggregate of such payments shall be within the amount to which the contractor will be entitled hereunder.

(h) For the purposes of paragraphs (d) (2) and (d) (3) hereof, the amounts of the payments to be made by the Government to the contractor shall be determined in accordance with the Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board, December 31, 1943. The contractor for a period of three years after final settlement under the contract shall make available to the Government at all reasonable times at the office of the contractor all of its books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and in respect of the termination of work thereunder.

STATEMENT OF PRINCIPLES FOR DETERMINATION OF COSTS UPON TERMINATION OF GOVERNMENT FIXED PRICE SUPPLY CONTRACTS

The following is the "Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board, December 31, 1943" referred to in paragraph (h) of the Uniform Termination Article applicable to the termination of fixed price supply contracts at the option of the Government.

1. *General principles.* The costs contemplated by this Statement of Principles are those sanctioned by recognized commercial accounting practices and are intended to include the direct and indirect manufacturing, selling and distribution, administrative and other costs incurred which are reasonably necessary for the performance of the contract, and are properly allocable or apportionable, under such practices, to the contract (or the part thereof under consideration). The general principles set out in this Statement are subject to the application of any special provisions of the contract. Certain costs are specifically described below because of their particular significance, and, as in the case of other costs, should be included to the extent that they are allocable to or should be apportioned to the contract or the part thereof under consideration.

(a) *Common inventory.* The costs of items of inventory which are common to the contract and to other work of the contractor.

(b) *Common claims of subcontractors.* The claims of subcontractors which are common to the contract and to other work of the contractor.

(c) *Depreciation.* An allowance for depreciation at appropriate rates on buildings, machinery and equipment and other facilities including such amounts for obsolescence due to progress in the arts and other factors as are ordinarily given consideration in determining depreciation rates. Depreciation as defined herein shall not include loss of useful value of the type covered by subparagraph (f).

(d) *Experimental and research expense.* General experimental and research expense to the extent consistent with an established pre-war program, or to the extent related to war purposes.

(e) *Engineering and development and special tooling.* Costs of engineering and development and of special tooling: *Provided,* That the contractor protects any interests of the Government by transfer of title or by other means deemed appropriate by the Government.

(f) *Loss on facilities; conditions on allowance.* In the case of any special facility acquired by the contractor solely for the performance of the contract, or the contract and other war production contracts, if upon termination of the contract such facility is not reasonably capable of use in the other business of the contractor having regard to the then condition and location of such facility, an amount which bears the same proportion to the loss of useful value as the deliveries not made under the contract bear to the total of the deliveries which have been made and would have been made had the contract and the other contracts been completed: *Provided,* That the amount to be allowed under this paragraph shall not exceed the adjusted basis of the facility for Federal income tax purposes immediately prior to the date of the termination of the contract: *And provided further,* That no amount shall be allowed under this paragraph unless upon termination of the contract title to the facility is transferred to the Government, except where the Government elects to take other appropriate means to protect its interests.

(g) *Special leases.* (1) Rentals under leases clearly shown to have been made for the performance of the contract, or the contract and other war production contracts, covering the period necessary for complete performance of the contract and such further period as may have been reasonably necessary; (2) costs of reasonable alteration of such leased property made for the same purpose; and (3) costs of restoring the premises, to the extent required by reasonable provisions of the lease; less (4) the residual value of the lease: *Provided,* That the contractor shall have made reasonable efforts to terminate, assign, or settle such leases or otherwise reduce the cost thereof.

(h) *Advertising.* Advertising expense to the extent consistent with a pre-war program or to the extent reasonable under the circumstances.

(i) *Limitation on costs described in subparagraphs (d), (e), (f), (g), and (h).*

[1] Not to exceed 2%.

[2] To be established at a figure which is fair and reasonable under the circumstances.

In no event shall the aggregate of the amounts allowed under subparagraphs (d), (e), (f), (g), and (h) exceed the amount which would have been available from the contract price to cover these items, if the contract had been completed, after considering all other costs which would have been required to complete it.

(j) *Interest.* Interest on borrowings.

(k) *Settlement expenses.* Reasonable accounting, legal, clerical and other expenses necessary in connection with the termination and settlement of the contract and subcontracts and purchase orders thereunder, including expenses incurred for the purpose of obtaining payment from the Government only to the extent reasonably necessary for the preparation and presentation of settlement proposals and cost evidence in connection therewith.

(l) *Protection and disposition of property.* Storage, transportation and other costs incurred for the protection of property acquired or produced for the contract or in connection with the disposition of such property.

2. *Initial costs.* Costs of a non-recurring nature which arise from unfamiliarity with the product in the initial stages of production should be appropriately apportioned between the completed and the terminated portions of the contract. In this category would be included high direct labor and overhead costs, including training, costs of excessive rejections and similar items.

3. *Excluded costs.* Without affecting the generality of the foregoing provisions in other respects, amounts representing the following should not be included as elements of cost:

(a) Losses on other contracts, or from sales or exchanges of capital assets; fees and other expenses in connection with reorganization or recapitalization, anti-trust or federal income-tax litigation, or prosecution of federal income tax claims or other claims against the Government (except as provided in paragraph 1 (k)); losses on investments; provisions for contingencies; and premiums on life insurance where the contractor is the beneficiary.

(b) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(c) Expenses due to the negligence or wilful failure of the contractor to discontinue with reasonable promptness the incurring of expenses after the effective date of the termination notice.

(d) Costs incurred in respect to facilities, materials or services purchased or work done in excess of the reasonable quantitative requirements of the entire contract.

(e) Costs which, as evidenced by accounting statements submitted in renegotiation under Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, were charged off during a period covered by a previous renegotiation, may not be subsequently included in the termination settlement if a refund was made for such period, or to the extent that such charging off is shown to have avoided such refund.

4. To the extent that they conform to recognized commercial accounting practices and the foregoing Statement of Principles, the established accounting practices of the contractor as indicated by his books of account and financial reports will be given due consideration in the preparation of statements of cost for the purposes of this article.

5. The failure specifically to mention in this statement any item of cost is not intended to imply that it should be included or excluded.

Approved January 8, 1944.

JAMES F. BYRNES,
Director.

[F. R. Doc. 44-561; Filed, January 10, 1944; 3:25 p. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 27-A]

FLORIDA STATE BOARD OF HEALTH PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Florida State Board of Health Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 27 and shall be located in Wakulla County, Florida. Said Civilian Public Service Camp No. 27 in this instance is understood to include various other side or subsidiary camps, all assignees therein engaged on the same project. Side or subsidiary camps are located in Franklin, Polk and Orange Counties, Florida, and from time to time additional such camps will be located elsewhere in the State of Florida as may be mutually agreed to between the State Board of Health and the Director of Selective Service and each camp will be the base of operations for public health work in the area. Registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

2. That the work to be undertaken by the men assigned to said Florida State Board of Health Project will consist of the establishment of a program to provide acceptable means of waste disposal, protection of water supplies and mosquito proofing of homes, and shall be under the technical direction of the Florida State Board of Health insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Office of Assistant Director of Selective Service in charge of Camp Operations.

3. That this order is designed to constitute a change of location of Civilian Public Service Camp No. 27 and the administration and supervision of said Camp will be as designated in Order No. 27 dated April 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1944.

[F. R. Doc. 44-584; Filed January 11, 1944; 11:28 a. m.]

[Camp Order 129]

PENNHURST PROJECT, SPRING CITY, PA.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Pennhurst Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 129. Said project, located at Spring City, Chester County, Pennsylvania, will be the base of operations for work at the Pennhurst State School, an institution under the State mental hospital system of Pennsylvania, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been place in Class IV-E, may be assigned to said project in lieu of their induction for military service.

2. Men assigned to said Pennhurst Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Pennhurst State School, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Pennhurst State School. Administrative and directive control shall be under the Office of Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY,
Director.

JANUARY 7, 1944.

[F. R. Doc. 44-585; Filed, January 11, 1944; 11:28 a. m.]

[Operations Order 20]

CERTAIN REGISTRANTS EMPLOYED AT LANGLEY FIELD, VA.

POSTPONEMENT OF INDUCTION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. The State Director of the State of Virginia is hereby empowered to postpone the induction of any registrant employed by the National Advisory Committee for Aeronautics at Langley Field, Virginia, who is listed on a Replacement Schedule now approved by the State Director of Virginia and on file in his office, regardless of the State in which any such registrant may be registered; provided that the authority herein granted is limited by each of the following conditions:

(a) Any such postponement of induction may not extend beyond the expiration date of the present Replacement Schedule on which such registrant is listed; and

(b) A proper representative of the War Department or the Navy Department, as the case may be, join with the National Advisory Committee for Aeronautics in certifying as to the necessity for any such registrant in his employment following the procedures prescribed in Local Board Memorandum No. 115-G and State Director Advice No. 254.

2. The State Director of the State of Virginia shall forward a copy of this order together with a statement that a postponement of induction has been granted and the date of the expiration thereof to the local board of each registrant who is registered outside of the State of Virginia whose induction is postponed under the authority granted by this order. Such document shall be forwarded through the State Director of Selective Service of the State in which is located the local board with which the registrant is registered.

LEWIS B. HERSHEY,
Director.

JANUARY 10, 1944.

[F. R. Doc. 44-586; Filed, January 11, 1944; 11:28 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

DAVITS

Welin gravity davit, type 135 (General Arrangement Dwg. No. 2227, dated 17 March, 1942, revised 30 September, 1942) (For a maximum working load of 21,500 pounds per arm), manufactured by the Welin Davit & Boat Corporation, Perth Amboy, New Jersey.

Schat P. H. A. davit, B. U. type M. D. 35-14 (Arrangement Dwg. No. B. A. 278B) (For a maximum working load of 7,000 pounds per set), submitted by the Lane Lifeboat & Davit Corporation, Flushing, New York.

LIFEBOAT

20' x 7' x 3'1¼" metallic oar-propelled lifeboat (260 Cu. Ft. net) (General arrangement and construction Dwg. No. 2021, dated 14 October, 1943), submitted by Lane Lifeboat & Davit Corporation, Flushing, New York.

LIFE FLOATS

15-person elliptical balsa wood life float (Dwg. No. 115, dated 16 June, 1943, revised 28 September, 1943), manufactured by Raynor-Norris, Seaford, New York.

25-person elliptical balsa wood life float (Dwg. No. 116, dated 1 September, 1943, revised 27 September, 1943), manufactured by Raynor-Norris, Seaford, New York.

15-person rectangular balsa wood life float (Dwg. dated 6 October, 1943), submitted by Craftsman Equipment Corporation, Brooklyn, New York.

15-person rectangular balsa wood life float (Dwg. No. M751, dated 25 October, 1943), submitted by Roof Structures, Inc., New York, N. Y.

10-person rectangular balsa wood life float (Dwg. No. 3, dated 26 November, 1943), submitted by Air King Manufacturing Company, Division of Air-King Models, Inc., Portland, Oregon.

25-person rectangular balsa wood life float (Dwg. No. 4, dated 26 November, 1943), submitted by Air King Manufacturing Company, Division of Air-King Models, Inc., Portland, Oregon.

15-person rectangular balsa wood life float, Model RSWW (U. S. Coast Guard Dwg. No. RLF-1, dated 9 September, 1942), submitted by Savage Boat Works, Los Angeles, Calif.

25-person elliptical balsa wood life float (Dwg. dated 17 September, 1943), manufactured by Royal Marine Equipment Corporation, New York, N. Y.

25-person rectangular balsa wood life float (Dwg. dated 4 September, 1942), manufactured by Royal Marine Equipment Corporation, New York, N. Y.

SAFETY VALVE

Consolidated type 1515-A safety valve for marine service (Assembly of 2½" type 1515 A-B-C welded steam safety valve Dwg. No. S-6343, dated 27 September, 1943) (Maximum working pressure of 600 pounds per square inch at a maximum temperature of 650° F.), manufactured by Consolidated Safety Division of Manning, Maxwell & Moore, Inc., Bridgeport, Conn.

SEA ANCHOR

Sea anchor, type A (U. S. Coast Guard specifications and Dwg. No. MMI-562, dated 1 November, 1943), submitted by Atlantic-Pacific Manufacturing Corp., Brooklyn, N. Y.

WINCHES FOR LIFEBOATS

"New England" lifeboat winch (Dwgs. Assembly Sheet #1, No. R-2496-A, dated 24 September, 1943, Assembly Sheet #2, No. R-2497-A, dated 27 September, 1943, and specifications revised 4 October, 1943) (Maximum working load of 5,000 pounds per drum), submitted by the New England Trawler Equipment Company, Chelsea, Mass.

Welin type "CV" dual lifeboat winch with single motor drive (General Arrangement Dwg. No. 2651, dated 28 June, 1943, revised 22 October, 1943) (Maximum working load of 6,500 pounds per drum), manufactured by Welin Davit & Boat Corporation, Perth Amboy, N. J.

R. R. WAESCHE,
Commandant.

JANUARY 8, 1944.

[F. R. Doc. 44-552; Filed, January 10, 1944; 12:55 p. m.]

WAR PRODUCTION BOARD.

CHARLOTTE ENGRAVING COMPANY

CONSENT ORDER

The Semagraph Company, doing business as Charlotte Engraving Company, Charlotte, North Carolina, is engaged in the engraving business, including the manufacturing of zinc and copper plate engravings, which it uses in its work. The company is charged by the War Production Board by letter dated February 15, 1943, with having consumed copper in excess of its quota during the first, second, and third quarters of 1942, with having successive inventories of copper in December, 1941, and December, 1942, in violation of Priorities Regulation No. 1; with having an excessive inventory of zinc from December 31, 1941, to December 31, 1942, and with having failed to maintain adequate records to show the consumption of copper and zinc during the fourth quarter 1942, in violation of Priorities Regulation No. 1. The company admits the violation as to its consumption of copper, as charged, and while not admitting the other violations charged, it does not desire to contest the same, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the Semagraph Company, doing business as Charlotte Engraving Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of a Compliance Commissioner, *It is hereby ordered,* That:

(a) The quota of copper of the Semagraph Company, doing business as Charlotte Engraving Company, or otherwise, its successors or assigns, shall be reduced as follows:

	Pounds
For the first quarter of 1944	254
For the second quarter of 1944	762
For the third quarter of 1944	523
For the fourth quarter of 1944	482

which total amount represents approximately one-third of its total over-consumption of copper during the first, second, and third quarters of 1942.

(b) Nothing contained in this order shall be deemed to relieve the Semagraph Company, doing business as Charlotte Engraving Company, or otherwise, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect upon issuance and shall expire on December 31, 1944.

Issued this 10th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-562; Filed, January 10, 1944; 4:45 p. m.]

JAN 14 44

FEDERAL REGISTER

VOLUME 9 NUMBER 9

Washington, Thursday, January 13, 1944

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[FCA Order 892]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY AND DESIGNATION OF ORDER OF PRECEDENCE

Authority, and designation of order of precedence, of Deputy Production Credit Commissioner, and Assistant Production Credit Commissioner to act as Production Credit Commissioner in the absence of the latter.

Section 3.41 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 3.41 *Authority, and designation of order of precedence, of Deputy Production Credit Commissioner, and Assistant Production Credit Commissioner to act as Production Credit Commissioner in the absence of the latter.* A. T. Esgate, Deputy Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner is unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

K. L. Scott, Assistant Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Commissioner and Deputy Production Credit Commissioner Esgate are both unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

(E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); R.S. sec. 178, 5 U.S.C. 5; Memorandum No. 846, Sec. of Agric., Jan. 6, 1940)

[SEAL] A. G. BLACK, *Governor.*

[F. R. Doc. 44-636; Filed, January 12, 1944; 11:24 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

ADMISSION OF MEMBERS OF CIVIL AIR PATROL TO ARMY HOSPITALS

In § 77.15 (b) (7 F.R. 1410), subparagraph (20) is redesignated (21) and a new subparagraph (20) relating to the admission of members of the Civil Air Patrol to Army hospitals is added as follows:

§ 77.15 *Persons who may be admitted to Army hospitals.* • • •

(b) *List.* • • •

(20) Members of the Civil Air Patrol who suffer personal injury or incur sickness in line of duty while engaged on active duty assignments within the field activities of the Civil Air Patrol under the provisions of Army Air Forces Regulations.

(21) Such other persons as may be designated by the Secretary of War.

(R.S. 161; 5 U.S.C. 22), [Par. 6b, AR 40-590, 2 February 1942, as amended by C 18, 29 December 1943]

[SEAL] J. A. ULIO, *Major General, The Adjutant General.*

[F. R. Doc. 44-623; Filed, January 12, 1944; 9:37 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 26, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-479]

ROBERTS CUT SOLE CO., INC.

Roberts Cut Sole Co., Inc., a New York corporation located at 55 Frankfort

(Continued on next page)

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FEDERAL REGISTER

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Street, New York, is engaged in the leather business as a sole cutter. During the period July 1, 1942 through February 20, 1943, Roberts Cut Sole Co., Inc. cut at least 40,417 pounds of leather of military weight and quality into soles for non-military purposes contrary to the terms and provisions of General Preference Order M-80. The officers of the company had knowledge of the provisions of the order and the company's violation must be deemed wilful.

This misuse of leather of military weight and quality has hampered and impeded the war effort of the United States by diverting critical material from military to civilian use. In view of the foregoing, it is hereby ordered, that:

§ 1010.479 *Suspension Order No. S-479.* (a) Roberts Cut Sole Co., Inc., directly or indirectly, shall not receive, accept delivery of, cut or otherwise process any leather bends, backs or crops, and no person shall sell or deliver to Roberts Cut Sole Co., Inc. or for its account or order, directly or indirectly, any leather bends, backs, or crops, unless hereafter specifically authorized in writing by the War Production Board.

(b) Deliveries of material to Roberts Cut Sole Co., Inc., or for its account or order, directly or indirectly, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of any preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation or allotment shall be made to Roberts Cut Sole Co., Inc., or for its account or order, directly or indirectly, its successors or assigns, of any material or products, the supply or distribution of which is governed by any order or regulation of the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Roberts Cut Sole Co., Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on January 11, 1944, and shall expire on April 11, 1944.

Issued this 4th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-609; Filed, January 11, 1944; 4:28 p. m.]

PART 1129—MILITARY AND NAVAL AIRCRAFT

[Preference Rating Order P-122, Revocation]

Section 1129.1 *Order P-122* is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of military aircraft remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-625; Filed, January 12, 1944; 11:20 a. m.]

PART 3157—HAULAGE CONSERVATION

[General Haulage Conservation Order T-1 as Amended Jan. 12, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials and facilities for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3157.1 *General Haulage Conservation Order T-1*—(a) *Definitions.* For the purpose of this order (and any lists, supplements or schedules hereto, unless otherwise indicated):

(1) "Controlled delivery" means any delivery (including reconsignment) of any material specified on List 1 annexed hereto, or on any supplement or schedule hereto, where the delivery is to be made under the conditions specified for such material in such list, supplement or schedule.

(2) "Originate" means to load or to tender or offer to a carrier for delivery.

(3) Any distance or mileage which is specified in any list, schedule or supplement to this order, shall be measured over the shortest route over which carload freight may be transported without transfer of lading.

(4) The boundary of any city or village specifically referred to in any list, schedule or supplement hereto, shall be deemed to include the railroad switching limits as established in duly published rail tariffs.

(b) *List 1 materials.* (1) No person shall originate a controlled delivery of any List 1 material, except as specifically authorized or directed in writing by the War Production Board.

(2) Any person seeking authorization to originate a controlled delivery of any List 1 material may make application on Form WPB-2188 (Formerly PD-762), or, in emergency, by telegram, containing substantially the information called for by such form.

NOTE: Former paragraph (c) deleted; paragraph (c), formerly (d), redesignated and amended; paragraphs (d), (e) and (f), formerly (e), (f) and (g), redesignated Jan. 12, 1944.

(c) (1) *Deliveries originating outside of the United States.* With respect to any delivery terminating within the forty-eight states or the District of Columbia, but in fact originating elsewhere, the delivery shall, for the purpose of this order and any supplements or schedules hereto, be deemed to have been originated by the consignee at the point of entry.

(2) *Deliveries designated for export.* With respect to any delivery designated for export and originating outside the forty-eight states or the District of Columbia the delivery shall, for the purpose of this order and any supplements or schedules hereto, be deemed to have been originated by the consignee at the point of entry into the United States and to have been terminated at the point of exit from the United States. If the delivery designated for export originates within the forty-eight states or the District of Columbia, it is deemed to terminate at the point of exit from the United States.

(d) *Materials covered by supplements and schedules.* The War Production Board may from time to time issue supplements or schedules to this order prescribing conditions governing controlled deliveries of particular materials specified thereon. On and after the effective date of any such supplement or schedule, no person shall make a controlled delivery of any such material except as specified in such supplement or schedule.

(e) *Nonapplicability of order.* This order shall not apply to any carrier when acting in the capacity of a carrier, nor shall it operate as an assignment of, or right to obtain, transportation equipment.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Applicability of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other War Production Board order now or hereafter issued.

(3) *Appeals.* Any appeal from denials of applications or from directions pursuant to this order, or any supplement or schedule hereto, shall be made by filing a letter in triplicate, referring to the particular action appealed from and stating fully the grounds of the appeal.

(4) *Violations.* Any person who wilfully violates any provision of this order, or any supplement or schedule hereto, or who, in connection therewith wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order or any supplement or schedule hereto, shall unless otherwise directed be addressed to: War Production Board, Washington 25, D. C., Ref.: T-1 (Specify commodity).

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1

BONED DELIVERIES OF MATERIALS IN BULK (NOT IN CONTAINERS), LOADED OR UNLOADED IN LIQUID FORM

1. *Molasses.* Deliveries to any point 200 miles or more distant from the point of origin, originating on or after July 1, 1943, of beet, blackstrap, invert, edible or hydrol molasses. The term molasses shall be construed to include the residuum of such molasses.

2. *Caustic soda (liquid).* Deliveries, originating on or after July 1, 1943, from any point in any one of the following zones to a point in any other such zone, except that

(a) Producers in Zone 2 may originate controlled deliveries without authorization to any point in Area A as defined below,

(b) Producers in Zones 2 and 3 may originate controlled deliveries without authorization to any point in Area B as defined below,

(c) Producers in Zones 2 and 3, except those in Virginia, may originate controlled deliveries without authorization to any point in Area C as defined below,

(d) Producers in Zones 3, 4, and 6, except those in Virginia, may originate controlled deliveries without authorization to any point in Area D as defined below, and

(e) Producers in Zones 5 and 6 may originate controlled deliveries without authorization to any point in Area E as defined below.

First caustic soda zone: The states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York and Delaware; that portion of Pennsylvania east of but not including the counties of Warren, Elk, Clearfield, Centre, Mifflin, Juniata and Franklin; and that portion of Maryland east of but not including the counties of Frederick, Montgomery, Prince Georges, Calvert and St. Marys.

Second caustic soda zone. The District of Columbia; that portion of Pennsylvania and Maryland not included in Zone 1; that portion of Virginia north of the James River as far west as Nelson County, and that portion north of but not including the counties of Nelson and Augusta, plus that portion of Virginia included in the Richmond, Virginia, switching limits as described in duly published tariffs; also South Richmond and Ampthill, Virginia, that portion of West Virginia north of but not including the counties of Pocahontas, Greenbrier, Nicholas, Kanawha, Putnam, Cabell; and that portion of Ohio east of but not including the counties of Adams, Highland, Clinton, Greene, Clark, Champaign, Logan, Auglaize, Allen, Hancock, Seneca, Huron and Erie.

Third caustic soda zone: The states of North Carolina and South Carolina; that portion of Virginia and West Virginia not included in Zone 2; that portion of Kentucky south of but not including the counties of Mason, Bracken, Pendleton, Grant, Owen, Henry, Oldham and Jefferson, and that portion of Kentucky east of but not including the counties of Crittenden, Caldwell, Christian and Todd; that portion of Tennessee east of but not including the counties of Montgomery, Cheatham, Davidson, Williamson, Maury and Lawrence; that portion of Alabama east of but not including the counties of Lauderdale, Lawrence, Winston, Walker, Jefferson, Shelby, Coosa, Elmore, Montgomery, Bullock, Barbour, Henry and Houston; and that portion of Georgia east and north of but not including the counties of Clay, Calhoun, Baker, Mitchell and Grady.

Fourth caustic soda zone: The states of Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa and Indiana; that portion of Kentucky not included in Zone 3 or 5; that portion of the State of Ohio not included in Zone 2; and that portion of Illinois north of but not including the counties of Union, Johnson, Pope and Hardin; and that portion of Missouri north of but not including the counties of Bates, St. Clair, Hickory, Dallas, Laclede, Texas, Shannon, Reynolds, Carter, Butler, Stoddard and Cape Girardeau.

Fifth caustic soda zone: The states of Arkansas, Louisiana, Florida, and Mississippi; that portion of Missouri and Illinois not included in Zone 4; that portion of Kentucky not included in Zone 3 or 4; that portion of Tennessee, Georgia and Alabama not included in Zone 3; that portion of Oklahoma east of but not including the counties of Kay, Noble, Payne, Lincoln, Pottawatomie, Pontotoc, Johnston and Bryan; that portion of Texas east of but not including the counties of Fannin, Hunt, Rains, Van Zandt, Smith, Cherokee, Angelina, Tyler, Hardin and Jefferson.

Sixth caustic soda zone: That portion of Oklahoma and Texas not included in Zone 5.

Seventh caustic soda zone: The state of Montana, Idaho, Wyoming, Colorado, Utah, Arizona and New Mexico, and that portion of the State of Nevada east of but not including the counties of Humboldt, Pershing, Churchill, Mineral and Esmeralda.

Eighth caustic soda zone: The states of Washington, Oregon and California and that portion of Nevada not included in Zone 7.

Caustic soda Area A: The state of New Jersey, the counties of Delaware, Philadelphia, Montgomery and Bucks in Pennsylvania, the counties of Putnam, Westchester, Rockland, Bronx, New York, Richmond, Kings, Queens, Nassau and Suffolk in New York, and Fairfield County in Connecticut.

Caustic soda Area B: The District of Columbia, the states of Delaware and Maryland; that portion of Virginia north of the James River as far west as the county of Amherst, and that portion of Virginia north of but not including the counties of Amherst, Rock-

bridge, Botetourt and Craig; that portion of West Virginia north of but not including the counties of Monroe, Summers, Raleigh, Boone, Logan and Mingo, but not including the counties of Marshall, Ohio, Brook and Hancock; the counties of Boyd and Greenup in Kentucky; and that portion of Ohio east and south of but not including the counties of Scioto, Jackson, Vinton, Hocking, Perry, Morgan, Noble and Monroe.

Caustic soda Area C: The counties of Jefferson, St. Louis and St. Charles in Missouri, the counties of Monroe, St. Clair, Madison, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Effingham, Clay, Wayne, Hamilton, White, Edwards, Richland, Jasper, Cumberland, Clark, Crawford, Lawrence and Wabash in Illinois; the counties of Jefferson, Oldham, Trimble, Henry, Carroll, Owen, Gallatin, Grant, Boone, Kenton, Campbell, Pendleton, Bracken and Mason in Kentucky; that portion of Indiana south of but not including the counties of Vermillion, Parke, Putnam, Morgan, Hendricks, Boone, Hamilton, Tipton, Grant, Wells, and Adams; and that portion of Ohio south and west of but not including the counties of Van Wert, Allen, Hardin, Union, Madison, Fayette, Ross, Pike and Scioto.

Caustic soda Area D: The portion of Missouri east and south of but not including the counties of Ripley, Carter, Wayne, Bollinger and Perry; the portion of Illinois south of but not including the counties of Jackson, Williamson, Saline, and Gallatin; the portion of Kentucky west and south of but not including the counties of Union, Webster, Hopkins, Muhlenberg, and Logan; and the portion of Tennessee west of but not including the counties of Robertson, Sumner, Wilson, Rutherford, Marshall and Giles.

Caustic soda Area E: The portion of Texas east and south of but not including the counties of Matagorda, Wharton, Austin, Waller, Grimes, Walker, Trinity, Angelina, San Augustine and Sabine, and the portion of Louisiana south and west of but not including the counties of Sabine, Natchitoches, Rapides, Allen, Jefferson Davis and Vermilion.

(3) *Apple cider, including apple juice and vinegar stock.* All deliveries originating on or after September 1, 1943.

NOTE: List 2 deleted Jan. 12, 1944.

[F. R. Doc. 44-626; Filed, January 12, 1944; 11:20 a. m.]

PART 3157—HAULAGE CONSERVATION

[Schedule 1 as Amended Jan. 12, 1944, to General Haulage Conservation Order T-1]

PORTLAND CEMENT

In accordance with paragraph (d) of § 3157.1 *General Haulage Conservation Order T-1, It is hereby ordered that:*

§ 3157.2 *Schedule I to General Haulage Conservation Order T-1*—(a) *Definitions.* For the purpose of this schedule only:

(1) "Portland cement" means any Portland cement (except white Portland cement) which conforms with one or more of the following specifications:

(i) Federal specifications: Emergency Alternate Federal Specification for cement; Portland E-SS-C-191b, dated June 5, 1942;

(ii) Federal specifications: Emergency Alternate Federal Specification for cement; Portland E-SS-C-206a, dated June 5, 1942;

(iii) American Society for Testing Materials specifications: Emergency Alternate Specification for Portland Cement A. S. T. M. Designation EA-C 150-Type I, dated June 6, 1942;

(iv) American Society for Testing Materials specifications: Emergency Alternate Specification for Portland Cement A. S. T. M. Designation EA-C 150-Type II, dated June 6, 1942.

(2) "Controlled delivery" means any delivery (including reconsignment) of Portland cement in lots of 20,000 pounds or more, except

(i) Deliveries originating from any point of origin listed for a particular zone in Column I of Appendix A, annexed hereto, to any point in that Zone as specified in Column 2 thereof,

(ii) Deliveries made entirely by water, or

(iii) Deliveries over an aggregate distance of 50 miles or less. No lot of 20,000 pounds or more shall be subdivided for the purpose of evading this definition.

(b) *Controlled deliveries.* (1) On and after September 24, 1943, no person shall originate a controlled delivery of Portland cement, except as specifically directed or authorized in writing by the War Production Board.

(2) Any person seeking authorization to originate a controlled delivery of Portland cement may make application on Form WPB 2188 (PD-782), or, in emergency, by telegram, containing substantially the information called for by such form.

(c) (1) *Controlled deliveries for Army and Navy.* Notwithstanding paragraph (b) of this schedule, any person may originate a controlled delivery of Portland cement to or for the account of the Army or Navy of the United States if he has received from a duly authorized Army or Navy officer a certification in writing in substantially the following form:

The undersigned hereby certifies that it is essential for Portland Cement to be originated by ---------- at ---------- in the amount of ---------- barrels on Contract No. ------ to be delivered at ---------- outside of the applicable zone as shown in Schedule 1 to General Haulage Conservation Order T-1. This delivery has been screened in accordance with the existing rules and regulations of the (Army) (Navy) relating to conservation of transportation, and is necessary for the following reasons ----------

(Signed) ----------
(Title) ----------
(Station) ----------

Date ----------

In case of emergency, deliveries for export may be originated prior to receipt of certification. The duly authorized Army or Navy officer, however, must furnish the above certification within forty-eight hours after the origination.

(2) Any person who has originated a controlled delivery pursuant to a certification received from the Army or the Navy in accordance with paragraph (c) (1) shall report such delivery to the War Production Board on Form WPB 2188 (PD-782) within ten days after such delivery was originated, indicating thereon "This report is being filed pursuant to paragraph (c) (2)".

(d) *Effective date.* This order, as amended, shall become effective February 1, 1944.

NOTE: The reporting requirement of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

NOTE: Appendix A amended in its entirety.

With respect to any Zone specified below, deliveries are permitted only from a point of origin listed in Column 1 for that Zone to any point within the Zone as indicated in Column 2. In Column 2, each state is treated separately. In some cases, particular counties are included or excluded as a group, thereby delimiting the permissible delivery area within that state. In other cases, the permissible delivery area comprises all counties within the periphery of the boundaries of the counties listed together with the state boundary.

Column 1 Point of Origin	*Column 2 Deliveries Permitted to:*
	Zone 1
Thomaston, Maine (Rockland, Maine)	Maine, New Hampshire, Vermont, Rhode Island—all counties. Massachusetts, all counties except Berkshire, Hampden and Hamshire. Connecticut, the following counties: Windham, and New London.
	Zone 2
Alsen, New York Catskill, N. Y. Catskill (Cementon) N. Y. Cementon, N. Y. Glens Falls, N. Y. Howes Cave, N. Y. Hudson, N. Y.	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut—all counties. New York, all counties except Alleghany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming. New Jersey, the following counties: Hunterdon, Somerset, Middlesex, and all counties north thereof. Pennsylvania, the following counties: Bradford, Luzerne, Lackawanna, Monroe, Pike, Sullivan, Susquehanna, Tioga, Wayne and Wyoming.
	Zone 3
Jamesville, N. Y. Oswego, N. Y. Portland Point, N. Y.	New Hampshire, Vermont, Massachusetts—all counties. New York, the following counties: Columbia, Greene, Delaware and all counties north and west thereof. Pennsylvania, the following counties: Warren, McKean, Potter, Clinton, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wyoming, Wayne and Lackawanna.
	Zone 4
Buffalo, New York Lackawanna (Buffalo), N. Y.	New York, the following counties: Broome, Chenango, Otsego, Schoharie, Albany, Saratoga, Warren, Essex, Clinton and all counties west thereof. Pennsylvania, the following counties: Bradford, Sullivan, Lycoming, Clinton, Clearfield, Cambria, Westmoreland, Allegheny and Beaver and all counties north and west thereof. Ohio, the following counties: Ashtabula, Lake, Geauga, Cuyahoga, Portage, Trumbull and Mahoning.

APPENDIX A—Continued

Column 1 Point of Origin	*Column 2 Deliveries Permitted to:*
	Zone 5—Continued
Manheim, W. Va. (Continued)	Pennsylvania, the following counties: Erie, Crawford, Venango, Forest, Elk, Cameron, Clearfield, Centre, Huntingdon, Franklin, and all counties south and west thereof. Maryland, the following counties: Baltimore, Anne Arundel, Calvert, St. Mary's, City of Baltimore, and all counties west thereof. Ohio, the following counties: Mahoning, Columbiana, Carroll, Jefferson, Harrison, Guernsey, Muskingum, Noble, Belmont, Monroe, Washington, Morgan, Athens, and Meigs.
	Zone 10
Norfolk, Va.	Virginia, all counties. Maryland, the following counties: Somerset and Worcester. District of Columbia. West Virginia, the following counties: Fayette, Raleigh, Summers, Monroe, Mercer, McDowell, Wyoming. North Carolina, all counties except Haywood, Swain, Graham, Henderson. South Carolina, the following counties: York, Chester, Lancaster, Kershaw, Sumter, Clarendon, Berkeley, Georgetown, and all counties east and north thereof. Tennessee, the following counties: Hancock, Hawkins, Grainger, Union, Washington, Sullivan, Carter, and Johnson.
	Zone 11
Fordwick, Va.	Virginia, all counties except: Accomack and Northampton. District of Columbia. West Virginia, the following counties: Pocahontas, Webster, Braxton, Clay, Nicholas, Jackson, Roane, Calhoun, Gilmer, Lincoln, Wirt, Wood, Wetzel, Tyler, Doddridge, Harrison, Taylor, Barbour, Upshur, Randolph, Tucker, Preston, Monongalia, Marion, Raleigh, Logan, Wyoming, Boone, Putnam, Kanawha, Roane, Clay, Nicholas, and Fayette. North Carolina, all counties except Haywood, Swain, Graham, Henderson. South Carolina, the following counties: York, Chester, Lancaster, Kershaw, Sumter, Clarendon, Berkeley, Georgetown, and all counties east and north thereof. Tennessee, the following counties: Hancock, Hawkins, Grainger, Union, Washington, Sullivan, Carter, and Johnson.
	Zone 12
Clinchfield, Ga.	Florida, all counties. South Carolina, all counties. Georgia, all counties except: Dade, Walker, Catoosa, Whitfield, Murray, and all counties east thereof. Alabama, the following counties: Chambers, Cleburne, Lee, Macon, Bullock, Pike, Coffee, Covington, Geneva, Houston, Dale, Bedford, Barbour, and Russell. North Carolina: Mason County.
	Zone 13
Rockmart, Ga.	Alabama, the following counties: DeKalb, Etowah, Calhoun, Talladega, Coosa, Elmore, Montgomery, Crenshaw, Coffee, Geneva, and all counties east thereof. Florida, the following counties: Holmes, Washington, Bay, Gulf, Franklin, Wakulla, Jefferson, Taylor, Dixie, Gilchrist, Alachua, Putnam, Flagler, and all counties east and north thereof. South Carolina and Georgia—all counties. North Carolina, the following counties: Cherokee, Clay, Macon, Graham, Swain, Jackson, Transylvania, Haywood, Madison, Buncombe, Henderson, Polk, Rutherford, Cleveland, Gaston, Lincoln, Catawba, Iredell, Alexander, Wilkes, Alleghany, Ashe, Watauga, Avery, Mitchell, Yancey, McDowell, Rutherford, Burke, Caldwell, Wilkes, Alexander, Union, Stanly, Davidson, Forsyth, Guilford, Randolph, Montgomery, Anson, Richmond, Cumberland, Harnett, Lee, Chatham, Alamance, Orange, Durham, Lee, Harnett, Hoke, Scotland, and Robeson. Tennessee, the following counties: Cocke, Sevier, Jefferson, Knox, Blount, Loudon, Monroe, Polk, Bradley and Hamilton.
	Zone 14
Tampa, Fla.	Florida, all counties.
	Zone 8
Bath, Pa. Bethlehem, Pa. Clementon, Pa. Coplay, Pa. Kerr, Pa. Nazareth, Pa. Siegfried, Pa. Stockertown, Pa. Martin's Creek, Pa. Nazareth, Pa. Northampton, Pa. Portland Point, Pa. Sandts Eddy, Pa. Siegfried, Pa. Bryn Mawr, Pa. West Conshohocken, Pa. Hercules, Pa.	Connecticut, Rhode Island, Delaware and New Jersey—all counties. Pennsylvania, all counties except Berks and Franklin. Maryland, the following counties: Cecil, Harford, Carroll, Howard, Montgomery, Prince Georges, Charles, Calvert, St. Mary's, City of Baltimore, and all counties west thereof. New York, the following counties: Steuben, Chemung, Tioga, Broome, Delaware, Sullivan, Orange, Rockland, Westchester, Putnam, Dutchess, Ulster, Greene, Schoharie, Otsego, Chenango, Cortland, Tompkins, Tioga, Chemung, Schuyler, Yates, Ontario, Seneca, Cayuga, Onondaga, Madison, Oneida, Herkimer, Montgomery, Fulton, Otsego, the boroughs comprising New York City and all of Long Island. West Virginia, the following counties: Morgan, Berkeley and Jefferson.
	Zone 9
York, Pa.	Maryland, all counties except Garrett and Allegany. District of Columbia. Virginia, the following counties: Craig, Roanoke, Franklin, Patrick, and all counties east thereof. *Zone 7* North Carolina, the following counties: Surry, Wilkes, Yadkin, Davie, Rowan, Cabarrus, Union, Anson, Duplin, Pender, New Hanover, Brunswick, and all counties east thereof. Virginia, the following counties: Tazewell, Smyth, Grayson and all counties west thereof. Pennsylvania, the following counties: Tioga, Lycoming, Clinton, Virginia, All counties except: Tazewell, Smyth, Grayson and all counties east thereof. Connecticut, Rhode Island, New Jersey and Delaware, all counties. District of Columbia. West Virginia, the following counties: Morgan, Berkeley and Jefferson. New York, the following counties: Delaware, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester and all the boroughs comprising New York City and all of Long Island.
	Zone 7
Bessmer, Pa. Neville Island, Pa. Universal, Pa. West Winfield, Pa.	Pennsylvania, the following counties: Tioga, Lycoming, Union, Snyder, Dauphin, Lebanon, Cumberland, Adams and all counties west thereof. New York, the following counties: Chemung, Schuyler, Yates, Ontario, Monroe and all counties west thereof. Maryland, the following counties: Washington, Allegany, and Garrett. West Virginia, all counties. Ohio, the following counties: Lucas, Wood, Hancock, Putnam, Allen, Auglaize, Shelby, Miami, Montgomery, Greene, Fayette, Ross, Jackson, Gallia and all counties north and east thereof.
	Zone 8
Martinsburg, W. Va. Security, Md. Union Bridge, Md. Hagerstown, Md.	Maryland and Delaware—all counties. District of Columbia. Virginia, the following counties: Warren, Hunterdon, Somerset, Middlesex, and all counties north thereof. Pennsylvania, the following counties: Fayette, Somerset, Cambria, Blair, Centre, Clinton, Lycoming, Columbia, Luzerne, Lackawanna, Monroe and all counties east and south thereof. West Virginia, the following counties: Preston, Taylor, Harrison, Lewis, Braxton, Clay, Nicholas, Greenbrier, and all counties east thereof. Virginia—all counties except: Tazewell, Smyth, Washington, Grayson, Buchanan, Dickinson, Russell, Wise, Scott and Lee. North Carolina, the following counties: Watauga, Alexander, Iredell, Rowan, Cabarrus, Mecklenburg, Stanly, Montgomery, Moore, Harnett, Cumberland, Sampson, Pender, New Hanover, and all counties east and north thereof.
	Zone 9
Manheim, W. Va.	West Virginia, all counties. District of Columbia. Virginia, all counties except: Southampton, Sussex, Surry, Isle of Wight, Nansemond, Norfolk, Princess Anne, Elizabeth City, Northampton, Accomac, Tazewell, Smyth, Washington, Buchanan, Russell, Dickenson, Wise, Scott and Lee.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 15
Cleveland, Ohio Painesville, Ohio.	Ohio—all counties. New York, the following counties: Monroe, Genesee, Wyoming, Allegany, and all counties west thereof. Pennsylvania, the following counties: McKean, Cameron, Clearfield, Cambria, Somerset, and all counties west thereof. West Virginia, the following counties: Cabell, Ritchie, Harrison, Ohio, Mason, Wetzel, Pleasants, Hancock, Jackson, Doddridge, Marshall, Taylor, Wood, Tyler, Brooke, Marion and Monongalia.
	Zone 16
Middle Branch, Ohio	Ohio, all counties. Indiana, the following counties: Steuben, De Kalb, Allen, Adams, Jay, Randolph, and Wayne. New York, the following counties: Chautauqua, Cattaraugus, Allegany, and Steuben. Pennsylvania, the following counties: Potter, Cameron, Clearfield, Cambria, Somerset, and all counties west thereof. West Virginia, the following counties: Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Taylor, Harrison, Doddridge, Tyler, Pleasants, Ritchie, Wood, Jackson, Mason, and Cabell.
	Zone 17
East Fultonham, Ohio	Ohio, all counties. Pennsylvania, the following counties: Bedford, Blair, Cambria, Indiana, Jefferson, Forest, Venango, Crawford, Erie, and all counties west thereof. Indiana, the following counties: Allen, Huntington, Grant, Howard, Tipton, Hamilton, Marion, Hancock, Rush, Franklin, Ripley, Dearborn, Ohio, and all counties east thereof. West Virginia, the following counties Fayette, Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Taylor, Barbour, Upshur, Lewis, Gilmer, Calhoun, Roane, Kanawha, Putnam, Cabell, Tyler, Doddridge, Harrison, Ritchie, Pleasants, Wood, Wirt, Jackson, Mason, Clay, Braxton, Nicholas, Wayne and Webster. Kentucky, the following counties: Boone, Grant, Scott, Fayette, Clark, Montgomery, Bath, Rowan, Carter, Boyd and all counties north and east thereof.
	Zone 18
Ironton, Ohio Superior, Ohio. Kenova, W. Va.	Ohio, the following counties: Columbiana, Stark, Wayne, Ashland, Richland, Crawford, Seneca, Hancock, Putnam, Paulding, and all counties south thereof. Indiana, the following counties: Allen, Wells, Blackford, Delaware, Henry, Hancock, Marion, Rush, Franklin, Ripley, Dearborn, and all counties east thereof. Kentucky, the following counties: Jefferson, Bullitt, Nelson, Marion, Taylor, Green, Adair, Russell, Clinton, and all counties north and east thereof. Virginia, the following counties: Highland, Augusta, Nelson, Appomattox, Campbell, Pittsylvania, and all counties west thereof. West Virginia, the following counties: Hancock, Brooke, Ohio, Marshall, Wetzell, Harrison, Upshur, Randolph, Pocahontas, and all counties south and west thereof. Tennessee, the following counties: Claiborne, Union, Grainger, Jefferson, Cocke, and all counties east thereof. North Carolina, the following counties: Rockingham, Stokes, Forsyth, Davie, Rowan, Iredell, Catawba, Lincoln, Gaston, and all counties west thereof except Macon, Clay and Cherokee.
	Zone 19
Bay Bridge, Ohio Silica, Ohio. Toledo, Ohio.	Ohio, all counties except: Ashtabula, Trumbull, Mahoning, Columbiana, Carroll, Jefferson, Harrison, Belmont, Monroe and Washington. Indiana, the following counties: LaPorte, Starke, Pulaski, White, Tippecanoe, Clinton, Hamilton, Marion, Hancock, Rush, Fayette, Union, and all counties east and north thereof. Michigan, the following counties: Iosco, Ogemaw, Roscommon, Missaukee, Wexford, Manistee, and all counties south thereof. Kentucky, the following counties: Greenup, Mason, Lewis, Fleming, Nicholas, Bourbon, Fayette, Woodford, Franklin, Henry, Carroll, Bracken, Robertson, Harrison, Scott, Owen, Gallatin, Grant, Boone, Kenton, Campbell, and Pendleton. West Virginia, the following counties: Jackson, Mason, and Cabell.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 20
Osborn, Ohio	Ohio, all counties except: Lake, Ashtabula, Geauga, and Trumbull. West Virginia, the following counties: Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson, Mason, Putnam, Kanawha, Fayette, Raleigh, Wyoming, McDowell, Mingo, Logan, Boone, Lincoln, Wayne, and Cabell. Kentucky, the following counties: Meade, Breckenridge, Grayson, Hart, Green, Adair, Russell, Wayne, and all counties east and north thereof. Indiana, the following counties: Clark, Washington, Orange, Lawrence, Greene, Sullivan, and all counties north and east thereof, excluding Lake, Porter, and LaPorte. Illinois, the following counties: Edgar and Vermilion.
	Zone 21
Cincinnati, Ohio Evansville, Ind. Kosmosdale, Ky. Mitchell, Ind. Speed, Ind.	Indiana, all counties except: Steuben, DeKalb, Noble, LaGrange, Elkhart, St. Joseph, LaPorte, Porter and Lake. Ohio, the following counties: Van Wert, Allen, Hardin, Marion, Delaware, Franklin, Madison, Fayette, Highland, Adams, and all counties west thereof. Kentucky, the following counties: Greenup, Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Knott, Letcher, and all counties west thereof. Tennessee, the following counties: Campbell, Anderson, Roane, Cumberland, Putman, Smith, Wilson, Davidson, Cheatham, Dickson, Humphreys, Benton, Carroll, Gibson, Crockett, Haywood, Fayette, Shelby and all counties north thereof. Illinois, the following counties: Iroquois, Ford, McLean, Logan, Sangamon, Macoupin, Madison, St. Clair, Monroe, and all counties south and east thereof. Missouri: The city of St. Louis only.
	Zone 23
Alpena, Mich	Michigan, Upper Peninsula: Marquette, Menominee and all counties east thereof. Lower Peninsula: the counties of Manistee, Wexford, Missaukee, Clare, Gladwin, Arenac, and all counties north thereof.
	Zone 25
Petoskey, Mich	Michigan, all counties except—Gogebic Ontonagon, Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, and Monroe. Wisconsin, the following counties: Forest, Florence, Marinette, Oconto, Shawano, Waupaca, Winnebago, Fond du Lac, Dodge, Dane, Jefferson, Walworth, Door, Racine, Waukesha, Milwaukee, Ozaukee, Washington, Sheboygan, Manitowoc, Calumet, Outagamie, Brown, Kewaunee and Kenosha.
	Zone 24
Bay City, Mich	Michigan, the following counties: Chippewa, Mackinac, Luce, Schoolcraft, Delta, Menominee, Dickinson, Iron, and antire lower peninsula. Wisconsin, the following counties: Forest, Oconto, Shawano, Waupaca, Winnebago, Fond du Lac, Dodge, Dane, Jefferson, Walworth, and all counties east thereof. Indiana, the following counties: LaPorte, Starke, Pulaski, White, Carroll, Clinton, Boone, Marion, Hancock, Henry, Wayne, and all counties north thereof. Ohio, the following counties: Darke, Auglaize, Hardin, Wyandot, Seneca, Sandusky, Ottawa, and all counties west thereof.
	Zone 25
Holland, Mich Muskegon, Mich.	Michigan, the following counties: Benzie, Wexford, Osceola, Clare, Gladwin, Midland, Saginaw, Genesee, Livingston, Jackson Lenawee, Manistee, Mason, Lake, Oceana, Newaygo, Mecosta Isabella, Muskegon, Montcalm, Gratiot, Ottawa, Kent, Ionia, Clinton, Shiawassee, Allegan, Barry, Eaton, Ingham, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, St. Joseph, Branch and Hillsdale.
	Zone 26
Port Huron, Mich Dearborn, Mich. Detroit, Mich. Wyandott, Mich. Fordson, Mich.	Michigan, the counties in the lower peninsula except: Alpena, Alcona, Oscoda, Montmorency, Antrim, Charlevoix, Cheboygan. Emmet and Presque Isle. Indiana, the following counties: La Porte, Starke, Pulaski, White, Tippecanoe, Montgomery, Boone, Marion, Johnson, Bartholomew, Decatur, Ripley, Ohio, and all counties north and east thereof. Ohio, the following counties: Butler, Warren, Clinton, Fayette, Pickaway, Hocking, Perry, Morgan, Noble, Muskingum, Coshocton, Holmes, Wayne, Ashland, Huron, Erie, and all counties north and west thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 27
Cement City, Mich Coldwater, Mich. Quincy, Mich.	Michigan, the following counties: Manistee, Wexford, Missaukee Roscommon, Ogemaw, Iosco, and all counties south thereof. Ohio, the following counties: Cuyahoga, Summit, Wayne, Holmes, Coshocton, Licking, Fairfield, Pickaway, Ross, Highland, Clinton, Warren, Hamilton, and all counties west and south thereof. Indiana, the following counties: Dearborn, Ripley, Jennings, Jackson, Monroe, Owen, Clay, Vigo and all counties north thereof. Illinois, the following counties: Cook, DuPage, Will and Kankikee.
	Zone 28
Limedale, Ind	Indiana, all counties. Missouri, the City of St. Louis only. Illinois, the following counties: Lake, Cook, Kane, Kendall, LaSalle, Putnam, Woodford, Peoria, Knox, Fulton, Mason, Cass, Morgan, Scott, Macoupin, Madison, St. Clair, Monroe, and all counties east and south thereof. Ohio, the following counties: Paulding, Putnam, Hancock, Hardin, Marion, Delaware, Franklin, Fairfield, Hocking, Ross, Pike, Scioto, and all counties south and west thereof. Kentucky, the following counties: Lewis, Carter, Elliott, Morgan, Wolfe, Breathitt, Perry, Letcher, and all counties west thereof.
	Zone 29
Kingsport, Tenn	West Virginia, the following counties: Mason, Putnam, Kanawha Clay, Nicholas, Greenbrier, and all counties south and west thereof. Kentucky, the following counties: Martin, Montgomery, Franklin, Nelson, Russell, Johnson, Bourbon, Shelby, Marion, Wayne, Morgan, Harrison, Spencer, Casey, Menifee, Scott, Bullitt, Adair, Pike, Floyd, Magoffin, Wolfe, Powell, Clark, Fayette, Woodford, Anderson, Washington, Boyle, Lincoln, Pulaski, McCreary, Whitley, Bell, Knox, Laurel, Rockcastle, Garrard, Jessamine, Mercer, Madison, Estill, Lee, Breathitt, Knott, Letcher, Harlan, Perry, Leslie, Clay, Owsley and Jackson. Tennessee, the following counties: Pickett, Fentress, Morgan, Roane, Loudon and Blount. Virginia, the following counties: Rockingham, Greene, Orange, Louisa, Fluvanna, Cumberland, Powhatan, Amelia, Nottoway, Lunenburg, Mecklenburg, and all counties west thereof. North Carolina, the following counties: Warren, Franklin, Nash, Edgecombe, Pitt, Craven, Carteret and all counties west thereof, but not including Cherokee, Clay and Macon counties. South Carolina, the following counties: Greenville, Laurens, Newberry, Fairfield, Richland, Sumter, Clarendon, Berkeley, Charleston, and all counties east thereof.
	Zone 30
Knoxville, Tenn	South Carolina, all counties. North Carolina, the following counties: Stokes, Forsyth, Guilford, Alamance, Orange, Durham, Wake, Harnett, Cumberland, Robeson, Columbus, Brunswick, and all counties west thereof. Georgia, the following counties: Floyd, Bartow, Cobb, Fulton, Clayton, Spalding, Lamar, Monroe, Bibb, Twiggs, Bleckley Dodge, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, Bulloch, Effingham, Chatham, and all counties north and east thereof. Tennessee, the following counties: Montgomery, Robertson, Sumner, Wilson, Rutherford, Bedford, Moore, Lincoln, and all counties east thereof. Kentucky, the following counties: Franklin, Woodford, Jessamine, Garrard, Rockcastle, Pulaski, Wayne, McCreary, Whitley, Laurel, Jackson, Madison, Fayette, Bourbon, Montgomery, Clark, Powell, Estill, Lee, Owsley, Clay, Knox, Bell, Harlan, Leslie, Letcher, Knott, Breathitt, Wolfe, Magoffin, and Floyd. Virginia, the following counties: Giles, Montgomery, Roanoke, Botetourt, Bedford, Campbell, Franklin, Henry, and all counties west thereof excluding Craig.
	Zone 31
Cowan, Tenn North Chattanooga, Tenn. Richard City, Tenn.	North Carolina, the following counties: Madison, Buncombe, McDowell, Rutherford, Cleveland, Gaston, Mecklenburg, and all counties west thereof. South Carolina, the following counties: Cherokee, Union, Newberry, Lexington, Richland, Calhoun, Orangeburg, Berkeley, Charleston, and all counties west thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 31—Continued
Cowan, Tenn North Chattanooga, Tenn. Richard City, Tenn.—Continued.	Georgia, the following counties: Chatham, Bryan, Evans, Tattnall, Toombs, Montgomery, Wheeler, Telfair, Wilcox, Crisp, Lee, Turrell, Randolph, Clay, and all counties north thereof. Alabama, the following counties: Barbour, Bullock, Montgomery, Autauga, Chilton, Bibb, Tuscaloosa, Pickens, and all counties north thereof. Mississippi, the following counties: Lowndes, Clay, Webster, Montgomery, Carroll, Leflore, Sunflower, Washington, and counties north thereof. Kentucky, the following counties: Ballard, McCracken, Marshall, Trigg, Christian, Todd, Logan, Butler, Edmonson, Hart, Metcalfe, Adair, Casey, Lincoln, Rockcastle, Jackson, Lee, Breathitt, Knott, Letcher, and all counties south thereof. Tennessee, all counties except Hawkins, Sullivan, Johnson, Carter, Unicoi, Washington, Greene and Cocke.
	Zone 32
Nashville, Tenn	Tennessee, the following counties: Hancock, Grainger, Hamblen, Jefferson, Sevier, and all counties west thereof. Georgia, the following counties: Fulton, Cobb, Bartow, Floyd, Gordon, Chattooga, Murray, Catoosa, Whitfield, Walker, and Dade. Alabama, the following counties: Cherokee, Etowah, Saint Clair, Jefferson, Bibb, Hale, Greene, Sumter, and all counties north thereof. Mississippi, the following counties: Warren, Hinds, Rankin, Scott, Newton, Lauderdale, and all counties north thereof. Arkansas, the following counties: Phillips, Monroe, Woodruff, Cross, Poinsett, Craighead, Greene, Clay, Lee, St. Francis, Crittenden and Mississippi. Missouri, the following counties: Scott, Stoddard, Mississippi, New Madrid, Dunklin and Pemiscot. Illinois, the following counties: Hardin, Pope, Massac, Johnson, Pulaski and Alexander. Indiana: Vanderburgh County. Kentucky, the following counties: Jefferson, Shelby, Franklin, Woodford, Fayette, Clark, Madigan, Jackson, Owsley, Clay, Knox, Bell, and all counties west and south thereof.
	Zone 33
Memphis, Tenn	Tennessee, the following counties: Montgomery, Dickson, Hickman, Lewis, Lawrence, and all counties west thereof. Arkansas, the following counties: Boone, Newton, Pope, Conway, Perry, Garland, Hot Springs, Clark, Nevada, Hempstead, Miller, and all counties east thereof. Louisiana, the following parishes: DeSoto, Natchitoches, Rapides, Avoyelles, Concordia, and all parishes east and north thereof. Mississippi, the following counties: Marion, Jefferson Davis, Covington, Smith, Scott, Newton, Lauderdale, and all counties north and west thereof.
	Zone 34
Birmingham, Ala Bayles, Ala. Leeds, Ala. No. Birmingham, Ala. Phoenixville, Ala. Ragland, Ala.	Georgia, Alabama, and Mississippi—all counties. North Carolina: Macon County. South Carolina, the following counties: Cherokee, Union, Newberry, Lexington, Richland, Calhoun, Orangeburg, Berkeley, Charleston, and all counties south and west thereof. Florida, the following counties: Nassau, Duval, Clay, Putnam, Alachua, Gilchrist, Dixie, and all counties north and west thereof. Louisiana, the following parishes: West Feliciana, Pointe Coupee, Iberville, Assumption, Terre Bonne, and all parishes east thereof. Tennessee, the following counties: Tipton, Lauderdale, Crockett, Gibson, Carroll, Benton, Humphreys, Dickson, Cheatham, Davidson, Rutherford, Cannon, Warren, White, Van Buren, Bledsoe, Rhea, Roane, Meigs, McMinn, Monroe, Polk, and all counties south thereof.
	Zone 35
Spocari, Ala	Alabama, Georgia, Mississippi—all counties. North Carolina—Macon County. Florida, the following counties: Nassau, Duval, Clay, Bradford, Union, Columbia, Suwannee, Lafayette, Taylor, and all counties north and west thereof. Louisiana, the following parishes: West Felicians, Pointe Coupee, Iberville, Assumption, Terre Bonne, and all parishes east thereof. Tennessee, the following counties: Shelby, Fayette, Hardeman, Henderson, Hardin, Lawrence, Giles, and Lincoln.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 36
New Orleans, La.	Alabama: Mobile County. Louisiana: All Parishes. Mississippi, the following counties: Washington, Sharkey, Yazoo, Madison, Leake, Neshoba, Newton, Lauderdale, and all counties south thereof.
	Zone 37
Manitowoc, Wis.	Wisconsin: all counties. Michigan, all counties in upper peninsula. Minnesota, the following counties: Carlton, Pine, Kanabec, Mille Lacs, Benton, Stearns, Kandyohi, Meeker, McLeod, Sibley, Nicollet, Sherburne, Wright, Hennepin, Carver, Isanti, Chisago, Anoka, Ramsey, Washington, Scott, Dakota, LeSueur, Rice, Goodhue, Wabasha, and Winona. Illinois, the following counties: Lake and Cook.
	Zone 38
Green Bay, Wis.	Wisconsin, the following counties: Ashland, Iron, Vilas, Forest, Florence, Marinette, Oconto, Brown, Door, Kewaunee, Manitowoc, Sheboygan, Ozaukee, Washington, Dodge, Columbia, Adams, Juneau, Jackson, Trempealeau, Eau Claire, Dunn, Barron, Rusk, Price, and all counties within the periphery of these counties and the state line. Michigan, the following counties: Gogebic, Iron, Dickinson, Menominee, Ontonagon, Houghton, Keweenaw, Baraga, Marquette, Alger, Delta, Schoolcraft, Luce, and Mackinac.
	Zone 39
Milwaukee, Wis.	Wisconsin, all counties. Illinois, the following counties: Lake, Cook and Du Page. Michigan, the following counties: Schoolcraft, Alger, and all counties in upper peninsula west thereof. Minnesota, the following counties: Washington, Ramsey, Hennepin, Dakota, Goodhue, Wabasha and Winona.
	Zone 40
Chicago, Ill. Buffington, Ind. So. Chicago, Ill.	Illinois, the following counties: Rock Island, Henry, Stark, Peoria, Tazewell, Logan, Macon, Shelby, Effingham, Clay, Wayne, Edwards, Wabash, and all counties north and east thereof. Indiana, all counties. Ohio, the following counties: Williams, Fulton, Henry, Defiance, Paulding, Van Wert, Mercer, Darke, Preble, Butler and Hamilton. Michigan, the following counties: Muskegon, Kent, Ionia, Eaton, Ingham, Jackson, Lenawee and all counties south and west thereof. Wisconsin, the following counties: La Crosse, Monroe, Juneau, Wood, Portage, Shawano, Oconto, Marinette, Brown, Kewaunee, Door, and all counties south thereof. Iowa, the following counties: Howard, Winneshiek, Allamakee, Chickasaw, Fayette, Clayton, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson, Cedar, Clinton, and Scott. Minnesota, the following counties: Fillmore, and Houston.
	Zone 41
Dixon, Ill. La Salle, Ill. Oglesby, Ill.	Illinois, all counties. Indiana, the following counties: Elkhart, Kosciusko, Wabash, Miami, Cass, Carroll, Clinton, Boone, Marion, Johnson, Morgan, Owen, Greene, Knox, Gibson, Vanderburgh and all counties west thereof. Wisconsin, the following counties: Door, Kewaunee, Brown, Oconto, Marinette, Langlade, Lincoln, Taylor, Chippewa, Eau Claire, Buffalo, and all counties south thereof. Minnesota, the following counties: Winona, Olmstead, Dodge, Houston, Fillmore and Mower. Iowa, the following counties: Worth, Winnebago, Hancock, Wright, Hamilton, Hardin, Marshall, Jasper, Marion, Lucas, Monroe, Appanoose, and all counties east thereof. Missouri, the following counties: Schuyler, Adair, Macon, Shelby, Marion, Scotland, Clark, Knox, and Lewis.
	Zone 42
Duluth, Minn. Steelton (Duluth). Minn.	Minnesota, all counties except Fillmore and Houston. North Dakota, all counties.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 42—Continued
Duluth, Minn. Steelton (Duluth), Minn.—Continued.	South Dakota, the following counties: Campbell, Walworth, Potter, Sully, Hughes, Hyde, Buffalo, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, and all counties east and north thereof. Wisconsin, the following counties: Trempealeau, Jackson, Clark, Marathon, Langlade, Forest, Florence, and all counties north and west thereof. Michigan, the following counties: Marquette, Dickinson, Iron, Baraga, Houghton, Ontonagon, Gogebic and Keweenaw.
	Zone 43
Mason City, Iowa	Iowa, Minnesota and North Dakota, all counties. Illinois, the following counties: Carroll and Jo Daviess. Wisconsin, the following counties: Ashland, Price, Lincoln, Langlade, Marathon, Portage, Waushara, Green Lake, Columbia, Dane, Rock and all counties west and south thereof. South Dakota, the following counties: McPherson, Edmunds, Faulk, Hand, Jerauld, Brule, Charles, Mix, and all counties east thereof. Nebraska, the following counties: Knox, Cedar, Dixon, Dakota, Thurston, Wayne, Pierce, Antelope, Boone, Madison, Stanton, Cuming, Burt, Washington, Dodge, Colfax, Platte, Nance, Merrick, Polk, Butler, Saunders, Douglas, Sarpy, Lancaster, Seward, York, Hamilton, Hall, Adams, Clay, Fillmore, and Saline.
	Zone 44
Davenport, Iowa Linwood (Davenport), Iowa	Iowa, all counties. Minnesota, the following counties: Big Stone, Stevens, Pope, Stearns, Morrison, Benton, Sherburne, Isanti, Chisago, and all counties south thereof. Wisconsin, the following counties: Polk, Barron, Rusk, Taylor, Marathon, Shawano, Outagamie, Winnebago, Fond du Lac, Sheboygan, and all counties south and west thereof. Missouri, the following counties: Marion, Shelby, Macon, Adair, Knox, Lewis, Clark, and Scotland. Illinois, the following counties: Clark, Cumberland, Effingham, Marion, Fayette, Bond, Madison, St. Clair, and all counties north thereof.
	Zone 45
Des Moines, Iowa	Iowa, all counties. Minnesota, the following counties: Clay, Becker, Wadena, Todd, Morrison, Benton, Sherburne, Anoka, Washington and all counties south thereof. North Dakota, the following counties: Grand Forks, Steele, Traill, Stutsman, Barnes, Cass, Logan, LaMoure, Ransom, Richland, McIntosh, Dickey, and Sargent. South Dakota, the following counties: Spink, Brown, Beadle, Sanborn, Davison, Hutchinson, Bon Homme, and all counties east thereof. Nebraska, the following counties: Knox, Antelope, Wheeler, Garfield, Custer, Logan, Lawson, Buffalo, Hall, Adams, Clay, Fillmore, Jefferson, and all counties east thereof. Missouri, the following counties: Buchanan, DeKalb, Daviess, Grundy, Sullivan, Adair, Scotland, Schuyler, Putnam, Mercer, Harrison, Worth, Gentry, Andrew, Nodaway, Atchison, and Holt.
	Zone 46
Louisville, Nebr.	Nebraska, all counties. South Dakota, all counties except Roberts, Grant, Marshall and Day counties. Iowa, the following counties: Worth, Cerro Gordo, Franklin, Hardin, Marshall, Tama, Poweshiek, Mahaska, Wapello, Davis, and all counties west thereof. Kansas, the following counties: Wallace, Logan, Gove, Trego, Ellis, Russell, Ellsworth, Saline, Dickinson, Geary, Riley, Pottawatomie, Jackson, Atchison and all counties north thereof. Missouri, the following counties: Holt, Andrew, DeKalb, Caldwell, Livingston, Linn, Sullivan, Putnam, Atchison, Nodaway, Worth, Gentry, Daviess, Grundy, Mercer and Harrison. Minnesota, the following counties: Lac Qui Parle, Chippewa, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, Washington, Dakota, Rice, Steel, Freeborn, and all counties south and west thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 47
Superior, Nebr.	Nebraska—all counties. Iowa, the following counties: Monona, Cass, Page, Crawford, Mills, Plymouth, Harrison, Montgomery, Woodbury, Shelby, Fremont, Pottawattamie, Ida, Adams, Taylor, Lyon, Sioux, Osceola, Obrien, Cherokee and Sac. Kansas, the following counties: Doniphan, Atchison, Jackson, Shawnee, Osage, Lyon, Chase, Butler, Cowley, and all counties west thereof. South Dakota, the following counties: Tripp, Douglas, Minnehaha, Gregory, Hutchinson, Charles Mix, McCook, Turner, Lincoln, Bon Homme, Yankton, Clay and Union. Missouri, the following counties: Gentry, Nodaway, Atchison, Holt and Andrew. Minnesota, the following counties: Lac Qui Parle, Yellow Medicine, Lincoln, Lyon, Pipestone, Murray, Rock and Nobles.
	Zone 48
Hannibal, Mo.	Kentucky, the following counties: Todd, Muhlenberg, Hopkins, Webster, Union and all counties west thereof. Illinois: Rock Island, Henry, Starke, Peoria, Tazewell, Logan, Dewitt, Piatt, Moultrie, Shelby, Effingham, Jasper, Richland, Lawrence and all counties west and south thereof. Iowa, the following counties: Dubuque, Delaware, Buchanan, Black Hawk, Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida, Woodbury and all counties south thereof. Missouri, the following counties: Buchanan, Clinton, Caldwell, Livingston, Charlton, Howard, Cooper, Morgan, Miller, Maries, Phelps, Dent, Reynolds, Wayne, Butler, Ripely, Dunklin and all counties north and east thereof.
	Zone 49
Bonner Springs, Kans. Kansas City, Kans. Kansas City, Mo. Sugar Creek, Mo.	Kansas—all counties. Missouri, the following counties: Schuyler, Adair, Macon, Randolph, Audrain, Callaway, Osage, Maries, Pulaski, Texas, Shannon, Carter, Oregon, and all counties west thereof. Iowa, the following counties: Davis, Wapello, Monroe, Lucas, Clarke, Madison, Adair, Audubon, Shelby, Harrison, Monona, Woodbury, and all counties south and west thereof. Nebraska, the following counties: Dakota, Dixon, Cedar, Wayne, Stanton, Madison, Boone, Wheeler, Garfield, Valley, Custer, Logan, Lincoln, Hayes, Chase, Dundy, and all counties south and east thereof. Oklahoma, the following counties: Sequoyah, Muskogee, Okmulgee, Creek, Payne, Noble, Garfield, Major, Woods, and all counties north and east thereof. Arkansas, the following counties: Crawford, Franklin, Johnson, Newton, Searcy, Stone, Baxter and all counties north and west thereof.
	Zone 50
St. Louis, Mo. (Alphe, Prospect Hill, and Carondelet, Mo.) E. St. Louis, Ill.	Illinois, the following counties: Mercer, Henry, Stark, Marshall, Putnam, Woodford, Livingston, Ford, Iroquois and all counties south thereof. Iowa, the following counties: Lee, Des Moines, Henry, Jefferson, Van Buren, Wapello, Davis, Monroe, Appanoose, Lucas, Wayne, Clarke, Decatur, Union and Ringgold. Missouri, the following counties: Nodaway, Gentry, Daviess, Livingston, Charlton, Howard, Cooper, Pettis, Henry, St. Clair Polk, Greene, Christian, Stone, and all counties east thereof. Arkansas, the following counties: Fulton, Izard, Stone, Van Buren, Conway, Perry, Garland, Saline, Pulaski, Jefferson, Arkansas, and all counties north and east thereof. Kentucky, the following counties: Meade, Hardin, Grayson, Butler, Warren, Simpson, and all counties west thereof. Indiana, the following counties: Vigo, Sullivan, Knox, Daviess, Martin, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer and Perry. Tennessee, the following counties: Hardeman, Madison, Henderson, Carroll, Benton, Humphreys, Houston, Montgomery, and all counties west thereof.
	Zone 51
Cape Girardeau, Mo. Marquette, Mo.	Missouri, the following counties: Marion, Monroe, Randolph, Howard, Cooper, Morgan, Camden, Dallas, Greene, Christian, Stone and all counties south and east thereof. Arkansas, the following counties: Chicot, Ashley, Bradley, Cleveland, Grant, Hot Spring, Garland, Perry, Conway, Pope, Newton, Boone, and all counties east thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
	Zone 51—Continued
Cape Girardeau, Mo. Marquette, Mo.—Continued.	Tennessee, the following counties: Sumner, Wilson, Rutherford, Bedford, Marshall, Giles, and all counties west thereof. Kentucky, the following counties: Meade, Hardin, Grayson, Butler, Warren, Simpson, and all counties west thereof. Indiana, the following counties: Knox, Pike, Dubois, Spencer, Warrick, Gibson, Posey, and Vanderburgh. Illinois, the following counties: Madison, Bond, Fayette, Effingham, Jasper, Crawford, and all counties south thereof.
	Zone 52
Chanute, Kans. Fredonia, Kans. Independence, Kans. Iola, Kans. Humboldt, Kans. Dewey, Okla.	Kansas, all counties. Nebraska, the following counties: Red Willow, Furnas, Harlan, Phelps, Buffalo, Hall, Hamilton, York, Polk, Butler, Saunders, Douglas, Sarpy, and all counties east and south thereof. Missouri, the following counties: Mercer, Sullivan, Linn, Charlton, Randolph, Boone, Cole, Osage, Maries, Pulaski, Texas, Shannon, Carter, Oregon, and all counties west thereof. Arkansas, the following counties: Fulton, Sharp, Lawrence, Jackson, White, Lonoke, Pulaski, Saline, Hot Springs, Garland Yell, Scott, Polk and all counties north and west within th periphery of those counties and the state line. Oklahoma, the following counties, Harmon, Jackson, Tillman, Cotton, Jefferson, Carter, Murray, Garvin, McClain, Pottawatomie, Seminole, Hughes, Pittsburg, Lattimer, Le Flore, and all counties north and west thereof. Texas, the following counties: Deaf Smith Randall, Armstrong, Donley, Collingsworth, and all counties north thereof.
	Zone 53
Ada, Okla.	Kansas, the following counties: Clark, Comanche, Barber, Harper, and Sumner. Oklahoma, all counties except Cimarron, Texas, Washington, and Nowata. Arkansas, the following counties: Benton, Carroll, Boone, Newton, Madison, Washington, Crawford, Franklin, Johnson, Pope, Conway, Faulkner, Pulaski, Perry, Yell, Logan, Sebastian, and Scott. Missouri, the following counties: Jasper, Lawrence, Greene, Christian, Taney, Stone, Barry, Newton, and McDonald. Texas, the following counties: Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Erath, Hamilton, Bosque, Hill, Navarro, Henderson, Cherokee, Nacogdoches, Shelby, and all counties west and north thereof within the periphery of these counties and the State line. New Mexico, the following counties: Curry, Roosevelt, and Chaves.
	Zone 54
Okay, Ark.	Arkansas—all counties. Louisiana, the following parishes, Calcasieu, Jefferson Davis, Acadia, Lafayette, Iberia, St. Martin, Iberville, East Baton Rouge, East Feliciana, and all parishes north and west thereof. Mississippi, the following counties: De Soto, Tate, Panola, Tallahatchie, Leflore, Humphreys, Yazoo, Hinds, Copiah, Lincoln, Amite, and all counties west thereof. Oklahoma, the following counties: Adair, Pushmataha, Sequoyah, Choctaw, Haskell, Pittsburg, Latimer, Le Flore, and McCurtain. Tennessee, the following county: Shelby. Texas, the following counties: Red River, Franklin, Wood, Rains, Van Zandt, Henderson, Anderson, Cherokee, Angelina, San Augustine, Sabine, and all counties east thereof.
	Zone 55
Dallas, Tex. Ft. Worth, Tex. (Harrys, Eagle Ford and No. Ft. Worth, Tex.).	Texas, the following counties: Culberson, Reeves, Ward, Crane, Upton, Crockett, Sutton, Menard, Mason, Llano, Burnet, Williamson, Milam, Robertson, Leon, Anderson, Cherokee, Rusk, Panola, and all counties north thereof. Oklahoma, the following counties: Roger Mills, Custer, Blaine, Kingfisher, Logan, Lincoln, Pottawatomie, Seminole, Hughes, McIntosh, Haskell, Le Flore, and all counties south thereof. New Mexico, the following counties: Curry, Roosevelt, Chaves, Eddy, and Lea. Louisiana, the following parishes: De Soto, Natchitoches, Winn, Caldwell, Franklin, Tensas, and all the parishes north thereof. Arkansas, the following counties: Scott, Yell, Perry, Pulaski, Jefferson, Lincoln, Drew, Ashley, and all counties south and west thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
Zone 63	
Trident, Mont.	Montana, all counties.
Inkom, Idaho	Texas, the following counties: Beaverhead, Deer Lodge, Jefferson, Madison, and Silver Bow.
	Montana, the following counties: Beaverhead, Deer Lodge, Jefferson, Madison, and Silver Bow.
	Idaho, the following counties: Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Cassia, Custer, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, Teton, and Twin Falls.
	Utah, the following counties: Box Elder, Cache, Rich, Weber, Morgan, Salt Lake, Utah, Tooele, and Davis.
	Wyoming, the following counties: Yellowstone National Park, Teton and Lincoln.
	Oregon, the following counties: Grant, Harney and Malheur.
Zone 64	
Devils Slide, Utah Salt Lake City, Utah.	Utah: All counties.
	Wyoming, the following counties: Yellowstone National Park, Teton, Sublette, Lincoln, Uinta and Sweetwater.
	Idaho, the following counties: Lemhi, Custer, Blaine, Camas, Gooding, Lincoln, Jerome, Cassia and Oneida.
	Nevada, the following counties: Humboldt, Pershing, Lander, Eureka, Elko and White Pine.
Zone 65	
Spokane, Wash. Metaline Falls, Wash. Irvin, Wash.	Washington, the following counties: Okanogan, Chelan, Klickitat, Yakima and all counties east thereof.
	Idaho, the following counties: Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis and Idaho.
	Montana, the following counties: Blaine, Chouteau, Cascade, Teton, Pashaw, Powell, Granite, Ravalli, and all counties west and north thereof.
	Oregon, the following counties: Umatilla, Union, Wallowa and Baker.
Zone 67	
Bellingham, Wash. Concrete, Wash. Grotto, Wash. Seattle, Wash.	Washington, the following counties: Okanogan, Douglas, Grant, Franklin, Walla Walla and all counties west thereof.
Zone 68	
Orofino, Idaho	Idaho, the following counties: Idaho, Lewis, Latah, Benewah, Clearwater, Nez Perce, Shoshone, and Kootenai.
	Montana, the following counties: Sanders, Mineral, Missoula and Ravalli.
	Washington, the following counties: Spokane, Lincoln, Grant, Whitman, Stevens and all counties south and east thereof.
	Oregon, the following counties: Baker, Umatilla, Union and Wallowa.
Zone 69	
Oswego, Oreg.	Oregon—All counties.
	Washington, the following counties: Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, Franklin and Walla Walla.
Zone 70	
Lime, Oreg.	Oregon—All counties.
	Idaho, the following counties: Adams, Valley, Boise, Elmore, Owyhee, Washington, Gem, Canyon, Ada, and Payette.
	Washington, the following counties: Cowlitz, Wahkiakum, Skamania, Clark, Benton, Walla Walla, Klickitat and Franklin.
Zone 71	
Gold Hill, Oreg.	Washington, the following counties: Wahkiakum, Cowlitz, Clark, Skamania and Klickitat.
	Oregon, the following counties: Umatilla, Morrow, Wheeler, Crook, Deschutes, Lake, and all counties west thereof. Further California, the following counties: Del Norte, Siskiyou, Trinity, Shasta, Lassen, Modoc, Humboldt, County may be served by highway haulage only.
Zone 72	
Waco, Tex.	New Mexico: Lea County.
	Texas, the following counties: Collingsworth, Gray, Carson, Potter, Randall, Armstrong, Donley, Collin, Dallas, Ellis, Hill, Bosque, Hamilton, Coryell, Bell, Williamson, Travis, Blanco, Gillespie, Kimble, Sutton, Edwards, Kerr, Bandera, Medina, Frio, McMullen, Atascosa, Karnes, Bee, Goliad, Victoria, Calhoun, and all counties within the periphery of these counties and the Gulf line.
	Oklahoma, the following counties: Beaver, Texas, Alaska, Cod, Byron, Johnston, Marshall, Garvin, Murray, Carter, Stephens, Jefferson, Comanche, Tillman, Jackson, Harman, Cotton, and Love counties.
	Arkansas, the following counties: Sevier, Little River, Miller, Lafayette, Howard, Pike, Clark, Nevada, Columbia, Union, Ouachita, Calhoun, Dallas, and Grant.
	Louisiana, the following parishes: Union, Lincoln, Jackson, Caldwell, Franklin, Catahoula, Avoyelles, St. Landry, St. Martin, Iberia, St. Mary, and all parishes west thereof.
Zone 73	
Houston, Tex Manchester Switch (Houston), Tex.	Texas, the following counties: Bowie, Titus, Norris, Camp, Wood, Rains, Van Zandt, Kaufman, Ellis, Hill, Bosque, Hamilton, Coryell, Bell, Williamson, Travis, Blanco, Gillespie, Kimble, Sutton, Valverde, and all counties south thereof.
	Louisiana, the following parishes: Sabine, Vernon, Rapides, Grant, Natchitoches, Red River, Bienville, Bossier, and West Baton Rouge, Iberville, Ascension, St. John the Baptist, St. Charles, Orleans, Jefferson, St. Bernard, and all parishes south and west thereof.
Zone 74	
San Antonio, Tex (Cementville, Tex.) Longhorn, Tex.	Texas, the following counties: Hudspeth, Jeff Davis, Presidio, Brewster, Pecos, Crockett, Sutton, Edwards, Kerr, Bandera, Medina, Frio, McMullen, Atascosa, Karnes, Bee, Goliad, Victoria, Calhoun, and all counties within the periphery of these counties and the Gulf line.
Zone 75	
Rapid City, S. Dak.	North Dakota and South Dakota: All counties.
	Montana, the following counties: Phillips, Garfield, Rosebud, Yellowstone, Big Horn, and all counties east thereof.
	Wyoming, the following counties: Sheridan, Johnson, Campbell, Crook, Weston, Converse, Niobrara, Platte, and Goshen.
	Nebraska, the following counties: Box Butte, Sheridan, Dawes, Sioux, Scotts Bluff, Morrill, Garden, Cherry, Brown, Rock, Holt, Antelope, Knox, Cedar and all counties north thereof.
Zone 76	
Boettcher, Colo Laramie, Wyo.	Colorado and Wyoming: All counties.
	Montana, the following counties: Big Horn, Carbon, Treasure, Yellowstone and Stillwater.
	Utah, the following counties: Weber, Davis, Morgan, Salt Lake, Summit and Daggett.
	New Mexico, the following counties: San Juan, Rio Arriba, Sandoval, Bernalillo, Santa Fe, San Miguel, Quay and all counties east and north thereof.
	Nebraska, the following counties: Sioux, Dawes, Sheridan, Grant, Hooker, McPherson, Lincoln, Frontier, Redwillow, and all counties south and west thereof.
Zone 61	
Portland, Colo.	Colorado—all counties.
	New Mexico, all counties except: Curry, Roosevelt, Chaves, Lea and Eddy.
	Texas, the following counties: Deaf Smith, Randall, Armstrong, Donley, Collin, Dallas, Ellis, Hill, Bosque, Hamilton, Coryell, Carson, Hutchinson, Roberts, Hemphill, and all counties north thereof; also El Paso County.
	Kansas, the following counties: Meade, Gray, Finney, Lane, Scott, Logan, Gove, Trego, Ellis, Rooks, Osborne, Mitchell, Clay, Wichita, Scott, Hamilton, Kearny, Stanton, Grant, Haskell, Morton, Stevens and Seward.
	Oklahoma, the following counties: Cimarron, Texas, and Beaver.
Zone 62	
El Paso, Tex.	Arizona, all counties except: Mohave and Yuma.
	New Mexico, all counties except: San Juan, Rio Arriba, and Taos.
	Texas, the following counties: Valverde, Sutton, Schleicher, Crockett, Pecos, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Howard, Mitchell, Nolan, Coke, Runnels, Concho, Tom Green, Irion, Reagan, Upton, Crane, Ward, Reeves, Culberson, Hudspeth, Jeff Davis, Presidio, Brewster, and all counties west thereof.

APPENDIX A—Continued

Column 1 Point of Origin	Column 2 Deliveries Permitted to:
Zone 78	
Cowell, Calif. Davenport, Calif. Kentucky House (San Andreas), Calif. Merced, Calif. Permanente (Los Altos), Calif. Redwood City, Calif. Sargent, Calif. Hollister, Calif. San Juan Bautista, Calif.	California, the following counties: Santa Barbara, Kern, Tulare, Sequoia National Park, Fresno, Madera, Yosemite National Park, Mariposa, Tuolumne, Alpine, and all counties north and west thereof; furthermore, Mono and Inyo Counties may be served by highway haulage only. Nevada, the following counties: Washoe, Storey, Ormsby, Douglas, Lyon, Mineral, Esmeralda, Churchill, Lander, Eureka, White Pine, Elko, Pershing and Humboldt; also the City of Tonopah.
Zone 73	
Colton, Calif. Crestmore, Calif. Los Angeles, Calif. Monolith, Calif. Oro Grande, Calif. Victorville, Calif.	Arizona—All Counties. Utah, the following counties: Washington, Iron, Beaver, Millard and Juab. Nevada, the following counties: Lincoln, and Clark; furthermore Esmeralda, Mineral and Nye Counties may be served by highway haulage direct or from Lone Pine, California. California, the following counties: Monterey, Fresno, Madera, Mono, Alpine and all counties south thereof.

[F. R. Doc. 44-627; Filed, January 12, 1944; 11:20 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-221, as Amended Jan. 12, 1944]

TEXTILE BAGS

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of textile bags for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.23 *Conservation Order M-221*—(a) *Definitions.* For the purposes of this order:

(1) "Textile bag" means any hand- or machine-sewed bag made of cotton, burlap, or other textile fabric including open mesh fabrics woven from cotton and twisted paper yarns but excepting bale covers, textile wrappings, and combination textile-paper bags (bags made of textile laminated with paper).

(2) "New textile bag" means any textile bag when neither the fabric nor the bag has been previously used.

(3) "Used textile bag" means any textile bag when the bag or the fabric previously has been used one or more times.

(4) "Bag maker" means any person engaged in the business of manufacturing new textile bags.

(5) "Dealer" means any person whose principal business is that of buying, selling, or reconditioning empty textile bags.

(6) "User" means any person who acquired 500 or more empty new or used textile bags for use in his business during 1942 or who acquires such amount during any subsequent calendar year.

(7) A person shall be deemed a "commercial emptier" at such times when in any of the three immediately preceding calendar months he acquired in his business and emptied 400 filled textile bags.

(8) "Export" means any shipment from the continental United States (the 48 states and the District of Columbia).

(9) "Burlap laminated bag" means any bag made of burlap laminated to paper, with any adhesive or water-proofing substance.

General Restrictions for All Persons

(b) *Joint responsibility.* No person shall deliver textile bags to any other person if he has reason to believe that the other person is not entitled to accept them under the provisions of this order or that they will be used for any purpose prohibited by this order.

(c) *Sampling bag-contents.* No person shall sample the contents of any new or used textile bag except by opening the closure or by inserting a probe or trier without damage to the fabric.

(d) *Sand bags.* No person shall purchase or accept delivery of any new or used textile bag to be used for protection against air raids or other war hazards.

(e) *Size-changing.* No dealer, user, or commercial emptier shall change the size of any burlap textile bag while it has a commercial use as a bag, with or without mending.

(f) *Processing of used bags for sale.* No dealer, user, or commercial emptier shall sell or deliver any used textile bag to any person for his own use unless the bag has been processed and repaired and all holes, including trier or probe holes, properly mended or patched. Nothing in this paragraph shall prevent the delivery of any bag for the purpose of repair or delivery to the owner. For the purposes of this provision, "process" means to clean a used textile bag by washing, vacuuming, or any other method sufficient to prepare the bag for further re-use.

(g) *Sale of used raw sugar bags.* No dealer, user or commercial emptier shall sell or deliver any No. 1 jute (gunny) sugar bag suitable for packing Puerto Rican or Cuban raw sugar to any person for any use other than packing Puerto Rican or Cuban raw sugar. For the purposes of this paragraph, the jute bags referred to shall be limited to bags which have been used for packing raw sugar and which have no holes at all or have no more than seven trier holes, all of which have been patched or mended.

(h) *Export of empty bags.* Unless specifically authorized by the War Production Board, no person shall export any empty new or used burlap textile bag or any empty new or used open mesh textile bag. The requirement for such authorization is in addition to, and not in place of, any applicable export licensing requirements of the Office of Economic Warfare. Application for authorization for such export shall be made by letter or telegram to the War Production Board stating the pertinent facts, including (1) the destination of the bags (2) the source from which the bags have been or are to be acquired, and (3) the quantity, size and material of the bags. Such applications concerning exports which also require licensing by the Office of Economic Warfare should be submitted through that agency to the War Production Board. The restriction of this paragraph shall not apply to:

(1) *Foreign re-users.* The export of empty used bags which previously contained any of the following products and which, in accordance with established practice of the industry involved, are being exported in the expectation that they will be re-used by foreign suppliers of the same product for further packing of that product: sugar, asbestos, or any other product designated by the War Production Board because it so impregnates the bag material as to make the bag unsuitable for packing any other commodity without excessive cleaning.

(2) *Transshipment.* Completing the transshipment of textile bags which are in transit from a point outside the continental United States to another such point and which have been landed in the continental United States (in a free zone or free port or in bond) pending such transshipment.

(3) *Exports to Canada.* The export of empty new or used burlap textile bags or new or used open mesh textile bags to Canada.

Additional Restrictions for Bag Makers

(i) *Overstitching.* No bag maker shall overstitch the raw edge or selvage edge of any new textile bag except new wool bags.

(j) *Eyelets, grommets.* No bag maker shall manufacture any new textile bags with metal eyelets or metal grommets.

(k) *Bag sizes for certain commodities*—(1) *Sizes permitted.* No bag maker shall manufacture any new textile bag designed for packing any commodity listed below, except in any size of more than 100 lbs. or in any of the sizes specified below for that commodity:

Bag designed for packing commodity specified	Bag size (net weight capacity unless otherwise specified)
(1)	(2)
Beans	2-5-10-25-50-100 lbs.
Cement (standard portland)	94 lbs.
Flour (milled wheat)[1]	2-5-10-25-50-100 lbs.
Meal	2-5-10-25-50-100 lbs.
Plaster (gypsum)	2-5-10-25-50-100 lbs. (gross weight).
Potatoes[2]	2-5-10-15-25-50-100 lbs.
Processed feed (mixed, mill)	2-5-10-25-50-100 lbs.
Rice	2-3-5-10-15-25-50-100 lbs.
Salt	2-4-10-25-50-100 lbs.
Seeds	2-5-10-25-50-100 lbs. 1, 2 bu.[3]
Starch (corn)	2-5-10-25-50-100 lbs.
Sugar (refined cane, beet)	2-5-10-25-50-100 lbs.

[1] "Flour (milled wheat)" means any flour product produced by milling wheat, including blends of wheat flours and bleached, bromated, enriched phosphated, and self-rising flours, but excluding durum wheat products (semolina), farina, pancake flour, and cake flour.

[2] Additional sizes are permitted as follows: ⅛ bu. for hybrid seed corn; 3 bu. for cotton seed.

[3] These restrictions do not apply to open mesh bags used for packing potatoes.

(2) *Exception for export by bag maker.* The size restrictions of paragraph (k) (1) above shall not apply to the manufacture of bags to be exported, empty, by the bag maker. However, the export-authorization requirement of paragraph (h) above shall apply if the bags are made of burlap.

(3) *Exception for export by user.* The size restrictions of paragraph (k) (1) above shall not apply to the manufacture of bags ordered by any person for packaging any listed commodity to be exported by him, provided the bag maker receives from such person a written certification as provided for in Exhibit A attached to this order. However, the export-authorization requirement of paragraph (h) above shall apply if the bags are made of burlap.

Additional Restrictions for Commercial Emptiers

(l) *Emptying bags.* No commercial emptier shall remove the contents of any textile bag except by opening the closure, unless the contents have become so caked or solidified that salvage of the bag is not practicable.

(m) *Time-limit on holding empty bags.* Within 60 days after emptying any number of textile bags, a commercial emptier shall use, or transfer to dealers or users, an equal number of empty used textile bags from his inventory. Such disposition may be deferred beyond the 60-day period in the following cases:

(1) *Seasonal re-use.* If the commercial emptier needs the bags for packing a seasonal product (whether or not produced by him), he may retain them until the product becomes available for packing, subject, however, to the inventory restriction of paragraph (n) below.

(2) *Carload accumulation.* If, in accordance with his past practice, the commercial emptier wishes to accumulate a carload quantity of such bags for return to users for further packing of the kind of product last packed in them, he may retain such bags until he has accumulated a carload quantity.

Additional Restrictions for Users

(n) *Inventory restriction.* No user shall accept delivery of any empty new or used textile bags at a time when, or when by virtue of the delivery, his inventory of new or used empty textile bags is or will be in excess of a practical minimum working inventory for the uses which are not prohibited by this order. Except in the case of bags required by a user for packing a seasonal product (whether or not produced by him), such inventory shall not exceed the aggregate number of new or used empty textile bags which will be required to carry on his business during the next 60 days.

(o) *Quota restriction on acceptances of burlap bags.* (1) During 1943, no user shall accept delivery of more than his quota of new burlap textile bags for packing the products below. His quota shall be the larger of the following amounts: (i) 500 such bags for all the products or (ii), for each class of product listed below, the specified percentage of the number of such bags he accepted during the calendar year 1941 for packing that class:

Class of product (1):	Quota percentage (2) (Percent)
Petroleum waxes	100
Stearic acid (cakes or slabs)	100
Salt	100
Refined sugar (restricted to covers or balers for smaller packages totaling approximately 100 pounds)	100

The above restriction does not apply to bags made of "scrim" (burlap weighing less than 7 ounces per yard—40" width) nor to bags for packing mohair, wool, or wool products. The number of any such bags accepted by any user during 1941 shall not be included in computing any quota above.

(2) The provisions of subparagraph (1) shall apply to the calendar year 1944 and succeeding calendar years except that the quota restriction will be based on the number of bags accepted during either the calendar year 1941 or 1942, whichever is the greater, and the number of "scrim" bags or bags for packing mohair, wool or wool products accepted during 1941 or 1942, whichever year is taken as the base period, shall not be included in computing the quota.

(3) During 1944 and each succeeding calendar year each person packing wheat or small grains in the States of California, Idaho, Montana, Oregon, Washington or Arizona may accept delivery of not more thn 100% of the number of new Calcutta Wheat bags that he used during the calendar year 1940 for packing those products. These may only be used for packing wheat or small grains in those states. However, if he used less than 500 such bags during 1940 he may accept delivery of 500 such bags for packing those products during 1944.

(p) *Products permitted for burlap bags.* No user shall use any new textile bag made of burlap for packing any products other than the following:

Mohair; wool; wool products; petroleum waxes; stearic acid (cakes or slabs); agricultural products except refined cane or beet sugar (not in balers or covers for smaller packages totalling approximately 100 pounds), corn sugar refined beyond the crude or chip stage, fertilizer tankage, or fertilizer.

(q) *Products permitted for cotton bags.* No user shall use any new textile bags made of cotton for packing any products other than the following:

Agricultural products; cement; chemicals; core sand; currency, coin, or securities; fertilizer; glues; gypsum; malt; meats; metal abrasives; metal parts; pastes; plaster; sand; shellfish; tire chains; or such other products as may be authorized by the War Production Board, pursuant to application on Form WPB–1319 (PD–556).

"Agricultural products" includes, but is not limited to, beans; coffee; cotton; feed; flour; fruits; grain; meal; nuts; potatoes; poultry grits; rice; salt; seeds; starch; sugar; tobacco; vegetables.

(r) *Mohair bags.* No user shall use any new or used textile bag for packing mohair unless the word "Mohair" appears in legible type on both sides of the bag.

(s) *Burlap laminated bags.* No user shall use any new burlap laminated bag for packing organic fertilizer. The restriction shall not apply to bags ordered before January 12, 1944.

NOTE: Paragraphs (t) and (u), formerly (s) and (t), redesignated Jan. 12, 1944.

(t) *Use of wool bags.* No user shall use any wool bag except as provided below. A "wool bag" is any new or used textile bag, made of burlap, between 5½ and 7½ feet in length, ordinarily used to package wool. Such bag shall not be considered a wool bag when no longer capable of carrying any of the following: grease wools, scoured wools, noils, wool wastes or mohair.

(1) *General.* Wool bags shall be used only for packing or wrapping wool or wool products and only in accordance with the further restrictions of paragraphs (s) (2), (3), and (4) below.

(2) *Heavy #1 wool bags.* A "heavy #1 wool bag" is a new or used wool bag made of 12-ounce or heavier burlap and capable of being packed or repacked to its intended capacity with any of the types of wool listed below in this subparagraph. Heavy #1 wool bags shall be used only for packing any of the following types of wool:

Graded wools; Territory, California, or Texas grease wools or mohair.

(3) *Light #1 wool bags.* A "light #1 wool bag" is a new wool bag made of burlap lighter than 12-ounce weight. Light #1 wool bags shall be used only for packing any of the following types of wool:

Territory, California, or Texas grease or scoured wools or mohair; carbonized wool; carbonized noils; carbonized card waste; fine white garnetts; fine white laps; cut wool tops; broken wool tops; wool backings; rayon; synthetic fibres.

(4) *#2 Wool bags.* A "#2 wool bag" is any used wool bag other than a heavy #1 wool bag. #2 wool bags shall be used only for packing any of the following types of wool:

Grease wools; fleece wools; pulled wools; scoured wools or noils; carbonized or uncarbonized wool wastes.

General Exceptions

(u) *Bags for certain Government agencies.* The restrictions of this order shall not apply (1) to the manufacture of textile bags manufactured to meet the packaging specifications of, and for delivery to or for the account of, the government agencies listed below or (2) to the purchase, acceptance, use, or export of textile bags by those agencies: the Army, Navy, Maritime Commission, United States Post Office, Federal Reserve System, United States Treasury Department (for Lend-Lease requirements and for coin, currency, and securities requirements), War Shipping Administration, or any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Land-Lease Act).

Miscellaneous Provisions

(v) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref.: M–221.

(w) *Appeals.* Appeals from the quota restrictions of paragraph (o) above shall be made by application in triplicate on Form WPB–3997 (PD–183–c). Appeals from any other restriction of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(x) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(y) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

The certification provided for in paragraph (k) (3) shall be substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

"The bags ordered herewith are for packaging commodities for export by the undersigned and therefore need not correspond with the sizes specified in Order M–221 for the commodities concerned.

Company ---------- By ----------

Date ---------- Title ----------"

Any such certification shall constitute a representation to the War Production Board and to the bag manufacturer. The bag manufacturer shall be entitled to rely thereon unless he has reason to believe it is not true.

[F. R. Doc. 44–629; Filed, January 12, 1944; 11:20 a. m.]

PART 3270—CONTAINERS

[Conservation Order M–343 as Amended Jan. 12, 1944]

BOX-VENEER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of box-veneer for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.4 *Conservation Order M–343*—(a) *Definitions.* For the purposes of this order:

(1) "Veneer" means single-thickness lumber made by the rotary cutting of logs.

(2) "Box-veneer" means veneer made for use, in single thickness, in the manufacture of wooden shipping containers.

(3) "Aircraft-veneer" means veneer made for use in the manufacture of aircraft.

(4) "Marine-veneer" means veneer made for use in the manufacture of boats or ships.

(5) "Producer" means any person who operates a plant in which, at any time since January 1, 1942, box-veneer has been made for sale to box-manufacturers.

(6) "Box-manufacturer" means any person who manufactures wooden shipping containers made in whole or in part from box-veneer.

Quota and Sale Restrictions

(b) *Quota restriction.* This order does not restrict the amount of box-veneer, aircraft-veneer, or marine-veneer which a producer may make. However, during any quota period, no producer shall make veneer of any type other than those three types unless, during that period, he makes enough box-veneer to fill his box-veneer quota. Quota periods and amounts are set out in paragraph (d) below.

(c) *Sale restriction.* No producer shall sell to any one except box-manufacturers the box-veneer produced to fill his quota.

(d) *Quota periods and amounts.* Every producer shall determine how many board feet of box-veneer were made in his plant during each of the following 2 periods: the first 6 months of 1942 and the first 6 months of 1943. The larger of those two amounts is his "base quantity". For the 1½-month quota period August 16–September 30, 1943, his box-veneer quota shall be 25% of his base quantity. For each 3-month quota period thereafter (October–December, January–March, etc.), his box-veneer quota shall be 50% of his base quantity.

(The 25% and 50% quotas represent 1½ and 3 month periods. However, they are applied to a 6-month base quantity. Therefore, in effect, they represent 100% of the 6-month rate of operation.)

Miscellaneous Provisions

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(f) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: M–343.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–628; Filed, January 12, 1944; 11:20 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–217, as Amended Jan. 12, 1944]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.101 *Conservation Order M–217*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M–328, as amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (e) (3) of Conservation Order M–328.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) "Horizontal quarter seams" means seams on quarters running in a predominantly horizontal direction (i. e. parallel to the sole).

(5) "Design and construction" of footwear means the make-up of the footwear in every detail, so that any two items of footwear of the same design and construction are necessarily identical, except in size; but does not refer to the means whereby the footwear is manufactured.

(6) "Cattle hide leather" means any leather (including splits) made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks) and shall also include buffalo hides.

(7) "Pintucking" means a raised effect on the surface of footweaf accomplished by either single or double needle stitching, but does not include the raised seam on a moccasin type vamp.

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) "Padded sole house slippers" means slippers having conventional padded soles where the outsole is made of fabric, imitation leather or split leather not over 2½ ounces in weight and is directly stitched to the upper or to a platform cover.

(10) "Line" means footwear of any one of the following types:

Men's dress,
Men's work,
Youths' and boys',
Women's and growing girls',
Misses' and children's,
Infants',
House slippers,
Athletic,
Men's safety shoes, and
Women's safety shoes,

to the extent that such type of footwear is manufactured for sale in the same manufacturer's price range; *Provided*, That:

(i) Footwear of substantially identical kind and quality sold in more than one price range to different types of purchasers shall be deemed one line; and

(ii) In case the sale by the manufacturer is at retail or to a purchaser controlled by the manufacturer, the applicable price range shall be the retail price range.

(iii) Up to a net wholesale price of $1.75 a pair misses' and children's footwear (not including slippers) may be deemed one line, and youths' and boys' footwear (not including slippers) one line, but no production in new price ranges is authorized unless specifically approved under paragraph (i) (3) (vii), below.

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent, or twenty-five (25) cents a pair, whichever is the greater.

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 to April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(17) "Long shield tip" means a shield tip having a horizontal measurement from the bottom of the curve to the upper end of the tip of more than 1 inch (using size 4B as a standard).

(c) *Curtailment in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) Leather seam laps gauging over ½ inch in width.

(ii) Horizontal quarter seams, on lined low quarter shoes.

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and footwear with fabric uppers.

(v) Woven vamp or quarter patterns.

(vi) Quarter collars, except on unlined shoes and house slippers.

(vii) Bows or other ornaments, if made of leather in whole or in part.

(viii) Outside leather tape, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in goodyear welt footwear other than work shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) Welting in excess of ½ inch in width and 5/32 inch in thickness in shoes other than work shoes, or welting in excess of 9/16 inch in width and 5/32 inch in thickness in work shoes.

(xiii) Straps, buckles, knife pockets or decorative stitching on boots or work shoes.

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) Extension stitched heel seats, except on:

Prewelts in all sizes,
Stitchdowns in all sizes,
Children's shoes up to and including size 3, and
Safety and established orthopedic footwear.

(xvi) Metal nail heads for studs or any metal for decorative purposes.

(xvii) Any stitching thread made from reserved Egyptian cotton (as defined in Conservation Order M-117) or reserved American extra staple cotton (as defined in Conservation Order M-197) for any decorative or any non-functional purpose.

(xviii) Any non-functional or decorative stitching except:

(a) Not more than four rows of non-functional stitching on imitation tips, foxings, saddles, mudguards and moccasin type vamps.

(b) Not more than an aggregate of four rows of functional and non-functional stitching parallel to the vamp, tip, foxing, saddle, and moccasin seams.

(c) Design stitching solely to permit direct non-stop stitching between cut-outs.

(d) Design functional stitching on utility work cowboy boots.

(xix) Any strippings, braidings, pintuckings, lacings or overlays, except those serving a necessary functional purpose.

(xx) Straps passing over, under or through a tongue or vamp.

(xxi) Raised quarter or raised back seams (other than vertical back seams), except on genuine moccasins.

(xxii) Multiple straps, on Roman sandals.

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) Platform soles and platform effects, on all footwear of heel height over 1⅜ inches, using size 4B as the standard.

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) Heels gauging over 2⅛ inches in height, using size 4B as the standard.

(xxvii) Metal spikes, on golf shoes.

(xxviii) Storm welting (except laminated split leather storm welting on work shoes) or caulk welting.

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) Leather or part leather loops performing the function of eyelets.

(2) No person shall use in the manufacture of any footwear any steel shanks of any gauge except:

18 gauge... .045 minimum, .50 carbon steel.
21 gauge... .023 minimum, .50 carbon steel.
19 gauge... .040 minimum, low carbon or basic steel.

unless such shanks were in said person's inventory on September 10, 1942, or were subsequently acquired from a producer of steel shanks who had, prior to September 10, 1942, rolled steel plate for shanks of a different gauge.

(3) No person shall put into process any leather for the manufacture of any boots except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: *Provided, however*, That upon letter application the War Production Board may permit any person to make boots higher than ten inches for use in specified hazardous occupations.

(4) No person shall put into process any leathers or fabrics for the manufacture of footwear of more than one color (subject to unavoidable deviations in shade normally experienced in finishing leathers or dyeing fabrics). This restriction shall apply to the color of stitching, lacing and bindings, but shall not apply to the color of linings and soles. Nothing in this paragraph shall prevent unavoidable discoloring of thread, leather, and perforations as a result of antiquing, or the use of:

(i) Embossed leather or genuine reptiles of the colors permitted in paragraph (f) (1) below but having slight variations in shade caused by normal finishing of such leathers, or

(ii) Embossed leather or genuine reptiles of any color or colors (in all-over shoes) if finished prior to October 16, 1942.

(iii) Shearling collars made of scrap pieces, on house slippers, to the extent available under General Conservation Order M-94.

(iv) An additional color on tips or tongues of safety shoes as above defined.

(5) No person shall put into process for the manufacture of footwear any leather or fabric except leather or fabric finished or dyed in accordance with paragraph (f) below: *Provided, however*, That nothing contained in this paragraph (c) (5) shall prevent any person from using:

(i) Any solid color white cattle hide, turftan, bluejacket blue, gold or silver leather finished prior to March 16, 1943.

(ii) Any other solid color leather or any genuine or imitation reptile leather of any color or colors (in all-over shoes) finished prior to October 16, 1942.

(iii) Any solid color turftan or bluejacket blue fabric acquired by the manufacturer prior to February 20, 1943; or

(iv) Any other solid color fabric dyed prior to September 19, 1942 and acquired by the manufacturer prior to February 16, 1943.

No person shall use any natural colored leather for the manufacture of any footwear except work shoes.

(6) No person shall put into process any cattle hide upper leather (other than kip sides, kipskins and calf), including upper leather splits, gauging 4½ ounces or over for the manufacture of any footwear except work shoes, cowboy utility boots and lined police type high shoes.

(7) No person shall put into process any cattle hide leather (including splits) for uppers or any cattlehide grain leather outsoles (except heads, bellies, shins and shanks of 5 iron or less), for the manufacture of house slippers or romeos.

(8) No person shall attach any leather outsoles or outside leather taps to any footwear having raised or flat seam moccasin type vamps (including genuine moccasins utilising soles) or mudguard vamps, any saddle-type footwear, or any footwear with imitation wing tips, imitation stitched moccasin types, imitation stitched mudguards and imitation stitched saddles; *Provided, however*, That nothing in this subparagraph (c) (8) shall apply to women's and girls' shoes with heels 1⅛ inches and over in height, using size 4B as the standard.

(9) No person shall put into process any patent leather for the manufacture of men's shoes.

(10) No person shall put into process any upper leather or leather or rubber soles for the manufacture of men's sandals.

(11) No person shall manufacture any leather or part leather bows for use on footwear.

(12) No person shall attach any chrome retan soles heavier than 4-iron to any footwear except infants', misses' and children's or youths' and boys'.

(13) No person shall utilise any upper leather or lining leather set aside by tanners pursuant to Conservation Order M-310 or directions issued thereunder, for the following types of footwear:

(i) Infants';

(ii) Misses' and children's;

(iii) Footwear for the physically maimed and deformed manufactured on a custom-made basis and not for stock;

except in the manufacture of one of those types of footwear.

(d) *Restrictions on styling and types manufactured.*

(1) No person shall put into process any leather or fabric for the manufacture of any footwear of a design and construction not utilized by him between September 1, 1940 and December 31, 1942, except that:

(i) In the case of footwear the soles of which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other non-skid or soundproofing features covering not more than 25% of the area of the bottom of the sole) designs and constructions utilized between September 1, 1940 and October 18, 1943 may be used;

(ii) Nothing in this paragraph shall prevent correction of patterns to the extent necessary to remove features prohibited by this order; and

(iii) The War Production Board may make exceptions in this paragraph in favor of patterns or designs which will conserve leather or other materials.

(2) No person shall put into process any leather or fabric for the manufacture of any women's evening slippers, except those using gold or silver upper leather finished prior to March 16, 1943 with split, head, belly, shin or shank outsoles of 5 iron or less.

(3) No person shall use special processes or materials at any stage of manufacturing footwear for the purpose of rendering such footwear more adaptable to retail display.

(4) No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(e) *Exceptions to paragraphs (c) and (d) above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear made wholly without leather and without rubber soles where no two-tone effect is created. This exemption shall extend only to paragraph (c). However, shoes of multi-colored fabric (a single fabric containing more than one color) are permitted and may have bindings or other trimmings (not including tips, foxings and eye stays) in one of the colors of the material.

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' footwear up to and including size 4.

(6) Footwear the uppers of which are made of shearlings.

(c-e) *Restrictions on the manufacture of safety shoes.* No person shall manufacture any safety shoes which have leather uppers with leather or rubber (including synthetic rubber) compound bottoms, except those which comply in respect to types, patterns, materials, method of construction, labelling and all other details with the American War Standards Specifications for Protective Occupational Footwear, published by the American Standards Association. These specifications are listed below and may be obtained from the War Production Board, Textile, Clothing and Leather Division,

Washington 25, D. C., or from the American Standards Association, 29 West 39th Street, New York, N. Y.

Men's Safety-Toe Shoes—Z41.1–1943 (2nd edition)—September 24, 1943
Men's Conductive Shoes—Z41.3–1943 (3rd edition)—September 24, 1943
Men's Explosives-Operations (Non-Sparking) Shoes—Z41.4–1943 (2nd edition)—September 24, 1943
Men's Electrical-Hazards Shoes—Z41.5–1943 (3rd edition)—September 24, 1943
Men's Foundry (Molders) Shoes—Z41.6–1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (Oxford) Shoes—Z41.2–1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (High) Shoes—Z41.7–1943 (2nd edition)—September 24, 1943
Women's Explosives-Operations (Non-Sparking) Shoes—Z41.8–1943—(2nd edition)—September 24, 1943
Women's Conductive Shoes—Z41.9–1943 (2nd edition)—September 24, 1943

Upon letter application the War Production Board may authorize deviations from the above mentioned standards when necessary to meet minimum civilian requirements for safety shoes.

(f) *Restriction on tanning and dyeing.* (1) No person shall finish any leather for use as upper leather except in the following colors (subject to unavoidable deviations in shade normally experienced in finishing leathers):

Black.
White, except in cattle hide leathers.
Army russet and town-brown, as appearing on the Fall 1942 color card of the Textile Color Card Association of the United States, Inc.
Natural color.

(2) No person shall color any leather or dye any fabric for use in shoe uppers except in the colors mentioned in paragraph (f) (1) above, (subject to unavoidable deviations in shade normally experienced in tanning and dyeing).

(3) No person engaged in the business of shoe manufacturing shall dye any new footwear except in the colors mentioned in paragraph (f) (1) above.

(4) Restrictions of this paragraph shall not apply to the dyeing of fabrics for use in footwear excepted by paragraph (e) (1), above.

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by, or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(5) No manufacturer shall accept delivery of any upper leather or lining leather reserved by tanners pursuant to Conservation Order M–310, or directions issued thereunder, for the manufacture of the following types of footwear:

(i) Infants';
(ii) Misses' and children's;
(iii) Foodwear for the physically maimed and deformed manufactured on a custom-made basis and not for stock;

if his inventory of leather available for making these types of footwear will thereby become greater than a 30-days' inventory, based on the previous months' production.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning March 1, 1943 complete the manufacture of more civilian footwear within the following lines than the percentage of his civilian line quota for such line shown in the following schedule:

	Percent
Youths' and boys'	125
Infants'	125
Men's safety shoes	125
Men's work	115
Men's dress	100
Women's and growing girls'	100
House slippers	100
Athletic	100
Women's safety shoes	100

With respect to misses' and children's footwear, no manufacturer may exceed 125% of his aggregate quotas for all his lines of misses' and children's footwear, but his production may be distributed among his established lines of misses' and children's footwear in any manner desired: *Provided, however,* That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs* (i) (1) *and* (i) (2). (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to a lower priced line of the same type of civilian footwear.

To the extent shown in the following schedule, any person may transfer the unused portion of any civilian line quota or quotas of men's dress or women's and growing girls' footwear to the production of the following types of footwear:

Type:	Percentage of unused quota permitted to be added
Men's work	115
Youths' and boys'	125
Misses' and children's	125
Infants'	125

Provided, however, That in no event shall any unused quota be added to a higher priced line, *And provided further,* That in no event shall a new line be added until authorization has been obtained under paragraphs (d) (1) above and paragraphs (i) (3) (vii) below.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During any six months' period, beginning March 1 or September 1 in any year, a manufacturer whose total production for the period will be less than $250,000 (based on wholesale value) is not subject to paragraph (i) (1), provided that no new lines are added.

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear made for the physically maimed or deformed on a custom-made basis and not for stock.

(vi) Until September 1, 1943 footwear made wholly without leather and without rubber soles shall not be included in computing production for the purposes of this paragraph (i). The War Production Board may authorize any person making a line of reasonably durable footwear utilizing non-critical materials to exceed his civilian line quota for such line. Application for such authorization shall be made by letter, describing fully the footwear proposed to be manufactured, listing in detail all the materials to be used and stating the quantity of such footwear to be made, the price range, the source of the manpower to effect such increase in production, and all other facts pertinent to the application.

(vii) Any person who has no civilian line quota for a particular type of footwear may apply by letter for one or more civilian line quotas, stating the types and construction of the footwear he proposes to manufacture, the number of pairs to be made, the price range, the consumer need for footwear of the quality proposed to be made, the source of the manpower to make such footwear, and whether production will be reduced in any other line or lines. No such quota will be granted unless the footwear to be made has been specifically priced by the Office of Price Administration.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(l) All persons affected by this order shall file such reports and questionnaires as may be requested by the War Production Board, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M–217.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Effective dates.* This order as amended shall become effective on January 12, 1944 with the exception of paragraph (c) (12) which shall become effective on March 15, 1944.

Conservation Order M–217 as presently in force shall remain in force until superseded by this amended order.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The substitute material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. ± 2° F. and reconditioning at 65 per cent ± 2 per cent relative humidity and 120° F. ± 2° F., when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. ± 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours.

Effect of water. After submerging in water at 75° F. ± 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3290.191. (Conservation Order M–217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date. (Issued October 6, 1943.)

INTERPRETATION 2

FOOTWEAR

The reference to "leather outsoles or outside leather taps," in paragraph (c) (8) of § 3290.191 Conservation Order M–217 designates outsoles and outside taps the wearing qualities of which are derived primarily from leather. For example: An outsole composed primarily of leather but having a paper coating would constitute a "leather outsole," since, presumably, the paper would soon disappear and the wearing quality of the sole would rest primarily upon the leather.

On the other hand, if a sole of durable substitute material were cemented on a thin leather sole so that the substitute material received the wear the leather sole would constitute a midsole rather than an outsole.

Similarly, a wooden sole having a leather heel insert to provide nonskid and soundproofing features is not a "leather outsole," because the wear of the shoe is derived mainly from the wooden portion of the sole. (Issued Oct. 18, 1943.)

INTERPRETATION 3

[Interpretation 3 issued Dec. 17, 1943. A Question and Answer interpretation]

[F. R. Doc. 44–630; Filed, January 12, 1944; 11:12 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–340 as Amended Jan. 12, 1944]

MISCELLANEOUS CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.491 *Allocation Order M–340.* (a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form WPB–2947 (formerly PD–602) which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed:

(i) The quantity which he has been specifically authorized, upon application pursuant to Appendix D, to deliver on small orders; or

(ii) If he is a distributor, the quantity which he acquired upon certification that it was required to fill small orders or the quantity which he acquired himself on such a small order; or

(iii) If he is a distributor who customarily delivers exclusively on small orders, any quantity.

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form WPB-2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form WPB-2947 (formerly PD-602).

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-340.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST-116" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.-76" means the chemical known by that trade name.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Effective date—September 1, 1943. Comes in the following grades: no grades.

(6) "Oxidised petrolatum" means high paraffinic petrolatum oxidised and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos. AXS-673, 52-C-16 and AN-C-52, such as those petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 80%; complete solubility in lower alcohols; toluene insoluble 10 to 50 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(8) "Methyl abietate" means the chemical known by that name and by the trade mark "Abalyn".

Effective date—October 9, 1943. Comes in the following grades: no grades.

(9) "Hydrogenated methyl abietate" means the chemical known by that name and by the trade mark "Hercolyn".

Effective date—October 9, 1943. Comes in the following grades: no grades.

(10) [Deleted Oct. 22, 1943.]

(11) "DDT" means the chemical 2, 2-bis (para chlorophenyl) 1, 1, 1-tri-chloroethane, and is also known by the trade name "Neocid".

Effective date—January 1, 1944. Comes in the following grades: no grades.

(12) "Enamel wire naphtha" (also known as E. W. naphtha) means a mixture of aromatic solvents derived from coke oven light oil, drip oil or coal tar, distilling between 150 and 200° C., with at least 15 per cent distilling above 200° C., and containing 20 to 60 per cent monomeric polymerizable constituents of the cumarone-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumarone-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.

Effective date—February 1, 1944. Comes in the following grades: no grades.

APPENDIX B

NOTE: Item (12) added Jan. 12, 1944.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST-116	Gallon	54 gallons	None.
(3) Dehydrol-O	Gallon	54 gallons	None.
(4) G. C.-76	Gallon	54 gallons	None.
(5) By-product phosphoric acid	Ton	5 Tons	None.
(6) Oxidised petrolatum	Pound	25 pounds	None.
(7) Vinsol resin	Pound	500 pounds	None.
(8) Methyl abietate	Pound	5000 pounds	None.
(9) Hydrogenated methyl abietate	Pound	5000 pounds	None.
(10) Deleted Oct. 22, 1943.			
(11) DDT	Pound	1 pound	None.
(12) E.W. Naphtha	Gallon	54 gallons	None

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-340, that the _____ (specify subject chemical) ordered for delivery in _____, 194__, Month

will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Quantity	Primary product	End use
(A)			
(B)			

_____
Name of purchaser

_____ By _____ _____
Date Duly authorized official Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. A distributor ordering the subject chemical for resale as such will specify "resale" or, if ordering exclusively for resale on exempt small orders, will specify "small orders of _____ or less" (specify quantity stated in Column 3 of Appendix B). If purchase is for inventory, state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB-2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Copies of Form WPB-2947 (formerly Form PD-602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form WPB-2947 (formerly Form PD-602) for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form WPB-2947 (formerly Form PD-602) relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M-340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1-a (except for small orders as explained in (7) below), specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form WPB-2947 (formerly Form PD-602) specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB-2947 (formerly Form PD-602) shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 44-631; Filed, January 12, 1944; 11:21 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Limitation Order L-223, Revocation]

HARD FACING MATERIALS

Section 3294.151 *General Limitation Order L-223* is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of hard facing materials remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-632; Filed, January 12, 1944; 11:20 a. m.]

Subchapter D—Office of the Rubber Director

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1 as Amended Jan. 12, 1944]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of rubber, synthetic rubber and balata for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

DEFINITIONS

Sec.
4600.01 Meaning of certain terms.

RESTRICTIONS ON CONSUMPTION

4600.02 Quota restrictions.
4600.03 Product restrictions.
4600.04 Additional permitted uses.
4600.05 Special purpose synthetics and chlorinated rubber.
4600.06 Balata.
4600.07 Finished and semi-finished products.
4600.08 Special restrictions by directive.
4600.09 Prohibited products.

RESTRICTIONS ON DELIVERIES

4600.10 Delivery and acquisition of rubber, chlorinated rubber, synthetic rubber and balata.
4600.11 Delivery of products or parts thereof manufactured in violation of order.
4600.12 Delivery of tires and tubes.

RESTRICTIONS ON INVENTORIES

4600.13 Inventories of materials.
4600.14 Tire and tube manufacturers' inventories of tires and tubes.
4600.15 Resellers' inventories of airplane, bicycle and industrial tires and tubes.
4600.16 Original equipment manufacturers' inventories of tires and tubes.
4600.17 Users' inventories of industrial tires and tubes and solid tires; procurement for replacement purposes.

RESTRICTIONS ON OPERATIONS

4600.18 Regrooving tires.
4600.19 Recapping or retreading tires.
4600.20 [Deleted]
4600.21 [Deleted]

RESTRICTIONS ON IMPORTATION

4600.22 Importation of rubber, synthetic rubber, balata and products thereof.

PURCHASE PROCEDURE

4600.23 Purchase requests for crude rubber, natural latex or general purpose synthetics.

TIRE AND TUBE PRODUCTION

4600.24 Special regulations for tire and tube production.

END-PRODUCT RESTRICTIONS—A: CEMENT

4600.25 Definition.
4600.26 Use of crude rubber and natural latex cement.
4600.27 Use of reclaimed, scrap and synthetic rubber cement.
4600.28 Delivery of crude rubber and natural latex cement.

END-PRODUCT RESTRICTIONS—B: LIFESAVING SUITS

4600.29 Definition.
4600.30 Delivery and acquisition of lifesaving suits.

END-PRODUCT RESTRICTIONS—C: GLOVES

4600.31 Definitions.
4600.32 Delivery and acquisition of professional gloves.
4600.33 Delivery and acquisition of industrial gloves.
4600.34 Certification.

MISCELLANEOUS PROVISIONS

4600.35 Suspension of preference ratings—certain products.
4600.36 Reports.
4600.37 Outstanding authorizations and directives.
4600.38 Applicability of regulations.
4600.39 Appeals.
4600.40 Violations.
4600.41 Communications.

APPENDIX I

Schedule A—Permitted products.
Schedule B—Prohibited products.

APPENDIX II—MANUFACTURING REGULATIONS

TABLE OF LISTS

List
1 Compounds for mechanical rubber products.
2 Conveyor, elevator and flat transmission belting and V-Belts.
3 Hose and tubing.
4 Packing.
5 Dam and lock gate seals.
6 Tire and tube production pattern.
11 Printing rubber products.
19 Hard rubber products.
20 [Deleted]
21 Rubber footwear.
22 Compounds for tires and tire casings.
23 Tire and tube repair materials.
24 Tires and tire casings (except airplane and bicycle).
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26 Tire flaps.
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28 Feeding nipples.

List
29 Airplane tires and tire casings.
30 Retreading materials.
32 Use of high-tenacity rayon cord.
34 Bicycle tires and tubes.
35 Rubber thread.

AUTHORITY: §§ 4600.01 through 4600.42, inclusive, issued under P.D. Reg. 1, as amended, 6 F.R. 6680; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 827; E.O. 9126, 7 F.R. 2719; E.O. 9240, 7 F.R. 7379; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

DEFINITIONS

§ 4600.01 *Meaning of certain terms.* As used in this order:

(a) "Rubber" when used alone refers to any or all of the following: Crude rubber, latex, reclaimed rubber and scrap rubber.

(b) "Crude rubber" means all forms and types of natural crude rubber, but does not mean or include balata, chilte, gutta-percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber, scrap rubber, or latex.

(c) "Latex" means the dry latex solids contained in natural liquid latex.

(d) "Reclaimed rubber" means any vulcanizable material derived from the processing or treatment of scrap rubber except reclaimed residue or "mud". Reclaimed residue or "mud" means dried and recovered sludge consisting of a mixture of partially hydrolyzed cellulose, finely divided rubber and other waste products of the digester process of reclaiming rubber.

(e) "Scrap rubber" means any material which results from or is incident to the processing of rubber or synthetic rubber in the manufacture or repair of any product including any unvulcanized scrap rubber containing fabric and any defectively processed materials or products which are not usable for a purpose for which they are designed. The term also means any finished product or part thereof made in whole or in part from rubber or synthetic rubber which through wear, deterioration or obsolescence has served its purpose in its present state.

The term does not include (1) a pneumatic tire or tire casing which can be made serviceable under present limited operating conditions for a use for which it was designed, by means of a temporary or permanent repair or by retreading or recapping in accordance with recognized commercial practice; (2) any other product which is still usable for a primary purpose for which it was designed; (3) any residual piece of uncured tire cord friction (cord end) which is of sufficient size to be usable as new material in the manufacture of tire patches or in the repair of tires.

(f) [Deleted December 4, 1943]
(g) [Deleted December 4, 1943]
(h) [Deleted December 4, 1943]
(i) [Deleted December 4, 1943]
(j) [Deleted December 4, 1943]

(k) "Synthetic rubber" means Neoprene (all types including GR–M); Thiokol, all types except Thiokol N (GR–P); all isobutylene polymer and copolymer types, including Butyl (GR–I), and polyisobutylene, also known as Polybutene, Vistanex and Synthetic 100; all Butadiene polymer and copolymer types, including but not restricted to Buna S (GR–S all types), and all Buna N types (such as Hycar, Perbunan, Chemigum, Butaprene and Thiokol RD). For convenience of treatment in this order, "synthetic rubber" is divided into two groups, viz: special purpose synthetics and general purpose synthetics.

(l) "Special purpose synthetics" includes all types of Polyisobutylene, Buna N and Thiokol (except Thiokol N). The term also includes Neoprene ILS and FR, Hycar OS–10 and Styraloy.

(m) "General purpose synthetics" includes all types of Buna S, Butyl and Neoprene, except the following types: Hycar OS–10, Styraloy, Neoprene ILS and FR.

(n) "Balata" means any of the gums of recognized commercial grades having a gutta hydrocarbon base and a high resin content, procured from wild forest trees of the Mimusops genus and closely related genera generally found in South and Central America from the Amazon Valley north through Panama, and includes such gums whether in crude or refined (deresinated or partly deresinated) form; but does not mean or include scrap balata or reclaimed balata, or Massarunduba balata and Peruvian F. A. Q. white balata which were not in deresinated form prior to March 5, 1943.

(o) "Chlorinated rubber" means the reaction product of chlorine and rubber, synthetic rubber or balata.

(p) "Consume" means to fabricate process, stamp, cut or in any manner make any substantial change in the form, shape or chemical composition of rubber, synthetic rubber or balata and includes both the consumption of scrap rubber for the production of reclaimed rubber, and the separating, tearing, splitting or pulling apart of scrap rubber for any purpose.

(q) "Government order" means any contract or purchase order for material or equipment:

(1) To be delivered to or for the account of any agency of the United States, including any independent regulatory commission or board, any executive department, independent establishment, commission, board, bureau, division, agency, administration, service, or office of the Executive branch of the Federal Government, and any corporation operated by the Federal Government. The term does not include any contract or purchase order for (i) maintenance, operating or repair material or equipment to be delivered to or for the account of any Federal Government-owned or controlled plant or facility which is not operated by the Federal Government or, (ii), material or equipment to be delivered to or for the account of any post exchange, ship's store, commissary, officers' mess, officers', noncommissioned officers' or enlisted men's club, or any similar agency or organization, whether or not such contract or purchase order bears an endorsement specified in Priorities Regulation No. 17.

(2) To be delivered to, or for the account of, any foreign country under the provisions of the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) Required by the person placing the same to fill his contracts or purchase orders on hand, provided the material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under paragraphs (1) and (2) of this § 4600.01 (q).

(r) "Civilian order" means any contract or purchase order for material or equipment which is not a "Government order" as defined above.

(s) [Deleted Jan. 12, 1944]

(t) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(u) "Import" means to transport into the continental United States from any foreign country or from any territory or possession of the United States, and shall include a release from the bonded custody of the United States Bureau of Customs.

(v) "Vehicle manufacturer" means any person who manufactures any instrument of transportation having solid or pneumatic tires and tubes as part of the original equipment.

(w) "Mass distributor" means a person who purchases and sells tires and tubes manufactured for him under his own brands or trademarks and whose sales volume of tires and tubes in 1941 exceeded 50,000 tires or 100,000 tubes.

(x) "Specific authorization" means an authorization in writing from the Rubber Director, War Production Board.

(y) "Bus mileage contract tire casing" means a tire casing furnished by the owner thereof for use on buses pursuant to a mileage contract, the title to such tire casing remaining at all times in the person furnishing the same.

GENERAL RESTRICTIONS ON CONSUMPTION

§ 4600.02 *Quota restrictions.* No person shall consume crude rubber or latex without a quota assigned by quota directive or other authorization specifying the amounts of crude rubber or latex which he may consume, and no person shall exceed the quantities which he is specifically authorized to consume in any designated period.

The requirements of persons submitting monthly reports on Form WPB–3410 will continue to be anticipated by the issuance from time to time of quota directives. Persons who are not authorized consumers may apply for quotas by writing a letter to the Office of Rubber Director, War Production Board, Washington 25, D. C., setting forth all pertinent facts.

§ 4600.03 *Product restrictions.* No person shall use rubber or general purpose synthetics in the manufacture of products except in accordance with the following restrictions:

(a) *Schedule A products.* Rubber and general purpose synthetics may be consumed in the manufacture of those products listed on Schedule A, Appendix I, for which the particular type of rubber or general purpose synthetic is specifically permitted by Schedule A subject to any applicable manufacturing regulations.

Manufacturing regulations for any listed product are set forth in Schedule A unless reference is made in Schedule A to an applicable list of Appendix II, in which case the list also regulates the manufacture of the particular product.

The amounts of crude rubber or latex which may be consumed are subject to limitations imposed by quota or other specific authorization issued to the consumer in accordance with § 4600.02. General purpose synthetics, reclaimed and scrap rubber, however, may be consumed for permitted uses without limitation as to amount.

(b) *Products not listed on Schedule A.* To fill Government orders only, general purpose synthetics, reclaimed and scrap rubber may be consumed in the manufacture of products not listed on Schedule A, Appendix I, unless the product is specifically prohibited for Government orders by Schedule B (Prohibited products).

§ 4600.04 *Additional permitted uses.* No person shall consume rubber or general purpose synthetics for any purpose not permitted by § 4600.03 without specific authorization except as follows:

(a) *Scrap rubber for production of reclaimed rubber.* Scrap rubber may be consumed to produce reclaimed rubber.

(b) *Experimental use of general purpose synthetics.* Any person who consumes rubber, synthetic rubber or balata in the manufacture of products permitted by this order may consume two hundred pounds of general purpose synthetics in any thirty day period for experimental purposes. Purchase requests for general purpose synthetics produced in Government plants in lots of 200 pounds or less, for experimental use may be made directly to Rubber Reserve Company, Washington, D. C.

§ 4600.05 *Special purpose synthetics and chlorinated rubber.* No person shall consume special purpose synthetics or chlorinated rubber except upon specific authorization of the War Production Board. Requests for authorization are made by filing Form WPB–2877 in duplicate with the Office of Rubber Director, Washington 25, D. C., in accordance with the instructions accompanying the form.

§ 4600.06 *Balata.* No person shall consume balata except upon specific authorization of the War Production Board. Requests for authorization to consume balata may be made by letter to the Office of Rubber Director, War Production Board, Washington 25, D. C.

§ 4600.07 *Finished and semi-finished products.* No person shall consume any finished or semi-finished product which is usable for a purpose for which it was designed, and which contains in the aggregate more than 10% by weight of rubber or general purpose synthetics except to consume the same in accordance with the provisions of this order applicable to the consumption of rubber, synthetic rubber and balata.

§ 4600.08 *Special restrictions by directive.* War Production Board may from time to time by special directive limit the consumption of rubber or general purpose synthetics in the manufacture of any product whether to fill Government or civilian orders.

§ 4600.09 *Schedule B: Prohibited products.* No rubber or synthetic rubber may be consumed in the manufacture of any product listed in Schedule B, Appendix I. Schedule B is applicable to Government and civilian orders, and is compiled for the purpose of indicating the products which ordinarily do not receive favorable consideration on appeal.

In case of conflict between the provisions of Schedule A and Schedule B, Schedule B shall govern.

RESTRICTIONS ON DELIVERIES

§ 4600.10 *Delivery and acquisition of rubber, chlorinated rubber, synthetic rubber and balata.* No person shall deliver rubber, synthetic rubber, chlorinated rubber, or balata except as permitted by regulations of Rubber Reserve Company or as specifically authorized by the War Production Board. No person, other than Rubber Reserve Company, shall accept such delivery, except for the purpose of consuming the same in accordance with the provisions of this order. Nothing contained in this § 4600.10 shall be deemed to prohibit:

(a) Delivery of rubber, synthetic rubber, chlorinated rubber or balata from one location to another location controlled by the same person where no change of ownership takes place, or by any corporation to another corporation which is its subsidiary or of which it is a subsidiary;

(b) Any person from delivering or accepting delivery of scrap rubber for resale to another person or for the purpose of consuming the same in accordance with the provisions of this order.

(c) Any person from accepting delivery from another of rubber, synthetic rubber, chlorinated rubber, or balata for the purpose of milling, washing, deresinating, drying, compounding, or conditioning the same, or for processing or manufacturing products therefrom, and thereafter returning the same or the products thereof to such other person.

§ 4600.11 *Delivery of products or parts thereof manufactured in violation of order.* No person shall deliver or accept delivery of any finished or semi-finished product or part thereof which he knows or has reason to believe was fabricated, assembled or delivered in violation of any applicable provisions of this order as amended from time to time.

§ 4600.12 *Delivery of tires and tubes.* The following classes of persons are authorized to purchase new tires and tubes upon certification to the supplier and to the War Production Board in accordance with this order: (a) A reseller of tires and tubes (airplane, bicycle and industrial only, § 4600.15); (b) an original equipment manufacturer for his production of vehicles (§ 4600.16); (c) a user of industrial pneumatic tires and tubes and solid tires for replacement purposes (as permitted by § 4600.17). Tire and tube products are classified for inventory and procurement purposes in § 4600.14.

RESTRICTIONS ON INVENTORIES

§ 4600.13 *Inventories of materials.* No person, other than Rubber Reserve Company, shall accept delivery of crude rubber, latex, reclaimed rubber, synthetic rubber or balata in quantities which shall result in such person having an inventory of crude rubber, latex, reclaimed rubber, synthetic rubber, or balata which can reasonably be expected to last more than 60 days. Nothing contained in this § 4600.13 nor in § 944.14 (Priorities Regulation No. 1 as amended) shall be deemed to prohibit any person engaged in the business of reclaiming rubber from holding or acquiring such inventories of reclaimed rubber as he may deem advisable.

§ 4600.14 *Tire and tube manufacturers' inventories of tires and tubes.* No person shall consume any rubber, synthetic rubber or balata, in quantities which shall result in such person having an inventory of any of the following groups of products in excess of a minimum practicable working inventory:

Group No.
1. Passenger and motorcycle tires.
2. Passenger and motorcycle tubes.
3. Truck, bus and special purpose tires.
4. Truck, bus and special purpose tubes.
5. Farm tractor-implement tires.
6. Farm tractor-implement tubes.
7. Bicycle tires.
8. Bicycle tubes.
9. Airplane tires.
10. Airplane tubes.
11. Solid truck-trailer tires.
12. Pneumatic industrial tires.
13. Pneumatic industrial tubes.
14. Solid industrial tires.

An inventory (including only inventory at factory, wholesale warehouse points, and "in transit" to wholesale warehouse points) shall be deemed in excess of a minimum practicable working inventory, if such inventory, by total number of products in any one of the above groups is in excess of total unit sales of the products in that group during the previous 60 days, or in excess of ½ of the total unit sales of products in that group during the previous 180 days, whichever is the greater.

For the purpose of this section and §§ 4600.15–4600.17 inclusive, the above groups shall be deemed to refer only to new products.

§ 4600.15 *Reseller's inventories of airplane, bicycle and industrial tires and tubes.* No person shall deliver any new airplane, bicycle or industrial tires or tubes (as listed in Groups 7–10 inclusive and 12–14 inclusive, of § 4600.14) to a person regularly engaged in the business of reselling such products, unless the reseller acquiring the products shall attach to his purchase order a certification in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to ..... and to
(insert name and address of seller)

the War Production Board that he is familiar with Rubber Order R-1 as amended, and that the number of units to be acquired by this order will not result in his inventory of airplane, bicycle or industrial tires or tubes, on hand and on order, in any single group of § 4600.14 in which the products fall, being greater than his total unit sales of products in that group during the 90 days preceding his order, or greater than ⅓ of the total unit sales of products in that group during the 180 days preceding his order, whichever is greater.

Date

Name of Purchaser

Authorized Official

This § 4600.15 shall not apply to any purchase order originating outside the continental limits of the United States.

(Similar certification is required for products in Groups 1 to 6 inclusive and Group 11 of § 4600.14 by the Office of Price Administration in Amendment No. 57 to OPA Ration Order 1-A.)

§ 4600.16 *Original equipment manufacturers' inventories of tires and tubes.* No person shall deliver any product listed in groups 1 to 14 inclusive of § 4600.14 to any vehicle manufacturer requiring such product as a part of the original equipment of the vehicles he manufactures, unless the vehicle manufacturer shall attach to his purchase order a certification (in addition to any other certification which may be required by regulations of the War Production Board) in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to _____ and to (insert name and address of seller) the War Production Board that he is familiar with Rubber Order R-1 and that acceptance of delivery of the products listed on this purchase order will not increase his inventory of products within the particular group listed in § 4600.14 of Rubber Order R-1 in which the products fall, in excess of such products required for his production of vehicles during the ensuing 30 days.

Date

Name of Purchaser

Authorized Official

A vehicle manufacturer may certify a purchase order or contract which calls for scheduled deliveries during a period of more than thirty days without making certification for each thirty days' production. Under these circumstances, use of the foregoing certification constitutes a representation that the deliveries scheduled will not result in the acquisition of more products than are required for the particular manufacturer's production of vehicles during the thirty-day period following each scheduled delivery. In the event of a decrease in the number of products actually required, the manufacturer shall notify his supplier of the reduction, and the scheduled deliveries shall be revised accordingly.

No "producer" of farm machinery and equipment (as defined in Order L-257) may procure new pneumatic tires or tubes under this section except for the following items of equipment within his quota under Orders L-257 and L-257-a:

(a) Wheel type tractors including garden type.

(b) Combines.

(c) Pick-up hay balers and field hay harvesters.

(d) Corn pickers.

(e) Power sprayers over 10 gallons per minute.

Use of the certification by such a producer shall constitute a representation to the seller and to the War Production Board that the products are required for his production of the items of equipment listed above. No such producer shall procure new pneumatic tires and tubes for mounting on other types of farm equipment without special authorization from the Office of the Rubber Director, War Production Board.

The above shall not affect new pneumatic tires and tubes required for mounting on any items as specifically authorized under Order L-257 or L-257-a prior to Dec. 24, 1943.

§ 4600.17 *User's inventories of industrial tires and tubes and solid tires; procurement for replacement purposes.* (a) No person shall deliver or accept delivery of any pneumatic tire described in paragraph (b) below for replacement on any passenger automobile, motorcycle, bus, farm implement, farm tractor or commercial motor vehicle except in accordance with OPA Ration Order 1A. The following certification procedure is applicable only to new pneumatic tires and tubes of the sizes and types described below for replacement on other types of vehicles and equipment and to any industrial or highway solid tire for replacement purposes regardless of the type of vehicle or equipment.

For example, a person who wishes to replace a straight side pneumatic tire in size 4.00–12 on a passenger car or small delivery truck, may do so only under the Ration Order. On the other hand, a person who requires the same tire for replacement on material handling equipment such as an industrial power truck uses the certification procedure.

Replacement tires or tubes classified in Groups 1–6 inclusive of § 4600.14 (regular passenger, motorcycle, bus, farm tractor-implement or special purpose types) are subject to the provisions of the Ration Order, even though the tires or tubes are required for industrial equipment.

(b) *Certification of purchase orders.* No person shall deliver any tires or tubes for replacement purposes (except as otherwise provided in OPA Ration Order 1A) in the following classifications:

(1) Any straight side pneumatic tire designed primarily for industrial use up to and including size 4.50–12 and the following sizes: 6.00–9, 7.50–10, 7.50–15 (4-ply, smooth tread only) and 9.00–10;

(2) Any single tube pneumatic tire designed primarily for industrial use;

(3) Any industrial or highway solid tire;

unless the person acquiring the same shall attach to his purchase order a certification in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7.

The undersigned hereby certifies to _____ (insert name and address of seller) and to the War Production Board that he is familiar with Rubber Order R-1 and that the products listed on this purchase order are required by him for replacement purposes within 90 days from the date of this certification and do not include any pneumatic tires or tubes for any passenger automobile, motorcycle, bus, farm implement, farm tractor, or commercial motor vehicle.

Date

Name of Purchaser

Authorized Official

Definitions of the vehicles and equipment for which replacement tires or tubes may not be secured by certification are set forth in OPA Ration Order 1-A.

(c) *Preference ratings.* Tires and tubes which are subject to the foregoing certification procedure may be produced or delivered to fill civilian orders for replacement purposes (identified by certification), without regard to preference ratings. Any rating purporting to be applied or extended to any such tires or tubes for replacement purposes shall be void and no person shall give any effect to it except in filling Government orders. This suspension of ratings does not affect rated orders certified by original equipment manufacturers in accordance with § 4600.16.

Any person who is unable under this section to obtain timely delivery of replacement tires or tubes required by him to avoid imminent break-down in operations directly related to the war effort may apply by letter to the War Production Board for written permission to use his MRO rating. This letter of application should specify the minimum number of tires or tubes required and describe briefly the type of operation and the condition of the equipment.

RESTRICTIONS ON OPERATIONS

§ 4600.18 *Regrooving tires.* No person shall regroove the tread or tread surface of any tire or tire casing (except airplane and bus mileage contract tire casings) whether by cutting, scraping, grinding, burning, heating, remolding or any other means. This restriction does not apply to the grooving of tires in the course of recapping or retreading or restoring the original design to tread sectional repairs.

§ 4600.19 *Recapping or retreading tires.* No person shall recap or retread a tire unless the tire is worn smooth in the middle of the tread. As used herein, a tire is "worn smooth" when the tread design is no longer visible.

§ 4600.20 [Deleted Jan. 12, 1944]

§ 4600.21 [Deleted December 4, 1943]

RESTRICTIONS ON IMPORTATION

§ 4600.22 *Importation of rubber, synthetic rubber, balata and products thereof.* No person shall import any rubber, synthetic rubber or balata, or any finished or semi-finished product of

which 10% or more by weight is composed of rubber, synthetic rubber or balata or any combination thereof except Rubber Reserve Company, Rubber Development Corporation, or any Corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act, as amended, or any agent acting for one or more of them. Nothing contained in this § 4600.22 shall be deemed to prohibit:

(a) The importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of rubber, synthetic rubber and balata, provided such products or materials are not imported for the purpose of manufacturing, processing, sale or resale;

(b) The importation by any person of tires and tubes for the personal use of such person, provided such importation is expressly authorized by the Office of Price Administration;

(c) The importation for testing purposes of camelback, or of tires or tubes or sections thereof by any manufacturer of camelback, tires or tubes;

(d) The importation of bicycle tires and tubes originally manufactured in the continental United States, Canada or the British Isles;

(e) The importation of tires for recapping, retreading or repair, provided the tires are thereafter exported to the owners in the foreign country from which the products were imported;

(f) The importation of any scrap rubber by the Army or Navy of the United States or the United States Maritime Commission;

(g) The importation of any finished products made of rubber, synthetic rubber or balata by diplomatic representatives of any foreign government for their personal use or the use of members of their staffs;

(h) The importation of any finished product made of rubber, synthetic rubber or balata by commercial representatives of any foreign government for use in their official business;

(i) The importation from the Dominion of Canada by any person of rubber, synthetic rubber or balata or any products thereof manufactured in the continental United States, Canada or the British Isles.

PURCHASE PROCEDURE

§ 4600.23 *Purchase requests for crude rubber, natural latex or general purpose synthetics.* Purchase requests for crude rubber, natural latex or general purpose synthetics produced in Government plants are made by letter in quadruplicate to the Manager of Allocations, Office of Rubber Director, War Production Board, Washington 25, D. C., specifying the month in which delivery is required and stating the type, grade and number of pounds of material requested. For natural latex, the request should also specify percentage of concentration, type of container, specific use, and usual source of supply.

Requests for purchase of Government plant general purpose synthetics for experimental use in lots of 200 pounds or less are made directly to Rubber Reserve Company, Washington, D. C., (See § 4600.04).

Requests for purchase of general purpose synthetics which are privately produced are made directly to the producer.

TIRE AND TUBE PRODUCTION

§ 4600.24 *Special regulations for tire and tube production.* No person shall manufacture tire and tube products except in accordance with the regulations prescribed in List 6 of Appendix II.

END-PRODUCT RESTRICTIONS—A: CEMENT

§ 4600.25 *Definition.* As used in §§ 4600.26 to 4600.28 inclusive, "cement" means any type of cement, adhesive or coating made in whole or in part of rubber or synthetic rubber.

§ 4600.26 *Use of crude rubber and natural latex cement.* No person shall use cement which contains crude rubber or natural latex for any industrial or commercial purpose except:

(a) In the manufacture, application or repair of any product in which this order permits crude rubber or natural latex to be consumed.

(b) In the repair of leather shoes.

§ 4600.27 *Use of reclaimed, scrap and synthetic rubber cement.* Cement containing only reclaimed or scrap rubber or general purpose synthetics may be used:

(a) In the manufacture, application or repair of products in which rubber or synthetic rubber may be used under this order; and

(b) In the manufacture of any other product except those on Schedule B, Appendix I.

§ 4600.28 *Delivery of crude rubber and natural latex cement.* (a) Except for monthly deliveries of twelve gallons or less for repairs as permitted by paragraph (b) below, no person shall deliver any cement which contains crude rubber or natural latex to another person unless such person shall attach to his purchase order a certification in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to _____ (insert name and address of seller) and to the War Production Board that he is familiar with Rubber Order R-1 restrictions on the use of crude rubber and natural latex cement and that the cement specified in the accompanying purchase order will be used or sold by him only for permitted operations as indicated below:

Manufacture, application or repair of products in the manufacture of which crude rubber or natural latex is permitted.

Repair of leather shoes.

Date

Name of purchaser

Authorized official

(Use only the applicable statement of use.)

Any person making delivery of cement may rely upon the certification of the purchaser, unless he knows or has reason to believe that the certification is false.

(b) A person engaged in shoe repairing or other repair operations may purchase in any calendar month a total of twelve gallons of crude rubber and natural latex cement for permitted uses without making the foregoing certification.

The certification shall not be required by a seller for deliveries of crude rubber and natural latex cement in lots of twelve gallons or less to a person acquiring the same for shoe repairing or other permitted repair operations, unless the seller knows or has reason to believe that the purchaser does not come within this exception.

END-PRODUCT RESTRICTIONS—B: LIFE-SAVING SUITS

§ 4600.29 *Definition.* As used in §§ 4600.29 and 4600.30, "lifesaving suit" means any suit approved by the United States Coast Guard, made in whole or in part of rubber or synthetic rubber, designed for use with an approved life preserver and intended for rescuing or preserving the lives of seamen.

§ 4600.30 *Delivery and acquisition of lifesaving suits.* No person shall deliver or accept delivery of any lifesaving suit except for use on board an ocean or coastwise cargo or tank vessel of over 1,000 gross tons, and then only in accordance with regulations of the United States Coast Guard, unless such delivery:

(a) Has been specifically authorized by the War Production Board,

(b) Is made to or for the account of the United States Army, Navy, or Coast Guard,

(c) Is made to or for the account of any foreign country under the provisions of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or

(d) Is made to a dealer in lifesaving suits for the purpose of resale.

END-PRODUCT RESTRICTIONS—C: GLOVES

§ 4600.31 *Definitions.* As used in § 4600.31 to 4600.35 inclusive:

(a) "Professional glove" means any surgeon's, autopsy, or mortuary glove (including "firsts", "seconds" and "rejects" whether factory "rejects", or rejected on Government orders) made in whole or in part from rubber or synthetic rubber, which is usable in its present state for a purpose for which it was designed.

(b) "Industrial glove" means any glove, less than 12" in length and with a gauge of less than $\frac{26}{1000}$ of an inch, customarily sold to industry or commercial users and includes rubberized fabric gloves, net lined gloves (except hand made gloves of calendered stock) and electricians gloves (including "firsts", "seconds" and "rejects", whether factory "rejects" or rejected on Government orders), made in whole or in part from rubber or synthetic rubber, which is usable in its present state for a purpose for which it was designed.

§ 4600.32 *Delivery and acquisition of professional gloves.* No person shall deliver or accept delivery of professional

gloves for household use except upon doctor's prescription.

Any person engaged in the business of reselling professional gloves shall make certification to his supplier in accordance with § 4600.34.

Any person may resell and deliver professional gloves to hospitals, clinics, surgeons, physicians, nurses or nurses' organizations, medical schools, dental schools, dentists, morticians, undertaking establishments or schools, morgues, veterinarians or veterinarian hospitals without a doctor's prescription unless he knows or has reason to believe that the gloves are for household use. Otherwise, resellers, particularly general retailers, shall require the purchaser to present a doctor's prescription unless the purchaser is able to identify himself as a professional user.

Professional glove "seconds" or "rejects" may be sold for commercial or industrial use in accordance with § 4600.33.

§ 4600.33 *Delivery and acquisition of industrial gloves.* No person shall deliver or accept delivery of industrial gloves for household use except upon doctor's prescription.

Any person engaged in the business of reselling industrial gloves shall make certification to his supplier in accordance with § 4600.34.

Any person may resell and deliver industrial gloves to commercial or industrial users without a doctor's prescription unless he knows or has reason to believe that the gloves are for household use. Otherwise, resellers, particularly general retailers, shall require the purchaser to present a doctor's prescription unless the purchaser is able to identify himself as a commercial or industrial user.

§ 4600.34 *Certification.* The certification required by § 4600.32 and § 4600.33 hereof, may be in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to ------ (insert name and address of seller) and to the War Production Board that he is familiar with Rubber Order R-I and that he will not sell any professional or industrial gloves purchased from the above named seller pursuant to the accompanying purchase order or any future purchase orders or contracts in violation of the terms of Rubber Order R-I.

Date	Name of purchaser
	Authorized official

No such certification shall be required for delivery of professional or industrial gloves to any person who has already made such certification with the person making the delivery. Any person making delivery of professional or industrial gloves may rely on such certification unless he knows or has reason to believe that the certification is false. The foregoing certification shall be in addition to any other certification which may be required by any regulation of the War Production Board.

MISCELLANEOUS PROVISIONS

§ 4600.35 *Suspension of preference ratings—certain products.* The following products may be produced or delivered to fill civilian orders without regard to preference ratings:

Rubber heels and soles,
Garden hose.

With respect to civilian orders, no person shall apply or extend any rating to the products above listed, and no person selling any such product shall require a rating as a condition of sale. Any rating purporting to be applied or extended to the products above listed shall be void and no person shall give any effect to it except in filling a Government order.

§ 4600.36 *Reports.* The following reports shall be filed.

(a) Any person who owned any rubber, chlorinated or synthetic rubber during any calendar month except scrap rubber, shall file with the Office of Rubber Director, War Production Board, a report on his stocks, receipts, production, consumption and shipments, on Form WPB-3410 in accordance with the instructions accompanying the form. This section shall not apply to persons who perform the operations listed in § 4600.10 (c) of this order except that producers of reclaimed rubber shall report their entire production regardless of the ownership of the material consumed.

(b) Any manufacturer of tires and tubes or camelback, and any mass distributor of tires and tubes shall file a report on his production, shipments and inventory for each calendar month on Form WPB-3438 with the Office of Rubber Director, War Production Board, in accordance with the instructions accompanying the form, unless otherwise directed.

(c) Each manufacturer of professional or industrial gloves shall report by letter to the Office of Rubber Director, War Production Board, the number of "firsts" and of "seconds" and "rejects" of each type of professional or industrial gloves manufactured by him in each quarterly period beginning July 1, 1943. Reports shall be filed not later than the 15th day of the calendar month following the quarterly period in which such manufacture took place.

§ 4600.37 *Outstanding authorizations and directives. All outstanding authorizations* and directives (other than authorizations granted pursuant to appeal and quota directives) issued prior to December 4, 1943, are hereby revoked.

§ 4600.38 *Applicability of regulations.* Except as otherwise provided in §§ 4600.17 and 4600.35, this order and all transactions affected thereby are subject to all applicable provisions of War Production Board Priorities and CMP Regulations as amended from time to time.

§ 4600.39 *Appeals.* Appeal from the provisions of this order shall be made by filing Form WPB-2242 (formerly PD-500-b), referring to the particular provision appealed from and stating fully the grounds of the appeal.

§ 4600.40 *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

§ 4600.41 *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Office of Rubber Director, War Production Board, Washington 25, D. C., Ref.: Order R-1.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of January 1944.

RUBBER DIRECTOR,
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I

SCHEDULE A—PERMITTED PRODUCTS FOR GOVERNMENT OR CIVILIAN ORDERS

NOTE: Code Nos. 9, 12, 18, 22 amended Jan. 12, 1944.

Scope of Schedule A. Schedule A lists the *only* products which may be manufactured to fill *Government* or civilian orders, using crude rubber or latex. It also lists the *only* products which may be manufactured from general purpose synthetics, reclaimed or scrap rubber to fill *civilian* orders. It does not restrict the manufacture of *unlisted* products for Government orders, using general purpose synthetics, reclaimed or scrap rubber. (See § 4600.08 (b) for products not listed on Schedule A.)

Crude rubber and latex. Regulations for the consumption of crude rubber and latex in the manufacture of products are set forth in the columns of the schedule unless reference is made to an Appendix II list in which case the list governs the manufacture of the particular product.

Reclaimed rubber. Class 1 reclaimed rubber may be consumed in the manufacture of any product on Schedule A, unless another class is specifically designated on the schedule or by Appendix II list.

The classes of reclaimed rubber are defined as follows: *Class 1*—Hydrocarbon content of more than 50% by weight; *Class 2*—Hydrocarbon content of more than 42% by weight but not more than 50% by weight; *Class 3*—Hydrocarbon content of 42% by weight or less.

General purpose synthetics. General purpose synthetics may be consumed in the manufacture of any product on Schedule A, subject to any special restriction applicable to the product on the Schedule.

Scrap rubber. Scrap rubber is divided into the following classes: *Class 1*—Ground tire peels and tread buffings; uncured tire cord friction scrap; vulcanized scrap tires and tire parts (except tire beads) and inner tubes; any cured or uncured scrap having a specific gravity of 1.15 or less; *Class 2*—any other scrap rubber.

Class 1 and Class 2 scrap rubber may be consumed without limitation as to amount for permitted uses. Class 2 scrap may be used in the manufacture of any product on Schedule A. Class 1 scrap may be used only in the manufacture of those products for which Class 1 scrap is specifically designated on Schedule A.

SYMBOLS USED IN SCHEDULE A

Appendix II column: Refers to applicable regulations in Appendix II by list number. The word, "No" is used where no Appendix II regulations apply.

Crude rubber column: Indicates when crude rubber is permitted and regulates its use by showing the maximum percentage of the total volume of the compound, which may be crude rubber.

"X" indicates that crude rubber may be consumed in the manufacture of the product on Schedule A. Latex column: Indicates when latex is permitted and regulates its use by showing the maximum percentage of the total volume of the compound, which may be latex. "X" indicates that latex may be consumed in the minimum quantities required by the manufacturer. This column is blank when regulations are set forth in Appendix II.

Special restrictions column: Indicates special restrictions applicable to the particular product. If the column is blank, no special restrictions apply. This column is also used to indicate where Class 1 scrap is permitted.

Where "special authorization" is required for a product each manufacturer must secure a specific allocation before consuming crude rubber, natural latex, or *general purpose synthetics.* In some cases, this requirement is confined to crude rubber. Applications may be made by letter to the War Production Board.

Where a product is limited to "government only", it may not be manufactured except to fill government orders.

Code No.	Product	Appendix II	Percent crude rubber	Percent natural latex	Special restrictions
1	Pneumatic tires:				
	Airplane tires	20			Class 1 scrap for Code #1.
	Bicycle tires	24			
	All other	24			
2	Solid tires:				
	Airplane tires	20			Class 1 scrap for Code #2.
	Bogie, idler and support rollers	24			
	All others (including casters and scooter wheels)	24			
3	Tire repair materials:				
	Airplane	No	X	0	Latex for splicing purposes only.
	Bicycle	24			
	All other	24	X	0	Class 1 scrap.
	Tire tube valve (including repair valves)	No			
4	Tire retreading materials	No	X	0	
5	Tire and tube repair materials:				
	Air bags, hull circle, for retreading	No	XX	0	Class 1 scrap.
	Air bags, service materials	No	XX	0	Class 1 scrap.
	Tire patches and reliners	23			Class 1 scrap except #1 and #2 light colored carcass and inner tube.
					Class 1 scrap.
6	Tube patches	23			
7	Tank treads, tracks and tracks:				
	Half tracks, front	No	50	0	Class 1 scrap for Code #6.
	Light tank track blocks	No	8	0	
	Medium tank track blocks	No	XXX	0	
	Tank track pin bushings	No		0	
	All other	No	XXX	0	
8	Belting:				
	Belt splicing and repair material	2	0	0	
	Cloth lining	No 2	0	0	
	Conveyor belts, elevator belting and pulley lagging (except conveyor skirting or rubber)	No	0	0	
	Fenestor handrails	No	5.2	0	
	Lug, pulley belts	No	9	0	
	Paper machine aprons	No	9	0	
	Rubber scrapers for conveyor belts	No	9	0	
	Screen diaphragms designed for paper stock screening machines	No	9	0	
	Street sweeper belts	No 2			
	Transmission belts, flat	2			
	Transmission belts, round	2			
	V-Belts:				
	Automotive, passenger car, trucks under 1½ ton	2			

Code No.	Product	Appendix II	Percent crude rubber	Percent natural latex	Special restrictions
10	Hose and tubing	3		0	Crude or latex permitted as required for Government only, subject to special authorization.
11	Packing and gaskets:				
	Adhesives for seaming bags and bagging	No	0	0	
	Caulking powders, putties and compounds designed for sealing cans made of tinplate, blackplate or terneplate	No	0	0	
	Gaskets and compounds for sealing fuel and oil systems, crimped	No	0	0	
	Rings and compounds for sealing glass containers	No	0	0	
	Sheet, strip, mechanical and other packing, and gasket	4	0	0	
	Valve seats and valve parts	No	0	0	Crude or latex permitted as required for Government only, subject to special authorization.
	Other mechanicals:				
12	Airplane equipment not elsewhere listed	No	0	0	
	Airplane de-icer parts (except propeller hose)	No	X	X	Crude or latex permitted as required for Government only, subject to special authorization.
	Automotive parts consisting of the following only:				
	Air brake and vacuum brake parts, except hose and linings	No	X	0	
	Battery drain tubes	No	X	0	
	Brake boots	No	X	0	
	Channel rubber for windshield; Chain hollow and reclaim	No	0	0	
	Clutch facings, plain, lining and brake blocks	No	0	0	
	Engine, transmission and propeller caster bearing mountings	No	X	0	
	Hydraulic brake parts, except cups, boots and lining	No	0	0	
	Hydraulic cloth and throttle controls	No	0	0	
	Insulating parts or shapes for high tension wire	No	0	0	
	Packing ring for sleeve assemblies (Farm tractors only)	No	0	0	
	Pitman arm bushings for independent suspension	No	0	0	
	Remote control gearshift bushings	No	0	0	
	Sealed beam gaskets	No	0	0	See Appendix III for special restrictions.
	Shock absorber bushings	No	0	0	Crude or latex permitted as required for Government only, subject to special authorization.
	Spring bumpers, front and rear	No	0	0	
	Steering box-to-frame pads for light trucks	No	0	0	
	Steering post alignment bushing	No	0	0	
	Suspension and torque arm bushings	No	X	0	
	Tailpipe supports	No	X	0	
	Torsional vibration damper	No	0	0	
	Water pump seals	No	0	0	
	Windshield wiper blades and pivot to housing gaskets	No	0	0	Government only.
	Band saw tires	No	X	0	
	Brush setting compounds	No	0	0	
	Cord cloth	No	0	0	
	Cotton duck (not elsewhere listed but not including sponge) of machinery for the processing and fabricating of raw and semi-finished materials, and for the maintenance of mechanical power (except as specifically prohibited in Schedule B, Appendix I).	No	0	0	Crude or latex permitted as required for Government only, subject to special authorization.
	Cable connectors	No	0	0	Government only.
	Conveyor belts	No	0	0	
	Cutlet bearing	No	X	0	
	Defroster parts and hose for planes only	No	0	0	

Code No.	Product	Appendix II	Percent crude rubber	Percent natural latex	Special restrictions
12	Other mechanicals—Continued.				
	Dam and lock gate seals	5	0	0	
	Handle base, plug connectors	30		0	
	Hydroplaning rods	No		0	
	Electroplating automatic machine parts	No		X	
	Braided lead line basket	No	X	0	Government only.
	Fender, line and tubing for waterproof use (Navy only)	No		0	
	Gas mask bag	No	0		
	Gas mask hose	No	0		
	Grommets	No	0		
	Hardening machinery (all types of mechanical rubber products)	No	0		
	Hard rubber products:				
	Battery, plating, filled and sheeted metal	19			
	Bowl ring				
	Gaskets, washers and couplings				
	Grinding wheels				
	Milking tubing				
	Trays for cell feeder pads				
	Wire and battery rubber parts, insulation	19			
	Hose (breathing)	No	0	0	
	Tubes	No	0	0	
	Valve, miscellaneous and valve parts	No	5.26	0	
	Industrial mandrel made base for hose made as required by Bureau of Mines	No	0	0	
	Fuse plugs, respirator, engine head, connector and elbows	No			
	Mine safety battery parts	19			
	Molded diaphragms	No	5.26	0	
	Molded mine parts	No			
	Oil well specialties, including valve	No	0	0	
	Bit pad	No			
	Drill pipe protector	No			
	Lining, tamper and swab rubber	No			
	Packers	No	X	X	
	Shaftliner	No			
	Sleeve, bushing	No			
	Slush pump plunger and liner	No	X	X	
	Stripper rubber	No			
	Suction hose	No			
	Tooling	No			
	Valves and parts	No			
	Valve cup	No			
	Valve, spherical	No	5.26	0	
	Pads (mattress backing)	No			
	Parts for business machines, including pistons	No	0	0	
	Parts for refrigerators, washing machines (except gaskets), stoker appliances (except hose and tube)	No		0	
	Pipe coupling rings (designed for couplings, manholes, plugs and bell joints and for hose, hands, feet, mouths, valve and oil pipe line)	No		25	
	Plumbing products, including only:				
	Ball cock washer				
	Bibb washer				
	Float ball				
	Tank ball designed for flush valves				
	Basin and sink gaskets and washers				
	Spud washer				
	Trap primer valve, check washers				
	Vacuum breaker pads				
	Vibration dampers				
	Water meter parts	19			
13	Wire and cable:				
	Cable tape	27			
	Compounds for insulating wire and cable	27			
	Compounds for rubber insulating tape	No		0	
	Detonating cable	No	X	0	
	Marine cable	No		0	
	Pilotite	No	X	0	
	Pliodim	No	X	0	
14	Rubber footwear	No	0	0	
15	Heels:				
	Conductive heels	No	0	0	
	Heels and heel bases	No	0	0	
	Oil resistant heels				
16	Soles:				
	Conductive soles and tape	No	0	0	
	Inner shoe cushions and inner shoe pads	No	0	0	
	Oil resistant cork soles and tape	No	0	0	
	Molded cutsoles, molded insoles, molded soles, molded platforms, midsoling, molded tape, molded topline and molded topliftings sheets.	No	0	0	
17	Proofing, clothing and fabrics:				
	Aircraft and flying helmets, clothing, bags and flotation gear	No	0	0	Crude for seaming but only upon special authorization.
	Automobile topping	No	0	0	For maintenance and repair.
	Combined and proofed fabrics for lighter than air equipment	No		0	Government only; crude permitted as required but only on special authorization.
	Compounds for proofing fabrics designed for the manufacture of industrial occupational protective clothing, including cements for seaming; impregnating and coating compounds; mats, coats, jackets, hats and fireman's and policeman's clothing other than footwear and gloves.	No	0	0	Reclaim only; general purpose synthetics not permitted.

Code No.	Product	Appendix II	Percent crude rubber	Percent natural latex	Special restrictions
12	Other mechanicals—Continued.				
	Storage battery parts—Continued.				
	Hard built monoblocs, except automotive S. I., farm-light, mine safety and radio	19			
	Monoblocs and multiperous separators				
	Molded single cell jars and molded monoblocs, except automotive S. I., farm-light, mine safety and radio, Groups 1, 2 and 3				
	Boots				
	Bridges				
	Covers				
	Filler hand sleeves				
	Filler caps				
	Insulators				
	Mine shields				
	Plate supports				
	Post sealing nuts				
	Protectors				
	Spacers				
	Splash covers				
	Vent caps				
	Molded terminal blocks				
	Separators, perforated sheet or molded retainer, support and tie rods, battery retainers		0	0	Government only.
	Streetcar step treads		0	0	
	Table tops, stair and step treads (conductive for hospital operating rooms)				
	Trolley wire guards		0	0	
	Vacuum bottle parts		0	0	
	Vacuum cup pads		0	0	
	Vibration dampers				See Appendix III for special restrictions.
	Water meter parts	19			
13	Wire and cable:				
	Cable tape	27			
	Compounds for insulating wire and cable	27			
	Compounds for rubber insulating tape	No		0	Not more than 3.5 lbs. of crude rubber permitted per 27,000 sq. inches of tape, except as otherwise provided in List 27, Appendix II. For insulation. Government only.
	Detonating cable	No	X	0	
	Marine cable	No		0	For insulation. Government only.
	Pilotite	No	X	0	For insulation. Government only.
	Pliodim	No	X	0	For insulation. Government only.
14	Rubber footwear	21			
15	Heels:				
	Conductive heels	No	0	0	Tread buffings permitted.
	Heels and heel bases	No	0	0	
	Oil resistant heels				
16	Soles:				
	Conductive soles and tape	No	0	0	
	Inner shoe cushions and inner shoe pads	No	0	0	Class 1 scrap except #1 and #2 light canvas and inner tube.
	Oil resistant cork soles and tape	No	0	0	
	Molded cutsoles, molded insoles, molded soles, molded platforms, midsoling, molded tape, molded topliftings and molded topliftings sheets.	No		0	Class 1 scrap except #1 and #2 light canvas and inner tube.
17	Proofing, clothing and fabrics:				
	Aircraft and flying helmets, clothing, bags and flotation gear	No	0	0	Crude for seaming but only upon special authorization.
	Automobile topping	No	0	0	For maintenance and repair.
	Combined and proofed fabrics for lighter than air equipment	No		0	Government only; crude permitted as required but only on special authorization.
	Compounds for proofing fabrics designed for the manufacture of industrial occupational protective clothing, including cements for seaming; impregnating and coating compounds; mats, coats, jackets, hats and fireman's and policeman's clothing other than footwear and gloves.	No	0	0	Reclaim only; general purpose synthetics not permitted.

Code No.	Product	Appendix II	Percent crude rubber	Percent natural latex	Special restrictions
12	Other mechanicals—Continued.				
	Plumbing products—Continued.				
	Spud washers				
	Union washers				
	Trade pads (forming pads to shape metals):				
	Pads under 4" in thickness	No	0	0	Color: Optional. Stripes to identify hardness only.
	Pads 4" or more in thickness:				
	Under 40 shore hardness	No	53	0	
	40 shore and over	No	44	0	
	Printing rubber products, including:				
	Casting rubber	11			
	Engraving rubber (excluding rubber stamps, band daters and toy items)	11			
	Feed rolls for business machines	11			
	Fingerprint rolls and fingerprint rubber	No	0	0	
	Numbering blankets	11			
	Other blankets	11			
	Printing plate adhesion fabric	11			
	Printing plate and box die guns (excluding rubber stamps, band daters and toy items)	11			
	Printing plate insert and backing fabrics				
	Printing rolls, including:				
	Duplicating	11			
	Hectograph	11			
	Mimeograph and similar reproducing equipment				
	Rubber solution for wet plate negative	No	X	0	
	Stencil or stamp gum cushion	No	0	0	
	Suction cups for printers' equipments	11			
	Rubber covered rolls and roll coverings for textile, paper, printing, dairy, chemical and other industries (except printers')	No	0	0	
	Suction press				
	Rubber lining (hard or soft) for:				Color: Optional. ¼" Max. thickness.
	All others	No	80	0	
	Process tanks	No	8	0	
	Pipe and fittings	No	10	0	Crude or latex but not both. Individual applications of the following types may exceed the 10% maximum: (1) repair of existing crude or latex linings; (2) where design or corrosion requires; (3) for the gum vacuum is present; (4) for not more than ¼" coating of pipe over 12" inside diameter; provided that total crude or latex consumption in any quarterly period does not exceed the 10% maximum.
	Rubber protected industrial equipment for handling corrosive materials and explosives	No	10	10	Crude or latex but not both.
	Rubber protected:	No	10	10	Crude or latex but not both.
	Agitators				
	Blowers				
	Exhausters				
	Pumps				
	Pump lining				
	Valves and valve parts (except tire tube valves)	No	10	10	Crude or latex but not both.
	Rubber lining for:				
	Centrifugal pumps designed to handle corrosive materials				
	Sand and other highly abrasive materials in suspension:				
	Slurry				
	Sheet for misc. uses	19			
	Storage battery parts, including only:	19			
	Hard built jars, except automotive S. I. types, farm-light, mine safety and radio.				

Code No.	Product	Appendix II	Percent crude rubber	Percent natural latex	Special restrictions
18	Medical, surgical, etc.—Continued.				
	Inhalation bags and face pieces, not including oxygen bags and tubing, (medical, surgical and veterinary types only).	No	0	0	Crude or latex for seaming and closing.
	Inner shoe cushions and inner shoe pads.	No	0	0	Crude or latex for seaming and closing.
	Invalid rings.	No	0	0	
	Lead-impregnated X-ray sheets, lead-impregnated gloves and lead-impregnated aprons, and cooling bags.	No	0	0	Government only. Grade permitted as required but only on special authorization.
	Medical fabrics.	No	0	0	Government only. Grade permitted as required but only on special authorization.
	Medicated bandages and plasters.	No	0	0	Government only. Grade permitted as required but only on special authorization.
	Operating cushions.	No	0	0	Class 1 scrap.
	Orthodontia bands.	No	0	0	
	Orthopedic appliances.	No	0	0	
	Oxygen tent canopies.	No	0	0	
	Packers.	No	0	0	
	Parts for medical, surgical, dental, veterinary and mortuary instruments.	No	0	0	
	Pessaries and prophylactics.	No	0	0	
	Prosthetic bags.	No	0	0	
	Prosthetic devices.	No	0	0	
	Rectal bags (not including bags designed for enema use).	No	0	0	
	Self-adhering gauze bandage.	No	0	0	
	Stoppers (laboratory types only).	No	0	0	
	Stoppers (medical, surgical, dental, veterinary and mortuary types only).	No	0	0	
	Surgical blood transfusion sets.	No	0	0	
	Teethers and teething rings.	No	0	0	
	Tourniquets.	No	0	0	
	Truss pads, pneumatic.	No	0	0	
	Tubes and tubing, lined to multiple human tubes, plasma and surgical tubing.	No	0	0	
	Tubes and tubing, medical, surgical, veterinary, and mortuary types only).	No	0	0	
	Urinals.	No	0	0	
	Vaccine caps.	No	0	0	
	Water bottles and combination syringes.	No	0	0	
19	Flotation equipment: Pontoons, rafts, boats, buoys, etc.	No	0	0	Government only. Grade permitted as required but only on special authorization.
20	Life-saving equipment: Suits, jackets, vests, belts etc.	No	0	0	Government only. Grade permitted as required but only on special authorization.
21	Bullet sealing fuel cells.	No	0	0	Government only. Grade permitted as required but only on special authorization.
22	Miscellaneous: Athletic equipment, consisting of the following only:				
	Baseball coolers.	No	0	0	Class 1 scrap.
	Chest protectors.	No	0	0	
	Chest protector shoulders.	No	0	0	
	Head balls.	No	0	0	
	Knee plates and pitchers plates.	No	0	0	
	Ice hockey pucks.	No	0	0	
	Medicine balls.	No	0	0	
	Soccer game balls.	No	0	0	
	Squash balls.	No	0	0	
	Tennis balls.	No	0	0	
	Bladders, valves, covers, impregnated yarns and coating and combining materials for the following:	No	0	0	Class 1 scrap.
	Baseballs.				
	Basketballs.				
	Cage balls.				
	Footballs.				
	Punching bags.				
	Push balls.				
	Soccer balls.				
	Soft balls.				
	Volley balls.				
	Water polo balls.				
	Bulbs, including parts.	No	0	0	
	Cements for manufacture, application or repair of products for which crude rubber or natural latex are permitted by this order including shoe repair cements. (For tire repair cements, see List 23, Appendix II.)	No	X	X	Subject to end use restrictions. (See § 4600.26).
	Cements for other purposes.	No	0	0	Subject to end use restrictions. (See § 4600.27)
	Covering for crab trap frames.	No	0	0	Synthetic inner tube scrap only.
	Gas masks, face pieces, hose, mouth pieces, gaskets.	No	0	0	
	Compounds or mixture designed for testing other materials to conserve rubber andlatex.	No	0	0	
	Cushioning for cameras, fire and flight control mechanisms.	No			Government only. Crude permitted as required but only on special authorization.
	Crash helmet cushions and air-foam helmet linings.	No			Government only. Crude permitted as required but only on special authorization.
	Deck helmet cushioning.	No			Government only. Crude permitted as required but only on special authorization.
	Dust respirators—face blanks.	No	0	0	
	Ear cushions.	No	0	0	
	Elastic webbing not exceeding 4" in width.	No	0	0	Reclaim only; general purpose synthetics not permitted.
	Erasers, including typewriter.	No	0	0	
	Eye buffers and shields.	No	0	0	
	Flight and fire control instruments.	No	X	X	Government only.
	Fountain pen sacs.	No	0	0	
	Goggle frames and goggle face pads.	No	0	0	
	Gunsight slot and vision slot pads.	No			Government only. Crude permitted as required but only on special authorization.
	Gunwale guards.	No			Government only. Crude permitted as required but only on special authorization.
	Hat forming bags and parts.	No	0	0	
	Impregnated insoles, impregnated midsoles, impregnated box toes and impregnated welting.	No	0	0	Class 1 scrap except inner tube.
	Pressure sensitive tape for industrial purposes requiring crude rubber.	No			Government only. Crude permitted as required but only on special authorization.
	Pressure sensitive tape for industrial purposes.	No	0	0	Subject to end use certification in approved form by purchaser to seller and WPB.
	Pressure sensitive tape (high heat resistant and noncorrosive electrical tape).	No	X	X	
	Ink eradicator stoppers and closures.	No	0	0	
	Machine gun and eye buffer pads.	No	X	X	Government only.
	Materials used in the manufacture of shoes and incorporated therein for the operations of combining, coating, finishing, laminating, impregnating and proofing.	No	0	0	
	Meteorological balloons.	No	0	0	
	Mine mechanism cushioning.	No			Government only. Crude permitted as required but only on special authorization.
	Muzzle covers.	No			Government only. Crude permitted as required but only on special authorization.
	Oxygen masks—face pieces, hose, mouthpieces, valves, bags, gaskets (all high altitude).	No	X	X	Government only.
	Parachute bands and ventilating rings.	No	X	X	Government only.
	Pencil plugs.	No	0	0	
	Pliofilm packaging for aircraft engines, aircraft parts and aircraft instruments.	No	X	0	Government only.
	Respirators, hose masks, goggles, inhalators, excepting head harness.	No	0	0	
	Rubber bands.	No			Government only except for orthodontia and bands for artificial limbs. Special authorization.
	Rubber thread.	35			
	Ship hold ventilating tubing.	No	0	0	
	Shoe tapes.	No	0	0	
	Smoking pipe bits.	No	0	0	Class 1 scrap.
	Valves for gas masks, respirators, horse and dog masks, oxygen masks.	No	X	X	
17	Proofing, clothing and fabrics—Con. Compounds for seaming (clothing).	No			Government only; crude permitted as a special authorization. Special authorization required.
	Compounds for proofing and combining fabrics.	No			Government only. Special authorization required.
	Life saving suits (overboard).	No	0	0	Subject to end use restrictions. (See §§ 4600.29–4600.30).
	Pliofilm for oxygen tent fabric.	No	98	0	Government only.
	Pliofilm for oxygen tent canopies.	No	98	0	Government only.
18	Medical, surgical, etc.—Continued.				
	Aerosols also designed for individual hearing instruments and audiometers.	No	0	0	
	Bandages.	No	0	0	Crude or latex for seaming and closing.
	Bed pan rims, surgical and medical only.	No	75	0	Subject to end use restrictions (see § 4600.32).
	Blood pressure bags, except tubing.	No	0	0	Crude or latex for seaming. Subject to end use restrictions (see § 4600.32).
	Brain surgery caps.	No	0	0	
	Breast forms.	No	0	0	Subject to end use restrictions (see § 4600.32).
	Breast shields-nursing.	No	0	0	Subject to end use restrictions (see § 4600.32).
	Bulbs (medical, surgical, dental, veterinary, mortuary and laboratory types).	No	0	0	Subject to end use restrictions (see § 4600.32).
	Bulbs, rubber.	No	0	0	
	Bunion plasters.	No	0	0	
	Cabestan.	No	0	0	
	Child's urine deflectors.	No	0	0	
	Colostomy cuffs, cut and dipped.	No	0	0	
	Colostomy cuffs, hand made.	No	0	0	
	Conductive rubber (medical & surgical).	No	0	0	
	Corn plasters.	No	0	0	
	Cots sheets.	No	0	0	
	Crutch tips.	No	0	0	
	Dental dam.	No	0	0	
	Dental plaster bowls.	No	0	0	
	Dental polishing tips.	No	0	0	
	Dental separating strips and mouth props.	No	0	0	
	Diaper covers.	No	0	0	
	Denture rubber.	No	0	0	
	Denture suction cups and model formers.	No	0	0	
	Dilators, rectal and vaginal.	No	0	0	
	Ear stoppers.	No	0	0	
	Feeding bottle caps and covers.	No	0	0	
	Finger cots, medical.	No	0	0	
	Finger cots (medical, surgical, dental, veterinary, mortuary and laboratory types).	No	0	0	
	Fountain syringe bags.	No	0	0	
	Fountain syringe tubing lengths.	No	0	0	
	Gloves, anesthetists'.	No	0	0	
	Gloves, industrial, all-rubber.	No	0	0	
	Gloves, industrial, net-lined.	No	0	0	
	Gloves, industrial, rubberized fabric.	No	0	0	
	Gloves, mortuary and autopsy.	No	0	0	
	Gloves, surgeons' (medical, surgical, dental and veterinary types only).	No	98	98	Govt. Fed. Spec. ZZ-G-471A. Subject to end use restrictions (see § 4600.32).
	Hard rubber pipes, connections and accessories (medical, surgical, dental, veterinary and mortuary types only).	No	0	0	Crude or latex for seaming and closing.
	Hospital sheeting.	No	0	0	
	Ice bags.	No	0	0	

SCHEDULE B—PROHIBITED PRODUCTS

No rubber or synthetic rubber may be consumed in the manufacture of the following products to fill Government or civilian orders. Products noted below as exceptions to the government order prohibited list may be manufactured only to the extent permitted by Schedule A.

PROHIBITED ON GOVERNMENT ORDERS

Artificial leather and upholstery.
Ash trays.
Basin and bath stoppers, sprays, sponge and soap dishes.
Bumper tacks.
Buttons (clothing).
Cap covers.
Canvas water bags.
Cartridge clip boxes.
Channel filler, channel rubber (except airplane, automotive and boat) and glazing rubber.
Desk and chair protection pads.
Desk sets.
Dishdrainers.
Door checks and bumpers (except airplane and automotive parts).
Door knob covers.
Fan bases and blades (except combat tank equipment).
Faucet caps.
Fender protective plates.
Fender welting.
Fish lures.
Flooring tile, base and tiling for wainscoting (except conductive).
Fly swatters.
Footbath trays.
Gear shift knobs.
Gun grips.
Hood supports and bumpers.
Inkwells and bottles.
Leather finishes except for shoes.
Leather finishes.
Mastic deck covering (except repair).
Mats and matting including link matting (except switchboard and conductive; airplane walkways, pilot house, bridge deck and gun platforms).
Name plates.
Office machine silencers.
Paper padding adhesives.
Paving blocks.
Pedal rubbers.
Picture screens.
Plate wipers.
Plioform.
Plywood adhesives.
Rubber-covered lamp guards, handles, grab rails and knobs (except dielectric).
Rubber tape (except compounds for rubber insulating tape).
Sateen gimp.
Serving trays.
Sewage disposal bags and paper.
Sink pads, mats, sprays and stoppers.
Steering wheels (except armored cars).
Step plates.
Stove-top pads.
Table tops (except conductive).
Tank fenders and flaps.
Telephone bases and cord protectors.
Tent fabrics.
Thermostat covers.
Toilet seats and bumpers.
Typewriter keys.
Window squeegees (except windshield wipers).
Water closet outlet gaskets.
Wrestling mat covers.
Zipper tabs.

PROHIBITED ON CIVILIAN ORDERS

Animal boots and shoes.
Arm rests.
Artificial leather and upholstery.
Ash trays.
Banners.
Basin and bath stoppers, sprays, sponges and soap dishes.
Battery carrier straps.
Blowout shoes (for tires).
Bookbinding adhesives.
Bottle carriers.
Bottle driers.

Brake rod rattlers.
Brush bristles.
Bumper tacks.
Buttons (clothing).
Camera bellows.
Camera focusing cloth.
Candy molds.
Cap covers.
Carboy pads.
Casket gaskets.
Chair and furniture parts.
Channel filler, channel rubber (except windshield, rear window and vent), and glazing rubber.
Chevrons.
Christmas tree lighting devices.
Coated clips.
Concentrator belts.
Contraction joint seals and concrete filler.
Cutting blocks.
Cushions, upholstery and mattresses (except invalid rings and operating cushions).
Defroster parts and hose (except airplane).
Desk and chair protection pads.
Desk sets.
Dish drainers.
Door checks and bumpers.
Door knob covers.
Drain pipe lining.
Elevator belt buckets and cleats.
Exercise machine parts.
Extension lamp handles and guards.
Fan bases and blades.
Faucet filters and caps.
Fender protective plates.
Fender welting.
Ferrules.
Filter cloth.
Fish lures.
Flooring tile, base and tiling for wainscoting.
Fly paper.
Fly swatters.
Foot bath trays.
Fountain pen stock.
Gasket, pads and shims made from scrap tires and tubes.
Gauntlets and cuffing (except linemen's sleeves).
Gear shift knobs.
Gear silencers.
Glue dispensers.
Graphite guns and parts thereof.
Gun grips and pads.
Handle grips (except for dielectric purposes).
Hard rubber photographic trays and development tanks (except X-ray).
Hard rubber spatulas (except for handling explosives and corrosive materials).
Hatters' belts.
Hood supports and bumpers.
Horse shoes.
Hose nozzles.
Inkwells and bottles.
Kneeling pads.
Knife handles and grips.
Lamp shades, lamp guards, handles, grab rails and knobs.
Leather finishes except for shoes.
Line tube caps.
Link mats.
Loom harness strapping.
Lug straps, bumpers and holdups (constituting textile machinery parts).
Marbon B.
Mastic deck covering.
Mats and matting including link matting (except switchboard and conductive for switchboards with exposed switches).
Molds for casting.
Musical instruments and parts thereof.
Name plates.
Office machine silencers.
Paint brush guards.
Painters' graining tools.
Panelboard.
Paper padding adhesives.
Paving blocks.
Pedal rubbers.
Pennants.
Photo wringers.
Picture screens.
Plate wipers.
Pliofilm.
Plioform.
Pliolite.
Plywood adhesives.
Post insulators.
Pot eyes.
Powder bags (mining).
Recoil pads.
Refrigerator freezing trays.
Rugs and carpets (including backing and underlays).
Rubber tape except compounds for rubber insulating tape.
Sand blasting stencils.
Sateen gimp.
Screw bumpers.
Self-adhering signs.
Service station signal hose.
Serving trays.
Sewage disposal bags and paper.
Shims, automotive.
Sink pads, mats, sprays and stoppers.
Spark plug caps.
Sponge applicators.
Squeegees.
Stair and step treads.
Steering wheels.
Step plates.
Stick-on soles and taps.
Stipplers.
Stirrup pump hose.
Stirring rods.
Stove top pads.
Street car springs.
Table tops.
Tank floats.
Telephone cord protectors and bases.
Telephone protectors.
Tent fabrics.
Test tube holders.
Textile printing blankets.
Thermometer cases and thermostat covers.
Thermoplastic coatings (except for wire and cable insulation).
Toggle straps.
Toilet closet seat and bumpers.
Typewriter and office machinery silencers.
Typewriter feet, covers and keys.
V-belt shock absorbers.
Vacuum cleaner tires and bumpers.
Water closet outlet gaskets.
Weatherstripping.
Windlace covering and windlace tubing.
Wrestling mat covers.
Yarning material.
Zipper tabs.

APPENDIX II—MANUFACTURING REGULATIONS

NOTE: Changes have been made in Lists 3, 6, 22, 23, 24, 25, 27, 29, 30 and 32 Jan. 12, 1944.

(a) *Applicability.* (1) This Appendix sets forth certain compounding proportions and manufacturing regulations for many of the products listed in Schedule A of Appendix I. No person may manufacture the products governed by the lists attached to this Appendix unless such product is manufactured in accordance with the applicable regulations set forth in this Appendix.

(2) All regulations apply to all purchase orders, including both Government and Civilian orders, except where otherwise designated in the appropriate list.

(3) Regulations in this Appendix do not apply to the manufacture of experimental products or experimental compounds designed for:

(i) The substitution of synthetic rubber, reclaimed rubber or scrap rubber for crude rubber and latex.

(ii) The conservation of crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber.

(b) *General provisions.* (1) The total rubber hydrocarbon (sometimes designated RHC in this Appendix) is the sum total of crude rubber and the average rubber hydrocarbon value of reclaimed rubber, expressed on a volume basis. The average rubber hydrocarbon value of reclaimed rubber shall be calculated from the rubber value of reclaimed rubber as certified by the manufacturer of the reclaimed rubber and shall be determined by the "difference (or indirect)" method.

(2) References to Army, Navy, Federal, Railroad, etc., specifications by number mean the latest issue or amendment of the particular specifications.

TABLE OF LISTS ATTACHED TO APPENDIX II

List and Title:
1 Compounds for Mechanical Rubber Products.
2 Conveyor, Elevator and Flat Transmission Belting and V-Belts.
3 Hose and Tubing.
4 Packing.
5 Dam and Lock Gate Seals.
6 Tire and Tube Production Pattern.
11 Printing Rubber Products.
19 Hard Rubber Products.
20 [Deleted]
21 Rubber Footwear.
22 Compounds for Tires and Tire Casings.
23 Tire and Tube Repair Materials.
24 Tires and Tire Casings (except Airplane and Bicycle).
25 Tire Tubes (except Airplane and Bicycle).
26 Tire Flaps.
27 Insulated Wire and Cable.
28 Feeding Nipples.
29 Airplane Tires and Tire Casings.
30 Retreading Materials.
32 Use of High-Tenacity Rayon Cord.
34 Bicycle Tires and Tubes.
35 Rubber Thread.

LIST 1—REGULATIONS FOR THE MANUFACTURE OF COMPOUNDS FOR MECHANICAL RUBBER GOODS

(a) *Applicability.* This List 1 establishes certain general provisions and regulations governing the compounds to be used in the manufacture of mechanical rubber products. These regulations shall apply to all mechanical goods compounds, whether manufactured from crude rubber, reclaimed rubber, synthetic rubber, latex, scrap or any combination of these materials.

(b) *General provisions.* (1) Compounds containing less crude rubber or latex than that amount designated either in Schedule A, Appendix I, or in lists now or hereafter attached to this Appendix II may be used in manufacturing products governed by said schedule or lists, provided the physical or service requirements, where designated, are met.

(2) All compounds shall be black, except where otherwise designated in Schedule A or in other applicable lists.

(3) Where maximum percent by volume for crude rubber and latex is designated, it shall include crude rubber used in cements to aid processing.

LIST 2—REGULATIONS FOR THE MANUFACTURE OF CONVEYOR, ELEVATOR AND FLAT TRANSMISSION BELTING AND V-BELTS

(a) *General provisions.* (1) The manufacture of conveyor, elevator and flat transmission belting and V-belts shall be limited in accord with this List 2, except V-belts to fill Government orders for component parts of watercraft, aircraft, military vehicles or gun mounts when the Army or Navy contract specifically requires the use of different construction.

(2) Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more crude rubber or rubber hydrocarbon (RHC) than is permitted in laminated belting of equivalent size and thickness.

(3) Constructions using combinations of fabric and other reinforcing materials, such as cord or wire, are permitted, provided total crude rubber and rubber hydrocarbon (RHC) do not exceed those which are used in an equivalent grade, fabric ply, construction belt.

(4) Any brands or labels used shall be spaced at least ten feet apart, except that each belt may have at least one brand or label.

(5) When making open-end belts endless, crude rubber may be used provided that it does not exceed .025 lbs. per ply per inch of width.

(b) *Conveyor and elevator belting.* The maximum amount of crude rubber and latex permitted in the manufacture of conveyor and elevator belts is limited to 5.25% by volume of the total compound used.

(c) *Flat transmission belting.* The maximum amount of crude rubber and latex permitted in the manufacture of flat transmission belts is limited to .07 lbs. per 1200 sq. in. per ply throughout the belt. Color of seaming strip is optional.

(d) *V-belts.* The maximum amount of crude rubber and latex permitted in the manufacture of V-belts is limited to 9% of the total volume of the belt, except that the maximum amount of crude rubber and latex permitted in the manufacture of V-belts for use on passenger cars, household equipment, and trucks under 1½ tons is limited to 1% of the total volume of the belt.

LIST 3—REGULATIONS FOR THE MANUFACTURE OF HOSE AND TUBING

(a) *General provisions.* (1) The use of crude rubber in the manufacture of hose and tubing shall conform to the regulations set forth in sub-division (b) of this List 3.

(2) Physical dimensions of hose manufactured in accordance with these regulations shall be inspected in accordance with the methods of the latest revision of A. S. T. M. Standard D-380.

(3) Brands or labels shall be spaced at least twenty-five feet apart, except that each length of hose may have at least one brand or label.

(4) The crude rubber content of any hose governed by this List 3 shall include crude rubber used in cements to aid processing.

(b) *Manufacturing regulations.* (1) Hose and tubing of any size and type not listed in sub-division (b) (2) of this List 3 may be manufactured, *Provided*, That:

(i) It is not specifically prohibited in Schedule B, Appendix I.

(ii) No crude rubber is used.

(iii) General purpose synthetic rubber, reclaimed rubber and Class 2 scrap rubber may be used in any amounts and in any proportion desired.

(2) The manufacture of hose and tubing consuming crude rubber shall be limited to the sizes and types listed in this sub-division (b) (2) and shall be subject to the regulations on crude rubber content and special restrictions designated.

COMMERCIAL TYPES

Type of product	Maximum percent crude rubber by volume in compound	Construction and/or service restrictions
Acid, conducting and suction	2.00	
Air and air tool, Industrial Grade 2	1.50	
Alcohol, brewers and beverage hose, tubing and suction hose	3.00	Tube color: Optional.
Arbor pipe forming:		
Tube	60.00	Tube: 3/64" maximum.
Friction	60.00	
Brake expander tubing		Government orders only. Crude rubber as needed.
Cement handling, cement gun, incl. grouting	5.25	
Cement and material, dry and ice-slinger	5.25	
Concrete placing	5.25	
Chemical engine	0.00	Crude rubber permitted in cements only.
Coupling, flexible	1.50	
Creamery (sanitary)	1.50	
Divers:		
Floating:		
Tube	95.00	Wall: 1/16" maximum.
Friction	60.00	
Cover	60.00	
Sinking	3.00	
Dredging sleeves	5.25	
Expansion joints	30.00	Tube: 1/4" max. on sizes 8" I. D. and under. 3/16" max. on sizes over 8" I. D. Cover: 1/16" max. on all sizes. Service: Normally used in rigid line to absorb thrust or excessive motion, or to isolate vibration and/or noise.
		Max. crude rubber per 100 feet (pounds) Nominal size (inches): 1 — 1.0 1¼ — 1.3 1½ — 1.6 2 — 2.2 2½ — 2.8 3 — 3.0 3½ — 4.0
Fire, CRL		Class 3 reclaim.
Flanged flexible pipe	5.25	Crude rubber permitted for Government only, subject to special authorization.
Garden hose	0.00	
Hydraulic brake	0.00	
Hydraulic control and industrial grease, high pressure	5.25	
Jetting and hydraulic	3.00	
Milk conveying and food handling	5.25	Tube color: Optional.
Oxygen hose (not welding)		Gov't orders only. Crude rubber as needed.
Phosphate flexible	5.25	
Pinch valve:		
Tube	75.00	Wall: 1/16" max. on sizes 4" I. D. and under, 3/8" max. on sizes over 4" I. D.
Friction	60.00	
Cover	60.00	
Radiator, Grade 1	0.00	Crude rubber permitted in cements only.
Rock wool insulation	0.00	Crude rubber permitted in cements only.
Rotary drilling:		
Tube	75.00	Tube: 5/32" maximum.
Friction	60.00	Cover: 3/32" maximum.
Layer or filler	40.00	Not more than 9 percent crude rubber by volume of compound permitted after Feb. 1, '44 for tube, friction, layer or filler and cover.
Cover	40.00	
Sand blast	9.00	
Shaft covering, flexible	0.00	Crude rubber permitted in cements only.
Spray, agricultural:		
High pressure	1.50	
Low pressure	0.00	
Spray, paint (air line)	1.50	Cover: black or red.
Steam:		
Grade 1	5.25	
Grade 2	5.25	
Grade 3	3.00	
Suction:		
Fire engine, bard	3.00	
Fire engine, soft		3¼" and over, 4 lbs. crude per 100 ft.
Hard rubber	0.00	Crude rubber permitted in cements only.
Rotary slush pump	3.00	
Sand	9.00	
Water	3.00	
Tapered rubber nozzle (when built on end of hose)	5.25	
Tender tank	3.00	
Vacuum:		
Industrial	3.00	
Dust collector	5.25	
Blower or exhaust	9.00	
Washing machine drain hose	0.00	Class 3 reclaim.
Water, all sizes	0.00	Crude rubber permitted in cements only.
Welding	1.50	Cover: Black or red.

RAILROAD HOSE

Air brake and train air signal	1.50	
Air, gas and oxygen	1.50	Cover: Black or red on welding hose only.
Steam and hot water	5.25	
Tender tank	3.00	
Water, all sizes	0.00	Crude rubber permitted in cements only.

List 4—Regulations for the Manufacture of Packing

(a) *Manufacturing regulations.* (1) Packing of any type not listed in subdivision (a) (2) of this List 4 may be manufactured, *Provided*, That:

(i) No crude rubber is used.

(ii) General purpose synthetic rubber, reclaimed rubber and Class 2 scrap rubber may be used in any amounts and in any proportion desired.

(2) The manufacture of packing consuming crude rubber shall be limited to the types listed in this subdivision (a) (2) and shall be subject to the regulations on crude rubber content and special restrictions designated.

PACKING

Type of product	Maximum crude rubber by volume in compound (%)	Construction and/or service restrictions
Sheet packing, including cut, extruded or molded strips, gaskets, or packing rings of simple, round, square or rectangular cross-section:		
Standard (known heretofore as red or black sheet packing) or soft.	0.00	Color on Standard may be red or black. 5.25% crude by vol. may be used with Thiokol A for oil resistant type.
Piston packing hydraulic (known heretofore as white hydraulic).	50.00	
Rod packing, duck rubber slab construction (known heretofore as low-pressure ring, low-pressure spiral or cross expansion packing).	5.25	
Rod packing, duck rubber rolled construction:		
Friction process	5.25	
Spreading process		1% crude, based on weight of fabric.
Rod packing, moulded channel with metal core, known as semi-metallic:		
Rubber (spreading process)		1% crude, based on weight of fabric.
Rod packing, molded V-shape or lip	5.25	
Rod packing, molded channel with cores other than metal	5.25	
Bonded compressed asbestos sheet		5% crude, based on weight of sheet. Color: Optional.
Rubberized woven asbestos cloth or braid including unmolded gaskets or rod packings prepared from same:		
Metallic	3.00	Color: Optional.
Non-metallic	3.00	

List 5—Regulations for the Manufacture of Dam and Lock Gate Seals

(a) The manufacturer of dam and lock gate seals shall be limited to the construction shown in this List 5.

(b) Caisson gaskets manufactured to Navy Specification 33-G-9 shall be limited to the construction shown in this List 5.

(c) The tread, cushion, friction and coat for dam and lock gate seals and caisson gaskets shall be made from compounds which conform to the crude rubber and physical property regulations set forth in Table A.

TABLE A

Construction element	Maximum % crude rubber by volume in compound	Minimum tensile strength in lbs. per sq. inch	Minimum elongation in percent	Shore hardness	Minimum ply adhesion in lbs.
Tread	35.00	1,500	350	60-70	12
Cushion	90.00	2,000	700	35-47	12
Friction and coat	60.00				16

List 6—Regulations for the Tire and Tube Production Pattern

(a) *Production pattern.*—(1) In order to secure maximum output from existing tire and tube production facilities in accordance with the essentiality of demand, the following production pattern shall be observed and followed by all manufacturers, notwithstanding any other applicable order, regulation or authorization of the War Production Board.

PRODUCTION PATTERN

Group — *Type of product*

1—*Airplane tires and tubes:*
- a—Large size tires, built on truck equipment.
- b—Small size tires, hand built or built on industrial pneumatic equipment.
- c—Other small size tires, built on passenger equipment.
- d—Tubes.

PRODUCTION PATTERN—continued

Group — *Type of product*—Con.

2—*Truck-bus tires and tubes:*
- a—Combat tires.
- b—Extra large size tires, 16.00 and larger cross-section.
- c—Large size tires, 9.00 through 14.00 cross-section.
- d—Medium size tires (dual bead), all 10 ply up to and including 8.25 cross-section.
- e—Small size tires (single bead), 8 ply and under.
- f—Tires with 15 inch and 16 inch rim diameters, up to and including 7.50 cross-section.
- g—Solid tires.
- h—Tubes.

3—*Tractor-implement tires and tubes:*
- a—Large size tires, over 7.50 cross-section.
- b—Front and small size tires, up to and including 7.50 cross-section.
- c—Tubes.

PRODUCTION PATTERN—Con.

Group — *Type of product*—Con.

4—*Industrial tires and tubes:*
- a—Solid tires.
- b—Pneumatic tires.
- c—Tubes.

5—*Camelback and repair materials:*
- a—Truck type and heavy duty.
- b—Passenger type.

6—*Passenger and motorcycle tires and tubes:*
- a—Tires.
- b—Tubes.

7—*Bicycle tires and tubes:*
- a—Tires.
- b—Tubes.

(2) The foregoing production pattern establishes the order of preference in which each manufacturer's interchangeable facilities must be used in the manufacture of tire and tube products and applies to facilities in each group or sub-group or in as many groups as are covered by the manufacturer's facilities.

(3) Where there is any degree of interchangeability in the use of the manufacturer's facilities, these facilities shall be extended to a lower group or sub-group in accordance with the production pattern when the manufacturer has established an inventory position not exceeding 15 days' supply in each higher group or sub-group for which the facilities are used. Inventories thus established shall be maintained in accordance with the production pattern.

For the purposes of this list, a 15-day inventory position means one-fourth of the manufacturer's sales during the preceding 60 day period.

For example: Assume that a 15-day position has been established in groups 1 and 2. This releases interchangeable facilities for the remaining groups in order of preference. When inventories are exhausted in groups 1 and 2, then any interchangeable facilities which are used in a lower group in the pattern must be diverted to groups 1 and 2 as soon as possible in order to re-establish an inventory not exceeding a 15-days' supply in groups 1 and 2 in accordance with the pattern.

Another example: Requirements for Item f of group 2—truck tires of 15 inch and 16 inch bead diameter through 7.50 cross section (these are also passenger type sizes) must be met to the extent of an inventory not exceeding a 15 days' supply before production facilities shall be used for regular passenger tire in group 6.

(4) The use of interchangeable tire and tube production facilities, except in accordance with the foregoing production pattern, is prohibited unless specific authorization in writing is secured from the Office of Rubber Director, War Production Board.

(b) *Miscellaneous provisions.* (1) Because of the urgency for maximum tire and tube production and in view of the critical manpower shortage, no manufacturer shall perform the following operations:

(i) Painting of tires and tubes for the sake of appearance.

(ii) Wrapping of tires, regardless of end use.

(iii) Clipping or shearing of curing-vent overflow except for airplane tires.

(iv) Removal of minor light spots and surface imperfections not actually harmful from a service standpoint.

(2) Deviations from normal manufacturing practices which are set forth in this subdivision (b) shall not be interpreted as permitting any relaxation of essential inspection of the finished product.

List 11—Regulations for the Manufacture of Printing Rubber Products

(a) The use of crude rubber and latex in the manufacture of printing rubber products shall conform to the regulations shown in Table A.

TABLE A—PRINTING RUBBER PRODUCTS

Type of product	Maximum % crude rubber by volume in compound	Construction and/or service restrictions
Printing plate gums	0.00	
Printing plate insert and backing fabrics	0.00	
Adhesive fabric: Friction	75.00	
Offset blankets	55.00	No crude may be used after Feb. 1, 1944.
Newspaper blankets	45.00	No crude may be used after Feb. 1, 1944.
Cutting rubber	0.00	
Printing rolls:		
Gravure and impression rolls	55.00	No crude may be used after Feb. 1, 1944.
Rolls to be coated with a composition having a shore hardness of less than 20.	20.00	
All others	0.00	
Engraving, rubber face and filler stocks	0.00	
Engraving rubber friction	15.00	
Box die gum	0.00	
Stamp gums	0.00	

(b) The color of the printing rubber products listed in Table A is optional.

(c) The use of crude rubber and latex as an adhesive for mounting purposes and/or adhesion to metal will be permitted, but such adhesive shall not exceed 5% of the total volume of compound used.

List 19—Regulations for the Manufacture of Hard Rubber Products

(a) *Permissible products.* The manufacture of hard rubber products shall be limited:

(1) For Civilian orders, to those items listed in Appendix I, Schedule A, Code No. 12, which refer to List 19 in Appendix II, and

(2) For Government orders, to any item not specifically prohibited for Government orders in Appendix I, Schedule B.

(b) *Manufacturing regulations.* (1) Any permitted hard rubber product may be manufactured without restrictions, *Provided* That,

(i) No crude rubber or latex is used.

(ii) General purpose synthetic rubber, reclaimed rubber and Class 2 scrap rubber may be consumed in any amounts and in any proportion desired.

(2) The manufacture of hard rubber products consuming crude rubber or latex shall be limited to the items listed in this subdivision (b) (2) and shall be subject to the regulations on crude rubber content and special restrictions designated.

Item	Maximum percent crude rubber and latex by volume in compound	Special restrictions
Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, racks and trays (hand made only).	10	For handling corrosive chemicals and explosives.
Blown hard rubber products including only:		
Bottles:		
Body	40	For handling corrosive chemicals and explosives.
Sealing bond	60	
Fittings (tees, ells, flanges, crosses, unions and couplings).	50	For handling corrosive chemicals and explosives.
Pistons, valves and valve parts	50	For handling corrosive chemicals and explosives.
Water meter parts	00	For water meters only.
Component hard rubber parts of machinery for the manufacture of rayon, explosives and corrosive chemicals (hand made only)	30	
Magneto parts	50	For dielectric purposes.
Microporous separators:		
From latex	85	
From crude rubber	70	
Storage battery jars and monoblocs, hand-wrapped only (except radio, farm light, mine-safety and automotive SLI types).	10	
Submarine battery jars	85	For Government orders only.
Submarine battery vents and parts (hand made only).	90	For Government orders only.
Tabular retainers	60	
X-ray and photographic tanks (hand made only):		
Over ¼" wall	10	For Government orders only.
Under ¼" wall	20	For Government orders only.

List 21—Regulations for the Manufacture of Rubber Footwear

(a) *General provisions.* (1) The manufacture of rubber footwear and canvas rubber soled shoes shall be limited to the items shown in sub-divisions (b), (c), (d), and (e) of this List 21.

(2) All rubber footwear and canvas shoes shall be manufactured in black color compound only.

(3) Variations from the average weights of total crude or latex per pair maximum are permitted as follows:

Plus 10%.
Minus Unlimited.

This means that any individual pair may contain up to 10% in excess of the average weight of crude rubber and latex indicated for the item, but that the total over-all consumption of crude rubber and latex for all items manufactured may not exceed the total amount permitted under the ceilings listed for those items.

(4) General purpose synthetic rubber and reclaimed rubber may be consumed in any amount required for the manufacture of these products.

(b) *Essential health items.*

	Average weight of crude rubber and latex per pair maximum (in pounds)
Men's short boots—regulation height	0.17
Women's short boots—(molded heel)	.10
Men's lumber-over	.14
Men's 2-buckle perfection	.21
Men's 5-buckle rubber mid-weight arctic	.18
Men's 4-buckle rubber mid-weight arctic	.16
Men's 4-buckle rubber light-weight arctic	.13
Men's 4-buckle cloth farm-weight arctic	.11
Men's 4-buckle cloth light-weight arctic	.10
Boys' 3-buckle rubber light-weight arctic	.11
Youths' 3-buckle rubber light-weight arctic	.09
Women's 4-buckle rubber light-weight arctic (low heel)	.10
Women's 2-snap gaiter (rubber)	.05
Misses' 2-snap gaiter (rubber)	.03
Child's 2-snap gaiter (rubber)	.04
Men's 2-buckle work rubber	.10
Men's work rubber-storm & semi-storm	.09
Boys' storm work rubber	.08
Men's dress rubber-storm over & clog (full lined)	.05
Men's clog (molded)	.025
Boys' dress rubber-storm & over (soft back only)	.05
Youths' storm rubbers	.05
Women's toe rubbers	.02
Growing girls' storm rubber	.04
Misses' storm rubber	.04
Women's over	.04
Childs' storm rubber	.03
Women's 10½" over the shoe arctic	.05
Misses' 9" over the shoe arctic	.05
Child's 8" over the shoe arctic	.04

(c) *Severe occupational items.*

Men's short boot (plain toe)	.28
Men's short boot (steel toe)	.30
Men's storm king boot (plain toe)	.38
Men's storm king boot (steel toe)	.40
Men's storm king fireman's boot (plain toe)	.40
Men's hip boot and thigh (plain toe)	.48
Men's hip boot and thigh (steel toe)	.49
Men's 15" lace pac (plain toe)	.28
Men's 15" lace pac (steel toe)	.30
Men's 10" mine pac (plain toe)	.24
Men's 10" mine pac (steel toe)	.26
Men's work shoe (plain toe)	.18
Men's work shoe (steel toe)	.20
Women's work shoe (plain toe)	.18
Men's body boot	.65

(d) *Canvas rubber soled shoes of vulcanized construction.*

Men's training shoe—black duck upper	.12
Boys' training shoe—black duck upper	.12
Men's trimmed lace to toe bal. black or brown duck upper	.09
Boys' trimmed lace to toe bal. black or brown duck upper	.08
Youths' trimmed lace to toe bal. black or brown duck upper	.07

(d) *Canvas rubber soled shoes of vulcanized construction*—Continued.

	Average weight of crude rubber and latex per pair maximum (in pounds)
Little gents' lace to toe bal. black or brown duck upper (trimmed)	0.06
Women's lace to toe gym bal. white duck upper	.07
Misses' lace to toe gym bal. white duck upper	.06
Men's untrimmed oxford white duck upper	.07
Boys' untrimmed cir. vamp oxford white duck upper	.07
Youths' untrimmed cir. vamp oxford white duck upper	.06
Women's untrimmed oxford white duck upper	.07
Misses' untrimmed cir. vamp oxford white duck upper	.06
Childs' untrimmed cir. vamp oxford white duck upper	.05

(e) *Government order arsenal-ordnance order and munition plant order items.*

Men's hip boot (OQMG 15A Rev. 1-19-43)	.38
Men's toplace short boot (OQMG 14 Rev. 1-20-43)	.20
Men's lumber-over shell, Yukon type (BQD 57E Rev. 11-2-42)	.18
Men's 4-bkle. rubber arctic (Army-Navy Spec.)	.19
Men's 4-bkle. cashmerette arctic (OQMG 56B Rev. 11-14-42)	.14
Women's 4-bkle. cashmerette arctic (BQD pending)	.08
Women's 2-snap gaiters (rubber) (BQD No. 70)	.06
Women's athletic shoe (tennis) (BQD No. 73)	.07
Men's jungle boot (BQD No. 79A)	.10
Women's heavy storm rubber (BQD No. 97)	.06
Men's short legging boot—conductive sole (Army Ord. Spec.)	.23
Men's short legging boot (Army Ord. Spec.)	.23
Men's powder-plant over-the-shoe boot	.22
Women's 10" pullover boot—conductive sole (Army Ord. Spec.)	.10
Men's work shoe — conductive sole (Army Ord. Spec.)	.19
Men's work rubber—conductive sole (Army Ord. Spec.)	.14
Men's clog—conductive sole (Army Ord. Spec.)	.10
Men's industrial hip boot—shell construction	.42
Men's industrial hip boot—shell construction—steel toe	.43
Men's industrial short boot—shell construction	.25
Men's industrial short boot—shell construction—steel toe	.27
Aviators' winter flying boot (Aero. Spec. M380-B)	(1)
Men's flying boot (A6)	(1)
Men's flying boot (A9)	(1)
D-1 electrically heated flying boot insert (Used in A9 boot)	.10
Men's flying boot (A10)	.13
Pilots' shoes—rubber surface—muk-luk type (A13)	.14
Pilots' shoes—canvas and rubber—muk-luk type (A14)	.10
Men's hip boot, medium weight (Navy Spec.)	.38
Men's short boot, heavy weight (Navy Spec.)	.28
Men's 4-bkle. cloth arctic (Navy Spec.)	.14

[1] Cements only.

(e) *Government order arsenal-ordnance order and munition plant order items*—Con.

	Average weight of crude rubber and latex per pair maximum (in pounds)
Men's storm rubber (Navy Spec.)	0.07
Men's clog non-slip sole (Navy Spec. M449)	.06
Men's clog molded (Navy Spec.)	.03
Women's snap gaiter (rubber) (Navy Spec.)	.06
Men's gym shoes (Navy Spec.)	.07
Men's training shoe (molded sole) (Navy Spec.)	.12
Men's electrically heated flying boot (Navy-Aero M456)	.13
Men's 5-bkle. arctic—non-slip sole (rubber) (Aero Spec. M517)	.17
Men's wading suit (Aero Spec.)	.66
Men's wading shoe (Aero Spec.)	.08
Men's wader overshoe—armpit height (Engineers Spec.)	.65
Men's wader over-the-foot, waist height (Signal Corps. Spec.)	.50
Men's 2-bkle. cloth arctic (Marine Spec.)	.14
Men's 2-bkle. perfection (diving suits and felt Boots) (Merchant Marine Spec.)	.17
Men's sea boot—non-slip sole, Navy	.35
Men's firemen's storm king boot Navy 72B2 revised 8-30-43	.59
Men's 5-bkle. rub. arctic (Navy) 72-A-4 shore arctic N 2	.22

List 22—Regulations for the Manufacture of Compounds for Tires and Tire Casings

(a) *Applicability.* These regulations govern the manufacture of compounds for tires and tire casings. Other lists attached to Appendix II will govern the use of these compounds in the manufacture of finished products. These compounds need be used only when required by other regulations contained in lists attached to Appendix II. The variations permitted by this List 22 are allowed in the manufacture of finished products covered by other applicable lists unless expressly prohibited by such other lists.

(b) *Natural rubber compounds.* The composition of natural rubber compounds shall be governed by the regulations set forth in the following table:

Description of compound: Type	Grade	Percent by volume: Crude rubber and latex, Maximum	Crude rubber and latex, Minimum	Total RHC, Maximum	Total RHC, Minimum
Tread compounds	A	73.0	71.0	75.0	71.0
	B	59.5	57.5	74.6	65.0
Friction compounds	A	88.5	83.5	94.2	83.5
	B	78.0	73.0	94.2	75.0

(c) *Synthetic rubber compounds.* (1) No regulations are now designated for the manufacture of synthetic rubber compounds for tires and tire casings.

(2) The identification of the various types of synthetic rubber is effected by designating each type by a letter and a color.

Letter	Color	Type of synthetic
S	Red	GR-S (Buna S).
M	Yellow	GR-M (Neoprene).
I	Light blue	GR-I (Butyl).

(d) *Synthetic tire constructions.* (1) The distribution of synthetic rubber in tires and tire casings is controlled by the following synthetic construction identification numbers, which indicate the proportion of synthetic rubber to crude rubber, and the placement of the synthetic rubber.

Synthetic construction identification numbers:	Type of synthetic
S-1, S-2, S-3, etc	GR-S
M-1, M-2, M-3, etc	GR-M
I-1, I-2, I-3, etc	GR-I

(2) S-3 denotes 100% GR-S tread on a 100% GR-S carcass, except that:

(i) Crude rubber may be used throughout the tire at the manufacturer's discretion, but shall not exceed, by weight, two percent of the sum of the crude rubber, GR-S synthetic rubber and reclaimed rubber hydrocarbon contents. Individual sizes may exceed the two percent maximum, provided that the average crude rubber content of all sizes of the same type of tire does not exceed the two percent maximum.

(ii) Reclaimed rubber may be used throughout the tire at the manufacturer's discretion.

(iii) Latex may be used in cord treatment solution.

(3) S-4 denotes approximately 90% GR-S and 10% crude rubber, distributed throughout the tire at the manufacturer's discretion, except that:

(i) Crude rubber may be used only to the extent permitted by the "maximum content crude rubber" designated.

(ii) Reclaimed rubber may be used throughout the tire at the manufacturer's discretion.

(iii) Latex may be used in cord treatment solution.

(4) S-5 denotes 100% GR-S tread on a natural rubber carcass, except that:

(i) Crude rubber may be used only in cements, in tread and sidewall splice gum strips and in the tire body, but only to the extent permitted by the "maximum content crude rubber" designated.

(ii) Reclaimed rubber may be used throughout the tire at the manufacturer's discretion.

(iii) Latex may be used in cord treatment solution.

(5) S-6 denotes approximately 70% GR-S and 30% crude rubber, distributed throughout the tire at the manufacturer's discretion, except that:

(i) Crude rubber may be used to the extent permitted by the "maximum content crude rubber" designated.

(ii) Reclaimed rubber may be used throughout the tire at the manufacturer's discretion.

(iii) Latex may be used in the cord treatment solution.

(6) S-7 denotes approximately 35% GR-S and 65% crude rubber, distributed throughout the tire at the manufacturer's discretion, except that:

(i) Crude rubber may be used only to the extent permitted by the "maximum content crude rubber" designated.

(ii) Reclaimed rubber may be used throughout the tire at the manufacturer's discretion.

(iii) Latex may be used in cord treatment solution.

(7) M-2 denotes 100% GR-M tread on a GR-S carcass.

(8) M-3 denotes 100% GR-M tread on a 100% GR-M carcass.

(9) M-5 denotes 100% GR-M tread on a natural rubber carcass.

(10) I-3 denotes 100% GR-I tread on a 100% GR-I carcass.

List 23—Regulations for the Manufacture of Tire and Tube Repair Materials

(a) *General provisions.* Only one grade of product may be manufactured in each item governed by this List 23, and that grade must be consistent with maintaining a quality adequate for the service for which the product is designed.

(b) *Manufacturing regulations.* The manufacture of tire and tube repair materials shall be limited to the items shown in this sub-division (b), subject to the compound regulations designated therefor.

TIRE AND TUBE REPAIR MATERIALS

Description of Item	Percent by volume in compound: Crude rubber maximum	GPS[1] rubber minimum	Total new rubber minimum	Total RHC plus GPS[1] minimum
(1) Bulk tire repair materials:				
(a) Tread repair stock (¼" max. ga.)	44.5	15.0	57.5	65.0
(b) Repair cushion stock	60.0	20.0	75.0	78.0
(c) Cord repair friction (.047 max. ga.)	60.0	20.0	75.0	78.0
(d) Square woven fabric friction	60.0	20.0	75.0	78.0
(e) Cements (cold cure)	Minimum .25 pound crude rubber per gallon			
(f) Cements (vulcanizing)	Minimum .55 pound crude rubber per gallon			
(2) Tire patches:[2]				
(a) Uncured—vulcanizing type—				
Body	60.0	20.0	75.0	78.0
Facing	60.0	20.0	75.0	78.0
(b) Cured and semi-cured—vulcanizing type—				
Body	0.0	0.0	0.0	73.0
Facing	60.0	20.0	75.0	78.0
(c) Temporary emergency—cold cure type (composite)	5.0	0.0	0.0	58.0
(d) Tire reliners	0.0	0.0	0.0	58.0
(3) Tube patches:				
(a) Combination tube repair gum (cured back, uncured face)	60.0	0.0	55.0	73.0
(b) Tube repair gum (uncured)	60.0	20.0	75.0	78.0
(c) Hot patch gum (uncured)	78.0	0.0	73.0	75.0
(d) Truck tube valve repair patches (composite)	60.0	20.0	73.0	78.0
(e) Tube replacement valve facing	60.0	20.0	76.0	76.0

[1] GPS means General Purpose Synthetic

[2] Crude rubber may be consumed in cements for adhesion purposes in manufacturing tire patches.

(c) *Restrictions.* (1) In items (2) (c), (3) (a) and (3) (d), different grades of compounds may be used in the cured and uncured portions of each, provided the total crude rubber content in the whole item does not exceed the percent represented by the compound grade specified.

(2) Repair kits containing any of the above materials, except garage kits, shall not contain more than .04 pound of combination tube repair gum, nor more than 1.5 cubic inches of any rubber cement.

(3) Garage kits containing any of the above materials shall contain either ½ pound, ½ pound or 1 pound of combination tube repair gum and not more than ½ pint of rubber cement.

(4) The over-all gauge of any combination tube repair gum manufactured shall not exceed .05 inch, including holland cloth or other protecting material.

List 24—Regulations for the Manufacture of Tires and Tire Casings (Except Airplane and Bicycle Tires)

(a) *General provisions.* (1) The crude rubber content of any tire or tire casing governed by this List 24 shall not include processing losses, crude rubber used in curing bags or latex used in the cord treatment. Latex consumed in cord treatment, however, shall not exceed, by weight, 4% of the dry weight of cord treated in any quarterly period.

(2) On those sizes of natural rubber tires for which no "maximum content crude rubber" is designated, the compound grades shown under "compound designation" shall apply (the first letter designating the friction and the second letter designating the tread compound grade) and the composition of the compounds shall conform to the regulations set forth in List 22, Appendix II.

(3) On those sizes of synthetic rubber tires for which no "maximum content crude rubber" is designated, the tire construction shall be of the synthetic type designated and the compounds thereof shall conform to the appropriate regulations set forth in List 22, Appendix II.

(4) The use of rayon in the manufacture of tires and tire casings governed by this List 24 shall conform to the regulations set forth in List 22, Appendix II.

(5) When the cord used in any tire is made of rayon or is of a gauge less than .027 inch as measured by the current ASTM standards in effect, the "maximum content crude rubber" permitted shall be reduced by 6 percent.

(6) Only one grade of tire may be manufactured in any size, ply and type, and that grade must be consistent with maintaining a quality adequate for the service for which the tire is designed.

(7) Where "Mud-Snow" type tread is designated in this List 24, tires with either directional or non-directional (ND) tread designs may be manufactured.

(8) Single marked high pressure type tires or single marked balloon type tires may be substituted for dual marked type tires.

(9) S-7 synthetic construction may be substituted for S-5 synthetic construction wherever S-5 is designated in this List 24, subject, for Government orders, to the approval of the procuring agency. The "maximum content crude rubber" designated for S-5 shall also apply to S-7.

(b) *Manufacturing regulations.* (1) Pneumatic tires of any size, ply and tread type may be manufactured provided that they conform to the regulations for S-3 synthetic construction tires in List 22, Appendix II.

(2) Solid or hollow center tires, casters and wheels of any size and type may be manufactured, provided that

(i) Crude rubber is consumed only in cements and/or tie-gum (or hard base) and does not exceed, by weight, ten percent of the sum of crude rubber, synthetic rubber and reclaimed rubber hydrocarbon contents.

(ii) General purpose synthetic rubber, reclaimed rubber and Classes 1 and 2 scrap rubber may be used in any amounts and in any proportion desired.

(3) The manufacture of tires and tire casings consuming more crude rubber than permitted by sub-divisions (b) (1) and (b) (2) of this List 24 shall be limited to the sizes, plies and tread types listed in this sub-division (b) (3), subject to the maximum crude rubber contents or compound grades designated therefor.

TRUCK AND BUS TIRES

Size	Ply	Tread type	Compound designation		Maximum content crude rubber in pounds	
			Civilian orders	Government orders	Civilian orders	Government orders
7.00–18	10	Standard Highway		S–6		8.70
–20/32 x 6	10	do	S–6	S–6	9.40	9.40
–20/32 x 6	10	Mud-Snow	S–4	S–4	4.30	4.30
–24/36 x 6	10	Standard Highway	S–6	S–6	10.90	10.90
7.50–16	6	do	S–6	S–6	6.70	6.70
–16	6	Mud-Snow		S–4		3.10
–16	8	Standard Highway	S–6	S–6	7.40	7.40
–16	8	Mud-Snow		S–4		3.40
–17	8	Standard Highway	S–6	S–6	8.40	8.40
–18	8	do	S–6	S–6	8.50	8.50
–20	8	do	S–6	S–6	9.40	9.40
–20	8	Mud-Snow		S–4		4.30
–20/34 x 7	10	Standard Highway	S–6	S–6	11.00	11.00
–20/34 x 7	10	Mud-Snow	S–4	S–4	4.80	4.80
–24/38 x 7	10	Standard Highway	S–6	S–6	12.00	12.00
8.25–18	10	do	S–6	S–6	11.50	11.50
–20	10	do	AA	S–6	41.50	12.70
–20	10	Mud-Snow	S–4	S–4	5.65	5.65
–20	12	Standard Highway	AA	S–6	43.50	13.40
				S–6		10.80
9.00–16	8	do		S–6		4.75
–16	8	Mud-Snow		S–4		13.60
–18	10	Standard Highway	S–6	S–6	13.60	14.70
–20	10	do	AA	S–6	48.50	6.60
–20	10	Mud-Snow	S–4	S–4	6.60	15.80
–20/36 x 8	12	Standard Highway	AA	S–6	52.00	15.70
–22	10	do	S–6	S–6	15.70	16.70
–24	10	do		S–6		18.50
–24/40 x 8	12	do	S–6	S–6	18.50	8.20
–24/40 x 8	12	Mud-Snow		S–4		16.50
10.00–18	12	Standard Highway	S–6	S–6	16.50	17.80
–20	12	do	AA	S–6	58.00	18.20
–20	12	Mud-Snow	S–6	S–6	18.20	20.00
–20/36 x 9	14	do		S–6		19.30
–22	12	Standard Highway	AA	S–6	62.50	19.30
–22	12	Mud-Snow		S–6		20.50
–24	12	Standard Highway	S–6	S–6	20.50	20.50
–24	12	Mud-Snow		S–6		43.50
11.00–18	10	Desert		BB		53.00
–18	12	Standard Highway	AB	AB	53.00	62.00
–20	12	do	AA	AB	67.00	62.00
–20	12	Mud-Snow	AB	AB	62.00	67.50
–20	14	do		AB		65.00
–22	12	Standard Highway	AA	AB	70.50	69.00
–24	12	do	AB	AB	69.00	69.00
–24	12	Mud-Snow		AB		74.50
–24	14	Standard Highway		AB		74.50
–24	14	Mud-Snow		AB		76.00
12.00–20	14	Standard Highway	AB	AB	76.00	78.00
–20	14	Mud-Snow		AB		83.00
–24	14	Standard Highway	AB	AB	83.00	85.00
–24	14	Mud-Snow		AB		90.50
–24	16	Standard Highway		AB		94.00
13.00–20	16	do	AB	AB	94.00	98.00
–20	16	Mud-Snow		AB		106.00
–24	16	Standard Highway	AB	AB	106.00	110.00
–24	16	Mud-Snow		AB		85.00
14.00–20	12	Desert		AB		105.00
–20	16	Standard Highway	AB	AB	105.00	112.50
–20	16	Mud-Snow		AB		132.50
–20	20	Standard Highway		AA		140.00
–20	20	Mud-Snow		AA		120.00
–24	16	Standard Highway	AB	AB	120.00	127.50
–24	16	Mud-Snow		AB		112.50
–24	16	Desert		AB		150.00
–24	20	Standard Highway		AA		157.50
–24	20	Mud-Snow		AA		160.00
–24	24	Standard Highway		AB		16.00
7.50–15	10	Standard Low Flat. Tir	S–5	S–5	16.60	18.20
–15	12	do		S–5		22.40
8.25–15	12	do	S–5	S–5	22.40	25.10
–15	14	do		S–5		26.40
9.00–15	12	do	S–5	S–5	26.40	28.80
10.00–15	12	do		S–5		32.00
–15	14	do	S–5	S–5	32.00	
All	All	City Bus Mileage	S–5		A friction	
All	All	Intercity Bus Mileage	S–5 or		A friction	
All	All	do	AA			

SPECIAL PURPOSE TIRES

Size	Ply	Tread type	Compound designation		Maximum content crude rubber in pounds	
			Civilian orders	Government orders	Civilian orders	Government orders
8.25–20	10	Earthmover	BA	BA	38.00	38.00
9.00–20	10	do	BA	BA	44.00	44.00
10.00–20	12	do	BA	BA	51.00	51.00
11.00–20	12	do	BA	BA	58.00	58.00
12.00–20	12	do	BA	BA	62.00	62.00
13.00–20	14	do	BA	BA	78.00	78.00
14.00–20	16	do	BA	BA	100.00	100.00
16.00–20	16	do	BA	BA	130.00	130.00
18.00–24	16	do	BA	BA	175.00	175.00
–24	20	do	BA	BA	195.00	195.00
21.00–24	16	do	AA	AA		[1]
–24	20	do	AA	AA		
24.00–32	24	do	AA	AA		
–32	36	do	AA	AA		
36.00–40	34	do	AA	AA		
8.25–20	12	Rock Service and Logger	AA	AA		
9.00–20	12	do	AA	AA		
10.00–20	14	do	AA	AA		
–22	14	do	AA	AA		
–24	14	do	AA	AA		
11.00–20	14	do	AA	AA		
–22	14	do	AA	AA		
–24	14	do	AA	AA		
12.00–24	16	Rock Service	AA	AA		
13.00–24	16	do	AA	AA		
14.00–24	20	do	AA	AA		
16.00–24	20	do	AA	AA		
18.00–24	20	do	AA	AA		
21.00–24	20	do	AA	AA		
–24	24	do	AA	AA		
8.25–20	10	Logger	AA	AA		
9.00–20	10	do	AA	AA		
10.00–20	12	do	AA	AA		
–22	12	do	AA	AA		
11.00–20	12	do	AA	AA		
–22	12	do	AA	AA		
18.00–24	16	Mud-Snow	AA	AA		
–24	20	do	AA	AA		
–40	20	do	AA	AA		
21.00–24	16	do	AA	AA		
–24	20	do	AA	AA		
–28	20	do	AA	AA		
24.00–32	24	do	AA	AA		
–32	36	do	AA	AA		
30.00–40	34	do	AA	AA		
7.00–20	10	Ribbed (flat base)	S–4	S–4	3.80	3.80
–24	10	do	S–4	S–4	4.40	4.40
7.50–24	10	do	S–4	S–4	5.10	5.10
9.00–24	10	do	S–4	S–4	7.50	7.50
–24	10	Traction (flat base)	S–4	S–4	6.80	6.80
–24	10	Traction (drop center)	S–4	S–4	6.80	6.80
10.00–24	8	do	S–4	S–4	6.80	6.80
11.00–24	8	do	S–4	S–4	7.10	7.10
12.00–24	8	do	S–4	S–4	8.10	8.10
13.00–20	10	do	S–4	S–4	9.60	9.60
–24	8	do	S–4	S–4	10.10	10.10
14.00–20	12	do	S–4	S–4	12.30	12.30
6.00–16		Combat (U. S.)		S–3		[1]
–20		do		S–3		[1]
8.00–16		do		S–6		13.00
8.25–20		do		S–6		26.00
9.00–16		do		S–6		20.00
–20		do		S–6		30.00
10.00–22		do		AA		110.00
12.00–20		do		AA		160.00
14.00–20		do		AA		210.00
–24		do		AA		245.00

[1] Crude rubber may be consumed up to 5 percent, by weight, of the sum of crude rubber, synthetic rubber and reclaimed rubber hydrocarbon contents.

GOVERNMENT ORDER TUBES

Size	Type	Maximum content crude rubber in pounds	Maximum volume in cubic inches
6.00–16	Light Truck	6.4	64
6.50–16	do	7.6	76
7.00–15	do	8.8	88
–16	do	9.0	90
–16	do	10.5	105
9.00–16	do	13.0	130
6.50–18	Truck and Bus	6.1	61.8
6.00–20	do	7.5	75
11.00–16	do (Desert)	24.5	245
14.00–20	do (Desert)	59.5	595
6.00–16	Combat (U. S.)	15.2	152
–20	do	9.0	90
8.00–16	do	13.5	135
9.00–20	do	19.8	198
10.00–20	do	22.4	224
10.00–22	do	27.5	275
12.00–20	do	56.8	568
12.00–24	do	65.3	653
14.00–24	do	89.0	890

(c) *Branding of tires.* (1) All natural rubber tires or tire casings manufactured to fill Civilian orders shall bear, on the serial side and near the serial number, a brand with the words "War Time" and the letters designated under "Compound Designation". Letters used to brand tires of a cross-section of 6.50 inches or more shall be at least one-fourth inch high, while those used to brand smaller tires shall be at least one-eighth inch high. This "War Time" brand may (but need not) be applied to natural rubber tires or tire casings manufactured to fill Government orders, at the discretion of the manufacturer.

(2) All synthetic rubber tires or tire casings manufactured to fill either Civilian or Government orders shall have a colored dot, either circular or rectangular (with or without rounded corners or ends) and with an average effective dimension of at least one inch, vulcanized on both sides of the tire. Be appropriate color to be determined from sub-division (c) (2) of said List 22. In addition, all synthetic rubber pneumatic tires or tire casings shall bear, on both sides of the tire and in characters at least five-eighths inch high, a brand showing the appropriate synthetic construction identification. The colored dot and the brand shall be permanent and may be superimposed if desired. The colored dot and synthetic construction identification may be omitted when the designated minimum of sizes of tires for which the

(d) *Tolerances.* (1) On those sizes of natural rubber tires, this List 24, for which no "maximum content crude rubber" is designated, but for which fixation and tread compound grades are designated, a manufacturer can calculate the maximum amount of crude rubber and total RSC which may be used in the manufacture of a tire or tire casing of any such size. Within the maximum amounts thus calculated, a manufacturer may, at his discretion, shift the maximum between rim and tread.

(2) On those sizes, in this List 24, for which a "maximum content crude rubber" is designated, a manufacturer shall have, in the respective size, an operating tolerance on the maximum content of crude rubber limited only by the

(3) On those sizes, in this List 24, for which no "maximum content crude rubber" is designated but for which fixation and tread compound grades are designated, the tolerance set forth in said List 22 shall apply.

(e) *Definitions.* (1) Where used in this List 24, "Standard Highway" as applied to tread type means regular skid-depth, "100" level.

(2) "Tire-to-Road type" in this List 24, "Mud-Snow" as applied to tread type means extra-traction, on-and-off-the-road type.

Lay 25—Regulations for the Manufacture of Tire Tubes (Except Airplane and Bicycle Tire Tubes)

(a) *General provisions.* (1) The crude rubber content of any tube governed by this List 25 shall not include processing losses or tack rubber used in valves.

(2) Only one grade of tube may be manufactured in any size and type, and that grade must be consistent with maintaining a quality adequate for the service for which the tube is designed.

(3) The restrictions of this List 25 shall not apply to tubes for city and intercity bus mileage contract tires of cross-sections 10.00 and larger.

(4) General purpose synthetic rubber may be used in any tube for which a "maximum content crude rubber" is designated, subject, for Government orders, to the approval of the procuring agency. When general purpose synthetic rubber is used, the tube volume may exceed the designated maximum provided that the crude rubber content does not exceed seventy-five percent of the designated maximum.

(b) *Manufacturing regulations.* (1) Tubes of any size and type may be manufactured, *Provided, That:*

(i) Crude rubber and latex may be consumed only in valves, valve adhesion pads, spliting gum strips and cements, and identification inks and cements.

(ii) General purpose synthetic rubber and reclaimed rubber may be used in any amounts and in any proportion desired.

(2) The manufacture of tubes for Civilian orders consuming more crude rubber than permitted by sub-division (b) (1) of this section shall be limited to the sizes and types listed in sub-division (b) (3) of this List 25 and the sizes and types listed in this sub-division (b) (3), subject to the maximum tube volumes, and crude rubber contents designated therefor.

CIVILIAN ORDER TUBES

Size	Type	Maximum volume in cubic inches	Maximum content crude rubber in pounds
LT –15	Truck and Bus	297	4.00
–16	do	360	5.10
–20	do	311	6.55
–24	do	252	7.00
MT –15	do	315	6.30
–20	do	344	8.60
–24	do	367	10.20
OT –20	do	466	11.50
–22	do	466	12.00
–24	do	500	13.20
FT –20	do	568	15.00
–24	do	595	16.75
ST –24	do	825	21.95
16.00–20	do	825.5	24.50
–24	do	936	26.15
15.00–24	do	1,169	30.20
21.00–24	do	1,650	45.15
–28	do	1,650	45.95
24.00–32	do	2,693	91.70
30.00–40	do	4,846	116.65

(3) The manufacture of tubes for Government orders consuming more crude rubber than permitted by sub-division (b) (1) of this List 25 shall be limited to the sizes and types listed in sub-division (b) (3) of this List 25 and the sizes and types listed in this sub-division (b) (3), subject to the maximum tube volumes, and crude rubber contents designated therefor.

Lay 26—Regulations for the Manufacture of Tire Flaps

(a) *Manufacturing regulations.* The manufacture of flaps for all sizes and types of tires to fill both Government and Civilian orders is subject only to the following regulations:

(1) Crude rubber may be consumed only for splicing cements and for identification inks or cements.

(2) General purpose synthetic rubber, reclaimed rubber and Classes 1 and 2 scrap rubber may be used in any amounts and in any proportion desired.

(b) *Marking of synthetic flaps.* All flaps containing synthetic rubber shall have a permanent circumferential colored stripe at least three-eighths inch wide applied on either side of the flap. The appropriate color shall be determined from sub-division (c) (2) of List 22, Appendix II.

Lay 27—Regulations for the Manufacture of Insulated Wire and Cable

(a) *Compounds.* (1) The crude rubber content of compounds referred to in this List 27 shall conform to the regulations designated in the table below.

(2) In addition to the crude rubber designated, synthetic rubber, reclaimed rubber and Class 2 scrap rubber may be used in any amounts.

Use	Compound grade	Maximum percent crude rubber by volume
Insulation	W–AAA	26
	W–A	70
Do	W–A	55
Do	W–B	40

(vii) *Department of Commerce*

Item	Specification	Type	Insulation compound
R. F. transmission cable	CAA-31		W-AA.
Do	CAA-34		W-AA.
Do	CAA-101		W-AA.
Do	CAA-663		W-AA.
Do	1751		W-AA.
Do	1854		W-AA.

(viii) *Army Air Corps*

Steel core	32427		W-AA.
Do	41-C-56		W-AA.
Do	41-1215-2A		W-AA.
Copper core	95-2800-3N		W-A.

(c) *Miscellaneous provisions.* (1) *Wells.* No insulated wire for power cable containing crude rubber shall be manufactured at a plant specified by any person with heaters and fans other than those provided by American Standards Association's standard C 6.11-1936 or ASTM D-47; and required by the rating of the equipment serviced.

(2) *Rubber insulating tape.* Compounds for rubber insulating tape shall conform to regulations set forth in Schedule A, Appendix I, except that compounds designed for tape for the following uses may be manufactured in W-AA quality.

(i) For operating voltages in excess of 3,000 volts.

(ii) For cables to be used in wet locations.

(iii) For operation at conductor temperatures of 70° C. or higher.

TABLE A

Type	Molded	Latex dipped	Crude rubber dipped	Hand made
Minimum tensile strength, p. s. i.	2,000	2,000	2,000	1,000
Ultimate elongation, in percent	750	750	750	350
Resilience	None	None	None	None
Maximum crude rubber and/or latex by volume, in percent	98	98	98	98
Maximum rubber hydrocarbon by volume, in percent	98	98	98	98
The total weight in pounds of crude rubber and/or latex in each finished rubber insulated cable shall not exceed	.0105	.007	.007	.007
Original tensile strength and ultimate elongation retained in percent after 96 hours continuous boiling in water and 48 hours after removal	60	60	40	60

(2) Compounds may contain ground scrap rubber generated by the manufacturer in the production of finished articles. The total weight of crude rubber and/or latex in each finished nipple shall not exceed 0.0105 pounds.

LIST 29—REGULATIONS FOR THE MANUFACTURE OF AIRPLANE TIRES AND TIRE CASINGS

(a) *General provisions.* (1) The crude rubber content of any tire or tire casing governed by this List 29 shall not include processing losses, crude rubber used in curing bags or latex used in the cord treatment. Latex consumed in cord treatment, however, shall not exceed, by weight, 4% of the dry weight of cord treated in any quarterly period.

(2) On those sizes of natural rubber tires for which no "maximum content crude rubber" is designated, the compound grades shown under "compound designation" shall apply (the first letter designating the friction and the second letter designating the tread compound grade) and the composition of the compounds shall conform to the regulations set forth in List 22, Appendix II.

(3) On those sizes of synthetic rubber tires for which no "maximum content crude rubber" is designated, the tire construction shall be of the synthetic type designated and the compounds thereof shall conform to the appropriate regulations set forth in List 22, Appendix II.

(4) S-7 synthetic construction may be substituted for S-5 synthetic construction wherever S-5 is designated in this List 29, subject, for Government orders, to the approval of the procuring agency. The "maximum content crude rubber" designated for S-5 shall also apply to S-7.

(5) The regulations contained in Army-Navy Aeronautical Specification AN-C-55b (Casings: Aircraft Landing, Auxiliary and Beaching Tire), as amended, shall govern the following:

(i) The type of tread design used on tires listed in this List 29.

(ii) The use of rayon in tires listed in this List 29 (see also List 32 attached to this Appendix II).

(b) *Manufacturing regulations.* The manufacture of airplane tires and tire casings shall be limited to the sizes, plies and tread types listed in this sub-division (b), subject to the maximum crude rubber contents or compound grades designated therefor.

AIRPLANE TIRES

Size	Ply	Type	Compound designation: Natural rubber tire	Compound designation: Synthetic rubber tire	Maximum content crude rubber in pounds
27	8	Smooth Contour Landing		S-5	B friction.
30	8	do		S-5	B friction.
33	8	do		S-5	B friction.
36	10	do		S-5	B friction.
29	10	do		S-5	B friction.
44	10	do		S-5	B friction.
47	12	do		S-5	A friction.
51	14	do		S-5	A friction.
56	16	do		S-5	A friction.
65	18	do		S-5	A friction.
65	22	do		S-5	A friction.
6.00	4	Smooth Contour Auxiliary		S-5	B friction.
10.00	6	do		S-5	B friction.
12.50	6	do		S-5	B friction.
14.50	6	Smooth Contour Auxiliary		S-5	B friction.
17.00	8	do		S-5	B friction.
19.00	8	do		S-5	B friction.
23.00	8	do		S-5	B friction.
26.00	10	do		S-5	B friction.
30.00	10	do		S-5	B friction.
26 x 6	8	High Pressure Landing		S-5	B friction.
30 x 7	8	do		S-5	B friction.
32 x 8	8	do		S-5	B friction.
34 x 9	10	do		S-5	B friction.
10 x 3	(1) 4	High Pressure Auxiliary		S-5	B friction.
10½ x 4	6	do		S-5	B friction.
12½ x 4½	8	do		S-5	B friction.
14½ x 5	8	do		S-5	B friction.
26 x 6.6	8	High Pressure Special Duty		S-5	B friction.
30 x 7.7	8	do		S-5	B friction.
32 x 8.8	8	do		S-5	B friction.
34 x 9.9	10	do		S-5	B friction.
36 x 10	12	do		S-5	B friction.
40 x 11	12	do		S-5	B friction.
42 x 11	12	do		S-5	B friction.
44 x 12	14	do		S-5	A friction.
46 x 13	16	do		S-5	A friction.
6.00-6	4	Low Pressure Landing		S-5	B friction.
6.50-10	6	do		S-5	B friction.
7.00-6	4	do		S-5	B friction.
7.50-10	6	do		S-5	B friction.
8.00-4	4	do		S-5	B friction.
8.50-10	6	do		S-5	B friction.
8.90-12.50	4	do		S-5	B friction.
15.00-16	8	do		S-5	B friction.
-16	10	do		S-5	B friction.
15.50-16	12	do		S-5	B friction.
-30	12	do		S-5	B friction.
16.00-16	12	do		S-5	B friction.
17.00-16	10	do		S-5	B friction.
-20	12	do		S-5	A friction.
18.00-16	12	do		S-5	B friction.
19.00-23	16	do		S-5	A friction.
20.00-18	12	do		S-5	B friction.
5.00-4	6	Low Pressure Auxiliary		S-5	B friction.
7.00-5	4	do		S-5	B friction.
8.00-5	6	do		S-5	B friction.
9.00-6	6	do		S-5	B friction.
10.00-7	10	do		S-5	B friction.
29 x 13-5	(1) 6	Extra Low Pressure Landing		S-5	B friction.
30 x 13-6	6	do		S-5	B friction.
35 x 15-6	6	do		S-5	B friction.
45 x 20-10	10	do		S-5	B friction.
12 x 5-3	4	Extra Low Pressure Auxiliary		S-5	B friction.
16 x 7-3	4	do		S-5	B friction.
18 x 8-3	4	do		S-5	B friction.
19 x 6.80-10	6	Low Profile Auxiliary		S-5	B friction.
22 x 7.75-11.50	6	do		S-5	B friction.
26 x 9.00-13.00	8	do		S-5	B friction.
33 x 11.50-16.50	10	do		S-5	B friction.
All	All	Beaching Gear	BB		A tread.
6 x 2½		Solid Auxiliary	A		A tread.
6 x 2½	(2)	do	A		A tread.
8½ x 4	(2)	do	A		A tread.
10 x 4		do	A		A tread.

(1) These sizes inactive for new design.

(c) *Branding of tires.* All synthetic rubber airplane tires or tire casings shall have a brand permanently vulcanized on both sides of the tire, consisting of the appropriate synthetic construction identification, in characters at least three-eighths inch high, superimposed upon a rectangular colored medallion (with or without rounded corners or ends) at least five-eighths inch wide and one and one-fourth inches long, the appropriate color to be determined from subdivision (c) (2) of said List 22. When a brand with dimensions larger than the designated minimums is used, its dimensions shall be in the same relative proportions as the designated minimums.

(d) *Tolerances.* (1) On those sizes of natural rubber tires in this List 29 for which no "maximum content crude rubber" is designated, but for which friction and tread compound grades are designated, a manufacturer can calculate the maximum amount of crude rubber and total RHC which may be used in the manufacture of a tire or tire casing of any such size. Within the maximum amounts thus calculated, a manufacturer may, at his discretion, shift the amounts between friction and tread.

(2) On those sizes in this List 29 for which a "maximum content crude rubber" is designated, a manufacturer shall have in each respective size, an operating tolerance on the content of crude rubber limited only by the maximum content designated.

(3) On those sizes in this List 29 for which no "maximum content crude rubber" is designated, but for which friction and tread compound grades are designated, the tolerance set forth in said List 22 shall apply.

LIST 30—REGULATIONS FOR THE MANUFACTURE OF RETREADING MATERIALS INCLUDING CAMELBACK (WING-DIE), CAPPING STOCK (BEVEL-DIE), LUG STOCK, BASE STOCK, PADDING STOCK, STRIPPING STOCK AND FILLER STRIP

(a) *General provisions.* (1) General purpose synthetic rubber may be used in any of the items shown in sub-division (b) of this List 30 which contain crude rubber, subject, for Government orders, to the approval of the procuring agency. When general purpose synthetic rubber is used, the "crude rubber percent by volume" may be reduced below the designated minimum.

(2) Crude rubber may be consumed in cements for application of cushion gum and in inks or cements for identification purposes.

(b) *Manufacturing regulations.* (1) The manufacture of retreading materials to fill both Government and Civilian orders shall be limited to camelback (wing-die), capping stock (bevel-die), lug stock, base stock, padding stock, stripping stock, filler strip, and cushion gum for application *by the manufacturer* to camelback, capping stock and lug stock.

(2) The compounds used in manufacturing the items permitted by sub-division (b) (1) of this List 30 shall conform to the regulations shown in the following table.

(b) *Manufacturing regulations.* (1) No crude rubber or latex may be used (except as permitted by sub-division (b) (2) of this List 27).

(ii) Synthetic rubber, reclaimed rubber and Class 2 scrap rubber may be used in any amounts and in any proportions desired.

(2) The manufacture of insulated wire and cable consuming crude rubber and latex shall be limited to the types shown in this sub-division (b) (2). However, the use of crude rubber and latex is limited to insulation compounds only and is subject to the compound restrictions designated.

WIRE AND CABLE (WITH CRUDE RUBBER OR LATEX INSULATION)

(i) *Commercial types*

Item	Specification	Type	Insulation compound
Aircraft ignition cable	32427		W-AA.
X-ray cable, high voltage	AST M D-574		W-B.

Note: Crude rubber in X-ray cable not permitted after Feb. 1, 1944.

(ii) *U. S. Signal Corps*

Wire	71-625	W-130	W-AAA.
Cable	71-470	WC-513	W-AAA.
Do	71-483	WC-534	W-AAA.
Do	71-581	WC-585	W-AAA.
Cordage	71-471	CO-98	W-A.
Do	71-1105	CO-119-B	W-A.
Do	71-817-B	CO-120	W-A.
Do	71-818-C	CO-121	W-A.
Do	71-818-A	CO-122-A and B	W-A.
Do	71-927-A	CO-127	W-A.
Do	71-700	CO-130 to CO-139	W-A.[3]
Do	71-694	CO-144, CO-145	W-A.
Do	71-695	CO-146	W-A.
Do	71-817-B	CO-150	W-A.
Do	71-8194-A	CO-208, CO-209	W-A.[1]
Do	71-471	CO-219	W-AA.
Do	71-880	CO-220	W-AA.
Do	71-1019	CD-298, CD-393, CD-394, CD-127, CD-783	W-A.[3]
Tinsel cord	71-571		W-A.

(iii) *Navy Department, Bureau of Ships*

Shipboard cables	15-C-1 INT	CP, OP, CS, OS	W-AAA.[1]

(iv) *U. S. Army, Corps of Engineers*

Searchlight cable	T-1532 (c)		W-AAA.[1]
Do	T-1555 (c)		W-AAA.[1]

(v) *U. S. Army, Ordnance (Submarine Mine Depot)*

Mine cable	48-3H	M-3	W-AA.
Do	88-3736-G		W-AA.
Do	SMXS-2130-A		W-AA.
Do	SMXS-2152-A	M-4	W-AA.
Do	SMXS-2154		W-AA.
Do	SMXS-2163		W-A.

(vi) *U. S. Army Ordnance (Frankford Arsenal)*

Portable cable	FXS-208		W-AAA.[1]
Do	FXS-402		W-AAA.[1]
Ignition cable	RIXS-178		W-AAA.[1]

[1] Permitted only when insulation wall is 0.028" or less in thickness.
[2] Permitted only when insulation wall is 0.022" or less in thickness.
[3] Wall thickness when insulation wall is 0.022" or less in thickness.

RETREADING MATERIALS

Description of use	Percent by volume in compound					Restrictions
	Crude rubber		GPS[1] rubber		Total RHC plus GPS[1]	
	Max.	Min.	Max.	Min.	Min.	
Passenger	0.0	0.0	50.0	45.0	60.0	For Civilian orders only.[2]
Do	0.0	0.0	-------	65.0	70.0	For Government orders only.
Taxi	0.0	0.0	-------	65.0	70.0	For Taxi tires only.
Motorcycle	0.0	0.0	50.0	45.0	60.0	For Civilian orders only.[2]
Do	0.0	0.0	-------	65.0	70.0	For Government orders only.
Farm Service	0.0	0.0	50.0	45.0	60.0	For Farm Tractor and Farm Implement tires.
Industrial	0.0	0.0	50.0	45.0	60.0	For Industrial Tractor and Industrial Pneumatic tires.
Truck Type	0.0	0.0	-------	65.0	70.0	For "Truck and Bus" tires, including Low Platform Trailer and Mileage Contract Bus tires.
Heavy Duty	73.0	71.0	0.0	0.0	71.0	For "Special Purpose" tires, including Mud-Snow 18.00 or larger; Rock Service, Logger, Earthmover, Road Grader and Combat (U. S.) in all sizes.
Airplane	0.0	0.0	-------	65.0	70.0	For Airplane tires (except Beaching Gear, Fighter Type and Ice Grip).
Do	73.0	71.0	0.0	0.0	71.0	For Beaching Gear, Fighter Type and Ice Grip Airplane tires.
Padding Stock	73.0	73.0	0.0	0.0	75.0	Maximum thickness 1/4".
Stripping Stock	47.9	45.9	0.0	0.0	60.0	Maximum width 1".
Filler Strip	47.9	45.9	0.0	0.0	60.0	Maximum thickness 1/4", 2 1/4" and 3 1/4" widths only.
Cushion Gum	58.5	45.9	0.0	0.0	60.0	.030 min. ga. for camelback (wing-die). .010 min. ga. for capping stock (bevel-die).

[1] GPS means General Purpose Synthetic.
[2] Passenger and motorcycle camelback and capping stock to fill Civilian orders shall not be manufactured in the sizes with crown widths wider than 6 inches.

List 32—Regulations for the Use of High-Tenacity Rayon Cord

(a) In the manufacture of rubber products, high-tenacity rayon cord may be used *only* for the following listed products.

Order of preference:	*Type of product*
1.	Airplane tires.
2.	Self-sealing fuel cells.
3.	Bullet-sealing hose.
4.	Combat (U. S.) tires including only cross-sections 8.00 and larger.
5.	Mileage contract bus tires:
	(a) Intercity bus tires of cross-sections 9.00 and smaller in S–3, S–4, S–5, S–6 and S–7 synthetic constructions only.
	(b) Intercity bus tires of cross-sections 10.00 and larger in any crude rubber or synthetic rubber constructions.
	(c) City bus tires in S–3, S–4, S–5, S–6 and S–7 synthetic constructions only.
6.	Synthetic rubber truck and bus tires, including only: Tread Types: Standard Low Platform Trailer. Sizes: 7.50 and up, 10 plies and more. Constructions: S–3, S–4, S–5, S–6 and S–7. Orders: Government and Civilian.
7.	Truck and bus tires, including only: Tread Types: Standard Highway and Mud-Snow. Sizes: 14.00–20–24, 20 plies Constructions: Any Orders: Government only.
8.	Synthetic rubber truck and bus tires, including only: Tread Types: Standard Highway, Mud-Snow. Sizes: 8.25 and up, 10 plies and more. Constructions: S–3, S–4 and S–6. Orders: Government and Civilian.
9.	Truck and bus tires, including only: Tread Types: Standard Highway Sizes: 8.25–20, 10 and 12 plies; 9.00–20, 10 plies; 9.00–20/36 x 8, 12 plies; 10.00–20–22, 12 plies; 11.00–20–22, 12 plies Constructions: Any Orders: Civilian only
10.	Tire repair materials (to be made only from scrap rayon cord friction material resulting from the manufacture of products listed above).

(b) All available rayon for a given allocation period will be allocated in accordance with the order of preference in the above usage pattern, full allocations being made for total industry requirements for the first group before any allocations are made for the second group, and so on down the list until the entire supply of rayon available for that period has been allocated.

(c) Any person to whom rayon is allocated must consume it in the order of preference in the above usage pattern, arranging to fulfill all requirements in the first group before any is used in the second group, and so on down the list.

List 34—Regulations for the Manufacture of Bicycle Tires and Tubes

(a) *Manufacturing regulations.* (1) The manufacture of bicycle tires (clincher, wire-edge or single tube) and tubes, including rim strips, valves, cots, washers and curing bags, to fill both Government and Civilian orders, is subject only to the following regulations:

(i) No crude rubber may be consumed for any purpose.

(ii) General purpose synthetic rubber, reclaimed rubber and Classes 1 and 2 scrap rubber may be used in any amounts and in any proportion desired.

(b) *Marking of synthetic tires and tubes.* (1) All tires containing synthetic rubber shall have a square or circular colored dot with a minimum dimension of at least three-eighths inch, permanently vulcanized on one side of the tire, the appropriate color to be determined from sub-division (c) (2) of List 22, Appendix II.

(2) All tubes containing synthetic rubber shall have a permanent circumferential colored stripe at least one-eighth inch wide applied on the base section of the tube. The appropriate color shall be determined from sub-division (c) (2) of List 22, Appendix II.

List 35—Regulations for the Manufacture of Rubber Thread

(a) The manufacture of rubber thread for Civilian orders is subject only to the following regulations:

(1) No crude rubber or latex may be consumed.

(2) General purpose synthetic rubber and reclaimed rubber may be consumed in any amounts and in any proportions desired.

(3) Rubber thread may be manufactured in the following sizes only:

Extruded sizing:	*Square or cut thread sizing*
22	24
26	30
30	36
37	42
44	50
50	58
65	70
75	85
100	112
———	120
125	140

(b) The use of crude rubber and latex in the manufacture of rubber thread for Government orders shall be controlled by special authorization.

[F. R. Doc. 44–633; Filed, January 12, 1944; 11:20 a. m.]

Part 4600—Rubber, Synthetic Rubber, Balata and Products Thereof

[Rubber Order R–1, Appendix III as Amended Jan. 12, 1944]

Introductory. Appendix III to Rubber Order R–1 as amended is a compilation of supplementary orders and directives of general applicability which affect rubber and rubber products. In the past, these orders and directives have involved principally the conversion of products from crude rubber to synthetics and have been issued individually to the manufacturers of the particular products. The purpose of Appendix III is to issue these directives and miscellaneous supplementary orders in printed form.

The material in Appendix III is arranged in accordance with the following product classifications:

Mechanical goods: Wire and cable; Tires and tubes; Footwear; Heels and soles; Proofing and combining of fabrics; Medical, surgical, dental, drug sundries; and Miscellaneous.

Each of these product classifications has been assigned a section number commencing with § 4600.51. Supplementary orders and directives in each group are designated by letter.

§ 4600.50 *Applicability of Rubber Order R–1.* Supplementary orders and directives which appear in Appendix III shall govern in case of inconsistency with other provisions of Rubber Order R–1. These orders and directives may be incorporated in the Rubber Order from time to time, at the discretion of the War Production Board.

§ 4600.51 *Mechanical goods.* The following supplementary orders and directives are applicable to mechanical goods:

(a) *Vibration mount and shock absorber.* No crude rubber or natural latex may be consumed in the manufacture of compression type mountings or insulations of Shore Durometer hardness of 40 and above. Crude rubber may, however, be used for bonding cements and for use in tie-gum compounds which shall not exceed 1/32" in thickness.

No crude rubber or natural latex may be consumed after March 1, 1944, in the manufacture of compression types of mountings or insulators having a Shore Durometer hardness of less than 40. Crude rubber may, however, be used for bonding cements and for use in tie-gum compounds which shall not exceed 1/32" in thickness.

No crude rubber or natural latex may be consumed after March 1, 1944, in the manufacture of plate, sandwich, tubular, or other types of shear mountings or insulations. This restriction covers mountings or insulations where the temperatures of applications are minus 40° F. and above. Aircraft engine and instrument mounts may be considered as falling in the applications functioning below minus 40° F. Crude rubber may be used for bonding cements and tie-gum compounds which shall not exceed 1/32" in thickness.

Torsional vibration dampers may be manufactured from crude rubber until further notice.

(b) [Deleted Jan. 12, 1944]

(c) *Pipe rings.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of pipe rings.

(d) *Milking machine inflations.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of milking machine inflations.

(e) [Deleted Jan. 12, 1944]

(f) *Street car sandwich wheels.* After February 1, 1944, no crude rubber may be consumed in the manufacture of street car sandwich wheels.

§ 4600.52 *Wire and cable.* The following supplementary orders and directives are applicable to wire and cable:

(a) [Deleted Jan. 12, 1944]

(b) [Deleted Jan. 12, 1944]

(c) [Deleted Jan. 12, 1944]

(d) *X-ray cable.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of X-ray cable, high voltage, as shown in List 27, Appendix II, under "Commercial Types".

(e) *Long range field wire.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of W–143 long range field wire.

§ 4600.53 *Tires and tubes.* The following supplementary orders and directives are applicable to tires and tubes:

(a) *Fighter type and ice grip airplane tires.* Rubber Order R–1, List 29, requires that all airplane tires (except beaching gear tires) be manufactured in the S–5 or S–7 synthetic construction. These provisions shall not apply to fighter type and ice grip airplane tires. All fighter type and ice grip airplane tires shall be manufactured using natural rubber compounds throughout the tire until further notice; the compound grades to be used shall be B friction and B tread on all sizes except the following which shall be A friction and A tread.

Size	Ply	Type
47	12	Smooth contour landing.
51	14	Do.
56	16	Do.
65	18	Do.
65	22	Do.
44 x 12	14	High pressure special duty.
46 x 13	16	Do.
17.00 x 20	12	Low pressure landing.
19.00 x 23	16	Do.

(b) *Latex treatment on tire cord fabric.* Rubber Order R–1, List 24, subdivision (a) (1), requires that, when latex is used in the treatment solution for tire cord fabric, the latex used shall not exceed four percent of the dry weight of tire cord treated in any given period. This restriction shall not become mandatory until February 1, 1944.

(c) *Synthetic combat tires.* Rubber Order R–1, List 24, subdivision (b) (3), in the "Special Purpose Tire" table, lists two sizes of S–3 combat tires and four sizes of S–6 combat tires. These tires had previously been permitted in the S–5 synthetic construction. This conversion from the S–5 synthetic construction to the S–3 or S–6 synthetic construction shall not become mandatory until February 1, 1944.

(d) *Industrial pneumatic single tube tires.* Rubber Order R–1, List 24, subdivision (b) (3), no longer lists industrial pneumatic single tube tires in the EF compound. The manufacturer of industrial pneumatic single tube tires is therefore permitted only in the S–3 synthetic construction according to the regulations shown in List 24, subdivision (b) (1). However, this conversion from the EF construction to the S–3 synthetic construction shall not become mandatory until February 1, 1944.

(e) *Reduced crude rubber content in tire tubes.* Rubber Order R–1, List 25, subdivision (b) (2), in the "Civilian Order Tubes" table, shows a reduction in the maximum content crude rubber for LT–15, LT–18, LT–20, LT–22 and LT–24 tubes. This reduction in crude rubber content shall not become mandatory until February 1, 1944.

§ 4600.54 *Footwear.* All outstanding supplementary orders and directives relating to footwear have been superseded by Rubber Order R–1 as amended.

§ 4600.55 *Heels and soles.* All outstanding supplementary orders and directives relating to heels and soles have been superseded by Rubber Order R–1 as amended.

§ 4600.56 *Proofing and combining of fabrics.* All outstanding supplementary orders and directives relating to proofing and combining of fabrics have been superseded by Rubber Order R–1 as amended.

§ 4600.57 *Medical, surgical, dental, drug sundries.* All outstanding supplementary orders and directives relating to medical, surgical, dental and drug sundries have been superseded by Rubber Order R–1 as amended.

§ 4600.58 *Miscellaneous.* The following supplementary orders and directives are applicable to miscellaneous rubber products or materials:

(a) *Pressure sensitive tape.* Rubber Order R–1 permits the consumption of general purpose synthetics, reclaimed or scrap rubber in the manufacture of pressure sensitive tape for industrial purposes to fill Government and civilian orders. Schedule A of the order requires certification by the purchaser as to his end use.

(1) Uses which are classified as "industrial" are set forth in the certification.

(2) *Certification.* With respect to civilian orders no person shall deliver or accept delivery of pressure sensitive tape (except high heat resistant and non-corrosive electric tape) unless the person acquiring the same shall certify to the seller and to the War Production Board in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7.

The undersigned hereby certifies to_____ (insert name of seller) and to the War Production Board that the pressure sensitive tape specified in the accompanying purchase order and future purchase orders will not be sold or used by him except for one or more of the following purposes:

1. Repair of transportation facilities.
2. Maintenance and manufacture of industrial and mining equipment.
3. The manufacture of the following products and parts thereof:
   (a) Aircraft.
   (b) Armored tanks.
   (c) Ships.
   (d) Army transport vehicles.
   (e) Guns.
   (f) Small arms.
   (g) Signalling devices.
   (h) Precision instruments.
   (i) Munitions.
   (j) Electrical equipment.
   (k) Machine tools.
   (l) Vehicles for common carriers and related transportation facilities.
4. Splicing cotton jacketed cellulose gaskets for sealing drums and paint pails.
5. Production and shipping of photographic and motion picture film and X-ray film.

6. Sealing containers used to maintain sterility or vacuum in the manufacture of medicine and drugs; industrial and wholesale packaging of drugs and chemicals.

Name_____
By_____
Address_____
City_____
Date_____

The foregoing certification requirement does not apply to Government orders.

Certification in substantially the above form constitutes the approved form of certification required for deliveries of pressure sensitive tape.

The foregoing certification shall not be required for deliveries of pressure sensitive tape to a person who has already filed the certification with his supplier.

Certification of the purchaser may be relied upon by the seller unless the seller knows or has reason to believe that the certification is false.

(b) *Inflatable or pneumatic mattresses, cushions and pillows.* Rubber Order R–1 as amended does not permit the consumption of rubber or synthetic rubber in the manufacture of inflatable or pneumatic mattresses, cushions or pillows, to fill civilian orders.

In addition, the consumption of rubber or synthetic rubber in the manufacture of the foregoing products to fill Government orders is hereby prohibited except upon special authorization in writing by the War Production Board. (This supersedes SA–142.)

(c) *Shoe cements.* Notwithstanding the provisions of any quota directive 4–A or 4–B, no crude rubber or natural latex shall be consumed in the manufacture of shoe cements after December 31, 1943 without special authorization.

In order to receive adjustments of quota directives for this purpose, manufacturers should address a letter to the Manager of Allocations, Office of Rubber Director, Washington 25, D. C.

In this connection, it should be noted that Rubber Order R–1 as amended permits shoe cements containing crude rubber or natural latex only for shoe repairing.

(d) *Shoe cement inventories in hands of shoe manufacturers on January 1, 1944.* Shoe manufacturers who hold inventories of shoe cements which contain crude rubber or natural latex on January 1, 1944 are hereby authorized to use the same for the following permitted shoe manufacturing operations until February 1, 1944:

(1) Cutting and fitting room operations limited to: Folding uppers including French cord binding.

(2) Lasting room operations limited to: Bed, side and semi-automatic toe lasting; stitchdown construction lasting linings to insoles and uppers to midsoles or outsoles.

(3) Bottoming or making room operations limited to: Sole laying as follows—cementing bottoms and outsoles or outsole midsole combinations prior to permanent attachment; prewelt bottom assembly and permanent attachment of platforms and outsoles; McKay outsole channels.

(4) Stock fitting room operations limited to: Cementing welt insole ribs and lips; coating and attaching gem duck to welt innersoles.

(5) Special operations limited to: Joining leather welting.

Shoe manufacturers are hereby granted permission to purchase and sell such cements for use in the foregoing operations prior to February 1, 1944.

Inventories of shoe cements containing crude rubber or natural latex which remain in the hands of any shoe manufacturer on February 1, 1944 shall be reported to the Office of Rubber Director, War Production Board, by letter indicating the amounts of cement by type of operation.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 12th day of January 1944.

RUBBER DIRECTOR,
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–634; Filed, January 12, 1944; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 129,[1] Corr. to Amdt. 19]

ENVELOPES, ETC.

Envelopes.
Paper cups and paper containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue papers.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Unprinted single weight crepe paper in folds.

The title of the regulation is corrected to read as hereinabove set forth.

This correction to Amendment No. 19 to Maximum Price Regulation No. 129 shall become effective January 17, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4691)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–619; Filed, January 11, 1944; 4:56 p. m.]

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724, 10152, 10182; 8 F.R. 1389, 2237, 4635, 11809, 12559.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 505]

FRESH WHOLE COCONUTS (IMPORTED AND DOMESTIC)

This regulation is issued in order to establish prices for fresh whole coconuts (imported and domestic) at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1351.371 *Maximum prices for importers, country shippers and wholesalers of fresh whole coconuts (imported and domestic).* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 505, Fresh Whole Coconuts (Imported and Domestic), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.371 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 505—FRESH WHOLE COCONUTS (IMPORTED AND DOMESTIC)

ARTICLE I—EXPLANATION OF THE REGULATION

Sec
1. Explanation of the regulation.
2. Definitions.

ARTICLE II—PRICES AND PRICING METHODS

3. Maximum prices for sales of coconuts by importers and country shippers.
4. Maximum prices for sales of coconuts by wholesalers.
5. Brokerage.
6. Customary discounts and allowances.
7. Adjustable pricing.

ARTICLE III—GENERAL PROVISIONS

8. Relationship between this regulation and the General Maximum Price Regulation.
9. Geographical applicability.
10. Export sales.
11. Records.
12. Compliance with the regulation.
13. General amendments.

ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Explanation of the regulation.* The purpose of this regulation is to establish maximum prices for sales of fresh whole coconuts, imported and domestic, by all persons other than retailers. In this regulation the term "coconuts" is used to designate all fresh whole coconuts, whether imported or domestic.

Maximum prices for sales by retailers are governed by Maximum Price Regulation Nos. 422[1] and 423,[2] which set fixed margins for those sales according to the retailer's volume of sales and manner of doing business.

SEC. 2. *Definitions.* (a) When used in this regulation the term:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607.

[2] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031.

(1) "Importer" means the first consignee in the continental United States of imported coconuts.

(2) "Country shipper" means a person, including a grower, who sells coconuts grown in continental United States from a farm or other country shipping point.

(3) "Country shipping point" means a farm or other place in or near the producing area from which coconuts grown in continental United States, are sold, shipped, delivered or otherwise transferred to any person, or at which coconuts grown in continental United States are prepared for sale, shipment, delivery or transfer to any person. "Prepared" includes, but is not limited to, loading, sacking, sizing or harvesting.

(4) "Wholesaler" means a person other than importer or country shipper who purchases the coconuts being priced for resale to purchasers other than ultimate consumers. "Ultimate consumer" does not include industrial, commercial or institutional users, or procurement agencies of the United States or any State thereof.

(5) "Sales in a bag" means a sale in a sack or similar receptacle with an aggregate net weight of 150 pounds or more, on the dock, any United States port of entry, or at the country shipping point, and usually containing between 60 and 120 coconuts.

(6) "Sales other than in a bag" means sales in a sack or similar receptacle with an aggregate net weight of less than 150 pounds on the dock, any United States port of entry, or at the country shipping point.

(b) Unless the context otherwise requires, the definitions of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

ARTICLE II—PRICES AND PRICING METHODS

SEC. 3. *Maximum prices for sales of coconuts by importers and country shippers*—(a) *Sales in a bag.* The maximum price which any importer or country shipper may charge for coconuts shall be $6.00 per bag, ex dock any United States port of entry, duty paid, or f. o. b. country shipping point.

(b) *Sales other than in a bag.* (1) "Sales other than in a bag" shall be priced on a per pound basis.

(2) The maximum price, per pound, which an importer or country shipper may charge for coconuts "other than in a bag" shall be $.04 per pound of coconuts, ex dock any United States port of entry, duty paid, or f. o. b. country shipping point.

(c) *Maximum delivered prices for sales of coconuts by importers and country shippers.* The maximum delivered price for sales of coconuts by importers or country shippers shall be the maximum prices set forth in this section plus the actual transportation charges incurred by them from the original port of entry in the continental United States or the country shipping point to the purchaser's customary receiving point: *Provided*, That such transportation charges shall not exceed the cost of transporting an equal quantity of coconuts from the same port of entry or country shipping point directly to the purchaser's customary receiving point, computed at the lowest available transportation rate for the mode of transportation employed.

SEC. 4. *Maximum prices for sales of coconuts by wholesalers*—(a) *Sales in bags.* The maximum price per bag which a wholesaler may charge for coconuts shall be his net delivered cost therefor, plus a markup of $1.50 per bag.

(b) *Sales other than in a bag.* (1) "Sales other than in a bag" shall be priced on a per pound basis.

(2) The maximum price, per pound, which a wholesaler may charge for coconuts "other than in a bag" shall be his net delivered cost per pound therefor, plus a markup of $0.01 per pound.

(c) "Net delivered cost" means the amount the wholesaler pays for the coconuts delivered to his customary receiving point, but not in excess of the maximum price of the importer or country shipper, ex dock any United States port of entry, duty paid, or f. o. b. country shipping point plus actual charges for transportation to the wholesaler's customary receiving point, less all discounts allowed him except the discount for prompt payment. No expense for local trucking, loading or brokerage shall be included by the wholesaler in determining his "net delivered cost."

SEC. 5. *Brokerage.* If the services of a broker or brokers are required by the importer or country shipper, a commission or commissions not in excess of the amount which the importer or country shipper pays for that purpose but in no event more than 15¢ per bag, or if sales are made on a per pound basis not in excess of 15¢ per 100 lbs., may be added by the importer or country shipper to his maximum price. This addition may be made only when such commissions have been actually paid.

SEC. 6. *Customary discounts and allowances.* No seller shall change any customary allowance, discount or other price differential granted in August 1943 to a purchaser or class of purchasers if the change results in a higher net price to that purchaser or class.

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by an official of the Office of Price Administration having authority to act upon the pending request for a change in the price or to give the authorization. The authorization will be given by order.

ARTICLE III—GENERAL PROVISIONS

SEC. 8. *Relationship between this regulation and the General Maximum Price Regulation.* (a) The following sections of the General Maximum Price Regulation, as well as all amendments to them, apply to sales covered by this regulation:

(1) Transfers of business or stock in trade (§ 1499.5).
(2) Federal and state taxes (§ 1499.7).
(3) Sales slips and receipts (§ 1499.14).

SEC. 9. *Geographical applicability.* This regulation applies in the forty-eight states of the United States and the District of Columbia.

SEC. 10. *Export sales.* The maximum prices at which a person may export coconuts shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[1] issued by the Office of Price Administration.

SEC. 11. *Records.* Every person who makes purchases or sales for which maximum prices are provided by this regulation shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, his customary records including complete and accurate records of each purchase or sale, subject to this regulation, showing the date thereof, the quantity of coconuts purchased or sold, the name and address of the buyer or seller, the price contracted for or received, the amount of any commission he paid in connection with the purchase or sale, and the name and address of the person to whom it was paid.

SEC. 12. *Compliance with the regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract, agreement or other obligation,

(1) No person shall sell or deliver any coconuts at prices higher than the maximum prices established by this regulation; and

(2) Except for purchases of coconuts made by the importer from a foreign seller whose place of business is located outside the continental United States, no person in the course of trade or business shall buy or receive any coconuts at prices higher than the maximum prices established by this regulation.

However, lower prices than the maximum prices may be charged or paid.

(b) *Evasion.* Nor shall any person evade a maximum price directly or indirectly, whether by commission, service, transportation, or charge or discount, premium or other privilege; by tying agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling, or packaging; or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

[1] 8 F.R. 4182, 5987, 7662, 9998, 15193.

(d) *Licensing.* The provisions of Licensing Order No. 1,[1] licensing all persons except growers, who make sales under price control, are applicable to sellers subject to this regulation or schedule. A seller's license may be suspended for violations of a license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 13. *General amendments.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1[2] and amendments, issued by the Office of Price Administration.

Effective dates—(a) *As to importers and country shippers.* The effective date of this regulation as to sales or deliveries by importers and country shippers shall be January 31, 1944.

(b) *As to wholesalers.* The effective date of this regulation as to sales or deliveries by wholesalers shall be February 15, 1944.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-614; Filed, January 11, 1944; 4:55 p. m.]

PART 1352—FLOOR COVERINGS

[RPS 57, Amdt. 4]

WOOL FLOOR COVERINGS

A statement of the considerations accompanying this Amendment No. 4 to Revised Price Schedule No. 57, has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1352.10a is added as follows:

§ 1352.10a *Applications for adjustment.* (a) The Office of Price Administration may make an adjustment of the manufacturer's maximum prices of cut order, unbordered and bordered rugs in any case in which it appears that:

(1) The manufacturer has agreed to simultaneous reductions in the maximum prices of other wool floor coverings of his manufacture, which together will equal or exceed the total dollar amount of the upward adjustment that may be granted to him under this section, and

(2) The manufacturer sells both the items to be increased and the items to be reduced in price to the same trade.

(b) Applications for adjustment under this section should be filed in accordance with the provisions of Revised Procedural Regulation No. 1.

This amendment shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681).

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-615; Filed, January 11, 1944; 4:55 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[RMPR 162,[3] Incl. Amdt. 1]

CEILING PRICES FOR THE SALE AND RENTAL OF USED TYPEWRITERS

Sections 4, 5, 8, 9 (c), 12, 13, 16 (b), and 17 (b) are amended, and section 17 (d) is added by Amendment 1, effective January 17, 1944, so that Revised Maximum Price Regulation 162 shall read as follows:

In the judgment of the Price Administrator, the maximum prices established by this revision of Maximum Price Regulation No. 162 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardizations, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order No. 59, 8 F.R. 12552, effective 9-11-43]

§ 1398.71 *Ceiling prices for the sale and rental of used typewriters.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 162 (Ceiling Prices for the Sale and Rental of Used Typewriters), which is annexed hereto and made a part hereof, is hereby issued.

REVISED MAXIMUM PRICE REGULATION NO. 162—CEILING PRICES FOR THE SALE AND RENTAL OF USED TYPEWRITERS

SCOPE OF THIS REGULATION

Sec.
1. Purpose of this regulation.
2. Persons and transactions that are covered.
3. How this regulation relates to others.

CEILING RENTAL CHARGES FOR USED TYPEWRITERS

4. Base ceiling charges for typewriter rentals.
5. Applicability of 1-month and 3-month rates.
6. Ceiling rental charges for in-between periods.
7. Determination of rental period.
8. Rental delivery and pick-up charge.
9. Rental rates for special typewriters.
10. Rentals in territories and possessions of the United States.

CEILING PRICES FOR SALES OF USED TYPEWRITERS

11. Sales at retail.
12. Demonstrators.
13. Office-size typewriters.
14. Portable typewriters.
15. Wide-carriage typewriters.
16. Special typewriters.
17. Charges for credit, packing and transportation.
18. Sales in territories and possessions of the United States.
19. User-to-dealer sales.
20. Dealer-to-dealer sales.
21. Exports.

OTHER PROVISIONS

22. Definitions.
23. Statements and records.
24. Notices.
25. Licensing.
26. Prohibited practices.
27. Taxes.
28. Petitions for amendment.
29. Enforcement.
30. Geographical applicability.

AUTHORITY: § 1398.71 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

Scope of This Regulation

SECTION 1. *Purpose of this regulation.* This regulation fixes ceiling prices for all sales and rentals of used typewriters. Regardless of any contract or other obligation, no person shall attempt, offer, or agree to sell or rent a used typewriter at a price or rate higher than the ceiling price or rate fixed in this regulation. A "used typewriter" is a typewriter which has been in the possession of one or more users for more than 10 days and which has actually been used, or any typewriter which has been used for purposes of demonstration for more than 10 days; the words "used typewriter" include demonstrators and rough, reconditioned and rebuilt typewriters. Any other kind of typewriter is considered a new typewriter for purposes of this regulation. Generally, the word "typewriter" means any portable or office-size writing machine used for correspondence. A more exact definition will be found in section 22.

SEC. 2. *Persons and transactions that are covered.* This regulation covers all sales and rentals of used typewriters by any person to any other person including sales by an individual who is selling his own used typewriter and sales by auctioneers whether they sell for their own account or for the account of others. The word "person" includes: an individual, corporation, or any other organized group; their legal successors or representatives; the United States or any Government or any of its political subdivisions.

SEC. 3. *How this regulation relates to others*—(a) *Maximum Price Regulation No. 162.* This regulation supersedes the provisions of Maximum Price Regulation No. 162 after the effective date of this regulation.

(b) *General Maximum Price Regulation,[4] Maximum Price Regulation No. 188[5] and Maximum Price Regulation No. 165.*[6] This regulation covers all sales and rentals of used typewriters including a few models which until now were covered by the General Maximum Price Regulation. The rental of new typewriters and the sale of new typewriters by persons other than manufacturers are still covered by the General Maximum Price Regulation. Maximum Price Regulation No. 188 continues to govern the sale of new typewriters by manufacturers. Maximum Price Regulation No. 165 continues to govern the ceiling prices for the repair or maintenance of used typewriters if repair and maintenance is not in connection with a sale or rental.

(c) *Ration Order 4A.*[7] Ration Order 4A explains what sales and rentals of typewriters are permitted. This regulation does not authorize any transactions which are not authorized by the provisions of Ration Order 4A.

Ceiling Rental Charges for Used Typewriters

SEC. 4. *Base ceiling charges for typewriter rentals.* In the table below, "commercial rental" means a rental to a company, governmental agency, institution, or group, whether or not organized for profit, or a rental during which the typewriter will be used in a store or an office (including an office in a dwelling) or a rental during which the typewriter will be carried from place to place for business or professional use. "Non-commercial rentals" are all other rentals.

A "rental with maintenance service" is a rental which includes the supply without additional charge of service and maintenance when needed during the rental period.

A "rental without maintenance service" is a rental which does not include the supply of such service and maintenance.

Either type of rental is, of course, furnished at the option of the supplier.

Size	3 Days or less		½ Month (4 to 15 days)				1 Month (16 days to 1 month)				3 Months			
			With maintenance service		Without maintenance service		With maintenance service		Without maintenance service		With maintenance service		Without maintenance service	
	With maintenance service	Without maintenance service	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial	Commercial	Non-commercial
Office-size typewriters:														
Under 14"	1.50	1.00	2.25	2.00	1.50	1.33	3.50	3.00	2.33	2.00	8.75	7.50	5.83	5.00
14" but under 16"	2.00	1.37	2.50	2.25	1.67	1.50	4.00	3.50	2.67	2.33	10.00	8.75	6.67	5.83
16" but under 18"	2.00	1.37	3.00	2.75	2.00	1.83	5.00	4.50	3.33	3.00	12.50	11.25	8.33	7.50
18" but under 22"	2.00	1.37	3.50	3.00	2.33	2.00	6.00	5.00	4.00	3.33	15.00	12.50	10.00	8.33
22" and over	2.00	1.37	4.75	4.25	2.17	2.83	8.00	7.50	5.67	5.00	21.25	18.75	14.17	12.50
Portable typewriters	1.50	1.00	2.25	2.00	1.50	1.33	3.50	3.00	2.33	2.00	8.75	7.50	5.83	5.00

SEC. 5. *Applicability of 1-month and 3-month rates.* The 1-month rate applies whenever the customer offers to contract for a rental period of more than 15 days and less than 1 month. The 1-month rate, prorated for the rental period, applies when the customer offers to contract for a rental period of more than 1 month and less than 3 months.

The 3-month rate, prorated for the rental period, applies when the customer offers to contract for a rental period of 3 months or more. No reduction in the rental rate need be made for cash in advance. It is not a violation of this regulation to make the payment of cash in advance, or a deposit for security, a condition of the renting of a typewriter, providing the sum paid in advance is not greater than the dealer-to-dealer ceiling price of the machine.

SEC. 6. *Ceiling rental charges for in-between periods.* If the rental contract is for a period of more than 1 month and less than 3 months the charge may not exceed the 1-month rate prorated for the rental contract period. For example, if the contract specifies a 2-month commercial rental of an 11" office-size typewriter, the charge may not exceed $7.00 (2 x $3.50). If the rental contract is for a period which exceeds 3 months the rental charge may not exceed the 3-month rate prorated for the rental contract period. For example, if the contract specifies a 5-month non-commercial rental of a portable typewriter, the charge may not exceed $12.50 (or ⅔ of $7.50, multiplied by 5, the number of months).

SEC. 7. *Determination of rental period.* The rental period is the period specified in the contract or other writing required by section 23, unless a rental is terminated under the provisions of Ration Order 4A; in that case the rental period is the period during which the typewriter was available for use by the person to whom it was rented.

SEC. 8. *Rental delivery and pick-up charge.* If a customer requests delivery and pick-up of a rented used typewriter, the supplier may add a reasonable charge for such service, including packing for shipment if necessary, from and to his nearest place of business, provided this charge is billed as a separate item.

SEC. 9. *Rental rates for special typewriters*—(a) *Electric carriage return.* 50% may be added to the rental charge for a used typewriter with an electric carriage return mechanism.

(b) *Electric keyboard.* 100% may be added to the rental charge for the rental of used typewriters with electric keyboard and electric carriage return mechanisms.

(c) *Special keyboard.* If, in connection with the rental of a used typewriter, changes to special-purpose, or foreign, type or keyboard are made at the request of the customer, there may be added to the ceiling rental rate a conversion charge not exceeding the supplier's ceiling price for such service determined under the provisions of Maximum Price Regulation No. 165, as amended, providing this charge is billed as a separate item.

If no such conversion charge is made, 25% may be added to the rental charge for used typewriters which have one or more of the following features:

(1) Foreign keyboards with 8 or more special characters;

(2) Pitch other than 9, 10 and 12;

(3) Single case type designed for billing;

(4) American keyboards, designed for business purposes, with 8 or more special characters.

SEC. 10. *Rentals in territories and possessions of the United States.* 25% may be added to the ceiling rental charge for a rental in any territory or possession of the United States.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13240.

[2] 7 F.R. 8961; 8 F.R. 3818, 3833, 6173, 11806.

[3] 8 F.R. 9779.

*Statements of considerations are also issued, simultaneously with amendments.

[4] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

[5] 7 F.R. 5872, 7967, 8043, 8945, 10155; 8 F.R. 537, 1815, 1960, 3105, 3788, 3950, 4140, 4931, 5759, 7107, 8751, 8754, 9836, 10433; 10906, 11037, 12406, 12479, 12188, 12668, 14622, 14766, 16298.

[6] 7 F.R. 6426, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9849, 9785, 9971, 9972, 10490, 10619, 10718, 11010; 8 F.R. 1060, 3334, 4782, 5681, 5755, 5933, 6364, 6506, 6873, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990.

[7] 8 F.R. 16155.

Ceiling Prices for Sales of Used Typewriters

SEC. 11. *Sales at retail.* A sale at retail is a sale to a person who buys the typewriter for use. Ceiling prices follow for all used typewriters, whether they are "demonstrators", or "rebuilt", "reconditioned", or "rough".

SEC. 12. *Demonstrators.* The base ceiling price for the sale at retail of a demonstrator is 80% of the manufacturer's list price of the typewriter when new. A "demonstrator" is a typewriter which has been in the possession of one or more users for a total time of more than 10 days and less than 6 months and which has been used; or any typewriter which has been used for more than 10 days and less than 6 months for purposes of demonstration; and on which the seller agrees to repair free of all charge, for a period of 6 months, any defects in operation caused by faulty materials, parts or workmanship.

SEC. 13. *Office-size typewriters.* The base ceiling price for the sale at retail of a used office-size typewriter with a carriage width of 11" or less is the price set forth in the table which follows. As used in that table:

A "rebuilt" typewriter is one which meets the following specifications: all internal and external parts clean and free from rust, corrosion and flaws; main and carriage frame never bent nor broken; finish of main frame or mask approximately equivalent to new finish; working mechanism lubricated and adjusted to new-machine specifications; type whole, clear, accurately aligned; ribbon, type-bar rest, platen surface, feed rolls, paper-finger or ball rolls new, and adjusted to give maximum performance; and on which the seller guarantees to repair free of all charge, for a period of 6 months, any defects in operation caused by faulty materials, parts, or workmanship;

A "reconditioned" typewriter is one which meets the following specifications: all parts clean; internal parts free from rust, corrosion, and flaws; working mechanism lubricated and accurately adjusted; type whole, clear, accurately aligned; ribbon new; platen, feed rolls and paper finger or ball rolls of size, shape and adjustment to give positive feed, registration, and manifolding performance; and on which the seller guarantees to repair free of all charge for a period of 3 months any defects in operation caused by faulty materials, parts, or workmanship;

A "rough" typewriter is a used typewriter which is not a demonstrator or a rebuilt or reconditioned typewriter.

Make, model and serial number	Rough	Reconditioned	Rebuilt
BURROUGHS			
MANUAL CARRIAGE RETURN & SHIFT			
Without prefix A, any serial	$17.25	$32.25	$39.75
With prefix A:			
to 109,500	26.50	41.50	49.00
109,501 to 169,000	40.00	55.00	62.50
169,001 to 231,500	43.50	58.50	66.00
231,501 to 271,500	48.00	63.00	70.50
271,501 to 395,000	54.25	69.25	76.75
395,001 up	69.25	84.25	91.75
ELECTRIC CARRIAGE RETURN & SHIFT			
Without prefix A, any serial	17.25	47.25	62.25
With prefix A:			
to 109,500	26.50	56.50	71.50
109,501 to 169,000	40.00	70.00	85.00
169,001 to 231,500	43.50	73.50	88.50
231,501 to 271,500	48.00	78.00	93.00
271,501 to 395,000	54.25	84.25	99.25
395,001 up	69.25	99.25	114.25
ELECTROMATIC			
[Base price for 10" or 11" carriage—add wide-carriage allowance]			
to 11,850	15.75	60.75	90.75
11,851 to 21,800	41.25	86.25	116.25
21,801 to 26,300	48.75	93.75	123.75
26,301 to 31,500	56.25	101.25	131.25
31,501 to 34,700	63.75	108.75	138.75
34,701 to 39,000	71.25	116.25	146.25
39,001 to 47,700	78.75	123.75	153.75
47,701 up	101.25	146.25	176.25
MONARCH STANDARD & NOISELESS			
Same as Remington Standard or Noiseless of similar model & serial number			
REMINGTON STANDARD			
No. 10, 11-R models:			
Straight serial numbers, no letter prefix	11.00	26.00	33.50
Two-letter prefix, first letter R, First digit 4, 5, 6, 7, 8, 9, 0, 1, 2 and later	11.00	26.00	33.50
No. 10, 11, L models and No. 11, 12, 20, 30; Two-letter prefix, first letter L or B:			
First digit 0, 1, 2, 3	11.00	26.00	33.50
First digit 4, 5	17.25	32.25	39.75
First digit 6, 7	28.50	38.50	46.00
First digit 8 and all-letter series	26.50	41.50	49.00
No. 12, 20, 30:			
Z100,000 to Z211,600	26.50	41.50	49.00
Z211,601 to Z316,500	28.75	43.75	51.25
Z316,501 to Z329,000	36.50	51.50	59.00
Z329,001 to Z336,500	40.00	55.00	62.50
Z336,501 to Z339,600	43.50	58.50	66.00
Z339,601 to Z342,700	48.00	63.00	70.50
Z342,701 to Z345,500	54.25	69.25	76.75
Z345,501 up	69.25	84.25	91.75
No. 16:			
Z400,000 to Z405,000	28.75	43.75	51.25
Z405,001 to Z438,500	36.50	51.50	59.00
Z438,501 to Z521,000	40.00	55.00	62.50
Z521,001 to Z566,000	43.50	58.50	66.00
Z566,001 to Z615,000	48.00	63.00	70.50
Z615,001 to Z646,700	54.25	69.25	76.75
Z646,701 up	69.25	84.25	91.75
No. 60, 66:			
W100,000 to W112,800	26.50	41.50	49.00
W112,801 to W126,500	28.75	43.75	51.25
W126,501 to W130,300	36.50	51.50	59.00
W130,301 to W139,600	40.00	55.00	62.50
W139,601 to W144,900	43.50	58.50	66.00
W144,901 to W149,200	48.00	63.00	70.50
W149,201 to W153,800	54.25	69.25	76.75
W153,801 up	69.25	84.25	91.75
No. 11:			
T10,000 to T12,000	40.00	55.00	62.50
T12,001 to T25,500	43.50	58.50	66.00
T25,501 to T36,000	48.00	63.00	70.50
T36,001 to T63,300	54.25	69.25	76.75
T63,301 up	69.25	84.25	91.75
No. 17:			
J100,000 to J154,400	54.25	69.25	76.75
J154,401 up	69.25	84.25	91.75
REMINGTON STANDARD-RENUMBERED			
No. 11:			
TR10,000 to TR10,400	28.75	43.75	51.25
TR10,401 up	36.50	51.50	59.00
No. 12, 20, 30:			
ZR300,000 to ZR312,900	20.25	35.25	42.75
ZR312,901 to ZR319,300	23.50	38.50	46.00
ZR319,301 to ZR322,600	26.50	41.50	49.00
ZR322,601 to ZR325,800	28.75	43.75	51.25
ZR325,801 up	36.50	51.50	59.00
No. 16:			
ZR 800,000 to ZR 802,200	20.25	35.25	42.75
ZR 802,201 to ZR 806,400	23.50	38.50	46.00
ZR 806,401 to ZR 810,700	26.50	41.50	49.00
ZR 810,701 to ZR 816,400	28.75	43.75	51.25
ZR 816,401 up	36.50	51.50	59.00
No. 60:			
WR 300,000 to WR 300,600	20.25	35.25	42.75
WR 300,601 to WR 301,000	23.50	38.50	46.00
WR 301,001 to WR 301,800	26.50	41.50	49.00
WR 301,801 to WR 301,750	28.75	43.75	51.25
WR 301,751 up	36.50	51.50	59.00

Make, model and serial number	Rough	Reconditioned	Rebuilt
L C SMITH STANDARD—RENUMBERED			
Prefix RA	$23.50	$38.50	$46.00
Prefix RB	28.75	43.75	51.25
Prefix RC	40.00	54.00	62.50
SMITH PREMIER STANDARD			
No. 30, 50, 60:	11.00	26.00	33.50
Two-letter prefix, first letter M, X, or W:			
First digit 0, 1, 2, 3	11.00	26.00	33.50
First digit 4, 5	17.25	32.25	39.75
First digit 6, 7	23.50	38.50	46.00
First digit 8 and all-letter series	26.50	41.50	49.00
One-letter prefix W—Same as Remington No. 60, 66.			
UNDERWOOD STANDARD			
No. 4:			
to 1,000,000	11.00	26.00	33.50
1,000,001 up	17.25	32.25	39.75
No. 5:			
to 1,800,000	17.25	32.25	39.75
1,800,001 to 2,230,000	23.50	38.50	46.00
2,230,001 to 2,635,000	26.50	41.50	49.00
2,635,001 up	28.75	43.75	51.25
No. 3-12", 3-14", 3-16" (Base price for 10" or 11" carriage—add wide-carriage allowance)	17.25	32.25	39.75
to 600,000	23.50	38.50	46.00
600,001 to 710,000	26.50	41.50	49.00
710,001 to 2,635,000	28.75	43.75	51.25
#2,635,001 up	36.50	51.50	59.00
No. 3-18", 3-20", 3-26" (Base price for 10" or 11" carriage—add wide-carriage allowance)	17.25	32.25	39.75
to 112,000	23.50	38.50	46.00
112,001 to 145,000	26.50	41.50	49.00
145,001 to 3,635,000	28.75	43.75	51.25
3,635,001 up	36.50	51.50	59.00
No. 66, Master, 5-Master:	11.00	26.00	33.50
to 4,065,000	17.25	32.25	39.75
4,065,001 to 4,200,000	23.50	38.50	46.00
4,200,001 to 4,440,000	26.50	41.50	49.00
4,440,001 to 4,610,000	28.75	43.75	51.25
4,610,001 to 4,800,000	36.50	51.50	59.00
4,800,001 to 5,135,000	40.00	55.00	62.50
5,135,001 up	43.50	58.50	66.00
UNDERWOOD NOISELESS	48.00	63.00	70.50
to 3,580,000	54.25	69.25	76.75
3,580,001 to 3,600,000	69.25	84.25	91.75
3,600,001 to 3,944,000	23.50	38.50	46.00
3,944,001 to 4,000,000	26.50	41.50	49.00
4,000,001 to 5,135,000	28.75	43.75	51.25
5,135,001 up	36.50	51.50	59.00
WOODSTOCK STANDARD	40.00	55.00	62.50
No. 3, 4, 5:	43.50	58.50	66.00
to 220,000	48.00	63.00	70.50
220,001 to 260,000	54.25	69.25	76.75
260,001 to 280,000	69.25	84.25	91.75
280,001 to 285,000	11.00	26.00	33.50
285,001 to 375,000	17.25	32.25	39.75
375,001 to 400,000	23.50	38.50	46.00
400,001 to 435,000	26.50	41.50	49.00
435,001 to 470,000	28.75	43.75	51.25
470,001 to 800,000	36.50	51.50	59.00
800,001 to 870,000	40.00	55.00	62.50
870,001 up	43.50	58.50	66.00
WOODSTOCK STANDARD-RENUMBERED	48.00	63.00	70.50
Prefix RN any serial	54.25	69.25	76.75
Prefix RKS any serial	69.25	84.25	91.75
WOODSTOCK ELECTRIFIE	26.50	51.50	59.00
to 347,000	17.25	47.25	62.25
347,001 up	20.25	50.25	65.25
OTHER OFFICE-SIZE TYPEWRITERS	8.50	23.50	31.00
All			

Make, model and serial number	Rough	Reconditioned	Rebuilt
REMINGTON ELECTRIC (FULL ELECTRIC KEYBOARD)			
Serial X, 1,000 up	$20.25	$60.25	$83.25
REMINGTON NOISELESS	11.00	29.75	37.25
No. 5 Any serial	17.25	35.00	43.50
No. 6 Two-letter prefix, first letter Q:	23.50	42.25	49.75
First digit 6, 7	26.50	45.25	53.75
First digit 8 and all-letter serial			
No. 6 One-letter Prefix X:	26.50	45.25	53.75
X100,000 to X157,300	28.75	47.50	55.00
X157,301 to X234,000	36.50	55.25	62.75
X 234,001 up	40.00	58.75	66.25
No. 10 Prefix X or XD:			
X200,000 to X270,000	23.50	40.00	47.50
X270,001 to X349,000	26.50	43.50	51.00
X349,001 to X439,000	28.75	48.00	55.50
X439,001 to X500,000	36.50	54.25	61.75
X500,001 up	40.00	58.75	66.25
REMINGTON NOISELESS—RENUMBERED			
No. 6 Prefix XR or RX:	17.25	36.00	43.50
XR 10,000 to XR 200,000	20.25	39.00	46.50
XR 200,001 to XR 215,800	23.50	42.25	49.75
XR 215,801 to XR 224,400	26.50	45.25	53.75
XR 224,401 to XR 229,800	28.75	47.50	55.00
XR 229,801 up	36.50	55.25	62.75
No. 10 Prefix XR or RX:	40.00	58.75	66.25
XR 200,001 to XR 266,400	11.00	26.00	33.50
ROYAL STANDARD	17.25	32.25	39.75
No. 1, 5 Any serial	20.25	35.25	42.75
No. 10, Q, X, 8X, H, KH, KHM, KMM:	23.50	38.50	46.00
to 960,000	26.50	41.50	49.00
960,001 to 1,120,000	28.75	43.75	51.25
1,120,001 to 1,340,000	36.50	51.50	59.00
1,340,001 to 1,520,000	40.00	55.00	62.50
1,520,001 to 1,610,000	43.50	58.50	66.00
1,610,001 to 1,653,000	48.00	63.00	70.50
1,653,001 to 1,790,000	54.25	69.25	76.75
1,790,001 to 2,162,000	69.25	84.25	91.75
2,162,001 up			
ROYAL STANDARD-RENUMBERED	26.50	41.50	49.00
Y prior to 40 series	28.50	41.75	51.25
Y 40 series and later	36.50	51.50	59.00
HY & CHY 40 series and later	40.00	55.00	62.50
HY & KHY prior to 40 series	43.50	58.50	66.00
HY & KHY 40 series and later	48.00	63.00	70.50
L C SMITH STANDARD			
Nos. 1, 2, 4 Any serial	11.00	26.00	38.50
No. 3-12", 3-14", 3-16", 5, 6-20" any serial (Base price for 10" or 11" carriage—add wide-carriage allowance)	17.25	32.25	39.75
No. 7:			
to 21,600	11.00	26.00	33.50
21,601 to 22,017	17.25	32.25	39.75
22,018 to 23,067	23.50	38.50	46.00
23,067 up	26.50	41.50	49.00
No. 8 Standard & Supreme:	17.25	32.25	39.75
495,001 to 850,000	23.50	38.50	46.00
850,001 to 1,000,000	26.50	41.75	49.25
1,000,001 to 1,080,000	28.75	43.75	51.50
1,080,001 to 1,150,000	36.50	51.50	59.00
1,150,001 to 1,270,000	40.00	55.00	62.50
1,270,001 to 1,330,000	43.50	58.50	66.00
1,330,001 to 1,510,000	48.00	63.00	70.50
1,510,001 up	54.25	69.25	76.75
L C SMITH SILENT	69.25	84.25	91.75
No. 8 Silent & Supreme:			
to 1,150,000	40.00	58.75	66.25
1,150,001 to 1,270,000	43.50	62.25	69.75
1,270,001 to 1,330,000	48.00	66.75	74.25
1,330,001 to 1,510,000	54.25	73.00	80.50
1,510,001 up	69.25	88.00	95.50

Model, serial letters, and serial numbers	Rough	Reconditioned	Rebuilt
REMINGTON (REMINGTON RAND, SMITH PREMIER):			
No. 1 & 2:			
(2 letters, 1st letter N):			
NA, NB, etc. 80,000 to 80,000	$15.25	$25.00	$25.00
(1 letter):	20.00	29.50	32.50
V 100,000 to 411,500	20.00	29.50	32.50
V 411,501 up	26.25	35.50	38.50
No. 1, Deluxe, Quiet:			
P, PD 135,501 to 178,000	27.50	37.50	40.50
P, PD 178,001 up	34.25	44.50	47.50
No. 3:	38.25	47.50	50.50
BB 2,000 to 3,800	20.00	29.50	32.50
BB 3,801 up	26.25	35.50	38.50
No. 3:			
V 415,000 to 431,000	26.25	35.50	38.50
V 431,001 to 432,500	20.70	30.00	42.50
No. 3 Twen-Tee Rite:			
BR 1,000 to 13,000	20.00	29.50	32.50
BR 13,001 to 18,500	26.33	35.50	38.50
No. 3B, Simplified No. 3:			
C, MF, S, all	12.00	18.50	21.50
No. 4: V 600,000 to 625,000	20.00	29.50	32.50
No. 5, 6T (without tabulator) & Streamliner:			
V 10,000 to 10,300	26.25	35.50	38.50
V 600,001 to 604,000	26.25	35.50	38.50
V 660,001 to 750,000	26.33	35.50	38.50
V 750,001 to 760,000	30.70	39.50	42.50
V 760,001 to 965,500	26.25	35.50	38.50
V 965,501 to 973,500	34.00	42.50	45.50
V 973,501 to 1,110,500	25.75	34.00	37.00
B 10,001 to 24,000	30.70	39.50	42.50
B 24,001 to 78,000	34.00	42.50	45.50
B 78,001 up			
No. 6T (with tabulator):	23.15	33.50	36.50
V 525,001 to 600,000	27.50	37.50	40.50
V 600,001 to 760,500	38.25	47.50	50.50
No. 5 Smith Premier:			
V 760,001 to 762,500	27.50	37.50	40.50
No. 9:	34.85	44.50	47.50
F 10,001 to 18,000	38.25	47.50	50.50
F 10,001 up			
No. 10:	34.85	44.50	47.50
A 10,000 to 11,500			
Premier:	13.75	23.50	26.50
S 225,501 to 229,500	16.50	25.50	28.50
Bantam, "Cadet," Monarch Pioneer, "Pioneer," Remis Scout:			
C, OA, CB, S all	6.00	12.00	14.00
Compact:			
O 30,001 to 30,000	9.75	19.50	21.50
Corneil Special:	12.00	21.50	23.50
V-G all	20.00	29.50	32.50
Junior:			
S to 225,500	13.75	23.50	26.50
S 225,501 to 229,500	16.50	25.50	28.50
Deluxe Junior, Smith Premier Jr., Remette, Remette Deluxe:			
C, CB, CQ, SD, VJ to 225,500	23.09	31.50	34.50
C, CB, CQ, SD, VJ, 225,501 up	25.75	34.00	37.00
Envoy:			
S, SD to 299,000	23.09	31.50	34.50
S, SD 299,001 up	25.75	34.00	37.00
Noiseless Junior:			
B all	18.35	27.50	30.50
Noiseless, Deluxe Noiseless:			
N 10,001 to 32,000	20.15	29.50	32.50
N 32,001 to 122,500	27.50	37.50	40.50
N 122,501 to 126,500	34.25	44.50	47.50
N 126,501 to 130,000	38.25	47.50	50.50
Noiseless Portable, Noiseless Typewriter:			
ND 130,001 to 180,500	24.85	33.50	36.50
ND 180,501 up	38.25	47.50	50.50
Noiseless No. 7, 71:			
H 10,001 to 25,000	22.15	31.50	34.50
H 25,001 to 59,000	27.50	37.50	40.50
H 59,001 to 61,500	34.85	44.50	47.50
H 61,501 up	38.25	47.50	50.50
BARR (BARR MORSE, MACT NO. 1)			
All	$26.35	$35.50	$38.50
CORONA (SMITH-CORONA):			
No. 3, 3T, 3X:			
to 613,500	7.50	15.50	18.50
613,501 to 663,000	9.75	19.50	21.50
663,001 up 663,000	12.00	19.50	21.50
663,001 up	13.75	21.50	23.50
No. 4 (without tabulator):			
E1 to E6 all	15.25	25.00	28.00
E11 to E16 all	15.25	25.00	28.00
11E to 16E all	15.25	25.00	28.00
1M to 6M all	20.00	29.50	32.50
1M to 6M all	20.00	29.50	32.50
1P to 6P all	20.00	29.50	32.50
1A to 6A all	24.25	33.50	36.50
1B to 6B all	24.25	33.50	36.50
1C to 6C all	24.25	33.50	36.50
1D to 6D all	24.25	33.50	36.50
1E to 6E all	24.25	33.50	36.50
1F to 6F all	26.70	36.00	39.00
No. 4 (with tabulator):			
A, B all	23.15	33.50	36.50
C, D, E, F, H, L all	27.50	37.50	40.50
M, P, L-A all	34.85	44.50	47.50
No. 4A:			
J4,000 to 5,500	12.00	19.50	21.50
No. 4X:			
X 10,001 to 12,000	12.00	18.50	21.50
Junior:			
1F-J 001 to 4,000	18.35	27.50	30.50
1F-J 2,001 to 20,500	18.35	27.50	30.50
1F-1S 20,501 to 23,000	18.35	27.50	30.50
1F-1S 23,001 to 29,000	22.15	31.50	34.50
1F-1S 29,001 up	24.75	34.00	37.00
Zephyr:			
1Z all	23.00	31.50	34.50
Zephyr Deluxe:			
1Y to 11,000	23.00	31.50	34.50
1Y 11,001 up	25.75	34.00	37.00
Corneil Special Deluxe:			
1W, 1N all	25.75	34.00	37.00
Smith-Corona to 1,004,000	23.15	33.50	36.50
1,004,001 up	27.50	37.50	40.50
Standard: 2C to 160,500	26.33	35.50	38.50
1C, 2C, 3C 160,501 to 223,500	30.70	39.50	42.50
1C, 2C, 3C 223,501 up	34.00	42.50	45.50
1C, 2C	30.70	39.50	42.50
1C-S all	34.00	42.50	45.50
Silent: 2S, 3S to 53,000	27.50	37.50	40.50
1S, 2S, 3S 53,001 to 79,500	34.85	44.50	47.50
1S, 2S, 3S 79,501 up	38.25	47.50	50.50
Sterling: to 20,000	27.50	37.50	40.50
1A, 2A, 3A 20,001 to 62,000	34.85	44.50	47.50
1A, 2A, 3A 62,001 up	38.25	47.50	50.50
1AR all	34.85	44.50	47.50
HERMES			
Baby, Featherweight:			
to 128,000	18.35	27.50	30.50
128,001 to 200,000	22.15	31.50	34.50
200,001 up	26.75	34.00	37.00
Model 3000:			
to 100,000	34.85	44.50	47.50
100,001 up	38.25	47.50	50.50
OLYMPIA			
All	18.35	27.50	30.50

SEC. 14. *Portable typewriters.* The base ceiling price for the sale at retail of a used portable typewriter is set forth in the table below. The words "rebuilt," "reconditioned" and "rough" are defined in the preceding section.

For the ceiling price, the seller shall supply a carrying case, except for models marked with an asterisk (*). If no carrying case is supplied the ceiling price must be reduced by 10%.

Model, serial letters, and serial numbers	Rough	Reconditioned	Rebuilt
REMINGTON (REMINGTON RAND, SMITH PREMIER)—Continued			
Noiseless No. 8*:			
E 10,001 to 16,500	$23.15	$33.50	$36.50
E 16,501 to 37,000	27.50	37.50	40.50
E 37,001 to 38,000	34.85	44.50	47.50
E 38,001 up	38.25	47.50	50.50
ROYAL			
Signet*:			
E all	6.00	12.00	14.00
Junior, Signet Sr., Backspace Jr.:			
ES, J, BJ, JC12,000 to 31,500	9.75	17.50	19.50
ES, J, BJ, JC21,501 to 66,500	12.00	19.50	21.50
ES, J, BJ, JC66,501 to 70,000	13.75	21.50	23.50
Mercury, Varsity, Companion:			
OM, D, E, U, UB, UR 70,001 to 112,500	23.00	31.50	34.50
OD, OM, D, D-85, DM, E 112,501 up	25.75	34.00	37.00
Arrow, Standard:			
P to 56,500	15.25	26.00	28.00
P, A 56,501 to 325,000	20.00	29.50	32.50
P, A, OT, O, C 325,001 to 742,000	26.25	35.50	38.50
P, O, C 742,001 to 927,000	30.70	39.50	42.50
O 927,001 up	34.00	42.50	45.50
Aristocrat, Deluxe, Speed King:			
A, P to 325,000	23.15	33.50	36.50
A, P 325,001 to 742,000	27.50	37.50	40.50
A, B, P 742,001 to 927,000	34.85	44.50	47.50
A, B 927,001 up	38.25	47.50	50.50
UNDERWOOD			
Three Bank:			
to 202,500	7.50	15.50	17.50
202,501 up	9.75	17.50	19.50
Junior:			
to 898,000	9.75	17.50	19.50
898,001 to 966,000	12.00	19.50	21.50
966,001 to 1,175,600	13.75	21.50	23.50
1,175,601 up	16.50	23.50	25.50
Ace Correspondent Leader Student:			
to 1,163,000	23.00	31.50	34.50
1,163,001 up	25.75	34.00	37.00
Universal, No. 4 (without tabulator):			
to 85,500	15.25	25.00	28.00
85,501 to 570,000	20.00	29.50	32.50
570,001 to 1,049,000	26.25	35.50	38.50
1,049,001 to 1,218,500	30.70	39.50	42.50
1,218,501 up	34.00	42.50	45.50
Champion, No. 4 (with tabulator):			
to 570,000	23.15	33.50	36.50
570,001 to 1,023,500	27.50	37.50	40.50
1,023,501 to 1,220,000	34.85	44.50	47.50
1,220,001 up	38.25	47.50	50.50
Noiseless No. 55, all	18.35	27.50	30.50
Noiseless No. 77* & Noiseless:			
to 577,500	23.15	33.50	36.50
577,501 to 968,000	27.50	37.50	40.50
968,001 to 1,179,600	34.85	44.50	47.50
1,179,601 up	38.25	47.50	50.50
OTHER PORTABLE TYPEWRITERS			
All	6.00	12.00	14.00

SEC. 15. *Wide-carriage typewriters.* If the used typewriter has a carriage wider than 11" there may be added to the retail ceiling price the following amounts:

Carriage width	Rough	Reconditioned	Rebuilt
Over 11" but under 14"	$6.75	$6.75	$6.75
14" but under 16"	7.50	8.75	8.75
16" but under 22"	15.00	17.50	17.50
22" and over	22.50	27.50	27.50

SEC. 16. *Special typewriters*—(a) *Attachments.* (1) If a new special attachment has been installed at the request of the purchaser, there may be added to the ceiling price an amount equal to the list price of the attachment established by the manufacturer, provided this charge is billed as a separate item. (2) If a used special attachment has been installed at the request of the purchaser, there may be added to the ceiling price an amount equal to 50% of the list price of the attachment established by the manufacturer, provided this charge is billed as a separate item. (3) No amount may be added to the ceiling price for attachments not ordered by and specifically installed for the purchaser.

(b) *Keyboards and type styles.* If, in connection with the sale of a used typewriter, changes to special-purpose or foreign type or keyboard are made at the request of a buyer, there may be added to the ceiling price a conversion charge not exceeding the seller's ceiling price for such service determined under the provisions of Maximum Price Regulation No. 165 as amended, provided this charge is billed as a separate item. The ceiling charge for such service is, generally, the highest price charged by the seller in March 1942.

(c) *Electric carriage return.* On retail sales of used Underwood typewriters with electric carriage return and used Remington models 12, 16, 20, and 30 with electric carriage return, $15.00 may be added to the reconditioned ceiling price and $22.50 may be added to the rebuilt ceiling price. No amount may be added to the rough ceiling price.

SEC. 17. *Charges for credit, packing and transportation*—(a) *Credit.* No amount may be added to the ceiling price of a used typewriter as a charge for the extension of credit unless the amount charged the buyer is not greater than the charge made by the seller during the base period October 1–15, 1941, on the same unpaid balance for the same period of time. This charge must be billed separately. If the seller did not sell typewriters on credit during the base period, he may hereafter make a charge for credit, if the charge is billed separately and the amount is not greater than that made by the seller's closest competitor during the base period on the same unpaid balance and for the same period of time.

(b) *Packing.* No amount may be added to the selling price of a used typewriter for packing for shipment except:

(1) On sales to an exporter or foreign buyer, as provided by the Second Maximum Export Price Regulation.[1]

(2) On sales to any procurement agency of the United States as provided by Revised Supplementary Order No. 34.[2]

(3) On other sales, an amount not greater than that customarily charged by the seller on sales to the same class of customer in the same geographical location during the period October 1–15, 1941.

(c) *Transportation.* In connection with the sale of a used typewriter the seller may charge for transportation or require the customer to pay transportation charges only if the seller customarily made such charge or required such payment on sales to the same class of customer in the same geographical location during the period October 1–15, 1941.

(d) *Trade-in allowances.* In connection with the sale of a used typewriter, the seller may not accept another typewriter in trade at a value lower than the lowest valuation for the trade-in typewriter shown on the 1942 allowance schedule of any typewriter manufacturer.

SEC. 18. *Sales in territories and possessions of the United States.* On the sale of a used typewriter in any territory or possession of the United States, the ceiling price may be increased by the cost of transporting, at the time of sale, a similar typewriter from the usual mainland shipping point.

SEC. 19. *User-to-dealer sales.* This section applies to used typewriters sold to dealers by individual users. Typewriters which were acquired for use may be sold to persons acquiring the typewriters for purposes of sale or rental at prices not exceeding ⅔ of the retail ceiling price.

SEC. 20. *Dealer-to-dealer sales.* This section applies to used typewriters sold by one dealer to another. Typewriters which were acquired for sale or rental may be sold to persons acquiring the typewriters for sale or rental at prices not exceeding ⅔ of the retail ceiling price.

[1] 8 F.R. 4132, 5067, 7662, 9096, 15196.
[2] 8 F.R. 12404, 14073.

SEC. 21. *Exports.* Ceiling prices for sales to an exporter and for export sales as defined by the 2nd Revised Maximum Export Price Regulation are covered by the provisions of that regulation.

Other Provisions

SEC. 22. *Definitions*—(a) *"Typewriter".* A "typewriter" is any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents and does not include Braille typewriters, telegraphically controlled writing machines, composing machines, toll billers, toy typewriters, machines with inbuilt features for handling or collating continuous forms, or front feed, vertical feed, electric duplicating, proportional spacing or right-margin justifying machines. To determine ceiling prices for machines excluded by this definition, refer to the General Maximum Price Regulation or other specific Office of Price Administration price regulations. Since this definition differs from that used in Ration Order 4A, refer to that order to determine which machines are under Office of Price Administration rationing control.

(b) *Other terms.* Definitions of other terms will be found in the regulation as follows:

(1) "Commercial rental": section 4.
(2) "Demonstrator": section 12.
(3) "Non-Commercial rental": section 4.
(4) "Person": section 2.
(5) "Rebuilt": section 13.
(6) "Reconditioned": section 13.
(7) "Rental period": section 7.
(8) "Rental with maintenance service": section 4.
(9) "Rental without maintenance service": section 4.
(10) "Rough": section 13.
(11) "Sale at retail": section 11.
(12) "Used typewriter": section 1.

SEC. 23. *Statements and records.* In connection with the sale or rental of a used typewriter (which the supplier had acquired for the purpose of rental or resale) the supplier shall furnish to the customer the following statements and shall keep, for so long as the Emergency Price Control Act of 1942 is in effect, the following records:

(a) *On rentals.* The supplier of a used typewriter for rental shall supply to the person renting the typewriter a contract, invoice or other writing which specifies the make, model and serial number of the typewriter rented; the contract period; the rental charge; the type of rental (rental "with" or "without maintenance service" and "commercial" or "non-commercial"; and the name and address of the person to whom the typewriter is rented.

The supplier shall keep for his record a carbon or other duplicate copy of this contract, invoice or other writing.

On all rentals except to the United States Government, the supplier of a used typewriter on rental shall insert on the contract, invoice or other writing the following statement: "The price charged for this rental is no higher than the ceiling fixed in Revised Maximum Price Regulation No. 162, which fixes ceiling prices for the rental of typewriters depending on the length of the rental period. Transportation charges may be added only if delivery and pick-up are requested by the customer."

(b) *On retail and dealer-to-dealer sales.* The seller of a used typewriter shall supply to the buyer a sales slip, invoice or other writing, which specifies the make, model and serial number of the typewriter sold; the grade of the typewriter sold (demonstrator, rebuilt, reconditioned, rough); the make, model, serial number and credit allowed for a typewriter if taken in exchange; the ceiling price; the price charged; the guarantee; and the name and address of the purchaser.

The seller shall keep for his record a carbon or other duplicate copy of this sales slip, invoice or other writing.

SEC. 24. *Notices.* Every person offering to supply for rent a used typewriter (which the supplier had acquired for the purpose of rental or resale) shall post a clearly legible sign which is no smaller than 11" by 17", and which is visible to customer traffic. This sign, copies of which may be obtained from district or regional offices of the Office of Price Administration, shall contain the following notice:

O. P. A. CEILING PRICES FOR THE RENTAL OF USED TYPEWRITERS

[With maintenance service]

	3 days	½ mo.	1 mo.	3 mos.
Commercial — pay no more than	$1.50	$2.25	$3.50	$8.75
Non-commercial — pay no more than	1.20	2.00	3.00	7.50

If you offer to make a 3-month rental contract, and to meet any credit and security terms permitted by OPA, the 3-month rate applies, prorated for the rental period.

Maintenance service is at the option of supplier. When maintenance service is not furnished, the rental rate is ⅓ less than the rates scheduled above.

Supplier may make an additional charge when:

The rented typewriter has a wide carriage.
Delivery and pick-up is requested by the customer.
The rented typewriter has a foreign keyboard or special type.
The rental is outside continental U. S.
For details: Consult Revised Maximum Price Regulation No. 162.

SEC. 25. *Licensing.* The provisions of Licensing Order No. 1,[8] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 25 as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 26. *Prohibited practices.* The provisions of this regulation must not be evaded by any scheme or device or by any practice which has the effect of a higher-than-ceiling price. Among the practices prohibited are these:

(a) Refusing to permit persons renting typewriters to arrange for delivery from and to the supplier's place of business.

(b) Requiring a customer to pay in installments, or to buy or rent typewriters he does not want, or to buy or rent other goods, as a condition of acquiring a typewriter.

SEC. 27. *Taxes.* Any tax upon or incident to the sale or rental of a used typewriter may be added to the ceiling price provided the seller is permitted to state and does state the tax separately.

SEC. 28. *Petitions for amendment.* A person seeking any change in this Revised Maximum Price Regulation No. 162 or an exception to its terms may file a petition for amendment in accordance with the rules given in Revised Procedural Regulation No. 1,[9] issued by the Office of Price Administration.

SEC. 29. *Enforcement*—(a) *Liabilities.* Persons violating any provision of this Revised Maximum Price Regulation No. 162 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) *Communications.* Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 162 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

SEC. 30. *Geographical applicability.* This Regulation covers sales and rentals in the 48 states, the District of Columbia, and the territories and possessions of the United States.

Effective Date

This Revised Maximum Price Regulation No. 162 shall become effective July 31, 1943. [Issued July 14, 1943]

NOTE: The record-keeping provisions of this Revised Maximum Price Regulation 162 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-613; Filed, January 11, 1944; 4:54 p. m.]

PART 1412—SOLVENTS

[MPR 36,[1] Amdt. 5]

ACETONE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

[2]Copies may be obtained from the Office of Price Administration.

[7] F.R. 6655, 7001, 7910.

[8] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[9] 8 F.R. 13240.

Section 1412.66 (a) (5) (i) is amended to read as follows:

(i) *Sales of fermentation acetone produced by Asociacion Azucarera Cooperativa Lafayette in Puerto Rico.* Maximum prices per pound, f. o. b. plant for sales of fermentation acetone produced by Asociacion Azucarera Cooperativa Lafayette in Puerto Rico shall be established by applying the differentials specified in subdivision (b) to the base prices set forth in subdivision (a).

(a) *Base prices.*

Tank cars	$0.065
Drums, carload lots	.080
Drums, l. c. l.	.085

(b) *Differentials for fluctuations in average cost of molasses.* For every increase or decrease of $.10 in the average cost per 100 pounds of sugars of the molasses used in producing acetone from a base average cost of $.72 per hundred pounds sugars, the maximum prices for fermentation acetone set forth in subdivision (a) shall be increased or decreased, as the case may be, $.00435 per pound.

(c) *Method of computation of average cost per hundred pounds.* The average cost for a current calendar month shall be computed by one of the following methods. Having once elected to compute his average cost by one of the methods set forth below, the producer must continue using that method thereafter.

(1) The average cost for a current calendar month shall be the actual average cost per hundred pounds of sugars of the molasses used in production of acetone during the preceding month computed by taking the actual average cost of molasses inventory on hand at the beginning of the preceding month plus the molasses received during the preceding month; or

(2) The average cost for a current calendar month shall be the actual average cost of the molasses to be used during the current month, computed by taking the actual average cost of the molasses inventory on hand at the beginning of the current month plus the molasses for which contracts have been made for delivery during the current month for use in acetone production.

(3) Where the producer wishes to compute his average cost by a method which conforms substantially to one of the two methods described above but which differs therefrom only in some slight manner, he may do so provided he submits his proposed method of computation to the Office of Price Administration, Washington, D. C., for approval and agrees that he will continue using that method having once elected it.

(d) *Election of method of computation and reporting.* On or before February 15, 1944, the producer shall inform the Office of Price Administration in Washington, D. C., by registered mail which one of the above methods of determining average cost for molasses he elects to use; the maximum price for acetone which he has determined for January 1944 under that method, and a detailed statement of the average molasses cost (per hundred pounds of sugars) upon which such price was determined, showing the sources of supply, amounts, and prices of molasses involved in the determination of the average cost. Thereafter, within twenty days after the first day of each succeeding month, he shall report to the Office of Price Administration in Washington, D. C., his maximum price for acetone for that month computed under the method chosen by him, and a statement in the detail specified above of the average cost of molasses upon which such price was determined.

This amendment shall become effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-611; Filed, January 11, 1944; 4:52 p. m.]

PART 1412—SOLVENTS

[MPR 37,[1] Incl. Amdt. 13]

BUTYL ALCOHOL AND ESTERS THEREOF

Section 1412.101 (b) revoked; § 1412.101 (c) redesignated (b); § 1412.116 (a) (4) (i) amended by Amendment 13 effective January 11, 1944, so that Maximum Price Regulation No. 37 shall read as follows:

A statement of the considerations[2] involved in the issuance of this Maximum Price Regulation No. 37 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[3] issued by the Office of Price Administration, Maximum Price Regulation No. 37 is hereby issued.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order No. 67, 8 F.R. 12555, effective 9-11-43]

Sec.
1412.101 Maximum prices for butyl alcohol and esters thereof.
1412.102 Less than maximum prices.
1412.103 Adjustable pricing.
1412.104 Evasion.
1412.105 Records and reports.
1412.106 Enforcement.
1412.107 Applicability of General Maximum Price Regulation.
1412.108 Licensing.
1412.109 Federal and State taxes.
1412.110 [Revoked]
1412.111 Petitions for amendment.
1412.112 Definitions.
1412.113 Applicability.
1412.114 Export sales.
1412.115 Effective dates of amendments.
1412.115a Trade practices and terms relating to maximum prices.
1412.116 Appendix A: Maximum prices for butyl alcohol and butyl acetate.
1412.117 Appendix B: Maximum prices for dibutyl phthalate.
1412.118 Appendix C: Maximum prices for dibutyl sebacate.

AUTHORITY: §§ 1412.1 to 1412.116, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1412.101 *Maximum prices for butyl alcohol and esters thereof.* (a) On and after October 3, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver butyl alcohol or esters thereof, and no person shall buy or receive butyl alcohol or esters thereof in the course of trade or business, at prices higher than the maximum prices established by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of butyl alcohol or esters thereof to a purchaser, if prior to October 3, 1942, such butyl alcohol or esters thereof had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

[Paragraph (a) as amended by Am. 1, 7 F.R. 7001, effective 9-3-42]

(b) Nothing in this regulation or the General Maximum Price Regulation shall apply to sales or deliveries of normal butyl alcohol by the Defense Supplies Corporation.

[Former paragraph (b) revoked; former (c) added by Am. 11, 8 F.R. 16700, effective 12-10-43 and redesignated (b) by Am. 13, effective 1-11-44]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

[NOTE: Revised Supplementary Order No. 24 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1412.102 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

§ 1412.103 *Adjustable pricing.* (a) Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant per-

[1] 7 F.R. 6657.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

mission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

[Above text designated (a) by Am. 5, 8 F.R. 8874, effective 7-1-43]

(b) [Revoked]

[Paragraph (b) added by Am. 5 and revoked by Am. 6, 8 F.R. 9884, effective 7-1-43]

§ 1412.104 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 37 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to butyl alcohol or esters thereof alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1412.105 *Records and reports.* (a) Every person making purchases or sales of butyl alcohol or esters thereof for which maximum prices are established by this Maximum Price Regulation No. 37, on and after September 3, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the prices paid or received; and the specifications and quantity, including the size of the containers, of such butyl alcohol or esters thereof purchased and sold.

(b) On or before October 3, 1942, and on or before the 10th day of each month thereafter, every producer of normal fermentation butyl alcohol, shall submit to the Office of Price Administration a report on Form 137:1 in the detail required by such form, showing the total production of normal fermentation butyl alcohol by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such form shall require. Persons affected by Maximum Price Regulation No. 37 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.

(c) Every person selling normal synthetic butyl alcohol or normal synthetic butyl acetate for which upon sale by that person maximum prices are established by this Maximum Price Regulation No. 37, shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such of those commodities as he delivered during March 1942, and his offering prices for delivery of such commodities during such month; and

(2) Prepare on or before September 18, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices he charged for such of those commodities as he delivered during March 1942, and his offering price for delivery of such commodities during such month, together with an appropriate description or identification of each such commodity; and

(ii) All his customary allowances, discounts and other price differentials.

Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 37. "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

§ 1412.106 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 37 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 37 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State, Field, or Regional Office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1412.107 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 37 supersede the provisions of the General Maximum Price Regulation with respect to sales or deliveries of butyl alcohol or esters thereof for which maximum prices are established by this Maximum Price Regulation No. 37.

§ 1412.108 *Licensing.* The provisions of Licensing Order No. 1,[*] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1412.108 as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1412.109 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of butyl alcohol or esters thereof, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such butyl alcohol or esters thereof and in preparing the records of such seller with respect thereto.

(a) *As to a tax in effect during the thirty day period ending October 3, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the thirty day period ending October 3, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 37.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 37.

(b) *As to a tax or increase in a tax which becomes effective after September 3, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9694; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1412.110 [Revoked]

[§ 1412.110 revoked by Am. 3, 7 F.R. 8941, effective 11-4-42]

§ 1412.111 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 37 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1412.111 as amended by Supplementary Order No. 26, 7 F.R. 8948, effective 11-4-42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 3987, 5666; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 6 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.] [NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the OPA shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

§ 1412.112 *Definitions.* (a) When used in this Maximum Price Regulation No. 37, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Normal fermentation butyl alcohol" means normal butyl alcohol produced by the fermentation of any carbohydrate containing material.

(3) "Normal synthetic butyl alcohol" means normal butyl alcohol other than normal fermentation butyl alcohol.

(4) "Normal fermentation butyl acetate" means normal butyl acetate prepared from normal fermentation butyl alcohol.

(5) "Normal synthetic butyl acetate" means normal butyl acetate other than normal fermentation butyl acetate.

(6) "Direct cost to the seller" means the price which the seller paid for the commodity, less discounts allowed to the seller, plus all costs of shipment actually incurred by the seller.

(7) "Eastern territory" means the States of New Mexico, Colorado, Wyoming, Montana, all States east thereof, and the District of Columbia.

(8) "Western territory" means all other States of the United States.

(9) "Integrated producer of dibutyl phthalate" means a person who, in addition to producing dibutyl phthalate, also produces butyl alcohol or phthalic anhydride, or who acquires phthalic anhydride under a toll arrangement.

(10) "Non-integrated producer of dibutyl phthalate" means any producer of dibutyl phthalate other than an integrated producer.

(11) "Commercial grade dibutyl phthalate" means dibutyl phthalate of the following specifications: a clear or water white color; an ester content of 99-100 percent; a specific gravity of 1.047 to 1.051; and a maximum acidity of .03 percent.

(12) "Ordnance grade dibutyl phthalate" means dibutyl phthalate meeting U. S. Army Specification No. 50-11-61A (issued February 20, 1941) or any official subsequent revisions thereof.

[Subparagraphs (9), (10), (11), and (12) added by Am. 7, 8 F.R. 10672, effective 7-29-43]

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 37.

§ 1412.113 *Applicability.* The provisions of this Maximum Price Regulation No. 37 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1412.114 *Export sales.* The maximum price at which a person may export butyl alcohol or esters thereof shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[*] issued by the Office of Price Administration.

§ 1412.115 *Effective dates of amendments.* (a) Maximum Price Regulation No. 37 (§§ 1412.101 to 1412.116, inclusive) shall become effective October 3, 1942: *Provided*, That Revised Price Schedule No. 37 shall remain in effect until this Maximum Price Regulation No. 37 becomes effective on October 3, 1942.

[§ 1412.115 as amended by Am. 1, 7 F.R. 7001, effective 9-3-42]

[Issued August 20, 1942]

[NOTE: Effective dates of amendments to MPR 37 are shown in notes following the parts affected]

§ 1412.115a *Trade practices and terms relating to maximum prices—(a) Credit charges.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit.

(b) *Containers.* No extra charge may be made for containers. The seller may, however, require the buyer to return a container, but where he does so the maximum price for the contents of any such container as established by this regulation shall be decreased by an amount equal to the maximum price established by the applicable regulation of the Office of Price Administration for a used container of the same kind in good condition, f. o. b. buyer's plant. Where a seller requires the return of a container, he may charge a reasonable deposit for the return of such container. The deposit must be repaid to the buyer upon his return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller shall in all cases be borne by the seller.

[§ 1412.115a added by Am. 11, 8 F.R. 16700, effective 12-10-43]

§ 1412.116 *Appendix A: Maximum prices for butyl alcohol and butyl acetate*—(a) *Sales in containers of 50 gallons or more of normal fermentation butyl alcohol and normal butyl acetate other than certain normal synthetic butyl acetate.* Maximum prices for sales in containers of 50 gallons or more of normal fermentation butyl alcohol and normal butyl acetate other than certain normal synthetic butyl acetate are established as set forth below:

(1) *Maximum prices per pound, delivered in eastern territory*—(i) *Normal fermentation butyl alcohol produced after June 30, 1943 and normal fermentation butyl acetate produced after June 30, 1943 and before the first day of the first month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation, sales in tank cars*—(a) *Base prices.*

	Butyl alcohol	Butyl acetate	Base average cost per bushel of whole grain
Produced by fermentation of molasses	$0.165	$0.18	
Produced by Commercial Solvents Corp. by fermentation of grain	.168	.1795	$1.22
Produced by U. S. Industrial Chemicals, Inc. and Publicker Commercial Alcohol Corp. by fermentation of grain	.226	.2115	1.22

(b) *Differentials for fluctuations in average cost per bushel of whole grain.* For every increase or decrease of $.035 in the average cost per bushel of whole grain from the corresponding base average cost set opposite the maximum prices in subdivision (a) above, the corresponding price of grain fermentation butyl alcohol shall be increased or decreased, as the case may be, by $.005 per pound, and the corresponding price of grain fermentation butyl acetate shall be increased or decreased, as the case may be, by $.0035 per pound. The increases or decreases in the maximum prices for grain butyl alcohol and grain butyl acetate required by increases or decreases in the average cost of grain shall be made for each calendar month on the first day of each month and shall apply to the butyl alcohol and butyl acetate produced during each such month, except that such price determinations for July 1943 shall be made within ten days after July 15, 1943, and shall apply to the grain butyl alcohol and grain butyl acetate produced during July 1943. In making such increases or decreases, a producer shall compute his average cost for a current month by one of the following methods:

(1) The average cost for a current month shall be the actual average cost per bushel of grain used in production during the preceding month, computed by taking the actual average cost of the grain inventory on hand at the beginning of the preceding month plus the

[*] 8 F.R. 13240.

[*] Second Revision: 8 F.R. 4132, 5987, 7662, 9998, 15193.

grain received during the preceding month; or

(2) The average cost for a current month shall be the actual average cost of the grain to be used during the current month, computed by taking the actual average cost of the inventory on hand at the beginning of the current month plus the grain for which contracts have been made for delivery during the current month for use in butyl alcohol production.

(3) Where a producer wishes to compute his average cost by a method which conforms substantially to one of the two methods described above but which differs therefrom only in some slight manner, he may do so provided he submits his proposed method of computation to the Office of Price Administration, Washington, D. C., for approval, and agrees that he will continue using that method having once elected it.

(c) *Meaning of average cost per bushel of whole grain.* For purposes of this subdivision (i), "Average cost per bushel of whole grain" shall mean the average cost, delivered to the plant:

(1) In the case of wheat, of a 60-pound bushel.

(2) In the case of corn, of a 56-pound bushel of corn of 15.5 per cent moisture content.

(3) In the case of alcomeal or wheat flour, of 56 pounds of the granulated material, less the milling charges.

(4) In the case of rye, of 1⅛ bushels (65⅓ pounds).

(d) *Election of method of computation and reporting.* Within ten days after July 15, 1943, each producer of grain fermentation butyl alcohol and butyl acetate listed in subdivision (a) above shall inform the Office of Price Administration by registered mail which one of the above methods of determining actual average cost of grain he elects to use; the maximum prices for butyl alcohol and butyl acetate which he has determined for July 1943 under that method; and a detailed statement of the average grain cost upon which such prices were determined. Thereafter, within ten days after the first day of each succeeding month, each such producer shall report to the Office of Price Administration his maximum prices for butyl alcohol and butyl acetate for that month computed under the method chosen by him, and a detailed statement of the actual average grain cost upon which such prices are determined. A producer having once elected to compute his average cost by one of the methods set forth above, must continue using that method thereafter.

(ii) *Normal butyl acetate produced on and after the first day of the first month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation, sales in tank cars—(a) Base prices.*

Produced by Carbon and Carbide Chemicals Corp.	$.1372
Produced by Commercial Solvents Corp., U. S. Industrial Chemicals, Inc., and Publicker Commercial Alcohol Corp.	.1555

(b) *Differentials for fluctuations in average cost per pound of butyl alcohol.* For every increase or decrease of $.005 per pound in the computed average cost of butyl alcohol delivered at the works from a base average cost of $.15 per pound, the maximum prices for butyl acetate set forth above shall be increased or decreased, as the case may be, by $.0035 per pound.

(c) *Method of computation of average cost of butyl alcohol and reporting.* The computed average cost of butyl alcohol of each seller of butyl acetate for each calendar month beginning with the first calendar month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation shall be the average delivered cost of the butyl alcohol inventory on hand at the beginning of each such calendar month and the butyl alcohol allocated at the beginning of that month by the War Production Board for delivery to him during that month. The delivered cost of any such butyl alcohol which was not acquired from Defense Supplies Corporation shall be computed as equal to the seller's maximum tank car price for such butyl alcohol as determined under subdivision (i) above or paragraph (b), whichever is applicable. On or before the tenth day of each current calendar month each seller of butyl acetate making sales for which maximum prices are established by this subdivision (ii) shall report to the Office of Price Administration his maximum prices for butyl acetate for each period, and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during that current calendar month by the War Production Board, and the amount and average delivered cost of the butyl alcohol inventory on hand at the beginning of the month.

(iii) *Sales in tank cars of butyl alcohol and butyl acetate produced before July 1, 1943.* The maximum prices under subdivisions (i) and (ii) shall apply only to butyl alcohol and butyl acetate produced after June 30, 1943. For normal fermentation butyl alcohol and butyl acetate produced before July 1, 1943 the following maximum prices are established for sales in tank cars:

	Butyl alcohol	Butyl acetate
Produced in Indiana and Illinois	$.1425	$.1475
Produced elsewhere in the U. S.	.19	.1825

(iv) *Differentials for sales in other than tank cars.* For sales in drums in carload lots, and for sales in drums in less than carload lots, there may be added to the maximum tank car prices $.01 and $.015 per pound, respectively.

(2) *Western territory.* Delivered: ½ cent per pound may be added to the applicable maximum price established for Eastern territory by subparagraph (1) of this paragraph.

(3) *Deliveries from local stocks maintained by others than producers.* Ex seller's warehouse: $0.01 per pound may be added to the applicable maximum price established by subparagraph (1) or (2) of this paragraph, as the case may be.

(4) *Territories and possessions—(i) Sales of normal fermentation butyl alcohol produced by Asociacion Azucarera Cooperativa Lafayette in Puerto Rico.* Maximum prices per pound, f. o. b. plant for sales of normal fermentation butyl alcohol produced by Asociacion Azucarera Cooperativa Lafayette in Puerto Rico shall be established by applying the differentials specified in subdivision (b) to the base prices set forth in subdivision (a).

(a) *Base prices.*

Tank cars	$0.1675
Drums, carload lots	.1775
Drums, l. c. l.	.1825

(b) *Differentials for fluctations in average cost of molasses.* For every increase or decrease of $.10 in the average cost per 100 pounds of sugars of the molasses used in producing butyl alcohol from a base average cost of $.72 per hundred pounds sugars, the maximum prices for normal fermentation butyl alcohol set forth in subdivision (a) shall be increased or decreased, as the case may be, $.00435 per pound.

(c) *Method of computation of average cost per hundred pounds.* The average cost for a current calendar month shall be computed by one of the following methods. Having once elected to compute his average cost by one of the methods set forth below, the producer must continue using that method thereafter.

(1) The average cost for a current calendar month shall be the actual average cost per hundred pounds of sugars of the molasses used in production of butyl alcohol during the preceding month computed by taking the actual average cost of molasses inventory on hand at the beginning of the preceding month plus the molasses received during the preceding month; or

(2) The average cost for a current calendar month shall be the actual average cost of the molasses to be used during the current month, computed by taking the actual average cost of the molasses inventory on hand at the beginning of the current month plus the molasses for which contracts have been made for delivery during the current month for use in butyl alcohol production.

(3) Where the producer wishes to compute his average cost by a method which conforms substantially to one of the two methods described above but which differs therefrom only in some slight manner, he may do so provided he submits his proposed method of computation to the Office of Price Administration, Washington, D. C. for approval and agrees that he will continue using that method having once elected it.

(d) *Election of method of computation and reporting.* On or before February 15, 1944, the producer shall inform the Office of Price Administration in Washington, D. C., by registered mail which one of the above methods of determining average cost for molasses he elects to use; the maximum price for butyl alcohol which he has determined for January 1944 under that method, and a detailed statement of the average molasses cost (per hundred pounds of sugars) upon which such price was determined, showing the sources of supply, amounts, and prices of molasses involved in the determination of the average cost. Thereafter, within twenty days after the first day of each succeeding month, he shall report to the Office of Price Administration in Washington, D. C., his maximum price for butyl alcohol for that month computed under the method chosen by him, and a statement in the detail specified above of the average cost of molasses upon which such price was determined.

[Subparagraph (i) as amended by Am. 13, effective 1–11–44]

(ii) *Deliveries from the continental United States to purchasers in the territories and possessions.* Sales of normal fermentation butyl alcohol or normal fermentation butyl acetate by a seller shipping such commodities from the continental United States to a purchaser in the territories or possessions of the United States shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

(iii) *Deliveries from local stocks maintained by a person other than a producer.* Maximum prices, ex warehouse, for normal fermentation butyl alcohol or normal fermentation butyl acetate delivered from local stocks maintained by a seller other than a producer in a territory or possession of the United States shall be determined by adding to the direct cost to such seller of the normal fermentation butyl alcohol or normal fermentation butyl acetate so delivered whichever of the following amounts per pound is applicable.

Bought in—	Sold in— Tank cars	Drums carload	Drums l. c. l.
Tank cars	$0.01	$0.02	$0.025
Drums, carload	----------	.01	.015
Drums, l. c. l.	----------	.005	.01

(b) *Sales in containers of 50 gallons or more of normal synthetic butyl alcohol and of normal synthetic butyl acetate produced before the first day of the first month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation.* The maximum prices in containers of 50 gallons or more for normal synthetic butyl alcohol or for normal synthetic butyl acetate produced before the first day of the first month in which a substantial portion of each producer's production of butyl alcohol is sold to Defense Supplies Corporation shall be the seller's maximum prices for such commodities as determined under the provisions of the General Maximum Price Regulation.

[§ 1412.116 amended by Am. 2, 7 F.R. 7910, effective 10–3–42; Am. 4, 8 F.R. 6046, effective 5–7–43; Am. 6, 8 F.R. 9684, effective 7–1–43; Am. 7, 8 F.R. 10672, effective 7–29–43; Am. 8, 8 F.R. 11686, effective 7–1–43; Am. 9, 8 F.R. 13721, effective 10–4–43; and Am. 11, 8 F.R. 16700, effective 12–10–43]

(c) For the purposes of this regulation, whenever a sale of butyl alcohol or acetate is made by one producer, and butyl alcohol or acetate of another producer is actually delivered in accordance with or pursuant to an order or request of the Office of Defense Transportation or the War Production Board, the transaction shall be treated as if delivery had been made of butyl alcohol or acetate produced by the producer making the sale, and a price may be charged not in excess of the maximum price established for such butyl alcohol or acetate.

[Paragraph (c) added by Am. 12, 8 F.R. 16739, effective 12–10–43]

§ 1412.117 *Appendix B: Maximum prices for dibutyl phthalate*—(a) *Base maximum prices for sales of ordnance or commercial grade dibutyl phthalate.* These maximum prices are per pound, f. o. b. works, for sales by a producer of dibutyl phthalate which he himself has produced from butyl alcohol and phthalic anhydride:

	Sales by integrated producers	Sales by nonintegrated producers
Tank cars	$0.187	$0.197
Drums, carload	.197	.207
Drums, l. c. l.	.202	.212

[Table as amended by Am. 11, 8 F.R. 16700, effective 12–10–43]

(b) *Differentials for fluctuations in average cost per pound of butyl alcohol.* For every increase or decrease of $.01 per pound in the computed average cost of butyl alcohol delivered at the works from a base average cost of $.15 per pound, the maximum prices for dibutyl phthalate set forth in paragraph (a) above shall be increased or decreased, as the case may be, by $.0057 per pound.

(c) *Method of computation of average cost of the butyl alcohol and reporting—(1) For the period July 29 until and including August 9, 1943.* The computed average cost of butyl alcohol of each seller of dibutyl phthalate for the period July 29 to and including August 9, 1943 shall be the weighted average cost of the butyl alcohol to be delivered to the plant according to the allocation of butyl alcohol to that seller by the War Production Board for the month of July. In the case of an integrated producer who produces butyl alcohol, his own butyl alcohol shall be included in the computation at the maximum tank car price for July 1943 as determined by him under Appendix A of this regulation. Within five days after July 29, 1943, each seller of dibutyl phthalate making sales for which maximum prices are established by this section shall report to the Office of Price Administration his maximum prices for dibutyl phthalate for the period July 29 to and including August 9, 1943 and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during the month of July 1943.

(2) *For each monthly period beginning with August 10, 1943 and ending on the ninth day of the succeeding month.* The computed average cost of butyl alcohol of each seller of dibutyl phthalate for each such period shall be the average delivered cost of the butyl alcohol inventory on hand at the beginning of the current calendar month and the butyl alcohol allocated at the beginning of that month by the War Production Board for delivery to him during the month. In the case of an integrated producer who produces butyl alcohol, his own butyl alcohol shall be included in the computation at the maximum tank car price for the current calendar month as determined by him under Appendix A of this regulation. On or before the fifteenth day of each current calendar month, each seller of dibutyl phthalate making sales for which maximum prices are established by this section shall report to the Office of Price Administration his maximum prices for dibutyl phthalate for each period, and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during that current calendar month by the War Production Board.

(d) *Sales by a producer of dibutyl phthalate acquired by him from another producer.* The maximum price for sales by a producer of dibutyl phthalate which he has acquired from another producer shall be the maximum price determined under paragraphs (a), (b) and (c) of this Appendix for sales of his own production of dibutyl phthalate, or the maximum price determined under paragraphs (a), (b) and (c) of this Appendix by the producer from whom he obtained such dibutyl phthalate, whichever is lower.

[§ 1412.117 added by Am. 7, 8 F.R. 10672, effective 7–29–43]

§ 1412.118 *Appendix C: Maximum prices for dibutyl sebacate*—(a) *Base maximum prices for dibutyl sebacate.*

These maximum prices are per pound, f. o. b. works, for sales by a producer:

Tank cars	$.495
Drum carloads (drums included)	.505
Drums l. c. l. (10 or more drums, drums included)	.51
Drums l. c. l. (1 to 9 drums, drums included)	.52
1–5 gallon cans (container included)	.57

(b) *Differentials for fluctuations in average cost per pound of butyl alcohol.*

For every increase or decrease of $.01 per pound in the computed average cost of butyl alcohol delivered at the works from a base average cost of $.15 per pound, the maximum prices for dibutyl sebacate set forth in paragraph (a) above shall be increased or decreased, as the case may be, by $.0055 per pound.

(c) *Method of computation of average cost of the butyl alcohol and reporting.* The computed average cost of butyl alcohol of each seller of dibutyl sebacate for each monthly period beginning with November 10, 1943 and ending on the ninth day of the succeeding month, shall be the average delivered cost of the butyl alcohol inventory on hand at the beginning of the current calendar month and the butyl alcohol allocated at the beginning of that month by the War Production Board for delivery to him during the month. In the case of a producer who produces butyl alcohol, his own butyl alcohol shall be included in the computation at the maximum tank car price for the current calendar month as determined by him under Appendix A of this regulation. On or before the fifteenth day of each current calendar month, each seller of dibutyl sebacate making sales for which maximum prices are established by this section shall report to the Office of Price Administration his maximum prices for dibutyl sebacate for each period, and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during that current calendar month by the War Production Board.

[§ 1412.118 added by Am. 10, 8 F.R. 15368, effective 11-10-43]

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-612; Filed, January 11, 1944; 4:52 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 28]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348, Appendix J, Table 4 is amended to read as follows:

TABLE 4

Area. The States of Maine, New Hampshire, Vermont and New York by zones as listed below:

Zone 1: The State of Maine.

Zone 2: The State of New Hampshire and in the State of Vermont, Essex County, Caledonia County and Orange County, the townships of Woodbury, Cabot, Calais, Marshfield and Plainfield in Washington County, and the townships of Norwich, Hartford, Hartland, Windsor, West Windsor, Weathersfield and Springfield in Windsor County.

Zone 3: In the State of Vermont, Franklin County, Orleans County, Chittenden County, and Lamoille County, and the townships of Worcester, Waterbury, Middlesex, East Montpelier, Barre, Berlin, Moretown, Duxbury, Fayston, Waitsfield, Northfield, Warren, and Roxbury in Washington County.

Zone 4: The State of New York, and in the State of Vermont, Addison County, Rutland County, Bennington County, Windham County and the townships of Rochester, Bethel, Royalton, Sharon, Stockbridge, Barnard, Pomfret, Bridgewater, Woodstock, Plymouth, Reading, Ludlow, Cavendish, Baltimore, Weston, Andover and Chester in Windsor County.

Species. Poplar bolts of the genus Populus and Pine bolts of the genus Pinus, peeled or rough, for the manufacture of excelsior wood.

Scaling rules. Cord of 128 cubic feet.

Definitions. "Dealer" means any person who sells to consumers cordwood not cut or prepared by such person but purchased by such person in the condition in which it is to be delivered to the consumer.

"Roadside" is any road that is maintained and kept open for traffic twelve months of the year.

Maximum prices. Per cord of 128 cubic feet.

ZONE 1

Species and condition	F. O. B. cars	Roadside	Delivered to mill (by truck)
Poplar (aspen):			
Peeled	$12.50	$10.50	$13.50
Rough	10.50	8.50	11.50
Pine:			
Peeled	12.50	10.50	13.50
Rough	10.50	8.50	11.50

ZONE 2

Poplar (aspen):			
Peeled	$13.00	$11.00	$14.00
Rough	11.00	9.00	12.00
Pine:			
Peeled	13.00	11.00	14.00
Rough	11.00	9.00	12.00

ZONE 3

Poplar (aspen):			
Peeled	$13.00	$11.00	$15.00
Rough	11.00	9.00	13.00
Pine:			
Peeled	13.00	11.00	15.00
Rough	11.00	9.00	13.00

ZONE 4

Species and condition	F. O. B. cars	Roadside	Delivered to mill (by truck)
Poplar:			
Peeled	$13.00	$11.00	$15.00
Rough	11.00	9.00	13.00
Pine:			
Peeled	13.00	11.00	15.00
Rough	11.00	9.00	13.00

Dealers. (1) In the event that a dealer in cordwood, as defined above, shall within a year from the effective date of this regulation deliver to consumer or consumers 1,000 cords of wood, such consumer or consumers may pay such dealer with respect to wood purchased by such dealer, but not operated by him, a dealer's allowance (in addition to the producer's maximum price hereinbefore provided) not in excess of $1.00 per cord. Any one consumer who is asked to pay a commission on less than 1,000 cords sold by a dealer may rely in making such payments on letters from other consumers to the dealer indicating that, at the time the commission is paid, the dealer has met the requirements of this paragraph.

(2) The maximum prices established under Table 4 of Appendix J can in no case be augmented by more than one dealer's allowance for each cord. In no event shall a person receive a dealer's allowance on cordwood cut by him or by his own operations. In no event shall a person receive a dealer's allowance on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge an allowance on the wood cut by the other. In addition to the price paid by the consumer a dealer may receive a dealer's allowance only from a consumer and only if the dealer fulfills all of the following requirements with respect to the transactions:

(1) Keep copies of all contracts in which a dealer's allowance is charged.

(2) The sale is made by the dealer to the consumer.

(3) The cordwood sold by the dealer to the consumer has been completely prepared for delivery by a person other than the dealer.

(4) The dealer guarantees the merchantable quality of the cordwood.

(5) The dealer's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the dealer has had no part in the preparation of the cordwood covered prior to its delivery to the consumer, and that the charges are not in excess of those established in this Maximum Price Regulation No. 348.

(6) The dealer's allowance is not split or divided with any other person.

(7) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

This amendment shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-641; Filed, January 12, 1944; 11:47 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 29]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the addition of Appendix F, Tables 1 through 5.

APPENDIX F—WESTERN AND PACIFIC STATES

TABLE 1

Area. State of *Oregon*—Klamath County (except such portion as lies west of the crest of the Cascade Range of mountains) and that portion of Lake County lying west of Range 16 East of the Willamette Meridian.

State of *California*—Modoc and Siskiyou Counties.

Species. Ponderosa Pine (Pinus ponderosa); Sugar Pine (Pinus lambertiana); Douglas Fir, Red Fir (Pseudotsuga taxifolia); all commercial White Fir species of the genus Abies; Western Red Cedar (Thuja plicata); Incense Cedar (Libocedrus decurrens); Engelmann Spruce (Picea Engelmannii), Sitka Spruce (Picea sitchensis); Larch or Tamarack (Larix occidentalis); and all other commercial softwood species in the area defined.

Scaling rules. All logs shall be scaled by the Scribner Decimal C Rule (except that the Spaulding Log Rule may be used for logs scaled in California) at the average diameter of the small end of the log inside the bark. Deductions for defect shall be no less severe than those prescribed in the National Forest Scaling Handbook, Revised May 1940.[3]

Grading rules. All merchantable Ponderosa Pine and Sugar Pine logs must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 33⅓ percent of their gross contents but in no case shall a log be accepted with less than 50 board feet, net log scale.

All merchantable logs of species other than those indicated in the preceding paragraph must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 50 percent of their gross contents, but in no case shall a log be accepted with less than 50 board feet, net log scale.

All logs must be cut 4" over length to allow for trim; the trim allowance shall not be included in the scale.

Special Log Grades

Ponderosa Pine Peeler logs must be cut from live timber and measure at least 22" inside bark at the small end and may vary in length from 8'6" to 34'6" as prescribed by the purchaser. They must be surface clear except that they may contain not more than two knots within one foot of the small end of the log. The grain must be straight and in no case shall grain variation exceed one in six inches. Well centered dote, heart or center rot may be accepted provided that it will not prevent the log from being turned in a lathe.

Maximum prices. The maximum prices apply delivered to buying plants in Klamath County, Oregon.[3]

Species and log grades:	Per 1000 feet, log scale
Ponderosa Pine Peeler	$36.00
Merchantable Ponderosa and Sugar Pine	21.00
Merchantable Ponderosa Pine logs from which Peeler logs have been sorted	20.00
Merchantable Red Fir, Douglas Fir, White Fir, Western Red Cedar and merchantable logs of other species specified by the purchaser	17.00

TABLE 2

Area. In the State of *California*—all of Del Norte County and that portion of Humboldt County lying North of a line running East and West at the North city limits of Eureka, California.

Species. Douglas Fir (Pseudotsuga taxifolia); all White Fir species of the genus Abies; Port Orford Cedar (Chamaecyparis Lawsoniana); Sitka Spruce (Picea sitchensis); Western Hemlock (Tsuga heterophylla and Tsuga Mertensiana); and all other commercial softwood species in the area defined.

Scaling rules. All logs shall be scaled by the Spaulding Log Rule at the average diameter of the small end of the log inside the bark. Deductions for defect shall be no less severe than those prescribed in the National Forest Scaling Handbook Revised May 1940.[3]

Grading rules. All merchantable Douglas Fir, White Fir, Spruce and Hemlock logs must be at least 20" in diameter and shall be at least 12' long. Merchantable Port Orford Cedar logs must be at least 16" in diameter and shall be at least 12' long. "Merchantable" logs include only those in which the net scale after deductions for defects is at least 50 percent of the gross scale.

Special Log Grades

Douglas fir peeler logs. Douglas fir peeler logs shall be of old growth fir and must be suitable for the manufacture of clear, uniform colored veneer or plywood stock to an amount of not less than 50 percent of the scaled content, selected for rotary cutting, and which do not contain defects that will prevent their being held and turned in a lathe. Peeler logs shall be at least 90 percent surface clear and shall be at least 30" in diameter.

Peeler grade hemlock. Peeler grade hemlock logs shall be suitable for rotary cutting and shall be capable of producing not less than 50 percent No. 2 clear and better lumber of uniform quality, and not less than 16 feet in length and 30 inches in diameter.

Peeler grade spruce. Logs shall be at least 16 feet in length and not less than 30 inches in diameter inside the bark, at the small end. Logs shall be suitable for peeling and for the manufacture of clear uniform colored veneer or plywood stock to an amount of not less than 50 percent of the scaled content, selected for rotary cutting, and which do not contain defects that will prevent their being held and turned in a lathe.

Maximum prices. The following maximum prices are for logs delivered to the buying plants.[4]

Species and log grades:	Per 1000 feet, log scale
Merchantable Douglas Fir	$16.50
Douglas Fir Peeler Logs	22.50
Merchantable Sitka Spruce	15.00
Sitka Spruce Peeler Logs	22.50
Merchantable Hemlock	16.50
Hemlock Peeler Logs	20.00
Merchantable White Fir	16.50
Merchantable Port Orford Cedar	40.00
Merchantable logs, other species	15.00

TABLE 3

Area. State of *Oregon*—That portion of Lake County lying East of Range 16 East of the Willamette Meridian.

Species. Ponderosa Pine (Pinus ponderosa), all commercial White Fir species of the genus Abies, and all other commercial softwood species in the area defined.

Scaling rules. All logs must be scaled by the Scribner Decimal C Rule at the average diameter of the small end of the log inside the bark. Deductions for defect shall be no less severe than those prescribed in the National Forest Scaling Handbook Revised May 1940.[3]

Grading rules. All merchantable Ponderosa Pine logs must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 33⅓ percent of their gross contents but in no case shall a log be accepted with less than 50 board feet, net log scale.

All merchantable logs of other species must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 50 percent of their gross contents, but in no case shall a log be accepted with less than 50 board feet, net log scale.

All logs must be cut 4" over length to allow for trim. No charge can be made for trim allowance.

Maximum prices. The maximum prices for all logs delivered to buying plants in Lakeview, Oregon.[5]

Species and log grades:	Per 1000 feet, log scale
Merchantable Ponderosa Pine	$19.00
Merchantable White Fir and merchantable logs of other species specified by the purchaser	12.50

TABLE 4

Area. State of *Oregon*—Josephine County, Jackson County and that portion of Douglas County lying South of the township line separating Township 29 South from Township 30 South.

Species. Ponderosa Pine (Pinus ponderosa); Sugar Pine (Pinus Lambertiana); Incense Cedar (Libocedrus decurrens); and all other commercial softwood species.

Scaling rules. All logs shall be scaled by the Scribner Decimal C Rule at the average diameter of the small end of the log inside the bark. Deductions for defect shall be no less severe than those prescribed in the National Forest Scaling Handbook Revised May 1940.[3]

Grading rules. All merchantable Ponderosa Pine and Sugar Pine logs must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 33⅓ percent of their gross contents but in no case shall a log be accepted with less than 50 board feet, net log scale.

All merchantable logs of species other than those indicated in the preceding paragraph must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 50 percent of their gross contents, but in no case shall a log be accepted with less than 50 board feet, net log scale.

All logs must be cut 4" over length to allow for trim. No charge can be made for the trim allowance.

Special Grades

Merchantable Veneer Pine logs shall include the species of Ponderosa Pine and Sugar Pine. They must be cut from live timber and measure at least 20" inside bark at the small end and may vary in length from 8'6" to 42'6" as prescribed by the purchaser. They must be surface clear with the exception that they may contain not more than four knots for every 20 lineal feet of log distributed anywhere through the log. The grain must be reasonably straight, permitting a variation of no greater than one in six inches. Well centered dote, heart, or center rot may be accepted provided it will not prevent the log from being turned in a lathe. Slight to medium pitch is permissible.

Maximum prices. The following maximum prices are for logs delivered to buying plants at Medford, Grants Pass and Central Point, Oregon.[6]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214, 12797, 13337, 14212, 14394, 15190.

[2] For sale by the Superintendent of Documents, Washington, D. C., 60¢.

[3] 8 F.R. 16115, 16198, 16204.

[4] Buying plants may accept merchantable (but not peeler) logs 10" and up in diameter provided that they deduct at least 50 cents per M', log scale, from the applicable prices above. For logs sold f. o. b. rail cars, these prices shall be reduced by the cost of rail freight to the buying plant.

[5] The maximum prices of logs f. o. b. cars is the applicable delivered price above less the cost of rail freight from the point where the logs are loaded to Klamath Falls, Oregon.

[6] The maximum prices of logs, f. o. b. cars is the applicable delivered price above less the cost of rail freight from the point of loading cars to the delivery point listed above taking the lowest freight rate from point of loading.

A. Merchantable Ponderosa Pine Logs	$19.00
B. Merchantable Sugar Pine Logs:	
1. Under 20" inside bark	19.00
2. 20" and over inside bark	23.00
C. Merchantable Veneer Pine Logs	25.00
D. Merchantable Incense Cedar and other softwood species not mentioned above except those covered by Revised Maximum Price Regulation No. 161	10.00

TABLE 5

Area. Montana—Missoula, Flathead, Lincoln, Lake and Sanders Counties.

Species. Ponderosa Pine (Pinus ponderosa); Engelmann Spruce (Picea Engelmannii); all commercial fir trees of the genus Abies; Larch or Tamarack (Larix occidentalis); and all other commercial softwood species.

Scaling rules. All logs shall be scaled by the Scribner Decimal C Rule at the average diameter of the small end of the log inside the bark. Deductions for defect shall be no less severe than those prescribed in the National Forest Scaling Handbook, Revised May 1940.[2]

Grading rules. All merchantable Ponderosa Pine logs must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 33⅓ percent of their gross contents but in no case shall a log be accepted with less than 50 board feet, net log scale. All merchantable logs of species other than those indicated in the preceding paragraph must measure at least 12" inside bark at the small end and shall be at least 12' long. All such logs must have a net scale of at least 50 percent of their gross contents, but in no case shall a log be accepted with less than 50 board feet, net log scale. All logs must be cut 4" over length to allow for trim. No charge can be made for the trim allowance.

Maximum Prices. Species and log grades:	*Per 1000 feet, log scale*
Merchantable Ponderosa Pine	$15.00
Merchantable Engelmann Spruce	15.00
Merchantable Fir and Larch and merchantable logs of other species	14.50

These prices shall prevail f. o. b. cars or delivered to the mill by truck.

This amendment shall become effective January 18, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-642; Filed, January 12, 1944; 11:47 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 224,[1] Amdt. 5]

RECORDS AND REPORTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1346.110 is amended to read as set forth below:

§ 1346.110 *Records and reports*—(a) *Records.* Every manufacturer and every dealer making sales or purchases subject to this Maximum Price Regulation No. 224 of cement of the value of $100.00 or more in any month after September 23, 1942, shall keep for inspection by the Office of Price Administration for a period of two years, complete and accurate records of each sale or purchase totaling $50.00 or more, showing the date thereof, the name and address of the seller or purchaser, the point of delivery, the price paid or received, and the quantity, type of package, classification of cement sold, or purchased, and such other data as is customarily shown on the sellers' invoice.

(b) *Reports.* Persons subject to this regulation shall submit such reports to the Office of Price Administration as it may from time to time require subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Amendment No. 5 to Maximum Price Regulation No. 224 shall become effective January 18, 1944.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-644; Filed, January 12, 1944; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 11]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new section 11.11 is added to read as follows:

SEC. 11.11 *Loose prime steam lard sold to processors located in basing points.* Where loose prime steam lard is sold and delivered by rail in tank cars to a processor who is located within the corporate limits of any of the above basing points, and is delivered by the seller from a plant located within the switching limits of the same basing point, the seller may add to the maximum prices hereinabove set forth the railroad's actual charge for delivering the loose prime steam lard to the buyer.

This amendment shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-643; Filed, January 12, 1944; 11:48 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7396, 8650, 9495, 8 F.R. 8275.

[1] 8 F.R. 11150, 1158, 11508, 11296, 11739, 12022, 12542, 12559, 12673, 15523.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

TRANSPORTATION OF EXPLOSIVES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of December, A. D. 1943.

In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle. [Ex Parte No. MC-13]

In the matter of regulations for transportation of explosives and other dangerous articles. [No. 3666]

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers. [Ex Parte No. MC-3]

It appearing, that by two orders herein of April 20, 1943, regulations governing the transportation of explosives and other dangerous articles, theretofore prescribed for common and contract carriers by motor vehicle, were made applicable for the first time to private carriers and also were extended to such transportation in intrastate commerce; and that by a subsequent order of June 14, 1943, the effective date of the said two orders of April 20, 1943, was postponed to January 1, 1944, with respect to the transportation of inflammable liquids in interstate or foreign commerce by private carriers and in intrastate commerce by common, contract, and private carriers; and that by a later order of August 27, 1943, these regulations were declared inapplicable to all transportation by motor vehicle of inflammable liquids in intrastate commerce; and

It further appearing, that private carriers of inflammable liquids in interstate or foreign commerce have been and will be unable to comply with certain of the requirements of the said orders before January 1, 1944, because of present and prospective scarcity of labor and materials due to war conditions, thus creating a need for such further modification of present requirements as will permit compliance by such carriers and also provide the highest degree of safety of operation attainable in the circumstances; and

It further appearing, that there is need of clarifying § 197.01 (a) and (b) of this chapter, by omitting therefrom the words, "without exception or exemption", so that these rules will more clearly state the purpose of the Commission with respect to their application to the transportation of explosives and other dangerous articles in all vehicles of motor carriers whether or not operating wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities; and so that the exceptions contained within various of the rules themselves may apply as they read;

It is ordered, That pursuant to the authority of section 233 of The Transportation of Explosives Act, so far as common carriers by motor vehicle are concerned, and section 204 of Part II of the Interstate Commerce Act, so far as private carriers of property by motor vehicle and contract carriers by motor vehicle are concerned, the regulations prescribed in the said two orders of April 20, 1943, as amended, be, and they hereby are, further amended as follows:

PARTS 72, 75, AND 85—TRANSPORTATION OF EXPLOSIVES

Part 3—Regulations Applying to Shippers (CFR 75) Motor Vehicle Cargo Tank Specifications (CFR 72)

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highway (CFR 85)

Amending Parts 75, 72 and 85, order November 8, 1941, as amended, as follows (add):

NOTE: Because of the present emergency and until December 31, 1944, or further order of the Commission, the following regulations shall apply to transportation of inflammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see, however, section 838 (b) of these regulations.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the inflammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by the regulations, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the inflammable liquids, need not be changed.

Section 815, labels, and section 819, certification of packages, of these regulations, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

(Sec. 233, 41 Stat. 1445; sec. 204, 49 Stat. 546, 54 Stat. 921; 18 U.S.C. 383, 49 U.S.C. 304)

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

§ 197.01 *Application of rules.* (a) These rules and regulations shall apply to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle subject to the regulatory provisions of Part II of the Interstate Commerce Act, and, except as to the transportation of inflammable liquids, also to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle engaged in intrastate commerce, with respect to the transportation by motor vehicle of explosives and other dangerous articles as defined in regulations for transportation of explosives and other dangerous articles by land and water in rail freight, express, and baggage services, and by motor vehicle (highway), and water including specifications for shipping containers.

(b) Parts 192, 193, 194, 195, 191, and 196, respectively, of this chapter shall also apply to all motor vehicles and drivers of all motor carriers designated in paragraph (a) of this section, whether or not operating wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, to the extent that the motor vehicles and drivers of the aforesaid carriers are engaged in the transportation of explosives and other dangerous articles; *Provided, however*, That Part 195 of this chapter shall not apply to any private carrier of property by motor vehicle.

§ 197.2 *Equipment rules.* * * *

(c) *Brakes required on all wheels.* Every motor vehicle transporting any explosive or other dangerous article shall be equipped with reliable brakes on all wheels. Compliance with this section by private carriers of property with respect to tank motor vehicles acquired prior to October 15, 1940, and used in transporting inflammable liquids, is waived until December 31, 1944, or the further order of the Commission.

And it is further ordered, That this order shall be effective forthwith; and shall continue in effect until December 31, 1944, or the further order of the Commission;

And it is further ordered, That a copy of this order be served upon all the parties of record herein, and that notice of this order be given to the general public by depositing a copy of it in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445; sec. 204, 49 Stat. 546, 54 Stat. 921; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-600; Filed, January 11, 1944; 11:56 a. m.]

PARTS 75, 85—TRANSPORTATION OF EXPLOSIVES[1]

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of January, A. D. 1944.

In the matter of regulations for transportation of explosives and other dangerous articles. [No. 3666]

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

And it further appearing, that amendments involved in said applications, having been considered and found to be in accord with the best-known practicable means for securing safety in transit and with the need therefor for promoting safety of operation and standards of equipment used in the transportation of said dangerous articles:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Part 3—Regulations Applying to Shippers (CFR 75)

Amending paragraph (b), sec. 214, order Aug. 13, 1943, as follows (packing zirconium, metallic, wet, or sludge) (add):

NOTE: Because of the present emergency and until further order of the Commission, inside metal drums, 26 gauge bodies and heads, welded side seams, open-head type, rubber gasketed lug type closures, and capacity not over 50 pounds net weight are authorized. Interior of drums must be so treated as to prevent chemical reaction between contents and drum. Each drum must be packed separately in an outside wooden box, specification I. C. C. 15A or 15B. The top of box must fit tightly against the cover of the drum and be marked "This Side Up".

Amending paragraph (q) (1), sec. 303, table, order Aug. 16, 1940, as follows (compressed gases in tank cars) (add):

Name of gas	Max. permitted filling density	Required type of tank car
Liquefied petroleum gas (pressure not exceeding 45 pounds gage per square inch at 105° F.).	----------	ARA-IV, ICC-104, and ICC-104W, Note 16.

NOTE 16: Because of the present emergency and until April 1, 1944, unless otherwise modified by order of the Commission, specifications ARA-IV, ICC-104, and ICC-104W tank cars, converted as follows, are authorized for use:

Bottom discharge outlet need not be removed from car but shall not be used for either loading or unloading. Bottom outlet valve and cap shall be kept tightly closed to prevent leakage. Cars equipped with positive closure type bottom outlet valve preferred. On cars equipped with spring-held wing-type bottom outlet valves the valve clapper must be seated on suitable gasket and secured in place with a metal strap riveted to the tank bottom sheet.

Resilient seated safety valves must be used and set to open at a pressure of 35 pounds per square inch, with a tolerance of plus 3 pounds, and must be vapor tight at 32 pounds per square inch, gage pressure.

Venting, loading and discharging, and fixed dip tube devices of approved design to provide for the loading and unloading of the contents without removing the manhole closure must be installed.

[1] Parts 3 and 7 in this order appear in CFR as Parts 75 and 85.

Loading and discharging device shall be equipped with eduction pipe terminating within approximately one inch of bottom of tank shell.

Fixed dip tube device with length calculated, for individual car in which installed, on basis of normal butane at a temperature of 40° F., so as to assure tank not being liquid full at 105° F., must be installed.

Protective housings for venting, for loading and discharging, and for fixed dip tube devices are preferred but not required.

Tank jacket must be stenciled immediately above the mark ARA–IV, ICC–104, or ICC–104W, with the words "Emergency car authorized only until 4–1–44 for liquefield petroleum gas not exceeding 45 pounds gage pressure at 105° F. only."

Dome must be stenciled on each side with the words, "Liquefied petroleum gas—Do not remove dome cover."

Both center sills must be stenciled near outlet valve with the words "Bottom outlet must not be used for unloading."

Movements of ARA–IV, ICC–104, and ICC–104W tank cars, converted as above, shall be prohibited except within the territory north of 37° N. latitude.

Part 7—Regulations Applying to Shipments Made By Way of Common, Contract or Private Carriers By Public Highway (CFR 85)

Superseding and amending paragraph (b) (7), sec. 824, order Oct. 14, 1943, to read as follows (loading and unloading—explosives):

(b) (7) *Blasting caps or electric blasting caps in same vehicle with other explosives.* Blasting caps and electric blasting caps may be transported in the same motor vehicle with high explosives, as follows: The blasting caps and electric blasting caps must be packed in authorized I. C. C. specification outside shipping containers, or in prescribed inside I. C. C. packages in an outside box made of 1 inch lumber lined with suitable padding material not less than ½ inch thick or a box made of not less than 12 gage sheet metal lined with plywood or other suitable material not less than ⅜ inch thick so that no metal is exposed. Hinged cover and fastening device are required on boxes. These boxes must be loaded in motor vehicle so that contents or box will be immediately accessible for removal. Blasting caps or electric blasting caps, when not packed in containers referred to above in this paragraph, must be transported in containers as prescribed in spec. MC201. See sec. 824 (b) (13) for shipment of blasting caps with liquid nitroglycerin.

Explosive projectiles with detonating fuses assembled in place must not be transported unless shipped by, for, or to the War or Navy Department of the United States Government, or unless of a type approved by the Bureau of Explosives.

It is further ordered, That this order amending the aforesaid regulations shall be effective on and after January 8, 1944, and shall remain in full force and effect and be observed until further order of the Commission;

And it is further ordered, That a copy of this order be served upon all the parties of record herein; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445, sec. 204, 49 Stat. 546, sec. 4, 52 Stat. 1232, sec. 20, 54 Stat. 922, 56 Stat. 176; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44–601; Filed, January 11, 1944; 11:58 a. m.]

[S. O. 165, Amdt. 2]

PART 95—CAR SERVICE

TRANSPORTATION OF CANNED OR PRESERVED FOODSTUFFS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of January, A. D. 1944.

It appearing, that refrigerator cars are being used for transporting canned or preserved foodstuffs and related articles from points in the State of California by way of Ogden or Salt Lake City, Utah, to points in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of such equipment;

It is ordered, That Service Order No. 165 (8 F.R. 16172) of November 23, 1943, as amended (8 F.R. 17428–29) be, and it is hereby, further amended by designating paragraph (a) of § 95.324 as paragraph (a) (1) and by adding the following paragraph (a) (2) to § 95.324:

(2) The provisions of paragraph (a) (1) shall not be construed to permit the use of refrigerator cars for the transportation of canned or preserved foodstuffs (not cold pack) and other articles as described in said paragraph from points in the State of California by way of Ogden or Salt Lake City, Utah, to points in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

(40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 13, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44–637; Filed, January 12, 1944; 11:44 a. m.]

[S. O. 178]

PART 95—CAR SERVICE

REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of January, A. D. 1944.

It appearing, that the movement of various commodities, not susceptible to damage by freezing, in refrigerator cars diminishes the use of such cars acutely needed for the transportation of perishable freight; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of refrigerator cars, it is ordered that:

§ 95.328 *Use of refrigerator cars for certain commodities prohibited.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a refrigerator car or cars for loading with, or transport or move a refrigerator car or cars loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, dried or powdered skim milk, concentrated citrus juice or empty beer containers.

(b) *Application.* The provisions of this order shall apply to intrastate transportation as well as interstate transportation.

(c) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each of such railroads or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(e) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 13, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44–639; Filed, January 12, 1944; 11:44 a. m.]

[S. O. 177]

PART 97—ROUTING OF TRAFFIC

RECONSIGNMENT OR DIVERSION ORDERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of January, A. D. 1944.

It appearing, that C. J. Potter, Deputy Solid Fuels Administrator for War, Solid Fuels Administration for War, requests that the Office of Defense Transportation make arrangements for the reconsignment in transit of designated cars of coal to destinations critically in need of solid fuels; reciting that it is "essential * * * to meet the emergency requirements of various communities in the eastern part of the United States for solid fuels"; and that the Office of Defense Transportation has authorized and requested this Commission to take such action as may be appropriate in the premises; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people. *It is ordered,* That:

§ 97.11 *Reconsignment or diversion orders*—(a) *Railroads to accept.* All common carriers by railroad subject to the Interstate Commerce Act shall accept reconsignment or diversion orders from the Solid Fuels Administrator for War or his authorized agents, on such carloads of coal as he may, under Executive Order No. 9332 (8 F.R. 5355) of April 19, 1943, or under powers delegated to him by the War Production Board dealing with civilian rationing of solid fuels, distribute by ordering delivery to a person other than the consignee shown on the waybill.

(b) *Appointment of agents to reroute.* The Solid Fuels Administrator for War or his authorized agents is hereby appointed as the agent of the Interstate Commerce Commission to reroute such cars of coal as he or his authorized agents may designate under his powers to distribute solid fuels in case of emergency, disregarding the routing shown in the bill of lading.

(c) *Rates to apply.* The rates to be applied shall be those lawfully on file with this Commission.

(d) *Waybills to show reference to service order.* In each instance in which the Solid Fuels Administrator for War or his authorized agent exercises his power to reconsign, direct or reroute cars of coal under this order a reference shall be made on the waybill to this service order. (40 Stat. 101, Sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17) 15 (4))

It is further ordered, That this order shall become effective at 12:01 a. m., January 13, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44–638; Filed, January 12, 1944; 11:44 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

CANE SUGAR INDUSTRY

NOTICE OF HEARING

In the matter of the application to include certain operations on sugar cane bagasse within that portion of the cane sugar processing and milling branch of the cane sugar industry in Louisiana which has been granted a partial exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the act.

Whereas an application was filed to include the artificial drying, separating into proper lengths, and grinding of bagasse resulting from the processing of sugar cane into raw sugar, syrup and molasses within that portion of the cane sugar processing and milling branch of the cane sugar industry located in Louisiana which the Administrator determined, on November 18, 1939 (4 F.R. 4615), to be an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder; and

Whereas upon consideration of the facts stated in the said application, the Administrator determined (8 F.R. 15493), pursuant to § 526.5 (b) (ii) of regulations, Part 526, as amended, that a prima facie case had been shown for amending the existing determination granting an exemption under section 7 (b) (3) of the Act to that portion of the sugar cane processing and milling branch of the cane sugar industry which is located in Louisiana, to include therein the artificial drying, separating into proper lengths, and grinding of bagasse resulting from the processing of sugar cane into raw sugar, syrup and molasses, in sugar cane processing plants in Louisiana, during the sugar cane processing season; and

Whereas within 15 days following the publication of this preliminary determination, the Administrator received an objection and request for hearing;

Now, therefore, pursuant to §§ 526.5 and 526.6 of regulations, Part 526, notice is hereby given of a public hearing to be held in Room 914, the Richards Building, 837 Gravier Street, New Orleans, Louisiana, on January 28, 1944, at 10 a. m., before Nathan Rubinstein, an authorized representative of the Administrator, who is hereby authorized to receive evidence and hear argument for the purpose of determining:

Whether the artificial drying, separating into proper lengths, and grinding of bagasse resulting from the processing of sugar cane into raw sugar, syrup, and molasses in sugar cane processing plants in Louisiana during the sugar cane processing season shall be included within that portion of the cane sugar processing and milling branch of the cane sugar industry located in Louisiana which has been determined to be an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

Any interested person may appear at the hearing to offer evidence provided that not later than January 25, 1944 such person shall file with the Administrator of the Wage and Hour Division, U. S. Department of Labor, 165 West 46th Street, New York 19, New York, a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. A statement whether the appearance is in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at New York, New York, this 11th day of January 1944.

L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 44–624; Filed, January 12, 1944; 10:53 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, DECEMBER 31, 1943

The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears. The apportionment is observed in certifications except to low salaried positions; but as persons who receive appointments in the Departmental Service under the War Service Regulations do not thereby acquire a permanent classified civil service status, their appointments are not charged to the apportionment.

IN ARREARS

State	Number of positions to which entitled	Number of positions occupied
1. Virgin Islands	20	0
2. Puerto Rico	1,488	53
3. Hawaii	337	24
4. Alaska	58	15
5. California	5,497	1,617
6. Michigan	4,183	1,622
7. Louisiana	1,881	732
8. Arizona	397	193
9. Texas	5,105	2,652
10. Alabama	2,265	1,294
11. Kentucky	3,265	1,309
12. Georgia	2,488	1,451
13. Mississippi	1,738	1,057
14. Ohio	5,497	3,345
15. South Carolina	1,512	945
16. Oregon	867	557
17. Arkansas	1,551	1,051
18. Nevada	88	61
19. Indiana	2,728	1,919
20. Washington	1,382	978
21. New Jersey	3,311	2,383
22. New Mexico	423	322
23. Illinois	6,285	4,789
24. Wisconsin	2,407	1,948
25. North Carolina	2,842	2,247
26. Tennessee	2,321	1,878
27. Idaho	418	346
28. Connecticut	1,360	1,129
29. Florida	1,510	1,286
30. Rhode Island	568	513
31. Missouri	3,012	2,877
32. Delaware	212	203
33. Utah	438	434

IN EXCESS

34. Massachusetts	3,436	3,443
35. Pennsylvania	7,879	8,162
36. Vermont	286	298
37. New Hampshire	391	410
38. Maine	674	716
39. Oklahoma	1,839	2,035
40. West Virginia	1,514	1,708
41. Iowa	2,020	2,297
42. Colorado	894	1,079
43. Montana	445	539
44. Minnesota	2,222	2,756
45. Wyoming	200	253
46. New York	10,727	13,903
47. North Dakota	511	690
48. Kansas	1,434	1,982
49. South Dakota	612	898
50. Nebraska	1,047	1,899
51. Virginia	2,131	4,376
52. Maryland	1,449	4,707
53. District of Columbia	528	13,350

Gains, 244; losses, 2,300; total appointments, 108,601.

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under sec. 3, Rule VII, and the Attorney General's Opinion of August 23, 1934, 22,050.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 44-581; Filed, January 11, 1944; 10:23 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5876]

FORT PECK PROJECT

NOTICE OF APPLICATION FOR APPROVAL OF RATES AND CHARGES

JANUARY 11, 1944.

Notice is hereby given that pursuant to the provisions of the Fort Peck Act, approved May 18, 1938, (52 Stat. 403) the Commissioner of Reclamation has filed with the Federal Power Commission a proposed contract for the sale of electric energy produced at the Fort Peck project on the Missouri River, Montana, for confirmation and approval of the rates and charges therein provided.

Under the terms of the proposed contract, electric energy is to be supplied by the Bureau of Reclamation to The Montana Power Company at three delivery points, and the Company (a) will pay the United States for the electric energy received thereunder at the rate of two and one-half mills per kilowatt-hour, and (b) will pay the United States at the rate of $30,000 per year for assuring continuity of service and regulation at two of the delivery points, provided that the latter charge will be remitted to the extent that the charges for energy paid for at the rate of two and one-half mills per kilowatt-hour exceed $220,000 per year.

The proposed contract is a wartime contract and the electric energy has been supplied to the Company under its terms since July 1, 1943, in order to furnish energy needed for war purposes. Long-term rate schedules will be submitted by the Bureau of Reclamation at a latter date, to be effective after confirmation and approval by the Federal Power Commission.

Any person desiring to make representations with respect to the proposed contract should, on or before January 22, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-622; Filed, January 12, 1944; 9:37 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5063]

RESEARCH MANUFACTURING CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1944.

In the matter of Research Manufacturing Corporation, a corporation, Harold S. Guy, individually and as president of Research Manufacturing Corporation, and J. L. Seat, an individual.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 24, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in U. S. Court Room, Post Office Building, New Haven Connecticut.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-635; Filed, January 12, 1944; 11:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order A-3]

FIBER ACOUSTICAL TILE, ETC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

(a) *Applications for adjustment of maximum prices by producers of particular commodities under Maximum Price Regulation No. 188.* The Office of Price Administration, or any duly authorized representative thereof, may adjust maximum prices for particular commodities established under Maximum Price Regulation No. 188 as hereinafter provided. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

The provisions of this paragraph (a) permit the granting of relief to any producer of certain commodities, set forth below, to the extent specified.

(1) *Sales by producers to non-producing manufacturers.* Any producer who is unable to maintain his production at his existing maximum price and who sells 50 percent or more of his commodity to a non-producing manufacturer (as defined herein) at a maximum price below his cost to manufacture and sell the commodity may be granted an adjustment in price not exceeding that specified below if the following conditions are met:

(i) The non-producing manufacturer must sell the commodity to the classes of trade which customarily purchase the same or similar commodities from manufacturers;

(ii) The adjustment in price will be limited to sales to the non-producing manufacturer;

(iii) The amount of relief will not exceed that set forth in subparagraph (3) below;

(iv) The increase in price resulting from the adjustment must not disturb or tend to disturb existing relationships among the several classes of customers of the producer; and

(v) The non-producing manufacturer must submit a statement in writing to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., specifying the amount of the proposed increase in price he is willing to absorb without requesting an increase in his own maximum selling price. He must also state that he will not, directly or indirectly, make such increase in his purchase price the basis for any increase in his own maximum price, except to the extent he may be permitted to include such increased cost in determining the maximum price for his sales on an installed basis under any applicable maximum price regulation.

(vi) This subparagraph (1) is applicable to the following commodities:

(a) *Fiber acoustical tile*, which, for the purpose of this subparagraph (1), means small square or rectangular shaped pieces of low density fiber insulation board, having either plain, slotted, or drilled surface, and used primarily for the purpose of sound absorption.

(2) *Sales by producers to distributors.* Any producer who is unable to maintain his production at his existing maximum price and who sells 50 per cent or more of the commodity to a distributor at a maximum price below his cost to manufacture and sell the commodity may be granted an adjustment in price not exceeding that specified below if the following conditions are met:

(i) Purchases at alternate sources of supply for the same commodity will result in higher prices to consumers;

(ii) The adjustment in price will be limited to sales to the distributor;

(iii) The amount of relief will not exceed that set forth in subparagraph (3) below;

(iv) The increase in price, resulting from the adjustment, must not disturb or tend to disturb existing relationships among the several classes of customers of the producer; and

(v) The distributor must submit a statement in writing to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., specifying the amount of the proposed increase in price he is willing to absorb without requesting an increase in his own maximum selling price. He must also state that he will not, directly or indirectly, make such increase in his purchase price the basis for any increase in his own maximum price, except to the extent he may be permitted to include such increased cost in determining the maximum price for his sales on an installed basis under any applicable maximum price regulation.

(vi) This subparagraph (2) is applicable to the following commodities;

(a) *Self-contained metal commodes*, which, for the purpose of this subparagraph (2), mean self-contained toilets manufactured from metal, using chemicals as disinfectant and generally are not connected to a sanitary plumbing system.

(3) *Extent of relief to be granted.* Pursuant to the provisions of this paragraph (a), the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Procedural Regulation No. 1, or on its own motion, adjust the producer's maximum price or prices under subparagraphs (1) and (2), by an amount necessary to permit the maintenance of production but in no event to exceed the cost to manufacture and sell the commodity or the amount the non-producing manufacturer or distributor is willing to absorb, whichever is lower. Such an increase in price authorized on behalf of the producer shall extend only to sales to such non-producing manufacturer or distributor and not to other purchasers.

If the producer's net income before taxes on his current over-all operations is above his net income before taxes for the period 1936–1939, inclusive, the granting of the adjustment may be conditional upon a compensatory reduction in the maximum price of another commodity being sold by the producer.

The term "cost to manufacture and sell" shall include the cost of material, labor, maintenance, supplies, power, taxes (other than State and Federal income taxes), insurance, workmen's compensation taxes, royalties, depreciation and depletion (wherever practicable as determined by the Bureau of Internal Revenue in the computation of the Federal income tax), other manufacturing expenses, and reasonable costs of selling and administration. Expenses not related to the conduct of the manufacturing and selling operations of the particular commodity will be excluded.

(4) *Filing of applications.* Before filing an application for adjustment under the provisions of this paragraph (a), each applicant shall obtain from the Office of Price Administration, Washington 25, D. C., a statement of the specific information that will be necessary in order that his application may receive attention.

This Order No. A-3 shall become effective this 12th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-620; Filed, January 11, 1943; 4:56 p. m.]

*Copies may be obtained from the Office of Price Administration.

[Order 1129 Under MPR 188]

ALASKA REFRIGERATOR CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1129 under § 1499.158 of Maximum Price Regulation No. 188, Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales by Alaska Refrigerator Company of certain cabinets.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) The maximum prices for sales by the Alaska Refrigerator Company, 9829 Ditmas Avenue, Brooklyn, New York, of the cabinets listed herein are the prices, f. o. b. factory, set forth below:

Article	Model No.	Maximum price to jobbers	Maximum price to retailers
Cabinet	440	$5.00	$6.66
Cabinet	540	6.00	8.00
Cabinet	660	7.00	9.35

(b) The maximum prices for sales at wholesale of the cabinets listed herein which have been manufactured by the Alaska Refrigerator Company of 9829 Ditmas Avenue, Brooklyn, New York, are the prices set forth below:

Article	Model No.	Maximum price
Cabinet	440	$6.66
Cabinet	540	8.00
Cabinet	660	9.35

These prices shall be subject to the seller's customary discounts, allowances and other price differentials.

(c) At the time of or prior to the first invoice to each purchaser for resale, the Alaska Refrigerator Company, 9829 Ditmas Avenue, Brooklyn, New York, shall notify the purchaser of the maximum prices and the conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1129 may be revoked or amended by the Price Administrator at any time.

This Order No. 1129 shall become effective on the 12th day of January 1944.

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-618; Filed, January 11, 1944; 4:56 p. m.]

[Order A-2 Under MPR 188, Amdt. 9]

MILK PAILS

ORDER GRANTING ADJUSTMENT

Amendment No. 9 to Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this Amendment No. 9 to Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A-2 under Maximum Price Regulation No. 188 is amended in the following respect:

1. A new paragraph (a) (9) is added to read as follows:

(9) *Milk pails.* (i) This adjustment provision permits the granting of relief to essential manufacturers of milk pails in order to remove price impediments to the supply of this commodity. An adjustment may be granted if:

(a) The War Production Board has certified that the petitioning manufacturer's production is essential, and

(b) The established maximum price does not permit the manufacturer to recover his total unit costs for the article.

(ii) No adjustment will be granted unless it appears that purchasers custom-

arily reselling the bulk of the manufacturer's output can absorb the increase in their cost without undue hardship. An adjustment, if granted, may be made to an extent sufficient to enable the manufacturer to recover his total unit costs on the article.

This amendment shall become effective January 12, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-617; Filed, January 11, 1944; 4:54 p. m.]

Regional and District Office Orders.

[Escanaba Order G-1 Under MPR 285]

BANANAS IN THE UPPER PENINSULA OF MICHIGAN

Order No. G-1 under Price Regulation 285, imported bananas—non-retail. Adjustment of maximum prices to second wholesalers of bananas in the Upper Peninsula of Michigan.

(a) For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Escanaba District Director, Region III of the Office of Price Administration, by § 1351.1254a, Price Regulation 285, and by Amendment #9, Delegation Order No. 1A, of the Cleveland Regional Office, Office of Price Administration, *It is hereby ordered:*

All wholesalers of bananas within the Escanaba District, Office of Price Administration, which comprises the Upper Peninsula of Michigan, may add to the prices fixed by Price Regulation 285 for wholesalers the following amounts to cover freight from the primary wholesale receiving points listed below to the second wholesale receiving points listed below:

From—Primary wholesale receiving point	To—Second wholesale receiving point	Freight additions
		Cents per cwt.
Ishpeming	Houghton	17
Ishpeming	Iron Mountain	30
Ishpeming	Ironwood	26
Ishpeming	Marquette	26
Ishpeming	Sault Ste. Marie	23
Ishpeming	Escanaba (via truck)	30
Ishpeming	Escanaba (via mixed car)	18
Chicago	Sault Ste. Marie	35
Appleton or Green Bay	Menominee	35
Appleton	Menominee (via mixed car)	18
Green Bay	Menominee (via mixed car)	17

If freight costs to any second wholesale receiving point are less than the additions fixed in the above schedule, because of cheaper method of shipment, then only the actual cheaper freight cost may be used in determining the selling prices.

(b) This order may be revoked, amended, or corrected at any time. This order shall become effective December 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued December 31, 1943.

LAWRENCE L. FARRELL,
District Director.

[F. R. Doc. 44-577; Filed, January 11, 1944; 9:33 a. m.]

[Charleston Order G-1 Under MPR 429]

REBUILT HOUSEHOLD FURNITURE IN DESIGNATED AREAS IN WEST VIRGINIA

Order No. G-1 under Maximum Price Regulation No. 429, fixing maximum prices of certain rebuilt household furniture.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Charleston District, Office of the Office of Price Administration by Amendment 4 to Delegation Order 1-A issued by the Regional Administrator of Region III pursuant to the provisions of section 10 of Maximum Price Regulation No. 429, it is hereby ordered:

SECTION 1. *What this order does.* This order grants permission to Beckley Furniture Company, Beckley, West Virginia; Dry Fork Hardware & Furniture Company, Bradshaw, West Virginia; Home Furniture Company, National Furniture Company and Woodrum Home Outfitting Company, Charleston, West Virginia; Wilson Furniture Company, South Charleston, West Virginia; Capitol Furniture Company, Gold Furniture Company, Home Furniture Company, Household Furniture Company, Riter Furniture Company, Star Furniture Company and Sweig Furniture Company, Huntington, West Virginia; C. G. Steele Furniture Company, Logan, West Virginia; Madison Hardware & Furniture Company, Madison, West Virginia; Home Outfitting Company, Oak Hill, West Virginia; Balderson Furniture Company, Ravenswood, West Virginia; Model Furniture Company, Welch, West Virginia, and B. & L. Furniture Company, Williamson, West Virginia, all being establishments engaged in rebuilding and selling at retail certain essential items of used household furniture of which a serious shortage exists, to charge the "dollars-and-cents" maximum prices fixed by this order, which prices are higher than the maximum prices prescribed by Maximum Price Regulation No. 429, in instances where proper and thorough rebuilding and reconditioning entails expenditures for labor and materials so substantial in amount that sellers cannot reasonably be expected to rebuild and recondition such items properly and thoroughly for resale at maximum prices fixed by the regulation.

SEC. 2. *Items covered by this order.* The only items covered by this order are upholstered living room suites and living room chairs which have been properly and thoroughly rebuilt and reconditioned as hereinafter provided.

SEC. 3. *What constitutes proper and thorough rebuilding and reconditioning.* In order to comply with the provisions of this order as to proper and thorough rebuilding and reconditioning, each item of rebuilt and reconditioned upholstered household furniture sold pursuant to the provisions of this order shall be properly and thoroughly rebuilt and reconditioned according to the following specifications:

(1) Each item shall be entirely covered with upholsterer's cloth according to grades as specified in the pricing table set forth in section 5.

(2) Each item shall have a twine tied coil spring foundation platform and back construction or an all steel coil spring unit of the kind termed "construction" in the furniture business.

(3) The spring units shall be properly tied and padded with materials as hereinafter set forth.

(4) The used article must be stripped to the bare frame. No old materials unsuitable for re-use such as padding, webbing, twine, covers and the like shall be used in any manner or for any purpose.

(5) All used materials which are to be incorporated in the rebuilt item shall be sanitized by fumigation.

(6) If the frame or corner blocks are loose or broken, they shall be repaired by re-tightening, re-aligning, and regluing, so that such frame and corner blocks are sturdy and comparable to their condition when new.

(7) No mis-shapen, broken or rusty springs shall be used in the rebuilt article. All springs not having suitable resilience to render good service shall be replaced with suitable new or used springs within limitations prescribed by the War Production Board. "Rope-tied" spring assemblies shall be completely re-tied with upholsterer's standard 6-ply 60 spring twine, or a twine of comparable quality, in a manner and pattern to provide good serviceability, using not less than eight ties to each spring. The spring shall be sewed to and supported by upholsterer's webbing of the type described in paragraph (12) of this section 3, and shall in all instances be tied to top and bottom and to the front frame member. An "eight-tie" incorporates the "four-tie" and in addition has two diagonal runs at right angles to each other across the bed, tying twice on each spring, there being eight ties in all to each spring. "Construction type" all steel spring assemblies shall be repaired with replacement springs where out of shape, broken, or rusty, and re-tied with wire, duplicating as near as possible the original construction.

(8) Before placing any filling over the platform and back spring assemblies, the assemblies shall be covered with a durable heavy fabric such as described in paragraph (13) of this section 3.

(9) New or reprocessed filling must be used as a filler over the platform and back spring assemblies and in the arms. Over the filler, at least one layer of cotton felt padding shall be used. The deck covering over the filler in the platform assembly shall be of a good durable grade of denim or other suitable cloth generally used by upholsterers.

(10) The item shall have seat cushions incorporating coil spring assemblies, and each cushion shall be finished top, bottom and side with the same cloth fabric used in the back and arms of the item. No broken, crooked, or rusty spring coils shall be used in the cushion units, and the spring assembly shall have good resilience.

(11) All exposed wooden parts shall be refinished or replaced with new parts so that they present an unblemished appearance.

(12) In all instances, the webbing used in the rebuilt item shall be new, or in good condition and suitable for re-use, using deck webbing of a grade weighing not less than 6¾ pounds to the 72 yard roll in the platform (bottom) and in the back, a grade weighing not less than 5½ pounds to the 72 yard roll.

(13) For spring covering fabric, upholsterer's deck burlap, or, if unobtainable, "Osnaberg" or material of a comparable quality shall be used.

SEC. 4. *Identification of merchandise and required warranty.* Every item priced pursuant to this order must be plainly identified and the seller must deliver to the purchaser at the time of sale a written warranty that the item has been thoroughly rebuilt and reconditioned as required by this order, is free from defects which would impair its operating efficiency and will give substantially the same performance as when new. This identification and warranty shall be accomplished by securely fixing to each item a tag readily accessible to the buyer on which is legibly printed or written the name and address of the seller, the selling price of the item, the grade of upholsterer's cloth used and language pertaining to its condition and the seller's warranty, as follows:

NAME AND ADDRESS OF SELLER

The price of this item is determined in accordance with Order No. G-1 under section 10 of MPR 429 issued by the Charleston District Office of OPA. Before being offered for sale it was thoroughly rebuilt and reconditioned as required by such order. This item is warranted to be free from any defects impairing its operating efficiency and to give substantially the same performance as a comparable item when new. Maximum Price $_____$, grade of cover $_____$

This tag must accompany the item when delivered to the purchaser.

SEC. 5. *Maximum prices permitted by this order.* Items covered by this order, where all the requirements of this order and Maximum Price Regulation No. 429, except as otherwise provided in this order, are met, may be sold at retail to an ultimate user at not to exceed the following prices:

Item	Rayon velour	High pile velour	Mohair frieze
Chair	$37	$40	$44
2 piece suite (1 chair, 1 sofa)	107	117	127
3 piece suite (2 chairs, 1 sofa)	144	154	170

SEC. 6. *Order optional.* It is entirely optional with each named seller whether or not he avails himself of the provisions of this order and the option may be exercised as to any one or more of the items covered by this order. However, no item shall be sold pursuant to the provisions of this order unless all of the requirements of this order have been fully performed.

SEC. 7. *To whom order applies.* This order shall apply to the sellers named in section 1 and to any other seller within the State of West Virginia who, in a written application, establishes to the satisfaction of the district director that he is ready, willing and able to comply with the provisions of this order and receives a notice in writing from the district director authorizing him to sell the items covered by this order at the prices fixed in section 5.

SEC. 8. *Application of maximum price regulation No. 429.* Except to the extent that a departure from the provisions of Maximum Price Regulation No. 429 is expressly permitted or required by the context of this order, sellers shall comply with all of the terms and provisions of Maximum Price Regulation No. 429 as such regulation now exists or may hereafter be amended.

SEC. 9. *Revocation.* This order may be revoked, amended or corrected at any time. It may be revoked as to any individual seller who has elected to avail himself of the benefits of the order and who is unable to establish to the satisfaction of the Director of the Charleston District Office of the Office of Price Administration after reasonable notice and opportunity to be heard that he has complied with the terms and conditions imposed by this order, in consideration of which the charging of prices higher than those fixed by Maximum Price Regulation No. 429 is permitted by this order.

This order shall become effective December 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

S. GROVER SMITH,
District Director.

[F. R. Doc. 44-602; Filed January 11, 1944; 12:31 p.m.]

[Columbus Order G-1 Under MPR 429]

REBUILT UPHOLSTERED FURNITURE IN COLUMBUS, OHIO, DISTRICT

Order No. G-1 under Maximum Price Regulation No. 429, adjusting maximum prices of certain articles of rebuilt upholstered furniture.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Columbus, Ohio, District Office of the Office of Price Administration by section 10 of Maximum Price Regulation No. 429 and by Amendment No. 4 to Delegation Order No. 1-A, issued by the Regional Administrator of Region III, it is hereby ordered:

SECTION 1. *What this order does.* Pursuant to section 10 of Maximum Price Regulation No. 429, this order grants permission to sellers at retail to sell certain articles of rebuilt upholstered furniture at prices higher than the maximum prices prescribed by said regulation in instances where such rebuilding entails expenditures for labor and material so substantial in amount that sellers cannot reasonably be expected to rebuild properly such articles for resale at maximum prices fixed by the regulation.

SEC. 2. *What articles are covered by this order.* "Article," when used in this order, refers to one unit of rebuilt upholstered living room furniture (spring type), either an upholstered chair or upholstered davenport, such article having been thoroughly rebuilt in accordance with standards set forth in section 3 of this order. Each such article must incorporate the following general distinctive features:

(a) A coil spring foundation platform and a coil spring back which in each instance is supported by and sewed to upholsterer's webbing (or an all-steel unit (spring type) of the kind termed "construction" in the furniture trade).

(b) Separate seat cushions having spring units incorporating multiple numbers of coil springs.

(c) All such spring units (foundation platform, back assembly, and cushion) being properly tied, padded and covered with materials as specified and required by this order.

(d) Covered over all with a cloth covering (upholsterer's fabric) of a grade suitable for pricing in accordance with the pricing chart (Appendix A) of this order.

In appearance, workmanship, and styling, the rebuilt article must be comparable to, and offer a service value approximately equal to, a new article of similar character, construction, and quality.

SEC. 3. *Thorough rebuilding required.* No articles covered by this order shall be sold at the higher prices fixed by this order unless they have, prior to their being offered for sale, been thoroughly rebuilt. Thorough rebuilding shall include the following operations:

(a) The used article must be stripped to the bare frame.

(b) All old materials, padding, webbing, twine, covers, etc., with the exception of the frame and the springs, must be disposed of and not used in any manner in rebuilding the article.

(c) The frame and spring parts, which are to be incorporated in the rebuilt article, are to be sanitized by fumigation or by spraying.

(d) Where the frame is loose or broken, it is to repaired by retightening, realigning, and regluing, paying special attention to the corner blocks, so that the frame is sturdy and comparable in utility value to a new frame. Any section of the frame which is split must be replaced.

(e) *Platform springs.* No misshaped, broken, or rusty springs shall be used in the rebuilt article. All springs not having suitable resilience to render good service shall be replaced with new (within War Production Board limitations) or used springs of comparable quality.

(f) "Rope-tied" spring assemblies shall be completely retied with new upholsterer's standard 6-ply 60 or better spring twine in a manner and pattern to provide serviceability, using not less than the number of ties to each spring indicated for each group in the pricing chart of Appendix A. The springs shall be securely sewed to and supported by upholsterer's webbing (Note 1), and shall in all instances be tied top and bottom and to the front frame member. Descrip-

tion of the different ties to be used are as follows:

(i) "Four-tie" shall mean that each spring coil in the (platform and back) spring constructions is tied twice in a twine run front to back and tied twice in a twine run from side to side (four ties in all to each spring.)

(ii) A "six-tie" incorporates the "four-tie" and in addition has *one* twine run across each spring in a diagonal manner, tying twice on each spring (six ties in all to each spring).

(iii) An "eight-tie" incorporates the "four-tie" and in addition has *two* diagonal twine runs (at right angles to each other) across the bed, tying twice on each spring (eight ties in all to each spring).

(g) "Construction type" all-steel spring assemblies, where used, shall be repaired with replacement springs where out of shape, broken, or rusty, and shall be retied with wire, duplicating as near as possible the original construction, or (alternatively) retied with twine, using the eight-tie construction outlined in paragraph (f) (iii).

(h) The platform spring assembly of each davenport priced under this order must have a minimum of 27 coil springs; each chair a minimum of 9 coil springs.

(i) *Back spring assembly.* The spring assembly in the back of each davenport and chair shall be sewed to the back webbing and twine tied with the number of ties (or more) required for the price class of the article.

(j) Before placing any filling over the platform and back spring assemblies, the assemblies shall be covered with a durable heavy fabric (Note 2).

(k) New moss (Note 3) filling must be used as a filler over the platform and back spring assemblies and in the arms. In Classes A and B, this may consist of 50 percent clean moss and 50 percent clean tow; in all other classes, 100 percent clean moss only can be used. Over the filler, at least one layer of cotton felt padding is required. A roll edge (1½") shall be placed over the front edge of the springs in the platform assembly. The deck covering over the filler in the platform assembly shall be of a good durable grade of denim, or other suitable cloth generally used by upholsterers.

(l) *Arms and back.* In keeping with the style of the article the arm and back frame members shall be well padded, using materials allowed in subparagraph (k) above, particular attention being given that edges are sufficiently covered to prevent cutting of covering fabric.

(m) *Covering fabric.* Each article shall be covered with a covering fabric using upholsterer's fabric of a grade within the price class of the article as determined by the pricing chart (Appendix A) of this order. With the exception of the legs and the bottom and top (deck) of the foundation platform, the article shall be completely covered with the same grade of fabric. On the front edge of the deck, a suitable overlapping must be made so that deck covering is not exposed to view when the seat cushions are in place.

(n) *Seat cushions.* The article shall have separate seat cushions incorporating coil spring assemblies of the "Marshall type," (each coil being in its own individual cloth pocket). Each seat cushion must be covered top, bottom, and sides with the same grade upholstering fabric used on the back and arms of the article. No broken, crooked, or rusty spring coils shall be used in the cushion units, and the spring assembly shall have good resilience. If a one-piece exposed unit type spring coil construction is used in the seat cushions instead of the "Marshall-type" spring assembly, as mentioned above, 50 cents must be deducted for each cushion in the article or suite.

(o) *Wood parts.* All exposed wooden parts shall be refinished or replaced with new parts so that they present an unblemished appearance. Articles priced in Groups C, D, E, and F must have new feet of appropriate design.

NOTES

NOTE 1: *Webbing.* In all instances, the webbing used in any rebuilt upholstered article covered by this order shall be new. In the platform (bottom) spring construction a grade weighing not less than 7½ pounds to the 72 yard roll must be used. In the back spring constructions a grade weighing 5½ pounds or more to the 72 yard roll must be used.

In Groups A and B, wood slats of seasoned hardwood may be used in lieu of webbing, these to be securely placed in the frame so as to render service comparable to webbing; or, also as an alternative, heavy canvas of the type used by upholsterers for spring suspension may be used.

NOTE 2: *Spring covering fabric.* Upholsterer's deck or burlap or, if unobtainable, "Canaberg" or other material of comparable quality must be used.

NOTE 3: *Moss.* New moss or a clean material of comparable quality and serviceability may be used. (Excelsior or similar materials are not permissible.)

SEC. 4. *Identification of merchandise and warranty required by sellers, etc.*—(a) *Tagging.* Each article of rebuilt upholstered furniture priced pursuant to this order must be plainly identified by the seller's identification number for the article. This shall be accomplished by securely fixing to each article a tag on which such number is legibly printed and there shall also be included a statement to the effect that the article has been priced in accordance with Order No. 1, under section 10 of Maximum Price Regulation No. 429, issued by the Columbia District Office of the Office of Price Administration, and that the article has been thoroughly rebuilt as required by such order and is warranted by the seller to give a service closely comparable to that of a new article of similar price. This tag must accompany the article when delivered to the purchaser and must not be removed by the seller.

(b) *Records, invoices, etc.* Complete records of price determination, cost data, and sales shall be kept during the effective period of this order and shall be open to inspection by officials of the Office of Price Administration at any time. A sales slip or invoice must in each instance be rendered to the purchaser and shall set forth the identification number of the article and the amount paid, and shall also include a detailed statement as to any other permissible charges, such as allowed by section 11 of Maximum Price Regulation No. 429.

SEC. 5. *Maximum prices permitted by this order.* Articles of rebuilt upholstered furniture, where all the requirements of this order have been met, are to be priced in accordance with Appendix A, which is hereby incorporated in and made a part of this order.

In establishing a price for a rebuilt suite or article under this order, the retail seller determines the price class and maximum retail price by:

(a) Determining the group (A–B–C–D–E or F) in which the article(s) meets all of the minimum requirements of styling, inside arm to arm dimensions of the davenport, spring and tying construction of the platform assembly and/or the back, and other specific requirements, and then,

(b) Determining the price group of upholsterer's cloth fabric used in covering the article(s), such being established in accordance with the pricing chart of Appendix A, using the jobber's (OPA [1]) prices for cut rolls of fabrics from jobber's warehouse.

In the above determinations, it is considered that the retail seller is also the rebuilder (retail-rebuilder) of the article(s) and that the covering has been purchased through a jobber source of supply.

If the fabric has been purchased by a retail-rebuilder from a source other than a jobber, he shall take the cut-roll price for the same or similar (cloth grade) fabric sold by the jobber usually supplying him, or, lacking a jobber source of supply, the cut-roll price of the mill's branch warehouse (in his locality) selling same.

If the retail seller is not the rebuilder of the article(s), he shall secure from the rebuilder a statement indicating the price class of the fabric used to cover the article, said rebuilder using the provisions of the preceding paragraph and of paragraph (b) above, as if he were a retail rebuilder.

The price class and the maximum retail price is then determined, being indicated in the Pricing Chart (Appendix A) by the crossing of the group standard's (horizontal) column and the fabric price column (vertical). Example: A "Group" B suite with a No. 3 "Fabric" price ($1.51 to $2.50) becomes a "Class B3" suite with a maximum price at retail of $160.00."

Prices indicated in the Pricing Chart are for a suite comprising a davenport and a companion chair. If the davenport is sold separately, the price may not exceed 68 per cent of the established maximum price for the suite; likewise, if the chair is sold separately, the price may not exceed 32 per cent of the established maximum price for the suite. Odd pieces may be priced in a similar manner.

SEC. 6. *Order permissive, not mandatory.* It is entirely optional with each seller whether or not he desires to avail himself of this order. Such option may be exercised or not at the seller's election with respect to each separate and individual article of the kind and type covered by this order. With respect to any individual articles, which the seller elects to price in accordance with order, all requirements of this order must be fully performed.

SEC. 7. *Jurisdiction, etc.* (a) This order has application to all the territory within the jurisdiction of the Columbus District Office, Region III, of the Office of Price Administration.

(b) *Effect on Maximum Price Regulation No. 429.* Except to the extent that a departure from the provisions of Maximum Price Regulation No. 429 is expressly permitted or required by this order, sellers shall comply with all of the terms and provisions of Maximum Price Regulation No. 429 as the same now exists or may at any time hereafter be amended.

(c) *Revocation.* This order may be revoked, amended or corrected at any time. It may be revoked as to any individual seller who has elected to avail himself of the benefits hereof and who is unable to establish to the satisfaction of the district director after reasonable notice and opportunity to be heard that he has complied with the terms and conditions imposed in consideration of which the charging of prices higher than those fixed by Maximum Price Regulation No. 429 is permitted by this order.

This order shall become effective January 6, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

H. T. BECKMANN,
District Director.

[1] Jobber's prices used in this order must not exceed the jobber's maximum prices as established by the governing Office of Price Administration regulation. It is the jobber's cut-roll price, f. o. b. warehouse, and transportation charges are not to be added in determining price group.

APPENDIX A—PRICING CHART FOR COMPLETE SUITES

[For separate davenports, use 68 percent; for chairs, 32 percent]

Group determination	Fabric price classification [1]			
	1	2	3	4
	Up to $1	$1.01 to $1.50	$1.51 to $2.50	$2.51 to $3.50
A. Plain lines, small in size, usually not restyled. Inside arm to arm dimension of davenport, not less than 56 inches. Minimum four-tie spring construction in platform and back. Wood slats or canvas allowed as a substitute for webbing.	Class A–1, $99.50.	Class A–2, $120.	Class A–3, $135.	
B. Styles, such as English Lounge, Lawson, Charles of London, and similar, not requiring restyling; inside arm to arm dimension of davenport, not less than 58 inches. Minimum four-tie spring construction in platform and back. Wood slats of canvas allowed as a substitute for webbing.	Class B–1, $1.20.[3]	Class B–2, $1.40.[3]	Class B–3, $1.60.[3]	
C. Larger size suites of the conventional type, restyled by squaring off and rebuilding arms and back. Modernized (type) feet and arm panels. Inside arm to arm dimensions of davenport, not less than 60 inches. Spring construction—minimum four-tie in platform and back. No substitutes for webbing acceptable.	Class C–1, $150.[3]	Class C–2, $165.[3]	Class C–3, $190.[3]	Class C–4, $215.[3]
D. Same as Group C above, excepting that platform springs have minimum of 6-ties and back springs minimum of 4-ties.	Class D–1, $160.	Class D–2, $175.	Class D–3, $200.	Class D–4, $225.

Group determination	Fabric price classification				
	2	3	4	5	6
	$1.01 to $1.50	$1.51 to $2.50	$2.51 to $3.50	$3.51 to $5	$5.01 to $7.50
E. Better class type suites, restyled with modern wide arm construction. Inside arm to arm dimension of davenport, not less than 60 inches. Requires 8-tie (or better) spring construction in platform and in back. Deck of platform covered with suede cloth. Modern type legs required and suite is to be finished in finer detail, using panel construction on arms. No substitutes for webbing allowed and where frames are reinforced with metal, screws, not nails, shall be used.	Class E–2, $190.	Class E–3, $210.	Class E–4, $235.	Class E–5, $260.	
F. Includes all of the larger and finest type suites having doweled frames and an inside arm to arm dimension of the davenport of not less than 66 inches, and arms not less than 9 inches at the narrowest point. Requires eight-tie (or better) spring construction in platform and in back with platform covered with suede cloth. No substitutes for webbing allowed, and where frames are reinforced with metal, screws, not nails, shall be used. Cushions of these suites may be of the balloon type, that is, no seams across the front edge of the cushion.	Class F–2, $225.	Class F–3, $250.	Class F–4, $275.	Class F–5, $300.	Class F–6, $325.

[1] OPA—Jobber's prices used in this chart must not exceed the seller's maximum ceiling price as established by the governing OPA regulation. It is their cut-roll price, f. o. b. their nearest warehouse. Transportation charges are not to be added to selling (or cost) price.

[3] For six-tie of front platform springs, $3.00 may be added.

[F. R. Doc. 44–576; Filed, January 11, 1944; 9:32 a. m.]

[Seattle Order G–1 under 18 (c) of GMPR]

FIREWOOD IN YAKIMA COUNTY, WASH. AREA

Order No. G–1 under § 1499.18 (c) as Amended of the General Maximum Price Regulation. Certain firewood sold at retail in Yakima County, Washington.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the district director of the Seattle District Office of the Office of Price Administration by § 1499.18 (c) as Amended of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32, *It is hereby ordered:*

(a) The maximum prices for sales and deliveries of specified kinds of firewood in Yakima County, Washington, by any retail dealer whose business is located in Yakima County, Washington, as established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum prices for retail sales of green and/or dry mill wood, mill run, mill slab, and/or mixed mill run or mixed mill wood or mixed slab, fir, pine, or hemlock, in lengths of 16-inches and less by any retail dealer whose place of business is located within the County of Yakima, Washington, shall be as follows:

(1) For sales delivered from the dealer's yard to the premises of the consumer in the County of Yakima for the kinds of wood specified above produced in the area outside the Counties of Yakima and Kittitas except that produced by mills located in the communities of Buckley, Washington and Enumclaw, Washington, $12.25 per cord.

(2) For sales f. o. b. the dealer's place of business or for delivery direct from the car to the premises of the consumer for the kinds of wood specified above produced in the area outside the counties of Yakima and Kittitas, Washington, except that produced by mills located in the communities of Enumclaw, Washington, and Buckley, Washington, $10.25 per cord.

(3) For sales delivered from the dealer's yard to the premises of the consumer in the County of Yakima for the kinds of wood specified above produced by mills located in the counties of Yakima and Kittitas, Washington, and in the communities of Buckley, Washington, and Enumclaw, Washington, $11.75 per cord.

(4) For sales f. o. b. the dealer's place of business or for delivery direct from the car to the premises of the consumer in the County of Yakima for the kinds of wood specified above produced by mills located in the counties of Yakima and Kittitas, Washington and in the communities of Buckley and Enumclaw, Washington, $9.75 per cord.

(c) No seller shall evade any of the provisions of this Order No. G–1 by changing the customary allowances, discounts, or other price differentials.

(d) This order may be revoked, amended, or corrected at any time.

This order shall become effective December 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

ARTHUR J. KRAUSS,
District Director.

DECEMBER 23, 1943.

[F. R. Doc. 44-574; Filed, January 11, 1944; 9:31 a. m.]

[Region III Order G-13 Under RMPR 122]

SOLID FUELS IN TOLEDO, OHIO, AREA

Order No. G-13 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Toledo, Ohio, area.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Toledo, or within the Townships of Adams and Washington or that portion of Oregon Township west of Coy Road, that portion of Sylvania Township east of the New York Central Railroad Company right of way including the Village of Sylvania, and the village of Rossford, all in the State of Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade of business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-13; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal*—(1) *Price schedules.* This schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum gross prices for sales on a "direct delivery" basis (subject to discount for payment within 15 days as set forth below); Column III shows maximum cash or credit prices for all "yard sales" to unequipped dealers and to consumers. All prices are for sales on a net ton basis.

Column I	Column II	Column III
I. High Volatile Bituminous Coals from Producing District No. 8 (Eastern Kentucky and Southwestern West Virginia):		
A. Lump, Size Group Nos. 1 and 2 (larger than 3"):		
1. Mine Price Classification A	$9.95	$9.20
2. Mine Price Classifications B through H	9.55	8.80
3. Mine Price Classifications J through O	9.45	8.70
B. Egg, Size Group Nos. 6 and 7 (top size 3" but not exceeding 6" x bottom size 3" or smaller), excluding Mine Price Classification A	8.95	8.20
C. Stoker, Size Group No. 10 (top size 1¼" and smaller x bottom size smaller than 1¼"):		
1. Mine Price Classification A:		
a. Treated	9.75	9.00
b. Untreated	9.65	8.90
2. Mine Price Classification, other:		
a. Treated	9.55	8.80
b. Untreated	9.45	8.70
D. Screenings (Nut and Slack):		
1. Size Group No. 18 (dedusted; top size 2" and smaller x bottom size larger than 100 mesh but not exceeding 10 mesh; modified; top size not exceeding 2", total consist containing not less than 15% 3/16" x 0 screenings):		
a. Mine Price Classifications A through D	8.90	8.15
b. Mine Price Classifications E through L	8.65	7.90
2. Size Group No. 20 (Larger than ¾" x 0 but not exceeding 2" x 0).		
a. Mine Price Classification A through D	8.90	8.15
b. Mine Price Classification E through L	8.65	7.90
II. High Volatile Bituminous Coals from Producing District No. 4 (Ohio):		
A. Lump, Size Group Nos. 1 and 2 (larger than 2"):		
1. From the Hocking Freight Origin District	8.60	7.85
2. From the Ohio No. 8 Freight Origin District	8.40	7.65
B. Egg, Size Group No. 3 (double screened coal with a bottom size larger than 1¼" but not exceeding 2") from the Hocking Freight Origin District	8.30	7.55
III. Low Volatile Bituminous Coals from Producing District No. 7 (Pocahontas):		
A. Lump or Egg, Size Group Nos. 1 and 2 (lump; bottom size larger than that designated for screened run of mine; Egg: top size larger than 3" x bottom size no limit):		
1. From Mine Index No. 73, the Glen Rogers Mine of the Raleigh Wyoming Mining Co.	11.35	10.60
2. Mine Price Classification A	11.15	10.40
3. Mine Price Classifications B and C	10.85	10.10
B. Stove, Size Group No. 3 (dedusted screenings; top size larger than 1¼" but not exceeding 2" x bottom size smaller than 3"):		
1. From Mine Index No. 73, the Glen Rogers Mine of the Raleigh Wyoming Mining Co.	10.85	10.10
2. Mine Price Classification A, B, and C:		
a. Treated	10.80	10.05
b. Untreated	10.70	9.95
C. Nut, Size Group No. 4 (dedusted screenings; top size larger than ¾" but not exceeding 1¼" x bottom size smaller than 1¼"):		
1. Treated	9.75	9.00
2. Untreated	9.65	8.90
D. Stoker, Size Group No. 5 (double screened pea or dedusted screenings; top size not exceeding ¾" x bottom size smaller than ¾") Mine Price Classification A	9.80	9.05
E. Run of Mine, Mine Price Classification A:		
1. Domestic (screened)	10.00	9.25
2. Straight	9.50	8.75
IV. Pennsylvania Anthracite (excluding broken Anthracite) Egg, Stove or Chestnut	15.00	14.25
V. Coke (excluding reject or reclaimed coke) Egg, Stove, furnace, walnut or chestnut	12.20	11.45

(2) *Discounts*—(i) *Discounts for payment within 15 days.* All prices quoted in Column II are gross prices and shall be subject to a discount of $.25 per ton where payment is made within 15 days after date of delivery.

(ii) *Quantity discounts.* Prices quoted in Column II for sales to a single purchaser for delivery at a single location for the heating of three or more apartment units from a central heating plant, where the annual purchase of coal from the same dealer amounts to 25 or more tons and/or sales to a commercial or industrial buyer shall be subject to an additional discount as follows:

From 25 to 99 tons annually—Discount of not less than 50¢ per ton.

From 100 to 499 tons annually—Discount of not less than 75¢ per ton.

500 or more tons annually—Discount of not not less than $1.00 per ton.

(iii) The prices set forth in Column III are cash or credit prices, and the above discount requirements are not applicable to "yard sales" under said Column III.

(3) *Descriptive terms.* All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-13 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

	Per ton
Carry-in from curb—coal	$1.00
Carry-in from curb—coke	1.35
Wheel-in from curb—coke	1.10
Wheel-in from curb—coal	.85
Carry up or down each flight of stairs	.25
Additional charge for any coal listed in Part III of the Price Schedule set forth in Section (c) (1)—"Low Volatile Bituminous Coal from Producing District No. 7 (Pocahontas) when such coal is forked	1.25

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the Toledo District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order No. G-13 under Revised Maximum Price Regulation No. 122 shall become effective January 1, 1944.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 28, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-578; Filed, January 11, 1944; 9:34 p. m.]

[Region III Order G-14 Under RMPR 122]

SOLID FUELS IN CERTAIN MUNICIPALITIES IN MICHIGAN

Order No. G-14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the cities of Saginaw, Carrollton and Zilwaukee and the townships of Kochville, Buena Vista and Saginaw, all in the State of Michigan.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the Cities of Saginaw, Carrollton and Zilwaukee and the Townships of Kochville, Buena Vista and Saginaw, all in the State of Michigan. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-14; but less than the maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order.

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit.

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by any agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for cash sales on a "direct delivery" basis; Column III shows maximum prices for "yard sales" to dealers reselling coal. All prices are for cash sales on a net ton basis.

Column I	Column II	Column III
I. High volatile bituminous coals from Producing District No. 8 (Eastern Kentucky and Southwestern West Virginia):		
A. Lump—Forked:		
1. Size Group No. 1 (larger than 5"); mine price classifications E through J	$9.70	$9.95
2. Size Group Nos. 2 and 3, mine price classifications D through K	9.60	9.85
3. Size Group Nos. 1 and 2 (bottom size larger than 3"):		
(a) Mine price classification A	10.45	9.70
(b) Mine price classifications L through N:		
(1) Upper banner seam	10.15	9.40
(2) Hazard seam	9.35	9.60
(c) Mine price classification O	9.25	9.50
B. Egg—Forked:		
1. Size Group No. 3 (top size larger than 3" but not exceeding 6" x bottom size larger than 3" but not exceeding 4"): Mine price classification A	9.95	9.20
2. Size Group No. 5 (top size larger than 5" but not exceeding 6" x bottom size larger than 2" but not exceeding 3"; top size larger than 6" x bottom size 2" and smaller):		
(a) Mine price classifications F through K	9.15	8.40
(b) Mine price classifications L through N	8.95	8.20
3. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 2" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"): Mine price Classifications B through L	9.10	8.35
4. Size Group No. 7 (top size larger than 3" but not exceeding 5" x bottom size 2" and smaller): Mine price classifications B through M	9.00	8.25
C. Stoker:		
1. Size Group No. 10 (top size 1¼" and smaller x bottom size smaller than 1¼"):		
(a) Mine price classifications A through E:		
(1) Treated	9.20	8.45
(2) Untreated	9.10	8.35
(b) Mine price classifications F through M:		
(1) Treated	8.95	8.20
(2) Untreated	8.85	8.10
D. Nut and Slack:		
1. Size Group Nos. 19, 20, 21 (includes screenings larger than ¾" x 0; and altered screenings) mine price classifications G through L	8.65	7.90
II. High Volatile Bituminous Coals from Producing District No. 5 (Michigan):		
A. Lump—Forked:		
1. Size Group No. 2 (bottom size larger than 2" but not exceeding 4": Raw)	9.05	8.30
B. Egg—Forked:		
1. Size Group No. 5 (top size larger than 3" but not exceeding 4" x bottom size larger than 1¼" but not exceeding 2": Raw)	8.80	8.05
III. Low Volatile Bituminous Coals from Producing District No. 7 (Pocahontas):		
A. Lump and egg—Forked:		
1. Size Group Nos. 1 and 2; mine price classification A	11.05	10.30
B. Nut or dedusted screenings:		
1. Size Group No. 4 (top size larger than ¾" but not exceeding 1¼" x bottom size smaller than 1¼"): mine price classification A	9.85	9.10
C. Briquettes	11.10	10.35
IV. Anthracite—Pennsylvania:		
A. Rice	10.25	9.50
B. Egg, stove, chestnut	15.00	14.25
V. Coke (excluding reject or reclaimed coke):		
A. Pea	11.30	10.55
B. Egg, stove, nut	12.80	12.05

For sales in lots of 50 tons or more a discount of no less than 50¢ per ton from the prices listed in Column II shall be granted, and for sales to institutional users as hereinafter defined, a discount of no less than 50¢ per ton from the prices listed in Column II shall be granted.

All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G–14 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

	Per ton
Wheel-in or carry from curb	$0.75
Carry up or down one flight of stairs	1.00

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the Saginaw District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) "Institutional users" are defined to mean local hospitals, county hospitals, court house, city hall, schools, churches, and municipal or other Government consumers.

(7) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This Order No. G–14 under Revised Maximum Price Regulation No. 122 shall become effective Jan. 1, 1944.

NOTE.—The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23,765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 30, 1943.

BURKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–579; Filed, January 11, 1944; 9:34 a. m.]

[Region IV Order G–16 Under RMPR 122]

SOLID FUELS IN LYNCHBURG, VA.

Order No. G–16 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Lynchburg in the State of Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point within the corporate limits of the City of Lynchburg, Virginia, and the area lying within fifteen miles thereof by the most direct highway route.

(2) This order contains a price schedule applicable to sales of low volatile bituminous coal from District 7, high volatile bituminous coal from District 8, and Pennsylvania anthracite.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–16 but less than maximum prices may at any time be charged, paid or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this Order.

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; consumer sales.* (1) This price schedule sets forth maximum prices for sales of specified solid fuels when delivery is made to any point within the corporate limits of the City of Lynchburg, Virginia, and the area lying within fifteen miles thereof by the most direct highway route.

(i) "Direct delivery or domestic" basis:

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT NO. 8

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg	$8.10	$4.30	$2.28
Stove	7.95	4.23	2.24
Stoker	8.00	4.25	2.25

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Egg	$9.70	$5.10	$2.68
Stove	9.00	4.75	2.50
Domestic or Screened Run-of-Mine	8.25	4.38	2.31
Stoker	7.95	4.23	2.24
Nut	8.15	4.33	2.29
Slack	7.50	4.00	2.12

PENNSYLVANIA ANTHRACITE

Nut	$18.25	$9.38	$4.81

(ii) *Special sales and services—(a) Carry up or down stairs.* Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 50¢ per ton.

(b) *Yard sales.* When buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton.

(c) *Delivery zone.* For deliveries beyond the corporate limits of Lynchburg, Virginia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(d) *Credit.* No additional charges over the prices provided in this order may be made for the extension of credit.

(d) *Ex parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December, 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (j) (2). (This tax need not be stated separately in sales to the United States or any agency thereof — see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or less quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(g) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(h) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, commodities for which maximum prices are established. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(i) *Records and reports.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (j) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Roanoke District Office of the Office of Price Administration.

(l) *Definitions and explanations.* When used in this Order No. G–16, the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, dispose, barter, exchange, supply, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry up or down stairs" refers to the movement of fuel to the buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" and "low volatile bituminous coal" refer to coal produced in certain sections of the producing districts specified herein.

(9) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943. Where the applicable minimum price schedule does not make specific mention of any size designated in this order, such size designation shall refer to the sizes of bituminous coal sold as such during December 1941, in the area covered by this order.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(m) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–16 shall become effective January 5, 1944.

Type	Size	Cord	½ Cord	¼ Cord
Hardwood cordwood	(12", 16", 24" lengths	$21.00	$11.00	$6.75
	(4 ft. lengths	19.00	10.00	5.25
Mixed hardwood and softwood cordwood	(12", 16", 24" lengths	21.00	11.00	5.75
	(4 ft. lengths	19.00	10.00	5.25
Softwood cordwood	(12", 16", 24" lengths	21.00	11.00	5.75
	(4 ft. lengths	19.00	10.00	5.25

The above prices are maximum prices delivered to the customer's residence or place of business as the case may be.

(2) *Service charges.* If the buyer requests the seller to perform the services of wheeling, carrying, and stacking in addition to delivery, the seller may charge an additional sum for such requested service of $1.00 per cord, 50¢ per ½ cord, and 25¢ per ¼ cord. This service charge may not be made except in those cases where the purchaser voluntarily requests such additional service. No charge may be made for other services incidental to the sale of firewood whether or not requested by the purchaser.

(b) *Definitions.* (1) "Firewood" means wood prepared and intended for consumption as fuel of the types and sizes set forth in section (a) (1) of this order.

(2) A "cord" means 128 cubic feet of firewood.

(3) All other terms used herein, unless the context otherwise requires, shall be construed in accordance with the definitions contained in § 1499.20 of the General Maximum Price Regulation.

(c) Unless the context otherwise requires, all transactions subject to this order remain subject to all provisions of the General Maximum Price Regulation together with all amendments, supplementary regulations and orders which may have been heretofore or may be hereafter issued.

(d) This order supersedes any order heretofore issued establishing specific maximum prices for firewood in the area covered by this order.

This order may be revoked or amended by the Regional Administrator at any time.

This Order No. G–33 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 21, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–606; Filed, January 11, 1944; 12:32 p. m.]

[Region VII Order G–3 Under MPR 154]

ICE IN BOISE, IDAHO

Order No. G–3 under Maximum Price Regulation No. 154. Ice. Establishment of specific maximum prices for dealers in Boise, Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1393.8 (e) of Maximum Price Regulation No. 154, and for the reasons set forth in the accompanying opinion, this Order No. G–3 is issued.

(a) *What this order does.* This order establishes specific maximum prices for ice sold by dealers in Boise, Idaho, or environs.

(b) *Specific maximum prices for ice sold by dealers.* On and after the effective date of this order the maximum prices for ice sold by dealers and delivered at any place in the City of Boise, Idaho, or its environs, to which the seller heretofore customarily made free delivery shall be as follows:

	Per cwt.
(1) Block Ice, delivered	60¢
(2) Crushed Ice, delivered	75¢

(c) *Former discounts and differentials need not be maintained.* From and after the effective date of this order, it shall not be mandatory upon any dealer in the Boise, Idaho, area to grant, maintain, or give discounts, differentials, or allowances which he may formerly have maintained or allowed; but any dealer may, if he so desires, continue to allow such discounts, differentials, and allowances, and he may sell at a price lower than the maximum prices established hereby.

(d) *Applicability of other regulations.* Except insofar as the same may be inconsistent with or contradictory of the provisions of this order, all of the terms and provisions of Maximum Price Regulation No. 154 shall remain in full force and effect and be applicable to all ice dealers in the Boise, Idaho, area.

(e) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order, regulation, or schedule. A seller's license may be suspended for violations of the license or of one or more applicable schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(f) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

Effective date. This order shall become effective on the 5th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–607; Filed, January 11, 1944; 12:32 p. m.]

[Region VII Order G–14 Under RMPR 122, Amdt. 2]

SOLID FUELS IN CERTAIN AREAS IN UTAH

Order No. G–14 under Revised Maximum Price Regulation No. 122, Amendment No. 2. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.259 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Paragraph (a) is amended to read as follows:

(a) *Geographical applicability.* This order shall apply to all of the trade area contained within the boundaries of the cities of Logan, Provo, Ogden, and Salt Lake City, and the town of Springville and a distance of three miles beyond the corporate limits thereof at all points in the State of Utah, each of which said areas is more fully described in paragraph (n) hereof as amended.

2. Paragraph (b) is amended by deleting therefrom the Roman character "IV" wherever the same appears therein and substituting therefor the Roman character "V".

3. Paragraph (d) is amended by changing the designation of the last subparagraph thereof from (5) to (6) and inserting a new subparagraph (5) following immediately after subparagraph (4), reading as follows:

(5) If you sell and deliver in the Springville Area any one or more of the kinds and sizes of coal named in Part 1 of Table V set forth below, your maximum prices therefor are those specified in Part 1 of said Table V; if you sell coal at your yard, your maximum prices for the kinds and sizes of bituminous coal are as set forth in Part 2 of said Table V.

TABLE V—MAXIMUM PRICES SPRINGVILLE TRADE AREA

Kind	Size	Part 1—Delivered prices per ton	Part 2—Yard prices per ton
Bituminous coal produced in District 20:			
Sub-district 1, Castlegate	#2—10" lump	$7.70	$7.20
	#3—10 x 3 and 8 x 3 stove and 3" lump	7.55	7.05
	#7—1½ x 3 nut	6.80	6.30
	#8—1½ x 1 pea	6.10	5.60
	#10—1½ x 0 slack treated	5.60	5.10
	#11—1 x 0 slack treated		
	#10—1½ x 0 slack untreated	5.35	4.85
	#11—1 x 0 slack untreated		

4. Subparagraph (8) of paragraph (n) is amended by adding thereto a new subparagraph designated (v), to read as follows:

(v) The maximum prices set forth in Table V hereof shall apply to the area contained within the corporate limits of the town of Springville and a distance of three miles beyond at all points. The above described area is referred to herein as the Springville Trade Area.

Effective date. This Amendment No. 2 shall become effective on the 5th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–603; Filed, January 11, 1944; 12:31 p. m.]

[Region VII Order G–25 Under RMPR 122]

SOLID FUELS IN PANGUITCH, UTAH

Order No. G–25 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in Panguitch, State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1340.259 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G–25 is issued:

(a) *Geographical applicability.* This order shall apply to all of the trade area contained within the corporate boundaries of the Town of Panguitch in the State of Utah, and a distance of ten miles beyond at all points. The above described area is referred to herein as the Panguitch Trade Area.

(b) *What this order does.* If you are a dealer in bituminous coal in the Panguitch Trade Area of the State of Utah, you will find set forth in Table I below the maximum prices which you may charge for sales and deliveries made by you to buyers in said trade area, and if you are a purchaser in the course of trade or business, the prices set forth below in said Table I are the maximum prices which you may pay any coal dealer in said Panguitch Trade Area for the kinds, sizes and quantity of coal specified in said table when purchased from him and delivered at your customary receiving point.

(c) *To what sales this order applies.* If you sell coal of the kind specified herein and make delivery thereof, either by truck direct from the mine or from or at your yard, to any person within the area covered by this order, the maximum prices which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Table I of paragraph (d) hereof.

(d) *Specific maximum prices.* (1) If you sell and deliver in the Panguitch Trade Area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices therefor are those set forth in said Table I.

TABLE I—MAXIMUM PRICES, PANGUITCH TRADE AREA

Kind	Size	Prices delivered at any place in said trade area	
		Per ton	Per half ton
Bituminous coal produced in District 20: Sub-district 1, Castlegate	#2—8" and 10" lump	$9.25	$4.90
	#3 and #6—10" x 3 and 8 x 3 Stove	8.35	4.45
	#10—1½ x 0 slack, untreated	7.65	4.10
	#10—1½ x 0 slack, treated	8.00	4.25

(2) If in connection with the sale and delivery of coal made by you in the Panguitch Trade Area you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such services follow:

Special service charges	Per ton	Per half ton
"Wheel-in"	$1.00	$0.50
"Pull-back" or "Trimming"	.25	.15
"Carrying up or down stairs"	1.00	.50

Your charge for any such special service shall be limited to the amount of coal actually "wheeled in", "pulled back", "trimmed", or "carried".

(e) *Determination of mixed coals prices.* If you mix sizes or kinds of coal, your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed, adjusted to the nearest five cents.

(f) *When transportation tax may be collected.* If on any purchase of coal made by you, you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in subparagraph (1) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket, or other memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the areas covered herein with like force and effect as though the same were rewritten herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(h) *Filing requirements.* Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(i) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into you shall not:

(1) Sell, or in the course of trade or business, buy solid fuels of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary cash discounts and allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the areas for which the maximum prices are herein set forth or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(j) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the regional administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(l) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the Regional Administrator and acted upon by him.

(m) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order, regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(n) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(o) *Definitions.* (1) "Carry" or "Wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "Trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the area covered herein, and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(6) "Bituminous coal" means coal produced in District 20 and any sub-districts thereof as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight, August 23, 1943.

Effective date. This Order No. G-25 shall become effective on the 5th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-604; Filed, January 11, 1944; 12:31 p. m.]

[Region VIII Order G-3 Under MPR 376, Amdt. 1]

TOMATOES IN SAN FRANCISCO REGION, CALIF.

Amendment 1 to Order No. G-3 under Maximum Price Regulation No. 376, as Amended. Certain fresh fruits and vegetables (fresh tomatoes).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered,* That paragraph (d) is amended to read as set forth below:

(d) This order shall become effective January 10, 1944: *Provided, however,* That the District Director of any District Office of the Office of Price Administration in Region VIII may by order extend the effective date for any individual receiving a shipment of merchandise at a wholesale receiving point who (a) exhibits a bill of lading showing the cariot was actually shipped from Nogales, Arizona, prior to December 31, 1943, and (b) shows that he cannot dispose of the merchandise prior to January 10, 1944. The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond January 18, 1944.

This amendment shall become effective upon issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-575; Filed, January 11, 1944; 9:31 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on January 10, 1944.

REGION I

Concord, Order No. 10, filed 10:18 a. m.

REGION II

Syracuse, Order No. 12, Amendment No. 1, filed 10:19 a. m.
Syracuse, Order No. 13, Amendment No. 1, filed 10:19 a. m.
Syracuse, Order No. 14, Amendment No. 1, filed 10:20 a. m.
Syracuse, Order No. 15, filed 10:18 a. m.

REGION III

Charleston, Order No. 2-F, Amendment No. 1, filed 10:21 a. m.
Charleston, Order No. 23, filed 10:21 a. m.
Charleston, Order No. 24, filed 10:20 a. m.
Charleston, Order No. 25, filed 10:20 a. m.
Cleveland, Order No. F-4, Amendment No. 5, filed 10:20 a. m.
Lexington, Order No. 12, Amendment No. 1, filed 10:20 a. m.

REGION VIII

Fresno, Order No. 7, Amendment No. 3, filed 10:22 a. m.
Fresno, Order No. 8, Amendment No. 4, filed 10:22 a. m.
Fresno, Order No. 9, filed 10:23 a. m.
Los Angeles, Los Angeles-4, Amendment No. 20, filed 9:33 a. m.
Los Angeles, Los Angeles-5, filed 9:33 a. m.
Los Angeles, Order L. A.-5, Amendment No. 1, filed 9:34 a. m.
Los Angeles, Los Angeles-6, filed 9:34 a. m.
Los Angeles, Order L. A.-6, Amendment No. 1, filed 9:34 a. m.
Los Angeles, Los Angeles-7, filed 9:35 a. m.
Los Angeles, Order L. A.-7, Amendment No. 1, filed 9:35 a. m.
Los Angeles, Order L. A.-7, Amendment No. 2, filed 9:36 a. m.
Los Angeles, Order L. A.-8, filed 10:17 a. m.
Los Angeles, Order L. A.-8, Amendment No. 1, filed 10:17 a. m.
Los Angeles, Order L. A.-8, Amendment No. 2, filed 10:17 a. m.
Los Angeles, San Bernardino-1, Amendment No. 18, filed 9:32 a. m.
Los Angeles, San Bernardino-1, Amendment No. 19, filed 9:32 a. m.
Los Angeles, San Bernardino-1, Amendment No. 20, filed 9:32 a. m.
Los Angeles, Santa Barbara-1, Amendment No. 16, filed 9:31 a. m.
Los Angeles, Santa Barbara-1, Amendment No. 17, filed 9:31 a. m.
Los Angeles, Santa Barbara-1, Amendment No. 18, filed 9:31 a. m.
Portland, Order No. 9, filed 10:22 a. m.
Sacramento, Rev. Order No. 3, filed 9:28 a. m.
Sacramento, Rev. Order No. 3, Amendment No. 1, filed 9:29 a. m.
Sacramento, Rev. Order No. 6, Amendment No. 1, filed 9:29 a. m.
Sacramento, Rev. Order No. 7, filed 9:29 a. m.
Sacramento, Rev. Order No. 7, Amendment No. 1, filed 9:29 a. m.
Sacramento, Rev. Order No. 8, filed 9:30 a. m.
Sacramento, Rev. Order No. 8, Amendment No. 1, filed 9:30 a. m.
Sacramento, Rev. Order No. 9, filed 9:30 a. m.
Sacramento, Rev. Order No. 9, Amendment No. 1, filed 9:31 a. m.
San Diego, Order No. 1-F, Amendment No. 12, filed 10:23 a. m.
Spokane, Order No. 15, filed 10:21 a. m.
Spokane, Order No. 18, filed 10:21 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-610; Filed, January 11, 1944; 4:52 p. m.]

[Lubbock Order 1 Under Restaurant MPR 5-5, Amdt. 1]

BOTTLED MALT BEVERAGES IN LUBBOCK, TEX.

Amendment No. 1 to Order No. 1 under Restaurant Maximum Price Regulation No. 5-5. Food and drink sold for immediate consumption. Maximum prices for malt beverages.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 1 under Restaurant Maximum Price Regulation No. 5-5 is amended in the following respects:

1. Section 2 (a) is amended by adding thereto the malt beverages set forth below, and the maximum prices thereof shall be as set out below.

(a) *Bottled malt beverages.*

Brand or trade name	Maximum price per bottle			
	6 oz.	12 oz.	24 oz.	32 oz.
Carta Blanca		$0.25		
Bohemian Ale	$0.20			
Grain Belt (beer)		.18		$0.30
Pioneer Victory (beer)		.18		.30
Berlin (beer)		.13	$0.23	.29
Polo (beer)		.13		.29
Pom Roy (beer)		.13		.29
Prima (beer)		.13		.29
Tivoli (beer)		.13		.29
Topaz (beer)		.13		.29

The order is further amended by changing the maximum price of Harry Mitchell's Premium Beer from 18¢ to 13¢ for 12-ounce bottles and from 39¢ to 29¢ for 32-ounce bottles.

This order shall become effective on the first day of January, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. No. 9250, 7 F.R. 7871, and E.O. No. 9328, 8 F.R. 4681)

Issued at Lubbock, Texas, this 29th day of December 1943.

HOWARD R. GHOLSON,
District Director.

[F. R. Doc. 44-616; Filed, January 11, 1944; 4:54 p. m.]

[Fort Worth Order G-1 Under Gen. Order 50, Amdt. 3]

DOMESTIC MALT BEVERAGES IN FORT WORTH, TEX.

Amendment No. 3 to Order No. G-1 under General Order No. 50. Filing of prices by restaurants and similar establishments. Delegation of Authority to fix maximum prices.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the District Director of Fort Worth, Texas, of Region V of the Office of Price Administration under General Order No. 50 and Region V Delegation Order dated April 13, 1943, *It is hereby ordered,* That Order No. G-1 be amended in the following respects:

1. Section 9 (a) (1) is amended by adding to the list of brand or trade names, including prices for the sizes shown, the following brands:

Brand or trade name	Maximum price per bottle		
	12 oz.	24 oz.	32 oz.
Pioneer Victory	18¢	33¢	39¢
Birk's Trophy Premium	18¢	33¢	39¢
Shawano Club	18¢	33¢	39¢
Medford Lager	18¢	33¢	39¢

This amendment shall become effective January 1, 1944.

JAN 17 '44

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Fort Worth, Texas, this 26th day of December 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 44-640; Filed, January 12, 1944; 11:47 a. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket No. 23]

SOUTHERN PACIFIC CO. AND MORRISON-KNUDSEN CO., INC.

POSTPONEMENT OF HEARING

Employee status of individuals performing service under certain agreements of the Southern Pacific Company, San Francisco, California, with the Morrison-Knudsen Company, Inc., Boise, Idaho.

Notice is hereby given to all persons interested that upon the request of one of the parties and pursuant to the authority vested in me by order of the General Counsel Designating Examiner (8 F.R. 15804), the hearing in the above-entitled matter which has been set for January 13, 1944 (8 F.R. 16304), at 10:00 a. m., Grand Jury Room No. 449, 4th floor, Post Office and Court House Building, Seventh and Mission Streets, San Francisco, California, is postponed to February 14, 1944.

Dated: January 10, 1944.

JACOB ABRAMSON,
Examiner.

[F. R. Doc. 44-631; Filed, January 12, 1944; 9:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-343]

ATLAS CORPORATION, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of January, A. D. 1944.

In the matter of Atlas Corporation, Rotary Electric Steel Company and Bonwit Teller, Inc., File No. 812-343.

A joint application has been filed by Atlas Corporation ("Atlas"), Rotary Electric Steel Company ("Rotary") and Bonwit Teller, Inc. ("Bonwit") pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said act a proposed transaction whereby Bonwit, pursuant to the proposed redemption of 5,000 shares of its 40,000 shares of outstanding 5½% Cumulative Convertible Preferred Stock, will redeem from the shares of Preferred Stock owned by Atlas and Rotary to the extent that such shares are included among the shares of Preferred Stock selected for redemption by lot. Atlas and Rotary are registered investment companies and as a result of stock ownership are affiliates of Bonwit and of one another.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on January 17, 1944, at 10:00 A. M., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Atlas Corporation, Rotary Electric Steel Company, Bonwit Teller, Inc. and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-606; Filed, January 11, 1944; 2:04 p. m.]

JAN 17 '44

THE NATIONAL ARCHIVES

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VOLUME 9 NUMBER 10

Washington, Friday, January 14, 1944

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 27—THE FEDERAL LAND BANK OF SAINT PAUL

FEES

Sections 27.1, 27.2, 27.4, and 27.5 of Title 6, Code of Federal Regulations, are hereby amended to read as follows:

§ 27.1 *Fees for appraisal and reappraisal.* An appraisal fee of ten dollars ($10.00) shall be paid in connection with each new application submitted for a loan, and in connection with each application for an additional or increased loan whether or not additional security is offered. Where a reappraisal is required because of delay of the applicant, or is made at his request, a second appraisal fee of ten dollars ($10.00) shall be paid. (Sec. 13 "Ninth", 39 Stat. 372, Secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e), and Sup.; 6 CFR 19.322, 19.330, 19.331) (Res. Bd. Dir., December 22, 1943)

§ 27.2 *Fees for determination of title.* No determination of title or closed loan fee shall be charged in the case of any loans made for $5,000 or less. Where a new application results in a loan exceeding $5,000 in amount, or where an application for an additional loan results in new money loaned exceeding $5,000, there will be deducted from the proceeds of the loan a fee of $1 for each $1,000, or fraction thereof, by which the amount loaned or new money loaned exceeds $5,000. (Sec. 13 "Ninth", 39 Stat. 372, Secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e), and Sup.; 6 CFR 19.326) (Res. Bd. Dir., December 22, 1943)

§ 27.4 *Non-resident investigation fee.* Where, in connection with an application for a new loan, or increased loan, or a division of an existing loan, it appears necessary for the bank to make a non-resident personal investigation outside the Seventh Farm Credit District, the applicant shall be required to pay a fee of $7.50, such fee to be refunded in its entirety to the applicant if the investigation is not made. (Sec. 13 "Ninth", 39 Stat. 372, Secs. 26, 32, 48 Stat. 44, 48, as amended: 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e), and Sup.; 6 CFR 19.333) (Res. Bd. Dir., December 22, 1943)

§ 27.5 *Applicability of bank fees.* The fee schedule described in §§ 27.1 and 27.2 is applicable to single Federal land bank or Land Bank Commissioner first mortgage loans; in the event the application results in a joint land bank and Land Bank Commissioner loan, the fee shall be computed upon the basis of the aggregate amount loaned. (Sec. 13 "Ninth", 39 Stat. 372, Secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e), and Sup.; 6 CFR 19.334, 19.335) (Res. Bd. Dir., December 22, 1943)

Section 27.3 of Title 6, Code of Federal Regulations, is hereby revoked. (Res. Bd. Dir., December 22, 1943)

[SEAL] THE FEDERAL LAND BANK OF ST. PAUL.
D. S. GRAY,
Vice President.

[F. R. Doc. 44-668; Filed, January 13, 1944; 9:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[Q. 72, Rev. Reg. 2, Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

MODIFICATION OF WHITE-FRINGED BEETLE QUARANTINE REGULATIONS

Introductory note. This revision of the regulations has for its only purpose the extension of the regulated areas to include new places where white-fringed beetles have been found in Alabama, Mississippi, and North Carolina. Counties brought within the regulated areas, in

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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part, for the first time are Baldwin and Crenshaw in Alabama to include infestations centering in Foley and Luverne; Hancock County in Mississippi to include Bay Saint Louis, Waveland, and an isolated tract; Simpson County, Miss., to include areas in the vicinity of Mendenhall and D'Lo; and parts of the North Carolina counties of Anson, Cumberland, and Onslow, because of infestations in the vicinity of Peachland, Hope Mills, Jacksonville, and Kellum. A rather general infestation in the vicinity of Collins, Miss., necessitated extension of regulated area in Covington County, and minor additions are made in the Mississippi counties of Forrest, Jefferson Davis, and Lamar, and in the Alabama counties of Conecuh, Covington, Monroe, and Wilcox. No change is made in the regulated areas in the three North Carolina counties heretofore under regulation nor in the areas in Florida or Louisiana.

Pursuant to the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), § 301.72–2 of the subpart entitled "White-Fringed Beetle" of Part 301, Chapter III, Title 7, Code of Federal Regulations (Regulation 2 of the regulations supplemental to Notice of Quarantine No. 72), which was promulgated effective December 28, 1942, is hereby amended effective January 14, 1944, to read as follows:

Areas Under Regulation

§ 301.72–2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

Alabama—In Baldwin County: Sec. 31, T. 7 S., R. 4 E.; secs. 35 and 36, T. 7 S., R. 3 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; and secs. 6 and 7, T. 8 S., R. 4 E.; *in Conecuh County:* W2/3 T. 5 N., R. 9 E., and all these portions of Tps. 5 and 6 N., R. 8 E., and of W2/3 T. 7 N., R. 9 E., lying in Conecuh County; *in Covington County:* Secs. 30 and 31, T. 2 N., R. 18 E.; S1/3 T. 2 N., R. 17 E.; T. 1 N., Rs. 17 and 18 E.; SE1/4 T. 1 N., R. 16 E. and all area south thereof to the Alabama-Florida State line; also all the town of Opp; *in Crenshaw County:* Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E.; and secs. 3, 4, 5, 6, T. 8 N., R. 18 E.; *in Dallas County:* That area included within a boundary beginning on the Southern Ry. where it crosses Bougechitto Creek; thence SW. along the Southern Ry. to Caine Creek; thence SE. along Caine Creek to its intersection with Bougechitto Creek; thence northward along Bougechitto Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E.; and secs. 1, 12, 13, 24, 25, and 36, T. 14 N., R. 10 E.; *in Escambia County:* Secs. 32, 33, and 34, T. 1 N., R. 9 E., including all of the town of Flomaton; *In Geneva County:* Secs. 31, 32, and 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; *in Lowndes County:* W2/3 T. 14 N., R. 12 E.; *in Mobile County:* That area included within a boundary beginning at a point where the eastern boundary of the city limits of Mobile, if extended northward, would intersect the northern boundary of S1/3 T. 8 S., R. 1 W.; thence west to Chickasaw Creek; thence northwestward along Chickasaw Creek to Eight-Mile Creek; thence westerly along Eight-Mile Creek to the western boundary of R. 1 W.; thence south to Eslava Creek; thence easterly along Eslava Creek to the city limits of Mobile; thence southeasterly following the city limits east, south, east, and north to the starting point, including all of Blakeley Island and the city of Mobile; also that area included within a boundary beginning at a point where old Highway 90 crosses Fowl River; thence southwestward along old Highway 90 to its junction with the Alabama-Mississippi State line; thence south along the Alabama-Mississippi State line to the southern boundary of N1/3 T. 7 S., R. 4 W.; thence east to the SE. corner sec. 9, T. 7 S., R. 3 W.; thence north to the NE corner sec. 4, T. 7 S., R. 3 W.; thence east to the point where the south boundary of T. 6 S. intersects Fowl River; thence northwestward along Fowl River to the starting point; *in Monroe County:* That portion of W2/3 T. 7 N., R. 9 E., lying in Monroe County; W2/3 T. 8 N., all of T. 9 N., and S1/2 T. 10 N., all in R. 9 E.; Tps. 7, 8, 9 N., and S1/2 T. 10 N., R. 8 E.; those portions of Tps. 5 and 6 N., R. 8 E. lying in Monroe County; SE1/4 T. 10 N., R. 7 E.; E1/2 Tps. 7, 8, 9, N., R. 7 E.; and NE1/4 and secs. 22, 23, and 24, T. 6 N., R. 7 E.; *in Wilcox County:* N1/2 T. 10 N., and all of T. 11 N., R. 9 E.; N1/2 T. 10 N., R. 8 E.; NE1/4 T. 10 N., R. 7 E.

Florida—In Macambia County: All that part lying south of the northern boundary of T. 1 N., including all of the city of Pensacola, and that part of the county north of the southern boundary of T. 5 N. and east of the western boundary of R. 31 W.; *in Okaloosa County:* T. 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, 24, T. 3 N., R. 24 W.; *in Walton County:* T. 5 N., Rs. 20 and 21 W.; and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; also secs. 1 to 24, inclusive, T. 4 N., R. 19 W.

Louisiana—All of Orleans Parish, including the city of New Orleans, and all of Saint Bernard Parish; *in East Baton Rouge Parish:* All of T. 7 S., Rs. 1 and 2 E. and 1 W., including all of the city of Baton Rouge; *in Iberia Parish:* All of secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 46, 55, 56, 57, 58, 59, 60, T. 13 S., R. 6 E.; *in Jefferson Parish:* That part lying north of the township line between Tps. 14 and 15 S.; *in Plaquemines Parish:* That part lying north of the township line between Tps. 15 and 16 S.; in *Saint Tammany Parish:* All of secs. 38, 39, and 40, T. 7 S., R. 11 E.; and secs. 40 and 41, T. 8 S., R. 11 E.

Mississippi—In Covington County: S2/3 T. 3 N., Rs. 14, 15, 16, and 17 W.; N1/6 T. 7 N., Rs. 16 and 17 W.; secs. 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 6 N., R. 14 W.; and secs. 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, T. 6 N., R. 15 W.; *in Forrest County:* T. 1 S., R. 12 W.; E1/3 T. 1 S., R. 13 W.; Tps. 1 and 2 N., R. 12 W.; that part of T. 3 N., R. 12 W. lying south and west of Leaf River; T. 3 N., R. 13 W.; those portions of T. 4 N., Rs. 12 and 13 W. and of T. 5 N., R. 13 W. lying west of Leaf River; and T. 5 N., R. 14 W.; *in Hancock County:* Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 6 S., R. 14 W.; and Tps. 8 and 9 S., R. 14 W. including all the town of Bay Saint Louis; *in Harrison County:* That area included within a boundary beginning at the NW. corner sec. 36, T. 4 S., R. 12 W.; thence south to the NW. corner sec. 14, T. 6 S., R. 12 W.; thence west to the NW. corner sec. 16, T. 6 S., R. 12 W.; thence south to the intersection with Wolf River; thence southwesterly along Wolf River to Saint Louis Bay; thence south along the east shore of Saint Louis Bay to the Mississippi Sound; thence eastward along the Mississippi Sound to a point of intersection with the Bay of Biloxi; thence westerly along the Bay of Biloxi to the SE. corner sec. 17, T. 7 S., R. 10 W.; thence north along the section line to the NE. corner sec. 5, T. 7 S., R. 10 W.; thence west along the section line to Biloxi River; thence northwestward along Biloxi River to the intersection of the east line of sec. 5, T. 6 S., R. 11 W.; thence north to the Stone County line; thence west to the starting point including all properties extending over or into the Mississippi Sound and the Bay of Biloxi; *in Hinds County:* E1/2 T. 6 N., R. 3 W., and W1/3 T. 6 N., R. 2 W.; *in Jackson County:* That area included within a boundary beginning at a point where the east line of sec. 19, T. 7 S., R. 5 W. intersects Escatawpa River; thence west along said river to the Pascagoula River; thence south along the Pascagoula River to the township line between Tps. 7 and 8 S.; thence east to the SE. corner sec. 31, T. 7 S., R. 5 W.; thence north to the starting point; all that portion of T. 7 S., R. 9 W. lying in Jackson County and the W2/3 Tps. 7 and 8 S., R. 8 W.; *in Jefferson Davis County:* Secs. 18, 19, 30, and 31, T. 8 N., R. 18 W.; secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 8 N., R. 19 W.; NE1/4 T. 7 N., R. 19 W.; and secs. 6, 7, and 18, T. 7 N., R. 18 W., including all of the town of Prentiss; *in Jones County:* Secs. 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 9 N., R. 11 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, and 18, T. 8 N., R. 11 W.; secs. 13, 14, 24, 25, 35, and 36, T. 9 N., R. 12 W.; those portions of secs. 23 and 26, T. 9 N., R. 12 W., lying east of Tallahoma Creek; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 12 W.; secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 13 W.; and those portions of secs. 28 and 33, T. 6 N., R. 13 W., lying west of Leaf River; *in Lamar County:* All the town of Purvis and sec. 31, T. 1 N., R. 14 W.; secs. 35 and 36, T. 1 N., R. 15 W.; secs. 1 and 2, T. 1 S., R. 15 W.; and E1/3 Tps. 3 and 4 N., R. 14 W.; *in Pearl River County:* All that area included within a boundary beginning at a point at the northern city limits of Poplarville in sec. 19, T. 2 S., R. 15 W., on the New Orleans and Northeastern R. R.; thence northeasterly along said railroad to a point where it intersects the south line of sec. 15, T. 1 S., R. 15 W.; thence east to the SE. corner sec. 14, T. 1 S., R. 15 W.; thence north to the Lamar County line; thence west and north along said county line to the NW. corner sec. 4, T. 1 S., R. 15 W.; thence south to the NW. corner sec. 16, T. 1 S., R. 15 W.; thence west to the NW. corner sec. 18, T. 1 S., R. 15 W.; thence south to the NW. corner sec. 18, T. 2 S., R. 15 W.; thence west to the NW. corner sec. 13, T. 2 S., R. 16 W.; thence south along the section line to a point where it would intersect the line of the northern boundary of Poplarville if extended westward; thence east along this line to the starting point; all of T. 5 S., R. 16 W., and the E1/2 of T. 5 S., R. 17 W.; *in Simpson County:* Secs. 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34, and 35, T. 2 N., R. 4 E.; and secs. 2, 3, 4, and 5, T. 1 N., R. 4 E.; *in Stone County:* W1/3 Tps. 2 and 3 S., R. 11 W.; secs. 5, 6, 7, 8, 17, 18, 19, 20, T. 4 S., R. 11 W.; E1/3 T. 2 S., R. 12 W., and secs. 3, 4, 5, 8, 9, and 10, T. 2, S., R. 12 W.; E1/3 T. 3 S., R. 12 W.; and secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.

North Carolina—In Anson County: That area bounded on the east by a due north-south line 1 mile east of the intersection in Peachland of U. S. Highway No. 74 and the Diamond Hill Road; on the west by a due north-south line intersecting U. S. Highway No. 74 at the point where it crosses Lanes Creek; on the north by a due east-west line 1.1 miles north of the intersection in Peachland of U. S. Highway No. 74 and the Diamond Hill Road; and on the south by the southern corporate limits of Peachland extended; *in Cumberland County:* That area bounded on the south by Rockfish Creek; on the east by U. S. Highway No. 301; and on the north and west by a due east-west line and a due north-south line, respectively, both intersecting at the junction of the Cumberland-Hope Mills Road and the Fayetteville-Dundarrach Road; *in New Hanover County:* The city of Wilmington; Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and that part of Masonboro Township north of the new road between Sunset Park and Winter Park; *in Onslow County:* An area ½ mile wide along each side of U. S. Highway No. 17 beginning west of Jacksonville at the intersection of U. S. Highway No. 17 and N. C. Highway No. 24 and extending northeast along U. S. Highway No. 17 to the western boundary of the Hofmann Forest, including all the town of Jacksonville; *in Pender County:* Townships of Burgaw, Caswell, and Rocky Point and that part of Columbia Township lying south of an imaginary straight line drawn east and west across the township to connect the northern boundaries of Burgaw and Caswell Townships; *in Wayne County:* Goldsboro Township.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161; 7 CFR 301.72)

This amendment shall be effective on and after January 14, 1944.

Done at the city of Washington this 12th day of January 1944.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 44–707; Filed, January 13, 1944; 11:23 a. m.]

Chapter X—War Food Administration

(Production Orders)

[FPO 9, Order 4]

PART 1220—FEED

SHIPMENTS OF SOYBEAN OIL MEAL INTO DESIGNATED AREA

Pursuant to the authority vested in me by Food Production Order No. 9, Rev. 3 (8 F.R. 16960), issued on December 18, 1943, to effectuate the purposes of such order pertaining to the restrictions on delivery of oilseed meal into designated areas, and in view of the shortage of soybean crushing capacity and shortage of soybean oil meal, cake or pellets (hereinafter referred to as "soybean oil meal") in many States, and to secure an equitable distribution of soybean oil meal, it is hereby ordered, as follows:

§ 1220.6 *Restrictions on shipments of soybean oil meal into the designated area*—(a) *Shipments and delivery restricted.* Except when otherwise authorized by the Director, no soybean oil

meal shall be delivered or shipped into the area designated in paragraph (b) hereof. This restriction does not apply to deliveries or shipments of soybean oil meal from processing plants located within the designated area to other places within such area.

(b) *Designated area.* Shipment or delivery of soybean oil meal shall not be made into any of the following States:

North Carolina.	Mississippi.
South Carolina.	Tennessee.
Georgia.	Arkansas.
Florida.	Louisiana.
Alabama.	

(c) *Extension of designated area.* Effective February 1, 1944, the list of States contained in paragraph (b) above is hereby extended to include the following States:

Oklahoma.	Arizona.
Texas.	Nevada.
New Mexico.	California.

(d) *Contracts for delivery in designated area*—(1) *Processor's duty.* Processors located outside the area designated in paragraph (b) above who sell or have sold soybean oil meal for shipment or delivery into the designated area shall, for the purpose of making deliveries under such sales, arrange with the Commodity Credit Corporation for the shipment of soybean oil meal from processing mills located within such designated area.

(2) *Buyer's duty.* Any person who has purchased or who purchases soybean oil meal for shipment into the designated area shall accept shipment through the Commodity Credit Corporation from processing mills located within the designated area in full satisfaction of any such purchase.

(e) *Records and reports.* Every person subject to this order shall maintain the records required by Food Production Order No. 9, Rev. 3, with respect to sales and deliveries of soybean oil meal made under the provisions of this order.

(f) *Communications.* All communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Food Production, War Food Administration, Washington 25, D. C., Ref: FPO No. 9–4.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F. R. 14783; FPO 9, Rev. 3, 8 F.R. 16960)

Issued this 13th day of January 1944.

J. B. HUTSON,
Director of Food Production.

[F. R. Doc. 44–708; Filed, January 13, 1944; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 237]

AFFIDAVIT—OCCUPATIONAL CLASSIFICATION (GENERAL)

ORDER PRESCRIBING FORMS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 42, entitled "Affidavit—Occupational Classification (General)", effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of DSS Form 42 on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1943.

[F. R. Doc. 44–656; Filed, January 12, 1944; 3:37 p. m.]

[No. 236]

AFFIDAVIT—OCCUPATIONAL CLASSIFICATION

ORDER PRESCRIBING FORMS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 42 Special, entitled "Affidavit—Occupational Classification (Form 42 Special)", effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 42A Special, entitled "Affidavit—Occupational Classification (Form 42A Special)", effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 4, 1944.

[F. R. Doc. 44–657; Filed, January 12, 1944; 3:37 p. m.]

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amendment 138]

PART 802—GENERAL LICENSES

GIFTS TO PRISONERS OF WAR AND INTERNEES

Paragraph (a) of § 802.16 *General license, gifts to prisoners of war and internees* is hereby amended in the following particulars:

1. The first sentence thereof is hereby amended by inserting between the words "of the United States" and the words "and British Empire" the words "and The Netherlands."

2. Subparagraph (8) is hereby amended by adding to the list of commodities set forth therein the following commodities:

Cotton raincoats
Iodine crystals
Saccharin
Sponges (except rubber)
Banana flakes

[1] Filed as part of the original document.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 31, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44–662; Filed, January 13, 1944; 9:15 a. m.]

[Amendment 139]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General License Group
Chemicals:		
Boric acid	8141.00, 8308.00	None
Fertilizers, nitrogenous organic waste materials, (include fish meal, hoof meal, guano, castor-bean pomace, manures, packing house offal, intended for fertilizers	8510.00	None
Toys, athletic and sporting goods:		
Ice skates	9440.00	
Ice skates with shoes attached	9440.00	None
Other ice skates	9440.00	K

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective January 18, 1944, with respect to all commodities except "Other ice skates".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 6, 1944.

S. H. LEBENSBURGER,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44–663; Filed, January 13, 1944; 9:15 a. m.]

[Amendment 140]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE

Section 802.11 *Personal baggage* is hereby amended in the following particulars:

Paragraph (b) is hereby amended to read as follows:

(b) (1) "Personal effects" shall include clothing, books, toilet articles, souvenirs, articles of personal adornment and similar articles of a total value not to exceed $150, and for which no OPA ration currency must be surrendered.

(2) A general license is hereby granted authorizing the exportation of personal effects when shipped in the baggage of a crew member of a vessel solely for his own or his immediate family's use and not for resale or other commercial purposes.

Paragraph (c) is hereby amended to read as follows:

(c) Crew members and passengers of vessels of the registry of countries other than those designated by numbers 1 through 3, 5 through 58, 60 through 67, 71 through 81, 99 in § 802.2 (a) of this subchapter, or of the Netherlands, Norway or Poland shall not take under general license as personal baggage, radios, radio parts, foodstuffs, cameras, electrical apparatus, scientific instruments, technical books and not more than one fountain pen.

There is hereby added to this section paragraph (e) as follows:

(e) Radios may not be exported pursuant to any general license granted in this section unless they are shielded in accordance with United States Navy orders.

This amendment shall become effective January 18, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 8, 1944.

S. H. LEBENSBURGER,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44–664; Filed, January 13, 1944; 9:15 a. m.]

[Amendment 141]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General License Group
Art work:		
Paintings, etchings, engravings, statuary, & antiques (include valuable manuscripts)	9610.00	K
Glass:		
Rolled glass (include standard and wire)	5218.00	K
Jewelry:		
Jewelry and other articles to be worn on or carried about the person, of materials other than metal (synthetic resin, cellulose compounds, etc.):		
Jewelry, men's (include rings, collar & cuff buttons, studs, tie clips & holders, watch bracelets & stick pins)	9627.00	K
Jewelry, women's (include rings, bracelets, bar pins, brooches, necklaces, and earrings)	9628.00	K
Other articles (include cigarette cases, pocket cigar and cigarette lighters, compacts, powder & vanity cases)	9629.00	K
Leather manufactures:		
Leather manufactures, n. e. s. (include used or secondhand leather belting and leather watch straps)	9699.00	None
Miscellaneous:		
Beads and bead articles	9840.05	K
Office supplies, miscellaneous:		
Ink, printing and lithographic	9822.00	
Ink, newspaper, channel type carbon black	9322.00	K
Other printing and lithographic ink (excluding channel type carbon black newspaper ink)	9822.00	62
Scientific and professional instruments, apparatus and supplies:		
Teeth, artificial	9152.00	K
Textile products:		
Wool-felt hats	3953.00	None
Toys, athletic and sporting goods:		
Amusement park and playground devices and parts (include bowling alleys, merry-go-rounds, slides, swings, trapese, climbing ropes, seesaws, horizontal bars and other athletic contrivances)	9450.00	K
Children's wheel goods and parts	9405.00	K
Fishing tackle and parts, n. e. s.	9422.00	K
Golf clubs	9436.00	K
Reels, fishing	9421.00	K
Roller skates	9441.00	K
Other athletic and sporting goods, n. e. s.	9449.00	K

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions. With respect to the commodities listed under the headings "Leather Manufactures" and "Textile Products" this amendment shall become effective January 18, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 12, 1944.

S. H. LEBENSBURGER,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44–665; Filed, January 13, 1944; 9:15 a. m.]

[Amendment 142]

PART 802—GENERAL LICENSES

SHIPMENTS NOT EXCEEDING SPECIFIED VALUE

Section 802.10 *General licenses which permit shipments not exceeding a specified value* is hereby amended in the following particulars:

Paragraph (a) is hereby amended by adding to the commodities listed therein the following commodities:

Commodity	*Schedule B Number*
*Arnica	2209.33, 8124.98
*Arsenic salts and compounds	8309.90, 8309.98
*Barbituric acid and derivatives	All
*Calcium gluconate	8135.98
*Carbarsone	8127.98, 8180.98
*Carbromal	8127.98, 8180.98
*Cascara bark and derivatives	2201.00, 8124.98, 8127.98
*Chaulmoogra oil	2249.98
*Cinchonidine	All
*Cinchonine	All
*Cinchophen	8135.98
*Colchicum and derivatives	2209.29, 8124.98, 8127.98, 8135.98
*Emetine	All
*Guaiacol	8135.98
*Gum benzoin	2189.98
*Lactose (milk sugar)	8135.98
*Lanolin	0658.05
*Mapharsen	8124.98, 8135.98
*Neoarsphenamine	8124.98, 8135.98
*Phenolphthalein (yellow and white)	8135.98
*Penicillin	8124.98, 8135.98
*Quinidine	All
*Stramonium	2209.25, 8124.98, 8127.98, 8180.14, 8180.19
*Sulfarsphenamine	8124.98, 8135.98
*Totaquine	8157.05
*Vitamine and viosterols (all)	8119.98
*Yeast	1259.98

Paragraph (c) is hereby amended to read as follows:

(c) A general license is hereby granted authorizing the exportation to Iceland of all medicinals except those set forth in paragraphs (a) and (b) of this section.

Paragraph (d) is hereby amended to read as follows:

(d) (1) A general license is hereby granted authorizing the exportation to destinations in general license country group K, as set forth in § 802.3 (a) of this subchapter, of all medicinals, except those set forth in paragraphs (a) and (b) of this section, where the net value of a single shipment does not exceed $100.00.

(2) Mixtures or preparations containing any medicinal which is preceded by an asterisk as set forth in paragraph (a) of this section may be exported pursuant to general licenses granted in this section: *Provided*, That the value of such medicinal does not exceed $1.00 in a single shipment.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 11, 1944.

S. H. LEBENSBURGER,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-666; Filed, January 13, 1944; 9:16 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 921—ALUMINUM AND MAGNESIUM [1]

[General Preference Order M-2-b as Amended Jan. 13, 1944]

MAGNESIUM

Section 921.16 *General Preference Order M-2-b* is amended to read as follows:

§ 921.16 [1] *General Preference Order M-2-b*—(a) *Definitions.* For the purposes of this order:

(1) "Magnesium" means any metal in ingot or other raw form, the principal ingredient of which by weight is the element magnesium.

(2) "Magnesium products" means any basic forms (such as, but not limited to, castings, extrusions, sheet, strip, plate, forgings, and powder), the principal ingredient of which by weight is magnesium.

(3) "Magnesium scrap" means any scrap material (except sawings, grindings, sweepings, and similar fines), the principal ingredient of which by weight is magnesium, generated in the course of any industrial process, or any discarded magnesium products, which must be remelted to be of value for further use. The term "magnesium scrap" also includes any dross or sludge resulting from melting magnesium or magnesium scrap, when the dross or sludge contains at least 20 percent of magnesium by weight.

(4) "Producer" means any person who makes magnesium, in whole or in part, from a non-metallic raw material.

[1] Formerly Part 922, § 922.3.

(5) "Approved smelter" means one of the smelting plants listed on Exhibit A attached hereto.

(6) "Fabricator" means any person, including pattern shops, foundries, and powder grinders, who makes magnesium products.

(b) *Delivery and use.* Except as provided in paragraph (g) with respect to dead stock, no person shall deliver, accept delivery of, or use magnesium, and no person shall deliver or accept delivery of magnesium products unless his action has been specifically authorized in writing by the War Production Board, or, in the case of certain deliveries of magnesium products for aircraft purposes, by the Aircraft Scheduling Unit of the Aircraft Resources Control Office. The receipt by a fabricator from the Aircraft Scheduling Unit, of a Magnesium Allotment Notice to Fabricators for the months of February and March of 1944, shall constitute specific authorization in writing by the Aircraft Scheduling Unit to the fabricator to deliver the magnesium products described on the notice in the amounts allotted and to the customer designated thereon; and the receipt by a manufacturer from the Aircraft Scheduling Unit of a Magnesium Allotment Notice for the months of February and March of 1944, shall constitute specific authorization in writing by the Aircraft Scheduling Unit to accept delivery of the magnesium products described on the notice, in the amounts allotted and from the supplier designated thereon.

(c) *Prohibition against alloying, contamination, and debasement.* No person shall alloy, contaminate or debase magnesium except as the War Production Board may specifically authorize in writing.

(d) *Collection, segregation, and use of scrap.* (1) Each person owning or generating any magnesium scrap shall collect all such scrap, place it in containers, label the containers so as to identify the scrap, and otherwise prepare all such scrap for reprocessing. All magnesium scrap shall be kept free of contamination by other metals and materials, and otherwise handled in such manner so that it will be of acceptable quality for reprocessing.

(2) In addition, each person generating more than 1,500 pounds of magnesium scrap in any month beginning with December, 1943, shall thereafter segregate all magnesium scrap unless specifically authorized in writing by the War Production Board to do otherwise. Such scrap shall be segregated by alloys in accordance with the alloy designation of the American Society for Testing Materials, except that alloys #4 and #17 may be mixed with each other. Commercially pure magnesium, and magnesium scrap of each alloy not described by such designations, shall be kept segregated.

(3) Each person receiving segregated magnesium scrap must keep such scrap segregated prior to its use to the same extent as when received by him, and if he redelivers such scrap, he shall do so segregated to the same extent as when it was received by him.

(4) Any fabricator may use any magnesium scrap generated in his plant (or any casting of his own manufacture rejected or spoiled by another person) but only (i) if the scrap is remelted and refabricated in such plant into products for the production of which the fabricator is currently obtaining deliveries of magnesium in conformity with this order and (ii) if, in estimating, applying for, and ordering such magnesium, the fabricator reduces his requirements by an amount which represents a reasonable anticipation of the amount of magnesium scrap which will be recoverable for re-use under this paragraph.

(e) *Disposition of all scrap.* (1) Except as the War Production Board may specifically authorize in writing, any person, other than a producer or approved smelter, owning any magnesium scrap, shall sell all of it at reasonable intervals to a producer or approved smelter, and shall not use or dispose of it in any other way. However, a person who has found a new magnesium casting to be defective or has spoiled it, may deliver the casting back to the foundry which produced it.

(2) Except as specifically authorized in writing by the War Production Board, no producer or approved smelter shall mix two or more alloys during the remelting of scrap.

(3) Unless specifically authorized by the War Production Board in writing, no person other than a producer or approved smelter shall accept delivery of any magnesium scrap except that a foundry may accept delivery of a casting of its own manufacture which has been rejected or spoiled in machining.

(f) *Tolling prohibited.* Except as the War Production Board may specifically authorize in writing pursuant to an application filed on Form WPB-165 (formerly Form PD-114), no scrap shall be delivered for processing or returned under any toll, repurchase, or similar arrangement.

(g) *Dead stock.* All magnesium and magnesium products which are not being used in, or which are in excess of reasonable needs for, the manufacture of items approved by written specific authorization, may be sold subject to the restrictions of Priorities Regulation No. 13.

(h) *Requests for authorizations and communications.* (1) A fabricator who seeks the specific authorization of the War Production Board to accept magnesium after January 31, 1944, and to use it, and who seeks specific authorization for the producer or smelter who is his supplier to deliver the magnesium, should apply monthly by letter in duplicate, stating the form, alloy, and other specifications of the magnesium required, the amount in pounds of each type of magnesium, the magnesium product to be made from each type of magnesium, and the month in which, and the address to which, the magnesium is to be shipped. Such application should be made by the 15th of the month preceding the month of requested delivery.

(2) Consumers seeking to obtain delivery of magnesium products after April 1, 1944, may apply for specific authorization to accept delivery, and for specific authorization running to the fabricator who is his supplier to make the delivery, on Form WPB-3462, whether the application is made to the War Production Board or to the Aircraft Scheduling Unit. Instructions appear on the form indicating the manner and place of filing.

(3) Any person who seeks the specific authorization of the War Production Board to do anything under this order not covered in paragraph (h) (1) or (h) (2), may request his authorization by letter in duplicate, setting forth the relevant facts.

(4) All other applications, statements, or communications to the War Production Board concerning matters related to this order should be addressed to the War Production Board, Aluminum and Magnesium Division, Washington 25, D. C., Reference: M-2-b.

(i) *Report of operations.* Any person who in any calendar month has had in inventory any magnesium, magnesium products, or magnesium scrap, shall file such reports as may be required from time to time by the War Production Board.

(j) *Intra-company deliveries.* The provisions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A—APPROVED SMELTERS OF MAGNESIUM

Aluminum and Magnesium, Inc., 1 Huron St., Sandusky, Ohio.

American Smelting & Refining Co., Federated Metals Division, Barber, New Jersey.

Apex Smelting Co., 2537 West Taylor St., Chicago, Illinois.

Berg Metals Corp., 2652 Long Beach Ave., Los Angeles, Calif.

Gallagher Smelting Co., 1820 Tenth St., Oakland, California.

National Smelting Co., 6700 Grant Avenue, Cleveland 5, Ohio.

[F. R. Doc. 44-693; Filed, January 13, 1944; 11:19 a. m.]

PART 3133—PRINTING AND PUBLISHING

[General Limitation Order L-240, Supp. 1 as Amended Jan. 13, 1944]

NEWSPAPERS

Section 3133.6a *General Limitation Order L-240, Supplement No. 1* is hereby amended to read as follows:

§ 3133.6a *General Limitation Order L-240, Supplement No. 1*—(a) *Purpose of appeal clause.* The serious shortage in the supply of print paper available for newspapers in the first quarter of 1944 makes it necessary for all publishers to reduce their consumption substantially, as provided in Order L-240. Such reductions may create serious hardships, which, however, are unavoidable in time of war. Appeals are not granted to ameliorate, in individual cases, hardships applicable to an entire industry. They are granted only to provide relief, where possible, from undue and excessive hardship which would be created if the order were applied without modification to an exceptional set of circumstances. Appeals which do not contain proof establishing this type of hardship will be denied.

(b) *Adjustments for circulation increases.* The amendment to Order L-240 effective January 1, 1944 permits all publishers to adjust their consumption quotas by a factor reflecting circulation increases in 1942 over 1941. This adjustment eliminates the need for appeals based upon circulation growth prior to the issuance of L-240 on December 31, 1942.

(c) *Adjustments for certain base period hardships.* Permanent adjustments in base period usage have been made for newspapers which:

(1) Were not in existence throughout 1941,

(2) Temporarily suspended publication during 1941 because of strikes, mechanical break-downs, or similar circumstances, or

(3) Reduced their consumption of print paper in 1941 by voluntary conservation methods.

These adjustments eliminate the need for appeals based upon such grounds.

(d) *Factors to be considered.* In passing upon appeals under Order L-240 the following factors will be taken into consideration:

(1) Extraordinary growth of population in the newspaper's trading area since January 1, 1943 requiring the grant of additional paper in order to maintain adequate newspaper service to the community.

(2) Discontinuance or merger of newspapers, requiring adjustments in the quotas of other newspapers in the trading area in order to maintain adequate newspaper service to the community.

(3) Any other unforeseen, unusual, extraordinary or emergency conditions which may constitute undue and excessive hardship.

(e) *Economical usage.* In every case where additional tonnage is recommended, the amount will be computed on the basis of economical usage of paper. Ex-quota paper will be denied to the extent that a publisher can meet his requirements through paper conservation. The feasibility of instituting particular economies will be viewed in the light of local conditions.

Procedure

(f) *How appeals are submitted.* Appeals from Order L-240 shall be filed by addressing a letter in duplicate to the War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-240.

(g) *Form of appeals.* The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, and the reasons why denial of the appeal would result in undue and excessive hardship.

(h) *Denial by administrator.* Appeals may be denied in the first instance by the administrator of the order.

(i) *Re-appeal from denial by administrator.* When an appeal has been denied by the administrator of the order, the appellant may re-appeal, within 15 days after the letter of denial is mailed, by addressing a letter to the War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-240. This letter may contain simply a request that the case be forwarded to the Appeals Board. Any additional information which the appellant cares to submit at this time will also be forwarded to the Appeals Board.

(j) *Grant of appeals.* Although the administrator of the order may deny an appeal in the first instance, only the Appeals Board has the power to grant relief in individual cases from the provisions of the order.

(k) *Recommendation of grant by the administrator.* When the administrator of the order believes that an appeal is meritorious he shall refer the case to the Printing and Publishing Division Appeals Committee, consisting of himself, the Assistant Director of the Printing and Publishing Division for Labor, a representative of the Office of Civilian Requirements and a representative of the Conservation Division. Thereafter, the case shall be forwarded to the Appeals Board with the written recommendation of the administrator of the order and the written concurrence or non-concurrence of each member of the Division Appeals Committee.

(l) *Optional reference to Appeals Board by administrator.* The administrator of the order may, if he desires, refer a case to the Appeals Board with a recommendation of denial or with no recommendation at all.

(m) *Hearings by Appeals Board.* If the Appeals Board desires to obtain additional facts not contained in the file it may, in its discretion, hold a public hearing on any appeal. To the extent consistent with the necessity for emergency relief, a schedule of hearings shall be made up in advance. Information concerning the time and place of any scheduled hearing shall be available at the office of the Appeals Board at any time during business hours.

(n) *Conduct of hearing.* Hearings by the Appeals Board are open to the public. All interested parties may attend and, in the discretion of the Board, may be heard. The hearings are informal and the Board is not bound by legal rules of

evidence. It is not necessary for an appellant to be represented by counsel, although he may do so if he wishes.

(o) *Decision by Appeals Board.* The Appeals Board may grant or deny an appeal in whole or in part. It may also attach conditions to a grant, directing the manner in which ex-quota tonnage shall be used.

(p) *Finality of decision.* The decisions of the Appeals Board shall be final unless that Board elects to reopen the case.

(q) *Public files.* Whenever an appeal has been granted, a public file shall be set up, consisting of the following:

(1) All papers filed by the appellant in support of the appeal.

(2) A memorandum containing the recommendation of the administrator.

(3) A memorandum by the Appeals Board of the grounds of its decision in cases where it overrules the administrator's recommendation, or follows his recommendation for different reasons.

(4) A transcript of the record of the public hearing (or if the stenographic notes of the hearing have not been transcribed, a memorandum referring to the notes and stating how a transcript may be obtained.)

The public file shall be available for public inspection at any time during the business hours of the War Production Board. This paragraph shall not apply to appeals filed before October 7, 1943.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-694; Filed, January 13, 1944; 11:19 a. m.]

PART 3133—PRINTING AND PUBLISHING

[General Limitation Order L-244, Supp. 1 as Amended Jan. 13, 1944]

MAGAZINES

Section 3133.15a *General Limitation Order L-244, Supplement No. 1* is hereby amended to read as follows:

§ 3133.15a *General Limitation Order L-244, Supplement No. 1*—(a) *Purpose of appeal clause.* The serious shortage in the supply of print paper available for magazines makes it necessary for publishers to reduce their consumption substantially, as provided in Order L-244. Such reductions may create serious hardships—which, however, are unavoidable in time of war. Appeals are not granted to ameliorate, in individual cases, hardships applicable to an entire industry. They are granted only to provide relief, where possible, from undue and excessive hardships which would be created if the order were applied without modification to an exceptional set of circumstances. Appeals which do not contain proof establishing this type of hardship will be denied.

(b) *Adjustments for certain hardships.* Adjustments have been made for magazines which:

(1) Conserved paper voluntarily during 1942;

(2) Were not in existence throughout 1942;

(3) Were started in the first quarter of 1943; or

(4) Temporarily suspended publication in 1942 because of strikes, mechanical breakdowns or similar conditions.

These adjustments eliminate the need for appeals based upon such grounds.

(c) *Factors to be considered.* In passing upon appeals under Order L-244, the following factors will be taken into consideration:

(1) Unusual seasonal variations in publishing schedules, requiring redistribution of quarterly quotas.

(2) Increased need for religious or instructional publications required by the Armed Forces.

(3) Any other unforeseen unusual, extraordinary or emergency conditions which may constitute undue and excessive hardship.

(d) *Economical usage.* In every case where additional tonnage is recommended, the amount will be computed on the basis of economical usage of paper—not only in the magazine for which the appeal was filed but in all other magazines issued by the same publisher. Ex-quota paper will be denied to the extent that a publisher can meet his requirements through paper conservation methods in any of his magazines.

Procedure

(e) *How appeals are submitted.* Appeals from Order L-244 shall be filed by addressing a letter in duplicate to the War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-244.

(f) *Form of appeals.* The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provisions appealed from, the precise relief desired, and the reasons why denial of the appeals would result in undue and excessive hardship.

(g) *Denial by administrator.* Appeals may be denied in the first instance by the administrator of the order.

(h) *Re-appeal from denial by administrator.* When an appeal has been denied by the administrator of the order, the appellant may re-appeal, within 15 days after the letter of denial is mailed, by addressing a letter to the War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-244. This letter may contain simply a request that the case be forwarded to the Appeals Board. Any additional information which the appellant cares to submit at this time will also be forwarded to the Appeals Board.

(i) *Grant of appeals.* Although the administrator of the order may deny an appeal in the first instance, only the Appeals Board has the power to grant relief in individual cases from the provisions of the order.

(j) *Recommendation of grant by the administrator.* When the administrator of the order believes that an appeal is meritorious he shall refer the case to the Printing and Publishing Division Appeals Committee, which includes himself, the Assistant Director of the Printing and Publishing Division for Labor, a representative of the Office of Civilian Requirements and a representative of the Conservation Division. Thereafter the case shall be forwarded to the Appeals Board with the written recommendation of the administrator of the order and the written concurrence or non-concurrence of each member of the Division Appeals Committee.

(k) *Optional reference to Appeals Board by administrator.* The administrator of the order may, if he desires, refer a case to the Appeals Board with a recommendation of denial or with no recommendation at all.

(l) *Hearings by Appeals Board.* If the Appeals Board desires to obtain additional facts not contained in the file it may, in its discretion, hold a public hearing on any appeal. To the extent consistent with the necessity for emergency relief, a schedule of hearings shall be made up in advance. Information concerning the time and place of any scheduled hearing shall be available at the office of the Appeals Board at any time during business hours.

(m) *Conduct of hearing.* Hearings by the Appeals Board are open to the public. All interested parties may attend and, in the discretion of the Board, may be heard. The hearings are informal and the Board is not bound by legal rules of evidence. It is not necessary for an appellant to be represented by counsel, although he may do so if he wishes.

(n) *Decision by Appeals Board.* The Appeals Board may grant or deny an appeal in whole or in part. It may also attach conditions to a grant, directing the manner in which ex-quota tonnage shall be used.

(o) *Finality of decision.* The decisions of the Appeals Board shall be final, unless that Board elects to reopen the case.

(p) *Public files.* Whenever an appeal has been granted, a public file shall be set up, consisting of the following:

(1) All papers filed by the appellant in support of the appeal.

(2) A memorandum containing the recommendation of the administrator.

(3) A memorandum by the Appeals Board of the grounds of its decision in cases where it overrules the administrator's recommendation, or follows his recommendation for different reasons.

(4) A transcript of the record of the public hearing (or if the stenographic notes of the hearing have not been transcribed, a memorandum referring to the notes and stating how a transcript may be obtained).

The public file shall be available for public inspection at any time during the business hours of the War Production Board. This paragraph shall not apply to appeals filed before October 7, 1943.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-695; Filed, January 13, 1944; 11:19 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-245, Supp. 1 as Amended Jan. 13, 1944]

BOOKS

Section 3133.17a *Limitation Order L-245. Supplement No. 1* is hereby amended to read as follows:

§ 3133.17a *Limitation Order L-245, Supplement No. 1*—(a) *Purpose of appeal clause.* The serious shortage in the supply of print paper available for books in the first quarter of 1944 makes it necessary for all publishers to reduce their consumption substantially, as provided in Order L-245. Such reductions may create serious hardships which, however, are unavoidable in time of war. Appeals are not granted to ameliorate in individual cases hardships applicable to an entire industry. They are granted only to provide relief, where possible, from undue and excessive hardship which would be created if the order were applied without modification to an exceptional set of circumstances. Appeals which do not contain proof establishing this type of hardship will be denied.

(b) *Adjustments for certain base period hardships.* Permanent adjustments in base period usage have been made by means of appeal grants for book publishers who:

(1) Entered into publishing commitments prior to the issuance of Order L-245 (January 8, 1943).

(2) Were not in existence throughout 1942.

(3) Instituted voluntary paper conservation methods in 1942 for then-existing "libraries" or series of books, and reduced the publisher's base period usage.

These adjustments eliminate the need for appeals based upon such grounds.

(c) *Factors to be considered.* In passing upon appeals under Order L-245 the following factors will be taken into consideration:

(1) Establishment of quotas for "occasional" publishers who do not use paper every year and who used none in 1942.

(2) Increased need for religious or instructional publications required by the Armed Forces.

(3) Any other unforeseen, unusual, extraordinary or emergency conditions which may constitute undue and excessive hardship.

(d) *Economical usage.* In every case where additional tonnage is recommended, the amount will be computed on the basis of economical usage of paper. Ex-quota paper will be denied to the extent that a publisher can meet his requirements through paper conservation methods.

Procedure

(e) *How appeals are submitted.* Appeals from Order L-245 shall be filed by addressing a letter to the War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-245.

(f) *Form of appeals.* The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, and the reasons why denial of the appeal would result in undue and excessive hardship.

(g) *Denial by administrator.* Appeals may be denied in the first instance by the administrator of the order.

(h) *Re-appeal from denial by administrator.* When an appeal has been denied by the administrator of the order, the appellant may re-appeal, within 15 days after the letter of denial is mailed, by addressing a letter to the War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-245. This letter may contain simply a request that the case be forwarded to the Appeals Board. Any additional information which the appellant cares to submit at this time will also be forwarded to the Appeals Board.

(i) *Grant of appeals.* Although the administrator of the order may deny an appeal in the first instance, only the Appeals Board has the power to grant relief in individual cases from the provisions of the order.

(j) *Recommendation of grant by the administrator.* When the administrator of the order believes that an appeal is meritorious he shall refer the case to the Printing and Publishing Division Appeals Committee, consisting of himself, the Assistant Director of the Printing and Publishing Division for Labor, a representative of the Office of Civilian Requirements, and a representative of the Conservation Division. Thereafter the case shall be forwarded to the Appeals Board with the written recommendation of the administrator of the order and the written concurrence or non-concurrence of each member of the Division Appeals Committee.

(k) *Optional reference to Appeals Board by administrator.* The administrator of the order may, if he desires, refer a case to the Appeals Board with a recommendation of denial or with no recommendation at all.

(l) *Hearings by Appeals Board.* If the Appeals Board desires to obtain additional facts not contained in the file it may, in its discretion, hold a public hearing on any appeal. To the extent consistent with the necessity for emergency relief, a schedule of hearings shall be made up in advance. Information concerning the time and place of any scheduled hearing shall be available at the office of the Appeals Board at any time during business hours.

(m) *Conduct of hearing.* Hearings by the Appeals Board are open to the public. All interested parties may attend, and in the discretion of the Board, may be heard. The hearings are informal and the Board is not bound by legal rules of evidence. It is not necessary for an appellant to be represented by counsel, although he may do so if he wishes.

(n) *Decision by Appeals Board.* The Appeals Board may grant or deny an appeal in whole or in part. It may also attach conditions to a grant, directing the manner in which ex-quota tonnage shall be used.

(o) *Finality of decision.* The decisions of the Appeals Board shall be final unless that Board elects to reopen the case.

(p) *Public files.* Whenever an appeal has been granted, a public file shall be set up, consisting of the following:

(1) All papers filed by the appellant in support of the appeal.

(2) A memorandum containing the recommendation of the administrator.

(3) A memorandum by the Appeals Board of the grounds of its decision in cases where it overrules the administrator's recommendation, or follows his recommendation for different reasons.

(4) A transcript of the record of the public hearing (or if the stenographic notes of the hearing have not been transcribed, a memorandum referring to the notes and stating how a transcript may be obtained).

The public file shall be available for public inspection at any time during the business hours of the War Production Board. This paragraph shall not apply to appeals filed before October 7, 1943.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-696; Filed, January 13, 1944; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Direction 2]

QUOTA AND EXPENDITURE RECORDS

The following direction is issued pursuant to CMP Reg. 5A:

(a) Each governmental agency and each institution which is subject to the quantity limitations of paragraph (f) of CMP Regulation No. 5A must compute its quota and must keep its computation and supporting work sheets in its file for two years after the last purchase made under the Regulation. It must also maintain a record of its expenditures for maintenance, repair and operating supplies for a period of not less than two years.

(b) In computing the quota and in charging purchases against the quota, a governmental agency or institution is required by paragraph (f) to include its purchases for maintenance, repair and operating supplies whether the rating or allotment symbol assigned by the Regulation is used or not. However, it may exclude the cost of food, fuel, electricity, and steam or hot water for heating, as long as it excludes such costs both from the computation of the quota and from charges against the quota.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-697; Filed, January 13, 1944; 11:20 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended Jan. 13, 1944]

SALES OF CONTROLLED MATERIALS BY WAREHOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4*—(a) *Purpose and scope.* This regulation describes the procedure to be followed by warehouses and distributors in delivering controlled materials from stock (including consigned stock) except that in the case of steel, deliveries from one distributor to another are governed by Orders M-21-b-1 and M-21-b-2.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I of CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Rejection of orders.* (1) A distributor must reject all orders except those which he is required or permitted to fill under paragraph (d).

(2) [Deleted Jan. 13, 1944.]

(3) A distributor must not deliver any steel on an authorized controlled material order bearing a specific allotment number except in the period for which the allotment was made or within 15 days before or 30 days after such period. For example, a distributor receiving an order bearing the allotment number N-1-4Q43 may fill the order at any time during the period September 15, 1943, through January 31, 1944. Orders bearing symbols such as MRO which do not have to bear any quarterly identification are not subject to this provision.

(4) A distributor may reject any order for steel on which the customer does not specify immediate delivery. Even if he elects to accept an authorized controlled material order calling for future delivery, he is not allowed to set aside the steel covered by such order. He must deliver it on any order calling for immediate delivery that he is required to fill under paragraphs (d) (1), (2) or (3), and may deliver it on any order calling for immediate delivery that he is permitted to fill under paragraph (d) (4).

(5) A distributor may reject any order calling for the delivery of steel which he does not have in stock or which he does not know is in transit to his stock.

(6) A distributor may reject all or any part of an order which the War Production Board specifically authorizes him to reject. If a delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired, he may apply to the War Production Board for authority to reject the order and may delay filling the order until his application is acted upon.

(d) *Orders which must be filled.* A distributor must fill the following kinds of orders unless he is required or permitted to reject them under paragraph (c):

(1) A distributor must fill all authorized controlled material orders.

(2) A distributor must fill orders for delivery to farmers as required by Priorities Regulation No. 19.

(3) A distributor must fill orders bearing preference ratings of AAA.

(4) A distributor may fill other orders as follows, but is not required to do so regardless of whether rated or not:

(i) Orders in amounts of $25 or less. No endorsement is required on such orders.

(ii) Orders calling for delivery to one customer during any calendar quarter of not more than 10 tons of carbon steel, 1,000 pounds of stainless steel and 2 tons of other alloy steel, providing such deliveries of any one product group and type to one customer do not exceed the amounts shown below:

	Quantities in pounds per quarter unless otherwise stated		
	Carbon (including wrought iron)	Stainless	Alloy (Other than stainless)
Tool steel, including drill rod	300	------	300
Mechanical tubing	1,000*	100*	300*
Wire rope and strand	300*	------	------*
Music Wire	300	------	------
All other steel products	20,000	1,000	4,000

*Feet per quarter.

Each order placed under this paragraph (d) (4) (ii) must be accompanied by or endorsed with both the standard form of certification in CMP Regulation No. 7 and the following sentence: "This order is placed under paragraph (d) (4) (ii) of CMP Regulation No. 4."

The purpose of this paragraph (d) (4) (ii) is to permit persons using small quantities of steel to obtain their requirements without the use of allotments; it is not to allow users of large quantities to obtain steel in addition to their purchases on authorized controlled material orders. Therefore, a person who buys any steel under this paragraph (d) (4) (ii) cannot receive steel from producers or distributors in any quarter in excess of the amounts shown in the above table whether it is received on authorized controlled material orders or otherwise. Purchases of steel from persons other than producers or distributors do not affect the amount which can be bought under this paragraph. Such purchases are subject to the provisions of Priorities Regulation 13 and paragraph (u) of CMP Regulation No. 1.

Copper

(e) *Definitions with respect to copper.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Copper wire mill product" means bare, insulated or armored wire or cable for electrical conduction made from copper or copper base alloy or copper-clad steel containing more than 20% copper by weight.

(2) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy. This does not include copper wire mill products.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, electrical wholesaler or other person engaged in the business of distributing brass mill products or copper wire mill products to industry or trade otherwise than as a controlled materials producer and includes warehouses owned by mills.

(4) "Item of copper wire mill product" means any wire or cable made from copper, copper base alloy or copper-clad steel containing more than 20% copper by weight for electrical conduction which is different from all other items of that form by reason of one or more differences of its specifications, such as size, alloy or insulation. Differences in temper or length do not differentiate items.

(5) "Item of brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy, which is different from all other items of that form, by reason of one or more differences of its specifications, such as size, shape, gauge, thickness or alloy. Differences in temper or length do not differentiate items except in the case of copper and brass sheet, where such differences will constitute different items.

(6) "Warehouse stock" means brass mill or copper wire mill products physically located in warehouse inventories, whether owned or held on consignment by the warehouse.

(f) *Delivery of brass mill or copper wire mill products—*(1) *Delivery from warehouse stock.* (i) A warehouse shall fill authorized controlled material orders for brass mill or copper wire mill products, in accordance with this regulation, if it can fill the orders from its stock. In no case, however, may a warehouse fill an order for brass mill or copper wire mill products unless the purchaser has the right to accept delivery under the provisions of this paragraph (f) which limit the amount of brass mill and copper wire mill products which a purchaser may get from a warehouse. A warehouse is entitled to rely on a certificate furnished by any of its customers under paragraph (f) (1) (iv) of this regulation, unless it knows or has reason to believe the certificate to be false.

(ii) No person shall place orders for delivery from warehouse stock of any item of brass mill product to any one destination, during any one calendar month, which aggregate more than 2,000 pounds gross weight and no person shall accept any delivery in excess of this amount, except that this limitation does not apply to condenser tubes or to the resale of brass mill products obtained by brass mill warehouses through an authorization issued by a Regional Office of the War Production Board or by the Copper Recovery Inventory Branch, War Production Board, 350 5th Avenue, New York City, New York.

(iii) No person shall place orders for delivery from warehouse stock of any item of copper wire mill product to any one destination, during any one calendar month, which aggregate more than 3,000 pounds copper content and no person shall accept any such delivery in excess of this amount, except that this limitation does not apply to the resale of copper wire mill products obtained by copper wire mill warehouses through an authorization issued by a Regional Office of the War Production Board or by the Copper Recovery Inventory Branch, War Production Board, 350 Fifth Avenue, New York City, New York.

(iv) No person shall place an order under this paragraph (f) (1) and no warehouse shall accept an order unless it is accompanied by, or endorsed with, a certificate in the form provided in CMP Regulation No. 7 (or a certificate prescribed by any regulation or order of the War Production Board for use in placing an authorized controlled material order), signed manually or as provided in Priorities Regulation No. 7.

(2) *Shipments direct to customer or to fill specific orders.* If a warehouse wants to order material to fill a specific authorized controlled material order of a customer instead of filling it from stock, it may order the material either for direct shipment to the customer or for shipment via the warehouse, by placing on its order the customer's name and allotment number or symbol. Such an order is to be treated as an authorized controlled material order. The warehouse may not treat the delivery to the customer as made from stock and may not request a replacement. However, in the case of brass mill products, a warehouse may order from another warehouse only if it does not have the material in inventory and needs it for immediate delivery to a customer on an authorized controlled material order. It must state these facts on its order.

(3) *Rejection of orders.* (i) A warehouse must not fill any order for brass mill or copper wire mill products except those which it is required or permitted to fill under paragraph (f) (1) or (f) (2) above.

(ii) A warehouse must not deliver any brass mill or copper wire mill product on an authorized controlled material order except in the quarter for which the allotment appearing on the order is valid. Orders bearing symbols such as "MRO" or "SO" which do not have to bear any quarterly identification may be filled during any quarter, but such orders must indicate when delivery is required if for other than immediate delivery.

(iii) A warehouse may reject any order calling for immediate delivery of brass mill or copper wire mill products which it does not have in stock or know to be in transit to its stock.

(iv) A warehouse may reject an order calling for future delivery. If it elects to accept the order, it must not set aside or hold any material to fill it.

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who is specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale.

(h) *Deliveries of aluminum by distributors on authorized controlled material orders.* (1) Each distributor shall, to the extent of his available stocks, fill authorized controlled material orders, except that a distributor shall reject any authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of more than 2,000 pounds of any gage, alloy and size of aluminum sheet, or more than 900 pounds of any alloy, shape and size of aluminum wire, rod or bar, or more than 600 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes: *Provided, however,* That any distributor shall be entitled to fill an authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of 5,000 pounds or less of any gage, alloy and size of aluminum sheet, 3,000 pounds or less of any gage, alloy and size of aluminum wire, rod or bar or 2,000 pounds or less of any alloy, size and shape of aluminum tubing, extrusions or structural shapes, if such distributor shall first have requested the mill supplying him to fill such order and such mill shall have advised such distributor to fill the same from his stock. Such request and advice may be made verbally but shall be confirmed in writing.

(2) No distributor shall deliver any aluminum except to fill an authorized controlled material order or pursuant to a specific direction of the War Production Board.

General Provisions Applicable to Steel, Brass Mill Products, Copper Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, copper wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, copper wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate certification and allotment number or symbol in the way prescribed by paragraph (s) (3) of CMP Regulation No. 1.

(3) A delivery order for steel, brass mill products, copper wire mill products or aluminum, placed with a distributor or warehouse shall be considered as calling for immediate delivery unless the order specifically provides otherwise.

(k) *Verbal delivery orders.* Any delivery order requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation, *Provided,* That the person placing the order furnishes to the distributor or warehouse, within fifteen days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within fifteen days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written confirmation is furnished. On or before the twentieth day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, shall notify the appropriate Regional Compliance Office of the War Production Board, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation, an authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt:

(m) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum).

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

DISTRIBUTORS OF AUTOMOTIVE REPLACEMENT PARTS

The definitions of "distributor" and "warehouse" appearing in paragraphs (b) (2) and (e) (3) of CMP Regulation No. 4 are not

deemed to include persons engaged solely in the business of distributing automotive replacement parts. Consequently, such persons may sell, for use as automotive replacement parts, such items as bulk or spooled primary and spark plug wire, battery cables and magnet wire, without reference to the terms of CMP Regulation No. 4, but subject to the provisions of General Limitation Order L–158 and other applicable regulations or orders. (Issued Feb. 27, 1943)

[F. R. Doc. 44–698; Filed, January 13, 1944; 11:19 a. m.]

PART 3294—IRON AND STEEL PRODUCTION[1]

[General Preference Order M–21–b–1 as Amended Jan. 13, 1944]

GENERAL STEEL WAREHOUSES AND DEALERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3294.81[1] *General Preference Order M–21–b–1*—(a) *Purpose and scope.* This order tells how, under the Controlled Materials Plan, a distributor obtains deliveries of general steel products from producers and from other persons for stock or for delivery direct to a distributor's customers. The method by which a distributor obtains deliveries of merchant trade products is set forth in General Preference Order M–21–b–2. Deliveries of steel from stock by distributors to persons not purchasing for resale are governed by CMP Regulation No. 4. Deliveries by distributors to other distributors are governed by this order and not by CMP Regulation No. 4.

(b) *Definitions.* For the purposes of this order:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I to CMP Regulation No. 1.

(2) "Alloy steel" means alloy steel as defined in Order M–21–a.

(3) "Carbon steel" means any steel (including wrought iron) other than alloy steel.

(4) "General steel product" means any of the steel products listed in Schedule A hereto.

(5) "Product group" means any of the 17 numbered groups of general steel products listed in Schedule A hereto.

(6) "Type" means (i) carbon steel, or (ii) stainless steel, or (iii) other alloy steel.

(7) "Base tonnage" of a warehouse for any product group and type means the tonnage of such product group and type delivered by such warehouse from stock during the first calendar quarter of 1941, or such other tonnage as may be specifically established by the War Production Board.

(8) "Distributor" means any person (including a warehouse, jobber, dealer, or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(9) "Warehouse" means a distributor who receives physical delivery of general steel products from a producer for sale or resale in the form received, and who was engaged on August 9, 1941, in the business of distributing steel from stock. If a warehouse maintains a stock at more than one location, each location shall be deemed a separate warehouse.

(10) "Dealer" means a distributor (other than a warehouse) who receives physical delivery of general steel products from persons other than producers for sale or resale in the form received.

(11) "Delivery" includes deliveries received on consignment.

(c) *Restrictions on placing warehouse orders with producers, or other distributors, for shipment to warehouse stock*—(1) *Product groups and types to be ordered.* No warehouse shall order or accept delivery to warehouse stock of general steel products (except drill rod and magnets) in any product group and type except those which have been certified to such warehouse on form GA–996 by the War Production Board. A producer shall not deliver general steel products (except drill rod and magnets, to any warehouse stock unless such warehouse shall first have filed with such producer a copy of the front page of its GA–996 certificate, or in any product group and type except those certified on such certificate. A warehouse handling no general steel products except drill rod or magnets may order such materials from a producer or other distributor even though it has not been certified on such form.

(2) *Quantity restrictions on prime quality material.* No warehouse which, during 1940, purchased from producers more than 25 percent of its tonnage of any product group for stock in a grade now invoiced as less than prime quality may order from producers for delivery to warehouse stock during any calendar quarter, prime quality steel products (requiring scheduled rollings) of the same product group in an amount greater than 37½ per cent of the total tonnage of such prime quality material (requiring scheduled rollings) purchased in that product group from all producers during 1940.

(3) *Quantity restrictions on product groups.* No warehouse having a total base tonnage of more than 100 tons for any type of steel shall order steel from producers, or other distributors, in any one product group in such type for delivery to warehouse stock in any calendar quarter in excess of 150 percent of its base tonnage for such product group and type. No warehouse having a total base tonnage of 100 tons or less for any type of steel shall order steel from producers, or other distributors, in such type for delivery to warehouse stock in any calendar quarter in excess of 150 percent of its total base tonnage for such type.

(4) *Stock replacement.* No warehouse shall place with a producer or another distributor orders for delivery to warehouse stock except to replace general steel products delivered from warehouse stock during the previous ninety days to warehouses and dealers as permitted by this Order or to consumers as permitted by CMP Regulation No. 4, plus scrap accumulated in the course of warehouse operations and actually sold during such period and reported to the War Production Board on Form WPB–2888. Within the limitations of Paragraph (c) (3), deliveries of any general steel product may be used to support an order for the same or any other general steel product. All orders for steel placed by a warehouse pursuant to this Paragraph (c) (4) must specify delivery to the location from which the steel being replaced was shipped. Beginning February 1, 1944, every order placed for shipment to warehouse stock must bear the War Production Board Serial Number issued to the warehouse, must be coded "Warehouse Stock," and must bear the certification authorized in CMP Regulation No. 7. Such certification shall be signed manually or as provided in Priorities Regulation No. 7. The use of this certification shall replace Form WPB–2444 when purchasing general steel products for warehouse stock, but with each use of the certification the warehouse shall be deemed to certify that the order placed complies in all respects with the requirements of Paragraph (c) of this order.

(5) [Deleted Jan. 13, 1944.]

(6) *Status of warehouse orders.* Each order placed by a warehouse with a producer pursuant to Paragraph (c) (4) shall be deemed an authorized controlled material order. Each order placed by a warehouse with another distributor pursuant to Paragraph (c) (4) may, but need not, be accepted by such other distributor. If accepted, it shall be deemed an authorized controlled material order.

(d) *Distributor purchases from idle or excess inventories.* A distributor may order general steel products for delivery to its stock, without limitation as to product group, type, or quantity, from idle or excess inventories in the manner authorized by Priorities Regulation No. 13. Each purchase order for such material shall be endorsed in substantially the following form, and when so endorsed shall be deemed to be an authorized controlled material order:

The undersigned certifies to the seller and to the War Production Board that this order is placed pursuant to Paragraph (d) of Order M–21–b–1, and is an authorized controlled material order.

---------- By ----------
Name of distributor — Authorized official

---------- ----------
Address — Date

(e) *Distributor purchases for direct shipment to customer.* A distributor receiving from a customer an order which the warehouse is permitted to fill under CMP Regulation No. 4 and wishing to arrange for shipment direct to such customer by the producer or other supplier shall specify delivery to a point other than its warehouse, and shall copy on its own purchase order the endorsement made to it by its customer (including the customer's name) in accordance with CMP Regulation No. 1 or other applicable regulation or order. A purchase order specifying direct shipment and so endorsed shall be deemed an authorized controlled material order.

(f) *Earmarked warehouse stocks.* To the extent agreed upon by the Steel Division and any claimant agency, an earmarked stock of general steel products may be established in any warehouse. Deliveries to such stock and withdrawals therefrom shall be made only in accordance with the specific directions which shall be issued at the time such stock is established.

(g) *Purchases by dealers from other distributors.* Purchase orders for general steel products may be placed by a dealer with persons other than producers to replace in the dealer's stock steel delivered by him during the 90 days preceding the placing of such purchase order, provided the steel to be replaced was delivered pursuant to CMP Regulation No. 4. No delivery can be used more than once to support such a replacement order. Each such replacement order must carry an endorsement in substantially the following form:

The undersigned hereby certifies to the seller and to the War Production Board that the material covered by this order is to replace in stock general steel products of the same weight delivered by the undersigned within the 90 days preceding the date of this order and in accordance with CMP Regulation No. 4. This constitutes an authorized controlled material order.

---------- By ----------
Name of dealer — Authorized official

---------- ----------
Address — Date

Any order so endorsed shall be deemed an authorized controlled material order.

(h) *Reports.* Each warehouse shall file with the Bureau of the Census, Washington, D. C., a report in duplicate on Form WPB–2888 or on such other form as may be prescribed, on or before the 15th day of January, April, July and October, for the preceding calendar quarter. This reporting provision has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds for the appeal. In emergency cases, appeal may be made by telegraph.

(j) *Communications to War Production Board.* All appeals or other communications concerning this order shall be addressed to Warehouse Branch, Steel Division, War Production Board, Washington 25, D. C., Reference M–21–b–1.

(k) *Violations.* Any warehouse, dealer, or other person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Special instructions.* The War Production Board may from time to time issue special instructions to warehouses or dealers with respect to making, withholding, accepting or refusing deliveries.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—GENERAL STEEL PRODUCTS

NOTE: Items 5 and 7 amended, footnote deleted Jan. 13, 1944.

	Types of steel included		
	Carbon	Stainless	Other alloy
1. Ingots, blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	x	x	x
2. Structural shapes and piling	x		x
3. Plates (universal and sheared) including skelp	x	x	x
4. Rails and track accessories	x		x
5. Hot rolled bars—except concrete reinforcing bars but including forged, galvanized, and wrought iron bars	x	x	x
6. Cold finished bars	x	x	x
7. Tool steel, including drill rod	x		x
8. Mechanical tubing	x	x	x
9. Pressure tubing	x	x	x
10. Wire rods (for wire drawing only)	x	x	x
11. Sheets and strip, hot rolled	x	x	x
12. Sheets and strip, cold reduced	x	x	x
13. Tin mill black plate	x		
14. Sheets and strip, all other (except tin plate, short ternes, and galvanized)	x		
15. Wheels and axles (including steel tires and rims)	x		x
16. Castings (rough castings only)	x	x	x
17. Concrete reinforcing bars (unfabricated)	x		

[F. R. Doc. 44–699; Filed, January 13, 1944; 11:19 a. m.]

PART 3294—IRON AND STEEL PRODUCTION[1]

[Supplementary Order M–24–c, as Amended Jan. 13, 1944]

ALLOY SCRAP SEGREGATION

§ 3294.126[1] *Supplementary Order M–24–c*—(a) *Definition.* For the purpose of this order, "alloy scrap" means scrap consisting of any of the alloy irons or alloy steels listed in Schedule A hereto.

(b) *Segregation of alloy scrap.* Each person who produces in any calendar month a total of ten tons or more of alloy scrap of the types described in Groups 1–9 inclusive and Groups 21–25 inclusive of Schedule A, or a total of 1 ton or more of alloy scrap of the types described in Groups 10–20 inclusive and Group 26 of Schedule A, shall segregate such scrap into the groups shown in Schedule A.

(c) *Mingling of segregated scrap prohibited.* No person shall (except in melting iron or steel) mingle alloy scrap segregated in accordance with paragraph (b) with scrap which is unclassified or in a different group, nor ship or deliver such alloy scrap without clearly identifying the group to which it belongs.

(d) *Limitations on use of alloy scrap.* Alloy scrap shall be melted only in the production of alloy iron or alloy steel, except that the following grades of alloy scrap may be melted in the production of carbon steel or iron:

[1] Formerly Part 962, § 962.10.

[1] Formerly Part 965, § 965.4.

(1) Chromium or chrome-vanadium steel scrap with chromium 1.65% maximum (e. g. 5000, 5100, 52100, 6100 series).

(2) Chromium-molybdenum steel scrap with molybdenum 0.27% maximum (e. g. 4100 series).

(3) Nickel - chromium - molybdenum steel scrap with nickel 0.70% maximum, chromium 0.60% maximum, molybdenum 0.30% maximum (e. g. 8600, 8700, 9400 series).

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Wrought and Cast Constructional Alloy Steels

NOTE: Item 18 amended Jan. 18, 1944.

Column 1 scrap groups	Column 2 description	Column 3 examples of steels in scrap group (see note)
1	Nickel Type (Nickel 1–5.25% inclusive).	2100, 2300, 2500.
2	Nickel-Chromium Type (Nickel 1–5.25% inclusive).	3100, 3300, 3900, 3400.
3	Nickel-Molybdenum Type (Nickel 1–5.25% inclusive).	4600, 4800.
4	Chromium and Chromium-Vanadium Types (Chromium 0.70–1.75% inclusive).	5100, 52100, 6100.
5	Nickel-Chromium-Molybdenum Type (Nickel 1–5.25% inclusive).	4300.
6	Nickel-Chromium-Molybdenum Type (Nickel under 1%, Molybdenum 0.06–0.65% inclusive).	8600, 8700, 8800, 8900, 9400, 9500.
7	Carbon-Molybdenum and Manganese-Molybdenum Types (Molybdenum 0.15%–0.65%, inclusive.)	4000, 8000, 8100, 8200, 8300, 8400, 8500.
8	Carbon-Molybdenum and Manganese Molybdenum Types (Molybdenum 0.68% and over).	
9	Chromium-Molybdenum Type (Molybdenum 0.15% and over).	4100.
	Alloy Tool and Special Steels	
10	Tungsten content of 12% or more with a maximum molybdenum content of 1.1%.	Class B High Speed Steel, High Tungsten Hot Work Steels.
11	Tungsten content of 5% or more up to but not including 12% with a maximum molybdenum content of 1%.	Regular Tungsten Hot Work Steels.
12	Tungsten content of less than 5% but not less than 1% with a maximum molybdenum content of 1¼%.	74100, Fast Finishing Steel, Low Tungsten Steels, Tungsten Molybdenum Hot Work Steels.
13	Molybdenum content of 7% or more with a maximum tungsten content of 2%.	Class A High Speed Steel Grades II and III.
14	Molybdenum content of not less than 3½% or more than 6% with tungsten content of not less than 4½% or more than 6½%.	Class A High Speed Steel Grade I.
	Corrosion and Heat Resisting Alloy Steels	
15	Chromium 10–14% inclusive, Nickel 0.75% maximum (Free machining grades).	
16	Chromium 10–14% inclusive, Nickel 0.75% maximum (all other grades).	
17	Chromium over 14%, Nickel 0.75% maximum	
18	Chromium 16% and over, Nickel over 6%, except as included in classification 18A or 18B.	
18A	Chromium 16% and over, Nickel over 6%, Phosphorus up to and including 0.04%, Sulphur 0.18%–0.35% inclusive.	
18B	Chromium 16% and over, Nickel over 6%, Sulphur up to and including 0.04%, Phosphorus 0.12%–0.17% inclusive, Selenium 0.15%–0.35% inclusive.	
19	Chromium 16% and over, Nickel over 6% (All other grades)	
20	All other grades of ferrous corrosion and heat resisting alloys containing chromium, nickel, molybdenum, tungsten, cobalt, or copper.	
	Alloy Cast Iron	
21	Nickel Type (Nickel 1–5.25% inclusive)	
22	Nickel-Chromium Type (Nickel 1–5.25% inclusive).	
23	Nickel-Molybdenum Type (Nickel 1–2.5% inclusive).	
24	Chromium Type (Chromium 0.5%–1.5% inclusive).	
25	Molybdenum Type (Molybdenum 0.15–0.65% inclusive).	
26	Nickel Type (Nickel 13–22% inclusive).	

NOTE: The steel series and other designations listed in Column 3 are for illustration only. Scrap of other analyses should be segregated in the appropriate group according to the descriptions in Column 2.

[F. R. Doc. 44–700; Filed, January 13, 1944; 11:20 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L–39–a]

SPRINKLER HEADS

§ 3296.2 *General Limitation Order L–39–a*—(a) *Purpose of this order.* The purpose of this order is to establish a maximum 12 months' quota of shipments for each manufacturer of sprinkler heads. The quota is based on shipments made during a normal pre-war base period, 1941. This order, of course, has no effect on the restrictions relating to installation of sprinkler heads, and such installations are still subject to the restrictions contained in Order L–41 (Construction).

(b) *Definitions.* The meaning of various terms used in this order is set forth below:

(1) "Sprinkler head" means a device designed to distribute water in such a manner as to extinguish or control fires in a particular area. Water is fed to sprinkler heads through a system of pipes ordinarily attached to the ceilings or roofs of buildings, the sprinkler heads being placed at intervals along the pipes. Either the sprinkler head or a heat actuated device in the sprinkler system is designed to function automatically when subjected to heat or a rapid rise in temperature. The term "sprinkler head" covers all types of heads, including closed heads, dry-pendant heads, open heads, and fog or spray type heads.

(2) "Manufacturer" means any person engaged in the manufacture of sprinkler heads and includes any sales or distribution agencies or branches owned or controlled by any such person.

(c) *Restrictions on shipments of sprinkler heads.* During the 12 months' period beginning November 1, 1943, and during every 12 months' period beginning November 1st thereafter, no manufacturer shall ship more than 78 per cent of the number of sprinkler heads that he shipped during the year 1941. Shipments during any 6 consecutive months must not exceed 70 per cent of the quota permitted for the entire 12 months' period. All shipments of sprinkler heads made by a manufacturer after November 1, 1943, must be charged against his quota regardless of who the purchaser may be. (Transfers of sprinkler heads from the place where they are manufactured, to sales or distribution agencies or branches owned or controlled by the manufacturer are not regarded as "shipments" under this order.) As an illustration of the foregoing restriction, assume that a manufacturer shipped 1,000,000 sprinkler heads during 1941. His quota for the entire 12 months' period beginning November 1, 1943, (or any 12 months' period beginning November 1st thereafter) would then be 780,000 heads (78 per cent of his 1941 shipments); and he would not be permitted to ship more than 546,000 heads (70 per cent of 780,000) during any 6 consecutive months of the 12 months' period.

(d) *Restrictions on manufacturing for inventory.* In addition to the restrictions on shipments set forth in paragraph (c), no manufacturer shall manufacture more sprinkler heads than are required to enable him to maintain a practicable minimum working inventory thereof. In no event shall the practicable minimum working inventory exceed one-sixth of his quota of shipments permitted by paragraph (c) for the 12 months' period.

(e) Reports. On or before January 24, 1944, and on or before the 10th day of every month thereafter, each manufacturer shall file with the War Production Board, Washington 25, D. C., three copies of a letter containing a report of total shipments of sprinkler heads (in numbers) made during the preceding calendar month. (However, the first report should show the shipments made during November and December, 1943, and total shipments for each month should be reported separately.) This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and shipments.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(j) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L–39–a.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–701; Filed, January 13, 1944; 11:19 a. m.]

Subchapter D—Office of the Rubber Director

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R–1 as Amended Jan. 12, 1944]

Correction

In Schedule A of F.R. Doc. 44–633, appearing at page 501 of the issue for Thursday, January 13, 1944, "No", "0", and "0" should appear opposite "Plumbing products, including only" in the columns headed "Appendix II", "Percent crude rubber", and "Percent natural latex", respectively. The error occurs near the end of the right-hand portion of page 508.

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 112,[1] Amdt. 16]

PENNSYLVANIA ANTHRACITE

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.200 (c) (3) (iv) is amended by changing the final period to a comma and adding thereto the following: "unless the purchaser is the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof."

This amendment shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–658; Filed, January 12, 1944; 3:22 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 78]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

1. In the first sentence in § 1340.210 (a) (3), immediately after the parenthesis after the word, "inclusive," and immediately before the word, "are," the following words are inserted: "and in any order or authority issued under this regulation since May 18, 1942."

2. In § 1340.210 (a) (4), the final period is changed to a comma and the following is added: "the District of Columbia, any state government or any political subdivision thereof."

3. In § 1340.230 (a) (1), the table of prices is amended by inserting the price, 285, in the column for Size Group No. 3 coals and on the line for Subdistrict No. 7.

This amendment shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–650; Filed, January 12, 1944; 3:22 p. m.]

PART 1340—FUEL

[MPR 121,[2] Amdt. 28]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.249 (e) (2) is amended by deleting the final period and adding thereto the following: "except the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof."

This amendment shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–659; Filed, January 12, 1944; 3:22 p. m.]

PART 1340—FUEL

[RMPR 122,[1] Amdt. 17]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respect:

In § 1340.265 (b), the last sentence is amended to read as follows: "However, the dealer need not state separately from his selling price the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof."

This Amendment No. 17 shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–651; Filed, January 12, 1944; 3:22 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[2] Amdt. 50]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. A new section 1.7 (a) (5) is added to read as follows:

(5) An institution receiving ration currency under this paragraph may, with the approval of the Office that supplies the ration currency, open a shoe ration bank account. An institution that has opened an account under the authority of this section may use ration

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3367, 8065, 15706, 16037.

[1] 8 F.R. 14560, 15255, 15455, 15456, 16280, 16419, 16738, 16998.

[2] 7 F.R. 2337, 3869, 4435, 5041, 6002, 6386, 6587, 8521; 8 F.R. 1695, 2756, 4179, 5757, 6261, 6951, 6957, 7599, 8068, 9992, 10358, 10432, 10936, 12791, 15706.

[1] 8 F.R. 440, 1200, 3524, 4510, 5632, 6543.

[2] 8 F.R. 15838, 16605, 16996.

checks to acquire shoes and may also continue to receive and use special shoe stamps to acquire shoes if it so desires.

2. Section 1.14 (b) is amended by adding at the end of the second sentence the following: "or from an authorized issuing officer designated by the armed service of which he is a member and approved by a branch of the armed services of the United States. Supplies of certificates for this purpose may be furnished to an armed service of another nation by the branch of the armed service of the United States approving the appointment of the issuing officer."

3. Section 2.7 (b) is amended by adding the following: "No establishment may transfer shoes to a person or establishment which it knows or has reason to believe owes ration currency for shoes acquired during the credit period from February 7 to May 5, 1943, inclusive."

4. Section 2.13 (a) is amended by inserting after the third sentence the following: "However, infants' shoes of size 4 and below may be listed on the same invoice with rationed shoes if the establishment designates on the invoice that the infants' shoes of size 4 and below are non-rationed."

5. Section 2.15 (a) is amended by adding after the phrase "or (4) released from rationing under section 2.11 (a) (7)" the words "after the establishment paid ration currency for them."

This amendment shall become effective time January 17, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W. P. B. Dir. 1, 7 F.R. 562; Supp. Dir. 1–T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–653; Filed, January 12, 1944; 8:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 110]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.86c is added to read as follows:

§ 1407.86c *Increased allotments for certain industrial users for the period beginning January 1, 1944.* (a) An industrial user may apply to the Board for an increase in his allotment for the period beginning January 1, 1944, for the production of the products listed in Class 14 of § 1407.92 (a).

(b) Application must be made prior to March 1, 1944, on OPA Form R–315. The Board shall grant the increase requested in the application. However, the increase in allotment granted to the industrial user must not exceed 25 per cent of the amount of his sugar base for the first quarterly period for the products listed in Class 14 of § 1407.92 (a).

This amendment shall become effective January 15, 1944.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 662, 2963; Food Dir. No. 3, 8 F.R. 2005)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–654; Filed, January 12, 1944; 8:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 3]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 27.1 (a) (10) (i) is amended by deleting the words "All ready-to-serve (not concentrated) canned or bottled soups" under the heading "Soups."

This amendment shall become effective at 12:01 a. m., January 2, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–652; Filed, January 12, 1944; 3:22 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[2] Amdt. 30]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the inclusion of Appendix C Table 5 to read as follows:

TABLE 5

Area. Part of the States of Alabama, Arkansas, Louisiana, and Mississippi as follows:

Alabama: The counties of Franklin, Lawrence, Marion, Winston, Lamar, Fayette, Pickens, Greene and Sumter.

Arkansas: The counties of Calhoun, Union, Bradley, Drew, Ashley and Chicot.

Louisiana: The parishes of Acadia, Ascension, Avoyelles, Caldwell, Catahoula, Concordia, East Baton Rouge, East Carroll, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson, Lafayette, La Fourche, La Salle, Morehouse, Madison, Orleans, Plaquemines, Pointe Coupee, Ouachita, Rapides, Richland, St. Helena, St. Charles, St. Bernard, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tenses, Terrebonne, Vermilion, Washington, West Feliciana, West Baton Rouge, West Carroll and Winn.

Mississippi: The entire state exclusive of the counties of Bolivar, Coahoma, Tallahatchie, Quitman, Tunica, Tate, Marshall, Benton, Tippah, Prentiss, Tishomingo, Clarke, Wayne, Greene, George, De Soto and Alcorn.

Species.—The following commercial species:

Sycamore (Platanus occidentalis).
Sweet Gum (Liquidamber styraciflua).
Tupelo Gum (Nyssa aquatica).
Black Gum (Nyssa sylvatica).
Poplar (Liriodendron tulipifera).
Cypress (Taxodium distichum).
Beech (Fagus grandifolia).
Hackberry (Celtis occidentalis).
Longleaf Pine (Pinus palustris).
Shortleaf Pine (Pinus echinata).
Loblolly Pine (Pinus taeda).
Slash Pine (Pinus caribaea).

Also all commercial species of the following genera:

Cottonwood (Populus).
Willow (Salix).
Magnolia (Magnolia).
Ash (Fraxinus).
Oak (Quercus).
Lynn or Basswood (Tilia).
Pecan and Hickory (Hicoria).
Cherry (Prunus).
Walnut (Juglans).
Elm (Ulmus).
Birch (Betula).
Maple (Acer).
Other Pines (Pinus).

and any other commercial hardwood species.

Scaling. All logs are to be scaled according to the Doyle Log Rule. The diameter will be measured at the small end of the log at the smallest diameter with all fractions of an inch counted back. The diameter shall be measured inside of the bark for hardwoods, and from the inside of one bark to the outside of the other bark for pine.

All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made in measurement include hollows or large holes, rot, dote, windshake, large or excessive worm holes, splinter pulls and crook.

Logs shall be cut in standard even lengths of 10, 12, 14 and 16 feet or longer unless otherwise specified by the buyer. An allowance of at least 4 inches for trim shall be made in all logs. Logs that do not meet the specified allowance for trim shall be reduced in length to the next lower standard length.

Logs less than 10 feet in length will be accepted at a special price as specified below.

If logs larger than 24 feet in length are purchased, each log shall be considered as being composed of separate logs 16 feet in length starting at the top end (small end) of the log. The diameter for each succeeding log shall be computed as being 1 inch larger than the diameter at the small end of the preceding log. If the fraction remaining after successive 16 foot measurements is less than 8 feet, it shall be considered as a part of the adjoining 16 foot log and that entire log measured as based on the diameter at the small end of the log; each fraction 8 feet and over shall be measured as a separate log. Tree length logs, 32 feet or longer, scaled in the water may be measured by taking the diameter outside the bark in the small way with all fractions of an inch counted back.

Grade specifications. Woodsrun grade shall consist of the entire product of the forest of the specified species or groups of species with all culls excluded. It is understood that a woods run of logs shall contain the full amount of good logs which the standing timber will produce and that no large or high grade logs are to be separated from the run of logs; minimum diameter shall be 12" unless otherwise indicated.

A cull log shall be considered as one where the net board foot scale after deductions have been made for defects is less than 50 percent of the gross scale.

Clear grade—minimum diameter—24". All logs 24" or over in diameter that are clear of all visible defects.

Select grade—minimum diameter—16". Logs 16"–23" in diameter shall be clear of all visible defects.

Logs 24" and over in diameter must have at least 3 clear faces or have at least 75 percent of the length clear in one continuous section.

#1 Grade—minimum diameter—12". Logs 12"–15" in diameter shall be clear of all visible defects.

Logs 16"–23" in diameter shall have at least 2 clear faces or have 75 percent of the length clear in one continuous section.

Logs 24" and over in diameter shall have at least 2 clear faces or have 50 percent of the length clear in one continuous section.

NOTE: In the Clear, Select and #1 grades, a center rot or dote 4" in diameter or less in logs over 24" in diameter, 3" in diameter or less in logs between 16" and 23" in diameter, and 2" in diameter or less in logs between 12" and 15" in diameter will not degrade the log, although deduction for the defect must be made in scaling.

#2 Grade—minimum diameter 12". This grade shall include all sound logs that are better than a cull and that do not grade as a No. 1 log. The minimum diameter shall be 12" unless otherwise indicated.

A summary of clear face requirements of the various grades is as follows:

Diameter range	4 clear faces	3 clear faces or 75% of length clear in one continuous section	2 clear faces or 50% of length clear in one continuous section	Other
24" and up	Clear grade	Select grade	No. 1 grade	No. 2 grade.
16–23"	Select grade	No. 1 grade	No. 2 grade	No. 2 grade.
12–15"	No. 1 grade	No. 2 grade	No. 2 grade	No. 2 grade.

Maximum Prices

PRICE TABLE 1—PRICES BY WOODSRUN GRADE

[Per M feet log scale]

Species	Woodsrun all sizes, 12" and up	Woodsrun by size class			
		12–15"	16–19"	20–23"	24" and up
Poplar	$23.00	$19.00	$23.00	$26.00	$28.00
Magnolia	23.00	19.00	23.00	26.00	28.00
White Oak	23.00	19.00	23.00	26.00	28.00
Red Oak	22.00	18.00	22.00	25.00	27.00
Cypress	24.00	21.00	26.00	30.00	32.00
Hickory	21.00	17.00	21.00	24.00	26.00
Gum	23.00	19.00	23.00	26.00	28.00
Soft Ash	20.00	16.00	20.00	23.00	25.00
	10" and up	10"–12"	13"–15"	16"–19"	20" and larger
Tough Ash	$25.00	$20.00	$28.00	$35.00	$45.00

PRICE TABLE 2—PRICES BY GRADES

[Per M feet log scale]

Species	Clear grade	Select grade	No. 1 grade	No. 2 grade	Woodsrun grade
White Oak	$55.00	$35.00	$25.00	$18.00	$23.00
Red Oak	45.00	35.00	25.00	17.00	22.00
Poplar	40.00	35.00	25.00	18.00	23.00
Magnolia	50.00	37.50	27.50	18.00	23.00
Sweet Gum	50.00	35.00	25.00	18.00	23.00
Black Gum	40.00	32.50	25.00	18.00	23.00
Tupelo Gum	40.00	32.50	25.00	18.00	23.00
Cypress	40.00	35.00	27.50	18.00	24.00
Maple	35.00	30.00	25.00	17.00	22.00
Cherry	40.00	32.50	25.00	19.00	24.00
Tough Ash [1]	50.00	35.00	25.00	18.00	[2] 25.00
Other Ash	30.00	25.00	20.00	15.00	20.00
Beech	30.00	25.00	22.00	15.00	20.00
Sycamore	35.00	30.00	25.00	17.00	22.00
Elm	35.00	30.00	25.00	17.00	22.00
Hackberry	30.00	25.00	20.00	15.00	20.00
Cottonwood	35.00	30.00	25.00	17.00	22.00
Willow					22.00
Hickory [1]					21.00
Sweet Pecan					20.00
Walnut [1]					[2] 30.00
Birch	25.00	22.00	20.00	16.00	20.00
Basswood	30.00	25.00	20.00	16.00	21.00
Other Hardwoods					20.00
Pine	Woodsrun 8" and up in Mississippi and Alabama				22.00
	Woodsrun 8" and up in Louisiana and Arkansas				20.00
	For Dense Short Leaf, add $2.00.				
	For Longleaf 12"–14", add $3.00.				
	For Longleaf 15" and up, add $5.00				
	For Pine Lengths 22'–26', 15" and up, add $2.00.				
	19" and up 28' Stringer Logs (Dense Pine)				30.00
	19" and up 24' and 26' Stringer Logs				28.00

[1] If sold in conjunction with other species. Dollars and cents ceiling prices will be established for Ash, Hickory, and Walnut when purchased on an individual selected basis.
[2] Minimum Diameter acceptable, 10".

These prices are for logs f. o. b. railroad cars at rail siding, or delivered to a place where water shipment is to begin (placed in good condition for loading), or delivered to the mill by truck from within 25 miles of the buying plant. For logs delivered to the plant from a distance over 25 miles, the buyer may add 10¢ per thousand feet log scale for every load mile over the first 25 miles.

If logs are purchased delivered to a place where water shipment is to begin, the buyer may add to the ceiling price $2.00 per thousand feet log scale for loading on barges.

If delivery of logs to the mill by truck necessitates payments of tolls on bridges crossing the Mississippi River, the buyer may pay for the toll in addition to the ceiling price.

Cull logs can be purchased at two-thirds of the No. 2 grade prices by paying only for the net scale.

The prices herein established apply to the purchase of logs produced in the areas described above and will prevail for all buying plants purchasing logs in these areas whether or not the buying plants are located in the area.

If buyer takes delivery of logs at any place other than loaded on railroad cars at a rail siding, delivered on a river bank, or at his mill, the buyer must deduct from the ceiling price either (1) the cost of delivering logs to a rail siding and loading on cars if delivered at any point other than a rail siding; (2) the cost of trucking to the mill; or (3) the cost of loading cars if logs are deposited at a rail siding in accordance with the method used bringing logs to the buying plant.

If logs less than 10 feet in length are purchased on a woods-run basis, the buyer can purchase these at the same price as for longer logs. The same requirements for trim must be maintained. If logs less than 10 feet in length are purchased on a grading basis, the above ceiling prices must be reduced by at least 10 percent.

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–711; Filed, January 13, 1944; 11:47 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300,[1] Amdt. 14]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1767a is added to read as follows:

§ 1315.1767a *Applications for adjustment.* The Office of Price Administration may adjust any maximum price established by §§ 1315.1753 to 1315.1755c, inclusive, of this regulation, and any person shall apply for the adjustment of

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*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3.
[2] 8 F.R. 3670, 5163, 5565, 5365, 8751, 9515, 10023, 11214.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14812, 15366, 15489, 15524, 15594, 15662, 16695, 16846, 16605, 16997, 16848.

[1] 8 F.R. 9203, 11251, 13173, 14984.

a maximum price established by one of those sections in accordance with the provisions of § 1315.30a of Maximum Price Regulation 149 [1] (Mechanical Rubber Goods), which is incorporated herein as a part of this regulation. In applying the provisions of § 1315.30a of Maximum Price Regulation 149 the term "rubber drug sundry" shall be substituted for the term "mechanical rubber good."

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-721; Filed, January 13, 1944; 11:46 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 296,[2] Amdt. 1]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS, BLENDERS, PRIMARY DISTRIBUTORS AND FLOUR JOBBERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 17 is added to read as follows:

SEC. 17. *Adjustment of maximum price containing a fraction of a cent.* If the figure resulting from the calculation of a maximum price according to the provisions of Appendix A contains a fraction of one-half cent or more, it shall be adjusted to the next higher cent, or if it contains a fraction of less than one-half cent it shall be adjusted to the next lower cent.

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-709; Filed, January 13, 1944; 11:47 a. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[RMPR 125,[4] Amdt. 3]

NONFERROUS CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[2] 8 F.R. 10813, 15172, 15255.

[3] 8 F.R. 16382.

[4] 8 F.R. 1271, 2597, 2721.

Section 1395.3 (b) is amended to read as follows:

(b) Second, reduce the base price in accordance with the following provisions of this paragraph (b). The base price to be reduced is the base price established before February 1, 1943; the reductions provided below are to be in place of (not in addition to) the reduction formerly required by this paragraph before the February 1, 1944 amendment of the paragraph.

Example. In the case of an 85-5-5-5 casting a reduction of only 1¢ per pound is now required. If the base price before February 1, 1943 was 21¢ per pound, the price, before the February 1, 1944 amendment, was reduced by this paragraph to 19½¢. The reduction now required is not subtracted from the 19½¢ but from the original 21¢, making a present price of 20¢.

(1) *Amount of reduction.* The amount of the reduction, except as provided by the further subdivisions of this paragraph (b), shall be as follows:

(i) If the specification calls for copper base alloy for the casting, the reduction shall be in the amount stated opposite the same specification indicated by OPA number of group below, or if the same specification is not indicated, then in the amount stated opposite the most nearly similar specification so indicated. (The OPA numbers refer to numbers used in Maximum Price Regulation No. 202,[1] § 1309.165.)

	Reduction per pound, (cents)
(a) 85-5-5-5 or 88-10-2 groups (OPA Nos. 100-256, inclusive)	1
(b) 80-10-10 group (OPA Nos. 295-326, inclusive)	1¼
(c) Yellow brass group (OPA Nos. 400-409, inclusive)	1¼
(d) Silicon bronze group (OPA No. 500)	1
(e) All other copper base alloys (except copper content of 97% or greater)	1½
(ii) If the copper content specified for the casting is 97% or greater	No reduction
	Cents
(iii) If aluminum or aluminum base alloy is specified for the casting, the reduction shall be	8
(iv) If magnesium or magnesium base alloy is specified for the casting, the reduction shall be	3

(2) *Specification is the test.* In figuring the reduction under subparagraph (1), the test will be the metal specification for the casting to be priced. The test will not be the individual metal or metals (alloy, virgin or scrap) used in making up the specification.

Example.—If the specification calls for 85-5-5-5 the reduction of 1¢ per pound is required even though the foundry is able to use virgin copper in part, in making the casting to the 85-5-5-5 specification.

The test, also, will be the specification of metal at the time of the pricing involved and not at the time the casting was made for the first time or at any other time in the past.

(3) *Previous reduction and showing.* If the base price already reflects reductions made because of reductions in the maximum prices of metals or alloys between September 30, 1941 and February 1, 1943, and full showing of the earlier reductions is first made (before collecting of the price) or has been made to the Office of Price Administration at Washington, D. C., the reductions under this paragraph (b) need only be made to the extent that the previous reductions shown are less than the amounts required. A showing may be made by letter or the Office of Price Administration may provide a form for the purpose. Unless and until a showing is disapproved, the reductions need only be made to the extent that the previous reductions shown are less than the amounts required. However, if the showing is disapproved, refund must be made to the extent that the showing is disapproved, within ten days after the disapproval.

(4) *"Toll" transactions.* In the case of a "toll," "conversion" or "service" agreement, in which the metal or part of the metal for the castings is required to be sold or otherwise furnished to the seller of the castings by the buyer or by any person on the buyer's behalf, the reductions under this paragraph (b) need only be made to the extent of metal furnished by the seller.

(5) *Choice in case of previous special price adjustment.* A seller whose maximum prices have been adjusted by special order of the Office of Price Administration before February 1, 1944, is permitted to price castings made from copper or copper base alloys upon the basis of the reduction provided in this paragraph (b), instead of under the maximum prices as adjusted by the special order. However, if it is the seller's choice to price under this paragraph (b), he must make that choice for all his maximum prices and not just for some. If the seller does not make this choice, the seller must:

(i) Continue under the maximum prices provided in the adjustment order and

(ii) Must, in the case of copper and copper base alloy castings that are not covered by the adjustment order, figure his maximum prices on the basis of a reduction of 1½¢ per pound instead of the basis provided in this paragraph (b).

Any seller choosing to change from a basis of pricing under an adjustment order to the basis provided in this paragraph (b) must first send to the Office of Price Administration at Washington, D. C., a letter stating that he chooses to establish his maximum prices on the basis of reductions provided in this paragraph (b). The choice must be made and the letter stating the choice must reach the above office before March 1, 1944. The maximum prices as established under the choice will become effective when the seller receives acknowledgment of the letter from the above office.

This amendment shall become effective February 1, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[1] 7 F.R. 6421, 7247, 8948, 9427; 8 F.R. 1449, 4510.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-717; Filed, January 13, 1944; 11:45 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478,[1] Amdt. 1]

COATED AND COMBINED FABRICS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 478 is amended in the following respects:

1. In Section 1 (a) (1) the last sentence thereof is amended to read as follows: "For the purpose of this regulation, the term 'coated fabric' also includes artificial leather made from nonwoven fibrous products, and oilcloth, bookcloth, window shade cloth, and tire cords."

2. Section 2 (a) (5) is amended to read as follows:

(5) Sized, back filled, water repellent treated, bleached, napped, dyed, printed or mercerized fabrics (unless they are also coated), except those listed in paragraph (a) (1) of section 1.

3. Section 2 (a) (6) is added to read as follows:

(6) Finished products made of coated or combined fabrics.

4. Section 2 (a) (7) is added to read as follows:

(7) Cable wrapping tape materials.

5. Section 2 (a) (8) is added to read as follows:

(8) Barrage balloon cloth.

6. Section 7 (a) is amended to read as follows:

(a) *Applicability of this section*—(1) *Coverage.* This section is applicable to the following:

(i) Any fabric or service which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period;

(ii) Any fabric or service which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, except for a variation in width, coating compound, weight of coating, color or a similar variant, and for which the manufacturer had an established differential during the base period;

(iii) Any fabric or service listed in paragraph (a) of section 6 which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the period, May 1, 1942, to March 31, 1943, inclusive; and

(iv) Any fabric or service listed in paragraph (a) of section 6 which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the period, May 1, 1942, to March 31, 1943, inclusive, except for a variation in width, coating compound, weight of coating, color or a similar variant, and for which the manufacturer had an established differential during such period.

(2) *Definition of "same as".* The fabric or service being priced shall be deemed to be the same as the fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, and, in the case of those fabrics or services whose base period is April, 1943, the fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive:

(a) If it is identical to a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during such period;

(b) If it differs from a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during such period, only by reason of the changes made necessary by the substitution of buna-S (GR-S) or butyl (GR-I) for natural rubber; or

(c) If it has the same use as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during such period, and if its factory costs do not differ from the factory costs of that fabric or service by more than 3 percent. The manufacturer shall determine the factory costs of both commodities or services in accordance with the provisions of paragraph (d) of the next section (section 8).

7. In section 7 (b) a sentence is added to the end thereof to read as follows: "The manufacturer shall then determine the maximum price by deducting from the resultant price all discounts and allowances, including trade, quantity and cash discounts, if any, which he had in effect to a purchaser of the same class during the base period."

8. Section 7 (c) is amended to read as follows:

(c) *Base price*—(1) *When the manufacturer does not use a list price.* The base price where a manufacturer did not use a list price during the base period for the fabric or service in question is the first applicable of the following prices:

(i) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service which is the same as the fabric or service being priced, to a purchaser of the same class.

(ii) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service, which is the same as the fabric or service being priced, to a purchaser of a different class, adjusted to reflect the manufacturer's base period differential between the two classes of purchasers.

(iii) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service, which is the same as the fabric or service being priced, except for a variation in width, coating compound, weight of coating, color, or other similar variant, adjusted to reflect the manufacturer's base period differential between the variations in the fabric or service. This price must also be adjusted to reflect the manufacturer's base period differentials between classes of purchasers.

(iv) In the case of a fabric or service whose base period is April, 1943, which cannot be priced by (i) to (iii), inclusive, the first applicable of the prices set forth in (i) to (iii), inclusive, except that the period May 1, 1942, to March 31, 1943, inclusive, shall be substituted for the base period and the applicable price shall be the last price at which the fabric or service was delivered or offered for delivery during such period.

(20) *When the manufacturer uses a list price.* Where the manufacturer used a list price during the base period for the fabric or service in question, the base price shall be determined as provided in subparagraph (1) of this paragraph, except that the phrase "list price" shall be substituted for the word "price".

9. Section 7 (d) (2) is amended to read as follows:

(2) *Differential where the manufacturer compounds the synthetic or substitute rubber.* The differential for synthetic or substitute rubber which must be subtracted from the base price in the case where the manufacturer compounds the synthetic or substitute rubber contained in the fabric or involved in the supply of the service shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic or substitute rubber required to produce the fabric or supply the service. The manufacturer shall then multiply this amount by the difference between the price of the synthetic or substitute rubber in effect to him on August 1, 1943, and the price for that material in effect to him (i) on March 31, 1942, in the case of those fabrics or services whose base period is March, 1942, or (ii) on January 1, 1943, in the case of those fabrics or services whose base period is April, 1943. The resulting figure is the differential.

10. Section 7 (d) (4) is added to read as follows:

(4) *Special cases.* (i) If the manufacturer customarily sold several widths, styles, or compounds of the fabric at the same price to the same class of purchasers, he shall use the same differential for all widths, styles or compounds that he sold at the same price to the same class of purchasers. This differential shall be calculated in the manner just set forth, except that in applying

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14080.

that method the manufacturer shall use the method he customarily used during the base period to arrive at a uniform price. If the manufacturer had no such customary method, he shall use as a basis for calculating the differential the width, style, or compound of the fabric of which he sold the largest quantity during the period January 1, to July 1, 1943, inclusive.

(ii) If the manufacturer during the base period had established price differentials between various widths, coating compounds, weights of coating, colors or other similar variants, he shall continue that practice. This shall be done by deducting the differential from the base price (determined under paragraph (c) of this section 7) of that width, coating compound, etc., which he used during the base period as a basis for calculating the prices of other widths, coating compounds, etc. The manufacturer shall then apply his base period differential for the variant in question to the resultant price. If the manufacturer had no customary width; coating compound, etc., which he used as a basis for determining the prices of other widths, coating compounds, etc., he shall use as a basis for determining the maximum price that width, coating compound, etc. of which he sold the largest quantity during the period January 1, to July 1, 1943, inclusive.

(iii) In the case of a fabric or service whose base period is April, 1943, if the manufacturer during the period January 1 to April 30, 1943, inclusive, reduced the price of the fabric or service being priced in order to reflect the decreased cost of synthetic or substitute rubber occurring after January 1, 1943, he may subtract the amount by which he reduced his selling price to reflect that decreased cost from the differential determined under the applicable provisions of subparagraph (2) or (3). If the amount by which the manufacturer reduced his selling price during the period January 1, to April 30, 1943, inclusive, to reflect the decreased cost of synthetic or substitute rubber exceeds the differential required to be deducted by the applicable provisions of subparagraph (2) or (3), the manufacturer's maximum price shall be the base price determined in accordance with paragraph (c).

11. Section 8 (b) (3) is amended to read as follows:

(3) The manufacturer shall then subtract the factory costs of that fabric or service from its maximum list price, or if the fabric or service has no maximum list price, from its maximum price to the class of purchasers to which the present sale is being made. The maximum price shall be determined in accordance with section 7 and factory costs shall be determined in accordance with paragraph (d) of this section.

12. Section 8 (b) (4) is amended to read as follows:

(4) The manufacturer shall then add the amount obtained in the preceding subparagraph (3) to the factory costs of the fabric or service being priced.

13. Section 8 (b) (5) is added to read as follows:

(5) If the price determined under (4) above was obtained by using a list price, the manufacturer shall then determine the maximum price by deducting from the price determined under (4) all discounts, allowances and any other deductions from the list price that he had in effect to a purchaser of the same class during the base period. If the price determined under (4) was obtained by using a price in effect to a purchaser of the same class, the price determined under (4) is the maximum price.

14. In section 8 (c) two sentences are added to the end thereof to read as follows: "If the manufacturer's production experience during the first 2 months of production is inadequate to accurately determine his costs, he may request and receive approval from the Office of Price Administration, Washington, D. C., for a further period for recomputation. This request must be made at the time of first recomputation."

15. In section 8 (d) (3) the last sentence thereof is amended to read as follows: "In no case shall factory overhead costs include allowances for selling or general administrative expenses."

16. In section 8 (e) the text preceding subparagraph (1) is amended to read as follows: "In determining the maximum price, the manufacturer shall use the first applicable of the following fabrics or services covered by this regulation which he delivered or offered for delivery during the base period."

17. Section 8 (f) is amended to read as follows:

(f) *Reports of maximum prices*—(1) *Report of price computed under paragraph (b).* If after October 31, 1943, a manufacturer receives total orders exceeding $1,000, in the case of a fabric, or exceeding $500 in the case of a service, for a fabric or service that must be priced under this section, he shall file a report. This report shall be filed with the Office of Price Administration, Washington, D. C., within ten days after the manufacturer has received a sufficient dollar volume of orders to necessitate the filing of the report. This report shall contain the information required by the form set forth in Appendix A and shall be made on a copy of that form. The manufacturer may not accept payment for any further orders of the fabric or service until the price so reported has been approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report without the Office of Price Administration objecting to the proposed maximum price. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, this price will be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration. However, the report required by this paragraph does not have to be filed if (i) the fabric or service being priced has the same use as a fabric or service which the manufacturer delivered or supplied or offered for delivery or supply during the base period, (ii) if it differs from the base period fabric or service by reason of the substitution of materials which would result in a higher maximum price, and (iii) if the manufacturer does not sell the fabric or service at a price higher than the price he charged during the base period for the base period fabric or service that he must use in computing the maximum price of the fabric or service being priced.

(2) *Report where recomputation results in a higher price.* If the recomputation required by paragraph (c) results in a higher maximum price and if on any subsequent order the manufacturer elects to charge a higher price than the maximum price resulting from the first computation, he must file a report with the Office of Price Administration, Washington 25, D. C., within ten days after entering into a contract at such increased price. This report shall contain the information required by the form set forth in Appendix A and shall be made on a copy of that form. The manufacturer may not receive payment for the fabric or service at this increased price until that price has been approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report without the Office of Price Administration objecting to the increased price. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

18. Section 8a is added to read as follows:

SEC. 8a. *Maximum manufacturers' prices for rejects and seconds*—(a) *Fabrics whose base period is April, 1943.* The maximum manufacturers' price for the sale of any fabric which is a government second and whose base period is April, 1943, shall be 75% of the contract price for the sale of the government fabric. The maximum price of any fabric which is rejected only because it fails to meet government specifications shall be 90% of the contract price for the perfect fabric. If the manufacturer does not have a contract price for a reject or second covered by this paragraph (a), he shall substitute the total of his charge for the coating and the price he must pay for the piece goods (not in excess of the applicable maximum price) for the contract price in determining his maximum price.

(b) *Fabrics whose base period is March 1942.* The maximum manufacturers' price for the sale of other than first quality fabrics (including seconds, jobs and shorts) whose base period is March 1942, shall be determined as follows: The manufacturer shall deduct from the maximum price for the first quality fabric all discounts and allowances which he had in effect during March 1942, for other than first quality fabrics.

19. Section 13 (b) is amended to read as follows:

(b) *Transportation charges.* No seller shall require any purchaser, and no purchaser is permitted, to pay a larger proportion of the transportation costs incurred in the delivery of fabrics or the supplying of services than the seller required purchasers of the same class to pay on deliveries of the same or similar fabrics or services during the base period. Where the seller during the base period quoted prices on an f. o. b. basis, he may determine his delivered maximum price by adding transportation costs to his f. o. b. maximum price. Where the seller during the base period quoted prices on a delivered basis, he may determine his f. o. b. maximum price by deducting transportation costs from his delivered maximum price. Transportation costs shall be determined by the method used by the manufacturer during the base period.

20. Section 18 (b) (2) is amended to read as follows:

(2) Records of base period differentials between different widths, coating compounds, weight of coating, color, or similar variants in effect for fabrics or services during the base period, which were in use during that month in determining the price of one width, etc., in respect to the price of another width, etc.

21. Section 22 (a) (6) is added to read as follows:

(6) "List price" means a price to which discounts or allowances (other than cash discounts) are applied in order to arrive at prices to different classes of purchasers. The term "list price" includes prices quoted through the medium of a schedule or price list.

22. In Appendix A the note under 5 is amended to read as follows:

(If you used a list price and discount system during the base period, only state the maximum list price. In such case, also indicate all applicable discounts and allowances and the classes of purchasers to which those discounts and allowances are applicable. These discounts and allowances need not be shown if you have already reported them to this office. If you did not use a list price and discount system during the base period, you must compute the maximum price to each class of purchaser. The margin (d) is found by subtracting the factory costs of the fabric or service used as a basis for pricing (c) from its maximum price (b). This dollar margin is then added to the factory cost (e) of the fabric or service being priced.)

23. In Appendix A the note under 6 is amended to read as follows:

(State the method employed, including the rates used and the bases to which the rates were applied. These need not be shown if you have already reported them to this Office.)

This amendment shall become effective January 19, 1944.

NOTE: All reporting and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-716; Filed, January 13, 1944; 11:44 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[GMPR for Hawaii,[1] Amdt. 2]

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (c) of section 1 is hereby redesignated paragraph (d), and the following new paragraph (c) is added:

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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CHESTER BOWLES,
Administrator.

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PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[2] Amdt. 21]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Regulation 183 is amended in the following respects:

1. Section 20a is added to read as follows:

SEC. 20a. *Maximum prices for certain canned fruits packed in the Territory of Puerto Rico.*

TABLE 2A—MAXIMUM PRICES FOR CANNED PINEAPPLE

	To wholesalers (per dozen)			At wholesale (per dozen)			At retail (per can)		
	No. 2	No. 2½	No. 10	No. 2	No. 2½	No. 10	No. 2	No. 2½	No. 10
Crushed, all brands:									
Natural (in juice)	$1.80	$2.55	$8.50	$2.05	$2.95	$9.80	$0.22	$0.32	$1.06
Sweetened, cut out of:									
20 to 24 Brix	2.00	2.80	9.50	2.30	3.20	10.95	.25	.35	1.19
Over 24 Brix	2.35	3.35	10.50	2.70	3.75	12.10	.29	.40	1.31
Fountain Topping	2.65	3.70	12.00	3.05	4.25	13.80	.33	.46	1.50
Cut, all brands:									
Slices, chunks, tidbits	2.00	2.80	9.50	2.30	3.20	10.95	.25	.35	1.19

2. Section 21a Table 4b is added to read as follows:

TABLE 4B—MAXIMUM PRICES FOR PINEAPPLE JUICE

	To wholesalers (per dozen)			At wholesale (per dozen)			At retail (per can)		
	No. 2	No. 2½	No. 10	No. 2	No. 2½	No. 10	No. 2	No. 2½	No. 10
Natural, unsweetened	$1.55	-------	$7.00	$1.80	-------	$8.05	$0.20	-------	$0.87
Sweetened	1.65	-------	7.40	1.90	-------	8.50	.21	-------	.92

3. Section 56 Table 46 is amended by adding new brands to the categories "Scotch whiskies", "American whiskies", "Brandies", "Table wines—Foreign", "Dessert wines—Foreign", "Vermouth—Foreign", "Champagne—Foreign" and by adding the categories "Scotch type whiskey", "Canadian rye whiskey", "Cordials (domestic)", "Cider—Foreign", all to read as follows:

Items and brands	Unit	Importer-wholesaler	Retail (per unit)
Scotch whiskies:			
Queen Anne	Case of 12/4/5 quart	$40.50	$4.75
House of Lords	Case of 12/4/5 quart	40.80	4.75
King's Ransom	Case of 12/4/5 quart	47.00	5.50
The Antiquary	Case of 12/Imperial Liter	64.00	7.50
Johnnie Walker Red Label	Case of 24/4/5 pint	46.80	2.70
Johnnie Walker Red Label	Case of 12/4/5 quart	45.25	5.25
Johnnie Walker Black Label	Case of 24/4/5 pint	54.25	3.15
Johnnie Walker Black Label	Case of 12/4/5 quart	55.00	6.00
Weston's Special Reserve	Case of 12/Imperial Liter	56.00	6.50
McNairs	Case of 12/4/5 quart	42.00	4.75
Scotch type whiskey:			
Stuart Lloyds	Case of 12/4/5 quart	27.25	3.15
Canadian rye whiskey:			
G & W	Case of 12/4/5 quart	39.00	4.50

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5307, 6362.

[2] 8 F.R. 9532, 10763, 10906, 11497, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

Items and brands	Unit	Importer-wholesaler	Retail (per unit)
American whiskies:			
Bourbon:			
Old Crow	Case of 12/4/5 quart	$27.50	$3.20
Old Taylor	Case of 12/5ths	31.50	3.50
Old Taylor	Case of 24/pints	32.00	1.75
Old Log Cabin	Case of 12/5ths	23.00	2.80
Rye:			
Old Overholt	Case of 12/5ths	26.25	3.00
Old Crow	Case of 12/4/5 quart	27.50	3.20
Blended whiskey:			
Calvert Reserve	Case of 24/16 oz.	37.00	2.10
Calvert Reserve	Case of 48/8 oz.	38.25	1.10
Brandies:			
Caballero	Case of 12/1	36.50	4.25
Caballero	Case of 24/2	37.25	2.25
Fernando A. de Terry:			
Terry Tipo Competidor	Case of 24/2	38.50	2.25
Terry Tipo Competidor	Case of 12/1	37.00	4.25
Terry Tipo 3 Estrellas	Case of 12/1	38.50	4.50
Terry Tipo 3 Estrellas	Case of 24/2	40.00	2.40
Terry Tipo Imperio	Case of 12/1	43.00	5.10
Table wines—Foreign:			
Benegas Hnos. & Co. Ltd.:			
Derby	Case of 12/1	14.25	1.60
Tinto Reserva	Case of 12/1	13.00	1.50
Cia. Argentina de Intercambio:			
Vino Blanco	Case of 12/1	13.50	1.50
Vino Tinto 1937	Case of 12/1	13.00	1.45
Angel M. Espino e Hijos:			
Blanco Clubman	Case of 12/1	15.25	1.75
Tinto Cabernet Trovador	Case of 12/1	15.25	1.75
Sauternes Argentino	Case of 12/1	13.75	1.50
Sauternes Argentino	Case of 24/2	15.75	.90
Chianti Argentino	Case of 12/1	17.00	2.00
Chianti Argentino	Case of 24/2	17.50	1.00
Pierna de Perdiz (Sparkling)	Case of 12/1	28.00	3.25
Bodegas Bilbainas:			
Clarete Fino	Case of 12/1	18.00	2.10
Peters Hnos.:			
Sauternes Feudal	Case of 12/1	14.75	1.70
Claret Feudal	Case of 12/1	12.50	1.40
Martini & Rossi:			
Chianti Martini & Rossi	Case of 12/1	17.75	2.00
Chianti Martini & Rossi	Case of 24/2	20.00	1.15
Dessert wines—Foreign:			
Angel M. Espino e Hijos:			
Malaga Espino	Case of 12/1	15.00	1.75
Oporto Espino	Case of 12/1	16.00	1.85
Marsala Espino	Case of 12/1	15.00	1.75
Sherry Espino	Case of 12/1	16.75	1.95
Moscatel Espino (Alambrado)	Case of 12/1	19.25	2.25
Moscatel Espino (garrafas)	Case of 12/1	26.50	3.00
Peters Hnos.:			
Oporto Argentino Templario	Case of 12/1	18.50	2.10
Vermouth—Foreign:			
Cia. Industrial Financiera Argentina:			
Saturno	Case of 12/32 oz.	15.50	1.85
Saturno	Case of 24/16 oz.	17.30	1.00
Angel M. Espino e Hijos:			
Baudino (sweet)	Case of 12/1	17.50	2.00
Destileria Bodegas y Vinedos El Globo - Globo (sweet)	Case of 12/1	15.50	1.95
Martini & Rossi (Regular dulce)	Case of 12/1 pt. 14 oz.	17.00	2.00
Martini & Rossi (Blanco dulce)	Case of 12/1 pt. 14 oz.	17.00	2.00
Champagne—Foreign:			
Angel M. Espino e Hijos:			
Angel M. Espino—Demi-sec	Case of 12/1	40.50	5.00
Angel M. Espino—Demi-sec	Case of 24/2	44.25	2.75
Angel M. Espino sec	Case of 12/1	42.50	5.25
Cider—Foreign:			
Tumuyan	Case of 12/1 pt. 10 oz.	13.50	1.60
Cordials (domestic):			
Anis El Pavo	Case of 24/12 oz.	8.25	.50
Anis El Canario	Case of 24/12 oz.	9.25	.55

3. Section 56 Table 48 is amended by adding new brands to read as follows:

Items and brands	Unit	Price to wholesalers	Price at wholesale	Price at retail
				Per unit
Buenos Aires	Case of 72/12 oz. bot.	$22.50	$24.75	$0.45
Buenos Aires	Case of 48/22 oz. bot.	22.50	24.75	.65
C. Machen & Hudson Royal Jullier	Case of 24/11½ oz. bot.	8.10	8.90	.45

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-710; Filed, January 13, 1944; 11:47 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 33]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Maximum Price Regulation 373 is amended in the following respects:

1. Section 6 (a) is amended by changing the last sentence to read as follows: "This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, combination sales, trade understandings and the like, or by making discounts or other terms of sale more onerous to the purchaser than those in effect at the time any commodity became or may become subject to this regulation."

2. The table following section 21 (c) (1) is amended by changing the prices of "celery" and by adding the item "squash" to read as follows:

	Wholesale maximum prices	Retail maximum prices
		Per lb.
Celery	$6.60 per crate	$0.15
quash, banana and hubbard	$0.075 per lb	.10

3. The table following section 21 (d) (1) is amended by changing the prices of "Apples: North West Newton Pippin" and "Apples: Winesaps" and by adding the item "Cranberries" to read as follows:

	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
		Per doz.	*Per lb.*
Apples: North West Newton Pippin	$6.45 per box	None	$0.17
Winesaps	$5.45 per box	None	.17
Cranberries	($22.00 per 44 lb. box. ($15.50 per 25 lb. box.	None	.75

4. Section 61 is added to read as follows:

SEC. 61. *Maximum prices for children's and infants' wear at wholesale and retail*—(a) *To what transactions, products and persons this section applies*—(1) *What commodities are covered.* This regulation applies to all children's wear in girls' sizes 2–6, and boys' sizes 2–6, and all infants' wear in sizes 0–2, which are classified and defined as follows:

(i) *Girls' dresses and suits.* This classification includes all girls' outerwear garments of one or two pieces sold at a unit price commonly known as dresses and suits, whether made of knitted or woven fabric, and includes jumpers, pinafores, brunch coats, aprons and similar articles.

(ii) *Boys' suits.* This classification includes all boys' outerwear garments commonly known as boys' suits, consisting of coat or shirt with short or long pants, and sold at a unit price.

(iii) *Children's coats.* This classification includes children's outerwear garments commonly known as coats or jackets, whether loose or fitted styles, trimmed or untrimmed, sport or dress, and includes capes, but does not include rainwear garments, sweaters, beach coats, or play coats.

(iv) *Rainwear.* This classification includes children's outerwear garments which are commonly regarded as having as their chief use protection against rain, such as coats, jackets, capes and similar items.

(v) *Slacks, slack suits and shorts.* This classification includes children's outerwear garments commonly known as slacks, slack suits and shorts, and includes separate slacks, overalls, jeans, coveralls, shorts and slack suits of two pieces, consisting of slacks and shirt or jacket, sold at a unit price.

(vi) *Girls' skirts.* This classification includes all girls' outerwear garments commonly known as separate skirts.

(vii) *Boys' trousers.* This classification includes all boys' outerwear garments commonly known as separate trousers.

(viii) *Blouses and shirts.* This classification includes all children's outerwear garments, commonly known as blouses or shirts, made of woven or jersey knit fabric, but does not include any other knit or knitted garments, such as sweaters, polo shirts and the like.

(ix) *Sweaters.* This classification includes all children's outerwear garments commonly known as sweaters, sweater coats, pullovers, polo shirts which are knit or knitted.

(x) *Play clothes.* This classification includes all children's outerwear garments commonly known as play clothes, and which are designed primarily for play, swim or beach wear, and includes sun suits, swim suits, rompers, beach coats and capes, and similar articles.

(xi) *Headwear.* This classification includes all children's headwear and includes hats, caps, bonnets, berets and similar articles.

(xii) *School uniforms.* This classification includes all outerwear garments that are especially designed for school wear as a uniform.

(xiii) *Housecoats and robes.* This classification includes children's garments commonly known as lounge wear and includes robes and housecoats and similar articles.

(xiv) *Underwear and nightwear.* This classification includes those children's garments commonly known as underwear and nightwear and includes both knit and woven union suits, nightgowns, pajamas, undershirts, panties, shorts, slips, vests and similar articles.

(xv) *Infants' dresses, rompers, creepers and coats.* This classification includes all infants' outerwear garments commonly known as infants' dresses, rompers, creepers, coats and similar articles, whether knitted or made of woven fabric and includes sets of two or more pieces of these items and other items of infants' wear when sold at a unit price.

(xvi) *Infants' sweaters, sacques and wrappers.* This classification includes all infants' outerwear garments commonly known as infants' sweaters, sacques, wrappers, shawls and similar articles, whether knitted or made of woven fabric.

(xvii) *Bonnets.* This classification includes all infants' headwear items and includes bonnets, caps and similar articles.

(xviii) *Booties and socks.* This classification includes infants' booties, socks and similar items.

(xix) *Harnesses.* This classification includes all harnesses and similar articles made of fabric which are designed and used primarily for infants.

(xx) *Infants' underwear and nightwear.* This classification includes all infants' underwear and nightwear, whether knitted or woven, and includes undershirts, nightgowns, sleepers, vests, binders, panties, training panties, soaker panties, waterproof panties and similar items.

(xxi) *Miscellaneous articles.* This classification includes articles of children's and infants' wear which are made principally of fabric and which are not included in any of the above classifications.

(2) *What transactions are covered.* This section applies to sales at wholesale and sales at retail, sales by manufacturing-wholesalers and sales by manufacturing-retailers, of children's and infants' wear as set forth in paragraph (a).

(3) *Effect upon General Maximum Price Regulation for Hawaii and other maximum price regulations.* The provisions of this section supersede the provisions of the General Maximum Price Regulation for the Territory of Hawaii,[3] General Order No. 49 and all other maximum price regulations issued by the Office of Price Administration, except as may hereinafter be provided, with respect to sales at wholesale and at retail and sales by manufacturing-wholesalers and manufacturing-retailers in the Territory of Hawaii of children's and infants' wear as set forth in paragraph (a).

(b) *Maximum prices for sales at wholesale*—(1) *Wholesalers and jobbers.* Except in the case of inter-island shipments mentioned in paragraph (3) below, the maximum price for sales at wholesale of any article listed and described in paragraph (a) which was manufactured outside the Territory of Hawaii shall be the amount determined either by multiplying the manufacturer's selling price, less all allowable trade, cash, or other discounts or allowances, except cash discounts up to 2%, by 1.25, or multiplying the "landed cost" by 1.20; *Provided,* That:

(i) The wholesaler or jobber regularly carries such classification of articles in stock and has heretofore carried such classification of articles in stock, and

(ii) The particular article is to be sold out of such stock, and

(iii) The particular article was invoiced and shipped to the establishment of the wholesaler or jobber; and the wholesaler or jobber shall elect to use one of the two alternate methods of determining the maximum price and shall use it for all articles sold by him which are covered by this section. The method elected may not thereafter be changed without written permission of the Office of Price Administration. The wholesaler or jobber must send this office a statement of the method elected on or before December 20, 1943.

(2) *"Landed cost."* For articles imported from outside the Territory of Hawaii "landed cost" shall be the total of the following amounts:

(i) An amount equal to the manufacturer's selling price, less all allowable trade, cash or other discounts and allowances, except cash discounts up to 2%.

(ii) An amount equal to the transportation charges, if any, actually incurred by the wholesaler for transportation from the mainland point at which the wholesaler received delivery, to the mainland port of shipment (including Federal transportation tax and terminal charges) not in excess of public (common or contract) carrier rates.

(iii) An amount equal to mainland storage charges, and insurance in connection therewith, actually incurred by the wholesaler, but charges for storage and insurance in connection therewith in excess of three months shall not be included.

(iv) An amount equal to cartage charges actually incurred by the wholesaler for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(v) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included, but the type of coverage is at the discretion of the buyer and seller.

(vi) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from dock to warehouse, computed at a rate not in excess of 1.20 per ton, weight or measurement, *Provided,* That the commodity is moved from the dock at the wholesaler's expense.

(3) *Inter-island shipments.* In the case of a commodity originally imported from without the Territory of Hawaii to one island of the Territory and subsequently shipped to another island in the Territory, the maximum price in the island of final destination for sale by a wholesaler or jobber who has satisfied the conditions as to inventory set forth in subparagraph (1) above, and who has elected the second pricing method shall be the sum of the amounts specified in subparagraphs (i) through (iv) below.

(i) An amount equal to the maximum wholesale price in the island from which the article was shipped, calculated under subparagraph (1) above.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12708, 13023, 13342, 13500, 14139.

[2] Copies may be obtained from the Office of Price Administration.

[3] 8 F.R. 5307, 6362.

(ii) An amount equal to cartage charges for cartage from the warehouse to the dock in the island from which the article was shipped, calculated at the rate set forth in subdivision (2) (vi) above, whether or not such cartage charges are actually incurred.

(iii) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler for shipment between the islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included.

(iv) An amount equal to cartage charges on the island of destination, from dock to warehouse, computed at a rate not in excess of the amount set forth in subdivision (2) (vi) above, *Provided*, That the articles are moved from the dock at the wholesaler's expense.

(4) *Maximum prices for locally made articles.* The maximum prices for sales at wholesale of any article manufactured in the Territory of Hawaii listed and described in paragraph (a) of this section by a wholesaler or jobber who satisfies the conditions as to inventory set forth in subdivision (i), (ii) and (iii) of paragraph (b) (1) above, shall be those established by sections 2 and 3 of the General Maximum Price Regulation for Hawaii.

(5) *Drop shipments.* The maximum prices for sales at wholesale of any article listed and described in paragraph (a) of this section by a person who has not heretofore regularly carried such article in stock, and such article is not being sold out of the stock, and such article was not invoiced and shipped to the establishment of such person, shall be those established by sections 2 and 3 of the General Maximum Price Regulation for Hawaii.

(6) *Manufacturing-wholesalers and manufacturing-retailers.* The maximum price for sales at wholesale of any article listed and described in paragraph (a) of this section, which the wholesaler or retailer makes or has made for him from materials owned by him, shall be computed by multiplying the sum of the costs of manufacturing by 1.15. The costs of manufacturing shall include only:

(i) The wholesale price of the material, which for the wholesaler shall be no higher than his maximum wholesale price for such material, and for the retailer shall be the actual cost of the material to him, which may in no case be higher than the wholesale price;

(ii) The sewing charges as listed with this office under Maximum Price Regulation 20 of the Military Governor of the Territory of Hawaii or Maximum Price Regulation 165 of the Office of Price Administration; and

(iii) The maximum price permitted under this regulation for any block prints which may be printed on the article by or for the manufacturing-wholesaler or manufacturing-retailer.

(7) *Allowance for block printing.* Where a wholesaler block prints, or has block printed for him, any article covered in this section, he may, for the purpose of determining the maximum price under this section, add to the manufacturer's selling price the maximum price permitted by this regulation for such prints.

(8) *Inability to determine price at wholesale.* Any person who is unable to determine prices under paragraphs (b) (1), (4), (5) or (6) shall apply to the Office of Price Administration for a maximum price. Such application must set forth the manufacturer's selling price, less all trade, cash or other discounts and allowances and/or the "landed cost" for such articles as specified in paragraph (b) (2) of this section.

(9) *Restrictions of markup at wholesale.* (i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

(ii) No part of the wholesale markup may be taken by a wholesaler-retailer on any article listed and described in paragraph (a) of this section that is sold by any retail outlet owned, controlled by, under the control of, controlling, or in any other way affiliated with respect to ownership or control with the wholesaler.

(c) *Maximum prices for sales at retail—(1) Purchases from mainland manufacturers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section, which the retailer purchases from a mainland manufacturer, shall be the amount determined by multiplying the manufacturer's selling price, less all allowable discounts and allowances, except cash discounts up to 8%, by the figure given below in the first column of the table below for the classification of goods to be priced.

(2) *Purchases from distributors.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section, which the retailer purchased from a person selling at wholesale whose maximum prices for the sale are determined by paragraph (b) (5), shall be the amount determined by multiplying the manufacturer's selling price by the figure given below in the first column of the table below for the classification of goods to be priced.

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section, which the retailer purchases from a mainland wholesaler or jobber, shall be the amount determined by multiplying the wholesaler's or jobber's selling price, less all allowable discounts and allowances except cash discounts up to 8%, by the figure given below in the second column of the table below for the classification of goods to be priced.

(4) *Purchases from local wholesalers or jobbers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section, imported from the mainland and which the retailer purchases from a local wholesaler or jobber, shall be the amount determined by multiplying the wholesaler's or jobber's selling price, less all allowable discounts and allowances except cash discounts up to 8%, by the figure given below in the third column of the table below for the classification of goods to be priced.

(5) *Locally manufactured articles.* The maximum price for sales at retail of any article listed and described in paragraph (a) of this section, made by a manufacturer located in the Territory of Hawaii, shall be: If the retailer purchases direct from the manufacturer, the amount determined by multiplying the manufacturer's selling price, less all allowable discounts except cash discounts up to 8%, by the figure given in the fourth column of the table below; if the purchase of a locally manufactured article is made from a wholesaler, the amount determined by multiplying the manufacturer's selling price by the figure in the fourth column of the table below, for the classification of goods to be priced.

(6) *Manufacturing-wholesalers and manufacturing-retailers.* The maximum price for any article listed and described in paragraph (a) of this section, which the retailer purchases from a local manufacturing-wholesaler or manufacturing retailer, or which he makes or has made for him, shall be the amount determined by multiplying the wholesale price as determined under paragraph (b) (6) by the figure given in the third column of the table below for the classification of goods to be priced.

TABLE OF RETAIL MULTIPLICATION FIGURES

	Column 1	Column 2	Column 3	Column 4
Girls' dresses and suits, boys' suits, children's coats, rainwear, robes and housecoats, underwear and nightwear, slacks, slack suits and shorts, girls' skirts, boys' trousers, blouses and shirts, sweaters, play clothes, headwear, school uniforms; and infants' dresses, rompers, creepers and coats, infants' sweaters, sacques and wrappers, bonnets, booties and socks, harnesses, infants' underwear and nightwear, miscellaneous articles:				
Budget: to $8.75 inclusive	1.75	1.55	1.50	1.70
Better: over $8.75	1.80	1.60	1.55	1.75

NOTE: The cost designation in the table above with respect to "Budget" and "Better" items refers to the appropriate cost price upon which the retailer will use the multiple in the table to determine his maximum retail price.

(7) *Allowance for block printing.* Where a retailer block prints or has block printed for him, any article covered in this section, he may, for the purpose of determining the maximum price under this section, add to the manufacturer's selling price, or wholesaler's selling price, depending on the source of purchase, the maximum price permitted by this regulation for such prints.

(8) *Inability to determine prices at retail.* Any person who is unable to determine prices at retail under subparagraphs (1) through (7) of this paragraph (c) shall apply to the Office of Price Administration for the establishment of a maximum price.

(9) *Odd cent maximum prices at retail.* Whenever the calculation of a maximum retail price results in an odd cent maximum price, the maximum price may be adjusted to the nearest nickel.

(d) *Maximum prices for nationally advertised articles.* Application may be made for approval of a price for an article listed in paragraph (a) which is nationally advertised by the manufacturer thereof, and who requires that such article be sold at the prices established by such manufacturer. The applicant must set forth:

(1) Description of the article or line to be priced.

(2) Proof that the manufacturer has established a resale price and that such price is so marked on the article that any purchaser can know that it is a nationally advertised price.

(3) A statement that the seller will not sell such article at a price higher than such nationally advertised price.

Such application, of course, need not be made where such nationally advertised price is not in excess of the maximum price as calculated under this regulation.

(e) *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the allocation made by the wholesaler or retailer and shall show the resulting maximum wholesale or retail prices determined on the basis of such allocated costs.

(f) *Maximum prices for certain merchandise purchased at lower than manufacturer's maximum price.* In cases where a wholesaler or retailer purchases from a manufacturer or wholesaler any article listed and described in paragraph (a) of this section, at a price lower than the manufacturer's or wholesaler's maximum price and lower than a price which the purchaser previously paid to such manufacturer or wholesaler for the same or similar merchandise, and where such lesser price was paid by reason of the size of the purchase or the seasonal nature of the goods, application may be made to the Office of Price Administration for a maximum price for resale of the merchandise, which maximum price is based upon the higher price previously paid to such manufacturer or wholesaler, and the appropriate multiple provided by this section. Any such application must be accompanied by the invoice for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature,

(g) *Maximum prices for retail sales of exclusive and individual articles.* In cases where a retailer at the special order of an ultimate consumer designs and fabricates for such consumer an exclusive and individual article, application may be made at the Office of Price Administration for a maximum price at retail not to exceed two times the cost of such article as otherwise determined under this section. Articles which are produced on a mass or semimass production basis or which are made for stock are not exclusive and individual articles.

(h) *Records and reports.* Notwithstanding the provisions of section 10 of this Maximum Price Regulation 373, the provisions of section 52 (h) shall be applicable to this section 61.

(i) *Posting and marking of prices.* Notwithstanding the provisions of section 10 of this Maximum Price Regulation 373, the provisions of section 52 (i) shall be applicable to this section 61, except that in section 52 (i) (1) the words "women's and girls'" shall be changed to "children's and infants'" for the purposes of this section 61.

(j) *Definitions.* When used in this section 61, the term:

(1) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it before the deduction of any discounts or allowances, and shall not include any transportation costs, marine or war risk insurance, storage charges, or any other charge.

(2) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without changing its form, to any person other than an ultimate consumer, and includes sales to retailers by manufacturing-wholesalers or manufacturing-retailers, but does not include any sale by a producer, manufacturer, or fabricator of any wearing apparel or accessory produced, manufactured, or fabricated by him, or on his behalf by an agent or a contractor.

(3) "Wholesaler-retailer" means a firm or person who customarily sells at least 50% of the articles listed and described in paragraph (a) of this section in his own or in an affiliated store.

(4) "Wholesaler's selling price" means the price appearing on the wholesaler's invoice to the retailer before the deduction of cash discounts or other discounts for prompt payment.

(5) "Manufacturing-wholesaler" means a wholesaler who has made for him from materials owned by him, articles for sale to a retailer.

(6) "Manufacturing-retailer" means a retailer who has made for him from materials owned by him, articles for sale to an ultimate consumer.

This amendment shall become effective as of December 16, 1943, except that all the provisions of section 61 shall become effective as of December 6, 1943, save as follows with respect to sales at retail of articles in inventory as of December 6, 1943. Such articles need not be priced under this section until February 1, 1944: *Provided*, That any such article which is the same or similar to an article received in inventory after December 6, 1943, shall not be sold at a price higher than the maximum price established by this section for such new article. For the purposes of this provision, one article shall be deemed "similar" to another article if the first has the same use as the second, affords the purchaser fairly equivalent serviceability and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such article, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such articles would ordinarily have been sold, shall not be taken into account.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-718; Filed, January 13, 1944; 11:45 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 34]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. The table following section 21 (c) (1) is amended by changing the wholesale price of Onions, dry, all colors from "$3.30 per 50 lb. bag" to "$3.40 per 50 lb. bag."

2. The table following section 21 (d) (1) is amended by adding a new type to the category "Apples", by amending the prices of "Grapes: Emporer" and by deleting the types "Grapes: Ribier" and "Grapes: Almeria", by amending the prices of "Pears, D'Anjous" and by adding the type "Pears: Winter Nelis", all to read as follows:

	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
Apples:			*Per lb.*
Arkansas Black	$5.45 per box	None	$0.17
Grapes:			
Emperor	$5.25 per lug	None	.28
Pears:			
D'Anjous	$11.85 per box	None	.37
Winter Nelis	$10.75	None	.34

This amendment shall become effective as of December 30, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10668, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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CHESTER BOWLES,
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PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14[1] to GMPR, Amdt. 82]

LAMINATED WOOD STRUCTURAL MEMBERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.37 is added to read as follows:

SEC. 6.37 *Laminated wood structural members*—(a) *Products covered.* This section covers sales of all frame structural members such as rafters, joists, arches, and roof trusses, which are fabricated by laminating two or more pieces of lumber by gluing, scarf-jointing, or otherwise.

(b) *Maximum f. o. b. factory prices; sales by manufacturers.* The maximum f. o. b. factory price for laminated wood structural members shall be computed on the basis of the individual manufacturer's price-determining method during the month of March 1942, using rates and costs as provided in the following formula:

(1) *Materials.* Lumber material costs for the particular item shall not be higher than the current maximum price as established by the appropriate "mill ceiling" regulation plus the average inbound freight cost for the particular item during the six months period from June 1, 1943 through November 30, 1943. In the case of a manufacturer using lumber produced by him, the material costs that may be used for such lumber shall be at least $2.00 per MBM below the maximum mill price for that lumber.

(2) *Labor.* Labor costs shall include only labor that was treated as direct labor in the March 1942 price-determining method. To determine direct labor cost for a particular item, use the March 1942 direct labor cost plus the percentage increase in average hourly earnings between March 1942 and September 30, 1943. In computing average hourly earnings only the earnings of workers whose wages are computed on an hourly or piece-work basis shall be used.

Example. Average hourly earnings

March 1942	$0.50
September 30, 1943	$0.60
Increase	20%
Direct labor cost for item per MBM	
March 1942	$15.00
Increase 20%	3.00
Cost to be used	$18.00

(3) *All other expenses and profit.* To the out-of-pocket cost of the particular item determined as specified in (1) and (2) above, there may be added for all other expenses and for profit the same dollars-and-cents margin that was applied for such expenses and profit under the March 1942 price-determining method. The addition for "all other expenses and profit", it should be noted, is a fixed dollars-and-cents addition rather than a percentage addition and is the difference between the March 1942 price of the particular item and the March 1942 out-of-pocket cost (as determined by (1) and (2) using March 1942 costs.)

(c) *Maximum delivered prices; sales by dealers.* The maximum delivered price shall be a price computed by increasing the March 1942 delivered price by the amount of increase in current delivered cost (f. o. b. factory price of manufacturer plus the actual transportation charges paid or incurred by the seller in making shipments directly from the factory to the point of delivery required by the purchaser) over the March 1942 delivered cost. If the dealer did not sell the item in March 1942 he must request the factory to inform him of the March 1942 mark-up of his nearest competitive seller and use this dollars-and-cents mark-up for his current sales.

(d) Sellers must maintain trade discounts and credit terms no less onerous to buyers than the March 1942 discounts and terms given the same buyer or class of buyer.

(e) The provisions of this section shall be applicable to the 48 States of the United States and to the District of Columbia.

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-715; Filed, January 13, 1944; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14B[1] to GMPR,[2] Amdt. 1]

BREAD AND BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Supplementary Regulation 14B is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *Weight increases.* Whenever the weight of any loaf or product is increased over the weight of the loaf or product as produced in March 1942, the new loaf or product shall be deemed a new product; and the maximum price of every seller of such new loaf or product must be determined under section 2 (b) or section 3 of the General Maximum Price Regulation: *Provided*, That if a baker increases the weight of his loaf of bread or sales unit of packaged rolls not more than 25 percent over the weight of his loaf of bread or sales unit of packaged rolls as produced in March 1942, he may increase his maximum price therefor proportionately per ratio of weight, and all other sellers of such increased loaf of bread or sales unit of packaged rolls may increase their maximum prices by an amount in cents equal to the increase herein provided for the baker. However, no increase may be made pursuant to this provision unless it is so calculated as to result in an increase in price of one cent or a multiple thereof.

2. Section 3 is amended to read as follows:

SEC. 3. *Single maximum prices for sales at wholesale.* (a) In any trading area all sales of bread and rolls at wholesale, as defined in this section, by any seller shall be deemed sales to one class of purchasers, and discounts previously given by any seller in the case of any of his sales at wholesale of said products may be discontinued; and to this end:

(b) The maximum price for all sales of bread and rolls at wholesale by any seller shall hereafter be such seller's wholesale list price in the trading area, as existing in March 1942, for the same or most nearly similar commodity or, if none, such list price of his most closely competitive seller or, if none, a maximum price as determined under section 3 of the General Maximum Price Regulation.

(c) For the purposes of this section "sales at wholesale" means all sales of the seller to retailers, restaurants and hotels.

3. Section 5 (b) is amended to read as follows:

(b) Is of a similar type (for example, department store, chain store, specialty store, cut rate store, house to house seller).

4. Section 9 (a) (4) is amended to read as follows:

(4) If the figure resulting contains a fraction of one-half cent or more, it shall be adjusted to the next higher cent, or if it contains a fraction of less than one-half cent it shall be adjusted to the next lower cent.

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-714; Filed, January 13, 1944; 11:44 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9787.

[1] 8 F.R. 16794.

[2] 8 F.R. 9787, 9880, 10432, 10566, 10433, 10668, 10731, 10759, 10763, 10839, 10674, 10864, 10758, 11174, 11182, 11247, 11215, 11479, 11572, 11754, 11873, 12325, 12406, 12139, 12550, 12633, 12557, 12710, 12669, 12950, 13059, 13171, 13180, 13257, 13846.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 187—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

POSTPONEMENT OF EFFECTIVE DATE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 4th day of January, A. D. 1944.

Rule 18 of Tariff Circular MF No. 3 being under consideration, and good cause appearing therefor;

It is ordered, That the effective date of Rule 18 of Tariff Circular MF No. 3 (§ 187.42) be, and it is hereby, postponed from April 1, 1944, until April 1, 1945.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-691; Filed, January 13, 1944; 11:07 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. IT-5868]

GRANITE CITY GENERATING COMPANY AND UNION ELECTRIC COMPANY OF MISSOURI

NOTICE OF APPLICATIONS

JANUARY 12, 1944.

Notice is hereby given that on December 27, 1943, Granite City Generating Company, a corporation organized under the laws of the State of Illinois and doing business in the States of Missouri and Illinois, with its principal business office at Granite City, Illinois, filed an amendment to its application theretofore, on November 8, 1943, filed in the above-entitled matter (notice of which application on November 11, 1943, was published in the FEDERAL REGISTER, volume 8, page 15466), by which said application as amended an order is sought authorizing the modification of that certain Indenture of Lease between Granite City Generating Company, as lessor, and Laclede Power & Light Company, as lessee, dated March 1, 1938, by eliminating therefrom paragraph 6.10 of Article VI; and authorizing Granite City Generating Company to consent to the assignment of said Indenture of Lease by Laclede Power & Light Company to Union Electric Company of Missouri, and the substitution of Union Electric Company of Missouri as lessee thereunder.

Notice is also hereby given that on January 10, 1944, an application was filed with the Federal Power Commission in the above-entitled matter, pursuant to section 203 of the Federal Power Act, by the aforesaid Union Electric Company of Missouri, a corporation organized under the laws of the State of Missouri and doing business in said State, with its principal office at St. Louis, Missouri, seeking an order authorizing the assignment of the aforementioned Indenture of Lease by Laclede Power & Light Company to Union Electric Company of Missouri, and the substitution of Union Electric Company of Missouri as lessee thereunder.

The applications state that electric properties of Granite City Generating Company, including its transmission facilities, are now leased to and operated by Laclede Power & Light Company under said Indenture of Lease, which lease Laclede Power & Light Company proposes to assign to Union Electric Company of Missouri in connection with the proposed sale by Laclede to Union of all the electric properties and business owned or operated by Laclede Power & Light Company in the City of St. Louis (see notice of application filed October 4, 1943, by Union Electric Company of Missouri, Docket No. IT-5857, for authorization to acquire facilities of Laclede Power & Light Company, published on October 8, 1943, in the FEDERAL REGISTER, Volume 8, Page 3828); all as more fully appears in the applications on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before the 28th day of January, 1944, file with the Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-667; Filed, January 13, 1944; 9:49 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4988]

WILLIAM H. KAMPF AND EARL H. WILSON

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is hereby ordered, That the taking of testimony in this proceeding begin on Monday, February 7, 1944, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-702; Filed, January 13, 1944; 11:22 a. m.]

[Docket No. 5019]

ROBERT M. CALVERT AND RALPH D. WESTER

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 8, 1944, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-703; Filed, January 13, 1944; 11:22 a. m.]

[Docket No. 5030]

SAMUEL B. SMITH

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 10, 1944, at ten o'clock in the forenoon of that day (Central Standard Time), in Basement Room 20, Federal Building, Springfield, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc 44-704; Filed, January 13, 1944; 11:22 a. m.]

[Docket No. 5056]

RUSSELL M. BRADDOCK

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Satuday, February 5, 1944, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 859, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-705; Filed, January 13, 1944; 11:22 a. m.]

[Docket No. 5081]

JANNETTE B. DOWNS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, February 12, 1944, at ten o'clock in the forenoon of that day (Central Standard Time) in County Court Room, County Court House, Omaha, Nebraska.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-706; Filed, January 13, 1944; 11:22 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2841]

PAUL VON NEINDORFF

In re: Real property, claims, and bank account owned by Paul von Neindorff.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Paul von Neindorff is the same person known as Paul von Niendorff, Paul von Niendorf and Paul von Neindorf;

2. That the last known address of Paul von Neindorff is Richard Wagner Street, Weisbaden, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

3. That Paul von Neindorff is the owner of the property described in subparagraph 4 hereof;

4. That the property described as follows:

a. Real property situated in Tulare County, California, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Paul von Neindorff in and to the sum of $1,000, constituting a portion of a certain bank account in the Bank of America, Porterville Branch, Porterville, California, which is due and owing to and held for Paul von Neindorff in the name of A. E. Sarthou in Trust for Paul von Neindorff,

c. All right, title, interest and claim of any name or nature whatsoever of Paul von Neindorff, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Paul von Neindorff by the Grand View Heights Citrus Association, Terra Bella, California, including but not limited to all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations,

d. All right, title, interest and claim of any name or nature whatsoever of Paul von Neindorff, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Paul von Neindorff by the Terra Bella Citrus Association, Terra Bella, California, including but not limited to all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations, and

e. All right, title, interest and claim of any name or nature whatsoever of Paul von Neindorff, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Paul von Neindorff by A. E. Sarthou, and particularly that obligation evidenced by a promissory note, executed by A. E. Sarthou on March 3, 1943, and particularly that obligation evidenced by a promissory note, executed by A. E. Sarthou on April 14, 1943, including but not limited to all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 4-b above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 4-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot or parcel of land situate in the County of Tulare, State of California, and bounded and particularly described as follows, to-wit:

That portion of the Northwest quarter of Section eighteen (18) Township twenty-two (22) South, Range twenty-eight (28) East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, included within the following boundaries:

Beginning at a point 80 rods south and 90 rods east of the Northwest corner of said Northwest quarter of said Section 18, said point being the Southwest corner of the land conveyed by G. H. Russell and Permelia J. Russell, his wife, to J. A. Ulmer by deed dated May 3, 1906, recorded in book 136, page 189 of Deeds, thence south along the east line of the land conveyed by Permelia J. Russell and Geo. R. Russell, her husband, to Henry Anthony, by deed dated November 18, 1906, recorded in book 129, page 44 of deeds, 80 rods more or less, to the south line of said Northwest quarter, thence east along said South line, 50 rods to the southwest corner of the land conveyed by G. H. Russell and Permelia J. Russell, his wife, to George H. Russell, by deed dated June 30, 1906, recorded in book 130, page 460 of Deeds, thence North along the west line of said land so conveyed to said George E. Russell, 80 rods to the Southeast corner of the tract of land conveyed to J. A. Ulmer as aforesaid; thence West, along the South line of said land conveyed to Ulmer, 50 rods to the place of beginning.

Excepting therefrom the East ten (10) feet of the West 30 feet of said property as granted to the Visalia Electric Railroad Company, a corporation, by deed dated December 23, 1916, recorded in Book 247 of Deeds at Page 481.

EXHIBIT B

All that certain lot or parcel of land situate in the County of Tulare, State of California, and particularly described as follows, to-wit:

The Northwest quarter of the Southwest quarter and the East half of the Southwest quarter of the Southwest quarter of Section thirty-two (32), Township Twenty-two (22) South, Range twenty-eight (28) East, Mount Diablo Base and Meridian, County of Tulare, State of California.

Except the West 25 feet thereof.

[F. R. Doc. 44-669; Filed, January 13, 1944; 11:02 a. m.]

[Vesting Order 2844]

BIANCA OLCOTT

In re: Undivided interest in a bond and mortgage, fire insurance policy, and claim owned by Bianca Olcott, also known as Bianca Olcott Fontana.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Bianca Olcott, also known as Bianca Olcott Fontana, is 327 Via Tuscolana, Roma 52, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That the said Bianca Olcott, also known as Bianca Olcott Fontana, is the owner of property described in paragraph 3 hereof;

3. That the property described as follows:

a. An undivided one-fifth interest in a mortgage executed on August 8, 1921, by Hermann Schroeder and Johanna M. Schroeder, his wife, and recorded on August 12, 1921, in the Register's Office of Queens County, New York, in Liber 2017 of Mortgages, page 419, which one-fifth interest was assigned to Bianca Olcott, also known as Bianca Olcott Fontana, by an assignment executed on July 31, 1934 by the City Bank Farmers Trust Company, and recorded in the above Register's Office in Liber 4138 of Mortgages, page 138, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

b. All right, title, and interest of Bianca Olcott, also known as Bianca Olcott Fontana, in and to fire insurance policy No. 767648, issued by the Royal Insurance Company, insuring the premises located at 9523 80th Street, Queens County, New York, and

c. All right, title, interest and claim of any name or nature whatsoever of Bianca Olcott, also known as Bianca Olcott Fontana, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Bianca Olcott, also known as Bianca Olcott Fontana, by the City Bank Farmers Trust Company, and represented on the books of City Bank Farmers Trust Company as credit balances due Bianca Olcott, also known as Bianca Olcott Fontana, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against the City Bank Farmers Trust Company arising out of the management of the property described in subparagraph 3-a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-670; Filed, January 13, 1944; 11:02 a. m.]

[Vesting Order 2859]

WILHELM MEYER, ET AL.

In re: Real property, property insurance policies, and claim owned by Wilhelm Meyer, Friedrick Heinrick Meyer, Johann Meyer and Lina Hake.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation finding:

1. That the following named persons whose last known addresses appear opposite their respective names, are residents of Germany and are nationals of a designated enemy country (Germany):

Nationals and Last Known Address
Wilhelm Meyer, Gr. Henstedt, Bie Bassum, Hanover, Germany.
Friedrick Heinrick Meyer, Wilhelmshafen, Germany.
Johann Meyer, Sudwalde 62, Germany.
Lina Hake, Dimhausen, Germany.

2. That Wilhelm Meyer, Friedrick Heinrick Meyer, Johann Meyer, and Lina Hake are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Village of Hooper, County of Dodge, State of Nebraska, identified as that real property acquired by Wilhelm Meyer, Friedrick Heinrick Meyer, Johann Meyer, and Lina Hake by virtue of their being the heirs of Fritz Meyer, deceased, whose estate was administered in the County Court of Dodge County, Nebraska, and particularly described as Lots 10, 11, 12 in Block 2, Village of Hooper, Dodge County, Nebraska, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

b. All right, title and interest of Wilhelm Meyer, Friedrick Heinrick Meyer, Johann Meyer and Lina Hake, and each of them, in and to:

(1) Fire Insurance Policy No. 17571 issued by the Capital Fire Insurance Company of Lincoln, Nebraska, insuring the premises described in subparagraph 3-a hereof;

(2) Liability Insurance Policy No. GL-967533 issued by the Globe Indemnity Company of New York, New York, insuring against liability for personal injury on or about the premises described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of Wilhelm Meyer, Friedrick Heinrick Meyer, Johann Meyer, and Lina Hake, and each of them, in and to the sum of $400.62 constituting a certain bank account with the First National Bank, Hooper, Nebraska, in the name of Fritz Meyer Estate, which is due, and owing to, and held for, Wilhelm Meyer, Friedrick Heinrick Meyer, Johann Meyer, and Lina Hake, the heirs of Fritz Meyer, including but not limited to all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any and all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–671; Filed, January 13, 1944; 11:02 a. m.]

[Vesting Order 2860]

ADLOFF REALTY CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the outstanding capital stock of Adloff Realty Co., a corporation organized and doing business under the laws of the State of California and a business enterprise within the United States, consisting of 1,000 shares of common stock having a par value of $100 a share, 256$^{15}/_{32}$ shares (25.6%) are registered in the names of the persons listed below in the number appearing opposite each name and are beneficially owned by the persons whose names are set out thereafter and are evidence of control of said business enterprise:

Name, Number of Shares and Beneficial Owner

Ludwig Adloff, 51$^{1}/_{4}$, Ludwig Adloff.
Adam Adloff, 51$^{1}/_{4}$, Estate of Adam Adloff, deceased, his heirs, legatees, executors and administrators.
Heinrich Adloff, 51$^{1}/_{4}$, Estate of Heinrich Adloff, deceased, his heirs, legatees, executors and administrators.
Marie Kohleman, 51$^{1}/_{4}$, Estate of Marie Kohleman, also known as Marie Kohlmann, deceased, her heirs, legatees, executors and administrators.
Wilhelm Roemer, 8$^{23}/_{32}$, Wilhelm Roemer,
Frieda Roemer, 8$^{23}/_{32}$, Frieda Roemer.
Anna Roemer, 8$^{23}/_{32}$, Anna Roemer.
Marie Jost, 8$^{23}/_{32}$, Marie Jost.
Dora Hockstein, 8$^{23}/_{32}$, Dora Hockstein.
Pauline Bieser, 8$^{23}/_{32}$, Pauline Bieser.
Total 256$^{15}/_{32}$ shares;

2. That the following named persons, whose last known addresses are Germany, are nationals of a designated enemy country (Germany):

Ludwig Adloff.
Estate of Adam Adloff, deceased, his heirs, legatees, executors and administrators.
Estate of Heinrich Adloff, deceased, his heirs, legatees, executors and administrators.
Estate of Marie Kohleman, also known as Marie Kohlmann, deceased, her heirs, legatees, executors and administrators.
Wilhelm Roemer.
Frieda Roemer.
Anna Roemer.
Marie Jost.
Dora Hockstein.
Pauline Bieser.

and determining:

3. That Adloff Realty Co. is controlled by:

Ludwig Adloff.
Estate of Adam Adloff, deceased, his heirs, legatees, executors and administrators.
Estate of Heinrich Adloff, deceased, his heirs, legatees, executors and administrators.
Estate of Marie Kohleman, also known as Marie Kohlmann, deceased, her heirs, legatees, executors and administrators.
Wilhelm Roemer.
Frieda Roemer.
Anna Roemer.
Marie Jost.
Dora Hockstein.
Pauline Bieser.

and is a national of a designated enemy country (Germany):

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 256$^{15}/_{32}$ shares of the capital stock of Adloff Realty Co., hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–672; Filed, January 13, 1944; 11:03 a. m.]

[Vesting Order 2862]

BOSTRUM, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the issued and outstanding capital stock of Bostrum, Inc., a corporation organized under the laws of the State of Delaware and a business enterprise within the United States, consisting of 20 shares of $100 par value stock, 10 shares (50%) are registered in the name of and owned by Ernst Johann Hermann Bohack and are evidence of control of said business enterprise;

2. That Ernst Johann Hermann Bohack, whose last known address is Suderwisch, 55 Cuxhaven, Germany, is a national of a designated enemy country (Germany);

and determining:

3. That Bostrum, Inc., is controlled by Ernst Johann Hermann Bohack and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 10 shares of the capital stock of Bostrum, Inc., registered in the name of and owned by Ernst Johann Hermann Bohack, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–673; Filed, January 13, 1944; 11:03 a. m.]

[Vesting Order 2876]

GREGORY CHRISTOFF

In re: Estate of Gregory Christoff, alias Gregory Christoff Duroff; deceased; File D–11–12; E. T. sec. 365.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of Lake County, Waukegan, Illinois, and the Clerk of the Probate Court of Lake County, Waukegan, Illinois, Depositaries, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Lake;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Bulgaria, namely,

Nationals and Last Known Address

Vasilka Duroff, Bulgaria.
Maria Duroff, Bulgaria.
Christo Duroff, Bulgaria.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Bulgaria; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $1,200.70 which is in the possession and custody of Gustaf H. Fredbeck, Treasurer of Lake County, Illinois, Depositary, pursuant to an order of Court entered November 20, 1942 by the Probate Court of Lake County, Illinois in the matter of the estate of Gregory Christoff, alias Gregory Christoff Duroff, Deceased, Case No. 15950; also, all right, title, interest and claim of any kind or character whatsoever of Vasilka Duroff, Maria Duroff and Christo Duroff, and each of them, in and to the estate of Gregory Christoff, alias Gregory Christoff Duroff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–675; Filed, January 13, 1944; 11:00 a. m.]

[Vesting Order 2877]

WILLIAM FALKENSTEIN

In re: Estate of William Falkenstein, deceased; File D–28–7434; E. T. sec. 7669.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Stanley M. Falken, Administrator with the Will Annexed, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Orange;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Oskar Epstein, Holland.
Herbert Epstein, China.

And determining that—

(3) Oskar Epstein and Herbert Epstein, citizens or subjects of a designated enemy country, Germany, and within enemy-occupied areas, Holland and China, respectively, are nationals of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Oskar Epstein and Herbert Epstein, and each of them, in and to the Estate of William Falkenstein, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–676; Filed, January 13, 1944; 11:00 a. m.]

[Vesting Order 2878]

GEORGE W. JACOBY

In re: Estate of George W. Jacoby, deceased; File No. D–28–7618; E. T. sec. 8023.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Deborah Jacoby, J. Ralph Jacoby and Herbert Abraham, as executors, acting under the judicial supervision of

the Surrogate's Court of New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

John Huber, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of John Huber in and to the Estate of George W. Jacoby, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–677; Filed, January 13, 1944; 11:00 a. m.]

[Vesting Order 2879]

AUGUSTA PIERZYNSKI

In re: Estate of Augusta Pierzynski, deceased; File D–28–3855; E. T. sec. 6586.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of Cook County, Chicago, Illinois, Depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Addresses

Regina Byczkowski, also known as Regina Bitzkowski, also known as Regine Byczkowski, Germany.

Wilhelm Pollack, also known as Wilhelm Pollak, Germany.

Mary Kischel, also known as Marie Kischel, Germany.

Paul Berger, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $2,212.24, which is in the possession and custody of the Treasurer of Cook County, Illinois, Depositary, pursuant to an order of the Probate Court of Cook County, Illinois, entered October 21, 1943, in the matter of the estate of Augusta Pierzynski, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–678; Filed, January 13, 1944; 11:00 a. m.]

[Vesting Order 2880]

CATHERINE ROMBECK

In re: Estate of Catherine Rombeck, sometimes written Katherine Rombeck, deceased; File D–28–7674; E. T. sec. 8168.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Seattle-First National Bank, Executor, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Spokane;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Frau F. F. Dieters, Germany;
Children, names unknown, of Frau F. F. Dieters, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after apropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Frau F. F. Dieters and the children, names unknown, of Frau F. F. Dieters, and each of them, in and to the Estate of Catherine Rombeck, sometimes written Katherine Rombeck, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian:

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–679; Filed, January 13, 1944; 11:00 a. m.]

[Vesting Order 2881]

FREDERECKE CAROLINE SCHAAL

In re: Estate of Frederecke Caroline Schaal, deceased; file D–28–7455; E. T. sec. 7696.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marie Quass, Germany.
Richard Quass, Germany.
The issue of Marie Quass, Germany.
The issue of Richard Quass, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marie Quass, Richard Quass, the issue of Marie Quass, and the issue of Richard Quass, and each of them, in and to the estate of Frederecke Caroline Schaal, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–680; Filed, January 13, 1944; 11:01 a. m.]

[Vesting Order 2882]

ALEX STOFA

In re: Estate of Alex Stofa, deceased; File D–34–146; E. T. sec. 5661.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Charles F. Pennington, 200 Marshall Building, Cleveland, Ohio, Administrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Mary Stofa, Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $153.58, deposited in 896–027 Collection Fund; also, all right, title, interest and claim of any kind or character whatsoever of Mary Stofa, in and to the estate of Alex Stofa, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–681; Filed, January 13, 1944; 11:01 a. m.]

[Vesting Order 2884]

VICTOR DONATH

In re: Invention and disclosure thereof of Victor Donath.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Victor Donath is a citizen of Czechoslovakia and a resident of Belgium and is a national of foreign countries (Czechoslovakia and Belgium);

2. That the invention and disclosure thereof described in subparagraph 3 hereof are property of Victor Donath;

3. That the property described as follows: The disclosure identified as follows:

TC–Number, Inventor, and Invention

TC–157, Victor Donath, method and device for producing stereoscopic cinematography,

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of a national of foreign countries (Czechoslovakia and Belgium);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to relieve any person from any requirement of law with respect to the filing of an application, petition, or other request relative to any matter covered by this Order.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–682; Filed, January 13, 1944; 11:01 a. m.]

tained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-674; Filed, January 13, 1944; 11:03 a. m.]

[Vesting Order 2889]

MICHAEL DOBLER

In re: Estate of Michael Dobler, deceased. File D-28-7736; E. T. sec. 8461.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Charles R. Warren, Administrator, acting under the judicial supervision of the District Court of the Fifth Judicial District of the State of Montana, in and for the County of Jefferson;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Agatha Braendle, Germany.
Joseph Dobler, Germany.
Josef Huber, Germany.
Georg Huber, Germany.
Karl Huber, Germany.
Anna Vonbruel, nee Huber, Germany.
Johann Dobler, Paris, France.
Albert Dobler, Germany.
Maria Dobler, Germany.
Agatha Hoch, nee Dobler, Germany.
Anton Dobler, Germany.
Oskar Dobler, Germany.
Reinold Dobler, Germany.
Karoline Jaeger, nee Dobler, Germany.
Johann Voelke, Germany.
Maria Muendle, Germany.
Sofie Schmidt, Germany.
Theodor Voelke, Germany.

And determining that—

(3) Johann Dobler, a citizen or subject of a designated enemy country, Germany, and with an enemy occupied area, Paris, France, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Agatha Braendle, Joseph Dobler, Josef Huber, Georg Huber, Karl Huber, Anna Vonbruel, nee Huber, Johann Dobler, Albert Dobler, Maria Dobler, Agatha Hoch, nee Dobler, Anton Dobler, Oskar Dobler, Reinold Dobler, Karoline Jaeger, nee Dobler, Johann Voelke, Maria Muendle, Sofie Schmidt and Theodor Voelke, and each of them, in and to the estate of Michael Dobler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-682; Filed, January 13, 1944; 11:01 a. m.]

[Vesting Order 2890]

WILBUR HOWE

In re: Estate of Wilbur Howe, a minor; File F-28-14228; E. T. sec. 2448.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by The First National Bank of Chicago, 38 South Dearborn Street, Chicago, Illinois, Guardian, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Wilbur Howe, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $2,068.43 and United States of America Savings Series "C" Bond Number M38266c, due January 1, 1947, par value $1,000.00, now registered in the name of Wilbur Howe, which were delivered to the Alien Property Custodian on August 4, 1943, pursuant to an order of the Probate Court of Cook County, Illinois, entered June 30, 1943, in the matter of the estate of Wilbur Howe, a minor,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-683; Filed, January 13, 1944; 11:01 a. m.]

[Vesting Order 2891]

WILLIAM KINDERMAN

In re: Estate of William Kinderman, deceased; File: D-28-3676; E. T. sec. 6078.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Karl Bruesselbach, Executor and Testamentary Trustee, acting under the judicial supervision of the County Court of the City and County of Denver, State of Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and last known address

Wilhelmina Schultz, Germany.
Regina Elizabeth Honsel, Germany.
William Sadler, Germany.

Marie Obenhaus, Germany.
Fritz Kinderman, Germany.
Anneliese Obenhous, Germany.
Kinderman Stift, Germany.
Bielefelder Schuetzengesellschaft, Germany.
Willie Bruesselbach, or his heirs, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Wilhelmina Schultz, Regina Elizabeth Honsel, William Sadler, Marie Obenhaus, Fritz Kinderman, Anneliese Obenhaus, Kinderman Stift, Bielefelder Schuetzengesellschaft and Willie Bruesselbach or his heirs, and each of them, in and to the Estate of William Kinderman, deceased, and in and to the trust created under the will of William Kinderman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-684; Filed, January 13, 1944; 11:01 a. m.]

[Vesting Order 2892]

JOHN KRUMNACK

In re: Estate of John Krumnack, deceased; File D-28-8001; E. T. sec. 8956.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Lena Zehnder, Executrix, acting under the judicial supervision of the Superior Court of the State of Washington for the County of Pierce;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Heinrich Krumnack, Germany.

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Heinrich Krumnack in and to the Estate of John Krumnack, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-685; Filed, January 13, 1944; 11:02 a. m.]

[Vesting Order 2893]

CHARLES S. ROGOWSKY

In re: Estate of Charles S. Rogowsky, deceased; File D-28-7717; E. T. sec. 8230.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Fred J. Eden, Administrator, d. b. n., acting under the judicial supervision of the U. S. District Court for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Laurence Rogowsky, Germany.
Victoria Rogowsky, Germany.
Josephine Rogowsky, Germany.
Sophia Rogowsky, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Laurence Rogowsky, Victoria Rogowsky, Josephine Rogowsky and Sophia Rogowsky, and each of them, in and to the estate of Charles S. Rogowsky, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-686; Filed, January 13, 1944; 11:02 a. m.]

[Supplemental Vesting Order 2903]

JOSEPHINE M. LORSCH

In re: Bank account owned by Josephine M. Lorsch.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found by Vesting Order Number 154, dated September 17, 1942, as amended, and by Vesting Order Number 372, dated November 18, 1942 that Josephine M. Lorsch is a national of a designated enemy county (Germany);

2. Having vested by said Vesting Order Number 872 a certain mortgage which is particularly described therein and which was, on November 18, 1942, owned by Josephine M. Lorsch;

3. Finding that Josephine M. Lorsch is the owner of the property described in subparagraph 4 hereof;

4. Finding that the property described as follows:

The sum of $3,000, constituting a portion of a certain bank account with The National City Bank of New York, City Bank Farmers Branch, 22 William Street, New York, New York, which account is due and owing to and held for and in the name of "Josephine M. Lorsch (Mrs. Albert Lorsch)", and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And further determining that the property described in subparagraph 4 hereof is necessary for the maintenance or safeguarding of the property described in subparagraph 2 hereof;

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–687; Filed, January 13, 1944; 11:03 a. m.]

LEON THIRY AND ABEL EDGAR CHERNACK

NOTICE OF SUMMARY PROCEEDINGS FOR ALLOWANCE OF CLAIMS

In the matter of the claims of:

Claimant, Designation of Notice of Claim, Vesting Order Number, and Property Involved

Leon Thiry; APC–1–No. 531; APC–17 re Patent No. 2,179,959; 675; Patent No. 2,179,959.

Abel Edgar Chernack; APC–16 re Patent No. 2,245,758; 666; Patent No. 2,245,758.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a notice of claim alleging that he is the owner of the entire right, title and interest in and to the property described in each notice of claim respectively and that he is not a national of a designated enemy country; and recommendation for allowance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington, D. C., and that any person asserting any objection to allowance of the claims shall on or before January 29, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claims.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.

MICHAEL F. KRESKY,

[F. R. Doc. 44–688; Filed, January 13, 1944; 11:03 a. m.]

VICTOR CHEMICAL WORKS

ORDER FOR AND NOTICE OF HEARING

Order for and notice of hearing before Vested Property Claims Committee in the matter of the claim of Victor Chemical Works.

Whereas on July 30, 1942, the Alien Property Custodian issued Vesting Order No. 68 (7 F.R. 6181) which vested, among other things, United States Patent Application Serial Number 276,020, inventors Borneman and Huber, filed May 26, 1939, for washing, detergent and softening agents, in which vesting order there was recited, among other things, a finding that said patent application was the property of a national of a foreign country (Germany); and

Whereas, Victor Chemical Works, an Illinois corporation, has filed Notice of Claim Number 34, which appears to assert that the claimant is the true owner of said patent application.

Now, therefore, It is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 F.R. 16709) that a hearing on the said claim be held before the Vested Property Claims Committee on Tuesday, January 25, 1944, at 10:00 a. m. Eastern War Time, in Room 633, National Press Building, 14th and F Streets NW., Washington D. C. to continue thereafter at such time and place as the Committee may determine. *It is further ordered,* That this notice of hearing be served by registered mail upon the said claimant and upon the persons designated in paragraph 2 of the said notice of claim, and filed with the FEDERAL REGISTER.

Any person desiring to be heard either in support of or in opposition to the said claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington (25), D. C., on or before January 21, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the above address.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.

MICHAEL F. KRESKY.

[F. R. Doc. 44–689; Filed, January 13, 1944; 11:03 a. m.]

OFFICE OF PRICE ADMINISTRATION

[Order 1138 Under MPR 188]

GENERAL CERAMICS COMPANY

AUTHORIZATION OF MAXIMUM PRICES

Order No. 1138 under Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Revised Supplementary Order No. 9 and Procedural Regulation No. 6, as amended, *It is hereby ordered,* That:

(a) The General Ceramics Company, Keasbey, New Jersey, is hereby authorized to sell, offer to sell, deliver, invoice and receive payment under government contract or subcontract thereunder, and any person who has entered into or proposes to enter into any government contract or subcontract thereunder as defined herein, may buy or offer to buy, receive delivery and make payments for the chemical stoneware commodities specified below at maximum prices not in excess of maximum prices determined by applying the following discounts off the published list prices in effect during March 1942 by the General Ceramics Company:

(1) On a sale made pursuant to a contract entered into on and after April 14, 1943, and delivery of the commodity has been made prior to the effective date of this order, the following discounts shall apply:

Maximum prices to consumers:	
Standard articles except pumps and fans	List less 25%.
Pumps and fans	List less 36%.
Specially designed equipment	Net plus 16%.
Maximum prices to jobbers: A discount of 10% off the above specified maximum prices.	

Such other discounts, allowances, and differentials as were extended during March 1942 to each class of customer by the General Ceramics Company and by resellers shall be maintained.

(2) On deliveries made on and after the effective date of this order:

Maximum prices to consumers:	
Standard articles except pumps and fans	List less 22%.
Pumps and fans	List less 35%.
Specially designed equipment	Net plus 19%.
Maximum prices to jobbers: A discount of 10% off the above specified maximum prices.	

Such other discounts, allowances, and differentials as were extended during March 1942 to each class of customer by the General Ceramics Company and by resellers shall be maintained.

(b) Any person purchasing for resale under a government contract or subcontract thereunder chemical stoneware from the General Ceramics Company may not sell such commodities at prices above the maximum prices specified in paragraph (a) for sales to consumers.

(c) "Government contract" means any contract with the United States or any agency thereof or with the Government or any agency thereof in any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States."

(d) "Subcontract" means any purchase order or agreement to perform all or any part of the work required under, or to make or furnish any commodity needed for the performance of, another government contract or subcontract thereunder.

(e) If the General Ceramics Company or any jobber of the General Ceramics Company has charged and collected from and purchaser holding a government contract or subcontract thereunder an amount in excess of the maximum price specified in paragraph (a) for the appropriate type of sale, the General Ceramics Company and its jobbers must refund the excess to such purchasers. If any contracts have been negotiated at a price higher than that specified in this order such price must be adjusted downward to the maximum prices established herein for the appropriate type of sale.

(f) (i) The General Ceramics Company shall submit monthly, Profit and Loss Statements reflecting separately the results of producing and selling chemical stoneware for each month's operations beginning with the month of December 1943. These statements shall include a complete detailed break-down of cost of sales, and of general, selling and administrative expenses and other income and expense.

(ii) The General Ceramics Company shall submit such other reports as the Office of Price Administration shall at any time request.

(g) All prayers of the petition not granted herein are denied.

(h) This Order No. 1138 shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–660; Filed, January 12, 1944; 3:28 p. m.]

[Order A–1 Under MPR 188, Amdt. 26]

GAS APPLIANCE VALVES

MODIFICATION OF MAXIMUM PRICES

Amendment No. 26 to Order A–1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (23) is added to read as follows:

(23) *Modification of maximum prices of gas appliance valves*—(i) *Scope of this amendment.* This subparagraph (23) establishes maximum prices for sales and deliveries of gas appliance valves by manufacturers of gas appliance valves to manufacturers of commercial and industrial ranges, water heaters, space heaters, central heaters, and refrigerators.

"Gas appliance valve" means any manually-operated valve or device specially designed to control the flow of natural or manufactured gas, oil, or kerosene, or any derivative of the foregoing fuels, at any rate from none to full, attached to an appliance designed for heating or cooking purposes either at the point where such fuel is to be used or inserted in the fuel supply line of such an appliance.

The term "gas appliance valve" does not include the regular type of angle, gate, globe, or check valve, or any variation of these basic types, nor does it include devices commonly known as corporation cocks or service cocks.

(ii) *Maximum prices for manufacturers.* On and after January 13, 1944, regardless of any contract, agreement, lease, or other obligation, no manufacturer of gas appliance valves shall sell and deliver and no manufacturer of the types of the appliances set forth in (i) shall buy or receive in the course of trade or business gas appliance valves at prices higher than the total of the following factors:

(a) The unit cost as of January 13, 1944, of direct materials used in the manufacture of the gas appliance valve at net invoice prices (all discounts deducted) laid down on the manufacturer's receiving floor or at any other comparable point, but in no event at prices exceeding the maximum prices permitted under any applicable maximum price regulation, schedule, or order issued by the Office of Price Administration.

(b) The unit direct labor cost of producing a valve based upon labor rates in effect on January 13, 1944, but in no event exceeding legally permissible rates. The unit direct labor cost shall be determined as follows:

(1) Multiply the labor rate for each operation by the actual time expended on each operation; and

(2) Divide the sum of the totals for all operations performed on each valve as computed in (1) by the total number of units produced.

(c) The dollar and cents gross mark-up. The dollar and cents gross mark-up shall be determined as follows:

(1) Subtract from the gross sales of gas appliance valves for the calendar year 1941, the direct actual material and labor cost expended in the production of gas appliance valves during such calendar year;

(2) Divide the resulting difference by the direct actual material and labor costs expended in the production of gas appliance valves during the calendar year of 1941; and

(3) Multiply the sum of the costs determined under (a) and (b) by the percentage thus obtained.

(iii) *Cash discounts, allowances and services.* The maximum prices established by this subparagraph shall be subject to the same extension of cash discounts and allowances and to the same rendition of services which the manufacturer extended or rendered or would have extended or rendered to purchasers of the same class on similar sales during the period October 1–15, 1941.

(iv) *Records.* Every person selling gas appliance valves subject to this subparagraph shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of each sale made under this subparagraph, showing the date

of the sale, the name and address of the purchaser, the plate number, the material and labor costs, the amount of gross mark-up, the maximum price permitted under this subparagraph, the transaction price or the discount allowed from the maximum price, and the point of delivery of the shipment.

(v) *Reports.* The following manufacturers, namely, W. J. Schoenberger Co., Cleveland, Ohio; Roberts Brass Mfg. Co., Detroit, Michigan; Detroit Brass and Malleable Works, Detroit, Michigan; Harper-Wyman Mfg. Co., Chicago, Illinois; Lincoln Brass Works, Inc., Detroit, Michigan; selling gas appliance valves subject to this subparagraph shall file with the Regional Office of the Office of Price Administration, Cleveland, Ohio, within 30 days after first offering for sale a gas appliance valve priced under this subparagraph the following data:

(1) Profit and Loss Statement reflecting entire company operations for the year ended December 31, 1941.

(2) Balance Sheet with an analysis of Surplus as of December 31, 1941.

(3) Profit and Loss Statement covering Gas Appliance Valve operations only, for the year ended December 31, 1941. This statement must include a breakdown of Cost of Goods Manufactured and Sold, segregated as to Materials Consumed, Direct Labor and Manufacturing Overhead, together with pertinent inventory adjustments, and of Selling, General and Administrative Expenses applicable to this phase of operations.

(4) The percentage mark-up of prime cost, experienced by the manufacturer on his line of Gas Appliance Valves during the year 1941, to be used in determining maximum selling prices.

(vi) *Notification of purchasers.* Every manufacturer selling gas appliance valves subject to this subparagraph shall send a notice to every purchaser of gas appliance valves covered by this subparagraph at the time of the first invoicing stating substantially as follows:

The maximum price of this gas appliance valve has to our best knowledge and belief been established in accordance with Amendment No. 26 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188.

This Amendment No. 26 shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-661; Filed, January 12, 1944; 3:33 p. m.]

[Order 1153 Under MPR 188]

AMERICAN EARPHONE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1153 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a vacuum tube hearing aid manufactured by American Earphone Co.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328; *It is ordered:*

(a) American Earphone Co., 10 East Forty-third Street, New York, New York, may sell to consumers and deliver the "Electro Ear" vacuum tube hearing aid of its manufacture at a price no higher than $96.85 per unit delivered. This maximum price shall be subject to the American Earphone Company's customary discounts, allowances and other price differentials that existed during March 1942 for sales by it of its former model hearing aid.

(b) Any person may sell at retail and deliver the "Electro Ear" vacuum tube hearing aid manufactured by American Earphone Co., at a price no higher than $96.85 per unit delivered. This maximum price shall be subject to the seller's customary discounts, allowances and other price differentials.

(c) At the time of or prior to the first invoice to each purchaser for resale, American Earphone Company shall notify the purchaser for resale of the maximum price and the conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1153 may be revoked or amended by the Price Administrator at any time.

This Order No. 1153 shall become effective on the 14th day of January, 1944.

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-713; Filed, January 13, 1944; 11:48 a. m.]

[Order 1154 Under MPR 188]

OTARION, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 1154 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of certain hearing aid accessories manufactured by Otarion, Inc.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) Otarion, Inc., 448 North Wells Street, Chicago, Illinois, may sell and deliver the hearing aid accessories of its manufacture at prices no higher than the following:

(1) Adapter Cord for Plug-in "A" Batteries—$.36 per unit for sales to dealers and $.72 per unit for sales at retail.

(2) "A" Battery Cradle—$.22 per unit for sales to dealers and $.44 per unit for sales at retail.

(b) Any person may sell at retail and deliver the Adapter Cords for Plug-in "A" Batteries manufactured by Otarion, Inc. at a price no higher than $.72 per unit and may sell at retail and deliver the "A" Battery Cradles at a price no higher than $.44 per unit. These maximum prices shall be subject to the seller's customary discounts, allowances and other price differentials.

(c) At the time of or prior to the first invoice to each purchaser for resale, Otarion, Inc. shall notify the purchaser of the maximum prices and the conditions set by this Order for resales by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1154 may be revoked or amended at any time.

This Order No. 1154 shall become effective on the 14th day of January 1944.

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc 44-712; Filed, January 13, 1944; 11:48 a. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket No. 24]

ERIE RAILROAD CO. AND THE SEABOARD TERMINAL AND REFRIGERATION CO.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the creditability of service rendered under freight handling contracts between the Erie Railroad Company and the Seaboard Terminal and Refrigeration Company.

Notice is hereby given that upon the request of one of the parties and by virtue of the authority vested in me by General Counsel Order dated November 27, 1943 (8 F.R. 16768) issued pursuant to Regulations under the Railroad Unemployment Insurance Act (45 U.S.C. 351-367), Part 319 §§ 319.42 et seq. (7 F.R. 4777), the hearing in the above-entitled matter, which has been set for January 24, 1944, at 10:00 A. M., in Room 920, Morgan Annex Building, 341 Ninth Avenue, New York, New York (8 F.R. 16768), is postponed to March 1, 1944, at 10:00 A. M., and will be held in Room 1038 of that building.

The Erie Railroad Company, the Seaboard Terminal and Refrigeration Company, the individuals who have been awarded benefits on the basis of pay earned in service under the above-mentioned agreements, and all other parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the Examiner. The Board has been advised that a representative of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Stations Employees will appear at the hearing and participate therein on behalf of its members employed under the agreements in question.

The hearing will be held on the following questions:

(1) Have the individuals engaged in the performance of service under the agreements entered into July 31, 1926, May 22, 1929 and July 16, 1929 between the Erie Railroad Company and the Seaboard Terminal and Refrigeration Company covering the handling of Erie's freight at its Jersey City and Duane Street stations, been, and are they, with respect to such service employees of the Erie Railroad Company, within the meaning of the Railroad Unemployment Insurance Act?

(2) Has the Seaboard Terminal and Refrigeration Company ever been a carrier by railroad subject to Part I of the Interstate Commerce Act, within the meaning of Section 1 (a) of the Railroad Unemployment Insurance Act?

(3) Has the Seaboard Terminal and Refrigeration Company ever been directly or indirectly owned or controlled by, or under common control with, one or more express companies, sleeping-car companies, or carriers by railroad, subject to Part I of the Interstate Commerce Act, within the meaning of Section 1 (a) of the Railroad Unemployment Insurance Act?

(4) Has the Seaboard Terminal and Refrigeration Company ever operated any equipment or facilities (other than casual equipment) or performed any service (other than trucking service or casual service) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer-in-transit, refrigeration or icing, storage or handling of property transported by railroad, within the meaning of Section 1 (a) of the Railroad Unemployment Insurance Act?

In preparation for, and in the conduct of, said hearing, the Examiner is authorized to require and compel the attendance of witnesses, administer oaths, take testimony and make all necessary investigations. A record will be kept of all evidence and argument presented, orally or in writing, at said hearing. The evidence presented orally will be under oath. The Examiner may require that copies of all exhibits admitted in evidence at the hearing be furnished by the party offering the same to all other parties participating or entering an appearance in the proceeding.

Dated: January 7, 1944.

LOUIS TURNER,
Examiner.

[F. R. Doc. 44-645; Filed, January 12, 1944; 3:11 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-26, 70-403]

FLORIDA POWER & LIGHT CO., ET AL.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of January, A. D. 1944.

In the matter of Florida Power & Light Company, American Power & Light Company and Electric Bond and Share Company, File No. 59-26; in the matter of Florida Power & Light Company and American Power & Light Company, File No. 70-403.

The Commission having heretofore on December 28, 1943 issued its Order herein permitting to become effective a declaration of Florida Power & Light Company pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of $45,000,000 principal amount of First Mortgage Bonds, 1974 Series, $10,000,000 principal amount of Sinking Fund Debentures, and $5,000,000 principal amount of Serial Notes, subject to approval of the terms of the bond and debenture financing as established by competitive bidding pursuant to Rule U-50, and subject to approval of the terms of the Serial Note issue as supplied by amendment, and subject to the further condition that prior to or concurrently with the final closing with respect to the sale of the proposed bonds and debentures American Power & Light Company shall have made certain proposed capital contributions and Florida Power & Light Company shall have made upon its books of account certain proposed accounting adjustments; and

Florida Power & Light Company having filed an amendment to its declaration herein which amendment specifies that said declarant has accepted the proposal of The First Boston Corporation, as representative and on behalf of an underwriting group, to purchase said First Mortgage Bonds at a coupon rate of 3½% for 104.019% of the principal amount thereof, said bonds to be offered initially to the public at 105.5%, and to purchase said Sinking Fund Debentures at a coupon rate of 4⅛% for 99.022% of the principal amount thereof, said debentures to be offered initially to the public at 100.462%, and that said declarant has accepted the proposal of The Chase National Bank of the City of New York to purchase ten 2¾% Serial Notes in the aggregate principal amount of $2,500,000 to mature semi-annually over the period 1944-1949 and the proposal of the John Hancock Mutual Life Insurance Company to purchase ten 2¾% Serial Notes in the aggregate principal amount of $2,500,000 to mature semi-annually over the period 1949-1954; and

The Commission having examined said amendment and having considered the record herein, and having found that the price and spread for the bonds, the price and spread for the debentures, and the redemption prices for the said bonds and debentures, are not unreasonable, and that the prices for the serial notes are likewise not unreasonable;

It is ordered, That the jurisdiction heretofore reserved with respect to: the prices to be paid to the company for said bonds, debentures and serial notes; the prices at which said bonds and debentures will be sold to the public; the allocation of the spreads between such prices; and the redemption prices for said bonds and debentures be, and the same hereby is, released and, subject to the terms and conditions contained in Rule U-24 and to the further condition that prior to or concurrently with the final closing with respect to the sale of the proposed bonds and debentures American Power & Light Company shall have made the proposed capital contributions to Florida Power & Light Company and Florida Power & Light Company shall have made upon its books of account the accounting adjustments proposed by it and hereinbefore ordered by us to be made in paragraph (1), subparagraphs (a), (b), (c) and (d) of our order of December 28, 1943, the declaration be, and the same hereby is, permitted to become effective; jurisdiction being retained, however, over all fees, commissions, or other remunerations to be paid in connection with all transactions covered by the declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-646; Filed, January 12, 1944; 3:11 p. m.]

[File No. 70-825]

THE OHIO PUBLIC SERVICE COMPANY AND CITIES SERVICE POWER & LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of January 1944.

Cities Service Power & Light Company, a registered holding company, and The Ohio Public Service Company, a public utility subsidiary of Cities Service Power & Light Company, having filed an application and declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, proposing the following transactions:

1. Pursuant to a contract dated September 10, 1943, between The Ohio Public Service Company and Manufacturers Trust Company, The Ohio Public Service Company proposes to purchase from Manufacturers Trust Company all the issued and outstanding common stock of The Marion-Reserve Power Company, a public utility company incorporated in Ohio consisting of 330,000 shares of a par value of $5 per share. The purchase price is payable in cash and is $2,550,000 if paid on or before December 31, 1943, and if paid thereafter and prior to May 1, 1944, increases each day thereafter at the rate of $10,000 per month.

2. Subject to consummation of the above transaction, The Ohio Public Service Company proposes to issue and sell to Cities Service Power & Light Company, and Cities Service Power & Light Com-

pany proposes to acquire from The Ohio Public Service Company, 15,000 shares of the common stock of The Ohio Public Service Company, par value $100 per share, for a price of $1,500,000 payable in cash.

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, Pursuant to the applicable provisions of the Act that said application be and it is hereby granted and said declaration be and it is hereby permitted to become effective forthwith, subject to the following terms and conditions:

1. That Cities Service Power & Light Company shall dispose of its interest in the water business of The Marion-Reserve Power Company within one year from the date hereof, unless such time is extended by order of this Commission upon a showing of the inability of Cities Service Power & Light Company in the exercise of due diligence to effect such disposition within the year;

2. The terms and conditions prescribed by Rule U-24;

3. The reservations of jurisdiction set forth below.

It is further ordered, That jurisdiction be and the same is hereby reserved with respect to such future action as may be required regarding the corporate structure of the holding-company system of Cities Service Power & Light Company and the accounts of The Marion-Reserve Power Company under sections 11 (b) (2), 12 (c), 12 (f), and 15 (f) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-647; Filed, January 12, 1944; 3:11 p. m.]

[File No. 59-32]

ASSOCIATED GAS AND ELECTRIC CORP.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of January 1944.

In the matter of Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, respondents, File No. 59-32.

The Commission having by an order dated August 13, 1942, entered in the above styled and numbered matter, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directing Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, to divest themselves of their direct and indirect ownership, control, and holding of securities issued, and properties owned, controlled or operated by and in various named companies, and having by the terms of said order reserved jurisdiction over various matters, and said order of August 13, 1942, having been modified in minor particulars by an order of the Commission dated December 30, 1942; and

Respondents, Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, having filed an application pursuant to section 11 (c) of said Act for an extension of time for a period of one year within which to comply with said order of August 13, 1942, as modified; and

The Commission having found that said Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, have been unable in the exercise of due diligence to comply in its entirety with said order within the initial statutory period of one year from the date thereof and that the requested extension of time is necessary and appropriate and in the public interest and for the protection of investors;

It is ordered, That Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, be and they are hereby granted an additional period of one year from August 13, 1943, within which to comply with said order of August 13, 1942, as modified by the order of December 30, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-649; Filed, January 12, 1944; 3:11 p. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 8-C]

POSTPONEMENT OF INDUCTION OF AIRCRAFT EMPLOYEES

ORDER GRANTING EXTENSION OF AUTHORITY

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. The authority granted to the State Director of California in Operations Order No. 8-B to postpone for a period not to exceed 60 days the induction of any registrant regularly employed in an aircraft plant or in a plant of an aircraft subcontractor or supplier situated in the State of California regardless of the State in which any such registrant may be registered, is extended to midnight on January 15, 1944, at which time such authority shall terminate.

2. All State Directors will cooperate in carrying out the provisions of this order.

LEWIS B. HERSHEY, *Director.*

DECEMBER 30, 1943.

[F. R. Doc. 44-655; Filed, January 12, 1944; 3:37 p. m.]

WAR SHIPPING ADMINISTRATION.

"FOSS NUMBER 103"

DETERMINATION AS TO OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress).

Whereas on May 25, 1942 title to the vessel Foss Number 103 (166088) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Pub. Law 17, 78th Cong.), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: January 12, 1944.

[SEAL] E. S. LAND, *Administrator.*

[F. R. Doc. 44-690; Filed, January 13, 1944; 11:12 a. m.]

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FEDERAL REGISTER

VOLUME 9 NUMBER 11

Washington, Saturday, January 15, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 1, Amdt. 6]

PART 1404—BAKERY PRODUCTS

MANUFACTURE AND DISTRIBUTION OF BAKERY PRODUCTS

Food Distribution Order No. 1, as amended (8 F.R. 16777), § 1404.1, issued by the Secretary of Agriculture on December 29, 1942, is further amended by deleting the period (.) at the end of (d) (1) and substituting, in lieu thereof, the following:

Provided, however, That until May 1, 1944, this requirement shall apply only to white bread.

This order shall become effective at 12:01 a. m., e. w. t., January 16, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 1, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 1, as amended, in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 13th day of January 1944.

ASHLEY SELLERS, *Assistant War Food Administrator.*

[F. R. Doc. 44-740; Filed, January 13, 1944; 5:01 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 299]

OPERATIONS OF AMERICAN AIRLINES, INC., AT JOPLIN, MO.

SPECIAL CIVIL AIR REGULATION

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to the operations of American Airlines, Inc., at Joplin Airport, Joplin, Missouri.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of January 1944.

The following Special Civil Air Regulation is made and promulgated to become effective January 15, 1944:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations any first pilot listed in the American Airlines, Inc., air carrier operating certificate on January 15, 1944, who is qualified as competent to operate an aircraft in scheduled air transportation between St. Louis, Missouri, and Tulsa, Oklahoma, on January 15, 1944, may pilot aircraft under day contact operations in scheduled transportation for said carrier into and out of Joplin Airport, Joplin, Missouri, upon furnishing evidence satisfactory to the Administrator showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44-759; Filed, January 14, 1944; 11:01 a. m.]

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 81—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

The amendments and additions are hereby made to the sections of Part 81 of Title 25, Indians, Code of Federal Regulations as hereafter appear; and § 81.36 is repealed;

Substitutions. In §§ 81.4, 81.38, 81.48, 81.49, 81.53 and 81.54 (first sentence) wherever the titles "Secretary of the Interior" or "Secretary" appear there is hereby substituted therefor the title "Commissioner." In the last sentence of § 81.54 the words "or the Secretary of the Interior" are eliminated without substitution.

In §§ 81.4, 81.5, 81.47 and 81.51, whereever appears "Washington Office" there is hereby substituted therefor, "Commissioner."

§ 81.0 *Definitions, functions.* (a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs, Department of the Interior.

(c) "Superintendent" means superintendent for an Indian Agency.

(d) "Examiner" means any employee upon whom authority has been conferred by the Secretary or Commissioner to conduct hearings in accordance with the regulations of this part.

(e) "Agency" means Indian agency having jurisdiction over the estate.

(f) "Department" means Department of the Interior.

(g) The function of determining heirs and probating estates in conformity with this part shall be performed by the Commissioner. An appeal may be taken to the Secretary within 60 days from the date of notice of the Commissioner's decision.

§ 81.30 *Contents of record.* • • •

(l) The record must also be accompanied by the proper findings of fact or recommendations of the Examiner and proper order for the signature of the Commissioner.

(m) A duplicate record of the case shall be made and kept in the agency file, to which must be attached a carbon copy of approved Examiner's recommendation and copies of the Commissioner's decision and departmental decision when received.

• • • • •

(o) In reports on testacy cases, the original will or a certified copy thereof with the supporting affidavits and statements.

§ 81.34 *Rehearings.* Any aggrieved person claiming an interest in the trust or restricted property of an Indian, who has received notice of the hearing or who was present at the hearing, may file a petition for rehearing within sixty (60) days from the date of notice on him of the determination of heirs or action on a will. A petition so filed shall act as a supersedeas until otherwise directed by the Commissioner. Distribution of the estate may be made by the superintendent after sixty (60) days have elapsed from the date of notice of the determination of heirs or action on the will unless a petition for rehearing is received within such period by the Superintendent or unless otherwise directed by the Commissioner.

Any such petition for rehearing must be under oath and must state concisely and specifically the grounds upon which it is based and must be accompanied by the sworn statements of at least two disinterested persons having knowledge of the facts. It should be addressed to the Commissioner and submitted through the superintendent.

If proper grounds are not shown the rehearing will be denied by the Commissioner. If the petition for rehearing is found to have merit the petitioner may be required to serve a copy of his petition together with all argument on each adverse party within fifteen (15) days from date of notice. Each adverse party will be allowed thirty (30) days thereafter in which to file his answer.

Thereafter the case will be again considered and appropriate action taken, which may consist either in adhering to the former decision or modifying or vacating same, or in making any further or other order deemed warranted. No decision of the Commissioner will be reconsidered on the petition of any person who had notice of the hearing or who was present at such hearing and received notice of the Commissioner's decision, unless such petition is filed within the sixty (60) day period specified.

§ 81.35 *Reopenings.* Petitions for reopening a determination of heirs or action on a will, will not be considered

when three (3) years or longer have elapsed since the decision of the Commissioner. Within that period, but not thereafter, any person claiming an interest in the estate who had no notice of the original proceeding may petition for reopening of the case. Any such petition must be in writing addressed to the Commissioner and submitted through the Superintendent. All grounds for reopening must be set forth fully. If based on alleged errors of fact all such allegations must be under oath and must be accompanied by affidavits, or other supporting evidence. If proper grounds are not shown the petition may be denied by the Commissioner. If the petition appears to have merit the Commissioner shall cause service to be had on the adverse parties of all papers filed by the petitioner and an opportunity shall be afforded the adverse parties to answer the petition filed within thirty (30) days after notice from the Commissioner. Thereafter, all papers filed shall be submitted to the Commissioner for action either denying or granting a reopening.

§ 81.35a *Appeals.* Interested parties should be advised that they may within sixty (60) days after the date of notice of the Commissioner's decision file with the Commissioner a notice of appeal to the Secretary from that decision. Such notice of appeal must be in writing, setting forth the grounds of the appeal and where alleged error is based upon insufficiency of the evidence to justify the decision, the particulars wherein it is deemed insufficient must be set forth specifically in the notice of appeal. Upon failure to file notice of appeal as herein provided the case will be closed. Upon receipt of a notice of appeal, the Commissioner will transmit immediately to the Secretary the record which includes all prior proceedings in the case. Without specific authority from the Secretary, no distribution of any estate shall be made prior to the expiration of sixty (60) days from the date of the Commissioner's decision or during the pendency of any appeal filed pursuant to this section.

§ 81.36 *Rehearing on wills.* This section is hereby repealed, effective this date.

(36 Stat. 855, 37 Stat. 678, 45 Stat. 161, 48 Stat. 647; 25 U.S.C. 372, 373)

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 17, 1943.

[F. R. Doc. 44–692; Filed, January 13, 1944; 9:49 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

ADJUSTMENTS OF WAGE RATES

General Order 16, adopted by the National War Labor Board on November 24, 1942, is hereby amended by striking therefrom subparagraph (1) thereof and re-numbering subparagraphs (2) and (3). The amended general order is as follows:

§ 803.16 *General Order No. 16.* Adjustments which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations, and adjustments in accordance with this policy which recognize or are based on differences in quality or quantity of work performed, may be made without approval of the National War Labor Board: *Provided*, That:

(1) Such adjustments shall be subject to the Board's ultimate power of review, but any modification or reversal thereof will not be retroactive;

(2) Such adjustments shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings.

Interpretation No. 1 to General Order No. 16 is hereby amended by striking therefrom the last sentence, commencing with the word "Such", and ending with the words "General Order No. 16". The amended interpretation is as follows:

INTERPRETATION 1

Wage adjustments required by State statutes which prohibit wage discrimination between the sexes are "adjustments which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations" within the meaning of General Order No. 16, and may be made without approval of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted January 3, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44–757; Filed, January 14, 1944; 10:34 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Order 11]

PART 601—ADMINISTRATIVE; GENERAL

ORDER ESTABLISHING LAKE DOCK COAL ADVISORY COMMITTEE AND TIDEWATER DOCK COAL ADVISORY COMMITTEE

It would be very helpful in carrying out the purposes of Executive Order No. 9332 (8 F.R. 5355) if there were available a Lake Dock Coal Advisory Committee and a Tidewater Dock Coal Advisory Committee. Accordingly, in order to effectuate the purposes of Executive Order No. 9332 and by virtue of the authority conferred by that order, the following order is issued by the Solid Fuels Administrator for War:

§ 601.41 *Establishment and functions of committees.* A Lake Dock Coal Advisory Committee and a Tidewater Dock Coal Advisory Committee are hereby created to furnish (a) such information and advice as may be requested from time to time by the Solid Fuels Administration for War and (b) any information and advice which the committees believe would help in carrying out the purposes of Executive Order No. 9332. Members of these committees shall serve without compensation.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 12th day of January 1944.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44–760; Filed, January 14, 1944; 10:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–452, Stay of Execution]

SAMUEL HELLER LEATHER COMPANY, INC.

Samuel Heller Leather Company, Inc. has appealed to the Chief Compliance Commissioner from the provisions of Suspension Order S–452 on the following grounds: (a) that its case suffered because it was not represented by counsel at the Compliance hearing; and (b) that it has material evidence which was not produced at the hearing. The Compliance Commissioner who presided at the hearing is of the opinion that the company should be given an opportunity to present additional evidence. The Chief Compliance Commissioner has directed that the case be reopened, that the company be permitted to offer additional evidence at a further hearing, and that Suspension Order No. S–452 be stayed. In view of the foregoing, *it is hereby ordered*, that:

§ 1010.452 *Stay of execution of Suspension Order S–452.* (a) The provisions of § 1010.452 Suspension Order S–452, issued December 15, 1943, shall be stayed and shall be of no force or effect pending further order and direction from the War Production Board.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–739; Filed, January 13, 1944; 4:39 p. m.]

PART 3154—HARDWARE SIMPLIFICATION

[Limitation Order L–236, Interpretation 1 to Schedule II]

MARINE JOINER HARDWARE

The following interpretation is issued with respect to Schedule II of Limitation Order L–236:

Paragraph (d) (3) of Schedule II to Limitation Order L-236 provides that the schedule does not restrict the manufacture, fabrication or assembly of "marine joiner hardware manufactured to fill a contract of the Army, Navy, Maritime Commission or War Shipping Administration, when such contract has been executed prior to the 28th day of August 1943."

The contract referred to in this paragraph is a contract for the delivery of marine joiner hardware, not a contract for the construction of a ship on which such hardware is to be used.

Issued this 14th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-768; Filed, January 14, 1944; 11:08 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 22, as Amended Jan. 14, 1944]

SPECIAL ALLOTMENTS

The following direction is issued pursuant to CMP Reg. 1, as amended:

(a) *Purpose.* (1) This direction outlines the way in which a manufacturer of Class A products who does not receive allotments from his customers in time to permit him to make full use of them, may apply for a special allotment.

(2) Special allotments will not be granted except in extraordinary cases of urgent need where a clear showing is made that failure to make the allotment will actually cause an interruption of production to the detriment of the war effort and that the applicant has made a diligent effort to obtain allotments from his customers and has been unable to do so. The showing of these facts must be set up in the letter of transmittal covering the application.

(3) Usually manufacturers applying for a special allotment will be either those who are several steps removed from a prime consumer and where unavoidable delay is involved in passing allotments down or those engaged in long cycle operations whose customers are not able to furnish them with advance allotments.

(4) Special allotments will not be granted to prime consumers.

(b) *How to apply for special allotments.* Applications for special allotments should be made on Form CMP-4B. The following variations from the instructions for preparing the form must be observed:

(1) Mark the application "Special Allotment Procedure" in Item 3 of the heading.

(2) Insert in Item 4 of the heading the description of the A product covered by the application.

(3) The applicant must show in Section B his total anticipated production schedule for the Class A product covered by the application to be produced from the allotments for the quarters for which application is made.

(4) The applicant must show in Section C his total requirements during the quarters covered by the application to fill the total anticipated production schedule shown in Section B.

(5) Section D must be filled out in accordance with the instructions.

(6) The applicant must show in Section E the quantity of controlled materials for which a special allotment is required which will be the difference between the quantities shown in Section C and the quantities shown in Section D.

(7) All other information called for on the CMP-4B application, including shipment by preference ratings and Claimant Agencies (Section A), must be given by the applicant. The application should be filed with the War Production Board Ref: Special Allotment Procedure, and must be accompanied by a letter of transmittal explaining fully why the applicant feels he is entitled to special treatment.

(8) In those cases where the applicant has been instructed by a particular Claimant Agency or Industry Division to file an application for a special allotment he should indicate the name of the Claimant Agency or Industry Division in Item 1 of the heading.

(c) *Conditions on use of special allotments.* Conditions on the use of special allotments will be imposed in the letter of transmittal accompanying Form CMPL-150 on which the special allotment will be made. Among the conditions will be the following:

(1) A consumer receiving a special allotment must not use any allotment received from his customers to purchase controlled materials or Class A products needed in manufacturing the Class A product covered by the special allotment. This restriction applies only to the quarter or quarters covered by the special allotment. However, when a consumer has returned customer's allotments, as provided by paragraph (c) (4), in the full amount of the special allotment made to him for any one quarter, the consumer may use allotments from his customers during the rest of the quarter just as though the special allotment had never been made.

(2) Authorized controlled material orders placed, or allotments made, on the basis of allotments received from customers (including SO orders received) prior to receiving the special allotment need not be changed, but the consumer receiving the special allotment must deduct from it the quantity of such orders and allotments for the same quarter.

(3) A manufacturer receiving a special allotment must not deliver any Class A product made out of controlled materials covered by the allotment to any customer unless the customer furnishes the manufacturer with an allotment and an authorized production schedule.

(4) A consumer receiving a special allotment must, not later than the fifth day of each calendar month following receipt of the special allotment, return to the Claimant Agency or Industry Division making the special allotment all allotments received from his customers for the manufacture of the Class A product covered by the special allotment, and must report allotments received and used prior to receipt of the special allotment. The return of allotments and reports must be made on Form CMP-28.

(d) *Quarters for which special allotments will be made.* This special allotment procedure will be used only to make allotments through the fourth quarter of 1944.

Issued this 14th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-767; Filed, January 14, 1944; 11:08 a. m.]

PART 3293—CHEMICALS

[Preference Rating Order P-89, as Amended Jan. 14, 1944]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

§ 3293.521 *Preference Rating Order P-89*—(a) *Definitions.* For the purpose of this order:

(1) "Producer" means any person operating a plant engaged in the production of chemicals or allied products, who shall have received a serial number from the War Production Board pursuant to paragraph (b).

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) "Controlled material" means controlled material as defined in CMP Regulation No. 1.

(4) "Maintenance" means the upkeep of a producer's property and equipment in sound working condition.

(5) "Repair" means the restoration of a producer's property and equipment to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(6) "Operating supplies" means any material which is essential to the operation of the producer's plant including, but not limited to, lubricants, catalysts, and small perishable tools: *Provided, however,* That the term operating supplies shall not include;

(i) Any material which is physically or chemically incorporated, at any stage of production, in whole or in part, into any material which the producer manufactures.

(ii) Any material which, at any stage of production, enters into the chemical reaction necessary to the manufacture, or is used in the purification (including, among other things, washes, solvents, extractants, filter aids, and the like) of any material which the producer manufactures.

(7) Material for maintenance, repair and operating supplies shall include:

(i) Material for the improvement of the producer's plant through the replacement of material in the existing installation, but only when such equipment is beyond economical repair.

(ii) Material for the maintenance and repair of pressure cylinders.

(iii) Material, such as hand tools, customarily purchased by the particular employer for sale to his employees for use only in his business, provided such material would constitute an operating supply under established accounting practice if issued to employees without charge.

(8) In addition, there may be included as maintenance, repair and operating supplies minor capital additions, the cost of which does not exceed $500, excluding the producer's cost of labor, for any one complete addition which has not been subdivided for the purpose of coming within this definition: *Provided, however,* That such minor capital additions shall not include additions to, or expansions of, buildings or external structures other than processing equipment.

In the case of rearrangement of an existing installation, or in the case of adaptation of an existing installation to a different process, only the material added to the existing installation need be considered in computing the $500.

(9) [Revoked September 28, 1943. Former paragraphs (a) (9) (i) through (ix) are covered by paragraph (g) (3), and former paragraph (a) (9) (x) is covered by paragraph (a) (8).]

(10) "Calendar quarter" means the quarterly period commencing on the first day of the first, fourth, seventh and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year, or the operator's customary three months accounting period closest to such quarter.

(11) "Unit cost" means the purchase price paid by the producer for material for maintenance, repair or operating supplies. Unit cost shall include labor cost, except cost of labor performed by employees of the producer, but shall not include transportation charges. An item for maintenance, repair or operating supplies shall not be subdivided into its component parts for the purpose of determining unit cost.

(b) *Application for assignment of serial number.* In order to become a producer subject to this order, any person operating a plant engaged in the production of chemicals or allied products, may apply by letter requesting assignment of a serial number under this order to specified plants. Such letter shall be addressed to War Production Board, Chemicals Division, Washington 25, D. C., Ref: P-89, and shall be accompanied by application on Form WPB-1765 (formerly PD-762).[1]

(c) [Deleted Jan. 14, 1944]

(d) *Assignment of preference rating, allotment symbol and purchase order quota after January 1, 1944.* (1) The preference ratings and allotment symbols under this order shall be those specifically assigned by the War Production Board to each producer on Form WPB-1765 (formerly PD-762) or, in the case of producers registered prior to January 14, 1944, by letter; *Provided, however,* That no producer shall apply the preference rating or allotment symbol assigned under this paragraph to any order for fabricated parts or equipment having a unit cost of $500 or more, or to purchase orders placed during any calendar quarter for an aggregate amount of aluminum in any of the forms or shapes constituting a controlled material in excess of 500 pounds. Application for preference ratings or allotment numbers or symbols for such orders may be made pursuant to paragraph (e).

(2) No producer shall place any purchase order for any material for maintenance, repair or operating supplies, whether or not obtained with preference ratings or allotment numbers or symbols derived from any source, which would cause the aggregate dollar value of purchase orders for maintenance, repair and operating supplies placed by the producer during the calendar year 1944 to exceed the aggregate dollar value of purchase orders for such materials placed by the producer during the calendar year 1943.

[1] Approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Special applications.* (1) If the producer is unable to secure delivery of materials for maintenance, repair or operating supplies (except aluminum controlled materials) because the preference ratings or allotment numbers or symbols assigned hereunder are insufficient, or because the producer's purchase order quota, or the unit cost limitation would be exceeded, the War Production Board may, upon written or telegraphic request, assign such special ratings or allotments or additions to the purchase order quota as it deems proper. Such letters or telegrams shall be addressed to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: P-89, and shall contain the following information:

1. Plant location and P-89 serial number.
2. Material needed.
3. Weight of the material (specify separately weight of each controlled material required).
4. Value of the material.
5. Function of the material.
6. Amount of such material (or equivalent substitute) in inventory and, in the case of processing equipment, the number of units in service.
7. Name and address of supplier.
8. Purchase order number and date.
9. Product or products affected.
10. Percentage curtailment of production.
11. Nature of the emergency.
12. Requested rating and allotment.
13. Delivery date promised by supplier on basis of rating requested.

(2) Any producer requiring aluminum in any of the forms or shapes constituting a controlled material for essential maintenance, repair or operating supplies, in amounts in excess of 500 pounds during any one calendar quarter, shall apply by letter for an allotment for the amount in excess of 500 pounds to the War Production Board, Ref: Aluminum and Magnesium Division MRO, giving substantially the information described by paragraph (d) of Supplementary Order M-1-i.

(f) *Special preference ratings for containers.* Any producer may apply to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: Chemicals Packaging Section, for special preference ratings under this order for containers and container parts, other than wooden or fibre containers as defined in Preference Rating Order P-140, or steel shipping drums as defined in Limitation Order L-197.

The application shall be filed by letter in duplicate or by telegram and shall specify:

1. Product to be packaged.
2. Plant location and P-89 serial number.
3. Number of containers requested.
4. Specification of container.
5. Other sizes of containers used to package the product.
6. Average number of containers shipped per month (of the size ordered).
7. What substitute containers have been used or could be used.
8. Inventory position of the requested container, including both new and used containers, and those out on deposit.
9. Name of container supplier and applicant's order number.
10. Total value.
11. Rating requested.
12. Delivery date promised by supplier on the basis of rating requested.

(g) *Procedure for applying preference ratings and allotment numbers or symbols to purchase orders.* (1) Each producer requiring delivery of material for maintenance, repair or operating supplies may obtain such material by endorsing on, or furnishing with, the delivery order a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

------ (Preference rating) ------ (Allotment number or symbol)

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

---------- (Name of purchaser)	---------- (Address)
By ---------- (Signature and title of duly authorized officer)	---------- (Date)

(2) An order bearing such certification shall be deemed an authorized controlled material order in the case of controlled materials, and in the case of all other materials shall have the same status as an order bearing an allotment number or symbol for the purposes of CMP Regulation No. 3 and all other applicable CMP regulations.

(3) No producer may apply the ratings assigned by or pursuant to this order to obtain delivery of the items set forth in Lists A and B attached to Priorities Regulation 3, as now or hereafter amended, except where the regulation permits the use of P-89 ratings for a particular item or where ratings are specifically assigned pursuant to paragraphs (e) or (f) of this order for specific kinds and quantities of List B items.

(h) *Inventory diversion.* No producer shall use material for maintenance, repair or operating supplies obtained with ratings or allotment numbers or symbols assigned by or pursuant to this order, except in that portion of his productive facilities to which a serial number under this order has been assigned.

(i) *Inventory restriction.* No producer shall accept delivery of any non-controlled material for maintenance, repair or operating supplies, whether or not obtained with preference ratings or allotment numbers or symbols assigned by or pursuant to this order, which would cause his inventory of such material for maintenance, repair or operating supplies to exceed a minimum practicable working inventory. Inventories of controlled materials held by producers are subject to the provisions of CMP Regulation No. 2.

(j) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provi-

sions of War Production Board regulations, as amended from time to time; *Provided, however,* That no producer shall be subject to the provisions of CMP Regulations No. 5 or No. 5A, and no producer shall obtain any material under the provisions of either of said regulations. For the purpose of this order a producer remains a producer from the time a serial number is granted to him until the time when the serial number is expressly revoked by the War Production Board.

(k) *Miscellaneous provisions*—(1) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a producer placing any purchase order or contract rated or assigned a CMP allotment number or symbol hereunder, shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts, or filed in such manner that they can be readily segregated for such inspection.

(2) *Reports.* The War Production Board may require each producer to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to Federal Reports Act of 1942, and may issue special directions to any producer with respect to preparing and filing Form WPB–1765 (formerly PD–762).[1]

(3) *Conservation and standardization.* Each producer shall use his best efforts to conserve materials by elimination, simplification or standardization of types, sizes or forms or by substitution of less critical for more critical materials, and shall cooperate in any program developed for such purpose by the War Production Board. The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials, entitled, "Materials Substitutions and Supply".

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Division, Washington 25, D.C.; Ref.: P–89.

Issued this 14th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–769; Filed, January 14, 1944; 11:08 a. m.]

Chapter XI—Office of Price Administration

PART 1404—RATIONING OF FOOTWEAR

[RO 6A,[1] Amdt. 5]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 6A is amended in the following respects:

1. Section 2.9 (a) (2) is amended by adding after the phrase "delivered as slop-chest supplies," the following: "ships' stores,".

2. Section 2.9 (a) (3) is amended by inserting the words "or ships' stores" between the word "slop-chest" and the word "deliveries", and by adding at the end of the second sentence the words "or ships' stores".

3. Section 3.4 is amended by adding the words "or ships' stores" after the words "slop-chest supplies".

This amendment shall become effective January 16, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562; Supp. Dir. 1–N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–734; Filed, January 13, 1944; 8:22 p. m.]

PART 1306—IRON AND STEEL

[RPS 49,[2] Amdt. 20]

RESALE OF IRON OR STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the division of the Federal Register.*

Revised Price Schedule 49 is amended in the following respects:

1. Section 1306.153 is amended to read as follows:

§ 1306.153 *Evasion.* The price limitations set forth in this price schedule shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of iron or steel products alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise. No person shall subdivide an order or shipment for the purpose of avoiding any of the requirements of this Revised Price Schedule 49.

2. Section 1306.154 is amended to read as follows:

§1306.154 *Records, reports and invoicing requirements.* (a) Every seller of iron or steel products shall keep for inspection by the Office of Price Administration complete and accurate records of:

(1) Each purchase, showing the date thereof; the name and address of the person from whom purchased; the point from which shipment was made; the destination; a complete description of the material furnished, including quantity, size, grade and quality, and any special operations performed for which the person from whom the material is purchased is making a charge; the price of the material and whether such price is a delivered or shipping point price, (if a shipping point price, a copy of the papers indicating all transportation charges actually paid); and, if the price is altered by the issuance of any credit or debit by the buyer or seller, a copy of papers indicating the amount and description of such alteration. On any material purchased which has already been put through "the operations commonly known as the warehousing of iron or steel products", a notation shall be made to that effect, including a statement as to the point at which such warehousing operation was last performed. Such record of purchases shall be kept for a period of not less than 2 years after such purchase by the seller.

(2) Each sale, showing the customer's name and order number; date of order; date of shipment; point from which shipment was made; destination; a complete description of the material furnished, including quantity, size, quality, and any special operations performed by the seller for which a charge is made; the price of the material and whether such price is a delivered or shipping point price; and, if the price is altered by the issuance of any credit or debit by the buyer or seller, a copy of papers indicating the amount and description of such alteration. If shipment is made by other than the seller invoicing the shipment, the name of such shipper should be shown. (If a seller's invoice bears the information outlined herein, a copy of such invoice will be considered sufficient for the purpose of this paragraph). Such record shall be kept for a period not less than one year after such sale by the seller.

(b) The record of sales covering any period shall be sent to the Office of Price Administration upon its request: *Provided,* That a request by the Office of Price Administration for the submission of such report shall be made not later than the fifteenth day of the month immediately following the sale. It is provided further, however, that this provision shall not in the conduct of a specific investigation in any way waive the right granted the Administrator to secure for inspection any records of a buyer or seller.

(c) Additional reporting, record keeping and invoicing requirements for certain products which are set forth in paragraphs (i) and (j) of § 1306.164.

(d) Every seller of iron or steel products shall furnish a buyer on each sale of iron or steel products an invoice describing the material and the terms of sale in such detail that the buyer can determine from such invoice whether the material is priced in accordance with the regulations. This shall include, but shall not be limited to, the quality, size, grade and quantity of material; the shipping point; the price per item; whether the shipment is prepaid or collect; and the name of carrier.

In addition, if the material has not been put through "the operations commonly known as the warehousing of iron or steel products", notation shall be made to that effect (i. e., direct mill shipment, etc.).

(e) *Filing prices.* On or before December 31, 1941, every seller of iron or steel products having annual gross sales of $100,000 or more, even though iron and steel products comprise only a part of the total during the year ending December 31, 1941, shall file in duplicate, in affidavit form, with the Office of Price Administration, Washington, D. C., his prices circulated to his salesmen or customers in effect on April 16, 1941, or customarily quoted and charged on that date, including extra lists, deduction lists, charges, and discounts. Special prices or discounts given to any customers and classes of customers as of April 16, 1941, shall be filed. This includes prices or discounts to jobbers, dealers and large industrial or other special buyers. Every seller shall file individual price sheets for each warehouse or branch, showing city and country prices, wherever such exist, and he shall indicate the area or cities to which such prices apply. In the event that any prices so filed exceed the maximum prices established by Revised Price Schedule 49, the seller shall, after the effective date of Revised Price Schedule 49, eliminate this excess and charge a maximum price not in excess of the maximum prices established herein. Every seller shall state with regard to his April 16, 1941, price for each product, the range of sizes, types or cross-section covered by each price submitted; trade names, if any, and prices charged; prices for each base quantity; products sold in various quantity brackets, and prices for each bracket. If the person is a seller without prices as of April 16, 1941, (1) because of establishment of business after April 16, 1941, or (2) because of introduction of a product not handled on or prior to April 16, 1941, he shall file a list of his inventory as of December 1, 1941, and prices he proposes to charge for such products. These prices shall not be in excess of the maximum as established by Revised Price Schedule 49. Additional filing requirements from Pacific Coast and Gulf Port sellers, and for carload business, are included in other sections of Revised Price Schedule 49. Persons affected by Revised Price Schedule 49 shall submit such other reports to the Office of Price Administration as it may from time to time require: *Provided,* That every seller of pipe and tubular products shall file with the Office of Price Administration, in duplicate, on or before September 15, 1942, his cutting and threading charges circulated to his salesmen or to his customers and in effect on April 16, 1941, or customarily quoted and charged as of that date.

3. In § 1306.156, a new paragraph (f) is added to read as follows:

(f) The Office of Price Administration may adjust any maximum price established in this regulation in any case in which it is shown:

(1) That as the result of maximum price increases, the seller's cost from his supplier has been raised so that there exists or threatens to exist in a particular locality a shortage in the supply of a commodity which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller for such commodity, and

(3) That such adjustment in prices will not create or tend to create a shortage in another locality and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

4. In § 1306.157, paragraph (m) is revoked.

5. In § 1306.159, subparagraph (5) of paragraph (h) is revoked.

6. In § 1306.159, in the first sentence of subparagraph (4) of paragraph (i) the words included in the parenthesis reading "Carload freight shall be charged on shipments of 40,000 pounds and over" are deleted.

7. In § 1306.159, subparagraph (2) of paragraph (k) is amended to read as follows:

(2) *Carload prices for all products, except pipe and tubular goods; when the carload provisions shall apply.* When the aggregate weight of all items of iron or steel products, except pipe and tubular products, included in all orders of one day from one person for shipment at one time or at seller's convenience to one destination exceeds the minimum carload quantity established by the applicable rail tariff for shipment of such items between the points for which freight may be added by the provisions of the Schedule (when there is more than one minimum carload weight involved in the freight rate calculation in the computation of a maximum delivered price, the greatest minimum carload weight required by applicable tariffs shall govern), the maximum price for these products, provided they have been put through the operations commonly known as the warehousing of iron or steel products, shall be computed as follows:

(i) *Standard wire nails, annealed smooth merchant quality wire, and galvanized smooth merchant quality wire.* On shipments within the city or free delivery area in which the material was last put through the operations commonly known as the warehousing of iron or steel products, the maximum delivered price for standard wire nails, annealed smooth merchant quality wire, and galvanized smooth merchant quality wire shall be the price for less-than-carload shipments as established in § 1306.159 (h) (1) and the extras set forth in (h) (3) of the same section for the shipping point, less a deduction at the rate of 15 cents per 100 pounds.

On shipments made from the city or free delivery area in which the material was last put through the operations commonly known as the warehousing of iron or steel products, the maximum delivered price for standard wire nails, annealed smooth merchant quality wire, and galvanized smooth merchant quality wire shall be the carload price established above for the shipping point, plus the carload rate of freight from such shipping point to destination.

(ii) *All types of galvanized roofing and siding, and merchant wire products including poultry netting, screen cloth, and hardware cloth.* The maximum delivered price for galvanized roofing and siding and merchant wire products including poultry netting, screen cloth, and hardware cloth, but not including standard wire nails, annealed smooth merchant quality wire, or galvanized smooth merchant quality wire, shall be the higher of the following two alternatives:

(*a*) The mill straight carload price to a jobber at the customer's destination, based on the governing basing point, plus a markup of 15 percent, or

(*b*) The mill straight carload price to a jobber at the city in which the material was last put through the operations commonly known as the warehousing of iron or steel products, based on the governing basing point, plus a markup of 15 percent, less a deduction at the rate of 20 cents per 100 pounds, plus the carload rate of freight from the shipping point to destination.

(iii) *Tool steel.* The maximum delivered price for Tool Steel shall be as established in § 1306.159 (j).

(iv) *Certain secondary or rejected iron or steel products and reusable iron or steel products.* The maximum delivered price for secondary or rejected iron or steel products for which prices are not established for less-than-carload quantities in § 1306.164, Appendix F, and re-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7384, 9458, 11688, 15704.

[2] 8 F.R. 4608, 4642, 7257, 7595, 7769, 7909, 9750, 9530 13553 13669.

usable iron or steel products not governed by any other maximum price regulation shall be the mill price as established by Revised Price Schedule 6, *Provided*, That on application to the Office of Price Administration by a seller a maximum delivered price will be established by the Office of Price Administration. Such application should include:

1. The name of the seller and the place at which the material was last put through the operations commonly known as the warehousing of iron or steel products.
2. The name of the buyer and the destination.
3. A complete description of the material to be furnished, including quantity, size, whether sorted to specific sizes required by buyer, and a complete outline of the operations which have been performed or will need to be performed, if any, to put the material in usable condition and whether such operation, if any, will be done by the buyer, seller, or a third party.

(v) *Certain other secondary or rejected iron or steel products.* The maximum delivered price for secondary or rejected iron or steel products for which the less-than-carload prices are established by § 1306.164, Appendix F, shall be as set forth in such appendix, provided that the carload rate of freight shall be used rather than the less-than-carload rate of freight wherever less-than-carload freight is used in computing the maximum delivered price for less-than-carload quantities. In each instance where the upper limit of any quantity bracket in Appendix F is shown as being 39,999 pounds, for the purpose of this paragraph, this upper limit shall be disregarded.

(vi) *Certain prime iron or steel products.* The maximum delivered price for certain prime iron or steel products, the less-than-carload prices for which are established by § 1306.165, Appendix G, shall be as set forth in such appendix, *Provided*, That the carload rate of freight shall be used rather than the less-than-carload rate of freight wherever less-than-carload rate of freight is used in computing the maximum delivered price for less-than-carload quantities. In each instance where the upper limit of any quantity bracket in Appendix G is shown as being 39,999 pounds, for the purpose of this paragraph, this upper limit shall be disregarded.

(vii) *All other products for which a carload price is not established in subdivisions (i), (ii), (iii), (iv), (v) or (vi) above, or for which the carload price is not established by §1306.159, Appendix A, subparagraph (4) of paragraph (k) (Pipe and tubular goods).* The maximum delivered price for all products for which a carload price is not established in subdivisions (i), (ii), (iii), (iv), (v) or (vi) above, or for which the carload price is not established by §1306.159, Appendix A, subparagraph (4) of paragraph (k) (pipe and tubular goods) when customarily sold on a quantity plan on April 16, 1941 shall be the maximum delivered price for a 500-pound quantity, less a deduction at the rate of 35 cents per 100 pounds, provided that if the applicable price for any product shipped as established by any provision of this schedule is lower than the price calculated above (500 pound quantity price, less a deduction at the rate of 35 cents per 100 pounds), such lower price shall then be the maximum price for such item: *Provided further*, That the maximum delivered price for any product item which was not customarily sold on a quantity plan on April 16, 1941, shall be the less-than-carload price established by this schedule for such product, less a deduction at the rate of 15 cents per 100 pounds.

8. In § 1306.159, subparagraph (3) of paragraph (k) is revoked.

9. In § 1306.159, subparagraph (4) of paragraph (k) is amended to read as follows:

(4) When the aggregate weight of all pipe and tubular goods included in all orders of one day from one person for shipment at one time or at seller's convenience to one destination, or when the aggregate weight of all items of pipe or tubular goods shipped in one day from one shipping point to one destination exceeds the minimum carload quantity established by the applicable rail tariff for shipment of such items from the governing basing point to the destination, the maximum price, provided such material has been put through the operations commonly known as the warehousing of iron or steel products, shall be computed as follows:

(i) *Standard pipe, seamless pipe, water well casing, large O. D. pipe, and line pipe.* For standard pipe, seamless pipe, water well casing, large O. D. pipe, and line pipe, the higher of the following two alternatives:

(*a*) The lowest price resulting from that combination of flat basing card discounts of the National Tube Company in effect on April 16, 1941 and published all-rail carload freight from basing point to destination, plus

(*1*) Twenty percent on standard pipe, reamed and drifted pipe and line pipe 6" and smaller, standard weight and lighter, both black and galvanized, and

(*2*) Twenty-five percent on all sizes of standard pipe and line pipe larger than 6", also all weights heavier than standard weight, both black and galvanized, and all sizes of water well casing and large O. D. pipe, or

(*b*) The lowest price resulting from that combination of flat basing card discounts of the National Tube Company in effect on April 16, 1941 and published all-rail carload freight from basing point to point from which shipment is being made by the seller, plus

(*1*) Twenty percent on standard pipe, reamed and drifted pipe and line pipe 6" and smaller, standard weight and lighter, both black and galvanized, and

(*2*) Twenty-five percent on all sizes of standard pipe and line pipe larger than 6", also all weights heavier than standard weight, both black and galvanized, and all sizes of water well casing and large O. D. pipe, less

(*3*) A deduction at the rate of 30 cents per 100 pounds, plus

(*4*) The carload rate of freight from the shipping point to destination.

(ii) *Wrought iron pipe.* For wrought iron pipe the higher of the following two alternatives:

(*a*) The price resulting from combination of resale discounts for sales from distributors' stocks as shown on A. M. Byers Company card in effect on April 16, 1941, and published all-rail carload freight from Pittsburgh to destination of customer, less 5 percent, or

(*b*) The price resulting from combination of resale discounts for sales from distributors' stocks as shown on A. M. Byers Company card in effect on April 16, 1941, and published all-rail carload freight from Pittsburgh to point from which shipment is being made by the seller, less 5 percent, plus the carload rate of freight from the shipping point to destination, less a deduction at the rate of 30 cents per 100 pounds.

(iii) *Oil country tubular goods.* For shipments of oil country casing, tubing, drill pipe, and drive pipe only: The lowest price resulting from that combination of basing point "out of field or distributors' stock" price as published by the Oil Well Supply Company, distributor for the National Tube Company, in effect on April 16, 1941, (Oil Country Tubular Goods Price List No. 24) and carload freight or transportation charges from the governing mill basing point to location of field or warehouse stock, as computed by the National Tube Company Freight Book 1 to which may be added the transportation charges from the shipping point to destination.

(iv) *Boiler and other pressure tubes.* For boiler and other pressure tubes the higher of the following two alternatives:

(*a*) The lowest price resulting from that combination of basing point prices in each quantity bracket of the National Tube Company price list for sales to consumer in effect on April 16, 1941, and the carload freight from basing point to destination, plus

(*b*) The lowest price resulting from that combination of basing point prices in each quantity bracket of the National Tube Company price list for sales to consumer in effect on April 16, 1941, and the carload freight from basing point to the city from which shipment is to be made, less a deduction at the rate of 30 cents per 100 pounds, plus the carload rate of freight from the shipping point to destination: *Provided*, That maximum prices for merchant and other tubes shall be in the same ratio to the maximum prices established for seamless tubing as existed on April 16, 1941. In no case shall these prices exceed the maximum established here for seamless tubing: *Provided further*, That for boiler and other pressure tubes in the following sizes and gauges only:

1"–2¼" O. D. 11 gauge and heavier.
2½"–3" O. D. 10 gauge and heavier.
3¼"–3½" O. D. 9 gauge and heavier.
4"–4½" O. D. 8 gauge and heavier.
5"–5½" O. D. 7 gauge and heavier.
6" O. D. 5 gauge and heavier.
6¼"–6½" O. D. 9/32" and heavier.

On shipments from warehouse stock, the maximum delivered price shall be the higher of the following two alternatives:

(*a*) The lowest price resulting from that combination of mill carload basing point prices and carload freight from basing point to destination of customer, plus 30 percent, or

(*b*) The lowest price resulting from that combination of mill carload basing point prices and carload freight from basing point to the city from which shipment is to be made, plus 30 percent, less a deduction at the rate of 30 cents per 100 pounds, plus carload freight from the shipping point to destination.

(v) *Cold drawn seamless and other mechanical tubing.* For cold drawn seamless and other mechanical tubing the prices in effect and actually charged as of April 16, 1941 by the exclusive distributors of the National Tube Company, covering all sections of the country, shall be the maximum prices to be charged in areas served by each such distributor.

10. In § 1306.159, subparagraph (5) of paragraph (k) is amended to read as follows:

(5) When the aggregate weight of all items of iron or steel products, except pipe and tubular goods, included in shipments of one day from a shipping point to one destination exceeds the minimum carload quantity established by the applicable rail tariff for shipment from the shipping point to the destination, the carload rate of freight shall be used rather than the less-than-carload rate of freight in calculating:

(i) Freight from shipping point to destination when such freight is added in accordance with any provision listed below (maximum freight absorption or dislocated tonnage provision):

Section 1306.159 (f) (1).
Section 1306.165 (a) (8) (i).
Section 1306.165 (b) (5) (ii), Table C–1, fifth paragraph.
Section 1306.165 (b) (5) (ii), Table C–2, fourth paragraph.
Section 1306.165 (b) (11) (ii), Table C–1, sixth paragraph.
Section 1306.165 (b) (17) (ii), Table C–1, fifth paragraph.
Section 1306.165 (b) (17) (ii), Table C–2, third paragraph.

(ii) Freight from the city from which shipment is made to destination, when such freight is added in accordance with any provision listed below (dislocated tonnage provision):

Section 1306.164 (c) (2) (iii) (a).
Section 1306.164 (d) (2) (iii) (a).

11. In § 1306.159, subparagraph (8) of paragraph (k) is revoked.

12. In § 1306.169, paragraph (o) is amended to read as follows:

(o) The maximum delivered price for concrete reinforcing bars sold by any person other than a producer as defined in Revised Price Schedule 6, or a fabricator as defined in Maximum Price Regulation 159, shall be the price established in § 1306.165, Appendix G, of this Revised Price Schedule 49.

This amendment shall become effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–735; Filed, January 13, 1944; 3:22 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 507]

CEILING PRICES OF CERTAIN FRESH FISH AND SEAFOOD SOLD AT RETAIL

In the judgment of the Price Administrator, it is necessary, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, that maximum prices be established for the sale of certain fresh fish and seafood at retail.

So far as practicable, the Price Administrator has consulted and advised with representative members of the industry which will be affected by the regulation. In the judgment of the Price Administrator, prices established are generally fair and equitable and will effectuate the purposes of the Act. The prices established are not below the average retail prices of fresh fish and seafood in the year 1941.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected, or insofar as they were not in general use, their use is essential to effectuate price control, and there is no effective alternative.

A statement of the considerations involved in the issuance of the regulation has been issued herewith and filed with the Division of the Federal Register.*

§ 1364.352 *Ceiling prices of certain fresh fish and seafood sold at retail.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 507 (Ceiling Prices of Certain Fresh Fish and Seafood Sold at Retail), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.352 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 507—CEILING PRICES OF CERTAIN FRESH FISH AND SEAFOOD SOLD AT RETAIL

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ARTICLE I—PURPOSE AND SCOPE OF THE REGULATION

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for domestic and imported fresh fish and seafood items listed in Table A, for all retail stores, retail route sellers and wagon retailers. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA), except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to Revised General Order No. 51.[1]

SEC. 2. *What stores are covered by this regulation and how you find out what group you are in—(a) What stores are covered.* Your store is covered by this regulation if you are a retailer who buys and resells food products, for the most part to ultimate consumers who are not commercial, industrial or institutional users. Ceiling prices for sales to hotels, boarding houses, restaurants, institutions and other eating places selling or furnishing meals are the ceiling prices fixed by Maximum Price Regulation No. 418.[2] Nevertheless, any person may, during any month, use the ceiling prices fixed by this regulation in selling to eating places, if 80% or more of his total sales

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 408.

[2] 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049, 14475, 14616, 15257, 15430, 16131, 16293, 16296.

of fresh fish and seafood during the previous calendar month were sales at retail to ultimate consumers. Retail route sellers and wagon retailers shall, for the purposes of this regulation, regard themselves as stores, and figure their ceiling prices as such.

(b) *What are Groups 1, 2, 3 and 4 stores.* For the purposes of this regulation, Groups 1, 2, 3 and 4 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than $50,000.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of $50,000 or more, but less than $250,000.

(3) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $250,000, and if it is not an "independent" store.

(4) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $250,000 or more.

(5) *Independent store.* Your store is an "independent" store if it is not one of four or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(c) *How to post a sign of the group your store is in.* At all times, you must have posted a sign showing the group your store is in under this regulation (reading "OPA–1", "OPA–2", "OPA–3" or "OPA–4", whichever applies to you), or you must have posted a sign which the OPA may furnish you. However, you may post the sign of another group, if you are permitted to do so under any order issued under Revised General Order No. 51. The sign must be posted so that it can be clearly seen by your customers.

SEC. 3. *How and when you figure your ceiling prices for fresh fish and seafood*—(a) *General rule.* Your ceiling price for each item of fresh fish and seafood (that is, for each kind, size, and style of dressing or preparation), listed in Table A shall be the total of (1) the "net cost" of the largest delivery of the item received by you during the preceding seven-day period if you are a Group 1 or 2 store, or the weighted average "net cost" of all deliveries of the item during the preceding seven-day period if you are a Group 3 or 4 store, plus (2) the mark-up given your group for the item in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on January 27, 1944, you must have figured your ceiling price for each item of fresh fish and seafood listed in Table A which you have in stock at that time. These ceiling prices must be checked each week after January 27, 1944, and changed on Thursday of each week for any item, if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For any item which you receive for the first time, or which you have not received during the preceding seven days, you must figure your ceiling price as soon as you receive it and before you make any sales, using the "net cost" of that first delivery. On each Thursday after that, you must treat the item as you would any other item of fresh fish and seafood covered under this regulation.

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced, based on the "net cost" of deliveries received during the seven days preceding Tuesday of each week. These prices must not be put into effect until the following Thursday.

SEC. 4. *Directions for figuring ceiling prices for fresh fish and seafood*—(a) *"Net cost"*—(1) *Provisions applicable to all stores.* (i) Your "net cost" will be the amount you paid your supplier, less all discounts except the discount for prompt payment, plus all transportation charges you paid to transport the item to your usual receiving point, which may include costs for icing and refrigeration in transit, but which may not include costs for local trucking and local unloading.

(ii) Your "net cost" must be based on purchases delivered to your usual receiving point.

(iii) Your "net cost" must be figured on the basis of a per pound selling unit. Always figure "net cost" to three decimal places. Do not round out any fractions until you have added your mark-up.

(iv) You may never use as "net cost" the cost of a purchase from another retailer, and you must never figure your "net cost" on a purchase made at a cost higher than your supplier's ceiling price.

(2) *Provisions applicable to Groups 1 and 2 stores*—(i) *"Net cost" of largest delivery.* If you are a Group 1 or 2 store, to figure your ceiling price, you must first find the "net cost" of the largest delivery received by you of the item during the seven-day period before the Thursday for which you are figuring your price. If there are two or more of such largest deliveries of the same quantity, use the most recent of these deliveries.

(ii) *Use of weighted average "net cost" instead of "net cost" of largest delivery.* If you are a Group 1 or 2 store, you may use the weighted average "net cost" of all deliveries during the seven-day period, instead of using the "net cost" of the largest delivery during that period. If you figure "net cost" in this manner, however, you may not use the "net cost" of the largest delivery during the preceding seven-day period for any of the items listed in Table A.

(3) *Provisions applicable to Group 3 and 4 stores.* If you are a Group 3 or 4 store, your "net cost" will be the weighted average "net cost" of all deliveries of the item to you during the seven-day period before the Thursday for which you are figuring your price, except that stores under one ownership who price from a central point may use the weighted average "net cost" of deliveries received during the seven days preceding Tuesday of each week.

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store.

(c) *Ceiling prices.* Your ceiling price will be the total of your dollars-and-cents mark-up added to your "net cost". Where this calculation results in a fraction of a cent, the figure must be reduced to the next lower cent if the fraction is less than ½ cent, and may be increased to the next higher cent, if the fraction is ½ cent or more.

If you sell an item in a quantity other than the selling unit given in Table A, you must reduce or increase your price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

SEC. 5. *Prices which you must post*—(a) *Ceiling prices.* At all times, you must have your ceiling price for each item covered by this regulation clearly shown at the place where you offer the item for sale. You do not have to describe this price with the words "ceiling price".

(b) *Selling prices.* If your selling price of any item is lower than your ceiling price you must also post this selling price directly below your ceiling price.

SEC. 6. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any scheme or device. You must not, as a condition of selling any particular item, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

SEC. 7. *Prohibitions.* On and after January 27, 1944, if you sell or deliver, or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person who, in the course of trade or business, buys from you at a price higher than your ceiling price, is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 8. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and each item sold and the price you charged for it.

SEC. 9. *Records.* After January 26, 1944, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative, and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by any OPA representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must be kept in each store for one year, or, in the alternative, must be kept in each store for thirty days, and thereafter for a period of eleven months in the warehouse from which the items are delivered to the store, and must be shown, on request, to any OPA representative.

SEC. 10. *Licensing.* The provisions of Licensing Order No. 1,[1] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 11. *Notice of dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to Revised General Order No. 51, fix in your region or community, dollars-and-cents ceiling prices for some or all of the items under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices replace the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation.

SEC. 12. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 13. *Additions for Groups 3 and 4 stores for delivery from warehouse to store.* If you are a Group 3 or 4 store, and your store is located at a distance of 125 miles or more from your warehouse, which is your usual receiving point, you may, in figuring your ceiling price for an item delivered from the warehouse to your store, add to your "net cost" for the item whichever of the following amounts applies:

(a) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1% of your "net cost".

(b) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2% of your "net cost".

(c) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3% of your "net cost".

(d) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4% of your "net cost".

[1] 8 F.R. 13240.

SEC. 14. *Additions allowed for deliveries made by "fish stores".* (a) If you are a "fish store" and you deliver to your customer's home or place of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	Additions allowed
$0.00 to $ .99	no addition
$1.00 to $1.99	10¢
$2.00 to $2.49	15¢
$2.50 to $3.49	20¢
over $3.50	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip or invoice, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 15. *How you figure your ceiling price for items which you "process"*—(a) *Fresh fish*—(1) *"Net cost."* If, prior to offering any item of fresh fish for sale, you "process" it by changing its form to either drawn, dressed, dressed and skinned, fillets, cuts or steaks (sliced), you will figure your "net cost" as though you had purchased the item already processed. Your "net cost" for any style of dressing is the price, fixed at the time you process it, for that style of dressing in Maximum Price Regulation No. 418, as listed in the table of prices covering your supplier's sale to you. If the item which you "process" is one which you purchased from a producer under Table A in Maximum Price Regulation No. 418, your "net cost" is the price, fixed at the time you process it, for that style of dressing in Table B of Maximum Price Regulation No. 418. If you received deliveries from more than one type of supplier, use the table price in Maximum Price Regulation No. 418 applicable to the type of supplier from whom you received the largest single delivery.

NOTE: This paragraph (a) applies only to processing which changes the item to one of the following major styles of dressing: drawn, dressed, dressed and skinned, fillets, cuts or steaks.

(2) *Mark-up.* (i) Your mark-up for any item which you process prior to offering for sale by changing the form to drawn, dressed, or dressed and skinned, shall be the mark-up given your group of store for the item in the table covering whole fish sold on gross weight basis and prepared to the customer's order.

(ii) Your mark-up for any item which you process prior to offering for sale by changing the form to fillets, cuts or steaks shall be the mark-up given your group of store for the item in the table covering fillets, cuts and steaks sold as purchased.

For example, if in the month of January you purchase haddock drawn from a cash and carry wholesaler (Table D) under Maximum Price Regulation No. 418, and if, prior to offering the haddock for sale, you change its form from drawn to dressed your "net cost" under this regulation is the Table D price listed in Maximum Price Regulation No. 418 for dressed haddock (plus transportation and container allowances permitted in Maximum Price Regulation No. 418). To figure your ceiling price, add to your "net cost" the per pound mark-up given your group of store for haddock in the table covering whole fish sold on gross weight basis and prepared to the customer's order.

If instead of dressing the haddock, your fillet it, your "net cost" is the Table D price listed in Maximum Price Regulation No. 418 for haddock fillets, (plus transportation and container allowances permitted in Maximum Price Regulation No. 418). To figure your ceiling price, add to your "net cost" the per pound mark-up given your group of store for haddock in the table covering fillets, cuts and steaks sold as purchased.

(3) If, prior to offering any item of fresh fish for sale, you scale and clean it in such a manner that the form of the fish is not changed from one major style of dressing to another, and such scaling and cleaning is the only processing you perform, you may add ½ cent per pound to your "net cost" of the item figured under section 4.

(b) *Fresh seafood*—(1) *"Net cost".* If, prior to offering any item of fresh seafood for sale, you "process" it by changing its form to either headless, headless and veined, peeled, or peeled and veined, you will figure your "net cost" as though you had purchased the item already processed. Your "net cost" for any style of dressing is the price, fixed at the time you process it, for that style of dressing in Maximum Price Regulation No. 418, as listed in the table of prices covering your supplier's sale to you. If the item which you "process" is one which you purchased from a producer under Table A in Maximum Price Regulation No. 418, your "net cost" is the price, fixed at the time you process it, for that style of dressing in Table B of Maximum Price Regulation No. 418. If you received deliveries from more than one type of supplier, use the table price in Maximum Price Regulation No. 418 applicable to the type of supplier from whom you received the largest single delivery.

(2) *Mark-up.* Your mark-up for any item of fresh seafood which you "process" prior to offering for sale shall be the mark-up given your group of store for the item in the table covering fresh seafood sold as purchased.

SEC. 16. *How you figure your "net cost" for items which you import.* If you import any item covered by this regulation, your "net cost" may not exceed the Table B price (plus transportation and container allowances) fixed in Maximum Price Regulation No. 418 for the item.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 17. *How Groups 3 and 4 stores may, under certain conditions, use the Group 1 and 2 mark-ups.* (a) If you are a Group 3 or 4 store, and you have received permission to use the Group 1 mark-ups under Maximum Price Regulation No. 422,[1] or the Group 1 and 2

[1] 8 F.R. 10569,10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607.

mark-ups under Maximum Price Regulation No. 336[8] or Maximum Price Regulation No. 355,[8] you must figure your ceiling prices in accordance with the provisions of this regulation applicable to Groups 3 and 4 stores, except that you may use the Group 1 and 2 mark-ups under this regulation. You must then post the Group 1 sign.

(b) If you are a Group 3 or 4 "fish store" which meets the gross margin requirements specified in this section, and you do business in the manner outlined below, you may apply under paragraph (c) of this section to use the mark-ups provided for Group 1 and 2 stores:

(1) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(2) The general level of your prices for fish and seafood was, during September 1942, at least as high as the level maintained by Groups 1 and 2 stores, and was generally higher than that maintained by Groups 3 and 4 stores for such items in your community; and

(3) The total gross margin in your fiscal year 1941 was more than 25% on all sales and also, if you are not an "independent" store, more than 25% on the combined sales of the items in all the stores in your organization. If you were not in business in 1941, use your most recent fiscal year (or fiscal period, if not in business a full fiscal year).

(c) Your application must be filed in duplicate on or before March 1, 1944, with your nearest district OPA office on a form which you may obtain from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPA will tell you when to begin using the Group 1 and 2 mark-ups, and from such time on you shall post a sign in your store designating it as a "Group 1" store and it shall be considered a Group 1 store for all orders issued under Revised General Order No. 51.

SEC. 18. *Applications for adjustment.* Any regional office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Revised Procedural Regulation No. 1.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 19. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1942. Include all sales as shown on your books, except sales made by a restaurant in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1942 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1942, you must divide your total sales from the time you began operation up to January 26, 1944, by the number of weeks you were in business. This will get you your weekly average sales. Multiply the figure by 52, and the result is your "annual gross sales".

SEC. 20. *How you determine your group in certain special cases.*—(a) *Stores in which more than one retailer operates.* If you sell fresh fish and seafood in a retail store in which there are other food retailers, none of whom sells fish and seafood, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store.

(b) *New stores.* If you open a retail store after January 26, 1944, you may consider yourself a Group 1 store if you are an "independent" store, or a Group 3 store if you are not an "independent" store. However, after you have been in business for three months, you must determine again what group your store is in. To do this, take your total sales for the three-month period and multiply by four. Use the result as your "annual gross sales" in determining the group in which your store belongs.

If you find that your store should now be in another group, you may continue to use the Group 1 or Group 3 mark-ups until the second Thursday following the end of the three-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group.

If, by reason of the new store, you now are one of four or more stores under one ownership, you must, at the end of the three-month period, refigure the combined "annual gross sales" for all of your stores. If the combined "annual gross sales" are $500,000 or more, all of your stores must then be considered as Group 3 or 4 stores. You may continue to use the existing ceiling prices in each store until the second Thursday following the end of the three-month period, by which time you must have refigured all of your ceiling prices in each store, using the mark-ups for its proper group.

(c) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores, so that you now have less than four stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 19, treating each store as an "independent" store.

(2) If you are not an "independent" store, and you close one or more of your stores, but four or more stores continue under one ownership, you may figure the combined "annual gross sales" under section 19 for those remaining in operation. If the combined "annual gross sales" are not $500,000 or more, you may then determine your group for each store, treating each store as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Thursday.

SEC. 21. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of items covered by this regulation, if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 22. *Transfer of business and stock in trade.* If, after January 26, 1944, you acquire in any way the business, assets, and stock in trade of any seller at retail subject to this regulation, and you carry on the business or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner, as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store, which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

SEC. 23. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 507, except as otherwise provided in this regulation, shall, on and after January 27, 1944, supersede the provisions of Maximum Price Regulation No. 439,[7] and any other applicable price regulation or order issued by the OPA, except any order issued pursuant to Revised General Order No. 51, with respect to sales by retail stores, retail route sellers and wagon retailers of any kind of fish or seafood for which ceiling prices are established by this regulation.

SEC. 24. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

SEC. 25. *Definitions.* (a) (1) "Sale at retail" shall mean a sale to an ultimate consumer other than a commercial, industrial or institutional user.

(2) "Fish store" is a store at least 90% of whose sales are sales of fish or seafood to ultimate consumers other than commercial, industrial or institutional users.

(3) "Delivery" of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(4) "Usual receiving point" will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(5) "Item" is each kind, size, and style of dressing or preparation of fresh fish and seafood listed in Table A, both domestic and imported, but shall not include any frozen fish or frozen seafood. You must figure a separate ceiling price for each item you sell:

(6) "Process" shall mean any operation by a retailer prior to offering the item for sale, whereby the form of the fish is changed to either drawn, dressed, dressed and skinned, fillets, cuts or steaks, or the form of seafood is changed to headless, headless and veined, peeled, or peeled and veined.

(7) "Prepared to the customer's order" shall mean any customary operation by a retailer, within the limitations of his mechanical facilities, such as cleaning, running the fins, trimming, scaling, gutting, heading, slicing, or filleting, after offering the item for sale. Where the customer requests whole fish in the form in which it is offered, the sale shall likewise be regarded as "prepared to the customer's order."

(8) "Whole fish" shall mean any fish item round, drawn, dressed, and dressed and skinned, but shall not include fillets, cuts and steaks.

(9) "Major styles of dressing" shall mean round, drawn, dressed, dressed and skinned, fillets, cuts and steaks.

(b) Unless the context otherwise requires, the definitions in Maximum Price Regulation No. 418, as amended, and in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used herein.

ARTICLE V—TABLES

SEC. 26. *Table of mark-ups for fresh fish and seafood (Table A).*

CENTS-PER-POUND MARK-UPS OVER "NET COST" ALLOWED TO RETAILERS FOR FRESH FISH AND SEAFOOD COVERED BY THIS REGULATION, BY SPECIES, FOR THE MONTHS OF JANUARY, FEBRUARY, AND MARCH

	Whole fish, sold on gross weight basis and prepared to customer's order[1]		Fillets, cuts and steaks sold as purchased[1]	
	Groups I and II	Groups III and IV	Groups I and II	Groups III and IV
I. FRESH FISH				
KIND OF FISH	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*
1. Alewives	7	5		
2. Blackback	9	7	10	9
3. Codfish, Atlantic	9	7	10	8
4. Cusk	9	7	10	7
5. Dab, Sea	8	6	10	8
6. Haddock	9	7	10	8
7. Hake	9	7	10	7
8. Hake, Mud	8	6		
9. Herring, Atlantic	7	5		
10. Pollock	8	6	9	7
11. Rosefish	8	6	10	7
12. Sole, Grey	9	7	11	11
13. Sole, Lemon	9	7	12	12
14. Swordfish			11	10
15. Whiting	8	6	9	7
16. Wolffish	10	9	10	9
17. Yellowtail, Atlantic	8	6	10	9
18. Bonita	9	7	9	7
19. Cod, True, Pacific	9	7	10	7
20. Flounder, Pacific	8	6	10	7
21. Halibut	10	8	10	7
22. Ling Cod, Pacific	9	7	10	8
23. Rock (Red) Cod, Pacific	9	7	10	7
24. Sablefish	9	7	9	7
25. Salmon, Chinook, King	10	8	10	8
26. Salmon, Silver	10	8	10	7
27. Salmon, Pink	9	7	9	7
28. Salmon, Fall	9	7	9	7
29. Sauger, Sand Pike	9	7	10	8
30. Smelt, Silver, Pacific	9	7		
31. Sole, Dover	9	7	10	7
32. Sole, English	9	7	10	7
33. Sole, Petrale	9	7	10	8
34. Sole, Sand	9	7	10	7
35. Sole, Turbot	9	7	10	7
36. Tuna, Albacore			11	9
37. Tuna, Bluefin			10	7
38. Tuna, Skipjack, Striped			10	7
39. Tuna, Yellowfin			10	7
40. Yellowtail, Pacific	9	7	9	7
41. Lake Trout, Canadian	10	8		
42. Pickerel, Canadian	9	8		
43. Whitefish, Canadian	11	9		
44. Yellow Pike, Canadian	11	9	11	11
45. Yellow Perch	9	7		

Fresh seafood sold as purchased[1]

	Groups I and II	Groups III and IV
II. FRESH SEAFOOD		
KIND OF SEAFOOD	*Cents per pound*	*Cents per pound*
1. Scallops, Bay	14	13
2. Scallops, Sea	12	11
3. Shrimp and Prawn	10	8

[1] Retailers processing items prior to offering for sale at retail, who price in accordance with section 15 (a) (2) or section 15 (b) (2) shall use these tables.

This regulation shall become effective on the 27th day of January 1944.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 13th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-736; Filed, January 13, 1944; 3:22 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329,[1] Amdt. 17]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.415 (b) is amended to read as follows:

(b) (1) If a purchaser did not purchase "milk" from a particular producer during January 1943, but subsequently purchases from that producer, the maximum price that he may pay shall be the highest price which any purchaser paid that producer during January 1943 (or the price subsequently established in accordance with the provisions of this regulation for such purchaser who bought from that producer during January 1943), subject to the same price differentials for grade and quality which were in effect for that producer during that month, or the price computed as follows, whichever is higher:

The highest price paid to that producer by any purchaser for "milk" delivered during March 1942, subject to the same price differentials for grade and quality which were in effect for that producer during that month, plus 10¢ per cwt. for each full ¼¢ increase over March 1942 in the purchaser's maximum resale price for standard fluid sweet milk in quart container sizes. The "increase" in resale prices means the increase since March 1942 in the highest price, before discounts and allowances, charged any purchaser either at retail or at wholesale. He shall use the rate of increase at retail in calculating the increased buying prices to producers if retail sales made up the greater part of his total volume during January 1943; if not, he shall use the rate of increase applicable to wholesale sales.

(2) If a maximum price for a purchaser of "milk" from producers cannot be determined under paragraph (a) or paragraph (b) (1) of this section, the maximum price shall be determined as follows:

In the case of a producer who did not sell "milk" (for resale as fluid milk) dur-

*Copies may be obtained from the Office of Price Administration.

[8] 8 F.R. 2859, 4253, 5317, 5634, 6212, 7682, 8944, 9366, 12480, 13181, 15870.

[8] 8 F.R. 4423, 4922, 6214, 6428, 7199, 7827, 8155, 8945, 9366, 11297, 12237, 12811, 14738.

[7] 8 F.R. 10267, 10732, 11686, 12693, 13920, 14966.

ing January 1943, the maximum price shall be determined by the Atlanta Regional Office of the Office of Price Administration upon application by the purchaser.

The Atlanta Regional Office of the Office of Price Administration is authorized to establish maximum prices on applications filed under paragraph (b) (2) and such maximum prices shall be subject to modification or revocation at any time.

NOTE: In the case of a purchaser who was not engaged in the business of purchasing "milk" (for resale as fluid milk) during January 1943, and subsequently engages in such business without purchasing an existing establishment, the maximum price at which he may purchase "milk" from producers will be determined under paragraph (b) (1) above in the case of purchases from producers engaged in production for fluid milk purposes during January 1943, and will be determined under paragraph (b) (2) above in the case of purchases from producers not so engaged.

This amendment shall become effective January 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 6, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-770; Filed, January 14, 1944; 11:39 a. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269,[1] Corr. to Amdt. 22]

POULTRY

The designation of § 1429.27 is corrected to read § 1429.28.

This correction is effective as of December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-772; Filed, January 14, 1944; 11:40 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[TMPR 34,[2] Correction]

SWEET POTATOES

Temporary Maximum Price Regulation 34 is corrected in the following manner:

In section 6 (a) the first sentence is corrected to read in part as follows: "On and after December 22, 1943, regardless of any contract or other obligation, no person * * *."

This correction shall be effective as of December 22, 1943.

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-773; Filed, January 14, 1944; 11:39 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 83]

BOILED-DOWN COTTONSEED OIL SOAP STOCK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.19 is added to read as follows:

SEC. 4.19 *Boiled-down cottonseed oil soap stock—Basis 65% T. F. A.—(a) Maximum prices for sales in car lots.* Notwithstanding any other provision of this General Maximum Price Regulation, the maximum prices for all sales of boiled-down cottonseed oil soap stock—basis 65% T. F. A. in car lots, shall be the maximum delivered prices specified below:

(1) *Soapstock produced in Texas.*

(i) For deliveries within Texas—6.25¢ per pound.

(ii) For deliveries to any point outside Texas, except the states mentioned in (iii) below—6.5¢ per pound.

(iii) For deliveries to any point in Washington, Oregon, California, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, Virginia and West Virginia—6.625¢ per pound.

(2) *Soapstock produced in California.*

(i) For deliveries to any point in California—6.25¢ per pound.

(ii) For deliveries in any state west of the Mississippi River, except California—6.5¢ per pound.

(iii) For deliveries to any state east of the Mississippi River—6.625¢ per pound.

(b) *Other charges.* The above maximum delivered prices shall not be increased by any charges for containers or brokers' fees.

This amendment shall become effective January 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-771; Filed, January 14, 1944; 11:39 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

ASSIGNMENT OR TRANSFER OF CONTROL

The Commission on January 11, 1944, effective immediately, amended § 1.364 of its rules to read as follows:

§ 1.364 *Assignment or transfer of control—(a) General—(1) Voluntary.* Application for consent to voluntary assignment of a construction permit or license or for consent to voluntary transfer of control of a corporation holding a construction permit or license shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(2) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(i) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(ii) Within thirty days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. In the case of ship and amateur stations, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

(b) *Broadcast.* With each such application, involving any standard broadcast station construction permit or license, there shall be submitted under oath or affirmation all information required to be disclosed by the application forms prescribed by the Commission, together with such other information under oath or affirmation as the Commission may require.

(c) *Other than broadcast.* In all classes of applications for consent to assignment of construction permit or license or for consent to transfer of control of a corporation holding a construction permit or license, other than those prescribed in paragraph (b), the Commission may require the furnishing of such information as in its discretion is deemed necessary.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 310 (b), 48 Stat. 1086; 47 U.S.C. 310 (b))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-761; Filed, January 14, 1944; 11:09 a. m.]

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[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9299, 10940, 11691, 13302, 13303, 13813, 14016, 15258, 14854, 15190.

[2] 8 F.R. 17306.

*Copies may be obtained from the Office of Price Administration.

Notices

FEDERAL TRADE COMMISSION.

[Docket No. 5115]

GENERAL BAKING COMPANY

NOTICE OF HEARING

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described has since June 19, 1936, violated and is now violating the provisions of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent, General Baking Company, is a corporation organized and existing under and by virtue of the laws of the State of New York, with the principal office and place of business located at 420 Lexington Avenue, New York, N. Y.

PAR. 2. Respondent corporation is now and has been since June 19, 1936, engaged in the business of processing and manufacturing, offering for sale, selling, and distributing bread, pastries, and allied products, including its bakery bread which it distributes in various sections of the United States under the name of "Bond Bread". Respondent sells and distributes said products in commerce between and among the various states of the United States and the District of Columbia, and preliminary to or as a result of such sales, causes said products to be shipped and transported from the place of origin of the shipment to the purchasers thereof who are located in states of the United States other than the state of origin of the shipment. There is and has been at all times herein mentioned a continuous current of trade and commerce in said products across state lines between respondent's factories and the purchasers of said products. Said products are sold and distributed for use, consumption, and resale within the various states of the United States and the District of Columbia.

PAR. 3. In the course and conduct of its business as aforesaid, respondent is now and during the time herein mentioned has been in substantial competition with other corporations, individuals, partnerships, and firms engaged in the business of manufacturing, selling, and distributing bread, pastry, and allied products in commerce between and among the various states of the United States and the District of Columbia.

PAR. 4. Respondent corporation in the course and conduct of its business and in the course of such commerce is now and has been subsequent to June 19, 1936, engaged in manufacturing and processing bakery products for distribution and sale and in selling such products to customers who are competitively engaged with each other in handling, offering for sale, and sale of such bakery products to consumers and to others for resale to consumers. The respondent corporation has contracted to pay and has paid to a limited number of its customers (hereinafter called preferred customers) located in Washington, D. C.; Philadelphia, Pennsylvania; Norfolk, Virginia; Louisville, Kentucky; Indanapolis, Indiana; Columbus, Ohio and elsewhere varying sums of money in consideration of and as compensation for advertising services and facilities contracted to be furnished and furnished by said preferred customers in connection with the handling, offering for sale and sale of said products. The respondent has approximately thirty-five of such preferred customers to whom it grants and allows such advertising allowances which vary in amounts from a minimum of fifty cents a week to a maximum of five hundred and twenty-five dollars per month. The respondent has made and makes such payments as compensation for advertising services and facilities with the understanding and agreement that the preferred customers will advertise respondent's products in newspapers and by handbills and bulletins and otherwise. The respondent has not made such payments of advertising allowances available on proportionally equal terms to other customers who compete with said preferred customers in the distribution of its products.

PAR. 5. Such acts of respondent since June 19, 1936, in interstate commerce in the manner and form aforesaid of paying and contracting to pay such preferred customers for services and facilities furnished by and through them in connection with the handling, offering for sale and sale of respondent's products without making such payments available on proportionally equal terms to all other competing customers is in violation of the provisions of section 2 (d) of the Clayton Act as amended by the Robinson-Patman Act.

Wherefore, the premises considered, the Federal Trade Commission on this 11th day of January, A. D. 1944, issues its complaint against said respondent.

Notice is hereby given you, General Baking Company, respondent herein, that the 18th day of February A. D., 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the Complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 11th day of January, A. D. 1944.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-758; Filed, January 14, 1944; 10:39 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 11]

COMMON CARRIER BY RAILROAD

RECONSIGNMENT OF ORANGES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Detroit, Michigan, not later than January 15, 1944, by Associated Fruit Distributors of California, Los Angeles, California, of RD 18452, PFE 45295, and RD 38512, oranges, to unknown destinations.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of

the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of January 1944.

HOMER C. KING,
Director.

[F. R. Doc. 44–766; Filed, January 14, 1944; 11:04 a. m.]

[S. O. 164, Gen. Permit 8]

COMMON CARRIER BY RAILROAD

REFRIGERATION OF CITRUS FRUITS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once, at the first regular icing station, with enough ice to fill to capacity bunkers of refrigerator cars loaded with citrus fruits originating in Arizona, California, and Texas.

The waybills shall show reference to this general permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of January 1944, to become effective at 12:01 a. m., January 11, 1944.

HOMER C. KING,
Director.

[F. R. Doc. 44–765; Filed, January 14, 1944; 11:04 a. m.]

[S. O. 178, Gen. Permit 1]

COMMON CARRIER BY RAILROAD

TRANSPORTATION OF EMPTY BEER CONTAINERS IN CERTAIN REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars other than the RS TYPE refrigerator cars for loading with empty beer containers, or transporting or moving a refrigerator car or cars other than the RS TYPE refrigerator cars loaded with empty beer containers, providing the waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., January 13, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of January 1944.

HOMER C. KING,
Director.

[F. R. Doc. 44–762; Filed, January 14, 1944; 11:04 a. m.]

[S. O. 178, Gen. Permit 2]

COMMON CARRIERS BY RAILROAD

TRANSPORTATION OF CERTAIN FOODSTUFFS IN REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars for loading with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, and dried or powdered skim milk, and concentrated citrus juice, destined to points in the States of Oregon, Washington, California, New Mexico, Arizona, Nevada, Idaho, and Montana, when originating at points in States east thereof, or transporting or moving a refrigerator car loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, and dried or powdered skim milk, and concentrated citrus juice, destined to points in the States of Oregon, Washington, California, New Mexico, Arizona, Nevada, Idaho, and Montana, when originating at points in States east thereof, providing the waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., January 13, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of January 1944.

HOMER C. KING,
Director.

[F. R. Doc. 44–763; Filed, January 14, 1944; 11:04 a. m.]

[S. O. 178, Gen. Permit 3]

COMMON CARRIER BY RAILROAD

TRANSPORTATION OF CERTAIN FOODSTUFFS IN REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a standard or regular service (not giant type) refrigerator car or cars of the Pacific Fruit Express Company, to be loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, dried or powdered skim milk, concentrated citrus juice or empty beer containers for movement to destinations located in Mexico, or the movement of standard or regular service (not giant type) refrigerator cars of the Pacific Fruit Express Company when so loaded to destinations located in Mexico.

The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., January 13, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of January 1944.

HOMER C. KING,
Director.

[F. R. Doc. 44–764; Filed, January 14, 1944; 11:04 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order A–1 Under MPR 188, Amdt. 27]

COMMON BRICK

MODIFICATION OF MAXIMUM PRICES

Amendment No. 27 to order No. A–1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of maximum prices in Maximum Price Regulation No. 188.

An opinion accompanying Amendment No. 27 to Order No. A–1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A–1 is amended by adding a new paragraph (a) (24) to read as follows:

(24) *Modification of maximum prices for common brick.* (i) The manufacturers maximum price for common brick produced in the state of New Jersey established pursuant to the General Maximum Price Regulation or Maximum Price Regulation No. 188, as amended, may be modified by adding an amount not in excess of $2.00 per thousand to the f. o. b. plant price or the delivered price.

(ii) Any dealer purchasing common brick for resale, from any manufacturer who has modified his maximum price in accordance with this subparagraph may increase his presently established maximum price by the dollar amount equal to his actual dollar increase in cost resulting from the increase permitted in subdivision (i) above.

(iii) Discounts and other price differentials and others terms and conditions of sale shall be at least as favorable to purchasers as those which were in effect by each seller to his several classes of purchasers during March 1942.

(iv) In the event any seller subject to this subparagraph has charged and collected for the sale of common brick, delivered pursuant to a contract or agreement for adjustable pricing, an amount in excess of the maximum prices established herein such seller must refund to the purchaser the excess amount. If any contracts have been negotiated at a price higher than that specified in this subparagraph, such price must be adjusted downward to the maximum prices established herein.

(v) This subparagraph (24) may be amended or revoked by the Price Administrator at any time.

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–775; Filed, January 14, 1944; 11:40 a. m.]

[Order A–2 Under MPR 188, Amdt. 10]

TALC AND GROUND SOAPSTONE, INCLUDING CRAYONS

ORDER GRANTING ADJUSTMENT

Amendment No. 10 to Order No. A–2 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of adjustment provisions under Maximum Price Regulation No. 188.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (10) is added to read as follows:

(10) *Talc and ground soapstone, including crayons.* This subparagraph permits the granting or relief to producers of talc and ground soapstone, including crayons, who are unable to maintain their production under their existing maximum prices whenever there is a general shortage in the essential supply of the commodity. The extent of relief to be granted under this subparagraph is set forth herein.

(i) Whenever it has been certified by the War Production Board or other responsible government agency that a shortage exists or threatens to exist in the essential supply of talc and ground soapstone, including crayons, and that a producer of such commodities is unable to maintain his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1, or on its own motion, by order, adjust his maximum price or prices by an amount necessary to permit the maintenance of such production upon a basis not in excess of the cost to produce and sell.

In determining the amount of adjustment which may be granted, consideration will be given to such factors whenever applicable as:

(a) Revenue from sales of such commodity and from all other sources; and

(b) Inventories, mining, development, milling, processing, transportation costs, cost of material, labor, maintenance, supplies, workmen's compensation taxes, power, taxes (other than State and Federal income taxes), insurance, royalties, depreciation and depletion (wherever practicable as determined by the Bureau of Internal Revenue in the computation of the Federal income tax), other production expenses, and reasonable costs of selling and administration. Expenses not related to the conduct of the producing and selling operations of the particular commodity will be excluded.

(ii) *What applicant should do before filing application.* Before filing an application for adjustment under the provisions of this subparagraph, each applicant shall obtain from the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a statement of the specific information that will be necessary in order that his application may receive attention.

(iii) *Passing on of permitted increase by levels beyond the producer.* In issuing adjustment orders under this subparagraph, the Price Administrator will, wherever required, provide the extent to which any increase permitted under this subparagraph, by way of adjustment, may be added to the maximum price or prices of sellers other than the producer.

This Amendment No. 10 shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The reporting requirements of this Amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–774; Filed, January 14, 1944; 11:40 a. m.]

[Order 1155 Under MPR 188]

LETRAW MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1155 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of two pot scourers manufactured by Letraw Manufacturing Co.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) This Order No. 1155 establishes maximum prices for sales of two new pot scourers manufactured by Letraw Manufacturing Co., 229 W. Illinois Street, Chicago, Illinois.

(1) For sales by the manufacturer to dealers, the maximum prices are those set forth below, f. o. b. Chicago, Illinois:

"Liberty" Pot Scourer, $8.47 per gross;
"Ace" Pot Scourer, $6.34 per gross.

(2) For sales at retail, the maximum prices are those set forth below:

"Liberty" Pot Scourer, $0.10 each;
"Ace" Pot Scourer, 2 for $0.15.

(b) To each pot scourer shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price.

(c) On and after January 15, 1944, at the time of the first invoice, the manufacturer shall notify in writing each dealer who purchases from it of the maximum prices established by this order for resale by the purchaser. This written notice may be given in any convenient form.

(d) This Order No. 1155 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 1155 shall become effective January 15, 1944.

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–776; Filed, January 14, 1944; 11:40 a. m.]

[Order 1156 Under MPR 188]

WARREN TELECHRON CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1156 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers goods other than apparel. Approval of maximum prices for sales of two elec-

tric alarm clocks manufactured by Warren Telechron Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) This order No. 1156 establishes maximum prices for sales of two new electric alarm clocks manufactured by Warren Telechron Company, Ashland, Massachusetts, and described in an application dated December 7, 1943.

(1) For sales by the manufacturer, the maximum price is $2.63 per clock, f. o. b. Ashland, Massachusetts.

(2) For sales at wholesale, the maximum price is $3.15 per clock, f. o. b. seller's city.

(3) For sales at retail, the maximum price is $5.25 per clock.

(b) The manufacturer shall plainly mark each clock with the retail ceiling price before shipping it to a purchaser for resale. This may be done by marking the case or by attaching a tag or label.

(c) On and after January 15, 1944, at the time of the first invoice, the manufacturer shall notify in writing each wholesaler and each wholesaler shall notify in writing each retailer who purchases from him of the maximum prices established by this order. This written notice may be given in any convenient form.

(d) This Order No. 1156 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 1156 shall become effective January 15, 1944.

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–777; Filed, January 14, 1944; 11:41 a. m.]

Regional and District Office Orders.

[Region IV Order G–3 Under MPR 165]

VEGETABLE PACKING SERVICES IN FLORIDA

Order No. G–3 under § 1499.114 (d) of Maximum Price Regulation No. 165. Adjustment of maximum price for vegetable packing services sold by sellers in the State of Florida.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, *It is hereby ordered:*

(a) On and after the effective date of this order, sellers located in the State of Florida, may sell and offer to sell vegetable packing services at prices no higher than the following:

Each seller shall arrive at his maximum price for any particular service by taking the sum of the following:

a. Such seller's established ceiling price for the particular service; plus,

b. The actual lawful per unit increase in labor cost over the same cost for the 1941–1942 packing season; plus,

c. The actual lawful increase in the per unit material cost over the average cost for the 1941–1942 season.

Provided, however, The maximum increase shall not, in any event, exceed 25% of such seller's present maximum price.

In calculating the permitted per unit labor and material cost increases, the seller shall use, as a basis of computing the allowable increase, the material and wage cost rate in effect during the first week of the particular seller's operations for the current 1943–44 packing season.

(b) Lower prices than those provided herein may be charged.

(c) *Definitions.* (1) Except as provided herein, and unless the context otherwise requires, the definitions set forth in § 1499.116 of Maximum Price Regulation No. 165 shall apply to the terms used herein.

(d) The seller herein named shall keep posted at a conspicuous place in his place of business a copy of this order and opinion.

(e) Except as otherwise provided herein, all transactions subject to this order shall remain subject to all of the provisions of Maximum Price Regulation No. 165, together with all amendments, supplementary regulations and orders that heretofore have been, or hereafter may be, issued.

(f) As soon as the reporting requirements of the Bureau of the Budget are met, each seller increasing his price pursuant to this order will be required to submit a report to the appropriate office of the Office of Price Administration showing such seller's existing maximum price, such seller's adjusted maximum price pursuant to the terms of this order, and showing the manner in which such adjusted maximum price was reached under this order. This report shall be made on such form and pursuant to such provision as may later be incorporated by amendment to this order.

(g) All requests contained in any individual application exceeding the adjustment permitted in this order are, to the extent of such excesses, hereby denied.

(h) Insofar as this order constitutes a partial denial of any individual seller's application for adjustment, such seller may file a request for review in the manner set out in § 1300.17 of Revised Procedural Regulation No. 1.

(i) This order may be revoked, amended or corrected at any time.

(j) This order shall become effective September 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 1, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–729; Filed, January 13, 1944; 3:07 p. m.]

[Region VI Order G–13 Under SR 15 and MPR 280, Amdt. 1]

FLUID MILK IN PARIS, ILL.

Amendment No. 1 to Order No. G–13 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and under Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices for Paris, Illinois.

For the reasons set fourth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered:*

That section (c) be amended to read as set forth below:

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in the Paris, Illinois area shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be the higher:

	Wholesale	Retail
	Cents	*Cents*
1. Standard butterfat content milk and chocolate drink:		
Sales in bulk, per gallon	40	------
Sales in bottles and paper containers:		
Gallon	40	47
Quart	11	13
Pint	7	8
Half pint	3½	5
2. Buttermilk:		
Sales in bulk, per gallon	34	------
Sales in bottles and paper containers:		
Gallon	34	39
Quart	10	12

This Amendment No. 1 to Order No. G–13 shall become effective January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–730; Filed, January 13, 1944; 3:08 p. m.]

[Region VI Order G–22 Under MPR 329]

FLUID MILK IN RHINELANDER, WIS.

Order No. G–22 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Rhinelander, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329; *It is hereby ordered:*

(a) The maximum price which distributors may pay to producers of milk sold for human consumption in fluid form shall be $.80 per pound of butterfat contained in whole milk.

(b) This order shall apply to all purchases of milk from producers for resale for human consumption in fluid form, by distributors whose bottling plants are located within Rhinelander, Wisconsin, or who sell within that city 50% or more of the milk sold by them, except that this order shall apply only to purchases from producers from whom such distributors purchased milk in August or September, 1943, and is not applicable to purchases from producers who did not in August or September, 1943 sell to any Rhinelander distributor.

(c) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January of 1943.

(e) This order may be revoked, amended or corrected at any time.

This order shall be effective January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–733; Filed, January 13, 1943; 3:08 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54–79, 59–52]

NIAGARA HUDSON POWER CORP. AND BUFFALO, NIAGARA AND EASTERN POWER CORP.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of January 1944.

In the matter of Niagara Hudson Power Corporation, Buffalo, Niagara and Eastern Power Corporation, applicants, File No. 54–79; Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59–52.

The Commission having previously designated January 18, 1944 as the date for hearing in the above consolidated proceeding involving the application of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a "Plan of Reorganization of the Niagara Hudson System" and the proceeding instituted by the Commission under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of said act with respect to said Niagara Hudson Power Corporation and its subsidiary companies; and

Counsel for the applicants having requested that the hearing in this matter be postponed until February 8, 1944, and other interested persons having concurred in the request; and the Commission deeming it appropriate that said request be granted;

It is ordered, That the hearing in this matter previously scheduled for January 18, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be, and hereby is, postponed to February 8, 1944, at the same hour and place and before the same Trial Examiner as heretofore designated.

It is further ordered, That the time within which any person desiring to be heard or otherwise to participate in the above proceeding shall file his request or application therefor with the Secretary of the Commission, as provided by Rule XVII of the Commission's Rules of Practice, be, and the same hereby is, extended to February 3, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–722; Filed, January 13, 1944; 3:02 p. m.]

[File No. 70–841]

THE UNITED GAS IMPROVEMENT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of January 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company, a registered holding company.

Notice is further given that any interested person may, not later than January 24, 1944, at 10:00 a. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The United Gas Improvement Company proposes to change its 35,000,000 authorized shares of no par capital stock into 3,500,000 shares of $13.50 par value each, and similarly to convert its 23,250,000 outstanding shares of no par capital stock into 2,325,200 shares with a par value of $13.50 each, on the basis of a proposed exchange of one share of the new stock for each ten shares of the present stock.

In lieu of fractional shares of the new stock, it is proposed to issue non-voting scrip in bearer form, which, during a period of one year commencing on or about September 7, 1944, will be exchangeable, in combination with other similar scrip, for the number of full shares represented thereby. After the one-year period, it is proposed to pay and discharge the scrip in cash on the basis of the average closing price of the stock for the period from September 10 to September 14, 1945, inclusive.

The difference of $549,240 between the stated capital presently applicable to the capital stock of the company ($31,939,440) and the stated capital represented by the shares of the proposed new capital stock ($31,390,200) will be credited to the capital surplus account, and the 2,424 shares of present capital stock now held in the treasury of the company will be cancelled and retired by charging capital surplus with $3,334.

The stated purposes of the proposed transactions are to reduce the number of shares of capital stock so that they will be more proportionate to the substantially reduced assets of the company; to make the new shares more acceptable as collateral security than the present shares selling under $5 per share; and to reduce brokerage commissions on purchases or sales and transfer taxes on sales of the stock.

The proposed transactions will be submitted to a stockholders' vote at the next annual meeting of stockholders, scheduled for May 1, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–723; Filed, January 13, 1944; 3:02 p. m.]

[File Nos. 54–87, 59–7]

FEDERAL LIGHT AND TRACTION CO., ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING ON PLAN AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of January 1944.

In the matter of Federal Light and Traction Company and its subsidiary Companies, File No. 54–87; Cities Service Power & Light Company and its subsidiary companies, File No. 59–7.

I

The Commission having heretofore, in proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935, ordered Federal Light & Traction Company ("Federal"), a registered holding company, to divest itself of its interests in its subsidiaries operating in the States of Missouri and Wyoming, and having reserved jurisdiction as to the retainability by Federal of its interests in Deming Ice and Electric Company and The Tucson Gas Electric Light and Power Company, and of the gas and nonutility businesses conducted by other subsidiary companies of Federal operating in the States of New Mexico and Colorado,

Notice is hereby given that Federal has filed with this Commission a plan of reorganization pursuant to section 11 (e) of the act proposing action designed to reduce the capitalization of Federal to a single class of stock, namely, common stock, and to merge or consolidate Federal and its subsidiary companies operating in the States of Colorado, New Mexico and Arizona, into a single utility company operating in such States (said company being hereafter referred to as the "New Company"). Federal also proposes to dispose of all of its other interests.

All interested persons are referred to the plan which is on file in the office of the Commission for a full statement of the transactions therein proposed which are summarized as follows:

1. Federal has outstanding (as at October 31, 1943) 524,903 shares, par value $15 per share (aggregating $7,873,545 par value) of common stock and 43,621 shares (exclusive of 753 shares held in treasury) of no par value $6 cumulative preferred stock having a stated value of $4,312,948.51. It has no outstanding funded debt. Federal proposes to negotiate a bank loan in the sum of $1,000,000 for a term of two years. If the loan is secured, a matter not presently determined, the Loan Agreement will provide that the securities of Springfield Gas and Electric Company, Sheridan County Electric Company and Tucson Rapid Transit Company held by Federal will be pledged as collateral security for the payment of the loan and, upon the proposed disposition by Federal of those securities as hereinafter set forth, the proceeds thereof will be used to reduce or pay off the amount of the loan. A copy of the Loan Agreement in definitive form will be filed with the Commission on or before the date of the first hearing on the plan. With the proceeds of the loan and its other cash resources, Federal proposes to retire its outstanding preferred stock by the payment of the liquidating value of $100 per share, aggregating $4,362,100 plus accrued dividends to date of payment. The present call price of the preferred stock is $110 per share.

Federal requests that, as a first step in the consummation of the plan, the Commission approve the making of the loan and the application of the proceeds and other cash to the retirement of the outstanding preferred stock of Federal in the manner proposed.

2. The plan proposes that Federal dispose of its interests in Springfield Gas and Electric Company, Sheridan County Electric Company and Tucson Rapid Transit Company. However, if at the time of the merger or consolidation referred to above, Federal shall not have disposed of its interests in such companies the New Company will acquire such interests in the merger subject, however, to any pledge thereof to secure the bank loan, and subject further to the condition that any order of the Commission approving the plan may require the New Company to dispose of its interests therein.

3. It is proposed that the present Federal company together with the following named subsidiary operating companies be merged or consolidated into The Tucson Gas Electric Light and Power Company as the surviving company (New Company):

	Nature of business	Location
Albuquerque Gas and Electric Co.	Electric and Gas	New Mexico.
Deming Ice and Electric Co.	Electric and Ice	New Mexico.
The Las Vegas Light and Power Co.	Electric	New Mexico.
New Mexico Power Co.	Electric and Water	New Mexico.
The Trinidad Electric Transmission, Railway and Gas Co.	Electric and Gas	Colorado and New Mexico.
Stonewall Electric Co.	Electric	New Mexico and Arizona.

(Stonewall Electric Company also owns certain electric properties in Wyoming which, under the plan, are to be disposed of together with the properties of the Sheridan County Electric Company.)

The New Company will be duly qualified to carry on a utility business in the States of Arizona, New Mexico and Colorado. The New Company will issue to the holders of the present common stock of Federal, common stock in a par value of $7,873,545 being equal to the aggregate par value of the common stock of Federal presently outstanding.

4. Federal requests that the Commission enter an order approving the plan as necessary to effectuate the provisions of section 11 (b) of the act and as fair and equitable to the persons affected thereby, and it further requests that such order or orders of the Commission in this proceeding relating to the various steps or matters involved in the plan conform to the requirements of sections 371 and 1808 of the Internal Revenue Code by including therein a determination that the particular transaction or transactions involved are necessary or appropiate to the integration or simplification of the holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

II

The Commission having heretofore instituted a proceeding (File No. 59-7) under section 11 (b) (1) of the act involving the holding company system of Cities Service Power & Light Company and the holding company system of Federal, a subsidiary thereof, and the Commission on August 17, 1943, having issued an order in the section 11 (b) (1) proceeding directing comprehensive action under the standards of that section, including action to be taken by Federal, and having reserved jurisdiction as to certain issues, including the retainability by Federal of its Tucson, Arizona, and Deming, New Mexico, properties, and the Commission on October 27, 1943, having issued an order reconvening the hearings for the purpose of considering the issues as to which jurisdiction had been reserved in the order dated August 17, 1943, and certain other issues as to which jurisdiction had been reserved and leave to introduce additional evidence granted by the Commission in its order dated September 10, 1943, and hearings having been held as to certain of such matters and having been continued on December 2, 1943, subject to call; and

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected by the plan, and it appearing appropriate to the Commission, in the public interest and in the interest of investors and consumers, that notice be given and a hearing be held upon the plan to afford all interested persons an opportunity to be heard with respect thereto; and

It appearing that the matters to be considered in connection with the proposed plan of Federal (File No. 54-87), and certain of the matters to be considered in said proceeding instituted by the Commission under section 11 (b) (1) (File No. 59-7), are related and involve common issues of law and of fact and that a consolidation of such matters and issues for hearing would be in the interest of expeditious procedure,

III

It is ordered, That said proceedings be and the same are hereby consolidated.

It is further ordered, That a hearing on such matters (including all issues in respect of the proposed plan of reorganization and all issues affecting Federal Light & Traction Company and its subsidiary companies as to which the Commission reserved jurisdiction and granted the right to introduce additional evidence in said Orders, dated August 17, 1943, and September 10, 1943) be held at 10 o'clock A. M., E. W. T., on the 27th day of January 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by Rule XVII of its Rules of Practice, on or before January 25, 1944.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said plan, particular attention will be directed at the hearing to the following matters and questions, in addition to the issues relating to Federal Light & Traction Company and its subsidiary companies as to which the Commission has reserved jurisdiction and granted the right to introduce additional evidence in said Orders dated August 17, 1943, and September 10, 1943:

1. Whether the proposed plan of Federal is in conformity with the requirements of the Commission's said orders dated August 17, 1943, and September 10, 1943;

2. Whether said plan, as submitted or as it may subsequently be modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected, particularly with respect to the proposed retirement of Federal's preferred stock at less than the call price of $110 per share;

3. Whether the proposed acquisitions of utility assets and securities by the New Company will tend toward the economical and efficient development of an integrated public-utility system, and whether the proposed merger or consolidation will be detrimental to the carrying out of the provisions of section 11 (b) of the act;

4. Whether the accounting entries proposed in connection with said plan and all transactions incident thereto are appropriate and in accordance with sound accounting principles and practices and the applicable statutory standards;

5. Whether the fees and expenses to be paid in connection with said plan and all transactions incident thereto are for necessary services and are reasonable in amount;

6. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and if not what modifications should be required to be made therein and what terms and conditions should be imposed.

It is further ordered, That Issue 3 above, and the issues relating to the retainability by Federal Light & Traction Company of its interests in The Tucson Gas Electric Light and Power Company, Deming Ice and Electric Company, Tucson Rapid Transit Company, Federal Realty Company, and those properties of Stonewall Electric Company which are adjacent to the properties of The Tucson Gas Electric Light and Power Company, be first considered at the consolidated hearing, and that, when the record is completed with respect thereto, such issues be submitted to the Commission for determination.

It is further ordered, That notice of this hearing be given to Federal Light & Traction Company, to the City of Tucson, Arizona, and to all other persons, said notice to be given to Federal Light & Traction Company, and to the City of Tucson by registered mail and to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

It is further ordered, That Federal shall give notice of this hearing to its preferred stockholders by mailing to each record holder of its preferred stock a copy of this notice of filing and order for hearing at his record address at least 10 days prior to the date set for hearing herein.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining thereto or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-724; Filed, January 13, 1944; 3:02 p. m.]

[File Nos. 59-26, 70-403]

FLORIDA POWER & LIGHT CO., ET AL.

ORDER DENYING REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of January, A. D. 1944.

In the matter of Florida Power & Light Company, American Power & Light Company, Electric Bond and Share Company, File No. 59-26; Florida Power & Light Company, American Power & Light Company, File No. 70-403.

The Commission having issued its order herein dated December 28, 1943 (Holding Company Act Release No. 4791) granting applications and permitting declarations to become effective with respect to a proposed recapitalization of Florida Power & Light Company, and approving certain accounting entries to be made on the books of said company;

The Commission by said order having also directed Florida Power & Light Company:

(a) To classify $1,815,655 in Account No. 107 and to eliminate the same from plant account by charge to earned surplus not later than December 31, 1944; and

(b) To appropriate out of earned surplus a contingency reserve of at least $700,000 annually, pending final determination of the amount and disposition to be made of Account No. 100.5 items presently in the plant acount;

The Commission having provided in said order that the requirements described in paragraphs (a) and (b) above should be severable from the remaining portions of said order and should not be deemed conditions to the granting of the applications and the effectiveness of the declarations regarding the transactions approved in said order;

Florida Power & Light Company and American Power & Light Company having filed herein their petition for rehearing with respect to the matter described in paragraphs (a) and (b) above, which petition raises no questions which were not fully considered by the Commission when it formulated its findings and opinion accompanying its aforesaid order; and

It appearing to the Commission that no useful purpose would be served by having a rehearing with respect to the matters in question, *It is ordered*, That the aforesaid petition for rehearing be and it hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-725; Filed, January 13, 1944; 3:02 p. m.]

[File Nos. 70-641, 59-62]

GENERAL GAS & ELECTRIC CORP., ET AL.

SUPPLEMENTAL FINDINGS AND ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 11th day of January 1944.

In the matter of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Sante Fe Land Company, Georgia Power and Light Company, File No. 70-641; Georgia Power and Light Company, General Gas & Electric Corporation, File No. 59-62.

The Commission having, on September 7, 1943, issued its order herein (Holding Company Act Release No. 4545), with respect to, among other things, the merger into Florida Power Corporation of Florida Public Service Company and the accompanying transfers, conveyances, exchanges and related transactions, and the issuance by Florida Power Corporation of 3,000,000 shares of new no par value common stock;

The applicants-declarants having now filed amendments adding certain additional matter and data to the record in these proceedings; making certain representations on the part of General Gas & Electric Corporation (Gengas) and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (Trustees); requesting that the transactions proposed in the instant

filings be considered as a plan under section 11 (e) of the act, and that such plan be approved as "necessary to effectuate the provisions of subsection (b) and fair and equitable to the persons affected by such plan"; and requesting that the Commission supplement its order of September 7, 1943, so as to include therein said approval under section 11 (e), and so as to set forth the recitals specified in section 371 (b), section 373 (a) and section 1808 (f) of the Revenue Code, as amended; and Gengas and Trustees having included in said amendment an agreement to accept the provision hereinafter imposed;

On the basis of said amendments and of all the facts set forth in the record, including the representations of Gengas described in paragraph 3 below, the Commission makes the following findings:

1. That on September 4, 1941, the Commission instituted proceedings against Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (File No. 59-32) pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 and that in response thereto an answer was filed which, among other things, proposed that as a step in effectuating the requirements of section 11 (b) (1) of the Public Utility Holding Company Act of 1935 the Florida and Georgia properties of the Gengas holding company system were to be grouped into a single system;

2. That the consummation of the merger of Florida Public Service Company into Florida Power Corporation and the issuance by Florida Power Corporation of 3,000,000 shares of no par value common stock will facilitate action by Trustees and Gengas either to distribute these shares to the public security holders of the holding company system in liquidation of security holders' claims, or, in the alternative to sell such securities for cash and use the proceeds to liquidate claims of such security holders; and

3. That Gengas and Trustees have represented to the Commission in said amendments that they anticipate complying with the provisions of section 11 (b) (1) of the act by, among other things, the eventual distribution of these 3,000,000 shares of Florida Power Corporation to public security holders or by sale of said holdings to non-affiliated interests;

4. That the consummation of (a) the merger of Florida Public Service Company into Florida Power Corporation by the transfer of its assets to Florida Power Corporation and the assumption by this latter corporation of the liabilities of Florida Public Service Company, and (b) the issuance to General Gas & Electric Corporation by Florida Power Corporation of 3,000,000 shares of its new no par value common stock are preliminary steps related to the above-described program of the Trustees of Associated Gas and Electric Corporation to effectuate compliance with the requirements of section 11 (b) (1) of the act, and that the transactions considered in the light of section 11 (e) of the act are necessary to effectuate the provisions of subsection (b) and fair and equitable to the persons affected by such plan;

The Commission making said findings in reliance upon the statements of intention of Gengas and Trustees as set forth in paragraph 3 hereinabove set forth;

It is hereby ordered, That the order of the Commission issued herein on September 7, 1943, be, and hereby is, supplemented so as to include as part thereof the foregoing findings; and that on the basis of said findings the plan proposing the transactions above described be, and hereby is, approved, and that said transactions hereby are authorized, permitted, and approved as necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; *Provided, however*, That if the interests of said Trustees and Gengas in said shares shall not be disposed of by distribution to public security holders or by sale to non-affiliated interests in accordance with the aforesaid representations of intention within two years from date of this order or upon the expiration of such earlier period as the Commission may hereafter designate pursuant to section 11 (b), the Commission may rescind so much of these supplemental findings and order as contain findings for the purpose of sections 371 (b), 373 (a), and 1808 (f) of the Revenue Code, as amended; said rescission not to affect the consummation or impair the validity of any of the transactions authorized and approved by the Commission in this consolidated proceeding by its order of September 7, 1943, or otherwise, nor shall anything herein alter or change the terms and conditions imposed by said order of September 7, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-726; Filed, January 13, 1944; 3:02 p. m.]

[File No. 54-51]

NATIONAL POWER & LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE AND SUPPLEMENTING ORDER DATED JANUARY 4, 1944

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of January, A. D. 1944.

National Power & Light Company ("National"), a registered holding company, having filed an application and declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder, wherein National proposes to authorize The Pennsylvania Company for Insurances on Lives and Granting Annuities, as Successor Trustee under an Indenture of Mortgage dated July 1, 1901, to sell in the open market $5,000 principal amount of City of Philadelphia 5% Loan of October 1, 1920, due January 1, 1951, and $30,000 principal amount of County of Allegheny, Commonwealth of Pennsylvania, 4¼% Road Bonds, Series 34-B4, due August 1, 1951, now held by the Successor Trustee as collateral for the remaining $25,000 principal amount outstanding with the public of noncallable Lancaster County Railway & Light Company Fifty-Year Five Per Cent. Collateral Trust Mortgage Gold Bonds, due July 1, 1951, heretofore assumed by National, and to authorize the Successor Trustee to retain from the proceeds of such sale, in full satisfaction of all obligations of National with respect to said bonds as set forth in an agreement to be executed between National, the Successor Trustee, and United States Fidelity and Guaranty Company, a sum equal to the aggregate of (1) the principal amount of said bonds outstanding, (2) an amount sufficient to pay interest at the rate of 5% per annum on said bonds until maturity, July 1, 1951, (3) an amount sufficient to pay all accrued and unpaid interest represented by coupons then validly outstanding, if any, and (4) the sum of $1,185, representing the Successor Trustee's fee for services; and

Said application and declaration having been filed on December 16, 1943, and an amendment thereto having been filed on December 20, 1943, and notice of said filing having been given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon, and National having requested that the Commission make the findings specified in sections 1808 (f) and 371 (b) of the Internal Revenue Code, as amended; and

The Commission finding that the proposed transactions hereinabove described are steps in compliance with the order of the Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the act, directing the dissolution of National, and are not in contravention of the provisions of the act, or any rules or regulations thereunder, and the Commission deeming it in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be and hereby is granted and said declaration, as amended be and hereby is permitted to become effective forthwith.

It is further ordered, That the sale and transfer by National Power & Light Company of $5,000 principal amount of City of Philadelphia 5% Loan of October 1, 1920, due January 1, 1951, and $30,000 principal amount of County of Allegheny, Commonwealth of Pennsylvania, 4¼% Road Bonds, Series 34-B4 due August 1, 1951, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and to comply with the Commission's order of August 23, 1941, and are necessary or appropriate to the integration or simplification of the holding company system of which National is a member, and said order of August 23, 1941 is hereby supplemented so as to authorize, permit and approve the sale and transfer of said securities in order to effectuate the provisions of section 11 (b) of said act and of said order dated August 23, 1941.

It is further ordered, That the order of the Commission dated January 4, 1944, In the Matter of National Power & Light Company, File No. 54-51, Application No. 7, is hereby supplemented to provide that the expenditure by National in the retirement of 12,000 shares of its $6 preferred stock by payment to the holders thereof of cash in the amount of $100 per share plus accumulated dividends thereon to the date fixed for retirement is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and to comply with the Commission's order dated August 23, 1941, and is necessary or appropriate to the integration or simplification of the holding company system of which National is a member, and said order of August 23, 1941, is hereby supplemented so as to authorize, permit and approve the retirement of said shares in order to effectuate the provisions of section 11 (b) of said act and of said order dated August 23, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-727; Filed, January 13, 1944; 3:08 p. m.]

[File No. 70-840]

BANGOR GAS COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of January 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to sections 6 (a) and 15 (f) of the Public Utility Holding Company Act of 1935 by Bangor Gas Company, a subsidiary of American Gas and Power Company, a registered holding company, in turn a subsidiary of Community Gas and Power Company, also a registered holding company.

All interested persons are referred to said declaration or application (or both), which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Bangor Gas Company proposes:

(a) To reduce the outstanding capital stock from $600,000 par value to $480,000 par value and create a capital surplus in the amount of $120,000 and

(b) To eliminate from its balance sheet an account designated "Abandoned Property" in the amount of $125,000 by charging $120,000 against said capital surplus and charging $5,000 against earned surplus (at September 30, 1943, earned surplus amounted to $67,396.51).

The declaration or application indicates that the proposed transactions have been authorized by the Public Utilities Commission of the State of Maine.

It appearing to this Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission, *It is ordered*, That a hearing on said matters under the applicable provisions of said Act and the Rules of this Commission thereunder be held on January 24, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held;

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing a copy of this order to Bangor Gas Company; and that said notice of said hearing be given to all persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before January 22, 1944, his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission;

It is further ordered, That Charles S. Lobingier or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said application or declaration (or both), particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transactions are in the public interest or in the interest of investors and consumers and whether in all respects the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules, regulations and orders promulgated thereunder;

2. Whether, and to what extent it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts or capital stock of Bangor Gas Company, or otherwise in regard to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-728; Filed, January 13, 1944; 3:03 p. m.]

[File Nos. 70-178, 70-686]

PUBLIC SERVICE COMPANY OF OKLAHOMA, ET AL.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of January 1944.

In the matter of Public Service Company of Oklahoma, Southwestern Light & Power Company, Central and South West Utilities Company and The Middle West Corporation, File No. 70-178; West Texas Utilities Company and American Public Service Company, File No. 70-686.

The Commission on the 3d day of August, 1943, issued its findings and opinion pursuant to the Public Utility Holding Company Act of 1935 regarding the proposed merger of Southwestern Light & Power Company into Public Service Company of Oklahoma and certain related transactions between The Middle West Corporation, Central and South West Utilities Company, American Public Service Company, West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Light & Power Company, such opinion providing, however, that the order of the Commission with respect thereto should not issue until such time as Public Service Company of Oklahoma should have complied with the requirements of the Securities Act of 1933 with respect to the issue and sale of 15,000 shares of its preferred stock to be issued in connection with such merger. Such opinion further provided that jurisdiction be reserved with respect to the proposed issuance and sale by Public Service Company of Oklahoma of its bonds in the principal amount of $6,600,000 for the purpose of redeeming $6,648,000 principal amount of bonds of Southwestern Light & Power Company proposed to be assumed in connection with such merger.

Public Service Company of Oklahoma has now filed an amendment proposing merely to assume the $6,648,000 principal amount of first mortgage bonds, Series "A", 3¾%, due December 1, 1969 of Southwestern Light & Power Company, and has also filed a registration statement under the Securities Act of 1933 with respect to the proposed issuance of the 15,000 shares of preferred stock of Public Service Company of Oklahoma which has become effective.

Our opinion herein discussed the proposed transactions on the basis that $6,600,000 principal amount of Public Service Company of Oklahoma 3¼% bonds would be outstanding rather than on the basis that the $6,648,000 principal amount of Southwestern Light & Power Company 3¾% bonds would be assumed and remain outstanding. It appears, however, that this change will not materially alter either the pro forma balance sheet or earnings statement shown in our opinion of August 3, 1943 and therefore warrants no different conclusion.

Public Service Company of Oklahoma has requested that the applications and declarations regarding the proposed

transactions be considered as a plan filed under section 11 (e) of the act and that the order of the Commission with respect to said transactions conform to the requirements of sections 371 (f), 373 (a) and 1808 (f), as amended, of the Internal Revenue Code.

The Commission finding that said applications and declarations regarding the proposed transaction constitute a plan under section 11 (e) of said Act, and that said plan is necessary to effectuate the provisions of section 11 (b) thereof and fair and equitable to the persons affected by such plan;

It is therefore ordered, That said plan be and hereby is approved, subject, however, to the conditions specified in Rule U-24 under said act.

It is further ordered, That the approval of said plan includes specific approval of the following transactions:

1. The issuance of 15,000 shares of 5% preferred stock by Public Service Company of Oklahoma;

2. The assumption of $6,648,000 principal amount of 3¾% first mortgage bonds of Southwestern Light & Power Company by Public Service Company of Oklahoma;

3. The issuance by Public Service Company of Oklahoma of 11,167 shares of the $100 par value common stock and the acquisition of such stock by The Middle West Corporation and the transfer by The Middle West Corporation of 11,167 shares of $6 preferred stock of Southwestern Light & Power Company to Public Service Company of Oklahoma;

4. The sale and transfer of 9,679 shares of common stock of Public Service Company of Oklahoma by The Middle West Corporation to Central and South West Utilities Company and the sale and transfer of 1,488 shares of common stock of Public Service Company of Oklahoma by The Middle West Corporation to American Public Service Company and the acquisition of such stock by said companies;

5. The issuance by Central and South West Utilities Company of its 4% note in the principal amount of $870,000 and the acquisition of such note by The Middle West Corporation;

6. The acquisition by American Public Service Company and The Middle West Corporation of such shares of preferred stock of Public Service Company of Oklahoma as may be required pursuant to the agreement between such companies and Public Service Company of Oklahoma executed in connection with the proposed merger of Public Service Company of Oklahoma and Southwestern Light & Power Company;

7. The acquisition by West Texas Utilities Company and the sale to it by American Public Service Company of such number of shares of the $6 preferred stock of West Texas Utilities Company as will, at a price of $89.17 per share, provide American Public Service Company with the approximate amount of funds as may be required by it pursuant to the agreement between it and Public Service Company of Oklahoma in connection with the proposed merger of Public Service Company of Oklahoma and Southwestern Light & Power Company;

8. The solicitation by Public Service Company of Oklahoma with respect to its offer to exchange its preferred stock for the outstanding prefered stock of Southwestern Light & Power Company;

9. The acquisition by Public Service Company of Oklahoma and surrender by it for cancellation of such amount, not exceeding 15,000 shares, of the preferred stock of Southwestern Light & Power Company as may be acquired by it pursuant to such exchange offer;

10. The acquisition and retirement by Southwestern Light & Power Company from public holders thereof of such number of shares of its preferred stock as are not acquired by Public Service Company of Oklahoma pursuant to the exchange offer;

11. The redemption and retirement by Southwestern Light & Power Company of 363 shares of its Class A common stock, $100 par value held by the public at its liquidating value of $100 per share;

12. The redemption and retirement by Southwestern Light & Power Company of 134 shares of its common stock held by the public at $21 per share;

13. The advance to Southwestern Light & Power Company by Public Service Company of Oklahoma on open account without interest of a sum sufficient to pay $100 per share of the liquidation price payable in respect of such number of the 24,255 shares of the $6 preferred stock of Southwestern Light & Power Company as are not acquired by Public Service Company of Oklahoma pursuant to the exchange offer; and

14. The transfer by Southwestern Light & Power Company and the acquisition by Public Service Company of Oklahoma of all the assets and assumption of all the liabilities of Southwestern Light & Power Company in exchange for any advances made to Southwestern Light & Power Company by Public Service Company of Oklahoma and all the outstanding capital stock of Southwestern Light & Power Company held by Public Service Company of Oklahoma.

It is further ordered, That said transactions and the above specified exchanges, expenditures, investments, distributions, issuances, transfers, conveyances, and sales included therein, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the report this day issued by the Commission with respect to the proposed offer of preferred stock of Public Service Company of Oklahoma in exchange for the outstanding preferred stock of Southwestern Light & Power Company be adopted as the report by the Commission pursuant to the provisions of section 11 (g) of the act and that a copy of such report be delivered to each stockholder of Southwestern Light & Power Company solicited to accept such offer of exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-648; Filed, January 12, 1944; 3:11 p. m.]

WAR PRODUCTION BOARD.

J. I. MARSH BOTTLING COMPANY

CONSENT ORDER

John H. Matiz of 3104 Scioto Trail, Portsmouth, Ohio, doing business as J. I. Marsh Bottling Company, is engaged in the bottling and distribution of non-alcoholic beverages, and was found in an investigation by the War Production Board on June 23 and 24, 1943, and September 17, 1943, to have used 4,621 gross of new closures of restricted materials for the period from June 1, 1942 to September 17, 1943, for the bottling of malt beverages and/or non-alcoholic beverages in excess of the quota permitted under the provisions of Conservation Order M-104. John Matiz admits the excess use as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of John H. Matiz, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) John H. Matiz, his successors or assigns, doing business as J. I. Marsh Bottling Company, or under any other name, shall reduce his use of new closures made of restricted materials, to be affixed to glass containers for malt and/or non-alcoholic beverages, under the quota he would otherwise be entitled to use in such a period, as defined by Conservation Order M-104, in the following amounts: First quarter of 1944, 647 gross; second quarter of 1944, 1,178 gross; third quarter of 1944, 1,178 gross; fourth quarter of 1944, 809 gross. Any exceptions to the afore-mentioned reduction in use must be specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve John H. Matiz, doing business as J. I. Marsh Bottling Company or under any other name, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect as of the date of issuance, and shall expire on December 31, 1944.

Issued this 13th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-738; Filed, January 13, 1944; 4:39 p. m.]

JAN 19 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 12

Washington, Tuesday, January 18, 1944

The President

EXECUTIVE ORDER 9414

REGULATIONS RELATING TO ANNUAL AND SICK LEAVE OF GOVERNMENT EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 7 of the act of March 14, 1936, entitled "An Act to provide for vacations to Government employees, and for other purposes" (49 Stat. 1161), as amended by the act of December 17, 1942 (c. 737, 56 Stat. 1052), and by section 7 of the act of March 14, 1936, entitled "An Act to standardize sick leave and extend it to all civilian employees" (49 Stat. 1162), as amended by the act of March 2, 1940, entitled "An Act to amend the Annual and Sick Leave Acts of March 14, 1936" (54 Stat. 38), I hereby prescribe the following regulations governing the granting of Annual and Sick leave to civilian officers and employees of the United States, the District of Columbia, and all corporations included within the provisions of the said acts of March 14, 1936, except as provided by Part VI hereof:

PART I—DEFINITIONS

SECTION 1.1 As used in these regulations:

(a) "Employee" and "employees" include officer and officers, respectively.

(b) "Permanent employees" are those appointed without limitation as to length of service or for definite periods in excess of one year, or for the duration of the present war and for six months thereafter.

(c) "Temporary employees" are those appointed for definite periods of time not exceeding one year.

(d) "Indefinite employees" are those appointed for the "duration of the job" and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one month, as distinguished from part-time or intermittent employees.

(e) "Accumulated leave" means the unused leave remaining to the credit of the employee at the close of any calendar year.

(f) "Court leave" means leave for attending court as a witness on behalf of the United States or the government of the District of Columbia, or for jury duty.

(g) "Break in service" means separation from the Federal service for a period of thirty or more calendar days.

(h) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment, or to the time of dental or optical treatments, or medical examination.

(i) "Month of service" means a period of thirty consecutive calendar days.

(j) "Terminal leave" means the period between the last day of duty and the expiration of annual leave.

PART II—ANNUAL LEAVE

ACCRUAL OF ANNUAL LEAVE

SECTION 2.1 Annual leave shall be credited to employees as follows:

(a) Permanent employees shall be credited with leave at the rate of two days per calendar month plus an additional ½ day in March, June, September, and December to employees who were continuously employed for the entire quarter-year ending in such months; or, a credit of 26 days may be given at the beginning of the calendar year in which it accrues in lieu of the monthly credit: *Provided*, that should an employee separate from the service before the expiration of the calendar year such credit will be reduced proportionately. The minimum credit for leave shall be the hourly equivalent of ½ day, and additional credits shall be in multiples thereof.

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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(b) Temporary employees shall be credited with leave of 2½ days for each month of service. After the first month of service such leave may be credited at the beginning of the month in which it accrues.

(c) Indefinite employees shall be credited with leave of two days for each month of service plus an additional ½ day when the service aggregates three months.

SECTION 2.2 Accumulated annual leave may be carried forward for use in succeeding years until it totals not exceeding 60 days: *Provided*, that during the period of the present emergency 30 days additional leave may be accumulated: *Provided further*, that when accumulated leave equals or exceeds 60 days, further increase in accumulated leave shall be limited to 15 days in any succeeding year.

GRANT OF ANNUAL LEAVE

SECTION 2.3 Annual leave shall be granted to an employee on his request at such times as the heads of the departments and agencies may prescribe. Employees during their first year of service shall not be granted leave in excess of the amount accrued to their credit. The minimum charge for annual leave shall be one hour, and additional leave shall be charged in multiples of one hour.

SECTION 2.4 An employee who is to be separated from the service shall be entitled to the unused annual leave standing to his credit, and the date of his separation shall be so fixed as to permit him to take such leave, and in no case, whether the separation be voluntary or involuntary, shall the separation become effective on a date prior to the date of termination of such leave: *Provided*, that an employee who elects to forfeit the leave standing to his credit may do so by filing a written notice to such effect.

SECTION 2.5 When an employee is absent from duty and in attendance in court as a witness in behalf of the United States or the Government of the District of Columbia, or for jury duty in any State court or court of the United States, the absence from duty shall not be charged against annual leave but should be recorded as "court leave".

PART III—SICK LEAVE

ACCRUAL OF SICK LEAVE

SECTION 3.1

(a) Permanent employees shall be credited with sick leave at the rate of 1¼ days per month. The minimum credit for sick leave shall be one hour, and additional credits shall be in multiples thereof.

(b) Temporary and indefinite employees shall be credited with 1¼ days of sick leave for each month of service.

(c) Sick leave accruing during any month of service shall be available at any time during that or any subsequent month.

SECTION 3.2 Unused sick leave shall be cumulative and available for future use: *Provided*, that the balance to the credit of the employee at the end of any month shall not exceed ninety days.

GRANT OF SICK LEAVE

SECTION 3.3 Sick leave shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement, or for medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others. The minimum charge for sick leave shall be one hour, and additional leave shall be charged in multiples of one hour.

SECTION 3.4 An employee who is absent on account of sickness shall notify his supervisor as early as practicable on the first day of such absence, or as soon thereafter as possible. Failure to give such notice may result in the absence being charged to annual leave or leave without pay, as the circumstances may justify. Requests for sick leave for medical, dental, or optical examination or treatment shall be submitted for approval prior to the beginning of the leave.

SECTION 3.5 Written application on the prescribed form for grant of sick leave shall be filed within two days after the employee returns to duty. For periods of absence in excess of 3 work days the application must be supported by a medical certificate. Such certificate shall be filed within 15 days after return to duty: *Provided*, that when a medical certificate cannot reasonably be obtained, a certificate of the employee relating the facts incident to the illness may be accepted. All applications for sick leave for medical, dental, or optical examination or treatment shall be supported by a medical certificate.

SECTION 3.6 When sickness occurs within a period of annual leave and lasts in excess of 5 work days, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave shall be made within two days after return to duty and shall be supported by a medical certificate.

SECTION 3.7 Sick leave may not be granted for a period immediately following a period of absence in a non-pay status, unless and until there is a return to actual duty, nor may such leave without pay be converted to sick leave.

ADVANCE OF SICK LEAVE

SECTION 3.8 In cases of serious disability or ailments, and when the exigencies of the situation so require, sick leave may be advanced to permanent and

indefinite employees not in excess of 30 days: *Provided*, that no advances of sick leave shall be made to any employee unless the absence from duty on account of illness is for a period, or periods, of 5 or more consecutive work days; that every application for advance leave shall be supported by a medical certificate; that the total of such advances shall be charged against sick leave subsequently credited. Sick leave may be advanced irrespective of whether the employee has annual leave to his credit.

SECTION 3.9 Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment.

PART IV—GENERAL PROVISIONS

SECTION 4.1

(a) Leave shall be credited in units of hours on the basis of the established work day. Fractional parts of an hour that equal or exceed ½ hour shall be counted as one hour and fractions of less than ½ hour shall be disregarded.

(b) Whenever the number of hours of duty in an employee's work day is permanently changed the leave standing to his credit shall be converted to the proper number of hours based upon the new work day.

(c) The accumulated leave of each employee, as of December 31, 1943, shall be converted from days-hours-minutes to units of hours. Fractional parts of an hour that equal or exceed ½ hour shall be counted as one hour and fractions of less than ½ hour shall be disregarded.

SECTION 4.2

(a) Leave shall accrue to an employee while in a leave-with-pay status providing he returns to duty.

(b) Annual leave shall not accrue to an employee while on terminal leave, whether by separation, furlough, or resignation. In such cases the accrual of leave shall cease at the close of the last day on which he was present for duty, and the final date of separation shall not be extended by the granting of sick or court leave: *Provided*, that this subsection shall not apply to employees who are on terminal leave on the date of issuance of this order.

SECTION 4.3 Whenever a permanent employee is absent on leave without pay 15 or more days during a calendar year, the credits for annual leave shall be reduced one day and for sick leave one-half day for each such period aggregating 15 days. Whenever such absences total 90 days there shall be a further reduction of ½ day in annual leave credits for each such period: *Provided*, that when an employee absent because of injury received in line of duty requests to be carried on leave-without-pay, he shall, upon his return to duty, receive credit for accrued leave covering the period for which he was paid disability compensation by the Employees' Compensation Commission.

SECTION 4.4 Leave shall not accrue during any period of suspension for disciplinary reasons which is in excess of three days.

SECTION 4.5 Leave shall be charged only for absence upon days which an employee would otherwise work and receive pay and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all non-work days established by Federal statute or by Executive or administrative order: *Provided*, that when a holiday is declared by general administrative order to be a work day, an employee who absents himself from work without permission on that day shall be subject to a deduction of one day's pay.

SECTION 4.6 Unavoidable or necessary absence from duty not in excess of thirty minutes, and tardiness, shall be handled administratively by excuse for adequate reasons, or by requiring additional work, or by a charge against overtime previously worked beyond regular hours, or by disciplinary action, or by a charge against annual leave.

SECTION 4.7 In case of the separation of an employee who is indebted for advance leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement, or reduction of force, or in case an employee who is not found eligible for retirement is unable to return to duty because of disability, evidence of which shall be supported by an acceptable medical certificate.

SECTION 4.8

(a) Leave without pay may be granted to an employee for a period not exceeding twelve months regardless of whether he has leave standing to his credit.

(b) An employee whose active services are terminated as a result of the expiration of a statute in connection with the administration of which he is employed and who at the time of such expiration has not exhausted the leave standing to his credit shall be granted leave without pay or furlough for a maximum period of twelve months.

SECTION 4.9 When an employee is appointed, reappointed, or transferred from one permanent position to another permanent position, without a break in service, his leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his leave account, and if he is subsequently appointed, reappointed, or transferred to another position within the purview of such acts, the leave shown to be due will be credited to his account.

SECTION 4.10

(a) When an employee is appointed, reappointed, or transferred without a break in service from a permanent position to a temporary position in the same agency, he shall be credited with such leave as may be due him or charged with any unaccrued leave which may have been advanced.

(b) When an employee is appointed, reappointed, or transferred without a break in service from a permanent position to a temporary position in a different agency he shall be furnished with a statement of his leave account and if subsequently he is appointed, reappointed, or transferred without a break in service to a permanent position the amount of leave shown to be due shall be credited to his account.

SECTION 4.11 Temporary employees who subsequently receive permanent appointments without break in service, either in the same or a different department or agency, shall be credited with such leave as may be due them, or charged with any unaccrued leave which may have been advanced.

PART V—ADMINISTRATION

SECTION 5.1 The heads or governing bodies of the various governmental agencies to which this Executive order applies shall be responsible for the proper administration of these regulations so far as they pertain to employees under their respective jurisdictions, and they shall maintain an account of leave for each employee in accordance with methods prescribed by the Civil Service Commission and approved by the Director of the Bureau of the Budget.

SECTION 5.2 The head or governing body of any governmental agency which has employees who work 24-hour shifts, or other uncommon tours of duty, is authorized to promulgate supplemental regulations consistent with these regulations for administering leave for such employees.

SECTION 5.3 Nothing in these regulations shall be construed to prevent the continuance of any leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply these regulations to employees stationed without the continental limits of the United States, subject to the continuance of such leave differential.

PART VI—EMPLOYEES EXCEPTED

SECTION 6.1 These regulations shall not apply to:

(a) Teachers and Librarians of the public schools of the District of Columbia.

(b) Officers and employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama.

(c) Temporary employees engaged on construction work at hourly rates.

(d) The Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the Mail Equipment Shops.

(e) Employees not required to be continuously employed during regular tour of duty, such as (1) per diem or per hour employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as mechanics, skilled laborers, and others engaged in various services on maintenance, repair, clean-up work, etc., where employment is more or less intermittent and not on a regular and continuous basis; (6) consultants employed and paid on the basis of "when actually employed"; and (7) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

(f) Alien and native labor employed outside the continental limits of the United States: *Provided*, that the head or governing body of any governmental agency which employs alien and native labor outside the continental limits of the United States may promulgate regulations governing the granting of leave to such employees.

SECTION 6.2 The regulations contained herein relating to sick leave shall not apply to officers and members of the Police and Fire Departments of the District of Columbia other than civilian personnel.

PART VII—AMENDMENTS; EFFECTIVE DATE; PUBLICATION

SECTION 7.1 By virtue of the authority vested in me by the First War Powers Act, 1941, (55 Stat. 838), it is hereby ordered that, for the period of the war, the Civil Service Commission is authorized to promulgate amendments to these regulations.

SECTION 7.2 This order shall supersede Executive Orders No. 8384 [1] and No. 8385 [2] of March 29, 1940, No. 9307 of March 3, 1943,[3] and No. 9371 of August 24, 1943,[4] and shall be effective as of January 1, 1944.

SECTION 7.3 This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 13, 1944.

[F. R. Doc. 44-779; Filed, January 14, 1944; 2:17 p. m.]

[1] 5 F.R. 1253.
[2] 5 F.R. 1256.
[3] 8 F.R. 2697.
[4] 8 F.R. 11857.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[FCA Order 393]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORIZATION TO APPROVE CERTAIN LOANS

Subject: Authorization to: Approve loans by Federal land banks in excess of $25,000; approve loans by the Federal land banks to livestock corporations; approve land bank commissioner loans to livestock corporations.

Sections 3.12, 3.13, and 3.14 of Title 6, Code of Federal Regulations (4 F.R. 4676; 6 F.R. 2347) are hereby amended to read as follows:

§ 3.12 *Authorization to approve loans by the Federal land banks in excess of $25,000.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the Central Office, and, in the respective Farm Credit Districts to which they are assigned, to any reviewing appraiser and any special reviewer, to approve loans by the Federal land banks in excess of $25,000, pursuant to paragraph Seventh of section 12 of the Federal Farm Loan Act (39 Stat. 370, 12 U.S.C. 771 "Seventh"), as amended.

§ 3.13 *Approval of loans by the Federal land banks to livestock corporations.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the Central Office, and, in the respective Farm Credit Districts to which they are assigned, to any reviewing appraiser and any special reviewer, to permit, pursuant to paragraph Sixth of section 12 of the Federal Farm Loan Act (39 Stat. 370, 12 U.S.C. 771 "Sixth"), as amended by section 18 of the Farm Credit Act of 1935 (49 Stat. 319), loans by the Federal land banks to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the farm to be mortgaged as security for the loan, but at least 75 per centum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged.

§ 3.14 *Approval of land bank commissioner loans to livestock corporations.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the Central Office, and, in the respective Farm Credit Districts to which they are assigned, to any reviewing appraiser and any special reviewer, to permit, pursuant to section 32 of the Emergency Farm Mortgage Act of 1933 (48 Stat. 48, 12 U.S.C. 1016), as amended by section 2 (c) of the Farm Credit Act of 1935 (49 Stat. 313), loans by the Land Bank Commissioner to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the land to be mortgaged as security for the loan, but at least 75 per centum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged.

(E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agri., Jan. 6, 1940)

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 44-783; Filed, January 14, 1944; 8:42 p. m.]

Chapter II—War Food Administration (Commodity Credit)

[CCC Grapefruit Juice Form 1]

PART 249—1943–1944 GRAPEFRUIT JUICE PAYMENT PROGRAM

OFFER OF COMMODITY CREDIT CORPORATION TO MAKE PAYMENTS IN RESPECT OF GRAPEFRUIT JUICE

In order to assure adequate production and distribution of grapefruit juice and to avoid an increase in prices to consumers of such grapefruit juice as directed by the Director of Economic Stabilization pursuant to Executive Orders 9250 and 9328, issued by the President of the United States, on October 3, 1942, and April 8, 1943, respectively, Commodity Credit Corporation (herein called "Commodity"), a corporate agency of United States of America, with offices at Washington, D. C., hereby offers to make grapefruit juice payments to eligible processors on eligible sales to the extent, in the manner, and subject to the terms and conditions specified in this offer.

Sec.

249.1 Eligible processors.
249.2 Eligible sales.
249.3 Reports of fresh fruit purchases, pack, sales, and government set-aside.
249.4 Deliveries excluded from computation of averages.
249.5 Determination of monthly area fruit costs.
249.6 Election of payment basis.
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249.8 Rates of payment.
249.9 Prerequisites to payment and interim settlements.
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249.18 Assignments.
249.19 Definitions.
249.20 Delegation.
249.21 Correspondence.
249.22 Benefits.
249.23 Anti-discrimination.
249.24 Compliance with applicable executive orders.

AUTHORITY: §§ 249.1 to 249.24; inclusive, issued under sec. 7, 49 Stat. 4, as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, and Pub. Law 151, 78th Cong.

§ 249.1 *Eligible processors.* Payments under this offer shall be available to processors in continental United States who make eligible sales (such processors being herein called "eligible processors"), upon compliance with the terms and conditions specified herein.

§ 249.2 *Eligible sales.* The term "eligible sale" as used herein means a bona fide sale and delivery of eligible grapefruit juice during the term of this offer, by a processor,

(a) To a primary distributor or wholesaler or retailer for resale for consumption other than by a Government agency, or

(b) To a consumer for consumption other than by a Government agency:

Provided, however, That the products included in such sale or sales were not packed, sold, or delivered in violation of any order or regulation of Office of Price Administration or War Food Administration or in violation of any applicable Federal or State law or regulation. This offer shall not extend to conditional sales, forward sales, or any sales which are not absolute sales in normal trade channels. In the event any eligible processor's total production of eligible grapefruit juice during the period October 1, 1943 to September 30, 1944 shall exceed 90% of such eligible processor's total production of grapefruit juice during the period of October 1, 1942 to September 30, 1943 (such total in respect of each period being inclusive of sales to Government agencies and export sales) no payments shall be made in respect of such excess except to the extent, if any, approved by Commodity.

In the event a processor makes a sale which qualifies as an eligible sale hereunder except that the grapefruit juice, which otherwise would be eligible grapefruit juice, which is the subject thereof was not packed by it but was purchased by it from the processor who packed such grapefruit juice, such a sale shall be deemed to be an eligible sale hereunder but: (1) application for payment (or interim settlement, as the case may be) in respect thereof pursuant to § 249.9 hereof shall be made to Commodity by the processor who packed such grapefruit juice, such application being forwarded to Commodity by the processor who made such sale accompanied by such evidence with respect to such eligible sale as Commodity shall require; and (2) payment shall be made by Commodity to, and the rates applicable to, the processor who packed such eligible grapefruit juice.

§ 249.3 *Reports of fresh fruit purchases, pack, sales, and government set-aside.* With respect to its operations during each calendar month included in the term of this offer, each eligible processor shall report to Commodity (within five days after publication of this offer in respect of the months of October, November, and December, 1943, and not later than the fifth day of the following month in respect of January 1944 and each subsequent calendar month) stating, separately as to each of the areas in which it operates:

(a) The total deliveries to its plants, in net tons, of grapefruit of the 1943–1944 crop during the calendar mohth for processing into eligible grapefruit juice showing separately:

(1) The quantity actually delivered; and

(2) The quantity which should be included in the determination of monthly area fruit costs pursuant to § 249.5 hereof and that which should be excluded from such determination pursuant to § 249.4 hereof;

(b) The weighted average delivered cost per net ton to it of only such deliveries of grapefruit during the calendar month as are actually purchased and excluding all deliveries required to be excluded pursuant to § 249.4 hereof;

(c) The quantity of eligible grapefruit juice packed by it during the calendar month;

(d) The quantity of eligible grapefruit juice held by it set aside for sale to Government agencies for the 1943–1944 season to the end of the calendar month;

(e) The quantity of eligible grapefruit juice sold by it during the 1943–1944 crop season to the end of such calendar month: (i) to Government agencies, (ii) to others where payments hereunder are applicable to such sales; and (iii) to others where payments hereunder are not so applicable; and

(f) The total quantity of eligible grapefruit juice on hand.

In the event any processor who otherwise may be eligible shall fail to comply in all respects with the report requirements of this § 249.3, such processor shall, if and to the extent that Commodity shall direct, forfeit benefits and payments under this offer.

§ 249.4 *Deliveries excluded from computation of averages.* In respect of eligible processors which receive deliveries of grapefruit:

(a) From their producer-members if such eligible processors are cooperative associations; or

(b) Grown by them or by growers who, to a predominant extent, control or are controlled by them; or

(c) To be processed in their behalf by other processors or to be processed by them for other persons; or

(d) Other than on a specified price per ton or per box basis and for processing into eligible grapefruit juice,

deliveries of the types thus specified shall not be considered in determining either weighted average delivered costs pursuant to § 249.3 hereof or monthly area fruit costs pursuant to § 249.5 hereof, but all such deliveries shall be reported to Commodity pursuant to § 249.3 hereof separately from deliveries of grapefruit eligible for inclusion in such determinations of weighted average delivered costs and monthly area fruit costs.

Any processor may make inquiry of, and receive a ruling from, Commodity with respect to its status under this § 249.4 or Commodity may on its own initiative make a ruling with respect to the status of any processor hereunder. Each eligible processor shall as a part of, or prior to, its first report hereunder supply in writing to Commodity a specification with respect to the sources of its fruit and its buying methods.

§ 249.5 *Determination of monthly area fruit costs.* As soon as practicable after receipt of the monthly telegraphic reports required pursuant to § 249.3

hereof, Commodity shall determine, on the basis of such information as may be available to it, the weighted average area industry delivered cost (hereinafter called the "monthly area fruit cost") of grapefruit with respect to each area, delivered to processers' plants exclusively for processing, for each monthly period covered by such reports: *Provided, however,* That in the event any monthly area fruit cost as thus determined for any month during the term of this offer shall be in excess of the following applicable maximum costs or less than the following minimum costs, then such monthly area fruit cost for such month shall be the applicable maximum (or minimum, as the case may be) cost hereinafter set forth, rather than the cost determined in accordance with this sentence hereof:

Grapefruit area	Dollars per ton	
	Maximum	Minimum
Florida	$33.25	$24.47
Texas	37.25	24.00
California-Arizona	36.97	25.00

In respect of fresh grapefruit delivered to any eligible processor between October 1, 1943 and December 31, 1943, both dates inclusive, the monthly area fruit costs applicable thereto shall be deemed to be the same as those established for the month of January, 1944: *Provided, however,* That purchases of grapefruit delivered prior to January 1, 1944 shall not be considered in determining the monthly area fruit costs applicable to January, 1944. In respect of fresh grapefruit delivered to any eligible processor after May 31, 1944, the monthly area fruit costs applicable to such fresh grapefruit shall be those established for the month of May, 1944. In the event Commodity determines, in respect of any month, that reports made pursuant to § 249.3 hereof are inadequate properly to establish the monthly area fruit cost with respect to any area or areas, Commodity shall determine the monthly area fruit costs applicable to such area or areas for such month on the basis of prevailing prices in the fresh grapefruit market for fruit from such area or areas during such month adjusted to reflect appropriate differentials with respect to grapefruit for processing. Subject to the right of Commodity to correct or amend such determination in case of error, all determinations by Commodity of monthly area fruit costs shall be final and conclusive.

§ 249.6 *Election of payment basis.* Each eligible processor shall elect whether payments to it under § 249.13 hereof shall be computed: (a) on the basis (herein called the "packing month basis") of the monthly area fruit costs (determined pursuant to § 249.5 hereof) applicable: (1) to the month during which the eligible grapefruit juice included in any eligible sale was packed (irrespective of the month during which the grapefruit from which produced was purchased or delivered), and (2) to the area in which grapefruit which was processed into such eligible grapefruit juice was grown; or (b) on the basis of its seasonal average area fruit costs (determined pursuant to § 249.7 hereof). In filing its first application for payment (or interim settlement, as the case may be) pursuant to § 249.9 hereof, eligible processor shall specify such election and the basis thus specified by eligible processor in such first application shall constitute its payment basis for the entire term of this offer. In the event any eligible processor elects to adopt the packing month basis, such eligible processor, in making applications for payment hereunder pursuant to § 249.9 hereof, is required to establish, to the satisfaction of Commodity, the calendar month or months in which the products, included in each eligible sale covered by each such application for payment, were packed.

§ 249.7 *Determination of seasonal average area fruit costs.* Commodity shall determine, as soon as practicable after May 31, 1944, with respect to each eligible processor who elects to adopt the seasonal average area fruit cost basis pursuant to § 249.6 hereof, on the basis of the applicable monthly area fruit costs, determined pursuant to § 249.5 hereof, for the period from October 1, 1943 to May 31, 1944, both dates inclusive, weighted according to the quantity of eligible grapefruit juice packed by such eligible processor during each month of such applicable period, such eligible processor's applicable weighted average seasonal delivered costs (herein called "seasonal average area fruit costs") per net ton in respect of grapefruit delivered to such eligible processor's plant or plants in each such area for processing into eligible grapefruit juice during such applicable period.

§ 249.8 *Rates of payment.* The rates of payment hereunder on eligible grapefruit juice, per dozen cans included in any eligible sale, shall be as specified in the three tables contained in Schedule A attached hereto and by this reference made a part hereof, for: (1) the monthly area fruit cost applicable to the month in which such eligible grapefruit juice was packed (in the case of eligible processors who elect to adopt the packing month basis); or (2) the eligible processor's seasonal average area fruit cost computed as provided in § 249.7 hereof (in the case of eligible processors who elect to adopt the seasonal average area fruit costs basis). Rates of payment for cans of sizes other than those referred to in Schedule A and for glass containers of any size shall be computed ratably according to the net content thereof upon the basis of the rates of payment for No. 2 cans. In respect of any classes of grapefruit, used by eligible processors for juicing, other than those specified in Schedule A, the applicable rates of payment hereunder shall be such as Commodity shall prescribe. For the purpose of computing the amount of payment on each class of fruit included in each eligible sale, the payment applicable to a fraction of a dozen containers (metal or glass) shall be computed on the basis of the applicable per dozen rate or rates.

§ 249.9 *Prerequisites to payment and interim settlement.* Payments (or interim settlements, as the case may be) hereunder shall be made only to eligible processors who: (a) file applications, separately as to each area, for such payments (or interim settlements) in such form as may be prescribed by Commodity; and (b) supply, in respect of each such application for payment (or interim settlement) such supporting evidence, documents, and proofs as Commodity may require. An application for payment (or interim settlement, as the case may be) hereunder shall be filed by each eligible processor not oftener than once each calendar month unless and to the extent that more frequent filing is approved by Commodity.

§ 249.10 *Interim settlements.* In respect of any sales of eligible grapefruit juice made by an eligible processor who elects, pursuant to § 249.6 hereof, to adopt the seasonal average area fruit costs basis, prior to the determination of such eligible processor's applicable seasonal average area fruit costs as provided in § 249.7 hereof, such eligible processor may file application with Commodity for interim settlement. Any such interim settlement thus made shall be subject to final adjustment as provided in § 249.11 hereof. For the purpose of any such interim settlement, the rates of payment (herein called "interim payment rates") shall be as provided in § 249.8 hereof except that in lieu of using such eligible processor's seasonal average area fruit costs in such calculation, there shall be used the lowest applicable monthly area fruit costs, computed by Commodity pursuant to § 249.5 hereof, in respect of any month between January 1, 1944 and the date of such application for interim settlement.

§ 249.11 *Adjustments.* Commodity and each eligible processor who has received one or more interim settlements pursuant to § 249.10 hereof shall, as soon as practicable after determination, as provided in § 249.7 hereof, of such eligible processor's seasonal average area fruit costs, make appropriate adjustments between themselves, with respect to any difference between the aggregate amount of payments which such eligible processor has received from Commodity under interim settlements pursuant to § 249.10 hereof and the aggregate amount to which such eligible processor is entitled, on the basis provided in § 249.8 hereof, in respect of the eligible sales upon which such interim settlements were made. To the extent, if any, that the aggregate amount thus received in interim settlements pursuant to § 249.10 hereof exceeds the amount to which such eligible processor is entitled pursuant to § 249.8 hereof: (a) such eligible processor shall forthwith reimburse Commod-

ity; or (b) Commodity may, at its election, set off such amount against any amount due or to become due from Commodity to such eligible processor. To the extent, if any, that such eligible processor is entitled to a larger aggregate sum on the basis prescribed in § 249.8 hereof than it received in interim settlements pursuant to § 249.10, Commodity shall make payment of such excess as soon as practicable.

§ 249.12 *Right to reject applications for payment.* Commodity shall have the right to reject, in whole or in part, any application for payment (or for interim settlement) hereunder in the event such application for payment (or interim settlement) or the transactions reflected therein are not in conformity with this offer. Any such rejection, in whole or in part, shall not preclude the filing by an eligible processor, within the time limitations provided in this offer, of a new application with respect to the transactions involved in such rejected application or rejected portion thereof should such eligible processor desire to submit further evidence with respect to its alleged compliance with this offer.

§ 249.13 *Payment.* Commodity shall, as soon as practicable after receipt of each such application for payment (or for interim settlement, as the case may be), make payment thereof (to the extent found to be in conformity with this offer) to the eligible processor who made the application for payment (or interim settlement): *Provided, however,* That no more than one payment shall be made by Commodity hereunder in respect of the eligible grapefruit juice contained in any particular container. The making of any such payment or interim settlement shall not preclude Commodity from requiring restitution of any such payment or portion thereof in the event of a subsequent finding: (a) that any such claim is invalid, defective or incorrectly computed; or (b) that the eligible processor had not in fact complied with the terms of this offer. Such right shall be in addition to any and all other rights of Commodity in the premises. Each eligible processor shall: (1) report the quantities of the various classes of products covered by payments or interim settlements by Commodity which were subsequently rejected or returned to such eligible processor; and (2) make appropriate adjustment therefor either by set-off or otherwise, within such period of time as Commodity shall direct. Reports and adjustments shall be made within 30 days of such rejection or return by each eligible processor in respect of any such products rejected or returned subsequent to the termination of this offer.

§ 249.14 *Effective date.* This offer shall apply to all eligible sales of eligible grapefruit juice by eligible processors made on or after October 1, 1943, and, unless sooner terminated pursuant to § 249.15 hereof, shall continue in effect and be applicable to eligible sales of eligible grapefruit juice made by eligible processors prior to December 1, 1944: *Provided,* That all applications for payment in respect thereof must, in any event, be made on or before December 31, 1944.

§ 249.15 *Termination.* Commodity reserves the right to amend or terminate this offer at any time by giving public notice of such amendment or termination. The issuance by Commodity or War Food Administration of a press release or the filing of the amendment or notice of termination with the FEDERAL REGISTER shall constitute sufficient public notice of any amendment or termination of this offer. Any such amendment or termination shall not preclude the subsequent filing of applications for payment hereunder by, and the making of payments to, eligible processors in respect of eligible sales of eligible grapefruit juice produced from fresh grapefruit delivered to plants of eligible processors not later than ten (10) days after the effective date of such amendment or termination pursuant to bona fide purchases made prior to the effective date of such amendment or termination: *Provided,* That such application for payment is made within ninety (90) days after the date of such amendment or termination or not later than December 31, 1944, whichever of said two dates shall be the earlier. In the event the issuance, amendment, modification or termination of any Maximum Price Regulation of the Office of Price Administration has the effect of reflecting or resulting in a raw fruit cost of grapefruit for processing into grapefruit juice different from those reflected in its present civilian ceiling prices on grapefruit juice, Commodity may, in its discretion, make such equitable adjustment as it may deem necessary in the rate or rates of payment provided for in § 249.8 hereof, and such adjusted rate or rates may be made applicable to eligible grapefruit juice sold by eligible processors subsequent to the effective date of the issuance, amendment, modification or termination of such Maximum Price Regulation.

In the event this offer be terminated in whole or in part effective:

(a) On a date other than the last day of a calendar month, the monthly area fruit costs for the month in which such termination occurs shall be determined pursuant to § 249.5 hereof on the basis of that portion of such calendar month to and including the effective date of such termination; or

(b) Prior to the end of the period specified in § 249.7 hereof as determinative of the seasonal average area fruit costs of eligible processors who elect, pursuant to § 249.6 hereof, to adopt the seasonal average area fruit cost basis, such seasonal average area fruit costs in respect of each such eligible processor shall be determined on the basis of the period from October 1, 1943 to the effective date of such termination (inclusive, however, of eligible grapefruit juice packed by eligible processors from grapefruit purchased in bona fide transactions prior to the effective date of such termination and delivered to eligible processors' plants not later than ten (10) days after such effective date.

§ 249.16 *Instructions and interpretations.* Commodity shall have the right to amplify or clarify any provision or provisions of this offer without changing the substance hereof, or alter any procedure prescribed herein at any time by the issuance of instructions or interpretations in connection therewith.

§ 249.17 *Books and records.* All eligible processors shall maintain complete and accurate books, records and accounts (and furnish Commodity such information as it may request) with respect to all: (1) grapefruit purchased or otherwise acquired by them; (2) grapefruit processed; and (3) eligible sales made by them. All such books, records and accounts shall be carefully preserved for a period of not less than two (2) years and shall be available for inspection by Commodity or its designated agents or representatives at any reasonable time during such period.

§ 249.18 *Assignments.* Payments hereunder shall be made only to the eligible processor its approved assignee. No benefit or claim hereunder shall be assignable except with the written approval of Commodity.

§ 249.19 *Definitions.* For the purpose of this offer:

(a) The term "eligible grapefruit juice" means single strength grapefruit juice as defined in the applicable Official U. S. Standards for grapefruit juice, promulgated by the Secretary of Agriculture, sweetened or unsweetened, produced from grapefruit of the 1943–1944 crop delivered to the eligible processor on or subsequent to October 1, 1943, and prior to October 1, 1944, and packed by the eligible processor in hermetically sealed metal or glass containers, and sterilized by the use of heat: *Provided, however,* That the soluble solid content of any such grapefruit juice which is sweetened does not exceed 16° Brix cut-out reading.

(b) The term "1943–1944 crop" refers to grapefruit delivered to an eligible processor between October 1, 1943 and September 30, 1944, both dates inclusive;

(c) The term "person" means any individual, partnership, cooperative, corporation, association, or other business entity;

(d) The term "Government agency" means and includes the United States of America or any department, bureau, agency, or corporation thereof;

(e) The term "processor" means a person who produces: (1) As a result of processing operations conducted by him; or (2) by causing another to process in its behalf grapefruit owned by it, the eligible grapefruit juice which constitutes the subject matter of the eligible sales for which payments are claimed under this offer;

(f) The term "area" means the section of the United States in which the grapefruit, from which the eligible grapefruit juice in question is produced, was grown (irrespective of the place of packing), viz: "Florida", "Texas", or "California-Arizona"; and

(g) The term "sale and delivery" (as used in § 249.2 hereof) means sale at a fixed price, not in excess of the ceiling price established by the Office of Price Administration as applicable to civilian sales in continental United States, accompanied by transfer of beneficial interest and risk.

§ 249.20 *Delegation.* Any act, approval, direction or determination provided in this offer to be taken or made by Commodity may be delegated by Commodity to any agent, representative, or agency to act in its place and stead or for its account.

§ 249.21 *Correspondence.* All correspondence, applications for payment, supporting documents, and notices required to be made to or filed with Commodity pursuant to this offer shall, unless Commodity shall otherwise prescribe, be sent or made to or filed with Commodity Credit Corporation, Washington 25, D. C.

§ 249.22 *Benefits.* No member of or delegate to the Congress of the United States shall be admitted to any share or part of this offer or to any benefit to arise herefrom but this provision shall not be construed to extend to benefits arising from this offer if accruing to a corporation.

§ 249.23 *Anti-discrimination.* Eligible processors in their processing and sale operations shall not discriminate against any worker because of race, creed, color, or national origin.

§ 249.24 *Compliance with applicable Executive Orders.* In their processing and sale operations eligible processors shall comply with Executive Order 9301 issued by the President of the United States on February 9, 1943 (8 F.R. 1825) to the extent determined to be applicable to such operations.

[SEAL] COMMODITY CREDIT CORPORATION,
By J. B. HUTSON,
President.

Attest: January 14, 1944.
NORINE J. FAUBLE,
Assistant Secretary.

SCHEDULE A

TABLE I—RATES OF PAYMENT PER DOZEN CANS OF ELIGIBLE GRAPEFRUIT JUICE PRODUCED FROM FLORIDA GRAPEFRUIT OF THE 1943–44 CROP ON THE BASIS OF VARIOUS MONTHLY AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.5 OR SEASONAL AVERAGE AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.7 HEREOF

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
38.21 and over	$0.285	$0.7200	$1.5200
37.96–38.20	.280	.7075	1.4935
37.72–37.95	.275	.6950	1.4670
37.48–37.71	.270	.6825	1.4405
37.24–37.47	.265	.6700	1.4140
36.99–37.23	.260	.6575	1.3875
36.75–36.98	.255	.6450	1.3610
36.51–36.74	.250	.6325	1.3345
36.26–36.50	.245	.6200	1.3080
36.02–36.25	.240	.6075	1.2815
35.78–36.01	.235	.5950	1.2550
35.54–35.77	.230	.5825	1.2285
35.29–35.53	.225	.5700	1.2020
35.06–35.28	.220	.5575	1.1755
34.81–35.04	.215	.5450	1.1490
34.56–34.80	$0.210	$0.5325	$1.1225
34.33–34.55	.205	.5200	1.0960
34.08–34.31	.200	.5075	1.0695
33.83–34.07	.195	.4950	1.0430
33.59–33.82	.190	.4825	1.0165
33.35–33.58	.185	.4700	.9900
33.11–33.34	.180	.4575	.9635
32.86–33.10	.175	.4450	.9370
32.62–32.85	.170	.4325	.9105
32.38–32.61	.165	.4200	.8840
32.13–32.37	.160	.4075	.8575
31.89–32.12	.155	.3950	.8310
31.65–31.88	.150	.3825	.8045
31.40–31.64	.145	.3700	.7780
31.16–31.39	.140	.3575	.7515
30.92–31.15	.135	.3450	.7250
30.68–30.91	.130	.3325	.6985
30.43–30.67	.125	.3200	.6720
30.19–30.42	.120	.3075	.6455
29.95–30.18	.115	.2950	.6190
29.70–29.94	.110	.2825	.5925
29.46–29.69	.105	.2700	.5660
29.22–29.45	.100	.2575	.5395
28.98–29.21	.095	.2450	.5130
28.73–28.97	.090	.2325	.4865
28.49–28.72	.085	.2200	.4600
28.25–28.48	.080	.2075	.4335
28.00–28.24	.075	.1950	.4070
27.76–27.99	.070	.1825	.3805
27.52–27.75	.065	.1700	.3540
27.27–27.51	.060	.1575	.3275
27.03–27.26	.055	.1450	.3010
26.79–27.02	.050	.1325	.2745
26.55–26.78	.045	.1200	.2480
26.30–26.54	.040	.1075	.2215
26.06–26.29	.035	.0950	.1950
25.82–26.05	.030	.0825	.1685
25.57–25.81	.025	.0700	.1420
25.33–25.56	.020	.0575	.1155
25.09–25.32	.015	.0450	.0890
24.84–25.08	.010	.0325	.0625
24.59–24.83	.005	.0200	.0360
Below 24.59	.000	.0000	.0000

TABLE II—RATES OF PAYMENT PER DOZEN CANS OF ELIGIBLE GRAPEFRUIT JUICE PRODUCED FROM TEXAS GRAPEFRUIT OF THE 1943–44 CROP ON THE BASIS OF VARIOUS MONTHLY AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.5 OR SEASONAL AVERAGE AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.7 HEREOF

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
37.21 and over	$0.285	$0.7200	$1.5200
36.98–37.20	.280	.7075	1.4935
36.74–36.97	.275	.6950	1.4670
36.51–36.73	.270	.6825	1.4405
36.28–36.50	.265	.6700	1.4140
36.05–36.27	.260	.6575	1.3875
35.82–36.04	.255	.6450	1.3610
35.58–35.81	.250	.6325	1.3345
35.35–35.57	.245	.6200	1.3080
35.12–35.34	.240	.6075	1.2815
34.89–35.11	.235	.5950	1.2550
34.66–34.88	.230	.5825	1.2285
34.42–34.65	.225	.5700	1.2020
34.19–34.41	.220	.5575	1.1755
33.96–34.18	.215	.5450	1.1490
33.73–33.95	.210	.5325	1.1225
33.50–33.72	.205	.5200	1.0960
33.26–33.49	.200	.5075	1.0695
33.03–33.25	.195	.4950	1.0430
32.80–33.02	.190	.4825	1.0165
32.57–32.79	.185	.4700	.9900
32.34–32.56	.180	.4575	.9635
32.10–32.33	.175	.4450	.9370
31.87–32.09	.170	.4325	.9105
31.64–31.86	.165	.4200	.8840
31.41–31.63	.160	.4075	.8575
31.18–31.40	.155	.3950	.8310
30.94–31.17	.150	.3825	.8045
30.71–30.93	.145	.3700	.7780
30.48–30.70	.140	.3575	.7515
30.25–30.47	.135	.3450	.7250
30.02–30.24	.130	.3325	.6985
29.78–30.01	.125	.3200	.6720
29.55–29.77	.120	.3075	.6455
29.32–29.54	.115	.2950	.6190
29.09–29.31	.110	.2825	.5925
28.86–29.08	.105	.2700	.5660
28.62–28.85	.100	.2575	.5395
28.39–28.61	.095	.2450	.5130
28.16–28.38	$0.090	$0.2325	$0.4865
27.93–28.15	.085	.2200	.4600
27.70–27.92	.080	.2075	.4335
27.46–27.69	.075	.1950	.4070
27.23–27.45	.070	.1825	.3805
27.00–27.22	.065	.1700	.3540
26.77–26.99	.060	.1575	.3275
26.54–26.76	.055	.1450	.3010
26.30–26.53	.050	.1325	.2745
26.07–26.29	.045	.1200	.2480
25.84–26.06	.040	.1075	.2215
25.61–25.83	.035	.0950	.1950
25.38–25.60	.030	.0825	.1685
25.14–25.37	.025	.0700	.1420
24.91–25.13	.020	.0575	.1155
24.68–24.90	.015	.0450	.0890
24.45–24.67	.010	.0325	.0625
24.21–24.44	.005	.0200	.0360
Below 24.21	.000	.0000	.0000

TABLE III—RATES OF PAYMENT PER DOZEN CANS OF ELIGIBLE GRAPEFRUIT JUICE PRODUCED FROM CALIFORNIA-ARIZONA GRAPEFRUIT OF THE 1943–44 CROP ON THE BASIS OF VARIOUS MONTHLY AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.5 OR SEASONAL AVERAGE AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.7 HEREOF

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
36.87 and over	$0.285	$0.7200	$1.5200
36.62–36.86	.280	.7075	1.4935
36.38–36.61	.275	.6950	1.4670
36.14–36.37	.270	.6825	1.4405
35.90–36.13	.265	.6700	1.4140
35.66–35.89	.260	.6575	1.3875
35.42–35.65	.255	.6450	1.3610
35.18–35.41	.250	.6325	1.3345
34.94–35.17	.245	.6200	1.3080
34.70–34.93	.240	.6075	1.2815
34.46–34.69	.235	.5950	1.2550
34.22–34.45	.230	.5825	1.2285
33.98–34.21	.225	.5700	1.2020
33.74–33.97	.220	.5575	1.1755
33.50–33.73	.215	.5450	1.1490
33.26–33.49	.210	.5325	1.1225
33.02–33.25	.205	.5200	1.0960
32.78–33.01	.200	.5075	1.0695
32.54–32.77	.195	.4950	1.0430
32.30–32.53	.190	.4825	1.0165
32.06–32.29	.185	.4700	.9900
31.82–32.05	.180	.4575	.9635
31.58–31.81	.175	.4450	.9370
31.34–31.57	.170	.4325	.9105
31.10–31.33	.165	.4200	.8840
30.86–31.09	.160	.4075	.8575
30.62–30.85	.155	.3950	.8310
30.38–30.61	.150	.3825	.8045
30.14–30.37	.145	.3700	.7780
29.90–30.13	.140	.3575	.7515
29.66–29.89	.135	.3450	.7250
29.42–29.65	.130	.3325	.6985
29.18–29.41	.125	.3200	.6720
28.94–29.17	.120	.3075	.6455
28.70–28.93	.115	.2950	.6190
28.46–28.69	.110	.2825	.5925
28.22–28.45	.105	.2700	.5660
27.98–28.21	.100	.2575	.5395
27.74–27.97	.095	.2450	.5130
27.50–27.73	.090	.2325	.4865
27.26–27.49	.085	.2200	.4600
27.02–27.25	.080	.2075	.4335
26.78–27.01	.075	.1950	.4070
26.54–26.77	.070	.1825	.3805
26.30–26.53	.065	.1700	.3540
26.06–26.29	.060	.1575	.3275
25.82–26.05	.055	.1450	.3010
25.58–25.81	.050	.1325	.2745
25.34–25.57	.045	.1200	.2480
25.10–25.33	.040	.1075	.2215
24.86–25.09	.035	.0950	.1950
24.62–24.85	.030	.0825	.1685
24.38–24.61	.025	.0700	.1420
24.14–24.37	.020	.0575	.1155
23.90–24.13	.015	.0450	.0890
23.66–23.89	.010	.0325	.0625
23.42–23.65	.005	.0200	.0360
Under 23.42	.000	.0000	.0000

[F. R. Doc. 44–817; Filed, January 15, 1944; 11:17 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP–1943–Insular–3]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM

1943 AGRICULTURAL CONSERVATION PROGRAM BULLETIN, INSULAR REGION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program Bulletin for the Insular Region, issued July 19, 1943, is hereby amended as follows:

Section 702.402 is amended by deleting paragraph (e) thereof, entitled "(e) *Deduction in connection with rice acreage allotment.*"

Section 702.403 (d), is hereby amended as follows:

(d) *Payment in connection with tobacco acreage allotment.* Payment will be made at the rate of $0.012 per pound (farm weight) of the normal yield of the farm for each acre in the tobacco acreage allotment: *Provided*, That, where the tobacco acreage allotment has not been planted in full, no payment will be made unless an acreage equal to the unplanted part of the tobacco acreage allotment (in addition to the minimum requirement under Practice No. 1) has been planted to one or more of the food crops specified by the Regional Director under § 702.401 (e) (1), or unless the State Office determines that the failure to fully plant the tobacco acreage allotment to tobacco or to such food crops was due to flood in 1943. (Minimum performance under Practice No. 1 for Puerto Rico, except in case of flood, is prerequisite to any payment under the tobacco provisions of the 1943 Agricultural Conservation Program Bulletin for the Insular Region.)

Section 702.403 is further amended by deleting paragraph (e) thereof, entitled "(e) *Deduction for excess tobacco acreage.*"

(49 Stat. 1148, 1915; 50 Stat. 329; 32 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 723; 55 Stat. 257, 860; 56 Stat. 761; 16 U.S.C. (1940 Ed.) 590g–590q; 55 Stat. 838; E.O. 9322, 8 F.R. 3807, E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C. this 14th day of January 1944.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 44–784; Filed, January 14, 1944; 3:42 p. m.]

Chapter X—War Food Administration (Production Orders)

[FPO 5, Rev. 2, Amdt. 1]

PART 1206—FERTILIZER

DELIVERY AND USE OF FERTILIZER

Section 1206.1 (8 F.R. 14649) is hereby amended as set forth below:

Paragraph (g) (3) is amended to read:

(3) Fertilizer manufacturers, dealers and agents shall accept applications and make deliveries of fertilizers for use on Group A crops before delivering fertilizers for use on Group B crops requiring fertilizers at the same time, but applications for fertilizer for Group A crops shall be made at least 30 days in advance of the date such fertilizer is required in order to obtain preference over applications for fertilizer for Group B crops requiring fertilizer at the same time. Fertilizer manufacturers, dealers and agents shall accept applications for Production-Increment fertilizers for use on Production-Increment crops at any time. Deliveries of such Production-Increment fertilizers shall be made in accordance with the provisions of paragraph (h) (3) of this order or in accordance with directions issued by the Director. Deliveries of mixed fertilizers and materials for Group A and Group B crop requirements shall, in all cases, receive priority over deliveries of Production-Increment fertilizer for Production-Increment crops.

Schedule I attached to Food Production Order No. 5, Revision No. 2, is hereby amended as follows:

In the approved grades of fertilizer listed for *Georgia*, "4–10–8 1;" is changed to "4–4–8 1;".

In the approved grades of fertilizer listed for *Arkansas*, "10–0–10;" and "12–8–0 1;" are deleted.

In the approved grades of fertilizer listed for *Kentucky*, "4–12–14 1;" is changed to "4–12–4 1;".

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 15th day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44–864; Filed, January 17, 1944; 11:26 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79–115]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE MIAMI, FLA., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.149 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Miami, Florida, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Miami and the entire area included in the election precincts numbered 1 to 84, inclusive, that part of 85 comprising parts of Miami Springs town, 87 to 106, inclusive, and those parts of 107, 108, 109, 110, 111, 112, comprising parts of the cities of Coral Gables, Miami, and South Miami, all in Dade County, Florida.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computation set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44–741; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79–116]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE TAMPA-ST. PETERSBURG, FLA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.150 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk,

cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Tampa-St. Petersburg, Florida, milk sales area, and is referred to hereinafter as the "sales area":

The cities of Tampa, in Hillsborough County, and St. Petersburg, in Pinellas County; the election precincts numbered 1 to 40, inclusive, 42, 43, 44, that part of 46 comprising part of Temple Terrace city, 58, 59, and 60, in Hillsborough County; the election precincts numbered 1 to 21, inclusive, 21A, and 22 to 47, inclusive, in Pinellas County, Florida.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: and *Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(l) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-742; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-117]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE JACKSONVILLE, FLA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.148 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Jacksonville, Florida, milk sales area, and is referred to hereinafter as the "sales area":

The area included within the city of Jacksonville and Duval County in the State of Florida.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market

agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-743; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-118]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE SAVANNAH, GA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.151 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Savannah, Georgia, milk sales area, and is referred to hereinafter as the "sales area":

The city of Savannah and Chatham County, all in the State of Georgia.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-744; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-119]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE DURHAM, N. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.152 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purposes of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Durham, North Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Durham and the townships of Durham and Patterson, all in Durham County, North Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2):

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this

order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-745; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-120]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE CHARLESTON, S. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.153 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, subdealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9,375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Charleston, South Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Charleston and Charleston County, all in the State of South Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 250 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-746; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-121]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE JACKSON, MISS., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.154 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Jackson, Mississippi, milk sales area, and is referred to hereinafter as the "sales area":

The city of Jackson and the area included in beats 1, 4, and 5, all in Hinds County, Mississippi.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computation set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-747; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-122]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE HOUSTON, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.155 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Houston, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Houston, justices' precincts 1, 2, 6, and that part of justices' precinct 8 lying west of the San Jacinto River and that part of justices' precinct 3 east of the San Jacinto River which lies south of the Texas and New Orleans Railroad, all in Harris County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms

prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-748; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-123]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE WACO, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.156 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Waco, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Waco and justices' precincts 1 and that part of 4 comprising part of the city of Waco, all in McLennan County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk; buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quota pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-749; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-124]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE DALLAS, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.157 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Dallas, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Dallas and justices' precincts 1, 2, 3, 7, and 8, all in Dallas County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-750; Filed, January 13, 1944; 5:08 p. m.]

[FDO 79-125]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE FT. WORTH, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.158 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Fort Worth, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Fort Worth and justices' precincts 1, 2, 5, and 6, all in Tarrant County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-751; Filed, January 13, 1944; 5:08 p. m.]

[FDO 79-126]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE AUSTIN, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.159 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall,

when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Austin, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Austin and justices' precincts 1, 2, 3, 5, and 6 in Travis County, all in the State of Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream, and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E. O. 9280, 7 F.R. 10179; E.O. 9322, 8 F. R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R.14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-752; Filed, January 13, 1944; 5:08 p. m.]

[FDO 79-127]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE GALVESTON, TEX. SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.162 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof.

(For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Galveston, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Galveston and justices' precincts 1, 2, and 5, all in Galveston County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-753; Filed, January 13, 1944; 5:08 p. m.]

[FDO 79-128]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE SAN ANTONIO, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.163 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the San Antonio, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of San Antonio and justices' precincts 1, 2, 6, 7, 8 and that part of justices' precinct 2 lying east of Leon Creek, all in Bexar County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who deliveries in a quota period a daily average of less than 500 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production, as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-754; Filed, January 13, 1944; 5:08 p. m.]

[FDO 79-129]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE SHREVEPORT, LA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.164 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Shreveport, Louisiana, milk sales area, and is referred to hereinafter as the "sales area":

The city of Shreveport, police jury ward 2 in Bossier Parish, and police jury ward 4 in Caddo Parish, all in the State of Louisiana.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; *And Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of

the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-755; Filed, January 13, 1944; 5:08 p. m.]

[FDO 79-130]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE LITTLE ROCK, ARK., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.166 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Little Rock, Arkansas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Little Rock and the townships of Badgett, Big Rock, and Hill, all in Pulaski County, Arkansas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: Provided, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required to the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-756; Filed, January 13, 1944; 5:08 p. m.]

[FDO 29, Amdt. 5]

PART 1460—FATS AND OILS

USE AND DISTRIBUTION OF COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL

Food Distribution Order 29, as amended (8 F.R. 5619; 8623; 10970; 15551) § 1460.13, is amended as follows:

By deleting the provisions in (f) (1) and (2) thereof and inserting, in lieu thereof, the following:

(f) *Prohibited uses of cottonseed, peanut, soybean, or corn oil, and fatty acids derived therefrom.* (1) Except as specifically authorized by the Director, no person, including an industrial user, shall use crude, refined, or otherwise processed cottonseed, peanut, soybean, or corn oil, or any fatty acids derived from any of such oils, or any mixture of any of such oils or fatty acids, or any mixture of such oils or fatty acids with any other material, in the manufacture of any of the following products:

(i) Soap, exclusive of USP X11 soap for medicinal use, and soft soap, hospital grade, according to United States Army Specifications No. 4–1027A (Feb. 5, 1941) for delivery to the United States Army;

(ii) Paints, varnishes, lacquers and all other protective coatings, except that soybean oil may be used in synthetic resins and as a plasticizer in lacquers;

(iii) Linoleum, felt base floor covering, oilcloth and coated fabrics, except that soybean oil may be used as a plasticizer in coated fabrics other than linoleum, oilcloth, and felt base floor coverings;

(iv) Printing inks, including lithographing, offset, silk screen, and other processing inks;

(v) Animal and poultry feed, including vitamin preparations for animals and poultry, but excluding medicinals and pharmaceuticals for animals and poultry;

(vi) Core oils.

(2) The restrictions of paragraphs (f) (1) (i), (ii), (iii), (iv), (v) and (vi) hereof, shall not apply to the use of:

(i) any cottonseed, peanut, soybean, or corn oil which is a by-product or residue (except stearine) of a permitted processing of such oil or which consists of tank bottoms, or

(ii) Any fatty acids derived from cottonseed, peanut, soybean, or corn oil which is a by-product or residue (except stearine) of a permitted processing of such oil or which consists of tank bottoms.

With respect to violations of said Food Distribution Order 29, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order 29, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This amendment shall become effective January 18, 1944 at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 12th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–737; Filed, January 13, 1944; 4:20 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Revision VI, Cum. Supp. 4]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 4 containing certain additions to amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VI of October 7, 1943 (8 F.R. 13883), is hereby promulgated.[1]

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
WAYNE C. TAYLOR,
Acting Secretary of Commerce.
LEO T. CROWLEY,
Administrator, Foreign Economic Administration.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

JANUARY 14, 1944.

[F. R. Doc. 44–828; Filed, January 15, 1944; 1:10 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 643—MINIMUM WAGE RATE IN THE CHEMICAL, PETROLEUM AND COAL PRODUCTS, AND ALLIED MANUFACTURING INDUSTRIES

In the matter of the recommendation of Industry Committee No. 60 for a minimum wage rate in the chemical, petroleum and coal products, and allied manufacturing industries.

Whereas on May 12, 1943, by Administrative Order No. 193, the Administrator, acting pursuant to sections 5 and 8, of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 60 for the chemical, petroleum and coal products, and allied manufacturing industries, and directed the Committee to recommend minimum wage rates for the chemical, petroleum and coal products, and allied manufacturing industries in accordance with section 8 of the act; and

Whereas the Committee included nine disinterested persons representing the public, a like number of persons representing employers in the chemical, petroleum and coal products, and allied manufacturing industries, and a like number representing employees in the industries, and each group was appointed with due regard to the geographical regions in which the chemical, petroleum and coal products, and allied manufacturing industries are carried on; and

Whereas Industry Committee No. 60 on June 9, 1943, after investigation of conditions in the industries, filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour in the chemical, petroleum and coal products, and allied manufacturing industries; and

Whereas after notice published in the FEDERAL REGISTER on June 29, 1943, William B. Grogan, the Presiding Officer designated by the Administrator, held a public hearing on July 15, 1943, at New York, New York, upon the Committee's recommendation; and

Whereas the complete record of the proceedings before the Presiding Officer was transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all of the evidence adduced in this proceeding and giving consideration to the provisions of the act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the chemical, petroleum and coal products, and allied manufacturing industries, as defined in Administrative Order No. 193, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 60 for a Minimum Wage Rate in the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, *Now therefore, it is ordered,* That:

Sec.
643.1 Approval of recommendation of Industry Committee No. 60.
643.2 Wage rate.
643.3 Posting of notices.
643.4 Definition of chemical, petroleum and coal products, and allied manufacturing industries.
643.5 Scope of the definition.
643.6 Effective date.

AUTHORITY: §§ 643.1 to 643.6, inclusive, issued under sec. 8, 52 Stat. 1060, 1064; 29 U.S.C. 208.

§ 643.1 *Approval of recommendation of Industry Committee No. 60.* The Committee's recommendation is hereby approved, and, in accordance with such recommendation.

§ 643.2 *Wage rate.* Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum and coal products, and allied manufacturing industries who is engaged in commerce or in the production of goods for commerce.

§ 643.3 *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce in the chemical, petroleum and coal products, and allied manufacturing industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 643.4 *Definition of the chemical, petroleum and coal products, and allied manufacturing industries.* The chemical, petroleum and coal products, and allied manufacturing industries to which this order shall apply are hereby defined as follows:

The manufacture or packaging of basic chemicals, chemical products, and products made from petroleum, coal or natural gases.

(a) It includes, but without limitation, heavy, industrial, and fine chemicals; plastics; explosives and pyrotechnics; rayon and other synthetic fibers; wood distillation and naval stores; fertilizers; soap and glycerine; candles; glue and gelatin; essential oils; nitrated, sulphonated and similarly processed oils; paints, varnishes, pigments, dyes, and printing ink; drug grinding; insecticides and fungicides; manufactured gases; petroleum refining; coke and coke-oven products; asphalt and tar paving and building materials; and allied products.

(b) *Provided, however,* That the definition shall not include:

(1) Wood preserving, and any mining, quarrying or other extractive operations.

(2) The rendering and refining of marine and animal fats and oils.

(3) Any operations of a public utility.

(4) Any product included in the metal, plastics, machinery, instrument, and allied industries (as defined in Administrative Order No. 173) or in the drug, medicine, and toilet preparations industry, the converted paper products industry, the cottonseed and peanut crushing industry, or the vegetable fats and oils industry as defined in the wage orders for such industries; or in any other industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 643.5 *Scope of the definition.* The definition of the chemical, petroleum and coal products, and allied manufacturing industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That the definition does not cover (a) such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department, physically segregated from other departments of an establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which are resold in the form in which purchased; and (b) employees engaged exclusively in clerical, maintenance, selling or shipping operations on articles purchased for resale in the form in which purchased: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 643.6 *Effective date.* This wage-order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44–785; Filed, January 14, 1944; 4:08 p. m.]

PART 646—MINIMUM WAGE RATE IN THE WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES

In the matter of the recommendation of Industry Committee No. 63 for a minimum wage rate in the wholesaling, warehousing, and other distribution industries.

Whereas on July 20, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 208, appointed Industry Committee No. 63 for the wholesaling, warehousing, and other distribution industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the wholesaling, warehousing, and other distribution industries in accordance with section 8 of the act; and

Whereas the Committee included seven disinterested persons representing the public, a like number of persons representing employers in the wholesaling, warehousing, and other distribution industries, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the wholesaling, warehousing, and other distribution industries are carried on; and

Whereas, on August 18, 1943, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the wholesaling, warehousing, and other distribution industries; and

Whereas after notice duly published in the FEDERAL REGISTER on August 31, 1943, Thacher Winslow, the presiding officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on September 16, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the presiding officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the wholesaling, warehousing, and other distribution industries, as defined by Administrative Order No. 208, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 63 for a Minimum Wage Rate in the Wholesaling, Warehousing, and Other Distribution Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, *Now, therefore, it is ordered,* That:

Sec.
646.1 Approval of recommendation of Industry Committee No. 63.
646.2 Wage rate.
646.3 Posting of notices.
646.4 Definition of the wholesaling, warehousing, and other distribution industries.
646.5 Scope of the definition.
646.6 Effective date.

AUTHORITY: §§ 646.1 to 646.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 646.1 *Approval of recommendation of Industry Committee No. 63.* The Committee's recommendation is hereby approved.

§ 646.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries.

§ 646.3 *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 646.4 *Definition of the wholesaling, warehousing, and other distribution industries.* For the purposes of this order the term "wholesaling, warehousing, and other distribution industries" means:

The wholesaling, warehousing, and other distribution of commodities.

(a) It includes, but without limitation, the activities of jobbers, textile converters, industrial distributors, mail order and retail selling establishments, brokers

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

and agents, public warehouses, and physically segregated wholesaling and selling departments of other than selling and warehousing establishments (including the activities of any employees in such establishments who are engaged exclusively in selling products purchased for resale).

(b) *Provided, however,* That there shall not be included any activity in connection with selling and warehousing which is covered by any wage order or by any administrative order appointing an industry committee.

§ 646.5 *Scope of the definition.* The definition of the wholesaling, warehousing, and other distribution industries covers all occupations which are necessary to the distribution and warehousing of commodities, including packaging, storing, shipping, and trucking, and clerical and maintenance occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 646.6 *Effective date.* This wage order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-786; Filed, January 14, 1944; 4:06 p. m.]

PART 647—MINIMUM WAGE RATE IN THE LOGGING, LUMBER AND TIMBER AND RELATED PRODUCTS INDUSTRIES

In the matter of the recommendation of Industry Committee No. 64 for a minimum wage rate in the logging, lumber and timber and related products industries.

Whereas on August 5, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein refered to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 209, appointed Industry Committee No. 64 for the logging, lumber and timber and related products industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the logging, lumber and timber and related products industries in accordance with section 8 of the act; and

Whereas the Committee included eight disinterested persons representing the public, a like number of persons representing employers in the logging, lumber and timber and related products industries, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the logging, lumber and timber and related products industries are carried on; and

Whereas on September 1, 1943, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the logging, lumber and timber and related products industries; and

Whereas after notice duly published in the FEDERAL REGISTER on September 14, 1943, the Administrator held a public hearing upon the Committee's recommendation at New York, New York, on October 1, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas all persons who appeared at the hearing were given leave to file briefs on or before October 21, 1943; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the logging, lumber and timber and related products industries, as defined by Administrative Order No. 209, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 64 for a Minimum Wage Rate in the Logging, Lumber and Timber and Related Products Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York. Now therefore, *It is ordered,* That:

Sec.
647.1 Approval of recommendation of Industry Committee No. 64.
647.2 Wage rate.
647.3 Posting of notices.
647.4 Definition of the logging, lumber and timber and related products industries.
647.5 Scope of the definition.
647.6 Effective date.

AUTHORITY: §§ 647.1 to 647.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 647.1 *Approval of recommendation of Industry Committee No. 64.* The Committee's recommendation is hereby approved, and in accordance with such recommendation.

§ 647.2 *Wage Rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the logging, lumber and timber and related products industries.

§ 647.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the logging, lumber and timber and related products industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 647.4 *Definition of the logging, lumber and timber and related products industries.* For the purpose of this order the term "logging, lumber and timber and related products industries" means:

Logging; wood saw milling and surfacing; wood preserving; wood-re-working, including but without limitation kiln or air drying, and the manufacture of planing mill products, dimension stock, boxes and other containers including cigar boxes and vegetable and fruit baskets, and wood turnings and shapings; and the manufacture of shingles, cooperage and cooperage stock, veneer, plywood, insulation board made of any vegetable fiber, prefabricated building units, and all other products made from wood, reed, cork, rattan, and related materials and from such other materials as bone, shell, horn, and ivory.

Provided, however, That the definition shall not include any product or operation included in the wood furniture manufacturing industry, button and buckle manufacturing industry or the metal, plastics, machinery, instrument, and allied industries (as defined in the wage orders for those industries); or in the pens and pencils manufacturing industry (as defined in Administrative Order No. 168); or in any other industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 647.5 *Scope of the definition.* The definition of the logging, lumber and timber and related products industries covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations: *Provided, however,* This definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in an establishment, the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 647.6 *Effective date.* This wage order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-787; Filed, January 14, 1944; 4:06 p. m.]

PART 650—MINIMUM WAGE RATE IN THE CONSTRUCTION INDUSTRY

In the matter of the recommendation of Industry Committee No. 67 for a minimum wage rate in the Construction Industry.

Whereas on September 14, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 216, appointed Industry Committee No. 67 for the construction industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the construction industry in accordance with section 8 of the act; and

Whereas the Committee included four disinterested persons representing the public, a like number of persons representing employers in the construction industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the construction industry is carried on; and

Whereas on October 6, 1943, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the construction industry;

Whereas after notice duly published in the FEDERAL REGISTER on October 19, 1943, Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on November 3, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the construction industry, as defined by Administrative Order No. 216, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 67 for a Minimum Wage Rate in the Construction Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, Now, therefore, *It is ordered,* That

Sec.
650.1 Approval of recommendation of Industry Committee No. 67.
650.2 Wage rate.
650.3 Posting of notices.
650.4 Definition of the construction industry.
650.5 Scope of the definition.
650.6 Effective date.

AUTHORITY: §§ 650.1 to 650.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 650.1 *Approval of recommendation of Industry Committee No. 67.* The Committee's recommendation is hereby approved, and in accordance with such recommendation.

§ 650.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the act by every employer to each of his employees in the construction industry who is engaged in commerce or in the production of goods for commerce.

§ 650.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the construction industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 650.4 *Definition of the construction industry.* For the purpose of this order the term "construction industry" means:

The industry carried on by any person engaged in the designing, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities.

(a) It includes, but without limitation, houses, stores, factories; highways, railroads, bridges, and streets; sewers and watermains; foundations, piers, abutments and other heavy construction; reclamation; drainage, sanitation, irrigation, flood-control and water-power projects; pipe lines; harbor and waterways construction and improvement; airports and airfields; transmission lines; and mining, industrial and commercial facilities and appurtenances.

(b) *Provided, however,* It shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry.

§ 650.5 *Scope of the definition.* The definition of the construction industry covers all occupations which are necessary to the operations of the industry: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 650.6 *Effective date.* This wage Order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-788; Filed, January 14, 1944; 4:08 p. m.]

Chapter IX—War Food Administrator (Agricultural Labor)

PART 1100—REGULATIONS RELATIVE TO SALARIES AND WAGES OF AGRICULTURAL LABOR

On August 28, 1943, the Economic Stabilization Director promulgated amended regulations relating to wages and salaries (8 F.R. 11960, 12139, 16702), by virtue of authority vested in the President by the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. No. 729, 77th Cong. 2d Sess.), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Pub. No. 34, 78th Cong. 1st Sess.), and vested in turn by the President in the Economic Stabilization Director, under Executive Order 9328, dated April 8, 1943 (8 F.R. 4681). These regulations conferred on the War Food Administrator authority to administer the provisions thereof relating to the stabilization and limitation of salaries and wages paid to agricultural labor. In the exercise of authority so conferred on the War Food Administrator, the following regulations relating to salaries and wages of agricultural labor are hereby promulgated:

Sec.
1100.1 Definitions.
1100.2 Delegation.
1100.3 Jurisdiction.
1100.4 Wage boards.
1100.5 Interpretation of the term "agricultural labor."
1100.6 Applicable to employers of a single employee.
1100.7 Specific wage ceiling regulations.
1100.8 Procedure for recommending establishment of wage ceilings.
1100.9 Salary or wages increase requiring approval.
1100.10 How approval obtained.
1100.11 Limitation on effect of increases.
1100.12 Salary or wage decreases.
1100.13 Scope of regulations.
1100.14 Conclusiveness of determination.
1100.15 Effect of unlawful payments.
1100.16 Determination of violations.

AUTHORITY: 56 Stat. 765, 50 U.S.C. Supp. II 961 *et seq.*, as amended by Pub. Law No. 34, 78th Cong.; E.O. 9328, 8 F.R. 4681; Regs. of Economic Stabilization Director, dated August 28, 1943, 8 F.R. 11960, 12139, 16702.

§ 1100.1 *Definitions.* When used in these regulations, unless otherwise distinctly expressed, or manifestly incompatible with the intent thereof:

(a) The term "Act" means the Act of October 2, 1942 (Pub. No. 729, 77th Cong.), entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in

preventing inflation, and for other purposes", as amended by the Public Debt Act of 1943 (Pub. No. 34, 78th Cong.) entitled "An Act to increase the debt limit of the United States and for other purposes."

(b) The term "general regulations" means amended regulations (relating to wages and salaries), promulgated by the Economic Stabilization Director on August 28, 1943 (8 F.R. 11960, 12139, 16702), as amended or supplemented.

(c) The term "Administrator" means the War Food Administrator, and any person, or agency, authorized by him to carry out the purposes and provisions of these regulations and other regulations issued by him pursuant to his authority under the "general regulations."

(d) The term "Director" means the Director of the Office of Labor, War Food Administration.

(e) The term "person" means any individual, partnership, corporation, association, business trust, or any other organization or group of persons, whether incorporated or not.

(f) The term "in contravention of the Act" means in contravention of the Act of October 2, 1942 (referred to in paragraph (a) above), Executive Order No. 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), the general regulations, these regulations, and any other orders, rulings, and regulations promulgated under said Act.

(g) The term "agricultural labor" means persons who are employed in farming in any of its branches, including among other things the cultivation and tillage of the soil, dairying, the production, cultivation and harvesting of agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. *Provided, however:* That the term "agricultural labor" shall not include any person whose salary payments exclusive of bonuses and additional compensation, and without regard to the contemplated adjustment, are at a rate computed on an annual basis which exceeds $5,000.00 per annum.

(h) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(i) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is paid on a weekly, monthly, annual, or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(j) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is paid, either under the terms of a contract or agreement, or in conformity with an established custom or usage.

(k) The terms "approval of the Administrator" and "determination by the Administrator" shall include approval or determination by an agent or agents of the Administrator, duly authorized to perform such acts.

§ 1100.2 *Delegation.* The administration of the program for stabilization of salaries and wages of agricultural labor established by the general regulations, these regulations, and other regulations promulgated by the Administrator, and the powers conferred upon the Administrator, with respect to such program, are hereby delegated to the Director of the Office of Labor of the War Food Administration. The Director shall be assisted in the administration of the program for the stabilization of salaries and wages of agricultural labor by such employees of the War Food Administration as he may designate, and such designated employees are hereby authorized to assist in the administration of such program.

§ 1100.3 *Jurisdiction.* Under the general regulations, the Administrator has the authority to determine whether salary or wage payments to agricultural labor are made in contravention of the Act. Such authority does not include determinations with respect to salaries over $5,000.00 per annum. Thus, where salary payments are at a rate computed on an annual basis of more than $5,000.00 per annum, jurisdiction over such salaries is with the Commissioner of Internal Revenue. However, increases in bonuses or other forms of additional compensation, where the salary payments are at a rate computed on an annual basis of $5,000 or less, and increases in such salary payments which have the effect of raising them from below $5,000.00 per annum to more than $5,000.00 per annum, are within the jurisdiction of the Administrator.

Nothing contained in these regulations shall be construed to affect any jurisdiction which the National War Labor Board may have by virtue of the War Labor Disputes Act (P. L. 89, 78th Cong.) and Executive Order 9017 (7 F.R. 237) as extended by section 1, Title III of Executive Order 9250 (7 F.R. 7871, 7873). However, as set forth in § 4001.7 of the general regulations, no person, including any Federal, State, or other governmental agency, or any officer thereof, shall have authority to overrule, amend, change, or modify, directly or indirectly, any specific wage ceiling regulation issued by the War Food Administrator pursuant to the said § 4001.7 and as described in § 1100.7 hereof.

§ 1100.4 *Wage boards.* From time to time the Director may establish wage boards for the various States. Such boards shall be known as State WFA Wage Boards. Such boards as have heretofore been established shall continue to function under these regulations and the specific wage ceiling regulations described in § 1100.7 hereof. The personnel of such boards shall be appointed by the Director, and shall be persons whom the Director determines are qualified to perform the functions of the board. The Director, in his discretion, is authorized to appoint alternates, to fill vacancies, and to remove and replace members of such boards. Such boards are hereby authorized to hold public hearings in order to recommend to the Administrator areas, crops, classes of employers, or otherwise, for which wage rates should be established as authorized in § 4001.7 of the general regulations. Such boards shall have the authority to hold hearings in order to determine whether there have been violations of these regulations or of specific wage ceiling regulations issued by the Administrator. Such boards may exercise such further functions as the Administrator or the Director may prescribe. Alternate members of a wage board may, when acting, perform all the functions of the regular members of the board.

§ 1100.5 *Interpretation of the term "agricultural labor."* The meaning of the term "agricultural labor" as used in the general regulations and these regulations is not free from difficulty in its application to specific cases. While the definition in the general regulations and these regulations will enable those affected to determine their status in the vast majority of cases, there are always border line cases which may leave affected persons in doubt. The War Food Administrator is authorized by § 4001.1 (1) of the general regulations to issue such interpretations of the definition of "agricultural labor" as he finds necessary. It is the purpose of this interpretation to clarify such border line cases insofar as experience to date will permit. The situations covered below will constitute or will not constitute agricultural labor as the case may be, for the purpose of these regulations. However, the Administrator may supplement this interpretation from time to time, as more specific cases are brought to his attention, and reserves the right to determine in specific cases whether employees are employed in agricultural labor.

Employees engaged in the following described operations are agricultural labor for the purpose of the general regulations and these regulations, unless otherwise herein specifically stated to the contrary:

(a) *Cultivation and tillage of the soil.* Preparation of a suitable seedbed; elimination of competing weed growth, and improvement of physical condition of the soil. Includes services performed in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farm purposes.

(b) *Dairying.* Milking of cows or goats, putting the milk into tins, cooling it, and storing it on the farm. If the milk is obtained from the employer's cows or goats, his employees engaged in operations such as separating the cream from the milk, or making butter and cheese out of such milk and cream, are agricultural labor.

(c) *Production, cultivation, growing, harvesting of agricultural or horticultural commodities.* Includes all customary operations in connection with the raising of any agricultural or horticultural commodity, and all operations customarily performed in connection with the removal of such commodities from the place where they are grown. See also paragraph (g) 1 hereof.

Agricultural or horticultural commodities include grains, forage crops, fruits, vegetables, nuts, sugar crops, fiber crops, tobacco, nursery products, and eggs.

Employees engaged in growing or harvesting agricultural commodities are agricultural labor, even though the commodities are raised in a greenhouse, nursery, enclosed shed, or hotbed.

(d) *Raising of livestock.* Includes the breeding, feeding, and general care of the following animals among others: cattle, sheep, swine, horses, mules, jackasses, or goats. It does not include any labor employed at stockyards.

(e) *Raising of bees.* Includes all activities customarily performed in connection with the handling and keeping of bees, including treatment of disease, and the raising of queens.

(f) *Raising of poultry.* Includes the breeding, hatching, feeding and general care of poultry, whether such activities are performed on a farm or in hatcheries. The word "poultry" includes domestic fowl and game birds.

The raising of fur bearing animals is not included in the definition of agricultural labor, and employees engaged in raising such animals are not agricultural labor, as that term is used in the general regulations and these regulations.

(g) *Miscellaneous situations.* (1) Employees engaged in packing, or other preparation of agricultural commodities for market, delivery of such commodities to storage or market, or to a carrier for transportation to market, generally are not agricultural labor. However, if an employee is engaged primarily in an occupation that is classified in these regulations as agricultural labor, and incidentally aids in packing, or otherwise preparing agricultural commodities for market, delivery of such commodities to storage or market or to a carrier for transportation to market, and such commodities are produced by the employer who has employed him for his primary occupation, such an employee shall be considered agricultural labor: *Provided,* That, such an employee shall not be considered to be employed in agricultural labor to the extent that he works in a packing shed or other establishment preparing agricultural commodities for market which employs eight or more employees in packing or other preparation of agricultural commodities for market.

(2) Employees who are agricultural labor as defined herein will continue to remain in that status, even though they are employed in forestry and lumber operations, so long as the operations constitute a subordinate and established part of the employer's farm activities. Employees engaged totally or a majority of their time in such operations are not agricultural labor, even though their employer also conducts farm operations which are classified herein as agricultural. If the employer is engaged in lumbering operations on logs or timber grown on other farms as well as his own, his employees engaged in such operations are not agricultural labor. Logging or sawmill operations performed by employees of persons other than the operator of the farm are not agricultural labor.

(3) Clerical help, farm managers, mechanics, maintenance workers, and night watchmen are agricultural labor when they are directly employed to aid in farming operations. (This does not include independent contractors, or their employees, who are engaged in performing any of the above types of work.) Such persons are not to be considered agricultural labor when they work at an establishment which is not located at the site of the farming operations.

§ 1100.6 *Applicable to employers of a single employee.* Section 4001.16 of the general regulations is not applicable to agricultural labor and employers of agricultural labor are subject to the provisions of the Act, the general regulations, these regulations, or other orders, rulings, and regulations promulgated under the Act, irrespective of the number of employees which they employ.

§ 1100.7 *Specific wage ceiling regulations.* In accordance with the provisions of § 4001.7 of the general regulations, increases may be made in salary and wage payments to agricultural labor, so long as such payments are not more than $2,400.00 per annum, without the prior approval of the Administrator. However, the Administrator has authority under the provisions of that section to determine that, with respect to areas, crops, classes of employers, or otherwise, such increases or payments may no longer be made without the approval of the Administrator. The Administrator has already exercised his authority under that section with respect to the wages and salaries of certain employees engaged in working upon particular crops in designated areas, by the issuance of specific wage ceiling regulations adapted to the particular crop and area. From time to time the Administrator may issue other specific wage ceiling regulations relating to particular areas, crops, classes of employers, or otherwise. Nothing in these regulations is to be taken as superseding or amending such specific wage ceiling regulations as have already been issued, and nothing in any specific wage ceiling regulation issued hereafter shall be taken to supersede or amend these regulations unless so specifically stated in the specific wage ceiling regulation.

§ 1100.8 *Procedure for recommending establishment of wage ceiling.* Whenever it is directed by the Administrator or the Director, a wage board shall, and upon its own initiative may, hold a public hearing, for the purpose of aiding the Administrator in the establishment of specific wage ceiling regulations described in § 1100.7 hereof. For the purpose of such hearings a member of the staff of the Office of Labor, sitting as a non-voting member of the board, may be appointed. The board shall give public notice of such hearing at least seven days prior to the hearing. Such public notice shall be given by posting in prominent places in the area to be affected, and by publication in local newspapers of general circulation. The hearing shall be conducted by the full board with the chairman or acting chairman presiding. The hearing shall be informal. Testimony shall be taken concerning the type of work to be controlled, the exact areas to be subject to control, the crop or crops to be affected, the wage rates paid, and all related matters relative to the establishment of a wage ceiling. All interested persons may appear and testify. A transcript of the record shall be kept. The presiding officer shall open the hearing with a statement of its purpose and the rules which will govern. As soon as possible after the hearing is concluded, the board shall prepare its recommendations (which must be approved by at least a majority of the board) as to the type of employment, wage rates to be paid, crop or crops to be affected, the extent of the area to be subject to control, and other related matters, and forward the report together with the transcript of the hearing to the Administrator. Neither the testimony received nor the recommendations of the board are binding upon the Administrator in establishing a specific wage ceiling regulation. Any interested person may file a petition for reconsideration of a specific wage ceiling regulation with the wage board administering the regulation or with the Administrator. If such petition is filed with a wage board, such board shall forward the petition together with its recommendations to the Administrator.

§ 1100.9 *Salary or wage increases requiring approval.* Section 4001.7 of the general regulations provides that salaries or wages of agricultural labor may be increased up to $2,400.00 without approval, unless the Administrator has issued a specific wage ceiling regulation as described in § 1100.7 hereof. That section of the general regulations provides that the phrase "$2,400.00 per annum" shall mean $200.00 a month or the equivalent weekly, hourly, piece work rate or comparable basis, except that in individual cases salary or wage payments may be more than $200.00 a month or the equivalent rate for not exceeding sixty days in any one year, if the aggregate wage or salary payments to the laborer from all sources of employment as an agricultural laborer are not more than $2,400.00 for that year.

However, no increase in salary or wage payments may be made to employees engaged in agricultural labor who, at the effective date of this regulation, received such payments in the amount of $2,400.00 per annum or more, or when the effect of the increase will be to increase salary or wage payments to more than $2,400.00 per annum, without the prior approval of the Administrator. It makes no difference whether the salary or wage rate increase is accomplished by salary or wage increases *per se,* or by means of bonuses or other forms of additional compensation. All such payments which will have the effect of raising the earnings of an employee who earns $2,400.00 per annum or more, or of raising the earnings of the employee to more than $2,400.00 per annum, must be approved to be lawful.

Payment for overtime which will have the effect of increasing the salary or wage payment where an employee already earns $2,400.00 per annum or more, or

which will have the effect of increasing the salary or wage payment of an employee who earns less than $2,400.00 per annum, to more than $2,400.00 per annum or its equivalent rate, will constitute a salary or wage increase, and thus will require the approval of the Administrator unless prior to the date of issuance of these regulations the practice of the employer has been to pay for overtime, and the rate and number of overtime hours has not been changed.

When a specific wage ceiling regulation relating to an area, crop, class of employer, or otherwise, is issued, as described in § 1100.7 hereof, no payments above the rates described in such specific regulation may be made without the prior approval of the Administrator: *Provided*, That, if an employer was paying a particular employee doing the same type of work at a higher wage or salary rate between January 1, 1942 and September 15, 1942, such employer may pay such employee at the wage or salary rate paid during that period. Payments may be made by those affected, up to and including the rates prescribed by such specific wage ceiling regulations, without the approval of the Administrator. Except in those instances where a lower rate has been established by a specific wage ceiling regulation, no approval is required to increase salary or wage payments to agricultural labor up to $2,400.00 per annum.

The existence of prior contracts for salary or wage increases or payments will not justify increases or payments without the prior approval of the Administrator where such approval is required by these regulations or by any specific wage ceiling regulation.

Any increases in wage or salary payments will be in contravention of the act, if made without approval. The increase will be lawful only from the date specified in the approval.

§ 1100.10 *How approval obtained.* Approval for an increase in salary or wage payments when the employee, prior to the proposed increase, is receiving such payments in the amount of $2,400.00 per annum or more, or when the effect of the proposed revision will be to increase such payments to more than $2,400.00 per annum, may be sought by sending an application for the approval of such increase to the Director, Office of Labor, War Food Administration, Washington, D. C. The burden of justifying an increase in salary or wage payments shall in every instance be upon the employer seeking to make such increase. Increases in such salary or wage payments will not be approved except in the following cases:

(a) Such adjustments as may be deemed proper by the Administrator and have not heretofore been made to compensate in accordance with the "Little Steel" formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941 and May 1, 1942.

(b) Salary and wage adjustment clearly necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for the same work in the same or most nearly comparable areas in the same labor market, except in rare and unusual cases in which the critical needs of agricultural war production require the setting of a salary or wage at some point above the minimum of the going salary or wage bracket.

(c) Reasonable adjustments may be made with the approval of the Administrator in case of promotions, reclassifications, merit increases, and incentive payments: *Provided*, That such adjustments do not increase the level of production costs appreciably or furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

§ 1100.11 *Limitation on effect of increases.* No increase in salary or wage payments which requires the approval of the Administrator shall furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices, or furnish the basis for further wage or salary increases.

§ 1100.12 *Salary or wage decreases.* In the case of salary or wage payments existing as of the time of the issuance of these regulations, by means of which an employee is paid $5,000.00 or less per annum for any particular work, the general rule is that no decrease can be made by an employer in such salary or wage payment below the highest salary or wage rate paid for such work in the local area between January 1, 1942, and September 15, 1942. A decrease may be permitted, however, with the approval of the Administrator, in order to correct a gross inequity in any case, or to aid in the effective prosecution of the war. Where such decrease is permitted, the salary or wage rate may be reduced below the highest salary or wage rate paid for the work in question between January 1, 1942, and September 15, 1942. Except as otherwise provided in this section, any decrease in such salary or wage rate shall be considered in contravention of the Act if it is made prior to the approval thereof by the Administrator. Except as may be otherwise provided from time to time by the Administrator, an application for approval of any salary or wage decrease shall be filed in the same manner as in the case of an application for approval of a salary or wage increase. See § 1100.10.

The Administrator's approval is not required, for example, in the following cases where salary or wage decreases are made:

(a) The new salary or wage rate does not fall below the highest salary or wage rate existing between January 1, 1942, and September 15, 1942, for the particular work in question, or for the same or comparable work in the local area.

(b) An employee has been demoted to a lower position than that filled by him between January 1, 1942, and September 15, 1942, and the salary or wage rate for such lower position is not less than the highest salary or wage rate existing for that position during the same period.

(c) An employee has been relieved of specific duties and responsibilities.

A disparity between salaries and wages paid by a particular employer and those paid by employers generally in the local area does not necessarily constitute justification for a decrease in salary or wage rates paid by such employer. The words "for any particular work" in this § 1100.12 refer to the particular work of the particular employee and not to a particular type of work.

If a specific wage ceiling regulation as described in § 1100.7 hereof has been issued which establishes a lower salary or wage rate than that which an affected employee is receiving, by contract or otherwise, the salary or wage payments of the employee must be decreased to the salary or wage rate established by the specific wage ceiling regulation, unless an employer was paying a particular employee doing the same type of work higher wages or salary payments between January 1, 1942, and September 15, 1942, in which event the employee's payments must be decreased to those received during that period. No approval is required for such decreases.

§ 1100.13 *Scope of regulations*—(a) *Geographical:* The provisions of these regulations shall not apply to salaries or wages in any territory or possession of the United States.

(b) *Services in foreign countries.* The provisions of these regulations shall not be applicable in the case of any individual employer resident in the United States or any territory or possession thereof, or of a corporate employer organized under the laws of the United States or any State, territory or possession, with respect to salaries or wages paid by such employers to employees for service rendered exclusively in foreign countries.

(c) *Foreign employers.* The provisions of these regulations shall not be applicable in the case of nonresident foreign employers, except that if any salary or wage is paid to any employee residing in the United States, payment of such salary or wage is subject to all the provisions of these regulations.

§ 1100.14 *Conclusiveness of determination.* (a) Any determination of the Administrator that a salary or wage payment is in contravention of the Act is conclusive in every respect upon all executive departments and agencies of the Federal Government for the following purposes:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereunder.

(2) Calculating deductions under the revenue laws of the United States.

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) Any such determination of the Administrator is final and not subject to review by The Tax Court of the United States or by any court in any civil proceedings. Nothing herein is intended, however, to deny the right of any employer or employee to contest in The Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision of these regulations on the ground that such provision is not authorized by law, or

(2) Any action taken or determination made under these regulations, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

§ 1100.15 *Effect of unlawful payments*—(a) *Amounts disregarded.* Section 5 (a) of the Act provides in effect that the President shall prescribe the extent to which any salary or wage payments made in contravention of regulations promulgated under the Act shall be disregarded by executive departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any other law or regulation. Pursuant to § 4001.6 of the general regulations, in any case where salary or wage payments are determined by the Administrator to have been made in contravention of the Act, the entire amount of such payments is to be disregarded by all executive departments and all other agencies of the Federal Government for the purposes of:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereunder.

(2) Calculating deductions under the revenue laws of the United States.

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

A payment in contravention of the Act may be disregarded for more than one of the foregoing purposes.

(b) *Criminal penalties.* Section 5 (a) of the act provides in substance that no employer shall pay, and no employee shall receive, any salaries or wages in contravention of the regulations promulgated by the President under the act. Section 11 of the act provides that any person whether an employer or employee who willfully violates any provision of the act, or any regulations promulgated thereunder, shall be subject upon conviction, to a fine of not more than $1,000.00, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 1100.16 *Determination of violations.* Determination by the Administrator that a salary or wage payment is in contravention of the act so as to have the effect specified in §§ 1100.14 and 1100.15 hereof, shall be made in the following manner:

All alleged violations will be handled by the Director, for those States for which no State WFA Wage Board has been established, and by the State WFA Wage Board for those States for which State WFA Wage Boards have been established.

(a) *Preliminary investigation.* Preliminary investigations of all wage or salary payments alleged to be unlawful shall be made by representatives of the Administrator. If the case is one to be handled by the Director, the report of the investigation shall be submitted to the Associate Solicitor in Charge of Food Production and Commodity Credit for consideration. If the case is one to be handled by a State WFA Wage Board, the report of investigation shall be submitted to the Regional Attorney, Department of Agriculture, within whose region the State involved lies, for consideration. The Associate Solicitor shall forward such reports as he receives, with his recommendations, to the Director. The Regional Attorneys shall forward such reports as they receive, with their recommendations, to the Board which has jurisdiction over the alleged violation. If, after consideration of the report and the recommendations, the Director or the Board, as the case may be, is of the opinion that there is reasonable cause to believe that a violation has occurred, the Director or the Board, as the case may be, shall request the alleged violator to appear at a hearing before the Director or the Board, as the case may be: *Provided, however*, That the Director may designate that a hearing to be held before him, shall be held before a person authorized to act as an examiner, presiding officer, or referee, by the designation, issued October 25, 1943, entitled "Designation of Persons to Hold Hearings, to Sign and Issue Subpoenas, and to Administer Oaths and Affirmations" (8 F.R. 14592). In the event that the Director designates that the hearing shall be conducted by such an authorized person, such a person shall take all steps required by this section for the holding of hearings, and shall forward the record, together with his recommendation, to the Director.

(b) *Notice.* Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a concise statement of the allegations of fact which constitute a basis for the proceeding, (3) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge, and (4) a statement informing the alleged violator that failure to appear will not preclude the Director or the Board, as the case may be, from taking testimony, receiving proof, and making findings and recommendations with respect to the charges.

(c) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument, or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(d) *Findings and recommendations.* Upon conclusion of the hearing, if the Director, or a majority of the Board, as the case may be, is satisfied that the charge has been sustained by a preponderance of the evidence, the Director or the Board, as the case may be, shall find accordingly. Findings of fact and recommendations shall be prepared, subscribed by the Director, or by concurring members of the Board, as the case may be, and submitted to the Administrator, together with a transcript of the proceedings. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the findings and recommendations, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of the Act. A copy of such determination shall be served by registered mail on the alleged violator.

(e) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination, the alleged violator may file with the War Food Administrator, Washington, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify, or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings as set forth in § 1100.15 (b) hereof.

Issued this 17th day of January 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-863; Filed January 17, 1944; 11:25 a.m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 34]

MAGNESIUM PRODUCT DELIVERIES

The following directive is issued pursuant to authority vested in me by Executive Order No. 9024, of January 16, 1942, Executive Order No. 9125, of April 7, 1943, and War Production Board Regulation No. 1, as amended December 31, 1943, and in order to facilitate the distribution of magnesium products to the manufacturers of aircraft and aircraft equipment whose production is subject to supervision by the Aircraft Scheduling Unit of the Aircraft Resources Control Office.

§ 903.47 *Directive No. 34*—(a) *Purpose.* General Preference Order M-2-b as amended the 13th day of January, 1944, provides that no person shall deliver or accept delivery of magnesium products unless his action has been specifically authorized in writing by the War Production Board, or, in the case of certain deliveries of magnesium products for aircraft purposes, by the Aircraft Scheduling Unit of the Aircraft Resources Control Office. The purpose of this delegation is to fix the field in which the Air-

craft Scheduling Unit of the Aircraft Resources Control Office may authorize the delivery or acceptance of delivery of magnesium products under Order M–2–b.

(b) *Delegation of authority.* The Aircraft Scheduling Unit of the Aircraft Resources Control Office is hereby delegated the power to authorize in its own name the delivery and acceptance of delivery of magnesium products when the person accepting delivery is to use the magnesium products in the manufacture of aircraft or parts of aircraft or in the manufacture of aircraft equipment or parts of aircraft equipment. However, this delegation does not cover deliveries to a manufacturer of any equipment, or deliveries to a manufacturer of parts for equipment, if the equipment is ordered by any Branch of the Army, other than the Air Forces, or by any Bureau of the Navy, other than the Bureau of Aeronautics. Furthermore, the delegation granted hereby to the Aircraft Scheduling Unit is not exclusive, and the War Production Board retains the power to authorize the delivery and acceptance of delivery of magnesium products even in those cases in which the Aircraft Scheduling Unit also has that power.

(c) *Definitions.* For the purpose of this directive, the term "magnesium products" means castings, extrusions (rod and bar, tubing or shapes), sheet, strip, plate, and forgings, the principal ingredient of which by weight is the element magnesium.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended December 31, 1943, 9 F.R. 64)

Issued this 15th day of January 1944.

CHARLES E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44–838; Filed, January 15, 1944; 4:23 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1245—WOOD UPHOLSTERED FURNITURE

[Limitation Order L–135, Revocation]

Section 1245.1 *Limitation Order L–135* is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of wood upholstered furniture remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–790; Filed, January 14, 1944; 4:33 p. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[General Limitation Order L–260, as Amended Jan. 14, 1944]

FURNITURE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.65[1] *General Limitation Order L–260*—(a) *Definitions.* For the purposes of this order:

(1) "Furniture" means all items commonly classified as furniture and including all items contained on Schedule A attached to this order, as amended from time to time. It shall not include items listed on Schedule B attached to this order, as amended from time to time.

(2) "Essential metal parts" means nails, brads, tacks, screws, bolts, nuts, hanger bolts, rivets, staples, washers and burrs, button molds, hinges (except hinge mechanisms for sofa beds) catches, strapping, top fasteners, drawer clips, shelf supports, domes and glides, bed fasteners, bed packing hooks, corrugated fasteners, upholstery springs, table locks, table cleats, mirror clips, angle braces, caps for leg tops of folding chairs, expansion shells, operating hardware for venetian blinds and venetian blind center supports for head rails and tilt rails.

(3) "Non-essential metal parts" means any hardware or parts containing any metal specifically intended for incorporation into furniture other than essential metal parts.

(4) "Metal parts manufacturer" means any person engaged in the business of manufacturing or assembling hardware or metal parts specifically intended for incorporation into furniture, whether or not he also manufactures furniture.

(5) "Furniture manufacturer" means any person engaged in the business of manufacturing or assembling furniture, whether or not he also manufactures metal parts for furniture.

(6) "Pattern" means any piece of furniture having its own identification mark and selling price, except that for the purposes of this order, two or more pieces of furniture identical in every respect other than color, finishing materials, fabric, leather, or other outer covering or cover but having the same selling price shall be considered to be one pattern. Two or more pieces of furniture identical in every respect other than in their method of joining or their content of essential metal parts, shall be considered to be one pattern, whether or not they have the same selling prices. Two or more pieces of furniture identical in every respect but cut in different woods or veneers or containing different trims other than handles, shall be considered two or more patterns regardless of whether they carry identical identification marks and selling prices. Similarly, a suite of furniture of two or more different pieces shall constitute two or more patterns.

(7) "Preferred order" means any order, contract, or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Federal Public Housing Authority.

(8) "Cost value" means cost computed in accordance with the method of accounting consistently used by a furniture manufacturer for bookkeeping and financial statement purposes.

(9) "Pattern base period" means the month of September, 1941.

(10) "Metal parts base period" means the calendar year 1941, except that in the case of a furniture manufacturer whose fiscal year did not end on December 31, 1941, it means his fiscal year ending at any time between June 1, 1941 and May 31, 1942, inclusive.

(11) "Consume" when applied to essential metal parts means to use such parts in the production or packing of furniture or to supply such parts with furniture shipped in knock-down form.

(b) *Restrictions on production and acquisition of non-essential metal parts.* (1) On and after March 1, 1943, no metal parts manufacturer shall accept delivery of any iron or steel intended for the fabrication of non-essential metal parts.

(2) On and after March 26, 1943, no metal parts manufacturer shall process, fabricate, work on or assemble any non-essential metal parts.

(3) On and after April 12, 1943, no furniture manufacturer shall accept delivery of any non-essential metal parts.

(c) *Restrictions on essential metal parts.* (1) During the period beginning February 23, 1943 and ending June 30, 1943, no furniture manufacturer shall consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than 25% of the total cost value of essential metal parts consumed by him in the production of furniture during his metal parts base period (other than for preferred orders).

(2) During the three months period beginning July 1, 1943, and during each three months period thereafter, no furniture manufacturer shall consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than 12½% of the total cost value of essential metal parts consumed by him in the production of furniture during his metal parts base period (other than for preferred orders).

(3) The restrictions contained in paragraphs (c) (1) and (c) (2) of this order shall not apply to venetian blinds.

(4) On and after June 1, 1943, no furniture manufacturer shall consume in the production of venetian blinds more essential metal parts than 9 ounces per blind plus 2 ounces per blind for venetian blinds measuring 45" or more in width.

(d) *Restrictions on patterns.* (1) On and after July 1, 1943, no furniture manufacturer shall process, fabricate, work on, assemble or offer for sale, at any one time, more patterns than 35% of the total number of patterns offered for sale by him during the pattern base period, or 24 patterns, whichever is greater.

(2) On and after March 15, 1943, no furniture manufacturer shall process, fabricate, work on, assemble or offer for sale any pattern which had not been offered for sale by him prior to that date.

(3) The restrictions contained in this paragraph (d) shall not apply to venetian blinds.

(e) *Preferred order exemption.* The restrictions contained in this order shall not apply to preferred orders.

(f) *Special authorization exemption.* The War Production Board may grant specific authorizations to furniture manufacturers for relief from the provisions of paragraphs (b) (3), (d) (1), and (d) (2) of this order.

(g) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) On or before March 27, 1943, each furniture manufacturer shall file with the War Production Board a report on Form PD–798, stating the cost value of essential metal parts consumed by him during the metal parts base period and the number of patterns offered for sale by him during the pattern base period.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(m) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of wood furniture to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–260.

Issued this 14th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Venetian blinds.
Barber and beauty shop furniture.
Store display equipment and show cases.
Frames to be used in the production of furniture.

SCHEDULE B

Metal office and industrial furniture and fixtures, as covered by Limitation Order L–13–a, as amended.
Metal household furniture as defined in Limitation Order L–62, as amended.
Bedding products as defined in Limitation Order L–49, as amended.
Hospital, medical, dental and related equipment as covered by List A of Conservation Order M–126, as amended.
Refrigerators.
Wooden lockers for offices and factories.
Wooden shelving.
Wooden factory and industrial equipment.
Furniture specifically designed for use in offices.
Wooden filing cabinets.
Baby cribs, high chairs, toilet chairs, toilet seats, and bathinettes.

[F. R. Doc. 44–791; Filed, January 14, 1944; 4:33 p. m.]

[1] Formerly Part 3189, § 3189.1.

PART 1022—PLUMBING AND HEATING REPAIRS

[Supplementary Preference Rating Order P–84–a, Revocation]

Section 1022.2 *Supplementary Preference Rating Order No. P–84–a* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Order L–79 as amended simultaneously with this revocation.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–802; Filed, January 15, 1944; 11:03 a. m.]

PART 1040—VENDING MACHINES

[Supplementary Limitation Order L–27–a, Revocation]

Order L–27–a (§ 1040.2) is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Order L–27, as amended, simultaneously with this revocation.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–803; Filed, January 15, 1944; 11:01 a. m.]

PART 1042—STOCKPILE AND TRANSPORTATION

[Supplemental General Imports Order M–63–g as Amended Jan. 15, 1944]

IMPORTS OF STRATEGIC MATERIALS

Pursuant to General Imports Order M–63, as amended, which this order supplements, it is hereby ordered that:

§ 1042.8 *Supplemental General Imports Order M–63–g.* All the provisions of § 1042.1 General Imports Order M–63, as amended from time to time, are hereby extended to cover Puerto Rico and the Virgin Islands of the United States, the same as if such territories were part of the continental United States, *Provided:*

(a) Such provisions shall apply only to transactions in materials listed from time to time on Schedule X hereto attached, effective as of the dates shown in such schedule, and for this purpose, materials on Schedule X shall be considered the same as materials on List III of General Imports Order M–63;

(b) Such provisions shall not apply to inter-island shipments of materials on Schedule X between Puerto Rico and the Virgin Islands of the United States; nor shall such provisions apply to the importation of materials on Schedule X from the continental United States into Puerto Rico and the Virgin Islands of the United States. However, they shall apply to shipments of such materials which originate in a foreign country and simply pass through the continental United States en route to Puerto Rico or the Virgin Islands of the United States.

(c) Notwithstanding issuance of this supplemental order, the provisions of General Imports Order M–63, as amended from time to time, shall continue to apply to the importation of materials covered by such order from Puerto Rico and the Virgin Islands of the United States into the continental United States and

(d) The issuance of this supplemental order shall not affect any regulations now or hereafter issued by any governmental authority covering exports of materials from the continental United States to Puerto Rico and the Virgin Islands of the United States.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE X

NOTE: Schedule X amended January 15, 1944.

The numbers listed after the following materials and in the column titled "Commerce Import Class No." are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce issue of January 1, 1943. Materials are included in the list to the extent that they are covered by the commodity numbers listed in that column.

Material	Commerce import class number	Effective date
Animal oils and fats, edible	0036.000–0036.900 inc.	Dec. 6, 1943
Corn	1031.000	Dec. 6, 1943
Corn, cracked	1060.180	Dec. 6, 1943
Fish and fish products, except shellfish (fresh fish and froxen fish are also excluded)	0062.000–0079.500 inc.	Dec. 6, 1943
Meat products	0018.000–0035.500 inc.	Dec. 6, 1943
Oil cake and oil-cake meal:		
Peanut	1119.000	Dec. 6, 1943
Soybean	1112.000	Dec. 6, 1943
Soap (except Castile) and soap powder	8712.300–8719.900 inc.	Dec. 6, 1943

[F. R. Doc. 44–804; Filed, January 15, 1944; 11:02 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Conservation Order L–250, as Amended Jan. 15, 1944]

ELECTRIC MOTOR CONTROLLERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of electric motor controllers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.97 *General Conservation Order L–250*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any enterprise to the extent that it is engaged in the business of manufacturing controllers, and includes sales and distribution outlets and warehouses controlled by any such person.

(3) "Manufacture" means the production, fabrication or assembly of any controller, or of any part thereof.

(4) "Controller" means any new device or equipment used to stop, start or regulate electric motors or to protect electric motors against overheating or overloading; including manual and magnetic starters and controllers, contactors and relays, speed regulators, drum switches, shunt or series coil type thermal or magnetic overload relays (except switch gear induction type relays), motor field rheostats, and solenoid, thrustor and torque motor brakes; and related pilot devices such as push button stations, and limit, pressure and float switches. The term does not include wiring devices or snap switches rated 15 amperes or less; safety switches; fuses; air circuit breakers; oil circuit breakers; domestic type thermostats, refrigeration controls or furnace controls; or any replacement part for a passenger automobile, truck, truck trailer, passenger carrier, motorized fire equipment, or off-the-highway motor vehicle, as defined in Limitation Order L–158, as amended.

(5) "Commercial" as applied to a size, type or rating of a product means any size, type or rating thereof heretofore normally produced by any producer as a standard item, for his inventory or for general distribution, and not in fulfillment of special orders.

(b) *Restrictions on orders.* No manufacturer shall accept any order for any controller or part thereof, unless the order bears a preference rating of AA–5 or higher. The restrictions of this paragraph shall not apply to any order for any controllers, or parts thereof, for use on elevators and manufactured by a person engaged primarily in the production of elevators.

(c) *Restrictions on manufacture.* (1) Except as otherwise provided herein, on and after March 1, 1943, no manufacturer shall accept any order, or commence manufacture in fulfillment of any order, for any controller or part thereof unless such controller or part is to be manufactured in accordance with the standards prescribed in subparagraph (2) below. On and after May 14, 1943, no manufacturer shall deliver any controller or part thereof, unless it has been manufactured in accordance with such standards. The limitations of this subparagraph shall not apply to any order for, or delivery of any controller or part which was completely fabricated on or before February 13, 1943.

(2) Subject to the other provisions of this paragraph, all controllers and parts thereof shall be manufactured in compliance with the following requirements and shall be otherwise of the simplest practicable design:

(i) All control circuit wiring shall follow a straight line between terminals except where, and to the extent that deviation therefrom is necessary to avoid electrical or mechanical interference.

(ii) Control circuit wiring carrying 15 amperes or less shall have no greater copper content than size No. 14 AWG wire; except when and to the extent that a larger copper content is required to avoid abnormal voltage drop or heating.

(iii) All buses, connecting straps and terminals, except for oil immersed controllers, shall be of the smallest commercial size copper necessary to prevent the bus, strap or terminal from exceeding a temperature rise of 50° over 40° C. ambient temperature when carrying the full load current of the motor with which the controller will be used.

(iv) No control circuit wiring insulation between terminals on a controller shall be of more than one color for each voltage.

(v) No controller of a type listed in Appendix A, for a single motor, shall include a contactor having an ampere rating in excess of the maximum rating prescribed in the appendix for such controller; except where operation of a general purpose controller, as covered by Table No. 1 or Table No. 4 of Appendix A requires repeated opening of stalled motor current (such as plug-stop or jogging (inching) duty) at a rate in excess of 5 per minute.

(vi) No general purpose controller, for a single motor, of the type listed below rated 600 volts or less shall include control circuit fuses or a control circuit disconnect switch:

(*a*) Alternating current magnetic across the line type starters;

(*b*) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(*c*) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(*d*) Alternating current combination across the line starters and motor circuit switches.

(*e*) Direct current reduced voltage controllers.

(*f*) Direct current, reduced voltage controllers with motor circuit switches or thermal or magnetic circuit breakers.

(vii) No general purpose controller, for a single motor, of the types listed below rated 600 volts or less shall include a control transformer unless master switches or pilot devices of the necessary rating are not obtainable as a commercial product:

(*a*) Alternating current magnetic across the line type starters;

(*b*) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(*c*) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(*d*) Alternating current combination across the line starters and motor circuit switches.

(viii) No alternating current controller of the reduced voltage autotransformer, reactor, impedance, or primary resistance type shall be provided for a polyphase induction motor of 20 horsepower or less, rated 600 volts or less, except that the limitations of this paragraph shall not apply to a controller for an elevator, hoist or crane.

(ix) No controller or control equipment of the types listed below, rated 600 volts or less, shall be provided with a floor mounting type steel enclosing case or a floor mounting type steel cabinet:

(*a*) Magnetic controller for main mill or auxiliary motors, for a metal rolling mill (mill duty controllers);

(*b*) Magnetic controllers for cab operated cranes;

(*c*) Protective panels for cranes;

(*d*) Magnetic or manual controllers for fire pumps;

(*e*) Magnetic controllers for elevators;

(*f*) Magnetic controllers for skip hoists;

(*g*) Magnetic, manual, or combination magnetic and manual controller for a single synchronous motor;

(*h*) Magnetic controllers of the across-the-line or reduced voltage type for a single motor;

(*i*) Resistor banks for secondary or armature control, mounted separately from the controller; except where forced draft or air circulation is required to meet the temperature limitation.

The limitations of this subparagraph (c) (2) (ix) shall not apply to any controller or control equipment used below the level of the ground in a mine or quarry; or to any controller to be used in a Class 1 hazardous location as defined in paragraph 5005, article 500, chapter 5 of the National Electrical Code, approved by the American Standards Association, August 7, 1940, or in a Class 2 hazardous location as defined in paragraph 5006, article 500 of the above mentioned code; or to be used generally in an atmosphere which is corrosive, or which contains such quantities of metal particles, dust or fumes as to be destructive of an open type controller; nor shall such limitations apply in any case where the controller is to be installed permanently outdoors without other protection.

(x) No controller shall be supplied with built in test jacks or test receptacles.

(xi) No alternating current motor controller of less than 1,000 horsepower, and no direct current motor controller of 50 horsepower or less, shall include instruments, meters, potential transformers, or current transformers or shunts to be used for metering, mounted on the controller panel or enclosure; but this restriction shall not apply to controllers used to regulate a series of direct current motors driving a common load, nor to alternating current line ammeter and direct current field ammeter to be installed on synchronous motor controllers, nor to ampere hour meters to be installed on industrial truck or locomotive control panels.

(xii) No aluminum, copper, chromium, nickel, cadmium, or alloys or finishes thereof shall be used in the manufacture of enclosing cases, name plates, identification plates or door handles for controllers.

(xiii) No stainless steel shall be used in the manufacture of any controller or part; except for resistance wire or ribbon or where necessary to provide nonmagnetic properties required for operation or to prevent sticking or binding of moving parts.

(3) The limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration.

(d) *Miscellaneous provisions*—(1) *Records and reports.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales. All such persons shall execute and file with the War Production Board, such reports and questionnaires as the Board shall request from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order may be filed by either the manufacturer or the purchaser or proposed purchaser. Any such appeal shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. On appeals from the provisions of paragraph (c) (2) (viii), the letter shall include the following data:

(i) Horsepower, voltage, frequency and phase of the motor to be controlled;

(ii) The kva rating of the transformer bank supplying the motor;

(iii) The maximum load on the transformer bank, exclusive of the motor to be controlled;

(iv) Description of the equipment being driven by the motor if reduced voltage starter is necessary to limit starting torque;

(v) And any other information necessary to establish the need for a reduced voltage starter.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, General Industrial Equipment Division, Washington 25, D. C.; Ref.: L–250.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—ALTERNATING CURRENT CONTROLLERS

TABLE NO. 1—SQUIRREL CAGE AND WOUND ROTOR MOTOR CONTROLLERS

Maximum permissible size of:
(a) Enclosed across-the-line magnetic switch general purpose starters (8 hour basis)
(b) Reduced voltage general purpose magnetic starters

H. P. at 110 volts		H. P. at 220 volts		H. P. at 380–440–550 volts[2]		Maximum size	Maximum ampere rating
Three phase	Single phase	Three phase	Single phase	Three phase	Single phase		
1½	1	2	1½	2	1½	[1] 0	15
3	1½	5	3	7½	5	[1] 1	25
7½	3	15	7½	25	10	2	50
15	7½	30	15	50	25	3	100
25	------	50	------	100	------	4	150
------	------	100	------	200	------	5	300
------	------	200	------	400	------	6	600

[1] These sizes not applicable to (a) or (b) for oil immersed controllers of the across-the-line or reduced voltage types, or (b) reduced voltage general purposes magnetic starters.
[2] If full load motor current of 380 volts exceeds the inclosed rating of the controller, the next larger size contactor may be used.

TABLE NO. 2—SYNCHRONOUS MOTOR CONTROLLERS

Maximum permissible size of:
(a) Contactors for full voltage starting
(b) Contactors for reduced voltage starting

Horsepower rating				Maximum contactor rating (8 hour)
220 volt		440–550 volt		
1.0 P. F.	0.8 P. F.	1.0 P. F.	0.8 P. F.	
20	15	30	25	50
40	30	60	50	100
80	60	125	100	150
125	100	250	200	300
250	200	500	400	600
500	400	1,000	800	1,200

TABLE NO. 3—OVERHEAD TRAVELING CRANE CONTROLLERS

Maximum permissible size of:
(a) Line contactor

Horsepower @ 220 volts crane duty	Horsepower @ 440–550 volt crane duty	Maximum ampere rating (8 hour)	Maximum ampere rating crane duty
----------	----------	50	50
40	75	100	125
80	125	150	200
150	300	300	400
300	----------	600	800

DIRECT CURRENT CONTROLLERS

TABLE NO. 4—GENERAL PURPOSE & MACHINE TOOL SERVICE CONTROLLERS

Maximum permissible size of:
(a) Line contactor
(b) Reversing contactor
(c) Final accelerating contactor

Horsepower rating			Maximum ampere rating
115 volt	230 volt	550 volt	
3	5	----------	25
5	10	20	50
10	25	50	100
20	40	75	150
40	75	150	300
75	150	300	600

TABLE NO. 5—STEEL MILL AUXILIARIES & OVERHEAD TRAVELING CRANE CONTROLLERS

Maximum permissible size of:
(a) Line contactor
(b) Accelerating contactor

Horsepower continuous duty	Maximum ampere rating (8 hour)	Horsepower mill or crane duty	Maximum ampere rating mill or crane duty
25	100	35	133
40	150	55	200
75	300	110	400
150	600	225	800

INTERPRETATION 1

Paragraph (c) (2) (ix) prohibits the use of floor mounting type steel enclosing cases or steel cabinets for various kinds of controllers, with certain exceptions. These exceptions include cases for use in an atmosphere which is corrosive or which contains metal particles, dust, or fumes, or for use out-of-doors without other protection.

A question has arisen as to whether Type I (general purpose) and Type IA (semi-dust tight) enclosing cases are included within the above mentioned exception. Since Types I and IA cases are not suitable for protection against conditions of the kind which form the basis for the above mentioned exemptions, such equipment is not deemed to be within the exception regardless of the use to which the purchaser alleges he wishes to put the equipment. (Issued June 8, 1943.)

INTERPRETATION 2

Subparagraph (c) (3) of § 1226.97 (General Conservation Order L–250) provides that the limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration. A question has been raised as to the proper classification of floating dry docks. It was contemplated that floating dry docks produced for service anywhere would be considered ships within the meaning of the paragraph. (Issued June 15, 1943.)

INTERPRETATION 3

The question has been raised as to whether the word "controller", as defined in paragraph (a) (4), includes a controller which is incorporated into a larger assembly, as a component part of the assembly.

The word "controller", as thus used, includes any controller (except those which are specifically excluded in the definition), regardless of whether it is assembled with other apparatus, or mounted individually. (Issued Nov. 1, 1943.)

[F. R. Doc. 44–806; Filed, January 15, 1944; 11:02 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L–292, Quota Schedule II]

PRODUCTION QUOTAS FOR BAKERY MACHINERY AND EQUIPMENT

§ 1226.79 *Production quotas for bakery machinery and equipment*—(a) *Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of bakery machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944, inclusive. The quotas for the items described in this schedule shall take the place of quota provisions of paragraph (g) (2) (ii) of Order L–292 with respect to those items.

(b) *Definitions.* (1) "Base period use" means the annual average tonnage of controlled materials used to complete items of bakery machinery and equipment during the years 1939, 1940 and 1941.

(2) "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use more controlled materials to fabricate or assemble bakery machinery and equipment in any class than the quota percentage of his base period use for each class of machinery and equipment as set forth in the table below.

PRODUCTION QUOTAS

The first column describes each class of machinery covered by this schedule.

The second column describes the various types of machinery and equipment included in each class of machinery.

The third column assigns a code number to each type of machinery and equipment.

The fourth column shows the quota percentage that each manufacturer is allowed.

Class of machinery	Type of machine	Code No.	Quota percentage
Dough handling	Brakes, dough reversible.	200. 007	85
	Brakes, dough return	200. 008	
	Brakes, dough upright	200. 009	
	Cookie droppers, wire cut.	200. 022	
	Cutting machines, biscuit and crackers.	200. 026	
	Cutters for cutting machines.	200. 027	
	Cutters, pie pastry table.	200. 028	
	Cutters, noodle	200. 029	
	Depositors, cake batter	200. 030	
	Depositors, cookie batter.	200. 031	
	Dividers, bread	200. 033	
	Dividers, pie dough	200. 034	
	Dividers, roll, automatic.	200. 035	
	Dividers, roll, semi-automatic.	200. 036	
	Dividers, roll, hand	200. 037	
	Mulsifiers	200. 045	
	Hoist, trough	200. 049	
	Hoppers, dough reservoir.	200. 050	
	Kneaders, macaroni	200. 054	
	Moulders, bread dough	200. 061	
	Extender, bread dough	200. 062	
	Moulders, roll dough	200. 063	
	Extenders, roll dough	200. 064	
	Moulders, rotary biscuit.	200. 065	
	Pie machines, automatic straight lines.	200. 074	
	Pie machines, automatic rotary.	200. 075	
	Presses, macaroni	200. 076	
	Proofers, intermediate drawer.	200. 077	
	Proofers, intermediate floor type, automatic.	200. 078	
	Proofers, intermediate, overhead, automatic.	200. 079	
	Rimmers, pie	200. 083	
	Rolling machines, pretzels.	200. 084	
	Rolling machines, pie dough.	200. 085	
	Rounders, bread	200. 086	
	Rounders, roll	200. 087	
	Sheeters, dough	200. 091	
	Trimmers, pie	200. 108	
	Trough, dough & biscuit.	200. 109	
	Troughs, dough, bread, rolls.	200. 110	
	Twisting machines, pretzels.	200. 112	
	Unloaders, bowl	200. 113	
Mixing	Mixers, horizontal bread dough.	200. 055	95
	Mixers, horizontal low speed.	200. 056	
	Mixers, pie dough	200. 058	
	Mixers, spindle	200. 059	
	Mixers, vertical	200. 060	
	Rubbing & creaming machines.	200. 088	
Oven	Cookers, pretzel	200. 021	85
	Ovens, Reel	200. 066	
	Ovens, Reel	200. 067	
	Ovens, revolving tray, horizontal shaft.	200. 068	
	Ovens, rotary vertical shaft.	200. 069	
	Ovens, traveling tray	200. 070	
	Ovens, tunnel, band or wire mesh.	200. 071	
	Ovens, tunnel, chain and drag.	200. 072	
	Ovens, tunnel, plate or grid.	200. 073	
Slicing & wrapping	Slicers, bread, portable type.	200. 095	85
	Slicers, bread, hand type.	200. 096	
	Slicers, bread, reciprocating type.	200. 097	
	Slicers, cake	200. 098	
	Slicers, roll	200. 099	
	Wrapping machines, bread, automatic.	200. 116	
	Wrapping machines, bread, semi-automatic.	200. 117	
	Wrapping machines, bread, hand.	200. 118	
	Wrapping machines, cake.	200. 119	
General baking	Bins, flour dump	200. 003	80
	Bins, flour storage	200. 004	
	Blenders, flour	200. 005	
	Bolting reels, flour	200. 006	
	Burners, oven, gas	200. 010	
	Burners, oven, oil	200. 011	
	Sack cleaners	200. 013	
	Conveyors, chain	200. 014	
	Conveyors, screw, flour	200. 015	
	Conveyors, belt	200. 016	
	Conveyors, slat	200. 017	
	Conveyors, pin trolleys	200. 018	
	Conveyors, bucket	200. 019	
	Conveyors, tray	200. 020	
	Coolers, bread, automatic.	200. 023	
	Coolers, bread, rack type.	200. 024	
	Coolers, doughnut	200. 025	
	Dryers, macaroni	200. 041	
	Dusters, peel board	200. 042	
	Elevators, bucket flour.	200. 043	
	Fermentation rooms, prefabricated.	200. 046	
	Pan greasers	200. 048	
	Hoppers, flour, traveling.	200. 051	
	Hoppers, flour, stationary.	200. 052	
	Proof boxes, multiple, rack type, final proof.	200. 080	
	Proof boxes, portable cabinet type.	200. 081	
	Racks	200. 082	
	Salting Machines	200. 089	
	Sifters, flour, gyrating	200. 092	
	Sifters, flour, revolving	200. 093	
	Sifters, flour, vibrating	200. 094	
	Stackers	200. 101	
	Tables, bread sorting	200. 103	
	Tanks, pan and rack cleaning.	200. 104	
	Tanks, water tempering, weighing.	200. 105	
	Tanks, water tempering, measuring.	200. 106	
	Trucks, pan	200. 111	
	Washers, pan	200. 115	
	All others	200. 121	
	Water meters	200. 122	
Miscellaneous	Cleaning machines, fruit.	200. 012	30
	Depositors, marshmallow.	200. 032	
	Doughnut machines, automatic.	200. 038	
	Doughnut machines, semi-automatic.	200. 039	
	Doughnut machines, hand.	200. 040	
	Filling machines	200. 047	
	Icing machines, cake	200. 043	
	Sandwich machines	200. 090	
	Spraying machines, oil.	200. 100	
	Sugaring machines, doughnut.	200. 102	
	Topping machines	200. 107	
	Wafer machines, sugar	200. 114	

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of bakery machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions, issued to any manufacturer or class of manufacturers, increase or decrease any quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L–292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L–292, as amended from time to time.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–805; Filed, January 15, 1944; 11:03 a. m.]

PART 3191—AIRCRAFT

[General Limitation Order L–262, Revocation]

Section 3191.1 *General Limitation Order L–262* is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of link trainers and aircraft remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–807; Filed, January 15, 1944; 11:02 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Supplementary General Limitation Order L–23–c as Amended Jan. 15, 1944]

DOMESTIC COOKING APPLIANCES AND DOMESTIC HEATING STOVES

§ 3288.66 *Supplementary General Limitation Order No. L–23–c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic cooking appliances" means gas ranges, cook stoves, and hot plates for household use; coal and wood ranges and cook stoves (including laundry stoves except water jacketed and permanently built-in coil types) for household use; fuel oil ranges, cook stoves, table stoves and hot plates for household use; combination ranges (including dual oven types, ranges with built-in kitchen heaters, and bungalow types) except electrical, for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; and drum and portable ovens.

(2) "Domestic heating stoves" means any above the floor devices (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts, and includes, but is not limited to, circulating, radiant and portable heaters and trailer and caboose stoves. Domestic heating stoves shall not include floor or wall furnaces.

(3) "New domestic cooking appliances and domestic heating stoves" means any such appliances or stoves which have never been used by an ultimate consumer.

(4) "Accessories" means aprons, thermostats, high closets, high shelves, clocks, broiler pans other than iron or steel, storage compartments, thermometers, and any other instruments, attachments, or appurtenances (except top-burner lighters) for domestic cooking appliances not essential to any of the following three major cooking operations: top burner cooking, oven baking and oven broiling.

(5) "Steel coal or wood range or cook stove" means a coal or wood range or cook stove in which the total weight of steel is 20% or more of the total weight of metal of the unit.

(6) "Fuel oil" means any liquid petroleum product commonly known as fuel oil including Numbers 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil or any other liquid petroleum product used for the same purposes as the above designated grades.

(7) "Base period" means the 12 months period from July 1, 1940 to June 30, 1941.

(8) "Factory sales value" means the aggregate value of shipments of domestic cooking appliances and domestic heating stoves.

(9) "Class A producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $2,000,000 or more.

(10) "Class B producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(11) "Class C producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are not located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(12) "Producer" means any person who during the base period manufactured, fabricated or assembled any domestic cooking appliances or domestic heating stoves.

(b) *General restrictions.* (1) No person except a producer shall manufacture, fabricate or assemble any domestic cooking appliances or any domestic heating stoves.

(2) No person shall manufacture, fabricate or assemble any domestic cooking appliance or domestic heating stove except from materials in inventory on July 29, 1943, or the acquisition and use of which is specifically authorized from time to time by the War Production Board under the Controlled Materials Plan or otherwise. In authorizing the manufacture of domestic cooking appliances and domestic heating stoves the War Production Board will, in general, authorize Class C producers to produce the types they normally fabricate up to 100% of their base period unit production before authorizing the manufacture of any of the same types by Class A and Class B producers; *Provided, however,* That during the period from July 1, 1943 to June 30, 1944 the total number of units of each type authorized for production by all producers will not exceed the percentages of total unit production specified in Schedule A attached.

(3) No producer shall manufacture, fabricate or assemble any domestic cooking appliances (other than combination ranges) or domestic heating stoves, except in those fuel types which he manufactured, fabricated or assembled during the base period; but this provision shall not apply to such appliances or stoves manufactured, fabricated or assembled for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States, or for use in a building or project authorized under Preference Rating Order P–55–b or rated under Preference Rating Order P–55 or any Order in the P–19 series.

(4) No producer shall manufacture, fabricate, or assemble any domestic cooking appliances, except those listed in Schedule B attached, and then only in accordance with the maximum weights, numbers of models or sizes and description of types set forth in such table; and no person shall manufacture, fabricate or assemble any accessories or incorporate them into any domestic cooking appliances.

(5) No person shall manufacture, fabricate or assemble any domestic heating stoves except those listed in Schedule B attached, and then only in accordance with the numbers of models and BTU capacities set forth therein.

(6) No producer shall

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use; or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel; or

(iii) Use any "bright work", "bright finish", metal finish, or trim containing copper, nickel, chrome, or aluminum or other alloy in the production of domestic cooking appliances or domestic heating stoves; or

(iv) Use any alloy steel in the production of domestic cooking appliances or domestic heating stoves except for valves.

(7) No producer shall substitute steel for cast iron in the manufacture, fabrication of assembly of any model of domestic cooking appliance or domestic heating stove which he manufactured, fabricated or assembled prior to July 29, 1943.

(8) No producer shall manufacture, fabricate or assemble any steel coal or wood range or cook stove who did not manufacture, fabricate or assemble such ranges or stoves during the period July 1, 1940 to July 29, 1943.

(c) *Exceptions.* (1) Nothing in paragraph (b) (4) or (b) (5) shall restrict the manufacture, fabrication or assembly of trailer or caboose stoves.

(2) Domestic cooking appliances or domestic heating stoves which do not conform to the provisions of paragraph (b) (4) or (b) (5) may be manufactured, fabricated or assembled to specifications for the account of or for delivery to the Army, Navy, Maritime Commission or War Shipping Administration of the United States, or to specifications for use in a building or project authorized under Preference Rating Order P–55–b or rated under Preference Rating Order P–55, or any Order in the P–19 series: *Provided,* That a prior request be made to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., by letter, and approved in writing.

(3) Notwithstanding any restrictions in this order, concerning use of metals, accessories, weight per unit, numbers of models, or sizes or types, until October 27, 1943, any producer may manufacture, fabricate or assemble any domestic cooking appliance or any domestic heating stove provided that he has in his inventory, on July 29, 1943, fabricated iron or steel parts of any such appliance or stove which total at least 50% of the total weight of iron and steel which such appliance or stove would contain when completely assembled.

(d) [Deleted Jan. 15, 1944]

(e) *Repair parts.* Nothing in this order shall prohibit or restrict the manufacture or shipment of repair parts for domestic cooking appliances or domestic heating stoves.

(f) *Reports.* Each producer shall execute and file with the War Production Board, such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Applicability of priorities regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other orders heretofore or hereafter issued by the War Production Board limit the use of any material in the production of domestic cooking appliances or domestic heating stoves to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref.: L–23–c.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

	Percentage of total unit production by all producers in the base period (July 1, 1940 to June 30, 1941)
Domestic cooking appliances:	
1. Gas ranges and cook stoves	40
2. Combination, bungalow and kitchen heater ranges	40
3. Coal and wood ranges and cook stoves	100
4. Fuel oil ranges and cook stoves	40
5. Coal and wood laundry stoves	100
Domestic cooking appliances—Con.	
6. Gas hot plates	75
7. Portable and drum ovens	75
Domestic heating stoves:	
1. Gas fired heaters	75
2. Oil fired heaters	40
3. Coal and wood heaters	100

SCHEDULE B

Appliance	Maximum weight of iron and steel permitted in finished product (pounds)	Maximum number of models or sizes permitted	Types
1. Gas ranges	100	2	One to have 8 top burners, broiler optional. One to have 4 top burners with broiler and bake oven.
2. Gas hot plates	15 iron (no steel permitted)	3	1-1 burner, 1-2 burner, 1-3 burner
3. Coal or wood ranges and cook stoves.	Average unit weight of any producer's production in any calendar quarter not to exceed 85% of such average unit weight during the base period.	8	2 steel ranges or cook stoves. 3 cast iron ranges. 3 cast iron cook stoves (At least one steel range or cook stove one cast iron range and one cast iron cook stove manufactured by any producer shall be the lightest of each in his line).
4. Gas and coal or wood combination ranges.	Lightest in producer's line from July 1, 1940 to July 29, 1943.	1	
5. Bungalow or kitchen heater range (gas and coal or wood).	350	1	
6. Fuel oil ranges	90	2	1-3 top burner range with bake oven. 1-2 top burner range with bake oven.
7. Fuel oil stoves	45	2	1-2 burner stove. 1-3 burner stove.
8. Fuel oil table stoves	18	3	1-1 burner stove. 1-2 burner stove. 1-3 burner stove.
9. Laundry stoves		6	4-2 hole stoves. 4-4 hole stoves. (1-2 hole stove and 1-4 hole stove manufactured by any producer shall be the lightest of each in his line.
10. Portable ovens		2	1 single oven. 1 double oven.
11. Drum ovens		1	

Stoves	Number of models or sizes permitted	Maximum of models or sizes permitted in BTU capacities per hour
1. Gas Radiant	10	2—12,000 or less input. 2—12,001 to 20,000 input. 2—20,001 to 30,000 input. 2—30,001 to 45,000 input. 2—over 45,000 input.
2. Gas circulating	6	2—30,000 or less input. 2—30,001 to 80,000 input. 2—over 80,000 input.
3. Fuel oil portable (ball type)	2	2—30,000 or less output.
4. Fuel oil circulating	10	
5. Cast iron or steel coal and/or wood	6	
6. Sheet steel wood stoves		

[F. R. Doc. 44–812; Filed, January 15, 1944; 11:01 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L–79, as Amended Jan. 15, 1944]

Section 3288.31 General Limitation Order L–79, is amended to read as follows:

§ 3288.31 *General Limitation Order L–79—(a) What this order does.* The purpose of this order is to conserve the supply and direct the distribution of plumbing, cooking and heating equipment by preventing the sale of certain essential items on List A except for necessary replacements, or on rated orders. These are items, the production of which is restricted, and which can be made available to essential users only. The order provides a rating to enable sellers to get these items for necessary replacement. It permits other items of plumbing and heating equipment to be bought by sellers on unrated orders without restriction but provides a preference rating to enable sellers to buy these non-restricted items when a rating is needed. No preference ratings are assigned to consumers and deliveries to consumers for replacement and repair do not have to be on rated orders. The order supersedes the previous version of L–79, as well as General Preference Order P–84.

(b) *Assignment of preference ratings.* Preference rating AA–3 is assigned to any seller to enable him to get the following:

(1) Equipment shown in List A, including repair parts.

(2) Repair parts only for items on List B, and repair parts for stoves rationed by the O. P. A. under Ration Order 9–A.

(3) All other equipment, material and parts which are used to supply, store and heat water, to remove waste matter and water-borne waste, to treat waste matter chemically, and to heat buildings, including electric heat controls. Any rating under this paragraph cannot be used, however, to get equipment specifically designed for industrial processing, fire protection, the production or transmission of power, or for use by a public utility, equipment using electricity as fuel, heat exchangers subject to L–172, fans and blowers as defined in L–280, steel or wrought iron pipe or steel sheets, or equipment specifically designed for refrigerating or dehumidifying, or portable items such as pans or sump pumps which are not designed to be built into or fastened to the building in which they are used. Directions will from time to time be issued specifying items which are subject to this paragraph and items which are excluded.

(c) *Exception.* No rating is assigned to any delivery to which a rating is assigned by CMP Regulation 9A.

(d) *Inventory restrictions on sellers.* (1) A seller who is a repair man as defined in CMP Regulation 9A may not accept delivery of any item of parts or materials obtained by applying a rating under this order if his inventory of that item of parts or materials is or would by accepting delivery become larger than he needs to continue his repair and maintenance services for a 60-day period, according to his current method of operation. However, if the supply of any item which he has on hand is less than the permitted amount, he may accept delivery of the smallest commercial amount of that item which his distributor normally sells, even if that will increase his supply beyond the amount specified.

(2) A seller who is not a repair man as defined in CMP Regulation 9A is subject to the limitation of inventory prescribed in Order L–63.

(e) *Up-rating.* In the case of ratings applied or extended by sellers under Order P–84 prior to its revocation, deliveries may be re-rated in accordance with the provisions of Priorities Regulation No. 12. However, any person with whom such an order was placed is authorized to treat it as re-rated without requiring any notice or certificate to be furnished to him by the seller: *Provided*, That any manufacturer or seller who re-rates any orders placed with him under this paragraph must so re-rate all orders placed with him which can be re-rated.

(f) *Restrictions on deliveries of items on List A.* No person may deliver or accept delivery of equipment included in List A of this order except:

(1) Equipment which has previously been used.

(2) Equipment which is delivered to fill a rated order.

(3) When the delivery is to a consumer for installation to replace existing equipment which is worn out, damaged beyond repair or destroyed, but not to replace useable equipment or to make a substitution which would provide more extensive facilities than are necessary to replace the part or parts worn out, damaged or destroyed.

(g) *When a consumer needs a preference rating and how he gets it.* Consumers are not assigned ratings by this order and will not need ratings unless they want to buy items on List A for purposes other than replacement. When a rating is needed, usually they can apply for ratings on Form WPB–1319.[1] However, if the material is to be used in new construction of a type which is restricted under Order L–41, the consumer must use the form specified in Schedule C of that order. Industries and government institutions may use CMP Regulations 5 and 5A ratings for repair parts and replacement items.

(h) *Consumer's certificates.* No seller may deliver an item on List A to fill a consumer's unrated order unless he obtains a certificate in substantially the following form:

I need the item included in this purchase to replace equipment worn out, damaged beyond repair, or destroyed. I will not use it to replace useable equipment or to make a substitution which would provide more extensive facilities than are necessary to replace the parts which are worn out, damaged, or destroyed.

Address of installation _____
Consumer's signature _____
Address _____

Any certification is a representation to the War Production Board as well as to the seller. No one may deliver relying on a certification being true if he knows or should know it is false, but anyone who reasonably relies on the truth of a certificate is not to be held responsible if it turns out to be false. No one shall make a false statement in a certification. Sellers shall retain certificates in their files for two years for inspection by WPB representatives.

(i) *Salvage.* No person may install equipment on List A for replacement unless he takes any replaced metal parts or equipment, not coated with a fused or nonmetallic surface, and arranges for its further use, or turns it in for salvage to any authorized scrap metal dealer within thirty days after the replacement. This requirement does not mean that the installer is entitled to take old equipment without the owner's consent or without crediting him with its value.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories and sales.

(k) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(l) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Appeals.* Any person affected by this order may appeal from its provisions by filing Form WPB 1477 (formerly PD–500) with a field office of the War Production Board.

(n) *Communications.* All reports to be filed and other communications concerning this order, except appeals, shall be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L–79.

(o) *Definitions.* For the purposes of this order:

(1) "Seller" means any person who buys plumbing, heating, or cooking equipment for resale, whether or not he makes the installation.

(2) "Consumer" means any person who buys plumbing, heating, or cooking equipment for installation or use on premises owned or occupied by him.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items of plumbing and heating equipment:

1. Furnaces, heating (as defined in Order L–22), and cast iron boilers, heating (as defined in Order L–187), but excluding furnace-burner and boiler-burner units in which the boiler or furnace is designed for use of oil or gas only as a fuel.
2. Water heaters, not electric or industrial (direct-fired and indirect, as defined in Order L–185).
3. Tanks, including range boilers and expansion tanks (as defined in Order L–199).
4. Cast iron tubular radiators.

LIST B

1. Commercial cooking and food and plate warming equipment as defined in Limitation Order L–182, as amended: all not electric.
   Bakers.
   Broilers.
   Fryers.
   Food warmers.
   Griddles: commercial cooking.
   Grills.
   Hot plates: commercial.
   Ovens: bake, except industrial type.
   Ranges.

[1] A revision of Form WPB–1319 for this purpose was in preparation on the date of issuance of the order. Until it is completed and approved, applications should be filed on Form WPB–2631, formerly PD–851. Use of this form for this purpose has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Roasters: commercial.
Steamers: oven.
Toasters: commercial.
Urns.
Warmers: food-plate.

2. Commercial dishwashing machines: not domestic: as defined in Limitation Order L–248 as amended.

3. Class A stokers: grate area 36 sq. ft. or less, capacity in excess of 60 lbs. per hour, as defined in Limitation Order L–75 as amended.

4. Class B oil burners: not designed specifically for shipboard use or heat processing; as defined in Limitation Order L–74 as amended.

5. Extended surface heating equipment as defined in Limitation Order L–107, as amended.
Unit heaters: steam or hot water.
Unit ventilators, heating: steam or hot water.
Convectors.
Blast heating coils: steam or hot water.
Special heating coils: steam or hot water.
Heat transfer element: metal: fin tube: for transferring heat from steam or water to air.

6. Steel boilers of types listed in Order M–293, Table 14.

[F. R. Doc. 44–810; Filed, January 15, 1944; 11:01 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L–79, Revocation of Interpretation 1]

Interpretation 1 is superseded by provisions of General Limitation Order L–79, as amended January 15, 1944.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–809; Filed, January 15, 1944; 11:01 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Preference Rating Order P–84 as Amended, Revocation]

PLUMBING AND HEATING EMERGENCY REPAIRS

Section 3288.1 *Preference Rating Order P–84* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Order L–79, as amended simultaneously with this revocation.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–811; Filed, January 15, 1944; 11:02 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L–27, as Amended Jan. 15, 1944]

VENDING MACHINES: MERCHANDISE

Section 3291.100[1] *Limitation Order L–27* is hereby amended to read as follows:

§ 3291.100 *Limitation Order L–27*—(a) *Definitions.* For the purposes of this order:

(1) "Merchandise vending machines" means any machines or devices (whether or not coin operated) from which merchandise is dispensed. It includes, for example, cigarette, candy, chewing gum, nut, bulk and bottled-beverage and food vending machines, photographic vending machines, sanitary napkin vending machines and drinking cup dispensers. It does not include automatic restaurants (so-called automats) or U. S. Postage stamp vending machines.

(2) "Manufacturer" means any person who produces or assembles any merchandise vending machines or parts for merchandise vending machines, or any person who produced or assembled any merchandise vending machines during the twelve month period ending June 30, 1941, whether or not he now produces any.

(3) "Deliver" means to lease, sell, or transfer.

(b) *Restrictions on production and delivery.* (1) No manufacturer shall produce or deliver any merchandise vending machines except sanitary napkin vending machines, which may only be produced according to a quota approved by the War Production Board on Form WPB–2719 (formerly PD–880).

(2) Each manufacturer who wishes to produce or deliver any of these sanitary napkin vending machines must file this form with the War Production Board on or before the 15th day of December, March, June and September according to the instructions accompanying that form. A manufacturer asking permission to produce or assemble sanitary napkin vending machines must file with his first application a letter stating the total number of sanitary napkin vending machines which he produced, assembled or delivered during the twelve month period ending June 30, 1941 and the location of his plant and of any other plants which will produce parts for those machines. If the manufacturer intends to produce or assemble in his own plant, he should state the estimated man hours which will be consumed in the production or assembly of each unit. If the manufacturer intends to have the machines produced for him by another manufacturer, he should state that fact and give the name and location of the other manufacturer.

(c) *Delivery of certain merchandise vending machines not covered.* This order does not restrict the delivery of any merchandise vending machines completely finished before January 15, 1944.

(d) *Reports.* Each manufacturer producing or delivering sanitary napkin vending machines must file, with the War Production Board, quarterly reports on Form WPB–2719 (formerly PD–880) on or before the 15th day of December, March, June and September, according to the instructions for filing that form.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(g) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of vending machines to a greater extent than does this order, the other order shall govern unless it states otherwise.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–813; Filed, January 15, 1944; 11:01 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[General Limitation Order L–45, as Amended Jan. 15, 1944]

JEWELRY

Section 3291.195[1] *General Limitation Order L–45* is hereby amended to read as follows:

§ 3291.195 *General Limitation Order L–45*—(a) *Definitions.* For the purposes of this order:

(1) "Jewelry" means all articles commonly known as jewelry, designed to be worn on or about the person, including but not limited to religious jewelry, mesh bags, vanity cases, compacts, cigarette cases, watch bracelets. It does not include watch cases unless they contain or are designed to contain stones, pearls or jewels.

(2) "Manufacturer" means any person engaged in the business of producing jewelry.

(3) To "produce jewelry" means the performance of the last manufacturing or assembling operation on jewelry. It includes the repair of jewelry if the repair requires more karat gold or palladium (by weight) in combined total than 5 percent of the combined weight of karat gold and palladium in the jewelry being repaired. A manufacturer making such repair shall, for the purpose of paragraph (b), be deemed to have produced jewelry containing only the amount of karat gold and palladium he has added. It does not include the following: (i) the sizing of a ring for the ultimate consumer when material is removed or when material is added for the purpose of sizing alone; or (ii) the addition of one or more

[1] Formerly Part 1040, § 1040.1.

[1] Formerly Part 1078, § 1078.1.

stones, pearls or jewels to an otherwise finished article and the polishing of such article.

(4) "Karat gold" means karat gold as defined in United States Commercial Standard CS67–38 (issued by the National Bureau of Standards).

(5) "Palladium" includes the total weight of any palladium alloy containing 10 percent or more of palladium by weight.

(b) *General restrictions.* (1) In the first calendar quarter of 1944 and in each calendar quarter after that, no manufacturer shall produce jewelry containing more karat gold and palladium (by weight) in combined total than a weight computed by adding 18¾% of the weight of karat gold and palladium and 37½% of the weight of platinum contained in jewelry produced by him in 1941.

(2) The restrictions in paragraph (b) do not apply to a manufacturer who produced jewelry in 1941 containing karat gold or palladium or platinum and who now in any calendar quarter does not produce jewelry containing more karat gold and palladium (by weight) in combined total than 250 ounces.

(c) *Applicability of other orders and regulations.* (1) This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of jewelry (as defined in this order) to a greater extent than does this order, the other order shall govern unless it states otherwise.

(2) Notwithstanding the restrictions contained in Order M–9–c, as amended from time to time, karat gold containing not more than 45% copper (by weight) may be used in the production of jewelry within the quota established by this order.

(d) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any appeal from this order should be made on Form WPB–1477 (formerly PD–500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L–45.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–814; Filed, January 15, 1944; 11:01 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–243, as Amended Jan. 15, 1944]

ACETIC ANHYDRIDE, ACETIC ACID AND ACETALDEHYDE

§ 3293.331 *Allocation Order M–243*—(a) *Definitions.* (1) "Acetic anhydride" means acetic anhydride (ethanoic anhydride) of any grade and from whatever source derived.

(2) "Acetic acid" means acetic acid (ethanoic acid) of any grade and from whatever source derived, including recovered acetic acid. The term does not include acetic acid recirculated as such within a manufacturing process nor does it include acetic acid of less than 12% concentration (vinegar) produced at plants at which there are no facilities for further chemical conversion.

(3) "Recovered acetic acid" means that acid which is removed from a manufacturing process in which that acid was used as a raw material whether introduced as acetic acid or acetic anhydride, or as a solvent or any other material, excluding acetic acid which is recirculated as such within the manufacturing process. By "removed" is meant removal for resale, conversion into acetic anhydride, or use in another manufacturing process in the same plant or separate plants.

(4) "Acetaldehyde" means acetaldehyde (acetic aldehyde or ethyl aldehyde) of any grade and from whatever source derived.

(5) "Producer" means any person who produces or imports acetic anhydride, acetic acid or acetaldehyde, and includes any person who has acetic anhydride, acetic acid or acetaldehyde produced for him pursuant to toll agreement.

(6) "Distributor" means any person who buys acetic anhydride, acetic acid or acetaldehyde for purposes of resale as such.

(7) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) No supplier shall deliver acetic anhydride, acetic acid or acetaldehyde to any person unless specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (e) hereof, except, however, that any supplier may, without authorization of War Production Board, resell but not export, a total amount not to exceed 5,000 pounds of each of the foregoing chemicals (acetic anhydride, acetic acid and acetaldehyde) in any calendar month.

(2) No person shall accept delivery in any calendar month from all suppliers of more than 27,000 pounds in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof. Acetic acid weight shall be calculated on a 100% acid basis.

(3) No person shall accept delivery in any calendar month from all suppliers of 27,000 pounds or less in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, and no person shall place any such order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to paragraph (f) (2) hereof, but such certificate need not be furnished with respect to any one of the chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde where the quantity of such chemical delivered or ordered for delivery in any calendar month from all suppliers is not more than 54 gallons.

(c) *Restrictions on use.* (1) No supplier shall use acetic anhydride, acetic acid or acetaldehyde except as specifically authorized or directed in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof.

(2) Each person who with an order for acetic anhydride, acetic acid and acetaldehyde furnishes the certificate required by paragraph (f) (2), shall use the chemical delivered on such order only as specified in such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) Acetic anhydride, acetic acid and acetaldehyde allocated for inventory shall not be used for any purpose except as specifically authorized or directed in writing by War Production Board.

(d) *General and special instructions of War Production Board.* (1) Authorizations and directions as to deliveries and use to be made by suppliers and with respect to acceptance of delivery in quantities exceeding 27,000 pounds (in the case of acetic acid on a 100% basis) in the aggregate in each month will generally be issued by War Production Board prior to the beginning of such month, but War Production Board may at any time issue special directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of acetic anhydride, acetic acid or acetaldehyde.

(ii) Production of acetic anhydride, acetic acid or acetaldehyde.

(2) War Production Board may issue to suppliers and other persons, other and different directions with respect to preparing and filing Forms WPB 2945 (formerly PD–600) and WPB 2947 (formerly PD–602) provided for in the paragraphs (e) and (f).

(e) *Applications by suppliers for authorization to deliver.* (1) Each supplier requiring authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him Form WPB 2945 (formerly PD–600) respecting a delivery in such month, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each supplier requiring authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him the use certificate

provided for by paragraph (f) (2) or to any person ordering not more than 54 gallons, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(f) *Applications and use certificates to be filed by prospective purchasers.* (1) Each person wishing to obtain delivery in any calendar month from all sources of more than 27,000 pounds of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde (and each supplier requiring authority to use any such chemical in any calendar month regardless of quantity) shall file application on or before the 15th of the preceding month. The application shall be made on Form WPB 2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each person wishing to accept delivery in any calendar month from all sources of not more than 27,000 pounds (but more than 54 gallons) of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde, shall file with each supplier on or before the 15th of the preceding month a certificate stating the use for which he is ordering such chemical. Such certificate must be substantially in the form indicated in Appendix C. It need not be filed with War Production Board. A supplier must not deliver any such chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge, or reason to believe, he may rely on the certificate.

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Approval of reporting requirements.* Forms WPB 2945 and WPB 2947 (formerly PD-600 and PD-602 respectively) provided for in paragraphs (e) (1), (e) (2) and (f) (1), have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243.

This amended order shall take effect September 1, 1943, except that the provisions as to applications for authority to deliver, accept delivery or use during September 1943, shall take effect at once. Order M-243, issued October 20, 1942 shall continue in effect until so superseded.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Copies of Form WPB 2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, retaining the third copy for your files. The original shall be manually signed by a duly authorized official.

(3) *Separate set of forms for each chemical.* Where the supplier's application relates to deliveries of two or more of the three chemicals, he shall file a separate set of Form WPB 2947 (formerly PD-602) for each.

(4) *Information at top of form.* In the heading, under "name of material" specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde"; leave "grade" blank; under "WPB Order No.", specify "M-243"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds", except in the case of acetic acid, where indicate "pounds of 100% acetic acid"; under "Name of Company", specify your name and the address of the plant from which shipment will be made.

(5) *Grade (percent) of acetic acid.* In the case of proposed deliveries of acetic acid, specify grade in Column 7 (Remarks) in terms of percent of acid content.

(6) *Listing of customers.* In Column 1 (except for small orders as explained in (8) below) list the name of each customer from whom an order for delivery during the applicable month has been received. List first the name of each customer who has filed with you Form WPB 2945 (formerly PD-600) in connection with his order. Thereafter, leave a space, and insert in Column 1 "Use certificate", and then list the name of each customer from whom a use certificate has been received under paragraph (f) (2) with respect to a delivery in the applicable month. Do not list names of customers who have not placed with you either Form WPB 2945 or a use certificate. If it is necessary to use more than one sheet to list customers, number each sheet in order and show separately on the last sheet the total poundage ordered by customers filing Form WPB 2945 and the total poundage ordered by customers filing use certificates.

(7) *Primary product and end use.* In Column 1-a, opposite the name of each customer filing a use certificate (obtained under paragraph (f) (2)), specify the product or products in the manufacture or preparation of which acetic anhydride, acetic acid (100% basis) or acetaldehyde will be used by such customer, the end use to which such product or products will be put, Army or Navy contract numbers, Lend-Lease requisition or contract numbers, and export license numbers, all as indicated on such use certificate. The quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde used in the manufacture or preparation of each primary product for each end use shall be shown separately. If the chemical ordered by a customer is for two or more uses, indicate each use separately and list the quantity ordered for each use. It is not necessary to show primary product or end use with respect to a customer filing Form WPB 2945 (formerly PD-600). Instead, in Column 1-a, opposite the name of each customer filing such Form WPB 2945, enter merely "WPB 2945."

(8) *Small orders.* It is not necessary to list the name of any customer to whom the supplier is to deliver in the applicable month not more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, unless such customer has filed a use certificate, nor is it necessary in the case of any such delivery to show the name of the product or end use. Instead, write in Column 1 "Total small order deliveries (estimated)" and in Column 4, specify total estimated quantity of acetic anhydride, acetic acid or acetaldehyde to be delivered on such orders.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 (formerly PD-600) specifying himself as his supplier, shall list his own name as customer in Column 1 on Form WPB 2947 (formerly PD-602).

(10) *Table II.* Each producer shall report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors shall fill out only Columns 10, 12, and 13. In Column 8 producers and distributors shall show, where Form WPB 2947 (formerly PD-602) relates to acetic acid, the percent of acid content or where Form WPB 2947 (formerly PD-602) relates to acetic anhydride or acetaldehyde, will leave Column 8 blank.

(11) *Recovered acetic acid.* In the case of recovered acetic acid show such acid separately from other acetic acid in Table II. If necessary, use supplemental rider and attach to Form WPB 2947 (formerly PD-602).

APPENDIX B—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Copies of Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. Forward original and two copies to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, forward one copy to the supplier with whom order is placed, and retain one copy for your files. The original shall be signed by a duly authorized official. Where the application is by a supplier for authorization to use, no copy should be sent to a producer or distributor.

(3) *Separate set of forms for each chemical.* A customer who wishes to obtain delivery of two or more of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, must file a separate set of Form WPB 2945 (formerly PD-600) for each.

(4) *Material.* In the heading under "Name of chemical", specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde", as the case may be; under "WPB Order No.", specify "M-243"; under "Unit of measure", specify "Pounds", except in the case of acetic acid, where specify "Pounds of 100% acetic acid".

(5) *Month and year.* In the heading, at top of Table I, specify the month and year for which delivery is requested.

(6) *Grade (percent) of acetic acid.* Leave blank Columns 1 and 11, except in the case of acetic acid where percent of acid content should be stated.

(7) *Quantities.* In the case of applications for acetic acid, indicate in Columns 2, 13 to 16, inclusive, and 18, quantities in terms of pounds of 100% acetic acid.

(8) *Primary product.* In Column 3, applicant must specify in terms of the following the product or products in the manufacture or preparation of which the chemicals subject to this order will be used:

(For acetic anhydride)

Aspirin.
Cellulose acetate.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Explosives.
Synthetic casein fibre.
Synthetic vitamins.
Triacetin.
Other primary products (specify).
Resale (as acetic anhydride).
Export (as acetic anhydride).
Inventory (as acetic anhydride).

(For acetic acid)

Acetic anhydride.
Drugs and pharmaceuticals.
Dyestuffs.
Amyl acetate.
Butyl acetate.
Ethyl acetate.
Isopropyl acetate.
Photographic products.
Sodium acetate.
Vinyl acetate.
Other primary products (specify).
Resale (as acetic acid).
Export (as acetic acid).
Inventory (as acetic acid).

(For acetaldehyde)

Acetic acid.
Butadiene.
Pentaerythritol.
Other primary products (specify).
Resale (as acetaldehyde).
Export (as acetaldehyde).
Inventory (as acetaldehyde).

(9) *End use.* In Column 4 (except in the case of acetaldehyde), applicant will specify with respect to each primary product the ultimate use to which such primary product will be put in terms of the following:

Opposite any primary product listed in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, "M-326" for cellulose acetate, cellulose acetate butyrate and cellulose acetate propionate; "Order M-159" for butyl acetate; "Order M-327" for ethyl acetate and isopropyl acetate; "Order M-10" for vinyl acetate; "Order M-178" for butadiene; and "Order M-25" for pentaerythritol.

Opposite any primary product listed in Column 3 which is not under allocation, specify end use in terms of the following, giving also Army and Navy contract numbers, and Lend-Lease requisition or contract numbers when available:

Dyestuffs.
Explosives.
Leather tanning and processing.
Mordant.
Paint pigment.
Photographic film.
Other film (specify).
Plastics.
Rubber accelerators.
Solvents.
Surface coatings.
Synthetic resins (specify type and state end use if not under allocation).
Textile bleaching.
Other end uses (specify).

Opposite "Export" in Column 3, specify in Column 4 the name of individual, company or governmental agency to whom or for whose account the material is to be exported, the country of destination and the governing export license number, unless Lend-Lease, in which case merely specify the Lend-Lease requisition or contract number.

Opposite "Resale" in Column 3, distributors shall write into Column 4 "upon further authorization" or "for uncertified small orders of 54 gallons or less." In the case of small orders for acetic acid, also specify "100% basis".

Opposite "Inventory" in Column 3 specify in Column 4 "subject to further authorization".

In the case of acetaldehyde, show primary products to be manufactured but do not specify end use to which such primary products will be put.

(10) *Tables II, III and IV.* Fill out Tables II, III and IV completely.

(11) *Table V.* In Column 23, list each primary product produced in last month. In Column 24, list quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde, consumed in last month in the manufacture of each such primary product. In Column 25, list the quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde allocated to you for the manufacture of each such primary product in last month.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-243, that the ---------- [specify whether acetic anhydride, acetic acid or acetaldehyde] ordered for delivery in ----------, 194--, will be used month

by him in the manufacture or preparation of the following product(s), and that such product(s) on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Pounds	*Primary product*	*End use*[1]
(A)	--------	----------	--------
(B)	--------	----------	--------

Name of Purchaser

---------- By ---------- ------
Date Duly Authorized Official Title

[1] For acetaldehyde, see (5) below.

Instructions for customer's certificate

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive from all sources more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, a separate certificate shall be filed as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the acetic anhydride, acetic acid or acetaldehyde will be used or incorporated. Primary products should be stated in terms of the primary products listed in paragraph (8) of Appendix B.

(4) Under "End use" (except as provided in paragraph (5)) purchaser will specify the ultimate or end use to which the primary product will be put in terms of the end uses stated in paragraph (9) of Appendix B. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, indicate contract numbers in the case of military use, requisition or contract numbers in the case of Lend-Lease, and in the case of other export, export license numbers. A distributor ordering acetic anhydride, acetic acid or acetaldehyde for resale as such will leave blank the "End use" column.

(5) Purchasers ordering acetaldehyde will leave blank the column headed "End use".

[F. R. Doc. 44-815; Filed, January 15, 1944; 11:02 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-363]

CARBON TETRACHLORIDE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of carbon tetrachloride for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.571 *Allocation Order M-363*— (a) *What this order does.* This order provides for the allocation of carbon tetrachloride from all producers and distributors except distributors who sell carbon tetrachloride only in quantities of a drum or less to each customer per month.

A customer must file certified statements of end use with his purchase orders when ordering more than 700 pounds of carbon tetrachloride for delivery by all suppliers in any calendar month.

A one-time base period and inventory report on Form WPB-3442 is due January 20, 1944.

Suppliers must apply on Form WPB-2947 (formerly PB-602) for authorization for use or delivery of carbon tetrachloride on or after February 1, 1944.

(b) *Definitions.* (1) "Carbon tetrachloride", sometimes known as tetrachlormethane, means the chemical CCl_4.

(2) "Drum" means a container with a capacity of approximately 52 gallons (700 pounds of carbon tetrachloride).

(3) "Supplier" means any person who produces carbon tetrachloride or who purchases carbon tetrachloride for resale. The term "supplier" shall not include any person who resells exclusively in quantities of a drum or less per customer per month.

Requirements for suppliers

(c) *Restrictions on delivery.* (1) On and after February 1, 1944, no supplier shall deliver carbon tetrachloride to any person except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) Authorization to each supplier for deliveries of carbon tetrachloride will be made on the following basis:

Deliveries to customers ordering 7,000 pounds or more during any month must be individually authorized; deliveries to customers ordering between 700–7000 pounds per month will be authorized on the basis of end uses stated in the customers' certificates and a lump sum will be allocated to each end use for such or-

ders without specifying individual customers' names; deliveries to customers ordering 700 pounds (one drum) or less will be authorized by allocating a lump sum for such small orders without specifying individual customers' names and without reference to end use.

(3) Carbon tetrachloride which cannot be delivered as authorized or directed shall revert to inventory subject to further allocation.

(d) *Restrictions on use.* On and after February 1, 1944, no supplier shall use carbon tetrachloride, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(e) *Suppliers to notify customers of denial of applications.* Each supplier shall notify his customer as soon as possible of denial in whole or in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

Requirements for Customers

(f) *Requirement for filing certificates with purchase orders.* Each person ordering more than 700 pounds of carbon tetrachloride in the aggregate for delivery by all suppliers during February, 1944, or during any calendar month thereafter, shall furnish each supplier with a use certificate in accordance with Appendix C.

(g) *Use of allocated carbon tetrachloride.* Each person furnishing a use certificate with a purchase order for carbon tetrachloride shall use the carbon tetrachloride only as specified in the certificate, unless advised by his supplier that a particular specified use has been denied by the War Production Board or unless otherwise specifically authorized in writing by the War Production Board. However, any person not a supplier may redeliver carbon tetrachloride to a supplier without restriction.

(h) *One-time customer's report.* Each person (excluding governmental departments or agencies, but including producers who consume part of their own production) shall file a report in accordance with Appendix B on or before the 20th day of the month preceding the first month for which he has ordered delivery of 7,000 pounds or more of carbon tetrachloride.

This report need be filed only once, and not earlier than January 20, 1944.

Other Provisions

(i) *Exemption for intermediate brokers and sales agents.* Application and specific authorization shall not be required for the participation by a broker or sales agent in either of the following cases:

(1) When carbon tetrachloride is ordered through the broker or sales agent and is to be delivered by the supplier directly to the purchaser and not to the broker or sales agent for redelivery to the purchaser;

(2) When carbon tetrachloride is sold by a supplier through an agent who is required to submit the customers' purchase orders to the supplier for approval.

In either of the above cases, the purchaser shall furnish the broker or sales agent with a purchase order and use certificate, which certificate the broker or sales agent shall transmit to the supplier. The supplier shall then apply in accordance with Appendix A as if the order had been placed directly with him.

(j) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions with respect to:

(1) Use, delivery or acceptance of delivery of carbon tetrachloride; or

(2) Production of carbon tetrachloride; or

(3) Preparation and filing of forms and certificates required by Appendices A, B, and C, subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

(k) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-363.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS TO PRIMARY SUPPLIERS FOR FILING FORM WPB-2947

Each supplier seeking authorization to use or deliver carbon tetrachloride shall file application on Form WPB-2947 (formerly PD-602), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or deliver is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-363.

Heading. Under name of material, specify carbon tetrachloride; under War Production Board order number, specify M-363; leave grade space blank; specify pounds as unit of measure; specify proposed delivery month; and otherwise fill in as indicated.

Table I (Application to deliver). First, in Column 1 list customers ordering 7,000 pounds or more for delivery during the next month, in Column 1-a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each use; *second,* specify in Column 1 "Between 700–7,000 pound orders", without specifying customers' names, in Column 1-a group the end uses stated in the certificates filed with these orders, and in Column 4 specify the aggregate quantity ordered for each use; *third,* specify in Column 1 "700 pounds or less orders" without specifying customers' names, leave Column 1-a blank, and in Column 4 specify the aggregate quantity ordered or expected to be ordered. Fill in the other columns as indicated.

Table I (Application to use). If the applicant supplier is seeking authorization to use any part of his own production or stock of carbon tetrachloride, he shall apply as if the consuming part of his organization had filed a purchase order and use certificate with the production or distribution part of his organization (the actual filing of such an order and certificate is not necessary). For example, if he wishes to use 7,000 pounds or more during the next month, he should specify his own name, his proposed use and requested quantity in Columns 1, 1-a and 4; if he wishes to use between 700 and 7,000 pounds during the next month, he should not specify his own name, but opposite "Between 700–7,000 pound orders" in Column 1, and opposite his proposed end use in Column 1-a, should include in Column 4 the quantity which he requests for the specified use; or if he wishes to use 700 pounds or less during the next month, opposite "Less than 700 pounds orders" in Column 1, he should include in Column 4 the quantity which he requests, leaving Column 1-a blank. Fill in the other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Each producer of carbon tetrachloride shall fill in all columns of this table as indicated. Distributors purchasing from producers for resale shall fill in Columns 8, 10, 12 and 13 and leave the other columns of this table blank. In Columns 10 and 13, suppliers shall enter only those stocks not authorized for use or delivery on the dates specified.

APPENDIX B—INSTRUCTIONS FOR FILING CUSTOMER'S ONE-TIME REPORT ON FORM WPB-3442

Each person (not including governmental departments and agencies, but including producers who consume part of their own production) shall file a report on Form WPB-3442 on or before the 20th day of the month preceding the first month in which he has ordered delivery of 7,000 pounds (10 drums) or more of carbon tetrachloride. Fill in the form as indicated, subject to the following instructions for the purpose of this order:

Form WPB-3442. Copies may be obtained at local field offices of the War Production Board.

Number of copies. Two copies shall be prepared, of which one shall be retained by the person reporting and one shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-363.

Number of sets. File separate sets of forms for plants or warehouses located or operated separately.

Heading. In space (1) specify carbon tetrachloride; in space (2) specify pounds; in space (3) specify Order M-363; and fill in spaces (4), (5), (6) and (7) as indicated. Check whether user, distributor, etc.

Table I. Fill in Column (a) as indicated; leave Column (b) blank; specify "6 months ending Dec. 31, '43" in the heading of Column (c) and fill in accordingly; and leave Columns (d), (e), (f) and (g) blank.

Table II. Leave Columns (a) and (d) blank: specify "January 1, 1943" in the heading of Column (b) and "February 1, 1944" in the heading of Column (c) and fill in accordingly.

APPENDIX C—INSTRUCTIONS FOR FILING USE CERTIFICATES WITH PURCHASE ORDERS FOR MORE THAN 700 POUNDS (ONE DRUM) OR MORE PER MONTH FROM ALL SUPPLIERS

(1) Each person ordering a total aggregate of more than 700 pounds (one drum) of carbon tetrachloride from all of his suppliers for delivery during January 1944, or during any calendar month thereafter, shall furnish with each purchase order a certificate in substantially the following form:

(Insert statement of quantities of carbon tetrachloride required for each proposed primary product and end use, in accordance with instructions in paragraphs (3) and (4) below.)

The undersigned hereby certifies to the seller and to the War Production Board that the carbon tetrachloride covered by the accompanying purchase order will be used only as specified above, and that the quantity of carbon tetrachloride hereby ordered, together with all other quantities ordered for delivery in the same month, does/does not (*strike out inapplicable word or words*) exceed 7000 pounds.

Name of purchaser
By ---
(Signature & title of duly authorized officer)

(2) Suppliers are requested to obtain certificates with respect to deliveries to be made during any calendar month not later than the 10th day of the preceding month. The above certificate need not be filed with the War Production Board. It shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The standard certification of Priorities Regulation No. 7 may not be used unless a statement is added with respect to end use and whether all the orders of the customer for delivery in the same month do or do not exceed 7000 pounds.

(3) The primary product and end use description in the above certificate shall be specified as follows:

Quantity of carbon tetrachloride	Primary product	End use

Primary product. Primary product should be specified as follows:
Degreasing compound.
Fire-extinguisher fluid.
Grain fumigant.
Fur fumigant.
Refrigerant (specify).
Hexachlorethane.
Dry cleaning fluid.
Spotting and cleaning fluid.
Drugs and pharmaceuticals (specify).
Other (specify).

End use. End use should be specified to indicate the disposition of each primary product, such as civilian, industrial (specify general use, such as munitions, auto servicing, etc.), food processing and laboratory use. Where the carbon tetrachloride or the product made from it is to be delivered directly to the Armed Services, or for Export, or on Lend-Lease, specify "armed services", or "Export", or "Lend-Lease", as the end use, without further end use description.

Resale. If the purchase is for resale, the purchaser shall leave blank the "primary product" space and as end use shall specify "authorized resale" or if ordering exclusively for resale on small orders of 700 pounds or less, shall specify "resale in 700 pound or less lots".

(4) In the event that two or more end uses are involved in a single purchase order, the amount of carbon tetrachloride required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the primary supplier to advise his customers, by purchase order and item number, as to the action taken on the application to make delivery.

(5) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall, provided such purchase order specifies the Lend-Lease contract or requisition number, constitute a use certificate for the purpose of this order.

NOTE: Forms WPB-2947 and 3442, and the instructions in Appendices A, B and C of this order, have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

[F. R. Doc. 44-816; Filed, January 15, 1944; 11:02 a. m.]

PART 3302—SERVICE EQUIPMENT[1]

[Limitation Order L-190, Schedules, as Amended Jan. 15, 1944]

SCALES, BALANCES AND WEIGHTS

§ 3302.22[1] *Schedules of Limitation Order L-190.* The following schedules are issued pursuant to the provisions of subparagraph (e) (4) of Limitation Order L-190, as amended.

SCHEDULE I—BABY-WEIGHING SCALES

No baby-weighing or nursery scales shall be fabricated or assembled, except scales which conform to the following specifications:

1. No manufacturer shall manufacture any model of baby-weighing or nursery scales other than the one which, of all models manufactured by him during 1942, contains the least amount of steel by weight per scale, exclusive of the tray.

2. No manufacturer shall manufacture any baby-weighing or nursery scales containing any copper or copper-base alloys.

3. No manufacturer shall equip any baby-weighing or nursery scales with metal trays fabricated after April 29, 1943.

SCHEDULE II—RAILWAY TRACK SCALES

"Railway track scales" means scales for weighing railway cars in interchange service, excluding hot ladle scales, bar mill scales, plate scales, charging scales, mine car scales, wheel load scales, tipple scales, and any other scales normally produced for other purposes, even though equipped with rails. After October 24, 1943, no railway track scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales which conform to the following specifications:

(1) No person shall manufacture any railway track scales, except scales designed for weighrails which are either 42 feet, 50 feet, 60 feet, or 72 feet in length.

(2) No person shall manufacture any railway track scales with rated sectional capacities other than 30, 50, 60, 75, 100, 150 or 200 tons per section.

(3) No person shall manufacture any weighbridges for railway track scales requiring the use of more metal by weight than the American Railway Engineering Association specifications for weighbridges for weighrails of the lengths permitted in Specification No. 1.

(4) No person shall manufacture a railway track scale having a lever system other than the one which, of all those previously manufactured by him in accordance with American Railway Engineering Association specifications for scales of the same capacity, contains the least weight of material.

(5) No person shall manufacture any railway track scales other than four section scales.

SCHEDULE III—MOTOR TRUCK SCALES

The reason for issuing this schedule is to reduce the quantity of scarce materials consumed in the manufacture of motor truck scales to the lowest practicable amount. The War Production Board does not mean to suggest that scales made under this schedule will be as durable as scales containing larger quantities of materials. After October 24, 1943, no pit type motor truck scales, other than grain dump scales, shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales which conform to the following specifications:

(1) No person shall manufacture any sizes of scales other than the seven listed in the following table. The lever system and weighbridge adopted for each specified platform size must be the one which contains the least amount of materials by weight for the corresponding lever capacity which the manufacturer has been accustomed to manufacture and rate as specified:

Size number	Platform size	Lever capacity
		Tons
1	22 feet by 9 feet	15
2	24 feet by 10 feet	20
3	34 feet by 10 feet	20
4	34 feet by 10 feet	30
5	40 feet by 10 feet	30
6	45 feet by 10 feet	50
7	60 feet by 10 feet	50

(2) No person shall fabricate weighbridges to support concrete decks for use with pit type motor truck scales.

SCHEDULE IV—PORTABLE BEAM SCALES

"Portable beam scales" means only scales which are normally equipped with wheels and which use a weighbeam as the indicating element. After October 24, 1943, no portable beam scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales which conform to the following specifications:

(1) No person shall manufacture more than five models of portable beam scales. The principal specifications of the models permitted are listed in the following table. The capacity specified refers to maximum indicating capacity in pounds avoirdupois, including tare capacity, if provided, and the total value of counterpoise weights, if provided. Maximum and minimum platform dimensions are stated for each model. No manufacturer shall make more than one platform size within the size limits specified. For use with each listed model a manufacturer may make not more than three models of weighbeams—a full capacity weighbeam, a single weighbeam for use with counterpoise weights, and a weighbeam with tare bar for use with counterpoise weights. Each of these three models of weighbeams may be graduated in the avoirdupois system, in the metric system, in a foreign system, or any two systems. If graduated in other than the avoirdupois system, the capacity shall be the nearest practicable equivalent of the avoirdupois capacity specified. Model No. 2 and model

[1] Formerly Part 3051, § 3051.2.

No. 3 may be made with or without wheels, but the pillar, cap and platform center must be of wood.

Model No.	Capacity	Platform dimension adjacent to pillar	Other platform dimension
1	1,000 lbs.	18" to 18"	24" to 27"
2	2,000 lbs.	22" to 25"	31" to 33"
3	2,000 lbs.	43" to 44"	28" to 35"
4	3,000 lbs.	28" to 27"	32" to 35"
5	4,000 lbs.	30" to 32"	38" to 41"

SCHEDULE V—ROLLING MILL SCALES

"Rolling mill scales" means only beam type rolling mill scales normally equipped with wheels. After October 24, 1943, unless specifically authorized by the War Production Board in writing, no person shall manufacture more than one model of rolling mill scales. This model shall have a capacity of 10,000 pounds avoirdupois, shall be made only with one lever system, and shall be made with one size of main platform. The latter restriction does not apply to super-platforms or racks.

SCHEDULE VI—PORTABLE DIAL SCALES

After October 24, 1943, no portable dial scales normally equipped with wheels shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales with platforms measuring 21 inches adjacent to the column by not less than 29 inches or more than 30 inches.

SCHEDULE VII—DIALS

"Dial scales" means only scales having pendulum actuated head mechanisms, but does not include crane scales. After October 24, 1943, no dials for new dial scales shall be fabricated or assembled without specific authorization of the War Production Board in writing except dials which have a reading line with a diameter of either 20 inches, or not more than 15 inches nor less than 14 inches.

SCHEDULE VIII—SELF-CONTAINED FLOOR SCALES

"Self-contained floor scale" means a scale enclosed and supported by its own frame, manufactured as a complete weighing unit, and designed primarily for installation with the platform surface at floor level. Self-contained floor scales include so-called "dormant" scales, and for purposes of this schedule include "fulcrum stand" scales, in which the fulcrum stands are held in fixed position by means of tie-rods. After October 24, 1943, no self-contained floor scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales with skeleton frame, wood box or fulcrum stand construction.

SCHEDULE IX—BUILT-IN FLOOR SCALES

"Built-in floor scales" means scales manufactured without a frame supporting and containing the lever system, and designed primarily for installation upon a prepared foundation with the platform surface at floor level. Built-in floor scales include "two-section" scales other than motor-truck scales. After October 24, 1943, no built-in floor scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales with wood platforms.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-806; Filed, January 15, 1944; 11:02 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-478]

JAMES A. GAVIN & SONS, INC.

James A. Gavin & Sons, Inc., a New Jersey corporation located at 310 Main Street, Paterson, New Jersey, is engaged in selling paint and associated products through stores located in Paterson, Jersey City, and Hackensack. During the third quarterly period of 1943 (July 1 to October 1), it violated Limitation Order L-219 by receiving merchandise of a value of $24,876 in excess of its allowable receipts for July and August alone. The corporation was familiar with the provisions of Limitation Order L-219 and the violation must be deemed wilful.

This excessive receipt of merchandise has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.478 *Suspension Order No. S-478.* (a) James A. Gavin & Sons, Inc., its successors or assigns, during the first quarterly period of 1944 (January 1 to April 1) shall compute its allowable receipts of consumers' goods in accordance with paragraph (d) (1) of Consumers' Goods Inventory Limitation Order L-219 as a controlled merchant whose mercantile inventory is greater than its inventory limit at the beginning of any quarterly period under and shall conform to paragraph (d) (1), (d) (2) and (e) of Consumers' Goods Inventory Limitation Order L-219; it shall not during the first quarter of 1944 receive consumers' goods in excess of 75% of the amount thus computed under paragraph (d) (1) of Consumers' Goods Inventory Limitation Order L-219, unless hereafter specifically authorized by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve James A. Gavin & Sons, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on January 15, 1944, and shall expire on April 1, 1944.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-839; Filed, January 15, 1944; 4:23 p. m.]

PART 3286—MISCELLANEOUS MINERALS[1]

[Conservation Order M-302, as Amended Jan. 17, 1944]

OSMIUM

§ 3286.71[1] *Conservation Order M-302.* (a) *Definitions.* For the purposes of this order:

(1) "Osmium" means the element osmium in commercially pure form, or the osmium content of any osmium-containing material containing 0.5 percent or more of osmium metal by weight, other than an osmium alloy, whether or not such material is first converted into osmium metal. The term includes mixtures and compounds. Natural osmiridium is deemed to be an osmium bearing material and not an osmium alloy.

(2) "Osmium alloy" means any alloy containing 0.5 percent or more of osmium metal by weight.

(3) "Process" means to fabricate, assemble, alloy, mix, melt, cast, extrude, roll, turn, spin, or otherwise shape, but does not include the smelting or refining of osmium ore or scrap for the production of sponge metal.

(4) "Put into process" means the first change by a consumer in the form, shape, or size of material from that in which it is received by him.

(5) "Supplier" means any person who sells or offers for sale, or who delivers, osmium or osmium alloys to consumers.

(6) "Consumer" means any person who uses osmium or any osmium alloy by incorporating it physically or chemically in the products or parts thereof which he manufactures, or who uses or consumes osmium or any osmium alloy in any manufacturing, laboratory, testing, plating, or repairing process.

(7) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks, and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items which are produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of any osmium or osmium alloys to the extent employed is required by the latest issue of government specifications (including performance specifications unless otherwise directed by the War Production Board) applicable to the contract, subcontract, or purchase order. The term does not include facilities or equipment used to manufacture the foregoing items.

(b) *Restrictions on use of osmium.* On and after April 16, 1943, no person shall put into process or process any osmium, exclusive of an osmium alloy, except for the purpose of manufacturing or alloying an osmium alloy for use in implements of war.

(c) *Restrictions on use of osmium alloys manufactured or alloyed prior to April 16, 1943.* On and after April 16, 1943, except for use in implements of war, no person shall put into process any osmium alloy manufactured or alloyed prior to April 16, 1943, in any calendar quarter in excess of ⅛ of the aggregate amount by weight of all osmium alloys put into process by him for all uses during the calendar year 1941.

(d) *Restrictions on use of osmium alloys manufactured or alloyed on or after April 16, 1943.* On and after April 16, 1943, no person shall put into process or process any osmium alloy manufactured or alloyed on or after April 16, 1943, except for use in implements of war.

(e) *Prohibitions against sales or deliveries.* No person shall sell or deliver any osmium or osmium-containing material or osmium alloy or products thereof in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies to any person if he knows or has reason to believe such material or product thereof is to be used in violation of the terms of this order.

(f) *Limitation on inventories.* No consumer shall receive delivery of any osmium, osmium-containing material, osmium alloy, or products thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of osmium, osmium-containing material, osmium alloy, or products thereof, by this order.

(g) *Reports.*—(1) *Quarterly report.* Beginning with the calendar quarter ending March 31, 1944, each supplier, each consumer, and each person owning at any time in any calendar quarter stocks of osmium or osmium alloy not incorporated in finished items or parts thereof, shall file Form WPB-2582 (formerly PD-846) with the War Production Board on or before the 15th day of the month following such calendar quarter.

(2) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Miscellaneous provisions.*—(1) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of osmium and osmium alloy in all items manufactured after April 16, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to such date. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of osmium or osmium alloys in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington 25, D. C. Ref.: M-302.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 17th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-869; Filed, January 17, 1944; 11:40 a. m.]

[1] Formerly Part 3223, § 3223.1.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Interpretation 1]

COTTON TEXTILE DISTRIBUTION

The following interpretation relates to General Conservation Order M-317 as amended December 24, 1943:

1. Q. Is the denim direction of May 21, 1943, superseded by Order M-317?

A. No. It will continue in effect until expressly revoked in writing.

2. Q. Where a person is given a rating in a preference rating schedule to obtain a particular fabric for a specified end use, is it necessary for that person actually to apply to the War Production Board for the right to use that rating?

A. No. The ratings given by these schedules are assigned in the order and may be applied without application.

3. Q. May a jobber use an AA-5 preference rating to acquire pillow cases in anticipation of business which he expects to get from a hospital?

A. No. The jobber has no rating to use until he receives rated orders from the hospital (user). Only after he has received such an order does the jobber have any rating which he can extend.

4. Q. Suppose, before December 24, 1943, when the order was amended, a spinner of sewing twine had on his books an unfilled and unrated order from a manufacturer of textile bags. Would the manufacturer be allowed to apply an AA-2X preference rating to the remainder of that already placed order?

A. Yes. In Group 1 of the AA-2X preference rating schedule, a processor (manufacturer) is given that rating for sewing twine to be used in the manufacture of textile bags. The rating may be used by him for that purpose, both in connection with unshipped balances of sewing twine orders as well as subsequent orders.

5. Q. Under Group I of the AA-2X preference rating schedule a bag manufacturer is given this rating to obtain flat duck to be used in the manufacture of bags, but he is not given a preference rating to buy this fabric to make tarpaulins. Is he allowed to use flat duck in the manufacture of tarpaulins?

A. Yes. Although the order does not give the bag manufacturer a rating to obtain flat duck to be made into tarpaulins, he is not prohibited from buying flat duck without a preference rating for that purpose. The mill may sell flat duck without a rating to the tarpaulin manufacturer so long as it does not interfere with the filling of rated orders.

6. Q. Does the fact that a particular use or end product is not included in a preference rating schedule mean that no cotton textile may be used for that particular purpose?

A. No. Preference ratings have been given to certain classes of persons to obtain specified cotton textiles for important uses which are described in the preference rating schedules. However, the cotton textiles mentioned in the preference rating schedules or any other cotton textiles may be used for any purpose unless prohibited by Column VI of the distribution schedules of this order or by some other order of the War Production Board.

7. Q. An AA-2X preference rating is given to a manufacturer to obtain window shade cloth for military maps (Group 24). No rating is given in the preference rating schedules to a window shade manufacturer. Does this mean that the window shade manufacturer must obtain a rating in order to get window shade cloth or that he is not allowed to purchase window shade cloth?

A. No. It merely means that a preference rating is not given to him.

8. Q. Is a cotton mill which normally dyes and sanforizes its own production of gray goods for the purpose of sale to manufacturers of work clothing required to accept a rated order for gray sheeting from a bag manufacturer?

A. Yes. Since a work clothes manufacturer has a rating of AA-4 and the bag manufacturer is given a rating of AA-2X, the gray goods must be sold to the bag manufacturer on the AA-2X rating rather than dyed and sanforized for sale to the work clothes manufacturer.

9. Q. A priority is given by the AA-4 preference rating schedule, Group 1, to a manufacturer to obtain fabrics for men's and boys' work clothing. Does work clothing mean anything the manufacturer deems to be work clothing?

A. No. Work clothing is that kind of apparel which is generally recognized and accepted in the trade as work clothing. The rating to be used properly must be used for the special purpose of manufacturing work clothing, and the manufacturer of work clothing must conform with L-181.

10. Q. Are the descriptions of the fabrics listed in Column II, Group 1, of Preference Rating Schedule AA-4 intended to include fabrics which are made wholly of combed or carded yarns or of combinations of both, such as twills or poplins?

A. Yes.

11. Q. When should the notations specified in paragraph (d) of M-317 be used and when should the notations specified in paragraph (b) of Order M-328 be used?

A. If the rating is received by virtue of a preference rating schedule of Order M-317 or by Form WPB 2842, the notations provided for in paragraph (d) of M-317 should be used. If the rating is given by another order or another form, the provisions in paragraph (b) of Order M-328 should be used.

12. Q. What ratings are given for diapers?

A. An AA-4 Preference Rating is given to converters and manufacturers to obtain cloth to be made into diaper cloth or diapers. An AA-5 Preference Rating is given to a hospital for the purchase of diapers.

The effect is that in purchasing diapers, a hospital uses an AA-5 preference rating which may be given to a manufacturer or to a jobber who in turn will pass it on to a manufacturer. This rating of AA-5 does not assist the manufacturer because he already has an AA-4 rating to obtain the fabric with which to make the diapers. It does, however, serve the purpose of giving priorities assistance to hospitals over other types of users.

13. Q. If a manufacturer of work gloves should receive an order from the Navy with

an AA-2X rating, may he extend the AA-2X rating to buy mitten flannel or must he use the AA-4 rating given for Group 2 of the AA-4 preference rating schedule?

A. Since he is purchasing that textile for incorporation into a product to be delivered to the Navy, he may use the AA-2X rating and is not required to use the AA-4 rating.

14. Q. The order in subparagraph (a) (2) refers to the United States. Does that mean only the 48 states?

A. For the purposes of this order, United States means not only the 48 states but all the territories and possessions of the United States.

15. Q. Is a Canadian bag manufacturer given a preference rating by any Preference Rating Schedule?

A. No. In the AA-2X preference rating schedule, Group 1, a processor is given that rating for bagging fabrics to make bags. Only a domestic manufacturer is meant. The definition of "processor" relates only to a person engaged in the United States in the business of manufacturing.

16. Q. From where do ratings for export orders come?

A. A rating is given in connection with the granting of export licenses by the Foreign Economic Administration (Office of Economic Warfare). A rating is also given in connection with Treasury Department purchases for the Foreign Economic Administration (Lend-Lease and OFRRO). Canadian importers are being granted ratings by the Canadian Division of the War Production Board in Montreal, Canada, operating in conjunction with the Canadian Wartime Prices and Trade Board. All the ratings are AA-5.

17. Q. Can a domestic exporter or a Canadian importer use the ratings of the Preference Rating Schedules?

A. No.

18. Q. Does the order prohibit shipment without a rating to a Canadian purchaser who made a contract prior to December 24, 1943?

A. Yes it does. However, the Canadian purchaser may apply to the Cotton Administrator, Wartime Prices and Trade Board, Aldred Building, Montreal, for a preference rating.

19. Q. Must the purchaser for export show on his order any export license or serial number or any WPB serial number?

A. No export license or export serial number need be stated on his order. However, if a rating is assigned by Form WPB 2642, the serial number of that form must be inserted in the notation required by paragraph (d) of M-317.

20. Q. Do the restrictions of Column VI of the distribution schedules apply even to goods produced or ordered before December 24, 1943, the date of amendment?

A. Yes. The Column VI restrictions apply no matter when the goods were produced, converted or ordered, and they apply to the producer, intermediate processor, processor, merchant and user. However, the Columns III, IV and V provisions cover only the producer (mill), and relate only to goods produced on and after January 1, 1944, regardless of the date they were ordered.

21. Q. Do the percentages in the distribution schedules apply separately to each construction?

A. No. They apply by groups to all the constructions covered by the respective Column I item numbers. For example, Items 76 thru 81, and 83 in Column I of the Carded Gray Goods Distribution Schedule refer to "other plain print cloths, except bandage cloths" and it is required that 40% be delivered against rated orders. This does not mean 40% of each and every fabric produced by the mill, but 40% of the aggregate yardage of the constructions fitting into those categories.

22. Q. In the Carded Gray Goods Distribution Schedule (Items 46, 47 and 48, 49) referring to bed sheetings 42" and wider (including made up sheets and pillow cases), the requirement is that at least 10% be delivered against rated export orders. May this obligation be satisfied by delivery, in whole or in part, of yard goods (gray or bleached) as well as sheets and pillow cases?

A. Yes. The total yardages are interchangeable. Paragraph (a) (1) (i) defines cotton textiles to include gray or finished fabrics as well as bed sheets and pillow cases.

23. Q. Is a mill which produces soft-filled sheeting and converts it into suede subject to the minimum rated percentages under soft-filled sheetings (Items 12 and 13, Carded Gray Goods Distribution Schedule) as well as the percentages for moleskins and suedes (Item 136)?

A. Yes. Inasmuch as the mill produces both soft-filled sheetings and suedes it must comply with the minimum percentage requirements as to both. However, the suede which is sold on rated export and other rated orders can be credited against the minimum requirements for the delivery of soft-filled sheeting.

24. Q. Are remnants to be excluded from the total of a mill's production for the purposes of the percentages in Columns III, IV and V of the distribution schedules?

A. No. They are to be treated the same as seconds and shorts for the purpose of the distribution schedules.

25. Q. Are seconds and shorts to be considered as part of the mill's total production for the purposes of Columns III, IV and V?

A. Yes. In making calculations a mill's entire production must be considered, including seconds, shorts and remnants. When the Column IV percentage is 100, the privilege is given to the mill to dispose of seconds, shorts or remnants without ratings if no rated orders are available. But if rated orders are presented for seconds, shorts or remnants, those orders must be accepted.

26. Q. Is the mill bound by the provisions in Columns III and IV of the Distribution Schedules even if the rated business is not offered to it?

A. Yes. This does not mean, however, that the War Production Board will grant ratings for uses of cotton textiles which have not heretofore been rated. The percentages in Columns III and IV have been set at levels to cover the quantities of rated business available for each group of fabrics. It, therefore, becomes necessary that each mill actually obtain the specified quotas of rated orders, although the result of this requirement will be that in certain instances mills will be unable to accept their accustomed amount of unrated business.

27. Q. In the heading of each distribution schedule there is a provision which states that if receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter. Does this mean that producers cannot sell their yardage against ratings in excess of the percentage specified in Column V?

A. If after the seller has received the specified quantity of rated orders, another order rated lower than those already accepted is offered to him he may refuse it or he may accept it. This is a case where he is allowed to exceed the Column V percentage with rated orders.

If the newly offered order is rated higher than those he has already accepted, he must accept it, and it must displace the lowest rated order. This is a case where he is not allowed to exceed the Column V percentage with rated orders.

28. Q. The distribution schedules differentiate "bandage cloths" from other types of print cloth. The Preference Rating Schedules do not refer to "bandage cloths". Are "bandage cloths" included in the preference rating schedules?

A. Yes. Print cloths include bandage cloths. They are sub-divided in the distribution schedules, but are not sub-divided in the preference rating schedules.

29. Q. Where Column VI in the Carded Gray Goods Distribution Schedule provides that plain print cloths, 80 sley and higher, "may not be used for export", does that mean that a garment made of such goods may not be exported?

A. Yes. The restriction applies not only to the export of the fabric named in Column II but also to the use of the fabric in any product being produced for export. Furthermore, that restriction controls not only the mill, but also the converter, jobber and cutter.

30. Q. Suppose rated export orders, exceeding the percentage specified in Column III, are presented. Must the mill accept them?

A. Yes. Those rated orders must be accepted to the extent of the Column V percentage.

31. Q. If a mill is making only one construction of "other plain print cloths, except bandage cloths" (Carded Gray Goods Schedule, Items 76 thru 81, 83) namely 38½" 64 x 60 5.35 yard to meet special quality standards, for which he receives an AA-2 preference rating from an insulating tape manufacturer, is he obliged to deliver 10% for export?

A. Yes. Since Column III specifies 10% as the portion of his production which must be delivered against rated export orders, the mill is obliged to comply unless relieved upon appeal.

32. Q. Does a mill, which is required to deliver a minimum of 10% of its production of Class B sheetings against rated export orders satisfy the requirement by shipments on ratings to a domestic bag manufacturer who will manufacture those goods into bags which will be exported?

A. No. The requirement is that the specified minimum percentage must be delivered against rated orders in the form of a cotton textile. In the case given, the bag manufacturer's order to the mill is not an export, but a domestic, order. Only the bags are covered by an export order.

33. Q. Does delivery of cotton textile to a garment manufacturer who could certify that the garment to be made therefrom is to be exported fulfill the export requirement?

A. No. The provision of Column III of the distribution schedules showing the minimum percentage which must be delivered against rated export orders means rated export orders for a cotton textile and not for a finished product which is not a cotton textile, such as the garment. It is to be noted that when the cotton textile is to be exported, paragraph (d) requires a notation to that effect to be placed by the purchaser on the purchase order.

34. Q. Where a percentage is not specified in Column III of distribution schedules, is the processor relieved of any obligation to accept rated export orders?

A. No. Unless there is a prohibition against export in Column VI, rated orders, export or otherwise, must be accepted up to the Column V percentage. The omission of a percentage in Column III merely indicates that the processor is not required to deliver a minumum percentage against rated export orders.

Issued this 17th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-870; Filed, January 17, 1944; 11:40 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 98]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. A new section 15.7 is added to read as follows:

SEC. 15.7 *Retailers may apply for allowable inventory adjustments*—(a) *How to apply.* A retailer who finds that his allowable inventory is inadequate (other than because of seasonal variations) may apply for an increase. He must apply on OPA Form R-315, to the board with which he is registered. The application must give the following information:

(1) The amount of his allowable inventory;

(2) The net point gain or loss in the applicant's point inventory caused by the addition of items to or removal of items from the foods covered by this order;

(3) The sum of items (1) and (2), or the difference if item (2) represents a point loss;

(4) The reasons why he claims that his allowable inventory is inadequate; and

(5) The amount of the increase which he needs.

(b) *Action by board if adjusted allowable inventory would be 1500 points or less.* If the board finds that the retailer's allowable inventory is inadequate and that the sum of items (3) and (5) in paragraph (a) is not more than 1500 points, it may grant the application for the additional amount which it finds he needs, but not more than the amount requested. If the retailer does not have any excess inventory, the board shall issue to him a certificate for the amount of the increase granted. If he has an excess inventory which is less than the increase, the board shall cancel the excess inventory and issue a certificate for the difference. If the retailer's excess inventory is equal to or greater than the increase, the board shall reduce the excess inventory by the amount of the increase.

(c) *Temporary increase if adjusted allowable inventory would be more than 1500 points.* If the sum of items (3) and (5) in paragraph (a) is more than 1500 points, the board may not act upon the application but must send it, and any other information received, to the district office for action. The board may attach its recommendation as to the amount of the temporary increase to be granted. The district office may grant the retailer a temporary increase for the amount which it finds he needs to get adequate stocks for the next six calendar weeks. It shall then return the file to the board. When the amount of the temporary increase has been determined by the district office, the board shall issue to the retailer a certificate or reduce the retailer's excess inventory, or both, in the way described in the last paragraph.

(d) *Final action.* If the retailer is given a temporary increase under paragraph (c) he must keep a record of his sales and transfers (other than exchanges, and transfers to another of his retail establishments) during the six calendar weeks after he received the increase. Within one week after the end of this period, he must report the point value of such transfers. The board shall divide this amount by two. If the resulting figure is more than the figure stated in item (3) in paragraph (a), the difference (or the amount requested by the retailer, whichever is less) is to be granted as a permanent increase in the retailer's allowable inventory. If the amount of the increase is more than the sum of any certificate issued and excess inventory cancelled under paragraph (c), the board shall issue a certificate for the difference. If the amount of the increase is less than that sum, the difference is excess inventory, and the retailer must give up points to the Office of Price Administration in the way required in section 6.6 (e).

2. A new section 15.8 is added to read as follows:

SEC. 15.8 *Retailers and wholesalers may apply for temporary adjustments because of seasonal variations*—(a) *How to apply.* A retailer or wholesaler may apply for a temporary increase in his allowable inventory because of seasonal variations in his business. He must apply on OPA Form R-315 to the board with which he is registered. The application must give the following information:

(1) The amount of his allowable inventory;

(2) The net point gain or the net point loss in the applicant's point inventory caused by the addition of items to or the removal of items from the foods covered by this order;

(3) The sum of items (1) and (2), or the difference if item (2) represents a point loss;

(4) The reasons why he needs the increase;

(5) The period during which he needs the increase;

(6) If he is a retailer, the average weekly amount of his sales and transfers of foods covered by this order, in pounds, during the same period in 1942, multiplied by 15. If he is a wholesaler, 75% of his average weekly sales and transfers, in pounds, during the same period in 1942, of foods in each of the three classes specified in § 1407.3027 (b) of Revised Supplement 1 to this order, multiplied by the factor fixed for that class;

(7) The amount of the increase which he needs.

(b) *Action on application.* If the board finds that the applicant's allowable inventory will be inadequate during the period for which the increase is requested, and that the sum of items (3) and (7) in paragraph (a) does not exceed 20,000 points, it may grant the application for the amount which it finds he needs but not more than the amount requested. However, in no event may the board grant under this section more than the amount by which item (6) exceeds item (3). If the sum of items (3) and (7) exceeds 20,000 points, or if the applicant requests an increase which is more than the maximum amount which the board may grant under this section, or if the applicant is unable to furnish the information required by item (6) because he was not in operation during that period, the board may not act upon the application, but must send it to the district office for action. It may attach its recommendation as to the amount of the temporary increase to be granted. The district office shall determine what action should be taken and return the file to the board. When the amount of the temporary increase has been determined by the local board or the district office, as the case may be, the board shall issue a certificate for such amount, if the applicant has no excess inventory. If the applicant has an excess inventory which is less than the increase, the board shall cancel the excess inventory and issue a certificate for the difference. If the applicant's excess inventory is equal to or greater than the increase, the board shall reduce the excess inventory by the amount of the increase. Within 15 days after the close of the period for which the increase is granted, the applicant must report to the board and give up points equal to the total of any certificate issued and excess inventory reduced or cancelled under this section. If he is unable to give up all the points within the fifteen days, the balance is excess inventory and the provisions of sections 5.6 (e) or 6.6 (e), as the case may be, apply.

This amendment shall become effective January 19, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-N, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-782; Filed, January 14, 1944; 4:02 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32,[1] Amdt. 10]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 32 is amended in the following respect:

1. In §§ 1347.61 (a) and (b), and 1347.62 (a), (b) and (e), footnotes 4, 5, and 6 are amended by changing the date "January 14, 1944" to read "February 7, 1944", and by changing the date "January 15, 1944" to read "February 8, 1944".

This Amendment No. 10 to Revised Price Schedule shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-781; Filed, January 14, 1944; 4:02 p. m.]

PART 1306—IRON AND STEEL

[RPS 41, Amdt. 10]

STEEL CASTINGS AND RAILROAD SPECIALTIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 41 is amended in the following respects:

1. A new § 1306.104 is added to read as follows:

§ 1306.104 *Taxes.* As to any tax upon, or incidental to, sales or deliveries of steel castings or railroad specialties imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller under this Revised Price Schedule may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

2. Section 1306.105 is amended to read as follows:

§ 1306.105 *Records and reports.* (a) Every producer making sales of steel castings or railroad specialties and every person making purchases from a producer, shall keep for inspection by the Office of Price Administration for a period of not less than two years, or as long as the Emergency Price Control Act of 1942, as amended, shall be in effect, whichever period is shorter, complete and accurate records of every purchase or sale. In the case of producers such records shall show the quantity of steel castings or railroad specialties sold from each pattern and the price charged and received; furthermore where extras, other than those on pages 64, 65 and 66 of the Comprehensive Report, are applicable and charged each such extra and the charge therefor shall be shown separately.

(b) Persons affected by Revised Price Schedule No. 41 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

3. Paragraph (c) of § 1306.109 is amended to read as follows:

(c) "Steel castings" means any cast steel object, whether rough or machined, that has been initially cast in the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totalling not more than 8%. It means and includes such cast steel objects where other materials have been cast integrally therewith and also means two or more steel castings assembled by welding. It does not mean (1) railroad specialties as defined in Appendix B (§ 1306.113), (2) steel castings sold in an assembly with materials other than bolts, nuts, screws, rivets or other industrial fastenings, and (3) steel castings sold as another commodity by a "regular manufacturer of such other commodity". For the purposes of this definition a producer of steel castings is considered a "regular manufacturer of such other commodity" when (i) he represents himself in the trade as a manufacturer of such other commodity through the issuance of catalogs, price lists, or advertising matter circulated generally through the trade and in which such commodity is designated by name, (ii) the commodity is offered for sale on a price per piece basis, and (iii) he owns the patterns used for the production of such other commodity.

4. Paragraph (b) of § 1306.112 is amended to read as follows:

(b) *Industrial steel castings, other than freight car and locomotive castings, made by a producer on or before July 15, 1941.* The term "industrial steel castings" means and includes all steel castings other than armor, navy, ordnance and ship and marine castings. The maximum prices for each producer for industrial steel castings, other than freight car and locomotive castings, made by such producer on or before July 15, 1941, or for steel castings substantially similar in design and specification thereto shall be the prices, together with extras, terms and conditions, which were or customarily would have been charged by such producer on July 15, 1941: *Provided*, That (1) in no case where his maximum prices are computed on a delivered basis need a producer compute such prices on the basis of a freight allowance in excess of 50 cents per hundred pounds; (2) machining charges shall be ascertained in accordance with § 1306.112 (a) (8) except in the case of machined steel castings customarily sold by the producer on July 15, 1941, on a per piece price basis in which case the July 15, 1941, per piece price, adjusted for the difference in the machining costs used in the July 15, 1941, price and the March 31, 1942, machining costs shall apply; and (3) irrespective of a producer's customary July 15, 1941, practice with respect to the application of quantity differentials, quantity differentials may be applied on the basis of quantities ordered from one pattern at one time and scheduled for delivery in any one calendar month, except that where a production run overlaps a calendar month the quantity differential shall be determined by use of the quantity produced in such run.

5. The headnote to § 1306.112 (c) (1) (i) is amended to read "Other than freight car and locomotive castings" and the headnote to § 1306.112 (c) (1) (ii) is amended to read "Freight car and locomotive castings".

6. Section 1306.112 (c) (8) is amended to read as follows:

(8) *Machining.* The charges listed on pages 68 to 73, inclusive, of the Comprehensive Report for machining certain railroad castings may be added where specified, furnished and applicable. Such charges apply irrespective of whether or not the machining is performed by the selling producer or is subcontracted by him to an independent machine shop. Charges for other machining shall be determined in accordance with § 1306.112 (a) (8) and may be added where specified, furnished and applicable.

7. Section 1306.112 (d) (iii) is hereby deleted.

8. The schedule reference for Item No. 5324 of Table II of § 1306.112 is amended to read X-317R.

9. The schedule reference for Item No. 8133 of Table IV of § 1306.112 is amended to read X-317R.

10. The title of Table V of § 1306.112 is amended to read as follows: "Freight Car and Locomotive Castings (The schedules shown for classifications followed by the parenthetical designation (high tensile steel) include the extra for these physical requirements.)"

11. Table V of § 1306.112 is amended by adding items Nos. 6612 to 6713, inclusive, together with the following schedule references and classifications:

6612	X-333-R	Freight car and ballast car—castings (standard gauge), N. O. C. B. N.
6613	X-321-R	Freight car—castings (standard gauge), N. O. C. B. N. (high tensile steel).
6614	X-322-R	Freight car—air brake castings N. O. C. B. N.
6615	X-323-R	Freight car—connectors.
6616	H-1-X	Freight car—auto and box door fixtures.
6617	F-1-X	Freight car—body bolster center braces.
6618	F-1-X	Freight car—bolster center braces.
6619	F-1-X	Freight car—bolster center fillers.
6620	A-1-X	Freight car—bolster center fillers (high tensile steel).
6621	F-1-X	Freight car—brake beam hanger brackets.
6622	I-1-X	Freight car—brake beam hangers (not brackets or supports).
6623	F-1-X	Freight car—brake beam support hanger castings.
6624	X-33-R	Freight car—brake heads.
6625	D-1-X	Freight car—brake mast gears.
6626	D-1-X	Freight car—brake mast pinions.
6627	X-323-R	Freight car—brake wheels.
6628	X-333-R	Freight car—buffer-castings.
6629	F-1-X	Freight car—buffer-castings (housing type).
6630	F-1-X	Freight car—buffer-stems.
6631	X-333-R	Freight car—bulk material container-castings, N. O. C. B. N.
6632	X-324-R	Freight car—bulk material container-trap door castings, N. O. C. B. N.
6633	X-324-R	Freight car—bulk material container-trap door frame castings.
6634	I-1-X	Freight car—carrier irons.
6635	I-1-X	Freight car—carriers.
6636	F-1-X	Freight car—center brace & rear draft lugs.
6637	F-1-X	Freight car—center braces.
6638	F-1-X	Freight car—center plate reinforcements & rear draft gear stops.
6639	F-1-X	Freight car—center plate supports.
6640	I-1-X	Freight car—center plates.
6641	X-321-R	Freight car—center plates (high tensile steel).
6642	X-330-R	Freight car—cheek plates or draft attachment side castings.
6643	X-324-R	Freight car—cheek plates or draft attachment side castings (high tensile steel).
6644	X-330-R	Freight car—column guides.
6645	X-330-R	Freight car—corner cap castings.
6646	X-321-R	Freight car—couplers-to automatically connect steam, air or electric circuits.
6647	I-1-X	Freight car—coupler carriers.
6648	X-321-R	Freight car—coupler carriers (high tensile steel).
6649	X-326-R	Freight car—coupler carrier irons (for Duryea underframes).
6650	D-1-X	Freight car—coupler gear spring housings.
6651	I-1-X	Freight car—coupler supports.
6652	X-333-R	Freight car—dead blocks.
6653	X-330-R	Freight car—door opener castings.
6654	X-324-R	Freight car—door posts or jams.
6655	X-333-R	Freight car—draft arms.
6656	I-1-X	Freight car—draft gear carriers.
6657	F-1-X	Freight car—draft yoke followers (Murray type).
6658	F-1-X	Freight car—draft gear followers (not including farlow follower for use with horizontal yoke draft attachment).
6659	X-324-R	Freight car—draft gear followers (high tensile steel).
6660	X-331-R	Freight car—draft gear followers (cast integrally).
6661	X-333-R	Freight car—draft gear center housings.
6662	H-1-X	Freight car—draft gear end caps or housings.
6663	X-333-R	Freight car—draft gear housings.
6664	X-67-R	Freight car—draft gear stops.
6665	X-67-R	Freight car—draft lugs.
6666	X-323-R	Freight car—draft lugs (high tensile steel).
6667	X-333-R	Freight car—drop door support filler castings.
6668	X-333-R	Freight car—end blocks.
6669	X-323-R	Freight car—end corner castings with or without push pole pockets.
6670	X-326-R	Freight car—end corner castings with or without push pole pockets (high tensile steel).
6671	X-333-R	Freight car—floor support angle brackets.
6672	X-323-R	Freight car—friction draft gear castings.
6673	D-3	Freight car—hand brake castings, N. O. C. B. N.
6674	X-22-R	Freight car—hand brake pawls, pawl-releases & handles.
6675	X-23-R	Freight car—hand brake-pinions.
6676	F-1-X	Freight car—hinges.
6677	X-330-R	Freight car—hinge butts.
6678	X-327-R	Freight car—journal boxes or cages-ball & roller bearing type.
6679	X-328-R	Freight car—journal boxes or cages-ball & roller bearing type (high tensile steel).
6680	X-332-R	Freight car—journal boxes or cages—ball & roller bearing type—covers, flingers, impellers or enclosures & spacers.
6681	X-329-R	Freight car—journal boxes or cages—ball, & roller bearing type—covers, flingers, impellers or enclosures & spacers (high tensile steel).
6682	X-323-R	Freight car—journal boxes or cages—friction bearing type.
6683	X-333-R	Freight car—journal box tops, lids or covers.
6684	L-1-X	Freight car—journal box wedges (solid)
6685	X-330-R	Freight car—link & pin drawheads.
6686	D-1-X	Freight car—lugs—lifting—or hooks for railway freight containers.
6687	F-1-X	Freight car—push pole pocket castings N. O. C. B. N.
6688	X-323-R	Freight car—push pole pockets with corner castings.
6689	X-333-R	Freight car—push pole pocket fillers.
6690	D-1-X	Freight car—ratchet wheels.
6691	X-326-R	Freight car—roof supporting end plates for cars with large end doors.
6692	F-1-X	Freight car—roping & jacking castings.
6693	I-1-X	Freight car—side bearings.
6694	X-321-R	Freight car—side bearings (high tensile steel).
6695	I-1-X	Freight car—side bearing blocks.
6696	I-1-X	Freight car—side bearing braces.
6697	X-321-R	Freight car—side bearing braces (high tensile steel).
6698	I-1-X	Freight car—side bearing housings.
6699	X-321-R	Freight car—side bearing housings (high tensile steel).
6700	I-1-X	Freight car—side bearing pockets.
6701	I-1-X	Freight car—side bearing stiffeners.
6702	X-321-R	Freight car—side bearing stiffeners (high tensile steel).
6703	X-324-R	Freight car—side sill reinforcing castings.
6704	X-333-R	Freight car—spring blocks & spring bands (for elliptical springs).
6705	X-330-R	Freight car—spring clips (for elliptical springs).
6706	F-1-X	Freight car—spring plates (for coil springs).
6707	F-1-X	Freight car—"stabilized lateral motion" (shock absorber) truck castings.
6708	X-333-R	Freight car—striking castings—all types.
6709	X-325-R	Freight car—striking castings—all types (high tensile steel).
6710	X-325-R	Freight car—striking castings for duryea underframes.
6711	H-1-X	Freight car—top corner filler castings.
6712	X-320-R	Freight car—truck columns—"U" & box section types.
6713	X-40-R	Freight car—vertical thimbles.

12. The schedule reference for Item 6730 of Table V of § 1306.112 is amended to read A-4.

13. The schedule references for Items Nos. 6749 and 6750 of Table V of § 1306.112 are amended to read C-4.

14. Schedules X-88R, X-112R, X-117R, X-312R and X-313R of Table VI of § 1306.112 are amended to read as follows:

X-88R

Weight per piece (pounds):	One and over
1 to 5	.408
5 to 10	.323
10 to 25	.256
25 to 50	.207
50 to 100	.171
100 to 250	.146
250 to 500	.116
500 to 1,000	.106
1,000 to 2,500	.097
2,500 to 5,000	.091
5,000 to 10,000	.086
10,000 to 25,000	.084
25,000 to 50,000	.086
50,000 to 100,000	.091
Over 100,000	.097

X-112R

Weight per piece (pounds):	
1 to 5	.408
5 to 10	.323
10 to 25	.256
25 to 50	.238
50 to 100	.196
100 to 250	.168

X-112R—Continued

Weight per piece (pounds):	One and over
250 to 500	.150
500 to 1,000	.137
1,000 to 2,500	.126
2,500 to 5,000	.118
5,000 to 10,000	.112
10,000 to 25,000	.108
25,000 to 50,000	.112
50,000 to 100,000	.118
Over 100,000	.126

X-117R

Weight per piece (pounds):	
1 to 5	.737
5 to 10	.582
10 to 25	.473
25 to 50	.374
50 to 100	.308
100 to 250	.199
250 to 500	.178
500 to 1,000	.162
1,000 to 2,500	.149
2,500 to 5,000	.139
5,000 to 10,000	.133
10,000 to 25,000	.129
25,000 to 50,000	.133
50,000 to 100,000	.139
Over 100,000	.149

X-312R

Weight per piece (pounds):	
1 to 5	.382
5 to 10	.302
10 to 25	.240
25 to 50	.194
50 to 100	.160
100 to 250	.137
250 to 500	.112
500 to 1,000	.102
1,000 to 2,500	.094
2,500 to 5,000	.087
5,000 to 10,000	.083
10,000 to 25,000	.081
25,000 to 50,000	.083
50,000 to 100,000	.087
Over 100,000	.094

X-313R

Weight per piece (pounds):	
1 to 5	.348
5 to 10	.275
10 to 25	.218
25 to 50	.177
50 to 100	.146
100 to 250	.125
250 to 500	.103
500 to 1,000	.094
1,000 to 2,500	.086
2,500 to 5,000	.081
5,000 to 10,000	.077
10,000 to 25,000	.074
25,000 to 50,000	.077
50,000 to 100,000	.081
Over 100,000	.086

15. Table VI of § 1306.112 is amended by adding schedules X-22R, X-23R, X-33R, X-49R, X-87R and X-321R to X-333R, inclusive, to read as follows:

X-22R

Weight per piece (pounds)	Number of pieces							
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 and over
1 to 2½	.407	.398	.377	.338	.296	.266	.234	.204
2½ to 5	.305	.296	.283	.253	.222	.199	.176	.153
5 to 10	.242	.235	.223	.199	.176	.157	.139	.130
10 to 25	.192	.187	.177	.158	.139	.124	.121	.115
Over 25	.154	.151	.144	.129	.112	.109	.105	.101

X-23R

1 to 5	.407	.398	.377	.337	.296	.266	.234	.204
5 to 7½	.322	.314	.298	.266	.234	.209	.186	.178
7½ to 10	.247	.235	.228	.199	.176	.157	.139	.133
10 to 25	.192	.187	.177	.158	.139	.124	.121	.115
25 to 50	.154	.151	.144	.129	.112	.109	.105	.101
Over 50	.128	.124	.118	.105	.099	.096	.092	.089

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1264, 2000, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838, 11291, 14811, 15607.

X-32R

Weight per piece (pounds)	Number of pieces									
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5	.510	.500	.487	.395	.393	.391	.353	.347	.342
5 to 10	.349	.339	.327	.304	.302	.301	.263	.257	.252
10 to 25	.199	.194	.186	.166	.146	.140	.116	.111	.105

X-40R

1 to 10	.236	.221	.200	.167	.164	.157	.152	.126	.122
Over 10	.194	.179	.170	.161	.155	.150	.134	.111	.106

X-47R

10 to 50	.193	.187	.177	.158	.149	.134	.121	.118	.110

X-61R

1 to 5	.447	.436	.418	.369	.364	.350	.307	.264	.243
5 to 10	.338	.344	.329	.291	.287	.276	.243	.208	.191
10 to 25	.291	.281	.271	.237	.234	.225	.198	.167	.154
25 to 50	.213	.207	.211	.187	.184	.177	.156	.134	.123
50 to 100	.187	.178	.173	.154	.145	.140	.124	.106	.097
100 to 250	.160	.156	.146	.135	.128	.123	.115	.111	.100
Over 250	.144	.140	.133	.123	.118	.115	.111	.100	.092

X-82R

	Number of pieces								
Weight per piece (pounds)	1 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over	
1 to 5	.413	.393	.380	.367	.357	.350	.307	.274	.248
5 to 10	.339	.319	.310	.297	.287	.278	.243	.208	.191
10 to 25	.260	.249	.240	.227	.218	.210	.178	.156	.143
25 to 50	.188	.178	.170	.160	.150	.142	.120	.106	.097
50 to 100	.147	.140	.134	.127	.117	.112	.097	.086	.079
100 to 250	.127	.122	.116	.108	.101	.097	.084	.075	.069
Over 250	.122	.116	.111	.103	.097	.092	.080	.072	.066

X-83R

1 to 5	.413	.393	.380	.367	.357	.350	.307	.274	.248
5 to 10	.339	.319	.310	.297	.287	.278	.243	.208	.191
10 to 25	.260	.249	.240	.227	.218	.210	.178	.156	.143
25 to 50	.188	.178	.170	.160	.150	.142	.120	.106	.097
50 to 100	.147	.140	.134	.127	.117	.112	.097	.086	.079
100 to 250	.127	.122	.116	.108	.101	.097	.084	.075	.069
250 to 500	.122	.116	.111	.103	.097	.092	.080	.072	.066
500 to 1,000	.117	.111	.106	.098	.092	.088	.076	.068	.063
Over 1,000	.113	.107	.102	.095	.089	.084	.073	.065	.060

X-324R

	Number of pieces								
Weight per piece (pounds)	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5	.477	.467	.442	.394	.346	.311	.270	.239	.227
5 to 10	.376	.369	.349	.312	.274	.246	.215	.189	.179
10 to 25	.300	.293	.277	.248	.218	.196	.171	.151	.142
25 to 50	.242	.238	.225	.201	.177	.159	.139	.122	.116
50 to 100	.200	.194	.185	.166	.146	.131	.115	.101	.096
100 to 250	.171	.167	.159	.145	.127	.115	.100	.088	.084
250 to 500	.153	.150	.142	.135	.131	.118	.103	.091	.086
500 to 1,000	.140	.136	.133	.129	.126	.123	.108	.095	.090
1,000 to 2,500	.129	.125	.122	.118	.116	.112	.098	.086	.082
2,500 to 5,000	.121	.117	.115	.111	.108	.105	.092	.081	.077
5,000 to 10,000	.115	.111	.109	.105	.103	.099	.087	.077	.073
10,000 to 25,000	.111	.108	.105	.102	.099	.096	.084	.074	.070
25,000 to 50,000	.115	.111	.109	.105	.103	.099	.087	.077	.073
50,000 to 100,000	.121	.117	.115	.111	.108	.105	.092	.081	.077
Over 100,000	.129								

X-325R

1 to 5	.714	.694	.680	.650	.633	.617	.566	.527	.510
5 to 10	.547	.534	.523	.500	.487	.474	.435	.405	.392
10 to 25	.447	.436	.427	.408	.398	.387	.355	.331	.320
25 to 50	.363	.354	.347	.331	.323	.314	.288	.268	.260
50 to 100	.300	.293	.287	.274	.267	.260	.238	.222	.215
100 to 250	.256	.250	.245	.234	.228	.222	.204	.190	.184
Over 250	.256	.250	.245	.234	.228	.222	.204	.190	.184

X-326R

1 to 5	.880	.861	.831	.783	.733	.691	.633	.589	.570
5 to 10	.673	.658	.635	.598	.560	.528	.484	.450	.436
10 to 25	.547	.534	.516	.486	.455	.429	.393	.366	.354
25 to 50	.443	.433	.418	.394	.369	.348	.319	.297	.287
50 to 100	.363	.355	.342	.323	.302	.285	.261	.243	.235
100 to 250	.313	.306	.295	.278	.260	.246	.225	.209	.203
Over 250	.313	.306	.295	.278	.260	.246	.225	.209	.203

X-328R

1 to 5	.880	.861	.831	.783	.733	.691	.633	.589	.570
5 to 10	.673	.658	.635	.598	.560	.528	.484	.450	.436
10 to 25	.547	.534	.516	.486	.455	.429	.393	.366	.354
25 to 50	.443	.433	.418	.394	.369	.348	.319	.297	.287
50 to 100	.363	.355	.342	.323	.302	.285	.261	.243	.235
100 to 250	.313	.306	.295	.278	.260	.246	.225	.209	.203
Over 250	.313	.306	.295	.278	.260	.246	.225	.209	.203

X-329R

1 to 5	.862	.842	.797	.713	.625	.562	.494	.442	.421
5 to 10	.681	.666	.631	.562	.494	.442	.392	.351	.334
10 to 25	.553	.528	.500	.447	.392	.351	.318	.307	.292
25 to 50	.438	.427	.403	.362	.318	.307	.280	.270	.257
50 to 100	.360	.351	.333	.297	.280	.270	.247	.240	.228
100 to 250	.309	.302	.287	.263	.247	.240	.225	.228	.217
250 to 500	.276	.270	.256	.242	.235	.228	.221	.221	.210
500 to 1,000	.252	.246	.240	.233	.228	.221	.216	.204	.194
1,000 to 2,500	.232	.227	.220	.214	.206	.206	.204	.190	.181
2,500 to 5,000	.216	.211	.206	.201	.194	.194	.190	.181	.172
5,000 to 10,000	.206	.201	.195	.191	.185	.185	.181	.172	.164
10,000 to 25,000	.199	.194	.190	.184	.180	.180	.172	.164	.156
25,000 to 50,000	.206	.201	.195	.191	.185	.185	.181	.172	.164
50,000 to 100,000	.216	.211	.176	.201	.194	.194	.190	.181	.172
Over 100,000	.232								

X-327R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	.652	.635	.601	.537	.473	.422
5 to 10	.515	.619	.475	.425	.372	.333
10 to 25	.407	.398	.377	.337	.296	.264
25 to 50	.330	.322	.305	.273	.240	.232
50 to 100	.271	.266	.252	.225	.211	.204
100 to 250	.233	.227	.215	.198	.186	.180
250 to 500	.208	.204	.193	.183	.178	.172
500 to 1,000	.190	.185	.180	.176	.172	.167
1,000 to 2,500	.174	.171	.166	.161	.157	.153
2,500 to 5,000	.163	.159	.156	.151	.146	.143
5,000 to 10,000	.156	.151	.147	.144	.140	----------
10,000 to 25,000	.151	.146	.143	.139	.136	----------
25,000 to 50,000	.156	.151	.147	.144	.140	----------
50,000 to 100,000	.163	.159	.156	.151	.146	----------
Over 100,000	.174	----------	----------	----------	----------	----------

X-328R

1 to 5	.941	.918	.870	.753	.682	.612
5 to 10	.744	.725	.688	.613	.539	.483
10 to 25	.590	.576	.545	.487	.428	.384
25 to 50	.477	.466	.442	.394	.346	.335
50 to 100	.393	.384	.364	.324	.304	.295
100 to 250	.337	.329	.311	.287	.269	.261
250 to 500	.302	.295	.280	.264	.257	.248
500 to 1,000	.275	.268	.261	.254	.248	.241
1,000 to 2,500	.253	.247	.240	.233	.227	.222
2,500 to 5,000	.236	.230	.225	.219	.212	.206
5,000 to 10,000	.225	.219	.213	.208	.202	----------
10,000 to 25,000	.216	.212	.206	.201	.197	----------
25,000 to 50,000	.225	.219	.213	.208	.202	----------
50,000 to 100,000	.236	.230	.225	.219	.212	----------
Over 100,000	.253	----------	----------	----------	----------	----------

X-329R

1 to 5	.862	.842	.797	.713	.625	.562
5 to 10	.681	.666	.631	.562	.494	.442
10 to 25	.553	.528	.500	.447	.392	.351
25 to 50	.438	.427	.403	.362	.318	.307
50 to 100	.360	.351	.333	.297	.280	.270
100 to 250	.309	.302	.287	.263	.247	.240
250 to 500	.276	.270	.256	.242	.235	.228
500 to 1,000	.252	.246	.240	.233	.228	.221
1,000 to 2,500	.232	.227	.220	.214	.206	.204
2,500 to 5,000	.216	.211	.206	.201	.194	.190
5,000 to 10,000	.206	.201	.195	.191	.185	----------
10,000 to 25,000	.199	.194	.190	.184	.180	----------
25,000 to 50,000	.206	.201	.195	.191	.185	----------
50,000 to 100,000	.216	.211	.176	.201	.194	----------
Over 100,000	.232	----------	----------	----------	----------	----------

X-330R

Weight per piece (pounds)	Number of pieces								
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5	.376	.367	.347	.311	.273	.245	.216	.188	.178
5 to 10	.297	.290	.275	.246	.215	.193	.171	.164	.156
10 to 25	.236	.230	.218	.194	.171	.153	.147	.142	.136
25 to 50	.191	.186	.177	.158	.139	.133	.129	.124	.119
50 to 100	.157	.153	.145	.130	.122	.118	.113	.110	.106
100 to 250	.135	.131	.124	.115	.106	.104	.101	.097	.095
Over 250	.121	.118	.112	.105	.103	.099	.097	.094	.091

X-331R

Weight per piece (pounds)	Number of pieces								
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 and over	
1 to 5	.376	.367	.347	.311	.273	.245	.216	.188	
5 to 10	.297	.290	.275	.246	.215	.193	.171	.164	
10 to 25	.236	.230	.218	.194	.171	.153	.147	.142	
25 to 50	.191	.186	.177	.158	.139	.133	.129	.124	
50 to 100	.157	.153	.145	.130	.122	.118	.113	.110	
100 to 250	.135	.131	.124	.115	.106	.104	.101	.097	
250 to 500	.121	.118	.112	.105	.103	.099	.097	.094	
500 to 1,000	.110	.108	.104	.102	.099	.097	.094	----------	
1,000 to 2,500	.101	.098	.096	.094	.091	.089	.085	----------	
2,500 to 5,000	.096	.092	.090	.088	.084	.083	.080	----------	
5,000 to 10,000	.090	.088	.085	.083	.081	----------	----------	----------	
10,000 to 25,000	.087	.084	.083	.081	.078	----------	----------	----------	
25,000 to 50,000	.090	.088	.085	.083	.081	----------	----------	----------	
50,000 to 100,000	.095	.092	.090	.088	.084	----------	----------	----------	
Over 100,000	.101	----------	----------	----------	----------	----------	----------	----------	

X-332R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	.477	.467	.442	.394	.346	.311
5 to 10	.378	.369	.349	.312	.274	.246
10 to 25	.300	.293	.277	.248	.218	.194
25 to 50	.242	.238	.225	.201	.177	.170
50 to 100	.200	.194	.185	.166	.154	.150
100 to 250	.171	.167	.159	.145	.137	.133
250 to 500	.153	.150	.142	.135	.131	.126
500 to 1,000	.140	.136	.133	.129	.126	.123
1,000 to 2,500	.129	.125	.122	.118	.116	.112
2,500 to 5,000	.121	.117	.115	.111	.108	.105
5,000 to 10,000	.115	.111	.109	.105	.103	----------
10,000 to 25,000	.111	.108	.105	.102	.099	----------
25,000 to 50,000	.115	.111	.109	.105	.103	----------
50,000 to 100,000	.121	.117	.115	.111	.108	----------
Over 100,000	.129	----------	----------	----------	----------	----------

X-333R

Weight per piece (pounds)	Number of pieces								
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5	.392	.383	.363	.324	.284	.255	.226	.197	.186
5 to 10	.310	.303	.287	.256	.225	.201	.179	.171	.163
10 to 25	.246	.240	.227	.204	.179	.160	.154	.147	.142
25 to 50	.199	.194	.185	.165	.145	.139	.135	.130	.125
50 to 100	.164	.160	.152	.136	.128	.123	.119	.115	.111
100 to 250	.140	.137	.130	.119	.112	.109	.105	.102	.096
Over 250	.126	.123	.117	.110	.108	.104	.101	.098	.096

16. The list of special features for bolsters and the extras therefor contained in § 1306.113 (a) (1) is amended to read as follows:

Bolsters:	*Extra per casting any quantity*
A. S. F. Ride Control Truck Bolster	$0.80
Barber Truck Type "S-2" Construction	.80
Railway Truck Corporation Snub-Up Bolster	.80
Bolsters—Continued.	
Buffalo Safety Guard Construction	$1.50
Pur-fect Safety Guard Slots—2 Slots per Truck Bolster	.75
For each additional 2 Slots per Truck Bolster	.75

17. The schedule of prices labelled "Truck Bolsters" contained in subparagraph (1) of Table II of § 1306.113 is amended to read as follows:

TRUCK BOLSTERS

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
	Pounds					
4¼" x 8"-----	650	$64.60	$60.80	$59.00	$55.20	$49.25
5" x 9"-----	745	71.80	67.20	65.25	60.80	54.05
5½" x 10"-----	815	77.60	72.80	70.20	65.40	58.00
6" x 11"-----	1,000	98.70	87.15	83.55	77.15	69.80
6½" x 12"-----	1,200	112.40	104.65	100.20	92.60	84.00

18. Subparagraph (2) of Table II of § 1306.113 is amended to read as follows:

(2) Furnished in High Tensile Steel.

TRUCK BOLSTERS

[The prices shown below cover cast steel truck bolsters with center plates and side bearings cast integral, or arranged for application of separable center plates or side bearings]

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
	Pounds					
4¼" x 8"-----	545	$72.40	$68.15	$66.10	$61.85	$55.15
5" x 9"-----	575	80.45	73.35	73.05	68.15	60.55
5½" x 10"-----	620	86.95	81.60	78.70	73.30	65.00
6" x 11"-----	790	105.00	97.70	93.65	86.45	78.25
6½" x 12"-----	960	126.00	117.25	112.13	103.80	94.15

19. The schedule of prices in subparagraph (1) of Table III of Section 1306.113 for "Incomplete Type 'E' MCB Coupler and Coupler Body Prices—Type 'E'" is amended to read as follows:

INCOMPLETE TYPE "E" AND M. C. B. COUPLER AND COUPLER BODY PRICES—TYPE "E"

	Per pair
A. A. R. Standard Type "E" Coupler Bodies Only: Without fittings:	
5 x 7 x 6½"-----	$42.45
5 x 7 x 9½"-----	43.75
6¼ x 8 x 6¼", Rigid Shank-----	47.20
6¼ x 8 x 6¼", Swivel Shank-----	47.20
	Per piece
Locomotive, Short Shank-----	$27.60

20. The title of Table IV of § 1306.113 is amended to read as follows: "Rigid yokes (for swivel yokes see Table III)."

21. Subparagraph (2) of Table IV of § 1306.113 is amended to read as follows:

(2) Furnished in High Tensile Steel.

Schedule "F"—Covering Standard and Conventional Light Weight Yokes of High Tensile Steel. Horizontal Key Type for Freight Cars and Locomotive Tenders providing Friction Draft Gear Pocket 9¼" x 24⅝", for use with 6" x 1½" key and standard 6" x 8" "D" and 6½" x 8" "E" Couplers, and meeting A. A. R. test requirements for tensile steel.

(*Per pr.*)	(*Per pr.*)	(*Per pr.*)
$38.65	$35.45	$30.45

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-819; Filed, January 15, 1944; 11:45 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 21]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the inclusion of Appendix B, Table 1 and Appendix C, Table 1.

APPENDIX B

TABLE 1

Area. The area covered by this table is the same as that covered in Maximum Price Regulation 146, Appalachian Hardwood Lumber.

The Appalachian Hardwood Region as defined in Maximum Price Regulation No. 146, comprises:

The Counties of Garrett, Allegany, Washington and Frederick in the State of Maryland;

The Counties West of and not including the Counties of Fairfax, Prince William, Stafford, Culpeper, Orange, Louisa, Fluvanna, Buckingham, Appomattox, Campbell, Pittsylvania, and Henry in the State of Virginia;

The Counties West of and not including the Counties of Stokes, Yadkin, Iredell, Catawba, Lincoln and Gaston in the State of North Carolina;

The Counties of Greenville, Pickens and Oconee in the State of South Carolina;

The Counties of Rabun, Habersham, White, Lumpkin, Union, Fannin and Towns in the State of Georgia;

The Counties East of and not including the Counties of Cumberland, Russell, Casey, Lincoln, Garrard, Madison, Clark, Montgomery, Bath, Fleming, Lewis and Greenup in the State of Kentucky;

In the State of Tennessee all counties east of the west boundary of the Counties of Pickett, Fentress, Morgan, Roane, Rhea, and along the western boundary of Hamilton County to the intersection with the Nashville, Chattanooga and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia State Line; and

The entire State of West Virginia.

Species. The following commercial species:

Yellow poplar (Liriodendron tulipifera), chestnut oak (Quercus montana), beech (Fagus grandifolia), chestnut (Castanea dentata), hard maple (Acer saccharum), soft maple (Acer rubrum), sweet gum (Liquidamber styraciflua), tupelo gum (Nyssa aquatica), black gum (Nyssa sylvatica), butternut (Juglans cinerea), walnut (Juglans nigra), sycamore (Platanus occidentalis), hemlock (Tsuga canadensis), white pine, (Pinus strobus), loblolly pine (Pinus taeda), and shortleaf pine (Pinus echinata).

and all other botanical species of the following genera:

Oak (Quercus), ash (Fraxinus), basswood (Tilia), birch (Betula), buckeye (Aesculus), cherry (Prunus), hickory (Hicoria), magnolia (Magnolia), elm (Ulmus), and pine (Pinus)

and all other commercial hardwood species.

Scaling Rules. All logs are to be scaled with the Doyle Log Rule. The diameter shall be measured at the small end of the log, inside the bark, and at the smallest diameter. Fractions of an inch below ½ inch shall be counted back to the next lower diameter inch, while fractions of an inch above ½ inch may be raised to the next higher inch. (Thus a log 14.4 inches would be 14" and a log 14.6" may be 15"). If the fraction of an inch is exactly ½ inch, it may be counted as of the nearest even inch. (Thus 13½ inches would be counted as 14", and 14½ inches would be counted as 14".

All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made in measurement include hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, rotten and wormy sap, and crooks.

Logs are to be cut in standard even lengths unless otherwise specified by the buyer. The minimum length accepted at the full ceiling prices shall be 8 feet. Logs shorter than 8 feet in length can be purchased under the conditions given below.

All logs must be cut at least 4 inches over length to allow for trim. Logs that are not at least 4 inches over the specified length will be scaled as of the next lower even length.

Grade Specifications. Clear grade—minimum diameter 24". All logs 24" and over in diameter must be clear of all visible defects. Sound sap knots 1" and less in diameter will not be considered as a defect in this grade. A rot or dote 4" in diameter or less, located in the center of the log will not degrade the log but deduction for defect must be made in scaling the log.

Select Grade—minimum diameter 16". Logs 16" to 23" in diameter must be clear of all defects. Logs 24" and over in diameter must have at least 3 clear faces or have 75 per cent of the length clear in one continuous section. Sound sap knots 1" or less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" in diameter for logs 24" and over and up to 3" in diameter for logs 16" to 23" in diameter will not degrade the log but full deduction for the defect must be made in scaling.

#1 Grade—minimum diameter 12". Logs 12" to 15" in diameter must be clear of all visible defects. Logs 16" to 23" in diameter must have at least 3 clear faces or 75 per cent of the length clear in one continuous section. Sound sap knots 1" or less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" in diameter for logs 24" and up, up to 3" in diameter for logs 16" to 23", and up to 2" in diameter for logs 12" to 15" in diameter will not degrade the log, but full deduction must be made for the defect when scaling the log.

#2 Grade—minimum diameter, hardwood 12", Pine 8". This grade shall include all sound logs above the specified diameter limits that are better than a cull and that do not grade as a #1 log.

A *Cull* shall be considered as any log where the net board foot scale after deductions have been made for defects, contains less than 50 per cent of the gross board foot scale.

Woodsrun Grade shall consist of hardwood and Cypress logs 12" and up in diameter, and Pine logs 8" and up in diameter as produced from the forest that are better than culls and from which no selection of large-sized or high-quality logs has been made. If any large-sized or high-quality logs have been removed from the run of logs, the remaining logs must be sold at prices no higher than the #2 grade prices if ungraded, or at the applicable grade prices if graded. When any small sized or low quality logs have been removed from the run of logs, the remaining logs may still be sold at the woodsrun price.

Grade specifications for ship timber logs and bending oak timber logs. Ship Timber Logs—minimum diameter 20 inches, must be fresh cut, sound to the center, free from splits and not less than 18 feet in length. Logs do not have to be straight but will permit a bow one way. These timbers may have one standard knot for every 4 feet of length. A standard knot shall be considered as a sound knot 4" or less in diameter.

Bending Oak Timber Logs—minimum diameter 20 inches, must be straight, fresh cut, sound to the center, free of all visible defects and not less than 16 feet in length. Twisted growth or swelled butts will not be accepted.

MAXIMUM PRICES

[Per M feet log scale]

Species	Clear	Select	No. 1	No. 2	Woods Run
Yellow Poplar-----	$70	$50.00	$35.00	$20	$28.00
Red Oak-----	60	42.50	32.50	20	27.50
White Oak-----	70	50.00	37.50	20	29.00
Chestnut Oak-----	45	35.00	27.50	18	25.00
Birch-----	55	40.00	30.00	18	25.00
Basswood-----	60	40.00	30.00	20	27.50
Beech-----	50	32.50	22.50	18	21.00
Cherry-----	50	40.00	30.00	20	25.00
Chestnut-----	50	40.00	30.00	20	23.00
Hard Maple-----	60	45.00	32.50	20	25.00
Soft Maple-----	50	40.00	30.00	19	24.00
Ash [1]-----	55	40.00	27.50	18	25.00
Gum-----	50	35.00	25.00	18	23.00
Hickory [1]-----	-----	-----	-----	-----	22.00
Sycamore-----	45	35.00	27.50	19	25.00
Buckeye-----	45	35.00	25.00	15	22.00
Magnolia-----	60	45.00	35.00	20	25.00
Butternut-----	-----	35.00	25.00	18	22.00
Yellow Pine-----	-----	-----	-----	-----	20.00
White Pine-----	-----	-----	-----	-----	25.00
Hemlock-----	-----	-----	-----	-----	22.00
Elm-----	-----	-----	-----	-----	25.00
Walnut [1]-----	-----	-----	-----	-----	30.00
Other Hardwoods-----	-----	-----	-----	-----	21.00

[1] If sold in conjunction with other species. Ceiling prices for Walnut, Ash, and Hickory when purchased on an individual selection basis will be set forth in other Appendices of the Regulation.

WHITE OAK SHIP TIMBERS

[Per M feet log scale]

Length (feet)	Diameters			
	20"–23"	24"–26"	27"–28"	29" and up
18-----	$47	$57	$67	$77
20-----	49	59	69	79
22-----	52	62	72	82
24-----	56	66	76	86
26-----	61	71	81	91
28-----	66	76	86	96
30-----	71	81	91	101
32-----	76	86	96	106
34-----	81	91	101	111
36-----	86	96	106	116
38-----	91	101	111	121
40-----	96	106	116	126
42-----	101	111	121	131
44-----	106	116	126	136
46-----	111	121	131	141

For Bending Oaks add $10 per M to above figures.

CHESTNUT OR POST OAK SHIP TIMBERS

[Per M feet log scale]

Length (feet)	Diameters			
	20"–23"	24"–26"	27"–28"	29" and up
18-----	$37	$42	$47	$52
20-----	39	44	49	54
22-----	43	48	53	58
24-----	46	51	56	61
26-----	51	56	71	76
28 [1]-----	56	61	76	81

[1] Add $5 per M for every 2 feet addition in length. For bending Oaks add $10 per M to above figures.

The above prices are to prevail for logs f. o. b. cars at rail sidings; f. o. b. barge at towable waters; or delivered to mill by truck from a distance of 25 miles or less. If logs are delivered to the mill from a distance in excess of 25 miles a sum not to exceed 10 cents per M ft. may be added for every additional load mile.

If logs are purchased in lengths less than 8', the above ceiling prices must be reduced by at least 10 per cent for all logs purchased on a grade basis. No deduction will be necessary if shorter logs are purchased on a woods run basis.

* * * * *

APPENDIX C—WALNUT SPECIAL LOGS

TABLE 1

Area. The area covered by this Amendment is the same as that covered in Maximum Price Regulation 146, Appalachian Hardwood Lumber.

The Appalachian Hardwood Region as defined in Maximum Price Regulation No. 146, comprises:

The Counties of Garrett, Allegany, Washington and Frederick in the State of Maryland;

The Counties West of and not including the Counties of Fairfax, Prince William, Stafford, Culpeper, Orange, Louisa, Fluvanna, Buckingham, Appomattox, Campbell, Pittsylvania, and Henry in the State of Virginia;

The Counties West of and not including the Counties of Stokes, Yadkin, Iredell, Catawba, Lincoln and Gaston in the State of North Carolina;

The Counties of Greenville, Pickens and Oconee in the State of South Carolina;

The Counties of Rabun, Habersham, White, Lumpkin, Union, Fannin and Towns in the State of Georgia;

The Counties East of and not including the Counties of Cumberland, Russell, Casey, Lincoln, Garrard, Madison, Clark, Montgomery, Bath, Fleming, Lewis and Greenup in the State of Kentucky;

In the State of Tennessee all counties east of the west boundary of the Counties of Pickett, Fentress, Morgan, Roane, Rhea, and along the western boundary of Hamilton County to the intersection with the Nashville, Chattanooga and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia State Line; and

The entire State of West Virginia.

Species. Walnut (Juglans nigra) logs (sold on an individual or selected basis). For walnut logs sold in conjunction with other species, see Table 1 of Appendix B.

Scaling rules. All logs are to be scaled with the Doyle Log Rule. The diameter shall be measured at the small end of the log, inside the bark, and at the smallest diameter. Fractions of an inch below ½ inch shall be counted back to the next lower diameter inch, while fractions of an inch above ½ inch may be raised to the next higher inch. (Thus a log 14.4 inches would be 14" and a log 14.6 may be 15"). If the fraction of an inch is exactly ½ inch, it may be counted as of the nearest even inch. (Thus 13½ inches may be counted as 14", and 14½ inches may be counted as 14").

All logs must be cut at least 4 inches over length to allow for trim. Logs that are not at least 4" over the specified length will be scaled as of the next lower even length.

Grade specifications. Prime logs must be butt logs only, fresh cut from live timber, sound, straight and free of all defects and excessive sap. Logs are to be 12" and larger at the small end; must be 8' and longer. Two thirds of all logs 12" to 15" in diameter to be 10 feet and longer.

Select logs will admit:

(a) Butt logs 12" and up, 8' and up; must have three clear faces; no unsound defects admitted.

(b) Clear butt logs 6' and 7', 16" and larger.

(c) Second cuts 12" and up, 8' and up, clear of all defects.

(d) Slight crook if otherwise prime.

Sap: on both Prime and Select Logs all sapwood in excess of 1½ inches on each side of the heart shall be measured off in taking the diameter.

#2 Logs will admit:

(a) Logs 12" and up, 8' and up; must run 65% 10' and up. Must have 2 clear faces or better.

(b) Clear butt logs 12" to 15" and 6' to 7' in length.

(c) Any log 6'–7', 16" and up with 3 clear faces or better.

Cull logs. All logs which will not meet above specifications are cull logs. Exceptions: Logs with ring shake, worm holes, bird peck or back growth have no classification and shall have no value.

Logs are to be graded as found and no part of log is to be raised in grade unless cut off before inspection. Logs must be piled so they can be rolled over and all sides inspected.

The following are the defects which must be considered in both grading and scaling of Walnut Logs:

Knots, worms, cat faces or blind knots, splits, dote, double heart, crooks, shake, iron or wire, ring hearts, frost cracks, stump shots, lightning streaks, ingrown bark and bird pecks.

MAXIMUM PRICES

WALNUT LOGS [1]

[Per M feet log scale]

Diameter (inches)	Prime 12'–16'	Prime 8'–11'	Select 6'–16'	No. 2 6'–16'	Culls
12–13-----	$70	$70	$45	$25.00	$20
14–15-----	80	80	50	25.00	20
16-----	90	90	50	30.00	20
17-----	105	90	50	30.00	20
18–19-----	125	110	60	30.00	20
20–21-----	150	125	70	32.00	20
22–23-----	175	150	80	35.00	20
24–27-----	250	200	90	40.00	20
28–31-----	300	250	100	42.50	20
32 and up---	350	300	110	45.00	20

[1] These prices prevail for Walnut logs not purchased in conjunction with other species but purchased on an individual basis.

These prices are f. o. b. rail cars at rail siding or delivered to the mill by truck.

This amendment shall become effective January 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-820; Filed, January 15, 1944; 11:45 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 119,[1] Amdt. 8]

ORIGINAL EQUIPMENT, TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3509, 8936, 8948; 8 F.R. 3941, 7280, 8751, 10725, 14984, 16280.

[1] 8 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214.

*Copies may be obtained from the Office of Price Administration.

Section 1315.1451 (i) is amended by substituting in that paragraph the phrase "the effective date of an amendment or regulation setting maximum prices for sales of such tires and tubes" for "January 15, 1944".

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-821; Filed, January 15, 1944; 11:44 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 415,[1] Amdt. 5]

CERTAIN FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1 (a) is amended by substituting in that paragraph the phrase "the effective date of an amendment or regulation setting maximum prices for sales of such tires and tubes" for "January 15, 1944".

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-822; Filed, January 15, 1944; 11:44 a. m.]

PART 1389—APPAREL

[MPR 506]

MANUFACTURERS' PRICES FOR STAPLE WORK GLOVES

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 506 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1389.604 *Manufacturers' prices for staple work gloves.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Maximum Price Regulation No. 506 (Manufacturers' Prices for Staple Work Gloves) which is annexed hereto, is hereby issued.

AUTHORITY: § 1389.604 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 506—MANUFACTURERS' PRICES FOR STAPLE WORK GLOVES

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Sec.
1. Scope of this regulation.
2. How to find manufacturers' ceiling prices.
3. When taxes may be added.
4. Records and invoices.
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6. Adjustable pricing agreements.
7. Licensing and enforcement.
8. Relation to other regulations.
9. How this regulation may be amended.

Appendix A—Tables of manufacturers' ceiling prices.

Appendix B—Suggested form to be used in applying for ceiling prices under section 2 (b).

SECTION 1. *Scope of this regulation.* This regulation fixes maximum prices for manufacturers' sales of specified staple work gloves.

(a) *Kinds of work gloves covered.* The specified staple work gloves covered by this regulation are work gloves of the following kinds:

(1) Single thickness canton flannel gloves.
(2) Canton flannel gloves with double thickness palm.
(3) Fully-lined canton flannel gloves.
(4) Two-thumbed canton flannel gloves.
(5) Jersey gloves.
(6) Gloves with leather palm and canton flannel back.

"Gloves" means both gloves and mittens.

(b) *Kinds of sales covered.* This regulation applies only to manufacturers' sales. Wholesalers' and retailers' sales are not covered. Under this regulation, a manufacturers' sale is a sale of work gloves by a person:

(1) Who fabricated the gloves sold; or

(2) Who sold or consigned to the fabricator of the gloves any of the principal materials from which they were made; or

(3) Whose business is under the same ownership or control as the person who fabricated the gloves.

(c) *Where this regulation applies.* This regulation covers sales in the 48 states and the District of Columbia.

SEC. 2. *How to find manufacturers' ceiling prices—*(a) *Work gloves specified in Appendix A.* For the work gloves specified in Appendix A, a manufacturer's ceiling prices are those stated in that appendix.

(b) *Other work gloves covered by this regulation.* For work gloves covered by this regulation but not specified in Appendix A, a manufacturer's ceiling prices are those authorized by the Office of Price Administration, on application by the manufacturer.

An application for the fixing of a ceiling price must be filed with the Office of Price Administration (Men's Clothing Section), Washington 25, D. C., in three copies. The application must contain information in the detail indicated by the suggested form in Appendix B, and must be accompanied by a sample of the glove.

Pending action on such an application, a person must not sell or deliver the glove except in accordance with the provisions of section 6 (b) ("Adjustable pricing agreements").

SEC. 3. *When taxes may be added.* When a tax on a particular sale or delivery is imposed by a statute or ordinance which permits stating the tax separately from the price, the tax may be separately charged or collected in addition to the ceiling price. This applies only to sales taxes, gross receipts or gross proceeds taxes, and compensating use taxes, and does not apply to any tax imposed on a prior sale or delivery.

SEC. 4. *Records and invoices.* (a) Every manufacturer of staple work gloves must prepare a list of all staple work glove items which he delivers on or after January 21, 1944. This list must show the style number of each such work glove, and, following each style number, a description of the glove and the manufacturer's ceiling price. The description, like the descriptions in Appendix A, should specify cut or pattern, weight, and kind of materials used, thickness of glove, type of wrist, additional features (if any), and size classification. This record must be prepared on or before February 5, 1944 and must be kept up to date thereafter by adding any new numbers or any changes in the description of old numbers. This list must be kept and made available on request to the Office of Price Administration.

(b) *Invoices.* Every manufacturer selling staple work gloves must give the purchaser an invoice showing the lot number of gloves sold and the price charged.

SEC. 5. *Excessive prices forbidden.* On and after January 21, 1944, the following practices are forbidden regardless of any contract or other obligation:

(a) *Charging more than ceiling price.* Every person is forbidden to sell or deliver any staple work gloves at a price higher than the ceiling price set by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than the ceiling price.* Every person is forbidden to buy or receive any staple work gloves, in the course of trade or business, at a price higher than the price set by this regulation.

(c) *Combination sales.* Every person is forbidden to require any purchaser to buy or agree to buy any other article, service, package or wrapper, in connection with the sale or delivery of any staple work gloves. But any manufacturer may refuse to sell less than a minimum quantity of any one style number, if this minimum has been customary for the seller.

(d) *Indirect price increases.* Every person is forbidden to do any other act which directly or indirectly increases above the ceiling price the consideration paid by the purchaser for any staple work gloves. Any practice which is a device to secure the effect of a higher than ceiling price is as much a violation as an outright raising of the ceiling price. This applies to devices making use of commissions, services, transportation charges, premiums, taxes, special provisions, tying agreements, trade understandings and all similar practices.

(e) *Indirect violations.* Every person is forbidden to offer, attempt or agree to do any of the acts forbidden by this section.

SEC. 6. *Adjustable pricing agreements.* Adjustable pricing agreements may be entered into notwithstanding the provisions of section 5, to the extent permitted by this paragraph.

(a) *When regulation fixes a ceiling price.* In cases where this regulation fixes a ceiling price, a person may sell at that ceiling price, subject to an agreement with the buyer to charge a higher price if it becomes the legal ceiling price by the time delivery is made. But one must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless authorized by the Office of Price Administration, a person must not deliver or agree to deliver at a price which is to be adjusted upward in accordance with action by the Office of Price Administration after delivery. This authorization may be given by the Administrator or by any other official of the Office of Price Administration to whom the power to grant such authorization has been delegated, and will be given by order except that it may be given by letter or amendment when an application for authorization of an individual ceiling price is pending. The authorization will be given only where:

(1) A request for the fixing or changing of a ceiling price has been filed; and

(2) The authorization is necessary to promote distribution or production; and

(3) It will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

(b) *Where the regulation does not fix a ceiling price.* In cases where a ceiling price is not fixed by the regulation, a person must not make any delivery until a ceiling price has been fixed by authorization or amendment, and must not make any contract of sale unless the price is expressly subject to adjustment in accordance with any action which may be taken by the Office of Price Administration.

SEC. 7. *Licensing and enforcement—*(a) *Licensing.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or this regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) *Penalties.* Any person who violates any provisions of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 8. *Relation to other regulations—*(a) *Regulations superseded.* The coverage of this regulation is stated in section 1. Where this regulation applies, it supersedes the provisions of the following regulations:

(1) General Maximum Price Regulation.[3]

(2) Section 3.5 of Revised Supplementary Regulation No. 14 (formerly § 1499.73 (a) (37) of Amendment 49 to Supplementary Regulation 14).

(b) *Wholesalers' and retailers' sales.* This regulation does not presently apply to wholesalers' and retailers' sales of staple work gloves. These sales are still governed by the General Maximum Price Regulation, and Maximum Price Regulation 210[4]—"Retail and Wholesale Prices for Fall and Winter Seasonal Commodities."

(c) *Contractors' services.* This regulation does not apply to charges for contractors' services, which are governed by Maximum Price Regulation 172[5]—"Charges of Contractors in the Apparel Industry." "Contractor" is defined in § 1389.52 of that regulation.

(d) *War procurement agencies.* This regulation does not apply to sales of work gloves made according to military specifications, when the sales are made to any war procurement agency as defined in Maximum Price Regulation 157[6]—"Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes."

(e) *Export sales.* This regulation does not apply to export sales of work gloves. Such sales are covered by the Second Revised Maximum Export Price Regulation.[7]

(f) *Import sales.* The provisions of this regulation do not apply to deliveries made from points outside the 48 states and the District of Columbia. Such sales and deliveries are governed by the provisions of the Maximum Import Price Regulation.[8] This regulation does, however, apply to domestic sales when the articles sold were originally imported.

SEC. 9. *How this regulation may be amended.* (a) Any person who seeks a modification of any provision of this regulation may file a petition for amendment of general applicability in accordance with Revised Procedural Regulation No. 1[9] issued by the Office of Price Administration.

(b) Pending an amendment, a person must not sell or deliver work gloves at prices other than those fixed in the regulation except in accordance with the provisions of section 6 ("Adjustable pricing agreements").

APPENDIX A—TABLES OF MANUFACTURERS' CEILING PRICES

Instructions. 1. Prices are stated per dozen pair of gloves, with freight prepaid to the buyers' place of business.

2. All prices are net 40 days, less 2% in 20 days. If the seller wishes, he may extend more favorable terms. But no seller may change these terms if the change would result under any circumstances in a higher net price.

MANUFACTURERS' CEILING PRICES

TABLE 1—WHITE AND UNBLEACHED CANTON FLANNEL GLOVES, WITH SINGLE THICKNESS BACK AND PALM

Clute cut:	
6 oz. Men's knit wrist[1]	$1.28½
6 oz. Women's knit wrist[1]	1.26
6 oz. Small women's knit wrist[1]	1.23½
8 oz. Men's knit wrist[1]	1.42½
8 oz. Men's band top, 8 oz. flannel band[2]	1.42½
8 oz. Women's knit wrist[1]	1.40
8 oz. Women's band top, 8 oz. flannel band[2]	1.40
10 oz. Men's knit wrist[1]	1.61
10 oz. Men's band top, 10 oz. flannel band[2]	1.63
10 oz. Men's double gauntlet[3]	2.15
10 oz. Women's knit wrist	1.58
12 oz. Men's knit wrist[1]	1.78
12 oz. Men's band top, 12 oz. flannel band[2]	1.81
12 oz. Men's double gauntlet[3]	2.30
12 oz. Men's double gauntlet with turtle neck[7]	2.37
12 oz. Extra large, men's knit wrist[1]	1.90
Gunn cut or fourchette cut:	
8 oz. Men's knit wrist[1]	1.46
8 oz. Men's knit wrist[1] Reversible	1.46
10 oz. Men's knit wrist[1]	1.61
10 oz. Men's knit wrist[1] Reversible	1.61
10 oz. Men's double gauntlet[3]	2.15
12 oz. Men's knit wrist[1]	1.78
12 oz. Men's double gauntlet[3]	2.30
12 oz. Men's double gauntlet with turtle neck[7]	2.37

TABLE 2—CANTON FLANNEL GLOVES, WITH DOUBLE THICKNESS PALM AND SINGLE THICKNESS BACK, NAP OUT

Quilted palm:	
Men's 14½ oz. palm, 8 oz. stripe back, knit wrist[1]	$2.20
Men's 18 oz. palm, 10 oz. white back, knit wrist[1]	2.25
Men's 18 oz. palm, 10 oz. white back, double safety[1]	2.55
Men's 18 oz. palm, 10 oz. white back, double safety[2] and turtle neck	2.62½
Men's 18 oz. palm, 10 oz. white back, double gauntlet[3]	2.80
Men's 18 oz. palm, 10 oz. white back, double gauntlet with turtle neck[7]	2.87½
Men's 18 oz. palm, 8 oz. stripe back, knit wrist[1]	2.20
Men's 18 oz. palm, 8 oz. stripe back, double safety[2]	2.50
Men's 18 oz. palm, 8 oz. stripe back, double safety[2] and turtle neck	2.57½
Men's 18 oz. palm, 8 oz. stripe back, double gauntlet[3]	2.75
Men's 18 oz. palm, 8 oz. stripe back, double gauntlet[7] and turtle neck	2.82½
Processed palm:	
Men's 14½ oz. material palm, 8 oz. stripe back, knit wrist[1]	2.25
Men's 18 oz. material palm, 10 oz. white back, knit wrist[1]	2.30

TABLE 3—HOT MILL GLOVES (INSEAM OR OUTSEAM, NAP IN OR NAP OUT)

Quilted palm:	
Men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap, knit wrist[1]	$3.00
Men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap, 12 oz. band top[2]	3.20

See footnotes at end of table.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8923, 10558, 10725, 14984, 16280.

[2] 8 F.R. 13240.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4888, 4978, 6047, 6962, 8511, 9025, 11955.

[4] 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8937, 8948, 9614, 10109, 8 F.R. 973, 6359, 16170.

[5] 7 F.R. 4882, 6684, 8351, 8948, 10864, 8 F.R. 8063.

[6] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948, 8 F.R. 3948, 7507, 16605, 17374.

[7] 8 F.R. 4132, 5987, 7662, 9998, 15193.

[8] 8 F.R. 11681, 12237.

[9] 7 F.R. 8961, 8 F.R. 3813, 3533, 6173.

TABLE 3—HOT MILL GLOVES (INSEAM OR OUTSEAM, NAP IN OR NAP OUT)—continued

Quilted palm—Continued.	
Men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap, double gauntlet [2]	$3.57½

TABLE 4—WHITE FLANNEL GLOVES, WITH DOUBLE THICKNESS PALM AND SINGLE THICKNESS BACK, NAP IN

Quilted palm:	
Men's 18 oz. palm, 10 oz. back, knit wrist [1]	$2.20
Men's 18 oz. palm, 10 oz. back, band top [2]	2.25
Men's 18 oz. palm, 10 oz. back, double gauntlet [2]	2.75

TABLE 5—FULLY LINED CANTON FLANNEL GLOVES, NAP OUT ("CHORE" GLOVES)

Quilted material:	
Men's 12½–13½ oz., knit wrist [1]	$2.15
Men's 12½–13½ oz., double safety [2]	2.45
Men's Extra large, 12½–13½ oz., knit wrist [1]	2.25
Women's 12½–13½ oz., knit wrist [1]	2.12½
Men's 14½ oz., knit wrist [1]	2.22½
Men's 14½ oz., double safety [2]	2.52½
Men's Extra large, 14½ oz., knit wrist [1]	2.32½
Women's 14½ oz., knit wrist [1]	2.20
Women's 16 oz., knit wrist [1]	2.30
Men's 16 oz., knit wrist [1]	2.32½
Men's Extra large, 16 oz., knit wrist [1]	2.42½
Men's 18 oz., knit wrist [1]	2.50
Processed material:	
Men's 12½–13½ oz. material, knit wrist [1]	$2.22½
Men's 12½–13½ oz. material, double safety [2]	2.52½
Men's Extra large, 12½–13½ oz. material, knit wrist	2.32½
Women's 12½–13½ oz. material, knit wrist [1]	2.20
Men's 14½ oz. material, knit wrist [1]	2.30
Men's 14½ oz. material, double safety [2]	2.60
Men's Extra large, 14½ oz. material, knit wrist [1]	2.40
Women's 14½ oz. material, knit wrist [1]	2.27½
Women's 16 oz. material waterproofed, knit wrist [1]	2.50
Men's 16 oz. material waterproofed, knit wrist [1]	2.52½
Men's 16 oz. material waterproofed, double safety [2]	2.62½

TABLE 6—TWO-THUMBED WHITE CANTON FLANNEL GLOVES WITH SINGLE THICKNESS BACK AND PALM ("HUSKING" GLOVES)

Men's 8 oz. knit wrist [1]	$1.60
Women's 8 oz. knit wrist [1]	1.57½
Men's 10 oz. knit wrist [1]	1.80
Women's 10 oz. knit wrist [1]	1.77½
Men's 12 oz. knit wrist [1]	1.97½

TABLE 7—TWO-THUMBED WHITE CANTON FLANNEL, WELT SEAM MITTENS, WITH SINGLE THICKNESS BACK AND PALM

Men's 12 oz., with patch, knit wrist [1]	$2.10
Women's 10 oz., with patch, knit wrist [1]	1.77½

TABLE 9—SINGLE THICKNESS JERSEY GLOVES

Men's 8 oz. knit wrist [1]	$1.42
Men's 9 oz. knit wrist [1]	1.57½
Women's 9 oz. knit wrist [1]	1.55
Women's Small, 9 oz. knit writ [1]	1.52½
Men's 10½ oz. knit wrist [1]	1.70
Women's 10½ oz. knit wrist [1]	1.67½
Men's 13 oz. knit wrist [1]	1.90

TABLE 12—LEATHER COMBINATION GLOVES (8 OZ. CANTON FLANNEL BACK, 8 OZ. OR HEAVIER FLANNEL LINING)

#12 Glute pattern—split shoulder, leather palm, lined, without tips:	
Men's knit wrist [1]	$3.10
Women's knit wrist [1]	3.00
Men's single safety 2½"	3.20
Men's single gauntlet 4½"	3.30
Women's single gauntlet 4½"	3.20
#13 Gunn pattern—knit wrist, [1] finger tipped:	
A. Men's shoulder split, ¾ leather thumb	4.40
B. Men's side split, ¾ leather thumb	5.20
C. Men's heavy side split, full leather thumb, forefinger and little finger, separate wrist pull	6.25
D. Men's side split, full leather thumb and forefinger	5.45
#13/1 A. Shoulder split, double safety [2]	4.70
Shoulder split, double gauntlet 4½"	4.95
#14–#15 Gunn pattern—finger tipped, waterproofed cuff:	
#14 A. Men's shoulder split, ¾ thumb, safety cuffet [4]	4.75
Women's shoulder split, ¾ thumb, safety cuffet [4]	4.65
#15 A. Men's shoulder split, ¾ thumb, gauntlet cuffet [5]	5.20
Women's shoulder split, ¾ thumb, gauntlet cuffet [5]	5.10
#14 B. Men's shoulder split, ¾ thumb, pull, knuckle strap, safety cuffet [4]	5.35
#15 B. Men's shoulder split, ¾ thumb, pull, knuckle strap, gauntlet cuffet [5]	5.80
#14 C. Men's side split, pull, knuckle strap, full leather thumb, safety cuffet [4]	6.20
#14/C/1. Men's selected packer's side split, pull, knuckle strap, full leather thumb, safety cuffet [4]	6.45
#14 C. Women's side split, pull, knuckle strap, full leather thumb, safety cuffet [3]	6.10
#15 C. Men's side split, pull, knuckle strap, full leather thumb, gauntlet cuffet [5]	$6.65
#15/C/1. Men's selected packer's side split, pull, knuckle strap, full leather thumb, gauntlet cuffet [5]	6.90
#14 D. Men's side split, pull, knuckle strap, full leather thumb, full forefinger, safety cuffet [4]	6.40
#15 D. Men's side split, pull, knuckle strap, full leather thumb, full forefinger, gauntlet cuffet [5]	6.85
#15/D/1. Men's selected packer's side split, pull, knuckle strap, full leather thumb, full forefinger, gauntlet cuffet [5]	7.10
#14 H. Men's side split, clute pattern, full leather thumb, full leather finger backs, pull, knuckle strap, safety cuffet [4]	6.60
#15 H. Men's side split, clute pattern, full leather thumb, full leather finger backs, pull, knuckle strap, gauntlet cuffet [5]	7.05

[1] Knit wrist—12 yard tubing, not less than 2½" finished.

[2] Band top—Same material as glove, not less than 1¾" finished.

[3] Safety cuff—Double (2 ply) thickness, not less than 2½" finished.

[4] Safety cuff—Cuffet (waterproofed) not less than 2½" finished, not less than 23 oz. per square yard.

[5] Gauntlet cuff—Double (2 ply) thickness, not less than 5" finished.

[6] Gauntlet cuff—Cuffet (waterproofed), not less than 5¼" finished, not less than 23 oz. per square yard.

[7] Gauntlet cuff—Double (2 ply) thickness, not less than 4½" finished.

[8] Gauntlet cuff—Cuffet (waterproofed) not less than 4½" finished, not less than 23 oz. per square yard.

APPENDIX B—SUGGESTED FORM TO BE USED IN APPLYING FOR CEILING PRICES UNDER SECTION 2 (b)

APPLICATION FOR AN AUTHORIZED CEILING PRICE

This is a suggested form. Copies will not be supplied by the Office of Price Administration.

Firm name _____

Address _____ Date _____

Type of trade customarily sold to (Check)
Mail order houses or chain stores ( )
Other retailers ( ) Jobbers ( )

Glove description:
Cut or pattern _____
Thickness _____ Size classification _____
Type of wrist _____
Additional features (if any) _____

Material description:
Glove fabric _____ Weight _____
Cuff fabric _____ Weight _____
Lining fabric _____ Weight _____
Leather _____ Grade _____

Item	Yards per dozen	Ceiling price	Cost per dozen
Material cost:			
Glove fabric		Per yd	
Cuff fabric		Per yd	
Lining fabric		Per yd	
Leather		Per sq. ft.	
Freight in			
Total material cost			
Deduct discount on purchases			
Net material cost			
Trimming cost:			
Thread			
Boxes and cartons			
Labels			
Others (specify)			
Total trimming cost			
Total material and trimming cost			
Direct labor excluding make-up:			
Cutting			
Sewing			
Put-up			
Inspection			
Total direct labor			

Submitted by:
Name _____
Title _____

Effective date. This maximum Price Regulation No. 506 shall become effective January 21, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–823; Filed, January 15, 1944; 11:45 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 22]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respects:

1. The text of section 54 (a) (1) is amended by inserting the words "or Group C" immediately following the words "or Group B".

2. The text under the heading "Group A" in section 54 (a) (1) is amended by adding the words "or Group C" at the end thereof.

3. Group B in section 54 (a) (1) is amended by changing the item "Dresses (women's and misses')" to read "Dresses (women's and misses') having a direct cost to the importer of less than $5.00 each"; and by adding after the item "mattress pads" the item "Men's suits having a direct cost to the importer of more than $13.00 each".

4. Section 54 (a) (1) is amended by adding at the end thereof a new group to read as follows:

Group C. Dresses (women's and misses') having a direct cost to the importer of $5.00 or more each.

5. Sections 54 (b) (1), 54 (b) (2) and 54 (b) (3) are amended to read as follows:

(1) For a product which is not part of a broken job lot and which has been imported by the seller, the maximum price shall be the direct cost to the importer multiplied by:

Group	Sales at wholesale	Sales at retail
A	$1.20	$1.50
B	1.25	1.60
C	1.25	1.75

(2) For a product which is not part of a broken job lot and which has not been imported by the seller:

(i) The maximum price at wholesale shall be the price paid for it by the seller if he purchased it before December 13, 1943, and the price which the importer is permitted to charge for it under this regulation if the seller purchased it on or after December 13, 1943.

(ii) The maximum price at retail shall be the price paid by the retailer multiplied by:

Group:	*Sales at Retail*
A	$1.25
B	1.28
C	1.40

(3) For a product which is part of a broken job lot, the maximum price shall continue to be established by the General Maximum Price Regulation.

6. Section 54 (b) (5) is amended to read as follows:

(5) If an unbroken job lot consists of items falling within more than one of the groups of textile products set forth in section 54 (a) (1), the maximum price for the entire lot shall be computed by applying the lowest multiplier appropriate to any item in the lot.

7. Section 54 (b) (6) is added to read as follows:

(6) Notwithstanding the foregoing provisions, any seller who has continuously sold an imported textile product pursuant to the conditions and prices of a written resale price maintenance contract executed by him with the manufacturer prior to April 1942 without any deterioration in quality since that date may apply to the Director of the Office of Price Administration for an order permitting him and other sellers similarly situated to sell such product at the price specified in the contract, or at a price equal to the direct cost to the importer of such product multiplied by 1.67, whichever is lower.

8. Section 54 (i) is amended to read as follows:

(i) *Exemptions.* The provisions of this section 54 shall not apply to sales of textile products by religious or charitable institutions, or to the sale of uniforms and accessories for the armed forces, the prices for which are established by the Army or Navy Uniform Services.

This amendment shall become effective as of December 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–824; Filed, January 15, 1944; 11:46 a. m.]

[1] 8 F.R. 9532, 10763, 10908, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

*Copies may be obtained from the Office of Price Administration.

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3–14]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN KENTUCKY

In the judgment of the Louisville, Kentucky, District Director, the prices of food and beverages sold for immediate consumption in the hereinafter designated counties, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

In the judgment of the Louisville, Kentucky, District Director, maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the act.

So far as practicable, the Louisville, Kentucky, District Director gave due consideration to prices prevailing between October 1 and October 15, 1941, and consulted with the representatives of those affected by this regulation.

The statement of considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Louisville, Kentucky, District Director hereby issues this Restaurant Maximum Price Regulation No. 3–14 establishing as the maximum prices for food and drink sold for immediate consumption in the Louisville, Kentucky, District, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.214 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Louisville, Kentucky District Director by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Executive Order No. 9328, General Order No. 50 and Region III Order of Delegation 2A under Revised General Order No. 32 and Other Authority, Restaurant Maximum Price Regulation No. 3–14 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.214 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Congress; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681; Gen. Order 50, 8 F.R. 4806.

RESTAURANT MAXIMUM PRICE REGULATION NO. 3–14—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.
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2. Sales at higher than ceiling prices prohibited.
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6. Substitution of food items in meals.
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10. Taxes.
11. Records.
12. Posting.
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14. Relation to other maximum price regulations.
15. Definitions and explanations.
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SECTION 1. *Geographical application.* The provisions of this Maximum Price Regulation No. 3–14 shall be applicable to the entire Louisville District, comprising the following counties in the State of Kentucky:

Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, and Webster.

*Copies may be obtained from the Office of Price Administration.

SEC. 2. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking establishments, you must not offer or sell any "food item" (including beverages) or "meal" within its proper class as set forth herein, at a price higher than the highest price at which you offered the same "food item" or "meal" in such class during the seven-day period beginning Sunday, April 4, 1943 and ending Saturday, April 10, 1943. You must not sell or offer to sell any other "food item" or "meal" at a price higher than the ceiling price which you figure according to the provisions of sections 3, 4, and 5 herein. You may, of course, sell at less than the ceiling prices.

SEC. 3. *How you figure ceiling prices for food items and meals you did not sell in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period as follows:

(a) If you served the same food item or meal within thirty days prior to April 4, 1943, you may take as your ceiling price the highest price at which you offered the same food item or meal in its proper class during said thirty-day period. In any such case, your records as set forth in section 11 (c) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period or the thirty-day period, or if you do not have adequate records of prices charged during the thirty-day period, then you choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal in the same class which is most similar to the food item or meal you are pricing and then proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which now has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly provided herein.

SEC. 4. *Class of food items and meals—*(a) *Classes of meals.* (1) For the purpose of classification under this regulation, there shall be thirteen classes of meals as follows: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays; children's breakfast, lunch, and dinner.

(2) Where you differentiated in price or otherwise between any of the above classes of meals during the period April 4 to April 10, 1943, you shall continue to maintain such differential. A meal shall be further classified according to the food item category hereinafter listed in which the main dish of such meal is grouped.

Example: A week-day roast pork dinner would be in a different class from a week-day roast pork lunch or a Sunday roast pork dinner or a week-day vegetable plate dinner, but would be in the same class as a week-day pork chop dinner.

(b) *Classes of food items.* (1) For the purpose of this regulation, food items as herein referred to shall be classified into the following categories:

FOOD ITEMS

1. Fruits, fruit juices, and vegetable juices.
2. Cereals.
3. Entrees—egg and combination egg dishes served at breakfast.
4. Entrees—meat and meat combination dishes served at breakfast.
5. Entrees—all other dishes served at breakfast.
6. Breads, rolls, buns, danish-pastries, et cetera, served at breakfast.
7. All other breakfast dishes, including jams, jellies, and preserves.
8. Appetizers, except alcoholic cocktails.
9. Soups, including consomme or soups in jelly form.
10. Beef—steaks and roasts.
11. Veal—steaks, chops, and roasts.
12. Pork—loin, chops, steaks, roasts.
13. Lamb or mutton—chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes, such as stews, casserole, ragouts, curries, et cetera.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes, such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, et cetera.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts—cakes, cookies, pies, pastries, and other baked goods.
24. Desserts—ice cream, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts—seasonal dessert specialties including but not limited to watermelons, cantaloupes, fresh fruits, and fresh berries.
26. Desserts—all others, including fruits, pudding and cheese.
27. Cold sandwiches—including garnishings, salads and vegetables.
28. Hot sandwiches—including garnishings, salads and vegetables.
29. All other food items served in a meal including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.
31. Non-alcoholic beverages, including sparkling and mineral waters when sold other than in the original package or container.
32. Mixed alcoholic beverages, including highballs and cocktails.
33. Beer and other malt beverages.
34. Wines and other alcoholic beverages.

(2) Where you customarily, during the period April 4 to April 10, 1943, differentiated in price or otherwise as to the serving of the same a la carte food item between any two or more of the following: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays, and children's breakfast, lunch and dinner, you shall continue to maintain such differentials, and where such differentials exist, such food items shall be deemed to be distinguished as to class.

Example. Mashed potatoes offered a la carte for week-day lunches would be in the same class of food items as potatoes au gratin offered a la carte for week-day lunches but would be in a different class than mashed potatoes offered a la carte for week-day dinners or Sunday suppers or in connection with other meal menus if during the base period they were customarily distinguished in price or otherwise.

(c) If you customarily charged more than usual Sunday prices for meals and food items served on legal holidays (so designated by Federal or State laws), you may, notwithstanding the provisions of sections 2 and 3 herein, continue to charge higher prices on those particular days, such higher prices, however, in no event to exceed 115 per cent of your Sunday ceiling prices. (See section 7, sub-section (c).)

SEC. 5. *No ceiling prices to be higher than the highest price in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 11 herein, must include the menu or information showing the previous offering of such food item or meal at the higher price. The restriction of this section shall not apply to seasonal dessert specialties as specified in section 4, paragraph (b), Class 25.

Example. If, during the seven-day period, your highest price for a weekday dinner was $1.25, in general, that is the highest price you may charge for any weekday dinner. If, however, you served a chicken dinner at $1.50 on any weekday within 30 days prior to April 4, 1943, then you may continue to serve the same chicken dinner at $1.50 even though that is a higher price than any price charged for the same class during the seven-day period. But you may not add a new meal not served during the thirty-day period at a price in excess of $1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

SEC. 6. *Substitution of food items in meals.* If you have already determined your ceiling price for a meal, you may substitute for any food item other than the entree (or main dish) in that meal, any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offer customers the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by sections 2 and 3.

SEC. 7. *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals or food items at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day base period. You will be in violation of this regulation unless:

(a) You continue to offer meals and food items at different prices representative of the range of prices at which you offered meals and food items of the same class during the seven-day period, and unless

(b) You continue to offer on week days at least as many different meals and food items at or below the lowest price charged by you for meals or food items of the same class on any week day that you select in the seven-day period, as you did on that day.

Example. Thus, you may select any week day in the seven-day base period as the base day for week day meals and food items. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals and food items offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85 cents and one each at 90 cents, $1.00, $1.10, $1.15, you must continue to offer two week-day dinners at 85 cents.

(c) You continue to offer on Sundays and legal holidays at least as many different meals and food items at or below the lowest price charged by you for meals and food items of the same class on Sunday, April 4, 1943, as you did on that day.

SEC. 8. *Evasion.* (a) You must not evade the provisions of this regulation by any scheme or device, including:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction.

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal.

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period.

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals.

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal, or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of those things during the seven-day period:

(1) You may limit your customer to one pat of butter per meal; and when necessitated by the restrictions of the rationing program, you may vary the size of such pats of butter. In such case, however, you shall adjust the price of such servings of butter, whenever a separate charge is made therefor in direct proportion to the change in size of serving. The resulting figure, if it contains a fraction of a cent, shall be adjusted to the next lower cent if the fraction is less than one-half, and to the next higher cent if the fraction is one-half or greater.

(2) You may reduce the quantity or eliminate altogether ketchup, chili sauce, and any other condiment which is rationed.

(3) You may reduce the amount of sugar served according to your available supply.

(c) You must not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these items at an additional charge. For example, if during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

SEC. 9. *Rules for new proprietors and new establishments.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to the commencement of business, however, you may apply to the Louisville District Office of the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted, it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating or drinking place operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 11 and the posting requirements of section 12 immediately upon the opening of your place.

(c) *Changing type of service.* If you operated an eating or drinking establishment in the same establishment where you operated an eating or drinking place during the period April 4 to April 10, but changed your type of operation, you shall apply to the Louisville District Office of the Office of Price Administration for your proper maximum prices.

(d) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating or drinking establishment, you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4–10, 1943, use the rules set forth in sections 3, 4, and 5 of this regulation.

(2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 9, paragraphs (a) and (b) herein.

(3) If you cannot price under subparagraphs (1) and (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Louisville District Office of the Office of Price Administration. Your application must be filed at least ten days prior to the date on which you plan to commence operations and must include the following information:

(i) Your name and address and address of your establishment.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season, as well as the prices you propose to charge during the present or coming season, differentiating between week-day, and Sunday, and holiday prices.

(iv) The date on which you plan to commence operations.

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration, may, at any time, after proper investigation and hearing, establish or alter such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under subparagraphs (1) and (2) herein, you shall, within ten days of the effective date of this order, file application with the Louisville District Office of the Office of Price Administration for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under subparagraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

SEC. 10. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or any increase in the amount of a previous tax on the sale of food or drink or

on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 11. *Records*—(a) *Filing of menus.* General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly opened places) shall file menus or a price list in accordance with paragraph (a) above, except that, (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours, a copy of each menu used by you in the seven-day period from April 4–10, 1943, or, if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus, you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as or less than prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 12. *Posting.* (a) If you made menus available to customers in the seven-day period April 4 to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in clear and legible printing or writing the following statement:

All prices listed are at or below our ceiling price, which, by OPA regulation, are the highest prices we charged for the same item or meal from April 4 to April 10, 1943. Our records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4–10 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

SEC. 13. *Operation of several places.* If you own or operate more than one eating and drinking place, you must do everything required by this regulation for each place separately.

SEC. 14. *Relation to other maximum price regulations.* The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

SEC. 15. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association, or any organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including nonalcoholic and alcoholic mixed beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating or drinking without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and buttter, apple pie and cheese. Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 2 and 3, when they are items in different classes. (See section 4 (b) for "classes of food items.") For example, lamb chops offered a la carte for dinner or lunch are in Class 13, while if offered for breakfast they are in Class 4.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, et cetera.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 16. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Exemptions.* Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, temple, synagogue, Sunday school, or other religious occasions.

(b) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(c) Hospitals, except for food items and meals served to persons other than patients, when a separate charge is made for such food items and meals.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual), which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students, faculty members and employees of such institutions. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy, shall be considered students.

SEC. 18. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the Louisville District Office of the Office of Price Administration an application in duplicate. The application should contain the following information:

(i) Your name and address.

(ii) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, et cetera; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(iii) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(iv) The names and addresses of the three nearest eating places of the same type as yours.

(v) A list showing your present maximum prices and requested adjusted prices.

(vi) A profit and loss statement covering your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the District Director of the Louisville District Office.

SEC. 20. *Amendments.* You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 21. *Licensing.* The provisions of Licensing Order No. 1 shall apply to every person making sales subject to this regulation. Licensing Order No. 1 provides, in brief, that a license is required of all persons selling under price control. The license is automatically granted and may be suspended for violation of any applicable maximum price regulation. Any person whose license is suspended must cease selling during the period of such suspension.

SEC. 22. *Revocation.* This regulation may be modified, amended, corrected, or revoked at any time by the Office of Price Administration.

This regulation shall become effective February 1, 1944.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 15th day of January 1944.

GEO. H. GOODMAN,
District Director.

[F. R. Doc. 44-825; Filed, January 15, 1944; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICE

[Order 28 Under GMPR]

NEW SURPLUS BRASS OR BRONZE VALVES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with § 1499.3 (c) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.825 *Authorization of maximum prices of new surplus brass or bronze valves for sales by consumer-holders to the Metals Reserve Company, or its agent; and resales by the Metals Reserve Company to brass or bronze valve manufacturers*—(a) *Sales by consumer-holders to the Metals Reserve Company.* The maximum price for any new surplus brass or bronze valve sold and delivered by any consumer-holder to the Metals Reserve Company, or any of its agents, pursuant to the War Production Board Program No. 3311, "Surplus Inventories of New Brass and Bronze Valves," shall be the shipment cost or the maximum price, whichever is lower, of such valve to the consumer-holder at the time of the sale to the Metals Reserve Company.

(b) *Resales by the Metals Reserve Company to brass or bronze valve manufacturers.* The maximum price for the resale by the Metals Reserve Company to any brass or bronze valve manufacturer for any new surplus brass or bronze valve purchased by it pursuant to paragraph (a) shall be the manufacturer's net price to his customer for that brass or bronze valve according to the applicable price regulation, schedule, or order, issued by the Office of Price Administration, covering such valve at the time of the Metals Reserve Company's sale to the brass or bronze valve manufacturer.

(c) *Charges for retesting by manufacturers.* The maximum price that may be charged by a manufacturer to the Metals Reserve Company for testing, handling, and re-packaging of any new surplus brass or bronze valve purchased by the manufacturer pursuant to paragraph (b) shall not exceed 10 per cent of the manufacturer's net price to his customer for that brass or bronze valve according to the applicable price regulation, schedule, or order, issued by the Office of Price Administration, covering such valve at the time of the Metals Reserve Company's sale to the brass or bronze valve manufacturer.

(d) *Transportation.* On all sales made in pursuance of this Order No. 28, the Metals Reserve Company and the consumer-holder shall agree between themselves as to which of the two parties shall bear all or any part of the freight charges incurred in delivering the new surplus brass or bronze valve from the consumer-holder to the point designated by the Metals Reserve Company.

(e) *Sales between Government agencies.* The sale of any new surplus brass or bronze valve by one Government agency to another Government agency, either direct or through the Metals Reserve Company, shall not be subject to the provisions of this Order No. 28.

(f) *Definitions.* For the purpose of this Order No. 28, the term:

(1) "Brass or bronze valve" means all cocks (except corporation and curb stops and cocks used by gas and water utilities) and all gate, globe, angle, cross, lift check, angle check, swing check, stop check, throttle, needle, butterfly, quick opening, Y-type, hose, radiator, and hydraulic valves, whether cast, forged, or barstock, whose body and bonnet are made entirely of brass or bronze, which are one-quarter of an inch (¼") or greater in size, and which, except for radiator valves, are designed for steam working pressures per square inch of not less than 100 pounds and not more than 350 pounds. Radiator valves, both packed and packless, are included, regardless of pressure rating, provided they bear the maker's identifying mark.

A "new surplus brass or bronze valve" means one which has never been installed, and which is in perfect operating condition as specified and guaranteed by the maker.

(2) "Consumer-holder" means any owner of a new surplus brass or bronze valve who acquired such brass or bronze valve for his own use and not for resale.

(3) "Shipment cost" means the net price actually paid by the consumer-holder (after deducting all discounts or allowances of which the consumer-holder was beneficiary and adding any transportation or delivery charges actually paid by the consumer-holder), but not exceeding the maximum price established by the applicable regulation, schedule, or order issued by the Office of Price Administration for a delivery to the consumer-holder, plus the actual cost, but not exceeding 5 percent of the net price, for necessary re-packaging for shipment, provided such packaging is done properly and in accordance with industry standards.

(4) "Manufacturer" means any person operating an establishment who produces brass or bronze valves or who has such brass or bronze valves produced for him for resale under his own trade name, including any subsidiary or affiliate, commission salesman, or other agency of such person.

(5) "Manufacturer's net price to his customer" means the manufacturer's published list price less the discount extended by the manufacturer on sales to the customer in question and in the cases in which the manufacturer does not publish a list price or discount or both, it means the lowest net price charged by

the manufacturer to the customer in question for that valve.

(g) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

This Order No. 28 shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-826; Filed, January 15, 1944; 11:44 a. m.]

PART 1398—OFFICE AND STORE MACHINES

[RO 4A,[1] Amdt. 8]

TYPEWRITERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 4A is amended in the following respects:

1. A new § 1398.120 is added to read as follows:

§ 1398.120 *Person who has rented Class A, B or C typewriters continuously since January 1, 1941 from a non-dealer may buy them.* Any person may buy, without further authorization from the Office of Price Administraion, any Class A, B or C typewriters which he had on rental on January 20, 1944 from a person other than a typewriter dealer, wholesaler or manufacturer, if he has rented Class A, B or C typewriters continuously from that person since January 1, 1941.

2. Section 1398.150 (b) is amended by deleting from the serial numbers for the Remington (or Monarch or Smith Premier Noiseless) Models 6 and 61, the following: "Also two letter prefix, first letter Q, first digit 8; also all letter series;" and by deleting from the serial numbers for the Underwood Noiseless, all models, the following: "3,835,000" and substituting instead the following: "3,600,000."

This amendment shall become effective January 20, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Directive No. 1, Supp. Dir. No. 1-D, Conversion Order No. L-54a, 7 F.R. 526, 1792, 2130)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-842; Filed, January 15, 1944; 5:12 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 45]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. A new section 5.5 (e) is added to read as follows:

(e) An institutional user who operates a hospital or other establishment principally engaged in the care and treatment of the sick need not give the information regarding dollar revenue required by paragraph (a) (6), (7), and (8).

2. Section 18.2 (a) is revoked and a new section 18.2 (a) is added to read as follows:

(a) Beginning on January 1, 1944 every Group II institutional user shall keep a record for each establishment showing by calendar months the total number of persons served.

3. A new section 18.2 (d) is added to read as follows:

(d) An institutional user who operates a hospital or other establishment principally engaged in the care and treatment of the sick need not keep a record of the information regarding dollar revenue required by paragraph (b) (4), (5), and (6).

This amendment shall become effective January 15, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-840; Filed, January 15, 1944; 5:12 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 153]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c) (3) (xxv) is amended to read as follows:

(xxv) *Waterbury, Connecticut and various nearby points.* (a) In the City of Waterbury and in the following towns and cities in the State of Connecticut: Naugatuck, Middlebury, Woodbury, Watertown, Wolcott, Prospect and Cheshire, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
Loaded into buyers' tank wagons	8.4
Loaded into containers, in quantities of 10 gallons or less	11.6
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.1
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10 8
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12 3

NOTE: Section 1340.159 (b) (9), providing for an increase of .3 of a cent per gallon on tank wagon and certain container deliveries does not apply to the maximum prices established herein; there are no additions to be made to such prices.

(b) In the City of Waterbury and in the following towns and cities in the State of Connecticut: Wolcott, Middlebury, Watertown, Plymouth, Thomaston and Bethlehem, maximum prices of Nos. 2 and 3 fuel oils shall be as follows:

	Cents per gallon
Loaded into tank wagons at jobbers' bulk plants	7 8
Tank wagon deliveries to consumers in quantities of 100 gallons or over	9 3
Tank wagon deliveries to consumers in quantities of less than 100 gallons	9 8

NOTE: Section 1340.159 (b) (9), providing for an increase of .3 of a cent per gallon on tank wagon and certain container deliveries does not apply to the maximum prices established herein; there are no additions to be made to such prices.

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-841; Filed, January 15, 1944; 5:12 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 66]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (34) is amended to read as follows:

(34) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on any vehicle or equipment.

2. Section 1315.201 (a) (37) is amended to read as follows:

(37) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on any vehicle or equipment.

3. Section 1315.201 (a) (39) is amended by deleting the following phrase: "vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes."

4. Section 1315.201 (a) (41) is amended to read as follows:

(41) "Equipment" means any machine or conveyance other than a vehicle, which operates with wheels requiring tires or tubes for such operation.

5. Section 1315.201 (a) (42) is amended to read as follows:

(42) "Mounted", as applied to a tire or tube, means a tire or tube physically mounted or held for use upon a specific vehicle or piece of equipment and includes spare tires or tubes not in excess of the number allowable under this Order or under Ration Order 5C.

6. Section 1315.201 (a) (48) is added to read as follows:

(48) "Industrial-type" when it refers to a tire means a straight-side pneumatic tire of the following sizes designed primarily for industrial use: 4.50–12 or smaller; 6.00–9; 7.50–10; 9.00–10; and 7.50–15 (4-ply, smooth tread only); and any single tube pneumatic tire designed primarily for industrial use. When it refers to a tube it means a tube designed primarily for use within an industrial-type tire.

7. Section 1315.302 (h) is added to read as follows:

(h) Equipment which is located within the area served by the Board.

8. Section 1315.305 (a) is amended to read as follows:

(a) No Board may issue a certificate for a new or used solid tire, used tractor tire, used implement tire or a used tube.

9. The text of § 1315.501 (a) is amended by adding the phrase "or equipment" following the phrase "to equip a vehicle".

10. Section 1315.501 (a) (1) is amended by adding the phrase "or equipment" following the word "vehicle" wherever it appears.

11. Section 1315.501 (a) (4) is amended to read as follows:

(4) To replace a tire or tube which is not serviceable for the use to which the vehicle or equipment is to be put.

12. Section 1315.501 (e) is amended by adding the phrase "or equipment" following the phrase "other than tires or tubes mounted upon vehicles".

13. Section 1315.506 is amended to read as follows:

§ 1315.506 *Eligibility of farm implements, industrial, mining and construction equipment*—(a) *Eligibility requirements.* A certificate may be issued for a tire or new tube necessary to equip a vehicle or equipment which meets the applicable conditions of § 1315.501 and is designed and used as one of the following, provided tires are essential for its operation:

(1) A farm tractor or other farm implement.

(i) Certificates for the purchase of tractor or implement-type tires only may be issued for farm tractors or other farm implements. The certificates may be used to purchase tractor, implement, industrial-type or Grade III tires. However, if a front wheel tractor, implement, industrial-type or Grade III tire of suitable size is not available, the Board may issue a certificate for a Grade I tire or a used truck-type tire.

(ii) In any area where recapping facilities are unavailable or inadequate, an applicant may be granted a certificate for a farm tractor or farm implement tire even though the tire to be replaced is recappable.

(2) Equipment used for industrial, mining or construction purposes including off-the-road uses such as earth-moving and road grading.

(b) *Spare tires or new tubes.* A certificate for a spare tire or new tube may be issued to equip any of the vehicles or equipment which satisfy the conditions of this section if the Board finds that a spare tire or tube is necessary for its continued operation.

14. Section 1315.507 (c) (2) is amended to read as follows:

(2) Vehicles, other than commercial motor vehicles, and equipment operated by the applicant for one of the purposes set forth in § 1315.503 (d) (1) (i) (fire fighting or public police services) or eligible under § 1315.506 (a) (2) (off-the-road equipment).

15. Section 1315.517 is added to read as follows:

§ 1315.517 *Eligibility for tires or tubes for purposes other than use on vehicles or equipment.* (a) A person who requires tires or tubes for a purpose other than mounting and use on a vehicle or equipment may apply by letter to the Tire Rationing Branch, Office of Price Administration, Washington, D. C., giving full information as to the intended use and certifying that the tires or tubes for which application is made are not to be mounted on a vehicle or equipment.

(b) A certificate on OPA Form 2 shall be issued by the Head of the Tire Rationing Branch if he is satisfied that the use to which the tires or tubes is to be put is important enough to the war effort or to the civilian economy to justify expenditure of the number of tires or tubes requested.

(c) No appeal may be taken from a decision of the Head of the Tire Rationing Branch made pursuant to this Section.

16. Section 1315.602 (a) is amended by deleting the phrase "non-highway vehicle" and "non-highway vehicles" wherever they appear, and inserting in lieu thereof the word "equipment".

17. Section 1315.802 (a) (1) is amended to read as follows:

(1) Upon the vehicle or equipment for which the tire or tube was acquired under this order.

18. Section 1315.802 (a) (2) is amended by adding the phrase "vehicle or" immediately before the word "equipment" wherever it occurs.

19. The first sentence of § 1315.802 (a) (3) is amended to read as follows:

(3) Upon another vehicle or piece of equipment, provided the tire or tube is needed for its operation or as an allowable spare and immediately following such mounting the person mounting such tire or tube will use the vehicle or equipment in operations which would make it eligible for the tube or the grade or type of tire in question.

20. The first sentence of § 1315.802 (a) (4) is amended to read as follows:

(4) Upon another vehicle or piece of equipment not covered by subparagraph (3), only if authorized in writing by the Board having jurisdiction over the vehicle or equipment upon which the tire or tube is to be mounted.

21. The table in § 1315.804 (c) (9) entitled "Groups of Products" is amended by deleting the following line: "7. New solid truck-trailer tires."

22. Section 1315.806 (c) is amended to read as follows:

(c) *Transfer of mounted tires and tubes.* A person may, without certificate, transfer a tire or tube mounted on a vehicle or piece of equipment if the transfer is not prohibited by any Order or Regulation of the Office of Price Administration or the War Production Board.

23. Section 1315.806 (p) is amended to read as follows:

(p) *Transfer and use of non-rationed tires and tubes.* (1) Any person may transfer, acquire, mount, use or change the physical location of new or used solid tires, used implement tires, used tractor tires or used tubes, without certificate or authorization.

(2) A consumer may acquire industrial-type tires or tubes for mounting and use on equipment only, without certificate or authorization.

(3) A dealer or manufacturer may transfer industrial-type tires or tubes to a dealer or consumer without certificate or authorization.

(4) The transfer and acquisition of tires or tubes under this paragraph is subject in all cases to, and may be made only in accordance with, the certification requirements imposed by §§ 4600.15 and 4600.17 of War Production Board Order R-1, as amended from time to time.

This amendment shall become effective January 21, 1944.

NOTE: The reporting requirement of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-880; Filed, January 17, 1944; 11:50 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 79]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10806, 8 F.R. 1065, 1588, 5173, 7384, 12748.

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 16787, 17486; 9 F.R. 401, 455.

[1] 8 F.R. 3718.

[1] 8 F.R. 9752, 10079, 10085.

with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.219 (b), subparagraph (3), in the proviso, after the words "Railroad locomotive fuel sold to the Georgia Railroad" and before the words "for locomotive fuel, etc.," a comma and the words, "Savannah & Atlanta Railway Company, Atlanta and West Point Railroad Company, Western Railway Company of Alabama, and Central of Georgia Railway Company," are inserted.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-881; Filed, January 17, 1944; 11:48 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 317,[1] Correction to Amdt. 2]

LOCKS AND LOCK SETS

The designation § 1346.357a (d) (b) is corrected to read § 1346.357a (d) (2).

This correction shall be effective as of September 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-882; Filed, January 17, 1944; 11:49 a. m.]

PART 1364—FRESH, CURED AND CANNED MEATS AND FISH PRODUCTS

[MPR 469,[2] Amdt. 3]

LIVE HOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 469 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) The ceiling price for any lot of live hogs sold by a dealer shall be the applicable ceiling price determined as required by the provisions of section 3: *Provided*, That a dealer may collect from the buyer a service charge not to exceed:

$15 per double deck railroad car of 26,000 lbs. or more.
$10 per single deck railroad car of 16,000 lbs. or more.
$10 per double deck railroad car of 16,000 lbs. or more but less than 26,000 lbs.
$13 per truck or l. c. l. rail shipment of 22,000 lbs. or more.
$12 per truck or l. c. l. rail shipment of less than 22,000 lbs. and more than 20,000 lbs.
$11 per truck or l. c. l. rail shipment of 20,000 lbs. or less but more than 18,000 lbs.
$10 per truck or l. c. l. rail shipment of 18,000 lbs. or less but more than 16,000 lbs.
$9 per truck or l. c. l. rail shipment of 16,000 lbs. or less but more than 14,000 lbs.
$8 per truck or l. c. l. rail shipment of 14,000 lbs. or less but more than 12,000 lbs.
$7 per truck or l. c. l. rail shipment of 12,000 lbs. or less but more than 10,000 lbs.
$6 per truck or l. c. l. rail shipment of 10,000 lbs. or less but more than 8,000 lbs.
$5 per truck or l. c. l. rail shipment of 8,000 lbs. or less but more than 6,000 lbs.
$4 per truck or l. c. l. rail shipment of 6,000 lbs. or less but more than 4,000 lbs.
$3 per truck or l. c. l. rail shipment of 4,000 lbs. or less but more than 3,000 lbs.
$2 per truck or l. c. l. rail shipment of 3,000 lbs. or less but more than 2,000 lbs.

2. Section 9 is amended to read as follows:

SEC. 9. *Indirect price increases.* The price limitations set forth in this regulation shall not be evaded directly or indirectly. An example of an indirect price increase forbidden by this section is a sale of some other commodity to the buyer in conjunction with the sale of live hogs, where the buyer did not normally buy this commodity from the seller in the past. Except as provided in section 4 (a), no payments, commissions or allowances for any service, or for transportation or shrinkage, or for any other purpose shall be made by the buyer of live hogs to the seller, unless the total sales price, including such payment, commission or allowance, is equal to or less than the maximum price: *Provided*, That the following payments shall not be construed as evasions of the price limitations under the following conditions:

(a) A payment or service charge by a buyer to the seller for services rendered to the buyer, if such payment is in accordance with tariffs for such services filed by the seller pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended.

(b) A payment by a buyer to the seller for transporting live hogs from the place of weighing to the buyer's delivery point, if the seller is a common carrier or if the rate paid does not exceed that fixed by the General Maximum Price Regulation.*

3. Section 11 (b) is amended to read as follows:

(b) Except at a public stockyard, no hog may be fed or watered on the day of sale prior to weighing; but (1) hogs may be fed or watered after the weighing referred to in section 7 of Article I, and (2) hogs may be fed or watered prior to weighing at any terminal market, interior market or buying station, if the top price paid for hogs at the market or station on the day before weighing was below the ceiling price.

4. Schedule I of section 13 is amended by deleting the lines reading "Pine Bluff, Ark.---------- 14.45" and "Cheyenne, Wyo.---------- 14.75", and by changing the ceiling prices stated for Wichita, Kans. from "14.40" to "14.45" and Oklahoma City, Okla. from "14.40" to "14.45".

5. Schedule II of section 13 is amended by adding these lines, in their appropriate alphabetical positions:

Fort Branch, Ind.	14.60
Grand Forks, N. D.	14.15
Huron, S. D.	14.25
Madison, S. D.	14.25
Scotts Bluff, Nebr.	14.45
Smithfield, Va.	14.65
Watertown, S. D.	14.25

6. In section 13, Schedule III, Item 14 (c) is amended and Items 14 (d) and (e) are added to read as follows:

(c) All counties except those cited in 14 (a), 14 (b), 14 (d) and 14 (e).	14.20
(d) Sheridan, Garden and Deuel	14.25
(e) Dawes, Box Butte, Morrill, Cheyenne, Sioux, Scotts Bluff, Banner, Kimball	14.30

7. Item 7 of Schedule III of section 13 is amended to read as follows:

7. Wyoming:	
(a) Sheridan, Johnson, Natrona, Carbon, Campbell, Converse, Albany, Crook, Weston, Niobrara, Platte, Goshen, Laramie	$14.80
(b) All counties except those cited in 7 (a)	14.45

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 3, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-883; Filed, January 17, 1944; 11:50 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 161,[2] Amdt. 11]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1381.156 of Revised Maximum Price Regulation 161 is amended so that the present paragraph (g) is deleted and the following paragraph is substituted:

(g) *Contract loggers.* The overtime addition may not be separately paid to contract loggers. Under Maximum Price Regulation No. 503 (Western Contract Logging Services), however, the maximum logging service price is determined in relation to the maximum price on logs. If the buyer of contract logging services has authority to add the overtime addition, this addition may be included in the log ceiling for the purpose of computing the maximum price on the logging services; the addition likewise must be eliminated from consideration if the log seller subsequently has his authorization cancelled.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-884; Filed, January 17, 1944; 11:48 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 313,[1] Amdt. 6]

PRIME GRADE HARDWOOD LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 313 is amended by the addition of the following paragraph (d) to § 1382.251.

(d) On and after January 22, 1944, this regulation shall be inapplicable to sales of Prime Grade Hardwood logs, which shall thereafter be governed by the provisions of Maximum Price Regulation 348. However, if a written contract for sale of prime grade hardwood logs was made prior to January 17, 1944, providing for continuing deliveries of prime grade hardwood logs, application may be made by the buyer or seller to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to continue deliveries under such contracts for not to exceed 30 days from January 22, 1944. The application or request must include a copy of the contract or a summary of all the terms of the contract. The Lumber Branch may grant or deny such applications by letter or telegram.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-885; Filed, January 17, 1944; 11:50 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 99]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The second sentence of section 13.3 (a) is amended to read as follows: "Generally, no such application may be granted unless it is found that:"

This amendment shall become effective January 21, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-886; Filed, January 17, 1944; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 2]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The second sentence of section 12.4 (a) is amended to read as follows: "Generally, no such application may be granted unless it is found that:"

This amendment shall become effective January 21, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-887; Filed, January 17, 1944; 11:49 a. m.]

PART 1449—CHARCOAL

[MPR 431,[2] Amdt. 7]

CHARCOAL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Appendix B (a) (1) is amended to read as follows:

(1) Lump pine wood charcoal:	
(i) Carload or more:	*Per ton*
(a) Bulk	$20.00
(b) In bags (bags included)	26.00
(ii) Less than carload:	
(a) Bulk	24.00
(b) In bags (bags included)	30.00

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-888; Filed, January 17, 1944; 11:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES IN NORTH CAROLINA

Pursuant to section 5 of the River and Harbor Act of 18 August 1894 (28 Stat. 362; 33 U. S. C. 499), the provisions of § 203.241 are hereby extended to include certain bridges across the Tar River, North Carolina, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows: * * *

Tar River, N. C.; Atlantic Coast Line Railroad Company bridge at Greenville, N. C., and drawbridges upstream thereof. (At least twenty-four hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 8 November 1943, CE 800.211 SPEKH, as amended 8 January 1944, CE 823 (Tar River—Greenville, N. C.) (Mile 22, SPEWR]

[SEAL] J. A. ULIO,
Major General.
The Adjutant General.

[F. R. Doc. 44-872; Filed, January 17, 1944; 11:44 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 200]

ARIZONA

REVOCATION OF PUBLIC LAND ORDER 8

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 8 of June 30, 1942, withdrawing all public lands in sections 9 to 16, inclusive, T. 12 S., R. 8 E., G. & S. R. M., Arizona, from all forms of

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13003.

[2] 8 F.R. 12562, 13741, 13847.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

[2] 8 F.R. 1117, 2992, 5678, 6619, 9381, 10660, 11509, 16602, 16603.

[1] 8 F.R. 1453, 2209, 2992, 5564, 6359, 10625.

[2] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161.

[1] 8 F.R. 11048, 11383, 11563, 11613, 11753.

[2] 8 F.R. 9628, 11444, 12444, 13059, 13745.

appropriation under the public land laws, including the mining laws, and reserving them under the jurisdiction of the Secretary of the Interior for use in connection with national defense purposes, is hereby revoked.

This order shall become effective 60 days after the date of issuance, the lands to be subject to the regulations contained in 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254), and in 43 CFR, Part 296, to the extent they are applicable.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 6, 1944.

[F. R. Doc. 44-851; Filed, January 17, 1944; 10:18 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 13]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY TO DIVISION OF LOCAL TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, it is hereby ordered that:

§ 503.305 *Alaskan representative.* (a) The Alaskan representative of the Office of Defense Transportation is authorized and directed as follows:

1. To execute and issue, in the name of the Director of the Office of Defense Transportation, the special permits contemplated by General Orders ODT 20A (8 F.R. 9231) and 26A (8 F.R. 4934), or as hereafter amended;

2. To execute and issue, in the name of the Director of the Office of Defense Transportation, the authorization as contemplated by § 501.307 of General General Order ODT 35 (8 F.R. 3451), or as hereafter amended.

(b) The authority conferred by this order shall be subject to the general control and direction of the Director, Division of Local Transport, Office of Defense Transportation, and may be exercised by such Alaskan representative through such agents, or employees of the United States as he may designate.

This Administrative Order ODT 13 shall become effective January 15, 1944.

(E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 15th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-795; Filed, January 15, 1944; 10:46 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1944 Dept. Circ. 729]

2½ PERCENT TREASURY BONDS OF 1965–70

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1965–70. The amount of the offering is not specifically limited.

2. These bonds will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits, except as follows: a commercial bank holding savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System may subscribe to the bonds offered hereunder, to the 2¼ percent Treasury Bonds of 1956–59 offered simultaneously herewith under Treasury Department Circular No. 730, and to Series F–1944 and Series G–1944 United States Savings Bonds under Treasury Department Circular No. 654, Second Revision, but the amount of such subscriptions shall not exceed, in the aggregate, 10 percent of the savings deposits as shown on the bank's books as of the date of the most recent call statement required by the supervising authorities prior to the date of subscription for such bonds, or $200,000, whichever is less. No such bank shall hold more than $100,000 (issue price) of Series F and Series G Savings Bonds (Series 1944), combined.

II. *Description of bonds.* 1. The bonds will be dated February 1, 1944, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on September 15, 1944, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1970, but may be redeemed at the option of the United States on and after March 15, 1965, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury. Except as provided in Section I of this circular, these bonds may not, before February 1, 1954, be transferred to or be held by commercial banks, which are defined for this purpose as banks accepting demand deposits; however, the bonds may be pledged as collateral for loans, including loans by commercial banks, but any such bank acquiring such bonds before February 1, 1954, because of the failure of such loans to be paid at maturity will be required to dispose of them in the same manner as they dispose of other assets not eligible to be owned by banks.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the Collector of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from February 16 to March 15, and from August 16 to September 15 (both dates inclusive) in each year.

the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and sworn to, and by a certificate of the appointment of the personal representatives, under seal of the court, dated not more than six months prior to the submission of the bonds, which shall show that at the date thereof the appointment was still in force and effect. Upon payment of the bonds appropriate memorandum receipts will be forwarded to the representatives, which will be followed in due course by formal receipt from the Collector of Internal Revenue.

6. Except as provided in the preceding paragraphs, the bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers are requested not to trade in the securities allotted hereunder until after February 15, 1944. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and to the limitations on commercial bank subscriptions prescribed in Section I of this circular, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made on or before February 1, 1944, or on later allotment. One day's accrued interest is $0.069 per $1,000. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payments for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 44-877; Filed, January 17, 1944; 11:53 a. m.]

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

[1944 Dept. Cir. 730]

2¼ PERCENT TREASURY BONDS OF 1956–59

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2¼ percent Treasury Bonds of 1956–59. The amount of the offering is not specifically limited.

2. These bonds will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits, except as follows: a commercial bank holding savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System may subscribe to the bonds offered hereunder, to the 2½ percent Treasury Bonds of 1965–70 offered simultaneously herewith under Treasury Department Circular No. 729, and to Series F–1944 and Series G–1944 United States Savings Bonds under Treasury Department Circular No. 654, Second Revision, but the amount of such subscriptions shall not exceed, in the aggregate, 10 percent of the savings deposits as shown on the bank's books as of the date of the most recent call statement required by the supervising authorities prior to the date of subscription for such bonds, or $200,000, whichever is less. No such bank shall hold more than $100,000 (issue price) of Series F and Series G Savings Bonds (Series 1944), combined.

II. *Description of bonds.* 1. The bonds will be dated February 1, 1944, and will bear interest from that date at the rate of 2¼ percent per annum, payable on a semiannual basis on September 15, 1944, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1959, but may be redeemed at the option of the United States on and after September 15, 1956, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury. Except as provided in Section I of this circular, these bonds may not, before September 15, 1946, be transferred to or be held by commercial banks, which are defined for this purpose as banks accepting demand deposits; however, the bonds may be pledged as collateral for loans, including loans by commercial banks, but any such bank acquiring such bonds before September 15, 1946, because of the failure of such loans to be paid at maturity will be required to dispose of them in the same manner as they dispose of other assets not eligible to be owned by banks.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the Collector of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from February 16 to March 15, and from August 16 to September 15 (both dates inclusive) in each year.

a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[2] properly completed, signed and sworn to, and by a certificate of the appointment of the personal representatives, under seal of the court, dated not more than six months prior to the submission of the bonds, which shall show that at the date thereof the appointment was still in force and effect. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the Collector of Internal Revenue.

6. Except as provided in the preceding paragraphs, the bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers are requested not to trade in the securities allotted hereunder until after February 15, 1944. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and to the limitations on commercial bank subscriptions prescribed in Section I of this circular, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made on or before February 1, 1944, or on later allotment. One day's accrued interest is $0.062 per $1,000. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 44-878; Filed, January 17, 1944; 11:53 a. m.]

[2] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

[1944 Dept. Circ. 731]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1945

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series A-1945. These certificates will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits. The amount of the offering is not specifically limited.

II. *Description of certificates.* 1. The certificates will be dated February 1, 1944, and will bear interest from that date at the rate of ⅞ percent per annum, payable semiannually on August 1, 1944, and February 1, 1945, They will mature February 1, 1945, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Commercial banks are requested not to purchase and subscribers are requested not to trade in the securities allotted hereunder until after February 15, 1944. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions must be accompanied by payment in full for the amount of certificates applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made on or before February 1, 1944, or on later allotment. One day's accrued interest is $0.24 per $1,000. Any qualified depositary will be permitted to make payment by credit for certificates allotted to its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 44-876; Filed, January 17, 1944; 11:53 a. m.]

WAR DEPARTMENT.

APPROVAL OF WAGE AGREEMENT BETWEEN RAILROADS AND THREE EMPLOYEE ORGANIZATIONS

MEMORANDUM FOR THE COMMANDING GENERAL, ARMY SERVICE FORCES

JANUARY 15, 1944.

1. Referring to your memorandum of this date and pursuant to the request of the President in his letter to me dated 7 January 1944, you are authorized to approve on behalf of the War Department, the wage agreement dated 14 January 1944 between certain railroads and their employees represented by the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors and the Switchmen's Union of North America, and you may authorize the railroads to make the payments provided for by that agreement. This authority to approve such an agreement or agreements may be delegated by you.

2. You may also authorize or approve agreements between any carriers which are not parties to the agreement of 14 January 1944 and their employees represented by said organizations, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement, and you may authorize payments to be made in accordance with such agreement.

HENRY L. STIMSON,
Secretary of War.

[F. R. Doc. 44-873; Filed, January 17, 1944; 11:44 a. m.]

APPROVAL OF WAGE AGREEMENT BETWEEN RAILROADS AND THREE EMPLOYEE ORGANIZATIONS

MEMORANDUM FOR THE CHIEF OF TRANSPORTATION

JANUARY 15, 1944.

1. In accordance with the recommendations of the President of the United States referred to in the attached memorandum from the Secretary of War, and pursuant to the authority contained in that memorandum, you are authorized and directed:

a. To approve the agreement between the railroads and their employees represented by the Order of Railway Conductors, the Brotherhood of Locomotive Firemen and Enginemen and the Switchmen's Union of North America, and to authorize the railroads to make the payments provided for in that agreement, and

b. To authorize or approve the execution of agreements between any carriers which are not parties to the agreement of 14 January 1944 and their employees represented by said organizations, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement, and you may authorize payments to be made in accordance with such agreement.

BREHON SOMERVELL,
Lieutenant General,
Commanding.

[F. R. Doc. 44-874; Filed, January 17, 1944; 11:44 a. m.]

[G. O. 2]

WAR DEPARTMENT OPERATION OF RAILROADS

AGREEMENT BETWEEN RAILROADS AND EMPLOYEE ORGANIZATIONS

JANUARY 15, 1944.

1. Each of the carriers which are parties to the agreement dated 14 January 1944 between certain carriers and their employees represented by the Order of Railway Conductors, the Brotherhood of Locomotive Firemen and Enginemen and the Switchmen's Union of North America, is hereby authorized to make the payments provided for in that agreement, in accordance with its terms.

2. Any carrier not a party to the agreement of 14 January 1944 is authorized to enter into agreements with its employees represented by said organizations, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement, and to make the payments provided for by such agreements.

C. P. GROSS,
Major General,
Chief of Transportation.

APPENDIX A

AGREEMENT

This agreement made this 14th day of January, 1944, by and between the participating carriers listed in Exhibits A, B, and C, as shown in Appendix of the Emergency Board's Report, dated September 25, 1943, and the three railroad labor organizations, signatory hereto, acting for the employees shown and described in said exhibits as being represented by them, witnesseth:

SECTION 1. On September 25, 1943, an Emergency Board, appointed May 31, 1943 pursuant to the Railway Labor Act and Executive Orders 9172 and 9299, filed its report with the President of the United States in which was contained the recommendation that the employees covered by said report receive an increase of 32 cents per minimum basic day or 4 cents per hour, to be effective as of April 1, 1943. That recommendation was not disapproved by the Director of the Office of Economic Stabilization and has been put into operation by the carriers parties to this agreement. Said increases have been applied as set forth in Appendix A, attached hereto and made a part hereof, and are hereby ratified by the parties hereto.

SEC. 2. An additional increase of 40 cents per minimum basic day or five cents per hour, effective December 27, 1943, shall be paid as the equivalent of or in lieu of claims for time and half pay for time worked over 40 hours per week and for expenses while away from home; said additional increase to be applied in the manner set forth in Appendix B, attached hereto and made a part hereof, and overtime compensation shall continue to be computed and paid in accordance with the provisions of existing agreements.

SEC. 3. (a) The employees herein involved shall be entitled to a vacation of one week a year with pay, said pay to be based on the basic daily rate of last service performed.

(b) The signatory parties, or their representatives, will meet on the earliest date mutually acceptable to both parties to negotiate as to certain details of the application of this section.

(c) If such negotiations do not result in agreement, the matters unsettled will be arbitrated in accordance with the Railway Labor Act, as amended.

SEC. 4. The subjects of time and one-half pay for time worked over 40 hours per week, expenses away from home, and vacations with pay, shall not be further considered by the parties during the continuation of hostilities. This agreement arrived at in time of war shall not prejudice the rights of the parties after Proclamation by the President of the United States or Declaration by the Congress of the cessation of hostilities, to again consider the three subjects above referred to in this section, in accordance with provisions of the Railway Labor Act, as amended. The provisions of this section shall not be construed as a restriction on the right of the parties to take action with respect to change of the basic rates of pay established by application of the increases in rates of pay provided for in this agreement, or to amend existing rules, or to propose new rules not connected with the three subjects above referred to in this section, in accordance with the procedures of the Railway Labor Act, as amended.

SEC. 5. Sections 2 and 3 of this agreement shall become effective as provided therein when necessary governmental approval is secured.

SEC. 6. This agreement is subject to approval of courts with respect to carriers in hands of receivers or trustees.

SEC. 7. This agreement shall be construed as a separate agreement by and on behalf of each carrier, party hereto, and its railroad employees represented by the respective organizations, signatory hereto.

Signed at Washington, D. C., this 14th day of January 1944.

For the participating carriers listed in Exhibit A:[1]

D. P. LOOMIS,
Chairman.
L. L. WHITE,
F. W. GREEN,
J. Y. MCCLEAN,
J. G. TORIAN,

For the participating carriers listed in Exhibit B:

H. A. ENOCHS,
Chairman.
C. A. GILL,
L. W. HORNING,
G. J. RAY,
J. W. SMITH,
C. W. VAN HORN,

For the participating carriers listed in Exhibit C.:[1]

J. B. PARRISH,
Chairman.
L. L. MORTON,
N. H. LASSITER,
C. S. CANNON,
R. V. HALSEY.

For the employees represented by the participating labor organizations:

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
By D. B. ROBERTSON,
President.
ORDER OF RAILWAY CONDUCTORS,
By H. W. FRASER,
President.
SWITCHMEN'S UNION OF NORTH AMERICA,
By T. C. CASHEN,
President.

Effective April 1, 1943, an increase of thirty-two cents (32¢) per day in the rates of pay of employees represented by the labor organizations signatory hereto and covered by Exhibits A, B, and C,[1] as shown in appendix of the Emergency Board's report dated September 25, 1943, shall be made in the following manner:

General

1. (a) All basic daily rates of pay will be increased in the amount of thirty-two cents (32¢) per day.

(b) Mileage rates shall be determined by dividing the new daily rates by the miles constituting a basic day's work in the respective classes of service.

(c) Daily earnings minima shall be increased thirty-two cents (32¢).

(d) All arbitraries, miscellaneous rates, or special allowances as provided in the schedules or wage agreements shall be increased in proportion to the daily increase herein provided.

[1] Not filed with the Division of the Federal Register.

(c) Existing money differentials above existing standard daily rates shall be maintained.

Train Service

2. (a) Standard monthly rates and money monthly guarantees in passenger service shall be thirty (30) times the new standard daily rate. Other than standard monthly rates, and money monthly guarantees, shall be so adjusted that differentials existing as of March 31, 1943, shall be preserved.

(b) Existing monthly rates and money monthly guarantees applicable in other than passenger service will be increased in the same proportion as the daily rate for the class of service involved is increased.

Engine Service

3. In local freight service the same differential in excess of through freight rates as now paid shall be maintained.

Dining Car Employees

4. All monthly rates shall be increased $9.60.

Yardmasters

5. All monthly rates shall be increased $9.60.

6. All increases provided for in the foregoing paragraphs 1 to 5, both inclusive, shall be effective as of April 1, 1943.

APPENDIX B

Effective December 27, 1943, an increase of forty cents (40¢) per day over rates then in effect, established in the manner provided in section 1 of the agreement and in Appendix A, shall be made to the employees represented by the labor organizations signatory hereto, in the following manner:

General

1. (a) All basic daily rates of pay will be increased in the amount of forty cents (40¢) per day.

(b) Mileage rates shall be determined by dividing the new daily rates by the miles constituting a basic day's work in the respective classes of service.

(c) Daily earnings minima shall be increased forty cents (40¢).

(d) All arbitraries, miscellaneous rates, or special allowances as provided in the schedules or wage agreements shall be increased in proportion to the daily increase herein provided.

(e) Existing money differentials above existing standard daily rates shall be maintained.

Train Service

2. (a) Standard monthly rates and money monthly guarantees in passenger service shall be thirty (30) times the new standard daily rate. Other than standard monthly rates and money monthly guarantees shall be so adjusted that differentials existing as of December 26, 1943, shall be preserved.

(b) Existing monthly rates and money monthly guarantees applicable in other than passenger service will be increased in the same proportion as the daily rate for the class of service involved is increased.

Engine Service

3. In local freight service the same differential in excess of through freight rates as now paid shall be maintained.

Dining Car Employees

4. All monthly rates shall be increased $12.00.

Yardmasters

5. All monthly rates shall be increased $12.00.

6. All increases provided for in the foregoing paragraphs 1 to 5, both inclusive, shall be effective as of December 27, 1943.

[F. R. Doc. 44-875; Filed, January 17, 1944; 11:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

KLAMATH PROJECT, OREG.

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 8, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

KLAMATH PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 9 E.,
Sec. 15, N½NE¼, SE¼NE¼, NE¼NW¼.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 30, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JANUARY 6, 1944.

[F. R. Doc. 44-849; Filed, January 17, 1944; 10:18 a. m.]

SHOSHONE PROJECT, WYO.

REVOCATION OF FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 9, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Shoshone project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388), by departmental orders of April 20, 1928 and January 7, 1930, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter listed.

SHOSHONE PROJECT

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 99 W.,
Sec. 4, Lots 1, 2, SW¼;
Sec. 5, Lots 1 to 9, inclusive, NE¼SE¼, S½SE¼;
Sec. 6, Lots 1 to 6, inclusive, and lots 11 to 14, inclusive.
T. 57 N., R. 99 W.,
Sec. 2;
Sec. 27, S½N½, S½;
Sec. 28, S½;
Sec. 29, SE¼SW¼, S½SE¼;
Secs. 30, 31 and 33;
Sec. 33, E½;
Sec. 34, N½NE¼, S½;
Sec. 35, E½, SW¼, S½NW¼, NW¼NW¼.
T. 56 N., R. 100 W.,
Sec. 1;
Sec. 2, Lots 1 to 4, inclusive, lots 7 to 10, inclusive, SE¼;
Sec. 3;
Sec. 13, E½SE¼;
Sec. 22, NW¼NE¼, S½NE¼, W½;
Sec. 27, NW¼;
Sec. 28, 33 and 34;
Sec. 35, Lots 1 to 5, inclusive.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 30, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JANUARY 6, 1944.

[F. R. Doc. 44-848; Filed, January 17, 1944; 10:18 a. m.]

Coal Mines Administration.

[Order CMA-14]

W. A. BARNES, ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of the mining companies listed in Appendix A. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6054, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

1. W. A. Barnes, 309 South Main Street, Masontown, Pennsylvania.
2. Lindey Bros. Coal Co., Rd. 1, Slippery Rock, Pennsylvania.
3. C. D. Moore Coal Mine, Portersville, Pennsylvania.
4. Chas. D. Norris Coal Company, R. D. #1, Harrisville, Pennsylvania.
5. William Piccolomini, 1007 Vine Street, Connellsville, Pennsylvania.
6. Simon W. Rider, Box 355, Charleroi, Pennsylvania.
7. Hugh W. Smith, R. D. #1, Lake Lynn, Pennsylvania.
8. Tri-County Fuel Company, 27 E. Commerce St., Youngstown, Ohio.
9. Thomas J. Wolfe, R. F. D. #1, Lake Lynn, Pennsylvania.
10. Young & Taylor Coal Co., R. D. #1, Oakdale, Pennsylvania.

[F. R. Doc. 44-794; Filed, January 15, 1944; 10:36 a. m.]

General Land Office.

[Order No. 158]

NOTICES OF FILING OF PLAT OF SURVEY OR RESURVEY, ETC.

In order to afford all persons interested an equal opportunity to apply for public lands which become subject to such applications because of the official filing of a plat of survey or resurvey, or of an order revoking a withdrawal or reservation, it is directed:

1. The notice of the official filing of such a plat, or the revocation order, shall provide:

(a) That it shall not become effective to change the status of the lands involved, except to the extent indicated therein, until 10:00 o'clock a. m., of the 63d day from the date on which it is signed, or for such other period as may be determined proper in the particular case;

(b) Subject to existing valid rights, for the filing of applications in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L.D. 254), and 43 CFR Part 296, to the extent that these regulations are applicable.

2. Notice of the official filing of a township plat shall be given publicity as provided in 43 CFR 240.3 (Circ. 1486, March 4, 1941 (6 F.R. 1389)). Each order shall be given due publicity, dependent upon the circumstances of the case, including posting in the district land office, or this office if there is no district land office in the State, until after the effective date specified therein.

FRED W. JOHNSON,
Commissioner.

Approved: January 7, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44-871; Filed, January 17, 1944; 10:18 a. m.]

Solid Fuels Administration.

DEFICIENCY IN STOCK IN DESIGNATED NORTHEASTERN STATES

NOTICE TO PRODUCERS IN DISTRICT NO. 3

The necessity for shipping adequate supplies of bituminous coal to areas normally served by the Great Lakes, and to areas experiencing shortages in supplies of solid fuels has resulted in deficient stocks of bituminous coal to meet the requirements of retail dealers who supply household consumers and others with coal in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia. In order to meet the present emergency in these states and to avoid hardship and suffering caused by lack of sufficient fuel, the following direction to producers in District No. 3, a district which normally serves these states, is issued pursuant to Executive Order No. 9332, issued by the President on April 19, 1943 (8 F.R. 5355), and Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832):

Each producer in District No. 3 (as described in the Annex to the Bituminous Coal Act of 1937) is hereby directed to ship on the first two operating days of the week of January 17, 1944, from each of his mines to his all-rail retail dealers in the above-mentioned states from whom he now has orders the entire production of all sizes covered by such orders. Any producer who does not have sufficient orders from retail dealers in the above-mentioned states to cover his entire production of domestic sizes during such period shall immediately communicate by telephone or telegraph with Mr. Allan Burk, Solid Fuels Administration for War, Department of the Interior, Washington, D. C., for directions concerning the shipment of such excess tonnage. (Mr. Burk's telephone number is Republic 1820, Extension 5191. His room number is 3343, New Interior Building.)

Each such producer shall notify his retail dealer customers of these directions and advise him that shipments are made pursuant to Solid Fuels Administration for War directions.

Each such producer shall report in writing on or before January 24, 1944, to Mr. Burk, the name and location of each customer to whom coal is shipped in accordance with these directions and the tonnage shipped to each customer. In lieu of such report, any producer may file with Mr. Burk a copy of each invoice covering the tonnage shipped in accordance with these directions. These directions take precedence over, but shall not otherwise alter, requirements of all other regulations, orders, or directions.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

NOTE: The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of January 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44-793; Filed, January 15, 1944; 10:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 800]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 1, 1944.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 4-2026B4 Fulton	$60,000
Florida 4-2015A3 Lafayette	20,000
Louisiana 4-2006C3 St. Mary	25,000
Montana 4-2021B1 Big Horn	41,000
Oregon 4-2021D1 Coos	405,000
Oregon 4-2021G1 Coos	114,500
Texas 4-3068C2 Cooke	20,000
Texas 4-1077B4 Johnson	15,000
Texas 4-3103B3 Polk	50,000
Wisconsin 4-3019F1 Chippewa	28,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-836; Filed, January 15, 1944; 3:02 p. m.]

[Administrative Order 801]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 10, 1944.

I hereby amend:

(a) Administrative Order No. 555, dated January 27, 1941, by reducing the allocation of $500,000 therein made to "New York 1018E1 N. Y. S. E. & G." by $237,128.08, so that the reduced allocation shall be $262,871.92;

(b) Administrative Order No. 762, dated June 8, 1943, by rescinding the allocation of $10,000 therein made to "Oregon 3025B2 Deschutes";

(c) Administrative Order No. 762, dated June 8, 1943, by rescinding the allocation of $10,000 therein made to "Utah 3008C3 Duchesne";

(d) Administrative Order No. 730, dated September 14, 1942, by rescinding

the allocation of $10,000 therein made to "Washington 3–1028A2 Kittitas District Public."

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 44–837; Filed, January 15, 1944; 8:02 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

WESTERN UNION TELEGRAPH CO.

NOTICE OF HEARING

In the matter of the application of the Western Union Telegraph Company for permission to employ messengers at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938.

Whereas, the Western Union Telegraph Company, pursuant to Regulations, Part 523 (regulations applicable to employment of messengers pursuant to section 14 of the Fair Labor Standards Act of 1938) has made application for permission to employ messengers, employed exclusively in delivering letters and messages, at wages lower than the applicable minimum wage specified in section 6 of the act,

Now, therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938 and § 523.5 of said regulations, Part 523, issued thereunder, notice is hereby given of a public hearing to be held in Room 1001, 165 West 46th Street, New York, New York, to commence at 10 a. m. on February 1, 1944 before Isabel Ferguson, a duly authorized representative of the Administrator, who is hereby authorized to receive evidence and hear argument on the following questions:

1. Is it necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment in the telegraph industry of messengers, employed exclusively in delivering letters or messages, under special certificates, at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938; and if such necessity is found to exist,

2. Under what limitations as to wages, time, number, proportion and length of service may special certificates be issued authorizing the employment of such messengers at subminimum wage rates.

Following the hearing, the presiding officer shall file with the Administrator a complete record of the proceedings together with her findings of fact and recommendations thereon.

Any interested person may appear at the hearing to offer evidence provided that no later than January 31, 1944 such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. A statement whether the appearance is in support of or in opposition to the application.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at New York, New York, this 11th day of January 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44–798; Filed, January 15, 1944; 11:05 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 934]

CONTINENTAL AIR LINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for Continental Air Lines, Inc., over routes Nos. 29, 43, and 60.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 406 and 1001 of said act, that hearing in the above-entitled proceeding now assigned to be heard on January 19, 1944, is hereby postponed to January 21, 1944, 10:00 a. m. (eastern war time) in Room 3237, Post Office Department, 12th Street and Pennsylvania Avenue NW., Washington, D. C., before Examiner Ross I. Newmann.

Dated: Washington, D. C., January 15, 1944.

[SEAL] ROSS I. NEWMANN,
Examiner.

[F. R. Doc. 44–850; Filed, January 17, 1944; 10:37 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6046]

RATES AND CHARGES BETWEEN U. S. AND POINTS IN WEST INDIES AND CENTRAL AND SOUTH AMERICA

ORDER DENYING MOTION AND CONTINUING HEARING

In the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America, and South America. (T–29)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of January 1944;

The Commission, having under consideration its order of December 28, 1943 herein, directing a further hearing with respect to the matter of rates and charges, and related practices, classifications, and regulations, for and in connection with telegraph communication service between the United States and Colombia, and having also under consideration a motion filed herein on January 5, 1944 by R. C. A. Communications, Inc., requesting a specification as to the respects in which its tariff schedules for telegraph service from Colombia to the United States are unlawful, or rescinding the order of December 28, 1943, herein, insofar as it has reference to its tariff schedules; and an opposition to said motion and a petition for enlargement of the issues, filed herein on January 10, 1944 by All America Cables and Radio, Inc.; and

It appearing that R. C. A. Communications, Inc., may have effected arrangements whereby no other United States carrier can charge rates as low as those being charged by R. C. A. Communications, Inc., for telegraph communication service northbound to the United States from Colombia;

It is ordered, That the above motion of R. C. A. Communications, Inc., be, and it is hereby, denied;

It is further ordered, That, without limiting the scope of the proceeding, the hearing shall also include the question of whether R. C. A. Communications, Inc. has entered into, maintained, or operated under any contract, agreement, understanding, or arrangement, written or oral, express or implied, which results in an undue preference to R. C. A. Communications, Inc., or an undue prejudice to other United States carriers in the rendition of communication service between the United States and Colombia, or which tends to create a monopoly of such communication service, contrary to the public interest, convenience or necessity; and, if any such situation exists, whether an appropriate modification of the radio station licenses of R. C. A. Communications, Inc. should be made.

It is further ordered, That the hearing heretofore directed to be held herein on the 26th day of January, 1944 be, and it is hereby, continued until the 9th day of February 1944, to begin at 10:00 a. m. at the offices of the Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44–797; Filed, January 15, 1944; 10:47 a. m.]

NEWSPAPER OWNERSHIP OF RADIO STATIONS

NOTICE OF DISMISSAL OF PROCEEDING

The Commission on January 13, 1944, closed the record and dismissed the proceeding instituted pursuant to Orders 79 (6 F.R. 1580) and 79A (6 F.R. 3302) relating to newspaper ownership of radio stations.

The Commission has concluded, in the light of the record in this proceeding and of the grave legal and policy questions involved, not to adopt any general rule with respect to newspaper ownership of radio stations.

A summary of the evidence in the proceeding is being forwarded to the appropriate committees of the Senate and House of Representatives in order to inform them of the facts developed by the investigation and for any consideration which they may desire to give the matter.

Aside from the specific question of common ownership of newspapers and radio stations, the Commission recognizes the serious problem involved in the broader field of the control of the media of mass communications and the importance of avoiding monopoly of the avenues of communicating fact and opinion to the public. All the Commissioners agree to the general principle that diversification of control of such media is desirable. The Commission does not desire to discourage legally qualified persons from applying for licenses, but does desire to encourage the maximum number of qualified persons to enter the field of mass communications, and to permit them to use all modern inventions and improvements in the art to insure good public service.

In the processing of individual applications for licenses, the Commission will inquire into and in its decisions give expression to "public interest" considerations. The Commission does not feel that it should deny a license merely because the applicant is engaged or interested in a particular type of business. However, it does not intend in granting licenses in the public interest to permit concentration of control in the hands of the few to the exclusion of the many who may be equally well qualified to render such public service as is required of a licensee.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44–862; Filed, January 17, 1944; 10:15 a. m.]

FEDERAL POWER COMMISSION.

[Docket IT–5829]

ARKANSAS POWER & LIGHT COMPANY

ORDER FIXING DATE OF HEARING

JANUARY 13, 1944.

It appearing to the Commission that:

(a) On June 3, 1940, Arkansas Power & Light Company (hereinafter sometimes referred to as "Company") filed its purported reclassification and original cost studies pursuant to Electric Plant Accounts Instruction 2–D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Commission's order of May 11, 1937, pertaining thereto;

(b) The staff of this Commission, in collaboration with the staff of the Department of Public Utilities of Arkansas, made a field examination of the Company's studies and submitted a report to this Commission covering such examination entitled "Arkansas Power & Light Company, Pine Bluff, Arkansas, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(c) The said report was served on the Company, together with an order adopted on June 15, 1943, requiring the Company to show cause, under oath, if any there be, why the Commission should not by order find, determine and direct that the Company comply with the recommendations contained in the staff report;

(d) The report proposed that the Company classify $16,610,196.85 in Account 107, Electric Plant Adjustments; $1,108,440.24 in Account 100.5, Electric Plant Acquisition Adjustments; dispose of $2,402,515.42 of the amount in Account 107, as set out on page 33 of the staff report; and submit plans for the disposition of the remainder of $14,207,681.43 in Account 107 and of the $1,108,440.24 in Account 100.5;

(e) The report also proposed that the Company classify $45,551,920.00 in Account 100.6, Electric Plant in Process of Reclassification, and $2,293,567.58 in various Plant in Process of Reclassification Accounts within Account 108, Other Utility Plants, and that the Company prepare and submit to this Commission revised reclassification and Original Cost Studies respecting these amounts in conformity with the requirements of this Commission's Uniform System of Accounts and its order of May 11, 1937, pertaining thereto;

(f) On September 18, 1943, the Company filed its response to the order of June 15, 1943, in which the Company has in effect proposed to classify $7,920,276.85 of its Electric Plant as of December 31, 1936, in Account 107, Electric Plant Adjustments, and $10,300,628.47 of its Electric Plant in Account 100.5, Electric Plant Acquisition Adjustments, and Plant Acquisition Adjustments within Account 108, Other Utility Plant; such foregoing amounts include approximately $1,666,652.22 of adjustments classified by the staff in Account 100.6, Electric Plant in Process of Reclassification, pending further study;

(g) Thereafter conferences were held between representatives of the Company, this Commission, and the Department of Public Utilities of Arkansas, as a result of which the issues outlined by the order of June 15, 1943, and the response of the Company thereto, may be substantially narrowed, but said conferences failed to produce complete agreement on such issues.

The Commission finds that:

It is appropriate, to carry out the provisions of the Federal Power Act, that a public hearing be held in this matter.

The Commission orders that:

(a) A public hearing be held, commencing on February 16, 1944, at 9:45 a. m. (c. w. t.) in Little Rock, Arkansas, at a place to be hereafter designated, for the purpose of determining the issues raised by the order of June 15, 1943, and the Company's response thereto;

(b) In accordance with the provisions of the Federal Power Act, the burden of proof with respect to the issues shall be upon Arkansas Power & Light Company;

(c) At said hearing, Arkansas submit plans for the disposition of any and all amounts proposed for reclassification in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments;

(d) The Department of Public Utilities of Arkansas may participate in the hearing as provided in Part 39, § 39.4, of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–792; Filed, January 15, 1944; 9:56 a. m.]

[Docket Nos. G–507, G–508, G–510, G–516, G–519]

HOPE NATURAL GAS CO., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JANUARY 14, 1944.

In the matters of Hope Natural Gas Company, Docket No. G–507; New York State Natural Gas Corporation, Docket No. G–508; The Manufacturers Light and Heat Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company, Docket No. G–510; United Fuel Gas Company, Docket No. G–516; Home Gas Company, Docket No. G–519.

(a) Upon consideration of the application filed November 15, 1943, Hope Natural Gas Company, Docket No. G–507, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) 18 miles of 12¾-inch natural-gas transmission pipe line extending from Hope Natural Gas Company's existing Hastings Compressor Station in Wetzel County, West Virginia, to the West Virginia-Pennsylvania state boundary line near Hundred, Wetzel County, West Virginia;

(ii) Two additional steam-engine-driven natural-gas compressors at Hope Natural Gas Company's Hastings Compressor Station aggregating 4,000 horsepower, with additional boiler and auxiliary equipment; and

(b) Upon consideration of the application filed November 15, 1943, by New York State Natural Gas Corporation, Docket No. G–508, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize construction and operation of 127 miles of 12¾-inch natural-gas transmission pipe line extending from a point of connection with the pipe line described in (a) (i) on the boundary line between Greene County, Pennsylvania, and Wetzel County, West Virginia, in a northeasterly direction to a terminal point in Limestone Township, Clarion County, Pennsylvania; and

(c) Upon consideration of the joint application filed November 29, 1943, by the Manufacturers Light and Heat Company (hereinafter referred to as "Light and Heat") and Manufacturers Gas Company (hereinafter referred to as "Manufacturers"), Docket No. G–510, as amended by joint application filed January 1, 1944, by Light and Heat, Manu-

facturers and Pennsylvania Fuel Supply Company (hereinafter referred to as "Pennsylvania"), for certificates of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) Light and Heat proposes to construct 900 feet of 20-inch and 11 miles of 16-inch loop pipe line beginning at point of the existing interconnection between 16-inch lines of Light and Heat and United Fuel Gas Company at Miller Farm in Sandhill District, Marshall County, West Virginia, and extending in a northeasterly direction to a point near Light and Heat's Donegal Compressor Station located in Donegal Township, Washington County, Pennsylvania, where the proposed line would be connected with a 16-inch loop line of Light and Heat extending northeast a distance of 30 miles to the Hix Farm in Findley Township, Allegheny County, Pennsylvania. From that point on the Hix Farm, Light and Heat proposes to construct 12 miles of 16-inch loop line in a northerly direction to the Town of Monaca, Beaver County, Pennsylvania, to connect into Light and Heat's 16-inch line extending to Ellwood City Compressor Station at the Beaver-Lawrence County Line;

(ii) Light and Heat proposes to construct a total of five miles of 12-inch suction and discharge piping between points on its existing 12-inch and 16-inch pipe lines and its Porters Falls Compressor Station;

(iii) Light and Heat proposes to dismantle and remove two 1100 hp. gas compressors from its Hundred, West Virginia, Compressor Station, two 1100 hp. gas compressors from its Sedalia, West Virginia, Compressor Station, and one 625 hp. gas compressor from its Rosbys Rock Compressor Station, and to install those units, together with one 1000 hp. gas compressor proposed to be purchased from its affiliate, United Fuel Gas Company, at its proposed Hughes River site, Murphy District, Ritchie County, West Virginia, together with other facilities necessary to construct a 6200 hp. gas compressor station complete with auxiliaries, cooling equipment, dehydration plant, piping, buildings and appurtenances;

(iv) Light and Heat proposes to install an additional 1300 hp. gas compressor at its Ellwood City Compressor Station, Pennsylvania, and to enlarge its existing dehydration plant at that location;

(v) Light and Heat proposes to construct 21.5 miles of 10-inch loop pipe line beginning at Chewton, Butler County, Pennsylvania, and extending east to Pennsylvania's Rimersburg Compressor Station, Clarion County, Pennsylvania;

(vi) Light and Heat proposes to make additions to its existing Porters Falls Compressor Station and dehydration plant;

(vii) Light and Heat proposes to dismantle and remove one 400 hp. gas compressor from its State Line Compressor Station and to erect the same with necessary cylinder changes, after-cooling, piping, valves and fittings necessary to connect the same with Light and Heat's present discharge line at its Sedalia Compressor Station and provide for two-stage operation of that station;

(viii) Pennsylvania proposes to construct 12.2 miles of 10-inch loop pipe line beginning at the Rimersburg Compressor Station and extending to Truittsburg, Clarion County, Pennsylvania;

(ix) Manufacturers proposes to construct 15.3 miles of 10-inch loop pipe line beginning at Truittsburg, Clarion County, Pennsylvania, and extending to the Iowa Compressor Station, Pine Creek Township, Jefferson County, Pennsylvania. From the latter point, Manufacturers proposes to construct 30 miles of 8-inch line extending in a northerly direction to a point near McKinley Compressor Station, Elk County, Pennsylvania;

(x) Manufacturers proposes to install an additional 1600 hp. gas compressor at its Iowa Compressor Station and enlarge the existing hydrocarbon control plant at that location; and

(d) Upon consideration of the application filed December 29, 1943, by United Fuel Gas Company (hereinafter referred to as "United"), Docket No. G–516, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) United proposes to dismantle and remove one 450 hp. gas compressor from its Buff Lick Compressor Station in Kanawha County, West Virginia, and erect the same at its Glenville Compressor Station in Gilmer County, West Virginia;

(ii) United proposes to dismantle and remove one 600 hp. gas compressor from its Goldtown Compressor Station in Jackson County, West Virginia, and erect the same at the Carnegie Compressor Station in Wetzel County, West Virginia, which station is owned by Carnegie Illinois Steel Corporation but operated by United;

(iii) United proposes to install four 13" x 36" compressor cylinders on three of the present existing gas compressors at its Spencer Compressor Station, Spencer, West Virginia; and

(e) Upon consideration of the application filed January 1, 1944, by Home Gas Company (hereinafter referred to as "Home"), Docket No. G–519, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) Home proposes to acquire from Producers Gas Company of Olean, New York, approximately 10.05 miles of 6-inch pipe line extending in an easterly direction from Olean, New York, parallel to Home's existing pipe lines;

(ii) Home proposes to lease from Empire Gas and Fuel Company, Ltd. of Wellsville, New York, and to operate 21⅞ miles of 6-inch pipe line, which line is an extension of the line described in (e) (i) above;

(iii) Home proposes to construct several crossover connections between the pipe line proposed to be acquired, referred to in (e) (i) above, and the pipe line proposed to be leased, referred to in (e) (ii) above, with Home's present pipe line and in connection therewith to construct five orifice meter stations and one positive meter station;

(iv) Home proposes to install at its Wellsville, New York, Compressor Station, one 160 hp. gas compressor and in connection therewith to install two new compressor cylinders; and

(f) Upon consideration of the joint petition filed December 31, 1943, by The Manufacturers Light and Heat Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company, Applicants in Docket No. G–510, requesting that for the purpose of hearing such proceeding be consolidated with the proceedings in Docket Nos. G–507, G–508, G–516, and G–519; and the joint protest thereto of Hope Natural Gas Company and New York State Natural Gas Corporation filed January 8, 1944; and

It appearing to the Commission that:

(1) The proposed project of Hope Natural Gas Company and New York State Natural Gas Corporation is for the purpose of supplying New York State Natural Gas Coporation approximately 15,000 Mcf per day and, in addition, to supply approximately 20,000 Mcf per day to United Natural Gas Company, Republic Light, Heat and Power Company, Inc., North Penn Gas Company, Allegany Gas Company, Godfrey L. Cabot, Inc., and Empire Gas and Fuel Company;

(2) The project proposed by The Manufacturers Light and Heat Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company, United Fuel Gas Company and Home Gas Company is for the purpose of supplying approximately 20,000 Mcf of natural gas per day to United Gas Company, North Penn Gas Company, Penn-York Natural Gas Corporation and Producers Gas Company;

(3) The proposed construction and operation of the facilities involved in Docket Nos. G–507 and G–508 are for the purpose of meeting substantially the same natural gas requirements in the northern Pennsylvania and western New York area as that involved in Docket Nos. G–510, G–516 and G–519;

(4) The above entitled proceedings may involve substantially similar issues and facts;

(5) Good cause exists for consolidating the above matters for the purpose of hearing thereof;

The Commission orders that:

(A) All of the above entitled proceedings be and they are hereby consolidated for the purposes of hearing;

(B) A public hearing be held commencing on January 26, 1944, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in these proceedings;

(C) Interested State commissions may participate in this hearing as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–847; Filed, January 17, 1944; 10:20 a. m.]

FOREIGN ECONOMIC ADMINISTRATION.

[Case No. 26]

SIGFRIED OLSEN SHIPPING CO.

ORDER FOR THE DENIAL OF LICENSING PRIVILEGES

In the matter of Sigfried Olsen Shipping Company, One Drumm Street, San Francisco, California.

Pursuant to Part 807 of the regulations, adopted under section 6 of the Act of July 2, 1940, as amended, the Trade Intelligence Division of the Office of Exports, Office of Economic Warfare (now Trade Intelligence Division of the Requirements and Supply Branch, Foreign Economic Administration) charged the respondent herein with the violation of section 6 of the Act of July 2, 1941, as amended, and the regulations adopted pursuant thereto. After due notice the respondent requested an oral hearing in accordance with § 807.7 of said regulations. The matter came on for oral hearing before Kelly Kash, Compliance Commissioner for the Administration. Respondent appeared and was represented by counsel.

The Compliance Commissioner received the evidence presented and after due consideration of the record on the 11th day of January 1944 filed his findings of fact and recommendation in this matter. Said findings show that Sigfried Olsen Shipping Company, One Drumm Street, San Francisco, California, is and was on the dates herein mentioned, a trade name adopted by Sigfried Olsen, under which name he has been carrying on a shipping business with his principal office at the above address; that on or about February 21, 1943, respondent caused to be loaded and shipped on the S. S. *Igor* 5,000 sacks of Portland Cement under Shipper's Export Declaration No. 28719 dated February 5, 1943, naming R. W. Hebard and Company, Balboa, Canal Zone, consignee; that said 5,000 sacks of cement were the subject of much correspondence between respondent and one N. P. Severin Company as a result of which Severin advised that the 5,000 sacks would be of no use to them but notwithstanding cement was loaded on board the ship which sailed on or about February 20, 1943; that the bill of lading for said shipment apparently dated February 18, 1943, refers to Export Declaration 28719 with consignee shown as "Order of Shipper", notice to be addressed to R. W. Hebard Company, Balboa, Canal Zone; that at the time the cement was in transit advice was given respondent that said Hebard Company was not interested in the purchase of additional cement; that no freight space application had been submitted for this shipment; that while this shipment was in transit respondent, not having received advice from Severin Company as to its desire to accept the shipment, undertook to arrange delivery to R. W. Hebard Company; that upon refusal of Hebard Company to accept delivery respondent changed the "Notify Party" on the bill of lading from Hebard to Almacenes Martinez, Republic of Panama, from whom orders had been received in October 1942 and for whom freight space applications had been submitted for other shipments and approved on March 17, 1943; that respondent, on or about April 1, 1943, shipped 150 bags of soda ash to one Christian I. Hayer, Panama, Republic of Panama, pursuant to freight space and License Number K–190766 wherein it was stated that respondent was in possession of a bona fide order from the proposed consignee; that an order and letter of credit had been sent by the consignee to respondent but that prior to shipment said letter of credit was withdrawn and that shipment was refused by Hayer and subsequently placed in storage in Panama; that respondent filed or caused to be filed an application for license and freight space, Form BEW 166, No. K–190767, for the exportation of 100 drums of caustic soda to Christian I. Hayer, Panama, Republic of Panama; that previous orders had been given by this consignee and letter of credit established, but that said letter of credit was withdrawn although there had not been any final and effective withdrawal of the order; that one Ricardo A. Miro under date of January 7, 1943, advised respondent that if the orders for the 150 bags of soda ash and 100 drums of caustic soda were not shipped before the expiration of the extended credits, he would consider the orders cancelled; that the application for and granting of license K–190767 shows that the orders for this commodity were not effectively cancelled; that much correspondence between respondent's San Francisco and Balboa offices and proposed purchasers regarding shipments referred to herein indicate cancellation of the orders, though the proposed purchasers and respondent completed certain transactions by delivery of portions of the commodities referred to, and with final approval of the Administration; that the attitude of respondent is shown by a letter dated February 12, 1943 from Sigfried Olsen to Mr. Paul P. Harving of New York wherein an attempt is made to explain his "unorthodox methods of procedure"; that although respondent refers to the transaction respecting the 5,000 bags of cement as being "unorthodox", the fact that the shipment was made without disclosing at the start the true name of the consignee, and the changing the name of the consignee while the shipment was en route, were not only "unorthodox" acts, but were violations of the export control laws and regulations; that while the other transactions herein referred to do not indicate the same measure of lack of respect for the export control laws and regulations, they do show a disposition on the part of respondent to disregard the regulations and act independently of their requirements. The Commissioner has recommended that the suspension of licensing privileges from the date of the charging letter to the date of the filing of his recommendations be deemed sufficient disciplinary action against respondent.

The undersigned having considered the findings and recommendations of the Compliance Commissioner has determined that the findings of Fact are amply supported by the evidence. However, the undersigned is unable to adopt, without modification, the recommendation made by the Compliance Commissioner concerning the disciplinary action which should be taken. Not unmindful of the considerations which the Compliance Commissioner recites in mitigation of any proper penalty, I believe that the nature of the violations are sufficiently serious and demonstrate a wilful or at least a negligent disregard of export control regulations as to require the imposition of a longer suspension than that recommended. The violations in question are those which took place after export control had been long established. Respondent was fully cognizant of those regulations and I cannot read the record as demonstrating anything other than a disregard of the regulations adopted as wartime measures to control American exports. In these circumstances I have determined to modify the recommendation of the Commissioner by ordering a suspension of respondent's licensing privileges until February 29, 1944.

Now, therefore, it is determined and ordered, That the respondent, Sigfried Olsen Shipping Company, and any person, association, or organization acting in its behalf or for its account be and each of them is hereby denied the privilege of obtaining individual, or any other type of export license or release certificate and is denied the use of any general or other type of export license authorizing any exportation whatsoever from the United States until February 29, 1944, and that all presently outstanding export licenses or release certificates issued to said respondent be and the same are hereby revoked.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 13, 1944.

J. C. FOULIS,
Deputy Director,
Requirements and Supply,
Branch, Bureau of Supplies.

[F. R. Doc. 44–778; Filed, January 14, 1944; 2:37 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4764]

CONGOLEUM-NAIRN, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive

evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 19, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-799; Filed, January 15, 1944; 11:13 a. m.]

[Docket No. 4965]

UNITED STATES FORWARDING SYSTEM, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

In the matter of David Rosenthal and Benjamin Peisachow, individually and trading as United States Forwarding System, et al.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 1, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 23, Old Federal Building, Rochester, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-818; Filed, January 15, 1944; 11:13 a. m.]

[Docket No. 5099]

NEW JERSEY SERVICE CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

In the matter of James O. Keane, an individual, New Jersey Service Company, Inc., a corporation and John J. McConomy, Katherine M. Higgins, and Mary A. Keane, individually and as officers of New Jersey Service Company, Inc., and Dorothy Boyden, an individual.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidences in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, January 25, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 3050, Court House Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-800; Filed, January 15, 1944; 11:13 a. m.]

[Docket No. 5100]

ATLANTIC COMMERCIAL AGENCY, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

In the matter of Atlantic Commercial Agency, Inc., a corporation, Gerald H. Strickland and G. Russell Walsh, individually and as managers of Atlantic Commercial Agency, Inc., and S. Mortimer Hirshorn, and Dorothy Boyden, individuals.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 24, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 3050, Court House Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-801; Filed, January 15, 1944; 11:13 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Rev. ODT 3, Supp. Order 147]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN KENTUCKY AND OHIO

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Hayes Freight Lines, Inc. (A corporation), Mattoon, Illinois, and Union Transfer & Storage Company (A corporation), Lexington, Kentucky, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—147," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 15th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[1] Filed as part of the original document.

[F. R. Doc. 44-796; Filed, January 15, 1944; 10:46 a. m.]

PRIVATE AND CONTRACT CARRIERS

COORDINATED OPERATIONS

In order to conserve and providently utilize vital transportation equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following methods and procedure for joint action by private carriers and contract carriers, as well as persons using the services of for-hire carriers, are promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

1. *Purpose of recommendation.* The purpose of this recommendation is to enable private carriers and contract carriers, as well as persons using the services of for-hire carriers, to cooperate with each other and with the Office of Defense Transportation in respect of the collection or delivery of property by motor vehicle in such manner as will result in conservation and provident utilization of vital transportation equipment, materials and supplies, will provide for the prompt and continuous movement of necessary traffic, and will otherwise aid in accomplishing the purposes and requirements of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750, 14582).

2. *Joint action plans.* (a) Any two or more of such carriers or other persons (herein called participants) may enter into a joint action plan designed to accomplish the objectives of this recommendation by any one or more of the following described methods:

(1) Jointly operate collection and delivery vehicles, pool collections or deliveries for customers or patrons in the same neighborhood, collect or deliver orders for each other, or refer persons seeking any product or service to other participants, whenever any such action will reduce mileage operated by collection and delivery vehicles.

(2) Fill orders from each other's supplies of merchandise, for the purpose of reducing mileage of collection and delivery vehicles by making delivery from a point of supply nearer the customer or patron to be served.

(3) Lease or rent collection and delivery vehicles, with or without drivers and helpers, in order to achieve more efficient utilization of such vehicles.

(4) Exchange customers in outlying areas when so doing will result in the conservation or more efficient utilization of collection and delivery vehicles and will be with the customer's express consent.

(5) Adopt one or more of the following operating rules or practices: no collection and delivery vehicle will be started from the premises of a participant earlier than a certain hour, or unless fully loaded, except in emergencies; advance notice, except in emergencies, will be required for collections or deliveries; no orders will be accepted for collection or delivery at a specific time of day; service will not be performed within a given time unless the order therefor is received before a certain hour; before attempting collection or delivery, definite arrangements will be made to assure acceptance of such service by customer or patron; collections and deliveries of property will be made at the same time; minimum quantities, by weight or volume, for collections or deliveries will be prescribed: *Provided*, That no person will be precluded by such rule from receiving needed goods, supplies or services; limitations on frequency of collection or delivery within specific zones or areas will be established: *Provided, however*, That each such rule or practice adopted shall be administered fairly and without unjust discrimination as between consumers.

(6) Appoint one or more of their own number, or any other persons, to act as their individual, common, or joint agents in effecting joint action by any of the above-mentioned methods.

(b) No provision in this recommendation shall be construed to approve or imply approval of any program, agreement, act, or discussion relating (but not limited) to (1) the fixing of prices or of the terms and conditions for the purchase or sale of any product, service or thing, except for the adjustment of accounts between the participants in respect of the permissible action under this recommendation; (2) the allocation of territorial markets or distributors among participants, or the allocation of products among customers; (3) the establishment by the participants of a joint or common selling agent or instrumentality on behalf of the participants; (4) the exchange or allocation of customers by the participants except as provided in section 2 (a) (4) of this recommendation; (5) the use of any coercion, direct or indirect, to secure participation of any individual, company or group in the permissible action under this recommendation; or (6) boycott by two or more participants of any manufacturer, distributor, consumer, or other person.

(c) Such joint action plans shall be in writing, signed by all participants, and should state: (1) the territory involved; (2) the full legal names and the addresses of all participants; (3) the specific method or methods of joint action to be used; (4) the practical application of these methods to the particular operation of the participants; (5) an estimate and explanation of the conservation to be accomplished; (6) the effect, if any, of the proposed joint action on the maintenance of adequate transportation service; and (7) the name and address of a person to whom communications in respect of the plan may be sent.

(d) Such joint action plans shall be filed with the Office of Defense Transportation through its appropriate District Manager, Division of Motor Transport.

(e) Each such joint action plan will be reviewed by the General Counsel of the Office of Defense Transportation; and if it appears that the plan conforms to the provisions of this recommendation, and that effectuation of such plan will accomplish substantial conservation and more efficient utilization of motor transportation equipment, materials and supplies, consistent with the maintenance of adequate transportation service, he will approve the plan; and thereupon the Office of Defense Transportation will direct those who have agreed, or who shall thereafter agree, to participate in the plan, to put it into effect. True copies of the plan will be transmitted to the Chairman of the War Production Board and the Attorney General.

(f) Other persons engaged in the same business, desiring to participate in the plan, and willing to be bound by the terms thereof, may petition the Office of Defense Transportation for authorization to be included therein, and, upon receiving authorization, shall become participants in the plan.

3. *Records; inspection.* Participants in joint action plans approved under this recommendation each shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of

1942. Such records shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

4. *Termination.* This recommendation shall remain in full force and effect until 6 months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

Issued at Washington, D. C., this 8th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-865; Filed, January 17, 1944; 11:25 a. m.]

PETROLEUM AND OTHER LIQUID TRANSPORT ADVISORY COMMITTEES

COORDINATED OPERATIONS

In order to conserve and providently utilize vital transportation equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following provisions for the establishment and functioning of industry transportation advisory committees for petroleum and other liquid products are promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

1. *Purpose of recommendation.* The purpose of this recommendation is to enable persons who transport petroleum and other liquid products in tank trucks to wholesale and retail distributors and military, private and commercial consumers to cooperate with each other and with the Office of Defense Transportation in the transportation of petroleum and other liquid products in tank trucks in such manner as will result in conservation and provident utilization of tank truck equipment and facilities and as will provide, in so far as possible, for the prompt and continuous movement of available supplies of petroleum and other liquid products to such distributors and consumers.

2. *Petroleum and other liquid transport advisory committees*—(a) *Appointment.* The Office of Defense Transportation will appoint a National ODT Tank Truck Advisory Committee, which shall be nationally representative of the private and for-hire carriers by tank truck and distributors of petroleum and other liquid products; and, when deemed necessary, will appoint Regional and State ODT Tank Truck Advisory Committees and Regional, State and District Committees on Local Delivery, or Regional or State Joint ODT Tank Truck Advisory Committees, which shall be representative of the private and for-hire carriers by tank truck and distributors of petroleum and other liquid products within the particular territory.

(b) *Temporary subcommittees.* Any of such committees may appoint a Temporary Subcommittee at any time to investigate and to report to it on any matter within its cognizance. Such temporary subcommittees shall be dissolved upon completion of their particular assignments.

(c) *Functions.* Such committees, within their respective territories, shall confine themselves to collecting and analyzing information, studying and developing plans for the coordination and most effective use of existing domestic facilities for the transportation of petroleum and other liquid products for the prosecution of the war, and making recommendations thereon to the Office of Defense Transportation. They shall not undertake to determine policies in regard thereto for the transportation industry, nor shall they attempt to compel or coerce anyone to comply with any request or order made by public authority. All requests for action on the part of carriers shall be made by the Office of Defense Transportation and not by the committees.

3. *Joint action plans.* (a) Any two or more persons who transport petroleum or other liquid products to wholesale or retail distributors, to private and commercial consumers, or to the armed forces of the United States may enter into a joint action plan designed to accomplish the objectives of this recommendation by any one or more of the following described methods:

(1) Jointly operating delivery vehicles, pooling of deliveries to receivers in the same neighborhood or zone, or delivering orders for the account of each other, whereby mileage of delivery vehicles will be reduced or greater efficiency achieved in the handling of petroleum and other liquid products.

(2) Furnishing trucks, drivers and helpers, and other equipment and employees to assist each other in the operation, inspection, repairing and maintenance of transportation equipment in order to increase operating efficiency.

(3) Filling orders from each other's supplies of petroleum or other liquid products for the purpose of reducing mileage of delivery vehicles by making deliveries from storage facilities nearer the receiver to be served.

(4) Leasing or renting of delivery vehicles, with or without drivers and helpers, in order to achieve more efficient utilization of delivery vehicles in the transportation of petroleum and other liquid products.

(5) Adopting operating rules or practices by which: advance notice, except in emergencies, will be required for delivery; no orders will be accepted for delivery at a specific time of day; before attempting delivery, definite arrangements will be made to assure acceptance of delivery by receiver; minimum quantities for deliveries will be prescribed: *Provided*, That no receiver unable to purchase or receive delivery of the minimum quantity shall be precluded by such rule from receiving needed supplies of petroleum or other liquid products and no retail outlet shall be precluded by such a rule from maintaining a selection of products capable of meeting public demand; limitations on frequency of delivery or service to specific zones or areas will be established: *Provided, however*, That each such rule or practice adopted shall be administered fairly and without unjust discrimination as between consumers.

(6) Appointing one or more of their own number, or any other persons, to act as their individual, common, or joint agents in effectuating joint action by any of the above-mentioned methods.

(b) No provision in this recommendation shall be construed to approve or imply approval of any program, agreement, act, or discussion relating (but not limited) to (1) the fixing of prices or of the terms and conditions for the purchase or sale of any product, service or thing, except for the adjustment of accounts between the participants in respect of the permissible action under this recommendation; (2) the allocation of territorial markets or distributors among participants, or the allocation of products among customers; (3) the establishment by the participants of a joint or common selling agent or instrumentality on behalf of the participants; (4) the exchange or allocation of customers by the participants; (5) the use of any coercion direct or indirect to secure participation of any individual, company or group in the permissible action under this recommendation; or (6) boycott by two or more participants of any manufacturer, distributor, consumer, or other person.

(c) Such joint action plans shall be in writing, signed by all participants, and should state (1) the territory involved, (2) the full legal names and the addresses of all participants, (3) the specific method or methods of joint action to be used, (4) the practical application of these methods to the particular operations of the participants, (5) an estimate and explanation of the conservation to be accomplished, (6) the effect of the proposed joint action on the maintenance of adequate transportation service for the delivery of petroleum and other liquid products, and (7) the name and address of a person to whom communications in respect of the plan may be sent.

(d) True copies of all such joint action plans shall be filed with the Office of Defense Transportation, Division of Petroleum and Other Liquid Transport, Washington 25, D. C.

(e) Each such joint action plan will be reviewed by the General Counsel of the Office of Defense Transportation; and if it appears that the plan conforms to the provisions of this recommendation, and effectuation of such plan will accomplish substantial conservation and more efficient utilization of motor transportation equipment, materials and supplies, consistent with maintaining adequate transportation service for the delivery of petroleum and other liquid products, he will approve the plan; and thereupon the Office of Defense Transportation will direct those who have agreed, or who shall thereafter agree, to participate in the plan, to put it into effect. True copies of the plan will be transmitted to the Chairman of the War Production Board and the Attorney General.

(f) Other persons engaged in the same business, desiring to participate in the plan, and willing to be bound by the terms thereof, may petition the Office of Defense Transportation for authority to be included therein.

4. *Establishment of regions.* For the purpose of this recommendation the United States is divided with the following regions: Region 1, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; Region 2, New York, New Jersey, and Pennsylvania; Region 3, Delaware, District of Columbia, Maryland, Virginia, and West Virginia; Region 4, North Carolina, South Carolina, Georgia, and Florida; Region 5, Kentucky, Tennessee, Alabama, and Mississippi; Region 6, Ohio, Indiana, Illinois, Michigan, and Wisconsin; Region 7, Minnesota, North Dakota, South Dakota, Iowa, and Nebraska; Region 8, Missouri, Kansas, and Oklahoma; Region 9, Arkansas, Louisiana, and Texas; Region 10, Montana, Wyoming, Colorado, and New Mexico; Region 11, Utah and that portion of Idaho lying south of the line dividing Pacific and Mountain Time Zones; Region 12, Oregon and Washington and that portion of Idaho lying north of the line dividing Pacific and Mountain Time Zones; Region 13, Arizona, California, and Nevada.

5. *Records.* Each committee established pursuant to this recommendation and participants in joint action plans under this recommendation shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. *Termination.* This recommendation shall remain in full force and effect until 6 months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

Issued at Washington, D. C., this 8th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-866; Filed, January 17, 1944; 11:27 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Joint Order, Amdt. 1]

CERTIFICATION OF LIVE CATTLE PRICES AT POINTS OTHER THAN CHICAGO AND IN LINE WITH CHICAGO PRICES

"Certification of Live Cattle Prices at Points other than Chicago and in line with Chicago Prices" issued by the Administrator of the Office of Price Administration and the Administrator of the War Food Administration on December 18, 1943,[1] is amended in the following respects:

1. The zone description of Nebraska and South Dakota in paragraph 1 (a) Zone 5 is amended to read as follows:

Nebraska, but excluding the city of Omaha.
South Dakota, but excluding the city of Sioux Falls.

2. The zone description of Wisconsin in paragraph (1) (a) Zone 8 is amended by substituting the county "Iron" for the county "Iran" appearing therein.

3. Paragraph 1 (a) Zone 23 is amended by adding the following item to read as follows:

Georgia—all that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

Issued and effective this 14th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator,
Office of Price Administration.
MARVIN JONES,
Administrator,
War Food Administration.

JANUARY 7, 1944.

[F. R. Doc. 44-780; Filed, January 14, 1944; 4:10 p. m.]

Regional and District Office Orders.

[Region VI Order G-19 Under SR 15, MPR 280 and MPR 329]

FLUID MILK IN COLUMBUS, WIS.

Order No. G-19 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280 (maximum prices for specific food products) and under Maximum Price Regulation No. 329 (purchases of milk from producers for resale as fluid milk). Adjustment of fluid milk price for Columbus, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and § 1351.408 (b) of Maximum Price Regulation No. 329; *It is ordered:*

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $3.20 for 3.5% milk, plus not more than 5½¢ for each 1/10 of a pound of butterfat in excess of 3.5%, and minus not less than 5½¢ for each 1/10 of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Columbus, Wisconsin, or who sell within that city 50% or more of the milk sold by them.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Columbus, Wisconsin, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher;

Standard butterfat content fluid milk	Wholesale	Retail
Gallons in bulk	$0.36	
Gallons	.36	$0.44
Quarts	.09½	.11½
Pints	.05	.06
Half pints	.03½	.05

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Columbus, Wisconsin, area shall mean:

1. All sales made within the city limits of Columbus, Wisconsin, and all sales at or from an establishment located in Columbus, Wisconsin area;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Columbus, Wisconsin.

(e) *Definitions.* (1) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

(2) Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

[1] 8 F.R. 17014.

(g) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-731; Filed, January 13, 1944; 3:07 p. m.]

[Region VI Order G-20 Under SR 15 and MPR 280]

FLUID MILK IN MONDOVI AND GILMANTON, WIS.

Order No. G-20 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and under § 1351.807 (a) of Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices in Mondovi and Gilmanton, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and by § 1351.807 (a) of Maximum Price Regulation No. 280; it is ordered:

(a) *Maximum distributor prices.* The maximum prices for the sale and delivery of fluid milk at wholesale and retail in Mondovi and Gilmanton, Wisconsin shall be the maximum prices determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

Standard butterfat content fluid milk	Wholesale	Retail
Gallons in bulk	$0.36	$0.42
Gallons	.36	.42
Quarts	.10	.11½
Pints	.05	.06
½ pint	.03½	.05

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within the Mondovi and Gilmanton, Wisconsin area shall mean:

(1) All sales made within the city limits of Mondovi and Gilmanton, Wisconsin, and all sales at or from an establishment located in Mondovi and Gilmanton, Wisconsin;

(2) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Mondovi and Gilmanton, Wisconsin.

(c) *Definitions.* (1) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

(2) Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(d) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-732; Filed, January 13, 1944; 3:07 p. m.]

[Region IX, Delegation Order 1]

DELEGATION OF AUTHORITY CONCERNING REGULATIONS APPLICABLE IN HAWAII

Delegation Order No. 1. Delegation of authority to Melvin C. Robbins concerning regulations applicable in Hawaii.

Pursuant to the authority conferred upon the Regional Administrator for Region IX by General Order No. 39 issued by the Administrator, it is ordered:

(a) *Delegation to Melvin C. Robbins, Territorial Director for Hawaii, to sign, issue, modify and amend maximum price regulations applicable in the Territory of Hawaii.* (1) Melvin C. Robbins, Territorial Director for the Territory of Hawaii, is hereby authorized to sign, issue, modify and amend maximum price regulations and statements of considerations in accordance with the provisions and standards of the Emergency Price Control Act of 1942, as amended, insofar as such regulations are applicable in the Territory of Hawaii.

(2) The authority heretofore delegated to the Territorial Director for the Territory of Hawaii on December 3, 1942, is hereby confirmed, and any and all action taken by him pursuant to such delegation of December 3, 1942 is hereby ratified and approved.

(b) This order shall take effect January 20, 1944.

Issued this 15th day of January 1944.

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 44-827; Filed, January 15, 1944; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-58]

INDIANA SERVICE CORP. AND MIDLAND UTILITIES CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January, 1944.

In the matter of Indiana Service Corporation and Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, respondents, File No. 59-58.

The Commission having issued its Notice of and Order Instituting Proceedings under sections 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, and naming as respondents therein Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, and Indiana Service Corporation, a subsidiary thereof; and public hearings having been held thereon and such hearings having been scheduled to reconvene on January 25, 1944; and

The Commission having received a request that the reconvened hearing in this matter be postponed, and the Commission having considered such request and deeming it appropriate that the reconvened hearing be postponed to February 1, 1944;

It is ordered, That the reconvened hearing in this matter previously scheduled for January 25, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be and hereby is postponed to February 1, 1944, at the same hour and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-834; Filed, January 15, 1944; 2:47 p. m.]

[File No. 70-846]

VIRGINIA ELECTRIC AND POWER CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of January 1944.

In the matter of Virginia Electric and Power Company, Virginia Public Service Company, and Engineers Public Service Company, File No. 70-846.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Virginia Electric and Power Company ("Vepco"), Virginia Public Service Company ("VPS") and Engineers Public Service Company ("Engineers"). Engineers is a registered holding company and Vepco is one of its subsidiary companies. VPS is a subsidiary company of General Gas & Electric Corporation ("Gengas"), also a registered holding company.

All interested persons are referred to said applications and declarations which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

1. Under a program for the acquisition by Vepco of the properties of VPS, Engineers proposes to acquire from Gengas 782,000 shares of the common stock of VPS, being all of the shares of such stock outstanding, and a claim of Gengas to certain escrow funds in the amount of $1,165,166.67, for an agreed consideration of not to exceed $2,500,000, of which $1,000,000 is immediately payable in cash and an additional amount of not to exceed $1,500,000 is payable in the event that the earnings of Vepco exceed certain specified amounts.

2. Engineers will surrender the claim so acquired from Gengas to VPS as a contribution to its capital.

3. VPS will thereupon be merged into Vepco pursuant to Virginia law and upon the following terms:

(a) Each share of $6 Dividend Preferred Stock of Vepco will be converted into one share of $5 Dividend Preferred Stock of Vepco and will receive cash for accrued and unpaid dividends on such stock to the date the merger agreement becomes effective;

(b) Each share of 7% Preferred Stock of VPS, including all rights to accrued and unpaid dividends thereon to the date the merger becomes effective, will be converted into 1⅛ shares of $5 Dividend Preferred Stock of Vepco and will receive $5.50 per share in cash, plus additional cash in an amount equal to accrued dividends on said 7% Preferred Stock subsequent to March 31, 1944, to the effective date of the merger, if the merger agreement becomes effective after that date;

(c) Each share of 6% Preferred Stock of VPS, including all rights to accrued and unpaid dividends thereon to the date the merger becomes effective, will be converted into 1⅛ shares of $5 dividend Preferred Stock of Vepco and will receive cash in an amount equal to accrued dividends on said 6% Preferred Stock subsequent to March 31, 1944, to the effective date of the merger, if the merger becomes effective after that date;

(d) The 782,000 shares of common stock of VPS will be converted into 150,000 shares of common stock of Vepco.

(e) The presently outstanding common stock of Vepco will continue unchanged.

4. Holders of the preferred stock of Vepco or VPS assenting to the merger but not desiring to retain the new $5 Dividend Preferred Stock will be given the opportunity through an underwriting to be arranged by Vepco, to sell the new $5 Dividend Preferred Stock to which they may become entitled at not less than $112.50 per share, less transfer taxes. The underwriters will sell such shares to the public at a price not exceeding $1.50 per share over the price paid to such stockholders. Any stockholders not assenting to the merger who dissent therefrom within three months after the meeting of stockholders at which the merger is approved, will be entitled to receive cash in such amount as may be obtainable under the appraisal rights existing pursuant to Virginia law.

5. In order to consummate the foregoing exchange Vepco will issue 305,192 shares of $5 Dividend Preferred Stock. Scrip will be issued in lieu of fractional shares.

6. All of the $10,500,000 aggregate principal amount of VPS Debentures presently outstanding will be assumed by Vepco as a result of the merger and will be called for redemption at 104½ and accrued interest and all of the $26,000,000 aggregate principal amount of VPS First Mortgage Bonds presently outstanding, also to be assumed by Vepco in the merger, will be called for redemption at 111⅛ plus accrued interest.

7. For the primary purpose of providing funds to retire said Debentures and said First Mortgage Bonds of VPS, Vepco will issue and sell $24,500,000 aggregate principal amount of its First and Refunding Mortgage Bonds, Series D, 3¼%, due 1974, and will issue and sell $5,000,000 of short term 2¼% notes maturing semi-annually commencing August 1, 1944, and ending April 1, 1949, and Engineers will contribute to Vepco $2,500,000 in cash. The bonds will be sold at competitive bidding. The serial notes will be payable as follows:

August 1, 1944	$640,000
February 1, 1945	265,000
August 1, 1945	865,000
February 1, 1946	265,000
August 1, 1946	865,000
February 1, 1947	265,000
August 1, 1947	305,000
February 1, 1948	305,000
August 1, 1948	305,000
November 1, 1948	405,000
February 1, 1949	400,000
April 1, 1949	125,000

and will be issued and sold privately to commercial banks or other institutions to be designated subsequently.

8. Among the assets acquired through the merger, Vepco will acquire the stock of two subsidiaries of VPS, Citizens Rapid Transit Company and Harpers Ferry Paper Company, if the stock of the latter company is not theretofore disposed of.

9. The foregoing transactions have been authorized by the State Corporation Commission of the Commonwealth of Virginia, by its order of January 6, 1944, subject to certain reservations of jurisdiction in said order contained. Both Vepco and VPS are organized and doing business in the Commonwealth of Virginia.

10. The applications and declarations designated as applicable sections 6, 7, 9, 10, 11 (b) and 12 of the Public Utility Holding Company Act of 1935 and Rules U-40, U-42, U-43, U-44, U-45, U-50 and U-62 promulgated thereunder.

11. The Commission is advised that an appropriate application or declaration will be filed by Gengas regarding the sale by it of 782,000 shares of the common stock of VPS.

It appearing to this Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said applications and declarations shall not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said matters under the applicable provisions of said act and the rules of this Commission thereunder be held on February 1, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held. At such hearing cause shall be shown why such declarations should be permitted to become effective and such applications granted;

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order to the above named parties and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 29, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission;

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed acquisitions by Engineers and Vepco meet the requirements of section 10 of the act, insofar as section 10 is applicable.

2. Whether the proposed issuances of securities by Vepco are entitled to exemption from the requirements of section 6 (a) by virtue of the third sentence of section 6 (b) of the act.

3. Whether the proposed capital contributions by Engineers meet the requirements of section 12 (b) of the act.

4. Whether the accounting treatment proposed in connection with the consummation of the transactions is appropriate.

5. Whether the provisions of the Indenture, as supplemented, securing the First and Refunding Mortgage Bonds of Vepco and the terms of the Notes, are adequate to protect the interests of security holders.

6. Whether the provisions of the $5 Dividend Preferred Stock of Vepco are adequate to protect the interests of security holders.

7. Whether the transactions described above, or any of them, are necessary to

effectuate the purposes of section 11 (b) of the act, and are fair and equitable to the persons affected, and should be approved or ordered pursuant to sections 11 (b) or 11 (e).

8. Whether the Commission should grant in whole or in part the prayers for relief contained in the applications and declarations.

9. What terms or conditions, if any, should be attached to the Commission's order.

10. Whether the various transactions outlined above are consistent with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-835; Filed, January 15, 1944; 2:47 p. m.]

[File Nos. 59-7, 54-87]

CITIES SERVICE POWER AND LIGHT CO. AND FEDERAL LIGHT AND TRACTION CO.

NOTICE OF HEARINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of January 1944.

In the matter of Cities Service Power & Light Company and its subsidiary companies, File No. 59-7; and Federal Light & Traction Company and its subsidiary companies, File No. 54-87.

The Commission on the 11th day of January 1944, having issued a notice of and order for hearing and order of consolidation concerning, among other things, a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 filed by Federal Light & Traction Company proposing that the capital structure of Federal Light & Traction Company be changed to a one-stock capitalization and further proposing that Federal Light & Traction Company and certain of its subsidiary companies be merged with and into The Tucson Gas Electric Light and Power Company, a subsidiary of Federal Light & Traction Company; and

It appearing that the public holders of the common stock of Federal Light & Traction Company have an interest in such transactions and will be affected by such orders of the Commission as may be issued in respect of such transactions; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors to require that such stockholders be given notice by mail of the hearing to be held on the plan filed by Federal Light & Traction Company;

It is ordered, That at least 10 days prior to January 27, 1944, the date set for hearing in our order of January 11, 1944, Federal Light & Traction Company shall mail to each holder of the common stock of Federal Light & Traction Company at his last known address as disclosed by the records of Federal Light & Traction Company, a copy of the instant order and a copy of the notice of and order for hearing and order of consolidation issued by the Commission in this matter on January 11, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-833; Filed, January 15, 1944; 2:47 p. m.]

[File No. 30-114]

IOWA-NEBRASKA LIGHT AND POWER COMPANY

ORDER TERMINATING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 11th day of January 1944.

Iowa-Nebraska Light and Power Company, a registered holding company, having filed a certificate of notification that it has disposed of all its interest in its only subsidiary, Maryville Electric Light and Power Company, and an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company;

Appropriate notice having been given and a public hearing held, the Commission having considered the record and having made and filed its findings and opinion herein; and

The Commission finding that Iowa-Nebraska Light and Power Company has ceased to be a holding company and that the registration of said company as a holding company should cease to be in effect, and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration,

It is ordered and declared, That Iowa-Nebraska Light and Power Company has ceased to be a holding company and that the registration of Iowa-Nebraska Light and Power Company as a holding company shall from the date of the entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-832; Filed, January 15, 1944; 2:47 p. m.]

[File No. 1-862]

MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January, A. D. 1944.

In the matter of Minneapolis, St. Paul & Sault Ste. Marie Railway Company 5½% Twenty-Five Year Gold Notes, due March 1, 1949.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5½% Twenty-Five Year Gold Notes, due March 1, 1949, of Minneapolis, St. Paul & Sault Ste. Marie Railway Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, January 27, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-830; Filed, January 15, 1944; 2:47 p. m.]

[File No. 1-957]

MARKET STREET RAILWAY CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January, A. D. 1944.

In the matter of Market Street Railway Company; 7% First Mortgage Sinking Fund Gold Bonds, Series A, due April 1, 1940.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% First Mortgage Sinking Fund Gold Bonds, Series A, due April 1, 1940, of Market Street Railway Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, January 27, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-831; Filed January 15, 1944; 2:48 p. m.]

[File Nos. 7-701, 7-702, 7-703, 7-704, 7-705, 7-710]

NEW YORK CURB EXCHANGE

ORDER POSTPONING CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of January, A. D. 1944.

In the matter of applications by the New York Curb Exchange to extend unlisted trading privileges to: Lukens Steel Company, common stock, $10 par value, File No. 7-701; Merck & Co., Inc., common stock, $1 par value, File No. 7-702; Northern Natural Gas Company, common stock, $20 par value, File No. 7-703; Public Service Company of Indiana, Inc., common stock, without par value, File No. 7-704; The Warner & Swasey Company, common stock, without par value, File No. 7-705; Puget Sound Power & Light Company, common stock, $10 par value, File No. 7-710.

The New York Curb Exchange having filed applications with the Commission, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the above-mentioned securities;

The Commission having ordered a hearing to be held on September 16, 1943 at 10:00 a. m. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the proceeding entitled In the Matter of Applications by the New York Curb Exchange to Extend Unlisted Trading Privileges to Five Securities, File Numbers 7-701 to 7-705, which hearing has been heretofore postponed until January 19, 1944;

The Commission having on December 4, 1943, reopened the hearing in the proceeding entitled In the Matter of Application by the New York Curb Exchange to Extend Unlisted Trading Privileges to Puget Sound Power & Light Company, Common Stock, $10 Par Value, File No. 7-710, and having consolidated said hearing with the foregoing proceeding;

Counsel for all parties having requested that the hearing be further postponed until January 26, 1944; and

The Commission having duly considered the matter and being fully advised in the premises;

It is ordered, That the consolidated hearing scheduled for January 19, 1944, be, and the same hereby is, postponed to January 26, 1944, at the hour and place heretofore designated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-843; Filed, January 17, 1944; 10:19 a. m.]

[File No. 70-845]

FLORIDA POWER CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of January 1944.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Florida Power Corporation, a subsidiary of General Gas & Electric Corporation, a registered holding company.

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of transactions therein proposed which are summarized below:

1. Florida Power Corporation proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $16,500,000 principal amount of First Mortgage Bonds, to be dated January 1, 1944, and to mature January 1, 1974, no coupon rate for the bonds being indicated in the filing, and proposes to issue and sell at private sale to John Hancock Mutual Life Insurance Company, at par, $4,000,000 principal amount of Serial Debentures, bearing an interest rate of 3¼% per annum, no schedule of maturities of the Serial Debentures being indicated in the filing:

2. It is proposed that $500,000 of the proceeds from the sale of the new bonds is to be pledged with the Trustees under the new mortgage, the money so pledged being subject to withdrawal against future construction expenditures;

3. The balance of the proceeds, together with other funds of Florida Power Corporation, is to be applied to the redemption of the First Mortgage Bonds and Debentures of Florida Power Corporation outstanding and the First Mortgage Bonds and Debentures issued by Florida Public Service Company and assumed by Florida Power Corporation in connection with the recent merger of these two companies. (See Holding Company Act Release No. 4545.)

The filing has designated sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as being applicable to certain of the proposed transactions but requests that the Commission find that Rule U-50 is not applicable to the sale to John Hancock Mutual Life Insurance Company of the Serial Debentures proposed to be issued.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said application or declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said matters under the applicable provisions of said act and the rules of this Commission thereunder be held on February 7, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed transactions are appropriate and in the public interest and the interest of investors and consumers;

2. Whether compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate under the circumstances to the sale of the proposed Serial Debentures;

3. The propriety of the proposed accounting treatment on the books of Florida Power Corporation in connection with the proposed transactions;

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors; and

5. Whether the proposed transactions comply with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-846; Filed, January 17, 1944; 10:19 a. m.]

[File No. 70-818]

SOUTHWESTERN PUBLIC SERVICE COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of January, A. D. 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Southwestern Public Service Company, a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

Southwestern Public Service Company proposes to purchase from Kansas City Power and Light Company, a non-affiliated company, that portion of its electric and water properties which are located in Morton County, Kansas, together with current and other assets appertaining to such properties, for $82,500 cash, subject to certain adjustments as set forth in the purchase agreement dated October 28, 1943.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both), shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the act and the rules of the Commission thereunder be held on January 24, 1944, at 12:00 noon, e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 20, 1944, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Southwestern Public Service Company, Kansas Corporation Commission, and New Mexico Public Service Commission by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be paid by Southwestern Public Service Company is fair and reasonable;

(2) Whether the proposed acquisition by Southwestern Public Service Company will serve the public interest by tending toward the economical and efficient development of an integrated public utility system and will not be detrimental to the carrying out of the provisions of section 11 of the act;

(3) Whether the accounting entries to be made in connection with the proposed transaction and the adjustment of accounts incident thereto are in accord with sound and accepted principles of accounting; and

(4) Whether, if the transaction proposed is authorized by the Commission, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose any terms and conditions and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-845; Filed, January 17, 1944; 10:20 a. m.]

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP., ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of January, A. D. 1944.

In the matters of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, respondents, File No. 59-61; and New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59-35.

The Commission having entered its order herein on February 10, 1943 pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 directing that:

(1) Federal Water and Gas Corporation shall take such action as may be necessary to divest itself of all interests held by it, directly or indirectly, in the businesses conducted and properties owned by Alabama Water Service Company, Union Water Service Company, Ohio Water Service Company, West Virginia Water Service Company, Scranton-Spring Brook Water Service Company, New York Water Service Corporation, and the water properties in Oregon and the gas properties in Florida owned by the Peoples Water and Gas Company: *Provided*, That in the case of Peoples Water and Gas Company, Scranton-Spring Brook Water Service Company, and New York Water Service Corporation such divestments shall not be effected through the sale of securities owned by Federal prior to the recapitalization of such companies in such manner as to provide for a fair and equitable distribution of voting power among security holders thereof;

(2) Peoples Water and Gas Company, Scranton-Spring Brook Water Service Company, and New York Water Service Corporation shall take such steps as may be necessary to recapitalize their capital structures so as to fairly and equitably distribute voting power among the security holders of such companies: *Provided*, That in the case of New York Water Service Corporation the common stock shall be accorded no recognition in such recapitalization;

(3) Federal Water and Gas Corporation, Pennsylvania Water Service Company, and Scranton-Spring Brook Water Service Company shall take such action as may be necessary to cause the elimination of Pennsylvania Water Service Company and the sixty-three inactive subsidiaries of Scranton-Spring Brook Water Service Company, specified in Form U5S filed by Federal for the year 1941;

Notice is hereby given that on January 13, 1944 Federal Water and Gas Corporation, on behalf of itself and its subsidiary companies affected by the said order of February 10, 1943, filed an application requesting the entry of an order by this Commission under section 11 (c) of the act extending for one year the time within which to comply with the said order of February 10, 1943;

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application and for other purposes;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on the 27th day of January, 1944, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before January 24, 1944.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by such application, particular attention will be directed at the hearing to (1) whether the applicants have exercised due diligence to comply with the Commission's order of February 10, 1943, and (2) whether an extension of time of one year for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Federal Water and Gas Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-844; Filed, January 17, 1944; 10:20 a. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 21]

DESIGNATED COUNTIES IN NORTH CAROLINA

ESTABLISHMENT OF BOARD OF APPEALS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Brigadier General J. Van B. Metts, State Director of Selective Service for the State of North Carolina, I hereby order and direct:

That the State Director of Selective Service for the State of North Carolina is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2 and 3, State of North Carolina, and to establish the board of appeal areas for Boards of Appeal numbered 1, 2 and 3, State of North Carolina, as follows:

(1) The board of appeal area for board of Appeal No. 1 to contain and be coextensive with the following counties: Currituck, Camden, Pasquotank, Perquimans, Gates, Hertford, Bertie, Northampton, Halifax, Nash, Edgecombe, Martin, Pitt, Wilson, Greene, Craven, Pamlico, Carteret, Beaufort, Hyde, Washington, Tyrrell, Dare, and Chowan;

(2) The board of appeal area for Board of Appeal No. 2 to contain and be coextensive with the following counties: Granville, Vance, Warren, Franklin, Wake, Durham, Johnston, Wayne, and Harnett;

(3) The board of appeal area for Board of Appeal No. 3 to contain and be coextensive with the following counties: Lenoir, Jones, Onslow, Duplin, Pender, New Hanover, Brunswick, Sampson, Bladen, Columbus, Robeson, Cumberland, Hoke and Scotland.

LOUIS B. HERSHEY, *Director.*

JANUARY 14, 1944.

[F. R. Doc. 44-829; Filed, January 15, 1944; 1:17 p. m.]

WAR FOOD ADMINISTRATION.

[Joint Order, Amdt. 1]

CERTIFICATION OF LIVE CATTLE PRICES AT POINTS OTHER THAN CHICAGO AND IN LINE WITH CHICAGO PRICES

NOTE: For the text of Amendment 1 to Joint Order of the Office of Price Administration and War Food Administration, see Office of Price Administration, *supra*.

WAR PRODUCTION BOARD.

CAPITOL FIXTURE & SUPPLY COMPANY

CONSENT ORDER

M. S. Schwartz, Herman Goalstone, and S. G. Lerner are partners doing business under the firm name of Capitol Fixture & Supply Company at 1430 Larimer Street, Denver, Colorado. The business of the partnership is the manufacture and jobbing of store and office fixtures. The partnership is charged by the War Production Board with having sold and made physical delivery of commercial cooking and food and plate warming equipment for the purchase price of $811.50 to seven customers, between October 11, 1942, and December 30, 1942, in violation of War Production Board Limitation Order L-182. M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company, admit that they sold and made physical delivery of the equipment as above stated. They do not desire to contest the charge and the other statements as made.

Wherefore, upon the agreement and consent of M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company or otherwise, their and its successors or assigns, are hereby prohibited from purchasing, accepting delivery of, receiving, delivering, selling, transferring, or otherwise dealing in any commercial cooking and food and plate warming equipment as defined in Limitation Order L-182, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provision of paragraph (a) hereof shall not apply to contracts directly with the Army or Navy or United States Maritime Commission.

(c) Nothing contained in this order shall be deemed to relieve M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company or otherwise, their and its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 14, 1944, and shall expire on April 14, 1944.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-789; Filed, January 14, 1944; 4:33 p. m.]

[Certificate 190]

PRIVATE AND CONTRACT CARRIERS

APPROVAL OF JOINT ACTION PLANS

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by private carriers and contract carriers, as well as persons using the services of for-hire carriers.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation; and after consultation with you I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation or any order or direction issued by the Office of Defense Transportation pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JANUARY 10, 1944.

[F. R. Doc. 44-867; Filed, January 17, 1944; 11:25 a. m.]

[Certificate 191]

PETROLEUM AND OTHER LIQUID TRANSPORT ADVISORY COMMITTEES

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by persons who transport petroleum or other liquid products to wholesale or retail distributors, to private and commercial consumers, or to the armed forces of the United States.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation; and after consultation with you I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation or any order or direction issued by the Office of Defense Transportation pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

JANUARY 10, 1944.

[F. R. Doc. 44-868; Filed, January 17, 1944; 11:27 a. m.]

[1] *Supra.*

FEDERAL REGISTER

VOLUME 9 NUMBER 13

Washington, Wednesday, January 19, 1944

Regulations

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5327]

PART 33—CONSOLIDATED RETURNS OF AFFILIATED CORPORATIONS PRESCRIBED UNDER SECTION 730 (b) OF THE EXCESS-PROFITS TAX ACT OF 1940

INTERCOMPANY STOCKHOLDING INTERESTS HELD WITH COST BASIS, AND WITH BASIS OTHER THAN COST

Regulations 110 (Part 33, Title 26, Code of Federal Regulations, 1941 Sup.) are amended, effective for taxable years for which the return is due to be filed on or after the date of the approval of this Treasury decision, as follows:

PARAGRAPH 1. Section 33.31 (c) (2) (iv) (*f*), as amended by Treasury Decision 5245, approved March 13, 1943, is further amended to read as follows:

(*f*) With respect to the stock of another member of the affiliated group held with a basis for invested capital purposes determined to be a basis other than cost, there shall be subtracted from equity invested capital otherwise computed an amount equal to such basis adjusted by an amount equal to the adjustments proper under section 115 (l) for determining earnings and profits, except that no adjustment shall be made with respect to:

(1) Transactions referred to in (*d*) and (*e*), and

(2) Losses of the issuing corporation subsequent to the acquisition of such stock which losses were included in a consolidated income or excess profits tax return;

PAR. 2. Section 33.31 (c) (2) (iv) (*g*), as amended by Treasury Decision 5245, is further amended to read as follows:

(*g*) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for invested capital purposes determined to be a cost basis, there shall be excluded as of the date on which such corporation became a member of the group within the meaning of section 141 (d) of the Code that portion of its equity invested capital attributable to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, that portion of its equity invested capital attributable to shares of stock similarly acquired and held by other members of the group; no addition shall be made on account of money or property (not including stock of another member of the group held with a basis determined to be a basis other than cost) thereafter paid in for stock held by another member of the group or as paid-in surplus or a contribution to capital paid in with respect to shares of stock subject to the provisions of this inferior subdivision (§ 33.31 (c) (2) (iv) (*g*)); and no reduction shall be made on account of any distribution thereafter made to any other member of the group;

PAR. 3. Section 33.31 (c) (2) (v) (*a*), as amended by Treasury Decision 5245, is further amended to read as follows:

(*a*) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for invested capital purposes determined to be a cost basis, there shall be excluded as of the date on which such corporation became a member of the group within the meaning of section 141 (d) of the Code that portion of its earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, any earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to any shares of stock similarly acquired and held by other members of the group;

PAR. 4. Section 33.31 (c) (2) (v), as amended by Treasury Decision 5245, is further amended by inserting immediately after subdivision (*g*) the following:

(*h*) In the case of distributions from earnings and profits made by a member of the group with respect to stock held by another member of the group with a cost basis, there shall be subtracted from

(Continued on next page)

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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the earnings and profits of the distributee an amount equal to the aggregate of such distributions as were made between the date of acquisition of such stock and the date as of which the distributor became a member of the group;

PAR. 5. Section 33.31 (c), as amended by Treasury Decision 5245, is further amended by inserting immediately after subparagraph (12), as added by such Treasury decision, the following new subparagraph:

(13) For the purpose of computing the consolidated average invested capital for the taxable year:

(i) Stock of one member of the affiliated group held by another member of the group at any time during the taxable year shall be determined to be stock held with a basis other than cost if:

(a) Such stock is held with a basis fixed by reference to the basis of other property previously held by the corporation, but not including:

(1) Stock acquired from another corporation in exchange for property previously held with a cost basis if, at the time of such acquisition or immediately thereafter:

(i) The acquiring corporation or its shareholders were in control of the corporation from which such stock was acquired, or

(ii) The corporation from which such stock was acquired or its shareholders were in control of the acquiring corporation; or

(2) Stock held at a lower level in a corporate chain of three or more affiliated corporations to the extent that the lower-level corporation is connected with the affiliated group through intercompany stockholding interests at a higher level in such chain acquired subsequent to the date of acquisition of such lower-level stock and held with a cost basis; or

(b) Such stock is held with a basis fixed by reference to its basis in the hands of a preceding owner, but not including:

(1) Stock acquired from another member of an affiliated group of corporations in a taxable year for which the acquiring corporation and the transferring corporation filed a consolidated income or excess profits tax return if, immediately prior to such acquisition:

(i) Such stock was held by the transferring corporation with a cost basis, or

(ii) The stock of the transferring corporation or of any other member of the affiliated group holding stock in the transferring corporation, directly or indirectly, was held by other members of the group with a cost basis, whether or not the stock transferred was held by the transferring corporation with a cost basis,

but including stock so acquired which would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (2) or in an exchange described in (3);

(2) Stock acquired in an intercorporate liquidation if, immediately prior to such liquidation:

(i) Such stock was held by the liquidated corporation with a cost basis, or

(ii) The stock of the liquidated corporation was held with a cost basis;

(3) Stock acquired from another member of a controlled group of corporations if, immediately prior to such acquisition:

(i) Such stock was held by the transferring corporation with a cost basis, or

(ii) The stock of the transferring corporation or of any other member of the controlled group holding stock in the transferring corporation, directly or indirectly, was held with a cost basis, whether or not the stock transferred was held by the transferring corporation with a cost basis,

but including stock so acquired which would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (2); or

(4) Stock held at a lower level in a corporate chain of three or more affiliated corporations to the extent that the lower-level corporation is connected with the affiliated group through intercompany stockholding interests at a higher level in such chain acquired subsequent to the date of acquisition of such lower-level stock and held with a cost basis;

(ii) Stock of one member of the affiliated group held by another member of the group at any time during the taxable year shall be determined to be stock held with a cost basis in all cases other than those in which the stock is determined to be stock held with a basis other than cost pursuant to the provisions of (i);

(iii) In the case of stock of one member of the affiliated group held by another member of the group subject to the application of (i) (b) (1) (ii), relating to intercompany acquisitions during a consolidated return period, or (i) (b) (3) (ii), relating to acquisitions from another member of a controlled group of corporations, such stock shall have a basis for invested capital purposes in an amount equal to the basis which such stock would have in the hands of its present owner determined pursuant to the provisions of section 761 (c) (1) and (e) if such stock were acquired as the result of an intercorporate liquidation of the corporation transferring such stock and of each member of the group owning stock of the transferring corporation, directly or indirectly, through which such stock would have passed prior to its acquisition by its present owner;

(iv) In determining whether stock of one member of the affiliated group held by another member of the group is held with a cost basis or a basis other than cost:

(a) The term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation (except nonvoting stock which is limited and preferred as to dividends);

(b) The term "controlled group" means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 80 percent of the voting power of all classes of stock entitled to vote and at least 80 percent of each class of the nonvoting stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and the common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other corporations. As used in the preceding sentence, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends;

(c) The term "intercorporate liquidation" means the receipt by a corporation of property in complete liquidation of another corporation to which:

(1) The provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, are applicable, including the case in which an election has been made pursuant to the last sentence of section 113 (a) (15) of the Revenue Act of 1936, as amended by section 808 of the Revenue Act of 1938, or

(2) A provision of law is applicable prescribing the nonrecognition of gain or loss, in whole or in part, upon such receipt, including a provision of the regulations applicable to a consolidated income or excess profits tax return, but not including the provisions of section 112 (b) (7) of the Revenue Act of 1938 relating to certain complete liquidations occurring during December 1938, or the provisions of section 112 (b) (9) relating to certain complete liquidations of railroad corporations,

but only if none of such property so received is a stock or a security in a corporation the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain;

(v) In determining the extent to which the equity invested capital of a subsidiary corporation is to be excluded under § 33.31 (c) (2) (iv) (g) by reference to intercompany stockholding interests at a higher level in the corporate chain held with a cost basis (§ 33.31 (c) (13) (i) (b) (4)), and in adjusting the accumulated earnings and profits of a corporation the stock of which is held with a cost basis, either by reference to the date as of which such corporation became a member of the affiliated group or the date of any subsequent acquisition of its stock (§ 33.31 (c) (2) (v) (a)), or by reference to realizations upon unrealized appreciation or depreciation of assets previously reflected in consolidated invested capital (§ 33.31 (c) (2) (v) (f)), such determination and adjustment shall be made subject to the following rules:

(a) The determination and adjustment shall be made by reference to those acquisitions and holdings of stock held in the corporate chain with a cost basis, and by reference to those acquisitions and holdings only, which, considering the time of such acquisitions and the position in the corporate chain in which such holdings appear, reflect the ultimate cost acquisition and the resulting ownership, direct or indirect, by the group of those economic interests of the group underlying such stockholding acquisitions;

Example (1). Suppose that A acquired for cash in 1930 all of the stock of B; that P subsequently, in 1935, acquired for cash all of the stock of A; and that the P–A–B group files a consolidated excess profits tax return for 1943. P's cash acquisition and holding of the stock of A acquired in 1935 reflects the group acquisition and holding of the entire subsidiary chain. Every adjustment of earnings and profits prescribed by these regulations, and every determination made by reference to stock acquired and held with a cost basis, those in the cases of A and B alike, will be made with respect to the costs incurred in 1935 and with respect to that date. The cost of the stock of B incurred in 1930 is a matter of no significance in the computation of consolidated invested capital for the taxable year;

Example (2). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A acquired the stock of B in 1940 instead of 1930. This change in the order of acquisition renders the cash acquisition by A of the stock of B a matter of significance in the consolidated computation. The cash outlay incurred by P in 1935 did not serve to bring within the group that portion of the group enterprise reflected by the business and assets of B. The earnings and profits of B will be adjusted accordingly as of 1940 and by reference to the cost of its stock then incurred; those of A will be adjusted as of 1935 and by reference to 1935 costs;

Example (3). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A had acquired the stock of B with a basis other than cost. Adjustments to be made in the computation of equity invested capital and of earnings and profits will be made precisely as in example (1), and for the same reasons, notwithstanding the character of A's stockholding interest in B. P holds the stock of B indirectly with a cost basis determined in character by reference to P's acquisition of the stock of A in 1935;

Example (4). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A had acquired the stock of B with a basis other than cost, and this acquisition was effected in 1940, instead of 1930, without breaking the affiliation between P and A. The stock of B acquired in 1940 is not to be considered as a part of the enterprise in respect of which P incurred costs in 1935. The higher-level holdings with a cost basis bear no significant relationship to the acquisition and holding by A of the stock of B. The stock of B is not to be considered to be held with a cost basis. No adjustment will be made in computing the earnings and profits of B;

Example (5). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: P's acquisition of the stock of A in 1935 was made with a basis other than cost. B will be regarded for the purpose of the adjustments prescribed in § 33.31 (c) (2) (v) (a) as having become "a member of the group" as of 1930, the year in which its stock was acquired by A, regardless of the subsequent acquisition by P of the stock of A. The earnings and profits of B will be adjusted as of 1930, and by reference to the cost of its stock then incurred;

Example (6). If A had acquired the stock of B with a cost basis at a date subsequent to P's acquisition of the stock of A with a basis other than cost, the adjustment of B's earnings and profits would be made by reference to the later date and by reference to the costs then incurred;

(b) The adjustment will be made by reference to the most recent acquisition of the required holdings of the stock of the corporation in the case of a corporation the stock of which was once held by other members of the affiliated group to the extent provided in section 141 (d), was later disposed of in whole or in part, and was subsequently reacquired;

(c) The adjustment will be made without regard to any exclusion of the corporation from the affiliated group in intervening years by reason of a loss of the voting control prescribed by section 141 (d) if such loss of voting control was attributable to the fact that stock which did not possess voting power at the time control was originally acquired later became entitled to vote;

(d) Except as otherwise provided in (f), if stock of the corporation held with a cost basis was acquired from another corporation which had held such stock with a cost basis, and if the cost basis with which such stock is held by the present owner is fixed by reference to the basis of such stock in the hands of such other corporation, the adjustment will be made as if the present owner had acquired such stock as of the date upon which such stock was acquired by such other corporation;

(e) If stock of the corporation held with a cost basis was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock of the liquidated corporation was held by the acquiring corporation with a cost basis but the stock acquired was held by the liquidated corporation with a basis other than cost, the acquiring corporation shall be deemed to have acquired

the stock received in the liquidation as of the date upon which it had acquired the stock of the liquidated corporation;

(*f*) If stock of the corporation held with a cost basis was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock so acquired was held by the liquidated corporation and the stock of the liquidated corporation was held by the acquiring corporation, both with a cost basis, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which such stock was acquired by the liquidated corporation, or as of the date upon which the acquiring corporation acquired the stock of the liquidated corporation with respect to which the distribution was made, whichever date was the later;

(*g*) If stock of the corporation held with a cost basis is deemed to be so held by virtue of the fact that the basis of such stock is fixed by reference to the cost basis of other stock in the hands of the present owner, such stock shall be deemed to have been acquired as of the date of acquisition of such other stock;

(*h*) If the basis of the stock of the corporation held by another member of the affiliated group was increased as the result of a statutory merger or consolidation of such corporation with another corporation, or as the result of a transaction having the effect of a statutory merger or consolidation, and if the stock of such other corporation was held by such member of the affiliated group with a cost basis, that portion of such member's stockholding interest in such corporation represented by the increase shall be deemed to have been acquired as of the date upon which such member acquired the stock of such other corporation;

Example. Suppose that P acquired all of the stock of A in 1930 with a basis other than cost in the amount of $10,000; that it acquired for $15,000 in cash in 1935 all of the stock of B; that it caused B to be merged into A in 1936 without the issuance by A of any additional shares of stock; and that the P–A group files a consolidated excess profits tax return for 1943. The $15,000 cost incurred by P in 1935 will be reflected in the increased basis with which P holds the stock of A. P will be deemed to have acquired for cash in 1935 a portion of its stockholding interest in A; the earnings and profits of A, to the extent that they reflect the earnings and profits originally accumulated by B, will be adjusted as of 1935; and the earnings and profits of A will be further adjusted with respect to realizations by B and A upon the unrealized appreciation or depreciation in the assets of B as of 1935 reflected in the consolidated invested capital.

(Sec. 141 of the Internal Revenue Code (53 Stat. 58), as amended by sec. 159 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.

Approved: January 14, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–879; Filed, January 17, 1944; 11:53 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Reg. 10, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

BITUMINOUS COAL

It is necessary to amend Solid Fuels Administration for War Regulation No. 10, as amended, (8 F.R. 15773; 8 F.R. 16718) in order (1) to modify the provisions of the Stock Limitation Table; (2) to require certain data from industrial consumers of bituminous coal produced in Districts Nos. 12 and 14–23, inclusive; (3) to modify the functions of the Area Distribution Managers; and (4) to clarify the regulation. Accordingly, pursuant to the powers conferred by Executive Order No. 9332, Solid Fuels Administration for War Regulation No. 10 is hereby amended as follows:

(1) Paragraph (a) of § 602.171 *Definitions* is amended to read as follows:

(a) "Coal" or "bituminous coal" means all bituminous and subbituminous coal produced in Districts 1–23, inclusive, except Districts Nos. 5 and 21, as described in the Annex to the Bituminous Coal Act of 1937, as amended.

A new paragraph (k) is added to read as follows:

(k) "Special purpose coals" include those bituminous coals that are to be:

(1) Charged into coke ovens for the production of coke for metallurgical uses, production of gas, or for the recovery of by-products;

(2) Used for foundry or other metallurgical purposes in which the coal or its products of combustion come in direct contact with the metal during the processing;

(3) Used for foundry facings requiring special chemical or physical characteristics;

(4) Used for production of water gas;

(5) Charged into producers for the production of gas; or

(6) Used as a raw material because of special chemical or physical characteristics to form a component part of chemicals, or directly entering into the chemical processes.

(2) Paragraphs (a) and (b) of § 602.172 *Limitations based on bituminous coal stocks of industrial consumers* are amended to read as follows:

(a) Except as provided or permitted by paragraphs (b) and (c) of this section and by §§ 602.178 and 602.182 of this regulation, no industrial consumer shall place an order for delivery, or receive, during any calendar month, bituminous coal produced in Districts 1–13, inclusive, except Districts 5 and 12, in amounts exceeding the maximum percentage (to the nearest carload or barge lot) of his monthly consumption requirements as specified in the following Stock Limitation Table:

STOCK LIMITATION TABLE

Maximum percentage of monthly consumption requirements that may be ordered from districts 1–13, inclusive, except districts 5 and 12, for delivery and received during any calendar month by an industrial consumer, from all sources combined, for a plant (or railroad system) based upon the days' supply of coal at such plant (or railroad system):

Days' supply (see § 602.171 (i))	Maximum percentage of monthly consumption requirements			
	Public utilities		Other industrial consumers	
	A [1]	B [2]	A [1]	B [2]
	Per-cent	*Per-cent*	*Per-cent*	*Per-cent*
Less than 15 days	140	140	120	120
15 to 20 days	130	130	110	110
21 to 25 days	120	120	100	110
26 to 35 days	110	110	70	110
36 to 40 days	100	110	70	100
41 to 55 days	70	100	70	70
56 to 69 days	50	70	50	70
70 days or more	50	50	50	50

[1] Applicable to purchasers of bituminous coal shipped from any mine, yard, dock or other place via any method of transportation and to any destination except those referred to in footnote 2. A public utility having more than 36 days' supply may order and receive in addition to the amount of coal it is permitted to order and receive by the Stock Limitation Table such additional coal as is necessary to maintain 36 days' supply; likewise an industrial consumer having more than 21 days' supply may order and receive that additional amount of coal necessary to maintain 21 days' supply.

[2] Applicable to purchasers of bituminous coal shipped to Canada via any method of transportation and to purchasers of bituminous coal directly shipped via tidewater to any destination in New York Harbor or New England. A public utility having more than 51 days' supply may order and receive in addition to the amount of coal it is permitted to order and receive by the Stock Limitation Table such additional coal as is necessary to maintain 51 days' supply; likewise an industrial consumer having more than 36 days' supply may order and receive that additional amount o coal necessary to maintain 36 days' supply.

(b) No restrictions upon the basis of days' supply are imposed by this regulation upon orders for bituminous coal for vessel fuel or bunker fuel, or upon orders for special purpose coals, or upon orders for bituminous coals produced in Districts Nos. 12 and 14–23, inclusive.

A new paragraph (d) is added to this section to read as follows:

(d) On or before the 10th day of each month, the Advisory Board for the producing districts subject to this section, shall recommend to the Solid Fuels Administrator for War such variations in the Stock Limitation Table as they deem appropriate in order to meet production and distribution problems of their districts.

(3) Section 602.173 is amended to read as follows:

§ 602.173 *Voluntary efforts to level industrial consumers' stocks; information concerning non-cooperative consumers.* The extent to which the Stock Limitation Table of § 602.172 of this regulation requires industrial consumers to draw upon stocks in order to meet current consumption requirements should be deemed to be a general standard for drawing down stocks. Producers, wholesalers and consumers shall endeavor to agree to reduce voluntarily, wherever practicable, shipments of bituminous coal to consumers below the maximum percentages of consumption requirements that may be ordered and received by industrial consumers during any calendar month.

Any producer, wholesaler, Bituminous Coal Producers Advisory Board, Area Distribution Manager or other person shall notify the Washington Office of the Solid Fuels Administration for War of any industrial consumer who is not voluntarily reducing his orders so far as is practicable in the light of his ability to draw upon his stocks. Such notification shall indicate: (1) The name and location of the industrial consumer; (2) the rate at which such consumer is drawing upon his stocks; and (3) the rate at which such consumer could draw upon his stocks in the light of his available mechanical equipment and manpower. The Administrator may thereupon require such consumer to decrease his orders for coal or take other appropriate action.

(4) Paragraph (a) and (a) (1) of § 602.174 *Restrictions on shipments to industrial consumers unless orders are submitted on time and contain certain information* are amended to read as follows:

§ 602.174 *Restrictions on shipments to industrial consumers unless orders comply with § 602.172 and are submitted on time and contain certain information.* (a) Except as provided or permitted by paragraphs (b), (c), and (d) of this section and by § 602.178 of this regulation, producers and wholesalers are prohibited from shipping bituminous coal to an industrial consumer on any order during any calendar month by any method or combined methods of transportation unless:

(1) The order for coal produced in Districts 1–13, inclusive, except District 12, has been received on or before the 24th day of the preceding calendar month, or the order for coal produced in Districts Nos. 12 and 14–23, inclusive, has been received on or before the 30th day of the preceding calendar month; and

Subparagraph (2) of paragraph (a) is redesignated subparagraph (3) and the following new subparagraph (2) is added:

(2) The order is not for an amount of coal in excess of the amount permitted to be ordered in accordance with the Stock Limitation Table contained in § 602.172.

Paragraph (b) is redesignated paragraph (d) and a new paragraph (b) is added to read as follows:

(b) Compliance with the provisions of this section may be temporarily excused by any Area Distribution Manager only to the extent it appears necessary to permit the shipment or receipt of coal to meet emergency situations likely to result in hardship to any consumer who has not wilfully violated any of the provisions of this regulation.

Paragraph (c) is redesignated paragraph (e) and is amended to read as follows:

(e) Producers and wholesalers are prohibited from shipping bituminous coal on any order of a wholesaler unless the order contains the names and locations of the customers of the wholesalers and the information required to be submitted to the wholesaler by the wholesaler's customer (industrial consumer) under paragraph (a) (3) of this section: *Provided, however,* That the provisions of this paragraph shall not apply (i) to an order of a commercial dock operator with respect to coal not segregated and earmarked for a particular industrial consumer for shipment to the commercial dock by rail, lake, tidewater, or river, or (ii) to an order for shipment to a lower lake dumping port or to a tidewater dumping port if the coal is not segregated and earmarked for transshipment to a specific industrial consumer, or (iii) to an order received by a commercial dock operator located on Lake Superior, or on the west bank of Lake Michigan north of, and including, Waukegan, Illinois.

A new paragraph (c) is added to read as follows:

(c) Notwithstanding the provisions of this section or of § 602.172, any purchaser may indicate to a producer or wholesaler at any time that he may be able to accept coal in addition to the amount ordered if such coal is offered to him in accordance with the provisions of § 602.178.

(5) Paragraph (a) of § 602.175 *Reports by producers, commercial dock operators, and lake or tidewater forwarders* is amended to read as follows:

(a) Each producer in Districts 1–13, inclusive except District 5, and commercial dock operator, lake or tidewater forwarder shall report before the last day of each month preceding the calendar month of shipment and each producer in Districts Nos. 12 and 14–23, inclusive, shall report on or before the fifth day of the month of shipment on Form SFA No. 79, revised January 1944, to be supplied by the Solid Fuels Administration for War (with the cooperation of the Advisory Boards which have agreed to help effectuate the proper distribution of such document): (1) Any information which has been furnished to him by industrial consumers or wholesalers pursuant to this regulation; (2) the tonnage which is expected to be shipped during the month on each order received; (3) separately, by sizes, the total tonnage expected to be produced; and (4) separately by sizes, the tonnage expected to be produced and for which the producer has no orders on hand; and (5) separately, by sizes, the total tonnage to be shipped to Federal agencies or Departments; and (6) such other information as is required to be set forth on Form SFA 79, revised. Such reports as may be required from commercial dock operators, lake or tidewater forwarders shall be filed with the Solid Fuels Administration for War, Washington 25, D. C., and such reports as may be required from producers may be filed, at the address specified in Appendix A, annexed hereto and made part hereof, with the Area Distribution Manager of the Solid Fuels Administration for War for the district in which the mine is located.

(6) The following is added to Appendix A:

District Number and Area Distribution Manager

12, J. C. Fitzpatrick, 1161 Merchandise Mart Bldg., Chicago 54, Ill.

14, 15, F. I. Halstead, New York Life Bldg., 16–24 W. 9th St., Kansas City 6, Mo.

16, 17, 18, R. B. Grimth, 718–721 Boston Bldg., Denver 2, Colo.

19, 20, 22, 23, J. T. Hill, Room 6630, Henry Bldg., Seattle, Wash.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 15th day of January 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44–894; Filed, January 18, 1944; 9:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 7, as Amended Jan. 18, 1944]

CERTIFICATIONS ON PURCHASE ORDERS AND OTHER DOCUMENTS

§ 944.27 *Priorities Regulation No. 7*—(a) *What this regulation does.* This regulation explains the use of certifications on purchase orders and delivery orders. It permits use of a standard form of certification instead of most of the different forms required by various regulations and orders of the War Production Board. This standard certification first appeared in CMP Regulation 7 and has previously been permitted for most purposes in operations under the Controlled Materials Plan. This regulation permits its use under other orders and regulations as well.

Standard Certification

(b) *When standard certification may be used.* The standard certification which is described below may be used instead of any certification (sometimes called a "certificate," an "endorsement," or a "statement") which is required to be placed on, or to accompany, a purchase or delivery order under any regulation or order of the War Production Board, except in the following cases:

(1) It cannot be used instead of any of the certifications listed in List A at the end of this regulation.

(2) It cannot be used instead of a certification required by a WPB regulation or order which expressly states that the standard form cannot be used.

(3) It cannot be used instead of any WPB or PD forms required by any WPB regulation or order to accompany the purchase order. Two examples of this exception are the WPB forms required by Order M–293 and Form WPB–2524 (formerly PD–833) required by Order L–5–d.

(4) It cannot be used by government procurement officers to rate deliveries for which a rating has not already been assigned by a separate preference rating certificate or an order or regulation of the War Production Board.

(c) *Use is optional.* The use of the standard certification is optional unless an order or regulation states that it is the only one that can be used. Anyone who wishes to may use the more specific certifications provided by the various orders and regulations, such as the one given in Priorities Regulation 3 for use in applying or extending preference ratings.

(d) *Form of standard certification.* The standard certification must be in substantially the following form:

> The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or aymbol which the undersigned has placed on this order.

(e) *Additional information with standard certification.* When the standard certification is used, additional information must be given in the following five cases only, and this information may be put either at the end of the standard certification or anywhere else on the order, or accompanying it:

(1) A preference rating, allotment number or symbol must be added where required by the applicable order or regulation. This is already the practice with the use of the CMP Regulation 7 certification.

(2) Where the applicable regulation or order requires information as to the specific immediate or end use for which the items are ordered, this information must be added. However, where the applicable order requires only a general statement as to an authorized use, such as "to be used for a purpose so approved" (as in order P-47), no information need be added.

(3) Where the applicable order calls for a statement to show that a "small order exemption" under any one of the "L" or "M" orders is applicable, the words "in compliance with a small order exemption" shall be added.

(4) Where the preference rating to be applied or extended was obtained on a WPB-547 (PD-1X) certificate, the identification "WPB-547" or "PD-1X" must be added.

(5) Where the applicable regulation or order expressly states that other information must be given in addition to the standard certification, the additional information must be added.

Waiving Certifications

(f) *Waiver of buyer's certification.* If a seller receives an order without the standard certification or the certification required by the governing WPB regulation or order, he may accept the purchase order and treat it as bearing the proper certification if he complies with the following rules:

(1) The seller must know the facts which the certification would show and must place the necessary certification on the order and sign it himself. He may not merely insert the certification over the buyer's signature. In adding the certification, the seller shall be deemed to make the representation to the War Production Board. The individual who signs for the seller must be a responsible official of the seller, duly authorized to make binding representations in this respect on the seller's behalf.

(2) The seller may use either the standard certification where permitted by this regulation or the certification required by the governing regulation or order. If he uses the standard, he must change the words "undersigned purchaser" to "undersigned seller", cross out the words "the seller and" and change the words "the undersigned is authorized" to "the buyer is authorized". If he uses the form required by the governing order or regulation, he must make corresponding changes in wording.

(3) A certification may not be waived if (i) it is listed on List B at the end of this regulation, or (ii) the governing order or regulation expressly states that it may not be waived.

(4) Where the purchase order when received by the seller is not accompanied by the CMP allotment number or symbol, he must get a written statement from the buyer signed by a responsible person giving this information before he adds it to the purchase order with the appropriate certification.

One-Time Certification

(g) *When one-time certification may be used.* Some WPB orders require a certification only for the purpose of making sure that the buyer knows of the restrictions in the order. In these cases, the certifications may be omitted entirely without substituting the standard certification, if the buyer has previously given the seller a certification in substantially the form described below. This one-time certification may be used only (1) instead of the certifications in the Orders listed in List C at the end of the regulation or (2) where the governing order expressly states that it may be used.

(h) *Form of one-time certification.* The one-time certification must be substantially as follows:

> The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order —— of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

(i) *Example.* Under Order M-99 no one may acquire any printing plates unless the purchase order bears a certification specified in the order to the effect that the purchaser is familiar with it and will comply with it. Since this order is listed on Schedule C, a purchaser of printing plates may omit this certification on any purchase orders placed with a supplier to whom he has previously furnished the one-time certification shown above.

Signature of Certification

(j) *Who must sign and how.* Certifications on purchase or delivery orders which are required by WPB orders or regulations must be signed by the person placing the order (or the person receiving it under paragraph (f) above) or by a responsible individual who is duly authorized to sign for that person. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature.

(k) *Use of facsimile signature.* If a facsimile signature is used, the individual who uses it must be duly authorized by the individual whose signature it is, to use it on representations to the War Production Board, and a written record of the authorization must be kept.

(l) *Only one signature necessary in most cases.* If several certifications are placed above the signature of the purchase order, they need not be separately signed provided the purchase order is signed in the way required for a certification by paragraph (j) above. If any certifications are placed below the signature of the purchase order, or on the back of it, the last certification must be separately signed, unless there is a statement above the signature of the purchase order which shows clearly that it applies to the certification.

(m) *Certification may be on separate paper.* If it is not convenient to place a certification on a purchase order or delivery order, it may be placed on a separate piece of paper either attached to it or clearly identifying it. For example, if the buyer has sent an order but has forgotten to place the certification on it, he may send the seller a separate certification clearly identifying the order to which it applies. A signature on the purchase order shall apply to the certification on an attached or unattached piece of paper only where the words above the signature clearly make it include the certification.

(n) *Signature on other documents.* The above rules for signing certifications on purchase orders also apply to the signature on reports, applications for preference ratings or allotments, and other documents that are required to be filed under orders and regulations of the War Production Board.

Telegraph, Telephone and Verbal Orders

(o) *Telegraphic orders.* When a purchase order is placed by telegram and a certification is necessary the certification must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation. Also, the certification contained in the telegram may be abbreviated in the following cases, but the purchaser assumes the same responsibility as if it were set out in full:

(1) When the standard certification is used, it may be shortened to the words "order certified under Priorities Regulation 7."

(2) When the certification is used for the sole purpose of applying or extending a preference rating with or without an allotment number or symbol, the words "ratings certified" or words to that effect are enough. Where there is an allotment number or symbol, this must be added to the telegram.

(3) Where the certification is used for the sole purpose of showing that the order comes under a small order exemption allowed by one of the "L" or "M" or "P" orders, it may be shortened to "small order certified."

(4) Where the certification required simply states the number of the WPB authorization form, the identification of the form and its number only need be given.

(p) *Verbal or telephone orders.* On purchase orders requiring shipment within seven days the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification. In addition, if the order is an authorized controlled material order under CMP regulations, it must be confirmed in writing within 15 days by a written order bearing the appropriate certification.

Miscellaneous Provisions

(q) *Responsibility for truth of certification.* The person who places the order, the individual whose signature is used and the individual who approves the use of the signature will each be considered to be making a representation to the War Production Board that the statements contained in the certification are true to the best of his knowledge and belief, subject to criminal penalties for misrepresentation. The person receiving certification and other information required to be included with the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(r) *Reference to criminal penalties.* The reference to criminal penalties for misrepresentation in the above forms of certification and similar phrases in certifications required by other orders and regulations are included solely for the purpose of making sure that persons signing certifications realize the responsibility they are undertaking. These references may not be omitted, but their inclusion shall not be deemed to make any person subject to any criminal penalties to which he would not be subject if the references were omitted.

(s) *Records to be kept by the purchaser.* Each person using the standard certification above or any other certification must maintain at his regular place of business all documents upon which he relies as entitling him to make the representations in the particular certification used and to supply the other information required to be placed with his purchase order. These documents must be segregated and available for inspection by a representative of the War Production Board or filed in such manner that they can be readily segregated and made available for inspection.

(t) *Effect on other regulations and orders.* Provisions in any other orders or regulations of the War Production Board which are inconsistent with this regulation may be disregarded unless they expressly state that this regulation does not apply.

Issued this 18th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—CERTIFICATIONS FOR WHICH STANDARD CERTIFICATION MAY NOT BE SUBSTITUTED

NOTE: L-103-b added, L-158 amended, L-279, M-104 deleted Jan. 18, 1944.

The certifications below contain types of information for which the standard form is not an adequate substitute. They cover rather isolated types of purchases. But the fact that the certifications appear on List A does not prohibit their waiver by the seller as provided by paragraph (f) of the regulation.

The standard certification may not be used instead of the following certifications:

Regulations or orders	Subject	Paragraph
Priorities Reg. 9	(Exports)	(b) (2).
Priorities Reg. 19	(Farm Supplies)	(b) & (d) (2) & (d) (3).
Priorities Reg. 22	(Canadian)	(b).
CMP Reg. 1	(Controlled Materials Plan)	(t) (5).
CMP Reg. 1 (Direction 23)	(Controlled Materials Plan)	(e).
CMP Reg. 5 (Direction 9)	(Controlled Materials Plan)	(n).
CMP Reg. 5 (Direction 11)	(Controlled Materials Plan)	(c).
E-1-b	Machine tools	(g).
E-10	Anti-friction bearings	(i) (2) & (i) (3).
L-5-d	Refrigerators	(c) (1).
L-23-b	Cooking appliances	(c) (2) (i) & (ii) & (d) (3).
L-28	Lamps	(a) (7) (ii).
L-28-a	Lamps	(b) (4) (i) (b).
L-46	Light aircraft	(b) (2) (v).
L-55-b	Tractors	(c) (1) (i).
L-61	Tire repair equipment	(d).
L-64	Caskets	(c) (3) & (f) (2).
L-103-b	Containers and metal closures	(k).
L-143-a	Rubber processing equipment	(e).
L-144	Laboratory equipment	(d) (2).
L-158	Automobile parts	(m).
L-175	Railroad watches	(b) (2).
L-180	Automotive equipment	(h) (1) & (h) (3) & (h) (4).
L-190	Scales, balances, weights	(c) (1) & (c) (2).
L-192	Construction machinery	(j) (1).
L-211	Structural steel shapes	(e) (3).
L-232	Wooden containers	(d) (2) (i) Sched. A, Table II.
L-266	Ammunition	(c) Nos. (1) (2) (3) (4).
L-290	Western lumber	(b) (1) & (b) (2).
M-19-b	Chromium chemicals	(c) (1).
M-21-b-1	Steel warehouses & dealers	(d) & (g)
M-21-b-2	Merchant trade products	(e) & (h) (2).
M-54	Molasses	(c) (2).
M-81	Cans	(b) (1).
M-115	Collapsible tubes	(e) (1) & (e) (2).
M-148	Exports	(c).
M-328	Textile, clothing, leather	(b) (1).
R-1	Rubber	4600, 15-16-17-26-34.

LIST B—CERTIFICATIONS WHICH MAY NOT BE WAIVED

NOTE: L-103-b, L-158, L-197 added Jan. 18, 1944.

The procedure for waiving certifications where the seller knows the facts which would be certified, as explained in paragraph (f) of Priorities Regulation No. 7, may not be used in the case of the following certifications:

Order	Subject	Paragraph
L-5-d	Refrigerators	(c) (2) (iii) (b) & (b) (3).
L-58	Sextants	(c) (2).
L-103-b	Containers and metal closures	(k).
L-158	Automotive parts	(k) (i).
L-175	Railroad watches	(b) (2) & (b) (3).
L-197	Steel shipping drums	(d) (1).
L-232	Wooden containers	(d) (2) (ii).
L-290	Western lumber	(b) (1) & (b) (2).
M-81	Cans	(b) (1).
M-115	Collapsible tubes	(e) (1) & (e) (2).
M-328	Textile, clothing, leather	(b) (1).

LIST C—CERTIFICATIONS INSTEAD OF WHICH ONE-TIME CERTIFICATION MAY BE USED

NOTE: L-144, L-158, M-103, deleted Jan. 18, 1944.

Following are the certifications which may be omitted in purchase orders if the one-time certification described in paragraph (g) of the regulation has been furnished by the buyer:

Order	Subject	Paragraph
E-5-a	Gages	(b) (1).
L-56	Liquefied petroleum gas equipment	(c).
L-180	Auto equipment	(h) (1).
L-182	Cooking equipment	(c) (3).
L-190	Scales, balances, weights	(c) (1) & (c) (2).
L-192	Construction machinery and equipment	(j) (1) (i).
L-193	General industrial equipment	(d) (3).
L-218	Lumber	(b) (1).
L-245	Dishwashers	(c) (3).
L-265	Electronic equipment	(b) (3) (iii).
M-21-c	Iron and steel	(d) (2).
M-81	Cans	(b) (1).
M-99	Printing and publishing	(c) (2).
M-115	Collapsible tubes	(e) (1) & (e) (2).
M-146	Quartz crystals	(c) (2).
M-272	Imported cotton yarns	(h).
P-126	General industrial equipment	(h) (1).

INTERPRETATION 1

PREFERENCE RATING MUST BE FURNISHED BY THE BUYER

Paragraph (f) of Priorities Regulation No. 7, which permits a seller to waive the buyer's certification where he knows the facts, does not allow the seller to rate an order which the buyer has not attempted to rate. If the buyer has stated the rating on the order but has not certified it, the seller may add the appropriate certification; and if the buyer has not shown the rating on the order, but has otherwise informed the seller that he wishes to apply or extend the rating, the seller may also insert it on the order. (Issued Jan. 5, 1944.)

[F. R. Doc. 44-927; Filed, January 18, 1944; 11:24 a. m.]

PART 1157—CONSTRUCTION MACHINERY[1]

[Limitation Order L-196, as Amended Jan. 18, 1944]

USED CONSTRUCTION MACHINERY

Section 1157.15[1] *Limitation Order L-196* is hereby amended to read as follows:

§ 1157.15 *Limitation Order L-196*—(a) *What this order does.* This order deals only with used construction machinery listed on Schedule A. It requires distributors and contractors to register used machinery owned by them and to register certain changes in the status of that machinery, and it contains restrictions on the sale and on the export of used machinery.

(b) *Definitions.* For the purposes of this order:

(1) "Construction machinery" means any of those products listed in Schedule A of this order.

(2) "Used" when applied to construction machinery means any construction machinery which has been delivered to a person acquiring it for use.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Distributor" means any person located within the forty-eight states of the United States and the District of Columbia who is engaged in the business of purchasing new, used or reconditioned construction machinery for the purpose of resale.

(5) "Contractor" means any person located within the forty-eight states of the United States and the District of Columbia who is wholly or partially engaged in the business of contracting for any type of construction work including but not limited to excavating, grading, paving, building, drilling, and preparing, handling, or applying construction material, but does not include a petroleum "operator" as defined in Order P-98-b.

(6) "Governmental agency" means any governmental agency in the United States, its territories or possessions, Federal, State, county, municipal or local.

(c) *Registration of used construction machinery by distributors and contractors.* (1) Each distributor and contractor owning used construction machinery listed on Schedule A, purchased prior to January 18, 1944, shall on or before February 17, 1944, register that machinery by completing, signing and mailing Form WPB-1159 (or such other form as may in the future be specified by the War Production Board) to the construction machinery specialist for the WPB region in which the owner's home office is located. However, any distributor or contractor who has registered an item of used construction machinery owned by him, prior to January 18, 1944, need not re-register it.

(2) Any distributor or contractor who purchases any used construction machinery listed on Schedule A on or after January 18, 1944, shall within seven days after the purchase of such machinery register it on Form WPB-1159, in the manner described in the preceding paragraph.

(d) *Registration of change of status of used construction machinery by distributors and contractors.* Within one week after any used construction machinery listed on Schedule A owned by a distributor or contractor (i) becomes idle, (ii) is put to work after being idle, (iii) is rented for 30 days or more, or (iv) is scrapped, the owner shall register such change of status by completing, signing and mailing Form WPB-1333 (or such other form as may be in the future specified by the War Production Board) to the construction machinery specialist for the WPB region in which the owner's home office is located. For the purposes of this paragraph, machinery is not considered "idle" if it will be used on work already contracted for.

(e) *Restrictions on sale of used construction machinery by any person.* After February 2, 1944, no person shall sell any used construction machinery listed on Schedule A of this order without approval of the War Production Board on Form WPB-1319. Application for this approval shall be made by filing four copies of Form WPB-1319 with the construction machinery specialist for the WPB region in which the applicant's home office is located. This restriction on sales applies only to sales within the forty-eight states of the United States and the District of Columbia.

(f) *Exemptions.* The restrictions of paragraph (e) shall not apply to:

(1) The sale of used construction machinery to a distributor;

(2) The sale of used construction machinery to be scrapped for its material content;

(3) The sale of used construction machinery by a "producer" as defined in Order P-56;

(4) The seizure or transfer of used construction machinery upon distraint, levy or upon default in the terms of a conditional sales agreement, chattel mortgage, pledge or other similar agreement;

(5) The transfer of used construction machinery at a judicial or sheriff's auction or sale, tax sale, or other similar transaction conducted by a judicial or other legal officer;

(6) The transfer of used construction machinery by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency or receivership proceedings or pursuant to any assignment for the benefit of creditors;

(7) The transfer of used construction machinery as part of a merger, consolidation, sale and purchase of assets, or sale and purchase of stock, involving all or substantially all the assets of a business, or division of assets upon dissolution of a partnership.

(8) The transfer of any interest in a written instrument evidencing a lien upon or claim against used construction machinery: *Provided, however,* That nothing in this subparagraph (8) shall be construed to permit the physical delivery of the machinery involved.

(9) The sale of used construction machinery by a governmental agency to another governmental agency.

(10) The sale of used construction machinery by a farmer. As used in this exemption, "farmer" means a person who engages in farming as a business, by raising crops, livestock, bees or poultry. It also includes a custom operator who uses farm supplies in performing services for farmers. It does not include a person who merely has a "victory garden" or raises food or other agricultural products entirely for his own use.

(g) *Restrictions on exports.* No person, other than the Army, Navy, Maritime Commission or War Shipping Administration shall export used construction machinery listed on Schedule A outside the forty-eight states of the United States and the District of Columbia unless specifically authorized by the War Production Board on Form WPB-1319. Application for authorization to export shall be made by filing four copies of Form WPB-1319 with the War Production Board, Washington 25, D. C., Ref: L-196. Nothing in this order shall eliminate the necessity of an applicant obtaining an export license from the Foreign Economic Administration where required.

(h) *Miscellaneous provisons*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. This letter should be filed with the field office of the War Production Board for the District in which is located the plant or branch of the appellant to which the appeal relates.

(4) *Reporting requirements.* The reporting requirements of paragraphs (c) and (d) and the form of application prescribed in paragraphs (e) and (g) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(5) *Communications.* All communications concerning this order, except as otherwise directed in this order, shall be addressed to the War Production Board, Washington 25, D. C., Ref: L-196.

Issued this 18th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Shovels, cranes, draglines, backhoes: Power; crawler mounted, rubber tired mounted, or walking. (Manufactured after January 1, 1930).

Motorgraders: Self-propelled, earth moving, rubber tired mounted, 16,000 pounds and heavier, tandem and four-wheel drive types.

Tractors: Crawler or track-laying type, all gauges, bare and including tractor mounted equipment such as bulldozers, angledozers, cranes, loaders, power control units, etc., (all diesel and semi-diesel powered models and the following gasoline powered models: M, WM, AG, H, T6 and R3).

[F. R. Doc. 44-928; Filed, January 18, 1944; 11:24 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L-73, Direction 1]

OFFICE SUPPLIES

The following direction is issued pursuant to Limitation Order L-73:

On and after January 18, 1944, the provisions of Order L-73 in so far as they apply to staples and stapling machines shall be superseded by the provisions of Order L-329.

Issued this 18th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-930; Filed January 18, 1944; 11:24 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-329].

STAPLES AND STAPLERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.306 *Limitation Order L-329*—(a) *What this order does.* This order states the rules which govern the production of staples, staplers and parts for them. It also controls shipments by manufacturers of these products. All staples and stapling machines included in the following definitions are covered, whether for industrial, office or other use. This order supersedes Order L-73 as to all staples and staplers formerly covered by that order.

(b) *Definitions of "staples" and "staplers."* When used in this order:

(1) "Staples" means any two-pronged metal fasteners made from wire or strip which are usually cohered and which are applied by a device especially designed for the purpose. The term "staples" does not include any fasteners applied by foot-operated or power-driven stitching machines, but it does include rolls of wire designed to be both formed and applied as "staples" by a hand-operated device.

(2) "Staplers" means any devices designed for the purpose of applying staples as fasteners. The term "staplers" includes among others, all devices commonly known as stapling machines and tackers, as well as hammers of the tacker type, but it does not include foot-operated or power-driven stitching machines.

(c) *What metal may be used.* (1) No manufacturer shall produce any staples, staplers or any parts (including repair parts) if they contain any metal except iron and steel. An immersion copper ("liquor") finish may be used and a zinc coating or plating may be used to the extent permitted by Order M-11-b, as amended, or any relief granted on an appeal under that order.

(2) No manufacturer shall use more iron and steel in making a stapler of a particular type or model than is necessary in view of the use for which that type or model is designed or produced.

(d) *Quarterly applications for permission to produce and deliver staples and staplers.* (1) After January 31, 1944, no manufacturer shall produce or deliver any staples or any staplers except according to quotas approved by the War Production Board on Form WPB-2719. Each manufacturer should file this Form with the War Production Board on or before March 15, June 15, September 15 and December 15 of each year, showing his proposed production and delivery for the next quarter. For the first quarter of 1944 the Form need not be filed before January 31, 1944.

(2) Any manufacturer who files Form WPB-2719 on or before the dates specified above may consider it approved as filed for the period it covers unless notified to the contrary by the War Production Board in writing.

(3) It will be the general policy of the War Production Board to authorize the total production of staples and staplers according to approved requirements. Production which would exceed these requirements will not be authorized. Plants located in critical labor areas as classified by the War Manpower Commission will in general be curtailed to a greater extent than plants located in other areas. Production to meet requirements will be allocated in less critical labor areas to the fullest extent of the available capacity.

(e) *Reports.* Each manufacturer of staples and staplers shall file with the War Production Board on or before February 15, 1944, Form WPB-3355, showing the amount of metal which he used in the production of staples, staplers and parts for staplers during the twelve months ending June 30, 1943, as well as his factory sales value of such products during that period. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of staples and staplers to a greater extent than does this order, the other order shall govern unless it states otherwise.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(i) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C. (25), Ref: L-329.

Issued this 18th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-929; Filed, January 18, 1944; 11:24 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M-159, as amended Jan. 18, 1944]

BUTYL ALCOHOL

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of butyl alcohol, as hereinafter defined, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.196[1] *Allocation Order M-159*—(a) *Definitions.* (1) "Butyl alcohol" means normal, secondary and tertiary butyl alcohol, isobutyl alcohol, and their acetic esters.

(2) "Producer" means any person engaged in the production of butyl alcohol and includes any person who has butyl alcohol produced for him pursuant to toll agreement.

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[1] Formerly Part 3058, § 3058.1.

[1] Formerly Part 1145.

[1] Formerly Part 1251, § 1251.1, General Preference Order M-159.

(3) "Distributor" means any person who has purchased or purchases butyl alcohol for purposes of resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall deliver or use butyl alcohol, and no person shall accept delivery of butyl alcohol from a producer or distributor, except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time at its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of butyl alcohol shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 54 gallons or less of butyl alcohol in the aggregate: *Provided*, That such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery: *Provided, however*, That no producer shall deliver an aggregate amount of butyl alcohol in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of his estimated production of butyl alcohol for such month.

(3) The use by any producer in any calendar month of 54 gallons or less of butyl alcohol in the aggregate.

(d) *Restrictions on operation of butyl alcohol facilities.* No producer shall, unless otherwise authorized by War Production Board, operate any part of his equipment or facilities which are capable of producing normal butyl alcohol, except for the production of normal butyl alcohol. Applications for authorization shall be made by letter addressed to the Chemicals Division, War Production Board, setting forth fully the reasons for the application.

(e) *Alterations of existing butyl alcohol facilities.* No producer who has equipment or facilities for the production of normal butyl alcohol shall, unless otherwise authorized by War Production Board, alter such equipment or facilities in any way so as to impair the capacity for the production of normal butyl alcohol. Applications for authorization shall be made by letter addressed to the Chemicals Division, War Production Board, setting forth fully the reasons for the application.

(f) *Direction as to use of materials.* War Production Board may from time to time issue directions to producers of normal butyl alcohol as to the kinds of raw materials which may be used in the production of normal butyl alcohol.

NOTE: Paragraphs (g), (h) and (i), formerly (d), (e) and (h) redesignated; former paragraphs (f) and (g) deleted Jan. 18, 1944.

(g) *Applications for delivery of butyl alcohol and reports.* (1) Each person seeking authorization to accept delivery of butyl alcohol during any calendar month, whether for his own consumption or resale (and each producer seeking authorization to use butyl alcohol during any calendar month), shall file application therefor on or before the 10th day of the month preceding the month for which authorization for delivery or use is requested, except that requests for delivery from a distributor shall be filed not later than the 7th day of the month. In each case, such application should be made on Form WPB–2945 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB–2945 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared of which three shall be filed with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–159, the fourth forwarded to supplier, and the fifth retained by applicant for his files. A separate set of Form WPB–2945 shall be forwarded to War Production Board and forwarded to supplier with respect to each grade of butyl alcohol for which authorization for acceptance of delivery is sought; viz, normal butyl alcohol, secondary butyl alcohol, tertiary butyl alcohol, isobutyl alcohol, normal butyl acetate, secondary butyl acetate and isobutyl acetate.

(iii) In the heading, under name of chemical, specify butyl alcohol; under WPB Order No., specify M–159; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, indicate grade in terms of the following:

Normal butyl alcohol
Secondary butyl alcohol
Tertiary butyl alcohol
Isobutyl alcohol
Normal butyl acetate
Secondary butyl acetate
Isobutyl acetate

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Dibutyl phthalate.
Butyl xanthate.
Nitrocellulose lacquer.
Ethylene glycol monobutyl ether.
Butyric Acid.
Oil additives.
Insect repellants.
Others (specify).
Protective coating (specify).
Butyl acetate.
Hydraulic brake fluid.
Resins and plastics.
Medicinal and pharmaceutical.
Butyl amines.
Photographic and reproduction products.
Resale (as butyl alcohol).

(vi) In Column 4, specify ultimate use of product. For example, if the "primary product" called for in Columns 3, 20 and 22 is "dibutyl phthalate", the "ultimate use of product" might be "smokeless powder". In the case where the primary product is a protective coating, show in Column 4 the article or material to which the coating is to be applied; for example, aircraft, shell casings. Specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer, and give government specification number, if any.

(2) Each producer or distributor seeking authorization to make delivery of butyl alcohol during any calendar month shall file application on or before the 17th day of the month preceding the month for which authorization is requested. Such application shall be made on Form WPB–2946 in the manner prescribed herein, subject to the following special instructions:

(i) Copies of Form WPB–2946 may be obtained at local field offices of the War Production Board.

(ii) Four copies shall be prepared of which three shall be filed with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–159, and the fourth retained by applicant. A separate set of Form WPB–2946 shall be filed for each grade of butyl alcohol for which authorization to deliver is sought; viz, normal butyl alcohol, secondary butyl alcohol, tertiary butyl alcohol, isobutyl alcohol, normal butyl acetate, secondary butyl acetate and isobutyl acetate.

(iii) Producers and distributors who have filed application on Form WPB–2945, specifying themselves as their suppliers, shall list their own names as customers on Form WPB–2946, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify butyl alcohol; under WPB Order No., specify M–159; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) List all customers alphabetically. The names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4 specify the estimated quantity. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on the last sheet which is the only one that need be certified.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Leave Column 6 blank.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions with respect to preparing and filing Forms WPB–2945 and 2946.

(h) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time.

(2) *Bureau of the Budget approval.* The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE: Paragraphs (3), (4), formerly (2), (3), redesignated Jan. 18, 1944.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–159.

Issued this 18th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–931; Filed, January 18, 1944; 11:24 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1E,[1] Amdt. 5]

MILEAGE RATIONING: TIRE REGULATIONS FOR THE TERRITORY OF HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 1E is amended in the following respects:

1. Section 4.1 (a) (2) is amended to read as follows:

(2) To replace a tire or tube that cannot be repaired or recapped: *Provided*, That an applicant eligible for a Grade I tire under this Ration Order may be issued a certificate by the Board to replace a recappable tire upon turning in the recappable carcass.

2. Section 4.2 (d) (3) is amended to read as follows:

(3) No certificate for a tire or tube may be granted if the tire being replaced can be recapped unless the applicant is eligible for a Grade I tire or unless he can qualify under one of the provisions set forth in paragraph (e).

This amendment shall become effective January 20th, 1944.

(Pub. Law 671, 76th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 17th day of January 1944.

MELVIN C. ROBBINS,
Territorial Director,
Territory of Hawaii.

Approved:

GERALD A. BARRETT,
Acting Regional Administrator,
Region IX.

[F. R. Doc. 44–892; Filed, January 17, 1944; 4:41 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12494, 13920.

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 4–1, Amdt. 6]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN ATLANTA DISTRICT

For the reasons set forth in the statement of considerations issued simultaneously herewith and under the authority vested in the Regional Administrator for Region IV of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, section (e), Restaurant Maximum Price Regulation No. 4–1 is hereby amended in the following respects:

1. Section 5 is amended to read as set forth below:

SEC. 5. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal than your highest ceiling price for food items or meals of the same class offered in the seven-day period.

Example 1. If you figured an "in line" price for a new week-day dinner at $1.25, and your highest ceiling price in the week-day dinner class is $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If your highest ceiling price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

However, notwithstanding the provisions of this section and the provisions of section 1, if you customarily in the regular course of your business charged higher prices for meals or food items, including beverages, on Christmas Day, you may continue to charge such higher prices for Christmas Day for the year 1943, not, however, to exceed an increase of 15% above your regular Sunday prices established during the base period of this regulation. If you customarily in the regular course of your business charged higher prices for meals or food items, including beverages, on New Year's Day, you may continue to charge such higher prices for New Year's Day, January 1, 1944, not, however, to exceed an increase of 15% above your regular Sunday prices established during the base period of this regulation. In either of the above instances, if you have not established regular Sunday prices under the regulation, because of the fact that you did not operate on Sundays during the base period of the regulation, you may establish your maximum prices for Christmas Day 1943 and for New Year's Day, January 1, 1944, by taking the regular Sunday prices established under the regulation of the nearest eating or drinking place of the same type as yours, and add thereto the 15% increase permitted by this section.

This Amendment No. 6 to Restaurant Maximum Price Regulation No. 4–1 shall become effective December 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of December 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–893; Filed, January 17, 1944; 4:41 p. m.]

PART 1306—IRON AND STEEL

[RPS 49, Correction to Amdt. 16]

RESALE OF IRON AND STEEL PRODUCTS

Amendment No. 16 to Revised Price Schedule No. 49 is corrected in the following respects:

1. In § 1306.165 (b) (5) (i) *Area covered* the line which now reads "The entire State of West Virginia", is corrected to read as follows:

The following counties of West Virginia: Barbour, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, McDowell, Marion, Marshall, Mason, Mercer, Mineral, Mingo, Monongalia, Monroe, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming.

2. In § 1306.165 (b) (5) (ii) "Zone 5 Price Component Index" in the column entitled "F. Quality and merchandising" for the product "Enameling sheets" reference "F–5" is corrected to read "F–7".

3. In § 1306.165 (b) (5) (ii) Table A–1 entitled "Basing points" in the columns

headed "Cleveland, Ohio; Coatesville, Pa.; and Sparrows Point, Md." opposite the product "Black iron plates (such as Armco iron)" an "X" is inserted.

4. In § 1306.165 (b) (5) (ii) Table A–1 entitled "Basing points", the sentence at the bottom of the table which now reads "NOTE: For shipments to a destination within the switching limits of the City of Detroit, Michigan, the basing point on the commodities marked in the last column shall be Detroit, Michigan", is corrected to read as follows:

NOTE: For shipments to a destination within the switching limits of the City of Detroit, Michigan, and also in computing the shipping point price for shipments originating within the switching limits of Detroit, Michigan, the arbitrary basing point on the commodities marked in the last column shall be Detroit, Michigan.

5. In § 1306.165 (b) (5) (ii) Table G–3 entitled "Floor plates", the second and third items, respectively, are corrected to read as follows:

¼" Standard pattern	$1.50
⅛" Small pattern	1.50

6. In § 1306.165 (b) (5) (ii) Table G–10 entitled "Cold rolled sheets" in the division of the table entitled "A. Gauge and Width" in the column headed "U. S. Standard Gauge No. 11" for "Width, in inches: 32 and under" which now reads "$0.15" is corrected to read "—$0.15".

7. In § 1306.165 (b) (5) (ii), Table G–10 entitled "Cold rolled sheets" the note appearing beneath the division of the table entitled "1 For galvanized steel, galvanized Armco iron, galvanized Toncan iron, and galvannealed, use galvanized sheet gauge No.; long terne use U. S. Standard Gauge No." is deleted.

8. In § 1306.165 (b) (5) (ii), Table G–12 entitled "Enameling sheets" in the division of the table entitled "A. Gauge and Width" in the column headed "11" opposite "U. S. Standard Gauge No." the thickness ordering limits in inches now shown as ".01270 to 0.1121" is corrected to read "0.1270 to 0.1121".

9. In § 1306.165 (b) (5) (ii), Table G–14 entitled "Cold finished alloy steel bars" in the division of the table entitled "Hexagons" the heading "Rounds—continued" which appears between the sizes "3/16 to less than ¼" and "¼ to less than ⅜" is corrected to read "Hexagons—continued".

10. In § 1306.165 (b) (5) (ii), Table G–16 entitled "Stainless bars" in the division of the table entitled "Hot rolled bars" the first subdivision of the table is corrected to show a heading entitled "Rounds". The second subdivision of this table is corrected to show a subdivision heading entitled "Flats and Squares".

11. In § 1306.165 (b) (5) (ii) Table G–17 entitled "Stainless Steel Plate" in the division of the table entitled "Size and finish extras" in the column headed "Width in inches" the first line which now reads "10" to 16" incl" is corrected to read "10" to 18" incl".

12. In § 1306.165 (b) (5) (ii) Table G–18 entitled "Stainless steel angles", the division of this table entitled "Unequal leg angles", is corrected to read as follows:

UNEQUAL LEG ANGLES

If shorter leg is equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $1.00 per 100 pounds. In case shorter leg is not equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $2.00 per 100 pounds.

13. In § 1306.165 (b) (5) (ii) Table H–1 entitled "Plate shearing extras" in subdivision entitled "B. Sketch plates" in the column headed "Under 1' to over 6'" under "Length" the figure opposite "over ½" inclusive" in Part I of this table which now reads "$1.80" is corrected to read "$1.85".

14. In § 1306.165 (b) (5) (ii) Table H–6 entitled "Hacksaw cutting carbon bars .60 mean of carbon and over and hot rolled and cold finished alloy bars", the first paragraph which now reads "Hack sawing charges per cut to any length 0'1" and over, of one cross-section, analysis and finish" is corrected to read "Hack sawing charges per cut to any one length 0'1" and over, of one cross-section, analysis and finish".

15. In § 1306.165 (b) (5) (ii) "Table 11–7" entitled "Flame cutting plate—con." is corrected to read "Table H–7 Flame cutting plates—Con.".

16. In § 1306.165 (b) (5) (ii) Table K–2 enttiled "Pickling extras" under subtitle "B. Job pickling extras applying on material pickled for specific customer's orders by a local shop or by the person making the sale", the sub-divisions enttiled "1. Hot rolled sheets" and "2. Plates" are corrected to read as follows:

1. *Hot Rolled Sheets.* The extras listed in A above plus $0.25 per 100 lbs.

2. *Plates.* The extras listed in A above plus $0.20 per 100 lbs.

17. In § 1306.165 (b) (6) (i) *Area covered*, the list of cities appearing after the following: "Zone 6 shall consist of the entire State of Illinois except the cities of:" is corrected to read as follows:

Bixby, Brooklyn, Cahokia, Dupo, East St. Louis, Falling Springs, Granite City, L & M Junction, Madison, Monsanto, National City, National Stock Yards, Prairie du Pont, Rose Lake, Tolson, Valley Junction, Venice, and Vulcan.

18. In § 1306.165 (b) (6) (ii) "Zone six price component index" under the heading entitled "A. Basing point", opposite the product "Galvanized iron sheets, (such as Armco, Toncan iron, etc.)" the three cities which now read "Pgn, Midltn, Yngstn" are corrected to read "Pgh, Midltn, Yngstn".

19. In § 1306.165 (b) (6) (ii) Table E–5 entitled "Cold rolled round edge flat wire" the second item which now reads "100 lbs. to 299 dbs." is corrected to read "100 lbs. to 299 lbs.", the reference "dbs." being corrected to read "lbs.".

20. In § 1306.165 (b) (6) (ii) Table G–3 entitled "Floor Plates", the second and third items, respectively, are corrected to read as follows:

¼" Standard pattern	$1.50
⅛" Small pattern	1.50

21. In § 1306.165 (b) (6) (ii) Table G–18 entitled "Stainless bars" in the division of the table entitled "Hot rolled bars" the first sub-division of the table is corrected to show a sub-division heading entitled "Rounds". The second subdivision of this table is corrected to show a sub-division heading, entitled "Flats and Squares".

22. In § 1306.165 (b) (6) (ii) Table G–20 entitled "Stainless Steel Angles", the division of this table entitled "Unequal Leg Angles" is corrected to read as follows:

UNEQUAL LEG ANGLES

If shorter leg is equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $1.00 per 100 pounds. In case shorter leg is not equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $2.00 per 100 pounds.

23. In § 1306.165 (b) (6) (ii) Table H–1 entitled "Plate shearing extras" in subdivision entitled "B. Sketch plates" in the column headed "Under 1' to over 6'" under "Length" the figure opposite "over ½" to 1" inclusive" in Part I of this table which now reads "$1.80" is corrected to read "$1.85".

24. In § 1306.165 (b) (6) (ii) Table H–1 entitled "Plate shearing extras" in the division of the table entitled "B. Sketch Plates" the column under "Length" which now reads "Under 3' to 3' " is corrected to read "Under 3' to 2' ".

25. In § 1306.165 (b) (6) (ii) Table H–6 entitled "Hacksaw cutting carbon bars .60 mean of carbon and over and hot rolled and cold finished alloy bars", the first paragraph which now reads "Hack sawing charges per cut to any length 0'1" and over, of one cross-section, analysis and finish" is corrected to read "Hack sawing charges per cut to any one length 0'1" and over, of one cross-section, analysis and finish."

26. In § 1306.165 (b) (6) (ii) table H–13 entitled "Cold rolled strip and round edge flat wire cut to length" the column under "Thickness" which now reads "0.171 to 0.021" is corrected to read "0.0171 to 0.021".

27. In § 1306.165 (b) (6) (ii) Table K–2 entitled "Pickling extras" under subtitle "B. Job pickling extras applying on material pickled for specific customer's orders by a local shop or by the person making the sale", the sub-divisions entitled "1. Hot rolled sheets" and "2. Plates" are corrected to read as follows:

1. *Hot rolled sheets.* The extras listed in A above plus $0.25 per 100 lbs.

2. *Plates.* The extras listed in A above plus $0.20 per 100 lbs.

28. In § 1306.165 (b) (7) (ii) "Zone seven price component index" in column "F. Quality and merchandising", opposite the item "Hot rolled strip, (except AISI C–1095)" which now reads "F–4" is corrected to read "None".

29. In § 1306.165 (b) (7) (ii) "Zone seven price component index" in column "F. Quality and merchandising" opposite the item "Tire steel: 3/16" and lighter" which now reads "F–2" is corrected to read "None".

30. In § 1306.165 (b) (7) (ii) Table C–2, the second paragraph of this table which now reads "(2) The less than carload rate of freight in effect at the time of shipment from St. Paul, Minnesota, to destination", is corrected to read as follows: "(2) The less than carload rate of freight in effect at time of shipment from St. Paul, Minnesota, or Minneapolis, Minnesota, to destination, whichever is less."

31. In § 1306.165 (b) (7) (ii) Table F–5, enttiled "Hot rolled sheets", the first item which reads "Stretcher leveled galvanized—$0.40" is corrected to be listed under Table F–7 which is entitled "Coated sheets", and shall be the first line of Table F–7.

32. In § 1306.165 (b) (7) (ii) Table F–5 entitled "Hot rolled sheets", the portion of this table covering Uniform blue pickled and oiled is corrected to read as follows:

Uniform blue	$0.40

33. In § 1306.165 (b) (7) (ii) Table G–1 entitled "Carbon steel structural shapes", that portion of the sub-paragraph which is continued on a second page is corrected to be titled "Table G–1 carbon steel structural shapes (Continued)", instead of "Wide flange sections—Continued".

34. In § 1306.165 (b) (7) (ii) Table G–3 entitled "Floor plates", the second and third items, respectively, are corrected to read as follows:

¼" Standard pattern	$1.50
⅛" Small pattern	1.50

35. In § 1306.165 (b) (7) (ii) Table G–18 entitled "Stainless bars" in the division of the table entitled "Hot rolled bars" the first sub-division of the table is corrected to show a sub-division heading entitled "Rounds". The second subdivision of this table is corrected to show a sub-division heading entitled "Flats and squares".

36. In § 1306.165 (b) (7) (ii) Table G–20 entitled "Stainless steel angles", the division of this table entitled "Unequal leg angles" is corrected to read as follows:

UNEQUAL LEG ANGLES

If shorter leg is equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $1.00 per 100 pounds. In case shorter leg is not equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $2.00 per 100 pounds.

37. In § 1306.165 (b) (7) (ii), Table H–1 entitled "Plate 1 shearing extras" in the division of the table "B. Sketch plates 2" the sub-heading of the fifth column under the heading "Length" which now reads "Under 1' to over 6' " is corrected to read "Under 1' to over 6' ".

38. In § 1306.165 (b) (7) (ii) Table H–1 entitled "Plate shearing extras" in the sub-division entitled "B. Sketch plates" in the column headed "Under 1' to over 6' " under "Length" the figure "over ½" to 1" inclusive" in Part I of this table which now reads "$1.80" is corrected to read "$1.85".

39. In § 1306.165 (b) (7) (ii) Table H–6 entitled "Hacksaw cutting carbon bars .60 mean of carbon and over and hot rolled and cold finished alloy bars", the first paragraph which now reads "Hack sawing charges per cut to any length 0'1" and over, of one cross-section, analysis and finish" is corrected to read "Hack sawing charges per cut to any one length 0'1" and over, of one cross-section, analysis and finish".

40. In § 1306.165 (b) (7) (ii) table K–2 entitled "Pickling extras" under subtitle "B. Job pickling extras applying on material pickled for specific customer's orders by a local shop or by a person making the sale", the sub-divisions entitled "1. Hot rolled sheets" and "2. Plates" are corrected to read as follows:

1. *Hot rolled sheets.* The extras listed in A above plus $0.25 per 100 lbs.

2. *Plates.* The extras listed in A above plus $0.20 per 100 lbs.

41. In § 1306.165 (b) (8) (i) "Area Covered" the list of cities in the paragraph which reads, "Only the following cities of Illinois east of St. Louis" is corrected to include the following list of cities:

Bixby, Brooklyn, Cahokia, Dupo, East St. Louis, Falling Springs, Granite City, L & M Junction, Madison, Monsanto, National City, National Stock Yards, Prairie du Pont, Rose Lake, Tolson, Valley Junction, Venice, and Vulcan.

42. In § 1306.165 (b) (8) (ii) "Zone eight price component index," in Column "F. Quality and merchandising" opposite the item "Hot rolled strip (except AISI C–1095)" which reads "F–4" is corrected to read "None".

43. In § 1306.165 (b) (8) (ii) "Zone eight price component index" in Column "F. Quality and merchandising" opposite the item "Tire steel: 3/16" and lighter" which now reads "F–2" is corrected to read "None".

44. In § 1306.165 (b) (8) (ii) Table F–3 entitled "Cold finished carbon bars", the first item which now reads "B1111, $1.10" is corrected to read "B1111, $0.10".

45. In § 1306.165 (b) (8) (ii) Table G–3 entitled "Floor plates", the second and third items, respectively, are corrected to read as follows:

¼" Standard pattern	$1.50
⅛" Small pattern	1.50

46. In § 1306.165 (b) (8) (ii) Table G–18 entitled "Stainless bars" in the division of the table entitled "Hot rolled bars" the first sub-division of the table is corrected to show a sub-division heading entitled "Rounds". The second subdivision of this table is corrected to show a sub-division heading entitled "Flats and squares".

47. In § 1306.165 (b) (8) (ii) Table G–20 entitled "Stainless steel angles," the division of this table entitled "Unequal leg angles" is corrected to read as follows:

UNEQUAL LEG ANGLES

If shorter leg is equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $1.00 per 100 pounds. In case shorter leg is not equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $2.00 per 100 pounds.

48. In § 1306.165 (b) (8) (ii) Table H–1 entitled "Plate 1 shearing extras" in the division of the table "B. Sketch plates 2" the sub-headings of the third, fourth and fifth columns under the heading "Length" which now read "Under 3' to 2'", "Under 1' to 1'", and "Under 1' to over 6'" are corrected to read "Under 3' to 2'", "Under 2' to 1'", and "Under 1' to 6'" respectively.

49. In § 1306.165 (b) (8) (ii) Table H–1 entitled "Plate shearing extras" in sub-division entitled "B. Sketch plates" in the column headed "Under 1' to over 6'" under "Length" the figure opposite "over ½" to 1" inclusive" in Part I of this table which now reads "$1.80" is corrected to read "$1.85".

50. In § 1306.165 (b) (8) (ii) Table H–6 entitled "Hacksaw cutting carbon bars .60 mean of carbon and over and hot rolled and cold finished alloy bars", the first paragraph which now reads "Hack sawing charges per cut to any length 0'1" and over, of one cross-section, analysis and finish" is corrected to read "Hack sawing charges per cut to any one length 0'1" and over, of one cross-section, analysis and finish".

51. In § 1306.165 (b) (8) (ii) Table K–1 entitled "Galvanizing extras" under sub-title "B. Differentials" the last line which now reads "30,000 and over—less 25%" is corrected to read "36,000 lbs. and over, Less 25%".

52. In § 1306.165 (b) (8) (ii) Table K–1 entitled "Galvanizing extras" under sub-title "C. List Prices" under the subdivision entitled "Angles and tees (bar sizes)" the last item which now reads "All sizes 5/16" Angles and Tees—.20" is corrected to read "All sizes 5/16" Angles and Tees, $2.20".

53. In § 1306.165 (b) (8) (ii) Table K–2 entitled "Pickling extras" under subtitle "B. Job pickling extras applying on material pickled for specific customer's orders by a local shop or by the person making the sale", the sub-divisions entitled "1. Hot rolled sheets" and "2. Plates" are corrected to read as follows:

1. *Hot Rolled Sheets.* The extras listed in A above plus $0.25 per 100 lbs.

2. *Plates.* The extras listed in A above plus $0.20 per 100 lbs.

54. In § 1306.165 (b) (9) (ii) in the division headed "Table E–9—Stainless steel", the line which reads "Table E–9—Stainless steel—Continued" is hereby deleted.

55. In § 1306.165 (b) (9) (ii) Table C–3 entitled "Floor plates", the second and third items, respectively, are corrected to read as follows:

¼" Standard pattern	$1.50
⅛" Small pattern	1.50

56. In § 1306.165 (b) (9) (ii) Table G–18 entitled "Stainless bars" in the division of the table entitled "Hot rolled bars" the first sub-division of the table is corrected to show a sub-division heading entitled "Rounds". The second subdivision of this table is corrected to show a sub-division heading entitled "Flats and squares".

57. In § 1306.165 (b) (9) (ii) Table G–20 entitled "Stainless steel angles", the division of this table entitled "Unequal leg angles" is corrected to read as follows:

UNEQUAL LEG ANGLES

If shorter leg is equal to or greater than three-quarters of longer leg, apply extra for

equal leg angle of length and thickness of shorter leg plus $1.00 per 100 pounds. In case shorter leg is not equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $2.00 per 100 pounds.

58. In § 1306.165 (b) (9) (ii) in the table reading "Table G–20—Stainless steel angles" those lines which read "Table G–20–Stainless steel angles—Continued" are hereby deleted.

59. In § 1306.165 (b) (9) (ii) Table H–1 entitled "Plate shearing extras" in subdivision entitled "B. Sketch plates" in the column headed "Under 1' to over 6'' " under "Length" the figure opposite "over ½'' to 1'' inclusive" in Part I of this table which now reads "$1.80" is corrected to read "$1.85".

60. In § 1306.165 (b) (9) (ii) Table H–6 entitled "Hacksaw cutting carbon bars .60 mean of carbon and over and hot rolled and cold finished alloy bars" the first paragraph which now reads "Hack sawing charges per cut to any length 0'1'' and over, of one cross-section, analysis and finish" is corrected to read "Hack sawing charges per cut to any one length 0'1'' and over, of one cross-section, analysis and finish".

61. In § 1306.165 (b) (9) (ii) in the table headed "Stainless steel angles" those lines which read "Table H–12—Stainless steel angles—Continued" are hereby deleted.

62. In § 1306.165 (b) (9) (ii) Table K–2 entitled "Pickling extras" under subtitle "B. Job pickling extras applying on material pickled for specific customer's orders by a local shop or by the person making the sale", the sub-divisions entitled "1. Hot rolled sheets" and "2. Plates" are corrected to read as follows:

1. *Hot rolled sheets.* The extras listed in A above plus $0.25 per 100 pounds.
2. *Plates.* The extras listed in A above plus $0.20 per 100 pounds.

63. In § 1306.165 (b) (10) (ii) in the table headed "Table B–7—Stainless steel and electrical sheets" those lines which read "Table B–7—Stainless steel and electrical sheets—Continued" are hereby deleted.

64. In § 1306.165 (b) (10) (ii) Table G–3 entitled "Floor plates", the second and third items, respectively, are corrected to read as follows:

⅛'' Standard pattern	$1.50
⅛'' Small pattern	1.50

65. In § 1306.165 (b) (10) (ii) Table H–12 entitled "Galvanized steel, galvanized Armco iron, galvanized Toncan iron, galvannealed, and long terne sheets" is corrected to read as follows: "Table G–12 Galvanized steel, galvanized Armco iron, galvanized Toncan iron, galvannealed, and long terne sheets."

66. In § 1306.165 (b) (10) (ii) Table G–18 entitled "Stainless bars" the division of the table entitled "Hot rolled bars" the first sub-division of the table is corrected to show a sub-division heading entitled "Rounds". The second subdivision of this table is corrected to show a sub-division heading entitled "Flats and squares".

67. In § 1306.165 (b) (10) (ii) Table G–20 entitled "Stainless steel angles", the division of this table entitled "Unequal leg angles" is corrected to read as follows:

UNEQUAL LEG ANGLES

If shorter leg is equal to or greater than three quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $1.00 per 100 pounds. In case shorter leg is not equal to or greater than three-quarters of longer leg, apply extra for equal leg angle of length and thickness of shorter leg plus $2.00 per 100 pounds.

68. In § 1306.165 (b) (10) (ii), Table R–1 entitled "Plate shearing extras" in the division of the table entitled "A. Rectangular Plates" the sub-heading of the fifth column under the heading "Length" which now reads "Under 1'' to over 6'' " is corrected to read "Under 1' to over 6'' ".

69. Section 1306.165 (b) (10) (ii) Table H–1 entitled "Plate shearing extras" in sub-division entitled "B. Sketch Plates" in the column headed "Under 1' to over 6'' " under "Length" the figure opposite "over ½'' to 1'' inclusive" in Part I of this table which now reads "$1.80" is corrected to read "$1.85".

70. In § 1306.165 (b) (10) (ii) Table H–6 entitled "Hacksaw cutting carbon bars .60 mean of carbon and over and hot rolled and cold finished alloy bars", the first paragraph which now reads "Hack sawing charges per cut to any length 0'1'' and over, of one cross-section, analysis and finish" is corrected to read "Hack sawing charges per cut to any one length 0'1'' and over, of one cross-section, analysis and finish".

71. In § 1306.165 (b) (10) (ii) Table K–2 entitled "Pickling extras" under subtitle "B. Job pickling extras applying on material pickled for specific customer's orders by a local shop or by the person making the sale", the sub-divisions entitled "1. Hot rolled sheets" and "2. Plates" are corrected to read as follows:

1. *Hot rolled sheets.*—The extras listed in A above plus $0.25 per 100 lbs.
2. Plates. The extras listed in A above plus $0.20 per 100 lbs.

This correction shall be effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–932; Filed, January 18, 1944; 11:30 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. SR 1 to GMPR, Amdt. 44]

SEED FLAX TOW

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new section 2.4 (c) is added to read as follows:

(c) Seed flax tow, on condition, however, that on or before February 1, 1944, the seller file with the Office of Price Administration in Washington, D. C., a statement showing his highest selling price during March 1942, to each of the persons to whom he made deliveries in that month, and declaring the selling price he intends to charge each purchaser after January 23, 1944, and on the further condition that no prospective price thus reported to the Office of Price Administration may thereafter be changed unless seller shall first have given at least 30 days notice in writing to the Office of Price Administration, Washington, D. C. Nothing in this section 2.4 (c) shall apply to fiber flax tow.

This amendment shall become effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–934; Filed, January 18, 1944; 11:31 a. m.]

PART 1435—NONFERROUS MILL AND MACHINE PRODUCTS

[MPR 377,[1] Amdt. 2]

DIE CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 377 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Persons covered.* This regulation applies to any person who sells die castings which he has produced or which have been produced by his subsidiary or affiliate. However, nothing in this regulation or in the General Maximum Price Regulation[2] shall apply to any sale or delivery of die castings by any person whose total deliveries of die castings, including dies, were less than $100,000 during the most recent period of four completed calendar quarters, except that the person must file a report on OPA Form 677:667 (set forth as section 32 of this regulation). "Calendar quarters," for the purpose of this regulation, are the three month periods beginning, respectively, on January 1, April 1, July 1 and October 1 of each year. The report must be filed on or before January 15 (except that in 1944, the report must be filed on or before February 15), April 15, July 15 and October 15 of each year and must state dollar value of deliveries of all products and dollar value of deliveries of die castings, including dies, for the next preceding period of four calendar quarters.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5746, 13982.
[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

2. Section 32 is amended to read as follows:

SEC. 32. *Quarterly report on dollar value of deliveries of die castings and dies by companies exempt under section 1 of MPR 377.*

Budget Bureau Approval No. 08–R407.1. Expires 5–31–45.

OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Die Castings

OPA Form 677:667

QUARTERLY REPORT ON DOLLAR VALUE OF DELIVERIES OF DIE CASTINGS AND DIES BY COMPANIES EXEMPT UNDER SEC. 1 OF MPR 377

This form must be filed in the Washington office of OPA on or before the 15th of January, April, July, or October by any company exempt under Sec. 1 of MPR 377. Any company with deliveries of less than $100,000 of die castings (including dies) during the preceding period of four calendar quarters is exempt from regulation.

Name of Company: _____
Address: _____
City and State: _____
Dollar value of deliveries in the immediately preceding calendar quarter ended _____, 194..:
(a) of all products _____
(b) of die castings (including dies) _____
Dollar value of deliveries in the period of four calendar quarters ended _____, 194..:
(a) of all products _____
(b) of die castings (including dies) _____

The statements of fact in this report are known to the undersigned to be true and correct, and any estimates given are believed to be correct.

(Signed) _____
(Title) _____
Date: _____

This amendment shall become effective February 1, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–933; Filed, January 18, 1944; 11:30 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Rev. Supp. 1, Amdt. 9]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (5) is added to read as follows:

(5) Red stamps numbered "8" from "A" to "M", inclusive, in War Ration Book IV, are good for 10 points each. Beginning January 17, 1944 they may be given up by consumers and accepted by primary distributors under the provisions of section 3.2 (a) of Ration Order 16.

This amendment shall become effective January 17, 1944.

[1] 8 F.R. 16834, 16839, 17372, 16893, 17278, 17306; 9 F.R. 105, and 181.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F. R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–891; Filed, January 17, 1944; 4:41 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 4–1, Amdt. 5]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN ATLANTA DISTRICT

For the reasons set forth in the statement of considerations issued simultaneously herewith and under the authority vested in the Regional Administrator for Region IV of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, section (e), Restaurant Maximum Price Regulation No. 4–1 is hereby amended in the following respects:

1. Section 5 is amended to read as set forth below:

SEC. 5. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal than your highest ceiling price for food items or meals of the same class offered in the seven-day period.

Example 1. If you figured an "in line" price for a new week-day dinner at $1.25, and your highest ceiling price in the week-day dinner class is $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If your highest ceiling price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

However, notwithstanding the provisions of this section and the provisions of section 1, if you customarily in the regular course of your business charged higher prices for meals or food items, including beverages, on Thanksgiving Day, you may continue to charge such higher prices for Thanksgiving Day for the year 1943, not, however, to exceed an increase of 15% above your regular Sunday prices established during the base period of this regulation.

This Amendment No. 5 to Restaurant Maximum Price Regulation No. 4–1 shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of November 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–935; Filed, January 18, 1944; 11:31 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

OPTIONAL SETTLEMENT

§ 10.3063 *Mode of payment at death or disability.* United States Government life insurance is payable in monthly installments of $5.75 for each $1,000 insurance in the event of total permanent disability of the insured or of his death unless one of the optional settlements is selected as provided in § 10.3068, then, in the event of the death of the insured, the insurance is payable in accordance with the optional settlement so selected. (January 24, 1944.)

§ 10.3064 *Selection, recording, revocation, and election.* The insured under a United States Government life insurance policy may select one of the optional settlements set forth in § 10.3068, but notice of the selection shall not be valid unless and until it is recorded in the Veterans' Administration. The insured may revoke his selection of the optional settlement, but the revocation shall not be valid unless and until it is recorded in the Veterans' Administration. If the insured does not select one of the optional settlements, then he shall be deemed to have made no election, and the insurance shall be payable in 240 monthly installments, unless an election under option 2, 3 or 4 is made by the beneficiary.

§ 10.3065 *Election of optional settlement by beneficiary.* If the insured under a United States Government life insurance policy has not selected one of the optional settlements then at the death of the insured the designated beneficiary may elect to receive settlement under option 2, 3 or 4, as provided in § 10.3068, but such an election by the beneficiary shall not be valid unless and until it is recorded in the Veterans' Administration. If the insured has selected an optional settlement then at the death of the insured the designated beneficiary may elect to receive the proceeds of insurance in installments spread over a greater period of time than that selected by the insured and in accordance with the following provisions:

(a) If the insured has selected option 1, the beneficiary may elect to receive payment under option 2, 3 or 4.

(b) If the insured has selected option 2 with monthly installments not in excess of 120, the beneficiary may elect to receive payment in a greater number of installments under option 2, or may elect to receive payment under option 3 or 4.

(c) If the insured has selected option 2 with monthly installments in excess of 120, the beneficiary may elect to receive payment in a greater number of installments under option 2, or may elect to receive payment under option 3.

(d) If the insured has selected option 3, and named no contingent beneficiary, the beneficiary may elect to receive payment under option 4.

(e) If the insured has selected option 4, the beneficiary may elect to receive payment under option 3.

If the insured has selected settlement under option 1, a beneficiary who has

elected to receive payment under options 2, 3 or 4 may elect to receive the commuted value of any remaining unpaid installments certain (240 less the number paid in case of option 3, or 120 less the number paid in the case of option 4). Settlement under any one of the options or payment to the beneficiary of said commuted value shall be in full and complete discharge of all liability under the contract.

§ 10.3068 *Options.* The optional settlements under a United States Government life insurance policy in lieu of the monthly installments of $5.75 per thousand are as follows:

OPTION 1. *Insurance payable in one sum.* Settlement under this option will be made only when selected by the insured during his lifetime or by his last will and testament. When such selection has been made, the face amount will be payable in one sum at the maturity of the policy by death.

OPTION 2. *Insurance payable in elected installments.* The installments noted below will be payable for an agreed number of months (not less than 36) to the designated beneficiary, but if such beneficiary dies before the agreed number of monthly installments have been paid, the remaining unpaid monthly installments will be payable in accordance with the beneficiary provisions of the policy.

Amount of Installment for Each $1,000 of Insurance

Number of monthly installments:	
36	$29.19
48	22.27
60	18.12
72	15.35
84	13.38
96	11.90
108	10.75
120	9.83
132	9.09
144	8.46
156	7.94
168	7.49
180	7.10
192	6.76
204	6.47
216	6.20
228	5.97
240	5.75

OPTION 3. *Insurance payable in installments throughout life.* The installments noted below will be payable throughout the lifetime of the designated beneficiary, but if such designated beneficiary dies before 240 such installments have been paid, the remaining unpaid monthly installments will be payable in accordance with the beneficiary provisions of the policy.

Amount of Installment for Each $1,000 of Insurance

Age of beneficiary at time of death of the insured (years):	
10	$3.67
15	3.75
20	3.84
25	3.96
30	4.11
35	4.30
40	4.52
45	4.79
50	5.07
55	5.35
60	5.56
65	5.70
70	5.75
75	5.75

Amounts of monthly installments for other ages will be calculated in accordance with the same formula as used in calculating the above table.

OPTION 4. *Insurance payable in installments throughout life.* The installments noted below will be payable throughout the lifetime of the designated beneficiary, but if such designated beneficiary dies before 120 such installments have been paid, the remaining unpaid monthly installments will be payable in accordance with the beneficiary provisions of the policy.

Amount of Installment for Each $1,000 of Insurance

Age of beneficiary at time of death of the insured (years):	
10	$3.78
15	3.86
20	3.97
25	4.11
30	4.28
35	4.50
40	4.79
45	5.17
50	5.67
55	6.30
60	7.07
65	7.92
70	8.74
75	9.40
80	9.77
85	9.83

Amounts of monthly installments for other ages will be calculated in accordance with the same formula as used in calculating the above table.

(43 Stat. 608, 624, as amended; 46 Stat. 1016; 38 U.S.C. 11, 11a, 426, 511, 512)

Effective January 24, 1944.

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-890; Filed, January 17, 1944; 4:16 p. m.]

Notices

DEPARTMENT OF JUSTICE.

[Admiralty No. 461]

INSURANCE POLICY COVERING LIFE OF ROBERT R. EAST

In the District Court of the United States for the Eastern District of Texas, Beaumont Division.

The President of the United States to the unknown spouses, children and heirs at law of Robert R. East, Deceased.

Whereas, a libel in personam has been filed in the District Court of the United States for the Eastern District of Texas, Beaumont Division on the 24th day of December, 1942, by Unida Cops, against the United States of America in Cause No. 461, in Admiralty, Civil and Maritime, wherein the said Unida Cops seeks to recover the sum of $5000.00 under the terms of a War Shipping Administration Crew Life and Injury Policy covering the life of Robert R. East, a member of the crew of the American Vessel *Libre*, in which cause the United States of America has filed a Bill of Interpleader pursuant to the Act approved March 24, 1943, Public Law No. 17, 78th Congress, and has deposited in the Registry of the Court in this cause, the said sum of $5000.00, by which said Bill of Interpleader the United States of America has impleaded, among claimants, the unknown spouses, children and heirs at law of the said Robert R. East, whose ages, names, addresses, and places of domicile are unknown, a certified copy of said Bill of Interpleader being attached hereto;

Now therefore, you and each of you are hereby commanded and directed to be and appear before the said court, to be held at the City of Beaumont, in and for the Eastern District of Texas, on the 28th day of February, 1944, at 10:00 o'clock in the forenoon of said day, and to then and there answer the said Bill of Interpleader and to then and there interpose any claim which you and each of you might have in and to the proceeds of said Crew Life and Injury Policy and to make your allegations in that behalf.

Witness the Honorable Randolph Bryant, Judge of said Court, and the seal thereof, at Beaumont, Texas, this the 8th day of January, 1944.

RUTH B. HEAD,
Clerk, U. S. District Court,
Eastern District of Texas.
By HATTIE BANKS,
Deputy.

UNIDA COPS, LIBELANT, VS. UNITED STATES OF AMERICA, RESPONDENT, IN ADMIRALTY 461

RESPONDENT'S ANSWER AND BILL OF INTERPLEADER

Comes now the Respondent, United States of America, through Steve M. King, United States Attorney for the Eastern District of Texas, at the direction of the Attorney General of the United States, and files this its Answer and Bill of Interpleader in this Libel, and in support thereof represents unto the Court:

1. Respondent admits that it issued through the War Shipping Administration a Crew Life and Injury Policy covering the loss of life of the Master, officers and crew of the American Vessel "Libre", which said policy was in effect at the time of the death of Robert R. East, who was a member of the crew of said vessel. Respondent admits that it is liable in the sum of Five Thousand Dollars ($5,000.00) to the person or persons entitled thereto under the terms of said policy, and by reason of the death of the said Robert R. East, and Respondent herewith deposits in the Registry of the Court the said sum of Five Thousand Dollars ($5,000.00), being the amount of the total liability of Respondent as and for the death of the said Robert R. East.

2. That Libelant, Unida Cops, is a resident citizen of Jefferson County, Texas, and is an inhabitant of the Beaumont Division of the Eastern District of Texas. That in addition to the claim of the Libelant to the proceeds of said insurance, Respondent says that other persons claim the proceeds of said insurance and that a dispute exists as to the person or persons entitled to receive the payment of said insurance, and that pursuant to the Act approved March 24, 1943, Public Law No. 17, 78th Congress, Respondent files this Bill of Interpleader to the end that this Court may judicially ascertain the person or persons entitled to the proceeds of said insurance.

3. That Margaret East, 775 Fannin Street, Beaumont, Jefferson County Texas, is designated on the Crew List of the S/S "Libre" as the wife of Robert R. East, and the said Margaret East is claiming or may claim the proceeds of said insurance.

That Irene East of Mobile, Alabama, also claims to be the surviving wife of the said Robert R. East, and also claims the proceeds of said insurance.

That Mary East of Fairford, Alabama claims to be the mother of the said Robert R. East and as such mother also claims the proceeds of said insurance.

That by reason of the fact that at least two women claim to be the wife of the said Robert R. East, there may be other women claiming to be his wife and who may assert a claim to said insurance, and there may be children and other heirs at law of the said Robert R. East who may assert a claim or claims to said insurance. That the names, ages, addresses and places of domicile of such unknown spouses, children and heirs at law of the said Robert R. East are unknown and cannot be ascertained and said unknown spouses, children and heirs at law are made parties hereto by this Bill of Interpleader.

4. Wherefore, Respondent prays:

1. That appropriate process issue and be served upon Margaret East, if found within the Eastern District of Texas;

2. That as to the persons made parties by this Bill of Interpleader who are not inhabitants or found within the Eastern District of Texas, the Court enter an order herein directing the manner in which service shall be obtained upon such persons, that is, whether personally or by publication or in such other reasonable manner as the Court may direct;

3. That as to the unknown spouses, children and heirs at law of the said Robert R. East who are made parties herein by this Bill of Interpleader, the Court direct that service be had upon such unknown persons by publication in the FEDERAL REGISTER;

4. That the Court judicially ascertain the person or persons entitled to receive the said sum of Five Thousand Dollars ($5,000.00), and that upon such ascertainment the Respondent be finally discharged from all liability arising out of the issuance of said policy of insurance and the death of the said Robert R. East.

STEVE M. KING,
United States Attorney,
JOHN D. RIENSTRA,
Assistant U. S. Attorney,
Proctors for respondent.

Upon consideration of the foregoing Bill of Interpleader filed herein by the United States of America, the Court here and now directs, pursuant to the Act approved March 24, 1943, Public Law No. 17, 78th Congress, that the unknown spouses, children and heirs at law of the said Robert R. East, be served herein by publication in the FEDERAL REGISTER a certified copy of the foregoing Bill of Interpleader, together with an appropriate summons commanding said unknown persons to answer herein on or before the 28th day of February 1944.

Dated this the 5th day of January 1944.

RANDOLPH BRYANT,
United States District Judge.

[F. R. Doc. 44-895; Filed, January 18, 1944; 10:00 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 12]

COMMON CARRIERS BY RAILROAD

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

No. 13——3

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, January 14, 1944, by L. S. Taube Company, of car FGE 35368, potatoes, now on the Union Pacific Railroad, to unnamed destinations.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-924; Filed, January 18, 1944; 11:22 a. m.]

[S. O. 70-A, Special Permit 13]

COMMON CARRIERS BY RAILROAD

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, January 17, 1944, by L. S. Taube Company, or cars URT 9066 and FGE 34827, potatoes, now on the Union Pacific Railroad, to unnamed destinations.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C. this 13th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-925; Filed, January 18, 1944; 11:22 a. m.]

[S. O. 164, Special Permit 4, Amended]

COMMON CARRIERS BY RAILROAD

REFRIGERATION OF TANGERINES

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to refrigerator cars loaded with straight carloads of tangerines, originating at any point or points in the State of Florida, moving to destinations in official and western classification territories and western Canada, provided the waybills make reference to this permit.

This permit shall become effective at 12:01 a. m., December 30, 1943, and shall expire at 12:01 a. m., January 20, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of December 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-926; Filed, January 18, 1944; 11:22 a. m.]

MARITIME WAR EMERGENCY BOARD.

[Decision 2A, Amdt. 1]

VESSELS PUTTING INTO PORT WITHIN CONTINENTAL LIMITS OF U. S.

BONUS PAYMENTS

Paragraph D of Article IV of Decision 2A is repealed effective at 12:01 a. m., February 1, 1944. Thereafter, bonus payments in connection with vessels putting into a port within the continental limits of the United States under the circumstances set forth in paragraph D will start and stop in accordance with the provisions of paragraphs A and B respectively of Article IV.

Dated: January 8, 1944.

MARITIME WAR EMERGENCY BOARD.
EDWARD MACAULEY,
Chairman.
JOHN R. STEELMAN.
FRANK P. GRAHAM.

[F. R. Doc. 44-896; Filed, January 18, 1944; 10:03 a. m.]

[Decision 2A, Amdt. 2]

REPATRIATED CREW MEMBER

RIGHT TO BONUS

Paragraph C of Article VI of Decision 2A is hereby amended by adding the following subparagraph:

(4) A crew member repatriated after occurrence of an event specified in subparagraph (3) of this paragraph C is not entitled to bonus from his original vessel during repatriation. If such crew member signs on as a replacement in the crew of the repatriating vessel, he shall be entitled to bonus from the repatriating vessel. If such crew member signs on

as a workaway on the repatriating vessel, he shall not be entitled to bonus from the repatriating vessel.

This Amendment 2 to Decision 2A shall be effective at 12:01 a. m. of February 1, 1944; *Provided, however,* That a crew member repatriated as a workaway after occurrence of an event specified in subparagraph (3), paragraph C of Article VI and whose repatriation commenced prior to February 1, 1944, shall be entitled to any bonus payable for the period up to and including January 31, 1944, from the operator of the repatriating vessel.

Dated: January 8, 1944.

MARITIME WAR EMERGENCY BOARD.
EDWARD MACAULEY,
Chairman.
JOHN R. STEELMAN.
FRANK P. GRAHAM.

[F. R. Doc. 44-897; Filed, January 18, 1944; 10:03 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2242]

RAFFAELE DI FALCO

In re: Real property, claims and bank account owned by Raffaele Di Falco.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Raffaele Di Falco, is Gessopalena, Province of Chieti, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Raffaele Di Falco is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the city and county of Philadelphia, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Raffaele Di Falco in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Raffaele Di Falco by Camillo Mancini and particularly that obligation evidenced by the judgment obtained by Raffaele Di Falco against Camillo Mancini in the amount of $2,000, recorded on January 22, 1941 in the Office of the Clerk of Court of Common Pleas for the city and county of Philadelphia, Pennsylvania, C. P. 6 December Term 1940, No. 3885, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

c. All right, title, interest and claim of any name or nature whatsoever of Raffaele Di Falco, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Raffaele Di Falco by Nicola Di Gregorio and Chiarina Di Gregorio, and particularly that obligation evidenced by a promissory note dated June 6, 1932 executed by Nicola Di Gregorio and Chiarina Di Gregorio, payable to Raffaele Di Falco, in the amount of $200, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of the note or other instrument evidencing such obligation, and

d. All right, title, interest and claim of any name or nature whatsoever of Raffaele Di Falco in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Raffaele Di Falco by Paul Palmerio, and particularly that obligation evidenced by a promissory note dated July 6, 1937 executed by Paul Palmerio, payable to Raffaele Di Falco, in the amount of $40, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of the note or other instrument evidencing such obligation, and

e. All right, title, interest and claim of any name or nature whatsoever of Raffaele Di Falco, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Raffaele Di Falco by Pietro Rosano, and particularly that obligation for borrowed funds owing by Pietro Rosano to Raffaele Di Falco, in the amount of $360, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

f. All right, title, interest and claim of Raffaele Di Falco in and to the sum of $500 constituting a portion of a certain bank account in Central-Penn National Bank of Philadelphia, Broad and McKean Streets, Philadelphia, Pennsylvania, which is due and owing to, and held for Raffaele Di Falco, in the name of Ida Di Berardino, Attorney-in-fact for Raffaele Di Falco, a national of Italy, including but not limited to all security rights in and to any and all collateral for such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-f above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a to 3-e inclusive, above) belonging to the same national of the same designated enemy country and subject to vesting (and, in fact, vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

That certain tract or parcel of land situated in the city and county of Philadelphia in the State of Pennsylvania, more particularly described as follows:

All that certain lot or piece of ground with the messuage or tenement thereon erected situate on the West side of Juniper Street at the distance of ninety-five feet Southward from the South side of Dickinson Street in the Twenty-sixth Ward of the City of Philadelphia.

Containing in front or breadth on the said Juniper Street fifteen feet and extending of that width in length or depth Westward between lines parallel with the said Dickinson Street sixty one feet to a sixteen feet wide Street or alley leading from Dickinson Street to Tasker Street parallel with Broad Street.

Being the same premises which Margaret B. Duffy single-woman by indenture bearing date the first day of June A. D. 1931 and recorded in the office for the recording of deeds in and for the County of Philadelphia in deed book J. M. H. No. 3371 page 252 and granted and conveyed unto the said La Vittoria Building and Loan Association in fee.

Together with the free and common use, right, liberty and privilege of the said sixteen feet wide alley as and for a passage-way and water-course at all times hereafter forever, and

Together with all and singular the buildings, improvements ways, streets, alleys, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging or in anywise appertaining and the reversions and remainders rents, issues and profits thereof and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor in law equity or otherwise howsoever of in and to the same and every part thereof.

[F. R. Doc. 44-852; Filed, January 17, 1944; 10:59 a. m.]

[Vesting Order 2855]

ANE PIETER SCHAT

In re: Interest of Ane Pieter Schat in an agreement with Marine Safety Devices, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ane Pieter Schat is a resident of Germany, a citizen of The Netherlands and is a national of foreign countries (Germany and The Netherlands);

2. That the property identified in subparagraph 3 hereof is property of Ane Pieter Schat;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ane Pieter Schat by virtue of an agreement dated February 3, 1939, by and between Ane Pieter Schat and Marine Safety Devices, Inc., relating, among others, to patent number 1,579,456, issued April 6, 1926, inventor Ane P. Schat, for Davit,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of foreign countries (Germany and The Netherlands);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-853; Filed, January 17, 1944; 10:59 a. m.]

[Vesting Order 2856]

HEINRICH GEFFCKEN

In re: United States patent application of Heinrich Geffcken.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Heinrich Geffcken is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Heinrich Geffcken;

3. That the property described as follows:

The patent application identified as follows:

Serial Number, Filing Date, Inventor, and Title

418,068, 11-6-41, H. Geffcken, process and device for the manufacture of tampons for body cavities

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-854; Filed, January 17, 1944; 10:59 a. m.]

[Vesting Order 2894]

FANNIE TIEDEMANN

In re: Estate of Fannie Tiedemann, deceased; File No. D-28-3670; E. T. sec. 3093.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charles H. Tiedemann, 244 East Hudson Street, Columbus, Ohio, Ancillary Administrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Franklin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Erna Tiedemann, Germany.
Hans Tiedemann, Germany.
Maja Tiedemann, Germany.
Wolfgand Tiedemann, Germany.
Max Tiedemann, Germany.
Domiciliary personal representative, name unknown, of the estate of Fannie Tiedemann, deceased, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $7,358.20 which is in the process of administration by and is in the possession and custody of Charles H. Tiedemann, Ancillary Administrator of the estate of Fannie Tiedemann, deceased; also all right, title, interest and claim of any kind or character whatsoever of Erna Tiedemann, Hans Tiedemann, Maja Tiedemann, Wolfgand Tiedemann, Max Tiedemann and domiciliary personal representative, name unknown, of the estate of Fannie Tiedemann, deceased, and each of them, in and to the estate of Fannie Tiedemann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-855; Filed, January 17, 1944; 11:00 a. m.]

[Vesting Order 2895]

LUCY WENZEL

In re: Estate of Lucy Wenzel, deceased; File: D-28-7842; E. T. sec. 8572.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louise Schaumburg, Executrix, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mrs. Anna Schulz, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Anna Schulz in and to the Estate of Lucy Wenzel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-856; Filed, January 17, 1944; 11:00 a. m.]

[Vesting Order 2896]

ALICE WILKENS

In re: "Ex Parte" in the matter of the Trust Estate of Alice Wilkens; File F-28-12511; E. T. sec. 7712.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Mercantile Trust Company of Baltimore, Substituted Trustee, acting under the judicial supervision of the Circuit Court Number 2, Baltimore City, State of Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Alice Wilkens von Buchwaldt, Germany.

The issue of Alice Wilkens von Buchwaldt, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Alice Wilkens von Buchwaldt and the issue of Alice Wilkens von Buchwaldt, whose names are unknown, and each of them, in and to the trust estate created by Alice Wilkens von Buchwaldt and Gustav A. Schlens, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-857; Filed, January 17, 1944; 11:00 a.-m.]

[Supplemental Vesting Order 2914]

AUGUSTE GORSLER, ET AL

In re: Cash owned by Auguste Gorsler, Wilhelm Bernhard, Marie Bachmann, nee Steinmetz, Wilhelm Steinmetz, and Rudolf Steinmetz.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 926 of February 18, 1943, as amended, that Auguste Gorsler, Wilhelm Bernhard, Marie Bachmann, nee Steinmetz, Wilhelm Steinmetz and Rudolf Steinmetz are citizens and residents of Germany and are nationals of a designated enemy country (Germany);

2. Finding that Auguste Gorsler, Wilhelm Bernhard, Marie Bachmann, nee Steinmetz, Wilhelm Steinmetz and Rudolf Steinmetz, respectively, are the owners of the property described in subparagraph 3 hereof;

3. Finding the property described as follows:

a. The sum of $285.00, constituting a portion of a certain bank account with the American Trust Company, 64 California Street, San Francisco, California, identified as Bank Account No. 1735, which account is due and owing to, and held for Auguste Gorsler, together with all security rights in and to any and all collateral for any and all of such account, and the right to enforce and collect the same,

b. The sum of $285.00, constituting a portion of a certain bank account with the American Trust Company, 64 California Street, San Francisco, California, identified as Bank Account No. 1971, which account is due and owing to, and held for Wilhelm Bernhard, together with all security rights in and to any and all collateral for any and all of such account, and the right to enforce and collect the same,

c. The sum of $95.00, constituting a portion of a certain bank account with the American Trust Company, 64 California Street, San Francisco, California, identified as Bank Account No. 1306, which account is due and owing to, and held for Marie Bachmann, nee Steinmetz, together with all security rights in and to any and all collateral for any and all of such account, and the right to enforce and collect the same,

d. The sum of $95.00, constituting a portion of a certain bank account with the American Trust Company, 64 California Street, San Francisco, California, identified as Bank Account No. 1046, which account is due and owing to, and held for Wilhelm Steinmetz together with all security rights in and to any and all collateral for any and all of such account and the right to enforce and collect the same, and

e. The sum of $95.00, constituting a portion of a certain bank account with the American Trust Company, 64 California Street, San Francisco, California, identified as Bank Account No. 1597, which account is due and owing to, and held for Rudolph Steinmetz, together with all security rights in and to any and all collateral for any and all of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3 hereof is necessary for the maintenance or safeguarding of other property (namely, the property described in Vesting Order Number 926, as amended,) which belonged to the same nationals of the same designated enemy country at the time of vesting and which was vested by the undersigned by Vesting Order Number 926, as amended, pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions,

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 11, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-858; Filed, January 17, 1944; 10:59 a. m.]

[Vesting Order 2927]

GUSTAV FLOSMAN

In re: Invention and disclosure thereof of Gustav Flosman.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Gustav Flosman is a citizen and resident of Czechoslovakia and is a national of a foreign country (Czechoslovakia);

2. That the invention and disclosure described in subparagraph 3 hereof are property of Gustav Flosman;

3. That the property described as follows: The disclosure identified as follows:

TC-Number, Inventor, and Invention

TC-1087; Gustav Flosman; Securing device for power vehicles against theft.

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of a national of a foreign country (Czechoslovakia);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-859; Filed, January 17, 1944; 10:59 a. m.]

[Special Order 6]

ANE PIETER SCHAT

In re: Agreements relating to patents of Ane Pieter Schat.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to Alien Property Custodian General Order No. 11 and the regulations issued thereunder and pursuant to law, the undersigned:

1. Finding that on February 24, 1943, there were recorded in the assignment records of the United States Patent Office license instruments itemized as follows, and accompanied by a copy of Form APC-15 and by a report on Form APC-14P:

Date of Execution, Recording Data (Liber, Page), and Property Affected

10-22-42, C-195, 626, Patent No. 1,714,452 and others.

10-23-42, C-195, 637, Patent No. 1,714,452 and others.

2. Finding that Ane Pieter Schat is a resident of Germany and a citizen of The Netherlands and is a national of foreign countries (Germany and The Netherlands);

3. Finding that each such instrument affects title to or grants an interest in patents in which a designated foreign country or a national thereof (Germany and The Netherlands) has on or since the effective date of Executive Order No. 8389, as amended, had an interest;

4. Determining that the recordation of each such instrument was subject to the provisions of the Alien Property Custodian General Order No. 11 and of the Regulation issued thereunder and in particular of paragraph (a) (3) of Regulation No. 2, as amended, under said general order;

5. Finding that each such instrument is prejudicial to the rights of an American citizen; and was entered into without any license or permission either from the Treasury Department or from the Alien Property Custodian;

6. Determining that the action hereinafter ordered is in the interest of and for the benefit of the United States;

hereby orders, That each of the aforesaid instruments shall be, and they hereby are, set aside.

Each of the terms "designated foreign country" and "national" as used herein shall have the meaning prescribed in Regulation No. 2, as amended, under General Order No. 11.

Executed at Washington, D. C., this 29th day of December 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-860; Filed, January 17, 1944; 11:01 a. m.]

[Special Order 7]

HEINRICH GEFFCKEN AND HANS BAUR

In re: Assignment from Heinrich Geffcken to Hans Baur.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to Alien Property Custodian General Order No. 11 and the regulations issued thereunder and pursuant to law, the undersigned:

1. Finding that on January 14, 1943, there was recorded in the assignment records of the United States Patent Office an instrument of assignment identified as follows, and accompanied by a copy of Form APC-15 and by a report on Form APC-14P:

Date of Execution, Recording Data (Liber, Page), and Property Affected

9-3-41, C-195, 49, Patent Application S. N. 418,068, Filed November 6, 1941.

2. Finding that Heinrich Geffcken is a citizen and resident of Germany and is a national of a foreign country (Germany);

3. Finding that such instrument affects title to or grants an interest in an application for letters patent in which a designated foreign country (Germany) or a national there-

of has on or since the effective date of Executive Order No. 8389, as amended, had an interest;

4. Finding that one of the parties to such instrument is a national of a designated foreign country (Germany);

5. Determining that the recordation of such instrument was subject to the provisions of the Alien Property Custodian General Order No. 11 and of the regulations issued thereunder and in particular of paragraph (a) (3) of Regulation No. 2, as amended, under said general order;

6. Finding that such instrument was not intended to transfer and did not have the effect of transferring the beneficial interest in the application thereby affected to Hans Baur, and was executed without any license or permission from the Treasury Department or from the Alien Property Custodian;

7. Determining that the action hereinafter ordered is in the interest of and for the benefit of the United States;

hereby orders, That the aforesaid instrument shall be, and it hereby is, set aside.

Each of the terms "designated foreign country" and "national" as used herein shall have the meaning prescribed in Regulation No. 2, as amended, under General Order No. 11.

Executed at Washington, D. C., this 31st day of December 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-861; Filed, January 17, 1944; 11:01 a. m.]

[Vesting Order 2167]

K. KAWASHIMA SHOTEN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That K. Kawashima Shoten is a sole proprietorship established and doing business under the laws of the Territory of Hawaii and is a business enterprise within the United States;

2. That Kingoro Kawashima is a subject and resident of Japan whose last known address was No. 2 Sanchome Shiomachidore, Minamiku, Osaka, Japan, and is a national of a designated enemy country (Japan);

3. That K. Kawashima Shoten is owned and controlled by Kingoro Kawashima, and is a national of a designated enemy country (Japan);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Kingoro Kawashima in and to K. Kawashima Shoten, a sole proprietorship and all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to or held on behalf of or on account of, or owing to said K. Kawashima Shoten, herein described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-898; Filed, January 18, 1944; 10:53 a. m.]

[Vesting Order 2179]

NAGAO SHOTEN, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the issued and outstanding capital stock of Nagao Shoten, Ltd., a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 500 shares of capital stock having a par value of $50 per share, 410 shares (82%) are registered in the names of and owned by the persons listed below in the number appearing opposite each name and are evidence of control of said business enterprise;

Name and Number of Shares

Hideo Nagao, 380; Taroichi Nagao, 30; total 410.

2. That Hideo Nagao and Taroichi Nagao, whose last known addresses are Hiroshima, Japan, are nationals of a designated enemy country (Japan);

and determining:

3. That Nagao Shoten, Ltd., is controlled by Hideo Nagao and Taroichi Nagao and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 410 shares of the $50 par value capital stock of Nagao Shoten, Ltd., hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof, in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-899; Filed, January 18, 1944; 10:53 a. m.]

[Vesting Order 2202]

PALAMA MUSIC, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That all the issued and outstanding capital stock of Palama Music, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 1,000 shares of capital stock having a par value of $20 a share, is registered in the names of the following persons in the number appearing opposite each name and is beneficially owned by Itsuji Morizumi and Miyono Morizumi and is evidence of ownership and control of said business enterprise:

Name and Number of Shares

Itsuji Morizumi	598
Miyone Morizumi	400
Toichi Morizumi	1
Tomie Morizumi	1
Yoshio Morizumi	1
Shigeru Shimagawa	1
Total	1,000

2. That Itsuji Morizumi and Miyono Morizumi, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

3. That Palama Music, Limited, is controlled by Itsuji Morizumi and Miyono Morizumi and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 1000 shares of the capital stock, having a par value of $20 a share, of Palama Music, Limited, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-900; Filed, January 18, 1944; 10:53 a. m.]

[Vesting Order 2321]

K. NAKANO, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the issued and outstanding capital stock of K. Nakano, Limited, a joint stock company of limited liability organized and existing under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 1,760 shares of the par value of $50 each, 939 shares (53.3%) are owned by the persons listed below in the number appearing opposite each name and are evidence of control of K. Nakano, Limited:

Name and Number of Shares

Kyoichi Nakano, 839; Hiromi Nakano, 100; Total 939;

2. That Kyoichi Nakano and Hiromi Nakano, whose last known addresses are Hiroshima, Japan, are nationals of a designated enemy country (Japan);

And determining:

3. That K. Nakano, Limited, is controlled by Kyoichi Nakano and Hiromi Nakano and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 939 shares of $50 par value capital stock of K. Nakano, Limited, owned by Kyoichi Nakano and Hiromi Nakano, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 4, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-901; Filed, January 18, 1944; 10:53 a. m.]

[Vesting Order 2399, Amdt.]

MICHELINA CIERLA SAURO

In re: Compensation claim owned by Michelina Cierla Sauro.

Vesting Order Number 2399, dated October 15, 1943, is hereby amended as follows and not otherwise:

a. By deleting the name "Cresenzo Sauro" appearing in line 3, subparagraph 3, of said vesting order and inserting in lieu thereof the following words "Crescenzo Sauro, also known as Christo Sauro."

b. By deleting the word "Workman's" appearing in line 6, subparagraph 3, of said vesting order and inserting in lieu thereof the word "Workmen's."

All other provisions of said Vesting Order Number 2399 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-908; Filed, January 18, 1944; 10:54 a. m.]

[Vesting Order 2535]

SAKUMA SHOKAI, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the issued and outstanding capital stock of Sakuma Shokai, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 350 shares, 251 shares (71.71%) are owned by and registered in the name of Shozo Kawakami, also known as Shoso Kawakami, and are evidence of control of said business enterprise;

2. That Shozo Kawakami, also known as Shoso Kawakami, whose last known address is Japan, is a national of a designated enemy country (Japan);

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 4, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-901; Filed, January 18, 1944; 10:53 a. m.]

and determining:

3. That Sakuma Shokai, Limited, is controlled by Shozo Kawakami, also known as Shoso Kawakami, and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian 251 shares of the capital stock of Sakuma Shokai, Limited, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–902; Filed, January 18, 1944; 10:53 a. m.]

[Vesting Order 2577, Amdt.]

FERDINAND WILHELM VOWINCKEL

In re: Estate of Ferdinand Wilhelm Vowinckel, deceased; File: D–28–2606; E. T. sec. 4074.

Vesting Order Number 2577 dated November 10, 1943 is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Roger Colt, Treasurer of Alameda County, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals and Last Known Address

Lina Vowinckel, Germany.
Wilhelm Huchsermeier, Germany.
Hans Huchsermeier, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lina Vowinckel, Wilhelm Huchsermeier and Hans Huchsermeier, and each of them, in and to the Estate of Ferdinand Wilhelm Vowinckel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–909; Filed, January 18, 1944; 10:54 a. m.]

[Vesting Order 2699]

HOLLY BAKERY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Holly Bakery, whose principal place of business is Honolulu, T. H., is a copartnership organized and doing business under the laws of the Territory of Hawaii, composed of Sadakichi Sugita, Enji Sugita, Saburo Sugita, Ernest Tetsuji Sugita, Warren Sukechi Sugita and Wallace Sadamu Sugita, and is a business enterprise within the United States;

2. That the respective interests of Sadakichi Sugita and Enji Sugita as of May 31, 1943, in the net worth of the partnership, subject, however, to any accruals or deductions subsequent thereto, are as follows and are evidence of control of Holly Bakery:

Name:	Amount	Percentage of net worth
Sadakichi Sugita	$17,198.95	22.27
Enji Sugita	17,808.94	23.07
Total	35,007.89	45.34

3. That Sadakichi Sugita and Enji Sugita, whose last known addresses are Hiroshima ken, Hiroshima shi, Tandoku, Ushita cho, Japan, are nationals of a designated enemy country (Japan);

and determining:

4. That Holly Bakery is controlled by Sadakichi Sugita and Enji Sugita, and is a national of a designated enemy country (Japan);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary to the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Sadakichi Sugita and Enji Sugita as copartners in and to Holly Bakery, a copartnership, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–903; Filed, January 18, 1944; 10:53 a. m.]

[Vesting Order 2700]

S. M. IIDA

In re: S. M. Iida, a copartnership.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That S. M. Iida, a copartnership composed of Koichi Iida and Matsukichi Iida, established and doing business under the laws of the Territory of Hawaii, is a business enterprise within the United States;

2. That the respective interests of the partners as of April 30, 1943, in the net worth of the partnership, subject, however, to any accruals or deductions subsequent thereto, are as follows and are evidence of ownership and control of S. M. Iida:

Name:	Amount	Percentage of net worth
Koichi Iida	$49,362.74	67.79
Matsukichi Iida	23,445.24	32.21
Totals	$72,807.98	100.00

3. That Matsukichi Iida, whose last known address is No. 12 Sococho, Nakano-Shima, Osaka, Japan, is a national of a designated enemy country (Japan);

4. That Koichi Iida, a subject of Japan, has been interned by order of the Military Governor of Hawaii and is acting directly or indirectly for the benefit of or on behalf of a designated enemy country (Japan) or persons within such country;

and determining:

5. That Koichi Iida is acting for or on behalf of or as a cloak for a designated enemy country (Japan) or persons within such country and is a national of such designated enemy country;

6. That S. M. Iida, a copartnership, is owned and controlled by Matsukichi Iida and Koichi Iida and is a national of a designated enemy country (Japan);

7. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United Sates requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Matsukichi Iida as a copartner in and to the business and assets of S. M. Iida, a copartnership, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with

in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–904; Filed, January 18, 1944; 10:54 a. m.

[Vesting Order 2706]

YONEKURA COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the outstanding capital stock of Yonekura Company, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 1,360 shares of capital stock having a par value of $50 a share, 1,101 shares (80.95%) are registered in the names of and owned by the following persons in the amounts stated opposite each name and are evidence of control of said business enterprise:

Name	Number of shares
Kinzo Sayegusa	1,089
Shiro Sayegusa	10
Tatsuko Sayegusa	2
Total	1,101

2. That Kinzo Sayegusa, a subject of Japan, has been interned by order of the Military Governor of the Territory of Hawaii and is acting directly or indirectly for the benefit or on behalf of a designated enemy country (Japan) and/or persons within such designated enemy country;

3. That Shiro Sayegusa and Tatsuko Sayegusa, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

and determining:

4. That Kinzo Sayegusa is acting for or on behalf of or as a cloak for a designated enemy country (Japan) or persons within such country and is a national of such designated enemy country;

5. That Yonekura Company, Limited is controlled by Kinzo Sayegusa, Shiro Sayegusa and Tatsuko Sayegusa, and is a national of a designated enemy country (Japan);

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 12 shares of $50 par value capital stock of Yonekura Company, Limited, owned by Shiro Sayegusa and Tatsuko Sayegusa, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of Yonekura Company, Limited, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 or Form APC–6, whichever is applicable, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–905; Filed, January 18, 1944; 10:54 a. m.]

[Vesting Order 2783]

J. S. MIWA & COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the issued and outstanding capital stock of J. S. Miwa & Company, Ltd., a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 826 shares of capital stock having a par value of $100.00 a share, 789 shares (95.52%) are owned by and registered in the name of Seigo Miwa, also known as J. S. Miwa, and are evidence of control of said business enterprise;

2. That Seigo Miwa, also known as J. S. Miwa, whose last known address is Japan, is a national of a designated enemy country (Japan);

and determining:

3. That J. S. Miwa & Company, Ltd. is controlled by Seigo Miwa, also known as J. S. Miwa, and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian 789 shares of the capital stock of J. S. Miwa & Company, Ltd., hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–906; Filed, January 18, 1944; 10:54 a. m.]

[Vesting Order 2909]

MARCUS DALY

In re: Trusts under the Will of Marcus Daly, deceased; File No. D–66–841; E. T. sec. 4751.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bankers Trust Company and James W. Gerard, as Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Harriot Sigray, Hungary.
Margit Sigray, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Harriot Sigray and Margit Sigray, and each of them, in and to trusts created under the will of Marcus Daly, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 11, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–907; Filed, January 18, 1944; 10:54 a. m.]

[Vesting Order 2910]

HENRY JACOBY

In re: Trust under the will of Henry Jacoby, deceased; File D–66–678; E. T. sec. 3924.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Tradesmens National Bank and Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Joseph Rothman, Hungary.
Malvin Halmos, Hungary.
Zoltan Klein, Hungary.
Arthur Klein, Hungary.
Heirs, next of kin, names unknown, of Henry Jacoby, deceased, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Rothman, Malvin Halmos, Zoltan Klein, Arthur Klein and heirs, next of kin, names unknown, of Henry Jacoby, deceased, and each of them, in and to the trust estate created under the will of Henry Jacoby, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 11, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–910; Filed, January 18, 1944; 10:54 a. m.]

[Vesting Order 2911]

ALBERTA ULMAN SABIT

In re: Estate of Albert Ulman Sabit, deceased; File F–63–8180; E. T. sec. 8506.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Raphael Walter, Executor, acting under the judicial supervision of the Orphans Court of Baltimore City, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Halil Aziz Von Scheidt, Germany.
Omar Von Scheidt, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Halil Aziz Von Scheidt and Omar Von Scheidt, and each of them, in and to the estate of Alberta Ulman Sabit, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 11, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–911; Filed, January 18, 1944; 10:55 a.m.]

[Vesting Order 2912]

HERMAN EDWARD STURCKE

In re: Estate of Herman Edward Sturcke, deceased; File D–28–7719; E. T. sec. 8232.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Georgie Etta Kuntz, Executrix, acting under the judicial supervision of the County Judge's Court, Volusia County, Florida;

(2) Such property, and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Emma Von During-Sturcke, Germany.

And determining:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emma Von During-Sturcke in and to the estate of Herman Edward Sturcke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 11, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–912; Filed, January 18, 1944; 10:55 a. m.]

[Vesting Order 2915]

JULIUS BERKY

In re: Estate of Julius Berky, deceased; File D–66–947; E. T. sec. 6026.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Marcus W. Damisch, County Treasurer, Geneva, Illinois, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Kane;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Ilona Berky des Combes, Hungary.
Margit Berky Liszka, Hungary.
Dr. Lajos Berky, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $3,492.56 in the possession and custody of Marcus W. Damisch, County Treasurer of Kane County, Illinois, representing the residue of the estate, deposited pursuant to court order entered May 20, 1941, in the County Treasury of Kane County, Illinois,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–913; Filed, January 18, 1944; 10:55 a. m.]

[Vesting Order 2916]

LEONARD BRAUN

In re: Estate of Leonard Braun, deceased; File D–28–3719; E. T. sec. 6345.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, acting under the judicial supervision of the Probate Court of the State of Michigan, in and for the County of Wayne;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

George (Georg) Braun, Germany.
Agatha Braun, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of ninety-nine dollars ($99.00) which is in the possession and custody of Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, pursuant to an order of the Probate Court for the County of Wayne, Michigan, entered on November 7, 1941, in the matter of the Estate of Leonard Braun, deceased; also, all right, title, interest and claim of any kind or character whatsoever of George (Georg) Braun and Agatha Braun, and each of them, in and to the estate of Leonard Braun, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc 44–914; Filed, January 18, 1944; 10:55 a. m.]

[Vesting Order 2917]

JOSEPH EIBEN

In re: Estate of Joseph Eiben, deceased; File D–34–87; E. T. sec. 1794.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Cleveland Trust Company, Euclid Avenue at East 9th Street, Cleveland, Ohio, Executor, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Julianna Eiben, Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Julianna Eiben in and to the estate of Joseph Eiben, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–915; Filed, January 18, 1944; 10:55 a. m.]

[Vesting Order 2918]

JOHN JUERGENS, ET AL.

In re: Certificate of Beneficial Interest #A–4984, issued by the Seaboard Trust Company to John Juergens and Martha Juergens.

In re: Certificate of Beneficial Interest #A–5210, issued by the Seaboard Trust Company to Ernest Lenzing; File D–28–3725; E. T. sec. 6267.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph J. Garibaldi, Substituted Trustee, acting under the judicial supervision of the Chancery Court of New Jersey, Trenton, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

John Juergens, Germany.
Martha Juergens, Germany.
The heirs, devisees and personal representatives of John Juergens and Martha Juergens, whose names are unknown, Germany.
Ernest Lenzing, Germany.
The heirs, devisees and personal representatives of Ernest Lenzing, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of John Juergens and Martha Juergens, their respective heirs, devisees and personal representatives, whose names are unknown, and each of them in and to the proceeds of a Certificate of Beneficial Interest #A–4984 for $500.00 issued by the Seaboard Trust Company, Hoboken, New Jersey.

All right, title, interest and claim of any kind or character whatsoever of Ernest Lenzing, his heirs, devisees and personal representatives, whose names are unknown, and each of them in and to the proceeds of a Certificate of Beneficial Interest #A–5210 for $2,000.00 issued by the Seaboard Trust Company, Hoboken, New Jersey,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–916; Filed, January 18, 1944; 10:55 a. m.]

[Vesting Order 2919]

HENRY KRUEGER

In re: Estate of Henry Krueger, deceased; File D–28–2258; E. T. sec. 3249.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Harry N. Larson, Wakefield, Nebraska, Administrator de bonis non, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Dixon;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elsabein Sundermeier, Germany.
Louise Holtmann, Germany.
Heinrich Heidenreich, Germany.
Karl Heidenreich, Germany.
Friedrich Heidenreich, Germany.
Hermann Heidenreich, Germany.
Emma Sudek, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Elsabein Sundermeier, Louise Holtmann, Heinrich Heidenreich, Karl Heidenreich, Friedrich Heidenreich, Hermann Heidenreich and Emma Sudek, and each of them, in and to the estate of Henry Krueger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–917; Filed, January 18, 1944; 10:56 a. m.]

[Vesting Order 2920]

ANDREW LAUER

In re: Estate of Andrew Lauer, deceased; File D–66–1005; E. T. sec. 6508.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of Du Page County, Court House, DuPage County, Illinois, Depositary acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of DuPage;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Andrew Lauer, also known as Andreas Lauer, Germany.
Katharine Harr, Germany.
Heirs-at-law (names unknown) of Andrew Lauer, deceased, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $2,432.26 which is in the process of administration by, and is in the possession and custody of the County Treasurer of DuPage County, Illinois, depositary, per order of the Probate Court of DuPage County, Illinois, entered June 4, 1942; also,

All right, title, interest and claim of any kind or character whatsoever of Andrew Lauer, also known as Andreas Lauer, Katharine Harr, and the heirs-at-law (names unknown) of Andrew Lauer, deceased, and each of them, in and to the estate of Andrew Lauer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–918; Filed, January 18, 1944; 10:56 a. m.]

[Vesting Order 2921]

GRETCHEN LONIE

In re: Estate of Gretchen Lonie, deceased; Filed D–28–1778; E. T. sec. 959.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) That property and interests hereinafter described are property which is in the process of administration by William L. Herrlich, executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Freda Rosenschon, Germany.
Barbara Dressel, Germany.
Stephan Dressel, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Freda Rosenschon, Barbara Dressel and Stephan Dressel, and each of them, in and to the Estate of Gretchen Lonie, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–919; Filed, January 18, 1944; 10:56 a. m.]

[Vesting Order 2922]

CONRAD PETKE

In re: Estate of Conrad Petke, a minor; File No. D–28–2341 E.T. sec. 3390.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George C. Lessner, as guardian, acting under the judicial supervision of the Court of Probate, District of Manchester, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Conrad Petke, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following Property and interests;

All the property and estate of Conrad Petke of any nature whatsoever in the possession of George C. Lessner as Guardian of the estate of Conrad Petke,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian, a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–920; Filed, January 18, 1944; 10:56 a. m.]

[Vesting Order 2923]

CHARLES ROSENBLUM

In re: Estate of Charles Rosenblum, deceased; File D–34–650; E. T. sec. 7499.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Leonard Rosenblum, Harry Sena and Edward L. Rosenblum, Executors of the estate of Charles Rosenblum, deceased, acting under the judicial supervision of the Surrogate's Court of Essex County, Newark, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Rosa B. Klein, Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Rosa B. Klein in and to the estate of Charles Rosenblum, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–921; Filed, January 18, 1944; 10:56 a. m.]

[Vesting Order 2924]

GERTRUD SCHMIDT

In re: Mortgage Participation Certificate for Gertrud Schmidt, #152,318 of Series 180,166, issued by the Bond & Mortgage Guarantee Company, File D–28–6596; E. T. sec. 4721.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Brooklyn Trust Company, as Trustee, acting under the judicial supervision of the Supreme Court, Kings County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gertrud Schmidt, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gertrud Schmidt in and to income and proceeds of bond and mortgage participation certificate #152,318 in the amount of $187.69, issued in guarantee series #180,166 by the Bond & Mortgage Guarantee Company and being serviced by Brooklyn Trust Company of Brooklyn, New York, as Trustee.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–922; Filed, January 18, 1944; 10:56 a. m.]

[Vesting Order 2925]

KATHERINE SCHOTT

In re: Estate of Katherine Schott, deceased; File D–28–7428; E. T. sec. 7610.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William Schott, Executor of the estate of Katherine Schott, deceased, acting under the judicial supervision of the Essex County Surrogate's Court, Newark, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Martha Guenther, Altberg, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martha Guenther in and to the estate of Katherine Schott, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and interests and any or all of the proceeds thereof, shall be held in an appropriate special acount or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–923; Filed, January 18, 1944; 10:57 a. m.]

OFFICE OF PRICE ADMINISTRATION

[MPR 136, Order 143]

EDISON GENERAL ELECTRIC APPLIANCE CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 143 under Maximum Price Regulation No. 136 as Amended. Machines and parts and machinery services.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and in accordance with § 1390.25a, *It is ordered:*

(a) The Edison General Electric Appliance Company, Inc., 5600 West Taylor Street, Chicago, Illinois, is authorized to sell refrigerator replacement units rebuilt by it, to distributors, at prices no higher than those set forth below opposite each model number.

Model	*Maximum price for each unit*
Flat top sealed units:	
CF–1–CE1–CE11–CE14–FBA1	$34.66
CF–2–CE–2–CE–21–CE22–CE24–CE28	34.66
CF28	34.66
CH1–CJ1	31.69
CE34–CE340	43.17
LK1–LK2	64.40
Open belt-drive units:	
CB1–CB2	35.71
CB3	35.71
CD1–CD2	37.57
CD3	37.57
CM1–CM2	39.65
CM32	36.20
CM33	36.20
CM34	39.82

These prices include the Federal Excise Tax and delivery to the distributor.

(b) Distributors of Edison General Electric Appliance Company, Inc., rerigerator replacement units are authorized to sell such units to dealers at prices no higher than those set forth opposite each model number.

Model	*Maximum price for each unit*
Flat top sealed units:	
CF1–CE1–CE11–CE14–FBA1	$38.30
CF2–CE2–CE21–CE22–CE24–CE28	38.30
CF28	38.30
CH1–CJ1	35.02
CE34–CE340	47.75
LK1–LK2	71.48
Open belt-drive units:	
CB1–CB2	39.57
CB3	39.57
CD1–CD2	41.67
CD3	41.67
CM1–CM2	43.93
CM32	40.11
CM33	40.11
CM34–CM35	44.08

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These prices include the Federal Excise Tax and also include delivery to dealers.

(c) Dealers may sell Edison General Electric Appliance Company, Inc. refrigerator replacement units to consumers at prices no higher than those set forth opposite each model number.

Model	*Maximum price for each unit*
Flat top sealed units:	
CF1–CE1–CE11–CE14–FBA1	$50.48
CF2–CE2–CE21–CE22–CE24–OE28–CF28	50.48
CH1–CJ1	46.16
CE34–CE340	63.17
LK1–LK2	89.06
Open belt-drive units:	
CB1–CB2	52.43
CB3	52.43
CD1–CD2	55.30
CD3	55.30
CM1–CM2	58.25
CM32	53.19
CM33	53.19
CM34–CM35	58.45

These prices include installation of the unit in the refrigerator of the consumer and the Federal Excise Tax.

(d) If any of the above units are sold by the Edison General Electric Appliance Company, Inc., by distributors, or by dealers, with a four year replacement contract, $5.00 may be added to the maximum price.

(e) Any seller subject to this order may require, in connection with sales under this order, the surrender by the buyer of the unit which the rebuilt unit is intended to replace. No allowance need be made by the seller for the surrendered unit.

(f) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–936; Filed, January 18, 1944; 11:30 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 10, 1944.

REGION III

Charleston, Order No. 27, filed 1:05 p. m.
Charleston, Order No. 26, filed 1:05 p. m.
Louisville, Order No. 1–F, Amendment No. 8, filed 1:05 p. m.
Louisville, Order No. 2–F, Amendment No. 2, filed 1:05 p. m.

REGION IV

Charlotte, Order No. 1–F, Amendment No. 4, filed 1:07 p. m.
Jackson, Order No. 1–F, Amendment No. 14, filed 1:06 p. m.
Jackson, Order No. 1–F, Amendment No. 15, filed 1:06 p. m.
Montgomery, Order No. 4–F, filed 1:07 p. m.
Roanoke, Order No. 1–F, Amendment No. 4, filed 1:07 p. m.
Roanoke, Order No. 10, Amendment No. 1, filed 1:06 p. m.

REGION V

Arkansas, Order No. 13, Amendment No. 1, filed 1:07 p. m.
Shreveport, Order No. 9, Amendment No. 1, filed 1:07 p. m.

REGION VI

Omaha, Order No. 3A, Amendment No. 2, filed 1:08 p. m.
Omaha, Order No. 9, Amendment No. 1, filed 1:08 p. m.

REGION VII

Montana, Order No. 18 (revised), Amendment No. 1, filed 1:08 p. m.
Montana, Order No. 26, Amendment No. 1, filed 1:08 p. m.
New Mexico, Order No. 6, Amendment No. 4, filed 1:09 p. m.
New Mexico, Order No. 7, Amendment No. 4, filed 1:09 p. m.
New Mexico, Order No. 9, Amendment No. 1, filed 1:09 p. m.
New Mexico, Order No. 10, Amendment No. 1, filed 1:09 p. m.
New Mexico, Order No. 11, Amendment No. 1, filed 1:09 p. m.
New Mexico, Order No. 12, Amendment No. 1, filed 1:10 p. m.
New Mexico, Order No. 14, Amendment No. 1, filed 1:10 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–937; Filed, January 18, 1944; 11:33 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 15, 1944.

REGION III

Charleston, Order No. 3–F, filed 9:43 a. m.
Cleveland, Order No. F–3, Amendment No. 6, filed 9:46 a. m.
Cleveland, Order No. F–3, Amendment No. 7, filed 9:46 a. m.
Indianapolis, Order No. 10, filed 9:50 a. m.
Indianapolis, Order No. 11, filed 9:50 a. m.
Lexington, Order No. 1–F, Amendment No. 9, filed 9:43 a. m.
Lexington, Order No. 1–F, Amendment No. 10, filed 9:43 a. m.
Lexington, Order No. 2–F, Amendment No. 1, filed 9:43 a. m.
Lexington, Order No. 2–F, Amendment No. 3, filed 9:44 a. m.
Lexington, Order No. 2–F, Amendment No. 2, filed 9:44 a. m.
Lexington, Order No. 3–F, filed 9:44 a. m.
Lexington, Order No. 3–F, Amendment No. 1, filed 9:45 a. m.
Lexington, Order No. 3–F, Amendment No. 2, filed 9:45 a. m.
Lexington, Order No. 11, Amendment No. 3, filed 9:46 a. m.
Louisville, Order No. 1–F, Amendment No. 9, filed 9:45 a. m.
Louisville, Order No. 1–F, Amendment No. 10, filed 9:46 a. m.
Louisville, Order No. 1–F, Amendment No. 11, filed 9:46 a. m.
Louisville, Order No. 2–F, Amendment No. 3, filed 9:42 a. m.
Louisville, Order No. 2–F, Amendment No. 4, filed 9:42 a. m.
Louisville, Order No. 2–F, Amendment No. 5, filed 9:42 a. m.
Louisville, Order No. 14, filed 9:50 a. m.
Saginaw, Order No. 1–W, filed 9:48 a. m.

REGION V

Dallas, Order No. 12, Amendment No. 1, filed 9:37 a. m.
Dallas, Order No. 13, Amendment No. 1, filed 9:37 a. m.
Lubbock, Order No. 9, filed 9:39 a. m.
Lubbock, Order No. 10, filed 9:39 a. m.
St. Louis, Order No. 9, Amendment No. 1, filed 9:39 a. m.
St Louis, Order No. 10, Amendment No. 1, filed 9:40 a. m.
St. Louis, Order No. 11, filed 9:40 a. m.
St. Louis, Order No. 12, filed 9:41 a. m.
Fort Worth, Order No. 10, filed 9:38 a. m.

REGION VI

La Crosse, Order No. 9, Amendment No. 1, filed 9:47 a. m.
La Crosse, Order No. 11, Amendment No. 1, filed 9:48 a. m.
La Crosse, Order No. 10, Amendment No. 1, filed 9:47 a. m.

REGION VIII

Phoenix, Order No. 1–F, Amendment No. 1, filed 9:42 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–942; Filed, January 18, 1944; 11:33 a. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 130]

POWNAL PROJECT, MAINE

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Pownal Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 130. Said project, located at Pownal, Cumberland County, Maine, will be the base of operations for work at the Maine Training School, an institution under the State mental hospital system of Maine, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

2. That the men assigned to said Pownal Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Maine Training School, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Maine Training School. Administrative and directive control shall be under the Office of Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY,
Director.

JANUARY 14, 1944.

[F. R. Doc. 44–889; Filed, January 17, 1944; 1:43 p. m.]

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FEDERAL REGISTER

VOLUME 9 NUMBER 14

Washington, Thursday, January 20, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[FPO 14, Supp. Order 7]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW REFRIGERATION SYSTEMS FOR IMMERSION AND TUBULAR TYPE FARM MILK COOLERS

Sec.
1202.476 Purpose of this supplementary order.
1202.477 Scope.
1202.478 Transfer for agricultural use.
1202.479 Transfers to Federal agencies and for non-agricultural use.
1202.480 Communications.
1202.481 Incorporation into Food Production Order No. 14.

AUTHORITY: §§ 1202.476 to 1202.481, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334, 9392; 7 F.R. 10179, 8 F.R. 3807, 5423, 14763.

§ 1202.476 *Purpose of this supplementary order.* This supplementary order explains the procedure to be followed in rationing new refrigeration systems for immersion and tubular type farm milk coolers for agricultural use and it also sets forth the requirements of the rationing program which are of special importance to persons desiring such equipment. This supplementary order should be read in conjunction with Food Production Order No. 14 (8 F.R. 17456) which establishes the general rationing program and which contains definitions of certain terms used herein.

§ 1202.477 *Scope.* This supplementary order deals with new refrigeration systems manufactured under War Production Board Order No. L–38, as amended (8 F.R. 16389), for immersion and tubular type farm milk coolers.

§ 1202.478 *Transfer for agricultural use.* No person, other than a Federal agency, shall make a transfer or accept a transfer of new refrigeration systems for immersion or tubular type farm milk coolers for agricultural use, except pursuant to a purchase certificate issued by a county farm rationing committee.

§ 1202.479 *Transfers to Federal agencies and for non-agricultural use.* (a) Purchase certificates will not be issued to Federal agencies for new refrigeration systems for immersion or tubular type farm milk coolers. If a Federal agency wants any such refrigeration system, it must comply with War Production Board Order No. L–38, as amended, and any other applicable War Production Board regulations.

(b) If any person other than a Federal agency wants any new refrigeration system for an immersion or tubular type farm milk cooler for non-agricultural use, he must comply with War Production Board Order No. L–38, as amended, and any other applicable War Production Board regulations.

§ 1202.480 *Communications.* All communications concerning this supplementary order shall, unless otherwise directed, be addressed to the Director of the Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref: FPO 14, Supp. 7.

§ 1202.481 *Incorporation into Food Production Order No. 14.* This Supplementary Order No. 7 shall be added to and become a part of Food Production Order No. 14 and any violation of this Supplementary Order No. 7 shall be deemed to be a violation of Food Production Order No. 14.

Issued this 19th day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44–974; Filed, January 19, 1944; 11:16 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

TITLE OF SECURITIES

The Securities and Exchange Commission, acting pursuant to authority con-

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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ferred upon it by the Trust Indenture Act of 1939, particularly sections 305, 307 and 319 thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends § 260.7a-27 [Rule T-7A-27] by adding thereto the following sentence:

§ 260.7a-27 *Title of securities.* • • •

(b) • • • The rate of interest, however, may be omitted from the title of indenture securities on the facing page of Form T-1 and Form T-2, if the rate of interest is not determined at the time these forms are filed.

Effective January 17, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-960; Filed, January 19, 1944; 9:19 a. m.]

PART 269—FORMS, TRUST INDENTURE ACT OF 1939

FORM T-1

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly sections 305, 307 and 319 thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby takes the following action:

Form T-1 is amended to read as set forth in copies thereof marked "As amended to and including January 16, 1944."[1]

Effective January 17, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-961; Filed, January 19, 1944; 9:19 a. m.]

[1] Filed as part of the original document.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

MODIFICATIONS AND AMENDMENTS TO 1943 REVISION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 8th day of January A. D. 1944.

The "Uniform System of Accounts for Steam Railroads, Issue of 1943," (Part 10 of Title 49, Code of Federal Regulations) being under consideration by the division, pursuant to authority of section 20 of the Interstate Commerce Act, and the division having found need for modifications and amendments of the "Uniform System of Accounts for Steam Railroads, Issue of 1943," the modifications and amendments attached hereto and made a part hereof[1] being found necessary for administration of the provisions of Part I of the Act, are hereby approved; and

It is ordered, That all carriers by railroad (except those independently operated as electric lines), herein referred to as steam railroads, subject to the provisions of the Interstate Commerce Act, and every receiver, trustee, executor, administrator, or assignee of any such carrier, be, and they are hereby required to comply with the "Uniform System of Accounts for Steam Railroads, Issue of 1943," as hereby modified and amended:

It is further ordered, That this order shall become effective February 15th, 1944:

And it is further ordered, That a copy of this order shall be served upon every steam railroad subject to the Act and upon every receiver, trustee, executor, administrator, or assignee of any such steam railroad, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-962; Filed, January 19, 1944; 10:37 a. m.]

[1] Filed as part of the original document. Copies may be obtained from the Interstate Commerce Commission.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 933—COPPER

[Copper Order M-9 as Amended Jan. 19, 1944]

Section 933.1 M-9 amended to read as follows:

§ 933.1 *Copper Order M-9*—(a) *Purpose.* The primary purpose of this order is to govern the acceptance of delivery (whether on purchase, toll agreement or otherwise) of specified types of copper and copper-base alloy materials (other than controlled materials), and copper-clad and copper-base alloy-clad steel scrap, all of which for convenience are called copper raw materials throughout this order. The production, delivery and acceptance of controlled materials are governed by applicable CMP and priorities regulations.

(b) *Acceptance of delivery of copper raw materials.* Except as specifically authorized in writing by the War Production Board, no person shall accept a delivery of any copper raw material other than those shown opposite his class in column B of the following table:

Class of person (A)	Copper raw materials: Acceptance of delivery authorized by this order without application to the War Production Board. (B)	Report form used to apply for specific WPB authorization to accept delivery of copper raw materials other than those shown in Column B. (C)	Other WPB report forms regarding copper raw materials and copper controlled materials. (D)
Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base alloy-clad steel scrap into refined copper or other usable forms of copper.	Other unalloyed copper scrap. Other copper-base alloy scrap. Other unalloyed copper scrap. Other copper-base alloy scrap. Brass mill scrap.	WPB-2959 [1]	WPB-3212.
Scrap Dealer—Any person regularly engaged in the business of buying and selling scrap but who does not melt such scrap.	None	None	WPB-202 or WPB-3202.
Jobber Dealer—Any person who receives physical delivery of refined copper, copper-base alloy ingot or copper or copper-base alloy shot and sells or holds the same for sale without change in form.	None	WPB-2959	None.
Brass Mill—Any person who produces brass mill products, brass mill castings or intermediate shapes.	Brass mill scrap Fired cartridge and artillery cases (from Government plants only).	WPB-3112 WPB-2954	WPB-3508. WPB-3007. WPB-3244.[2] WPB-3113.[2]
Copper Wire Mill—Any person who produces copper wire mill products or intermediate shapes.	None	WPB-2953	WPB-3505.
Brass and Bronze Foundry—Any person who produces foundry copper or copper-base alloy products.	(3)	WPB-2958	WPB-3506.
Ingot Maker—Any person who produces copper-base alloy ingot for delivery as such	(3)	WPB-2959	WPB-3139.
Miscellaneous Producer—Any person not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, etc.	None	WPB-2959	None.
Scrap Generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap but who is not in the business of producing copper raw materials or copper controlled materials.	None	None	WPB-452 or WPB-2915.

[1] Refiners requiring copper-clad or copper-base alloy-clad steel scrap should apply by supplementary letter setting forth the copper raw material involved, the amount required, and other pertinent data such as inventory, receipts, production, consumption and shipments, on the basis of which authorization to accept delivery is requested.

[2] Forms WPB-3244 and WPB-3113 apply only to beryllium copper brass mill products.

[3] Foundries and ingot makers may exchange copper-base alloy ingot on an equivalent copper content basis without charging such deliveries against their authorizations.

(c) *Restriction on disposal of scrap copper-clad and copper-base alloy-clad steel scrap.* (1) No person (other than one who is in the business of producing copper raw materials or copper controlled materials) shall melt or process any scrap or copper-clad or copper-base alloy-clad steel scrap, generated in his plant through fabrication or accumulated in his operations through obsolescence, except as specifically authorized by the War Production Board, or dispose of such material in any way other than by delivery to a person authorized to accept such delivery. In no event shall any such person keep on hand more than thirty (30) days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than five tons.

(2) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap except with the specific authorization of the War Production Board in writing.

(3) Nothing herein contained shall prohibit any public utility from using in its own operations wire or cable which has become scrap by obsolescence, provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by such public utility in any calendar month does not exceed five tons.

(d) *Specific authorization and directions.* This order is designed to prescribe the general regulations under which deliveries of copper raw materials may be accepted. At times the provisions of this order will not fit the needs of a particular person. In any such case, the person affected may apply by letter to the Copper Division, War Production Board, for a specific authorization to cover his needs. Situations may arise which will require the War Production Board, from time to time, to issue specific authorizations or directions to a person as to the source, destination, amount or grade of copper raw materials to be delivered, acquired or used by him.

(e) *Definitions.* (1) "Copper" means unalloyed copper.

(2) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. Copper-base alloy does not include alloyed gold produced in accordance with United States Commercial standards CS 51-35 and CS 67-38.

(3) "Scrap" means all copper or copper-base alloy materials or objects (except those containing 0.10% or more beryllium and governed by supplemental order M-160a) which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason. This does not include fired cartridge and artillery cases or copper-clad or copper-base alloy-clad steel scrap.

(4) "Copper wire mill product" means bare, insulated or armored wire and cable for electrical conduction made from copper, copper-base alloy, or copper-clad steel containing over 20% copper by weight.

(5) "Brass mill product" means sheet, rod, wire or tube made from cooper or copper-base alloy. This does not include copper wire mill products.

(6) "Foundry copper or copper-base alloy product" means cast copper or copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (The process of casting includes the removal of gates, risers and sprues and sand-blasting, tumbling or dipping, but does not include any further machining or processing.)

(7) "Copper raw materials" as used in this order, includes the following materials as defined:

(i) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes or controlled materials.

(ii) "Brass mill scrap"—Scrap which is the waste or by-product of industrial fabrication or production of brass mill products or copper wire mill products. This does not include material which has been reclaimed from use or which is unsuitable for brass mill use because of contamination.

(iii) "Other copper-base alloy scrap"—Copper-base alloy scrap other than brass mill scrap. This includes spent bullets but does not include fired cartridge and artillery cases.

(iv) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(v) "Copper-clad or copper-base alloy-clad steel scrap"—All copper-clad or copper-base alloy-clad or -coated steel materials or objects in which the cladding or coating amounts to 3% or more by weight and (*a*) which are the waste or by-product of industrial fabrication, or (*b*) which have been discarded on account of obsolescence, failure or other reasons. This does not include spent bullets.

(vi) "Fired cartridge and artillery cases"—Unreloadable fired cartridge cases or artillery cases which have been manufactured from brass mill products.

(vii) "Brass mill casting"—A copper-base alloy casting from which brass mill

or copper wire mill products or intermediate shapes may be rolled, drawn or extruded without remelting.

(viii) "Copper-base alloy ingot"—a copper-base alloy casting used in remelting, alloying or deoxidizing operations.

(ix) "Copper or copper-base alloy shot"—shot produced from copper or copper-base alloy and to be used in remelting, alloying, deoxidizing or chemical operations.

(x) "Copper or copper-base alloy powder"—copper or copper-base alloy in the form of powder or flake.

(xi) "Intermediate shape"—any product which has been rolled, drawn or extruded from refined copper or brass mill castings and which will be re-rolled, redrawn, insulated or further processed into finished brass mill or copper wire mill products by other producers of such products.

(f) *Addressing of communications.* Except as provided by instructions accompanying application forms, all communications filed pursuant to this order or concerning the subject matter hereof should be addressed: "Copper Division, War Production Board, Washington 25, D. C."

(g) *Violations.* Any person who willfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Revocations.* General Preference Order M-9-a and Supplementary Order M-9-b are hereby revoked as these orders are superseded by this order, M-9. These revocations do not affect any liabilities incurred under orders M-9-a and M-9-b.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-968; Filed, January 19, 1944; 10:47 a. m.]

PART 933—COPPER

[Copper Order M-9, Direction 1]

SCRAP DEALERS

The following direction is issued pursuant to Copper Order M-9:

Pursuant to paragraph (d) of Copper Order M-9, no scrap dealer may accept a delivery of scrap of any of the classes designated below unless during the preceding sixty days such scrap dealer shall have sold scrap of such classes in an amount at least equal in weight to his inventory of such scrap on the date of acceptance of delivery of the scrap (which inventory will exclude such delivery).

No. 1 copper wire and No. 1 heavy copper.
No. 1 tinned copper wire and No. 1 tinned heavy copper.
No. 2 copper wire and mixed heavy copper.
Copper tuyeres.
Light copper.
Copper borings.
Lead-covered copper wire and cables.
Insulated copper.
Bell metal.
High grade bronze gears.
High grade bronze solids.
High grade-low lead bronze borings.
Babbitt lined brass bushings.
High lead bronze solids.
High lead bronze borings.
Red trolley wheels.
Tinny bronze (phosphor bronze) borings.
Copper-nickel solids and borings.
Bronze paper mill wire cloth.
Aluminum bronze solids.
Soft red brass (No. 1 composition).
Soft red brass borings (No. 1 composition borings).
Contaminated gilding metal turnings.
Unlined standard red car boxes.
Lined standard red car boxes.
Cocks and faucets.
Mixed brass screens.
Red brass breakage (irony composition).
Old nickel silver solids.
Old nickel silver borings.
Copper-lead solids.
Copper-lead borings.
Automobile radiators.

Detailed specifications for the above shall be the same as set forth in Office of Price Administration Order No. MPR 20, as amended March 13, 1943.

Issued this 19th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-969; Filed, January 19, 1944; 10:47 a. m.]

PART 933—COPPER

[General Preference Order M-9-a, Revocation]

Section 933.2 *Order M-9-a* is hereby revoked. This revocation does not affect any liabilities incurred under the order. This order is superseded by Copper Order M-9.

Issued this 19th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-970; Filed, January 19, 1944; 10:47 a. m.]

PART 933—COPPER

[Supplementary Order M-9-b, Revocation]

Section 933.3 *Order M-9-b* is hereby revoked. This revocation does not affect any liabilities incurred under the order. This order is superseded by Copper Order M-9.

Issued this 19th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-971; Filed, January 19, 1944; 10:47 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L-325 as Amended Jan. 19, 1944]

35 MM MOTION PICTURE PROJECTION EQUIPMENT AND ACCESSORIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used to produce 35 mm motion picture projection equipment and accessories, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3302.31 *Limitation Order L-325*—(a) *What this order does.* This order regulates the production and distribution of new 35 mm motion picture projection equipment and 35 mm motion picture projection accessories.

(b) *What "35 mm motion picture projection equipment" means.* "35 mm motion picture projection equipment" means complete projectors, projector mechanisms, pedestals, bases, complete sound systems, complete sound heads, complete amplifying systems, complete loud speaker systems, complete projection arc lamp and lamp house units, complete projection arc current converting devices, and complete portable projectors, for use in exhibiting 35 mm film.

(c) *What "new equipment" means.* "New equipment" means any 35 mm motion picture projection equipment which has never been used or which has been used only for demonstration, trial loans, repair loans, and the like.

(d) *What "35 mm motion picture projection accessories" means.* "35 mm motion picture projection accessories" means take-up reels, change-over devices, automatic enclosed rewinders, hand rewinders, nitrate film storage cabinets, steel fireproof booth tables, and film splicers, for use in exhibiting 35 mm film.

(e) *What "repair units" means.* "Repair units" means any parts or assemblies specially designed for use in the 35 mm motion picture projection equipment and accessories listed above, and used to fix them when they have been broken down or are about to break down.

(f) *Restrictions on production of 35 mm motion picture projection equipment.* A manufacturer may produce 35 mm motion picture projection equipment only under the following circumstances. He may manufacture new equipment for stock to the extent permitted by written instructions from the War Production Board. In general the War Production Board in giving such permission will take into consideration Critical Labor Market Areas. In addition, he may produce as much new equipment as the War Production Board gives him written permission to sell or lend, except in those cases in which the War Production Board tells him the equipment must be shipped from stock and may not be replaced.

(g) *How to ask for permission to produce new equipment for stock.* If a manufacturer feels that his stock of new equipment is too small for proper operation of his business, he may ask for permission to produce new equipment for stock by sending a letter in triplicate to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-325. In this letter he should state the number of units of each type of new equipment which he shipped in 1941, and the number of units of each type of new equipment which he has in his current stock. He should also state what would be his minimum economical production run. If the War Production Board agrees that the manufacturer's stock is too small for proper handling of the volume of business which that manufacturer may reasonably expect, it will give him written instructions permitting him to produce a limited amount of new equipment for stock.

(h) *How much new equipment the War Production Board will permit manufacturers to sell or lend.* The War Production Board will give written permission to manufacturers to sell or lend new equipment only to the extent necessary to carry out an authorized program of the War Production Board. Within the limits of this program the War Production Board expects to permit each manufacturer to sell or lend to the United States Army, the United States Navy, the United States Maritime Commission and the War Shipping Administration as much new equipment as is necessary to meet their requirements for his brand of equipment. No manufacturer will be given permission to sell or lend new equipment to anyone other than those agencies if it will interfere with deliveries to those agencies on their required delivery dates. Moreover, no manufacturer producing equipment for those agencies will be given permission to sell or lend additional new equipment to them if the production of this additional equipment by the required delivery date will interfere with punctual delivery of the equipment already being produced by that manufacturer for those agencies.

(i) *Restrictions on sale and lending of new equipment.* Commencing December 6, 1943, a person may sell or lend new equipment only when he has written permission from the War Production Board, with the following exception. A person does not need written permission from the War Production Board to lend new equipment to a theatre in an emergency for a period of not more than sixteen weeks, while the theatre's equipment is being repaired or replaced. At the end of the sixteen weeks the equipment must be returned by the theatre unless the War Production Board has given written permission to continue the lending of the equipment. An emergency exists when a theatre's equipment has broken down or is about to break down.

(j) *How to ask for permission to sell or lend new equipment.* Under ordinary circumstances a person who wants to ask for permission to sell or lend new equipment must use Form WPB-3253 for that purpose. A person who wants to ask for permission to sell or lend new equipment to the Army of the United States, the Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or to persons buying or borrowing equipment pursuant to the Lend-Lease Act, must use Form WPB-3254. Copies of these forms may be secured through the Service Equipment Division of the War Production Board, Washington 25, D. C., Ref: L-325. All requests for permission to sell or lend new equipment should be sent to the foregoing address only. In emergencies of the type described in paragraph (i) a person may telephone or telegraph for permission to sell new equipment, but he may not sell the equipment until he receives written permission to do so.

(k) *Effect of permission to sell or lend electronic equipment.* Some 35 mm motion picture projection equipment is electronic equipment within the meaning of Order L-265. When the War Production Board gives permission in writing to sell or lend new equipment, the order of the person receiving the equipment is to be considered as rated A-1-a for purposes of Order L-265.

(l) *Restrictions on production of 35 mm motion picture projection accessories.* No manufacturer may produce any 35 mm motion picture projection accessories except to fill rated orders, and to maintain a minimum practicable working inventory of finished accessories ready for shipment on rated orders.

(m) *Distributors' purchases from manufacturers restricted to WPB-547 ratings.* Notwithstanding Priorities Regulation No. 3, a person buying 35 mm motion picture projection accessories from a manufacturer for resale from stock may not extend to the manufacturer a rating received from one of his customers. He may use only the ratings assigned to him by the War Production Board on Form WPB-547 (formerly PD-1X).

(n) *Effect of this order on the production and distribution of repair units.* This order does not restrict either the production or distribution of repair units. Theatres and distributors will continue to secure repair units in the same way as they secured them prior to the issuance of this order. For example, component parts of electronic equipment are to be secured as provided in Order L-265.

(o) *Bureau of the Budget approval.* The various requests for authorization contemplated by this order and the reporting requirement in paragraph (g) have the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(p) *Appeals.* An appeal from the provisions of this order may be made by filing Form WPB-1477 (formerly PD-500) in triplicate with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(q) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 19th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-972; Filed, January 19, 1944; 10:47 a. m.]

Chapter XI—Office of Price Administration

PART 1345—COKE

[MPR 77,[1] Amdt. 3]

BEEHIVE OVEN COKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9 (b) (1) is amended to read as follows:

(1) A producer or distributor of beehive oven coke made in Wise County, Virginia may add a sum not to exceed $1.00 per net ton.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

This amendment shall be effective as of November 29, 1943.

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-952; Filed, January 18, 1944; 4:21 p. m.]

PART 1351—COMMODITIES AND SERVICES

[MPR 280,[2] Amdt. 40]

FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.807 is amended to read as follows:

§ 1351.807 *Adjustment of maximum prices of fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions*—(a) *Adjustment of established maximum prices of fluid milk in communities having a population of 25,000 or less*—(1) *When adjustment may be made.* The Office of Price Administration, or any Regional Office thereof, may adjust any maximum price established under this Maximum Price Regulation No. 280 for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions in communities having a population of 25,000 or less, in the case of any seller or group of sellers, when it appears:

(i) That there exists or threatens to exist in such a community a serious deficiency in its essential fluid milk supply caused by

(a) A marked disparity between the established maximum producer price for fluid milk in such community and the established maximum producer price for fluid milk in a larger city; or

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16787, 17223; 9 F.R. 286.

[2] 8 F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513, 11811, 13060, 13721, 16296.

(b) Unusual and highly localized cost conditions in such community affecting fluid milk, directly related to the war program: *Provided*, That in no case shall any increases in established maximum prices exceed the cost of shipping fluid milk into such community from outside the normal area of supply for such community; or

(c) Low established maximum prices for fluid milk in relation to prices paid for milk for manufacturing purposes in such community: *Provided*, That the price paid for milk for manufacturing purposes permits an adequate margin between that price and the established maximum prices for manufactured dairy products; or

(d) Low established maximum prices for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions in such community in relation to the established maximum prices for purchases of milk from producers for resale as fluid milk in such community, as a result of which distributive facilities for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions in such community have been or will be impaired; and

(ii) That such serious deficiency in the essential fluid milk supply of such community will be substantially reduced or eliminated by adjusting the established maximum prices of such seller and of like sellers for such fluid milk; and

(iii) That there is no feasible alternative to such price adjustment, such as a reduction of the established maximum prices for fluid milk in another community, or a program for the direct allocation of fluid milk supplies to such community; and

(iv) That such adjustment will not create or tend to create a deficiency, or a need for increase in the established maximum prices in another community, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Applications for adjustment under this § 1351.807 (a) shall be filed in accordance with Revised Procedural Regulation No. 1.

(2) *Authority of Regional Offices to make adjustments.* Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (a), subject to the limitations set forth in subparagraphs (3) and (4) of this paragraph (a).

(3) *General limitations upon the authority of the Office of Price Administration and any Regional Office thereof, to adjust the established maximum prices of fluid milk.* (i) No adjustments increasing the established maximum wholesale prices for fluid milk may be made by the Office of Price Administration or any Regional Office thereof, pursuant to the provisions of this paragraph (a) which will create or tend to create a need for increases in the established maximum retail prices for fluid milk in excess of 2¢ per quart.

(4) *Limitations upon the authority of Regional Offices to adjust the maximum prices of fluid milk.* (i) No adjustments may be made by any Regional Office, pursuant to the provisions of paragraph (a) (1) (i) (b) of this § 1351.807, without prior written approval by the Administrator: and

(ii) No adjustments increasing the established maximum wholesale prices for fluid milk may be made by any Regional Office, pursuant to the provisions of this paragraph (a), which will create or tend to create a need for increase in the established maximum retail prices for fluid milk in excess of 1¢ per quart or in excess of 1½¢ per quart over the maximum retail prices originally established by the General Maximum Price Regulation on May 18, 1942, without prior written approval by the Administrator.

(b) *Other adjustment authority*—(1) *Directive from Director of the Office of Economic Stabilization.* Upon the receipt of a directive from the Director of the Office of Economic Stabilization, the Office of Price Administration, or any Regional Office thereof when specifically so authorized in writing by the Administrator, may adjust, in accordance with the terms of such directive, any maximum price established under this Maximum Price Regulation No. 280 for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions, which cannot be adjusted under the provisions of paragraphs (a) or (b) (2) of this § 1351.807.

(2) *Adjustment of maximum prices of fluid milk in communities of any size*—(i) *When adjustment may be made.* The Office of Price Administration or any Regional Office thereof, may adjust any maximum price established under this Maximum Price Regulation No. 280 for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions in communities of any size, in the case of any seller or group of sellers, when it appears:

(a) That there exists or threatens to exist in such community a serious deficiency in its essential supply of fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions, caused by

(1) Low established maximum prices for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions in such community in relation to the established maximum prices for purchases of milk from producers for resale as fluid milk in such community; and

(2) The existing relationship between (i) the established maximum prices for fluid milk sold at retail and at wholesale in glass or paper containers in such community, and (ii) the established maximum prices for purchases of milk from producers for resale as fluid milk in such community; and

(b) That such serious deficiency in the community's essential supply of fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions will be substantially reduced or eliminated by adjusting the established maximum prices of such seller and of like sellers of fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions; and

(c) That there is no feasible alternative to such price adjustment, such as a reduction of the established maximum prices for fluid milk in another community, or a program for the direct allocation of fluid milk supplies to such community; and

(d) That such adjustment will not create or tend to create a need for any increases in the established maximum prices for fluid milk sold at retail in such community; and

(e) That such adjustment will not create or tend to create a deficiency or a need for increase in the established maximum prices in another community, and will effectuate the provisions of the Emergency Price Control Act of 1942, as amended.

Applications for adjustment under this § 1351.807 (b) (2) shall be filed in accordance with Procedural Regulation No. 1.

(ii) *Authority of Regional Offices to make adjustments.* Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this subparagraph (2).

This amendment shall become effective on the 18th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-953; Filed, January 18, 1944; 4:21 p. m.]

PART 1389—APPAREL

[MPR 178,[1] Amdt. 5]

WOMEN'S FUR GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 178 is amended in the following respect:

Section 1389.165 (a) (1) is amended to read as follows:

(1) "Women's fur garments" shall include all women's and misses' fur jackets, strollers, coats, capes, wraps, muffs, scarfs, stolls and hats sold by manufacturers and manufacturing-retailers for less than $8,000 (exclusive of excise taxes), or purchased by retailers and wholesalers for less than $8,000.

This amendment shall become effective January 18, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5277, 6771, 8016, 8946, 8948; 8 F.R. 7601.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-954; Filed, January 18, 1944; 4:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 46]

WOMEN'S FUR GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.11 (c) is added to read as follows:

(c) Women's fur garments sold by manufacturers and manufacturing-retailers at $8,000 or more, (exclusive of excise taxes) or purchased by retailers and wholesalers at $8,000 or more.

This amendment shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-956; Filed, January 18, 1944; 4:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 Under GMPR, Amdt. 86]

LUMBERMAN'S OVERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 6.39 is added to read as follows:

SEC. 6.39. *Lumberman's overs*—(a) *Coverage.* This section applies to lumberman's overs released by the War Department for use by civilians.

(b) *Maximum prices.* The maximum prices for sales of these lumberman's overs shall be as follows:

Seller	Maximum price per pair	
	10" Yukon	16" Yukon
War Department	$4.15	$5.89
Defense Supplies Corporation	4.35	5.79
Wholesalers other than Defense Supplies Corporation and the War Department	5.74	7.65
Retailers	8.61	11.48

(c) *Transportation expenses*—(1) *War Department and Defense Supplies Corporation.* The War Department and Defense Supplies Corporation may add transportation costs to the maximum prices established by this section.

*Copies may be obtained from the Office of Price Administration.

(2) *Wholesalers and retailers.* Wholesalers and retailers may add to the maximum prices established by this section the same proportion of transportation costs that they added on sales of footwear to a purchaser of the same class during March, 1942.

(d) *Notification of maximum prices*—(1) *By Defense Supplies Corporation.* Before or at the time of the first delivery after January 17, 1944, of any lumberman's overs covered by this section to a wholesaler, the Defense Supplies Corporation shall notify the wholesaler of the maximum wholesale and retail prices established by this section.

(2) *By a wholesaler.* Before or at the time of the first delivery after January 17, 1944, of any lumberman's overs covered by this section to a retailer, the wholesaler shall notify the retailer of the maximum retail prices established by this section.

This amendment shall become effective January 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-955; Filed, January 18, 1944; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15[1] to GMPR, Amdt. 17]

FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.75 (a) (9) is amended to read as follows:

(9) *Fluid milk*—(i) *Adjustment of established maximum prices of fluid milk sold at retail and at wholesale in glass or paper containers in communities having a population of 25,000 or less*—(a) *When adjustment may be made.* The Office of Price Administration, or any Regional Office thereof, may adjust any maximum price established under the General Maximum Price Regulation, or Supplementary Regulation 14A (formerly Supplementary Regulation 14) to the General Maximum Price Regulation, for fluid milk sold at retail and at wholesale in glass or paper containers, in communities having a population of 25,000 or less, in the case of any seller or group of sellers, when it appears:

(1) That there exists or threatens to exist in such a community a serious deficiency in its essential fluid milk supply caused by

(i) A marked disparity between the established maximum producer price for fluid milk in such community and the established maximum producer price for fluid milk in a larger city; or

(ii) Unusual and highly localized cost conditions in such community affecting fluid milk, directly related to the war program: *Provided*, That in no case shall any increases in established maximum prices exceed the cost of shipping fluid milk into such community from outside the normal area of supply for such community; or

(iii) Low established maximum prices for fluid milk in relation to prices paid for milk for manufacturing purposes in such community; *Provided*, That the price paid for milk for manufacturing purposes permits an adequate margin between that price and the established maximum prices for manufactured dairy products; or

(iv) Low established maximum prices for fluid milk sold at retail or at wholesale in glass or paper containers in such community in relation to the established maximum prices for purchases of milk from producers for resale as fluid milk in such community, as a result of which distributive facilities for fluid milk sold at retail or at wholesale in glass or paper containers in such community have been or will be impaired; and

(2) That such serious deficiency in the essential fluid milk supply of such community will be substantially reduced or eliminated by adjusting the established maximum prices of such seller and of like sellers for such fluid milk; and

(3) That there is no feasible alternative to such price adjustment, such as a reduction of the established maximum prices for fluid milk in another community, or a program for the direct allocation of fluid milk supplies to such community; and

(4) That such adjustment will not create or tend to create a deficiency, or a need for increase in the established maximum prices, in another community, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) *Authority of Regional Offices to make adjustments.* Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this subdivision (i) subject to the limitations set forth in inferior subdivisions (c) and (d) of this subdivision (i).

(c) *General limitations upon the authority of the Office of Price Administration and any Regional Office thereof, to adjust the established maximum prices of fluid milk*—(1) *Maximum retail prices.* (i) No adjustments increasing the established maximum retail prices of fluid milk in excess of 2¢ per quart may be made by the Office of Price Administration, or any Regional Office thereof, pursuant to the provisions of this subdivision (i).

(2) *Maximum wholesale prices.* (i) No adjustments increasing the established maximum wholesale prices for fluid milk may be made by the Office of Price Administration or any Regional Office thereof, pursuant to the provisions of this subdivision (i), which will create or tend to create a need for increases in the established maximum retail prices for fluid milk in excess of 2¢ per quart.

(d) *Limitations upon the authority of Regional Offices to adjust the maximum prices of fluid milk*—(1) *Maximum re-*

[1] 7 F.R. 8959, 9819, 10584, 11066; 8 F.R. 1201, 6443, 8614, 9026, 11878, 13255, 13395, 13724, 16197, 16296, 16796, 17228.

tail and wholesale prices. (*i*) No adjustments may be made by any Regional Office, pursuant to the provisions of subparagraph (9) (i) (a) (*1*) (*ii*) hereof, without prior written approval by the Administrator.

(2) *Maximum wholesale prices.* (*i*) No adjustment increasing the established maximum wholesale prices for fluid milk may be made by any Regional Office, pursuant to the provisions of this subdivision (i), which will create or tend to create a need for increases in the established maximum retail prices for fluid milk in excess of 1¢ per quart, or in excess of 1½¢ per quart over the maximum retail prices originally established by the General Maximum Price Regulation on May 18, 1942, without prior written approval by the Administrator.

(3) *Maximum retail prices.* (*i*) No adjustments may be made by any Regional Office, pursuant to the provisions of this subdivision (*i*), increasing the established maximum retail prices for fluid milk in excess of 1¢ per quart, or in excess of 1½¢ per quart over the maximum retail prices originally established by the General Maximum Price Regulation on May 18, 1942, without prior written approval by the Administrator.

(*ii*) *Other adjustment authority*—(a) *Directive from Director of the Office of Economic Stabilization.* Upon the receipt of a directive from the Director of the Office of Economic Stabilization, the Office of Price Administration, or any Regional Office thereof when specifically so authorized in writing by the Administrator, may adjust, in accordance with the terms of such directive, any maximum price established under the General Maximum Price Regulation, or Supplementary Regulation 14A (formerly Supplementary Regulation 14) to the General Maximum Price Regulation, for fluid milk sold at retail, and at wholesale in glass or paper containers which cannot be adjusted under the provisions of subdivisions (i) or (ii) (*b*) of this subparagraph (9).

(*b*) *Adjustment of maximum prices of fluid milk sold at wholesale in glass or paper containers in communities of any size*—(*1*) *When adjustment may be made.* The Office of Price Administration, or any Regional Office thereof, may adjust any maximum price established under the General Maximum Price Regulation or Supplementary Regulation No. 14A (Formerly Supplementary Regulation No. 14) to the General Maximum Price Regulation, for fluid milk sold at wholesale in glass or paper containers, in communities of any size, in the case of any seller or group of sellers, when it appears:

(*i*) That there exists or threatens to exist in such a community a serious deficiency in its essential fluid milk supply caused by low established maximum prices for fluid milk sold at wholesale in glass or paper containers in such community in relation to the established maximum prices for purchases of milk from producers for resale as fluid milk in such community, as a result of which distributive facilities for fluid milk sold at retail or at wholesale in glass or paper containers in such community have been or will be impaired; and

(*ii*) That such serious deficiency in the essential fluid milk supply of such community will be substantially reduced or eliminated by adjusting the established maximum wholesale prices of such seller and of like sellers of such fluid milk; and

(*iii*) That there is no feasible alternative to such price adjustment, such as a reduction of the established maximum prices for fluid milk in another community, or a program for the direct allocation of fluid milk supplies to such community; and

(*iv*) That such adjustment will not create or tend to create a need for any increases in the established maximum prices for fluid milk sold at retail in such community; and

(*v*) That such adjustment will not create or tend to create a deficiency or a need for increase in the established maximum prices in another community, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(2) *Authority of Regional Offices to make adjustments.* Each Regional Administrator is authorized to make adjustments or act upon applications for adjustments under this inferior subdivision (*b*).

This amendment shall become effective on the 18th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-957; Filed, January 18, 1944; 4:20 p. m.]

PART 1309—COPPER

[RMPR 20]

COPPER SCRAP AND COPPER ALLOY SCRAP

Maximum Price Regulation No. 20 [1] is redesignated Revised Maximum Price Regulation No. 20 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices, established by this Revised Maximum Price Regulation No. 20, are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. The Administrator has given due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability, and has consulted with representatives of the industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another governmental agency, the Administrator has determined, with respect to such standardization, that no alternative exists for securing effective price control with respect to the commodities subject to this regulation.

§ 1309.61 *Maximum prices for copper scrap and copper alloy scrap.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 20 (Copper Scrap and Copper Alloy Scrap), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1309.61, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; and E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION No. 20—COPPER SCRAP AND COPPER ALLOY SCRAP

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SECTION 1. *Materials to which this regulation applies.*—(a) *General.* This regulation applies to all copper scrap and copper alloy scrap, except

(1) Cupro-nickel scrap, other than copper-nickel solids and borings, maximum prices for which are established by Revised Price Schedule No. 8,[3] and

(2) Brass mill scrap, maximum prices for which are established by Revised Price Schedule No. 12.[4] However, material which, by reason of its not being suitable for brass mill use, is not brass mill scrap and subject to Revised Price Schedule No. 12, shall be deemed to be copper scrap and copper alloy scrap.

(b) *Copper bearing material not covered.* Nothing in this regulation, in the General Maximum Price Regulation [5] or in Maximum Price Regulation No. 165 as amended [6] shall control the price at which copper bearing material may be sold, delivered or processed on toll. For definition of copper bearing material see section 15 (4).

SEC. 2. *Prohibitions against sales or deliveries at prices higher than the maximum prices.* On and after January 25, 1944, regardless of any contract, agreement or other obligation, no person shall sell or deliver copper scrap or copper alloy scrap to a consumer, and no consumer shall buy or receive copper scrap or copper alloy scrap, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as section 16; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That contracts entered into prior to January 25, 1944, under the terms of, and at prices in conformance with Maximum Price Regulation No. 20, may be carried out at contract prices until February 25, 1944.

SEC. 3. *Less than maximum prices.* Lower prices than the maximum prices established by this regulation may be charged, demanded, paid or offered.

SEC. 4. *Toll or conversion agreements.* The price charged by one person for treating or processing the copper scrap or copper alloy scrap of another by smelting, remelting or other method to produce copper shall not exceed the difference between the maximum price for such scrap established by this regulation and the maximum price for the copper processed or produced from such scrap.

SEC. 5. *Certain exempted transactions*—(a) *Conversion of railroad scrap.* Nothing in this regulation or in the General Maximum Price Regulation shall apply to the sale, delivery or transfer of copper scrap or copper alloy scrap to a foundry by a person owning, operating or maintaining rolling stock: *Provided,* That:

(1) The copper scrap and copper alloy scrap results from such person's use or processing of castings or other articles of the type produced by the foundry;

(2) The foundry converts such copper scrap and copper alloy scrap into castings or other articles of the type from which the scrap resulted; and

(3) Such person delivers the scrap to the foundry and the foundry returns an equivalent amount of castings or other articles of the type from which the scrap resulted in accordance with the terms of a written agreement approved by the War Production Board.

(b) *Metals Reserve Company purchases and toll agreements.* Nothing in this regulation, or in the General Maximum Price Regulation, shall apply to sales or deliveries of copper scrap or copper alloy scrap to the Metals Reserve Company or its agents nor to the treating or processing of copper scrap or copper alloy scrap for the Metals Reserve Company or its agents. However, the provisions of this regulation shall apply to all sales, deliveries or transfers of copper scrap or copper alloy scrap to a consumer by the Metals Reserve Company or its agents.

(c) *Intra-organization transactions.* Nothing in this regulation, or in the General Maximum Price Regulation, shall apply to sales or deliveries of copper scrap or copper alloy scrap between a parent corporation and a wholly-owned subsidiary corporation, or between two or more subsidiary corporations wholly owned by the same parent corporation. For the purpose of this paragraph, a subsidiary corporation shall be deemed to be wholly owned by a parent corporation only if the parent corporation owns all of the capital stock of the subsidiary corporation: Except, that if required by the law of the state of incorporation of the subsidiary corporation, necessary qualifying shares may be owned by persons other than the parent corporation.

SEC. 6. *Geographical applicability.* This regulation shall apply only to the forty-eight states of the United States and the District of Columbia.

SEC. 7. *Relation to other regulations*—(a) *General.* This regulation supersedes the General Maximum Price Regulation and Maximum Price Regulation No. 165 as amended as to all sales, deliveries and services which are covered by this regulation or specifically exempted therefrom.

(b) *Export sales.* The maximum price at which any person may export copper scrap or copper alloy scrap shall be determined in accordance with the Second Revised Maximum Export Price Regulation [7] issued by the Office of Price Administration.

SEC. 8. *Records.* Every person who makes or has made sales of copper scrap or copper alloy scrap to a consumer, and every consumer who makes or has made purchases of copper scrap or copper alloy scrap, on or after February 27, 1942, shall keep for inspection by the Office of Price Administration, for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale, showing (a) the date thereof, (b) the name and address of the buyer or seller, (c) the quantity in pounds of each grade purchased or sold, (d) the quantity and description of each rejection, (e) the price paid or received f. o. b. point of shipment, (f) the method of delivery and delivery charges paid or received and (g) the dates of settlement and method of payment.

SEC. 9. *Reports.* (a) On or before the tenth day of February, 1944, and on or before the tenth day of each month thereafter, each consumer shall submit to the Office of Price Administration Revised Form 120:7a, set forth in Appendix B hereof and incorporated herein as section 17 filled out as required by the instructions which accompany such forms, and which are set forth in section 17.

(b) On or before the tenth day of February, 1944, and on or before the tenth day of each month thereafter, each consumer shall submit to the Office of Price Administration a report on Revised Form 120:7b, set forth in Appendix C hereof and incorporated herein as section 18, covering each receipt of any grade of copper scrap or copper alloy scrap for which the consumer made settlement during the preceding calendar month. However, receipts which meet the following two conditions need not be reported on Revised Form 120:7b, or in any other manner:

(1) An individual receipt settled for with any one person is for $200 or less, and

(2) The total value of all settlements for copper scrap and copper alloy scrap with the same person does not exceed $1,000 during the month.

(c) Persons subject to this regulation shall keep such other records and shall submit such other reports, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as the Office of Price Administration may from time to time require or permit, either in addition to or in substitution for, records and reports required by this regulation.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 12. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Evasion*—(a) *General.* The price limitations set forth in this regulation shall not be evaded by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to copper scrap or copper alloy scrap, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) *Specific practices.* The following are among the evasive practices which are prohibited:

(1) No consumer shall pay and no person shall accept payment from any consumer for a greater amount of copper scrap or copper alloy scrap, or both, than is actually received by a consumer at his plant.

(2) No person shall invoice to any consumer any copper scrap or copper alloy scrap, or both, as being entitled to any one or more of the special preparation premiums provided for in section 16 (c) when such scrap is not, upon receipt by the consumer, in fact eligible, under the provisions of this regulation, for settlement at such premium price, nor shall any person demand, claim or request in any fashion whatsoever that any con-

* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3189, 7556, 9388.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[3] 7 F.R. 1224, 2132, 3123, 3270, 3519, 4493, 5514, 8948.

[4] 7 F.R. 2132, 3520, 5515, 8650, 8948, 9329; 8 F.R. 3189, 3852, 4928.

[5] 8 F.R. 3096, 3849, 4347, 4496, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8536, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990.

[6] 8 F.R. 11681, 12237.

sumer pay a special preparation premium for any such scrap unless such scrap is, upon receipt by the consumer, in fact eligible under the provisions of this regulation for settlement at such premium price.

(3) No consumer may store, hold or otherwise deal in copper scrap or copper alloy scrap, or both, either at his plant or elsewhere, for the account of any person other than himself; however, this provision shall not prohibit any consumer from purchasing such scrap at prices not in excess of the maximum prices established by this regulation and reselling such scrap as a dealer.

(4) No person shall sell or deliver, or offer, solicit or agree to sell or deliver any copper scrap, or copper alloy scrap, or both, to any consumer conditioned on the buyer's willingness to accept any other materials.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1,[1] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of any one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

NOTE: Attention is called to Licensing Order No. 2[2]—Requiring Registration of Dealers Licensed to Sell Waste, Scrap and Salvage Material. Under the provisions of Licensing Order No. 2 every dealer selling waste, scrap or salvage material is required to register with the Office of Price Administration. Any dealer selling copper scrap and copper alloy scrap, who has not filed such registration, should do so within five days after becoming subject to Revised Maximum Price Regulation No. 20. This registration is required for every place of business which a dealer may operate. Registration forms are obtainable at any Regional or District Office of the Office of Price Administration or at the Office in Washington, D. C.

SEC. 15. *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of the foregoing.

(2) "Consumer" includes any person whose business consists, in whole or in part, of smelting, refining, melting, or otherwise processing copper scrap or copper alloy scrap into a form other than scrap or of having such scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary of a consumer and any person owned, operated, affiliated with, under common control with, or otherwise controlled by a consumer, and any person owned, operated or otherwise controlled by an officer, director, partner, or proprietor of a consumer, shall also be considered to be a consumer for the purposes of this regulation.

(3) "Scrap" includes all materials which are the waste or byproduct of any kind of metal working and also all articles which have been discarded from their original use because of obsolescence, failure, or other reasons. It does not include copper bearing material, nor does it include articles which are still useful in their existing state for their original purpose when purchased for reuse in such state for such purpose.

(4) "Copper bearing material" includes ashes, skimmings, buffings, grindings, spatters, washings, mud and all other similar residues which contain copper. It also includes irony brass and any similar material which does not meet the specifications for any grade of copper scrap or copper alloy scrap.

(5) "Copper scrap" refers to the grades of scrap preceded by "Group Number 1" in section 16 (a) (2).

(6) "Copper alloy scrap" refers to the grades of scrap preceded by "Group Numbers 2, 3 and 4" in section 16 (a) (2).

(7) "Point of shipment" means the point at which copper scrap or copper alloy scrap is loaded on a conveyance for transportation directly to the consumer's receiving point. This is usually the seller's plant, warehouse or yard; but if the scrap is shipped directly to the consumer's receiving point from some point other than the seller's plant, warehouse or yard, such other point is the point of shipment. In the case of scrap shipped by water from outside the limits of the continental United States, the point of shipment means the place within the limits of the continental United States where the material is loaded on a conveyance for transportation directly to the consumer's receiving point. In the case of scrap brought into the continental United States by overland shipment from Mexico or Canada, the point of shipment means the freight station in the continental United States at or nearest the point on the boundary between the United States and Mexico or Canada, as the case may be, at which the scrap first entered the United States.

(8) "Received at the consumer's receiving point" means that the copper scrap or copper alloy scrap has arrived at the consumer's plant and is ready for unloading.

(9) "Shipment at one time" includes all copper scrap and copper alloy scrap, or both, which, within any three consecutive calendar days excluding Saturdays, Sundays and legal holidays, is (i) received at one or more points of shipment by the public carrier transporting such scrap to the consumer's receiving point, or (ii) loaded on the consumer's conveyance at one or more points of shipment, or (iii) received at the consumer's receiving point from one or more points of shipment when delivery is made by other than a public carrier or the consumer's conveyance.

(10) "Lot" means all of the copper scrap or copper alloy scrap, or both, included in a shipment at one time: *Provided*, That where a seller has physically segregated a portion or portions of a shipment, and has indicated the grade of each segregated portion, a lot means each such segregated portion. However, all the containers or bales indicated as containing the same principal grade shall be deemed to compose one lot. Also all briquettes sold or invoiced as one grade shall be deemed to compose one lot.

(11) "Principal grade" means that grade of copper scrap or copper alloy scrap which the seller has indicated as being contained in a lot. If the seller has not indicated what grade is contained in a lot, principal grade means that grade having a weight greater than any other grade.

(12) "Rejection" means all material in a lot (except a lot composed exclusively of borings or a lot settled for as refinery brass) other than the principal grade. However,

(i) Any material having the same group number as and a higher maximum price than the principal grade, unless settled for at a higher price than the maximum price for the principal grade, and

(ii) The insulation or lead covering on any insulated or lead-covered copper wire or cable settled for as the principal grade, and

(iii) The excess iron on any red brass breakage or automobile radiators settled for as the principal grade, and

(iv) The moisture, oil, grease, dirt, pulp and other non-metallics adhering to the principal grade of scrap in any lot for which this regulation requires the maximum price to be reduced, need not be considered a rejection.

(13) "Group" means those grades of copper scrap or copper alloy scrap which are preceded by the same group number in section 16 (a) (2). However, if a lot contains less than 10% rejections, all of the copper scrap and copper alloy scrap in such lot may be considered to be of the same group as the principal grade.

(14) "Representative sample of borings" means the sample obtained by the following method:

(i) All the containers composing one lot of borings are to be emptied.

(ii) The material shall then be shoveled through and every tenth shovel full shall be set aside.

(iii) The material so set aside shall then be thoroughly mixed and a quantity convenient for melting shall be taken out. This quantity of material is the representative sample.

(15) "Button" means the metal obtained, exclusive of slag, by melting down with a proper and sufficient flux a representative sample of scrap from which the free iron, oil and moisture have first been removed.

(16) "Button analysis" means the percentages showing the proportion of each element contained in the button.

(17) "Metallic yield" shall be determined as follows:

(i) The representative sample shall be weighed.

(ii) A button shall be made.

(iii) The button plus the free metal contained in the slag which results from making the button shall be weighed.

(iv) This weight shall then be divided by the weight of the representative sample; the result, expressed as a percentage, is the metallic yield.

(18) "Wet or natural analysis" means the button analysis multiplied by the metallic yield.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

SEC. 16. *Appendix A: Maximum prices*—(a) *Maximum base prices f. o. b. point of shipment.* (1) No consumer may pay, in addition to the maximum prices established by this regulation, a commission, fee, brokerage or similar charge to the seller or to a third person, other than his own employee who is not also employed by any other consumer. However, a consumer may pay a deposit charge of not more than $1.00 for each steel drum in which copper scrap or copper alloy scrap is packed if delivery is made by other than a public (common or contract) carrier. No such deposit charge may be paid if the material is packed in other than a steel container or if delivery is made by a public (common or contract) carrier.

(2) The following are maximum base prices, f. o. b. freight cars, trucks or other means of transportation at the point of shipment. Any copper scrap or copper alloy scrap sold "where is" shall be sold at a price less than the applicable maximum price by an amount reflecting the cost of loading the material for shipment to the consumer. These prices may be paid only for that quantity of copper scrap and copper alloy scrap which actually arrives at the consumer's receiving point. Effect shall be given to the provisions of paragraph (a) (4) of this section before the maximum price shall be known as the maximum base price.

Group No.	Grade	Maximum prices in cents per pound of material	Specifications
1	No. 1 heavy copper and No. 1 copper wire.	9.75 on No. 1 heavy copper, a deduction of 0.15 cent per pound shall be made for the weight of all pieces which exceed 12 inches in width or diameter or 48 inches in length.	Shall consist of unalloyed clean, unsweated copper wire, cable and pieces, shall have a copper content of not less than 98.5%, and shall be free of wire and cable smaller than 16 B & S wire gauge, ashy wire and cable, burnt wire and cable which is brittle, and brazed, soldered, tinned, plated and painted material.
1	No. 1 tinned copper wire and No. 1 tinned heavy copper.	9.75 on No. 1 tinned heavy copper, a deduction of 0.15 cent per pound shall be made for the weight of all pieces which exceed 12 inches in width or diameter or 48 inches in length.	Shall consist of clean, bright, tinned and tin-alloyed copper wire, cable and pieces, shall have a copper content of not less than 98.5%, and shall be free of wire and cable which is smaller than 16 B & S wire gauge.
1	No. 2 copper wire and mixed heavy copper.	8.75 on mixed heavy copper, a deduction of 0.15 cents per pound shall be made for the weight of all pieces which exceed 12 inches in width or diameter or 48 inches in length. If by an analysis, other than by inspection, the copper content is found to exceed 96%, an addition of 0.11775 cent shall be made for each 1% of such additional copper content with proportionate adjustments for fractional variations of 1%.	Shall consist of copper wire and pieces, shall have a copper content of not less than 95%, and shall be free of silicon bronze, aluminum bronze and copper-nickel alloys.
1	Copper tuyeres	8.75 subject to a deduction of 0.0875 cent for each 1% or fraction thereof of adhering iron in excess of 5%.	Shall consist of copper tuyeres, including Bosh plates.
1	Light copper	7.75 if by an analysis, other than by inspection, the copper content is found to exceed 92%, an addition of 0.11775 cent shall be made for each 1% of such additional copper content with proportionate adjustments for fractional variations of 1%.	Shall consist of miscellaneous copper, shall have a copper content of not less than 90%, and shall be free of radiators, bronze and brass screens, readily removable iron, lead-coated copper, and electrotype shells.
1	No. 1 copper borings	9.75 subject to the deduction provided for in footnote 1	Shall consist exclusively of unalloyed copper borings and turnings which in a button analysis shall have a copper content of not less than 98.5%, and shall be free of all other materials and contamination other than free iron, oil, moisture and non-metallics.
1	No. 2 copper borings	8.75 subject to the deduction provided for in footnote 1. If the copper content in a button analysis is found to exceed 96%, an addition of 0.11775 cent per pound shall be made for each 1% of such additional copper content, with proportionate adjustments for fractional variations of 1%.	Shall consist of copper borings and turnings which in a button analysis shall have a copper content of not less than 95%, and shall be free of silicon bronze borings, aluminum bronze borings and copper-nickel alloy borings.
1	Lead-covered copper wire and cable.	(*) *The maximum price shall be calculated as follows: (A) Multiply the weight of the lead-covered copper wire and cable, less the weight of the lead covering and any insulation, by the above maximum price for the applicable grade of copper wire: (B) divide the resulting product by the weight of the lead-covered copper wire and cable and (C) deduct from the resulting quotient 0.15 cents. This result is the maximum price. In addition to this maximum price, payment may be made for the lead covering at the maximum price established by maximum price regulation No. 70.** The maximum price for a lot of lead-covered copper wire and cable may be determined by applying the foregoing computation to a representative sample.	Shall consist of tinned and untinned copper wire and cable covered with a sheathing of lead, may contain rubber, fabric and paper insulation, but shall be free of steel-armored and other metallically armored material.
1	Insulated copper	(*) *The maximum price shall be calculated as follows: (a) Multiply the weight of the insulated copper, less the weight of the insulation, by the above maximum price for the applicable grade of copper; (b) divide the resulting product by the weight of the insulated copper; and (c) deduct from the resulting quotient 0.15 cents. This result is the maximum price. The maximum price for a lot of insulated copper may be determined by applying the foregoing computation to a representative sample.	Shall consist of tinned and untinned copper wire, cable and pieces covered with rubber, paint, enamel, fabric, and other insulation but shall be free of steel-armored and other metallically-armored material, asbestos covering, and porcelain.
2	Bell metal	15.50 subject to the deduction provided for in footnote 2	Shall have a copper content of not less than 83%, a tin content of not less than 15% and a lead content of not more than 1%.
2	High grade bronze gears	13.25 subject to the deduction provided for in footnote 2	Shall have a copper content of not less than 87%, a tin content of not less than 9%, and a lead content of not more than 1%.
2	High grade-low lead bronze solids.	(*) *The maximum price shall be calculated by the application of section 16 (a) (3) to an analysis, other than by inspection, of the material. As an alternative to payment on the analysis basis, the consumer, if he receives less than 5,000 pounds in a shipment at one time, may determine by inspection that the material meets the specification, but in such case the maximum price shall be 10.75 cents. High grade-low lead bronze solids which, except for the copper content or the tin content, or both, meet the specification and which, except for form, meet the specification for high grade-low lead bronze borings, may be priced as high grade-low lead bronze borings. In every case the maximum price shall be subject to the deduction provided for in footnote 2.	Shall have a copper content of not less than 81%, a tin content of not less than 5.5%, a lead content of not more than 3%. Total impurities, exclusive of zinc and nickel, shall not exceed 1.25%, silicon, aluminum, manganese and alloyed iron each being limited to 0.50%. Shall be free of any other listed grade of scrap. This specification is subject to the modification stated in the maximum price column.
2	High grade-low lead bronze borings.	(*) *The maximum price shall be calculated by the application of Section 16 (a) (3) to a wet or natural analysis, after a button analysis has determined the proper classification of the material. As an alternative to payment on the analysis basis, the consumer, if he receives less than 5,000 pounds in a shipment at one time, may determine by inspection that the material meets the specification, but in such case the maximum price shall be 10.00 cents, subject to the deduction provided for in footnote 1.	Shall consist of borings and turnings which in a button analysis shall have a copper content of not less than 70%, a tin content of not less than 2.75%, and a lead content of not more than 3%, but in all cases the tin content must be higher than the lead content. The combined silicon, aluminum, manganese, and alloyed iron shall not exceed 1.25% and no one of them shall exceed 0.50%.
2	Babbitt lined brass bushings.	13.00 subject to the deduction provided for in footnote 2	Shall consist of bushings and bearings from automobiles and other machinery, shall contain not less than 15% genuine babbitt, and shall be free of iron-backed bearings.
2	High lead bronze solids	(*) *The maximum price shall be calculated by the application of the following method to an analysis, other than by inspection, of the material: if the zinc content is— 0.00 to 1.25%—copper content×9.25¢+tin content×33.00¢. 1.26% to 4.00%—copper content×9.00¢+tin content×32.00¢. 4.01% or more—copper content×8.50¢+tin content×30.00¢. However, 0.01 cents per pound of material shall be added or deducted for every 0.01% of antimony below .25% or above .75%. As an alternative to payment on the analysis basis, the consumer, if he receives less than 5,000 pounds in a shipment at one time, may determine by inspection that the material meets the spe-	Shall have a copper content of not less than 70%, a tin content of not less than 5.5%, a lead content of not less than 6%, and total impurities exclusive of zinc, antimony and nickel, of not more than 0.75%, and shall be free of lined and unlined standard red car boxes.

See footnotes at end of table.

[1] 8 F.R. 13240.
[2] 8 F.R. 13241.

Group No.	Grade	Maximum prices in cents per pound of material	Specifications
		cification, but in such case the maximum price shall be 9.50 cents. High lead bronze solids which, except for the copper content or the tin content, or both, meet the specification and which, except for form, meet the specification for high lead bronze borings may be priced as high lead bronze borings. In either event the maximum price shall be subject to the deduction provided for in footnote 2.	
2	High lead bronze borings.	(*) "The maximum price shall be calculated by the application of the same method as that used for determining the maximum price of high lead bronze solids to a wet or natural analysis, after a button analysis has determined the proper classification and the zinc content, of the material. As an alternative to payment on the analysis basis, the consumer, if he receives less than 5,000 pounds in a shipment at one time, may determine by inspection that the material meets the specification but in such case the maximum price shall be 8.50 cents, subject to the deduction provided for in footnote 1.	Shall consist of borings and turnings which in a button analysis shall have a copper content of not less than 85%, a tin content of not less than 4%, a lead content of not less than 6%, and total impurities, exclusive of zinc, antimony and nickel, of not more than 0.75%.
2	Red trolley wheels	10.75 subject to the deduction provided for in footnote 2	Shall consist of red trolley wheels, free of bushings.
2	Tinny Bronze (phosphor bronze) solids.	10.50 subject to the deduction provided for in footnote 2	Shall have a copper content of not less than 88%, a tin content of not less than 3%, and not more than 5.5%, a lead content of not more than 1% and a combined silicon, manganese and aluminum content of not more than 0.1%.
2	Tinny bronze (phosphor bronze) borings.	10.50 Subject to the deduction provided for in footnote 1	Shall consist of borings and turnings which in a button analysis shall have a copper content of not less than 88%, a tin content of not less than 3% and not more than 5.5%, a lead content of not more than 1% and a combined silicon, manganese and aluminum content of not more than 0.1%.
2	Copper-Nickel solids and borings.	9.25 Subject to the deductions provided for in footnotes 1 and 2	Shall consist of solids, borings and turnings which shall have a copper content of not less than 95%, balance nickel.
2	Bronze paper mill wire cloth.	9.50 Subject to the deduction provided for in footnote 2	Shall consist of genuine Fourdrinier wire cloth and screen, shall have a copper content of not less than 82%, a tin content of not less than 3%, and a lead content of not more than 1%.
2	Aluminum Bronze solids.	9.00 Subject to the deduction provided for in footnote 2	Shall consist of aluminum bronze castings and other solids, including Ford gears, shall have a copper content of not less than 80%, an aluminum content of not less than 7%, and a combined zinc, lead, tin and silicon content of not more than 0.50%.
2	Soft red brass (No. 1 composition).	9.00 Subject to the deduction provided for in footnote 2. Soft red brass which, except for the copper content or the tin content, or both, meets the specification and which, except for form, meets the specification for soft red brass borings, may be priced as soft red brass borings.	Shall consist of miscellaneous red brass castings, shall have a copper content of not less than 81%, a tin content of not less than 3.5%, and a lead content of not less than 3%, and shall be free of any other listed grade of scrap.
2	Soft red brass borings (No. 1 composition borings).	9.00 An addition of 0.1 cent per pound or a deduction of 0.12 cent per pound shall be made for each 1% that the copper content, as determined in the button analysis, is above 84% or below 82%, respectively, and an addition of 0.4 cent or a deduction of 0.5 cent per pound shall be made for each 1% that the tin content, as determined in the button analysis, is above 5.5% or below 4.5%, respectively, with proportionate adjustments for fractional variations of 1%. As an alternative to payment on the analysis basis, the consumer, if he receives less than 5,000 pounds in a shipment at one time, may determine by inspection that the material meets the specification, but in such case the maximum price shall be 8.50 cents. In every case, the maximum price shall be subject to the deduction provided for in footnote 1.	Shall consist of turnings and borings which in a button analysis shall have a copper content of not less than 70%, a tin content of not less than 2%, a lead content of not less than 3% and not more than 10%, but shall not include any turnings and borings which meet the specification for high lead bronze borings. The combined silicon, aluminum, manganese, and alloyed iron shall not be more than 1.25%, and no one of them shall exceed 0.5%.
2	Contaminated gilding metal solids.	8.50 subject to the deduction provided for in footnote 2	Shall have a copper content of not less than 88%, balance zinc.
2	Contaminated gilding metal turnings.	8.50 subject to the deduction provided for in footnote 1	Shall consist of turnings and borings, which in a button analysis shall have a copper content of not less than 88%, balance zinc.
2	Zincy bronze solids	8.00 subject to the deduction provided for in footnote 2	Shall have a copper content of not less than 78%, a tin content of not more than 2.75%, a lead content of not more than 0.5%, and a combined silicon, aluminum and manganese content of not more than 0.75%.
2	Zincy bronze borings	8.00 subject to the deduction provided for in footnote 1	Shall consist of borings and turnings which in a button analysis shall have a copper content of not less than 78%, a tin content of not more than 2.75%, a lead content of not more than 0.5%, and a combined silicon, aluminum and manganese content of not more than 0.75%.
2	Unlined standard red car boxes.	8.25 subject to the deduction provided for in footnote 2	Shall consist of standard unlined railroad boxes and unlined car journal bearings, free of yellow boxes and iron-backed boxes.
2	Lined standard red car boxes.	7.75 subject to the deduction provided for in footnote 2	Shall consist of standard lined railroad boxes and lined car journal bearings, free of yellow boxes and iron-backed boxes.
2	Cocks and faucets	7.75 subject to the deduction provided for in footnote 2	Shall consist of clean mixed red and yellow cocks and faucets, shall contain a minimum of 35% red cocks and faucets, and shall be free of gas cocks and die cast cocks and faucets.
2	Mixed brass screens	7.75 subject to the deduction provided for in footnote 2	Shall consist of all copper and brass screens other than bronze paper mill wirecloth, and shall have a copper content of not less than 75%.
2	Red brass breakage (irony composition).	7.50 subject to the deduction provided for in footnote 2. A further deduction of 0.075 cent shall be made for each 1% or fraction thereof of adhering iron in excess of 10%.	Shall consist of irony red brass castings, including carburetors.
2	Automobile radiators	7.00 subject to the deduction provided for in footnote 2. A further deduction of 0.07 cent shall be made for each 1% or fraction thereof of adhering iron; and a further deduction of 0.25 cent shall be made unless both the top and bottom tanks are present.	Shall consist of mixed unsweated automobile radiators.
2	Old nickel silver solids	6.25 subject to the deduction provided for in footnote 2	Shall consist of nickel silver castings and other solids, shall have a copper content of not less than 55% and a nickel content of not less than 8%, and shall be free of yellow brass and cupro-nickel scrap which contains no zinc.
2	Old nickel silver borings	6.25 subject to the deduction provided for in footnote 1	Shall consist of nickel silver borings and turnings which shall have a copper content of not less than 55% and a nickel content of not less than 8%.
2	Copper-lead solids	5.50 subject to the deduction provided for in footnote 2. An addition of .055 cent per pound shall be made for each 1% that the copper content, as determined by an analysis other than by inspection, exceeds 52%, with proportionate adjustments for fractional variations of 1%.	Shall have a copper content of not less than 50%, balance lead and tin, except that the antimony content shall not exceed 1% and other impurities shall not exceed 1%.
2	Copper-lead borings	5.50 subject to the deduction provided for in footnote 1. An addition of .055 cent per pound shall be made for each 1% that the copper content, as determined in the button analysis, exceeds 52%, with proportionate adjustments for fractional variations of 1%.	Shall consist of borings and turnings which in a button analysis shall have a copper content of not less than 50%, balance lead and tin, except that the antimony content shall not exceed 1% and other impurities shall not exceed 1%.
2 or 3	Yellow brass castings	6.25 subject to the deduction provided for in footnote 2	Shall consist of yellow brass castings, shall have a copper content of not less than 65%, and shall be free of brass forgings, silicon bronze, aluminum bronze and manganese bronze.
3	Fired rifle shells	8.25 subject to the deduction provided for in footnote 2	Shall consist of fired rifle shells, free of gun powder and bullets.

See footnotes at end of table.

Group No.	Grade	Maximum prices in cents per pound of material	Specifications
3	Brass Pipe	7.50 subject to the deduction provided for in footnote 2	Shall consist of brass pipe and tubing, free of soldered, tinned, plated, corroded, and aluminum-painted material, Muntz Metal, Admiralty tubing, and material with cast brass connections.
3	Admiralty Condenser Tubes.	7.50 subject to the deduction provided for in footnote 2	Shall consist of Admiralty condenser tubing which may be plated or unplated, free of nickel silver, aluminum-alloyed and corroded material.
3	Muntz Metal Condenser Tubes.	7.00 subject to the deduction provided for in footnote 2	Shall consist of Muntz metal condenser tubing which may be plated or unplated, free of nickel silver, aluminum-alloyed and corroded material.
3	Old rolled brass	7.00 subject to the deduction provided for in footnote 2	Shall consist of old sheet brass, free of soldered, tinned, plated, corroded, and aluminum-painted material, and Muntz metal.
3	Plated rolled brass sheet, pipe and reflectors.	6.50 subject to the deduction provided for in footnote 2	Shall consist of plated brass sheet, pipe, tubing, and reflectors, free of soldered, tinned, corroded, and aluminum-painted material, Muntz metal and Admiralty tubing, and material with cast brass connections.
3	Manganese bronze solids.	Subject to the deduction provided for in footnote 2. 7.25 if the lead content is 0.00%–0.40%. 6.25 if the lead content is 0.41%–1.00%.	Shall have a copper content of not less than 55%, a lead content of not more than 1%, and shall be free of aluminum bronze and silicon bronze.
3	Manganese bronze borings.	Subject to the deduction provided for in footnote 1. 6.50 all lots of such material must be chemically analyzed.	Shall consist of borings, turnings and chips which shall be free of aluminum bronze and silicon bronze, and which in a button analysis shall have a copper content of not less than 55% and a lead content of not more than 0.4%.
4	Refinery brass	8.00 multiplied by the dry copper content if it exceeds 60.00%. 7.75 multiplied by the dry copper content if it is 50.01% to 60.00%. Dry copper content means the copper content as determined by electrolytic assay less 1.3 units (36 pounds of copper per ton of material). As an alternative to payment on the analysis basis, the consumer, if he receives less than 40,000 pounds in a shipment at one time, may determine by inspection that the material meets the specification, but in such case the maximum price shall be 4.75 cents.	Shall consist of all scrap which has a dry copper content of 50.01% or more but which fails to meet any of the foregoing specifications or, although meeting such specifications, is settled for as refinery brass.

[1] Whenever a reference in the foregoing table is made to "footnote 1" the maximum price shall be reduced by 1% for each 1% of the following, singly or combined: Moisture, oil, grease, free iron, dirt, pulp and other free non-metallics. Proportionate adjustment shall be made for fractional variations of 1%.

[2] Whenever a reference in the foregoing table is made to "footnote 2," the maximum price shall be reduced by 1% for each 1% of the following, singly or combined: Adherting moisture, oil, grease, dirt, pulp, and other non-metallics. Proportionate adjustments shall be made for fractional variations of 1%.

(3) Table for pricing high grade-low lead bronze solids and high grade-low lead bronze borings.

I Copper content and lead content in the button analysis		Price factors by tin content in button analysis							
		II 5.50% or more tin		III 4.75–5.49% tin		IV 3.50–4.74% tin		V 2.75–3.49% tin	
Copper	Lead	Copper	Tin	Copper	Tin	Copper	Tin	Copper	Tin
		Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
81.00% or more	0.00–0.50%	10.25	42.00	9.75	37.00	9.50	27.00	9.25	20.00
81.00% or more	0.51–1.00%	10.00	40.00	9.50	35.00	9.25	25.00	9.00	18.00
81.00% or more	1.01–2.00%	9.75	38.00	9.25	33.00	9.00	23.00	8.50	12.00
81.00% or more	2.01–3.00%	9.50	37.00	9.00	32.00	8.75	22.00	8.25	10.00
75.00–80.99%	0.00–0.50%	9.75	40.00	9.50	30.00	9.25	21.00	9.00	18.00
75.00–80.99%	0.51–1.00%	9.50	38.00	9.25	28.00	9.00	19.00	8.75	16.00
75.00–80.99%	1.01–2.00%	9.25	36.00	9.00	26.00	8.75	17.00	8.25	10.00
75.00–80.99%	2.01–3.00%	9.00	35.00	8.75	25.00	8.50	16.00	8.00	10.00
70.00–74.99%	0.00–0.50%	9.25	40.00	9.00	30.00	8.75	19.00	8.25	12.00
70.00–74.99%	0.51–1.00%	9.00	38.00	8.75	28.00	8.50	17.00	8.00	10.00
70.00–74.99%	1.01–2.00%	8.75	36.00	8.50	26.00	8.25	15.00	8.00	8.00
70.00–74.99%	2.01–3.00%	8.50	35.00	8.25	25.00	8.00	13.00	8.00	8.00

NOTE: For purposes of classifying high grade-low lead bronze borings, the button analysis shall govern; for pricing purposes the wet or natural analysis shall govern. When the foregoing table is used to determine the maximum price of high grade bronze solids, the analysis of the material, as determined by accepted laboratory standards, shall be employed; no distinction shall be made between that analysis and the button analysis and the wet or natural analysis.

To find the maximum price per pound of material, the following operations shall be performed:

(a) In column I find the row giving the combination of copper content and lead content shown in the button analysis.

(b) From columns II, III, IV and V find the column giving the tin content shown in the button analysis.

(c) Take the price factors for copper and for tin in the column found in (b), for the row found in (a), and multiply the price factor for copper by the percentage of copper shown in the wet or natural analysis and the price factor for tin by the percentage of tin shown in the wet or natural analysis.

(d) Add the resulting products. This sum is the maximum price in cents per pound of material for the purposes of section 16 (a) (2).

(4) *Rejections.* (i) The consumer shall examine and sort the scrap contained in each lot in order to determine the rejections contained therein, except when the lot consists exclusively of borings or when it is settled for as Refinery Brass. The maximum base price for each grade of copper scrap and copper alloy scrap contained in such lot shall then be determined as follows:

(a) If the lot contains less than 10% rejections by weight, the maximum base price for each grade shall be the maximum price established by section 16 (a) (2).

(b) If the lot contains 10% or more rejections by weight, the maximum base price for each grade shall be the higher of the following:

(1) The maximum price established by section 16 (a) (2) for the lowest-priced grade contained in such lot: Except, that if the maximum price for each of the grades contained in such lot is the same, a deduction of 0.25 cent per pound of material must be made, or

(2) The maximum price for each grade established by section 16 (a) (2), reduced by 0.25 cent per pound of material.

(ii) In determining whether a lot contains 10% or more rejections by weight, the net weight of the lot after deducting the weight of all containers, dunnage and other tare shall be used.

(b) *Quantity premiums.* (1) To the maximum base price there may be added the applicable one of the following quantity premiums:

(i) For the shipment at one time by one person of 60,000 pounds or more of any one group other than Group 4—0.75 cent per pound;

(ii) For the shipment at one time by one person of 40,000 pounds or more of any one or two groups—0.50 cent per pound;

(iii) For the shipment by one person in one railroad car of 60,000 pounds or more of material eligible for the 0.75 cent per pound premium provided for in subdivision (i) of this paragraph (b) and, in the same railroad car, 20,000 pounds or more of any one other group—0.50 cent per pound for the material composing such other group in addition to 0.75 cent per pound for the 60,000 pound group.

(2) In computing the weight of material necessary for a quantity premium:

(i) There must first be deducted from the total weight of the shipment, the weight of (*a*) all containers, dunnage, and other tare, (*b*) all insulation and lead covering on insulated copper wire and cable or lead-covered copper wire and cable when settled for as the principal grade, (*c*) all rejections which are not either copper scrap or copper alloy scrap, (*d*) all other rejections in any lot containing 10% or more rejections, and (*e*) all copper scrap and copper

alloy scrap for which any special preparation premium provided for in paragraph (*d*) of this section is paid;

(ii) The actual weight, at the consumer's plant, of the remaining material must be used, and the applicable quantity premium may be paid only on that weight.

(3) No quantity premium may be added to the maximum base price if any special preparation premium, permitted by paragraph (c) of this section, is added to such price.

(c) *Special preparation premiums*—(1) *Special preparation premiums for copper scrap.* (i) To the maximum base price for No. 1 copper wire and No. 1 heavy copper, No. 1 tinned copper wire and No. 1 tinned heavy copper, copper borings, or No. 2 copper wire and mixed heavy copper, the applicable one of the following crucible shape or briquetting premiums may be added. However, no crucible shape or briquetting premium may be added on the sale or delivery of any such copper scrap to a copper refinery or a brass and bronze ingot manufacturer:

	Cents per pound
No. 1 copper wire and No. 1 heavy copper in briquettes or in crucible shape	1.25
No. 1 tinned copper wire and No. 1 tinned heavy copper in briquettes or in crucible shape	1.25
Copper borings in briquettes or in crucible shape	1.25
No. 2 copper wire and mixed heavy copper in briquettes or in crucible shape	1.00

(ii) To the maximum base price for any grade of copper scrap, a special use premium of 1.25 cents per pound may be added: *Provided*, That the scrap has been prepared to meet the consumer's specifications and is suitable for his direct use without further preparation. However, no special use premium may be added on the sale or delivery of any such copper scrap to a copper refiner, a brass and bronze ingot manufacturer, a ferrous or nonferrous foundry, or a brass mill.

(iii) A "briquette" means any compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches.

(iv) "Crucible shape" means either (*a*) that copper scrap is in lengths not exceeding 16 inches and is in a shape suitable for direct charging into the consumer's crucible or furnace, or (*b*) that copper borings or turnings are completely free of oil, other moisture, free iron, and other free impurities.

(2) *Special preparation premiums for copper alloy scrap.* (i) To the maximum base price for any grade of copper alloy scrap a crucible shape premium of 1.25 cents per pound may be added: Except, that in the case of manganese bronze solids the premium may be 2.50 cents per pound. However, no crucible shape premium may be added on the sale or delivery of any copper alloy scrap to a copper refiner or a brass and bronze ingot manufacturer.

(ii) "Crucible shape" means either (*a*) clean, heavy copper alloy scrap of uniform alloy content containing no free iron or other harmful material, and suitable for direct use by the consumer without further preparation, or (*b*) copper alloy borings or turnings of uniform alloy content completely free of oil, other moisture, free iron, and other free impurities.

(3) No special preparation premium may be added to the maximum base price if any quantity premium, permitted by paragraph (b) of this section, is added to such price.

(4) No special preparation premium may be added to the maximum base price for any grade of copper scrap or copper alloy scrap unless such scrap is invoiced by the seller as being in briquettes or in crucible shape, and unless such scrap, when received by the consumer, is packed in separate containers or bales or is otherwise physically segregated by the seller, and unless a lot of such scrap contains less than 2% rejections by weight: Except, that in the case of the special use premium permitted by subparagraph (1) (ii) of this paragraph a lot of such scrap may contain up to 10% rejections by weight.

(5) For the purposes of this paragraph (c) any briquette which fails to meet the specifications for that grade of copper scrap at which it is invoiced shall be deemed to be a rejection.

(6) No special preparation premium may be added to the maximum base price for any grade except the principal grade in the lot.

(d) *Delivery charges.* (1) If copper scrap or copper alloy scrap is delivered to the consumer's receiving point by a public (common or contract) carrier, the maximum delivery charge which the consumer may pay in addition to the established maximum price f. o. b. point of shipment shall be the actual transportation charge made by such carrier.

(2) If copper scrap or copper alloy scrap is delivered to the consumer's receiving point by a vehicle owned or controlled by the seller or by a private carrier not owned or controlled by the consumer, the maximum delivery charge which the consumer may pay in addition to the established maximum price f. o. b. point of shipment shall be an amount not in excess of the following:

Distance in miles		Dollars per ton of gross weight
Over—	But not over—	
0	10	1.10
10	15	1.25
15	20	1.35
20	25	1.45
25	30	1.55
30	35	1.65
35	40	1.75
40	50	1.90
50	60	2.05
60	70	2.20
70	80	2.35
80	90	2.50
90	100	2.65
100	110	2.75
110	120	2.85
120	130	2.95
130	140	3.05
140	150	3.15
150	160	3.25
160	170	3.35
170	180	3.45
180	190	3.55
190	200	3.65
200	210	3.75
210	220	3.85
220	230	3.95
230	240	4.05
240	250	4.15
250	260	4.25
260	270	4.35
270	280	4.45
280	290	4.55
290	300	4.65
300		(1)

[1] An amount not in excess of the charge computed at the lowest railroad carload rate applicable to shipments of copper scrap or copper alloy scrap from the railroad siding nearest the point of shipment to the railroad siding nearest the consumer's receiving point.

(i) For distances of 300 miles or less, all bridge, tunnel and ferry tolls actually incurred may be added to the amount set forth in the above table.

(ii) The distance in miles shall be computed on the basis of the shortest public highway route available for the transportation of the shipment in question from the point of shipment to the consumer's receiving point.

(iii) In the event of partial loading of a truck at each of two or more pick-up points, the transportation charge for each portion of the load delivered to the consumer shall be separately computed in accordance with the provisions of this paragraph (d).

(iv) The seller shall furnish to the consumer on the invoice, or on a separate statement, the point or points of shipment, the amount of the load picked up at each point, the charge for delivery of that portion of the load picked up at each point, the mileage upon which each such portion of the charge is based, and the total delivery charge.

(3) Anything hereinbefore contained to the contrary notwithstanding, if a quantity premium permitted by paragraph (b) of this section is paid on copper scrap or copper alloy scrap shipped from more than one point of shipment by any of the following means of transportation, the maximum delivery charge which the consumer may pay, in addition to the established maximum price f. o. b. point of shipment, shall be an amount not in excess of the applicable one of the following limitations:

(i) Entirely by railroad—the carload rate from that one of the several points of shipment which has the lowest carload rate to the consumer's receiving point.

(ii) Entirely by public carrier truck—the established truckload rate for the lowest minimum weight from that one of the several points of shipment which has the lowest truckload rate to the consumer's receiving point.

(iii) Entirely by vehicle owned or controlled by the seller or private carrier not owned or controlled by the consumer—the rate set forth in subparagraph (2) of this paragraph (d) from that one of the several points of shipment which has the lowest rate to the consumer's receiving point.

(iv) Partly by railroad, partly by public carrier truck, partly by vehicle owned or controlled by the seller, or a private carrier not owned or controlled by the consumer, or any combination of the foregoing—the lowest of the rates set forth in the preceding subdivisions of this subparagraph (3). However, in making the computation required by this subparagraph (3) (iv) the rate governing any method of shipment not actually employed may be disregarded.

(e) *Credit charges.* An amount not to exceed ½ of 1% per month for the extension of credit beyond thirty days after delivery may be charged over and above the maximum prices established by this regulation.

(f) *Exceptions*—(1) *Briquetted and crucible copper scrap sold or delivered to a brass and bronze ingot manufacturer.* Any brass and bronze ingot manufacturer may file an application for adjustment under Revised Procedural Regulation No. 1 requesting permission to pay the premiums for briquetted and crucible shape copper scrap provided in section 16 (c) (1) (i). (All brass and bronze ingot manufacturers heretofore authorized to pay, in accordance with Maximum Price Regulation No. 20, as amended, the premiums set forth in section 16 (c) (1) (i) for copper scrap in briquettes or in crucible shape are hereby authorized to continue to do so.) Only the National Office of the Office of Price Administration may grant such applications and that Office may impose such conditions on the granting of permission under this subparagraph as it deems necessary to prevent evasion of the provisions of this regulation. No application will be granted under this subparagraph unless the applicant establishes that:

(i) In the three calendar months directly preceding the month in which the application is filed, the applicant produced a total of less than 600,000 pounds of brass and bronze ingot. In this connection, the applicant must state:

(*a*) His production in pounds of brass and bronze ingot for each such calendar month.

(*b*) His production in pounds of all other non-ferrous products, in which copper scrap was used, for each such calendar month.

(ii) In the calendar month directly preceding the month in which the application is filed the applicant was unable to purchase the amount of No. 1 and No. 2 copper scrap allocated to him by the War Production Board pursuant to Copper Supplementary Order M-9-b, as amended, or, if able to purchase such scrap, was unable to briquette or put into crucible shape a sufficient amount of it to permit efficient operation of his melting equipment. In this connection, the applicant must state:

(*a*) The amount of No. 1 and No. 2 copper scrap allocated to him for such calendar month.

(*b*) The amount of No. 1 and No. 2 copper scrap purchased by him in such calendar month.

(*c*) The reasons for his inability to briquette or put into crucible shape a sufficient amount of copper scrap to permit efficient operation of his melting equipment.

(iii) The applicant regularly purchased copper scrap in briquettes or crucible shape in the six-month period from January 1, 1941 to July 1, 1941. If the applicant did not regularly purchase copper scrap in briquettes or crucible shape during the period January 1, 1941 to July 1, 1941, he must explain in detail why he now desires to purchase copper scrap in briquettes or crucible shape. In this connection the applicant must state:

(*a*) The total amount of copper scrap received between January 1 and July 1, 1941.

(*b*) The total amount of copper scrap received in briquettes or crucible shape between January 1 and July 1, 1941.

(*c*) What changes, if any, have occurred in the applicant's plant or production and how, if at all, they have affected his demands for copper scrap in briquettes or crucible shape.

(2) *Precious metals.* In addition to the maximum price established by this regulation for any grade of copper scrap or copper alloy scrap, refineries, who customarily recover gold or silver, or both elements, in the treatment of materials containing precious metals, may pay a premium for the gold content of copper scrap or copper alloy scrap if the gold content exceeds 0.05 Troy ounces per ton of material, and a premium for the silver content if the silver content exceeds 5.0 Troy ounces per ton of material. Nothing in this regulation or in the General Maximum Price Regulation shall control the amount of this premium.

(3) *Lead-covered telephone and power cable scrap.* (i) Anything in this regulation and in Maximum Price Regulation No. 70 [1] to the contrary notwithstanding, as an alternative to settling for lead-covered telephone and power cable scrap in accordance with the provisions of Maximum Price Regulation No. 70 and the provisions of this regulation other than this subparagraph, a seller and consumer may agree to settle and make settlement for lead-covered telephone and power cable scrap at a price not in excess of 6.04 cents per pound of material, f. o. b. point of shipment for the combined copper and lead content of lead-covered telephone and power cable scrap. No quantity or other premiums may be added to this price.

(ii) As used in this subparagraph the term "Lead-covered telephone and power cable scrap" shall mean lead-covered telephone and power cable, potheads, splices and butts with or without sleeves which have been scrapped by the "Bell System."

(4) *Beryllium scrap.* In addition to the maximum price established for No. 1 heavy copper scrap, any "producer" or "approved smelter," as defined by War Production Board Supplementary Order M-160-a, issued August 24, 1943, or any other person specifically authorized by the War Production Board pursuant to said order, may pay a premium for the beryllium content of copper scrap. Nothing in this regulation or in the General Maximum Price Regulation shall control the amount of this premium.

[1] 8 F.R. 614.

(5) *Special pricing.* Any person who owns any lot of scrap which he considers more valuable than refinery brass but which, by reason of its not meeting the specification for any other listed grade, would have to be priced as refinery brass, may file an application for approval of a suggested maximum price and group number for such scrap. Only the National Office of the Office of Price Administration may grant such applications. No application will be granted under this subparagraph unless the applicant:

(*a*) States that he owns not less than 10,000 pounds of scrap,

(*b*) States that he expects to continue to sell such scrap in regularly recurring lots,

(*c*) Submits a full description of such scrap, including a complete chemical analysis,

(*d*) If he sold such scrap between February 21, 1942 and March 22, 1943, shows for each sale, the date, the quantity sold, the sales price, and the name and address of the consumer.

The maximum price and group number for such scrap when once approved shall be the maximum price and group number for all subsequent sales of such scrap by the seller to whom such approval is given, unless such approval thereafter is specifically withdrawn. The maximum price and group number submitted for approval shall be deemed to be approved unless the Administrator specifically disapproves such price and group number within fifteen days from the date on which receipt of the application is acknowledged.

(6) *Sales of certain grades of copper alloy scrap to other than a copper refinery or a brass and bronze ingot manufacturer.* The maximum prices for the grades of copper alloy scrap listed below, on a sale to a consumer other than a copper refinery or a brass and bronze ingot manufacturer, shall be as follows:

	Cents per pound
Brass pipe	8.00
Old rolled brass	7.75
Admiralty condenser tubes	8.00
Muntz metal condenser tubes	7.50
Plated rolled brass sheet, pipe and reflectors	6.50

Subject in all cases to the deduction provided for in footnote 2.

SEC. 17. *Appendix B: Revised Form 120:7a, referred to in section 9.*

BUDGET BUREAU APPROVAL No. 08-R770
OFFICE OF PRICE ADMINISTRATION
Washington, D. C.
Form OPA 120:7a
(Revised)

CONSUMER'S STATEMENT OF PURCHASES

(To be filed with the Office of Price Administration in Washington, D. C., before the 10th day of each calendar month by all consumers of copper scrap and/or copper alloy scrap whether they have made settlements in the previous month or not for such scrap. Report settlements on Revised Form 120:7b.)

Name of Consumer _____
Address of Consumer _____
City and State _____

This firm has ☐ has not ☐ made settlements which have to be reported under Re-

vised Maximum Price Regulation No. 20 on Revised Form 120:7b.

The attached _____ (number) credit memoranda are known to me to be a full, complete and accurate statement of all settlements which must be reported under Revised Maximum Price Regulation No. 20 by this consumer for the month of _____, 194....

I am authorized to make this statement for the aforementioned consumer.

(Signed) _____

_____

(Title)

(This form may be obtained from any office of the Office of Price Administration, may be reproduced on paper 8 x 10½ inches in size, or Form 120:7a from Maximum Price Regulation No. 20, may be substituted.)

SEC. 18. *Appendix C: Revised Form 120:7b referred to in section 9.*

OPA Form 120:7b Revised

_____

(Name of consumer)

_____

(Address of consumer)

CREDIT MEMORANDUM

_____

(Name of seller)

_____

(Address of seller)

BUDGET BUREAU APPROVAL No. 08–R770

Date _____
Credit Memo. No. _____
OPA Report No. _____
Contract No. _____
Seller's Invoice No. _____
Point of Shipment _____
Via _____
Date or Dates Received _____
Gross Weight in Lbs. _____

Grade (rejections are indented)	Quantity (pounds)			Purchase price	
	Gross	Tare	Net	Cents per pound	Total for grade
Subtotal					$
Delivery charge due seller					$
Total					$
Less advance to seller					$
Balance due					$
Freight paid direct to public carrier					$

Instructions

(1) You may obtain copies of Revised Form 120:7a or Revised Form 120:7b from any district, State or regional office of the Office of Price Administration or from its principal Office in Washington, D. C. You may reproduce the form on paper 8 x 10½ inches in size and make such changes or additions as may be necssary in order to use the form for a credit memorandum or settlement sheet with the person from whom you purchase scrap. However, you may not change the general appearance of the form or omit any of the information that appears on it, except "Budget Bureau Approval No. 08–R770," "Credit Memo. No.," or "Sellers Invoice No." If you use the form as a credit memorandum or settlement sheet, you may file carbon copies of the contents of the form.

(2) Report all receipts of copper scrap or copper alloy scrap (except brass mill scrap) settled for during the previous calendar month unless an individual receipt settled for with any one person is $200 or less and the total value of all settlements for copper scrap or copper alloy scrap with the same person does not exceed $1,000 during the month.

(3) Report each individual receipt on a separate form and give it a separate report number. However, all the receipts constituting a "shipment at one time" must be reported under the same O. P. A. report number; in this case you must use a separate report form for each receipt from each separate point of shipment but all receipts from the same point of shipment may be reported on the same form. Number the report forms consecutively under "OPA Report No." beginning each month with No. 1.

(4) Under "Date or dates received" enter the date or dates of shipment as shown on the bill of lading or other shipping documents or your own records, if the scrap was received by public carrier or your own conveyance. Otherwise, enter the date or dates when the scrap arrived at your receiving point.

(5) Identify each grade by the grade name used in section 16 (a) (2) of Revised Maximum Price Regulation No. 20.

(6) Enter the name of the principal grade contained in each lot in capital letters at the left margin of the "Grade" column. Opposite the grade name, enter the gross weight of the lot in the "Gross" column. Enter the weight of containers, dunnage, etc., in the "Tare" column. In the "Net" column enter the net weight of the principal grade alone.

(7) List all rejections sorted out of each principal grade underneath the principal grade. Indent each kind of rejection and describe it as in Instruction No. (5), whenever possible. Enter the net weight of each kind of rejection in the "Net" column.

(8) Indicate fully all factors for which Revised Maximum Price Regulation No. 20 requires a deduction in the "Grade" column; for example, state variations in metal content, excessive iron, oil, moisture or dirt, unremoved insulation, inferior quality, lots containing more than 10% rejections, etc.

(9) If a special preparation premium has been paid, in the "Grade" column, indicate plainly the form in which the material was received.

(10) If any of the scrap was purchased "where is," report the fact in the "Grade" column and state the amount of the deduction you have made from the maximum price.

(11) Under "Purchase price" state the price, f. o. b. point of shipment, for each grade of material in cents per pound and by total paid. Each rejection must be stated separately.

(12) If the price of any of the material is determined on the basis of analysis, give all controlling analyses, including metallic yield when the factor is used, and the computation of the price in full.

(13) If the seller has borne or advanced the freight charges, state the amount under "Delivery charge due seller." Otherwise, enter freight paid under "Freight paid direct to public carrier."

By section 205 (b) of the Emergency Price Control Act of 1942, as amended, it is made a criminal offense, punishable by a fine of not more than $5,000 or imprisonment for not more than one year, or both, for any person to make, in this Revised Form 120:7b, any statement which is false in any material respect.

This regulation shall become effective January 25, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–979; Filed, January 19, 1944; 11:25 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[RO 1C,[1] Amdt. 4]

MILEAGE RATIONING: TIRE REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 1C is amended in the following respect:

Section 4.2 (d) (1) is amended to read as follows:

(1) Any applicant who clearly establishes that the functions to be performed by his vehicle are essential to the war effort or to the community may be issued a certificate for a Grade I tire upon approval by the Director, if recapping services or Grade III tires are unavailable.

This amendment shall become effective January 17, 1944.

(Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st sess., and by Pub. No. 507, 77th Cong., 2d sess., Pub. No. 421, 77th Cong., 2d sess.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942; WPB Directive No. 1, issued January 24, 1942, Supp. Dir. No. 1–J as amended, issued October 27, 1942)

Issued this 14th day of January 1944.

JACOB A. ROBLES,
Territorial Director, Virgin Islands.

Approved:

GERALD A. BARRETT,
Acting Regional Administrator, Region IX.

[F. R. Doc. 44–978; Filed, January 19, 1944; 11:24 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[2] Amdt. 51]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respect:

1. Section 2.11 (h) (1) is amended by deleting the words "January 29, 1944" and substituting instead the following: "February 5, 1944."

This amendment shall become effective January 19, 1944.

(Pub. Law 76th Cong. as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–T, 8 F.R. 1727; 8 F.R. 7440, E.O. 9125, 7 F.R. 2719)

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–975; Filed, January 19, 1944; 11:24 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10927, 12800.

[2] 8 F.R. 15834, 16605, 16996, 9 F.R. 92.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 5]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Appendix A is amended by adding the following items in their alphabetical order:

Guava paste—a product made of guava pulp, sugar, and usually an acid (such as citric or tartaric) and cooked to a pasty consistency with a soluble solids content (expressed as sucrose and determined by a refractometer) of not less than 75 per cent, the finished product being packed in brick or slab form.

Tropical fruit paste—a product made of the pulp of mangoe, papaya, kumquat, calamondem, satsuma, tangerine, tangelo, roselle, antidesma, carimbola or aberia, with sugar and usually an acid (such as citric or tartaric) and cooked to a pasty consistency with a soluble solids content (expressed as sucrose and determined by a refractometer) of not less than 75 per cent, the finished product being packed in brick or slab form.

This amendment shall become effective January 19, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 462; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–976; Filed, January 19, 1944; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 84]

PORTABLE PREFABRICATED FARM BUILDINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.38 is added to read as follows:

SEC. 6.38 *Continuance of manufacturers' and wholesalers' maximum prices for portable prefabricated farm buildings established under Maximum Price Regulation No. 246.* The manufacturers' and wholesalers' maximum prices established under Maximum Price Regulation No. 246 prior to December 27, 1943, for portable prefabricated farm buildings shall continue in effect under the coverage of the General Maximum Price Regulation in the same manner as if such prices had been established under that regulation instead of under Maximum Price Regulation No. 246.

This amendment shall become effective January 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–977; Filed, January 19, 1944; 11:24 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3.

Notices

WAR DEPARTMENT.

ORDER TERMINATING GOVERNMENT CONTROL OF THE RAILROADS

1. Pursuant to the provisions of Executive Order No. 9412 dated 27 December 1943, it is hereby determined that continued possession, operation and control by the United States of the carriers taken and assumed by or pursuant to that order, are no longer required in order to prevent interruption of transportation service.

2. The expeditious termination of government possession, operation and control of the carriers with the minimum imposition of administrative burdens on the War Department and on the carriers which is consistent with proper protection of the Government's interests will facilitate the prosecution of the war.

3. In accordance with the foregoing and as directed by the Executive order, the following procedure is established for effecting the final disposition of the action taken by and pursuant to the Executive order:

a. Possession, operation and control by the United States of all common carriers by railroad, express companies, terminal companies and associations, sleeping, parlor and railroad owned or controlled private car companies, herein referred to as carriers, and all appurtenances and facilities used in connection therewith, taken and assumed by or pursuant to that order are hereby terminated and relinquished as of 12:00 o'clock midnight, 18 January 1944. No further action shall be required to effect the termination of government control and relinquishment of possession hereby ordered.

b. In view of the short period of operation by the government under said Executive order, all rights which the United States may have to an accounting with respect to the operation of the carriers during the period of government possession, operation and control are hereby waived and released as to each carrier whose properties were taken pursuant to said Executive order which shall execute and deliver to the United States an instrument in the form approved by the Commanding General, Army Service Forces, or his delegate, indemnifying the United States against liability to third parties arising out of possession, operation and control during the period of government possession, operation and control and releasing all claims against the United States based upon Executive Order 9412 or any action taken pursuant to that order.

c. The right to such an accounting by the United States is hereby expressly reserved as to any carrier which fails to execute and deliver such instrument of release or which otherwise asserts or reserves any claim against the United States by reason of any action or omission pursuant to said Executive order.

HENRY L. STIMSON,
Secretary of War.

JANUARY 18, 1944.

[F. R. Doc. 44–981; Filed, January, 19, 1944; 12:12 p. m.]

TERMINATION OF GOVERNMENT CONTROL OF RAILROADS

MEMORANDUM FOR THE CHIEF OF TRANSPORTATION

JANUARY 18, 1944.

The Order of the Secretary of War dated 18 January 1944 terminating government control of the railroads, copy attached, provides for a release of claims by the United States for an accounting with respect to the operation of any carrier, the possession, operation and control of which was taken by or pursuant to Executive Order No. 9412 upon condition that the carrier execute an instrument of ratification and release in the form approved by the Commanding General, Army Service Forces, or his delegate. The authority to approve the form of release to be accepted from carriers in accordance with the Order of the Secretary of War is hereby delegated to you. Pursuant to this authority, you may approve such standard form or forms or special forms or departures from any of such forms in individual cases, as you may deem appropriate to carry out the purpose of the Order of the Secretary of War.

BREHON SOMERVELL,
Lieutenant General,
Commanding.

[F. R. Doc. 44–982; Filed, January 19, 1944; 12:12 p. m.]

APPROVAL OF WAGE AGREEMENT BETWEEN RAILROADS AND ORGANIZATIONS OF NON-OPERATING EMPLOYES

MEMORANDUM FOR THE COMMANDING GENERAL, ARMY SERVICE FORCES

JANUARY 18, 1944.

1. You are authorized to approve on behalf of the War Department the wage agreement dated 17 January 1944 between certain railroads and their employees represented by the Fifteen Cooperating Railroad Labor Organizations and you may authorize the railroads to make the payments provided for by that agreement.

2. You may also authorize or approve agreements between any carriers which are not parties to the agreement of 17 January 1944 and their employees rep-

resented by said organizations or any other employees of the same crafts or classes, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement and you may authorize payments to be made in accordance with said agreement.

3. The authority hereby granted may be delegated by you.

HENRY L. STIMSON,
Secretary of War.

[F. R. Doc. 44-983; Filed, January 19, 1944; 12:12 p. m.]

APPROVAL OF WAGE AGREEMENT BETWEEN RAILROADS AND ORGANIZATIONS OF NON-OPERATING EMPLOYEES

MEMORANDUM FOR THE CHIEF OF TRANSPORTATION

JANUARY 18, 1944.

1. Pursuant to the authority contained in the attached memorandum from the Secretary of War, you are authorized and directed

a. To approve the agreement between the railroads and their employees represented by the Fifteen Cooperating Railroad Labor Organizations dated 17 January 1944 and to authorize the railroads to make the payments provided for in that agreement, and

b. To authorize or approve the execution of agreements between any carriers which are not parties to said agreement and their employees represented by said organizations or any other employees of the same crafts or classes, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement and you may authorize payments to be made in accordance with said agreement.

BREHON SOMERVELL,
Lieutenant General,
Commanding.

[F. R. Doc. 44-984; Filed, January 19, 1944; 12:12 p. m.]

[G. O. 3]

WAR DEPARTMENT OPERATION OF RAILROADS

1. Each of the carriers which are parties to the agreement dated 17 January 1944 between certain carriers and their employees represented by the Fifteen Cooperating Railroad Labor Organizations is hereby authorized to make the payments provided for in that agreement in accordance with its terms.

2. Any carrier not a party to the agreement of 17 January 1944 is authorized to enter into agreements with its employees represented by said organizations or who are members of the same crafts or classes, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement upon substantially the same terms and conditions as are contained in said agreement and to make the payments provided for by said agreements.

C. P. GROSS,
Major General,
Chief of Transportation.

JANUARY 18, 1944.

[F. R. Doc. 44-985; Filed, January 19, 1944; 12:12 p. m.]

[G. O. 4]

WAR DEPARTMENT OPERATION OF RAILROADS

1. The authority vested in the Commanding General, Army Service Forces, by the Order of the Secretary of War dated 18 January 1944 terminating government control of the railroads, to approve the forms of ratification and release to be executed by the carriers pursuant to that Order has been delegated to the Chief of Transportation by the Commanding General, Army Service Forces.

2. Pursuant to the provisions of the Order of the Secretary of War, approval is hereby given to the use of the following form of ratification of government operation and control and release of claims against the United States:

INDEMNITY AND RELEASE OF CLAIMS AGAINST THE UNITED STATES GROWING OUT OF GOVERNMENT POSSESSION, OPERATION AND CONTROL

Whereas by Executive Order of the President of the United States No. 9412, dated 27 December 1943, the United States took possession and control from and after seven o'clock p. m. on that day of certain transportation systems and common carriers by railroad including the undersigned, and

Whereas pursuant to the provisions of said Executive Order the Secretary of War has by order dated 18 January 1944 terminated and relinquished the possession, operation and control of the properties and assets of _____ herein called the carrier, as of 12:00 o'clock midnight on 18 January 1944, and has waived and released any right of the United States to an accounting to the United States for the operations of the carrier during the period of government possession, operation and control, conditioned upon the execution of this indemnity and release;

Now Therefore, in consideration of the release and waiver by the United States of all rights which it may have to an accounting with respect to operations during said period, the carrier agrees to indemnify and hold the United States harmless against any liability to third parties arising out of the possession, operation and control pursuant to Executive Order No. 9412, and releases and discharges the United States from all claims on behalf of the carrier which might be asserted by reason of the possession, operation and control of its properties by the United States during said period.

Executed this ____ day of _____, 1944.

3. Any substantial departures from the foregoing form must receive the prior approval of this office.

Issued and effective this 18 January 1944.

C. P. GROSS,
Major General,
Chief of Transportation.

[F. R. Doc. 44-986; Filed, January 19, 1944; 12:12 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. It-5825]

MONTANA POWER CO.

ORDER POSTPONING AND CHANGING PLACE OF HEARING

JANUARY 18, 1944.

Upon consideration of the application, filed January 10, 1944, by The Montana Power Company for a continuance of the hearing in the above-entitled matter and for a change of place of that hearing; and

It appearing to the Commission that: Good cause exists for the postponement of the hearing and the change of place thereof;

The Commission orders that:

The hearing in the above-entitled matter heretofore set for January 31, 1944, at 9:45 a. m., eastern war time, in the Commission's Hearing Room at 1800 Pennsylvania Avenue, N. W., Washington, D. C., be and the same is hereby postponed to March 13, 1944, at 9:45 a. m., mountain war time, and the hearing changed to a place in the State of Montana, to be designated hereafter.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-973; Filed, January 19, 1944; 11:08 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A-56]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN LOUISVILLE, KY., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Louisville, Kentucky, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed to have required the inclusion of section 4 (f) in Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Louisville, Kentucky for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-55" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Louisville, Kentucky.

8. This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Alford Hecht Cabs, Louisville, Kentucky.
Highland Cab Company, Louisville, Kentucky.
B-Line Cab Company, Louisville, Kentucky.
Shawnee Cab Service, Louisville, Kentucky.
Victory Cab Company, Louisville, Kentucky.
Yellow Cab Company, Louisville, Kentucky.
Crescent Hill Cabs, Louisville, Kentucky.
Loyd Bowling, d/b/a Allied Cab Company, Louisville, Kentucky.
C. W. Cravens, d/b/a Allied Cab Company, Louisville, Kentucky.
Kenneth Gordon, d/b/a Allied Cab Company, Louisville, Kentucky.
R. L. Phillips, d/b/a Checker Cab Company, Louisville, Kentucky.
James L. Price, d/b/a Checker Cab Company, Louisville, Kentucky.
C. O. Wigginton, d/b/a Checker Cab Company, Louisville, Kentucky.
Wm. M. Becker, d/b/a Checker Cab Company, Louisville, Kentucky.
J. R. Kelly, d/b/a Checker Cab Company, Louisville, Kentucky.
Wade Bauman, d/b/a Checker Cab Company, Louisville, Kentucky.
James Crosby, d/b/a Checker Cab Company, Louisville, Kentucky.
David Ignatow, d/b/a Mid-Town Cab Company, Louisville, Kentucky.
William Ignatow, d/b/a Mid-Town Cab Company, Louisville, Kentucky.
Harry Buckley, d/b/a All American Cab Company, Louisville, Kentucky.
Hess Brachey, d/b/a All American Cab Company, Louisville, Kentucky.

[1] Filed as part of the original document.

[F. R. Doc. 44-963; Filed, January 19, 1944; 10:37 a. m.]

[Supp. Order ODT 20A-56]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN ELMIRA, N. Y., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Elmira, New York, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed to have required the inclusion of section 3 (d) in Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-56" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York.

8. This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Buttons Taxi, 113 W. Second St., Elmira, New York.
Towner Taxi, 712 Lake St., Elmira, New York.
Johnnies Taxi, 126 E. Water St., Elmira, New York.
O'Neil Taxi Co., 109 State St., Elmira, New York.
Happys Blue Taxi, 705 E. Second St., Elmira, New York.
Lyon Cab, 763 E. Washington Ave., Elmira, New York.

[1] Filed as part of the original document.

[F. R. Doc. 44-964; Filed, January 19, 1944; 10:37 a. m.]

[Supp. Order ODT 20A–57]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN SPOKANE, WASH., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Spokane, Washington, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed to include that part of the plan set forth in the second paragraph of section 2 of Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Spokane, Washington, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–57" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Spokane, Washington.

8. This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Yellow Cab Co., Spokane, Washington.
Checker Cab Company, Spokane, Washington.
Diamond Cab Company, Spokane, Washington.
City Cab Company, Spokane, Washington.
Black & White Cab Co., Spokane, Washington.
Spokane-Radio Cab Co., Spokane, Washington.

[F. R. Doc. 44–965; Filed, January 19, 1944; 10:37 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 20A–58]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN SAGINAW, MICH., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Saginaw, Michigan, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–58" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan.

8. This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Enright-Topham Company, 218 North Baun Street, Saginaw, Michigan.
Saginaw Cab Company, Saginaw, Michigan.
Deluxe Cab Company, Saginaw, Michigan.

[F. R. Doc. 44–966; Filed, January 19, 1944; 10:38 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 20A–59]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN GREEN BAY, WIS., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Green Bay, Wisconsin, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Green Bay, Wisconsin, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–59" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Green Bay, Wisconsin.

8. This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Red Top Cab Company, 424 N. Washington Street, Green Bay, Wisconsin.
Checker Yellow Cab Company, 329 Pine Street, Green Bay, Wisconsin.

[F. R. Doc. 44–967; Filed, January 19, 1944; 10:38 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region V Order G–1 Under RMPR 122, Amdt. 2]

SOLID FUELS IN ST. LOUIS, MO.

Amendment No. 2 to Order No. G–1 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the City of St. Louis, Missouri, and parts of St. Louis County, Missouri.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith; *It is ordered:*

Section (c) (Price Schedule) paragraph III of Order No. G–1 under Revised Maximum Price Regulation No. 122 which establishes maximum prices for solid fuels sold in the city of St. Louis, Missouri, and parts of St. Louis County, Missouri, is changed to read as follows:

III. Low Volatile Bituminous Coal from Districts 1, 7, and 8 (Pennsylvania, Virginia, and West Virginia):

1. Lump; egg, double screened coal with a minimum size larger than 3"; Grade A from Districts 7 and 8 only	$10.50
2. Lump; egg, double screened coal with a top size larger than 3"; all grades other than Grade A from Districts 7 and 8, and all grades from District 1; Stove, top size 3" to larger than 1¼", bottom size smaller than 3", all grades, Districts 1, 7, and 8	10.10
3. Nut, top size 1¼" to larger than ¾", bottom size smaller than 1¼"	9.50
4. Domestic run of mine	9.90

Section (c) paragraph (6) of Order No. G–1 under Revised Maximum Price Regulation No. 122, which establishes maximum prices for solid fuels in the city of St. Louis, Missouri, and parts of St. Louis County, Missouri, is changed to read as follows:

(6) On sales of solid fuels by one dealer to another dealer the maximum price shall be $1.75 per ton under the maximum price of the fuel as set forth in the foregoing schedule.

Issued and effective at Dallas, Texas, this the 11th day of January 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44–943; Filed, January 18, 1944; 12:05 p. m.]

[Region V Order G–8 Under 18 (c)]

FIREWOOD IN DESIGNATED COUNTIES IN MISSOURI

Order No. G–8 under section 18, paragraph (c), of the General Maximum Price Regulation. Maximum prices for firewood in certain counties in the Kansas City, Missouri, District of the Office of Price Administration.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 18, paragraph (c) of the General Maximum Price Regulation, as amended, *It is hereby ordered:*

(a) In the following Missouri Counties of the Kansas City, Missouri, District of the Office of Price Administration: Greene, Jasper, Pettis, maximum prices per cord which may be charged or received for firewood are established to be as follows: (1)

Dry wood 48 inches and over	$9.75
Dry wood less than 48 inches and more than 16 inches	10.50
Dry wood 16 inches and less	11.25
Dry slab wood of any length	9.75

For green wood in any of the above lengths, the appropriate dry wood prices less $1.00.

(b) In the following Missouri Counties of the Kansas City, Missouri, District of the Office of Price Administration: Barry, Barton, Benton, Cedar, Christian, Dade, Dallas, Hickory, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, Webster, maximum prices per cord which may be charged or received for firewood are established to be as follows: (1)

Dry wood 48 inches and over	$7.50
Dry wood less than 48 inches and more than 16 inches	8.25
Dry wood 16 inches and less	9.00
Dry slab wood of any length	8.00

For green wood in any of the above lengths, the appropriate dry wood price less $1.00.

(c) The maximum prices for sales of firewood in quantities less than a cord in the following Counties: Barry, Barton, Benton, Cedar, Christian, Dade, Dallas, Greene, Hickory, Jasper, Lawrence, McDonald, Newton, Pettis, Polk, St. Clair, Stone, Taney, Vernon, Webster, are established to be as follows:

(1) One-half of a cord: one-half the price of a cord, plus 25¢.

(2) One-third of a cord: one-third the price of a cord, plus 50¢.

(3) A fraction of a cord less than one-third: an amount not to exceed that fraction of the appropriate cord price, plus 50¢.

(d) *Relation to other regulations.* (1) This order revokes and supersedes Order No. 1, Firewood, issued by the Kansas City District Office on December 15, 1942, insofar as such Order No. 1 applies to the sale of firewood in counties named herein.

(e) *Terms of sale.* (1) Prices for sales of any unit, as established by the Order, include delivery to the buyer's premises or any other point designated by him. Each seller of firewood under the order shall continue to furnish to the buyer, without separate charge, all services furnished by the seller to the same or similar buyer in March of 1942.

(2) If the purchaser accepts delivery at the retailer's premises or designates such premises as the place of delivery the maximum retail prices established by this order shall be reduced by the actual amount paid by the purchaser for having such wood transported to his (the purchaser's) premises.

(f) *Lower prices.* (1) Lower prices than those established herein for sales of firewood in the area covered by the Order may be charged, offered, demanded or paid.

(g) *Licensing, posting, and sales receipts*—(1) *Licensing.* (i) A license to make sales of firewood is automatically granted to all persons who now or hereafter make such sales. But the granting of this license to any person whose license heretofore granted by the Office of Price Administration is under suspension shall become effective for sales to which the suspension applies only at the end of the period of suspension.

(ii) A license granted hereby may be suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, for violations of the license or of one or more applicable maximum price regulations. The provisions of the General Maximum Price Regulation and all other such regulations are made a part of each license granted hereby, and a violation of any such provision is a violation of the license. A person whose license has been suspended may not during the period of suspension make any sale for which his license has been suspended.

(iii) Every licenses heretofore granted by the Office of Price Administration and in effect when this order becomes effective, is merged and continued in the license granted by this order. The former license no longer continues as a separate license. If the former license is suspended by a pending license suspension proceeding, the license granted by this order is suspended to the same extent. Proceedings to suspend a license granted hereby may be begun and maintained without a further warning notice to any person to whom a warning notice under a previous license was sent.

(iv) No license is required of, or granted to, a farmer, as a condition of selling an agricultural commodity produced by him, the United States, or any agency thereof, or any other government, its political subdivisions or agencies.

(2) *Posting.* (i) Every seller of wood covered by this order shall post the maximum unit prices provided herein, covering all types and kinds of sales, in a place and manner prominent and conspicuous, with sufficient information to inform buyers of the maximum prices applying to his sales of firewood, giving the length, types of wood and prices of each.

(3) *Sales slips and receipts.* (i) Any seller of firewood covered by this Order who has customarily given a purchaser a sales slip, receipt or other similar evidence of purchases shall continue to do so.

(ii) Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, the type of wood, the length of the wood, the unit of sale and the price per unit.

(h) *Definitions*—(1) *Sale of firewood.* (i) A sale of firewood shall be the sale of any wood of the lengths, quality, and quantities set forth in the order, provided such wood is sold for use as a fuel for heating or cooking. Firewood includes slabwood cut from logs, but does not include off-fall from lumber, kindling, and rotted or decayed lumber.

(2) *Cord.* (i) A cord is a quantity of wood which would occupy 128 cubic feet if cut in four-foot lengths and stacked straight and compact in a pile measuring four feet wide, four feet high, and eight feet long.

(ii) Any loss in volume resulting from cutting a cord of four foot wood into shorter lengths shall be borne by the purchaser and not by the seller, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut: *Provided*, That such loss or shrinkage in volume shall not exceed twenty-four cubic feet when four foot wood is cut into two foot lengths and shall not exceed thirty-two cubic feet when four foot wood is cut into lengths less than two feet: *And provided*, That no seller, selling firewood in lengths shorter than four feet, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut, may deliver less than 104 cubic feet of firewood when cut in two foot lengths, or less than 96 cubic feet of firewood when cut into lengths less than two feet, without a compensating reduction in the applicable per cord price for firewood set out in this order.

(i) This order is subject to revocation or amendment by the Price Administrator at any time hereafter, either by special order or by any price regulation issued hereafter, or by any amendment or supplement hereafter issued as to any price regulation; the provisions of which may be contrary hereto.

(j) Except as specifically provided in this order, the provisions of the General Maximum Price Regulation, as amended, are in no way affected and shall continue in full force and effect.

This order shall become effective on the 17th day of January 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of January 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-945; Filed, January 18, 1944; 12:04 p. m.]

[Region V Order G-9 Under 18 (c)]

AUNT BETTY BAKING CO., TEXARKANA, TEX.

Order No. G-9 under section 18, paragraph (c) of the General Maximum Price Regulation. Adjustment of prices for bread manufactured by Aunt Betty Baking Company, Texarkana, Texas.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 18, paragraph (c) of the General Maximum Price Regulation, as amended, and the approval of the Director of the Office of Economic Stabilization having first been obtained; *It is hereby ordered:*

(a) The maximum prices of any seller in Region V for 1½ pound loaves of white bread manufactured or sold by the Aunt Betty Baking Company shall be the prices determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation, or the maximum prices specified below:

Manufacturer	New weight per loaf	Sales at wholesale (cents)	Sales at retail (cents)
Aunt Betty Baking Co., Texarkana, Tex.	1½ lb. loaf white..	9	11

This order applies to bread manufactured or sold by the Aunt Betty Baking Company from its plant located in the City of Texarkana, Texas.

Except as specified herein, maximum prices for all sales of bread shall remain subject to the provisions of the General Maximum Price Regulation.

This order is subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any amendment or supplement hereafter issued to any price regulation, the provisions of which may be contrary hereto.

This order shall become effective on the 10th day of January 1944.

(Pub. Laws 421 and 729; 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued at Dallas, Texas, this the 8th day of January 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-944; Filed, January 18, 1944; 12:05 p. m.]

[Region VI Order G-101 Under 18 (C)]

HAULING SERVICES IN MINNESOTA

Order No. G-101 under § 1499.18 (c) of the General Maximum Price Regulation. Adjusted prices for hauling services within the State of Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) The maximum price for transportation services supplied by carriers other than common carriers in the State of Minnesota shall be the higher of the following:

1. The maximum prices established under the General Maximum Price Regulation or any supplementary regulation or order issued by the Office of Price Administration; or

2. The minimum rates established under any applicable order, schedule, tariff or supplement thereto issued by the Minnesota Railroad & Warehouse Commission on or before January 1, 1944.

(b) This order may be revoked, amended or modified at any time.

(c) This order shall become effective immediately.

(56 Stat. 23, 765, Pub. Laws, 151, 78 Cong., E.O. 9250, 7 F.R. 7871, E.O. 9238, 8 F.R. 4681)

Issued January 5, 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-946; Filed, January 18, 1944; 12:06 p. m.]

[Region VII 2d Rev. Order G-10 Under 18 (c), Amdt. 3]

FLUID MILK IN MONTANA

Second Revised Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation; Amendment No. 3. Modification of wholesale and retail prices for fluid milk in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.75 (a) (9) of Supplemental Regulation 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. Paragraph (e), *Maximum prices for fluid milk at wholesale and retail in District No. 3 of the State of Montana*, is amended by adding thereto immediately following the price schedule and preceding subparagraph (1) the following: *Provided, however*, That in the municipality of Sidney and a distance of three miles beyond the corporate limits thereof at all points and in the hamlet of Fairview, which said communities are both in Richland County, and in the municipality of Forsyth and a distance of three miles beyond the corporate limits thereof at all points, which said community is in Rosebud County, the maximum prices shall be as follows:

Container size	Wholesale price in glass bottles or paper containers (cents)	Retail price in glass bottles, paper containers or in bulk (cents)
Half pint	4	6
Pint	6	8
Quart	11½	13½

In bulk	In container other than glass or paper (cents)
Gallon	48

2. *Effective date.* This amendment shall become effective on the 1st day of October 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-947; Filed, January 18, 1944; 12:05 p. m.]

[Region VII 2d Rev. Order G-12 Under 18 (c), Amdt. 4]

FLUID MILK IN MONTANA

Second Revised Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 4. Modification of wholesale and retail prices for fluid milk in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.75 (a) (9) of Supplementary Regulation 15 of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 4 is issued.

1. All that part of paragraph 1 of Amendment No. 3 immediately following the numeral "1" and preceding the colon after the word "follows" in the eighth line is hereby deleted, and in lieu thereof the following is substituted:

1. Paragraph (e) *Maximum prices for fluid milk at wholesale and retail in District No. 3 of the State of Montana*, is amended by adding thereto immediately following the price schedule and preceding subparagraph (1) the following: *Provided, however*, That in the municipality of Sidney and a distance of three miles beyond the corporate limits thereof at all points and in the hamlet of Fairview, which said communities are both in Richland County, and in the municipality of Forsyth and a distance of three miles beyond the corporate limits thereof at all points, which said community is in Rosebud County, the maximum prices shall be as follows:

Effective date. This amendment shall become effective on the 1st day of December 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-948; Filed, January 18, 1944; 12:04 p. m.]

[Region VII 2d Rev. Order G-12 Under 18 (c), Amdt. 5]

FLUID MILK IN MONTANA

REGION VII

Second Revised Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation; Amendment No. 5. Modification of wholesale and retail prices for fluid milk in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.75 (a) (9) of Supplementary Regulation No. 15 of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 5 is issued.

1. Paragraph (f) (3) is amended by deleting the word "and" between the words "Hardin and Billings" in line four thereof and inserting a comma after the word "Hardin", and deleting the comma after the word "Billings" and adding the words "and Laurel", so as to make said paragraph read as follows:

(3) "District No. 2 of the State of Montana" means all of the counties of Silver Bow, Sheridan, Deer Lodge, Lewis and Clark, Cascade, Prairie, Valley, Custer, Musselshell, Fergus, Beaverhead, Lincoln, Flathead, Hill, Glacier, Toole, and Pondera, and the municipalities of Hardin, Billings, and Laurel, including an area surrounding the municipality of Hardin and extending beyond its municipal boundaries a distance of ten miles at all points, and an area surrounding the municipality of Billings and extending beyond its municipal boundaries a distance of twelve miles at all points, and an area surrounding the municipality of Laurel and extending beyond its municipal boundaries a distance of five miles at all points, except any part or portion of any one or more of the municipal areas included in District No. 1 as described in paragraph (2).

2. *Effective date.* This Amendment No. 5 shall become effective retroactively as of August 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December, 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-949; Filed, January 18, 1944; 12:04 p. m.]

[Region IV Order G-10 Under RMPR 122, Amdt. 2]

SOLID FUELS IN DESIGNATED AREAS OF VIRGINIA

Amendment No. 2 to Order No. G-10 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the Counties of Henrico and Chesterfield in the State of Virginia and the independent city of Richmond, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and paragraph (f) of Order No. G-10 under § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That the fifth unnumbered subdivision of paragraph (c) (1) captioned "Briquettes", paragraph (c) (2) captioned "Coal sold in bags or sacks", paragraph (e) (3) (iii) captioned "Yard sales", and paragraph (c) (3) (iv) captioned "Quantity" be amended to read as set forth below:

(c) * * *
(1) * * *

BRIQUETTES

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Briquette	$12.65	$6.33	$3.92

(2) *Coal sold in bags or sacks.*

COAL SOLD IN 100 POUND SACKS

	Delivered price	Cash and carry, at yard
Low volatile egg and stove	$0.75	$0.65
Semi-smokeless egg and stove	.60	.50
High volatile egg and stove	.60	.50
Pennsylvania anthracite (all sizes)	.94	.84

A dealer may refuse orders for delivery of less than 200 pounds. The dealer may charge no more than ten cents per 100 pound bag when he furnishes bags to the consumer.

An additional charge of not more than $3.50 per ton may be made for putting up coal in paper bags for sales of not less than one ton.

When high volatile stove or nut coal is sold in 12 pound bags, the maximum prices are 10¢ for one, 28¢ for three.

When high volatile stove or nut coal is sold in 12 pound bags to retailers, the maximum price is 8½¢ per bag.

(3) * * *

(iii) *Yard sales.* When the buyer picks up coal at the dealer's yard the dealer must reduce the domestic price $1 per ton. On sales at the yard to other dealers properly licensed by the City of Richmond or other duly constituted authorities, the dealer must reduce the domestic price $1.50 per ton.

(iv) *Quantity.* When the buyer purchases more than 40 tons and up to 200 tons per year for consumption in one building, the dealer must reduce the domestic price $1.25 per ton; and when the buyer purchases more than 200 tons per year for consumption in one building, the dealer must reduce the domestic price $1.75 per ton, and on such sales no other discounts need be made.

This Amendment No. 2 to Order No. G-10 shall become effective January 15, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 11, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44-958; Filed, January 18, 1944; 4:22 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under general order No. 51 were filed with the Division of the Federal Register on January 11, 1944.

REGION III

Charleston, Order No. 26, filed 10:07 a. m.

REGION IV

Jackson, Order No. 1-F, Amendment No. 16, filed 10:16 a. m.
Jackson, Order No. 1-F, Amendment No. 17, filed 10:16 a. m.
South Carolina, Order No. 2-F, Amendment No. 2, filed 10:17 a. m.

REGION VI

Chicago, Order No 5, Amendment No. 10, filed 10:17 a. m.
Chicago, Order No. 5, Amendment No. 11, filed 10:18 a. m.
Chicago, Order No. 5, Amendment No. 12, filed 10:18 a. m.
Chicago, Order No. 5, Amendment No. 13, filed 10:18 a. m.
Chicago, Order No. 6, Amendment No. 1, filed 10:19 a. m.
Chicago, Order No. 6, Amendment No. 2, filed 10:18 a. m.
Twin Cities, Order No. 3, Amendment No. 3, filed 1:15 p. m.
Twin Cities, Order No. 4, Amendment No. 6, filed 1:14 p. m.

REGION VII

New Mexico, Order No. F-1, Amendment No. 2, filed 10:17 a. m.
New Mexico, Order No. 6, Amendment No. 2, filed 10:24 a. m.
New Mexico, Order No. 15, filed 1:15 p. m.
New Mexico, Order No. 16, filed 1:15 p. m.
New Mexico, Order No. 16, Amendment No. 1, filed 1:16 p. m.
New Mexico, Order No. 17, filed 1:15 p. m.
Montana, Order No. F-1, filed 10:19 a. m.
Montana, Order No. F-2, filed 10:20 a. m.
Montana, Order No. F-3, filed 10:20 a. m.
Montana, Order No. F-4, filed 10:20 a. m.
Montana, Rev. Order No. 13, Amendment No. 1, filed 1:16 p. m.
Montana, Rev. Order No. 13, Amendment No. 2, filed 1:16 p. m.
Montana, Rev. Order No. 14, Amendment No. 1, filed 1:17 p. m.
Montana, Rev. Order No. 14, Amendment No. 2, filed 1:17 p. m.

REGION VIII

Fresno, Order No. 10, filed 10:29 a. m.
Los Angeles, Los Angeles-4, Amendment No. 21, filed 10:22 a. m.
Los Angeles, Los Angeles-4, Amendment No. 22, filed 10:22 a. m.
Los Angeles, Los Angeles-5, Amendment No. 2, filed 10:24 a. m.
Los Angeles, Los Angeles-6, Amendment No. 2, filed 10:24 a. m.
Phoenix, Order No. 3-F, Amendment No. 3, filed 10:26 a. m.
Phoenix, Order No. 4-F, Amendment No. 3, filed 10:26 a. m.
Phoenix Order No. 6, Amendment No. 5, filed 10:27 a. m.
Phoenix, Order No. 6-F, Amendment No. 2, filed 10:27 a. m.
Phoenix, Order No. 7-F, Amendment No. 2, filed 10:27 a. m.
Phoenix, Order No. 8, filed 10:28 a. m.
Phoenix, Order No. 9, filed 10:28 a. m.
Phoenix, Order No. 10, filed 10:28 a. m.
Sacramento, Order No. 10, Revocation, filed 10:27 a. m.
Sacramento, Order No. 11, Revocation, filed 10:27 a. m.
Sacramento, Order No. 12, Revocation, filed 10:27 a. m.
San Diego, Order No. 1-F, Amendment No. 13, filed 10:25 a. m.
San Diego, Order No. 1-F, Amendment No. 14, filed 10:26 a. m.
San Diego, Order No. 6, filed 10:06 a. m.
San Diego, Order No. 6, Amendment No. 1, filed 10:26 a. m.
San Francisco, Order No. G-8, filed 10:14 a. m.
San Francisco, Order No. G-8, Amendment No. 1, filed 10:16 a. m.
San Francisco, Order No. G-9, filed 1:17 p. m.
San Francisco, Order No. G-9, Amendment No. 1, filed 1:17 p. m.
San Francisco, Order No. G-10, filed 1:18 p. m.
San Francisco, Order No. G-10, Amendment No. 1, filed 1:18 p. m.
San Francisco, Order No. G-11, filed 1:18 p. m.
San Francisco, Order No. G-11, Amendment No. 1, filed 1:18 p. m.
San Francisco, Order No. G-12, filed 1:19 p. m.
San Francisco, Order No. G-12, Amendment No. 1, filed 1:19 p. m.
Seattle, Order No. 18, Amendment No. 1, filed 10:08 a. m.
Seattle, Order No. 19, Amendment No. 1, filed 10:09 a. m.
Seattle, Order No. 22, Amendment No. 1, filed 10:09 a. m.
Seattle, Order No. 23, filed 10:09 a. m.
Seattle, Order No. 24, filed 10:11 a. m.
Seattle, Order No. 25, filed 10:11 a. m.
Seattle, Order No. 26, filed 10:12 a. m.
Seattle, Order No. 28, filed 10:12 a. m.
Seattle, Order No. 29, filed 10:14 a. m.
Spokane, Order No. 13, filed 1:19 p. m.
Spokane, Order No. 14, filed 1:20 p. m.
Spokane, Order No. 16, filed 1:20 p. m.
Spokane, Order No. 17, filed 1:21 p. m.
Spokane, Order No. 20, filed 1:21 p. m.
Spokane, Order No. 21, filed 1:21 p. m.
Spokane, Order No. 22, filed 1:22 p. m.
Spokane, Order No. 23, filed 1:22 p. m.
Spokane, Order No. 24, filed 1:13 p. m.
Spokane, Order No. 25, filed 1:13 p. m.
Spokane, Order No. 26, filed 1:14 p. m.
Spokane, Order No. 27, filed 1:14 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-938; Filed, January 18, 1944; 11:33 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 12, 1944.

REGION IV

Birmingham, Order No. 11, Amendment No. 3, filed 11:10 a. m.
Jackson, Order No. 3, Revocation, filed 10:20 a. m.
Jackson, Order No. 4, Revocation, filed 10:20 a. m.
Jackson, Order No. 5, Revocation, filed 10:20 a. m.
Jackson, Order No. 8, filed 10:20 a. m.
Memphis, Order No. 4-F, Amendment No. 11, filed 10:08 a. m.
Memphis, Order No. 4-F, Amendment No. 12, filed 10:08 a. m.
Memphis, Order No. 4-F, Amendment No. 13, filed 10:09 a. m.
Memphis, Order No. 11, Amendment No. 1, filed 10:18 a. m.
Memphis, Order No. 12, Amendment No. 1, filed 10:18 a. m.
Montgomery, Order No. 1-F, filed 10:07 a. m.
Montgomery, Order No. 1-F, Amendment No. 1, filed 10:07 a. m.
Montgomery, Order No. 1-F, Amendment No. 2, filed 10:07 a. m.
Richmond, Order No. 3-F, Amendment No. 1, filed 10:08 a. m.
Savannah, Order No. 1-F, Amendment No. 14, filed 10:10 a. m.
Savannah, Order No. 1-F, Amendment No. 15, filed 10:10 a. m.
Savannah, Order No. 1-F, Amendment No. 16, filed 10:10 a. m.
Savannah, Order No. 2-F, Amendment No. 10, filed 10:10 a. m.
Savannah, Order No. 2-F, Amendment No. 11, filed 10:16 a. m.
Savannah, Order No. 2-F, Amendment No. 9, filed 10:10 a. m.
Savannah, Order No. 3-F, Amendment No. 7, filed 10:16 a. m.
Savannah, Order No. 3-F, Amendment No. 8, filed 10:16 a. m.
Savannah, Order No. 3-F, Amendment No. 9, filed 10:16 a. m.
Savannah, Order No. 4-F, Amendment No. 6, filed 10:09 a. m.
Savannah, Order No. 4-F, Amendment No. 7, filed 10:09 a. m.
Savannah, Order No. 4-F, Amendment No. 8, filed, 10:09 a. m.
Savannah, Order No. 12, Amendment No. 2, filed 11:10 a. m.
Savannah, Order No. 13, Amendment No. 1, filed 11:10 a. m.

REGION V

New Orleans, Order No. G-13, filed 10:17 a. m.
New Orleans, Order No. G-14, filed 10:18 a. m.
New Orleans, Order No. G-15, filed 10:18 a. m.

REGION VI

Duluth-Superior, Order No. 8, Revised, filed 11:11 a. m.
Sioux City, Order No. 12, filed 10:17 a. m.
Sioux Falls, Order No. 11, filed 10:17 a. m.

Springfield, Order No. 17, Amendment No. 1, filed 10:22 a. m.
Springfield, Order No. 18, Amendment No. 1, filed 10:22 a. m.
Springfield, Order No. 19, Amendment No. 1, filed 10:22 a. m.
Springfield, Order No. 20, Amendment No. 1, filed 10:22 a. m.
Springfield, Order No. 21, Amendment No. 1, filed 10:22 a. m.
Springfield, Order No. 22, Amendment No. 1, filed 10:22 a. m.

REGION VII

Montana, Rev. Order No. 15, Amendment No. 1, filed 11:06 a. m.
Montana, Rev. Order No. 15, Amendment No. 2, filed 11:06 a. m.
Montana, Rev. Order No. 16, Amendment No. 1, filed 11:06 a. m.
Montana, Rev. Order No. 16, Amendment No. 2, filed 11:06 a. m.
Montana, Rev. Order No. 17, Amendment No. 1, filed 11:07 a. m.
Montana, Rev. Order No. 18, Amendment No. 2, filed 11:07 a. m.
Montana, Rev. Order No. 20, Amendment No. 1, filed 11:07 a. m.
Montana, Rev. Order No. 20, Amendment No. 2, filed 11:07 a. m.
Montana, Rev. Order No. 21, Amendment No. 1, filed 11:07 a. m.
Montana, Rev. Order No. 21, Amendment No. 2, filed 11:09 a. m.
Montana, Rev. Order No. 21, Amendment No. 3, filed 11:10 a. m.
Montana, Order No. 22, Amendment No. 1, filed 11:07 a. m.
Montana, Order No. 22, Amendment No. 2, filed 11:08 a. m.
Montana, Order No. 25, Amendment No. 2, filed 11:08 a. m.
Montana, Order No. 26, Amendment No. 2, filed 11:08 a. m.
Montana, Order No. 27, Amendment No. 2, filed 11:08 a. m.
Montana, Order No. 28, Amendment No. 2, filed 11:08 a. m.
Montana, Order No. 29, Amendment No. 2, filed 11:08 a. m.
Montana, Order No. 30, Amendment No. 2, filed 11:09 a. m.
Montana, Order No. 31, Amendment No. 2, filed 11:09 a. m.
Montana, Order No. 32, Amendment No. 2, filed 11:09 a. m.
Montana, Order No. 33, Amendment No. 2, filed 11:09 a. m.
Montana, Order No. 34, Amendment No. 2, filed 11:09 a. m.
Montana, Order No. 36, Amendment No. 2, filed 11:09 a. m.
Montana, Order No. 37, Amendment No. 2, filed 11:09 a. m.
Montana, Order No. 38, Amendment No. 2, filed 11:09 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-939; Filed, January 18, 1944; 11:33 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 13, 1944.

REGION IV

Atlanta, Order No. 1-F, Amendment No. 3, filed 9:42 a. m.
Atlanta, Order No. 3-F, Amendment No. 1, filed 9:41 a. m.
Atlanta, Order No. 5-F, filed 9:41 a. m.
Charlotte, Order No. 1-F, Amendment No. 5, filed 9:36 a. m.
Charlotte, Order No. 1-F, Amendment No. 6, filed 9:36 a. m.
Jacksonville, Order No. 1-F, Amendment No. 6, filed 9:40 a. m.
Jacksonville, Order No. 1-F, Amendment No. 7, filed 9:40 a. m.
Jacksonville, Order No. 1-F, Amendment No. 8, filed 9:41 a. m.
Jacksonville, Order No. 2-F, Amendment No. 3, filed 9:39 a. m.
Jacksonville, Order No. 2-F, Amendment No. 4, filed 9:40 a. m.
Montgomery, Order No. 2-F, filed 9:43 a. m.
Montgomery, Order No. 2-F, Amendment No. 1, filed 9:43 a. m.
Montgomery, Order No. 3-F, filed 9:42 a. m.
Montgomery, Order No. 3-F, Amendment No. 1, filed 9:42 a. m.
Nashville, Order No. 4-F, filed 9:39 a. m.
Nashville, Order No. 5-F, filed 9:39 a. m.
Nashville, Order No. 5-F, Amendment No. 1, filed 9:39 a. m.
Nashville, Order No. 6-F, filed 9:38 a. m.
Nashville, Order No. 6-F, Amendment No. 1, filed 9:38 a. m.
Nashville, Order No. 7-F, filed 9:37 a. m.
Nashville, Order No. 7-F, Amendment No. 1, filed 9:37 a. m.
Raleigh, Order No. 2-F, filed 9:37 a. m.

REGION V

Kansas City, Order No. 10, filed 9:32 a. m.
Kansas City, Order No. 12, filed 9:32 a. m.
Kansas City, Order No. 14, filed 9:33 a. m.
New Orleans, Order No. G-16, filed 9:35 a. m.
Wichita, Order No. G-11, filed 9:33 a. m.
Wichita, Order No. G-13, filed 9:34 a. m.
Wichita, Order No. G-12, filed 9:34 a. m.
Wichita, Order No. G-14, filed 9:34 a. m.

REGION VI

La Crosse, Order No. 8, Amendment No. 4, filed 9:48 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK
Secretary.

[F. R. Doc. 44-940; Filed, January 18, 1944; 11:33 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 14, 1944.

REGION III

Columbus, Order No. F-1, Amendment No. 1, filed 10:29 a. m.
Detroit, Order No. 5, Amendment No. 26, filed 10:29 a. m.
Detroit, Order No. 9, Amendment No. 1, filed 10:29 a. m.

REGION IV

Atlanta, Order No. 11, Amendment No. 4, filed 10:36 a. m.
Memphis, Order No. 11, Amendment No. 2, filed 10:34 a. m.
Montgomery, Order No. 14, Amendment No. 1, filed 10:37 a. m.
Nashville, Order No. 11, Amendment No. 3, filed 10:33 a. m.
Raleigh, Order No. 9, Revocation, filed 10:36 a. m.
Raleigh, Order No. 10, filed 10:37 a. m.
Richmond, Order No. 11, Amendment No. 1, filed 10:33 a. m.
Richmond, Order No. 12, Amendment No. 1, filed 10:33 a. m.
Roanoke, Order No. 5, Revocation, filed 10:36 a. m.
Roanoke, Order No. 6, Revocation, filed 10:36 a. m.

Roanoke, Order No. 7, Revocation, filed 10:36 a. m.

REGION V

Arkansas, Order No. 11, filed 10:30 a. m.
Dallas, Order No. 13, filed 10:38 a. m.
Little Rock, Order No. 11, Amendment No. 1, filed 10:36 a. m.
Lubbock, Order No. 11, filed 10:37 a. m.
Oklahoma City, Order No. G–7, filed 10:31 a. m.
Oklahoma City, Order No. G–8, filed 10:32 a. m.
Tulsa, Order No. 2W, filed 10:32 a. m.

REGION VI

Moline, Order No. 21, filed 10:29 a. m.
Moline, Order No. 22, filed 10:30 a. m.
Moline, Order No. 23, filed 10:30 a. m.
Moline, Order No. 24, filed 10:30 a. m.
Omaha, Order No. 4A, Amendment No. 2, filed 10:31 a. m.
Omaha, Order No. 5A, Amendment No. 2, filed 10:31 a. m.
Peoria, Order No. 10, Amendment No. 1, filed 10:31 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–941; Filed, January 18, 1944; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–813]

AMERICAN POWER & LIGHT COMPANY

NOTICE OF APPLICATION FOR EXEMPTION FROM REQUIREMENTS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of January A. D. 1944.

Notice is hereby given that an application and amendments thereto has been filed with this Commission pursuant to Rule U-100 (a) promulgated under the Public Utility Holding Company Act of 1935 by American Power & Light Company, a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company; and

Notice is further given that any interested person may, not later than January 28, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission hereafter should order a hearing hereon. At any time thereafter the Commission may issue its order under Rule U-100 (a) granting such application for exemption, as filed or as amended. Any such requests should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the offices of said Commission for a statement of the exemption therein requested, which is summarized below.

American Power & Light Company on its behalf and on behalf of its subsidiary, The Montana Power Company, seeks an exemption from the provisions of section 12 (c) and Rule U-42 thereunder for the payment from time to time by certain non-utility subsidiaries, none of the securities of which is outstanding with the public, of any amount or amounts which such subsidiaries may wish to make upon principal of any bond, debentures, note, loan or open account of such subsidiaries held by and payable to American Power & Light Company or The Montana Power Company. The said subsidiaries of American Power & Light Company are Big Bend Transit Company and Washington Irrigation & Development Company, all the securities of which (except directors' qualifying shares) are owned by American Power & Light Company. The said subsidiary of The Montana Power Company is Great Falls Townsite Company, all the securities of which (except directors' qualifying shares) are owned by The Montana Power Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–959; Filed, January 19, 1944; 9:19 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

DISENGAGING APPARATUS

Rottmer releasing gear, type "A" (Maximum working load of 6,500 pounds per hook) (Dwg. No. R 101, dated 6 December 1943), submitted by Lane Lifeboat & Davit Corp., Foot of 40th Road, Flushing, New York.

LIFE FLOAT

25-person rectangular balsa wood life float (Dwg. Plan No. B.F. 101) submitted by Nuroco Woodwork Co., 22 Pelham Road, New Rochelle, New York.

WINCH FOR LIFEBOATS

Type BWB–1 vertical lifeboat winch (Dwg. No. 2657, dated 4 June 1941) (Maximum working load of 20,000 pounds per drum), manufactured by the Welin Davit & Boat Corp., Perth Amboy, N. J.

R. R. WAESCHE,
Commandant.

JANUARY 18, 1944.

[F. R. Doc. 44–980; Filed, January 19, 1944; 11:17 a. m.]

WAR PRODUCTION BOARD.

PAUL V. AMON

CONSENT ORDER

Paul V. Amon, residing at 97 Dudley Lane, Milton, Massachusetts, on or about September 10, 1943, began construction on his residence, the estimated cost of which was in excess of the $200.00 limit permitted by Conservation Order L–41. Paul V. Amon admits this violation but denies that it was wilful, and does not care to contest the issue of wilfulness, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Paul V. Amon, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Paul V. Amon, his agents or contractors, shall not engage in further construction on the premises at 97 Dudley Lane, Milton, Massachusetts, unless and until authorized by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Paul V. Amon, his agents or contractors, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the 18th day of January 1944.

Issued this 11th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–951; Filed, January 18, 1944; 3:31 p. m.]

JAN 24 44

FEDERAL REGISTER

VOLUME 9 NUMBER 15

Washington, Friday, January 21, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[Bull. NSCP—801]

PART 706—NAVAL STORES CONSERVATION PROGRAM

REPROMULGATION OF ORDER

By virtue of authority vested in the Secretary of Agriculture under section 6 of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, the order promulgating the Naval Stores Conservation Program for 1944, issued the 4th day of November, 1943 (8 F.R. 15303), and suspended on the 20th day of November, 1943 (8 F.R. 15807), is hereby repromulgated in accordance with the terms of the program described in the order of November 4, 1943.

(49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 54 Stat. 676; 16 U.S.C. 1940 ed. 590g–590q; E.O. 9322 and E.O. 9334; 55 Stat. 838)

Issued at Washington, D. C., this 19th day of January, 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44–1001; Filed, January 19, 1944; 3:43 p. m.]

Chapter X—War Food Administration (Production Orders)

[Supp. Order 3 to FPO 14, Rev. 1]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW METAL MILK CANS AND COVERS

Supplementary Order No. 3 (8 F.R. 14109) to Food Production Order No. 14 (8 F.R. 17456) is hereby revised and amended in its entirety to read as follows:

Sec.
1202.376 Purpose of this supplementary order.
1202.377 Scope.
1202.378 Compliance with this supplementary order.
1202.379 Manufacturers' transfer of milk cans.
1202.380 Transfers of milk cans for use in handling milk or milk products in the continental United States.
1202.381 Transfers of milk cans for use in handling milk or milk products in the territories and possessions of the United States.
1202.382 Transfer of milk cans for uses other than in handling milk or milk products.
1202.383 Transfer of milk cans to a Federal agency.
1202.384 Transfers of milk cans for export.
1202.385 Authority for State AAA Committees to act as county farm rationing committees.
1202.386 Manufacturers' reports.
1202.387 Communications.
1202.388 Incorporation into Food Production Order No. 14.

AUTHORITY: §§ 1202.376 to 1202.388, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334, 9392; 7 F.R. 10179, 8 F.R. 3807, 5423, 14783.

§ 1202.376 *Purpose of this supplementary order.* This supplementary order explains the procedure to be followed in distributing new metal milk cans and covers from manufacturers to retail outlets and it also sets forth the requirements of the rationing program which are of special importance to persons desiring such equipment. This supplementary order should be read in conjunction with Food Production Order No. 14 which establishes the general rationing program and which contains definitions of certain terms used herein.

§ 1202.377 *Scope.* This supplementary order deals with new metal milk cans and covers (hereinafter referred to as "milk cans") which are rationed farm equipment as defined in Food Production Order No. 14. As used herein the term

(Continued on next page)

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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"milk cans" includes cans and covers transferred together and cans transferred apart from covers, but it does not include covers transferred apart from cans. Milk cans transferred for any purpose in the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands, and for export, are subject to the provisions of this supplementary order. As used herein "State" means any State, Alaska, Hawaii, Puerto Rico or the Virgin Islands.

§ 1202.378 *Compliance with this supplementary order.* No person shall make a transfer or accept a transfer of milk cans for any purpose, except in accordance with the provisions of this supplementary order or directions which may be issued by the Director.

§ 1202.379 *Manufacturers' transfer of milk cans.* (a) Subject to the provisions of Food Production Order No. 14 and this supplementary order, each manufacturer may transfer not in excess of the following percentages of his scheduled production of milk cans during the designated calendar quarters, and the remainder of such production shall constitute a reserve:

Calendar quarter commencing—	Authorized for transfer	Reserve
	Percent	*Percent*
Oct. 1, 1943	85	15
Jan. 1, 1944	70	30
Apr. 1, 1944	70	30

In making the transfer of milk cans authorized by this paragraph, during any of the calendar quarters mentioned, no manufacturer shall transfer into any State a percentage of his scheduled production of milk cans greater than the percentage which his total transfers of milk cans into such State in 1941 and 1942 was of his total transfers during those years into all States. However, if a manufacturer is unable during any calendar quarter to transfer into any State the full number of milk cans permitted by this paragraph, such manufacturer may transfer the remainder into such State during any subsequent calendar quarter in addition to other permitted transfers. For the purposes of this paragraph, when a manufacturer transfers milk cans to a distributor or other person who operates in more than one State, such transfer will be considered as having been made into the State in which the office (home or branch office) of the distributor or other person placing the order is located.

(b) (1) The Director is hereby authorized to direct the transfer or to prohibit the transfer of the reserve established by paragraph (a) of this section. In so doing, the Director may direct the transfer of a manufacturer's current production at any given time, or he may direct the transfer of the reserve from the inventory of such equipment.

(2) Any person who wishes to make a transfer or accept a transfer of milk cans from a manufacturer's reserve for the purpose of handling milk or milk products may apply to the Director. Such application shall be in writing and shall be filed with the State AAA Committee for the State in which the milk cans will be principally used, and such State AAA Committee shall promptly transmit such application to the Director, together with its recommendation.

(3) If, by the fifteenth day before the end of any calendar quarter, the Director has not directed or prohibited the transfer of part or all of a manufacturer's reserve, such manufacturer may transfer his undirected reserve either (i) in the same manner provided in paragraph (a) of this section, or (ii) in accordance with a distribution plan submitted to the Director, unless the Director disapproves such plan and written notice of such disapproval is given to such manufacturer within seven working days after delivery of such distribution plan to the Director. The mailing of such distribution plan to the Director by registered mail shall constitute delivery of the plan under this paragraph.

§ 1202.380 *Transfers of milk cans for use in handling milk or milk products in the continental United States.* (a) Except as provided in paragraph (b) of this section, no person in the continental United States, other than a Federal agency, shall make a transfer or accept a transfer of milk cans for use in handling milk or milk products, except pursuant to a purchase certificate issued under Food Production Order No. 14 and this supplementary order. Such purchase certificate need not be limited to one milk can.

(b) If a dealer wishes to transfer milk cans to farmers for use in handling milk or milk products without obtaining purchase certificates from such farmers, such dealer shall first obtain a purchase certificate in his own name authorizing him to make such transfer. A purchase certificate issued to a dealer for this purpose may authorize the transfer of not to exceed 40 milk cans. Such dealer may then transfer such milk cans to farmers for use in handling milk or milk products without obtaining purchase certificates from such farmers. No farmer shall accept a transfer of more than two such milk cans during any calendar quarter in this manner, and no dealer shall transfer any milk cans during any calendar quarter to a farmer in this manner if he knows or has reason to believe that such farmer is not authorized to accept such transfer. In making transfers authorized by this paragraph, a dealer shall require farmers to sign a statement substantially as follows:

I hereby certify to _____
(Name of Dealer)

with whom this order is placed and to the War Food Administration that I am a farmer and that the milk cans received on this order are needed now and will be used by me in handling milk or milk products and that I have not, and will not, during this calendar quarter accept a transfer of more than two milk cans, except as may be authorized by a purchase certificate issued to me by the County Farm Rationing Committee.

Date _____ _____
Purchaser

Upon request, such dealer shall submit all certifications which he has received in making transfers authorized by this paragraph to his County Farm Rationing Committee or State AAA Committee. If a dealer wishes to obtain an additional purchase certificate pursuant to this paragraph, he shall submit with his application to the issuing County Farm Rationing Committee or State AAA Committee all certifications received by him in making transfers authorized by the purchase certificate previously issued to him under this paragraph.

(c) Purchase certificates for milk cans issued under Food Production Order No. 3, as amended,[1] shall continue to be valid as though issued under Food Production Order No. 14 and this Supplementary Order until their revocation or expiration.

§ 1202.381 *Transfers of milk cans for use in handling milk or milk products in the territories and possessions of the United States.* Notwithstanding any provision of Food Production Order No. 14, the Farm Rationing Committee for Alaska, Hawaii and for Puerto Rico and the Virgin Islands is hereby authorized, in its discretion, to direct the distribution of milk cans and to provide for their transfer for use in handling milk or milk products in such territory or possession. The Farm Rationing Committee shall at all times serve the objectives sought by the rationing program and allocate milk cans in such manner as will afford the maximum contribution to agricultural production. In so doing, the Farm Rationing Committee may prohibit transfers of milk cans except pursuant to purchase certificates issued under its authority, and may prescribe the form of such certificates. Control over such transfers may be exercised by the Farm Rationing Committee in such manner and under such regulations as it may deem appropriate to carry out the purposes of this supplementary order. Any regulations issued by a Farm Rationing Committee shall be published in the FEDERAL REGISTER.

[1] 8 F.R. 5963, 7299, 7625, 8045, 9100, 9101, 10343, 11607.

§ 1202.382 *Transfers of milk cans for uses other than in handling milk or milk products.* No person shall make a transfer or accept a transfer of milk cans for use other than for handling milk or milk products, except pursuant to a written authorization from the Director.

§ 1202.383 *Transfer of milk cans to a Federal agency.* No Federal agency shall accept a transfer of milk cans, except pursuant to a written authorization from the Director.

§ 1202.384 *Transfers of milk cans for export.* No person shall make a transfer or accept a transfer of milk cans for shipment, nor shall any person ship milk cans, outside the continental United States, its territories and possessions, except pursuant to a written authorization from the Director.

§ 1202.385 *Authority for State AAA Committees to act as county farm rationing committees.* (a) A State AAA Committee shall act as the county farm rationing committee in the issuance of purchase certificates for milk cans to persons, including dairies and farmers' cooperatives, operating in two or more counties or in a county in which there is no county farm rationing committee. In such cases, the State AAA Committee shall perform the functions and carry out the duties of the county farm rationing committee and shall follow the procedures established for county farm rationing committees. In carrying out these functions, such State AAA Committee may appoint committees to discharge these functions in certain designated areas. Appeals from the action of such committees shall be made directly to the State AAA Committee.

§ 1202.386 *Manufacturers' reports.* Each manufacturer of milk cans shall, within 10 days after the commencement of any calendar quarter, furnish the Director with a report on Form MR-224 with respect to transfers of milk cans made during the preceding calendar quarter. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

§ 1202.387 *Communications.* All communications concerning this Supplementary Order No. 3 to Food Production Order No. 14 shall, unless otherwise directed, be addressed to the Director in charge of the Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref. FPO 14, Supp. 3.

§ 1202.388 *Incorporation into Food Production Order No. 14.* This Supplementary Order No. 3 shall be added to and become a part of Food Production Order No. 14 and any violation of this Supplementary Order No. 3 shall be deemed to be a violation of Food Production Order No. 14.

Issued this 19th day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-1002; Filed, January 19, 1944; 8:43 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 1-1]

PART 1404—BAKERY PRODUCTS

FURNISHING OF EQUIPMENT

Pursuant to the authority vested in me under Food Distribution Order No. 1, as amended (8 F.R. 16777), it is hereby ordered as follows:

§ 1404.2 *Items exempt from the prohibition against the furnishing of equipment.* (a) In accordance with (1) (3) of Food Distribution Order No. 1, *supra*, the following items are designated as exempt from the prohibition contained in (1) against the furnishing of equipment by bakers or other sellers or distributors of bakery products:

Pencils;
Sun Visors;
Honor Plaques;
Calendars provided thermometers, barometers, or mirrors are not attached thereto;
Paper used to cover shelves of racks and stands;
Memoranda Pads;
Outdoor Bread Boxes for the baker's exclusive use;
Window Dressing equipment when used by the baker to display his bakery products;
Bakers' advertisements painted on walls inside or outside the premises. Such advertising may include the name of the customer.

This order shall become effective at 12:01 a. m., e. w. t., January 18, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 1, 8 F.R. 16777)

Issued this 17th day of January 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-950; Filed, January 18, 1944; 1:28 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W. P. B. Reg. 1 as amended March 24, 1943; 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-481]

MODERN CONSTRUCTION COMPANY

Sidney H. DesMarais does business as Modern Construction Company, a construction and contracting business located at 1329 Grand Avenue, St. Paul, Minnesota. On July 5, 1943, without War Production Board authorization, Sidney H. DesMarais caused "Residential Construction" to be begun, consisting of alterations and additions to the dwelling located at 609 Lafond Avenue, St. Paul, Minnesota, the estimated cost of which was $2,900. By October 8, 1943, $1,100. in labor and material had been incorporated into said dwelling, in violation of paragraph (b) (1) of Conservation Order L-41, which placed a limit of $200. on such construction. Further, in using restricted grades of softwood lumber in the construction work on said premises without specific approval from the War Production Board, he violated the provisions of paragraph (c) (1) of Conservation Order M-208. These acts constituted wilful violations of the respective orders.

This violation of Conservation Order L-41 has diverted scarce materials to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.481 *Suspension Order No. S-481.* (a) Deliveries of material to Sidney H. DesMarais, doing business as Modern Construction Company, or otherwise, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating orders, preference rating certificates, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order of the War Production Board, shall be made to Sidney H. DesMarais, doing business as Modern Construction Company, or otherwise, his successors or assigns, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order, shall be deemed to relieve Sidney H. DesMarais, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 19, 1944, and shall expire on March 19, 1944.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1009; Filed, January 19, 1944; 4:36 p. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[M-63, as Amended Jan. 8, 1944, Correction]

In § 1042.1 the item "zinc blocks, pigs or slabs" with the Commerce Import Class No. 6558.200 and the governing date of 12/28/41 should appear after the item "yucca fiber" in List II.

Issued this 19th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1006; Filed, January 19, 1944; 4:36 p. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Conservation Order M-28 as Amended January 20, 1944]

DICHLORODIFLUOROMETHANE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of dichlorodifluoromethane for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.27 *Conservation Order M-28*—(a) *Definitions.* For the purpose of this order:

(1) "F-12 gas" means dichlorodifluoromethane (sometimes called "freon-12").

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Producer" means any person engaged in the production of F-12 gas.

(4) "Supplier" means any person to the extent that he is engaged in the business of distributing F-12 gas to persons using the same for installation in refrigerating or air conditioning systems. The term shall include an equipment manufacturer to the extent that he engages in the sale of F-12 gas which has not been installed in such systems. "System" means any "system" as defined in General Limitation Order L-38.

(5) "Equipment manufacturer" means any person to the extent that he uses F-12 gas for charging new refrigerating or air conditioning systems or parts of systems manufactured by him. It does not include affiliates, subsidiaries, branches, divisions or sections or an enterprise, if not actually engaged in the manufacture of systems or refrigerant containing parts of systems.

(6) "Insecticide manufacturer" means any person to the extent that he uses F-12 gas in the production of insecticide.

(7) "User" means any person who installs F-12 gas in a refrigerating or air-conditioning system, other than an equipment manufacturer. It includes suppliers, service agencies, owners or lessees, to the extent that they engage in installing F-12 gas in any system.

(8) "Contract agent" means any person to whom or for whose account F-12 gas is delivered by a producer for distribution to suppliers.

(If the same person, or two or more branches, divisions or sections of the same enterprise, acts in two or more capacities as contract agent, supplier, equipment manufacturer, or insecticide manufacturer, the particular provisions of this order which apply to the respective activities must be followed, to the extent to which the various provisions are applicable to each activity.)

(b) *Systems for which no deliveries are permitted.* (1) No person (including users, dealers, and other suppliers, and producers) shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system which is of a type referred to in List A.

(2) During the period from November 12, 1943, through August 31, 1944, no person (including users, dealers, and other suppliers, and producers), shall deliver, or accept delivery of, any F-12 gas for use in, or for resale for use in any new or used system of any type (not in List A) unless the system must be operated under one or more of the following conditions:

(i) Where an air-cooled condenser is used and the ambient temperature is 110° F or higher; or

(ii) Where the saturated refrigerant temperature corresponding to the suction pressure is less than minus 10° F; or

(iii) Where aluminum or magnesium alloys or rubber (except synthetic rubber) have been used in construction of the system and come in contact with the refrigerant, and are not easily replaceable; or

(iv) Where the system is for use aboard ship, or outside of the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration; or

(v) Where the total operating charge required to operate the system is ten (10) pounds or less of F-12 gas and the system was in operation on November 12, 1943, and is used for food preservation or for storage of penicillin, blood serum, blood for plasma, blood plasma, biologicals and bacteriologicals; or

(vi) Where the use of no Group 2 or Group 3 refrigerants, as defined in the American Standard Safety Code for Mechanical Refrigeration, ASRE Circular No. 15, ASA-B 9-1939, as approved by the American Standards Association April 20, 1939, is permitted by that Code; or

(vii) Where the system is used in a sealed railroad car or sealed bus.

(The above restrictions apply not only to systems used for ordinary civilian purposes, but also to those owned, operated, or used within the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration, including post exchanges and ships service stores, other than those used aboard ships.)

(3) Attention is called to paragraph (c) (2), which prohibits a supplier from delivering F-12 gas except on certified orders.

(c) *Deliveries by suppliers.* (1) No supplier or any other person (except a producer) shall deliver any F-12 gas for export outside of the continental United States, or for use by any of the following non-retail users (or to any ship yard or other person for use in a system to be delivered to any of them), namely: The Army, Navy, Maritime Commission, War Shipping Administration, post exchanges, ships service departments and activities, equipment and insecticide manufacturers, for new or used systems, or for use in insecticide, without specific authorization from the War Production Board. Subject to the foregoing restriction, any supplier or any other person (except a producer) may deliver F-12 gas to any other person, for use in any new or used system not referred to on List A of this order, if it must be operated under one or more of the conditions stated in (b) (2) (i) to (b) (2) (vii) both inclusive.

No person shall accept from a supplier or other person any delivery of F-12 gas which is prohibited by the restrictions in this order.

(2) Whenever the owner of a system or any other user wishes to obtain F-12 gas for installation in a system or systems for which deliveries by suppliers are permitted under this order, he may place his order with any supplier for the minimum quantity, which the available cylinder or cylinders permit, necessary to bring the charge in the system or systems up to a normal operating charge. He must certify his order, or the vendor's delivery receipt, by a certificate endorsed on or attached to it, showing that the F-12 gas is to be used for such purposes only, and that he is not holding any empty cylinders not owned by him, which shall be in substantially the following form:

> The undersigned purchaser certifies to the seller and the War Production Board that he does not have any F-12 gas cylinders not owned by him, which have been empty for more than 15 days; and that the F-12 gas covered by this order will not be used or resold for any purposes not permitted by Order M-28.

Such certificate, which must be signed by the purchaser or his authorized official, will constitute a representation that what is stated in it is true. A supplier must not deliver any F-12 gas except under certified orders; and he must not make delivery under any order which is certified if he knows, or has any reason to believe that the certificate furnished with such order is untrue, incomplete, or inaccurate. In such a case the supplier must reject the order, and should explain why he is doing so, so that the prospective purchaser can comply with this order. Each supplier must keep all accepted orders and certificates which he receives, for a period of two years, for inspection by the War Production Board. (Certificates in the form required by this order before its amendment on November 12, 1943, may continue to be used for 30 days after that date, in place of the above form.)

This restriction shall not prevent a person who services several systems for which deliveries are permitted by this order from purchasing a cylinder of F-12 gas from a supplier, if the amount purchased is the smallest quantity practicable considering the sizes of the standard commercial cylinders and the amount needed in his current operations.

(3) No "standby charge" or any other quantity of F-12 gas, over and above that needed to bring the total charge in a system or systems up to the normal operating charge, shall be delivered to or accepted by any person for use in a system which he owns, leases, or operates (except the Army, Navy, Maritime Commission or War Shipping Administration): except, however, that a "standby charge" may be maintained for a system which is operated primarily for one of the following purposes: air conditioning or refrigeration for the production and storage of penicillin, or blood serum; or refrigeration for the storage of blood for plasma, or the production or storage of blood plasma.

(d) *Deliveries by producers.* Each producer shall hold his entire inventory of F-12 gas, together with all additional quantities produced or otherwise obtained by him from time to time, for delivery under such orders and for such uses as may be authorized or directed from time to time by the War Production Board. No deliveries of F-12 gas shall be made by a producer except pursuant to specific authorizations or directions heretofore or hereafter issued by the War Production Board.

(e) The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering F-12 gas, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Reports.*[1] (i) Each equipment manufacturer who wishes to secure delivery of F-12 gas during any month for charging systems or parts produced by him, or for factory repair and charging of sealed or hermetic condensing units, shall file with the War Production Board, on or before the 15th day of the preceding month a report on Form WPB-3326, prepared in accordance with the instructions for such form.

(ii) Any person wishing to secure F-12 gas during any month for ultimate uses (such as testing coaxial cable for leaks) other than the charging of new or used refrigeration or air conditioning systems or parts or use in insecticide, shall file with the War Production Board, on or before the 20th day of the preceding month, a report by letter, in triplicate, showing the minimum amount required for the month, the purpose for which required, and the amount used during the preceding calendar month for that purpose.

(3) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the par-

[1] The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ticular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. M–28.

Issued this 20th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—SYSTEMS FOR WHICH NO DELIVERIES ARE PERMITTED

Air conditioning systems. Any system, of any size operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.
Concert halls.
Funeral parlors.
Golf clubs, country clubs, athletic clubs, and all other clubs and club houses.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).
Studios of all kinds.
Theaters.

This list does not include (i) any such system used primarily to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part, for the refrigeration and storage or processing of food, ice, or other materials or products, necessary to life or health, or to be delivered to the Army, Navy, Maritime Commission or War Shipping Administration, and requiring refrigeration, temperature control, or freedom from dust or other impurities.

Refrigeration systems.

Skating rink systems.
Refrigeration systems solely for storing or dispensing carbonated or malt beverages.

INTERPRETATION 1

[Interpretation 1 revoked November 12, 1943]

INTERPRETATION 2

(a) *Quantities which may be obtained by system owner.* Subparagraphs (c) (2) permits the owner (or lessee) of a refrigerating or air conditioning system (not on List A) who does his own installation of F–12 gas, to place his order for the minimum quantity "which the available cylinder or cylinders permit", necessary to bring the charge in his system up to a normal operating charge.

The standard commercial cylinders are generally available in sizes which contain four pounds, ten pounds, twenty-five pounds, and one hundred forty-five pounds of the gas, and a particular supplier may not have all four sizes in stock at all times. Questions will therefore arise as to the number and sizes of cylinders which the owner of a system is permitted to obtain, if the particular supplier with whom his purchase order is first placed should not happen to have the sizes of cylinder from which the minimum quantity needed by the system can be furnished the owner.

In such a case, the owner of the system should make a reasonable effort to obtain the minimum quantity which he needs, from some other supplier in his locality, rather than purchase an excessive quantity from the first supplier upon whom he calls. While the order does not prescribe rigid rules as to exactly what effort the purchaser should make in every case, it is required that he do whatever is practicable, under his particular conditions, to obtain the minimum quantity which he needs, and no more.

Where he is located in a large community in which there are a number of suppliers, he should contact several, if necessary in order to obtain the quantity needed. If he happens to be located in a small community where there is only one supplier who cannot furnish the exact quantity needed and the F–12 gas must be obtained immediately in order to avoid spoilage of a substantial quantity of food, the restriction would not prevent him from obtaining a larger amount, if that is unavoidable without letting his food spoil.

As a guide to the number and size of cylinders which should normally be obtained, for the different quantities of F–12 gas which may be needed in different cases, the following table is furnished:

Pounds of F–12 gas required	Amounts which should be ordered. Number of cylinders			
	4 pounds	10 pounds	25 pounds	145 pounds
0–4	1			
5–9		1		
10–14	1	1		
15–24		2 or	1	
25–29	1		1	
30–39	1	1	1	
40–49	1	2	1	
50–59		1	2	
60–69		2	2	
70–79	1		3	
80–89	1	1	3	
90–110		1	4	
111–145				1
146–170			1	1
171–195			2	1
196–220			3	1
221–245			4	1
246–290				2
291–315			1	2
316–340			2	2
341–365			3	2
366–390			4	2
391–435				3

The above interpretation applies only where the system owner buys his F–12 gas from a supplier, and installs it himself. If he has a service shop install the gas, the shop will always be able to furnish no more than the amount actually needed from its service cylinders, and there will be no problem.

(b) *Installation of F–12 gas in systems or parts held by equipment manufacturers or dealers.* Paragraph (b) (1) prohibits deliveries of F–12 gas for systems on List A; (b) (2) prohibits deliveries for any other system, unless it must be operated under one or more of the conditions specified. These restrictions are intended to prevent deliveries of F–12 gas where there is a sale or other delivery of the gas. They prevent an equipment manufacturer or other person from delivering F–12 gas in any new or used system or refrigerant-containing parts if charged with F–12 gas furnished by him after the effective date of the applicable restriction, for any prohibited use.

These restrictions do not prevent the withdrawal and reinstallation of F–12 gas in the course of repairing a used system or refrigerant-containing part, where no additional F–12 gas is added to what was already in the system or part.

Neither do they restrict the delivery of new or used systems or refrigerant-containing parts which had already been charged at the time the applicable restriction became effective; nor do they prevent the owner or lessee of an installed system who had F–12 gas in his possession on the effective date of the applicable restriction, from charging the system with such gas, or having someone else do this charging for him, where no transfer of possession or ownership is involved. (Issued November 30, 1943.)

[F. R. Doc. 44–1052; Filed, January 20, 1944; 11:20 a. m.]

PART 3201—MINING

[Preference Rating Order P–56 as Amended Jan. 20, 1944]

MINES AND SMELTERS

§ 3201.11 *Preference Rating Order P–56*—(a) *Purpose and scope.* This order explains how operators of mines and smelters in the United States and in foreign countries may get the materials and products they need to carry on their operations. The materials covered include not only maintenance, repair, and operating supplies, including controlled materials, but also machinery, other kinds of materials, and equipment. This order does not apply, however, to an operator of a nonessential mine as defined in Limitation Order L–208.

(b) *Definitions.* (1) "Producer" means a person operating any of the following enterprises, whether in the United States, or any of its territories, or in a foreign country, but does not include any enterprise defined as a "nonessential" mine in Order L–208 or any like enterprise located outside the United States, its territories or possessions: (i) any plant actually engaged in the extraction by surface, open-pit, or underground methods, or in the beneficiation, concentration, or preparation for shipment of the products of mining activity; (ii) any plant wholly engaged in the processing and burning of refractories; (iii) any plant producing any material listed below by smelting or refining processes, and to whom a serial number has been issued under Preference Rating Order P–73, or is hereafter issued as provided in paragraph (c):

Antimony	Nickel
Cobalt	Platinum
Copper	Tin
Iridium	Tungsten
Lead	Vanadium
Mercury	Zinc
Molybdenum	

(iv) any prospecting enterprise for the discovery, exploration, or development of new or additional mining projects, including the construction of access roads; and (v) mines, concentrating mills, smelters, railroads, power plants, refineries, and appurtenances owned and operated by the companies holding serial numbers under Preference Rating Order P–56 on December 24, 1943.

(2) "District" means a mine supply control district of the Foreign Economic Administration.

(3) "Maintenance, repair, and operating supplies" means material used for the following purposes by producers in the conduct of enterprises described above in paragraph (b) (1): (i) minimum upkeep necessary to continue the working condition of essential property or equipment, and (ii) restoration of essential property or equipment to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like have made the property or equipment unfit or unsafe for service; and supplies which are essential to and consumed or worn out in the conduct of such enterprises. In addition, except as hereinafter noted, the term "maintenance, repair, and operating supplies" includes minor capital additions normally necessary to the operation of the enterprise, but not exceeding in cost $500 (excluding purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph.

Producers Holding Serial Numbers

(c) *Priorities assistance for producers with serial numbers.* Producers holding serial numbers, which may be obtained in the manner specified in paragraph (f), may apply for priorities assistance as follows:

(1) For maintenance, repair, and operating supplies, by filing the appropriate mine quota application form with the Mining Division, War Production Board, Washington 25, D. C., as follows:

Metal mines	Form WPB–2937
Coal mines	Form WPB–2938
Non-metallic mines	Form WPB–2939
Smelters and refineries	Form WPB–2940
Core or churn drill operators	Form WPB–2937

For the first and second quarters of 1944, in order to purchase minor capital additions as defined in paragraph (b) (3), a producer must apply for a dollar value quota by letter filed with the Mining Division, War Production Board, Washington 25, D. C. A producer who has several plants or other operating units, even though they maintain separate records of maintenance, repair, and operating supplies, may apply in such letter for a single, aggregate quota covering all of such units, designating the several serial numbers involved. After the second quarter of 1944, application for a dollar value quota for the purchase of such minor capital additions may be made on the appropriate mine quota application form listed above.

(2) For other machinery, materials and equipment, by submitting to the Mining Division, War Production Board, Washington 25, D. C., an application on Form WPB–2910. In submitting applications under this subparagraph, Form WPB–2910 may be accompanied by a letter giving any unusual circumstances relevant to the application.

Foreign Producers Operating Under Mine Supply Control Districts

(d) *Priorities assistance for certain foreign producers operating under mine supply control districts.* To enable a producer not holding a serial number hereunder and located outside the continental United States and within the jurisdiction of a district to obtain priorities assistance, the following procedure is established:

(1) For maintenance, repair, and operating supplies a district may apply for priorities assistance by filing Form WPB–2937 with the Mining Division, War Production Board, Washington 25, D. C. A producer not holding a serial number and located in a district may apply for priorities assistance by submitting to such district his purchase orders for maintenance, repair, or operating supplies, together with such information as may be required by the district. Within the limits of the priorities assistance granted to it pursuant to this paragraph (d) (1), such district may authenticate any such purchase order for maintenance, repair, or operating supplies by indicating the appropriate priorities assistance and countersigning the purchase order as follows:

Approved:

_____
Name of district

_____
Signature of authorized official

(2) For other machinery, materials, and equipment, a producer not holding a serial number and located within a district may submit to the War Production Board, Form WPB–2910, such application to be endorsed with the signed approval of the district within which the applicant is located.

(3) A distributor of maintenance, repair, or operating supplies or of other machinery, materials, or equipment used by producers, who is located outside the United States and within the jurisdiction of a district, may apply for priorities assistance in the same manner as prescribed in paragraphs (d) (1) and (d) (2) for producers not holding serial numbers and located within the jurisdiction of a district.

Other Producers Not Holding Serial Numbers

(e) (1) *Priorities assistance for other producers not holding serial numbers.* A preference rating of AA–5 is hereby assigned to delivery orders for maintenance, repair, and operating supplies, except minor capital additions as defined in paragraph (b) (3), placed by producers operating within the United States, its territories and possessions, and not holding serial numbers (other than operators of nonessential mines as defined in Limitation Order L–208). Such producers may apply for further priorities assistance for machinery or equipment or for further assistance for maintenance, repair, or operating supplies by submitting to the Mining Division of the War Production Board, Washington 25, D. C., a written application on Form WPB–2910. Foreign producers, not holding serial numbers and not located in a mine supply control district, may apply for priorities assistance by submitting to the Mining Division of the War Production Board a written application on Form WPB–2910.

(2) *Emergency procedure for non-serialized mines.* In case of actual or impending breakdown, producers not holding serial numbers may apply for priorities assistance on Form WPB–1436 or by telegraph either to the Washington Office or the nearest regional or district office of the War Production Board.

Serial Numbers

(f) *Issuance of serial numbers.* Applications for serial numbers may, in the case of producers within the continental limits of the United States, be filed with the appropriate War Production Board Regional Office, Attention: Regional Technical Advisor, Mining Division; or with the appropriate State Coordinator of Mines for transmission to such Regional Advisor; or with the Mining Division, War Production Board, Washington, D. C. Serial number application by districts must be filed with the Mining Division, War Production Board, Washington 25, D. C. Applications by all other foreign producers should also be filed with the Mining Division, War Production Board, Washington 25, D. C. In filing such application, the following forms shall be used:

Metal mines	Form WPB–1212
Coal mines	Form WPB–2784
Non-metallic mines	Form WPB–2758
Core or churn drill operators	Form WPB–2952

Smelters and refineries shall apply by letter. In issuing and cancelling serial numbers, the War Production Board will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of the critical material involved, and the importance to national defense of competing demands for such material, and competing demands for manpower and transportation. Serial numbers issued under Preference Rating Orders P–58 and P–73, and not cancelled prior to December 24, 1943, are hereby confirmed and shall be considered as having been issued under this Order P–56.

Use of Priorities Assistance; All Producers

(g) *Application and extension of priorities assistance.* The way to use pref-

erence ratings is explained in Priorities Regulation No. 3, and the way to use allotments, both in placing authorized controlled material orders and in making allotments, is explained in CMP Regulation No. 1. Instead of using the certification prescribed by those regulations or by any other regulation of the War Production Board, including Priorities Regulation No. 7, the producer may use the following endorsement signed manually or as provided in Priorities Regulation No. 7:

Allotment number ----------
Preference rating ----------
Order authorized under Preference Rating Order P–56, Serial No. ----------

He shall not add the symbol "MRO" despite the certification instructions in CMP Regulation No. 5 or any other regulation. Requirements of other orders of the War Production Board as to special certifications remain applicable, but the foregoing endorsement shall be added to such certification. The use of the foregoing endorsement by a producer shall constitute a representation, subject to the criminal penalties for misrepresentation contained in section 35A of the Criminal Code (18 U. S. C. 80) that the material or equipment ordered will be used for the purpose for which priorities assistance was granted to acquire it. Preference ratings assigned for maintenance, repair, and operating supplies on Forms WPB–2910 (non-serialized producers only), 2937, 2938, 2939, and 2040 may not be used to obtain items on List A or List B of Priorities Regulation No. 3. Any items which are purchased without the use of preference ratings need not be charged against authorized dollar quotas.

(h) *Restrictions on receipts and inventories.* Notwithstanding the provisions of any other order or regulation of the War Production Board, including CMP Regulation 2, receipts and inventories of producers shall be subject to the following restrictions only: No producer shall receive any delivery of material which will increase his inventory of such material to an amount greater than the minimum necessary to sustain his current level of operations; and the ratio of such inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(i) *Restrictions on use and resale of material.* Notwithstanding § 944.11 of Priorities Regulation No. 1, no producer shall use any material, whether or not obtained pursuant to this order, for any purpose other than that for which priorities assistance was granted to acquire it; nor may he sell any material (including machinery and equipment), which he has used in the conduct of any entefprise described in paragraph (b) (1), whether or not he obtained such material with priorities assistance under this or any other order, except:

(1) To a producer holding a serial number hereunder, or

(2) With the written approval of the War Production Board applied for by letter to the Mining Division, or

(3) With the written approval of a district if he is a non-serialized producer located within such district, or

(4) As permitted by Priorities Regulation No. 13.

Applicability of Other Regulations and Orders

(j) (1) *CMP Regulation No. 5 and other regulations of the War Production Board.* None of the restrictions contained in CMP Regulation No. 5 shall be applicable to producers, and no producer shall obtain any material under CMP Regulation No. 5. However, privileges under other orders and regulations of the War Production Board granted to persons on Schedules I and II of CMP Regulation No. 5 shall be considered as applicable to producers operating under this order. For example, Order E–5–a on gauges and precision measuring hand tools classifies a person on Schedules I and II of CMP Regulation No. 5 as an "approved user." Producers operating under Order P–56 are in the same position providing that certification clauses and all other provisions of such other orders are complied with.

(2) *Restriction on use of priorities assistance.* No producer, except as permitted by paragraph (e), shall acquire any maintenance, repair, or operating supplies through the use of any preference rating, except after prior application filed with the Mining Division of the War Production Board, Washington 25, D. C., on the appropriate mine quota application form for maintenance, repair, and operating supplies, as specified in paragraphs (c) and (d); nor shall he acquire any other machinery, material (other than maintenance, repair, and operating supplies), or equipment through the use of either any preference rating or any specific authorization of the War Production Board, except after prior application filed with the Mining Division on Form WPB–2910 or except after filing a project application. This means that, with exceptions noted, in cases where some other order or regulation of the War Production Board requires the filing of a special application in order for a person to get any particular product, producers who are covered by this Order P–56 are required to file an application in the form specified in this order with the Mining Division before they may file the special application required by the other order or regulation. The purpose of this provision is to enable the Mining Division both to screen all such applications in the light of its knowledge of the industry's requirements, and to help a producer in approved cases to obtain the material he wants.

Miscellaneous Provisions

(k) *Records, audits, and reports.* Each producer and each distributor shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order, and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each producer and each distributor shall execute and file with the War Production Board or other designated agency such reports and questionnaires as the War Production Board may from time to time require.

(l) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Mining Division of the War Production Board, Washington 25, D. C., referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Communications.* All reports and applications hereunder and all other communications with respect to this order shall, except as otherwise specifically provided, be addressed to the Mining Division, War Production Board, Washington 25, D. C., Ref: P–56.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 20th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

APPLICABILITY TO CUTTING AND POLISHING OPERATIONS AT THE QUARRY

The term "producer" as defined in Preference Rating Order P–56 includes persons operating a quarry and also persons conducting further cutting and polishing operations at the quarry site, such as the manufacture of building stone and tombstones. These latter operations are included in the phrase "preparation for shipment, of the products of mining activity" appearing in paragraph (b) (1) (i) (§ 3201.11) of the order.

Since paragraph (j) (1) of the order forbids "producers" from obtaining any materials under CMP Regulation 5, producers of tombstones or other stone products at the quarry site may not operate under this regulation but must get priorities assistance exclusively under Order P–56.

The manufacture of tombstones and structural stone at a separate plant away from the quarry is not covered by Order P–56, and priorities assistance for MRO supplies required in such operations may be obtained under CMP Regulation 5. Under CMP Regulation 5, a rating of AA–2 is assigned to persons engaged in the manufacture of structural stone, while persons engaged in the manufacture of tombstones and monuments may use the AA–5 rating which is assigned under that regulation to unlisted business. (Issued Nov. 13, 1943.)

[F. R. Doc. 44–1053; Filed, January 20, 1944; 11:20 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L–158, as Amended Jan. 20, 1944]

PRODUCTION OF REPLACEMENT PARTS FOR MOTOR VEHICLES

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel, and other materials required for the production of replacement parts for passenger automobiles, light, medium and heavy motor trucks, truck trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.46 *Limitation Order L–158*—(a) *Definitions.* For the purpose of this order: (1) "Replacement parts" for passenger automobiles, light, medium and heavy motor trucks, truck-trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment means only the following enumerated items, and the components entering into such items, which are produced for use in the repair, maintenance or improvement of such vehicles, but does not include any parts specially designed for military vehicles:

(i) For all vehicles: (1) engines, less starting, ignition and fuel systems, (2) clutches, (3) transmissions, (4) propeller shafts, (5) universal joints, (6) axles, (7) braking systems, (8) wheels, (9) tire valve assemblies, (10) starting apparatus, (11) frame and spring suspension assemblies, except spring covers and spring clip spacer tubes, (12) shock absorbers, (13) speedometers, (14) driving mirrors, (15) windshield wiper assemblies, (16) steering apparatus, (17) exhaust systems, (18) cooling system, including radiator shells supporting radiator cores, (19) fuel systems, but not locking-type gas caps, (20) bulk tubing other than copper for fuel, oil, brake and door-actuating lines, (21) lubricating system, including fittings, (22) electrical systems, including generators, motors, lamps (but not bulbs), signal horns, and bulk and spool (a) primary wire (b) spark plug wire and (c) battery cable, the last three items only in lengths of 100 ft. maximum, (23) safety glass and channels, (24) hood, door, window and rear deck actuating mechanisms, (25) front fenders, but only types which house or hold headlights, (26) windshield defrosters (components only), (27) heater hose.

(ii) In addition, but only for medium and heavy motor trucks, truck-trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment: (28) power dividers and take offs, (29) governors, (30) transfer cases, (31) coupling devices, (32) trailer landing gears, (33) cabs and seats, (34) front fenders without limitation as to type, (35) hoods, (36) truck refrigeration units, (37) liquid measuring gauges, (38) body mechanical and hydraulic hoists (component parts only), (39) tachometers, (40) doors and door hardware, (41) marker, clearance and identification lamps, spot lamps (internally controlled only), fog lamps and back-up lamps, (42) fusees and flares, (43) signaling devices, (44) reflex reflectors, (45) windshield defrosters, (46) truck and bus traction sanders.

(iii) In addition, but only for passenger carriers and motorized fire equipment: (47) body structural repair parts, (48) sash, (49) destination signs, (50) fare boxes, (51) guards and grab rails, (52) door-operating mechanisms, (53) heating and ventilating equipment.

(2) "Rebuilt or reconditioned parts" means any replacement parts (defined in paragraph (a) (1) above) which have been used and restored for use through rebuilding or reconditioning operations.

(3) "Parts consumed in use" means those parts whose function in the operation of the vehicle results in a dissipation or deterioration of material, either in whole or in part, so that the residue has little or no salvage value.

(4) "Ignition contacts" means tungsten tipped parts such as screws, rivets, levers, arms or discs which are components of ignition circuit breaker assemblies.

(5) "Passenger automobile" means any passenger vehicle, including station wagons and taxicabs propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(6) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(7) "Medium and heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(8) "Truck trailer" means a complete semi-trailer or full trailer designed for transportation of property or persons, or the chassis therefor.

(9) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than eleven (11) persons.

(10) "Off-the-highway motor vehicle" means a motor truck, truck-tractor or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects, or the chassis therefor.

(11) "Motorized fire equipment" means the chassis of a passenger automobile, light, medium or heavy motor truck, truck-tractor or trailer, used for the transportation of fire-fighting personnel or equipment.

(12) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture of replacement parts, as defined in paragraph (a) (1) above.

(13) "Supplier" means a person who supplies a producer with materials or component parts for the production or assembly of replacement parts.

(14) "Distributor" means any person not a producer or supplier whose business consists, in whole or in part, of the sale of replacement parts, as defined in paragraph (a) (1) above, from inventory. Distributor includes wholesalers, jobbers, dealers, retailers and other persons performing a similar function including garages and service stations.

(15) "Consumer" means the owner or operator of the automotive vehicle for which replacement parts are required, or the user of such replacement parts for any other purpose, not including the Army or Navy of the United States, the United States Maritime Commission, and other agencies listed in paragraph (o) (1) below.

(16) "Inventory" means a stock of new replacement parts held by a distributor for his own account. Inventory does not include any new replacement parts held on consignment or any "as is", rebuilt, reconditioned or reconditionable parts.

Provisions Relating to Production

(b) *Production of certain parts to be made as if orders were rated AA–1 and others AA–2X.* Notwithstanding the provisions of Priorities Regulation No. 1, Part 944, replacement parts, for medium and heavy motor trucks, truck trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment, enumerated in paragraph (a) (1), except items (41) to (46) inclusive, must be produced as if the orders therefor bore a preference rating of AA–1. Replacement parts, for passenger automobiles and light trucks, enumerated in paragraph (a) (1) and also items (41) to (46) inclusive, must be produced as if the orders therefor bore a preference rating of AA–2X.

(c) *Correction of critical shortages.* Whenever the War Production Board determines that a critical shortage exists in respect to replacement parts, the Board may order any producer or supplier to schedule and deliver his production in such manner as will relieve the shortage; and in addition, may direct any producer or distributor to deliver or sell to any other person, at regularly established prices and terms, such quantities of replacement parts available for civilian distribution as the War Production Board may determine.

(d) *Production restricted to enumerated replacement parts; use of critical materials.* (1) No producer shall manufacture any parts for use in the repair, maintenance or improvement of passenger automobiles, light, medium and heavy trucks, truck trailers, passenger carriers, off-the-highway motor vehicles or motorized fire equipment except the items, and their components, enumerated in paragraph (a) (1) above as items (1) to (53) inclusive.

(2) In the production of such parts no materials shall be used which are prohibited by any orders, regulations or other restrictions on the use of critical materials now or hereafter issued by the War Production Board.

Standardization and Simplification Provisions

(e) *Pistons and bearings.* On and after November 15, 1943, producers shall make replacement pistons, piston pins, piston rings and engine bearings as components of engines, only according to the following standards:

(1) Pistons as components of engines only in standard sizes and the following oversizes: .005, .020, .030, .040, .060 and semi-finished.

(2) Piston pins as components of engines only in standard sizes and the following oversizes: .003, .005, .010.

(3) Piston rings as components of engines only in standard sizes and the following oversizes: .005, .020, .030, .040, .060; and in addition, for medium and heavy trucks and busses, .080, .100.

(4) Engine bearings as components of engines only in standard sizes and the following undersizes: .002, .010, .020, .030, .040, .060, .090 and semi-finished. In addition, connecting rod bearings with oversize outside diameter, and the "special length Ford main bearings".

(f) *Ignition contacts.* On and after December 1, 1943, all discs cut from tungsten contact rod for ignition contacts for all vehicles shall be cut to a thickness not exceeding .030 inch, plus a tolerance of .002 inch.

Provisions Relating to Distributors' Inventories

(g) *Restrictions on distributors' inventories.* (1) No distributor of replacement parts whose place of business is located in the eastern or central war time zone shall accept delivery of new replacement parts which, in combination with his existing inventory of new replacement parts, measured in total dollar cost value, will exceed a sixty-day (60) supply. Sixty-day supply means a supply in dollar cost value equal to the distributor's total sales, at his cost, of such new parts in the preceding two months period.

(2) No distributor of replacement parts whose place of business is located in any other war time zone shall accept delivery of new replacement parts which, in combination with his existing inventory of new replacement parts, measured in total dollar cost value, will exceed a ninety-day (90) supply. Ninety-day supply means a supply in dollar cost value equal to the distributor's total sales, at his cost, of such new parts in the preceding three months period.

(3) Irrespective of the restrictions in subparagraphs (1) and (2) above, a distributor may accept delivery of specific items of replacement parts even though his inventory then exceeds, or will by reason of such acceptance exceed, his maximum permissible inventory as specified in subparagraphs (1) and (2) above. The quantity of such specific items in dollar cost value shall not exceed the dollar cost value of his sales of such items during the preceding thirty days or the last thirty-day period in which a sale was made if the distributor is located in the eastern or central war time zones, and forty-five days in all other zones.

(h) *Return of new replacement parts.* New replacement parts, returned by a distributor to another distributor, if not included in the inventory of the person receiving the parts during the calendar quarter in which received shall be included in his inventory in the next succeeding calendar quarter.

(i) *Disposition of traded-in used parts.* No distributor may keep in his inventory, in his possession or under his control any used replacement parts which have been traded in and cannot be reconditioned for a period of more than thirty (30) days after they have been determined to be unserviceable, but he must dispose of them through customary disposal or scrap channels. Traded-in parts which can be reconditioned must be reconditioned, or returned to be reconditioned, as quickly as minimum quantities will permit.

(1) *Traded-in ignition contact points to be reclaimed.* As tungsten is a highly critical material, traded-in ignition contact points must be saved for possible reclamation. Therefore, they may not be scrapped. Where distributors can not reclaim the tungsten contacts for reuse, they must return them through normal trade channels to producers or suppliers for reclamation.

Provisions Relating to Distribution

(j) *No preference ratings required for delivery of replacement parts for resale.* No producer or distributor shall require any preference ratings for the purchase or the delivery of finished replacement parts for resale as such, except on Army, Navy, Maritime Commission and War Shipping Administration orders as provided in paragraph (L). All deliveries of such parts for resale or to consumers may be made as if the orders therefor bore the preference ratings assigned to their production in paragraph (b), and without regard to orders bearing a lower rating. In addition, the provisions of this paragraph are applicable to orders for finished parts required for rebuilding or reconditioning operations.

(k) *Parts for emergency repairs*—(1) *How to order parts.* Notwithstanding the provisions of paragraph (g) above, a distributor may order and accept delivery of replacement parts which he does not have in stock when required by a consumer for the emergency repair of a particular vehicle which cannot be operated without such parts. In such emergency, a distributor must file with his order to the producer a certificate in the following form:

CERTIFICATE FOR EMERGENCY REPAIR ORDER

AUTOMOTIVE REPLACEMENT PARTS

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that the replacement parts specified in the attached order are essential for the repair of the following vehicle, which cannot now be operated without such parts:

Make---------- Engine number----------

Signed----------
(Firm, partnership or corporation)

By----------
(Name and title of individual)

Dated: ---------- ----------
Address of firm, partnership or corporation.

A copy of the certificate must be retained by the distributor issuing it as a part of his records.

(2) *Emergency repair orders take preference.* A producer receiving an order accompanied by a Certificate for Emergency Repair must give such order precedence in shipment over other orders not of an emergency nature.

(3) *Use of certificate restricted.* The Certificate for Emergency Repair may be used only to secure essential replacement parts for emergency repairs as described in this paragraph (k). It must not under any circumstances be used by a distributor to replenish his stock.

(l) *Preference ratings of AA-2X or higher required on sales by distributors to army, navy and maritime commission.* Irrespective of the provisions of this order, no distributor shall sell or deliver any replacement parts, as enumerated in paragraph (a) (1) above, to the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration except upon receipt of an order bearing a preference rating of AA-2X or higher.

(1) *Additional provisions for army orders.* Purchase orders for replacement parts (except parts for "post exchange" vehicles) submitted to distributors by the Army must specify, in accordance with War Department instructions, the type, manufacturer, model and United States Army registration number of vehicles covered by the purchase order; and must carry a certification that such vehicles are "dead-lined" for emergency repair. Delivery by distributors of replacement parts against such orders for the Army must be limited to replacement parts in distributors' inventory available for immediate delivery.

(m) *Restrictions on sales to consumers*—(1) *No sale of new parts where old part can be rebuilt or reconditioned.* No new replacement part shall be sold or delivered to a consumer to replace a part which the producer or distributor can rebuild or recondition by use of available local reconditioning facilities.

(2) *Used part to be turned in.* No producer or distributor shall sell or deliver any replacement part either new, used or rebuilt, to a consumer unless the consumer turns in to the producer or distributor, concurrently with his purchase, a used replacement part of similar kind and size for each such replacement part delivered to the consumer. However, a used replacement part need not be turned in in the following cases:

(i) Where the used part has been consumed in use, lost or stolen;

(ii) Where the used part is a cab assembly;

(iii) Where the consumer is a Federal or Territorial Department, Bureau or Agency, or a State or political subdivision thereof, which is forbidden by law from making such disposal of replacement parts;

(iv) Where the new or rebuilt part is ordered by telephone, telegraph or mail, or is to be installed by the purchaser.

(v) Where the new part to be purchased by the consumer will improve the efficiency of the vehicle, its capacity or usefulness, such parts being as follows: for all vehicles—oil filters; for medium and heavy trucks, truck trailers, passenger carriers, off-the-highway motor vehicles and motorized fire and police equipment — auxiliary springs, trailer connections, brakes, fifth wheels, auxiliary fuel tanks, governors, landing gears, heavy duty generators, auxiliary transmissions, power take-offs, heavy duty trailer axles, wheels and rims which do not increase tire sizes, marker, clearance and identification lamps, spot lamps (internally controlled only), fog lamps and backup lamps, signaling devices, reflex reflectors, windshield defrosters, truck and bus traction sanders.

(3) *Use of consumer's certificates.* In any of the cases provided for in subparagraphs (2) (i), (ii), (iv), and (v) above, in which the consumer is not required to turn in a used part, he must sign and deliver to the producer or distributor concurrently with each purchase, or on the written confirmation thereof if the order is placed by telephone or telegraph, a Consumer's Certificate in the following form:

CONSUMER'S CERTIFICATE

AUTOMOTIVE REPLACEMENT PARTS

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that: (a) the replacement parts covered by this certificate are essential for the maintenance, repair or improvement of equipment he now owns or operates; (b) these parts will be used to replace parts which, to the best of his knowledge, cannot be rebuilt or reconditioned by use of available facilities; and (c) he will, within thirty days after receiving the parts, dispose of the old parts, if any through scrap channels.

(Signed)----------
Vehicle owner or operator.

Date: ---------- Address ----------

The foregoing Consumer's Certificate must be retained by the producer or distributor making the sale to the consumer as part of his records.

(4) *Emergency stocks for truck and passenger carrier fleet operators.* On and after December 31, 1943, any owner or operator of a fleet of twenty-five (25) or more medium or heavy trucks, passenger carriers or off-the-highway motor vehicles may, without turning in a similar used part or filing a Consumer's Certificate, purchase engines, less starting, ignition and fuel systems; transmission assemblies; and rear axle assemblies; in quantities not exceeding one each such part for every twenty-five (25) vehicles, or multiples of twenty-five (25) which he maintains in service currently licensed.

Miscellaneous Provisions

(n) *Applicability of War Production Board regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time except where otherwise stated.

(o) *Exceptions to applicability of this order.* (1) The terms and restrictions of this order, except as provided for in paragraph (c) and (L) above, shall not apply to any replacement parts sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Offices of Scientific Research and Development.

(2) The terms and restrictions of this order entitled Provisions Relating to Distributors' Inventories and Provisions Relating to Distribution shall not apply to any person located outside of the forty-eight (48) states and the District of Columbia.

(p) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(q) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Field Office of the War Production Board nearest the appellant's place of business, referring to the particular provision appealed from and stating fully the grounds for appeal.

(r) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Ref.: Order L-158.

Issued this 20th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

RESIZING OF ENGINE PISTONS AND BEARINGS BY PRODUCERS' BRANCHES

The question of resizing engine pistons and bearings in the field to sizes other than those specified in paragraphs (e) (1) and (e) (4), respectively, of § 3292.46, Limitation Order L-158, has been the subject of some uncertainty in the industry. In order to clarify the order, with respect to the intent of these paragraphs, the following interpretation is hereby issued:

Producers' direct factory branches of warehouses, wholly owned or controlled by them, may finish engine pistons and bearings to any intermediate sizes not specified in paragraphs (e) (1) and (e) (4), respectively, of Limitation Order L-158, when ordered from the factory branch by a customer for immediate use in a specific engine. None of these intermediate sizes may be ordered from a factory branch for stock or to be held in inventory. A certificate for emergency order, as provided for in Order L-158, paragraph (k), should accompany each order placed with the factory branch for the intermediate sizes other than those specified in the paragraphs mentioned above, as a means of identifying the need for the part in a specific vehicle. (Issued Oct. 1, 1943.)

INTERPRETATION 2

PRODUCTION OF DECORATIVE HUB CAPS, WHEEL CAPS AND WHEEL TRIM RINGS NOT PERMITTED UNDER ORDER L-158

Hub caps, wheel caps and wheel trim rings which serve only as ornamental or decorative items are not considered components of wheels, Item (8), paragraph (a) (1) (i) of Limitation Order L-158, as amended November 13, 1943. Consequently, they may not be produced. However, hub caps which serve as grease retainers are considered components of wheels and may be produced. (Issued Dec. 29, 1943.)

[F. R. Doc. 44-1054; Filed, January 20, 1944; 11:20 a. m.]

Subchapter C—Office of Director of War Utilities

PART 4501—COMMUNICATIONS

[Utilities Order U-2 as Amended Jan. 20, 1944]

GENERAL CONSERVATION ORDER FOR TELEPHONE INDUSTRY

§ 4501.1 *Utilities Order U-2*—(a) *Definitions.* (1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering telephone communication service within, to, or from the United States, its territories or possessions.

(2) "Exchange line plant" means all that portion of an operator's local wire or cable distribution system which extends from the central office main frame, exclusive of poles, crossarms, insulators, and non-metallic conduit, and associated hardware and guys, and exclusive of drop and block wires.

(3) Without regard to accounting practices:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable with material of a better kind, quality, or design.

(4) "'Drop and block wire" means the portion of a customer's circuit (whether aerial or underground) extending from the inside wire (usually at the station protector or connecting block), or from the station equipment when no inside wire is involved, to the point of connection with the general overhead or underground system. This includes such circuit, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system, and also includes brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires; and the pipes or other protective covering for underground service connections.

(5) "Station installations" means the wires (or small cables) from the station apparatus to the point near the entrance to the building where the drop or block wire or cable terminates, or to the junction boxes where the house cable or other cable terminates; the wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems; the wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building; and the clamps, cleats, connecting blocks, ground wire, ground rods, nails, station protectors, screws, and other material used in the installation of station apparatus and inside wires. The cables referred to above are the small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus. Inside wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a private branch exchange to the point of connection with the permanent house or outside cables or wires shall be considered as a part of the station installation. The term "station installations" does not include the telephone instrument or other "station apparatus."

(6) "Schedule A service" means service to the extent required for the proper discharge of duties in the direct defense, public health, welfare and security categories listed on Schedule A attached.

(7) "Interim service" includes all service installed or reconnected on and after April 15, 1943 which requires an allocation or assignment of exchange central office station terminal equipment or exchange line plant. It also includes any service installed prior to that date according to a contract specifying that the service was on an interim basis.

(b) *Conservation.* (1) Operators shall conserve scarce and critical materials by the employment of all practical methods.

(2) [Revoked Jan. 20, 1944]

(3) Operators shall discontinue the further installation of dial P. B. X. systems and dial private intercommunicating systems. This provision does not prevent the installation of systems of less than 100 lines where the equipment is already in the stock of the operator or can be obtained from the stock of another operator. Nor does it bar additions to dial systems. Nor does it bar moves for the same business service within the same exchange area, or to a contiguous exchange area of the same operator, so long as no addition to exchange central office equipment or exchange line plant is made except for Schedule A business service.

(c) *Availability of facilities for essential uses.* (1) Operators shall disconnect service when they learn that the present real user of service is not a user contemplated in the service agreement. Any such disconnections shall be considered "normal disconnections" within the meaning of paragraph (c) (2) below.

(2) Exchange line plant, exchange central office equipment, or telephone sets made available through normal disconnections shall be used to take care of current applications for Schedule A service, service authorized by the War Production Board because of unreasonable hardship and service essential to producers of substantial quantities of food, before other applications for service are cared for.

(3) Idle facilities may be reserved to the extent operators find necessary to meet promptly the known or fairly anticipated requirements for Schedule A service and to provide for essential public pay station service.

(4) To the extent necessary to meet minimum needs for Schedule A service and for essential public pay station service, operators shall make available additional exchange central office equipment or exchange line plant by regrading any service or disconnecting "interim service" under the following provisions:

(i) "Interim service" shall not be subject to disconnection so long as it continues to meet the requirements of Schedule A service, essential public pay station service, or service essential to the producers of substantial quantities of food.

(ii) Regrading is to be done only when current installations of central office equipment permit. Regrading of Schedule A service and of business service is to be done only if regraded service meets minimum service needs.

(iii) In so far as practical these steps shall be taken in the following order. Regrading shall precede disconnection. Residence service shall be regraded or disconnected before business service. Any regrading or disconnection shall be in the reverse order of the dates of connection at the existing locations, that is, the most recent shall be regraded or disconnected first.

(5) Subject to the provisions of (c) (4) (ii) and (c) (4) (iii) above, operators shall regrade existing service to the extent necessary to provide service authorized by the War Production Board because of unreasonable hardship.

(d) *Limitations on additional telephones.* (1) Main stations. Operators shall limit the number of main telephone stations, including P. B. X. trunks, connected to any central office to 105% of the number the central office was designed to serve under pre-war engineering and operating practices. This provision has the following exclusions and exceptions:

(i) Main stations do not include extensions or P. B. X. stations.

(ii) If the number of main stations connected to a central office on March 25, 1943 exceeded the 105% limit, the number need not be reduced so long as service is satisfactory.

(iii) The 105% limitation need not be applied to a single-office exchange which is designed to serve less than 1,000 main stations.

(iv) The War Production Board may approve a percentage other than 105% for any central office.

(2) Residence extension service. Operators shall not install or reconnect residence extension telephones, residence extension bells or residence P. B. X. telephones, nor as a substitute provide additional main lines or stations on party lines, nor install jacks and plugs for residence service. This provision has the following exclusions and exceptions.

(i) Jacks already in place may be reconnected provided that no more than one telephone and one bell shall be furnished with the telephone line with which the jacks are associated.

(ii) Temporary installations of one residence extension may be made when the operator finds it essential in cases of serious illness.

(iii) For practicing physicians and surgeons, the following services may be provided, but the operator shall supply the minimum which will meet professional requirements. The operator may install two jacks and make the main station telephone a portable telephone, or, as an alternative, install one extension telephone or, as an alternative, install two jacks for use with a single portable extension telephone. The operator may also provide a connection with an answering bureau.

(iv) The installation and reconnection in residence quarters of telephones connected to private branch exchanges serving hotels, apartment houses, etc., may be made to the extent that no more than one such telephone may be provided in any residence quarters.

(e) *Limitation on drop and block wire.* Except when necessary to meet the needs for Schedule A service or for essential public pay station service, operators shall limit the further installation of drop and block wire to the following lengths. In exchanges serving more than 1,000 main stations, aerial drop and block wire shall not exceed one pole-to-pole span along any pole line from the point of connection with existing plant. If this span is less than 75 feet, two pole-to-pole spans are permitted. In exchanges serving 1,000 main stations or less, drop and block wire shall not exceed two pole-to-pole spans. However, the drop wire may be extended beyond the limits specified to a messenger strand attachment in the next adjacent span and to a single pole outside the line, when this is necessary to provide clearance over a street or to clear a tree or other obstacle. An underground drop and block wire shall not exceed 500 feet.

(f) *Limitation on replacements.* Operators shall not make replacements of equipment and facilities (other than poles, crossarms, insulators and nonmetallic conduit, associated hardware and guys and station installations) except:

(1) To maintain or protect existing service.

(2) In making an addition, to the extent that the cost of material replaced or of the replacing material does not exceed 25 percent of the cost of the total material added.

Note: Paragraphs (f) (3), (4), (5), (6) and (7), formerly (f) (2), (3), (4), (5), and (6), redesignated Jan. 20, 1944.

(3) To provide a permanent installation in lieu of one temporarily made to meet an exigency.

(4) To provide for decreased service demands or for the regrading provided for in paragraph (c).

(5) To make necessary replacements for supplying the residence extension service which is permitted for practicing physicians and surgeons in paragraph (d) (2) (iii) and for reconnecting jacks in paragraph (d) (2) (i).

(6) To effect a change in the "class" or "grade" of service, provided the change is not otherwise prohibited by this order. The "classes" of service involved are business, residence, semi-public, residence coin; the "grades" of service involved are individual, two-party, four-party, multi-party.

(7) To provide station wiring plans or key arrangements which conserve one or more telephones.

(8) To replace "left-in" telephone sets so that a subscriber may retain the same type telephone sets after a change of address within the same exchange area or to a contiguous exchange area of the same operator.

(9) To install amplifying equipment for the hard-of-hearing.

(10) To recover insulated drop wire from existing plant to the extent required for current operations.

(g) *Limitation on additions.* Operators shall not add exchange central office equipment or exchange line plant unless essential for one of the following reasons:

(1) To maintain or protect existing service.

(2) To meet the known or fairly anticipated needs of Schedule A service or to provide essential public pay station service where facilities cannot be made available through regrading or disconnection as provided in paragraph (c) above. Whenever cable is added pursuant to this subparagraph, it may include additional cable conductors totalling not more than 200 pounds of copper. The operators shall not divide a single job or project so as to qualify hereunder.

(3) To provide cable terminals warranted by sound engineering practices.

(4) To install exchange central office equipment, *Provided*, That 75 percent or more in cost of material required for the addition is recovered from the operator's plant or is obtained from any operator's stocks. The material taken from stocks or plant pursuant to this subparagraph shall not be replaced.

(5) To provide exchange cable or exchange line rearrangements or extensions warranted by sound engineering practices, *Provided*, That in no single instance shall more than 200 pounds of copper (copper content of cable) or 50 pounds of steel wire be used. The operator shall not divide a single job or project to qualify it hereunder.

(h) *Non-applicability to certain replacements and additions.* (1) The terms of this order shall not prohibit wire communications projects approved by the War Production Board on Forms WPB-617 (PD-200), WPB-2774 (UF-30), WPB-1696 (PD-685) or other appropriate form.

(2) Nor do they prohibit the completion of a project the physical installation of which was started at a time when the project was permitted by Order L-50 or an earlier issue of Order U-2.

(i) *Producers of substantial quantities of food.* Notwithstanding other provisions of this order, additions to the exchange open wire line plant and drop wire plant to provide service which is essential to the operations of a producer of substantial quantities of food may be made to the following extent. The addition must be limited to two spans of insulated paired wire, including the pole-to-house span, and 100 pounds of steel or iron wire in the case of a grounded circuit or 200 pounds in the case of a metallic circuit for each qualified subscriber connected. The portions of the steel or iron wire classed as "exchange line plant" and "drop and block wire" shall not affect these limits. The addition may include poles, crossarms, hardware and other material used in the installation of open line wire and drop wire. An addition for a group of subscribers as a single project may be made under the terms of this paragraph if the aggregate amount of steel or iron wire required for the entire project divided by the number of qualified subscribers does not exceed the limit specified.

(j) *Exemption of armed forces.* The restrictions of paragraphs (b) (2), (b) (3) and (f) shall not apply to facilities for the official use of the armed forces.

(k) *Engineering and planning.* All operators shall engineer all replacements or additions to central office equipment so as to limit the margin for expected growth of requirements to a period not in excess of one and one-half years.

(l) *Reports.* All operators affected by this order shall execute and file with the Office of War Utilities such reports as the Director, Office of War Utilities, shall from time to time require; subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) [Revoked Jan. 20, 1944]

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing Form WPB-2117 (PD-761), giving all information required by said form.

(o) *Violations.* Any person who wilfully violates any provision of the order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U-2.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 20th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—CATEGORIES TO BE ACCORDED PREFERENCE IN OBTAINING SERVICE TO THE EXTENT REQUIRED FOR THE PROPER DISCHARGE OF DUTIES IN DIRECT DEFENSE, PUBLIC HEALTH, WELFARE AND SECURITY

1. *Armed forces and government.* (a) Official Army, Navy, Marine Corps and Coast Guard Units. Office of Civilian Defense Units.

(b) Official Federal, State, county, and municipal government services.

(c) Official agencies of foreign governments.

2. *War production and directly related activities.* (a) Business concerns furnishing material, equipment or facilities under prime or subcontracts to the Armed Forces of the United States (or their suppliers). Petroleum operators, for their oil or gas producing or drilling operations. The business offices of persons who regularly perform special services for these business concerns, such as consulting engineers, chemists, lawyers, and accountants. The business offices of persons rendering special service in connection with construction of defense projects authorized by the War Production Board, such as contractors, engineers, and architects. Labor unions having bona fide collective bargaining agreements with business concerns identified in this Schedule A.

(b) Public transportation, pipe line companies, all types of public utilities.

(c) Business concerns who regularly maintain or service equipment essential to the Armed Forces, war production, public transportation, public utilities, and pipe line companies.

3. *Public health and welfare.* (a) Public or private organizations directly serving the public safety, health or welfare, such as: hospitals, clinics, sanitoria; physicians, surgeons, dentists, nurses, nurses' registries, veterinarians, ambulance services, manufacturers or distributors (wholesale and retail) of drugs, surgical, medical, hospital or dental supplies or equipment; mortuaries, burial service organizations; the American Red Cross and similar agencies.

(b) Philanthropic and eleemosynary organizations recognized as such by the Bureau of Internal Revenue, including their fund-raising offices; United Service Organizations and other similar organizations; religious establishments and their officiating clergy; Christian Science Practitioners; public and private schools.

(c) Press associations, newspapers, radio broadcasting stations.

(d) The business or management offices of new housing developments.

(e) Food processing, food distribution (wholesale and retail) and food storage organizations.

[F. R. Doc. 44-1055; Filed, January 20, 1944; 11:20 a. m.]

PART 4501—COMMUNICATIONS

[Utilities Order U-3 as Amended Jan. 20, 1944]

PREFERENCE RATING ORDER (MRO) FOR TELEPHONE INDUSTRY

§ 4501.6 *Utilities Order U-3*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative, or other division or agency thereof, to the extent engaged in rendering telephone communication service to the public (and such telegraph and teletypewriter service as may also be conducted by him) within, to, or from the United States, its territories, or possessions: Public law enforcement agencies and public fire protection agencies are excluded from this definition for the purposes of this order.

"Operator" also includes any persons operating a rural cooperative or mutually-owned telephone system. It further includes persons owning either a telephone or a telephone system which is connected to a telephone system rendering service to the public, so long as they do not generally use an MRO order other than Order U-3. Those who generally use another MRO order for their business operations, as for example railroads using Order P-142 or a manufacturer using CMP Reg. 5 are excluded from this definition.

"Operator" also includes any persons to the extent engaged in the operation of a private telephone communications system, provided that a specific direction from the War Production Board entitles such persons to use the preference rating and allotment number authorized by this order. Application for such a specific direction should be made by letter to the War Production Board, Washington 25, D. C., Ref.: U-3.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) Without regard to accounting practices:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design.

(4) "Operating supplies" means any material essential to the operator's business and used for purposes other than maintenance and repair. "Operating supplies" purchased with the rating or allotment number authorized by this order can not be used in any single case in an amount exceeding the dollar limits of paragraph (c).

(5) Without regard to accounting practices, "operator's inventory" means the aggregate of material currently owned by an operator and not incorporated into plant or in the process of being consumed, exclusive of:

(i) Material listed for sale on Form WPB-2567 (UF-6), and filed with the Communications Division, Office of War Utilities. Records of withdrawals from and additions to material listed for sale shall be maintained and preserved for a period of not less than two years under the authority of paragraph (i) and shall be reported to the Communications Division upon the request of the War Production Board.

(ii) Material for use on a project approved by the War Production Board.

(iii) [Revoked Oct. 30, 1943]

(iv) Material set aside to restore plant damaged by enemy action or sabotage provided the operator has received War Production Board approval on Form WPB-2774 or other appropriate form. Withdrawals must be reported to the War Production Board.

(v) Lead covered cable or bare line wire maintained by an operator for the repair of major breakdowns due to storms, floods, etc., reported as prescribed on Form WPB-1127 (UF-5), unless disapproved by the War Production Board.

(vi) Poles, crossarms, insulators and non-metallic conduit, furniture and fixtures; office machinery; printing, stationery and office supplies; house service supplies; and coal and petroleum products.

(b) *Rating and CMP allotment number.* (1) An operator is authorized to use the allotment number U-9 and preference rating of AA-1 for deliveries of material for maintenance, repair and operating supplies.

(2) An operator may apply and a supplier may extend the rating or allotment number in the manner provided in Priorities Regulation 3 and CMP Regulation 3, by placing on his delivery order substantially the certification set forth below in paragraph (b) (3).

(3) Utilities maintenance, repair and operating supplies certification.

Allotment number U-9, preference rating AA-1. The undersigned operator certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders, and under all provisions of Utilities Orders U-2, U-3, and U-6, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered and to use any preference rating or allotment number which the undersigned has placed on this order.

(c) *Restrictions on use of material.* (1) Material obtained under this order may be used by an operator only within the limitations of Orders U-2 and U-6.

(2) Material obtained under this order may be used for operating supplies only in the following cases:

(i) An amount costing not more than fifty dollars may be used on any project specifically approved by the War Production Board on Form WPB-2774 or any alternative form.

(ii) [Revoked Jan. 20, 1944]

(iii) It may be used for telegraph and teletypewriter facilities in any single case in which the total material cost does not exceed $2,500.

(iv) An amount costing not more than $2,500 may be used for other purposes in any single case in which the total cost of all material used does not exceed $5,000.

(v) It may be used on any construction project approved by the War Production Board on Form WPB-2774 or any alternative form. However, material so used may only be replaced in inventory by use of the preference rating or allotment number authorized on the WPB-2774 or alternative form.

(3) An operator, who does not furnish telephone service to the public, whose "operator's inventory" at the end of 1942 or whose use of material during 1942 did not exceed $10,000 may not, in any single case, use material obtained under this order costing more than $500 for operating supplies.

(4) No operator shall subdivide a single order job, or project to qualify it under the dollar limitations of this paragraph.

(5) Material obtained under this order may be used for maintenance and repair without regard to dollar limitations on the use of material for operating supplies.

(6) The dollar limits of this paragraph (c) shall not prevent the use of material on hand to meet temporary traffic or emergency requirements, but where the dollar limits are exceeded the material must be returned to inventory or to its original location in plant within thirty days, unless application has been made to the War Production Board for authority to continue the use of material.

(7) No material may be used for building construction except as permitted by Order L-41. However, an operator may effect maintenance and repair of buildings which are essential to the conduct of the operator's business.

(8) A P. B. X. switchboard obtained under this order may be installed initially only for Schedule A service as set forth in Order U-2, or for essential public pay station service.

(d) *Authority to begin construction.* For any addition or expansion of telephone, telegraph or teletypewriter facilities involving a total material cost which exceeds the dollar limitations of paragraph (c) (2) or (c) (3) above, or which involves a total cost in material in excess of $5,000, an operator must obtain authority to begin construction and necessary priority assistance on Form WPB-2774.

(e) *Restrictions on inventory.* (1) No operator shall accept deliveries of material unless after the delivery his operator's inventory will not exceed a practical working minimum. A practical working minimum shall in no case be greater than 27½% of the dollar value of material used during the calendar year 1940 for all purposes exclusive of the items in paragraph (a) (5) (vi) and materials which were used for building construction. The items in (a) (5) (vi) may be accepted by an operator even if his operator's inventory exceeds 27½% of his 1940 usage of material.

(2) No operator shall accept delivery of a size, type, gauge and length of cable, wire or strand, if the operator's inventory of that size, type, gauge and length is in excess of requirements for the next sixty days. However, if an operator needs some wire, cable or strand, this provision does not forbid purchase of the minimum standard reel-length, even though the operator does not expect to use the whole reel in the next sixty days.

(3) No operator shall replace in inventory by use of the preference rating or allotment number of Order U-3 any material withdrawn pursuant to paragraph (g) (4) of Order U-2.

(f) *Restrictions on purchases.* (1) No operator shall use the allotment number or preference rating assigned by this order to obtain material during any calendar quarter in an aggregate dollar amount exceeding one-fourth of his aggregate dollar usage in 1942 for maintenance, repair and operating supplies.

(2) But, so long as the 1942 base as set forth in paragraph (f) (1) is not exceeded during a calendar year, an operator may in any quarter obtain the dollar quantity used in the corresponding quarter of 1942.

(g) *Exemptions.* (1) Any operator whose operator's inventory did not exceed $10,000 at the end of 1942 is exempt from the inventory restriction of paragraph (e) (1).

(2) Any operator whose use of material during the year 1942 did not exceed $10,000 shall be exempt from the provisions of paragraph (f) (1) above.

(h) *Sales of material.* Material which is "industrial material" as defined in Priorities Regulation 13 and is listed for sale under (a) (5) (i) or is reserved for emergencies under (a) (5) (iv) and (a) (5) (v), must when sold between operators be sold without a preference rating or allotment number. However, the material in (a) (5) (iv) and (a) (5) (v) so sold must be used for the purposes for which it was originally reserved.

(i) *Records and reports.* Each operator acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired which shall, upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board. In addition, each operator affected by this order shall file such reports with the Communications Division, Office of War Utilities, as may from time to time be required by the War Production Board.

(j) *Applicability of regulations.* (1) This order and all transactions affected by it, except as expressly provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or 5A shall apply to operators as defined in paragraph (a) (1) of this order, and no such operator shall obtain any material under the provisions of these regulations.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(l) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C. Ref.: U-3.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 20th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1056; Filed, January 20, 1944; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1381—SOFTWOOD LUMBER

[MPR 94,[1] Amdt. 11]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 94 is amended in the following respects:

1. In § 1381.513, Table 11, in the vertical column headed "Per thousand pieces", the figure "6.25" applying to "fence lath" is changed to "7.25".

2. In § 1381.514, Table 7, in the vertical column headed "Per thousand pieces", the figure "6.25" applying to "fence lath" is changed to "7.25".

3. In § 1381.515, Table 11, in the vertical column headed "Per thousand pieces", the figure "6.25" applying to "fence lath" is changed to "7.25".

4. In § 1381.516, Table 5, in the vertical column headed "Per thousand pieces", the figure "5.00" applying to "fence lath" is changed to "6.00".

5. In § 1381.517, Table 4, in the vertical column headed "Per thousand pieces", the figure "4.75" applying to "fence lath" is changed to "5.75".

6. In § 1381.518, Table 7, in the vertical column headed "Per thousand pieces", the figure "6.10" applying to "fence lath" is changed to "7.10".

7. In § 1381.519, Table 5, in the vertical column headed "Per thousand pieces", the figure "5.85" applying to "Fence Lath" is changed to "6.85".

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1003; Filed, January 19, 1944; 4:06 p. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 222,[2] Amdt. 1]

NORTHERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Second Revised Maximum Price Regulation 222—Northern Softwood Lumber, is amended in the following respects:

1. In Appendix A, Table 4—Hemlock Lath, the price for 48" No. 1 Snow Fence ½ x 1½ is increased from $9.00 to $10.00.

2. In Appendix B, Table 11—Northern White Pine Lath, the price for No. 1 Snow Fence (White pine or spruce) ½ x 1½ is increased from $9.50 to $10.50 and the price for No. 1 Snow Fence (Mixed Woods) ½ x 1½ is increased from $9.00 to $10.00.

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1004; Filed, January 19, 1944; 4:06 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 223,[2] Amdt. 11]

NORTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amend-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10648; 8 F.R. 859, 1138, 4118, 7852, 8009, 8756, 11040, 12136, 12296, 12678, 16199; 9 F.R. 206.

[2] 8 F.R. 14126.

[2] 7 F.R. 7445, 8945; 8 F.R. 121, 2783, 5480, 5629, 8945, 10939, 14136, 15193.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 223—Northern Hardwood Lumber, is amended in the following respects:

1. Section 1382.164 (b) (1) is amended by deletion of the following item appearing at the end of the table headed "Standard Special Grades, Specified Widths, and Specified Lengths":

Mixed hardwoods. No 1 Snow Fence Lath, ½" x 1½", 4'----------	$9.00

2. Section 1382.163 (b) (10) is amended by the addition of the following paragraph:

No. 1 Snow Fence Lath, ½" x 1½", 4'----------	$10 per M pieces

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1005; Filed, January 19, 1944; 4:06 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 17]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. The table in paragraph (b) (1) of Appendix G in section 15 is amended to read as follows:

TABLE OF MAXIMUM PRICES FOR L. C. L. AND L. T. L. SALES TO RETAILERS, ETC.

ZONES I AND VI

Item	Month	Dollars per container for specified container sizes (minimum net weight of fruit)																Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	January	2.82	2.90	2.98	3.06	3.14	3.22	3.30	3.38	3.47	3.54	3.62	3.71	3.79	3.87	3.95	4.03	0.08⅛
2	February	2.89	2.97	3.05	3.14	3.23	3.30	3.38	3.46	3.55	3.63	3.71	3.80	3.88	3.96	4.04	4.12	.08¾
3	March	2.95	3.03	3.12	3.21	3.29	3.37	3.46	3.54	3.63	3.71	3.79	3.88	3.96	4.05	4.13	4.21	.08⅝
4	April, May, June	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.08⅝

ZONES II AND V

1	January	2.95	3.03	3.12	3.21	3.29	3.37	3.46	3.54	3.63	3.71	3.79	3.88	3.96	4.05	4.13	4.21	0.08⅛
2	February	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.08¾
3	March	3.08	3.17	3.26	3.35	3.43	3.52	3.61	3.70	3.79	3.88	3.96	4.05	4.14	4.23	4.32	4.40	.08⅞
4	April, May, June	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09

ZONES III AND IV

1	January	3.08	3.17	3.26	3.35	3.43	3.52	3.61	3.70	3.79	3.88	3.96	4.05	4.14	4.23	4.32	4.40	0.08⅞
2	February	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09
3	March	3.21	3.31	3.40	3.49	3.58	3.67	3.76	3.86	3.95	4.04	4.13	4.22	4.32	4.41	4.50	4.59	.09¼
4	April, May, June	3.28	3.38	3.47	3.56	3.66	3.75	3.84	3.94	4.03	4.12	4.22	4.31	4.41	4.50	4.59	4.69	.09¼

2. Paragraph (b) (2) of Appendix G in section 15 is amended to read as follows:

(2) *Maximum prices for sales to intermediate sellers (for resale to retail stores, institutional users, and other persons, except ultimate consumers).*

TABLE OF MAXIMUM PRICES FOR L. C. L. AND L. T. L. SALES TO INTERMEDIATE SELLERS, ETC.

ZONES I AND VI

Item	Month	Dollars per container for specified container sizes (minimum net weight of fruit)																Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	January	2.64	2.72	2.80	2.87	2.96	3.02	3.10	3.18	3.25	3.32	3.40	3.47	3.55	3.63	3.70	3.78	0.07⅝
2	February	2.71	2.79	2.87	2.94	3.02	3.10	3.18	3.26	3.33	3.41	3.49	3.57	3.65	3.73	3.80	3.88	.07¾
3	March	2.77	2.85	2.94	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.58	3.66	3.74	3.81	3.89	3.97	.07¾
4	April, May, June	2.84	2.92	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.58	3.66	3.74	3.82	3.90	3.98	4.06	.08⅛

ZONES II AND V

1	January	2.77	2.85	2.94	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.57	3.65	3.73	3.81	3.89	3.97	0.07¾
2	February	2.84	2.92	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.58	3.66	3.74	3.82	3.90	3.98	4.06	.08⅛
3	March	2.91	2.99	3.07	3.16	3.24	3.32	3.40	3.49	3.57	3.66	3.74	3.82	3.91	3.99	4.07	4.15	.08⅜
4	April, May, June	2.98	3.06	3.14	3.23	3.32	3.40	3.48	3.57	3.66	3.74	3.82	3.91	4.00	4.08	4.16	4.25	.08½

ZONES III AND IV

1	January	2.91	2.99	3.07	3.16	3.24	3.32	3.40	3.49	3.57	3.66	3.74	3.82	3.91	3.99	4.07	4.15	0.08⅝
2	February	2.98	3.06	3.14	3.23	3.32	3.40	3.48	3.57	3.66	3.74	3.82	3.90	4.00	4.08	4.16	4.25	.08⅝
3	March	3.04	3.13	3.21	3.30	3.39	3.47	3.56	3.65	3.74	3.82	3.90	3.99	4.08	4.17	4.25	4.34	.08⅞
4	April, May, June	3.11	3.20	3.28	3.37	3.46	3.55	3.64	3.73	3.83	3.90	3.99	4.08					.08⅞

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9546, 9568, 9727, 10571, 10673, 11589, 11691, 11756, 12098, 12951, 13743, 14012, 14154, 16409, 16294, 16519, 16423, 17372.

3. The table in paragraph (b) (4) of Appendix G in section 15 is amended to read as follows:

TABLE OF MAXIMUM PRICES FOR L. C. L. AND L. T. L. SALES TO RETAILERS, ETC., IN SECONDARY MARKETING AREAS

ZONES I AND VI

Item	Month	Dollars per container for specified container sizes (minimum net weight of fruit)																Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	January	2.95	3.03	3.12	3.21	3.29	3.37	3.46	3.54	3.63	3.71	3.79	3.88	3.96	4.05	4.13	4.21	0.08⅛
2	February	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.08¾
3	March	3.08	3.17	3.26	3.35	3.43	3.52	3.61	3.70	3.79	3.88	3.96	4.05	4.14	4.23	4.32	4.40	.08⅞
4	April, May, June	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09

ZONES II AND V

1	January	3.08	3.17	3.26	3.35	3.43	3.52	3.61	3.70	3.79	3.88	3.96	4.05	4.14	4.23	4.32	4.40	0.08⅞
2	February	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09
3	March	3.21	3.31	3.40	3.49	3.58	3.67	3.76	3.86	3.95	4.04	4.13	4.22	4.32	4.41	4.50	4.59	.09¼
4	April, May, June	3.28	3.38	3.47	3.56	3.66	3.75	3.84	3.94	4.03	4.12	4.22	4.31	4.41	4.50	4.59	4.69	.09¼

ZONES III AND IV

1	January	3.21	3.31	3.40	3.49	3.58	3.67	3.76	3.86	3.95	4.04	4.13	4.22	4.32	4.41	4.50	4.59	0.09¼
2	February	3.28	3.38	3.47	3.56	3.66	3.75	3.84	3.94	4.03	4.12	4.22	4.31	4.41	4.50	4.59	4.69	.09¼
3	March	3.34	3.44	3.54	3.63	3.73	3.82	3.92	4.02	4.11	4.20	4.30	4.39	4.49	4.59	4.68	4.78	.09⅜
4	April, May, June	3.41	3.51	3.61	3.70	3.80	3.90	4.00	4.10	4.19	4.29	4.39	4.48	4.58	4.68	4.78	4.88	.09¾

4. The table in paragraph (d) (1) of Appendix G in section 15 is amended to read as follows:

(1) TABLE OF MAXIMUM PRICES, F. O. B. SHIPPING POINT[1]

Item	Month	Dollars per container for specified container sizes (minimum net weight of fruit)																Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	January	2.34	2.41	2.47	2.54	2.61	2.67	2.74	2.81	2.88	2.94	3.00	3.07	3.14	3.21	3.27	3.34	0.06⅛
2	February	2.41	2.48	2.54	2.61	2.68	2.75	2.82	2.89	2.96	3.02	3.09	3.16	3.23	3.30	3.37	3.44	.06⅞
3	March	2.47	2.54	2.61	2.68	2.75	2.82	2.89	2.96	3.04	3.10	3.17	3.25	3.32	3.39	3.46	3.53	.07⅛
4	April, May, June	2.54	2.61	2.68	2.76	2.83	2.90	2.97	3.04	3.12	3.19	3.26	3.34	3.41	3.48	3.55	3.62	.07¼

[1] The maximum prices established by this table apply to any person making f. o. b. sales in the States listed above (including for example growers, grower-shippers, shippers and grower's sales agents).

5. Paragraph (e) of Appendix G in section 15 is amended to read as follows:

(e) *Maximum prices for sales by growers and shippers to ultimate consumers in the following zones:*[1][2]

Item	Month	Zones I and VI	Zones II and V	Zones III and VI
		Cents per pound	*Cents per pound*	*Cents per pound*
1	January	10¾	11¼	11¾
2	February	11	11½	12
3	March	11¼	11¾	12¼
4	April, May, and June	11½	12	12½

6. A new paragraph (b) (6) is added to Appendix G in section 15 to read as follows:

(6) The maximum price in each case for sales of apples that have been "set aside" under Food Distribution Order 88,[3] delivered to the designated receiving point of a government procurement agency, in less-than-carlots or less-than-trucklots, shall be the sum of the following:

(i) The applicable maximum price named in the table in paragraph (b) (1) and (b) (4), plus

(ii) An amount equal to the applicable freight equalization payment announced by the War Food Administration and the Commodity Credit Corporation for apples that have not been "set aside" under Food Distribution Order 88.

7. A new subparagraph is added to section 1 (f) to read as follows:

(6) The maximum prices for sales by purveyors of the fresh fruits and vegetables set forth in the Appendices to Article III, section 15, shall be those established by the regional or district offices (see section 2 (d)). Until maximum prices are so established by the regional or district offices, the maximum prices for sales by purveyors shall be the maximum prices named in the Appendices to Article III, section 15, for less-than-carlot and less-than-trucklot sales to institutional users.

8. A new paragraph is added to section 2 to read as follows:

(d) Any regional office of the Office of Price Administration, and such district offices as the appropriate regional office may authorize, may by order establish maximum markups for purveyors at wholesale receiving points within its jurisdiction, not to exceed 150% of the applicable over-all maximum markups for less-than-carlot and less-than-trucklot sales named in the Appendices to Article III, section 15, and add further limitations to the definition of the term "purveyor" in order to reflect any additional functions normally performed by such sellers in the particular wholesale receiving point for which the markup is being fixed.

9. A new subparagraph is added to section 8 (a) to read as follows:

(14) "Purveyor" means a person who (i) purchases the kind of fresh fruits and vegetables being priced, (ii) maintains facilities for washing, trimming, sorting, grading, repacking and ware-

[1] Sales by growers or shippers of five boxes of apples or less, each box having a net weight of not more than 26 pounds of fruit, in any one lot by parcel post, mail or express to any one consignee shall be exempt from the provisions of this regulation.

[2] The maximum prices stated above shall not apply where community prices are established for apples sold at retail by district or regional offices of the Office of Price Administration.

[3] 8 F.R. 15307.

housing, and employs such of these facilities in connection with the sale of the particular goods being sold, as may be specified by the appropriate regional or district office, (iii) employs salesmen to call on institutional and commercial users, (iv) makes less-than-carlot or less-than-trucklot or less-than-original-container sales to restaurants, ships, hotels, hospitals, camps, or other institutional users, (v) delivers within the metropolitan area surrounding and including the city, town, village, or other populated area in which his warehousing and selling facilities are located, and (vi) performs such additional functions as may be defined by the appropriate regional or district office of the Office of Price Administration for the area in which the seller is located. A seller shall be considered a purveyor only when making sales to institutional users of goods which have been handled and sold in this manner, and no seller shall be considered a purveyor when selling unbroken containers.

This amendment shall become effective January 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1006; Filed, January 19, 1944; 4:07 p. m.]

PART 1306—IRON AND STEEL

[MPR 350, Amdt. 1]

PACKERS' TIN CANS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 350 is amended in the following respects:

1. Section 1306.503 is amended to read as follows:

§ 1306.503 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price or a request for the establishment of a charge under paragraph (f) 3 of Appendix A is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual request.

2. Paragraph (f) 3 of Appendix A is amended to read as follows:

3. *For enamels other than sanitary or "C" enamels:* The charge, if any, which the selling producer charged or had in effect for the same enamel between October 1 and 15, 1941. Where the selling producer furnishes an enamel other than one customarily furnished by him between October 1 and 15, 1941, no charge may be added except where established in the following manner. The producer shall request the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., in writing to establish a specified extra charge for the enamel. Such request must include a description of the enamel, its special nature, the cost of furnishing it, the circumstances under which it will be sold, and whatever other information the producer wishes to submit in support of his request. Within ten days after receipt of the request the Iron and Steel Branch may request such additional information as it may require. The Iron and Steel Branch shall deny the request or establish such extra charge as may seem to it just and proper. This must be done in writing within twenty days after receipt of the request or if additional information is duly required by the Iron and Steel Branch, twenty days from the receipt of such information. Otherwise, the charge requested shall be deemed automatically approved for a period of three months or until such time as the Iron and Steel Branch acts, whichever period is longer. Action by the Iron and Steel Branch shall be in writing and any charge approved may be subject to such conditions (including requests for information) and limitations as may seem to the Iron and Steel Branch just and proper.

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1070; Filed, January 20, 1944; 11:52 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 32]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the addition of Appendix F, Table 6, to read as follows:

TABLE 6

Area. That portion of the States of Oregon and Washington west of the crest of the Cascades.

Species. All botanical species of the following genera: Alder (Alnus), Ash (Fraxinus), Cottonwood (Populus), Maple (Acer).

Scaling rules. All logs shall be scaled with the Scribner Decimal C Log Rule, based on the average diameter at the small end of the log, inside the bark.

All unsound and unusable wood must be deducted from the scale by allowance in measurement. The defects for which full deductions in scale must be made are hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by splinter pulls, and crooks.

All logs shall be cut at least 8' in length and must be cut 4 inches over length to allow for trim.

Grading rules. Woodsrun grade shall consist of the entire product of the forest of the species or group of species 10" in diameter or larger that is better than a cull.

A *cull* log shall be considered as any log where the net board foot scale, after deductions have been made for defects, is less than 50 percent of the gross board foot scale.

Peeler Log (Cottonwood only).

All logs 24" and up in diameter, sound and suitable for rotary cutting.

No. 1 Grade (Cottonwood only).

All logs 10" and up in diameter, sound and with 4 knots or less.

No. 2 Grade (Cottonwood only).

All logs 10" and up with more than 4 knots, providing that the log is better than a cull.

Maximum prices (per M feet log scale).

Woods run Grade	Ash	$25
Woods run Grade	Alder	25
Woods run Grade	Maple	25
Woods run Grade	Cottonwood	17
Peeler Grade	Cottonwood	21
No. 1 Grade	Cottonwood	19
No. 2 Grade	Cottonwood	17

These maximum prices are f. o. b. cars or delivered to the mill by truck from within 25 miles of the plant. If logs are delivered to the mill from a distance in excess of 25 miles, the buyer may add a sum not to exceed 20 cents per M feet log scale for every load mile or fraction thereof in addition to the first 25 miles provided that the trucking addition does not exceed rail freight from the shipping point nearest to the source of supply. Deduct $5.00 per thousand for logs delivered roadside.

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1064; Filed, January 20, 1944; 11:51 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132,[1] Amdt. 7]

CERTAIN RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Table I in Appendix A is amended to read as follows:

TABLE I—CERTAIN WATERPROOF RUBBER FOOTWEAR PRODUCED AFTER FEBRUARY 10, 1942

[Prices From Which Discounts Must Be Deducted]

Type	Price per pair
Boots, other than severe occupational:	
Men's short 14"	$2.85
Men's short 15"	3.00
Women's short	2.45
Men's stormking	4.05
Men's hip	4.65
Pacs, other than severe occupational:	
Men's 12" toplace pac	3.20
Men's lumberman's over, half heel (rubber part only)	2.10
Arctics:	
Men's 5-buckle rubber midweight bal, net lined	3.40
Men's 5-buckle rubber midweight bal, fleece lined	3.50
Men's 4-buckle rubber midweight bal, net lined	3.00
Men's 4-buckle rubber midweight bal, fleece lined	3.10
Men's 4-buckle cloth farmweight blucher	3.00
Men's 4-buckle height lightweight bal, rubber:	
a. Buckle	2.50
b. Strap	2.45
c. Slide	2.65
Boys' 3-buckle lightweight bal, rubber	2.25
Youths' 3-buckle lightweight bal, rubber	2.10
Women's 4-buckle lightweight bal, rubber	2.20
Women's over-the-shoe boot 10½"	2.00
Misses' over-the-shoe boot 9"	1.90
Child's over-the-shoe boot 8"	1.80
Men's 4-buckle lightweight bal, cloth	2.75
Boys' 3-buckle cloth:	
a. Cashmerette	2.20
b. Jersey	2.00
Youths' 3-buckle cloth:	
a. Cashmerette	2.00
b. Jersey	1.85
Gaiters:	
Women's 2-snap height rubber:	
a. Snap	1.25
b. Slide	1.50
Misses' 2-snap rubber	1.25
Child's 2-snap rubber	1.25
Rubbers:	
Men's work rubber, storms, and/or semi-storms	1.40
Boys' work rubbers, storms and/or semi-storms	1.35
Men's 2-buckle work rubbers	1.85
Men's storms and/or S. A. overs and clogs (full lined)	1.15
Boys' storms and overs (full lined)	1.10
Youths' storms and overs (full lined)	1.00
Women's overs (full lined)	.95
Growing girls' storms (full lined)	.95
Misses' storms (full lined)	.88
Child's storms (full lined)	.83
Women's footholds, calendered sole	.63
Rubbers, special construction:	
Men's sandal, molded	.63
Men's clog, molded	.55
Women's footholds, molded	.20
Women's footholds, latex, black, including pouch	.79
Women's footholds, latex, spotted, including pouch	.92
Severe occupational:	
Men's black short boot	3.40
Men's black short boot, steel toe	3.90
Men's black stormking boot	4.70
Men's black stormking boot, steel toe	5.20
Men's black short fire fighter boot:	
a. Duck	4.65
b. Felt	5.25
Men's black stormking fire fighter boot:	
a. Duck	6.25
b. Felt	6.85

TABLE I—CERTAIN WATERPROOF RUBBER FOOTWEAR PRODUCED AFTER FEBRUARY 10, 1942—CON.

Type	Price per pair
Severe occupational—Continued.	
Men's black hip and thigh boot	$5.30
Men's black hip and thigh boot, steel toe	5.80
Men's black body boot	12.00
Men's black 15" lace mine pac	4.35
Men's black 15" lace mine pac, steel toe	4.85
Men's black work shoe	3.25
Men's black work shoe, steel toe	3.75
Men's black 2-buckle perfectione	2.80
Men's black 10" mine pac	3.55
Men's black 10" mine pac, safety toe	3.85
Men's black 10" mine pac, steel toe	4.05
Neoprene Coated, Par-Grip Sole:	
Men's short boot, steel toe	4.65
Men's stormking, steel toe	6.20
Men's hip boot, steel toe	6.90
Men's rubber work shoe, steel toe	4.15

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1061; Filed, January 20, 1944; 11:50 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132,[1] Amdt. 8]

CERTAIN RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of Amendment No. 7 is amended to read as follows:

Amendment No. 7 to Maximum Price Regulation 132 shall become effective January 20, 1944.

This amendment No. 8 shall become effective January 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1062; Filed, January 20, 1944; 11:50 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 229,[2] Amdt. 9]

RETAIL AND WHOLESALE PRICES FOR CERTAIN RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 229 is amended in the following respects:

1. The title of the regulation is amended to read: "Retail and Wholesale Prices for Certain Rubber Footwear", and the phrase "certain rubber footwear" is substituted for the phrase "victory line waterproof rubber footwear" in the preamble.

2. Section 1315.1701 (a) is amended to read as follows:

(a) *What rubber footwear must be priced under this regulation.* This regulation applies only to the types of rubber footwear for which maximum prices are set forth in an appendix to this regulation. However, this regulation does not apply to such rubber footwear produced before February 11, 1942, the maximum prices of which are established by the General Maximum Price Regulation or to sales and deliveries of rubber footwear made in accordance with military specification if that footwear is sold pursuant to contract with: (1) any war procurement agency of the United States Government; or (2) any person who contracts to sell the purchased footwear to any war procurement agency of the United States Government.

3. In § 1315.1701 (d), the first sentence is deleted and the phrase "rubber footwear subject to this regulation" is substituted for the phrase "victory line waterproof rubber footwear".

4. Throughout § 1315.1702, the phrase "rubber footwear subject to this regulation" is substituted for the phrase "victory line footwear", and the words "and Appendix C, incorporated herein as § 1315.1715" are added to the third sentence therein.

5. Throughout § 1315.1703 the phrase "rubber footwear subject to this regulation" is substituted for the phrase "victory line footwear", and the words "or Appendix C" are added immediately after "Appendix A".

6. Section 1315.1704 is amended to read as follows:

§ 1315.1704 *Maximum wholesale prices.* The maximum price for sales of rubber footwear subject to this regulation at wholesale is the price stated in Appendix A or Appendix C for sales at wholesale of the type of footwear being priced. However, notwithstanding any other provision of this regulation, the maximum wholesale price for sales of waterproof rubber footwear shall be the maximum price for sales by manufacturers as established by § 1315.70 of Maximum Price Regulation 132, subject to all customary allowances, discounts and price differentials as provided by § 1315.1705 of this regulation (Maximum Price Regulation 229).

7. The phrase "rubber footwear subject to this regulation" is substituted for the phrase "victory line footwear" wherever the latter appears in the following sections: §§ 1315.1704a, 1315.1705, 1315.1706, 1315.1706a, 1315.1707, and 1315.1709.

8. In § 1315.1711 (a), subparagraphs (1) and (2) are amended and a new subparagraph (3) is added, to read as follows:

(1) "Rubber footwear" means all types of rubber footwear for which

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16198, 16204, 16297, 9 F.R. 220, 392.

[1] 8 F.R. 12302, 14153, 16059.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12302, 14153, 16059.

[2] 7 F.R. 7740, 7738, 8701, 8936, 10289, 10644; 8 F.R. 8843, 10900, 14158.

maximum prices are set forth in an appendix to this regulation.

(2) "Canvas rubber footwear" means all canvas topped rubber soled shoes of vulcanized construction.

(3) "Waterproof rubber footwear" means all rubber footwear of vulcanized construction which protects shoes or feet from moisture.

Type	Sales at wholesale	Sales at retail				
		Class I	Class II	Class III	Class IV	Class V
Training shoes, backed uppers:						
Men's	$2.40	$3.75	$3.41	$3.22	$3.05	$2.88
Boys'	2.25	3.50	3.20	3.02	2.86	2.70
Trimmed Lace-to-toe Bal:						
Men's	1.65	2.50	2.34	2.21	2.10	1.98
Boys'	1.50	2.30	2.13	2.01	1.91	1.80
Youths'	1.40	2.15	1.99	1.88	1.78	1.68
Little Gents'	1.30	2.00	1.85	1.74	1.65	1.56
Lace-to-toe Gym Bal:						
Women's	1.30	2.00	1.85	1.74	1.65	1.56
Misses'	1.25	1.95	1.78	1.68	1.59	1.50
Untrimmed Circular Vamp Oxford:						
Men's	1.30	2.00	1.85	1.74	1.65	1.56
Boys'	1.20	1.85	1.70	1.61	1.52	1.44
Youths'	1.10	1.70	1.56	1.47	1.40	1.32
Women's	1.20	1.85	1.70	1.61	1.52	1.44
Misses'	1.10	1.70	1.56	1.47	1.40	1.32
Children's	1.00	1.55	1.42	1.34	1.27	1.20

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1074; Filed, January 20, 1944; 11:53 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 477,[1] Amdt. 3]

SALES OF RUBBER HEELS AND SOLES IN THE SHOE FACTORY AND HOME REPLACEMENT TRADES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 477 is amended in the following respects:

1. Section 22 (a) (5) is amended to read as follows:

(5) "Rubber" means all forms and types of natural, synthetic and balata rubber.

2. In section 22 (b) the word "context" is substituted for the word "contract".

3. In Table I of Appendix A the following table is added after the table entitled "Composition Soling Slab, Standard carbon-black type":

Thickness	Flat Cord Soling Slabs[6] Size and Price[7]		
	31 x 31	24 x 36	24 x 24
14	$2.70	$2.45	$1.60
12	2.45	2.20	1.45
10½	2.25	2.05	1.35
9	2.05	1.85	1.25
8	1.80	1.65	1.10
7	1.60	1.45	1.00
6	1.50	1.35	.90
5	1.45	1.30	.85

[6] These maximum prices apply to flat cord soling slabs made from low grade friction scrap which at least equal the minimum specifications established by the WPB in Order M–217. However, these maximum prices are not applicable to such slabs which contain clearly discernible whole cords and have a minimum abrasion of 45 or more, a stitch wear test of 100 pounds or more (dry), and 85 pounds or more (wet).

[7] Maximum prices for sizes of soling slabs not given in this table shall be determined by multiplying their area in square feet by the square foot price derived from the 24" x 24" slab of the same iron.

4. In Table I of Appendix A a footnote 8 is added to the table entitled "Full Soles—HM Compound", to read as follows:

[8] The maximum prices for youths', little gents', misses' and children's sizes of full soles dinked out of fuel cell, belt and hose scrap shall be the same as that provided for corresponding size and iron of the standard carbon-black type. Infants' sizes shall be 1¢ less than children's sizes of the same iron. If a manufacturer did not have a customary differential from October 1, 1941, to March 31, 1942, for sizes not shown in the table he shall determine his price by interpolation.

This amendment shall become effective January 26, 1944.

[8] The prices set forth in this table are subject to discounts and allowances as set forth in § 1315.1705.

9. In the headnote of § 1315.1713 the phrase "waterproof rubber footwear" is substituted for "victory line footwear".

10. Appendix C (§ 1315.1715) is added to read as follows:

§ 1315.1715 *Appendix C: Table of maximum prices per pair of canvas rubber footwear.**

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1065; Filed, January 20, 1944; 11:51 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 80]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.210 (a) (1), the final period is changed to a comma and the following clause is added: "except that such shipments may be made until April 30, 1944 if the coal is produced in District Nos. 8, 19 and 20 and if the coal is produced at a strip mine (a mine from which the overburden is removed from the coal) located in District No. 15."

2. In § 1340.226 (b) (1) (i) (a), the final period is changed to a comma and the following clause is added: "except that such a shipment may be made until April 30, 1944 if the coal is produced at a strip mine (a mine from which the overburden is removed from the coal)."

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1072; Filed, January 20, 1944; 11:52 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306, Corr. to Amdt. 23]

CONTAINERS FOR CONCORD GRAPE JUICE OR CONCORD GRAPE PULP

Amendment No. 23 to Maximum Price Regulation No. 306 is corrected in the following respects:

1. The text of § 1341.583 (j) (1) (i) is corrected to read as follows:

(i) Determine the weighted average price per dozen containers or other unit of sale of Concord grape juice or Concord grape pulp, respectively, charged by the processor, f. o. b. factory for the same grade, style and container during the period from October 1, 1941 through January 31, 1942. "Weighted average price" means the total gross sales dollars charged for each grade, style and container divided by the number of containers or other units of sale sold of such grade, style and container. All sales contracts made in the regular course of business during the base period (October 1, 1941 through January 31, 1942) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at time other than during the base period shall not be included even though delivery was during the base period.

This correction shall become effective as of December 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1063; Filed, January 20, 1944; 11:50 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 12]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respects:

1. The first line in the table contained in section 10.1 (a) is amended to read as follows:

	North	South	Pacific coast
Drums, tierces, or fibre containers of more than 45 pounds (per pound)	*Cents* 16.50	*Cents* 16.25	*Cents* 16.75

2. The table contained in section 10.1 (b) (1) is amended to read as follows:

	North	South	Pacific coast
Drums, tierces, or fibre containers of more than 45 pounds (per pound)	*Cents* 17.75	*Cents* 17.75	*Cents* 17.75

3. The table contained in section 10.1 (b) (2) is amended to read as follows:

	North	South	Pacific coast
Drums, tierces, or fibre containers of more than 45 pounds (per pound)	*Cents* 18.75	*Cents* 18.75	*Cents* 18.75

4. Section 10.5 is redesignated section 10.6.

5. A new section 10.5 is added to read as follows:

SEC. 10.5 *Sales of bulk shortening to government agencies.* On sales of standard or hydrogenated shortening in drums or tierces holding 300 pounds or more, to the Army, Navy, Lend-Lease Administration, or any other government agency, the maximum price shall be the maximum price as determined under the preceding sections of this Article X, plus in the case of standard shortening, .4¢ per pound for each pound of vegetable oil contained in such standard shortening and, in the case of hydrogenated shortening, .2¢ per pound for each pound of hydrogenated shortening so sold.

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1071; Filed, January 20, 1944; 11:52 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270,[1] Amdt. 1]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

Second Revised Maximum Price Regulation No. 270 is amended to include all dry peas, both whole and split. The provisions of this amendment supersede the provisions of Maximum Price Regulation No. 280[2] with respect to dry whole peas, and of the General Maximum Price Regulation with respect to split peas.

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Second Revised Maximum Price Regulation No. 270 is amended in the following respects:

1. Section 1 (b) is amended to read as follows:

(b) *Commodities covered.* This regulation covers all dry edible beans, and all dry peas both whole and split.

2. Section 3 (c) is added to read as follows:

(c) *Dry peas.* The country shipper's maximum prices f. o. b. country shipping point, for the following kinds and grades of dry peas are listed below:

Dry Peas

Kind of dry peas:	*Maximum price per cwt.*
Smooth whole green peas:	
U. S. No. 1	$5.65
U. S. No. 2	5.40
U. S. No. 3 and lower	5.05
Smooth whole white peas:	
U. S. No. 1	$5.65
U. S. No. 2	5.40
U. S. No. 3 and lower	5.05
Green split peas:	
U. S. No. 1	7.15
U. S. No. 2	6.95
U. S. No. 3 and lower (including "chips," "quarters" or "steel-cuts")	6.50
Yellow split peas:	
U. S. No. 1	7.15
U. S. No. 2	6.95
U. S. No. 3 and lower (including "chips," "quarters" or "steel-cuts")	6.50

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 13, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44–1073; Filed, January 20, 1944; 11:52 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 291,[1] Amdt. 1]

CERTAIN SYRUPS AND MOLASSES

A statement of the considerations, involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 291 is amended in the following respects:

1. The introductory text of section 1 (a) is amended to read as follows:

(a) Cane syrup is the juice of sugar cane clarified and evaporated to a density of not less than 39 degrees Baumé at 20 degrees Centigrade and contains not more than 2.5 per cent ash. It may or may not contain sulphur dioxide, used as a clarifying and bleaching agent.

Commercial cane syrup. Commercial cane syrup is "cane syrup" produced in a mill which at this time is, or which during the cane grinding season of 1941 was, equipped with machinery to manufacture sugar.

2. Section 1 (b) is amended to read as follows:

(b) *Country cane syrup.* Country cane syrup is "cane syrup" produced in a mill which at this time is equipped for the production of cane syrup exclusively and which is not now, and was not during the cane grinding season of 1941 equipped with machinery to manufacture sugar.

3. Section 2 (f) is added to read as follows:

(f) The specific maximum prices established in this regulation shall not be increased by any charges for the extension of credit or by commissions or any

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14004, 16198.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14560, 15256, 15455, 15456, 16280, 10419, 16736, 16998.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11150, 11508, 11296, 11739, 12022, 12542, 12559, 12673.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16166, 17381.

[2] 8 F.R. 5165, 7566, 8357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513, 11811, 13060, 13721.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16508.

other charges and they shall be reduced by all customary discounts and other allowances including those for prompt payment.

4. Section 6 (a) (1) is amended to read as follows:

(1) A "producer of commercial cane syrup" means any person who produces "commercial cane syrup" as defined in this regulation. Maximum prices for sales by "producers of commercial cane syrup" to all classes of purchasers shall be:

$0.39 per gallon, net f. o. b. producers' mill or factory in tank cars or tank trucks supplied by the buyer.

$0.39½ per gallon, net, f. o. b. producers' mill or factory in barrels or half-barrels supplied by the buyer.

5. Section 6 (b) (2) is amended by deleting the concluding two sentences beginning with the words, "If the packer".

6. Section 6 (e) is hereby revoked.

7. The introductory text of section 7 (a) (1) is amended to read as follows:

(1) A "producer of country cane syrup" means any person who produces country cane syrup as defined in this regulation. Maximum prices for sales by producers of country cane syrup to all classes of purchasers shall be:

8. Section 7 (c) (2) is amended by deleting the concluding two sentences beginning with the words, "If the packer".

9. Section 7 (e) is hereby revoked.

10. Section 7 (f) (5) is hereby revoked.

11. Section 8 (d) is amended by deleting the concluding two sentences beginning with the words, "If the packer".

12. Section 8 (g) is hereby revoked.

13. In section 8 (f) (1), the references to paragraph (d) are corrected to read paragraph (e); and the reference to paragraph (e) is corrected to read paragraph (f).

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 12, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1076; Filed, January 20, 1944; 11:53 a. m.]

PART 1361—FARM EQUIPMENT

[MPR 133,[1] Amdt. 8]

RETAIL PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 133 is amended in the following respects:

1. Section 1361.3a (c) (2) is amended to read as follows:

(2) *Limit beyond which maximum prices may not go.* In no event shall the maximum price determined under this paragraph (c) for any item listed in subparagraphs (1) to (9), inclusive, of paragraph (a), exceed 85% of the base price, if the item is sold within one year after the sale new, or 70% of the base price in any other case, plus the addition for transportation costs permitted by (3) below. The base price shall be determined in accordance with paragraph (b) (1).

2. Section 1361.3a (c) (3) is added to read as follows:

(3) *Transportation costs.* Where the dealer transports the used item more than 100 miles from the place where he purchased it, he may add transportation costs to the maximum price determined under (1) and (2) above. These transportation costs shall be equal to the cost actually incurred by the dealer in transporting the used item from the place of purchase.

3. Section 1361.3a (d) (3) is amended to read as follows:

(3) *Limit beyond which maximum price may not go.* In no event shall the maximum price determined under this paragraph (d) for any item listed in subparagraphs (1) to (9), inclusive, of paragraph (a), exceed 95% of the base price, plus the addition for transportation costs permitted by (4) below. The base price shall be determined in accordance with paragraph (b) (1).

4. Section 1361.3a (d) (4) is added to read as follows:

(4) *Transportation costs.* Where the dealer transports the used item more than 100 miles from the place where he purchased it, he may add transportation costs to the maximum price determined under (2) and (3) above. These transportation costs shall be equal to the cost actually incurred by the dealer in transporting the used item from the place of purchase.

5. Section 1361.9 (a) (3) is amended to read as follows:

(3) "Farm equipment" means any equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, but does not include automobiles, trucks, general purpose tools, prefabricated farm buildings, building materials, electrical equipment (except fence controllers) sprays or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural products. A partial list of "farm equipment" follows: farm tractors (except crawler tractors); garden tractors; planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeders; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.); haying machinery (mowers, rakes, hayloaders, stackers, balers, etc.); dairy farm equipment (milking machines, farm milk coolers, farm cream separators, etc.); poultry farm equipment (incubators, brooders, feeders, waterers, etc.); bee-keepers' supplies; agricultural spraying equipment; barn and barnyard equipment; electric fence controllers; farm pumps and water systems; windmills; windmill generating sets; farm grain elevators, grain bins, corn cribs and silos; circular wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay presses, peanut pickers, potato sorters and graders, syrup evaporators, etc.); buggies and farm wagons; harness and saddlery; portable galvanized irrigation pipe; wire fencing, poultry netting and barbed wire sold in lots of less than 2,500 pounds; wire bale ties sold in lots of less than 2,500 pounds; irrigation equipment, except home lawn sprinklers; logging sleds and logging wagons; and attachments and parts for all the foregoing.

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681).

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1077; Filed, January 20, 1944; 11:53 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 334,[1] Amdt. 2]

RABBITS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

1. Section 1364.1052 (a) (2) is amended to read as follows:

(2) Except as provided in paragraph (d) of this § 1364.1052, the maximum delivered price for rabbits sold at wholesale shall be:

(i) 44 cents per pound for dressed rabbits.

(ii) 30 cents per pound for hog dressed rabbits.

(iii) 30 cents per head for wild rabbits.

2. Section 1364.1062 (a) (8) is amended to read as follows:

(8) "Dressed rabbit" means a rabbit which has been domestically produced, which has been killed, bled and skinned, and from which the head, feet, entrails and viscera have been removed and which has been subjected to a cleansing process which makes it ready to cook without further cleaning and trimming.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3185, 6936, 7599, 8948; 8 F.R. 134, 2286, 10503, 12093, 13176.

[1] 8 F.R. 2505, 15937.

3. Section 1364.1062 (a) (11) is amended to read as follows:

(11) "Hog dressed rabbit" means a rabbit which has been domestically produced and which cannot qualify as a dressed rabbit because of the failure to remove the skin, head, feet, entrails or viscera.

4. Section 1364.1062 (a) (19) is added to read as follows:

(19) "Wild rabbit" means a rabbit, other than one which has been domestically produced.

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1066; Filed, January 20, 1944; 11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 45]

RUMS, LIQUEURS, CORDIALS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respect:

1. Section 2.3 (b) is hereby revoked.

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1075; Filed, January 20, 1944; 11:53 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service

[Amdt. 8]

PART 12—INTERSTATE QUARANTINE

INTERSTATE QUARANTINE REGULATIONS; USE OR SHIPMENT OF GARBAGE

Pursuant to the authority contained in section 3 of the Act of February 15, 1893, 27 Stat. 450, as amended (42 U.S.C. 92), section 14½ of the Interstate Quarantine Regulations of the United States (42 CFR 12.18) is hereby amended to read as follows:

§ 12.18 *Use or shipment of garbage.* (a) The feeding of uncooked garbage to swine intended for human consumption is found to contribute substantially to the interstate spread of trichinosis, and heat treatment of garbage which is less than the minimum heat treatment herein defined is found to be insufficient for the destruction of trichinae therein. For the purpose of this regulation, the minimum heat treatment of garbage shall consist of causing all particles thereof to be heated to a minimum temperature of 212° F. and to be held at that temperature for at least 30 minutes. The term "person" shall include an individual, firm or corporation.

(b) No person shall transport, or receive, or cause to be transported or received, gabage in interstate traffic and feed such garbage to swine unless, prior to such feeding, such garbage has received minimum heat treatment as defined in paragraph (a) of this section.

(c) No person transporting garbage in interstate traffic shall make, or agree to make, delivery thereof to any person with knowledge of the intent or customary practice of such person to feed to swine garbage which has not been subjected to minimum heat treatment as defined in paragraph (a) of this section.

Date: January 18, 1944.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 44-1049; Filed, January 20, 1944; 11:16 a. m.]

*Copies may be obtained from the Office of Price Administration.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 201]

MICHIGAN

EXCLUDING CERTAIN LANDS FROM THE HURON NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described lands within the Au Sable State Forest, Michigan, are hereby excluded from the Huron National Forest:

MICHIGAN MERIDIAN

T. 26 N., R. 1 E.,
Secs. 1, 2, 3, and 4, those parts north of the Au Sable River;
Sec. 5, that part northwest of the Au Sable River;
Sec. 6, that part north of the Au Sable River;
Sec. 7, that part of the NE¼ east of the Au Sable River;
Sec. 8, that part of the NW¼ north of the Au Sable River;
T. 26 N., R. 1 W.,
Sec. 1, that part north of the Au Sable River;
Sec. 2;
Secs. 3 and 4, those parts north of the Au Sable River;
Secs. 5 and 6;
Sec. 7, that part north of the Middle Branch of the Au Sable River;
Sec. 8, that part west of the Au Sable River and north of the Middle Branch;
Secs. 9, 10, and 11, those parts north of the Au Sable River;
Sec. 12, that part of the NW¼ west of the Au Sable River.

The areas described aggregate 6,900 acres.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 12, 1944.

[F. R. Doc. 44-1014; Filed, January 20, 1944; 10:10 a. m.]

[Public Land Order 202]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 12 N., R. 25 E.,
Sec. 10.
T. 11 N., R. 26 E.,
Sec. 2.
T. 12 N., R. 26 E.,
Secs. 20, 26, 28, and 34.
T. 14 N., R. 26 E.,
Sec. 12, lots 3 and 4;
Sec. 28, SW¼SE¼.
T. 12 N., R. 27 E.,
Sec. 6, lots 6, 7, and SE¼SW¼;
Secs. 18, 20, and 30.
T. 14 N., R. 27 E.,
Sec. 20, lot 3;
Sec. 34, lots 6 and 9.
T. 10 N., R. 28 E.,
Sec. 4, E½NE¼ and W½;
Sec. 28.

The areas described aggregate 7,078.22 acres.

This order shall take precedence over but not modify (1) the withdrawal for reclamation purposes made by the order of December 22, 1905, of the Secretary of the Interior, and (2) the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such orders affect the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 12, 1944.

[F. R. Doc. 44-1015; Filed, January 20, 1944; 10:10 a. m.]

[Public Land Order 203]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH CONSTRUCTION OF WAR HOUSING PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Office of Indian Affairs in connection with the construction of a war housing project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 15 N., R. 17 W., sec. 14, lots 2, 3, 4, and 6.
The areas described aggregate 155.34 acres.

This order shall take precedence over but not modify the order of September 1, 1939, of the Secretary of the Interior, establishing New Mexico Grazing District No. 7, so far as such order affects any of the above-described lands.

ABE FORTAS,
Acting Secretary of the Interior.

OCTOBER 4, 1943.

[F. R. Doc. 44-1016; Filed, January 20, 1944; 10:10 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 42—PRESERVATION OF RECORDS

TELEGRAMS AND CABLEGRAMS

The Commission on January 18, 1944, effective immediately, amended item 90 (a) of § 42.91 *Records described; applicability; permanent records* (7 F.R. 5090, 5194; 8 F.R. 9167) to read as follows:

90. *Receiving and delivering telegrams and cablegrams.* (a) Receivers' record of messages filed—3 months.[2]

[2] Applicable only to domestic wire-telegraph carriers. Carriers engaged in international or maritime mobile communication shall retain these records for the same period as that specified for the messages to which these records are related, as provided in Items 83 and 84 of this section and in Commission Order No. 78-C, effective July 1, 1942 (see footnotes 1 and 2 on pages 19 and 20).

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1050; Filed, January 20, 1944; 11:18 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR CARRIERS BY PIPE LINE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of January, A. D. 1944.

The matter of annual reports from carriers by pipe line being under consideration:

It is ordered, That the order dated January 22, 1943, In the Matter of Annual Reports from Carriers by Pipe Line (§ 120.61, (a) and (b), Title 49, Code of Federal Regulations) be and it is hereby vacated and set aside, effective January 1, 1944, and the following order shall become effective:

§ 120.61 *Form prescribed for carriers by pipe line.* All carriers by pipe line subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1943, and for each succeeding year until further order in accordance with Annual Report Form P (Carriers by Pipe Line), which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, sec. 435, 41 Stat. 493, sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1057; Filed, January 20, 1944; 11:29 a. m.]

Notices

WAR DEPARTMENT.

[General Orders No. 31]

MILITARY PERSONNEL IN PERFORMANCE OF MILITARY FUNCTIONS

PROHIBITION OF HABEAS CORPUS PROCEEDINGS AND INTERFERENCE

AUGUST 25, 1943.

1. *Purpose.* 1.01. This general orders is issued to eliminate, prevent, and prohibit interference with military personnel in the performance of their military functions or duties within the Territory of Hawaii, and to eliminate, prevent, and prohibit interference with military operations within the Territory of Hawaii, and thereby to further the defense and internal security of the Territory of Hawaii.

2. *Habeas corpus proceedings prohibited.* 2.01. No clerk, deputy clerk, other officer, or employee of the District Court of the United States for the Territory of Hawaii, or of any court of the Territory of Hawaii, shall accept or receive for filing in such clerk's office, deposit for filing, or file, or allow, authorize, or permit to be deposited for filing, or to be filed in such clerk's office, or with such clerk, any application or petition for a writ of habeas corpus, or make, issue, or execute any summons, citation, decree, order, or other process in any habeas corpus proceedings.

2.02. No judge of the District Court of the United States for the Territory of Hawaii or of any other court of or within the Territory of Hawaii, shall accept or receive for filing with, in, or before such judge or court, or in the office of the clerk of such court, or with such clerk, deposit for filing or file or allow, authorize, order, or permit to be filed with, in or before such judge or court, or in the office of such clerk or with such clerk, any application or petition for a writ of habeas corpus.

2.03. No judge of the District Court of the United States for the Territory of Hawaii or of any other court of or within the Territory of Hawaii, shall authorize, allow, decree, order, direct, or permit any habeas corpus proceedings to be commenced, maintained, or prosecuted before or by such judge or in or before the court in or over which such judge sits or presides; nor shall any such judge maintain, prosecute, hear, try, or determine in whole or in part, any habeas corpus proceedings or any phase of, or matter related to or in any way connected with, any habeas corpus proceedings.

2.04. No judge of the District Court of the United States for the Territory of Hawaii or of any other court of or within the Territory of Hawaii, shall issue any writ of habeas corpus, order that any writ of habeas corpus issue or be issued, or authorize, direct, permit, or allow any writ of habeas corpus to issue, or be issued, from the court over which or in which such judge presides or sits, or from the office of the clerk of said court, or by the clerk of said court.

2.05. No person, either in his own behalf or as attorney, agent, or in any way for or on behalf of another person, shall present to, file or attempt to file, or deposit for filing, any application or petition for a writ of habeas corpus, to or with the clerk, deputy clerk, a judge, other officer, or employee of the District Court of the United States for the Territory of Hawaii, or of any court of or within the Territory of Hawaii; nor shall any person, either in his own behalf or as attorney, agent, or in any way for or on behalf of another person, commence, maintain, or prosecute any habeas corpus proceedings in or before the District Court of the United States for the Territory of Hawaii or in or before any other court of or within the Territory of Hawaii.

2.06. Neither the United States Marshal for the Territory of Hawaii, any deputy or employee of such marshal, or any other officer or employee of the District Court of the United States for the Territory of Hawaii, or of any other court of or within the Territory of Hawaii shall accept or receive for service an application or petition for a writ of habeas corpus or copy thereof, or any writ of habeas corpus, any summons, citation, order, decree, warrant, or process of any kind in a habeas corpus proceedings; nor shall the United States Marshal for the Territory of Hawaii, any deputy of such marshal, or any other officer or employee of the District Court of the United States for the Territory of Hawaii, or any officer or employee of any court of or within the Territory of Hawaii, serve or attempt to serve any application or petition for a writ of habeas corpus or copy thereof, or any writ of habeas corpus, or any summons, citation, mandate, decree, order, warrant, or process of any kind in a habeas corpus proceedings, or issued or arising out of any matter or proceeding related to or in any way connected with a habeas corpus proceedings.

2.07. Any judge of the District Court of the United States for the Territory of Hawaii, or of any other court of or within the Territory of Hawaii, before whom a habeas corpus proceedings now is pending, shall forthwith discontinue such habeas corpus proceedings; and shall not maintain or prosecute, or allow, permit, or authorize to be maintained or prosecuted before such judge or the court in which such judge sits or presides, such habeas corpus proceedings any further, and hereafter shall not hear, try, or determine said habeas corpus proceedings or any phase of or matter related to or in any way connected with or arising out of such habeas corpus proceedings; nor, except as authorized in paragraphs 2.08 and 2.09 herein, shall any such judge hereafter issue any order, decree, mandate, summons, citation, warrant, or process of any kind in any such pending habeas corpus proceedings, or in any matter, action, or proceedings arising out of, related to, or in any way connected with any pending habeas corpus proceedings; and such judge forthwith shall withdraw, revoke, and rescind any order, decree, mandate, summons, citation, warrant, or process of any kind, remaining unexecuted in any pending habeas corpus proceedings or in any matter, action, or proceedings arising out of, related to, or in any way connected with any pending habeas corpus proceedings.

2.08. Neither the Honorable Delbert E. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, nor any other judge of the said District Court of the United States in and for the Territory of Hawaii, shall make or issue, or order, direct, or cause to be made or issued, any process, mandate, summons, citation, order, decree, decision, determination, direction or action in or relative to, or arising out of, by reason or because of, that certain habeas corpus proceedings now pending in the District Court of the United States in and for the Territory of Hawaii substantially styled or entitled as follows: "In the Matter of the Application of Walter Glockner," and bearing file or identification number or mark "H. C. 295," in the office of the Clerk of the District Court of the United States in and for the Territory of Hawaii. The said Delbert E. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, forthwith and immediately shall stay, refrain from, cause to be stayed, and desist from, all pending or further action or proceedings in said habeas corpus proceedings, or in any matter, action, or proceedings arising out of, related to, or in any way connected with, such pending habeas corpus proceedings.

2.09. Neither the Honorable Delbert E. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, nor any other judge of the said District Court of the United States in and for the Territory of Hawaii, shall make or issue, or order, direct, or cause to be made or issued, any process, citation, order, decree, decision, determination, direction, or action in or relative to, or arising out of, by reason or because of, that certain habeas corpus proceedings now pending in the District Court of the United States in and for the Territory of Hawaii substantially styled or entitled as follows: "In the Matter of the Application of Erwin R. Seifert," and bearing file or identification number or mark "H. C. 296," in the office of the Clerk of the District Court of the United States in and for the Territory of Hawaii. The said Delbert L. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, forthwith and immediately shall stay, refrain from, cause to be stayed, and desist from, all pending or further action or proceedings in said habeas corpus proceedings, or in any matter, action, or proceedings arising out of, related to, or in any way connected with, such pending habeas corpus proceedings.

3. *Interference with military personnel prohibited.* 3.01. No judge of the District Court of the United States for the Territory of Hawaii, or of any court of the Territory of Hawaii, no United States Marshal for the Territory of Hawaii or his deputy, nor other public officer, deputy of such public officer, public employee, or any other person, shall, for any cause, whether or not such cause is deemed lawful cause by such judge, or other public officer, public employee, or any other person, in any manner, way, or form impede, oppose, or interfere with The Commanding General, United States Army Forces, Central Pacific Area, or with any other member of the armed forces of the United States, in his performance of his military functions, military duties, or military orders, or in his performance of any orders heretofore or hereafter issued by the Military Governor of the Territory of Hawaii regardless of whether or not such order or orders are published in the newspapers of the Territory of Hawaii: *Provided, however*, That nothing contained in this paragraph shall be construed or deemed to prohibit municipal police officers from arresting members of the armed forces for traffic offenses triable by the Provost Courts.

4. *Provisions of this general orders to be liberally construed.* 4.01. Except where otherwise clearly indicated, in addition to being applicable to habeas corpus proceedings hereafter commenced, the provisions of this general orders shall be applicable to habeas corpus proceedings heretofore commenced and now pending in the District Court of the United States for the Territory of Hawaii or in any other court of the Territory of Hawaii. The provisions of this General Orders shall be liberally construed so that the purposes for which this general orders is issued, set forth in paragraph 1.01, may be fully effected and accomplished.

5. *Penalties.* 5.01. Any judge of the District Court of the United States in and for the Territory of Hawaii, any United States Marshal or Deputy United States Marshal in and for the Territory of Hawaii, or any other public officer, deputy of such other public officer, public employee, or any other person, who directly or indirectly, expressly or impliedly, in any manner, shape, or form, shall violate, attempt to violate, evade, or attempt to evade, or aid, assist, or abet, in any violation of, any provisions of this General Orders, upon conviction thereof by a Provost Court heretofore or hereafter appointed by the Military Governor of the Territory of Hawaii, shall be punished by confinement, with or without hard labor, for a period not to exceed five (5) years, or by a fine not to exceed five thousand dollars ($5,000.00), or by both such confinement and fine, or if convicted thereof by a Military Commission heretofore or hereafter appointed by the Military Governor of the Territory of Hawaii shall be punished as such Military Commission shall determine.

6. *Issuance of this general orders is necessary exercise of martial law powers of military commander in this theater of war.* 6.01. This general orders is issued by the undersigned as the Military Governor of the Territory of Hawaii and as the Military Commander of the military forces of the United States in this theater of war in which martial law duly has been established and exists. This general orders is a necessary exercise of the martial law powers of the undersigned as Military Commander of the military forces of the United States in this theater of war.

ROBERT C. RICHARDSON, Jr.,
Lieutenant General, United States Army, Commanding General, United States Army Forces, Central Pacific Area, Military Governor of the Territory of Hawaii.

[F. R. Doc. 44-990; Filed, October 14, 1943; 9:53 a. m.]

[1] Form filed as part of the original document.

[General Orders No. 88]

PROHIBITION OF HABEAS CORPUS PROCEEDINGS AND INTERFERENCE WITH MILITARY PERSONNEL IN PERFORMANCE OF MILITARY FUNCTIONS

RESCISSION OF GENERAL ORDERS

OCTOBER 14, 1943.

1. *Rescission of General Orders No. 31, this office, 25 August 1943.* 1.01. General Orders No. 31, this office, 25 August 1943, hereby is rescinded.

By order of the Military Governor of the Territory of Hawaii.

WILLIAM R. C. MORRISON,
Colonel, J. A. G. D.
Executive.

[F. R. Doc. 44-991; Filed, January 19, 1944; 2:08 p. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

ORDER DISMISSING PROCEEDINGS

In the matter of licensee, Suckow Borax Mines Consolidated, Inc. Proceedings for revocation of license.

To: Suckow Borax Mines Consolidated, Inc., Ruth Suckow, President, and Paul O. Tobeler, Secretary-Treasurer, 2466 East 56th Street, Los Angeles 11, California.

Information now available to me, including the transcript of the hearing on September 29 and 30 at which you were given an opportunity to show cause why licenses issued to you under the Federal Explosives Act should not be permanently revoked, does not, in my opinion, definitely indicate affirmatively whether you are loyal and friendly or are disloyal and hostile to the United States. The license heretofore issued to you has expired. In the circumstances I am of the opinion (1) that these proceedings should be dismissed; (2) that if you submit to me a properly completed application a license should be issued to you; and (3) that if a license is issued to you, your transactions in and operations involving explosives should be under special surveillance.

It is so ordered.

Dated at Washington, D. C., this 12th day of January 1944.

R. R. SAYERS,
Director.

[F. R. Doc. 44-1018; Filed, January 20, 1944; 10:10 a. m.]

CONSOLIDATED WAGON AND MACHINE CO.

ORDER REVOKING LICENSES, DIRECTING SURRENDER OF LICENSES AND REQUIRING RECORDS TO BE FURNISHED

In the matter of licensee, Consolidated Wagon and Machine Company. Proceedings for revocation of license.

To: Consolidated Wagon and Machine Company, 144 South State Street, Salt Lake City, Utah.

Based upon the records in this matter, I make the following findings of fact.

1. On December 18, 1943, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto of which you were accused, was mailed to you, and on December 24, 1943, was delivered to you, giving you notice to mail an answer within 15 days from December 18, 1943, answering the charges against you and requesting an oral hearing if you wished.

2. More than 25 days have elapsed since December 18, 1943. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C., from Salt Lake City, Utah, does not exceed 6 days. You have not answered the charges against you or requested an oral hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby order:

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked at the expiration of three weeks from the date of this order;

2. That within three weeks from the date of this order, you shall use, or sell or otherwise dispose of, to properly licensed persons, or destroy, all explosives and ingredients of explosives owned or possessed by you or consigned to you, or which are in your custody;

3. That after having used, disposed of or destroyed all of the explosives and ingredients as required by paragraph 2 of this order, you shall, within three weeks from the date of this order, deliver or mail to R. D. Reeder, Supervising Engineer, United States Bureau of Mines, 1600 East First South, Salt Lake City 1, Utah, a sworn statement of your uses of and transactions in explosives and ingredients of explosives beginning with the date of this order and ending with the final use, sale or other disposition or destruction of the explosives and ingredients as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, and the names and addresses of the persons from whom acquired, the amount of each kind used, sold or otherwise disposed of or destroyed by you, the dates on which used, sold or otherwise disposed of or destroyed by you, and the names and addresses and numbers and dates of Federal explosive licenses of the persons to whom sold or otherwise disposed of;

4. That within three weeks from the date of this order, you shall surrender all licenses issued to you under the Federal Explosives Act and all certified or photographic copies thereof by mailing or delivering them to R. D. Reeder, Supervising Engineer, 1600 East First South, Salt Lake City 1, Utah.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 14th day of January 1944.

R. R. SAYERS,
Director.

[F. R. Doc. 44-1017; Filed, January 20, 1944; 10:10 a. m.]

Coal Mines Administration.

[Order No. CMA-15]

ANTHRACITE AND BITUMINOUS COAL MINES

ORDER TERMINATING GOVERNMENT POSSESSION

Order revoking Order No. 1888 as to certain companies.

On November 1, 1943, by virtue of the authority vested in me by the President of the United States, I signed Order No. 1888 (8 F.R. 15199), taking possession of anthracite and bituminous coal mines in which I found from the available information that a strike or work stoppage had occurred or was threatened. It now appears, however, that the companies listed in the appendix attached hereto[1] did not operate any coal mines as of November 1, 1943.

Accordingly, Order No. 1888 is hereby revoked so far as it affects the companies listed in the appendix attached hereto and made a part hereof.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 18, 1944.

[F. R. Doc. 44-1010; Filed, January 20, 1944; 8:48 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Morris Freezer & Company, Wytheville, Virginia; shirts; 10 percent (T); effective January 10, 1944, expiring January 18, 1945.

Irene Karol, 808 Washington Avenue, St. Louis, Missouri; dresses; 10 learners (T); effective January 15, 1944, expiring January 14, 1945.

Night Comfort Company, River Street, Cressona, Pennsylvania, pajamas; 5 learners (T); effective January 19, 1944, expiring January 18, 1945.

Salant & Salant, Inc., Obion, Tennessee; work clothing; 10 percent (T); effective January 17, 1944, expiring March 31, 1944.

GLOVE INDUSTRY

Marso & Rodenborn Manufacturing Co., 700-702 First Avenue, North, Fort Dodge, Iowa; work gloves; 10 learners (AT); effective January 10, 1944, expiring July 9, 1944.

Royalknit Glove Division of Gloversville Knitting Company, 19 W. State Street, Johnstown, New York; knit wool gloves; 5 learners (T); effective January 13, 1944, expiring January 12, 1945.

HOSIERY INDUSTRY

Culpepper Hosiery Mills, 855 Jefferson Ext., Danville, Virginia; seamless hosiery; 5 learners (T); effective January 13, 1944, expiring July 12, 1944.

Dixie Hosiery Mills, Inc., Mt. Gilead, North Carolina; seamless hosiery; 5 learners (T); effective January 10, 1944, expiring January 9, 1945.

Hiwassee Hosiery Mills, Inc., Edwards Street, Cleveland, Tennessee; seamless hosiery; 5 learners (T); effective January 15, 1944, expiring January 14, 1945.

Holeproof Hosiery Company, South Pittsburg, Tennessee; seamless hosiery; 35 learners (E); effective January 15, 1944, expiring April 27, 1944.

Miller-Smith Hosiery Mills, Delano, Tennessee; full-fashioned hosiery; 10 percent (AT); effective January 15, 1944, expiring July 14, 1944.

Unique Knitting Company, Acworth, Georgia; seamless hosiery; 5 percent (T); effective January 15, 1944, expiring January 14, 1945.

TELEPHONE INDUSTRY

The United Telephone Company, St. Marys, West Virginia; to employ learners as commercial switchboard operators at its St. Marys exchange, located at St. Marys, West Virginia; effective January 15, 1944, expiring January 14, 1945.

TEXTILE INDUSTRY

Aponaug Manufacturing Company, Aponaug Road, Kosciusko, Mississippi; cotton textiles; 25 learners (AT); effective January 18, 1944, expiring July 17, 1944.

Signed at New York, N. Y., this 15th day of January 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-992; Filed, January 19, 1944; 2:19 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Colonial Felt Mills, 223 East 4th Street, St. Paul, Minnesota; hand woven felt rugs; 25 learners (T); weaving and stringing, cutting, measuring and sewing for a learning period of 320 hours at 30¢ per hour first 160 hours and 35¢ per hour last 160 hours; effective January 17, 1944, expiring July 17, 1944.

[1] Filed as part of the regional document.

Signed at New York, N. Y., this 15th day of January 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-993; Filed, January 19, 1944; 2:19 p. m.]

CIVIL AERONAUTICS BOARD.

WEIGHT INCREASES FOR SCHEDULED AIR CARRIER AIRCRAFT

NOTICE OF HEARING

Civil Air Regulations—§§ 04.71 and 61.713.

Notice is hereby given that on the eighth day of February, 1944, at 10:00 a. m., in Room 5042, Commerce Building, Washington, D. C., a hearing will be held before the Civil Aeronautics Board with respect to the adoption of regulations pertaining to weight increases for scheduled air carrier aircraft.

Dated at Washington, D. C., January 17, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-1011; Filed, January 20, 1944; 10:23 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order 118]

INSPECTION OF RECORDS

NOTICE OF PROPOSED RULE

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January, 1944;

Whereas the Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed rule:

§ 1.5 *Inspection of records.* Subject to the provisions of sections 4 (j), 213 (f), 412 and 606 of the act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the act; valuation reports including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213 of the Act; and annual and monthly reports required to be filed under section 219 of the act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211 (a) of the act, except such contracts relating to foreign wire or radio communications which are marked confidential by the Commission.

(c) All applications and amendments thereto filed under title II and title III of the act, including all documents and exhibits filed with and made a part thereof, whether by reference or otherwise, except reports filed pursuant to § 1.361 of

the rules of practice and procedure; authorizations and certifications issued upon such applications, all pleadings, depositions, exhibits, reports filed pursuant to § 43.1 of the rules and regulations, transcripts of testimony, examiners' reports, exceptions, briefs, proposed reports or findings of fact and conclusions, minutes, and orders of the Commission, excepting however, any of the foregoing expressly designated by the Commission as confidential.

(d) In the discretion of the Commission, other files, including those excepted in paragraphs (a), (b) and (c) hereof, upon written request describing in detail the documents to be inspected and the reasons therefor.

Whereas the Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

Now, therefore, it is hereby ordered, That, upon the written request of any interested person, oral argument be held before the Commission en banc on March 1, 1944, at 10:30 A. M., as to why the above proposed rule should not be adopted or why it should not be adopted in the form proposed by this order. Such requests for oral argument shall be filed by all persons desiring to appear on or before February 16, 1944 and each such request shall be accompanied by a brief.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 44–1051; Filed, January 20, 1944; 11:18 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5851]

CENTRAL VERMONT PUBLIC SERVICE CORP. AND GRANVILLE ELECTRIC CO.

NOTICE OF APPLICATION

JANUARY 18, 1944.

Notice is hereby given that on January 17, 1944, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Central Vermont Public Service Corporation, a corporation organized under the laws of the State of Vermont and doing business in the States of Vermont, New Hampshire and New York, with its principal business office at Rutland, Vermont, seeking an order authorizing the acquisition, by merger or consolidation, of the whole of the electric facilities, located in the State of Vermont, of Granville Electric Company. Granville Electric Company filed an application covering this transaction on September 3, 1943, and a notice thereon was published in the FEDERAL REGISTER on September 10, 1943 (8 F.R. 12489). The application states that the base amount of the consideration to be paid for the facilities to be acquired by Central Vermont Public Service Corporation is $24,500, in cash, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 4th day of February 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–1013; Filed, January 20, 1944; 10:10 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5057]

IRVING M. FOGEL, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of January, A. D. 1944.

In the matter of Irving M. Fogel, Ruth Fogel, Albert J. Fogel and Jean C. Fogel, individuals and copartners, trading under the trade name of Irving's.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 26, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44–1012; Filed, January 20, 1944; 10:34 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2897]

ANDREAS BAYER, ET AL.

In re: Real property, property and liability insurance policies, bank account and purchase money mortgage owned by Andreas Bayer, Maria Baier, Nikolaus Raab, Margareta Giehl, now Sister Friedhelma, Erhard Giehl and Georg Bayer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the following-named persons, whose last known addresses appear opposite their respective names, are residents of Germany and are nationals of a designated enemy country (Germany):

Nationals and Last Known Address

Andreas Bayer, Krumbach, Oberfranken.
Georg Bayer, Bieberehren near Ochsenfurt.
Nikolaus Raab, Abtsdorf, Gde. Birkach.
Erhard Giehl, Kaufering 32, Dietendorf bei Landsberg, a. l.
Maria Giehl Baier, Kotsch bei Bamberg.
Margareta Giehl, now Sister Friedhelma, St. Theresian Hospital, Nuremburg.

2. That Andreas Bayer, Maria Baier, Nikolaus Raab, Margareta Giehl, Erhard Giehl and Georg Bayer are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

(a) Real property situated in the City of Pittsburgh, State of Pennsylvania, identified as that real property acquired by Andreas Bayer, Maria Baier, Nikolaus Raab, Margareta Giehl, Erhard Giehl and Georg Bayer by virtue of their being the heirs of Fred Bayer, deceased, whose estate was administered in the Orphans' Court of Allegheny County, Pennsylvania, Estate Number 4,884 of 1939, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

(b) All right, title and interest of Andreas Bayer, Maria Baier, Nikolaus Raab, Margareta Giehl, Erhard Giehl and George Bayer, and each of them, in and to:

(1) Liability Insurance Policy No. LOL–515763 issued by the New Amsterdam Casualty Insurance Company, New York City, insuring against liability for personal injury on or about the premises described in subparagraph 3–a hereof;

(2) Fire Insurance Policy No. 678 issued by the Aetna Insurance Company, Hartford, Connecticut, insuring the premises described in subparagraph 3–a hereof;

(3) Fire Insurance Policy No. 600 issued by the Aetna Insurance Company, Hartford, Connecticut, insuring the premises described in subparagraph 3–a hereof;

(c) All right, title, interest, and claim of Andreas Bayer, Maria Baier, Nikolaus Raab, Margareta Giehl, Erhard Giehl and Georg Bayer, and each of them, in and to the sum of $500 constituting a portion of that certain bank account with the Potter Title and Trust Company of Pittsburgh, Pennsylvania, which is due and owing to, and held for, Andreas Bayer, Maria Baier, Nikolaus Raab, Margareta Giehl, Erhard Giehl and Georg Bayer in the name of "Successor attorney-in-fact for the heirs of Fred Bayer," including but not limited to all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect the same, and

(d) A certain mortgage executed on September 2, 1941, by Carlton Brunt and Ruby Brunt, his wife and recorded in the Office of the Recorder of Deeds in and for Allegheny County, Pennsylvania, in Mortgage Book, Volume 2560, Page 729, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property (namely that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b, 3–c and 3–d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot or piece or ground situate in the 31st Ward of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, bounded and described as follows:

Beginning at a point on the easterly line of Lebanon Road as now widened to a width of seventy-five (75) feet at the line of property now or late of William H. Irwin; thence southwardly along the said line of said Lebanon Road, by the arc of a circle curving to the left, having a radius of 1385.69 feet a distance of thirty-five and twelve hundredths (35.12) feet to a point; thence continuing in the same direction, along the line of said Lebanon Road by the arc of a circle curving to the left, having a radius of 1150.95 feet a distance of one hundred thirty-seven and seventy-one hundredths (137.71) feet to a point in the line dividing the property herein described from the property now or late of Melissa J. Irwin; thence South eighty-four degrees, four minutes East (S. 84°4' E.) a distance of one hundred eight and fifty-nine hundredths (108.59) feet to a point along said dividing line in lands of the said Melissa J. Irwin; thence North five degrees fifty-six minutes East (N. 5°56' E.) along the line dividing land herein conveyed and that now or late of Melissa J. Irwin, a distance of one hundred fifty (150) feet to a point in the line of lands now or late of William H. Irwin aforesaid; thence North seventy-three degrees, four minutes West (N. 73°4' W.) along the line dividing the property herein conveyed from lands now or late of William H. Irwin, a distance of one hundred eighteen (118) feet to a point in the Lebanon Road aforesaid, at the place of beginning.

(The aforesaid description is taken from survey No. 11449 dated January, 1931, prepared by Aires, Stone and Pettay, Engineers and Surveyors, Pittsburgh, Pennsylvania).

Having thereon erected a two-story frame dwelling known as and numbered 81 Lebanon Road.

[F. R. Doc. 44–1025; Filed, January 20, 1944; 10:53 a. m.]

[Vesting Order 2898]

KATHERINA BUCHHEIT

In re: A first mortgage on real property located in Valley Stream, New York, a fire insurance policy, and a bank account, owned by the unknown heirs, legatees or distributees of Katherina Buchheit.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Katherina Buchheit was, at the time of her death, Etzelstr. 4, Zweibruecken, Germany and that she was a resident of Germany and a national of a designated enemy country (Germany);

2. That Katherina Buchheit died prior to the outbreak of war between the United States and Germany;

3. That the unknown heirs, legatees or distributees of Katherina Buchheit are residents of Germany and are nationals of a designated enemy country (Germany);

4. That the unknown heirs, legatees or distributees of Katherina Buchheit are the owners of the property described in subparagraph 5 hereof;

5. That the property described as follows:

a. All right, title and interest of the unknown heirs, legatees or distributees of Katherina Buchheit in and to any and all obligations secured by a first mortgage which was executed on June 21, 1923, by Anna Buhleier and recorded on November 27, 1923 in the County Clerk's Office of Nassau County, New York, in Liber 617 of Mortgages at page 455, including but not limited to all security rights in and to any and all collateral (including the aforesaid first mortgage) for any or all of such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title, and interest of the unknown heirs, legatees, or distributees of Katherina Buchheit in and to Fire Insurance Policy No. 638231, issued by the Queens Insurance Company of America, insuring the premises located at 18 West Melrose Street, Valley Stream, New York,

c. All right, title, interest and claim of the unknown heirs, legatees, or distributees of Katherina Buchheit in and to the sum of $250 constituting a portion of a certain bank account in the Brooklyn Trust Company, Jamaica, New York Office, which is due and owing to and held for and in the name of Charles Krieg in trust for Katherina Buchheit,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 5–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 5–a and 5–b above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1026; Filed, January 20, 1944; 10:53 a. m.]

[Vesting Order 2899]

JACOB EDELKAMM

In re: Real property situated in Philadelphia, Pennsylvania, and claims, owned by German devisees and legatees of Jacob Edelkamm, deceased.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law undersigned, after investigation, finding:

1. That the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Philadelphia, Pennsylvania, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever, of the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, and each of them, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to said persons by Weniger & Walter, Inc.; 215 East Penn Street, Philadelphia, Pennsylvania, including but not limited to all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations, and

c. All right, title, interest and claim of any name or nature whatsoever, of the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, and each of them, in and to the Estate of Jacob Edelkamm, deceased,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Name and Address

Maria Doclot, Pruethstrasse 40, Cologne, Germany.

Anna Hoffmann, Osan, Kreis Wittlich, Bezirk Trier, Germany.

Susanna Scherr, Union Strasse 20, Dortmund, Germany.

Anna Peter Weber, Maring a/d Mosel, Kreis Berncastle, Bezirk Trier, Germany.

Witwe Philip Weber, Maring a/d Mosel, Kreis Berncastle, Bezirk Trier, Germany.

Mrs. M. Ulrich, Blumenstrasse 30, Saarbruecken, Germany.

Julchen Bertram, Hauptstrasse 10, Otterberg bie Kaiserslautern, Germany.

EXHIBIT B

All that certain lot, piece or parcel of land, together with all tenements, hereditaments and appurtenances thereunto belonging, lying, being and situated in the City and County of Philadelphia, State of Pennsylvania, particularly described as follows:

All that certain brick messuage or tenement and lot or piece of ground Situate No. 403 on the East side of Twelfth Street at the distance of eighty-one feet Northward from the North side of Callowhill Street in the Fourteenth Ward of the City of Philadelphia.

Containing in front or breadth on the said Twelfth Street twenty-six feet and extending in length or depth Eastward of that width between parallel lines fifty-three feet five inches.

Bounded Northward by ground now or late of Rudolph H. Bartle Eastward by ground now or late of Joseph Walker Southward by a three feet wide alley and Westward by Twelfth Street aforesaid.

[F. R. Doc. 44–1027; Filed, January 20, 1944; 10:53 A. M.]

[Vesting Order 2900]

JOHANN GREBNER

In re: Remainder interest owned by Johann Grebner in real property.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the undersigned, after investigation finding:

1. That the last known address of Johann Grebner is Saxony, Germany, and that he is a citizen and resident of Germany and a national of a designated enemy country (Germany);

2. That Johann Grebner is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

The remainder interest in the property identified as the interest of Johann Grebner in and to the real property situated in Cleveland, Cuyahoga County, Ohio, particularly described as follows: that lot and parcel of land situated in the Village of Glenville, County of Cuyahoga, State of Ohio, known as being sub-lot No. 66 in E. J. Wells Allotment of part of original lot No. 369 in said village; said sub-lot No. 66 has a front of 51$\frac{99}{100}$ feet on John Street and is 205$\frac{55}{100}$ feet deep as per plat of said allotment recorded in Vol. 14 of Maps, Page 30 of Cuyahoga County Records, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property, or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1028; Filed, January 20, 1944; 10:53 a. m.]

[Vesting Order 2901]

DOROTHEA THEODORA HOLLENDER

In re: Real properties, mortgages, property insurance policies and claim, owned by Dorothea Theodora Hollender.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Dorothea Theodora Hollender, also known as Dorothea Hollender, Theodora Hollender or Theodore Hollender, is Bayrenther Strasse 34, Berlin W-62, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Dorothea Theodora Hollender, also known as Dorothea Hollender, Theodora Hollender or Theodore Hollender, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Bronx County, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Real property situated in Bronx County, New York, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. A mortgage executed on April 7, 1931 by Rosestone Building Corporation and recorded on April 7, 1931 in the Register's Office of Bronx County, New York, in Liber 1562 of Mortgages, page 225, and any and all obligations (contingent or otherwise and whether or not matured) which are secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations, and

d. A mortgage executed on October 1, 1926, by Beirne McEvily, Inc., and recorded on October 7, 1926 in the Register's Office of Bronx County, New York, in Liber 1102 of Mortgages, page 72, and any and all obligations (contingent or otherwise and whether or not matured) which are secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations, and

e. A mortgage executed on October 26, 1927 by Isidor Schoen and recorded in the Register's Office of Bronx County, New York, on October 27, 1927, in Liber 1242 of Mortgages, page 417, and any and all obligations (contingent or otherwise and whether or not matured) which are secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations, and

f. All right, title, and interest of Dorothea Theodora Hollender in and to the following insurance policies:

(1) Fire Insurance Policy No. 35–78224, issued by the New York Fire Insurance Company, insuring the premises described in subparagraph 3–a hereof;

(2) Fire Insurance Policy No. 223540, issued by the Orient Insurance Company, insuring the premises described in subparagraph 3–b hereof;

(3) War Damage Policy No. 3262–54–372, issued by the War Damage Corporation, insuring the premises described in subparagraph 3–a hereof;

(4) War Damage Policy No. 256–54–15300, issued by the War Damage Corporation, insuring the premises described in subparagraph 3–b hereof;

(5) Public Liability Insurance Policy No. OLT 225598, issued by The Firemen's Fund Insurance Co., insuring the premises described in subparagraph 3–a hereof;

(6) Workmen's Compensation Insurance Policy No. UC 77819, issued by The Firemen's Fund Insurance Co., insuring the premises described in subparagraph 3–a hereof;

g. All right, title, interest and claim of any name or nature whatsoever of Dorothea Theodora Hollender in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Dorothea Theodora Hollender by the Bronx County Trust Company, and represented on the books of the Bronx County Trust Company as a credit balance due Dorothea Theodora Hollender, including but not limited to all security rights in and to any and all collateral for any and all of such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–f and 3–g hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3–a, 3–b, 3–c, 3–d and 3–e hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land together with the buildings and improvements thereon erected, situate, lying and being in the Borough of the Bronx, County of Bronx, City and State of New York, bounded and described as follows:

Beginning at a point on the Northerly side of Houghton Avenue, distant 340.83 feet Westerly from the corner formed by the intersection of the Northerly side of Houghton Avenue with the Westerly side of Havemeyer Avenue, thence Westerly along the Northerly side of Houghton Avenue, 25 feet; thence Northerly along a line forming an angle 90°3' on its Westerly side with the Northerly side of Houghton Avenue 75.15 feet; thence Easterly parallel with the Northerly side of Houghton Avenue, 25 feet; thence Southerly in a straight line and part of the distance through a party wall 75.15 feet to the Northerly side of Houghton Avenue, to the point or place of beginning.

Said premises being known as and by the Street No. 2237 Houghton Avenue. Together with and subject to an easement for ingress and egress of pleasure automobiles over a strip of land lying between the Westerly face of the Westerly wall of the building on the premises above described, and the Easterly face of the Easterly wall of the building on the premises adjoining on the West and lines in continuation thereof, running from the Northerly side of Houghton Avenue to the rear line of the premises above described and the premises adjoining on the West, in favor of the owners and occupants of the respective premises.

EXHIBIT B

All those certain lots of land in the Borough of the Bronx, City of New York, known and designated as lots #30, 31 and 32 in Block 43 on a certain map entitled "Map of Morris Park, situate in the Borough of the Bronx, City of New York", (section 2) made by Leonard C. L. Smith, C. S. and

filed in the Office of the Register of the County of New York, on May 28, 1913, as Map #1746. The said premises being located on the South side of Neil Avenue about 75 feet East of Radcliff Avenue.

[F. R. Doc. 44-1029; Filed, January 20, 1944; 10:53 a. m.]

[Vesting Order 2902]

CHUHEI AND FUTABA ISHII

In re: Real property, furniture, property insurance policies, bank accounts, claim, and safe deposit box contract owned by Chuhei Ishii, also known as Charles Ishii and as Charles Chuhei Ishii, and his wife, Futaba Ishii, also known as Futaba Nakashima Ishii.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Chuhei Ishii, also known as Charles Ishii and as Charles Chuhei Ishii, and his wife, Futaba Ishii, also known as Futaba Nakashima Ishii, were repatriated to Japan on September 2, 1943, and are residents of Japan and nationals of a designated enemy country (Japan);

2. That Robert Tadashi Ishii, also known as Robert Ishii and as Robert T. Ishii, a citizen of the United States residing at the Gila River Relocation Center, Rivers, Arizona, is acting or purporting to act directly or indirectly for the benefit, or on behalf of, Chuhei Ishii and Futaba Ishii, his wife, nationals of a designated enemy country (Japan), who are at present within such designated enemy country, and that the said Robert Tadashi Ishii is a national of a designated enemy country (Japan);

3. That Chuhei Ishii is the beneficial owner of the real properties described in subparagraph 7-a hereof, held in the name of Robert Tadashi Ishii, Robert Ishii, or Robert T. Ishii, and the insurance policies described in subparagraph 7-f hereof; and that Chuhei Ishii is the owner of the property described in subparagraphs 7-b, 7-c, and 7-e hereof;

4. That Robert Tadashi Ishii is the record owner of the real property described in subparagraph 7-a hereof, and has a nominal interest in the insurance policies described in subparagraph 7-f hereof;

5. That Futaba Ishii has a community property interest in the property described in subparagraphs 7-a and 7-b hereof, and is the owner of the property described in subparagraph 7-d hereof;

6. That Futaba Ishii and Robert Tadashi Ishii are the owners of the property described in subparagraph 7-g hereof;

7. That the property described as follows:

a. Real property situated in the County of Santa Barbara, State of California, particularly described as,

Lots 5 and 6 in Block 3 of Fesler's Addition, in the City of Santa Maria, County of Santa Barbara, State of California, according to the "Supplemental Plat", recorded December 20, 1886 in Book 1, page 43 of Maps and Surveys, in the Office of the County Recorder of said County,

Lots 1, 2, 3, 4 and 5 in Block 3 of Curryer and Smith's Addition to the City of Santa Maria, in the County of Santa Barbara, State of California, according to the map on file in the Office of the County Recorder of said County,

Lots 1 and 2 in Block 4 of Fairmead Addition, in the City of Santa Maria, County of Santa Barbara, State of California, according to the Amended Map thereof recorded January 18, 1923 in Book 15, page 14 of Maps, records of said County,

Lot 4 of Grisinger and DeGasparis's Addition to the Town of Guadalupe, in the County of Santa Barbara, State of California, being a subdivision of portion of Lot 3 of Rancho Guadalupe, according to the map thereof recorded in Book 15, pages 136 and 137, of Maps, in the Office of the County Recorder of said County,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All the household furniture and furnishings owned by Chuhei Ishii located in the buildings on the premises known as 609 and 611 West Main Street, Santa Maria, California,

c. All right, title, interest and claim of Chuhei Ishii in and to a certain bank account in the Bank of America National Trust and Savings Association, Santa Maria Branch, Santa Maria, California, which is due and owing to, and held for Chuhei Ishii in the name of Charles Chuhei Ishii, including but not limited to all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

d. All right, title, interest and claim of Futaba Ishii in and to the sum of $368.91 of a certain bank account in the Bank of America National Trust and Savings Association, Santa Maria Branch, Santa Maria, California, which is due and owing to, and held for and in the name of Futaba Ishii, including but not limited to all security rights in and to any and all collateral for all or part of such sum, and the right to enforce and collect the same,

e. All right, title, interest and claim of any name or nature whatsoever of Chuhei Ishii in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Chuhei Ishii by Paul Fox, including but not limited to all security rights in and to any and all collateral for any and all of such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against Paul Fox arising out of the management of the property described in subparagraphs 7-a and 7-b hereof, and the sale by Paul Fox of certain personal property formerly owned by Chuhei Ishii,

f. All right, title, and interest of Chuhei Ishii and Robert Tadashi Ishii, and each of them, in and to certain insurance policies, particularly described in Exhibit A, attached hereto and by reference made a part hereof, insuring the property described in subparagraphs 7-a and 7-b, hereof, and

g. All right, title, interest and claim (including but not limited to the right of access to the safe deposit box hereinafter referred to) of Futaba Ishii, and Robert Tadashi Ishii, and each of them, arising by reason of a contract, evidenced by a lease, between the Bank of America National Trust and Savings Association, Santa Maria Branch, Santa Maria, California, and Futaba Ishii and Robert T. Ishii, relating to safe deposit box No. 22 in the vaults of the Bank of America National Trust and Savings Association, Santa Maria Branch,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraphs 7-c, 7-d, and 7-f hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 7-a and 7-b hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And determining that to the extent Robert Tadashi Ishii is the owner of record of the real property described in subparagraph 7-a hereof, and is the co-owner of the property described in subparagraph 7-g hereof, he is controlled by, or acting for or on behalf of, Chuhei Ishii and Futaba Ishii, his wife, nationals of a designated enemy country (Japan) who are persons within such country;

And further determining that to the extent that such nationals are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 7-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 7-b, 7-c, 7-d, 7-e, 7-f and 7-g hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Property insurance policies covering property owned by Chuhei Ishii in which he has a beneficial interest.

(1) Fire Insurance Policy No. D-179368 of the Pacific National Fire Insurance Company of San Francisco, California, in the sum of $12,000 covering premises at 609-611 West Main Street, expiring July 30, 1946. The assured is Paul Fox, attorney-in-fact for Robert Tadashi Ishii.

(2) Fire Insurance Policy No. D-37266 of the Pacific National Fire Insurance Company of San Francisco, California, in the sum of $12,000 covering premises at 111 South Smith Street, expiring October 4, 1945. The assured is Paul Fox, attorney-in-fact for Robert Tadashi Ishii.

(3) Fire Insurance Policy No. C-171422 of the Pacific National Fire Insurance Company of San Francisco, California, in the sum of $1,500 covering the property in Guadalupe, California, improved with a duplex apartment. This policy expires December 20, 1945 and the assured is Paul Fox, attorney-in-fact for Robert Tadashi Ishii.

(4) Fire Insurance Policy No. C-200878 of the Pacific National Fire Insurance Company of San Francisco, California, in the amount of $700 covering the dwelling at 801 West Cook Street, $700 covering the dwelling at 802 West Cypress Street, and $700 covering the dwelling at 305 Railroad Avenue, Santa Maria, California. This policy expires March 18, 1943, and the assured is Paul Fox, attorney-in-fact for Robert Tadashi Ishii.

(5) Fire Insurance Policy No. C-146049 of the Pacific National Fire Insurance Company of San Francisco, California, in the amount of $1,000 covering household furniture located at 611 West Main Street. This policy expires April 29, 1945, and the assured is Paul Fox, attorney-in-fact for Robert Tadashi Ishii.

(6) Fire Insurance Policy No. C-178167 of the Pacific National Fire Insurance Company of San Francisco, California, in the amount of $2,000 covering general merchandise in warehouse at 609 West Main Street. This policy expires April 27, 1944 and the assured is Paul Fox, attorney-in-fact for Robert Tadashi Ishii.

(7) Fire Insurance Policy No. C-178168 of the Pacific National Fire Insurance Company of San Francisco, California, covering property described as follows:

$1,940.00 covering household furniture and furnishings in warehouse at 611 West Main Street;

$1,060.00 covering cash register, sales counters and other store fixtures located in warehouse at 611 West Main Street;

$940.00 for family belongings and property effects located at 609 West Main Street.

The assured is Paul Fox, attorney-in-fact for Robert Tadashi Ishii.

(8) War Damage Insurance Policy No. 310-09-20550 in the amount of $27,000 effective July 8, 1943, and expiring July 8, 1944. This policy covers all parcels of property hereinabove mentioned.

(9) Plate glass insurance issued by the Aetna Casualty Surety Company of Hartford, Connecticut, policy No. 5PG5306, expiring September 6, 1944, and covering plate glass in buildings at 609 and 611 West Main Street.

[F. R. Doc. 44-1041; Filed, January 20, 1944; 10:54 a. m.]

[Vesting Order 2913]

FRANZ DOLZER ET AL.

In re: Undivided interests in real property and a savings account owned by Franz Dolzer and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the following named persons whose last known addresses are Hochhausen, Germany, are residents of Germany and are nationals of a designated enemy country (Germany):

Names

Franz Dolzer, also known as Franz Doelzer.
Anna Eberwein Ditzenbach, also known as Anna Eberwein.
Maria Dolzer, also known as Maria Katherine Doelzer.
Blanka Dolzer Reinhard, also known as Blanka Doelzer.
Monika Eberwein, also known as Monika Felizitas Eberwein.
Anna Susanna Dolzer, also known as Sussana Doelzer.
Felizitas Eberwein,

2. That the last known address of Susanna Eberwein Freund was, at the time of her death, Germany, and that the unknown heirs, legatees or distributees of Susanna Eberwein Freund, deceased, are residents of Germany and are nationals of a designated enemy country (Germany);

3. That the persons whose names appear in subparagraph 1 hereof and the unknown heirs, legatees or distributees of Susanna Eberwein Freund, deceased, are the owners of the property described in subparagraph 4 hereof;

4. That the property described as follows:

a. Real property situated in Cheyenne County, Colorado, particularly described in Exhibit A, attached hereto and by reference made a part hereof, and identified as those parcels of land conveyed by Arthur E. Bower, et al., to Otto L. Fricke by certain warranty deeds recorded in the Office of the County Clerk and Recorder's Office, Cheyenne County, Colorado, in Book 102, Pages 273 to 276, inclusive, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds; benefits or other payments arising from the beneficial interest in and the ownership of such property, and

b. All right, title, interest and claim of Franz Dolzer, Anna Eberwein Ditzenbach, Maria Katherine Dolzer, Blanka Dolzer Reinhard, Monika Eberwein, Anna Susanna Dolzer and Felizitas Eberwein, and the unknown heirs, legatees or distributees of Susanna Eberwein Freund, deceased, in and to a certain savings account, No. 2746, in the Continental Industrial Bank, Cleveland, Ohio, which is due and owing to and held for Franz Dolzer, Anna Eberwein Ditzenbach, Maria Katherine Dolzer, Blanka Dolzer Reinhard, Monika Eberwein, Anna Susanna Dolzer and Felizitas Eberwein, and the unknown heirs, legatees or distributees of Susanna Eberwein Freund, deceased, in the name of "Otto L. Fricke, attorney in fact for the Gabriel Eberwein heirs", including but not limited to all security rights in and to any and all collateral for any or all of such account and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 4-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 4-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 4-a hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 4-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 11, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All those certain tracts or parcels of land situated in the County of Cheyenne, State of Colorado, more particularly described as follows:

Parcel No. I. All of sections Nos. One (1), Three (3), Eleven (11), Thirteen (13), Fifteen (15), Twenty-three (23), Twenty-five (25), Twenty-seven (27), and Thirty-five (35) in Township No. Fourteen (14), South of Range No. Forty-eight (48), West of the Sixth Principal Meridian, containing according to the United States Survey thereof Fifty-seven Hundred and Seventy-two (5772) and $^{55}/_{100}$ Acres, more or less, subject, however, to a right of way of lawful width for any and all county roads heretofore established upon, over and across the premises herein described.

Parcel No. II. All of section Nos. Five (5), Seven (7), Nine (9), Seventeen (17), Nineteen (19), Twenty-nine (29), and Thirty-three (33), all in Township No. Fourteen (14), South of Range No. Forty-seven (47), West of the Sixth Principal Meridian, and

All that part of section No. Thirty-one (31) in Township No. Fourteen (14), South of Range No. Forty-seven (47), West of the Sixth Principal Meridian, lying North of a line parallel with and Two Hundred (200) feet distant Northerly from the center line of the main track of Union Pacific Railroad.

Containing in all according to the United States Survey thereof Fifty-six Hundred and Twelve (5612) and 20/100 acres, more or less, subject, however, to a right of way of lawful width for any and all county roads heretofore established upon, over and across the premises herein described.

Parcel No. III. All of section No. Thirty-five (35) in Township No. Fourteen (14), South of Range No. Forty-seven (47), West of the Sixth Principal Meridian, lying South of a Line parallel with and two hundred (200) feet distant Southerly from the center line of the main track of Union Pacific Railroad, and

All the part of section No. Twenty-seven (27) in Township No. Fourteen (14), South of Range No. Forty-seven (47), West of the Sixth Principal Meridian, lying South of a line parallel with and two hundred (200) feet distant Southerly from the center line of the main track of Union Pacific Railroad,

Containing in all, according to the United States Survey thereof, Ten Hundred and Thirty-nine (1039) acres, more or less, subject however, to a right of way of lawful width for any and all County roads heretofore established upon, over and across the premises herein described.

Parcel No. IV. All of section No. Three (3), in Township No. Fifteen (15), South of Range No. Forty-eight (48), West of the Sixth Principal Meridian, containing according to the United States Survey thereof Six Hundred and thirty-nine (639) and 20/100 acres, more or less, but subject, however, to a right of way of lawful width for any and all county roads heretofore established upon, over and across the premises herein described.

Parcel No. V. Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) being the North Half (N½) of section Two (2) in Township Fourteen (14) South of Range Forty Eight (48), West of the Sixth Principal Meridian, Colorado, containing three hundred Twenty five and fifty two hundredths acres.

Parcel No. VI. The Northeast Quarter of section (26) Twenty six in Township Fourteen, South of Range forty eight. West of the Sixth Principal Meridian, Colorado, containing One Hundred and sixty (160) acres, according to official plat of survey, of the said land.

Parcel No. VII. Southeast Quarter of section Twenty-four (24) Township Fourteen (14) South of Range Forty eight (48) West of the 6th Principal Meridian.

[F. R. Doc. 44-1042; Filed, January 20, 1944; 10:54 a. m.]

[Vesting Order 2926]

EMMA FRIEDA WHITEHEAD

In re: Estate of Emma Frieda Whitehead, deceased; File D-28-3536; E. T. sec. 5702.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Cumberland County Orphans' Court, Depositary, acting under the judicial supervision of the Cumberland County Orphans' Court, Cumberland County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Meta Leuthauser, Germany.
Selma Leuthauser, Germany.
Herman Leuthauser, Germany.
Emma Forkel, Germany.

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title interest and claim of any kind or character whatsoever of Meta Leuthauser, Selma Leuthauser, Herman Leuthauser and Emma Forkel, and each of them, in and to the estate of Emma Frieda Whitehead, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1030; Filed, January 20, 1944; 10:52 a. m.]

[Vesting Order 2931]

VITREA CO., INC.

In re: Matter of the general assignment for the benefit of the creditors of Vitrea Company, Inc., Walter Upright, Assignee, File D-17-145; E. T. sec. 1082.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the City Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Supreme Court, Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Deutsche Fensterglass Ausfuht Corporation, Germany.
Neue Glasindustrie, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Deutsche Fensterglass Ausfuht Corporation and Neue Glasindustrie, and each of them, in and to the fund held by the New York City Treasurer, Account No. KG-1-1099, pursuant to an order of the Supreme Court of Kings County, New York, dated February 15, 1943,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1031; Filed, January 20, 1944; 10:52 a. m.]

[Vesting Order 2932]

FRED FIENE

In re: Estate of Fred Fiene, deceased; File D-28-4008; E. T. sec. 7007.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fred Altenbernd, Rock Grove, Stephenson County, Illinois, Executor, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Stephenson;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Edna Brenker, Germany.
Lena Tolle, Germany.
Sophia Meier, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $2,103.52, which is in the process of administration by, and is in the possession and custody of Fred Altenbernd, executor of the estate of Fred Fiene, deceased; also all right, title, interest and claim of any kind or character whatsoever of Edna Brenker, Lena Tolle and Sophia Meier, and each of them, in and to the estate of Fred Fiene, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1032; Filed, January 20, 1944; 10:52 a. m.]

[Vesting Order 2933]

FRANZ LEININGER

In re: Estate of Franz Leininger, deceased; File F-28-12951; E. T. sec. 1233.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by C. Wheeler Detjen, 511 Locust Street, St. Louis, Missouri, Administrator, acting under the judicial supervision of the Probate Court of the State of Missouri, in and for the County of St. Louis;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Maria Leininger, Germany.
Dora Osthalder, Germany.
Else Leininger, Germany.
Irma Leininger, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Maria Leininger, Dora Osthalder, Else Leininger and Irma Leininger, and each of them, in and to the estate of Franz Leininger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1033; Filed, January 20, 1944; 10:52 a. m.]

[Vesting Order 2934]

GERHARD F. RIEPE

In re: Estate of Gerhard F. Riepe, deceased; File D-28-3981; E. T. sec. 6898-A.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frank Andrews, Brinkley, Arkansas, Executor, acting under the judicial supervision of the Probate Court of Monroe County, Arkansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Maria Held, Germany.
Angela Held, Germany.
Fritz Held, Germany.
Anton Uhlenbrock, Germany.
Joseph Uhlenbrock, Germany.
Agnes Uhlenbrock, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria Held, Angela Held, Fritz Held, Anton Uhlenbrock, Joseph Uhlenbrock and Agnes Uhlenbrock, and each of them, in and to the estate of Gerhard F. Riepe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1034; Filed, January 20, 1944; 10:52 a. m.]

[Vesting Order 2935]

GERHARD F. RIEPE

In re: Frank Andrews, Executor of the Estate of Gerhard F. Riepe, deceased, vs. The Mutual Life Insurance Company of New York; File D-28-3981; E. T. sec. 6898-B.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Frank Andrews, the complainant in said proceedings, Brinkley, Arkansas, acting under the judicial supervision of the Monroe County Chancery Court, Monroe County, Arkansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Maria Held, Germany.
Angela Held, Germany.
Fritz Held, Germany.
Anton Uhlenbrock, Germany.
Joseph Uhlenbrock, Germany.
Agnes Uhlenbrock, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria Held, Angela Held, Fritz Held, Anton Uhlenbrock, Joseph Uhlenbrock and Agnes Uhlenbrock, and each of them, in and to the proceeds of Policy No. 1925525 issued on the life of Gerhard F. Riepe by The Mutual Life Insurance Company of New York for the sum of $2,000.00, and in and to a certain cause of action now pending in the Monroe County Chancery Court, Monroe County, Arkansas, entitled "Frank Andrews, Executor of the Estate of Gerhard F. Riepe, Deceased, vs. The Mutual Life Insurance Company of New York".

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1043; Filed, January 20, 1944; 10:54 a. m.]

[Vesting Order 2936]

HENRY W. RINK

In re: Trust under the Will of Henry W. Rink, deceased; File D-28-4837; E. T. sec. 1241.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Carolina Savings Bank, 1 Broad Street, Charleston, South Carolina, Substituted Trustee, acting under the judicial supervision of the Court of Common Pleas, County of Charleston, South Carolina;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

August Rink, Germany.
Elizabeth Meyer, Germany.
Herman Meyer, Germany.
Karl Meyer, Germany.
Arthur Meyer, Germany.
Gretchen Meyer, Germany.
Johanne Meyer, Germany.
Adolph Rink, Germany.
Gunther Rink, Germany.
Gerda Rink, Germany.
Elizabeth Flugger, Germany.
Adele Linne, Germany.
Gertrude Linne, Germany.
Rolf Linne, Germany.
Johanne Lotte, Germany.
Nicholaus Herzog, Germany.
Carmen Silvia Herzog, Germany.
Elizabeth Herzog, Germany.
Arthur Herzog, Germany.
Heirs of Henry W. Rink, deceased, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of August Rink, Elizabeth Meyer, Herman Meyer, Karl Meyer, Arthur Meyer, Gretchen Meyer, Johanne Meyer, Adolph Rink, Gunther Rink, Gerda Rink, Elizabeth Flugger, Adele Linne, Gertrude Linne, Rolf Linne, Johanne Lotte, Nicholaus Herzog, Carmen Silvia Herzog, Elizabeth Herzog, Arthur Herzog, heirs of Henry W. Rink, deceased, whose names are unknown, and each of them, in and to the trust estate created under the Will of Henry W. Rink, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1044; Filed, January 20, 1944; 10:54 a. m.]

[Vesting Order 2937]

HORACE P. SMART

In re: Trust under the Will of Horace P. Smart, deceased; File F-28-15187; E. T. sec. 3279.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Citizens and Southern National Bank, 22 Bull Street, Savannah, Georgia, and H. P. Smart, Jr., 207 E. 31st Street, Savannah, Georgia, Trustees, acting under the judicial supervision of the Court of Ordinary, Chatham County, Savannah, Georgia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Sigfried H. A. Fuehr, Germany.
Helen Marion Fuehr Winter, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Sigfried H. A. Fuehr and Helen Marion Fuehr Winter, and each of them, in and to the trust estate created under the Will of Horace P. Smart, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1045; Filed, January 20, 1943; 10:55 a. m.]

[Vesting Order 2939]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement with Societe de Produits Chimiques Terres Rares and Titan Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal places of business in Germany and is a national of a designated enemy country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement entered into on April 27, 1936 and May 5, 1936 (including all modifications thereof or supplements thereto, if any) by and between Societe de Produits Chimiques des Terres Rares, Titan Company Inc. and I. G. Farbenindustrie Aktiengesellschaft,

is property of a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1046; Filed, January 20, 1944; 10:55 a. m.]

[Vesting Order 2940]

SOCIETE INDUSTRIELLE DU TITANE AND TITANGESELLSCHAFT M. B. H., ET AL.

In re: Interests of Societe Industrielle du Titane and Titangesellschaft m. b. H. in agreements with Titan Co. A. S. and others.

Under the authority of the Trading with the Enemy Act, as amended, and No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Titangesellschaft m. b. H. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That Societe Industrielle du Titane is a corporation organized under the laws of and having its principal place of business in France and is a national of a foreign country (France);

3. That the property identified in subparagraph 5a hereof is property of Titangesellschaft m. b. H.;

4. That the property identified in subparagraph 5b hereof is property of Societe Industrielle du Titane;

5. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Titangesellschaft m. b. H. by virtue of an agreement dated October 3, 1927 and October 20, 1927 (including all modifications thereof or supplements thereto, if any) by and between Titangesellschaft m. b. H. and Titan Co. A. S. relating to patents.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Industrielle du Titane by virtue of an agreement dated May 1, 1925 (including all modifications thereof or supplements thereto, including, but without limitation, a letter dated March 3, 1927 from Titan Co. A. S. to Societe Industrielle du Titane) by and between La Societe Miniere & Industrielle Franco-Bresilienne, La Societe des Produits Chimiques de l'Oust, Titan Company, A. S., Andro Vincent and others, relating to patents,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (France, Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice

of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1047; Filed, January 20, 1944; 10:55 a. m.]

[Vesting Order 2963]

INVENTIONS AND DISCLOSURES THEREOF OF NATIONALS OF FRANCE

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Societe des Usines Chimiques Rhone Poulenc, Societe Rhodiaceta, Comptoir des Textiles Artificials and La Cellophane are corporations organized under the laws of France and are nationals of a foreign country (France);

2. That the disclosures and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective identifications thereof in Exhibit A attached hereto and made a part hereof;

3. That the property described as follows:

The disclosures identified in Exhibit A attached hereto and made a part hereof, together with the entire, right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

TC Number, Inventor, Invention, Other Identification, and Owner

TC-487; Emile C. Cottet; Process for gluing cellulose films to glass, and new adhesive films therefor; French Pat. No. 448,272; Societe des Usines Chimiques Rhone Poulenc.

TC-1500; Maurice Fluchaire & Serge Iavorsky; Process for the preparation of the dinitrile of adipic acid; British appln. No. 16289/39; Societe Rhodiaceta.

TC-1500 (a); Paul C. Joly; Coloration of superpolyamides; French appln. No. 460,882; Societe Rhodiaceta.

TC-1501 (a); Unknown; Large flanged bobbin for warp winding by over-end unwinding; French sealed document No. 19,816; Comptoir des Textiles Artificiels.

TC-1501 (b); Raymond A. Thomann; Rinsing bobbins washed in tanks; French sealed document No. 18,914; Comptoir des Textiles Artificiels.

TC-1501 (c); Raymond A. Thomann; Regulable guide for spinning in bobbins; French sealed document No. 18,915; Comptoir des Textiles Artificiels.

TC-1501 (d); Francis Moine; Heat exchanger with pyrex type glass tubes; French sealed document No. 19,102; Comptoir des Textiles Artificiels.

TC-1501 (e); Unknown; Spinneret holder tube without dead corners; French sealed document filed Feb. 28, 1939; Comptoir des Textiles Artificiels.

TC-1501 (f); Unknown; Mirror disc on the bobbin winder spindle for cones; French sealed document filed Feb. 28, 1939; Comptoir des Textiles Artificiels.

TC-1501 (g); Unknown; Spinneret connection; French sealed document filed May 20, 1939; Comptoir des Textiles Artificiels.

TC-1501 (h); Unknown; Apparatus for the manufacture of monofil with spaced bubbles; French sealed document filed June 28, 1939; Comptoir des Textiles Artificiels.

TC-1501 (i); Unknown; Spinning funnels; French sealed document filed July 11, 1939; Comptoir des Textiles Artificiels.

TC-1501 (j); Unknown; Device for backwinding cakes mounted on cores of two fitted parts; French sealed document unfiled; Comptoir des Textiles Artificiels.

TC-1501 (k); Unknown; Device for disconnecting the thread stop-motion on the reeling machine; French sealed document unfiled; Comptoir des Textiles Artificiels.

TC-1501 (l); Unknown; Removable bushing of hardened steel for spindle holder; French sealed document unfiled; Comptoir des Textiles Artificiels.

TC-1501 (m); Unknown; Roller protector for feed wheel; French sealed document unfiled; Comptoir des Textiles Artificiels.

TC-1501 (n); Unknown; Thread stop-motion and clutch for ring twister spindle; French sealed document unfiled; Comptoir des Textiles Artificiels.

TC-1501 (o); Unknown; Process for stuffing and lining life-saving material, airplane wings, etc.; French appln. No. 441,491; Comptoir des Textiles Artificiels.

TC-1501 (p); Unknown; Process for the direct manufacture of a sliver of discontinuous fibers from a large rope of continuous filaments; British appln. No. 26,195/39; Comptoir des Textiles Artificiels.

TC-1501 (q); Unknown; Improved viscose rayon bucket spinning machine; French appln. No. 43; Comptoir des Textiles Artificiels.

TC-1501 (r); Unknown; Process for spinning and treating rayon with enrollment on bobbins; French appln. No. 57; Comptoir des Textiles Artificiels.

TC-1501 (s); Unknown; Apparatus for whissing cakes of yarn without a rigid support; French appln. No. 55; Comptoir des Textiles Artificiels.

TC-1501 (t); Unknown; Process for the treatment of viscose spinning bath; French appln. No. 450,854; Comptoir des Textiles Artificiels.

TC-1501 (u); Unknown; Horsehair, straw or fancy yarn; French Add. appln. No. 36,698; Comptoir des Textiles Artificiels.

TC-1501 (v); Unknown; Process of direct manufacture of roving of staple fibres from large bundles of continuous filaments; British appln. No. 26,195/39; Comptoir des Textiles Artificiels.

TC-1501 (w); Bonnet; Process for the manufacture of viscose yarns from impure cellulose pulp and the resulting products; French appln. No. 22,522; Comptoir des Textiles Artificiels.

TC-1501 (x); Pierrat; Apparatus for dissolving solid materials particularly cellulose derivatives; French appln. No. 22,552; Comptoir des Textiles Artificiels.

TC-1502 (a); Unknown; Pellicular products intended for protection against toxic fluids; French appln. filed 6-28-39; La Cellophane.

TC-1502 (b); Unknown; Receptacle for organic liquids; French appln. filed 3-20-40; La Cellophane.

TC-1502 (c); Unknown; Packing for pellicular cellulose or similar substances; French appln. filed 4-18-40; La Cellophane.

TC-1503 (a); Auguste F. Bidaud and Pierre J. Chevalier; Acetylation of viscose; British appln. No. 19,904/38; Societe des Usines Chimiques Rhone-Poulenc.

TC-1503 (b); Arnulf Sippel; Process for the esterification of cellulose; German appln. No. D.80,504; Societe Rhodiaceta.

TC-1503 (c); Unknown; Process of pasting plastic materials on leaves with acetate cellulose base, on wood; French appln No. 2,539; Societe des Usines Chimiques Rhone-Poulenc.

TC-1504 (a); Emil Opderbeck; Process for the manufacture of spinnerets; German appln. D.78,435; Societe Rhodiaceta.

TC-1504 (b); Paul C. Joly; Process for coating, finishing or sizing textile materials with drying materials; French appln. No. 442,278; Societe Rhodiaceta.

TC-1504 (c); Unknown; Process for the preparation of yarns, filaments, and other artificial dyed articles with a base of cellulose esters; French Add. appln. 38,211 1st Add. to Pat. 806,012; Societe Rhodiaceta.

TC-1505; Unknown; Decorated sheets and slabs of plastic and method of making them; French appln. No. 1,442; Societe des Usines Chimiques Rhone-Poulenc.

[F. R. Doc. 44-1048; Filed, January 20, 1944; 10:54 a. m.]

[Vesting Order 2964]

INVENTIONS AND DISCLOSURES THEREOF OF NATIONALS OF GERMANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie A. G., Kalle & Co. A. G., Deutsche Gold und Silber Scheideanstalt, Holzverkohlungs Industrie, A. G., and Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie G. m. b. H. are corporations organized under the laws of Germany and are nationals of a foreign country (Germany);

2. That the disclosures and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective identifications thereof in Exhibit A attached hereto and made a part hereof;

3. That the property described as follows:

The disclosures identified in Exhibit A attached hereto and made a part hereof, together with the entire, right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

TC Number, Inventor, Invention, German Application Number, and Owner

489; Unknown; Method of preparing citric acid by fermentation; D. 77,987; Holzverkohlungs Industrie, A. G.

489 (a); Unknown; Method of separating carbon dioxide from gas mixtures; D. 78,690; Holzverkohlungs Industrie, A. G.

489 (b); Unknown; Method of preparing higher alcohols; D. 76,974; Holzverkohlungs Industrie, A. G.

489 (c); Unknown; Method of preparing higher alcohols from alcohols of lower carbon content; D. 80,241; Holzverkehlungs Industrie, A. G.

490; Herbert Berg & Herbett Mader; Method of preparing emulsions and dispersions; W. 103,332; Dr. Alexander Wacker Gesellschaft fur Elektrochemisce Industrie, G. m. b. H.

490 (a); F. Herrmann, A. Kalchgruber & W. Specht; Spinning cylinder; W. 103,303; Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (b); H. Scheidemandel; Method of preparing moulded articles from hydraulic setting materials; W. 103,520; Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (c); H. Scheidemandel; Method of preparing coatings of hydraulic setting materials; W. 103,874; Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (d); H. P. Schmitz & Herbertus Rahder; Preparation of coatings; W. 104,092; Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (e); H. Scheidemandel; Abrasives; W.104,307; Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (f); Dr. Willy O. Herrmann & Dr. W. Haehnel; Method of preparing polyvinyl ethers; W.105,036; Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (g); Dr. Herbert Berg; Method and apparatus for carrying out chemical reactions; W.105,707; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (h); Dr. H. Berg & Dr. O. Leschhorn; Method of employing highly polymerized vinyl halides; W.105,960; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (i); H. Berg, P. Ernst, J. Hierneis & Hans Machemer; Method of working up high molecular polyvinyl chloride; W. 106,917; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G.m.b.H.

490 (j); H. Scheidemandel; Method of preparing aqueous compositions of finely divided aldehyde resins; W. 106,978; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G.m.b.H.

490 (k); Dr. W. O. Herrmann & Dr. W. Haehnel; Method of preparing polyvinyl compounds containing acetal groups; W. 107,454; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G.m.b.H.

490 (l); H. Berg & Richard Reile; Preparation of driving belts, cables, conveyor bands, etc.; W. 107,519; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G.m.b.H.

490 (m); Dr. H. Berg & Dr. Otto Leschhorn; Method of working up high molecular polymerizates of vinyl halides; W. 107,732; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie G. m. b. H.

490 (n); Dr. W. O. Herrmann & Dr. W. Haehnel; Method of preparing washing and purifying agents; W. 106,613; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie G. m. b. H.

490 (o); Dr. W. O. Herrmann & Dr. W. Haehnel; Method of preparing, washing and purifying agents; W. 106,992; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (p); H. Scheidemandel & H. Untergguggenberger; Method of preparing aqueous compositions of finely divided aldehyde resins; W. 107,157; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

490 (q); Dr. W. O. Herrman & Dr. B. von Zychlinski; Preparation of low-viscosity solutions of acetal-like derivatives of polyvinyl alcohol; C.55,163; Dr. A. Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H.

1251; Unknown; Wrapping material and container for foodstuffs; I.13,462; I. G. Farbenindustrie A. G.

1252; Unknown; Tubes of superpolyamides; I.14,441; I. G. Farbenindustrie A. G.

1253; Unknown; Hot water container of superpolyamides or urethanes; I.14,459; I. G. Farbenindustrie A. G.

1254; Unknown; Spinnerette; I.14,554; I. G. Farbenindustrie A. G.

1255; Unknown; Dress shields; I.14,808; I. G. Farbenindustrie A. G.

1256; Unknown; Folding or tubular boat; I.14,891; I. G. Farbenindustrie A. G.

1257; Unknown; Clips of artificial materials; I.14,923; I. G. Farbenindustrie A. G.

1258; Harald Mediger; Absorptive surface structures of polyamides; D.24,028; I. G. Farbenindustrie A. G.

1259; Unknown; Process for the manufacture of lactams; I.59,084; I. G. Farbenindustrie A. G.

1260; Unknown; Paste for cloth printing; I.62,976; I. G. Farbenindustrie A. G.

1261; Unknown; Process for finishing cellulose; I.63,073; I. G. Farbenindustrie A. G.

1262; Unknown; Process for the manufacture of plastic, high molecular, linear polyamides on the basis of lactam forming amino carboxylic acids; I.63,075; I. G. Farbenindustrie A. G.

1263; Unknown; Process for the manufacture of shrinkless rayon from linear highly polymerized substances; I.63,076; I. G. Farbenindustrie A. G.

1264; Unknown; Surgical sewing materials, bands, tubes, containers, apparatus and apparatus parts for medical purposes; I.63,099; I. G. Farbenindustrie A. G.

1265; Unknown; Process for the manufacture of superpolyamides; I.63,280; I. G. Farbenindustrie A. G.

1266; Unknown; Wrapping material and container for foodstuffs; I.63,362; I. G. Farbenindustrie A. G.

1267; Unknown; Process for the manufacture of epsilon amino caproic acid; I.63,377; I. G. Farbenindustrie A. G.

1268; Unknown; Process for the preparation of condensation products; I.63,462; I. G. Farbenindustrie A. G.

1269; Unknown; Process for the manufacture of adipinic acid nitrok; I. 63,469; I. G. Farbenindustrie A. G.

1270; Unknown; Apparatus for spinning meltable artificial substances according to the rod-melting process; I. 63,670; I. G. Farbenindustrie A. G.

1271; Unknown; Process for the manufacture of clear, transparent artificial materials from polyamides, polyurea or polyurethane-forming compounds; I. 63,683; I. G. Farbenindustrie A. G.

1272; Unknown; Process for the manufacture of glass-clear artificial substances from polyamide, polyurethane-forming compounds; I. 63,684; I. G. Farbenindustrie A. G.

1273; Unknown; Process for the manufacture of safety glass; I.63,685; I. G. Farbenindustrie A. G.

1274; Unknown; Process for the manufacture of fibers from high molecular weight linear polyamides; I.63,686; I. G. Farbenindustrie A. G.

1275; Unknown; Artificial dental plates; I.63,690; I. G. Farbenindustrie A. G.

1276; Unknown; Process for working thermoplastic artificial materials; I.63,701; I. G. Farbenindustrie A. G.

1277; Unknown; Process for the manufacture of high molecular weight linear polyamides; I.63,760; I. G. Farbenindustrie A. G.

1278; Unknown; Upholstery material; I.63,788; I. G. Farbenindustrie A. G.

1279; Unknown; Process for the manufacture of tubes and pipes; I.63,811; I. G. Farbenindustrie A. G.

1280; Unknown; Process for the preparation of dicarboxylic acids; I.63,947; I. G. Farbenindustrie A. G.

1261; Unknown; Process for the manufacture of formed bodies; I.69,961; I. G. Farbenindustrie A. G.

1262; Unknown; Process for the preparation of highly polymerized polyamides or mixed polyamides; I.64,092; I. G. Farbenindustrie A. G.

1263; Unknown; Process for the manufacture of artificial materials; I.64,099; I. G. Farbenindustrie A. G.

1264; Unknown; Process for the preparation of high molecular weight, meltable polyamides; I.64,361; I. G. Farbenindustrie A. G.

1265; Unknown; Process for increasing the dye recaptivity of cellulose; I.64,403; I. G. Farbenindustrie A. G.

1266; Unknown; Process for working up superpolyamides; I.64,433; I. G. Farbenindustrie A. G.

1267; Unknown; Process of the preparation of lactams from oximes of cyclic ketones; I.64,456; I. G. Farbenindustrie A. G.

1268; Unknown; Process for the preparation of hydrocaromatic ketones; I.64,518; I. G. Farbenindustrie A. G.

1269; Unknown; Process for the manufacture of aliphatic dicarboxylic acids, I.64,558; I. G. Farbenindustrie A. G.

1290; Unknown; Process for the manufacture of high-molecular-weight linear polyamides; I.64,576; I. G. Farbenindustrie A. G.

1291; Unknown; Process for the manufacture of artificial sponge; I.64,746; I. G. Farbenindustrie A. G.

1292; Unknown; Slide fasteners (zippers); I.65,027; I. G. Farbenindustrie A. G.

1293; Unknown; Process for the production of superpolyamides; I.65,162; I. G. Farbenindustrie A. G.

1294; Unknown; Process and apparatus for uniform electric heating or stationary and revolving apparatus parts; I.65,314; I. G. Farbenindustrie A. G.

1295; Unknown; Spinnerets; I.65,484; I. G. Farbenindustrie A. G.

1296; Unknown; Process for the manufacture of highly polymerized linear polyamides I.65,521; I. G. Farbenindustrie A. G.

1297; Unknown; Preparation of dinitriles; I.65,682; I. G. Farbenindustrie A. G.

1298; Unknown; Process for the manufacture of solutions and plastic masses from polyamides; I. 65,939; I. G. Farbenindustrie A. G.

1299; Unknown; Process for the preparation of paraffin-dicarboxylic acid; I. 66,008; I. G. Farbenindustrie A. G.

1300; Unknown; Process for reinforcing construction parts; I. 66,015; I. G. Farbenindustrie A. G.

1301; Unknown; Process for the manufacture of superpolyamides; I. 66,177; I. G. Farbenindustrie A. G.

1302; Unknown; Process and device for the manufacture of shaped from meltable artificial materials; I. 66,178; I. G. Farbenindustrie A. G.

1303; Unknown; Process for the manufacture of hydrophilous polyamides from amino carboxylic acids; I. 66,310; I. G. Farbenindustrie A. G.

1304; Unknown; Process for the preparation of primary amines; I. 66,399; I. G. Farbenindustrie A. G.

1305; Unknown; Process for the preparation of cyclohexanol and its homologs; I. 66,408; I. G. Farbenindustrie A. G.

1306; Unknown; Process for the preparation of adipic acid or its homologs; I. 66,456; I. G. Farbenindustrie A. G.

1307; Unknown; Process for the preparation of adipic acid and its homologs; I. 66,513; I. G. Farbenindustrie A. G.

1308; Unknown; Process for the preparation of adipic acid; I. 66,637; I. G. Farbenindustrie A. G.

1309; Unknown; The preparation of dicarboxylic acids and their salts; I. 66,863; I. G. Farbenindustrie A. G.

1310; Unknown; Process for the manufacture of formed masses; I.66,946; I. G. Farbenindustrie A. G.

1311; Unknown; Process for the manufacture of top coating, coating, film, impregnation, etc.; I.66,667; I. G. Farbenindustrie A. G.

1312; Unknown; Process for the manufacture of footwear; I.66,982; I. G. Farbenindustrie A. G.

1313; Unknown; Process for plasticizing superpolyamides; I.66,987; I. G. Farbenindustrie A. G.

1314; Unknown; Process for dying structures of superpolyamides or urethanes; I.67,012; I. G. Farbenindustrie A. G.

1315; Unknown; Process and apparatus for stretching organic structures for producing high tenacity yarn; I.67,047; I. G. Farbenindustrie A. G.

1316; Unknown; Plastic masses; I.67,144; I. G. Farbenindustrie A. G.

1317; Unknown; Stiffening for hats; I.67,166; I. G. Farbenindustrie A. G.

1318; Unknown; Gear pump for conveying melts of organic artificial materials; I.67,184; I. G. Fabenindustrie A. G.

1319; Unknown; Plastic masses; I.67,282; I. G. Farbenindustrie A. G.

1320; Unknown; Process for the manufacture of sound supports; I.67,310; I. G. Farbenindustrie A. G.

1321; Unknown; Plastic masses; I.67,323; I. G. Farbenindustrie A. G.

1322; Unknown; Plastic masses of superpolyamides; I.67,353; I. G. Farbenindustrie A. G.

1323; Unknown; Process for purifying adipic acid and its homologs; I.67,450; I. G. Farbenindustrie A. G.

1324; Unknown; Process for the preparation of cyclohexanol and its homologs; I.67,459; I. G. Farbenindustrie A. G.

1325; Unknown; Process for the manufacture of superpolyamides; I.67,470; I. G. Farbenindustrie A. G.

1326; Unknown; Process for the manufacture of waterproof, allweather topcoat; I.67,494; I. G. Farbenindustrie A. G.

1327; Unknown; Process for the manufacture of alipathic dicarboxylic acids; I.67,694; I. G. Farbenindustrie A. G.

1328; Unknown; Process for the preparation of linear poly-condensation products with amide groups in the chain; I.67,708; I. G. Farbenindustrie A. G.

1329; Unknown; Plastic masses out of superpolyamides; I.67,773; I. G. Farbenindustrie A. G.

1330; Unknown; Process for the preparation of adipic dinitrile; I.67,793; I. G. Farbenindustrie A. G.

1331; Unknown; Fasteners; I.67,876; I. G. Farbenindustrie A. G.

1332; Unknown; Axle bushes, bearing castings, gliding surfaces, etc., as artificial materials and process for their manufacture; D.79,804; Dynamit Gesellschaft, vorm. Alfred Nobel & Co.

1333; Unknown; Process for the production of hollow or shaped objects according to patent; D.80,860; Dynamit Gesellschaft, vorm. Alfred Nobel & Co.

1334; Harald Mediger; Process for the Preparation of solutions or pastes from polyamides; D.80,989; I. G. Farbenindustrie A. G.

1335; Harald Mediger; Process for the preparation of solutions or pastes of polyamides; D.80,990; I. G. Farbenindustrie A. G.

1336; Harald Mediger; Process for the preparation of solutions or paste from polyamides; D.81,329; I. G. Farbenindustrie A. G.

1337; Harald Mediger; Process for the manufacture of bands, yarns, films or foils from polyamides; D.81,416; I. G. Farbenindustrie A. G.

1338; Harald Mediger; Process for the manufacture of sheets from polyamides; D.81,589; I. G. Farbenindustrie A. G.

1339; Harald Mediger; Process for the manufacture of leather substances, artificial leather, balloon materials, floor coverings, or similar products from polyamides; D.81,819; I. G. Farbenindustrie A. G.

1340; Harald Mediger; Process for the manufacture of plywood; D.81,877; I. G. Farbenindustrie A. G.

1341; Harald Mediger; Washable white goods which do not require laundering; D.82,648; I. G. Farbenindustrie A. G.

1342; Harald Mediger; Process for the manufacture of substitutes for leather, oilcloth and the like from polyamides; D.82,675; I. G. Farbenindustrie A. G.

1343; Harald Mediger; Process and apparatus for coating surfaces with polycondensation products; D.83,456; I. G. Farbenindustrie A. G.

1344; Unknown; Process for working superpolyamides; K.155,450; I. G. Farbenindustrie A. G.

1345; Unknown; Process for the manufacture of coatings, films, yarns, etc. from superpolyamides; K.155,468; I. G. Farbenindustrie A. G.

1346; Unknown; Substitute for wire-reinforced glass; K. 155,821; I. G. Farbenindustrie A. G.

1347; Unknown; Yarn; K. 157,563; I. G. Farbenindustrie A. G.

1348; Unknown; Process for dyeing superpolyamides and superpolyurethanes; *Italian Patent* 378,566; I. G. Farbenindustrie A. G.

1349; Unknown; Conveyor drive for bands of material; K. 155,117; Kalle & Co. A. G.

1350; Unknown; Process for the manufacture of cyclohexenones; I. 61,726; I. G. Farbenindustrie A. G.

1350 (a); Unknown; Process for obtaining technically valuable products from acetylene trimmers; I. 62,738; I. G. Farbenindustrie A. G.

1350 (b); Unknown; Method of preparing methylethyl ketone; I. 66,184; I. G. Farbenindustrie A. G.

1351; Jaeger; Implements, apparatus and apparatus parts which are exposed to the action of corrosive gases; D.77,755; Deutsche Gold und Silber Scheideanstalt.

1352; Loebich, High current electric conductor, particularly fusion elements for safety fuses; D.77,824; Deutsche Gold und Silber Scheideanstalt.

1353; Thilenius; Method for preserving the original quality of iron-containing mineral water; D.77,832; Deutsche Gold und Silber Scheideanstalt.

1354; Ernst Schelling; Method of making cosmetic and medicinal preparations; D.77,883; Deutsche Gold und Silber Scheideanstalt.

1355; Derstan; Method of making white opaque enamels; D.78,104; Deutsche Gold und Silber Scheideanstalt.

1356; Ernst Schelling; Method for corroding metals; D.78,238; Deutsche Gold und Silber Scheideanstalt.

1357; Ernst Schelling; Method for corroding metals; D.78,321; Deutsche Gold und Silber Scheideanstalt.

1358; Emil Scheller; Method of treating cellulose; D.78,329; Deutsche Gold und Silber Scheideanstalt.

1359; Beier; Method of obtaining hydrocyanic acid; D.78,414; Deutsche Gold und Silber Scheideanstalt.

1360; Jager; Method of preparing waterfree metal halides; D.78,457; Deutsche Gold und Silber Scheideanstalt.

1361; Eudert; Method of obtaining pure beryllium in metallic form or in the form of a salt from aluminum containing mixtures; D.78,589; Deutsche Gold und Silber Scheideanstalt.

1362; Jager & Rudert; Method of obtaining beryllium metal; D.78,590; Deutsche Gold und Silber Scheideanstalt.

1363; Bonath & Albrecht; Electric salt bath furnaces; D.78,627; Deutsche Gold und Silber Scheideanstalt.

1364; Beck & Albrecht; Salt bath furnaces; D.78,676; Deutsche Gold und Silber Scheideanstalt.

1365; Bonath & Albrecht; Metal pots for salt bath furnaces; D.78,710; Deutsche Gold und Silber Scheideanstalt.

1366; Beck, Walter & Bonath; Method for carrying out chemical reactions; D.78,756; Deutsche Gold und Silber Scheideanstalt.

1367; Nees; Method of obtaining metallic chromium by electrolysis of fused salts; D.78,765; Deutsche Gold und Silber Scheideanstalt.

1368; Weiner; Method and device for suspending objects in electroplating baths; D.78,787; Deutsche Gold und Silber Scheideanstalt.

1369; Friedrich Ott, Friedrich Bach & Heinrich Kessler; Method and apparatus for the dust-free feeding of fine substances; D.78,793; Deutsche Gold und Silber Scheideanstalt.

1370; Albrecht; Device and method for conveying, mixing or moving melts; D.78,855; Deutsche Gold und Silber Scheideanstalt.

1371; Obering & Bollmann; Apparatus for heat treating metals; D.79,120; Deutsche Gold und Silber Scheideanstalt.

1372; Scheller; Method of obtaining cellulose suitable for preparing photographic paper; D.79,231; Deutsche Gold und Silber Scheideanstalt.

1373; Scheller; Method of bleaching cellulose; D.79,232; Deutsche Gold und Silber Scheideanstalt.

1374; Beier; Method of rendering cyanide-containing waters non-poisonous; D. 79,332; Deutsche Gold und Silber Scheideanstalt.

1375; Weiner; Method for the electrolytic deposition of brass; D. 79,424; Deutsche Gold und Silber Scheideanstalt.

1376; Ehrhardt; Method of applying electrically conducting coatings to artificial materials for electrotechnical purposes; D. 79,644; Deutsche Gold und Silber Scheideanstalt.

1377; Ehrhardt; Method of producing gold-color decorations; D. 79,768; Deutsche Gold und Silber Scheideanstalt.

1378; Weiner; Method of preparing cadmium coatings; D. 79,836; Deutsche Gold und Silber Scheideanstalt.

1379; Diehl & Bender; Method of preparing ceramic color substances containing chromium; D. 79,985; Deutsche Gold und Silber Scheideanstalt.

1380; Beck & Boos; Method of regulating the temperature of salt baths heated by electrodes; D. 80,004; Deutsche Gold und Silber Scheideanstalt.

1381; Beck & Albrecht; Method of regulating the temperature of salt baths heated by electrodes; D. 80,005; Deutsche Gold und Silber Scheideanstalt.

1382; Beck & Bonath; Method of regulating the temperature of salt baths heated by electrodes; D. 80,006; Deutsche Gold und Silber Scheideanstalt.

1383; Walter Kerstan; Method of preparing white opaque enamels and glazes; D. 80,063; Deutsche Gold und Silber Scheideanstalt.

1384; Morsberger; Method of holding constant the cell voltage in electrolyses; D. 80,345; Deutsche Gold und Silber Scheideanstalt.

1385; Rudolf Liepack; Color compositions for ceramic purposes; D.80,392, Deutsche Gold and Silber Scheideanstalt.

1386; Bonath; Method of heating fused salt baths; D.80,486; Deutsche Gold und Silber Scheideanstalt.

1387; Weiner; Method of producing electro-deposits on zinc alloys; D.80,489; Deutsche Gold und Silber Scheideanstalt.

1388; Scheller; Process for the manufacture of bleached cellulose; D.80,536; Deutsche Gold und Silber Scheideanstalt.

1389; Unknown; Method of preparing acetaldehyde; D.80,843; Deutsche Gold und Silber Scheideanstalt.

1390; Unknown; Method of operating packed columns; D.80,936; Deutsche Gold und Silber Scheideanstalt.

1391; Gartner; Method of bleaching & refining cellulose; D. 81,105; Deutsche Gold und Silber Scheideanstalt.

1392; Unknown; Method of preparing inhibitors for stabilizing motor fuels, oils, rubber and the like; D. 81,224; Deutsche Gold und Silber Scheideanstalt.

1393; Unknown; Process for producing alkali xanthates; D. 81,484; Deutsche Gold und Silber Scheideanstalt.

1394; Diehl; Method of preparing chromium-containing coloring agents for glasses, enamels, and the like; D. 81,577; Deutsche Gold und Silber Scheideanstalt.

1395; Diehl; Method of preparing boron-free enamels, glazes and the like; D. 81,624; Deutsche Gold und Silber Scheideanstalt.

1396; Thilenius; Method of preparing bearing stones, drawing stones, nozzles and the like; D.81,632; Deutsche Gold und Silber Scheideanstalt.

1397; Kerstan; Method of preparing transparent enamels, glazes and the like; D. 81,711; Deutsche Gold und Silber Scheideanstalt.

1398; Liepack; Process for manufacture of transfers; D.81,888; Deutsche Gold und Silber Scheideanstalt.

1399; Hax; Electric heating device for electric salt baths; D.82,066; Deutsche Gold und Silber Scheideanstalt.

1400; Unknown; Method of stabilizing lead tetraethyl in motor fuels; D.82,106; Deutsche Gold und Silber Scheideanstalt.

1401; Unknown; Method of handling and storing lead tetraethyl; D.82,107; Deutsche Gold und Silber Scheideanstalt.

1402; Kollmar; Preparations containing precious metals for decorating ceramic articles; D. 82,162; Deutsche Gold und Silber Scheideanstalt.

1403; Hax; Electric heating device for electric salt bath furnaces; D. 82,181; Deutsche Gold und Silber Scheideanstalt.

1404; Unknown; Process for floating uranium minerals containing pitchblende; D. 82,208; Deutsche Gold und Silber Scheideanstalt.

1405; Unknown; Process for floating uranium ores; D. 82,209; Deutsche Gold und Silber Scheideanstalt.

1406; Baier & Sinn; Process for the treatment of German varieties of tea with hydrogen peroxide; D. 82,549; Deutsche Gold und Silber Scheideanstalt.

1407; Abegg; Process for the production of sodium persulfates; D. 82,578; Deutsche Gold und Silber Scheideanstalt.

1408; Elod; Improvement in the felting of colored woolen waste; D. 82,613; Deutsche Gold und Silber Scheideanstalt.

1409; Scheller; Method of bleaching cellulose-containing materials; D. 82,636; Deutsche Gold und Silber Scheideanstalt.

1410; Weiner; Method of carrying out electrolytic processes, especially electroplating processes using soluble anodes; D.82,872; Deutsche Gold und Silber Scheideanstalt.

1411; Unknown; Method of stabilizing lead-containing anti-knock agents or fuels containing same; D. 82,914; Deutsche Gold und Silber Scheideanstalt.

1412; Nees; Washing and bleaching agent; D. 83,276; Deutsche Gold und Silber Scheideanstalt.

1413; Hundt; Process for the bleaching of artificial textile fibers; D.83,372; Deutsche Gold und Silber Scheideanstalt.

1414; Nees; Washing and bleaching agent; D.83,475; Deutsche Gold und Silber Scheideanstalt.

1415; Kerstan; Production of colored and white base enamels; D.83,784; Deutsche Gold und Silber Scheideanstalt.

1416; Kerstan; Colored enamel compositions; D.83,785; Deutsche Gold und Silber Scheideanstalt.

1417; Kerstan; Black colored enamel compositions; D.83,786; Deutsche Gold und Silber Scheideanstalt.

1418; Beier; Recovery of copper and other metals from liquors containing the same and cyanide; D.83,874; Deutsche Gold und Silber Scheideanstalt.

1419; Gartner; Method of bleaching or purifying fibrous materials by treatment with liquors containing peroxygen; D.83,963; Deutsche Gold und Silber Scheideanstalt.

1420; Beier; Method of detanning chrome leather; D.83,983; Deutsche Gold und Silber Scheideanstalt.

[F. R. Doc. 44–1035; Filed January 20, 1944, 10:50 a. m.]

[Vesting Order 346, Amdt.]

Amerlux Steel Corporation

Vesting Order Number 346, dated November 7, 1942, is hereby amended as follows and not otherwise:

By deleting the name "Societe des Aliers Reunies de Burbach Eich Dudelange" appearing in subparagraph (a) thereof, and by substituting therefor the name "Aciéries Réunies de Burbach-Eich-Dudelange".

All other provisions of such Vesting Order Number 346 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 44–1036; Filed, January 20, 1944; 10:55 a. m.]

[Vesting Order 347, Amdt.]

Amerlux Steel Products Corporation

Vesting Order Number 347, dated November 7, 1942, is hereby amended as follows and not otherwise:

By deleting the name "Societe des Aliers Reunies de Burbach Eich Dudelange" appearing in subparagraph (a) thereof, and by substituting therefor the name "Aciéries Réunies de Burbach-Eich-Dudelange".

All other provisions of such Vesting Order Number 347 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 44–1035; Filed, January 20, 1944; 10:55 a. m.]

[Vesting Order Number 396, as Amended, Amdt.]

JOSEPH FERIGO

In re: Assets of the business enterprise owned by Joseph Ferigo.

Vesting Order Number 396, dated November 19, 1942, as amended, is hereby further amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Joseph Ferigo is Naples, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Joseph Ferigo is the sole owner of a real estate and investment business owning the property particularly described in Exhibit A attached hereto and by reference made a part hereof, which real estate and investment business is a business enterprise within the United States which is managed by Morrison and Lynn, attorneys, New York, New York, and determining that such business enterprise is a national of a designated enemy country (Italy);

3. That all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to said business enterprise, including particularly, but not limited to, the real property, insurance policy, bank account and mortgages described in said Exhibit A is property of a business enterprise which is a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country; the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the real property referred to in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian all other property referred to in subparagraph 3 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) Real property situated in the City of Mount Vernon, Westchester County, New York, particularly described as follows:

All those two lots of land with the buildings thereon in the City of Mount Vernon, County of Westchester, and State of New York, designated as Lots 56 and 57, Block 10 on a certain map entitled "Map of Chester Heights, City of Mount Vernon, Village of North Pelham, Town of Eastchester, Westchester County, New York" made by John F. Fairchild, civil engineer, dated Mount Vernon, N. Y., March 17, 1913, filed in the office of the Register of Westchester County, October 10, 1913, as Map No. 2035, which said lots, when taken together are more particularly bounded and described according to said map as follows:

Beginning at a point in the northerly side of Hutchinson Boulevard, where the same is intersected by the dividing line between Lots 55 and 56 in Block 10 as shown on said map; running thence northeasterly on a curve to the left having a radius of 85.78 feet, a distance of 30.62 feet to a point; thence continuing in a northeasterly direction and along the northwesterly side of Hutchinson Boulevard, a distance of 40.58 feet to the division lying between Lots 57 and 58 in Block 10 as shown on said map; running thence northwesterly on a line forming an interior angle of 79°30' with the northwesterly side of Hutchinson Boulevard, a distance of 54.61 feet to the northwesterly corner of Lot 56 in Block 10 as shown on said map; running thence southwesterly at right angles to the last mentioned line and along the dividing line between Lots 55 and 56 in Block 10 as shown on said map, a distance of 101.61 feet to the point or place of beginning,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

(b) All right, title, interest and claim of any name or nature whatsoever of Joseph Ferigo in and to the following obligations (contingent or otherwise and whether or not matured), including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to enforce and collect such obligations:

(i) All indebtedness owing to Joseph Ferigo by the Metropolitan Life Insurance Company, including particularly but not limited to the life annuity contract No. 1280 issued by the Metropolitan Life Insurance Company to Joseph Ferigo, dated May 2, 1921,

(ii) All indebtedness owing to Joseph Ferigo by Irving Trust Company, New York, New York, including particularly but not limited to the checking account in said bank which is carried in the name of Morrison and Lynn, Trustees, for Joseph Ferigo,

(c) Those certain mortgages described below, and any and all obligations secured by said mortgages, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgages) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations:

(i) A certain mortgage arising from the consolidation of a mortgage made by Joseph and Katie Schmitzberger to Loewer Realty Company, dated March 18, 1921, and recorded March 19, 1921, in Liber 3193 mp 95 in New York County Register's Office and thereafter duly assigned to Joseph Ferigo and a mortgage made by Loewer Realty Company to Title Guaranty and Trust Company, dated September 19, 1910 and recorded on said date in Liber 218 mp 442 in New York County Register's office and thereafter duly assigned by mesne assignments to Joseph Ferigo,

(ii) A certain mortgage from Jacob Mettern to Francine M. Ferigo, dated June 26, 1922 and recorded June 27, 1922 in the Register's office of New York County in Liber 3291 mp 142 and thereafter duly assigned to Joseph Ferigo,

(iii) A certain mortgage from Ernest M. Burrow and Elizabeth L. Burfow to John Roos, dated May 11, 1906 and recorded May 12, 1906 in the office of the Register of New York County in Liber 7 mp 88, section 13, and thereafter duly assigned by mesne assignments to Joseph Ferigo,

(iv) A certain mortgage from Eleanor Diack to Francine M. Ferigo dated November 9, 1921 and recorded November 12, 1921 in the Register's office of Westchester County in Liber 2011 mp 91, and thereafter duly assigned to Joseph Ferigo,

(v) A certain mortgage from John T. Brooks Company to Francine M. Ferigo dated August 19, 1918, and recorded in the Register's office of Westchester County on August 19, 1915 in Liber 1783 mp 149, and thereafter duly assigned to Joseph Ferigo,

(vi) A certain mortgage from John T. Brooks Company to Ellen B. Chamberlin dated October 16, 1911, and recorded in the Register's office of Westchester County on October 21, 1911, in Liber 1617 mp 456, and thereafter duly assigned by mesne assignments to Joseph Ferigo,

(vii) A certain mortgage from Two One Three Realty Corporation to Joseph Ferigo, dated October 9, 1926, and recorded December 5, 1928 in New York County Register's office in Liber 3986 mp 261.

[F. R. Doc. 44–1038; Filed, January 20, 1944; 10:55 a. m.]

[Vesting Order 492, Amdt.]

BRUNO HOLLENDER

In re: A bank account and mortgages covering real property in New York, New York, owned by Bruno Hollender; and interests of Margaret Grottke and Bruno Hollender in the Frederick Hollender Trust.

Vesting Order Number 492, dated December 12, 1942, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Bruno Hollender and Edith Hollender, his wife, is Donlits Post Breslau, Germany, and that the last known address of Margaret Grottke is Berlin, Germany, and that they are citizens and residents of Germany and nationals of a designated enemy country (Germany);

2. That Bruno Hollender and Edith Hollender, his wife, are the owners of the property described in subparagraph 5–a hereof;

3. That Bruno Hollender is the owner of the property described in subparagraph 5–b hereof;

4. That Bruno Hollender and Margaret Grottke are the owners of the property described in subparagraph 5–c hereof;

5. That the property described as follows:

a. Those mortgages particularly described in Exhibit A attached hereto and by reference made a part hereof, and any and all obligations secured by said mortgages, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgages) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

b. That certain bank account with the Manufacturers Trust Company, New York, New York, which is due and owing to and held for and in the name of, Bruno Hollender, and any and all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect the same, and

c. All right, title, interest and estate, both legal and equitable, of Bruno Hollender and Margaret Grottke, and each of them, in and to that certain property held in trust by Edmund Hollender and Frederick W. Hollender, as trustees under a trust created by the will of Frederick Hollender, deceased,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 5–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 5–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

A certain mortgage from John J. Masterson Inc. to John Kadel and John J. Reynolds, executed June 2, 1926 and recorded June 4, 1926 in the office of the Register of Bronx County in Liber 1034 mp 377 and thereafter duly assigned by mesne assignments to Bruno Hollender, which mortgage covers that certain lot and improvements thereon known as 1430–32 Ferris Place, Borough and County of Bronx, City and State of New York.

A certain mortgage from Sadie Zellerman to Collateral Finance Co., Inc., executed January 19, 1927 and recorded January 20, 1927, in the office of the Register of Bronx County in Liber 1143 mp 327 and thereafter duly assigned by mesne assignments to Bruno Hollender, which mortgage covers that certain lot and improvements thereon known as 1743 West Farms Road, Borough and County of Bronx, City and State of New York,

A certain mortgage from Fredsyd Realty Corp. to the 3455 Jerome Avenue Corp., executed July 10, 1928 and recorded July 11, 1928, in the office of the Register of Bronx County in Liber 1329 mp 302 and thereafter duly assigned by mesne assignments to Bruno Hollender, which mortgage covers that certain lot and improvements thereon known as 3451–57 Jerome Avenue, Borough and County of Bronx, City and State of New York.

[F. R. Doc. 44–1039; Filed, January 20, 1944; 10:56 a. m.]

[Vesting Order 923, Amdt.]

HANS AND KATHARINE LANDGRAF

In re: Certain mortgages and cash owned by Hans Landgraf and Katherine Landgraf.

Vesting Order Number 923, dated February 18, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Hans Landgraf and Katherine Landgraf, his wife, is 31 Kleber Strasse, Bamberg-Bayern, Germany, and that they are citizens and residents of Germany and nationals of a designated enemy country (Germany);

2. That Hans Landgraf and Katherine Landgraf, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Certain mortgages particularly described below, and any and all obligations secured by said mortgages, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgages) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations;

(i) A first mortgage assigned to the aforesaid Hans Landgraf and Katherine Landgraf by instrument of assignment recorded in the Office of the Clerk of the County of Queens in Liber 2450 of Mortgages, Page 373,

(ii) A first mortgage assigned to the aforesaid Hans Landgraf and Katherine Landgraf by instrument of assignment recorded in the Office of the Clerk of the County of Queens in Liber 2426 of Mortgages, Page 515, and

b. All right, title, interest and claim of any name or nature whatsoever of said Hans Landgraf and Katherine Landgraf, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them, or either of them, by Richter & Kaiser, Inc., Brooklyn, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly obligations arising out of collections in the aggregate amount of $257.40 made by Richter & Kaiser, Inc. for Hans Landgraf and Katherine Landgraf,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1040; Filed, January 20, 1944; 10:56 a. m.]

[Vesting Order 1331, Amdt.]

SOCIETA ITALIANA PIRELLI

In re: 15,760 bags of carbon black owned by Societa Italiana Pirelli.

Vesting Order Number 1331, dated April 27, 1943, is hereby amended as follows and not otherwise:

a. By deleting the figures "21,906" where such figures appear in said vesting order and substituting therefor the figures "15,760".

b. By deleting the second, third and fourth lines of subparagraph 3 of said vesting order and substituting therefor the words and figures, "All those certain bags of fully compressed carbon black stored on Pier 2, Hoboken, New Jersey, in the name of C. S. Pereira, and believed to be approximately 15,760 bags,"

All other provisions of said Vesting Order Number 1331 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1019; Filed January 20, 1944; 10:50 a. m.]

[Vesting Order 1335, Amdt.]

HENRY POELKER

In re: Two mortgages and a claim owned by Henry Poelker.

Vesting Order Number 1335, dated April 27, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Henry Poelker is Westrhauderfehn, Kriegs Leer, Ostfriesland, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Henry Poelker is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage recorded in the Office of the Register of Kings County, State of New York, in Liber 8321 of Mortgages, Page 43, and any and all obligations secured by said mortgage including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to the possession of all bonds, notes or other instruments evidencing such obligations,

b. A certain mortgage, recorded in the Office of the Register of Kings County, State of New York, in Liber 476 of Mortgages, Page 314, and assigned to Henry Poelker by assignment recorded in the Office of the said Register in Liber 7869 of Mortgages, Page 67, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any or all such obligations and the right to enforce and collect such obligations, and the right to the possession of all bonds, notes or other instruments evidencing such obligations, and

c. All right, title, interest and claim of any name or nature whatsoever of Henry Poelker in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Henry Poelker by Richter & Kaiser, Inc., 186 Remsen Street, Brooklyn, New York, and represented on the books of Richter & Kaiser, Inc., as a credit balance due Henry Poelker, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3–a and 3–b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action; after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1020; Filed, January 20, 1944; 10:51 a. m.]

[Vesting Order 1414, Amdt.]

FRED AND MARIE MEYER

In re: Two first mortgages and a claim owned by Fred Meyer and Marie Meyer.

Vesting Order Number 1414, dated May 6, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Fred Meyer and Marie Meyer, his wife, is Neuenwalde 61, Kreis Lehe, Hanover, Germany and that they are citizens and residents of Germany and nationals of a designated enemy country (Germany);

2. That Fred Meyer and Marie Meyer, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Those certain mortgages particularly described below, and any and all obligations secured by said mortgages, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgages) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations:

(1) A certain mortgage, recorded in the Office of the Register of the County of Queens, State of New York, in Liber 2725 of Mortgages, page 469, and assigned to Fred Meyer and Marie Meyer, his wife, as joint tenants, by assignment recorded in the Office of the Register of the County of Queens, State of New York, in Liber 4086 of Mortgages, page 367.

(11) A certain mortgage, recorded in the Office of the Register of the County of Kings, State of New York, in Liber 7462 of Mortgages, page 281, and assigned to Fred Meyer and Marie Meyer, his wife, as joint tenants, by assignment recorded in the Office of the Register of the County of Kings, State of New York, in Liber 7861 of Mortgages, page 436, and

b. All right, title, interest and claim of any name or nature whatsoever, of Fred Meyer and Marie Meyer, his wife, and each of them, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to them, and each of them, by Richter & Kaiser, Inc., particularly the sum or sums represented on the books of Richter & Kaiser, Inc., as a credit balance due Fred Meyer and Marie Meyer, his wife, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1021; Filed, January 20, 1944; 10:51 a. m.]

[Vesting Order 1415, Amdt.]

GRETCHEN KOSTER

In re: Mortgage on real property, a claim and bank account, owned by Gretchen Koster.

Vesting Order Number 1415, dated May 6, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Gretchen Koster is Fortificatimstrasse 191, Ruestringer, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Gretchen Koster is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. That certain mortgage recorded in the County Clerk's Office of Bergen County, New Jersey, in Liber 1684 of Mortgages, Page 523, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any or all of such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title, interest and claim of any name or nature whatsoever of Gretchen Koster in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Gretchen Koster by Peter Biegi, Inc., 527 Broad Avenue, Ridgefield, New Jersey, and represented on the books of said Peter Biege, Inc. as a credit balance due Gretchen Koster, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

c. That certain bank account with the Manhattan Savings Bank of New York, New York, New York, which is due and owing to and held for and in the name of Gretchen Koster, and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1022; Filed, January 20, 1944; 10:51 a. m.]

[Vesting Order 2133, Amdt.]

GUISEPPINA PETTIGNANO

In re: Mortgage Participation Certificate No. 131330 issued to Guiseppina Pettignano and guaranteed by Bond and Mortgage Guarantee Company in Guarantee Series No. 181331; File D–38–481; E. T. sec. 5417.

Vesting Order No. 2133 dated September 7, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Lafayette National Bank of Brooklyn, 100 Livingston Street, Brooklyn, New York, as trustee, acting under the judicial supervision of the Supreme Court of the State of New York in and for the County of Kings;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Guiseppina Pettignano, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Guiseppina Pettignano in and to Mortgage Participation Certificate No. 131330 in the face amount of $4,000.00 guaranteed by Bond and Mortgage Guarantee Company in Guarantee Series No. 181331,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1023; Filed, January 20, 1943; 10:52 a. m.]

[Vesting Order 2197, Amdt.]

EMMA LOCHNER

In re: First mortgage owned by Emma Lochner.

Vesting Order Number 2197, dated September 18, 1943, is hereby amended as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Emma Lochner is Spohrstrasse 9, Kassel, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That the said Emma Lochner is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

That certain mortgage executed on October 21, 1924, by Mary Au, and recorded in the Register's Office of Queens County, New York, in Liber 2491 of Mortgages, Instrument No. 93179, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparaghaph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1024; Filed, January 20, 1944; 10:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 136, Order 144]

LITTELFUSE INCORPORATED

AUTHORIZATION OF MAXIMUM PRICES

Order No. 144 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. Docket No. 3136–364.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, *It is hereby ordered:*

(a) Littelfuse Incorporated, Chicago, Illinois, be, and is hereby, authorized to sell and deliver Television Fuses (Catalog Nos. 1311 to 1316, inclusive) and 4 A. G. Vacuum Fuses (Catalog Nos. 1331 to 1337, inclusive) which it manufactures, at a maximum net price of 60¢ each.

(b) Any reseller of the items affected by this order, where the resale thereof is subject to Maximum Price Regulation 136, as amended, be, and is hereby, authorized to increase the maximum selling prices therefor by adding the amount of the resulting increase in cost to him.

(c) Littelfuse Incorporated shall notify those customers who buy the described fuses for resale of the authorization contained in this order.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective January 20, 1944.

Issued this 19th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1007; Filed, January 19, 1944; 4:07 p. m.]

Regional and District Office Orders.

[Region IV Order G–1 Under MPR 426]

ICEBERG LETTUCE IN DESIGNATED COUNTIES IN ALABAMA

Order No. G–1 under Maximum Price Regulation No. 426 as amended. Adjustment of maximum prices for certain sales of iceberg lettuce in less-than-carlot or less-than-truckIot quantities.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Birmingham District Office of the Office of Price Administration by section 2 (b) of Maximum Price Regulation 426, as amended and by Regional Delegation Order No. 16, issued by Region IV of the Office of Price Administration, dated September 7, 1943, *It is hereby ordered:*

(A) On and after the effective date of this order, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, and no person, in the course of trade or business, shall buy or receive, any iceberg lettuce in less-than truck-lot or less-than car-lot quantities at a price higher than the maximum prices established by this order.

(1) The maximum price for a sale of iceberg lettuce in L. A. or Salinas crates containing not less than 48 heads with a minimum weight of 60 pounds shall be:

(i) On a sale by an intermediate seller whose selling establishment is located within the territorial limits of Jefferson County, Alabama, to another intermediate seller;

(a) When sold f. o. b. seller's platform or delivered to the purchaser's establishment when it is located within the territorial limits of Jefferson County, Alabama, $4.90 per crate.

(b) When delivered to the premises of a purchaser not located within the territorial limits of Jefferson County, Alabama.

(1) $5.40 per crate; or

(2) $4.90 per crate plus "freight" from Birmingham, Alabama.

(ii) On a sale by any seller to a retailer or institutional user or procurement agency of the United States, or of any state within the territorial limits of Jefferson County, Alabama, $5.43 per crate.

(iii) On a sale by any seller delivered to a retailer or institutional user or procurement agency of the United States, or of any state, at any point outside of the territorial limits of Jefferson County, Alabama, the higher of the following:

(a) $5.93 per crate; or

(b) $5.43 per crate plus "freight" from Birmingham, Alabama; or

(c) The maximum price established for such sale by Maximum Price Regulation No. 426, as amended.

(2) The maximum price per pound for a sale of a type covered in paragraph (1) above, of iceberg lettuce in any container except L. A. or Salinas crates, or if sold in a L. A. crate or Salinas crate containing less than 48 heads, or with a net weight of less than 60 pounds, shall be the price per crate established in paragraph (1) above for the particular type of sale involved divided by 60.

(B) *Definitions.* (1) "Retailer" means a person other than an intermediate seller who makes sales and delivers to ultimate consumers.

(2) "Freight" as used in this order means freight as defined in section 8 (a) (7) of Maximum Price Regulation No. 426, as amended.

(3) "Intermediate seller" means any person who purchases fresh fruits and vegetables and who re-sells the same in less-than car-lot, or less-than truck-lot quantities to any person who is not an ultimate consumer.

(4) Unless the context otherwise requires, the definition set forth in section 8 of Maximum Price Regulation No. 426 as amended shall apply to the words and terms used herein.

(C) *Geographical applicability.* This order applies only to sales made either f. o. b. or delivered to points located in that part of Alabama North of and including Pickens, Tuscaloosa, Bibb, Shelby, Talladega, Clay and Randolph counties, Alabama.

(D) *Exempt sales.* Sales to chain store warehouses or to any person acting as a purchasing agent for chain stores shall not be subject to this order, but shall remain subject to the provisions of Maximum Price Regulation No. 426, as amended, or any other applicable regulation heretofore or hereafter issued by the Office of Price Administration.

(E) *Applicability of Maximum Price Regulation No. 426 as amended.* All sales for which maximum prices are adjusted by this order shall remain subject to all of the provisions of Maximum Price Regulation 426 as amended, or as it may hereafter be amended, which are not inconsistent with the provisions of this adjustment order. All sales for which maximum prices are not adjusted by this order shall be subject to Maximum Price Regulation No. 426 as amended.

(F) This order may be revoked, amended, or corrected at any time.

(G) This order shall become effective on the 15th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

JOSEPH A. SHORT,
District Director.

[F. R. Doc. 44–994; Filed, January 19, 1944; 2:29 p. m.]

[Region VIII Order G–3 Under 3 (c)]

STOVE OIL IN LOS ANGELES COUNTY, CALIF.

Order No. G–3 under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices for sales of stove oil by certain retail service stations located in Los Angeles County.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation, and by General Order No. 32, *It is hereby ordered:*

(a) The maximum price at which retail service stations located in Los Angeles County which are unable to determine a maximum price for stove oil under Maximum Price Regulation No. 137 or section 2 or section 3 (a) of the General Maximum Price Regulation, may sell such stove oil shall be 9 cents per gallon, delivered into the container of the purchaser.

(b) This order may be revoked, amended, or corrected at any time.

This order shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–995; Filed, January 19, 1944; 2:29 p. m.]

[Region VIII Order G–3 Under 18 (c), Amdt. 36]

FLUID MILK IN WASHINGTON

Amendment No. 36 to Order No. G–3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation, as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15, Order No. G–3 is hereby amended as set forth below:

(a) Section (1) is hereby amended by adding at the end thereof the following:

THE TOWNS OF MONTESANO, ELMA, MALONE, AND M'LEARY

	Not less than 3.6% milk fat	
	Wholesale delivered	Retail
Gallon container	$0.42	$0.48
Quart container	.1125	.13
Pint container	.07	.08
Half pint container	.035	.05

This amendment to Order No. G–3 shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–996; Filed, January 19, 1944; 2:30 p. m.]

[Region VIII Order G–3 Under 18 (c), Amdt. 37]

FLUID MILK IN WASHINGTON

Amendment No. 37 to Order No. G–3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, § 1499.75 (a) (9) of Supplementary Regulation No. 15, and special authorization conferred by the Price Administrator, *It is hereby ordered,* That Order No. G–3 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended as set forth below:

(a) Section (1) is hereby amended by striking out the headings, "The City of Tekoa", "The City of Ione", and "The Towns of Metaline and Metaline Falls" and the schedules of prices thereunder and substituting therefor the following:

THE CITY OF TEKOA AND THE CITY OF IONE

Quantity	Not less than 4% milk fat	
	Wholesale price	Retail price
Gallon	$0.44	$0.49
Quart	.12	.14
Half-pint	.04	

THE TOWNS OF METALINE AND METALINE FALLS

Quantity	Not less than 4% milk fat	
	Wholesale delivered price	Retal price
Gallon, glass	$0.47	$0.52
Quart	.1275	.145

(b) Section (1) is hereby further amended by adding at the end thereof the following:

THE CITIES OF REARDAN AND COLFAX

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices home or store
Gallon container	$0.40	$0.45
Quart container	.11	.13
Pint container	.06	.07
Half-pint container	.04	

This amendment shall become effective January 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–997; Filed, January 19, 1944; 2:30 p. m.]

[Region VIII Order G–31 Under 18 (c), Amdt. 3]

FLUID MILK IN DESIGNATED LOCALITIES IN IDAHO

Amendment No. 3 to Order No. G–31 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Sales of fluid milk at wholesale and retail in certain localities in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, § 1499.75 (a) (9) of Supplementary Regulation No. 15, and special authorization conferred by the Price Administrator, *It is hereby ordered,* That Order No. G–31 under § 1499.18 (c), as

amended of the General Maximum Price Regulation be amended as set forth below:

(a) Paragraph (a) is hereby amended by adding at the end thereof the following:

THE TOWNS OF PRIEST RIVER, ST. MARIES, AND BONNERS FERRY

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices either home delivered or store delivered
Gallon container	$0.40	$0.45
Quart container	.11	.13
Pint container	.06	.07
Half-pint container	.04	----------

This amendment shall become effective January 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-998; Filed, January 19, 1944; 2:29 p. m.]

[Region VIII Order G-80 Under 18 (c)]

FIREWOOD IN IMPERIAL COUNTY, CALIF.

Order No. G-80 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Firewood in Imperial County, California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum delivered price for the sale of eucalyptus for fuel wood by the cord at retail in Imperial County shall be $23.00 per cord.

(b) In the case of sales of eucalyptus for fuel wood at retail in quantities of less than one cord, the adjusted maximum delivered price shall be as follows:

(1) For sales of one-half cord or more, but less than one cord, the price for cord lots, plus $0.50 per one-half cord.

(2) For sales of less than one-half cord, the price for cord lots, plus $0.50 per quarter cord.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective January 16, 1944.

(56 Stat. 23,765 Pub. Law 151, 78th Cong. E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

BEN C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 44-1000; Filed, January 19, 1944; 2:30 p. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 22]

STATE OF ILLINOIS

TRANSMITTAL OF FILES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the procedure provided for in § 627.13 (c) (3), Selective Service Regulations, for the transmittal of files from the local board to the appeal board shall, for local boards situated in the State of Illinois, be ineffective as of December 11, 1943.

2. That on and after December 11, 1943, if the address of the principal place of employment of the registrant as recorded on the Individual Appeal Record (Form 66) is outside the State of Illinois, the local boards situated in the State of Illinois shall transmit files on appeal to the State Director of Selective Service for the State in which is located the principal place of employment of the registrant for transmittal to the board of appeal whose area includes such place of employment.

LEWIS B. HERSHEY,
Director.

JANUARY 18, 1944.

[F. R. Doc. 44-987; Filed, January 19, 1944; 1:56 p. m.]

[Operations Order 23]

STATE OF KANSAS

TRANSMITTAL OF FILES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the procedure provided for in § 627.13 (c) (3), Selective Service Regulations, for the transmittal of files from the local board to the appeal board shall, for local boards situated in the State of Kansas, be ineffective as of December 11, 1943.

2. That on and after December 11, 1943, if the address of the principal place of employment of the registrant as recorded on the Individual Appeal Record (Form 66) is outside the State of Kansas the local boards situated in the State of Kansas shall transmit files on appeal to the State Director of Selective Service for the State in which is located the principal place of employment of the registrant for transmittal to the board of appeal whose area includes such place of employment.

LEWIS B. HERSHEY,
Director.

JANUARY 18, 1944.

[F. R. Doc. 44-988; Filed, January 19, 1944; 1:56 p. m.]

[Operations Order 24]

STATE OF NEW JERSEY

TRANSMITTAL OF FILES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the procedure provided for in § 627.13 (c) (3), Selective Service Regulations, for the transmittal of files from the local board to the appeal board shall, for local boards situated in the State of New Jersey, be ineffective as of December 11, 1943.

2. That on and after December 11, 1943, if the address of the principal place of employment of the registrant as recorded on the Individual Appeal Record (Form 66) is outside the State of New Jersey, the local boards situated in the State of New Jersey shall transmit files on appeal to the State Director of Selective Service for the State in which is located the principal place of employment of the registrant for transmittal to the board of appeal whose area includes such place of employment.

LEWIS B. HERSHEY,
Director.

JANUARY 18, 1944.

[F. R. Doc. 44-989; Filed, January 19, 1944; 1:56 p.m.]

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FEDERAL REGISTER

VOLUME 9 NUMBER 16

Washington, Saturday, January 22, 1944

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—War Food Administration (Commodity Credit)

[Apple Program, Form 1, Int. 2]

PART 242—APPLE FREIGHT EQUALIZATION PAYMENT PROGRAM

SHIPMENTS OF APPLES

In response to inquiries received by Commodity Credit Corporation (herein called "Commodity"), and to render explicit that which was implicit in the Offer of Commodity Credit Corporation to Make Freight Equalization Payments in Respect of Certain Shipments of Apples from Washington, Oregon, and Western Idaho, as issued October 22, 1943, 8 F.R. 14876, and amended December 13, 1943, 8 F.R. 16774, (said original offer and said offer amended as aforesaid being herein called the "offer"), Commodity hereby issues the following interpretation with respect to such offer:

1. All weights referred to in the offer as determinative of amounts of payment thereunder shall be determined in accordance with the ordinary practice of common carriers in the application of their established tariffs, and may include the weight of the container and wrapping if such weight is not excessive, having due regard to the usual custom of shippers with respect to shipments of apples. In the case of shipments in boxes or other containers (whether the apples are wrapped or not) where the common carrier, properly under its established tariffs, applies a rate based upon a fixed weight determined by the size of the box or other container, the weight thus charged for by such common carrier shall be the weight used in determining the amount of payment under the offer.

2. The term "lowest applicable freight rate", as used in the offer in respect of eligible shipments of apples, means the rate applicable to that size of shipment of apples which bears the lowest freight rate from the applicable point of shipment in Zone VI to the applicable point of destination in Zones I, II, III, or IV, as determined from the established tariffs of the carrier.

3. Where the lowest applicable freight rate on an eligible shipment is other than one of the rates specified in § 242.3 as being applicable to eligible shipments made from Zone VI to the applicable zone of destination, the rate of payment on such eligible shipment shall be that applicable to the next lower freight rate so specified. For example, if the lowest applicable freight rate per hundredweight on a particular eligible shipment arriving subsequent to December 13, 1943, at a point of destination in Zone I is $1.18, the equalization payment thereon will be that applicable to a shipment on which the freight rate is $1.15, i. e., the equalization payment will be $.92 per hundredweight. If, however, the lowest applicable freight rate on such eligible shipment is less than any freight rate so specified in § 242.3, no payment shall be made on such eligible shipment under the offer. For example, if under the previous illustration, the lowest applicable freight rate per hundredweight on the eligible shipment were $1.01, no equalization payment would be made inasmuch as the lowest freight rate specified in the offer with respect to Zone I is $1.05.

4. Consistent with the purposes of the Apple Freight Equalization Payment Program as stated in the offer, the term "utilized for domestic civilian non-governmental consumption", as used in the offer, means the lawful utilization of the apples included in such shipment, i. e., that such utilization (including all sales and deliveries involved) was (or will be, as the case may be) in conformity with all applicable orders and regulations of War Food Administration and of Office of Price Administration. Each eligible shipper shall be required to certify accordingly with respect to each shipment for which equalization payment is sought pursuant to the offer.

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FEDERAL REGISTER

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NOTICE

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Persons acting in reliance upon the offer shall do so in accordance with and subject to this interpretation.

[SEAL] COMMODITY CREDIT CORPORATION,
By J. B. HUTSON,
President.

JANUARY 20, 1944.

Attest:
NORINE J. FAUBLE,
Assistant Secretary.

[F. R. Doc. 44–1131; Filed, January 21, 1944; 11:17 a. m.]

Chapter III—War Food Administration (Farm Security)

Subchapter G—Farm Ownership

PART 361—DELEGATIONS

FINAL PAYMENT OF FO LOANS

Part 361 is amended by the addition of paragraph (b) (10) to § 361.11, *Delegations of authority*, to read as follows:

(10) *Final payment of FO loans*—(i) *Authorization.* Regional directors are authorized to accept final payment of FO loans and to execute necessary releases. This authority may be redelegated to Assistant Regional Directors, FO, or Chiefs of FO Loan Making and Servicing Sections.

(ii) *Submitting application to regional director.* (a) When an FO borrower has indicated his intention to pay his loan in full, the FSA Supervisor will advise the Regional Director, by letter, of the borrower's intention. (This will not be necessary if payment is to be made from the proceeds of a sale which has been approved previously by the Administrator or the Regional Director.) The source of funds from which the payment is to be made will be indicated; it will also be indicated whether the borrower is to remain on the farm and continue farming operations, or, if not, whether the property will continue to be operated as a family-type farm. If the Regional Director approves the acceptance of final payment he will so advise the FSA Supervisor.

(b) At the time that the FSA Supervisor requests the Regional Director's approval for the acceptance of final payment, he will request the Finance Area Office, by letter, to inform him of the unpaid balance of principal and interest of the borrower's account as of the approximate date the borrower expects to make payment, and the daily accrual of interest thereafter. In this letter he will state the date and amount of the last collection received from the borrower, also the schedule number of Standard Form No. 1044, "Schedule of Collections", on which the remittance was scheduled.

(iii) *Preparation of receipt.* Final payment of the account will be indicated on Form FSA–FI 37, "Receipt for Payment", by inserting immediately above the collector's signature on the yellow, salmon, pink and blue copies the following: "Loan Type ——— Fully Paid".

(iv) *Surrender of notes.* Upon receipt, from the U. S. Treasury Regional Disbursing Office, of the accomplished copy of Standard Form No. 1044 covering the remittance which paid the account in full, the Finance Area Office will immediately prepare Form FSA–597, "Statement of Fully Paid Notes", in triplicate. The original and first copy will be forwarded to the Communications and Records Section in the Finance Area Office city and the second copy will be filed in the Loan Accounting Section. The receipt of Form FSA–597 in the Regional Communications and Records Section will be recognized as authority to surrender the note. The Regional Communications and Records Section will stamp the note with a paid-in-full legend, attach it to the original of Form FSA–597 and forward it to the regional office, attention FO Division (or, in regions with small case loads, the FO Loan Making and Servicing Section). The copy will be filed in the borrower's case folder.

(v) *Satisfactions.* Upon receipt of Form FSA–597 and the stamped note in the regional office, appropriate entries will be made on the Kardex records and the Regional Attorney will be requested to prepare the satisfaction. The stamped note, the original of Form FSA–597 and the original and one copy of the executed satisfaction (or two copies if state laws require recording or filing by the mortgagee) will be forwarded to the FSA Supervisor. The original of Form FSA–597 will be filed in the borrower's case folder in the collecting office and the stamped note delivered promptly to the borrower. (The regional office will issue instructions to collecting officials as to the length of time paid notes and satisfactions should be held for actual delivery to the borrower pending final clearance of the collection item, when the final payment is in a form other than a Treasury check, cashier's check or money order.) The original satisfaction will be delivered to the borrower for recording or filing if desired, and the copy will be retained in the collecting office. However, if state laws require recording or filing by the mortgagee and two copies have been supplied by the regional office, the original will be recorded or filed by the collecting official and a copy delivered to the borrower. (For instructions with respect to payment of fees, see paragraph VIII D of FSA Instruction 462.2.)

(vi) *Prior releases confirmed.* All releases heretofore executed by Regional Directors or their delegatees upon final payment of FO loans are hereby confirmed.

(50 Stat. 528; 7 U.S.C. 1015 (l).)

Issued this 20th day of January 1944.

FRANK HANCOCK,
Administrator.

[F. R. Doc. 44–1078; Filed, January 20, 1944; 11:22 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration (Sugar Regulations)

PART 802—SUGAR DETERMINATIONS

1944 FARMING PRACTICES IN HAWAII

Determination of farming practices to be carried out in connection with the production of sugarcane during the crop year 1944 for the Territory of Hawaii.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.33f *Farming practices in connection with the production of the 1944 crop of sugarcane in the Territory of Hawaii*—(a) *Application of fertilizer.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in the Territory of Hawaii if fertilizer is applied as follows:

(1) *Amount.* There shall be applied to land on which sugarcane is growing during 1944 sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than 100 pounds.

(2) *Acreage requirement.* The number of acres on which fertilizer is applied in 1944 shall be not less than 80 percent of the number of acres on the farm on which sugarcane is planted, or a ratoon crop of sugarcane is started, at any time during 1944.

(b) *Definitions.* "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid and water-soluble potash.

(Sec. 301, 50 Stat. 910; 7 U.S.C., 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C. this 20th day of January 1943.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44–1103; Filed, January 20, 1944; 3:29 p. m.]

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 965—HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

Sec.
965.1 Findings and determinations.
965.2 Definitions.
965.3 Market administrator.
965.4 Reports.
965.5 Classification of milk.
965.6 Prices.
965.7 Computation and announcement of uniform price.
965.8 Payment for milk.
965.9 Payments from producer-settlement fund.
965.10 Expense of administration.
965.11 Marketing services.
965.12 Payments to cooperative associations.
965.13 Effective time, suspension, or termination.
965.14 Agents.
965.15 Emergency price provision.

§ 965.1 *Findings and determinations*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, 1941 Supp., 900.1–900.17; 7 F.R. 3350; 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Cincinnati, Ohio, marketing area. It is hereby found upon the evidence introduced at such hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearing on said order and in addition to the other findings made prior to or at the time of the original issuance of said order (which are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The issuance of this order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Cincinnati, Ohio, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) This order, as amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this

order, as amended) of at least 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Cincinnati, Ohio, marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the Cincinnati, Ohio, marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is hereby ordered that such handling of milk in the Cincinnati, Ohio, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof be in compliance with the terms and conditions of this order, as amended.

§ 965.2 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. 1940 ed. 601 *et seq.*), as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers or to perform the duties, pursuant to the act, of the War Food Administrator.

(c) "Cincinnati, Ohio, marketing area", hereinafter called the "marketing area", means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces milk which is received at a plant from which, under approval of the proper health authorities, milk is disposed of as milk in the marketing area, or milk handled by a cooperative association under the conditions set forth in (f) of this section.

(f) "Handler" means any person, irrespective of whether such person is a producer or a cooperative association, who engages in such handling of milk, all or a portion of which is disposed of as milk in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. "Such handling of milk" as used in this definition, shall include the milk of any producer whose milk has been received previously at a plant described in (e) of this section, which milk has been caused to be delivered by a cooperative association, during the delivery periods of April, May, and June to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such cooperative association; and such milk shall be deemed to have been received from producers by such cooperative association. "Handler" shall not include any person from whom emergency milk is received or any person who handles only milk of his own production.

(g) "Delivery period" means any calendar month, except that the first delivery period shall mean the period from the effective date hereof and until the end of the calendar month in which such effective date occurs.

(h) "Market administrator" means the agency which is described in § 965.3 for the administration hereof.

(i) "Emergency milk" means milk or skim milk received by a handler from sources other than producers under a permit to receive such milk which has been issued to him by the proper health authorities: *Provided*, That the total quantity of milk and skim milk so received shall be in excess of the total quantity of milk diverted on the same day by a cooperative association under the conditions set forth in (f) of this section.

§ 965.3 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the War Food Administrator complaints of violations of the provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by § 965.10, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the War Food Administrator may designate;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.4 or has not made payments pursuant to §§ 965.8 and 965.10;

(6) Promptly verify the information contained in the reports submitted by handlers; and

(7) Furnish such information and verified reports as the War Food Administrator may request, and submit his books and records to examination by the War Food Administrator at any and all times.

§ 965.4 *Reports*—(a) *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by him, as follows:

(1) On or before the 10th day after the end of each delivery period, each handler who receives milk from producers shall report with respect to all milk, skim milk, and cream received by him during the delivery period:

(i) The receipts of milk at each plant from producers, from his own production, and from other handlers;

(ii) The receipts of emergency milk, the date or dates upon which such milk was received during the delivery period, the plant from which such milk was shipped; the price per hundredweight paid or to be paid for such milk, and the utilization of such milk;

(iii) The milk, skim milk, and cream, with the butterfat content, received from any other source;

(iv) The utilization of all receipts of milk, skim milk, and cream during the delivery period;

(v) The name and address of each new producer; and

(vi) His producer pay roll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.8 (a); and the deductions and charges made by the handler;

(2) On or before the 5th day after the end of each delivery period, each handler who receives milk from producers shall report, with respect to Class I milk disposed of outside the marketing area during the delivery period, the amount and the utilization of such milk, the butterfat test thereof, the date and place of such sale or disposition, and the plant from which such milk was shipped;

(3) On or before the day each handler who receives milk from producers receives emergency milk, he shall report his intention to receive such emergency milk;

(4) On or before the 10th day after the end of each delivery period, a cooperative association causing delivery of milk under the conditions set forth in § 965.2 (f) shall report the amount of such milk, the date or dates of such delivery during the delivery period, the plant to which such milk was delivered, and the utilization of such milk;

(5) Within 10 days after the market administrator's request each handler who receives milk from producers shall report, with respect to each of his producers for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator, the name and address, the total pounds of milk received, the average butterfat test of milk received, and the number of days upon which milk was received; and

(6) Each handler who receives no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the War Food Administrator may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to this section, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

(c) *Reports of market administrator to cooperative associations.* On or before the 13th day after the end of each delivery period, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments from them under § 965.9 (b), to each handler to whom the cooperative sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.5 *Classification of milk*—(a) *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c), (d), and (e) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and milk drinks, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream (for consumption as cream), creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk accounted for (i) as actual plant shrinkage but not to exceed 2½ percent of total receipts of milk from producers (including the handler's own production) and (ii) as used to produce a milk product other than those specified in Class II milk.

(c) *Interhandler and nonhandler sales.* Milk or skim milk disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products, shall be Class I milk; and cream so disposed of shall be Class II milk: *Provided*, That if the selling handler on or before the 10th day after the end of the delivery period furnishes to the market administrator a statement, which is signed by the buyer and the seller, that such milk, skim milk, or cream was used as Class III milk, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the amount of his milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received (i) from producers, including milk of the handler's own production, (ii) from other handlers, (iii) as emergency milk, (iv) from any other source (including cream converted to 4.0 percent milk equivalent), and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received, as follows: (i) Multiply the weight of milk received from producers, including the handler's own production, by its average butterfat test; (ii) multiply the weight of milk received from other handlers by its average butterfat test; (iii) multiply the weight of emergency milk by its average butterfat test; (iv) multiply the weight of milk and cream received from any other source by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I, as follows: (i) Convert to half pints the quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 0.5375; (ii) multiply the result by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed, when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to (4) (ii) and (5) (iv) of this paragraph, is less than the total pounds of butterfat computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 4.0 percent and the resulting amount shall be added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II, as follows: (i) Multiply the actual weight of each of the several products of Class II milk by its respective average butterfat test; (ii) add together the resulting amounts; and (iii) divide such sum by 4.0 percent.

(5) Determine the total pounds of milk in Class III, as follows: (i) Multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2½ percent of the total receipts of butterfat by the handler from producers, including that of the handler's own production); (iv) add together the results obtained in (ii) and (iii) of this subparagraph; and (v) divide the sum obtained in (iv) of this subparagraph by 4.0 percent.

(6) Determine the classification of milk of producers as follows: (i) Subtract from the total pounds of milk in each class the total pounds of milk received from other handlers and used in such class; (ii) subtract pro rata out of the remaining milk in each class the total pounds of emergency milk; and (iii) subtract from the remaining milk in each class the total pounds of milk (and milk equivalent of cream converted to 4.0 percent milk), except emergency milk, received from sources other than producers or handlers and used in such class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the quantity of milk received from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the quantity of milk received from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the quantity of milk received from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the quantity of milk received from producers and the total utilization of milk by classes for such handler.

§ 965.6 *Prices*—(a) *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.8, not less than the following prices per hundredweight, on the basis of milk of 4.0 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.5 (d) and (e),

(1) Class I milk—$3.55;

(2) Class II milk—$3.10: *Provided*, That the Class II price shall not be less than the Class III price plus 15 cents;

(3) Class III milk—The price resulting from the following computation by the market administrator: Determine the arithmetical average of the basic, or field, prices per hundredweight ascertained to have been paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0

percent butterfat content received during the delivery period at the following plants:

Concern and Location of Plant

M. & R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Company, Hillsboro, Ohio.
Nestle's Milk Products, Inc., Greenville, Ohio.
Osgood Milk Company, Osgood, Indiana.
Carnation Milk Company, Maysville, Kentucky.

Provided: That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: Multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent thereof, and add or subtract 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above or below, respectively, 5½ cents per pound. The price per pound of dry skim milk to be used in this subparagraph shall be the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, f. o. b. manufacturing plant, as published by such agency for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period. In the event such agency does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, delivered at Chicago, shall be used, and the figure "7½" shall be substituted for "5½" in the formula set forth above in this proviso.

(b) *Butterfat differential to handlers.* If the weighted average butterfat content of milk received by a handler from producers is other than 4 percent, there shall be added to or subtracted from, as the case may be, the class prices set forth in this section, for each one-tenth of 1 percent of average butterfat content above or below 4 percent, an amount computed as follows: To the average price per pound of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture (or such other agency as hereafter may be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent thereof; and divide the result by 10.

(c) *Computation of the value of milk for each handler.* (1) For each delivery period the market administrator shall compute the value of milk for each handler, as follows:

(i) For each handler who receives milk from producers, multiply the hundredweight of milk in each class, computed in accordance with §§ 965.5 (d) and 965.5 (e), by the respective class prices for 4 percent milk, subject to the butterfat differential provided by (b) of this section: *Provided,* That if any such handler has received milk or cream, except emergency milk, from sources other than producers or handlers, as referred to in § 965.5 (d) (6) (iii), and has disposed of such milk or cream other than as Class III milk, there shall be added to the value of milk thus far determined an additional amount computed as follows: Multiply the hundredweight of such milk, or milk equivalent of cream, by the difference between the Class III price and the price applicable to the class in which it was disposed.

(ii) For the hundredweight of milk involved in any adjustment made pursuant to § 965.5 (e) the handler shall be debited or credited, as the case may be, at the Class III price.

(iii) For each handler who receives no milk from producers but who individually disposes of milk or cream, except emergency milk, in the marketing area other than as Class III milk, multiply the hundredweight of such milk, or milk equivalent of cream, by the difference between the Class III price and the price applicable to the class in which it was disposed.

(iv) Add together the resulting amounts.

(v) If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payments due the producer-settlement fund or the handler for any previous delivery period, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors.

(d) *Notification to handler of the value of his milk.* On or before the 13th day after the end of each delivery period, the market administrator shall bill each handler for the value of milk computed for him in accordance with (c) of this section.

§ 965.7 *Computation and announcement of uniform price*—(a) *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from producers, as follows:

(1) Add together the values of milk as computed in § 965.6 (c) for handlers who made the payments to the producer-settlement fund as required by § 965.8 (b);

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the variance of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.6 (a) (3), was more than 40 cents; or by 40 cents if such average price of butter was more than 30 cents but not more than 40 cents; or by 30 cents if such average price of butter was 30 cents or less;

(3) Subtract an amount equivalent to the monies retained pursuant to § 965.12 (b);

(4) Add the balance in the producer-settlement fund not reserved for payment under § 965.12 (b);

(5) Divide by the total hundredweight of milk of producers represented in the sum computed pursuant to (1) of this paragraph; and

(6) Subtract from the figure obtained in (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such delivery period for milk of producers which contains 3.5 percent of butterfat.

(b) *Announcement of prices and transportation rates.* On or before the first day of the following delivery period, the market administrator shall notify each handler of the uniform price for milk and of the price for Class III milk, and shall make public announcement of the uniform price computation. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler from the payments made to producers pursuant to § 965.9, and the amounts actually paid to haulers for the transportation of milk from the farms of producers to such handler's plant or plants, as ascertained from reports submitted pursuant to § 965.4 (a).

§ 965.8 *Payment for milk*—(a) *Payments to producers.* On or before the 5th day after the end of each delivery period, each handler shall pay, with respect to all milk received during the delivery period, $1.00 per hundredweight of milk to each producer: *Provided,* That in the event the total amount of the deductions and charges authorized by any producer against payments due such producer for the delivery period next preceding is greater than the payment computed for such producer pursuant to § 965.9 (a) with respect to the milk received from such producer during such preceding delivery period, the handler may deduct from the payment required by this paragraph a sum equal to the difference between such amounts.

(b) *Payment to producer-settlement fund.* On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator the amount of money which represents the value of milk billed to him for such delivery period, pursuant to § 965.6 (d), less the amount paid out to each producer in accordance with (a) of this section, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer pay roll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with (a) of this section (inclusive of the deductions and charges authorized by (a) of this section), will not exceed the total value of the milk received from such producer. The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments of handlers received pursuant to this paragraph.

§ 965.9 *Payments from producer-settlement fund*—(a) *Calculation of payments for each producer.* For each delivery period, the market administrator shall calculate the payment due each producer from whom milk was received during such delivery period by a handler who paid into the producer-settlement fund in accordance with § 965.8, as follows:

(1) Multiply the hundredweight of milk received from each producer by the uniform price computed in accordance with § 965.7 (a): *Provided,* That if the milk of each producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 3.5 percent, 5 cents if the average price of butter described in § 965.6 (a) (3) was more than 40 cents; 4 cents if such average price of butter was more than 30 cents but not more than 40 cents; or 3 cents if such average price of butter was 30 cents or less.

(2) Subtract in each case, the amount of the payment made pursuant to § 965.8 (a), and the charges and the deductions, if any, which are made pursuant to § 965.8 (b).

(b) *Payments.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay, subject to the provisions of § 965.11, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

(2) On or before the 20th day after the end of each delivery period, the market administrator shall pay, subject to the provisions of § 965.11, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to (a) of this section.

§ 965.10 *Expense of administration*—(a) *Payment by handler.* As his pro rata share of the expense which will be necessarily incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler, with respect to all milk received from producers and produced by him during the delivery period, shall pay to the market administrator, on or before the 17th day after the end of each delivery period, that amount per hundredweight, not to exceed 2 cents, which is announced by the market administrator on or before the 13th day after the end of the delivery period: *Provided,* That any cooperative association which has handled milk during the delivery period under the conditions set forth in § 965.2 (f) shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.11 *Marketing services*—(a) *Deductions.* The market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.9 (b), with respect to the milk of those producers for whom the marketing services set forth in (b) of this section are not being performed by a cooperative association which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in (b) of this section.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the War Food Administrator.

§ 965.12 *Payments to cooperative associations*—(a) *Eligibility.* Upon application to the War Food Administrator, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and with the standards set forth in § 965.11 (a); to be operating as a producer-controlled marketing association exercising full authority in the sale of the milk of, and assuming responsibility for payments to, its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association, shall be entitled, under the further conditions hereinafter specified, to receive payments from the date of its qualification as fixed by the War Food Administrator, until it has been found by the War Food Administrator, after notice and opportunity for hearing, that it has failed to continue to meet any condition set forth in this section for the receipt of such payments:

(1) At the rate of one-half cent per hundredweight on all milk (i) marketed by it in the manner indicated above on behalf of members, and (ii) on which reports and payments have been made as required under §§ 965.4 and 965.8, and 965.10, except that payment at this rate shall not be made on milk with respect to which the same association is eligible to receive payment under (2) of this paragraph.

(2) At the rate of 3 cents per hundredweight on all milk which is received from members at any plant operated by such an association, or subsidiary thereof, and which is included in the computations made pursuant to § 965.7.

(b) *Payment.* The market administrator shall, upon notice of the filing of an application by a cooperative association, retain each delivery period in the producer-settlement fund such sum as he estimates is ample to make payments to the applicant, to be held in reserve until the War Food Administrator has ruled upon said application and shall, when the application has been ruled upon by the War Food Administrator, make payment or issue credit out of such reserves in accordance with said ruling and shall release the balance of the reserved sums, if any, for disposition pursuant to § 965.7 (a) (4); and shall on or before the 20th day of each delivery period thereafter, make such payments or issue credit therefore out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to its conformity with any of the conditions for qualification or to the use of such payments and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension.* The market administrator shall suspend payment upon his own initiative or upon request by the War Food Administrator or by such officer of the War Food Administration or United States Department of Agriculture as he may designate, by giving written notice to a cooperative association and to the War Food Administrator whenever there is good reason to believe that such association is no longer qualified to receive payment. Such suspended payments shall be aggregated and held in reserve until the War Food Administrator, after notice and opportunity for hearing, has appraised the performance of the cooperative and either has ordered a partial or complete payment of funds held in reserve to the cooperative or has disqualified such cooperative, in which event the balance of funds held in reserve shall be released for disposition pursuant to § 965.7 (a) (4).

§ 965.13 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* Any or all provisions hereof, or amendments hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs be performed by such other person, persons, or agency as the War Food Administrator may designate.

(1) The market administrator, or such person as the War Food Administrator may designate, shall (i) continue in such capacity until removed by the War Food Administrator; (ii) account from time to time for all receipts and disbursements and, when so directed by the War Food Administrator, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the War Food Administrator shall direct; and (iii) execute, if so directed by the War Food Administrator, such assignments or other instruments necessary or appropriate to vest in such person full title of all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 965.14 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 965.15 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the a applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

Issued at Washington, D. C., this 10th day of January 1944, to be effective on and after the 24th day of January 1944.

GROVER B. HILL,
First Assistant
War Food Administrator.

Approved: January 19, 1944.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 44–1058; Filed, January 20, 1944; 11:22 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

RESPONSIBILITY FOR TECHNICAL INFORMATION AND DESIGN FOR SERVICE DECORATIONS

PART 5—SAFEGUARDING TECHNICAL INFORMATION

In § 5.2 paragraph (b) as published in the FEDERAL REGISTER 1 December 1942 (7 F.R. 9915) is rescinded, the regulations contained therein having been superseded in revision of Par. 9b, AR 380–5.

§ 5.2 *Responsibility.* * * *
(b) [Rescinded]

(R. S. 161; 5 U.S.C. 22) [Par. 9b, AR 380–5, 28 September 1942, as amended by W.D. Cir. No. 14, 11 January 1944]

PART 7—MANUFACTURE OF DECORATIONS

The regulations pertaining to service flags and service lapel buttons, as published in the FEDERAL REGISTER 13 February 1943 and amended 16 April 1943 (8 F.R. 1914, 4907) are further amended by the addition of § 7.42, as follows:

§ 7.42 *Deviation from approved designs.* No person shall manufacture or sell any service flag or service lapel button which deviates in any manner from the design of the service flag or the design of the service lapel button approved by the Secretary of War: *Provided, however*, That any service flags or service lapel buttons manufactured heretofore may be sold prior to 1 March 1944, even though they fail to conform to the approved designs. (Act of 17 October 1942, 56 Stat. 796; 36 U.S.C. Sup. 179–182) [W.D. Cir. 35, 2 February 1943, as amended by W.D. Cir. No. 20, 17 January 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44–1136; Filed, January 21, 1944; 11:18 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 533—USE OF CIVIL AERONAUTICS ADMINISTRATION WAR TRAINING SERVICE INSIGNIA OR EMBLEMS

AUTHORIZATION FOR USE OF INSIGNIA

JANUARY 5, 1944.

Acting pursuant to the authority vested in me by section 2 of the Civilian Pilot Training Act of 1939, as amended, I hereby prescribe the following regulation:

§ 533.1 *Authorization for use of Civil Aeronautics Administration War Training Service insignia.* No aircraft, other than aircraft of the national defense forces of the United States, shall be operated with Civil Aeronautics Administration War Training Service insignia or emblems unless written authorization for such use is obtained from the Administrator of Civil Aeronautics, or contrary to the terms and conditions of such authorization.

This regulation shall become effective 0001 e. w. t., January 5, 1944.

HARRY G. TARRINGTON,
Administrator.

[F. R. Doc. 44–1114; Filed, January 21, 1944; 10:00 a. m.]

[Amdt. 58]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

ROME ARMY AIR FIELD, ROME, N. Y.

JANUARY 5, 1944.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City and Name of Airport	
Rome, New York, Rome Army Air Field.	

This amendment shall become effective January 15, 1944, 0001 e. w. t.

HARRY G. TARRINGTON,
Administrator.

[F. R. Doc. 44–1113; Filed, January 21, 1944; 10:00 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50990]

PART 58—FREE ENTRY OF CERTAIN FEEDS FOR LIVESTOCK AND POULTRY

ENTRY OR WITHDRAWAL OF HAY FREE OF DUTY

JANUARY 19, 1944.

Customs Regulations amended—Free entry of feeds under Public Law 211. Hay imported to be used as, or as constituent in, feed for livestock or poultry—Proof.

Section 58.3, Title 19, Code of Federal Regulations, published in T. D. 50963 (9 F.R. 55), is hereby amended by adding at the end thereof a new paragraph, designated as (c), reading as follows:

(c) The entry or withdrawal of hay within the effective period of Public Law 211 may be permitted free of duty upon the filing of the affidavit prescribed in § 58.2 (a) and the entry liquidated free of duty without compliance with § 58.2 (b) or § 58.3 (a) or (b).

(461.5)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44–1106; Filed, January 20, 1944; 3:43 p. m.]

TITLE 29—LABOR

Chapter IX—War Food Administration (Agricultural Labor)

PART 1107—SPECIFIC WAGE CEILING REGULATIONS

On August 28, 1943, the Economic Stabilization Director promulgated amended regulations relating to wages and salaries (8 F.R. 11960, 12139, 16702), by virtue of authority vested in the President by the act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. No. 729, 77th Cong. 2d Sess.), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Pub. No. 34, 78th Cong. 1st Sess.); and vested in turn by the President in the Economic Stabilization Director under Executive Order 9328 dated April 8, 1943 (8 F.R. 4681). These regulations conferred on the War Food Administrator authority to administer the provisions thereof relating to the stabilization and limitation of salaries and wages paid to agricultural labor. In the exercise of the authority so conferred on the War Food Administrator, the following regulations relating to specific wage ceilings of agricultural labor are hereby promulgated:

Sec.
1107.1 Purpose.
1107.2 Definitions.
1107.3 Areas, crops and classes of workers.
1107.4 Wage rates.
1107.5 Applications for adjustments.
1107.6 Standards to be used by State WFA Wage Boards in making determinations relative to appeals and adjustments.
1107.7 Limitation on effect of adjustments granted by State WFA Wage Boards.
1107.8 Effect of unlawful payments.
1107.9 Procedure for determination of violations.

AUTHORITY: §§ 1107.1 to 1107.9, inclusive, issued under 56 Stat. 765, 56 U.S.C. Supp. II 961 et seq., as amended by Pub. Law No. 34, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; regulations of Economic Stabilization Director, dated August 28, 1943, 8 F.R. 11960, 12139, 16702.

§ 1107.1 *Purpose.* From time to time heretofore the War Food Administrator has issued, pursuant to § 4001.7 of the general regulations, specific wage ceiling regulations governing the wages and salaries of agricultural labor with respect to areas, crops, classes of employers, or otherwise. From time to time in the future the War Food Administrator will issue further wage ceiling regulations with respect to areas, crops, classes of employers, or otherwise, of agricultural labor, in accordance with said § 4001.7 of the general regulations and § 1100.7 of the regulations relative to salaries and wages of agricultural labor. The purpose of the present regulations is to provide general provisions for all such future specific wage ceilings. All future specific wage ceiling regulations will contain only designations of areas, crops, classes of employers, or otherwise affected thereby, the wage or salary rates applicable thereto and such other special provisions as may be necessary. The provisions of this part will be applicable to each specific wage ceiling regulation hereafter issued and each such regulation shall be considered a part of this part. Specific wage ceiling regulations outstanding as of the date of issuance of this part will be unaffected by this part unless or until such outstanding regulations are amended or revised, at which time they will be issued in accordance with the terms of this part.

§ 1107.2 *Definitions.* When used in these regulations, unless otherwise distinctly expressed, or manifestly incompatible with the intent thereof:

(a) The term "act" means the Act of October 2, 1942 (Pub. No. 729, 77th Cong.), entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes," as amended by the Public Debt Act of 1943 (Pub. No. 34, 78th Cong.) entitled "An Act to increase the debt limit of the United States and for other purposes."

(b) The term "general regulations" means amended regulations (relating to wages and salaries) promulgated by the Economic Stabilization Director on August 28, 1943 (8 F.R. 11960, 12139, 16702), as amended or supplemented.

(c) The term "regulations relative to salaries and wages of agricultural labor" means the regulations promulgated by the War Food Administrator on January 17, 1944 (9 F.R. 655), as amended or supplemented.

(d) The term "specific wage ceiling regulations" means determinations made and public notices issued with respect to areas, crops, classes of employers, or otherwise, of agricultural labor, pursuant to § 4001.7 of the general regulations.

(e) The term "Administrator" means the War Food Administrator, and any person, or agency authorized by him to carry out the purposes and provisions of this part and other regulations issued by him pursuant to his authority under the "general regulations."

(f) The term "Director" means the Director of the Office of Labor, War Food Administration.

(g) The term "wage board" means a State WFA Wage Board established pursuant to § 1100.4 of the regulations relative to salaries and wages of agricultural labor.

(h) The term "person" means any individual, partnership, corporation, association, business trust, or any other organization or group of persons, whether incorporated or not.

(i) The term "in contravention of the act" means in contravention of the act of October 2, 1942 (referred to in paragraph (a) above), Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), the general regulations, this part, and any other orders, rulings, or regulations promulgated under said act.

(j) The terms "approval of the Administrator" and "determination by the Administrator" shall include approval or determination, as the case may be, by an agent or agents of the Administrator, duly authorized to perform such acts.

§ 1107.3 *Areas, crops, and classes of workers.* The areas, crops, and classes of workers or otherwise of agricultural labor which will be subject to these regulations will be defined in determinations made and public notices issued establishing wage or salary rates as set forth in § 1107.1.

§ 1107.4 *Wage rates.* Notwithstanding the provisions of any contract or other commitment, no payments of wages or salaries to agricultural labor described in any determination and public notice issued pursuant to this part shall be made in excess of the maximum rates set forth in any such determination and public notice, without the approval of the War Food Administrator under the procedure provided for in these regulations: *Provided*, That if an employer was paying a particular employee doing the same type of work at a higher wage or salary rate between January 1, 1942 and September 15, 1942, such employer may pay such employee at the wage or salary rate paid during that period.

§ 1107.5 *Applications for adjustments.* (a) Any appeals for relief from hardships resulting from the determination and public notice of maximum wages or salaries for any type of agricultural labor issued pursuant to this part and any applications for adjustment in such wages and salaries shall be filed by the employer or the employee with the State WFA Wage Board for the State in which the employee works. That wage board, after conducting such investigation as may be required and reviewing such applications for appeal, shall have the authority to make such determinations as are consistent with the intent of these regulations and the applicable determination and public notice. Three members of such a wage board shall constitute a quorum to act upon such applications and appeals. Such wage board shall forward a copy of all its rulings on such applications and appeals to the Administrator. Each such ruling of a wage board shall be final, subject only to the

Administrator's right of review on his own initiative. Any reversal or modification of such a ruling by the Administrator shall take effect from the date the affected party is notified thereof or at such later date as is specified in the notification: *Provided, however,* That if a ruling denying an application for permission to make a wage increase is overruled, the final ruling by the Administrator shall incorporate the effective date of the adjustment.

(b) Any increases in or payments of wages or salaries above the maximum rates established in any determination and public notice issued by the Administrator will be in violation of this part if made without approval. The increase or payment will only be lawful from the date specified in the ruling which grants the application or appeal.

(c) If an appeal for relief from hardship or an application for adjustment of wages and salaries is granted by a wage board pursuant to paragraph (a) of this section, the employer shall post in a conspicuous place available to his employees a copy of the ruling of the board. If any of the employees cannot read the English language but can read another language or languages, the ruling shall also be posted in the same manner in such other language or languages.

§ 1107.6 *Standards to be used by State WFA Wage Boards in making determinations relative to appeals and adjustments.* State WFA Wage Boards may make determinations on appeals for relief from hardship and applications for adjustment in wages and salaries only in the following instances:

(a) Reasonable adjustments may be made in case of employees paid on a weekly, monthly, or annual basis in cases of promotions, reclassifications, merit increases, length of service and incentive payments, provided that such adjustments do not increase the level of production costs appreciably.

(b) Reasonable adjustments may be made where an employee is paid on an hourly or piece rate basis in case of:

(1) Incentive payments,

(2) Sparse yield in parts of the areas affected as a result of which certain workers or groups of workers are unable to earn an amount fairly comparable to their estimated earning capacity under the normal yield on which the wage ceiling is based,

(3) Unusual weather and atmospheric conditions which reduce to below normal the number of working hours per day and hence reduce the daily earnings below a reasonable level, or

(4) Other unusual circumstances beyond the control of the employer or the employees which prevent the latter from earning an amount fairly comparable to their estimated earning capacity under normal circumstances.

The burden of justifying an appeal or application for adjustment shall in each instance be upon the employer or employee seeking such appeal or such adjustment.

§ 1107.7 *Limitation on effect of adjustments granted by State WFA Wage Boards.* No increase in salary or wage payments which is granted by a State WFA Wage Board upon either an appeal for relief from hardship or an application for adjustment shall furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices, or furnish the basis for further wage or salary increases.

§ 1107.8 *Effect of unlawful payments*—(a) *Amounts disregarded.* In any case where the Administrator determines, under the procedure set forth herein, that a salary or wage payment has been increased in contravention of these regulations or of any determination and public notice issued by the Administrator, the amount of the salary or wage paid or accrued at the increased rate, shall be disregarded by all executive departments and all other agencies of the Government for the purposes of:

(1) Determining costs or expenses of the employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) *Criminal penalties.* Any person, whether an employer or an employee, who wilfully violates any provision of this part or any determination and public notice issued by the Administrator, shall, upon conviction thereof, be subject to a fine of not more than $1,000.00, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 1107.9 *Procedure for determination of violations*—(a) *Wage boards.* Wage boards are, pursuant to § 1100.4 relative to salaries and wages of agricultural labor, authorized to conduct hearings on behalf of the War Food Administrator for the purpose of making findings of fact and recommendations with respect to alleged violations of specific wage ceiling regulations. For such hearings three members of the wage board shall constitute a quorum and the chairman of the wage board, or temporary chairman in the absence of the regular chairman, shall act as presiding officer at the hearings, administer oaths and affirmations, and rule on motions, requests, and on the admission and exclusion of evidence.

(b) *Preliminary investigation.* Preliminary investigations of alleged unlawful wage or salary payments shall be made by representatives of the Administrator. A report of investigation shall be submitted to the Regional Attorney, United States Department of Agriculture, for consideration. He shall forward the report, with his recommendations, to the board. If, after consideration of such report and recommendations the wage board is of the opinion that there is reasonable cause to believe that a violation has occurred, the wage board shall request the alleged violator to appear at a hearing before the wage board at a place designated by the wage board.

(c) *Notice.* Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a concise statement of the allegations of fact which constitute a basis for the proceeding, (3) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charges, and (4) a statement informing the alleged violator that failure to appear will not preclude the wage board from taking testimony, receiving proof and making findings and recommendations with respect to the charges.

(d) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy, and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument, or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(e) *Findings and recommendations.* Upon conclusion of the hearing, if a majority of the wage board is satisfied that the charge has been sustained by a preponderance of the evidence, it shall find accordingly. Findings of fact and recommendations shall be prepared, subscribed by the concurring members of the wage board and submitted to the Administrator, together with a transcript of the proceedings. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the findings and recommendations, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of these regulations or any determination and public notice issued by him. A copy of such determination shall be served by registered mail on the alleged violator.

(f) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination, the alleged violator may file with the War Food Administrator, Washington, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify, or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings: *Provided, however,* That nothing herein is intended to deny the right of any employer or employee to contest in The Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision in this regulation on the ground that such provision is not authorized by law, or

(2) Any action taken or determination made under this regulation, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

Issued this 20th day of January 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1104; Filed, January 20, 1944; 3:29 p. m.]

PART 1102—SALARIES AND WAGES IN THE PRODUCTION OF ASPARAGUS

WORKERS IN CERTAIN CALIFORNIA COUNTIES

The public notice and determination issued by the War Food Administrator under this part on April 12, 1943, as amended (8 F.R. 4818, 5703, 7309, 17399), the part name and the title of the notice are hereby revoked: *Provided, however,* That the provisions of said public notice and determination shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of the provisions of such public notice and determination.

(56 Stat. 765, 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702; regulations of the War Food Administrator, 9 F.R. 655)

Issued this 20th day of January 1944.

PHILIP BRUTON,
Director, Office of Labor, War Food Administration.

[F. R. Doc. 44-1128; Filed, January 21, 1944; 11:17 a. m.]

[Specific Wage Ceiling Reg. 1]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

ASPARAGUS WORKERS IN DESIGNATED CALIFORNIA COUNTIES

§ 1102.1 *Wages of workers engaged in the cutting and sledding, ranch packing, hand-racking, washing and boxing of asparagus in certain California counties.* Pursuant to § 4001.7 of the regulations of the Director of the Office of Economic Stabilization relating to wages and salaries issued August 28, 1943 (8 F.R. 11960, 12139, 16702) and to the regulations of the War Food Administrator issued January 20, 1944 (*supra*), entitled "Specific Wage Ceiling Regulations" and based upon relevant facts submitted by the California WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops, and classes of workers.* Persons engaged in the cutting and sledding, ranch packing, hand-racking and washing, and hand-racking washing, and boxing of asparagus in San Joaquin, Sacramento, Yolo, Solano, and Contra Costa Counties, State of California, are agricultural labor as defined in § 4001.1 (i) of the regulations of the Director of the Office of Economic Stabilization issued on December 28, 1943 (8 F.R. 11960, 12139) as amended on December 9, 1943 (8 F.R. 16702).

(b) *Wage rates—Maximum wage rates for harvesting asparagus.*

I. Asparagus other than No. 1 cannery white and No. 1 cannery green.

A. For prime beds (not less than five and not more than ten years' old):

1. Cutting and sledding, $2.75 per cwt. or $0.92 per 33⅓ lbs. packed out market crate.

B. For other than prime beds:

1. Cutting and sledding, $3.25 per cwt. or $1.08 per 33⅓ lbs. packed out market crate.

If workers are paid on a field box basis for cutting and sledding, rates must be equivalent to the rates quoted above.

C. For ranch packing market green asparagus (does not include packing in commercial packing houses but only packing that is performed by crews which also perform the operations of cutting and sledding).

1. $1.00 per cwt. or $0.33⅓ per 33⅓ lbs. packed out market crate.

II. No. 1 cannery white and No. 1 cannery green asparagus.

A. For prime beds (not less than five and not more than ten years' old):

1. Cutting and sledding No. 1 white $2.75 per cwt.

2. Cutting and sledding No. 1 green $3.25 per cwt.

Both rates for packed out and seven inches long.

B. For other than prime beds.

1. Cutting and sledding white, $3.25 per cwt. (packed out).

2. Cutting and sledding green, $3.75 per cwt. (packed out).

If workers are paid on a field box basis for cutting and sledding, rates must be equivalent to the per-cwt. rates specified.

C. Washing and boxing:

1. Hand washing, racking and boxing No. 1 white, $0.40 per cwt.

2. Hand-racking and washing No. 1 green, $0.55 per cwt.

3. Machine washing, racking and boxing No. 1 white, $0.30 per cwt.

4. Machine washing and racking No. 1 green, $0.40 per cwt.

(c) *Administration.* The California WFA Wage Board located at 2288 Fulton Street, Berkeley, California, will have charge of the administration of this order in accordance with the provisions of the Specific Wage Ceiling Regulations issued by the War Food Administrator January 20, 1944, (*supra.*)

(d) *Applicability of specific wage ceiling regulations.* This specific wage ceiling regulation No. 1 shall be deemed to be a part of the Specific Wage Ceiling Regulations issued by the War Food Administrator on January 20, 1944 (*supra*) and any violations of this specific wage ceiling regulation No. 1 shall constitute a violation of such specific wage ceiling regulations.

(56 Stat. 765, 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702; regulations of the War Food Administrator, 9 F.R. 655).

Issued this 20th day of January 1944.

PHILIP BRUTON,
Director, Office of Labor, War Food Administration.

[F. R. Doc. 44-1129; Filed, January 21, 1944; 11:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 143]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity, Department of Commerce Number and General License Group
Animal products, edible:
Egg albumen, 0098.00, None.
Egg products, dried, 0093.05, None.
Egg products, frozen, 0093.07, None.
Egg products, otherwise preserved, 0093.98, None.
Eggs in the shell, 0092.00, None.
Gelatin (include unflavored gelatin in packages) (report flavored gelatin preparations in 1637.00 and gelatin for photographic use in 0999.98), 0095.00. None.
Meat extracts and bouillon cubes, 0094.00, None.
Other edible animal products, n. e. s. (include buttermilk, dog food, empty gelatin capsules, suet, whey, turtle meat, rennet, junket, frogs' legs, and edible casein), 0099.00:
Lecithin, 0099.00, None.
Other edible animal products, n. e. s., 0099.00, None.
Beverages:
Grapefruit juice, 1775.00, None.
Malt extract and malt syrup, 1701.00, None.
Orange juice, 1776.00, None.
Pineapple juice (include concentrated), 1772.00, None.
Syrup and flavors for beverages (include concentrated syrups), 1766.00, None.
Fruit juices, other (include grape juice, cider, citrus fruit juices, n. e. s. and mixed fruit juices), 1779.00, None.
Cocoa, coffee, and tea:
Chocolate, include sweetened, 1503.00, None.
Cocoa beans, 1501.00, None.
Cocoa, powdered, 1502.00, None.
Dairy products:
Buttermilk, 0099.00, None.
Cheese, processed, blended, and spreads, 0067.50, None.
Cheese, other (include in original loaves), 0067.90, None.

Dairy products—Continued.
Infants food, malted milk, etc., 0069.00, None.
Milk and cream, condensed (sweetened), 0061.00, None.
Milk, dried skimmed, 0064.00, None.
Milk, dried whole, 0063.00, None.
Milk and cream, evaporated (unsweetened), 0062.00, None.
Milk and cream, fresh and sterilized, 0060.00, None.
Fish:
Clams and oysters, canned, 0088.05, None.
Cod, haddock, hake, pollock, and cusk, canned, 0086.01, None.
Crabs and crab meat, canned, 0088.03, None.
Herring, canned, 0086.03, None.
Lobster, canned, 0088.01, None.
Salmon, canned, 0084.00, None.
Sardines, canned, 0085.00, None.
Shrimp, canned, 0087.00, None.
Other shellfish, canned, 0088.98, None.
Other canned fish, except shell, 0086.98, None.
Fruits—Canned:
Apples and apple sauce, 1335.00, None.
Apricots, 1340.00, None.
Cherries, 1341.00, None.
Fruits for salad (include fruit cocktail), 1346.00, None.
Grapefruit, 1332.00, None.
Grapes, 1336.00, None.
Loganberries, 1333.00, None.
Peaches, 1343.00, None.
Pears, 1344.00, None.
Pineapples, 1345.00, None.
Prunes and plums, 1342.00, None.
Berries, other, 1334.00, None.
Fruits, other, 1347.00, None.
Fruits—Dried and evaporated:
Apples, 1325.00, None.
Apple waste, 1329.00, None.
Apricots, 1326.00, None.
Dates, dried or otherwise prepared, 1331.00, None.
Dried fruits for salads, 1321.00, None.
Figs, 1330.05, None.
Peaches, 1327.00, None.
Pears, 1322.00, None.
Prunes, 1328.00, None.
Raisins and currants, 1324.00, None.
Fruits, dried and evaporated, other, 1330.98, None.
Fruits—Fresh and Subtropical:
Apples in barrels, 1312.00, None.
Apples in baskets, 1310.00, None.
Apples in boxes, 1311.00, None.
Apricots, 1319.10, None.
Bananas, 1301.00, None.
Berries, 1315.00, None.
Cherries, 1309.00, None.
Dates, fresh, 1331.00, None.
Grapefruit, 1302.00, None.
Grapes, 1315.00, None.
Lemons and limes, 1303.00, None.
Oranges and tangerines, 1305.00, None.
Peaches, 1317.00, None.
Pears, 1316.00, None.
Pineapples, 1307.00, None.
Prunes and plums, 1318.00, None.
Watermelons, 1314.10, None.
Melons, n. e. s., 1314.50, None.
Fruits, fresh, other, 1319.90, None.
Fruit preparations, other (include glazed fruits, and candied peels), 1350.98, None.
Fruit pulp, 1350.03, None.
Fruits, preserved, jellies, and jams (include marashino cherries, marmalades, and fruit butter), 1349.00, None.
Meat Products:
Beef, canned, corned, hash hamburger steak, 0036.15, None.
Beef, canned other (include beef and ox tongues), 0036.90, None.
Beef, fresh or frozen, 0020.00, None.
Beef, pickled or cured, 0021.00, None.
Beef, roast or boiled, 0036.18, None.
Chicken, canned, 0089.01, None.
Mutton and lamp, 0034.00, None.

Meat Products—Continued.
Pork bacon (include all pickled sides, n. e. s., and backs), 0029.00, None.
Pork, canned, 0037.00, None.
Pork, Cumberland and Wiltshire sides, 0030.00, None.
Pork, fresh or frozen, 0027.00, None.
Pork, ham and shoulder, cured, 0028.00, None.
Pork, other, pickled or salted, 0032.00, None.
Sausage, bologna, and frankfurters, canned, 0038.00, None.
Sausage, bologna, and frankfurters, not canned, 0035.00, None.
Sausage casings, beef (include bladders, bungs, middlings and weasands), 0047.00, None.
Sausage casings, hog (include bladders, bungs, middlings, and weasands), 0046.00, None.
Sausage casings, other (include bladders, bungs, middlings, weasands, and casings of cellulose), 0049.00, None.
Sausage ingredients, salted or otherwise cured, 0044.00, None.
Veal, fresh or frozen, 0020.00, None.
Veal, pickled or cured, 0021.00, None.
Other meat, n. e. s. (include smoked poultry), 0045.00, None.
Nuts:
Nuts, n. e. s., 1379.05.
Cashew nuts, 1379.05, None.
Other nuts, n. e. s., 1379.05, None.
Oilseeds—Vegetable:
Hemp, perilla, poppy, rape and sunflower seed, and palm nuts and palm kernels (all varieties), 2220.20.
Hempseed, 2220.00, None.
Palm nuts and palm kernels, 2220.20, None.
Perilla seed, 2220.20, None.
Poppy seed, 2220.20, None.
Rape seed, 2220.20, None.
Sunflower seed, 2220.20, None.
Seeds:
Alfalfa, 2401.00, None.
Carrot seeds, 2468.50, None.
Clover, other, 2405.00.
Alsyke, 2405.00, None.
Clover, n. e. s., 2405.00, None.
Grass and field seeds, n. e. s., 2419.00.
Meadow, 2419.00, None.
Orchard, 2419.00, None.
Grass and field seeds, n. e. s., 2419.00, None.
Other vegetable seeds (include mushroom spawn and tree seed) (report seed beans in 1201.50, seed peas in 1202.50, seed potatoes in 1211.00, and seed grain in specific grain classes), 2468.90.
Fennel, 2468.90, None.
Mushroom, 2468.90, None.
Onion, 2468.90, None.
Tree seed, 2468.90, None.
Other vegetable seeds, 2468.90, None.
Spices:
Capsicum, 1549.01, None.
Cassia, 1549.03, None.
Cinnamon, 1549.02, None.
Cloves, unground, 1549.05, None.
Nutmegs, unground, 1549.07, None.
Pepper, unground, 1549.11, None.
Vanilla beans, 1549.15, None.
Spices, n. e. s., 1549.98.
Mace, 1549.98, None.
Other spices, n. e. s., 1549.98, None.
Sugar and related product:
Chocolate candy, 1634.00, None.
Glucose, dry, 1644.00, None.
Glucose, liquid, 1643.00, None.
Honey, 1642.00, None.
Molasses, 1629.00, None.
Syrup, 1647.00, None.
Sugar, 1619.05, None.
Candy, n. e. s. (include glazed nuts) 1635.00, None.
Confections, n. e. s. (include ice cream powder, ice cream, chocolate and vanilla pudding, flavoring sugar, and flavored gelatin preparations), 1637.00, None.
Vegetables and Preparations:
Asparagus, canned, 1241.00, None.

Vegetables and Preparations—Continued.
Baked beans and pork and beans, canned, 1242.00, None.
Beans, dry or ripe, 1201.10, None.
Corn, canned, 1243.00, None.
Ketchup, chili sauce, and other tomato table sauces, 1251.00, None.
Peas, canned, 1244.00, None.
Peas, dry or ripe, 1202.10, None.
Seed beans, 1201.50, None.
Seed peas, 1202.50, None.
Soups, canned (include vegetable, meat and fish soup), 1245.00, None.
Tomatoes, canned, 1246.00, None.
Tomato juice, canned, 1248.00, None.
Tomato paste and puree, canned, 1247.00, None.
Vegetables, dehydrated, 1259.03, None.
Other canned vegetables and juices, 1249.00:
Beans, canned, 1249.00, None.
Beets, canned, 1249.00, None.
Carrots, canned, 1249.00, None.
Pumpkins, canned, 1249.00, None.
Sauerkraut, canned, 1249.00, None.
Spinach, canned, 1249.00, None.
Other canned vegetables and juices, 1249.00, None.
Other vegetable preparations (include liquid yeast (convertit), monosodium glutamate, lecithin-refined soybean oil, concentrated hops and peanut butter), 1259.98:
Lecithin, 1259.98, None.
Sago, crude & flour, 1259.98, None.
Tapioca, 1259.98, None.
Other vegetable preparations, 1259.98, None.
Vegetable Products—Miscellaneous:
Dyeing & tanning materials, crude, 2999.95, None.
Hop extract, 2999.91, None.
Vegetable ivory or tagua nuts, 2999.93, None.
Vegetable tallow and wax, 2999.05.
Bayberry wax, 2999.05, None.
Candelilla wax, 2999.05, None.
Carnauba wax, 2999.05, None.
Cotton wax, 2999.05, None.
Fiber wax, 2999.05, None.
Flax wax, 2999.05, None.
Japan wax, 2999.05, None.
Ouricury, 2999.05, None.
Rose, 2999.05, None.
Sugar, 2999.05, None.
Tallow, 2999.05, None.
Tea, 2999.05, None.
Vegetable tallow and wax, other, 2999.05, None.

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective January 29, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 18, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-1109; Filed, January 21, 1944; 9:44 a. m.]

[Amdt. 144]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

GENERAL LICENSE FOR INTERNATIONAL RED CROSS

Section 801.15 *Prohibited exportations to certain consignees* (8 F.R. 3606, 16829) amended by inserting between the words "interned national of an enemy country," and the words "is hereby prohibited" the words "except pursuant to general license 'GIT-IRC,'."

Subparagraph (5) of paragraph (b) of § 802.5 *Consignee control under general license* (8 F.R. 1549, 16829) is hereby amended by inserting a comma (,) in lieu of the period (.) at the end of the sentence and adding thereto the words "unless made pursuant to general license 'GIT-IRC'."

Section 802.9 *General in transit licenses*[1] is hereby amended by adding thereto paragraph (h) as follows:

(h) There is hereby granted a general license designated "GIT-IRC" authorizing the exportation of relief supplies passing through the United States, in transit, to prisoners of war or civilian internees at any destination: *Provided*, That an International Red Cross representative in the United States shall certify to United States Collectors of Customs at ports of entry and exit that such supplies are for ultimate distribution to or use of prisoners of war and/or civilian internees.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 19, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-1110; Filed, January 21, 1944; 9:44 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1942, 8 F.R. 6727.

PART 921—ALUMINUM AND MAGNESIUM

[Supplementary Order M-1-g, Interpretation 1]

The following interpretation is issued with respect to Supplementary Order M-1-g:

A paint manufacturer may not deliver more than one gallon of aluminum paint or other aluminum coating, or more than two pounds of aluminum pigment, in any one month to any retail outlet, whether or not the outlet is completely owned by him, unless the retail outlet furnishes him with orders supported by ratings of AA-5 or higher, or unless he has the written specific authorization of the War Production Board to do otherwise. The foregoing restriction is set forth in paragraph (c) of Order M-1-g, and applies to deliveries to a paint manufacturer's own retail outlets because of § 944.12 of Priorities Regulation No. 1.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1126; Filed, January 21, 1944; 11:26 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-g, Revocation]

HEAT-RESISTANT CHROMIUM OR CHROMIUM-NICKEL ALLOY IRON AND ALLOY STEEL

Section 962.8 *Supplementary Order M-21-g* is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of heat-resistant chromium and chromium-nickel alloy iron and alloy steel remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1125; Filed, January 21, 1944; 11:27 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-h, Direction 1, Revocation]

USE OF ALLOYS IN MELTING ALLOY TOOL STEEL

Direction 1 to *Supplementary Order M-21-h* is hereby revoked. This revocation does not affect any liabilities incurred under the direction. The manufacture and delivery of alloy tool steel remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1117; Filed, January 21, 1944; 11:27 a. m.]

PART 1157—CONSTRUCTION MACHINERY[1]

[Limitation Order L-53, as Amended January 21, 1944]

TRACK-LAYING TRACTORS

Section 1157.1[2] *Limitation Order L-53* is amended to read as follows:

§ 1157.1 *Limitation Order L-53*—(a) *What this order does.* This order restricts the sale and delivery of track-laying tractors.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of track-laying tractors.

(3) "Dealer" means any person engaged in the business of acquiring unused track-laying tractors for sale.

(4) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads and obtaining traction from a crawler or track-type device.

(5) "Unused" when applied to track-laying tractors means any track-laying tractor which has never been delivered to an ultimate consumer.

(c) *Restrictions on sale or delivery.* No producer or dealer shall sell or deliver any unused track-laying tractor to any person, and no person shall accept any sale or delivery of any unused track-laying tractor unless the sale or delivery is specifically authorized by the War Production Board on Form WPB-1319.[3] However, this provision shall not restrict any sales or deliveries authorized by the War Production Board prior to January 21, 1944.

(d) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. This letter should be filed with the field office of the War Production Board for the District in which is located the plant or branch of the appellant to which the appeal relates.

(4) *Communications.* All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board,

[1] 8 F.R. 12388, 13228, 15839, 16829.

[1] Formerly Part 1107, § 1107.1.

[3] The use of this form has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Construction Machinery Division, Washington 25, D. C., Ref: L-53.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1118; Filed, January 21, 1944; 11:26 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-193 as Amended Jan. 21, 1944]

CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials, and in the engineering and other facilities, used in the manufacture of conveying machinery and mechanical power transmission equipment, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.52 *General Limitation Order L-193*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Conveying machinery" means any new machinery (and any important component part thereof) used for the mechanical handling of materials, including pneumatic tube delivery systems; except (i) belting, (ii) farm machinery, (iii) machinery or parts used on board ship in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operating of aircraft, tanks, ordnance, or similar combat equipment, (iv) power and hand lift trucks, (v) cranes, hoists and platform elevators, (vi) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vii) cars and car dumpers, (viii) steel mill tables, (ix) sintering conveyors, (x) metal pig conveyors, (xi) underground mining machinery including slope conveyors, and (xii) portable conveyors as defined in Limitation Order L-287.

(3) "Mechanical power transmission equipment" means new equipment (and any important component part thereof) of the following kinds (except equipment or parts used in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operation of aircraft, tanks, ordnance or similar combat equipment):

(i) Open and enclosed gearing for transmitting more than ¼ horsepower; except marine propulsion gears, gears manufactured by a person for incorporation into other machinery also produced by him, gears built into turbines, and gears used on household, manually powered, automotive, or farm machinery;

(ii) Mechanical drives and parts thereof for transmitting more than ¼ horsepower; except belting, drives manufactured by a person for incorporation into other machinery also produced by him, and drives used on household, manually powered, automotive, or farm machinery.

(4) "Order" includes any arrangement for the delivery of conveying machinery or mechanical power transmission equipment, whether by purchase and sale, lease, rental or otherwise.

(5) [Deleted Oct. 26, 1943]

(6) [Deleted Oct. 26, 1943]

(7) "Manufacture" means fabrication or shop assembly of conveying machinery or mechanical power transmission equipment, or any component part thereof; but does not include the making of engineering drawings, blue prints, designs, estimates, or surveys.

(8) [Deleted Oct. 26, 1943]

(9) "Anti-friction bearings" means all types of ball, needle and roller bearings.

(b) *Restrictions on acceptance of orders.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) On and after May 15, 1943 no person shall accept any order for any conveying machinery or mechanical power transmission equipment unless the order is rated AA-5 or higher. This restriction shall not apply to orders under which unused machinery or equipment is returned to the person from whom it was purchased.

(4) [Deleted Oct. 26, 1943]

(c) *Restrictions on manufacture and delivery.*

(1) [Deleted Oct. 26, 1943]

(2) Except as otherwise provided in paragraph (c) (3) hereof, on and after October 7, 1942 no person shall manufacture or deliver, and no person shall knowingly accept the delivery of, any conveying machinery or mechanical power transmission equipment, or parts therefor unless such machinery or equipment or parts are manufactured in accordance with the restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however,* That parts fabricated or processed, prior to October 7, 1942 to the point where other use is impracticable, may be used in fulfillment of any order at any time.

(3) The limitations and restrictions of paragraph (c) shall not apply:

(i) To the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer prior to August 1, 1942.

(ii) For ninety days following October 7, 1942, to the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer on or after August 1, 1942 but prior to October 7, 1942.

(iii) For ninety days following October 7, 1942 to the manufacture or delivery in fulfillment of any order for the use of the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration, require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission" or "War Shipping Administration" shall not include any privately operated plant or shipyard financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis. For the purposes of this paragraph (c) an order for machinery or equipment shall be deemed to have been in the process of manufacture on October 7, 1942 only if fabrication or assembly of a component part, in fulfillment of such order and not for inventory or stock, was begun prior to October 7, 1942.

(d) [Deleted Oct. 26, 1943]

(e) [Revoked May 10, 1943]

(f) *Miscellaneous provisions.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L, M, or R order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L, M or R order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing, with the Field Office of the War Production Board for the District in which is located the plant or branch of the appellant to which the appeal relates, either Form WPB-1477 (formerly PD-500) or a letter in triplicate, referring to the provision appealed from and fully stating the grounds for the appeal.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref.: L-193.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—RESTRICTIONS AND LIMITATIONS ON THE USE OF MATERIALS IN CONVEYING MACHINERY OR MECHANICAL POWER TRANSMISSION EQUIPMENT

(a) As used in this schedule, (1) "alloy steel" and "alloy iron" mean alloy steel and alloy iron as defined in Order M-21-a, as amended and supplemented from time to time; and (2) "line shafting" means any shaft driving two or more machines or any single length or rigidly coupled lengths of shafting supported by three or more bearings.

(b) *Conveying machinery.* The materials listed below are restricted or prohibited in the construction of conveying machinery, as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Bins, bunkers, hoppers and tanks (when used as part of conveying machinery or equipment).* No metal shall be used in bins, hoppers, tanks, or bunkers having a capacity of more than 400 cubic feet level filled, except in clips, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars or mesh, washers, and hopper bottoms of less than 400 cubic feet capacity. No steel plate of a thickness in excess of ¼ inch shall be used in bins, tanks, or hoppers with a capacity of less than 400 cubic feet, level filled. No liner plates of steel shall be used in steel bins, steel tanks, or steel hoppers. Steel liners for wood bins or wood bunkers shall not exceed No. 10 U. S. gage in thickness.

(2) *Conveyors and elevators.* No alloy steel or alloy iron, except Hadfield manganese steel, shall be used for parts of chains (other than chains for the transmission of power), except for (i) pins and bushings in steel conveyor chains or cast sprocket chains, or (ii) chains used in the heat zone of heat treating and metallurgical furnaces, to the extent permitted under Order M-21-g. No bushings other than carbon steel or gray iron shall be inserted in bores of conveyor chain rollers.

(3) *Conveyor and elevator sprockets.* No alloy steel or alloy iron except Hadfield manganese steel shall be used in chain sprocket wheels, except for sprockets to be used in the heat zone of heat treating and metallurgical furnaces, to the extent permitted under Order M-21-g.

(4) *Conveyor structures.* (i) No metal, except for steel in clips, bearing brackets, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars, reinforcing mesh, and washers, shall be used in the following structural parts:

(A) Supports for fixed conveyor frames, except supports for gravity, live roll and package conveyors.

(B) Fixed bulk material belt conveyor frames (including stringers).

(C) Conveyor galleries.

(D) Belt conveyor decking.

(E) Walkways, toe boards, handrails, stairways, and platforms.

(F) Guards or housing used only for protection, except those used for mechanical power transmission drives.

(G) [Deleted Jan. 21, 1944]

(H) [Deleted Jan. 21, 1944]

(I) [Deleted Jan. 21, 1944]

(ii) Trough linings for fixed conveyors shall not exceed No. 10 U. S. gage in thickness.

(iii) Steel for chutes and spouts shall not exceed 5/16 inch in thickness.

(iv) No steel liner plates shall be used in steel chutes or steel spouts.

(v) Steel linings for wood chutes or wood spouts shall not exceed No. 10 U. S. gage in thickness.

(vi) No copper bearing sheets or plates shall be used.

(vii) Steel troughing belt carriers and steel return belt idler rolls shall not exceed 5 inches nominal diameter on idlers up to 42 inches; and shall not exceed 6 inches on idlers 42 inches and over; provided that this limitation shall not apply to parts used for repair or replacement purposes.

(c) *Mechanical power transmission equipment.* The materials listed below are restricted or prohibited in the construction of mechanical power transmission equipment as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Anti-friction bearings.* (i) Anti-friction bearings shall not be used in hangers, pillow blocks, loose pulleys, and clutch pulleys for line shafting except for the following purposes, as certified by the purchaser:

(A) The reduction or elimination of fire hazards resulting from the combustible nature of the material being processed.

(B) Reduction or elimination of waste due to spoilage.

(C) Reduction of starting or running loads where the use of anti-friction bearings will correct an overload pertaining to the primary source of power.

(D) The repair or replacement of bearings for line shafting: *Provided, however,* That no anti-friction bearings shall be used for repair or replacement purposes for line shafting not previously equipped with such bearings.

The above mentioned certification by the purchaser shall be included in or shall accompany the purchase order, shall be signed by a duly authorized official of the purchaser, and shall be in the following form:

"The undersigned hereby certifies that the anti-friction bearings covered by order ------- (here give order number or other pertinent description) are for the following purposes as permitted by the provisions of Item (c) (1) of List A to Order L-193:

(here fill in the purposes for which the bearings will be used)

---------- Company
By ----------"

Such certification shall be deemed a representation to the War Production Board as well as to the supplier to whom the order is tendered.

(ii) No alloy steel or alloy iron shall be used in bearing housings.

(2) *Bearings.* No alloy steel or alloy iron shall be used in base, cap or liner castings for sleeve bearings; or in bearing hangers, base plates, floor stands, or wall brackets for line shafting.

(3) *Chains.* (i) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in cast sprocket chains.

(ii) No alloy steel shall be used in semi-finished or finished roller chain, bushed drive chain, or silent chain except in those parts thereof which the manufacturer made of alloy steel prior to January 21, 1943.

(4) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in chain sprocket wheels.

(5) *Shafting appliances.* No alloy steel or alloy iron shall be used in the construction of shafting appliances in rigid couplings, collars, or pulleys and sheaves.

(6) *Gears.* No alloy steel or alloy iron shall be used in cast teeth or molded teeth gears and pinions or in gear housings.

(d) *Rust proofing.* No metallic plating or coating shall be used in the rust proofing of conveyor machinery or mechanical power transmission equipment, except that galvanizing may be used to prevent contamination of food or in the case of anchor bolts set in concrete and subject to corrosive chemical action.

[F. R. Doc. 44-1119; Filed, January 21, 1944; 11:26 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Limitation Order L-211, Schedule 9 as Amended Jan. 21, 1944]

OIL COUNTRY TUBULAR GOODS

§ 3102.10 *Schedule 9 to Limitation Order L-211*—(a) *Purpose and scope.* This schedule prescribes certain standards for the manufacture of oil country tubular goods, as herein defined. The schedule does not relate to use; oil country tubular goods made in accordance with this schedule may be used for any purpose, and other types of tubular material may be used in oil and gas wells, in each case subject to any restrictions contained in other orders of the War Production Board or the Petroleum Administration for War.

(b) *Definition.* "Oil country tubular goods" means oil well casing, tubing and drill pipe.

(c) *Restrictions on sizes and specifications.* No person shall produce, fabricate or deliver oil country tubular goods except as set forth in American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5-A, dated May 1942, and Supplement No. 1 thereto, dated December 1942, or in List 1 attached hereto. However the use of Bessemer or open-hearth steel in the manufacture of casing and tubing shall be optional with the manufacturer and no purchaser may specify the type of steel to be used on his order.

(d) *Acceptance of delivery.* No person shall accept delivery of any oil country tubular goods which he knows or has reason to believe were produced, fabricated or delivered in violation of the provisions of paragraph (c).

(e) *Exceptions.* (1) The provisions of paragraphs (c) and (d) shall not apply to any oil country tubular goods:

(i) The production, fabrication, delivery or acceptance of which is specifically authorized in writing by the War Production Board, or

(ii) For which an order was entered prior to April 30, 1943, provided shipment of the entire order is made on or before June 30, 1943, or

(iii) Oil well casing produced by electric fusion welding.

(2) The provisions of paragraph (c) shall not prohibit:

(i) Waiver by the purchaser of any of the inspection or test requirements of

the specifications prescribed in paragraph (c), or

(ii) Delivery or acceptance of any oil country tubular goods which because of errors in manufacture do not conform to the requirements of paragraph (c), providing such requirements are waived by the purchaser or procuring agency, or

(iii) The production, fabrication, delivery, or acceptance of lap-weld tubing or lap-weld casing with V type thread, or

(iv) The production, fabrication, delivery, or acceptance of any oil country tubular goods having thread dimensions or types of joints other than those prescribed in paragraph (c), provided the purchaser endorses on the purchase order a statement signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, substantially as follows:

The special threads or special types of joints specified in this order are necessary to the successful installation and operation of the pipe covered by said order, and none of the standard thread dimensions or types of joints specified in Schedule 9 to Limitation Order L-211 issued by the War Production Board, will meet the service requirements to which said pipe is to be applied.

Name of Purchaser	Signature of Authorized Official	Title

Such statement shall constitute a representation to the seller and to the War Production Board, and may be relied on by the seller unless he knows or has reason to believe it to be false.

(f) *Records.* Each person owning or possessing oil country tubular goods excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1—ADDITIONAL PERMITTED SIZES OF CASING AND TUBING

NOTE: List 1 amended in its entirety Jan. 21, 1944.

CASING, SEAMLESS AND ELECTRIC WELD, GRADE J-55

Size, outside diameter (inches)	Wall thickness (inches)	Nominal weight per foot (pounds)
8⅝	0.264	24.00

STANDARD TUBING (NON-UPSET), SEAMLESS AND ELECTRIC WELD, GRADES F-25, H-40, J-55 AND N-80

Size nominal	Outside diameter (inches)	Wall thickness (inches)	Nominal weight per foot (pounds)
2	2.375	0.167	4.00
3	3.500	.216	7.70

The above sizes for seamless and electric weld casing and tubing apply only to short thread casing and to standard non-upset tubing. In all respects other than wall thickness, and weight per foot, such casing and tubing shall conform to the requirements of American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5-A, dated May 1942, and Supplement No. 1 thereto, dated December 1942.

LAP-WELD CASING

Size, outside diameter (inches)	Wall thickness (inches)	Nominal weight per foot (pounds)
5½	0.304	17.00
6⅝	.185	13.00
7	.272	20.00
8⅝	.304	28.00
10¾	.307	35.75

STANDARD LAP-WELD TUBING (NON-UPSET)

Size nominal	Outside diameter (inches)	Wall thickness (inches)	Nominal weight per foot (pounds)
2	2.375	0.167	4.00
3	3.500	.216	7.70
4	4.500	.237	11.00

The above sizes for lap-weld casing and tubing apply only to short thread casing and to standard non-upset tubing. In all respects other than wall thickness, weight per foot, and threading practice, such casing and tubing shall conform to the requirements of American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5-A, dated May 1942, and Supplement No. 1 thereto, dated December 1942.

[F. R. Doc. 44-1120; Filed, January 21, 1944; 11:26 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, Direction 1]

RED CROSS SUPPLEMENT

The following direction is issued pursuant to Limitation Order L-240:

§ 3133.6 *Direction 1 to Limitation Order L-240.* The American Red Cross, in connection with its War Fund Drive, has requested certain publishers to distribute with their newspapers a special supplement depicting the work of this organization. A four-page, tabloid-size, rotogravure section has been printed at the expense of the Red Cross and will be furnished to selected newspapers without charge. These newspapers, in turn, may distribute the section to their subscribers without charge either to them or to the Red Cross. The section contains no advertising, and no masthead or folio lines identifying the particular newspaper, which acts merely as a distributing agent. The paper consumed in printing the section has been deducted from the commercial printer's quota under Order L-241.

Under these circumstances, newspaper publishers are not required to deduct from their consumption quotas under Order L-240 the paper consumed in printing the abovementioned Red Cross Section, notwithstanding paragraph (b) of the order.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1121; Filed, January 21, 1944; 11:26 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-307, Revocation]

PACKAGES FOR ANTI-FREEZE

Section 3270.32 *Limitation Order L-307* is hereby revoked. This revocation does not affect any liability incurred under the order. The manufacture and delivery of containers for anti-freeze remain subject to all applicable regulations and orders of the War Production Board.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1122; Filed, January 21, 1944; 11:26 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-185 as Amended Jan. 20, 1944]

WATER HEATERS

§ 3288.51 *General Limitation Order L-185*—(a) *Definitions.* (1) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(2) "Direct fired water heater" means any device for the direct transference of heat produced by the combustion of coal, wood, fuel oil or gas, or derived from solar rays, to the water of a domestic hot water supply system. The term includes, but is not limited to, coils, side-arm water heaters, bucket-a-day stoves, laundry stoves, dome type water heaters; service water tank heaters, automatic storage water heaters, instantaneous or continuous flow water heaters, underfired storage water heaters, and solar water heaters. The term does not include any tank used in conjunction with any direct fired water heater, the manufacture of which is governed by Limitation Order L-199, any low pressure cast iron boiler designed for the purpose of heating water to provide heat for the interior of a building by means of circulating steam or hot water.

(3) "Indirect water heater" means any device to which steam or hot water is piped for the transference of the heat of such steam or hot water to the water of a hot water supply system, or the water of a hot water space heating system. The term includes, but is not limited to, coils, side arm water heaters, storage water heaters, submerged type water heaters, hot water generators, and preheaters, also instantaneous or continuous flow water heaters having coil bundles 12 inches in diameter or less, (if other than circular in cross section and the internal cross section area is 113 square inches or less). The term does not include any heat exchanger having coil bundles greater than 12 inches in diameter, or any tank used in conjunction with any indirect water heater, the manufacture of which is governed by Limitation Order L-199. It is not intended by the foregoing definition to include any product which is controlled by Orders L-172 or M-293.

(4) "Hot water supply system" means any system of supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes. The term does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(5) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(6) "Metal jacket" means any metal covering, lining, or portion thereof (but not any metal band two inches or less in width used to support a jacket which holds dry insulation) for any direct fired or indirect water heater, except any metal covering, lining, or portion thereof which conducts flue gases, water, or steam through and to the outside of a direct fired or indirect water heater, and except any ferrous metal wire netting used as a base for the wet application of insulating material.

(7) "Copper base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(8) "Producer" means any person who manufactures, fabricates or assembles new direct fired or indirect water heaters.

(b) *Manufacture and installation of metal jackets.* No person shall manufacture, fabricate or assemble any metal jacket, or install any metal jacket (whether or not for repair or replacement), except

(1) To fill a specific contract, subcontract or purchase order for a metal jacket to be used as part of the equipment of any aircraft or any vessel other than a pleasure craft; and

(2) For any direct fired water heater using fuel oil as fuel.

(c) *Use of copper in manufacture.* No person shall use in the manufacture, fabrication or assembly of any direct fired or indirect water heater any copper or copper base alloy, except

(1) For repair or replacement parts;

(2) For temperature, pressure, vacuum or electrical controls, safety devices or valves;

(3) To fill a specific contract, subcontract or purchase order for use in the laundry, bakery or hospital projects of the Army, Navy, War Shipping Administration or Maritime Commission of the United States;

(4) For use as part of the equipment of any aircraft or any vessel for delivery to or for the account of the Army, Navy, War Shipping Administration or Maritime Commission of the United States;

(5) For use by the Army or Navy of the United States outside the forty-eight States and the District of Columbia; or

(6) For coils and tubular units built of tubing of 1½" inside diameter or less for indirect water heaters only. However, the shells, heads, tube plates, spacer plates, terminal outlets and other cast parts of indirect water heaters shall be of ferrous metal or non-metallic materials.

(d) *Use of copper in installation or repair and replacement parts.* (1) No person shall, in any repair or replacement, use or install parts containing in the aggregate more than two pounds of copper or copper base alloy if the weight of the copper or copper base alloy so used or installed exceeds by more than one pound the weight of copper and copper base alloy replaced.

(2) All copper and copper base alloy replaced in any repair shall be delivered by the person making the repair to a scrap dealer or other person specified under Supplementary Order M-9-b.

(e) *Restriction on production.* (1) During the period from July 1, 1943 to June 30, 1944 inclusive, no person shall manufacture, fabricate or assemble units of direct fired or indirect fired water heaters as herein defined, in excess of the percentage of his 1941 unit production of the same classification of hot water heaters, which is indicated in Schedule A hereto attached.

(2) The restrictions of paragraph (e) (1) do not apply to the manufacture, fabrication or assembly of direct fired or indirect water heaters for delivery to or for the account of the Army, Navy, War Shipping Administration or Maritime Commission of the United States.

(f) [Deleted Jan. 20, 1944]

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board, for the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L-185.

(i) *Reports.* Each producer shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 20th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A: PERMITTED PERCENTAGES OF 1941 UNIT PRODUCTION

A. Direct fired water heaters:	Percent
1. Underfired water heaters	65
2. Coal and wood fired water heaters	70
3 Side-arm heaters and waterbacks	70
4. All others	80
B. Indirect water heaters	80

[F. R. Doc. 44-1079; Filed, January 20, 1944; 2:32 p. m.]

PART 3293—CHEMICALS

[Conservation Order M-54, as Amended Jan. 21, 1944]

MOLASSES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of molasses for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.91 *Conservation Order M-54*—(a) *Definitions.* For the purposes of this order:

(1) "Molasses" means any molasses, sirup, sugar solution, or any form of fermentative sugar (derived from sugar cane or sugar beets) and hydrol (corn sugar molasses). The term does not, however, include sugar as defined in Rationing Order No. 3 or sugar intended for and used for manufacture into sugar as so defined, or edible molasses as defined in Food Distribution Order No. 51. Blackstrap molasses is any final molasses produced in the manufacture of sugar from sugar cane or from the refining of raw sugar and includes all beet molasses produced in the manufacture of sugar from sugar beets. Invert molasses is any molasses made from sugar cane without extraction of sugars. For the purpose of this order one gallon of invert molasses is to be construed as one and a half gallons of blackstrap molasses and one gallon of hydrol is to be construed as one gallon of blackstrap molasses.

(2) "Producer" means any person engaged in the production of molasses and includes any person who has molasses produced for him pursuant to toll agreement.

(3) "Importer" means any person who transports molasses in any manner into the continental United States. Release from the bonded custody of the United States Bureau of Customs shall be deemed a transportation.

(4) "Primary distributor" means any person, other than an importer or a producer, who sells molasses which he has acquired (other than as broker) from an importer or a producer.

(5) "Secondary distributor" means any person, other than an importer, producer or primary distributor, who sells molasses which he has acquired (other than as broker) from some person other than an importer or producer.

(6) A person may, at the same time, be an importer, a producer, a primary distributor and a secondary distributor. His clasification, in a particular case, will be determined by the source of the molasses involved; i. e., with respect to molasses imported, he will be an importer, with respect to molasses acquired from a producer, he will be a primary distributor, etc.

(7) "Broker" means any person who buys and sells molasses on a fee basis as agent either for the buyer or the seller or both.

(8) "Class 1 purchaser" means any person who requires molasses in the manufacture of any one or more of the following products:

(i) Insecticides (except as provision is made therefor in paragraphs (a) (14) and (d) (3) hereof).

(ii) Lactic acid.

(iii) Graphite paste.

(iv) Printing rollers.

(v) Dye stuffs.

(vi) Ink.

(vii) Ephedrine.

(viii) Sugar for human consumption (produced from beet molasses).

(ix) Denatured rum for flavoring.

(x) Biological and pharmaceutical products for human and veterinary uses.

and any person who requires molasses for any one or more of the following purposes.

(xi) Dust extraction.

(xii) Leather tanning.

(9) "Class 2 purchaser" means any person who requires molasses in the manufacture (including custom grinding) of mixed feeds (including molasses treated beet pulp).

(10) "Class 3 purchaser" means any person who requires molasses in the manufacture of any one or more of the following products:

(i) Yeast.

(ii) Citric acid.

(11) "Class 4 purchaser" means any person who requires molasses in the manufacture of vinegar and any person who requires molasses for foundry purposes.

(12) "Class 5 purchaser" means any person who requires molasses in the manufacture (including blending and/or packaging) of any one or more of the following products:

(i) Molasses (edible).

(ii) Sirup (edible).

(13) "Class 6 purchaser" means any person who requires molasses in the manufacture of other products for human consumption (not specified above).

(14) "Class 7 purchaser" means any person who requires molasses for sale directly (without the intervention of any other handler) to persons who require the same for ensilage direct feed or insect control.

(15) "Calendar quarter" means the several three month periods of the year commencing January 1, April 1, July 1, and October 1.

(16) "Calendar quarterly supply" means a quantity of molasses not in excess of the quantity used by a purchaser listed above during a corresponding calendar quarter in the twelve month period ended June 30, 1941. Purchasers shall determine a calendar quarterly supply with respect to each use specified in the applicable subparagraph above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(17) "30 day supply" means a quantity of molasses not in excess of one-twelfth of the quantity used by a purchaser listed above during the twelve month period ended June 30, 1941. Purchasers shall determine a 30 day supply with respect to each use specified in the applicable subparagraphs above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(18) "Fiscal year" means the twelve month period commencing October 1 and ending September 30.

(19) "Yearly supply" means a quantity of molasses not in excess of the quantity used by a purchaser listed above during the twelve month period ended June 30, 1941. Purchasers shall determine a yearly supply with respect to each use specified in the applicable subparagraph above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(b) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(c) *Restrictions on deliveries.* Anything in Priorities Regulation 1 to the contrary notwithstanding:

(1) No Class 1, 2, 3, 4, 5, 6 or 7 purchaser shall, during any calendar quarter (fiscal year in the case of a Class 3 or 5 purchaser), accept deliveries of molasses in excess of the quantity set forth below less any quantity in excess of a 30 day supply on hand on the first day of the calendar quarter (fiscal year in the case of a Class 3 or 5 purchaser) in which delivery is to be made:

(i) Class 1 purchaser—during any calendar quarter, 40% of a calendar quarterly supply if molasses is required for the manufacture of sugar for human consumption (produced from beet molasses); 100% of a calendar quarterly supply if molasses is required by such Class 1 purchaser for the manufacture of any other product.

(ii) Class 2 purchaser—during any calendar quarter, 50% of a calendar quarterly supply.

(iii) Class 3 purchaser—during a fiscal year, 130% of a yearly supply.

(iv) Class 4 purchaser—during any calendar quarter, 130 per cent of a calendar quarterly supply, if molasses is required for the manufacture of vinegar; 110 per cent of a calendar quarterly supply, if molasses is required for foundry purposes.

(v) Class 5 purchaser—during a fiscal year, 100% of a yearly supply.

(vi) Class 6 purchaser—during any calendar quarter, 100% of a calendar quarterly supply.

(vii) Class 7 purchaser—during any calendar quarter, 100% of a calendar quarterly supply.

(2) Prior to delivery of molasses, within the limitations of paragraph (c) (1) hereof, the prospective deliveree, if he be a Class 1, 2, 4, 6 or 7 purchaser, shall submit to the deliveror a certificate in substantially the following form, properly filled out and manually signed by a duly authorized official:

The delivery, in the calendar quarter ended , of gallons of molasses (blackstrap molasses basis), in connection with which this certificate is furnished, will not, taking into consideration molasses received and to be received during the same calendar quarter from all sources and inventory on hand on the first day of such calendar quarter, be in excess of per cent of a calendar quarterly supply to which the undersigned, as a Class purchaser, is entitled pursuant to General Preference Order No. M-54, amended, with the terms of which order the undersigned is familiar.

Dated:

(Name of purchaser)

By

(Duly authorized official)

Prior to delivery of molasses, within the limitations of paragraph (c) (1) hereof, the prospective deliveree, if he be a Class 3 or 5 purchaser, shall submit to the deliveror a certificate in substantially the following form, properly filled out and manually signed by a duly authorized official:

The delivery of gallons of molasses (blackstrap molasses basis), in connection with which this certificate is furnished, will not, taking into consideration molasses received and to be received during this fiscal year from all sources and inventory on hand on the first day of this fiscal year, be in excess of percent of a yearly supply to which the undersigned, as a Class purchaser, is entitled pursuant to General Preference Order No. M-54, amended, with the terms of which order the undersigned is familiar.

Dated:

(Name of purchaser)

By

(Duly authorized official)

(3) No person shall knowingly deliver molasses to any Class 1, 2, 3, 4, 5, 6 or 7 purchaser in violation of the terms of paragraphs (c) (1) and (2) hereof.

(4) Except as otherwise provided in paragraph (d) hereof no deliveries of molasses shall be made by any producer, primary distributor, secondary distributor or importer unless the same shall have been specifically authorized by the War Production Board; and no person shall accept delivery of molasses if such delivery would be made in violation of the foregoing clause.

(5) *Restrictions on beet molasses.* No Class 2 purchaser shall use beet molasses for the manufacture of mixed feeds.

(d) *Permissive deliveries.* Subject to the provisions of Priorities Regulation No. 1, amended, (and more particularly the inventory provisions thereof) and paragraphs (f) and (g) hereof, the following deliveries of molasses shall not be subject to the provisions of paragraph (c) (4) hereof:

(1) Within the limitations of paragraphs (c) (1) and (2) hereof, deliveries to purchasers specified in paragraph (a) hereof.

(2) Deliveries to primary distributors and secondary distributors for purposes of resale. All quantities of molasses, delivery of which primary distributors and secondary distributors accept, shall be subject to allocation, re-distribution or re-delivery in accordance with specific directions which the War Production Board may from time to time hereafter issue.

(3) Deliveries by a Class 7 purchaser (of molasses to which he is entitled pursuant to paragraph (c) (1) (vii) hereof) to persons who require molasses for ensilage, direct feed or insect control.

(4) Deliveries of any one of the products specified in paragraph (a) (12) hereof which after manufacture (including blending and/or packaging) fall within the definition of molasses.

(5) Deliveries originating, completed and for use outside of the continental United States.

(6) Deliveries to an importer originating outside of the continental United States.

(e) *Restrictions on consumption.* Unless otherwise authorized by the War Production Board, no purchaser specified in paragraph (a) hereof shall, during any calendar quarter commencing with the month of January, 1942, use or consume more molasses:

(1) Than he would be permitted to receive during such calendar quarter, in the case of a Class 1, 2, 4, 6 or 7 purchaser (assuming that such purchaser had no molasses on hand on the first day of the calendar quarter).

(2) Than 130% of a calendar quarterly supply, in the case of a Class 3 purchaser.

(3) Than a calendar quarterly supply, in the case of a Class 5 purchaser.

(f) *Restrictions with respect to beverage spirits.* Except as may be otherwise provided by the War Production Board, after January 15, 1942, no person shall deliver, use, or accept delivery of molasses for the manufacture of beverage spirits.

(g) *Restrictions on export.* No molasses shall be exported by any person except upon express authorization of the War Production Board.

(h) *Intra-company transactions.* The prohibitions or restrictions contained in this order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of the same or any other enterprise owned or controlled by the same person.

(i) *Prior authorizations.* Specific mail or telegraphic authorizations heretofore issued by the War Production Board by way of relief from the provisions of this order as it existed prior to March 27, 1942, shall not be prejudiced or in any manner affected hereby.

(j) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Division of the War Production Board. Importers shall notify the Chemicals Division of the War Production Board of the importation of molasses into the continental United States at least fifteen (15) days prior to movement of the same from the place of origin. The following persons shall fill out and file with the Chemicals Division of the War Production Board the forms set forth below at the times and in the manner prescribed in said forms:

Manufacturers (using molasses) of yeast, citric acid and edible sirup or molasses—Form PD-456.

Manufacturers (using molasses) of Alcohol—Form PD-457.

Producers, importers and primary distributors of molasses—Form PD-458.

(k) *Notification of customers.* Producers, distributors and importers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(l) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priority assistance.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Exemptions.* None of the restrictions, prohibitions or requirements contained in this order shall apply to the delivery, acceptance of delivery or use of molasses outside of the continental United States.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1123; Filed, January 21, 1944; 11:27 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Supplementary Order M-21-a as Amended Jan. 21, 1944]

ALLOY IRON AND ALLOY STEEL

§ 3294.2 *Supplementary Order M-21-a*—(a) *Definitions.* For the purposes of this order:

(1) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 0.60%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(2) "Alloy iron" means any iron containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 5.00%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(3) [Revoked Jan. 21, 1944]

(4) "Producer" means person who melts alloy iron or alloy steel.

(b) *Purchasers' statements.* Each person who orders alloy iron or alloy steel from a producer must state on his order the end use (by general classification and specific part name) for which such material will be used.

(c) *Producers' melting schedules*—(1) *Castings.* Each producer of alloy iron or alloy steel castings must file for each month with the War Production Board, Ref.: M-21-a, a melting schedule on Form WPB-1770, in accordance with the official instructions for preparing that form.

(2) *Rolled and forged products.* Each producer of alloy iron or alloy steel other than castings must file for each month with the War Production Board, Ref.: M-21-a, a melting schedule on Form WPB-2933, in accordance with the official instructions for preparing that form.

(3) *Changes in producers' schedules.* The War Production Board may make such changes in any melting schedule as to it may seem appropriate and may from time to time issue supplementary directions with regard to melting of alloy iron and alloy steel.

(4) The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the provisions of the Federal Reports Act of 1942.

(d) *Melting of alloy iron and alloy steel.* No producer shall melt any alloy iron or alloy steel which he is required to report on Form WPB-1770 or WPB-2933, except in accordance with such melting schedule as approved or modified by the War Production Board, or in accordance with specific supplementary directions or authorizations of the War Production Board.

(e) *Special directions.* The War Production Board may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the War Production Board, no person shall make or accept delivery under any toll agreement whereby one person melts alloy iron or alloy steel for another person.

(g) *Exceptions.* The provisions of this order shall not apply to "tool steel"

as defined by Supplementary Order M-21-h.

(h) [Deleted December 1, 1943]

(i) [Revoked Jan. 21, 1944]

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1127; Filed, January 21, 1944; 11:27 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Supplementary Order M-21-s, Direction 4]

USE OF ALLOY SCRAP IN MELTING ALLOY STEEL

The following direction is issued pursuant to paragraph (e) of Supplementary Order M-21-s. This direction covers the use of alloy steel scrap in the melting of alloy steel.

(a) For the purposes of this direction, the term "alloy steel" does not include the following:

(1) Stainless and valve steels covered by Direction 3 to Order M-21-s.

(2) Carbon steels treated with boron or vanadium addition agents.

(3) Manganese, silicon, or silicon-manganese steels with or without boron or vanadium addition agents.

(b) In melting alloy steel in any calendar month, each producer must use alloy steel scrap of the kinds listed below in not less than the following amounts. These amounts are stated in terms of percentages of the total weight of alloy steel ingots or melted metal for castings produced by the producer in the particular month:

	Electric furnace steel	Open hearth steel
	Percent	*Percent*
Scrap (solids and turnings)	60	30
Turnings (including machine shop turnings)	6	8
Machine shop turnings	4	4

(c) For example, a producer who produces in the month of January 10,000 tons of electric furnace alloy steel ingots must consume in his melting at least 6,000 tons of alloy steel scrap added to the furnace charge either directly or through hot metal. Of the alloy steel scrap he consumes, at least 600 tons must be in the form of alloy steel turnings; and of the alloy steel turnings he consumes, at least 400 tons must be in the form of machine shop turnings.

(d) Any request for an exception from the terms of this direction shall be made by filing a letter setting forth the relief requested and the reasons why such relief should be allowed. Such requests should be addressed to Scrap Section, Steel Division, War Production Board, Washington 25, D. C. The War Production Board may grant specific written exceptions in appropriate cases. The approval of a melting schedule shall not constitute the grant of an exception.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1126; Filed, January 21, 1944; 11:27 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Supplementary Order M-21-h, as Amended Jan. 21, 1944]

TOOL STEEL

§ 3294.111[1] *Supplementary Order M-21-h*—(a) *Definitions.* For the purpose of this order:

(1) "Tool steel" means any steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming, and blanking of material, either hot or cold, or for precision gauges. It is not deemed to include steel for use as shanks in the manufacture of tipped or welded tools or for hand tools such as chisels, pliers, screw drivers, wrenches, centering punches and nail-sets.

(2) "Alloy steel" means alloy steel as defined in paragraph (a) of Supplementary Order M-21-a.

(3) "High-speed steel" means alloy tool steel of either of the following classes:

(i) "Class A high-speed steel" means either alloy steel containing not less than .60% carbon and more than 3.0% molybdenum; or alloy steel containing not less than .60% carbon, 6.0% or less tungsten, and more than 3.0% molybdenum.

(ii) "Class B high-speed steel" means alloy steel containing not less than .55% carbon and more than 12.0% tungsten.

Other alloying elements may be present in the high-speed steels of either class, but steel not containing the elements named, in the amount specified, shall not be deemed high-speed steel.

(4) "Producer" means any person who melts tool steel.

(b) *Purchasers' statements.* Every order placed with a producer for steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming or blanking of material, either hot or cold, or for precision gauges, shall include the statement, "This is an order for 'tool steel' ", over the signature, either manual or as provided in Priorities Regulation No. 7, of a duly authorized official of the purchaser, which will constitute a representation to the producer and to the War Production Board that the steel ordered will be used only for one or more of the above purposes.

(c) *Producer's forms.* Each producer shall file monthly with the War Production Board, Ref: M-21-h, schedules on form WPB-949. This reporting provision has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) [Revoked Jan. 21, 1944]

(e) *Special instructions.* The War Production Board may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making tool steel, and whether and in what proportions any such element is to be the metal, a ferroalloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) [Revoked Jan. 21, 1944]

(g) [Deleted Nov. 18, 1943]

(h) [Deleted Nov. 18, 1943]

(i) [Deleted Nov. 18, 1943]

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington 25, D. C.; Ref.: M-21-h.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1116; Filed, January 21, 1944; 11:27 a. m.]

[1] Formerly Part 962, § 962.9.

PART 3296—SAFETY AND TECHNICAL EQUIPMENT[1]

[General Limitation Order L-39, as Amended Jan. 21, 1944]

FIRE PROTECTIVE, SIGNAL AND ALARM EQUIPMENT

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials entering into the production of fire protective, signal and alarm equipment, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.1[1] *General Limitation Order L-39*—(a) *Definitions.* For the purpose of this order:

(1) "Fire protective equipment" means: sprinkler systems, couplings, playpipes and allied fittings, fire hose, fire hydrants, fire pumps, hose dryers, hose racks, indicator posts, lightning protection systems, piped extinguishing systems, portable fire extinguishers including back pack types, foam generators, stirrup pumps, water spray nozzles, and all other fire protective equipment for preventing or extinguishing fires, excepting self-propelled motorized fire apparatus and auxiliary units including

[1] Formerly Part 1073, § 1073.1.

trailer, skid, front mounted and portable apparatus.

(2) "Signal or alarm equipment" means fire, police, and protective alarm and signal systems, including central station, proprietary, auxiliary and automatic fire alarms; watchmen's time recording, burglar, bank vault, hold-up and intrusion systems; and all other instruments and devices to detect, signal or warn against fire or other casualty, except air raid warning devices.

(3) "Dry-pendant sprinkler head" means a sprinkler head for use in a pendant position on a dry pipe system and permanently attached to an extension nipple so as to exclude water from the nipple.

(4) "Incendiary bomb control equipment" means any pump, device, instrument, or material designed for the removal, control or extinguishment of incendiary bombs.

(5) "Stirrup pump" means a manually operated pump used to draw water or other liquid from a separate container to extinguish or control fires.

(6) "Air raid warning device" means any siren, whistle, horn, diaphone, signal or device used or intended for use to warn or signal civilians in connection with air raids or other war hazards.

(7) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *General restrictions*—(1) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) of this order, no person shall incorporate in any fire protective equipment, signal or alarm equipment, air raid warning device, or parts thereof, any aluminum, bismuth, cadmium, chromium, copper, mercury, monel metal, nickel, tin, stainless steel, zinc, or alloy of any of said metals, asbestos, rubber or synthetic rubber, except to the extent permitted in Appendix A hereof.

(2) *Restrictions on fire hose couplings.* Except as provided in paragraph (c) of this order, no brass fire hose couplings in the possession or control of any coupling manufacturer, fire hose manufacturer or distributor on April 27, 1942, shall be transferred, sold or incorporated in the manufacture or assembly of any fire hose.

(3) *Restrictions on foam extinguishers.* No person shall purchase or accept delivery of any foam extinguisher except for use in the protection of inflammable liquids, and no person shall sell or deliver any foam extinguisher which he knows or has reason to believe will be used in violation of this paragraph (b) (3).

(4) *Restrictions on manufacture of alkali metal (loaded stream) extinguishers.* No person shall in any quarter complete the manufacture of any type of alkali metal salt solution (loaded stream) extinguishers in excess of 25 percent of the total of such type (irrespective of size) manufactured by such person during the twelve month period ending November 30, 1941, except to fill purchase orders or contracts from any agency or government listed in subdivisions (i), (ii), and (iii) of this paragraph (b) (4). In determining the number of extinguishers manufactured during said twelve month base period ending November 30, 1941, extinguishers manufactured to fill contracts or purchase orders from, or for delivery to, any of the following shall be excluded:

(i) The Army or Navy of the United States, United States Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The Government of any of the following countries: the United Kingdom, Canada, and other dominions, Crown Colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for delivery to or for the account of any country listed above or any other country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(5) *Restrictions on manufacture of stirrup pumps.* No person shall manufacture any stirrup pump, or part thereof, except to fill purchase orders from the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, Defense Supplies Corporation, or from any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) [Deleted Jan. 21, 1944]

(7) *Restrictions on sale and delivery of signal or alarm equipment and air raid warning devices.* (i) No person shall sell, deliver or install any signal or alarm equipment costing $50 or more, or any air raid warning device costing $25 or more, except to or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration;

(b) Any other person who has been specifically authorized by the War Production Board on Form WPB-1319 (formerly PD-556) to receive the specific equipment or device and who has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(ii) Each person seeking authorization under the preceding subparagraph (7) (i) (b) to receive any signal or alarm equipment costing $50 or more or any air raid warning device costing $25 or more shall prepare Form WPB-1319 (formerly PD-556) in quintuplicate in the manner prescribed therein, subject to the following instructions:

(a) The form should be filed only by the person (owner or tenant) desiring to receive or have installed on his premises the specified equipment or device, and should not be filed by the person (supplier) desiring to make delivery of or to install such equipment or device. However, the owner or tenant may obtain from his supplier any information he needs in filling out the form.

(b) In describing the equipment or device for which application is made, give a complete description of the items involved, including the manufacturer's name. Do not fill in columns (b) and (c) of Part II.

(c) Under section (5) of Part III state in detail why the equipment or device applied for is needed at this time. (The application cannot be passed on unless a full statement is made on this subject.)

(d) Do not fill in sections (6), (7) and (8) of Part III.

(e) Do not fill in Part V.

(iii) In conjunction with the granting of specific authorization to receive signal or alarm equipment or air raid warning devices on Form WPB-1319 (formerly PD-556), the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(8) *Restriction on the manufacture of signal or alarm equipment.* Except upon specific authorization by the War Production Board, no persons shall manufacture, install, deliver or accept delivery of any smoke, fire, or intrusion detector employing photo-electric principles, except to fill purchase orders from a purchaser listed in paragraph (b) (4) of this order and unless such item is for use on board ship.

(9) *Restriction on the manufacture of air raid warning devices.* No person shall manufacture, sell, purchase, deliver, install or accept delivery of any air raid warning device which requires for its operation a motor in excess of three (3) horse power.

(10) *Restrictions on sale and delivery of cotton rubber-lined fire hose.* No person shall sell, deliver, purchase or accept delivery of any new cotton rubber-lined fire hose except pursuant to a purchase order bearing a preference rating of AA-5 or higher. However, the above restriction does not apply with respect to purchase orders for fire hose which had been placed before August 23, 1943, and which bear preference ratings of A-9 or higher.

(11) *Restrictions on manufacture of incendiary bomb control equipment.* Effective thirty days after January 20, 1943, no person shall manufacture any incendiary bomb control equipment, except when and to the extent authorized by the War Production Board pursuant to application on Form PD-740, or to the extent permitted by paragraph (b) (5) of this order.

(c) *Exceptions to paragraphs* (b) (1) *and* (b) (2). (1) The restrictions of paragraphs (b) (1) and (b) (2) shall not apply to:

(i) Brass fire hose couplings, rings, or hose line fittings, provided that such couplings, rings, or hose line fittings are delivered to or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Adminis-

tration, and are for use on board ship; or

(b) The Panama Canal; or

(c) Any person for use on board ships warranted by the United States Maritime Commission.

(ii) The restrictions of paragraph (b) (1) shall not apply to:

(a) Carbon dioxide extinguishers manufactured in accordance with specifications of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration; or

(b) Aluminum parts for signal or alarm equipment, if such parts were fabricated before January 23, 1942.

(d) *Representations on orders from government agencies.* Any purchase order or contract from any agency of government named in subparagraphs (i), (ii), or (iii) of paragraph (b) (4) of this order shall constitute a representation that the conditions exist under which such purchase order or contract may be filled within the terms of this order. Said representation may be relied upon by the person with whom the purchase order or contract is placed and by his subcontractors and suppliers.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L–39.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

In accordance with the provisions of paragraph (b) (1) of this order, the materials named in this Appendix A may be incorporated in the manufacture of fire protective equipment, signal or alarm equipment, and air-raid warning devices, and in component parts thereof, to the extent indicated in this Appendix A:

(1) Aluminum, primary or secondary:

(i) In extinguishers for use in airplanes;

(ii) As foil in electric condensers for fire, police and protective alarm systems, to the extent essential to the efficient functioning of such condensers and when approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) (Secondary aluminum only) in zinc die castings.

(2) Bismuth:

(i) As a component of fusible link alloy;

(ii) Up to five and one-half (5½) per cent in solder.

(3) Cadmium, as a component of fusible link alloy.

(4) Chromium:

(i) For plating of parts of fire, police, and protective alarm systems and sprinkler heads to the extent essential to the efficient functioning of such systems or heads;

(ii) As a component of stainless steel, the use of which is permitted by paragraph (10) hereof.

(5) Copper or copper base alloys (where copper base alloys are permitted, the alloys used shall be of the lowest type and grade that are practical for the particular application) in:

(i) Pumps for vaporizing liquid extinguishers;

(ii) Lock nuts on removable hose connections;

(iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid and loaded stream extinguishers;

(iv) Either collars or caps (but not both) on 2½-gallon foam extinguishers;

(v) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;

(vi) Snap clamps, clamp pins and wire springs for "Jones" type fire hose couplings;

(vii) Latch assemblies for "British" type fire hose couplings to the extent essential to the efficient functioning of the parts;

(viii) Swivels and wires for screw type fire hose couplings;

(ix) Swivels, wires, and rollers for suction hose couplings;

(x) Couplings and rings for (a) potable water purification plants, (b) ¾ inch, 1 inch, and 1¼ inch chemical or booster hose, and (c) 5 inch and 6 inch suction hose; and 1½ inch expansion rings;

(xi) Hose and hydrant adapters;

(xii) Swivels, wires, clappers and seats for Siamese connections;

(xiii) Playpipes made only from drawn, brazed sheet, or cast brass, provided that such playpipes are not more than 15 inches in length and are manufactured for connections not larger than 2½ inches in diameter.

(xiv) Ball and cylinder type shut-off nozzles;

(xv) Nozzle tips for playpipes, and not exceeding 1½" diameter at discharge ends;

(xvi) Portable deluge nozzles, not including tips or handles;

(xvii) The following hydrant fittings to the extent essential to their efficient functioning; valve seats, discs, guides, operating valve stems, stuffing boxes, bushings, rivets, retainer rings, and outlet nipples;

(xviii) The following indicator post and valve fittings to the extent essential to their efficient functioning: Valve stems; seats; discs; packing glands; glands of bonnet openings; extension stem operating washer, nut and target mechanism;

(xix) Parts of portable generators, engines and fixed piped systems to the extent essential to their efficient functioning (The parts referred to herein include generator bodies except bases, shut-off valves except handles, screens, check valves, inner chambers, heads, stopples, closing and other operating mechanisms.);

(xx) Water spray nozzles;

(xxi) Valve seats, discs, stems, guides, and clapper arms;

(xxii) The following parts of automatic sprinkler systems and signal or alarm equipment: Actuating, indicating, and recording units of alarm or signal systems; condenser parts; contacts; diaphragm assemblies; labels of inspection laboratories; links; tubing and fittings; valves not over 2 inches; wire and cables; impellers and rings for fire pumps and for water flow alarms; deflectors on closed sprinkler heads if made of casting, but the alloy shall not contain more than 74 per cent copper; all other parts of closed sprinkler heads; but the alloy for frames shall not contain more than 86 per cent copper and shall be made without the use of primary copper or primary tin, and the alloy for lever arms shall contain no tin and not more than 74 per cent copper.

(xxiii) Impellers, retaining rings and bushings for fire pumps;

(xxiv) Watchmen's time recording systems where required for efficient functioning;

(xxv) The following parts of air raid warning devices: motors up to three horse power, actuating units, wire and cable, control and reducer valves only to the extent necessary to the efficient functioning thereof;

(xxvi) Name and identification plates of a gauge of .03125 inch or less for fire extinguishers which are to be used in aircraft or on board ship.

(6) [Revoked.]

(7) Mercury, as required in check valves for automatic systems and in gravity tank gauges.

(8) Nickel, in signal or alarm systems as a component of bi-metal thermal discs for thermostats, as plating for protection against corrosion where magnetic properties of nickel are essential, as a component of wire wound resisters, as a component of thermocouple wire and as a component of permanent magnets; and in signal or alarm systems for plating component parts of control mechanisms essential to the efficient functioning of the system, where less critical material as a substitute would not be suitable.

(9) Tin:

(i) As a component of fusible link alloy; and in dry pipe valve seat rings, but not to exceed fifty per cent in weight;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used, and only to the extent permitted by General Preference Order M–43;

(iii) Up to ten per cent by weight in metal for coating steel shells for vaporizing liquid extinguishers;

(iv) In solder, provided that the tin content does not exceed that permitted by General Preference Order M–43;

(v) As a component of foil for use in anti-intrusion and anti-sabotage systems, to the extent essential to the efficient functioning of the equipment, provided that the use of tin for this purpose is properly authorized under General Preference Order M–43.

(10a) Stainless steel (non-nickel bearing):

(i) In hinge pins in dry pipe valves of automatic sprinkler systems; in balls for check valves in dry pipe valves and accelerating equipment for automatic sprinkler systems; and in impeller shafts for fire pumps;

(ii) In nozzles and linings for automatic vaporizing liquid sprinkler units approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) In the following parts of signal or alarm systems: cylinders, ratchet pins, and small shafts for signal or alarm mechanisms where the use of any less scarce material is impracticable, mercury check valves, ball bearings, latching parts, and pileup and adjusting screws where the use of any less scarce material is impracticable.

(10b) Stainless steel (nickel bearing) in four transmitter cylinders where the use of any less critical material is impracticable.

(11) Monel metal:

(i) In balls for check valves in dry pipe valves, accelerating equipment, and water flow alarms for automatic sprinkler systems;

(ii) In helical springs for fire detecting thermostats;

(iii) In vanes and pressure type flexible joints for water flow alarm devices.

(12) Zinc:

(i) In essential parts of alarm and signal systems when a less critical material as a substitute would not be suitable;

(ii) In copper alloys, the use of which is permitted by paragraph (5) hereof;

(iii) In die cast parts;

(iv) For protection against corrosion of iron or steel parts of lightning rods and fittings, extinguishers, pump tanks, fire hose couplings, expansion rings, open head sprinklers, deflectors on sprinkler heads, and as a protective coating for functional parts where ferrous metal has been substituted for copper base alloy.

(v) As sheet to the extent that corrosion-resistant metal is essential to efficient functioning and galvanized steel sheet is not suitable.

(13) Asbestos:

(i) In gaskets for hydrants, fixed or portable foam applicator pipes, and alarm systems.

(ii) As packing for vaporizing liquid extinguishers.

(14) Rubber and synthetic rubber, to the extent permitted by Rubber Order R–1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

[F. R. Doc. 44–1115; Filed, January 21, 1944; 11:26 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–370]

CHROME PIGMENTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chrome pigments for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Definitions

§ 3293.586 *Allocation Order M–370*—(a) *Meaning of certain terms.* (1) "Chrome pigments" means Class A and Class B pigments as defined herein.

(2) "Class A pigments" refers to C. P. chrome yellow, C. P. chrome orange, C. P. chrome green, C. P. molybdate chrome orange, and C. P. hydrated chromium oxide. The term includes extended, dry and wet dispersions of these pigments.

(3) "C. P. chrome yellow" and "C. P. chrome orange" mean the pigments which are reaction precipitates consisting of normal or basic lead chromates or mixtures of these with or without other insoluble compounds of lead—Color Index 1270.[1]

(4) "C. P. chrome green" means a pigment consisting of a precipitated mixture of C. P. chrome yellow—Color Index 1270[1]—and C. P. iron blue—Color Index 1288.[1]

(5) "C. P. molybdate chrome orange" means a mixed crystal containing lead chromate, lead molybdate, and lead sulfate with or without other insoluble compounds of lead.

(6) "C. P. hydrated chromium oxide" means a pigment approximately conforming to the formula $Cr_2O(OH)_4$—Color Index 1292.[1]

[1] Society of Dyers and Colourists "Colour Index", Bradford, Yorkshire, January 1924.

(7) "Class B pigments" refers to C. P. chromium oxide green and C. P. zinc chromate. The term also includes extended, dry and wet dispersions of these pigments.

(8) "C. P. chromium oxide green" means a pigment approximately conforming to the formula Cr_2O_3—Color Index 1291.[1]

(9) "C. P. zinc chromate" means a pigment manufactured as a reaction precipitate of soluble chromates and a suitable zinc compound—Color Index 1271.[1]

(10) "Exempt order" means any purchase order for Class A pigments which (i) are to be delivered as pigments, or (ii) are to be used in the manufacture of any product (except printing ink) to be delivered, used on, or incorporated in, material or equipment to be delivered to, the United States Army, Navy, Marine Corps, Coast Guard, Maritime Commission, the War Shipping Administration, Bureau of Engraving and Printing, United States Government Printing Office, the Government of Canada, or to or for the account of any foreign country pursuant to the Act of March 11, 1941 (Lend-Lease Act).

(11) "Quota order" means any purchase order for Class A pigments that is not an exempt order as defined above.

(12) "Printing ink" includes any fluid or viscous material or composition of materials used in printing, impressing, stamping or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(13) "Pigment quota" means the amount of Class A pigments which any consumer may use or acquire in any calendar quarter for the manufacture of any product to fill quota orders. The table in Appendix D shows how to determine this quota.

(14) "Producer" means any person engaged in the production of chrome pigments.

(15) "Distributor" means any person who buys chrome pigments for the purpose of resale.

(16) "Supplier" means a producer or distributor.

(17) "Consumer" means any person who uses chrome pigments.

Restrictions on Class A Pigments: Chrome Yellow, Chrome Orange, Chrome Green, Molybdate Chrome Orange, Hydrated Chromium Oxide

(b) *Inapplicability of preference ratings.* No person shall apply, extend, or give any effect to any preference rating heretofore or hereafter assigned, applied or extended for the delivery of Class A pigments.

(c) *Exempt orders, certification required.* On and after January 21, 1944, any person may, without authorization of War Production Board, deliver or accept delivery of Class A pigments to fill an "exempt order" or to replace the total quantity of Class A pigments which was withdrawn from inventory to fill "exempt orders", but which had not been originally acquired to fill "exempt orders": *Provided,* That the person accepting delivery furnishes to the person making the delivery, the Exempt Order Certification set forth in Appendix C. (The standard certification described in Priorities Regulation No. 7 may not be used instead.) There are no quantity restrictions on Class A pigments which may be used to fill "exempt orders." No person engaged in the business of manufacturing printing ink may use the Exempt Order Certification for any purchase order for Class A pigments which are to be used by him for the manufacture of printing ink for sale.

(d) *Quota orders; delivery restrictions and certification.* On and after January 21, 1944, no consumer shall accept delivery of Class A pigments in any calendar quarter, for the manufacture of any product to fill "quota orders", in excess of his "pigment quota" set forth in Appendix D for the manufacture of that product, unless War Production Board shall otherwise specifically authorize pursuant to application on Form WPB 2945. No supplier shall deliver Class A pigments to a consumer to fill "quota orders" unless the consumer furnishes the supplier with the Quota Order Certification set forth in Appendix C, or unless the supplier is specifically authorized by War Production Board on Form WPB 2946 to make the delivery. (The standard form of certification described in Priorities Regulation No. 7 may not be used instead.) This provision governs the total quantity of Class A pigments which a consumer may acquire in any calendar quarter to fill "quota orders". Paragraph (f) of this Order M–370 contains one further provision with which a consumer must comply when accepting delivery of Class A pigments to fill both "quota orders" and "exempt orders". Paragraphs (f) states an inventory restriction which controls the quantity of Class A pigments which a consumer may acquire at any one time within a calendar quarter.

(e) *Quota orders. Use restrictions on Class A pigments.* No consumer shall use Class A pigments in any calendar quarter, to manufacture any product, to fill "quota orders", in excess of his "pigment quota" set forth in Appendix D for the manufacture of that product, unless War Production Board shall otherwise specifically authorize pursuant to application on Form WPB 2945.

(f) *Consumer's inventory restrictions.* No consumer shall accept any single delivery of Class A pigments which shall result in his having an inventory of such pigments:

(1) To fill "exempt orders", in excess of that quantity of Class A pigments which he will be required to use within the next sixty days in order to meet delivery dates under such "exempt orders"; and

(2) For the manufacture of any product to fill "quota orders", in excess of 2,000 pounds or his "pigment quota" as set forth in Appendix D (whichever is the greater) for the manufacture of that product, unless he shall have been otherwise specifically authorized by War Production Board, pursuant to application made by letter addressed to Chemicals

Bureau, War Production Board, Washington 25, D. C., Reference M–370, setting forth the reasons why he needs to exceed the inventory restrictions.

Restrictions on Class B Pigments: Chromium Oxide Green, Zinc Chromate

(g) *Deliveries and use of Class B pigments.* On and after February 1, 1944, no person shall deliver, accept delivery of, or use, Class B pigments except as specifically authorized by War Production Board, pursuant to applications filed on Forms WPB 2946 and WPB 2945 respectively.

(h) *Exception for small deliveries of Class B pigments.* On and after February 1, 1944, any consumer may withdraw from his inventory, or accept delivery from all sources, and use for any purpose but not for resale, in any calendar month, of not more than 25 pounds of chromium oxide green and not more than 50 pounds of zinc chromate without authorization from War Production Board: *Provided,* That he has not already received authorization from War Production Board to acquire in that month more than the small deliveries mentioned above. No supplier may deliver in any calendar month more than the aggregate quantity of Class B pigments authorized by War Production Board for such small deliveries.

Authorization Procedure for Chrome Pigments

(i) *How the consumer obtains authorization.* Each person requiring authorization to accept delivery in any calendar quarter of Class A pigments in excess of his "pigment quota" set forth in Appendix D, shall file with the Chemicals Bureau, War Production Board, three copies of Form WPB 2945 (formerly PD–600) on or before the 5th day of the second month of that calendar quarter. Each person requiring authorization to use Class A pigments from inventory in any calendar quarter in excess of his "pigment quota" set forth in Appendix D, shall file with the Chemicals Bureau, War Production Board, three copies of Form WPB 2945 at any time. Each person requiring authorization to use or accept delivery of Class B pigments in excess of the permitted small deliveries, shall file with the Chemicals Bureau, War Production Board, three copies of Form WPB 2945 on or before the 5th day of the month preceding the month in which delivery is requested. However, applications to use or accept deliveries of Class B pigments in February, 1944, may be made as soon as possible after January 21, 1944. In the case of both Class A and Class B pigments, one copy of Form WPB 2945 should be sent to the supplier. Instructions for filling out this form are set forth in Appendix A. One copy of Form WPB 2945 will be returned to the purchaser on which the War Production Board will indicate the quantity of chrome pigments which may be used or acquired.

(j) *How the supplier obtains authorization.* Each supplier requiring authorization to deliver Class A pigments in any calendar quarter, shall file three copies of Form WPB 2946 (formerly PD–601) with the Chemicals Bureau, War Production Board, on or before the 15th day of the second month of that calendar quarter. Each supplier requiring authorization to deliver Class B pigments shall file three copies of Form WPB 2946 with the Chemicals Bureau, War Production Board, on or before the 15th of the month before the month in which delivery is requested. However, applications for delivery of Class B pigments during February, 1944, shall be filed as soon as possible after January 21, 1944. Instructions for filling out this form are set forth in Appendix B. One copy of Form WPB 2946 will be returned to the supplier on which War Production Board will indicate the quantities of chrome pigments which may be delivered.

General Provisions

(k) *Special directives.* War Production Board may from time to time issue special directives to any person with respect to the delivery and use of chrome pigments, notwithstanding the other provisions of this order.

(l) *Changes in "pigment quota."* War Production Board may from time to time make whatever changes it may deem necessary in the "pigment quota" for Class A pigments.

(m) *Approval of Bureau of the Budget.* The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(n) *Applicability of regulations.* Except as provided in paragraph (b) above, this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(o) *Duration of specific authorizations.* If it is not practicable for a supplier to make all deliveries of chrome pigments in the allocation period for which specifically authorized, he may complete them as early as practicable in the next allocation period, but the purchaser must place his order before the end of the allocation period and may not require postponement of delivery beyond ten days after the allocation period. Specific authorization to use chrome pigments shall be valid for forty-five days after receipt of the specific authorization or of the material allocated for the use, whichever is later. What chrome pigments are not used in this period may not be used for any purpose until further authorized or directed.

(p) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(q) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–370.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR FILING APPLICATIONS ON FORM WPB 2945 (FORMERLY PD–600) FOR SPECIFIC AUTHORIZATIONS TO USE OR ACCEPT DELIVERY OF CHROME PIGMENTS

1. *Form WPB 2945.* Copies of Form WPB 2945 may be obtained at local field offices of the War Production Board.

2. *Who should file.* Specific authorization of War Production Board is required for any consumer to use or acquire Class A pigments in any calendar quarter, for the manufacture of any product to fill "quota orders", in excess of his "pigment quota" for the manufacture of that product, and for any distributor or consumer to use or acquire Class B pigments in excess of the small order exemption. Any producer requiring authorization to use a part or all of his production of Class B pigments or of Class A pigments in excess of his "pigment quota", shall file application on Form WPB 2945 in the same manner.

3. *Number of sets.* Applications shall be made on separate forms for each separate supplier of chrome pigments, and separate applications shall be submitted for each delivery destination. Separate forms shall also be filed for (a) Class A pigments, (b) chromium oxide green, and (c) zinc chromate.

4. *Number of copies of each set.* Five copies shall be prepared, of which one copy shall be retained by the applicant, one shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–370.

5. *Special instructions for filling out form.* Follow the instructions on the form except when they conflict with the specific instructions given below:

Heading. Under "Name of chemical", specify "Chrome pigments" and below it "Class A pigments", or "chromium oxide green" or "zinc chromate" whichever is the case; under "WPB Order No.", specify "M–370"; under "Unit of measure", specify "Pounds"; and otherwise fill in as indicated.

Table I. Specify in the heading the quarter or month and year for which authorization for use or acceptance of delivery is sought for both Class A and Class B pigments respectively.

Column 1. Specify grade or type of chrome pigment in terms of producer's trade-mark for the product.

Column 2. Specify the quantity in pounds on a C. P. color basis.

Column 3. Specify primary production terms of the following:

Coated fabric, crayons, floor coverings, granules, balsomine, leather, metallurgical, paint, paper, plastics, printing ink, rubber, shade cloth, water paint, export, resale, inventory, all other (specify).

Column 4. Opposite each primary product, specify ultimate end use. In the case of military orders for Class B pigments, specify contract and specification numbers. If the pigment is to be incorporated in a primary product described in WPB I–217 (Primary Products & End Use List, prepared by the Protective Coating Section, Chemicals Bureau, War Production Board), its end use should be defined by the symbols listed in WPB I–217.

If "Export" is listed in Column 3, specify opposite it in Column 4, the name of the individual, company, or governmental agency to whom or for whose account the chrome pigment will be exported and the country of destination. If shipment is for Lend-Lease, specify the Lend-Lease contract or serial number. If the exportation is not for Lend-Lease or for shipment to Canada, Form WPB 2945 must first be sent to the Foreign Economic Administration together with application for an export license. If the export license is granted, the Foreign Economic Administration will then affix the export license number to the Form WPB 2945 and forward it to the War Production Board.

If "Resale" is listed in Column 3, suppliers shall write opposite in Column 4 "upon further authorization" or "for small order exemption". If "Inventory" is listed in Column 3, write opposite it in Column 4 "to hold subject to further authorization".

Column 10. Leave blank for Class B pigments. In the case of Class A pigments in excess of "pigment quota", specify the total quantity (on a C. P. color basis) acquired in 1941.

Table II. Fill in as indicated for Class B pigments. For Class A pigments, fill in only Columns 15–C and 16.

Table III. Fill in only for Class B pigments.

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION OF FORM WPB 2946 (FORMERLY PD–601) FOR SPECIFIC AUTHORIZATION TO DELIVER CHROME PIGMENTS

1. *Form WPB 2946.* Copies of Form WPB 2946 may be obtained at local field offices of the War Production Board.

2. *Who should file.* Specific authorization of War Production Board is required for any person to deliver Class A pigments in excess of "pigment quota" to fill "quota orders", and to deliver Class B pigments.

3. *Number of separate sets. Separate sets* shall be filed for (a) Class A pigments, (b) Chromium oxide green, and (c) Zinc chromate.

4. *Number of copies of each set.* Prepare an original and three copies. File original and two copies with the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–370, retaining the third copy for your files.

5. *Special instructions for filling out forms.* Follow the instructions on the form except where they conflict with the specific instructions given below:

Heading. In the heading under "Name of chemical", specify "Chrome pigments" and below it "Class A pigments", or "Chromium oxide green", or "Zinc chromate", whichever is the case; under "WPB Order No.", specify "M–370"; indicate month and year under which deliveries are to be made; under "Unit of measure", specify "Pounds"; and check whether you are producer or distributor. The address of plan or warehouse from which shipments are to be made need not be given nor need a separate form be filed for each plant or warehouse.

Column 1. Class A Pigments. List names of customers who apply on Form WPB 2945 for Class A pigments for delivery during the particular calendar quarter.

Class B pigments (chromium oxide green and zinc chromate). List the names of customers who have applied on Form WPB 2945 for material to be delivered during the following month. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified. Small deliveries of Class B pigments should be estimated. Fill in the aggregate amount of such deliveries; do not list the name of each customer. A producer requiring permission to use a part or al lof his own production of Class A pigments, or Class B pigments in excess of his "pigment quota" shall list his own name as a customer in Column 1, specifying the quantity required.

Column 2. In Column 2 (except for "small deliveries" of Class B pigments as explained above), specify delivery destination.

Column 5. Column 5 may be filled in, but it is optional.

Column 6. Leave Column 6 blank.

Table II. This table need not be filled in for class A pigments. In the case of Class B pigments, each producer shall fill in Columns 8, 9, 10, 11, 12, 13 and 15. In Column 14, state approximate production capacity. Distributors need only fill in Columns 8, 10, 12 and 15 for Class B pigments.

APPENDIX C

A certificate in substantially the following form, either signed manually or as provided in Priorities Regulation No. 7, is required for delivery of "exempt orders" for Class A pigments, pursuant to paragraph (c) of Order M–370:

EXEMPT ORDER CERTIFICATION

The undersigned hereby certifies to the War Production Board and to _____ (insert name and address of supplier) that he is familiar with the provisions of Order M–370, and that his Purchase Order No. _____, dated _____, is an "exempt order" or is for replacement of inventory used to fill "exempt orders" as defined in Order M–370, and bear Contract Nos. _____
The undersigned further certifies that acceptance of delivery of the chrome pigments covered by this purchase order will not increase his inventory in excess of the limits set forth in paragraph (f) of Order M–370.

_____
Name of purchaser

_____
Date

By _____
Signature and title of duly authorized official

A certificate in substantially the following form, either signed manually or as provided in Priorities Regulation No. 7, is required for delivery of all "quota orders" for Class A pigments not authorized on Form WPB–2946, as provided in paragraph (d) of Order M–370:

QUOTA ORDER CERTIFICATION

The undersigned hereby certifies to the War Production Board and to _____ (insert name and address of supplier) that he is familiar with the provisions of Order M–370, and that acceptance of delivery of the Class A pigments listed on his purchase order, No. _____, dated _____, will not exceed his "pigment quota" for the current calendar quarter, 194_, and will also not increase his inventory in excess of the limits set forth in paragraph (f) of Order M–370.

_____
Name of purchaser

By _____
Signature and title of duly authorized official

APPENDIX D—PIGMENT QUOTAS—CLASS A PIGMENTS

The table set forth below shows the total amount of Class A pigments you may acquire or use in a calendar quarter to fill "quota orders". You have a different quota for pigments acquired or used for the manufacture of printing ink than for the manufacture of all other products. At the present time, there are only two classes of products listed. Opposite each, in the second column, is the quota of Class A pigments which you may acquire in any calendar quarter to make that class of product. (The quantity of Class A pigments which a producer used of his own production of those pigments in 1941 for the manufacture of that class of product, shall be considered as having been acquired by him in 1941 for the manufacture of that class of product.) The third column shows the quota of Class A pigments which you may use in any calendar quarter to make that class of product.

You may not exceed these quotas without obtaining authorization from War Production Board.

TABLE FOR DETERMINING APPLICABLE PIGMENT QUOTA

Printing ink. Quota of Class A pigments which may be *acquired* in a calendar quarter: 300 lbs. or 12½% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of printing ink. Quota of Class A pigments which may be *used* in a calendar quarter: 300 lbs. or 12½% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of printing ink. Quantity of Class A pigments which may be used or acquired to fill Exempt Orders: None.

All other products. Quota of Class A pigments which may be *acquired* in a calendar quarter: 300 lbs. or 6¼% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of all other products. Quota of Class A pigments which may be *used* in a calendar quarter: 300 lbs. or 6¼% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of all other products. Quantity of Class A pigments which may be used or acquired to fill Exempt Orders: Unlimited.

[F. R. Doc. 44–1138; Filed, January 21, 1944; 11:53 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Hotels and Rooming Houses,[1] Amdt. 18]

Items (116a), (212b), (221a), (321a) and (329a) are added to Schedule A of the Rent Regulations for Hotels and Rooming Houses and item (272) in the said Schedule A is amended to read as follows:

[1] 8 F.R. 14676, 14814, 15581, 16032, 16207, 16427, 16693, 17297, 9 F.R. 206.

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(116a) Great Bend	Kansas	Barton	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
(212b) Asheville	North Carolina	Buncombe	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(221a) Rocky Mount	North Carolina	Edgecombe and Nash	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	Columbia, Montour, Northumberland, Snyder, and Union	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	In the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
	Pennsylvania	Clinton	Jan. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(321a) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in Caldwell County	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(320a) Sweetwater	Texas	Nolan			

This amendment shall become effective February 1, 1944. This amendment shall not release or extinguish any penalty, duty or liability incurred under the Rent Regulation for Hotels and Rooming Houses.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1059; Filed, January 20, 1944; 11:50 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 11,[1] Amdt. 12]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order 11 is amended in the following respects:

1. Section 2.1 (a) is amended by inserting in the first sentence the words "or by the India Supply Mission," before the words "may obtain".

2. Section 2.4 (a) is amended by inserting after the sentence ending with the words "October 15, 1943" the following: "In addition, an application for replacement of rationed foods used in products acquired between July 1, 1943 and December 16, 1943, inclusive, by the American Red Cross for consumption by members of the armed forces of the United States outside the United States, or by the India Supply Mission, may be made at any time through February 15, 1944."

3. Section 2.4 (c) is amended by adding the following: "Applications for replacement of rationed food used in products acquired by the India Supply Mission must be made to Headquarters, Army Exchange Service, New York, New York."

4. Section 2.4 (c) (3) is redesignated as section 2.4 (c) (4).

5. Section 2.4 (c) is amended by adding a new subparagraph (3) to read as follows:

(3) An applicant for replacement of rationed food used in products acquired by the India Supply Mission must attach to his application a receipt signed by an authorized officer of the India Supply Mission showing:

(i) The name and address of the person from whom the products were acquired;

(ii) The amount and kind of products acquired; and

(iii) The date of acquisition.

This amendment shall become effective January 21, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1140; Filed, January 21, 1944; 11:40 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 351,[1] Amdt. 5]

FERROUS FORGINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1390.218b is added to read as follows:

SEC. 1390.218b *Adjustable pricing.* If the manufacturer wishes, he may agree with the buyer to charge a price which can be increased up to the maximum price in effect at the time of delivery. Where the manufacturer has filed an application for adjustment under § 1390.218a, he may, in accordance with the provisions of that section, deliver at a price to be adjusted upwards in accordance with the action taken by the Office of Price Administration on his application. In all other cases, unless authorized by the Office of Price Administration, the manufacturer must not deliver at a price which is to be adjusted upwards in accordance with action taken by the Office of Price Administration after delivery. This authorization may be given only where: (a) a request for a change in the applicable price is pending; (b) authorization is necessary to promote production; and (c) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price.

This amendment shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1141; Filed, January 21, 1944; 11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 4]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 13 is amended in the following respects:

1. The second sentence of section 3.2 (c) is amended by inserting "or 1944" after the date "1943".

2. Section 9.2 (e) is revoked.

3. The second sentence of section 24.2 (c) is amended by inserting "or 1944" after the date "1943".

4. The last sentence of section 26.3 (a) is amended by deleting the words "by Revised Supplement No. 1" and substituting therefor the words "in a supplement".

5. The parenthetical fifth sentence of section 26.4a (a) is amended by deleting the words "by Revised Supplement No. 1" and substituting therefor the words "in a supplement".

6. The parenthetical third sentence of section 26.5 (c) is amended by deleting the words "by Revised Supplement No. 1" and substituting therefor the words "in a supplement".

7. The last sentence of section 26.6 (d) is amended by deleting the words "by Revised Supplement No. 1" and substituting therefor the words "in a supplement".

8. The second sentence of section 27.1 (a) (6) is amended by inserting the following clause within the parenthesis and after the words "section 10.9," "or a place where processed foods are used only for demonstration purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture".

This amendment shall become effective January 26, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 1, 8 F.R. 827; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1142; Filed, January 21, 1944; 11:41 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9625, 10419, 11671, 12558, 12711, 13171, 13920, 16840, 17511.

[1] 8 F.R. 3784, 7588, 7767, 8275, 10662.

[1] 9 F.R. 3, 4.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 100]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 4.11 (c) (2) (i) is amended by inserting after the parentheses and before the semicolon the following: or sales or transfers of meat derived from swine he slaughtered without a permit under the provisions of § 1410.15 (b) (2) of Food Distribution Order No. 75."

This amendment shall become effective January 26, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1143; Filed, January 21, 1944; 11:41 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Corr. to Amdt. 20 [2]]

CANNED PEAS IN PUERTO RICO

Amendment 20 to Revised Maximum Price Regulation 183—Puerto Rico, is corrected in the following respect:

In section 25, table 10 under the heading "Canned peas" the retail price of "Happyvale #4 Sieve E. J. Libby" is corrected to read 17¢ instead of 15¢.

This correction shall become effective as of January 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1144; Filed, January 21, 1944; 11:41 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[2] Amdt. 18]

SPECIFIC MAXIMUM PRICES IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363 (q) Table XVII is added to read as follows:

(q) *Table XVII: Maximum retail prices for breakfast cereals.*

Item	Unit	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward	Kodiak	Anchorage	Palmer and points on Alaska R. R. north of Anchorage and south of Curry	Curry and points on Alaska R. R. north of Curry to and including Fairbanks	Nome
Albers:												
Corn Flakes	6 oz.	$0.11	$0.11	$0.12	$0.12	$0.12	$0.14	$0.15	$0.09	$0.09	$0.11	$0.18
Corn Flakes	11 oz.	.19	.19	.20	.20	.20	.22	.23	.15	.15	.17	.28
Farina	14 oz.	.15	.15	.15	.15	.15	.17	.17	.18	.19	.20	.18
Farina	28 oz.	.28	.28	.28	.28	.29	.31	.31	.33	.34	.36	.34
Farina	4.9 lbs.	.37	.37	.39	.40	.40	.41	.42	.47	.49	.57	.47
Farina	9.8 lbs.	.71	.72	.73	.75	.75	.82	.84	.88	.92	1.08	.95
Hominy Grits	20 oz.	.15	.15	.16	.16	.16	.17	.17	.18	.18	.21	.19
Oatmeal, Steel Cut	20 oz.	.19	.19	.20	.20	.20	.21	.21	.22	.23	.26	.22
Pearls of Wheat	28 oz.	.27	.27	.27	.28	.28	.30	.31	.32	.33	.35	.33
Rolled Oats	20 oz.	.20	.20	.20	.20	.21	.22	.23	.20	.21	.24	.25
Rolled Oats, Prem China	3 lbs.	.49	.49	.49	.49	.50	.54	.55	.52	.53	.60	.62
Rolled Oats, Prem Crystal	3 lbs.	.45	.45	.46	.46	.46	.50	.51	.45	.46	.55	.60
Rolled Oats, No Prem	3 lbs.	.40	.40	.41	.41	.42	.46	.47	.43	.44	.50	.55
Rolled Oats	9 lbs.	.72	.72	.74	.74	.74	.80	.81	.90	.92	.98	.85
Rolled Wheat	16 oz.	.20	.20	.21	.21	.22	.23	.23	.20	.20	.23	.27
Rolled Wheat, Prem China	40 oz.	.58	.57	.59	.59	.60	.64	.65	.61	.62	.65	.73
Rolled Wheat, No Prem	40 oz.	.45	.42	.45	.45	.45	.49	.50	.44	.44	.50	.58
Centennial: Gervita	28 oz.	.31	.31	.31	.31	.32	.33	.34	.38	.39	.43	.45
Cream of Wheat	(14 oz.	.20	.20	.20	.20	.20	.21	.21	.22	.22	.24	.23
	(28 oz.	.33	.33	.33	.33	.33	.35	.35	.35	.36	.40	.38
Dinamite:												
Blue Label	1½ lbs.	.30	.30	.30	.30	.30	.33	.33	.31	.31	.35	.34
Blue Label	2 lbs.	.47	.47	.48	.48	.48	.50	.51	.33	.54	.60	.55
Red Label	1¼ lbs.	.32	.32	.32	.32	.32	.35	.35	.31	.31	.35	.40
Red Label	2½ lbs.	.47	.47	.48	.45	.48	.50	.51	.53	.54	.60	.55
Ener-G	26 oz.	.33	.33	.34	.34	.34	.36	.36	.36	.37	.40	.40
Fisher's:												
Farina	2 lbs.	.22	.22	.23	.23	.23	.24	.25	.26	.27	.31	.29
Farina	4.9 lbs.	.40	.40	.40	.41	.41	.44	.45	.51	.53	.60	.48
Farina	9.8 lbs.	.77	.77	.79	.80	.80	.87	.88	.97	1.00	1.15	.97
Zing Wht. Germ	20 oz.	.32	.31	.32	.32	.32	.33	.33	.35	.35	.39	.35
Zoom	20 oz.	.32	.32	.33	.33	.33	.34	.34	.35	.35	.39	.37
Cracked Wheat	2 lbs.	.22	.22	.23	.22	.22	.24	.25	.27	.27	.31	.28
Gold Medal:												
Cheer-i-oats	7 oz.	.20	.20	.21	.21	.21	.23	.24	.18	.18	.20	.28
Kix	7 oz.	.20	.20	.21	.21	.21	.23	.24	.18	.18	.20	.28
Wheaties	8 oz.	.19	.20	.20	.21	.21	.22	.23	.18	.18	.20	.27
Heinz: Rice Flakes	6½ oz.	.18	.18	.18	.18	.18	.20	.21	.15	.15	.17	.22
H-O Rolled Oats	(1 lb.	.20	.19	.20	.20	.21	.22	.22	.20	.21	.24	.24
	(2 lbs.	.39	.38	.39	.39	.39	.41	.42	.40	.42	.48	.46

*Copies may be obtained from the Office of Price Administration.

[2] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695.

[2] 9 F.R. 398.

[1] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3844, 8184, 12549, 13166, 14305, 16514, 16626, 16627, 16665, 16986, 16793.

(q) *Table XVII: Maximum retail prices for breakfast cereals*—Continued.

Item	Unit	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward	Kodiak	Anchorage	Palmer and points on Alaska R. R. north of Anchorage and south o Curry	Curry and points on Alaska R. R. north of Curry to and including Fairbanks	Nome
Kellogg's:												
All Bran	10 oz.	$0.19	$0.19	$0.20	$0.20	$0.20	$0.21	$0.21	$0.19	$0.19	$0.20	$0.23
All Bran	16 oz.	.30	.30	.30	.31	.31	.33	.33	.29	.29	.31	.37
Bran Flakes	8 oz.	.16	.15	.16	.16	.16	.18	.19	.15	.15	.18	.23
Bran Flakes	14 oz.	.23	.23	.24	.25	.25	.27	.27	.22	.22	.25	.31
Corn Flakes	6 oz.	.12	.12	.12	.12	.12	.14	.15	.09	.10	.11	.15
Corn Flakes	11 oz.	.19	.19	.20	.20	.20	.22	.24	.16	.16	.18	.30
Corn Flakes	18 oz.	.27	.27	.29	.29	.29	.34	.36	.21	.21	.25	.40
Krumbles	9 oz.	.16	.18	.19	.19	.19	.20	.20	.18	.18	.20	.23
Pep	8 oz.	.19	.19	.19	.19	.19	.22	.23	.17	.17	.18	.25
Rice Krispies	3½ oz.	.19	.18	.19	.19	.19	.20	.21	.18	.18	.19	.24
Shredded Wheat	12 oz.	.20	.20	.21	.21	.21	.23	.24	.17	.18	.20	.28
Variety Pack	10 oz.	.37	.36	.38	.38	.38	.40	.42	.33	.33	.36	.50
Wheat Krispies	8 oz.	.20	.20	.21	.21	.21	.23	.24	.18	.18	.20	.29
Malt-o-meal	26 oz.	.32	.32	.33	.33	.33	.34	.35	.35	.35	.40	.38
Mother's:												
Rolled Oats, no prem	3 lbs.	.41	.41	.42	.42	.42	.46	.47	.43	.45	.53	.55
Rolled Oats, prem. china	3 lbs.	.49	.49	.49	.49	.49	.54	.55	.53	.53	.60	.62
N. B. C.:												
Shredded Wheat	12 oz.	.20	.20	.21	.21	.21	.24	.25	.18	.18	.20	.30
Shreddies	12 oz.	.17	.17	.18	.18	.18	.18	.18	.20	.20	.22	.19
Post's:												
Assorted Tens		.37	.36	.36	.36	.36	.40	.42	.33	.33	.36	.50
Bran Flakes	8 oz.	.16	.15	.16	.16	.16	.18	.19	.15	.15	.18	.23
Bran Flakes	14 oz.	.23	.23	.24	.25	.25	.27	.27	.22	.22	.25	.32
Grape Nuts	12 oz.	.20	.20	.20	.20	.20	.21	.21	.20	.21	.20	.23
Grape Nut Flakes	7 oz.	.17	.17	.17	.18	.18	.19	.20	.15	.15	.18	.23
Grape Nut Flakes	12 oz.	.22	.22	.23	.24	.24	.27	.28	.20	.20	.23	.29
Grape Nut Wheat Meal	16 oz.	.19	.19	.20	.20	.20	.21	.21	.22	.22	.25	.22
Post Toasties	6 oz.	.12	.12	.12	.13	.13	.15	.16	.10	.11	.12	.18
Post Toasties	11 oz.	.19	.18	.20	.21	.21	.23	.24	.15	.15	.17	.20
Post Toasties	18 oz.	.27	.27	.28	.28	.29	.33	.34	.20	.21	.24	.40
Quaker:												
Crackels	7 oz.	.16	.16	.17	.17	.17	.19	.19	.14	.14	.15	.24
Farina	14 oz.	.15	.15	.15	.15	.15	.17	.17	.18	.19	.20	.18
Farina	26 oz.	.29	.28	.29	.29	.30	.31	.31	.33	.34	.36	.34
Hominy Grits	24 oz.	.16	.16	.17	.17	.17	.18	.18	.18	.19	.21	.22
Muffets	10 oz.	.19	.19	.20	.20	.20	.21	.22	.16	.16	.19	.23
Puffed Rice	4½ oz.	.20	.20	.21	.21	.21	.23	.24	.17	.17	.19	.27
Puffed Wheat	4 oz.	.18	.18	.19	.19	.20	.22	.23	.16	.16	.18	.25
Rolled Oats, no prem	20 oz.	.20	.20	.20	.20	.21	.22	.23	.20	.21	.23	.25
Rolled Oats, no prem	3 lbs.	.41	.41	.42	.42	.42	.46	.47	.43	.44	.50	.55
Rolled Oats, Prem Crys Wed	3 lbs.	.43	.43	.44	.44	.44	.47	.48	.48	.50	.58	.54
Ralston:												
Bran	26 oz.	.29	.27	.30	.30	.31	.33	.34	.30	.30	.34	.40
Instant	16 oz.	.30	.30	.30	.31	.31	.32	.33	.33	.34	.36	.33
Shredded Wheat	12 oz.	.20	.20	.21	.21	.21	.22	.23	.20	.21	.23	.26
Whole Wheat	24 oz.	.30	.30	.30	.30	.31	.32	.33	.33	.34	.36	.33
	15 oz.	.25	.24	.25	.26	.26	.26	.26	.27	.27	.30	.26
Roman meal	30 oz.	.40	.40	.41	.41	.41	.42	.43	.44	.45	.50	.46
	3 lbs.	.43	.43	.44	.44	.44	.47	.48	.48	.48	.58	.54
Skinner's: Raisin Bran	10 oz.	.20	.18	.20	.19	.19	.20	.21	.18	.18	.20	.23
Sperry's:												
Rolled Oats	9 lbs.	.72	.72	.74	.74	.74	.80	.81	.90	.92	.98	.85
Wheat Hearts	14 oz.	.20	.20	.20	.20	.20	.21	.22	.22	.22	.24	.22
Wheat Hearts	28 oz.	.32	.32	.33	.33	.33	.34	.35	.35	.35	.40	.35
Wheat Hearts	46 oz.	.47	.47	.48	.48	.48	.50	.51	.54	.55	.62	.54
Wheatena	22 oz.	.32	.32	.32	.32	.32	.33	.34	.35	.35	.40	.35

2. Section 1418.363 (r) Table XVIII is added to read as follows:

(r) *Table XVIII: Maximum retail prices for corn meal.*

Item	Unit	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward	Kodiak	Anchorage	Palmer and points on Alaska R. R. north of Anchorage and south of Curry	Curry and points on Alaska R. R. north of Curry to and including Fairbanks	Nome
Albers:												
White or Yellow	20 oz.	$0.16	$0.15	$0.16	$0.16	$0.16	$0.17	$0.18	$0.18	$0.19	$0.22	$0.20
White or Yellow	2½ lbs.	.26	.26	.27	.27	.27	.28	.29	.32	.33	.37	.30
White	5 lbs.	.37	.37	.37	.38	.38	.40	.41	.47	.48	.56	.44
Yellow	5 lbs.	.34	.34	.34	.34	.34	.37	.38	.44	.45	.50	.40
White	10 lbs.	.68	.68	.69	.69	.69	.73	.74	.87	.90	1.08	.82
Yellow	10 lbs.	.61	.61	.62	.63	.63	.68	.69	.80	.84	.97	.75
Fisher's: White or Yellow	2 lbs.	.21	.21	.21	.21	.21	.22	.23	.25	.26	.28	.24
Quaker's: Yellow	10 lbs.	.63	.63	.64	.64	.64	.69	.70	.82	.85	1.00	.77
Sperry's:												
White or Yellow	16 oz.	.14	.14	.15	.15	.15	.16	.17	.17	.18	.20	.19
White or Yellow	3½ lbs.	.32	.32	.32	.33	.33	.35	.35	.40	.40	.46	.38
White	4½ lbs.	.37	.37	.38	.38	.38	.41	.42	.43	.44	.48	.46
Yellow	4½ lbs.	.34	.34	.35	.36	.36	.38	.39	.40	.40	.46	.44
White	9 lbs.	.62	.62	.63	.64	.64	.69	.70	.74	.75	.85	.77
Yellow	9 lbs.	.62	.62	.63	.64	.64	.69	.70	.74	.75	.85	.77

3. Section 1418.363 (s) Table XIX is added to read as follows:

(s) *Table XIX: Maximum retail prices for bar soap, bleaching waters, cleansers, and soap powders.*

Brand	Size	Ketchikan	Wrangell, Petersburg	Juneau, Douglas	Skagway, Haines	Sitka	Cordova, Valdez, Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
Bar soap:												
Big Boy	Regular	$0.06	$0.06	$0.06	$0.06	$0.06	$0.07	$0.07	$0.08	$0.08	$0.09	$0.08
Bokay	Regular	.05	.05	.05	.05	.05	.06	.06	.06	.06	.07	.06
Camay	Regular	.09	.09	.09	.09	.09	.09	.09	.09	.09	.10	.09
Cashmere Bouquet	Regular	.11	.11	.11	.11	.11	.11	.11	.11	.11	.12	.12
Crystal White	Giant family	.07	.07	.07	.07	.07	.07	.08	.08	.08	.09	.08
Crystal White	Toilet regular	.06	.06	.06	.06	.06	.06	.06	.07	.07	.08	.07
Fels Naphtha	Regular	.07	.07	.07	.07	.07	.08	.08	.09	.09	.10	.08
Ivory	Medium	.08	.08	.08	.08	.08	.08	.08	.09	.09	.10	.09
Ivory	Large	.13	.13	.13	.13	.13	.14	.14	.15	.15	.16	.15
Ivory	Guest	.06	.06	.06	.06	.06	.06	.06	.07	.07	.09	.07
Lava	Medium	.08	.08	.08	.08	.08	.08	.08	.09	.09	.09	.09
Lava	Large	.12	.12	.12	.12	.12	.12	.13	.13	.13	.14	.13
Lifebuoy	Regular	.09	.09	.09	.09	.09	.09	.09	.09	.09	.10	.10
Lux	Regular	.09	.09	.09	.09	.09	.09	.09	.09	.10	.10	.10
Moon Rose	Toilet	.05	.05	.06	.06	.06	.06	.06	.06	.06	.06	.06
Palmolive	Regular	.09	.09	.09	.09	.09	.09	.09	.10	.10	.10	.10
Palmolive	Large	.13	.13	.13	.13	.13	.13	.13	.13	.14	.14	.13
P & G	Regular	.05	.06	.06	.06	.06	.06	.06	.06	.07	.07	.06
Swan	Regular	.08	.08	.08	.08	.08	.08	.08	.09	.09	.10	.09
Swan	Large	.13	.13	.13	.13	.13	.14	.14	.15	.15	.16	.15
Sweetheart	Regular	.09	.09	.09	.09	.09	.09	.09	.09	.09	.10	.09
G. P. Tar	Regular	.11	.11	.11	.11	.11	.12	.12	.12	.12	.13	.13
White King	Regular	.06	.06	.06	.06	.06	.06	.07	.07	.07	.07	.07
Woodbury	Regular	.10	.10	.10	.10	.10	.11	.11	.11	.11	.11	.11
Jergens	Regular	.06	.06	.06	.06	.06	.06	.06	.06	.06	.07	.06
Bleaching waters:												
Clorox	Pint	.14	.14	.14	.14	.14	.16	.17	.17	.18	.20	.19
Clorox	Quart	.24	.24	.25	.26	.26	.29	.30	.33	.35	.41	.34
Clorox	½ gallon	.29	.40	.40	.41	.43	.47	.48	.57	.59	.70	.55
Nubora	Quart	.21	.21	.22	.23	.23	.26	.27	.29	.30	.36	.32
Nubora	½ Gallon	.36	.37	.38	.39	.39	.45	.47	.50	.53	.62	.55
Nubora	Gallon	.55	.55	.58	.59	.60	.68	.70	.78	.81	.96	.81
Purex	Quart	.23	.23	.23	.24	.24	.27	.28	.30	.31	.36	.32
Purex	½ gallon	.39	.40	.41	.41	.43	.47	.48	.53	.56	.65	.55
Purex	Gallon	.69	.70	.71	.73	.74	.83	.84	.96	1.00	1.18	.94
Cleansers:												
Babo	14 oz. can	.16	.16	.16	.16	.16	.17	.17	.18	.19	.20	.18
Bon Ami	Cake 9½ oz.	.14	.14	.14	.14	.14	.15	.15	.16	.16	.17	.16
Bon Ami Powder	12 oz. pkg.	.17	.17	.17	.17	.17	.18	.18	.20	.20	.22	.19
Borazo	10 oz. pkg.	.19	.19	.19	.19	.19	.20	.20	.22	.22	.24	.21
Cameo (refills)	14 oz. tin	.11	.11	.11	.12	.12	.13	.13	.14	.14	.16	.14
Drano	12 oz. can	.27	.27	.27	.27	.27	.28	.28	.29	.30	.31	.30
Gold Dust	17 oz. pkg.	.08	.08	.08	.09	.09	.09	.10	.11	.11	.13	.11
Insto	8 oz. tin	.25	.25	.25	.25	.25	.26	.26	.26	.27	.28	.28
Sani-Flush	10 oz. tin	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.14
Sani-Flush	22 oz. tin	.27	.27	.27	.27	.27	.29	.29	.31	.32	.35	.31
Sapolio	10 oz. cake	.13	.13	.13	.13	.13	.14	.14	.14	.14	.15	.14
Soil-Off	Quart glass	.60	.60	.61	.61	.61	.66	.66	.68	.70	.75	.72
Soil-Off	½ gallon	1.00	1.01	1.02	1.03	1.03	1.08	1.10	1.15	1.18	1.28	1.18
Sunbrite	Pkg.	.08	.08	.08	.08	.08	.09	.09	.10	.10	.13	.11
Soap powders:												
Dash	36 oz. med.	.35	.36	.36	.36	.37	.38	.39	.40	.41	.45	.42
Dash	Giant	.70	.71	.71	.73	.73	.77	.78	.81	.82	.88	.84
Duz	Small	.13	.13	.13	.14	.14	.15	.15	.15	.15	.17	.16
Duz	Large	.34	.34	.34	.35	.35	.37	.37	.36	.37	.40	.41
Duz	Giant	.89	.90	.90	.92	.92	.99	1.00	.97	.98	1.05	1.10
Fels Naphtha	21-oz.	.28	.28	.28	.29	.29	.31	.31	.33	.34	.36	.32
Ivory Snow or Flakes	5 oz.	.13	.13	.13	.14	.14	.14	.15	.14	.14	.14	.16
Ivory Snow or Flakes	12½ oz.	.33	.34	.34	.34	.34	.37	.37	.34	.34	.35	.40
Lux	5 oz.	.13	.14	.14	.14	.14	.15	.16	.14	.14	.15	.17
Lux	12½ oz.	.32	.33	.33	.33	.33	.35	.35	.34	.34	.36	.37
Moon Rose	12½ oz.	.24	.24	.24	.25	.25	.27	.28	.25	.25	.27	.30
Nubora	Large	.27	.28	.28	.29	.29	.31	.32	.29	.30	.30	.35
Nubora	Giant	.65	.66	.66	.67	.67	.72	.74	.75	.77	.82	.91
Oxydol	Small	.13	.13	.13	.14	.14	.15	.16	.15	.15	.15	.16
Oxydol	Large	.33	.34	.34	.35	.35	.37	.38	.36	.37	.40	.41
Oxydol	Giant	.88	.89	.90	.90	.91	.98	1.00	.97	1.00	1.05	1.08
Super-Suds	Large	.34	.34	.34	.35	.35	.37	.38	.37	.38	.40	.41
Super-Suds	Giant	.89	.90	.90	.92	.92	.99	1.00	.98	1.00	1.07	1.09
Rinso	Small	.13	.13	.13	.14	.14	.15	.15	.14	.15	.16	.16
Rinso	Large	.33	.34	.34	.35	.35	.37	.37	.36	.37	.39	.41
Rinso	Giant	.88	.89	.90	.91	.91	.98	1.00	.97	.99	1.05	1.08
Washrite	Large	.25	.26	.26	.26	.27	.29	.30	.29	.29	.32	.33
White King	22 oz.	.34	.35	.35	.36	.36	.38	.39	.38	.39	.41	.42
White King	28 oz.	.42	.42	.43	.43	.44	.46	.46	.47	.48	.51	.50
White King	Giant	.65	.66	.66	.67	.67	.70	.71	.73	.74	.80	.76

This amendment shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1145; Filed, January 21, 1944; 11:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Corr. to Amdt. 78[1]]

COFFEE URN BAGS

The designation section 3.8 is corrected to read section 3.10.

[1] 9 F.R. 400.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1139; Filed, January 21, 1944; 11:39 a. m.]

Chapter XIII—Petroleum Administration for War

[PAO 11, as Amended Jan. 1, 1944, Supp. Order 10]

PART 1515—PETROLEUM PRODUCTION OPERATIONS

OIL WELLS IN PORTIONS OF INDIANA, OHIO, KENTUCKY AND TENNESSEE

§ 1515.16 *Supplementary Order No. 10 to Petroleum Administrative Order No. 11, as amended January 1, 1944*—(a) *Scope of this order.* Except as otherwise modified by the provisions of any other order issued as a supplement to Petroleum Administrative Order No. 11, as amended January 1, 1944, or by the provisions of any specific exception or other grant of authority as provided for by Petroleum Administrative Order No. 11, as amended January 1, 1944, the provisions of this Order shall to the extent provided herein be applicable to the use of material in the drilling or deepening of, completing of, and providing of additions to, oil wells in those portions of the States of Indiana, Ohio, Kentucky, and Tennessee specified in Exhibit A, but not elsewhere.

(b) *Definitions.* The definitions of Petroleum Administrative Order No. 11,

as amended January 1, 1944, shall apply in this Order. In addition:

(1) "Designated area" means those portions of the States of Indiana, Ohio, Kentucky, and Tennessee specified in Exhibit A.

(c) *Authorized uses of material in oil development drilling operations in the designated area.* Material may be used to drill or deepen, complete, and provide additions to any oil well in the designated area drilled or deepened to and completed at a depth not exceeding 1800 feet, if the material is used in accordance with the following provisions:

(1) Where the oil well is drilled or deepened to and completed at a depth not exceeding 1200 feet:

(i) The well must be located on a drilling unit upon which no other drilling or producible oil well is located, and no portion of which drilling unit is attributable to or falls within 150 feet of any other drilling or producible oil well located on the same lease or property. If the well is located on sectionalized land, the drilling unit must consist of one-half of a quarter of a quarter-quarter section. If the well is located on non-sectionalized land, the drilling unit must consist of at least 5 contiguous surface acres, and the distance between any two points farthest apart on the drilling unit must not exceed a distance of 750 feet, and

(ii) All separate property interests in the drilling unit upon which the well is located must first be consolidated, and

(iii) The well must be located at least 375 feet from every other drilling or producible oil well, and

(iv) The well must be located at least 150 feet from every lease line, property line, and subdivision line separating unconsolidated property interests.

(2) Where the oil well is drilled or deepened to and completed at a depth exceeding 1200 feet but not exceeding 1800 feet:

(i) The well must be located on a drilling unit upon which no other drilling or producible oil well is located, and no portion of which drilling unit is attributable to or falls within 200 feet of any other drilling or producible oil well located on the same lease or property. If the well is located on sectionalized land, the drilling unit must consist of a quarter of a quarter-quarter section. If the well is located on non-sectionalized land, the drilling unit must consist of at least 10 continguous surface acres, and the distance between any two points farthest apart on the drilling unit must not exceed a distance of 1100 feet, and

(ii) All separate property interests in the drilling unit upon which the well is located must first be consolidated, and

(iii) The well must be located at least 500 feet from every other drilling or producible oil well, and

(iv) The well must be located at least 300 feet from every lease line, property line, and subdivision line separating unconsolidated property interests.

(d) *Computation of acreage attributable to oil wells in the designated area.* (1) The acreage attributable to any oil well in the designated area spudded on or before December 23, 1941, shall be determined by assigning to the well an acreage equivalent to that of the existing well density contiguous to the well. If the well is completed at a depth not exceeding 1800 feet, the attributed acreage need not be greater than that required for a new well drilled to and completed at the same depth pursuant to this order. If the well is completed at a depth exceeding 1800 feet, the attributed acreage need not be greater than 40 acres.

(2) The acreage attributable to any oil well in the designated area spudded after December 23, 1941, which is completed at a depth exceeding 1800 feet shall be the same as the drilling unit assigned to the well pursuant to Conservation Order M-68, Petroleum Administrative Order No. 11, or any exception thereto, or any amendment thereof. The acreage attributable to any oil well in the designated area which is completed at a depth not exceeding 1800 feet, and which was spudded after December 23, 1941, but prior to the effective date of this order, need not be greater than that required for a new well drilled to and completed at the same depth pursuant to this order.

(e) *Authorized uses of material for installation of pumping or other artificial lifting facilities.* In addition to the uses of material for the installation or re-installation of pumping or other artificial lifting equipment which are authorized by Petroleum Administrative Order No. 11, as amended January 1, 1944, material may also be used to install or re-install pumping or other artificial lifting equipment on any oil well in the designated area which is completed at a depth not exceeding 1200 feet if the number of wells on the lease or tract to which pumping or other artificial lifting equipment is then attached does not exceed an average of one well to every 5 productive acres.

(f) *Violations.* Any person who willfully violates any provision of this Order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or may be subject to other appropriate action.

(g) *Effective date.* This order shall take effect on the date of issuance.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of January 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

EXHIBIT A

The "designated area" comprises the following counties in the States of Indiana, Ohio, Kentucky, and Tennessee:

INDIANA

Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clinton, Crawford, Dearborn, Decatur, De Kalb, Delaware, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Grant, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Porter, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Scott, Shelby, Starke, Steuben, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Wabash, Warren, Washington, Wayne, Wells, White, and Whitley.

OHIO

Adams, Allen, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Huron, Logan, Lucas, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Pickaway, Pike, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Union, Van Wert, Warren, Williams, Wood, and Wyandot.

KENTUCKY

Adair, Allen, Anderson, Barren, Boone, Bourbon, Boyle, Bracken, Bullitt, Campbell, Carroll, Casey, Clark, Clinton, Cumberland, Edmonson, Fayette, Franklin, Gallatin, Garrard, Grant, Green, Hardin, Harrison, Hart, Henry, Jessamine, Jefferson, Kenton, Larue, Lincoln, Madison, Marion, Mason, McCreary, Meade, Mercer, Metcalfe, Monroe, Montgomery, Nelson, Nicholas, Oldham, Owen, Pendleton, Pulaski, Robertson, Rockcastle, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Trimble, Warren, Washington, Wayne, and Woodford.

TENNESSEE

Bedford, Cannon, Cheatham, Clay, Coffee, Cumberland, Davidson, DeKalb, Fentress, Franklin, Giles, Grundy, Hickman, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Moore, Morgan, Overton, Pickett, Putnam, Robertson, Rutherford, Scott, Smith, Sumner, Trousdale, Van Buren, Warren, White, Williamson, and Wilson.

[F. R. Doc. 44-1111; Filed, January 21, 1944; 10:29 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES IN GEORGIA

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.420 is hereby superseded and the provisions of § 203.241 are hereby extended to include drawbridges across the Altamaha, Oconee, and Ocmulgee Rivers, Georgia, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.*

* * * * * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

* * * * * * *

Altamaha River, Ga.; all drawbridges. (At least twenty-four hours' advance notice required.)

Oconee River, Ga.; all drawbridges. (At least twenty-four hours' advance notice required.)

Ocmulgee River, Ga.; all drawbridges. (At least twenty-four hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 8 November 1943, CE 800.211 SPEKH, as amended 14 January 1944, CE 823.01 SPEWR]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-1112; Filed, January 21, 1944; 10:00 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

PART 136—"A" MARINE INVESTIGATION BOARD

TEMPORARY WARTIME RULES GOVERNING INVESTIGATIONS OF ACCIDENTS AND CASUALTIES

By virtue of the authority vested in me by section 4450, R. S., as amended (46 U.S.C. 239), and Executive Order No. 9083, dated Febuary 28, 1942 (7 F.R. 1609), the Temporary Wartime Rules Governing Investigations of Accidents and Casualties are amended by the addition of the following sections:

§ 136.111 *Authority of examining and hearing officers outside United States.* In places outside of the United States where the Coast Guard has established facilities, Coast Guard officers designated by the Commandant[1] shall have all the authority, powers, duties, and responsibilities of examining and hearing officers provided for in this part.

§ 136.112 *Appeals from decisions outside United States.* A person desiring to appeal from a decision of a hearing officer made under the authority of § 136.111 hereof, shall make such appeal, in the manner prescribed by § 136.107,[1] to the District Coast Guard Officer in the district in the continental United States in which he shall first arrive. The appeal must be made within thirty days from the date of arrival, or thirty days from date of the decision, whichever is the later.

R. R. WAESCHE,
Commandant.

JANUARY 19, 1944.

[F. R. Doc. 44-1105; Filed, January 20, 1944; 2:10 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 92, Amdt. 2]

CARLOAD FREIGHT TRAFFIC OF WAR DEPARTMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January, A. D. 1944.

Pursuant to Certificate of Preference and Priority in Transportation No. 2, dated January 19, 1944, by Joseph B. Eastman, Director of the Office of Defense Transportation to this Commission, under authority of Executive Order No. 8989 (6 F.R. 6725) of December 18, 1941, and the mandatory provisions of section 1, paragraph (15) of the Interstate Commerce Act: *It is ordered*, That: Service Order No. 92 (7 F.R. 8751) of October 27, 1942, as amended (8 F.R. 2356), be, and it is hereby, further amended by designating paragraph (b) of § 95.31 as paragraph (b) (1) and by adding the following paragraph (b) (2) to § 95.31:

(2) That preference and priority in transportation be afforded to that carload freight traffic of the War Department which moves under symbols MTX, MI, or GS, to the extent that such carload freight traffic shall not be subject to diversion by Agent Godber as provided for by paragraph (b) (1) of this order. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1135; Filed, January 21, 1944; 11:33 a. m.]

[S. O. 99, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

CARLOAD FREIGHT TRAFFIC OF WAR DEPARTMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January, A. D. 1944.

Pursuant to Certificate of Preference and Priority in Transportation No. 2, dated January 19, 1944, by Joseph B. Eastman, Director of the Office of Defense Transportation to this Commission, under authority of Executive Order No. 8989 (6 F.R. 6725) of December 18, 1941, and the mandatory provisions of section 1, paragraph (15) of the Interstate Commerce Act: *It is ordered*, That:

Service Order No. 99 (8 F.R. 1652) of February 3, 1943, be, and it is hereby, amended by designating paragraph (a) of § 97.6 as paragraph (a) (1) and by adding the following paragraph (a) (2) to § 97.6:

(2) That preference and priority in transportation be afforded to that carload freight traffic of the War Department which moves under symbols MTX, MI, or GS, to the extent that such carload freight traffic shall not be subject to diversion by Agent Kirk as provided for by paragraph (a) (1) of this order. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, That this order shall become effective immediately; that copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1136; Filed, January 21, 1944; 11:33 a. m.]

[S. O. 110, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

CARLOAD FREIGHT TRAFFIC OF WAR DEPARTMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January, A. D. 1944.

Pursuant to Certificate of Preference and Priority in Transportation No. 2, dated January 19, 1944, by Joseph B. Eastman, Director of the Office of Defense Transportation, to this Commission, under authority of Executive Order No. 8989 (6 F.R. 6725) of December 18, 1941, and the mandatory provisions of section 1 paragraph (15) of the Interstate Commerce Act: *It is ordered*, That:

Service Order No. 110 (8 F.R. 2237) of February 15, 1943, be, and it is hereby, amended by designating the first paragraph of § 97.7 as paragraph (a) (1) and by adding the following paragraph (a) (2) to § 97.7:

(2) That preference and priority in transportation be afforded to that carload freight traffic of the War Department which moves under symbols MTX, MI, or GS, to the extent that such carload freight traffic shall not be subject to diversion by Agent McNamara as provided for by paragraph (a) (1) of this order. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, That this order shall become effective immediately; that copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1137; Filed, January 21, 1944; 11:33 a. m.]

[1] 8 F.R. 2160.

Notices

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region I Order G-33 Under 18 (c)]

HAND KNITTING WOOL YARN IN MAINE

Order No. G-33 under section 18 (c) of the General Maximum Price Regulation. Hand knitting wool yarn; State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered:*

(a) The maximum price for a sale by any retail store located in the State of Maine to an ultimate consumer of a four (4) ounce skein of all wool hand knitting yarn shall be the higher of the following:

(1) The retailer's maximum price established by the General Maximum Price Regulation, including any order issued under section 18 (a) thereof.

(2) Fifty-five cents (55¢) per skein.

(b) When used in this order, the term "all wool hand knitting yarn" shall mean an all-wool yarn dyed and converted for the hand knitting trade (including white), containing not less than sixty per cent (60%) of new wool.

(c) Lower prices than those established by this order may be charged.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective January 14, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-1098; Filed, January 20, 1944; 1:44 p. m.]

[Region II Order G-1 Under SR 15]

FLUID MILK IN CERTAIN LOCALITIES IN NEW YORK

Order No. G-1 under § 1499.75 of Supplementary Regulation No. 15 to the General Maximum Price Regulation.

For the reason set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and pursuant to a directive from the Director of the Office of Economic Stabilization, *It is hereby ordered.* That:

(a) The maximum price for the sale and delivery in glass or paper containers of Grade A Pasteurized fluid milk at wholesale into store, at retail out of store, and at retail to the home, in the cities of Cohoes, and Watervliet, and the village of Green Island, all in the County of Albany, and in the village of Waterford in the County of Saratoga, all in the State of New York, shall be the seller's maximum price as determined under § 1499.2, General Provisions of the General Maximum Price Regulation, or the applicable adjusted maximum price specified below, whichever is higher:

Type of delivery	Container size	Adjusted maximum price per container (in cents)
Into store	Quart	13
	Pint	7½
	Half-pint	4½
Out of store and to-the-home	Quart	15
	Pint	8½
	Half-pint	5½

(b) For each type of fluid milk other than Grade A Pasteurized, the maximum price of any seller for the sale and delivery of such type of milk in any of the cities or villages above named shall be increased by an amount equal to the increase of maximum prices accruing to such seller from the adjusted maximum prices of Grade A Pasteurized milk prescribed herein, for the same type of sale and delivery to the same type and size of container. No person who has not received an adjusted maximum price for Grade A Pasteurized milk as a result of this order (either because he does not sell Grade A Pasteurized Milk, or because his maximum price therefor under the General Maximum Price Regulation is higher than the adjusted maximum price herein) may make an adjustment of his maximum prices for any other type of milk. (For example, if, as a result of this order, seller A's maximum prices for the sale and delivery in Cohoes of Grade A Pasteurized milk into store and to the home in quart glass containers, have been increased from 12¢ to 13¢ for delivery into store, and from 14¢ to 15¢ for delivery to the home, he may increase his maximum price for the sale of flavored milk in glass containers by an amount not in excess of 1¢ per quart for sales and deliveries into store and to the home. If seller B in Watervliet does not sell Grade A Pasteurized milk, he may not increase his maximum price for the sale of another type of milk, such as flavored milk.)

(c) *Definitions.* (1) "Fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk and shall include flavored milk.

(2) "Grade A Pasteurized fluid milk" shall have the meaning prescribed by the appropriate statutes, orders or regulations of the State of New York, unless such definition is superseded by statutes, orders or regulations, of that political sub-division of the State of New York within which such milk is sold and delivered.

(3) "To the house" means a sale and delivery of fluid milk at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes, and shall not include a sale of fluid milk at retail by a grocery store, meat market, dairy store or other establishment which delivers fluid milk separately or together with other purchases.

(4) "Out of store" means a sale of fluid milk at retail by a grocery store, meat market, dairy store, or other establishment which delivers fluid milk separately or together with other purchases, and shall include a sale of fluid milk at retail by a milk distributor at his plant or place of business.

(d) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent (for example, a maximum price of 8½¢ for one unit shall be adjusted to 9¢ for one unit, 17¢ for two units, and 26¢ for three units, etc.).

(e) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplementary order which may be contrary hereto.

(f) *Geographical applicability.* This order applies to all sales of fluid milk within the geographical limits of the cities of Cohoes, and Watervliet, and the village of Green Island in Albany County, and the village of Waterford in Saratoga County.

(g) Unless the context manifestly otherwise requires, the definitions set forth in section 202 of the Emergency Price Control Act of 1942, as amended, issued by the Office of Price Administration, shall apply to other terms herein.

This order shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-1099; Filed, January 20, 1944; 1:45 p. m.]

[Region II Order G-11 Under 18 (c), Amdt. 3]

MILK MARKETING AREAS IN NEW YORK

Amendment No. 3 to Order No. G-11 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reason set forth in an opinion issued simultaneously herewith and pursuant to the provisions of section (c) of Order No. G-11, issued under § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That paragraph (f) (4) be amended to read as follows:

(4) "Area No. 2" means that part of the State of New York which consists of the counties of:

Herkimer, Madison, Saratoga (with the exception of the village of Waterford), Fulton, Montgomery, Warren, Hamilton, Columbia, Greene, Essex, Jefferson, Onondaga (with the exception of the Syracuse Milk Marketing Area above defined), Oneida (with the exception of the Utica Milk Marketing Area and the Rome Milk Marketing Area above defined), Rensselaer (with the exception of the Troy Milk Marketing Area and the Rensselaer Milk Marketing Area above defined), Albany (with the exception of the Albany Milk Marketing Area, the cities of Cohoes and Watervliet, and the village of Green Island), Schenectady (with the exception of the Schenectady Milk Marketing Area), (the cities of Fulton and Oswego and the towns of Volney, Granby, Oswego Minetto, Scriba, New Haven and Mexico in Oswego County), the city of Auburn and the towns of Owasco, Niles, Fleming, Moravia, Sennett, Aurelius, Throop, Springport, Scipio, Mentz and Ledyard in Cayuga County; the towns of Harrietstown and Clara in Franklin County; the town of Kingsbury in Washington County; the towns of Morristown, Potsdam, Stockholm, Louisville, Waddington, Massena, Madrid, Norfolk and Brasher in St. Lawrence County.

This amendment to Order No. G-11 shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-1100; Filed, January 20, 1944; 1:45 p. m.]

[Region III Order G-6 Under RMPR 122, Amdt. 2]

SOLID FUELS IN LIMA, OHIO

Amendment No. 2 to Order No. G-6 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels in the City of Lima, in the State of Ohio.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That subsection IV of section (c) be amended to read as set forth below.

(c) *Schedule for sales of coal.*

Column I	Column II	Column III
IV. Nut and slack bituminous coals:		
High volatile:		
A. Produced in District 8, except Mine Index No. 25	$7.65	$7.15
B. Produced in District 8 at the Auxier Mine, Index No. 25 of the Northeast Coal Company	7.83	7.33

This amendment No. 2 to Order No. G-6 under Revised Maximum Price Regulation No. 122 shall become effective January 4, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 6, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-1101; Filed, January 20, 1944; 1:47 p. m.]

[Region III Order G-12 Under 18 (c), Amdt. 6]

FLUID MILK IN INDIANA

Amendment No. 6 to Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk sold at retail and wholesale in the State of Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended by the inclusion of a new subparagraph L in paragraph II, as set forth below.

L. Notwithstanding the provisions of Paragraph I and Schedule A hereof, the prices set forth in the following schedule shall be the only maximum prices for all sales and deliveries of approved fluid milk at wholesale and retail in the County of Wells in the State of Indiana.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or paper	One quart or multiples thereof	13½¢ per quart.
Retail	Glass or paper	One pint	8¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per one-half pint.
Wholesale	Glass or paper	One quart or multiples thereof	11½¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3¼¢ per one-half pint.

This amendment to Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 31, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-1102; Filed, January 20, 1944; 1:51 p. m.]

[Region III Order G-13 Under RMPR 122, Amdt. 1]

SOLID FUELS IN THE TOLEDO, OHIO, AREA

Amendment No. 1 to Order No. G-13 under Revised Maximum Price Regulation No. 122.—Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Toledo, Ohio, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That Paragraph No. V, subsection (1) under section (c) be amended to read as set forth below:

(c) *Schedule for sales of coal—(1) Price schedules.*

Column I	Column II	Column III
V. Coke (excluding reject or reclaimed coke):		
Egg, stove, furnace, walnut or chestnut	$12.50	$11.75

This amendment to Order No. G-13 under Revised Maximum Price Regulation No. 122 shall become effective as of January 1, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 6, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-1088; Filed, January 20, 1944; 1:50 p. m.]

[Region III Order G-14 Under RMPR 122, Amdt. 1]

SOLID FUELS IN CERTAIN LOCALITIES IN MICHIGAN

Amendment No. 1 to Order No. G-14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the cities of Saginaw, Carrollton and Zilwaukee and the townships of Kochville, Buena Vista and Saginaw, all in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That paragraph No. V, section (c) be amended to read as set forth below.

(c) *Schedule for sales of coal.*

Column I	Column II	Column III
V. Coke (excluding reject or reclaimed coke):		
A—Pea	$11.60	$10.25
B—Egg, stove, nut	13.10	12.35

This amendment to Order No. G–14 under Revised Maximum Price Regulation No. 122 shall become effective as of January 1, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 6, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–1089; Filed, January 20, 1944; 1:50 p. m.]

[Region III Order G–16 Under MPR 329]

FLUID MILK IN DESIGNATED COUNTIES IN MICHIGAN

Order No. G–16 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III by § 1351.408 (b) of Maximum Price Regulation No. 329, *It is hereby ordered,* That any milk distributor in the Counties of McComb, Oakland, and Wayne in the State of Michigan, may pay producers, in addition to his maximum producer price as established under Maximum Price Regulation No. 329 as the same now exists or may hereafter be amended, or under any order issued by the Cleveland Regional Office of the Office of Price Administration under said Maximum Price Regulation No. 329, a bonus not in excess of $0.70 per cwt. for all milk produced by such producer in excess of 90% of his base production.

(a) Each distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(b) *Definitions.* (1) "Milk distributor" is defined to mean an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(4) "Base production" as used in this order is defined as that portion of each individual producer's milk production that has been designated as base production under the prevailing milk marketing plan in effect in the Detroit, Michigan milk marketing area.

(c) This order may be modified, amended or revoked at any time.

This order shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 10, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–1090; Filed, January 20, 1944; 1:48 p. m.]

[Region III Order G–17 Under MPR 329]

FLUID MILK IN WELLS COUNTY, IND.

Order No. G–17 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any milk distributor in the County of Wells in the State of Indiana, may pay producers an amount not in excess of $3.70 per cwt. f. o. b. plant, for "milk" of 4% butterfat content, plus or minus 5¢ for each 1/10 of 1% butterfat variation over or under 4%.

(b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(c) *Definitions.* (1) "Milk distributor" is defined to mean an individual corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order supersedes and replaces the provisions of Order No. G–3 under Maximum Price Regulation No. 329, Purchases of milk from producers for resale as fluid milk. Said Order No. G–3 is therefore revoked as to fluid milk distributors located in the County of Wells in the State of Indiana.

(e) This order may be modified, amended or revoked at any time.

This order shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 31, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–1091; Filed, January 20, 1944; 1:49 p. m.]

[Region III Order G–18 Under MPR 329]

MILK IN TOWNSHIPS OF WARREN COUNTY, OHIO

Order No. G–18 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any milk distributor, for milk distributed in the Townships of Clear Creek, Franklin, Hamilton, Deerfield and Turtle Creek in the County of Warren in the State of Ohio, may pay produers for such "milk" an amount not in excess of $3.54 per cwt. for milk of 4% butterfat content, plus or minus 5¢ for each butterfat point over or under 4%.

(b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(c) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order may be modified, amended or revoked at any time.

This order shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 10, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–1092; Filed, January 20, 1944, 1:50 p. m.]

[South Carolina Order G–1 Under MPR 285]

IMPORTED FRESH BANANAS IN SOUTH CAROLINA DISTRICT

Order No. G–1 under § 1351.1254a (a) of Maximum Price Regulation No. 285. Imported fresh bananas, sales except at retail.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the IVth Region by § 1351.1254a (a) of Maximum Price Regulation 285, Imported Fresh Bananas, sales except at retail, and delegated to the District Director of the South Carolina District Office of the Office of Price Administration by Regional Delegation Order No. 25, *It is hereby ordered,* That:

(A) On and after the effective date of this order, any wholesaler whose place of business is located in any carlot receiving point, and who makes wholesale sales and deliveries of imported fresh bananas from that place of business to a purchaser located at a point outside of the free delivery zone prescribed herein for that carlot receiving point, and who makes delivery to the physical premises of the purchaser, may add a sum not to exceed 35¢ per hundredweight to the maximum price provided for such sales.

1. *Provided, however,* That only one charge of 35¢ per hundredweight may be so added on any lot of bananas.

(B) *Definitions.* 1. Carlot receiving points, and the free delivery zones thereof, shall be defined as follows:

Carlot Receiving Point and Free Delivery Zone

a. Charleston, S. C., a two-mile radius of the Charleston County Court House.
b. Columbia, S. C., a seven-mile radius of the South Carolina State Capitol Building.
c. Florence, S. C., a three-mile radius of the Florence County Court House.
d. Greenville, S. C., a five-mile radius of the Greenville County Court House.
e. Spartanburg, S. C., a five-mile radius of the Spartanburg County Court House.

2. Unless the context otherwise requires, the definitions set forth in § 1351.1264 of Maximum Price Regulation 285, as amended, shall apply to all other terms used in this order.

(C) Unless the context otherwise requires all transactions subject to this order remain subject to all provisions of Maximum Price Regulation 285, as amended.

(D) This order may be revoked, amended, or corrected at any time.

(E) This order is to become effective on the 14th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

E. H. TALBERT,
District Director.

[F. R. Doc. 44–1080; Filed, January 20, 1944; 1:44 p. m.]

[Region IV Order G–9 Under 18 (c), Amdt. 1]

MILK IN FULTON AND DEKALB COUNTIES, GA.

Amendment No. 1 to Order No. G–9 under Section 18 (c) of the General Maximum Price Regulation (formerly designated "Atlanta Regional Price Order No. 18 (c)–10"). Adjustment of fluid milk prices for Fulton and DeKalk Counties, Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Atlanta Regional Office of the Office of Price Administration by the provisions of Revised General Order No. 32, as amended, *It is hereby ordered,* That subparagraph II (3) and III (3) be amended as set forth below:

II. *Definitions.* * * *

(3) "Premium milk" shall mean certified milk, homogenized milk whose Vitamin D content has been artificially increased, golden Guernsey milk and any other fluid milk for which the particular seller customarily charged a premium during March, 1942 over such seller's established maximum price for his standard approved fluid milk or any other such milk as may be classified as premium milk by any order issued by the Atlanta Regional Office of the Office of Price Administration.

III. *Requirements of notification.* * * *

(3) The written notifications required in subparagraphs (III) (1) and (2) shall contain the following statement: "By Atlanta Regional Price Order No. 18 (c)–10, issued by the Atlanta Regional Office on December 31, 1942 and effective January 1, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for raw and pasteurized fluid milk within the boundaries of Fulton and DeKalb Counties, Georgia, as follows:

	Wholesale	Out of retail store	Retail home delivered
GLASS	*Cents*	*Cents*	*Cents*
Quarts	15	17	17
Pints	8	9	9
Half-pints	4	5	5
PAPER			
Quarts	16	18	18
Pints	9	10	10
Half-pints	5	6	6

This order contains the following proviso—the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or buttermilk shall be a price reflecting the same differential in terms of cents between such product and standard whole milk (raw or pasteurized), in containers of the same size and type, as existed under prices established by such seller under General Maximum Price Regulation.

Copy of said order and statement of reasons involved in the issuance thereof may be inspected at the place of business of the seller.

This amendment shall become effective December 31, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 787 and E.O. 9328, 8 F.R. 4681)

Issued this December 29, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–1081; Filed, January 20, 1944, 1:44 p. m.]

[Region IV Order G–17 Under RMPR 122]

SOLID FUELS IN DESIGNATED AREAS OF ATLANTA REGION

Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels within certain specified areas in Region IV.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order contains provisions of general applicability to area ceiling prices of solid fuels in all communities for which maximum prices will be hereafter issued as described in paragraph (a) (2) hereof. Heretofore, all of these general provisions had to be incorporated in the order issued for each community. The

provisions of this order apply to all such community prices hereafter issued by amendment to paragraph (m) hereof.

This order applies only to those solid fuels and those communities specified in paragraph (m) hereof, "Appendices".

(2) This order establishes dollars and cents maximum prices for certain solid fuels when sold in specified areas of Region IV. The solid fuels sold and the prices for such fuels will not necessarily be the same for all communities. Maximum prices and methods of computing special charges and discounts for each community will be contained in an appendix specifically covering that community. Each appendix will be issued as an amendment to paragraph (m), "Appendices", of this order. For example, the amendment covering the first community for which maximum prices are established under this order will be designated "Appendix I".

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by the applicable appendix set forth in paragraph (m) hereof, but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this Order.

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Ex Parte 148 freight rate increase; Transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December, 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (i) (2). (This tax need not be stated separately in sales to the United States or any agency thereof—see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or less quantities or on sales of any quantity of bagged coal.

(d) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occuring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(e) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(f) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(g) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, commodities for which maximum prices are established. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(h) *Records and reports.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (i) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the District Office of the Office of Price Administration having jurisdiction over the district in which the violation occurred.

(k) *Definitions and explanations.* When used in this order, except where otherwise provided in an appendix hereto, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, dispose, barter, exchange, supply, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy" "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry up or down stairs", "carry or wheel service", "carry from curb", or "carry from curb or up or down stairs" refer to the movement of fuel to the buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" and "low volatile bituminous coal" refer to coal produced in certain sections of the producing districts specified herein.

(9) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943. Where the applicable minimum price schedule does not make specific mention of any size designated in this order, such size designation shall refer to the sizes of bituminous coal sold as such during December, 1941, in the area covered by this order.

(10) Except as otherwise provided in this Order No. G–17 or in any amendment hereto, or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(l) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

(m) *Appendices.* (Appendices will subsequently be issued by the Regional Office of the Office of Price Administration covering specified solid fuels when sold in specified areas. See paragraph (a) of this order.)

This Order No. G–17 shall become effective January 19, 1944.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 14, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–1082; Filed, January 20, 1944; 1:48 p. m.]

[Region VI Order G–100 Under 18 (c)]

EVANGELINE MILK CO.

ADJUSTMENT OF MILK HAULING PRICES

Order No. G–100 under § 1499.18 (c) of the General Maximum Price Regulation. Adjusted prices for milk hauling to Evangeline Milk Company.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price for hauling milk and cream from producers' farms to the plant operated by Evangeline Milk Company at Sawyer, Wisconsin, shall be 15¢ per cwt.

(b) This order may be revoked, amended or modified at any time.

(c) This order shall become effective January 1, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78 Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

F. R. Doc. 44–1083; Filed, January 20, 1944; 1:45 p. m.]

[Region VII Order G–1 Under SR 15, Amdt. 2]

FLUID MILK IN IDAHO

Order No. G–1 Under § 1499.75 (a) (2) (ii) of Supplementary Regulation 15 to the General Maximum Price Regulation, Amendment No. 2. Order modifying maximum wholesale and retail prices for fluid milk in certain areas in the State of Idaho.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 4 is issued.

1. Paragraph (1) of Order No. G–1 modifying wholesale and retail prices for fluid milk in certain areas of the State of Idaho, issued November 25, 1942, is hereby amended by adding thereto and including in the geographical coverage thereof all of Jefferson County, Idaho, and as so amended said paragraph (1) will read as follows:

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in Valley, Washington, Payette, Gem, Adams, Canyon, Ada, Elmore, Gooding, Lincoln, Jerome, Twin Falls, Minidoka, Cassia, Power, Oneida, Bonneville, Franklin, Bannock, Bingham, Blain, Madison, Bear Lake, Caribou, Fremont, and Jefferson Counties of the State of Idaho, and in the following municipalities of the State of Idaho which are outside of the counties named: Arco, Mackay, Challis, and Salmon, shall be, from and after the effective date of this order, as follows:

2. *Effective date.* This Amendment No. 2 shall become effective on the 17th day of December, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1084; Filed, January 20, 1944; 1:47 p. m.]

[Region VII Order G–50 Under 18 (c)]

CORDWOOD SOLD AND DELIVERED IN BOISE, IDAHO, TRADE AREA

Order No. G–50 under § 1499.18 (c) of the General Maximum Price Regulation. Maximum prices for cordwood sold and delivered in the Boise, Idaho, trade area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Order No. G–50 is issued.

(a) *Geographical applicability.* This order shall apply to all the area within the corporate limits of Boise City, Idaho, and a distance of three miles beyond said corporate limits at all points.

(b) *What this order does.* If you are a producer of or dealer in cordwood you will find set forth in this order under Tables I and II, the maximum prices which you may charge for sales and deliveries made by you in the specific area served; and if you are a purchaser in the course of trade or business, the prices set forth herein in Table I are the maximum prices which you may pay any producer of cordwood in the specific area covered, when purchased in your place of business in the Boise, Idaho, trade area, said term "cordwood" being more fully described under paragraph (k) (7).

(c) *To what sales this order applies.* (1) If you are a producer and sell cordwood of the kind specified herein and make deliveries thereof to any dealer or purchaser of cordwood within the Boise, Idaho, trade area, the maximum prices which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Table I of this order.

(2) If you are a dealer and sell cordwood or ricks of cordwood of the kind specified herein and make deliveries thereof to any purchaser from your place of business within the area covered, the maximum prices which you may charge therefor, and the customary discounts and allowances which you must give are those set forth in Table II of this order.

TABLE I—MAXIMUM PRICES, BOISE TRADE AREA

Kind	Size	Delivered yard prices per cord
Green-cut cordwood of Western timber, as defined in MPR 94.	4' or 8' lengths	$12
Dry-cut or seasoned green-cut, above specifications.	4' or 8' lengths	11

TABLE II—MAXIMUM PRICES, BOISE TRADE AREA

Kind	Size	Part 1—Delivered prices	Part 2—Yard prices
Green-cut cordwood of Western timber, as defined in MPR 94.	4' or 8' lengths	$15.00	$14.00
Dry-cut or seasoned green-cut, above specifications.	4' or 8' lengths	14.00	13.00
Dry-cut or seasoned green-cut.	12" stove	20.00	19.00
	Rick 12" stove 4 x 8 x 1.	5.00	4.75
	Rick 12" stove 4 x 4 x 1.	2.50	2.35
	Rick 12" stove 2 x 3 x 1.	------	1.00

(3) To the above rick 2 x 3 x 1, price of $1.00, the sum of 25 cents may be added on special trip deliveries.

(4) If in connection with a sale and delivery of rick cordwood made by you in the areas covered herein you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated.

	Per rick (cents)
Special service charges:	
"Carrying up or down steps"	25
"Stack or rick"	25

(d) *Determination of mixed wood prices.* If you mix sizes or kinds of ricked wood on consumer sales, your maximum price shall be the proportionate sum of the available maximum prices per rick, established in this order under Table II for each of the ricked wood so mixed, adjusted to the nearest 5 cents.

(e) *When transportation tax may be collected.* If on any purchase of wood made by you, you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in Tables I and II, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket or other memorandum, the amount of such tax so collected by you. On sales to the United States or any agency thereof, such tax need not be separately stated.

(f) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of the General Maximum Price Regulation shall apply to all sellers of cordwood or ricked cordwood who sell and deliver such commodity in the Boise, Idaho, Trade Area with like force and effect as though the same were rewritten herein.

(g) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into, you shall not:

(1) Sell or in the course of trade or business buy cordwood or ricked cordwood of the kind and size covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such cordwood at lower prices than such prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Charging for any service for which a charge is not specifically authorized by this order; or

(ii) Using any tying agreement whereby the buyer is required to purchase anything other than the fuel requested by him; or

(iii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(h) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the cordwood and ricked cordwood; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(i) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor with the Regional Administrator and in accordance with the provisions of Revised Procedural Regulation No. 1.

(j) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(k) *Definitions.* (1) "Carrying up or down stairs" means generally the labor involved in carrying wood up or down stairs for depositing in customer's storage space.

(2) "Ricking wood" means generally the labor involved in piling the wood in the customer's storage space in rick-size piles.

(3) "Delivery" means delivery to the storage space by dumping, chuting, or throwing directly from the seller's truck or vehicle, or where such delivery to the buyer's storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's storage space and at which the wood can be discharged directly from the seller's truck.

(4) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's yard or stock pile.

(5) "Dealer" means any person selling cordwood or ricked cordwood of any kind or size for which a maximum price is established by Table II of this order from his established place of business within the Boise, Idaho Trade Area, and does not include transactions whereby a producer makes a sale at or from a woodlot in the forest or at the yard of the dealer.

(6) "Producer" means any person who makes cordwood from timber in the forest either by his own efforts or under his supervision and thereafter delivers such cordwood, either seasoned or green, to the Boise, Idaho, Trade Area for sale.

(7) "Cordwood" means green or seasoned wood cut from western timber as defined by Maximum Price Regulation 94 into four-foot or eight-foot lengths and split into sticks conforming in size to the custom of the trade.

(8) "Seasoned cordwood" means cordwood as described in seven (7) above and which has been permitted to dry in the air until the moisture content thereof has been reduced to less than eighteen percent.

(9) "Green-cut cordwood" is that which comes directly from the tree to the buyer without seasoning.

(10) "Special trip deliveries" means deliveries as defined by (k) (3) where dealer delivers rick sold by special trip in own conveyance exclusive of other fuel.

(l) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(m) *Effective date.* This order shall become effective January 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1093; Filed, January 20, 1944; 1:46 p. m.]

[Region VII Order G–51 Under 18 (c)]

CORDWOOD SOLD AND DELIVERED IN NAMPA, IDAHO

Order No. G–51 under § 1499.18 (c) of the General Maximum Price Regulation. Maximum prices for cordwood sold and delivered in Nampa, Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c), of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Order No. G–51 is issued.

(a) *Geographical applicability.* This order shall apply to the area within the corporate boundaries of the City of Nampa, Idaho, as the same appears of record in the Office of the County Recorder of Canyon County, Idaho. Said area is hereby designated the "Nampa Trade Area".

(b) *What this order does.* If you are a producer of or dealer in cordwood you will find set forth in this order under Tables I and II, the maximum prices which you may charge for sales and deliveries made by you in the specific area served; and if you are a purchaser in the course of trade or business, the prices set forth herein in Table I are the maximum prices which you may pay any producer of cordwood in the specific area covered, when purchased in your place of business in the Nampa Trade Area. Said term "cordwood" being more fully described under paragraph (1) (7).

(c) *Specific maximum prices.* (1) If you are a producer and sell cordwood of the kind specified herein and make delivery thereof to any dealer or other purchaser of cordwood within the Nampa Trade Area, the maximum prices which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Table I of this order.

(2) If you are a dealer and sell cordwood or ricks of cordwood of the kind specified herein at your yard or place of business, or delivered at any place in the Nampa Trade Area, the maximum prices which you may charge therefor, and the customary discounts and allowances which you must give are those set forth in Table II of this order.

TABLE I—MAXIMUM PRICES, NAMPA TRADE AREA

Kind	Size	Delivered yard prices per cord
Green-cut cordwood of Western timber, as defined in MPR 94.	4' or 8' lengths	$11
Dry-cut or seasoned green-cut, above specifications.	4' or 8' lengths	10

TABLE II—MAXIMUM PRICES NAMPA TRADE AREA

Kind	Size	Part 1—Delivered prices per cord	Part 2—Yard prices per cord
Green-cut cordwood of Western timber, as defined in MPR 94.	4' or 8' lengths	$14.00	$13.00
Dry-cut or seasoned green-cut, above specifications.	4' or 8' lengths	13.50	12.00
	12" stove	18.00	17.00
	Rick 12" stove 4 x 8 x 1.	4.25	4.00
Dry-cut or seasoned green-cut.	Rick 12" stove 4 x 4 x 1.	2.25	2.15
	Rick 12" stove 2 x 3 x 1.	------	1.00

(3) To the above rick 2 x 3 x 1, price of $1.00, the sum of 25¢ may be added if a special trip is made to deliver one rick only.

(4) If in connection with a sale and delivery of rick cordwood made by you in the area covered herein you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated below:

Special service charges:	Per rick
"Carrying up or down stairs"	$0.25
"Stack or rick"	0.25

(d) *Determination of mixed wood prices.* If you mix sizes or kinds of ricked wood on consumer sales, your maximum price shall be the proportionate sum of the applicable maximum prices per rick, established in this order under Table II for each size or kind of wood so mixed, adjusted to the nearest five cents.

(e) *When transportation tax may be collected.* If on any purchase of wood made by you, you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in Tables I and II, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket, or other memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(f) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of the General Maximum Price Regulation shall apply to all sellers of cordwood or ricked cordwood who sell and deliver such commodity in the Nampa Trade Area with like force and effect as though the same were rewritten herein.

(g) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into, you shall not:

(1) Sell or in the course of trade or business buy cordwood or ricked cordwood of the kind and size covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such cordwood at lower prices than such prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Charging for any service for which a charge is not specifically authorized by this order; or

(ii) Using any tying agreement whereby the buyer is required to purchase anything other than the fuel requested by him; or

(iii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(h) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the cordwood and ricked cordwood; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(i) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor with the Regional Administrator and in accordance with the provisions of Revised Procedural Regulation No. 1.

(j) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(k) *Definitions.* (1) "Carrying up or down stairs" means generally the labor involved in carrying wood up or down stairs for depositing in customer's storage space.

(2) "Ricking wood" means generally the labor involved in piling the wood in the customer's storage space in rick-size piles.

(3) "Delivery" means delivery to the storage space by dumping, chuting, or throwing directly from the seller's truck or vehicle, or where such delivery to the buyer's storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's storage space and at which the wood can be discharged directly from the seller's truck.

(4) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's yard or stockpile.

(5) "Dealer" means any person selling cordwood or ricked cordwood of any kind or size for which a maximum price is established by Table II of this order from his established place of business within the Nampa Trade Area, and does not include transactions whereby a producer makes a sale at or from a woodlot in the forest or at the yard of the dealer.

(6) "Producer" means any person who makes cordwood from timber in the forest, either by his own efforts or under his supervision, and thereafter delivers such cordwood, either seasoned or green, to the Nampa Trade Area for sale.

(7) "Cordwood" means green or seasoned wood cut from western timber as defined by Maximum Price Regulation 94 into four-foot or eight-foot lengths and split into sticks conforming in size to the custom of the trade.

(8) "Seasoned cordwood" means cordwood as described in seven (7) above and which has been permitted to dry in the air until the moisture content thereof has been reduced to less than eighteen percent.

(9) "Green-cut cordwood" is that which comes directly from the tree to the buyer without seasoning.

(l) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(m) *Effective date.* This order shall become effective on the 12th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1094; Filed, January 20, 1944; 1:46 p. m.]

[Region VIII Order G–1 Under MPR 376, Amdt. 3]

CLIPPED OR TOPPED CARRETS IN SAN FRANCISCO REGION

Amendment No. 3 to Order No. G–1 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered*, That paragraphs (d) and (e) be amended and a new paragraph (f) be added to read as set forth below:

(d) Nothwithstanding any of the foregoing provisions of this order, the adjusted maximum price for sales of clipped or topped carrots produced and delivered in the Spokane area shall be as follows:

(1) For such sales by any person to a wholesaler delivered to the wholesale receiving point: $4.90 per cwt.

(2) For such sales by any person delivered to a retailer's place of business: $5.50 per cwt.

(e) Definitions. (1) Region VIII means the states of California, Arizona, except those portions of Coconino and Mohave Counties lying north of the Colorado River, Nevada, Oregon, except Malheur and Harney Counties, Washington, and the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone in the state of Idaho.

(2) "Freight" shall include actual charges for top icing and refrigeration and shall mean freight by common or contract carrier. In the event carrots are transported by any other means, freight shall be computed at lowest available common or contract carrier rate, and shall not include any charge for local hauling or unloading.

(3) The "Spokane area" means the counties of Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman in the state of Washington and the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone in the state of Idaho.

(4) All other terms used in this order have the same meaning as in Maximum Price Regulation No. 376, as amended,

unless the context clearly requires otherwise.

(f) This order may be revoked, amended or corrected at any time.

This amendment shall become effective January 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 6th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1095; Filed, January 20, 1944; 1:47 p. m.]

[Region VIII Order G-1 Under MPR 376, Amdt. 4]

CARROTS IN DESIGNATED WESTERN STATES

Amendment No. 4 to Order No. G-1 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered*, That paragraph (a) be amended by redesignating subparagraphs (3) and (4) as subparagraphs (4) and (5) respectively and inserting a new paragraph (3) to read as set forth below:

(3) For sales of bunched carrots with full tops, packed in Los Angeles crates containing less than 6 dozen bunches per crate, with the minimum net weight of 12 pounds per dozen bunches: $0.58 per dozen bunches, top ice extra.

This amendment to Order No. G-1 shall become effective January 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1096; Filed, January 20, 1944; 1:48 p. m.]

[Region VIII Order G-3 Under MPR 376 Amdt. 2]

TOMATOES IN SAN FRANCISCO REGION, CALIF.

Amendment 2 to Order No. G-3 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables (fresh tomatoes).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered*, That paragraph (d) is amended to read as set forth below:

(d) This order shall become effective January 25, 1944: *Provided, however*, That the District Director of any District Office of the Office of Price Administration in Region VIII may by order extend the effective date for any individual receiving a shipment of merchandise at a wholesale receiving point who (a) exhibits a bill of lading showing the carlot was actually shipped from Nogales, Arizona, prior to January 15, 1944, and (b) shows that he cannot dispose of the merchandise prior to January 25, 1944. The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond February 2, 1944.

This amendment shall become effective upon its issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1097; Filed, January 20, 1944; 1:51 p. m.]

[Region VIII Order G-7 Under MPR 333, Amdt. 1]

EGGS AND EGG PRODUCTS IN DESIGNATED COUNTIES IN CALIFORNIA

Amendment No. 1 to Order No. G-7 under Maximum Price Regulation No. 333, as amended. Eggs and egg products.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1429.63 (c) of Maximum Price Regulation No. 333, as amended, *It is hereby ordered*, That paragraphs (a) and (b) be amended to read as set forth below:

(a) The adjusted maximum delivered price for sales of consumer and procurement grades of shell eggs in the Counties of Los Angeles, Santa Brabara, Ventura, Orange, Riverside, San Bernardino, Imperial and San Diego in the State of California, shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.67d, 1429.67e, 1429.67f, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, for the City of Los Angeles and the City of San Diego, in the state of California, minus ½ cent per dozen.

(b) The adjusted maximum prices for sales of consumer grade shell eggs, f. o. b. seller's shipping point in the Counties of Los Angeles, Santa Barbara, Ventura, Orange, Riverside, San Bernardino, Imperial and San Diego in the State of California, where the purchaser accepts such eggs at the place of business of the seller, shall be ten cents (10¢) per case less than the applicable prices determined under paragraph (a) above.

This amendment shall become effective January 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1085; Filed, January 20, 1944; 1:48 p. m.]

[Region VIII Rev. Order G-8 Under MPR 280, Amdt. 3]

MILK SALES BY HANDLERS IN CALIFORNIA

Amendment No. 3 to Revised Order No. G-8 under Maximum Price Regulation No. 280, as amended. Maximum prices for specific food products. Sales of milk by handlers located in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817 (a) of Maximum Price Regulation No. 280, as amended, *It is hereby ordered*, That Order No. G-8 under Maximum Price Regulation No. 280 be amended in the following particulars:

(a) Paragraph (b) is amended by adding a new subparagraph (5) to read as follows:

(5) Northern California area means that portion of the State of California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

(b) A new paragraph (g) is added following paragraph (f) to read as follows:

(g) Notwithstanding any of the foregoing provisions of this order, the maximum price at which any "handler" located in the northern California area may sell raw fluid milk to another handler for resale for human consumption as fluid milk, which milk is transferred from one handler to another upon the specific written request of the market agent appointed by the Director of the War Food Administration, shall be as follows:

Milk fat content:	*Maximum price per cwt. f. o. b. seller's plant*
3.5 and less than 3.6	$3.85
3.6 and less than 3.7	3.92
3.7 and less than 3.8	3.99
3.8 and less than 3.9	4.07
3.9 and less than 4.0	4.14
4.0 and less than 4.1	4.21
4.1 and less than 4.2	4.28
4.2 and less than 4.3	4.36
4.3 and less than 4.4	4.43
4.4 and less than 4.5	4.50
4.5 and less than 4.6	4.58
4.6 and less than 4.7	4.65
4.7 and less than 4.8	4.72
4.8 and less than 4.9	4.79
4.9 and less than 5.0	4.87
5.0 and less than 5.1	4.94
5.1 and less than 5.2	5.01
5.2 and less than 5.3	5.08
5.3 and less than 5.4	5.15
5.4 and less than 5.5	5.22
5.5 and less than 5.6	5.29
5.6 and less than 5.7	5.36

This amendment to Revised Order No. G-8 shall become effective January 16, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1086; Filed, January 20, 1944; 1:47 p. m.]

[Region VIII Order G-29 Under MPR 329, Amdt. 1]

FLUID MILK IN SHASTA AND TEHAMA COUNTIES, CALIFORNIA

Amendment 1 to Order No. G-29 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, as amended, *It is hereby ordered*, That paragraph (b) be amended to read as set forth below:

(b) The maximum price at which any person whose place of business is located outside of Shasta and Tehama Counties may purchase milk from producers located within Shasta and Tehama Counties shall be $0.86 per pound milk fat f. o. b. producer's dairy, or the maximum price determined pursuant to the provisions of § 1351.402 of Maximum Price Regulation 329, as amended, whichever is the higher.

This amendment shall become effective upon its issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1087; Filed, January 20, 1944; 1:48 p. m.]

[Region VIII Order G-79 Under 18 (c), Amdt. 1]

FIREWOOD IN CERTAIN AREAS IN CALIFORNIA

Amendment No. 1 to Order No. G-79 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for firewood in certain areas in California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, Order No. G-79 is hereby amended as set forth below.

Paragraph (g) (1) (i), and (ii) are amended to read as follows:

(g) *Applicability of the General Maximum Price Regulation and price orders*—(1) *Price orders.* (i) Price Orders No. 1, 2, and 3 issued by the Northern California State Office pursuant to the provisions of Supplementary Regulation 15 to the General Maximum Price Regulation are hereby revoked.

(ii) Maximum prices in the territory within the jurisdiction of the San Francisco District Office established by Price Order No. 4 issued by the Northern California State Office are superseded by Appendices to this order insofar as the territory within the jurisdiction of the San Francisco District Office is concerned. Insofar as said price order determined prices in areas beyond the present territory of the San Francisco District Office, this order shall have no force and effect on said prices in said areas.

* * * * * *

Appendices E, F, and G, which are attached hereto and incorporated herein as though fully set out, set maximum prices for firewood in the areas named in said appendices and are hereby added to and made a part of Order G-79.

This order shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1944.

BEN C. DUNIWAY,
Acting Regional Administrator.

APPENDIX E—MAXIMUM PRICES FOR FIREWOOD—MENDOCINO AND LAKE COUNTIES

I

RETAIL DELIVERED PRICES—CORDWOOD

[Cordwood shall not include mill blocks, millwood or slabwood]

Dry or medium dry	Per cord (128 cubic feet) tiered in tight					
	4 feet	2 feet	16 inches	12 inches	9½-10 inches	Assorted lengths 2 feet and under
Pine (fir)	$12	$14.00	$15.00	$16.00	$16.00	------
Oak (any kind)	14	16.50	17.50	18.50	18.50	------
Madrone	14	16.50	17.50	18.50	18.50	------
Eucalyptus (gum)	12	14.00	15.00	16.00	16.00	------
Orchard (any kind)	12	14.00	15.00	16.00	16.00	$15.50
Redwood	11	13.00	14.00	15.00	15.00	------
Manzanita	12	------	------	------	------	17.00

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

Charges may be made to the above cord prices as follows:

1. For sale of wood split to stovewood size, $3.00 per cord (fractional cord in proportion).
2. "Storage Charge" as defined in the order, $2.00 per cord (fractional cord in proportion).

II

MILL BLOCKS, MILLWOOD AND SLABWOOD—RETAIL DELIVERED PRICES

Dry, medium dry, or green (16 inches and under)	Per load of 128 cubic feet loose measure
Pine	$7.00
Redwood	6.00
Mixed	6.50

Half load price: Divide load price by 2 and add 20 cents.

Quarter load price: Divide load price by 4 and add 40 cents.

Price of more than a load is proportionate to the load price.

III

SACK STOVEWOOD—RETAIL PRICES PER SACK

Dry, medium dry or green	Cash and carry	Delivered
Any kind of cordwood in section I (above)	$0.45	$0.55
Mill blocks, millwood, or slabwood	.30	.40

Sack size: 22 inches by 36 inches (minimum).
Deposit of 15 cents may be required on the sack.

IV

CORDWOOD (SALES OTHER THAN AT RETAIL)—CUTTER'S SALES AT ROADSIDE

[Cordwood shall not include millblocks, millwood, slabwood]

Dry, medium dry or green	Per cord of 128 cubic feet—tiered in tight					
	4 feet	2 feet	16 inches	12 inches	9½-10 inches	Assorted lengths 2 feet and under
Pine (fir)	$7	$8.00	$10.00	$11.00	$11.00	------
Oak (any kind)	9	11.50	12.50	13.50	13.50	------
Madrone	9	11.50	12.50	13.50	13.50	------
Eucalyptus (gum)	7	9.00	10.00	11.50	11.50	------
Orchard (any kind)	7	9.00	10.00	11.50	11.50	------
Redwood	6	8.00	9.00	10.00	10.00	$11.50
Manzanita	7	------	------	------	------	12.00

For sale of wood split to stovewood size, $3 per cord may be added to the above cord prices.

The above cord prices are for sales at roadside near cutter's lot.

V

CARLOAD LOT (SALES OTHER THAN AT RETAIL)—MILL-BLOCKS, MILLWOOD, SLABWOOD

[Prices f. o. b. railroad loading out points]

Dry, medium dry or green—in carload lots per cord of 128 cubic feet.

Pine and redwood (4, 6, or 8-foot length) $7.50 (tiered in tight).

Pine (16 inches and under) $3.75 (load of 128 cubic feet loose measure).

Redwood (16 inches and under) $3.50 (load of 128 cubic feet loose measure).

Mixed pine and redwood (16 inches and under) $3.65 (load of 128 cubic feet loose measure).

Price of millwood, millblocks and slabwood sold by a mill shall remain under General Maximum Price Regulation.

APPENDIX F—MAXIMUM PRICES FOR FIREWOOD—DEL NORTE AND HUMBOLDT COUNTIES

I

RETAIL DELIVERED PRICES—CORDWOOD

[Cordwood shall not include mill blocks, millwood or slabwood]

Dry, medium dry, or green	Per cord (128 cubic feet)—tiered					
	4 feet	2 feet	16 inches	12 inches	9½-10 inches	Assorted lengths 2 feet and under
Pine (fir)	$9.50	$11.50	$12	$13.50	$14.00	------
Oak (any kind)	11.00	14.00	14	16.00	16.50	------
Madrone	11.00	14.00	14	16.00	16.50	------
Eucalyptus (gum)	9.00	11.00	12	13.50	14.00	------
Orchard (any kind)	9.00	11.00	12	13.50	14.00	$13.50
Redwood	9.00	11.00	10	11.50	12.00	------
Cedar	9.00	11.00	10	11.50	12.00	------
Manzanita	10.00	------	------	------	------	15.00

FRACTIONAL CORD MAXIMUM PRICES

Half cord prices: Divide cord price by 2 and add 25 cents.
Third cord prices: Divide cord price by 3 and add 35 cents.
Quarter cord prices: Divide cord price by 4 and add 45 cents.
Fifth cord prices: Divide cord price by 5 and add 55 cents.
Charges may be made in addition to the above prices as follows:
1. For sale of wood split to stovewood size, $3 per cord (fractional cord in proportion).
2. "Storage Charge" as defined in the order, $2 per cord (fractional cord in proportion).

II

SACK STOVEWOOD—RETAIL PRICES PER SACK

Dry, medium dry, or green	Cash and carry	Delivered
Any kind of cordwood in section I (above)	$0.55	$0.60
Mill blocks, millwood, or slabwood	.55	.60

Sack size: 22 inches by 36 inches (minimum).
Deposit of 15 cents may be required on the sack.

III

MILL BLOCKS, MILLWOOD, AND SLAB WOOD—RETAIL MAXIMUM PRICES—DELIVERED

Kind of wood:
Green pine, $5.75 loose bulk measure per load 128 cubic feet.
Green redwood, $3.80 loose bulk measure per load 128 cubic feet.
Green mixed pine and redwood, $4.80 loose bulk measure per load 128 cubic feet.
Air-dry pine, $6.80 loose bulk measure per load 128 cubic feet.
Air-dry redwood, $6.70 loose bulk measure per load 128 cubic feet.
Air-dry pine and redwood, $6.75 loose bulk measure per load 128 cubic feet.
Kiln-dry redwood, $6.50 loose bulk measure per load 128 cubic feet.
Kiln-dry pine, $6.60 loose bulk measure per load 128 cubic feet.
Green cedar, $3.50 loose bulk measure per load 128 cubic feet.
Air or kiln dry cedar, $6.00 loose bulk measure per load 128 cubic feet.
Heater blocks (all kinds), $5.00 loose bulk measure per load 128 cubic feet.
Edgings and slabs (all kinds); $3.00 loose bulk measure per load 128 cubic feet.
Six foot stickers (kiln-dry pine and redwood), $6.00 tiered in tight per cord 128 cubic feet.
Two and four foot stickers (pine and redwood trimmings). $6.00 tiered in tight per cord 128 cubic feet.

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Where any of the above kinds of wood is sold in a fraction of a cord of 128 cubic feet, the maximum price for such fraction shall be the proportionate fraction of the above price for the full cord of the kind of wood being sold.

IV

CORDWOOD—SALES OTHER THAN AT RETAIL—CUTTER'S SALES AT ROADSIDE

[Cordwood shall not include mill blocks, millwood or slabwood]

Dry, medium dry, or green	Per cord of 128 cubic feet—tiered in tight					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths 2 feet and under
Pine (fir)	$5	$5.50	$6	$7	$7.50	----
Oak (any kind)	7	7.50	8	9	9.50	----
Madrone	7	7.50	8	9	9.50	----
Eucalyptus (gum)	5	5.50	6	7	7.50	----
Redwood	4	4.50	5	6	6.50	----
Cedar	4	4.50	5	6	6.50	----

For sale of wood split to stovewood size, $3 per cord may be added to the above cord prices.
The above cord prices are for sale at roadside near cutter's lot.

V

CARLOT SALES OTHER THAN AT RETAIL—MILLBLOCKS, MILLWOOD, SLABWOOD

[Prices f. o. b. railroad loading out point]

Dry, medium dry or green—in carload lots.
Pine (4, 6, or 8 ft. length) $5.50 Cord of 128 cubic feet tiered tight.
Redwood (4, 6, or 8 ft. length) $4.60 Cord of 128 cubic feet tiered tight.
Mixed pine & redwood (4, 6, or 8 ft. length) $5.00 Cord of 128 cubic feet tiered tight.
Pine (16 inches and under) $2.75 load of 128 cubic feet loose measure.
Redwood (16 inches and under) $2.80 load of 128 cubic feet loose measure.
Mixed pine & redwood (16 inches and under) $2.65 load of 128 cubic feet loose measure.
Price of millwood, millblocks and slabwood sold by a mill shall remain under General Maximum Price Regulation.

APPENDIX G—MAXIMUM PRICES FOR FIREWOOD—ALAMEDA, CONTRA COSTA, SAN FRANCISCO, MARIN, SONOMA, NAPA, AND SOLANO COUNTIES

I

RETAIL DELIVERED PRICES—CORD WOOD

[Cordwood shall not include millblocks, millwood, or slabwood]

Dry, medium dry, or green	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths 2 feet and under
Pine (fir)	$18.00	$22.00	$22.50	$23.00	$23.00	----
Oak (any kind)	22.00	26.00	27.00	28.00	28.00	----
Madrone	22.00	26.00	27.00	28.00	28.00	----
Eucalyptus (gum)	20.00	24.00	25.00	26.00	26.00	----
Orchard (any kind)	13.50	15.50	16.00	16.50	16.50	----
Manzanita	16.00	----	----	----	----	$18

FRACTIONAL CORD MAXIMUM PRICES—DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.
Third cord price: Divide cord price by 3 and add 35 cents.
Quarter cord price: Divide cord price by 4 and add 45 cents.
Fifth cord price: Divide cord price by 5 and add 55 cents.
Charges may be made in addition to the above cord prices as follows:
1. For the sale of wood split to stovewood size, $3 per cord (fractional cord in proportion).
2. "Storage Charge" as defined in the order, $2 per cord (fractional cord in proportion).

II

RETAIL DELIVERED PRICES MILL BLOCKS, MILLWOOD, AND SLABWOOD

Pine and redwood, 16 inches and under, loose measure	Per load of 128 cubic feet
Mill blocks (all kinds, dry)	$13.50
Millwood or slabwood (dry, green or medium dry)	16.00

Half cord price: Divide cord price by 2 and add 20 cents.
Quarter cord price: Divide cord price by 4 and add 40 cents.
If a retailer sells on the basis of a cord of 128 cubic feet, "tiered in tight", he shall determine a price for such cord upon the basis that such cord is equal to 198 cubic feet, "loose measure".

III

SACK STOVEWOOD—RETAIL PRICES PER SACK

Dry, medium dry or green	Cash and carry	Delivered
Any cordwood in section I (above)	$0.70	$0.80
Mill blocks, millwood, slabwood	.45	.55

Sack size: 22 inches by 36 inches (minimum).
Deposit of 15 cents may be required on the sack.

IV

CORDWOOD SALES—OTHER THAN AT RETAIL—CUTTER'S SALES AT ROADSIDE

[Cordwood shall not include slab wood, mill wood, mill blocks]

Dry, green or medium dry	Per cord					
	4 feet	2 feet	16 inches	12 inches	9½–10 inches	Assorted lengths 2 feet and under
Pine (fir)	$9.00	$13.00	$14.00	$15.00	$15.00	----
Oak (any kind)	13.00	17.00	18.00	19.00	19.00	----
Madrone	13.00	17.00	18.00	19.00	19.00	----
Eucalyptus (gum)	11.00	15.00	16.00	17.00	17.00	----
Orchard (any kind)	8.50	12.50	13.50	14.50	14.50	$14
Manzanita	10.00	----	----	----	----	14

FRACTIONAL CORD PRICES

Half cord price: Divide cord price by 2 and add 25 cents.
Third cord price: Divide cord price by 3 and add 35 cents.
Quarter cord price: Divide cord price by 4 and add 45 cents.
Fifth cord price: Divide cord price by 5 and add 55 cents.
For splitting to stovewood size, add $3 per cord to above cord prices.

V

MILL BLOCKS, MILL WOOD, SLAB WOOD—SALES OTHER THAN AT RETAIL

Dry, green or medium dry, (a) 4, 6, or 8 feet	Per cord of 128 cubic feet tiered in tight
Mill wood and slab wood (all kinds)	$12.50

Dry, green or medium dry, (b) 16 inches and under	Per load of 128 cubic feet loose measure
Mill blocks (dry) (all kinds)	$7.00
Slab wood or mill wood (green or medium dry) (all kinds)	7.00

Where seller sells on the basis of a cord of 128 cubic feet, "tiered in tight," he shall determine a price for such cord upon the basis that such cord is equal to 198 cubic feet "loose measure."
(c) Millwood, slab wood or mill blocks sold by a mill shall remain under General Maxium Price Regulation.

[F. R. Doc. 44-999; Filed, January 19, 1944; 2:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-56, 59-33, 70-263, 70-231, 70-387, 70-430, 70-431]

COLUMBIA GAS AND ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of January, 1944.

In the matter of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, File No. 54-56;

In the matter of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, Indiana Gas Distribution Corporation, The Ohio Fuel Gas Company, File Nos. 59-33; 70-263; 70-371; 70-387; 70-430; and 70-431.

The Commission having on January 21, 1942 issued its findings and opinion and order approving (1) the sale by Columbia Gas & Electric Corporation (Columbia Gas), a registered holding company, to Panhandle Eastern Pipe Line Company (Panhandle Eastern) of the stock and indebtedness of Michigan Gas Transmission Corporation and Indiana Gas Distribution Corporation; (2) the sale by The Ohio Fuel Gas Company to Panhandle Eastern of certain gas pipe lines in Indiana and Ohio; (3) the retirement by Panhandle Eastern of all its $10,000,000 par value Class A Preferred Stock held by Columbia Oil & Gasoline Corporation (Columbia Oil); (4) the application by Columbia Oil of the proceeds of its disposition of said Class A Preferred Stock, plus available cash, to the retirement of approximately $11,000,000 principal amount of its Debentures held by Columbia Gas; and (5) the issue and sale by Panhandle Eastern of First Mortgage Bonds and Cumulative Preferred Stock, the proceeds to be used in connection with transactions mentioned in (1), (2) and (3) above and to pay certain construction costs; and

The Commission's order having reserved jurisdiction to pass upon the legal fees to be paid by Columbia Gas, Columbia Oil and Panhandle Eastern in connection with the above mentioned transactions, and for the issuance of appropriate supplemental orders with respect thereto; and

The Commission, having issued its findings, opinion and order and supplemental order on October 2, 1942 and May 27, 1943, respectively, approving a plan pursuant to section 11 (e) of the act providing, among other things, for the winding up of Columbia Oil; and

The Commission's order approving said plan having reserved jurisdiction to approve, disapprove, modify or allocate by further order all fees and expenses incurred, or to be incurred, in connection with said plan by Columbia Gas, Columbia Oil and Panhandle Eastern; and

The Commission by its order of March 22, 1943 having released jurisdiction as to the attorney's fees and expenses to be paid by Panhandle Eastern; and

Applications requesting approval of amounts claimed from Columbia Gas and Columbia Oil as expenses and fees for services stated to have been rendered in connection with the transactions heretofore described having been filed as follows:

FEES FOR SERVICES AND EXPENSES IN CONNECTION WITH TRANSACTIONS APPROVED BY THE COMMISSION BY ITS ORDER OF JANUARY 21, 1942.

	Fees	Expenses
Auchincloss, Alley, and Duncan	$5,674.73	$731.49
William H. Button	11,840.00	----
Johnson and Shores	16,500.00	----
Cravath, DeGersdorff, Swaine, and Wood	12,500.00	----
Total	46,514.73	731.49

FEES FOR SERVICES AND EXPENSES IN CONNECTION WITH THE 11 (E) PLAN APPROVED BY THE COMMISSION BY ITS ORDERS OF OCTOBER 2, 1942 AND MAY 27, 1943

	Fees	Expenses
Auchincloss, Alley, and Duncan	$20,350	$2,180.94
William H. Button	15,876	----
Johnson and Shores	40,000	----
Cravath, DeGersdorff, Swaine, and Wood	35,000	----
Hays, St. John, Abramson, and Schulman	20,000	1,567.70
Paul E. Kern	20,000	243.14
William H. Danforth (legal fees and expenses to Covington, Burling, Rublee, Acheson, and Schorb)	11,800	1,958.78
William H. Danforth (legal fees and expenses to Wagner, Quillinan, Wagner, and Tennant)	18,200	1,310.96
Abraham L. Pomerantz	15,000	----
Total	196,226	7,261.52

William H. Danforth, in addition, having requested reimbursement of fees in the sum of $5,000 and expenses in the sum of $230.55, a total of $5,230.55, paid to Wagner, Quillinan, Wagner and Tennant (then Wagner, Quillinan and Riffkind) for studies made with reference to proceedings in which Columbia Gas and Columbia Oil were involved, prior to William H. Danforth's participation in the proceedings before the Commission; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held on said applications;

It is hereby ordered, That the record in the proceedings on the said plan be reopened and that hearings be reconvened on February 8, 1944, at 10 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room to be designated by the hearing room clerk in room 318, for the purpose of considering the aforesaid applications for approval of fees and expenses.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That all persons desiring to be heard, or otherwise wishing to participate in said proceeding, shall, on or before February 3, 1944, notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That notice of the hearing be given to Hays, St. John, Abramson and Schulman; Paul E. Kern; Cravath, DeGersdorff, Swaine and Wood; Auchincloss, Alley and Duncan; William H. Button, Johnson and Shores; William H. Danforth; Abraham L. Pomerantz; Columbia Gas & Electric Corporation; and Columbia Oil & Gasoline Corporation by registered mail, and that notice to all other persons be given by publication of this notice in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by applications to be considered in this proceeding, particular attention will be directed at such hearing to the following matters and questions:

(1) What is the maximum aggregate amount of fees which may appropriately be paid in connection with the above transactions and what is the appropriate allocation of said maximum aggregate amount among the various applicants therefor?

(2) Whether the services for which compensation is claimed are compensable, and the amount, if any, to which each of the applicants is entitled for his services.

(3) Whether the claimed expenses and disbursements of the various applicants were for necessary purposes in connection with these proceedings and are reasonable in amount.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1107; Filed, January 20, 1944; 4:19 p. m.]

[File No. 54-69, 59-65]

OGDEN CORP. AND SUBSIDIARY COMPANIES

SUPPLEMENTAL ORDER APPROVING APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of January 1944.

The Commission having previously entered an order dated May 20, 1943, (1) approving a plan filed under Section 11 (e) of the Public Utility Holding Company Act of 1935 by Ogden Corporation, a registered holding company, and certain of its subsidiary companies, designed to enable the Ogden system to comply with the provisions of section 11 (b) of the act, said plan providing, among other things, for the disposition by Ogden Corporation of its interests in Missouri Natural Gas Company, a wholly-owned public utility subsidiary of Ogden Corporation, and (2) directing, pursuant to section 11 (b) of the act, that action be taken by Ogden Corporation to divest itself of all of its interests in Missouri Natural Gas Company;

Ogden Corporation having filed a declaration, and an amendment thereto, as an amendment to its aforesaid plan, regarding the sale to a group of individuals of its security holdings in Missouri Natural Gas Company, such holdings consisting of $805,500 principal amount of unsecured 6% demand notes, together with accrued and unpaid interest thereon amounting, as of September 30, 1943, to $136,932, and 100 shares of no-par value capital stock, the consideration to be received therefor amounting to $530,000 in cash, subject to adjustments for certain current items;

Ogden Corporation having requested that the order of the Commission entered in this proceeding contain certain recitals necessary to conform with section 1808 (f) of the Internal Revenue Code, as amended; and the said Missouri

Natural Gas Company securities being more completely specified and itemized in the agreement of sale, dated November 15, 1943, between Ogden Corporation and Edward W. Lake, nominee for the purchasers; the said agreement of sale, having been filed as part of the record in this proceeding, is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein;

A public hearing having been held after appropriate notice, and the Commission having examined the record and filed its findings and opinion herein;

It is ordered, That, subject to the terms and conditions of Rule U-24, the application and declaration, as amended, relating to the said sale, be, and the same hereby are, approved and permitted to become effective, subject to the condition that Ogden Corporation shall cause Missouri Natural Gas Company prior to the said sale to establish a reserve of $53,158.11 in respect of indicated intercompany profits by a charge to earned surplus.

It is further ordered, That the sale and transfer by Ogden Corporation of $805,000 principal amount of unsecured 6% demand notes, plus all accrued and unpaid interest thereon (amounting as of September 30, 1943 to $136,932), and 100 shares of no-par capital stock of Missouri Natural Gas Company, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are in conformity with the provisions of the order entered by this Commission on May 20, 1943 in Ogden Corporation and Subsidiary Companies (File Nos. 54–69 and 59–65) (Holding Company Act Release No. 4307).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1108; Filed, January 20, 1944; 4:19 p. m.]

[File No. 70–852]

NORTHERN STATES POWER COMPANY (MINNESOTA)

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of January 1944.

Notice is hereby given that an application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder by Northern States Power Company (Minnesota), a registered holding company which is also a public utility company and a subsidiary of Northern States Power Company (Delaware), a registered holding company. All interested persons are referred to said application and declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Northern States Power Company (Minnesota) proposes: (a) To issue and sell $5,000,000 principal amount of its First Mortgage Bonds, Series due February 1, 1974, the interest rate on which has not been determined, and publicly to invite sealed, written proposals for their purchase in accordance with the provisions of Rule U-50; and (b) to issue and sell to commercial banks at private sale and not for resale to the public, 2¼% Serial Notes in the principal amount of $4,000,000 maturing in ten equal semi-annual installments commencing six months from the date thereof. The proceeds from the issue and sale of the aforesaid bonds and notes will be used to pay $4,999,000 principal amount of assumed St. Paul Gas Light Company General Mortgage Gold Bonds, Five Per Cent, maturing on March 1, 1944 and to pay $4,000,000 principal amount of the applicant's promissory notes maturing February 28, 1944.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application and declaration shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 4, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That any person desiring to be heard or otherwise to participate in the proceedings, shall file with the Secretary of the Commission on or before February 2, 1944, his application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to the Northern States Power Company (Minnesota) by registered mail; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said application and declaration, particular attention will be directed at said hearing to the following matters and questions:

(a) Whether the proposed issue and sale of securities meet the standards of section 7 and the requirements of any other applicable provisions of the act and of the rules promulgated thereunder.

(b) Whether, in the event the applications are granted and the declarations are permitted to become effective, it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1133; Filed, January 21, 1944; 11:18 a. m.]

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

[Administrative Order 5]

CERTAIN EMPLOYERS IN SOUTH AMERICA

AUTHORIZATION TO FURNISH MEDICAL BENEFITS

By virtue of the authority vested in the United States Employees' Compensation Commission by the Employees Compensation Act of September 7, 1916, as amended (sec. 42, 56 Stat. 725; 5 U.S.C. Sup. 793), the Coordinator of Inter-American Affairs (or his business managers acting for him) in South America is authorized to arrange and provide for the initial furnishing of medical and other benefits as authorized by section 9 of such act of September 7, 1916, as amended, and pursuant to the regulations of the Commission promulgated thereunder (20 CFR, Chapt. I, Subchapter A), and such supplementary instructions as may from time to time be issued by the Commission, in cases of civilian employees of the United States, employees of such Coordinator, who are injured while in the performance of their duties for the United States in employment in South America.

As used herein, the phrase "to arrange and provide for the initial furnishing of medical and other benefits as authorized by section 9" of such act, means the furnishing of such medical benefits within a period not to exceed 90 days after date of injury.

The action of the Coordinator of Inter-American Affairs (or such business manager) under this authority, is subject to final review by the Commission.

Order approved by the Commission January 13, 1944.

WILLIAM MCCAULEY, *Secretary.*

[F. R. Doc. 44–1153; Filed, January 21, 1944; 11:39 a. m.]

JAN 26

FEDERAL REGISTER

VOLUME 9 NUMBER 17

Washington, Tuesday, January 25, 1944

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—War Food Administration (Commodity Credit)

[Dairy Feed Form 1, Amdt. 2]

PART 243—OFFER TO MAKE DAIRY FEED PAYMENTS

MISCELLANEOUS AMENDMENTS

In order to maintain and increase the production of eligible dairy products during the month of January 1944 and to extend the period allowed for the filing and payment of certain claims under the Offer of Commodity Credit Corporation to make dairy feed payments issued October 16, 1943 (8 F.R. 14999), as amended by Amendment No. 1 to said offer issued November 1, 1943 (8 F.R. 15001), (said offer as amended being herein called the "offer"), Commodity Credit Corporation (herein called "Commodity") hereby amends the offer in the manner and to the extent provided in this Amendment No. 2 to the offer.

Section 243.3 of the offer is hereby amended to read as follows:

§ 243.3 *Rates of payment.* The rates of payment hereunder for September 1943 and for October, November, and December 1943, shall be as specified in Schedule A (attached to the offer, 8 F.R. 15000–15001) and for the month of January 1944 shall be those specified in Schedule B (attached hereto and by this reference made a part hereof) as applicable to the period covered by such payment for the area in which the farm on which such eligible dairy products were produced is located: *Provided, however*, That for the months of November and December, 1943 and for the month of January, 1944 the applicable rate of payment hereunder to an eligible producer per hundredweight of whole milk which is not excluded from the computation of the net pool obligation pursuant to § 927.6 (a) (2) of Order No. 27, regulating the handling of milk in the New York Metropolitan Marketing Area, issued by the Secretary of Agriculture on March 26, 1942, as amended to the date hereof, and in respect of which he is a "producer" as that term is defined in such Order No. 27, shall be fifteen cents (15¢) less per hundredweight than the applicable rates stipulated in Schedule A and Schedule B, respectively. The areas and rates specified in Schedule A and Schedule B have been determined primarily on the basis of changes in the price of dairy feed since September 1942, adjusted for (a) relative increases in the price of milk since 1938–40; and (b) average proportion of dairy feed purchased.

Section 243.5 of the offer is hereby amended to read as follows:

§ 243.5 *Prerequisites to payment.* Payments hereunder will be made only to eligible producers who: (a) File applications for payment, in such form as shall be approved by Commodity, with the County AAA Committee in the county in which the eligible dairy products were produced not later than January 31, 1944, with respect to September, October, November, and December, 1943 operations, and not later than February 29, 1944, with respect to January, 1944 operations; and (b) supply, with such applications for payment, evidence satisfactory to such County AAA Committee with respect to their eligibility, compliance with this offer, and the proper amounts of such payments. Milk statements or sale receipts issued by cooperatives, dairies, creameries, and others, showing the amount of whole milk or butterfat purchased, the date of purchase, and the names of the seller and buyer will be considered satisfactory evidence of sales. If an eligible producer is unable to furnish satisfactory extrinsic written evidence of sale, his personal certification of the amount sold, number of cows milked, amount and type of feed used, and customers served may, in the discretion of the County AAA Committee, and subject to such rules as Commodity may prescribe, be accepted as sufficient if such certification is consistent with the County AAA Committee's knowledge of the eligible producer's business and is made in accordance with rules as prescribed by Commodity. In the event an eligible producer is also a distributor only of eligible dairy products produced by him, sales of eligible dairy products in the course

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FEDERAL REGISTER

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NOTICE

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of such distribution may be totaled for the purpose of recording on the application for payment.

Section 243.6 of the offer is hereby amended to read as follows:

§ 243.6 *Payment.* Payment hereunder, on the basis of each such application for payment which has been approved by the applicable County AAA Committee, shall, unless Commodity prescribes a different method of payment, be made by such County AAA Committee by a non-interest-bearing draft drawn on Commodity and payable at any Federal Reserve Bank or branch thereof. If the amount of payment to which the eligible producer would otherwise be entitled, as computed by the County AAA Committee, is less than one dollar ($1.00), no payment shall be made. Payments on the basis of each such approved application shall be made as soon as practicable. Such draft shall be made payable to the person shown in the corresponding application for payment to be the eligible producer, except in the case of death, incompetency, or disappearance of such person. Each draft shall be given a serial number and shall be prepared in duplicate. The original thereof shall be delivered to the eligible producer and the copy retained in the County AAA office. The making of any payment on the basis of an approved application for payment filed hereunder shall not constitute final acceptance of the validity or amount of the claim represented thereby. In the event of a subsequent finding that any such claim is invalid, defective or incorrectly computed, Commodity shall have the right to require restitution of any such payment or any part thereof, such right being in addition to any and all other rights of Commodity in the premises.

(Sec. 7, 49 Stat. 4, as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, and Pub. Law 151, 78th Cong.)

Issued at Washington, D. C., this 20th day of January 1944.

[SEAL] COMMODITY CREDIT CORPORATION,
By J. B. HUTSON,
President.

Attest:
NORINE J. FAUBLE,
Assistant Secretary.

SCHEDULE B—RATES OF PAYMENT IN THE VARIOUS STATES AND COUNTIES COVERING THE PERIOD JANUARY 1-JANUARY 31, 1944

State	Counties	Per cwt. of milk delivered	Per lb. of butterfat delivered
		Cts.	Cts.
Alabama	All counties	40	5
Arizona	All counties	50	6
Arkansas	All counties	50	6
California	All counties	50	6
Colorado	All counties	50	6
Connecticut	All counties	50	6
Delaware	All counties	40	5
Florida	All counties	40	5
Georgia	All counties	40	5
Idaho	All counties	35	5
Illinois	All counties	35	5
Indiana	All counties	35	5
Iowa	All counties	35	5
Kansas	Barber, Cherokee, Clark, Comanche, Ford, Harper, Kiowa.	60	6
	All other counties	35	5
Kentucky	All counties	35	5
Louisiana	All counties	50	6
Maine	All counties	40	5
Maryland	All counties	40	5
Massachusetts	All counties	50	6
Michigan	All counties	35	5
Minnesota	All counties	35	5
Mississippi	Clarke, Forrest, George, Greene, Hancock, Harrison, Jackson, Jasper, Jones, Kemper, Lauderdale, Lowndes, Newton, Noxubee, Pearl River, Perry, Smith, Stone, Wayne.	40	5
	All other counties	50	6
Missouri	Barry, Jasper, McDonald, Newton, Stone.	60	6
	All other counties	35	5
Montana	All counties	35	5
Nebraska	All counties	35	5
Nevada	All counties	50	6
New Hampshire	All counties	40	5
New Jersey	All counties	50	6
New Mexico	All counties	50	6
New York	All counties	40	5
North Carolina	All counties	40	5
North Dakota	All counties	35	5
Ohio	All counties	35	5
Oklahoma	All counties	60	6
Oregon	Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill.	50	6
	All other counties	35	5
Pennsylvania	All counties	40	5
Rhode Island	All counties	50	6
South Carolina	All counties	40	5
South Dakota	All counties	35	5
Tennessee	Crockett, Fayette, Hardeman, Haywood, Lauderdale, Shelby, Tipton.	50	6
	All other counties	35	5
Texas	All counties	50	6
Utah	All counties	50	6
Vermont	All counties	40	5
Virginia	All counties	40	5
Washington	Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom.	50	6
	All other counties	35	5
West Virginia	All counties	40	5
Wisconsin	All counties	35	5
Wyoming	All counties	35	5

[F. R. Doc. 44-1130; Filed, January 21, 1944; 11:17 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration (Sugar Regulations)

PART 802—SUGAR DETERMINATIONS

WAGE RATES FOR 1944 HAWAIIAN SUGARCANE PRODUCTION

Determination of fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1944.

Pursuant to the provisions of subsection (b) of section 301 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.34g *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1944.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1944, if all persons employed on the farm during that period in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the rates established for the period July 1, 1943 to December 31, 1943, in the "Determination of Fair and Reasonable Wage Rates for Persons Employed in the Production, Cultivation, or Harvesting of Sugarcane in Hawaii During the Calendar Year 1943", issued June 25, 1943 (8 F.R. 8780), except that the annual average wage per farm for all harvesting and non-harvesting operations combined, after payment of wage increases under paragraph (b) (6) of said determination, shall not be less than $2.40 per eight-hour man-day.

In addition, the general provisions of paragraph (d) of the aforesaid determination shall apply for the calendar year 1944.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 21st day of January, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1193; Filed, January 22, 1944; 11:19 a. m.]

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN MAINLAND AREA, 1944

Pursuant to the provisions of section 302 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, and the following determination is hereby issued:

§ 802.26f *Proportionate shares for the mainland cane sugar area for the 1944 crop*—(a) *Farm proportionate share.* The proportionate share for the 1944 crop for each sugarcane farm in the mainland cane sugar area shall be the number of acres planted thereon for the production of sugarcane to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1944 crop season.

(b) *Tenant and sharecropper protection.* Notwithstanding the establishment of a proportionate share for any farm under paragraph (a) above, eligibility for payment of any producer on the farm shall be subject to the following conditions:

(1) That such producer shall not have entered into any leasing or cropping

agreement for the purpose of diverting to himself or other producers any payment to which tenants or sharecroppers would be entitled if their 1943 leasing or cropping agreements were in effect.

(2) That such producer shall not have interfered with any contracts entered into by tenants or sharecroppers for the sale of their sugarcane or their share of the sugarcane produced on the farm.

(Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 22d day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1237; Filed, January 24, 1944; 11:32 a. m.]

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN HAWAII, 1944

Pursuant to the provisions of section 302 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.36g *Proportionate shares for sugarcane farms in the Territory of Hawaii for the 1944 crop*—(a) *Farm proportionate share.* The proportionate share for each farm in the Territory of Hawaii for the 1944 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on such farm and marketed (or processed by the producer) for the extraction of sugar during the calendar year 1944.

(b) *Adherent planter protection.* The provisions of this determination shall be subject to the following conditions:

(1) That no changes in the planter-plantation sugarcane and sugar production relationship shall have been made, and

(2) That no reduction in the number of planters shall have been made under programs carried out pursuant to the Act, except such as are considered justified and are approved by the Chief of the Sugar Branch, Food Distribution Administration, and the Chief of the Agricultural Adjustment Agency, acting either jointly or severally.

(Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 22d day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1238; Filed, January 24, 1944; 11:32 a. m.]

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN PUERTO RICO

Pursuant to the provisions of section 302 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.46d *Proportionate shares for sugarcane farms in Puerto Rico for the 1943-44 crop*—(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1943-44 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on such farm and marketed (or processed by the producer) for the extraction of sugar during the 1943-44 crop season.

This determination supersedes the "Determination of Proportionate Shares for Sugarcane Farms in Puerto Rico, Pursuant to the Sugar Act of 1937, as Amended," issued December 31, 1942, insofar as that determination relates to proportionate shares for the 1943-44 crop.

(Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C. this 22d day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1239; Filed, January 24, 1944; 11:32 a. m.]

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN VIRGIN ISLANDS, 1944

Pursuant to the provisions of section 302 of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.50b *Proportionate shares for sugarcane farms in the Virgin Islands for the 1944 crop*—(a) *Farm proportionate share.* The proportionate share for each sugarcane farm in the Virgin Islands for the 1944 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on the farm and marketed (or processed by the producer) for the extraction of sugar during the 1944 crop.

(b) *Tenant and sharecropper protection.* The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer, any payments to which tenants or sharecroppers would be entitled if the 1942-43 leasing or cropping agreements were in effect.

(2) That there shall have been no interference by any producer with contracts entered into by tenants or sharecroppers for the sale of their sugarcane.

(c) *Designation of agent.* The Chief, or the Acting Chief, of the Sugar Branch of the Food Distribution Administration, and the Officer in Charge of the San Juan Office of the Agricultural Adjustment Agency, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the War Food Administrator in administering the provisions of this determination.

(Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 22d day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1240; Filed January 24, 1944; 11:32 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-131]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN GREENSBORO, N. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.168 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period, (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Greensboro, North Carolina, sales area, and is referred to hereinafter as the "sales area":

The cities of Greensboro and High Point, and the townships of Gilmer, High Point and Morehead all in Guilford County, North Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392,

8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 21st day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1154; Filed, January 21, 1944; 3:33 p. m.]

[FDO 79-128]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN ANTONIO, TEX., SALES AREA

Correction

In F.R. Doc. 44-754, appearing at page 648 of the issue for Tuesday, January 13, 1944, the last line of paragraph (n) (3) should read as follows: "of milk, cream, and milk byproducts."

[FDO 79-132]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ASHEVILLE, N. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.167 *Quota restrictions* — (a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk products, other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Asheville, North Carolina, Milk sales area, and is referred to hereinafter as the "sales area":

The city of Asheville and the townships of Asheville, Lower Hominy, Swannanoa, and that part of the township of Limestone comprising part of the town of Biltmore Forest, all in Buncombe County, North Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high, and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing results by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk; and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79 shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1st, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 21st day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1155; Filed, January 21, 1944; 3:33 p. m.]

[Reg. 2-1, Amdt. 1]

PART 1598—GENERAL REGULATIONS

BUTTER

Pursuant to the authority vested in me by the provisions of Food Distribution Regulation 2, as amended (8 F.R. 7523, 13879, 15655), Food Distribution Regulation 2-1 (9 F.R. 435) is amended by the addition of the following item to Schedule A (set aside foods):

	Applicable Food Distribution Order
Butter	2

This amendment shall be effective January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; F.D.R. No. 2, 8 F.R. 7523, 13879, 15655)

Issued this 21st day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1147; Filed, January 21, 1944; 1:39 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IX—Transport

PART 93—TRANSPORTATION OF INDIVIDUALS

PASSENGERS ON ARMY TRANSPORTS

§ 93.25 *Passengers on Army Transports*—(a) *General.* (1) Because of the curtailment of commercial means of transportation, the War Department is receiving an increasing number of applications to arrange passage on Army transports for civilian commercial passengers, evacuees and repatriated seamen.

(2) The procedure directed herein and the fares which have been established are to be effective immediately on all future applications for passage.

(3) Authority to accept passengers on Army transports is contained in Opinions of The Judge Advocate General, June 11, 1918, and October 17, 1941.

(4) All applications for transportation from United States ports outward will be directed to the Chief of Transportation, Headquarters, Army Service Forces, for approval; for transportation to United States ports, approval will be granted by the base commander.

(b) *Fares*—(1) *Schedule.* A complete schedule of fares to be applicable to all vessels has been established. These fares are to apply to one-way transportation for direct travel between ports without change of vessel. No forwarding, transshipment, or maintenance ashore will be provided.

(2) *Troop class.* Where accommodations are provided in troop class, a discount of 33⅓ percent will be granted. The resulting reduced fare, if an uneven amount, will be rounded off upward to the next unit of $1.

(3) *Children's fare.* Age 3 years and under 12 years will be half fare; under 3 years, free except that additional children under 3 years of the same family will be charged quarter fare each.

(c) *Passports, etc.* It will be the responsibility of all port commanders in the continental United States and oversea commanders to ascertain that passengers are in possession of valid passports, visas, clearances, and that all custom and other regulation are complied with.

(d) *Taxes.* All passage money collected in the United States and territories is subject to United States Transportation Tax of 5 percent. This tax must be collected from the individual when passage is arranged and disposition made in accordance with Regulation 42, United States Treasury Department, Bureau of Internal Revenue. All other foreign government taxes, port dues, landing or embarkation tax, or other charges levied against passengers or passenger fares will be collected from passengers in addition to passenger fares.

(e) *Evacuees.* Transportation of evacuees will be arranged by consular officials who will arrange payment of the established fare applicable to the transportation furnished. The foreign service officer certifying evacuees will be required to assure that passengers are properly documented to enter the United States.

(f) *Repatriated seamen.* Passage arranged for repatriated seamen will be charged to the account of the operator of the vessel on which they served and charges for transportation will be at established fares. When seamen are repatriated under Consular Certicate, billing against such certificate must be at the statutory maximum rate of 2 cents per mile.

(g) *Commercial passengers.* All commercial passengers when authorized to travel on Army transports will be charged established fares. Collection will be made in those cases where authorization from the Chief of Transportation indicates that the individual is responsible for his own passage.

(h) *Privileges.* Public room, promenade, and other privileges and restrictions will be those of the class of accommodations purchased. (R.S. 161; 5 U.S.C. 22) [Cir. 22, W.D., 18 January 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-1229; Filed, January 24, 1944; 10:13 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 533—USE OF CIVIL AERONAUTICS ADMINISTRATION WAR TRAINING SERVICE INSIGNIA OR EMBLEMS

AUTHORIZATION FOR USE OF INSIGNIA

Correction

The signature to F. R. Doc. 44–1114, appearing at page 830 of the issue for Saturday, January 22, 1944 should read "C. I. STANTON, *Administrator*."

[Amdt. 58]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

ROME ARMY AIR FIELD, ROME, N. Y.

The signature to F. R. Doc. 44–1113, appearing at page 830 of the issue for Saturday, January 22, 1944 should read "C. I. STANTON, *Administrator*."

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4747]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

A. P. W. PAPER COMPANY

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, Approval and testimonials:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.66 (b 10) *Misbranding or mislabeling—History:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (c 20) *Misbranding or mislabeling—Manufacture or preparation:* § 3.66 (k 1) *Misbranding or mislabeling—Success, use or standing:* § 3.96 (a) *Using misleading name—Goods—History:* § 3.96 (a) *Using misleading name — Goods — Indorsements, approvals and testimonials:* § 3.96 (a) *Using misleading name—Goods—Manufacture or preparation:* § 3.96 (a) *Using misleading name—Goods—Success, use or standing.* In connection with offer, etc., in commerce, of respondent's toilet tissue and paper towels, (1) using the words "Red Cross" or any abbreviation or simulation thereof, either alone or in combination or connection with any other word or words, to designate, describe, or refer to respondent's products; (2) using or displaying on respondent's products or in any advertisement of such products the mark of a Greek red cross, or any other mark, emblem, sign, or insignia simulating or resembling such cross; and (3) representing in any manner or by any means, directly or by implication, that respondent's products are sponsored, endorsed, or approved by the Red Cross; that the Red Cross is financially interested in the sale of said products; that said products are used by the Red Cross; that said products are manufactured in accordance with sanitary standards set up by the Red Cross; or that there is any other connection between said products and the Red Cross; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, A. P. W. Paper Company, Inc., Docket 4747, January 7, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1944.

This matter having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, A. P. W. Paper Corporation, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's toilet tissues and paper towels in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Red Cross" or any abbreviation or simulation thereof, either alone or in combination or connection with any other word or words, to designate, describe, or refer to respondent's products.

2. Using or displaying on respondent's products or in any advertisement of such products the mark of a Greek red cross, or any other mark, emblem, sign, or insignia simulating or resembling such cross.

3. Representing in any manner or by any means, directly or by implication, that respondent's products are sponsored, endorsed, or approved by the Red Cross; that the Red Cross is financially interested in the sale of said products; that said products are used by the Red Cross; that said products are manufactured in accordance with sanitary standards set up by the Red Cross; or that there is any other connection between said products and the Red Cross.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44–1174; Filed, January 22, 1944; 11:12 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[Pub. Circ. H–8]

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII (APPENDIX)

FOREIGN FUNDS CONTROL

DECEMBER 31, 1943.

Public Circular No. H–8 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

The provisions of Public Circular No. 14 shall not be deemed to apply to transactions effected pursuant to General License No. H–19, as amended on November 8, 1943.

INGRAM M. STAINBACK,
Governor of Hawaii.

[F. R. Doc. 44–1146; Filed, January 21, 1944; 1:48 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

ACCEPTANCE OF APPOINTMENT

ORDER PRESCRIBING FORMS

[No. 239]

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 23, entitled "Acceptance of Appointment,"[1] effective immediately upon the filing hereof with the Division of the Federal Register. Upon receipt of the revised DSS Form 23, the use of the former supply of DSS Form 23 will be discontinued and all unused copies will be disposed of.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 1, 1944.

[F. R. Doc. 44–1209; Filed, January 22, 1944; 3:25 p. m.]

[1] Filed as part of the original document.

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–446, Stay of Execution]

ROSS PLUMBING SUPPLIES COMPANY

Benjamin Ross of Pittsburgh, Pennsylvania, doing business under the trade name of Ross Plumbing Supplies Company, has appealed to the Chief Compliance Commissioner from the provisions of Suspension Order S–446 upon various grounds and has represented that the period covered by the suspension order is the period when the respondent and all others in a like business are compelled to do their buying of merchandise for spring and summer operations and that the suspension order would prevent the respondent from obtaining merchandise for sale during the greater part of the year 1944. On January 1, 1944 the Chief Compliance Commissioner directed that execution of Suspension Order S–446 be stayed pending final determination of the appeal and on the same day notified the respondent of said direction. In view of the foregoing, *It is hereby ordered*, That:

(a) The provisions of §1010.446 Suspension Order S–446, issued December 20, 1943, shall be stayed and shall have no force or effect pending final determination of the appeal.

Issued this 21st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1161; Filed, January 21, 1944; 4:49 p. m.]

PART 933—COPPER

[Conservation Order M–9–c as Amended Jan. 22, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 933.4 *Conservation Order M–9–c—*(a) *Restrictions on manufacture of articles appearing on combined list.* No manufacturer of any article on the combined list attached, or of parts (including repair parts[1]) for any such article, may, if such article or parts contain copper products, or copper base alloy products, continue their manufacture by means of processing, assembling or finishing.

(b) *Restrictions on manufacture of articles not appearing on combined list out of inventory on hand on June 30, 1942.* (1) A manufacturer of any article omitted from the combined list or excepted from that list, or of parts (including repair parts[1]) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing:

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after June 30, 1942; or

(ii) Unless such articles or parts are being manufactured to fill a purchase order, existing or prospective, bearing a preference rating of AA–5 or higher or, in the case of a controlled materials producer under the Controlled Materials Plan, to fill an authorized controlled material order; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized in writing by the War Production Board, pursuant to an application on Form WPB–940 (formerly Form PD–426), or otherwise, to manufacture the article or parts in question with the copper products or copper base alloy products being used.

(2) The provisions of paragraph (b) (1) shall not apply to a manufacturer assembling a completed fractional horsepower electric motor into machinery of any kind omitted from the combined list or excepted from that list. The provisions of paragraph (b) (1) shall also not apply to the manufacturing of any machinery omitted from the Combined List or excepted from that list, or of parts (including repair parts) for such machinery, if the only copper products or copper base alloy products used which were in the inventory of the manufacturer on June 30, 1942 are bushings, bearings, nuts, bolts, screws, washers, and wire weighing in the aggregate less than 5% of the total weight of the article or part.

(c) *General restrictions on manufacture and plating.* (1) No manufacturer may continue the manufacture of any article or parts (including repair parts) if such article or parts are to contain copper products or copper base alloy products where the use of any less scarce material[2] is practicable. Furthermore, no manufacturer may continue the manufacture of any article or parts (including repair parts) if they are to contain more copper products or copper base alloy products than is necessary for the article's proper operation or a higher type or grade of copper or copper base alloy than is necessary for the article's proper operation.

(2) (i) The use of copper products or copper base alloy products for plating any article on the combined list or for plating any parts (including repair parts) of such an article, is prohibited unless such plating is expressly stated in the list to be permissible.

(ii) The use of copper products or copper base alloy products for plating any article omitted from the combined list or excepted from that list, and the plating of parts (including repair parts) for such an article, is permitted provided that:

(a) Such plating is not for decorative purposes, or part of a decoration, or an undercoating for lead or silver plating (however, a copper strike may be used as an undercoating for silver when silver is used as a substitute for cadmium in electroplating); and

(b) The use of, or the normal wear on, such article or parts would make impracticable any other form of coating.

(d) *Restrictions on deliveries to manufacturers.* No person shall hereafter deliver copper products or copper base alloy products to any manufacturer, directly or indirectly, if he knows or has reason to believe that such products are to be used in violation of the terms of this order.

(e) *General restrictions on deliveries.* The disposition of frozen and excessive inventories containing certain copper products or copper base alloy products shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34), as amended from time to time.

(f) *Exceptions*—(1) *Applicability of order to certain Governmental agencies.* The provisions of this order shall not apply to the use of copper products or copper base alloy products in the manufacture of any article on the "Military Exemption List", or part therefor, which is being produced for purchase by, or for the account of, or for use by, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Coast Guard, where the use of copper products or copper base alloy products to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Coast Guard applicable to the contract, subcontract or purchase order.

(2) *Installation.* The provisions of this order shall not apply to the installation of any article or part (including a repair part) for the ultimate consumer on his premises when any manufacturing of such article or part is incidental to the installation and is done on the consumer's premises. This exception does not, however, in any way affect or modify the provisions of Supplementary Conservation Order M–9–c–4 (restricting the installation of certain types of copper and copper base alloy pipe, tube, fittings, plumbing fixture fittings and trim, and building materials) or of any other order restricting installation.

[1] See also paragraph (f) (3) permitting the manufacture of repair parts to make specific repairs of used articles under certain conditions.

[2] Priorities Regulation No. 1, § 944.14, prohibits the manufacture of more than a practicable minimum working inventory of articles or parts to fill prospective orders.

[3] The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials entitled "Materials Substitutions and Supply."

(3) *Repair.* The restrictions of this order (other than those contained in paragraph (c)) shall not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than two pounds and when all manufacturing done by him is with knowledge of the particular used article to be repaired. The restrictions of this order (other than those contained in paragraph (c)) shall also not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, even if the manufacturer of the parts or the person making the repair uses copper products or copper base alloy products weighing in the aggregate more than two pounds, when (i) the copper scrap or copper base alloy scrap derived from the article being repaired weighs within one pound of the copper product or copper base alloy product used, (ii) all such scrap is delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M–9–b and (iii) all manufacturing done is with knowledge of the particular used article to be repaired.

(g) *Special products; restrictions and exceptions*—(1) *Printing and publishing industries.* After October 3, 1943, the provisions of this order shall not apply to the use of copper products and copper base alloy products in typography, engraving, photo-engraving, gravure plate making, electrotyping, stereotyping, and printing in the printing and publishing industries. In those processes, the use of bronze powder, bronze ink, bronze paste, and bronze leaf is controlled by Supplementary Conservation Order M–9–c–3 All other uses in those industries of copper products, copper base alloy products, copper scrap, and copper base alloy scrap are governed by Conservation Order M–339. Nothing contained in this paragraph (g) (1) shall affect the prohibition against the manufacture of powder containing copper products or copper base alloy products under paragraph (a) and the Combined List of this order.

(2) *Insect screening.* The provisions of this order shall not restrict the delivery, installation or cutting of used or second-hand insect screening, of insect screening in rolls which Copper Recovery Corporation has refused to accept, or of insect screening in any roll cut initially on or before April 9, 1942. However, no person shall deliver, install, or cut any other copper or copper base alloy insect screening (i) unless such screening is to be delivered to, installed for or cut on the order of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (except Defense Plant Corporation) or any person acting as agent of any such corporation (except Defense Plant Corporation); or (ii) unless such delivery, installation, or cutting shall be with the specific authorization of the War Production Board. Applications for specific authorizations shall be made by letter addressed to the War Production Board, Copper Division, Washington 25, D. C. Reference: M–9–c. Nothing contained in this paragraph (g) (2) affects the prohibitions on the manufacture, processing, assembling or finishing of insect screening with copper products or copper base alloy products under paragraph (a) and the Combined List. (See the item "insect screening" under the heading "Miscellaneous" on the combined list).

(3) *Copper products not controlled by order.* The provisions of this order shall not apply to the manufacture of the following articles and parts (including repair parts) even though they contain copper products, or copper base alloy products, since these articles are specifically governed by the following orders:

Shoe findings and footwear of all kinds governed by Supplementary Conservation Order M–9–c–1.
Fire protective equipment governed by General Limitation Order L–39.
Motorized fire apparatus governed by General Limitation Order L–43.
Bronze paste, bronze ink, and bronze leaf, and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Conservation Order M–9–c–3.
Jewelry governed by Supplementary Conservation Order M–9–c–2.
Musical instruments governed by Supplementary Limitation Order L–37–a.
Water meters governed by Schedule I of Limitation Order L–154.

(4) *Attachment and assembly work.* (i) The provisions of this order do not apply to attaching finished slide fasteners, hook and eyes, brassiere hooks, sewon, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets), garter trimmings, hose supporters, insignia, jewelry, loops, mattress cottons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to the manufacture, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

(ii) The provisions of this order do not apply to the assembling of watch or clock movements finished prior to June 15, 1942, into cases not made of copper or copper base alloy. The provisions of this order do, however, apply to the manufacture, processing and finishing of watch and clock cases and of all other parts of watches and clocks and to assembling watches and clocks except as specifically exempted in this paragraph.

(h) *Definitions.* For the purposes of this order:

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap.

(3) "Copper products" means products made of copper fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings, or fabricated to any greater extent.

(5) "Manufacturer" means a person who manufactures, processes, assembles, or finishes. "Manufacture" includes processing, assembling, and finishing.

(i) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Appeal.* Any appeal from the provisions of paragraphs (a) or (c) of this order shall be made by filing Form WPB–1477 (formerly PD–500 revised) with the War Production Board, Washington 25, D. C., Reference: M–9–c. Relief granted pursuant to an appeal under this order shall remain in effect despite any amendment to this order, unless the grant of relief is specifically revoked or modified by the War Production Board.

(3) *Communications.* Any reports required to be filed under this order and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington 25, D. C., Reference: M–9–c.

(4) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply irrespective of whether the articles or parts whose manufacture is governed hereby are being manufactured pursuant to a contract made prior or subsequent to the effective date of this order. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the manufacture of any articles or parts, the limitation of such other order shall be observed.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 22th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

COMBINED LIST

The manufacture, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (c) of this order.

AUTOMOTIVE, TRAILER [1] AND TRACTOR EQUIPMENT AND FARM MACHINERY

See also Order L–106 governing the use of copper and copper base alloy in the manufacture of automotive parts entering into the production of, or as replacement parts for, passenger automobiles, motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles and Order L–170–a governing the use of copper and copper base alloy in the manufacture of certain farm tractors and engine power units for farm machinery.

Ambulance hardware (for locks, see under the heading "Miscellaneous" on this list).
Automotive maintenance equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L–270).
Defrosters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Heaters (except when the only copper products or copper base alloy products used are (i) for parts necessary for conducting electricity, or (ii) for water courses and tanks of radiators if made of copper base alloy containing not more than 71% of copper).
Hearse hardware (for locks see under the heading "Miscellaneous" on this list).
Horns (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Hub and gas-tank caps.
Lights, lamps, headlamps and accessories (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity and for plating reflectors as provided by the item "Reflectors • • •" on this list under the heading "Miscellaneous").
Miscellaneous fittings and trim.
Motorcycles (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Motor-driven power cycles as defined in Order L–301 (except when the only copper products or copper base alloy products used are for parts necessary for generating and conducting electricity, or for carburetors, clutch facings or repair parts).
Mouldings.
Rear-view mirrors and hardware.

[1] See also under "Passenger Transportation Equipment" on this List.

BUILDING SUPPLIES AND HARDWARE

(Excluding supplies and hardware for ships, boats and aircraft)

Air conditioning equipment and refrigeration equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L–126 and the schedules thereto and when the production of the equipment is permitted under the terms of Order L–38, either because the order therefor is an "authorized order" under L–38 or otherwise).
Blinds, including fixture fittings and trimmings.
Builders' finishing hardware, including hinges (except in those parts of plants where the use of non-sparking metal is necessary to prevent a hazard in the production, use or storage of explosives and except when the only copper products or copper base alloy products used are permitted by the terms of paragraph (g) of Schedule I of Order L–236). For locks see under the heading "Miscellaneous" on this list.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring for hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Conduits.
Decorative hardware—including house numbers.
Door knockers, checks, pulls, and stops.
Doors, door and window frames, sills and parts, including door handles and knobs.
Elevators and escalators (except when the only copper products or copper base alloy products used are for bearings, worm gears and parts necessary for conducting electricity).
Expansion bolts and caulking anchors.
Gravel stops and snow-guards.
Grilles.
Gutters, leaders, downspouts, expansion joints, and accessories thereto.
Hangers and tracks for private garages.
Incinerator hardware and fittings.
Letter boxes and mail chutes.
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conduction of electricity).
Linoleum stripping.
Ornamental metal work.
Pile butt protection.
Pipe, tube, tubing and fittings for water supply or water distribution systems and installations or for any gas supply or gas distribution system (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions, solder nipples and ferrules and except for all such pipe, tube, tubing and fittings for use in chlorine gas equipment).
Plumbing and heating supplies:
Bands on pipe covering.
Cistern and low-water floats.
Hot water heaters, tanks, and coils (except when the only copper products or copper base alloy products used are permitted by the terms of Orders L–185 and L–65).
Pipe, tube, tubing and fittings for piping systems.
Plumbing fixture fittings and trim (except when the only copper products or copper base alloy products used are permitted by the terms of Schedules V and XII of Order L–42 or any schedules or orders taking their place, or are permitted by a specific authorization of the War Production Board granted pursuant to such a schedule or order).
Push, kick, switch, floor and all other device plates.
Roof, roofing, roofing nails, flashing valleys, and other roofing items.
Sash balances.
Sheet, roll, and strip for building construction.
Shelves.
Stair and threshold treads.
Termite shields.
Terazzo strips, regjets, and mouldings.
Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except when the only copper products or copper base alloy products used are for valves, controls and parts necessary for conducting electricity).
Ventilators and skylights.
Water containers for humidification.
Weatherstripping and insulation.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware. See also Order L–64.
Memorial tablets.
Morticians' supplies.
(See also the item "Boxes, • • •" under the heading "Miscellaneous" on this list.)

CLOTHING AND DRESS ACCESSORIES

(See also Order L–68)

Dress ornaments.
Handbag fittings.
Insignia.
Metal cloths.
(See also the item "Slide fasteners • • •" under the heading "Miscellaneous" on this list.)

FURNISHINGS AND EQUIPMENT

Andirons, screens, and fireplace fittings.
Candlesticks.
Cooking and table utensils.
Counters.
Curtain fasteners, rods and rings.
Cuspidors.
Fans (See the item "Fans • • •" under the heading "Miscellaneous" on this list).
Furniture.
Furniture hardware (for locks, see under the heading "Miscellaneous" on this list).
Gas heater and stove installation connections.
Hollow-ware.
Mud scrapers.
Portable heaters (except repair parts for electric portable heaters when the only copper product or copper base alloy products used are permitted by the terms of Order L–65).
Shower curtains.
Stoves and ranges for household cooking use, gas (except when each valve contains not more than ¼ oz. of copper base alloy and each control contains not more than 1½ oz. of copper base alloy and the stove or range contains no other copper or copper base alloy whatever; or except when the stove contains no copper or copper base alloy whatever other than 1½ oz. of copper base alloy in each control and the copper base alloy contained in any valves which either were finished prior to August 7, 1942, or which were or will be finished subsequent to that date pursuant to the granting of an appeal to a valve manufacturer).
Stoves and ranges other than gas stoves and ranges for household cooking use (except when the only copper products or copper

base alloy products used are for valves, ferrules for compression fittings, controls other than timers, and parts necessary for conducting electricity).
Timers, for stoves and ranges.
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft.
Washing tubs and washing boilers.
Waste baskets, hat trees, humidors and similar items.

INDUSTRIAL MACHINERY

Pulp and paper manufacturing:
Beater bars and beaters.
Head boxes for jordans, paper machines or any other use for regulating stock flow.
Bars and fillings for jordans, refiners or any similar equipment used in the preparation of paper stock.
Savealls, filters, washers, deckers or any similar equipment (except for screens).
Stock and water lines, including shower pipes.

JEWELRY, GIFTS AND NOVELTIES

All jewelry, gifts and novelties including, but not limited to:
Advertising specialties.
Atomizers (see also this list under "Miscellaneous").
Bar fittings.
Book ends.
Cosmetic containers.
Lighters.
Napkin rings.
Picture frames.
Smokers' accessories, including ash trays.
Souvenirs.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and equipment".
Air conditioning equipment and refrigeration equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-126 and the schedules thereto and when the production of the equipment is permitted under the terms of Order L-38, either because the order therefor is an "authorized order" under Order L-38 or otherwise).
Bands on pipe covering.
Decorative, general, and finish hardware, and ornamental metal work (for locks, see under the heading "Miscellaneous" on this List)
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Pipe, tube, tubing, and fitting for plumbing and heating (except for essential repairs).
Shower rods, heads and pans.
Sinks and drainboards.
Screening.
Towel and luggage racks.
Trolley frog bodies, trolley wire crossover bodies, trolley clamps used for supporting Fig. 8 or grooved trolley wire (unless used for carrying current), and miscellaneous items such as machine screws, bolts and studs used with overhead trolley line material.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems, other than fire protective systems covered by Order L-39 (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Arch supports.
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrel hoops.
Badges.
Bar and counter equipment and fittings.
Barber shop equipment and supplies.
Barrel hooks.
Bathroom accessories.
Beauty parlor equipment and supplies (except for repair and replacement parts of commercial permanent wave equipment and commercial hair driers, when the only copper products or copper base alloy products used are permitted by the terms of Order L-65.
Beverage dispensing units and parts thereof (except for self-contained drinking water coolers as defined in Schedule I of Order L-126 or under any schedule of Order L-38).
Bicycles, and similar vehicles (See also Order L-52).
Binoculars, including opera glasses.
Bird and pet cages and stands.
Blow torches, gasoline, kerosene and alcohol (except when the only copper products or copper base alloy products used are for the pump barrel, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block).
Bottle coolers.
Boxes, cans, jars and other containers.
Branding, marking, and labeling devices and stock for same (except where the devices and the stock are for affixing governmental, notarial and corporate seals). See also the item "Stencils • • •" on this list.
Brushes (except for the types used in electric motors and generators; and except for industrial brushes used for (a) applications requiring non-sparking characteristics, (b) burring of needles, (c) the manufacture of precision gauges, or (d) the manufacture of combat end-products complete for tactical operations (including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, and vehicles), when prescribed for field or combat use by the Army or Navy of the United States, or when prescribed for field or combat use by the Army or Navy of any foreign country, and (e) except for drawing, spacing, or binding wire for other industrial brushes where copper or copper base alloy wire is essential to the efficient performance of the brush). The term "drawing, spacing, or binding wire" does not include "stapling wire."
Cabinets.
Canes.
Carpet rods.
Cash registers.
Change making, coin counting and sorting machines.
Chimes and bells (except for any bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, and except for bells for use on board ship when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Clips.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock and watch cases.
Clothes line pulleys and reels and scrubbing boards.
Cooking utensils (except for commercial processing machinery when the only copper products or copper base alloy products used are permitted by the terms of Order L-292 or by a specific authorization of the War Production Board granted pursuant to such order).
Cooling towers (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, heat exchangers, bearings, and worm gears for speed reducers).
Cutlery, including pocket knives.
Daubers for shoe polish.
Dishwashing machines (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-248 or by a specific authorization of the War Production Board granted pursuant to such order) and domestic garbage grinders.
Dispensers, hand, for hand lotions, paper products, soap and straws.
Dog collars and other similar harness and equipment for pets.
Domestic ice refrigerators as defined in Order L-7.
Domestic laundry equipment as defined in Order L-6 (except that copper products or copper base alloy products may be used in the assembly of new domestic laundry equipment when such assembly is specifically authorized by the War Production Board under Order L-6; and except that copper products or copper base alloy products may be used in the production of repair and replacement parts for domestic laundry equipment to the extent permitted by the terms of Order L-6).
Domestic mechanical refrigerators as defined in Order L-5.
Domestic vacuum cleaners as defined in Order L-16.
Electric blankets.
Electric light bulbs and cord sets for Christmas trees, and bulbs and neon and fluorescent tubes for advertising and display purposes.
Electrical appliances, as defined in Order L-65 (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-65).
Electrolytic devices for the removal and prevention of scale in boilers and condensers.
Flashlights and lanterns powered by dry cell batteries (except when the only copper products or coppe base alloy products used are for parts necessary for conducting electricity). For other lanterns, see the item "Lanterns • • •" on this list.
Fans, electric, as defined in Order L-176 (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-176 or by a specific authorization of the War Production Board granted pursuant to such order).
Floats for liquid level control.
Flower pots, boxes and holders for same.
Flower shears.
Food dispensing utensils, devices and machines.
Fountain pens.
Fountains (except drinking water fountains when the only copper products or copper base alloy products used are permitted by Schedules V and XII of Order L-42).

Furniture grommets.
Games as defined in Order L-81.
Garden tools and equipment.
Hair curlers, hair brushes and combs, shoe horns and button hooks.
Hand saw screws nuts and washers for attaching saw blades to the handle.
Hammers including mallets.
Health supplies, except the following:
Acoustic aids
Anaesthesia apparatus and supplies,
Atomizers (medical use only),
Diagnostic equipment and supplies,
Hypodermic syringes and needles,
Infant incubators,
Instruments,
Laboratory equipment and supplies,
Medicinal chemicals (limited to medical use only),
Operating room supplies and equipment,
Ophthalmic products and instruments,
Physical therapy equipment (limited to medical use only),
Respirators, resuscitators and iron lungs,
Rubber, hospital sundries,
Splints and fracture equipment,
Sterilizers, blanket and solution warmers,
Surgical and orthopaedic appliances (including artificial limbs and arms but not including arch supports),
Sutures and suture needles, and
X-ray equipment and supplies.
Hooks, including hat and coat hooks.
Ice cream freezers for use in the home.
Insect screening.
Kitchen utensils, devices and machines other than electrical appliances. For electrical appliances see the item "Electrical appliances • • •" on this list.
Kitchen and miscellaneous household articles.
Lace tips.
Ladders and hoists (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity), including fittings.
Lamps, electric (except for non-portable lamps for use in hospitals or in industry, otherwise than in offices, and then only when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Lamps, other than electric (except for industrial, hospital or office use and then only when the only copper products or copper base alloy products used are for valves, controls, and wicks).
Lanterns (except those powered by dry cell batteries, covered by the item "Flashlights • • •" on this list).
Lawn sprinklers, mowers, seeders and rollers.
Lighting fixtures for use outside of a building (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For lighting fixtures in a building see "Lighting fixtures" under the heading "Building Supplies and Hardware" on this list.
Livestock and poultry equipment (except for bull rings; and except when the only copper products or copper base alloy products used are for valves, controls, parts necessary for conducting electricity, and thermostats other than wafer thermostats, and for plating wafer thermostats).
Locks (except pin tumbler and disc tumbler cylinder assemblies; essential interior working parts of mortise locks, rim locks, dead locks and night latches; levers, tubes and centers for secure lever locks; interior working parts of railway car door locks and railway switch padlocks; keys for pin tumbler and disc tumbler locks; postal locks when manufactured by the Mail and Equipment Section of the United States Post Office; and except when the only copper products or copper base alloy products used are permitted by the terms of paragraph (g) of Schedule I of Order L-236).
Loose-leaf binders.
Luggage fittings, trim and hardware.
Manicure implements
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.
Medals, including decorations.
Mirrors.
Motion picture and projection equipment (i) except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions and (ii) except for motion picture and projection equipment of the types the production and distribution of which is regulated by Order L-267 or Order L-325).
Name, identification, instruction and data plates.
Non-operating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Paint (except for ship bottoms).
Pari-mutuel, gambling and gaming machines, devices and accessories.
Pencils, mechanical.
Phonographs or other record players.
Photographic equipment and accessories ((i) except document copying machines and equipment therefor for business purposes and for use by the U. S. Post Office; (ii) except for X-ray equipment; and (iii) except for photographic equipment and accessories of the types the production and distribution of which is regulated by Order L-267).
Pins.
Pleasure boat fastenings, fittings, hardware, and motors.
Pole-line hardware.
Powder, except for non-decorative uses.
Printing rollers (except to the extent that an equivalent poundage in copper or copper base alloy is returned to a brass mill in the form of old rollers or scrapings from old rollers).
Putty and scraping knives.
Radio receiving sets and vacuum tubes (except when their manufacture is permitted by the terms of Order L-266).
Razors operated by electricity (except for repair parts).
Reclaimers for heating water.
Reflectors (except that copper or copper base alloy products may be used for electroplating glass reflectors in connection with silvering when the reflectors are to be used in street and highway illumination or in traffic signals, flood lights, searchlights, locomotive headlamps, hospital operating room lights, and airport lighting equipment as defined by Order L-235, or for electroplating on steel reflectors for searchlights, flood lights, airport lighting equipment as defined by Order L-235, and automotive headlamps of types other than sealed beam headlamps).
Refrigerator display cases.
Saddlery hardware and harness fittings.
Scales, except commercial, industrial and laboratory scales and laboratory balances. (See also Order L-190.)
Screens and points for oil wells and water wells ((i) except for public and industrial water supply systems and installations and (ii) except for agricultural water supply systems when the only copper products or copper base alloy products used is used fourdrinier wire screening.)
Seismograph loading pole couplings.
Shells and caps for electric sockets except screw shells and except those used in connection with lamp signals in communication facilities.
Signs, including street signs. (See also Order L-29.)
Slide fasteners, hooks and eyes, brassiere hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, garter trimmings, hose supporters, personal hardware, pin fasteners, slides, and trouser trimmings; except as may be permitted by the terms of Order L-114 and eyelets, loops, staples, rivets, burrs and tacks for use on wearing apparel, except as may be permitted by the terms of Order L-114.
Slot, game and vending machines, including parking meters.
Soda fountain equipment (except for repair and replacement parts manufactured in conformity with the inventory restrictions of Order L-38)
Sound equipment attachments for motion picture projection machines (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions).
Sporting goods, and fishing and hunting equipment and supplies, except fishing equipment and supplies for commercial fishing use.
Staples for fastening cartons and containers.
Stationery supplies:
Desk accessories. (See also Order L-73.)
Office supplies. (See also Order L-73.)
Pencils. (See also Order L-227.)
Pens and penholders.
Statues.
Stencils, adjustable and otherwise (except for hand cut stencils for marking shipments).
Sundials.
Table flatware (except for a copper-silver strike).
Telescopes.
Tent poles and parts.
Thermos jugs and bottles.
Tokens.
Toys.
Tying devices for laundry.
Unions and union fittings (except seats and except for other parts of unions and union fittings where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fitting makes the use of any other material dangerous or impractical). (See also Order L-288.)
Umbrellas.
Valve handles.
Valves over 2-inch size (except seats, discs, stems; yoke sleeves, yoke bushings, stem bearings and packing glands, and except for other parts of such valves (i) where and to the extent that the physical and chemical properties of the liquid or gas passing through the valve makes the use of any other material dangerous or impractical or (ii) where and to the extent permitted by the terms of Order L-252 or by a specific authorization of the War Production Board granted pursuant to that order).
Voting machines.
Weather vanes.
Weight reducing and exercising machines.
Wool.

MILITARY EXEMPTION LIST

Bakery equipment (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see below on this list.
Binoculars.
Blow torches, gasoline, kerosene and alcohol (parts other than tanks, only).
Boxes, cans, jars and other containers (for radio and communications equipment and for powder charges).

Buttons and insignia for military uniforms when and to the extent that their manufacture is specifically authorized in writing by the War Production Board.
Carbonated beverage dispensing units and soda fountain equipment for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
Conduits and pipe (for radio and electrical communications equipment).
Chronometer and watch cases.
Decorations as defined in Army and Navy Regulations when produced to fill purchase orders rated AA-3 or higher only.
Electric blankets.
Field ranges and ski stoves.
Fishing equipment and supplies for use on life boats and rafts.
Floats for liquid level control (for use in aircraft and on board ship).
Furniture hardware (for use within magnetic circle on board ship).
Hammers, including mallets.
Hoists, for handling powder, projectiles and explosives (for use on board ship).
Hot water heater coils for hospital, laundry and bakery projects.
Instruction and data plates of wrought material of a gauge of 1/32nd of an inch or less (for use in aircraft and on board ship).
Instruction and data plates from cast material of a gauge of 3/32nd of an inch or less (for use on board ship but only if and to the extent specified by the specifications, other than performance specifications, of the governmental agency acquiring the plate).
Kitchen utensils' devices, machines and appliances (parts necessary for conducting electricity or which come in contact with food or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts).
Ladders and stairs, for use in gasoline storage spaces on board ship (treads, only).
Lanterns, gasoline (generators, valves and controls, only).
Laundry equipment, for use on board ship (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Laundry equipment, mobile, for field use (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Lighting equipment and accessories for use in aircraft, on board ship and for use in lighting aids for marine or aerial navigation, and for searchlights.
Locks and latches (for use on board ship) and padlocks (for use where non-sparking metal is necessary to prevent a hazard from explosives).
Mirrors, when they are to be installed on board ship and the only copper product or copper base alloy product used is for coating the backing of the mirror to a thickness not in excess of .0015 inch.
Motion picture and projection equipment.
Paint (for ship bottoms and flying boat hull bottoms).
Phonographs and other record players being produced on a rating of AA-3 or higher.
Photographic equipment and accessories.
Pins for hinges (for use on board ship).
Prescription scales (health supplies).
Safety lamps, flame type (for use on board ship and for use in other places where there is danger of explosion).
Screens and points for water wells.
Shells and caps for electric sockets (for use in aircraft and on board ship).
Slide fasteners and tack buttons for use on jungle clothing and equipment, flying suits and Navy flying boots; (ii) sew-on, machine attached or riveted snap fasteners, buckles, eyelets, staples, rivets and burrs for use on jungle clothing and equipment, and for use on leather, canvas, webbing, duck, coated fabrics and special fabrics for field clothing and equipment being produced on a rating of AA-3 or higher; and (iii) springs for snap fasteners for any use.
Sound equipment attachments for motion picture projection machines.
Telescopes.
Unions and union fittings (for use on board ship).
Valve handles (for use within magnetic circle on board ship).
Valves (for use on board ship).
Valves of vacuum type, up to 3 inches.

Interpretation 5

Use of Copper in the Manufacture of Certain Drains and Strainers

Copper Conservation Order M-9-c, as amended December 10, 1941, specifically prohibited any person from using after March 31, 1942, any copper or copper base alloy in the manufacture of gutters, leaders or downspouts, or accessories thereto, and of all roofing items, to go on private buildings. These provisions have remained in the order without interruption.

In addition, since May 7, 1942, paragraph (d) (1) of Order M-9-c (relettered as paragraph (c) (1) when the order was amended on October 4, 1943), has provided that no manufacturer may continue to manufacture from copper or copper base alloy, any article the manufacture of which, with copper or copper base alloy, is not specifically prohibited by the order, if it is practicable to use any material less scarce than copper, brass or bronze to make the article.

For some time, many manufacturers have been making floor, roof, cesspool and shower drains and strainers out of galvanized steel or iron; and it has been demonstrated that the use for such purposes of this type of material instead of copper or copper base alloy is practicable for all uses to which these articles are put except their use in places where explosives are handled or stored or where explosive vapors may be present. Furthermore, the types of iron and steel used as well as zinc, are less scarce materials than copper or copper base alloy.

Accordingly, manufacturers are prohibited by Copper Conservation Order M-9-c from using brass or other copper and copper base alloy materials to make all roof, floor, cesspool and shower drains or strainers, even if the drains or strainers are not accessories to gutters, leaders or downspouts, or roofing items. An exception to the foregoing arises in the case of drains or strainers for floors in places where explosives are handled or stored or where explosive vapors may be present.
(Issued Oct. 19, 1943.)

[F. R. Doc. 44-1180; Filed, January 22, 1944; 11:08 a. m.]

Part 1293—Hand Tools Simplification

[Limitation Order L-157, Schedule VIII]

Wood-Boring Bits

§ 1293.9 *Schedule VIII to Limitation Order L-157—(a) Definitions.* For the purposes of this order:

(1) "Producer" means any person who manufactures, forges or otherwise fabricates wood-boring bits.

(2) "Distributor" means any person who purchases wood-boring bits for resale.

(3) "Ultimate consumer" means any other purchaser of wood-boring bits.

(4) "Wood-boring bit" means any tool for boring wood.

(5) "Style" means a given combination of twist and cutting head, exclusive of point.

(b) *Simplified practices.* After January 22, 1944, no producer may begin the manufacture or fabrication of any wood-boring bit which does not conform to the types, styles, sizes, dimensions, and grades set forth in Appendix A of this schedule. Non-conforming wood-boring bits may not be delivered or shipped by a producer after April 22, 1944.

(c) *Exemptions.* The following are exempt from the restrictions established by paragraph (b) of this schedule:

1. Adjustable countersinks.
2. Integral countersink bits.
3. Machine center bits.
4. Plug cutters.
5. Screw driver bits.
6. Bung-boring bits.
7. Spike-boring machine bits.
8. Bits for hollow mortising chisels.
9. Bits requiring screw shanks and tapered shanks.
10. Handled gimlets.
11. Small fluted drills for spiral and other hand drills.

(d) *Sets.* No producer shall make for his inventory and no distributor shall acquire for his inventory or shelf stock any sets of wood-boring bits. Any number of bits in excess of one which have been grouped for purposes of sale as a unit shall be deemed a set for the purposes of this paragraph. Nothing contained in this paragraph shall prohibit a producer from producing sets to fill a specific order placed directly or indirectly by an ultimate consumer, or a distributor from making up a set or sets to fill a specific order placed by an ultimate consumer.

Issued this 22nd day of January 1944.

War Production Board,
By J. Joseph Whelan,
Recording Secretary.

Appendix A

Material. Shall be of a good grade of steel which shall have a carbon content of not less than 0.45 percent.

Style. No type of wood-boring bit shall be made in any styles other than those described herein, and no producer shall make any type in more styles than the number permitted herein.

Grade. No producer shall make any type and style of wood-boring bit in more than one grade.

Finish. All wood-boring bits shall be free from scale. Polishing shall be limited to that necessary to assure the proper functioning of the tool, and shall not be finer than that resulting from the use of a 90-grit emery wheel, dry, when good commercial polishing technique is employed. The round and square portions of hand bits, including expansive bits, shall not be polished. The groove or hollow of the flight of ship-twist bits shall not be polished, except that the groove of power driven ship-twist bits ⅝ inch or less in diameter may be polished.

All bits may be given a protective coating of anti-corrosion compound.

Type 1. *Auger bits*—May be made in both double twist, and solid center single twist. Bits shall be forged from a single piece of steel and shall have a square tapered bit stock shank, screw point, two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2).[1] Auger bits shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length		Minimum diameter of round of shank
	Maximum over-all	Twist	
	Inches	*Inches*	*Inch*
4	7½	3½	13/64
5	7¾	3⅞	7/32
6	7¾	4	15/64
7	8	4	17/64
8	8	4	17/64
9	8	4	9/32
10	8¼	4¼	19/64
11	8¼	4¼	19/64
12	8½	4½	5/16
13	8½	4½	5/16
14	8½	4½	5/16
15	8¾	4¾	11/32
16	8¾	4¾	11/32
17	9	4⅞	3/8
18	9	4⅞	3/8
19	9¼	5	3/8
20	9¼	5	27/64
21	9¼	5	27/64
22	9¼	5	27/64
23	9⅜	5¼	27/64
24	9½	5½	27/64

Tolerances:
Bit diameter: plus 0.015 inch.
Length over-all and length of twist: Plus or minus 10 percent.

Type 2. *Car bits.*—May be made single twist, double twist, or solid center single twist and shall have a square tapered bit stock shank and screw point. Single twist bits may have an extension lip and a single spur on opposite sides of the point (Fig. 3), or have a cutting edge and a side lip located at right angles to the cutting edge (Fig. 4), while double twist and solid center single twist bits shall have two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2). No producer shall make car bits in more than two styles. Car bits shall be forged from a single piece of steel and may be made in over-all lengths of 12 and 16 inches, and only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length[1]		Minimum diameter of round of shank
	Maximum over-all	Twist	
	Inches	*Inches*	*Inch*
6	12 and 18	8 and 12	5/16
7	12 and 18	8 and 12	5/16
8	12 and 18	8 and 12	5/16
9	12 and 18	8 and 12	11/32
10	12 and 18	8 and 12	11/32
11	12 and 18	8 and 12	3/8
12	12 and 18	8 and 12	3/8
13	12 and 18	8 and 12	3/8
14	12 and 18	8 and 12	3/8
15	12 and 18	8 and 12	3/8
16	12 and 18	8 and 12	3/8
17	12 and 18	8 and 12	13/32
18	12 and 18	8 and 12	13/32
20	12 and 18	8 and 12	13/32
22	12 and 18	8 and 12	7/16
24	12 and 18	8 and 12	7/16

Tolerances:
Bit diameter: Plus 0.015 inch.
Length overall: Plus or minus 1 inch.
Length of twist: Plus or minus ½ inch.

[1] Bits 12 inches over-all shall have 8 inch twist. Bits 18 inches over-all shall have 12 inch twist.

[1] Figure numbers refer to figures shown at the end of the Appendix. Filed as part of the original document.

Type 3. *Auger bits (machine except ship auger).*—May be made in both double twist and solid center single twist. Bits shall be forged from a single piece of steel, and shall have a round shank having a diameter of ½ inch and a length of 2 inches, which may be flattened on one side to a width of ⅜ inch and a length of 1½ inches, screw or brad point, and two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2). Machine auger bits shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Maximum length of twist, in inches			
3	4			
4	4	6	8	12
5	4	6	8	12
6	4	6	8	12
7	4	6	8	12
8	4	6	8	12
9	4	6	8	12
10	4	6	8	12
11	4	6	8	12
12	4	6	8	12
13	4	6	8	12
14	4	6	8	12
15	4	6	8	12
16	4	6	8	12
18		6	8	12
20		6	8	12
22		6	8	12
24		6	8	12

Tolerances:
Bit diameter: Plus 0.010 inch.
Length over-all and length of twist: Minus ¼ inch.

Type 4. *Ship augers (square shank)*—Shall be made single twist or solid center single twist and have a cutting edge, a side lip located at right angles to the cutting edge, and a straight square shank or nib, suitable for use with auger handle, single or double crank handle, or for welding to extension stem. Ship augers with square shank may be made only in the following sizes with and without screw point (Fig. 4 and Fig. 5).

Size (bit diameter in 16ths of an inch)	Length		Diameter of round of shank (minimum)	Size of square of shank
	Over-all	Twist		
	Inches	*Inches*	*Inch*	*Inch*
4	13	8	1/4	3/8
5	13	8	1/4	3/8
6	15	10	5/16	3/8
7	15	10	5/16	3/8
8	15	10	5/16	3/8
9	17	12	11/32	7/16
10	17	12	11/32	7/16
11	17	12	3/8	7/16
12	17	12	3/8	7/16
13	17	12	3/8	7/16
14	17	12	3/8	7/16
15	17	12	3/8	7/16
16	17	12	3/8	7/16
17	20	15	13/32	9/16
18	20	15	13/32	9/16
19	20	15	13/32	9/16
20	20	15	13/32	9/16
21	20	15	13/32	9/16
22	20	15	17/32	9/16
24	20	15	17/32	9/16
26	20	15	17/32	9/16
28	20	15	17/32	9/16
30	20	15	17/32	9/16
36	20	15	17/32	9/16

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over all and length of twist: Plus or minus ½ inch.
Square shank size: Plus or minus 1/32 inch.

Type 5. *Ship augers (machine or round shank)*—Shall be made single twist or solid center single twist have a cutting edge, a side lip located at right angles to the cutting edge, and a round shank having a diameter of ½ inch and a length of 2 to 2½ inches, which may be flattened on one side to a width of ⅜ inch and a length of 1½ inches. Ship augers with round shank shall be made only in the following sizes with and without screw point (Fig. 4 and Fig. 5).

Size (bit diameter in 16ths of an inch)	Maximum length of twist in inches			
4	12			
5	12			
6	12			
7	12			36
8	12			
9	12	18	24	
10	12	18	24	
11	12	18	24	
12	12	18	24	36
13	12	18	24	
14	12	18	24	
15	12	18	24	
16	12	18	24	36
17	12	18	24	
18		18	24	
19		18	24	
20		18	24	
21		18	24	
22		18	24	
23		18	24	
24		18	24	
26		18	24	
28		18	24	
30		18	24	
32		18	24	36

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ½ inch.

Type 6. *Ring augers*—Shall be made single twist, or solid center single twist. Single twist bits shall have one cutting edge and a side lip located at right angles to the cutting edge (Fig. 4), while solid center bits shall have two cutting edges and two side lips located at right angles to the cutting edges (Fig. 6). Both shall have screw points. The shank shall be fitted with a suitably designed ring or eye for reception of handle. Ring augers shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length		Diameter of round of shank (minimum)
	Over-all	Twist	
	Inches	*Inches*	*Inch*
8	14½	10	5/16
9	17½	12	11/32
10	17½	12	11/32
11	17½	12	3/8
12	17½	12	3/8
13	17½	12	3/8
14	17½	12	3/8
15	17½	12	3/8
16	17½	12	3/8
17	20	15	13/32
18	20	15	13/32
19	20	15	13/32
20	20	15	13/32
21	20	15	13/32
22	20	15	13/32
23	20	15	13/32
24	20	15	13/32
25	20	15	13/32
26	20	15	13/32
27	20	15	13/32
28	20	15	13/32
29	20	15	13/32
30	20	15	13/32
31	20	15	13/32
32	20	15	13/32

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ½ inch.

Type 7. *Plug bits (machine)*—Shall be made double twist with a cylindrical guide, axially located, and shall have two spurs and two extension lips so beveled as to form cutting edges (Fig. 7). The shank shall be round, with a diameter of ½ inch and a length of 2 inches, which may be flattened

on one side to a width of ⅜ inch and a length of 1½ inches. Plug bits shall be forged from a single piece of steel and shall be made only in the following sizes:

Size (bit diameter)	Length		Dimension of guide		Spur height	Minimum diameter, round of shank
	Over-all	Twist	Diameter	Length		
Inches	*Inches*	*Inches*	*Inch*	*Inch*	*Inch*	*Inch*
1⅛	6	2	As desired	½	9/32	⅜
1¼	6	2	Do	½	9/32	27/64
1⅜	6	2	Do	½	9/32	27/64
1½	6	2	Do	½	11/32	7/16
2	6	2	Do	½	⅜	7/16

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus 2⅛ inch.
Height of spur: Plus or minus 1/64 inch.
Guide length: Plus or minus ⅛ inch.

TYPE 8. *Plug bits, hand, with threaded guide*—Shall be made double twist with a threaded cylindrical guide, axially located, and shall have two spurs and two extension lips so beveled as to form cutting edges (similar to Fig. 7) and a square tapered bit stock shank. They shall be forged from a single piece of steel and shall be made only in the sizes permitted for type 7 plug bits.

TYPE 9. *Plug bits, hand, with screw point*—Shall be made double twist with a screw point in lieu of a cylindrical guide (similar to Fig. 7) and a square tapered bit stock shank. They shall be forged from a single piece of steel and shall be made only in the sizes permitted for type 7 plug bits.

TYPE 10. *Expansive bits*—May be made in plain, screw, or gear adjusting styles and shall have square tapered bit stock shanks. Two cutters shall be used to bore holes of any diameter within the capacity range of the bit, except that a third cutter may be made for use in the larger bit for boring holes up to four inches in diameter. Expansive bits shall be made only in accordance to the following requirements:

Size (expansive range) (minimum)	Over-all length (maximum)	Cutter spur height	Diameter of round (minimum)	Dimensions, square of shank			Cutting edge in advance of spur (minimum)
				Large end	Small end	Length	
Inches	*Inches*	*Inch*	*Inch*	*Inch*	*Inch*	*Inches*	*Inch*
⅝ or less to 1½	7	11/64	5/16	⅜	5/32	1¾	5/32
⅞ to 3	8½	9/16	⅜	7/16	¼	1⅞	¼

Tolerances:
Height of cutter spur: Plus or minus 1/64 inch.
Square of shank dimensions of large and small ends: Plus or minus 1/32 inch.
Length of square of shank: Plus or minus ¼ inch.
Length over-all: Minus ½ inch.

TYPE 11. *Forstner bits (hand and machine)*—Shall be made only in the following sizes:

Size (diameter of cutting head)	Diameter of round (minimum)	Hand [1] length over all	Machine [2] length over-all
Inches	*Inch*	*Inches*	*Inches*
½	5/32	6¼	5
9/16	5/32	6¼	5
⅝	⅛	6¼	5
11/16	⅛	6¼	5
¾	9/32	6¼	5
13/16	9/32	6¼	5
⅞	9/32	6¼	5
15/16	9/32	6¼	5
1	9/32	6¼	5
1 1/16	9/32	6¼	5
1⅛	9/32	6¼	5
1 3/16	5/16	7¼	5
1¼	5/16	7¼	5
1 5/16	5/16	7¼	5
1⅜	5/16	7¼	5
1 7/16	5/16	7¼	5
1½	11/32	7¼	5
1 9/16	11/32	7¼	5
1⅝	11/32	7¼	5
1 11/16	⅜	7¼	5
1¾	⅜	8¼	5
1 13/16	⅜	8¼	5
1⅞	⅜	8¼	5
1 15/16	⅜	8¼	6¼
2	⅜	8¼	6¼
2¼	⅜	8¼	6¼
2½	⅜	8¼	6¼
2¾	⅜	8¼	6¼
3	⅜	8¼	6¼
3¼	⅜		10
3½	⅜		10
3¾	⅜		10
4	⅜		10
4½	⅜		10
5	⅜		10
5½	⅜		10
6	⅜		10

Tolerances:
Diameter: Plus 0.015 inch.
Tolerance on over-all length: Plus or minus ¾ inch.

[1] Hand bits shall have a square tapered shank approximately 1 3/16 inches long by 7/16 inch square at large end, with taper of 5 degrees on a side or a total of 10 degrees.
[2] Machine bits up to and including 2½ inches in diameter shall have a round shank ½ inch in diameter; bits more than 2½ inches in diameter shall have round shanks ¾ inch in diameter. Tolerance on over-all length: Plus or minus ¼ inch.

TYPE 12. *Gimlet bits, double cut*—Shall be forged from a single piece of steel and the cutting edges shall be sharpened and terminate in a point. Gimlet bits of this type shall have square tapered bit stock shanks, and shall be made only in the following sizes:

Nominal size (largest diameter of twist) (inch)	Length		Length of square of shank
	Over-all	Twist	
	Inches	*Inches*	*Inches*
1/4	4½	1⅜	1⅛
5/32	4½	1¾	1¼
3/16	4½	1⅜	1¼
7/32	4¾	1¾	1⅜
¼	4¾	1¾	1⅜
5/16	6	2	1⅜
⅜	6	2¼	1⅜

Tolerances:
Nominal size: Plus 0.015 inch.
Length over-all and length of twist: Minus ¾ inch.
Length of square of shank: Plus or minus ¾ inch.

TYPE 13. *Drills and countersinks for boring for wood screws:*

(a) *Tapered drills* (twisted section tapered to correspond with threaded part of screws)—Shall be made double drill twist (Fig. 8) and shall have a round shank, having an over-all length of not more than 4½ inches and length of twist not more than 2 inches. May be made only in sizes having larger diameters of 5/16, 7/32, and ¼ inch.

(b) *Straight drills*—Shall be made double drill twist (Fig. 8) and shall have a round shank. Shall be made only in sizes of 1/4, 5/32, 3/16, 7/32, ¼, 9/32, 5/16, 11/32, 3/8, and 7/16 inch.

(c) *Countersinks* (with square tapered bit stock shanks)—Shall be made only in rose pattern, having an over-all length of 4½ inches, and in one size with largest cut of ¾ inch. The included angle between the sides of the cutter shall be 82 degrees.

TYPE 14. *Wood drills*—Shall be made double drill twist (Fig. 8) and shall have a tapered square bit stock shank. May be made in sizes from 1/16 inch to 1 inch by thirty-seconds, with an over-all length ranging from approximately 4½ to 10 inches depending on the diameter.

TYPE 15. *Bell hangers or electricians drills*—Shall be made double drill twist (Fig. 8), and shall have a tapered square bit stock shank. May be made in over-all lengths of 12, 18, and 24 inches only, and in diameters from 5/16 to ⅝ inch by sixteenths, and ¾ inch.

TYPE 16. *Dowel bit*—Shall be made double twist with two spurs and two extension lips so beveled as to form cutting edges (Fig. 1). May have a tapered square bit stock shank or a round machine shank and may be made in sizes from 5/16 to 1 inch by sixteenths, having an over-all length not to exceed 5 inches.

TYPE 17. *Machine bits*—Shall be made double drill twist with brad point, and shall have round shank having a diameter of ½ inch and a length of 2½ inches which may be flattened on one side to a width of ⅜ inch and a length of 1½ inches. Machine bits shall be made only in the following sizes:

Size (bit diameter) (inch)	Length over-all	Size (bit diameter)	Length over-all
	Inches	*Inches*	*Inches*
1/4	6½	13/16	10
5/16	6⅝	⅞	10½
⅜	6¾	15/16	10¾
7/16	7¾	1	11
½	7¾	1 1/16	11¼
9/16	8¼	1⅛	11¾
⅝	8¾	1 3/16	12
11/16	9¼	1¼	12½
¾	9¾		

Tolerances:
Length over-all: Plus or minus ¼ inch.
Diameter: Plus 0.010 inch.

TYPE 18. *Tapping or sugar tree bits*—Shall be made either double twist, or solid center single twist, except that no producer shall make more than one style. Bits shall be forged from a single piece of steel and shall have a square tapered bit stock shank, screw point, and a round cut head (Fig. 9). May be made in sizes of ⅜, 7/16, and ½ inch, having an over-all length not to exceed 4½ inches.

[F. R. Doc. 44-1177; Filed, January 22, 1944; 11:08 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-241, Interpretation 1]

COMMERCIAL PRINTING

The following interpretation is issued with respect to Limitation Order L-241.

Schedule II to Order L-241 limits the amount of paper which a person may cause to be consumed in printing certain "items". Each of the numbered paragraphs in the schedule is a separate "item", not the individual products described in a particular paragraph. Thus, for example, a person who issued shopping guides in 1941 may use his quota under the Schedule for the issuance of free distribution newspapers or want ad periodicals in 1944.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1179; Filed, January 22, 1944; 11:08 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 44]

APPLICATIONS BY PRODUCERS AND DISTRIBUTORS FOR PERMISSION TO SELL REJECTED OR EXCESS STEEL

The following direction is issued pursuant to CMP Reg. 1.

(a) Producers and distributors having offgrade or rejected steel or idle or excess inventory which they are unable to move under CMP regulations may apply to the War Production Board for permission to dispose of such material. Applications should contain the following information:

1. Name of proposed customer.
2. Product to be made.
3. Description of material.
4. Location of material.
5. Length of time held and reason holder has been unable to move it under CMP regulations.

(b) Producers' applications should be addressed to the appropriate Product Branch of the Steel Division, War Production Board, Washington 25, D. C., and distributors' applications to the Warehouse Branch of the Steel Division. No application will be considered where the use to be made of the material is prohibited by an order or regulation of the War Production Board, unless the customer has been granted an exception to such order or regulation.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1183; Filed, January 22, 1944; 11:10 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 8, as Amended Jan. 22, 1944]

POWER DIVISION, OFFICE OF WAR UTILITIES

§ 3208.9 *Table for Power Division.* (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M-293.

Table of scheduled products	Designation	Applicable forms column [1]		
		1	2	3
1. Steam, hydraulic, or gas-propelled turbines unless designed for ship propulsion or aircraft use	XZ		3003	
2. Turbine-generator sets (any combination of one or more turbines and electric generators built to operate as a set) unless designed for ship propulsion, aircraft use, or locomotive headlight service	XZ		3003	
3. Steam engine-driven generator sets	X		3003	
4. Diesel and natural gas engines, 750 r.p.m. and less, excluding equipment for marine use	XZ	878	3003	
5. Diesel and natural gas engine-driven generators 750 r. p. m. and less, excluding equipment for marine use	XZ	1801	3003	
6. Generators designed to be propelled by a steam, hydraulic or gas turbine or steam engine, unless designed for ship propulsion, aircraft use, or locomotive headlight service	XZ	1801	3003	
7. Boilers and boiler units, exclusive of those for marine shipboard or locomotive use.[2]				
a. Boilers and boiler units (including such auxiliaries as superheaters, desuperheaters and water walls or water-cooled furnaces, when such auxiliaries are fabricated by the manufacturer who reports and fabricates the related boiler) of any type listed below if such boilers and boiler units are (i) designed for a steam pressure of more than 15 pounds per square inch, and (ii) have a boiler heating surface of 500 square feet or more, but less than boilers and boiler units listed in c below: (i) Water tube.. (ii) Scotch marine (iii) Horizontal return tubular. (iv) Refractory lined firebox (v) Oil country	X		1790	
b. Boilers and boiler units designed for steam pressures over 15 pounds per square inch, all sizes, of the following types: (i) Waste Heat.. (ii) Dowthern (iii) Mercury (iv) Electric	XY		1790	2645
c. Boilers and boiler units listed in a above which have a combined boiler, water wall, economizer, and air heater heating surface of 3000 square feet or more.	XY		1790	2645
d. Boiler auxiliaries, such as superheaters, desuperheaters economizers, air-heaters and water walls or water-cooled furnaces, (i) for a new boiler installation if fabricated by a manufacturer other than the manufacturer reporting and fabricating the related new boiler, or (ii) for a boiler unit already in use	X		1790	
8. Pulverizers and related combustion equipment installed for the primary purpose of pulverizing solid fuel for firing any type of furnace, excluding those for marine shipboard and locomotive use	X		1790	

[1] A manufacturer of a Class X product must file his shipping schedule on Form WPB 3003 or 3401 or on the form shown in Column 2 at his option.

Table of scheduled products	Designation	Applicable forms column		
		1	2	3
9. Automatic stokers designed for burning solid fuel, with an active projected grate surface in excess of 36 square feet, excluding stokers for locomotive use. The term active projected grate surface means grate surface through which air is supplied to the fuel bed, either continuously or intermittently	X		1790	
10. Soot blowers—any device using steam or air to blow soot, cinders, or slag from the heating surfaces of furnaces, boilers, stills and other types of direct-fired heat exchangers, excluding those for locomotive or marine use				
11. Steam condensers (surface, jet and barometric), inter and after condensers, and air ejectors, or any combination thereof, including marine condensers and air ejectors other than those produced for the United States Navy for use on ships	XZ		3003	
12. Power frequency changers, 62½ cycles and below	XZ		1790	
13. Synchronous condensers	XZ		1790	
14. Mercury arc rectifiers and electronic frequency changers for power use	X		2792	
15. Oil circuit breakers of 2,200 volts or higher	XZ		1790	
16. Air circuit breakers except types AB, ET or similar	XZ		1790	
17. Metal clad switchgear containing oil or air circuit breakers listed in 15 and 16 above and power switchboards	XZ		1790	
18. [Deleted Nov. 13, 1943].				
19. Liquid-filled power or distribution transformers of 250 KVA and larger; unit substations and unit load centers containtaining such transformers	XYZ		2642	2643
20. Liquid-filled power or distribution transformers 1½ KVA and larger; dry-type transformerswith primary voltage 601 volts and above, dry type transformers with primary voltage 600 volts and below with capacities 201 KVA and above (single phase) or with capacities 301 KVA and above (three phase)	YZ			2643
21. Unit substations and unit load centers, containing transformers listed in 20 above	YZ			2643
22. Hammer forged, press forged, and cast crankshafts—finished	XZ	878C	878C	
23. Transformers, reactors, and chokes for nonpower (electronic) applications only		3002.31		

A person placing an order for a Class Y product must use the form shown in Column 3 to obtain WPB authorization unless the product is also in Class Z and he is placing the order under paragraph (e) of M-293.

A person placing an order for a Class Z product under paragraph (e) of M-293 must use Form WPB-3003, 3400, or 3401, as specified in the instructions he received, to ac-

[2] See Table 14 of this order for listings of land boilers not included in this Table 8.

company his purchase order. If the product is also Class Y, he should use that same form to obtain WPB authorization instead of the form shown in Column 3.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1181; Filed, January 22, 1944; 11:09 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 14 as Amended Jan. 22, 1944]

PLUMBING AND HEATING DIVISION

§ 3208.15 *Table for plumbing and heating division.* The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

Type of M-293 product	Designation	Applicable form column 1	2	3
1. Metal pipe fabricated beyond rolling mill shapes for resale to installers for incorporation into a piping system, including but not limited to pipe which has been subject to the following processes: bending, flanging, van stoning, welding, coiling, and beveling, but not including pipe which has been threaded only or cut to a specific length only or which has been beveled by the manufacturer or welding fittings sold as such				
2. Boilers and boiler units, exclusive of those for marine shipboard or locomotive use, as follows:				
(a) Steel low pressure heating boilers not designed to withstand a steam pressure of more than 15 pounds per square inch, all types	X		1790	
(b) Steel boilers designed for steam pressures over 15 pounds per square inch, having less than 500 square feet of boiler heating surface, of the following types:				
(i) Water Tube	X		1790	
(ii) Scotch Marine	X		1790	
(iii) Horizontal Return Tubular	X		1790	
(iv) Refractory Lined Firebox	X		1790	
(v) Oil Country	X		1790	
For all boilers of types listed above under (2b) having 500 square feet of boiler heating surface and more, and boilers of Dowtherm, Mercury, Waste Heat and Electric types—see Table 18 of this order.				
(c) Steel boilers designed for steam pressure over 15 pounds per square inch all sizes, of the following types:				
(i) Steel Fire box	X		1790	
(ii) Vertical	X		1790	
(iii) Miniature	X		1790	

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1182; Filed, January 22, 1944; 11:10 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-180 as amended Jan. 22, 1944]

MATERIALS ENTERING INTO THE PRODUCTION OF REPLACEMENT STORAGE BATTERIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of antimony, lead, tin, rubber, and other materials entering into the production of automotive replacement storage batteries used in the operation of passenger automobiles and light trucks, medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles, for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3295.51 *Limitation Order L-180* (a) [Deleted Jan. 22, 1944]

(b) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Regulations of the War Production Board, as amended from time to time, except where otherwise stated.

(c) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Passenger automobile" means any passenger vehicle, including station wagons and taxicabs, propelled by an internal combustion engine, and having a seating capacity of less than eleven (11) persons.

(3) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(4) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(5) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for the transportation of property or persons, or the chassis therefor.

(6) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than eleven (11) persons.

(7) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(8) "Automotive replacement storage battery" means any electric storage battery which has been completely assembled and sealed, whether uncharged or charged, and which is designed and built for operating a starter, ignition system, lighting system, or electrical signaling device on any passenger automobile, light, medium and heavy motor truck, truck-tractor, truck-trailer, passenger carrier or off-the-highway motor vehicle, and which may be used to replace a storage battery delivered as original equipment for any such vehicle. Automotive replacement storage batteries are sometimes referred to hereafter for convenience as "replacement batteries."

(9) "Rebuilt automotive storage battery" means any used automotive storage battery which has been repaired, rebuilt in part or in whole and/or recharged for sale, referred to sometimes hereafter for convenience as "rebuilt batteries."

(10) "Loan or rental storage battery" means any new automotive replacement storage battery or any used automotive storage battery, repaired, rebuilt in whole or in part, and/or recharged to be used by any person for loaning, or renting, in order to permit the replacing, repairing, rebuilding and/or recharging of a battery.

(11) "Ampere hour capacity" means the ampere hour capacity of an automotive replacement storage battery as developed on or before the third discharge when tested at the 20-hour rate at 80 degrees Fahrenheit.

(12) "Group" means either (i) one division (of those numbered I, II, III, IV, V) of the "Table of Maximum Adjustment Units for Automobile Batteries in Passenger Car Service," as issued in 1939 by the National Battery Manufacturers Association, Inc., now known as Association of American Battery Manufacturers and referred to in paragraph (d) below as AABM; or (ii) A battery number, as shown in Table I, "Battery Classifications, Ratings and Dimensions," appearing on page 103 of the publication entitled "Storage Batteries for Motor Vehicles," issued in 1938 by the Society of Automotive Engineers, Inc., and referred to in paragraph (d) below as SAE.

(13) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture or rebuilding of automotive replacement storage batteries for sale.

(14) "Inventory" means a stock of automotive replacement storage batteries (new and rebuilt) on hand, on consignment or held for the account of the owner thereof in any other name, manner or place.

(15) "Distributor" means any person not a producer whose business consists, in whole or in part of the sale from inventory of storage batteries, as defined in sub-paragraphs (8), (9) and (10) above. Distributor includes wholesalers, warehouses, jobbers, dealers, retailers and other persons performing similar functions.

(16) "Consumer" means the owner or operator of the automotive vehicle for which a replacement battery is acquired, or the user of such battery for any other purpose.

(17) "Double insulation" means, in battery construction, the use of a retaining sheet of porous or perforated material between the positive plate and the single separator.

(18) "Single insulation" means, in battery construction, the use of wood separators only.

(d) *Limitations on ampere hour capacities of replacement batteries for passenger automobiles and light trucks.* (1) On and after August 29, 1942, no producer shall manufacture any replacement batteries for passenger automobiles and light trucks except with single insulation and only in the following minimum ampere hour capacities:

AABM	SAE	Minimum ampere hour capacity 20-hour rate 80° F.
Group	*Group*	
I	1M	80
I	1H	90
II		90
II	2L	100
(E-116) (11E-125)	2ME	110
IIEF (Ford)		100
(II-115)	(2M-105) (2H-116)	110
II3	3L	110
III	3M (3H-133)	120
Special (12 Volt)		45-50

(2) Notwithstanding the limitations on insulation of replacement batteries specified in paragraph (d) (1) above, a producer may manufacture one (1) model with double insulation in not more than three of the above groups.

(3) From Groups IV and V of AABM, or from Groups 4H and 5H of SAE, a producer may manufacture only one battery in each group. However, such batteries may be constructed either with single or double insulation.

(e) *Limitations on ampere hour capacities and container sizes of replacement batteries for medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles.* (1) On and after September 30, 1942, other than as permitted in sub-paragraph (2) below no producer shall manufacture any replacement batteries for medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles except one (1) in each size within the following minimum-maximum ampere hour capacities and minimum-maximum container sizes:

	Ampere hour capacity 20-hour rate 80° F.		Volts	Container sizes					
				Long		Wide		High	
	Minimum	Maximum		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
				For batteries with double insulation					
Size A	155	165	0	16	16¾	7¼	7¾	9¼	11
Size B	195	220	6	19¾	20½	7¼	7¾	9¼	11
Size C	235	245	6	22½	23½	7¼	7¾	9¼	11
Size D	385	395	6	21½	22	10¼	10¾	12	12½
Size E	95	105	12	17½	18	7¼	8	9¼	11
Size F	95	105	12	19¼	21½	7¼	7¾	9¼	11
Size G	115	125	12	20¼	21½	8½	9	9¼	11
Size H	135	145	12	20¼	21½	9	10	9¼	11
Size I	155	165	12	20¼	21½	10¼	11¼	9¼	11
				For batteries with single insulation					
Size J	195	205	6	16	16¾	6¾	7¼	9	9¾
Size K	335	345	6	25	25½	7¼	7¾	9¼	11¼
Size L	140	155	12	20¼	21½	8½	9	9¼	11
Size M	150	170	12	20¼	21½	9	10	9¼	11
Size N	180	205	12	20¼	21½	10¼	11¼	9¼	11

(2) Producers may manufacture replacement batteries in capacities and sizes other than as specified in sub-paragraph (1) of this paragraph (e) only from materials on hand on August 29, 1942, provided:

(i) No additional material is required;

(ii) Such material cannot be consumed without change in form in manufacturing replacement batteries of the capacities and sizes specified in sub-paragraph (1) above;

(iii) Replacement batteries so produced be included in the number authorized for production in the periods specified in paragraph (f) below.

(f) *Restrictions on production of replacement batteries for passenger automobiles, light, medium and heavy trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles.* (1) No producer shall, during any calendar quarter of 1944, manufacture automotive replacement storage batteries in excess of the number (hereinafter referred to as "quota") obtained by multiplying the percentage shown below for that calendar quarter of 1944 by the total number of such batteries sold by him during the calendar year 1941:

Calendar Quarter of 1944:	Percentage of 1941 sales
January 1 to March 31	22½
April 1 to June 30	22½
July 1 to September 30	30
October 1 to December 31	25

(2) Notwithstanding subparagraph (1) of this paragraph (f), a producer may, in addition to the quotas permitted thereby,

(i) Manufacture during the second, third and fourth calendar quarters of 1944 that number of replacement batteries by which he failed to reach his full quota during the next preceding calendar quarter provided that this additional production does not exceed 5% of the number of replacement batteries sold by him during the calendar year 1941; and, in addition,

(ii) Manufacture during the first, second and third calendar quarters of 1944 not in excess of 5% of the number of such batteries sold by him during the calendar year 1941, provided he deducts such number from his quota for the next succeeding calendar quarter of 1944; *And Provided further,* That in no event shall any producer manufacture during the calendar year 1944 a number of such replacement batteries in excess of 100% of the number of such batteries which he sold during the calendar year 1941.

(3) *Additional 10% production authorized in 1944.* In addition to the production authorized by subparagraphs (1), (2) (i) and (ii) of this paragraph (f), producers may manufacture replacement batteries during the period January 1, 1944 to December 31, 1944 in an amount equal to 10% of the total number of such batteries sold by the producer during the calendar year 1941 or the calendar year 1943, whichever is higher, except as provided in subparagraph (5) below. In no event, however, shall the production of any producer for the year 1944 exceed 110% of the number of replacement batteries sold by him during the calendar year 1941 or the calendar year 1943, whichever is higher.

(4) *Foregoing not applicable to producers of less than 25,000 units.* The restrictions on production of replacement batteries contained in this paragraph (f) (1) and (2) (i) (ii) and (3) shall not apply to a producer who during the year 1941 sold less than 25,000 replacement batteries; *Provided, however,* That during the year 1944 his total production shall not exceed 25,000 units.

(5) *Plants in Group I Labor Market Areas not authorized to increase production.* On and after January 1, 1944, no producer whose plant is located in a Group I Labor Market Area as classified

by the War Manpower Commission as of January 1, 1944, shall produce replacement batteries in any such plant in excess of 100% of his sales of batteries produced in that plant in the calendar year 1941 or the calendar year 1943, whichever is higher.

(6) *Production in excess of 110% limitation may be authorized.* Any producer having a plant which is not located in a Group I or Group II Labor Market Area who believes that such plant has capacity available to produce replacement batteries in excess of 110% of the sales of batteries produced at such plant in the calendar year 1941 or in the calendar year 1943, whichever is higher, may file an application in writing at the Field Office of the War Production Board nearest to such plant, for leave to increase production at such plant. Such application shall contain a full statement of the plant's capacity, the labor presently employed and the additional production which can be secured, by quarters. Thereupon the War Production Board may authorize an increase in the production of replacement batteries at such plant in such quantities and upon such conditions as it shall find requisite in the public interest. Such authority will be issued either in the form of individual letters or by published Directions supplemental to this order.

(g) *Restrictions on inventories of producers of automotive replacement batteries.* (1) No producer shall have in inventory on the first day in any month a stock of replacement batteries and rebuilt batteries as defined in paragraphs (c) (8) and (9) above, in excess of one third of the number of batteries sold by him during the calendar year 1941.

NOTE: Paragraphs (h) (1), (h) (2), (h) (3) formerly (h) (2), (h) (3), (h) (4), redesignated Jan. 22, 1944.

(h) *General restrictions*—(1) *Return of used batteries.* On and after August 29, 1942, no producer or distributor shall sell or deliver a new or rebuilt replacement battery to any consumer unless such consumer delivers to the seller concurrently with his purchase one used battery of the same size or larger for each replacement battery delivered to such consumer. The provisions of this paragraph (h) (1) shall not apply to any Federal or Territorial department, bureau or agency, State or political subdivision thereof, which is forbidden by law from making such disposal of used batteries.

(2) *Consumer's certificate.* Notwithstanding the provisions of paragraph (h) (1) above, a producer or distributor may sell and deliver a replacement battery to a consumer without receiving a used battery in exchange therefor provided that: (i) The producer or distributor does not install such replacement battery in the consumer's vehicle; and (ii) the consumer signs and delivers to the producer or distributor with each purchase order (or written confirmation thereof if such order is placed by telephone or telegraph) a certificate in the following form:

Consumer's Certificate

I hereby certify that: (a) the replacement battery specified on this order is essential for the operation of a vehicle I now own or operate; (b) the replacement battery will be used only to replace a battery, which to the best of my knowledge, cannot be economically reconditioned; and (c) I will, within thirty days after receiving the replacement battery here ordered, dispose of through scrap channels a used automotive battery (excepting in the event of the loss or theft of such battery) of similar size for each replacement battery delivered to me.

(Signed) _____
Vehicle Owner or Operator
_____
Address
Date_____

A copy of each such certificate must be retained by the producer or distributor as part of his records.

(3) *Electric fence user's certificate.* Notwithstanding the provisions of paragraph (h) (1) above, a producer or distributor may sell or deliver a replacement battery to a consumer without receiving a used battery in exchange therefor, provided that the consumer purchases the battery for use in connection with an electric fence or other piece of farm machinery which had formerly been operated in whole or in part by dry cell batteries, and provided further that the producer or distributor secures from the consumer, for each purchase order (or written confirmation thereof if such order is placed by telephone or telegraph) the consumer's signature to a certificate, to be supplied by the producer or distributor, in the following form:

Electric Fence or Farm Equipment User's Certificate

I hereby certify that the battery purchased by me under this date is for use in connection with an electric fence or other farm equipment; that I have previously not used a storage battery for this purpose and, therefore, have no used battery to turn in.

(Signed) _____
Purchaser
_____
Address
Date_____

(i) *Metal-containing parts of used, traded-in, imperfect or condemned batteries to be disposed of as scrap in 30 days.*

No producer or distributor may keep in his possession, or under his control for a period of more than thirty (30) days any metal-containing parts of any used, traded-in, imperfect or condemned replacement battery or rebuilt battery for the purpose of repairing or rebuilding the same, or for any other purpose, but must dispose of such parts through customary disposal or scrap channels. The provisions of this paragraph shall not apply to distributors located in Alaska, Hawaii, Panama Canal Zone, Porto Rico or the Virgin Islands.

(j) *Exceptions to applicability of this order.* The limitations and prohibitions contained in this order shall not be applicable to the manufacture, sale or delivery of replacement batteries under contract or orders for delivery to or for the account of:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(k) *Records.* Every person to whom this order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* On or before the 25th day of January, the 15th day of April, July and October 1944 and the 15th day of January 1945, each producer shall execute and file with the War Production Board Form WPB 2163 (PD 765) reporting for each of his plants, with the address of each, the shipments of automotive replacement storage batteries made during the preceding calendar quarter from each plant. These reporting provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance by the War Production Board.

(o) *Appeals.* An appeal from the provisions of this order shall be made by filing a letter in triplicate with the field office of the War Production Board nearest the appellant's place of business, referring to the particular provisions appealed from and stating fully the grounds for appeal.

(p) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Ref.: L-180.

(q) [Revoked January 5, 1943.]

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1178; Filed, January 22, 1944; 11:08 a. m.]

PART 921—ALUMINUM AND MAGNESIUM[1]

[General Preference Order M-198 as Amended Jan. 24, 1944]

CRYOLITE

Section 921.21[1] *General Preference Order M-198* is hereby amended, to read as follows:

§ 921.21 *General Preference Order M-198*—(a) *Definition.* For the purposes of this order "Cryolite" means the natural ore of sodium aluminum fluoride, any product refined from this ore, and also all forms of synthetic cryolite.

(b) *Limitation on delivery and use of cryolite.* Unless specifically authorized in writing by the War Production Board, no person shall deliver, and no person shall accept delivery of, cryolite unless it is to be used by the person accepting delivery as an insecticide or for the manufacture of insecticides.

(c) *Applications for authorization.* (1) Any person who wishes to be authorized by the War Production Board to accept delivery of cryolite and to use it for any purposes other than as an insecticide or for the manufacture of insecticides, shall after January 23, 1944 submit his proposed purchase order to the Aluminum and Magnesium Division of the War Production Board, Washington 25, D. C., Reference M-198, and one copy thereof so that the War Production Board may retain it. The applicant shall state on this copy of the purchase order or in an accompanying letter, (i) the specific purpose or purposes for which the cryolite is to be used and (ii) that the amount ordered will, or will not, make his inventory of cryolite in excess of a 60-day supply at his average rate of consumption during the three calendar months preceding the mailing of the purchase order.

(2) If an application under paragraph (c) (1) is granted by the War Production Board, the original copy of the purchase order will be stamped to show that the application has been granted and will be forwarded to the supplier indicated on the purchase order. This authorization will permit the supplier to make delivery pursuant to the purchase order, and the applicant to accept delivery and to use the material for the purpose or purposes indicated on the copy of the purchase order or accompanying letter. If the application is denied, the purchase order will be returned to the applicant.

(d) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Aluminum and Magnesium Division, Washington 25, D. C., Reference M-198.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

NOTE: The application provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1241; Filed, January 24, 1944; 11:39 a. m.]

[1] Formerly Part 2021, § 2021.1.

PART 933—COPPER

[Supplementary Order M-9-c-4 as Amended Jan. 24, 1944]

§ 933.15 *Supplementary Conservation Order M-9-c-4*—(a) *Definition.* For the purposes of this order:

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy metal. It shall include alloy metal produced from scrap.

(3) "Copper or copper base alloy pipe or tubing" means any pipe, tube or tubing into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight).

(4) "Copper or copper base alloy fittings" means any fittings for use in connection with any pipe, tube or tubing (other than valves, ferrules or solder nipples) into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight).

(5) "Copper or copper base alloy plumbing fixture fittings and trim" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight):

Bath supplies, less flanges, standard pipe sizes only.
Closet floor flanges.
Rigid traps (including bath traps)—but only of cast brass.
Shower arms, less flanges (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit).
Shower curtain rods.
Shower curtain rod flanges—but only of cast brass.
Shower heads—but only if cast or forged (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit).
Waste arms, continuous (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit).
Waste tees, continuous (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit.)

(6) "Copper or copper base alloy building material" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight):

Access panels.
Anchors and dowels.
Cornices.
Drip pans.
Fences and gates.
Flashings and flashing valley lining.
Gravel stops and snow guards.
Grilles, grids and gratings.
Gutters, leaders, downspouts, sheet metal expansion joints and accessories thereto.
Lightning rods, cables and accessories.
Louvers and marquees.
Mouldings and trim.
Ornamental metal work.
Partitions.
Railings.
Reglets.
Radiators, shields and covers.
Roof, roofing and other roofing items.
Sheet, roll, strip and rod for building construction.
Stair treads, nosing and edgings.
Store fronts.
Strip for laying linoleum.
Terrazzo strip.
Termite shields.
Thresholds and saddles.
Tie rods.
Weatherstripping and insulation.
Window frames and sills.
Ventilators and skylights.
Vents.

NOTE: For copper and copper base alloy screening, see Conservation Order M-9-c (§ 933.4).

(b) *Restrictions on installations of certain copper products*—(1) *Restrictions.* Installation of certain copper and copper base alloy products is prohibited, notwithstanding any contract or agreement of any person to make the installa-

tion, and notwithstanding any preference rating or CMP allotment, in the following instances:

(i) The installation in place of any copper or copper base alloy building material in any building or structure, or in any cooling tower or water tower.

(ii) The installation in place, for plumbing, heating or cooking purposes, of any copper or copper base alloy pipe, tubing, fittings, or plumbing fixture fittings and trim, in any building or structure.

(iii) The installation in place, whether inside or outside of a building, of any copper or copper base alloy pipe, tubing or fittings in any water supply or water distribution system, in any water sprinkling system, in any underground gas supply or gas distribution system, or in any cooling tower or water tower.

(2) *Exceptions.* Notwithstanding the prohibitions against installation of paragraph (b) (1):

(i) Copper or copper base alloy building material, pipe, tubing or plumbing fixture fittings and trim, in the possession on June 23, 1943 of the person owning a building, structure or system, may be installed in place when necessary to replace in that building, structure or system like items of copper or copper base alloy, if the aggregate weight of the items installed to make a particular repair does not exceed 25 pounds.

(ii) Copper or copper base alloy fittings may be installed in place for purposes of repair and maintenance, if at least one end of the fitting is connected to copper or copper base alloy pipe or tubing installed prior to July 22, 1942; and copper or copper base alloy fittings may be connected to a water supply or water distribution system if the fittings are to be used both underground and outside of a building.

(iii) Copper or copper base alloy pipe, tubing or fittings in the inventory of a water or gas utility on January 1, 1944, may be connected to a water supply or water distribution system or any underground gas supply or gas distribution system, if the pipe, tubing or fittings are to be used both underground and outside of a building.

NOTE: Subparagraphs (iv), (v), (vi), formerly (iii), (iv), (v), redesignated Jan. 24, 1944.

(iv) Copper or copper base alloy tubing or fittings may be installed in place in a heat exchanger for a cooling tower.

(v) Copper or copper base alloy building material, pipe, tubing, fittings and plumbing fixture fittings and trim purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration may be installed in place: *Provided, however,* That nothing in this order shall supersede any applicable instructions to any officers of the foregoing, including without limitation the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy or the List of Prohibited Items for Construction Work dated April 1, 1942, issued by the Army and Navy Munitions Board, as amended from time to time.

(vi) Copper or copper base alloy building material, pipe, tubing, fittings and plumbing fixture fittings and trim may be installed in place, upon the written authorization given under this order of the War Production Board, authorizing the specific installation. Applications for such authorization may be made by letter setting forth the reasons why the person applying believes such material should be installed in or connected to a structure or system.

(c) *Restrictions on delivery.* Notwithstanding any contract or agreement to the contrary or the receipt of any CMP allotment or preference rating, no person shall deliver, sell or otherwise dispose of any copper or copper base alloy building material, pipe, tubing, fittings or plumbing fixture fittings and trim if it is to be used for a purpose prohibited by this order; and no person shall accept delivery or a transfer of, or purchase, such building material, pipe, tubing, fittings or plumbing fixture fittings and trim, unless the person making the delivery, sale or other disposition was permitted to do so. The foregoing shall not prevent:

(1) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, a brass mill or a person regularly engaged in the business of selling copper or copper base alloy scrap.

(2) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Act as amended (except Defense Plant Corporation) or any person acting as agent for any such corporation (except Defense Plant Corporation).

(3) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, any person upon the written authorization of the War Production Board given under this order authorizing the specific delivery, sale or disposal. Applications for authorization may be made by the person seeking to make delivery, sale or disposal, by letter setting forth the reasons why the person believes such material should be delivered, sold or otherwise disposed of.

(d) *Restrictions on sale and use of nails, screws, nuts, bolts, rivets, washers, and expansion shields.* (1) After October 18, 1943, no manufacturer, warehouse, store or outlet, other than a retail store or retail outlet, shall sell or deliver, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, screws, nuts, bolts, rivets, washers or expansion shields except on a preference rating of AA-5 or higher.

(2) No retail store or retail outlet shall sell or deliver, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, screws, nuts, bolts, rivets, washers or expansion shields except on a preference rating of AA-5 or higher. However, the foregoing restrictions on sales and deliveries by retail stores and retail outlets shall not go into effect until January 1, 1944, and even after that date each store or outlet may sell such products to fill unrated orders or orders rated lower than AA-5 provided that the total sales of such products after December 31, 1943, to fill unrated orders or orders rated lower than AA-5, does not exceed $25 in amount.

(3) After October 18, 1943, no person engaged in the business of building or repairing a building, structure, cooling tower or water tower, and no corporation or other organization, shall install in place, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, screws, nuts, bolts, rivets, washers or expansion shields in a building, structure, cooling tower or water tower.

(4) The foregoing restrictions of this paragraph (d) are not applicable if the items have been placed in packages with builders' finished hardware items, such as locks and hinges, prior to June 24, 1943, for the purpose of attaching or installing the hardware, nor to iron or steel items which are plated or washed with copper.

(5) Application for specific authorization under this paragraph (d) shall be made by letter setting forth the reasons why the person applying believes the nails, screws, nuts, bolts, rivets, washers and expansion shields should be installed, or be sold or delivered to fill unrated orders or orders rated lower than AA-5.

(e) *Communications to the War Production Board.* All requests for authorizations and communications referring to this order, shall unless otherwise directed; be addressed to: War Production Board, Copper Division, Washington 25, D. C., Ref: M-9-c-4.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1242; Filed, January 24, 1944; 11:39 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Interpretation 9]

CERTAIN MRO RATINGS ASSIGNED UNDER P-98-b ARE NOT BLANKET MRO RATINGS

The following interpretation is issued with respect to Priorities Regulation 3:

Paragraph (e) (2) of Priorities Regulation 3 prohibits the use of a "blanket MRO rating" to get any item on List B. See that paragraph for a definition of a "blanket MRO rating". Some of the items which are on List B also appear on Schedule B of Preference Rating Order P-98-b. That schedule provides a way to get a rating for the items which appear on it so that such P-98-b ratings will not be "blanket MRO ratings". These ratings are assigned to specific purchase orders for a specific kind and quantity of the material desired.

Therefore, when a rating assigned pursuant to Schedule B of P-98-b (as evidenced by the symbol MRO-P-3) is applied to a purchase order for any item which is set out on Schedule B of that order that rating is valid, despite the fact the item is also on List B of Priorities Regulation 3.

The order does not require the purchaser to furnish a copy of his approved purchase order to the supplier, and the supplier should give effect to the rating and certification unless he knows or has reason to believe that the purchase order has not been rated as provided in Schedule B of Order P-98-b.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1243; Filed, January 24, 1944; 11:40 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-482]

MARTIN NILSON

Martin Nilson of Rocky Hill, Connecticut, is a general building contractor. In August, 1943, he began construction which consisted of moving a restaurant building onto new foundations and extending the building in Rocky Hill, Connecticut. The estimated cost of this construction was approximately $6800, which exceeded the $200. limit permitted under Conservation Order L-41. Martin Nilson had such information of Conservation Order L-41 that his beginning this construction was gross negligence and constituted a violation of the order.

This violation of Conservation Order L-41 has diverted scarce materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.482 *Suspension Order No. S-482.* (a) Deliveries of material to Martin Nilson, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Martin Nilson, his successors or assigns, directly or indirectly, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Martin Nilson, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 22, 1944, and shall expire on April 22, 1944.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1210; Filed, January 22, 1944; 3:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-484]

ELIS G. DE LIA

On or about February 1, 1943, Mr. Elis G. DeLia, a former housing contractor, of Paris Road, New Hartford, New York, began construction of a multiple residence located at 1416 Genesee Street, Utica, New York, for the purpose of remodeling a large dwelling into apartments. He obtained authorization to commence construction work of an estimated cost of $10,000; the estimated cost of the work done amounted to approximately $15,000. This constituted a violation of Conservation Order L-41. In (or prior to) August, 1943, the respondent installed copper building material in the form of flashings, flashing valley linings, gutters and roofing items on the building in violation of Supplementary Order M-9-c-4. Respondent also obtained approximately 32 radiators on or about March 20, 1943, by means of a material and wilful misstatement that said delivery was covered by an A-10 rating under Preference Rating Order P-84. The respondent had knowledge of the orders involved, and the violations thereof must be deemed wilful.

These violations have hampered and impeded the war effort of the United States and have diverted essential critical materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.484 *Suspension Order No. S-484.* (a) Neither Elis G. DeLia, his successors or assigns, nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction of the premises at 1416 Genesee Street, Utica, New York, unless hereafter specifically authorized in writing by the War Production Board.

(b) For four months from the effective date of this order, deliveries of material to Elis G. DeLia, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Elis G. DeLia from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 22, 1944.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1211; Filed, January 22, 1944; 3:38 p. m.]

PART 1044—CADMIUM

[General Preference Order M-65, as Amended Jan. 22, 1944]

Section 1044.1 *General Preference Order M-65* is hereby amended to read as follows:

§ 1044.1 *General Preference Order M-65*—(a) *Scope of this order.* This order controls deliveries of cadmium from a producer or distributor. No producer or distributor shall deliver cadmium to any person, and no person shall accept delivery of cadmium from any producer or distributor, except as provided in this order. The order also restricts the use which may be made of cadmium or cadmium products. The permitted uses will be found listed below in paragraphs (d) and (e).

(b) *Definitions.* For the purposes of this order:

(1) "Cadmium" means all grades of metallic cadmium, oxide, or plating salts produced directly from ores, concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material; or cadmium-bearing materials suitable for the manufacture of pigments.

(2) "Cadmium product" means an electroplated coating of cadmium.

(3) "Distributor" means any person regularly engaged in the business of buying cadmium and selling the same in forms suitable for general fabrication or electroplating.

(c) *Deliveries of cadmium.* Producers and distributors may deliver cadmium, and persons may accept delivery of cadmium from a producer or distributor in the following cases only:

(1) *Small order delivery.* Deliveries of cadmium from a producer or distributor may be made and accepted without the necessity of obtaining any specific authorization from the War Production Board if (i) The delivery in question, combined with all other deliveries of cadmium to the purchaser during that calendar month, from whatever source, will

not aggregate more than 100 pounds of contained cadmium; (ii) The purchaser has not requested from the War Production Board authorization for that particular month to accept delivery of cadmium in any quantity—see paragraph (c) (4) below (a request to the War Production Board shall be deemed a request within the meaning of this paragraph, regardless of whether it has been granted or denied); (iii) The cadmium purchased will be used only as permitted in paragraphs (d) and (e) of this order and not for resale; (iv) The inventory of the purchaser is not, and will not upon acceptance of the delivery become, in excess of a 30-day supply on the basis of his current method and rate of operation; and (v) The producer or distributor may make deliveries without any specific authorization from the War Production Board unless he knows or has reason to believe, that the delivery will be in violation of this paragraph (c) (1) or that the cadmium delivered is to be used in violation of the restrictions of this or other applicable orders of the War Production Board.

(2) *Deliveries to distributors.* Deliveries of cadmium may be made to and accepted by distributors.

(3) *Deliveries to Metals Reserve Company.* Deliveries of cadmium may be made to and accepted by Metals Reserve Company for the sole purpose of stockpiling or redistribution.

(4) *WPB authorization.* Other deliveries of cadmium may be made only on specific authorization of the War Production Board and in accordance with an authorization certificate issued by the War Production Board on Form WPB-945. Deliveries so specifically authorized shall take precedence over any preference rating which may be assigned to deliveries on other contract or orders. Authorization certificates will be issued on or about the first of each month for this purpose. An authorization certificate will authorize the holder to accept from a producer or distributor deliveries of specified amounts of cadmium shipped during the month for which the certificate is issued. The producer or distributor may ship on notification from the purchaser of the date and serial number of the authorization certificate. Any person wishing to apply for an authorization certificate should file an application on Form WPB-945 not later than the fifteenth day of the month preceding the month in which the authorization to purchase is desired.

(d) *Restrictions on the use of cadmium.* No person may use in any fashion any cadmium after January 22, 1944, except upon receipt by him of a certificate in substantially the form prescribed by Priorities Regulation No. 7 that the cadmium containing item to be produced will be used for one or more of the following purposes, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product:

(1) For the manufacture of pigments for the following:

Luminescent paint for military uses
Luminescent printing ink for military uses
Luminescent paper for military uses
Luminescent plastic for military uses
Signal and illuminating glass ware for safety, religious, military and industrial uses only
Thermometer tubing
Rubber sea buoys
Dental rubber
Artist's colors

(2) For the manufacturer of silver brazing alloys containing no more than 11% by weight of cadmium to be used for military and industrial purposes to the extent that the use of a less critical material is impracticable except that silver brazing alloys containing up to 19% may be manufactured for applications specifically required by the Armed Services.

(3) For the manufacture of copper base alloys containing no more than 1¼% by weight of cadmium for the following:

(i) Current carrying parts of electrical current interruption devices to the extent that sufficient contact pressure cannot be maintained in service with other less critical materials.

(ii) Parts inside electronic tubes.

(iii) Resistance welding electrodes.

(4) For the manufacture of bearings for the following:

(i) Internal combustion engines for the propulsion of naval vessels when specifically required by the U. S. Navy.

(ii) In radio and radar equipment.

(5) For the manufacture of low melting point alloys for the following:

(i) On dry type rectifier elements.

(ii) In fire protective systems and electrical fuses.

(iii) In plastic fire control instruments for the mounting of optics.

(6) For the manufacture of a lead base alloy containing more than 3% by weight of cadmium for the coating of copper wire;

(7) For the manufacture of any cadmium product permitted by paragraph (e).

(e) *Restrictions on the use of cadmium products.* No person may use in any fashion any cadmium product made after January 22, 1944 except as permitted in subparagraphs (1) to (12), and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product.

(1) On functional parts which in service are subjected to frequent and extended periods of alternate immersion in sea water or wet spray of sea water to the extent that other finishes cannot be used for reasons of close tolerance or performance;

(2) On heddles and pin boards used in textile plants to the extent that corrosive action makes the use of other materials impracticable;

(3) On ferrous hardware parts in direct contact with fabric or leather when used on the following:

Aircraft parachutes.
Aircraft safety belts.
Aircraft shoulder harnesses.
Aircraft bomb slings.

(4) On moving parts which require close tolerances for proper functioning and on adjacent parts to the extent that the tolerances cannot be maintained in service with other finishes because of inadequate hardness or mechanical or electrical interference by corrosion products;

(5) On electric controllers and switches incorporated into underground mining machinery as required by the safety regulations of the Bureau of Mines;

(6) On functional ferrous parts subjected to the combined effects of corrosion, stress and temperatures exceeding 500° F. and on parts in direct contact therewith;

(7) On parts which serve to maintain an electrical contact for the suppression of radio interference to the extent that one of the contacted surfaces is aluminum, magnesium or their alloys;

(8) On electrical contact parts of aircraft ignition harnesses and propeller hubs;

(9) On parts in electronic equipment which for performance reasons must be soldered with the use of non-corrosive fluxes without affecting nearby parts of organic materials to the extent that other finishes do not provide required corrosion protection;

(10) On the following parts of electronic equipment when required by the Armed Services, the Maritime Commission and War Shipping Administration:

(i) Surfaces involved in unsoldered butt joints which must remain constant in electrical and radio frequency resistance or both.

(ii) Surfaces which require good conductivity for radio frequency current.

(iii) Non-ferrous parts in contact with aluminum parts for prevention of electrolytic corrosion.

(11) On ferrous nuts, bolts, machine screws and washers for use in aircraft except for self-locking nuts designed for application below 250° F;

(12) On nuts, bolts, machine screws and studs having threads ⅜ inch diameter and smaller and/or having sixteen or more threads per inch for use by the United States Navy, Maritime Commission or War Shipping Administration and for use by the United States Army in ship construction.

(f) *Certification on purchase orders.* No person shall place an order for, deliver or accept delivery of any cadmium or cadmium product, unless the purchaser shall have certified in substantially the form set forth in Priorities Regulation No. 7 that the cadmium products to be delivered will be used for a purpose permitted by this order.

(g) *Appeals.* Any person may appeal from the provisions of paragraphs (d) or (e) of this order in letter form, in triplicate, and filed with the Field Office of the War Production Board for the district in which is located the plant to which the appeal relates, setting forth essentially the following information where applicable. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(1) Name and address of plating firms or other persons who actually process the cadmium and the quantity of cadmium required by each processor;

(2) The quantity of cadmium required for each part or group of parts fulfilling related functions;

(3) Period of time for which relief is requested;

(4) Description and function of each part or group of parts;

(5) Prime contract number, including symbol, if the item on appeal is covered by an Army, Navy, Maritime Commisison or War Shipping Administration contract;

(6) Justification, including the reasons why substitutes are unsatisfactory because of performance, lack of facilities or manpower.

(h) *Special directions.* The War Production Board may, from time to time, issue special directions to any person as to the sources, destination, or amounts of cadmium or cadmium products to be shipped and delivered by any producer or distributor or received by any person, and the War Production Board may also specifically direct the manner and quantities in which such cadmium or cadmium product may be processed.

(i) *Reports.* All producers, distributors and consumers of cadmium shall file reports with the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, at such time and in such manner and form as it may prescribe, showing inventory, production, purchases, sales and consumption and such other information that the War Production Board may require.

(j) *Communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, other than appeals from the provisions of paragraphs (d) and (e), shall be addressed to: War Production Board, Zinc Division, WPB Dept. 7515, Washington 25, D. C.; Ref.: M-65.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1212; Filed, January 22, 1944; 3:38 p. m.]

PART 1044—CADMIUM

[Conservation Order M-65-a, Revocation]

Section 1044.2 *Conservation Order M-65-a* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by M-65 as amended simultaneously with this revocation.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1213; Filed, January 22, 1944; 3:38 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 45]

SCHEDULING PROVISIONS APPLICABLE TO M-293 PRODUCTS

The following direction is issued pursuant to CMP Regulation 1:

In case of any conflict between the scheduling of production and delivery of products required by paragraphs (o), (p), or (q) of CMP Regulation No. 1 and scheduling required by Order M-293, Order M-293 controls.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1244; Filed, January 24, 1944; 11:39 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 46]

CHANGE IN PROGRAM NUMBERS OF THE MARITIME COMMISSION

The following direction is issued pursuant to CMP Regulation 1:

(a) The Maritime Commission will use a single allotment number M-1 for all ship construction programs. It will, therefore, discontinue using major program numbers M-2, M-3, M-4, M-5, M-6 and M-7. This direction does not affect the use of major program numbers M-8, M-9 and M-0.

(b) After this, manufacturers who have received allotments for programs identified by allotment numbers starting with the major program numbers M-2 through M-7 may, but need not, use the allotment number M-1 in placing orders for production materials or making allotments for these programs. If they prefer, they may continue to use the old numbers. Also, they may, but need not, consolidate all allotment accounts for programs identified by the major program numbers M-1 through M-7 in a single allotment account under the symbol M-1.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1245 Filed, January 24, 1944; 11:39 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81 as Amended Jan. 3, 1944, Interpretation 1]

CANS

The following official interpretation is hereby issued with respect to Conservation Order M-81 (§ 3270.31):

(a) Several items in the schedules of this order require that the quantity of product packed in glass containers during 1944 must be deducted from the quantity of the product permitted to be packed in cans. To compute the quantity of product permitted to be packed in cans, the following method shall be used:

(1) Determine the area of plate (base boxes) in packing quota.

(2) Using largest listed size allowed for the product as a basis, convert to quantity (gallonage or pounds) of product which may be packed.

(3) Deduct quantity (gallonage or pounds) of product packed in glass containers.

(4) Convert remainder (gallonage or pounds) of product to area of plate (base boxes) based on largest listed size used in step (2).

The remaining area of plate (base boxes) resulting from step (4) represents the balance of metal quota which may be used for packing the product in cans of sizes permitted for that product.

Example. Supposing a person packing paint products as permitted under Item 43 of Schedule III determined that 75 percent of the area of plate used by him in 1940 for these products was 1,200 base boxes. The largest listed size for products in Item 43 is 1-gallon which requires 10 base boxes per thousand cans. Therefore, using the largest listed size (1-gal.) as a basis, this person could pack 120,000 gallons of paint products. Assume that this person packs in glass containers during 1944 a total in terms of gallonage of 15,000 gallons of paint products. Deducting 15,000 from 120,000 will leave 105,000 gallons, which if converted to base boxes (again using 10 base boxes per thousand as a conversion factor) will result in 1,050 base boxes. These 1,050 base boxes represent the area of plate which may be used for packing paint products as listed in Item 43 in any of the sizes permitted for those products.

(b) Under Item 55 of Schedule III, shoe and leather polishes, waxes, dyes, dressings, stains and saddle soap, the quantity packed in 1944 in glass containers to be deducted from the quantity permitted to be packed in cans refers only to the quantity of paste products packed in glass containers in 1944.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1246; Filed, January 24, 1944; 11:39 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-251, Schedule I as Amended Jan. 24, 1944]

PAINTERS', DECORATORS' AND CERTAIN INDUSTRIAL BRUSHES

§ 3290.156 *Schedule 1 to Limitation Order* L-251—(a) *Definitions.* For the purposes of this schedule:

(1) "Paint brush" means any brush having a ferrule and used in the painting, varnishing or decorating trade, including all types of brushes specified in the Ferrule List and all brushes of similar construction or use.

(2) "Ferrule" means the metal band by which the bristles of a paint brush are attached to the handle.

(b) *Limitations.* (1) No person shall commence the manufacture of any ferrule:

(i) Of a size other than that specified in the Ferrule List with respect to each paint brush, except that where the manufacture of brush handles requiring ferrules of other sizes was commenced before December 9, 1943, ferrules of other sizes may be made on specific orders from brush manufacturers to the extent necessary to supply them with those ferrules in order that the manufacture of brushes with those handles may be completed.

(ii) With an assembly containing an inner band, a bridge or a spout;

(iii) Which is seamless, except for a shipbottom, stencil, oval varnish or oval sashtool brush;

(iv) Which is embossed or stamped, except that the size of the brush and other markings may be applied if to do so will not require any special or additional operation for that purpose during the process of manufacturing the ferrule.

(2) No person shall commence the manufacture of any paint brush:

(i) Of a type other than that specified in the Ferrule List;

(ii) With a ferrule not conforming to the limitations provided in paragraph (b) (1);

(iii) With a handle finished in more than one color.

(c) [Deleted Dec. 8, 1943.]

(d) [Deleted Jan. 24, 1944]

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

FERRULE LIST

NOTE: Ferrule List amended Jan. 24, 1944.

[All dimensions are in inches. A maximum variation of 1/32 of an inch is allowed in width and thickness, both of which are referred to by inside dimensions. The Federal Specification numbers are to be used only as a means of identifying the type of brush. In case of any inconsistency, the dimensions in Columns 4, 5 and 6 shall prevail over those in the Federal Specification.]

1 Type of brush	2 Identification No. for ready reference	3 Federal Specification No.	4 Width of ferrule	5 Thickness of ferrule	6 Maximum depth of ferrule
Color-single thickness	#1		1/2	1/4	1
			1	5/16	1 1/4
			1 1/2	7/16	1 1/4
			2	1/2	1 1/4
			2 1/2	1/2	1 1/4
			3	1/2	1 1/4
Fitch	#2	HB-241	3/8	1/8	1 5/16
			7/16	5/16	1 1/2
			1/2	5/16	1 5/8
			3/4	3/8	1 5/8
			7/8	1/2	1 15/16
			1 1/4	3/8	2 3/4
Flatting-wall master	#3		4 1/2	1 1/2	1
			5	1 1/2	1
			6	1 1/2	1
			6 1/2	1 1/2	1
Flatting-wall utility	#4		5	1 1/4	1
			6	1 1/4	1
Flowing fitch-single thickness	#5	HB-256	1	5/16	1 3/4
			1 1/2	7/16	1 3/4
			2	1/2	1 3/4
			3	1/2	1 3/4
			4	9/16	1 3/4
Ox hair and civet hair-flowing	#6		1	5/16	1 3/4
			1 1/2	1/2	1 3/4
			2	9/16	1 3/4
			3	11/16	1 3/4
			4	13/16	1 3/4
Glue—flat	#7	HB-291	1	5/16	1 3/4
			2	9/16	1 3/4
			3	13/16	1 3/4
Glue—round	#8	HB-301	13/16	13/16	1
			1	1	1
			1 3/16	1 3/16	1
			1 1/2	1 1/2	1
			2	2	1
Kalsomine—Dutch	#9		2 1/2	2 1/4	2 5/8
Kalsomine—flat	#10	HB-141	7 1/4	2 1/4	1
			7	5/8	1 3/4
			8	5/8	1 3/4
Mottling	#11	HB-391	3/8	13/64	1 3/4
			13/16	1/4	1 3/4
			2 9/16	5/16	1 3/4
Mucilege and paste	#12	HB-401 Type 2	1	5/16	1
			2	3/8	1 3/4
			3	5/16	1 3/4
			4	1/2	1 3/4
Painters' duster flat	#13		4	1 1/4	1
Painters' duster round	#14		2 1/2	2 1/2	1
Plasterers'	#15		7 1/2	1 1/2	1 3/4

FERRULE LIST—Continued

1 Type of brush	2 Identification No. for ready reference	3 Federal Specification No.	4 Width of ferrule	5 Thickness of ferrule	6 Maximum depth of ferrule
Radiator	#16	HB-451	1	1/4	1 3/4
			1 1/2	3/8	1 3/4
			2	5/16	1 3/4
			2 1/2	7/16	1 3/4
			3	9/16	1 3/4
Sashtool—flat	#17		1 1/2	1/2	1 3/4
			2	9/16	1 3/4
			2 1/2	5/8	1 3/4
			3	11/16	1 3/4
Sashtool-oval (seamless)	#18	HB-491	1 5/16	1/2	1 1/2
			1	5/8	1 1/2
			1 1/16	3/4	1 1/2
			1 1/4	7/8	1 1/2
			1 5/16	15/16	1 1/2
			1 5/8	1 1/32	1 3/4
Sashtool-oval (locked seam)	#19		1 5/16	1/2	1 1/2
			1	5/8	1 1/2
			1 1/16	3/4	1 1/2
			1 1/4	7/8	1 1/2
			1 5/16	1 1/32	1 3/4
Shipbottom, (seamless or soldered wire ferrule)	#20		2 5/16	1 1/16	1
			2 3/4	2 3/8	1
Signwriters'	#21		1/4	5/32	1
			1/2	13/64	1
			3/4	17/64	1
			1	21/64	1 3/4
			1 1/2	23/64	1 3/4
Smoothing paper hanger (2 rows)	#22		12	1/2	1
Smoothing paper hanger (3 rows)	#23		12	5/8	1
Stencil (seamless ferrule)	#24	HB-621	13/16	13/16	1
			1	1	1
			1 3/4	1 3/4	1
			1 3/4	1 1/2	1
			2	2	1
Stucco—open center	#25		3	1 3/4	3/4
			3 3/4	1 3/4	3/4
			4	1 3/4	3/4
			4 3/4	1 3/4	3/4
Stucco—solid center	#26		5	1 3/4	3/4
			3 3/4	1 3/4	3/4
			4	1 3/4	3/4
			4 3/4	1 3/4	3/4
Varnish—flat—double	#27	HB-701	1	7/16	1 3/4
			1 3/4	1/2	1
			2	9/16	1 3/4
			2 1/2	5/8	1 3/4
			3	13/16	1 3/4
			4	15/16	1 3/4
Varnish-oval (seamless ferrule)	#28	HB-711	1 5/8	1 3/4	1
			1 7/8	1 1/2	1
			2 1/8	1 13/16	1
			2 3/4	1 15/16	1
Varnish-flat single	#29	HB-696	1/2	1/4	1
			3/4	3/8	1 3/4
			1 3/8	1/2	1 3/4
			2	5/16	1 3/4
			3	7/16	1 3/4
Varnish-flat single X	#30		1	5/16	1 3/4
			1 1/2	7/16	1 3/4
			1 1/2	5/8	1 3/4
			2	5/8	1 3/4
			2	1/2	1 3/4
			3	5/8	1 3/4
Varnish-flat triple	#31	HB-706	3	9/16	1 3/4
			1 1/2	1 1/16	1 3/4
			2	3/4	1 3/4
			2 1/2	13/16	1 3/4
			3	7/8	1 3/4
Wall-master A	#32	HB-421	3 1/2	1	1 3/4
			3	1	1 3/4
			4	1	1 3/4
			4 1/2	1	1 3/4
Wall-master B	#33	HB-421	5	1	1 3/4
			3	1	1 3/4
			3 1/2	1	1 3/4
			4	1	1 3/4
			4 1/2	1	1 3/4
			5	1	1 3/4
Wall—medium	#34	HB-431	3	7/8	1 3/4
			3 1/2	7/8	1 3/4
			4	7/8	1 3/4
			5	7/8	1 3/4
Wall—syndicate	#35		3	7/8	1 3/4
			3 1/2	7/8	1 3/4
			4	7/8	1 3/4
			6	7/8	1 3/4
Wall—utility	#36	HB-436	3	7/8	1 3/4
			3 1/2	7/8	1 3/4
			4	7/8	1 3/4
Whitewash	#37	HB-731	7	1 1/4	1
			9	1 1/4	1

[F. R. Doc. 44-1247; Filed, January 24, 1944; 11:40 a. m.]

PART 3301—CORK, ASBESTOS AND FIBROUS GLASS[1]

[Conservation Order M-262, As Amended Jan. 24, 1944]

FIBROUS GLASS TEXTILES

Section 3301.21[1] *Conservation Order M-282* is hereby amended to read:

§ 3301.21 *Conservation Order M-282*—(a) *Definitions.* For the purpose of this order:

(1) "Fibrous glass textile" means any cloth, tape, cord, sleeving, thread or yarn fabricated from fibrous glass textile type fibers.

(2) "Producer" means any person who both forms fibrous glass textile type fibers and fabricates them or causes them to be fabricated into fibrous glass textiles.

(3) "User" means any person who accepts delivery of fibrous glass textiles from a producer, whether for use, processing or resale, and includes a producer who uses or processes any part of his own production.

(b) *Fabrication of fibrous glass textiles by producers.* (1) No producer shall fabricate, or cause to be fabricated, fibrous glass textiles, in forms, at times or in quantities different from those reported on Form WPB 2272 (formerly PD-789), as originally submitted or later amended, unless otherwise specifically directed in writing by the War Production Board.

(2) Each producer shall file a monthly report on Form WPB 2272 (formerly PD-789) in time to ensure that copies will have reached the War Production Board in Washington, D. C., on or before the 10th day of each month, showing, among other things, proposed production, product availability, inventories and past shipments. However, amended reports may be filed at any time.

(c) *Delivery of fibrous glass textiles by producers* (1) No producer shall deliver fibrous glass textiles to any user, except as specifically authorized in writing by the War Production Board.

(2) Authorization to deliver will be issued to the producer on a copy of the user's application on Form WPB 2273 (formerly PD-790), filed in accordance with paragraph (d) (2) below.

(d) *Acceptance of delivery and use.* (1) No user shall accept delivery of fibrous glass textiles from a producer, and no producer shall use any part of his own production of fibrous glass textiles, except as specifically authorized in writing by the War Production Board.

(2) Application for authority to accept delivery or use shall be made on Form WPB 2273 (formerly PD-790), in time for copies to reach the War Production Board in Washington, D. C., on or before the 10th day of the month preceding the month for which allocation is requested. However, supplemental or interim applications may be filed at any time.

(3) Each user authorized to accept delivery of fibrous glass textiles, and each producer authorized to use fibrous glass textiles, shall use them only for the purposes authorized, unless otherwise specifically directed by the War Production Board.

[1] Formerly Part 3179, § 3179.1.

(e) *Procedure for allocation of fibrous glass textiles.* (1) On the 10th day of each month the War Production Board will close its allocation registers and thereafter will allocate fibrous glass textiles for shipment in the next succeeding month. Any quantities remaining after the allocation, will be available for distribution to applicants who submit supplemental or interim requests on Form WPB 2273 (formerly PD-790) after the registers have been closed.

(2) Advance and reliable statements of requirements by users in the form of purchase contracts specifying future delivery are of value in planning a balanced manufacture of fibrous glass textiles sufficient for war purposes. The War Production Board, in making allocations of fibrous glass textiles for delivery in any month, will give special consideration to users who have made purchase contracts with the producer during the third preceding month, or earlier months, for the delivery of specified quantities of specific forms in the applicable month, and may allocate the quantities so contracted for (or a proportionate part if the total production is insufficient) to the persons so contracting, before allocating any quantities to other persons.

(f) *Exemption for free sample deliveries.* Free sample deliveries of fibrous glass textiles may be made by a producer and accepted by users without application or specific authorization, provided that the total amount delivered during any calendar month does not exceed ½ of 1 per cent of the producer's total production during that month.

(g) *Special directions.* The War Production Board may, in its discretion, issue special directions at any time with respect to:

(1) Production or fabrication of fibrous glass textiles by a producer; or

(2) Delivery of fibrous glass textiles by a producer; or

(3) Acceptance of delivery and use of fibrous glass textiles by a user; or

(4) Preparation and filing of Forms WPB 2272 and WPB 2273 (formerly PD-789 and PD-790), subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Forms.* Forms WPB 2272 and WPB 2273 (formerly PD-789 and PD-790) have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States Government is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork, Asbestos & Fibrous Glass Division, Washington 25, D. C., Ref: M-262.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1249; Filed, January 24, 1944; 11:39 a. m.]

Subchapter C—Office, Director of War Utilities

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1, as amended May 15, 1943, 8 F.R. 6727.

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Utilities Order U-1 as Amended Jan. 22, 1944]

UTILITIES

Section 4500.1 *Utilities Order U-1* as heretofore amended is hereby amended to read as follows:

Definitions

§ 4500.1 *Utilities Order U-1*—(a) *Definitions.* (1) "Producer" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, supplying, or having facilities built for supplying, directly or indirectly for general use by the public, one or more of the following services:

(i) Electric power,

(ii) Gas, natural or manufactured, exclusive of the production and transmission of natural gas up to the point of its entry into gas transmission lines from field gathering lines,

(iii) Water, other than exclusively for irrigation purposes,

(iv) Central steam heating, or

(v) Any of the foregoing services but not for general use by the public, if a specific direction from the War Production Board entitles such person or agency to apply the ratings herein assigned. Application for such a specific direction should be made by letter to the War Production Board, Washington 25, D. C., Ref.: U-1.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Controlled materials" means controlled materials as defined in Schedule I of CMP Regulation 1.

(4) "Maintenance" means the upkeep of a producer's property and equipment in sound working condition. It does not include any plant addition.

(5) "Repair" means the restoration of a producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service. It does not include any plant addition.

(6) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity.

(7) "Minor plant addition" means a plant addition having a net material cost of not more than $1,500. No job or project may be subdivided to come within this limit.

(8) "Major plant addition" means a plant addition having a net material cost of more than $1,500.

(9) "Net material cost" means the cost of material incorporated in plant less the cost of material removed from plant, priced in accordance with the producer's regular accounting practice.

(10) "Operating supplies" means material, other than fuel, which is used or consumed in the course of a producer's operations, except in maintenance, repair, and plant additions.

(11) "Inventory" means all material in the producer's possession, without regard to its accounting classification, excluding, however, (i) material incorporated in plant, (ii) appliances and merchandising supplies, (iii) fuel, (iv) water purification and treatment material except equipment, (v) gas chemical material, (vi) material segregated for use in approved major plant additions, and (vii) scrap.

(12) "Class" means any one of those categories of material established as a basis for classification of inventory in Schedule A of this order.

How To Obtain Material

(b) *Preference ratings.* (1) A preference rating of AA-1 is hereby assigned to orders to be placed by a producer for material (other than controlled materials) in every class except the transmission and distribution class, for use in maintenance and repair, as operating supplies, and for minor plant additions.

(2) A preference rating of AA-1 is hereby assigned to orders to be placed by a producer for material (other than controlled materials) in the transmission and distribution class, for use in the repair of an actual or imminent breakdown.

(3) A preference rating of AA-3 is hereby assigned to orders to be placed by a producer for material (other than controlled materials) in the transmission and distribution class, for use in maintenance and repair, as operating supplies, and for minor plant additions, except where an AA-1 rating is assigned in paragraph (b) (2) above.

(4) Material obtained with the AA-1 rating may be used for purposes which are assigned lower ratings, but it may be replaced in inventory only by applying the lower rating to an equivalent dollar value of material in the same class. Material obtained with the AA-3 rating may be used for purposes which are assigned the AA-1 rating and may be replaced in inventory with either the AA-1 rating or an authorized AA-3 rating. The provisions of this paragraph (b) (4) supersede those of § 944.11, paragraph (a), of Priorities Regulation 1.

(5) Preference ratings for major plant additions may be obtained by filing an application on Form WPB–2774, unless ratings are assigned by a Supplementary U–1 Order such as U–1–h.

(c) *CMP allotment number.* (1) The abbreviated CMP allotment number U–9 is hereby assigned to orders to be placed by a producer for controlled materials for use in maintenance and repair, as operating supplies and for minor plant additions. Allotments of material for major plant additions may be obtained by filing an application on Form WPB–2774 unless an allotment number is assigned by a supplementary U–1 order such as U–1–h.

(2) An order for controlled materials for use in maintenance and repair, as operating supplies, and for minor plant additions bearing the abbreviated CMP allotment number U–9 and the certification required by paragraph (d) of this order shall be deemed an authorized controlled materials order. This abbreviated CMP allotment number shall constitute an "allotment number or symbol" for the purpose of CMP Regulation 3.

(d) *Certification.* The ratings assigned by subparagraphs (b) (1), (2) and (3) of this order and the abbreviated CMP allotment number U–9 may be applied by a producer only by the use of a certification in substantially the following form unless an order of the War Production Board affecting a particular item of material requires some other form of certification:

Preference Rating ——, Abbreviated CMP Allotment Number U–9. The undersigned producer certifies, subject to the penalties of Section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive, for utility uses under Utilities Order U–1, the material ordered, and to use the preference ratings or allotment numbers which the undersigned has placed on this order.

The certifications set forth in Priorities Regulation 3 and CMP Regulations 1 and 5 may not be used but the standard form of certification provided in Priorities Regulation 7 is permissible if the producer adds a statement saying that material ordered is for utility uses under Utilities Order U–1.

Restrictions on Ordering Material

(e) *Scheduling deliveries.* Except as permitted by paragraphs (f) and (g) below, no producer shall schedule for delivery to it in any calendar quarter any material to be used for maintenance and repair, as operating supplies, or for minor plant additions, unless both of the following conditions are satisfied:

(1) The dollar value of material to be scheduled for delivery together with the dollar value of all material in the same class which has been scheduled for delivery for these uses in the same calendar quarter, does not exceed the quota established in Schedule B, and

(2) The producer does not have reason to believe that its inventory of material in the same class is or will, by virtue of its acceptance of the delivery when made, become in excess of a practical working minimum. A practical working minimum inventory is that amount of material which a producer, exercising prudent operating judgment, considers the smallest quantity of material it can hold and render war-time service at minimum standards. It may be less than the values established in Schedule C, but it shall in no case exceed them.

(f) *Exceptions to paragraph* (e). (1) The restrictions of paragraph (e) do not apply to a producer so long as its inventory does not exceed $10,000 in value, except that such a producer must restrict its inventory to that amount of material which, in the exercise of prudent operating judgment, it considers the smallest quantity it can hold and render war-time service at minimum standards. A producer engaged in furnishing more than one of the services named in paragraph (a) (1) may consider its inventory for each service separately for the purposes of this paragraph.

(2) The restrictions of paragraph (e) do not apply to material excepted from inventory by the definition in paragraph (a) (11).

(3) If a producer sells material to another producer from its practical working minimum inventory for the repair of an actual breakdown of facilities or equipment it may schedule additional deliveries in the affected classes to the extent necessary to replace the material sold.

(4) If a producer's property has been damaged by acts of the public enemy, sabotage, explosion, fire, flood, storm, or similar contingencies, it may schedule deliveries to the extent necessary to repair the damage. Deliveries scheduled under this exception which are in excess of the producer's quota must be reported immediately to the War Production Board by letter, with a statement of the reasons why the excess deliveries were necessary.

(5) The War Production Board may from time to time establish specific delivery quotas and limits for permissible inventory for individual producers, modifying the provisions of Schedules B and C.

(6) The restrictions of paragraph (e) (1) on the dollar value of materials which a producer may schedule for delivery do not apply to material scheduled for delivery from the producer's own excess inventory, or from the excess inventory of another producer.

(g) *Short item deliveries.* Even though it cannot schedule deliveries without exceeding the limits of paragraph (e) (2), a producer may schedule for delivery material which it will require for use in maintenance and repair, as operating supplies, and for minor plant additions during the ninety-day period following the date it expects to receive such material, so long as all of the following conditions are satisfied:

(1) The producer's inventory of the required material, together with material already scheduled for delivery, will be insufficient to meet requirements during such ninety-day period.

(2) All material in all classes of inventory in excess of a practical working minimum is (i) continuously recorded as excess on records kept by the producer for that purpose, (ii) continuously held for sale to financially responsible persons and agencies authorized (under applicable regulations issued by the War Production Board) to accept delivery thereof; and (iii) reported to the War Production Board, when requested by the War Production Board, on Form WPB–2641, to the extent required by such form, or in such other manner as the War Production Board may prescribe, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Restrictions on Use of Material

(h) *Restrictions on use of material for maintenance and repair.* A job which can be classed as maintenance or repair, as those terms are defined in paragraphs (a) (4) and (5), may be done without regard to the dollar value of the material required when the following standards are met:

(1) The job must be necessary to maintain or restore service at minimum service standards or to prevent damage to facilities from serious overload, deterioration, storm, flood, climate, soil conditions, or similar contingencies.

(2) Design must emphasize economy of manpower and material as well as the substitution of the more plentiful for scarce material.

(3) No facility or part which is serviceable in its existing installation may be replaced except to avoid an imminent breakdown.

(i) *Restrictions on use of material for minor plant additions.* A job which is a plant addition, as defined in paragraph (a) (6), rather than maintenance and repair, may be done without special permission from the War Production Board, if it is a "minor plant addition"; that is, if its net material cost does not exceed $1,500. Paragraph (a) (9) explains what is meant by net material cost. However, all minor plant additions are subject to the following restrictions:

(1) No facility or part which is serviceable in its existing installation may be replaced except to avoid an imminent breakdown.

(2) Design must emphasize economy of manpower and material as well as the substitution of the more plentiful for scarce material.

(3) New facilities must be necessary for rendering service at minimum standards.

(4) No extension of a line to consumer premises may be made or connected by a producer unless it is authorized by a Supplementary U–1 order or by the approval of an application filed on Form WPB–2774. In an emergency approval may be obtained by telephone or telegraph. Confirmation must be obtained, however, by the submission of an application on Form WPB–2774.

(j) *Restrictions on use of material for major plant additions.* No material may be used for a major plant addition unless the job has been authorized by a Supplementary U–1 Order, such as U–1–h, or by the approval of an application filed on Form WPB–2774. In an emergency approval may be obtained by telephone or telegraph. Confirmation must be obtained, however, by the submission of an application on Form WPB–2774.

Selling Material

(k) *Sales of material.* A producer may sell material which is in its practical working minimum or excess inventory or which it acquired for major plant additions only in accordance with the following rules:

(1) It may be sold to any person to fill an order rated AA–5 or higher unless it is controlled materials.

(2) It may be sold without a preference rating to any person if the aggregate dollar value of all sales by the producer to that person during the current calendar quarter does not exceed $100, and if the material is not controlled materials.

(3) It may be sold to fill an authorized controlled materials order if it is controlled materials.

(4) It may be sold pursuant to a specific written direction from the War Production Board to the seller or to the purchaser.

(5) It may be sold without a preference rating or allotment number to a person who produces, or to the person from whom the producer purchased, the material in its present form.

(6) It may be sold without a preference rating to a scrap dealer as scrap.

(7) It may be sold without a preference rating to a used equipment dealer, if it is used equipment.

(8) It may be sold without a preference rating or allotment number to the Army, Navy, Maritime Commission, or a public housing authority for the repair of an actual or threatened breakdown of their electric, gas, water or central steam heating facilities.

(9) The restrictions on sales in Priorities Regulations 1 and 13 do not apply to sales by producers made under this paragraph.

(10) The provisions of Limitation Orders L–94 and L–102 relating to transfers of electric generating equipment, L–196 relating to transfers of used construction machinery, and Utilities Order U–7 relating to transfers of gas equipment must be observed.

(l) *Refusal to sell to other producers.* Any producer may, by specific direction from the War Production Board, be prohibited from applying or extending preference ratings assigned by this order or by any other certificate or order, upon a determination by the War Production Board, that such producer has wilfully refused to sell (after receiving a bona fide offer to purchase at not less than maximum prices established by regulations of the Office of Price Administration, made by any financially responsible producer who is authorized—under applicable regulations—to accept delivery of the material specified in such offer) the following material:

(1) Material which is in inventory in excess of a practical working minimum, unless the value of the material requested is less than $100, and

(2) Material which is includedin practical working minimum inventory when such material is required by another producer for the repair of an actual breakdown of facilities or equipment.

Inventory Redistribution

(m) *Placing orders through Regional Utility Engineers.* Except in an emergency no producer may transmit to any supplier other than another producer an order totaling $100 or more for the delivery of any item of material (including material for major plant additions) listed in Schedule D of this order without first obtaining a statement from the Regional Utility Engineer in his region or from the Office of War Utilities in Washington, that such material is not reasonably available in the excess inventory of another producer. This statement shall be secured by filing an inquiry, in duplicate, with the regional utility engineer, in letter form or by using the producer's own price inquiry forms, stating (1) the quantity of each item required and (2) a description of the item. An oral or telephonic statement will be sufficient for the purposes of this paragraph, provided that written confirmation is promptly obtained.

General Provisions

(n) *Appeals.* Relief from any of the strictions of this order may be requested by filing a letter with the War Production Board, Office of War Utilities, Washington 25, D. C., Ref.: U–1, stating the reasons why relief is necessary. If the relief requested involves a request to make a plant addition, the request should be filed on Form WPB–2774.

(o) *Records.* In addition to the records required to be kept under Priorities Regulation 1, each producer who applies the preference ratings or allotment number hereby assigned shall maintain a continuing record of inventory and of segregated material in his possession.

(p) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U–1.

(q) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(r) *Applicability of WPB regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time, unless there is a conflict between this order and such regulations, in which case this order shall govern, if it specifically so provides. No producer is, however, subject to the restrictions of CMP Regulation 5 nor may any producer in any way use the preference ratings therein assigned.

(s) *Special delivery quota and inventory directions.* Nothing in this order is intended to supersede any special quota for scheduled deliveries or any special inventory base established by a specific direction from the War Production Board to a named producer. All such directions shall remain in effect unless modified by a further specific direction to the producer affected.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

MATERIAL CLASSES

Material in the inventory of any producer which has an inventory, as defined in paragraph (a) (11), in excess of $10,000 shall be carried on the producer's own records and reported to the War Production Board as may be required, classified as follows:

WATER PRODUCERS

Class 1—Material for sources of supply, water treatment plants, reservoirs, elevated and pressure tanks, pumping and booster stations, including related pipe, valves, valve parts, and fittings.

Class 2—Meters.

Class 3—Transmission and distribution material (excluding meters), such as cast iron, steel, and wrought iron pipe, copper and brass pipe and tubing, lead pipe, pipe fittings, valve and valve parts, hydrants, parts for meters and hydrants, and other transmission and distribution material and supplies except pipe, valves, valve parts, and fittings included in Class 1 above.

Class 4—Other material and supplies.

GAS PRODUCERS

Class 1—Production and pumping station material.

Class 2—Meters and house regulators.

Class 3—Transmission and distribution material (excluding meters and house regulators), such as cast iron, steel and wrought iron pipe, copper and brass pipe and tubing, pipe fittings, valves, and valve parts, governors and regulators, parts for meters, regulators, and governors, other transmission and distribution material and supplies.

Class 4—Other material and supplies.

ELECTRIC POWER PRODUCERS

Class 1—Generating station material such as electrical equipment, parts, and materials, and other material and supplies.

Class 2—Switching and substation material, such as power transformers, other station equipment, parts, and material, and other material and supplies.

Class 3—Wire, cable, and bus bar, such as bare copper and aluminum, weatherproof copper, underground cable, aluminum and copper shapes.

Class 4—Wood poles and cross arms.

Class 5—Meters.

Class 6—Other transmission and distribution material, such as iron and steel poles, towers, and parts, line hardware—overhead and underground, distribution transformers, meter and transformer parts, and other line material and equipment (including insulators, lightning arrestors, etc.)

Class 7—Other material and supplies.

CENTRAL STEAM HEATING PRODUCERS

Class 1—Production plant material.

Class 2—Transmission and distribution material and other material and supplies.

SCHEDULE B

DELIVERY QUOTAS

To compute the delivery quota (not applicable to producers having inventories of $10,000 or less because they are exempted by the provisions of paragraph (f)), in any class of material for the purposes of paragraph (e) (1), first determine the "base quota" for that class. The base quota in any class is the dollar value of withdrawals in that class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1] Second, use this base quota to determine the actual delivery quota for the class of material in question in accordance with the following:

WATER PRODUCERS [2]

Class 1—A quota of four-thirds of the base quota, increased proportionately to the increase in system output in the year preceding the current year over output in 1940. This quota may be divided among the four calendar quarters as the producer requires.

Class 2—A quarterly quota of one-third of the base quota.

Class 3—A quarterly quota of one-third of the base quota or, at the producer's option, a quarterly quota equal to 60 per cent of the dollar value of material in this class withdrawn during the corresponding quarter of 1940 for use in "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 4—A quarterly quota of one-third of the base quota.

GAS PRODUCERS [2]

Class 1—A quota of four-thirds of the base quota, increased proportionately to the increase in system output in the year preceding the current year over output in 1940. This quota may be divided among the four calendar quarters as the producer requires.

Classes 2, 3 and 4—A quarterly quota of one-third of the base quota.

[1] These definitions are reprinted here for convenience in reference; please note that they differ from definitions used in the current order:

"Maintenance" means the upkeep of a producer's property and equipment in sound working condition.

"Repair" means the restoration of a producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service.

"Operating supplies" means (1) material which is essential to the operation of any of the industries or services specified above and which is generally carried in a producer's inventory and charged to operating expense accounts, and (2) material for an addition to or an expansion of property or equipment (including a minor extension of lines), provided that such addition or expansion shall not include any work order, job, or project in which the cost of material shall exceed $1500 in the case of underground construction and $500 in the case of other construction, and provided that no single construction project shall be subdivided into parts in order to come below these limits.

[2] See Schedule A for complete identification of classes.

ELECTRIC POWER PRODUCERS [2]

Class -A quota of four-thirds of the base quota, increased proportionately to the increase in system output in the year preceding the current year over output in 1940. This quota may be divided among the four calendar quarters as the producer requires.

Classes 2, 3, 4, 5, 6 and 7—A quarterly quota of one-third of the base quota.

CENTRAL STEAM HEATING PRODUCERS [2]

Class 1—A quota of four-thirds of the base quota, increased proportionately to the increase in system output in the year preceding the current year over output in 1940. This quota may be divided among the four calendar quarters as the producer requires.

Class 2—A quarterly quota of one-third of the base quota.

SCHEDULE C

LIMITS ON PRACTICAL WORKING MINIMUM INVENTORY

Paragraph (e) (2) provides that a practical working minimum inventory (except for producers having a total inventory of $10,000 or less, who are exempted by paragraph (f)) may in no case exceed the following dollar values:

WATER PRODUCERS [2]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Class 2—Four-thirds of the dollar value of authorized withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U-1 as amended September 24, 1943.[1]

Class 3—Sixty per cent of the dollar value of material in this class in inventory on the most recent date in 1940 on which the producer's inventory was taken.

Class 4—Two-thirds of the dollar value of authorized withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

GAS PRODUCERS [2]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Classes 2 and 3—Four-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 4—Two-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

ELECTRIC POWER PRODUCERS [2]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Class 2—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Classes 3 and 4—Four-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 5—Fifty meters at each operating headquarters plus one and three-quarters percent of the meters installed in plant on the first day of the preceding calendar quarter.

Class 6—Four-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

Class 7—Two-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

CENTRAL STEAM HEATING PRODUCERS [2]

Class 1—The dollar value of items of material of this class in inventory on the most recent date in 1940 on which the producer's inventory was taken, increased proportionately to the increase in system output in the twelve-month period preceding the current quarter over output in 1940.

Class 2—Two-thirds of the dollar value of withdrawals in this class made during the last nine months of 1942 for use as "maintenance, repair, and operating supplies", as those terms were defined in Utilities Order U–1 as amended September 24, 1943.[1]

SCHEDULE D—ITEMS TO BE CLEARED THROUGH REGIONAL UTILITY ENGINEERS

ITEMS TO BE USED BY WATER PRODUCERS

1. Copper and brass tubing.
2. Bronze valves, smaller than 2 inches, except corporation cocks and curb stops.
3. Valves, cast iron and steel, 2 inches and larger.
4. Consumer meters.
5. Pumps.

ITEMS TO BE USED BY GAS PRODUCERS

1. Steel and wrought iron pipe.
2. Mechanical pipe couplings larger than 4 inches.
3. Copper and brass pipe and tubing.
4. District regulators and governors.
5. Meters, consumers.
6. Bronze valves smaller than 2 inches, except corporation cocks and curb stops.
7. Cast iron and steel valves, 2 inches and larger.
8. Condensers (coolers).
9. Exhausters.
10. Boosters.
11. Compressors.
12. Pumps.
13. Blowers.
14. Station meters.

ITEMS TO BE USED BY ELECTRIC POWER PRODUCERS

1. Wire, bare and weatherproof (copper, aluminum, copper or aluminum composite), having conductivity greater than #10 AWG copper conductor.
2. Cable.
3. Bus bar shapes.
4. Power transformers.
5. Distribution transformers.
6. Watthour meters, domestic.
7. Oil circuit breakers.
8. Regulators (feeder voltage).
9. Current transformers.
10. Potential transformers.
11. Disconnecting switches.

[F. R. Doc. 44–1184; Filed, January 22, 1944; 11:10 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U–1–a, as Amended Jan. 22, 1944]

CERTAIN GOVERNMENT AGENCIES

§ 4500.2 *Supplementary Utilities Order U–1–a*—(a) *Permission to build certain extensions.* In accordance with the provisions of paragraph (i) of Utilities Order U–1, extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers to serve facilities of the Army, Navy, Maritime Commission, War Shipping Administration, or Civil Aeronautics Authority, upon the direct order of such agencies when all of the following conditions are satisfied:

(1) The total cost of material for each extension, exclusive of any part built by or for the consumer, does not exceed $1500. No job or project may be subdivided to come within these limits.

(2) No other producer can render the same service with lesser amounts of critical material.

(3) The extension does not duplicate an adequate service already installed or constitute a stand-by service.

(b) *Other orders.* This order does not constitute a release, in the case of gas producers or consumers, from the restrictions of Utilities Order U–7 or Limitation Order L–174.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1185; Filed, January 22, 1944; 11:10 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U–1–c as Amended Jan. 22, 1944]

FARM PRODUCTION EQUIPMENT

§ 4500.4 *Supplementary Utilities Order U–1–c.* In accordance with the provisions of paragraph (i) of Utilities Order U–1, extensions of electric facilities may be made or connected by producers to permit the operation of farm production equipment when all of the following conditions are satisfied:

(a) The prospective consumer possesses one of the following types of electric farm equipment of sufficient capacity for the use contemplated, or can obtain such equipment without priorities assistance, or a preference rating of AA–5 or better has been assigned to deliveries of such equipment to him:

(1) Water pump for livestock.
(2) Milking machine.
(3) Milk cooler.
(4) Incubator.
(5) Brooder.
(6) Feed grinder.
(7) Milk sterilizer.

(b) There is no other means of operating such equipment on the premises.

(c) The length of such extension, including any part built by or for the consumer, will not exceed 100 feet per animal unit determined in accordance with Schedule I annexed hereto, and will not exceed 5,000 feet total length, except upon specific authorization from the Director, Office of War Utilities.

(d) The prospective consumer will use electric service to operate equipment for farm production, and has livestock on hand which, together with his estimated production of livestock for market, aggregates not less than 5 animal units, determined in accordance with Schedule I of this order.

(e) Primary and secondary lines and service drops will be constructed of the following types and sizes of conductor:

(1) Any type or size having conductivity equal to or less than that of No. 6 AWG copper, or

(2) Any type or size of conductor which can be obtained from the excess inventory of any producer.

(f) The prospective consumer's application for service is accompanied by a certification from his County Agricultural Conservation Committee in substantially the following form:

(To the Utility Addressed):

Mr. _____ _____, who has livestock on hand which, together with estimated production of livestock for market, aggregates not less than five animal units, is eligible for an electric connection of _____ feet under the terms of Supplementary Utilities Order U-1-c. In the opinion of this County Agricultural Conservation Committee this connection will result in a substantial increase in farm production, or a substantial saving of farm labor, and is in accord with the spirit, as well as the letter, of Supplementary Utilities Order U-1-c.

_____
(For County Agricultural Conservation Committee)

(g) The total cost of material for the extension, exclusive of any part built by or for the consumer, does not exceed $1,500. No job or project may be subdivided to come within these limits.

(h) No other producer can render the same service with lesser amounts of critical material.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—EQUIVALENT ANIMAL UNITS

A. Livestock on hand:	
1 milk cow	One unit.
10 beef cattle (all cattle, including calves, other than milk cows and cattle in feed lot)	One unit.
30 breeding ewes	One unit.
3 brood sows	One unit.
75 laying hens	One unit.
40 turkeys or geese	One unit.
6 milk goats	One unit.
30 goats (other than milk goats)	One unit.
B. Estimated production of livestock for market:	
20 cattle (in feed lot) per year	One unit.
160 lambs (in feed lot) per year	One unit.
30 feeder pigs per year	One unit.
250 chickens (not broilers) per year	One unit.
600 chickens (broilers) per year	One unit.
125 turkeys or geese per year	One unit.
160 kids per year	One unit.

[F. R. Doc. 44–1186; Filed, January 22, 1944; 11:10 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U–1–d, as Amended Jan. 22, 1944]

PREMISES AUTHORIZED UNDER L–41

§ 4500.5 *Supplementary Utilities Order U–1–d.* In accordance with the provisions of paragraph (i) of Utilities Order U–1, extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers to serve premises, the construction or remodeling of which is authorized under Conservation Order L–41 by the issuance of a specific direction, order, certificate, or other authorization for construction, when all of the following conditions are satisfied:

(a) *Industrial or commercial consumers.* The extension is designed to use the smallest sizes and quantities of equipment, conductor, and pipe required to furnish service at minimum standards.

(b) *Domestic consumers.* (1) The extension, including any part built by or for the consumer, can be built within the limits established by the Housing Utilities Standards issued by the War Production Board.

(2) In the case of gas or electric facilities primarily to serve cooking appliances, (i) the dwelling proposed for connection is not equipped with a range of any kind; and (ii) complete facilities to a cooking range location are not installed for serving either a gas range or an electric range, except that extensions to serve a gas or electric range which the consumer has used in a dwelling which he previously occupied may be made even though facilities for serving another type of range are already installed.

(c) *All consumers.* (1) The total cost of material for each extension, exclusive of any part built by or for the consumer, does not exceed $1500. No job or project may be subdivided to come within these limits.

(2) No other producer can render the same service with lesser amounts of critical material.

(3) The extension does not duplicate an adequate service already installed or constitute a standby service.

(4) The producer has completed Form WPB-3348 for filing with the builder's application under L-41.

(d) *Other orders.* This order does not constitute a release, in the case of gas producers or consumers, from the restrictions of Utilities Order U-7 or Limitation Order L-174.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1187; Filed, January 22, 1944; 11:10 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-e, as Amended Jan. 22, 1944]

VICTORY GARDENS

§ 4500.6 *Supplementary Utilities Order U-1-e.* In accordance with the provisions of paragraph (i) of Utilities Order U-1, water service extensions of not more than 250 feet (including any portion built by or for the consumer) may be made or connected by producers to provide water for gardens, when all of the following conditions are satisfied:

(a) There is no alternative source of water which would require less critical material.

(b) Water from each such extension will be used to provide water for not less than 5,000 square feet of land devoted to the production of edible crops.

(c) Extensions are made with not more than 5 feet of pipe for each 500 square feet of cultivated land.

(d) Pipe of the smallest practicable size, and in no event having a nominal inside diameter greater than 1¼", is used.

(e) No copper or copper base alloy pipe or tubing is used.

(f) No extension or enlargement of mains is required.

(g) The consumer agrees in writing with the producer that his use of water for the purposes of this supplementary order will be subject to rules promulgated by the producer in the interest of water conservation, including requirements for off-peak usage and interruption of service during periods of water shortage.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1188; Filed, January 22, 1944; 11:11 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-f, as Amended Jan. 22, 1944]

§ 4500.7 *Supplementary Utilities Order U-1-f*—(a) *Definitions.* For the purposes of this supplementary order:

(1) "Domestic consumer" means a prospective consumer who is requesting an extension of service to a building used exclusively for dwelling purposes.

(2) "Industrial consumer" means a prospective consumer who is requesting an extension of service to a building used in whole or in part for the manufacture, processing or assembly of products or materials.

(3) "Commercial consumer" means a prospective consumer not classified in this order as "domestic" or "industrial."

(b) *Permission to build certain extensions.* In accordance with the provisions of paragraph (i) of Utilities Order U-1, extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers when all of the following conditions are satisfied:

(1) Where construction or remodeling by the consumer is involved, no specific direction, order, certificate or other authorization for construction has been issued by the War Production Board to authorize such construction or remodeling. If such authorization has been issued, the construction of utility facilities is governed by Supplementary Utilities Orders U-1-d or U-1-h.

(2) In the case of gas or electric facilities primarily to serve cooking appliances, (i) the dwelling proposed for connection is not equipped with a range of any kind, and (ii) complete facilities to a cooking range location are not installed for serving either a gas range or an electric range, except that extensions to serve a gas or electric range which the consumer has used in a dwelling which he previously occupied may be made even though facilities for serving another type of range are already installed.

(3) In the case of facilities to serve industrial or commercial consumers, the consumer (i) is engaged in the manufacture of a product or in the conduct of a business or activity listed in Schedules I or II of CMP Regulation 5, as amended; or (ii) is an electric, water, gas, steam heat, telephone or telegraph utility; or (iii) is engaged in the petroleum industry, except in retail marketing, as those terms are defined in Preference Rating Order P-98-b; or (iv) is engaged in the business of mining, or of burning refractories, and has been assigned a serial number under Preference Rating Order P-56; or (v) is engaged in the business of radio communication or radio broadcasting; or (vi) is a school, church, or hospital.

(4) Extensions, including any part built by or for the consumer, can be built within the limits of the Utilities Construction Standards, shown in Schedule I of this order, including any part built by or for the consumer.

(5) The total cost of material for each extension, exclusive of any part built by or for the consumer, does not exceed $1500. No job or project may be subdivided to come within these limits.

(6) No other producer can render the same service with lesser amounts of critical material.

(7) The extension does not duplicate an adequate service already installed or constitute a stand-by service.

(c) *Other orders.* This order does not constitute a release, in the case of gas producers or consumers, from the restrictions of Utilities Order U-7 or Limitation Order L-174.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—UTILITIES CONSTRUCTION STANDARDS

The material used in extensions permitted by Supplementary Utilities Order U-1-f must conform to the limitations set out in this Schedule I and must not exceed, in dollar value, the limits of paragraph (b) (5).

A. PERMITTED TYPES OF CONDUCTOR AND PIPE

I. *Domestic extensions.* a. *Electric conductor for primary, secondary, and service drop:*

(1) Any type or size of conductor having conductivity equal to or less than that of No. 6 AWG copper, or

(2) Any type or size of conductor which can be obtained from the excess inventory of any producer.

(b) *Pipe:*

(1) For mains over 4" in diameter (i) cast iron or non-metallic pipe or (ii) steel pipe in cases where installation conditions, high working pressures, or danger of breakage or leakage make the use of a substitute material impracticable or dangerous.

(2) For mains 4" in diameter and smaller and all service connections, any type of pipe.

II. *Commercial and industrial extensions.* No limitation, except as shown below in B, II.

B. PERMITTED QUANTITIES OF CONDUCTOR AND METALLIC PIPE

I. *Domestic extensions.* a. *For electric service,* not more than 1,000 conductor feet, including primary, secondary, and service drop.

b. *For gas or central steam heating service,* not more than (1) 400 pounds of steel pipe or 1800 pounds of cast iron pipe, or (2) a combination involving not more than 400 pounds of steel pipe and not more than 1800 pounds of cast iron pipe, this quantity of cast iron pipe to be diminished by twice the weight of steel pipe used.

c. *For water extensions,* not more than (1) 400 pounds of steel pipe or 1800 pounds of cast iron pipe or 1,000 pounds of lead or lead alloy pipe, or (2) one of the following combinations:

(1) 400 pounds of steel pipe and not more than 1800 pounds of cast iron pipe, this quantity of cast iron pipe to be diminished by twice the weight of steel pipe used. In addition, a lead goose-neck is permitted.

(2) 1,000 pounds of lead or lead alloy pipe and not more than 1800 pounds of cast iron pipe, this quantity of cast iron pipe to be diminished by the weight of any lead or lead alloy pipe used.

(3) 400 pounds of steel pipe and not more than 1,000 pounds of lead or lead alloy pipe, this quantity of lead or lead alloy pipe to be diminished by twice the weight of steel pipe used.

II. *Commercial and industrial extensions.* The smallest sizes and quantities of equipment, conductor and pipe required to furnish service at minimum standards.

C. PERMITTED QUANTITIES OF NON-METALLIC PIPE

Non-metallic pipe of a length not greater than that length which would be installed if cast iron pipe were used as permitted in B above.

[F. R. Doc. 44-1189; Filed, January 22, 1944; 11:11 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-g, as Amended Jan. 22, 1944]

TEMPORARY BUSINESS, CIVIC OR RECREATIONAL ACTIVITIES

§ 4500.8 *Supplementary Utilities Order U-1-g.* In accordance with the provisions of paragraph (i) of Utilities Order U-1, temporary extensions of electric, water, gas, and central steam heating facilities may be made or connected by producers to serve temporary business, civic or recreational facilities when all of the following conditions are satisfied:

(a) The cost of material for such utility extensions is less than $1,500,

(b) Such extensions will be dismantled at the expiration of ninety days from date of installation and all material salvaged and returned to inventory,

(c) No other producer can render temporary service with less critical material.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1176; Filed, January 22, 1944; 11:11 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEATING

[Supplementary Utilities Order U-1-h, as Amended Jan. 22, 1944]

§ 4500.9 *Supplementary Utilities Order U-1-h*—(a) *Permission to build certain extensions.* In accordance with the provisions of paragraph (j) of Utilities Order U-1, extensions of electric, gas, water, and central steam heat facilities may be made or connected by a producer, subject to the restrictions of paragraph (b) below, to serve the following types of consumer premises:

(1) Premises which are being built or remodeled under authority of a specific authorization issued pursuant to Conservation Order L-41,

(2) Premises which will be occupied exclusively by the Army, Navy, Maritime Commission, War Shipping Administration or Civil Aeronautics Authority,

(3) Premises of an industrial or commercial consumer,

(i) In cases where the extension or enlargement of utilities facilities is necessary for the production of one of the products or the supply of one of the services listed in Schedules I and II of CMP Regulation 5 or

(ii) In cases where the consumer is an electric, water, gas, steam heat, telephone, or telegraph utility; or is engaged in the petroleum industry, except in retail marketing, as those terms are defined in Preference Rating Order P-98-b; or is engaged in the business of mining, or of burning refractories, and has been assigned a serial number under Preference Rating Order P-56; or is engaged in the business of radio communication or radio broadcasting; or is a school, church, or hospital.

(b) *Restrictions on construction.* Extensions of the type permitted by paragraph (a) of this order may be built only if all of the following conditions are satisfied:

(1) The total cost of material for any such extension, exclusive of any part built by or for the consumer, exceeds $1,500 but does not exceed $5,000. No job or project may be subdivided to come within these limits.

(2) The extension does not duplicate an adequate service already installed or constitute a stand-by service.

(3) No other producer can render the same service with lesser amounts of critical material.

(4) In the case of extensions to buildings which are to be used exclusively for dwelling purposes the extension (including service drop or service pipe and any portion built by or for the consumer) can be built within the limits established by the Housing Utilities Standards issued by the War Production Board.

(5) In the case of extensions to premises which are to be built or remodeled under authority of a specific authorization applied for pursuant to Conservation Order L-41, the producer has completed Form WPB-3348, and delivered it to the builder for attachment to the builder's application for L-41 approval.

(c) *Assignment of preference rating and CMP allotment number.* (1) The preference rating AA-3 is hereby assigned to orders for material other than controlled material, and the abbreviated CMP allotment number U-2 is hereby assigned to orders for controlled material, to be placed by a producer for use in the construction of extensions of facilities authorized by this supplementary order or to replace in inventory material so used.

(2) The preference rating and allotment number assigned above may be applied by a producer by using the certification provided in CMP Regulation 7.

(3) An order for controlled material bearing the CMP allotment number U-2 shall be deemed an authorized controlled materials order. This allotment number shall constitute an "allotment number or symbol" for the purpose of CMP Regulation 3.

(d) *Acquisition of material.* The acquisition of material for extensions of facilities authorized by this supplementary order is subject to the following restrictions:

(1) It may be ordered only to the extent that it is not available in the producer's inventory in excess of a practical working minimum.

(2) If taken from such excess inventory it may not be replaced.

(3) If taken from practical working minimum inventory it may be replaced therein only in accordance with paragraph (b) of Utilities Order U-1.

(4) It may not be ordered until either

(i) The producer has been advised that the builder of the structure to be served has received L-41 approval, or

(ii) The producer has been advised by such builder that L-41 approval is not required and has received a written request from such builder to supply the utility service.

(e) *Other orders.* This order does not constitute a release, in the case of gas producers or consumers, from the restrictions of Utilities Order U-7 or Limitation Order L-174.

Issued this 22d day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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Chapter XI—Office of Price Administration

PART 1341—CANNED AND PRESERVED FOODS

[MPR 475,[1] Amdt. 2]

DRIED FRUITS, 1943 AND LATER CROP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 475 is amended in the following respects:

1. Section 2 (f) is amended to read as follows:

(f) All maximum prices, except for government sales and sales described in paragraphs (j) and (k) of this section, include brokerage. The packer shall maintain his customary cash and quantity discounts to different classes of purchasers.

2. Section 2 (j) and (k) are added to read as follows:

(j) For dried prunes and raisins of the 1943 crop (other than Three Crown

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13707, 14215.

London Layer Muscats and Zante Currants), the base prices to be used by the packer in determining his maximum export prices under the Second Revised Maximum Export Price Regulation[2] shall be the maximum prices respectively set forth in paragraphs (a) (4) (i) and (a) (5) (i) of this section for sales to government agencies, plus an amount equal to the discount customarily allowed in cash sales and the selling expense customarily included in the price on civilian sales, but not in excess of 5% for both selling expense and cash discounts. The provisions of this paragraph shall not apply to sales to government procurement agencies of the United States.

(k) The packer's maximum prices, f. o. b. factory, for dried prunes and raisins of the 1943 crop (other than Three Crown London Layer Muscats and Zante Currants) for sales to an exporter, for export (purposes only shall be the maximum prices respectively set forth in paragraphs (a) (4) (i) and (a) (5) (i) of this section for sales to government agencies, plus an amount equal to the discount customarily allowed in cash sales and the selling expense customarily included in the price on civilian sales, but not in excess of 5% for both selling expense and cash discounts. However, this pricing method is applicable only if:

(1) The exporter furnishes the packer, prior to sale in each case, with a statement in writing that the commodity is being purchased for the purpose of export and that it will be used only for such purpose, and

(2) The packer furnishes the exporter with an invoice or other written evidence of sale to which is attached the following statement:

> As required by section 2 (k) of MPR 475, I have agreed to sell and you have agreed to buy (indicate items) for use by you in making export sales and not sales to purchasers in the United States. I have received your statement that these commodities will be used for these purposes only.
>
> The maximum prices established by section 2 (k) of MPR 475 apply only to sales by a packer to an exporter of prunes and raisins of the 1943 crop which are to be exported. My maximum prices under this section are higher than my maximum prices for civilian sales because under my existing contract with Commodity Credit Corporation sales made in this manner do not entitle me to compensatory benefits which would be received were the sale made for domestic civilian consumption. My selling price for (indicate items) which are to be exported, which does not exceed my maximum price is $_____. If you sell any of these items to civilian purchasers in the United States you must sell at maximum prices applicable to your type of selling based on my maximum price for domestic civilian sales, f. o. b. shipping point, which is $_____ plus incoming freight paid by you. In making this contract I agree to reduce my selling price to you and refund to conform with the maximum price for domestic civilian sales if you do not export the goods, if you furnish me with satisfactory evidence, within 20 days after such a sale, that the goods have been sold to a civilian purchaser in the United States.

(3) If, instead of exporting all of the prunes or raisins, the exporter sells all or part to a civilian purchaser within the United States his maximum price in such sales shall be the maximum price of his supplier as adjusted under this subparagraph, f. o. b. the supplier's shipping point, plus incoming freight paid by the exporter, except that where he sells the goods as a primary distributor or a wholesaler or a retailer he shall take the maximum price appropriate to that type of seller when making domestic sales. In this event, if the exporter, within 20 days after making the sale, furnishes satisfactory evidence to the packer that the prunes or raisins have been sold to civilian purchasers in the continental United States on or before September 30, 1944, the packer shall adjust his maximum price for such sale by refunding to the exporter the difference between the maximum price as established under this paragraph (k) and the applicable maximum price for domestic civilian sales. (The packer in such case should report and certify such sales to Commodity Credit Corporation as sales to domestic civilian purchasers.)

3. Section 5 (c) is added to read as follows: "and (c) keep all correspondence in connection with the sales of dried prunes and raisins which are sold at export, or to an exporter, together with a copy of every invoice or other written evidence of purchase or sale and (d) preserve for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all of his existing records relating to his customary allowances, discounts and other price differentials."

4. Section 13 (a) (7) is added to read as follows:

(7) "Exporter" means any person respectively referred to as such in the Second Revised Maximum Export Price Regulation.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1194; Filed, January 22, 1944; 11:27 a. m.]

PART 1345—COKE

[MPR 29,[1] Amdt. 2]

BY-PRODUCT AND RETORT GAS COKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 29 is amended in the following respects:

1. Section 7 (a) is amended to read as follows:

(a) *General provisions.* The maximum delivered price for by-product coke sold for use in a foundry cupola shall be the price per net ton f. o. b. cars at the governing oven plant, as set forth below, plus the lowest established rail transportation charges from that oven plant to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

Location of oven plant:	*F. o. b. oven plant in cars (per net ton)*
Alabama	$9.60
Chicago, Ill	12.60
Ashland, Ky	11.10
Detroit, Mich	12.85
Kearny, N. J	12.65
Buffalo, N. Y	12.25
Ironton, Ohio	11.10
Painesville, Ohio	11.75
Portsmouth, Ohio	11.10
Erie, Pa	12.25
Philadelphia, Pa	12.25
Chattanooga, Tenn	10.10
Fairmont, W. Va	10.50
Milwaukee, Wis	13.35

2. Section 7 (b) (1) is amended to read as follows:

(b) *Exceptions*—(1) *Place of delivery within New England and part of New York.* (i) The maximum delivered price in the States of Connecticut, Rhode Island, Massachusetts and New Hampshire and in that portion of the States of New York, Maine and Vermont wherein the lowest established rail transportation charge from Everett, Mass., is $3.10 per net ton or less, shall be $14.25 per net ton less $0.15 per net ton discount for cash within ten days from date of shipment.

(ii) The maximum delivered price within that portion of the States of Maine and Vermont wherein the lowest established rail transportation charge from Everett, Mass., exceeds $3.10 per net ton shall be $11.15 plus the lowest established rail transportation charge from Everett, Mass., to the place of delivery less $0.15 per net ton discount for cash within ten days from date of shipment.

3. Section 7 (b) (2) is amended to read as follows:

(2) *Place of delivery within certain switching districts.* Except as set forth in subparagraph (3) of this paragraph, the maximum delivered prices within the following switching districts shall be:

Switching district:	*Delivered price per net ton*
Chicago, Ill	$13.35
Birmingham and Tarrant, Ala	10.50
St. Louis, Missouri & E. St. Louis, Ill	13.35
Indianapolis, Ind	13.10
Terre Haute, Ind	13.10
Detroit, Mich	13.35
Buffalo, N. Y	13.00
Cincinnati, Ohio	12.85
Cleveland, Ohio	12.80
Erie, Pa	12.75
Philadelphia, Pa	12.88
St. Paul and Minneapolis, Minn	15.10

(i) Except that the maximum delivered price to consumers in the Birmingham and Tarrant, Alabama, switching district who qualify under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. P. No. 220-C establishing a furnace raw material freight rate of $0.60 per ton shall be $10.20.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of $13.85 to consumers in the St. Louis, Missouri, and E. St. Louis, Illinois, switching district.

4. Section 7 (b) (7) is amended to read as follows:

(7) *Place of delivery within Eastern Pennsylvania, Southern New Jersey, Delaware and Maryland.* When the place of delivery is located in Eastern Pennsylvania (that part of the State east of a line running approximately north and south through Lawrenceville, Tioga County, and Kingsdale, Adams County), Southern New Jersey (that part of the State south of a line running from a point immediately north of Phillipsburg to a point immediately north of Asbury Park), Maryland (except Washington County), or Delaware the maximum delivered price shall be as follows:

When the lowest established rail transportation charge per net ton from Swedeland, Pennsylvania, to the place of delivery is:

The maximum delivered price per net ton shall be:	
$0.68 and less	$12.88
$0.69 to $0.96, inclusive	12.90
$0.97 to $1.66, inclusive	12.95
$1.67 to $2.24, inclusive	13.20
$2.25 to $2.50, inclusive	13.30
$2.51 to $2.85, inclusive	13.45

And when the lowest established rail transportation charge per net ton from Swedeland, Pa., to place of delivery is $2.86 or more, the maximum price f. o. b. oven plant shall be $10.85.

5. Section 7 (b) (8) (ii) is amended to read as follows:

(ii) When the place of delivery is located in the remaining counties of Western Pennsylvania (that part of the State west of a line running approximately north and south through Lawrenceville, Tioga County and Kingsdale, Adams County) or Washington County, Maryland, the Fairmont, West Virginia, oven plant shall be considered in determining the "governing oven plant", only when the shipment is made from such oven plant: *Provided, however,* (a) That the maximum delivered price shall not exceed the Fairmont, West Virginia, oven plant price plus the lowest established rail transportation charge to the place of delivery, plus $0.75 per net ton and (b) when shipment is from the ovens at Painesville, Ohio, or Swedeland, Pennsylvania, the maximum delivered price shall not exceed $10.50 per net ton ovens, plus the lowest established rail transportation charge from such ovens to the place of delivery.

6. Section 8 is amended to read as follows:

SEC. 8. *Maximum prices for by-product coke sold for use in a blast furnace*—(a) *Coke shipped from certain points.* The maximum price, f. o. b. oven plant, for by-product coke sold for use in a blast furnace and shipped from the following points shall be:

Point of shipment:	*Maximum price*
Birmingham, Ala	$7.10
Holt, Ala	7.40
New Haven, Conn	9.10
Chicago, Ill	9.25
Indianapolis, Ind	8.60
Ashland, Ky	7.10
Boston, Mass	9.10
Detroit, Mich	8.45
St. Paul, Minn	10.85
St. Louis, Mo	9.23
Kearney, N. J	8.70
Brooklyn, N. Y	8.70
Buffalo, N. Y	8.50
New York, N. Y	8.70
Rochester, N. Y	8.55
Utica, N. Y	8.55
Hamilton, Ohio	8.10
Ironton, Ohio	8.10
Painesville, Ohio	8.10
Conshohocken, Pa	8.25
Monessen, Pa	6.50
Pittsburgh, Pa	6.50
Fairmont, W. Va	6.65
Milwaukee, Wis	9.15

(b) *Coke shipped from all other points.* The maximum price, f. o. b. oven plant, for by-product coke sold for use in a blast furnace and shipped from points other than those listed in paragraph (a) of this section shall be (1) the weighted average price f. o. b. oven plant charged by the seller for such coke delivered during the first quarter of 1941, plus $.75 per net ton; or, (2) if the seller delivered no such coke during the first quarter of 1941, the price established by the Office of Price Administration after application by such person upon OPA Form 129:2. In establishing any such price, the Office of Price Administration shall give consideration to the weighted average prices charged by the applicant, its competitors, or persons situated in substantially similar circumstances for comparable grades of coke during the first quarter of 1941 and other relevant factors: *Provided, however,* That this paragraph (b) shall not apply to sales or shipments made after October 1, 1941 from oven plants located in the Mid-West at a price less than $7.10 per net ton or to sales or shipments made after October 1, 1941 from plants located in the East at a price less than $6.50 per net ton.

7. Section 9 (b) is amended to read as follows:

(b) *Additions to maximum prices for certain coke.* (1) In the case of a sale of by-product or retort gas coke produced in the Mid-West, a producer or distributor may add to the maximum prices determined in accordance with subparagraphs (1), (2) or (3) of paragraph (a) of this section a sum not to exceed $1.10 per net ton.

(2) In the case of a sale of by-product or retort gas coke produced in the East, a producer or distributor may add to the maximum prices determined in accordance with subparagraph (1), (2) or (3) of paragraph (a) of this section a sum not to exceed $0.50 per net ton.

8. In Section 10 (a), subparagraph (10) is added to read as follows:

(10) "East" includes all of the States along the Atlantic seaboard, the States of Vermont and West Virginia, and that part of the State of Ohio east of a line running north and south through a point immediately west of Cleveland.

This amendment shall become effective January 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1153; Filed, January 21, 1944; 4:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 50,[1] Amdt. 8]

GREEN COFFEE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule 50 is amended in the following respects:

1. The introductory text of § 1351.1 (b) is amended to read as follows:

(b) The specified maximum prices set out in paragraph (c) of this schedule include all commissions and charges to the points specified, except:

2. Section 1351.1 (b) (3) is added to read as follows:

(3) The specified maximum prices set out in paragraph (c) of this section must be reduced by the customary trade discounts allowed for cash or prompt payment; and by a deduction of 1% for weight shrinkage between the port of origin and port of entry, if the terms of the transaction are on the basis of shipping weights at the port of origin.

This amendment shall become effective January 28, 1944.

(56 Stat. 23, 758; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1195; Filed, January 22, 1944; 11:26 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 111]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4132, 5987, 7652, 9998.

[1] 6 F.R. 4821, 7 F.R. 721.

[1] 7 F.R. 1305, 2132, 2945, 5462, 6387, 6685, 8948, 10471; 8 F.R. 5477, 13024.

[1] 8 F.R. 14820, 15368, 15489, 15524, 15594, 15662, 16695, 16805, 16846, 16997, 16848; 9 F.R. 106, 574.

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.88 (h) is added to read as follows:

(h) On or before application for a provisional allowance, an industrial user who uses sugar in the production of jams, jelly, preserves, or marmalade not made with fruit, fruit juice, or tomatoes, must file with the Board a written report showing: (1) the amount of each such product produced by him during 1941; (2) the total amount of sugar used by him in each such product in 1941; and (3) the average amount of sugar used per pound of each such product produced by him in 1941.

2. Section 1407.241, Schedule A, Table VII is amended to read as follows:

TABLE VII—JAMS, JELLIES, PRESERVES, MARMALADES, AND FRUIT BUTTERS (INCLUDING IMITATIONS)

Product	Type of fruit	Quantity of sugar allowed, in pounds, per pound of finished product
Jams, jelly, preserves, or marmalade, including imitations (pounds).	Fresh or canned fruit, fruit juices, tomatoes, or fruit frozen without sugar.	.67
	Fruit frozen at ratio of fruit to sugar of:	
	3 to 1	.50
	4 to 1	.54
	5 to 1	.57
	6 to 1	.59
	Not made with fruit, fruit juice, or tomatoes.	(1)
Fruit butter, including imitations (pounds).	Fresh or dried fruit	.32
All others	• • •	None

[1] For each pound of finished product the smaller of the two following amounts: (1) 100 per cent of average amount of sugar used per pound of same product during 1941; (2) .67 pounds of sugar.

This amendment shall become effective January 22, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 662, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 22d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1196; Filed, January 22, 1944; 11:26 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Supp. Service Reg. 25]

DISTRIBUTORS' COMMISSIONS

A statement of the considerations involved in the issuance of this supplementary service regulation has been filed with the Division of the Federal Register.[*] For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 25 is hereby issued.

§ 1499.2256 *Commissions paid to certain distributors.* (a) Persons who sell any of the commodities listed in paragraph (b) consigning them to distributors compensated on a commisison basis, may pay to those distributors, and the distributors may charge, such rates of commission as may be agreed upon by the parties.

(b) *Coverage.* This regulation applies to commissions for distribution of the following items:

(1) Electric light bulbs,

This supplementary service regulation shall become effective January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1197; Filed, January 22, 1944; 11:26 a. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269, Amdt. 22]

POULTRY

Correction

In F.R. Doc. 43–20761, appearing on page 95 of the issue for Tuesday, January 4, 1944, the eighth line of paragraph (b) should read: "per pound on quantity sales of 10,000 or".

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 18]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.[*]

Maximum Price Regulation No. 426 is amended in the following respect:

1. Appendix H is added to section 15, Article III, to read as follows:

APPENDIX H—MAXIMUM PRICES FOR CERTAIN FRESH FRUITS AND VEGETABLES.

(a) *Explanation.* This appendix establishes maximum prices for certain sales of spinach, snap beans (green and wax), carrots, green peas, eggplant, green peppers, and cucumbers, and such other fresh fruits and vegetables as may later be added. (These will be referred to as "listed commodities".) It supersedes the provisions of Maximum Price Regulation No. 376[2] (except as otherwise provided) and all regional or district orders, issued under that regulation, which affect listed commodities.

Each of the listed commodities is covered by a separate table of prices. Provisions applying specially to a commodity are to be found in footnotes to the applicable table. Provisions applying to all the listed commodities are to be found in the paragraphs following the tables. The maximum markups which may be added to f. o. b. or delivered maximum prices, as the case may be, for certain types of sales common to all the listed commodities, are set forth in a separate table of general applicability. Thus, for each listed commodity a special table and a general table must be referred to.

The provisions of this appendix do not apply to sales of any listed commodity in unbroken packages not exceeding one pound (net weight) for all listed commodities, except spinach, and five pounds (net weight) for spinach, which has been trimmed, cleaned, washed, or otherwise prepared for sale to the consumer ready for consumption without further preparation other than cooking. Insofar as applicable to these sales, the provisions of MPR 376 remain in effect.

The Office of Price Administration reserves the right to change the basing points named in this appendix at any time, or to establish new or additional basing points, without changing the maximum price, f. o. b. country shipping point.

(b) *Maximum price tables applicable to individual listed commodities.* The following tables state the maximum prices which apply to certain sales of listed commodities by growers, country shippers, and by intermediate sellers. (For other transactions by these sellers, see the table in paragraph (c) and the provisions of paragraphs (d) and (e)).

Except as specified for bulk sales, the maximum prices named in the tables of this paragraph include all costs of harvesting, hauling, and packing, and no additional charge may be made for containers.

Although f. o. b. shipping point maximum prices are named only for listed commodities shipped from certain states (see Column 5 in each case), all listed commodities are subject to the maximum prices named in Columns 6 and 7 of the following tables, regardless of where produced or shipped.

[*] Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8793, 8943, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13472.

[2] 8 F.R. 16409, 16294, 16519, 16423.

[*] 8 F.R. 5487, 7391.

TABLE 1—MAXIMUM PRICES FOR CARROTS

Col. 1 Item No.	Col. 2 Type, variety, style of pack, etc.	Col. 3 Unit	Col. 4 Season	Col. 5 Maximum price f. o. b. shipping points in California-Arizona	Col. 6 Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Col. 7 Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[5]
1	Bunched carrots, full tops, in L. A. crates containing 72 bunches or more and with a minimum net weight of one pound per bunch.[6]	L. A. crate	Jan. 16–May 31	$3.00	$3.00 *plus* freight (including 3% transportation tax) from El Centre, California *plus* protective services.[1] [4]	Col. 6 price plus 90 cents.
2			June 1–Jan. 15	$3.00	$3.00 *plus* freight (including 3% transportation tax) from Salinas, California *plus* protective services.[1] [4]	Col. 6 price plus 90 cents.
3	Bunched carrots, full tops, in L. A. crates containing less than 72 bunches and in all other containers.[3] [4]	Per dozen bunches (minimum net weight per bunch—1 lb.).	Jan. 16–May 31	50 cents per dozen bunches.	Maximum price above (item 1) divided by 6.	Col. 6 price plus 15 cents per dozen bunches.
4			June 1–Jan. 15	50 cents per dozen bunches.	Maximum price above (item 2) divided by 6.	Col. 6 price plus 15 cents per dozen bunches.
5	Clipped topped carrots (with minimum length of leaf stem of 1½ inches and a maximum length of leaf stem 4 inche.) sold in any container.[3]	Pound	Jan. 16–May 31	3.5 cents per pound.	Maximum price above (item 1) divided by 85.	Col. 6 price plus 1/10 cent per pound.
6			June 1–Jan. 15	3.5 cents per pound.	Maximum price bove (item 2) divided by 85	Col. 6 price plus 1/10 cent per pound.
7	Carrots without tops or with a leaf stem up to 1½ inches in length sold in any container.[3]	Pound	Jan. 16–May 31	3.0 cents er pound.	Maximum price per pound above (item 5) minus ½ cent.	Col. 6 price plus 1/10 cent per pound.
8			June 1–Jan. 15	3.0 cents per pound.	Maximum price per pound above (item 6) minus ½ cent.	Col. 6 price plus 1/10 cent per pound.

[1] Protective service allowance to be added for California-Arizona carrots shall be as follows: Jan. 16–March 31, 16 cents per L. A. crate; April 1–May 31, 26 cents per L. A. crate; June 1–November 30, 26 cents per L. A. crate; Dec. 1–Jan. 15, 16 cents per L. A. crate.

[2] For all wholesale receiving points in California no allowance shall be added for protective services.

[3] The maximum price for carrots sold in bulk (loose without containers) shall be 10 cents per dozen bunches and ½ cents per pound for clipped or topped carrots less than the appropriate prices listed in Column 5, 6, or 7 above.

[4] Carrots with full tops sold loose (not bunched) shall have the same maximum price per pound and provisions therefore as Items 7 and 8.

[5] For sellers covered by Column 7, see general provisions of this Appendix.

[6] The maximum price F. o. b. shipping point for bunched carrots weighing less than 1 pound per bunch shall be 4.2 cents per pound. The maximum price per pound for Column 6 shall be the delivered price determined for Items 1 and 2 divided by 72. The maximum price per pound for Column 7 shall be the Column 6 price for Items 1 and 2 plus 1¼ cents per pound.

TABLE 2—MAXIMUM PRICES FOR SPINACH

Col. 1 Item No.	Col. 2 Type, variety, style of pack, etc.	Col. 3 Unit	Col. 4 Season	Col. 5 Maximum price f. o. b. shipping points in Texas.	Col. 6 Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Col. 7 Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[3]
1	Spinach in bushel containers with a minimum net weight of 18 pounds or more.	Bushel	Sept. 1–June 30	$1.15	($1.15 plus freight (including 3% transportation tax) from Crystal City, Texas *plus* 7 cents protective services.[1]	Col. 6 price plus 45 cents.
2			July 1–Aug. 31	To be announced later.		
3	Spinach in bushel containers with a net weight of less than 18 pounds and in all other containers.[2]	Pound	Sept. 1–June 30	6.4 cents per pound	Maximum price above (item 1) divided by 18.	Col. 6 price plus 2½ cents per pound.
4			July 1–Aug. 31	To be announced later.		

[1] For all wholesale receiving points in that part of the State of Texas including and south of the following counties: Galveston, Harris, Waller, Washington, Lee, Bastrop, Travis, Blanco, Gillespie, Kerr, Edwards, and Val Verde, no allowance shall be added for protective services.

[2] The maximum price for spinach sold in bulk (loose without containers) shall be 1½ cents per pound less than the prices per pound listed in column 5, 6 or 7 above.

[3] For the sellers covered by column 7 see general provisions of this appendix.

TABLE 3—MAXIMUM PRICES FOR GREEN PEAS

Col. 1 Item No.	Col. 2 Type, variety, style of pack, etc.	Col. 3 Unit	Col. 4 Season	Col. 5 Maximum prices f. o. b. shipping points in California	Col. 6 Maximum prices for sales delivered to any wholesale receiving point in any quantity	Col. 7 Maximum prices for sales by certain persons in less than carlots or less than truck lots delivered to the premises of any retail store, government procurement agency or institutional buyer [3]
1	Green peas in bushel containers with a net weight of 28 pounds or more.	Bushel	Sept. 1–Mar. 31	$3.50	$3.50 *plus* freight (including 3% transportation tax) from Calipatria, Calif., *plus* 12 cents for protective services.[1]	Col. 6 price plus 75 cents.
2			Apr. 1–Aug. 31	$2.80	$2.80 *plus* freight (including 3% transportation tax) from Santa Barbara, Calif., *plus* 20 cents for protective services.[1]	Col. 6 price plus 75 cents.
3	Green peas in bushel containers with a net weight of less than 28 pounds and in all other containers. [2]	Pound	Sept. 1–Mar. 31	12.5 cents per pound.	Maximum price above (item 1) divided by 26.	Col. 6 price plus 2 3/10 cents per pound.
4			Apr. 1–Aug. 31	10.0 cents per pound.	Maximum price above (item 2) divided by 28.	Col. 6 price plus 2 3/10 cents per pound.

[1] For all wholesale receiving points in California, the protective service allowance shall be 10 cents per bushel.

[2] The maximum price for green peas sold in bulk (loose without containers) shall be 1 cent per pound less than the appropriate price per pound listed in column 5, 6 or 7.

[3] For the sellers covered by column 7, see general provisions of this appendix.

TABLE 4—MAXIMUM PRICES FOR SNAP BEANS (GREEN OR WAX)

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col.
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. shipping points in Florida and California.[1]	Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, government procurement agency or institutional buyer.[4]
1	Snap beans in bushel containers with a net weight of 28 pounds or more.	Bushel	Nov. 1-Dec. 31	$3.25	$3.25 *plus* freight (including 3% transportation tax) from Pompano, Florida plus 10 cents for protective services.[2]	Col. 6 price plus 75 cents.
2			Jan. 1-Feb. 29	$3.50	$3.50 *plus* freight (including 3% transportation tax) from Pompano, Florida plus 10 cents for protective services.[2]	Col. 6 price plus 75 cents.
3			Mar. 1-Apr. 30	3.25	$3.25 *plus* freight (including 3% transportation tax) from Pompano, Florida plus 10 cents for all markets east of and including Chicago, Illinois; and from San Jose, California plus 10 cents for all markets west of Chicago, Ill.[2]	Col. 6 price plus 75 cents.
4			May 1-May 31	$2.70	$2.70 *plus* freight (including 3% transportation tax) from Pompano, Florida, plus 10 cents for all markets east of and including Chicago, Illinois; and from San Jose, California, plus 10 cents for all markets west of Chicago, Ill.[2]	Col. 6 price plus 75 cents.
5			June 1-Oct. 31	To be announced later.		
6	Snap beans in bushel containers with a net weight of less than 28 pounds and in all other containers.[3]	Pound	Nov. 1-Dec. 31	11.6 cents per pound.	Maximum price above (item 1) divided by 28.	Col. 6 price plus 2½ cents per pound.
7			Jan. 1-Feb. 29	12.5 cents per pound.	Maximum price above (item 2) divided by 28.	Col. 6 price plus 2½ cents per pound.
8			Mar. 1-Apr. 30	11.6 cents per pound.	Maximum price above (item 3) divided by 28.	Col. 6 price plus 2½ cents per pound.
9			May 1-May 31	9.6 cents per pound.	Maximum price above (item 4) divided by 28.	Col. 6 price plus 2½ cents per pound.
10			June 1-Oct. 31	To be announced later.		

[1] Maximum price f. o. b. shipping point does not apply to California during the period Nov. 1-Feb. 29.
[2] For all wholesale receiving points within the State of Florida for the period Nov. 1 to May 31 and within California during the period Mar. 1-May 31 no allowance shall be added for protective services.
[3] The maximum price for snap beans sold in bulk (loose without containers) shall be 1 cent per pound less than the prices per pound listed in Column 5, 6 or 7.
[4] For sellers covered by Column 7, see general provisions of this Appendix.

TABLE 5—MAXIMUM PRICES FOR EGGPLANT

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. shipping points in Florida and California.[1]	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[4]
1	Eggplant in 1½ bushel crates with a net weight of 45 pounds or more for sale in all wholesale receiving points east of and including Chicago, Illinois.	1½ bushel crate	Jan. 1-July 15	$3.40 (Florida)	$3.40 *plus* freight (including 3% transportation tax) from Fort Myers, Florida *plus* 11 cents protective services.[2]	Col. 6 price plus 90 cents.
2	Eggplant in bushel containers with a net weight of 30 pounds or more for sale in all wholesale receiving points east of and including Chicago, Illinois.	Bushel	Jan. 1-July 15	$2.30 (Florida)	$2.30 *plus* freight (including 3% transportation tax) from Fort Myers, Florida *plus* 8 cents protective services.[2]	Col. 6 price plus 75 cents.
3	Eggplant in 1½ bushel crates with a net weight of less than 45 pounds and in bushel containers with a net weight of less than 30 pounds and in all other containers for sale in all wholesale receiving points east of and including Chicago, Illinois.[3]	Pound	Jan. 1-July 15	7.6 cents per pound Florida.	Maximum price for item 1 above divided by 45.	Col. 6 price plus 2 cents per pound.
4	Eggplant in lug boxes with a net weight of 20 pounds or more for sale in all wholesale receiving points west of Chicago, Illinois.	Lug	Jan. 1-July 15	$1.80 (California)	$1.80 *plus* freight (including 3% transportation tax) from Indio, California *plus* 5 cents protective services.[2]	Col. 6 price plus 40 cents.
5	Eggplant in lug boxes with a net weight of less than 20 pounds and in all other containers for sale in all wholesale receiving points west of Chicago, Illinois.[3]	Pound	Jan. 1-July 15	9.0 cents per pound (California).	Maximum price for item 4 above divided by 20.	Col. 6 price plus 2 cents per pound.

[1] The maximum prices f. o. b. shipping point in Column 5 listed for Items 1, 2 and 3 apply to eggplant produced in Florida and Items 4 and 5 apply to eggplant produced in California.
[2] For all wholesale receiving points in California and Florida no allowance shall be added for protective services.
[3] The maximum price for eggplant sold in bulk (loose without containers) shall be 1 cent per pound less than the appropriate price per pound listed in Column 5, 6 or 7.
[4] For the sellers covered by Column 7, see general provisions of this Appendix.

TABLE 6—MAXIMUM PRICES FOR SWEET PEPPERS

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, variety, style of pack, etc	Unit	Season	Maximum prices f. o. b. shipping points in Florida and Arizona	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[3]
1	Sweet peppers in 1½ bushel crates with a net weight of 45 pounds or more.	1½ bushel crates	Jan 1-May 31	$4.80	Col. 5 price *plus* freight (including 3% transportation tax) from Pompano, Florida *plus* 11 cents for protective services [1] for all markets east of and including Chicago, Illinois; and Nogales, Arizona *plus* 15 cents for all markets west of Chicago, Illinois.	Col. 6 price plus 90 cents.
2			June 1-July 15	$3.65		Col. 6 price plus 90 cents.
3	Sweet peppers in bushel containers with a net weight of 30 pounds or more.	Bushel	Jan. 1-May 31	$3.20	Col. 5 price *plus* freight (including 3% transportation tax) *plus* 8 cents for protective services [1] for all markets east of and including Chicago, Illinois; and Nogales, Arizona *plus* 10 cents for all markets west of Chicago, Illinois.	Col. 6 price plus 75 cents.
4			June 1-July 15	$2.45		Col. 6 price plus 75 cents.
5	Sweet peppers in 1½ bushel crates with a net weight of less than 45 pounds and in bushel containers with a net weight of less than 30 pounds and in all other containers.[2]	Pound	Jan. 1-May 31	10.6 cents per lb	Maximum price above (item 1) divided by 45.	Col. 6 price plus 2 cents per pound.
6			June 1-July 15	8.1 cents per lb	Maximum price above (item 2) divided by 45.	Col. 6 price plus 2 cents per pound.

[1] For all wholesale receiving points in the States of Florida and Arizona, no allowance shall be added for protective services.
[2] The maximum price for peppers sold in bulk (loose without containers) shall be 1 cent per pound less than the prices per pound listed in column 5, 6 or 7 above.
[3] For the sellers covered by column 7, see general provisions of this appendix.

TABLE 7—MAXIMUM PRICES FOR CUCUMBERS

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. shipping points in Florida and California	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer[3]
1	Cucumbers in bushel containers with a net weight of 48 pounds or more.	Bushel	Nov. 1-Dec. 31	$3.40	Col. 5 price *plus* freight (including 3% transportation tax) from Wachula, Fla. *plus* 10 cents protective services [1] for all markets east of the including Chicago, Ill.; and from Chula Vista, Calif. *plus* 10 cents for all markets west of Chicago, Ill.	Col. 6 price plus 75 cents.
2			Jan. 1-Mar. 31	$5.00		Col. 6 price plus 75 cents.
3			Apr. 1-May 31	$3.40		Col. 6 price plus 75 cents.
4			June 1-Oct. 31	To be announced later.		
5	Cucumbers in lug boxes with a net weight of 28 pounds or more.	Lug	Nov. 1-Dec. 31	$2.00	Col. 5 price *plus* freight (including 3% transportation tax) from Wachula, Florida *plus* 8 cents protective services [1] for all markets east of and including Chicago, Illinois; and from Chula Vista, California *plus* 8 cents for all markets west of Chicago, Illinois.	Col. 6 price plus 45 cents.
6			Jan. 1-Mar. 31	$2.90		Col. 6 price plus 45 cents.
7			Apr. 1-May 31	$2.00		Col. 6 price plus 45 cents.
8			June 1-Oct. 31	To be announced later.		
9	Cucumbers in bushel containers with a net weight of less than 48 pounds and in lug boxes with a net weight of less than 28 pounds and in all other containers.[2]	Pound	Nov. 1-Dec. 31	7.1 cents per pound	Maximum price for item 1 above divided by 48. Col. 6 price plus 1⅓ cents per pound.	
10			Jan. 1-Mar. 31	10.4 cents per pound.	Maximum price for item 2 above divided by 48. Col. 6 price plus 1⅓ cents per pound.	
11			Apr. 1-May 31	7.1 cents per pound.	Maximum price for item 3 above divided by 48. Col. 6 price plus 1⅓ cents per pound.	
12			June 1-Oct. 31	To be announced later.		

[1] For all wholesale receiving points in California and Florida no allowance shall be added for protective services.
[2] The maximum price for cucumbers sold in bulk (loose without containers) shall be 1 cent per pound less than the appropriate prices per pound listed in column 5, 6 or 7.
[3] For the sellers covered by column 7, see general provisions of this appendix.

(c) *Table of maximum markups applicable to all listed commodities.* The following table states the maximum markups which may be added for certain distributive services. In each case, the maximum price shall be figured by adding the appropriate markup to the named f. o. b. or delivered maximum price, as the case may be. In figuring maximum prices, markups may not be taken cumulatively.

Example. If a carlot receiver buys a carlot of snap beans delivered at the wholesale receiving point from a grower selling through a broker, the grower's ceiling price is the maximum delivered price plus the broker's fee (not to exceed 11¢ per bushel) and the carlot receiver's ceiling price on the resale is the maximum carlot delivered price plus 40¢. In other words, the broker's fee comes out of the 40¢ and is not added to it.

TABLE OF MAXIMUM MARKUPS FOR DISTRIBUTIVE SERVICES TO BE ADDED TO MAXIMUM DELIVERED PRICES (SEE COL. 6 OF TABLES IN PARAGRAPH (B))

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10
			Sales by a grower or a country shipper [1]					Sales by a service wholesaler delivered to the premises of any retail store, Government procurement agency, or institutional buyer, within the free delivery zone.[2]	
Item No.	Commodity.	Unit[3]	Through a broker, shipper's sales agent or commission merchant in carlots or truck-lots or through broker, shipper's sales agent, or terminal auction in less-than-carlot or less-than-trucklot.	Through a commission merchant in less than carlots or less than truck-lots.	Sales by anyone, other than a grower or country shipper, who has purchased a carlot or truckloat, and sells such a carlot or truck-lot unbroken.	Sales by carlots receivers in less-than-carlots-or less-than-truck-lots. (For sales by carlot receivers through terminal auction the markups named in Col. 4 shall be applied.)	Sales by secondary jobbers in any quantity delivered to the premises of the purchaser.	Half container or larger.	Less than half-container.
1	Snap beans	Bushel	$0.11	$0.11	$0.11	$0.40	$0.75	$0.75	
		Other containers (or in bulk).	5½¢ per lb.	1½¢ per lb.	5½¢ per lb.	1½¢ per lb.	2½¢ per lb.	2½¢ per lb.	3½¢ per lb.
2	Peppers	1⅑ bu. crate	$0.14	$0.50	$0.14	$0.50	$0.90	$0.90	
		Bushel	$0.11	$0.40	$0.11	$0.40	$0.75	$0.75	
		Other containers (or in bulk).	3½¢ per lb.	1½¢ per lb.	3½¢ per lb.	1½¢ per lb.	2¢ per lb.	2¢ per lb.	3¢ per lb.
3	Egg plant	1⅑ bu. crate	$0.14	$0.50	$0.14	$0.50	$0.90	$0.90	
		Bushel	$0.11	$0.40	$0.11	$0.40	$0.75	$0.75	
		Other containers (or in bulk).	3½¢ per lb.	1½¢ per lb.	3½¢ per lb.	1½¢ per lb.	2¢ per lb.	2¢ per lb.	3¢ per lb.
4	Cucumbers	Bushel	$0.11	$0.40	$0.11	$0.40	$0.75	$0.75	
		Other containers (or in bulk).	3½¢ per lb.	1½¢ per lb.	3½¢ per lb.	1½¢ per lb.	1½¢ per lb.	1½¢ per lb.	2½¢ per lb.
	Spinach	Bushel	$0.07	$0.25	$0.07	$0.25	$0.45	$0.45	
		Other containers (or in bulk).	1½¢ per lb.	1½¢ per lb.	5½¢ per lb.	1½¢ per lb.	2½¢ per lb.	2½¢ per lb.	3½¢ per lb.
		La crate	$0.14	$0.50	$0.14	$0.50	$0.90	$0.90	
		Per dozen bunches	$2½¢	$0.09	2½¢	$0.09	$0.15	$0.15	2½¢ per doz.
		Clipped 50# (in containers).	$0.07	$0.25	$0.07	$0.25	$0.45	$0.45	
6	Carrots	Topped 50# (in containers).	$0.07	$0.25	$0.07	$0.25	$0.45	$0.45	
		Clipped and topped (in containers) per lb.	½¢	½¢	½¢	½¢	½¢	½¢	1.2¢ per lb.
		Bulk per lb.	½¢	½¢	½¢	½¢	½¢	½¢	
7	Peas	Bushel	$0.11	$0.40	$0.11	$0.40	$0.75	$0.75	
		Other containers (or in bulk).	5½¢ per lb.	1½¢ per lb.	5½¢ per lb.	1½¢ per lb.	2½¢ per lb.	2½¢ per lb.	3½¢ per lb.

[1] Charges determined under MPR 165 shall be used instead of those listed in this table if such charges are lower than the mark-ups listed.

[2] Mark-ups listed in column 9 are on a full container basis (except where otherwise specified). Where the total quantity sold is a half-container or larger but less than a full container, the per pound or other unit mark-up shall be used, whether the goods are sold in a container or in bulk. Where the total quantity sold is in less than a half container, the per pound or unit mark-up in column 10 shall be used. Column 10 shall not apply to sales made in bulk.

[3] The bushel and crate containers listed in this column must contain the minimum net weights specified in Column 2 of the applicable table in paragraph (b). For bushels and crates containing less than this minimum net weight the per pound mark-up shall apply.

(d) *Provisions applicable to growers and country shippers*—(1) *Prohibition against certain payments.* No grower or country shipper shall receive, and no person shall pay to any grower or country shipper, an amount in excess of the maximum price, f. o. b. country shipping point (if sold f. o. b.) or the maximum price for delivered sales (if sold delivered), regardless of the type of sale or the type of purchaser, and regardless of any prior or future commitment between buyer and seller, except for allowances made to growers and country shippers for sales through agents, and except as provided for sales by growers and country shippers delivered to premises of retail stores, government procurement agencies, institutional buyers and ultimate consumers. No person who does not pack and ship the listed commodity being priced and who does not regularly operate a packing and shipping plant for that commodity, shall purchase acreage at a price which, after the costs of harvesting, hauling and packing have been added, results in a price higher than the maximum price, f. o. b. shipping point, listed in the applicable table in paragraph (b).

Example.—Suppose a retailer wishes to buy an unharvested field of carrots from a grower. The amount which he pays the grower for the carrots, plus the cost of harvesting, hauling and packing, may not exceed the maximum price, f. o. b. shipping point, for carrots in the kind of container in which they are being packed, as set forth in the table for carrots in paragraph (b).

"Country shipper" means any person, including a grower, grower's cooperative, or packer, who grades, sizes, packs or otherwise prepares the listed commodity being priced for shipment and who sells the commodity from a farm, orchard, grove or other country shipping point. A person who has the listed commodity packed or prepared for him for sale shall be deemed to be a "country shipper", and the country shipping point shall be deemed to be the place where the particular fruits or vegetables have been prepared for shipment.

"Ultimate consumer" means a person who buys the listed commodity being price for direct consumption. However, as used in this appendix, the term does not include a commercial, industrial, or institutional user or government procurement agency.

(2) *Sales by country shippers or growers through brokers, shippers' sales agents, commission merchants or terminal auctions.* (i) For sales of listed commodities by growers or country shippers in carlots or truck-lots through a broker, shipper's sales agent or commission merchant or in less-than-carlots or less-than-trucklots through a broker or shipper's sales agent, the maximum price in each case is the maximum price, f. o. b. country shipping point or the maximum delivered price, as the case may be, for the listed commodity being priced, as named in the applicable table in paragraph (b), plus the actual commission or fee charged for the particular sale, not to exceed the maximum allowable commission, or fee which such selling agent may charge under Maximum Price Regulation No. 165 [4] or the markup shown in Column 4 of the table in paragraph (c), whichever is lower.

"Broker" or "shipper's sales agent" means a person other than a commission merchant or a salaried representative of a grower or country shipper, who for a commission or fee sells the listed commodity being priced on behalf of his principal, without packing any part of the particular goods sold.

"Commission merchant" means a seller's agent who receives the listed commodity being priced and who, for commission or fee, sells it in a terminal market or other wholesale receiving point, and who performs the wholesale functions of unloading cars or trucks and selling in lees than carlots or less than trucklots on behalf of his principal, or who sells carlots or trucklots on behalf of his principal.

"Commission" or "fee" means the charge made by an agent for services performed in connection with the sale of a listed commodity. No amount which the agent pays over to his principal shall be considered part of his fee or commission.

(ii) For sales of listed commodities by growers or country shippers through a commission merchant in less-than-carlots or less-than-trucklots, the maximum price in each case is the maximum delivered price for the listed commodity, as named in the applicable table in paragraph (b), plus the actual commission or fee charged for the particular sale, not to exceed the maximum allowable commission or fee which such selling agent may charge under Maximum Price Regulation No. 165 or the markup named in Column 5 of the table in paragraph (c), whichever is

[4] 8 F.R. 14990.

lower. (For deliveries made in conveyances owned by the seller, see paragraph (iv), below).

Example. Assume that the maximum price for a carlot of carrots in L. A. crates delivered in a particular market is $4.50 per crate. Assume that the commission merchant's actual fee (and his maximum fee under MPR 165) is 7% of the selling price, or $0.34 per crate. The maximum markup in Column 5 of the table in paragraph (c) is $0.50 per crate. The maximum price for sales through the commission merchant is therefore $4.50 plus $0.34 or $4.84 per crate.

(iii) The maximum price in each case for sales by growers or country shippers through a terminal auction is the maximum delivered price, as named in the applicable table in paragraph (b), plus the respective actual commission or fees charged for the particular sale, not to exceed the maximum allowable commission or fee which the agent of the auction seller and which the auction company may charge under Maximum Price Regulation No. 165, plus any actual unloading charges in the terminal market, or, the markup named in Column 4 of the table in paragraph (c), whichever is lower.

"Terminal auction" means a place where, on the basis of competitive bidding open to any person who has established credit with the auction company or pays cash, the listed commodity being priced is sold in less-than-carlots or less-than-trucklots, by persons operating through a licensed sales organization, known as an "auction company", for whose services a fee is charged.

(iv) For sales by growers or country shippers delivered from the country shipping point in conveyances owned by the seller to retail stores where resale is made to ultimate consumers, to government procurement agencies, or to institutional buyers, the maximum price in each case is the price for the listed commodity named in Column 7 of the applicable table in paragraph (b). (For deliveries made in a conveyance not owned by the seller, see paragraphs (i), (ii), and (iii) above). For sales by growers or country shippers to ultimate consumers the maximum price is the applicable price for the listed commodity named in Column 7 of the applicable table in paragraph (b) multiplied by 1.33.

(e) *Maximum prices for sales by persons other than growers or country shippers.* (i) If any person other than a grower or country shipper purchases and resells a listed commodity in unbroken carlots or trucklots, the maximum price in each case is the maximum price f. o. b. country shipping point of the maximum delivered price, as the case may be, in the applicable table in paragraph (b) plus the markup named in Column 6 of the table in paragraph (c).

(2) The maximum price in each case for sales by persons other than growers and country shippers through a terminal auction is the maximum delivered price, as named in the applicable table in paragraph (b), plus the respective actual commission or fee charged for the particular sale, not to exceed the maximum allowable commission or fee which the agent of the auction seller and which the auction company may charge under Maximum Price Regulation No. 165, plus any actual unloading charges in the terminal market, or, the markup named in Column 4 of the table in paragraph (c), whichever is lower.

(3) The maximum price in each case for sales of less-than-carlots or less-than-trucklots by carlot or trucklot receivers is the maximum delivered price for the listed commodity in the applicable table of paragraph (b) plus the markup named in Column 7 of the table in paragraph (c). This price does not include delivery charges. If the seller makes delivery, he may also add the amount which the appropriate regional or district office determines to be applicable to deliveries in these cases (see paragraph (f)).

"Carlot receiver" or "trucklot receiver" means a person who for his own account and profit buys the listed commodity being priced in unbroken carlots or unbroken trucklots for resale, in less-than-carlots or less-than-trucklots, to persons other than ultimate consumers. For sales of particular goods in unbroken carlots or trucklots, the seller shall not be considered a carlot receiver.

(4) The maximum price in each case for sales by secondary jobbers on a delivered basis is the maximum delivered price for the listed commodity in the applicable table in paragraph (b) plus the markup named in Column 8 of the table in paragraph (c). "Delivered" means delivered to the buyer's premises within the free delivery zone and, in the case of retailers, delivered to the retail store.

The maximum price in each case for sales by secondary jobbers not on a delivered basis is the maximum price for sales on a delivered basis less five cents per container for containers under 50 pounds (gross weight) and ten cents per container for containers 50 pounds or more (gross weight), except as these amounts may be changed by the appropriate regional or district office (see paragraph (f)).

"Secondary jobber" means a person other than a retailer who for his own account and profit purchases the listed commodity being priced in less-than-carlots or less-than-trucklots and resells it in any quantities.

(5) The maximum price in each case for sales by service wholesalers on a delivered basis is the maximum delivered price for the listed commodity in the applicable table in paragraph (b) plus the markup named in Column 9 of the table in paragraph (c). "Delivered" means delivered to the buyer's premises within the free delivery zone and, in the case of retailers, delivered to the retail store.

A service wholesaler, when selling the listed commodity being priced on a delivered basis in quantities of less than one half-container, may add to the maximum delivered price for the listed commodity in the applicable table in paragraph (b) the markup named in Column 10 of the table in paragraph (c) but only if he has first offered to sell to the buyer on a full package basis.

The maximum price in each case for sales by service wholesalers not on a delivered basis is the maximum price for sales on a delivered basis less five cents per container for containers under 50 pounds (gross weight) and ten cents per container for containers 50 pounds or more (gross weight), except as these amounts may be changed by the appropriate regional or district office (see paragraph (f)).

"Service wholesaler" means a person who maintains a store or warehouse at which the listed commodity being priced is stored, or warehoused, who receives the commodity at the premises of his store or warehouse, who maintains at such store or warehouse facilities for cold storage, ripening, trimming, sorting, washing, packing and other handling of the listed commodity, who employs salesmen to call on the trade in the city or country points which he services, and who sells to retail stores, government procurement agencies or institutional buyers.

(6) The maximum price for sales by secondary jobbers or service wholesalers delivered to the premises of any purchaser located outside of the free delivery zone is the maximum delivered price in Column 6 of the applicable table in paragraph (b) plus the markup named in Columns 8, 9, or 10 of the table in paragraph (c), plus the cost of transportation, beyond the free delivery zone, figured at the lowest common or contract carrier rate for available transportation, from the seller's place of business to the premises of the purchaser. The amount added for transportation shall not exceed 25 cents per cwt. for the first 25 miles beyond the free delivery zone and five cents per cwt. for each successive 25 miles, and the total amount may not exceed 50 cents per cwt., except as these amounts may be changed by the appropriate regional or district office (see paragraph (f)).

(7) The maximum prices for sales of listed commodities by purveyors shall be those established by the regional or district offices (see paragraph (f)).

"Purveyor" means a person who (1) purchases the listed commodity being priced, (2) maintains facilities for washing, trimming, sorting, grading, repacking and warehousing, (3) employs salesmen to call on institutional and commercial users, (4) makes less-than-carlot or less-than-trucklot sales or less than original container sales, and (5) delivers within the metropolitan area surrounding and including the city, town, village, or other populated area in which his warehousing and selling facilities are located, (6) and performs such additional functions as may be defined by the appropriate regional or district office of the Office of Price Administration for the area in which the seller is located.

(f) *Adjustments by regional and district offices.* The authority delegated by section 2 of this regulation to the regional and district offices does not apply to the listed commodities covered by this appendix.

For the listed commodities, the regional offices of the Office of Price Administration, and such district offices as they in turn may authorize, are authorized:

(1) To determine the limits of the free delivery zone at any wholesale receiving point located within its jurisdiction and to adjust upwards or downwards the allowances provided in paragraphs (e) (4) and (e) (5) for sales by secondary jobbers and service wholesalers on a non-delivered basis and to adjust upwards or downwards the allowances for transportation beyond the free delivery zones named in paragraph (e) (6), at the lowest rates for customary and generally available means of transportation.

(2) To determine and publish orders announcing the maximum amounts which carlot or trucklot receivers may add to their maximum prices for deliveries made within the free delivery zone at that wholesale receiving point.

(3) On individual application, to adjust the maximum markups for carlot and trucklot receivers, but not to exceed the maximum markups for service wholesalers named in Column 9 of the table in paragraph (e). These adjustments shall be restricted to cases where the applicant demonstrates, to the satisfaction of the regional or district office, that he is performing substantial functions beyond those performed by carlot or trucklot receiver.

(4) To establish maximum markups for purveyors at wholesale receiving points located within its jurisdiction, not to exceed 125% of the maximum markups named for service wholesalers in Column 9 of the table in paragraph (c), and to add further limitation to the definition of the term "purveyor" in order to reflect any additional functions normally performed by such seller in the particular wholesale receiving point for which the markup is being fixed.

This amendment shall become effective January 31, 1944 as to maximum prices, f. o. b. shipping point and February 15, 1944 as to all other maximum prices.

(56 Stat. 23, 765, Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 17, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1156; Filed, January 21, 1944; 4:43 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 9 to Supp. 1]

FUEL OIL RATIONING REGULATIONS

A new subparagraph (5) is added to § 1394.9101 (b) as follows:

(5) In Zone D-1, the value of one unit represented by coupons numbered "4" and "5" on Class 4 coupon sheets, and the value of five units represented by coupons numbered "4" and "5" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "4" and "5" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

Amendment No. 9 to Supplement No. 1 (§ 1394.9101) shall become effective on January 25, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1252; Filed, January 24, 1944; 11:59 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 1 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (1) (iv) is added to read as follows:

(iv) K, L and M may be used from February 1 to March 20, 1944, inclusive.

This amendment shall become effective January 28, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1251; Filed, January 24, 1944; 11:59 a. m.]

[1] 9 F.R. 173.

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A,[1] Amdt. 6]

STOVES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 9A is amended in the following respects:

1. Section 3.1 (a) is amended by inserting the parenthetical phrase "(other than those set forth in paragraph (c) of this section)" after the word "person" in the first sentence thereof.

2. Section 3.1 (c) is added to read as follows:

(c) The following persons shall be deemed not to have dealer or distributor establishments:

(1) The Reconstruction Finance Corporation or any of its subsidiary corporations.

3. Section 6.7 is added to read as follows:

SEC. 6.7 *Transfer of stoves by the Reconstruction Finance Corporation.* (a) The Reconstruction Finance Corporation, or any of its subsidiary corporations (called the Corporation), may sell or otherwise transfer stoves in exchange for certificates for the number and types of stoves transferred. The Corporation shall, within 30 days after the sale or transfer, submit to the OPA District Office for the area in which the establishment of the transferee is located (1) the certificates obtained for the stoves sold or transferred and (2) a report on its official letterhead showing the number, by ration type, of the stoves transferred, the date of the transfer, and the name and address of the transferee.

4. Section 7.11 is added to read as follows:

SEC. 7.11 *Acquisition of stoves by the Reconstruction Finance Corporation—*(a) *No certificates required.* No certificates need be surrendered in exchange for stoves acquired, for transfer, by the Reconstruction Finance Corporation or any of its subsidiary corporations (called the Corporation). However, if the transferor is a dealer or distributor, the Corporation must, within 7 days after such acquisition, submit to the OPA District Office for the area in which the establishment of the transferor is located a report on its official letterhead showing the number, by ration type, of the stoves acquired, the date of acquisition and the name and address of the transferor.

(b) *Accounting for stoves transferred.* The District Office will forward the statement to the board for the area in which the transferor's establishment is located. If the transferor is not closing his establishment pursuant to section 9.4, the board will issue certificates to the transferor for the number and type of stoves transferred to the Corporation, after deducting the certificates, if any, owed it by the transferor because of excess inventory, or owed it for any other reason. If the transferor is closing his establishment, the statement shall be used to account for the stoves transferred by him to the Corporation.

This amendment shall become effective January 28, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1250; Filed, January 24, 1944; 11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15[1] to GMPR, Amdt. 18]

TELETYPE PAPERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation No. 15 to the General Maximum Price Regulation is amended in the following respects:

Section 1499.75 (a) (11) is added to read as follows:

(11) *Teletype papers.* The Office of Price Administration may adjust the maximum prices established under the General Maximum Price Regulation for any producer of teletype papers who shows in an application for adjustment (i) that such maximum price subjects him to substantial hardship; (ii) that there exists or threatens to exist a general shortage of the essential supply of teletype papers; and (iii) that the adjustment requested is necessary to permit him to continue or expand his production of teletype papers. Applications for adjustment under this subparagraph are to be filed in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

This amendment shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1253; Filed, January 24, 1944; 11:59 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11564, 12749, 13060, 14049, 15254.

[1] 7 F.R. 8959, 9819, 10584, 11006; 8 F.R. 1201, 6443, 8614, 9026, 11873, 13255, 13395, 13724, 15197, 16298, 16796, 17228.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

Chapter XV—Board of War Communications

[Order 27-B]

PART 1722—PRECEDENCE FOR TELEGRAPH MESSAGES ESSENTIAL TO THE WAR EFFORT OR PUBLIC SAFETY

Whereas, the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that certain telegraph messages relating to the war effort and public safety be given preferred handling:

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964 of December 10, 1941 (6 F.R. 6367), prescribing regulations governing the preference and priority of communications, and by Executive Order No. 9089 of March 6, 1942 (7 F.R. 1777), prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications:

It is hereby ordered as follows:

Sec.
1722.1 Precedence.
1722.2 Procedure for indicating priorities.
1722.3 Other messages.
1722.4 Definition of domestic message.
1722.5 Priorities procedures.
1722.6 Violations.

AUTHORITY: §§ 1722.1 to 1722.6, inclusive, issued under E.O. 8964, 6 F.R. 6367; E.O. 9089, 7 F.R. 1777.

§ 1722.1 *Precedence.* Effective February 15, 1943, all wire-line telegraph, cable and radiotelegraph carriers shall upon specific designation by the sender give precedence in the handling of telegraph, cable, and radiotelegraph messages in accordance with the provisions of and in the order set forth below:

(a) *US Urgent.* To apply to domestic and international messages filed by the War and Navy Departments and to international messages filed by the State Department and the Federal Bureau of Investigation of the Department of Justice.

(b) *OP Priority.* To apply to domestic and international messages filed only by the War and Navy Departments.

(c) *Priority.* To apply to domestic and international messages filed by the State, War, or Navy Departments, the Federal Bureau of Investigation of the Department of Justice, and the Office of War Information, and to any other domestic message requiring immediate transmission for war purposes or to safeguard life or property and which relates to one or more of the following matters:

Immediate dangers due to the presence of the enemy.
Emergency communications in connection with actual military or naval requirements.
Hurricane, flood, earthquake, or other disaster.

Messages designated US Urgent, OP Priority, and Priority shall interrupt the transmission of all telegraph messages of lower precedence.

(d) *Rapid.* To apply to any domestic message which requires prompt transmission and delivery for the national defense and security, the successful conduct of the war, or to safeguard life or property and which involves matters of the following type:

Important governmental functions.
Machinery, tools, or raw materials for war plants.
Production, movement, and diversions of essential supplies.
Maintenance of essential public services.
Supply, movement, and diversion of food.
Civilian defense or public health and safety.

§ 1722.2 *Procedure for indicating priorities.* The priority indicators "US Urgent", "OP Priority", "Priority", and "Rapid" should be written by the sender in the "To" space immediately before the address on messages being transmitted over commercial circuits. They are to be transmitted in plain language.

§ 1722.3 *Other messages.* Messages not designated with one of the foregoing priorities shall be handled in accordance with legally established classifications and tariffs on file with the Federal Communications Commission.

§ 1722.4 *Definition of domestic message.* As used in this order, domestic message means any telegraph message originating in the Continental United States and destined to a point in the Continental United States, Canada or Mexico.

§ 1722.5 *Priorities procedures.* The Federal Communications Commission is hereby requested and authorized in cooperation with the carriers concerned to evolve procedures and routines to effectuate the precedence and requirements set forth in this order.

§ 1722.6 *Violations.* Any sender of a telegraph message who wilfully obtains or attempts to obtain priority for a telegraph message by fraudulently designating such message as a priority message or by furnishing false information to any telegraph carrier for the purpose of obtaining a priority, shall be subject to appropriate governmental action.

Subject to such further order as the board may deem appropriate.

BOARD OF WAR COMMUNICATIONS.
JAMES LAWRENCE FLY,
Chairman.

Attest: January 13, 1944.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 44-1202; Filed, January 22, 1944; 11:40 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 140-A]

PART 95—CAR SERVICE

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL., EMPLOYER-EMPLOYEE AGREEMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January 1944.

Upon further consideration of Service Order No. 140 (8 F.R. 10774-75) of July 30, 1943, and good cause appearing therefor:

It is ordered, That Service Order No. 140 (8 F.R. 10774-75) of July 30, 1943, (§ 95.22 of Title 49, C. F. R.), suspending employer-employee agreements, interpretations of said agreements, or practices established thereunder limiting train lengths be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 21, 1944; that a copy of this order and direction be served upon The Atchison, Topeka and Santa Fe Railway Company, the Union Pacific Railroad Company, and the California State railroad commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1191; Filed, January 22, 1944; 11:07 a. m.]

[S. O. 141-A]

PART 95—CAR SERVICE

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL., EMPLOYER-EMPLOYEE AGREEMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January, A. D. 1944.

Upon further consideration of Service Order No. 141 (8 F.R. 10775) of July 30, 1943, and good cause appearing therefor:

It is ordered, That Service Order No. 141 (8 F.R. 10775) of July 30, 1943 (§ 95.23 of Title 49, C. F. R.), suspending employer-employee agreements, interpretations thereof, or practices established thereunder limiting tonnage of trains drawn by two locomotives be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 21, 1944; that a copy of this order and direction be served upon The Atchison, Topeka and Santa Fe Railway Company, the State railroad commissions in Arizona and California, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Sec-

retary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-1192; Filed, January 22, 1944; 11:07 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of Public Debt.

[1944 Dept. Circ. 732]

0.90 PERCENT TREASURY NOTES OF SERIES D-1945

OFFERING OF NOTES

JANUARY 24, 1944.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 0.90 percent Treasury Notes of Series D-1945, in exchange for Treasury Certificates of Indebtedness of Series A-1944, maturing February 1, 1944. The amount of the offering will be limited to the amount of such maturing certificates tendered and accepted.

II. *Description of notes.* 1. The notes will be dated February 1, 1944, and will bear interest from that date at the rate of 0.90 percent per annum, payable on a semiannual basis on September 1, 1944, and March 1, 1945. They will mature March 1, 1945, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before February 1, 1944, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A-1944, maturing February 1, 1944, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] D. W. BELL, *Acting Secretary of the Treasury.*

[F. R. Doc. 44-1236; Filed, January 24, 1944; 11:41 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

BOISE PROJECT, IDAHO

REVOCATION OF LAND WITHDRAWAL

DECEMBER 31, 1943.

THE SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Boise project, the withdrawal of the hereinafter described land, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by departmental order of April 26, 1938, no longer appears necessary to the project.

It is therefore recommended that so much of said order as withdrew the land hereinafter listed be revoked: *Provided,* That such revocation shall not affect the withdrawal of any other land by said order or affect any other order withdrawing or reserving the land hereinafter listed.

BOISE PROJECT

BOISE MERIDIAN, IDAHO

T. 19 N., R. 1 E.,
Sec. 32.

Respectfully,

H. W. BASHORE, *Commissioner.*

I concur: January 13, 1944.

JOEL DAVID WOLFSOHN, *Acting Commissioner of the General Land Office.*

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS, *First Assistant Secretary.*

JANUARY 6, 1944.

[F. R. Doc. 44-1231; Filed, January 24, 1944; 10:13 a. m.]

General Land Office.

NEVADA

MODIFICATION OF GRAZING DISTRICT

Correction

The correction to F.R. Doc. 44-399 appearing on page 405 of the issue for Tuesday, January 11, 1944, is in error. The document is correct as originally printed on page 349 of the issue for Saturday, January 8, 1944.

Office of the Secretary.

[1917]

DIRECTOR OF GRAZING

DELEGATION OF AUTHORITY

Pursuant to the provisions of sections 161 and 3828, Revised Statutes (5 U.S.C. sec. 22 and 44 U.S.C. sec. 324, respectively), sections 2, 3 and 9 of the act of June 28, 1934 (48 Stat. 1270, 1273, 43 U.S.C. secs. 315a, 315b, and 315h), the act of June 23, 1938 (52 Stat. 1033, 43 U.S.C. sec. 315m-1), and Treasury Department Circular No. 369, revised August 26, 1942, it is hereby ordered as follows:

I. The Director of Grazing may hereafter act in relation to the following classes of matters without obtaining Secretarial approval, unless the Secretary in any particular matter determines otherwise, and subject in any event to an appeal to the Secretary in appropriate cases:

(a) The remission or refund of grazing fees in cases where because of range depletion due to severe drought or other causes the moneys involved have not been deposited in the Treasury as earned, and in cases involving earned moneys where the parties seeking relief are willing that a credit be allowed on subsequent grazing fees.

(b) The execution and filing in the name of the United States of applications to appropriate water under State laws, where required in connection with stockwatering projects, and to secure easements or rights-of-way upon or over private lands, where improvements are erected.

(c) The acceptance of contributions toward the administration, protection and improvement of the districts.

(d) The approval of leases under the Pierce Act which involve the use of an approved form, cover small areas and are of minor importance.

(e) The approval of cooperative agreements effected under section 2 of the Taylor Grazing Act, where such agreements are to be made on forms which have been approved by the Secretary.

(f) The approval of travel advances to employees of the Grazing Service, where such advances do not exceed $1,000.

(g) The annual authorization of publication, in certain newspapers in various public domain States, of notices of meetings and other such notices.

II. All general rules, regulations and instructions must be approved by the Secretary. This order does not affect the responsibility of the Solicitor for the review of legal questions.

III. This order is effective immediately, but matters now pending before the Department will be cleared as heretofore.

HAROLD L. ICKES, *Secretary of the Interior.*

JANUARY 18, 1944.

[F. R. Doc. 44-1152; Filed, January 21, 1944; 12:43 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations; October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order of regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL INDUSTRY

Hunter Brothers Company, Inc., Statesville, North Carolina; U. S. Navy woven shorts; 5 learners (T); effective January 18, 1944, expiring January 17, 1945.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

American Pants Manufacturing Company, 306 East Main Street, Carbondale, Illinois; dress pants, semi-dress pants; 10 learners (T); effective January 20, 1944, expiring January 19, 1945.

Barrow Manufacturing Company, Candler Street, Winder, Georgia; Army and work pants; 10 percent (T); effective January 19, 1944, expiring January 18, 1945.

Bee-Bee Frocks, 3519 Troost Avenue, Kansas City, Missouri; children's pinafores; 5 learners (T); effective January 17, 1944, expiring January 16, 1945.

H. Bomze & Brother, Broad Street, Elmer, New Jersey; dresses; 3 learners (T); effectives January 18, 1944, expiring January 17, 1945.

Ely & Walker Dress Factory, Vandalia, Missouri; dresses; 10 percent (T); effective January 22, 1944; expiring January 21, 1945.

Ely & Walker Shirt Factory, Kennett, Missouri; shirts; 10 percent (T); effective January 19, 1944, expiring January 18, 1945.

The Greenwich Garment Company, Inc., Mill Hollow, Greenwich, New York; cotton dresses; 10 percent (T); effective January 20, 1944, expiring January 19, 1945.

Lafayette Pants Company, 401 Lafayette Boulevard, Fredericksburg, Virginia; trousers; 10 percent (T); effective January 17, 1944, expiring January 16, 1945.

D. Lebar & Sons, 430 First Avenue, North, Minneapolis, Minnesota; trousers and breeches; 2 learners (T); effective January 17, 1944, expiring January 16, 1945.

Mayfield Sewing Company, Mayfield, Pennsylvania; children's dresses; 5 learners (T); effective January 22, 1944, expiring January 21, 1945.

Oshkosh B'Gosh, Inc., 33 Otter Street, Oshkosh, Wisconsin; overalls, jackets, coveralls, jeans, work pants; 5 percent (T); effective January 21, 1944, expiring January 20, 1945.

Reade Manufacturing Company, 122 South Main Street, Memphis, Tennessee; men's shirts; 30 learners (E); effective January 24, 1944, expiring July 23, 1944.

The Standard Overall Company, Chase City, Virginia; work shirts, jackets, aprons; 10 percent (T); effective January 22, 1944, expiring January 21, 1945.

GLOVE INDUSTRY

William E. Seal & Company, East North Street, Millersburg, Pennsylvania; work gloves; 3 learners (T); effective January 20, 1944, expiring January 19, 1945.

HOSIERY INDUSTRY

Murray Hosiery Mills, Inc., 501 South Fourth Street, Murray, Kentucky; seamless hosiery; 15 learners (AT); effective January 17, 1944, expiring June 21, 1944.

Pilot Mountain Hosiery Mills, Inc., Pilot Mountain, North Carolina; seamless hosiery; 5 percent (T); effective January 18, 1944, expiring January 17, 1945.

TELEPHONE INDUSTRY

Central Iowa Telephone Company, Toledo, Iowa; to employ learners as commercial switchboard operators at its St. Ansgar exchange, located at St. Ansgar, Iowa; effective January 22, 1944, expiring January 21, 1945.

Central Iowa Telephone Company, 104½ East High Street, Toledo, Iowa; to employ learners as commercial switchboard operators at its State Center exchange, located at State Center, Iowa; effective January 22, 1944, expiring January 21, 1945.

Central Iowa Telephone Company, 304 Security Building, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its Tama exchange, located at 211 West 4th Street, Tama, Iowa; effective January 22, 1944, expiring January 21, 1945.

Jasper County Telephone Company, 116 North Cullen Street, Rensselaer, Indiana; to employ learners as commercial switchboard operators at its Rensselaer exchange, located at 116 North Cullen Street, Rensselaer, Indiana; effective January 19, 1944, expiring January 18, 1945.

KNITTED WEAR INDUSTRY

Quality Knitting Company, Inc., Stowe, Pennsylvania; men's knitted underwear; 5 percent (T); effective January 26, 1944, expiring January 25, 1945.

TEXTILE INDUSTRY

Liberty Throwing Company, Inc., Pringle Street & Zerby Avenue, Kingston, Pennsylvania; rayon yarns; 6 percent (AT); effective January 22, 1944, expiring July 21, 1944.

Liberty Throwing Company, Inc., 203 East Church Street, Nanticoke, Pennsylvania; rayon yarns; 6 percent (AT); effective January 22, 1944, expiring July 21, 1944.

Sauquoit Silk Company, Inc., 302 Fig Street, Scranton, Pennsylvania; nylon and rayon; 75 learners (AT); effective January 22, 1944, expiring July 21, 1944.

Signed at New York, N. Y., this 22d day of January 1944.

ISABEL FERGUSON, *Authorized Representative of the Administrator.*

[F. R. Doc. 44-1234; Filed, January 24, 1944; 11:18 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

The World, 607 Utah Street, Hiawatha, Kansas; printing and publishing; one learner (T); casting mats for a learning period of 320 hours at 30 cents per hour; effective January 19, 1944, expiring July 19, 1944.

Signed at New York, N. Y., this 22d day of January 1944.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1235; Filed, January 24, 1944; 11:18 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5948]

KOMA, INC.

NOTICE OF HEARING

In re application of KOMA, Inc. (KOMA); Date filed, January 15, 1940; for construction permit; class of service, broadcast, class of station, broadcast; location, Oklahoma City, Oklahoma. Operating assignment specified; frequency, 690 kc; power, 10 kw (DA—night and day); hours of operation, unlimited; (File No. B3-P-2703).

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing, in consolidation with Dockets 5949, 6560 and 6570 for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

2. To determine the populations and areas that would be expected to gain or lose primary service, particularly from Station KOMA, operating as proposed, and what other broadcast services are available to those areas and populations.

3. To determine the character of the program service proposed to be rendered by Station KOMA.

4. To determine the extent of any interference which would result from the operation of Station KOMA as proposed to the services of Stations CMQ, Havana, Cuba, and XEN, Mexico, D. F.

5. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether the granting of this application would be consistent with the terms of the North American Regional Broadcasting Agreement.

7. To determine, in view of the facts adduced under the foregoing issues, as well as the facts adduced in the issues in Dockets Nos. 5949 and 6560, whether public interest, convenience and necessity would be served by the granting of this application or the applications in Dockets Nos. 5949 and 6560, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: KOMA, Incorporated, Radio Station KOMA, Biltmore Hotel, Oklahoma City 1, Oklahoma.

Dated at Washington, D. C., January 18, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1203; Filed, January 22, 1944; 11:36 a. m.]

[Docket No. 5949]

HUGH J. POWELL (KGGF)

NOTICE OF HEARING

In re application of Hugh J. Powell (KGGF); date filed, May 23, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Coffeyville, Kansas. Operating assignment specified; frequency, 690 kc; power, 1 kw (DA—Day and night); hours of operation, unlimited. (File No. B4-P-2883.)

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing, in consolidation with Dockets 5948, 6560 and 6570, for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

2. To determine the populations and areas that would be expected to gain or lose primary service, particularly from Station KGGF, operating as proposed, and what other broadcast services are available to those populations and areas.

3. To determine the character of the program service proposed to be rendered by Station KGGF.

4. To determine the populations and areas that would be expected to gain or lose primary service, particularly from Station KFEQ if Station KGGF should operate as proposed and what other broadcast services are available to those populations and areas.

5. To determine the extent of any interference which would result to the services of Station CMQ, Havana, Cuba, should Station KGGF operate as proposed.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether the granting of this application would be consistent with the terms of North American Broadcasting Agreement.

8. To determine whether, in view of the facts adduced under the foregoing issues, as well as the facts adduced under the issues in Dockets Nos. 5948 and 6560, public interest, convenience or necessity would be served through the granting of this application, or the applications in Dockets Nos. 5948 and 6560, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Hugh J. Powell, Radio Station KGGF, Journal Building, Cor. 8th and Elm Streets, Coffeyville, Kansas.

Dated at Washington, D. C., January 18, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1204; Filed, January 22, 1944; 11:36 a. m.]

[Docket No. 6560]

HUGH J. POWELL (KGGF)

NOTICE OF HEARING

In re application of Hugh J. Powell (KGGF); date filed, November 21, 1941; for, renewal of license; class of service, broadcast; class of station, broadcast; location, Coffeyville, Kansas. Operating assignment specified: Frequency, 690 kc; power, 500 w night; 1 kw day; hours of operation, unlimited; (File No. B4-R-710).

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing, in consolidation with Dockets 5948, 5949, and 6570, for the following reasons:

1. To determine the populations and areas presently receiving primary service from Station KGGF, as well as the other broadcast services that are available to those populations and areas.

2. To determine the character of the program service rendered by KGGF.

3. To determine the extent of the interference, if any, between Station KFEQ and Station KGGF, as presently operated.

4. To determine what populations and areas, if any, within the normally protected contours of Stations KFEQ and KGGF, are subject to objectionable interference, resulting from the present operation of these stations, and also, what other broadcast services, if any, are available to those populations and areas.

5. To determine whether the continued operation of Station KGGF on 690 kc with power of 500 w-1 kw LS, unlimited time would serve public interest, convenience or necessity.

6. To determine whether, in view of the facts adduced under the foregoing issues, as well as the facts adduced under the issues in Dockets 5948 and 5949, public interest, convenience or necessity would be served through the granting of this application, the applications in Dockets Nos. 5948 or 5949 or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Hugh J. Powell, Radio Station KGGF, Journal Building, Cor. 8th and Elm Streets, Coffeyville, Kansas.

Dated at Washington, D. C., January 18, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1205; Filed, January 22, 1944; 11:36 a. m.]

[Docket No. 6570]

KOMA, INC.

NOTICE OF HEARING

In re application of KOMA, Incorporated (KOMA); date filed, January 15, 1944; for renewal of license; class of service, broadcast; class of station, broadcast; location, Oklahoma City, Oklahoma. Operating assignment specified: frequency, 1520 kc; power, 5 kw; hours of operation, unlimited. (File No. B3-R-469.)

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing, in consolidation with Dockets 5948, 5949, and 6560, for the following reasons:

1. To determine the populations and areas now receiving primary service from Station KOMA, operating on the frequency 1520 kc, 5 kw power, unlimited time, as well as what other broadcast services are available to those populations and areas;

2. To determine the extent of the interference, if any, which would be occasioned to a station operating at Guatemala City, Guatemala, on the frequency 1520 kc, with 12 kw power, unlimited time, from the continued operation of KOMA on 1520 kc, 5 kw power, unlimited time, at Oklahoma City;

3. To determine the extent of the interference, if any, which would be occasioned to the operation of Station WKBW at Buffalo, New York, on 1520 kc, with 50 kw power, unlimited time, directional antenna day and night, from the present operation of KOMA, Oklahoma City, Oklahoma, and what populations and areas, if any, within the normally protected contours of Station WKBW, are subject to objectional interference by such operation of KOMA.

4. To determine whether a grant of this application would be consistent with the priority claims of the Government of Guatemala to the use of the frequency 1520 kc for operation at Guatemala City with the protection afforded a 1-A station under the standards set up in the North American Regional Broadcasting Agreement.

5. In the event it should be found that the present operation of KOMA causes interference to the Guatemala City station and WKBW, Buffalo, which is inconsistent with priority claims of Guatemala to the use of the frequency 1520 kc as recognized by the United States in its agreement to afford a station at Guatemala City the protection of a 1-A station, and the requirements of the Commission's Rules and Regulations and Standards of Good Engineering Practice, to determine whether public interest, convenience and necessity would be served by the continued operation of KOMA on 1520 kc upon condition that its radiations be reduced to such values as to afford the Guatemalan station protection as a 1-A station and to afford WKBW, Buffalo, New York, protection in accordance with the Commission's Rules and Regulations and Standards of Good Engineering Practice.

6. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended;

7. To determine, in view of the facts adduced under the foregoing issues, whether public interest, convenience, or necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: KOMA, incorporated, Radio Station KOMA, Biltmore Hotel, Oklahoma City 1, Oklahoma.

Dated at Washington, D. C., January 20, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1206; Filed, January 22, 1944; 11:36 a. m.]

[Docket No. 6571]

ALBERT STETSON, (KYCA) AND KTAR

NOTICE OF HEARING

In re application of Albert Stetson, Transferor; (KYCA); KTAR Broadcasting Company, Transferee, and licensee of Radio Station KTAR; for transfer of control of Southwest Broadcasting Company, licensee of Radio Station KYCA; class of service, broadcast; class of station, broadcast; location, Prescott, Arizona. Operating assignment specified frequency, 1490 kc.; power, 250 w.; hours of operation, unlimited. (File No. B5-TC-276.)

You are hereby notified that the Commission has examined the above-entitled application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the transferee, KTAR Broadcasting Company, to control Southwest Broadcasting Company as licensee of Station KYCA, Prescott, Arizona.

2. To obtain full information with respect to transferee's acquisition of its interest in Southwest Broadcasting Company and with respect to all contracts, arrangements and understandings relating to the transfer of control proposed in the instant application.

3. To obtain full information with respect to the interests of the transferee, or any of its officers, directors, stockholders and employees in the operation of broadcast stations and network organizations.

4. To obtain full information with respect to transferee's interest in the Ari-

zona Broadcasting Company network and with respect to all contracts, arrangements and understandings which exist between the network company and licensees of broadcast stations.

5. To determine whether or not control of Southwest Broadcasting Company has been transferred without the consent of the Commission in violation of section 310 (b) of the Communications Act of 1934.

6. To determine whether or not approval of the proposed transfer would effect a concentration of control of media of mass communication in the State of Arizona contrary to the public interest.

7. To determine whether or not a substantial portion of the primary service area of Station KYCA is within the primary service area of Station KTAR and whether or not approval of the proposed transfer of control of KYCA would be consistent with the provisions of § 3.35 of the Federal Communications Commission's rules.

8. To determine whether in view of the facts shown under the foregoing issues the granting of the above application would be in the public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows: Albert Stetson, Southwest Broadcasting Company, Radio Station KYCA, East Gurley Street, Prescott, Arizona; KTAR Broadcasting Company, Radio Station KTAR, Heard Building, 116 No. Central Ave., Phoenix, Arizona.

Dated at Washington, D. C., January 20, 1944.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-1207; Filed, January 22, 1944; 11:36 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4730]

INDIAN RIVER FRUIT & VEGETABLE DISTRIBUTORS, INC., AND FRANK C. SPADARO

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D., 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, February 7, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in U. S. Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-1171; Filed, January 22, 1944; 11:11 a. m.]

[Docket No. 5060]

JAMES G. EXUM

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D., 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, February 7, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in U. S. Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-1172; Filed, January 22, 1944; 11:11 a. m.]

[Docket No. 5089]

WILLIAM H. HOWE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D., 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 8, 1944, at 2 o'clock in the afternoon of that day (eastern standard time), in Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-1173; Filed, January 22, 1944; 11:12 a. m.]

[Docket No. 5050]

STANDARD BUSINESS INSTITUTE, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 2, 1944, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 44-1228; Filed, January 24, 1944; 10:21 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 176, Gen. Permit 2]

PERISHABLE FOOD SHIPMENTS

RESTRICTIONS ON USE OF REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars for loading with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, and dried or powdered skim milk, and concentrated citrus juice, destined to points in the States of Oregon, Washington, California, New Mexico, Arizona, Nevada, Idaho, Montana, and Utah, when originating at points in States east thereof, or transporting or moving a refrigerator car loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, and dried or powdered skim milk, and concentrated citrus juice, destined to points in the States of Oregon, Washington, California, New Mexico, Arizona, Nevada, Idaho, Montana, and Utah, when originating at points in States each thereof, *Provided*, The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 p. m., January 15, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January, 1944.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 44-1190; Filed, January 22, 1944; 11:07 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2944]

WILHELM KIEL

In re: Real property and property insurance policy owned by Wilhelm Kiel.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Wilhelm Kiel, also known as William Kiel, is Braunschweg, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Wilhelm Kiel is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Butler County, Ohio, particularly described as Lot No. Six Thousand Five Hundred Twenty-Nine (6529) as the same is known and designated on the Record Plat of the City of Middletown, County of Butler, and State of Ohio, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

b. All right, title and interest of Wilhelm Kiel in and to fire and extended insurance Policy No. 2393 issued by the Philadelphia Fire and Marine Insurance Company, insuring the premises described in subparagraph 3-a hereof;

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b, hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 18, 1944.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 44-1232; Filed, January 24, 1944; 11:03 a. m.]

[Vesting Order 2953]

SCHLOEMANN ENGINEERING CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That all of the issued and outstanding capital stock of Schloemann Engineering Corporation, a corporation organized under the laws of the State of Delaware, and a business enterprise within the United States, consisting of 5,000 shares of no par value stock, is registered in the name of Karl Feller and is beneficially owned by Schloemann Aktiengesellschaft and is evidence of ownership and control of said business enterprise;

2. That Schloemann Aktiengesellschaft, whose principal place of business is Duesseldorf, Germany, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany); and determining:

3. That Schloemann Engineering Corporation is controlled by Schloemann Aktiengesellschaft and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 5,000 shares of capital stock of Schloemann Engineering Corporation, registered in the name of Karl Feller, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admis-

sion of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1233; Filed, January 24, 1944; 11:03 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A-60]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE HINESVILLE, GA., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Hinesville, Georgia, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Savannah, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-60" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Savannah, Georgia.

8. This order shall become effective February 3, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Porter Cab Company, Hinesville, Georgia.
B & M Cab Company, Hinesville, Georgia.
G & W Cab Company, Hinesville, Georgia.
Howard Fletcher, Hinesville, Georgia.
R. W. Wheeler, Hinesville, Georgia.
J. H. Gibbs, Hinesville, Georgia.
C. M. Peavy, Hinesville, Georgia.
W. I. Stafford, Hinesville, Georgia.
W. P. Williamson, Hinesville, Georgia.

[F. R. Doc. 44-1163; Filed, January 22, 1944; 10:10 a. m.]

[Supp. Order ODT 20A-61]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN KENT, OHIO, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Kent, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Canton, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-61" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Canton, Ohio.

8. This order shall become effective February 3, 1944 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

W. L. Croop, d/b/a Portage Cab Co., 101 West Main Street, Kent, Ohio.
Herb Miller, d/b/a Kent Cab Co., 101 West Main Street, Kent, Ohio.
Robert Dietrich, 101 West Main Street, Kent, Ohio.
Gus P. Condos, 101 West Main Street, Kent, Ohio.

[F. R. Doc. 44-1164; Filed, January 22, 1944; 10:10 a. m.]

[Supp. Order ODT 3, Rev. 148]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN TULSA AND CHELSEA, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The Chief Freight Lines Company, a corporation, Kansas City, Missouri, and Yellow Transit Co., a corporation, Oklahoma City, Oklahoma, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-148," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 27, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1044.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1225; Filed, January 24, 1944; 9:56 a. m.]

[Supp. Order ODT 3, Rev. 149]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SAN ANTONIO AND MARION, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by L. E. Hensley, doing business as Hensley Freight Lines, Marion, Texas, and Red Arrow Freight Lines, Inc., Houston, Texas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not

[1] Filed as part of the original document.

be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 149," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 27, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1226; Filed, January 24, 1944; 9:56 a. m.]

[Supp. Order ODT 3, Rev. 150]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Walter Petersen, doing business as Nielsen & Petersen, Grand Island, Nebraska, On-Time Transfer Company, a corporation, Omaha, Nebraska, Matthew Leo McKeone, doing business as Red Ball Transfer Company, Omaha, Nebraska, Union Freightways, doing business as Union Transfer Company, a corporation, Omaha, Nebraska, Thomas Shanahan, doing business as Wahoo Transfer, Wahoo, Nebraska, and Watson Bros. Transportation Co., Inc., Omaha, Nebraska, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-150," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 27, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1227; Filed, January 24, 1944; 9:57 a. m.]

[Supp. Order ODT 3, Rev. 151]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN KANSAS CITY AND ST. LOUIS, MO.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Byers Transportation Company, a Corporation, Kansas City, Missouri, and Roadway Express, Inc., Akron, Ohio, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-151," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 27, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Denfense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1222; Filed, January 24, 1944; 9:55 a. m.]

[Supp. Order ODT 3, Rev-152]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ILLINOIS AND IOWA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Churchill Truck Lines, a corporation, of Meadville, Missouri, and Orscheln Bros. Truck Lines, Inc., a corporation, of Moberly, Missouri, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such applications with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 152," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1223; Filed, January 24, 1944; 9:55 a. m.]

[Supp. Order ODT 3, Rev-153]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SYRACUSE AND OSWEGO, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The Western Express Company, a corporation, and George W. Brown, doing business as Brown's Express, both of Syracuse, New York, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694, 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and con-

[1] Filed as part of the original document.

[1] Filed as part of the original document.

tinue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–153," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1224; Filed, January 24, 1944; 9:56 a. m.]

[Supp. Order ODT 3, Rev–154]

COMMON CARRIER

COORDINATED OPERATIONS BETWEEN PATCHOGUE AND NEW YORK CITY, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by James DeVito and Carl DeVito, copartners, doing business as DeVito Bros. Express, Patchogue, New York, Joseph Schmitt and Albert Schmitt, copartners, doing business as Long Island Flower Transportation Co., Bayport, New York, and Paul Otto Schiel, Bayport, New York, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 154," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1219; Filed, January 24, 1944; 9:51 a. m.]

[Supp. Order ODT 3, Rev–155]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN KANSAS CITY, MO., AND SALINA, KANS.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Ash Truck Lines, Inc., Kansas City, Missouri, Yellow Transit Co., a corporation, Oklahoma City, Oklahoma, and P. F. Felten and R. J. LaBenne, doing business as Kansas Transport Freight Lines, Salina, Kansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times, by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised, 155," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1220; Filed, January 24, 1944; 9:52 a. m.]

[Supp. Order ODT 3, Rev–157]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN OREGON, WASHINGTON AND IDAHO

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–157," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

APPENDIX I

James B. Jones, an individual, doing business as Jones Hauling Company, 1906 S. E. 10th Avenue, Portland, Oreg.

Columbia Commercial Transport Co., a corporation, 604 N. E. 21st Avenue, Portland, Oreg.

St. Johns Motor Express Co., a corporation, 7220 N. Burlington Avenue, Portland, Oreg.

R. A. Heintz Jr., an individual, doing business as Interstate Heavy Hauling Co., 8101 N. E. Union Avenue, Portland, Oreg.

Lee Blakkolb, an individual, doing business as Western Heavy Hauling Company, 6208 N. E. Killingsworth, Portland, Oreg.

Willamette Hauling Company, a corporation, 1726 N. Flint, Portland, Oreg.

Pihl Transfer & Storage Co., a corporation, 1231 N. W. Hoyt, Portland, Oreg.

Kenneth Poorman Company, a corporation, 1835 S. E. Grand Avenue, Portland, Oreg.

[F. R. Doc. 44-1221; Filed, January 24, 1944; 9:54 a. m.]

[Supp. Order ODT 3, Rev-158]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA AND IOWA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Theodore E. Bies, an individual, doing business as Bies Transfer, of Tekemah, Nebraska, LeRoy Enstrom, an individual, doing business as Enstrom Transfer, of Oakland, Nebraska, John G. Jensen, an individual, doing business as Fairway Transfer, of Blair, Nebraska, and Union Transfer Company, a corporation, of Omaha, Nebraska, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-158," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1215; Filed, January 24, 1944; 9:50 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev-159]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by James Davison, an individual, doing business as Beatrice Motor Freight, of Beatrice, Nebraska, Earl R. McKay, an individual, doing business as Crete Freight Lines, of Crete, Nebraska, J. H. Horney, an individual, doing business as Horney Freight Lines, of Tobias, Nebraska, C. C. McKay, an individual, doing business as McKay Freight Line, of Fairbury, Nebraska, and Union Transfer Company, a corporation, doing business as Union Freightways, of Omaha, Nebraska, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-159," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1216; Filed, January 24, 1944; 9:50 a. m.]

[Supp. Order ODT 3, Rev-161]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by R. W. Newman, an individual, doing business as Hastings Transfer Company, of Hastings, Nebraska, and Walter Petersen, an individual, doing business as Nielsen & Petersen, of Grand Island, Nebraska, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-161," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1218; Filed, January 24, 1944; 9:50 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

WATER HEATERS, ETC.

[Order A-2 Under MPR 188, Amdt. 11]

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 11 to Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (11) is added to read as follows:

(11) *Direct-fired gas side-arm water heaters, plumbing brass specialty fittings, asbestos packed plug cocks, and furnace and stove pipe and elbows*—(i) *Scope of this subparagraph.* This subparagraph permits the granting of relief to manufacturers of the following commodities who are unable to maintain production under their existing maximum prices whenever there is a general shortage in the essential supply, or the loss of the sellers production would result in higher prices to consumers. The extent of relief to be granted under each provision is set forth in subdivision (ii).

(*a*) *Direct-fired gas side-arm heaters.* The term "direct-fired gas side-arm heaters" means a heater designed for gas-firing, with copper or cast-iron coils as heating vessels, customarily enclosed in a cast-iron or steel jacket and commonly referred to in the trade as a gas-fired side-arm heater.

(*b*) *Plumbing brass specialty fittings.* The term "plumbing brass specialty fittings" means fittings manufactured from brass which are used principally as a

medium to join lead pipe to cast-iron pipe, or lead pipe to steel pipe, and are used primarily in a sanitary plumbing system. The term includes but is not limited to solder nipples, solder vent tees, solder bushings, and ferrules.

(c) *Asbestos packed plug cocks.* The term "asbestos packed plug cocks" means a manually-operated device manufactured from cast-iron, to control the rate of flow of either liquid or vapors, in which the shut-off mechanism is separated from the body of the device by means of asbestos packing vulcanized in place, or by means of a vulcanized one-piece asbestos bushing of the same contours as the shut-off mechanism.

(d) *Furnace and stove pipe and elbows.* The term "furnace and stove pipe and elbows" means a circular conductor, manufactured from 24, 26, 28, or 30 gauge metal, to be used either as straight pipe or as a device to alter the direction of such straight-pipe and which is commonly used to convey vapors, fuels, or smoke from furnaces, stoves, or other heating appliances, to the atmosphere, either direct or through chimneys or flues.

(ii) *Extent of relief to be granted.* (a) Whenever it appears that a shortage exists or threatens to exist in the essential supply of any of the commodities specified above and that a manufacturer of any such commodity is unable to maintain his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Procedural Regulation No. 1, or on its own motion, by order, adjust his maximum price or prices by an amount necessary to permit maintenance upon a basis which will cover the cost to manufacture and sell the commodity; or

(b) Whenever it appears that the loss of a manufacturer's production of any of the commodities specified above would force his customers to resort to higher priced sources of supply and that the manufacturer is unable to maintain his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1, or on its own motion, by order, adjust his maximum price or prices by an amount necessary to permit maintenance upon a basis which will cover the cost to manufacture and sell the commodity: *Provided, however,* That in no instance will the manufacturer's maximum price be increased to a price in excess of the general level of prices prevailing for alternative sources of supply of the same commodity.

For the purpose of this subparagraph the term "cost to manufacture and sell" shall include the cost of material, labor, maintenance, supplies, power, taxes (other than State and Federal income taxes), insurance, workmen's compensation taxes, royalties, depreciation and depletion (wherever practicable as determined by the Bureau of Internal Revenue in the computation of Federal income taxes), other manufacturing expenses, and reasonable costs for selling and administration properly applicable to the particular commodity. Expenses not related to the manufacturing and selling of the particular commodity will be excluded.

(iii) *Filing of applications.* Applications under this subparagraph should be filed in accordance with the provisions of Revised Procedural Regulation No. 1.

Before filing an application for adjustment, each applicant shall obtain from the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a statement of the specific information that will be necessary in order that the application may receive attention.

(iv) *Passing on of permitted increase by levels beyond the producer.* In issuing adjustment orders under this subparagraph, the Price Administrator will, wherever required, provide the extent to which any increase permitted under this subparagraph, by way of adjustment, may be added to the maximum price or prices of sellers other than the manufacturer.

This Amendment No. 11 to Order No. A–2 shall become effective January 24, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1201; Filed, January 22, 1944; 11:27 a. m.]

[Rev. Order 19 Under RPS 41, Amdt. 3]

STEEL CASTINGS AND RAILROAD SPECIALTIES

AUTHORIZATION OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) of Revised Order No. 19 is amended by changing the date "January 15, 1944" wherever it appears in said paragraph to "January 16, 1944".

This Amendment No. 3 becomes effective as of December 15, 1943.

(Pub. Laws 1421, 729, 77th Cong. E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1254; Filed, January 24, 1944; 11:58 a. m.]

STARCH AND DEXTRINE PRODUCTS

[Order 11 Under 19a of GMPR]

ORDER AUTHORIZING ADJUSTABLE PRICING

Requests for a change in manufacturers' maximum prices for sales of starch and dextrine products made by the wet corn milling process is now pending before the Office of Price Administration and will require extended consideration. Maximum prices for those sales are now determined under the provisions of the General Maximum Price Regulation, § 1499.19a of which provides for the issuance of the order in appropriate circumstances permitting deliveries under prices to be adjusted upward after delivery.

Starch and dextrine products made by the wet corn milling process have a great variety of uses as a necessary raw material in such highly technical processes as production of iron, steel, textiles and paper products. However, manufacturers are contending that their operation is not profitable because of substantial increases in the price of their basic ingredient, namely corn, and the continued production and distribution of starch and dextrine products are threatened.

The Price Administrator has found that authority to use adjustable pricing for manufacturers' bulk sales of starch and dextrine products made by the wet corn milling process, pending final action on the requests for change in the maximum prices, is necessary to promote the production and distribution of these essential products. He has found further that such authorization would not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Therefore, in accordance with § 1499.19a of the General Maximum Price Regulation, *It is ordered,* That:

(a) Manufacturers of starch and dextrine products made by the wet corn milling process may make sales and deliveries thereof in containers of more than ten pounds' capacity, and purchasers may buy and receive such products at prices to be adjusted upward after delivery to amounts not in excess of maximum prices established by final action upon the pending requests for change in prices, such action to be by denial of the requests or by the issuance of a price regulation or amendment granting increases in maximum prices for those products. Prior to such final action no payment for sales of starch or dextrine products made by the wet corn milling process should be made or received in excess of maximum prices prevailing at the date of delivery.

(b) This order shall be automatically revoked upon the effective date of a price regulation or amendment issued by the Office of Price Administration increasing maximum prices for manufacturers' sales in bulk of starch and dextrine products made by the wet corn milling process or upon denial of the pending requests for change in those prices. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 24, 1944.

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1255; Filed, January 24, 1944; 11:58 a. m.]

Regional and District Office Orders.

[Region V Order G–1 Under TMPR 28]

MODIFICATION OF PRICES OF CERTAIN LISTED VEGETABLES IN DALLAS REGION

Order No. G–1 under Temporary Maximum Price Regulation No. 28. Certain perishable fruits and vegetables.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Regional Administrator, Region V, of the Office of Price Administration, by § 1439.251 of Temporary Maximum Price Regulation No. 28, *It is hereby ordered:*

(a) The purpose of this order is to establish definite maximum prices for the following fresh vegetables hereinafter referred to as "listed commodities" when such vegetables are produced or sold in Region V, of the Office of Price Administration:

(1) Snap beans.
(2) Carrots.
(3) Cabbage.

(b) The maximum price which a "country shipper" may charge or receive for a "listed commodity" is the dollars and cents price set forth in Table A of this order, f. o. b. "country shipping point."

(c) A "country shipper" is any person, other than such farmers as are exempt under § 1439.254 of Temporary Maximum Price Regulation No. 28, whose name appears on the railroad bill of lading as the shipper the first time the particular vegetable or vegetables move by rail transportation.[1]

"Country shipping point" means the first place in or near the producing area where the "listed commodity" is loaded on cars for rail shipment.[1]

The prices set forth in the following Table A are f. o. b. "country shipping point" as that term is defined in this order but apply only to "country shipping points" where the produce is grown within Region V. The "country shipping point" prices set out in this Table A shall apply, regardless of the quantity sold.

(d) Table A—Maximum "country shipping point" prices.

Commodity	Type package	Maximum price
Cabbage (all fresh, including but not limited to Red, Savoy, and Texas Round types).	50 lb. sacks	$2.25 per sack.
	100 lb. sacks	$4.25 per sack.
	LA Crates (85 lbs.)	$3.90 per crate.
	½ LA crates (44 lbs.)	$2.25 per crate.
	Bulk	$75.00 per ton.
Carrots (all fresh)	LA crates (6 doz. bunches)[1]	$3.00 per crate.
	LA crates (8 doz. bunches)[1]	$3.75 per crate.
	Bunches in bulk or in all other types of containers.[1]	$0.45 per doz. bunches.
Snap beans (all fresh)	Bulk carrots (topped or clipped top)	$3.00 per cwt.
	Bushel hamper (minimum net weight, 30 lbs.)	$4.50 per bushel.
	All other containers of bulk	$0.14 per lb.

[1] Minimum weight of bunch carrots shall be 13 lbs. per dozen bunches. Whenever a seller sells carrots in bunches of lighter weight, the maximum price shall be reduced in proportion to the reduction in the weight.

(e) The maximum price which a "terminal seller" may charge or receive for a "listed commodity" shall be the actual cost to such "terminal seller" of the "listed commodity," multiplied by 1.035: *Provided,* That such maximum price shall not exceed the "country shipping point" price established by Table A, plus "freight" from the "country shipping point" from which the "listed commodity" was shipped to the "terminal seller," times 1.035.

A "terminal seller" or a "car lot distributor" is a person who receives or purchases vegetables, either for his own account or for the account of another person, and who customarily sells ex-track, ex-truck or ex-shipping shed, at the terminal market, and who does not customarily warehouse or deliver beyond the terminal market area.

The "freight" which may be added to the "shipping point" price in determining the ultimate maximum price of a "terminal seller" or a "car lot distributor" means the freight on a particular quantity of the "listed commodity" calculated on car lot rail freight rates (including icing the car when required) from the "country shipping point" involved to the destination involved in the particular transaction.

(f) A wholesaler shall determine his maximum price Wednesday of each week for each "listed commodity" before he commences sales on such Wednesday, and such price shall remain his maximum price until the Wednesday of the week following such determination. He shall determine his maximum price as follows:

(1) Determine whether he be a "service wholesaler," a "retailer-owned cooperative wholesaler," or a "cash and carry wholesaler."

(2) Determine whether he be a "first wholesaler" or a "second or subsequent wholesaler."

(3) Look in Table B for the multiplier in the column shown for the type of wholesaler which he has found that he is.

(4) Multiply this figure found in Table B times "his cost," as that is explained below.

[1] Whenever the first time a listed commodity is shipped, it moves by common carrier truck, then the country shipper is the person (other than such farmers as are exempted under § 1439.254 of Temporary Maximum Price Regulation No. 28), whose name appears on the common carrier truck bill of lading as shipper the first time the particular vegetable or vegetables move by common carrier. Likewise, in such circumstances the country shipping point shall be the point at which such vegetables were loaded on the common carrier truck the first time they moved by common carrier.

In figuring the maximum price which "his cost" as follows:

If he be a "first wholesaler," it shall be the net invoice cost to him from his supplier if that be a delivered price, or such cost plus freight[2] if it be a f. o. b. price, for the largest single purchase of the "listed commodity" made by such wholesaler during the seven-day period preceding the Wednesday on which he is fixing prices: *Provided,* That such price does not exceed his supplier's ceiling price as determined by this order and, *Provided further,* That if such wholesaler purchased the particular "listed commodity" from a farmer or other person in a transaction not covered by this order, "his cost" shall in no event exceed the maximum "shipping point" price provided in Table A, plus car lot freight from the "country shipping point" to such wholesaler.

If he be a "second or subsequent wholesaler," "his cost" shall be the cost of the "first wholesaler," (as that term is explained above), who sold the particular lot of the "listed commodity" on which he is determining his maximum price.

A "service wholesaler" means a wholesaler, not retailer-owned, who distributes vegetables for resale to retailers, or to commercial, industrial or institutional users, and who customarily delivers to purchasers.

A "retailer-owned cooperative wholesaler" means either a nonprofit organization or a corporation of which 51% or more of the capital stock is owned by its retail customers, and which distributes vegetables.

A "cash and carry wholesaler" means a wholesaler, not retailer-owned, who distributes vegetables for resale to retailers, or to commercial, industrial or institutional users, and who does not customarily deliver to purchasers.

"First wholesaler" means the first wholesaler, whether "service," "retailer-owned cooperative," or "cash and carry" who sells a particular lot of a "listed commodity."

"Second or subsequent wholesaler" means any wholesaler who purchases a "listed commodity" from another wholesaler.

(g) Table B—Figures to be multiplied by wholesaler's cost in determining maximum prices under this order for wholesalers.

First wholesaler:	
"Service wholesaler"	1.175
"Retailer-owned cooperative wholesaler"	1.095
"Cash and carry wholesaler"	1.095
Second wholesaler:	
"Service wholesaler"	1.29
"Retailer-owned cooperative wholesaler"	1.20
"Cash and carry wholesaler"	1.20

(h) *"Truckers."* A "trucker" selling a "listed commodity" to wholesalers shall determine his maximum price as though he were a "terminal seller" or a "car lot

[2] Freight as used in this instance means the amount of freight actually paid by such wholesaler (including icing the car if required).

distributor."[8] A "trucker" selling to retailers shall determine his maximum price as though he were a "first wholesaler."[8]

(i) *Sales at retail.* A retailer shall determine his maximum price for each "listed commodity" Thursday of each week before he commences selling, and such price shall remain his maximum price until the Thursday of the week following such determination. He shall determine such price in the following manner:

(1) Determine the net cost to him of the particular "listed commodity" in the manner explained below.

(2) If such "listed commodity" be snap beans or carrots, he shall multiply his net cost by 1.39.

(3) If such "listed commodity" be cabbage, instead of multiplying such net cost to him by 1.39, he shall multiply his net cost by 1.50.

The resulting figure is his maximum price.

In determining the net cost to him the retailer buying from any person (other than a farmer or other person in a transaction not governed by this order) shall take the net invoice cost to him of his largest single purchase of the particular "listed commodity" during the seven days preceding the Thursday on which he is determining such prices.

If the retailer purchased such "listed commodity" from a farmer or other person in a transaction not governed by this order, the net cost to him shall be computed in the same manner as though he had purchased from other suppliers, except that such net cost shall not exceed the maximum "country shipping point" price provided in Table A of this order, plus freight figured at car lot rate (including icing the car if required) from the "country shipping point" to such retailer.

(j) All sellers, when they compute their maximum prices, shall compute them for the unit of sale which they wish to use. If this unit is different than the unit upon which their purchase price was determined, they shall first compute the net cost to them of the unit which they wish to sell, and then apply their mark-up, as provided hereinabove, in this order.

In figuring such prices, all sellers other than retailers shall carry their figures out to the second decimal place. Sales by such sellers of single units where a fractional cent of one-half cent or more is involved may adjust the price upward to the nearest cent, and where the fractional cent is less than one-half, they shall adjust the price down to the nearest cent. In sales of more than one unit, the actual maximum price shall be multiplied by the number of units, and if any fractional cent results, they may be adjusted up or down, as above stated.

When such sales are made by retailers, they shall adjust the maximum price of the individual unit to the nearest one-half cent. In sales of single units wherein the maximum price is a fraction of a cent, they may adjust upward to the nearest cent. But in multiple sales they may only adjust the total sales price upward to the nearest cent.

(k) If any person in Region V sells a quantity of a listed commodity which was grown outside of Region V, he may determine the maximum price according to the mark-up formula established in this order, using as his cost the actual cost to him of the largest single purchase of such commodity during the appropriate period: *Provided*, That the first person located in Region V who sells such commodity grown outside Region V shall not take as his cost any price which exceeds the ceiling price of his supplier, if that be a delivered price, or such ceiling price plus freight (including car icing if required) if that be an f. o. b. price.

(l) Sellers of listed commodities for which maximum prices are established by this order shall make all records pertaining to the determination of the maximum prices of such listed commodities available to their purchasers upon request.

(m) During the period from the effective date of this order to the first Wednesday following such effective date, wholesalers shall determine their maximum prices of "listed commodities" by using as a basis of computing their actual cost the last purchase which they made prior to the effective date of this order. In computing their maximum prices on the first Wednesday after the effective date of this order, they shall use as a basis for such computation the actual cost (not to exceed their supplier's ceiling prices as provided in this order) of the largest single purchase of the particular "listed commodity" made by such wholesaler during the period from the effective date of this order to such Wednesday.

(n) During the period from the effective date of this order to the first Thursday following such effective date, retailers shall determine their maximum prices of "listed commodities" by using as a basis of computing their actual cost the last purchase which they made prior to the effective date of this order. In computing their maximum prices on the first Thursday after the effective date of this order, they shall use as a basis for such computation the actual cost (not to exceed their supplier's ceiling prices as provided in this order) of the largest single purchase of the particular "listed commodity" made by such retailer during the period from the effective date of this order to such Thursday.

(o) All sales of "listed commodities" exempt by Temporary Maximum Price Regulation No. 28, as it now exists, or as it may be hereafter amended, are exempt from this order.

(p) Unless the context otherwise requires, or unless specifically defined in this order to the contrary, the terms used in this order shall be defined as they are in the Emergency Price Control Act of 1942, as amended, and as defined in Temporary Maximum Price Regulation No. 28.

(q) All orders adjusting the maximum prices of any sellers of "listed commodities" covered by this order heretofore issued by the Regional Office, of the Office of Price Administration, Region V, or any state or district office in such Region V, are revoked, effective on the effective date of this order.

(r) This order may be revoked or amended at any time by the Office of Price Administration.

(s) This order shall become effective at 12:01 a. m. on Saturday, March 20, 1943, and shall expire simultaneously with the expiration of Temporary Maximum Price Regulation No. 28, as now amended or as hereafter amended.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued at Dallas, Texas, this the 18th day of March 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-1148; Filed, January 21, 1944; 1:42 p. m.]

[8] If such "trucker" purchases the particular "listed commodity" from a farmer in a transaction not regulated by this order, in determining such price he shall use as the "country shipping point" the rail head nearest, by road, to the farm on which the particular "listed commodity" was grown. The freight element to be used by such trucker shall be computed on the basis of carlot freight rate (including icing the car if required) from the country shipping point so determined to the point where such trucker sells the listed commodity.

[Region V Order G-1 Under TMPR 28, Amdt. 1]

MODIFICATION OF PRICES OF CERTAIN LISTED VEGETABLES IN DALLAS REGION

Amendment 1 to Order G-1 under Temporary Maximum Price Regulation 28. Certain perishable fruits and vegetables.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Regional Administrator of Region V, of the Office of Price Administration, by § 1439.251 of Temporary Maximum Price Regulation 28, *It is hereby ordered*, That General Order 1 under Temporary Maximum Price Regulation 28 be, and the same is, hereby amended as follows:

Section (d) of such order is hereby amended to read as follows:

(d) Table A—Maximum "country shipping point" prices.

Commodity	Type package	Maximum price
Cabbage (all fresh, including but not limited to Red, Savoy, and Texas Round types) in Vermilion, Arcadia, Evangeline, Avoyelles, Catahoula, Franklin, and Madison Parishes of Louisiana, and all other parishes in Louisiana lying south and east thereof.	50 lb. sacks	$2.40 per sack.
	100 lb. sacks	$4.55 per sack.
	LA crates (85 lbs.)	$4.15 per crate.
	½LA crates (44 lbs.)	$2.40 per crate.
	Bulk	$81.00 per ton.
All other points in Region V	50 lb. sacks	$2.25 per sack.
	100 lb. sacks	$4.25 per sack.
	LA crates (85 lbs.)	$3.90 per crate.
	½LA crates (44 lbs.)	$2.25 per crate.
	Bulk	$75.00 per ton.
Carrots (all fresh)	LA crates (6 doz. bunches) [1]	$3.00 per crate.
	LA crates (8 doz. bunches) [1]	$3.75 per crate.
	Bunches in bulk or in all other types of containers.[1]	$0.45 per doz. bunches.
	Bulk carrots (topped or clipped top)	$3.00 per cwt.
Snap Beans (all fresh)	Bushel hamper (minimum net weight 30 lbs.)	$4.50 per bushel.
	All other containers of bulk	$0.14 per lb.

[1] Minimum weight of bunch carrots shall be 13 lbs. per dozen bunches. Whenever a seller sells carrots in bunches of lighter weight, the maximum price shall be reduced in proportion to the reduction in the weight.

This Amendment 1 to General Order 1 under Temporary Maximum Price Regulation 28 shall become effective at 12:01 a. m. Saturday, April 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued at Dallas, Texas, this the 23d day of April 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-1149; Filed, January 21, 1944; 12:47 p. m.]

[Region V Order G-1 Under TMPR 28, Amdt. 2]

MODIFICATION OF PRICES OF CERTAIN LISTED VEGETABLES IN DALLAS REGION

Amendment No. 2 to Order No. G-1 under temporary maximum price regulation No. 28. Certain perishable fruits and vegetables.

Under authority vested in the Regional Administrator of Region V of the Office of Price Administration by § 1439.251 of Temporary Maximum Price Regulation No. 28, *It is hereby ordered*, That General Order No. 1 under Temporary Maximum Price Regulation No. 28 be and the same is hereby amended as follows:

Section (s) of such order is hereby amended to read as follows:

(s) This order shall become effective at 12:01 a. m. on Saturday, March 20, 1943.

This Amendment No. 2 to General Order No. 1 under Temporary Maximum Price Regulation No. 28 shall become effective at 12:01 a. m. Saturday, April 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued at Dallas, Texas, this the 23d day of April 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-1150; Filed, January 21, 1944; 12:47 p. m.]

[Region V Order G-1 Under TMPR 28, Amdt. 3]

MODIFICATION OF PRICES OF CERTAIN LISTED VEGETABLES IN DALLAS REGION

Amendment No. 3 to Order No. G-1 under Temporary Maximum Price Regulation No. 28. Certain perishable fruits and vegetables.

For the reasons set forth in the opinion issued simultaneously herewith, and under authority vested in the Regional Administrator of Region V of the Office of Price Administration by § 1439.251 of Temporary Maximum Price Regulation No. 28 and under the provisions of Maximum Price Regulation No. 376 and at the request of the Administrator of the Office of Price Administration, Washington, D. C., *It is hereby ordered*, That General Order No. I under Temporary Maximum Price Regulation No. 28 be and the same is hereby amended as follows:

(1) Section (b) is hereby amended to read as follows:

(b) The maximum price which a "country shipper" may charge or receive for a listed commodity is the dollars and cents price set forth in Table A of this order, f. o. b. "country shipping point", except that Salinas, California, shall be considered the "country shipping point" for carrots.

(2) Section (c) is hereby amended to read as follows:

(c) A "country shipper" is any person, other than such farmers as are exempt under § 1439.254 of Temporary Maximum Price Regulation No. 28, whose name appears on the railroad bill of lading as the shipper the first time the particular vegetable or vegetables move by rail transportation.[1]

"Country shipping point" means the first place in or near the producing area where the "listed commodity" is loaded on cars for rail shipment, except that Salinas, California, shall be deemed country shipping point for carrots regardless of where they are actually produced or sold.[1]

The prices set forth in the following Table A are f. o. b. "country shipping point" as that term is defined in this Order, but, except as to carrots, apply only to "country shipping points" where the produce is grown within Region V. The "country shipping point" prices set out in this Table A shall apply regardless of the quantity sold.

(3) Section (d) is hereby amended to read as follows:

(d) Table A—Maximum "country shipping point" prices.

Commodity	Type package	Maximum prices
Carrots (all fresh)	LA crates containing a minimum of 6 doz. bunches. each bunch weighing not less than 1 lb.	$3.50 per crate.
	Bunches in bulk or bunches in any other type container except LA crates containing 6 doz. or more bunches.	$0.50 per doz. bunches.
	Bulk carrots (topped or clipped top)	$3.50 per cwt.
Snap beans (all fresh)	Bushel hamper (minimum net weight, 30 lbs.)	$4.50 per bushel.
	All other containers or bulk	$0.14 per lb.

This amendment No. 3 to General Order No. 1 under Temporary Maximum Price Regulation No. 28 shall become effective at 12:01 a. m. Thursday, December 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued at Dallas, Texas, this the 29th day of November 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-1151; Filed, January 21, 1944; 12:47 p. m.]

[Region V Order G-1 Under RMPR 122]

SOLID FUELS IN ST. LOUIS, MO., AND PARTS OF ST. LOUIS COUNTY, MO.

Correction

In F.R. Doc. 44-255, appearing at page 322 of the issue for Friday, January 7, 1944, the second item under I (B) of the Maximum Price Schedule in the center column of page 323 should read:

2. Egg, nut and pea, top size not exceeding 3", bottom size ¾" and larger 6.30

The ninth line of paragraph (1) (2), appearing on page 324, should read: "or the price charged, the dealer shall".

[1] Whenever the first time a listed commodity is shipped, it moves by common carrier truck, then the country shipper is the person (other than such farmers as are exempted under § 1439.254 of Temporary Maximum Price Regulation No. 28), whose name appears on the common carrier truck bill of lading as shipper the first time the particular vegetable or vegetables move by common carrier. Likewise, in such circumstances the country shipping point shall be the point at which such vegetables were loaded on the common carrier truck the first time they moved by common carrier.

List of Community Ceiling Price Orders

The following order under General Order 51 was filed with the Division of the Federal Register on January 15, 1944.

REGION V

San Antonio, Order No. G–7, filed 9:52 a. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on January 17, 1944.

REGION III

Charleston, Order No. 1–F, Amendment No. 3, filed 3:19 p. m.
Cincinnati, Order No. 1–F, Amendment No. 8, filed 3:12 p. m.
Cincinnati, Order No. 1–F, Amendment No. 10, filed 3:10 p. m.
Cincinnati, Order No. 1–F, Amendment No. 11, filed 3:10 p. m.
Cleveland, Order No. F–1, Amendment No. 10, filed 3:11 p. m.
Cleveland, Order No. F–3, Amendment No. 8, filed 3:11 p. m.
Cleveland, Order No. F–4, Amendment No. 6, filed 3:12 p. m.
Cleveland, Order No. F–5, Amendment No. 2, filed 3:12 p. m.
Escanaba, Order No. 1–F, Amendment No. 7, filed 3:19 p. m.
Escanaba, Order No. 1–F, Amendment No. 8, filed 3:19 p. m.
Escanaba, Order No. 1–F, Amendment No. 9, filed 3:20 p. m.
Escanaba, Order No. 1–F, Amendment No. 10, filed 3:20 p. m.
Escanaba, Order No. 3–F, Amendment No. 6, filed 3:20 p. m.
Escanaba, Order No. 3–F, Amendment No. 7, filed 3:21 p. m.
Escanaba, Order No. 3–F, Amendment No. 8, filed 3:21 p. m.
Escanaba, Order No. 5–F, Amendment No. 6, filed 3:21 p. m.
Escanaba, Order No. 5–F, Amendment No. 7, filed 3:21 p. m.
Louisville, Order No. 1–F, Amendment No. 12, filed 3:12 p. m.
Louisville, Order No. 2–F, Amendment No. 6, filed 3:13 p. m.
Grand Rapids, Order No. F–1, Amendment No. 4, filed 3:16 p. m.
Grand Rapids, Order No. F–1, Amendment No. 5, filed 3:16 p. m.
Grand Rapids, Order No. F–1, Amendment No. 6, filed 3:16 p. m.
Grand Rapids, Order No. F–1, Amendment No. 7, filed 3:16 p. m.
Grand Rapids, Order No. F–1, Amendment No. 8, filed 3:16 p. m.
Grand Rapids, Order No. F–1, Amendment No. 9, filed 3:16 p. m.
Grand Rapids, Order No. F–1, Amendment No. 10, filed 3:17 p. m.
Grand Rapids, Order No. F–1, Amendment No. 11, filed 3:17 p. m.
Grand Rapids, Order No. F–1, Amendment No. 12, filed 3:17 p. m.
Grand Rapids, Order No. F–1, Amendment No. 13, filed 3:17 p. m.
Grand Rapids, Order No. F–1, Amendment No. 14, filed 3:17 p. m.
Grand Rapids, Order No. F–1, Amendment No. 15, filed 3:17 p. m.
Grand Rapids, Order No. F–1, Amendment No. 16, filed 3:17 p. m.
Grand Rapids, Order No. F–1, Amendment No. 17, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 17, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 18, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 19, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 20, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 21, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 22, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 23, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 24, filed 3:18 p. m.
Grand Rapids, Order No. F–1, Amendment No. 25, filed 3:18 p. m.
Saginaw, Order No. 2–F, filed 3:10 p. m.
Saginaw, Order No. 3–F, filed 3:11 p. m.

REGION IV

Jackson, Order No. 1–F, Amendment No. 18, filed 3:15 p. m.
Jacksonville, Order No. 2–F, Amendment No. 5, filed 3:14 p. m.
Memphis, Order No. 4–F, Amendment No. 15, filed 3:14 p. m.
Montgomery, Order No. 3–F, Amendment No. 2, filed 3:15 p. m.
Montgomery, Order No. 4–F, Amendment No. 1, filed 3:15 p. m.
Richmond, Order No. 3–F, Amendment No. 2, filed 3:14 p. m.
Savannah, Order No. 1–F, Amendment No. 17, filed 3:14 p. m.
Savannah, Order No. 2–F, Amendment No. 12, filed 3:13 p. m.
Savannah, Order No. 3–F, Amendment No. 10, filed 3:13 p. m.
Savannah, Order No. 4–F, Amendment No. 9, filed 3:13 p. m.

REGION V

Fort Worth, Order No. 9, filed, 3:16 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1160; Filed, January 21, 1944; 4:47 p. m.]

List of Community Ceiling Price Orders

The following orders under General Order 51 were filed with the Division of the Federal Register on January 18, 1944.

REGION II

Altoona, Order No. 8, Amendment No. 1, filed, 4:32 p. m.
Pittsburgh, Order No. 5, Amendment No. 1, filed, 4:32 p. m.

REGION III

Escanaba, Order No. 5–F, Amendment No. 8, filed, 4:25 p. m.
Escanaba, Order No. 5–F, Amendment No. 9, filed, 4:25 p. m.
Escanaba, Order No. 5–F, Amendment No. 10, filed, 4:25 p. m.
Escanaba, Order No. 6–F, Amendment No. 5, filed, 4:26 p. m.
Escanaba, Order No. 6–F, Amendment No. 6, filed, 4:26 p. m.
Escanaba, Order No. 6–F, Amendment No. 7, filed, 4:26 p. m.
Escanaba, Order No. 6–F, Amendment No. 8, filed, 4:26 p. m.
Escanaba, Order No. 6–F, Amendment No. 9, filed, 4:27 p. m.
Escanaba, Order No. 7–F, Amendment No. 5, filed, 4:27 p. m.
Escanaba, Order No. 7–F, Amendment No. 6, filed, 4:27 p. m.
Escanaba, Order No. 7–F, Amendment No. 7, filed, 4:27 p. m.
Escanaba, Order No. 7–F, Amendment No. 8, filed, 4:27 p. m.
Escanaba, Order No. 7–F, Amendment No. 9, filed, 4:28 p. m.
Escanaba, Order No. 8–F, Amendment No. 5, filed, 4:28 p. m.
Escanaba, Order No. 8–F, Amendment No. 6, filed, 4:28 p. m.
Escanaba, Order No. 8–F, Amendment No. 7, filed, 4:28 p. m.
Escanaba, Order No. 8–F, Amendment No. 8, filed, 4:28 p. m.
Escanaba, Order No. 8–F, Amendment No. 9, filed, 4:28 p. m.
Escanaba, Order No. 17, Amendment No. 2, filed 4:30 p. m.
Escanaba, Order No. 19, Amendment No. 2, filed, 4:29 p. m.
Escanaba, Order No. 20, Amendment No. 1, filed, 4:29 p. m.
Indianapolis, Order No. 12, filed, 4:30 p. m.
Indianapolis, Order No. 13, filed, 4:30 p. m.
Indianapolis, Order No. 14, filed, 4:31 p. m.
Indianapolis, Order No. 15, filed, 4:31 p. m.
Indianapolis, Order No. 16, filed, 4:31 p. m.
Indianapolis, Order No. 17, filed, 4:32 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1159; Filed, January 21, 1944; 4:47 p. m.]

List of Community Ceiling Price Orders

The following orders under General Order 51 were filed with the Division of the Federal Register on January 19, 1944:

REGION I

Massachusetts, Order No. 7, Amendment No. 5, filed, 9:29 a. m.
Massachusetts, Order No. 8, Amendment No. 5, filed 9:28 a. m.
Massachusetts, Order No. 9, Amendment No. 5, filed 9:28 a. m.
Massachusetts, Order No. 9, Amendment No. 6, filed 9:28 a. m.
Concord, Order No. 10, Amendment No. 1, filed, 9:30 a. m.

REGION II

Albany, Order No. 10, Amendment No. 2, filed, 9:13 a. m.
Albany, Order No. 12, Amendment No. 1, filed, 9:14 a. m.
Altoona, Order No. 9, Amendment No. 1, filed, 9:13 a. m.
District of Columbia, Order No. 7, Amendment No. 1, filed, 9:14 a. m.
Philadelphia, Order No. 7, Amendment No. 1, filed, 10:43 a. m.
Maryland, Order No. 10, Amendment No. 2, filed, 9:14 a. m.
Maryland, Order No. 11, Amendment No. 2, filed, 9:15 a. m.
Maryland, Order No. 12, Amendment No. 2, filed, 9:15 a. m.
Newark, Order No. 7, Amendment No. 1, filed, 9:16 a. m.
New York, Order No. 9, Correction, filed, 9:16 a. m.
New York, Order No. 9, Amendment No. 1, filed, 9:16 a. m.
New York, Order No. 9, Amendment No. 2, filed, 9:17 a. m.
New York, Order No. 10, Correction, filed, 9:18 a. m.
New York, Order No. 10, Amendment No. 1, filed, 9:18 a. m.
New York, Order No. 10, Amendment No. 2, filed, 9:33 a. m.
New York, Order No. 11, Correction, filed, 9:33 a. m.
New York, Order No. 11, Amendment No. 1, filed, 9:34 a. m.
New York, Order No. 11, Amendment No. 2, filed, 9:35 a. m.
Scranton, Order No. 9, Amendment No. 1, filed, 9:33 a. m.
Syracuse, Order No. 12, Amendment No. 2, filed, 9:30 a. m.
Syracuse, Order No. 13, Amendment No. 2, filed, 9:32 a. m.
Syracuse, Order No. 14, Amendment No. 2, filed, 9:32 a. m.
Syracuse, Order No. 15, Amendment No. 1, filed, 9:33 a. m.
Trenton, Order No. 9, Amendment No. 2, filed, 9:30 a. m.
Trenton, Order No. 10, Amendment No. 2, filed, 9:30 a. m.

REGION III

Cincinnati, Order No. 3–F, filed, 10:55 a. m.
Charleston, Order No. 1–F, Amendment No. 4, filed, 10:58 a. m.
Charleston, Order No. 1–F, Amendment No. 5, filed, 10:58 a. m.
Charleston, Order No. 2–F, Amendment No. 3, filed, 10:56 a. m.
Charleston, Order No. 3–F, Amendment No. 1, filed, 10:55 a. m.
Columbus, Order No. 3–F, Amendment No. 1, filed, 10:45 a. m.
Columbus, Order No. 4–F, filed, 11:00 a. m.
Columbus, Order No. 5–F, filed, 11:00 a. m.
Columbus, Order No. 6–F, filed, 11:00 a. m.
Escanaba, Order No. 1–F, Amendment No. 11, filed, 9:25 a. m.
Escanaba, Order No. 2–F, Amendment No. 6, filed, 9:25 a. m.
Escanaba, Order No. 2–F, Amendment No. 7, filed, 9:26 a. m.
Escanaba, Order No. 2–F, Amendment No. 8, filed, 9:26 a. m.
Ecanaba, Order No. 2–F, Amendment No. 9, filed, 9:27 a. m.
Escanaba, Order No. 2–F, Amendment No. 10, filed, 9:27 a. m.
Escanaba, Order No. 3–F, Amendment No. 9, filed, 9:22 a. m.
Escanaba, Order No. 3–F, Amendment No. 10, filed, 9:22 a. m.
Escanaba, Order No. 4–F, Amendment No. 6, filed, 9:29 a. m.
Escanaba, Order No. 4–F, Amendment No. 7, filed, 9:25 a. m.
Escanaba, Order No. 4–F, Amendment No. 8, filed, 9:22 a. m.
Escanaba, Order No. 4–F, Amendment No. 9, filed, 9:22 a. m.
Escanaba, Order No. 4–F, Amendment No. 10, filed, 9:23 a. m.
Escanaba, Order No. 14, Amendment No. 2, filed, 9:24 a. m.
Escanaba, Order No. 15, Amendment No. 2, filed, 9:24 a. m.
Escanaba, Order No, 16, Amendment No. 2, filed, 9:24 a. m.
Lexington, Order No. 1–F, Amendment No. 11, filed, 11:02 a. m.
Lexington, Order No. 1–F, Amendment No. 12, filed, 11:02 a. m.
Lexington, Order No. 2–F, Amendment No. 4, filed, 11:01 a. m.
Lexington, Order No. 2–F, Amendment No. 5, filed, 11:01 a. m.
Lexington, Order No. 3–F, Amendment No. 3, filed, 11:03 a. m.
Cincinnati, Order No. 1–F, Amendment No. 12, filed, 10:55 a. m.

REGION IV

Jackson, Order No. 1–F, Amendment No. 19, filed, 10:54 a. m.
Memphis, Order No. 4–F, Amendment No. 16, filed, 11:03 a. m.
Raleigh, Order No. 2–F, Amendment No. 1, filed, 11:04 a. m.
Raleigh, Order No. 3–F, filed, 11:04 a. m.
South Carolina, Order No. 1–F, Amendment No. 11, filed, 10:43 a. m.
South Carolina, Order No. 2–F, Amendment No. 3, filed, 10:45 a. m.

REGION V

Arkansas, Order No. 4–F, filed, 10:50 a. m.
Arkansas, Order No. 5–F, filed, 10:50 a. m.
Arkansas, Order No. 6–F, filed, 10:51 a. m.
Dallas, Order No. 1–F, filed, 10:51 a. m.
Dallas, Order No. 2–F, filed, 10:52 a. m.
Dallas, Order No. 3–F, filed, 10:53 a. m.
New Orleans, Order No. G–13, Amendment No. 1, filed, 10:42 a. m.
New Orleans, Order No. G–14, Amendment No. 1, filed, 10:42 a. m.
New Orleans, Order No. G–15, Amendment No. 1, filed, 10:43 a. m.
New Orleans, Order No. G–16, Amendment No. 1, filed, 10:43 a. m.
San Antonio, Order No. G–8, filed, 9:36 a. m.
Shreveport, Order No. 1–F, filed, 11:03 a. m.
Shreveport, Order No. 2–F, filed, 11:04 a. m.
Wichita, Order No. 1–F, filed, 10:53 a. m.

REGION VI

Milwaukee, Order No. 3, Amendment No. 8, filed, 11:06 a. m.
Milwaukee, Order No. 10, Amendment No. 6, filed, 11:06 a. m.
Moline, Order No. 20, filed, 9:27 a. m.
Moline, Order No. 25, filed, 10:57 a. m.
Sioux Falls, Order No. 11, Amendment No. 1, filed, 10:42 a. m.

REGION VII

Utah, Order No. F–1, filed, 10:45 a. m.

REGION VIII

San Diego, Order No. 1–F, Amendment No. 16, filed, 10:54 a. m.
Spokane, Order No. 28, filed, 11:06 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1158; Filed, January 21, 1944; 4:47 p. m.]

List of Community Ceiling Price Orders

The following orders under General Order 51 were filed with the Division of the Federal Register on January 20, 1944.

REGION I

Massachusetts, Order No. 11, Amendment No. 3, filed, 10:30 a. m.
Massachusetts, Order No. 11, Amendment No. 4, filed, 10:30 a. m.
Massachusetts, Order No. 12, Amendment No. 3, filed, 10:30 a. m.
Massachusetts, Order No. 12, Amendment No. 4, filed, 10:31 a. m.
Massachusetts, Order No. 12, Amendment No. 5, filed, 10:31 a. m.
Massachusetts, Order No. 13, Amendment No. 2, filed, 10:31 a. m.

REGION II

Trenton, Order No. 9, Amendment No. 3, filed, 10:25 a. m.
Trenton, Order No. 10, Amendment No. 3, filed, 10:26 a. m.
Williamsport, Order No. 8, Amendment No. 1, filed, 10:25 a. m.
Williamsport, Order No. 9, Amendment No. 1, filed, 10:25 a. m.
Williamsport, Order No. 10, Amendment No. 1, filed, 10:25 a. m.

REGION III

Escanaba, Order No. 1–F, Amendment No. 12, filed, 10:31 a. m.
Escanaba, Order No. 2–F, Amendment No. 11, filed, 10:32 a. m.
Escanaba, Order No. 3–F, Amendment No. 11, filed, 10:32 a. m.
Escanaba, Order No. 4–F, Amendment No. 11, filed, 10:32 a. m.
Escanaba, Order No. 5–F, Amendment No. 11, filed, 10:33 a. m.
Escanaba, Order No. 6–F, Amendment No. 10, filed, 10:33 a. m.
Escanaba, Order No. 7–F, Amendment No. 10, filed, 10:33 a. m.
Escanaba, Order No. 8–F, Amendment No. 10, filed, 10:33 a. m.
Columbus, Order No. 7–F, filed, 10:28 a. m.
Louisville, Order No. 1–F, Amendment No. 13, filed, 10:27 a. m.
Louisville, Order No. 2–F, Amendment No. 7, filed, 10:28 a. m.

REGION IV

Memphis, Order No. 4–F, Amendment No. 14, filed, 10:26 a. m.

REGION V

Arkansas, Order No. 1–F, filed, 10:28 a. m.
Arkansas, Order No. 2–F, filed, 10:29 a. m.
Arkansas, Order No. 3–F, filed, 10:30 a. m.
Houston, Order No. 1–F, filed, 10:28 a. m.
Houston, Order No. 2–F, filed, 10:28 a. m.
Lubbock, Order No. 1–F, filed, 10:27 a. m.
Fort Worth, Order No. 6–F, filed, 10:25 a. m.

REGION VI

North Platte, Order No. 4, Amendment No. 1, filed, 10:38 a. m.
North Platte, Order No. 6, Amendment No. 1, filed, 10:38 a. m.
Des Moines, Order No. 4A, Amendment No. 2, filed, 10:22 a. m.
Des Moines, Order No. 5A, Amendment No. 2, filed, 10:22 a. m.
Des Moines, Order No. 6, Amendment No. 2, filed, 10:22 a. m.
Des Moines, Order No. 7, Amendment No. 2, filed, 10:23 a. m.
Des Moines, Order No. 8, Amendment No. 2, filed, 10:23 a. m.
Des Moines, Order No. 9, Amendment No. 2, filed, 10:23 a. m.

REGION VIII

Los Angeles, Los Angeles–5, Amendment No. 3, filed, 10:34 a. m.
Los Angeles, Los Angeles–5, Amendment No. 4, filed, 10:36 a. m.
Los Angeles, Los Angeles–6, Amendment No. 3, filed, 10:34 a. m.
Los Angeles, Los Angeles–6, Amendment No. 4, filed, 10:36 a. m.
Los Angeles, Los Angeles–7, Amendment No. 3, filed, 10:34 a. m.
Los Angeles, Los Angeles–7, Amendment No. 4, filed, 10:36 a. m.
Los Angeles, Los Angeles–8, Amendment No. 3, filed, 10:36 a. m.
Los Angeles, Los Angeles–8, Amendment No. 4, filed, 10:37 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1157; Filed, January 21, 1944; 4:47 p. m.]

[Region V Order G–7 Under 18 (c), Amdt. 1]

Firewood in Certain Counties of Dallas and Fort Worth, Tex., Districts

Correction

In F. R. Doc. 44–240, appearing on page 324 of the issue for Friday, January 7, 1944, the tenth line of subdivision (ii) on page 325 should read: "cubic feet when four foot wood is cut".

[Region VIII Order G–78 Under 18 (c), Rev.]

Fresh Green Bones in California

Order revoking Order No. G–78 under § 1499.18 (e), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for sales of fresh green bones in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, Order No. G–78 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, is hereby revoked.

This order shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

BEN C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 44–1162; Filed, January 20, 1944; 2:29 p. m.]

[Region II Order G–2 Under SR 15 and MPR 280]

FLUID MILK IN DESIGNATED CITIES IN N. Y.

Order No. G–2 under § 1499.75 of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and under § 1351.807 of Maximum Price Regulation No. 280, as amended. Maximum prices for specific food products. Adjustment of the wholesale and retail prices of fluid milk for the City of Binghamton, and the towns of Binghamton, Conklin, Dickenson, Fenton, Kirkwood, Union and Vestal in Broome County, New York.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 of Supplementary Regulation No. 16, and § 1351.807 of Maximum Price Regulation No. 280, as amended, and pursuant to a directive from the Director of Economic Stabilization, *It is hereby ordered*, That:

(a) The maximum price for the sale and delivery in glass or paper containers of fluid milk into store, out-of-store, and to-the-home, in that portion of Broome County, New York, which consists of the City of Binghamton, and the towns of Binghamton, Conklin, Dickenson, Fenton, Kirkwood, Union and Vestal, shall be the applicable adjusted maximum price specified below:

Type of fluid milk	Type of delivery	Container size	Adjusted maximum price per container (in cents)
Grade A—raw and pasteurized	Into store	Quart	12
		Pint	[1]7
		Half-pint	[1]4
	Out of store	Quart	14
		Pint	[1]5
		Half-pint	[1]5
	To the home	Quart	[2]14 [3]15
Special milk—Guernsey and Jersey—raw and pasteurized	Into store	Pint	8
		Quart	[1]8
	Out of store	Pint	16
		Quart	[1]8½
	To the home	Pint	[1]16 [3]15
		Quart	[1]8½
Certified milk—raw and pasteurized	Into store	Pint	15
	Out of store	Quart	17
	To the home	Quart	17
		Pint	[1]9½

[1] Where permitted by Food Distribution Order No. 11 issued by the Food Distribution Administration.
[2] For single delivery of one container.
[3] For single delivery of two or more containers.

(b) The maximum prices for the sale and delivery in other than glass or paper containers at wholesale to stores, hotels, restaurants and institutions of Grade A raw fluid milk and Grade A Pasteurized fluid milk in that portion of Broome County, New York, which consists of the City of Binghamton, and the towns of Binghamton, Conklin, Dickenson, Fenton, Kirkwood, Union and Vestal, shall be the applicable adjusted maximum price specified below:

Type of fluid milk	Quantity	Adjusted maximum price per quart
Grade A—raw and pasteurized	Single delivery of 40 quarts or more.	$0.1075
	Single delivery of less than 40 quarts.	.1175

(c) The maximum price for the sale and delivery of each type of fluid milk other than those types specified herein shall be the maximum price established for the seller by the General Maximum Price Regulation plus the amount set forth below for the appropriate type of delivery and container size.

Type of delivery	Container size	Amount to be added
		Cents
Into store	Quart	1½
	Pint	1½
Out of store	½ pint	[1] None
	Quart	1
	Pint	1½
To the home	½ pint	[1] None
	Quart	1
	Pint	[1] None

[1] Where permitted by Food Distribution Order No. 11 issued by the Food Distribution Administration.

(d) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent (for example, a maximum price of 8½¢ for one unit shall be adjusted to 9¢ for one unit, 17¢ for two units, and 26¢ for three units, etc.).

(e) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplementary order which may be contrary hereto.

(f) *Geographical applicability.* This order applies to all sales of fluid milk within the geographical limits of the City of Binghamton, and the towns of Binghamton, Conklin, Dickenson, Fenton, Kirkwood, Union and Vestal, in Broome County, New York.

(g) Unless the context manifestly otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, issued by the Office of Price Administration, shall apply to other terms herein.

(h) *Definitions.* (1) "Fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk and shall include flavored milk.

(2) "Grade A Pasteurized" milk and all other types of milk specified herein shall have the meanings prescribed for such types of milk by the appropriate statutes, orders, or regulations of the State of New York, unless such definitions are superseded by statutes, orders or regulations of that political sub-division of the State of New York within which each or all of such types of milk are sold and delivered.

(3) "To the home" means a sale and delivery of fluid milk at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes, and shall not include a sale of fluid milk at retail by a grocery store, meat market, dairy store or other establishment which delivers fluid milk separately or together with other purchases.

(4) "Out of store" means a sale of fluid milk at retail by a grocery store, meat market, dairy store, or other establishment which delivers fluid milk separately or together with other purchases, and shall include a sale of fluid milk at retail by a milk distributor at his plant or place of business.

(h) That part of Order No. G–9 issued by the Regional Administrator of Region II, pursuant to § 1499.18 (c) of the General Maximum Price Regulation which adjusts the maximum prices for sales and deliveries of fluid milk within Area III, defined in Order G–9 as consisting of the City of Binghamton, and the towns of Binghamton, Conklin, Dickenson, Fenton, Kirkwood, Union and Vestal in Broome County, New York, is hereby revoked and superseded by this Order No. G–2.

This order shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1198; Filed, January 22, 1944; 11:27 a. m.]

[Region II Order G–11 Under MPR 329]

FLUID MILK IN DESIGNATED CITIES IN N. Y.

Order No. G–11 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk. Adjustment of the maximum price for purchases of fluid milk from producers in the city of Binghamton, the towns of Binghamton, Conklin, Dickinson, Fenton, Kirkwood, Union and Vestal, all in Broome County, New York.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, as amended and pursuant to a directive issued by the Director of the Office of Economic Stabilization, *It is hereby ordered:*

(a) The maximum price at which a purchaser in the course of trade or business may purchase or receive from a producer Grade A Class 1 fluid milk, which is thereafter resold as such in that portion of Broome County in the State of New York, known as the Triple Cities Area, shall be the higher of either of the following:

(1) The maximum price established under Maximum Price Regulation No. 329, as amended or

(2) $3.30 per cwt., f. o. b. purchaser's receiving or processing plant for such milk having a butterfat content of 3.5% plus or minus 4¢ for each 1/10 of 1% butterfat content in excess of or below 3.5%, as the case may be.

(b) *Definitions.* When used in this order, the term:

(1) "Grade A Class 1 fluid milk" shall have the meanings prescribed by the Sanitary Code, Chapter 3 (Revised to February 26, 1941), established by the Public Health Council of the State of New York, and issued by the New York State Department of Health.

(2) "F. o. b. purchaser's receiving or processing plant" means delivery to a receiving or processing plant which is either owned by the purchaser or in which, with respect to the particular purchase, the Grade A Class 1 fluid milk purchased from the producer is actually received by such purchaser.

(3) "The Triple Cities Area" means that portion of Broome County in the State of New York which consists of the corporate limits of the city of Binghamton and the towns of Binghamton, Conklin, Dickinson, Fenton, Kirkwood, Union and Vestal, all in Broome County in the State of New York.

(c) Unless the context manifestly otherwise requires, the definitions set forth in section 302 of Emergency Price Control Act of 1942, as amended, shall apply to other terms herein.

(d) *Geographical applicability.* This order applies to all purchases of Grade A Class 1 fluid milk pursuant to which a purchaser receives physical delivery within the geographical limits of Region II and which is thereafter sold as Grade A Class 1 fluid milk by such purchaser in the Triple Cities Area as indicated in paragraphs (a) and (b) (3) hereof.

(e) This order may be revoked, amended or corrected at any time.

(f) This order has been approved by the Administrator of the War Foods Administration.

This order shall become effective the 22d day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 18, 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1199; Filed, January 22, 1944; 11:28 a. m.]

[Region II Order G–9 Under 18 (c), Amdt. 3]

FLUID MILK IN BROOME COUNTY, N. Y.

Amendment No. 3 to Order No. G–9 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of section (d) of Order No. G–9, issued under § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That paragraph (a) of said order be amended by deleting therefrom that part of the schedule listed therein designated as "Area III" and the types of milk, types of delivery, container sizes and adjusted maximum prices set forth therefor and that paragraph (h) (5) also be deleted from said order.

This amendment to Order No. G–9 shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1200; Filed, January 22, 1944; 11:28 a. m.]

[Region VII Order G–22 Under RMPR 122]

SOLID FUELS IN DESIGNATED UTAH TRADE AREAS

Correction

In F.R. Doc. 44–234, appearing at page 328 of the issue for Friday, January 7, 1944, the fourth entry under Subdistrict 1, Castlegate, in Table II, Part 1, in paragraph (d) (2) should read: "7—3 x 1⅝ nut".

Part 2 of Table II should read as follows:

PART 2.—TOD TOWN DELIVERED PRICES

Kind and size	Per ton	Per ½ ton
Bituminous coal produced in District 20:		
Subdistrict 1, Castlegate:		
#2—10" lump	$8.70	$4.75
#3—10 x 3 stove	8.60	4.70
#5—8 x 3 stove		
#7—3 x 1⅝ nut	8.20	4.50
#8—1⅝ x 1 pea:		
Treated	7.50	4.10
Untreated	7.35	4.05
#11—1 x 0 slack:		
Treated	[1]6.80	3.75
Untreated	[1]6.55	3.60

[1] Slack prices are based on domestic sales. On sales for commercial use the maximum prices of slack shall be the listed price less 25 cents.

SMALLER WAR PLANTS CORPORATION.

CARROLL WAR INDUSTRIES

RECOMMENDATION OF FORMATION OF WAR PRODUCTION ASSOCIATION

Carroll War Industries, Westminster, Maryland, is a War Production Association comprising seven companies, having light and medium machine shop facilities, and woodworking equipment and facilities for the production of cabinets and general millwork, as listed in Appendix I. The purpose of this association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements, and more particularly for the manufacture of products involving high precision light and medium general purpose machine shop work, and wooden items, together with their metal components. The activities of the association will relate solely to war and essential civilian work and will terminate within six months after the end of the war.

In my opinion the formation and operation of Carroll War Industries is appropriate to the fulfilment of the purposes of Public Law 603—77th Congress, approved June 11, 1942 (56 Stat. 351) and Executive Order No. 6891 of September 4, 1941. I have therefore approved the Plan of Organization, Procedure, and Objectives of Carroll War Industries,[1] and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603—77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said plan is requisite to the prosecution of the war (See Certificate 192, *infra*).

Issued at Washington, D. C., this 6th day of January 1944.

ALBERT M. CARTER,
Acting Chairman,
Smaller War Plants Corporation.

[1] Filed as part of the original document.

APPENDIX I

Name and Address and Regular Commercial Business

National Advertising Co., 265 E. Main Street, Westminster, Maryland, Sign parts and tools.

Hanover Machine Corporation, Hanover, Pennsylvania, Manufacturers of canning machinery.

Stonesifer's Liberty Heights Machine Shop, Westminster, Maryland, Light and medium machine shop.

Bair and Hollinger Woodworking Co., Union Mills, Maryland, Antique reproductions and cabinet ware.

Halter's Woodworking Shop, Uniontown, Maryland, Lawn furniture and kitchen equipment.

Ebaugh's Mill Work Shop, Westminster, Maryland, Mill and cabinet work.

Monroe R. Pfoutz Woodworking Shop, Union Bridge, Maryland, Mill work and furniture reproduction.

[F. R. Doc. 44-1166; Filed, January 22, 1944; 10:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-808]

PENNSYLVANIA ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER ACCOUNTING ENTRIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of January 1944.

Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6 (b) and 12 (c) thereof, said application-declaration, as amended, being concerned with the refinancing of the 34,000 shares of 5.10% Series A preferred stock of the company by the issuance of a like number of shares of 4.40% Series B preferred stock; and

The Commission, on November 19, 1943, having ordered that the aforesaid application-declaration, as amended, be granted and permitted to become effective, subject to the reservation of jurisdiction to pass upon the accounting entries to be made upon the books of Pennsylvania Electric Company (Holding Company Act Release No. 4700); and

Pennsylvania Electric Company having submitted the accounting entries which it proposes to record on its books in respect to the transactions which affect it; and

The Commission having considered the matter and it appearing that the jurisdiction reserved as to the proposed accounting entries should be released;

It is hereby ordered, That the jurisdiction reserved in the order of November 19, 1943, in the above matter be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1170; Filed, January 22, 1944; 11:02 a. m.]

[File No. 70-847]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of January, 1944.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and by Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company; and

Notice is further given that any interested person may not later than February 1, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Milwaukee Electric Railway & Transport Company proposes (a) to redeem on March 1, 1944 at par plus accrued interest $200,000 principal amount of its First Mortgage 4% Bonds owned by Wisconsin Electric Power Company and pledged as collateral to the latter company's Mortgage and Deed of Trust dated October 28, 1938 and (b) to purchase for cash at par for retirement 8,000 shares of its capital stock of the aggregate par value of $800,000 from Wisconsin Electric Power Company. Wisconsin Electric Power Company seeks authorization to surrender the bonds and the stock on the basis described.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1167; Filed, January 22, 1944; 11:01 a. m.]

[File Nos. 70-850, 70-846]

GENERAL GAS AND ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER CONSOLIDATING HEARING THEREON WITH PREVIOUSLY SCHEDULED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of January, 1944.

In the matter of General Gas & Electric Corporation, File No. 70-850; Virginia Electric and Power Company, Virginia Public Service Company, and Engineers Public Service Company, File No. 70-846.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation (Gengas), a registered holding company, and direct subsidiary of Trustees of Associated Gas and Electric Corporation (Trustees), also a registered holding company.

This declaration embraces transactions which are complementary to filings with this Commission by Engineers Public Service Company (Engineers), Virginia Electric and Power Company (Vepco) and Virginia Public Service Company (VPS) primarily concerned with the merger of VPS into Vepco (File No. 70-846), and regarding which a notice of filing and order for hearing was issued by the Commission on January 13, 1944 (Holding Company Act Release No. 4837).

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Gengas presently owns 782,000 shares of $1 per share par value common stock of VPS, which is all of the common stock of VPS presently issued and outstanding. Gengas also asserts a claim to $1,165,166.67 in cash held by the New York Trust Company as escrow agent under an agreement between VPS, Gengas, and the New York Trust Company, dated June 5, 1942. This cash represents the proceeds of $1,200,000, aggregate principal amount of First Mortgage and Refunding 20-year 5% Gold Bonds, Series B, of VPS, formerly held by Gengas, and reacquired by VPS, for the said $1,165,166.67 (97% of par and accrued interest), pursuant to an order of this Commission entered May 22, 1942. By its order of November 3, 1943, this Commission directed the return of the escrowed fund to VPS (Holding Company Act Release No. 4654). This claim and the common stock of VPS are hereinafter referred to as the "interest" of Gengas in VPS.

As part of a program by which Vepco, a non-affiliate of Gengas, proposes to acquire the properties of VPS, Gengas has entered into an agreement with Vepco and its parent, Engineers, a registered holding company, wherein, among other things, it is proposed, subject to certain conditions, that Gengas sell its interest in VPS for an aggregate consideration of not to exceed $2,500,000, of which $1,000,000 is immediately payable in cash, and an additional amount not to exceed $1,500,000 is to be paid, over a period of not to exceed five years, in the event that the earnings of Vepco exceed certain specified amounts subsequent to the merger therein of VPS.

The filing has designated section 12 (d) of the act and Rule U-44 promulgated thereunder as being applicable to the proposed transactions and states that the nature of the interest being sold is such as to make the use of competitive bidding impracticable.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration shall not be permitted to become effective except pursuant to further order of this Commission;

The Commission having on January 13, 1944, issued a notice of filing and order for hearing setting a public hearing for February 1, 1944, at 10 o'clock, a. m., e. w. t., regarding the filings of Vepco, VPS and Engineers submitted in connection with the transactions which these companies propose to undertake to effectuate the merger of VPS and Vepco; and it appearing that these matters and the matters embraced by the instant declaration are concerned with common matters of law and fact;

It is ordered, That the hearing on the instant declaration be consolidated with the hearing heretofore set in Engineers Public Service Company, et al., File No. 70-846, and that a hearing on these consolidated matters be held on February 1, 1944, at 10 o'clock, a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which said hearing will be held. At such hearing cause shall be shown why such declarations should be permitted to become effective and such applications granted;

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order to the above named party and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 29, 1944, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission;

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed sale by Gengas of its interest in VPS meets the requirements of section 12 of the act and applicable rules promulgated thereunder;

2. Whether or not, under the circumstances, compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is necessary or appropriate in connection with the sale of the securities of VPS by Gengas;

3. Whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in connection with the proposed transactions;

4. Whether, in all other respects, the proposed transactions outlined above comply with all of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1168; Filed, January 22, 1944; 11:01 a. m.]

[File Nos. 812-192, 812-193, 812-194]

PROVIDENTIA, LTD., ET AL.

NOTICE OF AND ORDER FOR HEARING AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of January, A. D. 1944.

In the matter of Providentia, Ltd., The Nineteen Corporation, Instoria, Inc., File Nos. 812-192, 812-193, 812-194.

Applications having been filed by Providentia, Ltd., The Nineteen Corporation and Instoria, Inc., under and pursuant to section 6 (c) of the Investment Company Act of 1940, for orders granting an extension to November 30, 1944, of exemptions from all the provisions of the Investment Company Act heretofore granted to applicants and extended to February 2, 1944, by order of the Commission dated January 30, 1943;

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the three applications be and the same hereby are consolidated;

It is further ordered, Pursuant to section 40 (a) of said act, that a hearing on the consolidated matter be held on January 31, 1944, at 10:00 o'clock in the forenoon of that day in Room 318 in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on this matter. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicants and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1169; Filed, January 22, 1944; 11:01 a. m.]

[File No. 812-344]

SOUTHWEST CONSOLIDATED CORPORATION

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22nd day of January, A. D., 1944.

Southwest Consolidated Corporation, having filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from (1) the provisions of section 30 (a) of said act and Rule N-30A-1 promulgated thereunder insofar as said section and Rule require the filing of annual reports with the Commission; (2) the provisions of section 30 (b) of said act and Rule N-30B1-1 promulgated thereunder insofar as said section and Rule require the filing of quarterly reports with the Commission; and (3) the provisions of section 30 (d) of said act and Rule N-30D-1 promulgated thereunder insofar as said section and Rule require the transmission of semi-annual reports to stockholders; or in the alternative, for an order pursuant to section 8 (f) of said act declaring that Southwest Consolidated Corporation has ceased to be an investment company within the meaning of the act;

It is ordered, Pursuant to section 40 (a) of said act that a hearing on the aforesaid application be held on January 31, 1944, at 10:15 o'clock, a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1230; Filed, January 24, 1944; 10:13 a. m.]

JAN 27 '44

WAR PRODUCTION BOARD.

[Certificate 192]

CARROLL WAR INDUSTRIES

APPROVAL OF FORMATION OF WAR PRODUCTION ASSOCIATION

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Acting Chairman of the Smaller War Plants Corporation concerning the plan of organization, procedure, and objectives of Carroll War Industries, Westminster, Maryland, organized for the purpose of manufacturing articles, equipment, supplies and materials for war and essential civilian requirements.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan referred to in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan is requisite to the prosecution of the war.

Dated: January 19, 1944.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 44-1165; Filed, January 22, 1944; 10:55 a. m.]

[1] *Supra.*

JAN 27 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 18

Washington, Wednesday, January 26, 1944

The President

EXECUTIVE ORDER 9417

ESTABLISHING A WAR REFUGEE BOARD

WHEREAS it is the policy of this Government to take all measures within its power to rescue the victims of enemy oppression who are in imminent danger of death and otherwise to afford such victims all possible relief and assistance consistent with the successful prosecution of the war;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and as Commander in Chief of the Army and Navy, and in order to effectuate with all possible speed the rescue and relief of such victims of enemy oppression, it is hereby ordered as follows:

1. There is established in the Executive Office of the President a War Refugee Board (hereinafter referred to as the Board). The Board shall consist of the Secretary of State, the Secretary of the Treasury and the Secretary of War. The Board may request the heads of other agencies or departments to participate in its deliberations whenever matters specially affecting such agencies or departments are under consideration.

2. The Board shall be charged with the responsibility for seeing that the policy of the Government, as stated in the Preamble, is carried out. The functions of the Board shall include without limitation the development of plans and programs and the inauguration of effective measures for (a) the rescue, transportation, maintenance and relief of the victims of enemy oppression, and (b) the establishment of havens of temporary refuge for such victims. To this end the Board, through appropriate channels, shall take the necessary steps to enlist the cooperation of foreign governments and obtain their participation in the execution of such plans and programs.

3. It shall be the duty of the State, Treasury and War Departments, within their respective spheres, to execute at the request of the Board, the plans and programs so developed and the measures so inaugurated. It shall be the duty of the heads of all agencies and departments to supply or obtain for the Board such information and to extend to the Board such supplies, shipping and other specified assistance and facilities as the Board may require in carrying out the provisions of this Order. The State Department shall appoint special attaches with diplomatic status, on the recommendation of the Board, to be stationed abroad in places where it is likely that assistance can be rendered to war refugees, the duties and responsibilities of such attaches to be defined by the Board in consultation with the State Department.

4. The Board and the State, Treasury and War Departments are authorized to accept the services or contributions of any private persons, private organizations, State agencies, or agencies of foreign governments in carrying out the purposes of this Order. The Board shall cooperate with all existing and future international organizations concerned with the problems of refugee rescue, maintenance, transportation, relief, rehabilitation, and resettlement.

5. To the extent possible the Board shall utilize the personnel, supplies, facilities and services of the State, Treasury and War Departments. In addition the Board, within the limits of funds which may be made available, may employ necessary personnel without regard for the Civil Service laws and regulations and the Classification Act of 1923, as amended, and make provisions for supplies, facilities and services necessary to discharge its responsibilities. The Board shall appoint an Executive Director who shall serve as its principal executive officer. It shall be the duty of the Executive Director to arrange for the prompt execution of the plans and programs developed and the measures inaugurated by the Board, to supervise the activities of the special attaches and to submit frequent reports to the Board on the steps taken for the rescue and relief of war refugees.

6. The Board shall be directly responsible to the President in carrying out the

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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war and has been provided by the Government with extensive facilities for the performance of said contracts; and

WHEREAS it is deemed essential that the plants of York Safe & Lock Company, located in York County, Pennsylvania, be taken over for use and operation by the United States of America in order that they may be effectively operated in the manufacture of such war materials:

NOW, THEREFORE, I, Franklin D. Roosevelt, pursuant to the powers vested in me by the Constitution and laws of the United States, including Section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, hereby authorize and direct the Secretary of the Navy immediately to take possession of and operate the plants and facilities of York Safe & Lock Company located in York County, Pennsylvania, in order to produce effectively essential war material required by the United States and to do all things necessary and incidental to that end.

The Secretary of the Navy may exercise the authority herein conferred through and with the aid of such person or persons, corporations or instrumentalities as he may designate and may select and hire such employees and agents including a competent civilian adviser on industrial relations, as are necessary to carry out the operation of this order and in furtherance of the purposes of this order the Secretary of the Navy may exercise any existing contractual or other existing rights of said company incident to the operation of said plants and take such other steps as may be necessary or desirable.

Possession of the premises referred to under this order will be terminated by the President within 60 days after he determines that such plants will be operated privately in a manner consistent with the war effort.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 21, 1944.

[F. R. Doc. 44-1273; Filed, January 24, 1944; 2:40 p. m.]

policy of this Government, as stated in the Preamble, and the Board shall report to him at frequent intervals concerning the steps taken for the rescue and relief of war refugees and shall make such recommendations as the Board may deem appropriate for further action to overcome any difficulties encountered in the rescue and relief of war refugees.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Jan. 22, 1944.

[F. R. Doc. 44-1274; Filed, January 24, 1944; 2:40 p. m.]

EXECUTIVE ORDER 9416

AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION OF AND OPERATE THE PLANTS OF YORK SAFE & LOCK COMPANY, YORK COUNTY, PENNSYLVANIA

WHEREAS York Safe & Lock Company has entered into contracts with the War Department and the Navy Department for the manufacture of war materials essential to the prosecution of the

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration (Sugar Regulations)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE WAGES FOR PUERTO RICAN SUGARCANE WORKERS

Determination of fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1944.

Pursuant to the provisions of subsection (b) of section 301 of the Sugar Act of 1937, as amended, and Executive Order 9322,[1] issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.441 ***Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1944.*** The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1944, if all persons employed on the farm during that period in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Day rates.* The day rate for the first eight hours of work performed in any 24-hour period (except for ditch diggers, ditch cleaners, or field flooders in class E, when the applicable day rate shall be for the first 7 hours of work performed in any 24-hour period) shall be as follows:

Class of work	Farms other than Interior farms	Interior farms[1]
A. All kinds of work not classified below	$1.50	$1.40
B. Tractor operators	2.35	2.20
NON-HARVEST OPERATIONS		
C. Cartmen in cultivation work	1.60	1.50
D. Plow steermen and operators of irrigation pumps	1.80	1.65
E. Ditch diggers, ditch cleaners, field flooders (per 7-hour day)[2]	1.80	1.65
HARVEST OPERATIONS		
F. Cartmen in harvest work	2.00	1.80
G. Sugarcane cutters (for grinding or planting), seed cutters, crane operators, dumpers	1.80	1.65
H. Portable track handlers, railroad or portable track car loaders	2.00	2.00
I. Cane cart or truck loaders	1.90	1.90

[1] Interior farms shall be deemed to be those farms the sugarcane from which is marketed (or processed) at mills located in the mountain sections and whose 1938 production did not exceed 3,000 short tons of sugar, raw value.

[2] Field flooders shall be deemed to be workers who set up or remove banks in drainage ditches when used for flooding cane fields.

(b) *Hourly rates.* Persons working less than 8 hours (or 7 hours under Class E) in any 24-hour period shall be paid the hourly equivalent of the day rates provided in paragraph (a).

(c) *Overtime.* Persons employed for more than 8 hours (or 7 hours under Class E) in any 24-hour period shall be paid for the overtime at a rate double the hourly equivalent of the day rates provided in paragraph (a).

(d) *Piece rates.* If work is performed on a piece rate basis the earnings per day or per hour shall be not less than those specified under paragraph (a), (b), or (c) above, whichever is applicable.

(e) *Wage increases.* For each fortnight of the period covered by this determination the wage rates shall be increased in accordance with the applicable scale set forth below, whenever the average price of raw sugar, duty paid basis, determined in accordance with the prevailing method used between processors and growers for the computation of the price of sugarcane, is more than $3.865 per hundred pounds, for any such fortnight.

Fortnightly average price of sugar		Increase per day over rates prescribed under paragraph (a) (cents per day)
More than—	But not more than—	
$3.74	$3.865	00
$3.865	$4.115	10
$4.115	$4.365	21
$4.365	$4.615	32
$4.615	$4.865	43

The above increases shall also be applied to the daily earnings of workers employed on a piece rate basis. Increases for part of a day's work on a time or piece rate basis shall be paid in proportion.

(f) *General provisions.* (1) If the producer and laborer agree upon a wage rate for any class of work higher than that prescribed herein, payment in full of the agreed upon rate must be made to qualify the producer for payment.

(2) The producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a dwelling, garden plot, pasture lot, and medical services.

(3) The producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 24th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1296; Filed, January 25, 1944; 11:24 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 75, Amdt. 10]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F.R. 11119, 14508, 15684, 15772, 16353, 16587, 16675, 16887, 17290, 9 F.R. 51), § 1410.15, issued under authority of the War Food Administrator on August 9, 1943, is further amended by striking the figure "300" following "200 to" and preceding "pounds" in the first sentence of subparagraph (1) (1) and inserting in lieu thereof the figure "330".

This order shall become effective at 12:01 a. m., e. w. t., January 27, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 24th day of January 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1295; Filed, January 25, 1944; 11:24 a. m.]

[FDO 81-1]

PART 1440—ESSENTIAL OILS

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by Food Distribution Order No. 81 (8 F.R. 12525), issued by the War Food Administrator on September 10, 1943, as amended, and in order to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1440.2 *Delegation of authority*—(a) *Definitions.* The definitions contained in Food Distribution Order No. 81, as amended, shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 81, as amended; and, when used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "order" means Food Distribution Order No. 81 (8 F.R. 12525), issued by the War Food Administrator on September 10, 1943, as amended.

(2) The term "Order Administrator" means the person designated by the Director to serve as the Order Administrator or as the alternate for the Order Administrator.

(b) *Authority delegated.* (1) The Order Administrator may prescribe for any applicant a use quota, if the quota prescribed does not exceed 100 pounds per calendar quarter, in accordance with the provisions of § 1440.1 (b) (1) of the order. Any such use quota prescribed by the Order Administrator shall, considering the relative essentiality of the product in which the oil of peppermint is to be used, be such as the Order Administrator deems to be necessary or appropriate in the public interest and to promote the national defense. The Order Administrator is not, however, authorized to reduce or rescind a quota previously prescribed by him, but the Order Administrator may, if he deems such to be necessary or appropriate in the public interest and to promote the national defense, increase any quota previously prescribed, if the quota as thus increased does not exceed 100 pounds per calendar quarter.

(2) The Order Administrator may prescribe use quotas, in accordance with the provisions of § 1440.1 (b) (2) of the order, if each such quota is approved by the War Production Board: *Provided,* That the aggregate amount of oil of peppermint thus allocated by the Order

Administrator, in accordance with § 1440.1 (b) (2) of the order, shall not exceed 200,000 pounds per year.

(3) The Order Administrator may, in accordance with the provisions of § 1440.1 (k) of the order, refuse to approve any petition for relief from hardship, but such Order Administrator may approve any such petition only in the event it is approved for not more than 50 pounds of oil of peppermint per calendar quarter.

(c) *Retention of authority by the Director.* Nothing herein contained shall be construed to abrogate any powers or authority vested in the Director by the order.

(d) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., January 20, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 81, as amended, 8 F.R. 12525, 9 F.R. 152)

Issued this 22d day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1214; Filed, January 22, 1944; 3:52 p. m.]

[FDO 53, Amdt. 2]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DISTRIBUTION OF ANIMAL OIL, NEAT'S-FOOT OIL, AND RED OIL

Food Distribution Order 53, as amended (8 F.R. 7003; 13447), § 1460.15, is amended to read as follows:

§ 1460.15 *Animal oil, neat's-foot oil, and red oil; restrictions on use and distribution*—(a) *Definitions.* (1) The term "animal oil" means oil pressed or otherwise separated from animal tallow or grease. It shall include, but is not limited to, grease oil, otherwise known as lard oil, tallow oil, and oil obtained from the feet of swine, commonly known as pig's foot oil. However, the term shall not include the following:

(i) Neat's-foot oil, or

(ii) Any edible oil, whether or not of the type or class heretofore mentioned, which has been inspected, and marked, stamped, tagged, or labeled as "inspected and passed", pursuant to the Act of March 4, 1907 (34 Stat. 1260; 1261; 21 U. S. C. 1940 ed. 71 et seq.), or

(iii) The high titer residue, commonly known as stearine, obtained from a pressing operation in the production of animal oil.

(2) The term "neat's-foot oil" means any oil obtained by any process which includes the rendering of the feet or shin bones of cattle and which may, or may not, include a pressing operation.

(3) The term "saponified red oil" means the lower titer fatty acids, commonly known as commercial oleic acid, obtained by any process which includes the splitting of animal fat and a subsequent separation by pressing, or otherwise, of such lower titer fatty acids from the higher titer fatty acids, and which have not been distilled either prior to, or after, separation from the higher titer fatty acids.

(4) The term "distilled red oil" means the lower titer fatty acids, commonly known as commercial oleic acid, obtained by any process which includes the splitting of animal fat and a subsequent separation by pressing, or otherwise, of such lower titer fatty acids from the higher titer fatty acids, and which have been distilled either prior to, or after, separation from the higher titer fatty acids.

(5) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(6) The term "producer" means any person engaged in the production of animal oil, neat's-foot oil, saponified red oil, or distilled red oil.

(7) The term "distributor" means any person who has purchased or hereafter purchases animal oil, neat's-foot oil, saponified red oil, or distilled red oil for purposes of resale.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(9) The term "certified order" means any written order delivered to a producer or distributor for saponified red oil which has included therein, or attached thereto, a certificate properly filled out and executed in accordance with the provisions of (g) (1) hereof.

(10) The term "inventory", for the purposes of (e) (1), (2), and (3) hereof, means the quantity of animal oil owned by any person and which is on his premises, in storage facilities used by him, or in transit to him.

(11) The term "maximum unit", for the purposes of (e) (3) hereof, means, with respect to any person, the largest, single, segregate, commercial quantity of animal oil which such person accepted delivery of during the period beginning on July 1, 1943, and ending on December 31, 1943. For example, such a unit might be one, but not more than one, of the following: a tank car, or fraction thereof; a tank truck, or fraction thereof; a carload, or fraction thereof, of packaged oil; or a truck load, or fraction therebf, of packaged oil.

(b) *Restrictions on delivery, use, processing, and blending of animal oil, neat's-foot oil, and distilled red oil.* Subject to the provisions of (c) and (d) hereof, no person shall deliver, accept delivery of, use, process, or blend animal oil, neat's-foot oil, or distilled red oil, except as specifically authorized by the Director.

(c) *Exceptions.* (1) Notwithstanding the provisions of (b) hereof, specific authorization by the Director shall not be required with respect to the delivery to any one person during any one calendar month, and acceptance of delivery, use, processing, or blending by any one person in any one calendar month of 450 pounds, or less, of animal oil, 450 pounds, or less, of neat's-foot oil, and 450 pounds, or less, of distilled red oil: *Provided, however,* That no producer shall deliver any animal oil, neat's-foot oil, or distilled red oil pursuant to this paragraph (c) (1), in any calendar month, unless specifically authorized by the Director to so deliver a specific maximum quantity of animal oil, neat's-foot oil, or distilled red oil in such month; and no producer shall deliver in any calendar month animal oil, neat's-foot oil, or distilled red oil pursuant to this paragraph (c) (1) in a total amount in excess of the maximum amount authorized by the Director.

(2) Every person accepting delivery of animal oil, neat's-foot oil, or distilled red oil for the purpose of manufacturing any other product, without regard to whether such oil is incorporated in such product; or for the purpose of resale; pursuant to the provisions of (c) (1) hereof, shall fill out and file with his supplier a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, and to _____ (supplier) _____ that the delivery of _____ pounds of _____ oil to him by said supplier, in connection with which this certificate is furnished, in _____ (month) 194__, will not, together with all other animal oil, neat's-foot oil, and distilled red oil delivered or to be delivered to him in such month, exceed the amount which he is entitled to accept delivery of under (c) (1) of Food Distribution Order 53, as amended.

_____
(Deliveree)

By _____
(Authorized official)

_____
Date

Such certificate shall be signed by an authorized official of the deliveree. The receipt of such certificate shall not authorize the delivery of animal oil, neat's-foot oil, and distilled red oil by any person who knows or has reason to believe the same to be false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate.

(d) *Temporary suspension of (b) and (c) with respect to animal oil.* The restrictions and provisions of (b) and (c) hereof, shall not apply to the delivery, acceptance of delivery, use, processing, or blending of animal oil by any person, when such delivery, acceptance of delivery, use, processing, or blending occurs during the period beginning on October 1, 1943 and ending on March 31, 1944.

(e) *Inventory limitations with respect to animal oil.* (1) No person, other than a producer or distributor, shall, after January 1, 1944, accept delivery of any animal oil which will cause his inventory of animal oil to exceed a quantity equal to 60,000 pounds, or the aggregate amount of animal oil used, processed, or blended, by him during any two consecutive calendar months in the period beginning on July 1, 1943, and ending on December 31, 1943, whichever is greater. In computing the aggregate amount of animal oil used, processed, or blended by any person in any two consecutive calendar months in the period beginning on July 1, 1943, and ending on December 31, 1943, the same oil shall not be counted more than once.

(2) No distributor shall accept delivery of any animal oil, after January 1, 1944, which will cause his inventory of animal oil to exceed a quantity equal to ⅓ of the amount of animal oil which he accepted delivery of during the period beginning on July 1, 1943, and ending on December 31, 1943.

(3) Notwithstanding the provisions of (e) (1) and (2) hereof, any person restricted by the provisions of said (e) (1), or any distributor, may accept delivery of a quantity of animal oil equal to his maximum unit, if, at the time of such acceptance of delivery, his inventory does not exceed 50% of the quantity he is permitted to have in his inventory under the applicable provisions of (e) (1) and (2) hereof.

(f) *Saponified red oil set aside.* On the first day of each calendar month, every producer shall set aside and hold for delivery pursuant to specific authorizations by the Director, a quantity of saponified red oil equal to ⅓ of the total saponified red oil produced by him in the preceding calendar month. Any saponified red oil required to be set aside hereunder on the first day of any month and the delivery of which is not specifically authorized by the Director prior to the first day of the succeeding calendar month, shall be released from the restrictions of this paragraph on the first day of such succeeding calendar month.

(g) *Orders for saponified red oil which is not to be used for the production of liquid, industrial laundry, or household laundry soap given preference.* (1) Every person, except a distributor, who desires to obtain saponified red oil from a producer or distributor for any purpose other than the production of liquid, industrial laundry, or household laundry soap, shall, prior to the delivery of the saponified red oil to him, deliver to such producer or distributor a written order for such saponified red oil, which has attached thereto, or included therein, a certificate properly filled out and signed by him, in the following form:

The undersigned hereby certifies to the War Food Administration and to _____ (supplier) _____, that this certificate constitutes a part of an order by him to said supplier for _____ pounds of saponified red oil to be delivered on or about _____ (date) _____, and that none of the saponified red oil which may be received by the undersigned pursuant to such order will be used by him in the production of liquid, industrial laundry, or household laundry soap.

_____
(Purchaser)

By _____
(Authorized official)

_____
Date

No person who receives saponified red oil as a result of such a certified order shall use any of the saponified red oil so received in the production of liquid, industrial laundry, or household laundry soap.

(2) No producer or distributor shall deliver saponified red oil to any person, other than a distributor, in any calendar month, except pursuant to a specific authorization by the Director or a certified order, unless and until he has delivered, offered to deliver, or made provision to deliver all saponified red oil which is ordered from him by means of certified orders which are received by him at any time before the 16th day of such calendar month, and if subject to (f) hereof, has set aside the amount of saponified red oil required thereunder.

(h) *Further allocations.* The Director is authorized at any time to issue orders allocating fats and oils and facilities to the production of particular kinds or grades of animal oil, neat's-foot oil, or red oil.

(i) *Issuance of specific authorizations.* (1) Insofar as practicable, the Director will issue authorizations pursuant to the provisions of this order with respect to delivery, acceptance of delivery, use, processing, or blending in each calendar month prior to the commencement of such month. Each person requiring an authorization to accept delivery of, use, process, or blend animal oil, neat's-foot oil, or distilled red oil, during any calendar month, including a person seeking authorization to accept delivery of animal oil, neat's-foot oil, or distilled red oil for resale, or a producer seeking authorization to make delivery of animal oil, neat's-foot oil, or distilled red oil pursuant to (c) (1) hereof, shall file an application therefor, on or before the 15th day of the preceding calendar month. Separate applications shall be made for each kind of oil on Form FDA 478 (and on Form FDA 477 when it is desired to accept delivery of animal oil, neat's-foot oil, or distilled red oil from another person), or such other form or forms as may be prescribed by the Director. The applications shall be forwarded to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53. In each case where the application for authorization to accept delivery of, use, process, blend, or deliver pursuant to (c) (1) hereof, is granted, one copy of Form FDA 478, or such other form as may be prescribed by the Director, signed by the Director, will be returned to the applicant and will constitute his authorization to accept delivery of, use, process, blend, or make delivery pursuant to (c) (1) hereof. Where application to accept delivery from another person is granted, one copy of Form FDA 477, signed by the Director, will be sent to the supplier and will constitute the authorization for the supplier to make delivery.

(2) The Director may prescribe in each authorization issued pursuant to this order, the period of time in which the authorization shall be effective. No person shall take any action pursuant to, or in reliance on, an authorization which has expired.

(3) Animal oil, neat's-foot oil, or distilled red oil authorized by the Director to be used for a specific purpose during a specific period shall revert to inventories where and to the extent that such oils are not used during the specific period for the specific purpose designated in the authorization. Furthermore, any animal oil, neat's-foot oil, or distilled red oil which the Director has authorized to be delivered, accepted for delivery, or used for the purpose of building up inventories, or which has reverted to inventories under the terms of this order, shall not thereafter be delivered, accepted for delivery, processed, blended or otherwise used, except in accordance with the provisions of this order.

(j) *Records and reports.* (1) Every producer or distributor of animal oil, neat's-foot oil, or distilled or saponified red oil, shall fill out and file with the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53, one copy of Form FDA 476, with respect to such oils, between the 1st and 15th day of each calendar month.

(2) Every person subject to this order shall, for at least two years (or for such periods of time as the Director may designate), maintain an accurate record of his transactions in animal oil, neat's-foot oil, distilled red oil, and saponified red oil, and retain all certificates and certified orders received pursuant to (c) (2) or (g) (1) hereof.

(3) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(k) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of animal oil, neat's-foot oil, distilled red oil, or saponified red oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control. However, nothing in this paragraph shall be construed as restricting a person's intra-company movement of any animal oil, neat's-foot oil, or distilled red oil which the Director has specifically authorized such person to use, process, or blend.

(l) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of animal oil, neat's-foot oil, distilled red oil, or saponified red oil, of any person, and to make such investigations, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order.

(m) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53. Such petition shall set forth all

pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(n) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any delivery of, or using animal oil, neat's-foot oil, distilled red oil, or saponified red oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person may be prohibited from receiving, making any delivery of, or using material subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(o) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director and may be redelegated by him to any employee of the United States Department of Agriculture.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 53.

(q) *Territorial extent.* This order shall apply in the United States, its territories and possessions, and the District of Columbia.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t. February 1, 1944. However, with respect to violations of said Food Distribution Order 53, as amended, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 53, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 21st day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1208; Filed, January 22, 1944; 3:10 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[General License 84]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXEMPTION OF CERTAIN UNITED STATES SECURITIES

JANUARY 25, 1944.

General License No. 84, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 84 is hereby amended to read as follows:

§ 131.84 *General License No. 84—(a) Exemption of certain United States securities from General Ruling No. 5.* A general license is hereby granted exempting from the provisions of General Ruling No. 5 the following securities:

(1) United States Defense and War Savings Stamps and Bonds of all series and designations;

(2) All other securities issued on or after December 7, 1941, which are direct obligations of the United States, including, but not limited to, bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such securities.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-1285; Filed, January 25, 1944; 11:10 a. m.]

[Public Circ. 24]

APPENDIX B—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

ELIMINATION OF CORSICA FROM DEFINITION OF "ENEMY TERRITORY"

JANUARY 25, 1944.

Public Circular No. 24, under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Elimination of Corsica from definition of "enemy territory" in General Ruling No. 11. Reference is made to General Ruling No. 11, as amended, and to the definition of "enemy territory" in paragraph (4) (b) thereof.

Corsica shall no longer be deemed to be "enemy territory" within the meaning of that definition. Attention is directed, however, to the fact that Corsica continues to be territory of a blocked country.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-1284; Filed, January 25, 1944; 11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310 as Amended Jan. 24, 1944]

HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.196 *General Conservation Order M-310—(a) General definitions.* (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 100 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or any foreign government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or any extension or renewal thereof: *Provided*, That orders for U. S. Army or Marine Corps Post Exchanges or for U. S. Navy Ship's Service Departments shall not be deemed military orders within the terms of this definition, except orders by the U. S. Navy Ship's Service Departments and War Shipping Administration Training Organization Ship's Service Department for cut sole leather for repair purposes which are endorsed as provided in Priorities Regulation No. 17.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) "Scrap leather" means small leather pieces which are unavoidably produced from processing or cutting operations, but in no case shall include bellies or shoulders.

NOTE: Subparagraph (9), formerly (8), redesignated Jan. 24, 1944.

(9) All trade terms shall have their usual trade significance unless otherwise specified.

(b) *Provisions applying to all hides, skins and leather.* (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the War Production Board relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the War Production Board deemed necessary in order to fill military or designated civilian requirements.

(3) No person shall commercially incorporate any leather or rawhide into any product except as permitted by Schedule A at the end of this order, and no person shall sell any leather or rawhide unless the same is to be incorporated into a product permitted by Schedule A. This restriction shall not, however, apply to products manufactured:

(i) To fill military orders;

(ii) From vegetable tanned cattlehide flesh splits under 3½ ounces;

(iii) From scrap leather, *Provided*, That any tanner selling any such scrap leather shall report his sales on his monthly form prescribed in paragraph (k);

(iv) Under specific authorization in writing by the War Production Board. Any person may request such authorization by letter on his own behalf or on behalf of his customers, stating the proposed uses of the leather and the quantity, quality, weight and type involved.

(4) Notwithstanding the provisions of any priorities or other regulations of the War Production Board, no preference rating shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders; or

(ii) When specifically authorized in writing by the War Production Board pursuant to this subparagraph (b) (4), (ii).

(5) In making sales or deliveries of hides, skins or leather, including sole leather cut stock, no person shall make discriminatory cuts in quality or quantity between customers who meet such person's established prices, terms and credit requirements, or between customers and his own consumption of said materials.

(c) *Untanned cattlehides, calfskins and kips—(1) Definition.* "Cattlehide", "calfskin" and "kip" mean the hide or skin of a bull, steer, cow or buffalo, foreign or domestic (excluding slunks).

(2) No tanner shall put into process, and no contractor shall cause to be put into process, any cattlehide, calfskin or kip in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, or portion thereof, other than splits and glue stock, except to the extent that the purchaser is specifically authorized by the War Production Board on Form WPB-1323 or Form WPB-3507. Applications may be made on Form WPB-1325 (formerly PD-569) for the purchase of domestic cattlehides, and on Form WPB-1322 (formerly PD-569-a) for the purchase of domestic calfskins and kips: *Provided*, That the following may be made without such authorization:

(i) Transactions between collectors and between producers and collectors for purposes of resale;

(ii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner of less than 100 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the War Production Board, so far as is practicable, to grant authorizations so that:

(i) The contractor or tanner may obtain cattlehides, calfskins, or kips in the proportions that the wettings in 1942 of the contractor or tanner, respectively, of cattlehides, calfskins, or kips, computed separately, bore to all wettings thereof in that year by all contractors and tanners; and

(ii) The contractor shall contract with the same tanners as in 1942 and shall divide his contracts between them in the same proportions as in 1942.

(5) No producer or collector shall cut off bellies or shoulders of untanned cattlehides, except for a purchaser specifically authorized in writing by the War Production Board to purchase hides with portions cut off.

(6) [Deleted Jan. 24, 1944.]

(d) *Cattlehides, calfskins and kips, and leather therefrom—(1) Definition.* "Cattlehide, calfskin, or kip leather" means leather produced from such hides or skins, whether grain or split, including rawhide and leather produced from slunks.

(2) No tanner shall produce any bag, case, or strap leather from cattlehides of qualities meeting Federal Specifications KK-L-151a, KK-L-166 or KK-L-271a, unless the hides are split in a manner to yield:

(i) Grains of the weights required to meet his unfilled military orders; or

(ii) Grains of the maximum weights obtainable: *Provided*, That this restriction shall not require the production of grains in excess of 8 oz.

(3) No tanner shall produce any harness leather in any color other than russet, except to fill military orders.

(4) Unless otherwise specifically ordered in writing by the War Production Board, no person shall curry or finish the following leathers and no manufacturer shall use the same, either before or after such currying or finishing, except in accordance with the following requirements:

(i) Rough sole leather shall be finished as sole leather (which thereupon becomes subject to paragraph (e) hereof) except that rough sole leather 12 iron and up may be curried and used for round belting;

(ii) Rough belting butts or butt bends shall be curried and thereafter used only for transmission belts, hydraulic, packing, mechanical and textile leathers, or fillet leather: *Provided*, That this restriction shall not apply to straightenings cut from the portion of the belting butt or butt bend beginning at the edge from which the belly was removed, if the straightening is less than two inches in width at the widest point;

(iii) Rough shoulders cut from sole leather hides if not finished for sole leather, and rough shoulders cut from any belting butts, shall be curried and used only for welting, hydraulic, packing, mechanical and textile leathers, except that double rough shoulders 11 iron and up may be curried and used for round belting.

(5) Vegetable tanned sole leather shall be processed so as to meet the requirements of Federal Specification KK-L-261B, including any emergency alternate specifications or amendments thereto.

(6) Bellies cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(7) Shoulders cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in a line running perpendicular to line of back-

bone at a point within the limits of the break in the forefiank.

(8) No tanner, currier, finisher, jobber or dealer shall accept any order for cattlehide leather in the form of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap or upholstery leather, rated or otherwise, or transfer any such leather to his own fabricating plant, unless such order or the request for such transfer states the specific end use of such leather.

(9) Except upon specific authorization of the War Production Board in writing, no tanner shall process any cattlehides to make grain garment leather.

(10) [Deleted Jan. 24, 1944.]

(11) [Deleted Jan. 24, 1944.]

(e) *Sole leather and sole leather cut stock*—(1) *Definitions.* (i) "Military quality outersole" means a bend sole of good fiber of a grade not lower than No. 1 scratch grade, and of a substance 8½ iron to 11 iron, inclusive.

(ii) "Military quality innersole" means a sole of 5½ to 7 iron, inclusive, first quality full grain leather, of a quality and fiber adapted to the purpose.

(iii) "Military quality strip" means a strip 8½ iron to 13 iron, inclusive, and "military quality tap" means a tap of 9 iron to 14 iron, inclusive, both cut from sole leather bends, commercially described as finders' leather, and a good fiber of a grade not lower than No. 1 scratch.

(iv) "Butt piece" means a piece cut from the butt portion of a sole leather bend by a straight cut perdendicular to line of backbone not more than three inches from root of tail.

(v) "Bend piece" means the portion of a finders' bend remaining after a butt piece has been removed and after a belly slab has been removed from the belly edge of the bend by cutting in a line running from shoulder to butt, approximately parallel to the backbone, and not less than thirteen inches therefrom at any point.

(vi) "Cutter for the repair trade" means a sole leather cutter who is equipped to cut repair taps, and who during the year ending July 31, 1942, cut repair taps as a regular part of his business.

(2) Every tanner and contractor shall set aside each month for cutting as required by paragraph (e) (4) 20% of the quantity of manufacturers' bends, produced by him for his own account, or produced for his account by others, or such other percentage as may be fixed by the War Production Board in writing from time to time. Such bends are hereinafter referred to as "manufacturers'-bends-for-repair", and the weight and the quality of the bends set aside shall be equal, as nearly as possible, to those of the manufacturers' bends not so set aside. No manufacturers'-bends-for-repair shall be sold to any finder or shoe repairer as a whole bend.

(3) No person shall cut military quality outersoles or innersoles, except on patterns to fit the United States Munson last in sizes and widths to fit the sizes of shoes specified in military orders, or on other patterns approved or in sizes prescribed by the War Production Board from time to time.

(4) Except as otherwise specifically authorized in writing by the War Production Board, sole leather whole-stock shall be cut and the resulting cut stock disposed of only in accordance with the provisions of Schedule B hereof, and no military quality cut stock produced in accordance with such schedule shall be sold, delivered or used except to fill military orders.

(5) No person except a shoe-repairer repairing shoes for the general public or any person repairing his own shoes shall hereafter use any non-military quality repair stock (except as provided in Block IIIB of Schedule B hereof) cut from finders' bends, from manufacturers' bends-for-repair or from parts of such bends.

(f) *Horsehides*—(1) *Definitions.* (i) "Horsehide" means the hide or skin of a horse, colt, mule, ass or pony, except dry pony hides to be processed for furs.

(ii) "Horsehide front", "horsehide butt" and "horsehide shank" mean those horsehide parts commercially so known whether or not attached to other parts of the horsehide.

(2) No tanner shall put into process, and no converter shall cause to be put into process, any horsehide fronts, butts or shanks in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No tanner shall put into process, or continue to process, any horsehide front, except into leather meeting military specifications in force at the time, unless such horsehide is not capable of being so processed.

(4) No person shall sell, deliver, accept delivery of or commercially incorporate into any product any horsehide front leather meeting any military specification, except for unfilled military orders.

(g) [Deleted September 20, 1943]

(h) *Goatskins and cabrettas*—(1) *Definitions.* (i) "Goatskin" means the skin of a goat or leather made from such skin, including kidskin, but excluding India tanned goatskin, and domestic angora goatskin.

(ii) "Cabretta" means the skin of a hair sheep or leather made from such skin.

(iii) "India tanned goatskin" means an imported goatskin tanned in Asia.

(2) No tanner shall put into process in the respective three months' period, commencing May 1, 1943, and on the first days of each August, November, February and May thereafter, more than 220% of his average monthly wettings of raw goatskins and cabrettas in 1941, (which average shall be known as "basic monthly wettings"), or more than such other percentages for such periods as may be fixed in writing by the War Production Board from time to time, with respect to any or all skins referred to in subparagraph (1) (i) and (ii) above: *Provided*, That kidskins and Calcutta Smalls purchased separately and described as such in Government purchase contracts dated later than August 1, 1943, may be put into process in addition to the percentages specified in this paragraph.

(3) [Deleted Jan. 24, 1944]

(4) The restrictions of paragraph (h) (2) shall not apply to persons who put into process less than 200 domestic goatskins in any calendar month and who process no foreign goatskins.

(5) No tanner shall sell or deliver goatskin garment leather for other than military purposes, except leather failing to meet military specifications: *Provided*, That such failure has resulted unavoidably in the course of producing military leather; *Provided further*, That such leather permitted hereby to be sold or delivered for other than military purposes may not exceed 12½% of his production of military goatskin garment leather subsequent to the date of this order.

(6) [Deleted Jan. 24, 1944]

(i) *Deerskins*—(1) *Definition.* "Deerskin" means the skin of any domestic, Canadian or New Zealand deer, except elk, moose, caribou skins, and Alaska deerskins.

(2) No person shall process any deerskin or deerskin leather, except:

(i) To produce suitable leather meeting United States Quartermaster Corps Tentative Specifications CQD-105, as amended from time to time, in all respects except as to country of origin; or

(ii) To fill a specific military order.

(3) No person shall sell or deliver any deerskin leather, or incorporate or manufacture any deerskin leather into any product, except to fill a specific military order.

(4) *Exceptions.* The restrictions of the preceding paragraphs (2) and (3) shall not apply to:

(i) Any deerskin or deerskin leather which does not meet and cannot be made to meet the specification referred to in subparagraph (2) (i) above: *Provided*, That deviations from the specification as to color or country of origin shall not be considered cause for this exception within the meaning of this provision;

(ii) Deerskin leather rejected in writing by the United States Army Quartermaster Depot, Chicago, Illinois;

(iii) [Deleted Jan. 24, 1944]

(iv) Any person who at no time puts into process, splits, shaves, skives, sells, delivers or uses more than 25 deerskins during any calendar month beginning with March 1943, or causes more than 25 deerskins to be processed, split, shaved, skived, sold, delivered or used for his account during any such month.

(v) A skin taken off a deer after September 20, 1943 and owned by the person causing it to be processed or incorporated into a product for his personal use or for a gift.

(j) *Effect on prior orders.* Authorizations to buy hides issued prior to June 23, 1943, under Conservation Order M-194, shall continue in effect until the expiration date therein provided or until expressly revoked.

Authorizations and directions issued and appeals granted prior to June 23, 1943, under the following orders, shall continue in effect until the expiration date therein provided or until expressly revoked:

General Preference Order M-80
General Conservation Order M-94
Conservation Order M-114
General Conservation Order M-141
Conservation Order M-273
General Preference Order M-301

(k) *Reports.* Every person described below shall, on or before the 10th day of each month execute and file reports with the War Production Board, as directed on the respective forms mentioned below:

NOTE: List amended Jan. 24, 1944.

Producers or collectors of more than 500 cattlehides per month (when requested by the Leather and Shoe Branch) ---------- WPB-1321
formerly PD-569C

Producers or collectors of more than 200 calfskins per month (when requested by the Leather and Shoe Branch) ---------- WPB-1324
formerly PD-569D

Tanners and converters of cattlehides ---------- WPB-1325
formerly PD-569

Tanners and converters of calfskins and kips ---------- WPB-1322
formerly PD-569A
and WPB-2256
formerly PD-778

Tanners and converters of cattlehide side upper leather ---------- WPB-2211
formerly PD-770

Tanners, converters, curriers, finishers, jobbers and dealers of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap, and upholstery leather ---------- WPB-2177
formerly PD-772

Tanners and converters of sole leather ---------- WPB-1304
formerly PD-569B

Tanners and converters of horsehides ---------- WPB-1001
formerly PD-475

Tanners and converters of shearlings ---------- WPB-894
formerly PD-421

Tanners and converters of goatskins, kidskins, cabretta, or India tanned goatskins ---------- WPB-1437
formerly PD-573

Sole cutters ---------- WPB-1303
formerly PD-569A

Non-sole cutting shoe manufacturers ---------- WPB-2209
formerly PD-569C

Finishers and converters of cattlehide splits ---------- WPB-2351

Tanners and converters of glove and garment cattlehide grain leather ---------- WPB-1795

Failure to file any report shall constitute a violation of this order.

(l) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref. M-310.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 24th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: "Sheaths for industrial knives," "heavy duty work belts," and "linemen's belts" deleted January 24, 1944. These items are now included under "other products."

	Cattlehide, calfskin and kip leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	Horsehide shank or non-military quality horsehide front leather may be incorporated in any product marked "Permitted" in this column	Goatskin leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	All other leather may be incorporated in any product marked "Permitted" in this column
Footwear	Permitted except harness leather.	Permitted	Permitted	Permitted.
Transmission belts	Permitted	Not permitted	Not permitted	Permitted.
Hydraulic, packing and mechanical leather products.	Permitted	Not permitted	Not permitted	Permitted.
Leather products for textile equipment	Permitted	Not permitted	Not permitted	Permitted.
*Harness, horse collars, and saddlery for police, farm and industrial use, provided that lines are limited to 1 inch in width.	Permitted	Not permitted	Not permitted	Permitted.
Trusses	Permitted	Permitted	Permitted	Permitted.
Surgical supports	Permitted	Permitted	Permitted	Permitted.
Artificial limbs	Permitted	Permitted	Permitted	Permitted.
Orthopedic products including arch supports.	Permitted	Permitted	Permitted	Permitted.
Cattle and drivers' whips and quirts	Permitted	Not permitted	Not permitted	Permitted.
Laces and thongs	Permitted	Not permitted	Not permitted	Permitted.
*Cap visors for military personnel	Permitted	Not permitted	Not permitted	Permitted.
Divers' equipment	Permitted	Not permitted	Not permitted	Permitted.
Motorcycle saddles	Permitted	Not permitted	Not permitted	Permitted.
Work chaps	Permitted	Not permitted	Not permitted	Permitted.
Work gloves	Permitted	Permitted	Permitted	Permitted.
Work aprons	Permitted	Permitted	Permitted	Permitted.
Garments for heavy duty workers, made from grain leather resulting unavoidably from tanning or cutting for specific military orders, but which was rejected as not meeting military specifications.	Permitted	Permitted	Permitted	Permitted.
*Industrial safety clothing and equipment (exclusive of linesmen's belts) only to the extent essential for safety and protection in the performance of the workers' duties.	Permitted	Not permitted	Not permitted	Permitted.
Furniture leather essential for repair and maintenance of transportation equipment, office and commercial furniture.	Permitted	Permitted	Not permitted	Permitted.
Athletic goods (except golf bags)	Permitted	Not permitted	Not permitted	Permitted.
Leather puttees for peace officers, transportation and industrial workers.	Permitted	Not permitted	Not permitted	Permitted.
*Rifle scabbards, rifle slings, pistol holsters, and pistol belts, when these items are to be sold to peace officers, guards, or cowboys.	Permitted	Not permitted	Not permitted	Permitted.
*Luggage handles and attaching pieces, welts, bindings, corners, and closures, for types of luggage permitted by Schedule I of General Limitation Order L-284, but only if made from the types of leather permitted by paragraph (b) (1) (iv) of said Schedule.	Permitted	Not permitted	Not permitted	Permitted.
Rawhide hammers and hammer faces	Permitted	Not permitted	Not permitted	Permitted.
*Functional parts of musical instruments (excluding straps, cases or containers).	Permitted	Not permitted	Permitted	Permitted.
Other products	Not permitted	Not permitted	Not permitted	Permitted.

*Amended January 24, 1944.

SCHEDULE B

	Type of sole leather whole stock			
	Finders' bends	Manufacturers' bends-for-repair	Manufacturers' bends	Shoulders, bellies and shanks
Block I. Persons permitted to cut each type subject to the provisions of Blocks II and III below.	Cutter for the repair trade only, except that any sole leather cutter may cut to obtain outersoles, midsoles and toplifts only in accordance with Block IIB below.	Cutter for the repair trade only.	Any sole leather cutter.	Any sole leather cutter.
Method of cutting				
Block IIA. Except for deviation permitted in Block IIB below, each type shall be cut to yield maximum quantity of military quality cut stock shown in this block.	Bend pieces (which may not be further cut except in accordance with Block IIB).	Outersoles.....	Outersoles and innersoles.	Innersoles.
Block IIB. Each type may be cut to produce the military quality cut stock shown in this block but only— 1. So as to yield the maximum quantity of such military quality cut stock, and 2. To the extent required to meet unfilled military orders of the kinds indicated.	Strips and taps cut from bends or from bend pieces, to meet any unfilled military order. Toplifts cut from bends, bend pieces, or other bend portions, to meet any unfilled military order. Outersoles and midsoles cut from bends or from bend pieces to meet military orders under Lend-Lease Act only.	May not be cut except under Block IIA.	Midsoles, counters and toplifts, to meet any unfilled military order.	Counters and midsoles to meet any unfilled military order.
Cutting and disposition of remainder of each type (including belly slabs resulting from cutting of bend pieces from finders' bends) after military quality cut stock has been obtained as provided in Block II.				
Block IIIA. Except as permitted in Block IIIB below, remainder of each type shall be cut and disposed of only as shown in this block.	To produce repair stock, other than outersoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes. Finders' toplifts and finders' pieces from which no tap can be obtained—unrestricted. Non-military outersoles produced unavoidably in the course of cutting military outersoles—for sale only to shoe manufacturers.	To produce repair stock, other than outersoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes. Butt pieces, finders' toplifts and finders' pieces from which no tap can be obtained—unrestricted. Non-military outersoles produced unavoidably in the course of cutting military outersoles—for sale only to shoe manufacturers.	To produce cut stock for sale to and use by shoe manufacturers only. No exceptions.	Unrestricted. No exceptions.
Block IIIB. Exceptions shall be only as shown in this block.				

[F. R. Doc. 44-1248; Filed, January 24, 1944; 11:39 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Int. 1 as Amended Jan. 25, 1944]

INTERPRETATIONS OF CMP REGULATION NO. 5

The following interpretation is issued with respect to CMP Regulation 5A:

Interpretations of CMP Regulation No. 5 are not all applicable to CMP Regulation 5A. Those which are, and which are of general interest to institutions and governmental agencies, will be republished separately under CMP Regulation 5A.

Issued this 25th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1287; Filed, January 25, 1944; 11:22 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Int. 2 as Amended Jan. 26, 1944]

NON-PROFIT FIRE-FIGHTING ASSOCIATIONS

The following interpretation is issued with respect to CMP Regulation 5A:

An association or corporation, operated not for profit, organized for the purpose of fighting and controlling forest fires, and which, through its employees, is actually engaged in the activity of fighting and preventing forest fires, may use the rating assigned by CMP Regulation 5A to the activity of "fire protection" to obtain maintenance, repair and operating supplies required for such activity, but excluding all items on List A and B of Priorities Regulation No. 3.

Issued this 25th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1289; Filed, January 25, 1944; 11:22 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Int. 3]

MRO SYMBOL CANNOT BE USED TO MAKE ALLOTMENTS

The following interpretation is issued with respect to CMP Regulation 5A:

A governmental agency or an institution which is permitted to get controlled materials under paragraph (c) of CMP Regulation No. 5A for maintenance, repair and operating supplies is not entitled to use the MRO symbol for purposes of allotting controlled materials to others. For example, a governmental agency requires a spring as a repair part to be used in connection with an activity listed in Schedule I or Schedule II. It may use the MRO symbol to place an authorized controlled material order for steel which it will fabricate into the spring, but if it buys the spring from a spring manufacturer it may not make an allotment with the MRO symbol to the spring manufacturer. The spring manufacturer receives his allotment direct from the War Production Board as provided in CMP Regulation No. 1. (This interpretation is substantially similar to Interpretation No. 2 to CMP Regulation No. 5 issued April 20, 1942).

Issued this 25th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1269; Filed, January 25, 1944; 11:22 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Int. 4]

RESALE OR GIFT OF MRO MATERIAL

The following interpretation is issued with respect to CMP Regulation 5A:

A governmental agency or an institution may not use the ratings or symbol assigned by CMP Regulation No. 5A to obtain supplies which it desires to give or sell to another governmental agency or an institution or to any person. For example, a federal agency desires to purchase office supplies to be given to a state agency. The federal agency may not use CMP Regulation No. 5A to obtain such supplies because they are not operating supplies as far as its own activities are concerned.

Issued this 25th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1290; Filed, January 25, 1944; 11:22 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Int. 5]

MRO SYMBOL AND RATING CANNOT BE USED TO BUY ADDITIONS OR IMPROVEMENTS

The following interpretation is issued with respect to CMP Regulation 5A:

(a) The MRO symbol and rating assigned by CMP Regulation No. 5A for MRO (maintenance, repair and operating supplies) cannot be used by a governmental agency or institution to buy improvements or additions except to the limited extent permitted under paragraph (b) (6) relating to minor capital additions costing $100 or less.

(b) The regulation is intended to give blanket priorities assistance to governmental agencies and institutions for use in ordering products and materials which are essential to keeping the agency's or institution's existing plant and equipment in running order. Attention is called to the fact that ratings assigned by the War Production Board for MRO are, in general, two degrees higher than those assigned for new construction, additions or improvements. The assignment of higher ratings for MRO reflects the recognition by the War Production Board of the necessity for keeping existing facilities in operating condition while the necessity for additions or improvements to existing facilities must be established, pursuant to application, on the merits of each individual case. This policy should be firmly borne in mind in using the blanket priorities assistance made available by the regulation.

(c) The MRO rating cannot be used to replace machinery or equipment which can be repaired. However, where a piece of machinery or equipment is worn out beyond repair the MRO rating can be used to buy a piece of machinery or equipment of the same general type, capacity and design, to replace it. Where an agency or institution wishes to replace worn out machinery or equipment with machinery or equipment of a different type or of greater capacity or improved design it should file an application for priorities assistance on Form WPB-541 (PD-1A) or such other form as may be prescribed. Attention is called to Interpretation No. 6, which explains how use of CMP Regulation 5A is limited by Construction Order L-41. (Compare Interpretation 8 to CMP Regulation No. 5 which explains the different rule under that regulation. The two regulations prescribe different standards because the accounting practices of business and government agencies are not based on the same principles.)

Issued this 25th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1292; Filed, January 25, 1944; 11:22 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Conservation Order M-319, Interpretation 1]

USE OF SMALL ORDER EXEMPTION BY CONSUMERS SPECIFICALLY AUTHORIZED TO RECEIVE ABRASIVE GRAIN

The following interpretation is issued with respect to conservation order M-319:

A question has arisen as to whether an ultimate consumer who has been specifically authorized on Form WPB-2781 to accept delivery of abrasive grain may use the small order provisions contained in paragraph (d) (1) of Conservation Order M-319 to obtain additional grain.

If, in any period of authorization, an ultimate consumer requires more than 20,000 pounds of abrasive grain (other than abrasive optical finishing powders) or more than 4,500 pounds of such grain in any one grit size finer than 220, he must file an application on Form WPB-2781 for the total quantity of abrasive grain (other than abrasive optical finishing powders) which he requires from all sources in that period, but need not file an application for abrasive optical finishing powders unless his requirements for powders in the same period exceed 100 pounds or, in the January and February 1944 period exceed $100 worth. Similarly, in any period, an ultimate consumer may accept delivery of 20,000 pounds of abrasive grain (other than abrasive optical finishing powders), subject to the further 4,500 pound limitation, without specific authorization even though the size of his requirements for abrasive optical finishing powders necessitates the filing of an application for such powders.

An ultimate consumer may not, however, use the small order provisions of paragraph (d) (1) to obtain optical finishing powders or other abrasive grain in addition to the quantities which he has been specifically authorized to receive. For example, if he has been specifically authorized to receive 6,000 pounds of size 220 in January and February he must obtain specific authorization for all other deliveries of abrasive grain (other than abrasive optical finishing powders) which he desires to accept during the same period and may not place a "small order" for any abrasive grain except optical finishing powders.

Issued this 25th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1286; Filed, January 25, 1944; 11:22 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Int. 6]

RELATIONSHIP BETWEEN CMP REGULATION NO. 5A AND CONSERVATION ORDER L-41

The following interpretation is issued with respect to CMP Regulation 5A:

(a) Order L-41 requires War Production Board authorization before beginning any construction work except in those cases where the order expressly states that authorization is not necessary.

(b) CMP Regulation No. 5A may not be used to get materials or products for any construction work which cannot be built under L-41 without specific authorization unless the authorization specifically says that CMP Regulation No. 5 or 5A may be used.

(c) In those cases where specific War Production Board authorization is not required before beginning construction and where materials needed for construction cost no more than $100, CMP Regulation No. 5A may be used to buy materials and products needed for the construction. (This Interpretation is substantially similar to Interpretation No. 9 to CMP Regulation No. 5, issued July 29, 1943.)

Issued this 25th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1291; Filed, January 25, 1944; 11:22 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 436,[1] Amdt. 7]

CRUDE PETROLEUM, AND PETROLEUM AND NATURAL GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

Section 9 (c) is amended to read as follows:

(c) Where a contract was in effect on October 1, 1941, for the purchase of crude petroleum at the receiving tank at a price in excess of the highest posted purchase price for the given pool applicable to such production and deliveries were made prior to or within sixty days after October 1, 1941, in accordance with such contract, then the price actually charged on October 1, 1941 or on the first delivery after October 1, 1941 shall be the maximum price for the production covered by the contract.

This amendment shall become effective January 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1277; Filed, January 24, 1944; 4:17 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 307,[2] Amdt. 2]

WAXED PAPERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[*]

Maximum Price Regulation No. 307 is amended in the following respect:

In § 1347.621, Appendix G, (b) (1), the designation, footnote 11, is inserted after the words "Office of Price Administration" and footnote 11 is added to read as follows:

[11] In no event shall the raw materials cost as computed in accordance with this paragraph exceed the ceiling price in effect on December 31, 1943, as established by the Office of Price Administration for such raw materials.

This amendment shall become effective January 29, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1276; Filed, January 24, 1944; 4:17 p. m.]

[*] Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11800.

[2] 8 F.R. 1880, 2335.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 85]

TRANSPORTATION OF PETROLEUM PRODUCTS IN RATIONED AREAS

The statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 7.17 of Revised Supplementary Regulation No. 14 is added to read as follows:

SEC. 7.17 *Transportation of petroleum products in rationed areas.* (a) Carriers, other than common carriers, transporting petroleum and petroleum products as hereinafter defined, in any area where fuel oil rationing is required by the United States Government or any agency thereof, may increase their maximum rates therefor as established under the General Maximum Price Regulation, any amendment or supplementary regulation thereto or order of adjustment thereunder, in an amount not in excess of .3 of a cent for each gallon thus transported, except that the total amount charged on each lot transported shall be adjusted to the nearest cent.

(b) *Definitions as used in this section.* (1) "Petroleum and petroleum products" means fuel oil or heating oils, including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5 and 6 fuel oil, diesel oil and gas oil.

(2) "Transportation" means the delivery to consumers of petroleum and petroleum products in single lots of 260 gallons or less, when such petroleum and petroleum products are in containers, or the delivery to consumers in tank wagons.

This amendment shall become effective January 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1278; Filed, January 24, 1944; 4:18 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364,[1] Amdt. 11]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 364 is amended in the following respects:

1. Section 3 (d) (1) is amended to read as follows:

(1) *Primary wholesalers.* Primary wholesalers are wholesalers who buy frozen fish or seafood from processors and distribute it for resale from cold storage warehouses to other wholesalers or to retailer-owned cooperative and chain store warehouses. In the sale of frozen fish or seafood which has been unloaded, stored and warehoused in the regular course of his business, the primary wholesaler's mark-up is 12%. In the case of sales of goods which have not been stored and warehoused, the primary wholesaler's mark-up is 7%. In the case of sales involving delivery from the processor's cold storage warehouse to the primary wholesaler's customer, there is no mark-up.

2. Section 3 (e) is amended to read as follows:

(e) *Imported frozen fish and seafood.* The maximum price at which a wholesaler, including any agent of a foreign processor, may sell any imported frozen fish or seafood listed in section 14 shall be the base price listed in section 14 for the species and style of dressing plus or minus the differential for packaging provided for in section 13, plus the actual freight to the wholesaler's warehouse from the point at which the frozen fish enters the United States. If that freight is less than the carload rail freight rate from the shipping point in the United States closest to the processor's plant to the wholesaler's warehouse, the latter may be added in place of the actual freight. However, where frozen Atlantic Coast smelts are imported for resale in the United States, the freight from the point of shipment to the wholesaler's warehouse, not to exceed the carload rail freight rate if such rate is available, may be added. To this amount, may be added the mark-up provided for the class of sale in paragraphs (c) and (d) of section 3.

3. In the table of base prices in section 14, Schedule No. 60A is added to read as follows:

Schedule No.	Name	Item No.	Style of processing	Size	Base price per pound
Sched. 60A	Smelts, Atlantic Coast (Osmerus Mordax):				
	(a) Jumbo	1	Round	8½ in. and over	$0.25
	(b) Extra	2	Round	7 to 8½ in.	.21½
	(c) No. 1	3	Round	5½ to 7 in.	.14¼
	(d) No. 2 (medium)	4	Round	4 to 5½ in.	.08
	(e) No. 1	5	Dressed	5½ to 7 in.	.23½

This amendment shall become effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1275; Filed, January 24, 1944; 4:17 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6A,[1] Amdt. 6]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 6A is amended in the following respect:

1. Section 2.15 is added to read as follows:

SEC. 2.15 *District Office may release excess rubber footwear.* (a) Any retailer or distributor having excess rubber footwear which cannot reasonably be sold for certificates may be authorized by the District Office to transfer it nonrationed in accordance with the following provisions:

(1) For the purpose of this section "excess rubber footwear" includes only the number of pairs by which the applicant's inventory of December 5, 1942, of a particular type exceeds the combined total of the number of pairs of that type released by Amendment 10 to Ration Order 6 and Amendment 3 to Ration Order 6A plus twice the number of pairs of that type transferred by him during the period from December 5, 1942, to December 31, 1943, inclusive.

(2) Application should be made to the District Office for the area in which the establishment is registered. The application shall be in writing and contain or be accompanied by the following information for each type of rubber footwear of which an excess is claimed:

(i) Number of pairs of that type listed on applicant's inventory of December 5, 1942.

(ii) Number of pairs of that type released by Amendment 10 to Ration Order 6 and Amendment 3 to Ration Order 6A.

(iii) Number of pairs of that type transferred during the period from December 5, 1942, to December 31, 1943.

(3) The District Office, if it approves the application in whole or in part, shall indicate its approval in writing and inform the applicant of the number of pairs of each type of rubber footwear authorized to be transferred as nonrationed. The District Office shall issue to the applicant official Non-Rationed Stickers (OPA Form R-123 with the words "Non-Rationed Rubber Footwear" and the type number printed or stamped thereon) equal to the number of pairs of rubber footwear permitted to be transferred as non-rationed. The District Office (or the applicant if required by the District Office) shall write or print on each such sticker the registration number of the establishment to which it is issued.

(4) Before any of such rubber footwear may be transferred or offered for sale as non-rationed, the applicant shall attach to one boot of each pair an official non-rationed sticker supplied by the District Office. Such sticker may be affixed only to rubber footwear which was physically located at the applicant's establishment on January 25, 1944, and only to rubber footwear of the same type as that designated on the sticker. Such rubber footwear may be transferred as non-rationed by and to any person at any time thereafter.

(5) The applicant shall attach to his inventory form (OPA Form R-601A) the written approval of the District Office containing the list of the rubber footwear authorized to be transferred as non-rationed. This shall be in lieu of any reporting requirement of section 2.2 (c).

(b) The District Office may not authorize the release of any rubber footwear under this section until at least 15 days have elapsed after application is made.

(c) Each retailer or distributor may make only one application for release of excess rubber footwear, and within six months thereafter may not make application for an increased inventory of a type released, or make application to exchange certificates of other types of rubber footwear for certificates of a type released, unless the District Office, in its discretion, permits it because of some unusual condition justifying it.

This amendment shall become effective January 29, 1944.

NOTE: The reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supplementary Directive 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1297; Filed, January 25, 1944; 11:19 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended, Supp. Service Reg. 26]

BUNKER FUEL SOLD TO FOREIGN STEAMSHIP VESSELS

Supplementary Service Regulation No. 26 to Maximum Price Regulation No. 165 as amended—Services.

A statement of the considerations involved in the issuance of this Supplementary Service Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 26 is hereby issued.

§ 1499.2257 *Modification of maximum prices established by Maximum Price Regulation No. 165, as amended, for sales commissions for bunker fuel sold to foreign steamship vessels at certain ports.* The price of 15 cents per net ton is the maximum price which suppliers of bunker fuel to foreign steamship vessels may pay to any agent in the United States as a commission for services rendered in the sale of such fuel, when such fuel is supplied at ports on the Atlantic and Pacific coasts, and 20 cents per net ton at ports on the Gulf of Mexico: *Provided, however,* That such suppliers shall not increase their maximum prices under Maximum Price Regulation No. 189 to compensate them for the increase in the cost of selling such bunker fuel arising from the payment of such commission.

This Supplementary Service Regulation No. 26 (§ 1499.2257) to Maximum Price Regulation No. 165 shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1298; Filed, January 25, 1944; 11:20 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4640, 5566, 7592, 11175, 12023, 9 F.R. 183.

[1] 8 F.R. 7384, 9458, 11668, 15704.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[SO 104, Amdt. 5]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of January, A. D. 1944.

At the request of the Office of Defense Transportation and upon further consideration of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852; 8 F.R. 12100-01; 8 F.R. 17428), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852; 8 F.R. 12100-01; 8 F.R. 17428), be, and it is hereby, further amended by substituting the following paragraph (a) (1) in lieu of paragraph (a) (1) in Amendment No. 3 (8 F.R. 12100-01) of § 95.304, *Substitution of refrigerator cars,* as amended:

(a) (1) Except as provided in paragraph (a) (2) (8 F.R. 12100-01) and paragraph (g), as amended (8 F.R. 17428) of this section, any common carrier by railroad subject to the Interstate Commerce Act transporting (i) westbound shipments in carloads originating at points shown as origin points in Agent L. E. Kipp's tariffs, I. C. C. Nos. 1492 and 1493, supplements thereto or reissues thereof, destined to points in the States of California, Idaho, Arizona, Nevada, or Utah, or (ii) westbound shipments in carloads originating at points in the State of Utah and destined to points in the States of California or Nevada, shall, when freight to be transported is suitable and facilities are suitable for loading in refrigerator cars and when PFE or SFRD refrigerator cars are reasonably available, furnish and transport not more than three (3) of these refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 23, 1944; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1272; Filed, January 24, 1944; 1:27 p. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 3, Rev., Amdt. 6]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

COMMON CARRIERS OF PROPERTY

Pursuant to Executive Orders 8989, as amended, and 9156, § 501.9, General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), is hereby amended to read as follows:

§ 501.9 *Submission of plans for joint action.* Whenever joint action between two or more common carriers, or between such carriers and common carriers of property by rail or other facilities, is contemplated in order to accomplish any of the purposes of this subpart, they may formulate and submit to this Office for consideration, a plan or plans designed to accomplish such purposes by one or more of the methods described below:

(a) Alternate, stagger, or coordinate, schedules between two or more points;

(b) Suspend service in respect of shipments in less-than-truckload lots between two or more points;

(c) Reciprocally exchange shipments of property between two or more points;

(d) Pool traffic, revenues, or both, between two or more points;

(e) Jointly load for transportation or operate a motor truck or trucks between two or more points;

(f) Divert traffic, operate joint terminals or joint pick-up or delivery vehicles;

(g) Establish arrangements with other carriers for the interchange of equipment;

(h) Appoint one of their own number or any other carrier to act as its or their individual, common or joint agent, to concentrate, receive, load, forward, unload, distribute, and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as common carriers of property upon just and reasonable terms and conditions: *Provided*, That this subpart shall not be construed to authorize any common carrier or carriers to operate in any of the methods described in this section unless directed so to do by the Office of Defense Transportation or unless pursuant to a contract, agreement or combination approved by the Interstate Commerce Commission or a State regulatory body.

This Amendment 6 to General Order ODT 3, Revised, shall become effective on January 25, 1944.

(E.O. 8989, as amended, 9156; 6 F.R. 6725 and 8 F.R. 14183, 7 F.R. 3349)

Issued at Washington, D. C., this 25th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1282; Filed, January 25, 1944; 10:45 a. m.]

[Administrative Order ODT 9, Amdt. 1]

PART 503—ADMINISTRATION

MOTOR CARRIERS; RECORDS AND REPORTS

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, Administrative Order ODT 9 is hereby amended by adding a new section following § 503.251, to be designated as §503.251a, reading as follows:

§ 503.251a *Property carrying vehicles; records; fleet operators.* Notwithstanding the provisions of §§ 503.250 and 503.251 of this order:

(a) Whenever it is not reasonably practicable for any holder of a certificate covering a fleet of property carrying vehicles to keep a separate record for each vehicle in the fleet showing the information specified in paragraphs (a), (b), (c), or (e) of § 503.250 of this order, the certificate holder may keep an integrated record of such information for all vehicles in the fleet.

(b) Whenever it is not reasonably practicable for any holder of a certificate covering a fleet of property carrying vehicles to keep a record of loads transported in such vehicles, as specified in paragraph (c) of § 503.250 of this order, the certificate holder may submit to the district manager who issued the certificate a proposed method by which a reasonably accurate estimate of the loads transported can be computed, and may use such method upon approval thereof by the district manager.

(c) Whenever it is not reasonably practicable for any holder of a fleet certificate or certificates, or one or more fleet certificates and one or more single unit certificates, covering property carrying vehicles, to make entries for each week in respect of operations of such vehicles as provided in § 503.251 of this order, the certificate holder may make such entries for each month or period shorter than a month.

This Amendment 1 to Administrative Order ODT 9 shall become effective January 25, 1944.

(Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. L. 176, 50 U. S. Code §§ 631 through 645a; E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 9214, and 9294, 7 F.R. 3349, 6097, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5834; Adm. Order ODT 9, 8 F.R. 14166)

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 25th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1283; Filed, January 25, 1944; 10:46 a. m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6046]

RATES AND CHARGES BETWEEN UNITED STATES—WEST INDIES, CENTRAL AMERICA, SOUTH AMERICA

ORDER INSTITUTING INVESTIGATION

In the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America, and South America. (T-29.)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1944;

The Commission, having under consideration its report and order of June 22, 1943, herein, and having also under consideration certain information indicating that R. C. A. Communications, Inc., its employees, nominees, representatives, or other individuals who may be, directly or indirectly, subject to the control or direction of R. C. A. Communications, Inc., or affiliated interests of R. C. A. Communications, Inc., may have actively opposed, hampered, obstructed or otherwise interfered with, the effectuation of the Commission's Order of June 22, 1943, herein with respect to the establishment of new rates and charges for telegraph communication service northbound to the United States from Argentina;

It is ordered, That an investigation be, and it is hereby, instituted into the matter of the extent to which R. C. A. Communications, Inc., its employees, nominees, representatives, or other individuals directly or indirectly subject to its control or direction or the control or direction of its affiliated interests, have, by any method or means, opposed, hampered, obstructed, or otherwise interfered with, the effectuation and establishment of the Commission's order of June 22, 1943, herein with respect to the establishment of new rates and charges for telegraph communication service between the United States, on the one hand, and Argentina, Brazil, Chile, Colombia, Uruguay, Venezuela, and the Netherlands West Indies, on the other;

It is further ordered, That hearings with respect to the above matter shall be held as hereafter scheduled.

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1294; Filed, January 25, 1944; 11:24 a. m.]

[Docket No. 6046]

RATES AND CHARGES BETWEEN UNITED STATES—WEST INDIES, CENTRAL AMERICA, AND SOUTH AMERICA

ORDER SETTING DATE FOR CONSOLIDATED HEARING

In the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America, and South America. (T-29.)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1944;

The Commission having under consideration its report and order of June 22, 1943, herein (T-29), and its orders of December 28, 1943, and January 11, 1944, herein regarding telegraph communication service between the United States and Colombia, and having also under consideration the fact that rates and charges for all classes of telegraph communication service northbound from Argentina, Brazil, Chile, Colombia, Uruguay, Venezuela, and the Netherlands West Indies, in conformity with the principles decided upon in the Report and Order of June 22, 1943, herein have not been filed by any United States carrier engaged in the handling of such communication service;

It is ordered, That a further hearing be, and it is hereby, directed to be held herein with respect to the matter of rates and charges, and related practices, classifications, and regulations, for and in connection with telegraph communication service between the United States and the above-named countries;

It is further ordered, That such further hearing be, and it is hereby, consolidated with the further hearing ordered herein with respect to telegraph communication service between the United States and Colombia; and that such consolidated hearing be scheduled to begin at 10:00 a. m. on the 24th day of February 1944;

It is further ordered, That at such consolidated hearing, R. C. A. Communications, Inc., Mackay Radio and Telegraph Company, Inc., and The Western Union Telegraph Company shall appear and show cause why the Commission should not order each of them, and All America Cables and Radio, Inc., shall appear and show cause why the Commission should not require it immediately, to establish rates and charges, and related practices, classifications, and regulations, for and in connection with telegraph communication service northbound to the United States from the above-named countries, which are in conformity with the principles decided upon in the Commission's report and order of June 22, 1943, herein.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1293; Filed, January 25, 1944; 11:24 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4813]

PAUL CASE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 1, 1944, at two o'clock in the afternoon of that day (eastern standard time), in U. S. Court Room No. 4, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-1279; Filed, January 25, 1944; 10:39 a. m.]

[Docket No. 4936]

NATIONAL MERCHANDISING CO. AND MAX H. GREENBERG

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of January, A. D. 1944.

In the matter of Fred Greenberg and Rose Greenberg, individuals, trading as National Merchandising Company, and Max H. Greenberg, an individual.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 4, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 410, Federal Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-1280; Filed, January 25, 1944; 10:39 a. m.]

[Docket No. 5096]

FEDERAL MILITARY EQUIPMENT CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1944.

In the matter of Federal Military Equipment Corporation, a corporation, and Harry Drath, Max Schwartz, and Al B. Wolf, individually and as officers and directors of Federal Military Equipment Corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 9, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-1281; Filed, January 25, 1944; 10:39 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 14]

CITRUS FRUIT SHIPMENTS

ORDER TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, not later than January 17, 1944, by L. Gillardi Company of PFE 73615, oranges, now at the Chicago Produce Terminal, to Detroit, Michigan.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1259; Filed, January 24, 1944; 1:27 p. m.]

[S. O. 70-A, Special Permit 15]

POTATO SHIPMENTS

ORDER TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, January 20, 1944, by L. S. Taube Company, of cars PFE 29903, PFE 24515, PFE 61498, and FGE 32410, potatoes, now on the Union Pacific Railroad, to unknown destinations.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1260; Filed, January 24, 1944; 1:27 p. m.]

[S. O. 70-A, Special Permit 16]

POTATO SHIPMENTS

ORDER TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, January 20, 1944, by Inness Brothers, of car WFE 49169, potatoes, now on the Rock Island Railroad, to unnamed destinations.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1261; Filed, January 24, 1944; 1:27 p. m.]

[S. O. 70-A, Special Permit 17]

POTATO SHIPMENTS

ORDER TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, not later than January 22, 1944, by Cochrane Brokerage Company, of car BREX 75415, potatoes now on the Union Pacific Railroad, to unnamed destinations.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1262; Filed, January 24, 1944; 1:27 p. m.]

[S. O. 70-A, Special Permit 18]

POTATO SHIPMENTS

ORDER TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Hood River, Oregon, January 19, 1944, by J. R. Simplot Produce Company, of car TMX 1141, potatoes, on the Union Pacific Railroad, to Portland, Oregon.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of January, 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1263; Filed, January 24, 1944; 1:29 p. m.]

[S. O. 70-A, Special Permit 19]

POTATO SHIPMENTS

ORDER TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Trenton, New Jersey, not later than January 24, 1944, by Popkin Brothers, of car MDT 16679, potatoes, now on The Pennsylvania Railroad, to New Brunswick, New Jersey.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1264; Filed, January 24, 1944; 1:29 p. m.]

[S. O. 164, 3d Amended Special Permit 4]

CITRUS FRUIT SHIPMENTS

STANDARD REFRIGERATION

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to refrigerator cars loaded with straight carloads of tangerines, originating at any point or points in the State of Florida, moving to destinations in official and western classification territories and western Canada, provided, the waybills make reference to this special permit.

This permit shall become effective at 12:01 p. m., January 20, 1944, and shall expire at 12:01 a. m., February 20, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1265; Filed, January 24, 1944; 1:29 p. m.]

[S. O. 164, 2d Amended Gen. Permit 5]

CITRUS FRUIT SHIPMENTS

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a mixed shipment of tangerines and other citrus fruits originating at any point or points in the State of Florida: *Provided*, That the tangerines in the car comprise not less than fifty (50) percent of the lading: *And further provided*, That the waybills shall show reference to this general permit.

This general permit shall become effective at 12:01 p. m., January 20, 1944, and shall expire at 12:01 a. m., February 20, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1266; Filed, January 24, 1944; 1:29 p. m.]

[S. O. 164, Gen. Permit 6, Amended]

CITRUS FRUIT SHIPMENTS

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a straight carload shipment of tangerines originating at any point or points in the State of Florida moving to destinations in southeastern territory including upper Ohio River crossings *Provided*, That the waybills shall show reference to this general permit.

This general permit shall become effective at 12:01 p. m., January 20, 1944, and shall expire at 12:01 a. m., February 20, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1267; Filed, January 24, 1944; 1:29 p. m.]

[S. O. 164, Gen. Permit 9]

CITRUS FRUIT SHIPMENTS

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R., 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once in transit to full bunker capacity at any point in the States of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Kansas or Missouri, or at Memphis, Tennessee, or Jackson, Mississippi, refrigerator cars loaded with citrus fruits originating in Arizona, California and Texas. This reicing shall be in addition to the replenishing service at the first regular icing station, provided in Amended General Permit No. 8 Under Service Order No. 164.

The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., January 21, 1944, and shall expire at 12:01 a. m., March 1, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1268; Filed, January 24, 1944; 1:29 p. m.]

[S. O. 164, Special Permit 21]

CITRUS FRUIT SHIPMENTS

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Oct:

To reice in transit to full bunker capacity one (1) time only, in addition to the one reicing permitted at the first regular icing station under General Permit No. 8 Under Service Order No. 164, car PFE 74091, oranges, from Grandview Heights Citrus Association, Ultra, California, to the Jersey City Market Center, Jersey City, New Jersey, for experimental purposes, to be shipped January 19, 1944, over the Southern Pacific Company as initial carrier.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1269; Filed, January 24, 1944; 1:30 p. m.]

[S. O. 178, Special Permit 1]

LARD SHIPMENTS

USE OF REFRIGERATOR CARS FOR TRANSPORT

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 178 insofar as it applies to the movement of car GARX 9262, loaded with fresh lard by Miller and Hart, now on The Belt Railway Company of Chicago, to Louisville, Kentucky. (C&EI-L&N)

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1270; Filed, January 24, 1944; 1:30 p. m.]

[S. O. 178, Special Permit 2]

"JEWEL" COOKING OIL SHIPMENTS

USE OF REFRIGERATOR CARS FOR TRANSPORT

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of car PFE 95976 with "Jewel" cooking oil, in drums, by Swift and Company at Fort Worth, Texas, January 20 or 21, 1944, and the movement of that car from that point to Blue Hill Food Products Company, Denver, Colorado, over the Fort Worth and Denver City Railway Company and the Colorado and Southern Railway Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1271; Filed, January 24, 1944; 1:30 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 160]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Matthew Leo McKeone, an individual, doing business as Red Ball Transfer Company, of Omaha, Nebraska, and Sullivan Transfer & Storage Company, a corporation, of Lincoln, Nebraska, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–160," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1217; Filed, January 24, 1944; 9:50 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 1–2]

COMMON CARRIERS

MERCHANDISE TRAFFIC

Upon consideration of the application for authority to pool merchandise traffic, filed with this Office by Wabash Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, Union Pacific Railroad Company, and Southern Pacific Company, as contemplated by General Order ODT 1, as amended (7 F.R. 3046, 3213, 3753, 9744), and good cause appearing therefor, *It is hereby ordered*, That:

1. Wabash Railroad Company shall load and forward a merchandise car, or merchandise cars, from St. Louis, Missouri, to Los Angeles, California, and San Francisco, California, via Henrietta, Missouri, or Kansas City, Missouri, on six days of each week.

2. The routes of movement of such merchandise cars shall be alternated daily so that on three days of each week merchandise cars shall be forwarded by the Wabash Railroad Company from St. Louis, Missouri, to Los Angeles, California, and San Francisco, California, over the following routes: (a) Wabash Railroad to Henrietta, Missouri, and Atchison, Topeka and Santa Fe Railroad to Los Angeles; (b) Wabash Railroad to Kansas City, Missouri, and Union Pacific Railroad to Los Angeles; (c) Wabash Railroad to Henrietta, Missouri, and Atchison, Topeka and Santa Fe Railroad to San Francisco; and (d) Wabash Railroad to Kansas City, Missouri, Union Pacific Railroad and Southern Pacific Company to San Francisco.

3. Wabash Railroad Company shall disregard routing instructions with respect to merchandise traffic tendered to it for transportation from St. Louis, Missouri, to Los Angeles, California, or San Francisco, California, over any route shown herein when the disregarding of such routing instructions is necessary to permit the forwarding of the traffic in the first merchandise car departing from St. Louis to Los Angeles or San Francisco, as the case may be, over any route shown in paragraph 2 hereof.

This Supplementary Order ODT 1–2 shall become effective January 24, 1944.

Issued at Washington, D. C., this 20th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1304; Filed, January 25, 1944; 11:35 a. m.]

[Special Order ODT LB–15A]

COMMON CARRIERS

COORDINATED OPERATIONS IN PHOENIX, ARIZ., AREA

Pursuant to Executive Orders 8989, as amended, 9156 and 9294, the Act of May 31, 1941, as amended by Title III of the Second War Powers Act, 1942 (56 Stat. 176), and in order to assure the orderly and expeditious movement of necessary passenger traffic and to conserve and providently utilize manpower and existing transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war, and after being satisfied that the fulfilment of requirements for the defense of the United States will result in a shortage in the supply of rubber-borne transportation equipment and facilities for defense and for private account, *It is hereby ordered*, That:

1. Sun Valley Bus Lines, Inc., Menderson Bus Lines, a copartnership consisting of Albert Brygger, L. A. Tanner, F. J. Stafford, W. R. Wayland, Fred G. Holmes, Riney B. Salmon, and Irving A. Jennings, and the City of Phoenix, Phoenix, Arizona, (hereinafter called "carriers"), respectively, in the transportation of passengers in the Phoenix, Arizona, area as common carriers by bus shall coordinate their operations in the manner and form set forth in a plan for joint action filed with the Office of Defense Transportation, a copy of which plan is attached hereto as Appendix 1.[1] Such plan for joint action is hereby approved, and the carriers are directed to place it into operation forthwith, subject to the following provisions.

2. The provisions of this order shall not be so construed or applied as to require the carriers to perform any transportation service the performance of which is not authorized or sanctioned by law. In the event compliance with any terms of this order, or the effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any carrier named herein, such carrier shall forthwith apply to the appropriate regulatory body or bodies for such extension or modification of operating authority as may be requisite to compliance with the terms of this order, and the terms of this order shall be subject to the carriers possessing or obtaining such authority.

3. The carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law and continue in effect until further order tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and shall forthwith apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. As used herein, the term "bus" means any rubber-tired vehicle used on the streets, highways, or other thoroughfares in the transportation of passengers.

5. Communications concerning this order should be addressed to the Regional Director of Local Transport, Office of Defense Transportation, San Francisco, California, and should refer to "Special Order ODT LB–15A."

This order shall become effective on January 22, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier date as the Office of Defense Transportation by further order may designate.

Special Order ODT LB–15 is hereby revoked as of the effective date of this Special Order ODT LB–15A.

Issued at Washington, D. C., this 22d day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1305; Filed, January 25, 1944; 11:35 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Order 1195 Under MPR 188]

MONARCH HEATING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1195 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of garden tools manufactured by Monarch Heating Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) This Order No. 1195 establishes maximum prices for sales of three new garden tools manufactured by the Monarch Heating Company, 4661 Alger Street, Los Angeles, California.

(1) For sales by the manufacturer, the maximum prices are those set forth below, f. o. b. Los Angeles, California:

Article	To jobbers	To dealers
	Per dozen	*Per dozen*
14 tooth garden rake	$5.27	$7.16
Garden cultivator	5.19	6.92
Garden hoe	5.38	7.17

(2) For sales at wholesale, the maximum prices are those set forth below, f. o. b. seller's city:

Article:	*Maximum price (per doz.)*
14 tooth garden rake	$7.16
Garden cultivator	6.92
Garden hoe	7.17

(3) For sales at retail, the maximum prices are those set forth below:

Article:	*Maximum price (each)*
14 tooth garden rake	$0.89
Garden cultivator	.85
Garden hoe	.89

(b) To every garden tool shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price.

(c) On and after January 26, 1944, at the time of the first invoice, the manufacturer shall notify in writing each jobber and retailer, and each jobber shall notify in writing each retailer who purchase from them of the maximum prices established by this order for resales by the purchaser. This written notice may be given in any convenient form.

(d) This Order No. 1195 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 1195 shall become effective on the 26th day of January, 1944.

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1301; Filed, January 25, 1944; 11:20 a. m.]

[Order 1196 Under MPR 188]

PEERLESS FOUNTAIN PEN AND PENCIL CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 1196 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of four new fountain pen and pencil sets and four new fountain pens manufactured by Peerless Fountain Pen & Pencil Co., Inc.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) This Order No. 1196 establishes maximum prices for sales of four new fountain pen and pencil sets and four new fountain pens manufactured by Peerless Fountain Pen & Pencil Co., Inc., 14–16 West 17th Street, New York, New York. This order applies to all sales of the new fountain pen and pencil sets and fountain pens in the forty-eight states and the District of Columbia.

(1) For sales by the manufacturer to jobbers, the maximum prices are those set forth below:

Model, Description and Maximum Price	
"De Luxe," Fountain Pen and Pencil Set; Colors: Black, Khaki, or Pearl in Leather Carrying Case	$2.25
"De Luxe," Fountain Pen and Pencil Set; Colors: Black, Khaki, or Pearl without Leather Carrying Case	1.875
"Insignia," Fountain Pen and Pencil Set in Leather Carrying Case	.725
"Insignia," Fountain Pen and Pencil Set without Leather Carrying Case	.50
"De Luxe," Fountain Pen; Colors: Black, Khaki, or Pearl in Leather Carrying Case	1.80
"De Luxe," Fountain Pen; Colors: Black, Khaki, or Pearl without Leather Carrying Case	1.625
"Insignia," Fountain Pen in Leather Carrying Case	.425
"Insignia," Fountain Pen without Leather Carrying Case	.325

All prices are f. o. b. New York, New York, subject to a cash discount of 2% if paid within ten days.

(2) For sales by the manufacturer to retailers, by jobbers to retailers, and all other sales at wholesale, the maximum prices are those set forth below, f. o. b. seller's city:

Model, Description, and Maximum Price	
"De Luxe" Fountain pen and pencil set; Colors: black, khaki, or pearl in leather carrying case	$2.70
"De Luxe", Fountain pen and pencil set; Colors: black, khaki, or pearl, without leather carrying case	2.25
"Insignia", Fountain pen and pencil set in leather carrying case	.87
"Insignia", Fountain pen and pencil set without leather carrying case	.60
"De Luxe", Fountain pen; Colors: black, khaki, or pearl in leather carrying case	2.16
"De Luxe", Fountain pen; Colors: black, khaki, or pearl without carrying case	1.95
"Insignia", Fountain pen in leather carrying case	.51
"Insignia", Fountain pen without leather carrying case	.39

(3) For sales at retail, the maximum prices are those set forth below:

Model, Description, and Maximum Price	
"De Luxe", Fountain pen and pencil set; Colors: black, khaki, or pearl in leather carrying case	$4.50
"De Luxe", Fountain pen and pencil set; Colors: black, khaki, or pearl without leather carrying case	3.75
"Insignia", Fountain pen and pencil set in leather carrying case	1.45
"Insignia", Fountain pen and pencil set without leather carrying case	1.00
"De Luxe", Fountain pen; Colors: black, khaki, or pearl in leather carrying case	3.60
"De Luxe", Fountain Pen; Colors: Black, Khaki, or Pearl without Leather Carrying Case	3.25
"Insignia", Fountain Pen, in Leather Carrying Case	.85
"Insignia", Fountain Pen, without Leather Carrying Case	.65

(b) To every fountain pen and pencil set and to every fountain pen shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price.

(c) The manufacturer shall notify in writing every person who buys from it, and every jobber shall notify in writing every retailer who buys from them, of the maximum prices set by this Order No. 1196 for resales by the purchaser. This notice shall be given at or prior to the first invoice to each purchaser, and may be given in any convenient form.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This Order No. 1196 may be revoked or amended by the Price Administrator at any time.

This Order No. 1196 shall become effective January 26, 1944.

Issued this 25th day of January, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1302; Filed, January 25, 1944; 11:20 a. m.]

Regional and District Office Orders.

[Region III Order G-1 Under MPR 426, Amdt. 1]

WHOLESALE PRICES OF LETTUCE SOLD IN CLEVELAND, OHIO, REGION

Amendment No. 1 to Order No. G-1 under Maximum Price Regulation No. 426. Order adjusting maximum wholesale prices of lettuce sold in Region III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1439.3, Article I, section 2 (b) of Maximum Price Regulation No. 426, *It is hereby ordered*, That paragraph (f) (4) be amended to read as set forth below:

(f) *Definitions:*

* * * * *

(4) Terminal market cities as named in appendix (a) of this order are defined as follows:

(i) The terminal market city of Cleveland, Ohio, shall include all of the County of Cuyahoga in the State of Ohio.

(ii) The terminal market City of Detroit, Michigan, shall include all of Wayne County, all of Warren Township, and all of the municipalities of Van Dyke, Huntington Woods, Birmingham, Ferndale, Centerline, Royal Oak, Berkeley, Hazel Park, Roseville, Clawson, St. Clair Shores, and St. Clair Village in the State of Michigan.

(iii) The terminal market city of Cincinnati, Ohio, shall include all territory within the corporate limits of Cincinnati, Ohio.

This amendment to Order No. G-1 under Maximum Price Regulation No. 426 shall become effective November 20, 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 & E.O. 9328, 8 F.R. 4681)

Issued November 20, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-1257; Filed, January 24, 1944; 12:02 a. m.]

[Region VI Order G-10 Under RMPR 122]

SOLID FUELS IN DES MOINES, IOWA, AREA

Order No. G-10 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in the Des Moines, Iowa, Area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* This order establishes maximum prices for all sales of specified solid fuels, pursuant to which deliveries are made within the corporate limits of Des Moines, Clover Hills, Fort Des Moines, Johnston Station, Urbandale, West Des Moines, and Windsor Heights, Iowa. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in the Des Moines Area or from a coal yard within such area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-10; but less than the maximum prices may at any time be charged, paid, or offered.

(2) Obtain a higher than maximum price by:

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this order.

(ii) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the coal for which prices are established; columns 2, 3 and 4 show maximum prices for sales of coal delivered in the quantities indicated by each column heading. Column 5 shows the maximum prices for coal sold for use by buyers whose customary annual requirements of coal exceed 50 tons. All prices are stated on a net ton basis.

SCHEDULE OF MAXIMUM PRICES FOR THE DES MOINES, IOWA, AREA

1 Description	2 2 ton or more	3 1 ton	4 ½ ton	5 50 ton or more to one bin
I. Low volatile bituminous from District #7:				
1. Egg S. G. #2	$13.05	$13.30	$7.05	$12.80
II. Hi-volatile bituminous coals from District #8:				
1. Lump:				
A. Millers Creek	12.55	12.80	6.80	12.30
B. Straight Creek	12.00	12.26	6.50	11.75
C. Dorothy	11.40	11.65	6.30	11.15
D. Hazard	10.90	11.15	5.95	10.65
2. Egg:				
A. Straight Creek	11.70	11.95	6.35	11.45
B. Elkhorn	11.45	11.70	6.25	11.20
C. Dorothy	11.20	11.45	6.10	10.95
D. Hazard	10.70	10.95	5.85	10.45
III. Hi-volatile bituminous coals from District #9:				
1. Lump S. G. #1 Stray Seam	8.50	8.75	4.75	8.25
2. Egg S. G. #3	8.30	8.55	4.65	8.05
3. Stove 2" x 1¼"	7.65	7.90	4.35	7.40
4. Screenings (Stoker Raw or Treated 2 x 0 and ¾" x 10 mesh)	7.40	7.65	4.20	7.15
IV. Hi-volatile bituminous coals from District #10:				
1. Southern subdistrict:				
A. Lump S. G. #1	8.70	8.95	4.85	8.45
B. Egg S. G. #3	8.65	8.90	4.80	8.40
C. Stove S. G. #8	7.75	8.00	4.40	7.50
D. Stoker Nut S. G. #11 and #12	7.90	8.15	4.45	7.65
2. Belleville subdistrict:				
A. Egg S. G. #2 and #3	7.55	7.80	4.30	7.30
B. Stove S. G. #8	6.65	6.90	3.85	6.40
C. Washed Stoker Nut S. G. #20 ¾" x ⅜"	7.06	7.30	4.00	6.80
D. Screenings	6.90	7.15	3.95	6.65
3. Fulton-Peoria sub district:				
A. Egg S. G. #2	7.10	7.35	4.05	6.85
B. Stove S. G. #8	6.25	6.50	3.65	6.00
4. Du Quoin sub district:				
A. Egg S. G. #2	7.85	8.10	4.45	7.60
B. Stoker Nut S. G. #20	7.05	7.30	4.00	6.80

SCHEDULE OF MAXIMUM PRICES FOR THE DES MOINES, IOWA, AREA—Continued

1 Description	2 2 ton or more	3 1 ton	4 ½ ton	5 50 ton or more to one bin
V. Hi-volatile bituminous coals from District #11:				
1. Brazil-Clinton sub district:				
A. Egg S. G. #6	$9.45	$9.70	$5.25	$9.20
B. Stoker Nut S. G. #11	8.65	8.90	4.85	8.40
VI. Hi-volatile bituminous coals from District #12:				
1. Chunk S. G. #1	6.85	7.10	3.95	6.60
2. Lump S. G. #2	6.70	6.95	3.85	6.45
3. Egg S. G. #3 and #4	6.60	6.85	3.80	6.35
4. Mine Run S. G. #5	6.00	6.25	3.50	5.75
5. Stoker Nut S. G. #6 and #7	6.35	6.60	3.70	6.10
6. Screenings S. G. #8	4.75	5.00	2.90	4.50
7. Crushed Ind. Stoker S. G. #9	5.35	5.60	3.20	5.10
8. Carbon S. G. #10	3.50	3.75	2.25	3.25
VII. Hi-volatile bituminous coals from District #15:				
1. Fancy or standard nut P. G. #3	7.55	7.80	4.30	7.30
2. Stoker P. G. #3 Top Size 1¼" and smaller, bottom size ⅜" and smaller	7.05	7.30	4.05	6.80
3. Stoker P. G. #10, 1¼" x ⅜"	9.20	9.45	5.10	8.95
VIII. Pennsylvania anthracite—Chestnut:				
A. Until May 31, 1944	*21.00	21.25	11.00	----------
B. After May 31, 1944	20.60	20.85	10.80	----------
IX. By-Product Coke:				
1. Egg	16.85	17.10	9.05	16.60

(2) The maximum prices for all sales by dealers of solid fuel not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* A service charge of 50 cents a ton may be made for carrying or wheeling coal from curb, and a charge of 25¢ per ton, per flight may be made for carrying coal up or down stairs. No other or higher service charges may be made in connection with sales of coal. Such service charges shall be separately stated on each invoice.

(e) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected, in addition to the maximum price on sales of quarter-ton or lesser quantities, or on sales of any quantity of sacked coal.

(f) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes, are within the discretion of the Regional Administrator.

(g) *Petitions for amendments.* This order may be revoked, amended, or modified at any time. Any dealer may at any time file with the Des Moines District Office of the Price Administration a petition for amendment to this order in accordance with the provisions of Revised Procedural Regulation No. 1.

(h) *Records.* Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date; the name and address of the buyer; if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(j) *Definitions and explanations.* When used in this Order No. G-10 the term,

(1) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(2) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania. "Chestnut" size of Pennsylvania anthracite refers to the size of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(3) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(4) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(5) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(6) "Egg, stove, nut", etc., sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(7) "P. G." (Production Group) and "S. G." (Size Group) refer to the meaning given to these terms under the Bituminous Coal Act of 1937 or under any order, schedule, rule or regulation issued by the Bituminous Coal Division of the U. S. Department of Interior which was established or in effect as of midnight August 23, 1943.

(8) Except as otherwise provided herein or as the context may otherwise require all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; of it not therein defined, they shall be given their ordinary and popular trade meaning.

(m) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

This Order No. G-10 shall become effective December 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1258; Filed, January 24, 1944; 12:02 p. m.]

[Region VI Order G-11 Under RMPR 122]

Solid Fuels in the Chicago Area

Order No. G-11 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in the Chicago area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered within the cities and villages of Bellwood, Berwyn, Broadview, Brookfield, Chicago, Cicero, Elmwood Park, Evanston, Forest Park, Franklin Park, Hillside, La Grange, Lyons, Maywood, McCook, Melrose Park, Morton Grove, Niles, Oak Park, Park Ridge, River Forest, River Grove, Riverside, Schiller Park, Skokie, Westchester, all within Cook County, Illinois. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point within these cities and villages named; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-11; but less than the maximum prices may at any time be charged, paid, or offered.

(2) Obtain a higher than maximum price by:

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the coal for which prices are established; Columns 2, 3, 4 and 5 show maximum prices for "domestic sales" of coal (as defined in section (k) (4)) delivered in the quantities indicated by each column heading; Column 6 shows the maximum prices for yard sales to other dealers for resale and Column 7 shows maximum prices for "commercial sales" (as defined in section (k) (3)). All prices are stated on a net ton basis.

Schedule of Maximum Prices

1	2 4 ton or more delivered	3 1-2-3 ton	4 ½ ton delivered	5 ¼ ton delivered	6 Yard sales to dealers	7 Commercial
I. Low volatile butiminous coal from District #7 (W. Va. & Va.):						
1. Lump, 6" and larger in price classification A and B	$12.45	$12.95	$7.00	$4.00	$10.80	
2. Lump, 6" and larger in all other price classifications than given above	12.00	12.50	6.75	3.90	10.35	
3. Egg, 5" x 2" and larger in price classification A and B	12.55	13.05	7.05	4.05	10.90	
4. Egg, 5" x 2" and larger in all other price classifications than given above	12.10	12.60	6.80	3.90	10.45	
5. Stove, Nut or Range, 2" x 1¼" and larger	12.20	12.70	6.85	3.95	10.55	
6. Nut, Pea or Small Nut, 1¼" x ¾" and larger	10.65	11.05	6.05	3.55	9.35	10.00
7. Pea, or Buckwheat, Top Size not exceeding ¾"; Bottom Size Smaller than ¾"	9.80	10.30	5.65	3.35	8.85	9.30
8. Domestic Mine Run	10.10	10.60	5.80	3.40	8.85	
9. Screenings, 1¼" and smaller	9.45	9.95	5.50	3.25	8.30	9.05
II. High volatile bituminous coal from District #8 (E. Ky. & W. Va.):						
1. Lump or block, 5" and larger (including coals from Miller's Creek, High Splint and Jellico Seams and No. 5 Seam coal in Price Classification A)	11.40	11.90	6.45	3.75	9.80	
2. Lump or block, 5" and larger (from Seams and Price Classification other than above)	10.90	11.40	6.20	3.60	9.30	
3. Egg, 5" x 2" and larger (including coals from Miller's Creek, High Splint and Jellico, Seams and No. 5 Seam Coal in Price Classification A)	11.40	11.90	6.45	3.75	9.80	
4. Egg, 5" x 2" and larger (from seams and price classifications other than above)	10.60	11.10	6.05	3.55	9.00	
5. Stove, premium nut 3" x 2"	10.50	11.00	6.00	3.50	8.90	
6. Nut, 1¼" x 2"	10.20	10.70	5.85	3.45	8.65	
7. Domestic stoker	9.90	10.40	5.70	3.35	8.65	
8. Run of mine, screened, bottom size ¾" or smaller	9.35	10.05	5.55	3.30	8.30	9.30
9. Screenings, 2" or 1¼" x 0, Mine Index #196						8.90
10. Screenings, S. G. #18, modified or dedusted, Top size 2" and smaller						
III. High volatile bituminous coal from District #9 (W. Ky.):						
A. Seam #6:						
1. Egg	9.10	9.60	5.30	3.15	7.90	
2. Stoker small S. G. #12, ¾" x ⅜"	8.60	9.10	5.05	3.05	7.40	
3. Mine run	7.85	8.35	4.70	2.85	6.10	
4. Nut or dedusted Washed Screenings, S.G. #22, 1½" x 10 mesh						7.60
B. Seam #9 and #11:						6.95
1. Screenings						
C. Seam #14:						6.80
1. Screenings						
IV. High volatile bituminous coals from District #10 (Illinois):						
A. Southern Illinois subdistrict:						
1. Lump, larger than 4"	9.20	9.70	5.35	3.20	7.65	
2. Egg, 4" x 2", 3" x 3"	9.15	9.65	5.30	3.15	7.60	
3. Egg, 3" x 2", 4" x 2"	8.65	9.35	5.20	3.10	7.30	
4. Stove or #2 Nut, 2" x 1½"	8.60	9.10	5.05	3.05	7.05	
5. Run of Mine	7.85	8.15	4.60	2.80	6.45	
6. HomeStoker, Nut ¾" x ¾" and larger	8.00	8.30	4.75	2.90	6.80	
7. Washed or dedusted Screenings, 1½", 1" or ¾"						6.80
8. Washed or dedusted Screenings, 2"						6.90
9. #3 Nut, S. G. #10 and #18, top size 1½", bottom size ¾"						7.00
10. #4 Nut, S. G. #11 and #20, top size 1", bottom size ¾"						7.20
B. Central, Du Quoin, Belleville, Danville, and Fulton-Peoria subdistricts:						
1. Lump, larger than 4"	8.05	8.55	4.80	2.90	6.55	
2. Egg, 6" x 3", 7" x 3", 8" x 3"	8.05	8.55	4.80	2.90	6.55	
3. Egg, Nut, 3" x 2", 4" x 2"	7.65	8.15	4.60	2.80	6.15	
4. #3 Nut, S. G. #18, 1½" x ¾"						6.10
5. #4 Nut, S. G. #20, 1" x ¾"						6.60
6. Screenings, S. G. #24, 1½"						6.25
C. Northern subdistrict:						6.15
1. Screenings S. G. #24						
V. High volatile bituminous coal from District #11 (Indiana):						
A. Princeton subdistrict:						
1. Lump, 4" and larger	9.40	9.90	5.45	3.25	7.85	
2. Egg, 6" x 3", 7" x 3", 8" x 3"	9.05	9.55	5.30	3.15	7.50	
3. Egg, 3" x 2", 4" x 2"	8.55	9.05	5.05	3.05	7.00	
4. Stoker nut, 1½" and larger x 10" mesh	7.70	8.20	4.60	2.80	7.20	
5. Mine run	7.20	7.70	4.35	2.70	6.00	
6. Screenings, S. G. #24 and #27						6.45
7. Screenings, S. G. #22, 1¼" Water D. D., mine index #47						6.70
8. Screenings, S. G. #21, 2"						6.80
B. Sullivan-Linton sub district:						
1. Lump 5", 6", 7"	9.40	9.90	5.45	3.25	7.85	
2. Egg, 6" x 3", 7" x 3", 8" x 3"	9.05	9.55	5.30	3.15	7.50	
VI. Low volatile smithing coal from District #1 (Penn.)	12.00	12.50	6.75	3.90	10.50	

Schedule of Maximum Prices—Continued

1	2 4 ton or more delivered	3 1-2-3 ton	4 ½ ton delivered	5 ¼ ton delivered	6 Yard sales to dealers	7 Commercial
VII. A. Pennsylvania anthracite—to May 31, 1944:[1]						
1. Egg, stove, nut	$16.70	$17.20	$9.10	$5.05	$14.90	
2. Pea	15.15	15.65	8.35	4.70	13.40	
3. Buckwheat	13.35	13.85	7.45	4.25	11.65	
4. Rice	12.05	12.55	6.80	3.90	10.70	
B. After June 1, 1944:[1]						
1. Egg, stove, nut	16.30	16.80	8.90	4.95	14.50	
2. Pea	14.75	15.25	8.15	4.60	13.00	
3. Buckwheat	13.05	13.55	7.30	4.15	11.35	
4. Rice	12.30	12.30	6.65	3.85	10.45	
VIII. Chicago manufactured coke:						
1. Egg, stove, nut	14.50	15.00	8.00	4.50	12.80	
2. Pea	13.50	14.00	7.50	4.25	11.80	
Cannel coal from District #6: 1. Lumps and chunks	14.60	15.10	8.05	4.55	13.10	
IX. Briquettes: 1. All types	12.85	13.35	7.20	4.10	11.30	

[1] The maximum prices for Pennsylvania Anthracite sold in Evanston, Skokie and Morton Grove are increased by the following amounts:
1 or more tons 65¢ per ton.
½ ton, Egg, Stove and Nut 35¢.
½ ton, all other sizes 30¢.
¼ ton, Egg, Stove and Nut 20¢.
¼ ton, all other sizes 15¢.

(2) The maximum prices for all sales by dealers of solid fuel not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* Immediately below and as a part of this paragraph (d) is a schedule which sets forth maximum prices which a dealer may charge for special services described according to ordinary and popular trade meaning, rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Such service charge shall be separately stated in the dealer's invoice.

Trim	Coal	Coke
Single—outside	25¢ per ton	30¢ per ton.
Double—inside only	35¢ per ton	40¢ per ton.
Wheel Loads	60¢ per ton	75¢ per ton.
Dump and carry Loads	85¢ per ton	$1.00 per ton.

Bags	Over ½ ton	½ ton	¼ ton	Over ½ ton	½ ton	¼ ton
Ground floor	$0.85	$0.45	$0.25	$1.00	$0.50	$0.25
Second floor	1.10	.55	.30	1.25	.65	.35
Third floor	1.20	.65	.35	1.45	.75	.40
Fourth floor	1.60	.80	.40	1.75	.90	.45

(e) *Cash discounts.* (1) The maximum prices provided in this order shall be reduced by 25¢ a ton for domestic coal and 15¢ a ton for commercial coal if payment is made within 10 days from the date invoice is rendered.

(f) *Taxes.* (1) The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities, or on sales of any quantity of sacked coal.

(2) No amount equivalent to the Illinois Retailers' Occupational tax, nor any other tax may be added to the maximum prices herein set forth.

(g) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes, are within the discretion of the Regional Administrator.

(h) *Petitions for amendments.* This order may be revoked, amended or modified at any time. Any dealer may at any time file with the Chicago Regional Office of the Office of Price Administration a petition for amendment to this order in accordance with the provisions of Revised Procedural Regulation No. 1.

(i) *Records.* Every dealer, subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: The date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged, and separately stating any transportation tax or service charge. A record of the above information shall be kept at the premises of the seller.

(k) *Definitions and explanations.* (1) "Direct delivery" means dumping or chuting by single chute the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(2) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than by his truck.

(3) "Commercial sales" shall mean sales made:

(i) To commercial, industrial or institutional users or

(ii) For use in apartment buildings having three or more apartments; and

(iii) Wherever orders are accepted at unadjusted weights of coal or coke of those types and sizes for which a price is established in Column 7 of the schedule set forth in paragraph (c) (1).

(4) "Domestic sales" shall mean all sales of coal or coke other than "commercial sales."

(5) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the commonwealth of Pennsylvania.

(6) "Egg, stove, nut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(8) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(9) "Medium volatile bituminous coal" refers to coal produced in the medium volatile sections of the producing districts specified herein.

(10) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(11) "Egg, stove, nut", etc., sizes of bituminous coal received entirely by rail refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(12) "Egg, stove, nut", etc. sizes of bituminous coal received via the Great Lakes refer to the sizes of coal sold at the docks under such designations during December 1941.

(13) Except as otherwise provided herein or as the context may otherwise require all terms used in this Order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; or if not therein defined, they shall be given their ordinary and popular trade meaning.

(l) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

This Order No. G–11 shall become effective December 20, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 44–1256; Filed, January 24, 1944; 12:02 p. m.]

[Region VIII Order G–2 Under RMPR 122, Amdt. 2]

BITUMINOUS COAL IN SEATTLE, WASH., AREA

Correction

Item 10 in Table VII of F. R. Doc. 44–162, which appears on page 233 of the issue for Thursday, January 6, 1944, should read: "Slack 1¼ x 0"."

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on January 22, 1944.

REGION I

Providence, Order No. 8, Amendment No. 4, filed 10:18 a. m.

REGION III

Detroit, Order No. 5, Amendment No. 29, filed 10:16 a. m.
Lexington, Order No. 1–F, Amendment No. 13, filed 10:13 a. m.
Lexington, Order No. 2–F, Amendment No. 6, filed 10:13 a. m.
Lexington, Order No. 3–F, Amendment No. 4, filed 10:14 a. m.
Saginaw, Order No. 2–F, Amendment No. 1, filed 10:13 a. m.

REGION IV

Memphis, Order No. 4–F, Amendment No. 17, filed 10:13 a. m.
Montgomery, Order No. 2–F, Amendment No. 2, filed 10:21 a. m.
Raleigh, Order No. 10, Amendment No. 2, filed 10:18 a. m.
Roanoke, Order No. 1–F, Amendment No. 5, filed 10:16 a. m.
Savannah, Order No. 1–F, Amendment No. 18, filed 10:15 a. m.
Savannah, Order No. 2–F, Amendment No. 13, filed 10:15 a. m.
Savannah, Order No. 4–F, Amendment No. 10, filed 10:16 a. m.

REGION V

Arkansas, Order No. 10, Amendment No. 1, filed 10:16 a. m.
Dallas, Order No. 1–F, Amendment No. 1, filed 10:13 a. m.
Tulsa, Order No. 1–F, filed 10:20 a. m.
Tulsa, Order No. 2–F, filed 10:21 a. m.

REGION VII

Albuquerque, Order No. 17, Amendment No. 1, filed 10:19 a. m.
Wyoming, Order No. 1–F, filed 10:19 a. m.

REGION VIII

San Diego, Order No. 1–F, Amendment No. 18, filed 10:19 a. m.
San Diego, Order No. 6, Amendment No. 4, filed 10:17 a. m.
Seattle, Order No. 18, Revocation, filed 10:18 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1300; Filed, January 25, 1944; 11:19 a. m.]

WAR PRODUCTION BOARD.

[Certificate 193]

COMMON CARRIERS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 1–2 issued by the Director of the Office of Defense Transportation which directs the pooling of merchandise traffic by the Wabash Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, Union Pacific Railroad Company, and Southern Pacific Company.[1]

For the purposes of section 12 of Public Law 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 1–2 is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 20, 1944.

[F. R. Doc. 44–1306; Filed, January 25, 1944; 11:35 a. m.]

[Certificate 194]

COMMON CARRIERS IN PHOENIX, ARIZ., AREA

APPROVAL OF COORDINATION OF MOTOR VEHICLE SERVICE

The ATTORNEY GENERAL:

I submit herewith Special Order ODT LB–15A issued by the Director of the Office of Defense Transportation with respect to the coordination of motor vehicle service in the transportation of passengers by Sun Valley Bus Lines, Inc., Menderson Bus Lines, a copartnership consisting of Albert Brygger, L. A. Tanner, F. J. Stafford, W. R. Wayland, Fred G. Holmes, Riney B. Salmon, and Irving A. Jennings, and the City of Phoenix, Phoenix, Arizona.[1]

For the purposes of section 12 of Public Law 603, 77th Congress (56 Stat. 357), I approve the special order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Special Order ODT LB–15A is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 21, 1944.

[F. R. Doc. 44–1307; Filed, January 25, 1944; 11:35 a. m.]

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[1] *Supra.*

FEDERAL REGISTER

VOLUME 9 NUMBER 19

Washington, Thursday, January 27, 1944

Regulations

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial 300]

AIRCRAFT DISPATCHER CERTIFICATES LIMITED TO DISPATCHING OF AIRCRAFT IN CARGO OPERATIONS

SPECIAL CIVIL AIR REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1944.

The following Special Civil Air Regulation is made and promulgated to become effective January 21, 1944.

An aircraft dispatcher certificate limited to the dispatching of aircraft in military contract cargo operations may be issued by the Administrator to an applicant who (a) is at least 21 years of age (b) has served in connection with the dispatching of aircraft in military contract cargo operations under a certificated aircraft dispatcher for a period of at least one year within the two years immediately preceding application and (c) has met all of the other requirements of Part 27 for the original issuance of such certificate. The holder of such a certificate may have the limitation removed if he presents proof to the Administrator that he has served satisfactorily in connection with the dispatching of air carrier aircraft in scheduled operation under the supervision of a certificated aircraft dispatcher for a period of at least 90 days within the preceding six months and he is at least 23 years of age.

This regulation shall be effective for the duration of the war and not more than six months thereafter.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44–1354; Filed, January 26, 1944; 11:01 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5328]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FIGURE TO BE USED IN DETERMINING RESERVE AND OTHER POLICY LIABILITY CREDIT FOR LIFE INSURANCE COMPANIES

JANUARY 25, 1944.

By virtue of the authority vested in me by section 202 (b) of the Internal Revenue Code, 53 Stat. 71, as amended by section 163 of the Revenue Act of 1942, 56 Stat. 870; 26 U.S.C., 1940 ed., and Sup. II, 202 (b), it is hereby determined that the figure to be used in computing the "reserve and other policy liability credit" of life insurance companies for the taxable year 1943 shall be .9198.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–1364; Filed, January 26, 1944; 11:54 a. m.]

Subchapter D—Employment Taxes

[T.D. 5329]

PART 404—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

COMPENSATION PAID BY FOREIGN GOVERNMENT

PARAGRAPH 1. Paragraph (f) of § 404.102 of Regulations 115 [Part 404, Title 26, Code of Federal Regulations, Cum. Sup.] is amended to read as follows:

(f) *Compensation paid by foreign government.* Remuneration paid for services performed as an employee of a foreign government, or the government of the Commonwealth of the Philippines, is excepted. The exception includes not only remuneration paid for services performed by ambassadors, ministers, and other diplomatic officers and employees but also remuneration paid for services performed as a consular or other officer or employee of a foreign government, or the government of the Commonwealth of

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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the Philippines, or as a nondiplomatic representative of such a government. However, the exception does not include remuneration for services performed for a corporation created or organized in the United States or under the law of the United States or of any State or Territory even though such corporation is wholly owned by such a government.

The citizenship or residence of the employee and the place where the services are performed are immaterial for the purposes of the exception.

PAR. 2. This amendment is effective with respect to wages paid on or after April 24, 1944, the ninetieth day after the approval of this Treasury decision.

(Sec. 2 of the Current Tax Payment Act of 1943 (Public Law 68, 78th Congress) and sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791))

[SEAL] ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.

Approved: January 25, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-1365; Filed, January 26, 1944; 11:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amendment 145]

PART 802—GENERAL LICENSES

CANCELLATION OF GENERAL LICENSE FOR METAL DRUMS AND CONTAINERS

Section 802.14 *Metal drums and containers* is hereby amended in the following particulars:

Paragraph (b) is hereby amended to read as follows:

(b) A general license is hereby granted authorizing the exportation to Iceland of all metal drums, containers and cylinders when filled with commodities the exportation of which has been authorized by export license.

Paragraph (c) is hereby deleted and paragraph (d) is hereby designated as paragraph (c).

This amendment shall become effective February 3, 1944.

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: January 25, 1944.

S. H. LEBENSBURGER,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44-1341; Filed, January 26, 1944; 9:29 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1, as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b, as Amended Oct. 19, 1943, Amdt. 1]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Section 1041.2 *Preference Rating Order P-98-b*, as amended October 19, 1943 is hereby amended in the following respects:

(1) Paragraph (a) is amended in the following respects:

(a) The following new sentence is inserted between the fourth sentence, which ends with the words "through this order", and the fifth sentence: "Furthermore, this order will not be used by Canadian operators."

(b) The words ", including Canadian operators," are deleted from the fifth sentence.

(2) Paragraph (a) (2) is amended by the addition of the words "unless use of the small order symbol is authorized" at the end of the third sentence, which presently ends with the words "must be applied for", and by the insertion of the words "and symbol" in the fourth sentence between the word "number" and the word "may".

(3) Paragraph (a) (3) is amended by the deletion of the word "either" from the third sentence between the word "to" and the word "the"; by the deletion of the words "or the Office of Oil Controller" from the end of the third sentence and the substitution in their stead of the words ", unless the operator receives special instructions to the contrary"; and by the deletion of the word "certain" from the fourth sentence between the word "of" and the word "applicable".

(4) Paragraph (b) (1) is amended by the deletion of the second sentence in its entirety.

(5) Paragraph (b) (4) is amended in the following respects:

(a) The word "does" in the paragraph immediately following paragraph (b) (4) (ii), which word is between the word "repair" and the word "not", is deleted and the word "shall" is substituted in its stead.

(b) The words "drilling" and "multiple completion" are added to the series of words immediately following the letter "(a)", and the sequence of the words in that series is altered to read as follows:

(a) The drilling, redrilling, deepening, plugging back, or multiple completion of any well or the initial installation on any well of pumping or other artificial lifting equipment, or

(c) Letters "(b)" and "(c)" are relettered "(c)" and "(d)", respectively.

(d) A new series commencing with the letter "(b)" is inserted to read as follows:

(b) the extension or the initial construction or installation of a field gas gathering line, or

(6) Paragraph (b) (5) is amended by the addition of the words ", including among other items, chemicals, additives and blending agents" at the end of the sentence, following the word "expense".

(7) The title of paragraph (c) is amended by the deletion of the word "repair", and paragraphs (c) (1) and (c) (2) are amended and new paragraph (c) (3) is added to read as follows:

(1) An MRO rating assigned by this order may be used to secure services to the extent consistent with Priorities Regulation 3.

(2) No operator may apply a preference rating to obtain any material listed on Schedule A of this order.

(3) No operator may apply a preference rating to obtain any material listed on Schedule B except in accordance with the procedure described in that schedule.

(8) Paragraphs (c) (3) through (c) (6), inclusive, are hereby renumbered (c) (4) through (c) (7), respectively).

(9) Paragraph (c) (4), as renumbered from (c) (3), is amended by the substitution of the words "covered by" for the words "listed on" between the word "materials" and the word "Schedule"; by the substitution of the letter "C" for the letter "B" following the word "Schedule"; and by the addition of the following sentence as the second sentence:

Schedule C includes all items on List B of Priorities Regulation 3 with the exception of those listed in Schedule B of this order.

(10) Paragraph (c) (7), as renumbered from (c) (6), is amended by the deletion of the second sentence and by the substitution of the following sentence as the second sentence: "Priorities assistance may, on the other hand, be obtained under this order for material to be used as 'lease equipment', as that term is defined in Petroleum Administrative Order No. 11."

(11) The title of paragraph (d) is amended by the substitution of the words *"preference ratings"* for the word *"rating"*. Paragraph (d) is amended by the insertion of the words "for use in any branch of the petroleum industry other than retail marketing" immediately following the word "material)" and before the comma; by the deletion of the words following the symbol "AA-1" to the end of the sentence; and by the substitution of a period for the comma following that symbol. A second sentence is added to paragraph (d) to read as follows: "To secure MRO material for use in retail marketing an operator may use allotment symbol MRO-P-3 and preference rating AA-5."

(12) Paragraph (e) (2) is amended by the insertion of the words "more than" between the word "of" and the number "$100"; by the deletion of the words "or more" following the number "$100"; by the inserting of the word "approximate" between the word "the" and the word "price"; and by the addition at the end of the sentence of the words ", and the month in which delivery of the material is required."

(13) The introductory paragraph of paragraph (e) (3) up to and including the colon is deleted and the following introductory paragraph is substituted in its stead:

(3) Prior to placing each delivery order with a supplier, submit copies of the order to the District Office of the Petroleum Administration for War for the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the purchasing office of the operator is located), Ref: Materials Division, as follows:

(14) Paragraph (e) (3) (i) is amended by the deletion of the words "less than" before the number "$100" and by the insertion of the words "or less" after the number "$100" and before the comma.

(15) Paragraphs (e) (3) (ii) through (e) (3) (iv), inclusive, are deleted and the following material is substituted in their stead:

(ii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than $100 but not more than $2,500 and has no item of more than $500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than $2,500,

or has any item of more than $500, *two* copies must be submitted for approval and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials or for aluminum, and has a total cost of more than $100, one copy must be submitted for information purposes.

(16) Paragraph (e) (3) is amended by the deletion of the three paragraphs within that subparagraph commencing with that paragraph which begins with the words "All orders for MRO" and ending with that paragraph which ends with the words "copy of such order". The final paragraph within that subparagraph, which paragraph will remain, is amended by the substitution of the letter "B" for the letter "A".

(17) Paragraph (e) (4) is deleted and the following material is substituted in its stead:

(4) An operator requiring aluminum as a controlled material need only comply with the previous subparagraphs of this paragraph (e) to obtain 500 pounds or less from all sources during a calendar quarter. If the quantity required is more than 500 pounds, he must apply by letter for permission to purchase the excess amount (furnishing the applicable information called for by paragraph (d) of Supplementary Order M–1–i) to the Aluminum and Magnesium Division, War Production Board, Ref: M–1–i. If approved the operator must then place his delivery orders in accordance with the previous subparagraphs of this paragraph (e).

(18) Paragraph (e) is amended by the addition of paragraph (e) (5) to read as follows:

(5) To use a preference rating obtained for MRO material pursuant to a Form WPB–541 (PD–1A) application, an operator must place on the delivery order the rating and allotment symbol P–3.

(19) Paragraph (f) (3) is amended by the insertion of the word "approximate" before the word "price", and by an alteration in the sequence of the first four words to read, "Quantity, approximate price and".

(20) Paragraph (g) is amended in the following respects:

(a) The last item in the series of special production operations there listed is deleted and the following item is substituted in its stead: "A gas lift compression plant or a field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 h. p."

(b) In the last paragraph within that paragraph the words "and symbol" are inserted in the first sentence between the word "numbers" and the word "and".

(21) The title of paragraph (h) is amended by the insertion of the words "*symbol and preference*" between the word "*and*" and the word "*rating*". Paragraph (h) is amended by the deletion of paragraph (h) (1); by the renumbering of paragraph (h) (2) as (h) (3); and by the insertion of the following material as paragraphs (h) (1) and (h) (2), respectively:

(1) *Application must be made for allotment of controlled materials.* To obtain controlled materials for use in production, an operator must secure an allotment and an allotment number by applying on PAW Form 35, except that a small quantity of carbon steel may be obtained (without such an application) through the use of allotment symbol PSO (petroleum small order), as described in paragraph (h) (2) immediately following. PAW Form 35 applications will be filed in triplicate (3) with the District Office of the Petroleum Administration for War for the District in which operations are to be conducted, Ref: Materials Division.

Operators should file PAW Form 35 at least three months prior to the beginning of the calendar quarter in which the controlled materials are to be delivered, where operations can be planned to permit such advance filing. Otherwise, applications on that form should be filed not less than one month prior to the proposed delivery date of the controlled materials.

Interim assistance may be requested at any time by filing PAW Form 35 as a supplemental application.

(2) *Small order exception for carbon steel.* As an exception to the rule stated in the preceding subparagraph that an operator must apply for an allotment of controlled materials, an operator may use allotment symbol PSO to secure the delivery of no more than 10 tons of carbon steel as a controlled material during any calendar quarter for use in production.

If an operator will require more than 10 tons of carbon steel in any calendar quarter, he should apply on PAW Form 35 for an allotment of the total quantity of his estimated needs in the manner described in the preceding subparagraph. By so doing, the operator will be able to use allotment symbol PSO to obtain up to 10 tons of carbon steel for unanticipated needs discovered after the application has been filed, and will thus be relieved of the need to file many interim applications.

(22) The title of paragraph (i) is amended by the insertion of the words "*symbol and preference*" between the word "*and*" and the word "*rating*". The introductory matter in paragraph (i) up to and including the colon is amended to read as follows: "To use his allotment number or symbol and preference rating, a production operator must:"

(23) Paragraph (i) (1) is deleted and the following material is substituted in its stead:

(1) Indicate on each delivery order for controlled materials the allotment number (and PAW Form 35 serial number) or allotment symbol PSO (in the case of a small order); and indicate on each delivery order for other materials the preference rating and allotment symbol P–1; certifying each delivery order in accordance with paragraph (r).

(24) Paragraph (i) (2) is amended by the insertion of the words "more than" between the word "of" and the number "$100"; by the deletion of the words "or more" following the number "$100"; by the insertion of the word "approximate" between the word "the" and the word "price"; by the insertion of the words ", if any," between the word "number" and the word "if"; and by the addition of the following material to the end of the subparagraph: ", and the month in which delivery of the material is required."

(25) Paragraph (i) (3) is amended by the deletion of the matter in parentheses and the parentheses in the introductory matter and by the substitution of the words ", Ref: Materials Division," in their stead.

(26) Paragraphs (i) (3) (i) is amended by the deletion of the words "less than" before the number "$100" and by the insertion of the words "or less" after the number "$100" and before the comma.

(27) Paragraphs (i) (3) (ii) and (i) (3) (iii) are deleted and the following material is substituted in their stead:

(ii) If the delivery order is for controlled materials, and has a total cost of more than $100 but not more than $2,500, and has no item of more than $500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials, and has a total cost of more than $2,500, or has any item of more than $500, two copies must be submitted for approval, and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials, and has a total cost of more than $100, one copy must be submitted for information purposes.

(28) Paragraph (i) (3) is amended by the deletion in its entirety of the paragraph commencing with the words "an operator" and ending with the words "such order", which paragraph immediately follows paragraph (i) (3) (iii). The final paragraph, within that subparagraph, which paragraph immediately follows the paragraph deleted in its entirety, is amended by the deletion of the word "asterisked" and by the substitution of the letter "B" for the letter "A".

(29) Paragraph (k) is amended by the deletion of the last item in the series of special production operations there listed and by the substitution of the following item in its stead: "A gas lift compression plant or a field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 h. p."

(30) The title of paragraph (e) is amended by the insertion of the word "*preference*" between the word "*and*" and the word "*rating*". Paragraph (l) is amended by the deletion of all the material following the first sentence, and by the substitution in its stead of the following material as three separate paragraphs:

Form WPB–541 (PD–1A) may be used instead of PAW Form 30 to request a preference rating for machinery or equipment, if the machinery or equipment will be installed with the use of no more than $500 worth of material obtained through the MRO procedure of this order and if the machinery or equipment will be installed as part of a complete operation having a total material cost of no more than $5,000.

Form WPB–541 (PD–1A) may also be used instead of PAW Form 30 to request a preference rating for any material, regardless of cost, which will not be incorporated into a plant or other facility (for example, an item of construction machinery or equipment), unless a War Production Board order requires the use of some other form.

Form WPB–541 applications will be filed with the nearest War Production Board Field Office.

(31) The title of paragraph (m) is amended by the substitution of the words "*or symbol and preference*" for the word "*and*" between the word "*number*" and the word "*rating*", and the paragraph is amended in the following respects:

(a) The first sentence, which ends with the letter "(r)", is deleted and the following material is substituted in its stead:

To use the allotment number and preference rating granted through a PAW Form 30 application an operator must place the allotment number on delivery orders for controlled materials and the allotment number and preference rating on delivery orders for other materials. On each delivery order for material rated after a Form WPB–541 application an operator must place the rating and either allotment symbol F–5 (in refining) or P–1 (in any other branch of the industry). Each delivery order must bear the standard certification of paragraph (r).

(b) The second sentence is amended by the insertion of the words "or Form WPB–541" after the phrase "in connection with the PAW Form 30" and before the word "application", and this sentence, as amended, is to appear as a separate paragraph.

(c) A third paragraph is added to read as follows:

Any rating or allotment number assigned pursuant to an application on either of such forms may be used without submitting delivery orders to the Petroleum Administration for War, unless the operator receives special instructions to the contrary.

(32) Paragraph (n) (1) is amended by the insertion of the words ", as amended and supplemented from time to time" both at the end of the first sentence which ends with the number "15" and at the end of the second sentence which ends with the number "11"; by deletion from third sentence of the word "either" wherever it appears, and the words "or Form WPB–541"; by deletion from third sentence of the words "of these" and the substitution of the word "this" in their stead; and by the change in the third sentence of the word "forms" to the word "form" wherever it appears.

(33) Paragraph (n) (2) is amended by the insertion of the words "from time to time" at the end of the first sentence which presently ends with the word "supplemented" and by the insertion of the words "or an amendment or supplement to that order" in the second sentence between the symbol "PAO–12" and the comma.

(34) Paragraph (p) (1) is amended by the deletion of the words "less than" before the number "$100"; by the insertion of the words "or less" after the number "$100"; and by the deletion of the number "$1,000" and the substitution in its stead of the words "$2,500 or less."

(35) Paragraph (p) (3) is amended by the insertion of the words "where an allotment of controlled materials has been made and an allotment number authorized in connection with it," as the beginning of the first sentence and before the words "the allotment number"; by the insertion of the words "and allotment symbol PSO, in connection with production," in the second sentence after the word "material," and before the word "shall"; by the deletion of the word "an" from the second sentence between the word "constitute" and the word "allotment," and by the substitution of the word "symbols" for the word "symbol" between the word "allotment" and the word "for"; and by the insertion of the following sentence between the first sentence and the second sentence: "In the event that no allotment number has been so authorized, the appropriate allotment symbol stated in the order should be used."

(36) Paragraph (q) (1) is amended in the following respects:

(a) The first two sentences are deleted and the following sentence is substituted in their stead: "An operator who receives an allotment of controlled materials on PAW Form 35 must reallot the same or place delivery orders for such materials within thirty days after the allotment is received."

(b) The word "authorized" is inserted in the third sentence between the word "placing" and the word "controlled," and the word "period" is substituted in the same sentence for the word "periods" between the word "such" and the comma.

(c) The matter in parentheses in the third sentence and the parentheses are deleted.

(37) Paragraph (q) (2) is amended by the deletion of the words "or Form WPB–541" from the first sentence between the number "30" and the word "must"; by the substitution of the word "authorized" for the word "made" as the last word of the first sentence; by the insertion of the word "authorized" in the second sentence between the word "placing" and the word "controlled"; and by the deletion of the matter in parentheses in the second sentence and the parentheses.

(38) Paragraph (q) (3) is amended by the deletion of words "Petroleum Administration for War or the Office of Oil Controller" from the fourth sentence and the substitution of the following words in their stead to complete the sentence: "District Office (in the case of production) or of the Washington Office (in all other cases)."

(39) Paragraph (r) is amended by indenting the second paragraph which commences with the words "the undersigned purchaser."

(40) Paragraph (u) (2) is amended by the substitution of number "(7)" for number "(6)" in the third sentence in the reference to paragraph (c) (6).

(41) Paragraph (u) is amended by the addition of paragraphs (u) (4) and (u) (5) to read as follows:

(4) Privileges granted by other orders and regulations of the War Production Board to persons on Schedule I of CMP Regulation 5 shall be considered as applicable to petroleum operators, other than operators to the extent that they are engaged in retail marketing, operating under this order. For example, Order E–5–a on gauges and precision measuring hand tools classifies a person on Schedule I or II of CMP Regulation 5 as an "approved user." With the stated exception, an operator covered by P–98–b is in identically the same position, provided that certification clauses in and all other provisions of such other orders are complied with.

(5) Where a preference rating or allotment symbol, or both, is permitted or is required to be used by any other "E", "L", "M", "P", or "U" order or any regulation of the War Production Board to obtain a specific item of material, it will not also be necessary to follow any procedure of this order to obtain that item of material.

(42) Paragraph (w) is amended to read as follows:

All reports required to be filed hereunder and all communications concerning this order should, unless other directions are given, be addressed to the Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref.: P–98–b.

The addresses of the Petroleum Administration for War District Offices are set forth in Schedule D.

(43) Schedule A is amended to read as follows:

The items listed on this schedule may be delivered to operators without regard to preference ratings. No operator shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale.

Items on List A of Priorities Regulation 3.
Rock bits and core bits (rotary bits).

(44) Schedule B is relettered Schedule C and is amended by the substitution of the words "nearest WPB Field Office" for the words "PAW, Washington" where they appear under the column entitled "filing instructions" opposite items lettered (a), (b), (c) and (f), and by the insertion of the following material as an introductory paragraph:

The special MRO procedure of Schedule B may be used to request a rating for only those items on List B of Priorities Regulation 3 as MRO material which are listed on that schedule. Many of the other items on List B of Priorities Regulation 3 may be secured without a preference rating and every attempt should be made to do so. If a rating is required for any of these remaining items or for any other item which cannot be secured with a blanket MRO rating, it should be applied for on Form WPB–541 (PD–1A), filed with the nearest WPB Field Office. There are two general exceptions to this rule. In the first place, laboratory instruments and equipment may be obtained under the regular MRO procedure of this order. And secondly, the forms indicated below will be used for the items there listed.

(45) A new Schedule B is inserted to read as follows:

SCHEDULE B

The procedure established by this schedule must be followed in order to request a rating for any item listed on it. Certain of these items are on List B of Priorities Regulation 3, and any rating secured under this procedure for such an item is not a blanket MRO rating and may be used to secure such item.

In order to request a rating under this procedure two copies of each delivery order (regardless of amount) must be submitted to the District Office of the PAW of the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the operator's purchasing office is located.) For each such delivery order, in addition to the statement which must regularly accompany an MRO delivery order submitted to PAW concerning the specific use to which the material will be put, the operator should include a detailed explanation of why he requires the particular item requested. An operator may not place a delivery order with a supplier covering these items until approval of such order has been returned to him. For convenience this will be referred to as the "special MRO procedure."

The following materials are covered by this schedule:

(a) Those items currently identified on (and more completely described in) List B of Priorities Regulation 3 as follows, and any equivalent items replacing them on revisions of that List B, when required as MRO material:

Description

Civilian defense devices.
Filing cabinets, wooden.
Fire protective equipment.
Furniture for use in offices, factories, industrial establishments and institutions, except furniture specifically designed for schools.
Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment).
Medical, surgical and dental instruments.
Slide rules, precision engineering, having a list price of $7.50 or more.
Venetian blinds.

(b) Construction machinery and equipment (on Schedule B of Order L–192) costing in excess of $500, when required as MRO material or as material for use in production.

(46) Schedule C is relettered Schedule D.

Issued this 26th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1357; Filed, January 26, 1944; 11:34 a. m.]

Chapter XI—Office of Price Administration

PART 1346—BUILDING MATERIALS

[MPR 466,[1] Amdt. 1]

ASBESTOS-CEMENT BUILDING MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 466 is amended in the following respects:

1. Section 1.1 is amended to read as follows:

SEC. 1.1 *Persons subject to this regulation.* Any person making a sale or delivery governed by this regulation is subject to it.

A "person" is an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

A "manufacturer" means any person who produces any specific asbestos-cement shingles, sidings or accessories, and includes any person who purchases, rather than produces, any asbestos-cement shingles, sidings and accessories from a producer for resale in the same form and without further processing usually under his own name or trade name, to the same trade classifications through which original producers usually distribute such products. The description also includes commission salesmen, the manufacturer's representatives and any other manufacturer's agents.

A "dealer" is a merchant maintaining a permanent place of business equipped with sales personnel and service facilities sufficient to serve the consuming public.

2. Section 3.9 is added to read as follows:

SEC. 3.9 *Sales between manufacturers.* (a) Any manufacturer of asbestos-cement building materials subject to this regulation may, subject to the filing provisions of paragraph (b) of this section, offer to sell, sell and deliver any such commodity or commodities to any other manufacturer subject to this regulation, at a price agreed upon by the seller and the buyer when the price so agreed upon is in excess of the maximum price for the seller under this regulation under the following conditions:

(1) Both the seller and buyer must be "manufacturers" as the term is defined in this regulation;

(2) The product must be one whose maximum price is established by the regulation and one which is subject to the regulation for both the seller and the buyer;

(3) The buyer must resell the product in the same form as purchased from the seller; and

(4) Any increase in price resulting from the agreement under this section must be absorbed by the buyer and must neither be reflected, directly or indirectly, in the resale price nor may such increase be used as a basis for a request for an increase in price by way of an application for adjustment or petition for amendment under this regulation.

(b) Before any sale or delivery may be made upon the basis of the price arrived at pursuant to paragraph (a), above, the buyer must submit a statement to the Office of Price Administration, Building Materials Price Branch, Washington, D. C., showing:

(1) The commodity or commodities involved in the sale;

(2) The names and addresses of the seller and the buyer;

(3) A specific statement from the buyer that the increase in price or prices will not be passed on in the resale of the product or products and that such increases resulting from the agreement will not be made the basis for an application for adjustment or petition for amendment under this regulation.

3. Section 4.3 (a) is amended to read as follows:

(a) *Practice I—Prices applicable.* In all cases throughout this regulation, every carload and truckload shipment of asbestos-cement building materials will take the price specified as the carload price, and every less-than-carload and less-than-truckload shipment will take the price specified in less-than-carload price, except for asbestos-cement shingles, siding and accessories for which net list prices, as enumerated in this regulation, may be charged on less-than-truckload shipments delivered to destination by a manufacturer.

4. That portion of Table 2 of section 5.4 (b) headed "Maximum Prices Per Lineal Foot—For Battens 3/16" Thick" is amended by inserting directly beneath the table the following footnotes:

[1] These are distributors who purchase materials for resale, erection contractors engaged in the sale and application of roofings and sidings, steel erection contractors and equipment manufacturers who use the materials as part of their finished product.

[2] These are railroads, industrials, general contractors, state, county, and municipal governments and all others purchasing materials for their own use.

5. Table 3A under section 6.3 (a) is amended by deleting $.069 under J–M f. o. b. Marrero, La., under Eastern Area dealer prices and inserting in its place and stead $.0695.

6. That portion of Table 3A of section 6.3 (a) headed "Manufacturer and Product" is amended to delete the letters "DeL", so that it reads:

Johns Manville:
Plain
Scored
Decorative Plain
Decorative Scored
Deluxe Board ¼" thick:
All styles and colors
3/16" Thick Plain
Battens (per lineal ft.)
1¼" x 4"
2" x 4"
4" x 4"
Keasbey and Mattison:
Plain
Decorative Plain
Decorative Scored
Battens (per lineal ft.)

7. Table 4 of section 7.5 (a) is amended by adding to the heading "Std. 4.2 corrugation" a footnote indication, so that it reads "Std. 4.2" corrugation [2]", and placing beneath the table a footnote "[2]" directly preceding the sentence "When lengths exceeding 11' 0" are required, two shorter lengths of 4.2" corrugation, including laps, at the price of 11' 6" or 12' 0", as required, shall be furnished."

8. Section 8.1 is amended to read as follows:

SEC. 8.1. *Application of this article.* The provisions of this article shall apply to all sales of asbestos-cement shingles, siding and accessories in which the point of destination is within the Eastern Area. The Eastern Area includes all the continental United States except the States of California, Oregon, Washington, Nevada, Arizona, Utah, New Mexico (except McKinley County) and the County of Lemhi in Idaho.

9. Section 8.2 (c) is amended to read as follows:

(c) When the shipment is made wholly or partially by water: in lieu of the allowance set forth in section 8.2 (a) above, the allowance to the purchaser shall include the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels, where such charges are not included in the published rate of the carrier.

10. Section 8.3 (a) is amended to read as follows:

SEC. 8.3. *Equalization points and free delivery zones for asbestos-cement shingles, siding and accessories—(a) Equalization points.*[13]

Mobile, Alabama
Chicago, Illinois
Chicago Heights, Illinois
Joliet, Illinois
Waukegan, Illinois
Wilmington, Illinois [13]
East Chicago, Indiana
New Orleans, Louisiana
Marrero, Louisiana
St. Louis, Missouri
Bound Brook, New Jersey
East Rutherford, New Jersey
Kenilworth, New Jersey [14]
Manville, New Jersey
Millington, New Jersey
Lockland, Ohio
Ambler, Pennsylvania

11. Section 8.4 (a) (3) is added to read as follows:

(3) The maximum prices specified below in Table 5 opposite company names shall extend and be applicable to all sellers, including the particular manufacturer and all other persons selling at the same or other levels of distribution, who offer to sell or sell the product of the designated company. The maximum prices specified opposite the term "All other sellers" apply to persons at all levels of production and distribution who offer to sell or sell the applicable commodities of manufacturers other than those of the particular companies designated.

12. Section 9.2 is amended to read as follows:

SEC. 9.2. *Computation of maximum prices.* Maximum prices for asbestos-cement shingles, siding and accessories shall be as set forth in Table 6 below together with the provisions regarding transportation charges, freight equalization and other additional charges contained in this article and in accordance with Practices I through IV set forth in section 4.3 above.

In the case of U. S. G., a freight allowance of 35¢ per cwt. must be made on Nos. 600, 700, 900 and 950 siding shingles. On all shipments, U. S. G. must equalize with Pittsburg, California, up to a maximum of 75¢ per cwt. In the case of Nos. 600, 700, 900 and 950 siding shingles, such equalization of 75¢ per cwt. shall include the allowance of 35¢ per cwt. In the event that the lowest equalized freight rate is less than 35¢ per cwt., the freight allowances allowed on Nos. 600, 700, 900 and 950 siding shingles shall be the amount of the actual equalized freight rate.

In the case of J–M, a freight allowance of 35¢ per cwt. of the lowest applicable freight rate must be made on shipments of numbers 105–U, 107–U, 109–U Blended Gray and Oyster White siding shingles on shipments from Pittsburg, California. In the event that the lowest applicable freight rate is less than 35¢ per cwt., only the actual amount of freight must be allowed.

13. That portion of section 9.3 (b) preceding the Table 6 heading "Asbestos-Cement Hexagonal and Dutch Lap Shingles" is amended to read as follows:

(b) *Table of list prices for asbestos-cement shingles, siding and accessories*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12612.

for the Western Area. Table 6—Maximum Prices are Determined by Applying the Following Discounts to the List Prices Shown Below:

J-M Less-than-carload shipments—5%.
J-M Carload shipments—20%.
U. S. G. Carload shipments—20% and 6%.
J-M must charge no more than list less 17% when carload shipments are delivered by their own or hired trucks within the corporate limits of Pittsburg, Los Angeles, Vernon, and Beverly Hills, California, and net list when such shipments are made in LCL quantities.

14. That portion of Table 6 of section 9.3 (b) headed "Asbestos-Cement Shingle Accessories" is amended to delete the list price "$4.70" now appearing for "hexagonal starters—all other colors" under the heading "J-M Los Angeles, California" and to substitute the list price "$5.70" in its place.

This amendment shall become effective as of September 18, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1318; Filed, January 25, 1944; 4:03 p. m.]

PART 1366—USED CONSUMER DURABLE GOODS

[MPR 429,[1] Incl. Amdt. 1]

CERTAIN USED CONSUMER DURABLE GOODS

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 429 are and will be generally fair and equitable and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardizations, that no practical alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order No. 59, 8 F.R. 12552, effective 9-11-43]

§ 1366.1 *Maximum prices for certain types of used consumer durable goods.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 429 (Ceiling Prices for Certain Types of Used Consumer Durable Goods), which is annexed hereto and made a part hereof, is hereby issued.

MAXIMUM PRICE REGULATION NO. 429—CEILING PRICES FOR CERTAIN TYPES OF USED CONSUMER DURABLE GOODS

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1. What to look for in this regulation.
2. Relation to the General Maximum Price Regulation and other regulations.
3. Antiques and objects of art.
4. What transactions and persons are covered by this regulation.
5. How to determine your ceiling prices.
6. How to find the price of the new article.
7. How to determine the class of a used article.
8. How to find the ceiling price for each class.
9. Fixing of dollars-and-cents ceiling prices for certain articles by Regional or other offices of the Office of Price Administration.
10. Application for permission to charge higher prices under certain specified circumstances.
11. Credit, delivery, packing and other charges.
12. Evasion, licensing and enforcement.
13. Posting ceiling price notice.
14. Tagging.
15. Sales slips or receipts.
16. Petitions for amendment.
17. Geographical coverage of this regulation.

AUTHORITY: § 1366.1 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

SECTION 1. *What to look for in this regulation.* This regulation tells how to find ceiling prices for certain types of used goods. As defined in this regulation used goods includes reconditioned, rebuilt, and renovated goods. However, this regulation does not cover goods which were sold new and which have been returned to the original seller who has returned to the buyer the full amount paid on account of the purchase of the goods. (Such goods are to be treated as new goods under Office of Price Administration price regulations).

This regulation does not cover the sale of all used goods. It only covers the sale of the used goods listed below:

(a) All kinds of furniture made from any kind of material, to be used for any purpose, including furniture used in offices, stores, restaurants, hospitals, hotels, camps, trailers, boats, institutions and similar places as well as homes.

(b) All kinds of bedding including mattresses, pillows, studio couches, sofa beds, boxsprings, and pads, but not including non-upholstered metal coil or flat bedsprings, folding bedsprings or bedsprings with stationary or folding legs attached, metal cots and fold-away beds.

(c) All kinds of domestic cooking and space heating stoves except gas cooking stoves.

(d) All kinds of soft surface floor coverings including carpets and rugs; and hard surface floor coverings including linoleum, inlaid, and felt base. Knotted oriental rugs are not included.

(e) All kinds of portable lamps and lamp shades.

(f) The following houseware items: clothes wringers, metal ironing tables, laundry boilers, ice cream freezers, kitchen and bathroom scales, pressure canners, kitchen cutlery, choppers and grinders, small electrical appliance (including irons, fans, space heaters, heating pads, etc.) metal cooking utensils, carpet sweepers, step ladders, and stools.

(g) All kinds of hand tools including, but not limited to the following: chisels, of all types, pliers, wrenches, screw drivers of all types, snips, shears, shovels, farm and garden tools commonly known as steel goods, axes, hammers, hatchets, saws, sledges, wedges, mauls, picks, legging tools, carpenter's tools (such as planes, levels and squares).

(h) The following hardware items: wheelbarrows, blow torches, chain and chain products.

(i) All kinds of musical instruments, except pianos.

(j) All kinds of baby carriages, strollers, and baby walkers.

(k) Portable room coolers of one horse power or less.

(l) All kinds of commercial and institutional kitchen equipment including, but not limited to, ranges, broilers, automatic fryers, roasting and baking ovens, steam tables, hot plates, griddles, coffee urns and coffee making systems, toasters, dishwashers, glasswashers, mixers, choppers, slicing machines, burnishers, potato peelers, vegetable steamers, and canopies.

(m) All kinds of store and office fixtures including, but not limited to filing cabinets, lockers, storage cabinets, wardrobes, movable safes, and store measuring devices used in the sale of merchandise such as scales, liquid and bulk measures and linear measuring machines. This regulation does not cover the sale of business machines, such as accounting, computing, recording, reproducing and writing machines, time clocks, registers, and machines for handling checks, mail, fares or tickets or for sorting or changing coins.

(n) All kinds of beauty and barber shop furniture, fixtures and equipment.

[Paragraph (m) and (n) as amended by Am. 1, 8 F.R. 13742, effective 10-5-43]

(o) All kinds of coin operated vending machines for cigarettes, candy, beverages, etc.; and coin operated weighing machines and juke boxes, pin ball machines and other amusement machines.

(p) All kinds of household sewing machines.

[Paragraph (p) added by Am. 1]

SEC. 2. *Relation to the General Maximum Price Regulation and other regulations.* This regulation takes the place of the General Maximum Price Regulation[3] for the sales of the used articles which are listed in section 1 above. However, this regulation does not cover the sale of the used goods listed below which are covered by other regulations.

Used household mechanical refrigerators (nonmechanical refrigerators remain under the General Maximum Price Regulation are not covered by Maximum Price Regulation 429.)	MPR 139[4]
Used typewriters	MPR 162[5]
Used vacuum cleaners	MPR 294[6]
Used washing machines	MPR 372[7]
Used bedsprings	MPR 380[8]

[4] Revised: 8 F.R. 3706, 5484, 9779, 10079.
[5] Revised: 9 F.R. 526.
[6] 8 F.R. 139, 3528, 8979, 15937.
[7] 8 F.R. 5533.
[8] 8 F.R. 5929, 7114, 13712.

SEC. 3. *Antiques and objects of art.* This regulation does not cover the sale of antiques and objects of art. An article is an antique if it is more than 75 years old, tends to increase rather than decrease in value because of its age and is commonly known and dealt in as an antique by the trade.

SEC. 4. *What transactions and persons are covered by this regulation.* (a) This regulation covers all sales by any person to any other person with the following exceptions only:

(1) Sales by a householder who is selling goods which he originally bought for use. Sales by dealers or auctioneers whether for their own account, or for the account of a householder or anyone else, and sales of used goods out of a residence as a regular business are covered.

[Subparagraph (1) as amended by Am. 1, 8 F.R. 13742, effective 10-5-43]

(2) [Revoked]

[Subparagraph (2) revoked by Am. 1]

(3) Sales by the War Department, the Department of the Navy of the United States, or the Procurement Division of the Treasury Department.

(4) Sales at wholesale. A sale at wholesale is a sale to a person who buys for the purpose of reselling the goods, rather than for use. Sales at wholesale remain covered by the General Maximum Price Regulation.

(b) "Person" includes an individual, corporation, partnership or any other organized group of persons; their legal successors, or representatives; the United States or any Government, or any of their political subdivisions.

[Paragraph (b) as amended by Am. 1]

SEC. 5. *How to determine your ceiling prices.* (a) First, you must find the price of a new article (which is the same as or similar to the used article you are pricing), according to the rules in section 6.

(b) Second, you must find the class in which the used article you are pricing belongs. (Class I or Class II—See section 7).

(c) You then find your ceiling price which is either ¾ or ⅓ of the price of the new article, depending on the class in which the used article you are pricing belongs.

SEC. 6. *How to find the price of the new article.* You find the price of the new article by using these rules in the order in which they appear:

(a) *Rule 1.* Find the retail selling price of the same article, new, for sale in your own stock.

(b) *Rule 2.* If you do not have the same article, new, in stock, find the retail selling price of a similar article, new, in your own stock. A used article is "similar" to a new article if the used article has the same uses and when new would give fairly equivalent service. In addition, the used article, when new, must have sold for approximately the same price as the similar new article now sells for.

(c) *Rule 3.* If you do not have a similar article, new, in stock, find the retail selling price of the same article, new, in the same shopping area. (The shopping area is the area in which persons in your community shop for new goods of the kind you are pricing.)

(d) *Rule 4.* If the same article, new, is not for sale in the same shopping area, find the retail selling price of a similar article, new, for sale in the same shopping area. A used article is "similar" to a new article if the used article has the same use and when new would give fairly equivalent service. In addition, the used article, when new, must have sold for approximately the same price as the similar new article now sells for.

(e) *Rule 5.* If the same or similar article is not being sold in your community, find the retail selling price when this article was last sold in your community.

(f) *Rule 6.* If you cannot find the retail selling price under any of these Rules above, apply to the appropriate Office of Price Administration District Office, for information on how to determine your price.

Remember, if you can find the price of the new article in Rule 1, you cannot use Rules 2, 3, 4, 5, or 6. If you can use Rule 2, you cannot use Rules 3, 4, 5, or 6. If you can use Rule 3, you cannot use Rules 4, 5, or 6. If you can use Rule 4, you cannot use Rules 5 or 6.

SEC. 7. *How to determine the class of a used article*—(a) *Class I.* An article is a Class I article if:

(1) No part is missing which is necessary to make the article fully useful.

(2) The article is in good working condition, can be used by the consumer for the purpose intended without further repair, and the article is clean and its appearance is good.

For example: In the case of floor covering, upholstered furniture and bedding, the fabric must be clean and substantially free from burns, cuts, tears, stains, frayed edges, faded colors, and worn spots.

(b) *Class II.* An article is a Class II article if it is not in Class I.

SEC. 8. *How to find the ceiling price for each class.* The ceiling price for the used article must be no more than:

Class I. ¾ (75%) of new.
Class II. ⅓ (33⅓%) of new.

Example for Class I: If the selling price of a new article is $40, you determine the ceiling price of the used article by multiplying $40 by 3 and dividing the result by 4; 3 times $40 is $120; $120 divided by 4 is $30; $30 is the ceiling price for the Class I used article.

Example for Class II: The selling price of the new article is $30. To determine the ceiling price of the used article, you divide the $30 by 3; $30 divided by 3 is $10. This is the ceiling price for the Class II used article.

No sales, attempts to sell, offers to sell or deliveries shall be made at prices higher than the ceiling price. Of course, sales may be made at lower than ceiling prices.

[Sec. 8 as amended by Am. 1, 8 F.R. 13742, effective 10-5-43]

SEC. 9. *Fixing of dollars-and-cents ceiling prices for certain articles by Regional or other offices of the Office of Price Administration.* Any Regional Office of the Office of Price Administration or such other offices as may be authorized by the appropriate Regional Office, may by order fix dollars-and-cents ceiling prices for the sales of any articles covered by this regulation in any area or locality within its jurisdiction. Any order fixing maximum prices issued under the authority of this provision will supersede the provisions of this regulation with respect to sales subject to such order.

SEC. 10. *Adjustment of prices under certain circumstances.* Any regional office of the Office of Price Administration or such other offices as may be authorized by the proper regional office may grant permission to any person subject to this regulation to charge a higher price for the sale of any rebuilt or reconditioned article than is permitted by this regulation if it is found that:

(a) The article is essential, and is one of which there is a serious shortage.

(b) There has been expended (in the course of rebuilding, reconditioning, or renovating the used article) a substantial amount for labor and materials.

(c) Considering the substantial amount expended for labor and materials, the establishment of a price by the Class I formula would result in a price so low that he could not reasonably be expected to continue to recondition or rebuild the article.

For further information consult with your nearest district office of the Office of Price Administration.

Until such permission is granted the ceiling price is the price fixed by this regulation.

SEC. 11. *Credit, delivery, packing and other charges.* (a) Any additional charge for credit, packing, delivery, or anything else which is not quoted and billed separately is considered part of the selling price. You may charge for those services only to the extent allowed by this section.

(b) If you were engaged in the business of selling goods during March 1942, and during that month made a separate charge for the extension of credit, or for delivery or packing, you may make a charge for any of those services on the sale of goods covered by this regulation no greater than the charge you made during March 1942, and you must quote and bill those extra charges separately.

(c) If you were not engaged in business during March 1942, or if you did not extend credit or delivery or packing service during that month, you may

[1] 8 F.R. 9877.
[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.
[3] 8 F.R. 3096, 3849, 4347, 4436, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9391, 11955.

make a charge for any of those services rendered the buyer, no greater than the charge made by your closest competitor selling used goods, who makes a separate charge for that service. You must quote and bill those extra charges separately.

(d) You cannot require the customer to take any of these services.

[Sec. 11 as amended by Am. 1, 8 F.R. 13742, effective 10–5–43]

SEC. 12. *Evasion, licensing and enforcement*—(a) *Evasion.* You must not evade any of the provisions of this regulation by any scheme or device, or by any practice which has the effect of getting a higher-than-ceiling price. Specifically, you cannot offer to sell used goods covered by this regulation only on condition that the customer agree to pay for reconditioning, repairing, or rebuilding to be performed by you before or after he buys the merchandise or only on condition that the customer buy goods which he does not wish to buy. If the customer buys an article from you, and asks you to rebuild it or recondition it, the total amount which you receive on account of the sale of the goods and on account of the reconditioning or rebuilding cannot exceed the ceiling price of the goods if you offered the goods for sale as Class I goods.

You may not use the published list price as the price of the new article under section 6, if that published list price was generally not observed by sellers of new goods. Section 6 requires you to find the actual selling price of the new article.

(b) *Licensing.* The provisions of Licensing Order No. 1,* licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Paragraph (b) as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10–1–43]

(c) *Enforcement.* On and after September 1, 1943, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended, if you violate any provision of this regulation.

SEC. 13. *Posting ceiling price notice.* If you are a retailer, you must post a sign no smaller than 11" x 17" in size, in a place that is permanently and clearly visible to all customers for used goods. Your nearest Office of Price Administration Office can help you get this sign. This sign must read substantially as follows except that you may omit from it any articles not sold in your store.

CEILING PRICES ON USED, RECONDITIONED, OR REBUILT ARTICLES

(Name of your establishment)

Our ceiling prices for the used, reconditioned, rebuilt and renovated articles listed below have been fixed under Maximum Price Regulation No. 429 issued by the Office of Price Administration.

The regulation sets up ceiling prices for the following articles:

Furniture.
Bedding.
Floor Coverings.
Stoves, ranges and space heaters.
Baby Carriages.
Musical instruments, except pianos.
Lamps and lamp shades.
Housewares.
Hand tools.
Room Coolers.
Office and store furniture and fixtures.
Commercial and institutional kitchen equipment.
Beauty and barber shop furniture, fixtures and equipment.
Coin operated vending machines.

CEILING PRICES

The used goods covered by the regulation must be classified as Class I or Class II, according to quality.

This store is not allowed to charge more for these used goods than the ceiling prices described below under the two classes.

Class I: This group includes all used articles which meet the conditions shown below.

Ceiling prices for articles in Class I must not be priced higher than 75 percent of the present retail selling price of the same or a similar article.

Used articles may be included in Class I only if they meet these conditions:

1. No part is missing which is necessary to make the article fully useful.

2. The article is in good working condition, can be used by the consumer for the purpose intended without further repair, and the article is clean and its appearance is good.

For example—in the case of floor covering, upholstered furniture and bedding, the fabric must be clean and substantially free from burns, cuts, tears, stains, frayed edges, faded colors and worn spots.

Class II: This group includes all articles which do not meet the requirements of Class I.

Ceiling prices of articles in Class II must not be priced higher than 33⅓ percent of the present retail selling price of the same or a similar article.

ARTICLES SELLING AT $2.00 OR MORE MUST HAVE PRICE TAGS

SALES SLIPS WILL BE GIVEN TO ANY CUSTOMER UPON REQUEST

SEC. 14. *Tagging.* If you are a retailer, you must tag or label every article covered by this regulation with the actual selling price in plain dollars-and-cents figures, except that if the selling price is less than $2.00 a tag is not required. In addition to the selling price, the tag must show the class (Class I or Class II). This tag or label must not be removed except by the person to whom you sell the article. The price written on the tag or label must be the one set by this regulation or a lower price. Any goods priced and tagged under the provisions of this regulation, before the effective date, are covered by this regulation.

SEC. 15. *Sales slips or receipts.* If you have customarily given a customer a sales slip, receipt, or similar evidence of purchase you shall continue to do so. Upon request, regardless of previous custom, you shall give a receipt showing the date, your name and address, a list of the articles bought and the prices paid, kind and amount of any additional charges, and the name and address of the customer.

SEC. 16. *Petitions for amendment.* You may seek a change in this Maximum Price Regulation No. 429 or any exception to its terms by filing a petition for amendment in accordance with the rules outlined in Revised Procedural Regulation No. 1 [10] issued by the Office of Price Administration.

SEC. 17. *Geographical coverage of this regulation.* The provisions of this regulation apply to the forty-eight states, the District of Columbia and the territories and possessions of the United States. It becomes effective in the territories and possessions 45 days after its effective date in continental United States.

Effective Date

The regulation shall become effective September 1, 1943. [Originally issued July 15, 1943]

NOTE: The reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

This compilation is issued this 25th day of January, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1319; Filed, January 25, 1944; 4:04 p. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 434]

USED FRUIT AND VEGETABLE CONTAINERS

Maximum Price Regulation No. 434—Used Fruit and Vegetable Containers [1]—is redesignated Revised Maximum Price Regulation No. 434 and is amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

§ 1377.302 *Maximum prices for used fruit and vegetable containers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 434 (Used Fruit and Vegetable Containers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 434—USED FRUIT AND VEGETABLE CONTAINERS

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

1. Prohibition against dealing in used fruit and vegetable containers and parts thereof at prices above the maximum.
2. To what products, transactions and persons this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Maximum prices.
4. Containers and parts not specifically priced.
5. Additions for delivery.
6. What the invoice must contain.
7. Prohibited practices.

ARTICLE III—MISCELLANEOUS

8. Definitions.
9. Adjustable pricing.
10. Applications for adjustment and petitions for amendment.
11. Records and reports.
12. Enforcement.
13. Licenses.
14. Registration.
15. Relation to other regulations.

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

SECTION 1. *Prohibition against dealing in used fruit and vegetable containers and parts thereof at prices above the maximum.* On and after January 31, 1944, regardless of any contract or other obligation, no person, other than a "farmers' cooperative" may sell or deliver, and no person may buy or receive any used fruit and vegetable containers or their component parts at prices higher than those contained in this regulation. No person shall agree, offer or attempt to do these things.

Prices less than the maximum prices established by this regulation may, of course, be charged and paid.

The provisions of this regulation shall not be applicable to sales or deliveries which, prior to the effective date of this regulation, have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

SEC. 2. *To what products, transactions and persons this regulation applies*—(a) *Products covered.* This regulation, under the term "used fruit and vegetable containers" covers all used containers and component parts made of wood, solid fiber, or corrugated board or a combination of any of these materials used for packaging, handling, storing or shipping fresh fruits and vegetables. This regulation does not cover cooperage products and veneer or plywood drums.

(b) *Transactions covered.* This regulation covers all sales and purchases of used fruit and vegetable containers within the continental limits of the United States; except that sales to members by "farmers' cooperatives," as herein defined are specifically exempt from the coverage of the regulation.

(c) *Persons covered.* This regulation extends to any person except a "farmers' cooperative," who makes a sale and any person who makes a purchase which is covered by the regulation.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Maximum prices.* The maximum prices, f. o. b. the seller's loading point, for used fruit and vegetable containers and parts are listed in the price tables below:

TABLE I—BASKETS, HAMPERS, COVERS

ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH, AND WASHINGTON

Container description	Units	Emptier—unselected and unreconditioned	Accumulator—unselected and unreconditioned	Dealer	
				Selected and/or reconditioned	Throw-outs
		Cents	*Cents*	*Cents*	*Cents*
1 bu. export tubs (solid bottom)—with crown or rimmed covers.	Each	8	11	17	
1 bu.—3 hoop—bent bottom or improved baskets—with covers.	Each	7	10	16	
1 bu.—2 hoop—round bottom baskets—with flat or rimless covers.	Each	5	8	13	
1 bu.—baskets—all types—unassorted—with covers.	Each	6	9½		
1 bu.—baskets—all types—unassorted—no covers.	Each	4	6½		3½
½ bu. export tubs (solid bottom)—with crown or rimmed covers.	Each	5	8	13	
½ bu. C. S. baskets—with covers	Each	4	7	12	
½ bu. baskets—all types—unassorted—with covers.	Each	4½	7½		
½ bu. baskets—all types—unassorted—no covers.	Each	3	5		2½
1 bu. and ¼ bu. covers—with rims	Each	2	3	4	
1 bu. and ½ bu. covers—flat or rimless	Each	11½	2½	3	
6-12-16 qt. solid fibre—tomato baskets—with handles and covers.	Dozen	12	24	48	
1 qt. and 1 pt. berry cups	Hundred	20	35	55	
1 qt. till baskets	Dozen	4	6	9	
2 qt. till baskets	Dozen	6	8	11	
3 qt. till baskets	Dozen	7	9	12	
4 qt. till baskets	Dozen	8	10	13	
1½ bu. cabbage hampers—with covers	Each	6	9	15	
1¼ bu. hampers—with covers	Each	6	9	15	
1 bu. bean or potato hampers—with covers	Each	5	8	14	
⅘ bu. hampers—no covers	Each	4	6	10	
½ bu. hampers—no covers	Each	3	5	8	
All hampers—without covers	Each				3½
1½ bu. and 1 bu. hamper covers—flat or rimless	Each	1½	2½	3	
4 qt. climax baskets—with handles and covers	Dozen	15	21	42	
4 qt. climax covers—only	Dozen	3	4	6	
12 qt. climax baskets—with handles and covers	Dozen	30	54	90	
12 qt. climax covers—only	Dozen	9	12	15	
8 and 12 qt. splint or slab market baskets	Dozen	24	36	60	
16 and 24 qt. splint or slab market baskets	Dozen	36	48	72	
32 qt. splint or slab market baskets	Dozen	48	66	99	

NOTE: An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE II—NAIL TYPE CRATES, COVERS, CORRUGATED OR SOLID FIBRE BOXES

ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON

Container description	Units	Emptier—unselected and unreconditioned	Accumulator—unselected and unreconditioned	Dealer	
				Selected and/or reconditioned	Throw-outs
		Cents	*Cents*	*Cents*	*Cents*
1¾ bu. and 1⅗ bu. citrus crates—no covers	Each	5	9	17	
Standard lemon crates—no covers	Each	5	9	17	
1 bu. to 1⅓ bu. standard apple boxes—no covers	Each	7	11	17	
Corrugated or solid fibre apple boxes	Each	3	7	12	
Standard celery crates—16" to 22"—no covers	Each	5	9	16	
Western (L. A.) lettuce crates—no covers	Each	5	9	16	
Standard and jumbo cantaloupe crates—no covers	Each	5	9	16	
Standard cauliflower crates—no covers	Each	5	9	16	
1⅓ bu. standard pepper crates—no covers	Each	5	9	16	
1 bu. New England market boxes—no covers	Each	7	10	16	
½ bu. New England market boxes—no covers	Each	5	7	10	
32 qt. hinged cover berry crates—no cups or dividers	Each	17	22	29	
24 qt. hinged cover berry crates—no cups or dividers	Each	15	20	27	
16 qt. hinged cover berry crates—no cups or dividers	Each	13	18	25	
36 pt. hinged cover berry crates—no cups or dividers	Each	14	19	26	
80 pt. hinged cover berry crates—no cups or dividers	Each	13	18	25	
24 qt. folding type berry crates—no cups or dividers	Each	12	17	24	
All other berry crates not specifically priced—no covers, cups or dividers.	Each	4	8	14	
Berry crate dividers	Each	1	1½	2	
⅘ bu. tangerine crates—no covers	Each	4	8	14	
½ size lemon crates—no covers	Each	4	8	14	
Lettuce crates (2-dozen size)—no covers	Each	4	8	14	
½ size (L. A.) lettuce crates—no covers	Each	4	8	14	

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*8 F.R. 13240.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10086, 11382, 12477.

[10] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

TABLE II—NAIL TYPE CRATES, COVERS, CORRUGATED OR SOLID FIBRE BOXES—Continued

ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON—con.

Container description	Units	Emptier—unselected and unreconditioned	Accumulator—unselected and unreconditioned	Dealer	
				Selected and/or reconditioned	Throwouts
		Cents	*Cents*	*Cents*	*Cents*
Lug boxes—no covers	Each	4	8	14	
Western standard pear boxes—no covers	Each	4	8	14	
Asparagus crates—no covers	Each	4	8	14	
1 bu. vegetable crates—no covers	Each	4	8	14	
1 bu. potato crates—no covers	Each	4	8	14	
Pony cantaloupe crates—no covers	Each	4	8	14	
Pony cauliflower crates—no covers	Each	4	8	14	
1 bu. peach crates—no covers	Each	4	8	14	
New England type lettuce crates—no covers	Each	4	8	14	
6 and 8 basket carrier crates—no covers or tills	Each	4	8	14	
8 qt. corrugated or solid fibre tomato lugs	Each	2	3	6	
All covers for above crates	Each	1	1½	2	
All single slats for above crates	Each	½	½	½	

NOTE. An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE III—WIREBOUND BOXES

ALL STATES EXCEPT ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON

Container description	Units	Emptier—unselected and unreconditioned	Accumulator—unselected and unreconditioned	Dealer	
				Selected and/or reconditioned	Throwouts
		Cents	*Cents*	*Cents*	*Cents*
1⅘ bu. bruce citrus boxes—made up	Each	6	9	14	5
1⅘ bu. bruce citrus boxes—K. D. (flat)	Each	8	11	17	
⅘ bu. bruce citrus boxes—made up	Each	4	7	12	5
⅘ bu. bruce citrus boxes—K. D. (flat)	Each	6	9	15	
Howard celery crates—made up	Each	5	8	13	5
Howard celery crates—K. D. (flat)	Each	7	10	16	
24 pt. berry crates—made up—no cups or dividers.	Each	4	7	12	
24 pt. berry crates—K. D. (flat)—no cups or dividers.	Each	6	9	15	
1 bu. James sweet potato crates—made up.	Each	4	7	12	

NOTE.—An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE IV—ALL USED FRUIT AND VEGETABLE CONTAINERS

THE STATES OF ARIZONA, CALIFORNIA, NEVADA, OREGON, UTAH AND WASHINGTON

Container description	Units	Emptier—unselected and unreconditioned	Accumulator—unselected and unreconditioned	Dealer	
				Selected and/or reconditioned	Throwouts
		Cents	*Cents*	*Cents*	*Cents*
L. A. lettuce crates—no covers	Each	6	11	18	
Pea crates—no covers	Each	6	11	18	
1⅘ bu. standard citrus crates—no covers	Each	5	8	15	
Standard lemon crates—no covers	Each	5	8	15	
California and Northwest apple boxes—no covers.	Each	4	7	12	
1½ bu. pepper crates—no covers	Each	4	7	12	
Cauliflower crates—no covers	Each	4	7	12	
Artichoke crates—no covers	Each	4	6	11	
Standard cantaloupe crates—no covers	Each	4	6	11	
Celery crates—no covers	Each	4	6	11	
Potato crates—no covers	Each	4	6	11	
Pear crates—no covers	Each	4	6	11	
Peach crates—no covers	Each	4	6	11	
Carrot crates—no covers	Each	4	6	11	
Tomato lugs—no covers	Each	4	6	9	
Cucumber crates—no covers	Each	4	6	9	
L. A. lugs—no covers	Each	4	6	9	
4 basket crates—no covers	Each	2	3	6	
Avocado—apricot—egg plant lugs—no covers.	Each	2	3	6	
Covers for all above crates	Each	1	1½	2	
All single slats for above crates	Each	½	½	½	
1-bu. baskets—no covers	Each	4	6½	12	3
½-bu. baskets—no covers	Each	3	5	9	2
1-bu. and ½-bu. basket covers only	Each	1½	2	3	
Howard wirebound celery crates—made up.	Each	4	7	12	4
Howard wirebound celery crates—K. D. (flat).	Each	6	9	15	
Wirebound pea crates—made up	Each	4	7	12	4
Wirebound pea crates—K. D. (flat)	Each	6	9	15	
Wirebound celery crates—½ size—made up.	Each	4	7	12	4
Wirebound celery crates—½ size—K. D. (flat).	Each	6	9	15	

NOTE: An emptier who sells and delivers used fruit and vegetable containers or parts to an accumulator or dealer may use an accumulator's price on such sales.

TABLE V—ALL USED FRUIT AND VEGETABLE CONTAINERS

ARMY INSTALLATIONS AND NAVAL ACTIVITIES—ALL STATES

Container description	Units	Unselected and unreconditioned
		Cents
1 bu. baskets—unassorted—no covers.	Each	6½
½ bu. baskets—unassorted—no covers.	Each	5
½ bu. to 1½ bu. hampers—no covers.	Each	6
All basket and hamper covers	Each	2½
4 qt. climax baskets—with handles—no covers.	Dozen	17
4 qt. climax basket covers only	Dozen	4
12 qt. climax baskets—with handles—no covers.	Dozen	42
12 qt. climax baskets covers only	Dozen	12
1 qt. and 1 pt. berry cups	Hundred	35
All hinged cover berry crates—no cups or dividers.	Each	19
Berry crate dividers	Each	1½
All nail type crates—no covers	Each	9
Covers for above crates	Each	1½
All wirebound crates—made up	Each	8

SEC. 4. *Containers and parts not specifically priced.* Used fruit and vegetable containers and parts not specifically priced in this regulation are nevertheless subject to its terms. Any person desiring to buy or sell used fruit and vegetable containers not specifically priced herein shall make application to the Office of Price Administration, Washington, D. C., for approval of a price. The application shall contain a complete description of the container to be priced; the type of purchase or sale, that is, whether by an emptier, accumulator, dealer or the Army or Navy, and the requested price. The applicant may use the requested price, subject to adjustment upon the action of the Office of Price Administration, pending approval of the price. Approval may be by letter or telegram, and any requested price not disapproved within 15 days from receipt of application for approval shall be automatically approved until revoked or amended by the Office of Price Administration.

SEC. 5. *Additions for delivery.* On shipments by common or contract carriers the actual cost of transportation paid or incurred by the seller may be added to the maximum price, f. o. b. seller's loading plant. If shipment is by private truck owned or controlled by the seller, actual transportation costs may be added; except that in no case shall the addition exceed 80 percent of the common carrier truck charges for the same shipment.

SEC. 6. *What the invoice must contain.* All invoices must contain a sufficiently complete description of the containers or parts to show whether the price is proper or not. They must also show the name and address of the seller, the name and address of the purchaser, the quantity of each particular container, the origin and destination of the shipment, and any addition to the maximum price for delivery. In sales by dealers the invoice must also show the registration number of the dealer.

SEC. 7. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices, and the like.

ARTICLE III—MISCELLANEOUS

SEC. 8. *Definitions*—(a) *Emptier.* An "emptier," as referred to in this regulation, is any person who acquires for use or sale fruit or vegetables in containers and after removing the contents, sells the containers. Included in the term are grocery stores, canneries, restaurants, hotels, markets, institutions, etc. Specifically excluded are army and navy posts.

(b) *Accumulator.* An "accumulator," as referred to in this regulation, is any person who collects used fruit and vegetable containers or parts from emptiers for resale to dealers, growers, shippers, etc. Included in the term are salvage warehouses (chain), commission merchants, peddlers, junkies, or open lot dealers.

(c) *Dealer.* A "dealer," as referred to in this regulation, is any person who buys and sells used fruit and vegetable containers and maintains from season to season enclosed storage space and facilities for selecting and/or reconditioning such containers.

(d) *Farmers' cooperative.* A "farmers' cooperative" as referred to in this regulation is any organization or association approved by the Farm Credit Administration and engaged in selling used fruit and vegetable containers or parts.

(e) *Reconditioned or selected containers.* A "reconditioned or selected container", as referred to in this regulation, is any used fruit or vegetable container which has no broken or missing parts and which has utility equal to that of a new container.

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 10. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatens distribution of used fruit and vegetable containers which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[7] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[8] issued by the Office of Price Administration.

SEC. 11. *Records and reports.* All persons making sales covered by this regulation which amount to $50.00 or more in any one month must keep records which will show a complete description of the containers sold, the quantity, price, date of sale and the name and address of the buyer. Buyers must keep similar records including the name and address of the seller.

These records must be kept for two years for inspection by the Office of Price Administration.

SEC. 12. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Sales and purchases by such agencies are nevertheless subject to the terms of the regulation.

SEC. 13. *Licenses.* The provisions of Licensing Order No. 1,[9] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 14. *Registration.* Persons desiring to sell as dealers any of the products covered by this regulation must register with the Lumber Branch, Office of Price Administration, Washington, D. C. within 30 days after becoming subject to the regulation. Registration shall be accomplished by filing with the Office of Price Administration a statement of the applicant's qualifications as a dealer as defined in the regulation, a description of his warehousing and reconditioning facilities and the type of containers which he buys and sells.

The Office of Price Administration will issue to each person who registers in accordance with this section a registration certificate which shall be posted at all times in a conspicuous place in the registrant's place of business.

Persons who have previously filed their qualifications as dealers under Maximum Price Regulation No. 434 and received approval from this Office need not register under this section.

SEC. 15. *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation.[4]

(b) *Second Revised Maximum Export Regulation.* The maximum price for export sales of used fruit and vegetable containers is governed by the Second Revised Maximum Export Regulation.[6]

This regulation shall become effective January 31, 1944.

NOTE: All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1320; Filed, January 25, 1944; 4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,[3] Amdt. 21]

WILLIAMSPORT, PA.

In § 1388.1201 of Designation and Rent Declaration 25, item 186 (Williamsport) is amended to read as follows:

(186) Williamsport, Pennsylvania: Counties of Clinton, Columbia, Lycoming, Montour, Northumberland, Snyder, and Union, and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1069; Filed, January 20, 1944; 11:54 a. m.]

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[7] 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738, 9021, 10738, 12094, 13919, 14763, 15581, 16208, 17297.

[8] 8 F.R. 13240.

[9] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

[3] 8 F.R. 4132, 5987, 7662, 9998.

[4] 7 F.R. 5687, 5664; 8 F.R. 6173, 6174, 12024.

[6] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

PART 1388—DEFENSE RENTAL AREAS

[Designation and Rent Regulation 31,[1] Amdt. 15]

In § 1388.1341 of Designation and Rent Declaration 31, items (12), (29), (34), and (38) are amended and items (76), (77), (78), (79), and (80) are added to read as follows:

(12) Kansas, Kansas: That portion of the State of Kansas not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Barton, Finney, Ford, Gray, and Reno.

(29) North Carolina, North Carolina: That portion of the State of North Carolina not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Alamance, Buncombe, Chowan, Edgecombe, Moore, Nash, and Perquimans.

(34) Pennsylvania, Pennsylvania: That portion of the State of Pennsylvania not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Clinton and Elk.

(38) Texas, Texas: That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Bee, Brazos, Brewster, Denton, Kinney, Kleberg, Lampasas, McCulloch, Nolan, Smith, Uvalde, Val Verde, and Webb, and Justices' Precincts 1, 6, and 7 in the County of Caldwell.

(76) Great Bend, Kansas: County of Barton.

(77) Asheville, North Carolina: County of Buncombe.

(78) Rocky Mount, North Carolina: Counties of Edgecombe and Nash.

(79) Lockhart, Texas: Justices' Precincts 1, 6, and 7 in the County of Caldwell.

(80) Sweetwater, Texas: County of Nolan.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1068; Filed, January 20, 1944; 11:54 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing,[2] Amdt. 16]

Items (116a), (212b), (221a), (321a) and (329a) are added to Schedule A of the Rent Regulation for Housing and item (272) in the said Schedule A is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(116a) Great Bend	Kansas	Barton	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(212b) Asheville	North Carolina	Buncombe	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(221a) Rocky Mount	North Carolina	Edgecombe and Nash	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	Columbia, Montour, Northumberland, Snyder, and Union	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	In the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
	Pennsylvania	Clinton	Jan. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(321a) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in Caldwell County	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(329a) Sweetwater	Texas	Nolan			

This amendment shall become effective February 1, 1944. This amendment shall not release or extinguish any penalty, duty or liability incurred under the Rent Regulation for Housing.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1060; Filed, January 20, 1944; 11:50 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[3] Amdt. 99]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7904 (e) is added to read as follows:

(e) Any consumer in the States of Georgia and Florida who holds a valid non-highway ration in the form of Class R coupons may, at any time, surrender such coupons to the issuing Board or, upon good cause shown, to any Board and obtain in exchange Class E coupons of equivalent gallonage value.

2. Section 1394.8153 (b) (4) is added to read as follows:

(4) In the States of Georgia and Florida no transfer in exchange for Class R coupons may be made by any dealer or by any licensed distributor from his retail facility, unless the transferor transports such gasoline from his place of business to some place of delivery selected by the transferee by means of delivery facilities, such as a tank truck, tank wagon, or portable drums, which he maintains and regularly uses for the purpose of transporting gasoline in quantities of twenty-five (25) gallons or more, from that place of business to places of delivery selected by the transferees, or unless transfers are made from such place of business directly into the fuel tanks of motorboats.

3. Section 1394.8215 (f) is added to read as follows:

(f) (1) Immediately upon the close of business on January 31, 1944 each dealer in the States of Georgia and Florida who has in his possession or control Class R coupons shall attach such coupons to separate gummed sheets (Form OPA R–120), unless such dealer maintains, at the place of business at which coupons are held, delivery facilities, such as a tank truck, tank wagon or portable drums, which he regularly uses for the purpose of transporting gasoline in quantities of twenty-five (25) gallons or more, from that place of business to places of delivery selected by the transferees, or unless transfers are made from such place of business directly into the fuel tanks of motorboats. He shall summarize such coupons on a summary form (Form OPA R–541) on which no other coupons are listed. On or before February 10, 1944, each such dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located, in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) Each licensed distributor in the States of Georgia and Florida shall, on or before February 10, 1944, deposit in his ration bank account all Class R coupons which are in his possession or control on February 1, 1944, at any place of business at which he does not maintain delivery facilities, such as a tank truck, tank wagon or portable drums, which he regularly uses for the purpose of transporting gasoline in quantities of twenty-five (25) gallons or more, from that place of business to places of delivery selected by the transferees, and which, under the terms of § 1394.7551 (a) (56) are deemed to be a part of his facilities, unless transfers are made from such place of business directly into the fuel tanks of motorboats.

This amendment shall become effective 1st day of February 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 20th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1067; Filed, January 20, 1944; 11:54 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 83]

PROVISIONS DEALING WITH FILING OF APPLICATION FOR ADJUSTMENT RELATING TO LUMBER AND FOREST PRODUCTS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, it is hereby ordered, that:

§ 1305.110 *Amendment of provisions covering applications for adjustment under Procedural Regulation No. 6, appearing in certain maximum price regulations relating to lumber and forest products.* (a) In each of the maximum price regulations listed in paragraph (b) of this order, the language appearing in the indicated paragraph is deleted and the following is substituted—"See Procedural Regulation No. 6[1] for adjustment provisions on certain government contracts or subcontracts".

(b) The maximum price regulations and revised maximum price regulations and the respective paragraphs thereof amended by this order are as follows:

Regulation:	Section and paragraph
13	10 (a)
19	16 (a)
26	19 (a)
94	1381.508 (a)
97	1382.107 (a)
109	1312.353 (a)
117	9 (a)
161	1381.161 (a)
188	1377.105 (a)
195	1377.161 (a)
196	1364.65 (a)
215	20 (a)
216	12 (a)
219	16 (a)
222	14 (a)
223	1382.158 (a)
253	1381.407 (a)
281	1382.207 (a)
284	12 (a)
290	1381.458 (a)
293	13 (a)

*Copies may be obtained from the Office of Price Administration.

[1] 7 F. R. 5067, 5664; 8 F.R. 6173, 6174, 12024.

[1] 8 F.R. 10419, 12444, 15605.

Regulation:	Section and paragraph
313	1382.259 (a)
320	1377.211 (a)
338	8 (a)
342	7 (a)
346	8 (a)
368	18 (a)
381	8 (a)
402	17 (a)
412	17 (a)
424	12 (a)
432	7 (a)
434	10 (a)
454	8 (a)
458	7 (a)
467	13 (a)
481	10 (a)
483	6 (a)
485	8 (a)
491	13 (a)
501	8 (a)

This supplementary order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1358; Filed, January 26, 1944; 11:39 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 435,[1] Amdt. 3]

NEW BICYCLE TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 435 is amended in the following respects:

1. Section 3 (c) (4) is added to read as follows:

(4) Any sale of imported bicycle tires and tubes of brands not specifically listed in any appendix to this regulation.

2. Section 8a is added to read as follows:

SEC. 8. *Applications for adjustment.* (a) A manufacturer who is an essential producer of new bicycle tires or tubes and whose maximum prices established by this regulation will impede or threaten to impede his production of such commodities may file an application for adjustment of his maximum prices.

(b) For the purposes of this section, a manufacturer is an essential producer if:

(1) His supply of new bicycle tires or tubes is required to meet military or essential civilian needs; or

(2) The loss of his supply will force his customers to resort to higher priced sources of supply, and no adequate substitutes for his tires or tubes are available to his customers at prices equal to or lower than the adjusted maximum prices which he requests.

(c) The relief granted under this section shall be limited to the amount necessary to permit the manufacturer to supply new bicycle tires or tubes: *Provided, however,* That where application is filed under paragraph (b) (2) above, the manufacturer's maximum prices will not be raised above the general level of prices prevailing for alternative sources of supply.

(d) Applications for adjustment under this section shall be filed with the Office of Price Administration, Washington, D. C., in the manner provided in Revised Procedural Regulation No. 1.[2]

This amendment shall become effective February 1, 1944.

NOTE: The reporting requirement of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1359; Filed, January 26, 1944; 11:40 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 81]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

Section 1340.220 is amended to read as follows:

§ 1340.220 *Appendix I: Maximum prices for bituminous coal produced in District No. 9.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices for shipment to all destinations, for all uses (including railroad fuel) and by all methods of transportation, except by truck or wagon,*

[1] 8 F.R. 14,560, 15,256, 15,455.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

General description	Group Nos.	Coals produced at any and all mines from the following seams: 14th and stray seams (maximum price group No. 1)	6th seam (maximum price group No. 2)	9th, 11th and all other seams (maximum price group No. 3)
Lump and egg	1 to 6, incl.	245	270	220
Mine run	7	225	225	210
Stove, nut and pea:				
Raw	8 to 12, incl.	220	310	200
Washed or air-cleaned	17 to 22, incl.	220		230
Screenings:				
Raw	13 and 14	185	245	175
Washed or air-cleaned	23 and 24	200		230
Dry dedusted	26 to 29, incl.	190	280	180
Carbon and dust:				
Raw	15 and 16	125	140	125
Washed or air-cleaned	25	175		165

Specific description of size group numbers referred to in this paragraph (1).

Size Group Nos., and Description

1 to 6, incl.—All single-screened lump coals and all double-screened raw, washed or air-cleaned egg coals, top size larger than 2".

7—Straight mine run—no fines removed. Mine run, modified by the removal of any intermediate size or sizes—no fines removed. All mine run resultants larger than 2"—no fines removed.

8 to 12, incl.—All double-screened raw or washed stove coals, top size larger than 1½" but not exceeding 2" and bottom size larger than ⅜". All raw double-screened nut, stoker and pea top size not exceeding 2" and bottom size larger than 10 mesh or 3/32".

13 and 14—All raw screening larger than ⅜"x0, but not exceeding 2"x0.

15 and 16—All raw screenings (carbon and dust) top size not exceeding ⅜".

17 to 22, incl.—All washed or air-cleaned, double screened nut, stoker and pea top size not exceeding 2"; dedusted washed screenings bottom size larger than 1 millimeter and top size not exceeding 2".

23 and 24—All washed or air-cleaned screenings larger than ⅜"x0 but not exceeding 2"x0.

25—All washed or air-cleaned screenings (carbon and dust) top size not exceeding ⅜".

26 to 29, incl.—All dry dedusted screenings (including carbon) top size not exceeding 2".

(2) *Maximum prices for shipment by truck or wagon to all destinations for all uses.*

Description:	Coals produced at any and all mines from all seams
All single-screened lump coals, bottom size larger than 1½" and all double-screened raw, washed or air cleaned coals, bottom size larger than 1½"	280
All single-screened lump coals, bottom size 1½" and smaller, and all double screened coals, bottom size 1½" and smaller	245
Mine run, modified mine run and mine run resultants larger than 2"	235
Screenings, top size not exceeding 2"	200

(3) A charge of no more than 10 cents per net ton may be made for a chemical, oil or waxing treatment to allay dust or to prevent freezing.

This amendment shall become effective January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1360; Filed, January 26, 1944; 11:40 a. m.]

PART 1389—APPAREL

[Rev. MPR 287,[1] Amdt. 2]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

RMPR 287 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Spring Pricing Chart.* If you have been pricing under Rules 1, 2, 5 or 7 of MPR 287, the pricing chart you filed pursuant to § 1389.353 (a), together with any supplement filed pursuant to Rule 11 (§ 1389.356a (c)), is now called your "Spring Pricing Chart" and is to be used throughout the year. (If you were authorized to establish ceiling prices under Rule 6 or Rule 9 of MPR 287, your Spring Pricing Chart is the OPA order of authorization, except that you may not price under Rule 3 garments in category numbers not listed in your order of authorization. Before you may deliver any such garments you must apply for authorization to establish prices under section 12 (d).)

2. Section 5 (c) is amended to read as follows:

(c) *Manufacturers who made no deliveries during the period between July 1 and October 1, 1942, but did deliver garments during March, April, May or June 1942, or priced under Rules 5, 6 or 9 of MPR 287.* If you made no deliveries during the period between July 1 and October 1, 1942 of garments covered by MPR 287, but did deliver such garments during March, April, May or June 1942 or priced under Rules 5, 6 or 9 of MPR 287, you may apply for authorization to establish higher fall selling price lines to the field office of the Office of Price Administration which issued the original order of authorization under Rule 6 or 9, or where you filed your original Spring Pricing Chart. There copies of this application should be filed, setting forth the following:

(1) Your name and address;

(2) Category numbers of garments for which you wish to establish higher fall selling price lines;

(3) Highest fall selling price lines desired for garments in each category number listed in (2). (Except in the case of applicants who operated under Rule 5 of MPR 287, these price lines may not be higher than those listed in Appendix E (section 31));

(4) A list of the names and addresses of your five closest competitors unless you have been pricing under Rule 6 or Rule 9 of MPR 287 and have already filed such a list;

(5) The pricing rule of MPR 287 under which you priced prior to June 29, 1943.

3. Section 10 is amended to read as follows:

SEC. 10. *Pricing rules*—(a) *Rule 1: Sales at selling price lines listed on the pricing chart in effect on the date of delivery:* A manufacturer may sell garments in any selling price line listed on his pricing chart for garments of the same category number.

Garments of a category number and in a selling price line listed on a manufacturer's pricing chart must contain a direct cost no less than the minimum allowable cost for that category number and selling price line.

For example, if a manufacturer's minimum allowable cost for his $4.75 selling price line in Category No. 22 is $3.60, then every garment in Category No. 22 sold in a $4.75 selling price line must contain a direct cost of $3.60 or more.

However, a garment which contains the minimum allowable cost may be sold at a lower price than the selling price line.

For example, this same manufacturer may sell a garment in Category No. 22 which contains a direct cost of $3.60 or more at $4.50 or at any other price lower than $4.75. Customary discounts, allowances and trade differentials may not be changed, however, if the change would result in a higher net price.

(b) *Rule 2: Sales at selling price lines different from those listed on the pricing chart.* A manufacturer may, at his option, sell a garment in a selling price line different from those listed on his pricing chart: *Provided,* The garment contains the minimum allowable cost for the selling price line: *And provided also,* That the selling price line is not higher than the highest selling price line listed on his pricing chart in effect on the date of delivery for a garment of the same category number or in Appendix G (section 33), whichever is higher. The maximum allowable margin for the optional selling price line is the maximum allowable margin listed on the pricing chart for a garment of the same category number in either the next higher or the next lower selling price line, whichever margin is lower. (The maximum allowable margin for a selling price line higher than the highest listed on the pricing chart for a garment of the same category number, but equal to or lower than that listed in Appendix G (section 33) is the maximum allowable margin listed on the pricing chart for the highest selling price line in that category number.) The minimum allowable cost is calculated by multiplying the optional selling price line by the lower maximum allowable margin thus selected and subtracting the result from the optional selling price line.

For example, a manufacturer's Fall Pricing Chart contains selling price lines for misses' coats (Category No. 2) of $16.75 and $18.75, having maximum allowable margins of 32% and 36% respectively. If, in October, he chooses to sell misses' coats at $17.50, he calculates his maximum allowable margin for these $17.50 coats by taking the lower of the maximum allowable margins listed on his Fall Pricing Chart for his $16.75 and $18.75 selling price lines. The maximum allowable margin on his $17.50 coats is, therefore, 32%; and the minimum allowable cost for such coats is $11.90 ($17.50×32%=$5.60; $17.50—$5.60=$11.90).

If the manufacturer selects a selling price line lower than the lowest selling price line listed on his Spring Pricing Chart for a garment of the same category number, he must use, as his maximum allowable margin, the maximum allowable margin of that lowest selling price line.

For example, a manufacturer wants to sell misses' dresses (Category No. 22) at $2.75. The lowest selling price line for misses' dresses listed on his Spring Pricing Chart is $3.75, and the maximum allowable margin for $3.75 dresses is 20%. Misses' dresses which he now sells at $2.75 must contain a minimum allowable cost of $2.20. ($2.75 x 20%=$.55; $2.75—$.55=$2.20.)

(c) *Rule 3: Pricing garments of a category number not listed in the pricing chart in effect on the date of delivery.* A manufacturer who wishes to sell garments of a different category number from those listed on his pricing chart in effect on the date of delivery must price by this rule.

He finds the highest selling price line in which he may sell garments of a new category number by referring to the instructions in Appendix E (section 31). He may then sell garments in the new category number at any selling price line equal to or lower than the highest selling price line so found, or at the selling price line listed in Appendix G (section 33) for garments of the same category number, whichever is higher. He fixes maximum prices for the garments by taking a margin over direct cost no higher than the average of the maximum allowable margins for every selling price line in every category number listed on his Spring Pricing Chart. (The average of the maximum allowable margins is determined by finding the total of all the maximum allowable margins for all selling price lines listed on the Spring Pricing Chart and dividing the total by the number of selling price lines.)

For example, (a) A manufacturer listed on his Spring Pricing Chart 6 selling price lines, 3 for women's dresses (Category No. 21) having maximum allowable margins of 35%, 32%, and 41%, and 3 for misses' dresses (Category No. 22) having maximum allowable margins of 44%, 37%, and 30%. His maximum allowable margin for garments in a new category number is 36.5%. This is calculated by adding together all the maximum allowable margins on his Spring Pricing Chart (35% + 32% + 41% + 44% + 37% + 30%=219%) and dividing the sum by 6 (219%÷6=36.5%).

(b) If the selling price lines listed by the manufacturer in the above example were $7.75, $6.75 and $4.75 for women's dresses, and $6.75, $5.75 and $4.75 for misses' dresses, and he now wishes to make women's coats (Category No. 1), the Table in Appendix E indicates that he would use Group I. He could then sell women's coats in a $16.75 selling price line. Thus, his minimum allowable cost in that selling price line would be $10.64. This is calculated by taking a maximum allowable margin of 36½% on the $16.75 selling price line ($16.75×.365=$6.11; $16.75—$6.11=$10.64). He may also sell women's coats at any price lower than $16.75.

4. Section 11 is amended to read as follows:

SEC. 11. *Special provisions for manufacturing-retailers.* A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells substantially all of the garments that he manufactures to ultimate consumers. Manufacturing-retailers must prepare special pricing charts for garments which they sell to ultimate consumers. These charts should include only garments which were delivered to ultimate consumers during the base period. (If other garments were delivered, they are the basis of pricing charts which must be used for sales to persons who are not ultimate consumers.)

In preparing special pricing charts for garments which are sold to ultimate consumers, manufacturing-retailers calculate their maximum allowable margins as follows:

(a) If the average initial percentage margin for a selling price line is 30% or less, the average initial percentage margin is also the maximum allowable margin.

(b) If the average initial percentage margin is higher than 30%, the maximum allowable margin is 97% of the average initial percentage margin or 30%, whichever is higher.

No retail establishment maintained by a manufacturing-retailer may sell any garment manufactured by him at a selling price line higher than (1) the selling price line listed for that category number in Appendix G (b) (section 33 (b)), or (2) the highest selling price at which that retail establishment during the appropriate base period under this regulation, delivered a garment of the same category number manufactured by the manufacturing-retailer, or (3) the highest selling price at which that retail establishment may deliver a garment of the same category number under Rules 1, 2 or 3 of MPR 330, whichever selling price is highest.

However, a manufacturing-retailer may not under any circumstances sell any garment manufactured by him at a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery or the selling price listed in Appendix G (b) (section 33 (b)), whichever is higher.

5. Section 12 (d) is added to read as follows:

(d) A manufacturer who has received an order authorizing establishment of ceiling prices under Rule 6 or Rule 9 of MPR 287, or under section 12 (a) or (b) of this regulation, may not sell or deliver garments in any additional category numbers not listed in the order of authorization until he has been authorized to establish ceiling prices for garments in such additional category numbers. Two signed copies of an application for authorization to establish maximum prices for additional category numbers must be filed with the field office of the Office of Price Administration which issued the original order under Rule 6 or Rule 9, or under section 12 (a) or (b), setting forth the following:

(1) Applicant's name and address;

(2) Rule under which the original order was issued;

(3) Additional category numbers of garments now desired to be sold;

(4) Highest selling price line desired for each category number listed in (3). (These may not be higher than those listed in Appendix E (section 31));

(5) Maximum margin and terms of sale desired for each category number listed in (3);

(6) If the competitors named in the original application do not manufacture garments in the category numbers now desired, a list of five competitors who do manufacture those category numbers.

If authorization is given, it will be accompanied by instructions as to a method for establishing maximum prices of the garments to be sold. These instructions may be revised at any time by the Office of Price Administration.

A maximum allowable margin will not be authorized to any manufacturer, other than a manufacturing-retailer, that is higher than the maximum allowable margins listed in Appendix F (section 32).

6. Section 14 is amended to read as follows:

SEC. 14. *Amendments to pricing charts*—(a) *Correction of errors.* Any manufacturer who has filed a pricing chart and then finds that the pricing chart filed was incorrect, may apply to the Office of Price Administration for authorization* to correct the errors. Two signed copies of an application for authorization to correct the errors in a pricing chart must be filed with the field office of the Office of Price Administration where the original pricing chart was filed, setting forth the following:

(1) Applicant's name and address;

(2) Description of the errors which applicant wishes to correct, and the correct entries;

(3) Statement of the manner in which the error originally occurred.

If authorization is given, it will be accompanied by instructions stating the

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9122, 10001, 10304.

correct entry to be made on the pricing chart or the method to be followed in calculating the corrected entry.

Until such correction has been authorized and until the manufacturer has received an acknowledgment from the Office of Price Administration of receipt of the corrected pricing chart, he may not take a higher maximum allowable margin than those listed in his pricing chart previously filed; nor may he sell in a higher selling price line than those listed in his pricing chart previously filed or those listed in Appendix G (section 33), whichever is higher.

(b) *Addition of prices delivered during March 1942.* Any manufacturer who, during March 1942, delivered garments in category numbers covered by MPR 287 prior to June 29, 1943, and who has filed a Spring Pricing Chart, and then finds that the pricing chart does not contain prices at which he actually delivered garments during March 1942, but which are different from "selling price lines" defined in section 7 (a), may apply to the Office of Price Administration for authorization to add such prices to his Spring Pricing Chart. Two signed copies of an application for authorization to add prices to a Spring Pricing Chart must be filed with the field office of the Office of Price Administration where the original Spring Pricing Chart was filed, setting forth the following:

(1) Applicant's name and address;

(2) A list of the prices which applicant wishes to add to his Spring Pricing Chart;

(3) A statement of the reasons why such prices were not listed in a supplement to the pricing chart pursuant to Rule 11 of MPR 287 and filed prior to June 29, 1943;

(4) A description of applicant's evidence that garments at such prices were actually delivered by him during March 1942.

Until addition of these prices has been authorized and until the manufacturer has received an acknowledgment from the Office of Price Administration of the receipt of his amended Spring Pricing Chart, he may not take a higher maximum allowable margin than those listed on his Spring Pricing Chart previously filed; nor may he sell in a higher selling price line than those listed on his Spring Pricing Chart previously filed or those listed in Appendix G (section 33), whichever is higher.

7. Section 15 (a) is amended to read as follows:

(a) No manufacturer shall deliver any garments in a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery, or in Appendix G (section 33), whichever is higher.

8. Section 17 (c) is amended to read as follows:

(c) *Purchase record.* A separate record of all purchases by type of material or trimming shall be kept which will indicate the following: (1) firm name of the supplier of materials and trimmings, (2) the date the materials and trimmings were received, (3) invoice number, (4) piece goods number of the material and trimmings, or if there is no piece goods number, the case number of the materials and trimmings, (5) number of yards, dozens or units received, (6) cost of freight, if freight is borne by the manufacturer of the garment, (7) gross price of materials and trimmings received, (8) percent and dollar discounts, (9) net price of materials and trimmings received, and (10) net price per yard, dozen or unit of materials and trimmings received.

9. Section 27 is amended by deleting the word "feminine" from paragraphs (a) and (c) thereof.

10. Section 30 (a) (8) is amended by adding a new paragraph following the first paragraph thereof, to read as follows:

In addition, the marker for each cutting must be kept until 6 months after the date of the cutting, or, if the marker is cut with the lay, a pattern of the average size in the size range must be kept until 6 months after the date of the first cutting of a style number.

11. Section 30 (a) (10) (v) is amended by adding 2 new paragraphs to read as follows:

However, in calculating direct cost, certain manufacturers may include 66⅔% of any increase in marine freight, marine insurance and war risk insurance over the rates paid by the manufacturer on garments shipped on March 31, 1942 or, if he made no shipment on that date, the rates paid on the last shipment he made prior to that date. In computing these costs, war risk insurance costs shall not exceed the amount of the applicable direct voyage war risk insurance premium which was or would have been charged for such shipment by the War Shipping Administration.

These increased costs may be included only by a manufacturer who did all of the following during or prior to March 1942, and who presently does all of the following: (1) ships cut garments to any of the possessions of the United States, (2) has some of the processes of manufacture performed in the possession, and (3) completes the garments after their return to the United States. Any manufacturer who includes these costs in his direct cost must preserve such premium notices, bills and receipts and all other records which he has showing rates paid on March 31, 1942 or, if he made no shipment on that date, the rates paid on the last shipment he made prior to that date. He must also keep all receipts for his current payments for marine freight, marine insurance and war risk insurance and a record showing his allocation of such costs to each cutting.

12. Section 30 (a) (14) is amended to read as follows:

(14) *Calculation of week work labor costs.* A manufacturer who pays any of his employees engaged in direct labor operations on a time basis must prepare a week work chart as described in (15) below, and keep this chart with his cost records. The estimates shown in the chart are the maximum amounts which may be used in calculating the minimum allowable cost. If a manufacturer finds that his estimates are too low, he may amend his chart by means of a notation on the chart showing the revised estimates and the date of the notation; but the revised estimates may not be regarded as effective for any period prior to the date of the notation.

If the estimate for any craft exceeds the manufacturer's actual direct labor cost, determined by reference to the records of (i) total wages paid to employees in the craft, and (ii) total garments manufactured during an accounting period chosen by the manufacturer and shown on the chart, the manufacturer's actual direct labor cost must be used in determining whether garments contain the minimum allowable cost.

13. Section 33 is added to read as follows:

SEC. 33 *Appendix G: Selling price lines available to all manufacturers and manufacturing-retailers*—(a) *Manufacturers' prices.* Regardless of the highest selling price lines listed on their pricing charts, manufacturers may deliver garments in the respective category numbers as follows:

TABLE I—CATEGORIES 1 THROUGH 20A AND 27 THROUGH 31

Category No.	Selling price line: Pile fabric, or fabric containing 25% or more wool	Selling price line: All fabrics other than pile fabrics or fabric containing 25% or more wool
1	$10.75	
2	10.75	
3	8.75	
4	6.75	
5	4.75	
5a	4.75	
6	10.75	
7	10.75	
8	8.75	
9	6.75	
10	5.75	
10a	3.75	
11	4.75	$1.87½
12	4.75	1.87½
13	4.75	1.87½
14	3.75	1.87½
15	3.50	1.31¼
15a	3.50	1.31¼
16	3.50	1.87½
17	3.50	1.87½
18	2.50	1.31¼
19	2.50	1.31¼
20	1.87½	1.31¼
20a	1.87½	1.31¼
27	4.75	
28	5.75	
29	5.75	
30	2.50	
31	3.50	

TABLE II—CATEGORIES 21 THROUGH 26B

Category No.	Selling price line: Cotton	Selling price line: All fabrics other than cotton
21	$1.31¼	$3.50
22	1.31¼	3.50
23	1.31¼	2.50
24	1.31¼	2.50
25	1.31¼	1.87½
25a	1.31¼	1.31¼
26	1.31¼	1.87½
26a	1.31¼	1.31¼
26b	1.05	1.05

(b) *Manufacturing-retailers' prices.* Regardless of the highest selling price lines listed on their pricing charts, manufacturing-retailers may deliver to ultimate consumers, garments manufactured by them in the respective category numbers as follows:

TABLE I—CATEGORIES THROUGH 20A AND 27 THROUGH 31

Category No.	Selling price line: Pile fabric, or fabric containing 25% or more wool	Selling price line: All fabrics other than pile fabric, or fabric containing 25% or more wool
1	$17	
2	17	
3	15	
4	11	
5	8	
5a	8	
6	17	
7	17	
8	15	
9	11	
10	10	
10a	6	
11	8	$3
12	8	3
13	8	3
14	6	3
15	5	2
15a	5	2
16	5	3
17	5	3
18	4	2
19	4	2
20	3	2
20a	3	2
27	8	
28	10	
29	10	
30	4	
31	5	

TABLE II—CATEGORIES 21 THROUGH 26B

Category No.	Selling price line: Cotton	Selling price line: All fabrics other than cotton
21	$2.00	$5.00
22	2.00	5.00
23	2.00	4.00
24	2.00	4.00
25	2.00	3.00
25a	2.00	2.00
26	2.00	3.00
26a	2.00	2.00
26b	1.50	1.50

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1361; Filed, January 26, 1944; 11:40 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART I—AREAS ADMINISTRATED BY THE NATIONAL PARK SERVICE [1]

ORDER DESIGNATING HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

Whereas the Congress of the United States has declared it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the Congress of the United States by Joint Resolution of July 18, 1939 (53 Stat. 1062-5), authorized the head of any executive department to accept for and in the name of the United States title to any part or parts of the Franklin D. Roosevelt Hyde Park estate for use in connection with any designated function of the Government administered in such department; and

Whereas subject to certain reservations and conditions title to approximately 33.23 acres of said historic and nationally significant estate has been vested in the United States pursuant to said Joint Resolution, having been donated by the said Franklin D. Roosevelt; *

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of and pursuant to the authority contained in the Act of August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, situated in the Town of Hyde Park, County of Dutchess, and State of New York, to be a national historic site, having the name "Home of Franklin D. Roosevelt National Historic Site":

Beginning at a point in the west line of the New York and Albany Post Road where the said line is intersected by the southerly line of a 16.31 acre tract known as the Franklin D. Roosevelt Library site and described in the deed from Franklin D. Roosevelt and Anna Eleanor Roosevelt, his wife, to the United States, dated July 24, 1939, and recorded in the Dutchess County Clerk's Office in Book 576 of Deeds, at page 227, and which point is monumented by an iron pipe set five inches above the ground; thence along the southerly line of said library site the following courses and distances: North 87°27' West 0.05 of a chain (3.3 feet) to a granite monument set in the ground and marked "US FDR 1939", and North 87°27' West 17.87 chains (1179.42 feet) to a similarly marked granite monument; thence along the westerly line of the said library site North 0°10' East 8.45 chains (557.70 feet) to a similarly marked granite monument set in the division line between the lands of the said Franklin D. Roosevelt and land now or formerly of Mary Newbold Morgan; thence along the land now or formerly of said Mary Newbold Morgan the following courses and distances: South 87°06' West 7.56 chains (498.96 feet) to a point marked by a one-inch iron pipe set in a six-inch square concrete monument six inches above the ground with a brass cap marked "AP1 FDR 1943", and South 89°24' West 4.15 chains (273.90 feet) to a point in the center of a rock fence on said division line and which point is the northwesterly corner of the tract herein described; thence along other land of said Franklin D. Roosevelt the following four courses and distances: South 18°51' East 0.04 of a chain (2.64 feet) to an iron pipe monument constructed as aforesaid and marked "AP2 FDR 1943"; South 18°51' East 7.52 chains (496.32 feet) to an iron pipe monument constructed as aforesaid and marked "AP3 FDR 1943"; South 28°49' West 9.46 chains (624.36 feet) to an iron pipe constructed as aforesaid and marked "AP4 FDR 1943"; and South 43°56' East crossing a road leading to the river 0.68 of a chain (44.88 feet) to an iron pipe monument constructed as aforesaid, marked "AP5 FDR 1943", and set in the original division line between the southerly line of "Wheeler Place" and the northerly line of "Boreel Place"; thence along the said original division line and along other land of Franklin D. Roosevelt the following courses and distances: South 87°40' East 30.88 chains (2038.08 feet) to an iron pipe monument constructed as aforesaid and marked "AP6 FDR 1943", and South 87°40' East 0.10 of a chain (6.6 feet) to a point where the westerly line of said New York and Albany Post Road intersects the original southerly line of said "Wheeler Place" and the original northerly line of "Boreel Place", and which point is monumented by an iron pipe set six inches above the ground; thence continuing along the westerly line of the said road the following courses and distances: North 2°56' East 7.31 chains (482.46 feet) to an iron pipe set six inches above the ground and North 5°05' West 1.05 chains (69.96 feet) to the point or place of beginning, containing 33.23 acres, more or less.

The administration, protection, and development of this national historic site shall be exercised by the National Park Service in accordance with the provisions of the above-mentioned Joint Resolution of July 18, 1939, and the Act of August 21, 1935, supra, all subject to the reservations and conditions contained in the deed conveying said property to the United States.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 15th day of January 1944.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 44-1345; Filed, January 26, 1944; 10:06 a. m.]

[1] Affects tabulation in § 1.13 g.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter III—Grazing Service

PART 505—LEASING OF STATE, COUNTY, OR PRIVATELY OWNED LANDS IN GRAZING DISTRICTS

MISCELLANEOUS AMENDMENTS

Paragraphs 2b, 3, and 5, of the regulations under the act of June 23, 1938 (52 Stat. 1033), for leasing of State, county, or privately owned lands in grazing districts, approved on January 26, 1940 [43 CFR 505.2 (b), as amended February 23, 1942; 505.3 and 505.5], are hereby amended to read as follows:

§ 505.2 *Evidence of ownership required.* * * *

(b) *Certificate of ownership for private lands.* Where privately owned lands are offered for lease, the party offering them will be required to file with the local office of the Grazing Service certificates from either the proper county officials, a licensed abstracter, or an administrative officer of the Grazing Service, whichever is required by the regional grazier, certifying that the records of the county in which the lands are situated show that the party offering the lands for lease is the record owner thereof or in legal control of such lands under appropriate recorded lease permitting the subleasing of the property, and including an itemized statement showing

the nature and extent of any liens, tax assessments, mortgages, or other encumbrances.

§ 505.3 *Form of lease.* A form for use in the leasing of such lands is attached. This form is believed adaptable for use in all of the States within which grazing districts have been established under the Taylor Grazing Act and must be executed and acknowledged by the lessor in the manner prescribed by the laws of the State within which the lands leased are situated. No modifications of the terms of the lease shall be made without the approval of the Secretary of the Interior or the Director of Grazing.

§ 505.5 *Approval.* Local negotiations for leasing of lands under this act will be carried on by the regional grazier, but the lease and any renewal thereof will not be effective until approved by the Secretary of the Interior or the Director of Grazing. Upon such approval the Director of Grazing shall indicate whether the lease shall be recorded in the land records of the county in which the land is situated.

J. H. LEECH,
Acting Director of Grazing.

Approved: January 22, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44-1344; Filed, January 26, 1944; 10:15 a. m.]

Notices

FEDERAL TRADE COMMISSION.

[Docket No. 4977]

BROWNING KING AND CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of January, A. D., 1944.

In the matter of Browning King & Company, Inc., a corporation, and A. Benjamin Wilkes, and Joseph Wilkes, individuals.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 9, 1944, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 3056, William Penn Annex, Ninth and Market Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-1356; Filed, January 26, 1944; 11:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1197 Under MPR 188]

ZENITH RADIO CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 1197 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of hearing aid accessories manufactured by Zenith Radio Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order Nos. 9250 and 9328, and in accordance with § 1499.158 of Maximum Price Regulation No. 188 and § 1499.3 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) Zenith Radio Corporation, 6001 Dickens Avenue, Chicago, Illinois, is authorized to sell and deliver the following hearing aid accessories manufactured by it at prices no higher than those set forth below:

Item	Part No.	To consumers	To dealers	To distributors
Service rental unit	A2AR	$40.00	$24.00	$18.00
Amplifier unit only	S-10822	33.70	20.22	15.16
Earphone unit only	S-10770	3.50	2.10	1.57
Earphone cable (42")	S-10768	1.75	1.05	.79
Battery cable (36")	S-10775	1.65	.99	.74
117-Volt A. C. Pow. Sup	S-10812	17.50	10.50	7.87

These maximum prices are subject to the Zenith Company's customary discounts, allowances or other price differentials.

(b) The Zenith Radio Corporation, 6001 Dickens Avenue, Chicago, Illinois is authorized to sell and deliver the following hearing aid accessories at prices no higher than those set forth below:

Item	Part No.	To consumers	To dealers	To distributors
Rubber earplugs X-sm	S-10802	$0.60	$0.36	$0.27
Rubber earplugs sm	S-10803	.60	.36	.27
Rubber earplugs med	S-10804	.60	.36	.27
Rubber earplugs lg	S-10805	.60	.36	.27
Ear studs and springs X-sm	S-10798	.60	.36	.27
Ear studs and springs sm	S-10799	.60	.36	.27
Ear studs and springs lg	S-10801	.60	.36	.27
Ear studs and springs med	S-10800	.90	.39	.27
Battery case (mens)	189-51	1.00	.60	.45
Ladies undergarment	189-57	2.50	1.50	1.12
Ladies undergarment	189-55	1.50	.90	.675
Ladies undergarment	189-56	2.25	1.35	1.01

These maximum prices are subject to the Zenith Company's customary discounts, allowances or other price differentials.

(c) Any person may sell to dealers and deliver the following hearing aid accessories sold by the Zenith Radio Corporation at prices no higher than those set forth below:

Item	Zenith part No.	Maximum price
Service Rental unit	A2A R	$24.00
Amplifier unit only	S-10822	20.22
Earphone unit only	S-10770	2.10
Earphone cable (42")	S-10768	1.05
Battery cable (36")	S-10775	.99
Rubber earplugs—X-small	S-10802	.36
Rubber earplugs—small	S-10803	.36
Rubber earplugs—medium	S-10804	.36
Rubber earplugs—large	S-10805	.36
Ear studs & springs—X-small	S-10798	.36
Ear studs & springs—small	S-10799	.36
Ear studs & springs—large	S-10801	.36
Ear studs & springs—medium	S-10800	.36
Battery case (mens)	189-51	.60
Ladies undergarment	189-57	1.50
Ladies undergarment	189-55	.90
Ladies undergarment	189-56	1.25
117-Volt A. C. Power Supply	S-10812	10.50

These maximum prices are subject to the seller's customary discounts, allowances or other price differentials.

(d) Any person may sell at retail and deliver the following hearing aid accessories at prices no higher than those set forth below:

Item	Zenith part No.	Maximum price
Service rental unit	A2A R	$40.00
Amplifier unit only	S-10822	33.70
Earphone unit only	S-10770	3.50
Earphone cable (42")	S-10768	1.75
Battery cable (36")	S-10775	1.65
Rubber earplugs, X-small	S-10802	.60
Rubber earplugs, small	S-10803	.60
Rubber earplugs, medium	S-10804	.60
Rubber earplugs, large	S-10805	.60
Ear studs and springs, X-small	S-10798	.60
Ear studs and springs, small	S-10799	.60
Ear studs and springs, medium	S-10800	.60
Ear studs and springs, large	S-10801	.60
Battery case (mens)	189-51	1.00
Ladies undergarment	189-57	2.50
Ladies undergarment	189-55	1.50
Ladies undergarment	189-56	2.25
117-Volt A. C. Power Supply	S-10812	17.50

These maximum prices are subject to the seller's customary discounts, allowances and other price differentials.

(e) At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser of the maximum prices and the conditions set by this Order No. 1197 for resales by the purchaser. This notice may be given in any convenient form.

(f) This Order No. 1197 may be revoked or amended by the Price Administrator at any time.

This Order No. 1197 shall become effective January 26, 1944.

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1303; Filed, January 25, 1944; 11:20 a. m.]

[Order 1052 Under MPR 188, Amdt. 2]

MOVABLE WOOD HOUSEHOLD FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2, Order No. 1052 under § 1499.159 b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and 9328, it is ordered that Order No. 1052 under Maximum Price Regulation No. 188 be amended in the following respects:

1. Paragraph (b) is amended to read as follows:

(b) *What this order covers.* This order covers sales of articles of movable wood household furniture, including upholstered furniture, with the exception of certain articles mentioned in paragraph (c). As used in this order, household furniture means furniture which is primarily designed for and generally used in homes, such as living room, dining room, bedroom (including wood and fabric folding cots and cedar chests), kitchen, porch, outdoor and juvenile furniture (including cribs, high chairs and wooden bassinettes, bathinettes, play pens, porch and stair gates and infants' toilet seats). Articles of this type are covered by the order even though they are sold for use in places other than households, such as hotels, clubs, institutions and ships.

2. Paragraph (c) (4) is amended to read as follows:

(c) *What this order does not cover.* This order does not cover sales of:

* * * * *

(4) Sand boxes and other articles for infants' amusement.

This amendment shall become effective January 27, 1944.

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1362; Filed, January 26, 1944; 11:39 a. m.]

Regional and District Office Orders.

[Region I Order G-35 Under RMPR 122]

SPECIFIED SOLID FUELS IN HAMPTON-SEABROOK AREA

Order No. G-35 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels—Hampton-Seabrook Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Hampton-Seabrook Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-35 is explained in paragraph (f) and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-35. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-35 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I—Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Hampton-Seabrook Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.55	$8.30	$4.30	$0.90
Pea	15.00	7.50	3.90	.85
Buckwheat	12.85	6.45	3.40	.80
Rice	12.25	6.15	3.25	.75
Yard screenings	4.00			
Coke:				
Egg, stove and chestnut	16.30	7.65	4.00	.85

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II—yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Hampton-Seabrook Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.55	$7.80	$4.05	$0.85
Pea	14.00	7.00	3.65	.80
Buckwheat	11.85	5.95	3.15	.75
Rice	11.25	5.65	3.00	.70
Yard screenings	3.50			
Coke:				
Egg, stove and chestnut	14.30	7.15	3.75	.80

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 15 days after receipt of the fuel, the maximum prices set forth in the foregoing paragraphs shall, except in the case of Pennsylvania Anthracite yard screenings, be reduced by $1.00 per ton, which reduction is a "cash discount". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania Anthracite yard screenings or on any sales of less than a ton. If payment is not required or made

at the time of delivery or (except in the cases of yard screenings and less than ton lots) within 15 days thereafter, terms shall be net 30 days.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this Order G–35 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Hampton-Seabrook Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Hampton-Seabrook Area, regardless of whether the dealer is located within said area.

(g) *Quality standards—Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania Anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the Area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(h) *Definitions.* When used in this Order G–35, the term:

(1) "Hampton-Seabrook Area" shall include the following cities and towns in the State of New Hampshire: Atkinson, Danville, East Kingston, Hampton, Hampton Falls, Kensington, Kingston, Newton, North Hampton, Plaistow, Seabrook and South Hampton.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–35 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–35 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–35 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefore. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G–35 shall become effective January 14, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–1311; Filed January 25, 1944; 12:55 p. m.]

[Region 1 Order G–36 Under RMPR 122]

SPECIFIED SOLID FUELS IN DOVER–EXETER AREA

Order No. G–36 Under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels—Dover–Exeter Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Dover–Exeter Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum Prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–36 is explained in paragraph (f) and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–36. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in section 1340.252 apply except to the extent that this Order G–36 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I—Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Dover–Exeter Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$17.25	$8.65	$4.50	$0.95
Pea	15.70	7.85	4.10	.85
Buckwheat	13.55	6.80	3.55	.75
Rice	12.45	6.25	3.30	.70
Yard screenings	4.00	-----	-----	-----
Coke:				
Egg, stove and chestnut	16.00	8.00	4.15	.90

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II—yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Dover-Exeter Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.25	$8.15	$4.25	$0.90
Pea	14.70	7.35	3.85	.80
Buckwheat	12.55	6.30	3.30	.70
Rice	11.45	5.75	3.05	.65
Yard screenings	3.50	-----	-----	-----
Coke:				
Egg, stove and chestnut	15.00	7.50	3.90	.85

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in the foregoing paragraphs shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, which reduction is a "cash discount". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this Order G–36 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Dover-Exeter Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Dover-Exeter Area, regardless of whether the dealer is located within said area.

(g) *Quality standards—Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania Anthracite may be charged only for Pennsylvania Anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania Anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this Order or by a letter to the applicant.

(h) *Definitions.* When used in this Order G–36, the term:

(1) "Dover-Exeter Area" shall include the following cities and towns in the State of New Hampshire: Barrington, Brentwood, Dover, Durham, Epping, Exeter, Farmington, Lee, Madbury, New Durham, Newfields, Newmarket, Northwood, Nottingham, Rochester, Rollinsford, Somersworth, Strafford, Stratham.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with

standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in Sections 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–36 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–36 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–36 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefore. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–36 shall become effective January 14, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328; 8 F.R. 4681)

Issued this 8th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–1312; Filed, January 25, 1944; 12:54 p. m.]

[Region 1 Order G–37 Under RMPR 122]

SPECIFIED SOLID FUELS IN STAMFORD-NORWALK AREA

Order No. G–37 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels—Stamford-Norwalk area.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by Section 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Stamford-Norwalk Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–37 is explained in paragraph (g) and the terms used herein are defined in paragraph (i).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–37. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–37 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I, sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Stamford-Norwalk Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.75	$8.15	$4.35	$0.90
Pea	14.25	7.40	3.95	.85
Buckwheat	12.55	6.55	3.55	.75
Rice	11.45	6.00	3.25	.70
Yard screenings	3.50			
Jeddo Highland:				
Broken, egg, stove and chestnut	16.25	8.40	4.45	.95
Pea	14.75	7.65	4.10	.90
Buckwheat	13.05	6.80	3.65	.80
Coke:				
Koppers coke	14.50	7.50	4.00	.85
Stamford coke	12.25	6.40	3.45	.75
Cannel coal	20.00	10.00	5.00	1.00

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II, yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Stamford-Norwalk Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.	50 lbs.
Pennsylvania anthracite:					
Broken, egg, stove and chestnut	$15.25	$7.90	$4.20	$0.85	$0.45
Pea	13.75	7.15	3.85	.80	.45
Buckwheat	12.05	6.30	3.40	.70	.40
Rice	10.95	5.75	3.15	.65	.35
Yard screenings	2.50				
Jeddo Highland:					
Broken, egg, stove and chestnut	15.75	8.15	4.35	.90	.50
Pea	14.25	7.40	3.95	.85	.45
Buckwheat	12.55	6.55	3.55	.75	.40
Coke:					
Koppers coke	14.00	7.25	3.90	.80	.45
Stamford coke	11.75	6.15	3.35	.70	.40
Cannel coal	20.00	10.00	5.00	1.00	.50

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 50 and 100 pounds are for 50 and 100 pounds bagged, exclusive of deposit charges for bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of Sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) above shall, except in the cases of Cannel coal and Pennsylvania anthracite yard screenings, be reduced by the following amounts:

	Per net ton	Per ¼ ton
Pennsylvania anthracite and Koppers coke:		
Entire area except New Canaan	$1.00	$0.50
New Canaan	.50	.25
Stamford coke: Entire area	.50	.25

which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Cannel coal, Pennsylvania Anthracite yard screenings or on any sales of less than a half-ton. If payment is not required or made at the time of delivery or (except in the cases of Cannel Coal, yard screenings and less than half-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III, yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Stamford-Norwalk Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.00	$6.50	$3.25
Pea	11.50	5.75	2.90
Buckwheat	9.80	4.90	2.45
Rice	8.70	4.35	2.20
Yard screenings	2.50		
Jeddo Highland:			
Broken, egg, stove and chestnut	13.50	6.75	3.40
Pea	12.00	6.00	3.00
Buckwheat	10.30	5.15	2.60
Coke:			
Koppers coke	11.75	5.90	2.95
Stamford coke	10.00	5.00	2.50

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by Section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(g) *Geographical applicability.* The maximum prices established by this Order G–37 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Stamford-Norwalk Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Stamford-Norwalk Area, regardless of whether the dealer is located within said area.

(h) *Quality standards—Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the Area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(i) *Definitions.* When used in this Order G–37, the term:

(1) "Stamford-Norwalk Area" shall include the following cities and towns in the State of Connecticut: Darien, Greenwich, New Canaan, Norwalk, Stamford (including Stamford City), Weston, Westport and Wilton.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, Koppers and Stamford Coke, and Cannel coal.

(3) "Pennsylvania Anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" is that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(5) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania Anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Koppers Coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(7) "Stamford Coke" means the retort gas coke produced by the Connecticut Power Company, Stamford Division, Stamford, Connecticut.

(8) "Dealer' means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–37 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–37 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–37 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–37 shall become effective January 17, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–1313; Filed, January 25, 1944; 12:54 p. m.]

[Region II Order G–21 Under RMPR 122, Amdt. 1]

BITUMINOUS COAL IN NEW YORK CITY REGION

Amendment No. 1 to Order No. G–21 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Emergency sales of prepared bituminous coal to domestic consumers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–21 is amended in the following respects:

1. Paragraph (a) is amended by redesignating subparagraph (3) as subparagraph (4) and inserting a new subparagraph (3) to read as follows:

(3) Any dealer who cannot calculate his maximum price by the use of said Rules 1 and 2, but can calcuate his maximum price by the use of Rule 3 of § 1340.254 (b) shall do so. It is contemplated that dealers who have established a maximum price for any prepared size of bituminous coal will be in a position to price under Rule 3 for all prepared sizes of bituminous coal. Such dealers will not price under the ensuing paragraphs of this order.

2. Paragraph (a) is further amended by inserting in the subparagraph redesignated (4) the words "or Rule 3" immediately after the words "or Rule 2" and immediately before the words "shall be the sum of."

3. Paragraph (c) is redesignated paragraph (d), paragraph (d) is redesignated paragraph (e), and a new paragraph (c) is inserted to read as follows:

(c) *Reports.* Every dealer subject to this order shall, within ten days after he determines his maximum prices hereunder, or, if his maximum price has been determined prior to the effective date of this amendment, within ten days after that effective date, report to the District Office of the Office of Price Administration under whose geographical jurisdiction his principal place of business is located:

(1) His maximum price for sales of prepared bituminous coal.

(2) The method employed in computing or determining that price including, where applicable, the margin added to delivered costs for sales to different classes of purchasers.

(3) A statement of the margin over delivered costs on the dealer's similar sale of anthracite coal to different classes of purchasers.

4. Subparagraph (3) in the paragraph redesignated (d) is redesignated subparagraph (4) and a new subparagraph (3) is inserted to read as follows:

(d) *Definitions.* When used in this Order No. G–21, the term:

* * * * * *

(3) Sales to "domestic consumers" shall refer to sales of "prepared bituminous coal", as defined, for use in dwellings consisting of no more than three family units, or in any building which normally consumes no more than twelve tons of anthracite annually, where such dwellings and buildings prior to the current (1943–4) heating season customarily consumed only anthracite, but, because of the present shortage of anthracite, have been compelled to substitute "prepared bituminous coal" as an emergency fuel.

5. The following note shall be inserted immediately after the paragraph redesignated (e):

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Amendment No. 1 to Order No. G–21 shall become effective January 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1314; Filed, January 25, 1944; 12:54 p. m.]

[Region II Order G–24 Under RMPR 122, Amdt. 1]

SOLID FUELS IN DESIGNATED COUNTIES IN PENNSYLVANIA

Amendment No. 1 to Order No. G–24 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania Anthracite delivered by dealers in Lycoming, Union, Snyder and Montour Counties, and in designated parts of Northumberland, Centre and Clinton Counties, Commonwealth of Pennsylvania, Coal Area VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–24 is amended in the following respect:

1. Paragraph (a) (1) 5 is amended to read as follows:

5. That portion of Northumberland County lying North of the Susquehanna River, and the City of Sunbury, the Townships of Upper Augusta, Lower Augusta, and Gearhart, and the Borough of Riverside.

This Amendment to Order No. G–24 shall become effective January 19, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1315; Filed, January 25, 1944; 12:54 p. m.]

[Region II Order G–28 Under RMPR 122]

SOLID FUELS IN NEW YORK REGION

Order No. G–28 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Emergency sales of coke to domestic consumers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, and for the period commencing with the effective date of this order and expiring on April 1, 1944, *It is hereby ordered:*

(a) In Region II, consisting of the States of Delaware, Maryland, New Jersey, New York, the Commonwealth of Pennsylvania and the District of Columbia, the maximum prices for the sale and delivery of coke to domestic consumers, shall be determined in the following manner.

(1) Any dealer in coke, purchasing coke of the kind or kinds customarily sold by him, from his customary suppliers, shall not exceed his existing maximum price for sales of such coke.

(2) Any dealer who has established a maximum price for coke but purchases coke of a different kind or quality or from different sources of supply than formerly, shall calculate his maximum price for sales of such coke by taking the sum of the following:

First, the per net ton cost of such coke to the dealer, f. o. b. supplier's shipping point;

Second, the actual transportation cost from supplier's shipping point to the dealer's yard, dock or other terminal facility; and

Third, the margin over delivered cost on the dealer's similar sale of coke most nearly like the coke for which a maximum price is being calculated hereunder, taking into account class of purchaser, method of delivery, and terms of delivery: *Provided*, That, where sales or deliveries are contemplated in communities where coke is subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, dealers shall add no more than the margins authorized by the Regional Office of the Office of Price Administration. In such instances, dealers shall apply for a price to the Regional Office, setting forth in writing:

1. The locality in which sales and deliveries of coke will be made, and

2. The f. o. b. cost of coke and the actual transportation cost, as above described.

The Regional Administrator will then establish the maximum price which the applicant may charge for such coke in the place designated, which price shall be determined by reference to margins prevailing in the area for sales of coke.

(3) Any dealer who has not established a maximum price for coke under Revised Maximum Price Regulation No. 122 may, to insure accurate pricing, apply for a price to the Regional Office setting forth:

1. A description of the coke and name of supplier,

2. The locality in which sales and deliveries will be made, and

3. The f. o. b. cost of coke and the actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility.

The Regional Administrator will then establish the maximum price which the applicant may charge for such coke in line with maximum prices of the closest competitive sellers for like coke sales derived from the same sources.

(b) *Conditions and limitations.* Every dealer making sales of coke pursuant to the pricing authorization of this order must, as a condition to pricing hereunder, keep each kind of coke, from each supplier, separate in storage and delivery from any other kind of coke and from coke shipped by other suppliers, and from any other kind of solid fuel, and sell and invoice it under the description used by the supplier. The invoice shall also set forth the supplier's shipping point.

(c) *Records.* Every dealer making sales of coke subject to this order shall preserve, keep and make available for examination by the Office of Price Administration complete and accurate records of coke purchased and sold hereunder, and a record of every sale of such fuel, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the coke sold. The coke shall be identified in the manner designated by the supplier as well as by the supplier's shipping point. The record shall also state separately each service rendered and the charge made for it.

(d) *Reports.* Every dealer subject to this order shall, within ten days after he determines or redetermines his maximum prices hereunder, report to the District Office of the Office of Price Administration under whose geographical jurisdiction his principal place of business is located:

(1) His maximum price for sales of each kind of coke from each supplier.

(2) The method employed in computing or determining that price including, where applicable, the margin added to delivered costs for sales to different classes of purchasers.

(3) A statement of the margin over delivered costs on the dealer's similar sale of coke most nearly like the coke priced hereunder, to different classes of purchasers.

(e) *Definitions.* When used in this Order No. G–28 the term:

(1) "Coke" means all coke, including reclaimed coke, when sold by dealers for use as fuel by "domestic consumers", as herein defined.

(2) Sales to "domestic consumers" shall refer to sales of coke for use in dwellings consisting of no more than thee family units, or in any building which would normally consume no more than twelve tons of anthracite annually.

(3) Unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to all other terms used herein.

(f) This order, which may be revoked, amended, or corrected at any time shall, unless earlier revoked or replaced, expire on April 1, 1944.

This Order No. G–28 shall become effective January 17, 1944.

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1316; Filed, January 25, 1944; 12:53 p. m.]

[Region VII Order G–24 Under RMPR 122]

SOLID FUELS IN DENVER REGION

Order No. G–24 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G–24 is issued.

(a) *What this order does.* This order permits dealers in Region VII for whom specific maximum prices have heretofore been established by this Regional Office in any specified trade area, by an adjustment order issued under § 1340.259, or by a community price order under § 1340.260 of Revised Maximum Price Regulation 122, to reflect any increase in the supplier's maximum prices authorized by Amendement No. 74 to Maximum Price Regulation No. 120, which permits producers, upon certain conditions, to increase their prices f. o. b. mine or preparation plant.

(b) *When dealers may increase their specific maximum prices to cover an increase in the maximum prices of a high-*

cost producer. If you are a dealer selling any kind, class, or grade of coal for which your maximum price has been established by an adjustment order issued under § 1340.259 or a community pricing order under § 1340.260 of Revised Maximum Price Regulation No. 122 by this Region VII of the Office of Price Administration for the trade area in which your place of business is located and you buy coal from any one or more of the high-cost mines listed in Appendix A of paragraph (d) hereof, you may add to your specific maximum prices, as established by such area adjustment order, or such community pricing order, the amount of such increase allowed your supplier as set forth in said Appendix A, from and after the effective date specified in said Appendix A.

(c) *Limitations.* This order permits you to add to your specific maximum prices the amount shown in Appendix A only as to coal actually purchased by you from one or more of the high-cost mines listed in Appendix A, and does not permit you to add such increase to your specific maximum prices for such coal when purchased from any other supplier or when purchased prior to December 3, 1943.

(d) *Appendix A.* The following mines have been designated high-cost mines and authorized to increase their f. o. b. mine prices in the amounts and as of the effective dates set forth below:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
				Ct.	
(1) The Colorado Fuel and Iron Corporation:					
Crested Butte	17	11	25	10	12-9-43
Rockvale #3	17	2	68	12	12-9-43
Frederick	17	8	32	45	12-9-43
Morley	17	8	52	40	12-9-43
(2) Hi-Heat Coal Company: Rains #2	20	1	17	28	12-11-43
(3) Crested Butte Coal Company: Buckley #2	17	11	16	25	12-14-43
(4) Huerfano Coal Company: Ludlow	17	7	47	5	12-16-43
(5) Moffat Coal Company:					
Moffat Nos. 1 & 2	17	4	51	39	12-17-43
Arrowhead	17	4	58	39	12-17-43
(6) Phelps Dodge Corporation: Dawson #9	17	9	27	21	12-15-43
(7) Burnell Coal Mines:					
Gebo #1	19	9	238	14	12-15-43
Gebo #2	19	5	114	14	12-15-43
Gebo #3	19	5	225	14	12-15-43
Gebo #4	19	5	192	14	12-15-43
Gebo #5	19	5	226	14	12-15-43
(8) Colony Coal Company: Peacock	19	2	18	12	12-15-43
(9) Hudson Coal Company: Sweet	20	1	23	52	12-15-43
(10) Royal Coal Company: Royal	20	1	19	20	12-15-43
(11) Spring Canyon Coal Company: Spring Canyon	20	1	20	20	12-15-43
(12) Standard Coal, Inc.: Standard	20	1	21	20	12-15-43
(13) Western Coal Mining Company: Western	20	1	11	33	12-16-43
(14) Lion Coal Corporation: Star	19	2	24	14	12-18-43
(15) Taylor Coal Company: Rouse	17	6	69	20	12-22-43

This Appendix A will be kept up to date by amendments issued from time to time and adding thereto other high-cost mines in this Region VII, as the same are from time to time designated by the Washington Office of the Office of Price Administration.

(e) *Right to revoke or amend.* This order may be revoked, modified, or amended by the Administrator or the Regional Administrator at any time.

Effective date. This order shall become effective retroactively as of December 3, 1943, thereby making the same operate concurrently with said Amendment No. 74.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1308; Filed, January 25, 1944; 12:55 p. m.]

[Region VII Order G-24 Under RMPR 122, Amdt. 1]

SOLID FUELS IN DENVER REGION

Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Pirce Control Act of 1942, as amended, § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d), "*Appendix A.*" is amended by adding thereto the following:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
				Ct.	
(16) Rock Springs Fuel Company: Kleen Fyre No. 1	19	2	13	18	12-22-43
(17) The Victor American Fuel Company: Pinnacle	11	4	62	28	12-24-43

and by deleting therefrom all of subparagraph (1), effective as of December 22, 1943; and by deleting from subparagraph (9) the amount of 52¢ and substituting therefor the amount of 22¢, effective as of December 22, 1943.

Effective date. This Amendment No. 1 shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1310; Filed, January 25, 1944; 12:53 p. m.]

[Region VII Order G-24 Under RMPR 122, Amdt. 2]

SOLID FUELS IN DENVER REGION

Order No. G-24 under Revised Maximum Price Regulation No. 122, Amendment No. 2. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Subparagraph (17) of paragraph (d), Appendix "A", is amended by adding thereto the following:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
				Ct.	
(1) The Colorado Fuel and Iron Corporation:					
Crested Butte	17	11	25	7	12-30-43
Rockvale #3	17	2	68	9	12-30-43
Frederick	17	8	32	42	12-30-43
Morley	17	8	52	45	12-30-43

2. Subparagraph (4) of paragraph (d), Appendix "A," is hereby revoked and deleted, as of January 1, 1944.

3. *Effective date.* This Amendment No. 2 shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681).

Issued this 7th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1309; Filed, January 25, 1944; 12:53 p. m.]

[Region VII Order G-5 Under RMPR 122, Amdt. 1]

BITUMINOUS COAL IN COLORADO SPRINGS AND PUEBLO, COLO., AREAS

Order No. G-5 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Specific maximum prices for bituminous coal delivered by dealers in the Colorado Springs and Pueblo areas, State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. The title to this order is amended to read as follows: Order No. G-5 under Revised Maximum Price Regulation No. 122.

2. Paragraphs (b), (c), (d), and (e) are amended by adding to each per ton price as set forth in Schedules I, II, III, and IV thereof, respectively, the sum of 20¢.

3. Paragraphs (l) and (m) are hereby redesignated (q) and (r), respectively, and five new paragraphs designated (l), (m), (n), (o), and (p), respectively, are added to read as folows:

(l) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(n) *Special service charges.* If in connection with a sale and delivery of coal made by you in the area covered hereby, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated below:

(1) *Special service charges.*

	Per ton	Per half ton
"Wheel-in" or "Carry-in"	$0.50	$0.35
"Pull-back" or "Trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
"Oil or chemical treatment"	.25	.15

(2) "Wheel-in" or "Carry-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space, when the physical condition of the premises are such as to prevent dumping or unloading directly into such bin or storage space.

(3) "Pull-back" or "Trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such "pull-back" or "trimming" shall apply only to the amount of coal so rehandled.

(4) "Carrying up or down stairs" means, generally, the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(5) "Delivered" means placed in the buyer's bin or storage space by dumping, chuting, or shoveling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck.

(o) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the area within which the seller has heretofore customarily made free delivery, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(p) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 10th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1334; Filed, January 25, 1944; 4:08 p. m.]

[Region VII Order G-8 Under RMPR 122, Amdt. 3]

SOLID FUELS IN DENVER, COLO., METROPOLITAN AREA

Order No. G-8 under Revised Maximum Price Regulation No. 122, Amendment No. 3. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Denver Metropolitan Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. Tables I and II of paragraph (d), as to sub-bituminous coal produced in District 16, are amended as follows:

(1) On sizes #2, #3, #5, and #6 of coal produced in Sub-districts 1, 2, and 4, Louisville, Lafayette, and Marshall No. 4, 45¢ is added to the ton prices and 25¢ to the half-ton prices, both as to delivered sales and yard sales.

(2) On sizes #2 and #3 produced in Sub-district 5, Lilley, and Sub-district 6, Erie, 45¢ is added to the ton price and 25¢ to the half-ton price, both as to delivered and yard sales.

(3) On sizes #2, #3, #4, and #5 produced in Sub-districts 8 and 9, Frederick and El Paso, 45¢ is added to the ton price and 25¢ to the half-ton price, both as to delivered and yard sales.

(4) On size #6 produced in Sub-district 9, El Paso, 45¢ is added to the ton price and 20¢ to the half-ton price, both as to delivered and yard sales.

(5) On sizes #3, #5, and #6 produced in Sub-district 10, Jefferson, 45¢ is added to the ton prices, both as to delivered and yard sales.

(6) On size #8, regardless of the sub-district in which produced, 35¢ is added to the ton price and 15¢ to the half-ton price, both as to delivered and yard sales.

(7) On sizes #9, #10, #11, and #12, regardless of the sub-district in which produced, 55¢ is added to the ton price, both as to delivered and yard sales.

2. Subparagraph (2) of paragraph (n) is amended to read as folows:

(2) "Pull-back" or "Trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such pull-back or trimming shall apply only to the amount of coal so rehandled.

3. Paragraph (o) is hereby redesignated paragraph (s), and four new paragraphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is bet by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made beyond the Denver Metropolitan Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 3 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 3 shall become effective on the 8th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1328; Filed, January 25, 1944; 4:09 p. m.]

[Region VII, Rev. Order G–9 Under RMPR 122, Amdt. 2]

SOLID FUELS IN ROCKY FORD, COLO., TRADE AREA

Revised Order No. G–9 under Revised Maximum Price Regulation No. 122, Amendment No. 2. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered in the Rocky Ford Trade Area of the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Paragraph (c) is amended by adding 20¢ to each per-ton price set forth in Table I thereof.

2. Paragraphs (o) and (p) are redesignated (r) and (s), and three new paragraphs designated (o), (p), and (q) are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Rocky Ford Trade Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

3. *Effective date.* This Amendment No. 2 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 2 shall become effective on the 10th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1329; Filed, January 25, 1944; 4:09 p. m.]

[Region VII Order G–10 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ROCK SPRINGS, WYO., TRADE AREA

Order No. G–10 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Rock Springs Trade Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d) (1) is amended by adding 20¢ to each per-ton price as set forth in Table I thereof.

2. Paragraph (d) (2) is amended by changing the period at the end thereof to a comma and adding the following: "and shall apply only to the amount of coal so actually rehandled."

3. Paragraph (o) is redesignated (s), and four new paragraphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Rock Springs Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively, as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 10th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1330; Filed, January 25, 1944; 4:09 p. m.]

[Region VII Order G–11 Under RMPR 122, Amdt. 1]

SOLID FUELS IN CANON CITY-FLORENCE, COLO., TRADE AREA

Order No. G–11 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Canon City-Florence, Colorado, Trade Area.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1340.260 of Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d) (1) is amended by adding 20¢ to each per-ton price as set forth in Table I thereof.

2. Paragraph (d) (2) is amended by changing the period at the end thereof to a comma, and adding the following: "and shall apply only to the amount of coal so actually rehandled."

3. Paragraph (o) is redesignated (s), and four new paragraphs, designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Canon City-Florence area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 10th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1331; Filed, January 25, 1944; 4:10 p. m.]

[Region VII Order G–12 Under RMPR 122, Amdt. 1]

SOLID FUELS IN CERTAIN IDAHO TRADE AREAS

Order No. G–12 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1), (2), (3), (4), and (5) of paragraph (d) are amended by adding 10¢ to each per-ton price and 5¢ to each half-ton price set forth in Tables I, II, III, IV, and V thereof.

2. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually rehandled."

3. Paragraph (o) is redesignated paragraph (s), and four new paragraphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several trade areas as defined herein, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, by a dealer in such area may be added to the specific maximum prices established by this order. A dealer who was not in business in such area in December, 1941, or who if in business in such area during that time made no such extra-area deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in said area and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 13th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1336; Filed, January 25, 1944; 4:10 p. m.]

[Region VII Order G–13 Under RMPR 122, Amdt. 1]

SOLID FUELS IN GRAND JUNCTION AREA, COLO.

Order No. G–13 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Grand Junction Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (d) (1) is amended by adding 10¢ to each per-ton price and 5¢ to each half-ton price as set forth in that part of Table I which covers bituminous coal produced in District 20, Sub-district 1, Castlegate.

2. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually rehandled."

3. Paragraph (o) is redesignated paragraph (s), and four new paragraphs designated (o), (p), (q), and (r), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Grand Junction Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(r) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 10th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1337; Filed, January 25, 1944; 4:11 p. m.]

[Region VII Order G–14 Under RMPR 122, Amdt. 3]

SOLID FUELS IN CERTAIN UTAH TRADE AREAS

Order No. G–14 under Revised Maximum Price Regulation No. 122, Amendment No. 3. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this amendment No. 3 is issued.

1. Subparagraphs (1), (2), (3), and (4) of paragraph (d) are amended by adding 10¢ to each per-ton price as set forth in Tables I, II, III, and IV thereof.

2. Subparagraph (5) of paragraph (d), as incorporated therein by Amendment No. 2, is amended by adding 10¢ to each per-ton price as set forth in Table V thereof.

3. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually rehandled."

4. Paragraph (o) is redesignated paragraph (r), and three new paragraphs designated (o), (p), and (q) are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several trade areas as defined herein, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, by a dealer in such area may be added to the specific maximum prices established by this order. A dealer who was not in business in such area in December, 1941, or who if in business in such area during that time made no such extra-area deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in said area and did make such extra-area deliveries in December, 1941.

5. *Effective date.* This Amendment No. 3 shall become effective retroactively as of November 30, 1943, as to the increases in the specific maximum prices set forth in Tables I, II, III, and IV; and as to the increases in specific maximum prices set forth in Table V, it shall become effective as of January 5, 1944; and as to all other provisions contained therein, this Amendment No. 3 shall become effective on the 13th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1338; Filed, January 25, 1944; 4:10 p. m.]

[Region VII Order G–15 Under RMPR 122, Amdt. 1]

SOLID FUELS IN DESIGNATED COLORADO AREAS

Order No. G–15 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the designated area of the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (a) is amended to read as follows:

(a) *Geographical applicability.* This order shall apply to all of the area contained within the County of Adams (except all of that area lying within the municipal boundaries of the Town of Aurora, which is excluded herefrom), and all of Weld County, and the eastern portion of Boulder County lying between its eastern boundary and a line ten miles west of and parallel to its eastern boundary, and the eastern portion of Larimer County lying between its eastern boundary and a line ten miles west of and parallel to its eastern boundary, in the State of Colorado.

2. Subparagraph (1) of paragraph (d) is amended by adding 45¢ to each per-ton price for sizes #2, #3, #4, #5, and #6; by adding 35¢ to each per-ton price for size #8; and by adding 55¢ to each per-ton price for sizes #9, #10, and #11, as set forth in Table I thereof.

3. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually rehandled."

4. Paragraph (o) is redesignated paragraph (r), and three new paragraphs designated (o), (p), and (q), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond customary free-delivery zone.* For a delivery made by any dealer in said area beyond his customary free-delivery zone as the same existed in December 1941, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December 1941, by such dealer, may be added to the specific maximum prices established by this order. A dealer who was not in business in such free-delivery zone in December 1941, or who if in business in such free-delivery zone during that time made no such extra-zone deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in such free-delivery zone and did make such extra-zone deliveries in December 1941.

5. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 13th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1339; Filed, January 25, 1944; 4:11 p. m.]

[Region VII Order G–16 Under RMPR 122, Amdt. 1]

SOLID FUELS IN CERTAIN WYOMING TRADE AREAS

Order No. G–16 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraph (1) of paragraph (d) is amended by rewriting Table I thereof to read as follows:

TABLE I—MAXIMUM PRICES IN CHEYENNE TRADE AREA

Kind	Size	Part 1—Delivered prices		Part 2—Yard prices
		Per ton	Per ½ ton	per ton
Bituminous coal produced in district 19: Subdistrict 2, Rock Springs	#1—8" lump	$10.95	$5.55	$9.95
	#7—5 x 1¾ nut	9.75	5.15	8.75
	#8—3 x 1½ nut	9.45	5.00	8.45
	#15—1¼ x 0 slack	17.05	3.50	6.55
Subdistrict 3, Hanna-Rawlins, Elk Mountain coal by truck only.	#1—8" lump	9.85	5.20	8.85
	#8—3 x 1½ nut	9.40	4.95	8.40
	#15—1¼ x 0 slack	7.00	3.75	6.50

TABLE I—MAXIMUM PRICES IN CHEYENNE TRADE AREA—Continued

Kind	Size	Part 1—Delivered prices		Part 2—Yard prices
		Per ton	Per ½ ton	per ton
Bituminous coal produced in district 17: Subdistrict 4, Oak Hills	#3—9" lump	$11.85	$6.20	$10.85
	#1—8" lump	11.65	6.10	10.65
	#4—8 x 3 grate	11.45	6.00	10.45
	#8—3 x 1½ nut	10.80	5.65	9.80
Subdistrict 8, Mount Harris	#3—9" lump	11.25	5.95	10.25
	#1—8" lump	11.10	5.80	10.10
	#8—3 x 1½ nut	10.60	5.50	9.50
Bituminous coal produced in District 16: Subdistricts 1, 2, and 4, Louisville, Lafayette and Marshall #4.	#2—8" lump	10.40	5.45	9.40
	#6—6 x 2½ egg	10.15	5.35	9.15
	#9—2½ x 1½ nut	7.80	4.00	7.00
	#9—1½ x ¾ pea	[1] 7.20	3.85	6.70
	#11—1¼ x 0 slack	[1] 6.50	3.50	6.00
Subdistricts 6 and 8, Erie and Frederick	#2—8" lump	9.70	5.10	8.70
	#6—6 x 2½ egg	9.70	5.10	8.70
	#9—2½ x 1½ nut	7.40	3.95	6.90
	#9—1½ x ¾ pea	[1] 7.15	3.85	6.65
	#11—1¼ x 0 slack	[1] 6.50	3.50	6.00

[1] Pea and slack prices per net ton are based on sales in lots of 2 tons or more. On sales of pea or slack of less than 2 tons the maximum price shall be the listed price per net ton plus 25¢.

2. Subparagraph (2) of paragraph (n) is amended by adding thereto the following sentence: "The special charge authorized for this service shall apply only to the amount of coal actually rehandled."

3. Paragraph (o) is redesignated paragraph (r), and three new paragraphs designated (o), (p), and (q), respectively, are added to read as follows:

(o) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(q) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the Cheyenne Trade Area, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 13th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1340; Filed, January 25, 1944; 4:11 p. m.]

[Region VIII Order G–1 Under MPR 376, Amdt. 5]

FRESH FRUITS AND VEGETABLES IN EL CENTRO, CALIF.

Amendment No. 5 to Order No. G–1 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered,* That Order No. G–1, as amended, under Maximum Price Regulation No. 376, as amended, shall be amended in the following particulars:

(a) Paragraph (a) is hereby amended to read as follows:

(a) The adjusted maximum price for sales of carrots by country shippers f. o. b. El Centro, California, shall be as follows:

(1) For sales of bunched carrots with full tops packed in Los Angeles crates containing at least 6 dozen bunches per crate, with a minimum net weight of 72 pounds: $3.50 per crate, top ice extra.

(2) For sales of bunched carrots with full tops packed in Los Angeles crates containing less than 6 dozen bunches per crate, with a minimum net weight of 12 pounds per dozen bunches: $0.58 per dozen bunches, top ice extra.

(3) For sales of bunched carrots with full tops packed in any container other than a Los Angeles crate, with a minimum net weight of 12 pounds per dozen bunches: $0.58 per dozen bunches, top ice extra.

(4) For sales of washed carrots with clipped tops packed in any container: $4.00 per cwt., top ice extra.

(5) For sales of topped carrots (tops broken off): $3.00 per cwt.

(b) Paragraph (b) is hereby amended to read as follows:

(b) The adjusted maximum price for the sales of carrots by a country shipper delivered to any wholesale receiving point in Region VIII shall be the applicable price set forth in paragraph (a) above, plus freight from El Centro, California, to the wholesale receiving point.

(c) Paragraph (c) is hereby amended to read as follows:

(c) The adjusted maximum price for sales of carrots f. o. b. any country shipping point in Region VIII other than El Centro, California, shall be the applicable price set forth in paragraph (b) above for the wholesale receiving point of the purchaser less freight from the country shipping point to such wholesale receiving point.

(d) A new paragraph (g) is added to read as follows:

(g) The maximum price for sales at any wholesale receiving point by any person other than a country shipper in less than carlot or less than trucklot quantities to retailers shall be the applicable prices set forth in paragraph (a) above, plus $0.10 per dozen bunches in the case of bunched carrots and $0.50 per cwt. in the case of clipped top or topped carrots.

(e) A new paragraph (h) is added to read as follows:

(h) The maximum price for sales of carrots at any wholesale receiving point by any person other than a country shipper to any person other than a retailer shall be the applicable price as set forth in paragraph (a) above, plus $0.05 per dozen bunches in the case of bunched carrots and $0.25 per cwt. in the case of clipped top or topped carrots.

This amendment to Order No. G–1 shall become effective January 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–1332; Filed, January 25, 1944; 4:08 p. m.]

[Region VIII Order G–3 Under 18 (c), Amdt. 38]

FLUID MILK IN WASHINGTON STATE

Amendment No. 38 to Order No. G–3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

[F. R. Doc. 44-1338; Filed, January 26, 1944; 4:10 p. m.]

Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, § 1499.75 (a) (9) of Supplementary Regulation No. 15, and special authorization conferred by the Price Administrator, *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be amended as set forth below:

(a) Section (1) is hereby amended by striking out the headings, "The Town of Colville", "The Towns of Palouse and Garfield", and the schedules of prices thereunder, and substituting therefor the following:

THE TOWN OF COLVILLE

[Not less than 3.8% milk fat]

Quantity	Wholesale price	Home or store retail price
Gallon container	$0.40	$0.45
Quart container	.11	.13
Half-pint container	.035	

THE TOWNS OF PALOUSE AND GARFIELD

[Not less than 3.8% milk fat]

Quantity	Wholesale price	Retail price
Quart container	$0.12	$0.13
Half-pint container	.035	

(b) Section (1) is hereby further amended by adding at the end thereof the following:

THE TOWN OF DEER PARK

Quantity	Wholesale price	Retail price
Quart container	$0.11	$0.13
Half-pint container	.035	

This amendment shall become effective January 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1333; Filed January 25, 1944; 4:07 p. m.]

[Region VIII Order G-31 Under MPR 329]

FLUID MILK IN CERTAIN LOCALITIES IN WASHINGTON STATE

Order No. G-31 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price at which any person whose place of business is located in Tacoma, Washington, may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers delivered to the purchaser's plant, the maximum price shall be 87¢ per pound milk fat.

(2) For purchases of milk from producers f. o. b. the producer's dairy, the maximum price shall be the price specified in paragraph (a) (1) above, minus an allowance for transporting milk computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of a carrier operated or controlled by the purchaser, the transportation allowance shall be equal to the lowest truck common carrier or contract carrier rate for the same or most similar haul.

(b) *Definitions.* (1) "Fluid milk" means liquid cows' milk in a raw, unprocessed state sold for human consumption as fluid milk.

(2) Where the producer has customarily placed milk to be picked up by purchasers at a platform or other pick-up point at or near his dairy, the term "f. o. b. producer's dairy" shall mean placed at such point.

(3) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective January 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

L. F. GENTNER,
Regional Administrator.

Approved:

BUELL F. MABEN,
Regional Director, Pacific Region.

[F. R. Doc. 44-1335; Filed, January 25, 1944; 4:08 p. m.]

[Region VI Order G-1 Under MPR 280]

FLUID MILK IN ILLINOIS, ETC.

Order No. G-1 under Maximum Price Regulation No. 280. Maximum price for specific food products. Handler sales of fluid milk in Illinois, Minnesota, Wisconsin, certain counties in Iowa, and Lake County, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.817a of Maximum Price Regulation No. 280, it is hereby ordered:

(a) *Computation of base price.* The maximum price for interhandler sales of milk shall be the base price computed as set forth in this paragraph (a), plus the additions permitted by paragraphs (b) or (c), whichever may apply. The base price for any handler sale or delivery of fluid milk in bulk shall be the weighted average price paid by the handler to producers for all purchases of milk made during the calendar months of July and August, 1943. All prices included in the weighted average shall be prices for milk delivered to the handler's plant. Where the handler has paid an independent carrier to transport the milk from the producer to the handler's plant, the amount paid for such transportation shall be added to the price paid to the producer for the milk so transported. However, where the handler has transported milk to his plant in his own conveyance, the price paid for such milk shall not be included in computing the weighted average price. Where a handler has more than one plant at which he receives milk from producers, a separate base price shall be established for each such plant.

In computing base prices all purchases made during July and August 1943 shall be considered. Computation shall be made on the basis of 3.5% milk. For any milk received during these two months other than 3.5% the handler shall compute a price as if such milk had in fact been 3.5%, applying his own butterfat differentials in use at the time of the purchase for milk with a butterfat content of other than 3.5%. If the handler had established for any period of time during July or August, 1943 a differential in prices for graded milk and ungraded milk or for different grades of milk, or both, such a handler should figure a weighted average price separately for graded milk and ungraded milk or for each such different grade of milk.

(Exception). Whenever a handler's purchases of milk from producers are governed by the provisions of any order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1943, the base price shall be the Class 1 price currently established for such purchases at the time they are made or the base price established pursuant to this paragraph (a), whichever is higher.

(b) *Maximum prices established for handlers other than certain farmers' cooperatives serving cities over 100,000 population.* Except as provided in paragraph (c) hereof each handler shall determine for each of his plants his maximum price for handler sales of fluid milk in bulk f. o. b. the plant by adding to the base price determined by him for such plant under paragraph (a) of this order, that one of the following markups which is applicable to the sale made by him:

(1) 40¢ per cwt. when the seller receives, weighs, and tests the milk at his place of business, but does not cool or inspect the milk.

(2) 45¢ per cwt. when the seller receives, weighs, tests, inspects and cools the milk at his place of business and makes delivery into a tank truck or tank car.

(3) 50¢ per cwt. when the seller receives, weighs, tests, inspects and cools the milk and places it in cans provided by the purchaser.

(4) 55¢ per cwt. when the seller receives, weighs, tests, inspects and cools the milk and places it in cans provided by the seller.

(5) 15¢ less per cwt. than the price computed under section (b) (1), (2), (3), or (4) whichever is applicable for deliveries pursuant to an agreement covering a period of four months or more to supply a stated quantity of milk on a regular basis (such as five days a week) during the operation of the agreement and in which the buyer agrees to accept at least a minimum ascertainable quantity during the contract period.

The above markups are to be added to the base price (provided under paragraph (a) of this order) for 3.5% milk. In the case of sales of milk having a butterfat content in excess of 3.5%, 5¢ may be added to the maximum price (including the markup) for each 1/10 of a pound butterfat above 3.5%, and in the case of sales of milk with a butterfat content less than 3.5%, 5¢ must be deducted from the maximum price (including the markup) for each 1/10 of a pound butterfat below 3.5%.

(c) *Maximum prices established for certain farmers' cooperatives serving cities over 100,000 population.* Where a farmers' cooperative during July and August, 1943, processed fluid milk in a plant owned or leased by it and sold such fluid milk to retail or wholesale distributors of fluid milk serving cities over 100,000 population at a lower markup (over its cost delivered to its plant) than the applicable markup provided in paragraph (b) hereof, it shall not use the maximum price established under paragraph (b) hereof when making sales to such distributors. Instead, such a farmers' cooperative shall determine its maximum price f. o. b. its plant for sales to such distributors by adding to the cooperative's base price calculated under paragraph (a) hereof a markup which shall not exceed the highest markup taken in an actual sale by the cooperative to any such distributor of fluid milk during July and August, 1943. This markup shall be determined as the difference between the cost of the milk which was used for any such sale, delivered at the plant of the farmers' cooperative, and the price at which the cooperative sold such milk f. o. b. its plant.

(d) *Inability to fix maximum prices.* If a handler cannot compute his maximum price for sale of bulk milk at wholesale under the terms of this order he shall apply to the Regional Office of the OPA for a maximum price. Such application shall contain a statement of the reason why the applicant cannot avail himself of the pricing provisions of this order and such additional information as the applicant may deem necessary to the proper consideration of his application. The applicant shall furnish such additional information as the Regional Office may subsequently request in order to act on the application.

(e) *Definitions.* As used in this order:

1. "Handler sale" shall mean any sale of fluid milk by a person who, on his own behalf or on behalf of others, purchases fluid milk from producers, associations of producers, or other handlers, and who sells such fluid milk at wholesale in bulk (other than in glass or paper containers) to any persons other than stores, hotels, restaurants, institutions, and ultimate consumers.

"Handler sale" shall not include any sale of milk for use in manufactured dairy products such as butter, cheese, evaporated or condensed milk, powdered milk, casein, and ice cream. Sales by a farmers' cooperative shall be considered handler sales in all cases where it sells fluid milk which has been processed in a plant owned or leased by it or which it has had processed for it in some other plant.

2. "Handler" shall mean any person who makes a handler sale.

3. "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which milk is produced. A farmers' cooperative is a producer with regard to all sales of fluid milk by it, except sales of fluid milk which has been processed in a plant owned or leased by it or which it has had processed for it in some other plant.

4. "Person" means individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

5. "Plant" shall mean an establishment equipped to receive, weigh and test milk, including an establishment which is further equipped to cool and inspect milk and place it in cans or in tank trucks or tank cars.

6. "Processes" or "processed" refers to the receiving, weighing and testing of milk in a plant and may include further handling such as inspecting, cooling and placing in cans, tank cars or tank trucks.

7. "Fluid milk" means raw or pasteurized liquid cows' milk of any butterfat content which is sold for human consumption in fluid form (including buttermilk).

(f) *Applicability.* This order applies to all handler sales of fluid milk for resale for human consumption, where physical delivery is made within the States of Illinois, Minnesota or Wisconsin, or within Lake County, Indiana, or within the following counties in Iowa:

Allamakee.	Henry.
Black Hawk.	Howard.
Bremer.	Jackson.
Buchanan.	Jones.
Cedar.	Lee.
Chickasaw.	Linn.
Clayton.	Louisa.
Clinton.	Mitchell.
Delaware.	Muscatine.
Des Moines.	Scott.
Dubuque.	Winneshiek.
Fayette.	

(g) *Revocability.* This order may be revoked, modified, or corrected at any time, or may be superseded by any regulation hereafter issued, the provisions of which may be inconsistent herewith.

This order shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1322; Filed, January 25, 1944; 4:05 p. m.]

[Region VI Order G-1 Under MPR 280, Amdt. 1]

FLUID MILK IN CHICAGO REGION

Amendment No. 1 to Order No. G-1 under Maximum Price Regulation No. 280. Maximum prices for specific food products. Handler sales of fluid milk in Illinois, Minnesota, Wisconsin, and certain counties in Iowa, and Lake County, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration under Section 1351.817a of Maximum Price Regulation No. 280, *It is hereby ordered*, That section (f) and the effective date provision of the order be amended to read as set forth below:

(f) *Applicability.* This order applies to all handler sales of fluid milk for resale for human consumption where physical delivery or shipment is made within or from the States of Illinois, Minnesota or Wisconsin, Lake County, Indiana, or the following counties in Iowa:

Allamakee.	Henry.
Black Hawk.	Howard.
Bremer.	Jackson.
Buchanan.	Jones.
Cedar.	Lee.
Chickasaw.	Linn.
Clayton.	Louisa.
Clinton.	Mitchell.
Delaware.	Muscatine.
Des Moines.	Scott.
Dubuque.	Winneshiek.
Fayette.	

except that this order shall not apply to a sale of fluid milk for resale for human consumption when such milk is shipped from without the above named localities.

* * * * * *

The effective date provision of Order No. G-1 to Maximum Price Regulation No. 280 is amended to read as follows:

This order shall become effective January 16, 1944.

* * * * * *

This Amendment No. 1 to Order No. G-1 under Maximum Price Regulation No. 280 shall become effective January 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1323; Filed, January 25, 1944; 4:06 p. m.]

[Region VI Order G–21 Under SR 15 and MPR 280]

FLUID MILK IN WINCHESTER, ILL.

Order No. G–21 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and under § 1351.807 (a) of Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices in Winchester, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and by § 1351.807 (a) of Maximum Price Regulation No. 280, it is ordered:

(a) *Maximum distributor prices.* The maximum prices for the sale and delivery of fluid milk at wholesale and retail in Winchester, Illinois, shall be the maximum prices determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

	Wholesale	Retail
Standard butterfat content fluid milk:	*Cents*	*Cents*
Gallons in bulk	37	45
Gallons	37	45
Quarts	10	12
Pints	5½	6½
½ pint	3	5

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within the Winchester, Illinois area shall mean:

1. All sales made within the city limits of Winchester, Illinois, and all sales at or from an establishment located in Winchester, Illinois;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Winchester, Illinois.

(c) *Definitions.* 1. Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(d) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January, 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–1324; Filed, January 25, 1944; 4:04 p. m.]

[Region VI, Order G–22 Under SR 15, MPR 280 and MPR 329]

FLUID MILK IN OWATONNA, MINN.

Order No. G–22 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280, Maximum prices for specific food products, and under Maximum Price Regulation No. 329, Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Owatonna, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $2.80 per cwt. for 3.5% milk, plus not more than 6¢ for each 1/10 of a pound of butterfat in excess of 3.5%, and minus not less than 6¢ for each 1/10¢ of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Owatonna, Minnesota, or who sell within that city 50% or more of the milk sold by them. Prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk in August or September 1943, and are not applicable to purchases from producers who did not in those months sell to any Owatonna, Minnesota, distributor covered by this order.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Owatonna, Minnesota, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

	Wholesale	Retail
Standard butterfat content fluid milk:		
Gallons in bulk	$0.37	
Gallons	.37	$0.45
Quarts	.10	.12
Pints	.05½	.06½
½ pints	.03	.05
4.5% or more butterfat milk:		
Gallons in bulk	.41	
Gallons	.41	.49
Quarts	.11	.13
Pints	.06	.07
½ pints	.04	.05

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Owatonna, Minnesota area shall mean:

1. All sales made within the city limits of Owatonna, Minnesota, and all sales at or from an establishment located in Owatonna, Minnesota;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Owatonna, Minnesota.

(e) *Definitions.* 1. Standard milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. 4.5% butterfat milk shall mean cows' milk having a butterfat content of not less than 4.5% distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(g) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–1325; Filed, January 25, 1944; 4:04 p. m.]

[Region VI Order G–23 Under MPR 329]

FLUID MILK IN MINOT, N. DAK.

Order No. G–23 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Minot, North Dakota.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which milk distributors may pay producers authorized under the provisions of the city health ordinances of Minot, North Dakota to sell milk in fluid form for human consumption shall be $2.90 per cwt. for 4% butterfat test milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers authorized under the provisions of the city health ordinances of Minot, North Dakota to sell milk in fluid form for human consumption to distributors whose bottling plants are located within Minot, Ward County, North Dakota, or who sell within that city 50% or more of the milk sold by them.

(c) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation to Office of Price Administration regulations.* Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January of 1943.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–1326; Filed, January 25, 1944; 4:07 p. m.]

[Region VI Order G–24 Under MPR 329]

FLUID MILK IN WATERLOO, IOWA

Order No. G–24 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Waterloo, Iowa.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which milk distributors may pay to producers for milk sold for human consumption in fluid form shall be $2.95 per cwt. for 4% butterfat test milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* This order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Waterloo, Iowa, or who sell within that city 50% or more of the milk sold by them.

(c) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation to Office of Price Administration regulations.* Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January of 1943.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective the 17th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–1327; Filed, January 25, 1944; 4:07 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 20, 1944.

REGION I

Concord, Order No. 10, Amendment No. 2, filed 3:26 p. m.
Connecticut, Order No. 5, filed 3:39 p. m.

REGION II

Albany, Order No. 10, Amendment No. 3, filed 3:52 p. m.
Albany, Order No. 12, Amendment No. 2, filed 3:52 p. m.
Binghamton, Order No. 8, Amendment No. 2, filed 3:50 p. m.
Buffalo, Order No. 5, Amendment No. 1, filed 3:19 p. m.
Buffalo, Order No. 6, Amendment No. 1, filed 3:19 p. m.
District of Columbia, Order No. 7, Amendment No. 2, filed 3:41 p. m.
District of Columbia, Order No. 7, Amendment No. 3, filed 3:33 p. m.
District of Columbia, Order No. 7, Amendment No. 4, filed 3:18 p. m.
New York, Order No. 9, Amendment No. 3, filed 3:33 p. m.
New York, Order No. 10, Amendment No. 3, filed 3:29 p. m.
New York, Order No. 11, Amendment No. 3, filed 3:37 p. m.
Wilmington, Order No. 7, Amendment No. 1, filed 3:32 p. m.
Wilmington, Order No. 8, Amendment No. 1, filed 3:41 p. m.

REGION III

Detroit, Order No. 5, Amendment No. 28, filed 3:31 p. m.
Detroit, Order No. 9, Amendment No. 2, filed 3:31 p. m.
Charleston, Order No. 4–F, filed 3:24 p. m.
Charleston, Order No. 20, Amendment No. 1, filed 3:21 p. m.
Charleston, Order No. 22, Amendment No. 1, filed 3:21 p. m.
Charleston, Order No. 23, Amendment No. 1, filed 3:21 p. m.
Charleston, Order No. 24, Amendment No. 1, filed 3:22 p. m.
Charleston, Order No. 25, Amendment No. 1, filed 3:24 p. m.
Charleston, Order No. 28, Amendment No. 1, filed 3:24 p. m.
Cleveland, Order No. F–1, Amendment No. 11, filed 3:14 p. m.
Cleveland, Order No. F–3, Amendment No. 9, filed 3:14 p. m.
Cleveland, Order No. F–4, Amendment No. 7, filed 3:14 p. m.
Cleveland, Order No. F–5, Amendment No. 3, filed 3:14 p. m.
Lexington, Order No. 11, Amendment No. 4, filed 3:31 p. m.
Lexington, Order No. 12, Amendment No. 2, filed 3:31 p. m.
Louisville, Order No. 3, Amendment No. 3, filed 3:37 p. m. Sec. Revised.
Louisville, Order No. 10, Amendment No. 2, filed 3:37 p. m.
Louisville, Order No. 11, Amendment No. 2, filed 3:35 p. m.
Louisville, Order No. 13, Amendment No. 1, filed 3:35 p. m.
Louisville, Order No. 14, Amendment No. 1, filed 3:38 p. m.

REGION IV

Atlanta, Order No. 11, Revocation, filed 3:26 p. m.
Jacksonville, Order No. 2–F, Amendment No. 3, filed 3:15 p. m.
Jacksonville, Order No. 12, Amendment No. 1, filed 3:35 p. m.
Jacksonville, Order No. 13, Amendment No. 1, filed 3:34 p. m.
Jacksonville, Order No. 14, Amendment No. 1, filed 3:39 p. m.
Jacksonville, Order No. 15, Amendment No. 1, filed 3:33 p. m.
Jacksonville, Order No. 16, Amendment No. 1, filed 3:39 p. m.
Raleigh, Order No. 10, Amendment No. 1, filed 3:27 p. m.
Richmond, Order No. 11, Amendment No. 2, filed 3:35 p. m.
Richmond, Order No. 12, Amendment No. 2, filed 3:35 p. m.
Richmond, Order No. 13, filed 3:34 p. m.
Roanoke, Order No. 9, Amendment No. 1, filed 3:51 p. m.
Roanoke, Order No. 9, Amendment No. 2, filed 3:52 p. m.
South Carolina, Order No. 1–F, Amendment No. 12, filed 3:53 p. m.

REGION V

Kansas City, Order No. 1–F, filed 3:54 p. m.
Kansas City, Order No. 2–F, filed 3:55 p. m.
New Orleans, Order No. 1–F, filed 3:48 p. m.
New Orleans, Order No. 2–F, filed 3:48 p. m.
Oklahoma City, Order No. 2–F, filed 3:17 p. m.

Oklahoma City, Order No. 3–F, filed 3:18 p. m.
St. Louis, Order No. 2–F, filed 3:16 p. m.
St. Louis, Order No. 1–F, filed 3:16 p. m.

REGION VI

Chicago, Order No. 5, Amendment No. 15, filed 3:53 p. m.
Moline, Order No. 26, filed 3:51 p. m.
North Platte, Order No. 4, Amendment No. 2, filed 3:47 p. m.
North Platte, Order No. 5, Amendment No. 1, filed 3:57 p. m.
North Platte, Order No. 5, Amendment No. 2, filed 3:47 p. m.
North Platte, Order No. 7, Amendment No. 1, filed 3:47 p. m.
North Platte, Order No. 8, Amendment No. 2, filed 3:41 p. m.
North Platte, Order No. 9, Amendment No. 2, filed 3:41 p. m.

REGION VII

Utah, Order No. 1 Sec. Revised, Amendment No. 1, filed 3:55 p. m.
Utah, Order No. 2 Revised, Amendment No. 1, filed 3:55 p. m.
Utah, Rev. Order No. 3, Amendment No. 1, filed 3:56 p. m.
Utah, Rev. Order No. 4, Amendment No. 1, filed 3:56 p. m.
Utah, Rev. Order No. 5, Amendment No. 1, filed 3:57 p. m.

REGION VIII

Fresno, Order No. 1–F, filed 3:49 p. m.
San Diego, Order No. 1–F, Amendment No. 15, filed 3:18 p. m.
San Diego, Order No. 1–F, Amendment No. 17, filed 3:50 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1299; Filed, January 25, 1944; 11:19 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 24, 1944.

REGION I

Montpelier, Order No. 9, filed, 12:40 p. m.
Montpelier, Order No. 10, filed, 12:40 p. m.

REGION II

Harrisburg, Order No. 11, Amendment No. 1, filed, 12:40 p. m.

REGION III

Cincinnati, Order No. 1–F, Amendment No. 7, filed, 12:48 p. m.
Cincinnati, Order No. 2–F, filed, 12:46 p. m.
Cincinnati, Order No. 2–F, Amendment No. 1, filed, 12:48 p. m.
Cincinnati, Order No. 2–F, Amendment No. 2, filed, 12:48 p. m.
Cincinnati, Order No. 2–F, Amendment No. 4, filed, 12:48 p. m.
Cincinnati, Order No. 2–F, Amendment No. 5, filed, 12:48 p. m.
Cincinnati, Order No. 8, filed, 12:49 p. m.
Cincinnati, Order No. 9, filed, 12:41 p. m.
Columbus, Order No. 8, Amendment No. 4, filed, 12:41 p. m.
Columbus, Order No. 9, Amendment No. 3, filed, 12:41 p. m.
Escanaba, Order No. 1–F, Amendment No. 13, filed, 12:49 p. m.
Escanaba, Order No. 2–F, Amendment No. 12, filed, 12:50 p. m.
Escanaba, Order No. 3–F, Amendment No. 12, filed, 12:50 p. m.
Escanaba, Order No. 4–F, Amendment No. 12, filed, 12:50 p. m.
Escanaba, Order No. 5–F, Amendment No. 12, filed, 12:50 p. m.

REGION IV

Charlotte, Order No. 11, Amendment No. 1, filed, 12:30 p. m.
Montgomery, Order No. 3–F, Amendment No. 3, filed, 12:30 p. m.

REGION VI

Chicago, Order No. 5, Amendment No. 14, filed, 12:41 p. m.
Des Moines, Order No. 3A, Amendment No. 2, filed, 12:46 p. m.
Omaha, Order No. 3A, Amendment No. 3, filed, 12:46 p. m.
Omaha, Order No. 4A, Amendment No. 3, filed, 12:42 p. m.
Omaha, Order No. 5A, Amendment No. 3, filed, 12:42 p. m.
Omaha, Order No. 6A, Amendment No. 2, filed, 12:43 p. m.
Omaha, Order No. 7, Amendment No. 2, filed, 12:46 p. m.
Omaha, Order No. 8, Amendment No. 2, filed, 12:46 p. m.
Omaha, Order No. 9, Amendment No. 2, filed, 12:46 p. m.

REGION VIII

San Diego, Order No. 6, Amendment No. 2, filed, 12:31 p. m.
San Diego, Order No. 6, Amendment No. 3, filed, 12:31 p. m.
Seattle, Order No. 20, Amendment No. 2, filed, 12:31 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1363; Filed, January 26, 1944; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–843]

ELECTRIC POWER & LIGHT CORP. AND MISSISSIPPI POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January, A. D. 1944.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Mississippi Power & Light Company ("Mississippi").

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The aforesaid companies propose that:

Electric will make a "gratuitous contribution" to the capital of Mississippi of the following securities of Mississippi: (a) A Demand Loan in the principal amount of $190,000; (b) 1,493 shares of $6 preferred stock; (c) 35,000 shares of $6 second preferred stock; (d) 500,000 shares of common stock. In connection with the contribution of said second preferred stock, accumulated dividend arrearages, in the amount of $2,240,000, as of September 30, 1943, will be cancelled.

Mississippi will acquire the above securities and take the following steps:

(1) Cancel the securities surrendered to it as above and reduce its capital stock liability in the total amount of $6,149,941, the equivalent of the amount of the claim on liquidating of said preferred shares plus $2,500,641 attributable to common stock;

(2) Record the acceptance of the contribution of $190,000 principal amount of demand loan and credit its capital surplus account with said amount plus the above $6,149,941 reduction in capital stock liability;

(3) Charge to its capital surplus account a balance of $6,339,941 presently classified in its plant account which it has been ordered to eliminate therefrom;

(4) State its capital stock liability on its remaining outstanding 65,775 shares of $6 preferred stock at $100 per share and its capital stock liability on its remaining outstanding 500,000 shares of common stock, at $5 per share;

(5) Make certain other accounting adjustments stated to be in compliance with the orders of other regulatory bodies.

Mississippi in addition proposes to amend its certificate of incorporation, such amendments to provide in substance that:

(1) The present authorization for the issuance of second preferred stock ($6) shall be eliminated and the authorized preferred stock of Mississippi shall consist of 100,000 shares of no par value $6 preferred stock entitled in liquidation to $100 per share;

(2) In the event that accumulated and unpaid preferred dividends at the date of any annual meeting shall aggregate four full quarterly dividends a majority of the Preferred Stockholders, voting as a class, shall be entitled to elect a majority of the Board of Directors;

(3) Any mortgage or pledge of fixed assets (other than to refund existing mortgage debt or to take action required to be taken under the existing mortgage) shall be first approved by a majority of each class of stockholders present and voting at a meeting called for such purpose;

(4) Any change in the provisions set out in paragraphs (2) and (3) above shall be approved by two-thirds of the Preferred Stockholders voting as a class;

(5) The provision permitting transfer of all outstanding stock to a new corporation in return for the capital stock of such new corporation upon a vote of stockholders required to dissolve the corporation shall be eliminated.

The applicants-declarants have designated sections 6 (a), 9 (a) (1), 10, 12 (c), 12 (d), 12 (e), 12 (f), and Rules U-42, U-45 and U-62, as being applicable to the proposed transactions.

It appearing to the Commission that it is proper and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration, and that said application should not be granted, or said declaration should not become effective, except pursuant to further order of the Commission:

It is hereby ordered, That a hearing be held upon said matters on January 31, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why the application-declaration should be granted and should be permitted to become effective.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder and particularly whether the proposed capital contribution by Electric and the proposed reduction of capital stock liability by Mississippi will result in an unfair and inequitable distribution of voting power or is otherwise detrimental to the public interest or the interests of investors or consumers.

(2) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder and particularly whether a restriction on the payment of dividends on the common stock of the company is necessary or appropriate.

Notice of such hearing is hereby given to such applicants and declarants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers. Any interested person desiring to be heard or to be admitted as a party to such proceeding shall file with the Secretary of this Commission, on or before January 29, 1944, his request, or an application therefor, as provided in Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1342; Filed, January 26, 1944; 10:06 a. m.]

[File No. 70–848]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of January 1944.

In the matter of Consolidated Electric and Gas Company, The Asheville Gas Company, The Durham Gas Company, Martinsburg Gas Company, Suffolk Gas Company, The Raleigh Gas Company, and Jersey Shore Gas Company.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and the following subsidiary companies of said holding company, the Asheville Gas Company, The Durham Gas Company, Martinsburg Gas Company, Suffolk Gas Company, The Raleigh Gas Company and Jersey Shore Gas Company.

Notice is further given that any interested persons may, not later than February 10, 1944, at 5:30 p. m., e. w. t., request the Commission that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications (or both), as filed or as amended, may become effective or be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said documents, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Each of the six subsidiary companies of Consolidated hereinabove listed has recently sold all of its property and assets (other than cash). In view of such sales, it is stated that such sudsidiary companies no longer serve any useful purpose and should be liquidated and dissolved. Accordingly, it is proposed that Consolidated, the owner of all the outstanding securities of each of such subsidiaries, donate to each such subsidiary, as a capital contribution, the debt securities of such subsidiary for cancellation and also surrender to such subsidiary all the outstanding capital stock of such subsidiary for retirement and cancellation. In return for the surrender of its stock, each subsidiary will deliver to Consolidated, as a liquidating dividend or dividends, all of its assets, the same consisting solely of cash.

Consolidated will deposit the cash so to be received by it with the trustees under the indentures securing debt securities of Consolidated under which indentures the securities of such subsidiaries have been heretofore pledged, as required by the terms of such indentures, except in the case of The Raleigh Gas Company and Jersey Shore Gas Company. Having heretofore deposited cash with the appropriate trustee and secured the release of the pledged securities of the two last named subsidiaries in order that sales of their assets might be made free of liens, Consolidated will, in effect, reimburse its own treasury for the amounts so deposited.

It is stated that the amounts received by the six subsidiaries as the total consideration for the sales of their properties and assets were as follows:

The Asheville Gas Company	$85,279.20
The Durham Gas Company	99,968.87
Martinsburg Gas Company	57,000.00
Suffolk Gas Company	102,535.00
The Raleigh Gas Company	221,169.65
Jersey Shore Gas Company	22,100.00

Each of the six subsidiaries will be dissolved in accordance with the applicable state law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1343; Filed, January 26, 1944; 10:06 a. m.]

[File Nos. 54–39, 54–69, 59–65]

LACLEDE GAS LIGHT COMPANY, ET AL.

NOTICE AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of January 1944.

In the matters of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, Ogden Corporation, File No. 54–39; Ogden Corporation and subsidiary companies, File No. 54–69; Ogden Corporation and subsidiary companies, respondents, File No. 59–65.

The Laclede Gas Light Company ("Laclede Gas"), Laclede Power & Light Company ("Laclede Electric"), and Phoenix Light, Heat and Power Company, subsidiaries of Ogden Corporation ("Ogden"), a registered holding company, and Ogden have heretofore filed an application, and amendments thereto, pursuant to section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, for the approval of a plan, as amended, the purpose of which is to effectuate the reorganization of Laclede Gas, to dispose of the electric utility assets operated by Laclede Electric to Union Electric Company of Missouri ("Union Electric"), and to enable the Ogden holding company system to comply, in part, with the provisions of section 11 (b) of the act.

All interested persons are referred to said plan, as amended, which is on file at the office of this Commission, for a

statement of the transactions therein proposed, which may be briefly summarized as follows:

1. Sale of the electric properties operated by Laclede Electric, including properties leased from Laclede Gas, to Union Electric, at a base purchase price of $8,600,000, and allocation of $2,200,000 of such purchase price to Laclede Gas as its share of such proceeds of sale;

2. Transfer to Laclede Gas by Laclede Electric of its remaining assets (except cash) estimated, as of March 31, 1943, at approximately $29,000, and the dissolution of Laclede Electric, after the discharge of its liabilities;

3. Issuance of eleven shares of new common stock of Laclede Gas, $4 par value per share, in exchange for each share of present 5% Cumulative Preferred Stock $100 par value, of Laclede Gas, and the issuance of one share of new common stock of Laclede Gas, $4 par value, in exchange for each share of present common stock of Laclede Gas, $100 par value;

4. Issuance to Ogden (in addition to 149,261 shares to be received by it in exchange for its present holdings of Laclede Gas preferred and common stocks, in the ratio provided for in No. 3 above) of 2,000,000 shares of new common stock of Laclede Gas, $4 par value, in return for:

(a) Cancellation of $2,000,000 principal amount Collateral Trust 6% Notes of Laclede Gas owned by Ogden, after payment of accrued interest thereon to the effective date of the plan;

(b) Payment to Laclede Gas by Ogden of $905,000 cash;

(c) Payment to Laclede Gas of Laclede Electric's share of the cash proceeds from the sale of the electric properties, less such portion of such proceeds necessary to discharge in full all liabilities of Laclede Electric not assumed by Union Electric. Such payment to Laclede Gas is estimated to be, as of March 31, 1943, approximately $6,075,000;

(d) Assets transferred to Laclede Gas by Laclede Electric as provided in paragraph No. 2 above;

(5) Payment by Ogden to the minority holders of the stock of Laclede Electric, upon surrender for cancellation of such stock, of a cash amount equal to their pro rata share in the net assets of Laclede Electric after the consummation of the sale, and after payment to Laclede Gas of its share of the proceeds of such sale ($2,200,000);

(6) Sale by Laclede Gas of $19,000,000 principal amount of new first mortgage bonds, and $3,000,000 principal amount of serial debentures, and the use of the proceeds, together with other available cash, as hereinafter in paragraph 7 set forth;

(7) Payment and discharge, at the principal amount thereof, together with accrued interest thereon to the effective date of the Plan, of Laclede Gas's Refunding and Extension Mortgage 5% Bonds, outstanding in the hands of the public, and its outstanding First Mortgage Collateral and Refunding 5½% Bonds, Series C and D, aggregating $32,529,000 principal amount, as of March 31, 1943;

(8) Sale by Ogden of all of the new common stock, which it will acquire by virtue of Laclede Gas's reorganization, to the public;

This Commission having heretofore ordered (Holding Company Act Release No. 4253) that the plan filed by Laclede Gas, Laclede Electric, Phoenix Light, Heat and Power Company, and Ogden (File No. 54–39) and proceedings in respect of the plan filed by Ogden and subsidiary companies pursuant to section 11 (e) of the act (File No. 54–69) and the proceedings instituted by the Commission directed to Ogden and subsidiary companies, respondents, pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the act (File No. 59–65) be consolidated;

Public hearings having been held with respect to such consolidated proceedings and having been continued subject to the call of the Trial Examiner; and

It appearing to the Commission that such hearing should be reconvened for the purpose of adducing further evidence and affording further opportunity to all interested persons to be heard;

It is ordered, That the hearing in this matter be reconvened for the purpose of adducing further evidence for the determination of whether the plan of Laclede Gas, Laclede Electric, Phoenix Light, Heat and Power Company, and Ogden, as heretofore amended or as may be hereafter amended by the applicants at the said reconvened hearing herein or at any adjournment thereof, or as hereafter modified by order of the Commission, is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and otherwise complies with the requirements of the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, and for the purpose of affording further opportunity to all interested persons to be heard.

It is further ordered, That such hearing be reconvened on February 15, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

Notice is hereby given of said hearing to the above-named applicants and respondents, and to all interested persons; said notice to be given to said applicants and respondents by registered mail, and to all other persons by publication of this Notice and Order Reconvening Hearing in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission, on or before February 10, 1944, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That Laclede Gas shall give additional notice of said reconvened hearing to all known holders of its outstanding Refunding and Extension Mortgage 5% Bonds and its First Mortgage Collateral and Refunding 5½% Bonds, Series C and D, to Bankers Trust Company, Mississippi Valley Trust Company, and St. Louis Union Trust Company, Trustees, and to all holders of record of its outstanding 5% Cumulative Preferred Stock and Common Stock, and that Laclede Electric shall likewise give additional notice of said hearing to all holders of record of its outstanding Common Stock, by causing, in each case, a copy of this Notice and Order Reconvening Hearing to be mailed to such holders at their respective last-known addresses, such mailing to be made not less than twelve days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1353; Filed, January 26, 1944; 10:49 a. m.]

[File No. 70–21]

INTERNATIONAL UTILITIES CORPORATION

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of January 1944.

The Commission having heretofore on April 23, 1943, issued its order herein granting the application of International Utilities Corporation pursuant to section 10 of the Public Utility Holding Company Act of 1935 regarding the purchase of Collateral Trust Bonds, 6½% Series, due July 1, 1945, of its subsidiary company, Dominion Gas and Electric Company, in the principal amount of $1,942,500 on the condition, among others, of consummating such acquisition by December 31, 1943; and

International Utilities Corporation, having filed an amendment to its application herein, which amendment states that, as of December 31, 1943, International Utilities Corporation had purchased only $1,803,500 principal amount of such bonds and requests that the said order dated April 23, 1943 be amended to extend the time to June 30, 1944, within which to purchase the remaining $139,000 principal amount of such bonds; and

It appearing to the Commission that the granting of the extension of time to June 30, 1944, is appropriate and will not be detrimental to the interests of investors, consumers, or the public;

It is ordered, That said order dated April 23, 1943, be amended to provide for the extension of time from December 31, 1943, to June 30, 1944, within which to acquire said bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1351; Filed, January 26, 1944; 10:48 a. m.]

[File Nos. 70–282, 70–724]

COMMUNITY POWER AND LIGHT CO., ET AL.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of January, A. D. 1944.

In the matters of Community Power and Light Company, et al., file No. 70–282; Southwestern Public Service Company, Royal Palm Ice Company, file No. 70–724.

The Commission having by its order entered herein (File No. 70–282) under date of July 8, 1942, approved a plan filed by Community Power and Light Company, a registered holding company, and companies subsidiary thereto, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for compliance with the provisions of section 11 (b) of said act, but having conditioned said approval upon, and having affirmatively directed, the divestment by Southwestern Public Service Company (the system holding company to survive a merger embraced within said plan) of all ownership and control of Royal Palm Ice Company, a non-utility system subsidiary engaged in the ice business in Florida, among other subsidiaries and physical assets found not to be retainable within the system under the standards of said section 11 (b):

Southwestern Public Service Company and Royal Palm Ice Company having heretofore effected a sale of the physical assets of said ice company subject to a purchase money mortgage in the present principal amount of $384,000 still held by Southwestern Public Service Company, such sale having been effected pursuant to authorization contained in an order of the Commission dated October 6, 1943 (File No. 70–724);

Southwestern Public Service Company now proposing to sell said mortgage debt to non-affiliated purchasers for a sales price of 92¼% of the principal amount thereof, plus accrued interest to the date of sale and, preliminary to such sale, to surrender the single note and mortgage presently evidencing and securing said debt and to accept in lieu thereof 380 bonds, each in the principal amount of $1,000 to be issued by the present owner of the mortgaged property and to be secured by a mortgage indenture running to a trustee, and said Southwestern Public Service Company having requested that such jurisdiction as may have been reserved to the Commission by reason of the terms or entry of its said order of July 8, 1942, over the terms and mode of disposition of said mortgage lien and indebtedness and the instruments evidencing the same, be released to the extent necessary to permit said proposed sale to be effected, and the Commission having fully considered said request, upon the basis of the record herein, and finding the same proper to be granted;

It is hereby ordered, That jurisdiction in respect of the mode or terms of disposition of the mortgage lien held by Southwestern Public Service Company upon the physical properties formerly owned by Royal Palm Ice Company and any securities or other instruments evidencing the indebtedness secured thereby, be, and the same hereby is, released to the extent necessary to permit the disposition by Southwestern Public Service Company, in the manner and upon the terms hereinabove recited, of said mortgage lien, the indebtedness secured thereby, and any securities or other instruments evidencing the same.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1352; Filed, January 26, 1944; 10:48 a. m.]

[File Nos. 70–717, 70–704]

THE UNITED LIGHT AND RAILWAYS CO., ET AL.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 24th day of January, A. D. 1944.

In the matter of The United Light and Railways Company, Continental Gas & Electric Corporation, Iowa-Nebraska Light and Power Company, Iowa Power and Light Company, Des Moines Electric Light Company, File No. 70–717; Illinois Iowa Power Company, File No. 70–704.

The Commission, by its order entered in these proceedings on August 16, 1943 (Holding Company Act Release No. 4497), having approved various transactions including, among others, the payment of a partial liquidating dividend, consisting of cash and securities in the aggregate amount of $6,865,000, by Iowa-Nebraska Light and Power Company to Continental Gas & Electric Corporation, the Commission having reserved jurisdiction over the accounting entries to record such partial liquidation, and the Commission having also reserved jurisdiction with respect to the allocation of fees and expenses of independent engineers and accountants, in the approximate amounts of $30,000 and $3,000, respectively, and with respect to the reasonableness and allocation of all other fees and expenses except those which were referred to specifically and passed upon in the Commission's findings and opinion; and

The Commission having by order dated January 3, 1944, released jurisdiction with respect to the reasonableness and the allocation of fees and expenses paid or incurred by Illinois Power Company (formerly Illinois Iowa Power Company); and

A supplemental application having been filed setting forth the proposed accounting entries to reflect the partial liquidation of Iowa-Nebraska Light and Power Company, and stating (1) that the actual fees and expenses of the independent engineers and accountants, in the amounts of $29,435.24 and $2,485, respectively, are to be charged to Continental Gas & Electric Corporation, (2) that an additional item of expense, in the amount of $5,000, has been charged to Iowa Power and Light Company to reflect the cost of qualifying its bonds for sale under the laws of various states and (3) that the balance of the fees and expenses, incurred by the applicants other than Illinois Power Company, in the amount of $26,166.51 and consisting of legal fees and expenses, are to be charged to Continental Gas & Electric Corporation; and

The Commission having examined the proposed accounting entries and finding that such entries properly record the partial liquidation of Iowa-Nebraska Light and Power Company and that jurisdiction reserved with respect thereto should be released; and

The Commission finding that said fees and expenses incurred by Iowa Power and Light Company and by Continental Gas & Electric Corporation are not unreasonable in amount and are proper charges to such applicants,

It is therefore ordered, That the jurisdiction reserved in the order entered herein on August 16, 1943, with respect to the accounting entries recording the partial liquidation of Iowa-Nebraska Light and Power Company and with respect to the reasonableness and the allocation of fees and expense paid or incurred by the various applicants be and the same is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1348; Filed, January 26, 1944; 10:48 a. m.]

[File No. 70–829]

CHICAGO SOUTH SHORE AND SOUTH BEND RAILROAD, ET AL

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of January 1944.

In the matter of Chicago South Shore and South Bend Railroad, an Indiana corporation, Michigan City Terminal, Incorporated, Chicago South Shore and South Bend Railroad, a Michigan corporation, file No. 70–829.

Chicago South Shore and South Bend Railroad, an Indiana corporation ("South Shore of Indiana") and a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Successor Trustees of the Estate of Midland Utilities Company, a registered holding company, Chicago South Shore and South Bend Railroad, a Michigan corporation ("South Shore of Michigan") and a wholly-owned subsidiary of South Shore of Indiana, and Michigan City Terminal, Incorporated ("Terminal Company"), all of the common stock of which is owned by South Shore of Indiana and South Shore of Michigan, having filed a joint

application-declaration, as amended, pursuant to section 9 (a), 10, 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-45, regarding the following proposals:

South Shore of Indiana will purchase from Terminal Company for a cash consideration of $130,828 all the real estate, and the buildings and improvements erected thereon, owned by Terminal Company. The cash consideration received will be paid over to Citizens Bank of Michigan City, Indiana, trustee under the mortgage securing 3% Income Bonds of Terminal Company due June 1, 1952. The Mortgage Trustee will thereupon purchase or retire the outstanding Income Bonds in the total principal amount of $116,500 at not more than the principal amounts thereof. The Mortgage Trustee will then pay all expenses for such retirement, release the mortgage, and pay any balance remaining to the Terminal Company. The Terminal Company will thereupon satisfy its current debts, proportionately pay over any remaining assets to South Shore of Indiana and South Shore of Michigan as owners of all the outstanding shares of the common stock of Terminal Company, and then dissolve.

Such joint application-declaration, as amended, having been filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said joint declaration, as amended, to become effective, and to grant the said application, as amended, and finding that the requirements of sections 9 (a), 10, 12 (c), 12 (f), and Rules U-42, U-43, and U-45 are satisfied;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1349; Filed, January 26, 1944; 10:48 a. m.]

[File No. 70-854]

THE NIAGARA FALLS POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of January 1944.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Niagara Falls Power Company, a subsidiary of Buffalo, Niagara and Eastern Power Corporation. The latter is a subsidiary of Niagara Hudson Power Corporation, which, in turn, is a subsidiary of The United Corporation, a registered holding company.

All interested persons are referred to said application or declaration, which is on file in the offices of the Securities and Exchange Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

The Niagara Falls Power Company operates certain properties under a license pursuant to the Federal Water Power Act. The Company is subject to orders of the Federal Power Commission dated June 9, 1942 and December 28, 1943, requiring the elimination of $14,500,573.56 from its project plant accounts, but permitting the Company to charge $14,497,768.11 of that amount to a capital surplus rather than earned surplus if such a capital surplus is duly created and the charge thereto is made prior to March 1, 1944. For the purpose of creating capital surplus in the latter amount the Company now proposes to reduce the stated value of its outstanding common stock, without par value, all of which is held by its immediate parent, Buffalo, Niagara and Eastern Power Corporation, from $35,575,565, as presently stated, to $21,077,796.89.

In its application or declaration the Company states that it does not believe that any provision of the Public Utility Holding Company Act of 1935 or rules thereunder is applicable to the proposed transactions and requests, in the alternative, that the application or declaration be dismissed by the Commission for want of jurisdiction or approved pursuant to any applicable provisions of the act or rules thereunder.

It appearing to the Commission that it is appropriate, in the public interest and the interests of investors and consumers, that a hearing be held with respect to said matter, and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matter be held on February 10, 1944, at 10:00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing-room clerk in Room 318 will advise as to the room in which said hearing will be held. All persons wishing to be heard or otherwise to participate in the proceedings shall notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before January 29, 1944.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application or declaration, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed transactions are in the public interest and the interests of investors and consumers, and not in contravention of the applicable provisions of the act and the rules and regulations promulgated thereunder.

2. The nature and scope of the order which should be entered, with respect to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1346; Filed, January 26, 1944; 10:48 a. m.]

[File No. 812-345]

THE CLIFFS CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of January, A. D. 1944.

The Cliffs Corporation, a registered management closed and non-diversified investment company, has filed an application for an order under and pursuant to the provisions of section 6 (c) of the Investment Company Act for an extension of time to March 31, 1944 in which to mail its annual report to stockholders as required by section 30 (d) of the said act.

It is ordered, That a hearing on the aforesaid application be held on the 31st day of January, 1944 at 10:00 o'clock, eastern war time, in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at such hearing is authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to such other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1347; Filed, January 26, 1944; 10:48 a. m.]

[File No. 70-841]

THE UNITED GAS IMPROVEMENT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 25th day of January 1944.

The United Gas Improvement Company, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, having filed an application and declaration and amendments thereto pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-50, U-62 and U-23 promulgated thereunder with respect to the following transactions:

The United Gas Improvement Company proposes to change its 35,000,000 authorized shares of capital stock without par value into 3,500,000 shares of $13.50 par value each, and similarly convert its 23,252,000 outstanding shares of capital stock without par value into 2,325,200 shares with a par value of $13.50 each, one share of the new stock to be exchanged for each ten shares of the present stock. In lieu of fractional shares of the new stock, it is proposed to issue non-voting scrip in bearer form, which, during a period of one year commencing on or about September 7, 1944, will be exchangeable, in combination with other similar scrip, for the number of full shares represented thereby. After the one-year period, it is proposed to pay and discharge any unexchanged scrip by payment therefor in cash on the basis of the average closing price of the stock for the period from September 10 to September 14, 1945, inclusive. At the time of the payment of scrip in cash or upon the exchange thereof for full shares, the company further will pay an amount in cash equal to the fractional interest in dividends and/or distribution of capital assets then payable or distributable.

The stated purposes of the proposed transactions are to reduce the number of shares of capital stock so that they will be more proportionate to the substantially reduced assets of the company; to make the new shares more acceptable as collateral security than the present shares selling under $5 per share; and to reduce brokerage commissions on purchases or sales and transfer taxes on sales of the stock. The proposed transactions will be submitted to a stockholders' vote at the next annual meeting of stockholders, scheduled for May 1, 1944.

The difference of $549,239 between the stated capital applicable to the capital stock of the company immediately prior to the proposed conversion ($31,939,439) and the stated capital represented by the shares of the proposed new capital stock ($31,390,200) will be credited to the capital surplus account, and the 2,424 shares of present capital stock now held in the treasury will be canceled and retired by charging capital surplus with $3,329; and

Said application and declaration having been filed on December 29, 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, and the Commission not having received a request for hearing with respect to said application and declaration within the period prescribed in said notice, or otherwise, and not having had a hearing thereon, the company having requested acceleration of the effective date; and

The Commission finding that the requirements of section 6, 7 and 12 (c) of the act and Rules U-42, U-50 and U-62 thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers to grant said application, as amended, and to permit said declaration, as amended, to become effective, and that the effective date should be accelerated;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be, and the same hereby is, granted forthwith and that the aforesaid declaration, as amended, be and the same hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1350; Filed, January 26, 1944; 10:48 a. m.]

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

[Administrative Order 6]

BENEFITS IN UNITED KINGDOM

AUTHORIZATION OF LOCAL PAYMENTS

By virtue of the authority vested in the United States Employees' Compensation Commission by the Employees' Compensation Act of September 7, 1916, as amended, Foreign Claims Commission No. 16, is authorized to process claims, to make initial payments of compensation, and to furnish other benefits initially, as provided by such act of September 7, 1916, as amended, and pursuant to the regulations of the Commission promulgated thereunder (20 CFR, Chapt. I, Subchapter A) and such supplementary instructions as may from time to time be issued by the Commission in cases of civilian employees of the United States who are injured, while in the performance of their duties for the United States in employment in the United Kingdom.

As used herein the phrase "to process claims" means (1) to receive, assemble, and file reports of injury, medical reports, reports of investigation, and other papers relating to cases of injury; (2) to make investigations and to secure necessary supplementary information in connection with cases or claims; (3) to obtain medical examinations; (4) to arrange for medical, surgical, and hospital services and supplies in the treatment and care of employees in disability cases; (5) to examine and adjudicate claims for compensation in injury cases, including making of findings of fact and award; (6) to prepare vouchers for local disbursement of benefits and local payment of medical and other expenses; (7) to review cases for readjustment of compensation.

As used herein the phrases "to make initial payments of compensation" and "to furnish other benefits initially" mean the payment of compensation in cases of injury, and the furnishing of any other benefits provided for by such act, except compensation for death, for a period not to exceed 180 days.

The action of the Foreign Claims Commission in any case, and the payments made under this authority, are subject to final review by the Commission and readjustment if found necessary. Order approved by the Commission January 6, 1944.

WILLIAM MCCAULEY,
Secretary.

[F. R. Doc. 44-1317; Filed, January 25, 1944; 2:38 p. m.]

WAR FOOD ADMINISTRATION.

DEPUTY DIRECTORS OF FOOD DISTRIBUTION

DELEGATION OF AUTHORITY

There is hereby delegated to the following Deputy Directors of Food Distribution, in the order designated below, authority to act, as Acting Director of Food Distribution, for and on behalf of the Director of Food Distribution in his absence: the Deputy Director for Food Industry and Regulatory Activities, the Deputy Director for Procurement Activities and Management Services, and the Deputy Director for Civilian Activities.

Issued this 25th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1355; Filed, January 26, 1944; 11:18 a. m.]

JAN 31 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 20

Washington, Friday, January 28, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[Rev. FPO 14, Amdt. 1 to Rev. Supp. Order 1]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Schedule III attached to Supplementary Order No. 1 (8 F.R. 17458) to Food Production Order No. 14 (8 F.R. 17456) is hereby amended to read as follows:

SCHEDULE III

DRILL AND GRAIN DRILLS OR PLANTERS

Item No.	
23	Four row, horse or tractor drawn.
23a	Six row, horse or tractor drawn.
23b	Four row, tractor mounted.
23c	Six row, tractor mounted.

DISC HARROWS

80	Disc harrows, reversible, row disc, horse or tractor drawn.
80a	Disc harrows, single, six feet and under (horse drawn type).
80b	Disc harrows, single, over six feet (horse drawn type).
80c	Disc harrows, tandem attachment for horse drawn type.
80d	Disc harrows, single and tandem, six feet and under, tractor drawn.
80e	Disc harrows, single and tandem, over 6 feet and under 11 feet, tractor drawn.
80f	Disc harrows, tandem "heavy duty" "cover crop", "wide disc spacing" tractor drawn.
80g	Disc harrows, wide disc harrows over ten feet, tractor drawn.
80h	Disc harrows, offset—tractor drawn.
80i	Disc harrows, brush and bog, tractor drawn.
81	Disc harrows, tractor mounted and tool bar type.
81a	Cane disc harrows, tractor mounted and tool bar type.

SOIL PULVERIZERS AND PACKERS

83	Soil pulverisers and packers, single.
83a	Soil pulverisers and packers, double.

ROTARY HOES

102	Rotary hoes, horse or tractor drawn.

SCHEDULE III—Continued

DUSTERS

Item No.	
121	Power duster, auxiliary engines.
121a	Power duster, power take-off.
122	Traction dusters (except one and two row wheel barrow type).

GRAIN BINDERS

129	Grain binders (ground drive).
130	Grain binders (power take-off).

FEED GRINDERS AND CRUSHERS

174	Power, burr type.
175	Hammer type.
175a	Roughage mills, combination type with cutter head and grinders.

DISTRIBUTION EQUIPMENT

232	Portable pipe and extensions, sprinklers (excluding lawn sprinklers), valves and gates.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 FR. 14783)

Issued this 27th day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-1391; Filed, January 27, 1944; 11:23 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50093]

PART 51—IMPORTS AND EXPORTS SUBJECT TO PROVISIONS OF E.O. 8389, AS AMENDED, AND PROCLAMATION 2497 REGARDING BLOCKED NATIONALS

RESTRICTED EXPORTATIONS AND IMPORTATIONS; PROCEDURE

JANUARY 24, 1944.

T. D. 50530 amended to eliminate requirement of extra copies of customs entry, withdrawal, or export declaration.

T. D. 50530 issued on December 17, 1941 (6 F.R. 6585) is amended as follows:

(1) Section 51.11 is deleted.

(2) Section 51.12 is renumbered § 51.11 and is amended to read as follows:

(Continued on next page)

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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§ 51.11 Whenever presentation of a special license issued pursuant to Executive Order No. 8389, as amended, is required upon the entry, withdrawal, or exportation of merchandise, the original copy of the special license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn, or exported. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal, or exportation the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it.

(3) Section 51.13 is renumbered § 51.12.

(4) The first paragraph of § 51.14 is deleted.

The provisions hereof shall be effective on January 31, 1944.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44–1371; Filed, January 26, 1944; 4:45 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 26]

PART 803—GENERAL ORDERS

NONPROFIT ORGANIZATION EXEMPTION FROM FILING WAGE ADJUSTMENT APPLICATION FOR APPROVAL

General Order No. 26 (8 F.R. 10405) is hereby amended to read as follows:

§ 803.26 *General Order No. 26.* (a) Organizations established as nonprofit community chest funds, foundations, or cemetery companies, and organizations operated without profit and exclusively for religious, charitable, scientific, literary or educational purposes, which have been exempted from the payment of income and social security taxes (including nonprofit organizations which maintain and operate hospitals), shall be exempt from the necessity of filing applications for approval of wage and salary adjustments of their employees within the jurisdiction of the National War Labor Board.

(b) Such organizations will, nevertheless, be expected to observe and abide by the national wage and salary stabilization policy in making any adjustments in the wages or salaries of their employees.

(c) The Regional War Labor Boards may recommend to the National War Labor Board such exceptions to the provisions of this order as are necessary to effectuate the wage and salary stabilization policies of the National War Labor Board, which exceptions, if approved by the National War Labor Board, shall, unless otherwise specified, apply only within the territorial jurisdiction of the Regional Board making the recommendation.

(E.O. 9250—7 F.R. 7871)

Adopted January 12, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44–1366; Filed, January 26, 1944; 12:58 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

[Reg. 12]

RESTRICTIONS ON DELIVERY OF COKE

On December 31, 1943, the Chairman of the War Production Board delegated to the Solid Fuels Administrator for War authority and discretion to control the distribution of coke by any person to any domestic consumer and the use of coke by any domestic consumer (WPB Directive 33, 9 F.R. 64). In order to assure the equitable distribution of the available supply of coke for domestic consumers, it is necessary to place restrictions upon deliveries of coke by retail dealers. Accordingly, in order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority conferred by that Order and Directive 33 of the War Production Board, the following regulation is issued by the Solid Fuels Administrator for War:

Sec.

602.221 Definitions.
602.222 Restrictions upon deliveries of coke by retail dealers.
602.223 Restrictions upon the ordering and receiving of coke by domestic consumers.
602.224 Limitations upon the applicability of this regulation.
602.225 Records.
602.226 Violations.
602.227 Damages for breach of contract.
602.228 Application for modification and exception.

AUTHORITY: §§ 602.221 to 602.228, inclusive issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

§ 602.221 *Definitions.* (a) "Solid fuel" means all forms of anthracite, bituminous, sub-bituminous, and lignitic coals (including packaged and processed fuels, such as briquettes), and coke.

(b) "Coke" means all coke made from bituminous coal.

(c) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(d) "Retail dealer" means any person (including the retail outlet, branch, or department of a person who is also a producer or wholesaler)—who acts in the capacity of a seller of coke in a transaction involving the sale, or sale and delivery, of broken bulk coke, physically handled in less than carload lots, without regard to quantity or frequency of delivery.

(e) "Domestic consumer" means any person who acquires coke for space heating, domestic hot water or domestic cooking but does not include any person to the extent that he acquires coke for use in an industrial process or for the production of power or for space heating which is incidental thereto.

(f) "Days' supply" means the minimum amount of coke and other usable solid fuels which it is reasonably expected will be consumed during any specified number of days following the placing of an order for coke.

§ 602.222 *Restrictions upon deliveries of coke by retail dealers.* (a) Except as provided in paragraph (c) of this section, no retail dealer shall deliver any coke to a domestic consumer if such consumer has more than a 30 days' supply of solid fuel on hand.

(b) A retail dealer may deliver coke in any quantity to a domestic consumer provided that the tonnage delivered, when added to the inventory on hand, does not exceed a 30 days' supply of solid fuel. The provisions of this paragraph shall not be deemed to require any retail dealer to deliver less than two tons of coke to any domestic consumer, but a retail dealer may deliver less than two tons of coke to any domestic consumer.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a retail dealer may deliver coke to a domestic consumer with more than a 30 days' supply of solid fuel, and such consumer may accept delivery, if such retail dealer has no orders from consumers with less than a 30 days' supply of solid fuel.

(d) Retail dealers shall, to the extent consistent with the provisions of this section, furnish coke first to those domestic consumers who are in most urgent need of such fuel, whether such consumers are contract or spot order customers. Accordingly, in accepting and filling orders for coke, no retail dealer shall discriminate among domestic consumers who are equally entitled to order and receive coke under this Regulation.

§ 602.223 *Restrictions upon the ordering and receiving of coke by domestic consumers.* (a) No domestic consumer may order coke in excess of the amount a retail dealer is permitted to deliver pursuant to § 602.222 of this regulation, and no such consumer may receive from all sources combined more coke than any retail dealer is permitted to deliver pursuant to § 602.222.

(b) No domestic consumer may receive any coke if he inflates, duplicates or pyramids his orders or contracts for solid fuel.

§ 602.224 *Limitations upon the applicability of this regulation.* The provisions of this regulation do not apply to deliveries of coke to or acquisition of coke by:

(a) Domestic consumers within the Limitation Area (States of Washington and Oregon and the following counties in the State of Idaho: Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Shoshone, Clearwater, Lewis and Idaho) designated in section 1 of Ration Order No. 14A, issued by the Office of Price Administration on September 18, 1943.

(b) The Army, Navy, Marine Corps, Coast Guard of the United States, Maritime Commission or War Shipping Administration or operators of poultry brooders and hatcheries;

(c) Any governmental agency or other person when such coke is required by it, for export to and consumption or use in a foreign country or territory;

(d) Commercial fishing vessels or vessels engaged in the transportation of cargo or passengers in foreign, coastwise, intercoastal, lake or river trade; or

(e) Any person to the extent that he aequires coke for use in an industrial process or for the production of power or for space heating which is incidental thereto.

§ 602.225 *Records.* (a) Each retail dealer shall keep and preserve for a period of not less than two years accurate and complete records of the details of any transaction to which any portion of this regulation applies.

(b) All records required to be kept by this Regulation shall, upon request, be submitted for inspection, copy and audit by duly authorized representatives of the Solid Fuels Administrator for War.

§ 602.226 *Violations.* Any person who violates any provision of this Regulation or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who wilfully certifies false or misleading information to the Solid Fuels Administrator for War, or any person who obtains a delivery of coke by means of a wilfully false or misleading statement, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administration for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. Sec. 80) or under the Second War Powers Act (Public, No. 507, 77th Cong., March 27, 1942).

§ 602.227 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this regulation.

§ 602.228 *Application for modification and exception.* Any application for modification of or exception from any provision of this Regulation shall be filed in triplicate with the Solid Fuels Administration for War, Washington, D. C. The application shall set forth in detail the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

This regulation shall become effective January 27, 1944.

Issued this 26th day of January 1944.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44–1397; Filed, January 27, 1944; 12:06 p. m.]

PART 602—GENERAL ORDERS AND DIRECTIVES

[Reg. 13]

BITUMINOUS COAL IN DISTRICT 8

To relieve the critical shortage in the supply of bituminous coal of retail dealers at certain destinations in the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama and Florida, it is necessary to require certain producers in District No. 8 to ship all or a portion of their production of lump or double-screened domestic coal (not including household domestic stoker coal) to retail dealers at those destinations, and to require certain other producers in District No. 8 to make available each week for shipment, pursuant to specific directions issued by the Solid Fuels Administration for War, a portion of their week's production of such lump or double-screened domestic coal. It is also necessary to place restrictions upon deliveries of bituminous coal produced in District No. 8 by retail dealers at certain destinations in the above-named states. Accordingly, in order to effectuate the purposes of Executive Order No. 9332 (8 F.R. 5355), and by virtue of the authority conferred by that Order, the following Regulation is issued by the Solid Fuels Administrator for War:

Sec.

602.235 Definitions.
602.236 Required shipments of bituminous coal by certain producers in District No. 8 to certain destinations.
602.237 Restrictions upon the ordering and receiving of bituminous coal, and upon deliveries of bituminous coal, by retail dealers in the Southeast.
602.238 Reports.
602.239 Violations.
602.240 Damages for breach of contract.
602.241 Applications for modification and exception.
602.242 Effective date of this regulation.

AUTHORITY: §§ 602.235 to 602.242, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

§ 602.235 *Definitions.* (a) "District No. 8," any specified "subdistrict" of said District No. 8 and any specified "market area" have the meaning established, pursuant to the Bituminous Coal Act of 1937, as amended, by the various schedules, orders, rules, regulations and practices of the Bituminous Coal Division of the Department of the Interior as of August 23, 1943.

(b) "Producer" means any person (except when engaged in retail dealer transactions) engaged in the business of mining or preparing bituminous coal (or the sales agent of such person).

(c) "Retail dealer" means any person (including the retail outlet, branch or department of a person who is also a producer or wholesaler) who acts in the capacity of a seller of bituminous coal in a transaction involving the sale, or

sale and delivery, of broken bulk bituminous coal, physically handled in less than carload lots without regard to quantity or frequency of delivery.

§ 602.236 *Required shipments of bituminous coal by certain producers, in District No. 8 to certain destinations.* (a) Each producer in the Virginia and Southern Appalachian Subdistricts of District No. 8 shall ship all of his weekly production of lump or double-screened domestic coal (not including household domestic stoker coal)—each producer in the Harlan Subdistrict of District No. 8, and each producer in the Big Sandy-Elkhorn Subdistrict of District No. 8 whose mine is located on the Chesapeake & Ohio Railway, shall ship not less than 50 percent of his weekly production of lump or double-screened domestic coal (not including household domestic stoker coal)—to destinations in the States of Georgia, Alabama, and Florida, destinations in those parts of the States of North Carolina and South Carolina within Market Areas Nos. 106, 109, and 110, destinations in that part of the State of Virginia within Market Area No. 101 and destinations in that part of the State of Tennessee consisting of Marion, Grundy, Warren, DeKalk, Putnam, Jackson and Clay Counties and east thereof.

(b) Each producer in the Kanawha, Logan, Hazard, and Williamson Subdistricts of District No. 8 shall make available for shipment pursuant to specific directions issued by the Solid Fuels Administration, 5 percent of each week's production of lump and double-screened domestic coal (but not including household domestic stoker coal). However, if no specific direction from the Solid Fuels Administration is received by any such producer by Thursday of any week, such producer may ship the entire production of lump and double-screened domestic coal of that week on orders on hand subject to the provisions of Solid Fuels Administration for War Regulation No. 10 (8 F.R. 15773) or of other regulations or directions issued by the Solid Fuels Administration.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, no producer described in those paragraphs shall be deemed to be required by such paragraphs to curtail his production, and he may ship coal upon any order if such shipment is necessary to permit uninterrupted operation at his mine.

§ 602.237 *Restrictions upon the ordering and receiving of bituminous coal, and upon deliveries of bituminous coal, by retail dealers in the southeast.* (a) No retail dealer in the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee and Florida may order and receive such an amount of lump or double-screened domestic coal (not including household domestic stoker coal) produced in District No. 8 as will result in his maintaining at his yard as storage or inventory tonnage exceeding 20 percent of his average monthly deliveries of such coal to consumers during November, December and January of the winter of 1942–43.

(b) Notwithstanding the provisions of Solid Fuels Administration for War Revised Regulation No. 7 (8 F.R. 15442), no retail dealer described in paragraph (a) of this section shall deliver any lump or double-screened domestic coal (not including household domestic stoker coal) to any consumer who has sufficient solid fuel (coal or coke) on hand to meet his minimum burning requirements for a period of 15 days. A retail dealer may deliver to a consumer, who has less than 15 days' supply of solid fuel (coal or coke) on hand, an amount of coal which when added to the consumer's supply of coal and coke will not result in the consumer having more solid fuel (coal or coke) than is necessary to meet his minimum burning requirements for a period of 15 days.

(c) Despite the provisions of paragraph (b) of this section, no retail dealer is required by this Regulation to make deliveries of less than one ton of lump or double-screened domestic coal (not including household domestic stoker coal) to any consumer entitled to receive such coal in accordance with this regulation.

§ 602.238 *Reports.* Each producer in District No. 8 shall report in writing on or before the fifth day of each month to Mr. Wayne P. Ellis, Area Distribution Manager, Solid Fuels Administration for War, 600 Transportation Building, Cincinnati, Ohio, the name and location of each retail dealer to whom coal is shipped, and the tonnage so shipped, in accordance with the provisions of this regulation. In lieu of such report, any producer may file with Mr. Ellis a copy of each invoice covering any tonnage shipped in accordance with this Regulation. The reporting requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 602.239 *Violations.* Any person who wilfully violates any provision of this Regulation is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

§ 602.240 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this Regulation.

§ 602.241 *Application for modification and exception.* Any application by a producer or retail dealer for modification of or exception from any provisions of this Regulation shall be filed in triplicate. Retail dealers shall file any such application with the nearest Area Distribution Manager of the Solid Fuels Administration for War. Producers shall file any such applications with Mr. Wayne P. Ellis, Area Distribution Manager, Solid Fuels Administration for War, 600 Transportation Building, Cincinnati, Ohio. The application shall set forth in detail the provisions sought to be modified or from which an exception is sought and the reasons and data in support of such request for modification or exception. The Area Distribution Manager shall send such application with his recommendation thereon to the Solid Fuels Administrator for War for appropriate action.

§ 602.242 *Effective date of this regulation.* This regulation shall become effective immediately.

Issued this 26th day of January 1944.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44–1398; Filed, January 27, 1944; 12:06 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amendment 146]

PART 801—GENERAL REGULATIONS

CLAY AND CLAY PRODUCTS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Clay and clay products:		
Sanitary fixtures and fittings, and parts, n. e. s.	5334.00	-------
Vitreous china bathroom accessories, in. e. s. (including towel and grab bars, clothes hooks, soap receptables, etc.)	5334.00	K
Other sanitary fixtures and fittings, and parts, n. e. s.	5334.00	G2

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: January 26, 1944.

S. H. LEBENSBURGER,
Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 44–1373; Filed, January 27, 1944; 9:21 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–240, Direction 2]

SUPPLEMENTARY CONSUMPTION QUOTAS FOR LEAP YEAR DAY

This direction gives to each publisher of a newspaper which is regularly issued five or more days per week a supplementary consumption quota for publication on Leap Year Day (February 29, 1944).

(a) A publisher who issues a newspaper five or six days per week (excluding Sundays) shall:

(1) Divide his consumption quota, computed in accordance with paragraph (k), by the number of days (excluding Leap Year Day) on which his newspaper is published during the first quarter of 1944,

(2) Add the resulting tonnage to his consumption quota for the first quarter of 1944.

(b) A publisher who issues a newspaper six or seven days per week (including Sundays) shall:

(1) Ascertain the percentage relationship which his adjusted base tonnage for morning and evening issues, computed in accordance with paragraph (k) (4), bears to his total adjusted base tonnage for morning, evening and Sunday issues,

(2) Multiply his consumption quota by this percentage,

(3) Divide by the number of days (excluding Sundays and excluding Leap Year Day) on which his newspaper is published during the first quarter of 1944,

(4) Add the resulting tonnage to his consumption quota for the first quarter of 1944.

Issued this 27th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1390; Filed, January 27, 1944; 11:18 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L–103–b as Amended Jan. 27, 1944]

GLASS CONTAINER AND CLOSURE QUOTAS

What This Order Does

§ 3270.36 *Supplementary Order L–103–b.* This order lists the only products which may be commercially packed in new machine-made, glass containers or with new metal closures. It specifies closure materials and sets forth the number of glass packages and metal closures which may be used for each listed product. In addition, some restrictions are placed upon the manufacture of closures.

The order limits "commercial packs" only. Although there are certain manufacturing restrictions, the use of glass containers or metal closures for home canning purposes is not affected.

Likewise, the provisions of this order cover only new glass containers and closures. Used containers or closures are not limited. However, closures which are fabricated from used closures—that is, where the used closures are a production material—are regarded as new closures made of "waste" and are governed by the pertinent provisions of this order.

Definitions of the various terms used in this order appear in paragraph (x), hereof.

Restrictions on Use of Glass Containers and Closures

(Note exceptions from these restrictions in paragraphs (p) through (v)).

(a) *Prohibited acceptances and uses of glass containers and closures.* No packer shall accept delivery of or use any new glass container, or any new metal closure for packing any product not listed in a schedule of this order. This restriction insofar as it relates to glass containers shall not go into effect until March 1, 1944.

(b) *Limitations on acceptance and use of glass containers and closures.* Likewise, during any calendar year beginning with 1944, no packer shall accept delivery of or use, for packing any product which is listed in a schedule of this order, more new glass containers or more new metal closures (other than closures made from waste) than his quota for that product. However, jobbers or retailers may obtain closures and glass containers and resell them in conformity with the provisions of this order.

(c) *Closure materials.* No packer shall accept delivery of or use, for packing any product, new metal closures made of any material except those permitted for that product in the schedules of this order. However, blackplate closures (including rejects) may be used wherever tinplate or terneplate is specified, and frozen plate may be used wherever tinplate, terneplate or blackplate is specified. Likewise, closures made of waste may be used in accordance with the following paragraph:

(d) *Closures made of waste.* Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order. Closures made of waste may be used in addition to specified quotas for listed products.

(e) *Home canning jars.* No packer shall pack any commodity in a home canning jar. (Note that the use of these jars for home canning is not restricted).

Quotas

(f) *General.* Closure and glass quotas are stated separately in the attached schedules, and are not necessarily the same for any given product.

Quotas are not interchangeable as between listed products. That is, a packer who packs two products, product A and product B, must compute his quota (in the manner described in the following paragraph (g)) for each product separately. He cannot allot any portion of his quota for product A to product B, even if he does not pack his full quota of product A.

Furthermore, quotas may not be transferred from one packer to another except as provided in Priorities Regulation 7A.

(g) *Computation of quotas.* In most cases where this order provides a quota for the packing of any product, it does so, in the attached schedules, by stating a percentage figure followed by a calendar year—for instance, 100% 1943. Where this appears in the "glass quota" column opposite a product, it means, unless otherwise specified, that a packer's glass container quota for that product during 1944 and subsequent calendar years is computed as follows:

(1) He takes the number of new glass containers which he used for packing that product during the named base year.

(2) He subtracts the number of new glass containers which he used for packing that product during the named base year and which were quota exempt under the provisions of any prior order of the War Production Board or under any previous amendment of this order.

(3) He multiplies the resulting figure by the applicable percentage.

Identical rules apply to the computation of closure quotas, except that unless otherwise specified they are based on the number of new metal closures used during the specified base period.

The schedules of this order provide that the quotas for some products are based on the number of new metal closures or new glass containers accepted rather than those used during the specified base period. Here again, the method of computation, described in this paragraph, applies, except that the word "accepted" should be substituted for the word "used" in steps 1 and 2 above. Only the new metal closures or the new glass containers which a packer actually accepted delivery of and those which were invoiced to him during the applicable base period may be included in his quota base in such cases. But, for the purpose of making charges against quota, a packer must include the new metal closures and the new glass containers which he actually accepts delivery of, and those which are set aside for him or held by another party for his account—whether or not they are actually invoiced to him.

In a few cases, the schedules of this order set forth special rules, not covered by the above, for the computation of quotas for particular products. Such rules must be followed, and supersede the general statements contained in this paragraph (g) to the extent that they conflict with them.

(h) *Use of quotas.* As indicated above, most quotas are based on past use. The word "use" refers only to the actual filling operation in the case of glass and the actual capping operation in the case of closures. Therefore, to the extent that a person did not do this directly during the base period, he has no quota, despite the fact that he may have supplied the actual packer with the product, closures, containers, etc. After December 31, 1943, any packing done for him must be within the quota of the person performing the actual filling and capping operation.

In the case of products whose quotas are based upon acceptances, a person is deemed to have "accepted" glass containers or closures (for the purpose of computing quotas) only to the extent that he himself actually took possession of them or had them invoiced to him. If he did not do this during the base period, he has no quota, and the rules stated in the preceding paragraph of this paragraph (h) apply.

Packers who use or accept new glass containers or metal closures for packing products for the account of others, as well as for their own account, must conduct both operations within their own quotas. Without a special appeals grant under this order, they cannot re-

gard their use or acceptances of glass containers and metal closures for the account of others as an addition to their quotas. This is true even where the other person may represent to the packer that he has a quota which he is not using himself.

On the other hand, packers are entitled to include, in their own quota bases, their use or acceptances of new glass containers or new metal closures, for the account of others during the specified base periods.

Restrictions on Sale and Delivery of Glass Containers and Closures

(i) *General restrictions.* No person shall sell or deliver any glass containers or closures which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(j) *Export deliveries.* During any calendar year, no person shall deliver more empty new glass containers or more new metal closures to any person outside of the 48 States of the United States and the District of Columbia than he delivered to that person during 1943.

(k) *Certificates.* No person shall sell or deliver any new glass containers or new metal closures except under a purchase order or contract validated by the delivery to such person of a purchaser's certificate, signed manually, or as provided in Priorities Regulation 7.

This certificate shall be in substantially the form attached hereto as Exhibit A in the case of sales or deliveries of all glass containers, and of all metal closures except malt and non-alcoholic beverage closures. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

The certificate should be in substantially the form attached hereto as Exhibit B, where sales or deliveries of malt or non-alcoholic beverage closures are concerned. This certificate differs from Exhibit A in that it must be filed with each purchase order for beverage closures in order to validate the order.

(l) *Outstanding certificates.* Certificates previously filed with a supplier under any previous amendment of this order, shall remain valid insofar as sales or deliveries of glass containers are concerned. Exhibit A certificates previously filed under order M-104, shall remain valid insofar as closure (other than malt or non-alcoholic beverage), deliveries are concerned. In either of the above cases, no new certificate need be filed by any purchaser to validate his orders placed with the supplier to whom the previous certification was made.

(m) *Cases where certificates need not be filed.* No certificates shall be required for the sale or delivery of home canning jars or home canning closures, nor shall any certificates be required for the sale or delivery of any kind of glass containers or closures to: (1) Retailers, for resale empty or unused; or (2) persons purchasing closures or glass containers from retailers.

(n) *Standard certifications.* The standard certification provided for in paragraph (d) of Priorities Regulation 7, cannot be used in place of the certifications provided by this order; nor may the certifications provided by this order be waived in accordance with paragraph (f) of Priorities Regulation 7.

Restrictions Relating Solely to Manufacture of Closures

(o) *Closure material.* (1) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium (other than paraffin) such as another closure.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (o) (2).

(2) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, or wire for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule VII attached to this order. No closure manufactured pursuant to Schedule VII shall knowingly be sold to, or used by, any person for packing any product for sale.

(3) No person shall use any tinplate, terneplate or blackplate heavier than 90 pounds per base box for the manufacture of crown caps. This restriction does not apply to rejects, frozen plate waste-waste, or waste.

(4) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box; and all persons manufacturing closures shall, to the greatest extent available, use 0.50 tinplate for the manufacture of closures for which tinplate is permitted by the provisions of this order.

(5) No person shall use any wire for the manufacture of paperboard disc plug caps, having a diameter of two inches or less, for milk bottles.

Exceptions Pertaining to Both Glass Containers and Closures

(p) *Deliveries to certain agencies and persons.* Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of glass containers or closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy Camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other nonprofit Defense Recreation Committees, engaged in the operation of recreation centers in the 48 States of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (p) (3) by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(q) *Special provisions in schedules relative to exempt deliveries to certain agencies and persons.* The schedules of this order contain certain limitations on the exception provided by the preceding paragraph (p) in the case of certain products—as, for instance, ice cream mix and malt and nonalcoholic beverages. In such cases, the provisions of the schedules are controlling and supersede paragraph (p) to the extent that they conflict therewith.

Exceptions Relative to Glass Containers Only

(r) *Small users.* The restrictions of this order which pertain to glass containers shall not apply to any person during any calendar year in which he accepts no more than a total of five hundred ($500.00) dollars worth (cost price to him) of empty new glass containers for all products.

(s) *Large size glass containers.* The restrictions of this order which pertain to glass containers shall not apply to any glass container with a capacity larger than 140 fluid ounces.

(t) *Glass containers manufactured prior to the date of this order.* The restrictions of this order shall not prevent any person's acceptance or use, for a product not listed in the schedules of this order, of any glass container manufactured before January 1, 1944, if the glass container in question was originally manufactured for the purpose of packing an unlisted product, or was originally manufactured for packing a listed product but has a capacity not permitted for that product in the attached schedules of this order. This paragraph does not permit the quota free use of glass containers for listed products regardless of when the containers were manufactured.

(u) *Quota free use of certain glass containers in inventory of packer on or before December 31, 1943.* To the extent that as of January 1, 1944, a packer had in his possession, empty glass containers which he was permitted to accept under paragraphs (b) (c) and (d) of order L-103-b as amended November 1, 1943, (excluding containers which he was permitted to accept under paragraph (e) of that order), he may use them during 1944 for packing any listed product in addition to his quota for that product. Nothing in this paragraph shall permit the quota free use of glass containers "borrowed" against anticipated 1944 usage, in accordance with paragraph (e) of this order as amended November 1, 1943.

Exceptions Pertaining to Closures Only

(v) *Small users.* The restrictions of this order which pertain to closures shall not apply to any person during any calendar year in which he accepts no more than five thousand new metal closures for all products.

Prior Appeals

(w) *Appeals granted prior to December 31, 1943 under Order M-104 and Order L-103-b.* All appeals granted prior to December 31, 1943 under orders L-103-b and M-104 are cancelled and shall be ineffective on and after January 1, 1944. Therefore, after that date, no person shall accept delivery of or use or shall manufacture, sell or deliver any new glass container or any new metal closure except in accordance with the provisions of this order—unless he receives a new grant on appeal after January 1, 1944.

Definitions

(x) *Definitions.* For the purposes of this order:

(1) "Glass container" means any empty new machine-made bottle, jar or tumbler, with a capacity of 140 fluid ounces or less, which is made of glass and which is suitable for packing any product.

(2) "Packer" means any person who uses glass containers or closures for commercially packing any product in the continental United States (the 48 States and the District of Columbia).

(3) "Home canning jar" means a glass container which is specifically made for use as a home canning jar (that is, for the purpose of packing or preserving food or food products in the home) and which carries some lettering or other marking identifying it as such.

(4) "Closure" means any new sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(5) "Metal closure" means any closure which is made of zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste, or waste.

(6) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(7) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", and all other forms of terneplate except waste and waste-waste.

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, and includes "rejects", and all other forms of blackplate except waste.

(9) "Frozen plate" means only tinplate, terneplate or blackplate which, since before August 9, 1943, has been held in the owner's inventory because, for any reason, it was not suitable for manufacture by the owner into articles permitted the use of steel under the provisions of War Production Board orders.

(10) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(11) Tinmill blackplate "rejects" means steel sheets rejected during processing by the producer because of imperfections which disqualify such sheets for sale as prime blackplate.

(12) "Waste", means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures or cans.

(13) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

Miscellaneous

NOTE: Paragraphs (z), (aa), (bb), (cc), formerly (y), (z), (aa), (bb), redesignated Jan. 27, 1944.

(y) *Multiple unit users.* Any commercial user who uses glass containers at more than one plant may choose to compute and apply a separate quota for each plant (or group of plants) or a collective quota for all such plants. Any organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single commercial user for purposes of this paragraph.

(z) *Applicability of regulation.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(aa) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(bb) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington (25), D. C., Ref.: L-103-b.

(cc) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 27th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A—PURCHASER'S CERTIFICATE FOR ALL GLASS CONTAINER DELIVERIES AND ALL CLOSURE DELIVERIES EXCEPT MALT AND NON-ALCOHOLIC BEVERAGE CLOSURES

One copy of this certificate is to be delivered to each person from whom purchases of new glass containers or new metal closures (other than malt and non-alcoholic beverage closures) are made. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L-103-b and that he will not use or sell any glass containers or any closures purchased from----------
Name of seller

Address of seller
pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date----------

Legal name of purchaser
By ----------
Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

EXHIBIT B

Certificate required by Order L-103-b to validate each purchase of new metal closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

INVENTORY

(a) Permitted inventory (20 percent of number of such closures and cans used for packaging malt or non-alcoholic beverages in 1941.) ---------- gross.

(b) Inventory on date of this certification (Exclusive of Closures made from waste) ---------- gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) ---------- gross.

(d) Requested delivery from ----------

Seller

---------- gross.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L–103–b, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures for malt beverages or non-alcoholic beverages received from the seller pursuant to the above-described "requested delivery" in violation of the terms of such order.

Date ----------

Legal name of purchaser

By ----------

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

SCHEDULES—GENERAL EXPLANATION

Schedules I through VI list the only products which may be packed in new glass containers or with new metal closures. Schedule VII relates to the manufacture of home canning closures.

The data set forth in the two "quota" columns, opposite each product, indicate the number of new glass containers and new metal closures (determined in accordance with the general rules set forth in paragraph (g) of Order L–103–b), which may be used for packing that product. However, any special quota provisions which these schedules make applicable to any product, are controlling to the extent that they conflict with paragraph (g).

The "X" mark which appears opposite each product in one of the columns headed "closure material" indicates that, except as listed hereafter, only closures made of the specified material may be used to pack that product. The general exceptions from this rule are:

(i) Closures made of blackplate (including rejects) may be used, within quotas, wherever tinplate or terneplate is specified.

(ii) Closures made of frozen plate may be used, within quota, wherever either tinplate, terneplate or blackplate is specified.

(iii) Closures made of waste may be used in addition to specified quotas for listed products.

After March 1, 1944 all special provisions of these schedules relating to closure materials for specific products must be followed, and control to the extent that they conflict with the above.

All size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L–103 and its schedules.

Attention is called to paragraphs (p) through (v) of Order L–103–b which establish limited exceptions to the provisions of this order. Here again, any special provisions which these schedules contain relative to quota exemptions—as in the case of ice cream mix and certain beverages—must be observed.

SCHEDULE I—FOODS

No product packed in a can shall be repacked for sale in a glass container by the same or a different person, in the same or a different form, except as follows (or as otherwise specifically permitted in this schedule):

(i) When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice, grape pulp, citrus peel and pulp may be repacked from reusable cans, 5-gallons or larger. Apricots and peaches, solid pie pack, may be repacked from No. 10 cans or larger. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

(ii) Tomato paste, tomato pulp or puree, and tomato sauce may be repacked from No. 10, or from 5-gallon or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste or tomato pulp or puree), but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

NOTE: Items 2 and 43 amended Jan. 27, 1944.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
FRUIT AND FRUIT PRODUCTS				
1. Apples including crab apples, whole apples not to be packed	100% 1943	100% 1943	X	
2. Apple cider, gallons only	100% 1943 (see note)	100% 1943	X	
NOTE: Only new glass containers of one-half gallon and larger may be included for the purpose of computing quota under paragraph (g).				
3. Apple juice, not to be packed in containers smaller than 1 pint capacity	100% 1943	100% 1943	X	
4. Applesauce including sauce from crab apples	100% 1943	100% 1943	X	
5. Apricots, fresh	Unlimited	Unlimited	X	
6. Blackberries, black raspberries, blueberries or huckleberries, red raspberries, boysen berries, loganberries, and youngberries when packed as berries.	Unlimited	Unlimited	X	
7. Cherries, red sour pitted and sweet	100% 1943	100% 1943	X	
8. Cranberries	Unlimited	Unlimited	X	
9. Figs—(Kadota)	Unlimited	Unlimited	X	
10. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No 10 or larger cans, to the extent of 10 percent of the fruit cocktail.	Unlimited	Unlimited	X	
10a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent diced peaches, and not less than 35 percent nor more than 45 percent diced pears; or a combination of not less than 50 percent nor more than 60 percent diced peaches and not less than 30 percent nor more than 40 percent diced pears with not less than 6 percent nor more than 10 percent grapes. Such peaches or pears shall be peeled, pitted, or cored and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than ¾", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
11. Fruit butters, minimum size (excluding tumblers) ¾ pound. At least 70 percent of containers packed to be 1½ pounds or larger.	100% 1943	100% 1943	X	
12. Fruits crushed, fountain fruits and ice cream toppings	Unlimited	Unlimited	X	
13. Fruit conserves, jams, marmalades and preserves. At least 10 percent of the number of containers packed with these products, excluding tumblers, to be 2 pounds or larger.	Unlimited	Unlimited	X	
14. Fruit jellies	100% 1943	100% 1943	X	
15. Fruit juices, other than grape, apple, or apple cider, or mixtures of fruit juices (undiluted except for the addition of sweetening). Minimum size 1 pint.	Unlimited	Unlimited	X	
16. Grape juice, minimum size 1 pint	100% 1943	100% 1943	X	
17. Fruit concentrates, liquid, when concentrated on a ratio 5 or more to 1	100% 1943	100% 1943		X
18. Fruit concentrates, dry	100% 1943	100% 1943	X	
19. Fruit nectars, minimum size 1 pint	Unlimited	Unlimited	X	
20. Olives, ripe and green ripe	Unlimited	Unlimited	X	
21. Peaches, halves, slices or cubes	Unlimited	Unlimited	X	
22. Pears—whole pears, except seckel pears, not to be packed	Unlimited	Unlimited		X
23. Pectin, liquid	Unlimited	Unlimited	X	
24. Plums	Unlimited	Unlimited	X	
25. Prunes, fresh Italian	Unlimited	Unlimited		

SCHEDULE I—FOODS—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
VEGETABLES AND VEGETABLE PRODUCTS				
26. Asparagus, all-green or culturally bleached	Unlimited	Unlimited	X	
27. Beans, with or without pork	100% 1943	100% 1943	X	
28. Beans, fresh, all varieties	Unlimited	Unlimited	X	
29. Beets—whole beets over 1¼" diameter not to be packed	Unlimited	Unlimited	X	
30. Carrots—whole carrots not to be packed	Unlimited	Unlimited	X	
31. Peas and carrots—fresh green peas only. Carrots not to exceed 40 per cent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
32. Corn, fresh, sweet cut only	Unlimited	Unlimited	X	
33. Mixtures of vegetables (except succotash, and peas and carrots) which consist of not less than 90 per-cent of any combination of vegetables listed in this schedule: *Provided*, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, *Provided further*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	100% 1943	100% 1943	X	
34. Mushrooms	100% 1943	100% 1943	X	
35. Okra, including tomatoes and okra	Unlimited	Unlimited	X	
36. Peas, green	100% 1943	100% 1943	X	
37. Peppers, sweet, including pimientos. Minimum size container 6 fluid ounces	100% 1943	100% 1943	X	
38. Pumpkin and squash	100% 1943	100% 1943	X	
39. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke and turnip greens.	Unlimited	Unlimited	X	
40. Succotash, fresh vegetables only	Unlimited	Unlimited	X	
41. Tomatoes	Unlimited	Unlimited	X	
42. Tomato catsup and chili sauce, containing not less than 10.8 percent (specific gravity 1.045) by weight of dry tomato solids.	Unlimited	Unlimited	X	
43. Tomato paste from fresh tomatoes, containing not less than 25 percent by weight of dry tomato solids.	Unlimited	Unlimited	X	
44. Tomato pulp or puree from fresh tomatoes, containing not less than 10.8 percent (specific gravity 1.045) or more than 25 percent, by weight of dry tomato solids.	Unlimited	Unlimited	X	
45. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037) by weight of dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.	Unlimited	Unlimited	X	
46. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning, minimum size 1 pint.	Unlimited	Unlimited	X	
MEAT AND MEAT PRODUCTS				
47. Beef, dried—tumblers and caps for tumblers may be used in addition to quota	100% 1943	100% 1943	X	
48. Beef extract	100% 1943	100% 1943	X	
49. Chicken, boned	100% 1943	100% 1943	X	
50. Corned beef hash	100% 1943	100% 1943	X	
51. Mince meat, fresh apples only. No containers holding less than one pound net weight of mince meat to be packed.	200% 1943	200% 1943	X	
52. Pigs feet and cutlets, pickled. No containers of a capacity less than one pint to be packed	50% 1943	50% 1943	X	
53. Scrapple (Philadelphia type)	100% 1943	100% 1943	X	
54. Tamales	100% 1943	100% 1943	X	
55. Chili con carne, with or without beans (only when packed in accordance with F. D. A. standards)	100% 1943	100% 1943	X	
56. Meat spreads, including ham, tongue, liver, beef and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	100% 1943	100% 1943	X	
57. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	100% 1943	100% 1943	X	
58. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 percent added water by weight.	200% 1943	200% 1943	X	
59. Tongue	150% 1943	150% 1943	X	
FISH AND SHELLFISH				
60. Any person who packed fish or shellfish products in 1943 may pack the same products in 1944 or any subsequent year, except that no clam broth shall be packed.				
MILK AND DAIRY PRODUCTS				
61. Cheese spreads, processed or unprocessed. Tumblers and caps for tumblers may be used in addition to quota.	125% 1943	125% 1943	X	
62. Milk, cultured; as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.	100% 1943	100% 1943		X
63. Milk, fluid with or without flavoring	Unlimited	Unlimited		X
64. Dry milk, malted milk (including chocolate milk), and milk fortifiers	100% 1943	100% 1943		X
65. Ice cream mix, dry—notwithstanding the provision of paragraph (p) of this Supplementary Order L–103–b, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies. Containers and closures used for such packs must be charged to quotas for this product.	100% 1943	100% 1943	X	
66. Miscellaneous dairy products packed in returnable glass containers, including but not limited to fluid milk, cultured milk, liquid modifications of milk, sweet cream, sour cream and cottage cheese.	Unlimited	None		
SYRUPS AND HONEY				
67. Syrups—blended, cane, corn, maple, molasses, sorghum. Containers under 1 gallon capacity only to be packed.	150% 1943 (see note).	Unlimited		X
NOTE: Only new glass containers under 1 gallon capacity to be included for purpose of computing quota in accordance with paragraph (g).				
68. Syrups—bottlers, malt, chocolate, and fountain syrups	100% 1943	Unlimited		X
69. Honey	Unlimited	Unlimited		X
OLIVES, PICKLES, RELISHES, CONDIMENTS & SAUCES				
70. Pickles, piccalilli and relishes	125% 1943	125% 1943	X	
71. Horseradish	100% 1943	100% 1943	X	
72. Mustard	100% 1943	100% 1943	X	
73. Green Olives	100% 1943	100% 1943	X	
74. Sauces—beefsteak, cooking, soya, pepper and Worcestershire				
EDIBLE OILS AND DRESSINGS				
75. Dressings—Mayonnaise, Russian, salad, Thousand Island, Tartar Sauce and sandwich spreads (other than meat or cheese spreads). At least 60 percent of the containers used by any person to pack any or all of these products must be pints or larger.	125% 1943	125% 1943		X
76. French dressing	100% 1943	100% 1943	X	

SCHEDULE I—FOODS—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
EDIBLE OILS AND DRESSINGS—Continued				
77. Oil, edible, liquid	125% 1943 (see note).	100% of quota glass containers.		X
NOTE: Both new glass containers and new metal cans packed during base period to be included for purpose of computing quota under paragraph (g).				
No containers other than quarts and pints may be packed, with the following exceptions: (i) Olive oil may be packed in quarts, pints and smaller sizes. (ii) Any person who packed liquid edible oils prior to January 1, 1942 in glass containers larger than one quart may continue to do so in 1944 and subsequent calendar years.				
78. Shortenings	100% 1943	None		
MISCELLANEOUS FOODS				
79. Baby foods. Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product.	150% 1943	150% 1943	X	
Formulas—dry and liquid.	100% 1943	100% 1943	X	
81. Cherries, maraschino	75% 1941 (see note).	50% quota glass containers. (See note.)		X
82. Coffee, not including soluble coffee				
NOTE: Glass quotas for coffee are based on the capacity of new glass containers and metal cans accepted, rather than on the number of those used during 1941. Therefore, after computing his quota base in accordance with steps 1 and 2 of paragraph (g), on this basis, a coffee packer is permitted to accept and use enough new glass containers (of any size), to enable him to pack 75 percent of the capacity of new metal cans and jars resulting from such computation. No more than 40 percent of yearly glass quota may be accepted in period May 1 through October 31. New metal caps used in any one month shall not exceed 50 percent of the number of new glass containers packed in that month.				
83. Coffee, soluble	150% 1943	150% 1943		X
84. Baking powder	100% 1943	100% 1943		X
85. Dyes, certified colors, liquid	100% 1943	100% 1943	X	
86. Flavoring extracts	100% 1943	100% 1943		X
87. Malt, dry	150% 1943	150% 1943		X
88. Nut butters including soybean butter. To be packed in 1 pound, 1¼ pound, 2 pounds and larger containers only, except for tumblers which may be used subject to provisions of L-103. At least 10 percent of containers used to be 2 pounds or larger.	100% 1943	100% 1943	X	
89. Spices and seasonings	100% 1943	100% 1943	X	
90. Vinegars. At least 70 percent of the containers packed must be quarts or larger. No containers less than pint capacity to be packed.	(See note)	(See note)	(See note)	(See note).
91. Special foods, for human consumption only, limited to foods other than usual table foods.				
NOTE: Quota—no person shall pack any special food product unless he packed the product in substantially the same form in 1943, and unless he obtains prior permission upon application to the War Production Board.				

SCHEDULE II—DRUG PRODUCTS

[Products for medicinal purposes only]

Closures made of aluminum may be used for any product listed in this schedule to the extent that the packer used aluminum closures for the same product in 1941. However, all aluminum closures must be used within, and charged to, the quotas established by this schedule. Closure manufacturers must obtain permission from the Administrator of Order M-1-i to receive aluminum plate.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Alcohol, rubbing or medicated	Note 1	Note 1		X
2. Anesthetic solutions	Unlimited	Unlimited	X	
3. Biological preparations	Unlimited	Unlimited	X	
4. Blood plasma	Note 1	Note 1		X
5. Capsules, pills, tablets, troches, lozenges	Unlimited	Unlimited	X	
6. Chemicals, dry or liquid	Note 1	Note 1		X
7. Citrate of magnesia	Note 1	Note 1		X
8. Elixirs	Note 1	Note 1		X
9. Emulsions	Note 1	Note 1		X
10. Extracts, dry or liquid	Note 1	Note 1	X	
11. Glycerine	Note 1	Note 1		X
12. Glycerites	Note 1	Note 1		X
13. Jellies, aqueous	Note 1	Note 1		
14. Liniments	Note 1	Note 1	X	
15. Liniments of ammonia	Note 1	Note 1		X
16. Lotions, medicinal only	Note 1	Note 1	X	
17. Magmas	Note 1	Note 1		X
18. Oleoresins	Note 1	Note 1	X	
19. Oils, fixed, volatile or medicated	Note 1	Note 1		X
20. Ointments, cerates, petrolatum pastes	Note 1	Note 1	X	
21. Ointments, ophthalmic	Note 1	Note 1		X
22. Powders	Unlimited	Unlimited	X	
23. Prescriptions	Note 1	Note 1		X
24. Proprietary preparations	Note 1	Note 1		X
25. Salts, effervescent, hygroscopic, efflorescent only	Note 1	Note 1	X	
26. Soaps, medicinal only	Note 1	Note 1	X	
27. Solutions, aqueous	Note 1	Note 1	X	
28. Solutions, other than aqueous	Unlimited	Unlimited		X
29. Solutions, parenteral	Note 1	Note 1	X	
30. Spirits	Note 1	Note 1	X	
31. Spirits of ammonia, aromatic	Note 1	Note 1		X
32. Spirit of ether compound and spirit of ether	Unlimited	Unlimited		X
33. Sulfonamide preparations	Note 1	Note 1		X
34. Suppositories	Note 1	Note 1		X
35. Syrups	Unlimited	Unlimited	X	
36. Tinctures	Unlimited	Unlimited		X
37. Tincture of iodine	Note 1	Note 1		X
38. Waters, laxative, purgative or medicinal	Note 1	Note 1		
39. Other drug products				

NOTE 1: The total number of new metal closures and new glass containers which may be used, during any calendar year, for packing all of the products referring to this note is 100 percent of the number of new metal closures or new glass containers, respectively, a person used for said purpose during 1943. This quota may be used for any one or more of said products.

SCHEDULE III—CHEMICALS

NOTE: Item 31 amended Jan. 27, 1944.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Adhesives, glue, mucilages and pastes	100% 1943	100% 1943		X
2. Alcohol, liquid or solidified (excluding anti-freeze)	100% 1943	100% 1943		X
3. Ammonia, household, and/or household liquid cleaners. No containers of less than 1 quart capacity may be packed.	100% 1943	100% 1943	X	
4. Aromatic chemicals used for their odoriferous and/or flavoring properties	Unlimited	Unlimited	X	
5. Automotive maintenance or repair items, liquid or paste	100% 1943	100% 1943		X
6. Bluings	100% 1943	100% 1943	X	
7. Bleaches, liquid. No containers of less than 1 quart capacity may be packed	100% 1943	Unlimited		
8. Cements—dry, paste or liquid	Unlimited	100% 1943		X
9. Cements used for dental purposes	80% 1943	Unlimited		X
10. Chemicals, dry, not elsewhere specified	80% 1943	80% 1943		X
11. Chemicals, liquid, not elsewhere specified	150% 1943	150% 1943	X	
12. Chemicals for food sanitation purposes only	200% 1943	200% 1943		X
13. Chemicals, reagent	100% 1943	100% 1943		X
14. Cleaners—dry, paste or liquid, not including liquid household cleaners	100% 1943	100% 1943		X
15. Compounds for grinding, polishing, or sealing	100% 1943	100% 1943		X
16. Deodorants—dry, not for use on human body	100% 1943	100% 1943	X	
17. Deodorants—liquid or paste, not for use on human body	100% 1943	100% 1943		X
18. Dressings for industrial purposes. Belt dressings and similar preparations	100% 1943	100% 1943	X	
19. Dyes	100% 1943	100% 1943	X	
20. Essential oils, distilled or cold pressed	Unlimited	Unlimited		X
21. Embalming fluid	100% 1943	100% 1943		X
22. Fire extinguisher fluids	100% 1943	100% 1943		X
23. Fumigants	100% 1943	100% quota glass containers.		X
24. Fungicides, insecticides, disinfectants and livestock or agricultural solutions or sprays. No containers larger than 1 quart to be packed	150% 1943 (see note).			
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
25. Germicides	125% 1943	125% 1943	X	
26. Graphite with liquid	100% 1943	100% 1943		X
27. Glycerine	100% 1943	100% 1943		X
28. Hand protective compounds (industrial protective only and only when packed in 8 oz. container or larger).	150% 1943	150% 1943		X
29. Hypochlorite powders	125% 1943	125% 1943	X	
30. Inks	100% 1943	100% 1943	X	
31. Ink eradicators	100% 1943	100% 1943	X	
32. Paints, clear (including shellac) except nitro-cellulose base paints; containers limited to quarts and smaller.	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
33. Paints, pigmented except nitro-cellulose base paints; containers limited to one-half pints and smaller	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one pint capacity and smaller may be included in computing quota under paragraph (g).				
34. Paint thinner, including turpentine, paint and varnish removers and linseed oil; excluding thinners for nitro-cellulose products; quart, pint and half-pint containers only.	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
35. Phenols	100% 1943	100% 1943	X	
36. Photographic supplies	100% 1943	100% 1943	X	
37. Poisons	100% 1943	100% 1943		X
38. Polishes, liquid. Furniture, auto, metal and floor polishes, quart and smaller containers only	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
39. Putty	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g)				
40. Polishes not otherwise specified	75% 1943	75% 1943		X
41. Shoe and leather polishes, waxes, dyes, stains and dressings not including liquid or cream shoe white	125% 1943	125% 1943		X
42. Shoe white, liquid or cream	100% 1943	100% 1943		X
43. Soap, liquid or paste	100% 1943	100% 1943		X
44. Solvents—organic solvents and petroleum distillates	100% 1943	100% 1943		X
45. Synthetic resins	100% 1943	100% 1943		X
46. Waxes	100% 1943	100% 1943		X
47. Wood preservatives and/or fillers				

SCHEDULE IV—COSMETICS AND TOILETRIES

NOTE: Items 1 and 2 amended Jan. 27, 1944.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Cosmetics, solid and semisolid types; such as face creams, hand creams, vanishing creams, deodorant and anti-perspirant creams and cream rouge.	100% 1943	85% quota glass containers.		X
2. Cosmetics and toiletries, fluid or powder; such as deodorants, antiperspirants, shampoos, hair tonics, hair dyes, wave solutions, hair rinses, oral antiseptics, tooth pastes, tooth powders, liquid dentifrices, after shave lotions, liquid soaps, perfumes, toilet waters, face and hand preparations, lotions, fingernail preparations.	100% 1943	50% quota glass containers.		X
3. Soaps, hand	100% 1943	100% 1943		X
4. Shaving cream	100% 1943	100% 1943		X

SCHEDULE V—MISCELLANEOUS PRODUCTS

NOTE: Item 1 amended Jan. 27, 1944.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Artist supplies	100% 1943	100% quota glass containers.		X
2. Candle tumblers	Unlimited	None		
3. Dental floss	100% 1943	100% 1943		X
4. Lighter fluids	100% 1943	100% 1943		X
5. Oils, lubricating and machine. Motor oils to be packed in quarts only	100% 1943	100% 1943		X
6. Tobacco and snuff not including cigars and cigarettes	100% 1943	None		

SCHEDULE VI—BEVERAGES

(The rules set forth in this Schedule are controlling wherever they conflict with any other provisions of Order L-103-b. However, except as modified herein, all provisions of Order L-103-b are applicable)

MALT BEVERAGES

Product: Malt beverages, including only beer, ale, porter, near beer and mixtures thereof.

Glass Containers

(a) *Glass container quota.* During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for malt beverages shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for malt beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering malt beverages to or for any of the persons listed under paragraph (p) of this order:

(1) *Export shipment.* The full amount of glass containers for delivering malt beverages to or for any such person for shipment to points outside the continental United States.

2. *Domestic consumption.* 8% of the full amount of glass containers for delivering malt beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Note 3).* 115% of the number of new metal closures used for malt beverages during 1943. (Quota exempt closures may not be included in base.)

(d) *Closure material.* (See Note 1). Rejects, electrolytic waste-waste and frozen blackplate. Hot dipped waste-waste may be used only to make malt beverage closures which are to be exported unused.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L-103-b, except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

NON-ALCOHOLIC BEVERAGES

Product. Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters and unflavored naturally carbonated and still waters (See Note 2); drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85% by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk.

Glass Containers

(a) *Glass containers quota.* During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for non-alcoholic beverages shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for non-alcoholic beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering non-alcoholic beverages to or for any of the persons listed in paragraph (p) of this Order.

(1) *Export shipment.* The full amount of glass containers for delivering non-alcoholic beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 8% of the full amount of glass containers for delivering non-alcoholic beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Notes 2 and 3).* 115% of the number of new metal closures used for non-alcoholic beverages during 1943 (Quota exempt closures are not to be included in base).

(d) *Closure material (See Note 1).* Rejects, electrolytic waste-waste, and frozen blackplate. Hot dipped waste-waste may be used only to make non-alcoholic beverage closures which are to be exported unused.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L-103-b except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

WINES

Product. Wines.

Glass container quota. During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for wines shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

Closure quota. 50% quota glass containers.

Closure material. Blackplate.

DISTILLED SPIRITS

Product. Distilled spirits, including cordials.

Glass container quota. During the period between January 1, 1944 and June 30, 1944, a packer's quota of glass containers for distilled spirits shall be the same as it was for the period between July 1, 1943 and December 31, 1943. Even though he does not compute his quota in accordance with paragraph (g), he does make charges against his quota in accordance with that paragraph.

Closure quota. 50% quota glass containers.

Closure material. Blackplate.

NOTE 1: Permission to accept delivery of used cans made of tinplate or of sheets recovered from such cans or of tinplate slitter or shear trimmings, lithographing lay sheets and discs must be obtained in accordance with Conservation Order M-325.

NOTE 2: Except with regard to items listed in Schedule II, no new metal closures shall be affixed to glass containers smaller than 12 fl. oz. for packing unflavored carbonated natural or mineral waters unless such glass containers were manufactured on or before June 1, 1942.

NOTE 3: No person other than a jobber purchasing for resale shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory (including closures for use as described in Paragraph (p) of this Order) beyond 20% of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.

SCHEDULE VII—HOME CANNING CLOSURES

No manufacturer of glass containers shall ship any jars with 70 mm. screw finish, intended for home canning unless at least 40% of such jars shipped during each calendar month are delivered as a unit, consisting of the jar and a "glass lid closure" packed together. A "glass lid closure" is one consisting of a glass lid, a screw band and a top seal jar ring.

Description of closure	Manufacturer's quota	Closure material indicated by X: 0.50 tinplate	Wire bails	Zinc	Blackplate
1. Top seal metal lids, 70 mm	Unlimited	X			
2. Bands for 70 mm. top seal metal lids	Unlimited	X			
3. Bands for use with 70 mm. glass lids	Unlimited	X			
4. Lightning type	Unlimited		X		
5. Top seal metal lids, smaller than 70 mm	Unlimited	X			
6. One piece metal closures, 70 mm. shoulder seal type	Unlimited	X			
7. One piece metal closures, 70 mm. top seal type	From October 1, 1943 to September 30, 1944—6% of production of 70 mm. lids from October 1, 1942 to September 30, 1943.	X			
8. Top seal metal lids larger than 70 mm	60% 1941 production			X	
9. Zinc Mason P/L closures, 70 mm	Unlimited				X
10. Jelly glass lids					

[F. R. Doc. 44-1388; Filed, January 27, 1944; 11:18 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-323, as Amended Jan. 27, 1944]

DISTRIBUTION OF IMPORTED WATCHES

Section 3291.206 *Limitation Order L-323* is hereby amended to read as follows:

§ 3291.206 *Limitation Order L-323*—(a) *Imported watches frozen.* No importer shall sell, transfer or deliver any watch or any watch movement, either in a case or out of it, or any wrist chronograph or stop watch, which has been released from customs after January 1st, 1943, unless he receives specific permission from the War Production Board or unless the movement is one of those excluded by paragraph (b) below.

(b) *Certain movements not covered.* This order does not apply to the following movements or watches containing them:

(1) Pin lever.
(2) Cylinder.
(3) Roskopf.
(4) Lever type smaller than 6¾ Ligne.

(c) *How to get permission.* An importer who wants to get permission for any transfer of a watch, a watch movement, a wrist chronograph, or a stop watch, shall file Form 3524 with the War Production Board, Consumers Durable Goods. Division, Washington 25, D. C., Ref.: L-323, according to the instructions accompanying that Form.

(d) *How permission is granted.* The War Production Board will acknowledge in writing each application. Within 60 days of the date of the acknowledgment, the War Production Board will instruct each applicant what distribution may be made, If on the 60th day from date of acknowledgment no instructions have been received by the applicant, he may then assume that his application has been granted, and no further permission is required.

(e) *What is meant by "importer."* For the purposes of this order an "importer" means any person who has a symbol or an identifying mark recorded with the Bureau of Customs, U. S. Treasury Department, for the purpose of importing watches or watch movements, or any other person who in the course of his business, either directly or through an agent, brings watches or watch movements through customs into the continental United States.

(f) *Security transactions exempted.* The prohibitions in paragraph (a) do not apply to transfer of title in a watch or watch movement in order to secure an indebtedness but this does not permit the transfer of physical possession for such purposes.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-323.

Issued this 27th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1389; Filed, January 27, 1944; 11:18 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-367]

GLUE

The fulfillment of requirements for the defense of the United States has created a shortage of glue for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.586 *Conservation Order M-367*—(a) *Definitions.* For the purposes of this order.

(1) "Hide glue" means glue known commercially as hide glue, including the types of glue known as coney and chrome glue, and also technical gelatin of the types commercially known as clarified hide glue.

(2) "Extracted bone glue" means glue made from dry bones and known commercially as extracted bone glue.

(3) "Green bone glue" means glue of the type known commercially as green bone glue.

(4) Except where the context otherwise indicates, "glue" means hide glue, extracted bone glue and green bone glue.

(5) "To acquire" means to accept delivery of glue from another person even if the glue delivered has been made for the person accepting it pursuant to a toll agreement from materials furnished and owned by the person accepting delivery. It also means to use glue to make adhesives or to use glue in any other type of manufacture if the glue has been made by the concern using it.

(6) "Jobber" means a person who acquires glue for resale to others in the form in which it is acquired by him.

(b) *Restrictions on acquisition of hide glue and extracted bone glue.* (1) Unless specifically authorized in writing by the War Production Board, no manufacturer shall acquire a greater aggregate amount of hide glue and extracted bone glue in any calendar quarter beginning with the first calendar quarter of 1944 than his quarterly quota. If a manufacturer intends to use the hide glue or extracted bone glue in one type of business or in more than one type carrying the same percentage figure in paragraph (b) (2), his quarterly quota is ¼ of the aggregate amount of hide glue and extracted bone glue acquired by him during the 12 month base period beginning July 1, 1942 and ending June 30, 1943, multiplied by the percentage figure appearing in paragraph (b) (2) opposite the use or uses to which the glues are to be put. If a manufacturer intends to use the glue in more than one type of business, and they do not all carry the same percentage figure in paragraph (b) (2), then his quarterly quota is ¼ of the sum of the amounts determined by multiplying the amount of hide glue and extracted bone glue acquired by him during the 12 month base period for each of the purposes for which he intends to use glue, by the percentage figure appearing in paragraph (b) (2) opposite the particular use. When hide glue or extracted bone glue is acquired for more than one purpose, it may be used for these purposes in whatever proportion the manufacturer wishes, regardless of the ratio between his acquisitions of glue for the same purposes in the base period.

(2) The percentage figures to be used in estimating the aggregate amount of hide glue and extracted bone glue which may be acquired by a manufacturer for different purposes without the specific authorization of the War Production Board are as follows:

	Percent
Manufacture of abrasives	100
Manufacture of adhesives	70
Book binding	70
Manufacture of containers of wood, paper and fiber	70
Manufacture of cork products (except gaskets)	70
Manufacture of gaskets	100
Manufacture of gummed paper and tape	80
Manufacture of matches	80
Manufacture of paper and paper products (except gummed paper and tape, and paper containers)	60
Manufacture of printer rollers	80
Manufacture of textiles	75
Woodworking (except wooden containers)	60
Other manufacturing uses	50

(3) Unless specifically authorized in writing by the War Production Board, no jobber shall acquire a greater aggregate amount of hide glue and extracted bone glue in any calendar quarter beginning with the first calendar quarter of 1944 than 70% of ¼ of the aggregate amount of such glues acquired by him during the 12 month period beginning July 1, 1942 and ending June 30, 1943.

(4) Unless specifically authorized in writing by the War Production Board, no person purchasing glue for export (except a foreign country under Lease-Lend) shall acquire a greater aggregate amount of hide glue and extracted bone glue in any calendar quarter beginning with the first calendar quarter of 1944 than 50% of ¼ of the aggregate amount of such glues acquired by him for export during the 12 month period beginning July 1, 1942 and ending June 30, 1943.

(5) Unless specifically authorized in writing by the War Production Board, no person shall acquire more than 50% of his quarterly quota of hide glue and extracted bone glue in any one of the three months in which the quota applies.

(c) *Restrictions on acquisition of green bone glue.* (1) Unless specifically authorized in writing by the War Production Board, no person (including a jobber or purchaser for export) shall acquire more green bone glue in any calendar quarter beginning with the first calendar quarter of 1944 than 100% of ¼ of the amount of green bone glue acquired by him during the 12 month period beginning July 1, 1942 and ending June 30, 1943.

(2) Furthermore, unless specifically authorized in writing by the War Production Board, no person shall acquire more than 50% of his quarterly quota of green bone glue in any one of the three months to which the quota applies.

(d) *Exemptions.* The restrictions on the acquisition of glue stated in paragraph (b) and (c), do not apply (1) to the acquisition of glue by the Army and Navy of the United States, U. S. Maritime Commission or War Shipping Administration; (2) to the acquisition of glue by any foreign country pursuant to the Act of March 11, 1941—"An Act to Promote the Defense of the United States". (Lease-Lend Act); or (3) to the acquisition of glue by any person if he acquires not more than 1,200 lbs. in any calendar quarter beginning with the first calendar quarter of 1944.

(e) *Restrictions on delivery of glue.* No person shall make delivery of glue to any other if he knows or has reason to believe such person is acquiring any or all of the glue in violation of the restrictions of this order.

(f) *Inventory restrictions.* Unless specifically authorized in writing by the War Production Board, no person shall accept delivery of glue, if the inventory of glue of the person accepting delivery is, or will, by virtue of such acceptance become, in excess of a 45 consecutive calendar days' inventory on the basis of his current method and rate of operation. Application for specific authorizations under this paragraph shall be made by letter setting forth the reason why the applicant needs to exceed the 45-day inventory limitation.

(g) *Application for specific authorization to acquire glue in excess of the exemption or quota.* Each person seeking specific authorization to acquire glue in any quarter beginning with the first quarter of 1944 in excess of 1,200 pounds or the sum of his quotas (whichever amount is larger) shall file application on Form WPB–2945 (formerly PD–600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A to this order. If there is any inconsistency between the general and specific instructions, the specific instructions must be followed. Applications for the first quarter of 1944 shall be made as soon as possible and applications for each subsequent quarter on or before the 20th day of the last month of the preceding quarter. The application provisions of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All applications required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C.

Issued this 27th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR FILLING OUT FORM WPB–2945 AND ACCOMPANYING LETTER

1. Copies of Form WPB–2945 may be obtained in local field offices of the War Production Board.

2. Four copies should be prepared of which two should be forwarded to the War Production Board, Chemicals Division, Washington, 25, D. C., Reference M–367, one forwarded to the supplier with whom applicant's order is placed and one retained for applicant's file. At least one of the copies filed with the War Production Board should be signed by the applicant or by a duly authorized official. The applicant should file one form for his requirements of hide glue and extracted bone glue, another for his requirements of green bone glue.

3. In the heading under "Name of Chemical" specify "hide glue", "extracted bone glue", or both, or "green bone glue". Under "WPB Order No." specify "M–367"; and under "Unit of Measure" specify "pounds".

4. In headline at top of table 1, specify "_____ quarter of 194__" (insert "first", "second" etc.)

5. In column 1, specify whether hide glue, extracted bone glue, or green bone glue.

6. In column 3 (Primary Product), applicant will specify whether he is buying for export, as a jobber, or, if for use, the product or products in the manufacture or preparation of which he will use glue, designated as follows:

Abrasives.	Paper and paper products (however, designate paper container, gummed paper and tape as such).
Adhesives.	Printer rollers.
Book binding.	Textiles.
Containers of wood, paper and fibre.	Woodwork (however, designate wooden containers as such).
Cork products (however, designate gaskets as such).	Other products (describe).
Gaskets.	
Gummed paper and tape.	
Matches.	

7. In column 4 (Product End Use), applicant will specify with respect to each primary product, the ultimate use to which such product will be put. For example, if the primary product called for in column 3 is "adhesives" the ultimate use might be "furniture plywood". If application is for glue or resale, so specify in column 4.

8. Applicant should leave table II, III, IV, and V blank.

9. Each Form WPB–2945 filed with the War Production Board should be accompanied by a letter in duplicate, one copy of which should be signed by the applicant or by a duly authorized official. The letter should state (1) the applicant's quota of glue in pounds fixed by Order M–367, either for hide glue and extracted bone glue, or for green bone glue, depending on the type of glue applied for; (2) the amount of glue of the types covered by the application which the applicant expects to have on hand at the beginning of the quota period; and (3) a brief summary of the use to which the applicant intends to put the glue to be acquired by him under his quota.

The letter should also state whether the applicant can use in place of the glue which he seeks permission to acquire any other type of glue (that is, if the application is for hide glue, whether he can use extracted bone glue and whether if the application is for extracted bone glue, he can use green bone glue), and whether he can use any material other than glue as substitute, and if so, the material.

[F. R. Doc. 44–1396; Filed, January 27, 1944; 11:48 a. m.]

Chapter XI—Office of Price Administration

PART 1381—SOFTWOOD LUMBER

[RMPR 26,[1] incl. Admt. 5]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

Sections 16 (d), 23, 25 are amended, and section 12 (d) and Article VI, Table 6 are added by Amendment 5, effective February 1, 1944, so that Revised Maximum Price Regulation 26 shall read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Preamble as amended by Supplementary Order No. 61, 8 F.R. 12552, effective 9–11–43]

§ 1381.51 *Maximum prices for Douglas fir and other West Coast lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 26 (Douglas Fir and Other West Coast Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1381.51 issued under 56 Stat. 29, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

[1] 8 F.R. 7570.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

REVISED MAXIMUM PRICE REGULATION 26—DOUGLAS FIR AND OTHER WEST COAST LUMBER

ARTICLE I—SCOPE OF THE REGULATION

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5. Basic prices and cash discount.
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23. Douglas fir.
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ARTICLE VI—PRICE TABLES FOR EXPORT—"N" LIST

ARTICLE VII—TABLES OF ESTIMATED WEIGHTS

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after June 9, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of business, any Douglas fir or other West Coast lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products are covered.* (a) This regulation covers all Douglas fir (Pseudotsuga taxifolia), West Coast hemlock (Tsuga heterophylla and Tsuga mertensiana) and all species of true fir (Abies) lumber produced in those parts of Oregon, Washington, and Canada lying west of the crest of the Cascade Mountains, and in California and Alaska. Any such lumber produced in these areas is covered, regardless of the kind of mill or plant in which it is produced.

The regulation applies whether the particular item is specifically priced in the price tables or not (except switch ties and cross ties, which are covered in Maximum Price Regulation 284[3]—Western Primary Forest Products).

(b) If a mill is located in Oregon, Washington, or Canada near the crest of the Cascade Mountains, or in California, and has customarily graded and sold its lumber under the Western Pine Association Grading Rules, it may apply to the nearest office of the Office of Price Administration for special permission to use the maximum prices established in Maximum Price Regulation No. 94,[4] instead of prices established in Maximum Price Regulation No. 26. Such an application may be made by letter, and should be supported by evidence of the mill's actual practices in the past.

SEC. 3. *What transactions are covered*—(a) *Direct-mill shipments.* This ceiling applies to all shipments originating at a mill, no matter who the seller is, and no matter whether he usually is known as a mill, wholesaler, retailer or anything else. It does not apply to sales out of distribution yard stock. (The prices for yard sales may be found either in Maximum Price Regulation No. 215,[5] or in the General Maximum Price Regulation,[6] depending on the nature of the sale and the purchaser.) A shipment is regarded as originating at a mill if the lumber reaches the purchaser without ever becoming an integral part of the stock of a distribution yard. A sale is considered a sale out of distribution yard stock only if the lumber was a part of regular yard stock at the time the sale was made. For example, if a retail yard takes an order for a defense housing project, and then brings the lumber from a mill, puts it in his yard, and delivers it as needed, the sale is subject to this regulation.

(b) *How to tell a mill from a distribution yard.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishment are described below: the first, (1), a typical sawmill or planing mill; the second, (2), a typical concentration yard; and the third, (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill; and one which resembles (3) more than it does (1) or (2) is considered a distribution yard:

(1) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Douglas fir and associated species of lumber;

(2) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly Douglas fir and associated species of lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site to be near the lumber producing area;

(3) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(c) *New yards.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards set up after January 5, 1943, unless the new yard writes to the Office of Price Administration, Washington, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose either of this regulation or of any other regulation issued by the Office of Price Administration.

(d) *No quantity limits.* There are no quantity limits on the transactions covered by this regulation. All direct-mill sales, large or small, are covered.

(e) "CPA yards," as defined in Maximum Price Regulation No. 215, are considered distribution yards, regardless of the above requirements.

SEC. 4. *What persons are covered.* Any person who makes the kind of sale or purchase described above, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any of their political subdivisions or any agency of any of the foregoing.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 5. *Basic prices and cash discount*—(a) *Basic prices.* The maximum prices f. o. b. mill are set forth in Article V—Price Tables.

(b) *Cash discount.* If cash is paid, the maximum price must be reduced by the seller's August 1941 cash discount. For example, if the August 1941 discount for cash was 2%, and the maximum price without discount according to this regulation is $30.00, the maximum price when cash is paid is $29.40. In any case, on specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used regardless of former practices.

SEC. 6. *Direct-mill retail sales.* An addition of $3.50 per thousand board feet may be made on a sale of less than 18,000 ft. BM (or less than carload if by rail), to any buyer who does not purchase for resale, where the shipment originates at a mill and the seller:

(a) Sees that the lumber is delivered to the job site at such time and in such manner as the buyer specifies;

(b) Gives the buyer the privilege of exchanging the lumber and returning unused material; and

(c) Agrees to make good any shortage promptly from stocks kept on hand for this purpose.

[3] Superseded by Revised Maximum Price Regulation No. 284, 8 F.R. 6544, 10560, 15906.

[4] 7 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136, 12296, 12878.

[5] Superseded by Second Revised Maximum Price Regulation No. 215, 8 F.R. 14145.

[6] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

The size of the sale is determined by the total quantity involved in the transaction without regard to whether it is broken up into smaller orders or deliveries.

SEC. 7. *Sales on delivered basis*—(a) *Rail charges.* (1) Only two methods of selling are recognized by this regulation. Any other method is prohibited, as a device to evade the ceiling by manipulation of freight.

The two permitted methods are: on a delivered basis using the estimated weights in Article VII, or on an f. o. b. mill basis with actual freight (figured, of course, on actual weights) to be paid by the purchaser.

The two methods may not be combined in a single transaction; that is, a seller may not sell on a basis which gives him the benefit of favorable estimated weights but requires the use of actual weights on items where estimated weights would be unfavorable to him. Note that sales described as "ceiling delivered", or as f. o. b. mill with freight paid or included to a given destination, are to be treated as sales on a delivered basis. In such cases, the given estimated weights must be used. However, sales f. o. b. mill with seller to pay the freight to a stated destination and include it in his invoice to the buyer is a sale on an f. o. b. mill basis, and settlement on the basis of the actual weights must be made.

(2) The estimated green weights may be used only when green lumber is actually specified and shipped.

(3) The transportation charge, when estimated weights are used, must be evened out to the nearest quarter-dollar per 1000 feet board measure (nearest 5 cents per 1000 pieces of pickets).

(b) *Common or contract carrier (other than rail).* Where transportation is by common or contract carrier (other than rail) the only rule is that actual cost of transportation may be added to the f. o. b. mill ceiling.

(c) *Private truck.* When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M'; over 10 and up to and including 20 miles, $2.00 per M'; and over 20 and up to and including 30 miles, $2.50 per M'. Where the distance is greater than 30 miles, the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or $3.00 per M', whichever is greater. Distance, as used in this paragraph, means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(d) *Trucking to rail shipping point.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railroad, no addition may be made for the truck haul. However, in the following cases a mill may apply for special permission to make an addition:

[Paragraph (d) as amended by Am. 2, 8 F.R. 11508, effective 8-24-43]

(1) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

[Subparagraph (2) revoked and former (3) redesignated (2) by Am. 2]

(2) Where a mill's rail connection has been abandoned since September 5, 1941, and it has no comparable rail shipping point.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., and may be acted upon by letter or telegram. The addition may not be made on quotations or sales until permission has been received.

(e) *Truck delivery after rail haul.* When truck delivery to yard or job site follows a rail haul, and is specified in the order, the actual cost of truck delivery may be added. This may include the actual cost of handling and reloading involved in transfer from rail cars to trucks.

(f) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in paragraphs (b) and (c) of this section.

(g) *Portland rate on delivered sales to California.* Regardless of other provisions of this section, on delivered sales to purchasers in California, if shipment originates at a mill in California, or at a mill in Oregon from which the railroad freight rate to the California destination is less than the rate from Portland, Oregon to the same destination, the addition for transportation may be computed by multiplying the appropriate estimated weight as shown in Article VII by the applicable freight rate from Portland to the California destination. This provision does not apply to f. o. b. mill sales nor to direct-mill retail sales.

[Paragraph (g) as amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

(h) *Government bill of lading.* Where shipment is made on government bill of lading, the maximum price payable to the shipper may be computed by determining what would be the maximum delivered price on the basis of estimated weights and commercial rates and subtracting therefrom the commercial rate times the actual weights.

[Paragraph (h) added by Am. 4, 8 F.R. 16249, effective 12-6-43]

SEC. 8. *Mixed car or mixed truck shipments.* (a) $2.00 additional per MBM may be charged for mixed car or mixed truck shipments. No addition may be made for mixed cargo shipment without special authorization under section 12.

(b) A mixed car shipment consists of four or more items as defined in paragraph (c) below, of at least 1000 board feet each. A mixed truck shipment consists of four or more items of at least 250 board feet each.

(c) For the purpose of paragraph (b), the following classifications of lumber of any different species constitute separate items:

(1) Boards, shiplap or strips.
(2) Dimension.
(3) Planks and small timbers, not exceeding 4" in thickness.
(4) Large timbers, exceeding 4" in thickness.
(5) Flooring.
(6) Siding.
(7) Ceiling or partition.
(8) Finish.
(9) Rough clears.
(10) Stepping.
(11) Mouldings.
(12) Silo stock.
(13) Gutter.
(14) Cribbing.
(15) Lath.
(16) Casing and base.

SEC. 9. *Sales for export.* Maximum prices F. A. S. vessel for lumber to be exported when graded in accordance with "N" Export Grading Rules adopted by the West Coast Lumbermen's Association and British Columbia Lumber and Shingle Manufacturers, Ltd., 1929, are set forth in Article VI of this regulation. Otherwise, the maximum prices for export sales are governed by Second Revised Maximum Export Price Regulation.[1]

[Sec. 9 as amended by Am. 2, 8 F.R. 11508, effective 8-24-43]

SEC. 10. *Lumber produced in Canada.* The maximum prices for lumber produced in Canada west of the crest of the Cascade Mountains and sold in the United States shall be the maximum prices f.o.b. mill set forth in Article V plus additions for transportation permitted by section 7: *Provided, however,* That the amount of such addition may not be greater than if the shipment had originated at Seattle, Washington.

SEC. 11. *Maximum prices for Alaska lumber.* (a) The maximum prices f.o.b. mill for shipments originating in Alaska and delivered to points outside the continental United States shall be the maximum f.o.b. mill prices set forth in Article V plus an amount equal to freight under the Maritime Commission's published freight rate from Seattle, Washington, to the mill's shipping point, including surcharges, War Risk insurance, and wharfage and handling charges under the published Seattle Wharfage and Handling rate for comparable lumber.

(b) The maximum delivered prices for shipments originating in Alaska shall be the maximum price arrived at according to paragraph (a) plus transportation charges permitted by section 7.

SEC. 12. *Grades, services, or extras not listed.* (a) If a seller wishes to sell a grade which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, between October 1, 1941 and June 1, 1942, from the seller's own records, or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

[1] 8 F.R. 4132, 5987, 7662, 9998, 15193.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

(c) In all cases where special prices have been approved by the Lumber Branch of the Office of Price Administration under § 1381.62, paragraph (g) of the earlier regulation, Maximum Price Regulation 26, these special prices shall no longer apply if specific prices for the items are established by this regulation; but if no specific prices are established in the price tables, the price approved under the earlier regulation shall continue in effect.

(d) On any sale involving a "non-listed" price or addition contemplated by paragraph (a) of this section, if the seller, for any reason, shall have failed to apply for approval of a maximum price under paragraph (a), the maximum price for the item sold shall be $15.00 per thousand board feet, which maximum price shall include all allowances or additions for grade, size, condition, special workings, specifications or other extras.

[Paragraph (d) added by Am. 5, effective 2-1-44]

ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

SEC. 13. *What the invoice must contain*—(a) *F. o. b. mill price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum f. o. b. mill prices must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must show the:

(1) Point of origin of shipment;
(2) Destination;
(3) Rail rate, if estimated weights are used; otherwise the actual amount added for transportation;
(4) The words "Direct-mill shipment".

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be separately shown on the invoice.

(d) *Direct-mill retail sale.* If the "direct-mill retail sale" mark-up is permissible and is added, this must be separately indicated in the invoice.

SEC. 14. *Averaging out*—(a) *Different grades, classes or sizes.* Different grades, classes or sizes of lumber may be sold and invoiced at an average price if all of the following conditions are observed:

(1) The footage of each item must be shown separately, and a piece tally must be furnished for each shipment.

(2) The average price for the lumber actually shipped must not be higher than it would have been if all the individual grades, classes, and sizes shipped had been sold separately at the individual ceiling price.

(3) If the order is shipped in more than a single carload, truckload, or boat shipment the following invoicing and charging practices must also be followed:

(i) The invoice must show that it is part of a larger order and identify the order. It must also show the individual ceiling prices for the various items of lumber actually contained in each shipment, and the average selling price agreed upon.

(ii) The charges which may be made and collected on account for each shipment must not exceed the average price agreed upon or the total of the ceiling prices for the items in the particular shipment, whichever is the lower. Thus, if an average price was quoted on widths from 4" to 12", and if a car of all 4" was shipped, only the 4" price can be charged and collected on that car. But if a car of all 12" widths was shipped, only the average price quoted could be charged on that car.

(iii) Upon completion of the order the seller must render a final invoice showing the quantity of each shipment or delivery, the freight charge for each if sold on a delivered basis, the amount received on account, the total amount due on the order at the agreed average prices, and a reconciliation of the total amount so computed with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

(b) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids $33.00 per MBM on a single order of a hundred thousand feet of lumber, the ceiling price being $30.00 per MBM and the estimated freight $3.00, he can ship half of it on a rate resulting in a $2.00 freight charge and half on a rate resulting in a $4.00 freight charge.

(1) Where this practice is adopted, the seller must observe all of the following conditions:

(i) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(ii) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(iii) Upon completion of the order the seller must render a final invoice showing the individual f.o.b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. In the event that the sale was made at an average price for different grades, classes or sizes of lumber as well as an averaging-out of transportation charges, the provisions of (a) above shall also be observed. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

SEC. 15. *What records must be kept.* All sellers and all buyers who, in any one calendar month, sell or buy 20,000 board feet or more of Douglas fir or other West Coast lumber, must keep records which will contain a complete description of the lumber involved, the name and address of the other party to the transaction, the date of the sale, and the price. Such records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 16. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright overceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in October 1941. This includes decreasing credit periods or making greater charges for extension of credit.

[Subparagraph (1) as amended by Am. 2, 8 F.R. 11508, 12315, effective 8-24-43]

(2) Refusing, without good reason, to ship except in specified or restricted random lengths, or in mixed cars, or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths, a specific lot or shipment of lumber which is substantially equivalent to random lengths or widths, or reselling intact as specified lengths or widths a specific lot or shipment bought by the seller as standard or random lengths or widths, unless specifically permitted in the price tables. This prohibition shall not apply to shipments or deliveries which have been sorted out as to widths and lengths and then resold.

(4) Grading as a special grade lumber which can be graded as a standard grade; or wrongly or falsely grading or invoicing lumber.

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(7) Failing to invoice properly and in accordance with the requirements of this regulation.

(8) Unnecessarily routing lumber through a distribution yard.

(9) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(10) Making additions for kiln-drying, anti-stain treatment or other services, treatments, or specifications unless they are expressly ordered by the buyer.

(11) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered (for example, charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2 x 4's) except where the items ordered and delivered are nonstandard sizes not specifically priced in the tables. This prohibition has no application where the buyer specifies the larger size to be ripped or resawn into items of smaller size and the resulting items are priced higher in the tables than the original larger size; for example, the buyer may order 1 x 4 x 12' #2 Common, priced at $25.00 per MBM ripped to 1 x 2 x 12'. By buying the larger size ripped the price to the buyer is lower ($26.00) than it would have been had he ordered the 1 x 2 as such ($29.00). In this example the maximum price is $26.00.

(12) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 2 Common take all the upper grades that develop.

(13) Breaking up an order or apportioning deliveries in order to get the $3.50 direct-mill retail sale addition.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

[Paragraph (c) as amended by Supplementary Order No. 77, 8 F.R. 14310, effective 10-26-43]

(d) *Combination grades.* Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 Common and better is the maximum price fixed for No. 2 Common lumber. It is permissible to quote with specified higher grades as developed, but when the lumber is shipped, the quantities falling in each grade must be tallied separately on a board foot basis, separately identified by grade (except shop grades when sold to millwork establishments), and separately invoiced at prices not in excess of ceiling prices for the respective grades.

[Paragraph (d) amended by Am. 2, 8 F.R. 11508, effective 8-24-43 and Am. 5, effective 2-1-44]

SEC. 17. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[Sec. 17 as amended by Supplementary Order No. 50 and Amendment 1 thereto, 8 F.R. 10568, 14310, effective 7-27-43]

SEC. 18. *Special pricing rules.* (a) Where the buyer specifies restricted lengths or an average length and the shipment or order fails to conform, the entire shipment must be priced at the random length price (unless the agreed price is lower).

(b) Where the buyer orders a random length shipment, and the given percentages of lengths as specified in footnotes to some of the price tables are not met because there is too large a percentage of shorts, the excess shorts must be priced at the separate prices for the short lengths.

(c) Where random length shipments required to average a specified length (e. g. 12' in the Board Table) fall short of this average, the price may not exceed that of the nearest shorter even length below the average length actually shipped.

(d) Where the order fails to specify the grade required, the seller may only ship and charge for No. 2 Common, unless otherwise agreed.

(e) Where the invoice does not specify the grade shipped or delivered, the price of the lowest grade in the shipment shall apply to the whole order.

(f) Where moisture content requirements are waived by the purchaser, the maximum price for the whole order, shipment, or delivery shall be the price herein established for green lumber. Where such a sale is made on a delivered basis, the seller may only use the given estimated weights for dry lumber in computing transportation costs.

(g) None of the additions permitted in the footnotes to the tables in Articles V and VI may be added to the prices of the various items set forth in the tables unless the order expressly requires the working, grade, condition, size, or length for which the additions are permitted.

ARTICLE IV—MISCELLANEOUS

SEC. 19. *Petitions for adjustment or amendment—(a) Government contracts.* See Procedural Regulation No. 6[9] for adjustment provisions on certain government contracts or subcontracts.

[Paragraph (a) as amended by Supplementary Order 83, effective 2-1-44]

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[9] issued by the Office of Price Administration.

(c) In treating with petitions for amendment or adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Revised Maximum Price Regulation No. 161 (West Coast Logs), or Maximum Price Regulations 313 (Prime Grade Hardwood Logs) and 348 (Logs and Bolts), or any revision or amendment of these regulations. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

[Paragraph (c) added by Supplementary Order No. 47, 8 F.R. 5806, effective 5-8-43]

SEC. 20. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

[9] 7 F.R. 5067, 5664; 8 F.R. 6173, 6174, 12024.

[9] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

SEC. 21. *Licensing.* The provisions of Licensing Order No. 1," licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 21 as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 22. *Grades.* All grade and size terms and "paragraph" references appearing in this regulation refer to, and have the meaning given in, the Standard Grading and Dressing Rules No. 12, issued by the West Coast Lumbermen's Association, effective March 1, 1943, or, in the case of export sales from the "N" list, to the "N" Export Grading Rules adopted by the West Coast Lumbermen's Association and British Columbia Lumber and Shingle Manufacturers, Ltd., 1929.

ARTICLE V—PRICE TABLES

SEC. 23. *Douglas fir.* The maximum prices for Douglas fir lumber f. o. b. mill per one thousand feet board measure (or other designated measure where so indicated) where shipment originates at a mill, shall be as follows:

CONSTRUCTION GRADES

TABLE 1—BOARDS AND SHIPLAP; NO. 1 GREEN, SURFACED A. L. S.

	6' to 20'	6'	9'	10'	12'	14'	16'	18'	20'	Add for dry except par. 185	Add for select merchantable par. 186	Add for select par. 185 dry only	Deduct for rough
1 x 2"	$34.50	$34.50	$34.50	$34.50	$34.50	$36.00	$37.00	$37.00	$37.00	$4.00	$4.00	$8.00	$1.00
1 x 3"	34.50	34.50	34.50	34.50	34.50	36.00	37.00	37.00	37.00	4.00	4.00	8.00	1.00
1 x 4"	30.50	30.50	30.50	30.50	30.50	32.00	33.00	33.00	33.00	4.00	4.00	10.00	1.00
1 x 6"	30.50	30.50	30.50	30.50	30.50	32.00	33.00	33.00	33.00	4.00	5.00	10.00	1.00
1 x 8"	30.50	30.50	30.50	30.50	30.50	32.00	33.00	33.00	33.00	4.00	6.00	12.00	1.00
1 x 10"	29.50	29.50	29.50	29.50	29.50	31.00	32.00	32.00	32.00	4.00	7.00	13.00	1.00
1 x 12"	31.50	31.50	31.50	31.50	31.50	33.00	34.00	34.00	34.00	4.00	8.00	14.00	1.00

[Table amended by Am. 2, 8 F.R. 11508, effective 8-24-43 and Am. 4, 8 F.R. 16249, effective 12-6-43]

1. Deduct from the No. 1 price of the same size, length and condition of seasoning:

	Per M
No. 2 dry or green	$1.50
No. 3 green	7.50
No. 3 dry	9.50
No. 1 permitting up to 15% No. 2	.50

[Footnote 1 as amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

2. No. 4 rough or surfaced dry or green 1xAW, AL: $15.00. Dry or green, use green weights.

[Footnote 2 as amended by Am. 4]

3. Shims 9/16" or less in thickness x AW-AL No. 3 and better, surfaced hit and miss or full thickness rough, $17.50. For shims 5/8" or thicker add $2.00 per M to 1/2" shim price. If graded out and sold "On Grade", deduct from the price of 1" of the same length, width and grade:

	Per M
1/2", 7/16", 9/16":	
No. 2 and better	$12.00
No. 3	8.00
5/8", 11/16":	
No. 2 and better	8.00
No. 3	6.00

Use green weights.

[Footnote 3 amended by Am. 2, 8 F.R. 11508, effective 8-24-43, Am. 4, 8 F.R. 16249, effective 12-6-43 and Am. 5, effective 2-1-44]

4. Barge planking and decking, paragraph 285: add $10.00 per MBM to the select merchantable price.

[Footnote 4 added, 5 revoked, and former 4 and 5 redesignated 5 and 6 by Am. 2, 8 F.R. 11508, effective 8-24-43]

4a. Scaffold Plank, Par. 289, 5/4 and 6/4", 9" and wider, add $20.00 to the No. 1 price.

[Footnote 4a added by Am. 5, effective 2-1-44]

Lengths

5. Omitting short lengths in R/L loading add to R/L price of the same size and grade:

8' add	$0.50
6' and 8' add	.50
10' and shorter add	1.00
12' and shorter add	2.00

6. Specified lengths longer than 20' add $1.00 per M for each foot to the specified 20' price.

7. Odd or fractional lengths when specified by the buyer (See section 18 (g)) add $1.00 per M to and compute footage on next longer even length.

[Footnote 7 as amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

7a. Where an average length is specified in any random length order, the price shall be the specified length price of the length specified as an average and no addition may be made under footnote 5.

[Footnote 7a added by Am. 4]

Widths

8. Widths wider than 12" add $2.00 for each 2" wider than 12", for the same size and grade.

9. Odd or fractional widths (except 1x3) add $1.00 per M to and compute footage on the next wider even width.

Thickness

10. 5/4" and 6/4" any surfacing A. L. S.—

No. 1, Select Merch., Par. 186, and Select (Par. 185): Add $1.50 per M' to the 1" price of the corresponding grade.

No. 2: deduct $1.50 from price of 5/4" and 6/4" No. 1.

No. 3: deduct $6.50 from price of 5/4" and 6/4" No. 1.

No. 4 (Surfaced A. L. S. or rough): same price as 1" No. 4.

For rough No. 3 and higher grades, deduct $1.00 from surfaced price.

NOTE: 5/4" and 6/4" resawn and sold on surface measure (1") must be priced as shims under footnote 3.

[Footnote 10 as amended by Am. 4]

Working charges

11. Surfacing S4S to American Lumber Industrial Standards or not more than 1/4" off in both width and thickness, add $1.00 to the price of the same grade, width, and length.

[Footnote 11 as amended by Am. 5, effective 2-1-44]

12. Ripping or resawing add $1.00 per M; product of the piece to be shipped.

13. Center matched, flooring, drop siding and other patterns: the following working charges contemplate first adding grade differentials, then specified working charge:	Green		Dry	
	S2S and CM	Flooring, drop siding, beaded and other patterns[1]	S2S and CM	Flooring, drop siding, beaded and other patterns[1]
1" thickness—No droppings allowed	$1.00	$2.00	$1.00	$2.00

[1] For amounts 1M feet or less add $5.00 set-up charge.

[Table as amended by Am. 4]

14. [Revoked]

[Footnote 14 amended by Am. 1, 8 F.R. 9519, effective 7-15-43; Am. 2, 8 F.R. 11508, effective 8-24-43; Am. 3, 8 F.R. 12406, effective 8-24-43; revoked by Am. 4, 8 F.R. 16249, effective 12-6-43]

[10] 8 F.R. 13240.

TABLE 2—DIMENSION; No. 1 GREEN S4S, A. L. S.

Regular loading	6' to 20'	6'	8'	9'	10'	12'	14'	16'	18'	20'	22' & 24'	Add for dry S4S	Deduct for rough
2 x 2"-----	$33.00	$25.50	$31.50	$35.00	$33.50	$33.50	$33.50	$36.00	$36.00	$36.00	$39.50	$3.50	$1.50
2 x 3"-----	30.00	22.50	28.50	32.00	30.50	30.50	30.00	33.00	33.00	33.00	36.50	3.50	1.50
2 x 4"-----	30.00	22.50	30.00	30.50	29.50	30.00	30.00	31.00	31.00	31.00	33.50	3.50	1.50
2 x 6"-----	30.00	22.50	28.00	30.00	28.50	30.00	30.00	30.50	30.50	30.50	32.50	3.50	1.50
2 x 8"-----	29.00	21.50	27.50	28.50	27.50	29.00	29.00	29.00	29.00	29.00	31.00	3.50	1.50
2 x 10"-----	29.00	21.50	27.50	29.50	28.00	29.50	29.50	30.00	30.00	30.00	32.00	4.00	1.50
2 x 12"-----	29.00	21.50	27.50	29.50	28.50	29.50	29.50	30.00	30.00	30.00	32.00	5.50	1.50

[Table as amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

Grades

1. Scaffold Plank, 9" and wider, paragraph 289, add $15.00 per M to the select structural price.

[Footnote 1 amended by Am. 2, 8 F.R. 11508, effective 8-24-43 and Am. 5, effective 2-1-44]

2. Select Merchantable add to the price of No. 1 same width and length—$3.00.

3. Select Structural add to the price of No. 1 same width and length—$5.00.

4. No. 2 green all widths and lengths 24' and shorter deduct $2.00 per M from the No. 1 green of the same width and length.

5. No. 3 green 2x2" to 2x8", 24' and shorter deduct $8.00 per M from the No. 1 green of the same width and length.

6. No. 3 green 2x10" and 2x12", 24' and shorter deduct $9.00 per M from the No. 1 green of the same width and length.

7. No. 2 dry all widths and lengths 24' and shorter deduct $4.00 per M from the No. 1 dry of the same width and length.

8. No. 3 dry 2x2" to 2x8", 24' and shorter deduct $10.00 per M from the No. 1 dry of the same width and length.

9. No. 3 dry 2x10" and 2x12", 24' and shorter deduct $11.00 per M feet from the No. 1 price of the same width and length.

10. No. 1 permitting up to 15% of No. 2 deduct $0.50 per M from the No. 1 price of the same width and length.

11. No. 4 (all species covered by this regulation) rough or surfaced, dry or green, 2" x AW. AL, $15.00—Use green weights.

[Footnote 11 as amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

12. Paragraph 215, add $2.00 per M to the No. 1 price of the same size.

13. Paragraph 216, add $1.00 per M to the No. 2 price of the same size.

[Footnotes 12 and 13 as amended by Am. 5, effective 2-1-44]

13a. Barge framing paragraph 284, same price as Select structural. Barge planking and decking, paragraph 285, add $10.00 per MBM to the price of Select structural in the same size.

[Footnote 13a added by Am. 2, 8 F.R. 11508, effective 8-24-43]

Lengths

14. Omitting length in R/L loading: omitting 6', or 6' and 8', or 6' and 8' and 10', add to the R/L price of same size and grade $0.50 per MBM. Omitting 12' and shorter use specified length price.

[Footnote 14 as amended by Am. 2]

15. Odd or fractional lengths not listed add $1.00 to and compute footage on next longer even length.

[Footnote 15 as amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

16. For even lengths longer than 24' add $2.00 per M for each two feet longer than 24' of the same size and grade.

16a. Where an average length is specified in any random length order, the price shall be the specified length price of the length specified as an average and no addition may be made under footnote 14.

[Footnote 16a added by Am. 4]

Widths

17. Wider than 12" add $1.00 for each 2" wider than 12" for the same size and grade.

18. Odd or fractional widths add $1.00 to and compute footage on next wider even width except 2x3.

Thicknesses

19. Fractional thicknesses over 2" and under 3" price from the table for plank and small timbers by adding $3.00 per M to the 3" price of the same length, width and grade. Compute footage on actual rough measure.

Working charges

20. Surfaced ¼" off or to American Lumber Industrial Standards add $1.00 per M to the same length, width and grade.

[Footnote 20 as amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

21. Ripping or resawing, not diagonal or tapered; for 2x4" add $2.00 per M; 2x6" and wider add $1.00 per M. Diagonal or tapered resawing add $5.00 per M. In either instance, the product of the strip to be shipped,

22. Center matched, flooring, outgauged and other patterns. The following working charges contemplate first adding grade differentials and then the specified working charge	Green		Dry	
	S2S and CM or S/L	Flooring, outgauged or other patterns	S2S and CM or S/L	Flooring, outgauged or other patterns
2" thickness, no droppings allowed	$1.00	$2.00	$1.50	$2.50

[Table as amended by Am. 4]

23. For S1S, S1E, S2S, S2E, S1S1E, S2S1E, or S1S2E A. L. S. add $1.00 per M' BM. Addition limited to orders specifying one grade only.

[Footnote 23 as amended by Am. 2, 8 F.R. 11508, effective 8-24-43]

Miscellaneous

24. [Revoked]

[Footnote 24 revoked by Am. 4]

TABLE 3—PLANK AND SMALL TIMBERS

Green, rough or S4S A. L. S.	No. 1				Select merchantable			
Regular loading 8/20'	8' to 20'	22' to 24'	26' to 32'	34' to 40'	8' to 20'	22' to 24'	26' to 32'	34' to 40'
3 x 3	$32.00	$34.50	$37.50	$42.50	$36.00	$38.50	$40.50	$45.50
3 x 4	30.50	33.50	36.50	40.50	34.50	37.50	39.50	43.50
3 x 6 & 3 x 8	29.00	31.00	32.50	35.50	33.00	35.00	36.50	39.50
3 x 10 & 3 x 12	28.50	30.50	32.00	34.50	31.50	33.50	35.00	37.50
4 x 4	30.00	32.00	34.00	37.50	34.00	36.00	38.00	41.50
4 x 6 & 4 x 8	29.00	31.00	32.50	35.50	33.00	35.00	36.50	39.50
4 x 10 & 4 x 12	28.50	30.50	32.00	35.00	31.50	33.50	35.00	38.00

Regular loading 8/20'	Select Structural			
	8' to 20'	22' to 24'	26' to 32'	34' to 40'
3 x 3	$40.00	$42.50	$45.50	$50.50
3 x 4	38.50	41.50	44.50	48.50
3 x 6 & 3 x 8	37.00	39.00	40.50	43.50
3 x 10 & 3 x 12	35.50	37.50	39.00	41.50
4 x 4	38.00	40.00	42.00	45.50
4 x 6 & 4 x 8	37.00	39.00	40.50	43.50
4 x 10 & 4 x 12	35.50	37.50	39.00	42.00

[Table as amended by Am. 4]

Condition

1. Dry add $10.00 per M to the same size, length and grade.

Grade differentials

2. No. 2 (No. 1 Mining)—deduct $4.00 per M from the No. 1 price of the same width, thickness and length.

3. No. 3 (Mining)—deduct $7.00 per M from the No. 1 price of the same width, thickness and length.

4. No. 1 permitting up to 15% of No. 2—deduct $0.50 per M from the No. 1 price of the same width, thickness and length.

4a. No. 4 (all species covered by this regulation) rough or surfaced, dry or green, AW. AL., $15.00—Use green weights.

[Footnote 4a added by Am. 2, 8 F.R. 11503, effective 8-24-43 and amended by Am. 4, 8 F.R. 16249, effective 12-6-43]

Lengths

5. Omitting short lengths in R/L loading, 20' and shorter, add to the R/L price of the same size and grade (Applies to all grades):

8' and/or 10'	$0.50
12' and shorter	1.00
14' and shorter—Specified length price of lengths shipped.	

Omitting lengths longer than 20', within a R/L group add to the R/L group price (Applies to No. 1 and lower grades):

Omitting 1 length	$0.50
Omitting 2 lengths	1.00
Omitting 3 lengths—Specified length price of lengths shipped.	

Omitting lengths longer than 20', in paragraph 215, Select Merch, and higher grades, within a R/L group add to the R/L group price; for omitting one to two lengths in one group add $1.00 per M to the R/L group price; for omitting any three or more lengths in one group use specified length price of the lengths shipped.

[Footnote 5 as amended by Am. 2, 8 F.R. effective 12-6-43]

5a. For omitting any lengths in R/L groups covering more than one length bracket, the additions permitted by footnote 5 may be made only within the bracket from which lengths have been omitted.

[Footnote 5a added by Am. 4, 8 F.R. 16249, effective 12-6-43]

6. Odd or fractional lengths add $1.00 per M to and compute footage on the next longer even length.

7. Lengths longer than 40' specified or included in a random length specification add the amount listed for the lengths specified to the 40' specified length price:

41'	$2.00	71'	$62.00
42'	4.00	72'	64.00
43'	6.00	73'	66.00
44'	8.00	74'	68.00
45'	10.00	75'	70.00
46'	12.00	76'	72.00
47'	14.00	77'	74.00
48'	16.00	78'	76.00
49'	18.00	79'	78.00
50'	20.00	80'	80.00
51'	22.00	81'	83.00
52'	24.00	82'	86.00
53'	26.00	83'	89.00
54'	28.00	84'	92.00
55'	30.00	85'	95.00
56'	32.00	86'	98.00
57'	34.00	87'	101.00
58'	36.00	88'	104.00
59'	38.00	89'	107.00
60'	40.00	90'	110.00
61'	42.00	91'	113.00
62'	44.00	92'	116.00
63'	46.00	93'	119.00
64'	48.00	94'	122.00
65'	50.00	95'	125.00
66'	52.00	96'	128.00
67'	54.00	97'	131.00
68'	56.00	98'	134.00
69'	58.00	99'	137.00
70'	60.00	100'	140.00

Lengths over 100', add $3.00 per lineal foot for each additional foot over 100' to the 100' price.

[Footnote 7 as amended by Am. 4]

8. Specified lengths up to 40': In Select Merchantable, Select Structural and paragraphs 215 and 219—add $2.00 per M. Other grades add $1.00 per M, to the length group price in which the specified length falls.

8a. Where an average length is named in a random length specification covering one or more price brackets which include no lengths over 40', the maximum price shall be the specified length price of the average length specified.

If the specification includes lengths over 40', the price shall be the same as if no average length was required.

No addition may be made under footnote 5 in either case.

If the average specified is an odd length, the price of the next higher even length shall apply.

[Footnote 8a added by Am. 4]

Widths

9. Odd or fractional widths not listed add $3.00 per M to the next larger even width. Compute footage on actual rough measure.

10. Widths wider than listed—add $1.00 per M for each additional 2" to the widest listed width.

Thickness

11. Fractional thicknesses between 3" and 4" add $3.00 per M to the price of 4" of the same width, length and grade and compute footage on actual rough measure. For fractional and odd thicknesses over 4" and under 6" add $3.00 per M to the price of 6" in the same width, length and grade (Table 4) and compute footage on actual rough measure.

Working charges

12. Surfacing ¼" off add $1.00 per M to the same grade, size and length.

13. Shiplap, T and G, Grooved for splines: 3" add $3.00; 4" add $4.00 per M to the surfaced price.

14. Outgauged add $2.50 per M to the surfaced price.

15. Diagonal or tapered resawing add $5.00 per M.

16. Surfacing lengths longer than 40' add $0.25 per lineal foot for each additional foot over 40'.

17. Surfacing wider than 12" add $2.00 per M to the 12" price of the same size and grade.

18. For surfacing to A. L. S. S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E, add $1.00 per M' to price of corresponding size and grade. This addition is limited to orders specifying one grade only.

[Footnote 18 as amended by Am. 4]

Miscellaneous

19. Windmill Stock paragraph 172 use Select Structural price plus additions for F. O. H. C.

20. Barge Framing paragraph 284 same price as Select Structural. Barge Planking and Decking paragraph 285 add $10.00 per M to the Select Structural price of the same size.

21. Scaffold Plank, 9" and wider, paragraph 289 add $10.00 per M to the Select Structural price.

22. Paragraph 215 and 219, add $2.00 per M to No. 1 price.

23. Paragraph 216, add $1.00 per M to the price of No. 2 of the same size.

[Footnotes 21 and 22 amended by Am. 5, effective 2-1-44; footnote 23 amended by Am. 2, 8 F.R. 11508, effective 8-24-43 and Am. 5]

TABLE 4—TIMBERS

Rough green regular loading R/L	No. 1			Select merchantable			Select structural		
	8' to 20'	22' to 30'	32' to 40'	8' to 20'	22' to 30'	32' to 40'	8' to 20'	22' to 30'	32' to 40'
6 x 6 & 6 x 8	$29.00	$31.50	$32.50	$33.00	$35.50	$39.00	$36.50	$39.00	$42.50
6 x 10 & 6 x 12	28.00	29.00	29.50	30.00	31.00	31.50	33.50	34.50	35.50
8 x 8	29.00	31.00	32.00	33.00	35.00	38.50	36.50	39.00	42.00
8 x 10 & 8 x 12	28.00	29.00	29.50	30.00	31.00	31.50	33.50	34.50	35.50
10 x 10 & 10 x 12	28.00	30.00	29.00	30.00	32.00	32.50	33.50	35.50	36.50
12 x 12	28.00	30.00	29.00	30.00	32.00	32.50	33.50	35.50	36.50
6 x 14 & 8 x 14	28.50	30.50	29.50	31.50	34.50	34.00	35.00	38.00	38.00
6 x 16 & 8 x 16	30.25	32.25	31.25	33.25	36.25	35.75	36.75	39.75	39.75
6 x 18 & 8 x 18	32.50	34.50	33.50	35.50	38.50	38.00	39.00	42.00	42.00
10 x 14 & 12 x 16	28.00	30.00	29.00	31.00	34.00	33.50	34.50	37.50	37.50
10 x 16	30.00	32.00	31.00	33.00	36.00	35.50	36.50	39.50	39.50
10 x 18	32.25	34.25	33.25	35.25	38.25	37.75	38.75	41.75	41.75
12 x 14 & 14 x 14	28.50	30.50	29.50	31.50	34.50	34.00	35.00	38.00	38.00
14 x 16 & 16 x 16	28.00	30.00	29.00	31.00	34.00	33.50	34.50	37.50	37.50
18 x 18	30.00	32.00	33.00	33.00	36.00	37.00	36.50	39.50	40.50
20 x 20	32.00	34.00	35.00	35.00	38.00	39.00	38.00	41.50	42.50
22 x 22	34.00	36.00	37.00	37.00	40.00	41.00	40.50	43.50	44.50
24 x 24	36.00	38.00	39.00	39.00	42.00	43.00	42.50	45.50	46.50
26 x 26	40.00	42.00	43.00	43.00	46.00	47.00	46.50	49.50	50.50
28 x 28	44.00	46.00	47.00	47.00	50.00	51.00	50.50	53.50	54.50
30 x 30	48.00	50.00	51.00	51.00	54.00	55.00	54.50	57.50	58.50
32 x 32	52.00	54.00	55.00	55.00	58.00	59.00	58.50	61.50	62.50

[Table as amended by Am. 4]

Grade differentials

1. No. 1 permitting up to 15%, No. 2 deduct $0.50 per M from the No. 1 price of the same width and length.

2. No. 2 (No. 1 Mining) in 6 x 6, 6 x 8 and 8 x 8 deduct $4.00 per M from the No. 1 price of the same thickness, width and length. For other sizes deduct $5.00 per M from the No. 1 price of the same thickness, width and length.

3. No. 3 (Mining) in 6 x 6, 6 x 8 and 8 x 8 deduct $7.00 per M from the No. 1 price of the same thickness, width and length. For other sizes deduct $10.00 per M from the No. 1 price of the same thickness, width and length.

3a. No. 4 (all species covered by this regulation) 6" x 6" and larger, AL, rough or dressed, dry or green—$15.00. Use green weights.

[Footnote 3a added by Am. 4]

Lengths

4. Omitting short lengths in R/L loading 20' and shorter add to R/L price of the same size and grade: (Applies to all grades.)

8' and/or 10'	$0.50
12' and shorter	1.00
14' and shorter—Specified length price of lengths shipped.	

Omitting lengths longer than 20' within a R/L group add to the R/L group price. (Applies to No. 1 and lower grades.)

Omitting 1 length	$0. 50
Omitting 2 lengths	1. 00
Omitting 3 lengths—Specified length price of lengths shipped.	

Omitting lengths longer than 20' in paragraph 219, select Merch. and higher grades within a R/L group add to the R/L group price; for omitting one or two lengths in one group add $1.00 per M to the R/L group price; for omitting any three or more lengths in one group use specified length price of the lengths shipped.

[Footnote 4 as amended by Am. 2]

5. Odd or fractional lengths add $1.00 per M to and compute footage on the next longer even length.

5a. For omitting any lengths in R/L groups covering more than one length bracket, the additions permitted by footnote 4 may be made only within the bracket

from which lengths have been omitted but such additions to the 8/20' brackets may not result in a price higher than the bracket price for 22/30'.

[Footnote 5a added by Am. 4]

6. Lengths longer than 40', specified or included in a random length specification, add the amount listed for the lengths specified to the 40' specified length price.

41'	$2.00	71'	$82.00
42'	4.00	72'	84.00
43'	6.00	73'	86.00
44'	8.00	74'	88.00
45'	10.00	75'	70.00
46'	12.00	76'	72.00
47'	14.00	77'	74.00
48'	16.00	78'	76.00
49'	18.00	79'	78.00
50'	20.00	80'	80.00
51'	22.00	81'	83.00
52'	24.00	82'	86.00
53'	26.00	83'	89.00
54'	28.00	84'	92.00
55'	30.00	85'	95.00
56'	32.00	86'	98.00
57'	34.00	87'	101.00
58'	36.00	88'	104.00
59'	38.00	89'	107.00
60'	40.00	90'	110.00
61'	42.00	91'	113.00
62'	44.00	92'	116.00
63'	46.00	93'	119.00
64'	48.00	94'	122.00
65'	50.00	95'	125.00
66'	52.00	96'	128.00
67'	54.00	97'	131.00
68'	56.00	98'	134.00
69'	58.00	99'	137.00
70'	60.00	100'	140.00

Lengths over 100', add $3.00 per lineal foot for each additional foot over 100' to the 100' price.

[Footnote 6 as amended by Am. 4]

7. Specified lengths up to 40'—Select merchantable and select structural and paragraph 219—add $2.00 per M—Other grades add $1.00 per M to the length group in which the specified length falls.

[Footnote 7 as amended by Am. 4]

7a. Where an average length is named in a random length specification covering one or more price brackets which include no lengths over 40', the maximum price shall be the specified length price of the average length specified.

If the specification includes lengths over 40', the price shall be the same as if no average length was required.

No addition may be made under footnote 4 in either case.

If the average specified is an odd length, the price of the next higher even length shall apply.

[Footnote 7a added by Am. 4]

Widths

8. Odd or fractional widths add $1.50 per M to the next larger even width. Compute on actual rough measure.

[Footnote 8 as amended by Am. 4]

9. Widths wider than listed—up to and including 24" add $1.00 per M for each additional 2" to widest listed width of the same grade, thickness and length. Wider than 24": For each additional 2" over 24" add $2.00 per M to the 24" price of the same grade, thickness and length.

Thickness

10. Odd or fractional thicknesses not listed add $1.50 per M to the next larger listed even thickness. Compute footage on actual rough measure.

11. Thicker than listed—Thicker than 32" add $2.00 per M for each additional 2" to 32" price of the same grade, width and length.

Working charges

12. Surfacing S1S, S2S, S3S, S4S, A. L. S. 6 x 6 to 16 x 16, add $2.00 per M; if thicker than 16" or wider than 20" add $5.00 per M.

[Footnote 12 as amended by Am. 2]

13. Surfacing ¼" off add $1.00 per M to the price of the same surfaced A. L. S. grade, width and length.

14. Surfacing lengths longer than 40', add $0.25 per M per lineal foot for each additional foot over 40'.

Miscellaneous

15. Barge framing, paragraph 284, same price as select structural. Barge planking and decking, paragraph 285, add $7.50 per M to the price of select structural.

16. Material graded according to paragraph 210 and 216 when sap limitation is waived deduct $1.00 per M.

17. Paragraph 219, add $2.00 per M, to No. 1 of the same size.

[Footnote 17 as amended by Am. 5, effective 2-1-44]

18. Cross ties and switch ties priced under Maximum Price Regulation No. 284.

CLEAR GRADES

TABLE 5—FLOORING

R/L Dry	B & Better	"C"	"D"	"E"[1]
1 x 3" & 1 x 4" V. G.	$60.00	$55.00	$45.00	
1 x 3" & 1 x 4" F. G.	45.00	43.00	36.00	$25.00
1 x 6" V. G.	57.00	60.00	47.00	
1 x 6" & 1 x 8" F. G.	50.00	48.00	40.00	27.00
5/4 x 3" V. G.	62.00	57.00	45.00	
5/4 x 3" F. G.	49.00	45.00	37.00	
5/4 x 4" V. G.	62.00	57.00	45.00	
5/4 x 4" F. G.	47.00	44.00	37.00	
5/8 x 4" F. G.	37.00	35.00	28.00	20.00
5/8 x 6" F. G.	46.00	43.00	36.00	20.00

[1] See grade definition General Notes.

[Table 5 as amended by Am. 5, effective 2-1-44]

Lengths

1. Random lengths as set forth in Standard Grading and Dressing Rules No. 12 paragraph 30.

2. Omitting short lengths in R/L loading, add to R/L price of the same size and grade:

5' and shorter	$0.50
7' and shorter	1.00
9' and shorter	2.00
10' and shorter	3.00
12' and shorter	4.00

3. Specified lengths; add to R/L price of the same size and grade:

12' and shorter—No addition except $2.00 per M for 1x4 and 5/4x4–12' in B & Better and "C" V.G. or F.G.

14'	$3.00
16', 18' and/or 20'	5.00

3a. Short lengths in excess of the percentage permitted in R/L loading, when specified, or when shipped with buyer's approval, deduct from R/L prices as follows:

1½' to 3½' B & Better and "C"	$25.00
1½' to 3½' "D"	20.00
4' and 5' "B" & Better and "C"	15.00
4' and 5' "D"	10.00
6' and 7' B & Better and "C"	0.00
6' and 7' "D"	5.00

Working charges

4. For square edge B & Better and "C" worked to the same overall size as standard flooring, add $2.00 per M to the T & G price of the same size and grade. To include up to 20% "C": deduct $3.00 per M from B & Better price of the same size. Weight 200 lbs. more than flooring of the same size.

Miscellaneous

5. For clear all heart V. G., add $5.00 to the B & Better price.

6. ¾" flooring: deduct $5.00 per M from the same size and grade of standard flooring.

7. For Green deduct $5.00.

[Footnotes 3a and 7 added by Am. 5, effective 2-1-44]

TABLE 6—DROP SIDING AND RUSTIC

Drop siding, all patterns; rustic siding, shiplap; R/L dry	B & Better	"C"	"D"	"E"[1]
1 x 4"	$44.00	$42.00	$37.00	$20.00
5/8 x 6"	45.00	43.00	36.00	20.00
1 x 6"	50.00	48.00	40.00	25.00
1 x 8"	53.00	50.00	43.00	28.00

[1] See grade definitions General Notes.

Grain

1. For V. G. add $10.00 per M to the same size and grade and length.

Lengths

2. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 30.

3. Omitting short lengths in R/L loading, add to R/L price of the same size and grade:

5' and shorter	$0.50
7' and shorter	1.00
9' and shorter	2.00
10' and shorter	3.00
12' and shorter	4.00

4. Specified lengths add to R/L price of the same size and grade:

12' and shorter	No addition
14'	$3.00
16', 18', and/or 20'	$5.00

4a. Short lengths in excess of percentage permitted in R/L loading, when specified, or when shipped with buyer's approval, deduct from R/L prices as follows:

1½' to 3½' B and Better and "C"	$25.00
1½' to 3½' "D"	20.00
4' and 5' B and Better and "C"	15.00
4' and 5' "D"	8.00
6' and 7' B and Better and "C"	5.00
6' and 7' "D"	5.00

Condition

5. For Green deduct $5.00.

[Footnotes 4a and 5 added by Am. 5, effective 2-1-44]

TABLE 7—BEVEL SIDING

R/L Dry	B & Better V. G.	B & Better F. G.	"C" V. G.	"C" F. G.	"D" V. G.	"D" F. G.
½ x 4"	$29.00	$28.00	$26.00	$25.00	$23.00	$22.00
½ x 6"	31.00	30.00	29.00	28.00	26.00	24.00
½ x 8"	40.00	39.00	38.00	37.00	35.00	34.00
¾ x 8"	55.00	54.00	51.00	50.00	47.00	46.00
¾ x 10"	61.00	60.00	57.00	56.00	53.00	52.00

Lengths

1. Random lengths, regular bundling in accordance with paragraph 540 Standard Grading and Dressing Rules No. 12.

Working charges

2. Rabbetted bevel siding: add $1.50 per M to standard pattern price of the same width and thickness.

TABLE 8—CEILING

R/L—all patterns—dry	B & Better	"C"	"D"	"E"[1]
¾ x 4"	$37.00	$35.00	$28.00	
¾ x 6"	37.00	35.00	28.00	$20.00
⅝ x 6"	45.00	43.00	36.00	20.00
1 x 4"	45.00	43.00	36.00	25.00
1 x 6"	50.00	48.00	40.00	25.00

[1] See grade definition General Notes.

Grain

1. No addition for grain specification.

Lengths

2. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 30.

3. Omitting short lengths in R/L loading add to R/L price of the same size and grade:

5' and shorter	$0.50
7' and shorter	1.00
9' and shorter	2.00
10' and shorter	3.00
12' and shorter	4.00

4. Specified lengths add to R/L price of the same size and grade:

12' and shorter	No addition
14'	$3.00
16', 18' and/or 20'	5.00

4a. Short lengths in excess of the percentage permitted in R/L loading, when specified, or when shipped with buyer's approval, deduct from R/L prices as follows:

1½' to 3½' B and Better and "C"	$15.00
1½' to 3½' "D"	12.00
4' and 5' B and Better and "C"	15.00
4' and 5' "D"	5.00
6' and 7' B and Better and "C"	5.00
6' and 7' "D"	5.00

[Footnote 4a added by Am. 5, effective 2-1-44]

TABLE 9—STEPPING

V. G., R/L—S3S and Nosed-dry	B & Better	"C"
5/4 x 10"	$77.00	$68.00
5/4 x 12"	82.00	73.00
6/4 x 10"	81.00	72.00
6/4 x 12"	84.00	75.00

Lengths

1. Random lengths regular loading is as follows:

B and Better and "C" grades:

30 percent	3' to 9'
70 percent[1]	10' to 20'
14' and shorter	Specified length price.

[1] Inclusion of 18' and/or 20' lengths is optional.

2. Omitting short lengths in R/L loading add to R/L price of the same size and grade:

5' and shorter	$2.00
7' and shorter	3.00
9' and shorter	4.00
10' and shorter	5.00
12' and shorter	6.00

3. Specified lengths add to R/L price of the same size and grade:

14'	$9.00
16', 18' and/or 20'	7.00

TABLE 10—CASING AND BASE

R/L, S4S, all patterns, dry	B & Better V. G.	B & Better F. G.	"C"
1 x 3"	$74.00	$64.00	$60.00
1 x 4"	70.00	58.00	53.00
1 x 5"	78.00	66.00	60.00
1 x 6"	73.00	62.00	57.00
1 x 8"	74.00	62.00	57.00
1 x 10"	80.00	66.00	59.00
1 x 12"	85.00	68.00	61.00

TABLE 11—FINISH AND CLEARS

Regular loading R. L. S2S, S4S, A. L. S. or rough-dry	B & Better V.G.	B & Better F.G.	"C" V.G.	"C" F.G.	"D" M.G.	"D" V.G.
1 x 2"	$68.00	$56.00	$65.00	$54.00	$43.00	$50.00
1 x 3"	69.00	59.00	66.00	57.00	44.00	51.00
1 x 4"	65.00	53.00	62.00	50.00	41.00	47.00
1 x 5"	73.00	61.00	70.00	57.00	44.00	55.00
1 x 6"	68.00	57.00	65.00	54.00	43.00	50.00
1 x 8"	69.00	57.00	66.00	54.00	43.00	51.00
1 x 10"	75.00	61.00	72.00	56.00	44.00	57.00
1 x 12"	83.00	70.00	80.00	64.00	48.00	65.00
¼ and ⅝ x 2"	71.50	62.00	68.50	57.00	46.00	53.50
⅝ and ¾ x 3"	73.00	64.50	70.00	61.00	48.00	55.00
¾ and ⅝ x 4"	69.00	59.50	66.00	55.50	46.50	51.00
¾ and ⅝ x 5"	79.00	67.00	76.00	62.00	49.00	61.00
⅝ and ¾ x 6"	75.00	62.50	72.00	58.00	47.00	57.00
¾ and ⅝ x 8"	78.00	63.00	75.00	61.00	50.00	60.00
⅝ and ¾ x 10"	82.00	69.50	79.00	63.00	51.00	64.00
¾ and ⅝ x 12"	87.00	77.00	84.00	70.00	54.00	69.00
2 x 2"	68.00	57.00	65.00	51.50	40.50	50.00
2 x 3"	69.50	59.00	66.50	53.00	40.00	51.50
2 x 4"	65.00	53.00	62.00	49.50	40.50	47.00
2 x 5"	74.00	62.00	71.00	56.50	43.50	56.00
2 x 6"	70.00	57.00	67.00	54.00	43.00	52.00
2 x 8"	71.00	59.00	68.00	55.50	44.50	53.00
2 x 10"	76.00	63.00	73.00	58.00	46.00	58.00
2 x 12"	84.00	71.50	81.00	65.00	49.00	66.00

Condition

1. For green—deduct $10.00 per M from the dry price of the same size and grade.

Lengths

2. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 30.

3. Omitting short lengths 20' and shorter add to R/L price of the same size and grade.

5' and shorter	$0.50
7' and shorter	1.00
9' and shorter	2.00
10' and shorter	3.00
12' and shorter	4.00
14' and shorter	Specified length price.

4. Random length groups longer than 20' add to 4' to 20' R/L price.

Lengths

1. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 30.

2. Omitting short lengths in R/L add to R/L price of same size and grade:

5' and shorter	$0.50
7' and shorter	1.00
9' and shorter	2.00
10' and shorter	3.00
12' and shorter	4.00

3. Specifying lengths add to R/L price of the same size and grade:

12' and shorter—No addition except $5.00 per M addition to R/L price on 7' and 10' of the same size and grade in casing only.

14'	$5.00
16', 18' and/or 20'	5.00

4. Specified odd and fractional lengths not listed—add $3.00 per M to price of and compute footage on next longer listed length.

Widths

5. Fractional and odd widths not listed—same as next wider listed width, compute footage on next wider listed width.

6. Wider than 12": V. G. add $5.00 per M to 12" price for each additional 1". F. G. add $2.50 per M to 12" price for each additional 1".

Thickness

7. ⅝" casing and base same price as inch.

Working charges

8. Sanding: add $10.00 per M.

9. For all patterns in quantities less than 2 M' add set-up charge of $3.00.

[Footnote 9 as amended by Am. 2]

Condition

1. For green—deduct $10.00 per M from the dry price of the same size and grade.

Lengths

2. Random lengths as set forth in Standard Grading and Dressing Rules No. 12, paragraph 30.

3. Omitting short lengths 20' and shorter add to R/L price of the same size and grade.

5' and shorter	$0.50
7' and shorter	1.00
9' and shorter	2.00
10' and shorter	3.00
12' and shorter	4.00
14' and shorter	Specified length price.

4. Random length groups longer than 20' add to 4' to 20' R/L price.

22' to 30'	$10.00
32' to 40'	20.00
42' and longer	40.00

Omitting lengths longer than 20' within a R/L group add to R/L group price.

Omitting 1 length	$1.00
Omitting 2 lengths	2.00
Omitting 3 lengths	Specified length price of lengths shipped.

5. Specified lengths add to R/L–1½0' price of the same size and grade.

8', 10' and 12'	$2.00
14'	3.00
16', 18' and/or 20'	5.00
22' and 24'	10.00
26', 28', 30', and 32'	15.00
34', 36', 38', and 40'	25.00

Longer than 40' add $2.50 per M for each foot or fraction thereof to specified 40' lengths.

5a. Where an average length is required in random lengths within a specified range, apply for approval of price under § 12.

6. Fractional and odd lengths under 40'; add $3.00 per M to price of and compute footage on next longer listed length.

[Footnote 6 as amended by Am. 2]

6a. Short lengths in excess of the percentage permitted in R/L loading, when specified, or when shipped with buyer's approval, deduct from R/L prices as follows:

1½' to 3½' All grades (except E)	$20.00
4' and 5' B and Better and "C"	15.00
4' and 5' "D"	8.00
6' and 7' B and Better and "C"	5.00
6' and 7' "D"	5.00

Widths

7. Fractional and odd widths less than 12" not listed; same price as next wider listed width. Compute footage on and use weight for next wider listed width.

8. Even widths, wider than 12" V. G. add $5.00 per M to 12" price for each additional 1". F. G. add $2.50 per M to 12" price for each additional 1". Odd or fractional widths wider than 12" same price as next wider even width. Compute footage on next wider even width.

Thickness

9. If over 2" and under 3" add $5.00 per M to the price of 3" in Table 12 and compute footage on actual rough measurement.

[Footnotes 5 and 9 as amended; footnotes 5a and 6a added by Am. 5, effective 2–1–44]

TABLE 12—THICK CLEARS

B & Better Rough Green, paragraph 188

	F. G. 6/20'	V. G. 6/20'	F. G. 22/30'	V. G. 22/30'	F. G. 32/40'	V. G. 32/40'
3 x 3"	$59.00	$64.00	$66.00	$72.00	$74.00	$84.00
3 x 4"	57.00	62.00	64.00	71.00	72.00	82.00
3 x 6" & 8"	60.00	67.00	67.00	76.00	75.00	87.00
3 x 10" & 12"	63.00	72.00	70.00	81.00	78.00	92.00
4 x 4"	57.00	62.00	64.00	71.00	72.00	82.00
4 x 6"	57.00	64.00	64.00	73.00	72.00	84.00
4 x 8"	58.00	65.00	65.00	74.00	73.00	85.00
4 x 10" & 12"	63.00	72.00	70.00	81.00	78.00	92.00
5 x 10" & 12"	62.00	69.00	69.00	78.00	78.00	91.00
5 x 5"	63.00	70.00	70.00	79.00	80.00	92.00
5 x 6" & 8"	64.00	73.00	71.00	82.00	81.00	95.00
5 x 10" & 12"	66.00	67.00	67.00	76.00	77.00	89.00
6 x 6"	61.00	68.00	68.00	77.00	78.00	90.00
6 x 8"	62.00	71.00	69.00	80.00	79.00	93.00
6 x 10" & 12"	62.00	69.00	69.00	78.00	79.00	91.00
8 x 8"	63.00	72.00	70.00	81.00	80.00	94.00
8 x 10"	64.00	73.00	71.00	82.00	81.00	95.00
8 x 12"	66.00	76.00	73.00	84.00	83.00	97.00
10 x 10" & 12"	66.00	77.00	73.00	86.00	85.00	99.00

Conditions

1. For dry add to the green price for the same size, grain and grades: 3" and 4" thickness 6/20'—$10.00; 22/30'—$15.00; 32/40'—$20.00; 5" and 6" thickness 6/20'—$15.00; 22/30'—$20.00; 32/40'—$25.00; 8" and thicker 6/20'—$20.00; 22/30'—$25.00; 32/40'—$30.00.

[Footnote 1 as amended by Am. 2]

Grade differentials

2. "C" grade deduct $5.00 per M from B & Better price of the same size.

3. Turning squares add $5.00 per M to B & Better price of the same size.

Lengths

4. Omitting short lengths in R/L 20' and shorter add to R/L price of the same size and grade:

7' and shorter	$0.50
9' and shorter	1.00
10' and shorter	1.50
12' and shorter	2.00
14' and shorter	Specified length price.

Omitting lengths longer than 20' within a R/L group add to R/L group price:

Omitting 1 length	$1.00
Omitting 2 lengths	2.00
Omitting 3 lengths	Specified length price of lengths shipped.

[Footnote 4 amended by Am. 2 and Am. 5, effective 2–1–44]

Working charges

10. D and M, any working, 1" and ¾" wider than 6", and ⅝" and ¾" all widths: add $2.00 per M.

1" and ¾" 6" and narrower: price as Flooring from table 5 or, on unusual specifications, apply for price approval under § 12.

[Footnote 10 amended by Am. 4 and Am. 5, effective 2–1–44]

11. Sanding add $10.00 per M.

12. Rabbetted jambs, sills, nosing, or other special patterns not covered in other price tables add $5.00 per M; for orders less than 2 M' of these patterns add an additional $3.00 set-up charge.

13. Surfacing longer than 40' add $0.25 per lineal foot for each lineal foot over 40'.

Miscellaneous

14. Ship Plank: Paragraph 287, same price as B & Better.

15. Tank Stock: Paragraph 293, 294, and 294.1 add $8.00 per M to the B & Better price.

16. Pipe Stave Stock: Paragraph 292, add $2.00 per M to the B & Better price.

17. Door Stock: B & Better (i. e. graded poorer side) add $4.00 per M to B & Better price of the same size.

18. Sap limit waived deduct $2.00 per M.

19. Fadel Stock: Paragraph 259 (a) add $3.00 per M to B & Better price of the same size.

20. Scaffold Plank: Paragraph 288, add $14.00 per M to "C" price for same size and grain. (For Structural grade, paragraph 209, See Tables 2, 3, or 4.)

21. Pole Stock: Paragraph 296, add $20.00 per M to B & Better.

[Footnote 11 deleted, Footnotes 12 through 22 renumbered 11 through 21 and new footnote 12 amended by Am. 5, effective 2–1–44]

5. Specified lengths add to the R/L price of the same size and grade: 6/20'—$3.00; 22/30'—$5.00; 32/40'—$7.50.

6. Lengths longer than 40'—add $5.00 per M for each 2' or fraction thereof to the 40' specified length price. Compute footage on actual length.

7. Specified fractional and odd lengths not listed—add $3.00 per M to price of and compute footage on next longer listed length.

7a. For omitting any lengths in R/L groups covering more than one length bracket, the additions permitted by footnote 4 may be made only within the bracket from which lengths have been omitted.

7b. For random lengths in any specified range, and where an abnormal average length is required, the price shall be the specified length price of the length specified as an average. No addition may be made for omitting lengths. If the average specified is an odd length the price of the next longer even length shall apply.

Widths

8. Frictional and odd widths not listed: Same price as next wider even width. Compute footage on next wider even width.

9. Wider than 12" for V. G. add $10.00 per M to 12" price for each additional 2". For F. G. add $5.00 per M to 12" price for each additional 2".

Thickness

10. Fractional and odd thicknesses not listed: add $5.00 per M to next thicker even size and compute footage on actual rough measure.

11. For even thickness heavier than 12" add $5.00 per M for each 1" thicker than 12".

Working charges

12. Surfacing dry clears S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E or S4S to A. L. S., add $3.00 per M to the rough dry price.

13. Surfacing green clears S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E, or S4S to A. L. S., add $2.00 per M to rough green prices.

14. For T and G, Shiplap or Outgauged, add $5.00 per M to the rough price. These workings include surfacing.

[Footnotes 7a and 7b added; 8, 12, 13 and 14 amended by Am. 5, effective 2–1–44]

15. Surfacing lengths longer than 40' add $0.25 per M per lineal foot for each additional foot over 40'.

Miscellaneous

16. Ship plank, paragraph 287, same price as B & Better.

17. Scaffold Plank, paragraph 288 add $14.00 per M to "C" Clear price for same size and grain specifications.

18. Tank Stock, paragraphs 293 294 and 294.1, add $8.00 per M to B & Better price for same size and grain specification.

19. Pipe Stock, paragraph 292, add $2.00 per M to B & Better price for same size and grain specification.

20. Cross arms, paragraph 297, same price as "C" Clear.

21. Sap limit waived deduct $2.00 per M.

22. Pole Stock, paragraph 296, add $25.00 per M to B & Better price.

23. [Revoked]

[Footnote 23 revoked by Am. 2]

TABLE 13—LADDER STOCK

Paragraph 295—10/20' Rough Green

4/4 x 3" and 4/4 x 3¼"	$85.00

Conditions:

1. Dry add to rough green price:

	Per M
24' and shorter	$10.00
Longer than 24'	15.00

Lengths:

2. Specified lengths add to base price:

10/24'	10.00
26/32'	30.00
34/40'	60.00
Longer than 40'	$20.00 for each additional foot to 40' price

Widths:

3. Widths wider than 3¼" add to base price:

3½" to 4"	5.00
4½" to 5"	10.00
5½" to 6"	20.00
6¼" to 7"	30.00

Thickness:

4. Add to the base price:

1¼" and 1½"	5.00
1⅝" and 1¾"	10.00
2" and thicker	15.00

Working Charges

5. Surfacing to standard sizes or working to pattern add $5.00 per M to the same size and length.

Miscellaneous

6. Hemlock and Noble Fir, paragraph 470, add $10.00 per M.

INDUSTRIAL GRADES

TABLE 14—SHOP

Green, rough	Select V. G.	No. 1 V. G.	No. 2 V. G.	No. 3 V. G.
4/4 to 8/4 x 6" and wider	$45.00	$35.00	$25.00	$18.00
10/4"	50.00	40.00	30.00	23.00
12/4"	53.00	43.00	33.00	26.00

KD, rough	Select V. G.	No. 1 V. G.	No. 2 V. G.	No. 3 V. G.
4/4 x 5" and wider	$50.00	$40.00	$30.00	$23.00
1 3/8" to 8/4"	52.50	42.50	32.50	25.50
10/4"	60.00	50.00	40.00	33.00
12/4"	63.00	53.00	43.00	36.00

[Table added by Am. 5, effective 2–1–44]

Grain

1. F. G. Rough, Green deduct from the price of V. G. Rough Green: 4/4" to 2" Select, No. 1 and No. 2 $7.00; No. 3 $4.00; 10/4" and 12/4" Select, No. 1 and No. 2 $12.00; No. 3 $9.00.

2. F. G. Rough, K. D. deduct from the price of V. G. Rough K. D.: 4/4" Select, No. 1 and No. 2 $7.00; No. 3 $4.00; 1⅜" to 8/4" Select, No. 1 and No. 2 $12.00; No. 3 $6.50; 10/4" and 12/4" Select, No. 1 and No. 2 $12.00; No. 3 $14.00.

[Footnotes 1 and 2 as amended by Am. 5, effective 2–1–44]

Width and Thickness

3. Invoiced upon nominal sizes shown in paragraphs 258 and 264.

Working charges

4. Surfacing add $1.00 per M.

TABLE 15—HEMLOCK BOX

	No. 1	No. 2	No. 3	Mill run
4/4 and thicker R/W and R/L Rough Dry	$27.50	$23.50	$19.50	$25.50

Condition

1. Green: deduct 10% from rough dry price.

Widths

2. Specified widths add to R/W price:
Under 10"—No addition.
10" and 12"—Add $1.00 per M to R/W price.
14" and wider—Add $2.00 per M to R/W price.

Thickness

3. Less than 4/4: Price of 4/4 but compute on net size.

Working charges

4. Surfaced: Add $1.00 per M to rough price.

TABLE 16—CAR FRAMING, ETC.

[See note 6 under *General notes on all railway and car material*] *Selected Framing, Sills, Purlins, Slats, Running Boards, Etc., Par. 221, 223, Rough Green.*

Thickness (inches)	Width	Specified Lths 20' & Under		Specified Lths. Over 20' to 24'		Specified Lths. Over 24' to 32'		Specified lengths, over 32' to 40'		Specified lengths, over 40' to 44'	
		Even lengths	Odd & Fr/Lths.	Even Lengths	Odd & Fr/Lths.	Even Lengths	Odd & Fr/Lths.	Even lengths	Odd & Fr/Lths.	Even lengths	Odd & Fr/Lths.
1"	Even widths, 2" to 6"	$38.00	$41.00	$42.00	$44.00	$48.00	$50.00	----	----	----	----
	Even widths, 8" to 12"	39.00	42.00	43.00	45.00	49.00	51.00	----	----	----	----
	Odd & fr. widths, 2¼ to 5¾"	43.00	46.00	47.00	49.00	53.00	55.00	----	----	----	----
	Odd & fr. widths, 6¼ to 13¾"	44.00	47.00	48.00	50.00	54.00	56.00	----	----	----	----
1¼, 1½"	Even widths, 2" to 6"	43.00	46.00	47.00	49.00	53.00	55.00	----	----	----	----
	Even widths, 8" to 12"	44.00	47.00	48.00	50.00	54.00	56.00	----	----	----	----
	Odd & fr. widths, 2¼ to 5¾"	48.00	51.00	52.00	54.00	58.00	60.00	----	----	----	----
	Odd & fr. widths, 6¼ to 13¾"	49.00	52.00	53.00	56.00	59.00	61.00	----	----	----	----
1¾"	Even widths, 2" to 6"	40.00	43.00	42.00	44.00	46.00	48.00	----	----	----	----
	Even widths, 8" to 12"	41.00	44.00	43.00	45.00	47.00	49.00	----	----	----	----
	Odd & fr. widths, 2¼ to 5¾"	45.00	48.00	47.00	49.00	51.00	53.00	----	----	----	----
	Odd & fr. widths, 6¼ to 13¾"	46.00	49.00	48.00	50.00	52.00	54.00	----	----	----	----
2"	Even widths, 2" to 6"	35.00	38.00	37.00	39.00	41.00	43.00	$46.00	$48.00	$53.00	$54.00
	Even widths, 8" to 12"	36.00	39.00	38.00	40.00	42.00	44.00	47.00	49.00	54.00	55.00
	Odd & fr. widths, 2¼ to 5¾"	40.00	43.00	42.00	44.00	46.00	48.00	51.00	53.00	58.00	59.00
	Odd & fr. widths, 6¼ to 13¾"	41.00	44.00	43.00	45.00	47.00	49.00	52.00	54.00	59.00	60.00
2¼, 2½, 2¾"	Even widths, 4" & 6"	38.00	41.00	40.00	42.00	43.00	45.00	47.00	49.00	52.00	53.00
	Even widths, 8", 10" & 12"	39.00	42.00	41.00	43.00	44.00	46.00	48.00	50.00	53.00	54.00
	Odd & fr. widths, 2¼ to 5¾"	43.00	46.00	45.00	47.00	48.00	50.00	52.00	54.00	57.00	58.00
	Odd & fr. widths, 6¼ to 13¾"	44.00	47.00	46.00	48.00	49.00	51.00	53.00	55.00	58.00	59.00
3" & 4"	Even widths, 4" to 6"	37.00	40.00	39.00	41.00	41.00	43.00	44.00	46.00	49.00	50.00
	Even widths, 8", 10", & 12"	36.00	39.00	38.00	40.00	40.00	42.00	43.00	45.00	48.00	49.00
	Odd & fr. widths, 3 to 5¾"	42.00	45.00	44.00	46.00	46.00	48.00	49.00	51.00	54.00	55.00
	Odd & fr. widths, 6¼ to 13¾"	41.00	44.00	43.00	45.00	45.00	47.00	48.00	50.00	53.00	54.00
3½, 3¾, 3¾"	Even widths, 4" to 6"	40.00	43.00	42.00	45.00	44.00	46.00	47.00	49.00	52.00	53.00
	Even widths, 8", 10", & 12"	39.00	42.00	41.00	44.00	43.00	45.00	46.00	48.00	51.00	52.00
	Odd & fr. widths, 3¼ to 5¾"	45.00	48.00	47.00	49.00	49.00	51.00	52.00	54.00	57.00	58.00
	Odd & fr. widths, 6¼ to 13¾"	44.00	47.00	46.00	48.00	48.00	50.00	51.00	53.00	56.00	57.00
4¼ to 5¾"	Even widths, 6"	38.00	41.00	40.00	42.00	42.00	44.00	45.00	47.00	50.00	51.00
	Even widths, 8", 10" & 12"	41.00	44.00	43.00	45.00	45.00	47.00	48.00	50.00	53.00	54.00
	Odd & fr. widths, 4¼ to 5¾"	41.00	44.00	43.00	45.00	45.00	47.00	48.00	50.00	53.00	54.00
	Odd & fr. widths, 6¼ to 13¾"	43.00	46.00	45.00	47.00	47.00	49.00	50.00	52.00	55.00	56.00
6, 8, 10 & 12"	Even widths, 6"	35.00	38.00	37.00	39.00	39.00	41.00	42.00	44.00	47.00	48.00
	Even widths, 8", 10" & 12"	38.00	41.00	40.00	42.00	42.00	44.00	45.00	47.00	50.00	51.00
	Odd & fr. widths, 6¼ to 13¾"	38.00	41.00	40.00	42.00	42.00	44.00	45.00	47.00	50.00	51.00
6¼ to 9¾"	Even widths, 8, 10 & 12"	38.00	41.00	40.00	42.00	42.00	44.00	45.00	47.00	50.00	51.00
Odd & Fr/Thk	Odd & fr. widths, 6¼ to 13¾"	40.00	43.00	42.00	44.00	44.00	46.00	47.00	49.00	52.00	53.00

[Table amended by Am. 2 and Am. 4]

Grain

1. V. G. add to the same size and grade; 4'' and narrower—$10.00; wider than 4''—$15.00 per M.

Condition

2. For dry add to the green price of the same size, grade and grain specifications under 2''—$5.00 per M; 2'' to 3''—$10.00 per M; over 3''—$15.00 per M.

Lengths

3. Lengths longer than listed, add $2.00 per M for each extra 2' to the longest length price shown.

Widths

4. Even widths wider than listed, add $1.00 per inch or fraction thereof to the widest listed even width.

[Footnote 4 as amended by Am. 4]

4a. Odd or fractional widths wider than listed add $1.00 per inch or fraction thereof to the widest listed odd and fractional width.

[Footnote 4a added by Am. 4]

Working charges

5. Surfacing S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E, or S4S, add $2.00 per M.

[Footnote 5 as amended by Am. 2]

6. Other workings, add $4.00 per M to rough price.

Miscellaneous

7. Select structural paragraph 222 add $4.00 per M to the same size and grain specifications.

8. No. 1 paragraph 224, deduct $2.00 per M from the same size.

9. Sizes thicker than listed use 12'' price.

[Footnote 9 as amended by Am. 2]

TABLE 17.—CAR LINING, ROOFING, SIDING

B & Better car lining and roofing dry, flat grain, par. 240 and 245.

	1 x 4'' D & M 3⅛₂ x 3¼'' A. L. S.	1 x 6'' D & M 3⅛₂ x 5⅝₁₆'' A. L. S.
8'	$45.00	$50.00
9'	45.00	50.00
10'	55.00	55.00
12'	60.00	61.00
14'	57.00	58.00
16'	57.00	58.00
18' & 20'	57.00	58.00
22' & 24'	64.00	65.00
6/20 R/L	69.00	70.00
8/20 R/L	80.00	80.00
10/20 R/L	53.00	53.00
	54.00	54.00
	56.00	56.00

NOTE: B & Better car siding A. A. R. Standard patterns dry, flat grain, par. 237 add $5.00 to price of car lining.

Grain

1. V. G. add to flat grain price; 1 x 4''—$10.00 per M; 1 x 6''—$15.00 per M.

Grade differentials

2. "C" lining, robfing, and siding paragraphs 241, 246, and 238—deduct $2.00 per M from B and Better price of the same item.

3. "Selected" roofing and lining (grain tight) paragraphs 247 and 242—deduct $8.00 from B & Better price.

Condition

4. Green—deduct $5.00 per M from dry price.

Lengths

5. Specified odd or fractional lengths not listed add $2.00 per M to price of and compute footage on basis of next longer even listed length.

Widths

6. For 1 x 3''—add $5.00 per M to the price of 1 x 4'' in 9' and 10'; other lengths same as 1 x 4''.

7. For 1 x 5''—add $5.00 per M to the price of 1 x 6''.

Working charges

8. Blanked S1S, S2S, S3S, or S4S add $2.00 per M to D and M price.

9. Patterns other than D and M, A. L. S. or A. A. R. Standards, add $5.00 per M to the D and M price.

[Footnote 9 as amended by Am. 5, effective 2–1–44]

Miscellaneous

10. Rough deduct $2.00 per M from D and M price.

11. Insulation, pargaraph 243 deduct $10.00 per M from B and Better price.

TABLE 18—SHEATHING, DECKING, END LINING

B and Better Horizontal Sheathing.
Decking, and End Lining Par. 249 and 254.
Dry, Flat Grain, T and G or Shiplap.

2 x 4–3 1/16'' over all or less		2 x 6–5 9/16'' over all or less	
8'	$57.00	8'	$60.00
9'	62.00	9'	65.00
10'	61.00	10'	64.00
12'	60.00	12'	63.00
14'	60.00	14'	63.00
16'	67.00	16'	70.00
18' & 20'	72.00	18' & 20'	75.00
22' & 24'	82.00	22' & 24'	85.00
8/20 R/L	58.00	8/20 R/L	61.00

Grain

1. 2 x 4 V. G. add $10.00 per M to F. G. price; 2 x 6 V. G. add $15.00 per M to F. G. price.

Grade differentials

2. "C" grade, paragraphs 250 and 255, deduct $5.00 per M from B and Better.

Condition

3. Green deduct $10.00 per M from dry price.

Lengths

4. Specified fractional or odd lengths not listed add $2.50 per M to the price of and compute footage on next even listed length.

Widths

5. Add to 2 x 6'' price, for 2 x 8'' $3.00 per M; for 2 x 10'' $7.50 per M.

Thickness

6. 1¼ and 1½'' thickness dry add $5.00 per M to the dry price; green deduct $5.00 per M from the dry price.

7. 2¼'', 2½'' and 2¾'' thickness add $5.00 per M to the 2'' price.

Working charges

8. Blanked S1S, S2S, S3S, or S4S same price as T. and G.

9. Patterns other than listed or wider than listed for 2 x 5'' and 2 x 6'' but not exceeding 3¾ and 5¾ over all add $3.00 per M.

Miscellaneous

10. Rough deduct $2.00 per M from T. and G. price.

TABLE 19—SELECTED CAR DECKING AND END LINING

Par. 251 Rough Green	8' 6''	9'	9' 6''	10'	10' 6''
1½ and 1¾'' x 6'', 8'' and 10''	$44.00	$42.50	$43.50	$41.00	$46.00
2 x 6'', 8'' and 10''	37.00	35.50	36.50	34.00	39.00
2½, 2½ and 2¾'' x 6'', 8'' and 10''	39.00	37.50	38.50	36.00	41.00
3 x 6'', 8'' and 10''	38.00	36.50	37.50	35.00	40.00

Grain

1. V. G. 4'' and narrower add $10.00 per M; wider than 4'' add $15.00 per M.

Grade differentials

2. No. 1 car decking, paragraph 252, deduct $2.00 per M from price of selected.

Condition

3. Dry less than 2'' add $5.00 per M; 2'' and thicker add $10.00 per M.

Lengths

4. Lengths longer than listed add $1.00 to 10' price for each additional foot over 10'.

Widths

5. Odd or fractional widths add $3.00 per M to next wider even width.

Working charges

6. Surfacing S1S, S2S, S2S1E, S1S2E, S4S, T. and G., or Shiplap to A. L. S. or A. A. R. Standards, add $2.00 per M'; surfacing thicker or wider than A. A. R. Standards, add $3.00 per M' to the rough price.

[Footnote 6 as amended by Am. 5, effective 2–1–44]

General notes on all railway and car material

1. For grades other than those contained in W. C. L. A. car materials rules, the maximum price shall be the price for the W. C. L. A. grade and specification to which the other grade and specification most closely conforms.

2. Western hemlock—price shall be $1.00 per M less than Douglas Fir price of same item.

3. "C & Better"—invoice "C" and "B & Better" at price shown for each grade.

4. Random lengths other than listed—invoice each length at specified length price and deduct $3.00 per M.

5. Clear framing and running boards, Par. 226, 227, 229, 230, 232, and 233—add $5.00 to price of same item (same size, length, grain, seasoning and grade) shown in Table 11 for "Finish and Clears" under 3'', and Table 12 for "Clears" for 3'' and thicker.

6. The maximum prices shown in Tables 16, 17, 18 and 19 apply only to direct-mill shipments [See section 3 (a)] and only where final delivery is to railroad-car builders, railroad-car-and-equipment repair shops, railroad companies, or other operators, builders, or repairers of essential transportation or communication facilities, except on specific individual approval by the Lumber Branch of the Office of Price Administration.

[Footnote 6 added by Am. 4]

SHIP DECKING AND PONTON GRADES

TABLE 20—SHIP DECKING

Rough green par. 286 and margin pieces	8/40 av. 12'	10/40 av. 14'	12/40 av. 16'	14/40 av. 18'	16/40 av. 20'	18/40 av. 22'	20/40 av. 24'	22/40 av. 26'	24/40 av. 28'	26/40 av. 30'	28/40 av. 32'	30/40 av. 34'	32/40 av. 36'	34/40	36/40
1 x 3''	$75.00	$80.00	$85.00	$90.00	$95.00										
1 x 4''	75.00	80.00	85.00	90.00	95.00										
1 x 5''	82.00	87.00	92.00	97.00	102.00										
1 x 6''	80.00	85.00	90.00	95.00	100.00										
2 x 3''	75.00	80.00	85.00	50.00	95.00	$100.00	$105.00	$110.00	$115.00	$120.00	$125.00	$130.00	$130.00	$130.00	$130.00
2 x 4''	75.00	80.00	85.00	90.00	95.00	100.00	105.00	110.00	115.00	120.00	125.00	130.00	130.00	130.00	130.00
2 x 5''	82.00	87.00	92.00	97.00	102.00	107.00	112.00	117.00	122.00	127.00	132.00	137.00	137.00	137.00	137.00
2 x 6''	80.00	85.00	90.00	95.00	100.00	105.00	110.00	115.00	120.00	125.00	130.00	135.00	135.00	135.00	135.00
3 x 3''	82.00	87.00	92.00	97.00	102.00	107.00	112.00	117.00	122.00	127.00	132.00	137.00	137.00	137.00	137.00
3 x 4''	78.00	83.00	88.00	93.00	98.00	103.00	108.00	113.00	118.00	123.00	128.00	133.00	133.00	133.00	133.00
3 x 5''	82.00	87.00	92.00	97.00	102.00	107.00	112.00	117.00	122.00	127.00	132.00	137.00	137.00	137.00	137.00
3 x 6''	80.00	85.00	90.00	95.00	100.00	105.00	110.00	115.00	120.00	125.00	130.00	135.00	135.00	135.00	135.00
4 x 4''	75.00	80.00	85.00	90.00	95.00	100.00	105.00	110.00	116.00	120.00	125.00	130.00	130.00	130.00	130.00
4 x 5''	82.00	87.00	92.00	97.00	102.00	107.00	112.00	117.00	122.00	127.00	132.00	137.00	137.00	137.00	137.00
4 x 6''	80.00	85.00	90.00	95.00	100.00	105.00	110.00	115.00	120.00	125.00	130.00	135.00	135.00	135.00	135.00

Grade Differential

1. "C" grade Ship Decking (as now established by the West Coast Bureau of Grades and Inspection), deduct $5.00 per M from paragraph 286 prices.

Lengths

2. For specified lengths up to and including 34 feet: add $5.00 per M feet to the corresponding average length price listed above. Specified lengths 36' to 40' to be priced at the 34' specified length price.

	8/40	10/40	12/40	14/40	16/40	18/40	20/40	22/40	24/40	26/40	28/40	30/40
For 14' av. add	$4.00											
For 16' av. add	8.00	$4.00										
For 18' av. add	12.00	8.00	$4.00									
For 20' av. add	16.00	12.00	8.00	$4.00								
For 22' av. add	20.00	16.00	12.00	8.00	$4.00							
For 24' av. add	24.00	20.00	16.00	12.00	8.00	$4.00						
For 26' av. add	28.00	24.00	20.00	16.00	12.00	8.00	$4.00					
For 28' av. add	32.00	28.00	24.00	20.00	16.00	12.00	8.00	$4.00				
For 30' av. add	36.00	32.00	28.00	24.00	20.00	16.00	12.00	8.00	$4.00			
For 32' av. add	40.00	36.00	32.00	28.00	24.00	20.00	16.00	12.00	8.00	$4.00		
For 34' av. add	44.00	40.00	36.00	32.00	28.00	24.00	20.00	16.00	12.00	8.00	$4.00	
For 36' av. add	48.00	44.00	40.00	36.00	32.00	28.00	24.00	20.00	16.00	12.00	8.00	$4.00

3. Where maximum length of any R/L specification is reduced to:

38' deduct	$2.00
36' deduct	4.00
34' deduct	6.00
32' deduct	8.00
30' deduct	10.00
28' deduct	10.00
26' deduct	10.00
24 deduct	12.00
22' deduct	12.00
20' deduct	12.00

4. Specified fractional and odd lengths add $3.00 per M to the specified length price of, and compute footage on next longer even length.

5. Lengths longer than 40' add $2.50 per M for each foot or fraction thereof to the 40' specified length price. Compute footage on actual length.

Widths

6. Fractional widths add $5.00 per M to next narrower listed width and compute footage on actual size.

7. Widths wider than listed up to and including 10'' add $5.00 per inch to the 6 inch price, wider than 10'' add $7.50 per inch to the 6'' price.

Thickness

8. Fractional thicknesses add $5.00 per M to the next less listed thickness and compute footage on actual size.

9. Even thicknesses thicker than listed add $5.00 per M to the thickest listed thickness of the same width and length.

Working charges

10. Surfacing S1S, S2S, S3S, S4S, green or dry add $3.00 per M to rough price.

11. Combined Surfacing and Outgauging, add $5.00 per M to rough price.

[Footnotes 1 and 11 as amended by Am. 5, effective 2–1–44]

Condition

12. Dry decking 2'' thick and under add $15.00 per M; over 2'' add $25.00 per M.

Miscellaneous

13. Waiving sap limitation, paragraph 286, deduct $3.00 per M from the same size and length.

TABLE 21—PONTON LUMBER

U. S. Army specifications	Specification number	Net size per piece	Nominal size	Maximum price
25-TON MODEL, 1940				
Chess	T-1053	2⅛ x 11¼–15'	3 x 12¼–16'	$80.00
Half Chess	T-1053	2⅛ x 5⅝–15'	3 x 6–16'	70.00
Sill	T-1056	7⅛ x 9⅝–15'6''	8¼ x 10¼–16'	180.00
Ponton Balk	T-1057	5⅝ x 7¾–21'9¾''	6¼ x 8¼–22'	175.00
Trestle Balk	T-1057	5⅝ x 7¾–15'1¼''	6¼ x 8¼–16'	120.00
Tranverse Balk	T-1068	2 x 10–14'11⅝''	2½ x 10¼–16'	90.00
Spacer Blocks	T-1068	1¾ x 2¾–10''	2½ x 3½–1'	75.00
Spacer Blocks	T-1068	1¼ x 4–10''	1½ x 4¼–1'	75.00
10-TON MODEL, 1938				
Trestle Balk	T-1366	4 x 6–15' 4⅝''	4¼ x 6¼–16'	155.00
Chess	T-1367	2⅛ x 11¾–12'	2½ x 12¼–12'	80.00
Half Chess	T-1367	2⅛ x 5⅝–12'	2½ x 6–12'	70.00
Sill	T-1365	5⅝ x 7⅞–13'	6¼ x 8¼–14'	170.00
Ponton Balk	T-1366	4 x 6–21' 5''	4½ x 6¼–22'	160.00

Compute footage on nominal sizes.

MISCELLANEOUS ITEMS

TABLE 22—LATH

	¼" Fence lath	No. 1	No. 2
4' Lath green or dry, for 1,000 pieces..	$6.25	$5.00	$4.00

(1) Fence lath may contain 20% No. 2; for 100% No. 1 add $1.00

TABLE 23—CORN CRIBBING AND WELL CURBING

R/L dry	C & better	"D"	No. 1 common
1 x 4"-------	$47.00	$41.00	$39.00
1 x 6"-------	51.00	44.50	41.00
2 x 6"-------	53.50	45.50	42.00

Lengths

1. Random Lengths 6/20'.

2. Specified or random lengths 14' to 20' add $5.00 per M to R/L price.

TABLE 24—GUTTER

Paragraph 282 green R/L.....	8/40	16/40	20/40
3x4, 3x5, 4x5, and 4x6.....	$78.00	$80.00	$83.00

Lengths

1. Specified length 8/20' add $5.00 per M, 22/30' add $8.00 per M, 32/40' add $10.00 per M.

TABLE 25—SILO STOCK

R/L Dry (Run to pattern)	B & Better Para. 164	Select Mer. Para. 165
2 x 6—8/20'----------	$63.00	$58.00
22/30'----------	73.00	63.00
32/40'----------	83.00	73.00

Condition

1. Green deduct $10.00 per M.

Lengths

2. Specified lengths—add to R/L price same size and grade:

8' 10' & 12'----------	$2.00
14'----------	3.00
16' 18' & 20'----------	5.00
22' & 24'----------	10.00
26', 28', 30' & 32'----------	15.00
34' 36' 38' & 40'----------	25.00

TABLE 26—PICKETS

No. 1 Pickets—Paragraph 181—Dry per M Pieces

	3'	3'6"	4'	5'	6'
1 x 3 Gothic S4S.....	$35.00	$41.00	$46.00	$55.00	$69.00

No. 2 pickets deduct $10.00 per M pieces.
Pointed one angle only deduct from Gothic price per M pieces—$3.00.
Pointed two angles deduct from Gothic price per M pieces—$2.00.

[Table heading as amended by Am. 2]

SEC. 24. *Other West Coast lumber (Western Hemlock and all species of True Fir).* The maximum prices for other West Coast lumber (Western Hemlock and all species of True Fir) f. o. b. mill per one thousand feet board measure where shipment originates at a mill shall be as follows:

(a) For boards and lath: Same as Douglas fir prices.

(b) For all other items, unless specifically provided for: deduct $1.00 per MBM from maximum price for corresponding item in Douglas fir (section 23).

[Paragraphs (a) and (b) as amended by Am. 2]

SEC. 25. *General notes.* (Applies to Entire Article V.)

1. Additions for special provisions permitted by this § 25 may be made only when the special provisions are not included in the desired grade and are specifically requested by the buyer. When additions are made for paragraphs 300, 301, 302, 303, and 305, the mill must furnish, with a copy retained in each seller's files, an official certificate of grade by the W. C. L. A., P. L. I. B., or any agency approved by the Portland Office of the Office of Price Administration. This certificate must be attached to the original invoice, except on truck orders involving more than one shipment where a certificate must be furnished either upon completion of the order, or at the end of every thirty-day period during the time of shipment on such specific order. This rule applies regardless of quantity, except that an order for less than 10,000 board feet for truck shipment direct to the job may be covered by mill certificate only.

When the buyer specifies inspection by his own or any other agency (which agency must have been approved by the Portland office), the purchaser may pay the cost of inspection without adjustment of the seller's price provided the purchaser shows that he has customarily borne the cost of inspection since October 1, 1941.

[Note 1 amended by Am. 2 and Am. 5, effective 2-1-44]

2. Hemlock may not include paragraph 302, the grade of Select Structural, or any stress grade higher than 1200 F.

Grain

The grain additions may be added only to the following grades. (W. C. L. A. Standard Grading and Dressing Rules No. 12.)

I. Medium grain—Paragraph 300 add $1.00 per M. (Paragraphs 199, 200, 221, 223, 224, 251 and 252.) Hemlock comparative grades.

II. Close grain—Paragraph 301 add $2.00 per M. (Paragraphs 194, 195, 199, 200, 215, 219, 221, 223, 224, 251, 252, 284 and 285.) Hemlock comparative grades.

III. Dense Grain—Paragraph 302 add $5.00 per M. (Paragraphs 194, 195, 199, 200, 210, 214, 215, 218, 219, 221, 222, 223, 224, 251, 252, 284, 285, and 289.)

[Note III as amended by Am. 2]

Heartwood

(When specified in grades of No. 1 and better, 3" and thicker)

IV. 75% Heartwood paragraph 303 (A and D) add $0.50 per M to price of the same size, length and grade.

V. 85% Heartwood paragraph 303 (B and E)—Add $1.50 per M to price of same size, length and grade except addition to paragraphs 210 and 218—add $1.00 per M only.

VI. 90% Heartwood paragraph 303 (C and F)—Add $2.50 per M to price of the same size, length and grade except addition to paragraph 210 and 218 add $2.00 per M only.

VII. 100% Heartwood or free from sap—add $4.00 per M to the price of the same size, length and grade.

[Sub-caption as amended by Am. 2]

Square edge

VIII. Square edge add $0.50 per M to the price of the same size, length and grade only in select merchantable and higher.

Slope of grain

IX. No. 1 and higher grades of common when not provided for in grades specified, slope of grain not exceeding 1" in 10" add $0.50 per M; for 1" in 12", add $1.00 per M; for 1" in 15", add $2.00 per M to the price of the same size, length and grade.

X. "D" and better grades: Slope of grain not exceeding 1" in 10", add $1.00 per M; for 1" in 12", add $2.00 per M; for 1" in 15", add $4.00 per M to the price of the same size, length and grade.

XI. Add for side cut (F. O. H. C.)—The following charges are for all lengths:

	No. 1	Sel. Merch.	Sel. Struct.
3 x 10 & 3 x 12"----------	$0.50	$0.50	$0.50
3 x 14 & 3 x 16"----------	1.00	1.00	1.00
3 x 18"----------	2.00	2.00	2.00
4 x 10 & 4 x 12"----------	.50	.50	.50
4 x 14 & 4 x 16"----------	1.00	1.00	1.00
4 x 18"----------	2.00	2.00	2.00
6 x 6 & 6 x 8"----------	1.50	1.50	1.50
6 x 10 & 6 x 12"----------	2.50	2.00	1.50
6 x 14"----------	3.00	2.50	2.00
6 x 16"----------	5.00	4.00	3.50
6 x 18"----------	6.00	5.00	4.50
8 x 8"----------	2.50	2.00	1.50
8 x 10 & 8 x 12"----------	4.00	3.00	2.00
8 x 14"----------	4.50	3.50	3.00
8 x 16"----------	6.00	5.50	5.00
8 x 18"----------	8.00	7.00	6.00
10 x 10 & 10 x 12"----------	7.00	6.00	5.00
10 x 14"----------	8.00	7.00	6.00
10 x 16"----------	9.00	8.00	7.00
10 x 18"----------	10.50	9.50	8.50
12 x 12"----------	9.00	8.00	7.00
12 x 14"----------	10.00	9.00	8.00
12 x 16"----------	12.00	11.00	10.00
14 x 14"----------	14.00	13.00	12.00

1. Timbers (F. O. H. C.) wider or thicker than listed add $1.50 per M for each 2" wider or thicker than listed.

2. Odd size timbers (F. O. H. C.) not listed add half the difference between the nearest listed larger and smaller sizes to the charge for the smaller size.

[Footnote 2 as amended by Am. 2]

XII. Working charges.[1]

OUTGAUGING

	6 x 6" to 16 x 20"	Over 16 x 20" to 24 x 30"	Larger than 24 x 30"
6' and shorter---	Add $2.00	Add $4.00	Add $10.00
6 to 60'----------	Add 3.00	Add 5.00	Add 10.00
61 to 80'----------	Add 4.00	Add 6.00	Add 10.00
81' and longer----	Add 6.00	Add 8.00	Add 10.00

T & G—GROOVING OR SAW SIZING

	6 x 6" to 16 x 20"	Over 16 x 20" to 24 x 30"	Larger than 24 x 30"
6' and shorter--	Add $3.00	Add $5.00	Add $10.00
6 to 60'----------	Add 4.00	Add 6.00	Add 10.00
61 to 80'----------	Add 5.00	Add 7.00	Add 10.00
81' and longer----	Add 7.00	Add 9.00	Add 10.00

DIAGONAL AND/OR TAPER RESAWING

	6 x 6" to 16 x 20"	Over 16 x 20" to 24 x 30"	Over 24 x 30"
6' and shorter--	Add $5.00	Add $10.00	Add $15.00
6 to 60'----------	Add 6.00	Add 11.00	Add 15.00
61 to 80'----------	Add 7.00	Add 12.00	Add 15.00
81' and longer----	Add 10.00	Add 15.00	Add 15.00

[1]The foregoing working charges are to be added to the surfaced price for same size, length and grade.

XIII. Fir Log Cabin Siding.

1. All grades 1 and 2"—Add $5.00 per M to the price of same grade, size and seasoning.

2. All grades 3"—Add $6.00 per M to the price of same grade, size and seasoning.

3. Machine droppings—Up to 15% to be included at $5.00 per M less.

4. For less than 1 M Board Measure—Add set up charge of $5.00.

XIV. All prices are based on one thousand feet board measure, except for lath and pickets which are based on one thousand pieces. The board measure of dressed lumber is based upon the corresponding dimensions of rough green lumber. No lumber is sold on less than one inch count unless otherwise specifically stated.

XV. [Revoked]

[Note XV revoked by Am. 4]

XVI. For surfacing thicker and/or wider than American Lumber Standard sizes, other than ¼" off, add $2.00 per M. This addition may not be made for hit-and-miss surfacing.

[Note, XVI as amended by Am. 4]

XVII. *Grade definitions.*

1. "E" Grade. This grade covers the "droppings" from "D" which would otherwise be wasted, and covers flooring, ceiling, dropsiding, rustic, shiplap, and finish.

The grade will admit the following defects which will not seriously impair the lumber for the use intended with a trim waste not to exceed 25%.

Splits, checks and shake-----	Not serious.
Tongue and groove----------	Scant.
Skips----------	H and M.
Stain----------	White specks.
Rot----------	Small spots.
Worm holes----------	
Pitch pockets----------	Large.

Knot holes, wane and other defects—that do not prevent use as cheap flooring, sheathing, finish, etc., in 4' lengths and longer.

2. *No. 4.* This grade covers the down-fall from 1" and thicker No. 3 which would otherwise be wasted. It may be either rough or surfaced. The defects which include splits, checks, shake, skips, rot, stain, worm holes, pitch pockets, knot holes, wane or other defects which in combination will not impair the lumber for the purpose intended.

3. *Shims.* Shims are boards that are too thin to be surfaced to standard sizes. They may be of such thicknesses as will surface to 1/16", 1/12", 3/16", 5/32", or 1 1/16", H./M., or rough if full thickness. Shims are graded as No. 3 and better or according to the grading rules applying to the similar grade of standard size boards.

[Note 3 as amended by Am. 5, effective 2-1-44]

XVIII. For bundling: Add $1.00 per M to Tables 1 and 2 only.

[Note XVIII as amended by Am. 2]

XIX. For stencilling, when required by buyer, to any extent beyond grade marking and/or the simple identification of pieces or lots, add 50 cents per M.

XX. Where a footnote under one price table requires the use of a price from another table, then such other table from which the price is obtained shall govern in all respects, including applicable footnotes.

XXI. All rough lumber shall be of sufficient width and thickness to permit dressing S4S to American Lumber Standards.

[Notes XIX, XX, and XXI added by Am. 5, effective 2-1-44]

ARTICLE VI—PRICE TABLES FOR EXPORT—"N" LIST

The maximum prices for Douglas Fir and other West Coast lumber, where

(A) Shipment originates at a mill, and

(B) The lumber is graded in accordance with "N" Export Grading Rules adopted by the West Coast Lumbermen's Association and British Columbia Lumber and Shingle Manufacturers, 1929, and is

(C) Sold for export to or for a destination outside the Continental United States (except Canada, Alaska, Hawaii, the Panama Canal Zone, and Puerto Rico), including sales or shipments in the course of being exported from the United States or any Territory thereof to any foreign nation, shall be as follows:

[Prices are stated per one thousand board feet F. A. S. Vessel at mill's customary F. A. S. loading point; for F. A. S. loading at any other point, shipper must have approval of the Portland Office of the Office of Price Administration.]

[Paragraph (C) as amended by Am. 4]

TABLE 1

R/L, 8/24', Merchantable

Douglas Fir:	Rough Green
1 x 3----------	$38.50
1 x 4----------	34.50
1 x 5----------	40.50
1 x 6----------	34.50
1 x 7----------	40.00
1 x 8----------	34.50
1 x 9----------	37.50
1 x 10----------	33.50
1 x 11----------	39.00
1 x 12----------	35.50

1" and thicker x AW—R/L price as if all 1".

[Heading as amended by Am. 4]

Grades

1. Selected merchantable add $3.00 per M to merchantable price of the same width and length.

2. Merchantable permitting up to 15% common deduct $0.50 per M from the merchantable price of the same width and length.

3. Common deduct $3.00 per M from the merchantable price of the same width and length.

4. No. 3 and better common deduct $6.00 per M from the merchantable price of the same width and length.

Condition

5. Dry add to the same length, width and grade $4.00 per M.

Lengths

6. Specified odd lengths: Add $3.00 per M to the price of the next longer even length and compute footage on actual length.

7. Specified fractional lengths: Add $5.00 per M to the price of the next longer even length and compute footage on actual length.

8. Random lengths 25/32' add $4.00 per M to the price of R/L 8/24'.

9. Omitting lengths 16' and shorter in R/L shipments add $0.50 per M for each even length omitted.

10. Specified lengths add to the R/L price of the same size and grade

16' and shorter----------	$2.00 per M
17' to 24'----------	4.00 per M

11. When average length specified in R/L specifications add:

13' and shorter----------	no addition
16' and shorter----------	$1.00
18' and shorter----------	2.00
20' and shorter----------	4.00

12. If a percentage of odd lengths in excess of 10% is specified in R/L specifications add $2.00 per M to the R/L price.

Widths

13. Random widths with a specified minimum average width, price at the specified average width required.

14. Random widths 8" and wider without average use 12" width price. Random widths less than 8" and wider without average use 8" width price.

15. Even widths wider than 12" add $2.00 per M for each 2" wider than 12" to the 12" price of the same grade and length.

16. Odd or fractional widths not listed add $6.00 per M to the next less even width. Compute footage on actual size.

17. If a percentage of odd widths in excess of 10% is specified in R/W specifications add $2.00 per M to the R/W price.

Thickness

18. Thickness less than 1" price on the same width and grade as 1" on a basis of surface measure.

19. 5/4, 6/4 and 7/4" add $5.00 per M to the 1" price of the same size and grade, compute footage on actual measurement.

Working Charges

20. Surfacing deduct $1.50 per M.

21. S1S & T & G or S2S & T & G and bundled if required add $3.00 per M.

22. Ripping or resawing add $1.00 per M.

Miscellaneous

23. Hemlock or true Fir same price as Douglas Fir.

TABLE 2

R/L, Merchantable Douglas Fir:	Rough Green
2 x 2, 8/20'	$38.00
2 x 3, 8/24'	36.00
2 x 4, 8/24'	36.00
2 x 5, 8/24'	42.00
2 x 6, 8/32'	36.00
2 x 7, 8/32'	40.50
2 x 8, 8/32'	35.00
2 x 9, 8/32'	39.00
2 x 10, 8/32'	35.00
2 x 11, 8/32'	38.50
2 x 12, 8/32'	35.00

2" and thicker x AW—8/32' price as if all 2".

Grades

1. Selected merchantable add $3.00 per M to merchantable price of the same width and length.

2. Merchantable permitting up to 15% common deduct $0.50 per M from the merchantable price of the same width and length.

3. Common deduct $3.00 per M from the merchantable price of the same width and length.

4. No. 3 and better common deduct $6.00 per M from the merchantable price of the same width and length.

5. Mining deduct $7.00 per M from merchantable grade of the same width and length.

Condition

6. Dry add $4.00 per M to the same width, length and grade.

Lengths

7. Specified odd lengths: Add $3.00 per M to the price of the next longer even length and compute footage on actual length.

8. Fractional lengths: Add $5.00 per M to the price of the next longer even length and compute footage on actual lengths.

9. Random lengths 33/40' add $4.00 per M to random lengths 8/32'. Random lengths: 2 x 2—21/32' add $5.00 per M to R/L 8/20'; 2 x 3 to 2 x 5 25/32' add $2.00 per M to R/L 8/24'.

10. Omitting lengths 16' and shorter in R/L shipments add $0.50 per M for each even length omitted.

11. Specified lengths, when ordered, add $2.00 per M to the R/L price of the same size and length.

12. When average length specified in R/L specifications add:

14' and shorter	No addition
15' and shorter	$0.50
17' and shorter	1.00
19' and shorter	2.00
20' and shorter	3.00
22' and shorter	5.00
24' and shorter	7.00

13. If a percentage of odd lengths in excess of 10% is specified in R/L specifications add $2.00 per M to the R/L price.

Widths

14. Random widths with a specified minimum average width, price at the specified average width required.

15. Random widths 8" and wider without average use 6" width price. Random widths less than 8" and wider without average use 6" width price.

16. Even widths wider than 12" add to the price of the 12" of the same grade and length $1.00 per M for each 2" wider than 12".

17. Odd or fractional widths not listed add $6.00 per M to the next less even width. Compute footage on actual size.

18. If a percentage of odd widths in excess of 10% is specified in R/W specifications add $2.00 per M to the R/W price.

Thickness

19. Odd or fractional thicknesses over 2" and under 3" price from table for plank and small timbers by adding $3.00 per M to the 3" price of the same width, length and grade. Compute footage on actual rough measure.

Working Charges

20. Surfacing deduct $1.50 per M.

21. S1S & T & G or S2S & T & G add $3.00 per M.

22. Ripping or resawing, not diagonal or tapered; for 2 x 4" add $2.00; 2 x 6" and wider add $1.00 per M. Diagonal or tapered resawing add $5.00 per M. In either instance the product of the strip to be shipped.

Miscellaneous

23. Hemlock and True Fir deduct $1.00 per M.

TABLE 3

R/L, 10/32', Merchantable Douglas Fir:	Rough Green
3 x 3	$40.50
3 x 4	39.00
3 x 6	37.80
3 x 8	37.50
3 x 10	37.00
3 x 12	37.00
4 x 4	38.50
4 x 6	37.80
4 x 8	37.50
4 x 10	37.00
4 x 12	37.00
6 x 6	37.00
6 x 8	37.00
8 x 8	37.00

3" or 4" or 5" or 6" or 8" thickness x AW—10/32' price as if all 3 x 6.

Grades

1. Selected Merchantable add $3.00 per M to Merchantable price of same width and length.

2. Merchantable permitting up to 15% Common deduct $0.50 per M from the Merchantable price of the same width and length.

3. Common deduct $3.00 per M from the Merchantable price of the same width and length.

4. No. 3 and Better Common deduct $10.00 per M from the Merchantable price of the same width and length.

5. Mining deduct $7.00 per M from Merchantable grade of the same width and length.

Lengths

6. 3 x 3 and 4 and 4 x 4 for lengthr 33/40' add $10.00 per M to 10/32' R/L price. 3 x 6 to 3 x 12 and 4 x 6 to 4 x 12 for lengths 33/40', add $4.00 per M to 10/32' R/L price.

6 x 6 to 8 x 8 for lengths 33/40' add $2.00 per M to 10/32' R/L price.

7. Lengths longer than 40' add the amount listed for the length specified to the 40' specified length price.

41'	$2.00
42'	4.00
43'	6.00
44'	8.00
45'	10.00
46'	12.00
47'	14.00
48'	16.00
49'	18.00
50'	20.00
51'	22.00
52'	24.00
53'	26.00
54'	28.00
55'	30.00
56'	32.00
57'	34.00
58'	36.00
59'	38.00
60'	40.00
61'	$42.00
62'	44.00
63'	46.00
64'	48.00
65'	50.00
66'	52.00
67'	54.00
68'	56.00
69'	58.00
70'	60.00
71'	62.00
72'	64.00
73'	66.00
74'	68.00
75'	70.00
76'	72.00
77'	74.00
78'	76.00
79'	78.00
80'	80.00
81'	83.00
82'	86.00
83'	89.00
84'	92.00
85'	95.00
86'	98.00
87'	101.00
88'	104.00
89'	107.00
90'	110.00
91'	113.00
92'	116.00
93'	119.00
94'	122.00
95'	125.00
96'	128.00
97'	131.00
98'	134.00
99'	137.00
100'	140.00

Lengths over 100', add $3.00 per lin. foot for each additional foot over 100' to the 100' price.

8. Omitting lengths in 3 x 3 to 4 x 12—20' and shorter—add $0.50 per M for each even length omitted; 6 x 6 to 8 x 8—20' and shorter—add $0.25 per M for each even length omitted.

9. Specified lengths when ordered add $2.00 per M to the R/L price of the same size and grade.

10. When average length specified in R/L specifications add:

15' and shorter	No addition
17' and shorter	$0.50
19' and shorter	1.00
21' and shorter	1.50
23' and shorter	2.00
25' and shorter	2.50
27' and shorter	3.00
29' and shorter	3.50
30' and shorter	4.00
32' and shorter	5.00

11. Specified fractional lengths: add $5.00 per M to the price of the next longer even length. Compute footage on actual length.

12. Specified odd lengths: add $3.00 per M to the price of the next longer even length. Compute footage on actual length.

13. If a percentage of odd lengths in excess of 10% is specified in R/L specifications add $1.00 to the R/L price.

Widths

14. Even widths wider than 12" add to the price of 12" of the same grade and length $1.00 per M for each 2" wider than 12".

15. Odd or fractional widths, add $3.00 per M to the next larger even width. Compute footage on actual rough measure.

16. If a percentage of odd widths in excess of 10% is specified in R/W specifications add $2.00 per M to the R/W price.

17. Random widths with a specified minimum average width, price at the specified average width required.

18. Random widths 8" and wider without average use 12" width price. Random widths less than 8" and wider without average use 8" width price.

Thickness

19. Odd or fractional thicknesses not covered add $3.00 per M to the next larger even thickness. Compute footage on actual rough measure.

Working charges

20. Surfacing deduct $1.50 per M.

21. Surfacing lengths longer than 40' add $0.25 per M per lineal foot to surfaced price for each additional foot over 40'.

Miscellaneous

22. Hemlock and True Fir deduct $1.00 per M.

TABLE 4

R/L, 10/32', Merchantable Douglas Fir:	Rough Green
6 x 10	$36.00
6 x 12	36.00
8 x 10	36.00
8 x 12	36.00
10 x 10	36.00
10 x 12	36.00
12 x 12	36.00
6 x 14	36.50
8 x 14	36.50
6 x 16	38.25
8 x 16	38.25
6 x 18	40.50
8 x 18	40.50
10 x 14	36.00
12 x 16	36.00
10 x 16	38.00
10 x 18	40.25
12 x 14	36.50
14 x 14	36.50
14 x 16	36.00
16 x 16	36.00
18 x 18	38.00
20 x 20	40.00
22 x 22	42.00
24 x 24	44.00
26 x 26	48.00
28 x 28	52.00
30 x 30	56.00
32 x 32	60.00

10" or thicker x AW—10/32" Price as if all 10".

Grades

1. Selected Merchantable add $3.00 per M to Merchantable price of the same width and length.

2. Merchantable permitting up to 15% Common deduct $0.50 per M from the Merchantable price of the same width and length.

3. Common deduct $3.00 per M from the Merchantable price of the same width and length.

4. No. 3 and Better Common deduct $10.00 per M from the Merchantable price of the same width and length.

5. Mining deduct $7.00 per M from Merchantable grade of the same width and length.

Lengths

6. Lengths 33/40' add $2.00 per M to the 10/32' R/L price of the same size and grade.

7. When average length specified in R/L specifications add

20' and shorter	No addition.
24' and shorter	$1.00
28' and shorter	2.00
33' and shorter	3.00

8. Lengths longer than 40' add the amount listed for the lengths specified to the 40' specified length price.

41'	$2.00
42'	4.00
43'	6.00
44'	8.00
45'	10.00
46'	12.00
47'	14.00
48'	16.00
49'	18.00
50'	20.00
51'	22.00
52'	24.00
53'	26.00
54'	28.00
55'	30.00
56'	32.00
57'	34.00
58'	36.00
59'	38.00
60'	40.00
61'	42.00
62'	44.00
63'	46.00
64'	48.00
65'	50.00
66'	52.00
67'	54.00
68'	56.00
69'	58.00
70'	60.00
71'	62.00
72'	64.00
73'	66.00
74'	68.00
75'	70.00
76'	72.00
77'	74.00
78'	76.00
79'	78.00
80'	80.00
81'	83.00
82'	86.00
83'	89.00
84'	92.00
85'	95.00
86'	98.00
87'	101.00
88'	104.00
89'	107.00
90'	110.00
91'	113.00
92'	116.00
93'	119.00
94'	122.00
95'	125.00
96'	128.00
97'	131.00
98'	134.00
99'	137.00
100'	140.00

Lengths over 100', add $3.00 per lin. foot for each additional foot over 100' to the 100' price.

9. Omitting lengths 20' and shorter add $0.25 per M for each even length omitted.

10. Specified lengths, when ordered, add $2.00 per M to the R/L price of the same size and grade.

11. Odd or fractional lengths add $1.00 per M to and compute footage on the next longer even length.

Widths

12. Random widths with a specified minimum average width, price at the specified average width required.

13. Random widths 8" and wider without average use 12" width price. Random widths less than 8" and wider without average use 8" width price.

14. Odd or fractional widths add $1.50 per M to the next larger even width, compute footage on actual rough measure.

15. Widths wider than listed—up to and including 24" add $1.00 per M for each additional 2" to widest listed width of the same grade, thickness and length. Wider than 24" add $2.00 per M for each additional 2" to 24" of same grade, thickness and length.

Thickness

16. Odd or fractional thickness add $1.50 per M to the next larger even thickness, compute footage on actual rough measure.

17. Thicker than listed, add $4.00 per M for each additional 2" to 32" price of the same grade, width and length.

Working charges

18. Surfacing deduct $1.50 per M.

19. Surfacing length: longer than 40' add $0.25 per M per lineal foot to surfaced price for each additional foot over 40'.

Miscellaneous

20. Hemlock and True Fir deduct $1.00 per M.

TABLE 5

R/L, 10/24', #2 Clear & Better Douglas Fir Rough Green	F. G.	V. G.
1 x 2	$58.00	$70.00
1 x 3	61.00	71.00
1 x 4	55.00	67.00
1 x 5	63.00	75.00
1 x 6	59.00	70.00
1 x 8	59.00	71.00
1 x 10	63.00	77.00
1 x 12	72.00	85.00
¾ and ¼ x 2	64.00	72.50
¾ and ¼ x 3	66.50	75.00
¾ and ¼ x 4	61.50	71.00
¾ and ¼ x 5	69.00	81.00
¾ and ¼ x 6	64.50	77.00
¾ and ¼ x 8	65.00	80.00
¾ and ¼ x 10	71.50	84.00
¾ and ¼ x 12	78.00	88.00
2 x 2	59.00	70.00
2 x 3	61.00	71.50
2 x 4	55.00	67.50
2 x 5	64.00	76.00
2 x 6	59.00	72.00
2 x 8	61.00	73.00
2 x 10	65.00	78.00
2 x 12	73.50	86.00
3 x 3	71.00	76.00
3 x 4	69.00	74.00
3 x 6 and 8	72.00	79.00
3 x 10 and 12	75.00	84.00
4 x 4	69.00	74.00
4 x 6	69.00	76.00
4 x 8	70.00	77.00
4 x 10 and 12	75.00	84.00
5 x 5	74.00	81.00
5 x 6 and 8	75.00	82.00
5 x 10 and 12	76.00	85.00
6 x 6	72.00	79.00
6 x 8	73.00	80.00
6 x 10 and 12	74.00	83.00
8 x 8	74.00	81.00
8 x 10	75.00	84.00
8 x 12	76.00	85.00
10 x 10 and 12	78.00	87.00
12 x 12	80.00	89.00

1" and thicker x AW—AL price as if all 1".

Grades

1. No. 3 Clear deduct $5.00 per M from the No. 2 Clear and Better grade of the same size and grain specifications.

Condition

2. Dry add per M to Green prices:

1" and 2" thickness 10/24'	$10.00
3" and 4" thickness 10/24'	12.50
26/32'	17.50
34/40'	20.00
6" thickness 10/24'	17.50
26/32'	22.50
34/40'	25.00
8" and thicker 10/24'	22.50
26/32'	27.50
34/40'	30.00

Lengths

2. Specified lengths in 1" and 2" add to the R/L price of the same size and grade.

8', 10' & 12'	$2.00
14'	3.00
16', 18', & 20'	5.00
22' to 24'	10.00
26', 28', 30', 32'	15.00
34', 36', 38', 40'	25.00

Specified lengths 3" and thicker add to the R/L price of the same size and grade.

6/20'	$3.00
22/30'	5.00
32/40'	7.50

4. Random lengths longer than 24' add to the R/L price of the same size and grade.

26/32'	$10.00
34/40'	20.00

5. Random lengths with a specified minimum average length price at the specified minimum length required.

6. When average length specified in 1" and 2" in R/L specifications add:

13' and shorter	No addition
15' and shorter	$1.50
17' and shorter	3.00
19' and shorter	5.00
21' and shorter	8.00

When average length specified in 3" and thicker in R/L specifications add:

15' and shorter	No addition
17' and shorter	$1.00
19' and shorter	2.00
21' and shorter	3.00
23' and shorter	5.00
25' and shorter	7.00
27' and shorter	10.00
29' and shorter	12.50
33' and shorter	15.00

7. Omitting lengths 10' to 16' in R/L shipments add $2.00 per M for each even length omitted.

8. Specified odd lengths add $5.00 per M to the next longer even length and compute footage on actual length.

9. Specified fractional lengths add $7.00 per M to the next longer even length and compute footage on actual length.

10. If a percentage of odd lengths in excess of 10% is specified in R/L specifications add $4.00 per M to the R/L price.

Widths

11. Random widths with a specified minimum average width, price at the specified average width required.

12. Random widths 8" and wider without average use 12" width price. Random widths less than 8" and wider without average use 6" width price.

13. Wider than 12" for V. G. add $5.00 per M to 12" price for each additional 1". For F. G. add $2.50 per M to 12" price for each additional 1".

14. Fractional and odd widths less than 12" not listed add $5.00 per M to the next wider listed width. Compute footage on actual measure.

15. If a percentage of odd widths in excess of 10% is specified in R/W specifications add $4.00 per M to the R/W price.

Thickness

16. Thickness under 1" add $5.00 per M to the same width in 1" and compute footage on 1" surface measure.

17. Thickness heavier than 12" add $5.00 per M for each additional 1" thicker than 12".

18. Fractional or odd thicknesses not listed add $5.00 per M to the next larger thickness. Compute footage on actual measure.

19. Random thicknesses use price of the minimum thickness specified.

Working Charges

20. S1S & T & G or S2S & T & G (Bundled when required) add $3.00 per M.

21. Surfacing deduct $1.50 per M.

22. Surfacing lengths longer than 40' add $0.25 per M per lineal foot to the 40' surfaced price for each additional foot over 40'.

Miscellaneous

23. Hemlock and True Fir deduct $1.00 per M.

TABLE 6

TIES FOR EXPORT

6" x 6" 8'	$31.50
6" x 8" 8'	31.50
6" x 9" 8'	32.00
5" x 10" 8'	32.00
6" x 12" 8'	31.50
7" x 7" 8'	34.50
7" x 8" 8'	33.00
7" x 9" 8'	33.50
8" x 8" 8'	31.50
8" x 9" 8'	32.00
9" x 9" 8'	33.50

For switch ties add $3.50 per 1,000 feet.
For 8'6" ties add $2.00 per 1,000 feet.
For 9' ties add $1.50 per 1,000 feet.

[Table 6 added by Am. 5, effective 2-1-44]

GENERAL NOTES

(Applies to Entire Article VI.) All general notes as set forth in Export Grading Rules "N" List edition 1929 adopted by West Coast Lumbermen's Association and British Columbia Lumber and Shingle Manufacturers, Ltd., apply unless otherwise provided in this Article VI.

1. In the case of random thicknesses the price may be computed by determining the quantity falling into each thickness and pricing each quantity at the random price listed for the thickness into which each such quantity falls.

ARTICLE VII—TABLES OF ESTIMATED WEIGHTS

In arriving at delivered prices (section 7), the use of the following estimated weights (even if higher than actual weights), is permitted:

Fir flooring	Finished thickness (inches)	Weight per M' BM (dry, lbs.)
1 x 3 and 4"	25/32"	1,800
1 x 6"	25/32"	1,900
¾ x 3 and 4"	11/16"	2,000
¾ x 4"	5/16"	1,400

Hemlock and true fir same weight as fir. Square edge flooring—add 200 lbs.

Fir ceiling, all patterns	Finished thickness	Weight per M' BM (dry, lbs.)
¼ x 4"	7/16"	1,000
⅜ x 4"	9/16"	1,200
⅜ x 6"	9/16"	1,300
1 x 4	13/16"	1,500
1 x 6	25/32"	1,700

Hemlock and true fir same weight as fir. Ceiling worked 25/32" net—deduct 100 lbs. from flooring weight.

Fir bevel and bungalow siding	Thickness finished	Weight per M' BM (dry, lbs.)
¼ x 4 and 6"	¼ x 3⅛"	900
¼ x 8 and 10"	5/16 x ¼"	1,200

Hemlock and True Fir—deduct 100 lbs.

Fir stepping	Finished thickness	Weight per M' BM (dry, lbs.)
¾ x 10 and 12"	1 1/16"	2,200
¾ x 10 and 12"	1 1/16"	2,300

Fir drop siding, rustic, clear shiplap	Finished thickness	Weight per M' BM (dry, lbs.)
1 x 4"—Pat. 119, 121	⅝"	1,300
1 x 4"—Pat. 120, 122	⅝"	1,400
1 x 4"—Pat. 109	⅝"	1,500
½ x 6"—Pat. 105, 106, 116, 117, and rustic	9/16"	1,300
1 x 6"—Pat. 107, 113, 115, 117, 124	⅝"	1,500
1 x 6"—Pat. 103, 108, 111, 114, 118	⅝"	1,600
1 x 6"—Pat. 101, 104, 105, 106, 112, and rustic	⅝"	1,700
1 x 6"—Pat. 102, 109, 110, 116, and V rustic	⅝"	1,800
1 x 8"—Pat. 116, and shiplap	⅝"	1,900

Hemlock and true fir same weight as fir. 6" width—Add 100 lbs. to 6" pat.

Fir casing and base	Finished thickness, inches	Weight per M' BM (dry, lbs.)
1 x 3 to 12"	25/32"	1,900
¾ x 4, 4, 6, and 8"	9/16"	1,600

Hemlock and true fir same weight as fir.

Fir corn cribbing and beveled well curbing	Weight per M' BM dry lbs. rough, or S2E	Weight per M' BM green, lbs rough or S2E	Weight per M' BM dry, lbs. sur. and bev.	Weight per M' BM green, lbs. sur. and bev.
1 x 4" clear	2,800	3,800	1,800	2,100
1 x 4" common	2,900	3,900	1,800	2,100
1 x 6" clear	2,800	3,800	1,900	2,200
1 x 6" common	2,900	3,900	1,900	2,200
2 x 6" common	2,900	3,900	1,900	2,250

Hemlock—and true fir—green 400 pounds additional—dry, same weight as fir.

[Box heading of above table as amended by Am. 2]

Fir Factory and Box Lumber	Weight rough green	Weight rough dry	Weight S2S standard dry
1 x 6" & wider surf. to 13/16"	3,800	3,000	2,300
1⅛ x 6" & wider surf. to 1⅛"	3,800	3,000	2,400
1¼ x 6" & wider surf. to 1 13/32"	3,800	3,000	2,450
2 x 6" & wider surf. to 1 25/32"	3,800	3,000	2,500
2¼ x 6" & wider surf. to 2 1/16"	3,800	3,100	2,600
3 x 6" & wider surf. to 2⅝"	3,800	3,100	2,900

Hemlock and True Fir, Rough Green—add 500 lbs. to corresponding fir weight.

Hemlock and True Fir, Rough and S2S Standard, Dry—same weight as fir.

Hemlock and True Fir, S2 standard, Green—add 400 lbs. to corresponding fir weight.

[Box heading of above table as amended by Am. 2]

Lath	Weight per M pcs. dry, lbs.	Weight per M pcs. green, lbs.
6' Fir	500	800
4' Hemlock	400	1,000
4' Fence Fir	600	1,100
4' Fence Hemlock	700	1,400

Fir and hemlock log cabin siding	Clear or common	
	Weight per M' BM dry, lbs.	Weight per M' BM green, lbs.
2"	1,700	2,000
3"	2,000	2,300

Fir Clears and Ship Decking	Dry S4S std., lbs.	Green S4S std., lbs.
1 x 2"	1,800	2,200
1 x 3 & 4"	1,900	2,400
1 x 6" & wider	2,000	2,600
1¼ x 2"	2,000	2,400
1¼ x 3 & 4"	2,200	2,800
1¼ x 6" & wider	2,100	2,500
1½ x 2"	2,200	2,700
1½" x 3 & 4"	2,300	2,900
1½" x 5" & wider	1,900	2,300
2 x 2"	2,000	2,500
2 x 3 & 4"	2,100	2,700
2 x 5" & wider	2,500	2,700
3 x 3 & 4"	2,600	2,800
3 x 5, 3 x 6, & 3 x 8"	2,700	2,900
3 x 10, & 3 x 12"	2,800	3,000
4 x 4, 4 x 5, 4 x 6, & 4 x 8"	2,800	3,000
4 x 10 & 4 x 12"	2,900	3,100
6 x 6"	2,900	3,100
6 x 8"	2,900	3,100
6 x 10"	2,900	3,100
6 x 12"	2,900	3,100
8 x 8"	3,000	3,200
8 x 10"	3,000	3,200
8 x 12"	3,000	3,200
10 x 10"	3,000	3,200
10 x 12"	3,100	3,300
12 x 12"	3,100	3,300

Hemlock, and True Fir, dry, same weight as Fir; Green, add 400 lbs.

Fir Clears	Dry S1S or S2S only lbs.	Green S1S or S2S only lbs.
1" surf. to 7/16"	1,300	1,550
1" surf. to ½"	1,400	1,750
1" surf. to 9/16"	1,600	2,000
1" surf. to ⅝"	1,800	2,200
1" surf. to 11/16"	2,000	2,400
1" surf. to ¾"	2,100	2,650
1" surf. to 25/32"	2,200	2,750
1" surf. to 13/16"	2,300	2,850
1¼" surf. to 1 1/16"	2,400	3,000
1⅜" surf. to 1 13/32"	2,350	2,950
1½" surf. to 1 9/16"	2,450	3,100
1⅝" surf. to 1 13/16"	2,450	3,050
2" surf. to 1¾"	2,300	2,850
2" surf. to 1 25/32"	2,500	3,150
2¼" surf. to 1 7/8"	2,350	2,950
2½" surf. to 2 1/16"	2,400	3,000
2¾" surf. to 2 5/16"	2,450	3,050
3" surf. to 2 9/16"	2,550	3,050
4" surf. to 3 5/16"	3,000	3,200

Hemlock, and true fir, dry same as fir weight.
Hemlock, and true fir, green add 400 lbs. to fir weights.

Fir Gutter:	Green
3 x 3, 3 x 5, and 4 x 4"	1400
3 x 6 and 4 x 5"	1500
4 x 6 and 5 x 7"	1600

Fir Pickets:	Dry per M pieces
1 x 3—3'	1350
1 x 3—3'6"	1550
1 x 3—4'	1750

Fir Pickets—Continued

	Dry per M pieces
1 x 3—5'	2200
1 x 3—6'	2650

Silo stock	Dry	Green
2 x 6"	2100	2600

Fir car material, car siding, decking, etc. (clear items)	Finished thickness	Weight per M' BM dry, lbs.	Weight per M' BM green, lbs.
1" rough		2,800	3,500
Over 1" and under 3" in thickness, rough		2,900	3,500
1 x 4" patterned	25/32"	1,800	2,300
1 x 6" patterned	25/32"	1,900	2,400
1¼ x 4" patterned	1 1/16"	2,000	2,500
1¼ x 6" patterned	1 1/16"	2,100	2,600
1 x 4" S2S & T&G	13/16"	1,900	2,400
1 x 6" S2S & T&G	13/16"	2,000	2,500
1" S2S blanks	13/16"	2,200	2,800
2 x 4" S2S & T&G or S/L	1½"	1,800	2,300
2 x 4" S2S & T&G or S/L	1⅝"	2,000	2,400
2 x 4" S2S & T&G or S/L	1¾"	2,100	2,600
2 x 4" S2S	1½"	2,200	2,700
2 x 4" S2S	1⅝"	2,400	2,900
2 x 4" S2S	1¾"	2,600	3,100
2 x 6" S2S & T&G or S/L	1½"	1,900	2,400
2 x 6" S2S & T&G or S/L	1⅝"	2,100	2,600
2 x 6" S2S & T&G or S/L	1¾"	2,200	2,700
2 x 6" S2S	1½"	2,400	2,900
2 x 6" S2S	1⅝"	2,400	2,900
2 x 6" S2S	1¾"	2,600	3,100
2¼, 2½ and 2¾ x 6" T&G or S/L		2,300	2,700
2¼, 2½ and 2¾ x 6" S2S		2,600	3,100

2 x 8" same weight as 2 x 6" of similar working.
2¼, 2½, and 2¾ x 8" same weights as 2¼, 2½ and 2¾ x 6" of similar working.
Hemlock, and true fir dry, same weight as fir; green, add 400 lbs.

Fir car material (common items)	Finished thickness	Weight per M' BM dry, lbs.	Weight per M' BM green, lbs.
Rough	25/32"	2,900	3,300
1" S2S & T&G	25/32"	2,100	2,400
1" S2S & T&G	1 1/16"	2,200	2,500
1" S2S Blanks	1 1/16"	2,400	2,700
2 x 4" S2S T&G or S/L	1½"	1,800	2,100
2 x 4" S2S T&G or S/L	1¾"	2,200	2,500
2 x 4" S2S	1½"	2,200	2,600
2 x 4" S2S	1¾"	2,400	2,700
2 x 4" S2S	1⅝"	2,600	2,900
2 x 6" S2S T&G or S/L	1½"	1,900	2,100
2 x 6" S2S T&G or S/L	1¾"	2,200	2,500
2 x 6" S2S	1½"	2,200	2,600
2 x 6" S2S	1⅝"	2,400	2,700
2 x 6" S2S	1¾"	2,600	2,900
2½" x 6" S2S, T&G or S/L	2¼"	2,300	2,600
2½" x 6" S2S	2¼"	2,600	2,900

2 x 8" same weight as 2 x 6" of similar working.
2½ x 8" same weight as 2½ x 6" of similar working.
Hemlock, and true fir, dry, same weight as fir; green, add 400 lbs.

S4S ¼" Off M' BM

Car Framing, Sills Purlins, Slats and Running Boards:	Green Lbs.
1" by all widths	2,500
1¼ & 1½" by all widths	2,600
1¾" by all widths	2,700
2" by all widths	2,800
2½, 2½, and 2¾" by all widths	2,900
3 & 4 and 3½, 3½ & 3¾" by all widths	3,000
Larger sizes	3,150

Hemlock, and True Fir, rough or S1E green—3,800 lbs.

Hemlock, and True Fir, surfaced, green, add 400 pounds to fir weights.

Fir boards and shiplap	Finished thickness	Weight per M' BM dry, lbs.	Weight per M' BM green, lbs.
¾, ¾, ¾, x 2" and wider rough or S1E		2,900	3,300
1 x 2" S4S	25/32"	1,900	2,300
1 x 3 and 4" S4S	25/32"	2,100	2,400
1 x 6" and wider S4S	25/32"	2,200	2,500
1" S1S or S2S	25/32"	2,300	2,600
5/4" S1S or S2S	1 1/16"	2,500	2,800
6/4" S1S or S2S	1 5/16"	2,600	2,900

¾ and ¾ S4S standard—add 200 lbs. to weight of 1" of same width.
S/L—D & M, or C. M.—100 lbs. less than S4S.
Surfaced to ¾"—100 lbs. less than 25/32".
Surfaced to 13/16"—add 100 lbs. to 25/32".
Hemlock and true fir green rough—3,800 lbs.
Hemlock and true fir green surfaced—add 400 lbs. to fir weight of same size and working.
Hemlock, and true fir, dry, rough or surfaced—use fir weight.

[Above table as amended by Am. 2]

FIR—DIMENSION, PLANK AND SMALL TIMBERS WEIGHT PER M' BM

	S4S Standard dry	S4S Standard green	CM & S1S or S2S Standard	
			Dry	*Green*
2 x 2"	2,000	2,300		
2 x 3"	2,100	2,400		
2 x 4"	2,200	2,500	1,900	2,150
2 x 6"	2,250	2,550	2,050	2,300
2 x 8"	2,260	2,550	2,100	2,400
2 x 10"	2,300	2,600	2,150	2,450
2 x 12"	2,300	2,600	2,150	2,500
3 x 3"	2,400	2,600		
3 x 4"	2,400	2,600	2,050	2,350
3 x 6"	2,600	2,800	2,350	2,500
3 x 8"	2,600	2,800	2,400	2,600
3 x 10"	2,600	2,800	2,450	2,650
3 x 12"	2,600	2,800	2,500	2,700
4 x 4"	2,500	2,700		
4 x 6"	2,600	2,800	2,400	2,600
4 x 8"	2,600	2,800	2,500	2,700
4 x 10"	2,700	2,900	2,550	2,750
4 x 12"	2,700	2,900	2,600	2,800
6 x 6"	2,700	2,900		
6 x 6"	2,700	2,900	2,450	2,650
5 x 8"	2,700	2,900	2,550	2,750
5 x 10"	2,700	2,900	2,600	2,800
6 x 12"	2,700	2,900	2,650	2,850

Rough or S1E—Green, 3,300 lb., dry, 2", 2,900 lb; 3" and thicker, 3,100 lb.
Hemlock, and True Fir—Rough Green 3,800 lb. Green S4S Standard—add 400 lb. to green fir weight: Dry S4S, same weight as fir.

[Above table as amended by Am. 2]

FIR TIMBERS—S1S1E OR S4S STANDARD WEIGHT PER M' BM

	Green Lbs.
6 x 6 to 6 x 16"	2,900
6 x 18 to 6 x 24"	3,000
8 x 8 to 8 x 16"	3,000
8 x 18 to 8 x 24"	3,100
10 x 10 to 10 x 16"	3,000
10 x 18 to 10 x 24"	3,100
12 x 12 to 12 x 24"	3,100
14 x 14 to 14 x 24"	3,100
16 x 16 to 16 x 24"	3,100
18 x 18 to 18 x 24"	3,200
20 x 20 to 20 x 24"	3,200
22 x 22 to 22 x 24"	3,200
24 x 24 and larger	3,200
Rough or S1E	3,300

Hemlock and True Fir, Rough or S1E 3,800.
Hemlock, Green S1S1E, S4S Standard—add 400 lbs. to Green Fir Surfaced Weights.

	S4S ¼" off by indicated widths green
Dimension and timber surfaced ¼" off:	
2 x 2"—¼" off each way	2,550
2 x 3"—¼" off each way	2,650
2 x 4"—¼" off each way	2,750
2 x 6"—¼" off each way	2,800
2 x 8"—¼" off each way	2,850
2 x 8"—¼" off by ½" off in width	2,750
2 x 10"—¼" off each way	2,850
2 x 10"—¼" off by ½" off in width	2,750
2 x 12"—¼" off each way	2,850
2 x 12"—¼" off by ½" off in width	2,800

	Green surfaced ¼" off each way
3 x 3"	2,800
3 x 4"	2,850
3 x 6, 3 x 8, and 3 x 10"	2,950
3 x 12"	3,000
4 x 4"	2,950
4 x 6"	3,000
4 x 8, 4 x 10, and 4 x 12"	3,050
6 x 6"	3,050
6 x 8 and 6 x 10"	3,100
6 x 12"	3,150
8 x 8, 8 x 10, and 8 x 12"	3,150
10 x 10 and 10 x 12"	3,150
12 x 12"	3,200

Hemlock and true fir, green surfaced ¼" off—Add 400 lbs. to weights listed above.

Hemlock, and true fir, rough or S1E green, 3,800 lbs.

SHIPPING WEIGHT FORMULA FOR SIZES NOT LISTED

Where surfacing is specified other than standard or where weights are not provided in this list, weight is to be computed by applying the following weights, and deducting the equivalent to the percentage of difference between the rough and surfaced size, breaking on the next greater 50 pounds.

	Pounds
Fir rough green clear	3,500
Fir rough dry clear 1"	2,800
Fir rough dry clear, over 1" and under 3" in thickness	2,900
Fir rough dry clear, 3" thick and over, 200 lbs. less than corresponding green weight.	
Fir rough green, all other grades	3,300
Fir rough dry, all other grades, under 3" in thickness	2,900
Fir rough or surfaced, dry, 3" and over in thickness, 200 lbs. less than corresponding green weight.	
Hemlock and true fir rough green clear	4,000
Hemlock and true fir rough green all other grades	3,800
Hemlock and true fir rough or surfaced, dry, all grades, same weight basis as fir.	

This regulation shall become effective June 9, 1943. [RMPR 26 originally issued June 3, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

NOTE: The reporting provisions of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1368; Filed, January 26, 1944; 4:41 p. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg. 1,[1] Amdt. 5]

DRIED PRUNES AND RAISINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 3 (b) of the 2d Revised Maximum Export Price Regulation is amended by adding thereto the following proviso:

Provided, however, That a packer who exports dried prunes or raisins (other than Three Crown London Layer Muscats and Zante Currants) for which maximum prices are established by Maximum Price Regulation No. 475 shall compute his maximum export price therefore by using, in lieu of his maximum domestic price, the base price computed in accordance with section 2 (j) of the latter regulation.

This Amendment No. 5 shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1367; Filed, January 26, 1944; 4:40 p. m.]

PART 1396—FINE CHEMICALS, DRUGS, AND COSMETICS

[MPR 203,[2] Amdt. 1]

VITAMIN A NATURAL OILS AND CONCENTRATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 203 is amended in the following respects:

1. The following new subparagraph (5) is added to § 1396.201 (b):

(5) Oils containing not more than 6,000 U. S. P. units of Vitamin A per gram and at least 400 A. O. A. C. units of Vitamin D per gram sold for use in animal or poultry feeds or feeding and so stated in writing by the buyer to the seller prior to payment. Maximum prices for these oils are established by Maximum Price Regulation No. 53.

2. Section 1396.212 (a) (2) is amended to read as follows:

(2) "Vitamin A natural oil" means any unconcentrated fish or marine animal liver oil (or mixtures thereof with other oils) containing less than 200,000 U. S. P. units of Vitamin A per gram, with the exception of cod liver oil.

3. By striking out the last sentence of § 1396.212 (a) (3) and substituting in lieu thereof the following sentence: "Oils containing 200,000 or more U. S. P. units of Vitamin A per gram, and blends of a concentrate and an edible vegetable oil, shall be considered concentrates."

4. Section 1396.214 (a) is amended to read as follows:

The following maximum prices are established for Vitamin A natural oils and concentrates, f. o. b. seller's shipping point, except that on purchases from foreign sellers for importation by vessel into the continental United States, the following maximum prices shall be f. o. b. port of entry. On all imports, duty and all other charges incident to importation except transcontinental rail freight, shall be paid by the seller.

VITAMIN A NATURAL OIL

Potency in U. S. P. units of Vitamin A per gram:	*Maximum price per million U. S. P. units of Vitamin A*
Less than 40,000	$0.14
40,000 and more but less than 200,000.	0.14 plus $0.001 for each 1,000 U.S.P. units of Vitamin A per gram in excess of 40,000.

VITAMIN A CONCENTRATE

Any	$0.30

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1369; Filed, January 26, 1944; 4:40 p. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269,[1] Amdt. 24]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 269 is amended in the following respects:

1. Section 1429.19 (h) (1) (i) (c) is added to read as follows:

(c) For a period of 60 days from January 26, 1944, the maximum base price for kosher-killed poultry items in the Western zone basing point city of New York shall be the price as established for such poultry items in Table "A" of this section plus 1 cent per pound.

2. Section 1429.21 (a) (1) (i) (*a*) is added to read as follows:

(*a*) For a period of 60 days from January 26, 1944, any person who transports live poultry for a distance of 5 or more miles to, and for ultimate consumption in, the "New York metropolitan area" may sell or deliver such live poultry items to any "wholesaler", individual retail store, or any ultimate consumer, including commercial, institutional or governmental users, located in the "New York metropolitan area" at the maximum base price established for such place in § 1429.19 (h) (1) Table A of this regulation plus, in lieu of the permitted increase provided by paragraph (a) (1) (i) of this section, the following permitted increases in cents per pound:

Shortest distance in road miles or railroad miles from place where transport of live poultry begins to place where such transport ends:	*Maximum permitted increase in cents per pound:*
Less than 5 miles	No increase
5 to 25 miles	1 cent
25 to 50 miles	1¾ cents
50 to 100 miles	2 cents
100 to 150 miles	2¼ cents
150 to 200 miles	2½ cents
200 to 250 miles	2¾ cents
250 or more miles	3 cents

"New York metropolitan area" means the city of New York, New York, and the counties of Nassau, Suffolk and Westchester in the State of New York and the counties of Essex, Hudson, and Union in the State of New Jersey.

3. The text of the column titled "Base price to which increase is added" as applied to item (1a) of Table B in § 1429.21 (a) (2) (i) is amended to read as follows: "Maximum base price at seller's shipping point, plus permitted increase established for actual distance live poultry was transported to seller's place of business, in a sum not to exceed 2¢ per lb., or, if the live poultry was transported into the N. Y. metropolitan area,[3] in a sum not to exceed 3¢ per lb. for a period of 60 days from January 26, 1944."

This amendment shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 24, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1370; Filed, January 26, 1944; 4:40 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4132, 5987, 7662, 9998, 15193.

[2] 7 F.R. 6476, 8948.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 855, 878, 2289, 3316, 3419, 3792, 6736, 9299, 10040, 11691, 13302, 13303, 13813, 14016, 15258, 14845, 15190, 16793.

[3] "New York metropolitan area" means the city of New York, New York, and the counties of Nassau, Suffolk and Westchester in the State of N. Y. and the counties of Essex, Hudson, and Union in the State of N. J.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE

UNIFORM GRATUITIES; NAVAL RESERVE OFFICERS

Paragraph (b) (5) of § 6.8704 is amended to read as follows:

§ 6.8704 *Uniform gratuities; Naval Reserve officers.*[1] • • •

(5) An officer on the honorary retired list of the Naval Reserve without pay, who reports or has reported for active duty (other than for physical examination), in time of war or national emergency pursuant to orders of competent authority, on or after 8 September 1939, is entitled to a uniform allowance of $250 for the purchase of required uniforms, less the amount of any uniform gratuity paid such officer within the four years immediately preceding his recall to active duty. This uniform allowance shall be in lieu of any other uniform gratuity allowed by law. [Manual Circular Letter No. 1-44, Dec. 27, 1943]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739; 34 U.S.C. 853, 854*e*, Supp. 855*f*, 855o, 857-857*g*, 858*e*, 855*d*)

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 44-1395; Filed, January 27, 1944; 11:41 a. m.]

[1] 8 F.R. 9701, 10573.

Notices

OFFICE OF ALIEN PROPERTY CUSTODIAN.

UNDERWOOD ELLIOTT FISHER CO.

ORDER AND NOTICE OF HEARING BEFORE VESTED PROPERTY CLAIMS COMMITTEE

Whereas on October 2, 1942, the Alien Property Custodian issued Vesting Order No. 201 (7 F.R. 625) which vested, among other things, United States Patents Nos. 1,566,962, 1,573,751, 1,579,151, 1,582,788, 1,708,066, 1,789,661, 1,804,103, 1,862,240, 1,913,892, 1,922,971 1,935,858, 1,936,034, 1,947,620, 1,959,779, 2,033,439, 2,046,524, 2,059,652, 2,071,880, 2,091,133, 2,110,987, 2,132,192, 2,143,428, 2,143,741, 2,162,691, 2,173,635, 2,173,636, 2,186,642, 2,228,035, 2,236,642, 2,257,409, 2,266,366, 2,268,166, 2,286,887, 2,288,323, which stood of record in the name of Mercedes Buromaschinen Werke A. G., and Patent No. 1,566,961 which stood of record in the name of one, Hammann, the inventor; and

Whereas on July 30, 1942, the Alien Property Custodian issued Vesting Order No. 68 (7 F.R. 6181) which vested, among other things, Patent Applications Nos. 147,588 (now Patent No. 2,297,243), 241,673 (now Patent No. 2,308,906), 287,670 now Patent No. 2,308,924), 86,664, 146,897, 182,336, 219,076, 219,077 (now Patent No. 2,322,996), 219,078, 229,026 (now Patent No. 2,322,997), 241,672, 251,634, 259,030, 280,405 (now Patent No. 2,335,251), 287,668, 287,669, 287,672, 301,289, 310,079, 310,080, 326,111, 338,272, 363,552, 363,566 (now Patent No. 2,341,588), 373,996, all of which stood of record in the name of Mercedes Buromaschinen Werke A. G.; and

Whereas there was recited in both Vesting Order No. 201 and Vesting Order No. 68, among other things, a finding that the said patents and the said patent applications were property in which nationals of foreign country or countries have interests; and

Whereas Underwood Elliott Fisher Company, a Delaware corporation, has filed a claim on Form APC-17, which appears to assert that the claimant is the true owner of all of the United States Patents set forth above, and is the true owner of all of the applications for United States patents set forth above.

Now, therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 F.R. 16709) that a hearing on the said claim be held before the Vested Property Claims Committee on Tuesday, February 8, 1944, at 10:00 a. m. Eastern War Time, in Room 633, National Press Building, 14th and F Streets NW., Washington, D. C., to continue thereafter at such time and places as the Committee may determine. *It is further ordered,* That this notice of hearing be served by registered mail upon the said claimant and be published in the FEDERAL REGISTER.

Any person desiring to be heard either in support of or in opposition to the said claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington (25), D. C., on or before February 3, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said Vesting Order are available for public inspection at the above address.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.

[F. R. Doc. 44-1386; Filed, January 27, 1944; 11:15 a. m.]

[Dissolution Order 3]

AMERLUX STEEL CORP.

In re: Amerlux Steel Corporation, a California corporation.

Whereas by Vesting Order No. 346, dated November 7, 1942, (7 F.R. 11033, December 29, 1942) the undersigned vested 700 shares of the capital stock of Amerlux Steel Corporation, a California corporation, which shares represented 70% of the then issued and outstanding stock; and

Whereas the remaining 300 shares of capital stock of Amerlux Steel Corporation outstanding were surrendered to said corporation and retired and cancelled, and the undersigned is now the sole shareholder of said Amerlux Steel Corporation; and

Whereas Amerlux Steel Corporation has been substantially liquidated,

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that all known claims and demands against and liabilities of Amerlux Steel Corporation have been paid, satisfied and discharged; and

2. Determining that it is in the national interest of the United States to dissolve the said corporation and to distribute its assets;

It is ordered, That the officers and directors of Amerlux Steel Corporation, to-wit: A. L. Stoner, president and director, L. B. Parker, vice president and director, and Wayne H. Knight, secretary, treasurer and director, shall cause the dissolution of Amerlux Steel Corporation, in accordance with the statutes of the State of California in such cases made and provided; and

It is further ordered, That the said officers and directors above-named wind up the affairs of said corporation and distribute the assets thereof coming into their possession, as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof, if any;

(b) They shall then pay all known taxes and fees of the United States and of the State of California owed by or accruing against said corporation, if any;

(c) They shall then distribute and pay over to the undersigned as holder of all of the outstanding and issued stock of the corporation, all other funds and property remaining in their hands after the payments as aforesaid; and

It is further ordered, That nothing herein set forth shall be construed as prejudicing the rights, under the laws of the State of California, of any person who may claim against said corporation: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such persons; and such persons or any of them may file claims with the undersigned against any funds or property received by the undersigned as stockholders as above set forth: *Provided, however*, That any such claim shall be filed with or presented to the undersigned within the time prescribed for such claims by the Statutes of California; and

It is ordered, That all actions taken and acts done by the officers and directors of Amerlux Steel Corporation, above-named, pursuant to this order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to subdivision 2 of section 5 (b) of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided for therein.

Executed at Washington, D. C., January 22, 1944.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1387; Filed, January 27, 1944; 11:14 a. m.]

[Vesting Order 284, Amdt.]

INTERESTS OF GERMAN NATIONALS IN NINE CONTRACTS

Vesting Order Number 284 of October 31, 1942, is amended as follows and not otherwise:

(a) By cancelling, in paragraph 2 of Exhibit A attached thereto and made a part thereof, the date "January 2, 1940";

(b) By changing, in paragraph 7 of Exhibit A attached thereto and made a part thereof, the date "March 18, 1940" to "May 4, 1940".

All other provisions of said Vesting Order Number 284 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1378; Filed, January 27, 1944; 11:14 a. m.]

[Vesting Order 1641, Amdt.]

CLARA HEINZE

In re: First mortgage on real property, a fire insurance policy and a claim owned by Clara Heinze, also known as Clara Lejeune-Dirichlet.

Vesting Order Number 1641, dated June 10, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Clara Heinze, also known as Clara Lejeune-Dirichlet is Klein-Brettken, Post Angerapp, Preussen, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Clara Heinze, also known as Clara Lejeune-Dirichlet, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. That certain mortgage executed on the 31st day of March, 1923, by Dora O. Pettinati, and recorded in the Register's Office of Bronx County, New York, in Liber 677 of Mortgages at page 435, which mortgage was assigned to Rudolph and Anna Heinze by the Bond & Mortgage Guarantee Company by an unrecorded assignment dated October 24, 1923, and thereafter assigned by Anna Heinze to Clara Heinze by an unrecorded assignment dated March 17, 1930, and any and all obligations secured by said mortgage, including but not limited to any and all collateral (including the aforesaid mortgage) for any or all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

b. All right, title, interest and claim of Clara Heinze also known as Clara Lejeune-Dirichlet, in and to fire insurance policy No. 35-16693 issued by the American Equitable Assurance Company covering the premises subject to the mortgage described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Clara Heinze, also known as Clara Lejeune-Dirichlet, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Clara Heinze, also known as Clara Lejeune-Dirichlet, by Manufacturers Trust Company, 55 Broad Street, New York, New York, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against said bank arising out of the management of the mortgage described in subparagraph 3-a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order:

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1379; Filed, January 27, 1944; 11:14 a. m.]

[Vesting Order 1965, Amdt.]

PAULINE HAASE

In re: Two first mortgages on real property, a junior interest in a first mortgage on real property and a claim owned by Pauline Haase.

Vesting Order Number 1965, dated August 6, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Pauline Haase is % Anna Heinig, Schaefer Strasse #50 part Dresden A5, Saxony, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Pauline Haase is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Those certain mortgages and that certain junior interest in a mortgage particularly described below, and any and all obligations secured by said mortgages and said junior interest, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgages and junior interest) for any and all such obligations, and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations:

(i) A first mortgage executed on October 18, 1928 by Annie Stahl and Alexander Stahl and recorded on October 19, 1928 in the Register's Office, Kings County, New York, in Liber 7156 of Mortgages, page 417, and assigned to Pauline Haase by an unrecorded assignment dated November 19, 1928,

(ii) A first mortgage executed on October 23, 1919 by David Siegel, also known as Davis Siegel, and Annie Siegel, recorded on October 24, 1919, in the Register's Office, Kings County, New York, in Liber 4667 of Mortgages, page 35, and assigned to Pauline Haase by an unrecorded assignment dated April 11, 1923,

(iii) A $500 junior interest in a first mortgage executed on September 3, 1931, by Michael Marmorale, Rocco Massimiano and Sarah Massimiano, and recorded on September 4, 1931, in the Register's Office, Queens County, New York, in Liber 3891 of Mortgages, page 507, which interest was assigned to Pauline Haase, by an unrecorded assignment dated October 1, 1931, and

b. All right, title, interest and claim of any name or nature whatsoever of Pauline Haase in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Pauline Haase by Fulton Service Corporation, 157 Remsen Street, Brooklyn, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly any and all claims against Fulton Service Corporation arising out of the management of the mortgages and junior interest described in subparagraph 3-a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country", as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1380; Filed, January 27, 1944; 11:14 a. m.]

[Vesting Order 2035, as Amended, Amdt.]

KYUYA ABIKO

In re: Cameras and miscellaneous property belonging to Kyuya Abiko and other repatriated nationals.

Vesting Order Number 2035, dated August 25, 1943, as amended, is hereby further amended as follows and not otherwise:

a. By deleting the words "contact camera" appearing opposite the name Kondo, Rensji in Exhibit A attached to and by reference made a part of said vesting order and substituting therefor the words "contax camera".

b. By deleting the figure and word "2 Kodaks" appearing opposite the name Nahayama, Jesaburo in Exhibit A attached to and by reference made a part of said vesting order and substituting therefor the figure and word "1 Kodak", and

c. By deleting the words "Zeiss contact camera" appearing opposite the name Yajima, Takusuke in Exhibit A attached to and by reference made a part of said vesting order and substituting therefor the words "Zeiss Contax camera".

All other provisions of said Vesting Order Number 2035, as amended, and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1382; Filed, January 27, 1944; 11:14 a. m.]

[Vesting Order 2081, Amdt.]

FREDERICK C. AND ELISE BOHLKEN

In re: Real properties situated in Brooklyn, New York, mortgages on real properties similarly situated, claims, and property insurance policies owned by Frederick C. Bohlken and Elise Bohlken.

Vesting Order Number 2081, dated September 3, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Frederick C. Bohlken and Elise Bohlken, his wife, is Bahnhof Strasse 61, Loxstedt bei Wesermuende, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Frederick C. Bohlken and Elise Bohlken, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Kings County, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Real property situated in Kings County, New York, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. Those certain mortgages particularly described below, and any and all obligations secured by said mortgages including but not limited to any and all security rights in and to any and all collateral (including the aforesaid mortgages) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations:

(i) That certain mortgage executed on April 10, 1891, by Paul Gantert and Rebecca Gantert, his wife, and recorded on April 11, 1891 in the Register's Office of Kings County, New York, in Liber 2312 of Mortgages at page 485,

(ii) That certain mortgage executed on January 25, 1924, by Schnitzer Buildings Corporation and recorded on January 28, 1924, in the Register's Office of Kings County, New York, in Liber 5632 of Mortgages at page 117,

(iii) That certain mortgage executed on May 27, 1925 by Marbam Realty Corporation and recorded on May 29, 1925 in the Register's Office of Kings County, New York, in Liber 6051 of Mortgages at page 405,

(iv) That certain mortgage executed on April 10, 1891, by Paul Gantert and Rebecca Gantert, his wife, and recorded on April 11, 1891 in the Register's Office of Kings County, New York, in Liber 2312 of Mortgages at page 487,

(v) That certain mortgage executed on April 10, 1891 by Paul Gantert and Rebecca Gantert, his wife, and recorded on April 11, 1891 in the Register's Office of Kings County, New York, in Liber 2312 of Mortgages at page 482,

d. All right, title, and interest of Frederick C. Bohlken and Elise Bohlken, his wife, in and to the insurance policies described in Exhibit C, attached hereto and by reference made a part hereof, which insurance policies insure the property described in subparagraphs 3-a and 3-b hereof and the mortgagees' interests in the property subject to

the mortgages described in subparagraph 3–c hereof, and

e. All right, title, interest and claim of any name or nature whatsoever of Frederick C. Bohlken and Elise Bohlken, his wife, in and to any and all obligations, contingent or otherwise and whether or not matured, in the amount of $1,000, constituting a portion of a claim owing to Frederick C. Bohlken and Elise Bohlken by Richter & Kaiser, Inc., and represented on the books of Richter & Kaiser, Inc., as a credit balance to Frederick C. Bohlken and Elise Bohlken, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–e hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3–a to 3–c inclusive hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraphs 3–a and 3–b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–c to 3–e inclusive hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the northerly side of 8th Street distant 150 feet 9 inches easterly from the corner formed by the intersection of the northerly side of 8th Street with the easterly side of 4th Avenue; running thence northerly parallel with 4th Avenue and part of the distance through a party wall 100 feet, thence easterly parallel with 8th Street 27 feet 6 inches; thence southerly parallel with 4th Avenue and part of the distance through a party wall 100 feet to the northerly side of 8th Street; thence westerly along the said side of 8th Street 27 feet 6 inches to the point or place of beginning.

Together with all the right, title and interest of, in and to 8th Street, lying in front of and adjoining the said premises to the center line thereof.

EXHIBIT B

All that certain plot, piece or parcel of land with the buildings thereon erected or to be erected and all fixtures and articles attached to or to be attached to or used in connection with the premises, situate, lying and being in the Borough of Brooklyn, City of New York, County of Kings, State of New York, bounded and described as follows:

Beginning at a point on the northerly side of Avenue S distant 20'8" westerly from the corner formed by the intersection of the northerly side of Avenue S and the westerly side of East 13th Street, running thence northerly parallel with East 13th Street and part of the distance through a party wall 95'; thence westerly parallel with Avenue S 25' 2"; thence southerly again parallel with East 13th Street 95' to the northerly side of Avenue S, and thence easterly along the northerly side of Avenue S 25' 2" to the point or place of beginning.

Together with all the right, title and interest of the party of the first part of, in and to Avenue S, lying in front of and adjoining the premises to the center line thereof.

Together with an easement over the most easterly 3' 6" of the premises adjoining on the west of the premises herein described for the purpose of ingress and egress for pleasure automobiles only, to and from the garage erected or to be erected on the rear of the premises herein described.

Subject to an easement over the most westerly 3' 6" of the premises herein described in favor of the owner of the premises adjoining on the west for like purposes of ingress and egress for pleasure automobiles only to and from the garage erected or to be erected on the rear of the premises adjoining on the west.

EXHIBIT C

Fire Insurance Policy No. 622473 issued to Frederick C. Bohlken and Elise Bohlken by Yorkshire Insurance Company, for a term of three years from August 10, 1940, in the amount of $7,500.

Liability Policy No. R. C. 46556 of O. T. C. 14674 issued to Frederick C. Bohlken and Elise Bohlken by the Sun Indemnity Company of New York, for a period of one year from January 5, 1943.

War Damage Insurance Policy No. 596–54–4552 issued to Frederick C. Bohlken and Elise Bohlken by the War Damage Corporation through Pacific Insurance Company, Fiduciary Agent, for a period of one year from July 16, 1942, in the amount of $7,500.

Fire Insurance Policy, No. P–154235 issued to Frederick C. Bohlken and Elise Bohlken by the Patriotic Insurance Company for a period of one year from January 25, 1943, in the amount of $9,000.

War Damage Policy No. 596–54–4553 issued to Frederick C. Bohlken and Elise Bohlken, his wife, by the War Damage Corporation through the Pacific Insurance Company in the amount of $9,000 for a period of one year from July 15, 1942.

Fire Insurance Policy No. 713005 issued to Lucrezia Agovino with loss, if any, payable to Frederick C. Bohlken and Elise Bohlken, his wife, as interest may appear by the Camden Fire Insurance Company in the amount of $14,000 for a period of three years from June 1, 1940.

War Damage Policy No. 596–54–6787 issued to Frederick C. Bohlken and Elise Bohlken, his wife, by the War Damage Corporation through the Pacific Insurance Company in the amount of $9,000 for a period of one year from August 10, 1942.

Fire Insurance Policy No. 28352 issued to Michele Agostinaccio and Pasqua Agostinaccio, his wife, with loss, if any, payable to Frederick C. Bohlken, first mortgagee, by the Scottish Union and National Insurance Company of Edinburgh, for a period of three years from February 7, 1942.

War Damage Policy No. 596–54–5514 issued to Michele Agostinaccio, with loss, if any, payable to Frederick C. Bohlken, as interest may appear through the Pacific Insurance Company in the amount of $7,000 for a period of one year from July 27, 1942.

Fire Insurance Policy No. 47271 issued to Angelo Stanzione and Luigia Stanzione, his wife, with loss, if any, payable to Frederick C. Bohlken, the mortgagee, by the Providence Washington Insurance Company in the amount of $6,000 for a period of three years from April 12, 1942.

War Damage Insurance Policy No. 596–54–6456 issued to Frederick C. Bohlken by the War Damage Corporation, through Pacific Insurance Company in the amount of $5,000 for a period of one year from August 4, 1942.

[F. R. Doc. 44–1381; Filed, January 27, 1944; 11:14 a. m.]

[Vesting Order 2952]

YAMANAKA & CO., LTD.

In re: Merchandise owned by Yamanaka & Co., Ltd., Osaka, Japan.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Yamanaka & Co., Ltd., of Osaka, Japan, is a business enterprise organized under the laws of Japan, with its principal place of business in Osaka, Japan; and is a national of a designated enemy country (Japan);

2. That Yamanaka & Co., Ltd., of Osaka, Japan, is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows: All the merchandise consigned by Yamanaka & Co., Ltd., of Osaka, Japan, to the Boston store of Yamanaka & Co., Inc., presently stored at 680 Fifth Avenue, New York, New York, and believed to be fully set forth in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person

be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Article Number, Quantity and Description

T 3, 2, Japanese bronze rabbits.
T 809, 1, Cambodian carved stone head.
T 810, 1, Cambodian carbed stone head.
T 811, 1, Cambodian carved stone head.
T 812, 1, Cambodian carved stone head.
T 813, 1, Cambodian carved stone head.
T 814, 1, Cambodian carved stone head.
T 815, 1, Cambodian carved stone head.
T 836, 2, Two-fold, fan decorated, screen.
T 839, 1, Two-fold screen.
T 845, 1, Ming pottery, large dragon tile.
T 851, 1, Gilt bronze Budda head.
T 853, 1, Set of Ming bronze pagoda.
T 867, 1, Three-color Chinese pottery, large deer.
T 871, 1, Chinese bronze vase.
T 880, 1, Japanese pewter tea jar.
T 881, 1, Japanese pewter tea jar.
T 882, 1, Japanese pewter tea jar.
T 907, 1, Gilt metal statue.
T 910, 1, Japanese temple gong with striker in teak stand.

[F. R. Doc. 44–1383; Filed, January 27, 1944; 11:15 a. m.]

[Supp. Vesting Order 2974]

COMPAGNIA ITALIANA TURISMO, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 45, dated July 1, 1942, that all of the capital stock of Compagnia Italiana Turismo, Inc. (a New York corporation), consisting of 1,500 shares of $25 par value common stock, was registered in the name of Compagnia Italiana Turismo, S. A., Rome, Italy, and having vested the same;

2. Finding that Compagnia Italiana Turismo, Inc., a corporation organized under the laws of the State of New York, is a business enterprise within the United States;

3. Finding that Compagnia Italiana Turismo, S. A., whose principal place of business is located at 68 Piazza Esedra, Rome, Italy, is a national of a designated enemy country (Italy);

4. Finding that the following wholly owned branch offices of Compagnia Italiana Turismo, S. A., whose principal places of business appear opposite each name, are nationals of a designated enemy country (Italy);

Compagnia Italiana Turismo (Genoa), 4 Via Carlo Felice Genoa, Italy.

Compagnia Italiana Turismo (Rome), 193 Piazza Colonna Rome, Italy.

Compagnia Italiana Turismo (Naples), 72 Piazza Municipio, Naples, Italy;

5. Finding that Compagnia Italiana Turismo (Budapest), whose principal place of business is V. 1 Dorottya U. 2, Budapest, Hungary, is a wholly owned and controlled branch office of Compagnia Italiana Turismo, S. A., and is a national of designated enemy countries (Hungary and Italy);

6. Finding that the following branch offices, whose principal places of business appear opposite each name, are wholly owned and controlled by Compagnia Italiana Turismo, S. A.:

Compagnia Italiana Turismo (London), 77–81 Regent St., London, England.

Compagnia Italiana Turismo (Paris), 5 Boulevard des Capucines, Paris, France.

Compagnia Italiana Turismo (Nice), 16 Avenue de Verdun, Nice, France.

7. Finding that the following persons have claims against Compagnia Italiana Turismo, Inc., which claims, as of June 14, 1941, aggregated $98,883.00, subject, however, to any accruals or deductions subsequent thereto, and represent interests in said business enterprise:

Compagnia Italiana Turismo, S. A.	$67,281.00
Compagnia Italiana Turismo (London)	16,035.00
Compagnia Italiana Turismo (Paris)	7,890.00
Compagnia Italiana Turismo (Nice)	2,770.00
Compagnia Italiana Turismo (Genoa)	1,339.00
Compagnia Italiana Turismo (Rome)	1,281.00
Compagnia Italiana Turismo (Naples)	1,164.00
Compagnia Italiana Turismo (Budapest)	1,123.00
Total	$98,883.00

and determining:

8. That Compagnia Italiana Turismo, Inc., Compagnia Italiana Turismo (London), Compagnia Italiana Turismo (Paris), and Compagnia Italiana Turismo (Nice) are controlled by Compagnia Italiana Turismo, S. A., and are nationals of a designated enemy country (Italy);

9. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interests of Compagnia Italiana Turismo, S. A., Compagnia Italiana Turismo (London), Compagnia Italiana Turismo (Paris), Compagnia Italiana Turismo (Nice), Compagnia Italiana Turismo (Genoa), Compagnia Italiana Turismo (Rome), Compagnia Italiana Turismo (Naples) and Compagnia Italiana Turismo (Budapest) in Compagnia Italiana Turismo, Inc., as represented on the books and records of said company as accounts payable, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1384; Filed, January 27, 1944; 11:15 a. m.]

[Supp. Vesting Order 2976]

TSUTOMO KAMIJO, ET AL.

In re: Camera and miscellaneous property owned by Tsutomo Kamijo and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Having found, by Vesting Order Number 2035, dated August 25, 1943, as amended, that Tsutomo Kamijo, Jesaburo Nahayama and Choji Yamago are nationals of a designated enemy country (Japan);

2. Finding that Tsutomo Kamijo is the owner of the property described in subparagraph 3–a hereof, that Jesaburo Nahayama is the owner of the property described in subparagraph 3–b hereof and that Choji Yamago is the owner of the property described in subparagraph 3–c hereof;

3. Finding that the property described as follows:

a. 1 extra telephoto lens and 3 filters,

b. 1 Voightlander camera, 1 Exposure meter, 1 Range finder and 1 Extra case, and

c. 2 Duto Diffusers, 1 Speedgun Outfit, 1 Proxor Set and 1 Japanese Range finder,

all of which property is presently in the warehouse of the Weissberger Moving and Storage Company, Inc., 214–224 East 22nd Street, New York, New York,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1385; Filed, January 27, 1944; 11:15 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 81A]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN JOPLIN, MO., AND OKLAHOMA CITY AND COMMERCE, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Powell Bros. Truck Lines, Inc., Springfield, Missouri, and Frisco Transportation Company, Springfield, Missouri, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–81A," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This Supplementary Order ODT 3, Revised–81A shall become effective and shall supersede Supplementary Order ODT 3, Revised–81 on January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1374; Filed, January 27, 1944; 9:47 a. m.]

[Supp. Order ODT 3, Rev. 162]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SPRINGFIELD AND HOLLISTER, MO.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Powell Bros. Truck Lines, Inc., Springfield, Missouri, Campbell Sixty-six Express, Inc., Springfield, Missouri, and Henry F. Ball, doing business as Ozark Transfer Company, Ozark, Missouri, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–162" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1375; Filed, January 27, 1944; 9:47 a. m.]

[Supp. Order ODT 3, Rev. 163]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN PENNSYLVANIA, NEW JERSEY, AND NEW YORK

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Needes' Express, Inc., Kingston, New York and Fisher's Express, Hawthorne, New Jersey, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order should be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—163," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1376; Filed, January 27, 1944; 9:47 a. m.]

[Supp. Order ODT 3, Rev. 164]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN WICHITA, KANS., AND TULSA, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense

[1] Filed as part of the original document.

[1] Filed as part of the original document.

Transportation by The Santa Fe Trail Transportation Company, Wichita, Kansas, and Yellow Transit Co., Oklahoma City, Oklahoma, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582, a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-164," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1377; Filed, January 27, 1944; 9:48 a. m.]

[1] Filed as part of the original document.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-5]

MIDDLE WEST CORPORATION, ET AL.

ORDER SEVERING RELATIONS, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of January, A. D. 1944.

The Commission having on March 1, 1940, by notice and order duly served, instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 with respect to The Middle West Corporation and its subsidiary companies, and with respect to the holding company system of each of the subsidiaries of The Middle West Corporation which is a registered holding company; answers having been filed and hearings having been held, proposed findings and briefs in support thereof having been filed and exchanged, oral argument having been heard; and the Commission having duly considered the matter, being fully advised in the premises and having this day issued its findings and opinion herein; and

1. The Commission having determined to defer decision of the issues respecting the extent to which properties of Central Illinois Public Service Company, Kentucky Utilities Company and the subsidiaries thereof, all subsidiaries of The Middle West Corporation, may be retained by The Middle West Corporation pending the conclusion of reorganization proceedings in which the interests of The Middle West Corporation in Midland United Company and its subsidiaries shall have been determined; but having determined that, notwithstanding the extent of such interests as they may appear, there may be decided herein questions relating to the application of clauses (A), (B) and (C) of section 11 (b) (1) to The Middle West Corporation on the basis of the utility properties of Central Illinois Public Service Company, Kentucky Utilities Company and its subsidiaries, South Fulton Light and Power Company, Old Dominion Power Company, Dixie Power & Light Company (the issues under the said clauses of section 11 (b) (1) being unaffected by the extent to which The Middle West Corporation may acquire direct interests in utility properties in Indiana now system); and having determined that no other utility systems or other businesses may be retained therewith;

It is ordered, On the basis of the said findings and opinion, that The Middle West Corporation shall sever its relations with all properties, operations and companies, except those of Central Illinois Public Service Company and its subsidiaries, Kentucky Utilities Company, South Fulton Light and Power Company, Old Dominion Power Company, and Dixie Power & Light Company, by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said act and the rules and regulations promulgated thereunder, of its direct and indirect ownership and control of such other properties and operations and of its direct and indirect holdings of securities issued and properties owned, controlled or operated by such other companies, jurisdiction being reserved to enter such further order or orders respecting companies and properties not herein ordered to be divested as shall appear necessary in the circumstances in accordance with the views expressed in the findings and opinion of the Commission herein this day issued.

2. The Commission having determined that decision of the issues respecting Kentucky Utilities Company as top company of its holding company system should be deferred for consideration together with the issues relating to the retainability of properties of The Middle West Corporation;

It is ordered, That jurisdiction be reserved to enter such further order or orders respecting Kentucky Utilities Company and its subsidiaries as shall appear necessary in the circumstances in accordance with the views expressed in the said findings and opinion.

3. The Commission having determined that opportunity for further argument should be granted upon the application of section 2 (a) (29) (A) to the major electric properties of the subsidiaries of Central and South West Utilities Company; and having determined that opportunity should be granted to introduce further evidence on the gas, water, and ice businesses of the said companies notwithstanding the Rules of Practice of the Commission, but having determined that certain properties may not be retained in the system of Central and South West Utilities Company;

It is ordered, That Central and South West Utilities Company shall by appropriate action divest itself in the manner outlined above, of all direct and indirect holdings of securities and interests in Roby & Northern Railway Company, Pittsburgh County Railway Company and McAlester Canning Company, of the utility assets of Public Service Company of Oklahoma in Pine Valley, Oklahoma, those of West Texas Utilities Company in the Dalhart and Texline areas, those of Central Power and Light Company in the Big Bend, Pleasanton and Zapata areas, the properties of Compania Electrica de Ojinaga, S. A., and of the gas properties of West Texas Utilities Company; and

It is further ordered, That, notwithstanding the Rules of Practice of the Commission, any of the respondents in this proceeding may, within fifteen days of the date hereof, apply for a rehearing on the issues respecting retainability of the gas, water, and ice businesses of Public Service Company of Oklahoma, Southwestern Light & Power Company, Southwestern Gas and Electric Company, Central Power and Light Company (with the exception of such businesses as are located in the Big Bend, Pleasanton and Zapata areas), and their subsidiaries, together with the electric utility operations of those companies, and jurisdiction is hereby reserved to enter such other and further orders respecting these issues as shall be appropriate in the circumstances; and

Jurisdiction is reserved to enter such further order or orders as shall be appropriate respecting the retainability by Central and South West Utilities Company of the major electric utility properties in its system as set forth in the opinion herein. Respondents will by further order of the Commission be afforded an opportunity for further argument on the application of section 2 (a) (29) (A) to the said properties at a time and place to be set by such further order.

4. The Commission having determined that American Public Service Company may retain its interest in the main interconnected electric utility properties of West Texas Utilities Company (not including the electric utility properties of that company in the so-called Dalhart and Texline areas as more specifically described in the said findings and opinion), and in the properties of Pecos Valley Power & Light Company, having determined that no other utility systems may be retained in addition thereto, and having determined to afford further opportunity to introduce evidence respecting the sewerage business of West Vernon Sewer Company, and the ice and water businesses of West Texas Utilities Company, excepting those in Dalhart and Texline;

It is ordered, That American Public Service Company shall, by appropriate action in the manner outlined above, divest itself of the assets of West Texas Utilities Company in the Dalhart and Texline areas and all gas utility operations of the said company; and

It is further ordered, That any of the respondents in this proceeding may apply, notwithstanding the rules of practice of the Commission, within fifteen days of the date hereof, for a rehearing on the issues respecting retainability of the sewerage business of West Vernon Sewer Company, and ice and water businesses of West Texas Utilities Company (except for those in the Dalhart and Texline areas) together with the electric utility operations of that company, and jurisdiction is reserved to enter such other and further orders respecting these issues as shall be appropriate in the circumstances.

5. The Commission having determined that Arkansas-Missouri Power Corporation may retain the single integrated electric utility system comprising its present properties, with the exception of its electric utility properties in and around Piedmont, Missouri, and between Arcadia and Old Mines, Missouri, having determined that no other utility systems may be retained in addition thereto, and having determined that no non-utility properties now owned, operated or controlled by it or its subsidiary East Missouri Power Company may be retained therewith;

It is ordered, That Arkansas-Missouri Power Corporation shall, by appropriate action in the manner outlined above, limit itself to those properties, operations and holdings specifically designated herein as retainable.

The Commission desiring to afford to such of the respondents as have had designated for them a single integrated system an opportunity to indicate their preference for limitation to any other single integrated public-utility system within the control of each of them and such other utility and non-utility operations and holdings as may be properly attendant thereto;

It is ordered, That, notwithstanding the provisions of the Commission's Rules of Practice, each of such companies may, within fifteen days of the date of this order, petition for leave to indicate a desire to be limited otherwise than as ordered herein and on the basis of a single system within its control other than (but not including) the system herein designated and retainable attendant operations and holdings; and the Commission retains jurisdiction to consider the said request and to make such other and further orders as may be necessary in the premises. If appropriate action under this paragraph is not taken within the time set forth herein, this order shall become final as respects the designations of single systems made herein.

It is further ordered, On the basis of said findings and opinion, that there be added to the list of companies dismissed as respondents to this proceeding in the order of the Commission herein dated June 27, 1940, The Home Ice Company.

It is provided, with respect to the findings, opinion and order herein, in their entirety, and with respect to the entry, publication and service thereof, that they shall be without prejudice to the right of the Commission to enter such further appropriate orders from time to time as the Commission may deem necessary to secure compliance by the respondents with the provisions of the Act and the pertinent rules and regulations thereunder and to carry out the provisions of this order; and

It is further ordered, That jurisdiction is reserved to the Commission to conduct such proceedings involving any or all of the respondents herein and to make such orders as it shall deem necessary or appropriate under section 11 (b) (2) or any other provision of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1392; Filed, January 27, 1944; 11:24 a. m.]

[File No. 70-785]

AMERICAN & FOREIGN POWER CO., INC., AND ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATIONS, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of January, A. D. 1944.

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company and a subsidiary of Electric Bond and Share Company ("Bond and Share"), likewise a registered holding company, and Bond and Share having filed their joint amended applications and declarations under the Public Utility Holding Company Act of 1935, and particularly sections 6 (a), 7, 9 (a) (1), 10, 12 (b), 12 (c) and 12 (d) thereof and Rules U-23, U-42, U-44, U-45 and U-50 thereunder, regarding (a) the payment by Foreign Power of $5,000,000 in cash to, and issuance of 3% serial notes of Foreign Power aggregating $30,000,000 principal amount to, Bond and Share in cancellation and redemption of the 7% overdue $35,000,000 note of Foreign Power dated February 14, 1935, held by Bond and Share on which note 6% interest is currently being paid; (b) the sale by Bond and Share, from time to time, exempt from the competitive bidding requirements of Rule U-50, of $3,300,000 aggregate principal amount of bonds of certain indirect public utility subsidiaries as follows: Arkansas Power & Light Company, First and Refunding Mortgage Gold Bonds, 5% Series, $833,500; Louisiana Power & Light Company, First Mortgage Gold Bonds, 5% Series, $377,000; Minnesota Power & Light Company, First and Refunding Mortgage Gold Bonds, 5% Series, $90,000 and First and Refunding Mortgage Gold Bonds, 4½% Series, $161,000; Mississippi Power & Light Company, First Mortgage Gold Bonds, 5% Series, $399,500; New Orleans Public Service Inc., First and Refunding Mortgage Gold Bonds, Series A, 5%, $397,000 and First and Refunding Mortgage Gold Bonds, Series B, 5%, $503,000; Pacific Power & Light Company, First Mortgage and Prior Lien Gold Bonds, 5% Series,

$285,000; and Texas Electric Service Company, First Mortgage Gold Bonds, 5% Series, $254,000; and (c) the acquisition by Bond and Share of a portion of its outstanding $5 and $6 preferred stocks by purchases in the open market with the $5,000,000 proposed to be paid to it by Foreign Power, together with the proceeds of sale of the aforesaid bonds and the proceeds of the redemption of bonds of indirect subsidiary companies to wit: Florida Power & Light Company, First Mortgage Gold Bonds, 5% Series, $417,000; Utah Power & Light Company, Thirty Year Five Per Cent Gold Bonds, $300,000 and Mississippi Power & Light Company, First Mortgage Gold Bonds, 5% Series, $31,500; and

A public hearing having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein:

On the basis of said findings and opinion, *It is ordered*, That said joint amended application and declarations relating to payment of $5,000,000 cash by, and issue of said serial notes by, Foreign Power to Bond and Share in cancelation and redemption of said $35,000,000 note be, and the same hereby are, respectively granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24, and subject to the further terms and conditions that:

(1) The approval herein contained is subject to the express conditions and reservation that the authorization by the Commission of the transactions herein proposed shall in no way serve to affect the rank or status, legal or equitable, of the debt claim of Bond and Share against Foreign Power heretofore represented by the note to be retired and hereafter to be represented by the notes to be issued by Foreign Power to Bond and Share hereunder, or the existing jurisdiction of the Commission with respect to said debt claim, in connection with any future reorganization of Foreign Power or any other matter in which said rank or status would be pertinent;

(2) All agreements, conditions and reservations of jurisdiction heretofore imposed, made or entered into shall continue in effect and shall in no sense be deemed to have been waived, terminated or exercised by the action taken herein or hereunder; and

(3) If final determination of such rank and status and the propriety of payment of such notes has not been made prior to the date of maturity of any one or more of said notes, no payment shall be made or received on or with respect to the principal of any of said notes at maturity or otherwise, except pursuant to permission of the Commission and until such permission is given, interest on said note proposed to be paid shall not be accrued, paid or charged at a rate in excess of 3% per annum unless the Commission by order shall have permitted a higher rate of interest; and failure to make any such payment of principal prior to permission of the Commission to make such payment shall not serve to accelerate the maturity of any of said notes not otherwise matured by their terms.

It is further ordered, That the declaration relating to the sale by Bond and Share of the bonds of its indirect subsidiaries, be, and the same hereby is, permitted to become effective, forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the application for exemption of the aforesaid sale of bonds from the competitive bidding requirements of subsections (b) and (c) of Rule U-50 be, and the same hereby is, granted.

It is further ordered, That the declaration respecting the acquisition by Bond and Share of a portion of its outstanding $5 and $6 preferred stocks, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further terms and conditions that:

(1) All purchases shall be effected on the New York Curb Exchange except that the Company may purchase large blocks of stock otherwise than on said Exchange, *Provided*, That notice of intention to effect each such purchase together with a statement of the identity of the seller, the price proposed to be paid and any fees or commissions to be incurred in connection therewith shall have been given to the Commission and the Company shall not have been informed by the Commission that it intends to issue an order to show cause why such purchase should not be consummated. The Company shall not solicit or cause to be solicited the sale of any shares to the Company either on or off the Exchange.

(2) The Company shall furnish to the Commission promptly at the end of each week a report showing the number of shares of each class of preferred stock purchased each day during the week, the prices at which they were purchased and the names of the brokers through whom they were purchased;

(3) The Company shall include in its quarterly reports to stockholders information as to the total number of shares of each class purchased and the aggregate purchase price for each class;

(4) No purchases shall be made after August 2, 1944, subject, however, to the right of the company to apply for an extension or extensions of such period;

(5) The Commission reserves jurisdiction in its discretion to rescind or modify its order at any time prior to August 2, 1944, or the expiration of any extension or extensions beyond such date, any such rescission or modification to be applicable to such portion of the cash permitted to be employed for such purchases pursuant to the proposals herein as shall not have been previously expended.

(6) The Company shall advise by letter the holders of record of its preferred stock fully with respect to its intention to make purchases with the funds herein permitted to be used for such purchases and the method to be employed, and the Commission reserves jurisdiction with respect to the form and contents of such notice and any similar communications; and

(7) The Commission reserves jurisdiction to require that all shares of preferred stock acquired by the company pursuant to the present declaration and order be retired and cancelled.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1393; Filed, January 27, 1944; 11:24 a. m.]

[File No. 70-265]

CITIES SERVICE COMPANY

ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of January 1944.

Cities Service Company, a registered holding company, having heretofore filed a declaration regarding the acquisition of certain of its outstanding debentures from the public and from two wholly-owned subsidiary companies, and having filed an amendment to the declaration requesting the Commission to defer action on the portion of the proposal contemplating acquisition of debentures from the public; and

The Commission having on March 26, 1941 issued its order permitting the declaration to become effective in respect of the acquisition of debentures from the subsidiary companies; and

Cities Service Company having now requested permission of the Commission to withdraw the declaration insofar as it concerns the acquisition of debentures from the public; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to permit the declaration in this respect to be withdrawn:

It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1394; Filed, January 27, 1944; 11:24 a. m.]

FEDERAL REGISTER

VOLUME 9 NUMBER 21

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Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 75-2, Amdt. 6]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Food Distribution Order No. 75-2, § 1410.18, as amended (8 F.R. 15308, 15810), is further amended to read as follows:

§ 1410.18 *Beef required to be set aside*—(a) *Definitions.* (1) The term "armed services of the United States" means the Army, Navy, Marine Corps, or Coast Guard of the United States, excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations.

(2) The term "governmental agency" means the armed services of the United States, the Office of Distribution, War Food Administration (including but not restricted to the Federal Surplus Commodities Corporation), the War Shipping Administration, and the Veterans' Administration.

(3) The term "set aside meat" means meat of the type and grade required to be set aside pursuant to this order.

(4) The term "authorized purchaser" means:

(i) Any person who is under contract to sell or deliver set-aside meat, or products prepared in whole or in part therefrom, to a governmental agency;

(ii) Any person who has delivered set aside meat, or products prepared in whole or in part therefrom, to a governmental agency, and has not replaced the set aside meat so delivered or contained in the products so delivered by a purchase of set aside meat in accordance with the provisions of this order;

(iii) Any person who is authorized by the Director to purchase set aside meat.

(5) The term "Northern Area of Zone 9" includes the following:

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island;

(ii) All that portion of New York east of and including the counties of Saint Lawrence, Jefferson, Lewis, and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond;

(iii) All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juanita, Perry, and Franklin.

(iv) New Jersey and Delaware;

(v) All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys; and

(vi) The District of Columbia.

(6) Any term not specifically defined herein shall have the meaning ascribed thereto in Food Distribution Order No. 75 (8 F.R. 11119), or Food Distribution Order No. 75-1 (8 F.R. 11327).

(b) *Quantity; grade; processing.* No Class 1 slaughterer shall deliver meat unless he shall:

(1) Set aside, reserve, and hold for delivery to governmental agencies or persons entitled to purchase set aside meat under a food distribution regulation:

(i) 50 percent of the conversion weight of each week's production of beef graded "U. S. Choice", "U. S. Good", and "U. S. Commercial", obtained from steers and heifers whose carcasses meet Army specifications for carcass beef or frozen boneless beef;

(ii) In the form of carcass or frozen boneless beef meeting Army specifications, 50 percent of each week's production of beef graded "U. S. Utility" produced from steers and heifers whose carcasses meet Army weight specifications; and

(iii) 80 percent of the conversion weight of each week's production of beef derived from cutter and canner grade cattle (Grade D beef); and

(iv) In the case of any slaughterer of kosher beef located in the Northern Area of Zone 9, who has registered with the Office of Price Administration as required by paragraph (d) of § 1364.407 of Maximum Price Regulation 169, as amended, the percentage applicable under (b) (1) (i) and (b) (1) (ii) hereof shall be 35

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FEDERAL REGISTER

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percent for all beef derived from the slaughter of steers and heifers, the forequarters or wholesale kosher cuts of which have been sold or delivered as kosher beef to bona fide buyers of kosher beef.

(2) Bone in accordance with Army specifications for frozen boneless beef not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (i) hereof, and not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (ii) hereof: *Provided, however,* That the Order Administrator may exempt, wholly or partially, any Class 1 slaughterer from this requirement upon a proper showing that said slaughterer (i) does not have adequate facilities for boning, or (ii) does not have, or is unable to obtain, sufficient personnel to bone said beef, or (iii) is unable to comply with this requirement for any reason which appears to the Order Administrator to warrant such exemption.

(c) *Conversion weight.* Conversion weights shall be computed in accordance with (p) of Food Distribution Order No. 75–1 (8 F.R. 11327). The Director may, upon written application, revise any conversion weight factor where it is shown that such factor is working an undue hardship in the preparation of certain products.

(d) *Credits allowed on deliveries.* Subject to the provisions of (e) hereof, any set aside meat delivered to a governmental agency, authorized purchaser, or person entitled to purchase set aside meat under the provisions of a food distribution regulation, may be credited against the requirements of (b) hereof for meat of the type and grade so delivered.

(e) *Certificates.* No set aside meat shall be delivered to any authorized purchaser, and no credit shall be allowed for any such delivery unless, within 10 days after delivery, the slaughterer obtains a certificate signed by the authorized purchaser, acknowledging receipt of the meat, and containing the following: the name and address of both parties and the date of delivery; the contract number of the contract between the authorized purchaser and the governmental agency; and a statement by the authorized purchaser that the set aside meat so delivered, or an equivalent amount thereof, will be or has been used in the fulfillment of such contract. The slaughterer shall endorse on such certificate the conversion weight of such meat, together with a description permitting conversion in accordance with (p) of Food Distribution Order No. 75–1, *supra.* The slaughterer and the authorized purchaser shall each retain an original of such certificate for delivery to the Director upon request. All statements contained in or accompanying such certificate shall be deemed made to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(f) *Storage; packaging.* All beef set aside and reserved under this order shall be stored in such manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with Army specifications.

(g) *Authorized purchasers required to redeliver.* Each authorized purchaser who receives set aside meat under the provisions of this order shall deliver all such meat, or an equivalent amount of set aside meat, to a governmental agency or person entitled to purchase set aside meat under the provisions of a food distribution regulation.

(h) *Allocation.* The Director may, in his discretion, by general order or written notice to individual slaughterers, order the allocation of meat set aside, reserved and held under this order to or among specific governmental agencies, authorized purchasers, or persons entitled to purchase set aside meat under a food distribution regulation. In the absence of such allocation, slaughterers may, subject to (e) hereof, sell meat so set aside, reserved and held to any such person or agency.

(i) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any Class 1 slaughterer is required to offer or to deliver under any existing contract with a governmental agency, as defined herein, or with the United States Maritime Commission.

(j) *Reports.* Every Class 1 slaughterer shall report to the Director the conversion weight of each week's production of set-aside meat, the amounts thereof delivered to governmental agencies, authorized purchasers, and persons entitled to purchase set-aside meat under a food distribution regulation, and the amount of set-aside meat purchased for delivery to governmental agencies.

(k) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective at 12:01 a. m., e. w. t., January 30, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75–2, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 75–2, as amended, in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 75, 8 F.R. 11119)

Issued this 26th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1401; Filed, January 27, 1944; 3:54 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial 301]

EASTERN AIRLINES OPERATIONS AT BEAUMONT, TEX.

SPECIAL CIVIL AIR REGULATION

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to the operations of Eastern Air Lines at Jefferson County Airport, Beaumont, Texas.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 26th day of January, 1944.

The following Special Civil Air Regulation is made and promulgated to become effective February 1, 1944:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations any first pilot listed in the Eastern Air Lines air carrier operating certificate on February 1, 1944, who is qualified as competent to operate an aircraft in scheduled air transportation between New Orleans, Louisiana, and Houston, Texas, on February 1, 1944, may pilot aircraft under day contact operations in scheduled transportation for said carrier into and out of Jefferson County Airport, Beaumont, Texas, upon furnishing evidence satisfactory to the Administrator showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44–1416; Filed, January 28, 1944; 10:28 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Revocation of Direction 10]

WELDING ROD FOR REPAIR SHOPS

Direction No. 10 to *CMP Regulation No. 5* is revoked. Repair shops may obtain welding rod by the use of the rating assigned by CMP Regulation No. 9A.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1419; Filed, January 28, 1944; 11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M–73, as Amended Jan. 28, 1944]

WOOL

§ 3290.286 *Conservation Order M–73*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* In this order:

(1) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Angora goat (mohair) or the Cashmere goat, camel, alpaca, llama, vicuna, and related fibers, including carpet wool, but does not include noils, waste, tanners' wool waste, reprocessed or reused wool, or yarn or cloth;

(2) "Waste" means the by-product resulting from carding, combing, spinning and subsequent operations on any system, but does not include the by-product resulting from scouring and carbonizing operations;

(3) "Put into process" means:

(i) On the worsted system, the first operation of drawing after combing;

(ii) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding, as the case may be;

(iii) On the woolen, felt, or any other system not using tops, the first operation after scouring, carbonizing, dusting or similar cleaning or preparatory process;

(4) [Deleted Nov. 19, 1943]

(c) *Restrictions.* (1) No person shall put into process any wool other than carpet wool or mohair for the manufacture of any floor covering.

(2) No person shall put into process or use any alpaca or tops therefrom (except alpaca seconds, llama, huarizo, pieces, low offsorts or locks), except for the manufacture of yarns or cloth to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(d) *Prohibition against sales or deliveries.* No person shall sell, deliver, or accept any material if he knows, or has reason to believe, such material is to be used in violation of this order.

(e) *General exceptions.* The restrictions of this order shall not apply to any person to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning and weaving of the cloth.

(f) *Equitable distribution.* It is the policy of the War Production Board that wool, noils, waste, tanners' wool waste, and reprocessed or reused wool, and yarns, cloth, felts and products containing any of the foregoing, not required to fill rated orders, shall be distributed equitably. In making such distribution due regard shall be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* Every person classified below, to whom the form is sent by the War Production Board or by the Bureau

of the Census, shall, within the period specified in the reporting form, file with the War Production Board, or the Bureau of the Census, whichever is specified in the form, each form applicable to him, giving the information required, as follows:

Who shall file:	Form Number
1. A person in the business of putting into process wool or wool tops, or who has wool or wool tops put into process by another for his account.	WPB–2857 (formerly PD–274).
2. A person in the business of operating woolen, worsted or felting machinery.	WPB–2857, WPB–1420.
3. An owner, or a consignee from a grower, of wool, noils, waste, tanners' wool waste, reprocessed or reused wool.	WPB–295, WPB–370.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M–73.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1420; Filed, January 28, 1944; 11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[General Conservation Order M–85, as Amended Jan. 28, 1944]

KAPOK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of kapok for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.331 [1] *General Conservation Order M–85*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Additional definitions.* For the purposes of this order:

(1) "Kapok" means the fiber or pulp from the pod of the Ceiba or Kapok tree.

[1] Formerly Part 1083—Kapok, § 1083.1.

(2) "Dealer" means any person purchasing kapok for resale and the term shall include also importers, agents and brokers.

(3) "Manufacturer" means any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries of kapok.* No dealer or manufacturer shall sell, transfer title to or deliver, and no person shall purchase, accept transfers of title to, or deliveries of, any kapok except upon the following categories of order:

(1) Purchase orders placed by the Army or Navy of the United States, the United States Maritime Commission, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose of any of the foregoing.

(2) Purchase orders placed by dealers.

(3) Purchase orders placed by manufacturers for delivery in any calendar month of the minimum amounts necessary (taking into consideration their existing inventories) to enable them to continue until the end of said calendar month to produce products listed in paragraph (d) below.

(4) Purchase orders specifically allocated to manufacturers by the War Production Board on Form WPB 2562.

(d) *Restrictions on the use of kapok for manufacturing purposes.* Unless authorized pursuant to application filed on Form WPB–1076, no manufacturer shall use any kapok of Java grades except to fill direct orders placed by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or by subcontractors therefor, for life vests or life jackets and collars.

No manufacturer shall use any kapok of grades other than Java in any product unless required by a defense order and authorized pursuant to application on Form WPB–1076.

(e) *Assignment of preference rating.* A preference rating of AA–5 is hereby assigned to all orders for kapok placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied in the manner prescribed by Priorities Regulation No. 3, as amended.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(g) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M–85.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* On or before the 15th day of each calendar month all owners of kapok shall file two copies of Form WPB–642 with the United States Tariff Commission, 7th and E Streets, N. W., Washington 25, D. C.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1421; Filed, January 28, 1944; 11:29 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L–140–a as Amended Jan. 28, 1944]

CUTLERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals used in the production of cutlery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.175 *General Limitation Order L–140–a*—(a) *Definitions.* For the purposes of this order:

(1) "Cutlery" means any professional food processing cutlery, as defined in Schedule A, any professional kitchen cutlery, as defined in Schedule B, any household kitchen cutlery, as defined in Schedule C, any household table cutlery, as defined in Schedule D, any pocket cutlery, as defined in Schedule E, any scissors, shears and trimmers, as defined in Schedule F, any hand hair or fetlock clippers, as defined in Schedule G, any industrial cutlery, as defined in Schedule H, and any hunting or fixed blade sheath knife, any carving sets, any poultry shears, any implement designed or intended for manicuring, for pedicuring or for extracting blackheads, including but not limited to nail files, nail nippers, nail clippers, pushers, picks, cuticle scissors, cuticle pushers, cuticle clippers and cuticle nippers, and any other hand operated, fixed or folding, cutting blade or fork with a handle or handles of any material attached so as to become an integral part of the implement. "Cutlery" shall not include any article of flatware, as defined in Order L–140–b, when issued, or any of the articles subject to Order L–30–d, as amended from time to time, or surgical instruments.

(2) "Manufacturer" means any person engaged in the business of fabricating or assembling any new cutlery from any raw material, purchased parts or previously used or fabricated material, or who performs any hand or mechanical fabricating or assembling operation on an article of cutlery.

(3) "Process" means the first change by a manufacturer in the form of material (whether raw material, semi or fully fabricated material or finished parts) from that form in which it is received by him, or the first assembly by a manufacturer of material which is not changed in form by him. Any manufacturer who did not maintain records during the base period as to his processing of metals in terms of weight, but who maintained records in terms of units of cutlery only, may apply all percentages contained in this order and schedules in terms of units rather than in terms of weight.

(4) "Base period" means the period beginning July 1, 1940 and ending June 30, 1941, inclusive.

(5) Gauges when referred to in this order, are subject to commercial tolerances.

(b) *Restrictions on kinds of cutlery which may be manufactured.* No manufacturer shall process any metal for new cutlery which is not of a type defined in a schedule in this order.

(c) *Restrictions on quantity of cutlery produced.* No manufacturer shall process more metal in the production of any new cutlery than the amount specified for that class of cutlery in the appropriate schedule attached to this order.

(d) *Exceptions for military orders.* In addition to the production permitted by paragraph (c) above a manufacturer may process sufficient additional amounts of metal to fill purchase orders or contracts for cutlery to be delivered by him to or for the account of

(1) The War Shipping Administration,

(2) The United States Maritime Commission,

(3) The United States Navy (excluding purchase orders placed by or for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB–1319 (formerly PD–556), pursuant to an application filed on said Form, the filing of purchase orders for cutlery for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale within but for use outside the 48 United States and the District of Columbia. In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f) of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (a) and (8). Omit information called for in parts (1) (b), (2), (3), (4), (5), (6) and (7) of section III. Form WPB–1319 (formerly PD–556) is to be filed and executed only by the Bureau of Naval Personnel, Navy Department, Washington, D. C., and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(4) The United States Army (excluding purchase orders placed by or for delivery to United States Army post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB–1319 (formerly PD–556), pursuant to an application filed on said form, the filing of purchase orders for cutlery for delivery to and use by post exchanges located in areas designated by the United States Army as "staging areas." In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f). of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (a) and (8). Omit information called for in parts (1) (b), (2), (3), (4), (5), (6) and (7) of section III. Form WPB–1319 (formerly PD–556) is to be filed and executed only by the Army Exchange Service of New York, and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(e) *Specifications.* No manufacturer shall process any metal for the production of any new cutlery which does not conform to the specifications contained in the applicable schedules in this order except that these specifications do not apply to orders for household table cutlery, pocket cutlery and hunting or fixed blade sheath knives, or orders for other cutlery accepted by the manufacturer prior to July 1, 1943: *Provided,* That such orders are for the agencies specified above in paragraph (d).

(f) *Metal restrictions.* No manufacturer shall process any metals other than iron, carbon steel, gold and silver in the production of cutlery, except

(1) Lead for bolsters or rivets;

(2) Chromium for plating;

(3) Zinc as provided in Schedule G and H of this order subject to the restrictions contained in the M–11 series, as amended from time to time.

(g) *Hardness of knife blades and sharpening steels.* No manufacturer shall process any steel for the production of:

(1) Knife blades for cutlery which when finished tests less than 45, Rockwell C Scale;

(2) Sharpening steel which when finished tests less than 62, or more than 68, Rockwell C Scale.

NOTE: Paragraphs (h) through (o), formerly (k) through (r), redesignated Jan. 28, 1944.

(h) *Special provision affecting distribution of overruns, rejects and cancellations.* When material for the production of cutlery is obtained with priorities assistance and, because of cancellations of orders or other reasons, can no longer be used for the purpose for which the assistance was given, such material may only be used as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1, Similarly, when such material has been manufactured into cutlery to fill a specific contract and that cutlery, because of overruns, rejects, cancellations or other reasons, cannot be used for that purpose, it may be used or disposed of only as allowed in that section. One of the ways in which these materials or products may be used or disposed of is outlined in subparagraph (5) of that paragraph, which permits use and disposal in any manner specifically authorized in writing by the War Production Board. Applications for such authorization may be made on Form WPB–1319 (formerly PD–556).

(i) *Partial revocation of L–140.* On and after July 1, 1943, the restrictions contained in L–140 are hereby superseded and L–140 is hereby revoked in so far as it applies to the production of any cutlery other than silver plated flatware restricted in paragraph (b) (5) of that order.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of cutlery inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(k) *Reports.* (1) Prior to July 15, 1943, every manufacturer of cutlery shall execute and file in duplicate with the War Production Board, Washington 25, D. C., Ref.: L–140–a, a report as to the aggregate amount of all metals processed by that manufacturer during the base period and grouped in accordance with the classes as specified in the definitions contained in the individual schedules attached to this order. Manufacturers who compute their processing of metals in units in accordance with paragraph (a) (3) of this order may file such report in units. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington 25, D. C., Ref.: L–140–a, on or before the 10th day of July, 1943, and on or before the 10th day of each calendar month thereafter, Form WPB–1600 (formerly PD–655).

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time, except as provided in paragraph (j) (2).

(m) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this Order shall be filed on

Form WPB–1477 (PD–500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(c) *Communications.* All reports to be filed hereunder or communications concerning this order should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–140–a.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—PROFESSIONAL FOOD PROCESSING CUTLERY

NOTE: Fifth paragraph deleted Jan. 28, 1944.

Definitions. "Professional food processing cutlery" means any hand operated knives, cleavers, splitters, sharpening steels, beef tiers, ham stringers, coring hooks, canning or pitting spoons, and other hand cutlery designed for, but not limited to, use in packing houses, quick-freezing plants, canneries and dehydrating plants for slaughtering, cleaning, dressing, boning and otherwise processing meats, poultry, fish, vegetables, fruits, and other food stuffs; and also hand cutlery designed for, but not limited to, use in butcher shops and provision markets for the further processing of meats and other foods.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon, and does not apply to the grind or finish of the blade or bowl, or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional food processing cutlery except that which conforms to the following specifications.

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Minimum length in inches
Butcher knife. Not lighter than .083" in thickness	1	4	6
Steak knife (Scimitar shape)	1	2	10
Trimming or heading knife	1	1	-------
Ribbing knife	1	1	-------
Boning knife (Straight blade)	2	2	-------
Boning knife (Curved blade)	1	1	-------
Sticking knife	1	1	6
Sticking knife (chicken)	1	1	-------
Sticking knife (turkey)	1	1	-------
Skinning knife	2	1	-------
Pinners knife (pinfeather)	1	1	-------
Sharpening steels	1	3	-------
Fish slitting or gutting knife	1	1	-------
Fish splitting knife	1	1	-------
Fish sliming knife	1	1	-------
Fish filet knife	1	1	-------
Clam knife	1	1	-------
Oyster knife	2	1	-------
Scallop knife	1	1	-------
Sponge or fishermen's sheath knife	1	1	-------
Ham stringer	1	1	-------
Beef tier	1	1	-------
Fruit canning knife (California type)	1	3	-------
Canning knife (California type)	1	1	-------
Tomato knife	1	1	-------
Beet topping knife	1	1	-------
Pitting spoon	3	1	-------
Tomato spoon	1	1	-------
Coring hook	2	1	-------
Cleavers	2	1	-------
Splitters	2	1	-------

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional food processing cutlery more iron and steel in the aggregate than 225% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional food processing cutlery.

SCHEDULE B—PROFESSIONAL KITCHEN CUTLERY

NOTE: Fifth and last paragraphs deleted Jan. 28, 1944.

Definitions. "Professional kitchen cutlery" means any hand operated knives, forks, scrapers, turners and spatulas used in the preparation of food, designed for, but not limited to, use in the bakery trade and in kitchens of hotels, restaurants, cafeterias, hospitals, institutions and other public eating places.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length," unless otherwise specified, means the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Length in inches
Butcher knife (not heavy than .072" in thickness, nor lighter than 0.65" in thickness).	1	2	8" Maximum.
Cook's knife (Sabatier shape, no heel, no bolster).	1	2	8" Minimum.
Meat slicer	2	1	10" Minimum.
Utility slicer	2	1	8" Maximum. 5" Minimum.
Paring knife	2	1	3½" Maximum.
Cook's fork (forged blade).	1	1	14" including handle.
Cook's fork (blanked blade, hardened and tempered).	1	1	
Spatula	1	3	8" Minimum.
Baker's scraper (1 weight of blade only).	1	1	
Cake turner (spatula type).	1	1	
Hamburg turner (spatula type).	1	1	

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional kitchen cutlery more iron and steel in the aggregate than 75% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional kitchen cutlery.

SCHEDULE C—HOUSEHOLD KITCHEN CUTLERY

NOTE: Fifth paragraph deleted Jan. 28, 1944.

Definitions. "Household kitchen cutlery" means hand operated knives and forks used in the preparation and serving of food, and designed for use in home kitchens.

"Pattern" means the outline shape of the blade of a knife or fork. It does not apply to the grind or finish of the blade or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	Length in inches
Slicer	2	1	9" maximum
Cook's fork (blanked blade, hardened and tempered).	1	1	10½" maximum (including handle).

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional kitchen cutlery more iron and steel in the aggregate than 75% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional kitchen cutlery.

SCHEDULE D—HOUSEHOLD TABLE CUTLERY

NOTE: "Metal for bolsters • • •" deleted Jan. 28, 1944.

Definitions. "Household table cutlery" means any knife, fork, spoon or any other cutlery of plated or unplated metal, with handles made of other material than metal, designed for the actual serving and eating of food in the home, other than all metal flatware.

"Pattern" means the outline shape of the blade of a knife or fork or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household table cutlery except that which conforms to the following specifications:

Description of item	Maximum No. of patterns	Maximum No. of lengths per pattern
Table knife	1	1
Dessert fork	1	1
Dessert spoon	1	1
Teaspoon	1	1

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household table cutlery more iron and steel in the aggregate than 50% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household table cutlery.

SCHEDULE E—POCKET CUTLERY

Definitions. "Pocket cutlery" means any folding blade knife.

"Pattern" means the outline shape of the skeleton or frame. It does not apply to the shape of, number of or finishes of blades, or to the type of material, finish or color of the handle.

"Length", unless otherwise specified, means the outside measurement of the skeleton or frame of the knife, subject to a tolerance (plus or minus) of 1/16th inch.

"Number of blades per knife" refers only to the number of blades which may be fastened directly or indirectly to each skeleton or frame and does not refer to the shape or finish of the blades. Different styles of blades may be mounted on the same pattern of skeleton or frame. For instance, the specifications state that not more than one blade may be fastened to each skeleton or frame of a pruning, maize or navy knife. The manufacturer may produce as many styles of blades for such pruning, maize or navy knives as he wishes, so long as each completed knife contains only a single blade, irrespective of its style.

Permissible types. No manufacturer shall process metal in the production of pocket cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	No. of blades per knife
General utility knife	1	1	Maximum 4.
Premium stock knife or cattle knife.	3	1	Maximum 3.
Jack knife. No. of weights, 2.	1	3	2 only.
Pruning, maize or navy knife.	1	1	1 only.
Budding or grafting knife.	1	1	1 only.
Electrician's knife	1	1	2 only.
Scout knife	1	1	4 only.
Self opening knife	1	2	1 only.

No item in this List E may be made with a handle less than 3⅝ inches in length nor less than ⅜ of an inch in thickness at the narrowest point.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of pocket cutlery more iron and steel in the aggregate than 60% of the average quarterly amount of iron, steel and other metals in the aggregate processed by that manufacturer during the base period in his production of pocket cutlery.

SCHEDULE F—SCISSORS; SHEARS AND TRIMMERS

Definitions. "Scissors" means any two bladed, hand operated cutting implement having two rings, each of a size sufficient to accommodate not more than one finger or thumb in each ring, designed for use in industrial plants, schools, dressmakers' establishments, department stores, homes, etc., for cutting cloth, paper and miscellaneous materials; including nail scissors, but excluding surgical scissors and barber shears and scissors.

"Shears and trimmers" means any two bladed, hand operated cutting implement having one ring of a size sufficient to accommodate two or more fingers and a second ring which is smaller and barber shears or scissors possessing a protruding finger rest, but not including animal and agricultural shears and trimmers or metal cutting shears or snips.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of scissors more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of scissors.

During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of shears and trimmers more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of shears and trimmers.

SCHEDULE G—HAND HAIR CLIPPERS

Definitions. "Hand hair clippers" means clippers operated by hand, designed for but not limited to use in barber shops, beauty parlors, hospitals or homes for cutting human hair, and including fetlock clippers.

"Length" means the over-all measurement of the article from the tip of the stationary handle to the tip of the cap or head.

"Pattern" means the outline shape of the head, cap and handles, including horns and finger rests of the completed article, without the plates. It does not refer to the finish, color or weight of the article.

Permissible types. No manufacturer shall process metal in the production of any hand hair clippers except those which conform to the following specifications:

General description	Maximum No. of patterns	Maximum No. of lengths
Large heavy duty clippers	1	1
Light weight clippers	1	1
Fetlock clippers	1	1

Permissible amount of metal. During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new large heavy duty hand hair clippers and fetlock clippers more iron, steel and zinc in the aggregate than 45% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new large heavy duty hand hair clippers, and fetlock clippers.

During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new light weight hand hair clippers more iron, steel and zinc in the aggregate than 25% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new light weight hand hair clippers.

Restrictions on distribution. On and after July 1, 1943, no manufacturer shall transfer the physical possession of or title to any new light weight hand hair clipper produced after that date except to or for the account of persons acquiring such light weight hand hair clippers for export to and consumption or use in a foreign country.

SCHEDULE H—INDUSTRIAL CUTLERY

Definitions. "Industrial cutlery" means hand operated knives or similar articles designed for use primarily in, but not limited to, shoe, rubber, linoleum, electrical and other manufacturing plants; and in the shipbuilding, storage battery, automotive, tire repair, painting, furniture, office supply and other trades; including but not limited to putty knives, scrapers, wallpaper trimmers, paper hangers' knives, casing knives, corner knives, linoleum knives, roofing knives, manual training knives, wood carving knives, pattern makers' knives, stencil knives, rubber knives, shoe knives, cotton sampling knives, broom corn knives, and similar industrial knives; and also adjustable knife blades with detachable handles designed for essential cutting operations.

Permissible amounts of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of industrial cutlery more iron, steel, and zinc in the aggregate than 200% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of industrial cutlery.

[F. R. Doc. 44–1422; Filed, January 28, 1944; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 11,[1] Amdt. 1]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 5.5 is amended to read as follows:

SEC. 5.5 *This order does not cover rationed foods obtained, or which may be obtained, as a provisional allowance.* (a) The provisions of this order do not apply to rationed foods which an industrial

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9625, 10419, 11671, 12558, 12711, 13171, 13920, 16840, 17511.

user obtains (or, which, under the provisions of the food ration orders, he may obtain) as a provisional allowance.

This amendment shall become effective February 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179, WPB Dir. 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1402; Filed, January 27, 1944; 3:57 p. m.]

PART 1306—IRON AND STEEL

[RPS 49, Amdt. 20]

RESALE OF IRON OR STEEL PRODUCTS

Correction

In the first line of item 12 of F.R. Doc. 44-735, which appears on page 604 of the issue for Saturday, January 15, 1944, the section number should read: § 1306.159.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 13]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respects:

1. In section 5.1 (b) the text preceding the table is amended to read as follows:

(b) Refined soybean oil produced from the 1942-43 soybean crop—in tank cars, basis f. o. b. Decatur, Illinois:

2. A new section 5.1 (c) is added to read as follows:

(c) Refined soybean oil produced from the 1943-44 soybean crop—in tank cars, basis f. o. b. Decatur, Illinois:

CENTS PER POUND

	Refined unbleached and undeodorized	Refined bleached and undeodorized	Refined deodorized and unbleached	Deodorized and bleached soybean oil	Winterized soybean oil	Hydrogenated margarine soybean oil	High titre hydrogenated soybean oil
F. o. b. Decatur, Ill.....	12.59	12.73	12.80	12.94	13.40	13.80	13.95

(1) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(2) The usual or normal differentials for type of container shall continue to apply.

3. Section 5.2 is amended to read as follows:

SEC. 5.2 *Refined soybean oil produced from the 1942-43 soybean crop and sold for industrial use.* Where refined soybean oil produced from the 1942-43 soybean crop is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for such oil by section 5.1 (b) hereof.

This amendment shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1403; Filed, January 27, 1944; 3:57 p. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 222, Amdt. 1]

NORTHERN SOFTWOOD LUMBER

Correction

In F.R. Doc. 44-1004, which appears on page 789 of the issue for Friday, January 21, 1944, the last line should read: Issued this 19th day of January 1944.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 101]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The definition of "Rationed fats or oils" in section 24.1 (a) is amended by inserting after the word "cottonseed," in subparagraph (3) the words "sesame seed,"

This amendment shall become effective January 25, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1321; Filed, January 26, 1944; 4:03 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11150, 11508, 11296, 11739, 12022, 12542, 12559, 12873, 15523, 15670, 17227.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[TMPR 34,[1] Amdt. 1]

SWEET POTATOES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

In section 1 (a) a phrase is added to read as follows: "and sales to dehydrators of sweet potatoes for dehydration purposes."

This amendment shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 26, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1404; Filed, January 27, 1944; 3:57 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U.S.C. Title 50, sec. 191, 191a), and by virtue of the Proclamation and Executive order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581) respectively, the regulations relating to the control of vessels in the navigable waters of the United States, are hereby amended as follows:

Amend § 6.3-3 as follows:

§ 6.3-3 *Waters of Lake Ontario; aerial ground firing range*—(a) *The danger zone.* The aerial gunnery range is 11,000 feet long by 4,000 feet wide and about 2 miles northwest of the entrance to Olcott Harbor, New York, described as follows: Commencing at a point 10,900 feet azimuth 318°30' from Olcott Light, said point being the southeasterly corner of the range area; thence northerly (lakeward) 4,000 feet azimuth 345°, thence westerly 11,000 feet azimuth 255°, thence southerly (shoreward) 4,000 feet azimuth 165°, thence easterly 11,000 feet azimuth 75° to the point of beginning. All azimuths given being true azimuths.

(b) *The regulations.* (1) Vessels and small craft are prohibited from entering the restricted area at all times; and no

[1] 8 F.R. 17306, 9 F.R. 612.

pound net, staked gill net or fyke net or any other type of net, fastened by means of poles, stakes, weights or anchors, shall be set therein.

(2) These regulations shall be enforced by Captains of the Port and by the Army Air Forces Area Supervisor and their authorized representatives.

Amend § 6.3-76 (b) by adding the following subparagraph:

(3) Notice that the torpedo testing range is in operation will be given by displaying a large red flag on the firing barge and by displaying red flags on rafts of the range.

Amend Subpart C by adding the following sections:

§ 6.3-77 *Rockaway Inlet Anchorage (Naval anchorage)*—(a) *The area.* Beginning at a point located in Latitude 40°34'41" N., Longitude 73°53'19" W., thence on a bearing 154½° true to the North Lift Tower, Marine Parkway Bridge; thence 262° true for a distance of 900 yards; thence 358½° true to the shore at Barren Island.

(b) *The regulations.* This anchorage is defined and established exclusively for the mooring of Naval vessels.

Amend § 6.5-10 to read as follows:

§ 6.5-10 *Gunnery ranges and seaplane landing area, U. S. Naval Air Station, Patuxent River, Md.*—(a) *The danger zone*—(1) *Machine gun range.* The waters on the western shore of Chesapeake Bay south of Cedar Point, Maryland, within an area bounded as follows: On the north, a line 107° (true) a distance 1.5 miles, from the Armament Test Hangar at U. S. Naval Air Station; on the east, a line 147° (true) from Drum Point Light; on the south, a line 057° (true), a distance 2 miles from Point No Point; and on the west, the shore line of Chesapeake Bay between Point No Point and the Armament Test Hangar.

(2) *Aerial gunnery range.* The waters of Chesapeake Bay south of a line between Cedar Point, Maryland, and the southern tip of Barren Island; west of a line between the southern tip of Barren Island and Shanks Island, Virginia; north of a line between Shanks Island and Smith Point Light, Virginia; and east of a line between Smith Point Light and Point Lookout and the shore line of Chesapeake Bay between Point Lookout and Cedar Point.

(3) *Ground gunnery range.* The waters of Chesapeake Bay contained by that portion of a circle whose outer limit is 5 nautical miles from the circle center at the Armament Test Hangar (approximate geographical position 38°16' N., 76°24' W.); whose northern limit is the intersection of this same circle with a line running between Cedar Point, Maryland, and the southern tip of Barren Island; and whose southern limit is the intersection of that circle with the shore line.

(4) *Seaplane landing area.* The waters on the western shore of Chesapeake Bay south of Cedar Point, Maryland, within an area bounded as follows: A line between Cedar Point Lighthouse and the southern tip of Barren Island for a distance of 2 miles; thence due south for a distance of 3 miles; thence due west to the shoreline; thence northeasterly along the shoreline to the Cedar Point Lighthouse.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the Machine Gun Range or Seaplane Landing Area at any time.

No vessel or other craft, except military and naval vessels engaged in scheduled gunnery and training exercise, shall enter or remain in the Aerial Gunnery Range or the Ground Gunnery Range during their use for firing practice except as provided in paragraph (b) (5) and (7).

(2) Advance notice shall be given of the date on which the first firing practice is conducted and such notice shall be published in the "Notice to Mariners." The range will be in use throughout the year and no further notice is contemplated that firing is continuing.

(3) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no watercraft are within the danger area, and any watercraft in the vicinty will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of firing practice.

(5) Through navigation of commercial craft proceeding on established steamer lanes will be permitted traverse of the Aerial Gunnery Range and Ground Gunnery Range at all times. Such vessels shall proceed on their normal course and shall not delay their progress.

(6) Through navigation of naval and military vessels will be permitted in the Ground Gunnery Range. The movements of all such vessels through this area will be reduced to a minimum.

(7) Military and naval vessels will conduct gunnery and training exercise in that area of the Aerial Gunnery Range that does not include the limits of the Machine Gun and Ground Gunnery Ranges. Where there is apparent conflict between surface craft with their attendant planes and planes operating under the control of the Naval Air Station, Patuxent River, the Naval Air Station, Patuxent River planes are expected to keep clear.

(8) These regulations shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate, and the Captain of the Port.

§ 6.5-14 *Restricted area, Newtown Neck, St. Mary's County, Maryland*—(a) *The area.* The water area enclosed between the following lines and the shoreline of Newtown Neck, St. Mary's County, Maryland: A line from Howard's Wharf to Long Point in St. Clement Bay, thence to Newtown Neck Buoy 2, thence to Heron Island Shoals Buoy, thence to Huggins Point Light, thence to Breton Bay Buoy 2A, and thence across the westerly end of Breton Bay to the western shore of the entrance to Combs Creek.

(b) *The regulations.* (1) No vessel or craft shall enter or remain in the area above designated, or any part thereof, when notified to keep clear by an enforcing authority, nor shall any vessel or craft approach at any time with 500 yards of the northwest shoreline of Newtown Neck extending from Long Point, nor the west, south and east shorelines of Newtown Neck extending from Long Point.

(2) These regulations shall be enforced by the Commandant, Potomac River Naval Command, and by the Commanding Officer, Coast Guard Forces, Potomac River Naval Command, or their authorized representatives.

Amend No. 2 under § 6.5-25 (a) (4) to read as follows:

§ 6.5-25 *Hampton Roads and the Harbors of Norfolk and Newport News, Virginia.* * * *

NOTE 2: The established anchorages for Naval vessels having been found inadequate at times when an especially large number of Naval vessels are gathered in Hampton Roads, and the Navy Department having requested the establishment of a series of anchorage berths for such occasions in order that a Naval vessel may be ordered to proceed to a designated numbered or lettered anchorage berth in the harbor, the following arrangements have been made: An overlay for Naval anchorage berths in Hampton Roads has been superimposed on U.S.C. and G.S. Chart #400 by the Hydrographic Office of the Navy Department. This overlay, known as H.O. Anchorage Chart G, shows Naval anchorage berths in Anchorages A, B, C, E, F-1, and G. Those designated anchorage berths, with the exception of those in Naval Anchorage B which are primarily for Naval vessels, are not set aside for the exclusive use of Naval vessels, but permission wil be given for Naval vessels to use them when available. When the Captain of the Port receives notification from the proper Naval authorities that it is desired to utilize certain of the anchorage berths set out on the above-mentioned overlay in Anchorages A, C, E, F-1, or G, he will authorize their use by Naval vessels if they can be made available, the commercial condition at the time being given proper consideration. If in the opinion of the Captain of the Port there are sufficient reasons why the berths first asked for should not be used, he will confer with the Naval Officer making the request and if other berths can be agreed upon he will authorize their use, otherwise he will communicate the request to the Secretary of the Navy with a statement of the circumstances and his recommendation.

Amend § 6.5-25 (a) by adding the following notes to subparagraphs 3, 7, 9, and 10:

(3) *Temporary anchorage A, Hampton Bar.* * * *

NOTE 2: See Note 2 under anchorage B below.

(7) *Anchorage E, middle ground anchorage.* * * *

NOTE 2: See Note 2 under anchorage B above.

(9) *Anchorage F-1; anchorage for vessels carrying explosives.* * * *

NOTE 2: See Note 2 under anchorage B above.

(10) *Anchorage G, Newport News.*

* * *

NOTE 2: See Note 2 under anchorage B above.

§ 6.7–3 *Crooked River, Fla.: Camp Gordon Johnston firing range, St. James Island.*—(a) *The danger zone.* The firing range, which constitutes a danger zone, is located on St. James Island, the direction of fire being northwesterly across Crooked River, from a point one-half mile east of New River to a point one-half mile west of Ochlockonee River.

(b) *The regulations:* (1) When firing is in progress, patrol boats will be stationed at each end of the danger zone in Crooked River to restrict the use of the river for navigation and to notify boats desiring to pass through the river when such passage will be safe and permissible. No vessel shall cross the danger zone contrary to instructions from the patrol boats.

(2) Firing over this range will normally take place between the hours of 6:00 a. m. and 5:00 p. m. on all days except Saturdays, Sundays and legal holidays.

(3) These regulations will be enforced by the Captain of the Port and the Commanding Officer, Camp Gordon Johnston, Florida, or their authorized representatives.

Amend § 6.7–5 to read as follows:

§ 6.7–5 *Ft. Pierce Inlet, Fort Pierce, Florida: Restricted and danger zone in vicinity of.*—(a) *Restricted area.* The restricted area is rectangular, approximately 1.45 nautical miles wide from east to west and 8.85 miles long from north to south, with Ft. Pierce Inlet approximately 0.1 nautical mile south of the south boundary, and is bounded as follows:

North Boundary. A line drawn from a point in latitude 27°36'18" N., longitude 80°21'15" W., thence easterly to latitude 27°37'04" N., longitude 80°19'45" W. (approximately 9 nautical miles north of Ft. Pierce Inlet).

East Boundary. A line drawn from a point in latitude 27°37'04" N., longitude 80°19'45" W., thence southerly to latitude 27°28'30" N., longitude 80°16'42" W. (approximately 0.7 nautical mile offshore and paralleling the coast).

South Boundary. A line drawn from a point in latitude 27°28'30" N., longitude 80°16'42" W., thence westerly to latitude 27°28'16" N., longitude 80°18'00" W. (approximately 0.1 nautical mile north of Ft. Pierce Inlet).

West Boundary. A line drawn from a point in latitude 27°28'16" N., longitude 80°18'00" W., thence northerly to latitude 27°36'18" N., longitude 80°21'15" W. (approximately 0.5 nautical mile inland from coast line at south point and 0.8 nautical mile inland from coast line at north point).

(b) *The regulations.* (1) The restricted area is closed to navigation at all times, and no vessel or other craft shall enter or remain within this area.

(2) Naval and Military training operation will take place in this area at frequent and regular intervals throughout the year regardless of the season. Notice of the establishment of this area appeared in Paragraph 2674 of "Notice to Mariners" No. 37, dated 15 September, 1943. At intervals of not more than three months, notice will be sent out that operations are continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) The activities within this area include both land and water operations. These operations are continually in progress at all times and all land and watercraft are warned not to enter the area until such time as operations have ceased, without proper permission from Commanding Officer, Amphibious Training Base, Fort Pierce, Florida, or his duly authorized representative.

(4) These regulations shall be enforced by the Captain of the Port and by the Commandant Seventh Naval District, Miami, Florida, and their authorized representatives.

Amend Subpart C by adding the following sections:

§ 6.7–26 *Gulf of Mexico and Tampa Bay, Fla., in vicinity of Passage Key: Aerial ground gunnery and practice bombing area, Third Air Force, U. S. Army, Tampa, Fla.*—(a) *The danger zone.* An area in the Gulf of Mexico and the mouth of Tampa Bay, including the island designated as Passage Key, bounded by straight lines as follows: Beginning at Lat. 27°34'00" N., Long. 82°44'00" W., thence to lat. 27°33'00" N., long. 82°44'00" W.; thence to lat. 27°30'00" N., long. 82°50'00" W.; thence to lat. 27°34'30" N., long. 82°50'30". W.; thence to the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area during its use for gunnery and bombing practice, except as provided in paragraph (b) (5).

(2) Since gunnery and bombing practice will take place in the area at frequent and irregular intervals throughout the year, regardless of season, advance notice will be given of the date on which the first of such activities will begin. At intervals of not more than three months thereafter, notice will be sent out that gunnery and bombing practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) Prior to the conducting of each gunnery and bombing practice the area will be patrolled by Army aircraft to insure that no watercraft are within the area, and any such watercraft seen in the vicinity will be warned that practice is to take place by the "zooming" of Army aircraft at a safe distance to one side.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of the practice.

(5) These regulations shall not deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding on established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery and bombing operations shall cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(6) These regulations shall be enforced by the Captain of the Port and by the Commanding General, Third Air Force, Tampa, Florida, and their authorized representatives.

§ 6.7–27 *Tampa Bay, Fla., vicinity of Mullet Key; Aerial gunnery and bombing area, Third Air Force, U. S. Army*—(a) *The danger zone.* The areas which constitute the danger zone are described as follows:

Mullet Key Area. Beginning at latitude 27°39'18" N., longitude 82°41'56" W.; thence to latitude 27°37'37" N., longitude 82°41'25" W.; thence to latitude 27°37'19" N., longitude 82°42'15" W.; thence to latitude 27°36'52" N., longitude 82°43'20" W.; thence to latitude 27° 36'32" N., longitude 82°44'26" W.; thence to latitude 27°38'57" N., longitude 82° 44'33" W.; and thence to the point of beginning.

Mullet Key Chanel Area. Beginning at latitude 27°37'19" N., longitude 82°42'15" W.; thence to latitude 27°34' 13" N., longitude 82°40'04" W.; thence to latitude 27°33'25" N., longitude 82°41'12" W.; thence to latitude 27° 36'52" N., longitude 82°43'20" W.; and thence to the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the Mullet Key Area at any time.

(2) No vessel or other craft shall enter or remain in the Mullet Key Channel Area during its use for aerial gunnery and bombing practice, except as provided in paragraph (b) (6).

(3) Advance notice will be given of bombing and gunnery operations. Such notices will appear in the local newspapers and in the "Notice to Mariners."

(4) Prior to the conducting of aerial gunnery and bombing practice the areas will be patrolled by Army aircraft to insure that no watercraft are within the area, and any such watercraft will be warned that practice is to take place by the "zooming" of Army aircraft at a safe distance to one side of such craft.

(5) Any such watercraft, shall upon being so warned, immediately vacate the area and shall remain outside the area until the conclusion of the practice operations.

(6) These regulations shall not deny traverse of portions of the Mullet Key Channel Area by commercial and fishing vessels proceeding on established lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery and bombing operations shall cause the cessation or postponement of such operations until the vessel has cleared the danger area. The vessel shall proceed on its normal course and shall not delay its progress.

(7) These regulations shall be enforced by the Captain of the Port and by the Commanding General, Headquarters Third Air Force, Tampa, Florida, and their authorized representatives.

Amend § 6.8–25 by adding subparagraph (4) to paragraph (a) and by amending subparagraphs (1) and (3) of paragraph (b) as follows:

§ 6.8–25 *Waters of Lake Borgne, La., north of Shell Beach, La.; Anti-aircraft gunnery range, Eighth Naval District.*—(a) *The danger zones.* * * *

(4) That portion of Lake Borgne and other waterways inclosed by an arc described with Shell Beach, Louisiana (latitude and longitude as above), as a center and radius of 23,000 yards between a line bearing 28° true and a line bearing 53° true.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the areas when firing is in progress except as provided in paragraph (b) (4) unless permitted to do so by the Commandant, Eighth Naval District, or his authorized representative.

* * * * *

(3) When firing is in progress, a red flag will be displayed from a mast or staff on the shore at Shell Beach and in Lake Borgne at Proctor Point, at the mouth of Bayou St. Malo, and at point Aux Marchettes. Whenever weather permits, a picket boat will patrol the outer edge of the Danger Zones to warn vessels to keep clear. During night firing a searchlight will be in operation near the pivot point of the sectors at Shell Beach, and the beam of this light will be a warning that firing is in progress.

§ 6.9–27 *Waters of Lake Michigan; aircraft target range for aerial machine gun practice in vicinity of Grand Traverse Bay, Mich.*—(a) *The danger zone.* (1) The waters of Lake Michigan in the vicinity of Grand Traverse Bay within the following boundaries: Commencing at the Flashing White Lighted Buoy (R2), marking the southerly limit of South Fox Island Shoals, about 9 miles south of South Fox Island Light; thence due east about 19 miles, passing about 2.5 miles north of Grand Traverse Light on Lighthouse Point, to the sailing course from Grand Traverse Bay to the vicinity of Ile Aux Galets Light, about 2.5 miles from shore; thence N. by E. ⅝ E. (18 degrees) along said sailing course about 5 miles to a line drawn between the Flashing White Lighted Bell Buoy (B1A), marking the northerly extremity of shoal water at South Point, and the Red Spar Buoy (RS4), marking the north side of deep passageway through South Fox Island Shoals, about 4.5 miles S. ¾ W. (188 degrees) from South Fox Island Light; thence westerly along said line to said Red Spar Buoy (RS4); and thence in a southerly direction about 5 miles to Flashing White Lighted Buoy (R2), the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area at any time except as provided in paragraph (b) (2).

(2) Vessels having a length of 100 feet or more, proceeding in established lanes, may pass through the area at any time. In case of the presence of any such vessel in the danger area, the officer in charge of firing practice shall cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress. Commercial fishing vessels may be allowed passage through the area by the Commanding Officer, Naval Air Station, Traverse City, Michigan, when training operations permit.

(3) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no vessel or other craft having a length of less than 100 feet is within the danger area, and any such vessel in the vicinity will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such vessel, upon being so warned, shall clear the danger area immediately.

(5) These regulations shall be enforced by the Captain of the Port and by the Commanding Officer, Naval Air Station, Traverse City, Michigan, and their authorized representatives.

Amend § 6.9–55 (b) (7) (ii) to read as follows:

(ii) *Decatur, Alabama; lower area:* An area along the left bank of the Tennessee River from the water's edge riverward a distance of 200 feet and extending from mile 303.5 to mile 304.0.

Upper area: An area extending from bank to bank 1000 feet above and below the Southern Railway bridge at mile 304.4. Tennessee River.

Amend § 6.9–56 (b) (3) to read as follows:

(3) *St. Clair & Detroit Rivers.* (i) No vessel of 500 gross tons or over small pass or attempt to pass another vessel of 500 gross tons or over moving in the same direction in the following sections of the improved channels connecting Lake Huron and Lake Erie:

Downbound. From Buoy 1 above Fort Gratiot Light to Fort Huron Traffic Buoy. From Walpole Island Upper Light to St. Clair Flats Range Front Light. From Windmill Point Light to Belle Isle Light. From Fighting Island South Light to Junction Bar Point Lighted Bell Buoy.

Upbound. From Junction Bar Point Lighted Bell Buoy to Fighting Island South Light. From Belle Isle Light to Windmill Point Light. From St. Clair Flats Range Front Light to Harsen's Island Range Front Light. From St. Clair Middle Ground Lower Lighted Buoy to Stag Island Upper Light. From Port Huron Traffic Buoy to Buoy 1 above Fort Gratiot Light. *Provided:* That a vessel at normal speed overtaking a tug towing a dredge or a scow bound in the same direction as the overtaking vessel may pass such tow, after the prescribed exchange of signals. Under such circumstances the tug shall not increase speed during the passing, and shall haul with its tow to the proper side of the channel to allow passing room.

(ii) No vessel of 500 gross tons or over shall pass or attempt to pass another vessel of 500 gross tons or over moving in the same direction when such a passing would bring more than two such vessels abreast in the sections in the St. Clair River referred to in (iv) below.

(iii) No vessel shall maneuver so as to affect adversely the movement of another vessel when approaching any of the sections in the St. Clair River referred to in (iv) below, nor attempt to obstruct traffic, nor unnecessarily retard a following vessel, nor increase speed after having signalled permission to an overtaking vessel to pass.

(iv) *Downbound.* West channel, from Stag Island Upper Light to St. Clair Middle Ground Lower Lighted Buoy. From St. Clair Flats Range Front Light to Head Lake St. Clair, Buoy No. 33.

Upbound. From Head Lake St. Clair, Buoy No. 33 to St. Clair Flats Range Front Light. From Harsen's Island Range Front Light to Walpole Island Upper Light.

§ 6.9–60 *Buffalo, New York; inflammables and explosives anchorage.*—(a) *The areas.*—(1) *Anchorage Area A.* Inside south section of the main breakwater 700 feet wide starting at a point 500 feet southerly from the south end of the north section and extending 153° (south southeast ⅜ east) 3000 feet parallel to the line of the south section of the main breakwater.

(2) *Anchorage Area B.* Within the area bounded by a line extending from the South Buffalo Pier Head Light 180° (S) true, for 2000 feet, thence 270° (W) true, 2000 feet, thence 0° (N) true, 2000 feet, then 90° (E) true, 2000 feet.

(b) *The regulations.* (1) Anchorages A and B may be used day or night.

(2) Anchorage B is intended primarily for explosives loading but when no such loading is being carried on therein, may be used for the transfer of inflammables.

§ 6.9–61 *Waters of Lake Ontario, Rochester Harbor, N. Y., Army test firing area*—(a) *The danger zone.* (1) A sector of a circle, with a radius of 7 miles, centered in lat. 43°22'15" N., longitude 77°58'00" W., between the bearings of 303° and 57°.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by displaying of a red flag from the flagpole on shore and an observer will be stationed on shore to detect and give warning of shipping and aircraft in the vicinity.

(3) These regulations will be enforced by the Captain of the Port and by proper U. S. Army authorities.

§ 6.9–62 *Waters of Lake Ontario, U. S. Army Anti-Aircraft Firing Range at Fort Ontario.*—(a) *The danger zone.* (1) Beginning at a point in latitude 43°28'02" N., longitude 76°30'35" W., the limit of the area extends 1,500 feet 0°; thence in an arc to a point 1,500 feet 40° from point of beginning; thence to point of beginnings.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by the displaying of large red streamers on shore when firing is in progress.

(3) The regulations shall be enforced by the Captain of the Port and by the

proper U. S. Army authorities in cooperation with the Coast Guard.

§ 6.9–63 *Waters of Lake St. Clair, U. S. Army Rifle Range Selfridge Field, Michigan.*—(a) *The danger zone.* (1) An area approximately 1,500 yards in width and extending about 4,000 yards into Lake St. Clair at Selfridge Field, Michigan.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by the displaying of a red flag from the flagpole at the rifle range when firing is in progress.

(3) The area will be marked by buoys.

(4) The regulations shall be enforced by the Captain of the Port and by proper U. S. Army authorities in cooperation with the U. S. Coast Guard.

§ 6.9–64 *Waters of Lake Ontario, U. S. Army aerial gunnery range*—(a) *The danger zone.* (1) Beginning at a point latitude 43°21'45" and longitude 78° 44'50" approximately 2 miles azimuth 318 degrees 30 minutes (NW ¼ N) from the Oleott Light, said point being the southeasterly corner of the firing area; thence 4,000 feet azimuth 75 degrees (N by W ⅜ W); thence 11,000 feet azimuth 255 degrees (WSW ⅜ W); thence 4,000 feet azimuth 165 degrees (S by E ⅜ E); then 11,000 feet azimuth 75 degrees (ENE ⅜ E), to the point of beginning, all azimuths given being true.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by the displaying of a red flag.

(3) Firing will be conducted only during daylight hours.

(4) The area will be marked at the corners and along the boundaries by white barrel buoys located approximately 2,000 feet apart.

(5) These regulations shall be enforced by the Captain of the Port and by the proper U. S. Army authorities.

RALPH A. BARD,
Acting Secretary of the Navy.

Approved: January 26, 1944.

FRANKLIN D. ROOSEVELT,
The White House.

[F. R. Doc. 44–1418; Filed, January 28, 1944; 11:19 a. m.]

PART 10—AIR RAID AND BLACKOUT REGULATIONS FOR VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES

GENERAL RULES FOR ALL VESSELS

Pursuant to Executive Order No. 9074 (7 F.R. 1587) and in accordance with Public Law 127, 78th Congress, approved July 9, 1943 the Air Raid and Blackout Regulations for Vessels, Harbors, Ports, and Waterfront Facilities (8 F.R. 12139) are amended as follows:

§ 10.7 *General Rules for all vessels.* • • •

Rule 2. All vessels shall immediately blackout ship, except for navigation lights if under way and anchor lights if anchored. Anchor lights shall be shielded in such manner as to cut off the light at an angle not to exceed 15° above the horizontal. Navigation lights shall be dimmed so as to reduce visibility during air raids and blackouts to the minimum commensurate with safe operation, but not less than one mile.

Dated: January 26, 1944.

R. R. WAESCHE,
Commandant.

Approved:

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 44–1399; Filed, January 27, 1944; 1:57 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4430, 4433, 4488, 4491, as amended, 49 Stat. 1028, 54 Stat. 163–166 (46 U.S.C. 375, 391a, 404, 408, 411, 481, 489, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation Regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

Section 33.9–2 (e) is deleted and the following substituted instead:

§ 33.9–2 *Line-carrying gun equipment for mounted gun—T/OC* • • •

(e) *Primers.* Primers used with the breech-loading gun shall be of the percussion type. Primers used with the muzzle-loading gun shall be of the friction or percussion type. All muzzle-loading guns constructed on and after April 1, 1944, shall be provided with approved mechanical firing attachment. At least 25 primers shall be carried at all times.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Section 37.10–1 is deleted and the following substituted instead:

§ 37.10–1 *Muzzle-loading gun—T/OC.* The muzzle-loading type gun shall not weigh over 200 pounds. The gun shall be provided with means allowing easy mounting and dismounting the barrel from the carriage. A mechanical firing attachment of an approved type shall be provided on all guns manufactured on and after April 1, 1944.

The barrel shall be of steel or bronze not less than 20 inches long and have a 2½-inch smooth bore. It may be cast, forged, or otherwise acceptably formed. The use of core supporting pins extending into the wall of the gun during casting is not permitted. The barrel shall be mounted on a carriage by means of trunnions or other suitable means.

The carriage may be of wood or of steel. If of wood, the recesses which receive the trunnion pins or other barrel supporting means shall be metal lined. The carriage shall be provided with means for securing the gun against movement during firing.

NOTE: Approved muzzle-loading guns manufactured prior to April 1, 1944, and fitted with friction primer firing devices, may be continued in use if in serviceable condition, but all replacement units shall be fitted with approved mechanical firing attachments.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.61 (b) is deleted and the following substituted instead:

§ 59.61 *Line-throwing appliances.* • • •

(b) *Muzzle-loading* guns. (1) The muzzle-loading type gun shall not weigh over 200 pounds. The gun shall be provided with means allowing easy mounting and dismounting the barrel from the carriage. A mechanical firing attachment of an approved type shall be provided on all guns manufactured on and after April 1, 1944.

(2) The barrel shall be of steel or bronze not less than 20 inches long and have a 2½-inch smooth bore. It may be cast, forged, or otherwise acceptably formed. The use of core supporting pins extending into the wall of the gun during casting is not permitted. The barrel shall be mounted on a carriage by means of trunnions or other suitable means.

(3) The carriage may be of wood or of steel. If of wood, the recesses which receive the trunnion pins or other barrel supporting means shall be metal lined. The carriage shall be provided with means for securing the gun against movement during firing.

NOTE: Approved muzzle-loading guns manufactured prior to April 1, 1944, and fitted with friction primer firing devices, may be continued in use if in serviceable condition, but all replacement units shall be fitted with approved mechanical firing attachments.

Section 59.61 (e) (5) is deleted and the following substituted instead:

§ 59.61 *Line-throwing appliances.* • • •

(e) *Line-carrying gun equipment.* • • •

(5) *Primers.* Primers used with the breech-loading gun shall be of the percussion type. Primers used with the muzzle-loading gun shall be of the friction or percussion type. All muzzle-loading guns constructed on and after April 1, 1944, shall be provided with an approved mechanical firing attachment. At least 25 primers shall be carried at all times.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.54 (b) and (e) (5) are hereby deleted and the following substituted instead:

§ 60.54 *Line-throwing appliances.* (See § 59.61 of this chapter which is identical with this section.)

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

Part 155 is amended by changing certain terms and phrases as follows:

(a) In §§ 155.5 (b) and 155.9 (b), "Coast Guard" to "War Shipping Administration".

(b) In §§ 155.5 (b) (4) and 155.9 (b) (4), "district merchant marine cadet training instructor" to "district merchant marine training instructor".

(c) In §§ 155.11 (a), 155.20 (a), and 155.34 (a), "Merchant Marine Inspector in Charge" to "Officer in Charge, Marine Inspection".

(d) In § 155.12 (a)), "board of local inspectors" (Merchant Marine Inspector in Charge) to "Officer in Charge, Marine Inspection".

(e) In footnote 2 for §§ 155.2, 155.3, 155.4, and 155.5 and footnote 4 for §§ 155.6, 155.7, 155.8, 155.9, 155.28, 155.29, 155.30, and 155.31, "Board of U. S. Local Inspectors" (Merchant Marine Inspector in Charge) to "Officer in Charge, Marine Inspection".

(f) In footnote 3 for §§ 155.6, 155.7, 155.8 and 155.9, and footnote 10 for §§ 155.28, 155.29, 155.30, and 155.31, "local inspectors" (Merchant Marine Inspector in Charge) to "Officer in Charge, Marine Inspection".

(g) In footnote 2 for §§ 155.2, 155.3, 155.4, and 155.5 and footnote 4 for §§ 155.6, 155.7, 155.8, 155.9, 155.28, 155.29, 155.30, and 155.31, "U. S. Supervising Inspector" (Supervising Merchant Marine Inspector) to "District Coast Guard Officer".

NOTE: These changes are editorial so that the Code of Federal Regulations will be the same as regulations published by the Coast Guard.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

BOILER

Water tube boiler, two drum (Marine) bent tube type (Dwg. No. P. S. 3486, dated 12 October, 1943), manufactured by Union Iron Works, Erie, Pa.

DAVIT

Landley sheath screw davit, size 3A–S–6–6 (General Assembly Dwg. No. 425–D, dated 25 October, 1943) (Maximum working load of 12,200 pounds per set), manufactured by The Landley Company, Inc., 15 Park Row, New York, N. Y.

JACKKNIVES

Jackknife, type No. 796, submitted by the Utica Cutlery Company, 820 Noyes Street, Utica, N. Y.

Jackknife, type No. 850, submitted by the Imperial Knife Company, 14 Blount Street, Providence, R. I.

RING LIFE BUOY FOR INSPECTED VESSELS

30-inch, 18 segments, cork ring life buoy (Dwg. No. 421, dated 24 September, 1943), manufactured by Kent Marine Products Corp., 428 Great Neck Road, West Babylon, N. Y. (Approval No. B–209).

LIFE PRESERVER

Style 2F adult kapok life preserver (Dwg. No. C–60–A, dated 7 January, 1944, and specification revised 22 May, 1943) (Approval No. B–199), manufactured by the American Pad & Textile Co., Greenfield, Ohio. (This supersedes approval of adult kapok life preserver No. 2–F, Approval No. B–199, published October 7, 1943, 8 F.R. 13752.)

SEA ANCHOR

Sea anchor, type "LR" (U. S. Coast Guard Dwg. No. MMI–562 and specification, dated 1 November, 1943), submitted by Winner Manufacturing Co., Inc., Trenton, N. J.

WHISTLE

Whistle (Coast Guard specification dated 10 November, 1943) submitted by the Field Manufacturing Company, 808 Fifth Avenue, New York, N. Y.

R. R. WAESCHE,
Commandant.

JANUARY 26, 1944.

[F. R. Doc. 44–1400; Filed, January 27, 1944; 1:57 p. m.]

Chapter III—War Shipping Administration[1]

[G. O. 34]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS, AND BERTH AGENTS

SUBPART I—DRY CARGO VESSELS

Sec.
306.71 Vessels included.
306.72 Compensation of Agents and General Agents.
306.73 Compensation for port services in the continental United States.
306.74 Compensation for services incident to way cargo.
306.75 Compensation of sub-agents at ports outside of the continental United States.

SUBPART II—TANKERS

306.76 Vessels included.
306.77 Compensation of Agents and General Agents.
306.78 Compensation for port services of sub-agents in the continental United States.
306.79 Compensation of sub-agents at ports outside of the continental United States.

SUBPART III—PASSENGER VESSELS

306.80 Vessels included.
306.81 Compensation of General Agents.
306.82 Compensation for port services in the continental United States.
306.83 Compensation of sub-agents at ports outside of the continental United States.

SUBPART IV—COLLIERS

306.84 Vessels included.
306.85 Compensation of Agents and General Agents.
306.86 Compensation for port services of sub-agents.

SUBPART V—TUGS AND BARGES

306.87 Vessels included.
306.88 Compensation of General Agents.
306.89 Compensation for port services in the continental United States.
306.90 Compensation of sub-agents at ports outside of the continental United States.

SUBPART VI—GENERAL PROVISIONS

306.91 Definitions.
306.92 Freight brokerage.
306.93 Commissions on fares.
306.94 Communication expenses.
306.95 Payments on account of recapture.
306.96 Recapture to eliminate excessive profits.
306.97 Renegotiation.
306.98 Increases and reductions of compensation under certain circumstances.
306.99 Accounting.
306.100 Effective date.

AUTHORITY: §§ 306.71 through 306.100, inclusive, issued under E.O. 9054, 7 F.R. 837.

SUBPART I—DRY CARGO VESSELS

§ 306.71 *Vessels included.* This Subpart I of General Order 34 (§§ 306.71 through 306.75) is applicable to services rendered in connection with the operation of dry cargo vessels, as defined in § 306.91 (e), under the standard form of service agreements GAA, TCA, and BA.

§ 306.72 *Compensation of Agents and General Agents.* (a) Each General Agent shall be paid for husbanding the vessel and for services related thereto at the rate of $65.00 per day per vessel.

(b) Each Agent and General Agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like. Each Agent and General Agent shall also be entitled to the compensation provided in § 306.73 when performing any of the services therein described.

(c) Except as provided in § 306.75 (or except as provided in § 306.98 where applicable), each Agent, General Agent, and Berth Agent shall compensate all sub-agents performing services which are required to be performed by him under the service agreements from the compensation received by the Agent, General Agent, or Berth Agent under the provisions of this section or § 306.73.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.73 *Compensation for port services in the continental United States.* Except as otherwise provided, the Agent, General Agent, or Berth Agent who performs services in continental United States ports in connection with the activities set forth below shall be compensated at the rates set forth below, out of which the Agent, General Agent, or Berth Agent, as the case may be, shall pay his sub-agents:

(a) *Army or Navy cargo.* (1) 15¢ per manifest ton outward and 12½¢ per manifest ton inward, if the agent is required to prepare bills of lading, or other cargo documents, tally the cargo, or per-

[1] This is a corrected reprint of General Order No. 34 which appeared in the issue of January 4, 1944, 9 F.R. 110.

form other cargo services; bulk cargo, 5¢ per manifest ton outward or inward.

(2) If the cargo is handled by the Army or Navy, and the agent is not required to perform the cargo services referred to in subparagraph (1) above, $200.00 where the vessel handles Army or Navy cargo exclusively, and $100.00 where the Army or Navy cargo is not the only cargo loaded or discharged. This lump sum fee shall be paid whether or not the vessel is loaded or discharged at a commercial terminal or at an Army or Navy terminal.

(b) *Lend-Lease cargo.* 5¢ per manifest ton for outward or inward bulk Lend-Lease cargo; all other Lend-Lease cargo, 15¢ per manifest ton outward, and 12½¢ per manifest ton inward.

(c) *Other cargoes*—(1) *General cargo.* All general cargo outward, 30¢ per manifest ton; 25¢ per manifest ton inward.

(2) *Bulk cargo.* 5¢ per manifest ton for all outward or inward bulk cargo, in excess of 1000 tons, 10¢ per manifest ton for all other outward or inward bulk cargo; except coastwise cargoes of coal, sulphur, and other bulk commodities carried by vessels temporarily employed in the coastwise trade, in which case the compensation shall be 3½¢ per manifest ton for coal, and 5¢ per manifest ton for sulphur and other bulk commodities, loaded and discharged (one fee for both operations).

(3) *Ad valorem cargo and mail.* On ad valorem cargo except specie, 2½% of the vessel's revenue outward, and 1½% of the vessel's revenue inward. (Specie shall be handled at rates to be determined by the Administrator.) 5¢ per bag for mails transported, including Army or Navy mail.

(d) *Passengers.* (The terms "passenger" and "military personnel" are defined in § 306.91 (g) and (h).)

(1) *Commercial passengers.* $3.00 for each passenger carried outward, and $2.00 for each passenger carried inward.

(2) *Military personnel*—(i) *Agents, General Agents, or Berth Agents.* For additional expenses connected with the operation of the vessels as well as for ticketing and other miscellaneous services, each Agent, General Agent or Berth Agent shall be paid (for services performed by him):

$1.50 for each military passenger carried outward, maximum $300.00; $1.00 for each military passenger carried inward, maximum $200.00.

(ii) *General Agents.* For extra husbanding duties and other miscellaneous services, each General Agent shall be paid (for services rendered by him):

For military passengers carried outward:

$1.00 per passenger up to 300;
$0.75 per passenger from 301 to 600;
$0.50 per passenger, 601 and over; maximum $750.00.

For military passengers carried inward:

$1.00 per passenger, maximum $300.00.

(e) *Miscellaneous.* (1) Minimum compensation for each port of call, if cargo is loaded or discharged, $100.00, except where the cargo loaded or discharged is less than 25 tons, in which case the minimum fee shall be $50.00.

(2) Compensation for services rendered whenever a vessel enters a port for purposes other than loading or discharging cargo shall be $50.00 for all services in connection with entrance and clearance, arranging for pilotage and towage, or other port services of like nature. If one agent handles the vessel inward and another handles the vessel outward, this compensation of $50.00 shall be divided equally between the two agents.

(3) If a vessel loads cargo at a port outside of the continental United States and is lost prior to arrival at the port of destination of the cargo, the Agent, General Agent, or Berth Agent that is responsible for the cargo business shall be paid one fee of 50% of the inward rates provided in this § 306.73.

§ 306.74 *Compensation for services incident to way cargo.* (a) On way cargo loaded outward from Canadian or Newfoundland ports the Agent, General Agent, or Berth Agent, that is responsible for the cargo business shall be compensated as provided in § 306.73, out of which the agent will pay his Canadian or Newfoundland sub-agent.

(b) Except as provided in paragraph (a) of this section, or as otherwise determined by the Administrator, the Agent, General Agent, or Berth Agent who is responsible for the cargo business incident to way cargo shall be paid one fee of 25% of the outward rates provided in § 306.73 for supervisory services rendered, with a minimum fee of $50.00.

§ 306.75 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for all ordinary services in connection with the business of the vessel and her cargo rendered by sub-agents or branch houses outside of the continental United States, the Agent, General Agent, or Berth Agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the following, except as provided in § 306.74 (a):

(a) *Army or Navy cargo.* (1) 15¢ per manifest ton outward and 12½¢ per manifest ton inward, if the agent is required to prepare bills of lading or other cargo documents, tally the cargo, or perform other cargo services; bulk cargo 2½¢ per manifest ton outward or inward.

(2) If the cargo is handled by the Army or Navy, and the agent is not required to perform the cargo services referred to in paragraph (a) (1) of this section, $200.00 where the vessel handles Army or Navy cargo exclusively, and $100.00 where the Army or Navy cargo is not the only cargo loaded or discharged. This lump sum fee shall be paid whether or not the vessel is loaded or discharged at a commercial terminal or at an Army or Navy terminal.

(b) *Lend-Lease cargo.* 2½¢ per manifest ton for outward or inward bulk Lend-Lease cargo; all other Lend-Lease cargo, 10¢ per manifest ton outward or inward.

(c) *Other cargoes*—(1) *General cargo.* All general cargo outward, 25¢ per manifest ton; 20¢ per manifest ton inward.

(2) *Bulk cargo.* 2½¢ per manifest ton for all outward or inward bulk cargoes.

(3) *Ad valorem cargo and mail.* On ad valorem cargo except specie, 2½% of the vessel's revenue outward, and 1½% of the vessel's revenue inward. (Specie shall be handled at rates to be determined by the Administrator.) 5¢ per bag for mails transported, including Army or Navy mail.

(d) *Passengers.* Commercial passengers and military personnel, $2.00 for each person embarked, maximum $500.00; $1.00 for each person disembarked, maximum $250.00. (The terms "passenger" and "military personnel" are defined in § 306.91 (g) and (h).)

(e) *Miscellaneous.* If the maximum compensation provided in this section for a port of call, where cargo is loaded or discharged, amounts to less than $50.00, the sub-agent or branch house may be paid the commercial rate but not in excess of $50.00. Vessel calling for orders, ballast, or fuel, $50.00.

SUBPART II—TANKERS

§ 306.76 *Vessels included.* This Subpart II of General Order 34 (§§ 306.76 through 306.79) is applicable to services rendered in connection with operations of tank vessels under the standard forms of tanker service agreements (Warshipoil–TCA) and GAA (Tankers).

§ 306.77 *Compensation of Agents and General Agents.* (a) Each General Agent shall be compensated for his services for husbanding the vessel and for services related thereto at the rate of $65.00 per day per vessel.

(b) Each Agent and General Agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like. Each Agent and General Agent shall also be entitled to the compensation provided in paragraph (e) of this section when performing any of the services therein described.

(c) Except as provided in §§ 306.78 and 306.79, (or except as provided in § 306.98 where applicable), each Agent and General Agent shall compensate all sub-agents and branch houses performing services which are required to be performed by the Agent or General Agent under the service agreements from the compensation received by the Agent or General Agent under the provisions of this section.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

(e) Except as otherwise provided, the Agent or General Agent for tank vessels who performs services in connection with passengers, dry cargo, or mail carried on a tank vessel shall be compensated at the rates set forth in § 306.73 for comparable services performed by agents in connection with dry cargo vessels, except the compensation provided in § 306.73 (e) (2) shall not apply. Out of such compensation the Agent or General Agent shall pay his sub-agents employed by him, except that the United States shall pay sub-agency fees to the extent required to be paid by the United States as provided in §§ 306.78 and 306.79.

§ 306.78 *Compensation for port services of sub-agents in the continental United States.* When it is necessary for an Agent or General Agent to employ a sub-agent or a branch house in the continental United States to perform port services for the United States, such sub-agent shall be paid for the account of the United States at the prevailing commercial rate, but in no event in excess of a lump sum of $45.00 for the first three days the vessel remains in port, and thereafter at the rate of $10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs.

§ 306.79 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services rendered for the United States by a foreign sub-agent or branch house at ports outside of the continental United States, the foreign sub-agent or branch house shall be paid for the account of the United States the prevailing commercial rate, but in no event in excess of a lump sum of $45.00 for the first three days the vessel remains in port, and thereafter at the rate of $10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs. As compensation for services rendered by sub-agents or branch houses outside of the continental United States in connection with passengers, dry cargo or mail carried on tank vessels, the Agent or General Agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the maximum rates set forth in § 306.75 for comparable services performed by sub-agents or branch houses in connection with dry cargo vessels.

SUBPART III—PASSENGER VESSELS

§ 306.80 *Vessels included.* This Subpart III of General Order 34 (§§ 306.80 through 306.83) is applicable to services rendered in connection with the operation of passenger vessels for the War Shipping Administration under the standard form of service agreement GAA, as modified by Part II for passenger vessels.

§ 306.81 *Compensation of General Agents.* (a) Each General Agent shall be paid for husbanding the vessel, acting as accounting line, and for services related thereto, at special rates to be hereafter determined by the Administrator.

(b) Except as provided in § 306.83 (or except as provided in § 306.98 where applicable), each General Agent shall compensate all sub-agents performing services which are required to be performed by him under his service agreement from the compensation received by the General Agent for husbanding the vessel or under the provisions of § 306.82.

(c) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.82 *Compensation for port services in the continental United States.* Except as otherwise provided, the General Agent or Berth Agent who performs services for passenger vessels in continental United States ports in connection with the activities set forth in § 306.73 shall be compensated at the rates provided in said section, except that the rates provided in § 306.73 (d) (2) (ii) shall not apply.

§ 306.83 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services rendered by sub-agents or branch houses outside of the continental United States, the General Agent or Berth Agent may pay, for the account of the United States, with respect to cargo handled or for other services performed at rates provided in § 306.75.

SUBPART IV—COLLIERS

§ 306.84 *Vessels included.* (a) This Subpart IV of General Order 34 (§§ 306.84 through 306.86) is applicable to services rendered in connection with the operation of vessels regularly employed in the coastwise transportation of coal under the standard form of service agreements GAA and TCA.

(b) The provisions of this Subpart IV and the compensation herein provided shall apply only while the vessel is engaged in the coastwise transportation of coal including ballast or loaded legs of voyages. When the vessel is engaged in other trades, unless otherwise provided by the Administrator, the compensation shall be as provided in Subpart I of this order.

§ 306.85 *Compensation of Agents and General Agents.* (a) Each General Agent shall be compensated for his services for husbanding the vessel and for services related thereto at the rate of $65.00 per day per vessel.

(b) Each Agent and General Agent shall be paid at the rate of $15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided for in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like.

(c) Except as provided in § 306.86 (or except as provided in § 306.98 where applicable), each Agent and General Agent shall compensate all sub-agents and branch houses performing services which are required to be performed by the Agent or General Agent under the service agreements from the compensation received by the Agent or General Agent under the provisions of this section.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.86 *Compensation for port services of sub-agents.* When it is necessary for an Agent or General Agent to employ a sub-agent or a branch house to perform port services for the United States, such sub-agent shall be paid for the account of the United States at the prevailing commercial rate, but in no event in excess of a lump sum of $45.00 for the first three days the vessel remains in port, and thereafter at the rate of $10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs.

SUBPART V—TUGS AND BARGES

§ 306.87 *Vessels included.* This Subpart V of General Order 34 (§§ 306.87 through 306.90) is applicable to services rendered in connection with the tugs and barges allocated to General Agents under the standard form of service agreements GAA (Barge Service) and GAA (Salvage).

§ 306.88 *Compensation of General Agents.* (a) Each General Agent shall be paid for husbanding tugs, or tugs and barges, acting as accounting line, and for related services, at the following rates:

(1) *Barge service.* Tugs and barges engaged in coastwise barge service, including the New England coal trade, Cuban-Florida sugar service, and Trans-Gulf barge service:

(i) *Tugs.*
First tug, $700.00 per month;
Each additional tug, $350.00 per month.
(ii) *Barges.*
First barge, $350.00 per month;
Each of next 4 barges, $250.00 per month;
Each of next 5 barges, $150.00 per month;
Each barge in excess of 10 barges, $100.00 per month.

(2) *Harbor service.* Tugs engaged in harbor service in the continental United States:

First tug, $500.00 per month;
Each additional tug, $350.00 per month.

(3) *Sea towage.* V–4 type tugs engaged in seagoing towage:

First tug, $1200.00 per month.
Each of net five tugs, $1000.00 per month;
Each of next five tugs, $850.00 per month;
Each tug in excess of 15 tugs, rate to be determined by the Administrator.

(4) *Special service tugs.*

First tug, $600.00 per month;
Each additional tug, $350.00 per month.

(5) *Navy rescue service.* Tugs engaged in the Navy rescue service:

First tug, $600.00 per month;
Each additional tug, $350.00 per month.

(b) Except as provided in § 306.90 (or except as provided in § 306.98 where applicable), each General Agent shall compensate all sub-agents performing services which are required to be performed by him under his service agreement from the compensation received by the General Agent under the provisions of this section or § 306.89.

(c) The compensation provided in paragraph (a) of this section shall be calculated on the basis of a calendar month or pro rata for any portion thereof. Part days shall be counted as whole days.

§ 306.89 *Compensation for port services in the continental United States.* When the General Agent performs any of the following services in continental United States ports, he shall be compensated in accordance with the following scale, out of which he shall pay his subagents:

(a) *Army or Navy cargo.* If the full use of the barge is let to the Army or Navy on a lump sum basis, the General Agent shall receive 2½¢ per ton on the deadweight capacity of the barge; if the full use of the barge is not utilized by the Army or Navy, $50.00 for the Army or Navy cargo.

(b) *Bulk cargo.* 5¢ per manifest ton for all outward or inward bulk cargo in excess of 1000 tons, 10¢ per manifest ton for all other outward or inward bulk cargo; except coastwise cargoes of coal, sulphur, and other bulk commodities, in which case the compensation shall be 3½¢ per manifest ton for coal, and 5¢ per manifest ton for sulphur and other bulk commodities, loaded and discharged (one fee for both operations).

(c) *General cargo.* All general cargo outward, 25¢ per manifest ton; 15¢ per manifest ton inward.

(d) *Miscellaneous.* (1) Where the compensation provided above for loading or discharging is less than $50.00, the General Agent will be compensated in the amount of $50.00.

(2) Compensation for services rendered whenever a tug or tug with tow enters a port for purposes other than loading or discharging cargo shall be $50.00 for tugs of the V–4 type, and $25.00 for all other tugs, for all services in connection with entrance and clearance, arranging for pilotage and towage, or other port services of like nature.

§ 306.90 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services in connection with the activities set forth below rendered by sub-agents outside of the continental United States, the General Agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the following:

(a) *Tugs.* For handling entrance or clearance of War Shipping Administration tug with or without tow, maximum fee of $25.00 for either service, entering or clearing.

(b) *Barges.* (1) For handling one or more War Shipping Administration barges arriving at Cuban ports in tow of a single tug, maximum fee of $25.00 when empty and $75.00 when loaded or partially loaded.

(2) For handling one or more War Shipping Administration barges with cargo out of Cuban ports in tow of a single tug, maximum fee of $125.00.

SUBPART VI—GENERAL PROVISIONS

§ 306.91 *Definitions*—(a) *General Agent.* A "General Agent" is a person, firm, or corporation designated as "General Agent" under a standard form of service agreement GAA.

(b) *Agent.* An "Agent" is a person, firm, or corporation designated as "Agent" under a standard form of service agreement TCA.

(c) *Berth Agent.* A "Berth Agent" is a person, firm, or corporation designated as "Berth Agent" under a standard form of service agreement BA, pursuant to General Order 21.

(d) *Sub-agent.* A "sub-agent" is a person, firm, or corporation who is appointed by an Agent, General Agent, or Berth Agent to perform any of the functions of the Agent, General Agent, or Berth Agent under the standard forms of service agreements.

(e) *Dry cargo vessel.* A "dry cargo vessel" is a vessel not included in Subparts II, III, IV and V hereof.

(f) *Passenger vessel.* A "passenger vessel" is a vessel which was constructed or materially reconditioned prior to December 7, 1941, to accommodate at least fifty passengers.

(g) *Passenger.* A "passenger" is a person carried on the vessel other than members of the gun crew, the Master, and licensed and unlicensed personnel of the vessel, and military personnel.

(h) *Military personnel.* "Military personnel" are members of the armed forces of the United States or its allies, prisoners of war, and enemy aliens or involuntary passengers traveling under supervision and direction of the United States Army or Navy, regardless of travel status.

(i) *Manifest tons.* Unless otherwise approved by the Administrator, "manifest tons" are the number of freight payable tons of cargo loaded or discharged by the vessel at each port as manifested on a weight or measurement basis in accordance with the practice of the trade in which the vessel is operated, with the following exceptions:

(1) A ton of cargo which is billed at a rate per cubic foot shall be computed as 40 cubic feet.

(2) A ton of cargo transported at a rate per 100 pounds shall be computed as 2240 pounds.

(3) A ton of cargo transported at a rate per package shall be computed as 40 cubic feet or 2240 pounds, whichever produces the greater tonnage.

(4) A ton of liquid cargo carried in deep tanks of dry cargo vessels shall be computed as 2240 pounds.

(5) Lumber and piling billed on the basis of board foot measure, 600 feet board measure shall constitute one manifest ton.

(6) Piling which is transported at a rate per lineal foot, 30 lineal feet shall be computed as one ton.

(j) *Outward cargo.* "Outward cargo" is cargo loaded outward from any port.

(k) *Inward cargo.* "Inward cargo" is cargo discharged at any port.

(l) *Coastwise cargo.* "Coastwise cargo" is cargo handled between two ports within the continental United States.

(m) *Bulk cargoes.* "Bulk cargoes" are cargoes not hand stowed (excluding liquid cargo carried in deep tanks of dry cargo vessels which shall be regarded as general cargo), such as bulk cargoes of grain, ores, coal and similar cargoes.

(n) *Ad valorem cargo.* "Ad valorem cargo" is cargo handled at a percentage rate based on the value of the goods.

(o) *Express.* Express shall be considered as cargo.

(p) *Continental United States.* "Continental United States" includes only the forty-eight states of the United States and the District of Columbia.

§ 306.92 *Freight brokerage.* Where payment of brokerage is customary under ordinary commercial practice, and where the bill for brokerage is certified as provided in paragraph (c) of this section, brokerage will be paid to qualified brokers who perform a service in connection with the booking, handling, etc., of cargo shipped on dry cargo, passenger, and collier vessels under the following terms and conditions:

(a) *Rates.* Brokerage will be paid at the customary rates, but not in excess of the rates provided in this paragraph (a). No brokerage will be paid on cargoes procured under Lend-Lease requisitions moving from continental United States ports, except as provided in General Order 38 (§§ 301.51 through 301.57):

(1) General commercial cargo outward, commonly known as package cargo: 1¼% of the base freight rates before all surcharges, war or otherwise;

(2) Sugar, metals, ores and bulk cargoes outward (including cargo owned by any department or agency of the Government for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in the nearby trades, which includes Carribean and Canadian: 1¼% of the base freight charges before all surcharges, war or otherwise; *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of $5.00 per manifest ton;

(3) Sugar, metals, ores, and bulk cargoes outward (including cargo owned by any department or agency of the Government for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in long voyage trades or in spheres outside of those covered by subparagraph (2) of this paragraph: 1¼% of the base freight before all surcharges, war or otherwise; *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of $8.00 per manifest ton.

(4) Outward bulk cargoes coastwise covered by bills of lading, charter party, or contract of affreightment: 1¼% of the base freight before all surcharges, war or otherwise, *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of 80¢ per manifest ton on coal and $3.00 per manifest ton on phosphate rock, sulphur and other bulk cargoes except coal.

(b) *Qualified broker.* A "qualified broker" is one who conducts a bona fide brokerage business. No broker shall be qualified as to:

(1) Any cargo shipped by or to him or in his behalf, unless the shipping documents clearly identify him as an agent of a named principal;

(2) Any cargo in which he has a financial interest other than as authorized herein;

(3) Any cargo shipped by or to or on behalf of any person, firm, or corporation which bears an affiliate relationship to such broker either as subsidiary, parent, or through any other means of actual or possible control, directly or indirectly;

(4) Any cargo carried on any vessel for which the agent or sub-agent of the War Shipping Administration is also the broker or bears an affiliate relationship to the broker, as defined in paragraph (b) (3) of this section.

(c) *Brokerage certificate.* Brokerage fees as provided in paragraph (a) of this section may be paid only where a brokerage bill is presented, certified as follows:

> Certified and warranted that this bill is submitted for a service performed in the interest of this shipment described; that the undersigned has not been compensated for the service from any other source, and is a qualified broker within the meaning of General Order 34 of the War Shipping Administration; and that no portion of any amount paid hereunder shall revert directly or indirectly to any person having or having had a financial interest in this shipment. Further warranted and represented that the broker does not have an affiliate relationship, which includes but is not limited to relationship as a subsidiary or parent company, with either the shipper or the consignee; or with either the Agent, General Agent, or Berth Agent for the vessel. This warranty made in full knowledge that the United States, or its agents, will make payment thereon.

(d) *Payment.* The General Agent, Agent, or Berth Agent acting for the War Shipping Administration shall make payment against brokerage bills so certified if the payment of brokerage is consistent with customary commercial practice, and if such agent believes that a service was in fact performed, but in no event shall more than one brokerage be paid on any one cargo or shipment.

§ 306.93 *Commissions on fares.* General Agents and Agents are authorized to pay in all trades to bona fide travel or tourist agents a commission of 5% on fares paid by or for passengers traveling for private or commercial account. No commission shall be allowed on fares paid by or for repatriated seamen traveling as passengers.

§ 306.94 *Communication expenses.* (a) All cablegrams, telegrams, and radiograms that pertain directly and exclusively to the business of the United States, dispatched by Agents, General Agents, Berth Agents, and their branch houses and domestic and foreign subagents, between the continental United States and points outside of the continental United States, shall be for the account of the United States and the cost thereof shall be included in the voyage accounts. All telegrams, cablegrams, and radiograms that pertain directly and exclusively to the business of the United States, dispatched by foreign sub-agents and branch houses, shall be for the account of the United States and the cost thereof shall be included in the voyage accounts. Except as herein provided, communication expenses shall remain a part of the administrative and general expenses of the Agents, General Agents, and Berth Agents.

(b) To the extent that the cablegrams, telegrams, and radiograms referred to in paragraph (a) of this section are entitled to Government rate and are exempt from the Federal tax on communications, all Agents, General Agents, Berth Agents, and their branch houses and sub-agents are authorized and directed to certify that such messages pertain exclusively to official Government business and are for the account of the United States, as may be required to entitle such messages to the Government rate and tax exemption.

(c) Postage or express charges incurred in sending ships' disbursements accounts, manifests and other cargo documents to or from the continental United States, or between foreign ports, may be included in the voyage accounts as reimbursable items of expense.

§ 306.95 *Payments on account of recapture.* Each Agent, General Agent, and Berth Agent who receives compensation under the provisions of Subpart I, II, III, and IV of this order shall submit interim quarterly recapture statements in accordance with the provisions of § 306.96 on or before May 1, August 1, and November 1, of each year, covering the period from January 1 to March 31, June 30, and September 30, respectively. With each such interim statement and with the final statement at the end of the year, the Agent, General Agent, or Berth Agent shall remit to the Administrator 90% of the amount indicated in such statements to be recapturable, or, if previous interim remittances have been made during the same calendar year, such amount as when added to such previous interim remittance will amount to 90% of the amount indicated to be recapturable. All interim statements shall be subject to adjustment in the final statement at the end of the year, in accordance with § 306.96, which final statement shall be rendered not later than March 31 of the following year. Such payments as are made in accordance with the provisions of this section are to be considered as payments on account of recapture, as provided under § 306.96.

§ 306.96 *Recapture to eliminate excessive profits.* (a) If the aggregate amount of the compensation accrued to an Agent, General Agent, or Berth Agent, except compensation paid to an Agent who is not also a General Agent, under Subparts I, II, III and IV of this order, after deducting therefrom fees paid to subagents for performing services which are required to be performed by the Agent, General Agent, or Berth Agent under the provisions of this order, exceeds the sum of:

(1) Such agents' fair and reasonable overhead expense as determined by the Administrator for the comparable period involved, after deducting from such expense (i) sums allowed such agents and their related companies (as defined in Article 13 of the service agreements) in the Administrator's calculation of the hire for vessels chartered to the Administration to cover overhead expenses, and (ii) in instances where such agents or related companies engage in other activities in addition to the conduct of the business of the vessels in connection with which the aforesaid compensation accrued, such proportion of the agents' overhead expenses, as, in the judgment of the Administrator, is properly allocable to such additional activities; and

(2) $15.00 per day per vessel for all dry cargo, tank, and collier vessels operated by a General Agent under General Agency service agreements; $5.00 per day per vessel for all dry cargo, tank, and collier vessels operated by an Agent under Time Charter service agreements; and 5 cents per gross ton per month for passenger vessels operated by a General Agent under General Agency service agreement, as amended by Part II thereof, but not less than $15.00 per day per passenger vessel; then 90% of such excess shall be recaptured by, and remitted to, the United States. The permissible allowances provided in paragraph (a) (2), are based exclusively on the services rendered as Agents and General Agents, no such allowance being permitted for services as Berth Agents.

(b) For the purpose of adjusting earnings under this section, that portion of any salary paid by an Agent, General Agent, or Berth Agent in excess of the maximum provided by section 805 (c) of the Merchant Marine Act of 1936 shall be excluded; and all other salaries deemed by the Administrator to be excessive or unreasonable shall be excluded to such extent as they are deemed to be excessive or unreasonable by the Administrator. All Agents, General Agents, and Berth Agents, shall file with the War Shipping Administration, lists of salaries as required from time to time.

(c) Pursuant to section 403 (i) (2) of the Sixth Supplemental National Defense Appropriation Act of 1942, as amended, the Administrator hereby determines that the profits accruing from the compensation payable to an Agent, General Agent, or Berth Agent, except compensation paid to an Agent who is not also a General Agent, under Subpart I, II, III, and IV of the order, and after recapture as provided in paragraph (a) of this section, are determinable with reasonable certainty, and the Administrator further determines that the recapture provisions of paragraph (a) of this section are adequate to prevent excessive profits, and that based on these determinations said compensation payable after recapture is exempted from renegotiation pursuant to section 403 of said act; *Provided, however,* That in any case where the executive officers of any Agent, General Agent, or Berth Agent have not discharged their duties or responsibilities in an efficient or economical manner as determined by the Administrator, the said compensation shall be subject to renegotiation as provided in section 403 of said act.

§ 306.97 *Renegotiation.* The compensation payable under Subpart V of this order, or under Subparts I, II, III and IV of this order to an agent who is not also a General Agent, or any other compensation payable under this order which is not subject to the provisions of § 306.96, and the service agreements pursuant to which any of said compensation is payable, are subject to the provisions of section 403 of the Sixth Supplemental National Defense Appropriation Act of 1942, as amended, and payment of said compen-

sation is subject to the following provisions: (a) The Administrator may renegotiate said compensation at a period when the profits can be determined with reasonable certainty, (b) any amount of said compensation which is deemed by the Administrator to represent excessive profits and an amount of said compensation equal to the amount of reduction in said compensation of any sub-contractor under said service agreement pursuant to renegotiation of said sub-contract as hereinafter provided will be re-paid to the Administrator or may be retained by the United States, and, (c) the Agent, General Agent, or Berth Agent, as the case may be, will insert in each sub-contract for an amount in exoess of $100,000.00 made by said agents under their respective service agreements: (1) A provision for renegotiation by the Administrator and the sub-contractor of the contract price of such sub-contract at a period when the profits can be determined with reasonable certainty, (2) a provision for the retention by the United States or the repayment to the United States of any amount of the sub-contract price which is deemed by the Adminstrator to represent excessive profits, and, (3) a provision for relieving said agents from any liabilities to the sub-contractor on account of any amounts so retained by or re-paid to the United States.

§ 306.98 *Increases and reductions of compensation under certain circumstances.* (a) If the rates provided in this general order, with respect to an Agent, General Agent, Berth Agent, or their foreign sub-agents and branch houses, or with respect to the Agents, General Agents, or Berth Agents as a class, are found by the Administrator not to represent fair and reasonable compensation for the services required to be performed by the agent under the service agreements, based on the fair and reasonable average cost of performing such services as determined by the Administrator on the basis of maximum reasonable efficiency and economy of operations, then the Administrator, in his discretion, may adjust such compensation in such amount as he shall determine to be fair and reasonable under the circumstances.

(b) In addition to the compensation elsewhere provided in this order, the Administrator shall provide compensation in such amount as he shall determine to be fair and reasonable under the circumstances for (1) extraordinary services heretofore or hereafter rendered by an Agent, General Agent, or Berth Agent, or foreign sub-agent or branch house, which the Administrator finds were not intended to be covered by the compensation provided for in this order, and (2) services required to be performed before delivery or after redelivery or loss of a vessel.

(c) The Administrator reserves the right to make equitable reductions of compensation with regard to any vessel or vessels while idle. No compensation shall be allowed for any period of time lost by reason of the inefficiency of the Agent or General Agent.

(d) The Administrator reserves the right to exempt specific operations from the scope of this General Order 34, or to amend, modify, or terminate said order.

§ 306.99 *Accounting.* The payment and adjustment of the compensation provided in this order shall be subject to compliance by the Agent, General Agent, or Berth Agent with all and singular the terms and conditions of the applicable service agreements and of such rules and regulations appertaining thereto as have been, or from time to time may be, issued by the War Shipping Administration, including, but not limited to, fiscal regulations precribing instructions to be observed in billing for such compensation.

§ 306.100 *Effective date.* (a) Unless otherwise provided, this General Order 34 shall become effective on January 1, 1944, at 12:01 a. m., except that port services rendered to a vessel that has arrived in port prior to January 1, 1944, shall be completed, and compensated for, in accordance with the applicable provisions of General Order 12, rather than under §§ 306.73 and 306.75 of this order, but all such services rendered to a vessel that arrives in port after midnight December 31, 1943, shall be performed and compensated for in accordance with this General Order 34.

(b) Except as provided in paragraph (a) of this section, General Order 12 is cancelled and superseded by this General Order 34, effective as of December 31, 1943, at midnight.

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.

DECEMBER 31, 1943.

[F. R. Doc. 44-1; Filed, January 1, 1944; 10:01 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

APPLICATIONS FOR PERMITS TO CONSTRUCT OR CHANGE RADIO STATIONS

Upon consideration of a further report and recommendation of its Committee on Critical Radio Materials, and recommendations of the War Production Board, the Commission on January 18, 1944 determined that a further statement should be made with respect to policy in the consideration of applications for authorizations to construct or change radio facilities involving the use of materials.[1]

Present indications are that despite the tremendous expansion of radio production that has taken place in the last two years, the large burden on the industry of meeting military needs will not permit production of equipment for new stations or the expansion of existing stations. All orders and practices looking toward the conservation of equipment (such as Order 107, relating to operation with reduced power) should be retained in full force and effect. It would not be in the public interest to issue and have outstanding permits for authorizations the terms of which cannot be met within a reasonable period.

The Commission will give consideration to the issuance of conditional grants upon applications where it is shown (1) that a grant will serve an outstanding public need or national interest; (2) that the operation proposed is consistent with the provisions of the Rules and Regulations of the Commission and the conditions and standards prescribed in the Act; and (3) that, after due consideration of the policies and orders of the War Production Board and the facts with respect to existence or availability of necessary materials, there is reasonable prospect that the proposed operation in the vicinity in question can be provided for without substantial delay. The procedure to be employed is as follows:

(1) When a conditional grant is authorized, applicant will be notified to that effect and advised that a permit will not be issued until applicant has satisfied the Commission with respect to the following within 90 days[1] of notice of conditional grant:

(a) By evidence in writing from the War Production Board that any authorization of that Board necessary to carry the construction to completion has been obtained or that none is required.

(b) That applicant is in position to complete all construction necessary to the proposed operation within a reasonable period.

(c) Acceptance of the grant upon these conditions has been submitted in writing within 20 days of date of notice of grant.

(2) Upon a showing that satisfies the conditions prescribed in the conditional grant, the Commission will issue a regular authorization.

(3) If applicant fails to satisfy the conditions within the time allowed, the application will be designated for hearing or given such further consideration as may be found appropriate.

An applicant desiring any further consideration of an application for radio facilities or change in facilities which has been dismissed without prejudice pursuant to the Memorandum Opinion of February 23, 1942, or any one or more of the other statements of policy which have been issued with regard to equipment, may submit a petition for reinstatement of such application within 60 days hereof accompanied with amendments and supplemental information appropriate to any change in circumstances.

This statement is not to be construed as an invitation for the filing of applications; the policy set forth is intended only to permit grants that will serve an outstanding public need or national interest, as indicated in this statement.

Dated: January 26, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1414; Filed, January 28, 1944; 10:10 a. m.]

[1] Order 107 appears at 7 F.R. 9348.

[1] This time may be extended to a maximum of not to exceed 120 days from the date of notice of intent to grant upon a satisfactory showing that there is reasonable assurance that the conditions can be met in the time specified.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 107, Amdt. 1]

PART 95—CAR SERVICE

FREIGHT CARS IN MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of January, A. D. 1944.

Upon further consideration of Service Order No. 107 (8 F. R. 1403) of January 30, 1943, for the purpose of clarifying said order and good cause appearing therefor: *It is ordered,* That:

Service Order No. 107 (8 F.R. 1403) of January 30, 1943, be, and it is hereby, amended by substituting the following paragraphs (a) and (b) for the present paragraphs (a) and (b) in § 95.7:

§ 95.7 *Freight cars including refrigerator cars in Mexico.* (a) The Association of American Railroads, Car Service Division, Washington, D. C., as agent for all United States railroads subscribing to the car service and per diem agreement, is hereby directed to take immediate steps, by the placement of necessary embargoes, to restrict the number of freight cars, including refrigerator cars owned, leased, or otherwise controlled by railroads of the United States moving into Mexico during any semi-monthly period, so that the number of such cars shall not be in excess of the number of cars moving from Mexico to the United States during the previous semi-monthly period.

(b) The number of each type of freight cars, including refrigerator cars owned, leased, or otherwise controlled by railroads of the United States permitted to be in Mexico at any time may be changed by instructions issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., by varying the ratio between cars permitted to be moved into and those moved out of Mexico. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 28, 1944; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1425; Filed, January 28, 1944; 11:41 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. CMA-16]

CEDAR HILL COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

JANUARY 27, 1944.

The mining companies listed in Appendix A hereof do not operate their mines under collective wage agreements with any labor organizations, and have made application to the National War Labor Board for approval of certain wage adjustments in the terms and conditions of employment at said mines. Advice has been received that the National War Labor Board is ready to approve said applications. The companies have advised that they will put the adjustments into effect when approved, and that it is unlikely there will be a recurrence of work stoppages or threats of work stoppages because of labor disputes at their mines.

Based upon such information, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong., 1st Sess.) possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in Section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

1. Cedar Hill Coal Co., Marion, Ill.
2. New Black Diamond Coal Co., Box 69, Marion, Ill.
3. Oakgrove Coal Co., Marion, Ill.
4. Sims Coal Co., 1008 East Blvd., Marion, Ill.
5. Sunnybrook Coal Co., 606 East Blvd., Marion, Ill.
6. Wilkins Coal Co., 106 East Blvd., Marion, Ill.
7. Willow Springs Coal Co., Marion, Ill.

[F. R. Doc. 44-1435; Filed, January 28, 1944; 12:03 p. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

TEXAS

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VIII—TEXAS

TYLER COUNTY

Locality I. Consisting of all of Precinct I, except that part designated as Locality II, $2,395.

Locality II. Consisting of all land south of Wolfe Creek to Neches River in Precinct III, and down Neches River to mouth of Rush Creek, and all land north of Rush Creek back to Highway 190, and all land north of Highway 190, down highway to boundary of Precinct I, and all land in Precinct III north of Precinct I, and south of Wolfe Creek; and, all land in Precinct I, east of Woodville north of Highway 190, up to boundary of Precinct III, and all land in Precinct I, west of Woodville north of Highway 287, up to boundary of Precinct II; and, all of Precinct II, $2,632.

Locality III. Consisting of all of Precinct III, except that part designated as Locality II, $1,683.

Locality IV. Consisting of Precinct IV, $1,580.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: January 26, 1944.

R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 44-1417; Filed, January 26, 1944; 11:19 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

WESTERN UNION TELEGRAPH CO.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of the Western Union Telegraph Company for permission to employ messengers at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938.

Whereas notice has been previously given and published in the FEDERAL REGISTER for January 18, 1944 (9 F.R. 702), of a public hearing to be held on February 1, 1944, before Isabel Ferguson, a duly authorized representative of the Administrator, for the purpose of receiving evidence and hearing argument on the following questions:

1. Is it necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment in the telegraph industry of messengers, employed exclusively in delivering letters or messages, under special certificates, at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938; and if such necessity is found to exist,

2. Under what limitations as to wages, time, number, proportion and length of service may special certificates be issued authorizing the employment of such messengers at subminimum wage rates, and

Whereas notice has been received that interested parties will not be able to attend this hearing on the above date and postponement of the hearing has been requested,

Now, therefore, notice is hereby given that the above-scheduled hearing will be held in Room 1001, 165 West 46th Street, New York, New York, at 10 a. m. on February 23, 1944, before Isabel Ferguson, a duly authorized representative of the Administrator.

Notices of intention to appear to offer evidence at said hearing containing the information prescribed by the original notice of hearing shall be filed with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, not later than February 22, 1944. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the Presiding Officer at the hearing.

Signed at New York, New York, this 27th day of January 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-1410; Filed, January 28, 1944; 9:10 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5878]

VIRGINIA ELECTRIC AND POWER CO. AND VIRGINIA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

Notice is hereby given that on January 26, 1944, a joint application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Virginia Electric and Power Company (hereinafter called "Vepco"), a corporation organized under the laws of the Commonwealth of Virginia and doing business in the States of Virginia and North Carolina, with its principal business office at Richmond, Virginia, and Virginia Public Service Company (hereinafter called "VPS"), a corporation organized under the laws of the Commonwealth of Virginia and doing business in the States of Virginia, West Virginia, and North Carolina, with its principal business office at Alexandria, Virginia, whereby Vepco seeks an order authorizing the acquisition by it, by merger, of all the facilities of VPS, and approving certain accounting procedures relative to the proposed merger, or in the alternative an order dismissing the application insofar as it relates to such proposed merger of facilities for lack of jurisdiction, and whereby applicants seek an order authorizing the transfer to Vepco of the interest of VPS in licenses issued by the Commission for Project No. 342 covering a hydro-electric generating station on the James River at Balcony Falls, Virginia, and Project No. 906 covering a hydro-electric generating station on the James River at Cushaw, Virginia, leased by VPS from Hydro-Electric Corporation of Virginia. The application states that upon consummation of this transaction, which is a part of a merger "Plan," Vepco will own all the assets of VPS and will be subject to all liabilities of VPS, except the bonds and debentures of VPS presently outstanding, all of which are to be assumed and redeemed by Vepco in the consummation of the "Plan"; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of February, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-1415; Filed, January 28, 1944; 11:03 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

DAVID BEZBORODKO AND CHARLES ZUCKER

NOTICE OF SUMMARY PROCEEDINGS FOR ALLOWANCE OF CLAIM

In the matter of the claim of David Bezborodko and Charles Zucker, Claim No. APC-16 re Patent Application Serial Number 395,384, vested by Vesting Order No. 1028.

The Alien Property Custodian having by the vesting order above identified vested the above described property as property of nationals of a foreign country; and the claimants above identified having filed a Notice of Claim alleging that they are the co-owners of the entire right, title and interest in and to the above described property and that they are not nationals of a designated enemy country; and a recommendation for allowance of said claim having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the Regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting order, claim and recommendation are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington, D. C., and that any person asserting any objection to allowance of the claim shall on or before February 10, 1944, file with the undersigned at the above address an application for hearing accompanied by a statement of the reasons therefor.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim.

Vested Property Claims Committee.

[SEAL] JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.

[F. R. Doc. 44-1432; Filed, January 28, 1944; 11:40 a. m.]

LEONARD ELION, ET AL.

NOTICE OF SUMMARY PROCEEDINGS FOR ALLOWANCE OF CLAIM

In the matter of the claims of Leonard Elion, Claim No. APC-17 re Patent No. 2,158,411, vested by V. O. No. 671; Antoine Gazda, Claim No. APC-16 re Patent Application Serial No. 289,661 et al., vested by V. O. No. 1029; James Mellor Jameson, informal claim re Patent No. 2,241,202, vested by V. O. No. 201; and Alfred Marshutz, informal claim re Patent No. 1,952,878, vested by V. O. No. 201.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a Notice of Claim alleging that he is the owner of the entire right, title and interest in and to the property described in each Notice of Claim respectively and that he is not a national of a designated enemy country; and recommendation for allowance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the Regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington, D. C., and that any person asserting any objection to allowance of the claims shall on or before February 10, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are for informational purposes only, and shall not be construed to constitute an admission or an adjudication of the Office of Alien Property Custodian as to the nature or validity of the claims.

Vested Property Claims Committee.

[SEAL] JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.

[F.R. Doc. 44-1433; Filed, January 28, 1944; 11:40 a. m.]

[Vesting Order 2704]

VOLKSBUND FUER DAS DEUTSCHTUM IM AUSLAND

In re: United States Agency of Volksbund Fuer Das Deutschtum Im Ausland, Carl G. Orgell, Agent.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the United States Agency of Volksbund Fuer Das Deutschtum Im Ausland (Carl G. Orgell, Agent), established under the laws of the State of New York and a business enterprise within the United States, is an agency of and is owned and controlled by Volksbund Fuer Das Deutschtum Im Ausland;

2. That Volksbund Fuer Das Deutschtum Im Ausland, a German membership society, whose principal place of business is located in Berlin, W-30, Germany, is a national of a designated enemy country (Germany);

and determining:

3. That the United States Agency of Volksbund Fuer Das Deutschtum Im Ausland (Carl G. Orgell, Agent) is owned and controlled by and is acting for and on behalf of Volksbund Fuer Das Deutschtum Im Ausland, and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Volksbund Fuer Das Deutschtum Im Ausland, and/or to its Agency within the United States, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1426; Filed, January 28, 1944; 11:37 a. m.]

[Vesting Order 2894, Amdt.]

FANNIE TIEDEMANN

In re: Estate of Fannie Tiedemann, deceased; File D-28-3670; E.T. sec. 3093.

Whereas the name of one of the nationals of a designated enemy country, Germany, listed in Finding (2) of Vesting Order Number 2894 is erroneously spelled "Wolfgand Tiedemann," and the correct spelling of the name of this national is "Wolfgang Tiedemann,"

Now, therefore, Vesting Order Number 2894 is hereby amended as follows and not otherwise:

The name "Wolfgang Tiedemann" is substituted in the place and stead of "Wolfgand Tiedemann" wherever the latter appears in said vesting order.

All other provisions of such Vesting Order Number 2894 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1427; Filed, January 28, 1944; 11:38 a. m.]

[Vesting Order 2942]

GEBRUDER BREHMER

In re: Machine and spare parts owned by Gebruder Brehmer of Leipzig, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Gebruder Brehmer is a business enterprise having its principal place of business at Leipzig W-81, Germany, and is a national of a designated enemy country (Germany);

2. That Gebruder Brehmer is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

One wire stitcher No. 105 (rapid) with one large detachable ppool, and one reel of wire, with motor-rails, machine arranged for electric drive, Manufacturer No. 197, now in the possession of Karl Krause U. S. Corporation, 55 Vandam Street, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1428; Filed, January 28, 1944; 11:37 a. m.]

[Vesting Order 2943]

DORNEMANN & CO.

In re: Brass type fonts owned by Dornemann & Co. of Magdeburg, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dornemann & Co. is a business enterprise having its principal place of business in Magdeburg, Germany, and is a national of a designated enemy country (Germany);

2. That Dornemann & Co. is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

The brass type fonts more particularly described in Exhibit A hereto attached and by reference made a part hereof, located on the premises of Karl Krause U. S. Corporation, 55 Vandam Street, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A—MERCHANDISE

Brass type fonts	Pieces	Fonts
Caps, 0927A	94	
Numerals, 0927A	11	
Caps, 0926A	200	2
Caps, 0930A	100	1
Caps, 0931A	100	1
Caps, 0935A	100	1
Caps and lower, 0944	175	1

EXHIBIT A—MERCHANDISE—Continued

Brass type fonts	Pieces	Fonts
Caps and lower, 0921	175	1
Caps, 0924A	100	1
Caps, 0922A	100	1
Caps, 0911A	100	1
Caps, 0910A	100	1
Caps, 0908A	100	1
Caps, 0907A	100	1
Caps, 0904A	100	1
Caps, 0906A	100	1
Caps and lowers, 0903	175	1
Caps and lowers, 0902	175	1
Caps, 0898A	100	1
Caps, 0953A	100	1
Caps and lowers, 0885	175	1
Caps, 0884	41	
Caps, 0887A	100	1
Caps, 0883A	100	1
Caps, 0880A	200	2
Caps and lowers, 0891	175	1
Caps, 0892A	300	3
Caps, 0893A	100	1
Caps and lowers, 0895	175	1
Caps and lowers, 0894	175	1
Caps, 0895A	100	1
Caps and lowers, 0896	175	1
Caps, 0882A	100	1
Caps, 0832A	48	
Caps, 0881A	100	1
Caps, 0881A	99	
Caps, 0890A	200	2
Caps, 0878A	100	1
Caps, 0843A	100	1
Caps, 0842A	100	1
Caps, 0803A	100	1
Caps, 0802A	100	1
Caps, 0795A	80	
Numerals, 0768A	20	
Caps, 0767A	28	
Caps, 0766A	200	2
Caps, 0755A	302	3
Caps and lowers, 0755	525	3
Caps, 0736A	100	1
Caps, 0757A	200	2
Caps, 0758A	200	2
Caps, 0759A	200	2
Caps, 0760A	100	1
Caps, 0761A	100	1
Caps, 0762A	300	3
Caps, 0765A	30	
Caps, 0754A	100	1
Caps and lowers, 0754	700	4
Caps, 0752A	200	2
Caps and lowers, 0752	175	1
Caps, 0750A	200	2
Caps and lowers, 0750	175	1
Caps, 0746A	100	1
Caps, 0745A	100	1
Caps, 0743A	200	2
Caps, 0742A	100	1
Caps, 0700A	100	1
Caps, 084A	200	2
Caps and lowers, 0684	525	3
Caps and lowers, 0688	350	2
Caps, 0685A	100	1
Caps, 0687A	100	1
Numerals, 0703A	80	
Caps, 0702A	200	2
Caps, 0704A	200	2
Caps, 0705A	200	2
Caps and lowers, 0683	175	1
Caps, 0680A	100	1
Caps, 0683A	100	1
Caps and lowers, 0682	175	1
Caps, 0682A	100	1
Caps and lowers, 0681	175	1
Caps, 0665A	100	1
Caps and lowers, 0665	175	1
Caps, 0667A	100	1
Caps, 0668A	100	1
Caps, 0580A	100	1
Caps, 0582A	100	1
Caps, 0583A	100	1
Caps, 0588A	100	1
Caps, 0640A	100	1
Caps, 0642A	100	1
Caps, 0640A	100	1
Caps, 0660A	100	1
Caps and lower case, 0661	175	1
Caps, 0662A	100	1
Caps and lower case, 0663	175	1
Caps, 0664A	200	4
Caps and lower case, 0664	175	1

[F. R. Doc. 44–1429; Filed, January 28, 1944; 11:37 a. m.]

[Vesting Order 2984]

F. WITTKA AND MICHAEL NEUBAUER

In re: Inventions and disclosures of F. Wittka and Michael Neubauer

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That F. Wittka is a citizen of Germany and a resident of Italy and is a national of foreign countries (Germany and Italy);

2. That Michael Neubauer is a citizen and resident of Hungary and is a national of a foreign country (Hungary);

3. That the property described in subparagraph 5a hereof is property of F. Wittka;

4. That the property described in subparagraph 5b hereof is property of Michael Neubauer;

5. That the property described as follows:

(a) The disclosure identified as follows:

TC-Number, Inventor, Invention, Other Identifications

TC–486; F. Wittka; Process for the hydrogenation of unsaturated compounds; German patent application No. W–105.469.

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

(b) The disclosures identified as follows:

TC-Number, Inventor, Invention, Other Identifications

TC–486; Michael Neubauer; Process for the production of glycerine by fermentation; Hungarian patent No. 136777/1938.

TC–488 (a); Michael Neubauer; Process for effecting a c e t o n e-butanol fermentation; Hungarian patent No. 13747/1938.

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of nationals of foreign countries (Germany, Hungary, Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1430; Filed, January 28, 1944; 11:37 a. m.]

[Vesting Order 3002]

I. G. FARBENINDUSTRIE, A. G., AND BOEHME FETTCHEMIE G. M. B. H.

In re: Interests of I. G. Farbenindustrie Aktiengesellschaft and Boehme Fettchemie G. m. b. H. in an agreement between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., dated October 25, 1938, and November 7, 1938.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft and Boehme Fettchemie G. m. b. H. are corporations organized under the laws of Germany and are nationals of a foreign country (Germany);

2. That the property identified in subparagraph 4a hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property identified in subparagraph 4b hereof is property of Boehme Fettchemie G. m. b. H.;

4. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., consummated by the exchange of a letter and a cable between the parties dated October 25, 1938, and November 7, 1938, respectively, and all amendments of and supplements to said agreement, including, but not by way of limitation, an agreement relating to Textile Assistants and similar products, dated March 18, 1940, by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline & Film Corporation and a letter from I. G. Farbenindustrie Aktiengesellschaft to General Aniline & Film Corporation dated March 1940.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the right to sue therefor) created in Boehme Fettchemie G.m.b.H. by virtue of an agreement by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., consummated by the exchange of a letter and a cable btween the parties dated October 25, 1938, and November 7, 1938, respectively, and all amendments of and supplements to said agreement, including, but not by way of limitation, an agreement relating to Textile Assistants and similar products, dated March 18, 1940 by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline & Film Corporation and a letter from I. G. Farbenindustrie Aktiengesellschaft to General Aniline & Film Corporation dated March, 1940.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 44–1431; Filed, January 28, 1944; 11:37 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A–62]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE COSHOCTON, OHIO, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Coshocton, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–62" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio.

8. This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time

[1] Filed as part of the original document.

as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

City Cab Company, 629 Walnut Street, Coshocton, Ohio.
T. V. Michael, dba Michael Taxi, 101 Hickory Street, Coshocton, Ohio.
Harvey Turner, 101 Hickory Street, Coshocton, Ohio.
Sam Scherrer, 101 Hickory Street, Coshocton, Ohio.
Sprague Taxi Company, Main and Hickory Streets, Coshocton, Ohio.

[F. R. Doc. 44-1411; Filed, January 28, 1944; 10:07 a. m.]

[Supp. Order ODT 20A-63]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS, IN THE LOGAN AND MAN, W. VA., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Logan and Man, West Virginia, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Charleston, West Virginia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-63" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Charleston, West Virginia.

8. This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Logan Taxi Inc., Logan, West Virginia.
Guyan Taxi Co., & Rum Jct. Taxi Co., Logan, West Virginia.
Red Top Cab Co., Logan, West Virginia.
City Taxi Co., Logan, West Virginia.
Black Diamond Cab Co., Logan, West Virginia.
Alex White Taxi Co., Man, West Virginia.
Carter Taxi Co., Man, West Virginia.

[F. R. Doc. 44-1412; Filed, January 28, 1944; 10.07 a. m.]

[Supp. Order ODT 20A-64]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE WHEELING, W. VA., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Wheeling, West Virginia, including Bellaire, Bridgeport, Martins Ferry, and St. Clairsville, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-64" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio.

8. This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Terminal Cab Company, Bridgeport, Ohio.
Martins Ferry Taxi, Martins Ferry, Ohio.
St. Clair Taxi Service, St. Clairsville, Ohio.
Bellaire Cab Company, Bellaire, Ohio.
Burns and Church Baggage and Yellow Cab Company, Inc., Wheeling, West Virginia.
Wheeling Cab Company, Wheeling, West Virginia.
Wagner Taxi Service, Wheeling, West Virginia.

[F. R. Doc. 44-1413; Filed, January 28, 1944; 10:07 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Order 27 Under MPR 306]

PACKED GRAPEFRUIT JUICE

AUTHORIZATION OF MAXIMUM PRICES

Order 27 under Maximum Price Regulation No. 306. Certain packed food products.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1341.566 of Maximum Price Regulation No. 306, *It is ordered:*

(a) That sales and deliveries of packed grapefruit juice of the 1944 pack may be made by processors to government procurement agencies, subject to an agreement between the buyer and seller, in each case, that the price shall be determined pursuant to action taken by the Office of Price Administration after delivery.

In such sales the processor shall not invoice the goods at a price higher than the maximum price for the particular sale in effect at the time of delivery, nor shall he collect or receive more than that price until appropriate action has been taken by the Office of Price Administration.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1405; Filed, January 27, 1944; 3:57 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 27, 1944.

REGION III

Columbus, Order No. 3-F, Amendment No. 2, filed, 10:19 a. m.
Escanaba, Order No. 6-F, Amendment No. 11, filed, 10:16 a. m.
Escanaba, Order No. 7-F, Amendment No. 11, filed, 10:16 a. m.
Escanaba, Order No. 8-F, Amendment No. 11, filed, 10:16 a. m.
Charleston, Order No. 1-F, Amendment No. 6, filed, 10:18 a. m.
Charleston, Order No. 2-F, Amendment No. 4, filed, 10:18 a. m.
Charleston, Order No. 3-F, Amendment No. 2, filed, 10:18 a. m.
Charleston, Order No. 3-F, Amendment No. 3, filed, 10:18 a. m.
Charleston, Order No. 5-F, filed, 10:19 a. m.
Charleston, Order No. 21, Amendment No. 1, filed, 10:19 a. m.
Charleston, Order No. 26, Amendment No. 1, filed, 10:19 a. m.
Cincinnati, Order No. 8, Amendment No. 1, filed, 10:17 a. m.

REGION IV

Atlanta, Order No. 1-F, Amendment No. 4, filed, 10:10 a. m.
Atlanta, Order No. 3-F, Amendment No. 2, filed, 10:11 a. m.
Atlanta, Order No. 5-F, Amendment No. 1, filed, 10:10 a. m.
Nashville, Order No. 5-F, Amendment No. 2, filed, 10:16 a. m.
Savannah, Order No. 1-F, Amendment No. 19, filed, 10:12 a. m.
Savannah, Order No. 2-F, Amendment No. 14, filed 10:12 a. m.
Savannah, Order No. 3-F, Amendment No. 12, filed, 10:12 a. m.
Savannah, Order No. 4-F, Amendment No. 11, filed, 10:13 a. m.

REGION V

Shreveport, Order No. 2-F, Amendment No. 1, filed, 10:10 a. m.

REGION VI

Duluth-Superior, Order No. 1-F, filed, 10:11 a. m.
Milwaukee, Order No. 3, Amendment No. 9, filed 10:13 a. m.
Milwaukee, Order No. 10, Amendment No. 7, filed, 10:17 a. m.
Twin Cities, Order No. G-8, filed, 10:17 a. m.

REGION VIII

Phoenix, Order No. 8, Amendment No. 1, filed 10:11 a. m.
Sacramento, Order No. 1-F, Amendment No. 2, filed 10:13 a. m.
Sacramento, Order No. 2-F, Revocation, filed, 10:15 a. m.
Sacramento, Order No. 3-F, Amendment No. 2, filed, 10:14 a. m.
Sacramento, Order No. 4-F, Revocation, filed, 10:15 a. m.
Sacramento, Order No. 5-F, Amendment No. 2, filed, 10:14 a. m.
Sacramento, Order No. 6-F, filed, 10:14 a. m.
Sacramento, Order No. 7-F, filed, 10:15 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-1434; Filed, January 28, 1944; 11:49 a. m.]

[Columbus Order G-1 Under MPR 429]

REBUILT UPHOLSTERED FURNITURE IN COLUMBUS, OHIO, DISTRICT

Correction

The prices opposite "Group determination B" in Appendix A of F. R. Doc. 44-576, which appears on page 547 of the issue for Thursday, January 13, 1944, should read:

"Class B-1, $120.00[2]"; "Class B-2, $140.00[2]"; "Class B-3, $160.00."

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-32]

SIMMS PETROLEUM CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of January, A. D. 1944.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Capital Stock, $10 Par Value, of Simms Petroleum Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 7, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1423; Filed, January 28, 1944; 11:42 a. m.]

[File Nos. 54-57, 59-57]

AMERICAN UTILITIES SERVICES CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of January, 1944.

In the matter of American Utilities Service Corporation, File No. 54-57; and

American Utilities Service Corporation and its subsidiary companies, Respondents, File No. 59–57.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation ("American"), a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

1. American Utilities Service Corporation proposes to sell to Fred D. Ellis of Chicago, Illinois, all (95,000 shares, par value $5 per share) of the issued and outstanding common stock of Northwestern Illinois Utilities ("Northwestern"), an electric and gas utility company and a subsidiary company of American, together with the unsecured 6% promissory note of Northwestern dated November 1, 1938 and due November 1, 1964 in the principal amount of $375,000, for a cash consideration of $840,000 with interest at the rate of 6% per annum from January 1, 1944 to closing date. It is contemplated that said sale and purchase will be consummated not later than April 30, 1944.

2. The Northwestern securities proposed to be sold by American are presently pledged with Continental Illinois National Bank and Trust Company of Chicago, as Trustee, under the Indenture securing the Collateral Trust 6% Bonds, Series A, of American. The proceeds of the sale of the Northwestern securities will be delivered by American to the above Trustee in accordance with the terms of said Indenture, and used to retire $800,000 in principal amount of said 6% Collateral Trust Bonds.

3. Proceedings are now pending before the Commission, pursuant to sections 11 (e), 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to the simplification and integration of the holding company system of American. American states that the transaction proposed herein is in furtherance of its program whereby American will cease to be a holding company under the act.

4. The said declaration or application contains a request that the Commission enter an order reciting in substance that the transactions proposed herein are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration should not become effective nor said application be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on February 15, 1944, at 10:00 o'clock, a. m., e. w. t. at the offices of the Securities and Exchange Commission, 16th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order by registered mail to declarants or applicants and to the Illinois Commerce Commission, and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein, shall file with the Secretary of the Commission on or before February 12, 1944, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received, including all fees, commissions and other remuneration to whomsoever paid in connection with the proposed transactions, is fair and reasonable.

2. Whether competitive conditions have been maintained for the sale of the securities.

3. The propriety of the proposed accounting treatment of the transactions on the books of the declarant or applicant.

4. The identity of the purchaser, and his interest, if any, in any other public utility.

5. Whether the Commission should enter an order pursuant to section 11 (b) or 11 (e) of the act requiring or approving the action proposed.

6. Whether the action proposed to be taken is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

7. Whether the action proposed to be taken is fair and equitable to the persons affected thereby.

8. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers.

9. Generally, whether all actions proposed to be taken comply with the requirements of the Public Utility Holding Company Act of 1935 and Rules, Regulations or Orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1424; Filed, January 28, 1944; 11:42 a. m.]

WAR PRODUCTION BOARD

FRASER PAPER, LIMITED

CONSENT ORDER

Fraser Paper, Limited, of Madawaska, Maine, doing business under the name and style of Fraser Paper, Limited, is charged by the War Production Board with violating Limitation Order L–11, in that it produced during the period from November 15, 1941 to October 1, 1943, various runs of certain grades of paper the brightness of which exceeded the brightness ceilings specified in paragraph (d) (1) of the order; said Fraser Paper, Limited, admits the above violations charged without, however, admitting that it was done wilfully, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Fraser Paper, Limited, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Fraser Paper, Limited, shall submit for a period of six months to the Manager of the War Production Board Compliance Department in Region I before the tenth day of each month, an accurate transcript of each of its brightness tests made by the General Electric Brightness Tester on its runs of paper production for the preceding month. Each test shall include: date of manufacture; number of machine runs; basis weight of paper; grade of paper; tonnage of run; brightness test; applicable L–11 ceiling.

(b) Nothing contained in said order shall be deemed to relieve said Fraser Paper, Limited, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on January 27, 1944 and shall expire on July 27, 1944.

Issued this 20th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1409; Filed, January 27, 1944; 4:25 p. m.]

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FEB

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FEDERAL REGISTER

VOLUME 9 NUMBER 22

Washington, Tuesday, February, 1, 1944

The President

EXECUTIVE ORDER 9418

AUTHORIZING THE WAR FOOD ADMINISTRATION TO PLACE ORDERS WITH OTHER AGENCIES FOR MATERIALS OR SERVICES TO BE OBTAINED BY CONTRACT OR OTHERWISE

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by Title I of the First War Powers Act, 1941, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission under section 7 (a) of the act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the act of June 30, 1932 (47 Stat. 417), and the act of July 20, 1942 (56 Stat. 661, 31 U.S.C., 686) may be exercised also by the War Food Administration, and by any constituent agency or corporation thereof designated by the War Food Administrator. Any provision of any Executive order or proclamation conflicting with this order is superseded to the extent of such conflict.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 29, 1944

[F. R. Doc. 44-1499; Filed, January 29, 1944; 5:20 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration
(Production Orders)

[FPO 10, Rev. 1]

PART 1206—FERTILIZER

CHEMICAL FERTILIZER IN PUERTO RICO

Section 1206.501 [1] is hereby revised and amended in its entirety to read as follows:

§ 1206.501 *Chemical fertilizer in Puerto Rico*—(a) *Definitions.* For the purposes of this order:

(1) "Chemical fertilizer" means any material used as a plant food containing one or more of the following: nitrogen, phosphorus, or potassium, excluding, however, animal manures and animal, fish, and plant residues, unless mixed with a chemical fertilizer.

(2) "Food crop" means any crop, other than sugarcane or tobacco, grown for human or animal consumption or use.

(3) "Fertilizer year" means the period beginning September 1 of any calendar year and ending the following August 31.

(4) "Fertilizer manufacturer" means any person who manufactures or mixes chemical fertilizer for sale.

(5) "Dealer" means any person, other than a fertilizer manufacturer, who purchases or has purchased chemical fertilizer for resale.

(6) "Agent" means any person, other than a fertilizer manufacturer, who receives or has received chemical fertilizer on a consignment basis for resale.

(7) "Person" means any individual, partnership, corporation, association, business trust, or any organized group of persons, whether incorporated or not. The term "person" shall also include the United States or any agency thereof, and the Government of Puerto Rico or any agency thereof.

(8) "Farm Rationing Committee" means the Farm Rationing Committee

[1] 8 F.R. 5427, 9275, 9439.

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(9) "Director" means the Director, Office of Materials and Facilities, War Food Administration.

(b) *General administration.* This order shall be administered by the Farm Rationing Committee. The Farm Rationing Committee may delegate any of the duties and functions imposed upon it by this order to any member of such Committee or to any officer or employee of the Agricultural Adjustment Agency in Puerto Rico.

(c) *Allocation of chemical fertilizer materials.* It shall be the duty of the Farm Rationing Committee to encourage the use of available chemical fertilizer on food crops so as to obtain the greatest practicable amount of food production in Puerto Rico. To this end the Committee shall require fertilizer manufacturers to set apart such quantities of fertilizer materials as it determines should be made available for use on food crops in order to maintain, as nearly as possible, an adequate supply of such materials for such purpose. The Farm Rationing Committee shall also endeavor to arrange, through the proper authorities, for shipments to Puerto Rico of sufficient quantities of fertilizer materials for use on food crops, sugarcane and tobacco, taking into account the shipping space allocated monthly for such purpose.

(d) *Manufacture and delivery of chemical fertilizer.* (1) From time to time, the Farm Rationing Committee shall prescribe a formula or formulae for the mixing of chemical fertilizer suitable for use on food crops, sugarcane and tobacco, taking into account the supply of fertilizer materials available or expected to be available in Puerto Rico; and no manufacturer shall mix chemical fertilizer except in conformity with a formula or formulae prescribed by the Farm Rationing Committee. (Unless otherwise specified, nitrogen prescribed in any formula will mean nitrogen (N) expressed in terms of ammonia (NH_3).)

(2) No fertilizer manufacturer, dealer, agent or other person shall deliver to any person, and no person shall accept, for use any chemical fertilizer of a formula not prescribed by the Farm Rationing Committee pursuant to paragraph (d) (1) hereof.

(e) *Directions.* (1) Each fertilizer manufacturer shall comply with such directions as may be issued from time to time by the Farm Rationing Committee with respect to the quantities, grades and kinds of mixed fertilizer to be manufactured and with respect to the use or delivery of any chemical fertilizer.

(2) Each dealer, agent or other person to whom this order applies shall comply with such directions as may be issued from time to time by the Farm Rationing Committee with respect to the delivery and use of chemical fertilizers.

Sugarcane

(f) *How chemical fertilizer for use on sugarcane is obtained.* (1) Any person who wishes to obtain chemical fertilizer for use on sugarcane must apply for a ration card in accordance with the procedure established by the Farm Rationing Committee. The ration card will be on a form prescribed by the Farm Rationing Committee. On application, the Farm Rationing Committee will issue to each sugarcane grower two ration cards during each fertilizer year. One card will be for the period September 1 to the end of the following February, and the other will be for the period March 1 to the following August 31. Each ration card will show the fertilizer requirements of the grower, as determined by the Farm Rationing Committee in accordance with paragraph (g) hereof. The Farm Rationing Committee may require applicants for ration cards for chemical fertilizer for use on sugarcane to take an additional amount of fertilizer for use on food crops. In such case, no ration card for chemical fertilizer for use on sugarcane shall be issued to any person, unless such person agrees to take and use such additional amount of fertilizer for use on food crops.

(2) A ration card for fertilizer for use on sugarcane will not of itself authorize a sugarcane grower to obtain fertilizer. The Farm Rationing Committee will, from time to time, determine the percentage of the fertiliser requirements of sugarcane growers, which may be delivered to them. Such percentage shall be determined for all sugarcane growers, taking into account the available supply of chemical fertilizer for use on sugarcane. The total of the percentages authorized by the Farm Rationing Committee during any fertilizer year may be more or less than 100 percent of growers' requirements depending upon the available supply of fertilizer. The Farm Rationing Committee shall notify fertilizer manufacturers, dealers and agents of each such determination.

(g) *Fertilizer requirements for sugarcane.* Each grower's requirements for chemical fertilizer for use on sugarcane during any fertilizer year shall be determined on the basis of such grower's normal use of chemical fertilizer on sugarcane in terms of a basic formula of 12–8–8 or its nitrogen equivalent in any other formula prescribed by the Farm Rationing Committee. Normal use shall be deemed to be the average amount of chemical fertilizer per acre used by such grower during the base period January 1, 1940, to April 30, 1941, as determined from the Agricultural Adjustment Agency records, but shall not be deemed to be less than 400 pounds per acre. A grower's requirements for chemical fertilizer for any fertilizer year shall be the product of his normal use of chemical fertilizer and his acreage under active cultivation during such year, as determined by the Farm Rationing Committee. In issuing a ration card for the period September 1 to the end of the following February, however, the acreage actively cultivated during the preceding fertilizer year shall be used in calculating fertilizer requirements. In issuing a ration card for the period March 1 through August 31, the actual acreage under active cultivation during the fertilizer year shall be used in making this calculation; and, if the actual acreage figure differs from the acreage figure used for the preceding period, such adjustments as may be necessary shall be made.

(h) *Delivery of fertilizer for use on sugarcane.* A sugarcane grower may obtain chemical fertilizer only upon presenting his ration card to a fertilizer manufacturer, dealer, agent or other person from whom such fertilizer is to be obtained. No fertilizer shall be delivered to any sugarcane grower for use on sugarcane until delivery has been made of the fertilizer for use on food crops, if any, which such grower is required to take. The quantity of fertilizer delivered to any grower at any time for use on sugarcane shall not exceed the quantity authorized by the Farm Rationing Committee pursuant to paragraph (f) (2) hereof, to be delivered at that time. Upon making delivery of such fertilizer, the fertilizer manufacturer, dealer, agent, or other person making such delivery shall sign and date the ration card as of the date of delivery and indicate thereon the kinds and quantities of fertilizer delivered.

Tobacco

(i) *How chemical fertilizer for use on tobacco is obtained.* (1) Any person who wishes to obtain chemical fertilizer for use on tobacco must apply for a ration card in accordance with the procedure established by the Farm Rationing Committee. The ration card will be on a form prescribed by the Farm Rationing Committee. One ration card will be issued to each applicant with respect to each tobacco crop. The ration card will show the applicant's fertilizer requirements for tobacco, determined in accordance with paragraph (j) hereof.

(2) A ration card for fertilizer for use on tobacco will not of itself authorize a tobacco grower to obtain fertilizer. The Farm Rationing Committee will, from time to time, determine the percentage of the fertilizer requirements of tobacco growers, which may be delivered to them. Such percentage shall be determined for all tobacco growers, taking into account the available supply of chemical fertilizer for use on tobacco. The total of the percentages authorized by the Farm Rationing Committee for any tobacco crop may be more or less than 100 percent of tobacco growers' requirements depending upon the available supply of fertilizer. The Farm Rationing Committee shall notify fertilizer manufacturers, dealers and agents of each such determination.

(j) *Fertilizer requirements for tobacco.* Each tobacco grower's requirement for chemical fertilizer for use on any tobacco crop shall be the product of his tobacco acreage, which shall not exceed his acreage allotment received under the Agricultural Conservation Program for 1943, and 800 pounds of chemical fertilizer in any formula prescribed by the Farm Rationing Committee.

(k) *Delivery of fertilizer for use on tobacco.* A tobacco grower may obtain chemical fertilizer only upon presenting his ration card to a fertilizer manufac-

turer, dealer, agent or other person from whom such fertilizer is to be obtained. The quantity of fertilizer delivered to any grower at any time for use on tobacco shall not exceed the quantity authorized by the Farm Rationing Committee, pursuant to paragraph (i) (2) hereof, to be delivered at that time. Upon making delivery of such fertilizer, the fertilizer manufacturer, dealer, agent or other person making such delivery shall sign and date the ration card as of the date of delivery and indicate thereon the kinds and quantities of fertilizer delivered.

Food Crops

(l) *How chemical fertilizer for use on food crops is obtained.* Any person who wishes to obtain chemical fertilizer for use on food crops must apply for a purchase permit in accordance with the procedure established by the Farm Rationing Committee. The purchase permit will be on a form prescribed by the Farm Rationing Committee. Purchase permits, which will be issued in triplicate, will authorize the purchase of chemical fertilizer in accordance with the requirement of each applicant. The Farm Rationing Committee is hereby authorized to establish the basis or method for determining the requirements for fertilizer for use on food crops. Such basis or method shall be uniformly applicable in determining the requirements of all persons growing the same crop or crops, and, so far as practicable, shall apply throughout the growing season for each crop.

(m) *Delivery of chemical fertilizer for use on food crops.* A farmer may obtain chemical fertilizer for use on food crops only by surrendering to a fertilizer manufacturer, dealer, agent or other person from whom such fertilizer is to be obtained, the original and one copy of his purchase permit. Upon making delivery of such fertilizer, the fertilizer manufacturer, dealer, agent or other person making such delivery shall sign and date the original and the copy, shall mail the original to the Farm Rationing Committee, and shall retain the copy on file for at least 60 days.

Appeals

(n) *Denial of applications for ration cards or purchase permits.* If the Farm Rationing Committee denies an application for a ration card or purchase permit, in whole or in part, it shall notify the applicant by a letter setting forth the reason for such denial. The applicant then may, within 15 days after receiving such notification, request the Farm Rationing Committee, in writing, to reconsider its action. Within 15 days after the receipt of such request, the Farm Rationing Committee shall notify the applicant by letter of its action on the reconsideration. If, after such reconsideration, the applicant believes that the final ruling of the Farm Rationing Committee is not in accordance with the provisions of this order, he may, within 15 days after receiving notification of such ruling, file with the Farm Rationing Committee a written appeal to the Director from such ruling, setting forth specifically the reasons for his appeal, and stating in full the facts upon which his appeal is based. The Farm Rationing Committee shall promptly transmit such appeal to the Director. The Director may require the furnishing of additional information by the applicant or the Farm Rationing Committee. The Director may affirm, reverse, or modify the decision of the Farm Rationing Committee or he may remand the matter to the Farm Rationing Committee. The decision of the Director shall be in writing, shall be communicated to the applicant and the Farm Rationing Committee and shall be final and conclusive.

(o) *Petition for relief from hardship.* Except as provided in paragraph (n) hereof, any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and information. Such petition shall be submitted, however, to the Farm Rationing Committee, which shall promptly transmit it to the Director with its recommendation. The Director may, upon the basis of such application and other information, take such action as he deems appropriate. The decision of the Director shall be in writing and shall be final and conclusive.

General Provisions

(p) *Restriction on delivery and use of chemical fertilizer.* No fertilizer manufacturer, dealer, agent or other person shall deliver to any person for use, and no person shall accept for use, any chemical fertilizer except as authorized by the Farm Rationing Committee by means of a purchase permit or a ration card issued pursuant to this order.

(q) *Records and reports of manufacturers, dealers, and agents.* Fertilizer manufacturers, dealers, agents and other persons to whom this order applies shall keep records for not less than two years of all deliveries of chemical fertilizer, including the quantities and kinds delivered and the names of persons to whom delivered, in such detail as the Farm Rationing Committee may prescribe, and shall make reports to the Farm Rationing Committee of all such deliveries in such form and detail as it may require. (This record keeping and reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(r) *Audits and inspections.* Each fertilizer manufacturer, dealer, agent or other person to whom this order applies shall, upon request, submit such of his books, records, and accounts for audit and inspection by duly authorized representatives of the Farm Rationing Committee as may be necessary or appropriate to the enforcement or administration of the provisions of this order.

(s) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, or who conspires with another to perform any of such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person may by administrative suspension order be prohibited from receiving any deliveries of, or selling or otherwise disposing of, or using any chemical fertilizer or any other material now or hereafter authorized to be rationed or allocated by, or subject to the priority control of, the War Food Administrator, and may be deprived of any priority assistance. Further, the Director may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order, or any amendment or supplement thereto, be denied the right to receive, use, sell or otherwise dispose of any other materials which now are or in the future may be under allocation.

(t) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the Farm Rationing Committee for Puerto Rico, P. O. Box 4349, San Juan, Puerto Rico, Ref. FPO 10.

(u) *Territorial application of order.* This order shall have application only in Puerto Rico.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R 14783)

Issued this 31st day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-1543; Filed, January 31, 1944; 11:28 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-133]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN EL PASO, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.161 *Quota restrictions* — (a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the El Paso, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of El Paso; that part of justices' precinct 1 south of North Line Drive extended and North Line Drive, northwest of U. S. Highway 54, south of Hercules Drive, east of Diana Drive, south of Gas Line Road, and southwest of the Southern Pacific Railroad; that part of justices' precinct 2 south of the north boundary of Fort Bliss Military Reservation to the intersection of U. S. Highway 62, and south of U. S. Highway 62; and the entire area of justices' precinct 8; all in El Paso County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1406; Filed, January 27, 1944; 3:54 p. m.]

[FDO 79-134]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CORPUS CHRISTI, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F. R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.160 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Corpus Christi, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Corpus Christi and the remainder of the area included in justices' precinct 1, all in Nueces County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further,* That in the computations set forth in (c) hereof the total deliveries to elementary, junior high and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the affective date of this order, reports which show the information required by the market agent to establish such handler's quotas:

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1407; Filed, January 27, 1944; 3:54 p. m.]

[FDO 79-135]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN AMARILLO, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.165 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Amarillo, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Amarillo, and the remainder of the area included in justices' precinct 1 in Potter County, all in the State of Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or

other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1408; Filed, January 27, 1944; 3:54 p. m.]

[FDO 79-3, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CLEVELAND, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-3 (8 F.R. 13367), relative to the conservation and distribution of fluid milk in the Cleveland, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.46 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.46 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to subhandlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-3, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-3, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1439; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-11, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN TOLEDO, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F. R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 7911 (13375), relative to the conservation and distribution of fluid milk in the Toledo, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.42 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.42 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants, engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-11, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 79-11, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1442; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-13, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN DAYTON, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-13 (8 F.R. 13377), relative to the conservation and distribution of fluid milk in the Dayton, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.41 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.41 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-13, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-13 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1443; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-16, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN YOUNGSTOWN, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-16 (8 F.R. 13427), relative to the conservation and distribution of fluid milk in the Youngstown, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.55 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.55 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

3. By deleting therefrom the numerals "150" wherever they appear in § 1401.55 (g) and inserting in lieu thereof, the numerals "50."

4. By adding to the description of the sales area in § 1401.55 (b) the following:

The townships of Beaver and Springfield in Mahoning County, and Newton, Braceville, Southington, Champion and Bazetta in Trumbull County, Ohio.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1. 1944. With respect to violations of said Food Distribution Order No. 79-16, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-16 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1445; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79-19, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN HUNTINGTON-ASHLAND METROPOLITAN SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-19 (8 F.R. 13430), relative to the conservation and distribution of fluid milk in the Huntington-Ashland metropolitan milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.50 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.50 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-19, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-19 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1447; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79–66, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ROCKFORD, ILL., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No.79–66 (8 F.R. 14268), relative to the conservation and distribution of fluid milk in the Rockford, Illinois, milk sales area, issued by the Director of Food Distribution on October 19, 1943, is hereby amended as follows:

Delete the numerals "300" wherever they appear in § 1401.97 (h) and insert in lieu thereof, the numerals "100".

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79–66, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–66 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1449; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79–86, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SPRINGFIELD, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–86 (8 F.R. 14724), relative to the conservation and distribution of fluid milk in the Springfield, Ohio, milk sales area, issued by the Director of Food Distribution on October 28, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.121 (g) and substituting therefor the following:

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.121 (i) and substituting therefor, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79–86, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–86, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1451; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79–128, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN ANTONIO, TEX., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–128 (9 F.R. 648), relative to the conservation and distribution of fluid milk in the San Antonio, Texas, milk sales area, issued by the Director of Food Distribution on January 13, 1944, is amended by deleting the description of the sales area in § 1401.163 (b) and inserting, in lieu thereof, the following:

The city of San Antonio and justices' precincts 1, 3, 6, 7, 8 and that part of justices' precinct 2 lying east of Leon Creek, all in Bexar County, Texas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79–128, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 79–128 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1452; Filed, January 28, 1944; 3:32 p. m.]

[FDO 92]

PART 1401—DAIRY PRODUCTS

CHEESE AND CHEESE FOODS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of milk for the production of dairy products essential for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1401.9 *Restrictions on production of cheese and cheese foods*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "milk" means cow's milk, whether whole milk, skim milk, or partially skimmed milk, with or without the addition thereto of milk fat, and whether in natural fluid, evaporated, condensed, or reconstituted form. Such term shall also include, but not be limited to, cow's milk to which any other substance or ingredient has been added.

(4) The term "curd" means the product obtained by coagulating the casein of milk, by means of rennet or other enzyme, lactic fermentation, or any other coagulating agent.

(5) The terms "cheese" and "cheese food" mean any product or products made by modifying curd, by means of heat, pressure, vacuum process, ripening ferments, incorporating special molds or bacteria, stabilizing agent, emulsifying agent, seasoning, or by mixing curd with any other substance, but such terms shall not include the following: (i) Cheddar cheese or any product made therefrom, and (ii) cottage, pot, or baker's cheese.

(6) The term "Cheddar cheese", frequently called "American cheese" or "American Cheddar cheese", means Cheddar cheese (produced in the United States) as defined in the definition and standards of identity for Cheddar cheese issued by the Administrator of the Food and Drug Administration on January 6, 1941 (21 CFR, 1941 Supp., 19.500). Such term does not include washed curd or colby types of cheese.

(7) The term "governmental agency" means (i) the Armed Services of the United States, (ii) the Food Distribution Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), (iii) the War Shipping Administration, (iv) the Veterans Administration, and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a Food Distribution regulation, is entitled to purchase

cheese and cheese foods subject to this order.

(8) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States, excluding for the purposes of this order, United States Army Post Exchanges, United States Navy Ships' Service Departments, United States Marine Corps Post Exchanges, and similar organizations.

(9) The term "quota period" means the period from the effective time of this order to March 31, 1944, and each of the following periods of three consecutive calendar months during each period of 12 consecutive calendar months after March 31, 1944: (i) April 1 to June 30, inclusive, (ii) July 1 to September 30, inclusive, (iii) October 1 to December 31, inclusive, and (iv) January 1 to March 31, inclusive.

(10) The term "quantity" means number of pounds net weight.

(b) *Restrictions.* (1) No person shall, during any quota period, produce a total quantity of cheese and cheese food which is in excess of the total quantity of cheese and cheese food produced by such person in the corresponding period of the calendar year 1942.

(2) Notwithstanding the provisions of (b) (1) hereof, the Director may, by order or by written notice, increase or decrease the quantity of cheese and cheese food which may be produced by any person during any quota period. Any such order or notice of the Director shall supersede the provisions of (b) (1) hereof from the date the Director declares such order or notice to be effective. No person shall produce cheese or cheese food in violation of any such order or notice of the Director.

(3) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts, or payments made. This order shall not, however, be construed as reducing the amount of cheese or cheese food which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(c) *Exemptions.* (1) In the event a person produces cheese or cheese food and it is, accordingly, charged to his quota for the respective quota period pursuant to (b) (1) hereof, there is exempted from the restrictions of this order any product thereafter made from such cheese or cheese food.

(2) There shall not be charged to any person's quota for the production of cheese and cheese food for a particular quota period pursuant to (b) (1) hereof the quantity of any cheese or cheese food made by such person after the effective time of the order and delivered by him in such quota period to a governmental agency irrespective of whether such cheese or cheese food was produced in said quota period.

(3) No person shall include in the computation of his quota for the production of cheese and cheese food for any quota period pursuant to (b) (1) hereof: (i) the quantity of any product made by such person during the calendar year 1942 from a cheese or cheese food produced by him prior to the calendar year 1942, or from a quantity of cheese or cheese food produced by such person during the calendar year 1942 which was previously included in the computation of his quota for any quota period, or (ii) the quantity of cheese or cheese food which was delivered by such person to a governmental agency during the corresponding portion of the calendar year 1942.

(d) *Production report.* Each person who produces cheese or cheese food on the effective date of this order shall, within 30 calendar days after the effective date hereof, and each person who starts to produce cheese or cheese food after the effective date of this order shall, within 30 calendar days after he starts to produce such cheese or cheese food, submit to the United States Department of Agriculture, P. O. Box 6910–A, Chicago, Illinois, in writing, the following information: (1) the name, description, and composition of each type of cheese and cheese food produced by him during the period from January 1, 1942, to the effective date hereof; (2) the total quantity of each type of cheese and cheese food produced by him each calendar month during the calendar year 1942; (3) the total quantity of each type of cheese and cheese food produced by him during the calendar year 1943; (4) the total quantity of each type of cheese and cheese food produced by such person and delivered by him to governmental agencies each calendar month during the calendar year 1942; and (5) the total quantity of each type of cheese and cheese food produced by such person and delivered by him to governmental agencies during the calendar year 1943. Each person who, on or after the effective date hereof, starts to produce a cheese or cheese food which he did not produce during the period from January 1, 1942, to the effective date hereof, shall, within 30 calendar days after he starts to produce such cheese or cheese food, submit, in writing, to the United States Department of Agriculture, P. O. Box 6910–A, Chicago, Illinois, a report of the name, description, and composition of each such type of cheese or cheese food produced by him.

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writing, premises or stocks of cheese and cheese food of any person, and to make such investigations, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in cheese and cheese foods.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the administrator of this order. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 92, Dairy and Poultry Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (g) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate and such action shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using cheese and cheese food, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administra-

tor, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, except as provided herein or unless instructions to the contrary are issued by the Director, be addressed to the Regional Director, Food Distribution Administration, War Food Administration, serving the area (8 F.R. 15764) in which the person affected by the order resides or does business.

(k) *Territorial scope.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1453; Filed, January 28, 1944; 3:31 p. m.]

[FDO 21, Amdt. 2]

PART 1415—IMPORTED FOODS

DISTRIBUTION OF TEA FOR CIVILIAN CONSUMPTION

Food Distribution Order No. 21, § 1415.1, issued by the Secretary of Agriculture on February 15, 1943, as amended (8 F.R. 2077, 9 F.R. 150), is amended as follows:

1. By deleting the provisions of (a) (3) and inserting in lieu thereof the following:

(3) The term "Commodity" means the Commodity Credit Corporation, War Food Administration, or the U. S. Commercial Company, Foreign Economic Administration.

2. By deleting the provisions of (b) (1) and inserting in lieu thereof the following:

(1) No person other than a qualified distributor shall purchase tea from Commodity; and each qualified distributor shall purchase tea only from Commodity and only in accordance with an allocation hereunder and pursuant to the provisions of this order. The provisions of this order shall not prohibit the purchase, by a qualified distributor from another qualified distributor, of tea in the chest in which such tea was imported by Commodity.

This amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 21, as amended, prior to the effective time of this amendment, said Food Distribution Order No. 21, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1454; Filed, January 28, 1944; 3:31 p. m.]

[FDO 66, Amdt. 2]

PART 1468—GRAINS

MALTED GRAINS, MALT SYRUP, RICE, HOPS, AND HOP PRODUCTS

Food Distribution Order No. 66, issued by the War Food Administrator on July 26, 1943, as amended (8 F.R. 10480, and 13841), is further amended as follows:

1. By inserting, after § 1468.2 (a) (4) thereof, the following:

(5) The term "hops" means the pistillate cones, in the dried or green state, of the vine *Humulus lupulus* or *Humulus americanus* produced in 1943 or previous years.

(6) The term "hop product" means any substance (i) which is derived, in whole or in part, from hops, and (ii) which is suitable for use in the manufacture of malt beverages, including, but not being limited to, any form of such products generally known as hopulon, lupulin, lupulin sweepings, hop oil, hop emulsion, or hop extract.

2. By renumbering (5), (6), (7), (8), (9), (10), and (11) of § 1468.2 (a) thereof, following (5) and (6) set forth in the amendment above, so as to read, respectively, (7), (8), (9), (10), (11), (12), and (13).

3. By deleting from § 1468.2 (d) (1) the provisions thereof and inserting, in lieu thereof, the following:

(d) *Restrictions on inventory of malted grain and malt syrup.* (1) No brewer shall accept delivery of a quantity of malted grain which will cause the total quantity of malted grain owned by such brewer, or in his possession, to exceed 4,000 bushels, or 20 percent of the quantity of malted grain used by such brewer in the production of such malt beverages in the calendar year 1942, whichever amount is the greater.

4. By renumbering § 1468.2 (f), § 1468.2 (g), § 1468.2 (h), § 1468.2 (i), § 1468.2 (j), § 1468.2 (k), and § 1468.2 (l) thereof so as to read, respectively, § 1468.2 (g), § 1468.2 (h), § 1468.2 (i), § 1468.2 (j), § 1468.2 (k), § 1468.2 (l), and 1468.2 (m).

5. By inserting, after § 1468.2 (e) thereof, the following:

(f) *Restrictions on inventory of hops and hop products.* (1) After January 31, 1944, no brewer shall buy, contract to buy, or accept delivery of a quantity of hops which will cause the total quantity of hops owned, contracted for, possessed, or, in any other manner, controlled by him, to exceed the quantity of hops which he used in the manufacture of malt beverages in 1943. However, after January 31, 1944, any brewer may acquire a quantity of hops, which, when added to the quantity owned, contracted for, possessed, or in any other manner controlled by him on January 31, 1944, will equal the quantity he used in the manufacture of malt beverages in 1943.

(2) After January 31, 1944, no brewer shall buy, contract to buy, or accept delivery of a quantity of hop products which will cause the total quantity of hop products owned, contracted for, possessed, or, in any other manner, controlled by him, to exceed the quantity of hop products which he used in the manufacture of malt beverages in 1943. However, after January 31, 1944, any brewer may acquire a quantity of hop products, which, when added to the quantity owned, contracted for, possessed, or, in any other manner controlled by him on January 31, 1944, will equal the quantity he used in the manufacture of malt beverages in 1943.

6. By deleting the provisions of § 1468.2 (g) thereof, renumbered hereinabove as § 1468.2 (h), and by inserting, in lieu thereof, the following:

(h) *Records and reports.* (1) Each manufacturer of malted grain shall submit a report to the Director on Form No. FDO 66-1 for each month, showing his production, shipments, and inventories of malt for such month. The report for each month shall be sent to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 66, in time to reach him on or before the 10th day of the following month and it shall contain the information required by the Director.

(2) Each brewer shall submit a report to the Director on Form No. FDO 66-2 for each month, showing his production, sales, and inventory of malt beverages for such month. The report for each month shall be sent in duplicate to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 66, in time to reach him on or before the 10th day of the following month and it shall contain the information required by the Director.

(3) Each brewer shall, on or before February 10, 1944, mail a report to the Director, on Form No. FDO 66-3, of (i) all hops and hop products which he owned, had under contract, possessed, or, in any other manner, controlled on January 31, 1944; and (ii) the quantity of hops and hop products, separately, which he used in the manufacture of malt beverages during 1943. Such report shall be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 66.

(4) The Director shall be entitled to obtain such additional information and require such additional reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(5) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in malted grain, malt syrup, the grades and classes of rice set forth in (c) hereof, hops, and hop products.

(6) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 66, prior to the effective time of this amendment, said Food Distribution Order No. 66 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

This amendment shall become effective at 12:01 a. m., e. w. t., January 31, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of January 1944

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1455; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-9, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CINCINNATI, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-9 (8 F. R. 13373), relative to the conservation and distribution of fluid milk in the Cincinnati, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.44 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.44 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-9, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-9, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1440; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-10, Amdt. 3]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CANTON, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-10 (8 F.R. 13374) relative to the conservation and distribution of fluid milk in the Canton, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended as follows:

1. By deleting therefrom the provisions in § 1401.43 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.43 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-10, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-10, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1441; Filed, January 28, 1944; 3:31 p. m.]

[FDO 79-14, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN AKRON, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-14 (8 F.R. 13424), relative to the conservation and distribution of fluid milk in the Akron, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.49 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.49 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for

such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m. e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79–14, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 79–14 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1444; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79–17, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN COLUMBUS, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–17 (8 F.R. 13428), relative to the conservation and distribution of fluid milk in the Columbus, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.54 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.54 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79–17, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–17 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1446; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79–23, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN HAMILTON-MIDDLETOWN, OHIO, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–23 (8 F.R. 13435), relative to the conservation and distribution of fluid milk in the Hamilton-Middletown, Ohio, milk sales area, issued by the Director of Food Distribution on October 1, 1943, is amended as follows:

1. By deleting therefrom the provisions in § 1401.51 (f) and substituting therefor the following:

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be computed in accordance with (e) hereof, except that the applicable percentages shall be 100 percent in lieu of the percentages specified in (e) (3).

2. By deleting therefrom the provisions of § 1401.51 (h) and substituting therefor the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79–23, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–23 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; EO. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1448; Filed, January 28, 1944; 3:32 p. m.]

[FDO 79–83, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN PORTLAND, MAINE, SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–83 (8 F.R. 14654), relative to the conservation and distribution of fluid milk in the Portland, Maine, milk sales area, issued by the Director of Food Distribution on October 28, 1943, as amended, is hereby further amended by deleting therefrom the description of the sales area in § 1401.116 (b) and inserting, in lieu thereof, the following:

The cities of Portland, South Portland, and Westbrook and the towns of Cape Elizabeth, Cumberland, Falmouth, and Scarborough in Cumberland County, and the town of Old Orchard Beach in York County, all in the State of Maine.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79–83, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–83, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 27th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1450; Filed, January 28, 1944; 3:32 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4515]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KOL-TONE MANUFACTURING CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* In connection with offer, etc., in commerce, of respondent's product designated as "Kol-Tone", a chemical spray designed for use on bituminous coal, representing directly or by implication that use of respondent's said product increases the efficiency of coal, causes coal to produce more heat or results in any saving in fuel costs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Gus H. Cohn trading as Kol-Tone Manufacturing Company, Docket 4515, January 13, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1944.

In the Matter of Gus H. Cohn, an Individual, Trading and Doing Business Under the Name of Kol-Tone Manufacturing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed on behalf of respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Gus H. Cohn, individually and trading as Kol-Tone Manufacturing Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product designated "Kol-Tone," or any other product of substantially similar composition, whether sold under the same name or any other name, do forthwith cease and desist from representing, directly or by implication:

That the use of respondent's product increases the efficiency of coal, causes coal to produce more heat, or results in any saving in fuel costs.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44–1485; Filed January 29, 1944; 11:30 a. m.]

[Docket No. 4967]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HELENA VOLAY COSMETICS, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's cosmetic preparation designated "Helena Volay Face Oil," or any other similar preparation, representing directly or by implication that said preparation (1) will significantly improve the skin or cause it to become firmer and look more youthful; and (2) is effective in the treatment of or will combat or prevent the formation of wrinkles and sagging tissues; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Helen E. Hoeck trading as Helena Volay Cosmetics, et al., Docket 4967, January 20, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D. 1944.

In the Matter of Helen E. Hoeck, an Individual Trading as Helena Volay Cosmetics; and Chicago Union Advertising Agency, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of the respondents, in which answers respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Helen E. Hoeck, an individual trading as Helena Volay Cosmetics, or trading under any other name, her representatives, agents, and employees, and the respondent Chicago Union Advertising Agency, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of a certain cosmetic preparation designated "Helena Volay Face Oil" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication that said preparation:

a. Will significantly improve the skin or cause it to become firmer and look more youthful;

b. Is effective in the treatment of or will combat or prevent the formation of wrinkles and sagging tissues.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44–1484; Filed, January 29, 1944; 11:30 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50995]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

CUSTOMS FEES; CHARGES FOR STORAGE

Section 24.12 (c), Customs Regulations of 1943 (8 F.R. 8436), is hereby amended as follows:

The period at the end of the second sentence is deleted and the following is inserted at the end of that sentence:

except in a case where such a package is covered by (1) an appraisement entry, (2) a free consumption entry covering merchandise found to be dutiable, or (3) a dutiable consumption entry on which it is determined that an insufficient amount of estimated duty was deposited at the time of entry, in which cases storage shall be charged for any period the package remains in the appraiser's store after 2 full working days following the day on which the importer is notified of the amount of estimated duty that shall be deposited.

In the third sentence the following shall be inserted before the comma following the word "issued:"

or the day on which the importer is notified of the amount of estimated duty that shall be deposited, whichever is applicable.

(R.S. 161, 2654, 2635, sec. 624, 46 Stat. 759, R.S. 4383; 5 U.S.C. 22, 19 U.S.C. 58, 59, 1624, 46 U.S.C. 333)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: January 25, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-1437; Filed, January 28, 1944; 3:11 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5330]

Subchapter A—Income and Excess-Profits Taxes

PART 32—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

Revision of regulations under section 511 of the Merchant Marine Act, 1936, as amended.

Sec.
32.0 Introductory.
32.1 Definitions.
32.2 Scope of statute.
32.3 Requirements as to operation.
32.4 Application to establish fund.
32.5 Tentative authorization to establish fund.
32.6 Establishment of fund.
32.7 When reimbursement out of a construction reserve fund permitted.
32.8 Investment of funds in securities.
32.9 Valuation of securities in fund.
32.10 Withdrawals from fund.
32.11 Time deposits.
32.12 Election.
32.13 Deposit of proceeds of sales or indemnities.
32.14 Deposit of earnings and receipts.
32.15 Time for making deposits.
32.16 Tax liability as to earnings deposited.
32.17 Allocation of gain for tax purposes.
32.18 Requirements as to new vessels.
32.19 Contracts obligating deposits.
32.20 Period for construction.
32.21 Noncompliance with requirements.
32.22 Extent of tax liability.
32.23 Assessment and collection of deficiencies.
32.24 Reports by taxpayers.
32.25 Construction or acquisition by controlled corporation.
32.26 Basis of new vessel.
32.27 Administrative jurisdiction.

AUTHORITY: §§ 32.0–32.27, inclusive, issued under section 511 of the Merchant Marine Act, 1936 as added by the Act approved October 10, 1940, 54 Stat. 1106, and as amended by the Act of June 17, 1943, Public Law 78, 78th Cong., and section 3791 of the Internal Revenue Code, 53 Stat. 467; 26 U.S.C. 3791.

§ 32.0 *Introductory.* Section 511 of the Merchant Marine Act, 1936, as added by the Act of October 10, 1940 (54 Stat. 1106; 46 U.S.C. 1161), and as amended by the Act of June 17, 1943 (Public Law 78, 78th Congress), provides:

SEC. 511. (a) When used in this section the term "new vessel" means any vessel (1) documented or agreed with the Commission to be documented under the laws of the United States; (2) constructed in the United States after December 31, 1939, or the construction of which has been financed under titles V or VII of this Act, as amended, or the construction of which has been aided by a mortgage insured under title XI of this Act as amended; and (3) either (A) of such type, size, and speed as the Commission shall determine to be suitable for use on the high seas or Great Lakes in carrying out the purposes of this Act, but not of less than two thousand gross tons or of less speed than twelve knots, unless the Commission shall determine and certify in each case that a vessel of a specified lesser tonnage or speed is desirable for use by the United States in case of war or national emergency, or (B) constructed to replace a vessel or vessels requisitioned or purchased by the United States.

(b) For the purposes of promoting the construction of vessels necessary to carrying out the policy set forth in title I of this Act, any citizen of the United States who is operating a vessel or vessels in the foreign or domestic commerce of the United States or in the fisheries or owns in whole or in part a vessel or vessels being so operated, or who, at the time of purchase or requisition of the vessel by the Government, was operating a vessel or vessels so engaged or owned in whole or in part a vessel or vessels being so operated or had acquired or was having constructed a vessel or vessels for the purpose of operation in such commerce or in the fisheries, may establish a construction reserve fund, for the construction or acquisition of new vessels, to be composed of deposits of proceeds from sales of vessels, indemnities on account of losses of vessels, earnings from the operation of vessels, and receipts, in the form of interest or otherwise, with respect to amounts previously deposited. Such construction reserve fund shall be established, maintained, expended, and used in accordance with the provisions of this section and rules or regulations to be prescribed jointly by the Commission and the Secretary of the Treasury.

(c) In the case of the sale or actual or constructive total loss of a vessel, if the taxpayer deposits an amount equal to the net proceeds of the sale or to the net indemnity with respect to the loss in a construction reserve fund established under subsection (b), then, if the taxpayer so elects in his income-tax return for the taxable year in which the gain was realized, no gain shall be recognized to the taxpayer in respect of such sale or indemnification in the computation of net income for the purposes of Federal income or excess-profits taxes. For the purposes of this subsection no amount shall be considered as deposited in a construction reserve fund unless it is deposited within sixty days after it is received by the taxpayer except that (1) in the case of amounts received before December 10, 1940, the deposit may be made not later than February 7, 1941, and (2) in the case of amounts received at any time between May 27, 1941, and the date [1] of enactment of this amendatory clause, the deposit of which by the taxpayer is authorized by the amendments to subsection (b), the taxpayer may make such deposit at any time within one hundred and twenty days from such date of enactment, and the Commission may approve any such deposit previously made if, in other respects, it complies with the provisions of this section, as amended. As used in this subsection the term "net proceeds" and the term "net indemnity" mean the sum of (1) the adjusted basis of the vessel and (2) the amount of gain which would be recognized to the taxpayer without regard to this subsection.

(d) The basis for determining gain or loss and for depreciation, for the purpose of Federal income or excess-profits taxes, of any new vessel constructed or acquired by the taxpayer in whole or in part out of the construction reserve fund shall be reduced by that portion of the deposits in the fund expended in the construction of acquisition of the new vessel which represents gain not recognized under subsection (c).

(e) For the purposes of this section, (1) if the net proceeds of a sale or the net indemnity in respect of a loss are deposited in more than one deposit, the amount consisting of the gain shall be considered as first deposited; (2) amounts expended, obligated, or otherwise withdrawn shall be applied against the amounts deposited in the fund in the order of deposit; and (3) if any deposit consists in part of gain not recognized under subsection (c), any expenditure, obligation, or withdrawal applied against such deposit shall be considered to consist of gain in the proportion that the part of the deposit consisting of gain bears to the total amount of the deposit.

(f) With respect to any taxable year, amounts on deposit on the last day of such year in a construction reserve fund in accordance with this section and with respect to which all the requirements of subsection (g) have been satisfied, to the extent that such requirements are applicable as of the last day of said taxable year, shall not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code.

(g) The provisions of subsections (c) and (f) shall apply to any deposit in the construction reserve fund only to the extent that such deposit is expended or obligated for expenditure, in accordance with rules and regulations to be prescribed jointly by the Commission and the Secretary of the Treasury, under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Commission, for a part interest therein) entered into within two years from the date of such deposit only if under such rules and regulations—

(1) Within such period of two years not less than 12½ per centum of the construction or contract price of the vessel or vessels is paid or irrevocably committed on account thereof and the plans and specifications therefor are approved by the Commission to the extent by it deemed necessary; and

(2) In case of a vessel or vessels not constructed under the provisions of this title or not purchased from the Commission, (A) said construction is completed, within six months from the date of the construction contract, to the extent of not less than 5 per centum thereof (or in case the contract covers more than one vessel, the construction of the first vessel so contracted for is so completed to the extent of not less than 5 per centum) as estimated by the Commission and certified by it to the Secretary of the Treasury, and (B) all construction under such contract is completed with reasonable dispatch thereafter.

(h) The Commission is authorized under rules and regulations to be prescribed jointly by the Secretary of the Treasury and the Commission to grant extensions of the period within which the deposits shall be expended or obligated or within which construction shall have progressed to the extent of 5 per centum of completion as provided herein, but such extension shall not be for an aggregate additional period in excess of two years with respect to the expenditure or obligation of such deposits or more than one year with respect to the progress of such construction: *Provided, however,* That until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President may designate, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than six months after such termination of the present war or such earlier date as may be so designated.

(i) Any such deposited gain or portion thereof which is not so expended or obligated within the period provided, or which is otherwise withdrawn before the expiration of such period, or with respect to which the construction has not progressed to the extent of 5 per centum of completion within the period provided, or with respect to which the Commission finds and certifies to the Secretary of the Treasury that, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, if otherwise taxable income under the law applicable to the taxable year in which such gain was realized, shall be included in the gross income for such taxable year, except for the purpose of the declared value excess-profits tax and the capital stock tax. If any such deposited gain or portion thereof is so included in gross income for such taxable year, there shall (in addition to any other deficiency) be assessed, collected, and paid in the same manner as if it were a deficiency, an amount equal to 1.1 per centum of the amount of gain so included, such amount being in lieu of any adjustment with respect to the declared value excess-profits tax for such taxable year.

(j) Notwithstanding any other provision of law, any deficiency in tax for any taxable year resulting from the inclusion of any amount in gross income as provided by subsection (i), and the amount to be treated as a deficiency under such subsection in lieu of any adjustment with respect to the declared value excess-profits tax, may be assessed or a proceeding in court for the collection thereof may be begun without assessment, at any time: *Provided, however,* That interest on any such deficiency or amount to be treated as a deficiency shall not begin until the date the deposited gain or portion thereof in question is required under subsection (i) to be included in gross income.

(k) This section shall be applicable to a taxpayer only in respect of sales or indemnifications for losses occurring within a taxable year beginning after December 31, 1939, and only in respect of earnings derived during a taxable year beginning after December 31, 1939.

(l) For the purposes of this section a vessel shall be considered as constructed or acquired by the taxpayer if constructed or acquired by a corporation at a time when the taxpayer owns at least 95 per centum of the total number of shares of each class of stock of the corporation.

(m) The terms used in this section shall have the same meaning as in chapter 1 of the Internal Revenue Code.

Section 905 (a) of the Merchant Marine Act, 1936, as amended by section 39 (a) of the Act of June 23, 1938 (52 Stat. 964; 46 U.S.C. 1244 (a)), provides:

(a) The words "foreign commerce" or "foreign trade" mean commerce or trade between the United States, its Territories or possessions, or the District of Columbia, and a foreign country.

Section 905 (c) of the Merchant Marine Act, 1936, as amended by section 39 (b) of the Act of June 23, 1938 (49 Stat. 2016; 52 Stat. 964; 46 U.S.C. 1244 (c)), provides:

(c) The words "citizen of the United States" include a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (U.S.C., title 46, sec. 802), and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall be not less than 75 per centum.

Section 2 of the Shipping Act, 1916, as amended (41 Stat. 1008; 46 U.S.C. 802, 803), provides:

SEC. 2. (a) That within the meaning of this Act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(d) The provisions of this Act shall apply to receivers and trustees of all persons to whom the Act applies, and to the successors or assignees of such persons.

Section 48 of the Internal Revenue Code, 53 Stat. 26; 26 U.S.C. 48, in part provides:

SEC. 48. DEFINITIONS.
When used in this chapter—
(a) *Taxable year.* "Taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this Part. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the Commissioner with the approval of the Secretary, the period for which such return is made.
(b) *Fiscal year.* "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

Section 3791 of the Internal Revenue Code, 53 Stat. 467; 26 U.S.C. 3791, in part provides:

SEC. 3791. RULES AND REGULATIONS. (a) *Authorization*—(1) *In general.* • • • the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.
(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.
(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

Pursuant to the foregoing provisions of law, the following regulations are hereby prescribed and Treasury Decision 5035, General Order 38 of the United States Maritime Commission, promulgated January 31, 1941, [Part 32, Title 26, Code of Federal Regulations, 1941 Supp.] is hereby superseded as of June 17, 1943.

§ 32.1 *Definitions.* As used in these regulations, except as otherwise indicated by the context:

(a) The term "Act" means the Merchant Marine Act, 1936, as amended;

(b) The term "statute" means section 511 of the Merchant Marine Act, 1936, as amended;

(c) The term "section" means one of the sections of these regulations;

(d) The terms "Commission" and "Maritime Commission" mean the United States Maritime Commission;

(e) The term "citizen" means a person who, if an individual, was born or naturalized as a citizen of the United States or, if other than an individual, meets the requirements of section 905 (c) of the act and section 2 of the Shipping Act, 1916, as amended;

(f) The term "taxpayer" means a citizen who has established or seeks to establish a construction reserve fund under the provisions of the statute and this part, and may include a partnership;

(g) The term "corporation" includes associations and joint stock companies;

(h) The term "stock" includes the share in an association or joint-stock company.

Insofar as the computation and collection of taxes are concerned, other terms used in this part, except as otherwise indicated by the context, have the same meaning as in the Internal Revenue Code and the regulations thereunder.

§ 32.2 *Scope of statute.* The statute provides, under conditions specified, for the nonrecognition for income and excess-profits tax purposes of the gain realized from the sale or indemnification for loss of certain vessels including certain vessels in course of construction, or shares therein. It also permits the accumulation of the proceeds of such sales or indemnifications and of certain earnings without liability under section 102

[1] June 17, 1943.

of the Internal Revenue Code. (For the normal application of section 102, see §§ 29.102–1 to 29.102–4, inclusive, of this chapter, and the corresponding provisions of prior regulations.)

The benefits of the statute are available to any citizen as defined in § 32.1 (e), who during any taxable year beginning after December 31, 1939, owns, in whole or in part, a vessel or vessels within the scope of § 32.3. A citizen operating such a vessel or vessels owned by any other person or persons can derive no benefit from the provisions relating to the nonrecognition of gain from the sale or loss of such vessel or vessels so owned, but may establish a construction reserve fund in which he may deposit earnings from the operation of such vessel or vessels.

The statute applies only with respect to sales or losses of vessels within the scope of § 32.3 occurring within a taxable year beginning after December 31, 1939, or in respect of earnings derived from the operation of such vessels during a taxable year beginning after December 31, 1939. A loss to be within the statute must be an actual or constructive total loss. Whether there is a total loss, actual or constructive, will be determined by the Maritime Commission. As to what proceeds, earnings, or receipts may be deposited in the construction reserve fund, see §§ 32.13 and 32.14. The loss of a vessel which occurs during a taxable year beginning prior to December 31, 1939, is not within the scope of the statute, even though the taxpayer is indemnified during a later year.

§ 32.3 *Requirements as to operation.* The statute applies with respect to vessels operated in the foreign or domestic commerce of the United States or in the fisheries, and vessels acquired or being constructed for the purpose of such operation. The foreign commerce of the United States includes commerce or trade between the United States (including the District of Columbia), the Territories and possessions which are embraced within the coastwise laws, and a foreign country or other Territories and possessions of the United States. The domestic commerce of the United States includes commerce or trade between ports of the United States and its Territories and possessions, embraced within the coastwise laws. The fisheries include the fisheries of continental United States and its Territories and possessions, except the Philippine Islands (see section 5, 39 Stat. 547; 48 U.S.C. 1003). The statute does not apply to vessels operated in the foreign commerce or fisheries of any country other than the United States.

§ 32.4 *Application to establish fund.* Any person claiming to be entitled to the benefits of the statute may make application, in writing, to the Commission for permission to establish a construction reserve fund. The application shall be in such form and substance as the Commission may prescribe and shall designate, among other things, the depository or depositories with which the applicant proposes to establish the said fund. The original application shall be executed and verified by the taxpayer, or if the taxpayer is a corporation, by one of its principal officers, in triplicate, and shall be accompanied by eight (8) conformed copies when filed with the Commission.

§ 32.5 *Tentative authorization to establish fund.* Where the time between the receipt by the Commission of the application for permission to establish a construction reserve fund and the date prior to which an amount received from the sale or loss of a vessel must be deposited to come within the scope of the statute is insufficient to permit a determination of the eligibility of the applicant, the Commission may tentatively authorize the establishment of a construction reserve fund and the deposit of such amount therein. Such tentative authorization shall be subject to rescission by the Commission, if subsequently it is determined that the applicant is not entitled to the benefit of the statute, and, upon such determination, the fund shall be closed and all amounts on deposit therein shall be withdrawn.

§ 32.6 *Establishment of fund.* If the application is approved by the Commission, the Commission will adopt a resolution authorizing the establishment of a construction reserve fund with the depository or depositories designated by the taxpayer and approved by the Commission. The resolution will provide for joint control by the Commission and the taxpayer over such fund, will set forth the conditions governing the establishment and maintenance of the fund and the making of deposits therein and withdrawals therefrom, and will designate the representatives authorized to execute instruments of withdrawal on behalf of the Commission.

A certified copy of the resolution of the Commission will be furnished the taxpayer. If the taxpayer is a corporation, it shall promptly adopt, through its board of directors, a resolution satisfactory in form and substance to the Commission, authorizing the establishment and maintenance of the fund in conformity with the action of the Commission. If the taxpayer is not a corporation it shall promptly execute an agreement with the depository satisfactory in form and substance to the Commission to conform to the action of the Commission as set forth in the resolution. Certified copies of the resolutions of the Commission and of the taxpayer (if it is a corporation) will be furnished to the depository by the Commission and the taxpayer respectively for its guidance in maintaining the fund and honoring instruments of withdrawal. The taxpayer, if a corporation, shall also furnish the Commission with a certified copy of its resolution, or if not a corporation, a duplicate original of its agreement with the depository.

§ 32.7 *When reimbursement out of a construction reserve fund permitted.* If, prior to the establishment of a construction reserve fund under these regulations, a taxpayer has made necessary payments under a contract, which satisfies the provisions of these regulations and the statute, for the construction or acquisition of a new vessel, such taxpayer may, if subsequently authorized to establish a construction reserve fund under these regulations, draw against such fund as reimbursement for the amount, if any, of other funds which, with the approval or ratification of the Commission, the taxpayer used prior to the establishment of the fund for the purpose of making such necessary payments.

§ 32.8 *Investment of funds in securities.* Interest-bearing direct obligations of the United States, or obligations fully guaranteed as to principal and interest by the United States, may be deposited in the construction reserve fund in lieu of cash, and such obligations may also be purchased with cash on deposit in the fund. In instances where the taxpayer desires to deposit any other securities in the fund in lieu of cash, or to purchase such other securities with cash on deposit in the fund, the taxpayer shall make written application to the Commission and shall not consummate the transaction until the written consent of the Commission shall have been received. The application shall describe the securities fully. Every approval of such application by the Commission shall be conditioned upon agreement by the taxpayer forthwith to dispose of such securities upon subsequent request by the Commission. Immediately upon the purchase of any securities for deposit in the fund, the taxpayer shall advise the Commission, giving the date of purchase, a description of the securities, and the price paid therefor (net, brokerage and other charges, and gross). Ordinarily, the Commission will not approve the deposit in the fund in lieu of cash, or the purchase with cash on deposit in the fund, of securities not actively traded in on exchanges registered under the "Securities Exchange Act of 1934", or securities which are not legal for investment of trust funds.

§ 32.9 *Valuation of securities in fund.* In cases where securities are deposited in the fund in lieu of cash, or are purchased with cash on deposit in the fund, the "market value" of such securities must not be less than the amount of cash in lieu of which they are so deposited or with which they are so purchased. For the purpose of determining the amount in the fund, the "market value" of securities shall be determined in the following manner:

(a) In instances where no actual purchase is involved, such as the initial deposit of securities in the fund in lieu of cash, the last sales price thereof on the principal exchange on the day the deposit was made shall be deemed to be the "market value" thereof, or, if no such sales were made, the "market value" thereof will be determined by the Commission on such basis as it may deem to be fair and reasonable in each case.

(b) With respect to transactions involving the purchase of securities with cash on deposit in the fund, "market value" shall be the gross price paid (adjusted for accrued interest); *Provided,* That if such securities are purchased otherwise than upon a registered exchange the price shall be within the range of transactions on the exchange on the date of such purchase, or, if there were no such transactions, then the "market value" thereof will be determined by the Commission on such basis as it may deem to be fair and reasonable in each case.

If the securities on deposit in the fund are replaced by cash from the general funds of the taxpayer, the amount of cash to be deposited in the fund in lieu thereof shall be not less than the amount at which such securities were valued at the time of their deposit in the fund.

Purchase money obligations secured by vessels sold or irrevocable commitments to finance the construction or acquisition of new vessels which are deposited in the construction reserve fund as provided in § 32.13 ordinarily will be considered as equivalent to their face value.

§ 32.10 *Withdrawals from fund.* Checks, drafts, or other instruments of withdrawal to meet obligations under a contract for the construction or acquisition of a new vessel or vessels, after having been executed by the taxpayer, shall be forwarded to the commission at Washington with appropriate explanation of the purpose of the proposed withdrawal, including properly certified invoices or other supporting papers. Such instruments of withdrawal, if payable to the Commission, will be deposited by the Commission for collection, and the proceeds thereof, upon collection, will be credited to the appropriate contract with the Commission; but if drawn to the order of payees other than the Commission, after countersignature on behalf of the Commission, will ordinarily be forwarded to the payees.

An amount obligated under a contract for the construction or acquisition of a new vessel or vessels, whether the obligor has the entire or a partial interest therein within the scope of the statute, may not, so long as the contract continues in full force and effect, be withdrawn except to meet payments due or to become due under such contract.

Checks, drafts, or other instruments of withdrawal executed by the taxpayer for purposes other than to meet obligations under a contract for the construction or acquisition of a new vessel or vessels, whether the taxpayer has the entire or a partial interest therein, shall be drawn by the taxpayer to its own order and forwarded to the Commission at Washington, with appropriate explanation of the purpose of the proposed withdrawal. Such withdrawals may occur by reason of a determination by the Commission that the applicant is not entitled to the benefits of the statute (see § 32.5), or that a particular deposit has been improperly made (see § 32.13), or by reason of the election of the taxpayer to make such withdrawals. Upon receipt of such checks, drafts, or other instruments of withdrawal, the Commission shall give notice thereof to the Commissioner of Internal Revenue. The Commissioner shall advise the Commission of the receipt of the notice and the date it was received. The Commission shall not countersign such checks, drafts, or other instruments of withdrawal or transmit them to the taxpayer until the expiration of 30 days from the date of receipt of the notice by the Commissioner, unless the Commissioner or such official of the Bureau of Internal Revenue as he may designate for the purpose consents in writing to earlier countersignature by the Commission and transmittal to the taxpayer.

Upon the expiration of such 30-day period, or prior thereto if the aforesaid consent of the Commissioner has been obtained, the Commission will countersign the check, draft, or other instrument of withdrawal and forward it to the taxpayer.

The provisions of this section shall not be applicable to transactions deemed to be withdrawals by reason of the sale of securities held in the fund, for an amount less than the market value thereof at the time of their deposit (see § 32.21), nor to the cancellation of an irrevocable commitment deposited in the fund, upon proof satisfactory to the Commission that the terms of such commitment have been fully satisfied.

§ 32.11 *Time deposits.* Deposits in the construction reserve fund not invested in securities may be placed in time deposits when, in the judgment of the taxpayer, it is desirable and feasible so to do.

The taxpayer shall promptly advise the Commission of any time deposit arrangements made with the depository. The Commission reserves the right at any time to require the termination or modification of any such arrangements.

§ 32.12 *Election.* As a prerequisite to nonrecognition of gain on the sale or loss of a vessel, or a part interest therein as provided by the statute, the taxpayer, after establishing a construction reserve fund, must make an election in his income tax return, or if a partnership in the partnership return of income, for the taxable year in which the gain is realized. The election shall be with respect to each vessel or share therein and shall be shown by a statement to that effect, submitted as a part of, and attached to, the return. The statement, which need not be on any prescribed form, shall set forth a computation of the amount of the realized gain, the identity of the vessel, the nature and extent of the taxpayer's interest therein, whether such vessel was sold or lost and the date of sale or loss, the full price or full amount of indemnity, and the amount and date of each payment thereof, the basis for tax purposes and any other data affecting the determination of the realized gain.

Deposit of an amount equal to the net proceeds of the sale or loss of the vessel or of the taxpayer's interest therein must be made within the period specified in § 32.15 and may not be delayed beyond the specified period to await the execution or filing of a statement of election.

§ 32.13 *Deposit of proceeds of sales or indemnities.* The deposit required by the statute must be made in a construction reserve fund, established with a depository or depositories approved by the Commission and subject to the joint control of the Commission and the taxpayer. It is not necessary to establish a separate fund with respect to each vessel or share in a vessel sold or lost. However, with respect to any vessel sold or lost, or a share therein, the deposit must be in an amount equal to the "net proceeds" of the sale, or the "net indemnity" for the loss. By "net proceeds" and "net indemnity" is meant (1) the depositor's interest in the adjusted basis of the vessel plus (2), the amount of gain which would be recognized for tax purposes in the absence of the statute. In determining "net proceeds" the amount necessarily paid or incurred for brokers' commissions is to be deducted from the gross amount of the sales price. In determining "net indemnity", the amount necessarily paid or incurred purely for collection, or rate of exchange discounts on the payment, of the indemnity is to be deducted from the gross amount of collectible indemnity. Where the proceeds from the sale of a vessel include purchase money obligations, such obligations together with the entire collateral therefor, or in case of deposit of the proceeds of a share in the vessel a proportionate part of the obligations and collateral as determined by the Commission, shall be deposited, with the remainder of the proceeds, in the construction reserve fund as a part of the "net proceeds". The depository shall receive payment of all amounts due on such purchase money obligations and such amounts shall be placed in the fund in substitution for the portion of the obligations paid. If the taxpayer so desires, he may deposit in the construction reserve fund cash or approved securities in an amount equal to the face value of any purchase money obligations in lieu of depositing such obligations.

The taxpayer must deposit the full amount of each payment (including cash, notes, or other evidences of indebtedness) as a single deposit in the construction reserve fund. A payment divided between two or more depositories will be regarded as a single deposit. Amounts received by the taxpayer prior to the date of consummation of the sale of the vessel shall be considered as having been received by the taxpayer at the time the sale is consummated.

Where a vessel is subject to a mortgage or other encumbrance at the time of its sale or loss and the taxpayer actually receives only an amount representing the equity therein or a share in such equity corresponding to his share in the vessel, he shall deposit in the construction reserve fund the amount received and concurrently therewith other funds in an amount equal to the difference between the amount received and the "net proceeds" or "net indemnity". Such other funds may be in the form of cash, or, subject to the approval of the Commission, (1) interest-bearing securities, or (2) an irrevocable commitment to

finance the construction or acquisition of a new vessel in whole or in part by an obligor approved by the Commission in an amount equal to the amount by which the "net proceeds" exceeds the cash or securities deposited in the fund.

In case of the sale or loss of several vessels or shares therein, a deposit of the "net proceeds" or "net indemnity" with respect to one or more of the vessels or shares is permissible. Where several vessels or shares are sold for a lump sum, the "net proceeds" allocated to each vessel or share shall be determined in accordance with any reasonable rule satisfactory to the Commissioner of Internal Revenue.

A deposit which is not provided for by the statute shall, without unreasonable delay, be withdrawn from the fund and tax liability will be determined as though such deposit had not been made. (See §§ 32.10 and 32.22.)

§ 32.14 *Deposit of earnings and receipts.* A citizen may deposit all or any part of earnings derived from operation, within the scope of § 32.3, of a vessel or vessels owned either by himself or any other person. Such earnings may include payments received by an owner, as compensation for use of his vessel, from other persons by whom it is so operated. Earnings from other sources may not be deposited. Only earnings intended for construction or acquisition of new vessels may be deposited. The earnings deposited must be of taxable years beginning after December 31, 1939.

The earnings from operation of vessels which are eligible for deposit are the net earnings determined without regard to any deduction for depreciation, obsolescence, or amortization with respect to such vessels. Receipts from deposited funds, in the form of interest or otherwise, may be deposited.

§ 32.15 *Time for making deposits.* Deposits of amounts representing proceeds of the sale or indemnification for loss of a vessel or share therein must be made within 60 days after receipt by the taxpayer, except that (1) amounts received on or before December 9, 1940, may be deposited not later than February 7, 1941, and (2) amounts received at any time between May 27, 1941, and June 17, 1943, the deposit of which is authorized by the amendments to subsection (b) of section 511 of the act, made by Public Law 78, approved June 17, 1943, may be deposited not later than October 15, 1943, and the Commission may approve any such deposit previously made between May 27, 1941, and June 17, 1943, if in other respects it complies with the provisions of the statute and these regulations.

Earnings and receipts, within the scope of the statute, of taxable years beginning after December 31, 1939, may be deposited at any time. (See § 32.14.)

§ 32.16 *Tax liability as to earnings deposited.* Deposit in the construction reserve fund of earnings from operation of a vessel or vessels, or receipts, in the form of interest or otherwise, with respect to amounts previously deposited does not exempt the taxpayer from tax liability with respect thereto. Earnings and receipts deposited in a construction reserve fund established in accordance with the provisions of the statute and these regulations do not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code as long as the requirements of the statute and these regulations relative to the use of the fund in the construction or acquisition of new vessels are satisfied. For application of the statute in case earnings or receipts so deposited are later withdrawn for purposes other than the construction or acquisition of new vessels, or there is failure otherwise to comply with the statute or these regulations, see § 32.21.

§ 32.17 *Allocation of gain for tax purposes.* If the "net proceeds" of a sale or the "net indemnity" in respect of a loss are deposited in more than one deposit, the gain will be considered as first deposited. Amounts expended, obligated, or withdrawn will be applied against the amounts deposited in the order of deposit. If any deposit consists in part of gain not recognized under the statute, any expenditure, obligation, or withdrawal applied against such deposit will be considered to consist of gain in the proportion that the part of the deposit consisting of gain bears to the total amount of the deposit. If amounts on deposit in a construction reserve fund are expended, obligated, or withdrawn for construction or acquisition of new vessels, the portion thereof which represents gain will be applied in reduction of the basis of such new vessels for determining gain or loss, and for depreciation, for the purpose of Federal income or excess-profits taxes. If any amounts are withdrawn for purposes other than the construction or acquisition of new vessels, the portion thereof which represents gain, if otherwise constituting taxable income under the law applicable to the taxable year in which such gain was realized, will be included in the gross income for such taxable year, except for the purpose of the declared value excess-profits tax and the capital stock tax. (See § 32.22.)

The date funds are obligated under a contract for the construction or acquisition of a new vessel, rather than the date of payment from the fund, will determine the order of application against the deposits in the fund. When a contract for the construction or acquisition of a new vessel is entered into, amounts on deposit in the construction reserve fund will be deemed to be obligated to the extent of the amount of the taxpayer's liability under the contract. Deposits will be deemed to be so obligated in the order of deposit, each new contract obligating the earliest deposit not previously expended, obligated, or withdrawn. If the liability under the contract exceeds the amount in the construction reserve fund, the contract will be deemed to obligate, to the extent of that part of such excess not otherwise satisfied, the earliest deposit or deposits thereafter made.

Example. A taxpayer who makes his returns on the calendar year basis sells a vessel in 1941 for $1,000,000, realizing a gain of $400,000. $100,000 of the sale price is received in March 1941 when the contract is signed, and the balance of $900,000 is received in June 1941 on delivery of the vessel. The $1,000,000 is deposited in a construction reserve fund in July 1941. In December 1941 the taxpayer also deposits $150,000, representing earnings of that year. In 1942 he sells another vessel for $1,000,000, realizing a gain of $250,000. The sale price of $1,000,000 is received on delivery of the vessel in February 1942 and deposited in the construction reserve fund in March 1942. In September 1942 the taxpayer purchases for cash out of the construction reserve fund a new vessel for $1,750,000. To the cost of this vessel must be allocated the 1941 deposits of $1,150,000 and $600,000 of the March 1942 deposit. This leaves in the fund $400,000 of the March 1942 deposit. The amount of the unrecognized gain to be applied against the basis of the new vessel is as follows: $400,000 gain represented in the 1941 deposits, plus the same proportion of the $250,000 gain represented in the March 1942 deposit ($1,000,000) which the amount ($600,000) allocated to the vessel is of the amount of the deposit, i. e., $400,000 plus $\frac{600,000}{1,000,000}$ of $250,000, or $150,000, a total of $550,000. This reduces the basis of the new vessel to $1,200,000 ($1,750,000 less $550,000).

In 1943 the taxpayer sells a third vessel for $3,000,000, realizing a gain of $900,000. The $3,000,000 is received and deposited in the construction reserve fund in June 1943, making a total in the fund $3,400,000. In December 1943 the taxpayer contracts for the construction of a second new vessel to cost a maximum of $3,200,000, thereby obligating that amount of the fund, and in June 1944 receives permission to withdraw the unobligated balance amounting to $300,000. To the cost of the second new vessel must be allocated the $400,000 balance of the March 1942 deposit and $2,800,000 of the June 1943 deposit. The unrecognized gain to be applied against the basis of such new vessel is that proportion of the gain represented in each deposit which the portion of the deposit allocated to the vessel bears to the amount of such deposit, i. e., $\frac{400,000}{1,000,000}$ of $250,000, or $100,000 plus $\frac{2,800,000}{3,000,000}$ of $900,000, or $840,000, making a total of $940,000. The $200,000 withdrawn is applied against the June 1943 deposit and the portion thereof which represents gain will be recognized as income for 1943, the year in which realized. The computation of the recognized gain is as follows: $\frac{200,000}{3,000,000}$ of $900,000, or $60,000.

§ 32.18 *Requirements as to new vessels.* For the purposes of the statute and these regulations, the new vessel must be:

(a) Documented under the laws of the United States when it is acquired by the taxpayer, or the taxpayer must agree that when acquired it will be documented under the laws of the United States;

(b) (1) Constructed in the United States after December 31, 1939, or (2) its construction must have been financed under Title V or Title VII of the act, or (3) its construction must have been aided by a mortgage insured under Title XI of the act; and

(c) Either (1) of such type, size, and speed as the Maritime Commission determines to be suitable for use on the high seas or Great Lakes in carrying out the purposes of the act, but of not less than 2,000 gross tons or of less speed than 12 knots, except that a particular vessel may be of lesser tonnage or speed if the Maritime Commission determines and certifies that the particular vessel is desirable for use by the United States in case of war or national emergency, or (2) constructed to replace a vessel or vessels requisitioned or purchased by the United States, in which event it must be of such type, size, and speed as to constitute a suitable replacement for the vessel requisitioned or purchased, but if a vessel already built is acquired to replace a vessel or vessels requisitioned or purchased by the United States, such vessel must meet the requirements set forth in subparagraph (1) of this paragraph.

A vessel will be deemed to be constructed after December 31, 1939, only if construction was commenced after that date. Subject to the provisions of this section, a new vessel may be newly built for the taxpayer, or may be acquired after it is built.

It is not necessary that vessels shall be replaced vessel for vessel. The new vessels may be more or less in number than the replaced vessels, provided the other requirements of this section are met.

§ 32.19 *Contracts obligating deposits.* A contract for the construction or acquisition of a new vessel entered into prior to October 10, 1940, or a contract which supersedes, amends ,or supplements such a contract, is not within the scope of the statute. Unless otherwise authorized by the Commission, contracts for the construction of new vessels must be for a fixed price, or provide for a base price that may be adjusted for changes in labor and material costs up to but not exceeding 15 percent of the base price. Plans and specifications for the new vessel or vessels must be approved by the Commission to the extent it deems necessary. A deposit in a construction reserve fund may be expanded or obligated for expenditure for procurement under an acquisition or construction contract of a part interest in a new vessel or vessels, but only after obtaining the written consent of the Commission. The granting of such consent shall be entirely in the discretion of the Commission and it may impose such conditions with respect thereto as it may deem necessary or advisable for the purpose of carrying out the provisions of the statute. Applications for such consent shall be executed in triplicate, and, together with eight conformed copies thereof, filed with the Commission.

Within two years from the date of any deposit in a construction reserve fund, unless extension is granted as hereinafter provided, such deposit must be obligated under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Commission for a share therein), and at least 12½ percent of the construction or contract price of the entire vessel or vessels must be actually paid or irrevocably committed on account thereof. Amounts on deposit in a construction reserve fund will be deemed to be obligated for expenditure when a binding construction or purchase contract has been entered into and will be deemed to be irrevocably committed when due and payable in accordance with the terms of the contract of construction or acquisition. The Commission may, upon application and a showing of proper circumstances, allow an extension or extensions of time within which the contract shall be entered into and the deposits expended or obligated, or the 12½ percent of the construction or contract price paid or irrevocably committed, not to exceed two years in the aggregate, except that until the termination of the present war or until such earlier date as the Congress by concurrent resolution or the President may designate, further extensions may be granted by the Commission. Such further extensions may not run longer than six months after such termination or earlier date.

A taxpayer seeking an extension shall make application therefor, and transmit it with an appropriate statement of the circumstances, and appropriate documents in substantiation of the statement, to the Maritime Commission. The Commission will notify the Commissioner of Internal Revenue of any extension granted. In case an application for extension is denied, the taxpayer will be liable for delay as though no application had been made.

§ 32.20 *Period for construction.* A new vessel constructed otherwise than under the provisions of Title V of the act, and not purchased from the Maritime Commission, must, within six months from the date of the construction contract, or within the period of any extension, be completed to the extent of not less than 5 percent as estimated by the Maritime Commission and certified by it to the Secretary of the Treasury. In case of a contract covering more than one vessel it will be sufficient if one of the vessels is 5 percent completed within the six months' period from the date of the contract or within the period of any extension, and so certified. All construction must be completed with reasonable dispatch as determined by the Maritime Commission. If, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, the Commission will so certify to the Secretary of the Treasury. For the effect of such certification, see § 32.21.

The Maritime Commission may, upon application and a showing of satisfactory reasons therefor, grant an extension or extensions of time within which the 5 percent of construction shall be completed, but such extensions shall not aggregate more than one year, except that until the termination of the present war or until such earlier date as the Congress by concurrent resolution or the President may designate, further extensions may be granted by the Commission. Such further extensions may not run longer than six months after such termination or earlier date. Application for extension shall be made in accordance with the procedure indicated by § 32.19. In case an application for extension is denied, the taxpayer will be liable for delay as though no application had been made.

§ 32.21 *Noncompliance with requirements.* Withdrawal from the construction reserve fund for purposes other than the construction or acquisition of new vessels, or failure to comply with the requirements of the statute or the regulations relative to the utilization of such funds in the construction or acquisition of new vessels, will result in the recognition, for the taxable year in which realized, of the amount of the gain represented in that portion of the fund involved. If securities on deposit in a construction reserve fund are sold and the amount placed in the fund in lieu thereof is less than the market value of the securities at the time of their deposit, the difference between such market value and the amount placed in the fund in lieu of the securities will be deemed to have been withdrawn.

In the event of noncompliance with the prescribed conditions relative to any contract for construction or acquisition of new vessels, recognition will extend to the entire amount of the gain represented in that portion of the construction reserve fund obligated under such contract. Thus, if the Maritime Commission determines and certifies to the Secretary of the Treasury that for causes within the control of the taxpayer construction under a contract is not completed with reasonable dispatch, the entire amount of the gain represented in the portion of the construction reserve fund obligated under the contract will be recognized even though all other conditions have been satisfied. In case of noncompliance with the requirements of the statute or these regulations, see § 32.17 as to the allocation of gain.

Noncompliance with the provisions of the statute or these regulations relative to the utilization of the deposited amounts may also, inasmuch as the statutory presumption of paragraph (f) of this section is then inapplicable, warrant an examination to ascertain whether such amounts constitute an unreasonable accumulation of earnings and profits within the meaning of section 102 of the Internal Revenue Code. Under that section and the regulations thereunder, if such amounts are deposited and the fund maintained in good faith for the purpose of the construction or acquisition of new vessels, such amounts will not constitute an unreasonable accumulation.

§ 32.22 *Extent of tax liability.* Inclusion of gain in gross income shall be for all income and excess-profits tax purposes, but not for the purposes of the declared value excess-profits tax and the capital stock tax. In lieu of any adjustment with respect to the declared value excess-profits tax, there is imposed for the taxable year in which the gain was realized (see § 32.17) an additional tax of 1.1 percent of the amount of the gain. No additional capital stock tax liability is incurred.

In the case of deposits in the construction reserve fund of amounts derived from sources other than those specified in the statute, or in the case

of failure to deposit an amount equal to the "net proceeds" or "net indemnity" within the prescribed statutory period, the taxpayer obtains no suspension or postponement of any tax liability and the tax is collectible without regard to the provisions of the statute. (See § 32.13.)

§ 32.23 *Assessment and collection of deficiencies.* Any additional tax, including the 1.1 percent of the amount of the gain imposed in lieu of declared value excess-profits tax, due on account of withdrawal from a construction reserve fund, or failure to comply with the provisions of the statute or the regulations, is collectible as a deficiency. Interest upon such deficiency will run from the date the withdrawal or noncompliance occurs. The amount of any deficiency, including interest and additions to the tax, determined as a result of such withdrawal or noncompliance, may be assessed, or a proceeding in court for the collection thereof may be begun without assessment, at any time and without regard to any period of limitations or any other provisions of law or rule of law, including the doctrine of res judicata.

§ 32.24 *Reports by taxpayers.* With each income tax return filed for a taxable year during any part of which a construction reserve fund is in existence the taxpayer shall submit a statement setting forth a detailed analysis of such fund. The statement, which need not be on any prescribed form, shall include the following information with respect to the construction reserve fund:

(1) The actual balance in the fund at the beginning and end of the taxable year;

(2) The date, amount, and source of each deposit during the taxable year;

(3) If item (2) consists of proceeds from the sale, or indemnification of loss, of a vessel or share thereof, the amounts of the unrecognized gain;

(4) The date, amount and purpose of each expenditure or withdrawal from the fund; and

(5) The date and amount of each contract, under which deposited funds are deemed to be obligated during the taxable year, for construction or acquisition of a new vessel and the identification of such vessel.

Taxpayers shall keep such records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Commission may require.

§ 32.25 *Construction or acquisition by controlled corporation.* For the purposes of the statute and these regulations a new vessel is considered as constructed or acquired by the taxpayer if constructed or acquired by a corporation at a time when the taxpayer owns not less than 95 percent of the total number of shares of each class of stock of the corporation.

§ 32.26 *Basis of new vessel.* The basis for determining gain or loss and for depreciation for the purpose of Federal income or excess-profits taxes with respect to a new vessel constructed or acquired by the taxpayer with funds deposited in the construction reserve fund, is reduced by the amount of the unrecognized gain represented in the funds allocated under the provisions of these regulations to the cost of such vessel. (See § 32.17.)

§ 32.27 *Administrative jurisdiction.* Sections 32.3 to 32.11, inclusive, and §§ 32.18 to 32.20, inclusive, deal primarily with matters under the jurisdiction of the Maritime Commission. Sections 32.12, 32.16, and 32.17 and §§ 32.21 to 32.26, inclusive, deal primarily with matters under the jurisdiction of the Commissioner of Internal Revenue. Generally, matters relating to the establishment, maintenance, expenditure, and use of construction reserve funds and the construction or acquisition of new vessels are under the jurisdiction of the Maritime Commission; and matters relating to the determination, assessment and collection of taxes are under the jurisdiction of the Commissioner of Internal Revenue. Correspondence should be addressed to the particular authority having jurisdiction in the matter.

ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.
JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

JANUARY 27, 1944.

[F. R. DOC. 44-1490; Filed, January 29, 1944; 3:27 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solids Fuels Administration for War

[Reg. 13]

PART 602—GENERAL ORDERS AND DIRECTIVES

BITUMINOUS COAL IN DISTRICT 6

Correction of Original Document

Pursuant to a letter signed by the General Counsel, F. R. Doc. 44-1398, appearing at page 1005 of the issue for Friday, January 28, 1944, has been corrected as follows: In § 602.236 (a) the words "lump or double-screened domestic coal" now read "lump and double-screened domestic coal" wherever they occur.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

MONTHLY BOARD OF APPEAL ACTION REPORT

ORDER PRESCRIBING FORM

[No. 240]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 109, entitled "Monthly Board of Appeal Action Report,"[1] effective immediately upon the filing hereof with the Division of the Federal Register. Upon receipt of the revised DSS Form 109, the use of the former supply of DSS Form 109 will be discontinued and all unused copies will be disposed of.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1944.

[F. R. Doc. 44-1497; Filed, January 29, 1944; 4:11 p. m.]

[1] Filed as part of the original document.

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 5 55tat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b, as Amended Jan. 26, 1944[1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1041.2 *Preference Rating Order P-98-b*—(a) *Purpose.* This order tells how persons engaged in the petroleum industry may obtain priorities assistance to secure material for their operations.

This order will not be used by foreign operators who will continue to use Priorities Regulation No. 9 and forms provided for in that regulation. Nor will the order be used to secure material to be used in the Territory of Hawaii. Such material may be obtained through the procedure established by the War Production Board Regional Office for Region X rather than through this order. Furthermore, this order will not be used by Canadian operators. All other operators must use the procedures of this order.

In general, this order provides priorities assistance to obtain material for three different purposes, and a separate procedure will be followed for each. They are as follows:

(1) Material for maintenance and repair purposes, operating supplies and laboratory equipment is secured under the MRO procedure, set out in the second major portion of this order (paragraphs (d), (e) and (f)). Preference ratings and an allotment symbol for controlled material are indicated and may be used in accordance with the procedure specified in that section.

(2) Material for most production activities, which include exploratory work and well drilling, is secured through the procedure described in the third major portion of this order headed, "Material for Use in Production" (paragraphs (g), (h), (i) and (j)). The preference rating to be used is indicated in paragraph (h). For controlled materials, however, an allotment number must be applied for unless use of the small order symbol is authorized. In either case, the preference rating and allotment number and symbol may be used only in accordance with the specified delivery order filing procedure, similar to that of the MRO provisions.

(3) A fourth major portion of this order (paragraphs (k), (l), (m) and (n)), describes how materials are secured for use in certain special production operations, natural gasoline recovery, transportation, refining and marketing. Here, application must be made for both a preference rating covering specific materials and an allotment of controlled materials. Any rating and allotment number assigned pursuant to such an application may be used without submitting delivery orders to the Petroleum Administration for War, unless the operator receives special instructions to the contrary.

The materials which are obtained under this order may be used only in accordance with the provisions of applicable Petroleum Administrative orders. A general description of the scope of these orders is given in the appropriate sections of this order.

(b) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Petroleum" means crude oil, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Petroleum industry" includes any of the following activities and any operation directly incident to these activities:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline recovery);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, reprocessing or alteration of petroleum, including but not limited to compounding or blending (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum industry operations by means of research, technical or control laboratories.

(4) "Maintenance and repair" means (without regard to accounting practice):

(i) The upkeep of any structure, equipment, or material in a sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged or destroyed;

(ii) Any other use of material not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

Maintenance and repair shall not include (*a*) the drilling, redrilling, deepening, plugging back, or multiple completion of any well or the initial installation on any well of pumping or other artificial lifting equipment, or (*b*) the extension or the initial construction or installation of a field gas gathering line, or (*c*) any use of material in connection with a service station or retail outlet other than for upkeep or restoration purposes, or (*d*) the installation or replacement in marketing of any "equipment" defined as such in Petroleum Administrative Order No. 12.

NOTE: Sub-divisions (c) and (d), formerly (b) and (c), redesignated Jan. 26, 1944.

(5) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum industry and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense, including among other items, chemicals, additives and blending agents.

(6) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum industry operations by means of research, technical or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(7) "Controlled material," "Class A product" and "Class B product" shall have the same meanings, respectively, as in CMP Regulation No. 1 of the War Production Board.

(8) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given before delivery is made.

(9) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in this order or which is specifically designated to be such by any regulation or order of the Petroleum Administration for War or the War Production Board.

(c) *Priorities assistance for services and particular materials.* (1) An MRO rating assigned by this order may be used to secure services to the extent consistent with Priorities Regulation 3.

(2) No operator may apply a preference rating to obtain any material listed on Schedule A of this order.

(3) No operator may apply a preference rating to obtain any material listed on Schedule B except in accordance with the procedure described in that schedule.

NOTE: Paragraphs (c) (4), (5), (6) and (7), formerly (c) (3), (4), (5) and (6), redesignated Jan 26, 1944.

(4) Priorities assistance for the materials covered by Schedule C of this order may also be obtained under this order but only by filing the forms specified on that schedule in accordance with the instructions contained in that schedule. Schedule C includes all items on List B of Priorities Regulation 3 with the exception of those listed in Schedule B of this order.

(5) Priorities assistance may not be obtained under this order for material or equipment to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas. Maintenance and repair for this type of equipment is covered under Preference Rating Order P-98-e.

(6) Priorities assistance may not be obtained under this order for tank trucks and trailers, railroad rolling stock, marine equipment or parts for any of these, unless the priorities assistance is used to secure the following:

(i) Material to be actually attached to a tank truck or trailer and necessary for containing, dispensing, measuring the movement of, or distributing petroleum;

(ii) Parts for railroad rolling stock, which rolling stock is owned or leased by the operator, is used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission;

(iii) Parts for marine equipment, which marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and for which no other method of securing priorities assistance exists.

Special methods for securing priorities assistance for the above equipment or equipment parts which may not be obtained under this order have been established by the Office of Defense Transportation, the Maritime Commision, and the War Production Board.

(7) Priorities assistance may not be obtained under this order for "residential construction" or "multiple residential construction", as defined in Order L-41 where the construction is in connection with natural gasoline recovery, transportation, refining or marketing. Priorities assistance may, on the other hand, be obtained under this order for material to be used as "lease equipment", as that term is defined in Petroleum Administrative Order No. 11.

[1] This document is a restatement of Amendment 1 to P-98-b as amended October 29, 1943, as it appeared in the FEDERAL REGISTER of January 27, 1944, page 961, and reflects the order in its completed form as of January 26, 1944.

MRO Material—Maintenance and Repair, Operating Supplies, and Laboratory Equipment

(d) *Allotment symbol and preference ratings.* To secure material for maintenance and repair, operating supplies or laboratory equipment (all known as MRO material) for use in any branch of the petroleum industry other than retail marketing an operator may use allotment symbol MRO–P–3 and preference rating AA–1. To secure MRO material for use in retail marketing an operator may use allotment symbol MRO–P–3 and preference rating AA–5.

(e) *How to use allotment symbol and preference rating.* To use the MRO allotment symbol and ratings, an operator must:

(1) Place the allotment symbol on delivery orders for controlled materials and the allotment symbol and preference rating on delivery orders for other MRO materials, certifying each delivery order in accordance with paragraph (r).

(2) Endorse on each delivery order of more than $100 (or accompany it by) a statement telling the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which it is to be used, the approximate price, quantity and description of the material (including weight if it is a controlled material) and the month in which delivery of the material is required.

(3) Prior to placing each delivery order with a supplier, submit copies of the order to the District Office of the Petroleum Administration for War for the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the purchasing office of the operator is located), Ref: Materials Division, as follows:

(i) If the delivery order is for $100 or less, no copy need be submitted.

(ii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than $100 but not more than $2,500 and has no item of more than $500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials (other than aluminum) and has a total cost of more than $2,500, or has any item of more than $500, two copies must be submitted for approval, and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials or for aluminum, and has a total cost of more than $100, one copy must be submitted for information purposes.

In the case of delivery orders for the special materials listed on Schedule B, the filing instructions set out in that schedule apply.

(4) An operator requiring aluminum as a controlled material need only comply with the previous subparagraphs of this paragraph (e) to obtain 500 pounds or less from all sources during a calendar quarter. If the quantity required is more than 500 pounds, he must apply by letter for permission to purchase the excess amount (furnishing the applicable information called for by paragraph (d) of Supplementary Order M–1–i) to the Aluminum and Magnesium Division, War Production Board, Ref: M–1–i. If approved the operator must then place his delivery orders in accordance with the previous subparagraphs of this paragraph (e).

(5) To use a preference rating obtained for MRO material pursuant to a Form WPB–541 (PD–1A) application, an operator must place on the delivery order the rating and allotment symbol P–3.

(f) *Emergency MRO materials.* Where there has been an actual breakdown or suspension of operations, and where the methods specified above will not get the material on the date and in the quantity required, an operator may request authority to secure emergency MRO material by letter, telegram or telephone to the District Office (in the case of production), or to the Washington Office (in all other cases), Ref: P–98–b, supplying the following information:

(1) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected.

(2) Description of equipment to be repaired and its function in maintaining continuous operation.

(3) Quantity, approximate price and detailed description of necessary material (including weight if a controlled material) and number and date of delivery order(s) thereof.

If information is supplied by telephone, it must be confirmed within three days by letter or telegram. No delivery order for emergency MRO material need be submitted to the Petroleum Administration for War but an operator shall not place a delivery order with a supplier for the emergency MRO material until approval has been received and the delivery order has been certified in accordance with paragraph (r).

Material for Use in Production

(g) *Scope of paragraphs (g), (h), (i), (j).* The following paragraphs under this general heading of "Material for Use in Production" set forth the methods to be used by a production operator in securing and using priorities assistance to get the material he will need for most of his operations. However, these paragraphs do not cover methods for obtaining priorities assistance for MRO material or material for use in the following special production operations:

Gas cycling operations for condensate recovery (including gathering and injection lines in connection therewith),
Gas desulphurization operations,
Gas dehydration operations,
Pressure maintenance operations, or
A gas lift compression plant or a field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 hp.

Methods for securing MRO material have been set forth in paragraphs (d), (e) and (f) above, while methods for securing material for special production operations are set forth in paragraphs (k), (l) and (m) which follow.

References made in paragraphs (h), (i) and (j) immediately below, to production allotment numbers and symbols and ratings or to materials for use in production, apply only to the acquisition and use of material for the production operations covered by these paragraphs. Such references do not apply to MRO material or to material for use in the special production operations listed above.

(h) *Allotment number and symbol and preference rating.*

(1) *Application must be made for allotment of controlled materials.* To obtain controlled materials for use in production, an operator must secure an allotment and an allotment number by applying on PAW Form 35, except that a small quantity of carbon steel may be obtained (without such an application) through the use of allotment symbol PSO (petroleum small order), as described in subparagraph (h) (2) immediately following. PAW Form 35 applications will be filed in triplicate (3) with the District Office of the Petroleum Administration for War for the District in which operations are to be conducted, Ref: Materials Division.

Operators should file PAW Form 35 at least three months prior to the beginning of the calendar quarter in which the controlled materials are to be delivered, where operations can be planned to permit such advance filing. Otherwise, applications on that form should be filed not less than one month prior to the proposed delivery date of the controlled materials.

Interim assistance may be requested at any time by filing PAW Form 35 as a supplemental application.

(2) *Small order exception for carbon steel.* As an exception to the rule stated in the preceding suparagraph that an operator must apply for an allotment of controlled materials, an operator may use allotment symbol PSO to secure the delivery of no more than 10 tons of carbon steel as a controlled material during any calendar quarter for use in production.

If an operator will require more than 10 tons of carbon steel in any calendar quarter, he should apply on PAW Form 35 for an allotment of the total quantity of his estimtated needs in the manner described in the preceding subparagraph. By so doing, the operator will be able to use allotment symbol PSO to obtain up to 10 tons of carbon steel for unanticipated needs discovered after the application has been filed, and will thus be relieved of the need to file many interim applications.

NOTE: Paragraph (h) (3), formerly (h) (2), redesignated Jan. 26, 1944.

(3) To secure materials, other than controlled materials, for use in production, an operator may use preference rating AA–2X.

(i) *How to use allotment number and symbol and preference rating.* To use his allotment number or symbol and preference rating, a production operator must:

(1) Indicate on each delivery order for controlled materials the allotment number (and PAW Form 35 serial number) or allotment symbol PSO (in the case of a small order); and indicate on each delivery order for other materials the preference rating and allotment symbol P–1; certifying each delivery order in accordance with paragraph (r).

(2) Endorse on each delivery order of more than $100 (or accompany it by) a statement telling the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which it is to be used, and the approximate price, quantity and description of the material (including weight and PAW Form 35 application serial number, if any, if it is a controlled material), and the month in which delivery of the material is required.

(3) Prior to placing each delivery order with a supplier, submit copies of the order to the District Office of the Petroleum Administration for War for the District in which the material is to be used, Ref: Materials Division, as follows:

(i) If the delivery order is for $100 or less, no copy need be submitted.

(ii) If the delivery order is for controlled materials, and has a total cost of more than $100 but not more than $2,500, and has no item of more than $500, one copy must be submitted for information purposes.

(iii) If the delivery order is for controlled materials, and has a total cost of more than $2,500, or has any item of more than $500, two copies must be submitted for approval, and an operator may not place such an order with a supplier until approval of the order has been returned to him.

(iv) If the delivery order is for other than controlled materials, and has a total cost of more than $100, one copy must be submitted for information purposes.

In the case of delivery orders for the special materials listed on Schedule B, the filing instructions set out in that schedule apply.

(j) *How to obtain authority to use materials.* Use of material in production is controlled by Petroleum Administrative Order No. 11, as amended and supplemented from time to time. Unless authority is granted by PAO–11 or an amendment or supplement to that order, to use material in the particular production operation, the operator must obtain an exception under PAO–11.

Material for Use in Special Production Operations, Natural Gasoline Recovery, Transportation, Refining and Marketing

(k) *Scope of paragraphs (k), (l), (m), (n).* The following paragraphs under this general heading of "Material for Use in Special Production Operations, Natural Gasoline Recovery, Transportation, Refining and Marketing" set forth the methods to be used by an operator engaged in any one of those industry branches or operations in securing and using priorities assistance to get the material he will need for his operations. The special production operations for which priorities assistance is made available by this major section are:

Gas cycling operations for condensate recovery (including gathering and injection lines in connection therewith),
Gas desulphurization operations,
Gas dehydration operations,
Pressure maintenance operations, or
A gas lift compression plant or a field gas booster plant where the material to be installed or added increases the rated capacity of the plant more than 500 h. p.

Methods for securing MRO material have been set forth in paragraphs (d), (e) and (f) above. References made in paragraphs (l), (m) and (n) immediately below to allotment numbers and ratings and to the use of material, apply only to the acquisition and use of material for the operations covered by these paragraphs. Such references do not apply to MRO material.

(l) *Allotment number and preference rating.* To secure equipment or material requiring an allotment number or preference rating for use in any special production operations, natural gasoline recovery, transportation, refining or marketing, an operator must file PAW Form 30 in accordance with the instructions set out on that form.

Form WPB–541 (PD–1A) may be used instead of PAW Form 30 to request a preference rating for machinery or equipment, if the machinery or equipment will be installed with the use of no more than $500 worth of material obtained through the MRO procedure of this order and if the machinery or equipment will be installed as part of a complete operation having a total material cost of no more than $5,000.

Form WPB–541 (PD–1A) may also be used instead of PAW Form 30 to request a preference rating for any material, regardless of cost, which will not be incorporated into a plant or other facility (for example, an item of construction machinery or equipment), unless a War Production Board order requires the use of some other form.

Form WPB–541 applications will be filed with the nearest War Production Board Field Office.

(m) *How to use allotment number or symbol and preference rating.* To use the allotment number and preference rating granted through a PAW Form 30 application an operator must place the allotment number on delivery orders for controlled materials and the allotment number and preference rating on delivery orders for other materials. On each delivery order for material rated after a Form WPB–541 application an operator must place the rating and either allotment symbol P–5 (in refining) or P–1 (in any other branch of the industry). Each delivery order must bear the standard certification of paragraph (r).

An operator may place authorized controlled materials orders only for the controlled materials specified for use in the operations designated on the PAW Form 30 application and may apply or extend the preference rating only to secure material requiring a rating and approved in connection with the PAW Form 30 or Form WPB–541 application.

Any rating or allotment number assigned pursuant to an application on either of such forms may be used without submitting delivery orders to the Petroleum Administration for War, unless the operator receives special instructions to the contrary.

(n) *How to obtain authority to use material.* (1) Use of material in transportation or refining, is governed by Petroleum Administrative Order No. 15 as amended and supplemented from time to time. Use of material in special production operations described above and in natural gasoline recovery is governed by Petroleum Administrative Order No. 11 as amended and supplemented from time to time. Since PAW Form 30 when filed as an application to secure material for use in connection with special production operations, natural gasoline recovery, transportation or refining, is also considered an application to use materials in connection with such operations, the authorization obtained by an operator by this form shall be considered authority to use the materials specified on the form in accordance with the provisions of such orders.

(2) Use of material (other than liquefied petroleum gas equipment) in

marketing is governed by Petroleum Administrative Order No. 12 as amended and supplemented from time to time. If use of the material (other than liquefied petroleum gas equipment) is not authorized by PAO–12 or an amendment or supplement to that order, the operator must secure an exception under that order.

(3) Installation of liquefied petroleum gas equipment is governed by Order L–86 as amended and supplemented from time to time. If the material to be used in marketing is liquefied petroleum gas equipment and installation of such is not permitted by Order L–86 or an amendment or supplement to that order, the operator must secure an exception under that order.

(4) Exceptions under PAO–12 or L–86 do not afford priorities assistance to secure material. Such priorities assistance should be applied for under paragraph (1). MRO material will, of course, be obtained through the MRO procedures of this order, or, where applicable, through Preference Rating Order P–98–e.

General Provisions

(o) *Allotments by operators.* An operator who has obtained an allotment of controlled materials may require the manufacture and installation of certain Class A products or may undertake the operation through a construction contractor. In either case it may be necessary for the operator to allot a portion of his allotment to the Class A product manufacturer or to the contractor (each of whom then becomes a "secondary consumer" under CMP Regulations) for reallotment or the placement of authorized controlled material orders. Any operator making such an allotment must follow the procedures in CMP Regulation No. 1, except as modified by this order.

(p) *Placement of delivery orders.* (1) In preparing or placing a delivery order an operator shall not alter the customary designation of any item or items for the purpose of making it appear that an item costs $500 or less or that the total cost of all items on the delivery order is $100 or less or $2,500 or less as the case may be.

(2) Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order is an authorized controlled material order if the delivery order is in sufficient detail to permit entry on mill schedules and is received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same. Attention is called to paragraph (t) of CMP Regulation No. 1 relating to rejection of orders by a controlled materials producer, including instances where less than minimum mill quantities, as specified in Schedule IV of the regulation, are requested by an operator.

(3) Where an allotment of controlled materials has been made and an allotment number authorized in connection with it, the allotment number endorsed upon any delivery order bearing the certification provided for in this order shall be an abbreviated allotment number consisting of a major program identification and the quarterly identification. In the event that no allotment number has been authorized, the appropriate allotment symbol stated in this order should be used. The allotment symbol MRO–P–3, authorized in connection with MRO material and allotment symbol PSO, in connection with production, shall constitute allotment symbols, for the purpose of all CMP regulations. In using these symbols no reference to a program or quarterly identification need be made.

(q) *Use, cancellation and reduction of allotment.* (1) An operator who receives an allotment of controlled materials on PAW Form 35 must reallot the same or place delivery orders for such materials within thirty days *after the allotment is received.* If such an allotment is not used in placing authorized controlled material orders or in making reallotments within such period, an operator must promptly notify the District Office for the District in which the material was to be used of the extent to which the allotment has not been reallotted, or orders have not been placed.

(2) An operator who receives an allotment of controlled materials pursuant to application on PAW Form 30 must use it only for the purpose for which it was authorized. If such an allotment is not used in placing authorized controlled material orders or in making reallotments, the operator must promptly notify the Washington Office of such facts.

(3) An operator who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. Where an allotment received by an operator is cancelled, he must cancel all allotments which he has placed on the basis of the allotment. Where an allotment received by an operator is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceeds his allotment as reduced. In the event this course of action is impracticable, the operator shall immediately request instructions of the District Office (in the case of production) or of the Washington Office (in all other cases).

(r) *Certification.* An operator may use an allotment number or symbol or preference rating authorized pursuant to this order by endorsing upon his delivery order a certification in substantially the following form:

> The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used as provided in Priorities Regulation No. 7. It may also be used instead of any other certification required by any regulation or order of the War Production Board, to the extent permitted by Priorities Regulation No. 7. The certification must be signed manually or by the use of a facsimile signature as provided in that regulation.

(s) *Restoration of inventories.* An operator may use an allotment number or symbol or preference rating authorized under this order to restore his inventory to a practicable working minimum. However, an operator may not secure replacements which would result in surplus material as defined in Preference Rating Order P–98–c as amended.

(t) *Restrictions.* An operator may not use the allotment number or symbol or the preference ratings authorized under this order to obtain material:

(1) For any purpose other than a purpose authorized under this order or in greater amounts or on earlier dates than required for any authorized purpose.

(2) Which can be secured without the use of an allotment number or symbol or preference rating.

(3) The use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

(4) In such amounts or on such dates that receipt of such amounts on the requested dates would result in surplus material as defined in Preference Rating Order P–98–c, as amended.

(5) Unless such operator is a participant in the PAW Materials Redistribution Program No. 2, if participation by the operator in this program is required.

(u) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all orders and regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulation Nos. 2, 5, or 6 (or the limitations incorporated in any CMP Regulation which otherwise would subject an operator to the provisions of CMP Regulation Nos. 2, 5, or 6) shall apply to an operator and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i), (s), (s–1) and (u) of CMP Regulation No. 1 shall not apply to an operator who secures material in accordance with the provisions of this order. Other than as set forth in paragraph (c) (7) hereof, the provisions of Limitation Order L–41, as amended from time to time, shall not apply to an operator as such operator is limited by the provisions of that order.

(3) Any preference rating, other than a rating for MRO material, assigned pursuant to the provisions of this order is assigned in lieu of a preference rating under an order in the P–19 series. Any reference in any order of the War Production Board to an order in the P–19 series shall constitute a reference to a preference rating assigned pursuant to this order.

(4) Privileges granted by other orders and regulations of the War Production Board to persons on Schedule I of CMP Regulation 5 shall be considered as applicable to petroleum operators, other than operators to the extent that they are engaged in retail marketing, operating under this order. For example, Order E–5–a on gauges and precision measuring hand tools classifies a person on Schedule I or II of CMP Regulation 5 as an "approved user". With the stated exception, an operator covered by P–98–b is in identically the same position, *Provided,* That certification clauses in and all other provisions of such other orders are complied with.

(5) Where a preference rating or allotment symbol, or both, is permitted or is required to be used by any other "E", "L", "M", "P", or "U" order or any regulation of the War Production Board to obtain a specific item of material, it will not also be necessary to follow any procedure of this order to obtain that item of material.

(v) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(w) *Communications.* All reports required to be filed hereunder and all communications concerning this order should, unless other directions are given, be addressed to the Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref: P–98–b.

The addresses of the Petroleum Administration for War District Offices are set forth in Schedule D.

(x) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Petroleum Administration for War or the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 26th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

The items listed on this schedule may be delivered to operators without regard to preference ratings. No operator shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale.

Items on List A of Priorities Regulation 3.
Rock bits and core bits (rotary bits).

SCHEDULE B

NOTE: Schedule B added Jan. 26, 1944.

The procedure established by this schedule must be followed in order to request a rating for any item listed on it. Certain of these items are on List B of Priorities Regulation 3, and any rating secured under this procedure for such an item is not a blanket MRO rating and may be used to secure such item.

In order to request a rating under this procedure two copies of each delivery order (regardless of amount) must be submitted to the District Office of the PAW of the District in which the material will be used (or, if so desired by an operator in any branch of the industry other than production, for the District in which the operator's purchasing office is located). For each such delivery order, in addition to the statement which must regularly accompany an MRO delivery order submitted to PAW concerning the specific use to which the material will be put, the operator should include a detailed explanation of why he requires the particular item requested. An operator may not place a delivery order with a supplier covering these items until approval of such order has been returned to him. For convenience this will be referred to as the "special MRO procedure."

The following materials are covered by this schedule:

(a) Those items currently identified on (and more completely described in) List B of Priorities Regulation 3 as follows, and any equivalent items replacing them on revisions of that List B, when required as MRO material:

DESCRIPTION

Civilian defense devices.
Filing cabinets, wooden.
Fire protective equipment.
Furniture for use in offices, factories, industrial establishments and institutions, except furniture specifically designed for schools.
Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment.)
Medical, surgical and dental instruments.
Slide rules, precision engineering, having a list price of $7.50 or more.
Venetian blinds.

(b) Construction machinery and equipment (on Schedule B of Order L–192) costing in excess of $500, when required as MRO material or as material for use in production.

SCHEDULE C

NOTE: Schedule C formerly Schedule B, Items (a), (b), (c), and (f) in the table amended January 26, 1944.

The special MRO procedure of Schedule B may be used to request a rating for only those items on List B of Priorities Regulation 3 as MRO material which are listed on that schedule. Many of the other items on List B of Priorities Regulation 3 may be secured without a preference rating and every attempt should be made to do so. If a rating is required for any of these remaining items or for any other item which cannot be secured with a blanket MRO rating, it should be applied for on Form WPB–541 (PD–1A), filed with the nearest WPB Field Office.

There are two general exceptions to this rule. In the first place, laboratory instruments and equipment may be obtained under the regular MRO procedure of this order. And secondly, the forms indicated below will be used for the items there listed.

Item	Preference rating form	Release or scheduling form	Filing instructions
(a) Cellophane	WPB–541		File with nearest WPB Field Office.
(b) Gas cylinders (as defined in M–233).	WPB–541		File with nearest WPB Field Office.
(c) Liquefied petroleum gas storage tanks.	WPB–541		File with nearest WPB Field Office.
(d) Steel shipping drums (as defined in L–197).	WPB–3233	WPB–3233	File with PAW, Washington, Ref: P–98–b.
(e) Wooden shipping containers (as defined in L–232, P–140).	WPB–2408		File WPB–2408 with PAW, Washington, Ref: P–98–b. File this form only if the preference ratings of P–140 are not sufficiently high to obtain delivery at the time the material is needed.
(f) Machine tools (as defined in E–1–b).	WPB–541		File with nearest WPB Field Office.

SCHEDULE D—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

NOTE: Schedule D, formerly Schedule C, redesignated Jan. 26, 1944.

District 1: (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia). Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd Street, New York 17, New York. Ref: P–98–b.

District 2: (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota). Direct communications to Petroleum Administration for War, 1200 Blum Building, 624 South Michigan Avenue, Chicago 5, Illinois (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa 3, Oklahoma. Ref: P–98–b.

District 3: (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico). Direct communications to Petroleum Administration for War, 245 Mellie Esperson Building, Houston 1, Texas. Ref: P–98–b.

District 4: (Montana, Wyoming, Colorado, Utah, Idaho). Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver 2, Colorado. Ref: P–98–b.

District 5: (Arizona, California, Nevada, Oregon, Washington, Territory of Alaska). Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles 13, California. Ref: P–98–b.

[F. R. Doc. 44–1472; Filed, January 28, 1944; 4:38 p. m.]

PART 3270—CONTAINERS

[Supp. Order L–103–b as Amended January 27, 1944, Correction [1]]

GLASS CONTAINER AND CLOSURE QUOTAS

Under the heading "Schedules—General Explanation" the last three paragraphs should read as follows:

[1] 9 F.R. 1007.

All special provisions of these schedules relating to closure materials for specific products must be followed, and control to the extent that they conflict with the above.

After March 1, 1944 all size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L-103 and its schedules.

Attention is called to paragraphs (p) through (v) of Order L-103-b which establish limited exceptions to the provisions of this order. Here again, any special provisions which these schedules contain relative to quota exemptions—as in the case of ice cream mix and certain beverages—must be observed.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1473; Filed, January 28, 1944; 4:38 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 2 as Amended Jan. 29, 1944]

PAPER CUPS AND PAPER FOOD CONTAINERS

Direction 2 to Priorities Regulation No. 3, is amended to read as follows:

(a) *Purpose.* This direction provides an exception to the provisions of List B of Priorities Regulation No. 3, which prohibits the use of MRO ratings to obtain paper cups and paper food containers. By the terms of this direction, MRO ratings may be used to obtain paper cups and paper food containers but only to the extent specified herein.

(b) *Definitions.* For the purpose of this direction:

(1) "Paper cups and paper food containers" means all empty open nested paper cups and round nested paper food containers with or without lids. The term does not include flat envelope types of cup, wedge-shaped food pails or nested paper plates.

(2) "In-plant feeding" means the serving of food, drink or refreshments on the premises of a plant or business activity to its employees when the food or drink is prepared on the premises of the plant or business activity, or when the food, or drink prepared in bulk (such as coffee or soup), is brought to the plant or business activity and served in paper cups or paper food containers on the premises. It shall also include the serving of food, drink and refreshments by (1) military exchanges and service departments (as defined in Priorities Regulation No. 17), (2) hospitals serving their patients, (3) welfare organizations such as USO, Red Cross, etc., serving servicemen and their guests, and (4) persons engaged in serving passengers on trains and in planes.

(3) "A caterer or concessionnaire" means a person who has an agreement with an operator of a plant or business activity to regularly provide in-plant feeding for its employees, and who prepares his food or drink on the premises of the plant, or brings his food, or drink prepared in bulk (such as coffee or soup), to the plant and serves it on the premises. It does not include persons supplying food or drink in paper cups or paper food containers from outside the plant.

Use of Preference Ratings

(c) Any person may use the blanket MRO rating assigned to him by any regulation of the War Production Board (including CMP Regulation No. 5, CMP Regulation No. 5A and orders in the P, T, or U Series) to buy paper cups and paper food containers for in-plant feeding.

(d) A person, such as a caterer or concessionnaire, may use his customer's blanket MRO rating to buy paper cups and paper food containers for use in providing in-plant feeding to employees of the customer. In such a case, the customer must include the cost of the paper cups and paper food containers (but need not include the cost of the food contained in them or any other charge in connection with the in-plant feeding) in his own MRO expenditures for the purpose of figuring whether he is within any quota limitation (such as paragraph (f) of CMP Regulation No. 5) imposed by the regulation or order assigning the MRO rating.

(e) *Ratings on application.* Preference ratings for users not included above and preference ratings differing from those assigned may be assigned on application by any person on Form WPB 541 (formerly PD-1A) and the use of the rating may be conditioned upon the placement of orders with specified suppliers. The assignment of a rating to an applicant on this form will permit him to use that rating to get only the specific quantities and items applied for. Where any person making such application justifies his need for a rating upon the ground that he provides eating facilities patronized principally by workers engaged in a nearby plant, he shall accompany his application with a statement from a responsible official of the plant certifying to his workers' dependence upon the applicant's eating facilities.

(f) *Certificate.* The ratings assigned pursuant to or permitted to be used by this order may be applied or extended only by use of a certificate in substantially the form prescribed by Priorities Regulation No. 7.

(g) *Extension of ratings.* Ratings applied or extended to get paper cups or paper food containers may not be extended to obtain materials for use in their manufacture.

Restrictions

(h) *Inventory.* No person shall accept delivery of any paper cups and paper food containers which will increase his inventory of any size and type to more than his reasonably anticipated requirements for the ensuing thirty days, except that the minimum standard commercial packing case quantity may be purchased, whenever the purchaser's inventory is less than a 30-days' supply.

(i) *Equipment for use of chinaware.* No person may use his blanket MRO rating to purchase paper cups or paper food containers for the serving of hot food or beverages if such person has equipment for using chinaware or other containers. In the event that such equipment can only serve a portion of his needs, he may order only the quantity of paper cups or paper food containers required in excess of such equipment.

(j) *Paper cups as shipping containers.* Attention is called to the fact that persons buying paper cups and paper food containers for use in packaging food or other products for shipment or delivery are not permitted to use blanket MRO ratings for this purpose.

(k) *Persons not using paper cups before October 29, 1943.* Any person who did not use paper cups or paper food containers for in-plant feeding before October 29, 1943 may not use his blanket MRO rating to obtain them unless he files an appeal by letter in triplicate with the appropriate field office of the War Production Board and such appeal is granted. The granting of the appeal shall constitute authority to use his blanket MRO rating for his future requirements of paper cups and paper food containers for in-plant feeding. This provision shall not apply to military exchanges or service departments.

(l) *Prohibited uses.* No person shall sell or deliver the following types of paper cups if he knows or has reason to believe that they will be used for the purposes stated, and no person shall use such paper cups for those purposes: (1) packages of cups for commercial retail sales, (2) hot drink cups for serving cold foods and beverages and (3) paper cups to be served with individual bottled beverages. The above prohibition against delivering paper cups in packages to be used for commercial retail sales shall not apply to stocks already made up on January 29, 1944.

(m) *Appeals.* Any appeal from the provisions of this direction shall be made by filing a letter in triplicate with the appropriate field office of the War Production Board. The appeal should refer to the particular provision appealed from, state clearly the relief desired and explain fully the grounds for appeal.

(n) *Reports.* Any person affected by this direction shall file such reports and questionnaires as the War Production Board may request from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(o) *Termination date.* The provisions of this direction shall terminate and be void after May 1, 1944 unless previously extended. Any rating applied to an order to paper cups and paper food containers not shipped by that date shall be deemed void.

(p) *Communications.* All inquiries relating to this direction shall be addressed to: War Production Board, Containers Division, Washington 25, D. C., reference Direction 2 to Priorities Regulation No. 3.

Issued this 29th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1476; Filed, January 29, 1944; 11:09 p. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Limitation Order L-157, Schedule VIII as Amended Jan. 29, 1944]

WOOD-BORING BITS

§ 1293.9 *Schedule VIII to Limitation Order L-157*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person who manufactures, forges or otherwise fabricates wood-boring bits.

(2) "Distributor" means any person who purchases wood-boring bits for resale.

(3) "Ultimate consumer" means any other purchaser of wood-boring bits.

(4) "Wood-boring bit" means any tool for boring wood.

(5) "Style" means a given combination of twist and cutting head, exclusive of point.

(b) *Simplified practices.* After January 22, 1944, no producer may begin the manufacture or fabrication of any wood-boring bit which does not conform to the types, styles, sizes, dimensions, and grades set forth in Appendix A of this schedule. Notwithstanding this provision a producer may manufacture and fabricate non-conforming wood-boring bits to fill orders which were on his books before January 22, 1944. Non-conforming wood-boring bits may not be delivered or shipped by a producer after April 22, 1944.

(c) *Exemptions.* The following are exempt from the restrictions established by paragraph (b) of this schedule:

1. Adjustable countersinks.
2. Integral countersink bits.
3. Machine center bits.
4. Plug cutters.
5. Screw driver bits.
6. Bung-boring bits.
7. Spike-boring machine bits.
8. Bits for hollow mortising chisels.
9. Bits requiring screw shanks and tapered shanks.
10. Handled gimlets.
11. Small fluted drills for spiral and other hand drills.

(d) *Sets.* No producer shall make for his inventory and no distributor shall acquire for his inventory or shelf stock any sets of wood-boring bits. Any number of bits in excess of one which have been grouped for purposes of sale as a unit shall be deemed a set for the purposes of this paragraph. Nothing contained in this paragraph shall prohibit a producer from producing sets to fill a specific order placed directly or indirectly by an ultimate consumer, or a distributor from making up a set or sets to fill a specific order placed by an ultimate consumer.

Issued this 29th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Material. Shall be of a good grade of steel which shall have a carbon content of not less than 0.45 percent.

Style. No type of wood-boring bit shall be made in any styles other than those described herein, and no producer shall make any type in more styles than the number permitted herein.

Grade. No producer shall make any type and style of wood-boring bit in more than one grade.

Finish. All wood-boring bits shall be free from scale. Polishing shall be limited to that necessary to assure the proper functioning of the tool, and shall not be finer than that resulting from the use of a 90-grit emery wheel, dry, when good commercial polishing technique is employed. The round and square portions of hand bits, including expansive bits, shall not be polished. The groove or hollow of the flight of ship-twist bits shall not be polished, except that the groove of power driven ship-twist bits 5/8 inch or less in diameter may be polished. All bits may be given a protective coating of anti-corrosion compound.

TYPE 1. *Auger bits*—May be made in both double twist, and solid center single twist. Bits shall be forged from a single piece of steel and shall have a square tapered bit stock shank, screw point, two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2).[1] Auger bits shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length		Minimum diameter of round of shank
	Maximum over-all	Twist	
	Inches	*Inches*	*Inch*
4	7 1/4	3 3/4	1 3/64
5	7 3/4	3 7/8	7/64
6	7 3/4	4	1 3/64
7	8	4	1 7/64
8	8	4	1 5/64
9	8	4	9/64
10	8 1/4	4 1/4	1 9/64
11	8 1/4	4 1/4	1 11/64
12	8 1/2	4 1/2	5/16
13	8 1/2	4 1/2	5/16
14	8 1/2	4 1/2	5/16
15	8 3/4	4 3/4	1 5/32
16	8 3/4	4 3/4	1 5/32
17	9	4 7/8	3/8
18	9	4 7/8	3/8
19	9 1/4	5	3/8
20	9 1/4	5	3 7/64
21	9 1/4	5	3 7/64
22	9 1/4	5	3 7/64
23	9 3/4	5 1/4	3 7/64
24	9 3/4	5 1/4	3 7/64

Tolerances:
Bit diameter: plus 0.015 inch.
Length over-all and length of twist: Plus or minus 10 percent.

TYPE 2. *Car bits*—May be made single twist, double twist, or solid center single twist and shall have a square tapered bit stock shank and screw point. Single twist bits may have an extension lip and a single spur on opposite sides of the point (Fig. 3), or have a cutting edge and a side lip located at right angles to the cutting edge (Fig. 4), while double twist and solid center single twist bits shall have two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2). No producer shall make car bits in more than two styles. Car bits shall be forged from a single piece of steel and may be made in over-all lengths of 12 and 18 inches, and only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length[1]		Minimum diameter of round of shank
	Maximum over-all	Twist	
	Inches	*Inches*	*Inch*
6	12 and 18	8 and 12	5/16
7	12 and 18	8 and 12	5/16
8	12 and 18	8 and 12	5/16
9	12 and 18	8 and 12	1 1/32
10	12 and 18	8 and 12	1 1/32
11	12 and 18	8 and 12	3/8
12	12 and 18	8 and 12	3/8
13	12 and 18	8 and 12	3/8
14	12 and 18	8 and 12	3/8
15	12 and 18	8 and 12	3/8
16	12 and 18	8 and 12	3/8
17	12 and 18	8 and 12	1 3/32
18	12 and 18	8 and 12	1 3/32
20	12 and 18	8 and 12	1 3/32
22	12 and 18	8 and 12	7/16
24	12 and 18	8 and 12	7/16

Tolerances:
Bit diameter: Plus 0.015 inch.
Length overall: Plus or minus 1 inch.
Length of twist: Plus or minus 1/2 inch.

[1] Bits 12 inches over-all shall have 8 inch twist. Bits 18 inches over-all shall have 12 inch twist.

TYPE 3. *Auger bits (machine except ship auger)*—May be made in both double twist and solid center single twist. Bits shall be forged from a single piece of steel, and shall have a round shank having a diameter of 1/2 inch and a length of 2 inches, which may be flattened on one side to a width of 3/8 inch and a length of 1 1/2 inches, screw or brad point, and two spurs and two extension lips so beveled as to form cutting edges (Fig. 1 and Fig. 2). Machine auger bits shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Maximum length of twist, in inches			
3	4			
4	4	6	8	12
5	4	6	8	12
6	4	6	8	12
7	4	6	8	12
8	4	6	8	12
9	4	6	8	12
10	4	6	8	12
11	4	6	8	12
12	4	6	8	12
13	4	6	8	12
14	4	6	8	12
15	4	6	8	12
16	4	6	8	12
18	------	6	8	12
20	------	6	8	12
22	------	6	8	12
24	------	6	8	12

Tolerances:
Bit diameter: Plus 0.010 inch.
Length over-all and length of twist: Minus 1/4 inch.

TYPE 4. *Ship augers (square shank)*—Shall be made single twist or solid center single twist and have a cutting edge, a side lip located at right angles to the cutting edge, and a straight square shank or nib, suitable for use with auger handle, single or double crank handle, or for welding to extension stem. Ship augers with square shank may be made only in the following sizes with and without screw point (Fig. 4 and Fig. 5).

Size (bit diameter in 16ths of an inch)	Length		Diameter of round of shank (minimum)	Size of square of shank
	Over-all	Twist		
	Inches	*Inches*	*Inch*	*Inch*
4	13	8	1/4	3/4
5	13	8	1/4	3/4
6	15	10	5/16	3/4
7	15	10	5/16	3/4
8	15	10	5/16	3/4
9	17	12	1 1/32	7/16
10	17	12	1 1/32	7/16
11	17	12	3/8	7/16
12	17	12	3/8	7/16
13	17	12	3/8	7/16
14	17	12	3/8	7/16
15	17	12	3/8	7/16
16	17	12	3/8	7/16
17	20	15	1 3/32	1/2
18	20	15	1 3/32	1/2
19	20	15	1 3/32	1/2
20	20	15	1 3/32	1/2
21	20	15	1 7/32	1/2
22	20	15	1 7/32	1/2
24	20	15	1 7/32	1/2
26	20	15	1 7/32	1/2
28	20	15	1 7/32	1/2
30	20	15	1 7/32	1/2
36	20	15	1 7/32	1/2

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over all and length of twist: Plus or minus 1/4 inch.
Square shank size: Plus or minus 1/32 inch.

TYPE 5. *Ship augers (machine or round shank)*—Shall be made single twist or solid center single twist have a cutting edge, a side lip located at right angles to the cutting edge, and a round shank having a diameter of 1/2 inch and a length of 2 to 2 1/2 inches, which may be flattened on one side to a width of 3/8 inch and a length of 1 1/2 inches. Ship augers with round shank shall be made only in the following sizes with and without screw point (Fig. 4 and Fig. 5).

[1] Figure numbers refer to figures shown at the end of the Appendix. Filed as part of the original document.

Size (bit diameter in 16ths of an inch)	Maximum length of twist in inches			
	7"			
4	12			
5	12			
6	12			
7	12			36
8	12			
9	12	18	24	
10	12	18	24	
11	12	18	24	
12	12	18	24	36
13	12	18	24	
14	12	18	24	
15	12	18	24	
16	12	18	24	36
17	12	18	24	
18		18	24	
19		18	24	
20		18	24	
21		18	24	
22		18	24	
23		18	24	
24		18	24	
25		18	24	
26		18	24	
28		18	24	
30		18	24	
32		18	24	36

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ½ inch.

TYPE 6. *Ring augers*—Shall be made single twist, or solid center single twist. Single twist bits shall have one cutting edge and a side lip located at right angles to the cutting edge (Fig. 4), while solid center bits shall have two cutting edges and two side lips located at right angles to the cutting edges (Fig. 6). Both shall have screw points. The shank shall be fitted with a suitably designed ring or eye for reception of handle. Ring augers shall be made only in the following sizes:

Size (bit diameter in 16ths of an inch)	Length		Diameter of round of shank (minimum)
	Over-all	Twist	
	Inches	*Inches*	*Inch*
8	14½	10	5/16
9	17½	12	11/32
10	17½	12	11/32
11	17½	12	3/8
12	17½	12	3/8
13	17½	12	3/8
14	17½	12	3/8
15	17½	12	3/8
16	17½	12	3/8
17	20	15	13/32
18	20	15	13/32
19	20	15	13/32
20	20	15	13/32
21	20	15	13/32
22	20	15	13/32
23	20	15	13/32
24	20	15	13/32
25	20	15	13/32
26	20	15	13/32
27	20	15	13/32
28	20	15	13/32
29	20	15	13/32
30	20	15	13/32
31	20	15	13/32
32	20	15	13/32

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ½ inch.

TYPE 7. *Plug bits (machine)*—Shall be made double twist with a cylindrical guide, axially located, and shall have two spurs and two extension lips so beveled as to form cutting edges (Fig. 7). The shank shall be round, with a diameter of ½ inch and a length of 2 inches, which may be flattened on one side to a width of ⅝ inch and a length of 1½ inches. Plug bits shall be forged from a single piece of steel and shall be made only in the following sizes:

Size (bit diameter)	Length		Dimension of guide		Spur height	Minimum diameter, round of shank
	Over-all	Twist	Diameter	Length		
Inches	*Inches*	*Inches*	*Inch*	*Inch*	*Inch*	*Inch*
1 3/16	6	2	As desired	1/2	9/32	3/8
1 1/4	6	2	Do	1/2	9/32	27/64
1 5/16	6	2	Do	1/2	5/16	27/64
1 3/4	6	2	Do	1/2	11/32	5/16
2	6	2	Do	1/2	3/8	7/16

Tolerances:
Bit diameter: Plus 0.015 inch.
Length over-all and length of twist: Plus or minus ⅛ inch.
Height of spur: Plus or minus 1/64 inch.
Guide length: Plus or minus 1/16 inch.

TYPE 8. *Plug bits, hand, with threaded guide*—Shall be made double twist with a threaded cylindrical guide, axially located, and shall have two spurs and two extension lips so beveled as to form cutting edges (similar to Fig. 7) and a square tapered bit stock shank. They shall be forged from a single piece of steel and shall be made only in the sizes permitted for type 7 plug bits.

TYPE 9. *Plug bits, hand, with screw point*—Shall be made double twist with a screw point in lieu of a cylindrical guide (similar to Fig. 7) and a square tapered bit stock shank. They shall be forged from a single piece of steel and shall be made only in the sizes permitted for type 7 plug bits.

TYPE 10. *Expansive bits*—May be made in plain, screw, or gear adjusting styles and shall have square tapered bit stock shanks. Two cutters shall be used to bore holes of any diameter within the capacity range of the bit, except that a third cutter may be made for use in the larger bit for boring holes up to four inches in diameter. Expansive bits shall be made only in accordance to the following requirements:

Size (expansive range) (minimum)	Over-all length (maximum)	Cutter spur height	Diameter of round (minimum)	Dimensions, square of shank			Cutting edge in advance of spur (minimum)
				Large end	Small end	Length	
Inches	*Inches*	*Inch*	*Inch*	*Inch*	*Inch*	*Inches*	*Inch*
⅝ or less to 1⅜	7	1 1/64	5/16	3/8	7/32	1¼	5/32
⅞ to 3	8½	3/16	3/8	7/16	¼	1⅜	¾

Tolerances:
Height of cutter spur: Plus or minus 1/64 inch.
Square of shank dimensions of large and small ends: Plus or minus 1/32 inch.
Length of square of shank: Plus or minus ¼ inch.
Length over-all: Minus ½ inch.

TYPE 11. *Forstner bits (hand and machine)*—Shall be made only in the following sizes:

Size (diameter of cutting head)	Diameter of round (minimum)	Hand [1] length over all	Machine [2] length over-all
Inches	*Inch*	*Inches*	*Inches*
1/4	7/32	6¼	5
5/16	7/32	6¼	5
3/8	¼	6¼	5
7/16	¼	6¼	5
1/2	9/32	6¼	5
9/16	9/32	6¾	5
5/8	9/32	6¾	5
11/16	9/32	6¾	5
3/4	9/32	6¾	5
13/16	5/16	7¼	5
7/8	5/16	7¼	5
15/16	5/16	7¼	5
1	5/16	7¾	5
1 1/16	11/32	7¾	5
1 1/8	11/32	7¾	5
1 3/16	11/32	7¾	5
1 1/4	3/8	7¾	5
1 5/16	3/8	8¼	5
1 3/8	3/8	8¼	5
1 7/16	7/16	8¼	6¾
1 1/2	7/16	8¼	6¾
1 5/8	7/16	8¾	6¾
1 3/4	7/16	8¾	6¾
1 7/8	7/16	8¾	6¾
2	7/16	8¾	6¾
2 1/16	7/16		10
2 1/8	7/16		10
2 3/16	7/16		10
2 1/4	7/16		10
2 5/16	7/16		10
2 3/8	7/16		10
2 7/16	7/16		10
2 1/2	7/16		10

Tolerances:
Diameter: Plus 0.016 inch.
Tolerance on over-all length: Plus or minus 5/16 inch.

[1] Hand bits shall have a square tapered shank approximately 1 7/16 inches long by 5/16 inch square at large end, with taper of 5 degrees on a side or a total of 10 degrees.
[2] Machine bits up to and including 2 1/16 inches in diameter shall have a round shank ¾ inch in diameter; bits more than 2 1/16 inches in diameter shall have round shanks ¾ inch in diameter. Tolerance on over-all length: Plus or minus ¼ inch.

TYPE 12. *Gimlet bits, double cut*—Shall be forged from a single piece of steel and the cutting edges shall be sharpened and terminate in a point. Gimlet bits of this type shall have square tapered bit stock shanks, and shall be made only in the following sizes:

Nominal size (largest diameter of twist) (inch)	Length		Length of square of shank
	Over-all	Twist	
	Inches	*Inches*	*Inches*
1/4	4½	1⅜	1⅛
5/32	4½	1¼	1¼
3/16	4½	1½	1¼
7/32	4¾	1⅝	1⅜
1/4	4¾	1⅝	1⅜
5/16	6	2	1⅜
3/8	6	2¼	1⅜

Tolerances:
Nominal size: Plus 0.015 inch.
Length over-all and length of twist: Minus ⅜ inch.
Length of square of shank: Plus or minus ¼ inch.

TYPE 13. *Drills and countersinks for boring for wood screws:*

(a) *Tapered drills* (twisted section tapered to correspond with threaded part of screws)—Shall be made double drill twist (Fig. 8) and shall have a round shank, having an over-all length of not more than 4½ inches and length of twist not more than 2 inches. May be made only in sizes having larger diameters of 3/16, 7/32, and ¼ inch.

(b) *Straight drills*—Shall be made double drill twist (Fig. 8) and shall have a round shank. Shall be made only in sizes of ⅛, 5/32, 3/16, 7/32, ¼, 9/32, 5/16, 11/32, ⅜, and 7/16 inch.

(c) *Countersinks* (with square tapered bit stock shanks)—Shall be made only in rose pattern, having an over-all length of 4½ inches, and in one size with largest cut of ⅝ inch. The included angle between the sides of the cutter shall be 82 degrees.

TYPE 14. *Wood drills*—Shall be made double drill twist (Fig. 8) and shall have a tapered square bit stock shank. May be made in sizes from 1/16 inch to 1 inch by thirty-seconds, with an over-all length ranging from approximately 4½ to 10 inches depending on the diameter.

TYPE 15. *Bell hangers or electricians drills*—Shall be made double drill twist (Fig. 8), and shall have a tapered square bit stock shank. May be made in over-all lengths of 12, 18, and 24 inches only, and in diameters from 3/16 to ⅝ inch by sixteenths, and ¾ inch.

TYPE 16. *Dowel bit*—Shall be made double twist with two spurs and two extension lips so beveled as to form cutting edges (Fig. 1). May have a tapered square bit stock shank or a round machine shank and may be made in sizes from 3/16 to 1 inch by sixteenths, having an over-all length not to exceed 5 inches.

TYPE 17. *Machine bits*—Shall be made double drill twist with brad point, and shall have round shank having a diameter of ½ inch and a length of 2½ inches which may be flattened on one side to a width of ⅜ inch and a length of 1½ inches. Machine bits shall be made only in the following sizes:

Size (bit diameter) (inch)	Length over-all	Size (bit diameter)	Length over-all
	Inches	*Inches*	*Inches*
1/4	6¾	13/16	10
5/16	6¾	⅞	10½
3/8	6¾	15/16	10¾
7/16	7¼	1	11
1/2	7¾	1 1/16	11¼
9/16	8¼	1 1/8	11¾
5/8	8¾	1 3/16	12
11/16	9¼	1¼	12½
¾	9¾		

Tolerances:
Length over-all: Plus or minus ¼ inch.
Diameter: Plus 0.010 inch.

TYPE 18. *Tapping or sugar tree bits*—Shall be made either double twist, or solid center single twist, except that no producer shall make more than one style. Bits shall be forged from a single piece of steel and shall have a square tapered bit stock shank, screw point, and a round cut head (Fig. 9). May be made in sizes of 3/8, 7/16, and ½ inch, having an over-all length not to exceed 4½ inches.

[F. R. Doc. 44–1474; Filed, January 29, 1944; 11:06 a. m.]

PART 3293—CHEMICALS

[Conservation Order M–368]

HIDE GLUE STOCK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hide glue stock for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.591 *Conservation Order M–368*—(a) *Restrictions on use of hide glue stock.* (1) On and after January 29, 1944, no person shall use the following types of hide glue stock to make gelatin, edible or inedible:

(i) Green and salted hide trimmings including limed hide trimmings, salted tips, cattle tail pieces.

(ii) Limed cattle trimmings including limed hide trimmings, limed cattle pieces.

(iii) Goat trimmings including long haired, short haired, de-haired.

(iv) Chrome stock including chrome splits, chrome shavings, chrome trimmings.

(v) Coney stock.

(vi) Goat and sheep fleshings.

(vii) Packers trimmings including green and salted ears, lips, snouts, and tails, green and salted sinew and pizzles.

(viii) Sheep trimmings including limed sheep trimmings, limed sheep tails, pickled sheep.

(ix) Horse fleshings.

(x) Calf fleshings.

(xi) Horse and beam trimmings including green and salted horse trimmings, limed horse trimmings, horse tail pieces.

(xii) Sole leather fleshings.

(xiii) Common and #2 fleshings.

(xiv) Other cattle fleshings including sulfide fleshings, kip fleshings.

(xv) Raw hide shavings.

(2) On and after January 29, 1944, no person shall use natural colored cattle chrome stock, including chrome splits, chrome shavings and chrome trimmings, for fertilizer tankage.

(b) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate stating fully the grounds of the appeal.

(c) *Communications to the War Production Board.* All appeals filed hereunder and all other reports and communications shall, unless otherwise directed, be addressed to the War Production Board, Chemical Division, Washington 25, D. C. Ref: M–368.

(d) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 29th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1475; Filed, January 29, 1944; 11:09 a. m.]

PART 1044—CADMIUM

[General Preference Order M–65, as Amended Jan. 31, 1944]

§ 1044.1 *General Preference Order M–65*—(a) *Scope of this order.* This order controls deliveries of cadmium from a producer or distributor. No producer or distributor shall deliver cadmium to any person, and no person shall accept delivery of cadmium from any producer or distributor, except as provided in this order. The order also restricts the use which may be made of cadmium or cadmium products. The permitted uses will be found listed below in paragraphs (d) and (e).

(b) *Definitions.* For the purposes of this order:

(1) "Cadmium" means all grades of metallic cadmium, oxide, or plating salts produced directly from ores, concentrates or other primary materials, or redistilled or remelted from cadmium scrap or any secondary cadmium-bearing material; or cadmium-bearing materials suitable for the manufacture of pigments.

(2) "Cadmium product" means an electroplated coating of cadmium.

(3) "Distributor" means any person regularly engaged in the business of buying cadmium and selling the same in forms suitable for general fabrication or electroplating.

(c) *Deliveries of cadmium.* Producers and distributors may deliver cadmium, and persons may accept delivery of cadmium from a producer or distributor in the following cases only:

(1) *Small order delivery.* Deliveries of cadmium from a producer or distributor may be made and accepted without the necessity of obtaining any specific authorization from the War Production Board if (i) The delivery in question, combined with all other deliveries of cadmium to the purchaser during that calendar month, from whatever source, will not aggregate more than 100 pounds of contained cadmium; (ii) The purchaser has not requested from the War Production Board authorization for that particular month to accept delivery of cadmium in any quantity—see paragraph (c) (4) below (a request to the War Production Board shall be deemed a request within the meaning of this paragraph, regardless of whether it has been granted or denied); (iii) The cadmium purchased will be used only as permitted in paragraphs (d) and (e) of this order and not for resale; (iv) The inventory of the purchaser is not, and will not upon acceptance of the delivery become, in excess of a 30-day supply on the basis of his current method and rate of operation; and (v) The producer or distributor may make deliveries without any specific authorization from the War Production Board unless he knows or has reason to believe, that the delivery will be in violation of this paragraph (c) (1) or that the cadmium delivered is to be used in violation of the restrictions of this or other applicable orders of the War Production Board.

(2) *Deliveries to distributors.* Deliveries of cadmium may be made to and accepted by distributors.

(3) *Deliveries to Metals Reserve Company.* Deliveries of cadmium may be made to and accepted by Metals Reserve Company for the sole purpose of stockpiling or redistribution.

(4) *WPB authorization.* Other deliveries of cadmium may be made only on specific authorization of the War Production Board and in accordance with an authorization certificate issued by the War Production Board on Form WPB–945. Deliveries so specifically authorized shall take precedence over any preference rating which may be assigned to deliveries on other contract or orders. Authorization certificates will be issued on or about the first of each month for this purpose. An authorization certificate will authorize the holder to accept from a producer or distributor deliveries of specified amounts of cadmium shipped during the month for which the certificate is issued. The producer or distributor may ship on notification from the purchaser of the date and serial number of the authorization certificate. Any

person wishing to apply for an authorization certificate should file an application on Form WPB-945 not later than the fifteenth day of the month preceding the month in which the authorization to purchase is desired.

(d) *Restrictions on the use of cadmium.* No person may use in any fashion any cadmium after January 22, 1944, except upon receipt by him of a certificate in substantially the form prescribed by Priorities Regulation No. 7 that the cadmium containing item to be produced will be used for one or more of the following purposes, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product:

(1) For the manufacture of pigments for the following:

Luminescent paint for military uses
Luminescent printing ink for military uses
Luminescent paper for military uses
Luminescent plastic for military uses
Signal and illuminating glass ware for safety, religious, military and industrial uses only
Thermometer tubing
Rubber sea buoys
Dental rubber
Artist's colors

(2) For the manufacturer of silver brazing alloys containing no more than 11% by weight of cadmium to be used for military and industrial purposes to the extent that the use of a less critical material is impracticable except that silver brazing alloys containing up to 19% may be manufactured for applications specifically required by the Armed Services.

(3) For the manufacture of copper base alloys containing no more than 1¼% by weight of cadmium for the following:

(i) Current carrying parts of electrical current interruption devices to the extent that sufficient contact pressure cannot be maintained in service with other less critical materials.

(ii) Parts inside electronic tubes.

(iii) Resistance welding electrodes.

(4) For the manufacture of bearings for the following:

(i) Internal combustion engines for the propulsion of naval vessels when specifically required by the U. S. Navy.

(ii) In radio and radar equipment.

(5) For the manufacture of low melting point alloys for the following:

(i) On dry type rectifier elements.

(ii) In fire protective systems and electrical fuses.

(iii) In plastic fire control instruments for the mounting of optics.

(6) For the manufacture of a lead base alloy containing no more than 3% by weight of cadmium for the coating of copper wire;

(7) For the manufacture of any cadmium product permitted by paragraph (e).

(e) *Restrictions on the use of cadmium products.* No person may use in any fashion any cadmium product made after January 22, 1944 except as permitted in subparagraphs (1) to (12), and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end product.

(1) On functional parts which in service are subjected to frequent and extended periods of alternate immersion in sea water or wet spray of sea water to the extent that other finishes cannot be used for reasons of close tolerance or performance;

(2) On heddles and pin boards used in textile plants to the extent that corrosive action makes the use of other materials impracticable;

(3) On ferrous hardware parts in direct contact with fabric or leather when used on the following:

Aircraft parachutes.
Aircraft safety belts.
Aircraft shoulder harnesses.
Aircraft bomb slings.

(4) On moving parts which require close tolerances for proper functioning and on adjacent parts to the extent that the tolerances cannot be maintained in service with other finishes because of inadequate hardness or mechanical or electrical interference by corrosion products;

(5) On electric controllers and switches incorporated into underground mining machinery as required by the safety regulations of the Bureau of Mines;

(6) On functional ferrous parts subjected to the combined effects of corrosion, stress and temperatures exceeding 500° F. and on parts in direct contact therewith;

(7) On parts which serve to maintain an electrical contact for the suppression of radio interference to the extent that one of the contacted surfaces is aluminum, magnesium or their alloys;

(8) On electrical contact parts of aircraft ignition harnesses and propeller hubs;

(9) On parts in electronic equipment which for performance reasons must be soldered with the use of non-corrosive fluxes without affecting nearby parts of organic materials to the extent that other finishes do not provide required corrosion protection;

(10) On the following parts of electronic equipment when required by the Armed Services, the Maritime Commission and War Shipping Administration:

(i) Surfaces involved in unsoldered butt joints which must remain constant in electrical and radio frequency resistance or both.

(ii) Surfaces which require good conductivity for radio frequency current.

(iii) Non-ferrous parts in contact with aluminum parts for prevention of electrolytic corrosion.

(11) On ferrous nuts, bolts, machine screws and washers for use in aircraft except for self-locking nuts designed for application below 250° F;

(12) On nuts, bolts, machine screws and studs having threads ⅜ inch diameter and smaller and/or having sixteen or more threads per inch for use by the United States Navy, Maritime Commission or War Shipping Administration and for use by the United States Army in ship construction.

(f) *Certification on purchase orders.* No person shall place an order for, deliver or accept delivery of any cadmium or cadmium product, unless the purchaser shall have certified in substantially the form set forth in Priorities Regulation No. 7 that the cadmium products to be delivered will be used for a purpose permitted by this order.

(g) *Appeals.* Any person may appeal from the provisions of paragraphs (d) or (e) of this order in letter form, in triplicate, and filed with the Field Office of the War Production Board for the district in which is located the plant to which the appeal relates, setting forth essentially the following information where applicable. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(1) Name and address of plating firms or other persons who actually process the cadmium and the quantity of cadmium required by each processor;

(2) The quantity of cadmium required for each part or group of parts fulfilling related functions;

(3) Period of time for which relief is requested;

(4) Description and function of each part or group of parts;

(5) Prime contract number, including symbol, if the item on appeal is covered by an Army, Navy, Maritime Commission or War Shipping Administration contract;

(6) Justification, including the reasons why substitutes are unsatisfactory because of performance, lack of facilities or manpower.

(h) *Special directions.* The War Production Board may, from time to time, issue special directions to any person as to the sources, destination, or amounts of cadmium or cadmium products to be shipped and delivered by any producer or distributor or received by any person, and the War Production Board may also specifically direct the manner and quantities in which such cadmium or cadmium product may be processed.

(i) *Reports.* All producers, distributors and consumers of cadmium shall file reports with the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, at such time and in such manner and form as it may prescribe, showing inventory, production, purchases, sales and consumption and such other information that the War Production Board may require.

(j) *Communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, other than appeals from the provisions of paragraphs (d) and (e), shall be addressed to: War Production Board, Zinc Division, WPB Dept. 7515, Washington 25, D. C.; Ref.: M-65.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1544; Filed, January 31, 1944; 11:25 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Iron and Steel Conservation Order M-126, Amdt. 3]

Section 1176.1 *Conservation Order M-126,* is hereby amended:

(a) By amending the line of List A which now reads:

Automobile accessories

to be and read as follows:

Automotive accessories—except those items the production of which as automotive replacement parts is permitted under Limitation Order L-158, as amended from time to time, whether produced as replacement parts or as original or optional equipment for new vehicles.

(b) By amending the lines of List A which now read:

Automobile heaters*—except for passenger carriers as defined in Limitation Order L-158, police cars, ambulances, trucks and fire wagons.

to be and read as follows:

Automotive heaters—except when produced as replacement parts under Limitation Order L-158.

(c) By amending the lines of List A which now read:

Cans, containers and closures—except (i) shipping packages; and (ii) cans, containers, and closures as may be permitted under Conservation Orders M-81, M-104, M-255, and M-261.

By deleting the reference to Order M-255, and adding a reference to Limitation Order L-197.

(d) By amending the lines of List A which now read:

Hose reels—(i) except fire fighting equipment; (ii) except for industrial use in direct fire hazard areas; and (iii) except for industrial use where required for lubricating equipment but only if made from steel in the form of re-rolled rail stock.

to be and read as follows:

Hose reels—(i) except fire fighting equipment; (ii) except for industrial use in direct fire hazard areas; and (iii) except as may be permitted under Limitation Order L-314.

(e) By amending the lines of List A which now read:

Measuring pumps and dispensers*—for gasoline station, garage and household uses, including but not limited to:
Air pumps—except as may be permitted under Limitation Order L-270
Grease guns
Grease pumps
Gasoline dispensing pumps
Kerosene pumps
Oil pumps—except barrel pumps and lubeeters

to be and read as follows:

Measuring pumps and dispensers*—for gasoline station, garage and household uses, including but not limited to:
Air pumps—except as may be permitted under Limitation Order L-270
Grease guns—except as may be permitted under Limitation Order L-314
Grease pumps—except as may be permitted under Limitation Order L-314
Gasoline dispensing pumps
Kerosene pumps
Oil pumps—(i) except barrel pumps and lubesters; and (ii) except as may be permitted under Limitation Order L-314

(f) By amending the lines of List A which now read:

Motion picture projectors and projection equipment*—except that for motion picture projectors and projection equipment of the types regulated by Order L-267 iron or steel may be used to the extent permitted under that order.

to be and read as follows:

Motion picture projectors and projection equipment*—(i) except for motion picture projectors and projection equipment of the types the production and distribution of which is regulated by Limitation Order L-325; and (ii) except that for motion picture projectors and projection equipment of the types regulated by Limitation Order L-267, iron or steel may be used to the extent permitted under that order

(g) By amending the lines of List A which now read:

Motion picture sound reproducing equipment*

to be and read as follows:

Motion picture sound reproducing equipment—except for motion picture sound-reproducing equipment of the types the production and distribution of which is regulated by Limitation Order L-325

(h) By amending the lines of List A which now read:

Sinks, sink aprons and sink legs—except as may be permitted under Limitation Order L-42.

to be and read as follows:

Sinks, sink aprons and sink legs—(i) except scullery sinks; and (ii) except as may be permitted under Limitation Order L-42.

(i) By amending the lines of List A which now read:

Stands, all types—(i) except for essential industrial use; and (ii) except as may be permitted under Limitation Order L-54-c and Schedule 3 of Limitation Order L-214.

to be and read as follows:

Stands, all types—(i) except for essential industrial use; and (ii) except as may be permitted under Limitation Order L-54-c and L-199, and Schedule 3 of Limitation Order L-214.

(j) By amending the line of List C which now reads:

Automobile accessories.

to be and read as follows:

Automotive accessories.

(k) By amending the lines of List C which now read:

Automobile heaters—where specified for military vehicles.

to be and read as follows:

Automotive heaters—where specified for military vehicles.

(l) By amending the item of List C which now reads:

Cigarette lighters—when ordered by the Army Exchange Service, Bureau of Naval Personnel, and Marine Corps, for use by the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, and War Shipping Administration.

to be and read as follows:

Cigarette lighters—when ordered by the Army Exchange Service, the Quartermaster Corps, the Bureau of Naval Personnel and the Marine Corps, for use by the Army, Navy, Marine Corps, Coast Guard, U. S. Maritime Commission, and War Shipping Administration.

(m) By amending the line of List C which now reads:

Thermos jugs and bottles.

to be and read as follows:

Thermos or insulated jugs and bottles.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1546; Filed, January 31, 1944; 11:25 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 11 as Amended Jan. 31, 1944]

SHIPBUILDING DIVISION

§ 3208.12 *Table for Shipbuilding Division.* The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

Type of M-293 product	Designation	Applicable forms column [1]		
		1	2	3
1. Valves, piping systems, including all valves such as industrial, marine, hydrant, sluice gate, drilling, flow line, cocks, etc. except refrigeration, aircraft, automotive, instrument, regulating and control valves, air brake equipment, plumbing fixture fittings and trim.				
a. Steel valves:				
Safety and relief		3000.15		
Turbine (including astern, crossover, maneuvering, manifold and throttle)		3000.15		
All other steel valves		3000.15		
b. Iron valves:				
Safety and relief		3000.15		*
All other iron body valves		3000.15		
c. Bronze valves:				
Safety and relief		3000.15		
Compressed gas and cylinder		3000.15		
All other bronze valves 100 lbs. W. S. P. and over		3000.15		
2. Pipe fittings, except compression, flared, Parker type, boil and spigot.				
a. All steel fittings		3000.15		
3. Turbines, main marine propulsion	XZ		1836	
4. Diesel engines (marine only)	XZ	878.00	3003	
Main propulsion				
Auxiliary drive				
Emergency generator drive				
a. Purchase orders of ship repair yards for engines for vessels not operated under the jurisdiction of the United States or Canadian Army or Navy, the War Shipping Administration, Wartime Merchant Shipping, Ltd. or Tralalgar Shipbuilding Company, Ltd.	Y			1310
b. Purchase orders for engines for new vessels which are not for the account of the United States or Canadian Army or Navy, the Maritime Commission, Wartime Merchant Shipping, Ltd. or Tralalgar Shipbuilding Company, Ltd.	Y			1310

[1] A manufacturer of a Class X product must file his shipping schedule on Form WPB-3003, 3401 or on the form shown in Column 2. A person placing an order for a Class Z product under paragraph (e) of M-293 must use Form WPB-3003, 3400 or 3401, as specified in the instructions he received, to accompany his purchase order.

Type of M-293 products	Designation	Applicable forms column[1] 1	2	3
5. Gears (marine only):				
Main reduction gears (turbine propulsion)	XZ	----------	1836	--------
Main reduction and reverse gear units (Diesel and gasoline propulsion engine)	------	3002.33 -2578.00	--------	--------
Speed reduction units (engine room auxiliary equipment)	XZ	----------	3003	--------
6. Marine boiler units, steel (shipboard use)	------	----------	----------	--------
Main propulsion boiler units	------	----------	----------	--------
Auxiliary boiler units	------	----------	----------	--------

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1547; Filed, January 31, 1944; 11:25 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M-364, Direction 3]

ASH SPECIALISTS

The following direction is issued pursuant to Conservation Order M-364:

(a) This direction, issued pursuant to paragraph (d) of Order M-364, tells how "ash specialists" may obtain ash lumber, and what rules they must observe in disposing of it.

(b) Any producer may deliver ash lumber to an ash specialist without restriction, just as if he were another producer.

(c) Unless specifically directed, an ash specialist may deliver ash lumber only to fill orders supported by certificates as prescribed in paragraphs (b) (1) and (b) (2) of M-364, as prescribed in Directions 1 and 2 to M-364, or as may be prescribed in other directions not yet issued; and to fill orders approved on Form WPB-2720 as prescribed in paragraph (b) (5) of M-364. In other words, in his deliveries of ash lumber, the ash specialist is subject to the same restrictions as if he were a producer.

(d) For the purposes of this direction an "ash specialist" is a person who operates a concentration yard dealing exclusively in ash lumber.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1548; Filed, January 31, 1944; 11:25 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Supplementary Limitation Order L-30-d, as Amended Jan. 31, 1944]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

§ 3291.165 *Supplementary Limitation Order L-30-d*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person who produces or assembles any article listed on Schedule A or Schedule B attached to this order, or any part for any such article.

(2) "To produce" or "to assemble" an article does not include the application of a coating or finish or the attaching of bails, handles, spouts or ears to articles which are otherwise completed.

(3) "To put into process" means for a person to perform the first manufacturing or assembly operations on material or parts received by him.

(4) "Base period" means the twelve months ending June 30, 1941.

(5) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(6) "Repair parts" means any part for an article or product which is not produced for or used in a new article or product.

(7) "Preferred order" means any purchase order, contract, or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(b) *Prohibition of production of articles on Schedule A.* No manufacturer shall produce or assemble any of the articles listed on Schedule A or parts (including repair parts) for such articles containing any metal.

(c) *Restrictions on production of articles on Schedule B.* No manufacturer shall produce or assemble any articles listed on Schedule B or any parts (including repair parts) for such articles containing any metal except in accordance with the provisions of that schedule.

(d) *Exceptions.* (1) The provisions of paragraphs (b) and (c) do not apply to (i) articles produced to fill preferred orders; (ii) articles containing not more than 5% by weight of iron and steel, including joining hardware; (iii) articles covered by other orders in the L-30 series, as amended from time to time, or by supplements or directions issued under those orders; or (iv) articles produced from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size or shape for the articles, and is not in mill standard gauges and sizes.

(2) The War Production Board from time to time may issue directions under this order controlling the production of articles it covers. When a direction is issued its provisions will supersede the provisions of this order for the articles it covers, unless the direction states otherwise.

(e) *Provisions concerning distribution.* (1) For the purpose of this paragraph

(i) "Special order" means a rated purchase order or contract bearing a statement that the preference ratings were assigned pursuant to Form WPB-547 (formerly PD-1X). It is the policy of the War Production Board to assign such ratings only to take care of emergencies or to fill special needs arising from war conditions.

(ii) "Total quarterly production" means either the total dollar value or the total number of units of each article produced under this order during a calendar quarter. Articles produced or sold on preferred orders shall be disregarded in this calculation.

(2) Of his total quarterly production of any article each manufacturer shall allocate his sales so that 25% are sold on special orders and 75% on other orders. Fifteen days after the end of the quarter any balance of the 25% for which he has no special orders may be sold on other orders. For example, articles produced in the third quarter and held for sale on special orders may be sold on or after October 15th on other orders.

(3) It is hereby declared to be the policy of the War Production Board that each manufacturer shall distribute equitably all articles sold on other than special orders. In line with this policy, each manufacturer should follow his 1942 pattern of distribution, making any adjustments necessary to take care of population and other changes resulting from war conditions. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(4) It is hereby further declared to be the policy of the War Production Board that the following articles produced in accordance with Schedule B shall be sold for use only by commercial or industrial establishments, and not by the general public:

Baking pans—commercial type.
Heavy duty roast pans.
Basting spoons.
Cake turners.
Can openers—institutional type.
Ice cream dippers.
Ice picks.
Scoops.
Wire whips.
Garment hangers.

(5) In complying with the provisions of subparagraphs (3) and (4) above, each manufacturer shall fill all rated orders (other than special orders) in accordance with applicable War Production Board regulations. However, it should be noted that under Priorities Regulation No. 3, as amended, articles produced under this order are not subject to preference ratings assigned by any regulations or orders of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation Nos. 5 and 5A).

(f) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of articles covered by this order to a greater extent than this order or any direction issued under it, the other order shall govern unless there is a provision stating otherwise.

NOTE: Paragraph (g) through (j), formerly (h) through (k), redesignated Jan. 31, 1944.

(g) *Appeals.* Any appeal from this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(i) *Reports.* On or before January 20, April 20, July 20, and October 20 of each year, each manufacturer shall file with the War Production Board, Form WPB-1600, showing his production, shipment and inventory during the preceding quarter, of articles produced in accordance with Schedule B. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-30-d.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A: *Prohibited articles.* The production of the following articles is prohibited in accordance with the provisions of paragraph (b) of this order, except as provided in paragraph (d):

Cake coolers
Camp grids
Candlesticks
Carpet beaters
Clothes pins
Concrete garbage receptacles containing more than 5 percent, by weight, of metal, exclusive of the weight of separate bases or blocks
Cup frames
Curtain rods and fixtures and drapery attachments
Cuspidors and spittoons
Dish pans
Dust pans, silent butlers and crumb sets
Fly swatters
Funnels
Household storage articles (all articles designed for the storage of foods or household supplies, including but not limited to, vegetable bins, canisters, spice sets, bread boxes, cake covers or safes, holders for salt, soap or cleanser cartons, step-on cans and window boxes for the storage of food, but excluding (i) pails, buckets and tubs; and (ii) containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to, cans as defined in Conservation Orders M-81 or M-135, glass containers or closures as defined in Limitation Order L-103, and drums as defined in Limitation Order L-197
Picnic stoves
Pot chains
Pot cover holders
Sink accessories, including but not limited to, sink drainers, dish drainers, rinsing pans and pot scourers (except pot scourers produced from wire scrap only)
Soap savers and soap dishes
Toilet paper holders
Tooth brush holders
Towel bars and racks
Wash boards

SCHEDULE B. *Permitted articles.* The production of the articles listed must conform to the restrictions of this schedule in accordance with the provisions of paragraph (c) of Order L-30-d, except as provided in paragraph (d) of that order.

No manufacturer shall produce or assemble any article falling within any class in column (1) or any part for such article, containing any metal, except articles listed in column (2) conforming to the restrictions of column (3) and containing only the metals listed in column (4).

Definitions of terms used in column (4)

"Iron and steel" means unalloyed iron and steel.

"Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

"Plated" means that the iron or steel may be plated with another metal when not prohibited by any M Order or any other Order of the War Production Board.

"Specified materials" means iron or steel which falls within one or more of the following classes:

(i) Iron or steel obtained pursuant to a special sale as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(ii) Top cuts of steel (being that portion of steel in ingot normally discarded as not meeting special quality requirements of the customer's order for which it was melted);

(iii) Bessemer processed steel;

(iv) Sheet mill seconds, rejects and wasters, 28-gauge and heavier;

(v) Tin mill black plate rejects, 29 and 30-gauge;

(vi) Iron or steel obtained from a warehouse (as defined in Conservation Order M-21-b);

(vii) Rerolled rail steel.

(viii) Scroll-sheer butts and slitter waste;

(ix) Wire shorts and rejects.

Quarterly quotas of iron and steel. Except in fulfillment of preferred orders, no manufacturer shall put into process during any calendar quarter, beginning July 1, 1943, more iron and steel, by weight, in the production of any articles listed in column (2) and parts for such articles, than the percentage specified in column (5) of the average quarterly amount of iron and steel, by weight, put into process by him in the production of such articles and parts during the base period. Unless otherwise noted, the base period production shall include all articles of the type listed in column (2) produced by him in the base period, whether or not they conformed to the limitations of columns (3) and (4).

In addition to his quota as explained above, a manufacturer may put into process in the production of any articles during any calendar quarter any unused part of his previous quarter's quota of iron and steel for such articles.

NOTE: "Miscellaneous cooking utensils • • •" amended Jan. 31, 1944.

(1) Class of articles	(2) Permitted type in each class	(3) Restrictions on size, weight, etc.	(4) Permitted metals	(5) Quarterly quotas
Miscellaneous cooking utensils (any utensil containing more than 10%, by weight, of metal which is designed primarily for use in the preparation or cooking of food, whether for household, institutional, commercial, governmental or any other purpose.	Utensils containing more than 10% but less than 20% of metal, by weight.	----------	Iron and steel; plated	100% plus 5% for repair parts.
	Frying pans	Top diameter—8 to 12 inches, inclusive.	Black steel	50%.
	Baking pans of a type designed for household use.	----------	Black steel; only Bessemer, tin mill black plate rejects or material in inventory on July 17, 1943.	July to Sept., 1943—50%; Oct. to Dec., 1943, and thereafter—25%.
	Baking pans of a type designed for use and reuse in commercial bakeries and institutions.	----------	Tin plate and black steel	75%.
	Heavy duty roast pans	Without covers; capacity—675 cubic inches to 2600 cubic inches, inclusive; two or three reinforcing straps; wired edges.	Black steel	38%.
Kitchen tools (articles containing more than 8% by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food	Pressure canners	See Direction 1.	See Direction 1.	See Direction 1.
	Basting spoons	Over-all length, 14 to 21 inches, inclusive.	Bessemer steel; plated	35%.
	Cake turners	Over-all length, 18 to 21 inches, inclusive	Bessemer steel; plated	35%.

(1) Class of articles	(2) Permitted type in each class	(3) Restrictions on size, weight, etc.	(4) Permitted metals	(5) Quarterly quotas
whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L-14-a), electrical appliances (as governed by Limitation Order L-65), gas appliances and power-driven equipment.	Can openers, household type.	Not more than 16 oz. of metal.	Iron and steel; plated	50%.
	Can openers, institutional type.		Iron and steel; plated; bronze bearings and bushings.	15%.
	Egg beaters, rotary type	Over-all length, 10 inches or more.	Iron and steel; plated	35%.
	Flour sieves	With wood rims	Iron and steel	35%.
	Food choppers and grinders		Iron and steel; tinned, if permitted under Order M-43, or under relief granted pursuant to an appeal from that Order.	75%.
	Food mills		Iron and steel; plated	35%.
	Ice cream dippers, commercial type.		Iron and steel; plated; die-cast zinc gears.	15%.
	Ice picks	Wood handles; metal in ferrules and blades only; length of blade, including part in handle—5½ inches or less.	Iron and steel	50%.
	Jar wrenches	No rubber; not more than 12 oz. of metal.	Iron and steel; plated	35%.
	Scoops, commercial type	Iron and steel in blade only; Over-all length—6 to 10 inches, inclusive.	Iron and steel; plated; only specified materials or material in inventory on March 26, 1943.	35%.
	Wire strainers		Iron and steel; plated	35%.
	Wire whips, commercial type.	Over-all length—12 inches or more.	Iron and steel; plated	35%.
	Repair parts for any kitchen tool.		Any metal, subject to applicable M Orders.	5% of metal in such tool in base period.
Clothes wringers (except wringers which are integral parts of power-driven equipment as covered by Limitation Orders L-6 and L-91, as amended from time to time).	Hand clothes wringers	Weight—18 pounds or less; not more than 50% of metal, by weight.	Iron and steel	30%, plus 5% for repair parts.
Carpet sweepers	Carpet sweepers	Containing 1¼ pounds of metal or less.	Iron and steel	30%.
Vacuum bottles and jugs	Vacuum bottles with capacity of one quart or less.		Iron and steel; plated; zinc and aluminum to the extent permitted by applicable M Orders.	75%.
Lunch boxes and dinner pails	Workers' lunch boxes of a type designed to hold a vacuum bottle.	28-gauge or lighter	Iron and steel; only specified materials and material in inventory on July 17, 1943.	July-Sept., 1943 and Oct.-Dec., 1943—100%; Jan.-Mar., 1944 and thereafter—75%.
	Miners' dinner pails		Iron and steel; tinplate for water compartment only, if permitted under Order M-21-a or under relief granted pursuant to an appeal from that Order.	July-Sept., 1943, and Oct.-Dec., 1943 100% of average quarterly number of units in base period; Jan. to Mar., 1944 and thereafter—75% of same.
Closet accessories, including but not limited to coat and garment hangers (whether used in closets or elsewhere), tie racks and boot and shoe trees, except coat and hat hooks if expressly permitted by Order L-236 or a Schedule under it.	Garment bags	Metal in hooks and joining hardware only.	Iron and steel	100%.
	Garment hangers, other than hangers specifically designed for trousers or skirts only.	No wire heavier than .1205 inches for all wire hangers; no wire heavier than .135 inches for hangers containing wire in hooks only.	Iron and steel; only wire shorts or rejects, or material obtained by special sale under Priorities Regulation 13 or in inventory on July 17, 1943.	20%.
Pails, buckets and tubs, except: (i) pails or tubs designed expressly for use as packing or shipping containers; and (ii) dairy pails	Pails, buckets and tubs	Metal in hoops, bails, ears, handles and joining hardware only, not exceeding 15% of total weight.	Iron and steel; zinc coated	Unlimited.

[F. R. Doc. 44-1549; Filed, January 31, 1944; 11:26 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-d, Interpretation 1, Revocation]

Interpretation 1 of Order L-30-d is superseded by paragraph (d) (1) (ii) of the order as amended January 31, 1944.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1550; Filed, January 31, 1944; 11:26 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-30-d, Direction 1]

ALUMINUM PRESSURE CANNERS

The following direction is issued pursuant to Limitation Order L-30-d:

(a) *What this direction does.* In order to provide for the production of aluminum pressure canners for the 1944 canning season, this direction tells what types of pressure canners may be made, who may make them and how many may be made.

(b) *Definition of "pressure canners".* As used in this direction, "pressure canner" means any device commonly known as a pressure cooker or pressure canner which may be used for canning food products under steam pressure, and which is equipped with a dial, indicating or weighted gauge, a venting device and a safety valve.

(c) *Production of pressure canners*—(1) *Authorized list of manufacturers.* The following manufacturers may produce or assemble before July 1, 1944 at their plants at the addresses indicated, aluminum pressure canners in quantities not exceeding the number indicated opposite their names:

	7-quart size	14-quart size
Burpee Can Sealer Co., Barrington, Ill.	39,500	10,000
National Aluminum Mfg. Co., Peoria, Ill.	34,000	22,500
Wisconsin Aluminum Foundry Co., Manitowoc, Wis.	53,000	5,000
Pressure Cooker Co., Denver, Colo.	6,000	
National Pressure Cooker Co., Eau Claire, Wis.	153,500	62,500
Lakeside Aluminum Co., Minneapolis, Minn.	14,000	

(2) *Restriction on aluminum permanent mold castings.* No person may make any aluminum permanent mold castings for the aluminum pressure canners to be produced under this direction without first obtaining the written specific authorization of the War Production Board. Applications for authorization to make such castings should be made by letter to the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1. Each applicant should submit complete information as to the availability of his facilities for making castings in the light of his present and potential war work and the manpower situation in his plant and in the area where it is located. The War Production Board will not issue any authorization to produce permanent mold castings if the Board finds that such production will interfere with the production and delivery of war orders, and the Board intends to change or revoke any authorization if later conditions show that such interference is likely.

(3) *Additional production.* The War Production Board may add additional manufacturers to those listed above or increase the quantities specified to the extent that materials, facilities and manpower are available and additional pressure canners are needed to meet requirements. Any person desiring to produce aluminum pressure canners in addition to those mentioned above should apply by letter to the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1. Each applicant should submit full details of the pressure canners he proposes to make, including a bill of materials on Form CMP-1, and illustrations, designs or samples when practicable. He should also submit complete information as to the availability of his facilities for this production in the light of the war work which he is doing and the manpower situation in his plant and in the area where his plant is located. A CMP-4B application for any controlled materials needed should accompany any application under this paragraph.

(4) *Revision of quotas.* If the War Production Board finds that any manufacturer will be unable to produce his quota of pressure canners because of interference with war orders or for any other reason, the Board intends to reduce his quota and transfer the excess to another manufacturer.

(d) *What types of pressure canners may be made; sizes and permissible metals*—(1) *Sizes.* Only two sizes of pressure canners may be made under this Direction, one with a capacity of 7 one-quart glass jars, and the other with a capacity of 14 one-quart glass jars.

(2) *Materials which may be used.* The body, cover and insets for preparing food must be made of aluminum or aluminum alloy. Carbon steel may be used in any other parts or attachments, including wire racks. Alloy steel may be used in locking devices and safety and relief valves only. Copper and copper base alloy may be used in inflicating gauges, safety and relief valves and blowout plugs only. Tin may be used in plating wire racks only. These provisions supersede any provisions in Orders M-1-l, M-9-c, M-43 and M-126, which would prevent the use of these materials. In all other respects the use of materials in pressure canners must conform to applicable conservation orders.

(e) *Reports.* (1) Beginning March 10, 1944, each manufacturer shall file by the 10th day of each month, a report by letter with the War Production Board, Washington 25, D. C., Ref: L-30-d, Direction 1, stating the number of pressure canners which he made in the preceding calendar month by sizes.

(2) The reporting provisions in this Direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1551; Filed, January 31, 1944; 11:26 a. m.]

PART 3301—CORK, ASBESTOS AND FIBROUS GLASS

[Conservation Order M-79, as Amended Jan. 31, 1944]

ASBESTOS

§ 3301.6 (*Conservation Order M-79*)—(a) *References to Canadian grades.* References to Canadian grades of asbestos are in accordance with the Canadian Chrysotile Asbestos Classification as revised December 1, 1942, and adopted by the Quebec Asbestos Producers Association March 22, 1943.

(b) *Restrictions on the use of South African asbestos.* (1) No person shall process Rhodesian Chrysotile Asbestos Grade C&G/1 or C&G/2, or Rhodesian Chrysotile Asbestos having a fibre length equivalent to that of Rhodesian Grade C&G/1 or C&G/2 except for:

(i) Products covered in Navy Specification No. 17-I-29 (Insulation, Electrical, Asbestos Fibre, Treated and Untreated; dated January 2, 1942, or as same may be amended), or

(ii) Rovings, lapps, yarns, tapes, and cloth which are approved or required to be of non-ferrous nature by Army, Navy, Maritime Commission or War Shipping Administration performance or other specifications or Underwriters or governmental safety regulations in effect May 1, 1942.

Provided, however, That one ton of Rhodesian Asbestos Grade C&G/1 and C&G/2 may be used for other textile purposes during any calendar quarter for every five tons of Rhodesian Asbestos Grade C&G/3 used for textile purposes during the same calendar quarter.

(2) No person shall process amosite asbestos Grades B-1, B-3, D-3, or 3/DM-1, or amosite asbestos having a fibre length equivalent to that of Grades B-1, B-3, D-3, or 3/DM-1, except for:

(i) Amosite woven insulating felt for use on ships, or

(ii) Fireproof insulating board for use on ships, or

(iii) Molded amosite insulations provided, however, that the amount of 3/DM-1, B-3, or D-3 or equivalent length amosite fibre used in such insulations shall not exceed 15 per cent by weight of finished product, or

(iv) Flexible amosite pipe insulation for use on ships.

(c) *Restrictions on Canadian asbestos.* On and after November 1, 1943: (1) No person shall process Canadian crudes or spinning fibre Grades 3F or 3K for asbestos textiles of commercial grade (as defined in paragraph (7) (a) of A. S. T. M. Designation D-299-42).

(2) No person shall accept delivery of Canadian crudes or spinning fibre Grades 3F or 3K for the manufacture of compressed asbestos sheet packing.

(3) No person shall accept delivery of Canadian fibre Grades 3F, 3K, 3R, or 3T for the manufacture of 85% magnesia or other high temperature molded insulations.

(4) No person shall put into process Canadian spinning fibre Grades 3F or 3K at a greater monthly rate than his average monthly consumption for June and July 1943.

(5) No person shall put into process during any one calendar month Canadian spinning fibre Grades 3R or 3T in amount by weight greater than 20 per cent of the finished compressed asbestos sheet packing which he produced during that month.

(6) No person shall process Canadian spinning fibre Grade 3R for textile purposes during any calendar quarter unless during that quarter he uses at least one ton of Rhodesian Fibre Grade C&G/3 for textile purposes for every five tons of Canadian Spinning Fibre Grade 3R.

(d) *Exemption for waste asbestos materials.* Waste or scrap materials produced in the fabrication, spinning or processing of asbestos fibre which cannot be reprocessed and used in fabricating, spinning or processing operations permitted under the foregoing limitations of this order, may be sold or disposed of without restriction under this order.

(e) *Reports.* The War Production Board may send copies of Form WPB-2916, WPB-2917 or WPB-2918 (formerly PD-251, PD-252 and PD-253) to any person who manufactures any product containing asbestos or who maintains a stock of asbestos. The person receiving the forms shall return them with the required information to the War Production Board on or before the following 10th of the month.

(f) *Prohibitions against sales or deliveries.* No person shall sell or deliver asbestos fibre or any product made therefrom if he knows or has reason to believe such material or product is to be used in violation of the terms of this order.

(g) *Special directions.* The War Production Board at its discretion may at any time issue special directions to any person with respect to his use, processing, delivery or acceptance of delivery of any grade or type of asbestos, notwithstanding any other provision of this order.

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Forms.* Forms WPB-2916, WPB-2917, and WPB-2918, referred to in paragraph (e), have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States Government is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork, Asbestos & Fibrous Glass Division, Washington 25, D. C., Ref.: M-79.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1545; Filed, January 31, 1944; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 131]

CAMELBACK AND TIRE AND TUBE REPAIR MATERIALS

Maximum Price Regulation 131 is redesignated Revised Maximum Price Regulation 131 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator, it is necessary and proper to establish specific and uniform maximum prices for manufacturers' and jobbers' sales and deliveries of tire and tube repair materials, and for jobbers' sales and deliveries of camelback, and to incorporate such maximum prices into the regulation which sets manufacturers' maximum prices for camelback.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1315.1301 *Maximum prices for camelback and tire and tube repair materials.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 131 (Camelback and Tire and Tube Repair Materials), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.1301 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 131—CAMELBACK AND TIRE AND TUBE REPAIR MATERIALS

CONTENTS

Sec.
1. To what transactions, persons and commodities this regulation applies and the relation to other regulations.
2. Prohibition against dealing in camelback and tire and tube repair materials at prices above the maximum.
3. Maximum prices for camelback meeting War Production Board specifications.
4. Maximum prices for certain tire and tube repair materials meeting general War Production Board specifications.
5. Maximum prices for camelback and certain tire and tube repair materials not meeting general War Production Board specifications.
6. Maximum prices for all other tire and tube repair materials, including tire patches and reliners, tube repair kits, airbags and curing tubes.
7. Fractions of a cent.
8. Less than maximum prices.
9. Federal and state taxes.
10. Credit.
11. Transportation charges.
12. Evasion.
13. Petitions for amendment.
14. Adjustable pricing.
15. Sales slips and receipts.
16. Records.
17. Licensing.
18. Enforcement.
19. Definitions.

Appendix A—Form for reports of maximum prices determined under section 6.

SECTION 1. *To what transactions, persons and commodities this regulation applies and the relation to other regulations*—(a) *Commodities covered.* This regulation applies to all camelback and tire and tube repair materials. "Camelback" as used in this regulation means the uncured rubber compound, including base stock and lug stock, applied to a worn tire to make a new tread in the process of recapping or retreading of rubber tires. "Tire and tube repair materials" as used in this regulation means any materials other than camelback (including but not limited to tire patches and reliners, tube repair kits, airbags and curing tubes, filler strip, stripping stock and padding stock) made in whole or in part of rubber and generally recognized as usable in the repairing of rubber tires or tubes. Where any tire or tube repair materials are composed of several items sold as a unit, as in the case of tube repair kits, the unit shall be deemed to be made in part of rubber, if any item in the unit is made in whole or in part of rubber. "Rubber" is defined in section 19.

(b) *Sales covered.* This regulation applies to all sales to recappers, vulcanizers, retailers and jobbers, whether such sales are made by a manufacturer, by a jobber, or by any other person. "Recapper" as used in this regulation means any person, including a retreader, who is in the business of recapping or retreading tires. "Vulcanizer" as used in this regulation means any person who is in the business of repairing tires or tubes. "Retailer" as used in this regulation means any person who sells camelback or tire and tube repair materials to individual consumers. A person is a recapper, vulcanizer or retailer within the meaning of this regulation if he does any of such business, even though he may also make some jobber sales. "Jobber" as used in this regulation means any person who buys camelback or tire and tube repair materials exclusively for resale to persons other than individual consumers buying at retail. For purposes of this regulation, a recapper or vulcanizer is not considered an individual consumer buying at retail.

(c) *Sales not covered.* This regulation does not apply to sales to the United States or any agency thereof. Such sales are subject to Maximum Price Regulation 403 [1]—Certain Rubber Commodities Purchased for Governmental Use. Neither does this regulation apply to sales at retail to individual consumers.

(d) *Relation to other regulations.* This regulation supersedes any other maximum price regulation, including Maximum Price Regulation 131,[2] Maximum Price Regulation 220,[3] and the General Maximum Price Regulation,[4] with respect to sales covered by this regulation. The maximum price at which a person may export any camelback or tire and tube repair materials shall be determined in accordance with the Second Revised Maximum Export Price Regulation.[5]

(e) *Geographical applicability.* This regulation applies in the 48 states of the United States, the District of Columbia, and the territories and possessions of the United States.

SEC. 2. *Prohibition against dealing in camelback and tire and tube repair materials at prices above the maximum.* On and after the effective date of this revised regulation, regardless of any contract or other obligation, no person shall sell or deliver camelback or tire and tube repair materials, and no person shall buy or receive camelback or tire and tube repair materials in the course of trade or business, at prices higher than the maximum prices fixed by this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing. "Person" as used in this regulation includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes any government, or any of its political subdivisions, and any agency of any of the foregoing.

SEC. 3. *Maximum prices for camelback meeting War Production Board specifications*—(a) *Commodities covered by this section.* This section applies to any camelback which complies with the specifications issued by the War Production Board for Grades A, C and F camelback.

(b) *To recappers and vulcanizers.* The maximum price for any sale of camelback covered by this section to a recapper or vulcanizer, as defined in section 1 (b), whether the seller is a manufacturer, jobber or any other person, shall be the price set forth in the following table: *Provided,* That the maximum price for any sale to a recapper or vulcanizer of camelback (other than base and lug stock) which is produced by the Denman Tire and Rubber Company of Warren, Ohio, for the Webster Rubber Company of Warren, Ohio, and which is predesigned for use with the open steam method of retreading or recapping by cutting a non-skid pattern therein, shall be determined by adding 8 cents per pound to the price set forth for such camelback in the following table:

Item	Maximum price in cents per pound		
	Grade A	Grade C	Grade F
Camelback, other than base and lug stock	26	23	18
Base stock, 5/32 inch gauge	36	31	.....
Base stock, 9/32 inch gauge	31	26	.....
Lug stock	34	29	.....

(c) *To jobbers.* On a sale to a jobber as defined in section 1 (b), the seller must deduct from the maximum price set forth in paragraph (b) of this section, a percentage discount at least as large as the seller had in effect during June 1943, on sales to purchasers of that class.

SEC. 4. *Maximum prices for certain tire and tube repair materials meeting general War Production Board specifications*—(a) *Commodities covered by this section.* This section applies to tire and tube repair materials which are of a type listed in Table I in paragraph (b) (1) and which comply with the general specifications for such materials issued by the War Production Board. All sizes of such materials are covered by this section except cement in containers of one quart or less and gum stocks (cushion stock, tread stock, tube repair gum and combination tube repair gum) sold in packages of less than one pound, which are covered by section 6.

(b) *Prices to which discounts are to be applied in calculating maximum prices under this section*—(1) *Sizes listed in Table I.* The prices to which discounts are to be applied set forth in Table I vary with the type and size of the tire and tube repair materials. Where the size is indicated by width only, no distinction is made between different gauges and materials of all gauges are covered at the price set forth for that width.

TABLE I—CERTAIN TIRE AND TUBE REPAIR MATERIALS

Type	Size	Unit	Price to which discounts are to be applied
Passenger tire repair cushion stock	1/8 inch width	Per lb	$1.10
	5 to 7 inch width: 1/64 inch gauge	Per lb	1.25
	17 to 19 inch width: 1/32 inch gauge	Per lb	.93
	1/64 inch guage	Per lb	1.15
Truck tire repair cushion stock	1/8 inch width	Per lb	1.17
	17 to 19 inch width	Per lb	1.00
Tread repair stock	17 to 19 inch width	Per lb	.65
Tube repair gum (uncured)	5 to 7 inch width	Per lb	.95
	17 to 19 inch width	Per lb	.85
Combination tube repair gum (cured back, uncured face)	5 to 7 inch width	Per lb	.95
	17 to 19 inch width	Per lb	.85
Passenger tire cord repair friction (cotton)	18 inch width or wider	Per lb	1.00
Truck tire cord repair friction (cotton)	18 inch width or wider	Per lb	1.12
Passenger, truck or passenger, and truck tire cord repair friction (rayon).	18 inch width or wider	Per lb	1.25
Square woven fabric	5 to 7 inch width	Per lb	1.25
	27 to 29 inch width	Per lb	1.00
Filler strip	2 to 4 inch width	Per lb	.80
Stripping stock	any size	Per lb	.68
Padding stock	18 inch width or wider cut in strips.	Per lb	.75
		Per lb	.80
Vulcanizing cement	1 gal. container	Per gal	1.20
	5 gal. container	Per gal	1.00
	50 or 55 gal. drum	Per gal	.90
Cold cure cement	1 gal. container	Per gal	1.20
	5 gal. container	Per gal	1.05
	50 or 55 gal. drum	Per gal	.90

(2) *Sizes not listed in Table I.* Cement in containers of one quart or less and gum stocks in packages of less than one pound are covered by section 6. For all other sizes of tire and tube repair materials covered by this section which are different from the sizes listed in Table I, the price to which discounts are to be applied shall be the price listed in Table I for the same tire and tube repair material in the size nearest to the size being priced.

(c) *Discounts to be applied*—(1) *Sales on a discount basis.* The following are the minimum discounts to be applied to the prices established by paragraph (b). However, on sales to jobbers, and on sales of over 50 pounds to recappers, vulcanizers, and retailers, if a seller had in effect on March 31, 1942, for deliveries of the same type of tire and tube repair materials, a percentage discount from list prices greater than the minimum discount set forth below, he must, on such sales, deduct from the prices established by paragraph (b) a percentage discount at least as large as that he had in effect on March 31, 1942, to that class.

Minimum discounts:
- Sales to jobbers 28%
- Sales of over 50 pounds to recappers, vulcanizers and retailers 20%
- Sales of 50 pounds or less to recappers, vulcanizers and retailers ..... No discount required

(2) *Sales on a net price basis.* A seller who sold or offered for sale tire and tube repair materials during March 1942, on the basis of net prices rather than on the basis of discounts from list prices shall compute his maximum prices as follows:

(i) The maximum price for sales to the class of purchaser to which the seller had the highest net price in effect on March 31, 1942, shall be, in the case of sales to jobbers, 72%, and in the case of sales of over 50 pounds to recappers, vulcanizers, and retailers, 80%, of the price established by paragraph (b) for such sales of the same size and type of tire and tube repair materials.

(ii) Where to a particular class of purchaser, a seller had a net price in effect on March 31, 1942, which was lower than the net price to the class of purchaser covered by (i) above, he shall calculate his maximum price for the particular class as follows:

(a) For sales to jobbers, 72%, and for sales of over 50 pounds to recappers, vulcanizers and retailers, 80%, of the price established in paragraph (b) shall be considered a "list" price.

(b) Express the net price which the seller had in effect on March 31, 1942, to the particular class as a percentage of the highest net price in effect on March 31, 1942, on sales to jobbers or on sales of over 50 pounds to recappers, vulcanizers, and retailers, as the case may be.

(c) Apply the percentage in (b) to the "list" price in (a) to arrive at the maximum price to the particular class of purchaser.

(iii) The price established in paragraph (b) is the maximum price for sales of 50 pounds or less to recappers, vulcanizers and retailers.

(d) *Cement containers*—(1) *Five gallon or smaller.* The maximum prices fixed by this section for rubber cement sold in containers of five gallon size or smaller are for the cement and container. No addition may be made to such maximum prices on account of the containers and no deposit charge may be made for the return of the containers.

(2) *Fifty and fifty-five gallon drums.* The maximum prices fixed by this section for rubber cement sold in fifty or fifty-five gallon drums may not be increased by any charge for the drums. The seller may, however, require a deposit not to exceed $10 per drum, to insure the return of the drum. The deposit must be refunded upon return of the drum in a satisfactory condition for such a used drum. The seller shall not require the purchaser to pay a larger proportion of the return transportation charges on the empty drum than the seller required purchasers of the same class to pay during March 1942.

SEC. 5. *Maximum prices for camelback and certain tire and tube repair materials not meeting general War Production Board specifications*—(a) *Commodities covered by this section*—(1) *Camelback.* This section applies to any camelback which does not comply with the specifications issued by the War Production Board for Grades A, C, and F camelback. Any camelback which is not covered by section 3 is covered by this section.

(2) *Tire and tube repair materials listed in Table I.* This section applies to any tire and tube repair materials which are of a type and size covered by section 4 but which do not comply with the general specifications for such materials issued by the War Production Board.

(b) *How a manufacturer determines his maximum prices.* The maximum price for any sale of camelback or tire and tube repair materials covered by this section by a manufacturer shall be a price, in line with the level of maximum prices established by this regulation, spe-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7498, 8837, 10434.
[2] 8 F.R. 10566, 12542.
[3] 8 F.R. 16689.
[4] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4967, 6047, 6962, 8511, 9025, 9991, 11955, 13724.
[5] 8 F.R. 4132, 5987, 7662, 9998, 15193.

cifically authorized by the Office of Price Administration or determined by the manufacturer after specific authorization from the Office of Price Administration. The manufacturer must determine the maximum price under this paragraph before he is permitted to sell or offer for sale any camelback or tire and tube repair materials covered by this section. A manufacturer who seeks an authorization under this paragraph shall file with the Office of Price Administration, Washington, D. C., an application setting forth:

(1) A description of the camelback or tire and tube repair materials being priced, showing the amount of each material used in the manufacture of a given unit of the material being priced.

(2) His proposed pricing method, showing the maximum price to recappers, vulcanizers, and retailers and the maximum price to jobbers, if any, that would result from the use of such method.

(3) A statement of the reasons why he believes that the use of this method will result in a maximum price or in maximum prices which are in line with the level of maximum prices established by this regulation.

The authorization will be in writing and will either establish a specific maximum price or prices or give a method for determining the maximum price or prices.

(c) *Notification to jobbers.* Any manufacturer who establishes maximum prices under this section for any camelback or tire and tube repair materials shall notify in writing all jobbers to whom he sells such camelback or tire and tube repair materials of the maximum price established for sales to recappers, vulcanizers and retailers and of the maximum price established for sales to jobbers. The manufacturer must give such written notification to the jobber when he first sells or offers to sell any of the camelback or tire and tube repair materials to the jobber, or at any time prior thereto.

(d) *Jobbers' maximum prices.* The maximum price for any sale of camelback or tire and tube repair materials covered by this section by a jobber shall be the price for sales to recappers, vulcanizers and retailers of which he is notified pursuant to paragraph (c). The jobber is not permitted to sell or offer for sale any camelback or tire and tube repair materials covered by this section until he has received a written notification of the maximum price. If the jobber does not in fact receive such written notification from the manufacturer, he shall apply to the Office of Price Administration, Washington, D. C., for such notification.

SEC. 6. *Maximum prices for all other tire and tube repair materials, including tire patches and reliners, tube repair kits, airbags and curing tubes*—(a) *Commodities covered by this section.* This section applies to all tire and tube repair materials not covered by sections 4 and 5. Among the chief items covered by this section are all tube repair kits, all airbags and curing tubes, all tire patches and reliners, containers of cement which are one quart or less and gum stocks (cushion stock, tread stock, tube repair gum and combination tube repair gum) of a type listed in Table I in section 4 which are sold in packages of less than one pound. All tire patches made in whole or in part of rubber are covered by this section, including those for use in vulcanized repairs and cold patches. Maximum prices for such commodities are to be determined in accordance with the first applicable method set forth in paragraphs (b), (c), (d) and (e) of this section.

(b) *Items which are the same as items dealt in by the manufacturer during March 1942*—(1) *Maximum prices.* The maximum price for any item of tire and tube repair materials which is the same as an item dealt in by the manufacturer during March 1942 shall be the highest net price at which the manufacturer delivered, or if he did not deliver, at which he offered for delivery during March 1942, that item to a purchaser of the same class, or if he did not deliver or offer for delivery to a purchaser of the same class, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers. If during March 1942, the manufacturer included in his selling price the federal excise tax which was in effect on rubber products and did not customarily state and collect it separately, the amount of such tax shall be deducted from the price so determined.

(2) *Definition of "same as."* An item shall be deemed to be the same as an item delivered or offered for delivery by the manufacturer during March 1942:

(i) If it has the identical specifications as the March 1942 item; or

(ii) If its factory costs do not differ from the factory costs of the March 1942 item by more than 2 percent and it is identical in the following characteristics:

Type:	*Characteristics*
Tire patches	1. Size (regardless of shape). 2. Number of plies. 3. Fabric materials used (cotton, rayon, etc.). 4. Number of cushions. 5. Cure (uncured, semi-cured or cured).
Reliners	1. Size. 2. Number of plies.
Airbags or curing tubes	1. Size. 2. Type (full circle, ⅓ circle, ⅛ circle, etc.).
Tube repair kits	1. Total quantity of combination tube repair gum 2. Number of bevel-cut patches
Any other type	1. Recognized use

(iii) Or, if the only differences are those resulting from the substitution of buna-S (GR–S) or butyl (GR–I) for crude or reclaimed rubber.

(c) *Items for which maximum prices have been established under Maximum Price Regulation 220.* If, prior to the effective date of this regulation, a manufacturer has already established a maximum price for an item under Maximum Price Regulation 220, the maximum price for such item under this regulation shall be the maximum price which was approved by the Office of Price Administration, Washington, D. C., pursuant to Maximum Price Regulation 220.

(d) *Items which are not the same as, but which are comparable to, items dealt in by the manufacturer during March 1942*—(1) *Items covered by this paragraph.* This paragraph applies to any item of tire and tube repair materials which is not the same, as defined in paragraph (b) (2), as an item dealt in by the manufacturer during March 1942, but whose factory costs do not differ by more than 25 percent from the factory costs of an item dealt in by the manufacturer during March 1942. Maximum prices for such items in general are to be calculated by subtracting from or adding to the maximum price of the comparable item dealt in during March 1942, the difference between the factory costs of such item and the factory costs of the item being priced. Detailed instructions for such calculations are contained in the following provisions of this paragraph.

(2) *Calculation of factory costs.* Factory costs and maximum prices may be calculated for one unit, 100 units or 1,000 units, depending upon which amount is customary to the manufacturer as a pricing basis for the items involved. The factory costs of any item of tire and tube repair materials shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the item by the wage rates determined in accordance with (i) below. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the item by the materials prices determined in accordance with (ii) below. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during March 1942, adjusted to reflect the actual quantity of waste in the production of the item. Factory overhead costs shall be determined in accordance with (iii) below.

(i) *Wage rates.* The wage rates applicable to any item of tire and tube repair materials shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March 1942, for each class of labor involved in the production of the item. If the manufacturer did not employ a given class of labor in March 1942, he shall use the highest wage rate paid for any substantial portion of March 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) *Materials prices*—(a) *All materials, except crude, synthetic, substitute or balata rubber.* The price for any such material shall be the highest price for the material in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class, during March 1942, or the maximum price set by the Office of Price Administration, Washington, D. C., whichever is the lower. If there was no prices for the material in effect to the manufacturer or a purchaser of the same class during March 1942, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after March 1942, or the maximum price set by the Office of Price Administration, whichever is the lower.

(b) *Crude, synthetic, substitute or balata rubber.* The price for any such material shall be the highest price for the material in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class on August 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class on August 1, 1943, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after August 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower.

(iii) *Factory overhead costs.* Factory overhead costs shall be determined by using the methods and average actual rates which were in effect in the manufacturer's plant during the year 1942 for operations similar to those employed in the manufacture of the item being priced. It shall include only those costs which the manufacturer used during 1942 in calculating factory overhead costs. In no case shall factory overhead costs include any selling or administrative costs.

(3) *Items on which factory costs must be calculated.* (i) Where a line of items being priced consists of items which are of the same size and construction as a line of items delivered or offered for delivery by the manufacturer during March 1942, the manufacturer need calculate factory costs only on the base item listed below if such base item is being priced and if the manufacturer had established price relationships (in the form of price lists or otherwise) in effect during March 1942, between an item of the same construction and size as the base item and items of the same construction and size as the other items being priced.

(ii) If (i) above does not apply, but a line of items being priced consists of items which are of the same size and a comparable construction as a line of items delivered or offered for delivery by the manufacturer during March 1942, the manufacturer need calculate factory costs only on the base item listed below if such base item is being priced and if the manufacturer had established price relationships in effect during March 1942, between an item of the same size and comparable construction as the base item and items of the same size and comparable construction as the other items being priced.

(iii) If (i) and (ii) above do not apply, the manufacturer must calculate factory costs on all sizes, constructions, and types of items being priced.

General type:	*Base item*
Tire patches	The cured, semi-cured or uncured single cushion, four ply, cotton patch which most nearly equals 36 square inches in area.
Reliners: Truck tires	32 x 6 size, 4 ply.
Passenger tires	6.00–16 size, 2 ply.
Passenger airbags:	
⅓ circle	6.00 size, first choice; 6.50 size, alternate.
⅛ circle	6.00 size, first choice; 6.50 size, alternate.
Full circle	6.00–16 size, first choice; 6.50–17 size, alternate.
Truck airbags and steambags	8.25–20 size, first choice; 9.00–20 size, alternate.
Passenger curing tubes, full circle	6.00–16 size, first choice; 6.50–17 size, alternate.
Truck curing tubes, full circle	8.25–20 size, first choice; 9.00–20 size, alternate.
Tube repair kits: Consumers' kit	Select the consumers' kit which the manufacturer is presently delivering of the largest volume.
Garage kit	Select the garage kit which the manufacturer is presently delivering in the largest volume.
Any other type	Select the item which the manufacturer is presently delivering in the largest volume.

(4) *Selection of comparable item.* The manufacturer shall select the first applicable of the following items of tire and tube repair materials which he delivered or offered for delivery during March 1942, as the comparable item to be used in calculating the maximum price of an item being priced.

(i) The item of tire and tube repair materials which would be the same as the item being priced but for changes in specifications that have taken place since March 1942.

(ii) The item which has the same use as the item being priced. If there is more than one such item, the manufacturer shall use that one of those items whose factory costs are nearest to the factory costs of the item being priced.

(iii) The item manufactured by the same processes as the item being priced. If there is more than one such item, the manufacturer shall use that one of those items whose factory costs are nearest to the factory costs of the item being priced.

(iv) The item whose factory costs are nearest to the factory costs of the item being priced.

(5) *Calculation of maximum prices.* (i) The manufacturer shall select the comparable items pursuant to the method set forth in (4).

(ii) The manufacturer shall then determine a key price for the comparable item as follows: The manufacturer shall determine his highest net maximum price (for sales of over fifty pounds) of the comparable item to recappers, vulcanizers and retailers, and deduct ten percent from such price. If during March 1942, he sold the comparable item to jobbers only, he shall determine the key price by taking his highest net maximum price to jobbers for the comparable item.

(iii) The manufacturer shall then calculate the factory costs of the item being priced and of the comparable item.

(iv) The manufacturer shall then find his key price for the item being priced by adding to or subtracting from the key price of the comparable item determined in (ii) the amount by which the factory costs of the item being priced are greater or less than the factory costs of the comparable item.

(v) The manufacturer shall then calculate net maximum prices for all classes of purchasers on the item being priced in the following manner:

(*a*) Determine the manufacturer's net price to each class of purchasers for the comparable item.

(*b*) Express the price under (*a*) for each class of purchasers as a percentage of the key price determined under (ii) above.

(*c*) Apply the percentage in (*b*) for each class of purchasers to the key price calculated under (iv) above to obtain the net maximum price to that class.

(vi) Where factory costs are calculated only on a base item, maximum prices for other items on which factory costs need not be calculated shall be determined in the following manner:

(*a*) Determine the net maximum price which the manufacturer had in effect during March 1942, to any class of purchasers, on each item (which corresponds to an item being priced) in the line from which the base item was selected.

(*b*) Express the manufacturer's March 1942, price of each item selected under (*a*) as a percentage of the manufacturer's March 1942, price of the base item.

(*c*) Apply the percentage in (*b*) for each item to the net maximum price for each class of purchasers calculated under (v) above for the base item.

(vii) Once a manufacturer has determined his maximum price under this paragraph (d), that price is his maximum price for all future sales until a new maximum price is calculated and filed as provided in paragraph (f) because of a subsequent change in the item involved.

(e) *Items which cannot be priced under paragraphs* (b), (c) or (d). Two of the chief instances where this paragraph (e) applies are cases where the manufacturer did not offer for sale any tire and tube repair materials during March 1942, and cases where the factory costs of the item of tire and tube repair materials being priced differ by more than 25 percent from the factory costs of the item with which it is being compared, selected according to paragraph (d) (4). Notwithstanding any other provision of this regulation, this paragraph shall also apply to tire patches and reliners made from scrap rubber, provided such tire patches and reliners are not identical to items dealt in by the manufacturer during March 1942. The maximum price under this paragraph (e) shall be determined according to the procedure in section 5 (b). The manufacturer must file with the Office of

Price Administration, Washington, D. C., the application required by that section.

(f) *Manufacturers' reports of maximum prices*—(1) *Reports required.* (i) A manufacturer who determines a maximum price under paragraph (d) for an item on which factory costs are calculated must file with the Office of Price Administration, Washington, D. C., a report on a copy of the form set forth in Appendix A, and must give all the information required by that form.

(ii) A manufacturer who determines a maximum price under paragraph (d) for an item on which factory costs are not calculated must report to the Office of Price Administration, Washington, D. C., the maximum price so determined for each class of purchasers, and must also submit his price lists or other established prices in effect during March 1942, on comparable items which were used to determine price relationships under paragraph (d) (3).

(2) *When calculations and reports must be made*—(i) *Items in production.* For an item which is in production on the effective date of this regulation, and which is priced under paragraph (d), the manufacturer shall calculate his maximum price and make the required report within 30 days after such date. Until the reported maximum price on any such item becomes effective as provided in (3) below, the manufacturer's maximum price shall be the price which he had in effect during March 1942, on the most comparable item to a purchaser of the same class.

(ii) *New items.* For an item which is not in production when this regulation becomes effective, the manufacturer shall calculate his maximum prices and make the required report within 30 days after a purchaser first agrees to buy the item.

(iii) *Modified items.* If an item of tire and tube repair materials on which maximum prices have been determined under paragraphs (c) and (d) is subsequently modified, its factory costs must be recalculated in accordance with the provisions of paragraph (d). If this recalculation reveals that the factory costs of the item as modified vary by more than 2 percent from the factory costs of the item before modification, the maximum price of the item must be redetermined in accordance with paragraph (d), and a new report must be filed within 30 days after a purchaser first agrees to buy the modified item. The manufacturer shall indicate on the report that it is being filed for a modified item. However, the report need not be filed if the item has been modified by the substitution of materials which would result in a higher maximum price and if the manufacturer does not elect to charge the higher maximum price.

(3) *When reported maximum prices become effective.* The manufacturer may not accept payment for any item of tire and tube repair materials being priced until fifteen days have elapsed after the mailing of the report required by this paragraph, except that in the case of any item which is in production when this regulation becomes effective, until the fifteen day period has expired, the manufacturer may continue to charge his March 1942, price on the most comparable item to a purchaser of the same class. Within that fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to that fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(g) *Notification to jobbers.* Any manufacturer who establishes maximum prices for an item under paragraph (d) of this section shall notify in writing all jobbers to whom he sells such item of the maximum price established for sales to recappers, vulcanizers and retailers and of the maximum price established for sales to jobbers. The manufacturer may not give such written notification to any jobber until the reported maximum prices have been approved in writing by the Office of Price Administration or until fifteen days have elapsed after the mailing of the report required by paragraph (e). The manufacturer must give such written notification to the jobber immediately after the maximum prices have been so approved or the fifteen days have elapsed.

(h) *Jobbers' maximum prices for items covered by this section*—(1) *Items dealt in during March 1942.* The maximum price for sales by a jobber of an item of tire and tube repair materials covered by this section which is the same as an item dealt in by the seller during March 1942 shall be the highest net price at which he delivered, or if he did not deliver, at which he offered for delivery, that item to a purchaser of the same class. The test of whether an item is the same as a March 1942 item shall be the same as that set forth for a manufacturer in paragraph (b) (2).

(2) *Items not dealt in during March 1942.* The maximum price for sales by a jobber of an item covered by this section which is not the same as an item delivered or offered for delivery by the seller during March 1942, shall be the price for sales to recappers, vulcanizers and retailers of which he is notified pursuant to paragraph (g). The jobber is not permitted to accept payment for any tire and tube repair materials covered by this paragraph (2) until he has received a written notification of the maximum price. If the jobber does not in fact receive such written notification from the manufacturer, he shall apply to the Office of Price Administration, Washington, D. C., for such notification.

SEC. 7. *Fractions of a cent.* Maximum prices determined under this regulation shall be adjusted to the smallest fraction of a cent that the seller customarily used during March 1942, in pricing products in the same line.

SEC. 8. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 9. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of camelback or tire and tube repair materials imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 10. *Credit.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless the seller during March 1942, required payment of a separately stated additional charge for the extension of credit, by purchasers of the same class on camelback or tire and tube repair materials, and the amount charged for the extension of credit is not in excess of the charge the seller had in effect during March 1942, for extension of credit involving the same amount and term.

SEC. 11. *Transportation charges.* (a) The maximum prices for camelback set forth in section 3 include all costs of transportation by the common carrier having the lowest rate for transportation to the purchaser's plant, except that the actual freight charges may be added to the maximum price on shipments of less than 100 pounds. On sales of 100 pounds or more, if the seller does not deliver the goods to the purchaser's plant, the maximum prices shall be the prices set forth in section 3 less the actual cost of transportation by the common carrier having the lowest rate for transportation to the purchaser's plant.

(b) No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of tire and tube repair materials than the seller required purchasers of the same class to pay during March 1942 on such deliveries.

SEC. 12. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to camelback or tire and tube repair materials, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 13. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.*

SEC. 14. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 15. *Sales slips and receipts.* Any seller who has customarily given purchasers invoices, sales slips, receipts, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity of each grade and type of camelback or tire and tube repair materials sold, and the price charged therefor.

SEC. 16. *Records.* Every person making sales or purchases of camelback or tire and tube repair materials subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade and type purchased or sold.

SEC. 17. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 18. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 19. *Definitions.* (a) When used in this regulation the term:

(1) "Purchaser of the same class" and "class of purchasers" refer to the practice adopted by the seller in setting different prices for camelback or tire and tube repair materials for sales to different purchasers or kinds of purchasers (for example, recapper, vulcanizer, jobber, retailer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(2) "Rubber" means substitute rubber and all forms and types of rubber including scrap, synthetic, balata and reclaimed rubber.

(3) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

(4) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(5) "Base stock" means a rubber compound used to establish a permanent undertread, to act as a cushioning agent against carcass abuse, or to serve as an anchor for lug stock. It is usually manufactured 5/32" to 8/32" in gauge.

(6) "Lug stock" means a lug-shaped heavy rubber compound used in producing the tread design on off-the-road tires. It is applied and vulcanized to a base stock undertread.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

APPENDIX A—FORM FOR REPORTS OF MAXIMUM PRICES DETERMINED UNDER SECTION 6

OPA FORM 696–691 — Form Approved Budget Bureau No. 08–R681

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

WASHINGTON, D. C.

TIRE AND TUBE REPAIR MATERIALS

Report to be filed under section 6 of Revised Maximum Price Regulation 131.

Manufacturer_____ (Date)_____

Address_____
(Street) (City) (State)

1. Description of item of tire and tube repair materials being priced: (Include a sufficient physical description to identify the item and a statement of the type of rubber contained in the item, as defined in paragraph (a) (2) of section 19.)
2. Description of comparable item of tire and tube repair materials.
3. Reason for choice of comparable item. (Explain how the comparable item was selected, following the directions in paragraph (d) (4) of section 6.)
4. Factory Costs: Unit used in this calculation (one, 100, 1,000, pound etc.)_____

Elements of cost	Comparable item	Item being priced	Date price or rate in effect
a. Direct labor	$	$	
	(March 1942, wage rates must be used in these calculations.)		
b. Direct materials: Rubber	$	$	
	(For crude, synthetic, substitute or balata rubber, August 1, 1943, prices must be used in your calculations. If OPA has established lower maximum prices, such prices must be used.)		
Other materials	$	$	
	$	$	
	$	$	
	(For these materials, March 1942, prices must be used in your calculations. If there was no March 1942, price, you must use the first price after March 1942. If OPA has established lower maximum prices such prices must be used.)		
c. Waste	$	$	
	(Apply the same methods you would have used in March 1942, adjusted to reflect the actual quantity of waste. If included under materials costs, do not fill in.)		
d. Factory overhead	$	$	
	(Factory overhead must be computed in exactly the same manner using the same elements of costs and the average actual rates in effect in your plant during the year 1942 for similar operations.)		
e. Total factory costs	$	$	
f. Key price—To_____ (Fill in class of purchasers selected under paragraph (d) (5) (ii) of section 6.)	$		
g. Difference in total factory costs	$		
	(The difference between the total factory costs of the two items as shown on line (e) is the dollar amount to be added to or subtracted from the key price of the comparable item used as a basis for pricing, as shown on line (f).)		

5. Key price of item being priced: $_____
6. Maximum prices of item being priced to all classes of purchaser computed pursuant to paragraph (d) (5) (v) of section 6: (Maintaining March 1942 relationships between classes of purchasers.)

Class of purchasers	Maximum price
_____	$_____
_____	$_____

7. Method by which factory overhead was computed: (State the method employed, including the rates used and the bases to which the rates were applied.)

_____
(Signature of reporting officer)

_____
(Official title)

Effective date. This regulation shall become effective in the District of Columbia and the 48 states February 3, 1944. This regulation shall become effective in the territories and possessions of the United States March 20, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been ap-

*7 F.R. 8961.

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1462; Filed, January 28, 1944; 4:16 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220,[1] Amdt. 14]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 220 is amended in the following respects:

1. Section 1315.1567 (c) is amended to read as follows:

(c) Cements and adhesives made in whole or in part of natural, synthetic, reclaimed, or balata rubber, except tire and tube repair cement.

2. Section 1315.1567 (g) is revoked.

3. Section 1315.1567 (h) (1) is revoked.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 4328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1463; Filed, January 28, 1944; 4:16 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 408,[2] Amdt. 6]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 20 (c) (26) is added to read as follows:

(26) Camelback and tire and tube repair materials sold or delivered to the United States or any agency thereof.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1465; Filed, January 28, 1944; 4:17 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16689.

[2] 8 F.R. 7496, 8837, 10434, 16406.

PART 1335—CHEMICALS

[RPS 76,[1] Amdt. 5]

HIDE GLUE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 76 is amended in the following respects:

1. Section 1335.709 (f) (2) is amended by substituting the words and figures "forty cents (40¢)" for the words and figures "twenty-four cents (24¢)" wherever they occur.

2. Paragraph (g) of § 1335.709 is redesignated (h) and a new paragraph (g) is added to read as follows:

(g) *Hide glue produced from imported material other than coney stock*—(1) *Sales by producers*—(i) *Produced solely from imported material.* The maximum price per pound for hide glue, other than coney glue, produced from imported raw material shall be the applicable price established in paragraphs (a), (b), (c) and (d) of this section increased by 7.5 cents per pound.

(ii) *Produced partly from imported material*—(a) *Mixtures of hide glues.* The maximum price per pound for hide glue consisting of a mixture of a hide glue or glues produced from domestic raw material with a hide glue or glues produced from imported raw material other than coney stock, shall be a price computed by adding the maximum prices for the amounts in pounds of the particular glues in the mixture as established by paragraphs (a), (b), (c), (d) and (g) (1) (i) of this section and then dividing the sum by the total amount in pounds of the glue in the mixture. In selecting a maximum price for any particular glue in a mixture for the purposes of the above computation, where the quantity of the mixture being sold by the producer is a carload lot or more, the producer shall use the maximum price established for carload lots for the particular glue; where the quantity being sold is less than a carload lot, the maximum price established for less than carload lots shall be used.

Example of the above computation on a sale of glue under paragraphs (a) and (g) (1) (i):

Quantity	Grade	Raw material source	Maximum price under paragraphs (a), (b), (c), (d), (g) (i) (i)	Total
Pounds 23,250 6,750	*Grams* 222 197	Domestic..... Imported.....	$0.21 $0.17+$.075	$4,882.50 1,653.75
30,000	$\frac{\$6,536.25}{30,000}$ = $0.2178 maximum price			$6,536.25

(b) *Produced from a mixture of domestic and imported raw material.* The maximum price per pound for hide glue produced from a mixture of domestic raw material with imported raw material other than coney stock, shall be the applicable maximum price established by paragraphs (a), (b), (c) and (d) of this section above for each grade of hide glue so produced, increased by an amount computed by multiplying 7.5 cents by the number representing the percentage by weight, in the finished glue, of glue yielded from the imported stock.

Example of the above computation:

Quantity	Raw material source	Yield	Percentage composition of finished glues
Tons 150 25	Domestic..... Imported.....	*Pounds* 30,000 11,000	73.17 26.83
		41,000	100.00

Permitted increase per pound over prices established in paragraphs (a), (b), (c), (d) for glues of all test produced from above = 7.5¢ × 26.83% = 2¢ per pound.

(2) *Sales by jobbers.* Where a producer has increased his price on a sale of hide glue to a jobber under paragraph (g) (1) above of this section, the jobber may increase his price on sales by him of the hide glue by an amount equal to the difference between the producer's maximum price under paragraphs (a), (b), (c) and (d) of this section above and the increased sale price to the jobber but not in excess of the increase in the producer's maximum price permitted under paragraph (g) (1) above.

Where a jobber has sold a hide glue at a price exceeding that permitted by this subparagraph (2) as a result of a producer selling to him at a price exceeding that permitted under subparagraph (1) above, the jobber shall not be deemed to have violated this subparagraph (2): *Provided,* That he has obtained the written notice from the seller referred to below prior to payment by him, that he has no reason to believe that the producer has violated the regulation and that the jobber has otherwise complied with the regulation.

(3) *Notification.* Every seller who increases his maximum price on a hide glue under the provisions of this paragraph (g) shall, with or prior to the first delivery at the increased price, furnish his purchaser with a written notice, or state on the invoice or bill to the purchaser, that the glue is produced from imported raw material, or contains glue so produced, and that the seller has fully complied with the regulation.

This amendment shall become effective January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1458; Filed, January 28, 1944; 4:14 p. m.]

[1] 7 F.R. 1351, 2132, 2241, 2618, 4361, 8948.

PART 1340—FUEL

[RMPR 137]

PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

Maximum Price Regulation No. 137 is redesignated Revised Maximum Price Regulation No. 137 and is amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade and industry affected. A statement of considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1340.81 *Maximum prices for petroleum products sold at retail establishments.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328 Revised Maximum Price Regulation No. 137 (Petroleum Products Sold at Retail Establishments), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1340.81 issued under 56 Stat. 23, 765; Pub. Law 151, 76th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 137—PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

ARTICLE I—GENERAL PROVISIONS

Sec.

1. To what transactions, products and areas this regulation is applicable.
2. Changes in operators of and sales of retail establishments.
   (a) Sale or transfer of a going business.
   (b) Sale or transfer of a business site.
3. Federal and State taxes.
   (a) Tax in effect during March 1942.
   (b) Tax or increase in tax effective after March 1942.
4. Records, receipts and posting of prices.
   (a) Base period records.
   (b) Current records.
   (c) Sales slips and receipts.
   (d) Statement and posting of maximum prices of petroleum products.
5. Petitions for changes in the regulation or other relief.
   (a) Petitions for amendment.
   (b) Adjustments because of Fair Trade Acts.
6. Compliance with this regulation.
   (a) No selling or buying above maximum prices.
   (b) Evasion.
   (c) Enforcement.
   (d) Licensing.
7. Definitions.
8. Index: Reports, records and petitions.

*Copies may be obtained from the Office of Price Administration.

ARTICLE II—MAXIMUM PRICES FOR PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

Sec.

9. Specific maximum prices.
10. Maximum prices where no specific prices are provided.
   (a) Ordinary pricing methods for all petroleum products.
      1. March price.
      2. Maximum price of nearest seller.
   (b) Special pricing methods for motor fuel.
      1. Three-cent margin.
      2. October 1–15, 1941 margin.
11. Increases in maximum prices.
   (a) Increases where maximum prices of suppliers have been increased.
   (b) Increases in maximum prices of particular products in designated areas.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *To what transactions, products and areas this regulation is applicable.* This regulation covers all sales and deliveries at service stations and other retail establishments of the following petroleum products:

Motor fuel.
Motor lubricating oil.
Greases.
Kerosene.
Prime white distillate.
Nos. 1 and 2 fuel oil and range oil.
Cleaner's or other naphthas.

The provisions of this regulation shall be applicable to the United States, its territories and possessions and the District of Columbia. For exceptions of the Panama Canal Zone see Supplementary Order No. 8.[1]

SEC. 2. *Changes in operators of and sales of retail establishments*—(a) *Sale or transfer of a going-business.* If a retail establishment or a service station lease is sold or transferred or if the operator of such a service station is changed and if the sale, transfer or change in operation occurs at a time when the establishment is in operation or within a period of 60 days after operation of the establishment was discontinued the maximum prices of the transferee or new operator shall be the maximum prices which the transferor would have been subject to in sales of petroleum products of the same grade if no such change had taken place and the obligations of the transferee to keep records and make reports shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of sale prior to the transfer which are necessary to enable the transferee to comply with the record and statement provisions of this regulation.

(b) *Sale or transfer of a business site.* If a retail establishment or a service station lease is sold or transferred or if the operator of a service station is changed but no petroleum products have been sold at retail from the site for a period of sixty days prior to the sale, transfer, or change in operation, the maximum prices of the transferee or new operator shall be the maximum prices which may be charged under the other provisions of this regulation by his nearest seller of the same class for a petroleum product of the same grade.

SEC. 3. *Federal and State taxes*—(a) *Tax in effect during March, 1942.* Where a seller during March, 1942 included a tax (either directly or by separate statement and collection) as a part of his price for a petroleum product, he may include such tax (either directly or by separate statement and collection) as a part of any maximum price established under this regulation for that product or for a new product he is now selling which is subject to the same tax.

(b) *Tax or increase in tax effective after March, 1942.* Any tax increase or new tax imposed after March, 1942 upon or incident to the sale, delivery or use of any petroleum product covered by this regulation may be collected in addition to the maximum prices established under this regulation. However, in the case of the Federal excise on lubricating oils provided by the Revenue Act of 1942, effective November 1, 1942, a seller of motor lubricating oils may collect in addition to the maximum prices established under this regulation one cent on each sale of five quarts or less, and the total amount of the increase adjusted to the nearest cent on each sale of more than five quarts.

SEC. 4. *Records, receipts and posting of prices*—(a) *Base period records.* Every person selling petroleum products at retail establishments subject to this regulation shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such petroleum products as he delivered during March 1942.

(2) Prepare, on or before July 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices which he charged for such petroleum products as he delivered during March 1942, with an appropriate description or identification of such petroleum products by reference to kind and grade;

(ii) All his customary allowances, discounts and other price differentials.

(b) *Current records.* Every person selling petroleum products at service stations subject to this regulation shall keep and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such petroleum products as he sold at retail establishments, after May 18, 1942, and, in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for such petroleum products.

(c) *Sales slips and receipts.* Any person subject to this regulation who has customarily given a purchaser a sales slip, receipt or similar evidence of pur-

[1] 7 F.R. 8810, 8862.

chase shall continue to do so. Upon request from a purchaser any person subject to this regulation shall give the purchaser a receipt showing the date, the name and address of the seller, the kind, grade and quantity of the petroleum products sold, and the price received for it.

(d) *Statement and posting of maximum prices of petroleum products.* (1) Every person selling petroleum products at retail establishments shall post the maximum price chargeable to purchasers of the class to whom he makes the bulk of his sales for each grade of petroleum products in a manner plainly visible to and understandable by, each purchaser. Such postings shall be marked "maximum prices," "ceiling prices" or "our ceiling," beneath which shall be marked each grade of the petroleum product offered for sale and opposite each grade shall be stated the maximum price for that grade. Every person whose maximum prices are increased pursuant to authorization by the Office of Price Administration shall indicate separately either for 60 days after such authorization or for so long as the increase remains effective, whichever period is shorter, the amount by which the maximum prices were increased, and the fact that such increase was authorized by the Office of Price Administration. In making this representation such person shall use the following language: "Amount of Increase—cents per gallon—Approved by the Office of Price Administration" or any other statement supplying the same information.

SEC. 5. *Petitions for changes in the regulation or other relief—*(a) *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

(b) *Adjustments because of Fair Trade Acts.* Maximum prices established under this regulation may be adjusted in the case of any seller at retail who shows:

(1) That his maximum price for any commodity established under this regulation is less than the minimum price in effect for such commodity during March 1942 pursuant to a contract entered into in accordance with a Fair Trade Act of any state; and

(2) That the commodity was generally sold at retail during March 1942 at such minimum price within the locality in which his selling establishment is located; and

(3) That he has been permanently enjoined by a court from selling the commodity at less than such minimum price. In such a case the maximum price of such seller will be increased to such minimum price. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

Each Regional Administrator of the Office of Price Administration and such District Directors of the Office of Price Administration as may be designated by the appropriate Regional Administrator are hereby authorized to make adjustments or act upon applications for adjustment under this paragraph (b).

SEC. 6. *Compliance with this regulation—*(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation no person shall sell or deliver petroleum products at retail establishments at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things. Prices lower than the maximum prices may, of course, be charged and paid.

(b) *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of petroleum products alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. *Definitions.* (a) "Petroleum products" means motor fuel as defined in section (7) (b), kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil, cleaner's or other naphthas, motor lubricating oils and greases.

(b) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motorboats, and shall include any liquid fuel to which Federal gasoline taxes apply except aviation gasoline of 87 octane rating or higher (A. S. T. M. Method).

(c) "Retail establishment" means the physical location of the store, shop, garage, service station, or other place of business in which petroleum products are sold at retail other than by delivery in tankwagon or larger lots.

(d) "Service station" means any place of business or part thereof, where motor fuel is delivered into the fuel supply tanks of motor vehicles or motorboats.

(e) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(f) "Seller" means a person making sales of petroleum products. Where a seller makes sales through more than one retail establishment, each separate retail establishment shall be deemed to be a separate seller, except that for the purposes of section 6 (d) licensing sellers subject to this regulation, the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

(g) "Seller of the same class" means a seller (1) performing the same function, (2) of similar type, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(h) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for a commodity for sales to purchasers located in different areas or buying in different quantities or grades or under different conditions of sale.

(i) "Reference seller." The companies hereinafter named are the reference tank wagon sellers for any point in the Continental United States, in the state, states or districts set out opposite the name of the company: *Provided*, That such company has an applicable price for such point:

For any points in the State of:	*Reference tank wagon sellers*
Alabama	Standard Oil Co. (Kentucky).
Arizona	Standard Oil Co. of California.
Arkansas	Standard Oil Co. of Louisiana.
California	Standard Oil Co. of California.
Colorado	Continental Oil Co.
Connecticut	Socony-Vacuum Oil Co., Inc.
Delaware	The Atlantic Refining Co.
District of Columbia	Standard Oil Co. of New Jersey.
Florida	Standard Oil Co. (Kentucky).
Georgia	Standard Oil Co. (Kentucky).
Idaho	Continental Oil Co.
Illinois	Standard Oil Co. (Indiana).
Indiana	Standard Oil Co. (Indiana).
Iowa	Standard Oil Co. (Indiana).
Kansas	Standard Oil Co. (Indiana).
Kentucky	Standard Oil Co. (Kentucky).
Louisiana	Standard Oil Co. of Louisiana.
Maine	Socony-Vacuum Oil Co., Inc.
Maryland	Standard Oil Co. of New Jersey.
Massachusetts	Socony-Vacuum Oil Co., Inc.
Michigan	Standard Oil Co. (Indiana).
Minnesota	Standard Oil Co. (Indiana).
Mississippi	Standard Oil Co. (Kentucky).
Missouri	Standard Oil Co. (Indiana).
Montana	Continental Oil Co.
Nebraska	Standard Oil Co. (Nebraska).
Nevada	Standard Oil Co. of California.
New Hampshire	Socony-Vacuum Oil Co., Inc.

For any points in the State of:	*Reference tank wagon sellers*
New Jersey	Standard Oil Co. of New Jersey.
New Mexico	Continental Oil Co.
New York	Socony-Vacuum Oil Co., Inc.
North Carolina	Standard Oil Co. of New Jersey.
North Dakota	Standard Oil Co. (Indiana).
Ohio	Standard Oil Co. (Ohio)
Oklahoma	Continental Oil Co.
Oregon	Standard Oil Co. of California.
Pennsylvania	The Atlantic Refining Co.
Rhode Island	Socony-Vacuum Oil Co., Inc.
South Carolina	Standard Oil Co. of New Jersey.
South Dakota	Standard Oil Co. (Indiana).
Tennessee	Standard Oil Co. of Louisiana.
Texas	The Texas Co.
Utah	Continental Oil Co.
Vermont	Socony-Vacuum Oil Co., Inc.
Virginia	Standard Oil Co. of New Jersey.
Washington	Standard Oil Co. of California.
West Virginia	Standard Oil Co. of New Jersey.
Wisconsin	Standard Oil Co. (Indiana).
Wyoming	Continental Oil Co.

SEC. 8. *Index; reports, records and petitions.* (a) The following reports are required by this regulation:

Section 2 (a). Reports to continue unchanged in case of transfer of business.
Section 4 (c). Sales slips and receipts to purchasers.

(b) The following records are required by this regulation:

Section 2 (a). Records to be continued unchanged in case of transfer of business.
Section 4 (a). Base period records.
Section 4 (d). Statement and posting of maximum prices of motor fuels.

(c) The following petitions may be filed under this regulation:

Section 5 (a). Petitions for amendment.
Section 5 (b). Adjustments because of Fair Trade Acts.

ARTICLE II—MAXIMUM PRICES FOR PETROLEUM PRODUCTS SOLD AT RETAIL ESTABLISHMENTS

How to Determine Maximum Prices

Specific prices. Examine section 9. If it contains a specific price, this is your maximum price. There are no additions to these prices.

March, 1942 prices. If no specific price is provided, examine section 10 (a). This section requires you to charge no more than the highest price you charged in March, 1942 for each grade of a petroleum product. To this price may be added the increases set forth in section 11.

March, 1942 price of nearest seller. Where you wish to sell a grade of a petroleum product which you did not sell in March, 1942 you may use the maximum price of the nearest seller of your class for that grade.

Two special pricing methods for motor fuel. Instead of using your March, 1942 price for motor fuel, you may, if you choose, use one of the two special pricing methods for motor fuel set forth in section 10 (b). The first method permits you to fix a maximum price for motor fuel which gives you a three-cent margin over the maximum tank wagon price of the reference seller for undivided dealers. The reference seller for your area is set forth in section 7 (i). The second method permits you to compute a margin on the basis of the difference between your service station price October 1–15, 1941 and the tank wagon price of the reference seller October 1–15, 1941. You add this margin to the maximum tank wagon price of the reference seller as it is posted at the present time.

SEC. 9. *Specific maximum prices.*

NOTE: Nothing can be added to the maximum prices set forth in this section.

(a) *Gasoline.* [none]

(b) *Kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil.*

(1) CONNECTICUT

(i) In the Bridgeport, Connecticut Area, comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.8 cents per gallon.

(ii) In the Danbury, Connecticut Area, comprising the following townships and cities in the State of Connecticut, Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(iii) In the Greenwich-Norwalk, Connecticut Area, comprising the town and cities of Darien, Greenwich, New Canaan, Norwalk, Stamford, Stamford City and Wilton, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(iv) In the Hartford, Connecticut Area, comprising the townships and cities of Bloomfield, East Hartford, Glastonbury, Hartford, Newington, Wethersfield, Windsor, Windsor Locks, East Windsor, South Windsor and West Hartford, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(v) In the New Haven, Connecticut Area, comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.8 cents per gallon.

(vi) In the Waterbury, Connecticut Area, comprising the towns and cities of Waterbury, Naugatuck, Middlebury, Woodbury, Watertown, Wolcott, Prospect, and Cheshire, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(2) MARYLAND

Within the corporate limits of the City of Baltimore, Maryland, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(3) MASSACHUSETTS

In the Metropolitan Boston, Massachusetts Area comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.6 cents per gallon.

(4) MICHIGAN

Within the counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne in the State of Michigan the maximum prices for sellers at retail establishments of kerosene, prime white distillate, Nos. 1 and 2 fuel oil and range oil, also known as stove oil or heater oil, shall be as follows:

	Cents per gallon
Kerosene	14.5
Range oil, also known as stove oil or heater oil	11.5
Prime white distillate and Nos. 1 and 2 fuel oil	11.0

(5) NEW HAMPSHIRE

In the Conway, New Hampshire Area comprising the town and cities of Albany, Bartlett, Chatham, Conway, Eaton, Hales's Location, Jackson, Madison and Tamworth, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 14.5 cents per gallon.

(6) NEW JERSEY

Within the counties of Union, Middlesex, Essex, Hudson, Bergen, and Passaic, State of New Jersey, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

(7) NEW YORK

(i) Within the corporate limits of New York City, New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.3 cents per gallon.

(ii) Within the counties of Westchester, Nassau and Suffolk, State of New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

(iii) In the townships and cities in the State of New York of Brewster, Patterson and Palding, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.3 cents per gallon.

(8) PUERTO RICO

Maximum prices of kerosene at retail establishments in Puerto Rico shall be 18¢ per gallon, except that when a quantity of less than one gallon is sold the maximum price shall be 5¢ per quart.

(9) WASHINGTON, D. C.

Within the Washington, D. C. tankwagon area the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 14.8 cents per gallon.

SEC. 10. *Maximum prices where no specific prices are provided—*(a) *Ordinary pricing methods for all petroleum products—*(1) *March price.* A seller's maximum price for each grade of a petro-

leum product shall be the highest price charged to a purchaser of the same class by such seller at each retail establishment during March, 1942 for each grade of a petroleum product. To this price may be added the increases provided for in section 11.

(2) *Maximum price of nearest seller.* If a seller did not sell a particular grade of a petroleum product at a retail establishment during March, 1942 such seller's maximum price shall be the maximum price which may be charged under the other provisions of this regulation by his nearest seller of the same class for a petroleum product of the same grade.

(b) *Special pricing methods for motor fuel*—(1) *Three cent margin.* A seller of motor fuel, except liquefied petroleum gas, at a retail establishment may, if he chooses, fix a maximum price for each grade of motor fuel by adding three cents a gallon to the maximum tank wagon price of the reference seller for undivided dealers for the point where the retail establishment is located. If the reference seller has no maximum tank wagon price for undivided dealers for the point where the retail establishment is located a maximum price may be fixed by adding three cents a gallon to the maximum tank wagon price to the nearest undivided dealer who is a tank wagon buyer. The reference tank wagon sellers are listed by states and the District of Columbia in section 7 (i).

(2) *October 1–15, 1941 margin.* (i) A seller of motor fuel at a retail establishment may, if he chooses, fix a maximum price for each grade of motor fuel by adding to the maximum tank wagon price of the reference seller for undivided dealers for the point where the retail establishment is located an amount equal to the difference which existed between:

(*a*) The tank wagon price of the reference seller for undivided dealers at that point during the major portion of the period October 1–15, 1941, and

(*b*) The service station price for motor fuel of that grade at the service station or other retail establishment during the major portion of the period October 1–15, 1941.

NOTE: The reference tank wagon sellers are are listed by states and the District of Columbia in section 7 (i).

(ii) If the reference seller has no maximum tank wagon price for undivided dealers for the point where the retail establishment is located, or had no tank wagon price for undivided dealers at that point during the major portion of the period October 1–15, 1941, a maximum price may be fixed by adding to the maximum tank wagon price to the nearest undivided retail dealer who is a tank wagon buyer an amount equal to the difference which existed between:

(*a*) The tank wagon price to such nearest undivided retail dealer during the major portion of the period October 1–15, 1941, and

(*b*) The service station price for motor fuel of that grade at the service station or other retail establishment for which a price is being determined during the major portion of the period October 1–15, 1941.

SEC. 11. *Increases in maximum prices*—(a) *Increases where maximum prices of suppliers have been increased.*

NOTE: The increases set forth in this paragraph may be added to March, 1942 prices only. They may not be added to prices fixed under section 9 or section 10 (b) (1) and (2).

(1) *Tank wagon purchasers.* If the maximum tank wagon price of a particular petroleum product to a retail dealer is increased pursuant to any regulation or provision of the Office of Price Administration which became effective on or after February 13, 1943, such retail dealer's maximum price for such petroleum product determined under section 10 (a) (1) shall be increased by the same amount.

(2) *Bulk purchasers in tank car, motor transport, barge, etc. lots.* If a retail dealer is not a tank wagon buyer of gasoline, kerosene, range or stove oil, distillate fuel oils, tractor and diesel fuel at a particular retail establishment, and, therefore, cannot take advantage of the increase permitted certain tank wagon buyers under the preceding paragraph, his maximum price shall be the sum of:

(i) His maximum price as determined under section 10 (a) (1) and,

(ii) An amount equal to the difference between his delivered cost on June 19, 1943 and the maximum tank wagon price of the reference seller at that point. The reference tank wagon sellers are listed by states and the District of Columbia in section 7 (i).

In no event, however, may a retail dealer who fixes a maximum price for a petroleum product at his retail establishment under the provisions of this section 11 (a) (2) exceed the maximum price for such product at the nearest retail establishment where the dealer is a tank wagon buyer.

(b) *Increases in maximum prices of particular products in designated areas.*

NOTE: The increases set forth in this paragraph may be added to March, 1942 prices only. They may not be added to prices fixed under section 9 and section 10 (b) (1) and (2).

(1) *Area increases*—(i) *Eastern Seaboard increases for gasoline, kerosene, range oil, Nos. 1 and 2 fuel oil and Diesel fuel.* In the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia and within the corporate limits of Bristol, Tennessee, the maximum prices of gasoline, kerosene, range oil, Nos. 1 and 2 fuel oil and Diesel fuel sold at retail establishments, determined under section 10 (a) (1), may be increased by the following amounts:

Product:	*Amount of increase (cents per gallon)*
Gasoline	0.4
Kerosene, range oil, and No. 1 fuel oil	1.7
#2 fuel oil and Diesel fuel	1.4

(ii) *Balance of rationed area.* In any area where fuel oil rationing is required by the United States Government or any agency thereof, other than the area included in subdivision (i) of this section 11 (b) (1), the maximum prices for kerosene, range oil, prime white distillate No. 1 or Pacific Specification No. 100 fuel oil, No. 1 fuel oil, No. 2 fuel oil and Diesel fuel determined under section 10 (a) (1) may be increased 0.3 of a cent per gallon. The total amount charged on each lot sold shall be adjusted to the nearest cent.

(iii) *Pennsylvania grade motor oils in the Pacific Coast Area.* (*a*) Maximum prices in the Pacific Coast Area as determined under section 10 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by The Pennzoil Company are increased to 35 cents a quart in any case where the maximum prices of such sellers under said section 10 (a) (1) are below that amount.

(*b*) Maximum prices in the Pacific Coast Area as determined under section 10 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by Hyvis Oils, Inc., of California are increased to 35 cents a quart in any case where the maximum prices of such sellers under section 10 (a) (1) are below that amount.

(*c*) Maximum prices in the Pacific Coast Area as determined under section 10 (a) (1) for sellers at retail establishments of all S. A. E. grades of Pennsylvania grade motor oils marketed by Kern Oil Company, Limited, are increased to 30 cents a quart in any case where the maximum prices of such sellers under said section 10 (a) (1) are below that amount.

(iv) *Puerto Rico: Excise taxes.* (*a*) In addition to the maximum price as determined by section 10 (a) (1), sellers of gasoline at retail establishments in the Territory of Puerto Rico may charge from and after December 1, 1942, 3 cents per gallon inasmuch as the additional excise tax of 3 cents per gallon, which became effective on December 1, 1942, is not collectible, in addition to the maximum price pursuant to section 3 of this regulation. This additional charge may not be collected from the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

(*b*) In addition to the maximum price as determined by section 10 (a) (1) sellers of petroleum products at retail establishments in the Territory of Puerto Rico may charge, from and after March 5, 1943, to a purchaser included in subsection 4, entitled "Other Excises * * *" of Act 25 enacted by the Legislature of Puerto Rico and approved December 4, 1942, the amount of the 3% tax therein imposed and 3½¢ per gallon to cover the tax increase on lubricating oil imposed by such Act, except that the total amount charged on each lot shall be adjusted to the nearest cent.

(2) *Local increases*—(i) *Quincy, Illinois, gasoline.* In Quincy, Illinois, the maximum prices of regular and premium grade gasoline sold at retail establishments determined under section 10 (a) (1) is increased 1.5 cents a gallon.

(ii) *Great Falls, Montana, gasoline.* Maximum prices as determined under section 10 (a) (1) for service station operators within the Great Falls, Montana, tank wagon area who reduced their prices on third grade and regular grade gasoline between February 25 and February 28, 1942, inclusive, are increased by the amount of such decrease but not more than 1½ cents per gallon.

Effective date. This revised regulation shall become effective February 3, 1944.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1466; Filed, January 28, 1944; 4:17 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 493,[1] Amdt. 3]

DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943 AND OTHER SPECIFIED CROPS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 493 is amended in the following respects:

1. The title of Maximum Price Regulation No. 493 is amended to read as set forth above, and all references to the title in the regulation are amended to read as set forth above.

2. Section 1 is amended to read as follows:

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for the apple products listed in section 2, processed from apples of the 1943 and later crops, and sales of the listed products processed from apples of other crop years as covered by section 15a.

3. Section 15a is added to read as follows:

SEC. 15a. *Maximum prices for resales by processors of apple products which have been sold by government agencies to processors.* The processor's maximum price, f. o. b. factory, for sales to purchasers other than government procurement agencies of any item listed in section 2, packed from apples of any year's crop, which has been sold to the processor by a government agency, shall be the maximum price established by this regulation for the same item when packed from apples of the 1943 crop.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1460; Filed, January 28, 1944; 4:16 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15697.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285,[1] Amdt. 6]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 285 is amended in the following respects:

1. Section 1351.1253 (c) is amended to read as follows:

(c) If a wholesaler purchases fresh bananas at any of the following auction markets, New York, N. Y., Philadelphia, Pa., and Baltimore, Md., he shall apply the provisions of this section to such fresh bananas purchased at auction, except that the figure by which he multiplies his "delivered price" shall be the figure set forth in Appendix A for wholesalers who purchase at auction. "Delivered price" in the case of auction sales means the maximum price per cwt., f. o. b. port of entry, plus the actual transportation charges from the port of entry to the auction market, plus $1.00 per cwt., less such trade discounts, and rebates for auction sales heretofore in effect.

2. Column III part (b) of the table in § 1351.1267 is amended by deleting the figures of 1.225 for sales on stem and 1.32 for sales in hand and substituting therefor the figures of 1.235 and 1.3375, respectively.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1464; Filed, January 28, 1944; 4:18 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 444,[2] Correction]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; COTTONSEED HULLS AND HULL BRAN; AND WHOLE PRESSED COTTONSEED

In the definition of "recognized handler" in section 3 the word "and" is corrected to read "or."

This correction shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1466; Filed, January 28, 1944; 4:17 p. m.]

[1] 8 F.R. 3050, 10659, 16626, 9 F.R. 219.
[2] 9 F.R. 203.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[RMPR 169,[1] incl. Amdt. 36]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

Sections 1364.406 (a), 1364.407 (e), 1364.415, 1364.452 (o) (1), (2), (3), (4) and (5), 1364.454 (d), 1364.455 (b) (1), 1364.467 (n) (1), (4) and (5), 1364.469 (d), 1364.470 (b) (1) are amended; § 1364.416 is redesignated 1364.417; §§ 1364.416, 1364.455 (b) (4), (5) and (6), 1364.470 (b) (4), (5) and (6) are added by Amendment 36, effective February 3, 1944, so that Revised Maximum Price Regulation No. 169 shall read as follows:

Preamble: In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for processed products the prices prevailing with respect thereto during the period March 16 to March 28, 1942, inclusive, and to establish for beef and veal carcasses and wholesale cuts specific prices slightly higher than those prevailing during such period. These prices are established as provided in §§ 1364.451 and 1364.452 for beef; §§ 1364.466 and 1364.467 for veal; and § 1364.476 for processed products. The Price Administrator has ascertained and given due consideration to the prices of beef and veal carcasses and wholesale cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which beef and veal carcasses and wholesale cuts and processed products are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the

[1] 7 F.R. 10381.
[2] Statements of considerations are also issued simultaneously with each amendment. Copies may be obtained from the Office of Price Administration.

trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 169 is hereby issued.

[Preamble amended by Amdt. 4, 8 F.R. 4097, effective 4–3–43, and Supplementary Order No. 63, 8 F.R. 12553, effective 9–11–43]

AUTHORITY: §§ 1364.401 to 1364.530, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SUBPART A—GENERAL PROVISIONS

Sec.
1364.401 Prohibition against selling beef and veal carcasses and wholesale cuts, and processed products at prices above the maximum.
1364.402 Exempt sales.
1364.403 Export sales.
1364.404 Less than maximum prices.
1364.405 Adjustable pricing and transportation adjustments.
1364.406 Evasion.
1364.407 Records and reports.
1364.408 Enforcement.
1364.409 Licensing.
1364.410 Petitions for amendment.
1364.411 Duty to maintain grades.
1364.412 Applicability of General Maximum Price Regulation.
1364.413 Revocation of orders issued under Maximum Price Regulation No. 169.
1364.414 Effective date.
1364.415 Limitation on volume of sales to purveyors of meals; records and reports.
1364.416 Limitation on volume of sales to ultimate consumers by hotel supply houses.
1364.417 Effective dates of amendments

SUBPART B—PROVISIONS AFFECTING BEEF

1364.451 Maximum prices for beef carcasses and wholesale cuts.
1364.452 Schedule I: Beef price zones and applicable zone prices.
1364.453 Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.
1364.454 Schedule III: Amounts which may be added to zone prices listed in Schedule I.
1364.455 Definitions applicable to beef.

SUBPART C—PROVISIONS AFFECTING VEAL

1364.466 Maximum prices for veal carcasses and wholesale cuts.
1364.467 Schedule IV: Veal price zones and applicable zone prices.
1364.468 Schedule V: Amounts which must be deducted from zone prices listed in Schedule IV.
1364.469 Schedule VI: Amounts which may be added to zone prices listed in Schedule IV.
1364.470 Definitions applicable to veal.

[1] 7 F.R. 8961; 8 F.R. 3313, 3583, 6173, 11806.

SUBPART D—PROVISIONS AFFECTING PROCESSED PRODUCTS

Sec.
1364.476 Maximum prices for processed products.
1364.477 Definitions applicable to processed products.
1364.478 Petitions for adjustment.

SUBPART E—APPENDICES

1364.526 Appendix A: Formula for meat marking fluid.
1364.527 Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.
1364.528 Appendix C: Specifications for grades of carcass beef.
1364.529 Appendix D: Specifications for grades of veal carcasses.
1364.530 Appendix E: Beef cutting charts.
1364.531 Appendix F: Form No. 636–590.

SUBPART A—GENERAL PROVISIONS

§ 1364.401 *Prohibition against selling beef and veal carcasses and wholesale cuts, and processed products at prices above the maximum*—(a) *Beef carcasses and wholesale cuts.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any beef carcass or beef wholesale cut, and no person shall buy or receive any beef carcass or beef wholesale cut at a price higher than the maximum price permitted by § 1364.451; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of beef carcasses or beef wholesale cuts to a purchaser, if, prior to December 10, 1942, such beef carcasses or beef wholesale cuts have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "beef carcass," and "beef wholesale cut" are defined in § 1364.455.

(b) *Veal carcasses and wholesale cuts.* On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any veal carcass or veal wholesale cut and no person shall buy or receive any veal carcass or veal wholesale cut at a price higher than the maximum price permitted by § 1364.466, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of veal carcasses or veal wholesale cuts if, prior to April 3, 1943 such veal carcasses or veal wholesale cuts have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "veal carcass," and "veal wholesale cut" are defined in § 1364.470.

[Paragraph (b) as amended by Am. 4, 8 F.R. 4097, effective 4–3–43]

(c) *Processed products.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any processed product and no person shall buy or receive any processed product at a price higher than the maximum price permitted by § 1364.476; and no person shall agree, offer, solicit or attempt to do any of the foregoing. "Person" and "processed product" are defined in § 1364.477.

[Paragraph (c) added by Am. 4, 8 F.R. 4097, effective 4–3–43]

(d) *Maximum prices for slaughtering services.* Any person who slaughters cattle or calves as a service for the purchaser of such cattle or calves shall remit to such purchaser an amount sufficient to make the cost of the dressed beef or veal carcass or of the wholesale cuts derived therefrom to such purchaser, equal to or less than the costs which would be incurred by the purchaser, if he purchased the carcass or cuts from the slaughterer at the slaughterer's maximum price therefor: *Provided*, That this requirement shall not apply in cases where the purchaser does not acquire the carcasses or cuts for resale in any form: *Provided further*, That this requirement shall not apply with respect to the slaughter of cattle or calves for a purchaser who resells the meat derived therefrom other than at retail in those cases where the following circumstances exist and the slaughterer and purchaser have filed with the appropriate district, State, or regional office of the Office of Price Administration, evidence based upon regular business records showing that:

(1) The slaughterer during the period January, 1941, to March, 1942, inclusive, (i) did not sell any beef or veal carcasses or wholesale cuts and (ii) regularly slaughtered cattle or calves for such purchaser on a continuing contractual basis; and (2) during such period the purchaser (i) did not himself slaughter cattle or calves and (ii) procured at least 75 percent of the beef or veal sold by him from cattle or calves slaughtered for him by such slaughterer: *Provided, further*, That, on or after March 25, 1943, this requirement shall not apply in cases where the cattle or calves slaughtered are certified to be club cattle or calves within the meaning of this Revised Maximum Price Regulation No. 169, as amended, and the supervisor, club agent, agricultural county agent, or vocational agricultural project teacher as the case may be, has filed a sworn certificate to the effect with the appropriate district, State, or regional office of the Office of Price Administration or any duly authorized representative thereof. Carcasses derived therefrom must be graded in accordance with the grade specifications contained in this Revised Maximum Price Regulation No. 169.

To enable the slaughterer to determine the amount to be remitted to the purchaser, it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the cattle or calves slaughtered.

[Paragraph (d), formerly (c), amended by Am. 3, 8 F.R. 491, effective 1–16–43; redesignated (d) and amended by Am. 4, 8 F.R. 4097, effective 4–3–43; Am. 6, 8 F.R. 4844, effective 4–14–43; and Am. 25, 8 F.R. 11298, effective 7–16–43]

(e) *War procurement agencies.* Notwithstanding any of the foregoing provisions of this § 1364.401, a war procurement agency, in addition to paying to the seller the maximum price for the commodity prescribed by the applicable provision of this regulation, may pay to Defense Supplies Corporation an amount equivalent to the meat production payments made by Defense Supplies Corporation on account of the production of such meat.

[Paragraph (e) added by Am. 15, 8 F.R. 7675. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

§ 1364.402 *Exempt sales.* The provisions of this Revised Maximum Price Regulation No. 169 shall not apply

(a) To sales at retail:

(1) As defined in § 1364.455 with respect to sales of beef; and

(2) As defined in § 1364.470 with respect to sales of veal; and

(3) As defined in § 1364.477 with respect to sales of processed products;

(b) To deliveries of beef made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to December 10, 1942: *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To deliveries of veal made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to April 3, 1943: *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(d) To sales outside of the forty-eight states of the United States and the District of Columbia.

[Paragraph (a) amended, (c) added, and former (c) redesignated (d) by Am. 4, 8 F.R. 4097, effective 4–3–43]

§ 1364.403 *Export sales.* The maximum price at which a person may export any beef carcass or wholesale cut, veal carcass or wholesale cut, processed product, or other meat item subject to this Revised Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration.

§ 1364.404 *Less than maximum prices.* Lower prices than those established in §§ 1364.451, and 1364.452, for beef, in §§ 1364.466 and 1364.467 for veal and in § 1364.476 for processed products may be charged, demanded, paid or offered.

[§ 1364.404 as amended by Am. 4, 8 F.R. 4097, effective 4–3–43]

§ 1364.405 *Adjustable pricing and adjustment*—(a) *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) *Adjustment for transportation to critical areas.* Upon a finding that a critical shortage of meat has occurred in a specific area because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Administrator may by order designate such area as a critical area for such period as he may prescribe. Subject to such conditions as may be prescribed in the order of the Administrator, the Regional Administrator for the area or any District Manager designated by him, may in writing authorize named sellers to charge and receive, for beef and veal carcasses and wholesale cuts, and processed products sold to buyers in that area, the added cost of transportation in addition to the applicable maximum price.

(c) The Office of Price Administration, may, by order, adjust the maximum price established by §§ 1364.451 and 1364.452 or §§ 1364.466 and 1364.467 for the sale by a seller of kosher beef or veal to a buyer of kosher meat, in any case in which such seller shows:

(1) That the seller during the year preceding March 1942, was regularly engaged in the kosher slaughtering of beef or veal and selling such beef or veal to buyers of kosher meat within the market area in which his plant is located; and the proportion of kosher slaughter to total slaughter, by months;

(2) That only a portion of his slaughter is kosher slaughter, and that, as a result thereof, the costs of kosher slaughter performed by him exceed the costs of other slaughter by an amount greater than the amount allowed in the applicable zone price for kosher beef or veal;

(3) That the seller has customarily obtained for his kosher beef or veal a premium greater than that contained in the applicable zone prices for kosher and other beef or veal.

Upon proof of the foregoing facts, the maximum price of the seller may be adjusted to provide for the actual additional cost of kosher slaughter. The seller shall be required to submit monthly reports of the number of pounds of kosher and non-kosher beef or veal slaughtered and delivered by him, and the maximum price shall be reduced if it appears to the Administrator that such price is causing or threatening to cause an increase in the proportion of kosher slaughter.

[Paragraph (c) added as § 1364.410 (c) by Am. 6, 8 F.R. 4844, effective 4–14–43; redesignated as § 1364.405 (c) by Am. 22, 8 F.R. 10363, effective 7–28–43]

(d) The Office of Price Administration in Washington, D. C., may, by order, adjust the maximum prices established by § 1364.452 (o) and § 1364.467 (n) for the sale by a seller of fabricated beef and/or fabricated veal cuts to the War Shipping Administration in any case in which such seller requests such an adjustment on or before August 20, 1943, and alleges and proves the following:

(1) That during the month of April 1943, at least 50 percent of its total weight volume of sales of fabricated beef and/or fabricated veal cuts was sold and delivered to the War Shipping Administration.

(2) That during or prior to the month of May 1943, such seller was requested by the War Shipping Administration to accumulate an inventory of fabricated beef and/or fabricated veal cuts meeting War Shipping Administration specifications for delivery to the War Shipping Administration in anticipation of their requirements.

(3) That such seller, in reliance upon such request by the War Shipping Administration, did fabricate beef and/or veal in accordance with War Shipping Administration specifications and did accumulate an inventory of such fabricated beef and/or veal cuts for future delivery to the War Shipping Administration.

(4) That a portion of such accumulated inventory remained in the possession of the seller, undelivered, on June 1, 1943.

Upon proof of the foregoing, the Office of Price Administration may authorize such seller to sell and/or deliver such fabricated beef and/or fabricated veal to the War Shipping Administration at the maximum prices in line with the maximum prices for fabricated beef and/or veal cuts.

[Paragraph (d) added by Am. 22, 8 F.R. 10363, effective 7–28–43; amended by Am. 26, 8 F.R. 11445, effective 8–16–43]

(e) *Applications for authorization to perform contract boning for War Procurement Agencies.* (1) Any person who shows that he has been requested to perform government contract boning may file an application with the appropriate Regional Office of the Office of Price Administration for authorization to do such government contract boning and to charge or receive no more than the maximum price therefor fixed by this paragraph (e) in accordance with the provisions of this paragraph. The applicant shall show: (i) the name of the war procurement agency which has requested the applicant to perform government contract boning; (ii) that the war procurement agency has designated an official representative who will remain at the applicant's boning plant whenever government contract boning is performed and who will inspect, approve and otherwise supervise the applicant's operations and performance under such contract or contracts; (iii) that the applicant will as a condition of government contract boning perform such services only when the official representative is present at the plant, and then under his inspection, approval and supervision; and (iv) that the applicant will perform government contract boning in order to produce quantities of frozen boneless

[1] Superseded by Second Revised Maximum Export Price Regulation; 8 F.R. 4132, 5987, 7662, 9998, 15193.

beef (army specifications) in addition to and not in lieu of other quantities of frozen boneless beef (army specifications) as the applicant is required to sell to war procurement agencies pursuant to the provisions of FDO 75–2,[44] as amended.

(2) The Regional Office of the Office of Price Administration shall issue an order either authorizing the applicant to perform government contract boning for a designated war procurement agency in accordance with the provisions of and at a price no higher than the maximum fixed by this paragraph (e), or denying the application. If any person fails to comply with any of the provisions of this paragraph (e) or of the order authorizing him to perform government contract boning, the Regional Administrator may, in addition to any other penalties provided by law, revoke the order.

(3) The maximum price for government contract boning shall be $0.55 per hundredweight carcass basis plus all of the bones, fat, sinews, kidneys and other by-products remaining from the production of frozen boneless beef (army specifications). The weight for determining the monetary portion of the maximum price shall be the weight of the dressed carcasses and/or hindquarters as the case may be, taken at the time of delivery by the war procurement agency to the applicant's boning plant. Each delivery of dressed carcasses and/or hindquarters shall constitute a separate transaction for purposes of computing the monetary portion of the price and the voucher submitted by the boner for payment must be accompanied by a verified memorandum for each transaction based upon the records kept pursuant to paragraph (e) (6) showing: the date, number and total weight of each grade of dressed carcasses and of hindquarters delivered by the war procurement agency; the total weight taken upon completion of the boning operations for each grade of boneless beef; and the total net weight of each grade of frozen boneless beef (army specifications) delivered to the war procurement agency.

(4) "Government contract boning" as used in this paragraph (e) means the performance, for a war procurement agency on dressed beef carcasses or hindquarters owned and supplied by such agency, of all operations and services, and the furnishing of all materials (except the beef) specified and required by "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen", issued May 11, 1942, by the Chicago Quartermaster Depot of the United States Army, so as to result in the maximum commercial production of frozen boneless beef (army specifications). Government contract boning includes the boning out of all carcasses and/or hindquarters, as the case may be, cutting, trimming, grinding, freezing, packaging and marking, and the performance of all other acts and services and the furnishing of all materials necessary to perform any of the foregoing in the manner required by C. Q. D. No. 11 C.

(5) For failure to satisfy any of the specifications or requirements pertaining to government contract boning which results in the production of boneless beef not approved by the war procurement agency as being frozen boneless beef (army specifications), the person authorized to perform the government contract boning shall not be entitled to charge or receive any of the monetary portion of the maximum price for carcasses and/or hindquarters improperly converted.

(6) Every person authorized to perform government contract boning shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records showing: (i) the date, number of carcasses and of hindquarters of each grade, total weight of dressed carcasses of each grade, and total weight of hindquarters of each grade delivered by the war procurement agency to the boning plant (weights shall be taken at time of delivery); (ii) the weight taken at the time when boning operations are completed of all boneless beef of each grade derived from each delivery recorded under (i) above; and (iii) the net weight of frozen boneless beef (army specifications) of each grade delivered to the war procurement agency and derived from each delivery recorded under (i).

(7) Nothing contained in this paragraph (e) shall be construed as prohibiting a war procurement agency from requiring such bonds or undertakings which shall be paid for by the government contract boner without reimbursement, as are deemed necessary to protect the agency's interest in or title to any beef delivered to or in the possession of the contract boner.

[Paragraph (e) added by Am. 33, 8 F.R. 15527, effective 11–11–43]

(f) *Temporary adjustments affecting frozen boneless beef (Army specifications) due to increased labor costs.* (1) Any person who shows that a War Procurement Agency has requested him to increase production, or to undertake production, of frozen boneless beef (Army specifications) and that his direct labor costs will be increased because such increased or new production requires the use of inexperienced labor or overtime work, may file an application in duplicate for adjustment either of the applicable maximum f. o. b. boning plant price established in § 1364.452 (m) or the maximum price for government contract boning established in § 1364.405 (e), to cover such increased direct labor costs. Such application shall be made on Form No. 636–590, a copy of which is contained in § 1364.531 of this regulation, and shall be filed with the appropriate regional office of the Office of Price Administration. The Regional Administrator shall within seven days after receipt of the application issue an order either granting such adjustment as he deems appropriate, but in no event more than $1.00 per hundredweight for adjustment under § 1364.452 (m) or $.72 per hundredweight for adjustment under § 1364.405 (e), or denying the application. In determining the amount of the increase in direct labor costs caused by increased or new production, the Regional Administrator shall give consideration only to direct labor costs which are shown or reasonably calculated to be higher than the average of the direct labor costs heretofore filed with the Office of Price Administration by representative and substantial suppliers of frozen boneless beef (Army specifications). Applicants operating more than one plant shall file separately for each plant at which an adjustment is sought. Following issuance of an order pursuant to this paragraph (d) the Regional Administrator shall forward a copy of the application together with a copy of the order and such other data as were used in the determination to the Administrator at Washington, D. C. for review. After review, the Regional Administrator shall change, modify or revoke the order in such manner as the Administrator deems appropriate. However, the provisions of the Regional Administrator's order shall remain in full force and effect until such time as they are changed, modified or revoked.

(2) Any adjustment granted under this paragraph (f) shall be conditioned upon the keeping of records by the applicant showing: The weekly production of frozen boneless beef (Army specifications) by grades; the dressed carcass weight by grade of beef used in such production; the total number of direct production employees by classifications; the total number of man-hours worked by each classification and the total wages paid each classification. For a failure to maintain such records, any adjustment granted shall be deemed void as of the date of issuance and the amount charged or received in excess of the applicable maximum prices established in § 1364.452 (m) or § 1364.405 (e), as the case may be, shall be deemed an overcharge.

[Paragraph (f) added by Am. 34, 8 F.R. 16290, effective 12–1–43]

[§ 1364.405 amended by Am. 4, 8 F.R. 4097, effective 4–3–43; Am. 5, 8, F.R. 4786, effective 4–10–43; and as otherwise noted. Section heading amended by Am. 33]

§ 1364.406 *Evasion.* (a) The price limitations set forth in this Revised Regulation shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to beef, veal, or processed products separately or in conjunction with any other commodity or services, or by way of any commission, service, transportation, wrapping, packaging or other charge, or discount premium or other privilege, or by tying agreement or other trade understanding, or by changing the selection of, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing or the canning, wrapping or packaging of beef, veal or Processed products, or otherwise: *Provided*, That a payment by a buyer to a seller for icing services performed by the seller after April 2, 1943, and before delivery of any beef carcass or wholesale cut, or veal carcass or wholesale cut, to a railroad whose freight charges are paid directly to such railroad by the buyer, or a payment by a buyer to a seller for such icing services performed by the seller after February 2, 1944 with respect to any other meat item subject to this regulation, sold under similar conditions, shall not be construed as an evasion of such price limitations, if the charge for such icing services is no higher than the cost actually incurred by the seller in performing such service and in no event higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad.

[Paragraph (a) amended by Am. 4, 8 F.R. 4097, effective 4–3–43 and Am. 36, effective 2–3–44]

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing beef or veal through any distribution point in order to obtain a higher zone price or for the purpose of making a higher transportation or local delivery charge.

[Subparagraph (1) as amended by Am. 4, effective 4–3–43]

(2) Falsely or incorrectly grading or invoicing beef, veal, or processed products.

(3) Selling or invoicing kosher beef, kosher veal, or kosher processed products to purchasers who are not bona fide buyers of kosher meat.

(4) Selling or invoicing fabricated beef cuts and/or fabricated veal cuts to buyers, other than purveyors of meals.

[Subparagraph (4) as amended by Am. 4, effective 4–3–43; and Am. 20, 8 F.R. 10362, effective 7–28–43]

(5) Offering, selling or delivering beef, veal or any processed product on condition that the purchaser is required to purchase some other commodity.

(6) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which beef or veal was actually delivered.

[Subparagraph (6) as amended by Am. 4, effective 4–3–43]

(7) Selling or transferring title to cattle or calves by a purchaser thereof at a lower price than was paid for such cattle or calves and/or repurchasing, purchasing or receiving title to dressed carcasses or wholesale cuts derived from such cattle or calves after the cattle or calves have been slaughtered by a custom slaughterer.

(8) Charging, paying, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this Revised Maximum Price Regulation No. 169.

[Subparagraph (8) as amended by Am. 4, effective 4–3–43]

(c) Any transaction, device or arrangement whereby a person who sells, transfers, or delivers beef or veal to a retail establishment not wholly owned and operated by such person receives for the beef or veal a greater realization than he would be entitled to receive under this regulation for the sale of such beef or veal to a retailer is a violation of this regulation and is prohibited.

[Paragraph (c) added by Am. 26, 8 F.R. 11445, effective 8–16–43]

(d) A payment by a buyer to a broker of not to exceed $0.125 per cwt. in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of beef and veal carcasses and wholesale cuts, if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per cwt.

[Paragraph (d) added by Am. 28, 8 F.R. 13249, effective 10–2–43]

§ 1364.407 *Records and reports.* The reporting and recording provisions of this regulation are approved by the Bureau of the Budget.

(a) Not later than December 16, 1942, every person making sales subject to § 1364.476 of this Revised Maximum Price Regulation No. 169 shall keep for examination by any purchaser during ordinary business hours, a statement showing and enumerating separately the maximum selling prices of each grade of processed product for (1) carloads, (2) car routes, and (3) sales other than in carload lots and via car routes.

[Paragraph (a) as amended by Am. 4, 8 F.R. 4097, effective 4–3–43]

(b) Every person making a sale of any beef carcass, beef wholesale cut, veal carcass, or veal wholesale cut, processed product, or other meat item subject to this revised regulation, on or after December 16, 1942, in the course of trade or business or otherwise dealing therein, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the quantity, grade or grades and weight of all beef carcasses, beef wholesale cuts, veal carcasses, veal wholesale cuts, processed products or other meat items subject to this revised regulation sold, and the price charged or received therefor.

[Paragraph (b) as amended by Am. 8, 8 F.R. 491, effective 1–16–43]

(c) Persons affected by this Revised Maximum Price Regulation No. 169 shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration as it may from time to time require.

[Paragraph (c) as amended by Am. 4, effective 4–3–43]

(d) Not later than May 3, 1943 every person who slaughters cattle or calves and whose slaughter plant or plants are located north of the Potomac River in the area designated as Zone 9 in § 1364.452 (i) (1) shall file with the Office of Price Administration at Washington, D. C., a true copy of the abattoir stamp used in each slaughter plant, and shall identify each abattoir stamp by indicating alongside thereof the name and business address of the slaughter plant at which each such abattoir stamp is used.

[Paragraph (d) amended by Am. 1, 7 F.R. 10719, effective 12–19–43; and Am. 4, effective 4–3–43]

(e) (1) Every separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record of each such sale and/or delivery showing the date of sale, the name and address of the buyer, the weight and grade of each type of fabricated meat cut and/or ground beef and miscellaneous beef item and/or boneless and miscellaneous veal cut sold to a purveyor of meals, the price charged and the total cost thereof. All sales of kosher meats are to be shown separately.

(2) On or before February 24, 1944, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467 shall file a statement in duplicate with the appropriate Regional Office of the Office of Price Administration showing:

(i) The total volume by weight of all meats (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and variety meats and edible byproducts (defined in § 1364.455 (b) (6)), sold and/or delivered by such establishment from September 15, 1942, through December 15, 1942, other than to war procurement agencies;

(ii) The total volume by weight of all meats (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage, and similar products thereof) and variety meats and edible byproducts (defined in § 1364.455 (b) (6)), sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies;

(iii) The total volume by weight of all beef, veal, lamb and mutton, not including canned meats, variety meats and

[44] 8 F.R. 11325, 11690, 12504, 14073.

edible byproducts (defined in § 1364.455 (b) (6)), sausage and similar products thereof, sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies.

(3) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) or (p) of § 1364.452 or paragraph (m) or (n) of § 1364.467, shall file with the appropriate Regional Office of the Office of Price Administration a statement showing for such three months quota period, the total volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts, sold or delivered by such selling establishment to purveyors of meals, other than the War Shipping Administration and/or contract schools.

(4) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29 or May 31, each hotel supply house making sales of retail meat cuts and/or variety meats and edible byproducts and/or processed meat products to ultimate consumers, pursuant to paragraph (a) of § 1364.416, shall file with the appropriate Regional Office of the Office of Price Administration a statement showing for such three months quota period (i) the total volume by weight of all meats (fabricated, fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and/or variety meats and edible byproducts sold by such establishment other than to contract schools and/or the War Shipping Administration; (ii) the total volume by weight of all retail meat cuts and/or variety meats and edible byproducts and/or processed meat products sold by such establishment to ultimate consumers.

[Paragraph (e) amended by Am. 2, 8 F.R. 164; effective 1–8–43; Am. 12, 8 F.R. 7109, effective 6–1–43; Am. 20, 8 F.R. 10362, effective 7–28–43; Am. 26, 8 F.R. 11445, effective 8–16–43; and Am. 36, effective 2–3–44]

(f) (1) Every person making a sale of any beef carcass, beef wholesale cut, veal carcass, veal wholesale cut, processed product or other meat item subject to this revised regulation shall furnish to the purchaser at the time of delivery a written statement setting forth the name and address of the buyer and seller; identifying each such item sold; and setting forth the quantity, the grade, including sex identification as to cow, stag, and bull, and the weight thereof, and the price charged and received therefor, including a separate statement of the transportation and local delivery charge as required by § 1364.454 (a) (6).

[Paragraph (f) (1) added by Am. 8, 8 F.R. 491, effective 1–16–43]

(2) (i) Every person shipping any of the meat items subject to this regulation shall send with each such shipment a copy of the written statement referred to in paragraph (f) (1), except, however, that the statement with respect to transportation and/or local delivery charges may be excluded.

(ii) Every person transporting any of the meat items subject to this regulation to a business establishment or warehouse controlled or operated by him, shall send with each freight car, truck or other method of transportation used a statement showing the name and address of the owner, the point of destination, and the identification of each item included within such freight car, truck or other method of conveyance, setting forth the quantity, the grade including sex identification as to cow, stag, or bull and the weight thereof.

(iii) Where the shipment constitutes the entire contents of a common carrier freight car or truck, the copy shall be posted in the car or truck near or on the door. Where the shipment constitutes only a part of the contents of a common carrier freight car or truck the copy shall be securely attached, in a conspicuous place, to one of the items included within the shipment. Where the shipment is by a vehicle other than a common carrier, the copy referred to shall be transferred to the custody of the driver and he shall be authorized to display it to enforcement officers on request.

(iv) For purposes of this paragraph (f) (2), the term "shipment" means all commodities consigned to a single buyer as a part of a single freight car or truck movement.

[Subparagraph (2) added by Am. 27, 8 F.R. 12748, effective 9–16–43; amended by Am. 29, 8 F.R. 13181, effective 9–29–43]

§ 1364.408 *Enforcement.* (a) Persons violating any provisions of this Revised Maximum Price Regulation No. 169 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended: *Provided*, That no war procurement agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Revised Maximum Price Regulation No. 169 or the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 169 or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1364.409 *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1364.409 as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10–1–43]

§ 1364.410 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 169 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1364.411 *Duty to maintain grades.* No person shall sell, offer to sell, deliver or break any beef carcass or veal carcass, unless each such carcass has been graded in accordance with the provisions of this section. No custom slaughterer shall ship or deliver any beef carcass or wholesale cut, or veal carcass or wholesale cut unless each such carcass or wholesale cut has been graded in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section and shall determine his maximum prices upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section.

[Above paragraph amended by Am. 4, 8 F.R. 4097, effective 4–3–43 and Am. 25, 8 F.R. 11298, effective 7–16–43]

(a) *Uniform grades.* (1) Beef carcasses and wholesale cuts derived from steers, heifers and cows shall be graded into the following uniform grades: choice, good, commercial, utility, cutter and canner; except, that no cow carcass or wholesale cut shall be graded choice. Beef carcasses and wholesale cuts derived from bulls and stags shall be graded in the same manner, except that no bull carcass or wholesale cut shall be graded choice or good, and no stag carcass or wholesale cut shall be graded choice. In determining the grade of each beef carcass or beef wholesale cut, the "Specifications for Official United States Standards for Grades of Carcass Beef"[5] set forth in Appendix C hereof, and incorporated herein as § 1364.528, shall be used, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade choice, and the specifications therein for the two grades, cutter and canner, shall be combined and treated as a single grade.

(2) Veal carcasses and wholesale cuts shall be graded into the following uniform grades: choice, good, commercial, utility, and cull. In determining the grade of each such carcass or wholesale cut the "Specifications for Official United States Standards for Grades of Veal and Calf Carcasses"[7] set forth in Appendix D hereof, and incorporated herein as § 1364.529, shall be used except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice.

[Paragraph (a) as amended by Am. 4, effective 4–3–43]

(b) *Duty to determine maximum prices on the basis of uniform grades.* The word "grade", as used in §§ 1364.451, 1364.452, 1364.466 and 1364.467 and in paragraph (c) of this section, means any uniform grade referred to in paragraph (a) of this section, and shall not be construed to mean the private grade of an individual seller.

Irrespective of the private grading system heretofore used by the seller, it shall be the duty of the seller, except as provided in paragraph (c) (3), to have classified into the uniform grades provided for in paragraph (a) of this section, by an official grader of the United States Department of Agriculture, the beef carcasses and beef wholesale cuts of cattle and the veal carcasses and veal wholesale cuts of calves slaughtered by the seller or sold by the seller, and then to determine the maximum price for each grade of beef carcass and beef whoesale cut by reference to §§ 1364.451 and 1364.452, and veal carcass and veal wholesale cut by reference to §§ 1364.466 and 1364.467.

[Paragraph (b) as amended by Am. 4, effective 4–3–43]

(c) *Duty to identify product by sex marks.* The sex identification shall be stamped on all bull and stag carcasses and wholesale cuts. The grade and prescribed sex identification of each beef carcass and wholesale cut, and veal carcass and wholesale cut must appear on the seller's invoice.

(1) The appropriate grade for each uniform grade shall be as follows:

Beef grade

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Cutter } or D.
Canner }

Veal grade

Choice or AA.
Good or A.
Commercial or B.
Utility or C.
Cull or D.

(2) (i) No person shall sell, offer to sell, deliver or break any beef or veal carcass irrespective of grade unless such carcass has been examined and graded by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc.", as modified to the extent set forth in Appendix B hereof, and as required by § 4002.2 of OES Regulation 1.[8] However, in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.527 hereof, then the provisions of this subparagraph shall not apply, for so long a period as the Food Distribution Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef and veal carcasses shall be graded by the seller in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this § 1364.411.

(ii) If the slaughterer is a farm slaughterer or if he is primarily the resident operator of a farm engaging only casually, and not as a business, in slaughtering cattle or calves as a service for others, he shall not be required to have the cattle or calves slaughtered by him graded by an official grader of the United States Department of Agriculture. Such beef or veal as is sold by such slaughterer, or is slaughtered by him as a service for sale by others, shall be graded by him in accordance with the requirements of paragraphs (a), (b), (c) (1), and (c) (2) of this § 1364.411. "Farm slaughterer" as used in this paragraph (c) (2) (ii) means a person chiefly engaged in producing agricultural products as the resident operator of a farm who did not deliver meat in 1941 of a live weight of more than 10,000 pounds and whose current slaughter is not in excess of that permitted such slaughterers under Food Distribution Order No. 27[9] or any superseding order.

(3) Whenever any person having a financial interest in any beef or veal carcass which has been graded by an official grader pursuant to paragraph (c) (2) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading by making an application for appeal grading in the manner provided in Regulation No. 5 (appeal grading) contained in § 1364.527 hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C. of such appeal.

[Paragraph (c) amended by Am. 4, 8 F.R. 4097, effective 4–3–43; Am. 6, 8 F.R. 4844, effective 4–14–43; Am. 25, 8 F.R. 11298, effective 7–16–43]

(d) *Use of other grading and branding systems.* Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided*, That he shall identify his private grading and branding system in such manner as to distinguish it from the official grade stamp as required by paragraph (c) of this section.

§ 1364.412 *Applicability of General Maximum Price Regulation.*[10] The provisions of this Revised Maximum Price Regulation No. 169 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this revised regulation.

§ 1364.413 *Revocation of orders issued under Maximum Price Regulation No. 169.* (a) The order issued in the matter of Meyer Kornblum Packing Company (Docket No. 3169–8; July 27, 1942) and orders numbered 2, 3, 4, 5, 9, 10, 13, 15, 16, and 17 under Maximum Price Regulation No. 169 are hereby revoked.

(b) The orders issued in the matters of Jones Country Veal (Docket No. 3169–66); October 2, 1942, Order No. 11, and Earl H. Schurr (Docket No. 3169–43); October 28, 1942, Order No. 18, under Maximum Price Regulation No. 169 are hereby revoked.

[Text of § 1364.413 designated (a); (b) added by Am. 4, 8 F.R. 4097, effective 4–3–43]

§ 1364.414 *Effective date.* Revised Maximum Price Regulation No. 169 (§§ 1364.401 to 1364.414, inclusive; §§ 1364.451 to 1364.455, inclusive; §§ 1364.476 to 1364.477, inclusive; and §§ 1364.526 to 1364.530, inclusive) shall become effective December 16, 1942, except that it shall become effective December 10, 1942 as to sales to a war procurement agency. [Revised MPR 169 originally issued December 10, 1942.]

§ 1364.415 *Limitations on volume of sales to purveyors of meals.* (a) Notwithstanding the terms of any contract, agreement, or other obligation, no hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other seller's establishment shall sell and/or deliver to purveyors of meals other than the War Shipping Administration and/or contract schools, during any three month quota period beginning June 1, September 1, December 1, or March 1, a total volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items, and/or boneless and miscellaneous veal cuts in excess of 90 percent of the total volume by weight of beef, veal, lamb and mutton, not including canned meats of any kind, variety meats and edible by-products of any kind, and/or sausage and similar products thereof, sold or delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies, except that any selling establishment which was not engaged in sales of beef,

[4] 8 F.R. 18240.

[5] Service and Regulatory Announcement No. 99, Official United States Standards for the Grades of Carcass Beef, United States Department of Agriculture, Food Distribution Administration, issued as amended May 1942.

[7] Service and Regulatory Announcement No. 114, Official United States Standards for Grades of Veal and Calf Carcasses, United States Department of Agriculture, Food Distribution Administration, issued as amended October 1940.

[8] 8 F.R. 10989.

[9] 8 F.R. 2785.

[10] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

veal, lamb and mutton to purveyors of meals from September 15, 1942, through December 15, 1942 for the reason that the selling unit and all facilities thereof were under the control of an agency of the United States Government, may determine its quota by reference to the three month quota period of 1942 immediately prior to such assumption of control: *Provided, however,* That any selling establishment may file an application in duplicate with the appropriate Regional Office of the Office of Price Administration or such other offices as may be authorized by the appropriate Regional Office, and request authorization to sell and/or deliver fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts to purveyors of meals. Such selling establishment shall allege and prove that the granting of such authorization will alleviate a critical shortage in supplies of such meat items available in the market area for purveyors of meals, which shortage has occurred because of: (1) the issuance of a judicial or administrative suspension order against any person in the market area prohibiting the sale and/or delivery by that person of any meat item subject to a quota restriction under the provisions of this regulation, or (2) the voluntary or involuntary cessation or suspension of business by a person, lawfully authorized to make sales pursuant to paragraph (a) of this § 1364.415.

Upon proof of the foregoing, the Regional Administrator for the area or such office as may be designated by the Regional Administrator, may by order, authorize a quota for such period and subject to such terms and conditions as are deemed necessary, not in excess, however, of such portion of ascertainable quota or quotas which remain unused in the market area and which cause the critical shortage. Following the issuance to any selling establishment of such authorization the Regional Administrator for the area shall forward a copy of the application together with a copy of the authorization and such other data as were used in the determination to the Administrator at Washington, D. C., for review. After review, the Regional Administrator or such office as may be authorized by the Regional Administrator shall change, modify or revoke the order in such manner as the Administrator deems appropriate. However, the provisions of the Regional Administrator's order or the order of such office as may be authorized by the Regional Administrator, shall remain in full force and effect until such time as it is changed, modified or revoked.

(b) The appropriate Regional Office of the Office of Price Administration may by order, adjust the quota established by any selling establishment pursuant to paragraph (a) of this § 1364.415 in any case where it is shown that the quota so established is below an amount which represents normal seasonal demand during any three month quota period and is substantially below the quota which such selling establishment would have arrived at if determined by reference to the corresponding three month quota period of 1942. Upon proof of the foregoing the Regional Administrator for the area may authorize such separate selling establishment by order, subject to such conditions as may be deemed appropriate, to sell or deliver a specified volume by weight of fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts to purveyors of meals during such three month quota period for which adjustment is sought: *Provided,* That the adjusted quota shall not be in excess of a quota determined pursuant to paragraph (a) of this § 1364.415 through application of sales made during the corresponding three month quota period of 1942.

(c) Any person who violates any provision of this section may, in addition to any other penalty provided by law, be prohibited by administrative suspension order from receiving, selling, using or otherwise disposing of any fabricated meat cuts and/or ground beef and miscellaneous beef items and/or boneless and miscellaneous veal cuts. Such suspension order shall be issued for such period as in the judgment of the Administrator or such person as he may designate for that purpose, is necessary and appropriate in the public interest or to promote the national security.

(d) This section is issued under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 3, 1942; Directive No. 1 and Supplementary Directive No. 1–M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives No. 1, No. 3, No. 5, No. 6 and No. 7, issued by the Secretary of Agriculture.

[§ 1364.415 added by Am. 12, 8 F.R. 7109, effective 6–1–43; amended by Am. 20, 8 F.R. 10362, effective 7–26–43; Am. 24, 8 F.R. 11081, effective 8–7–43; and Am. 36, effective 2–3–44, except with respect to the provisions of § 1364.415 which shall become effective as of 12–1–43].

§ 1364.416 *Limitation on volume of sales to ultimate consumers by hotel supply houses.* (a) Any hotel supply house may sell and/or deliver to ultimate consumers during any three month quota period beginning June 1, September 1, December 1 or March 1, a volume by weight of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established for class 3 and 4 stores in Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton and All Variety Meats and Edible By-Products"; Maximum Price Regulation No. 336, "Retail Ceiling Prices for Pork Cuts and Processed Meat Products", and Maximum Price Regulation No. 394, "Retail Ceiling Prices for Kosher Beef, Veal, Lamb and Mutton Cuts", not in excess of 20 percent of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.415 during the same three months quota period. Such sales at retail must be made at prices not higher than those established for class 3 and 4 stores: *Provided,* That no hotel supply house shall make sales to ultimate consumers pursuant to this paragraph (a) until (i) such hotel supply house shall have filed with the appropriate Regional Office of the Office of Price Administration a statement in affidavit form showing that from September 15, 1942, through December 15, 1942, such establishment regularly and generally made sales of retail meat items to ultimate consumers from the same selling establishment in conjunction with its sales to purveyors of meals and (ii) such hotel supply house has received written authorization from the appropriate Regional Office, approving such affidavit and authorizing the sale and/or delivery of fabricated beef cuts and/or fabricated veal cuts to purveyors of meals at maximum prices specified in § 1364.452 (o) (4) or § 1364.467 (n) (4) as the case may be, in addition to the sale to ultimate consumers of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established therein under Maximum Price Regulations Nos. 355, 336 and 394 for class 3 and 4 stores. Nothing contained in this paragraph (a) shall be construed as to permit the sales and/or deliveries of fabricated beef cuts and/or fabricated veal cuts to purchasers other than purveyors of meals.

(b) Any hotel supply house whose sales or deliveries to ultimate consumers, during any three month quota period, exceed 20% of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.415 during the same three month quota period, shall thereafter be required to use the maximum prices specified in § 1364.452 (o) (5) or in § 1364.467 (n) (5), as the case may be, on sales of fabricated beef cuts and/or fabricated veal cuts to purveyors of meals.

[§ 1364.416 added, and former § 1364.416 redesignated § 1364.417 by Am. 36, effective 2–3–44]

§ 1364.417 *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected]

SUBPART B—PROVISIONS AFFECTING BEEF

§ 1364.451 *Maximum prices for beef carcasses and wholesale cuts.* Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each beef carcass or wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions.* (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule III hereof, incorporated herein as § 1364.454, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule I (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.452, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule I (§ 1364.452) for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which local delivery to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (*a*) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (*b*) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in paragraph (l), (m), (n), (o) or (p) of Schedule I (§ 1364.452), regardless of any contract, agreement or other obligation, no person shall sell or deliver any beef or any part or portion of any beef carcass and no person in the course of trade or business shall buy or receive any beef or any part or portion of any beef carcass unless such beef or part or portion is a beef carcass or a beef wholesale cut as defined in § 1364.455, for which applicable prices have been established.

[Subparagraph (4) amended by Am. 6, 8 F.R. 4844, effective 4–14–43]

(5) On and after April 22, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver any ground, chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item and no person in the course of trade or business shall buy or receive any ground, chopped or comminuted meat containing any proportion of beef or any miscellaneous beef item unless such ground, chopped or comminuted meat is ground beef and such miscellaneous beef item is a miscellaneous beef item as defined in § 1364.452 (p), for which applicable prices have been established.

[Subparagraph (5) added by Am. 6, effective 4–14–43 and amended by Am. 7, 8 F.R. 5170, effective 4–16–43]

(b) *Maximum price.* The maximum price for each grade of each beef carcass or beef wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.451 and specified in Schedule I (incorporated herein as § 1364.452), minus the required deductions, if any, specified in Schedule II (incorporated herein as § 1364.453), plus the permitted additions, if any, specified in Schedule III (incorporated herein as § 1364.454).

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1364.452 *Schedule I: Beef price zones and applicable zone prices*—(a) *Zone 1.* (1) Zone 1 includes the following areas: Washington, Oregon, California, and Nevada. All that portion of Idaho north of and including the counties of Idaho, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce and Lewis.

[Subparagraph (1) as amended by Am. 28, 8 F.R. 13249, effective 10–2–43]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 1.* Subject to the provisions of paragraph (k) of this section, the Zone 1 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(b) *Zone 2.* (1) Zone 2 includes the following areas: Montana, Wyoming, Utah, Arizona and all that portion of Idaho south of, but not including Idaho county.

[Subparagraph (1) as amended by Am. 28, effective 10–2–43]

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 2.* Subject to the provisions of paragraph (k) of this section, the Zone 2 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.00 per cwt.

(c) *Zone 3.* (1) Zone 3 includes the following area:

Colorado and New Mexico.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 3.* Subject to the provisions of paragraph (k) of this section, the Zone 3 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price).

(d) *Zone 4.* (1) Zone 4 includes the following area:

North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne, and Butler.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) the applicable zone prices for Zone 4 are as follows:

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter, canner or D	Bologna bulls (equivalent cutter and canner grade)
STEER OR HEIFER						
(i) Beef carcass or side	$20.00	$19.00	$17.00	$15.00	$12.25	$13.00
(ii) Hindquarter	22.25	21.00	18.25	15.75	12.25	13.00
(iii) Forequarter	18.00	17.25	16.00	14.50	12.25	13.00
(iv) Round	21.75	20.50	18.25	15.50	----------	----------
(v) Trimmed full loin	29.00	27.25	22.50	19.25	----------	----------
(vi) Flank	12.50	12.50	12.50	12.50	----------	----------
(vii) Flank steak	23.00	23.00	23.00	23.00	----------	----------
(viii) Short loin	32.00	29.75	24.75	21.50	----------	----------
(ix) Sirloin	26.50	25.25	20.50	17.50	----------	----------
(x) Cross cut chuck	18.00	17.25	15.75	14.25	----------	----------
(xi) Regular chuck	19.50	18.25	17.00	15.00	----------	----------
(xii) Brisket	15.75	15.75	13.75	13.75	----------	----------
(xiii) Foreshank	11.50	11.50	11.50	11.50	----------	----------
(xiv) Rib	23.50	22.25	20.50	18.00	----------	----------
(xv) Short plate	13.50	13.50	12.75	12.75	----------	----------
(xvi) Back	20.50	19.25	18.00	15.75	----------	----------
(xvii) Triangle	17.25	16.50	15.25	14.00	----------	----------
(xviii) Arm chuck	18.25	17.25	16.25	14.50	----------	----------

[Table amended by Am. 4, 8 F.R. 4097, effective 4–3–43; Am. 6, 8 F.R. 4844, effective 4–14–43; Am. 13, 8 F.R. 6945, effective 6–1–43; Am. 15, 8 F.R. 7675, effective (1) as to sales or deliveries of fresh and frozen beef and veal, by others than wholesalers, hotel supply houses and peddler truck sellers, on June 14, 1943; (2) as to sales or deliveries of fresh and frozen beef and veal, by wholesalers, hotel supply houses and peddler truck sellers, on June 19, 1943; (3) as to sales or deliveries of miscellaneous beef items and processed products, by others than wholesalers, hotel supply houses and peddler truck sellers, on June 28, 1943; and (4) as to sales or deliveries of miscellaneous beef items and processed products by wholesalers, hotel supply houses and peddler truck sellers, on July 5, 1943 (effective dates of Am. 15 as amended by Am. 17, 8 F.R. 6677), and Am. 35, 8 F.R. 16600, effective 12–13–43]

The applicable Zone 4 price of each cow carcass or wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each cow carcass or wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of commercial grade.

The applicable Zone 4 price of each stag carcass or wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each bull carcass or wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each bologna bull carcass and wholesale cut, which are equivalent to cutter and canner grade are specified above.

The applicable zone price of each beef carcass or beef wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

[Above paragraph as amended by Am. 25, 8 F.R. 11298, effective 7–16–43]

(3) *Kosher beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this § 1364.452 and paragraph (b) of Schedule III (§ 1364.454), the applicable zone prices of kosher wholesale cuts for Zone 4 are as follows:

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter, canner or D	Bologna bulls (equivalent cutter and canner grade)
STEER OR HEIFER						
(i) Forequarter	$18.75	$18.00	$16.75	$15.25	$13.00	$13.75
(ii) Triangle	18.00	17.25	16.00	14.75	----------	----------
(iii) Cross cut chuck	18.75	18.00	16.50	15.00	----------	----------
(iv) Regular chuck	20.25	19.00	17.75	15.75	----------	----------
(v) Brisket	16.50	15.50	14.50	14.50	----------	----------
(vi) Foreshank	12.25	12.25	12.25	12.25	----------	----------
(vii) Short plate	14.25	14.25	13.50	13.50	----------	----------
(viii) Arm chuck	19.00	18.00	17.00	15.25	----------	----------
(ix) Rib	24.25	23.00	21.25	18.75	----------	----------

[Table amended by Am. 4, 8 F.R. 4097, effective 4–3–43; Am. 6, 8 F.R. 4844, effective 4–14–43; Am. 13, 8 F.R. 6945, effective 6–1–43; Am. 15, 8 F.R. 7675; and Am. 35, 8 F.R. 16600, effective 12–13–43. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

The applicable Zone 4 price of each kosher cow wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each kosher cow wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer or commercial grade.

The applicable Zone 4 price of each kosher stag wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each kosher bull wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each kosher bologna bull forequarter, which is equivalent to cutter and canner grade, is specified above.

The applicable zone price of each kosher beef wholesale cut which has not been graded or stamped by sex marks (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest priced corresponding kosher wholesale cut.

[Above paragraph as amended by Am. 25, 8 F.R. 11298, effective 7–16–43]

(e) *Zone 5.* (1) Zone 5 includes the following area:

All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair, and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, and Jefferson.

The following counties in Indiana: Lake, Newton, Benton, and Warren.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the following area:

The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa, and Berrien.

Indiana except the counties of Lake, Newton, Benton, and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin, and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg, and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

The state of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point the Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin, and Iberia.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the following area:

The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua, and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette.

All that portion of West Virginia west of and including the counties of Hancock; Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan, and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler, and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette, and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo, and Issaquena.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of each class of beef carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the following area:

All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, and Broome; but excluding the counties of Niagara, Erie, Cattaraugus, and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Centre, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford, and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming, and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd, and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie, and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda, and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt, and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa, and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds, and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption, and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the following area:

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin, and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln, and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Tolfair, Coffee, Berrien, Cook, and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando, and Pasco.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(j) *Zone 10.* (1) Zone 10 includes the following area:

All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any beef wholesale cut which has been miscut or for any piece or portion of beef which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced wholesale cut.

(l) *Boneless beef for Army canned meat.* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any boneless beef for Army canned meat, and no person shall buy or receive any boneless beef for Army canned meat at a price higher than the maximum price permitted in paragraph (l) (2) of this section; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(2) The maximum delivered price for boneless beef for Army canned meat in each of the following price zones shall be:

Price zone:	*Zone prices per cwt. Frozen and boxed* [1]
1	$19.50
2	18.75
3	17.75
4	17.75
5	18.25
6	18.50
7	18.75
8	19.00
9	19.25
10	19.50

[1] If packed in a V–1, full telescope, weatherproof fibre board box, with a minimum of .100 caliper inches and a minimum dry bursting strength of 750# per square inch. $0.25 additional boxing charge may be made.

[Paragraph (2) amended by Am. 13, 8 F.R. 6945, effective 6–1–43; and Am. 15, 8 F.R. 7675. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2). Footnote added by Am. 35, 8 F.R. 16600, effective 12–13–43.]

(3) "Boneless beef for Army canned meat" as used in this paragraph (2) means beef derived from the grades and classes and satisfying the specifications and requirements contained in Notice No. 22, "Beef for canned meats," issued August 8, 1942, by the Chicago Quartermaster Depot of the United States Army. Any boneless beef for canned meat which has been rejected by a war procurement agency, or any of its authorized agents or representatives shall not be sold as boneless beef for Army canned meat.

(4) The maximum delivered price for boneless beef which does not qualify as boneless beef for Army canned meat or which has been rejected by a war procurement agency or any of its authorized agents or representatives shall be 50¢ per cwt. lower than the applicable zone price established for boneless beef for Army canned meat in paragraph (l) (2) of this section.

(5) In any case where the seller's plant at which the boneless beef for Army canned meat is boned, is located in a higher price zone than the canner's place of business, or the point of delivery designated by a war procurement agency, or any of its authorized agents or representatives, the price specified in paragraph (l) (2) of this section for the zone in which the seller's boning plant is located shall be the seller's f. o. b. boning plant price.

(6) In the event boneless beef for Army canned meat is ordered and delivered fresh, chilled or refrigerated, but unfrozen, the seller shall deduct 35¢ per cwt. from the applicable zone price specified in paragraph (l) (2) of this section.

(m) *Frozen boneless beef (Army specifications).* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (Army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless beef (Army specifications) in each of the following price zones shall be:

[Carload or less than carload quantities; in dollars per hundredweight; frozen and packaged]

Price zone	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
1	$30.70	$29.35	$26.60	$23.75
2	29.70	28.35	25.60	22.75
3	28.30	26.95	24.15	21.35
4	28.30	26.95	24.15	21.35
5	29.00	27.65	24.85	22.00
6	29.35	28.00	25.20	22.37
7	29.70	28.35	25.55	22.70
8	30.05	28.70	25.90	23.05
9	30.40	29.00	26.25	23.45
10	30.70	29.35	26.60	23.75

[Table amended by Am. 6, 8 F.R. 4844, effective 4–14–43; Am. 15, 8 F.R. 7675; Am. 21, 8 F.R. 9995, effective 7–16–43; Am. 28, 8 F.R. 13249, effective 10–2–43; and Am. 30, 8 F.R. 13181, effective 9–25–43]

On contracts made between April 23, 1943 and June 13, 1943, inclusive, for deliveries up to and including July 5, 1943, the seller may add $1.00 per cwt. to the applicable boning plant price.

[Above sentence added by Am. 8, 8 F.R. 5478, effective 4–23–43; amended by Am. 9, 8 F.R. 5634, effective 4–28–43; Am. 10, 8 F.R. 6058, effective 5–8–43; Am. 14, 8 F.R. 7199, effective 5–24–43; and Am. 16, 8 F.R. 8011, effective 6–8–43]

(3) "Frozen boneless beef (Army specifications)" as used in this paragraph (m) means beef, frozen and boneless, derived from steers and heifers of the grades choice, good or commercial or utility and satisfying the specifications and requirements contained in "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen," issued May 11, 1942 by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

[Subparagraph (3) amended by Am. 6, 8 F.R. 4844, effective 4–14–43; Am. 28, 8 F.R. 13249, effective 10–2–43, and Am. 30, 8 F.R. 13181, effective 9–25–43]

(4) *Frozen boneless beef (hindquarters) (Army specifications).* On and after October 21, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (hindquarters) (Army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum prices permitted therefor in paragraph (m) (5) of this section.

(5) The maximum f. o. b. boning plant price for frozen boneless beef (hindquarters) (Army specifications) in each of the following price zones shall be:

[Carload or less than carload quantities; in dollars per hundredweight; frozen and packaged]

Price zone	Grades		
	Choice or AA	Good or A	Commercial or B
1	$35.35	$32.55	$28.60
2	34.30	31.50	27.55
3	32.85	30.05	26.10
4	32.85	30.05	26.10
5	33.60	30.80	26.85
6	33.95	31.15	27.20
7	34.30	31.50	27.55
8	34.65	31.85	27.90
9	35.00	32.20	28.25
10	35.35	32.55	28.60

(6) "Frozen boneless beef (hindquarters) (Army specifications)" as used in this paragraph (m) means hindquarters of beef, frozen and boneless, derived from steers and heifers of the grades choice, good or commercial and satisfying the specifications and requirements contained in "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen", issued May 11, 1942, by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef (hindquarters) which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

[Subparagraphs (4), (5) and (6) added by Am. 32, 8 F.R. 14400, effective 10–21–43]

(n) *Boneless processing beef.* (1) On and after December 16, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless processing beef, and no person shall buy or receive any boneless processing beef at a price higher than the maximum price permitted therefor in paragraph (n) (2) of this section.

(2) The maximum delivered price for each of the following items of boneless processing beef shall be:

(A)

[All prices are on a dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

Price zones	I	II	III	IV
	Boneless bull (equivalent cutter and canner) fresh or frozen	Fresh or frozen cutter and canner (other than boneless bull)	Fresh kosher boneless bull forequarter (equivalent cutter and canner) Note 1	Fresh kosher boneless bull forequarter (equivalent cutter and canner) Note 2
1	$19.25	$18.25	----------	$20.25
2	18.50	17.50	----------	19.50
3	17.50	16.50	----------	18.50
4	17.50	16.50	----------	18.50
5	18.00	17.00	----------	19.00
6	18.25	17.25	----------	19.25
7	18.50	17.50	----------	19.50
8	18.75	17.75	----------	19.75
9	19.00	18.00	$21.50	20.00
10	19.25	18.25	----------	20.25

[1] Price subject to conditions 1 and 2 hereinafter set forth.
[2] Prices subject to condition 1 hereinafter set forth

[Table (A) amended by Am. 4, 8 F.R. 4097, effective 4–3–43; Am. 13, 8 F.R. 6945, effective 6–1–43; and Am. 15, 8 F.R. 7675. For effective dates of Am. 15, see note following Table in § 1364.452 (d) (2)]

Condition 1: The price established for kosher boneless bull forequarters shall apply only on sales of kosher boneless processing beef as such to processors of kosher processed products and no seller shall sell or deliver any boneless bull forequarter at the price established therefor or at a price higher than established for non-kosher boneless bull meat in column I hereof, unless the buyer of such kosher boneless bull forequarter is a bona fide processor of kosher processed products. For the sale of any kosher boneless bull forequarter to a person other than a bona fide processor of kosher processed products, the price shall be determined by use of the applicable zone price established for non-kosher boneless bull meat in column I, and the seller shall remove all stamps and designations which identify the boneless bull meat as kosher.

Condition 2: For kosher boneless bull forequarters derived from bologna bulls (equivalent of cutter and canner grade) slaughtered in that portion of Zone 9 north of the Potomac River, and which clearly bear the abattoir stamp at the time of sale, the seller may charge the price established in column III hereof: *Provided*, That such kosher boneless bull forequarter shall be sold to a bona fide processor of kosher processed products located in that portion of Zone 9 north of the Potomac River. The column III price shall not be charged or received for the sale of any kosher boneless bull forequarter which does not bear the abattoir's stamp clearly legible.

[Condition 2 amended by Am. 1, 7 F.R. 10719, effective 12–19–42, and Am. 4, effective 4–3–43]

Condition 3: Revoked.

[Condition 3 revoked by Am. 4, effective 4–3–43]

(B)

[All prices are on a dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

Price zones	V	VI	VII	VIII	IX
	Beef trimmings; 25% trimmable fat; fresh or frozen	Boneless chucks (cutter and canner including bulls) 10% trimmable fat; fresh or frozen	Boneless shank meat; fresh or frozen	Bough flank meat, all grades (flank steak removed)	Sterilized beef trimmings; 25% trimmable fat; fresh or frozen
1	$16.75	$18.50	$18.25	$12.75	$14.75
2	16.00	17.75	17.50	12.00	14.00
3	15.00	16.75	16.50	11.00	13.00
4	15.00	16.75	16.50	11.00	13.00
5	15.50	17.25	17.00	11.50	13.50
6	15.75	17.50	17.25	11.75	13.75
7	16.00	17.75	17.75	12.00	14.00
8	16.25	18.00	18.00	12.25	14.25
9	16.50	18.25	18.25	12.50	14.50
10	16.75	18.50	18.50	12.75	14.75

[Table (B) amended by Am. 13, effective 6–1–43 and Am. 15. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

(3) "Boneless processing beef" as used in this paragraph (n) of this § 1364.452 means any beef carcass of cutter and canner grade, including any bull carcass of equivalent grade, commonly designated as "bologna bull", from which the bones have been removed and which has been trimmed. Boneless processing beef includes the item, boneless chucks (regular chucks from which the bones have been removed), derived from boneless carcasses of cutter and canner grade, including bologna bulls. Beef trimmings of any grade, all grades of rough flank meat (wholesale flank after removal of the flank steak), boneless foreshanks of any grade, and boneless hindshanks of cutter and canner grade are separate items of boneless proocessing beef.

[Subparagraph (3) as amended by Am. 15. For effective dates see note following table in § 1364.452 (d) (2)]

(o) *Applicable zone prices for fabricated beef cuts and/or ground beef and miscellaneous beef items sold to purveyors of meals.* (1) (i) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for each grade of each fabricated beef cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of § 1364.451, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" wherever the words "wholesale cut" or "wholesale cuts" are used in said paragraph (a) of § 1364.451, plus the permitted additions, if any, specified in Schedule III (§ 1364.454), minus the required deductions, if any, specified in Schedule II (§ 1364.453), applicable to beef carcasses and wholesale cuts, substituting for purposes of this paragraph (o) the term "ground beef and miscellaneous beef item" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II and Schedule III. No person shall sell or deliver any ground beef or miscellaneous beef item and no person shall buy or receive any ground beef or miscellaneous beef item unless ever the words "wholesale cut" or "wholesale cuts" are used in Schedule II and Schedule III. No person shall sell or deliver any fabricated beef cut and no person shall buy or receive any fabricated beef cut unless such fabricated beef cut is a fabricated beef cut as defined in § 1364.455 (b) (3) for which applicable zone prices have been established.

(ii) Subject to the pricing instructions contained in paragraph (a) of §1364.451, the maximum price for ground beef and each miscellaneous beef item shall be the applicable zone prices determined in accordance with the provisions of paragraph (a) of § 1364.451, substituting for the purposes of this paragraph (o) the term "ground beef and miscellaneous beef item" wherever the words "wholesale cut" or "wholesale cuts" are used in said paragraph (a) of § 1364.451, plus the permitted additions, if any, specified in Schedule III (§ 1364.454), minus the required deductions, if any, specified in Schedule II (§ 1364.453), applicable to beef carcasses and wholesale cuts, substituting for purposes of this paragraph (o) the term "ground beef and miscellaneous beef item" wherever the words "wholesale cut" or "wholesale cuts" are used in Schedule II and Schedule III. No person shall sell or deliver any ground beef or miscellaneous beef item and no person shall buy or receive any ground beef or miscellaneous beef item unless such ground beef or miscellaneous beef item is ground beef or a miscellaneous beef item as defined in § 1364.452 (p) (4) and (p) (7) respectively, for which applicable zone prices have been established.

(2) The zone areas for each grade of each fabricated beef cut and/or ground beef and miscellaneous beef items are identical to the beef zone areas set forth in Schedule I (§ 1364.451).

(3) The applicable prices in Zones 1 and 2 and 5 to 10 for fabricated beef cuts and/or ground beef and miscellaneous beef items shall be the prices specified in subparagraphs (4) or (5) and (6) hereof respectively, (the applicable Zone 3 and 4 prices) plus the following:

Zone 1	$1.75
Zone 2	1.00
Zone 5	.50
Zone 6	.75
Zone 7	1.00
Zone 8	1.25
Zone 9	1.50
Zone 10	1.75

[Subparagraphs (1), (2) and (3) amended by Am. 4, 8 F.R. 4097, effective 4–3–43; Am. 12, 8 F.R. 7109, effective 6–1–43; Am. 20, 8 F.R. 10362, effective 7–28–43; and Am. 36, effective 2–3–44]

(4) The fabricated beef cut prices applicable in Zone 3 and 4 for sales by a hotel supply house to purveyors of meals, subject to the provisions in paragraph (k) of § 1364.452, substituting for the purpose of this paragraph (o) the term "fabricated beef cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include cost of packaging, boxing and freezing. The additions set forth in § 1364.454 (e) and (f) may not be charged]

	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
FABRICATED BEEF CUTS				
(i) Round, rump and shank off	$30.00	$28.75	$24.75	$20.50
(ii) Boneless rump (butt)	25.00	22.75	21.00	18.75
(iii) Hind shank	11.50	11.50	11.50	11.50
(iv) Boneless round	33.00	31.00	27.25	22.50
(v) Inside (top) round	36.75	34.25	29.75	24.25
(vi) Outside (bottom) round	36.75	34.25	29.75	24.25
(vii) Knuckle (hock)	27.50	27.50	24.25	21.25
(viii) Gooseneck boneless round	32.50	29.75	26.50	24.75
(ix) Strip loin (bone in)	49.50	44.75	36.50	29.00
(x) Boneless strip	59.50	53.75	44.00	34.75
(xi) Trimmed full beef tenderloin	58.25	58.25	49.25	49.25
(xii) Trimmed sirloin tenderloin (butt tenderloin)	58.25	58.25	49.25	49.25
(xiii) Trimmed (tip tenderloin (short tenderloin)	58.25	58.25	49.25	49.25
(xiv) Boneless sirloin (butt)	36.75	34.25	27.00	21.25
(xv) Top sirloin (butt)	45.75	44.00	35.75	26.25
(xvi) Bottom sirloin (butt)	30.25	27.25	20.75	17.75
(xvii) Boneless chuck	26.75	25.00	23.25	20.50
(xviii) Boneless chuck (shoulder clod out)	26.00	24.25	22.75	19.75
(xix) Shoulder clod	29.00	27.75	25.75	23.00
(xx) Boneless briskets (deckle on)	23.50	23.50	20.25	20.25
(xxi) Boneless briskets (deckle off)	29.50	29.50	24.75	24.75
(xxii) Oven prepared rib	31.50	29.50	27.25	23.50
(xxiii) Rib short ribs, plate short ribs	21.00	21.00	19.25	19.25
(xxiv) Rib, boned, rolled and tied	39.25	37.00	34.00	29.50
(xxv) Spencer roll	(1)	(1)	41.50	35.75
(xxvi) Regular roll (rib eye)	(1)	(1)	64.50	54.25
(xxvii) Boneless short plate	20.00	20.00	19.00	19.00
(xxviii) Cube steak	22.50	22.50	22.50	22.50
(xxix) Flank steak, scored	25.00	25.00	25.00	25.00
(xxx) Club steaks, bone in	50.00	47.00	36.25	34.00
(xxxi) Boneless strip steaks	61.25	55.25	45.25	35.75
(xxxii) Porterhouse steaks (bone in)	50.00	47.00	38.25	34.00
(xxxiii) T-Bone steaks (bone in)	50.00	47.00	38.25	34.00
(xxxiv) Boneless sirloin steaks	37.75	35.25	27.75	21.75
(xxxv) Top sirloin steaks	47.00	45.25	36.75	27.00
(xxxvi) Boneless rump (butt) (corned) [2]	24.00	24.00	20.50	20.50
(xxxvii) Inside (top) round (corned) and outside (bottom) round (corned) [2]	34.75	34.75	27.00	27.00

[1] On sales to federal, state or municipal institutions only, $0.25 per hundredweight may be added for grinding commercial or utility grades of boneless chuck: *Provided*, That

a written request is received by the seller from the buyer for each such order specifically showing (1) that the buyer requests the seller to perform the grinding operation, (2) the weight of ground beef so requested, and (3) the grade of boneless chuck requested to be ground. In addition an F. D. A. meat inspector must be present at the time of grinding and must issue a certificate in duplicate form stating the weight and grade of boneless chuck ground. Both seller and buyer must retain such certificate and request for inspection by the O. P. A.

[2] This grade not permitted to be sold and/or delivered.

[3] The cured weight of boneless rump (butt) (corned) shall not exceed the green weight by more than 10 percent.

[4] The cured weight of inside (top) round (corned) and outside (bottom) round (corned) shall not exceed the green weight by more than 10 percent.

[Subparagraph (4) amended by Am. 12, 8 F.R. 7109, effective 6-1-43; Am. 15, 8 F. R. 7675; Am. 28, 8 F.R. 13249, effective 10-2-43, Am. 31, 8 F.R. 14009, effective 10-16-43 and Am. 36, effective 2-3-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

(5) The fabricated beef cut prices applicable in Zones 3 and 4 for sales by packing or slaughtering plants, packing branch houses, wholesaler's or other selling establishments to purveyors of meals subject to the provisions in paragraph (k) of § 1364.452, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include costs of packaging, boxing and freezing. The additions set forth in § 1364.454 (e) and (f) may not be charged.]

	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
FABRICATED BEEF CUTS				
(i) Round, rump and shank off	$28.25	$26.50	$23.25	$19.25
(ii) Boneless rump (butt)	22.75	20.50	19.25	17.00
(iii) Hind shank	11.50	11.50	11.50	11.50
(iv) Boneless round	30.50	28.50	25.00	20.75
(v) Inside (top) round [1]	33.50	31.25	27.00	21.75
(vi) Outside (bottom) round	33.50	31.25	27.00	21.75
(vii) Knuckle (face)	26.00	26.00	23.00	20.50
(viii) Gooseneck boneless round	30.25	27.75	24.50	23.00
(ix) Strip loin (bone in)	46.00	41.50	34.50	28.00
(x) Boneless strip	55.25	49.75	41.50	33.50
(xi) Trimmed full beef tenderloin	54.00	54.00	45.00	45.00
(xii) Trimmed sirloin tenderloin (butt tender)	54.00	54.00	45.00	45.00
(xiii) Trimmed tip tenderloin (short tender)	54.00	54.00	45.00	45.00
(xiv) Boneless sirloin (butt)	34.00	31.75	24.75	18.75
(xv) Bottom sirloin (butt)	28.50	26.25	19.75	16.25
(xvi) Top sirloin (butt)	41.75	39.25	31.75	22.25
(xvii) Boneless chuck [1]	23.00	23.50	21.75	19.25
(xviii) Boneless chuck (shoulder clod out)	24.00	22.50	21.00	16.50
(xix) Shoulder clod	28.00	26.50	24.75	22.00
(xx) Boneless brisket	22.00	22.00	18.75	18.75
(xxi) Boneless brisket (deckle off)	27.25	27.25	23.00	23.00
(xxii) Oven prepared rib	29.50	27.50	25.50	22.00
(xxiii) Rib short ribs, plate short ribs	19.00	19.00	17.25	17.25
(xxiv) Rib, boned, rolled and tied	36.50	34.50	31.50	27.25
(xxv) Spencer roll	(5)	(5)	38.25	32.75
(xxvi) Regular roll (rib eye)	(5)	(5)	58.75	49.25
(xxvii) Boneless short plate	18.75	18.75	17.50	17.50
(xxviii) Cube steaks	21.50	21.50	21.50	21.50
(xxix) Flank steak (scored)	23.00	23.00	23.00	23.00
(xxx) Club steaks (bone in)	46.50	43.50	35.50	31.50
(xxxi) Boneless strip steaks	57.00	51.25	42.75	34.50
(xxxii) Porterhouse steaks (bone in)	46.50	43.50	35.50	31.50
(xxxiii) T-bone steaks (bone in)	46.50	43.50	35.50	31.50
(xxxiv) Boneless sirloin steaks	35.00	32.75	25.50	19.25
(xxxv) Top sirloin steaks	43.00	40.50	32.75	23.00
(xxvi) Boneless rump (butt) (corned) [3]	22.00	22.00	18.75	18.75
(xxxvii) Inside (top) round (corned) and outside (bottom) round (corned) [4]	32.00	32.00	24.50	24.50

[1] On sales to federal, state or municipal institutions only, $0.25 per hundredweight may be added for grinding commercial or utility grades of boneless chuck: *Provided*, That a written request is received by the seller from the buyer for each such order specifically showing (1) that the buyer requests the seller to perform the grinding operation, (2) the weight of ground beef so requested, and (3) the grade of boneless chuck requested to be ground. In addition an F. D. A. meat inspector must be present at the time of grinding and must issue a certificate in duplicate form stating the weight and grade of boneless chuck ground. Both seller and buyer must retain such certificate and request for inspection by the O. P. A.

[2] This grade not permitted to be sold and/or delivered.

[3] The cured weight of boneless rump (butt) (corned) should not exceed the green weight by more than 10 percent.

[4] The cured weight of inside (top) round (corned) and outside (bottom) round (corned) shall not exceed the green weight by more than 10 percent.

[Subparagraph (5) amended by Am. 12, effective 6-1-43; Am. 15; Am. 28, effective 10-2-43; Am. 31, effective 10-16-43 and Am. 36, effective 2-3-44. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2).]

(6) The zone prices for ground beef and miscellaneous beef items applicable in Zones 3 and 4 for sales by a hotel supply house to purveyors of meals are as follows:

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly; all prices set forth herein include costs of packaging, except where otherwise specifically provided for]

	Per cwt.
(i) Ground beef, fresh	$19.50
(ii) Ground beef, sharp frozen	20.25
(iii) Ground beef, patties	20.75
(iv) Ground beef, patties (shipped in dry ice)	21.75
(v) Canner, cutter or bull tenderloins 2 to 3 lbs	27.50
(vi) Canner, cutter or bull tenderloins 3 to 5 lbs	30.25
(vii) Canner, cutter or bull tenderloins 5 to 6 lbs	36.00
(viii) Canner, cutter or bull tenderloins 6 lbs and up	42.50
Dried beef:	
(ix) Beef inside	47.00
(x) Beef outside	45.25
(xi) Beef knuckle, bone in	43.00
(xii) Sliced dried beef packed in 5 lb. cartons	63.25
(xiii) Sliced dried beef packed in 3 lb. cartons	64.00
(xiv) Sliced dried beef packed in ¼ lb. cellophane packages	65.75

	Choice and Good AA and A	Commercial and Utility B and C
CORNED BEEF		
(xv) Corned briskets, boneless, deckle on	Per cwt. $23.00	Per cwt. $21.125
(xvi) Corned short plates, bone in	17.00	16.25
(xvii) Corned short plates, boneless	20.75	19.75
(xviii) Corned briskets, boneless, deckle off	27.00	25.50
(xix) Kosher corned boneless briskets, deckle on	24.00	22.125
(xx) Kosher corned short plates, bone in	18.00	17.25
(xxi) Kosher corned short plates, boneless	21.75	20.75
(xxii) Kosher corned boneless briskets, deckle off	28.00	26.50

Definitions for ground beef and the miscellaneous beef items herein are set forth in § 1364.452 (p).

[Subparagraph (6) amended by Am. 12, effective 6-1-43; Am. 15 and Am. 28, effective 10-2-43. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

(p) *Ground beef and miscellaneous beef items.* (1) On and after April 22, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver any ground beef or miscellaneous beef item, and no person in the course of trade or business shall buy or receive any ground beef or miscellaneous beef item at a price higher than the maximum price permitted therefor in paragraph (p) (2) of this section.

[Subparagraph (1) as amended by Am. 7, 8 F.R. 5170, effective 4-16-43]

(2) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for ground beef or each grade of each miscellaneous beef item shall be the applicable zone price determined in accordance with the provision of said paragraph (a) of § 1364.451 and specified in paragraph (p) (3) hereof, minus the required deductions, if any, specified in this paragraph (p) and in Schedule II (§ 1364.453) applicable to beef carcasses and wholesale cuts, plus the permitted additions, if any, specified in this paragraph (p) and in paragraph (a) of Schedule III (§ 1364.454).

(3) Subject to the provisions of subparagraph (8) hereof, the applicable zone price for ground beef and each of the following miscellaneous beef items shall be:

[All prices are on a dollars per hundredweight basis, except where otherwise noted; the price for any fraction of a hundredweight shall be reduced accordingly]

Zone	I	II	III Trimmed beef tenderloin, cutter and canner grade (may not be sold to retailers).				IV Corned beef—loose basis													
	Ground beef, quick frozen and packaged in fiber boxes or containers [1]	Ground beef patties, quick frozen and packaged in fiber boxes or containers [2]	1 Range 2-3 lbs.	2 Range 3-5 lbs.	3 Range 5-6 lbs.	4 Range 6 lbs. and up	1 Corned briskets, boneless, deckle on [3]		2 Corned briskets, boneless, deckle off [3]		3 Corned short plates, bone in [3]		4 Corned short plates, boneless [3]		5 Kosher corned boneless briskets, deckle on [3]		6 Kosher corned boneless briskets, deckle off [3]		7 Kosher corned short plates, bone in [3]		8 Kosher corned short plates, boneless [3]	
							Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C
1	$20.00	$20.50	$26.75	$29.25	$34.75	$40.50	$22.75	$20.875	$26.75	$25.25	$16.75	$16.00	$20.50	$19.50	$23.75	$21.875	$27.75	$26.25	$17.75	$17.00	$21.50	$20.50
2	19.25	19.75	26.00	28.50	34.00	39.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	23.00	21.125	27.00	25.50	17.00	16.25	20.75	19.75
3	18.25	18.75	25.00	27.50	33.00	38.75	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75
4	18.25	18.75	25.00	27.50	33.00	38.75	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75
5	18.75	19.25	25.50	28.00	33.50	39.25	21.50	19.625	25.50	24.00	15.50	14.75	19.25	18.25	22.50	20.625	26.50	25.00	16.50	15.75	20.25	19.25
6	19.00	19.50	25.75	28.25	33.75	39.50	21.75	19.875	25.75	24.25	15.75	15.00	19.50	18.50	22.75	20.875	26.75	25.25	16.75	16.00	20.50	19.50
7	19.25	19.75	26.00	28.50	34.00	39.75	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	23.00	21.125	27.00	25.50	17.00	16.25	20.75	19.75
8	19.50	20.00	26.25	28.75	34.25	40.00	22.25	20.315	26.25	24.75	16.25	15.50	20.00	19.00	23.25	21.375	27.25	25.75	17.25	16.50	21.00	20.00
9	19.75	20.25	26.50	29.00	34.50	40.25	22.50	20.625	26.50	25.00	16.50	15.75	20.25	19.25	23.50	21.625	27.50	26.00	17.50	16.75	21.25	20.25
10	20.00	20.50	26.75	29.25	34.75	40.50	22.75	20.875	26.75	25.25	16.75	16.00	20.50	19.50	23.75	21.875	27.75	26.25	17.75	17.00	22.00	20.50

Zone	V Corned beef (Army, Navy or Federal Surplus Commodities Corporation Specifications)—loose basis—may be sold to War Procurement Agencies only						VI Dried beef							
	1 Corned briskets boneless, deckle on [3]	2 Corned briskets boneless, deckle off [3]	3 Corned short plates, bone in [3]	4 Corned short plates, boneless [3]	5 Corned rump butts, Utility or C grade [5]	6 Corned shoulder clod, Utility or C grade [5]	1 Cured beef ham sets, Utility or C grade [5]	2 Dried beef ham sets, Utility or C grade, wrapped in parchment paper [4]	3 Cured beef insides, Utility or C grade [5]	4 Dried beef insides, Utility or C grade, wrapped in parchment paper [4]	5 Cured beef outsides, Utility or C grade [5]	6 Dried beef outsides, Utility or C grade, wrapped in parchment paper [4]	7 Cured beef knuckles (boneless), Utility or C grade [5]	8 Dried beef knuckles (boneless), Utility or C grade wrapped in parchment paper [4]
	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C	Choice and Good AA and A	Commercial and Utility B and C								
1	$22.75	$20.875	$26.75	$25.25	$16.75	$16.00	$20.50	$19.50	$21.50	$24.00	$26.25	$46.00	$27.50	$47.50	$25.50	$45.75	$25.00	$43.50
2	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	20.75	23.25	25.50	44.25	26.75	46.00	24.75	44.00	24.25	42.75
3	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	19.75	22.25	24.50	44.25	25.75	44.75	23.75	44.00	23.25	41.75
4	21.00	19.125	25.00	23.50	15.00	14.25	18.75	17.75	19.75	22.25	24.50	44.25	25.75	44.75	23.75	44.00	23.25	41.75
5	21.50	19.625	25.50	24.00	15.50	14.75	19.25	18.25	20.25	22.75	25.00	44.75	26.25	46.25	24.25	44.50	23.75	42.25
6	21.75	19.875	25.75	24.25	15.75	15.00	19.50	18.50	20.50	23.00	25.25	45.00	26.50	46.50	24.50	44.75	24.00	42.50
7	22.00	20.125	26.00	24.50	16.00	15.25	19.75	18.75	20.75	23.25	25.50	45.25	26.75	46.75	24.75	45.00	24.25	42.75
8	22.25	20.375	26.25	24.75	16.25	15.50	20.00	19.00	21.00	23.50	25.75	45.50	27.00	47.00	25.00	45.25	24.50	43.25
9	22.50	20.625	26.50	25.00	16.50	15.75	20.25	19.25	21.25	23.75	26.00	45.75	27.25	47.25	25.25	45.50	24.75	43.25
10	22.75	20.875	26.75	25.25	16.75	16.00	20.50	19.50	21.50	24.00	26.25	46.00	27.50	47.50	25.50	45.75	25.00	43.50

[1] If ground beef is not quick frozen, the applicable zone price shall be reduced 75¢ per cwt. If ground beef is unpackaged or packaged otherwise than in fiber boxes or containers, the applicable zone price shall be reduced 25¢ per cwt.

[2] If ground beef patties are not quick frozen, the applicable zone price shall be reduced 75¢ per cwt. If ground beef patties are unpackaged or packaged otherwise than in fiber boxes or containers, the applicable zone price shall be reduced 25¢ per cwt. For ground beef patties, quick frozen, and packaged in double corrugated cartons containing 10 or 20 pounds of product which is wrapped in white wax paper and shipped with dry ice to assure delivery in a frozen condition, $1.00 per cwt. may be added to the applicable zone price.

[3] (a) The following packaging charges may be added to the applicable zone price:

	Per cwt.
For slack barrels	$0.25
For tierces "pickle on"	1.00
For 200 lb. net weight tight hardwood barrels "pickle on"	1.00
For 100 lb. net weight tight hardwood barrels "pickle on"	1.75
For 50 lb. net weight tight hardwood kegs "pickle on"	$2.00
For 25 lb. net weight tight hardwood kits "pickle on"	2.50
For one piece fibre carton	.75
For wooden boxes	.50

(b) For kosher corned beef items made from cattle slaughtered in that portion of Zone 9 north of the Potomac River, which meat clearly bears the abattoir's stamp at the time of sale, the seller may add $1.50 per cwt. to the applicable Zone 9 price in column IV hereof: *Provided*, That such kosher corned beef shall be sold to a bona fide seller of kosher meat located in that portion of Zone 9 north of the Potomac River. This addition shall not be charged or received for the sale of any kosher corned beef item which does not bear the abattoir's stamp clearly legible.

[4] If dried beef is sold unwrapped or wrapped otherwise than in parchment paper, the applicable zone price shall be reduced 25¢ per cwt. For packing in slack barrels 25¢ per cwt. may be added.

Zone	VII Sliced dried beef: 1 Packed in 8 lb. cartons	2 Packed in 3 lb. cartons	3 Packed in ¼ lb. cellophane packages	4 Packed in 1⅗ oz. glass jars price per dozen	5 Packed in 2 oz. glass jars price per dozen	6 Packed in 2⅗ oz. glass jars price per dozen	7 Packed in 3⅕ oz. glass jars price per dozen	8 Packed in 5 oz. glass jars price per dozen	9 Packed in 7 oz. glass jars price per dozen	VIII Boneless stewing beef may be sold to Federal, State or municipal institutions only: Frozen in 5 lb. bricks and packed with dry ice in 50 lb. containers [1]	IX Boneless chuck (shoulder clod out) Utility or C grade [1]
1	$56.75	$57.50	$60.75	$1.14	$1.42	$1.71	$2.37	$3.06	$4.13	$23.25	$18.50
2	56.50	56.75	60.00	1.11	1.38	1.66	2.32	2.98	4.04	22.60	17.75
3	55.00	55.75	59.00	1.07	1.33	1.61	2.25	2.88	3.92	21.50	16.75
4	55.00	55.75	59.00	1.07	1.33	1.61	2.25	2.88	3.92	21.50	16.75
5	55.50	56.25	59.50	1.09	1.35	1.64	2.28	2.93	3.98	22.00	17.25
6	55.75	56.50	59.75	1.10	1.37	1.65	2.30	2.96	4.01	22.25	17.50
7	56.00	56.75	60.00	1.11	1.38	1.66	2.32	2.98	4.04	22.50	17.75
8	56.25	57.00	60.25	1.12	1.39	1.68	2.34	3.00	4.07	22.75	18.00
9	56.50	57.25	60.50	1.13	1.41	1.69	2.36	3.03	4.10	23.00	18.25
10	56.75	57.50	60.75	1.14	1.42	1.71	2.37	3.06	4.13	23.25	18.50

[1] If boneless stewing beef is not packed with dry ice, the applicable zone price shall be reduced 10 cents per cwt.

[Table amended by Am. 11, 8 F.R. 6427, effective 5–14–43; Am. 15, 8 F.R. 7675; Am. 23, 8 F.R. 10671, effective 7–29–43; Am. 24, 8 F.R. 11081, effective 8–7–43; Am. 26, 8 F.R. 13249, 14305; and Am. 31, 8 F.R. 14009, effective 10–16–43. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

(4) "Ground beef" (hamburger, hamburg steak, hamburger steak) means ground, chopped or comminuted fresh beef derived from the skeletal portions of the dressed carcass (but not including head meat), which contains no offal, added blood, cartilage, gristle, bone, cereal product or other ingredient except seasoning, and which does not have a fat content in excess of 28 percent by chemical analysis. Ground beef shall be ground at least twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or chopped in a rotary cutter, or by other means giving equivalent results.

(5) "Ground beef patties" as used herein means ground beef which has been formed into sticks, loaves, or cylinders and then sliced into pieces of uniform thickness, each of which shall not weigh more than three ounces.

(6) "Quick frozen" as used in this paragraph (p) means the freezing as rapidly as practicable in a sharp freezer or wind tunnel to a temperature not higher than minus 10° Fahrenheit, and the maintenance of the product in a thoroughly frozen condition until delivered to the buyer's place of business.

(7) "Miscellaneous beef item" means and is limited to any of the following items meeting the following minimum specifications:

(i) *Full trimmed beef tenderloin.* "Full trimmed beef tenderloin" means the cutter and canner or bologna bull grade tenderloin muscle with the attached side strip muscle lying inside of the full loin, cut and trimmed as herein required. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra to the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of loin. Full trimmed beef tenderloin shall be void of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three quarters of the length of the entire tenderloin.

[Subparagraph (i) as amended by Am. 15, 8 F.R. 7675. For effective dates see note following table in § 1364.452 (d) (2)]

(ii) *Corned boneless brisket (deckle on).* "Corned boneless brisket" means that part of the trimmed brisket which has been cured after all the bones, and intercostal meat have been removed. The fat along the sternum edge of the corned brisket shall not exceed ½ inch, and all rough fat and ragged pieces of meat from both bone and skin side of boneless brisket shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge trimmed to expose the narrow portion of lean meat. The cured weight of corned boneless brisket shall not exceed the green weight by more than 10%.

(iii) *Corned boneless brisket (deckle off).* "Corned boneless brisket (deckle off)" means corned boneless brisket with the deckle removed. The deckle means the thin top layer of fat meat and tissue lying in the breast bone (sternum) side of the brisket.

(iv) *Corned boneless short plate.* "Corned boneless short plate" means that part of the trimmed short plate which has been cured after the skirt (diaphragm), skirt fat and all bones have been removed. The fell shall be stripped from the flank side of the plate and all fat exceeding ½ inch shall be removed. The cured weight of corned boneless brisket shall not exceed the green weight by more than 10%.

(v) *Cured beef hams (insides, outsides, knuckles).* "Cured beef hams (inside, outside, knuckle)", means the cured three natural muscle pieces into which the round is separated after the rump, shank and femur bone (round bone) have been removed.

The "knuckle" shall be separated by cutting through the natural muscle seam between the knuckle and outside muscle on the one side, and the knuckle and the inside muscle on the other side leaving one and one half inches of the wedge shaped piece of the meat from the overlapping inside muscle attached to the knuckle. The patella (or knee cap bone) may be left on the knuckle.

The "inside" and "outside" pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside, and continuing in a straight line to a point on the rump end which is just barely on the outside edge of the large muscle seam that is visible at this end. The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles. All cod or udder fat and all other fat in excess of ⅛ of an inch shall be removed. The cured weight of beef hams shall not exceed the green weight by more than 10%.

(vi) *Corned short plate (bone in).* "Corned short plate" means a cured short plate with all the diaphragm (skirt) and diaphragm fat (skirt fat) and all loose trimmings removed. The cured weight shall not exceed the green weight by more than 6%.

(vii) *Dried beef (insides, outsides, knuckles).* "Dried beef (insides, outsides, knuckles)" means cured insides, outsides or knuckles of the beef ham, which have the moisture content reduced so that the resulting weight is not in excess of 65% of the green weight, but in no event shall the moisture content exceed 2.5 times the protein content.

(viii) Boneless stewing meat means meat prepared from fresh carcass beef, U. S. cutter and canner grade. All cuts of the beef carcass must be used except the tenderloin and kidneys which may be excluded and retained by the seller. All serous membranes shall be stripped from the flanks, skirts and navel ends. All meats shall be free from bones, cartilage and tendinous back strap. Fat shall not exceed 10 percent trimmable fat. The meat shall be cut into approximately 1 inch pieces, formed into 5 pound bricks, wrapped in heavy waxed paper, and packed in fibre or corrugated containers of uniform size and appearance. The meat shall be immediately placed in a freezer and frozen solid. All meats shall be in prime condition at the time of delivery at destination. Each container shall be inspected and passed by the Food Distribution Administration and at the time of such inspection, the consignee's acceptance stamp shall be placed on each container by the official inspector.

[Subparagraph (viii) added by Am. 23, 8 F.R. 10671, effective 7–29–43]

(ix) *Corned shoulder clod.* Corned shoulder clod means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck. The cured weight shall not exceed the green weight by more than 10 percent.

(x) Boneless chuck (shoulder clod out) means that part of the chuck remaining after all bones and back strap have been removed. Boneless chuck shall be made only from the regular chuck (square cut). No trimming of the boneless chuck is required and the intercostal meat may be left attached. The shoulder clod (as defined in subparagraph (ix) hereof) shall be removed.

[Subparagraphs (ix) and (x) added by Am. 31, 8 F.R. 14009, effective 10–16–43]

(8) For any item subject to this paragraph (p) which does not satisfy the specifications or which is made from wholesale cuts, portions of beef or grades of beef not authorized, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced miscellaneous beef item.

[Subparagraph (8) added by Am. 15, 8 F.R. 7675. For effective dates see note following table in § 1364.452 (d) (2)]

[Paragraph (p) added by Am. 6, 8 F.R. 4844, effective 4–14–43]

§ 1364.453 *Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For beef carcasses and beef wholesale cuts not graded by an official grader.* For the sale of any beef carcass or beef wholesale cut which does not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½ cents per cwt. from the applicable zone price.

[Paragraph (a) as amended by Am. 4, 8 F.R. 4097, effective 4–3–43]

(b) *Carload discount.* For all beef carcasses and/or beef wholesale cuts and/or other meat items subject to this subpart B and § 1364.453 and § 1364.454, delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

[Paragraph (b) amended by Am. 8, 8 F.R. 5478, effective 4–23–43; Am. 10, 8 F.R. 6058, effective 5–8–43; Am. 14, 8 F.R. 7199, effective 5–24–43; Am. 15, 8 F.R. 7675; Am. 16, 8 F.R. 8011, effective 6–8–43; Am. 18, 8 F.R. 8756, effective 6–22–43; and Am. 21, 8 F.R. 9995, effective 7–16–43. Paragraph (c) consolidated with (b) by Am. 15]

§ 1364.454 *Schedule III: Amounts which may be added to zone prices listed in Schedule I.* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.* (1) For transportation from the point at which the meat was slaughtered in Price Zone 3 or 4 to a distribution point located in either of those price zones, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

[Subparagraph (1) as amended by Am. 28, 8 F.R. 13249, effective 10–2–43]

(2) For transportation from the point at which the meat was slaughtered in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25¢ per cwt.

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25¢ per cwt.

(4) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, located in Price Zone 3 or 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 3 or 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75¢ per cwt.

(5) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50¢ per cwt.

(6) Notwithstanding any of the provisions of paragraphs (a) (1) to (a) (5), inclusive, of this § 1364.454, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50¢ per cwt. in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, or $1.00 per cwt. in Price Zone 3 or 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis,

and the charge for transportation and/or local delivery for any fraction of a hundredweight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided*, That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any addition for transportation or local delivery which is included in the maximum price charged.

[Subparagraph (6) amended by Am. 2, 8 F.R. 164, effective 1-8-43 and Am. 28, 8 F.R. 13249, effective 10-2-43]

(b) *For kosher beef wholesale cuts.* The applicable zone price established for kosher beef wholesale cuts (which includes the additions permitted) shall apply only on sales of kosher beef as such to buyers of kosher meat and no seller shall sell or deliver any kosher beef wholesale cut and no buyer shall buy or receive any kosher beef wholesale cut at the price established therefor or at a price higher than established for the corresponding non-kosher wholesale cut in § 1364.452 (Schedule I), unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher beef wholesale cut to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher wholesale cut, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any beef carcass or wholesale cut which has been derived from cattle slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher wholesale cuts derived from cattle slaughtered in a limited area of Zone 9.* (1) For any grade of kosher beef triangle or kosher beef wholesale cut or cuts obtained from the kosher triangle, except the grades utility, cutter or canner, which cuts are derived from steers or heifers slaughtered in that portion of Zone 9 north of the Potomac River and which clearly bear the abattoir stamp at the time of sale, the seller may add $1.50 per cwt. to the applicable Zone 9 price: *Provided*, That such wholesale cut shall be sold to a bona fide buyer of kosher meat located in that portion of Zone 9 north of the Potomac River. In the case of kosher forequarters derived from steers, heifers or bulls slaughtered in the same area and sold under the same conditions, the seller may add $1.20 per cwt. to the applicable Zone 9 price.

[Subparagraph (1) as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(2) [Revoked]

[Subparagraph (2) Revoked by Am. 4, effective 4-3-43]

(3) The provisions of paragraph (b) of this section governing the sale of kosher wholesale cuts shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher wholesale cut which does not bear the abattoir's stamp clearly legible. No slaughterer shall charge the addition for kosher beef slaughtered in the limited areas of Price Zone 9 described in subparagraphs (1) or (2) hereof, until he shall have filed the report required in paragraph (d) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *Wholesalers' selling addition.* On sale of any beef carcass or beef wholesale cut and/or any other meat item subject to this regulation, not obtained through custom slaughtering, excluding therefrom sales made pursuant to paragraphs (l), (m), (n) or (o) (5) of § 1364.452, a person who at the time of the sale is a wholesaler may add 75 cents per cwt. to the applicable zone price: *Provided, however*, That no person shall charge the addition permitted by this § 1364.454 (d) unless such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person (1) is engaged in the business of buying beef carcasses and/or beef wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

[Paragraph (d) amended by Am. 15, 8 F.R. 7675, effective 6-19-43; Am. 21, 8 F.R. 9995, effective 7-16-43; and Am. 36, effective 2-3-44]

(e) *Packaging for war procurement agencies.* On sales of beef carcasses and beef wholesale cuts to a war procurement agency, the seller may add for packaging or wrapping, and freezing, (U. S. Government specifications) -- 50¢ per cwt.

(f) *Boxing.* On sales to a seller at retail, purveyor of meals, war procurement agency, commercial user (not wholesaler, branch house, hotel supply house, etc.), war procurement agency, or other government agency, the seller may add 15¢ per cwt. for packing in boxes.

(g) *Peddler-truck selling addition.* On a peddler truck sale involving delivery of not more than 100 pounds of beef in a total delivery of not more than 150 pounds of meats and meat products in any one day from such peddler-truck to any buyer's store door, a peddler may add to the prices specified in § 1364.452 (Schedule I) the sum of $1.25 per cwt. This addition shall be in lieu of any local delivery and/or transportation addition permitted in § 1364.454.

[Paragraph (g) added by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.455 *Definitions applicable to beef.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to beef, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided*, That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Beef" means meat derived from the carcasses of bovine animals which does not qualify as veal as defined in § 1364.470 (a) (3) of this regulation.

[Subparagraph (3) as amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck for local delivery to the buyer.

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, car route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller otherwise than by rail, commencing at the seller's distribution point, or in the case of car routes, at the car unloading point and continuing to the buyer's place of business or other point of delivery.

(7) "Price Zone 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Beef carcass" means and is limited to the dressed carcass, side, or sides of beef, which shall be dressed with the 1st and 2nd tail (caudal) vertebrae, kidney knob or knobs and hanging tender left on. The beef carcass shall not be broken in any other manner than provided in paragraph (a) (9) of this § 1364.455.

(9) "Beef wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the beef carcass, but excluding the offal and any item not included herein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side.)

(i) "Hindquarter" means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(ii) "Forequarter" means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side, and comprising the rib, regular chuck, brisket, short plate and foreshank all in one piece, which anterior portion contains the 1st to the 12th rib, inclusive. All heart (mediastinal) fat, but no other fat, shall be removed from the forequarter. The skirt (diaphragm) shall not be removed from any cut or part of the forequarter to which it is attached.

(iii) "Round" means the portion of the hindquarter remaining after the severance of the untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: the untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through that point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(iv) "Trimmed full loin" means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the back bone of which portion shall include one and one-half (1½) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebra shall have been sawed off in severing the round from the full loin and flank), and which portion shall be obtained as follows: Part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2nd lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(v) "Flank" means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than one inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-in. measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

(vi) "Flank steak" means the flat, oval-shaped lean muscle of meat imbedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(vii) "Short loin" means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which portion shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae and part of the 13th rib.

(viii) "Sirloin" (loin end) means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebra, five (5) sacral vertebrae (the tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(ix) "Cross cut chuck" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(x) "Regular chuck" means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(xi) "Foreshank" means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(xii) "Brisket" means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2nd to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(xiii) "Rib" means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the back bone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebrae, and not from the hollow of the chine.

(xiv) "Short plate" means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breastbone.

(xv) "Back" means the portion of the forequarter remaining after the severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by one cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra, and continuing to a point measured off 10 inches on the inside of the 5th rib along the 5th rib from the center of the inside protruding edge of the 5th thoracic vertebra; and a second cut made in a straight line starting from the termination point of the first cut and continuing through a fixed point at the tip of the forward end of the breast bone, including the cartilage in young cattle or the ossified bone in the older cattle (forward end of the 1st segment of sternum), through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: Measurements shall be made from the center of the protruding edge of the 12th and 5th thoracic vertebrae, and not from the hollow of the chine.

[Subparagraph (xv) as amended by Am. 15, 8 F.R. 7675. For effective dates of Am. 15, see note following table in § 1364.452 (d) (2)]

(xvi) "Triangle" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine.

(xvii) "Arm chuck" means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

(10) "Kosher beef wholesale cut" means any beef wholesale cut derived from cattle or calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(11) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(12) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

[Subparagraphs (13) and (15) revoked and (14), (16), (17) and (18) redesignated as (13), (14), (15) and (16) respectively by Am. 12, 8 F.R. 7109, effective 6-1-43. Former (13) and (14) amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

(13) "Wholesaler" means a person other than a hotel supply house or peddler-truck seller who buys beef carcasses and/or beef wholesale cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(14) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by

a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(15) "Peddler-truck sale" means a sale of beef from a truck by a person who purchases beef at or below the maximum price from a seller with whom he has no other financial affiliations or relationship, who takes a delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck, owned and driven by him: *Provided*, That the first record of the transaction is made by the salesman concurrently with the delivery of the products sold.

(16) "Club cattle or calves" means any cattle or calves which have been bred, raised and fed, or fed only, by a member of a 4-H or F. F. A. club under the supervision of the Extension Service of the United States, or by an individual participating in a vocational agricultural project under the supervision of a vocational agricultural teacher in any recognized Vocational Agricultural Department, and which have been certified in writing to conform to the provisions hereof by the supervisor, club agent, agricultural county agent or vocational agricultural project teacher under whose supervision such cattle or calves were bred, raised or fed.

[Subparagraph (16), formerly (18), as amended by Am. 6, 8 F.R. 4844, effective 4-14-43]

(b) When used in this Revised Maximum Price Regulation No. 169 and when applicable to sales of fabricated beef cuts to purveyors of meals the term:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and the sale of fabricated meat cuts to purveyors of meals, including the sale of beef carcasses and/or beef wholesale cuts, ground beef and miscellaneous beef items, variety meats and edible by-products and sausage to purveyors of meals, and in the sale of retail meat cuts, variety meats and edible by-products and/or processed meat products to ultimate consumers pursuant to the provisions of § 1364.416 of this regulation; and which during the period of September 15, 1942 through December 15, 1942, sold and/or delivered to purveyors of meals, other than to war procurement agencies, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold by it.

[Subparagraph (1) amended by Am. 24, 8 F.R. 11061, effective 8-7-43, and Am. 36, effective 2-3-44]

(2) "Purveyor of meals" means:

(i) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

(ii) War Shipping Administration of the United States Government.

[Subparagraph (ii) as amended by Am. 20, 8 F.R. 10362, effective 7-28-43]

(iii) Any person operating an ocean going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel.

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state, or local government or agency thereof.

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

[Subparagraph (v) added by Am. 24, 8 F.R. 11061, effective 8-7-43]

(3) "Fabricated beef cut" means and is limited to mean any of the following cuts made for a purveyor of meals, meeting the following minimum specifications, and derived from specified beef wholesale cuts as provided for in paragraphs 8 and 9 of § 1364.455, excluding any item not included herein. All cuts shall be made according to the specifications provided herein.

(i) *Round (rump and shank off).* Round (rump and shank off), means that part of a round remaining after the shank and rough rump have been removed.

The shank shall be removed by a cut starting at the bottom end of the gambrel cord, following the natural muscle seam to the stifle (knee) joint, passing through the bones of the joint severing the shank from the round. The rough rump shall be removed by a straight cut starting at a point on the outside or skin surface of the round, so as to meet the top part of the aitch bone, then following the curvature of the aitch bone to the protuberance of the femur bone (round bone) leaving no part of the aitch bone in the round. The rump shall then be separated from the round by sawing through the ball of the femur bone (round bone). All cod or udder fat shall be removed from the round, rump and shank off.

(ii) *Boneless rump (butt).* The boneless rump means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed.

Ragged pieces of meat and fat in excess of one inch on the top or outside skin surface shall be removed.

(iii) *Hind shank.* Hind shank means the hind shank of the beef with lean meat attached. It shall be removed from the round as described in (3) (i).

(iv) *Boneless round.* Boneless round means that part of the round remaining after all bones (including tail bones) and shank have been removed. The shank shall be removed as described in (3) (i). The ragged pieces of meat, all cod or udder fat, and other fat in excess of one inch shall be removed.

(v) *Inside (top round), outside (bottom round) and knuckle (face).* Inside (top round), outside (bottom round) and knuckle (face) means the three natural muscle pieces into which the round is separated after the rough rump, shank, and femur bone (round bone) have been removed. The shank and rough rump shall be removed as described in (3) (i). The knuckle shall be separated by cutting through the natural muscle seams between the knuckle and outside muscles on the one side, and the knuckle and the inside muscles on the other side leaving one and one-half inches of the wedge-shaped pieces of meat from the overlapping inside muscle attached to the knuckle. The patella (knee cap bone) and all cartilage or connecting tissue shall be removed.

The inside and outside pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside, and continuing the cut in a straight line to a point on the rump end which is just barely on the outside edge of the large muscle seam that is visible at this end.

The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles.

The cod or udder fat and all other fat in excess of one inch shall be removed.

(vi) *Gooseneck boneless round.* Gooseneck boneless round means the outside muscle and boneless rump attached. It shall be made by separating the outside muscle with boneless rump attached, from the knuckle and inside muscles by the method as described in (3) (v). All fat in excess of one inch on the top of outside skin surface of the rump shall be removed.

(vii) *Strip loin (bone in).* The strip loin means that part of the full loin, after the full tenderloin, sirloin, protruding edge of the chine bone, and the flank edge of the short loin have been removed, or that part remaining of a short loin after the short tenderloin, protruding edge of chine bone and the flank edge of the short loin have been removed. The strip loin shall be cut from the stripped full loin in a straight line perpendicular to the outside or skin surface of the loin from a point which is the juncture of the 5th and 6th lumbar vertebrae and continuing in the same straight line through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the strip loin.

The protruding edge of the chine bone shall be removed by sawing through the lower extremity of the spinal cord groove when the loin is lying with the flesh side down. The flank edge of the strip loin shall be cut off in a straight line from the sawed end of the 13th rib, which is 10 inches from the center of the protruding edge of the 13th thoracic vertebrae and continuing in a straight line the full length of the strip loin

parallel to the chine bone and perpendicular to the outside skin surface of the strip loin. Rough fat on the inside of the strip loin shall be trimmed smooth and all fat in excess of one inch on the outside skin surface shall be removed.

(viii) *Boneless strip.* Boneless strip means that part of a strip loin remaining after all bones have been removed. All fat in excess of one inch on the outside skin surface shall be removed.

(ix) *Trimmed full beef tenderloin.* Full beef tenderloin means the tenderloin muscle with the attached side strip muscle lying inside of the full loin. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra to the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of the loin. Full beef tenderloin shall be devoid of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three-quarters of the length of the entire tenderloin.

(x) *Trimmed sirloin tenderloin (butt tenderloin).* Trimmed sirloin tenderloin means that portion of the tenderloin muscle removed from the sirloin. It shall be devoid of any head muscle and all excess fat shall be removed from the back of the sirloin tenderloin so as to expose the gland as described in (3) (ix).

(xi) *Trimmed tip tenderloin (short tenderloin).* Trimmed tip tenderloin means that portion of the tenderloin muscle removed from a short loin. The fat on the back of the tenderloin shall be tapered down as described in (3) (ix) and at no point shall exceed ½ inch. All fat from the lower half shall be entirely removed.

(xii) *Boneless sirloin (butt).* Boneless sirloin means that part of a sirloin after all the bone and the sirloin tenderloin have been removed. All flank meat and the fat from the flank side of the boneless sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(xiii) *Top sirloin (butt).* Top sirloin means that part of the boneless sirloin, which is the top lean muscle that covered the hip bone (ilium) from the chine bone side of the sirloin to the natural muscle seam (or blue seam) which separates the bottom lean muscle from the top lean muscle.

The top sirloin shall be separated from the bottom sirloin by cutting through the natural muscle seam (or blue tissue) and continuing through the meat with the knife held at a 45 degree angle to the cutting surface of the block. All fat in excess of one inch on the outside skin surface shall be removed.

(xiv) *Bottom sirloin (butt).* Bottom sirloin means that part of the boneless sirloin remaining after the removal of the top sirloin. All flank meat and the fat from the flank side of the bottom sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(xv) *Boneless chuck.* Boneless chuck means that part of the chuck remaining after all bones and the back strap have been removed. Boneless chuck shall be made only from regular chucks (square cut).

No trimming of boneless chuck is required and the intercostal meat may be left attached.

(xvi) *Boneless chuck (shoulder clod out).* Boneless chuck, shoulder clod out, shall be the same as the boneless chuck described in (xv) except that the shoulder clod shall be removed.

(xvii) *Shoulder clod.* Shoulder clod means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck.

(xviii) *Boneless brisket (deckle on).* Boneless brisket means that part of the brisket remaining after all the bones, and intercostal meat have been removed. The fat along the sternum edge of the brisket shall not exceed ½ inch, and all rough fat and ragged pieces of meat from both the bone and skin side of boneless brisket shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge trimmed to expose the narrow portion of lean meat.

(xix) *Boneless brisket (deckle off).* Boneless brisket deckle off means boneless brisket as described in (xviii) with the deckle removed. Deckle means the thin lop layer of fat, tissue and meat lying on the breast bone (sternum) side of the brisket and shall be entirely removed.

(xx) *Oven-prepared rib.* Oven-prepared rib means that part of the regular seven-bone rib remaining after the chine bone and short ribs have been removed.

The chine bone, or bodies of the thoracic vertebrae, shall be entirely removed by cutting to the point at which they join the feather bones, exposing the lean meat, but leaving the feather bones attached to the rib cut. The short ribs shall be removed by cutting in a straight line perpendicular to the outside skin surface of the rib from a point measured 8 inches along the 12th rib from the protruding edge of the 12th thoracic vertebrae to a point measured eight inches along the 6th rib from the protruding edge of the 6th thoracic vertebrae (chine bone). All the blade bone, including the cartilage shall be removed.

(xxi) *Rib short ribs, plate short ribs.* Rib short ribs means that portion of the rib cut off in fabricating oven-prepared ribs, as described in (3) (xx) and shall include the rib sections of seven ribs.

Plate short ribs means strip pieces cut from the short plate up to and not beyond the point where the ribs join the costal cartilages, (rib cartilages).

(xxii) *Rib, boned, rolled and tied.* Rib, boned, rolled and tied means that part of the regular 7-rib cut remaining after all bones, including the blade bone and cartilage, have been removed. The intercostal meat shall be removed.

Rib, boned, rolled and tied shall be rolled into a cylindrical shape and tied with at least five loops of string. Ragged pieces on the ends shall be trimmed off.

(xxiii) *Spencer roll.* Spencer roll means that part of the regular 7-rib cut remaining after the short ribs, all bones, and the blade bone with the meat attached have been removed.

The short ribs shall be cut off as described in (3) (xx), the intercostal meat shall not be included and no further trimming is required.

Spencer rolls shall be made only from B (commercial) and C (utility) grades of beef.

(xxiv) *Regular roll (rib eye).* Regular roll (rib eye) means the rib eye muscles only with no fat or bones included. No further trimming is required. Regular rolls (rib eye) shall be made only from B (commercial) and C (utility) grades of beef.

(xxv) *Boneless short plate.* Boneless short plate means that part of the short plate remaining after the skirt and all bones have been removed. The fell shall be stripped from the flank side of the plate. All fat exceeding ½ inch shall be removed.

(xxvi) *Cube steak.* Cube steaks means any lean muscle meat cut into steaks not less than 4 inches in width and tenderized by numerous cuts penetrating the steak. Cube steaks can be made either by hand or by machine.

(xxvii) *Flank steak (scored).* Flank steak shall be scored or cut diagonally in about ¾ inch cross cuts on both sides of the steak.

(xxviii) *Club steaks (bone in).* Club steaks means steaks cut from that portion of a short loin or strip loin extending from a point opposite the juncture of the first and second lumbar vertebrae to the forward (anterior) end of the short or strip loin.

The cutting of steaks and the trimming of the flank shall be made as described in (3) (xxx).

No further trimming of the flank or removal of chine bone shall be required on club steaks made from strip loins.

The chine bone on club steaks made from short loins shall be removed by chopping or sawing through the inner extremity of the spinal cord groove.

Only complete club steaks shall be made and all fat in excess of one inch on outside skin surface shall be removed.

(xxix) *Boneless strip steak.* Boneless strip steaks means steaks cut from boneless strip loins trimmed as described in (3) (viii). Only complete steaks shall be made.

(xxx) *Porterhouse steaks (bone in).* Porterhouse steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebra to the end of the short loin at the point of severance from the sirloin.

The flank shall be removed at a point measured four inches downward from the lower end of the eye muscle. All fat in excess of one inch on the inside or outside skin surface shall be removed.

(xxxi) *T-bone steaks (bone in).* T-bone steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebrae to a point opposite the juncture of the first and second lumbar vertebrae. T-bone steaks shall be trimmed as described in (3) (xxx).

(xxxii) *Boneless sirloin steaks.* Boneless sirloin steaks means steaks cut from a boneless sirloin and trimmed as described in (3) (xiii). Only complete steaks shall be made.

(xxxiii) *Top sirloin steaks.* Top sirloin steaks means steaks cut from the top sirloin and trimmed as described in (3) (iv). Only complete steaks shall be made.

(4) Fabricated meat cuts as used in this regulation means and is limited to those fabricated beef cuts and fabricated veal cuts which are described and for which maximum prices are established in this regulation and those hotel supply cuts which are described and for which maximum prices are established in Revised Maximum Price Regulation No. 239, "Lamb and Mutton Carcasses and Wholesale Cuts at Wholesale and Retail".

(5) "Three month quota period" means and is limited to the following quarterly periods: June 1 to August 31, inclusive, September 1 to November 30, inclusive, December 1, to February 28 or 29, inclusive and/or March 1 to May 31, inclusive.

(6) Variety meats and edible by-products include and are limited to those items only which are defined and for which maximum selling prices are established in Maximum Price Regulation No. 398, "Variety Meats and Edible By-Products at Wholesale" and/or Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and all Variety Meats and Edible By-Products".

[Paragraph (b) added by Am. 12, 8 F.R. 7109, effective 6-1-43. Former (b) redesignated (c). Subparagraphs (4), (5), and (6) added by Am. 36, effective 2-3-44]

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used therein.

SUBPART C—PROVISIONS AFFECTING VEAL

§ 1364.466 *Maximum prices for veal carcasses and wholesale cuts.* Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each veal carcass or veal wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions.* (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule VI hereof, incorporated herein as § 1364.469, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule IV (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.467, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule IV § 1364.467, for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which local delivery to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (a') is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (b') is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express agency for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in paragraph (l), (m) or (n), of Schedule IV § 1364.467, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any veal or any part or portion of any veal carcass and no person in the course of trade or business shall buy or receive any veal or any part or portion of any veal carcass unless such veal or part or portion is a veal carcass or a veal wholesale cut, as defined in § 1364.470 for which applicable prices have been established.

(b) *Maximum price.* The maximum price for each grade of each veal carcass or veal wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.466 and specified in Schedule IV incorporated herein as § 1364.467, minus the required deductions, if any, specified in Schedule V incorporated herein as § 1364.468, plus the permitted additions, if any, specified in Schedule VI incorporated herein as § 1364.469.

§ 1364.467 *Schedule IV: Veal price zones and applicable zone prices*—(a) *Zone 1.* (1) Zone 1 includes the area designated as Zone 1 in § 1364.452 (a) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 1.* Subject to the provisions of paragraph (k) of this section, the Zone 1 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $2.50 per cwt.

(b) *Zone 2.* (1) Zone 2 includes the area designated as Zone 2 in § 1364.452 (b) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 2.* Subject to the provisions of paragraph (k) of this section, the Zone 2 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(c) *Zone 3.* (1) Zone 3 includes the area designated as Zone 3 in § 1364.452 (c) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 3.* Subject to the provisions of paragraph (k) of this section, the Zone 3 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $.75 per cwt.

(d) *Zone 4.* (1) Zone 4 includes the area designated as Zone 4 in § 1364.452 (d) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this section, the applicable zone prices for Zone 4 are as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cull or D
(i) Carcass—hide on—57 pounds to 170 pounds	$19.75	$18.75	$17.00	$15.25	$13.00
(ii) Carcass—hide on—over 170 pounds to 315 pounds	19.25	18.25	16.50	14.75	12.75
(iii) Carcass—hide on—under 57 pounds	18.75	17.75	16.00	14.25	12.00
(iv) Carcass or side—hide off—50 to 275 pounds	20.00	19.00	17.00	16.00	12.50
(v) Carcass or side—hide off—under 50 pounds	19.00	18.00	16.00	14.00	11.50
(vi) Foresaddle or forequarter [1]	17.75	17.25	15.75	14.25	11.00
(vii) Kosher foresaddle or forequarter [1]	18.25	17.75	16.25	14.75	11.50
(viii) Hindsaddle or hindquarter [1]	22.50	21.00	18.50	16.00	14.25
(ix) Loin, double or single [1]	21.75	20.25	17.75	15.25	13.75
(x) Legs or leg [1]	23.00	21.50	19.00	16.50	14.50

[1] To be sold only from veal carcasses weighing 50 to 275 pounds, hide off.
[2] These prices are further subject to the provisions of paragraph (b) of Schedule VI (§1364.469).

NOTE: All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly. Weight limitations apply to entire carcass and not to sides.

[Table amended by Am. 12, 8 F.R. 7109, effective 6-1-43 and Am. 15, 8 F.R. 7675. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

The applicable zone price of each veal carcass or veal wholesale cut which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

The applicable zone price of each kosher veal foresaddle or forequarter which has not been graded or identified by sex mark (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced kosher wholesale cut.

[Above 2 paragraphs as amended by Am. 25, 8 F.R. 11298, effective 7-16-43]

(e) *Zone 5.* (1) Zone 5 includes the area designated as Zone 5 in § 1364.452 (e) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the area designated as Zone 6 in § 1364.452 (f) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the area designated as Zone 7 in § 1364.452 (g) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of veal carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (applicable Zone 4 price) plus $1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the area designated as Zone 8 in § 1364.452 (h) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the area designated as Zone 9 in § 1364.452 (i) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(j) *Zone 10.* Zone 10 includes the area designated as Zone 10 in § 1364.452 (j) (1) and is incorporated herein by reference.

(2) *Veal carcass and veal wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of veal carcass and veal wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any veal wholesale cut which has been miscut or for any piece or portion of veal which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest-priced wholesale cut.

(l) *Frozen boneless veal (Federal Surplus Commodities Corporation Specifications).* (1) On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless veal (F. S. C. C. Specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (l) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless veal (F. S. C. C. Specifications), including cost of boxing and freezing, in each of the following price zones shall be:

Price zone:	Zone price per cwt.
1	$23.00
2	22.00
3	21.25
4	20.50
5	21.00
6	21.25
7	21.50
8	21.75
9	22.00
10	22.25

[Subparagraph (2) as amended by Am. 15, 8 F.R. 7675. For effective date of Am. 15, see note following table in § 1364.452 (d) (2)]

(3) Frozen boneless veal (F. S. C. C. Specifications) as used in this paragraph means veal derived from veal carcasses of the cull grade, and satisfying the specifications and requirements of Item 69-a of Schedule FSC-10 (as amended) of the Food Distribution Administration, issued December 2, 1942.

(m) *Boneless and miscellaneous veal cuts.* (1) On or after April 3, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless or miscellaneous veal cut and no person shall buy or receive any boneless or miscellaneous veal cut at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) The maximum price for each boneless or miscellaneous veal cut, not including boxing, in each price zone shall be:

Item	Zones 1	2	3	4	5	6	7	8	9	10
(i) Boneless veal leg or round	$24.75	$23.75	$23.00	$22.25	$22.75	$23.00	$23.25	$23.50	$23.75	$24.00
(ii) Boneless veal sirloin strip	24.50	23.50	22.75	22.00	22.50	22.75	23.00	23.25	23.50	23.75
(iii) Veal tenderloin	24.50	23.50	22.75	22.00	22.50	22.75	23.00	23.25	23.50	23.75
(iv) Boneless veal regular rib roll	24.25	23.25	22.50	21.75	22.25	22.50	22.75	23.00	23.25	23.50
(v) Boneless veal shoulder clod	23.75	22.75	22.00	21.25	21.75	22.00	22.25	22.50	22.75	23.00
(vi) Boned, rolled and tied veal roll	22.75	21.75	21.00	20.25	20.75	21.00	21.25	21.50	21.75	22.00
(vii) Boneless veal trimmings	21.00	20.00	19.25	18.50	19.00	19.25	19.50	19.75	20.00	20.25
(viii) Boneless kosher veal forequarter Note 1	22.00	21.00	20.25	19.50	20.00	20.25	20.50	20.75	21.00	21.25
(ix) Veal neck bones	7.00	6.00	5.25	4.50	5.00	5.25	5.50	5.75	6.00	6.25

All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly.

All prices are fresh or frozen, unless purchased by a war procurement agency in which case freezing charge may be added if product is frozen.

NOTE 1: The prices established for the sale of boneless kosher veal forequarter shall apply only on sales to a bonafide buyer of kosher meat. For the sale of any boneless kosher veal forequarter to a buyer other than a buyer of kosher meat, the maximum price shall be determined by use of the applicable zone price established for boneless veal trimmings. Any veal carcass or wholesale cut which has been derived from calves slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

[Table as amended by Am. 15, 8 F.R. 7675. For effective dates see note following table in § 1364.452 (d) (2)]

(n) *Applicable zone prices for fabricated veal cuts sold to purveyors of meals.* (1) Subject to the pricing instructions contained in paragraph (a) of § 1364.466, the maximum price for each grade of each fabricated veal cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of § 1364.466, substituting for the purposes of this paragraph (n) the term "fabricated veal cut" whenever the words "wholesale cut" or "wholesale cuts" as used in said paragraph (a) of § 1364.466 plus the permitted additions, if any, specified in Schedule VI (§ 1364.469), excluding therefrom the additions permitted under paragraphs (e) (f), (g) and (h) thereof, minus the required deductions, if any, specified in Schedule V (§ 1364.468), substituting for the purposes of this paragraph (n) the term "fabricated veal cut" whenever the words "wholesale cut" or "wholesale cuts" are used in Schedule VI. No person shall sell or deliver any fabricated veal cut and no person shall buy or receive any fabricated veal cut unless such fabricated veal cut is a fabricated veal cut as defined in § 1364.470 (b) (3) for which applicable zone prices have been established.

[Subparagraph (1) as amended by Am. 36, effective 2-3-43]

(2) The fabricated veal cut zone areas 1 to 10 are identical to the beef zone areas set forth in Schedule I (§ 1364.452).

(3) The applicable fabricated veal cut prices for Zones 1 to 3 and 5 to 10 shall be the prices specified in paragraphs (4) or (5) hereof (the applicable Zone 4 price) plus the following:

Zone 1	$2.80
Zone 2	1.50
Zone 3	.75
Zone 5	.50
Zone 6	.75
Zone 7	1.00
Zone 8	1.25
Zone 9	1.50
Zone 10	1.75

(4) The fabricated veal cut prices applicable in Zone 4 for sales by a hotel supply house to purveyors of meals subject to the provisions in paragraph (k) of § 1364.467, substituting for the purposes of this paragraph (n) the term "fabricated veal cut" for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include the cost of packaging, boxing or freezing. The additions set forth in § 1364.469 (e), (f), (g) and (h) may not be charged.]

Fabricated veal cuts	Grade: Choice or AA	Good or A	Commercial or B	Utility or C
(i) Veal loin, flank off, kidney and suet out	$32.25	$29.50	$24.75	$20.25
(ii) Veal loin steaks—T-bone, porterhouse, and club	33.75	30.75	26.00	21.00
(iii) Veal leg—boned, rolled, and tied	36.00	33.75	29.75	25.50
(iv) Veal leg—oven prepared	33.00	31.00	27.25	23.50
(v) Veal hotel rack—chine removed, blade bone out	31.50	30.50	26.00	25.50
(vi) Veal rack or rib chops	30.25	29.50	27.00	24.50
(vii) Veal shoulder—boned, rolled, and tied	30.75	30.00	27.50	24.75
(viii) Boneless veal shank meat	26.50	25.50	23.25	20.50
(ix) Veal breast—regular stew, bone in	14.75	14.25	13.00	11.50
(x) Veal breast with pocket	14.75	14.25	13.00	11.50
(xi) Boneless veal shoulder stew	30.75	30.00	27.25	24.75

[Table as amended by Am. 15, 8 F.R. 7675 and Am. 36, effective 2-3-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2).]

(5) The fabricated veal cut prices applicable in Zone 4 for sales by packing or slaughtering plants, packing branch house, wholesaler's or other type of distributive establishment to purveyors of meals subject to the provisions in paragraph (k) of § 1364.467, substituting for the purposes of this paragraph (n) the term "fabricated veal cut", for the term "wholesale cut" contained therein, are as follows:

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include the cost of packaging, boxing or freezing. The additions set forth in § 1364.469 (e), (f), (g) and (h) may not be charged.]

Fabricated veal cuts	Grade: Choice or AA	Good or A	Commercial or B	Utility or C
(i) Veal loin—flank off, kidney and suet out	$29.75	$27.25	$22.75	$18.50
(ii) Veal loin steaks—T-bone, porterhouse, and club	30.50	27.75	23.25	18.75
(iii) Veal leg—boned, rolled, and tied	33.50	31.25	27.50	23.75
(iv) Veal leg—oven prepared	30.75	28.75	25.25	22.00
(v) Veal hotel rack—chine removed, blade bone out	29.50	28.50	26.25	23.75
(vi) Veal rack or rib chops	28.25	27.25	25.00	22.75
(vii) Veal shoulder—boned, rolled, and tied	28.50	27.75	25.50	23.00
(viii) Boneless veal shank meat	24.75	23.75	21.75	19.25
(ix) Veal breast—regular stew, bone in	14.00	13.50	12.25	11.00
(x) Veal breast with pocket	14.00	13.50	12.25	11.00
(xi) Boneless veal shoulder stew	28.50	27.75	26.25	23.00

[Table as amended by Am. 15, 8 F.R. 7675 and Am. 36, effective 2-3-44]
[Paragraph (n) amended by Am. 12, 8 F.R. 7109, effective 6-1-43, and as otherwise noted]

§ 1364.468 *Schedule V: Amounts which must be deducted from zone prices listed in Schedule IV.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For veal carcasses and veal wholesale cuts not graded by an official grader.* For the sale of any veal carcass or veal wholesale cut which does not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½ cents per cwt. from the applicable zone price.

(b) *Carload discount.* For all veal carcasses and/or veal wholesale cuts and/or other meat items subject to this subpart C and §§ 1364.468 and 1364.469, delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

[Paragraph (b) amended by Am. 15, 8 F.R. 7675; Am. 19, 8 F.R. 9066, effective 6-30-43; and Am. 21, 8 F.R. 9995, effective 7-16-43. Former (c) consolidated with (b) by Am. 15. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

§ 1364.469 *Schedule VI: Amounts which may be added to zone prices listed in Schedule IV.* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.* (1) For transportation from the point at which the calf or calves were slaughtered in Price Zone 4 to a distribution point located in this price zone, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

[Subparagraph (1) as amended by Amdt. 28, 8 F.R. 13249, effective 10-2-43]

(2) For transportation from the point at which the calf or calves were slaughtered in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25 cents per cwt.

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the

designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25 cents per cwt.

(4) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, located in Price Zone 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75 cents per cwt.

(5) For local delivery made from a slaughter plant, packing house, car route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point; the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50 cents per cwt.

(6) Notwithstanding any of the provisions of paragraphs (a) (1) to (a) (5), inclusive, of this § 1364.469, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50 cents per cwt. in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, or $1.00 per cwt. in Price Zone 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis, and the charge for transportation and/or local delivery for any fraction of a hundredweight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided*, That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any additions for transportation or local delivery which is included in the maximum price charged.

[Subparagraph (6) as amended by Am. 28, 8 F.R. 13249, effective 10-2-43]

(b) *For kosher veal foresaddle or forequarter.* The applicable zone price established for kosher veal foresaddle or forequarter (which includes the additions permitted) shall apply only on sales of kosher veal as such to buyers of kosher meat and no seller shall sell or deliver any kosher veal foresaddle or forequarter and no buyer shall buy or receive any kosher veal foresaddle or forequarter at the price established therefor or at a price higher than that established for the corresponding non-kosher foresaddle or forequarter in § 1364.467 (Schedule IV) unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher veal foresaddle or forequarter to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher foresaddle or forequarter, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any veal carcass or veal wholesale cut which has been derived from calves slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher foresaddles or forequarters derived from calves slaughtered in a limited area of Zone 9.* (1) For any grade of kosher veal foresaddle or forequarter, except the cull grade, which cuts are derived from calves slaughtered in that portion of Zone 9 north of the Potomac River and which clearly bear the abattoir stamp at the time of sale, the seller may add $1.50 per cwt. to the applicable Zone 9 price: *Provided*, That such foresaddle or forequarter shall be sold to a bona fide buyer of kosher meat located in that portion of Zone 9 north of the Potomac River.

(2) The provisions of paragraph (b) of this section governing the sale of kosher foresaddle or forequarter shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher foresaddle or forequarter which does not bear the abattoir stamp clearly legible. No slaughterer shall charge the addition for kosher veal foresaddle or forequarter from calves slaughtered in the limited area of Price Zone 9 described in subparagraph (1) hereof until he shall have filed the report required in paragraph (d) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *Wholesalers' selling addition.* On sale of any veal carcass or veal wholesale cut and/or any other meat item subject to this regulation, not obtained through custom slaughtering, excluding therefrom sales made pursuant to paragraphs (l) or (n) (5) of § 1364.467, a person who at the time of the sale is a wholesaler may add 75 cents per cwt. to the applicable zone price: *Provided, however*, That no person shall charge the addition permitted by this § 1364.469 (d) unless such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying veal carcasses and/or veal wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

[Paragraph (d) amended by Am. 15 8 F.R. 7675, Am. 21, 8 F.R. 9995, effective 7-16-43; and Am. 36, effective 2-3-44. For effective dates of Am. 15 see note following table in § 1364.452 (d) (2)]

(e) *Packaging and wrapping for war procurement agencies.* On sales of veal carcasses or veal cuts to a war procurement agency, the seller may add to the applicable zone price:

(1) For wrapping veal carcasses or veal cuts for domestic shipment, U. S. Army or Navy specifications, 25 cents per cwt.

(2) For wrapping veal carcasses or veal cuts for overseas shipment, U. S. Army or Navy specifications, 75 cents per cwt.

(3) For wrapping veal carcasses or veal cuts, Federal Surplus Commodities Corporation Specifications, 50 cents per cwt.

(f) *Boxing or barreling.* On sales to a seller at retail, purveyor of meals, commercial user (not wholesaler, branch house, hotel supply house, etc.), or government agency, other than a war procurement agency, the seller may add 25 cents per cwt. for packing in closed or sealed boxes or barrels, delivered to the buyer's place of business.

(g) *Wrapping for civilian sales.* (1) For wrapping veal carcasses or wholesale cuts in one stockinette or Kraft paper bag, there may be added 12½ cents per cwt.

(2) For wrapping veal carcasses or wholesale cuts in two stockinettes or one stockinette and one Kraft paper bag or for other special wrapping or dressing involving a cost in excess of 12½ cents per cwt., there may be added 25 cents per cwt.

(h) *Freezing and storage.* On sales of veal carcasses and cuts to a war procurement agency, the seller may add the cost of freezing and storage: *Provided*, That the cost shall not exceed 35 cents per cwt.

(i) *Peddler-truck selling addition.* Where the seller makes a peddler-truck sale involving delivery of not more than 100 pounds of veal in a total delivery of not more than 150 pounds of meat and meat products in any one day from such peddler-truck to any buyer's store door, he may add to the price specified in § 1364.467 (Schedule IV), the sum of $1.25 per cwt. This addition shall be in lieu of any local delivery and/or transportation addition permitted in this § 1364.469.

§ 1364.470 *Definitions applicable to veal.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to veal, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided*, That, where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload:

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk transaction; and

(iii) Any single bulk transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Veal" means meat derived from the carcasses of immature bovine animals, including calf carcasses as well as veal carcasses, which have predominantly veal characteristics as determined by United States Department of Agriculture standards,[11] and particularly by the color and texture of the flesh and by the color and consistency of the fat and bones. Such carcasses shall not exceed 275 pounds, skin off, chilled, or 315 pounds, skin on, chilled.

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck for local delivery to the buyer.

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, or a car route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller otherwise than by rail, commencing at the seller's distribution point, or in the case of car routes, at the car unloading point and continuing to the buyer's place of business or other point of delivery.

(7) "Price Zones 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Veal carcass" means and is limited to the dressed carcass, "skin on", or "skin off", or side of veal which shall be dressed with the kidney knob or knobs in, pluck out, and without caul fat dressing. Tail or caudal vertebrae are not to exceed two in number. The veal carcass shall not be broken in any manner other than provided for in paragraph (a) (9) or (a) (10) of this § 1364.470.

(9) "Veal wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the veal carcass, but excluding the offal and any item not included herein. Ribs are designated as first to thirteenth, inclusive, counting as the first rib that one which is nearest the neck end of the side.

(i) "Hindsaddle or hindquarter" means the portion of the carcass or side, respectively, remaining after the severance of the 12-rib foresaddle or forequarter and comprising the legs or leg, and loin, double or single, including the 13th rib, flank and kidney, all in one piece, which portion shall be obtained by cutting the veal carcass or side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib and following the curvature of the rib to the point where the 12th rib turns, from which point the cut shall be continued by following a line through the cartilage and meat of the flank in the same straight line at right angles to the chine bone, completing the cut. Tail or caudal vertebrae to be left on the hindsaddle or hindquarter are not to exceed 2 in number.

(ii) "Foresaddle or forequarter" means the anterior portion of the carcass or side, respectively, remaining after the severance of the one-rib hindsaddle or hindquarter, which anterior portion shall be obtained by cutting the veal carcass or side between the 12th and 13th ribs keeping the knife firmly against the 12th rib and following the curvature of the rib to the point where the 12th rib turns, from which point the cut shall be continued by following a line through the cartilage and meat of the flank in the same straight line at right angles to the chine bone, completing the cut.

(iii) "Legs or leg" means the portion of the hindsaddle or hindquarter remaining after the severance of the loin from the hindsaddle or hindquarter, which portion shall be obtained by cutting squarely in a line at a right angle to the chine bone, starting at the juncture of the 5th and 6th lumbar vertebra and continuing in the same straight line through a point flush against the anterior end or pin bone end of the pelvis, leaving all the hipbone in the leg. The cut shall be made in a straight line perpendicular to the contour of the outside or skin surface of the hindsaddle. The pair of legs may be split through the center to make 2 single legs. The tail or caudal vertebrae remaining on the legs or leg are not to exceed 2 in number.

(iv) "Loin, double or single", means that portion of the hindsaddle or hindquarter remaining after severance of the legs, which portion shall be obtained by cutting in a straight line at a right angle to the chine bone, starting at the juncture of the 5th and 6th lumbar vertebrae, and continuing through a point flush against the anterior end or pin bone end of the pelvis, leaving all the hipbone in the leg. The cut shall be made in a straight line perpendicular to the contour of the outside or skin surface of the hindsaddle or hindquarter. The double loin is split through the center of the chine bone to make 2 single loins. The loin includes the 13th rib and is untrimmed, that is, it includes the flank, kidney, and fat.

(v) "Kosher veal foresaddle or forequarter" means a veal foresaddle or forequarter derived from calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(10) "Boneless and miscellaneous veal cuts" means and is limited to any of the following cuts meeting the following minimum specifications, derived from veal carcasses of the cull grade:

(i) "Boneless veal leg or round" means the single veal leg separated from the loin as described in paragraph (a) (9) (iii) of this section from which all bone, the gambrel cord (Achilles tendon) and the shank meat have been removed. The shank muscles and shank bone shall be completely removed by a cut following

[11] Circular No. 103, Market Classes and Grades of Dressed Veal and Calf Carcasses, United States Department of Agriculture, issued as revised, February, 1937.

the natural seam starting on the inner side of the gambrel cord and extending the cut through the stifle joint and by severing the gambrel cord where it joins the muscle. The cod fat or udder fat and the flank are left intact.

(ii) "Veal tenderloin" means the muscle lying in the body cavity of the veal carcass between the kidney fat and chine bone, extending from the butt end of the loin to approximately the 13th rib. The tenderloin shall be entirely boneless and the surplus fat shall be smoothed and tapered down from the butt end to the point where the fat is firmly attached and in no case shall the fat extend beyond the center of the length of the tenderloin. All strings and ragged edges are to be removed.

(iii) "Boneless veal sirloin strip" means the eye or top muscle of the single veal loin, extending from the pin bone end of the pelvis to and over the 13th rib, entirely boneless and with the flank removed by a cut parallel to the side of the eye and one-half inch from the eye muscle.

(iv) "Boneless veal regular (rib) roll" means the rib eye muscle that extends over the top of the veal rib bones from the 3rd to the 12th rib, inclusive. The small wedge-shaped muscle that lies along the plate edge and the covering over the rib eye muscle shall all be removed.

(v) "Boneless veal shoulder clod" means the thick meaty muscle which lies over the blade bone of the veal shoulder and which extends from the chine bone edge to the elbow joint of the shoulder. The chine bone end of the clod shall not be more than four inches wide and the cut along the rib side of the clod shall be straight and at a right angle to the four inch chine bone end.

(vi) "Boned, rolled and tied veal roll" means the complete forequarter of the veal carcass from which all bone, cartilage and gristle have been removed. The heavy sinews from the navel section of the plate and from the chuck and rib also shall be excluded. The rib eye muscle and the shoulder clod muscle shall be included. It is rolled into a cylindrical shape and tied with circular loops one and one-half inches apart, each loop being individually tied. The ends of the roll shall be squared or trimmed of loose or irregular portions. It is permissible in the case of heavy veal to divide the boneless meat from each veal forequarter into two or more rolls.

(vii) "Boneless kosher forequarter veal" means the boneless meat from the entire kosher veal forequarter, but excluding sinews, cords and neckstraps.

(viii) "Boneless veal trimmings" means boneless veal meat from any part of the veal carcass, but excluding the pluck kidneys, sinews, cords and neckstraps.

(ix) "Veal neckbones" means the neck (cervical) vertebrae with some meat left between the projections on the vertebrae, but generally reasonably well trimmed in accordance with practical operations.

(11) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(12) "War procurement agency", includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

[Subparagraphs (13) and (15) revoked and former (14), (16) and (17) redesignated (13), (14) and (15), respectively, by Am. 12, 8 F.R. 7109, effective 6-1-43]

(13) "Wholesaler" means a person other than a hotel supply house or peddler truck seller who buys veal carcasses and veal wholesale cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in any substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(14) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(15) "Peddler-truck sale" means a sale of veal from a truck by a person who purchases veal at or below the maximum price from a seller with whom he has no other financial affiliation or relationship, who takes delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck owned and driven by him: *Provided*, That the first record of the transaction is made by the salesman concurrently with the delivery of the products sold.

(b) When used in this Revised Maximum Price Regulation No. 169 and when applicable to sales of fabricated veal cuts to purveyors of meals, the term:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and the sale of fabricated meat cuts to purveyors of meals, including the sale of veal carcasses and/or veal wholesale cuts, boneless and miscellaneous veal cuts, variety meats and edible by-products and sausage to purveyors of meals, and in the sale of retail meat cuts, variety meats and edible by-products and/or processed meat products to ultimate consumers pursuant to the provisions of § 1364.416 of this regulation; and which during the period of September 15, 1942 through December 15, 1942, sold and/or delivered to purveyors of meals, other than war procurement agencies, not less than 70% of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold by it.

[Subparagraph (1) amended by Am. 24, 8 F.R. 11081, effective 8-7-43, and Am. 36, effective 2-3-44]

(2) "Purveyor of meals" means (i) any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

(ii) War Shipping Administration of the United States Government.

[Subparagraph (ii) as amended by Am. 24, effective 8-7-43]

(iii) Any person operating an ocean going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel.

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state or local government or agency thereof.

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

[Subparagraph (v) added by Am. 24, effective 8-7-43]

(3) "Fabricated veal cut" means and is limited to mean any of the following cuts made for a purveyor of meals, meeting the following minimum specifications, and derived from specified veal wholesale cuts as provided for in paragraphs (8) and (9) of § 1364.470, excluding any item not included herein. All cuts shall be made according to the specifications provided herein.

(i) "Veal leg, oven prepared," means the single veal leg with all bones except the leg bone (femur) removed. Leg bone means the bone between the stifle joint and the rump bone.

(ii) "Veal leg, boned, rolled and tied," means the single veal leg separated from the loin, from which all bone and the gambrel cord (Achilles tendon) have been removed. The shank muscle is either cut off and placed lengthwise in the pocket left by the aitch and leg bones or folded back and the meat is then rolled into a cylindrical shape and tied with cotton twine. The loops shall be individually tied and spaced not more than 2½ inches apart throughout the length of the roll.

(iii) "Veal loin, flank off, kidney and suet out," means the loin with the flank kidney and suet removed. The flank shall be removed by cutting in a straight line parallel with the chine bone and measuring not over six inches from the inside protruding edge of the chine bone on either end. The kidneys and surrounding fat shall be removed and the fat on the inside of the loin shall be trimmed smooth, and evidence of trimming by a knife shall be apparent.

(iv) "Veal loin steaks" (T-bone, porterhouse and club steaks) mean steaks cut from the veal loin. The kidneys, kidney fat and the 13th rib shall be removed and the fat on the inside of the loin shall be trimmed smooth and evidence of trimming by a knife shall be apparent. The flank shall be removed by cutting in a straight line parallel with the chine bone and not over six inches from the inside protruding edge of the chine bone. The steaks are made by cuts perpendicular to the outer or skin surface and at right angles to the chine bone. The steaks may be of any desired size, provided that the loin is cut into at least four whole individual steaks, and shall include T-bone, porterhouse and club steaks.

(v) "Veal hotel rack, chine removed, blade bone out", means the single veal hotel rack from which the chine bone and shoulder blade have been removed. The single "veal hotel rack" means the single rib section from the 6th to the 12th ribs, inclusive, severed from the forequarter by a cut starting at a point of the 12th rib not more than six inches from the inside protruding edge of the chine bone, cutting in a straight line to a point on the 6th rib which is not more than four and one-half inches from the inside protruding edge of the chine bone, and then cutting between the 5th and 6th ribs, following the curvature of the ribs close to the 5th rib. The veal hotel rack, chine removed, blade bone cut, shall be made by removing the chine bone (backbone), including the feather bones by cutting along the line where the ribs join the backbone and by removing the shoulder blade bone, including the shoulder blade cartilage.

(vi) "Veal rack or rib chops" means chops cut from the single veal hotel rack which has been severed from the forequarter and from which the inside protruding edge of the backbone shall be removed by sawing lengthwise of the rack through the inner extremity of the spinal cord groove. The rack shall be cut between the ribs into sections which may be of any desired size, but not less than four chops.

(vii) "Veal shoulder, boned, rolled and tied," means the 5-rib shoulder, cut as described in this paragraph, which has been boned, rolled and tied in a cylindrical shape. The 5-rib shoulder is made from the veal forequarter after the hotel rack has been removed, as described in subdivision (v) of this section by cutting in a straight line starting at a point on the 5th rib not more than 4½ inches from the protruding edge of the chine bone on the inside, and cutting through a point at the end of the breast bone, including the cartilage (forward end of the first segment of the sternum). This cut will separate the shoulder from the brisket, breast and shank. When the shoulder has been separated from the brisket and breast, the only bone to show on the side of the shoulder other than the ribs is the arm bone. All bones are removed from the 5-rib shoulder and the meat is rolled into a cylindrical shape and tied with cotton twine to make the veal shoulder, boned, rolled and tied. The loops shall be individually tied and spaced not more than 2½ inches apart throughout the length of the roll. Ragged portions shall be trimmed from the roll.

(viii) "Boneless veal shoulder stew" means the 5-rib shoulder severed from the forequarter as described in subdivision (vii) of this section from which all bone has been removed and which has been cut into small cubes of meat, none of which shall be larger than two inches in size or contain more than one-fourth inch of fat.

(ix) "Boneless veal shank meat" means boneless meat from the shank of the veal forequarter. The shank is obtained by separation from the brisket by a cut following the natural seam and leaving the entire lip or web muscle on the brisket.

(x) "Veal breast with pocket" means the veal breast and brisket remaining after removal of the hotel rack and 5-rib shoulder from the veal forequarter, as described in subdivision (v) and (vii) of this section with the shank removed as described in subdivision (ix) of this section and with a slit or pocket made between the outer or meaty portion and the inner bony or intercostal portion, starting at the 12th rib end and extending to not more than one inch from both side edges and the brisket end of the cut.

(xi) "Veal breast, regular stew, bone in," means small cubes of meat, none of which is larger than two cubic inches in size, derived from the breast, including the brisket from which the shank has been removed.

(4) Fabricated meat cuts as used in this regulation means and is limited to those fabricated beef cuts and fabricated veal cuts which are described and for which maximum prices are established in this regulation and those hotel supply cuts which are described and for which maximum prices are established in Revised Maximum Price Regulation No. 239, "Lamb and Mutton Carcasses and Wholesale Cuts at Wholesale and Retail".

(5) "Three months quota period" means and is limited to the following quarterly periods: June 1 to August 31, inclusive, September 1 to November 30, inclusive, December 1, to February 28 or 29, inclusive and/or March 1 to May 31, inclusive.

(6) Variety meats and edible by-products include and are limited to those items only which are defined and for which maximum selling prices are established in Maximum Price Regulation No. 398, "Variety Meat and Edible By-Products at Wholesale" and/or Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and All Variety Meats and Edible By-Products".

[Paragraph (b) added by Am. 12, 8 F.R. 7109, effective 6-1-43. Former (b) redesignated (c). Subparagraphs (4), (5), and (6) added by Am. 36, effective 2-3-44]

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

[Title of Subpart C amended and § 1364.466 to 1364.470, inclusive, added by Am. 4, 8 F.R. 4097, effective 4-3-43]

SUBPART D—PROVISIONS AFFECTING PROCESSED PRODUCTS

[Subpart D title inserted by Am. 4.]

§ 1364.476 *Maximum prices for processed products.* Except as provided by paragraphs (d), (e), (f), and (j) of this section, each seller's maximum prices for processed products which are shipped otherwise than via car route or by carload shall be computed as provided by paragraph (a) of this section; his maximum prices for such processed products shipped via car route shall be computed as provided by paragraph (b) of this section; and his maximum prices for such processed products shipped by carload shall be computed as provided by paragraph (c) of this section. Maximum prices for processed products which cannot be determined under paragraphs (a), (b), or (c) shall be computed as provided by paragraph (g). Maximum prices for processed products which cannot be determined pursuant to paragraph (h). Maximum prices for processed products which cannot be determined under paragraph (c) or (g) shall be computed pursuant to paragraph (i). Each seller shall report to the Office of Price Administration his maximum prices as provided in paragraph (k).

(a) *Maximum prices for processed products not shipped via car route or by carload.* Except as provided in paragraphs (d) and (j) of this section, each seller's maximum price for each grade of processed product not shipped via car route or by carload shall be computed as follows:

(1) The maximum price for each grade of each processed product shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of processed products of the same grade were made during such period.

Example: Assume that the seller's sales of a processed product, during the base period March 16 to March 28, 1942, were as follows:

Price per lb.	Weight volume in lbs.	Percentage of total weight volume (percent)
24¢	1,000	4
23½¢	2,000	8
23¢	4,000	16
22½¢	5,000	20
22¼¢	8,000	32
22¢	4,000	16
21½¢	1,000	4
Total weight volume	25,000	

The seller's maximum price for the processed product is 22¾¢ per lb. for that is the highest price actually charged by him at or above which he made at least 30% of the total weight volume of his sales of such processed product during the base period; 23¢ cannot be his maximum price, because only 28% of the total weight volume of sales was made at or above that price; 22⅞¢ cannot be his maximum price, for he made no sales during the base period at that price.

(2) The maximum price for each grade and brand of each processed product (i. e., beef and veal which are canned, ground, or processed) shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of such processed product was made during such period.

Note: In making computations of total weight volume required by paragraph (a) of this section, the seller shall omit all sales of products which he shipped via car route or by carload.

(b) *Maximum prices for processed products, shipped via car route.* Except as provided in paragraphs (d) and (e) of this section, each seller's maximum price for each grade of each processed product delivered via car route shall be computed as follows:

(1) The seller shall ascertain zones for all car routes operated from the same shipping point, upon the basis of 25¢ per cwt. differences in transportation and icing charges. If the car route is operated by truck, such transportation and icing charges shall be determined by reference to the tariff of any common carrier trucker who has filed such tariff with the Interstate Commerce Commission.

(2) As used in this paragraph (b) of § 1364.476, the term "average transportation charge" means the transportation charge in any zone determined by adding to the lowest transportation and icing charge in such zone the highest transportation and icing charge in such zone and dividing the resulting sum by two.

(3) The seller shall deduct from the prices charged by him for products delivered in each zone during the period March 16 to March 28, 1942, the average transportation and icing charge in such zone.

(4) Using the prices computed under paragraph (b) (3) of this section, the seller shall determine f. o. b. shipping point prices for each grade of each processed product in the manner provided for in subparagraphs (1) and (2) of paragraph (a) of this section.

(5) Maximum prices in each car route zone shall be determined by adding to the f. o. b. shipping point prices determined under paragraph (b) (4) of this section the average transportation charge in such zone, except that in sales to a war procurement agency or to the Federal Surplus Commodities Corporation the maximum prices shall be determined by adding to such f. o. b. shipping point prices the transportation charge to destination which is actually incurred, which actual transportation charge shall in no instance exceed the highest transportation charge used as the basis for determining the average transportation charge in the zone of such destination point.

(c) *Maximum prices for processed products shipped by carload.* Except as provided in paragraphs (d) and (j) of this section, each seller's maximum price, f. o. b. the seller's shipping point of each grade of each processed product sold for carload delivery, shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of processed products were sold in carload shipments from such shipping point during such period: *Provided*, That, in determining such maximum price, the seller shall deduct from all delivered prices charged in his carload sales during such period the actual transportation costs from the shipping point to all points of delivery.

(d) *Maximum prices for products purchased by certain governmental agencies.* The maximum price for each grade of each processed product which is purchased for any institution of any state, or political subdivision thereof, or of the United States by an authorized purchasing agency (other than purchases by a war procurement agency or the Federal Surplus Commodities Corporation) shall be either:

(1) The highest price which such agency contracted to pay for such grade of processed product in contracts specifying comparable delivery and entered into during the 30-day period commencing on March 16, 1942, or actually paid for such grade of processed products during such period; or

(2) The seller's maximum price determined under the applicable provisions of paragraph (a), (b), or (c) of this section. The purchaser shall, in issuing requests for bids, state which of the two formulae for determining maximum prices set out in subparagraphs (1) and (2) of this paragraph (d) shall be applicable to such bids: *Provided*, That, if the purchaser states that the maximum price is the alternative set forth in said subparagraph (1), the purchaser shall quote in its invitation for bids the maximum price for each grade of processed product to be purchased.

(e) *Adjustment of maximum prices for products sold to certain governmental agencies to include certain special charges.* In any sale of processed products to a war procurement agency or to the Federal Surplus Commodities Corporation the seller may add to the maximum prices determined under paragraphs (a), (b), and (c) of this section the actual cost of freezing and wrapping or packaging such products if such products are frozen and wrapped or packaged pursuant to specifications applicable to product for overseas shipment or supply ship delivery: *Provided*, That the actual cost of freezing shall in no event exceed the lowest commercial rate for such freezing in the market area.

(f) *Adjustment of maximum prices.* In the event that any maximum price computed pursuant to paragraphs (a), (b), or (c) of this section results in a price containing a fraction of a cent which fraction is indivisible exactly into eighths, the seller shall adjust such maximum price to the nearest eighth of a cent.

(g) *Maximum prices which cannot be priced under the foregoing paragraphs.* Except as provided in paragraph (j) of this section, if the maximum price for any grade of any processed product cannot be determined under paragraphs (a), (b), or (c) of this section, the maximum price for such processed product shall be the maximum price of the most nearly competitive seller.

(h) *Maximum prices for products which cannot be priced under paragraphs (a) or (g).* If the maximum price for any processed product cannot be determined under paragraph (a) or (g) of this section, the seller shall apply to the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price, setting forth in such sworn application a detailed description of the grade and kind of processed product for which a price is sought, including, where appropriate: a description of the nature and degree of processing and the maximum prices, if any, established for the sale by the seller of other grades of processed product; the manner in which the processed product differs from the most similar processed product for which a maximum price is established, and the maximum price for such processed product; the costs of any of the operations which are added to or eliminated from the processing of the most similar processed product; a statement of the reasons why the new manner of processing is being undertaken; a statement of the price requested, and the method by which the requested price was arrived at. Authorization to establish a maximum price for such processed product will be accompanied by instructions as to the method for determining the maximum price. Within 10 days after such price has been determined, the seller shall report the price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(i) *Maximum prices for products which cannot be priced under paragraphs (c) or (g).* Except as provided in paragraph (j) of this section, if the maximum price for any grade of any processed product shipped by carload cannot be determined under paragraph (g) of this section, the maximum price, f. o. b. the seller's shipping point for each grade of each processed product sold for carload delivery, shall be determined by subtracting ½¢ per pound from the seller's maximum price for such grade of processed product as determined pursuant to paragraph (a) of this section, or as determined pursuant to paragraph (g) or (h) in lieu of paragraph (a), if such maximum price cannot be determined pursuant to paragraph (a).

(j) *Maximum prices for products sold for export.* The maximum price at which a person may sell or deliver any commodity for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(k) *Duty to report maximum prices and adhere to reported prices.* Each seller shall report to the Office of Price Administration, pursuant to the provisions of § 1364.407, his maximum prices on all processed products which he sells. The seller shall in no event charge any prices higher than those so reported as his maximum prices.

(l) *Limitation of maximum prices.* Notwithstanding any other provision of this subpart D, effective July 5, 1943, the maximum price for each grade of each processed product shall not exceed the price computed in the following manner:

(i) The seller shall itemize separately the maximum price determined pursuant to this § 1364.476 for each grade of each processed product and the unit of weight to which such price is applicable.

(ii) Taking each processed product separately as recorded in (i), the seller shall record the name, grade and weight of each ingredient used in preparing 100 lbs. of the finished processed product.

(iii) Using the figures enumerated in (i) the seller shall compute and record his sales realization at his maximum selling price for 100 lbs. of the finished processed product.

(iv) The seller shall compute the amount of the reduction in meat costs (using new maximum prices and maximum prices in effect on June 12, 1943) for the kind, grade and quantity of meat used in preparing 100 lbs. of the finished processed product.

(v) The seller shall deduct the figure obtained in (iv) from the figure obtained in (iii) and use the result to determine the adjusted maximum price for the unit of weight of the processed product.

(vi) Not later than July 19, 1943, each seller subject to this subpart D shall file with the OPA at Washington, D. C. a copy of his adjusted maximum selling prices for each grade of each processed product together with a copy of the full computation as required by subdivisions (i) to (v), inclusive.

[Paragraph (l) added by Am. 15, 8 F.R. 7675. For effective date see note following table in § 1364.452 (d) (2)]

[§ 1364.476 amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.477 *Definitions applicable to processed products.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to processed products the term:

(1) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Seller" means any person who sells, supplies, disposes, barters, exchanges, transfers or delivers, and contracts and offers to do any of the foregoing. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller, except that all places of business owned or controlled by the same person, and selling in the same market area shall be regarded as a single seller. Each shipping point from which a car route or car routes originate shall be deemed a separate seller. If more than half of the sales at any one place of business are sales of kosher processed products the sales at such place of business shall not be included with sales at any other place of business in computing maximum prices. All sales by any person to hotels and restaurants from one or more selling places in the same market area may be treated, at the option of such person, as sales by a separate seller.

(3) "Processed products" means cured, pickled, spiced, smoked, dried or otherwise processed beef and/or veal, including sausage containing any proportion of beef or veal: *Provided*, That any beef carcass, or cut thereof, including any beef wholesale cut which has been boned as permitted in Subpart B of this Revised Regulation or otherwise, or any veal carcass, or cut thereof, including any veal wholesale cut which has been boned as permitted in Subpart C of this Revised Regulation or otherwise, or any miscellaneous beef item defined in § 1364.452 (p) or product of the same type or similar thereto shall not be deemed a processed product. Products of each grade and brand and in each stage of processing, shall be considered separate processed products. Each type of canned and packaged meat, made entirely from beef and/or veal shall be considered a separate processed product. Kosher processed products shall for the purposes of § 1364.476 be regarded as separate processed products.

[Subparagraph (3) as amended by Am. 6, 8 F.R. 4844, effective 4-14-43]

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration or any agency of the foregoing.

(5) "Carload" means:

(i) A shipment by rail of fresh, frozen and/or processed meat, and/or wholesale cuts or meat and/or carcasses, to a single delivery point of at least the minimum weight as set forth in the tariffs of railroad carriers, upon which shipment the railroad carload rate from the point of shipment to the point of destination is based: *Provided*, That where a smaller quantity is shipped which could move at a railroad carload rate rather than at a railroad less-than-carload rate because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot;

(ii) A shipment by motor truck or trucks, to a single delivery point of 15,000 pounds of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery, at the seller's place of business, of 15,000 pounds or more of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses.

(6) "Purchasing agency" refers to the authorized purchasing agency which contracts for future delivery of any processed products according to fixed specifications.

(7) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, purchaser for resale, car route or commercial user, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(8) "Car route" means a shipment by rail or truck, other than a carload, to a place outside of the market area in which the shipping point is located.

(9) "Market area" means any municipality or group of municipalities, each of which has a common boundary with another: *Provided*, That such market area shall in no event extend in any direction further than 50 miles from the seller's shipping point.

(10) "Packaged meat" means meat sold in prepared containers of uniform size and appearance, which containers bear an identification of the contents and a statement of the weight of volume thereof.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

[§ 1364.477 amended by Am. 4, 8 F.R. 4097, effective 4-3-43]

§ 1364.478 *Petitions for adjustment.* (a) The Office of Price Administration may, by order, adjust any maximum price established under §§ 1364.401 to 1364.413, inclusive, §§ 1364.476 and 1364.477 for any seller who petitions for such adjustment in accordance with Revised

Procedural Regulation No. 1, issued by the Office of Price Administration, in any case in which such seller shows:

(1) That such maximum price causes him hardship and is abnormally low in relation to the maximum prices established for competitive sellers:

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after December 15, 1942, will be granted under this section.

[§ 1364.478 added by Amendment 2, 8 F.R. 164, effective 1-8-43]

SUBPART E—APPENDICES

[Formerly Subpart D, redesignated by Am. 4, effective 4-3-43]

§ 1364.526 *Appendix A: Formula for meat marking fluid.* The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection law:

Water	gallons	45
Pure grain alcohol, 95 percent	gallons	38
Granulated cane sugar	pounds	100
Methyl violet	pounds	10

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the above-mentioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula there may be employed pure grain alcohol, denatured according to formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be used in the same proportion, or heavy corn sirup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

§ 1364.527 *Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.*

REGULATION 1. DEFINITIONS

Section 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Section 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 2. *Bureau.*[13] Agricultural Marketing Administration of the United States Department of Agriculture.

Paragraph 3. *Official grader.* Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, grade, and condition of products under the act.

Paragraph 4. *Office of grading.* The office of an official grader of products covered by these regulations.

Paragraph 5. *Grading certificate.* Certificate of the class, quality (grade), and condition of products issued by an official grader under the act.

Paragraph 6. *Interested party.* Anyone having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

Paragraph 7. *Regulations.* Rules and regulations of the Secretary under the act.

Paragraph 8. *Class.* Class is a subdivision of a given commercial product based on essential physical characteristics that differentiate between major groups of the same kind or species, for instance, the classes in beef are: steer, heifer, cow, stag, and bull.

Paragraph 9. *Quality.* Quality in a product is a combination of its inherent properties which determines its relative degree of excellence.

Paragraph 10. *Condition.* Condition of a commercial product denotes those characteristics affecting its merchantability—with special reference to state of preservation, cleanliness, soundness, wholesomeness, and fitness for human food.

Paragraph 11. *Grade.* Grade is the last important commercial subdivision of a product based on certain definite value and preference-determining factors, such as conformation, finish, and quality in meats.

Paragraph 12. *Products.* Includes carcasses and wholesale cuts.

REGULATION 4. GRADING SERVICE

Section 1. *Kind of service.* Examination, identification, and certification of products shall be made according to class, quality (grade), and condition.

Section 2. *Who may obtain service.* Application for grading may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal governments, and common carriers.

Section 3. *How to make application.* Application for grading shall be filed in the office of grading or with an official grader. It may be made in writing, orally, or by telegraph or telephone. If made orally, the official grader may require that it be confirmed in writing or by telegraph, stating the facts required by Section 4 of this regulation.

Section 4. *Form of application.* Each application for grading shall include the following information: (a) the date of application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant and of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or a State) therein; (e) the name, post office address, and interest of all other known parties, except carriers, interested in the products involved; (f) the shipping point and destination of the product; (g) type of service desired; and (h) such other information as may be necessary for proper identification of the product or as may be required by the Chief of Bureau.

Section 5. *When application deemed filed.* An application for grading shall be deemed filed when delivered to the proper office of grading. Record showing date and time of filing shall be made in such office.

Section 6. *When application may be rejected.* Any application may be rejected by the official grader in charge of the office of grading in which it is filed for noncompliance with the act or any applicable regulation thereunder, failure to make product available for examination, abusive language or act of violence, or interference with grader while performing grading, and such official grader shall immediately notify the applicant of the reasons for such rejection.

Section 7. *Authority of agent.* Proof of the authority of any person applying for service in behalf of another may be required in the discretion of the official grader.

Section 8. *Accessibility of product.* The applicant shall cause the products for which service is requested to be made accessible for grading and to be so placed as to disclose class, quality, and condition.

Section 9. *Basis of service.* Examination, identification, and certification for class, grade, and condition shall be based upon the official or tentative standards of the Department of Agriculture as contained in this Maximum Price Regulation No. 169.

Section 10. *Order of grading.* Service shall be rendered in the order in which applications are received, except that precedence may be given to applications made by another branch of the Federal Government, a State, or a municipality, and appeal grading.

Section 11. *Financial interest of official grader.* No official grader shall grade any products in which he is directly or indirectly financially interested.

Section 12. *Investigation on motion of graders.* A grader may of his own motion and without the use of any force, when authorized by the Chief of the Bureau, investigate the class, quality (grade), and condition of any products at such points as are provided under regulation 3, and may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations.

Section 13. *Certificate, form of.* Certificates shall include the following information: (1) the number of the certificate; (2) name of designated market and place of grading; (3) date and time of grading; (4) names and addresses of applicant, party in possession, and shipper and buyer, if known; (5) exact number of carcasses, sides, quarters, cuts, and packages of products by classes and grades examined, if graded; (6) if previously examined, reference to previous certificate by numbers; (7) if rejected or not graded, reason for rejecting or not grading; (8) for purposes of identification, the weight of each class, grade and lot; (9) the amount of fees and expenses; (10) name of official grader or graders; (11) additional facts necessary to fully describe condition, class, and grade, or as may be required by the Chief of Bureau.

Section 14. *Certificates, issuance.* The official grader shall sign and issue certificates covering lots of products personally graded by him unless through special arrangements approved by the Chief of Bureau this be not required, in which case complete records of the grading shall be furnished the Bureau; but in no case shall any grader sign a certificate covering any product not graded by him. Graders shall stamp, brand, tag, label, seal, or otherwise identify or supervise the stamping, branding, tagging, labeling, sealing, or otherwise identifying of each unit of product or package or container thereof with its class and quality (grade) as far as practicable, or the applicant may issue, when authorized by the Chief of the Bureau, certificates of quality of such forms as are approved by the Chief of the Bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the Chief of the Bureau.

Section 15. *Disposition of certificates.* The original certificate, and not to exceed two copies if requested, upon issuance shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Chief of Bureau. Copies will be furnished to other financially interested parties as outlined in regulation 7, section 1, paragraph 6.

Section 16. *Advance information.* Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed, telephoned, or radioed to him, or to any person designated by him, at his expense.

REGULATION 8. APPEAL GRADING

Section 1. *When appeal may be taken.* An application for appeal grading may be made whenever any financially interested party is dissatisfied with the determination stated in the original certificate.

Section 2. *How to obtain.* Appeal grading may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal grading (a) with the official in charge of the meat grading service at nearest designated market, or (b) with the grader who did the original grading, or (c) with the Chief of the Bureau. The application for appeal shall state the reasons therefor, and may be accompanied by a copy of any previous grading certificate or report, or any other information which the applicant shall have received regarding the product at the time of the original grading. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, the person receiving the application may require that it be confirmed in writing.

Section 3. *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

Section 4. *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough grading, or that the identity has been lost, or that these regulations have not been complied with, the application may be denied.

Section 5. *When appeal may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading has been performed upon payment of any expenses incurred in connection therewith.

Section 6. *When second grading is not an appeal.* Gradings requested to determine factors of quality or condition which may have undergone material change since the original grading shall not be considered appeal gradings within the meaning of this regulation. Second grading, requested for the purposes of securing an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the lot in question, shall not be considered appeal grading within the meaning of this regulation.

Section 7. *Order in which made.* Appeal gradings shall be performed as far as practicable at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications.

Section 8. *Who shall pass upon appeals.* Appeal grading shall be passed upon by official graders designated therefor by the Chief of Bureau, and such grading shall be conducted jointly by two official graders when practicable. No appeal grader shall pass upon an application involving the correctness of a certificate issued by him.

Section 9. *Appeal findings.* Immediately after an appeal grading has been made a certificate designated as "appeal grading certificate" shall be signed and issued referring specifically to the original certificate and stating the quality and condition of the product as shown by the appeal grading. In all other respects the provisions of regulation 4 shall apply to such appeal grading certificates except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.

Section 10. *Superseded certificates.* When a grading certificate shall have been superseded under these regulations by an appeal grading certificate such grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer or officers issuing the appeal grading certificate shall forward notice of such issuance and of the cancelation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

REGULATION 7. FEES AND EXPENSES

Section 1. Amount of, rates, etc. • • •

Paragraph 1. *Basis for charges.* Fees and charges for grading services shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of $2.20 per hour for each official grader assigned unless otherwise provided by special agreement approved by the Chief of the Bureau: *Provided,* That no grading services shall be rendered for less than a minimum charge of $1.10; *Provided further,* That the Chief of the Bureau may, in lieu of the fixed charge of $2.20 per hour, fix other reasonable charges for the grading and certification of products at rates, which, in his judgment, will cover the costs of the services.

Paragraph 2. *Charges by graders employed or licensed by Department of Agriculture.* Charges for services by employees of the Department and by graders licensed by the Secretary shall be at rates established herein.

Paragraph 3. *Charges under cooperative agreement.* Charges for grading under cooperative agreements shall be those provided for by such agreements.

Paragraph 4. *For appeal grading.* Fees and charges for appeal grading shall be double those for original grading; except that appeal grading for Federal Government agencies shall be at actual cost; provided that when on appeal grading it is found that there was error in determination based upon the original grading equal to or exceeding 10 percent of the total weight of the products, no charge will be made unless special agreement with applicant is made in advance.

Paragraph 5. *For copies of grading certificates.* For not to exceed three copies of a certificate to any person financially interested in a product involved the fee shall be $1.

Section 2. *How fee shall be paid.* Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

Section 3. *Disposition of fees.*

Paragraph 1. *By graders exclusively employed by the Department.* Fees for grading done by graders exclusively employed by the Department shall be remitted to the Bureau for deposit into the Treasury as Miscellaneous Receipts.

Paragraph 2. *By graders under cooperative agreements.* Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be disposed of in accordance with the terms of such agreements. Such portion of fees collected under cooperative agreements as may be due the United States shall be remitted to the Bureau for deposit into the Treasury.

§ 1364.528 *Appendix C: Specifications for grades of carcass beef.*—(a) *Choice.* Choice grade beef carcasses and wholesale cuts shall be relatively blocky and compact and thickly fleshed throughout. Loins and ribs shall be thick and full. The rounds shall be plump. The chucks shall be short and thick, and the neck and shanks short. The fat covering shall be fairly smooth and uniform and shall extend over the entire exterior surface of the carcass. The interior fat shall be abundant in the pelvic cavity and over the kidney. The protrusion of fat between the chine bones shall be fairly liberal and the "overflow" of fat over the inside of the ribs shall be distinctly in evidence and fairly evenly distributed. The intermingling of fat with the lean in evidence between the ribs, called feathering, shall be extensive. Both the interior and the exterior fat shall be firm, brittle, and somewhat waxy, but may be slightly wavy or rough. The fat is usually white or creamy white but a slight yellowish tinge will not exclude beef from this grade, provided the character of the fat meets the requirements for the grade in other respects. The cut surface of the lean muscle shall be firm and possess a smooth velvety appearance. It shall be well marbled and the marbling shall be relatively extensive, especially in the heavier carcasses. The color shall be uniform and bright and may range from a pale red to a deep blood red. The bones are usually soft and red, terminating in soft pearly white cartilages but some ossification of the cartilages and hardening in the bone as indicated by a tinge of whiteness will not disqualify beef produced from mature cattle from this grade.

Only beef produced from beef-type steers and heifers that show a relatively high degree of perfection in breeding and feeding will qualify for the choice grade. Beef produced from cows is not eligible for this grade.

(b) *Good.* Good grade beef carcasses and wholesale cuts shall be moderately blocky and compact and shall be moderately thick-fleshed throughout. A tendency for the loins and ribs to be slightly

[13] "Agricultural Marketing Administration" is substituted wherever the terms, "Bureau" or "Bureau of Agricultural Economics of the United States Department of Agriculture" are used in this § 1364.527. This is in accordance with the Order issued by the Secretary of Agriculture.

flat and for the rounds to be slightly flat and to taper toward the shank is permitted. Chucks and neck may be only moderately short and thick and shanks may be only moderately short. The fat covering shall extend well over the exterior surface but may show a moderate degree of waste or patchiness, particularly in heavy mature beef. The interior fat shall be fairly plentiful in the pelvic cavity and around the kidney. There is usually a slight protrusion of fat between the chine bones. The "overflow" of fat over the inside of the ribs may be apparent to a slight extent. A limited amount of intermingling of fat with the lean between the ribs, called feathering, shall be in evidence. Both the interior and the exterior fat are usually fairly firm and brittle. The quantity of fat required of beef within this grade will vary within relatively wide limits dependent upon the age and class of cattle from which it is produced. That produced from lightweight steers and heifers which were slaughtered when relatively young may have a relatively thin exterior fat covering and only a moderate quantity of interior fat, whereas that produced from heavier, older cattle may possess a relatively thick exterior fat covering and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat is usually creamy white but it may possess a distinctly yellowish tinge. The cut surface of the lean muscle may be only moderately firm and smooth and velvety in appearance. Beef within this grade will show a relatively wide range of marbling. That produced from young cattle may show only a limited degree of marbling which is apparent only in the thicker cuts whereas that produced from the older, more mature cattle shall show rather extensive marbling throughout. The color is usually uniform and bright but may be slightly two-toned or slightly shady. It usually ranges from a light red to a slightly dark red. The bone will range from soft and red in lightweight beef produced from young cattle to a relatively hard bone that is tinged with white in the beef produced from older, more mature cattle. It is, however, necessary that the chine bones show cartilages, termed "buttons", in order to qualify for this grade.

Beef produced from steers, heifers, and relatively young well-finished beef-type cows may qualify for the Good grade.

(c) *Commercial.* Commercial grade beef carcasses and wholesale cuts may be somewhat rangy, angular, and irregular in conformation and the fleshing may be slightly thin throughout. Loins and ribs tend to be flat and somewhat thinly fleshed. The rounds are relatively long, flat, and tapering. Chucks are usually slightly flat and thinly fleshed. The neck is somewhat long and thin and the shanks somewhat long and tapering. The quantity of fat required of beef within this grade will vary within wide limits dependent upon the age and class of cattle from which it is produced. That produced from relatively young lightweight steers and heifers that were slaughtered when relatively young may have a thin exterior fat covering that does not extend over the round or chucks and a relatively small quantity of interior fat. In such beef there will be practically no protrusion of fat between the chine bones and there will be no "overflow" of fat on the inside of the ribs and no feathering between the ribs. Beef produced from heavier, older cattle, and particularly from mature animals, will possess a moderately thick exterior fat covering that may be uneven and wasty, and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat may be slightly yellow, somewhat soft, and slightly oily. The cut surface of the lean muscle may be somewhat soft and watery in beef produced from younger cattle, but in that produced from older cattle it is usually firm but is also usually coarse. Beef within this grade produced from yearling cattle will have little if any marbling whereas that produced from mature cattle, and particularly cows, will show a moderate degree of marbling through the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a dark red. The character of the bone will vary from fairly soft and red in the beef produced from the young cattle to white and hard in that produced from mature cattle.

Beef produced from steers, heifers, and cows may qualify for the commercial grade.

(d) *Utility.* Utility grade beef carcasses and wholesale cuts may be decidedly rangy, angular, and irregular in conformation. The fleshing is usually thin. The loins and ribs are flat and thinly fleshed. The rounds are long, flat, and tapering. The chucks are flat and thinly fleshed. The neck and shanks are long and tapering. The hip and shoulder joints are prominent. The degree of fat covering varies from very thin in beef produced from young steers and heifers to a slightly thick covering that may be somewhat uneven in beef produced from cattle that are more or less advanced in age. The quantity of interior fat varies from very little in beef that is produced from young and immature steers and heifers to a moderate quantity in that produced from mature cattle. The fat is usually soft and varies in color from a grayish white to decidedly yellow. The cut surface of the lean muscle is usually soft and watery in the beef produced from younger cattle but in that produced from more mature cattle it is usually fairly firm but coarse. The beef in this grade will show practically no marbling except in that produced from aged cattle which may show a little marbling in the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a very dark red. The bone is usually hard and white.

The utility grade of beef may be produced from steers, heifers, or cows.

(e) *Cutter and canner.* Cutter grade beef carcasses and wholesale cuts may be very rangy, angular, and irregular in conformation and very thinly fleshed throughout. The loins and ribs are very flat, thin, and shallow. The rounds are very long, flat, and tapering. The chucks are very flat, thin, and shallow. The neck and shanks are very long and tapering, the hip and shoulder joints are very prominent. The degree of exterior fat covering may vary from a very thin covering that is confined almost entirely to the ribs and loins in the beef produced from younger cattle to a thin, more extensive covering in the beef produced from mature cattle. The interior fat is confined largely to the pelvic cavity and the kidney and may vary from a very small quantity, if any, in these parts in beef produced from younger cattle to a limited quantity in that produced from mature cattle. The color of both the interior and the exterior fat may vary from grayish white to a deep yellow. The cut surface of the lean muscle shows no marbling, is coarse, and is usually soft and watery. The color may be two-toned or shady and usually ranges from a slightly dark red to a very dark red. The bone is usually hard and white.

The cutter grade of beef may be produced from steers, heifers, and cows. That produced from cows constitutes a relatively large percentage of the beef eligible for this grade.

Canner grade beef carcasses and wholesale cuts shall be extremely rangy, angular, and irregular in conformation and extremely thinly fleshed throughout. All cuts are extremely thinly fleshed. Loins and ribs are extremely thin, flat, and shallow. The rounds are very long, flat and tapering, and the chucks are extremely thin, flat, and shallow. The neck and shanks are extremely long and the hips and shoulder joints are extremely tapering. Beef of this grade is practically devoid of both interior and exterior fat. The outside surface usually has a very dark appearance. The cut surface of the lean muscle is usually coarse and is soft and watery in appearance. It shows no marbling. The color may be two-toned or shady and usually ranges from a moderately dark red to an extremely dark red or brownish black. The bones are nearly always hard and white.

A very large percentage of the beef of the canner grade is produced from mature cows that are somewhat advanced in age.

§ 1364.529 *Appendix D: Specifications for grades of veal carcasses*—(a) *Choice.* A choice grade veal carcass is markedly superior in conformation, finish and quality.

In general shape or outline it is blocky and compact. It is broad and deep in proportion to its length. All parts are thickly fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing the carcass presents a plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a high proportion of back, loin, and round combined.

The shanks are short and thick. Rounds are thick and bulging. Loin and back are full and plump. Shoulders and breasts are broad and thick. The neck is short and thick.

There is a thin covering of fat over the rump, loin, back and top of the shoulders, and over the inner walls of the chest and abdomen. There are moderately large deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is smooth. The color of fat is a creamy white tinged with pink.

The flesh ranges from light gray to pinkish brown in color. It is firm, fine-grained and, in a cut surface, is velvety to sight and touch. All bones are small in proportion to the size and weight of the carcass and are soft and red.

(b) *Good.* A good grade veal carcass possesses a moderately high degree of conformation, finish, and quality.

In general shape or outline it tends to be blocky and compact. It is moderately broad and deep in proportion to its length. All parts are moderately thick-fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing, the carcass presents a moderately plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a very low proportion of back, loin, and round combined.

The shanks are moderately short and thick. Rounds are moderately thick and bulging. Loin and back are moderately full and plump. Shoulders and breast are moderately broad and thick. The neck is moderately short and thick.

There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are slightly small deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is moderately smooth. The color of fat is usually a creamy white. The flesh ranges from a pinkish brown to a light tan in color, is moderately firm, fine-grained and, in a cut surface, is moderately velvety but may be slightly moist to sight and touch. All bones are moderately small in proportion to the size and weight of the carcass and are moderately soft and red.

(c) *Commercial.* A commercial grade veal carcass is slightly deficient in conformation, finish, and quality

In general shape or outline it is slightly rough and rangy. It is slightly narrow and shallow in proportion to its length. All parts are slightly deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a slightly empty, sunken, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a slightly low proportion of back, loin, and round combined.

The shanks are slightly long and thin. Rounds are slightly thin and tapering. Loins and back are slightly depressed. Shoulders and breast are slightly narrow and thin. The neck is slightly long and thin.

There are extremely thin patches of fat over the back and loin and over a portion of the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks, and crotch, and around the kidneys, the latter usually being incompletely covered. The color of fat is white but it lacks the pinkish tinge.

The flesh is usually pinkish brown in color, is slightly soft, is coarse-grained and, in a cut surface, is slightly moist to the touch. All bones are slightly large in proportion to the size and weight of the carcass, are moderately soft but are slightly lacking in redness.

(d) *Utility.* A utility grade veal carcass is very deficient in conformation, finish, and quality.

In general shape or outline it is very rough and rangy. It is very narrow and shallow in proportion to its length. All parts are very deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a very depressed or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a very low proportion of back, loin, and round combined.

The shanks are very long and thin. Rounds are very thin and tapering. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin. The neck is very long and thin.

There is no fat covering over the back, loin, or inner walls of the chest and abdomen. Usually there are extremely small deposits of fat in the breast, flanks, and crotch, and around the kidneys. The color of the fat usually is grayish white tinged with yellow.

The flesh ranges from pinkish brown to dark tan in color, is soft, very coarse-grained and, in a cut surface, is very moist to the touch. All bones are large in proportion to the size and weight of the carcass, are moderately soft but are lacking in redness.

(e) *Cull.* A cull grade veal carcass is extremely deficient in conformation, finish, and quality.

In general shape or outline it is extremely rough and rangy. It is extremely narrow and shallow in proportion to its length. All parts are extremely deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents an extremely shallow, depressed, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in an extremely low proportion of back, loin, and round combined.

The shanks are extremely long and thin. Rounds are extremely thin and tapering. Loin and back are extremely depressed. Shoulders and breast are extremely narrow and thin. The neck is extremely long and thin.

There is no fat covering over any part of the exterior of the carcass and none on the inner walls of the chest and abdomen. There are no discernible fat deposits in the breast, flanks, or crotch, and only extremely small quantities around the kidneys.

The flesh usually is reddish brown in color, is very soft, coarse-grained and watery. All bones are very large in proportion to the size and weight of the carcass and are decidedly lacking in softness and redness.

§ 1364.530 *Appendix E: Beef cutting charts.*[1]

§ 1364.531 *Appendix F: Form No. 636–590.* (Form Approved—Bureau of the Budget 08–R 736.)

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICE OF FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) OR GOVERNMENT CONTRACT BONING PURSUANT TO § 1364.405 (F) OF REVISED MAXIMUM PRICE REGULATION NO. 169 DUE TO INCREASED DIRECT LABOR COSTS CAUSED BY USE OF INEXPERIENCED LABOR OR OVERTIME PAYMENTS

NOTE: Pursuant to § 1364.405 (f) adjustments under this application are limited to no more than $1.00 per hundredweight for sales of frozen boneless beef (Army specifications) or $.72 per hundredweight for government contract boning. File separate application for each plant at which adjustment is sought. No adjustment will be allowed unless all of the information herein is provided by applicant.

1. Name of applicant_____

2. Address of applicant_____

(Indicate here plant address for which adjustment is sought.)

3. (a) List all plants at which applicant is currently producing or produced during 1943, frozen boneless beef (Army specifications).

_____

_____

(b) Is applicant applying for increase in selling price under § 1364.452 (m) or government contract boning price under § 1364.405 (e)?

_____

_____

4. Is applicant undertaking production of frozen boneless beef (Army specifications) as a new operation?

Yes_____

No_____

5. Has a War Procurement Agency requested applicant to increase or undertake production of frozen boneless beef (Army specifications)?_____ If so, give name of agency and brief explanation concerning such request.

_____

_____

_____

6. ONLY APPLICANTS CURRENTLY PRODUCING FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) OR WHO PRODUCED FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) DURING 1943 SHALL ANSWER THIS QUESTION.

Give information required by this question for each of the two months immediately preceding this application, or if no production during such period, for each of most recent two months in 1943 during which applicant produced frozen boneless beef (Army specifications).

[1] Filed as part of the original document.

(d) If any classification shown in (a) and (b), or part thereof was paid on a piece rate basis, indicate the following:

	(i) Classification	(ii) Number of employees	(iii) Piece rate (single time)	(iv) Piece rate (overtime)	(v) Average volume of production per hour
Month					
Month					

(e) (i) What is the anticipated increased production of frozen boneless beef (Army specifications) per month?

Total pounds _____

(ii) Divide total wages paid for direct labor in producing frozen boneless beef (Army specifications) for two months shown by total production of such beef and show result in direct labor cost per hundredweight of production. _____

(iii) If the increased production shown in 6 (e) (i) will require a higher direct labor cost than determined in 6 (e) (ii), explain in detail the reasons for such increased rate and the method of computing the anticipated increased rate. In showing the method of computation, make wage and hour breakdown as shown in 6 (a), (b) and (c) and (d).

(f) On the basis of anticipated increased direct labor costs (shown in 6 (e) (iii)), the applicant requires an increase of _____ per hundredweight to cover such increased costs.

7. ONLY APPLICANTS WHO PROPOSE TO UNDERTAKE THE PRODUCTION OF FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) AS A NEW OPERATION SHALL ANSWER THIS QUESTION

NOTE: If the applicant engages in other beef boning operations, answer subparagraphs (a) through (f).

Give information required by subparagraphs (a) through (f) for each of the two months immediately preceding this application, or if no production during such period, for each of most recent two months in 1943 during which applicant carried on boning operations.

TOTAL PRODUCTION OF BONELESS BEEF (FOR SAUSAGE PRODUCTION, CANNING AND OTHER PURPOSES) DIRECT LABOR COSTS IN PRODUCTION OF BONELESS BEEF

(i) Classification	(ii) Choice or AA	(iii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Cutter and Canner or D	(vi) Bologna Bulls or D	(vii) Total
(a) Month							
Total production (pounds)							
Dressed carcass weight (pounds)							

Classification of direct production employees responsible for above production (1)	No. in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Total				

(i) Classification	(ii) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Cutter and Canner or D	(vi) Bologna Bulls or D	(vii) Total
(b) Month							
Total production (pounds)							
Dressed carcass weight (pounds)							

DIRECT LABOR COSTS IN PRODUCTION OF FROZEN BONELESS BEEF

(i) Classification	(ii) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Total
(a) Month					
Total production (pounds)					
Dressed carcass weight (pounds)					

Classification of direct production employees responsible for above production (1)	Number in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Packers				
Total				

(i) Classification	(ii) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Total
(b) Month					
Total production (pounds)					
Dressed carcass weight (pounds)					

Classification of direct production employees responsible for above production (1)	Number in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Packers				
Total				

(c) HOURS OF WORK FOR BONERS

Type of production of boneless meat during periods shown in 6 (a) and (b) (1)	Production (pounds) (2)		Total number of boners responsible for production (3)		Total number of boners in column (3) carried over on plant pay-roll from previous month (4)		Total man-hours (5)		Number of hours overtime (6)	
	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
Frozen boneless beef (Army specifications)										
Other boneless beef										
Other boning operations										

(2) Total production (boneless weight) in pounds (show results for each of two months in 6 (a) and (b) separately).
(5) Total man-hours only for boners (total of single and overtime).
(6) Total number of hours overtime for boners.

TOTAL PRODUCTION OF BONELESS BEEF (FOR SAUSAGE PRODUCTION, CANNING AND OTHER PURPOSES)
DIRECT LABOR COSTS IN PRODUCTION OF BONELESS BEEF—continued

Classification of direct production employees responsible for above production (1)	No. in each classification (2)	Total wages paid in each classification (3)	Total wages paid at single rate (4)	Total wages paid at overtime rate (5)
Boners				
Weighers				
Total				

HOURS OF WORK FOR BONERS

Type of production of boneless meat during periods shown in 7 (a) and (b) (1)	Production (pounds) (2)		Total number of boners responsible for production (3)		Total number of boners in column (3) carried over on plant pay-roll from previous month (4)		Total man-hours (5)		Number of hours overtime (6)	
	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
Boneless beef for sausage and canning										
Other boning operations										

(2) Total production (boneless weight) in pounds (show results for each of two months in 7 (a) and (b) separately).
(5) Total man-hours only for boners (total of single and overtime).
(6) Total number of hours overtime for boners.

(d) If any classification shown in (a) and (b), or part thereof was paid on a piece rate basis, indicate the following:

	(i) Classification	(ii) Number of employees	(iii) Piece rate (single time)	(iv) Piece rate (overtime)	(v) Average volume of production per hour
Month					
Month					

(e) Describe in detail the manner in which applicant's boning operations shown in subparagraphs (a) through (d) differ from the proposed manner of producing frozen boneless beef (Army specifications).

(f) Divide total wages paid for direct labor in producing boneless beef for two months shown by total production of such boneless beef and show result in direct labor costs per hundredweight of production. _____

(g) What is the anticipated monthly production of frozen boneless beef (Army specifications)? _____ lbs.

(h) What boning yields does applicant anticipate in production of frozen boneless beef (Army specifications)?

Choice _____% Commercial _____%
Good _____% Utility _____%

Has applicant made any tests? _____
If so, indicate results.

(i) Give following direct labor cost anticipations:

(i) Number of direct production employees needed to produce production shown in 7 (g)	(ii) Classification of employees needed	(iii) Number of each classification	(iv) Number of man-hours each classification will work per month to attain production	(v) Number of man-hours each classification will work at single rate	(vi) Number of man-hours each classification will work at overtime rate	(vii) Single time rate of pay for each classification	(viii) Overtime rate of pay for each classification	(ix) Total monthly anticipated direct labor costs

(i) Show total number of direct production employees necessary for proposed production.
(ii) Show number of employees for each classification listed in (ii).
(iv) The number of man-hours for each classification should be total of (v) and (vi) for same classification.
(vii) and (viii) If any classification or part of classification will be paid on a piece rate basis, show classification, number of employees, single time and overtime piece rates, separately.
(ix) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification.

(j) If applicant has answered paragraphs (a) through (f), explain why direct labor cost of production of frozen boneless beef (Army specifications) (divide 7 (g) by 7 (i) (x)) will exceed direct labor cost of production of other boneless beef.

(k) Give following additional information:

(i) Estimated boning-test costs for the production of frozen boneless beef (Army specifications) proposed in 7 (g) showing credits and all other anticipated costs.

(ii) The proportions, by grades, of anticipated monthly production of frozen boneless beef.

Choice _____% Commercial _____%
Good _____% Utility _____%

(iii) On the basis of anticipated direct labor costs shown for proposed production of frozen boneless beef (Army specifications) the applicant requires an increase of _____ per cwt. to cover such increased costs.

I certify that all the information above is true and correct.

Section 35 (a) of the United States Criminal Code (18¼ S. C. A. 80) makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within the jurisdiction of any Department or Agency of the United States.

Signature of applicant _____

Official title _____

Dated _____

[§ 1364.531 added by Am. 34, 8 F. R. 16290, effective 12-1-43]

NOTE: The record keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

Issued this 28th day of January, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1467; Filed, January 28, 1944; 4:18 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 355,[1] Amdt. 13]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 355 is amended in the following respects:

1. The price for grade "B or commercial" in Item No. VII, 9 of the table contained in section 22 (j) is amended to read as follows:

B or commercial:	*Cents per pound*
9. Blade and arm	23

2. The price for grade "B or commercial" in Items No. VIII, 2, 3, 5 and 7 of the table contained in section 22 (j) are amended to read as follows:

B or commercial:	*Cents per pound*
2. Breast (boneless)	23
3. Flank meat	23
5. Neck (boneless)	23
7. Shank and heel meat (boneless) (hind and fore)	23

3. The price for grade "A or good" in Item No. XIII, 3 of the table contained in section 22 (m) is amended to read as follows:

A or good:	*Cents per pound*
3. Neck (boneless)	34

4. The price for grade "D or cutters and canners" in Item No. III, 11 of the

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4423, 4922, 6214, 6248, 7199, 7827, 8185, 8945, 9366, 11297, 12237, 12811.

table contained in section 22 (p) is amended to read as follows:

	Cents per pound
D or cutters and canners:	
11. Shank (boneless) (hind and fore)	22

5. The price for grade "D or cull" in Item No. VII, 7 of the table contained in section 22 (p) is amended to read as follows:

	Cents per pound
D or cull:	
7. Loin	28

6. The price for grade "D or cull" in Item No. VII, 7 of the table contained in section 22 (r) is amended to read as follows:

	Cents per pound
D or cull:	
7. Loin	28

7. The price for "Tripe, cooked" for Zone 10 listed in alphabetical order in the table contained in section 28 (e) is amended to read as follows:

	Zone 10
Price per pound:	
Tripe, cooked	16

8. The item "head skinned" listed in alphabetical order in the table contained in section 28 (g) is amended to read as follows:

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Head	18	17	16	16	14	15	15	16	16	16	17

9. The item "head skinned" listed in alphabetical order in the table contained in section 28 (h) is amended to read as follows:

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Head	17	15	15	14	13	14	14	14	15	15	15

10. The item "Tongue-Type A" listed in alphabetical order in the table contained in section 28 (g) is hereby revoked.

11. The following items are added in their alphabetical order in the table contained in section 28 (g) to read as follows:

CLASS 1 AND 2

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Tongue	29	27	27	26	25	25	26	26	27	27	27
Tongue—cured	30	29	28	28	27	27	27	28	28	28	29
Tongue—smoked	40	39	38	38	36	37	37	38	38	38	39

12. The item "Tongue-Type A" listed in alphabetical order in the table contained in section 28 (h) is hereby revoked.

13. The following items are added in their alphabetical order in the table contained in section 28 (h) to read as follows:

CLASS 3 AND 4

PRICE PER POUND

	Zone 1	Zone 2	Zone 3	Zone 4	Zone4a	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
Tongue	27	26	25	24	23	24	24	24	25	25	26
Tongue—cured	28	27	27	26	25	25	26	26	26	27	27
Tongue—smoked	38	36	36	35	34	35	35	35	36	36	36

NOTE: All prices are delivered except for sales by wholesalers and at retail.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1457; Filed, January 28, 1944; 4:14 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 23]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respect:

Section 28, Table 13 is amended to read as follows:

TABLE 13—MAXIMUM PRICES FOR COFFEE

	To wholesalers	At wholesale and to roasters and to retailers	At retail (per lb.)
Dried parchment	$23.70—122 lbs. $24.00—100 lbs.	$24.70—122 lbs. $25.00—100 lbs.	$0.28
Green			
Roasted			
in containers in excess of one pound		$35.40—100 lbs.	.40
in containers of one pound or less		$36.00—100 lbs.	.40

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1461; Filed, January 28, 1944; 4:16 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 35]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 62 is added to read as follows:

SEC. 62. *Maximum prices for domestics at wholesale and retail*—(a) *To what transactions, products, and persons this section applies*—(1) *What commodities are covered.* This regulation applies to all dry goods items commonly known as domestics which are classified and defined as follows:

(i) *Sheets and pillow cases.* This classification includes all bed sheets and pillow cases.

(ii) *Towels.* This classification includes all hand, bath, kitchen, dish, beach and other towels; wash cloths, bath mats, toilet seat covers and similar articles and combination sets of any of the above listed or similar items when sold at a unit price.

(iii) *Pads and covers.* This classification includes mattress pads and covers, crib pads, ironing board pads and covers, table pads and covers, hot pads, table covers of oil cloth or of materials other than woven fabric, and excludes table mats made of lauhala or other native fibers.

(iv) *Table linens and decorative items.* This classification includes table cloths, napkins, luncheon sets and bridge sets, bureau scarfs, decorative pillow tops, table runners, doilies, art linens and similar fabric articles.

(v) *Bedspreads and blankets.* This classification includes all blankets, comforters, quilts, automobile robes, bedspreads, matched sets of spreads and other articles such as draperies when sold at a unit price, and all similar articles.

(vi) *Pillows and cushions.* This classification includes all pillows and cushions, whether used for beds, punees or for decoration and includes automobile seat cushions.

(vii) *Ready-made curtains.* This classification includes all ready-made curtains and panels, whether used in kitchen, bathroom, shower, bedroom, living room or elsewhere.

(viii) *Ready-made draperies and slip covers for furniture.* This classification includes all ready-made draperies and slip covers for furniture and similar fabric articles.

(ix) *Batting materials.* This classification includes all wool, cotton or other bats.

(x) *Window shades and awnings.* This classification includes window shades, awnings, porch curtains, and similar articles, whether made of woven fabric, paper or synthetics.

(xi) *Diapers.* This classification includes all diapers, whether cloth or paper.

(2) *What transactions are covered.* This regulation applies to sales at wholesale, sales at retail, sales by manufacturing-wholesalers and sales by manufacturing-retailers, of domestics as set forth in paragraph (a).

(3) *Effect upon General Maximum Price Regulation for Hawaii and other maximum price regulations.* The provisions of this section supersede the provisions of the General Maximum Price Regulation for the Territory of Hawaii,[2] General Order No. 49, and all other maximum price regulations issued by the Office of Price Administration, except as may hereinafter be provided, with respect to sales at wholesale and at retail and sales by manufacturing-wholesalers and manufacturing-retailers in the Territory of Hawaii of domestics as set forth in paragraph (a).

(b) *Maximum prices for sales at wholesale*—(1) *Wholesalers and jobbers.* The maximum prices for sales at wholesale of domestics listed and described in paragraph (a), which were manufactured outside the Territory of Hawaii, shall be an amount equal to the sum of the manufacturer's selling price less all allowable trade and cash discounts and allowances except cash discounts up to 2% and the "landing cost" (as defined in paragraphs (g) and (h)), multiplied by 1.20: *Provided*, That

(i) The wholesaler or jobber regularly carries such classification of domestics in stock and has heretofore carried such classification of articles in stock, and

(ii) The particular articles being priced were sold out of such stock, and

(iii) The particular articles being priced were invoiced and shipped to the establishment of the wholesaler or jobber.

(2) *Drop shipments.* The maximum prices for sales at wholesale of any articles listed and described in paragraph (a) of this section by a person who has not heretofore regularly carried such articles in stock, and such goods are not being sold out of the stock, and such goods were not invoiced and shipped to the establishment of such person, shall be those established by sections 2 and 3 of the General Maximum Price Regulation for Hawaii.

(3) *Maximum prices for locally made articles.* The maximum prices for sales at wholesale of any article manufactured in the Territory of Hawaii listed and described in paragraph (a) of this section by a wholesaler or jobber who satisfies the conditions as to inventory set forth in subdivision (i), (ii) and (iii) of paragraph (b) (1) above, shall be those established by sections 2 and 3 of the General Maximum Price Regulation.

(4) *Manufacturing-wholesalers and manufacturing retailers.* The maximum price for sales at wholesale of any article listed or described in paragraph (a) of this section which the wholesaler or retailer makes or has made for him from materials owned by him, shall be computed by multiplying the sum of the costs of manufacturing by 1.15. The costs of manufacturing shall include only

(i) An amount equal to the wholesale price of the material, which for the wholesaler shall be no higher than his maximum wholesale price for such material, and for the retailer shall be the actual cost of the material to him, which may in no case be higher than the wholesale price.

(ii) An amount equal to the cost of cutting and fringing, which in no case may exceed 1¢ for every 15 inches of the perimeter.

(iii) An amount equal to the cost of sewing, which in no case may exceed maximum prices therefor which have been filed with the Price Control Section of the Office of the Military Governor or the Office of Price Administration under Maximum Price Regulation No. 20 of the Military Governor of the Territory of Hawaii, or under Maximum Price Regulation No. 165 of the Office of Price Administration.

(iv) An amount equal to the maximum prices permitted by this regulation for the block print or prints which are printed on the item by or for the manufacturing-wholesaler or manufacturing-retailer.

(5) *Allowance for block printing.* Where a wholesaler block prints, or has block printed for him, any article covered in this section, he may, for the purpose of determining the maximum price under this section, add to the manufacturer's selling price the maximum price permitted by this regulation for such prints.

(6) *Inability to determine price at wholesale.* Any person who is unable to determine prices under paragraphs (b) (1), (2), (3) or (4) shall apply to the Office of Price Administration for a maximum price. Such application must set forth the manufacturer's selling price less all allowable discounts and allowances except cash discounts up to 2% and the "landing cost" for such articles as specified in paragraphs (g) and (h).

(7) *Restrictions on markup at wholesale*—(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

(ii) No part of the wholesale markup may be taken by a wholesaler-retailer on any article listed and described in paragraph (a) of this section that is sold by any retail outlet owned, controlled by, under the control of, controlling, or in any other way affiliated with respect to ownership or control with the wholesaler.

(c) *Maximum prices for sales at retail*—(1) *Purchases from mainland manufacturers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section which the retailer purchases from a mainland manufacturer shall be the amount determined by multiplying the manufacturer's selling price less all allowable discounts and allowances except cash discounts up to 8% plus the "landing cost" by the figure given below in the first column of the table for the classification to be priced.

(2) *Purchases from distributors.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section which the retailer purchases from a person selling at wholesale, whose maximum prices for the sale are determined by paragraph (b) (2) shall be the amount determined by multiplying the manufacturer's selling price plus the "landing cost" by the figure given below in the first column of the table for the classification of goods to be priced.

(3) *Purchases from mainland wholesalers and jobbers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances except cash discounts up to 8% plus the "landing cost" by the figure given in the second column of the table for the classification of goods to be priced.

(4) *Purchases from local wholesalers and jobbers.* The maximum price for sales at retail for any article listed and described in paragraph (a) of this section that is imported from the mainland and which the retailer purchases from a local wholesaler or jobber shall be the amount determined by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances except cash discounts up to 8% by the figure given below in the second column of the table for the classification of goods to be priced.

(5) *Locally manufactured articles.* The maximum price for sales at retail of any article listed and described in paragraph (a) of this section which is made by a manufacturer located in the Territory of Hawaii shall be: If the retailer purchases direct from the manufacturer or from a wholesaler the amount determined by multiplying the manufacturer's selling price less all allowable discounts and allowances except cash discounts up to 8% by the figure given in the second column of the table for the classification of goods to be priced.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139.

[2] 8 F.R. 5307, 6362.

(6) *Manufacturing-wholesalers and manufacturing-retailers.* The maximum price for any article listed and described in paragraph (a) of this section which the retailer purchases from a local manufacturing-wholesaler or manufacturing-retailer, or which he makes or has made for him, shall be the amount determined by multiplying the wholesale price as determined under paragraph (b) (4) by the figure given in the second column of the table for the classification of goods to be priced.

TABLE OF RETAIL MULTIPLICATION FIGURES

	Column 1	Column 2
Sheets and pillow cases, pads and covers, pillows and cushions, batting materials, window shades and awnings, diapers	$1.60	$1.50
Towels, ready-made curtains, ready-made draperies	1.65	1.50
Table linens, blankets and bedspreads:		
Budget to $8.75	1.65	1.50
Better over 8.75	1.75	1.50

NOTE: The price designation in the table above with respect to Budget and Better refers to the cost price upon which the retailer will use the multiple in the above table to determine his maximum retail price.

(7) *Allowance for block printing.* Where a retailer block prints, or has block printed for him, any article covered in this section he may, for the purpose of determining the maximum price under this section, add to the manufacturer's selling price or wholesaler's selling price, depending on the source of purchase, the maximum price permitted by this regulation for such prints.

(8) *Inability to determine price at retail.* Any person who is unable to determine prices at retail under subparagraphs (1) through (6) of this paragraph (c), shall apply to the Office of Price Administration for the establishment of a maximum price.

(9) *Odd cent maximum prices at retail.* Whenever the calculation of a maximum retail price results in a fraction of a cent, the maximum price shall be adjusted to the nearest cent.

(d) *Maximum price for nationally advertised articles.* Application may be made for approval of a price for an article listed in paragraph (a) which is nationally advertised by the manufacturer thereof, and who requires that such article be sold at the prices established by such manufacturer. The applicant must set forth:

(1) Description of the article or line to be priced.

(2) Proof that the manufacturer has established a resale price and that such price is so marked on the article that any purchaser can know that it is a nationally advertised price.

(3) A statement that the seller will not sell such article at a price higher than such nationally advertised price. Such application, of course, need not be made where such nationally advertised price is not in excess of the maximum price as calculated under this section.

(e) *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the allocation made by the wholesaler or retailer and shall show the resulting maximum wholesale or retail prices determined on the basis of such allocated costs.

(f) *Maximum prices for certain merchandise purchased at lower than manufacturer's maximum price.* In cases where a wholesaler or retailer purchases from a manufacturer or wholesaler any article listed and described in paragraph (a) of this section, at a price lower than the manufacturer's or wholesaler's maximum price and lower than a price which the purchaser previously paid to such manufacturer or wholesaler for the same or similar merchandise, and where such lesser price was paid by reason of the size of the purchase or the seasonal nature of the goods, application may be made to the Office of Price Administration for a maximum price for resale of the merchandise, which maximum price is based upon the higher price previously paid to such manufacturer or wholesaler, and the appropriate multiple provided by the section. Any such application must be accompanied by the invoice for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature.

(g) *"Landing cost".* For articles imported from outside the Territory of Hawaii "landing cost" shall be the total of the following amounts:

(1) An amount equal to the transportation charges, if any, actually incurred by the purchaser for transportation from the mainland point at which the purchaser received delivery, to the mainland port of shipment (including Federal transportation tax and terminal charges), not in excess of public (common or contract) carrier rates.

(2) An amount equal to mainland storage charges, and insurance in connection therewith, actually incurred by the purchaser, but charges for storage and insurance in connection therewith in excess of three months shall not be included.

(3) An amount equal to cartage charges actually incurred by the purchaser for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(4) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included but the type of coverage is at the discretion of the buyer and seller.

(5) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from dock to warehouse, computed at a rate not in excess of 1.20 per ton, weight or measurement: *Provided*, That the commodity is moved from the dock at the purchaser's expense.

(h) *"Landing cost" in cases of interisland shipments.* In the case of a commodity originally imported from without the Territory of Hawaii to one island of the Territory and subsequently shipped to another island in the Territory, the "landing cost" in the island of final destination shall be the sum of the amounts specified in subparagraphs (1) through (4) below.

(1) An amount equal to the "landing cost" at the island from which the article was shipped, calculated under paragraph (g) above.

(2) An amount equal to cartage charges for cartage from the warehouse to the dock in the island from which the article was shipped, calculated at the rate set forth in paragraphs (g) (2) and (5) above, whether or not such cartage charges are actually incurred, but in no event shall such cartage charges exceed public (common or contract) carrier rates.

(3) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the purchaser for shipment between the islands, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included.

(4) An amount equal to cartage charges on the island of final destination, from dock to warehouse, computed at a rate not in excess of the amount set forth in paragraphs (g) (2) and (5) above: *Provided*, That the articles are moved from the dock at the purchaser's expense.

(i) *Records and reports.* For the purposes of this section this paragraph supersedes the provisions of section 10 of Maximum Price Regulation 373.

(1) *Required of person making sales at wholesale*—(i) *Purchase records.* Every person making sales at wholesale of any article listed in paragraph (a) of this section shall keep and make available for examination by this office for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each article showing:

(a) The date of purchase and date of receipt.
(b) The name and address of the vendor.
(c) The price paid, or charged.
(d) The quantity purchased.
(e) The manufacturer's selling price. If the person did not purchase the article from the manufacturer but is relying upon his vendor's written statement of the manufacturer's selling price, he shall keep such statement and make it available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.
(f) All records and data reflecting the charges incurred by the wholesaler in arriving at the selling price.

(ii) *Sales records.* Every person making sales at wholesale of any article listed in paragraph (a) of this section shall invoice each sale of each such article. The original invoice shall be delivered to the buyer and shall state:

(a) The date of sale.
(b) Itemized list of articles sold.
(c) The manufacturer's selling price for each such article if the maximum price at wholesale is determined under (b) (2) or (3).
(d) Such person's ceiling price at wholesale for each article.
(e) The retailer's ceiling price for each article as calculated under (c).
(f) The price charged or received.

A copy of this invoice shall be made and kept by the person making sales at wholesale, for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) *Required of person making sales at retail*—(i) *Purchase records.* Every person making sales at retail of any article listed in paragraph (a) of this section shall keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such article showing:

(a) The date of receipt.
(b) The name and address of the vendor.
(c) The manufacturer's selling price if priced under (c) (1), (2) or (5).
(d) The invoice cost if priced under (c) (3) or (4).
(e) The manufacturer's stock number if available.
(f) The retailer's stock number if any.
(g) The percentage used in determining the maximum price.
(h) The retailer's ceiling price.

The retailer may list the information required above on each purchase invoice covering the article. If the retailer did not purchase the article from the manufacturer but is relying upon his supplier's written statement of the manufacturer's selling price he shall keep such statement and make it available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. The retailer shall likewise keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his purchase invoice covering that article.

(ii) *Sales records.* (a) Any retailer who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the retailer, a description of the article sold and the price received for it.

(b) Every retailer shall keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind he has customarily kept relating to the price charged for such article and in addition records showing as precisely as possible the basis upon which he determined the maximum price for such article.

(j) *Posting and marking of prices.* For the purposes of this section, this paragraph supersedes the provisions of section 10 of Maximum Price Regulation 373.

(1) *Posting.* On and after the effective date of this section every person who sells or offers to sell any article listed and described in paragraph (a) of this section at retail shall post in a conspicuous place, in a manner plainly visible to and understandable by the purchasing public in the department or portion of the premises where any such article is sold or offered for sale, a sign stating "Each article of domestics in this store (or on this counter, shelf, or in this case, bin, or rack) is marked and sold at our ceiling price or less."

(2) *Marking.* (i) On and after the effective date of this section no person shall sell or deliver or offer for sale any article listed and described in paragraph (a) of this section at retail unless there is firmly attached to such article a stamp, tag or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

(ii) All merchandise that is priced pursuant to paragraph (e) must have the lot number which appears on the invoice also clearly marked on the price ticket of each article.

(k) *Definitions.* When used in this section 62, the term:

(1) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it, before the deduction of any discounts or allowances, and shall not include any transportation costs, marine or war risk insurance, storage charges, or any other charge.

(2) "Sale at wholesale" means a sale by a person who received delivery of a commodity and resells it, without changing its form, to any person other than an ultimate consumer, and includes sales to retailers by manufacturing-wholesalers or manufacturing-retailers, but does not include any sale by a producer or manufacturer. (This definition is in lieu of the definition contained in section 12 of this Maximum Price Regulation 373, and is to be used for the purposes of this section only.)

(3) "Sale at retail" means a sale or selling to an ultimate consumer, provided that purchasers for resale, commercial and industrial users, shall not be deemed ultimate consumers.

(4) "Wholesaler-retailer" means a firm or person who customarily sells at least 50% of the articles listed and described in paragraph (a) of this section in his own or in an affiliated store.

(5) "Wholesaler's selling price" means the price appearing on the wholesaler's invoice to the retailer before the deduction of cash discounts or other discounts for prompt payment.

(6) "Manufacturing-wholesaler" means a wholesaler who has made for him from materials owned by him, articles for sale to a retailer.

(7) "Manufacturing-retailer" means a retailer who has made for him from materials owned by him, articles for sale to an ultimate consumer.

All the provisions of this amendment shall become effective as of December 1, 1943, except as follows with respect to sales at retail of articles in inventory as of December 1, 1943. Such articles need not be priced under this section until February 1, 1944: *Provided*, That any such article which is the same or similar to an article received in inventory after December 1, 1943, shall not be sold at a price higher than the maximum price established by this section for such new article. For the purposes of this provision, one article shall be deemed "similar" to another article if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such article, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such articles would ordinarily have been sold, shall not be taken into account.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1459; Filed, January 28, 1944; 4:14 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452,[1] Amdt. 3]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 452 is amended in the following respects:

Article IV is amended by the addition of section 22 to read as follows:

SEC. 22. *Exemptions from this regulation.* (a) All sales and deliveries of heavy axles pursuant to the prime contract between the United States and the Timken-Detroit Axle Company, Detroit, Michigan, Contract No. W-20-018-ORD-816 and Production No. T-10759, notwithstanding section 3 or any other section of this regulation, are exempt from the provisions of this regulation. This exemption doec not extend to sales and deliveries pursuant to subcontracts under such prime contract.

This amendment shall become effective January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44—1456; Filed, January 28, 1944; 4:07 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11572, 12237, 12516.

PART 1340—FUEL

[RPS 88,[1] Amdt. 154]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c) (9) is added to read as follows:

(9) *From Ohio and nearby Kentucky and Indiana Areas to District One and Michigan.*

Maximum prices [2] in bulk lots loaded into transportation facilities f. o. b. shipping points in areas designated below for shipment to ultimate destinations in P. A. W. District One and Michigan.

(Cents per gallon)

Gasoline	Price area G	Price area I	Price area J-1	Price area K-1
80–82 Oct. ASTM and ethyl grade	8.375	8.625	8.75	8.75
72–74 Oct. ASTM	7.375	7.625	7.75	7.75
Kerosene and distillate fuel oils				
41 A. P. I. gravity and above W. W. kerosene	5.5	6.125	6.25	6.25
No. 1 P. W. distillate (fuel oil) range and stove oil and No. 1 fuel oils	5.375	[3]5.625	5.75	[4]6.125
No. 2 fuel oil	5.25	[3]5.50	5.50	[4]6.00
No. 3 fuel oil	5.125	5.50	5.50	[4]6.00

[2] Sellers of No. 1 P. W. Distillate, range oil and No. 1 fuel oil shipping from Price Area J-1 for destinations other than PAW District I and Michigan are permitted by this amendment to use either the price listed herein, or a price permitted under other provisions of this price schedule.

[3] For Boyd County Kentucky add .125.

[4] For Stark County Ohio deduct .25.

Price Area G comprises the counties of Union, Henderson, Davies, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson, and Oldham in Kentucky; and the counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd and Clark in Indiana.

Price Area I comprises the area within a radius of 25 miles of Indianapolis, Indiana, the counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, and Meigs in Ohio; and the counties of Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup, and Boyd in Kentucky.

Price Area J–1 comprises the counties of Allen, Hancock, Lucas, Putnam, Wood, and Licking in Ohio.

Price Area K–1 comprises the counties of Cuyahoga, Lorain, Medina, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning and Columbiana in Ohio.

FROM MICHIGAN TO DISTRICT ONE

Maximum prices in bulk lots loaded into transportation facilities f. o. b. shipping points in areas designated below for shipment of ultimate destinations in P. A. W. District One

(Cents per gallon)

Gasoline	Price area J-2	Price area H-2
80–82 Oct. ASTM and ethyl grade	9.0	8.75
72–74 Oct. ASTM	8.0	7.75
67–69 Oct. ASTM	7.25	7.00
Straight Run	6.00	6.00
Kerosene and distillate fuel oils		
46–49 A. P. I. gravity W. W. kerosene	6.25	6.0
41–45 A. P. I. gravity W. W. kerosene	6.00	5.75
No. 1 P. W. distillate (fuel oil)	5.75	5.50
No. 2 fuel oil	5.50	5.25
No. 3 fuel oil	5.25	5.00

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9365, 9530, 9774, 9876, 10901, 9515.

Range or stove oils (range or stove oil shall take the maximum price of the product listed above of the same specifications).

Price Area J–2 comprises Wayne and Monroe Counties in Michigan.

Price Area H–2 comprises the State of Michigan (excluding Wayne and Monroe Counties).

This amendment shall become effective February 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1481; Filed, January 29, 1944; 11:13 a. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 94,[1] Amdt. 12]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 94 is amended in the following respects:

1. In § 1381.504, in the section heading, immediately after the word "prices", the phrase "including shipments on government bill of lading" is added.

2. In § 1381.504, a new paragraph (b) is added to read as follows:

(b) *Government bill of lading.* Where shipment is made on government bill of lading, the maximum price payable to the seller may be computed by determining what would be the maximum delivered price on the basis of estimated weights and commercial rates and subtracting therefrom the commercial rate times the actual weights.

This amendment shall become effective January 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1479; Filed, January 29, 1944; 11:12 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 19]

SOUTHERN PINE LUMBER

Revised Maximum Price Regulation No. 19 is redesignated Second Revised Maximum Price Regulation 19 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. The standards and specifications used in this regulation were, prior to such use, in general use in the Southern pine lumber industry. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1381.201 *Maximum prices for southern pine lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Second Revised Maximum Price Regulation No. 19 (Southern Pine Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: §1381.201 issued under 56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION NO. 19—SOUTHERN PINE LUMBER

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Sec.
1. Prices higher than ceiling prohibited.
2. What transactions are covered.
3. What products are covered.
4. What persons are covered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Basic prices and cash discount.
6. Distributors' direct-mill sales.
7. Addition for direct-mill retail sale.
8. Transportation charges.
9. Mixed car and anti-stain.
10. Special rule on averaging out freight.
11. Special pricing rules.
12. F. A. S. sales.
13. What the invoice must contain.
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15. Adjustable pricing.
16. Sales for export.

ARTICLE III—MISCELLANEOUS

17. Applications for adjustment and petitions for amendment.
18. What records must be kept.
19. Enforcement.
20. Licensing
21. Grades.
22. Grades, services or extras not listed.

ARTICLE IV—APPENDIX A: SHORTLEAF YELLOW PINE LUMBER

ARTICLE V—APPENDIX B: LONGLEAF YELLOW PINE LUMBER

ARTICLE VI—APPENDIX C: TABLE OF ESTIMATED WEIGHTS

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after February 4, 1944, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive any Southern pine lumber for direct-mill shipment at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 2. *What transactions are covered.* (a) This regulation covers, under the name of "sales for direct-mill shipment" all sales of Southern pine lumber, no matter who the seller is, and regardless of the quantity involved, except sales of Southern pine lumber which was

[1] 7 F.R. 10648; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136, 12296, 12878, 16199; 9 F.R. 206.

part of the regular stock of a distribution yard at the time the sale was made.

(b) *How to tell a mill from a distribution yard.* The term "mill" as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishments are described below: the first, (1), a typical sawmill or planing mill; the second (2) a typical concentration yard; and the third, (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill; and one which resembles (3) more than it does (1) or (2) is considered a distribution yard.

(1) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Southern pine and associated species of lumber;

(2) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly Southern pine and associated species of lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail and/or full truck-load shipment and which has been located at its particular site to be near the lumber producing area;

(3) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which had been located at its particular site in order to be near a lumber-consuming area.

(c) *New yards or changed status.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards, either new or resulting from a change in operations, set up after May 24, 1943, unless the yard writes to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

SEC. 3. *What products are covered.* This regulation covers all items of Southern pine lumber, whether the item is specifically named in the price tables or not (except switch ties and cross ties, which are subject to Second Revised Maximum Price Regulation 216[1]—Railroad Ties). This means all lumber of the species included in the following definitions of shortleaf and longleaf yellow pine.

[1] 8 F.R. 12936, 16209.

(a) "Shortleaf yellow pine" means the species of shortleaf pine (Pinus echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), such longleaf pine (Pinus palustris) as contains less than six annual rings per inch and less than one-third summerwood, or any other pinus species, (except longleaf yellow pine), as defined in paragraph (b) of this section) known commercially as "Southern pine."

(b) "Longleaf yellow pine" means the botanical species of Pinus palustris which contains not less than six annual rings per inch and not less than one-third summerwood.

SEC. 4. *What persons are covered.* Any person who makes the kind of sale or purchase described above, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any of their political subdivisions or any agency of any of the foregoing.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 5. *Basic prices and cash discount*—(a) *Basic prices.* The maximum f. o. b. mill prices for shortleaf Southern pine lumber are set forth in Article IV and for longleaf Southern pine lumber in Article V.

(b) *Cash.* If cash is paid the maximum price must be reduced by the seller's August 1941 cash discount. When a seller was not in business in August 1941, 2% cash discount for payment in 10 days shall be allowed. On specific written allocations issued by the Office of Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(c) *Sales of certain items of rough lumber.* In all sales of boards and dimension items of Southern pine in rough form, where shipment originates at a sawmill which has no planing mill or which customarily sells the Southern pine lumber produced by it in rough form, the maximum prices set forth in price Tables No. 1 (Boards S. L.), No. 2 (Dimension S. L.). No. 14 (Boards L. L.) and No. 15 (Dimension L. L.) of this regulation:

(1) shall include delivery within a radius of 25 miles, or

(2) shall be reduced $2.50 per M'BM where the purchaser himself makes the pick-up at the mill, or

(3) shall be reduced $2.50 per M'BM before making the transportation additions provided in section 8 where the seller makes delivery over 25 miles.

(d) *Combination grades.* Lumber sold in a combination of grade may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 Common and better is the maximum price fixed for No. 2 Common lumber. But it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied (tally card to be included in car), in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

(e) *Inspection certificate required on sales of certain grades.* Any shipment of Southern pine lumber priced in Tables 1, 2, 7, 14, 15 and 21 which does not bear the grade-mark of a qualified inspection agency or inspector which is currently recognized and accepted as such by any federal agency and which contains more than 30 percent of No. 1 Common or higher grades must be accompanied by a certificate of inspection by a qualified inspection agency or inspector which is currently recognized and accepted as such by any federal agency covering all lumber in the shipment. In the absence of such a certificate, lumber invoiced as No. 1 Common or higher grades in any such shipment may not be sold at prices higher than the prices provided in such tables for No. 2 Common.

SEC. 6. *Distributors' direct-mill sales*—(a) *Prices*—(1) *Wholesale-type sales.* On direct-mill sales of Southern pine lumber by a direct-mill distributor, there may be added to the regular f. o. b. mill prices established in this regulation 6 percent (but not more than $3.00 per M'BM). The distributor's addition must be evened out to the nearest quarter-dollar per M'BM or in the case of plastering or fence lath to the nearest 5 cents per 1,000 pieces. For example, if the maximum price for a particular item is $30.00 the ceiling price on a wholesale-type sale is $31.75. This mark-up applies only to carload quantities if shipped by rail, or to quantities of 18 M'BM or more if shipped by truck or water.

(2) *Commission-type sales.* On commission-type direct-mill sales of Southern pine lumber made through a direct-mill distributor the ceiling price is 4 percent (but not more than $2.00 per M'BM) higher than the regular f. o. b. mill prices established in this regulation. The distributor's commission must be evened out to the nearest quarter-dollar per M'BM or in the case of plastering or fence lath to the nearest 5 cents per 1,000 pieces. The mill must allow the direct-mill distributor a commission at least equal to the excess over the standard f. o. b. mill price. For example, if the maximum price for a particular item is $30.00, the mill ceiling on a commission-type sale made through a direct-mill distributor is $31.25 and the mill must allow the distributor at least $1.25. This mark-up applies only to carload quantities if shipped by rail, or to quantities of 18 M'BM or more if shipped by truck or water.

(3) *Distribution yard sales.* On direct-mill sales of Southern pine lumber made by wholesale or retail distribution yards, a mark-up of 6 percent (but not more than $3.00 per M'BM) may be made to the regular f. o. b. mill prices established in the regulation. The distributor's addition must be evened out to the nearest

quarter-dollar per M'BM or in the case of plastering or fence lath to the nearest 5 cents per 1,000 pieces. This mark-up applies only to carload quantities if shipped by rail, or to quantities of 18 M'BM or more if shipped by truck or water. (As to smaller quantities, see sections 7 below.)

(4) *Mill's price or realization.* This section 6 increases maximum prices only on sales by direct-mill distributors, or yards. The mill's price, or realization after deducting the 4 percent commission, may never be higher than the regular prices established in this regulation. The mill, of course, may sell at a price at which it will realize less than its regular ceiling.

(5) *Pyramiding prohibited.* The price additions permitted in this section 6 may not be made more than once to the regular f. o. b. mill price, regardless of the number of persons participating in the transaction. For example: If direct-mill distributor making a "commission-type" sale sells a car of $30.00 lumber to a yard which, in turn, sells to a consumer for direct-mill shipment, the mill's ceiling price on the sale through the distributor is $31.25 (4 percent addition) and the yard's ceiling price to the consumer is $31.75 (6 percent addition). Note that the yard cannot add its 6 percent either to the $31.25 on a purchase through a direct-mill distributor making a commission-type sale or to $31.75 if the purchase was from a direct-mail distributor making a "wholesale-type" sale. In both cases, the 6 percent may be added only to the regular f. o. b. mill price of $30.00.

Moreover, none of the additions in this section may be applied above the addition for direct-mill retail sales in section 7 below.

(6) *Exception in case of financial control.* No commission or addition, as provided in this section, may be charged, paid or collected in connection with any sale of lumber manufactured or concentrated by a mill or concentration yard controlled by the distributor, controlling the distributor or under common control with the distributor.

(b) *Definitions*—(1) *Direct-mill distributor.* A direct-mill distributor is (i) A person whose volume of wholesale-type and commission-type sales of lumber from March 1, 1943 to and including August 31, 1943, was at least 75 percent of his total volume of lumber sales during that period (or whose volume of wholesale-type and commission-type sales of lumber during that period was at least 5,000,000 board feet); or

(ii) A person who has been granted special permission by the Office of Price Administration to sell as a "direct-mill distributor" as provided in paragraph (c) of this section 6.

(2) *"Wholesale-type sale.* A "wholesale-type" sale is a sale in which the seller buys lumber in carload quantities from a mill or concentration yard, and takes title to and delivers the lumber to the buyer in substantially the same form.

(3) *Commission-type sale.* A "commission-type" sale is a sale through a direct-mill distributor, acting as a commission-man. For purposes of this section, a commission-man is a person who customarily represents and sells lumber in carload quantities for two or more mills or concentration yards, receives his compensation in the form of commissions based on the amount of the lumber sold, and is independent of both buyer and seller.

(c) *New distributors.* Any person who cannot meet the requirements of a "direct-mill distributor", as defined in paragraph (b) (1) (ii) of this section 6, may make special application to the Lumber Branch, Office of Price Administration, Washington 25, D. C. He may be given permission to qualify as a "direct-mill distributor", if he meets the following tests: He must provide evidence from banks or others, showing adequate financial responsibility. He must also fill orders with the Central Procuring Agency totaling at least 1,000,000 feet of Southern pine lumber for delivery within six months, to be shipped from mills which in 1942 produced less than 5,000,000 board feet of Southern pine lumber. In the case of mills which were not operating during substantially the entire year of 1942, shipment must be made from mills whose capacity as rated by the Forest Service is less than 25,000 board feet per day. Final authorization will not be granted until the entire 1,000,000 feet of lumber has been successfully delivered within the six months period. Until final authorization is granted, the 6 percent or 4 percent addition to the maximum price, as the case may be, must be held in escrow by a bank or other third party, on all sales of lumber made by the distributor, and if the quantity is not successfully delivered within the six months, the 6 percent or 4 percent addition must be returned to the buyers.

The authorization will not be granted if it appears that the purpose of the application is to evade the regulation by interposing an unnecessary middleman in the distribution of lumber, who will not in fact render the services characteristically rendered by the type of distributor in question.

(d) *Licenses.* Authorized distributors are licensed under section 20. This means that if, for example, they ship lumber that is not up to grade, specification and tally, they may, subject to the appropriate license suspension proceedings, lose their right not only to charge the price additions but even to continue in business.

(e) *Registration.* Any person qualifying as a "direct-mill distributor" under paragraph (b) (1) (i), (ii) of this section 6 must file a letter with the Lumber Branch, Office of Price Administration, Washington 25, D. C., before March 1, 1944, stating that he meets such requirements.

SEC. 7. *Addition for direct-mill retail sale.* (a) An addition of $3.50 per M'BM (but no charge for delivery) may be made by a mill or concentration yard on a sale of 5 M' BM or less only within a radius of 25 miles from the seller's establishment to any consumer or buyer (except a box or container manufacturer) who does not purchase for resale, where the shipment originates at a mill. This provision does not apply to sales of the items of rough lumber covered in paragraph (c) of section 5.

(b) An addition of $3.50 per M'BM may be made by any distribution yard on sales of less than carload quantities if shipped by rail, or less than 18 M'BM if shipped by truck or water to any consumer or buyer within a radius of twenty-five miles from the distribution yard who does not purchase for resale where the shipment originates at a mill and delivery is made directly to the buyer or a site specified by him, and the seller:

(1) Delivers the lumber to the job site, if required by the buyer, at such time and in such manner as the buyer specifies;

(2) Gives the buyer the privilege of exchanging lumber and returning unused material;

(3) Agrees to make good any shortage promptly from stocks kept on hand for this purpose.

(c) For the purpose of this and other provisions contained in this regulation the size of the sale is determined by the total quantity involved in the transaction without regard to whether it is broken up into smaller orders or deliveries. The amount delivered at a particular time does not determine the quantity. For example, if the buyer and seller at the time the sale is negotiated know that the quantity to be bought for a particular job will run to 20 M'BM the sale is one for 20 M'BM even though it may be split into 5 orders of 4 M'BM each or requisitioned in quantities of 4 M'BM. And this is true regardless of whether 5 different deliveries, in loads of 4 M'BM each are made on different days.

SEC. 8. *Transportation charges*—(a) *Rail charges.* (1) Only two methods of selling are recognized by this regulation. Any other method is prohibited, as a device to evade the ceiling by manipulation of freight.

The two permitted methods are: on a delivered basis using the estimated weights in Article VI, or on an f. o. b. mill basis with actual freight (figured, of course, on actual weights) to be paid by the purchaser.

The two methods may not be combined in a single transaction; that is, a seller may not sell on a basis which gives him the benefit of favorable estimated weights but requires the use of actual weights on items where estimated weights would be unfavorable to him. Note that sales described as "ceiling delivered", or as f. o. b. mill with freight allowed or included to a given destination, are to be treated as sales on a delivered basis. In such cases, the given estimated weights must be used.

(2) The estimated green weights may be used only when green lumber is actually specified and shipped.

(3) The transportation charge, when estimated weights are used, must be evened out to the nearest quarter-dollar per M'BM (or nearest 5 cents per 1,000 pieces of lath).

(b) *Common or contract carrier (other than rail).* Where transportation is by common or contract carrier (other than rail) the only rule is that actual cost of transportation may be added to f. o. b. mill ceiling.

(c) *Private truck.* When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M'BM, over 10 and up to and including 20 miles, $2.00 per M'BM and over 20 and up to and including 30 miles, $2.50 per M'BM. Where the distance is greater than 30 miles, the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or $3.00 per M'BM, whichever is greater. Distance, as used in this paragraph, means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(d) *Trucking to rail or water shipping point.* When a truck haul precedes a rail or water shipment, as when a mill located away from a railhead hauls lumber by truck to the railroad, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(1) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(2) Where a mill's rail connection has been abandoned since September 5, 1941, and it has no comparable rail shipping point.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., and may be acted upon by letter or telegram. The addition may not be made on quotations or sales until permission has been received.

(e) *Truck delivery after rail haul.* When truck delivery to yard or job site follows a rail haul, and is specified in the order, the actual cost of truck delivery may be added. This may include the actual cost of handling and reloading involved in transfer from rail cars to trucks.

(f) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in paragraphs (b) and (c) of this section.

SEC. 9. *Mixed car and anti-stain*—(a) *Mixed cars.* For mixed car or mixed truck shipments, $1.00 additional per M'BM may be charged provided the exact quantity of each item shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied, with tally card included in car. A mixed car shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2 M'BM each, or at least six items amount to not less than 1 M'BM each, or at least twelve items amount to not less than 500 board feet each. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 500 board feet each, or at least six items amount to not less than 250 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, mouldings, partition, ceiling, siding, plain end flooring, end matched flooring, factory flooring, shiplap, boards, strips or dimension of either shortleaf or longleaf yellow pine. Different grades or lengths in the same table, however, do not establish different items for the purpose of this section. Random widths establish different items only when both edges are dressed. Any order or shipment substantially equivalent to a random width order shall be considered such. All timbers in the same table constitute a single item regardless of whether there is more than one width or thickness in the shipment.

(b) *Anti-stain.* For chemical anti-stain treatment, an addition of 50 cents per M feet board measure may be made to the price of air dried or green lumber (but not of kiln dried lumber). For lumber 3 x 3" to 10 x 10" or 2 x 14" and wider, the permissible addition is $1.00 per M; 3 x 11" and larger, $2.00. This addition may be made only on lumber shipped from mills which have equipment for proper and thorough chemical anti-stain treatment, and only on lumber which has been chemically treated by dipping in a vat containing a chemical solution. Treatment by spraying does not entitle the seller to the addition.

Since it is difficult to prove by examination of a piece of lumber after dressing whether it has been chemically anti-stain treated, it will be considered a violation of this regulation to add the anti-stain addition if the mill did not have, at the time the lumber was manufactured, a chemical dipping vat filled with a chemical solution through which its lumber moves as a part of its routine method of manufacture. Also, the addition will be considered a violation unless the mill can show invoices for the purchase of anti-stain chemicals in sufficient quantity to account for the amount of lumber produced by the mill. If it is shown that the mill does not have this kind of anti-stain equipment, or cannot show evidence of having purchased anti-stain chemicals in a volume consistent with the amount of lumber produced, the seller automatically will be considered guilty of over-charging on all lumber which has been invoiced with the anti-stain addition, without reference to individual inspection of the actual lumber shipped. In addition to liability for treble damages for this over-charge on all lumber shipped, the seller may also, under certain circumstances, be subject to fine and imprisonment and, after warning, the possible revocation of his license to sell lumber.

SEC. 10. *Special rule on averaging out freight.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids per M'BM $34.75 (including 6 percent mark-up) on a single order of a hundred M'BM of lumber, the mill ceiling price being $30.00 per M'BM and the estimated freight $3.00, he can ship half of it on a rate resulting in a $2.00 freight charge and half on a rate resulting in a $4.00 freight charge.

Where this practice is adopted, the seller must observe all of the following conditions:

(a) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(b) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(c) Upon completion of the order the seller must render a final invoice showing the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

SEC. 11. *Special pricing rules.* (a) Where the buyer specifies restricted lengths and the shipment or orders fail to conform, the entire shipment must be priced at the random length price (unless the agreed price is lower).

(b) Where the buyer orders a random length shipment, and the given percentages of lengths as specified in footnotes to some of the price tables are not met because there is too large a percentage of shorts, the excess shorts must be priced at the separate prices for the short lengths.

(c) Where random length shipments required to average a specified length (e. g., 12' in the Board Table) fall short of this average, the price may not exceed

that of the nearest even length below the average length actually shipped.

(d) Where the order does not specify whether longleaf or shortleaf is required, the seller may only charge shortleaf prices.

(e) Where the order fails to specify the grade required, the seller may only ship and charge for No. 2 Common, unless otherwise agreed.

(f) Where the invoice does not specify the grade shipped or delivered, the price of the lowest grade in the shipment shall apply to the whole order.

(g) Where moisture content requirements are waived by the purchaser the maximum price for the whole order, shipment or delivery shall be the price herein established for green lumber. However, if the waiver applies to a specified part of the order, green lumber prices shall apply only to such part. For example, if a buyer orders 100,000 feet BM of Southern pine and the order specifies 60,000 feet dry lumber and 40,000 feet MCW, the green lumber prices apply only to the 40,000 feet. In any event where a "moisture content waived" sale is made on a delivered basis, the seller may only use the given estimated weights for dry lumber in computing transportation costs.

SEC. 12. *F. A. S. sales.* On all F. A. S. sales of lumber to be shipped outside of continental United States one addition of $3.50 per M'BM may be made. This addition may be made only if the seller, at the request of the buyer, bears the expense of so many of the following services as are actually to be performed: marking, bundling, assembling, switching, unloading, tallying, painting the ends, dock insurance and other services required for the proper dispatch of offshore cargo. In other words, if the buyer actually bears the expense of any of these services because of the seller's failure to perform such service or services, the addition may not be made. However, if the buyer's requirements do not include or permit unloading and any dock services which may be incidental thereto, but all other required services are performed, the addition shall be reduced to $2.25.

SEC. 13. *What the invoice must contain*—(a) *Price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum f. o. b. mill or delivered prices must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must contain the:

(1) Point of origin of shipment;
(2) Destination;
(3) Rail rate, if estimated weights are used; otherwise the actual amount added for transportation;
(4) The words "direct-mill shipment".

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be separately shown on the invoice.

(d) *Distributors' direct-mill sales.* The invoice on any distributor's direct-mill sale must be plainly marked "wholesaler's direct-mill sale", or "commissionman's direct-mill sale" or "yard's direct-mill sale", as the case may be, and must show the name of the direct-mill distributor.

(e) *Direct-mill retail sale.* If the "direct-mill retail sale" mark-up is permissible and is added, this must be separately indicated in the invoice.

SEC. 14. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollar-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit or cash discount practices from what they were in August 1941. This includes decreasing credit periods or making greater charges for extension of credit.

(2) Refusing to ship except in higher grades or in specified or restricted random lengths, or in mixed cars, or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths a specific lot or shipment of lumber which is substantially equivalent to random lengths or widths, or reselling intact as specified lengths or widths a specific lot or shipment bought by the seller as standard or random lengths or widths, unless specifically permitted in this regulation. This prohibition shall not apply to shipments or deliveries which have been sorted out as to widths and lengths and then resold.

(4) Grading as a special grade lumber which can be graded as a standard grade; or wrongly or falsely grading or invoicing lumber.

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(7) Failing to invoice properly and in accordance with the requirements of this regulation.

(8) Unnecessarily routing lumber through a distribution yard.

(9) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(10) Making additions contained in the footnotes to the tables in Articles IV and V unless the order expressly requires the working, grade, condition, service, treatment, specification, size, or length for which the addition is permitted.

(11) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered; (for example: charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2x4's), except where the items ordered and delivered are nonstandard sizes not specifically priced in the tables. This prohibition has no application where the buyer specified the larger size to be ripped or resawn into items of smaller size and the resulting items are priced higher in the tables than the original larger size; for example, the buyer may order 1 x 4 x 12' No. 2 Common Shortleaf, priced at $35.00 per M'BM ripped to 1 x 2 x 12'. By buying the larger size ripped the price to the buyer is lower ($36.00) than it would have been had he ordered the 1 x 2 as such ($38.00). In this example the maximum price is $36.00.

(12) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 2 Common take all the upper grades that develop.

(13) Breaking up an order or apportioning deliveries in order to get the $3.50 direct-mill retail sale addition.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to section 6, *Distributors' direct-mill sales,* or to the case of a bona fide employer-employee relationship where the employee serves only one employer, in so far as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

SEC. 15. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment, but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment.

SEC. 16. *Sales for export.* The maximum price at which a person may export any Southern pine lumber shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [8] issued by the Office of Price Administration.

ARTICLE III—MISCELLANEOUS

SEC. 17. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States." The term also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices contained in this regulation impede or threaten to impede production of Southern pine lumber essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6 [4] issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petition for amendment.* (1) Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [5] issued by the Office of Price Administration.

(2) In treating with petitions for amendment or adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Maximum Price Regulation 348 (Logs and Bolts),[6] or any revision or amendment of that regulation. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to Maximum Price Regulation 348, as amended, which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

SEC. 18. *What records must be kept.* All sellers of Southern pine lumber must keep records which will show a complete description of the items of lumber sold (i. e., grade, condition of dressing, quantity, etc.), the name and address of the buyer, the date of the sale and the price, for a period of two years. Buyers must keep similar records, including the name and address of the seller. Failure to comply with this provision shall constitute a violation of this regulation. Persons violating are subject to all penalties, actions and proceedings provided for by the Emergency Price Control Act of 1942 as amended, including a fine of not more than $5,000 or imprisonment for not more than two years, or both.

SEC. 19. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

SEC. 20. *Licensing.* The provisions of Licensing Order No. 1 [7] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 21. *Grades.* The grades and terms in this regulation are based on the 1939 standard specifications for Southern pine lumber of the Southern Pine Inspection Bureau, the 1923 Gulf Coast Classification, issued by the Southern Pine Association, and the 1934 standard specifications for grades of Southern pine lumber for freight cars and locomotives in accordance with the Association of American Railroads' recommended practice, issued by the Southern Pine Inspection Bureau.

SEC. 22. *Grades, services or extras not listed.* (a) If a seller wishes to sell a grade which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C. for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, between January 1 and August 1, 1941, from the seller's own records or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

(4) A true copy of the order or of customer's inquiry on the basis of which the application has been submitted.

(5) A statement by the purchaser that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; and that it has been his custom to purchase lumber on such special specifications.

(b) In each case where a special price is approved, an authorization number will be assigned which must appear on all final invoices covering shipments at such special price. Quotations and deliveries may not be made at the requested price until the price has been approved. Action on the request may be by letter or telegram.

(c) In all cases where special prices have been approved by the Lumber Branch of the Office of Price Administration under § 1381.212, paragraphs (f), (g) and (h) of Maximum Price Regulation 19 or section 20 of Revised Maximum Price Regulation 19, these special prices shall no longer apply if specific prices for the items are established by this regulation; but if no specific prices are established in the price tables, the price approved under the earlier regulation shall continue in effect. However, within sixty days after the issuance of this regulation, the Lumber Branch will assign authorization numbers for each special price previously approved and thereafter such authorization numbers must appear on all invoices covering shipments at such special prices. Special prices are subject to cancellation by letter or telegram at any time.

[8] 8 F.R. 4132, 5987, 7662, 9998, 15193.
[4] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.
[5] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.
[6] 8 F.R. 16115, 16198, 16204, 16297, 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682.
[7] 8 F.R. 13240.

ARTICLE IV—APPENDIX A: SHORTLEAF YELLOW PINE LUMBER

The maximum prices for Shortleaf Yellow Pine Lumber, F. O. B. Mill, per 1,000 feet board measure, shall be as follows:

TABLE 1—BOARDS AND STRIPS

S1S, S2S, S3S, S4S, S2S and Matched, or Shiplap, Standard or ¾", Air Dried

Grade	4' and 6' lengths	8' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' and 20' lengths
No. 1:							
4/4 edge [1]	$33.25	$37.75	$38.75	$38.75	$38.75	$40.25	$40.75
1 x 2 and 1 x 3	36.00	41.00	42.00	42.00	42.00	43.50	44.00
1 x 4	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1 x 5	37.00	42.00	43.00	43.00	43.00	44.50	45.00
1 x 6	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1 x 7	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1 x 8	35.00	40.00	41.00	41.00	41.00	42.50	43.00
1 x 9	35.00	40.00	41.00	41.00	41.00	42.50	43.00
1 x 10	37.00	42.00	43.00	43.00	43.00	44.50	45.00
1 x 11	40.00	45.00	46.00	46.00	46.00	47.50	48.00
1 x 12	45.00	50.00	51.00	51.00	51.00	52.50	53.00
Restricted random widths [2]	35.00	40.00	41.00	41.00	41.00	42.50	43.00
	4'	6' and 8'					
No. 2:							
4/4 edge [1]	$31.25	$33.25	34.50	35.00	35.50	36.00	37.75
1 x 2 and 1 x 3	34.00	36.00	37.50	38.00	38.00	38.50	40.00
1 x 4	31.00	33.00	34.50	35.00	35.00	35.50	37.00
1 x 5	33.50	35.50	38.50	38.50	39.00	39.50	41.50
1 x 6	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 7	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 8	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 9	33.00	35.00	36.50	37.00	37.50	38.00	40.00
1 x 10	33.50	35.50	38.50	38.50	39.00	39.50	41.50
1 x 11	36.50	38.50	41.50	41.50	42.00	42.50	44.50
1 x 12	38.00	40.00	43.00	43.50	44.00	44.50	47.50
Restricted random widths [2]	32.75	34.75	36.50	37.00	37.50	38.00	39.75
No. 3:							
4/4 edge [1]	24.75	26.50	28.00	28.50	29.00	29.50	31.25
1 x 2 and 1 x 3	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 4	25.00	27.00	28.50	29.00	29.00	29.50	31.00
1 x 5	26.50	28.50	31.50	31.50	32.00	32.50	34.50
1 x 6	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 7	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 8	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 9	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 10	26.50	28.50	31.50	31.50	32.00	32.50	34.50
1 x 11	26.50	28.50	31.50	31.50	32.00	32.50	34.50
1 x 12	27.00	29.00	32.00	32.50	33.00	33.50	36.50
Restricted random widths [2]	26.00	28.00	29.75	30.25	30.50	31.00	33.00
Dunnage:							
4/4 edge [1]	20.00	21.75	23.25	23.75	24.25	24.75	26.50
1 x 3	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 4	20.00	22.00	23.50	24.00	24.00	24.50	26.00
1 x 5	21.50	23.50	26.50	26.50	27.00	27.50	29.50
1 x 6	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 7	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 8	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 9	21.00	23.00	24.50	25.00	25.50	26.00	28.00
1 x 10	21.50	23.50	26.50	26.50	27.00	27.50	29.50
1 x 11	21.50	23.50	26.50	26.50	27.00	27.50	29.50
1 x 12	22.00	24.00	27.00	27.50	28.00	28.50	31.50
Restricted random widths [2]	21.00	23.00	24.75	25.25	25.50	26.00	28.00
No. 4:							
4/4 edge [1]	19.00	20.75	22.25	22.75	23.25	23.75	25.50
1 x 3	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 4	19.00	21.00	22.50	23.00	23.00	23.50	25.00
1 x 5	20.50	22.50	25.50	25.50	26.00	26.50	28.50
1 x 6	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 7	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 8	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 9	20.00	22.00	23.50	24.00	24.50	25.00	27.00
1 x 10	20.50	22.50	25.50	25.50	26.00	26.50	28.50
1 x 11	20.50	22.50	25.50	25.50	26.00	26.50	28.50
1 x 12	21.00	23.00	26.00	26.50	27.00	27.50	30.50
Restricted random widths [2]	20.00	22.00	23.75	24.25	24.50	25.00	27.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)]

For working:
1. Rough, deduct $2.50.
2. End-matching, add $2.00.
3. For any other matcher dressing not otherwise provided for (except V-joint, ECB1S or ECB2S), add $2.00. Patterns requiring moulder work, add $6.50.
4. Ripping, add $1.00 for each cut; resawing, add $2.00 for each cut, both applicable only where machine run product is shipped.

For grade:
5. No. 1 common 85% or 90% heart facial area, add $8.00; 85% heart cubical content, add $6.00.

For condition:
6. Kiln dried, add $1.00.
7. Green, deduct $2.00.

For length:
8. Random lengths must average at least 12' (with a tolerance of 3"), and must take the 12' price.
9. Restricted random lengths, 10' to 16', or longer, all grades, and 8' to 16', or longer, No. 2 or lower grades, charge the specified length price for the lengths actually shipped.
10. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
11. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
12. Odd or fractional lengths over 4', not listed, shall be counted and priced as next longer even length.
13. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 11 may not also be charged and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

For size:
14. Stock thinner than ¾", deduct $1.00 from the ¾" price for each ½2" thinner than ¾", except when dressed both sides use ¾" price. However, sizes that can be resawn from boards or strips 1" in nominal thickness shall take the 1" price, plus the resawing addition permitted.
15. 13" and wider, add $2.50 per inch or fraction thereof to 12" price and compute footage on nominal size.
16. ¾ and ¾ No. 1 and No. 2 Common, add $3.00.
17. ¾ No. 1 and No. 2 Common, add $2.50.
18. ¾, ¾ and ¾ No. 3 Common, add $2.00.
19. ¾, ¾ and ¾ No. 4 Common and Dunnage, add $1.00.
20. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $1.00 where stock is dressed clean.
21. For an average width, charge the price which would have been charged had the buyer ordered the various widths which were shipped.
22. Random widths, (other than restricted random widths), each width shall be priced at the specified width price.

[1] Edge widths are random widths including odd, even or fractional widths. Measurements shall be according to paragraph 136. S. P. I. B. Rules.

[2] Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4" widths, and not less than 20% of 10' and wider.

TABLE 2—DIMENSION

S1S, S2S, S3S, or S4S Air Dried

Grade	4' lengths	6' lengths	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' lengths	20' lengths	22' and 24' lengths
No. 1:											
2 x 2	$31.00	$31.00	$38.00	$39.00	$38.00	$38.00	$39.00	$40.00	$41.50	$42.50	$48.00
2 x 3	30.00	30.00	37.00	38.00	37.00	37.00	38.00	39.00	40.50	41.50	47.00
2 x 4	29.00	29.00	36.00	37.00	36.00	36.00	37.00	38.00	39.50	40.50	46.00
2 x 5	32.50	32.50	39.50	42.50	41.00	41.00	41.00	42.00	45.50	47.50	52.00
2 x 6	29.00	29.00	36.00	37.00	36.00	36.00	37.00	37.50	39.50	40.50	46.00
2 x 8	29.00	29.00	36.00	37.00	36.00	36.00	37.00	37.50	39.50	40.50	46.00
2 x 10	32.50	32.50	39.50	42.00	41.00	41.00	41.00	42.00	45.50	47.50	52.00
2 x 12	34.50	34.50	41.50	44.00	43.00	43.00	43.00	44.00	47.50	49.50	54.00
No. 2:											
2 x 2	29.00	29.00	35.00	36.00	35.00	35.00	36.00	37.00	38.50	39.50	45.00
2 x 3	28.00	28.00	34.00	35.00	34.00	34.00	35.00	36.00	37.50	38.50	44.00
2 x 4	27.00	27.00	33.00	34.00	33.00	33.00	34.00	35.00	36.50	37.50	43.00
2 x 5	27.50	27.50	33.50	37.50	36.50	35.50	35.50	35.50	39.00	41.00	46.50
2 x 6	26.00	26.00	32.00	33.00	32.00	32.00	33.00	33.50	35.50	36.50	42.00
2 x 8	26.00	26.00	32.00	33.00	32.00	32.00	33.00	33.50	35.50	36.50	42.00
2 x 10	27.50	27.50	33.50	37.50	36.50	35.50	35.50	35.50	39.00	41.00	46.50
2 x 12	29.50	29.50	35.50	37.50	36.50	36.50	36.50	37.50	41.00	42.00	47.50
No. 3:											
2 x 2	22.00	25.00	27.00	28.00	27.00	27.00	28.00	29.00	30.50	31.50	33.50
2 x 3	21.00	24.00	26.00	27.00	26.00	26.00	27.00	28.00	29.50	30.50	32.50
2 x 4	20.00	23.00	25.00	26.00	25.00	25.00	26.00	27.00	28.50	29.50	31.50
2 x 5	20.50	23.50	25.50	29.50	28.50	27.50	27.50	27.50	31.00	33.00	35.00
2 x 6	19.00	22.00	24.00	25.00	24.00	24.00	25.00	25.50	27.50	28.50	30.50
2 x 8	19.00	22.00	24.00	25.00	24.00	24.00	25.00	25.50	27.50	28.50	30.50
2 x 10	20.50	23.50	25.50	29.50	28.50	27.50	27.50	27.50	31.00	33.00	36.00
2 x 12	22.50	25.50	27.50	29.50	28.50	28.50	28.50	29.50	33.00	34.00	37.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)].

For working:
1. S1S, S2S, S3S, S4S, Shiplap or T and G, add $2.00.
2. Grooved 2 edges, add $3.00 (to dressed prices).
3. Beveling and/or outganging, for two edges on one face, add $4.00; for four edges, or one face and one edge, add $8.00 (to dressed prices in each case).

	3 x 3 to 8 x 8	3 x 9 to 10 x 10	3 x 11 and larger
For grade: add to No. 1 common prices unless otherwise specified:			
4. Square edge and sound	$1.00	$1.00	$2.00
5. Medium grain (add to No. 1 or No. 2 common)	3.00	3.00	3.00
6. Dense (add to No. 1 or No. 2 common)	5.00	6.00	7.00
7. Dense square edge and sound	6.00	7.00	9.00
8. Dense No. 1 structural	7.00	8.00	10.00
9. Dense structural, square edge and sound	9.00	10.00	12.00
10. Dense structural	11.00	12.00	14.00
11. Dense select structural	13.00	14.00	16.00
12. 85% heart facial area (add to grade specified)	10.00	12.00	15.00
13. 90% heart facial area (add to grade specified)	13.00	15.00	18.00
14. 85% heart cubical content (add to grade specified)	8.00	10.00	12.00

For Lengths:
15. Over 20', add to 20' prices (all grades):

	3 x 3 to 10 x 10	3 x 11 and larger		3 x 3 to 10 x 10	3 x 11 and larger
22' and 24'	$5.00	$5.00	34'	$12.00	$14.00
26'	6.00	6.00	36'	14.00	17.00
28'	7.00	7.00	38'	17.00	20.00
30'	8.00	10.00	40'	20.00	23.00
32'	10.00	12.00			

16. For lengths over 40', add $5.00 per lineal foot.
17. Odd or fractional lengths over 8' shall be counted and priced as net longer even length.
18. For length shorter than 8' use nearest multiple length price plus a total of $2.00 per M. B. M. for cross-cutting.
19. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
20. For precision cutting to a specified exact length, with tolerance of not more than ½" allowed, add $2.00. No addition is permitted for customary double end trimming.

For condition:
21. Air dried, 23% moisture content, 3 x 3 and larger, and 2 x 14 and 2 x 16, add $4.00.
22. Kiln dried, 20% moisture content, 40 square inches of end area and less, add $5.00; end area greater than 40 square inches, add $6.00.
23. Kiln dried, 20% moisture content, 2 x 14 and 2 x 16, add $6.00.

For size:
24. In No. 1 common and grades above, for each 1" in width above 20 x 20, add $6.00 to the 20 x 20 price.
25. Fractional thickness, add $3.00 to nearest listed greater thickness, and compute footage on nominal size.
26. Fractional widths, add $3.00 to nearest listed wider width, and compute footage on nominal size.
27. 2 x 14 and 2 x 16, add $3.00 to comparable 3" price.
28. For any average size, charge the price for the average size required and shipped.
29. For a specified cubic average, the price shall be that of the length in 12 x 12 required to equal the specified cubic average.

[Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)]

For working:
1. Rough, deduct $2.50.
2. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing, not otherwise provided for, add $1.00. Patterns requiring moulder work, add $6.50.
3. Ripping or resawing, add $1.00 for each cut both applicable only when machine run product is shipped.
4. End-matched and center-matched, add $4.00.

For grade:
5. No. 1 common 85% heart facial area, add $12.00; No. 1 common 85% heart cubical content, add $8.00.

For condition:
6. Kiln dried, add $1.00.
7. Green, deduct $2.00.

For size:
8. Extra standard thickness, thicker than American Lumber Standard (for yard stock), add $1.00 where stock is dressed clean.
9. Odd or fractional widths not listed, add $3.00 to nearest greater listed width and compute footage on nominal size.

For length:
10. Random lengths must average at least 14' (with a tolerance of 3") and must take the 14' price.
11. For any average length, except 9', charge the price for the specified length corresponding to the average length required and shipped. Where a 9' average is required charge the 8' price.
12. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
12. Odd or fractional lengths over 4', not listed, shall be counted and priced as the next longer even length.
14. For any length shorter than 4', cut to a specified exact length, charge the price for the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition permitted in footnote 12 for precision cutting may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.
16. Lengths longer than 24', add to 24' price as follows (for all grades):

	2 x 10 and smaller	2 x 11 and larger
Length:		
26'	$1.00	$1.00
28'	2.00	2.00
30'	3.00	5.00
32'	5.00	7.00
34'	7.00	9.00
36'	9.00	12.00
38'	12.00	15.00
40'	15.00	20.00

TABLE 3—TIMBERS, ROUGH, GREEN

Size	No. 1 common			No. 2 common		
	Specified lengths 8' to 16'	Specified lengths 18' and 20'	Specified lengths 8' to 20'	Specified lengths 8' to 16'	Specified lengths 18' and 20'	Specified lengths 8' to 20'
3 x 3 to 4 x 4	$32.00	$36.00		$29.00	$33.00	
3 x 5 to 5 x 5	32.00	36.00		29.00	33.00	
3 x 7 to 5 x 8	32.00	36.00		29.00	33.00	
3 x 6 to 6 x 6	30.00	34.00		27.00	31.00	
6 x 7 to 8 x 8	34.00	38.00		30.00	34.00	
3 x 9 to 5 x 10			$39.00			$35.00
6 x 9 to 10 x 10			38.00			34.00
3 x 11 to 5 x 12			46.00			42.00
6 x 11 to 12 x 12			44.00			40.00
3 x 13 to 7 x 14			54.00			50.00
8 x 13 to 14 x 14			52.00			48.00
3 x 15 to 7 x 16			64.00			60.00
8 x 15 to 16 x 16			62.00			58.00
3 x 17 to 7 x 18			74.00			
8 x 17 to 18 x 18			72.00			
3 x 19 to 7 x 20			86.00			
8 x 19 to 20 x 20			84.00			

TABLE 4—FLOORING, PLAIN END KILN DRIED—STANDARD LENGTHS[1]

HEART FACE SPECIFICATION

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain—					
1 x 3"	$80.00	$66.00	$54.00	$49.00	.....
1 x 4"	78.00	64.00	52.00	47.00	.....
5/4 x 3"	95.00	80.00	65.00	61.00	.....
5/4 x 4"	93.00	78.00	63.00	59.00	.....
Near edge grain—					
1 x 3"	73.00	60.00	49.00	45.00	.....
1 x 4"	71.00	57.00	47.00	43.00	.....
5/4 x 3"	88.00	73.00	60.00	56.00	.....
5/4 x 4"	86.00	71.00	58.00	54.00	.....
Flat grain—					
1 x 3"	65.50	56.50	47.50	37.50	.....
1 x 4"	63.50	54.50	45.50	36.50	.....
5/4 x 3"	80.00	71.00	62.00	53.00	.....
5/4 x 4"	78.00	69.00	60.00	51.00	.....

NO HEART SPECIFICATION

Edge grain—					
1 x 3"	$68.00	$60.00	$45.00	$43.00	.....
1 x 4"	66.00	58.00	43.00	39.00	.....
5/4 x 3"	80.50	71.00	53.00	49.00	.....
5/4 x 4"	78.50	69.00	51.00	47.00	.....
Near edge grain—					
1 x 3"	61.00	53.00	40.00	38.00	.....
1 x 4"	59.00	51.00	38.00	37.00	.....
5/4 x 3"	73.00	64.00	48.00	44.00	.....
5/4 x 4"	71.00	62.00	46.00	42.00	.....
Flat grain—					
1 x 3"	57.00	52.50	38.00	36.00	$30.00
1 x 4"	55.50	51.00	37.00	36.00	29.00
5/4 x 3"	66.00	62.00	47.00	40.00	33.00
5/4 x 4"	64.00	60.00	45.00	39.00	31.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*].

For working:
1. End-matching, add $2.00.
2. Bark back, deduct $5.60.

For grade:
3. A, add $5.00 to B and Better prices.

For condition:
4. Air dried, deduct $1.00.

For length:
5. Specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
6. Restricted standard lengths, A, B and C, 12' to 16' or longer, add $2.00.
7. Restricted standard lengths, B, No. 2 and No. 3, 8' to 16' or longer, add 50¢.
8. For shorts, 4', 5' and/or 6', when specified, or when shipped with buyers' approval, in excess of percentage allowed in respective grades, deduct as follows:

4', 5' and/or 6' B and Better and C	$10.00
4', 5' and/or 6' D and No. 2	5.00
4', and 6' No. 3	2.00

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot. 5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4' and 6'.

TABLE 5—FLOORING, END-MATCHED KILN DRIED

HEART FACE SPECIFICATION

19" TO 96" NESTED AND BUNDLED FOR GRADES B AND BETTER AND C

12" TO 96" NESTED AND BUNDLED FOR GRADE D

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain—					
1 x 3"	$72.00	$59.00	$50.00	.....	.....
1 x 4"	70.00	57.00	48.00	.....	.....
Near edge grain—					
1 x 3"	67.00	56.00	47.00	.....	.....
1 x 4"	66.00	55.00	46.00	.....	.....
Flat grain—					
1 x 3"	57.50	48.50	40.50	.....	.....
1 x 4"	55.50	46.50	38.50	.....	.....

NO HEART SPECIFICATION

19" TO 96" NESTED AND BUNDLED FOR GRADES B AND BETTER AND C

12" TO 96" NESTED AND BUNDLED FOR GRADES D

9" TO 96" NESTED AND BUNDLED FOR GRADES NO. 2 AND NO. 3

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain—					
1 x 3"	$60.00	$53.00	$41.00	.....	.....
1 x 4"	58.00	51.00	39.00	.....	.....
Near edge grain—					
1 x 3"	55.00	50.00	38.00	.....	.....
1 x 4"	54.00	49.00	37.00	.....	.....
Flat grain—					
1 x 3"	45.00	42.00	35.00	$32.00	$25.00
1 x 4"	44.00	41.00	34.00	31.00	24.00

15" TO 18" LINEAL AVERAGE, NESTED AND BUNDLED

Flat grain—					
1 x 3"	$38.00	$35.00	$28.00	$25.00	$18.00
1 x 4"	37.00	34.00	27.00	24.00	17.00

12" TO 96" NESTED AND BUNDLED

Size	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Flat grain—					
9/16 or 5/8 x 3"	$41.50	$38.50	$33.00	$30.00	$23.00
9/16 or 5/8 x 4"	38.50	35.50	32.00	29.00	22.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For condition:
1. Air dried, deduct $1.00.

TABLE 6—SIDING, CEILING, PARTITION, KILN DRIED—STANDARD LENGTHS[1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Drop siding:					
1 x 6" patterns 118, 117, 118, 119	$46.00	$43.00	$42.00	$39.00	$32.00
1 x 6" all other patterns	57.00	54.00	43.00	39.00	32.00
1 x 8" all patterns	57.00	54.00	43.00	39.00	32.00
1 x 10" all patterns	65.00	58.00	46.00	40.50	33.50
Bevel siding:					
5/8 x 4", 5", 6" and 8"	45.00	42.00	36.00	32.00	24.00
1/2 x 4", 5", 6" and 8"	39.00	36.00	31.00	28.00	21.00
Square edge siding:					
1/2 x 4", 6" and 8" S1S, S2S, S3S, S4S	44.00	41.00	37.00	32.00	20.00
Ceiling—standard bead or V, S1S or S2S:					
3/8 and 5/16 x 3" and 4"	39.00	36.00	31.00	26.00	21.00
3/8 and 5/16 x 6"	41.00	38.00	33.00	30.00	23.00
3/8 x 3" and 4"	40.00	38.00	33.00	30.00	21.00
3/8 x 5" and 6"	42.00	40.00	35.00	32.00	23.00
11/16 to 25/32 x 3" and 4"	40.00	46.00	37.00	33.00	26.00
11/16 to 25/32 x 5" and 6"	50.00	47.00	38.00	34.00	27.00
Partition—standard bead or V:					
11/16 x 4"	49.00	46.00	37.00	33.00	20.00
11/16 x 6"	51.00	48.00	39.00	35.00	22.00
3/4 x 4"	54.00	51.00	39.00	34.00	22.00
3/4 x 6"	56.00	53.00	41.00	36.00	24.00

Additions and deductions per 1,000 feet board measure. [*See section 14 (b) (10)*]

For working:
1. End matching, add $2.00.

For grade:
2. A, add $5.00 to B and better prices.

For condition:
3. Air dried, deduct $1.00.

For length:
4. Specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
5. Restricted standard lengths, A, B, and C, 12' to 16' or longer, add $2.00.
6. Restricted standard lengths, D, No. 2 and No. 3, 8' to 16' or longer, add 50¢.
7. For shorts, 4', 5' and/or 6', when specified or when shipped, with buyers' approval, in excess of percentage allowed in respective grades, deduct as follows:

Siding, ceiling, partition, all widths, 4', 5' and/or 6' B and better and C	$5.00
Siding, ceiling, partition, all widths, 4', 5' and/or 6' D	3.00
Siding, ceiling, partition, all widths, 4' No. 2 and No. 3	2.00

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
D, and No. 2	5% 4 and/or 5 foot. 5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4 and 6 foot.

TABLE 7—Continued

	Standard lengths[1]	4' and 6' lengths	8' lengths	5', 10', and 12' lengths	7' and 14' lengths	16' lengths	9', 18', and 20' lengths
GRADE C—continued							
5/4 and 6/4 x 5	$63.00	$62.00	$65.00	$65.00	$65.00	$67.00	$68.00
5/4 and 6/4 x 6	64.00	61.00	61.00	64.00	64.00	64.00	67.00
5/4 and 6/4 x 7	59.00	58.00	58.00	59.00	60.00	61.00	62.00
5/4 and 6/4 x 8	64.00	61.00	61.00	64.00	65.00	66.00	67.00
5/4 and 6/4 x 10	65.00	62.00	62.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 12	66.00	63.00	63.00	66.00	67.00	68.00	69.00
Restricted random widths[2]	73.00	75.00	75.00	78.00	78.00	80.00	81.00
7/4 and 8/4 edge[3] (S1S or S2S)	53.25	58.00	58.00	61.00	62.00	63.00	64.00
7/4 and 8/4 x 2 and 3	51.00	52.50	52.50	53.25	58.25	57.25	58.25
7/4 and 8/4 x 4	64.00	58.00	58.00	61.00	62.00	63.00	64.00
7/4 and 8/4 x 5	65.00	62.00	62.00	64.00	66.00	67.00	68.00
7/4 and 8/4 x 6	59.00	56.00	56.00	59.00	60.00	61.00	62.00
7/4 and 8/4 x 7	64.00	61.00	61.00	64.00	65.00	66.00	67.00
7/4 and 8/4 x 8	59.00	56.00	56.00	59.00	60.00	61.00	62.00
7/4 and 8/4 x 9	64.00	61.00	61.00	64.00	65.00	66.00	67.00
7/4 and 8/4 x 10	65.00	62.00	62.00	65.00	66.00	67.00	68.00
7/4 and 8/4 x 11	70.00	68.00	68.00	70.00	70.00	70.00	71.00
7/4 and 8/4 x 12	66.00	63.00	63.00	66.00	67.00	68.00	69.00
Restricted random widths[2]	73.00	75.00	75.00	78.00	78.00	80.00	81.00
10/4 x 5	69.00	66.00	66.00	69.00	70.00	71.00	72.00
10/4 x 6	74.00	71.00	71.00	74.00	75.00	76.00	77.00
10/4 x 7	79.00	76.00	76.00	79.00	80.00	81.00	82.00
10/4 x 8	74.00	71.00	71.00	74.00	75.00	76.00	77.00
10/4 x 9	79.00	76.00	76.00	79.00	80.00	81.00	82.00
10/4 x 10	74.00	71.00	71.00	74.00	75.00	76.00	77.00
10/4 x 11	78.00	75.00	75.00	78.00	79.00	80.00	81.00
Restricted random widths[2]	82.00	78.00	78.00	81.00	82.00	84.00	85.00
12/4 edge[3] (S1S or S2S)	74.25	78.00	78.00	81.00	82.00	84.00	85.00
12/4 x 4	79.00	83.00	83.00	86.00	87.00	89.00	90.00
12/4 x 5	83.00	87.00	87.00	90.00	91.00	93.00	94.00
12/4 x 6	88.00	92.00	92.00	95.00	96.00	98.00	99.00
12/4 x 7	93.00	97.00	97.00	100.00	101.00	103.00	104.00
12/4 x 8	88.00	92.00	92.00	95.00	96.00	98.00	99.00
12/4 x 9	93.00	97.00	97.00	100.00	101.00	103.00	104.00
12/4 x 10	98.00	102.00	102.00	105.00	106.00	108.00	109.00
12/4 x 11	103.00	107.00	107.00	110.00	111.00	113.00	114.00
12/4 x 12	107.00	111.00	111.00	114.00	115.00	117.00	118.00
Restricted random widths[2]	97.00	101.00	101.00	104.00	105.00	107.00	108.00
Bark strips 1 x 3 and 1 x 4 (S2S)	47.00	49.00	47.00	49.00	50.00	51.00	52.00
GRADE D AND BETTER							
4/4 edge[3] (S1S or S2S)	$55.50	$52.50	$52.50	$53.50	$56.25	$57.25	$58.25
4/4 x 2 and 3	57.00	47.00	47.00	49.00	50.00	51.00	52.00
4/4 x 4	67.00	61.00	61.00	62.00	63.00	64.00	65.00
4/4 x 5	69.00	64.00	64.00	65.00	66.00	67.00	68.00
4/4 x 6	70.00	67.00	67.00	68.00	69.00	70.00	71.00
4/4 x 7	73.00	70.00	70.00	71.00	72.00	73.00	74.00
4/4 x 8	76.00	73.00	73.00	74.00	75.00	76.00	77.00
4/4 x 9	79.00	76.00	76.00	77.00	78.00	79.00	80.00
4/4 x 10	82.00	79.00	79.00	80.00	81.00	82.00	83.00
4/4 x 11	85.00	82.00	82.00	83.00	84.00	85.00	86.00
4/4 x 12	88.00	85.00	85.00	86.00	87.00	88.00	89.00
Restricted random widths[2]	94.00	91.00	91.00	92.00	93.00	94.00	95.00
5/4 edge[3] (S1S or S2S)	58.25	61.00	61.00	62.00	63.00	64.00	65.00
5/4 x 2 and 3	59.00	49.00	49.00	51.00	52.00	53.00	54.00
5/4 x 4	70.00	64.00	64.00	65.00	66.00	67.00	68.00
5/4 x 5	72.00	67.00	67.00	68.00	69.00	70.00	71.00
5/4 x 6	73.00	70.00	70.00	71.00	72.00	73.00	74.00
5/4 x 7	76.00	73.00	73.00	74.00	75.00	76.00	77.00
5/4 x 8	79.00	76.00	76.00	77.00	78.00	79.00	80.00
5/4 x 9	82.00	79.00	79.00	80.00	81.00	82.00	83.00
5/4 x 10	85.00	82.00	82.00	83.00	84.00	85.00	86.00
5/4 x 11	88.00	85.00	85.00	86.00	87.00	88.00	89.00
5/4 x 12	91.00	88.00	88.00	89.00	90.00	91.00	92.00
Restricted random widths[2]	97.00	94.00	94.00	95.00	96.00	97.00	98.00
6/4 edge[3] (S1S or S2S)	61.00	64.00	64.00	65.00	66.00	67.00	68.00
6/4 x 2 and 3	62.00	52.00	52.00	53.00	54.00	55.00	56.00
6/4 x 4	73.00	67.00	67.00	68.00	69.00	70.00	71.00
6/4 x 5	75.00	70.00	70.00	71.00	72.00	73.00	74.00
6/4 x 6	76.00	73.00	73.00	74.00	75.00	76.00	77.00
6/4 x 7	79.00	76.00	76.00	77.00	78.00	79.00	80.00
6/4 x 8	82.00	79.00	79.00	80.00	81.00	82.00	83.00
6/4 x 9	85.00	82.00	82.00	83.00	84.00	85.00	86.00
6/4 x 10	88.00	85.00	85.00	86.00	87.00	88.00	89.00
6/4 x 11	91.00	88.00	88.00	89.00	90.00	91.00	92.00
6/4 x 12	94.00	91.00	91.00	92.00	93.00	94.00	95.00
Restricted random widths[2]	100.00	97.00	97.00	98.00	99.00	100.00	101.00
Bark strips 1 x 3 and 1 x 4 (S2S)	51.00	52.00	52.00	53.00	54.00	55.00	56.00

Additions and deductions per 1,000 feet board measure: [*See sections 14 (b) (10)*]

For working:
1. Rough, B and better, deduct $3.00.
2. Rough, C, deduct $2.00.
3. S1S, S2S, ellipsis, S2S&CM (5" and wider only) standard or thinner, add $2.00. This table may not be applicable to flooring, drop siding, ceiling, or any other pattern for which a maximum price is set in any of the tables.
4. Ripping or resawing, add $1.00 for each cut, applicable only when machine run stock is shipped.
5. Casing, base, jambs, apron, paliey stiles or any other pattern requiring moulder work (not including moulding), add $7.50 for 1" stock, $10.00 for 5/4" and thicker.
6. Nosed, grooved or beaded, add $3.00.
7. Standing one face, add $3.00.
8. Wrapping, add $5.00.

For grade:
9. A, add $6.00 to B and better prices.
10. If both sides are required B grade (par. 171), or if both sides are required B grade (par. 171), add $5.00 for 1" stock, $7.50 for 5/4 and 6/4 and $10.00 for 8/4 and thicker.

For condition:
11. Air dried, stain no defect, deduct $6.00.
12. Air dried, deduct $4.00.

For length:
13. 13" and wider, add $3.50 per inch or fraction thereof to 12" prices and compute footage on nominal size.
14. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $1.00 where stock is dressed clean.
15. Random width (other than restricted random widths), each width shall be priced at the specified width price.

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*.]

For working:
1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.

For Grade:
3. Edge grain, add $15.00 to select price only.
4. Dense, running boards only, add $5.00.
5. Dense, ship stock and better, add $4.00. Make no addition for dense on stock less than 2" thick (except for ship stock) nor on stock less than 4" wide (except for No. 1 common).
6. Grades and specifications other than those contained in A. A. R. Rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
7. Dry, stain no defect, deduct $6.00.
8. Air dried, deduct $4.00.
9. Green, deduct $8.00.

For size:
10. 5/4 and 6/4, add $10.00 to 4/4 prices.
11. 2¼" or 2½" par. 56, 59 and 62, add $15.00 to 8/4 prices; 2¾" and 2¾" par. 54, 56 and 60, add $3.00 to 8/4 prices.
12. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
13. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
14. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50.
15. No addition is permitted for customary double end trimming.
16. For any average length, charge the price for the specified length corresponding to the average length required as shipped.

For inspection:
17. Final inspection at destination in car repair or car building establishment rather than at shipping point, add $5.00.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22 sellers must show for what uses the purchaser has ordered the car material.

[2] Specifications for car material designated above (A.A.R. Rules), correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-39, adopted 1916; revised 1933.

TABLE 8A—CAR MATERIAL, FLOORING (DECKING), FLOOR BOARDS AND DOOR SILLS, DRESSED TO ALL PATTERNS, KILN DRIED OR AIR DRIED[1]

Size and grades	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths
Select—(Par. 57 A. A. R. Rules):[2]						
2" x 6" and 2" x 8"	$67.00	$72.00	$67.00	$67.00	$67.00	$72.00
2¼ and 2½ x 6" and 8"	72.00	77.00	72.00	72.00	72.00	77.00
2¾ and 3" x 6" and 8"	77.00	82.00	77.00	77.00	77.00	82.00
Common—(Par. 58 A. A. R. Rules):[2]						
2" x 6" and 2" x 8"	47.50	49.50	47.50	47.50	47.50	50.50
2¼, 2½, 2¾ and 3" x 6" and 8"	50.50	52.50	50.50	50.50	50.50	53.50

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*.]

For working:
1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.
3. Stock dressed 2¾" net thickness, count and price as 2¾".

For grade:
4. Edge grain, add $15.00 to select price only.
5. Dense, add $4.00.
6. Grades and specifications other than those contained in A. A. R. rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.
7. Heart face, common (Par. 58), add $10.00; for all heart, add $15.00.

For condition:
8. Drying to moisture content of less than 15% add $5.00.
9. Green, deduct $5.00.

For size:
10. Extra standard thickness other than those covered by A. A. R., add $1.00 when dressed clean.
11. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
12. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths, except 8', 9' and 10', shall be counted and priced as next longer even length.

For inspection:
14. Final inspection at destination in car repair or building establishment rather than at shipping point, add $5.00.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the national office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

[2] Specifications for car material designated above (A. A. R. Rules) correspond to the specifications issued by the association of American Railroads as set forth in its pamphlet M-907-39, adopted 1916, revised 1933.

For length:
15. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50.
16. Odd or fractional lengths, except 8', 9' and 10', shall be counted and priced as next longer even length.
17. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
18. For any length shorter than 4', cut to a specified length 12' or shorter, charge the 12' price. In either case, length must be specified when ordered and shown on the inspection certificate. If less than 12' long, add $1.50 per M. B. M. for each necessary cross cut, but the addition for precision cutting permitted in footnote 16 may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

[1] Standard lengths are 8' to 20' inclusive, and in shipments of standard lengths, 5% of 8 foot in C and better grades shall be permitted.

[2] Edge widths are random widths including odd, even or fractional widths. Measurement shall be according to paragraph (a) of Rule 3 of the Rules governing the measurement of lumber adopted by the American Railway Engineering Association. Standard random widths are 4" to 12" inclusive and must not contain over 20% of 4" widths, and not less than 20% of 10" and wider.

TABLE 8—END-MATCHED AND CENTER-MATCHED BOARDS AND STRIPS AIR DRIED

12" TO 96" NESTED AND BUNDLED

Size	Grade B and better	Grade C	Grade No. 1	Grade No. 2	Grade No. 3	Grade No. 4
1s 4"			$35.50	$31.50	$26.50	$22.50
1s 5"	$61.50	$55.50	38.50	32.50	27.50	23.50
1s 6"	57.50	51.50	35.50	29.50	24.50	20.50
1s 8"	57.50	51.50	38.50	33.50	28.50	24.50

15" TO 18" LINEAL AVERAGE, NESTED AND BUNDLED

1s 4"			$35.50	$31.50	$16.50	$12.50
1s 5"	$61.50	$46.50	28.50	22.50	17.50	13.50
1s 6"	47.50	41.50	25.50	23.50	18.50	14.50
1s 8"	47.50	41.50	28.50			

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For condition:
1. Kiln dried, add $1.00.

TABLE 9—CAR MATERIAL, OTHER THAN DECKING AND FRAMING DRESSED TO PATTERN—KILN DRIED[1]

Size and grad	8' lengths	9' lengths	5' and 10' lengths	12' lengths	14' lengths	18' and 20' lengths	22' and 24' lengths
Select (Par. 51 A. A. R. Rules):[2]							
1 x 4" and 1 x 6"	$58.00	$65.00	$60.00	$62.00	$65.00	$67.00	$73.00	$85.00
Common (Par. 52 A. A. R. Rules):[2]							
1 x 4" and 1 x 6"	48.00	55.00	50.00	52.00	55.00	57.00	63.00	75.00
Select (Par. 55-59-62, A. A. R. Rules):[2]							
1 x 4", 1 x 6" and 1 x 8"	58.00	65.00	60.00	62.00	65.00	67.00	73.00	85.00
1 x 10"	66.00	73.00	68.00	70.00	73.00	75.00	81.00	93.00
1 x 12"	82.00	90.00	84.00	86.00	90.00	91.00	97.00	106.00
Common (Par. 56 A. A. R. Rules):[2]							
1 x 4", 1 x 6" and 1 x 8"	48.00	55.00	50.00	52.00	55.00	57.00	63.00	75.00
1 x 10"	56.00	63.00	58.00	60.00	63.00	65.00	71.00	83.00
1 x 12"	72.00	79.00	74.00	76.00	79.00	81.00	87.00	99.00
Common (Par. 60 A. A. R. Rules):[3]							
1 x 4", 1 x 6" and 1 x 8"	38.00	45.00	40.00	42.00	45.00	47.00	50.00	62.00
1 x 10"	46.00	53.00	48.00	50.00	53.00	55.00	58.00	70.00
1 x 12"	62.00	69.00	64.00	66.00	69.00	71.00	74.00	86.00
Select (Par. 63-65-69-62 A. A. R. Rules):[3]							
2 x 4"	62.00	67.00	62.00	62.00	67.00	67.00	72.00	82.00
2 x 6"	67.00	72.00	67.00	67.00	72.00	72.00	77.00	87.00
2 x 8"	70.00	75.00	70.00	70.00	75.00	75.00	80.00	90.00
2 x 10"	75.00	80.00	73.00	73.00	78.00	80.00	85.00	100.00
2 x 12"	90.00	95.00	90.00	90.00	94.00	95.00	100.00	110.00
Common (Par. 64-66-60 A. A. R. Rules):[3]							
2 x 4"	47.00	49.00	47.00	47.00	47.00	50.00	52.00	62.00
2 x 6"	52.00	54.00	52.00	52.00	52.00	55.00	57.00	67.00
2 x 8"	56.00	58.00	54.00	54.00	54.00	60.00	61.00	71.00
2 x 10"	64.00	66.00	64.00	64.00	64.00	67.00	69.00	79.00
2 x 12"	80.00	82.00	80.00	80.00	80.00	83.00	85.00	95.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*.]

For working:
1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.
3. Stock dressed 2¾" net thickness, count and price as 2¾".

For grade:
4. Edge grain, add $15.00 to select price only.
5. Dense, add $4.00.
6. Grades and specifications other than those contained in A. A. R. rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.
7. Heart face, common (Par. 58), add $10.00; for all heart, add $15.00.

For condition:
8. Drying to moisture content of less than 15% add $5.00.
9. Green, deduct $5.00.

For size:
10. Extra standard thickness other than those covered by A. A. R., add $1.00 when dressed clean.
11. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
12. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths, except 8', 9' and 10', shall be counted and priced as next longer even length.

For inspection:
14. Final inspection at destination in car repair or building establishment rather than at shipping point, add $5.00.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the Lumber Branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

[2] Specifications for car material designated above (A. A. R. Rules), correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-39, adopted 1916; revised 1933.

TABLE 9B—CAR MATERIAL, FRAMING, SPECIFIED OR RANDOM LENGTHS, 20' AND SHORTER ROUGH, GREEN[1]

Size	Group 7		Group 8		Group 9				Group 10			
	Par. 64		Par. 65	Par. 66	Par. 67	Par. 68	Par. 69		Par. 70	Par. 71	Par. 72	
	Dense common	Nondense common	Dense select structural	Close grain select structural	Dense select structural	Close grain select structural	Dense common structural	Nondense common structural	Dense select structural	Close grain select structural	Dense common structural	Nondense common structural
2" to 4" x 2" to 8"	$45.00	$40.00	$53.00	$51.00	$53.00	$51.00	$47.00	$42.00	$58.00	$51.00	$46.00	$41.00
2" to 4" x 8¼" to 10"	51.00	46.00	59.00	57.00	59.00	57.00	53.00	48.00	59.00	57.00	52.00	47.00
2" to 4" x 10¼" to 12"	58.00	53.00	66.00	64.00	66.00	64.00	60.00	55.00	66.00	64.00	59.00	54.00
2" to 4" x 12¼" to 14¾"	68.00	63.00	76.00	74.00	76.00	74.00	70.00	65.00	76.00	74.00	69.00	64.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*.]

For working:
1. Dressing to standard patterns, add $2.00.

For grade:
2. 85% heart facial area, add $12.00.
3. 75% heart girth measurement, add $9.00.
4. 85% heart girth measurement, add $15.00.
5. All heart, add $35.00.
6. Grades and specifications other than those contained in A. A. R. rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
7. Dry, moisture content between 15 and 20%, add $5.00.

For size:
8. 4/4, 5/4, 6/4, 7/4, add $4.00.
9. Over 4" in thickness, deduct $1.00.
10. Measurement for rough sizes must allow not less than ¼" for dressing on each dimension.

For inspection:
11. Final inspection at destination in car repair or building establishment rather than at shipping point, add $5.00.

For length:
12. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths, except 8', 9' and 9', shall be counted and priced as next longer even length.
14. Lengths longer than 20', add to 20' prices as follows (for all grades):

	10" and under	Over 10"
22' and 24'	$5.00	$5.00
26'	6.00	6.00
28'	7.00	7.00
30'	8.00	10.00
32'	10.00	12.00
34'	12.00	14.00
36'	14.00	17.00
38'	17.00	20.00
40'	20.00	25.00

15. For lengths over 40', add $5.00 per lineal foot.

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchases may be established upon application to the Lumber Branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

TABLE 10—STANDARD PLASTERING LATH AND FENCE LATH: KILN DRIED

Size	Grade No. 1	Grade No. 2	Grade No. 3
¾ x 1½"—4' plastering lath	$6.50	$5.50	$4.00
¾ x 1½—32" plastering lath	4.00	2.50	------
¾ x 1½—32" fence lath	5.50	3.50	------
¾ x 1½—36" fence lath	6.25	4.25	------
¾ x 1½—42" fence lath	7.50	5.50	------
¾ x 1½—48" fence lath	9.00	7.00	------
¾ x 1½—60" fence lath	11.25	9.25	------
¾ x 1½—72" fence lath	13.50	11.50	------

Additions and deductions per 1,000 pieces:

For condition:
1. Air dried, deduct 25¢.
2. Green, deduct 50¢.

TABLE 11—BYREIT LATH, AIR DRIED OR KILN DRIED

Size	Standard lengths[1]	4', 6', and 8'
1 x 4	$30.00	$28.00
1 x 6	34.00	31.00

[1] Standard lengths are 4' and up.

TABLE 12—BED SLATS, S4S, AIR DRIED OR KILN DRIED (BUNDLED)

Grade and size	Per set (8 pieces) 36"	Per set (8 pieces) 39"	Per set (8 pieces) 42"	Per set (8 pieces) 54" to 56"
No. 1—1 x 3	$0.35	$0.37	$0.38	$0.48
No. 2—1 x 3	.28	.30	.31	.41

TABLE 13—O. G. BATTS, KILN DRIED—STANDARD LENGTHS[1]

Size	Grade B and better	Grade C	Grade D	Grade No. 2
9/16 or 5/8 x 3	$42.00	$40.00	$35.00	$32.00
9/16 or 5/8 x 4	40.00	38.00	33.00	30.00

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

B and Better	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot. 5% 6 and/or 7 foot. 5% 8 and/or 9 foot.

Additions and deductions per 1,000 feet board measure: See section 14 (b) (10).

For Condition:
1. Air dried, deduct $1.00.

For length:
2. For specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
3. For shorts, 4' and 6', when specified, or when shipped with buyers' approval, in excess of percentage permitted in respective grades, B and Better and C, deduct $5.00; D, deduct $3.00; No. 2 Common (4 foot only), deduct $2.00.

ARTICLE V—APPENDIX B: LONGLEAF YELLOW PINE LUMBER

The maximum prices for longleaf yellow pine lumber, f. o. b. mill, per 1,000 feet board measure, shall be as follows:

TABLE 14—BOARDS AND STRIPS, S1S, S2S, S3S, S4S, S2S AND MATCHED, OR SHIPLAP, STANDARD OR ¾"—AIR DRIED

Grade	4' and 6' lengths	8' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' and 20' lengths
NO. 1							
1 x 2	$40.00	$45.00	$46.00	$46.00	$46.00	$47.50	$48.00
1 x 3	41.00	46.00	47.00	47.00	47.00	48.50	49.00
1 x 4	37.00	42.00	43.00	43.00	43.00	44.50	45.00
1 x 5	42.00	47.00	48.00	48.00	48.00	49.50	50.00
1 x 6	40.00	45.00	46.00	46.00	46.00	47.50	48.00
1 x 7	41.00	46.00	47.00	47.00	47.00	48.50	49.00
1 x 8	41.00	46.00	47.00	47.00	47.00	48.50	49.00
1 x 9	42.00	47.00	48.00	48.00	48.00	49.50	50.00
1 x 10	42.00	47.00	48.00	48.00	48.00	49.50	50.00
1 x 11	49.00	54.00	55.00	55.00	55.00	56.50	57.00
1 x 12	53.00	58.00	59.00	59.00	59.00	60.50	61.00
Restricted random widths [1]	40.25	45.25	46.25	46.25	46.25	47.75	48.25
NO. 2	4'	6' and 8'					
1 x 2	36.00	38.00	39.50	40.00	40.00	40.50	42.00
1 x 3	37.00	39.00	40.50	41.00	41.00	41.50	43.00
1 x 4	33.00	35.00	36.50	37.00	37.00	37.50	39.00
1 x 5	38.00	40.00	41.50	42.00	42.50	43.00	45.00
1 x 6	36.00	38.00	39.50	40.00	40.50	41.00	43.00
1 x 7	36.00	38.00	39.50	40.00	40.50	41.00	43.00
1 x 8	36.00	38.00	39.50	40.00	40.50	41.00	43.00
1 x 9	38.00	40.00	43.00	43.50	44.00	44.50	46.50
1 x 10	38.00	40.00	42.00	43.50	44.00	44.50	46.50
1 x 11	41.00	43.00	46.00	46.50	47.00	47.50	50.50
1 x 12	45.00	47.00	50.00	50.50	51.00	51.50	54.50
Restricted random widths [1]	36.00	38.00	39.75	40.25	40.75	41.25	43.00
NO. 3							
1 x 2	28.00	30.00	31.50	32.00	32.00	32.00	34.00
1 x 3	30.00	32.00	33.50	34.00	34.00	34.50	36.00
1 x 4	28.00	30.00	31.50	32.00	32.00	32.50	34.00
1 x 5	30.00	32.00	33.50	34.00	34.50	35.00	37.00
1 x 6	29.00	31.00	32.50	33.00	33.50	34.00	36.00
1 x 7	29.00	31.00	32.50	33.00	33.50	34.00	36.00
1 x 8	29.00	31.00	32.50	33.00	33.50	34.00	36.00
1 x 9	30.00	32.00	33.50	34.00	34.50	35.00	36.00
1 x 10	30.00	32.00	33.50	34.00	34.50	35.00	36.00
1 x 11	30.50	32.50	34.00	34.50	35.00	35.50	37.00
1 x 12	31.00	33.00	34.50	35.00	35.50	36.00	37.50
Restricted random widths [1]	29.00	31.00	32.50	33.00	33.50	34.00	35.50
NO. 4 AND DUNNAGE							
1 x 3	26.00	28.00	29.50	30.00	30.00	30.50	32.00
1 x 4	19.00	21.00	22.50	23.00	23.00	23.50	25.00
1 x 5	26.00	28.00	29.50	30.00	30.50	31.00	33.00
1 x 6	25.00	27.00	28.50	29.00	29.50	30.00	32.00
1 x 7	25.00	27.00	28.50	29.00	29.50	30.00	32.00
1 x 8	25.00	27.00	28.50	29.00	29.50	30.00	32.00
1 x 9	26.00	28.00	31.00	31.00	31.50	32.00	34.00
1 x 10	26.00	28.00	31.00	31.00	31.50	32.00	34.00
1 x 11	26.50	28.50	31.50	32.00	32.50	33.00	36.00
1 x 12	27.00	29.00	32.00	32.50	33.00	33.50	36.50
Restricted random widths [1]	24.25	26.25	28.00	28.50	29.00	29.50	31.25

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10).]

For working:
1. Rough, deduct $2.50.
2. End-matching, add $2.00.
3. For any other matcher dressing not otherwise provided for (except V-joint, ECB1S, ECB2S), add $2.00. Patterns requiring moulder work, add $6.50.
4. Ripping, add $1.00 for each cut; resawing, add $2.00 for each cut, both applicable only when machine run product is shipped.

For grade:
5. No. 1 common 85 or 90% heart facial area, add $20.00.
6. No. 2 common 85 or 90% heart facial area, add $12.00.

For condition:
7. Kiln dried, add $1.00.
8. Green, deduct $2.00.

For length:
9. Random lengths must average at least 12' (with a tolerance of 3"), and must take the 12' price.
10. Restricted random lengths, 10' to 16', or longer, all grades, and 8' to 16', or longer, No. 2 or lower grades charge the specified length price for the lengths actually shipped.
11. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
12. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths over 4', not listed, shall be counted and priced as the next longer even length.
14. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 12 may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

For size:
15. Stock thinner than 3/4", deduct $1.00 from the 3/4" price for each 1/32" thinner than 3/4", except when dressed both sides use 3/4" price. However, sizes that can be resawn from boards or strips 1" in nominal thickness shall take the 1" price, plus the resawing addition permitted.
16. 13" and wider, add $2.50 per inch or fraction thereof to 12" price and compute footage on nominal size.
17. 5/4, 6/4, and 7/4 No. 1 common, add $7.00.
18. 5/4, 6/4, and 7/4 No. 2 and No. 3 common, add $4.00.
19. 5/4, 6/4, and 7/4 No. 4 common, and dunnage, add $2.00.
20. Extra standard thickness, thicker than American Lumber Standard (for yard stock), add $1.00 where stock is dressed clean.
21. For an average width, charge the price that would have been charged had the buyer ordered the various widths which were shipped.
22. Random widths (other than restricted random widths), each width shall be priced at the specified width price.

[1] Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4", and not less than 20% of 10" and wider.

TABLE 15—DIMENSION, S1S, S2S, S3S, S4S, AIR DRIED

Grade	4' lengths	6' lengths	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' lengths	20' lengths	22' and 24' lengths
No. 1—											
2 x 2	$36.00	$36.00	$43.00	$44.00	$42.00	$42.00	$42.00	$44.00	$45.00	$45.00	$50.00
2 x 3	34.00	34.00	41.00	44.00	41.00	41.00	41.00	42.00	44.00	44.00	49.00
2 x 4	33.00	33.00	40.00	41.00	39.00	39.00	39.00	41.00	42.00	42.00	47.00
2 x 5	37.00	37.00	44.00	50.00	46.00	47.00	48.00	50.00	52.00	52.00	55.00
2 x 6	31.00	31.00	38.00	41.00	38.00	38.00	38.00	39.00	41.00	41.00	46.00
2 x 8	31.00	31.00	38.00	41.00	39.00	39.00	39.00	40.00	42.00	42.00	47.00
2 x 10	37.00	37.00	44.00	50.00	46.00	47.00	48.00	50.00	52.00	52.00	56.00
2 x 12	43.00	43.00	50.00	57.00	53.00	53.00	54.00	57.00	59.00	59.00	63.00
No. 2—											
2 x 2	33.00	33.00	39.00	40.00	38.00	38.00	38.00	40.00	42.00	42.00	45.00
2 x 3	32.00	32.00	38.00	39.00	39.00	38.00	38.00	39.00	41.00	41.00	45.00
2 x 4	30.00	30.00	36.00	37.00	35.00	35.00	35.00	37.00	39.00	39.00	42.00
2 x 5	34.00	34.00	40.00	43.00	42.00	42.00	42.00	43.00	45.00	45.00	49.00
2 x 6	29.00	29.00	35.00	36.00	36.00	35.00	35.00	36.00	38.00	38.00	42.00
2 x 8	29.00	29.00	35.00	37.00	36.00	36.00	36.00	37.00	39.00	39.00	42.00
2 x 10	34.00	34.00	40.00	43.00	42.00	42.00	42.00	43.00	45.00	45.00	49.00
2 x 12	34.00	34.00	40.00	45.00	43.00	43.00	44.00	45.00	47.00	47.00	52.00
No. 3—											
2 x 2	23.00	26.00	28.00	29.00	28.00	28.00	28.00	29.00	29.00	29.00	31.00
2 x 3	23.00	26.00	28.00	29.00	28.00	28.00	28.00	29.00	29.00	29.00	31.00
2 x 4	20.00	23.00	25.00	26.00	25.00	25.00	25.00	26.00	26.00	26.00	28.00
2 x 5	21.00	24.00	26.00	27.00	26.00	26.00	26.00	27.00	27.00	27.00	30.00
2 x 6	20.00	23.00	25.00	26.00	25.00	25.00	25.00	26.00	26.00	26.00	28.00
2 x 8	20.00	23.00	25.00	26.00	25.00	25.00	25.00	26.00	26.00	26.00	28.00
2 x 10	21.00	24.00	26.00	27.00	26.00	26.00	26.00	27.00	27.00	27.00	30.00
2 x 12	21.00	24.00	26.00	27.00	26.00	26.00	26.00	27.00	27.00	27.00	30.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10).]

For working:
1. Rough, deduct $2.50.
2. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing not otherwise provided for, add $1.00. Patterns requiring moulder work, add $6.50.
3. Ripping or resawing, add $1.00 for each cut, both applicable only when machine run product is shipped.
4. End-matched and center matched, add $4.00.

For grade:
5. No. 2, 1050f, par. 333, add $2.50 to No. 2 common prices.
6. No. 1 common and No. 2 common, 85 or 90% heart facial area, sizes 2 x 2 to 2 x 8, add $15.00.
7. No. 1 common and No. 2 common, 85 or 90% heart facial area, sizes 2 x 10 and 2 x 12, add $20.00.

For condition:
8. Kiln dried, add $1.00.
9. Green, deduct $2.00.

For size:
10. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $1.00 where stock is dressed clean.
11. Odd or fractional widths, not listed, add $3.00 to nearest greater listed width and compute footage on nominal size.

For length:
12. Random lengths must average at least 14' (with tolerance of 2") and must take the 14' price.
13. For any average length, except 9', charge the price for the specified length corresponding to the average length required and shipped. Where a 9' average is required charge the 8' price.
14. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add $1.50. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths over 4', not listed, shall be counted and priced as the next longer even length.
16. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $1.50 per M'BM for each necessary cross cut, but the addition permitted in footnote 14 for precision cutting may not also be charged, and no total charge for such service may be greater than $6.00 per M'BM. If length breaks on even one-half foot, compute footage on actual length, otherwise compute on six-inch breaks on the next break above.
17. Lengths longer than 24', add to 24' price as follows (for all grades):

Length:	
26'	$2.00
28'	4.00
30'	6.00
32'	10.00
34'	14.00
36'	18.00
38'	24.00
40'	30.00

TABLE 16—TIMBERS, ROUGH, GREEN

	No. 1 common specified lengths			Square edge and sound specified lengths			No. 1 structural and merchantable '05 specified lengths		
	8' to 14'	16', 18' and 20'	22' and 24'	8' to 14'	16', 18' and 20'	22' and 24'	8' to 14'	16', 18' and 20'	22' and 24'
3 x 3 to 4 x 4	$40.00	$42.00	$45.00	$42.00	$44.00	$47.00	$44.00	$46.00	$49.00
5 x 5 to 6 x 6	40.00	42.00	45.00	42.00	44.00	47.00	44.00	46.00	49.00
3 x 6 to 6 x 8	38.00	40.00	43.00	40.00	42.00	45.00	42.00	44.00	47.00
3 x 7 to 6 x 8	40.00	42.00	45.00	42.00	44.00	47.00	44.00	46.00	49.00
7 x 7 to 8 x 8	42.00	44.00	47.00	44.00	46.00	49.00	47.00	49.00	52.00
3 x 9 to 5 x 10	50.00	52.00	55.00	52.00	54.00	57.00	55.00	57.00	60.00
6 x 9 to 10 x 10	49.00	51.00	54.00	51.00	53.00	56.00	54.00	56.00	59.00
3 x 11 to 5 x 12	64.00	66.00	69.00	66.00	68.00	71.00	69.00	71.00	74.00
6 x 11 to 12 x 12	62.00	64.00	67.00	64.00	66.00	69.00	67.00	69.00	72.00
3 x 13 to 7 x 14	73.00	75.00	78.00	75.00	77.00	80.00	80.00	82.00	85.00
8 x 13 to 12 x 14	71.00	73.00	76.00	73.00	75.00	78.00	77.00	79.00	82.00
13 x 13 to 14 x 14	73.00	75.00	78.00	75.00	77.00	80.00	79.00	81.00	84.00
3 x 15 to 7 x 16	85.00	87.00	90.00	87.00	89.00	92.00	92.00	94.00	97.00
8 x 15 to 14 x 16	83.00	85.00	88.00	85.00	87.00	90.00	87.00	89.00	92.00
15 x 16 to 16 x 16	85.00	87.00	90.00	87.00	89.00	92.00	89.00	91.00	94.00
3 x 17 to 9 x 18	97.00	99.00	102.00	99.00	101.00	104.00	104.00	106.00	109.00
10 x 17 to 16 x 18	95.00	97.00	100.00	97.00	99.00	102.00	102.00	104.00	107.00
17 x 17 to 18 x 18	97.00	99.00	102.00	99.00	101.00	104.00	104.00	106.00	109.00
3 x 19 to 10 x 20	112.00	114.00	117.00	114.00	116.00	119.00	119.00	121.00	124.00
12 x 19 to 18 x 20	110.00	112.00	115.00	112.00	114.00	117.00	117.00	119.00	122.00
19 x 19 to 20 x 20	112.00	114.00	117.00	114.00	116.00	119.00	119.00	121.00	124.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10).]

For working:
1. S1S, S2S, S3S, S4S, shiplap or T. and G., add $2.00.
2. Grooved two edges, add $3.00 (to dressed prices).
3. Beveling and/or outgauging, for two edges on one face, add $4.00; for four edges, or one face and one edge, add $8.00 (to dressed price in each case).

For grade:
4. Structural square edge and sound, add $3.00 to merchantable '05 prices.
5. Merchantable structural, add $5.00 to merchantable '05 prices.
6. Square edge and sound, 85% heart cubical content, 6 x 6 and larger, not over 2" out of square, add $5.00 to merchantable '05 prices.
7. 1905 prime, 8" and over, add $8.00 to merchantable '05 prices.
8. 1905 prime, under 8", add $10.00 to merchantable '05 prices.
9. Square edge and sound, 85% heart facial area, make following additions to merchantable '05 prices:

	24' and under	25' to 30'	31' to 40'
8 x 8 and under	$10.00	$14.00	$20.00
Over 8 x 8	12.00	16.00	22.00

10. Square edge and sound, 90% heart facial area, add $3.00 to 85% heart facial area, square edge and sound prices.
11. Prime structural, add to merchantable '05 prices as follows: 24' and under, $13.00; 25' to 30', $17.00; 31' to 40', $23.00.
12. Square edge and sound, 85% heart girth, add $10.00 to 85% heart facial area, square edge and sound prices.
13. Square edge and sound, 90% heart girth, add $13.00 to 85% heart facial area, square edge and sound prices.
14. Select structural, add to merchantable '05 prices, as follows:

	24' and under	25' to 30'	31' to 40'
Posts and timbers	$25.00	$30.00	$35.00
Joists, planks, beams and stringers	30.00	35.00	40.00

15. Select structural, heart requirement waived, deduct $15.00 from select structural prices.
16. No. 2 timbers, deduct $8.00 from merchantable '05 prices.

For Length:
17. 25' to 30', add $1.00 per lineal foot to 24' price.
18. 31' to 36', add $2.00 per lineal foot to 30' price.
19. 37' to 42', add $3.00 per lineal foot to 36' price.
20. 43' to 50', add $5.00 per lineal foot to 42' price.
21. 51' to 55', add $8.00 per lineal foot to 50' price.
22. 56' to 60', add $12.00 per lineal foot to 55' price.
23. Odd or fractional lengths over 8' shall be counted and priced as next longer even length.
24. For lengths shorter than 8' use nearest multiple length price plus a total of $2.00 per M'BM for cross cutting.
25. For any average length, charge the price for the specified length corresponding to the average length required and shipped.
26. For precision cutting to a specified exact length, with tolerance of not more than 1/2" allowed, add $2.00. No addition is permitted for customary double end trimming.

For condition:
27. Air dried, 25% moisture content, 8 x 8 and larger, and 2 x 14 and 2 x 16, add $4.00.
28. Kiln dried, 20% moisture content, 2 x 14 and 2 x 16, add $6.00.
29. Kiln dried, 30% moisture content, 40 square inches of end area and less, add $5.00; end area greater than 40 square inches, add $8.00.

For size:
30. No. 2 common and grades above, for each 1" width above 20" width, add $7.50 to the nearest comparable 20" price.
31. Fractional thickness, add $3.00 to nearest listed greater thickness and compute footage on nominal size.
32. Fractional widths, add $3.00 to nearest listed wider width and compute footage on nominal size.
33. 2 x 14 and 2 x 16, add $3.00 to comparable 3" price.
34. For any average size, charge the price for the average size required and shipped.
35. For a specified cubic average, the price shall be that of the length in 12 x 12 required to equal the average specified.

TABLE 17—FLOORING, PLAIN END, KILN DRIED—STANDARD LENGTHS [1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
HEART FACE SPECIFICATION					
Edge grain:					
1 x 3	$95.00	$80.00	$63.00	$58.00	-------
1 x 4	93.00	78.00	61.00	56.00	-------
5/4 x 3	117.00	100.00	78.00	74.00	-------
5/4 x 4	115.00	98.00	76.00	72.00	-------
Near edge grain:					
1 x 3	88.00	73.00	58.00	54.00	-------
1 x 4	86.00	71.00	56.00	52.00	-------
5/4 x 3	110.00	93.00	73.00	69.00	-------
5/4 x 4	108.00	91.00	71.00	67.00	-------
Flat grain:					
1 x 3	73.00	65.00	53.00	46.00	-------
1 x 4	71.00	63.00	51.00	46.00	-------
5/4 x 3	95.00	85.00	58.00	49.00	-------
5/4 x 4	95.00	83.00	58.00	49.00	-------
NO HEART SPECIFICATION					
Edge grain:					
1 x 3	$75.00	$67.00	$55.00	$49.00	-------
1 x 4	73.00	65.00	53.00	49.00	-------
5/4 x 3	100.00	85.00	63.00	59.00	-------
5/4 x 4	98.00	83.00	61.00	57.00	-------
Near edge grain:					
1 x 3	68.00	60.00	50.00	44.00	-------
1 x 4	66.00	58.00	48.00	44.00	-------
5/4 x 3	93.00	78.00	58.00	54.00	-------
5/4 x 4	91.00	76.00	56.00	52.00	-------
Flat grain:					
1 x 3	56.00	54.00	43.00	38.00	$30.00
1 x 4	56.00	54.00	43.00	38.00	29.00
5/4 x 3	73.00	67.00	50.00	42.00	33.00
5/4 x 4	72.00	66.00	48.00	42.00	32.00
9/16 x 4	45.00	43.00	38.00	34.00	28.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)]

For working:
1. End-matching, add $2.00.
2. Bark back, deduct $5.00.

For grade:
3. A, add $5.00 to B and better prices.

For condition:
4. Air dried, deduct $1.00.
5. Specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
6. Restricted standard lengths, A, B, and C, 12' to 16' or longer, add $2.00.
7. Restricted standard lengths, D, No. 2, and No. 3, 8' to 16' or longer, add 50%.
8. For shorts, 4', 5' and/or 6', when specified, or when shipped with buyer's approval, in excess of percentage allowed in respective grades, deduct as follows:

4', 5' and/or 6' B and better and C:	$10.00
4', 5' and/or 6' D and No. 2	5.00
4' and 6' No. 3	2.00

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot.
	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4' and 6'.

TABLE 18—FLOORING, END MATCHED, KILN DRIED

HEART FACE SPECIFICATION

19″ to 96″ Nested and Bundled for Grades B and Better and C.
12″ to 96″ Nested and Bundled for Grade D.
9″ to 96″ Nested and Bundled for Grade No. 2.

	Grade B and Better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge Grain:					
1 x 3	$85.00	$71.00	$54.00	----------	----------
1 x 4	83.00	69.00	52.00	----------	----------
Near Edge Grain:					
1 x 3	80.00	68.00	51.00	----------	----------
1 x 4	79.00	67.00	50.00	----------	----------
Flat Grain:					
1 x 3	64.00	55.00	52.00	$45.00	----------
1 x 4	61.00	52.00	49.00	44.00	----------

NO HEART SPECIFICATION

19″ to 96″ Nested and Bundled for Grades B and Better and C.
12″ to 96″ Nested and Bundled for Grade D.
9″ to 96″ Nested and Bundled for Grades No. 2 and No. 3.

Edge grain:					
1 x 3	$65.00	$58.00	$46.00	----------	----------
1 x 4	63.00	56.00	44.00	----------	----------
Near edge grain:					
1 x 3	60.00	55.00	43.00	----------	----------
1 x 4	59.00	54.00	42.00	----------	----------
Flat grain:					
1 x 3	47.00	44.00	42.00	$35.00	$25.00
1 x 4	46.00	43.00	41.00	34.00	24.00

Additions and deductions per 1,000 feet board measure: [*See Section 14 (b) (10)*]

For condition:
1. Air dried, deduct $1.00.

TABLE 19—SIDING, CEILING, PARTITION, KILN DRIED—STANDARD LENGTHS[1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Drop siding:					
1 x 6″ patterns 115, 117, 118, 119	$48.00	$45.00	$44.00	$40.00	$32.00
1 x 6″ all other patterns	57.00	54.00	50.00	42.00	33.00
1 x 8″ all patterns	57.00	54.00	50.00	42.00	33.00
Bevel siding:					
½ x 4″, 6″, 6″ and 8″	45.00	42.00	36.00	32.00	24.00
½ x 4″, 6″, 6″ and 8″	39.00	36.00	31.00	28.00	21.00
Square edge siding:					
½ x 4″, 6″ and 8″, S1S, S2S, S3S, S4S	44.00	41.00	37.00	32.00	20.00
Ceiling—standard bead or V:					
5/16 and 7/16 x 3″ and 4″ S1S	37.00	35.00	30.00	28.00	20.00
5/16 and 7/16 x 6″ S1S	39.00	37.00	32.00	30.00	22.00
5/16 and 7/16 x 3″ and 4″ S2S	40.00	38.00	32.00	31.00	20.00
5/16 and 7/16 x 6″ S2S	43.00	40.00	33.00	31.00	23.00
5/16 x 3″ and 4″ S2S	41.00	39.00	34.00	32.00	22.00
11/16 to 2 13/32 x 3″ and 4″	58.00	52.00	42.00	38.00	22.00
11/16 to 2 13/32 x 6″	56.00	53.00	43.00	39.00	28.00
Partition—standard bead or V:					
11/16 to 2 13/32 x 3″ and 4″	56.00	52.00	42.00	38.00	22.00
11/16 to 2 13/32 x 6″	56.00	53.00	43.00	39.00	28.00

Additions and deductions per 1,000 feet board measure: [*See Section 14 (b) (10)*].

For working:
1. End-matching, add $2.00.

For grade:
2. A, add $5.00 to B and better prices.
3. 85% heart facial area, partition, B and better and C, add $20.00; D and lower grades, add $12.00.

For condition:
4. Air dried, deduct $1.00.

For length:
5. Specified lengths, all grades, 12′ and 14′, add $1.00; 16′ or longer, add $3.00.
6. Restricted standard lengths, A, B and better and C, 12′ to 16′ or longer, add $2.00.
7. Restricted standard lengths, D, No. 2 and No. 3, 8′ to 16′ or longer, add 50¢.
8. For shorts, 4′, 5′ and/or 6′, when specified, or when shipped with buyer's approval, in excess of percentage allowed in respective grades, deduct as follows:

Siding, ceiling and partition, all widths, 4′, 5′ and/or 6′ B and better and C	$5.00
Siding, ceiling and partition, all widths, 4′, 5′ and/or 6′ D	3.00
Siding, ceiling and partition, all widths, 4′ No. 2 and No. 3	2.00

[1] Standard lengths are 4′ to 20′, inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
D and No. 2	5% 4 and/or 5 foot. 5% 6 and/or 7 foot. 5% 8 and/or 9 foot.
No. 3	Not to exceed 20% 4 and 6 foot.

TABLE 20—CEILING, END MATCHED, KILN DRIED—12″ TO 96″

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
5/16 x 4″–18″ to 96″	$31.00	$28.00	----------	----------	----------
5/16 x 4″–12″ to 96″	----------	----------	----------	$30.00	$20.00

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*].

For condition:
1. Air dried, deduct $1.00.

TABLE 21—FINISH, S4S KILN DRIED

	Standard lengths[1]	4′ and 6′ lengths	8′ lengths	5′, 10′ and 12′ lengths	7′ and 14′ lengths	16′ lengths	9′, 18′ and 20′ lengths
GRADE B AND BETTER							
4/4 edge[2] (S1S or S2S)	$53.50	$53.50	$53.50	$53.50	$54.50	$55.50	$56.50
1 x 2 and 3	58.00	51.00	58.00	58.00	59.00	60.00	61.00
1 x 4	56.50	49.50	56.50	56.50	57.50	58.50	59.50
1 x 5	65.00	58.00	65.00	65.00	66.00	67.00	68.00
1 x 6	57.00	50.00	57.00	57.00	58.00	59.00	60.00
1 x 7	61.00	54.00	61.00	61.00	62.00	63.00	64.00
1 x 8	57.00	57.00	57.00	57.00	58.00	59.00	60.00
1 x 9	61.00	61.00	61.00	61.00	62.00	63.00	64.00
1 x 10	65.00	65.00	65.00	65.00	66.00	67.00	68.00
1 x 11	68.00	68.00	68.00	68.00	69.00	70.00	71.00
1 x 12	79.00	79.00	79.00	79.00	80.00	81.00	82.00
Restricted random widths[3]	59.50	55.75	59.50	59.50	60.50	61.50	62.50
5/4 and 6/4 edge[2] (S1S or S2S)	67.75	67.75	67.75	67.75	68.50	69.50	70.50
5/4 and 6/4 x 2 and 3	74.00	74.00	74.00	74.00	75.00	76.00	77.00
5/4 and 6/4 x 4	72.00	72.00	72.00	72.00	73.00	74.00	75.00
5/4 and 6/4 x 5	80.00	80.00	80.00	80.00	81.00	82.00	83.00
5/4 and 6/4 x 6	72.00	72.00	72.00	72.00	73.00	74.00	75.00
5/4 and 6/4 x 7	76.00	76.00	76.00	76.00	77.00	78.00	79.00
5/4 and 6/4 x 8	72.00	72.00	72.00	72.00	73.00	74.00	75.00
5/4 and 6/4 x 9	76.00	76.00	76.00	76.00	77.00	78.00	79.00
5/4 and 6/4 x 10	80.00	80.00	80.00	80.00	81.00	82.00	83.00
5/4 and 6/4 x 11	83.00	83.00	83.00	83.00	84.00	85.00	86.00
5/4 and 6/4 x 12	92.00	92.00	92.00	92.00	93.00	94.00	95.00
Restricted random widths[3]	74.50	74.50	74.50	74.50	75.50	76.50	77.50
7/4 and 8/4 edge[2] (S1S or S2S)	70.50	70.50	70.50	70.50	71.50	72.50	73.25
7/4 and 8/4 x 2 and 3	77.00	77.00	77.00	77.00	78.00	79.00	80.00
7/4 and 8/4 x 4	75.00	75.00	75.00	75.00	76.00	77.00	78.00
7/4 and 8/4 x 5	80.00	80.00	80.00	80.00	81.00	82.00	83.00
7/4 and 8/4 x 6	75.00	75.00	75.00	75.00	76.00	77.00	78.00
7/4 and 8/4 x 7	79.00	79.00	79.00	79.00	80.00	81.00	82.00
7/4 and 8/4 x 8	75.00	75.00	75.00	75.00	76.00	77.00	78.00
7/4 and 8/4 x 9	79.00	79.00	79.00	79.00	80.00	81.00	82.00
7/4 and 8/4 x 10	80.00	80.00	80.00	80.00	81.00	82.00	83.00
7/4 and 8/4 x 11	83.00	83.00	83.00	83.00	84.00	85.00	86.00
7/4 and 8/4 x 12	95.00	95.00	95.00	95.00	96.00	97.00	98.00
Restricted random widths[3]	77.00	77.00	77.00	77.00	78.00	79.00	80.00
10/4 edge[2] (S1S or S2S)	84.50	84.50	84.50	84.50	85.50	86.50	87.50
10/4 x 4	90.00	90.00	90.00	90.00	91.00	92.00	93.00
10/4 x 5	95.00	95.00	95.00	95.00	96.00	97.00	98.00
10/4 x 6	90.00	90.00	90.00	90.00	91.00	92.00	93.00
10/4 x 7	94.00	94.00	94.00	94.00	95.00	96.00	97.00

[1] See footnotes at end of table.

TABLE 21—FINISH, S4S KILN DRIED—Continued

	Standard lengths[1]	4′ and 6′ lengths	8′ lengths	5′, 10′ and 12′ lengths	7′ and 14′ lengths	16′ lengths	9′, 18′ and 20′ lengths
GRADE B AND BETTER—continued							
10/4 x 8	$90.00	$90.00	$90.00	$90.00	$91.00	$92.00	$93.00
10/4 x 9	94.00	94.00	94.00	94.00	95.00	96.00	97.00
10/4 x 10	95.00	95.00	95.00	95.00	96.00	97.00	98.00
10/4 x 11	98.00	98.00	98.00	98.00	99.00	100.00	101.00
10/4 x 12	110.00	110.00	110.00	110.00	111.00	112.00	113.00
Restricted random widths[3]	92.00	92.00	92.00	92.00	93.00	94.00	95.00
12/4 edge[2] (S1S or S2S)	98.75	98.75	98.75	98.75	99.75	100.50	101.50
12/4 x 4	105.00	105.00	105.00	105.00	106.00	107.00	108.00
12/4 x 5	110.00	110.00	110.00	110.00	111.00	112.00	113.00
12/4 x 6	105.00	105.00	106.00	105.00	106.00	107.00	108.00
12/4 x 7	109.00	109.00	109.00	109.00	110.00	111.00	112.00
12/4 x 8	105.00	105.00	105.00	105.00	106.00	107.00	108.00
12/4 x 9	109.00	109.00	109.00	109.00	110.00	111.00	112.00
12/4 x 10	110.00	110.00	110.00	110.00	111.00	112.00	113.00
12/4 x 11	113.00	113.00	113.00	113.00	114.00	115.00	116.00
12/4 x 12	125.00	125.00	125.00	125.00	126.00	127.00	128.00
Restricted random widths[3]	107.00	107.00	107.00	107.00	108.00	109.00	110.00
GRADE C							
4/4 edge[2] (S1S or S2S)	49.75	49.75	49.75	49.75	50.75	51.75	52.75
1 x 2 and 3	55.00	48.00	55.00	55.00	56.00	57.00	58.00
1 x 4	53.50	46.50	53.50	53.50	54.50	55.50	56.50
1 x 5	61.00	54.00	61.00	61.00	62.00	63.00	64.00
1 x 6	53.00	46.00	53.00	53.00	54.00	55.00	56.00
1 x 7	58.00	51.00	58.00	58.00	59.00	60.00	61.00
1 x 8	53.00	53.00	53.00	53.00	54.00	55.00	56.00
1 x 9	58.00	58.00	58.00	58.00	59.00	60.00	61.00
1 x 10	61.00	61.00	61.00	61.00	62.00	63.00	64.00
1 x 11	64.00	64.00	64.00	64.00	65.00	66.00	67.00
1 x 12	75.00	75.00	75.00	75.00	76.00	77.00	78.00
Restricted random widths[3]	55.50	51.75	55.50	55.50	56.50	57.50	58.50
5/4 and 6/4 edge[2] (S1S or S2S)	61.00	61.00	61.00	61.00	62.00	63.00	64.00
5/4 and 6/4 x 2 and 3	67.00	67.00	67.00	67.00	68.00	69.00	70.00
5/4 and 6/4 x 4	65.00	65.00	65.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 5	73.00	73.00	73.00	73.00	74.00	75.00	76.00
5/4 and 6/4 x 6	65.00	65.00	65.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 7	70.00	70.00	70.00	70.00	71.00	72.00	73.00
5/4 and 6/4 x 8	65.00	65.00	65.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 9	70.00	70.00	70.00	70.00	71.00	72.00	73.00
5/4 and 6/4 x 10	73.00	73.00	73.00	73.00	74.00	75.00	76.00
5/4 and 6/4 x 11	76.00	76.00	76.00	76.00	77.00	78.00	79.00
5/4 and 6/4 x 12	85.00	85.00	85.00	85.00	86.00	87.00	88.00
Restricted random widths[3]	67.50	67.50	67.50	67.50	68.50	69.50	70.50
7/4 and 8/4 edge[2] (S1S or S2S)	64.00	64.00	64.00	64.00	64.75	65.75	66.75
7/4 and 8/4 x 2 and 3	70.00	70.00	70.00	70.00	71.00	72.00	73.00
7/4 and 8/4 x 4	68.00	68.00	68.00	68.00	69.00	70.00	71.00
7/4 and 8/4 x 5	76.00	76.00	76.00	76.00	77.00	78.00	79.00
7/4 and 8/4 x 6	68.00	68.00	68.00	68.00	69.00	70.00	71.00
7/4 and 8/4 x 7	73.00	73.00	73.00	73.00	74.00	75.00	76.00
7/4 and 8/4 x 8	68.00	68.00	68.00	68.00	69.00	70.00	71.00
7/4 and 8/4 x 9	73.00	73.00	73.00	73.00	74.00	75.00	76.00
7/4 and 8/4 x 10	76.00	76.00	76.00	76.00	77.00	78.00	79.00
7/4 and 8/4 x 11	79.00	79.00	79.00	79.00	80.00	81.00	82.00
7/4 and 8/4 x 12	88.00	88.00	88.00	88.00	89.00	90.00	91.00
Restricted random widths[3]	70.50	70.50	70.50	70.50	71.50	72.50	73.50
10/4 edge[2] (S1S or S2S)	73.25	73.25	73.25	73.25	74.25	75.25	76.25
10/4 x 4	78.00	78.00	78.00	78.00	79.00	80.00	81.00
10/4 x 5	85.00	85.00	85.00	85.00	86.00	87.00	88.00
10/4 x 6	78.00	78.00	78.00	78.00	79.00	80.00	81.00
10/4 x 7	83.00	83.00	83.00	83.00	84.00	85.00	86.00
10/4 x 8	78.00	78.00	78.00	78.00	79.00	80.00	81.00
10/4 x 9	83.00	83.00	83.00	83.00	84.00	85.00	86.00
10/4 x 10	86.00	86.00	86.00	86.00	87.00	88.00	89.00
10/4 x 11	89.00	89.00	89.00	89.00	90.00	91.00	92.00
10/4 x 12	98.00	98.00	98.00	98.00	99.00	100.00	101.00
Restricted random widths[3]	80.50	80.50	80.50	80.50	81.50	82.50	83.50
12/4 edge[2] (S1S or S2S)	82.75	82.75	82.75	82.75	83.75	84.75	85.75
12/4 x 4	88.00	88.00	88.00	88.00	89.00	90.00	91.00
12/4 x 5	96.00	96.00	96.00	96.00	97.00	98.00	99.00
12/4 x 6	88.00	88.00	88.00	88.00	89.00	90.00	91.00
12/4 x 7	93.00	93.00	93.00	93.00	94.00	95.00	96.00
12/4 x 8	88.00	88.00	88.00	88.00	89.00	90.00	91.00
12/4 x 9	93.00	93.00	93.00	93.00	94.00	95.00	96.00
12/4 x 10	96.00	96.00	96.00	96.00	97.00	98.00	99.00
12/4 x 11	99.00	99.00	99.00	99.00	100.00	101.00	102.00
12/4 x 12	108.00	180.00	108.00	108.00	109.00	110.00	111.00
Restricted random widths[3]	90.50	90.50	90.50	90.50	91.50	92.50	93.50

Additions and deductions per 1,000 feet board measure: [*See section 14 (b) (10)*]

For working:
1. Rough, B and better, deduct $3.00.
2. Rough, C, deduct $2.00.
3. S1S, S2S, shiplap, S2S & CM (5″ and wider only) standard or thinner, add $2.00. This table may not be used in pricing flooring, drop siding, ceiling, or any other pattern for which a maximum price is set in any of the tables.
4. Ripping or resawing, add $1.00 for each cut, both applicable only when machine run stock is shipped.
5. Casing, base, jambs, apron, pulley stiles or any other pattern requiring moulder work (not including mouldings), add $7.50 for 1″ stock, $10.00 for 5/4 and thicker.
6. Nose 3 stepping, add $3.00.
7. Sanding one face, add $3.00.
8. Wrapping, add $5.00.

For grade:
9. A, add $5.00 to B and better prices.
10. If both sides are required A grade (par. 171), or if both sides are required B grade (par. 172), add $5.00 for 1″ stock, $7.50 for 5/4 and 6/4, and $10.00 for 7/4 and thicker.

For condition:
11. Air dried, stain no defect, deduct $6.00.
12. Air dried, deduct $4.00.

For size:
13. 12″ and wider, add $3.50 per inch or fraction thereof to 12″ prices and compute footage on nominal size.
14. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $1.00 where stock is dressed clean.
15. Random widths (other than restricted random widths), each width shall be priced at the specified width price.

For length:
16. For precision cutting to a specified exact length, with tolerance of not more than ¼″ allowed, add $5.00. No addition is permitted for customary double end trimming.
17. Odd or fractional lengths over 4′, not listed, shall be counted and priced as next longer even length.
18. For any length shorter than 4′, cut to a specified exact length, charge the price of the nearest even multiple length up to 12′. If there is no even multiple length 12′ or shorter, charge the 12′ price. In either case, add $1.50 per m. b. m. for each necessary cross cut, but the addition for precision cutting permitted in footnote 16 may not also be charged, and no total charge for such service may be greater than $5.00 per M′BM. If length breaks on even one-half foot compute footage on actual length, otherwise compute on six-inch breaks on the next break above.

[1] Standard lengths are 8′ to 20′ inclusive, and in shipments of standard lengths, 5% of 8 foot in C and Better grades shall be permitted.
[2] Edge widths are random widths, including odd, even or fractional widths measurment shall be according to paragraph 136. S. F. I. B. Rules.
[3] Restricted random widths are 4″ to 12″ inclusive, and must not contain over 20% of 4″ widths, and not less than 30% of 10″ and wider

TABLE 22.—CAR MATERIAL, OTHER THAN DECKING AND FRAMING DRESSED TO PATTERN—KILN DRIED[1]

Size and grade	8′ lengths	9′ lengths	5′ & 10′ lengths	12′ lengths	14′ lengths	16′ lengths	18′ & 20′ lengths	22′ & 24′ lengths
Select (par. 51 A. A. R. rules):[2]								
1 x 4 and 1 x 6	$58.00	$65.00	$60.00	$62.00	$65.00	$67.00	$73.00	$68.00
Common (par. 52 A. A. R. rules):[2]								
1 x 4 and 1 x 6	58.00	60.00	55.00	57.00	60.00	62.00	68.00	60.00
Select (par. 55–59–62 A. A. R. rules):[2]								
1 x 4, 1 x 6 and 1 x 8	58.00	65.00	60.00	62.00	65.00	67.00	73.00	86.00
1 x 10	66.00	73.00	68.00	70.00	73.00	75.00	81.00	93.00
1 x 12	82.00	89.00	84.00	86.00	89.00	91.00	97.00	109.00
Common (par. 56 A. A. R. rules):[2]								
1 x 4, 1 x 6 and 1 x 8	58.00	60.00	55.00	57.00	60.00	62.00	68.00	80.00
1 x 10	61.00	68.00	63.00	65.00	68.00	70.00	76.00	88.00
1 x 12	77.00	84.00	79.00	81.00	84.00	86.00	92.00	104.00
Common (par. 60 A. A. R. rules):[2]								
1 x 4, 1 x 6 and 1 x 8	43.00	50.00	45.00	47.00	50.00	52.00	55.00	67.00
1 x 10	51.00	58.00	53.00	55.00	58.00	60.00	63.00	75.00
1 x 12	67.00	74.00	69.00	71.00	74.00	76.00	79.00	91.00
Select (par. 53–55–59–62 A. A. R. rules):[2]								
2 x 4	70.00	75.00	70.00	70.00	70.00	73.00	80.00	90.00
2 x 6	75.00	80.00	75.00	74.00	75.00	80.00	85.00	95.00
2 x 8	75.00	80.00	75.00	75.00	75.00	80.00	85.00	95.00
2 x 10	83.00	88.00	83.00	83.00	83.00	88.00	93.00	103.00
2 x 12	98.00	103.00	98.00	98.00	98.00	103.00	108.00	118.00
Common (par. 54–56–60 A. A. R. rules):[2]								
2 x 4	52.00	54.00	52.00	52.00	52.00	55.00	57.00	67.00
2 x 6	57.00	59.00	57.00	57.00	57.00	60.00	62.00	72.00
2 x 8	57.00	59.00	57.00	57.00	57.00	60.00	62.00	72.00
2 x 10	66.00	67.00	66.00	66.00	66.00	70.00	80.00	80.00
2 x 12	81.00	83.00	81.00	81.00	81.00	84.00	86.00	96.00

[1] See footnotes at end of table.

TABLE 22B—CAR MATERIAL, FRAMING SPECIFIED OR RANDOM LENGTHS, 8' TO 14'—ROUGH GREEN[1]

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10).]

For working:
1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.

For grade:
3. Edge grain, add $15.00 to select price only.
4. Grades and specifications other than those contained in A. A. R. Rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
5. Air dried, stain no detect, deduct $6.00.
6. Air dried, clean, add $4.00.
7. Green, deduct $8.00.

For size:
8. 5/4 and 6/4, add $10.00 to 4/4 prices.
9. 2½" and 2¾" par. 55, 56, and 62, add $15.00 to 8/4 prices; and for 2½" and 2¾" par. 54, 58, and 60, add $1.00 to 4/4 prices.
10. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
11. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
12. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50.
13. Odd or fractional lengths, except 8' and 9', shall be counted and priced as next longer even length.
14. For any average length, charge the price for the specified length corresponding to the average length required and shipped.

For inspection:
15. Final inspection at destination in car repair or building establishment rather than at shipping point, add $4.00.

Size	Group 7, par. 64, common	Group 8, par. 65, select structural, no heart required	Group 9, par. 67, select structural, no heart required	Group 10	
				Par. 69, common structural	Par. 70, select structural, no heart required
3 to 5 x 3 to 8"	$48.00	$63.00	$53.00	$58.00	$63.00
3 to 5 x 9 and 10"	58.00	73.00	73.00	81.00	88.00
3 to 5 x 11 and 12"	71.00	86.00	86.00	92.00	97.00
3 to 5 x 13 and 14"	82.00	97.00	97.00		

Size	24' and under	26' to 30'	31' to 40'
8 x 8 and under	$10.00	$14.00	$20.00
Over 8 x 8	12.00	16.00	22.00

For working:
1. Dressing to standard patterns, add $2.00.

For heart requirement:
2. 90% heart facial content, add $5.00.
3. 100% prime as to heart 8" and over, add $8.00.
4. 100% prime as to heart under 8", add $10.00.
5. 85% heart facial area, make following additions:

8 x 8 and under	$10.00
Over 8 x 8	12.00

6. 90% heart facial area, add $3.00 to 85% heart facial area prices.
7. 85% heart girth, add $10.00 to 85% heart facial area prices.
8. 90% heart girth, add $13.00 to 85% heart facial area prices.
9. Select structural, heart content required, groups 8, 9 and 10, paragraphs 65, 67 and 70, add $15.00.

For grade:
10. Grades and specifications other than those contained in A. A. R. rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
11. Dry, moisture content between 15 and 20%, add $5.00.

For size:
12. Fractional thickness, add $3.00 to nearest listed greater thickness. Compute footage on nominal rough size.
13. Fractional widths, add $3.00 to nearest listed wider width and compute footage on nominal rough size.
14. 2" sizes in all above grades, add $2.00.
15. 1" x 4", add $4.00.
16. Over 2" in thickness, deduct $1.00.
17. Measurement for rough sizes must allow not less than ¼" for dressing on each dimension.

For inspection:
18. Final inspection at destination in car repair or building establishment rather than at shipping point, add $4.00.

For length:
19. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50.
20. Odd or fractional lengths, except 8' and 9', shall be counted and priced as next longer even length.
21. 22' and 24', add $3.00 to 20' price.
22. 25' to 30', add $1.00 per lineal foot to 24' price.
23. 31' to 36', add $2.00 per lineal foot to 30' price.
24. 37' to 42', add $3.00 per lineal foot to 36' price.
25. 43' to 48', add $4.00 per lineal foot to 42' price.
26. 49' to 54', add $8.00 per lineal foot to 48' price.
27. 55' to 60', add $12.00 per lineal foot to 54' price.

[1] The prices in this table apply only to direct mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

TABLE 23A—CAR MATERIAL, FLOORING (DECKING), FLOOR BOARDS AND DOOR SILLS, DRESSED TO ALL PATTERNS, KILN DRIED OR AIR DRIED[1]

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)]

For working:
1. Rough, deduct $2.00.
2. Stock dressed 25/32" net thickness, count and price as 2½".

For grade:
3. Edge grain, add $15.00 to select price only.
4. Grades and specifications other than those contained in A. A. R. Rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.
5. Heart Face, Common (par. 58), add $10.00.

For condition:
7. Drying to moisture content of less than 19%, add $5.00.
8. Green, deduct $5.00.

For size:
9. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
10. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
11. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50.
12. Odd or fractional lengths, except 9', shall be counted and priced as next longer even length.

For inspection:
13. Final inspection at destination in car repair or building establishment, rather than at shipping point, add $4.00.

Size and grade	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths
Select (par. 57 A. A. R. rule):[1]						
2 x 6" and 2 x 8"	$75.00	$80.00	$75.00	$75.00	$75.00	$80.00
2½ and 2¾ x 6" and 8"	80.00	85.00	80.00	80.00	80.00	85.00
2½ and 2¾ x 10" and 12"	85.00	90.00	85.00	85.00	85.00	90.00
Common (par. 58 A. A. R. rules):[1]						
2 x 6" and 2 x 8"	60.00	65.00	60.00	60.00	60.00	65.00
2¼, 2½, 2¾ and 3 x 6" and 8"	65.00	70.00	65.00	65.00	65.00	70.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)]

For working:
1. Rough, deduct $2.00.
2. Where material is required S2S only, add $1.00.

For grade:
3. Edge grain, add $15.00 to select price only.
4. Grades and specifications other than those contained in A. A. R. Rules, the maximum price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For condition:
5. Air dried, stain no detect, deduct $6.00.
6. Air dried, clean, add $4.00.
7. Green, deduct $8.00.

For size:
8. 5/4 and 6/4, add $10.00 to 4/4 prices; and for 2½" and 2¾" par. 54, 58, and 60, add $1.00 to 4/4 prices.
9. Extra standard thickness, other than those covered by A. A. R., add $1.00 where stock is dressed clean.
10. Odd or fractional widths, add $3.00 to nearest greater listed width and compute footage on nominal rough size.

For length:
11. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50.
12. Odd or fractional lengths, except 8' and 9', shall be counted and priced as next longer even length.
13. For any average length, charge the price for the specified length corresponding to the average length required and shipped.

For inspection:
14. Final inspection at destination in car repair or building establishment rather than at shipping point, add $4.00.

[1] The prices in this table apply only to direct mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.

Size and grade	8' lengths	9' lengths	10' lengths	12' lengths	14' lengths	16' lengths
Select (par. 57 A. A. R. rule):[1]						
2 x 6" and 2 x 8"	$75.00	$80.00	$75.00	$75.00	$75.00	$80.00
2½ and 2¾ x 6" and 8"	80.00	85.00	80.00	80.00	80.00	85.00
2½ and 2¾ x 10" and 12"	85.00	90.00	85.00	85.00	85.00	90.00
Common (par. 58 A. A. R. rules):[1]						
2 x 6" and 2 x 8"	60.00	65.00	60.00	60.00	60.00	65.00
2¼, 2½, 2¾ and 3 x 6" and 8"	65.00	70.00	65.00	65.00	65.00	70.00

[1] The prices in this table apply only to direct-mill sales for delivery to railroads, railroad car builders and repair shops. Maximum prices applicable to other purchasers may be established upon application to the lumber branch of the National Office pursuant to section 22 hereof. In addition to the information specified in section 22, sellers must show for what uses the purchaser has ordered the car material.
Specifications for car material designated above, (A. A. R. rules) correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-607-33, adopted 1910; revised 1933.

TABLE 23—STANDARD PLASTERING, AND FENCE LATH, KILN DRIED

Size	Grade No. 1	Grade No. 2	Grade No. 3
⅜ x 1½"—4' plastering lath	$5.75	$5.00	$3.50
⅜ x 1½"—32" plastering lath	4.00	2.50	----------
1/4 x 1½"—32" fence lath	5.50	3.50	----------
1/4 x 1½"—36" fence lath	6.25	4.25	----------
1/4 x 1½"—42" fence lath	7.50	5.50	----------
1/4 x 1½"—48" fence lath	9.00	7.00	----------
1/4 x 1½"—60" fence lath	11.25	9.25	----------
1/4 x 1½"—72" fence lath	13.50	11.50	----------

Additions and deductions per 1,000 pieces

For condition:
1. Air dried, deduct 25¢.
2. Green, deduct 50¢.

TABLE 24—BED SLATS, S4S—AIR DRIED OR KILN DRIED (BUNDLED)

Grade and size	Per set (8 pieces) 36"	Per set (8 pieces) 39"	Per set (8 pieces) 42"	Per set (8 pieces) 54" to 66"
No. 1—1 x 3	$0.35	$0.37	$0.38	$0.48
No. 2—1 x 3	.28	.30	.31	.41

TABLE 25—O. G. BATTS—KILN DRIED—STANDARD LENGTHS[1]

	Grade B and better	Grade C	Grade D	Grade No. 2
15/16 or ⅞ x 3	$43.00	$41.00	$36.00	$33.00
15/16 or ⅞ x 4	41.00	39.00	34.00	32.00

Additions and deductions per 1,000 feet board measure: [See section 14 (b) (10)].

For condition:
1. Air dried, deduct $1.00.

For lengths:
2. For specified lengths, all grades, 12' and 14', add $1.00; 16' and longer, add $3.00.
3. For shorts, 4' and 6', when specified, or when shipped, with buyer's approval, in excess of percentages permitted in respective grades, B and better and C, deduct $5.00; D, deduct $3.00; No. 2 Common (4 foot only), deduct $2.00.

[1] Standard lengths, are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

B and better	5% 8 and/or 9 foot.
C	5% 6 and/or 7 foot.
	5% 8 and/or 9 foot.
D, and No. 2	5% 4 and/or 5 foot.
	5% 6 and/or 7 foot.
	6% 8 and/or 9 foot.

ARTICLE VI—APPENDIX C: THE FIGURES GIVEN REFER TO DRY WEIGHT, EXCEPT WHERE OTHERWISE SPECIFIED

FLOORING

	Longleaf (pounds)	Shortleaf (pounds)
1 x 3" (for hollow back deduct 100 lbs.)	2,000	1,800
1 x 4" (for hollow back deduct 100 lbs.)	2,100	1,900
1¼ x 3" (for hollow back deduct 100 lbs.)	2,200	2,000
1¼ x 4" (for hollow back deduct 100 lbs.)	2,300	2,100

CEILING AND PARTITION

⅜" ceiling	1,000	900
½" ceiling	1,200	1,100
⅝" ceiling	1,500	1,400
13/16" ceiling (and Boston partition)	1,800	1,700
¾" partition	1,900	1,800
1 3/32" partition and ceiling, use same weights as flooring.		

DROP SIDING

	Longleaf (pounds)	Shortleaf (pounds)
1 x 6" (pat. 116)	2,000	2,000
1 x 8" and 10" (pat. 116)	2,100	2,100
1 x 6" (pat. 117)	1,700	1,700
1 x 8" and 10" (pat. 117)	1,800	1,800
1 x 6" (other patterns)	1,800	1,800
1 x 8" and 10" (other patterns)	1,900	1,900
Bevel and SE siding from 1"	1,100	1,000
Bevel and SE siding from 1¼"	1,400	1,300

FINISH

1 x 2" to 1 x 10" S1S or S2S 3 1/32"	2,600	2,500
1 x 12" S1S or S2S 3 1/32"	2,700	2,600
1 x 2" to 1 x 10" S3S or S4S 3 1/32"	2,500	2,400
1 x 12" S3S or S4S 3 1/32"	2,600	2,500
1¼" x 2" to 2 x 10" S1S or S2S	2,900	2,800
1¼" x 12" to 2 x 12" S1S or S2S	3,000	2,900
1¼" x 2" to 2 x 10" S3S or S4S	2,800	2,700
1¼" x 12" to 2 x 12" S3S or S4S	2,900	2,800
1" finish dressed to 13/16" add	100	100
2" finish dressed to 1¾" add	200	200
1 x 2" to 2 x 10" rough	3,400	3,200
1 x 12" to 2 x 12" rough	3,500	3,300

CASING—BASE—JAMBS

Moulded casing, all widths	2,100	2,000
Moulded base, all widths	2,100	2,000
Jambs—1"	2,100	2,100
Jambs—1¼ to 2"	2,300	2,200

STRIPS AND BOARDS (1 INCH)

1 x 2" to 1 x 10", S1S or S2S 3 1/32"	2,700	2,500
1 x 12" S1S or S2S 3 1/32"	2,800	2,600
1 x 2" to 1 x 10" S3S or S4S 3 1/32"	2,600	2,400
1 x 12" S3S or S4S 3 1/32"	2,700	2,500
1 x 2" to 1 x 4" D&M	2,100	1,900
1 x 6" D&M or shiplap	2,400	2,200
1 x 8" to 1 x 10" D&M or shiplap	2,500	2,300
1 x 12" D&M or shiplap	2,600	2,400
1 x 2" to 1 x 10" rough	3,400	3,200
1 x 12" rough	3,500	3,300
For ¼" dressed boards, deduct	100	100
For ½" boards, all workings, deduct	500	500
For 11/16" boards, all workings, deduct	300	300
For 1 3/16" boards, all workings, add	100	100
For resawing, deduct for each cut	200	200
For ripping, no deduction.		
For 1¼" and 1½", add	300	300

2" DIMENSION, FACTORY FLOORING AND ROOF DECKING

2 x 2" to 2 x 8" rough	3,400	3,200
2 x 10" and 2 x 12" rough	3,500	3,400
2 x 2" to 2 x 8" dressed to 1¾"	2,700	2,500
2 x 10" and 2 x 12" dressed to 1¾"	2,800	2,600
For 1¾", add	400	400
For D&M, SL & Gr. for splines, deduct	200	200
2 x 4" to 2 x 12" rough green	4,500	4,500
2 x 4" to 2 x 12" green, dressed 1¾"	3,800	3,800

2" PLANK AND JOISTS

2", 2 x 2 to 2 x 12 inclusive use 2" dimension weights as shown above.
2 x 14 and wider use timber weights as shown below.

HEAVY JOISTS, TIMBERS, ETC. (OVER 2" THICK)

Rough, green	4,500	4,500
S4S ¼" scant, green	4,200	4,200
S4S ½" scant, green	4,000	4,000
S4S ½" scant, green	3,800	3,800
T & G, SL & Gr. for splines, deduct	300	300
Dry, 3 x 3 to 4 x 4, deduct from corresponding green weight	800	800
Dry, 4 x 5 and larger, deduct from corresponding green weight	500	500

CAR SIDING, LINING AND ROOFING

	Longleaf (pounds)	Shortleaf (pounds)
1 x 4" and 1 x 6" T&G 13/16"	2,200	2,200
1 x 4" and 1 x 6" S2S 13/16"	2,600	2,600
For 2 1/32", deduct	100	100

LONGITUDINAL SHEATHING AND STOCK CAR SLATS

2 x 4" T&G 1 3/16"	2,400	2,400
2 x 4" T&G 1 5/16"	2,300	2,300
2 x 4" T&G 1 7/16"	2,100	2,100
2 x 4" S2S to 1 5/16"	2,900	2,900
2 x 4" S2S to 1 7/16"	2,700	2,700
2 x 4" S2S to 1½"	2,500	2,500
2 x 6" T&G to 1 7/16"	2,500	2,500
2 x 6" T&G to 1 5/8"	2,400	2,400
2 x 6" T&G to 1½"	2,200	2,200
2 x 6" S2S to 1 7/16"	2,900	2,900
2 x 6" S2S to 1 5/8"	2,700	2,700
2 x 6" S2S to 1½"	2,500	2,500

CAR DECKING

2 x 6" and 2 x 8" S2S and T & G 1¾", dry	2,800	2,600
2½" x 6" to 3" x 8" S2S and T & G, dry	2,900	2,700
2 x 6" to 3 x 8" S2S and T & G, green	3,500	3,500
2 x 6" to 3 x 8" S2S, dry	3,200	3,000
2 x 6" to 3 x 8" S2S, green	4,200	4,200
2 x 6" to 3 x 8" S1S 7/8" scant, dry	3,400	3,200
2 x 6" to 3 x 8" rough, dry	3,600	3,400
2 x 6" to 3 x 8" rough, dry	4,500	4,500

MISCELLANEOUS

Plastering lath, 48" K. D	500	500
Plastering lath, 48" green	1,000	1,000
Plastering lath, 32" K. D	340	340
Fence lath, 1/2" x 1½"—48" K. D	800	800
Bed slats, 1 x 3"—4' 6", per set of 8	20	20
Bed slats, 1 x 3"—3' 3", per set of 8	15	15
Byrkit lath, 4" or 6"	1,800	1,800
O. G. batts, use same weights as 5/16" ceiling. (For hollow back deduct 100 lbs.)		

(b) Any producer of Long Leaf Yellow Pine in the State of Florida whose lumber is consistently heavier than the weights in the above table, may submit to the Lumber Branch of the Office of Price Administration, Washington, D. C., for approval a list of the estimated weights used by him during the first eight months of 1941 together with a statement that he believes them to be the nearest possible estimate to the present average actual weights. After an order has been published in the Federal Register, listing the producer's name, any seller of the producer's lumber may use the approved estimated weights in computing transportation charges.

The following producers have qualified under this provision up to the day of issuance of this revised regulation. The permitted estimated weights are on file with the Federal Register and may there be examined by any interested person:

Brooks-Scanlon Corporation, Foley, Fla.
Dowling and Camp, Inc., Slater, Fla.
Peavy-Wilson Lumber Co., Holopaw, Fla.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. The regulation shall become effective February 4, 1944, except that:

(a) If lumber has been received before February 4, 1944, by a carrier other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this second revised regulation. It remains subject to the terms of the earlier regulation, Revised Maximum Price Regulation No. 19.

(b) If this regulation lowers any maximum price below that fixed in the earlier regulation, contracts that were in existence prior to the issuance of this second revised regulation at lawful prices may be completed according to their terms with respect to deliveries made on or before March 1, 1944.

(NOTE: The mere fact that this second revised regulation increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer. The regulation permits the making of certain adjustable pricing agreements to cover such situations. Apart from that increasing prices in existing uncompleted contracts to the level of increased maximum prices in the regulation is purely a matter of agreement between buyer and seller.)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1482; Filed, January 29, 1944; 11:14 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 96]

MILEAGE RATIONING—GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7851 (b) (8) is added to read as follows:

(8) For use with a passenger automobile or motorcycle to provide mileage for non-occupational purposes for which no other special ration is provided under the provisions of Ration Order No. 5C if, in the discretion of the Board, a denial of the ration would cause undue hardship. The allowance and issuance of any ration under this subparagraph shall be subject to the following provisions:

(i) The Office of Price Administration, Washington, D. C., may from time to time set and allocate quotas fixing the maximum number of gallons of gasoline available for the issuance of rations under this subparagraph and may administer, adjust and revoke such quotas. No Board shall issue a ration under this subparagraph in excess of its quota.

(ii) No appeal shall be permitted from any decision of a Board in regard to an application for a ration made pursuant to this subparagraph.

2. Section 1394.7851 (c) (4) is amended to read as follows:

(4) If application is made pursuant to paragraph (b) (1) (i) or (iii) or paragraph (b) (2) (i), (ii), (iii), or (vi) or paragraph (b) (8) or for use with a motorboat pursuant to paragraph (b) (5) (i) or (ii) of this section, the alternative means of transportation, which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

3. In § 1394.8252 the first sentence is amended to read as follows: "Any person may appeal from an adverse decision of a Board, except a decision pursuant to § 1394.7851 (b) (8) relating to an application for a discretionary special ration in a case of undue hardship."

This amendment shall become effective February 1, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719).

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1478; Filed, January 29, 1944; 11:12 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 98]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8153 (c) (1) (iii) is added to read as follows:

(iii) When any transfer of gasoline is made to an establishment which is one of a group of twenty-five (25) or more served by a single ration bank account maintained by a bulk consumer pursuant to § 1394.8206a (e), the transferor may, in his discretion, permit a ration check to be forwarded within such time, not to exceed thirty (30) days after delivery, as may be agreed upon by the parties. Every person who makes a transfer of gasoline in this manner shall maintain a record or a copy of an invoice for each such transaction which shall show the name of the transferee, the date and place of delivery, the quantity of gasoline transferred, the name of the transferee's agent or employee, if any, who accepted the transfer and a notation indicating that a ration check is to be forwarded upon a delayed basis. Upon receipt of a ration check the transferor shall make an entry upon such record or invoice indicating that ration evidences have been received and the date upon which they were received. Every person who accepts a transfer of gasoline in this manner shall maintain a record or a copy of an invoice for each such transaction which shall show the name of the transferor, the date and place of delivery, the quantity of gasoline transferred and a notation indicating that a ration check is to be forwarded upon a delayed basis. Upon forwarding a ration check the transferee shall make an entry upon such record or invoice indicating that ration evidences have been submitted and the date upon which they were forwarded.

2. Section 1394.8217 (a) (1) is amended by substituting the reference "§ 1394.8153 (c) (1) (i), (ii) and (iii)" for the reference "§ 1394.8153 (c) (1) (i) and (ii)".

3. Section 1394.8218 (d) (1) is amended by substituting the reference "§ 1394.8153 (c) (1) (i), (ii) and (iii)" for the reference "§ 1394.8153 (c) (1) (i) and (ii)".

This amendment shall become effective February 3, 1944.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1480; Filed, January 29, 1944; 11:12 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 112]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1407.72 is added to read as follows:

§ 1407.72 *Consumers may use Sugar Stamp No. 40 to get sugar for home processing and preserving for use.* Sugar Stamp No. 40 in War Ration Book Four authorizes a consumer to obtain 5 pounds of sugar, before March 1, 1945, to be used solely for the purpose of producing processed foods from fresh fruits for use, in accordance with sections 26.2, 26.5, and 26.6 of Revised Ration Order 13 (or for making the gifts permitted by those sections).

This amendment shall become effective February 1, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1477; Filed, January 29, 1944; 11:12 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15937, 15937, 16250, 16420, 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90.

[1] 8 F.R. 15937, 16250, 16420, 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90.

[1] 8 F.R. 14820, 15368, 15489, 15524.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 95]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 5C is amended in the following respects:

1. In § 1394.7851 (b) (3) (iv) the period at the end of the last sentence is deleted, and the phrase "unless the ration may be allowed pursuant to the provisions of § 1394.7851 (b) (7)." is added.

2. Section 1394.7851 (b) (7) is added to read as follows:

(7) For use with a new commercial motor vehicle:

(i) To move a new commercial motor vehicle from a place of manufacture to a distributing outlet or between such outlets when such movement may be lawfully accomplished without a Certificate of War Necessity.

A new commercial motor vehicle means any commercial motor vehicle which was manufactured after July 31, 1941, and which, irrespective of the mileage driven, has not been transferred except to a sales agency for the purpose of resale.

3. Section 1394.8183 (b) (4) is added to read as follows:

(4) Any movement of a new commercial motor vehicle (as defined in § 1394.7851 (b) (7)) from the place of its manufacture to a distributing outlet or between such outlets.

This amendment shall become effective February 3, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F. R. 562, 9121, E.O. 9125, 7 F.R. 2719)

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of January, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1495; Filed, January 29, 1944; 3:34 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 97]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. In § 1394.8007 the headnote is amended to read as follows:

Restoration of coupon books, coupons or folders: Replenishment of gasoline by bulk consumer.

2. § 1394.8007 (c) is added to read as follows:

(c) *Replenishment of gasoline by bulk consumers.* Any bulk consumer who loses from storage facilities gasoline which was acquired by means of a ration issued pursuant to the provisions of Ration Order No. 5C may apply for replenishment of such gasoline. Application shall be made either to the Board having jurisdiction over the area in which such storage facilities are located or the Board which issued the ration which authorized the acquisition of the gasoline which has been lost. Such application shall contain the name and address of the applicant, a statement of circumstances causing the loss and the purpose for which the replenishment ration is required. If application is made to a Board other than the Board which issued the ration, the application shall also contain the address of the issuing Board, and a description of the class and quantity of the ration and the purpose for which it was issued. If the Board finds that the applicant has incurred the loss claimed, that the loss occurred through fire, theft, accident or some extraordinary circumstance beyond the consumer's control, and that the replenishment is required for use for a purpose for which the ration for the lost gasoline could have been issued, it shall issue appropriate ration evidences, or a gasoline deposit certificate if the applicant maintains a ration bank account pursuant to the provisions of § 1394.8206a (e), representing the class of ration and quantity of gasoline lost by the consumer but only to the extent that replenishment is required. If the replenishment is issued by a Board other than the Board which issued the ration, it shall forward the application, with a notation of its action, to the Board which issued the ration.

This amendment shall become effective February 3, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1494; Filed, January 29, 1944; 3:34 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 18,[1] Amdt. 2 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point values set forth in the Official Table of Point Values (No. 12) which is made a part hereof.

This amendment shall become effective at 12:01 a. m., January 30, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1492; Filed, January 29, 1944; 3:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 10 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by Ration Order 16 shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 11) (OPA Forms R-1313 and 1611) which are made a part hereof.

This amendment shall become effective at 12:01 a. m., January 30, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1493; Filed, January 29, 1944; 3:34 p. m.]

PART 1340—FUEL

[MPR 120,[2] Amdt. 62]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

Section 1340.210 (a) (14) is added to read as follows:

(14) A producer may receive a direction from the Solid Fuels Administration for War requiring him to rescreen his mine's "resultant coals" to increase

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14820, 15368, 15489, 15524.

[1] 9 F.R. 178, 906.

[2] 8 F.R. 16834, 16893, 17278, 17306, 17372, 9 F.R. 105, 184, 731.

[2] 8 F.R. 14560, 15256, 15455.

production of double screened coals. "Resultant coals", as used in this subparagraph (14), refers to coals which were given the same price classification and permitted to be sold at the same minimum price as mine run coals under the minimum price schedules for the respective producing Districts Nos. 1 and 3 through 8, except that, as to high volatile coals produced in District Nos. 7 and 8, the term refers also to coals in Size Group No. 17. The rescreening of "resultant coals" will result in an increase in the tonnage of screenings in excess of that normally produced by him at the mine involved in the direction. This subparagraph (14) provides a formula for pricing such excess production of screenings for such mines if in any of District Nos. 1 and 3 through 8; it is not applicable to screenings normally produced; or to any increased production of screenings resulting from causes other than compliance with the direction, or to a mine in any other District.

If the producer complies with the direction in whole or in part and if compliance requires a change in his screening practices from those in effect at the mine prior to such compliance, the increase in production of screenings may be sold at no more than the applicable maximum price plus an amount necessary to return to the mine the total realization which the mine would have obtained on sale at maximum prices of the original "resultant coals"; except, that where the maximum price for the double screened size is less than the maximum price for the "resultant coals", the latter price shall be the maximum price for both the double-screened coals and the screenings: *Provided*, That the producer shall have reported the following information to the Solid Fuels Price Branch, Office of Price Administration, Washington 25, D. C. before selling screenings at maximum prices computed under this subparagraph (14):

First. The number of the direction of the Solid Fuels Administration for War;

Second. The tonnages of double screened sizes and screenings, if any, shipped from each mine involved in the direction during each of the three calendar months immediately preceding the month in which the direction was received;

Third. The tonnages of double screened coals, apart from the direction, which the producer has committed himself to ship from each mine involved in the direction during the period in which the direction will be effective;

Fourth. An estimated percentage yield of double-screened coals obtainable from the mine's original "resultant coals", along with the top size of such "resultant coals";

Fifth. The maximum price applicable to the mine's "resultant coals," and to its double screened coals and screenings computed without the benefit of this subparagraph (14);

and,

Provided, however, That the producer shall report within 20 days after the end of the effective period of the direction the total tonnages of double-screened coals and the excess tonnage of screenings produced in compliance with the direction, and the amount by which the maximum prices of the latter were increased, and

Provided, further, That the producer, when computing a price for screenings or double screened sizes or both under this paragraph, shall state that he has computed his maximum price for the coals involved under § 1340.210 (a) (14) of Maximum Price Regulation No. 120.

This amendment shall become effective when the first direction to increase production of double-screened coals is issued by Solid Fuels Administration for War but not later than February 5, 1944 nor before January 30, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1491; Filed, January 29, 1944; 3:33 p. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 1—GENERAL REGULATIONS AFFECTING THE PUBLIC

NAVY, COAST GUARD AND MARINE OFFICERS AUTHORIZED TO ACT AS NOTARIES PUBLIC

Authorization of certain officers of the Navy, Marine Corps, and Coast Guard to act as notaries public during the existence of war or a national emergency and six months thereafter.

§ 1.3008 *Authorization of certain officers of the Navy, Marine Corps, and Coast Guard to act as notaries public during the existence of war or a national emergency and six months thereafter.* (a) The Act of Congress approved April 9, 1943, (Pub. Law 24—78th Congress), provides as follows:

That during the existence of a war in which the United States is engaged or of a national emergency declared by the President, and for six months after the termination of such war or national emergency, such officers of the Navy, Marine Corps, and Coast Guard, as the Secretary of the Navy may designate, shall have the general powers of a notary public in the administration of oaths; the execution, acknowledgment, and attestation of instruments and papers; and the performance of all other notarial acts: *Provided*, That no fee of any character shall be paid to any officer for the performance of any notarial act herein authorized: *Provided further*, That whenever the Coast Guard shall be under the jurisdiction of the Secretary of the Treasury during a national emergency, the Secretary of the Treasury shall have and may exercise as to the Coast Guard the authority of the Secretary of the Navy under this Act: *And provided further*, That the signature without seal of any officer of the Navy, Marine Corps or Coast Guard acting as such of his authority.

(b) Pursuant to the provisions of the law quoted in paragraph (a) of this section all officers of the Navy, Marine Corps and Coast Guard, including retired and reserve officers on active duty, of the ranks of Lieutenant, junior grade, and First Lieutenant and above, are hereby designated to have the general powers of notaries public in the administration of oaths; the execution, acknowledgement, and attestation of instruments and papers; and the performance of all other notarial acts.

(c) The authority granted in this section should be exercised only for persons in the naval service or for civilians connected with the naval service in some capacity. On any instrument in connection with which notarial service is rendered the signature of the officer should be followed by his rank and branch of service and the words "Authority Act of Congress of April 9, 1943." In all cases where the place of execution of an instrument may not be divulged for military reasons, such place shall be designated as "With the Armed Forces of the United States."

[ALnav 152, Dec. 13, 1941; ALnav 75, Apr. 11, 1942; R-967, May 10, 1943] (Pub. Law 24, 78th Cong.)

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 44-1488; Filed, January 29, 1944; 12:12 p. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Rev. Gen. Order 38]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

Regulations under section 511 of the Merchant Marine Act, 1936, as amended, prescribed jointly on January 27, 1944 by the United States Maritime Commission and the Treasury Department, appear in this issue under Title 26—Internal Revenue, Chapter I—Bureau of Internal Revenue, Part 32—Establishment of Construction Reserve Funds.

Chapter III—War Shipping Administration

[G. O. 21, Supp. 5]

PART 306—GENERAL AGENTS AND AGENTS

§ 306.48a *Part II to Service Agreement Warshipoil-TCA.* Tank vessels of which the United States of America, by and through its governmental agencies or departments other than the War Shipping Administration, is owner or owner pro hac vice, are from time to time released to the War Shipping Administration so that the latter may conduct the business of booking, loading and discharging cargo. As a part of the reciprocal aid arrangements between the British Ministry of War Transport and the War Shipping Administration, tank vessels under the control of the British Ministry of War Transport will from time to time be made available to the War Shipping Administration so that the latter may conduct the business of booking, loading and discharging cargo. Such vessels will be assigned to Agents under Service Agreement Warshipoil-TCA, as modified by "Part II" to said agreement, which shall be in the following form:

PART II TO SERVICE AGREEMENT FOR TANK VESSELS TIME CHARTERED FROM OTHERS BY THE WAR SHIPPING ADMINISTRATION

(Provisions Relating to (a) Tank Vessels Made Available to the War Shipping Administration By Other Departments Of The United States Government, and (b) British Tank Vessels Made Available To The War Shipping Administration As Reciprocal Aid)

Whereas the United States of America (herein called the "United States") acting by and through the Administrator, War Shipping Administration, and ---------- ---------- (herein called the "Agent") entered into an Agreement (Contract WSA ------) dated ---------- (herein called the "Service Agreement") whereby the United States appointed the Agent as its agent to conduct the business of tank vessels time chartered by the United States and assigned to it by the United States from time to time, and

Whereas the Army, the Navy, and other departments and agencies of the United States release to the War Shipping Administration, from time to time, tank vessels of which the United States (through such departments or agencies) is the owner or owner pro hac vice under an arrangement whereby the War Shipping Administration is responsible for the booking, loading, or discharging activities in connection with such vessels for certain voyages; and

Whereas the British Ministry of War Transport, as a part of the reciprocal aid program, release to the War Shipping Administration, from time to time, British tank vessels under an arrangement whereby the War Shipping Administration is responsible for the booking, loading, or discharging activities in connection with such vessels for certain voyages; and

Whereas it is desirable to have the tank vessels which are released to the War Shipping Administration by other departments or agencies of the United States and by the British Ministry of War Transport, and tank vessels which are time chartered to the War Shipping Administration subject to the uniform provisions of one agreement;

Now, therefore:

In consideration of the reciprocal covenants and agreements contained in the Service Agreement, it being understood that nothing herein contained shall alter the terms of the Service Agreement (Warshipoil-TCA 5-11-42) in respect of tank vessels time chartered from others by the War Shipping Administration, it is hereby agreed that, as to vessels heretofore or hereafter released by (a) the Army, the Navy or some other agency or department of the United States Government and (b) by the British Ministry of War Transport to the War Shipping Administration and, in turn, assigned to the Agent under the Service Agreement, the parties hereto shall be governed by the provisions of the said Service Agreement modified as follows:

Section 1. Article 1 of the Service Agreement shall be considered altered and amended to read as follows:

"The United States appoints the Agent as its agent and not as an independent contractor, to conduct the business of tank vessels made available by (a) the Army, the Navy or some other Agency or department of the United States Government or (b) by the British Ministry of War Transport to the War Shipping Administration and, in turn allocated or assigned to the Agent under the terms of this Service Agreement."

Section 2. Article 3 (a) of the Service Agreement shall be considered altered and amended to read as follows:

"Perform all of the customary duties of an agent for the booking of cargo and all loading and discharging activities in connection with the vessels subject to this Agreement, subject to the orders of the United States as to voyages, cargoes, priorities of cargoes, charters, rates of freight and other charges and as to all matters connected with the use of the vessels; or in the absence of such orders, the Agent shall follow reasonable commercial practice;"

Section 3. Article 3 (c) of the Service Agreement shall be considered altered and amended as follows:

In the first line the words "fuel, fresh water" shall be deleted. In the sixth line the words "time charterer of" shall be deleted and the words "carrier of the cargo in" shall be inserted in place of the deletion.

Section 4. Article 3 (d) shall be considered altered and amended so as to read as follows:

"Issue or cause to be issued to shippers customary freight contracts and bills of lading and voyage charters in the form prescribed by the United States, and prepare manifests and other cargo documents."

Section 5. Article 10 of the Service Agreement shall be considered altered and amended as follows:

The last sentence shall be deleted.

Section 6. Article 11 of the Service Agreement shall be considered altered and amended so as to read as follows:

"The negotiation and settlement of all salvage claims for services rendered by vessels released by the Army, the Navy or some other agency or department of the United States Government to the War Shipping Administration shall be controlled by the United States. The negotiation and settlement of all salvage claims for services rendered by vessels released by the British Ministry of War Transport to the War Shipping Administration shall be controlled by the British Ministry of War Transport. The Agent shall furnish the United States with full reports and information on all salvage services rendered."

In witness whereof, the parties hereto have executed this Part II to the Service Agreement in triplicate this ------ day of ------ ------, 19--.

UNITED STATES OF AMERICA,
By E. S. LAND, *Administrator,*
War Shipping Administration.

By ----------
For the Administrator.

By ----------

[CORPORATE SEAL]
Attest:

Secretary.

Approved as to form:

Assistant General Counsel,
War Shipping Administration.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

JANUARY 29, 1944.

[F. R. Doc. 44-1500; Filed, January 31, 1944; 10:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 165, Amdt. 3]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CANNED GOODS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of January, A. D. 1944.

Upon further consideration of Service Order No. 165 (8 F.R. 16172) of November 23, 1943, as amended (8 F.R. 17428-29; 9 F.R. 542) and good cause appearing therefor:

It is ordered, That:

Service Order No. 165 (8 F.R. 16172) of November 23, 1943, as amended (8 F.R. 17428-29; 9 F.R. 542) be, and it is hereby, further amended by substituting the following paragraphs for paragraphs (a) (1), (a) (2), (b), and (c) in § 95.324 *Use of refrigerator cars for canned goods* as amended.

§ 95.324 *Definition.* (a) The term "canned goods" as used in this section means canned or preserved foodstuffs (not cold pack) and other articles, as described under that caption in the Consolidated Freight Classification No. 14.

(b) *Use of refrigerator cars for canned goods.* No common carrier by railroad subject to the Interstate Commerce Act shall transport in a standard or giant type refrigerator car or cars canned goods to, from, or between points in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia and the District of Columbia without a permit issued by the agent of the Interstate Commerce Commission named in paragraph (g) of this section.

(c) *Exemptions.* (1) Shipments of canned goods originating at or destined to points in states north of those named in paragraph (b) of this section. (2) Shipments of canned goods originating at and destined to points in states embraced in Service Order No. 104 (8 F.R. 1036) as amended (8 F.R. 5270; 8 F.R. 11852; 8 F.R. 12100-01; 8 F.R. 17428; 9 F.R. 947).

(d) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Suspension of Service Order No. 93.* The operation of Service Order No. 93 (7 F.R. 8903) as amended (8 F.R. 13752-53; 8 F.R. 13925-26) insofar as it conflicts with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chap-

ter) announcing the suspension of any of the provisions therein.

(g) *Special and general permits.* The provisions of this order shall be subject to any special or general permits to be issued by Charles W. Taylor, Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago, Illinois, as Agent of the Interstate Commerce Commission; and Charles W. Taylor is hereby appointed as Agent of the Interstate Commerce Commission, and authorized to issue permits for the movement of canned or preserved foodstuffs and related articles in refrigerator cars under exceptional circumstanees or when weather conditions require the use of refrigerator cars. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 29, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44–1513; Filed, January 31, 1944; 11:12 a. m.]

[S. O. 178, Amdt. 1]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of January, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 178 (9 F.R. 542) of January 11, 1944, and good cause appearing therefor:

It is ordered, That Service Order No. 178 (9 F.R. 542) of January 11, 1944, be, and it is hereby, amended by substituting the following paragraph (a) in lieu of paragraph (a) of § 95.328, *Use of refrigerator cars for certain commodities prohibited:*

(a) No common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a refrigerator car or cars for loading with, or transport or move a refrigerator car or cars loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, dried or powdered skim milk, concentrated citrus juice, empty beer containers, dried or evaporated fruits, fig paste, fig powder, or fig pulp, processed cheese in glass or metal containers, and paraffine wax. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 902; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., January 28, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44–1514; Filed, January 31, 1944; 11:12 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 14]

PART 503—ADMINISTRATION

SPECIAL PERMITS: PROPERTY CARRYING MOTOR VEHICLES

General outline. This order prescribes the procedure to be followed upon applying for a special permit granting relief from compliance with a provision of an order of the Office of Defense Transportation relating to the operation of property carrying motor vehicles.

The order specifies the information to be submitted by the applicant and the place of filing the application. The district manager is authorized to grant the application in whole or in part and to issue a special permit under prescribed circumstances.

The applicant may have the district manager's decision reviewed by a regional director and by the Director of the Office of Defense Transportation.

Provision is made for the issuance of an emergency special permit to avoid irreparable injury or distress, pending the filing and disposition of a written application.

The procedure to be followed upon application for renewal or extension of a special permit is set forth in the order. The method of surrendering a permit upon its termination or expiration is also prescribed.

This general outline shall not be construed to alter the meaning of any provision of this order.

The text of Administrative Order ODT 14 follows:

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, and in order to regulate application for and issuance of special permits granting relief from compliance with provisions of orders of the Office of Defense Transportation relating to the operation of property carrying motor vehicles, it is hereby ordered that:

Sec.
503.310 Application for special permit; property carrying motor vehicles.
503.311 Place of filing.
503.312 Proof required; investigation by district manager.
503.313 Approval by district manager.
503.314 Disapproval by district manager; order.
503.315 Emergency special permit.
503.316 Review of district manager's order.
503.317 Review of regional director's order.
503.318 Application for renewal; extension.
503.319 Termination; expiration; surrender.
503.320 Applicability.
503.321 Definitions.

AUTHORITY: §§ 503.310 through 503.321 issued under the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 U. S. Code §§ 631 through 645a; E.O. 8989, 6 F.R. 6725, and 8 F.R. 14163; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 FR. 5834.

§ 503.310 *Application for special permit; property carrying motor vehicles.* (a) Application for a special permit relieving any person from compliance with a provision of an order of the Office of Defense Transportation relating to the operation of property carrying motor vehicles, shall be in writing and shall show:

(1) The correct name, address, and principal place of business, of the applicant;

(2) The serial number of the Certificate of War Necessity, if any, held by the applicant;

(3) The specific provision of the order of the Office of Defense Transportation from which the applicant requests relief;

(4) The specific relief requested by the applicant;

(5) The facts upon which the applicant bases the request for such relief; and

(6) A description of any existing motor vehicle operating authority granted to the applicant by any federal or state regulatory body and relating to the motor vehicle operations to be conducted under the special permit for which the application is being made.

(b) The application shall be signed by the applicant or by any lawfully authorized agent or representative of the applicant who is familiar with the facts stated therein.

§ 503.311 *Place of filing.* The application and two clear copies thereof shall be filed in the district office of the district in which operations under the special permit are to be conducted: *Provided,* That

(a) If such operations are to be conducted in more than one district, the application and two clear copies thereof, together with an additional copy for each district in excess of one, shall be filed in the district office of the district in which the major portion of such operations are to be conducted.

(b) If the application relates to the operation of tank trucks engaged in delivery of petroleum products to a railroad, the application may be filed in the district office of the district in which the headquarters of the railroad are located.

§ 503.312 *Proof required; investigation by district manager.* The district manager may require the applicant to submit reasonable proof of statements made in support of the application, and may make such investigation as may be reasonably necessary for proper disposition of the application; and the district manager shall not be required to make disposition thereof unless and until such reasonable proof has been submitted: *Provided,* That disposition by the district manager of any such application shall not be delayed for more than 30 days from the date of filing thereof for the purpose of completing any such investigation.

§ 503.313 *Approval by district manager.* (a) The district manager may grant the application in whole or in part when:

(1) The provisions of the order of the Office of Defense Transportation from which the applicant requests relief are subject to a special permit; and

(2) The applicant has established facts warranting the issuance of a special permit, as specified in such order.

(b) Upon granting an application in whole or in part, the district manager shall issue a special permit, and may limit the scope and period of effectiveness thereof, as the facts may warrant.

§ 503.314 *Disapproval by district manager; order.* Upon denying an application in whole or in part, the district manager shall make his findings and enter an order thereon, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application.

§ 503.315 *Emergency special permit.* In an emergency, and to avoid irreparable injury or distress, and pending the filing and disposition of a written application in accordance with this order, the district manager may issue an emergency special permit and renewals or extensions thereof, to be effective for a period aggregating not more than 7 days, upon request and demonstration of the need therefor by the applicant.

§ 503.316 *Review of district manager's order.* (a) Within 10 days after the date of mailing of a district manager's order denying an application in whole or in part, the applicant may file with the district manager a request for review by the regional director. Such request shall be in writing, and shall contain statements showing the reasons why the district manager's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the district manager shall transmit the request, and all papers in his possession relating to the application, to the regional director of the region in which the district is located.

(b) The regional director promptly shall review the application and all papers transmitted to him in connection therewith and shall make his findings and enter an order affirming, amending, modifying, or reversing the district manager's order, as the facts may warrant, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof shall be given to the district manager who promptly shall effectuate the regional director's order.

§ 503.317 *Review of regional director's order.* (a) Within 10 days after the date of mailing of a regional director's order in accordance with § 503.316 of this order, the applicant may file with the regional director a request for review by the Director of the Office of Defense Transportation, Washington, D. C. Such request shall be in writing and shall contain statements showing the reasons why the regional director's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the regional director shall transmit the request, and the record relating to the application, to the Director of the Office of Defense Transportation.

(b) Upon consideration of the application and the record transmitted to him therewith, the Director will enter an order affirming, amending, modifying or reversing the regional director's order. A copy of the Director's order will be served upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof will be given to the regional director and to the district manager, who promptly shall effectuate the Director's order.

§ 503.318 *Application for renewal; extension.* The district manager by his order may renew or extend the period of effectiveness of any special permit issued by him in accordance with § 503.313 of this order, upon written application therefor showing the facts claimed by the permit holder to justify such renewal or extension. The application shall be signed by the permit holder or by any lawfully authorized agent or representative of the permit holder who is familiar with the facts stated therein, and the same number of copies thereof shall be filed as upon the original application for the special permit. The provisions of §§ 503.316 and 503.317 of this order shall be applicable to any order made by a district manager pursuant to this § 503.318.

§ 503.319 *Termination; expiration; surrender.* (a) The district manager may terminate the validity of any special permit or emergency special permit at any time after the issuance thereof, when it appears from information in his possession that the facts upon which such permit was issued were misrepresented, or that the conditions warranting the issuance thereof no longer exist. Notice of such termination shall be given to the permit holder by registered mail, and upon receipt thereof the permit holder shall surrender such permit by delivering or mailing it to the district manager. A review of any order of a district manager made under this paragraph (a) may be had within the time and in the manner provided in §§ 503.316 and 503.317 of this order.

(b) The period of effectiveness of a special permit or emergency special permit shall expire and such permit shall become void, upon the issuance by the Office of Defense Transportation of any order, or any amendment or modification of an existing order, which increases in any respect the specific requirements of the order from which the permit holder has been relieved. Upon such expiration, the permit holder shall surrender the permit, by delivering or mailing it to the district manager by whom it was issued.

(c) The district manager shall not be required to make disposition of any application for a special permit or emergency special permit, or for renewal or extension of any such permit, filed by an applicant who has failed to surrender a permit in accordance with the provisions of paragraphs (a) or (b) of this § 503.319.

§ 503.320 *Applicability.* (a) The provisions of this order shall be applicable only in the continental United States.

(b) The provisions of this order shall not be applicable to special permits issuable under any order of the Office of Defense Transportation in which provision is made for the issuance of such special permits by any specified representative of the Office of Defense Transportation other than a district manager.

§ 503.321 *Definitions.* As used in this order, and unless otherwise indicated by the context, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Property carrying motor vehicle" means either: (1) a straight truck; or (2) a combination truck-tractor and semi-trailer; or (3) a full trailer; or (4) any combination thereof; or (5) any other rubber-tired vehicle propelled or drawn by mechanical power or animals when used in the transportation of property, other than a vehicle engaged primarily in the transportation of persons.

(c) "Application" means an application for a special permit.

(d) "Applicant" means a person who files an application.

(e) "Permit holder" means a person to whom a special permit or emergency special permit has been issued.

(f) "District" and "region" mean, respectively, a district and region of the Division of Motor Transport of the Office of Defense Transportation as described in Administrative Order ODT 6 (8 F.R. 13194).

(g) "Continental United States" means the 48 states and the District of Columbia.

This order shall become effective on February 15, 1944.

NOTE: The recording and reporting requirements of this order have been approved by

the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1511; Filed, January 31, 1944; 11:07 a. m.]

[Administrative Order ODT 15]

PART 503—ADMINISTRATION

EXTENSION AND INAUGURATION OF SERVICE; PROPERTY CARRYING MOTOR VEHICLES

General outline. This order prescribes the method of applying for approval of an extension or inauguration of transportation service over a route or within a territory not being served by the applicant as a motor carrier of property on October 25, 1943.

The order specifies the information to be submitted by the applicant and the place of filing the application. The district manager is authorized to grant the application in whole or in part under prescribed circumstances.

The applicant may have the district manager's decision reviewed by a regional director and by the Director of the Office of Defense Transportation.

Provision is made for the issuance of an emergency order of approval to avoid irreparable injury or distress, pending the filing and disposition of a written application.

The order also provides for the renewal or extension of an order of approval, and for surrender thereof upon its termination or expiration.

This general outline shall not be construed to alter the meaning of any provision of this order.

The text of Administrative Order ODT 15 follows:

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, and in order to regulate application for and issuance of orders approving the extension or inauguration of transportation service by motor carriers of property, it is hereby ordered that:

Sec.
503.330 Application for approval; property carrying motor vehicles.
503.331 Proof required; investigation by district manager.
503.332 Approval by district manager.
503.333 District manager's order.
503.334 Emergency order of approval.
503.335 Review of district manager's order.
503.336 Review of regional director's order.
503.337 Application for renewal; extension.
503.338 Rescission; surrender.
503.339 Applicability.
503.340 Definitions.

AUTHORITY: §§ 503.330 through 503.340 issued under the Act of May 31, 1941, as amended, by the Second War Powers Act, 1942, 56 Stat. 176, 50 U.S. Code §§ 631 through 645a; E.O. 8989, 6 F.R. 6725 and 8 F.R. 14.163; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5634.

§ 503.330 *Application for approval; property carrying motor vehicles.* (a) Application for approval of an extension or inauguration of transportation service over a route or within a territory not being served by the applicant as a motor carrier of property on October 25, 1943, shall be in writing, and shall contain the information requested in Form No. NEO–1 reproduced in Appendix 1 hereto.

(b) The application shall be signed by the applicant or by any lawfully authorized agent or representative of the applicant who is familiar with the facts stated therein.

(c) The application and two clear copies thereof shall be filed in the district office of the district in which the applicant's operating headquarters are located.

§ 503.331 *Proof required; investigation by district manager.* The district manager may require the applicant to submit reasonable proof of statements made in support of the application, and may make such investigation as may be reasonably necessary for proper disposition of the application; and the district manager shall not be required to make disposition thereof unless and until such reasonable proof has been submitted: *Provided,* That disposition by the district manager of any such application shall not be delayed for more than 30 days from the date of filing thereof for the purpose of completing any such investigation.

§ 503.332 *Approval by district manager.* The district manager may approve the application in whole or in part when:

(a) The proposed service is necessary to the war effort or the maintenance of essential civilian economy;

(b) The service proposed cannot be performed at all by any existing means of transportation; or, if it can be so performed, the service thus afforded will not be so convenient or expeditious as the new service proposed and a positive need directly related to the war effort is shown for such greater convenience or expedition; or, if it can be so performed and such superiority in convenience or expedition is not shown for the service proposed, the latter will result in conservation of existing transportation facilities to a degree which outweighs in importance the added use of the new transportation facilities proposed; and

(c) The service proposed will not merely add to the pleasure or convenience of civilians but will contribute directly and in important degree to the war effort or is needed to sustain the health and welfare of civilians; and

(d) The service proposed can be furnished, if shortages of critical materials or manpower exist, without a measure of detriment caused by the additional demand on such materials or manpower which will outweigh any public benefit which will be derived from the new service.

§ 503.333 *District manager's order.* (a) Upon approving or disapproving an application in whole or in part, the district manager shall make and enter his findings and issue an order thereon, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application.

(b) The district manager may limit the scope and period of effectiveness of such order, as the facts may warrant.

(c) The issuance of such order shall not be construed to authorize the performance of any transportation service for which operating authority is required to be obtained from any state or federal regulatory body; and operations under such order shall not be conducted unless such operating authority shall theretofore have been obtained.

§ 503.334 *Emergency order of approval.* In an emergency, and to avoid irreparable injury or distress, and pending the filing and disposition of a written application in accordance with this order, the district manager may issue an emergency order of approval and renewals or extensions thereof, to be effective for a period aggregating not more than 7 days, upon request and demonstration of the need therefor by the applicant.

§ 503.335 *Review of district manager's order.* (a) Within 10 days after the date of mailing of a district manager's order disapproving an application in whole or in part, the applicant may file with the district manager a request for review by the regional director. Such request shall be in writing, and shall contain statements showing the reasons why the district manager's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the district manager shall transmit the request, and all papers in his possession relating to the application, to the regional director of the region in which the district is located.

(b) The regional director promptly shall review the application and all papers transmitted to him in connection therewith and shall make his findings and enter an order affirming, amending, modifying, or reversing the district manager's order, as the facts may warrant, and forthwith shall serve a copy thereof upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof shall be given to the district manager who promptly shall effectuate the regional director's order.

§ 503.336 *Review of regional director's order.* (a) Within 10 days after the date of mailing of a regional director's order in accordance with § 503.335 of this order, the applicant may file with the regional director a request for review by the Director of the Office of Defense Transportation, Washington, D. C. Such request shall be in writing and shall contain statements showing the reasons why the regional director's findings and order should be amended, modified, or reversed. Upon the filing of such request within the time specified herein, the regional director shall transmit the request, and the record relating to the application, to the Director of the Office of Defense Transportation.

(b) Upon consideration of the application and the record transmitted to him therewith, the Director will enter an order affirming, amending, modifying, or reversing the regional director's order. A copy of the Director's order will be served upon the applicant by registered mail, at the address shown in the application, unless the applicant shall have designated, in writing, a different address, and notice thereof will be given to the regional director and to the district manager, who promptly shall effectuate the Director's order.

§ 503.337 *Application for renewal; extension.* The district manager by his order may renew or extend the period of effectiveness of any order of approval issued by him in accordance with § 503.333 of this order, upon written application therefor showing the facts claimed to justify such renewal or extension. The application shall be signed by the carrier named in the order or by any lawfully authorized agent or representative of the carrier who is familiar with the facts stated therein, and the same number of copies thereof shall be filed as upon the original application for the order of approval. The provisions of §§ 503.335 and 503.336 of this order shall be applicable to any order made by a district manager pursuant to this § 503.337.

§ 503.338 *Rescission; surrender.* The district manager may rescind any order of approval or emergency order of approval at any time after the issuance thereof, when it appears from information in his possession that the facts upon which such order was issued were misrepresented, or that the conditions warranting the issuance thereof no longer exist. Notice of such rescission shall be given to the affected carrier by registered mail, and upon receipt thereof the carrier shall surrender the copy of the order, together with any renewals or extensions thereof theretofore received from the district manager, by delivering or mailing it to the district manager. A review of any order of a district manager made under this paragraph (a) may be had within the time and in the manner provided in §§ 503.335 and 503.336 of this order.

(b) The district manager shall not be required to make disposition of any application for an order of approval or emergency order of approval, or for renewal or extension of any such order, filed by an applicant who has failed to surrender any copy of such order and all renewals and extensions thereof theretofore received from a district manager, in accordance with the provisions of paragraph (a) of this § 503.338.

§ 503.339 *Applicability.* The provisions of this order shall be applicable only in the continental United States.

§ 503.340 *Definitions.* As used in this order, and unless otherwise indicated by the context, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Carrier" and "motor carrier of property" means a person who operates either: (1) a straight truck; or (2) a combination truck-tractor and semi-trailer; or (3) a full trailer; or (4) any combination thereof; or (5) any other rubber-tired vehicle propelled or drawn by mechanical power or animals when used in the transportation of property, other than a vehicle engaged primarily in the transportation of persons; and includes common, contract, and private carriers.

(c) "Application" means an application for an order of approval.

(d) "Applicant" means a person who files an application.

(e) "District" and "region" mean, respectively, a district and region of the Division of Motor Transport of the Office of Defense Transportation, as described in Administrative Order ODT 6 (8 F.R. 13194).

(f) "Continental United States" means the 48 states and the District of Columbia.

This order shall become effective on February 1, 1944.

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

Form No. NEO–1

Appendix 1

OFFICE OF DEFENSE TRANSPORTATION
Division of Motor Transport

APPLICATION TO EXTEND OR INAUGURATE SERVICE AS A CARRIER OF PROPERTY BY COMMERCIAL MOTOR VEHICLE

Applicant _____
(Name)
Address _____
Principal Place of Business _____
Operating Headquarters _____

1. Applicant requests approval to extend or inaugurate service pursuant to Section ____ of General Order ODT ____ as a _____ carrier of property by commercial motor vehicle over the route or routes or within the territory not previously served by applicant and described as follows:
_____
_____
_____

2. The method and manner in which the proposed service is to be performed is as follows:
_____
_____
_____
(Give number of vehicles to be employed, schedules, etc.)

3. Similar service to that proposed herein is performed at this time by the following:
_____
_____
(Name any motor, rail, or water carriers now performing similar service)

4. Authority to operate the proposed service has been granted by the Interstate Commerce Commission or the appropriate State regulatory body or bodies as follows: (Furnish docket numbers, if available) _____
_____
_____
(If authorization be not required, so state)

5. The proposed service is necessary to the war effort or to the maintenance of essential civilian economy for the following reasons:
_____
_____
_____
_____
_____

6. The following numbered Certificate(s) of War Necessity is (are) involved in the proposed service:
_____
_____
_____

Date: _____ _____
(Applicant)
By: _____
Title: _____

[F. R. Doc. 44–1512; Filed, January 31, 1944; 11:07 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter K—Alaska Wildlife Protection

PART 91—ALASKA GAME REGULATIONS

GAME ANIMALS, FUR ANIMALS, GAME BIRDS, NONGAME BIRDS, AND GAME FISHES IN ALASKA

Pursuant to the authority and direction contained in section 9 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended July 1, 1943, Pub. No. 106, 78th Congress, I, Oscar L. Chapman, Assistant Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, have determined when, to what extent, and by what means game animals, fur animals, game birds, nongame birds, and game fishes may be taken, possessed, transported, bought, or sold in Alaska, and in accordance with such determinations do hereby adopt the following, effective January 1, 1944, as suitable amendments of regulations (8 F.R. 9841) permitting and governing the taking of such animals, birds, and game fishes in Alaska:

Section 91.13 is amended as follows:

Subtitles "Muskrat" and "Beaver" under "Fur District 1" are amended to read:

Muskrat—Taku Inlet watershed, April 1 to April 30; in rest of district, no open season.
Beaver—Taku Inlet watershed, April 1 to April 30; in rest of district, no open season.

Subtitle "Beaver" under "Fur District 2" is amended to read:

Beaver—February 1 to March 31, except there shall be no open season on Kenai Peninsula south of Kenai River, Kenai Lake and Skilak Lake. Limit—10 a season.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the City of Washington, this 30th day of December 1943.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 44–1505; Filed, January 31, 1944; 10:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

GLASSELL-TAYLOR AND ROBINSON

ORDER DETERMINING VIOLATIONS AND IMPOSING CONDITIONS FOR SUSPENSION OF REVOCATION

In the matter of licensee Glassell-Taylor & Robinson. Proceedings for revocation of license.

To: Ashton Glassell, Jay W. Taylor and J. B. Robinson and to all partnerships in which any of them are members, including Glassell-Taylor Company and Glassell-Taylor and Robinson, 1417 Dalzell Street, P. O. Box 1622, Shreveport, La.

Based upon the records in this matter, I make the following findings of fact:

1. A Specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto, of which you were accused was mailed to you on October 4, 1943, giving you notice to mail an answer within 15 days from that date answering the charges against you and requesting an oral hearing if you wished.

2. You answered the charges by a letter dated October 12, 1943, which admitted that all of the charges were true and which alleged that since August 25, 1943, you "have conformed with every rule and regulation." You have not requested an oral hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby determine that you and each of you have violated the Federal Explosives Act and the regulations pursuant thereto, and I hereby order:

1. That, pursuant to sections 5 and 10 of the Federal Explosives Act and section 14 (d) of the regulations thereunder, Ashton Glassell, Jay W. Taylor and J. B. Robinson and all partnerships in which any of them are members, including Glassell-Taylor Company and Glassell-Taylor and Robinson, shall, on or before the 10th day of February, 1944, furnish to me sworn copies of their records of transactions and operations involving explosives, wherever located, during the entire period of time from the opening of business on August 25, 1943, through the close of business on January 31, 1944, and shall, on or before the 10th day of each and every month thereafter, from the 10th day of March, 1944, until the termination of the war or until otherwise ordered by me, furnish to me sworn copies of their records of transactions and operations involving explosives, wherever located, during the preceding month. All records required to be furnished shall be prepared in strict compliance with the requirements of section 14 (d) of the regulations. When two or more of you keep a single record, only one copy of such record need be furnished.

2. That the entry of an order revoking all licenses issued to Ashton Glassell, Jay W. Taylor and J. B. Robinson and all partnerships in which any of them are members will be suspended as long as they (a) continue to furnish me with sworn copies of records as required by this order, and (b) scrupulously obey the Federal Explosives Act and the regulations pursuant thereto in all respects.

Dated at Washington, D. C., this 26th day of January 1944.

R. R. SAYERS,
Director.

[F. R. Doc. 44-1504; Filed, January 31, 1944; 10:32 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

ALABAMA AND OKLAHOMA

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION V—ALABAMA

Cullman County

Locality I: Consisting of the precincts of Antioch, Arkadelphia, Brushy Pond, Cold Springs, Crane Hill, Country, Garden City, and Stouts Mountain, $1,356.

Locality II: Consisting of the precincts of Adams, Baileyton, Berlin, Bremen, Center Hill, Cullman, Ebenezer, Fairview, Good Hope, Grand View, Hanceville, Holly Pond, Jones Chapel, Joppa (Findley), Kelly, Kings, Logan, Simcoe, Trimble, Vinemont, Walter, Weltie, White City, and Willow Spring, $2,033.

REGION VIII—OKLAHOMA

Creek County

Locality I: Consisting of the townships of Bristow, Creek, Kellyville, Mannford, Mounds, Sapulpa, and Tiger; cities of Bristow, Drumright, Oilton, and Sapulpa; towns of Kellyville, Kiefer, Mannford, Markham, and Mounds, $2,516.

Locality II: Consisting of the townships of Hazlip, Olive, and Shannon; town of Shamrock, $1,754.

Locality III: Consisting of the townships of Depew, Lakeside, and Sunny Slope; town of Depew, $1,933.

Locality IV: Consisting of the townships of Euchee and Newby; town of Slick, $1,878.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: January 18, 1944.

R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 44-1438; Filed, January 28, 1944; 3:21 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7880).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4303).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3629).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3962), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Benrose Manufacturing Company, 208 Center Avenue, N. W., Roanoke, Virginia; wash dresses; 25 learners (E); effective January 27, 1944, expiring July 26, 1944.

H. Bomze & Brother, Laurel, Delaware; ladies' and misses' dresses; 10 percent (T); effective January 25, 1944, expiring January 24, 1945.

Co-Ed Frocks, Inc., Nokomis, Illinois; women's washable clothing; 75 learners (E); effective January 29, 1944, expiring July 28, 1944.

Dale Sportswear, Inc., Folley Building, Alto Pass, Illinois; women's apparel; 45 learners (E); effective January 26, 1944, expiring July 25, 1944.

Forest City Dress Company, 354 Main Street, Forest City, Pennsylvania; dress; 10 learners (T); effective January 29, 1944, expiring January 28, 1945.

Jefferson Manufacturing Company, 255 State Street, Watertown, New York; dresses; 10 percent (T); effective January 29, 1944, expiring January 28, 1945.

Liotta Sportwear, 128 N. White Street, Shenandoah, Pennsylvania; dresses; 25 learners (E); effective January 26, 1944, expiring July 25, 1944.

National Sportswear Company, 139 Main Street, Reedsburg, Wisconsin; women's sportswear; 10 learners (T); effective January 28, 1944, expiring January 27, 1945.

The Powers Manufacturing Company, 1340 Sycamore Street, Waterloo, Iowa; Army jackets, Army and school athletic uniforms, horse collars and archery targets; 10 percent (T); effective January 26, 1944, expiring January 25, 1945.

Salant & Salant, Inc., South First Street, Union City, Tennessee; shirts; 10 percent (T); effective February 7, 1944, expiring June 30, 1944.

Southeastern Shirt Company, Indiana Avenue, LaFollette, Tennessee; government and civilian shirts; 10 percent (T); effective January 24, 1944, expiring January 23, 1945.

Woods Manufacturing Company, 200 Garrison Avenue, Fort Smith, Arkansas; trousers; 25 percent (AT); effective January 29, 1944, expiring July 28, 1944.

GLOVE INDUSTRY

Alexette Glove Corporation, 178 East Main Street, Amsterdam, New York; leather dress gloves; 5 learners (T); effective January 28, 1944, expiring January 27, 1945.

The Boss Manufacturing Company, Tiffin, Ohio; work gloves; 100 learners (E); effective February 1, 1944, expiring July 31, 1944.

The Boss Manufacturing Company, Cisco, Texas; work gloves; 100 learners (E); effective February 1, 1944, expiring July 31, 1944.

James Churchill Glove Company, 113 West Maple Street, Centralia, Washington; work gloves; 5 learners (T); effective January 29, 1944, expiring January 28, 1945.

Wells Lamont Corporation, Clarksville, Missouri; work gloves; 25 learners (E); effective January 27, 1944, expiring July 26, 1944.

HOSIERY INDUSTRY

Acme Hosiery Dye Works, Inc., Pulaski Virginia; full-fashioned hosiery; 10 learners (AT); effective January 26, 1944, expiring July 25, 1944.

Grayson Full Fashioned Hosiery Mills, Independence, Virginia; full-fashioned hosiery; 5 percent (T); effective January 29, 1944, expiring January 28, 1945.

Halifax County Hosiery Mills, Scotland Neck, North Carolina; seamless hosiery; 5 percent (T); effective January 29, 1944, expiring January 28, 1945.

Harriman Hosiery Mills, Harriman, Tennessee; seamless hosiery; 200 learners (AT); effective January 27, 1944, expiring July 26, 1944.

Quality Hosiery Mills, Smithville, Tennessee; seamless hosiery; 25 learners (E); effective February 1, 1944, expiring July 31, 1944.

S and F Hosiery Mills, Inc., Dayton, Tennessee; full-fashioned hosiery; 20 percent (AT); effective January 28, 1944, expiring July 27, 1944.

Tower Hosiery Mills, Inc., Broad Street, Burlington, North Carolina; full-fashioned hosiery; 5 percent (T); effective January 28, 1944, expiring January 27, 1945.

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; full-fashioned hosiery; 20 learners (AT); effective January 26, 1944, expiring July 25, 1944.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; full-fashioned hosiery; 20 learners (AT); effective January 26, 1944, expiring July 25, 1944.

York United Hosiery, Inc., East Street and P. R. R., York, Pennsylvania; full-fashioned hosiery; 5 learners (T); effective January 29, 1944, expiring January 28, 1945.

TELEPHONE INDUSTRY

Rhinelander Telephone Company, 45 N. Stevens Street, Rhinelander, Wisconsin; to employ learners as commercial switchboard operators at its Rhinelander exchange, located at Rhinelander, Wisconsin; effective January 29, 1944, expiring January 28, 1945.

TEXTILE INDUSTRY

Canisteo Corporation, 8-10 Russell Street, Canisteo, New York; rayon; 3 learners (T); effective January 29, 1944, expiring January 28, 1945.

Signed at New York, N. Y., this 29th day of January 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1506; Filed, January 31, 1944; 10:51 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Harper Brush Works, 404 North Second Street, Fairfield, Iowa; brushes; 11 learners (T); brush making for a learning period of 160 hours at 30 cents per hour; effective January 31, 1944, expiring July 31, 1944.

Hughes Buie Company, Inc., 404 N. El Paso St., El Paso, Texas; printing; 1 learner (T); press feeder for a learning period of 240 hours at 30 cents per hour; effective January 31, 1944, expiring July 31,1944.

Larkotex Company, 1002 Olive & Mill at W. 7th, Texarkana, Texas; crutches, canes and orthopedic appliances; 4 learners (T); power sewing machine operator and cutter, crutch and cane maker for a learning perid of 320 hours at 30 cents per hour; effective January 31, 1944, expiring July 31, 1944.

Signed at New York, New York, this 29th day of January 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1507; Filed, January 31, 1944; 10:51 a. m.]

CIVIL AERONAUTICS BOARD.

CIVIL AIR REGULATIONS

NOTICE OF POSTPONEMENT OF HEARING

Civil Air Regulations, §§ 04.71 and 61.713.

The Civil Aeronautics Board announced today that the public hearing which had been previously scheduled for February 8, 1944, at 10:00 a. m., in the Commerce Building, Washington, D. C., on proposed amendments to the Civil Air Regulations governing maximum operating weights of scheduled air carrier aircraft has been postponed to March 15, 1944, at the same time and place.

Dated at Washington, D. C., January 26, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-1503; Filed, January 31, 1944; 10:35 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-51]

COMMON CARRIERS

COORDINATED OPERATIONS IN DESIGNATED AREAS IN IOWA

Coordinated Operations between Washington, Iowa and Middletown and Fort Madison, Iowa.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Bee Line Transit, Inc., Cedar Rapids, Iowa and Sullivan Bus Lines, Cedar Rapids, Iowa, pursuant to § 501.49 of General Order ODT No. 11, as amended, (7 F.R. 4389, 11099; 8 F.R. 12028), and in order to assure maximum utilization of the facilities, services and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Bee Line Transit, Inc., Cedar Rapids, Iowa and H. J. Hampton and Fred Monroe, partners, doing business as Sullivan Bus Lines, Cedar Rapids, Iowa (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Washington, Iowa and Middletown and Fort Madison, Iowa, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Wherever practicable, eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Sullivan Bus Lines shall suspend service to Mount Pleasant, Iowa and shall restrict its service between Washington, Iowa, and Middletown, Iowa to three round-trip schedules daily.

3. Bee Line Transit, Inc. shall operate buses between Washington, Iowa and Fort Madison, Iowa via Mount Pleasant, Iowa.

4. Bee Line Transit, Inc. shall restrict its service between Ainsworth Junction, Iowa, and Fort Madison, Iowa, to two round-trip schedules daily except that an additional trip in the morning and an additional trip in the evening shall be operated between West Point, Iowa and Fort Madison, Iowa, to accommodate war plant workers.

5. The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier, such carrier shall apply forthwith to the appropriate regulatory body or bodies, for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies, having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

7. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT No. B–51."

This order shall become effective February 7, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1508; Filed, January 31, 1944; 11:07 a. m.]

[Special Order ODT B–52]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DESIGNATED AREAS IN OHIO

Coordinated Operation between Cleveland, Ohio, and Ravenna, Ohio, and between Salem, Ohio, and East Liverpool, Ohio.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Penn-Ohio Coach Lines Company, Youngstown, Ohio, and Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, pursuant to § 501.49 of General Order ODT No. 11, as amended (7 F.R. 4389, 11099; 8 F.R. 12028), and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Penn-Ohio Coach Lines Company, Youngstown, Ohio and Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Cleveland, Ohio and Ravenna, Ohio, and between Salem, Ohio and East Liverpool, Ohio, as common carriers by motor vehicle, shall:

(a) Except as otherwise specified herein, honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Penn-Ohio Coach Lines Company shall suspend service between Cleveland, Ohio and Ravenna, Ohio, and all intermediate points.

3. Pennsylvania Greyhound Lines, Inc. shall provide passenger service for passengers moving between Cleveland, Ohio and Ravenna, Ohio and to, from or between all intermediate points, who hold tickets issued by Penn-Ohio Coach Lines Company.

4. Pennsylvania Greyhound Lines, Inc. shall provide passenger service for passengers moving between Salem, Ohio and East Liverpool, Ohio, and to, from or between all intermediate points, who hold tickets issued by Penn-Ohio Coach Lines Company.

5. The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier, such carrier shall apply forthwith to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

7. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT No. B–52."

This order shall become effective February 7, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1509; Filed, January 31, 1944; 11:07 a. m.]

[Supp. Order ODT 3, Rev. 156]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI, KANSAS AND OKLAHOMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Brashear Freight Lines, Inc., a corporation of St. Louis, Missouri, Benjamin Cain, Eva Cain, Richard A. Jacobson, Martin S. Jacobson, Ann Jacobson, A. B. Hardy, R. J. Reed, and Lena Newman, a partnership, doing business as Cain's Truck Lines, of Oklahoma City, Oklahoma, and The Chief Freight Lines Company, a corporation, of Kansas City, Missouri to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-156," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 4, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 31st day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1510; Filed, January 31, 1944; 11:07 a. m.]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

AMENDED RECOMMENDATION FOR JOINT ACTION PLANS

In order to assure maximum utilization of the facilities, services, and equipment of common carriers by motor vehicle for the preferential transportation of materials of war and to prevent shortages in motor vehicle equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, materials, and supplies; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the Office of Defense Transportation, by General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694, 8 F.R. 4660, 14582, 9 F.R. 947), authorizes common carriers of property by motor vehicle to formulate and submit for consideration plans for joint action by and between such carriers designed to accomplish any of the above-stated purposes by one or more of the following methods:

(a). Alternate, stagger, or coordinate, schedules between two or more points;

(b) Suspend service in respect of shipments in less-than-truckload lots between two or more points;

(c) Reciprocally exchange shipments of property between two or more points;

(d) Pool traffic, revenues, or both, between two or more points;

(e) Jointly load for transportation or operate a motor truck or trucks between two or more points;

(f) Divert traffic, operate joint terminals or joint pick-up or delivery vehicles;

(g) Establish arrangements with other carriers for the interchange of equipment;

(h) Appoint one of their own number or any other carrier to act as its or their individual, common or joint agent, to concentrate, receive, load, forward, unload, distribute, and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as common carriers of property upon just and reasonable terms and conditions: *Provided*, That General Order ODT 3, Revised, as amended, shall not be construed to authorize any common carrier or carriers to operate in any of the methods described above unless directed so to do by the Office of Defense Transportation or unless pursuant to a contract, agreement or combination approved by the Interstate Commerce Commission or a State regulatory body.

If the Office of Defense Transportation determines that any such plan will contribute substantially to the accomplishment of the purposes above-stated, the Office of Defense Transportation orders common carriers by motor vehicle submitting any such joint action plan to place the plan in operation. The order is confined to one or more of the specific methods above enumerated, and expressly provides that all contractual arrangements made by the carriers to effectuate the joint plan shall not extend beyond the effective period of the order.

It is recommended that the Chairman of the War Production Board find and certify under section 12, Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with any such or-

[1] Filed as part of the original document.

der is requisite to the prosecution of the war.

Issued at Washington, D. C., this 26th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1542; Filed, January 31, 1944; 11:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 11 Under 19a, Amdt. 1]

CORN STARCH AND DEXTRINE PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 11 under § 1499.19a of the General Maximum Price Regulation. Corn starch and dextrine products.

Order No. 11 under § 1499.19a of the General Maximum Price Regulation is amended to read as follows:

Requests for a change in manufacturers' maximum prices for sales of corn starch and dextrine products made by the wet corn milling process are now pending before the Office of Price Administration and will require extended consideration. Maximum prices for sales by manufacturers are now determined under the provisions of the General Maximum Price Regulation, § 1499.19a of which provides for the issuance of the order in appropriate circumstances permitting deliveries under prices to be adjusted upward after delivery.

Corn starch and dextrine products made by the wet corn milling process have a great variety of uses as a necessary raw material in such highly technical processes as production of iron, steel, textiles, and paper products. However, manufacturers are contending that their operation is not profitable because of substantial increases in the price of their basic ingredient, namely corn, and the continued production and distribution of corn starch and dextrine products are threatened.

The Price Administrator has found that authority to use adjustable pricing for bulk sales of corn starch and dextrine products made by the wet corn milling process, pending final action on the requests for change in the maximum prices, is necessary to promote the production and distribution of these essential products. He has found further that such authorization would not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Therefore, in accordance with § 1499.19a of the General Maximum Price Regulation, *It is ordered*, That:

(a) All sellers of corn starch and dextrine products made by the wet corn milling process may make sales and deliveries thereof in containers of more than ten pounds' capacity, and purchasers may buy and receive such products at prices to be adjusted upward after delivery to amounts not in excess of maximum prices established by final action upon the pending requests for change in prices, such action to be by denial of the requests or by the issuance of a price regulation or amendment granting increases in maximum prices for those products. Prior to such final action no payment for sales of corn starch or dextrine products made by the wet corn milling process shall be made or received in excess of maximum prices prevailing at the date of delivery.

(b) This order shall be automatically revoked upon the effective date of a price regulation or amendment issued by the Office of Price Administration increasing maximum prices for sales in bulk of corn starch and dextrine products made by the wet corn milling process or upon denial of the pending requests for change in those prices. It may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective as of January 24, 1944.

Issued this 28th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1469; Filed, January 28, 1944; 4:18 p. m.]

Regional and District Office Orders.

[Region VII Order G-6 Under SR 15]

CONTRACT COAL HAULERS IN GOODING, IDAHO, AREA

Order No. G-6 under § 1499.75 (a) (3) of Supplementafy Regulation 15 to the General Maximum Price Regulation. Adjustment of maximum prices of contract coal haulers in the Gooding, Idaho, Area.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this order is issued.

(a) *What this order does.* This order adjusts the maximum prices of contract coal haulers in the Gooding, Idaho, Area who, pursuant to contract with dealer or dealers, deliver coal from the dealer's yard or place of business to the dealer's customer.

(b) *Specific maximum prices.* On and after the effective date of this order, the maximum prices to be charged by contract coal haulers in the Gooding, Idaho, Area for delivering coal from a dealer's yard or place of business to the dealer's customer shall be as follows:

(1) For delivering a lot of one-half ton or less, 7½¢ per cwt., with a minimum charge of 25¢;

(2) For delivering trucklots of one ton or more, $1.00 per ton;

(3) For delivering carlots from car to buyer's customary receiving point, 75¢ per ton.

(c) "Gooding, Idaho, Area" means all of the area contained within the corporate limits of the municipality of Gooding, Idaho, and areas adjacent thereto in which coal dealers have heretofore customarily made free delivery.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(e) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective on January 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1470; Filed, January 28, 1944; 4:24 p. m.]

[Region V Order G-2 Under RMPR 122]

SOLID FUELS IN KANSAS CITY, MO., AND KANSAS CITY, KANS., AREA

Order No. G-2 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the cities of Kansas City, Missouri, Kansas City, Kansas, and parts of the counties adjacent to these cities.

Pursuant to the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels covered by Revised Maximum Price Regulation No. 122 in the greater Kansas City, Missouri, and Kansas City, Kansas metropolitan area. These are the highest prices that any dealer may charge when he sells or delivers any of such fuels at or to a point within the following described boundary line:

Beginning at the north end of the Fairfax Bridge across the Missouri River, thence north and east along U. S. Highway 69 to Claycomo, then south along an unnumbered road to the Missouri River, thence straight south across the Missouri River and along the south bank thereof to and including Cement City, thence southwest along County Road 7E to Sugar Creek Road (4N), thence east along Sugar Creek Road (4N) to a common junction thereof with U. S. Highway 24 and an unnumbered highway, thence southeast over such unnumbered highway to its junctions with Jones Road and south thereon and on Necessary Road to Holke Road; thence west thereon to Kiger Road; thence south thereon to Evans & Sheley Lane; thence west thereon to Noland Road (U. S. Highway 71 By-Pass); thence south thereon to junction with U. S. Highway 40; thence west along U. S. Highway 40 and Alternate U. S. Highway 40 to Norfleet Road; thence south thereon to Smith Road (or an unnumbered highway representing an extension thereof); thence generally west thereon to Woodson Road; thence south on Woodson Road to junction with County Road (8E); thence west to Raytown South Road; thence south on Raytown South Road (5E) to Bannister Road; thence west on Bannister Road to Blue Ridge Boulevard Extension (County Road 4E); thence south on Blue Ridge Boulevard Extension to junction with Red Bridge Road, east of Hickman Mills; thence west through Hickman Mills on Red Bridge Road (County Road 10S) to Missouri-Kansas State line; thence north on Missouri-Kansas State Line to 93rd Street; thence west on 93rd Street to Mission Road; thence north on Mission Road to 83rd Street; thence west on 83rd Street through and including Overland Park to State Highway 56 and southwest thereon to the Mission Township line; thence north on Mission Township line to U. S. Highway 50; thence west on U. S. Highway 50 and State Highway 10 to Cemetery Road; thence north on Cemetery Road to Fisher Lane; thence east thereon to O'Hara Road; thence north to Hester Road; thence west thereon to Holliday Road; thence southwest along Holliday Road to a point directly South of Morris; thence north through Morris to Muncie; thence northeast from Muncie on State Highway 33 to its junction with Francis Road; thence generally north along Francis Road to its junction with U. S. Highway 40; thence east on U. S. Highway 40 to its junction with Brenner Heights Road; thence generally north on Brenner Heights Road to Parallel Avenue; thence west thereon to Mahan Road and north thereon to its junction with Dickenson Road; thence east on Dickenson Road to Nearman; thence north to the Missouri River and thence east and south along the south bank of the Missouri River to Fairfax Bridge; thence across the bridge to point of beginning (including all points and places within the limits of all points described as on said boundary). The boundary line so described shall be construed as following the center of the public highways named.

(1) The territorial limits as outlined above are the boundary lines of the Kansas City, Missouri, and Kansas City, Kansas, trade areas as suggested by the retail coal dealers of that area.

(b) *Solid fuels not covered by this order.* There are a few kinds and sizes of solid fuels covered by Revised Maximum Price Regulation No. 122 sold and delivered in the area covered by this order which are not included in and for which prices are not established in this order. The maximum prices of such solid fuels when sold by any person covered by this order shall continue to be the maximum prices for such fuels established by Revised Maximum Price Regulation No. 122, as amended. Such sales shall in all respects be governed by the provisions of Revised Maximum Price Regulation No. 122, as amended.

(c) *What this order prohibits.* Regardless of any obligation no person shall:

(1) Sell, or in the course of trade or business buy, solid fuels at prices higher than the maximum prices set by this Order No. G-2; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless such service is expressly requested by the buyer and unless specifically authorized to do so by this order;

(ii) Charging a price higher than the schedule price for a service;

(iii) Making a charge higher than the schedule charge authorized for the extension of credit;

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him; or

(v) Using any other device by which a higher than maximum price is obtained directly or indirectly.

(d) *Price schedule.* (1) Below and a part of this paragraph is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds, and quantities of solid fuels.

MAXIMUM PRICE SCHEDULE

Description of fuel	*Maximum price per ton*
I. High volatile bituminous coal from District 10 (Illinois):	
(A) Southern Illinois — subdistrict (price groups 1 and 2): (1) Furnace (top size 6"—bottom 3")	$9.65
(B) Central Illinois — subdistrict (price groups 12 and 20):	
(1) Furnace (top size 6"—bottom 3")	8.00
(2) Nut (top size 3"—bottom 1¼")	7.65
II. Low volatile bituminous coal from District 14 (Arkansas and Oklahoma):	
(A) *Production group 1.* The following maximum prices are for specified sizes of "Arkansas Anthracite" coal produced at mines in Pope County and in the Spadra field of Johnson County, Arkansas:	
(1) Grate (double screened coal—bottom size of 2½")	$12.30
(2) Egg (top size 4"—bottom 1½")	12.55
(3) Base burner (top size 2½"—bottom 1½")	12.65
(B) *Production groups 2 and 3.* The following maximum prices are for specified sizes of low volatile coal produced at mines in the Denning-Cosi Hill and Altus fields of Franklin and Johnson Counties, mines in the Philpott field of Johnson and Franklin Counties, mines in the Paris field of Logan County, and mines in Franklin County located in the Paris Basin, all in the State of Arkansas:	
(1) Lump, machine cut (bottom size 2½" or larger)	$12.40
(2) HH Stoker (top size 1½"—bottom ⅞")	8.60
(C) *Production groups 4, 5, 6, 7, 8, and 9.* The following maximum prices are for specified sizes of low volatile coal produced at mines in the Panama, Bokoshe, Milton, Poteau, Wister, and Howe-Heavener fields in Leflore County, Oklahoma; the McCurtin field of Haskell County and all mines in Sequoyah County, Oklahoma; mines in the Bates field in Scott County, Arkansas, mines in the Charleston field of Franklin County, Arkansas; and mines in Sebastian County, Arkansas, except for those mines located in the Excelsior field:	
(1) Lump, machine cut (bottom size 2½" or larger)	$11.90
(2) Lump, solid shot (bottom size 2½" or larger)	11.40
(3) Nut (top size 2½"—bottom 1¼")	11.05
(4) Screenings (2½" x 0)	7.75
(5) Mine Run	9.90
The following maximum prices are for specified sizes of low volatile coal produced at mines in the Excelsior field of Sebastion County, Arkansas:	
(6) Lump, machine cut (bottom size 2½", or larger)	$12.00
(7) Screenings (2½" x 0)	7.75
III. High volatile bituminous coal from District 15 (Missouri, Kansas, and Oklahoma):	
(A) *Production group 1.* The following maximum prices are for specified sizes of bituminous coal produced at mines in Cherokee, Crawford, Bourbon, Neosho, Labette and Wilson Counties, Kansas; and Barton, Jasper, Dade, Cedar, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri:	
(1) Lump (bottom size 2" or larger)	$7.75
(2) Nut (top size 3"—bottom 1¼")	7.25
(3) HH Stoker (top 1¼"—bottom 5/16")	6.30
(4) Mill (1¼" x 0)	5.65
(B) *Production groups 2 and 3.* The following maximum prices are for specified sizes of bituminous coal produced at mines in Linn County, Kansas; Bates, Henry, St. Clair, Miller, Morgan, Pettis and Johnson Counties, and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri, and at mines in Boone, Callaway, Audrain, Randolph, Clark, Macon, Moniteau, Linn, Grundy, Harrison, Adair, Chariton, Schuyler, Putnam, Cole, Howard, Monroe, Warren, Lincoln, Sullivan and Ralls Counties, Missouri, with the exception of the Novinger field in Adair County, Missouri, set forth below under (5) and (6):	
(1) Lump (bottom size 2" or larger)	$7.10
(2) Nut (top size 3"—bottom 1¼")	6.65
(3) HH stoker (top size 1¼"—bottom 5/16")	6.05
(4) Mill (1¼" x 0)	5.40
The following maximum prices are for specified sizes of bituminous coal produced at mines in the Novinger field of Adair County, Missouri:	
(5) Lump, (bottom size 2" or larger)	$7.75
(6) Nut, (top size 3"—bottom 1¼")	7.30
(C) *Production groups 4 and 5.* The following maximum price is for the specified size of bituminous coal produced at mines in Ray, Clay, Caldwell, Daviess, Clinton, Carroll, Lafayette and Saline Counties, Missouri, with the exception of mines included in Ray County and Lafayette County, Missouri, as set forth under (2) below:	
(1) Lump, (bottom size 2" or larger)	$7.00
The following maximum price is for the specified size of bituminous coal produced in Ray County by the Elmira Coal Company, Mine Index No. 48, and in Lafayette County by Mine Number 7, Farmers Coal Mining Company, Mine Index No. 49:	
(2) Lump, (bottom size 2" or larger)	$8.00
(D) *Production group 10.* The following maximum price is for the specified size of bituminous coal produced at mines in Okmulgee County, Oklahoma:	
(1) HH stoker (top size 1¼"—bottom 5/16")	$7.45
(E) *Production group 11.* The following maximum prices are for specified sizes of bituminous coal produced at mines in Craig, Rogers, Tulsa, and Wagoner Counties, Oklahoma, and of that part of Muskogee County, Oklahoma, north of a line drawn straight east and west across Muskogee County, along the southern limits of the town of Perum, Oklahoma.	
(1) Lump (bottom size 2" or larger)	$8.65
(2) HH stoker (top 1¼"—bottom 5/16")	7.20
IV. Briquettes:	
(1) Produced in Kansas City, Missouri, consisting of 70% Arkansas anthracite and 30% semi anthracite from District 14	$11.25
(2) Above briquettes sacked (25 lbs.)	13.25
(3) Above briquettes sacked (25 lbs.) F. O. B. yard per sack	.20

(2) The prices set forth in the foregoing schedule are on a per net ton cash basis (2000 pounds to the ton). Schedule prices are subject to the discounts and extra charges set forth below.

(i) "Cash" means payment on or before delivery. On sales involving the extension of credit no dealer in the area covered by this order, except in the area lying east of the city limits of Kansas City, Missouri and north of U. S. Highway 40, which area includes Independence, Sugar Creek, Maywood, Fairmont, Englewood, and Fairland Heights, may charge more than 25¢ per ton in addition to the schedule prices. Dealers in the above excepted area may charge an additional amount for the extension of credit not to exceed 5% of the net per ton cash price.

(ii) The prices set forth in the foregoing schedule are for raw coal, i. e., coal which has not been treated. On all sales of treated coal, whether oil, paraffin, or calcium chloride treatment and regardless of whether such treatment was applied at the mine or by the dealer, the dealer may charge an amount not to exceed 10¢ per ton in addition to the schedule price.

(iii) In sales involving quantities of one ton or more where the buyer loads the coal on to his conveyance at the dealer's yard or siding, the dealer shall apply a discount to the per net ton cash price of not less than $1.00 per ton.

(iv) On steam deliveries, as defined below, the dealer shall apply a discount of not less than 50¢ to the per net ton cash price of all high volatile bituminous coals from District 15, Production Groups 1, 2, and 3, except Stoker. "Steam deliveries" refer to all deliveries to store buildings where one or more storerooms are heated by a central plant, apartments, hotels, schools, churches, lodge buildings, green houses, cleaning plants, garages, office buildings, industrial buildings, and duplexes using a central heating plant. (This is the meaning of the term in the greater Kansas City area as defined in an agreement between the retail coal dealers of Greater Kansas City and the Ice and Coal Handlers Local Union No. 953 affiliated with the American Federation of Labor).

(3) The maximum price on all sales by the basket or sack or in quantities of less than a ton put into the buyer's car or other conveyance shall be 50¢ per hundredweight for high volatile fuel and 60¢ per hundredweight for low volatile fuel. In sales of this kind the buyer may be required to furnish the basket or sack. If the buyer does not possess a basket or a sack the dealer may require a deposit charge equivalent to the replacement cost when such basket or sack is furnished by the dealer.

(4) On delivered sales involving quantities of less than one ton the dealer may add an amount not to exceed 25¢ to the fractional per net ton cash price set out in the foregoing schedule for each such delivery.

(e) *Service charges.* (1) Below and as a part of this paragraph (e) is a schedule that sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (d). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the service. The prices for such services shall be separately stated in the dealer's invoice or bill of sale.

(i) "Pull back" is the service of heaving, tossing, or lifting solid fuel by shovel in order to provide room for more fuel in a coal bin or place of storage. The maximum charge for the pull back service shall not exceed 50¢ per ton.

(ii) "Carry in" is the service of carrying in solid fuel from the curb or point nearest and most accessible to the buyer's bin or storage space to the buyer's fuel bin window; it does not include the carrying of the fuel up or down stairs. No dealer subject to this order shall charge more than $1.00 per ton for the service of carrying in solid fuel. When additional carrying in is involved no dealer shall charge more for such service than he charged during December, 1941.

(iii) A storage service charge not to exceed 75¢ per ton may be charged by the dealer and added to the per net ton cash price when a buyer who has purchased solid fuel leaves it or stores it in the dealer's yard.

(f) *Ex Parte 148 freight rate increase; transportation tax; Missouri and Kansas State sales tax*—(1) *The freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealers' freight rates are the same as those of December, 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set out by this order provided the dealer states it separately from the price of the fuel and lists it separately on any sales slip or receipt given to the buyer. This tax need not be stated separately on sales to the United States or any agency thereof. (See Amendment No. 12 to Revised Maximum Price Regulation No. 122). No part of this tax may be collected in addition to maximum prices on sales of ¼ ton or lesser quantities.

(3) *The Missouri and Kansas State sales tax.* The seller may add to the prices listed in the schedule in paragraph (d) the sales tax required to be collected by the laws of the States of Missouri and Kansas. This tax shall be separately stated in the dealer's invoice, sales slip or receipt.

(g) *Addition of increase in supplier's prices prohibited.* (1) The maximum prices set out by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Power to amend or revoke.* (1) The Price Administrator or the Regional Administrator of Region V may amend, revoke, or rescind this order, or any provision thereof, at any time.

(i) *Petitions for amendments.* (1) Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(j) *License.* (1) Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(k) *Records and reports.* (1) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the price charged and the kind and size of fuel sold. The fuel shall be identified in the manner in which the fuel is described in this order. The record shall also state separately each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all of the maximum prices set by it for all types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) In the case of all sales covered by this order every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. In any case if a buyer requests a receipt, the seller shall furnish the buyer with a receipt showing the name and address of the seller, the kind, sizes, and quantity of the solid fuel sold to the buyer and the price or prices charged.

(m) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Kansas City, Missouri or Wichita, Kansas District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers for distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but if this is unfeasible, because of the absence of a regular driveway free from all foreign matter which might damage trucks and tires, then direct delivery means discharging the solid fuel from the seller's truck directly at the street curb or at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Production group" and "production groups", as used in this order, refer to the production groups established by the former Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, as amended, and as in effect at midnight, August 23, 1943.

(6) "Price groups" and "size groups", as used in this order refer to the price groups and size groups established by the former Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, as amended, and as in effect at midnight, August 23, 1943.

(7) "District no." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(8) "High volatile bituminous coal" means coal produced in the high volatile sections of the producing districts specified herein.

(9) "Low volatile bituminous coal" means coal produced in the low volatile sections of the producing districts specified in this order.

(10) "Solid fuel" (or "solid fuels") means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous and cannel coal; lignite; all coke, including low temperature coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and sea coal used for foundry facings.

(11) "Egg, stove, nut," etc., sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, and in effect (or established) as of midnight, August 23, 1943.

Where the minimum price schedules do not make specific mention of any size designated in this order, such size designations shall refer to the sizes of bituminous coal sold as such in the area subject to this order during December, 1941.

(12) Except as otherwise specifically provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein.

(o) *Effect of this order on Revised Maximum Price Regulation No. 122.* (1) To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

(2) This Order No. G-2 shall become effective the 24th day of January, 1944.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this the 18th day of January 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-1471; Filed, January 28, 1944; 4:24 p. m.]

[Region I Supp. Order 3 Under RMPR 122]

COKE IN BOSTON, MASS., REGION

Supplementary Order No. 3 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for coke.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That:

(a) Dealers making sales of coke subject to the Region I orders under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order, may increase the specific maximum prices for all sizes of coke which are specifically priced in said orders by the following amounts:

	Cents
Per net ton	50
Per ½ ton	25
Per ¼ ton	15
Units smaller than ¼ ton	No increase

(b) *Orders affected.*

Order Number and Area
G-9, Metropolitan Boston Area.
G-11, Lawrence, Massachusetts, Area.
G-12, Haverhill, Massachusetts, Area.
G-13, Lynn-Salem Area.
G-14, Lowell, Massachusetts, Area.
G-15, Manchester, New Hampshire, Area.
G-16, Brockton, Massachusetts, Area.
G-17, Taunton, Massachusetts, Area.
G-18, New London, Connecticut, Area.
G-19, Concord, New Hampshire, Area.
G-21, Nashua, New Hampshire, Area.
G-22, Worcester, Massachusetts, Area.
G-23, Stoughton, Massachusetts, Area.
G-24, Bridgeport, Connecticut, Area.
G-25, Portland, Maine, Area.
G-26, Portsmouth-Kittery Area.
G-28, Bangor, Maine, Area.
G-29, Lewiston-Auburn Area.
G-30, Augusta, Maine, Area.
G-31, Brunswick, Maine, Area.
G-32, Rockland, Maine, Area.
G-33, Biddeford-Saco Area.
G-34, Bath, Maine, Area.
G-35, Hampton-Seabrook Area.
G-36, Dover-Exeter Area.
G-37, Stamford-Norwalk Area.
G-38, Milford and Hopedale, Massachusetts.
G-39, Providence, Rhode Island, Area.
G-40, Rutland, Vermont, Area.

(c) This Supplementary Order No. 3 may be revoked, amended or corrected at any time.

This Supplementary Order No. 3 shall become effective January 22, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2st day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-1486; Filed, January 29, 1944; 11:45 a. m.]

[Region III Order G-16 Under MPR 329, Corr.]

FLUID MILK IN DESIGNATED COUNTIES IN MICHIGAN

Correction of Order No. G-16 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

Under the authority vested in the Regional Administrator of Region III by § 1351.408 (b) of Maximum Price Regulation No. 329, *It is hereby ordered*, That the effective date of Order No. G-16 under Maximum Price Regulation No. 329, inadvertently designated as January 10, 1944, be corrected to read:

This order shall be effective as of November 1, 1943.

This correction will compensate for the customary time lag in payment for milk purchased from producers, and will effectuate the purposes of the original order.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 18, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-1487; Filed, January 29, 1944; 11:45 a. m.]

COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 28, 1944.

REGION III

Cincinnati, Order No. 1-F, Amendment No. 9, filed 12:10 p. m.

Cincinnati, Order No. 1-F, Amendment No. 18, filed 11:59 a. m.

Cincinnati, Order No. 2-F, Amendment No. 6, filed 11:59 a. m.

Columbus, Order No. 7-F, Amendment No. 1, filed 11:58 a. m.

REGION IV

Birmingham, Order No. 1–F, Amendment No. 1, filed 12:11 p. m.
Jackson, Order No. 1–F, Amendment No. 20, filed 12:11 p. m:
Jacksonville, Order No. 2–F, Amendment No. 7, filed, 12:03 p. m.
Montgomery, Order No. 1–F, Amendment No. 3, filed 12:11 p. m.
Montgomery, Order No. 1–F, Amendment No. 4, filed 12:05 p. m.
Montgomery, Order No. 3–F, Amendment No. 4, filed 12:05 p. m.
Montgomery, Order No. 4–F, Amendment No. 2, filed 12:11 p. m.

REGION V

Arkansas, Order No. 2–F, Amendment No. 1, filed 12:08 p. m.
Arkansas, Order No. 4–F, Amendment No. 1, filed 12:08 p. m.
Arkansas, Order No. 5–F, Amendment No. 1, filed 12:08 p. m.
Arkansas, Order No. 6–F, Amendment No. 1, filed 12:08 p. m.
Oklahoma City, Order No. 1–F, Revocation, filed 12:05 p. m.
Oklahoma City, Order No. 2–F, Amendment No. 1, filed 12:05 p. m.
Oklahoma City, Order No. 3–F, Amendment No. 1, filed 12:05 p. m.
San Antonio, Order No. 1–F, filed 12:05 p. m.
San Antonio, Order No. 2–F, filed 12:06 p. m.

REGION VI

Omaha, Order No. 1–F, filed 11:59 a. m
Springfield, Order No. 17, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 18, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 19, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 20, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 21, Amendment No. 2, filed 12:10 p. m.
Springfield, Order No. 22, Amendment No. 2, filed 12:10 p. m.

REGION VII

Utah, Order No. F–2, filed 12:02 p. m.

REGION VIII

Los Angeles, Los Angeles–5, Amendment No. 5, filed 12:01 p. m.
Los Angeles, Los Angeles–6, Amendment No. 5, filed 11:59 a. m.
Los Angeles, Los Angeles–7, Amendment No. 5, filed 12:01 p. m.
Los Angeles, Los Angeles–8, Amendment No. 5, filed 12:01 p. m.
Phoenix, Order No. 1–P, Amendment No. 2, filed 12:06 p. m.
Phoenix, Order No. 11, filed 12:01 p. m.
Phoenix, Order No. 11, Amendment No. 1, filed 12:08 p. m.
San Francisco, Order No. G–8, Amendment No. 2, filed 12:09 p. m.
San Francisco, Order No. G–9, Amendment No. 2, filed 12:09 p. m.
San Francisco, Order No. G–10, Amendment No. 2, filed 12:09 p. m.
San Francisco, Order No. G–11, Amendment No. 2, filed 12:10 p. m.
San Francisco, Order No. G–12, Amendment No. 2, filed 12:10 p. m.
Seattle, Order No. 2–F, filed 12:09 p .m.
Seattle, Order No. 4–F, filed 12:09 p. m.
Seattle, Order No. 5–F, filed 12:09 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1496; Filed, January 29, 1944; 3:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

PATRICK A. TRAPP

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of January, A. D. 1944.

The Commission having instituted a proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Patrick A. Trapp, 423 Rialto Block, Butte, Montana, as a broker and dealer should be revoked;

A hearing having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to section 15 (b) of said act,

It is ordered, That the registration of Patrick A. Trapp as a broker and dealer be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1483; Filed, January 29, 1944; 11:23 a. m.]

[File No. 70–851]

PUBLIC SERVICE CORP. OF NEW JERSEY AND PUBLIC SERVICE COORDINATED TRANSPORT

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1944.

Notice is hereby given that a joint declaration or application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Corporation of New Jersey (Public Service), a subsidiary of The United Corporation, a registered holding company, and by Public Service Coordinated Transport (Transport), a subsidiary of Public Service.

All interested persons are referred to said joint declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Transport proposes to purchase from Public Service the following direct and assumed obligations of Transport at principal amount or cost to Public Service, whichever is lower, plus accrued interest to date of delivery:

Principal Amount, Bonds, and Lower of Cost or Principal Amount

$3,000; Elizabeth, Plainfield and Central Jersey Railway Company 50-Year 5% Mortgage Gold Bonds, due 1950; $2,497.50.

$1,000; Elizabeth and Raritan River Street Railway Company Fifty Year Five Per Sent General Mortgage Gold Bonds, due 1954; $857.50.

$226,000; Jersey City, Hoboken and Paterson Street Railway Company Fifty Year Four Per Cent First Mortgage Gold Bonds, due 1949; $165,267.50.

$2,000; Middlesex and Somerset Traction Company First Mortgage Gold Bonds, Five Per Cent, due 1950; $1,682.50.

$135,000; New Jersey and Hudson River Railway and Ferry Company First Mortgage Four Per Cent Fifty-Year Gold Bonds, due 1950; $98,253.75.

$77,700; Public Service Coordinated Transport First and Refunding Mortgage Bonds 5% Series due 1990; $77,700.00.

$5,200 Public Service Coordinated Transport First and Refunding Mortgage Bonds 5¾% Series due 1990; $3,715.23.

$5,200; Public Service Coordinated Transport First and Refunding Mortgage Bonds 6% Series due 1990; $3,976.77.

Transport also proposes to purchase from public holders or from Public Service, as hereinafter specified, up to $4,000,000 of its First and Refunding Mortgage Bonds 4% Series due 1990 at a price not in excess of 100% of the principal amount thereof plus accrued interest to date of delivery. Prior to such purchase Transport will give published notice, requesting tenders of such bonds at a price not in excess of 100% of the principal amount thereof plus accrued interest on or before a date to be fixed not less than five days after the first date of such publication. In case the amount of such tenders shall exceed the principal amount of the bonds authorized to be purchased, then Transport proposes to accept such tenders in the order of receipt, giving first preference, however, to tenders of bonds at prices lower than 100% of the principal amount thereof. If sufficient tenders are not received, Transport proposes to purchase from Public Service the balance of bonds required to exhaust the sum of $4,000,000 at principal amount plus accrued interest.

Upon acquisition of the foregoing bonds, Transport proposes to cancel its direct obligations and will deposit its assumed obligations with the Trustee under its first and refunding mortgage.

Public Service proposes to add the proceeds from the sale of the securities owned by it to its general cash funds for use for general corporate purposes.

The companies consider sections 12 (c) and 12 (f) of the act and Rules U-42 and U-43 thereunder as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said matters, and that said joint declaration shall not become effective nor said joint application be granted except pursuant to further order of this Commission,

It is ordered, That a hearing on such matters under the applicable provisions of said act, and Rules of the Commission thereunder, be held on February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318. At such hearing, cause shall be shown why such joint declaration or application shall become effective or shall be granted.

Notice is hereby given of said hearing to the above named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application otherwise to be considered in this proceeding, particular attention will be paid at the hearing to the following matters and considerations:

(1) Whether the manner of the selection of the bonds to be purchased by Transport is appropriate and the consideration to be paid therefor is reasonable;

(2) Whether the proposed transactions are detrimental to the financial integrity of Transport or the proper functioning of the holding company system of which Transport is a part or otherwise detrimental to the public interest or the interests of investors or consumers or will tend to circumvent the provisions of the act or the rules, regulations or orders thereunder;

(3) Whether the imposition of terms and conditions is necessary in the public interest or for the protection of investors and consumers or is necessary to insure compliance with the act and the rules, regulations or orders promulgated thereunder and, if so, what those terms and conditions should be.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1501; Filed, January 31, 1944; 10:32 a. m.]

[File No. 1–1716]

ASSOCIATED INSURANCE FUND, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January, A. D. 1944.

The San Francisco Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $10 par value, of Associated Insurance Fund, Inc.;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 21, 1944, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1502; Filed, January 31, 1944; 10:32 a. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 131]

CHEROKEE STATE HOSPITAL PROJECT, IOWA

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Cherokee State Hospital Project is designated as work of national importance, to be known as Civilian Public Service Camp No. 131. Said project, located at Cherokee, Cherokee County, Iowa, will be the base of operations for work at the Cherokee State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

2. That the men assigned to said Cherokee State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Cherokee State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Cherokee State Hospital. Administrative and directive control shall be under the Office of the Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY,
Director.

JANUARY 26, 1944.

[F. R. Doc. 44–1436; Filed, January 28, 1944; 1:45 p. m.]

WAR FOOD ADMINISTRATION.

AGRICULTURAL WORKERS' HEALTH ASSOCIATIONS

TRANSFER OF ADMINISTRATION AND SUPERVISION TO DIRECTOR OF LABOR

Transfer of responsibility for administration and supervision of agricultural workers' health associations to the Director of Labor.

1. Effective immediately the responsibility for the administration and supervision of the affairs of the agricultural workers' health associations heretofore vested in the Administrator of the Farm Security Administration is hereby transferred to the Director of Labor, Office of Labor of the War Food Administration, insofar as such administration and supervision relate to the furnishing and supplying of health and medical services to agricultural workers and their families eligible therefor, pursuant to Public Law 45 (78th Congress), as amended, and any similar authorization subsequently enacted by the Congress. The associations are as follows:

Atlantic Seaboard Agricultural Workers Health Association, Inc.
Migratory Labor Health Association.
Midwestern Agricultural Workers' Health Association, Inc.
Texas Farm Laborers Health Association.
Great Plains Agricultural Workers' Health Association.
Agricultural Workers Health and Medical Association.
Agricultural Workers' Health Association.

2. The Director of Labor is hereby authorized to administer and supervise the affairs of the agricultural workers' health associations and to utilize these associations for the furnishing and supplying of health and medical services to agricultural workers and their families eligible therefor, pursuant to Public Law 45 (78th Congress), as amended, and any similar authorization subsequently enacted by the Congress.

3. The physical facilities and equipment belonging to the Government presently available to these associations either on loan or lease, for purposes of carrying out the health program, are hereby transferred to the Office of Labor for its use in conducting the agricultural workers health program indicated in paragraph 1 hereof. The Director of Labor is authorized to lend or lease such equipment to the associations as may be required for the purposes set forth above.

4. The Director of Labor may make such delegations of the authority and responsibilities contained herein as he may deem necessary.

Issued this 29th day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44–1489; Filed, January 29, 1944; 3:17 p. m.]

WAR PRODUCTION BOARD.

[Certificate 51,[1] Amdt. 1]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith an amended recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by common carriers of property by motor vehicle.[2]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation as amended; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such amended recommendation or any order issued pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 26, 1944.

[F. R. Doc. 44-1541; Filed, January 31, 1944; 11:22 a. m.]

[1] 8 F.R. 4815.

[2] *Supra.*

FEB 3

FEDERAL REGISTER

VOLUME 9 NUMBER 28

Washington, Wednesday, February 2, 1944

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4756]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHARBOY PRODUCTS, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., respondent's "Cuproloid" or any other similar medicinal preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's preparation which advertisements represent, directly or through inference, (1) that respondent's preparation is a cure or remedy for pimples, acne, surface ulcers, skin bruises, insect bites, burns from heat and chemicals, poison ivy, and sunburn or that it has any therapeutic value in the treatment of said diseases or conditions; (2) that respondent's preparation possesses sterilizing or healing properties or that its use will keep the skin healthy; and (3) that respondent's preparation has any therapeutic value in the treatment of athlete's foot, ringworm, or eczema in excess of slightly deterring the growth of fungi with which it comes in contact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec 45b) [Cease and desist order, Charboy Products, Inc., Docket 4756, January 20, 1944]

§ 3.6 (l) *Advertising falsely or misleadingly—Endorsements, approval and testimonials:* § 3.6 (ee 5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.18 *Claiming endorsements or testimonials falsely.* In connection with offer, etc., of respondent's "Cuproloid" or any other similar medicinal preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's preparation, which advertisements represent, directly or through inference, that respondent's preparation has been scientifically tested and approved by competent medical authorities or has been prescribed for use by the medical profession; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Charboy Products, Inc., Docket 4756, January 20, 1944]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of January, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whitely, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Charboy Products, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or any other device in connection with the offering for sale, sale, or distribution of its medicinal preparation designated "Cuproloid", or any other medicinal preparation of substantially similar

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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composition, or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

a. That respondent's preparation is a cure or remedy for pimples, acne, surface ulcers, skin bruises, insect bites, burns from heat and chemicals, poison ivy, and sunburn or that it has any therapeutic value in the treatment of said diseases or conditions;

b. That respondent's preparation possesses sterilizing or healing properties or that its use will keep the skin healthy;

c. That respondent's preparation has any therapeutic value in the treatment of athlete's foot, ringworm, or eczema in excess of slightly deterring the growth of fungi with which it comes in contact;

d. That respondent's preparation has been scientifically tested and approved by competent medical authorities or has been prescribed for use by the medical profession.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44–1586; Filed, February 1, 1944; 11:27 a. m.]

[Docket No. 4891]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

S. FRIEDMAN & SONS, ETC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.94 (a) *Using misleading name—Goods—Composition:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign in general:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign and general:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign in general.* In connection with offer, etc., in commerce, of knitting yarns, and among other things, as in order set forth, (1) Using the words "wool", "Tweed", or "worsted", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool; (2) using the word "Shetland", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland; and (3) using the word "Angora", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of hair of the Angora goat; prohibited; subject to respective provisions, however, as respects aforesaid prohibitions that (1) in the case of a product composed in part of wool and in part of other fibers or materials, words "wool", "tweed" and "worsted" may be used; and (2) in the case of a product composed in part of Shetland wool and in part of other fiber; and (3) in the case of a product composed in part of hair of the Angora goat and in part of other fibers, words "Shetland" or "Angora", as case may be, may be used; if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, S. Friedman & Sons, etc., Docket 4891, January 8, 1944]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.6 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of knitting yarns, and among other things, as in order set forth, using the unqualified word "crepe", or any other descriptive term indicative of silk, to designate, describe, or refer to any product which is not composed entirely of silk, the product of the cocoon of the silkworm; prohibited: *Provided, however*, That such word or descriptive term may be used truthfully to designate or describe the type of weave, construction, or finish if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words accurately describing the fibers or materials from which such product is made. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, S. Friedman & Sons, etc., Docket 4891, January 8, 1944]

§ 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition.* In connection with offer, etc., in commerce, of knitting yarns, and among other things, as in order set forth, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited: and with the provision that when such products are

conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland; and (3) using the word "Angora", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of hair of the Angora goat; prohibited; subject to respective provisions, however, as respects aforesaid prohibitions that (1) in the case of a product composed in part of wool and in part of other fibers or materials, words "wool", "tweed" and "worsted" may be used; and (2) in the case of a product composed in part of Shetland wool and in part of other fiber; and (3) in the case of a product composed in part of hair of the Angora goat and in part of other fibers, words "Shetland" or "Angora", as case may be, may be used; if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, S. Friedman & Sons, etc., Docket 4891, January 8, 1944]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.6 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of knitting yarns, and among other things, as in order set forth, using the unqualified word "crepe", or any other descriptive term indicative of silk, to designate, describe, or refer to any product which is not composed entirely of silk, the product of the cocoon of the silkworm; prohibited: *Provided, however*, That such word or descriptive term may be used truthfully to designate or describe the type of weave, construction, or finish if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, S. Friedman & Sons, etc., Docket 4891, January 8, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C. on the 8th day of January, A. D. 1944.

In the Matter of Abraham Friedman, and Samuel Friedman, Individually and Trading as S. Friedman & Sons, and as Sunray Yarn House

This proceeeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, a stipulation as to the facts, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Abraham Friedman and Samuel Friedman, individually and trading as S. Friedman & Sons and as Sunray Yarn House, or trading under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondents' knitting yarns in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "wool", "Tweed", or "worsted", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool: *Provided, however*, That in the case of a product composed in part of wool and in part of other fibers or materials, such words may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

(2) Using the word "Shetland", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however*, That in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

(3) Using the word "Angora", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any products which is not composed entirely of hair of the Angora goat: *Provided, however*, That in the case of a product composed in part of hair of the Angora goat and in part of other fibers or materials such word may be used as descriptive of the Angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

(4) Using the unqualified word "crepe", or any other descriptive term indicative of silk, to designate, describe, or refer to any product which is not composed entirely of silk, the product of the cocoon of the silkworm: *Provided, however*, That such word or descriptive term may be used truthfully to designate or describe the type of weave, construction, or finish if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words accurately describing the fibers or materials from which such product is made.

(5) Advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content, and when such products are composed in part of rayon and in part of other fibers or materials, all such fibers or materials, including the rayon, shall be clearly and accurately disclosed.

(6) Using the word "Saxony", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool from sheep found only in the Province of Saxony.

(7) Using the word "Burma", or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool from sheep found only in Burma.

(8) Misrepresenting in any manner or by any means, directly or by implication, the fibers or materials of which respondents' products are made, or the place or origin of such products.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That no provision of this order shall be construed as relieving the respondents in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-1587; Filed, February 1, 1944; 11:27 a. m.]

[Docket No. 4901]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOME DIATHERMY CO., INC., ET AL.

§ 3.6 (j 1.7) *Advertising falsely or misleadingly—Government approval, connection or standards—Federal Communications Commission orders:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with the servicing of diathermy machines and the transportation thereof in commerce, and among other things, as in order set forth, representing directly or by implication (1) that it is necessary that diathermy instruments be calibrated in order to comply with Order No. 96 issued by the Federal Communications Commission on May 18, 1942; and (2) that it is impossible to complete the forms required by said Order No. 96 and to register diathermy instruments as provided by said order, unless the instruments are sent to respondents' factory in New York City for calibration; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Home Diathermy Co., Inc., et al., Docket 4901, January 13, 1944]

§ 3.6 (r 4.1) *Advertising falsely or misleadingly—Prices—Government requirements:* § 3.69 (c 3.5) *Misrepresenting oneself and goods—Prices—Government requirements.* In connection with the servicing of diathermy machines and transportation thereof in commerce and among other things, as in order set forth, representing, directly or by implication that it is necessary to pay the sum of $7.50 or any other amount, or to pay delivery charges in any amount to respondents, or any of them, for the calibration of any diathermy instrument in order to comply with said Order No. 96; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Home Diathermy Co., Inc., et al., Docket 4901, January 13, 1944]

§ 3.6 (y 10) *Advertising falsely and misleadingly—Scientific or other relevant facts:* § 3.7 (f 13) *Offering deceptive inducements to purchase or deal—Government penalty.* In connection with the servicing of diathermy machines and the transportation thereof in commerce, and among other things as in order set forth, representing directly or by implication that the owner of a diathermy instrument is subject to a fine in any amount or confiscation of his instrument unless his instrument is calibrated or otherwise serviced by respondents or any other person; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Home Diathermy Co., Inc., et al., Docket 4901, January 13, 1944]

In the Matter of Home Diathermy Company, Inc., a New York Corporation; Home Diathermy Company, Inc., a Pennsylvania Corporation; Arnold Steindler and Isadore Teitelbaum, Individually and as Officers of Home Diathermy Company, Inc., a New York Corporation, and Home Diathermy Company, Inc., a Pennsylvania Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondents) and a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondents which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Home Diathermy Company, Inc., a New York corporation, and Home Diathermy Company, Inc., a Pennsylvania corporation, their officers, and Arnold Steindler and Isadore Teitelbaum, individually and as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the servicing of diathermy machines or instruments and the transportation thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That it is necessary that diathermy instruments be calibrated in order to comply with Order No. 96 issued by the Federal Communications Commission on May 18, 1942.

2. That it is impossible to complete the forms required by said Order No. 96 and to register diathermy instruments as provided by said order, unless the instruments are sent to respondents' factory in New York City for calibration.

3. That it is necessary to pay the sum of $7.50 or any other amount, or to pay delivery charges in any amount to respondents, or any of them, for the calibration of any diathermy instrument in order to comply with said Order No. 96.

4. That the owner of a diathermy instrument is subject to a fine in any amount or confiscation of his instrument unless his instrument is calibrated or otherwise serviced by respondents or any other person.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-1584; Filed, February 1, 1944; 11:06 a. m.]

[Docket No. 5054]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KAY LABORATORIES, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' "Kaytonik" medicinal preparation or any other similar product, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' preparation, which advertisements represent, directly or by implication, that (1) said preparation is a preventative or constitutes a competent or effective treatment for colds; (2) the use of said preparation will prevent a cold from developing into grippe, influenza, or pneumonia; and (3) the use of said preparation will build up health, strength, or bodily resistance to disease or conquer or destroy germs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kay Laboratories, Inc., et al., Docket 5054, January 21, 1944]

§ 3.6 (n 2) *Advertising falsely or misleadingly—Nature Product;* § 3.96 (a 4) *Using misleading name—Goods—Nature.* In connection with offer, etc., of respondents' "Kaytonik" medicinal preparation or any other similar product, and among other things, as in order set forth, using the word "Kaytonik" as a trade name for the said preparation or otherwise representing that said preparation is a generol tonic or will act as a general tonic to the system; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kay laboratories, Inc., et al., Docket 5054, January 21, 1944]

§ 3.6 (22) *Advertising falsely or misleadingly—Producer status of dealer or seller—Laboratory:* § 3.69 (a 7.8) *Misrepresenting oneself and goods—Business status—Laboratory status;* § 3.96 (b 5) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with offer, etc., of respondents' "Kaytonik" medicinal preparation or any other similar product, and among other things, as in order set forth, using the word "Laboratories" or any other word of similar import or meaning in respondents' corporate name, or representing through any other means or device, or in any manner, that the respondents own, operate, or control a laboratory equipped for the compounding of medicinal preparations and for research in connection therewith; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kay Laboratories, Inc., et al., Docket 5054, January 21, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January, A. D. 1944.

In the Matter of Kay Laboratories, Inc., a Corporation, and Joseph P. Kayatta, Individually and as President and Treasurer of Kay Laboratories, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the record, wherein the respondents admitted all the material facts set forth in the complaint and waived all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Kay Laboratories, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, and Joseph P. Kayatta, individually and as an officer of Kay Laboratories, Inc., and his representatives, agents, and employees, in connection with the offering for sale, sale and distribution of their medicinal preparation, Kaytonik, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisements by means of United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

a. That said preparation is a preventative or constitutes a competent or effective treatment for colds;

b. That the use of said preparation will prevent a cold from developing into grippe, influenza, or pneumonia;

c. That the use of said preparation will build up health, strength, or bodily resistance to disease or conquer or destroy germs.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondents' preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

3. Using the word "Kaytonik" as a trade name for the said preparation or otherwise representing that said preparation is a general tonic or will act as a general tonic to the system.

4. Using the word "Laboratories" or any other word of similar import or meaning in respondents' corporate name, or representing through any other means or device, or in any manner, that the respondents own, operate, or control a laborat ry equipped for the compounding of medicinal preparations and for research in connection therewith.

It is further ordered, That the respondents and each of them shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-1585; Filed, February 1, 1944; 11:27 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 155—CANNED OYSTERS; REGULATIONS FOR INSPECTION

MISCELLANEOUS AMENDMENTS

Under the authority of section 702A [1] of the Federal Food, Drug, and Cosmetic Act the following amendments to the regulations for the inspection of canned oysters adopted on December 31, 1943 (9 F.R. 56) are hereby promulgated:

Section 155.30 is hereby amended as follows:

(b) For the year ending June 30, 1944, applications will be considered which are received prior to March 1, 1944.

Section 155.32 is hereby amended to read as follows:

(b) Each initial inspection period shall begin on or after October 1 but not later than March 1 of each year. No initial or extension inspection period shall extend beyond June 30 of any year.

These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

[SEAL] WATSON B. MILLER,
Acting Administrator.

JANUARY 28, 1944.

[F. R. Doc. 44-1583; Filed, February 1, 1944; 10:57 a. m.]

[1] Section 10A of the Federal Food and Drugs Act (49 Stat. 871; 21 U.S.C. 14a) which remains in force and effect and is applicable to the provisions of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U.S.C. 301 et seq.). It is provided in Public Law 135, 78th Congress, Title II, that section 10A of the Federal Food and Drugs Act, as amended by the Act of August 27, 1935 (21 U.S.C. 372a), may hereafter be cited as section 702A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301-392).

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[Regulations 112]

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

Explanation of regulations—Scope. These regulations are applicable only to taxable years beginning after December 31, 1941, except that where it is appropriate under Regulations 109 to apply with respect to taxable years beginning after December 31, 1939, and before January 1, 1942, the rules applicable to taxable years beginning after December 31, 1941, these regulations shall be applicable. These regulations deal with the excess profits tax imposed by Subchapter E of Chapter 2 of the Internal Revenue Code, which tax is referred to in these regulations as the "excess profits tax." Such tax is to be distinguished from the excess-profits tax imposed by Subchapter B of Chapter 2 of the Internal Revenue Code, referred to in these regulations as the "declared value excess-profits tax," and so designated by section 506 of the Second Revenue Act of 1940, which tax continues in effect and complements the capital stock tax.

Each section, subsection, or paragraph of the Internal Revenue Code set forth in these regulations shall be considered as part of the respective regulations section to which it corresponds.

Arrangement and numbering. Each section of the regulations has been given a key number corresponding to the number of the section or subsection of the Internal Revenue Code which the regulations section interprets. Inasmuch as the regulations constitute Part 35 of Title 26 of the 1943 Supplement to the Code of Federal Regulations, each key number is preceded by the number 35 and a decimal point. The key number is followed by a dash (–) and the identifying number of the regulations section.

Except as otherwise indicated, the statutory references are to the Internal Revenue Code. As used in the regulations, the word "Code" means the Internal Revenue Code.

RATES AND CREDITS

Sec.
35.710–1 Scope of tax.
35.710–2 Measure of tax.
35.710–3 Unused excess profits credit adjustment.
35.710–4 Rate of tax.
35.710–5 Deferment of payment of tax in case of base period or invested capital abnormality.
35.711 (a)–1 Excess profits net income for the taxable year.
35.711 (a)–2 Excess profits net income if income credit is used.
35.711 (a)–3 Excess profits net income if invested capital credit is used.
35.711 (a)–4 Tax for period of less than 12 months.
35.711 (b)–1 Computation of excess profits net income for taxable years in base period.
35.711 (b)–2 Abnormal deductions in base period.
35.712–1 Excess profits credit; allowance.
35.713–1 Excess profits credit based on income; determination of average base period net income.
35.713–2 Excess profits credit based on income; adjustments in excess profits credit on account of capital changes.
35.714–1 Excess profits credit based on invested capital.
35.715–1 Determination of invested capital.
35.718–1 Determination of daily equity invested capital; money and property paid in.
35.718–2 Determination of daily equity invested capital; accumulated earnings and profits.
35.718–3 Determination of daily equity invested capital; distributions in stock.
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35.718–5 Determination of daily equity invested capital; reductions by distributions.
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35.719–1 Borrowed invested capital.
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35.721–1 Abnormalities in income in taxable year.
35.721–2 Classification of income.
35.721–3 Amount attributable to other years.
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35.722–1 General rule.
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35.722–4 Determination of excessive and discriminatory tax; taxpayer not entitled to excess profits credit based on income.
35.722–5 Application for relief under section 722.
35.723–1 Rules where equity invested capital cannot be determined under section 718.
35.723–2 Equity invested capital of mutual insurance companies other than life or marine.
35.724–1 Invested capital of certain foreign corporations and corporations entitled to benefits of section 251.
35.725–1 Taxation of personal service corporations.
35.725–2 Definition of personal service corporation.
35.725–3 Election as to taxability.
35.726–1 Corporations completing contracts under Merchant Marine Act of 1936.
35.727–1 Exempt corporations.
35.729–1 Time and place for filing returns and information to be included.
35.729–2 Time for payment of tax.
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35.731–1 Corporations which mine strategic minerals.
35.732–1 Review of abnormalities by The Tax Court of the United States.
35.733–1 Scope of election to charge to capital account expenditures for advertising or the promotion of good will.
35.733–2 Expenditures which may be regarded as capital investments.
35.733–3 Effect of election.
35.734–1 Purpose and scope of section 734.
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35.734–3 Method and effect of adjustment.
35.734–4 Ascertainment of amount of adjustment.
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35.736(a)–3 Computation of income on straight accrual basis.
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35.736(b)–3 Computation of net income upon percentage of completion method of accounting.
35.736(c)–1 Adjustment on account of change arising from election under section 736(a) or section 736(b).

RULES IN CONNECTION WITH CERTAIN EXCHANGES

35.740–1 Purpose and scope of Supplement A.
35.740–2 Transactions whereby a corporation becomes an acquiring corporation.
35.740–3 Base period and base period years of acquiring corporation.
35.740–4 Partnerships and sole proprietorships under Supplement A.
35.742–1 General rules for determining Supplement A average base period net income.
35.742–2 Computation of average base period net income under section 742 (h); increased earnings in last half of base period.
35.742–3 Exceptions and limitations as to amounts of excess profits net income or deficit to be included in Supplement A average base period net income; applicable under both general average method and increased earnings method.
35.742–4 Computation of excess profits net incomes for base period years during which neither taxpayer nor any component corporation was in existence; applicable under both general average method and increased earnings method.
35.743–1 Net capital changes.

EXCESS PROFITS CREDIT BASED ON INCOME

INVESTED CAPITAL IN CONNECTION WITH CERTAIN EXCHANGES AND LIQUIDATIONS

Sec.
35.760–1 Definitions and determinations.
35.760–2 Determination of amount paid in for stock, or as paid-in surplus, or as a contribution to capital.
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35.761–4 Computation of basis of stock; amount of basis.
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35.761–7 Adjustment of equity invested capital.
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POST-WAR REFUND OF EXCESS PROFITS TAX

35.780–1 Post-war refund of excess profits tax.
35.781–1 Special rules for application of section 780.
35.783–1 Credit for debt retirement.

RATES AND CREDITS[1]

Pertinent Enacting Provisions of the Internal Revenue Code

[Act February 10, 1939, 53 Stat., Part 1]

AN ACT TO CONSOLIDATE AND CODIFY THE INTERNAL REVENUE LAWS OF THE UNITED STATES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the United States hereinafter codified and set forth as a part of this act under the heading "Internal Revenue Title" are hereby enacted into law.

SEC. 2. CITATION. This act and the internal Revenue title incorporated herein shall be known as the Internal Revenue Code and may be cited as "I. R. C."

* * * * * *

SEC. 6. ARRANGEMENT, CLASSIFICATION, AND CROSS REFERENCES. The arrangement and classification of the several provisions of the Internal Revenue Title have been made for the purpose of a more convenient and orderly arrangement of the same, and, therefore, no inference, implication or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion thereof, nor shall any outline, analysis, cross reference, or descriptive matter relating to the contents of said Title be given any legal effect.

* * * * * *

SEC. 710. IMPOSITION OF TAX. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 2, Excess Profits Tax Amendments 1941, by secs. 201 (a) and 202 (e), Rev. Act 1941, and by secs. 202, 203, 204, 205 (a) and (g), 222 (b), and 229 (a), Rev. Act 1942.]

(a) *Imposition*—(1) *General rule.* There shall be levied, collected, and paid, for each taxable year, upon the adjusted excess-profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) a tax equal to whichever of the following amounts is the lesser:

(A) 90 per centum of the adjusted excess-profits net income, or

(B) an amount which when added to the tax imposed for the taxable year under Chapter 1 (other than section 102) equals 80 per centum of the corporation surtax net income, computed under section 15 or Supplement G, as the case may be, but without regard to the credit provided in section 26 (e) (relating to income subject to the tax imposed by this subchapter).

(2) [Not applicable to taxable years under these regulations (section 229 (a) (2), Rev. Act 1942).]

(3) [Not applicable to taxable years under these regulations (section 203, Rev. Act 1942).]

(4) *Mutual insurance companies.* In the case of a mutual insurance company other than life or marine, if the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the tax imposed under this section shall be an amount which bears the same proportion to the amount ascertained under this section, computed without reference to this paragraph, as the excess over $75,000 of such gross amount received bears to $50,000.

(5) *Deferment of payment in case of abnormality.* If the adjusted excess profits net income (computed without reference to section 722) for the taxable year of a taxpayer which claims on its return, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, th benefits of section 722, is in excess of 50 per centum of its normal tax net income for such year, computed without the credit provided in section 26 (e) (relating to adjusted excess profits net income), the amount of tax payable at the time prescribed for payment may be reduced by an amount equal to 33 per centum of the amount of the reduction in the tax so claimed. For the purposes of section 271, if the tax payable is the tax so reduced, the tax so reduced shall be considered the amount shown on the return.

(b) *Definition of adjusted excess profits net income.* As used in this section, the term "adjusted excess profits net income" in the case of any taxable year means the excess profits net income (as defined in section 711) minus the sum of:

(1) *Specific exemption.* A specific exemption of $5,000, and in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter a specific exemption of $50,000;

(2) *Excess profits credit.* The amount of the excess profits credit allowed under section 712; and

(3) *Unused excess profits credit.* The amount of the unused excess profits credit adjustment for the taxable year, computed in accordance with subsection (c).

(c) *Unused excess profits credit adjustment*—(1) *Computation of unused excess profits credit adjustment.* The unused excess profits credit adjustment for any taxable year shall be the aggregate of the unused excess profits credit carry-overs and unused excess profits carry-backs to such taxable year.

(2) *Definition of unused excess profits credit.* The term "unused excess profits credit" means the excess, if any, of the excess profits credit for any taxable year beginning after December 31, 1939, over the excess profits net income for such taxable year, computed on the basis of the excess profits credit applicable to such taxable year. For such purpose the excess profits credit and the excess profits net income for any taxable year beginning in 1940 shall be computed under the law applicable to taxable years beginning in 1941. The unused excess profits credit for a taxable year of less than twelve months shall be an amount which is such part of the unused excess profits credit determined under the first sentence of this paragraph as the number of days in the taxable year is of the number of days in the twelve months ending with the close of the taxable year.

(3) *Amount of unused excess profits credit carry-back and carry-over*—(A) *Unused excess profits credit carry-back.* If for any taxable year beginning after December 31, 1941, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-back for each of the two preceding taxable years, except that the carry-back in the case of the first preceding taxable year shall be the excess, if any, of the amount of such unused excess profits credit over the adjusted excess profits net income for the second preceding taxable year computed for such taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit, and (ii) without the deduction of the specific exemption provided in subsection (b) (1).

(B) *Unused excess profits credit carry-over.* If for any taxable year beginning after December 31, 1939, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-over for each of the two succeeding taxable years, except that the carry-over in the case of the second succeeding taxable year shall be the excess, if any, of the amount of such unused excess profits credit over the adjusted excess profits net income for the intervening taxable year computed for such intervening taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit or to any unused excess profits credit carry-back, and (ii) without the deduction of the specific exemption provided in subsection (b) (1). For the purposes of the preceding sentence, the unused excess profits credit for any taxable year beginning after December 31, 1941, shall first be reduced by the sum of the adjusted excess profits net income for each of the two preceding taxable years (computed for each such preceding taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit or to the unused excess profits credit for the succeeding taxable year, and (ii) without the deduction of the specific exemption provided in subsection (b) (1)).

(4) *No carry-back to year prior to 1941.* As used in this subsection, the term "preceding taxable year" and the term "preceding taxable years" do not include any taxable year beginning prior to January 1, 1941.

§ 35.710–1 *Scope of tax.* The excess profits tax is imposed upon the adjusted excess profits net income of every corporation, both domestic and foreign, for each income-tax taxable year beginning after December 31, 1939, except certain corporations which are exempt. (See section 727.) A corporation the excess profits net income of which, computed as provided in section 711 (a) (2) and (3), is not greater than $5,000, or in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter is not greater than $50,000, need not file an excess profits tax return. (See section 729 (b).) A personal service corporation, as defined in section 725, may, if it is not a member of an affiliated group of corporations filing consolidated returns under section 141, elect not to be subject to the excess profits tax, thereby making its income taxable to its shareholders as provided in Supplement S of Chapter 1 of the Internal Revenue Code. (See section 725.) The excess profits tax for any year shall not exceed

[1] The sections of law appearing in small type under this heading, other than the enacting provisions, correspond to those under Part I, sections 710–736 of the Internal Revenue Code.

an amount which when added to the normal tax and surtax for such year equals 80 percent of the corporation surtax net income computed without regard to the credit provided in section 26 (e) for income subject to excess profits tax.

§ 35.710–2 *Measure of tax.* The adjusted excess profits net income upon which is based the excess profits tax for a taxable year is determined by deducting from the excess profits net income (determined under the provisions of section 711 applicable to such year) the sum of:

(a) A specific exemption of $5,000, except that in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter the specific exemption is $50,000.

(b) The excess profits credit allowed by section 712, and

(c) The unused excess profits credit adjustment (as defined in section 710 (c) (1)) consisting of the aggregate of the unused excess profits credit carry-overs from each of the two preceding excess profits tax taxable years and the excess profits credit carry-backs from each of the two succeeding excess profits tax taxable years, computed as provided in section 710 (c).

For the computation of corporation surtax net income computed without regard to the credit provided in section 26 (e) relating to income subject to the excess profits tax, in those cases where the excess profits tax is an amount which when added to the tax imposed by Chapter 1 (other than section 102) equals 80 percent of such corporation surtax net income, see § 35.710–4.

As to the exemption of income in the case of certain corporations engaged in mining strategic minerals, see section 731; as to the excess profits tax in the case of corporations completing contracts under the Merchant Marine Act of 1936, see section 726; and in the case of corporations deriving abnormal income in the taxable year, see section 721.

For the computation of the excess profits tax for a taxable year of less than 12 months, see the provisions of section 711 (a) (3).

§ 35.710–3 *Unused excess profits credit adjustment*—(a) *Unused excess profits credit.* The unused excess profits credit for any taxable year beginning after December 31, 1939, is the excess of the excess profits credit for the taxable year over the excess profits net income, if any, for such taxable year. In the case of a taxpayer entitled to use the excess profits credit based on income or the excess profits credit based on invested capital, the credit which results in the larger unused excess profits credit is used. The excess profits net income is computed on the basis of the excess profits credit so used. In computing the unused excess profits credit for a taxable year beginning in 1940, the excess profits credit and the excess profits net income for such taxable year shall be computed under the law applicable to taxable years beginning on January 1, 1941.

The unused excess profits credit for a taxable year of less than 12 months is reduced to such part of the unused excess profits credit determined in the manner prescribed in the preceding paragraph as the number of days in the taxable year of less than 12 months is of the number of days in the 12 months ending with the close of the taxable year. In determining the unused excess profits credit which is so reduced, the excess profits net income for the taxable year of less than 12 months is first placed on an annual basis under the provisions of section 711 (a) (3) (A) by reference to the number of days in the taxable year. For example, a taxpayer changes from the calendar year basis to a fiscal year basis ending January 31, and files a return for the taxable year January 1 to January 31, 1942. Its excess profits credit for this taxable year is $91,250. Its excess profits net income computed on the basis of this taxable year is $6,200, and this excess profits net income placed on an annual basis under the provisions of section 711 (a) (3) (A) is $73,000, that is, $\frac{365\times\$6,200}{31}$. The unused excess profits credit computed under the preceding paragraph is, therefore, $18,250, the excess of the $91,250 excess profits credit over the $73,000 excess profits net income placed on an annual basis. The unused excess profits credit for the taxable year January 1 to January 31, 1942, is reduced to $1,550, that is $\frac{31\times\$18,250}{365}$, or such part of $18,250 as the number of days in the taxable year (31) is of the number of days in the 12 months ending with the close of the taxable year (365).

(b) *Unused excess profits credit adjustments.* The unused excess profits credit adjustment is the aggregate of the portions of the unused excess profits credits for the two preceding and two succeeding taxable years which are treated under section 710 (c) (3) as unused excess profits credit carry-overs and unused excess profits credit carry-backs to the taxable year. Under the provisions of section 710 (c) (3) the unused excess profits credit for any taxable year beginning on or after January 1, 1942, is carried back to each of the two preceding taxable years (not considering as a preceding taxable year any taxable year beginning before January 1, 1941) and forms part of the unused excess profits credit adjustment for such preceding taxable year. The unused excess profits credit for any taxable year beginning after December 31, 1939, to the extent it is not used as a carry-back, is carried forward to the two succeeding taxable years and forms part of the unused excess profits credit adjustment for such of those succeeding taxable years as begin after December 31, 1940. The amount which is carried back or carried forward is limited in the case of each such preceding or succeeding taxable year to the portion of the unused excess profits credit which was not applied against excess profits net income (either as part of the excess profits credit carry-over in the case of a taxable year beginning in 1940 or as part of the unused excess profits credit adjustment in the case of a taxable year beginning after December 31, 1940) in determining the adjusted excess profits net income for the taxable years, if any, before such preceding or succeeding taxable year. The amount of the unused excess profits credit which was so applied is determined as follows: The adjusted excess profits net income is computed for each such taxable year without the specific exemption of $5,000 allowed by section 710 (b) (1), and without credit of any carry-over or carry-back from the taxable year in which such unused excess profits credit arose or from any taxable year subsequent thereto. The unused excess profits credit, which is a carry-over or a carry-back to such taxable year, is considered to have been applied against the amount so computed.

The entire unused excess profits credit for any taxable year beginning after December 31, 1939, but not beginning after December 31, 1941, is carried over to the first succeeding taxable year. The unused excess profits credit is carried over the second succeeding taxable year to the extent it exceeds the adjusted excess profits net income for the first succeeding taxable year. For the purpose of determining this excess, the adjusted excess profits net income is computed without credit of the specific exemption of $5,000 allowed by section 710 (b) (1) and without credit of the carry-over from the taxable year in which the unused excess profits credit arose or of any carry-over or carry-back from a taxable year subsequent thereto. The entire unused excess profits credit for any taxable year beginning after December 31, 1941, is carried back to the second preceding taxable year if such taxable year began after December 31, 1940. If the second preceding taxable year began prior to January 1, 1941, the entire unused excess profits credit is carried back to the first preceding taxable year, since a taxable year beginning prior to January 1, 1941, is not considered a "preceding taxable year" for the purposes of section 710 (c) (3), and no part of the adjusted excess profits net income for such a taxable year reduces the amount of the unused excess profits credit for a taxable year beginning after December 31, 1941, which may be carried back or carried over to other taxable years. If the second preceding taxable year began after December 31, 1940, the unused excess profits credit is carried back to the first preceding taxable year to the extent it exceeds the adjusted excess profits net income for the second preceding taxable year, such adjusted excess profits net income being computed without credit of the specific exemption of $5,000 and without credit of any carry-back from the taxable year in which the unused excess profits credit arose. The unused excess profits credit is carried over to the first succeeding taxable year to the extent that it exceeds the aggregate of the adjusted excess profits net incomes for the two preceding taxable years (computed for each such taxable year without credit of the specific exemption of $5,000 and without credit of any carry-back from the taxable year in

which such unused excess profits credit arose or of any carry-back from a taxable year subsequent thereto), not considering as a preceding taxable year any taxable year beginning prior to January 1, 1941. The unused excess profits credit is carried over to the second succeeding taxable year to the extent that the unused excess profits credit exceeds the aggregate of the adjusted excess profits net income for the two preceding taxable years and for the first succeeding taxable year (computed for each such taxable year without credit of the specific exemption of $5,000 and without credit of any carry-over or carry-back from the taxable year in which the unused excess profits credit arose or from any taxable year subsequent thereto), not considering as a preceding taxable year any taxable year beginning prior to January 1, 1941.

The following example illustrates the operation of section 710 (c) (3):

Example. It is assumed that the taxpayer, on the calendar year basis, has an excess profits credit of $100,000. It has no unused excess profits credit for 1940 or 1941. It has $125,000 excess profits net income in 1942, $185,000 excess profits net income in 1943, $55,000 excess profits net income in 1944, $25,000 excess profits net income in 1945, $30,000 excess profits net income in 1946, $160,000 excess profits net income in 1947, and $200,000 excess profits net income in 1948. It has no unused excess profits credit in 1949 or 1950. Since the taxpayer has a $100,000 excess profits credit, and excess profits net income of only $55,000 in 1944, $25,000 in 1945, and $30,000 in 1946, it has an unused excess profits credit of $45,000 in 1944, $75,000 in 1945, and $70,000 in 1946. Such unused excess profits credit will form the basis for carry-backs and carry-overs computed as follows:

(i) The amount of the $45,000 unused excess profits credit for 1944 which may be used as a carry-back to 1942 and 1943 and as a carry-over to 1945 and 1946 is computed as follows:

(i) For 1942, the carry-back is $45,000 (the amount of the unused excess profits credit).

(ii) For 1943, the carry-back is $20,000, determined by deducting from the $45,000 unused excess profits credit the adjusted excess profits net income for 1942 computed without the deduction of the specific exemption or any carry-back from 1944 (the $125,000 excess profits net income for 1942 less the $100,000 excess profits credit for such taxable year, or $25,000).

(iii) For 1945 and 1946 there is no carry-over from 1944 since all of the unused excess profits credit has been applied against the excess profits net income for 1942 and 1943. To determine the carry-over, the $45,000 unused excess profits credit must first be reduced by the sum of the adjusted excess profits net income for 1942 and 1943 computed for each such year without the deduction of any $5,000 specific exemption or of any carry-back from 1944 or from any year subsequent to 1944 (for 1942, the $125,000 excess profits net income less the $100,000 excess profits credit for such year, or $25,000, plus, for 1943, the $185,000 excess profits net income less the $100,000 excess profits credit for such year, or $85,000, a total of $110,000).

(2) The amount of the $75,000 unused excess profits credit for 1945 which may be used as a carry-back to 1943 and 1944, and as a carry-over to 1946 and 1947, is computed as follows:

(i) For 1943, the carry-back is $75,000 (the amount of the unused excess profits credit).

(ii) For 1944, the carry-back is $10,000, determined by deducting from the $75,000 unused excess profits credit the $65,000 adjusted excess profits net income for 1943 computed without the deduction of the $5,000 specific exemption or of any carry-back from 1945 (the $185,000 excess profits net income for 1943, less the $100,000 excess profits credit and the $20,000 excess profits credit carry-back from 1944).

(iii) For 1946, the carry-over is $10,000, determined by reducing the $75,000 unused excess profits credit by the sum of the adjusted excess profits net incomes for 1943 and 1944 computed for each such year without the deduction of any $5,000 specific exemption or of any carry-back from 1945 or any year subsequent to 1945 (for 1943, the $185,000 excess profits net income less the $100,000 excess profits credit and the $20,000 carry-back from 1944, or $65,000, plus, for 1944 the $55,000 excess profits net income less the $100,000 excess profits credit, or $0 adjusted excess profits net income, a total of $65,000).

(iv) For 1947, the carry-over is also $10,000, since there was no adjusted excess profits net income for 1946, computed without the deduction of the $5,000 specific exemption or of any carry-over from 1945 or of any carry-back from any year subsequent to 1945 (the $30,000 excess profits net income for 1946 less the $100,000 excess profits credit), to offset any of the carry-over to such year.

(3) The amount of the $70,000 unused excess profits credit for 1946 which may be taken as a carry-back to 1944 and 1945, and as a carry-over to 1947 and 1948, is computed as follows:

(i) For 1944, the carry-back is $70,000 (the unused excess profits credit).

(ii) For 1945, the carry-back is also $70,000, since there was no adjusted excess profits net income for 1944, computed without the deduction of the $5,000 specific exemption or of the carry-back from 1946 (the excess profits net income of $55,000 for 1944 less the $100,000 excess profits credit and the $10,000 carry-back from 1945) to offset any of such unused excess profits credit for 1946.

(iii) For 1947, the carry-over is also $70,000, since there was no adjusted excess profits net income in 1944 or 1945 to offset any of the unused excess profits credit for 1946. The carry-over to 1947 is computed by reducing the $70,000 unused excess profits credit by the sum of the adjusted excess profits net incomes for 1944 and 1945, computed for each such year without the deduction of any $5,000 specific exemption or of any carry-back from 1946 or from any year subsequent to 1946. (For 1944, the adjusted excess profits net income so computed is $0, that is, the $55,000 excess profits net income for such year less the $100,000 excess profits credit and the $10,000 carry-back from 1945. For 1945, the adjusted excess profits net income so computed is $0, that is, the $25,000 excess profits net income for 1945 less the $100,000 excess profits credit.)

(iv) For 1948, the carry-over is $20,000, computed by reducing the $70,000 carry-over to 1947 by the adjusted excess profits net income for 1947 computed without the deduction of the $5,000 specific exemption or of the carry-over from 1946 or of any carry-back from a year subsequent to 1946 (that is, the $160,000 excess profits net income for 1947 less the $100,000 excess profits credit and the $10,000 carry-over from 1946, or $50,000).

The aggregate of the carry-backs and carry-overs to each taxable year is the unused excess profits credit adjustment for such taxable year which may be credited against excess profits net income to determine adjusted excess profits net income. Therefore, the unused excess profits credit adjustment for 1942 is $45,000, the carry-back to that year from 1944. The unused excess profits credit adjustment for 1943 is $95,000, the aggregate of the $20,000 carry-back from 1944 and the $75,000 carry-back from 1945. The unused excess profits credit adjustment for 1947 is $80,000, the aggregate of the $10,000 carry-over from 1945 and the $70,000 carry-over from 1946. The unused excess profits credit adjustment for 1948 is $20,000, the carry-over from 1946.

In the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, the $50,000 exemption allowed in such cases under section 710 (b) (1) is to be substituted wherever reference is made in this section to the $5,000 specific exemption.

(c) *Ascertainment of unused excess profits credit adjustment dependent upon unused excess profits credit carry-back.* If the taxpayer is entitled in computing its unused excess profits credit adjustment to an unused excess profits credit carry-back which it is not able to ascertain at the time its return is due, it shall compute the unused excess profits credit adjustment on its return without regard to such unused excess profits credit carry-back. When the taxpayer ascertains the unused excess profits credit carry-back, it may file a claim for credit or refund of the overpayment, if any, resulting from the failure to compute the unused excess profits credit adjustment for the taxable year with the inclusion of such carry-back. Under the provisions of section 3771 (e), as added by section 153 (d) of the Revenue Act of 1942, no interest is allowed with respect to any such overpayment for the period prior to the filing of the claim for credit or refund of such overpayment or prior to the filing of a petition to The Tax Court of the United States asserting such overpayment, whichever is earlier. If the taxpayer files a claim based upon the overpayment caused by a carry-back from the first succeeding taxable year, and later ascertains that it is entitled to a carry-back from the second succeeding taxable year, it shall file a second claim for credit or refund based on the overpayment, if any, caused by the failure to take into account the carry-back from such second succeeding taxable year.

§ 35.710–4 *Rate of tax.* The excess profits tax shall be whichever of the following is the lesser:

(a) An amount equal to 90 per cent of the adjusted excess profits net income, or

(b) An amount which when added to the tax imposed for the taxable year under Chapter 1 (not including the tax under section 102 on account of the improper accumulation of surplus) equals 80 per cent of the corporation surtax net income, computed under section 15 or Supplement G (relating to insurance companies), as the case may be, but without regard to the credit provided in section 26 (e) relating to income subject to excess profits tax.

For the purposes of section 710 (a) (1) (B) and of paragraph (b) of the preceding sentence, the tax imposed for the taxable year under Chapter 1 is the sum of the normal tax and surtax for such year prior to the credit under section 131 for taxes paid to a foreign country or possession of the United States. The corporation surtax net income for such

purposes shall be computed by disregarding the credit under section 26 (e) (relating to income subject to excess profits tax), otherwise provided in section 15 (a) or Supplement G as a reduction against net income, both in determining corporation surtax net income and in determining the amount of net income upon which is computed the 85 per cent limitation upon the credit for dividends received. In all other respects, corporation surtax net income shall be computed as provided in section 15 (a) or Supplement G as the case may be.

The application of section 710 (a) (1) and of this section may be shown by the following example:

Assume that Corporation A, which makes its return on the calendar year basis, is a public utility corporation within the definition in section 26 (b) (2) (A). Its net income for 1942 is $411,000 and includes $100,000 of dividends upon the common stock of a domestic manufacturing company, $10,000 of dividends upon the preferred stock (as defined in section 26 (b) (2) (B)) of a public utility corporation which it owns, and $1,000 of interest on certain United States Government obligations which is exempt from the normal tax. It has paid a dividend of $5,000 on its preferred stock (as defined in section 26 (b) (2) (B)). Its excess profits net income is $500,000, its excess profits credit is $145,000, and it has no unused excess profits credit adjustment. Its excess profits tax is $254,955, computed as follows:

Excess profits tax		
1. Excess profits net income		$500,000
2. Specific exemption	$5,000	
3. Excess profits credit	145,000	
4. Total of item 2 and item 3		150,000
5. Adjusted excess profits net income		350,000
6. Excess profits tax (90 percent of item 5)		315,000
7. Net income (computed without regard to credit provided in section 26 (e) relating to income subject to excess profits tax)		411,000
8. (a) Total dividends received	$110,000	
(b) Less dividends received on preferred stock of a public utility corporation	10,000	
(c) Difference	100,000	
9. Less:		
(a) Dividends received credit (85 percent of item 8 (c) but not in excess of 85 percent of item 7)	85,000	
(b) Dividends paid on certain preferred stock	5,000	90,000
10. Corporation surtax net income (computed without regard to the credit provided in section 26 (e)) (item 7 minus item 9)		321,000
11. 80 percent of item 10		256,800
12. Income tax under Chapter 1 (other than section 102) for the taxable year (item 31)		1,845
13. Excess of item 11 over item 12		254,955
14. Excess profits tax (item 6 or item 13, whichever is lesser)		254,955
Normal tax		
15. Net income		$411,000
16. Less: Credit under section 26 (a) for interest on certain United States obligations		1,000
17. Adjusted net income		410,000
18. Less income subject to excess profits tax (credit under section 26 (e)) (item 5)		350,000
19. Item 17 minus item 18		60,000
20. Total dividends received	$110,000	
21. Dividends received credit (85 percent of item 20 but not in excess of 85 percent of item 19)		51,000
22. Normal tax net income		9,000
23. Normal tax ($750 plus 17 percent of $4,000)		1,430
Surtax		
24. Net income		$411,000
25. Less income subject to excess profits tax (credit under section 26 (e)) (item 5)		350,000
26. Item 24 minus item 25		61,000
27. (a) Total dividends received	$110,000	
(b) Less dividends received on preferred stock of public utility corporation	10,000	
(c) Difference	100,000	
28. Less: (a) Dividends received credit (85 percent of item 27 (c) but not in excess of 85 percent of item 26)	51,850	
(b) Dividends paid on certain preferred stock	5,000	56,850
29. Corporation surtax net income		4,150
30. Surtax (10 percent of item 29)		415
31. Total normal tax and surtax (item 23 plus item 30)		1,845

If a mutual insurance company, other than life or marine, receives a gross amount from interest, dividends, rents, and premiums (including deposits and assessments) in excess of $75,000 but less than $125,000, the tax imposed under section 710 is an amount which bears the same proportion to the amount of tax otherwise determined under such section, computed without regard to section 710 (a) (4) and the provisions of this sentence, as the excess over $75,000 of such gross amount received bears to $50,000. For example, assume that a mutual insurance company (other than a life or marine insurance company) receives a gross amount from interest, dividends, rents, and premiums of $115,000, and that its excess profits tax computed under section 710 (a) (1) is $18,000. Under section 710 (a) (4), the excess profits tax imposed under section 710 is $14,400, that is, $\frac{40,000 \times \$18,000}{50,000}$.

§ 35.710–5 *Deferment of payment of tax in case of base period or invested capital abnormality.* If a taxpayer claims the benefits of section 722 (relating to general excess profits tax relief through a constructive average base period net income), it must make its return and compute and pay its tax without the benefits of such section, and not later than six months after the date prescribed by law for the filing of its return make application for relief under such section. (See section 722 (d).) However, if the adjusted excess profits net income so computed on its return (without the benefits of section 722) for such year exceeds 50 percent of the taxpayer's normal tax net income for such year, computed without the credit provided in section 26 (e) for income subject to excess profits tax, and if the taxpayer on its return claims to be entitled to the benefits of section 722, the amount of tax payable at the time prescribed for payment may be reduced by an amount equal to 33 percent of the reduction in tax so claimed. (See section 710 (a) (5).) In computing the normal tax net income for purposes of the 50 percent determination, the credit for dividends received under section 26 (b) shall be limited to 85 percent of adjusted net income unreduced by the credit under section 26 (e) for income subject to excess profits tax.

The amount of reduction in tax claimed under section 722 shall be the difference between the amount of tax computed under section 710 (a) (1) without the benefit of section 722 (prior to the credit under section 729 for taxes paid to a foreign country or to a possession of the United States, to the credit under section 783 for debt retirement, and to the adjustment under section 734 on account of an inconsistent position) and the amount of tax so computed by using instead of the actual excess profits credit the excess profits credit based upon the constructive average base period net income claimed by the taxpayer. In any case in which the excess profits tax computed with the use of the constructive average base period net income is determined under section 710 (a) (1) (B) as an amount which when added to the normal tax and surtax imposed under Chapter 1 equals 80 percent of the corporation surtax net income (computed without regard to the credit under section 26 (e) for income subject to excess profits tax), the credit for income subject to excess profits tax provided in section 26 (e), and used in determining normal tax net income and corporation surtax net income shall be computed for the purposes of determining such normal tax and surtax by using the excess profits credit based upon the constructive average base period net income in lieu of the actual excess profits credit.

A taxpayer which claims to be entitled to a tax deferment under the provisions of section 710 (a) (5) and of this section must, at the time of filing its excess profits tax return on Form 1121, attach thereto an application for relief under section 722 on Form 991 (revised January, 1943). The application must set forth under oath each ground under section 722 upon which the application for relief is based and facts sufficient to apprise the Commissioner of the exact basis thereof and to establish eligibility for relief, as well as data and information in sufficient detail to establish the amount of constructive average base period net income claimed, the amount of tax reduction claimed by the use of section 722, and the amount of tax deferment claimed on the return. In any case in which an application for relief on Form 991 (revised January, 1943) is not so attached to the excess profits tax return, the taxpayers shall not be deemed to have claimed on its return the benefits of section 722. In such case the amount of tax deferment claimed under section 710 (a) (5) and this section shall be added to the amount of tax otherwise shown by the taxpayer to be payable. For the purposes of section 271 (made applicable to Subchapter E of Chapter 2 by section 729) relating to the definition of deficiency, the amount of tax shown by the taxpayer to be payable so increased shall be considered the amount of tax shown on the return.

For the purposes of section 271, in case a taxpayer has claimed a tax reduction under section 710 (a) (5) and has attached Form 991 (revised January, 1943) to its excess profits tax return as provided in this section, the tax so reduced shall be the tax shown on the return.

If a constructive average base period net income has been finally determined and has been used in computation of the excess profits tax for a prior excess profits tax taxable year under section 722 and under regulations prescribed under such section, such constructive average base period net income may be applicable in the computation of the excess profits tax for the current excess profits tax taxable year. In such case, the excess profits tax for such current year shall be computed with the use of such constructive average base period net income, and the provisions of section 710 (a) (5) shall be inapplicable with respect to such year.

The application of section 710 (a) (5) may be illustrated by the following example:

Assume that Corporation B, which makes its return on the calendar year basis, has for 1942 a net income of $1,010,000, which includes $300,000 of dividends on the common stock of domestic manufacturing corporations, $10,000 of interest on certain United States Government obligations which is exempt from the normal tax, and $200,000 of long-term capital losses which are offset against an equal amount of short-term capital gains. Its adjusted net income is $1,000,000, and it has an excess profits credit of $95,000, and no unused excess profits credit adjustment. It has filed, with its excess profits tax return for 1942, an application for relief under section 722 in which it claims a constructive average base period net income of $600,000. Its excess profits tax return for 1942, computed without regard to section 722, shows an amount of tax deferred under section 710 (a) (5) of $99,584.10, and an excess profits tax due of $494,685.90, computed as follows:

Excess profits tax		
1. Normal tax net income (computed without allowance of credit under section 26 (e) for income subject to excess profits tax and without allowance of dividends received credit) (item 22)		$1,000,000.00
2. Plus long-term capital loss adjustment		200,000.00
3. Item 1 plus item 2		1,200,000.00
4. Less dividend received credit adjustment (100 percent of item 25)		300,000.00
5. Excess profits net income		900,000.00
6. Less specific exemption	$5,000.00	
7. Excess profits credit	95,000.00	
8. Total of item 6 and item 7		100,000.00
9. Adjusted excess profits net income (item 5 minus item 8)		800,000.00
10. Excess profits tax (90 percent of item 9)		720,000.00
11. Net income (computed without regard to credit provided in section 26 (e) relating to income subject to excess profits tax) (item 21)		1,010,000.00
12. Dividends received	$300,000.00	
13. Less dividends received credit (85 percent of item 12, but not in excess of 85 percent of item 11)		255,000.00
14. Corporation surtax net income (computed without regard to the credit provided in section 26 (e)) (item 11 minus item 13)		755,000.00
15. 80 percent of item 14		604,000.00
16. Income tax under Chapter 1 (other than section 102) for the taxable year (item 36)		9,730.00
17. Excess of item 15 over item 16		594,270.00
18. Excess profits tax (item 10 or item 17, whichever is lesser)		594,270.00
19. Less tax deferred under section 710 (a) (5) (item 56)		99,584.10
20. Excess profits tax payable (item 18 minus item 19)		494,685.90
Normal tax		
21. Net income		$1,010,000.00
22. Adjusted net income (item 21 minus $10,000 interest on certain United States obligations)		1,000,000.00
23. Less income subject to excess profits tax (credit under section 26 (e)) (item 9)		800,000.00
24. Item 22 minus item 23		200,000.00
25. Dividends received	$300,000.00	
26. Less dividends received credit (85 percent of item 25 but not in excess of 85 percent of item 24)		170,000.00
27. Normal tax net income		30,000.00
28. Normal tax ($4,250 plus 31 percent of $5,000)		5,800.00
Surtax		
29. Net income (item 21)		$1,010,000.00
30. Less income subject to excess profits tax (credit under section 26 (e)) (item 9)		800,000.00
31. Item 29 minus item 30		210,000.00
32. Dividends received	$300,000.00	
33. Less dividends received credit (85 percent of item 32 but not in excess of 85 percent of item 31)		178,500.00
34. Corporation surtax net income		31,500.00
35. Surtax ($2,500 plus 22 percent of $6,500)		3,930.00
36. Total normal tax and surtax (item 28 plus item 35)		9,730.00

Percentage which adjusted excess profits net income bears to normal tax net income computed without credit under section 26 (e) for income subject to excess profits tax

37. Adjusted excess profits net income computed without regard to section 722 (item 9)			$800,000.00
38. Adjusted net income (item 22)		$300,000	1,000,000.00
39. Dividends received			
40. Dividends received credit (85 percent of item 39 but not in excess of 85 percent of item 38)			255,000.00
41. Normal tax net income (computed without regard to the credit for income subject to excess profits tax under section 26 (e))			745,000.00
42. Percentage which item 37 bears to item 41		percent	107

Tax deferred under section 710 (a) (5)

EXCESS PROFITS TAX UNDER SECTION 722

43. Excess profits net income (item 5)		$900,000.00
44. Less specific exemption	$5,000.00	
45. Excess profits credit based on constructive excess profits net income under section 722 (95 percent of $600,000)	570,000.00	
		575,000.00
46. Item 44 plus item 45		
47. Adjusted excess profits net income computed under section 722 (item 43 minus item 46)		325,000.00
		292,500.00
48. Excess profits tax under section 722 (90 percent of item 47)		
49. Corporation surtax net income (computed without regard to the credit provided in section 26 (e)) (item 14)		755,000.00
		604,000.00
50. 80 percent of item 49		
51. Income tax under Chapter 1 (other than section 102) for the taxable year, computed with the excess profits tax determined under section 722 (item 72)		169,600.00
		434,400.00
52. Excess of item 50 over item 51		
53. Excess profits tax computed without the benefit of section 722 (item 17)		594,270.00
54. Excess profits tax computed under section 722 (item 48 or item 52, whichever is lesser)		292,500.00
55. Amount of tax reduction claimed under section 722 (item 53 minus item 54)		301,770.00
56. Amount of tax deferred under section 710 (a) (5) (33 percent of item 55)		99,584.10

Normal tax

57. Net income (item 21)		$1,010,000.00
58. Adjusted net income (item 22)		1,000,000.00
59. Less income subject under section 722 to excess profits tax (credit under section 26 (e)) (item 47)		325,000.00
60. Item 58 minus item 59		675,000.00
61. Dividends received	$300,000.00	
62. Less dividends received credit (85 percent of item 61 but not in excess of 85 percent of item 60)		255,000.00
63. Normal-tax net income		420,000.00
64. Normal tax (24 percent of item 63)		100,800.00

Surtax

65. Net income (item 21)		$1,010,000.00
66. Less income subject under section 722 to excess profits tax (credit under section 26 (e)) (item 47)		325,000.00
67. Item 65 minus item 66		685,000.00
68. Dividends received	$300,000.00	
69. Less dividends received credit (85 percent of item 68 but not in excess of 85 percent of item 67)		255,000.00
70. Corporation surtax net income (item 67 minus item 69)		430,000.00
71. Surtax (16 percent of item 70)		68,800.00
72. Total normal tax and surtax (item 64 plus item 71)		169,600.00

SEC. 711. EXCESS PROFITS NET INCOME. [Added by sec. 201, Second Rev. Act 1940; amended by secs. 3 and 12 (b), Excess Profits Tax Amendments 1941, by sec. 202 (c) and (d), Rev. Act 1941, and by secs. 205 (b) and (c), 206, 207, 208, 209 (a) and (b), 210, 211, and 213, Rev. Act 1942.]

(a) *Taxable years beginning after December 31, 1939.* The excess profits net income for any taxable year beginning after December 31, 1939, shall be the normal-tax income, as defined in section 13 (a) (2), for such year except that the following adjustments shall be made:

(1) *Excess profits credit computed under income credit.* If the excess profits credit is computed under section 713, the adjustments shall be as follows:

(A) *Income subject to excess profits tax.* In computing such normal-tax net income the credit provided in section 26 (e) (relating to income subject to the tax imposed by this subchapter) shall not be allowed;

(B) *Gains and losses from sales or exchanges of capital assets.* There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months;

(C) *Income from retirement or discharge of bonds, and so forth.* There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

(D) *Refunds and interest on Agricultural Adjustment Act taxes.* There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

(E) *Recoveries of bad debts.* There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940;

(F) *Dividends received.* The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations.

(G) [Not applicable to taxable years under these regulations (section 206 (b) (1), Rev. Act 1942).]

(H) *Life insurance companies.* In the case of a life insurance company, there shall be deducted from the normal tax net income, the excess of (i) the product of (I) the figure determined and proclaimed under section 202 (b) and (II) the excess profits net income computed without regard to this subparagraph, over (2) the adjustment for certain reserves provided in section 202 (c).

(I) *Nontaxable income of certain industries with depletable resources.* In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735.

(J) *Net operating loss deduction adjustment.* The net operating loss deduction shall be adjusted as follows:

(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714, the deduction for interest shall be reduced by the amount of any reduction under paragraph (2) (B) for such taxable year; and

(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations specified in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (B), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).

(2) *Excess profits credit computed under invested capital credit.* If the excess profits credit is computed under section 714, the adjustments shall be as follows:

(A) *Dividends received.* The credit for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except that no credit for dividends received shall be allowed with respect to dividends (actual or constructive) on stock of foreign personal holding companies or dividends on stock which is not a capital asset.

(B) *Interest.* The deduction for interest shall be reduced by an amount equal to 50 per centum of so much of such interest as represents interest on the indebtedness included in the daily amounts of borrowed capital (determined under section 719 (a));

(C) *Income subject to excess-profits tax.* In computing such normal-tax net income the credit provided in section 26 (e) (relating to income subject to the tax imposed by this subchapter) shall not be allowed;

(D) *Gains and losses from sales or exchanges of capital assets.* There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months.

(E) *Income from retirement or discharge of bonds, and so forth.* There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

(F) *Refunds and interest on Agricultural Adjustment Act taxes.* There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

(G) *Interest on certain government obligations.* The normal-tax net income shall be increased by an amount equal to the amount of the interest on obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income, if the taxpayer has so elected under section 720 (d); and

(H) *Recoveries of bad debts.* There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940.

(I) [Not applicable to taxable years under these regulations (section 206 (b) (2), Rev. Act 1942).]

(J) In the case of a life insurance company, there shall be deducted from the normal tax net income, 50 per centum of the excess of (1) the product of (i) the figure determined and proclaimed under section 202 (b) and (ii) the excess profits net income computed without regard to this subparagraph, over (2) the adjustment for certain reserves provided in section 202 (c).

(K) *Nontaxable income of certain industries with depletable resources.* In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735.

(L) *Net operating loss deduction adjustment.* The net operating loss deduction shall be adjusted as follows:

(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714 the deduction for interest shall be reduced by the amount of any reduction under subparagraph (B) of this paragraph for such taxable year; and

(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (D), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).

(3) *Taxable year less than twelve months—*(A) *General rule.* If the taxable year is a period of less than twelve months the excess profits net income for such taxable year (referred to in this paragraph as the "short taxable year") shall be placed on an annual basis by multiplying the amount thereof by the number of days in the twelve months ending with the close of the short taxable year and dividing by the number of days in the short taxable year. The tax shall be such part of the tax computed on such annual basis as the number of days in the short taxable year is of the number of days in the twelve months ending with the close of the short taxable year.

(B) *Exception.* If the taxpayer establishes its adjusted excess profits net income for the period of twelve months beginning with the first day of the short taxable year, computed as if such twelve-month period were a taxable year, under the law applicable to the short taxable year, and using the credits applicable in determining the adjusted excess profits net income for such short taxable year, then the tax for the short taxable year shall be reduced to an amount which is such part of the tax computed on such adjusted excess profits net income so established as the excess profits net income for the short taxable year is of the excess profits net income for such twelve-month period. The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file its return without the application of this subparagraph. If, prior to one year from the date of the beginning of the short taxable year, the taxpayer has disposed of substantially all its assets, in lieu of the twelve-month period provided in the preceding provisions of this subparagraph, the twelve-month period ending with the close of the short taxable year shall be used. For the purposes of this subparagraph, the excess profits net income for the short taxable year shall not be placed on an annual basis as provided in subparagraph (A), and the excess profits net income for the twelve-month period used shall in no case be considered less than the excess profits net income for the short taxable year. The benefits of this subparagraph shall not be allowed unless the taxpayer, at such time as regulations prescribed hereunder require, makes application therefor in accordance with such regulations, and such application, in case the return was filed without regard to this subparagraph, shall be considered a claim for credit or refund. The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary for the application of this subparagraph.

§ 35.711 (a)–1 *Excess profits net income for the taxable year.* Two methods are provided for determining the excess profits net income for the taxable year. One method, that provided by section 711 (a) (1), is to be used if the excess profits credit is computed under section 713, which credit is referred to in these regulations as the income credit. The other method, that provided by section 711 (a) (2), is to be used if the excess profits credit is computed under section 714, which credit is referred to in these regulations as the invested capital credit. As to corporations entitled to use the excess profits credit based on income or the excess profits credit based on invested capital, whichever credit results in the lesser excess profits tax, and corporations required to use the excess profits credit based on invested capital, see section 712. Under either method, the excess profits net income is computed in the same manner as the normal-tax net income but with adjustments in certain items of income, deductions, and credits which otherwise would be used in computing normal-tax net income as defined in section 13 (a) (2). Adjustments in items of income, deductions, and credits are to be made as provided in section 711 (a) (1) or section 711 (a) (2), whichever is applicable. Adjustments are also to be made in deductions which, in computing normal-tax net income, are limited by other items of deductions, or by items of income (for example, the deduction for capital losses under section 117 (d) (1)), or by net income (for example, the deduction for corporate charitable contributions under section 23 (q)), or by the net income from property (for example, the deduction for discovery or percentage depletion under section 114 (b) (2), (3), and (4)), the limitation upon such deductions being determined for purposes of computing excess profits net income with reference to such items of income, or deductions, or net income, or the net income from property as adjusted under section 711 (a) (1) or section 711 (a) (2), whichever is applicable. If normal-tax net income is first determined (except for the credit for adjusted excess profits net income provided in section 26 (e)), for convenience in computing excess profits net income, where the limitations described in this paragraph are not involved, the adjustments may be made by additions and subtractions from the amount of such normal-tax net income, instead of by completely recomputing normal-tax net income.

§ 35.711 (a)–2 *Excess profits net income if income credit is used.* If the excess profits credit for the taxable year is computed under section 713, the excess profits net income for such year is the normal-tax net income as recomputed after making the adjustments provided in section 711 (a) (1).

For the purpose of making the adjustment under section 711 (a) (1) (B) for certain capital gains and losses, gains and losses from sales or exchanges of capital assets are determined under the definitions and in the manner provided under Chapter 1. In recomputing normal-tax net income for the purpose of determining excess profits net income for the taxable year, capital gains and losses from the sale or exchange of capital assets held for more than six months are to be excluded and the excess of losses from sales or exchanges of capital assets held for not more than six months over gains from the sale or exchange of capital assets held for not more than six months is also to be excluded. For example, a corporation has $4,000 in gains from sales of capital assets held

for more than six months, $3,000 in gains from sales of capital assets held not more than six months, and $6,000 in losses from sales of capital assets held not more than six months. The $4,000 long-term capital gains are to be excluded for excess profits tax purposes. Accordingly, the deduction for short-term capital losses for excess profits tax purposes is limited to $3,000, the amount of the short-term capital gains. Since capital losses are allowed as a deduction only to the extent of capital gains (section 117 (d) (1)), and since both long-term gains and losses are excluded for excess profits tax purposes, short-term losses are allowed only to the extent of the remaining short-term gains.

In making the adjustment provided in section 711 (a) (1) (C), the term "indebtedness" as used therein includes indebtedness assumed by the taxpayer even though such indebtedness is evidenced, so far as the taxpayer is concerned, only by a contract (which has been outstanding for more than six months) with the person whose liabilities have been assumed. Also, a renewal obligation is to be considered to be outstanding for more than six months if the original obligations and the renewal obligations taken together have been outstanding for a total of more than six months. The term "other evidence of indebtedness" does not include open account book entries.

The refunds of Agricultural Adjustment Act taxes referred to in section 711 (a) (1) (D) include only those made under Title VII of the Revenue Act of 1936 and refunds made to processors under section 15 (a) of the Agricultural Adjustment Act as reenacted by section 601 of the Revenue Act of 1936.

The provisions of section 711 (a) (1) (E), relating to recoveries of bad debts, are not applicable in the case of a taxpayer using the reserve method of treating bad debts as provided in §§ 29.23 (k)–1 and 29.23 (k)–5 of this chapter.

Deductions which are limited by items of income or deductions, or by the net income or the net income from property are to be computed upon the basis of such items or such net income or net income from property as adjusted under section 711 (a) (1) in recomputing normal-tax net income for the purpose of determining the amount of excess profits net income.

Section 711 (a) (1) (J) provides for recomputation of the net operating loss deduction in computing excess profits net income under the income credit. The various steps in computing the deduction are to be taken in the same manner and for the same years as are provided in section 122 and in the regulations thereunder, except as prescribed in the rules set forth in section 711 (a) (1) (J). The exceptions prescribed by section 711 (a) (1) (J) require that in the computation of the net operating loss for any taxable year under section 122 (a) and in the computation of the net income for any taxable year under section 122 (b) no deduction shall be allowed for any excess profits tax and, if the excess profits credit was computed under the invested capital method for the taxable year in which the loss was sustained or the net income arose, the deduction for interest for such taxable year shall be reduced by amount of any reduction for such taxable year prescribed under section 711 (a) (2) (B). Furthermore, in lieu of the reduction prescribed in section 122 (c) for converting the aggregate of the net operating loss carry-overs and carry-backs to the taxable year into the net operating loss deduction, the reduction for such purpose shall be the amount by which the excess profits net income for the taxable year in which the deduction is allowable, computed with the exceptions and limitations specified in section 122 (d) (1), (2), (3), and (4) and computed without regard to section 711 (a) (1) (B) (excluding long-term capital gains and losses), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income for such taxable year (computed without any net operating loss deduction). The net operating loss deduction so computed with the adjustments prescribed by section 711 (a) (1) (J) is deducted in computing normal-tax net income to determine excess profits net income, in lieu of the net operating loss deduction otherwise prescribed in sections 23 (s) and 122.

The computation of net operating loss, net operating loss carry-back and carry-over, and the net operating loss deduction for purposes of excess profits net income is illustrated by the following example:

Example. The X Corporation makes its income tax returns on a calendar year basis and under the accrual method of accounting. Its only net operating loss for the years 1939–1946, inclusive, occurs in 1944. Under section 122 (b), the net operating loss for 1944 first is to be carried back to 1942 and the balance of such carry-back, if any, computed as provided in sections 122 (b) and 711 (a) (1) (J) (i) is to be carried back to 1943. For 1942, 1943, and 1944, the facts with respect to the X Corporation as are follows:

	1942	1943	1944
(a) Tax exempt interest from State bonds	$1,000	$1,000	$1,000
(b) Dividends received	10,000	10,000	10,000
(c) Long-term capital gain	2,500	3,000	
(d) Interest from United States obligations	2,000	2,000	2,000
(e) Other items of gross income	200,000	300,000	20,000
(f) Total taxable gross income (sum of items (b), (c), (d), and (e))	214,500	315,000	32,000
(g) Deductions (other than net operating loss deduction; no capital losses)	154,500	177,000	115,000
(h) Net income or (loss)	60,000	138,000	(83,000)
(i) Credit for interest from United States obligations	2,000	2,000	2,000
(j) Adjusted net income	58,000	136,000	(85,000)
(k) Credit for dividends received (85 percent of amount in item (b) but not more than 85 percent of adjusted net income)	8,500	8,500	
(l) Normal-tax net income (computed without net operating loss deduction and without credit for income subject to excess profits tax)	49,500	127,500	(85,000)

In order to determine the net operating loss for 1944 there must be added to the total gross taxable income of $32,000, the $1,000 of tax exempt interest, as provided in section 122 (d) (2). Accordingly the net operating loss for 1944 is $82,000, the excess of $115,000 (item (*g*)) over $33,000 (the sum of item (*f*), $32,000; and item (*a*), $1,000). The net operating loss deduction for 1942 is the amount of this carryback, reduced as provided in section 711 (a) (1) (J) (ii). This reduction is the excess of the amount of excess profits net income for 1942 with certain adjustments provided in section 711 (a) (1) (J) (ii) over the amount of excess profits net income for 1942 (computed without the net operating loss deduction). The amount of excess profits net income for 1942 computed without the net operating loss deduction is $45,500, computed as follows:

Normal-tax net income for 1942, as previously determined		$49,500
Less:		
Long-term capital gain	$2,500	
Credit for balance of dividends received	1,500	
		4,000
Excess profits net income (computed without net operating loss deduction)		45,500

The amount of excess profits net income computed with the adjustment provided in section 711 (a) (1) (J) (ii) from which the $45,500 is to be deducted is $61,000, computed as follows:

Excess profits net income (computed without net operating loss deduction in accordance with section 122 (d) (3))		$45,500
Plus:		
Tax exempt interest	1,000	
Long-term capital gain	2,500	
Amount of credit for dividends received	10,000	
Amount of credit for interest received	2,000	
Total		61,000

Since $61,000 exceeds $45,500 by $15,500, the net operating loss carry-back of $82,000 to 1942 is to be reduced by $15,500, leaving a net operating loss deduction of $66,500 for the purpose of determining excess profits net income for 1942.

In this example, the net operating loss carry-back from 1944 to 1943 is the excess of the carry-back, $82,000, over the net income for 1943 computed under sections 122 (b) (1) and 711 (a) (1) (J) (i) as follows:

Net income for 1942, as previously determined		$60,000
Plus:		
Tax exempt interest	1,000	
Total		61,000

It will be noted that the excess profits tax for 1942 is not allowed under section 711 (a) (1) (J) (i) as a deduction in computing the above amount ($61,000) although it is allowed for income tax purposes as a deduction in computing net operating loss, as provided in section 122 (d) (6). The net operating loss carry-back to 1943 for purposes of excess profits tax therefore is $21,000 (the excess of $82,000 over $61,000). The net operating loss deduction for 1943 for purposes of excess profits net income for 1943 is the amount of $21,000 reduced as provided in section 711 (a) (1) (J) (ii). The amount of this reduction is computed in the same manner as the corresponding reduction was previously computed for 1942. That is, the excess profits net income for 1943, computed without net operating loss deduction, is $123,000, computed as follows:

Normal-tax net income, as previously determined		$127,500
Less:		
Long-term capital gain	$3,000	
Credit for balance of dividends received	1,500	
		4,500
Excess profits net income (computed without net operating loss deduction)		123,000

The amount which is in excess of this amount of $123,000 is $139,000, computed with the adjustments provided in section 711 (a) (1) (J) (ii) as follows:

Excess profits net income (computed without net operating loss deduction in accordance with section 122 (d) (3))		$123,000
Plus:		
Tax-exempt interest	1,000	
Long-term capital gain	3,000	
Amount of credit for dividends received	10,000	
Amount of credit for interest received	2,000	
Total		139,000

The excess of $139,000 over $123,000 is $16,000. Since the net operating loss carry-back to 1943 ($21,000) must be reduced by this amount $16,000) in determining the deduction for 1943, the net operating loss deduction allowable for the purpose of determining excess profits net income for 1943 is $5,000.

In this example, no net operating loss carry-over from 1944 is allowable to 1945 or 1946. The net operating loss for 1944, $82,000, does not exceed the sum of the net income for 1942 and 1943 when the net income for 1942 and 1943 is computed under section 122 (b) (2) and section 711 (a) (1) (J) (ii). The net income for 1942 as previously determined under such sections is $61,000. The net income for 1943 computed under such sections is $139,000 computed as follows:

Net income for 1943 as previously determined		$138,000
Plus:		
Tax exempt interest	1,000	
Total		139,000

For a deduction from normal-tax net income in the case of life insurance companies for the purpose of determining excess profits net income, see section 711 (a) (1) (H). For exclusion of nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735 in the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, see section 711 (a) (1) (I).

The computation of the excess profits net income in cases where the income credit is used may be illustrated by the following example:

Example. The facts with respect to the X Corporation for the calendar year 1942 are as follows:

(1) The normal-tax net income of the corporation, computed without regard to the credit provided in section 26 (e) for income subject to the excess profits tax, is $400,000.

(2) The corporation has gains of $100,000 and losses of $75,000 from sales and exchanges of capital assets held for more than six months. It has no gains or losses from sales or exchanges of capital assets held for not more than six months.

(3) On January 1, 1932, the corporation issued at a premium of $40,000 bonds with a total face value of $800,000, maturing December 31, 1951. On January 1, 1942, the corporation purchases one-half of the amount of the bonds for $390,000. For the years 1932 to 1941, inclusive, it had returned $10,000 as income with respect to the premium on the bonds it so purchased. The corporation did not comply with the provisions of section 22 (b) (9) for excluding from gross income the income from the retirement of its bonds.

(4) The corporation derives income in the amount of $400 attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon such refund.

(5) For the calendar year 1935, the corporation deducted $10,000 as a bad debt. The deduction of all bad debts for the calendar year 1935 resulted in a reduction of its tax for that year. During the calendar year 1942, it recovers $5,000 with respect to such debt.

(6) The corporation receives as dividends: $100,000 of the class with respect to which a credit is allowed by section 26 (b), $20,000 from a China Trade Act corporation, and $20,000 from a foreign corporation which is not a foreign personal holding company.

If the income credit is used, the excess profits net income of the corporation for the calendar year 1942 is $314,600, computed as follows:

Normal-tax net income (computed without regard to the credit provided by section 26 (e) for income subject to the excess profits tax)		$400,000
Plus:		
Losses from the sale or exchange of capital assets held for more than six months	75,000	
		475,000
Less:		
Gains from the sale or exchange of capital assets held for more than six months	$100,000	
Income from retirement of bonds	20,000	
Income from refunds of Agricultural Adjustment Act taxes and interest thereon	400	
Income from recovery of bad debts	5,000	
Additional dividends received credit (100 per cent of total dividends of $120,000 received from domestic corporations including the China Trade Act Corporations, less credit of $85,000 already allowed by section 26 (b) for dividends received, or $120,000 minus $85,000	35,000	
		160,400
Excess profits net income		$314,600

It is to be observed that no adjustment under section 711 (a) (1) (F) is required to be made for the $20,000 dividends received from the foreign corporation.

§ 35.711 (a)–3 *Excess profits net income if invested capital credit is used.* If the excess profits credit for the taxable year is computed under section 714, then the excess profits net income for such year is the normal-tax net income recomputed with the adjustments provided in section 711 (a) (2). Under section 711 (a) (2) (A), there must be eliminated in computing normal-tax net income the credit allowed under Chapter 1 for dividends received on stock which is not a capital asset as defined in section 117, such as stock held primarily for sale to customers by a dealer in securities. Otherwise the adjustments are the same as the adjustments provided in section 711 (a) (1) except that the following additional adjustments are required to be made:

(a) There shall be added to the normal-tax net income:

(1) An amount equal to 50 percent of the deduction for interest on the indebtedness included in the daily amounts of borrowed capital (determined under section 719 (a)); and

(2) An amount equal to the amount of interest on obligations held during the taxable year which are described in section 22 (b) (4), any part of the interest from which is excludible from gross income or allowable as a credit against net income, if the corporation has elected under section 720 (d) to treat such interest as taxable for excess profits tax purposes. As used in paragraph (2), the term "interest" includes, in the case of obligations issued at a discount, so much of such discount as (for purposes of determining gain or loss upon sale or other disposition) is treated as interest in the hands of the taxpayer for the taxable year. If a taxpayer in its return has made the election under section 720 (d), the amount of interest on obligations held during the taxable year which are described in section 22 (b) (4) shall be reduced by the amount, if any, of the amortizable bond premium under section 125 attributable to such obligations, and only the amount of interest so reduced shall be added to normal-tax net income.

(b) There shall be subtracted from the normal-tax net income the amount of dividends received from foreign corporations on stock which is a capital asset, except dividends (actual or constructive) on stock of foreign personal-holding companies.

The computation of the excess profits net income in cases where the invested capital credit is used may be illustrated by the following example:

Example. The facts present in the example in § 35.711 (a)–2 with respect to the X Corporation are also present with respect to the Y Corporation, and in addition the following facts are present with respect to the latter corporation:

(a) During the calendar year 1942 the corporation pays interest amounting to $48,000 on the bonds referred to in (3) of that example.

(b) Throughout the entire calendar year 1942 the corporation owns $100,000 of Treasury bonds 1944–54 and $100,000 of bonds is-

sued by a State. Neither the Treasury bonds nor the State bonds were purchased at a premium. It derives income for the year 1942 from interest on such bonds amounting to $6,000. The corporation elects under section 720 (d) to increase its normal-tax net income for excess profits tax purposes for the year 1942 by an amount equal to the amount of interest on all obligations held during that year which are described in section 22 (b) (4).

(c) The corporation held as a capital asset the stock on which the dividends were received.

If the invested capital credit is used, the excess profits net income of the corporation for the calendar year 1942 is $324,600, computed as follows:

Normal-tax net income (computed without regard to the credit provided by section 26 (c) for income subject to the excess profits tax)		$400,000
Plus:		
Losses from the sale or exchange of capital assets held for more than six months	$75,000	
Income from retirement of bonds	24,000	
50 per cent of interest on indebtedness included in borrowed capital	6,000	
Interest on Government and State obligations		105,000
		505,000
Less:		
Gains from the sale or exchange of capital assets held for more than six months	100,000	
Income from retirement of bonds	20,000	
Income from refunds of Agricultural Adjustment Act taxes and interest thereon	400	
Income from recovery of bad debts	5,000	
Additional dividends received credit ($140,000 dividends received from both domestic and foreign corporations less credit of $85,000 already allowed by section 26 (b) for dividends received)	55,000	
		180,400
Excess profits net income under section 711 (a) (2)		324,600

§ 35.711 (a)–4 *Tax for period of less than 12 months*—(a) *Methods of computing tax for short taxable year; allowance.* Section 711 (a) (3) provides rules, under a general rule and under an exception to such rule, which are applicable to short excess profits tax taxable years for the purpose of, determining 12 months' experience and computing the tax for such years. A short taxable year is any taxable period of less than 12 months. If the period from the date of incorporation of a corporation to the end of its first accounting period, or the period from the beginning of its last accounting period to the date it ceases operations and is dissolved, retaining no assets, is a period of less than 12 months, such period is a short taxable year. In every case of a short taxable year, whether of a type resulting from a change of accounting period or of a type described in the preceding sentence, the excess profits net income for a period of 12 months used for the purpose of computing the tax under this section shall be used for all other purposes under this subchapter (except as otherwise expressly provided) as the excess profits net income of the taxpayer for the short taxable year. The tax imposed by section 710 (a) (1) (A) for the short taxable year shall be computed under paragraph (b) of this section, except as otherwise provided in paragraph (c) of this section. The tax under section 710 (a) (1) (B) for a taxable year of less than 12 months is determined on the basis of the actual normal tax and surtax for the taxable year and on the basis of the corporation surtax net income computed for the period for which return was made without placing the net income on an annual basis and computed without regard to the credit provided in section 26 (e) for income subject to excess profits tax.

(b) *General rule.* Section 711 (a) (3) (A) provides that the excess profits net income for a short taxable year shall be placed on an annual basis by multiplying the amount thereof by the number of days in the 12 months ending with the close of the short taxable year and dividing by the number of days in the short taxable year. A tentative tax shall then be computed as though the excess profits net income were the amount so ascertained under the preceding sentence. The actual tax for the short taxable year shall be an amount which bears the same ratio to such tentative tax as the number of days in the short taxable year bears to the total number of days in the 12 months ending with the close of the taxable year.

(c) *Exception; tax for short period determined by actual 12-month adjusted excess profits net income.* If the taxpayer applies to the Commissioner in the manner provided in paragraph (d) of this section to have its tax computed under the provisions of section 711 (a) (3) (B), and if the taxpayer establishes the amount of its adjusted excess profits net income, computed for the 12-month period hereinafter described and under the rules hereinafter prescribed, then section 711 (a) (3) (B) provides that the tax for the short taxable year shall be reduced to an amount which is such part of the tax computed on the basis of the adjusted excess profits net income which the taxpayer has established for such 12-month period as the excess profits net income for the short taxable year is of the excess profits net income for such 12-month period. If such amount, however, is greater than the tax computed under paragraph (b) of this section, the tax for the short taxable year is the tax computed under paragraph (b). The 12-month period referred to above is the 12-month period beginning with the first day of the short taxable year, except that if the taxpayer has disposed of substantially all its assets prior to the end of such 12-month period, then it is the 12-month period ending with the last day of the short taxable year. If a corporation ceases business and distributes so much of the assets used in its business that it cannot resume its customary operations with the remaining assets, it has disposed of substantially all of its assets.

In computing the tax under section 711 (a) (3) (B), the excess profits net income for the short taxable year is not placed on an annual basis as provided in section 711 (a) (3) (A). The adjusted excess profits net income for the 12-month period is computed under the same provisions of law as are applicable to the short taxable year, with the use of the credits applicable in determining the adjusted excess profits net income for such short taxable year (as if this section were not applicable), and is computed as if the 12-month period were an actual accounting period of the taxpayer. All items which fall in such 12-month period must be included even if they are extraordinary in amount or of an unusual nature. The adjustments provided in section 711 (a) (1) and (2) under the law applicable to such short taxable year shall be made upon the basis of the normal-tax net income for such 12-month period. The apportionment of items to such 12-month period shall be made in accordance with the method and principles applicable under § 29.47–2 (b) of this chapter. The excess profits net income for the 12-month period used shall in no case be considered less than the actual excess profits net income for the short taxable year.

(d) *Application to compute tax under section 711 (a) (3) (B).* A taxpayer desiring the benefit of section 711 (a) (3) (B) must file an application therefor. If at the time the return for the short taxable year is filed the taxpayer is able to determine that the 12-month period ending with the close of the short taxable year will be used in the computations under section 711 (a) (3) (B), then the tax on the return for the short taxable year may be determined under the provisions of section 711 (a) (3) (B). In such a case, an excess profits tax return form covering the 12-month period shall be attached to the return as a part thereof, and the return will then be considered the application for the benefits of section 711 (a) (3) (B) required by that section. In all other cases, the taxpayer shall file its return and compute its tax as provided in paragraph (b) of this section, and the application for the benefit of section 711 (a) (3) (B) shall be made in the form of a claim for credit or refund if the tax computed under section 711 (a) (3) (A) has been paid, or, if the tax computed under section 711 (a) (3) (A) has not been paid, the application shall consist of a notice to the Commissioner setting forth the facts involved together with an excess profits tax return form covering the 12-month period used. The claim or other application for the benefit of section 711 (a) (3) (B) shall set forth the computation of the adjusted excess profits net income and the tax thereon for the 12-month period and, if credit or refund is sought for taxes paid before the application for the benefit of section 711 (a) (3) (B) is filed, the claim must be filed not later than June 15, 1943, or the time prescribed for filing the return for the first taxable year (or for the period which would be its taxable year if it continued in existence) ending with or after the twelfth month after the beginning of the short taxable year, whichever date is later. For example, the taxpayer changes its accounting period from the calendar year basis to the fiscal year basis ending September 30, and files a return for the period from January 1, 1942, to September 30, 1942. At the time it files its return, it pays the tax computed thereon under the provisions of section 711 (a) (3) (A). Its claim for credit or refund of the overpayment which would result from the application of section 711 (a) (3) (B) must be filed not later than the time prescribed for filing its return for the first taxable year which ends on or after the last day of December, 1942, the twelfth month after the beginning of the short taxable year. In this case, the taxpayer must file its claim for credit or refund not later than December 15, 1943, the time prescribed for filing the return for its fiscal year ending September 30, 1943. However, if it obtains an extension of time for filing the return for such fiscal year, it may file its claim during the period of such extension. If the Commissioner determines that the taxpayer has established the amount of the adjusted excess profits net income for the 12-month period, any excess of the tax paid for the short taxable year over the tax computed under section 711 (a) (3) (B) will be credited or refunded to the taxpayer in the same manner as in the case of any other overpayment. An application for the benefit of section 711 (a) (3) (B), other than a claim for credit or refund, made in any case in which the tax liability computed under section 711 (a) (3) (A) has not been paid, may be filed at any time before the tax liability for the taxable year is finally determined. Such application does not constitute a claim for credit, refund, or abatement. If credit or refund is sought for taxes paid after such application is filed, a claim therefor on Form 843 should be filed after such payment and within the period prescribed in section 322.

[SEC. 711. EXCESS PROFITS NET INCOME (Added by sec. 201, Second Rev. Act 1940; amended by secs. 3 and 12 (b), Excess Profits Tax Amendments 1941, by sec. 202 (c) and (d), Rev. Act 1941, and by secs. 205 (b) and (c), 206, 207, 208, 209 (a) and (b), 210, 211, and 213, Rev. Act 1942).]

* * * * *

(b) *Taxable years in base period*—(1) *General rule and adjustments.* The excess profits net income for any taxable year subject to the Revenue Act of 1936 shall be the normal-tax net income, as defined in section 13 (a) of such Act; and for any other taxable year beginning after December 31, 1937, and before January 1, 1940, shall be the special-class net income, as defined in section 14 (a) of the applicable revenue law. In either case the following adjustments shall be made (for additional adjustments in case of certain reorganizations, see section 742 (c)):

(A) [Not applicable to taxable years under these regulations (section 202 (c) (2), Rev. Act 1941).]

(B) *Gains and losses from sales or exchanges of capital assets.* There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months.

(C) *Income from retirement or discharge of bonds, and so forth.* There shall be excluded in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

(D) *Deductions on account of retirement or discharge of bonds, and so forth.* If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, the following deductions for such taxable year shall not be allowed:

(i) The deduction allowable under section 23 (a) for expenses paid or incurred in connection with such retirement or discharge;

(ii) The deduction for losses allowable by reason of such retirement or discharge; and

(iii) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge;

(E) *Casualty, demolition, and similar losses.* Deductions under section 23 (f) for losses arising from fires, storms, shipwreck, or other casualty, or from theft, or arising from the demolition, abandonment, or loss of useful value of property, not compensated for by insurance or otherwise, shall not be allowed;

(F) *Repayment of processing tax to vendees.* The deduction under section 23 (a), for any taxable year, for expenses shall be decreased by an amount which bears the same ratio to the amount deductible on account of any repayment or credit by the corporation to its vendee of any amount attributable to any tax under the Agricultural Adjustment Act of 1933, as amended, as the excess of the aggregate of the amounts so deductible in the base period over the aggregate of the amounts attributable to taxes under such Act collected from its vendees which were includible in the corporation's gross income in the base period and which were not paid, bears to the aggregate of the amounts so deductible in the base period;

(G) *Dividends received.* The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations;

(H) *Payment of judgments, and so forth.* Deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest on any of the foregoing, if abnormal for the taxpayer, shall not be allowed, and if normal for the taxpayer, but in excess of 125 per centum of the average amount of such deductions in the four previous taxable years, shall be disallowed in an amount equal to such excess;

(I) *Intangible drilling and development costs.* Deductions attributable to intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, and for development costs in the case of mines, if abnormal for the taxpayer, shall not be allowed, and if normal for the taxpayer, but in excess of 125 per centum of the average amount of such deductions in the four previous taxable years, shall be disallowed in an amount equal to such excess; and

(J) *Abnormal deductions.* Under regulations prescribed by the Commissioner, with the approval of the Secretary, for the determination, for the purposes of this subparagraph, of the classification of deductions—

(i) Deductions of any class shall not be allowed if deductions of such class were abnormal for the taxpayer, and

(ii) If the class of deductions was normal for the taxpayer, but the deductions of such class were in excess of 125 per centum of the average amount of deductions of such class for the four previous taxable years, they shall be disallowed in an amount equal to such excess.

(K) *Rules for application of subparagraphs (H), (I), and (J).* For the purposes of subparagraphs (H), (I), and (J)—

(i) If the taxpayer was not in existence for four previous taxable years, then such average amount specified in such subparagraphs shall be determined for the previous taxable years it was in existence and the succeeding taxable years which begin before the beginning of the taxpayer's second taxable year under this subchapter. If the number of such succeeding years is greater than the number necessary to obtain an aggregate of four taxable years there shall be omitted so many of such succeeding years, beginning with the last, as are necessary to reduce the aggregate to four.

(ii) Deductions shall not be disallowed under such subparagraphs unless the taxpayer establishes that the abnormality or excess is not a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, and is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer.

(iii) The amount of deductions of any class to be disallowed under such subparagraphs with respect to any taxable year shall not exceed the amount by which the deductions of such class for such taxable year exceed the deductions of such class for the taxable year for which the tax under this subchapter is being computed.

(2) *Capital gains and losses.* For the purposes of this subsection the normal-tax net income and the special-class net income referred to in paragraph (1) shall be computed as if section 23 (g) (2), section 23 (k) (2), and section 117 were part of the revenue law applicable to the taxable year the excess profits net income of which is being computed, with the exception that the capital loss carry-over provided in subsection (e) (1) of section 117 shall be applicable to net capital losses for taxable years beginning after December 31, 1934. Such exception shall not apply for the purposes of computing the tax under this subchapter for any taxable year beginning before January 1, 1943.

§ 35.711 (b)–1 *Computation of excess profits net income for taxable years in base period.* If the excess profits credit for the taxable year is computed under section 713, it is necessary to compute the excess profits net income for each taxable year of the base period. The taxable years in the base period are those beginning after December 31, 1935, and before January 1, 1940. For a taxable year beginning after December 31, 1935, and before January 1, 1940, the starting point in the determination of the excess profits net income is the normal-tax net income, as defined in section 13 (a) of the Revenue Act of 1936. For a taxable year beginning after

December 31, 1937, the starting point is the special-class net income, as defined in section 14 (a) of the Revenue Act of 1938 and the Internal Revenue Code.

The normal-tax net income or the special-class net income, as the case may be, is to be adjusted first as required by section 711 (b) (2) and then as required by section 711 (b) (1).

The adjustments required by sections 711 (b) (2) and 711 (b) (1) (B) may be illustrated by the following example:

Example. The normal tax net income of the X Corporation for the calendar year 1936 is $50,000 and its special class net income for the calendar year 1939 is $200,000. In December, 1935, the corporation purchased shares of the stock and bonds of other corporations for a total purchase price of $25,000. The corporations were never included in a consolidated return. Such shares of stock and bonds were capital assets. They became worthless in 1936 and the bonds were charged off during that year. For 1936, the corporation had losses described in section 117 (j) (relating to gains and losses from the sale, exchange, or involuntary conversion of certain property described in that section) which exceeded its gains described in that section by $5,000. All of such gains and losses was derived from the sale of property of a character subject to the allowance for depreciation provided in section 23 (l). For 1939, all gains and losses described in section 117 (j) were again derived from the sale of property of a character subject to the allowance for depreciation provided in section 23 (l), and such gains exceeded such losses by $3,000. In addition to the foregoing gains and losses, the corporation had gains and losses as follows:

	1936	1939
Gains from the sale or exchange of capital assets held for not more than 6 months	$12,000	None
Losses from the sale or exchange of capital assets held for not more than 6 months (disregarding any carry-over)	26,000	None
Gains from the sale or exchange of capital assets held for more than 6 months	10,000	$25,000
Losses from the sale or exchange of capital assets held for more than 6 months	30,000	1,000

For the purpose of computing the income credit applicable to the excess profits tax taxable year of the corporation beginning January 1, 1942, the adjustments required in computing the excess profits net income of the corporation for 1936 and 1939 are as follows:

1936		
Normal-tax net income		$50,000
Adjustment under section 711 (b) (2):		
Add: Deductions for loss on worthless stock and bonds ($25,000) and for capital net loss ($2,000) ($25,000 plus $2,000 or $27,000)		27,000
		77,000
Subtract: Excess of losses described in section 117 (j) over gains described in that section		5,000
Normal-tax net income adjusted as required by section 711 (b) (2)		72,000
(No adjustment is required under section 711 (b) (1) (B) since losses from the sale or exchange of capital assets held for more than six months exceed gains from the sale or exchange of such assets, determined as follows:		
Losses from the sale or exchange of capital assets held for more than 6 months ($25,000 with respect to the worthless stock and bonds and $30,000 with respect to other long-term capital losses)	$55,000	
Gains from the sale or exchange of capital assets held for more than 6 months	10,000	
Net long-term capital losses	45,000	
The adjustments under section 711 (b) (2) in effect excluded such gains and losses from gross income by allowing the deduction of the losses only to the extent of the gains included in gross income.)		
Normal-tax net income adjusted as required by section 711 (b) (2) and section 711 (b) (1) (B)[1]		72,000
1939		
Special class net income		200,000
(No adjustment required under section 711 (b) (2).)		
Adjustments under section 711 (b) (1) (B):		
Gains from the sale or exchange of capital assets held for more than 6 months ($3,000 with respect to the excess of gains from the sale of depreciable property over the losses therefrom and $25,000 with respect to other long-term capital gains)	$28,000	
Losses from the sale or exchange of capital assets held for more than 6 months	1,000	
Deduct net long-term capital gain		27,000
Special class net income adjusted as required by sections 711 (b) (2) and 711 (b) (1) (B)		173,000

[1] Since losses from the sale or exchange of capital assets held for not more than six months exceed the gains from such sales or exchanges, such gains and losses do not enter into the adjustment except insofar as they are reflected in the $2,000 deduction for net capital losses, allowed in computing normal tax net income, which is disallowed under section 711 (b) (2).

The following rules apply to the use of capital loss carry-overs to base period years when computing the income credit applicable to the excess profits tax taxable years indicated below:

(a) If the excess profits tax taxable year begins in 1942, the net short-term capital loss carry-over provided in section 117 (e), prior to its amendment by the Revenue Act of 1942, shall be applicable to net short-term capital losses for taxable years beginning after December 31, 1934, and for the purpose of determining such carry-over capital gains and losses shall be determined as if the provisions of section 23 (g) (2) and (k) (2) and section 117 of the Code (other than section 117 (e)), as amended by the Revenue Act of 1942 were applicable to all of such years. (See Regulations 103 and Part 29 of this chapter.)

(b) If the excess profits tax taxable year begins on or after January 1, 1943, the capital loss carry-over provided in section 117 (e) (1), as amended by the Revenue Act of 1942, shall be applicable to net capital losses for taxable years beginning after December 31, 1934, and for the purpose of determining such carry-over capital gains and losses shall be determined as if the provisions of section 23 (g) (2) and (k) (2) and section 117 of the Code, as amended by the Revenue Act of 1942, were applicable to all of such years. (See Part 29 of this chapter.)

Section 117 (e) (2), as added by the Revenue Act of 1942, has no application for the purposes of computing capital loss carry-overs to base period years.

No adjustment on account of income tax for any base period year shall be made in computing the excess profits tax for the taxable year.

For the purpose of the adjustment under section 711 (b) (1) (C), the applicable number of months beyond which the obligation of the taxpayer must have been outstanding is six months. The applicable number of months beyond which the obligation of the taxpayer must have been outstanding for the purpose of the adjustment under section 711 (b) (1) (D) is 18 months.

In making the adjustments provided in section 711 (b) (1) (D), the deduction allowable for any premium paid on bonds when called for redemption shall be disallowed, but the deduction allowable for any discount amortized up to the date of retirement or discharge shall not be disallowed. Expenses incurred in issuing bonds which are amortized shall be treated in the same manner as discounts. The adjustments required by section 711 (b) (1) (D) may be illustrated by the following example:

Example. The normal-tax net income of the M Corporation for the calendar year 1936 is $75,000. On January 1, 1935, the corporation issued 1,200 non-serial bonds with a total face value of $120,000 at a discount of $14,400, maturing on December 31, 1954. On August 1, 1936, the corporation purchased one-sixth of the amount of the bonds for $19,000. The deduction allowable under section 23 (a) of the Revenue Act of 1936 for expenses paid in connection with such purchase amounted to $1,200. The adjustments required by section 711 (b) (1) (D) in computing the excess profits net income of the corporation for 1936 are as follows:

Normal-tax net income		$75,000
Adjustment under section 711 (b) (1) (D):		
Add:		
(i) Deduction allowable for expenses in connection with retirement	$1,200	
(ii) Deduction for losses allowable by reason of retirement	None	
(iii) Amount deductible because of retirement or discharge of bonds ($1,210 computed as in Schedule below)	1,210	
		2,410
Normal-tax net income adjusted as required by section 711 (b) (1) (D)		77,410
Schedule—		
(a) Annual amortization on $14,400 discount ($14,400÷20)		720
(b) Annual amortization of discount on block of bonds retired ($720÷6)		120
(c) Monthly amortization of discount on block of bonds retired (120÷12)		10
(d) Amortized discount deductible on block of bonds retired on August 1, 1936 ($10×19)		190
(e) Purchase price of bonds retired on August 1, 1936		19,000
(f) Issuing price of bonds retired on August 1, 1936 $\frac{1,200\times\$88}{6}$		17,600
(g) Total amount of discount deductible on account of retirement of bonds on August 1, 1936 ($19,000−$17,600)		1,400
(h) Amount deductible because of retirement or discharge of bonds (item (g) less item (d), or $1,400−$190)		1,210

The adjustments required by section 711 (b) (1) (F) may be illustrated by the following example:

Example. The normal-tax net income of the O Corporation for the calendar year 1936 is $75,000. During that year the corporation collected from its vendees $2,000 attributable to taxes under the Agricultural Adjustment Act of 1938, as amended. The $2,000 was included in the gross income of the corporation for 1936 and the taxes to which such amount was attributable were not paid. During the years 1936 and 1937 the corporation repaid to its vendees $6,000 and $2,000, respectively, of amounts it had collected from them for 1936 and prior years attributable to such taxes. It made no such repayments during the years 1938 and 1939. The amount repaid to the vendees in 1936 is deductible from the corporation's gross income for that year. The adjustments required by section 711 (b) (1) (F) in computing the excess profits net income of the corporation for 1936 are as follows:

Normal-tax net income	$75,000
Adjustment under section 711 (b) (1) (F):	
Add: The amount of $4,500, computed as shown in the schedule below	4,500
Normal-tax net income adjusted as required by section 711 (b) (1) (F)	79,500
Schedule—	
(1) Amount deductible under section 23 (a) for 1936 on account of repayment to vendees of amounts collected from vendees attributable to taxes under Agricultural Adjustment Act of 1933, as amended, which were not paid	6,000
(2) Aggregate amounts described in (1) deductible in the base period ($6,000 plus $2,000)	8,000
(3) Aggregate of amounts described in (1) collected from vendees and includible in gross income of corporation in base period	2,000
(4) Excess of (2) over (3) ($8,000 minus $2,000)	6,000
(5) Ratio of (4) to (2)	6/8
(6) Amount of adjustment $\left(\frac{(4)\times(1)}{(2)}\text{ or }\frac{6}{8}\text{ of }\$6,000\right)$	4,500

In connection with the adjustments required to be made by section 711 (b) (1) (H), (I), and (J), see § 35.711 (b)–2.

§ 35.711 (b)–2 *Abnormal deductions in base period.* Adjustments in the excess profits net income for a taxable year in the base period are required in order to disallow deductions of a class which is abnormal for the taxpayer, and to disallow the amount by which deductions of a class normal for the taxpayer exceed 125 percent of the average amount of deductions of such class for the four previous taxable years. If the taxpayer was not in existence for four previous taxable years, then the average amount of deductions of any class shall be determined for the previous taxable years during which it was in existence and the succeeding taxable years which begin before the beginning of the taxpayer's second excess profits tax taxable year. If the number of such succeeding years is greater than the number necessary to obtain an aggregate of four taxable years there shall be omitted so many of such succeeding years, beginning with the last, as are necessary to reduce the aggregate to four. For example, in the case of a corporation coming into existence on January 1, 1938, and making its income tax returns on the calendar year basis, the amount of deductions of any class which may be disallowed for the taxable year 1939 may be determined from the average of the deductions for the taxable years 1938 and 1940. The taxable year 1941 is the taxpayer's second excess profits tax taxable year and therefore may not be used.

A class of deductions is abnormal only if the taxpayer had no deductions of that class in the taxable years prescribed for determining average deductions.

The taxpayer must establish that the abnormality or excessiveness of the deduction is not a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, and is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer. For example, if in 1939 the deductions of an airplane manufacturer for wages were in excess of 125 percent of the average of such deductions for the four previous taxable years because of a training program for mechanics instituted by the corporation in 1939 to provide for an expansion in operations, no part of the deductions will be disallowed. If a corporation distributes its product through agents paid commissions on gross sales, and due to a rise in the price of the product, both the amount of gross income and the amount of deductions for commissions increased, any resulting abnormal amount of deductions for commissions will not be disallowed. If the X Gasoline Corporation in 1938 and all prior years deducted gasoline taxes paid by it as a business expense under section 23 (a), but in 1939 included such taxes for that year in its deductions for taxes paid under section 23 (c) so as to increase its deductions for taxes paid for 1939 to an amount in excess of 125 percent of its average deductions of the same class for the four previous taxable years, the abnormal amount of such deduction for 1939 will not be disallowed. As to advertising expenditures, the provisions of section 733 apply before any determinations are made under this section. See § 35.733–3.

In order for the deduction of any class to be disallowed, the deductions of such class for the taxable year in the base period must exceed the deductions of the same class for the taxable year for which the excess profits tax is being computed, and any amount which may be disallowed shall be no greater than the amount by which the deductions of such class for the base period taxable year exceed the deductions of the same class for the taxable year for which the excess profits tax is being computed. For example, if a corporation in the base period taxable year 1938 had a deduction of $200,000 and its average of deductions of the same class for the four previous taxable years was $100,000, the amount of $75,000 ($200,000 minus 125 percent of $100,000) may be disallowed, but only if the deductions of this class in 1938 exceed by this or a greater amount the deductions of the same class in the taxable year for which the excess profits tax is being computed. If the tax is computed for 1942 and the deductions of this class for 1942 are $100,000, the full $75,000 is disallowed for the taxable year 1938. If for 1943 the deductions of this class are $125,000, the full $75,000 may again be disallowed for the taxable year 1938 in computing the excess profits tax for 1943. However, if for 1944 the deductions of this class are $150,000, only $50,000 will be disallowed for the taxable year 1938 in determining the excess profits credit based on income for use against the excess profits net income for 1944. If the excess profits tax taxable year is a taxable year of less than 12 months and the taxpayer places its excess profits net income on an annual basis as provided in section 711 (a) (3) (A) or establishes an

adjusted excess profits net income for a 12-month period, which is used to compute the tax under section 711 (a) (3) (B), the deductions of the class as determined upon such annual basis or under such adjusted excess profits net income for such 12-month period used shall be considered as deductions of the class for the excess profits tax taxable year. Thus, the corporation in the example just given may have changed its accounting period in 1943 from a calendar year to a fiscal year ending September 30. If, in such case, the corporation had $125,000 of deductions of the class for the short taxable year January 1, 1943, through September 30, 1943, but computed its tax under section 711 (a) (3) (B) and established an adjusted excess profits net income for the 12-month period January 1, 1943, through December 31, 1943, with $175,000 of deductions of the class, only $25,000 will be disallowed for the taxable year 1938 in determining the excess profits credit based on income for use against the excess profits net income for 1943.

(a) *Classification of deductions.* Section 711 (b) (1) (H) and (I) sets forth specific classes of deductions, the amount of which in any base period taxable year may be totally disallowed if abnormal for the taxpayer or disallowed to the extent of the excess over 125 percent of the average of such class if normal for the taxpayer. Section 711 (b) (1) (J) permits the classification of other deductions in accordance with these regulations. In any case, the amount of deductions of any class which may be disallowed shall be determined in the manner previously set forth in this section.

Deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest on any of the foregoing are all of the same class. Therefore, in determining in the case of a deduction for a judgment, for example, whether the class of deductions is abnormal or whether the amount thereof for any taxable year is in excess of 125 percent of average deductions of the same class, account must be taken not only of the amount of deductions for judgments, if any, allowed in preceding taxable years, but also of any deductions arising out of claims, awards, and decrees, and interest thereon.

Deductions for intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, and for development costs in the case of mines are all of the same class. Therefore, for the purpose of determining whether the deductions for one taxable year are abnormal or in excess of 125 percent of average deductions of this class, and for the purpose of determining the amount to be disallowed in such event, reference must be made to the deductions of the entire class, rather than to any particular deductible items included therein. Deductions attributable to the operation of wells or mines are not included in this class.

Deductions which do not fall within either of the classes specified in section 711 (b) (1) (H) and (I) may be grouped by the taxpayer, subject to approval by the Commissioner on the examination of the taxpayer's return, in such other classes as are reasonable in a business of the type which the taxpayer conducts, and are appropriate in the light of the taxpayer's business experience and accounting practice. Such a classification will be applicable to all other taxable years considered at any time in adjusting deductions under this section, and must be consistent with any classification made by the taxpayer under the provisions of section 721 and section 722.

(b) *Statement required.* If in computing its excess profits net income for a taxable year in the base period, the taxpayer claims the disallowance under section 711 (b) (1) (H), (I), or (J) of any amount previously allowed as a deduction, there shall be submitted a full statement showing the computation of the amount to be disallowed, the prices and gross sales of the taxpayer's product, and the condition of the taxpayer's business which demonstrate that the disallowed amount is not a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, and is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer. This statement shall be in duplicate and shall include the following: (1) the computation of the amount disallowed, showing the amount of the class of deductions in the base period taxable year for which any part of such amount is disallowed, the average amount of such class for the four preceding taxable years or for such taxable years as the taxpayer is required to use in determining this average amount, and the excess amount of deductions disallowed; (2) a description and the amount of each item included in such class of deductions for the taxable year for which such deductions are disallowed and for the taxable years in the test period, with the amount of each and a description thereof; (3) the amount of such class and the amount and description of each item in that class for the taxable year for which the excess profits tax is being computed; and (4) all other facts upon which the taxpayer relies.

SEC. 712. EXCESS PROFITS CREDIT—ALLOWANCE. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 13, Excess Profits Tax Amendments 1941, and by secs. 212 (a), 224 (b), and 228 (e), Rev. Act 1942.]

(a) *Domestic corporations.* In the case of a domestic corporation which was in existence before January 1, 1940, the excess profits credit for any taxable year shall be an amount computed under section 713 or section 714, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed. In the case of all other domestic corporations the excess profits credit for any taxable year shall be an amount computed under section 714. (For allowance of excess profits credit in case of certain reorganizations of corporations, see section 741.)

(b) *Foreign corporations.* In the case of a foreign corporation engaged in trade or business within the United States, the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day forty-eight months prior to such date and which at any time during each of the taxable years in such forty-eight months was engaged in trade or business within the United States, the excess profits credit for any taxable year shall be an amount computed under section 713 or section 714, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed. In the case of all other foreign corporations the excess profits credit for any taxable year shall be an amount computed under section 714.

(c) [Not applicable to taxable years under these regulations (section 224 (b), Rev. Act 1942).]

(d) *Special rule in connection with certain reorganizations.* For the existence of taxpayer through component corporations, see section 740 (f).

§ 35.712–1 *Excess profits credit; allowance.* (a) Two methods are provided for computing the excess profits credit: (1) The income method under which the credit is computed as provided in section 713, and (2) the invested capital method under which the credit is computed as provided in section 714.

(b) In the case of the following corporations, the excess profits credit shall be the credit based upon income, computed as provided in section 713, or the credit based on invested capital, computed as provided in section 714, whichever credit results in the lesser tax for the taxable year for which the tax is being computed:

(1) A domestic corporation which was actually in existence before January 1, 1940.

(2) A domestic corporation which was not actually in existence before January 1, 1940, but which, as an acquiring corporation within the meaning of section 740 of Supplement A, was constructively in existence before January 1, 1940. (For computation of excess profits credit based on income in the case of an acquiring corporation, see sections 740 to 744.)

(3) A foreign corporation (i) which is engaged in trade or business within the United States at any time during the taxable year; (ii) the first taxable year of which for the purposes of the excess profits tax begins on any day in 1940; (iii) which was in existence on the date 48 months prior to such date; and (iv) which, at any time during each of the taxable years in such 48 months, was engaged in trade or business within the United States. As to what constitutes being engaged in trade or business within the United States, see § 29.231–1 of this chapter.

(c) The following corporations are required to compute their credit under the invested capital method provided in section 714:

(1) A domestic corporation which is not an acquiring corporation within the meaning of section 740 of Supplement A and which was not actually in existence before January 1, 1940.

(2) A domestic corporation which is an acquiring corporation within the meaning of section 740 of Supplement A and which was not actually or constructively in existence before January 1, 1940.

(3) A foreign corporation which does not meet the requirements of paragraph (b) (3) above.

However, in certain cases where the excess profits credit based on invested capital is an inadequate standard for determining excess profits, for allowance of an excess profits credit based on income, using a constructive average base period net income, see section 722 (c) and § 35.722–4.

SEC. 713. EXCESS PROFITS CREDIT—BASED ON INCOME. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 4, Excess Profits Tax Amendments 1941, and by secs. 214 (a), 215, 216, and 228 (e), Rev. Act 1942.]

(a) *Amount of excess profits credit.* The excess profits credit for any taxable year, computed under this section, shall be—

(1) *Domestic corporations.* In the case of a domestic corporation—

(A) 95 per centum of the average base period net income,

(B) Plus 8 per centum of the net capital addition as defined in subsection (g), or

(C) Minus 6 per centum of the net capital reduction as defined in subsection (g).

(2) *Foreign corporations.* In the case of a foreign corporation, 95 per centum of the average base period net income.

(b) *Base period*—(1) *Definition.* As used in this section the term "base period"—

(A) If the corporation was in existence during the whole of the forty-eight months preceding the beginning of its first taxable year under this subchapter, means the period commencing with the beginning of its first taxable year beginning after December 31, 1935, and ending with the close of its last taxable year beginning before January 1, 1940; and

(B) In the case of a corporation which was in existence during only part of the forty-eight months preceding the beginning of its first taxable year under this subchapter, means the forty-eight months preceding the beginning of its first taxable year under this subchapter.

(2) *Division into halves.* For the purposes of subsections (d) and (f) the base period of the taxpayer shall be divided into halves, the first half to be composed of one-half the entire number of months in the base period and to begin with the beginning of the base period.

(c) *Deficit in excess profits net income.* For the purposes of this section the term "deficit in excess profits net income" with respect to any taxable year means the amount by which the deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) exceeded the gross income. For the purposes of this subsection in determining whether there was such an excess and in determining the amount thereof, the adjustments provided in section 711 (b) (1) shall be made.

(d) *Average base period net income—Determination*—(1) *Definition.* For the purposes of this section the average base period net income of the taxpayer shall be the amount determined under subsection (e), subject to the exception that if the aggregate excess profits net income for the last half of its base period, reduced by the aggregate of the deficits in excess profits net income for such half, is greater than such aggregate so reduced for the first half, then the average base period net income shall be the amount determined under subsection (f), if greater than the amount determined under subsection (e).

(2) For the purposes of subsections (e) and (f), if the taxpayer was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter, its excess profits net income—

(A) for each taxable year of twelve months (beginning with the beginning of its base period) during which it was not in existence, shall be an amount equal to 8 per centum of the excess of—

(i) the daily invested capital for the first day of the taxpayer's first taxable year beginning after December 31, 1939, over

(ii) an amount equal to the same percentage of such daily invested capital as is applicable under section 720 in reduction of the average invested capital of the preceding taxable year;

(B) for the taxable year of less than twelve months consisting of that part of the remainder of its base period during which it was not in existence, shall be the amount ascertained for a full year under subparagraph (A), multiplied by the number of days in such taxable year of less than twelve months and divided by the number of days in the twelve months ending with the close of such taxable year.

(3) In no case shall the average base period net income be less than zero.

(4) For the computation of average base period net income in the case of certain reorganizations, see section 742.

(e) *Average base period net income—General average.* The average base period net income determined under this subsection shall be determined as follows:

(1) By computing the aggregate of the excess profits net income for each of the taxable years of the taxpayer in the base period, reduced by the sum of the deficits in excess profits net income for each of such years. If the excess profits net income (or deficit in excess profits net income) for one taxable year in the base period divided by the number of months in such taxable year is less than 75 per centum of the aggregate of the excess profits net income (reduced by deficits in excess profits net income) for the other taxable years in the taxpayer's base period divided by the number of months in such other taxable years (herein called "average monthly amount") the amount used for such one year under this paragraph shall be 75 per centum of the average monthly amount multiplied by the number of months in such one year, and the year increased under this sentence shall be the year the increase in which will produce the highest average base period net income;

(2) By dividing the amount ascertained under paragraph (1) by the total number of months in all such taxable years; and

(3) By multiplying the amount ascertained under paragraph (2) by twelve.

(f) *Average base period net income—Increased earnings in last half of base period.* The average base period net income determined under this subsection shall be determined as follows:

(1) By computing, for each of the taxable years of the taxpayer in its base period, the excess profits net income for such year, or the deficit in excess profits net income for such year;

(2) By computing for each half of the base period the aggregate of the excess profits net income for each of the taxable years in such half, reduced, if for one or more of such years there was a deficit in excess profits net income, by the sum of such deficits. For the purposes of such computation, if any taxable year is partly within each half of the base period there shall be allocated to the first half an amount of the excess profits net income or deficit in excess profits net income, as the case may be, for such taxable year, which bears the same ratio thereto as the number of months falling within such half bears to the entire number of months in such taxable year; and the remainder shall be allocated to the second half;

(3) If the amount ascertained under paragraph (2) for the second half is greater than the amount ascertained for the first half, by dividing the difference by two;

(4) By adding the amount ascertained under paragraph (3) to the amount ascertained under paragraph (2) for the second half of the base period;

(5) By dividing the amount found under paragraph (4) by the number of months in the second half of the base period and by multiplying the result by twelve;

(6) The amount ascertained under paragraph (5) shall be the average base period net income determined under this subsection, except that the average base period net income determined under this subsection shall in no case be greater than the highest excess profits net income for any taxable year in the base period. For the purpose of such limitation if any taxable year is of less than twelve months, the excess profits net income for such taxable year shall be placed on an annual basis by multiplying by twelve and dividing by the number of months included in such taxable year.

(7) For the purposes of this subsection, the excess profits net income for any taxable year ending after May 31, 1940, shall not be greater than an amount computed as follows:

(A) By reducing the excess profits net income by an amount which bears the same ratio thereto as the number of months after May 31, 1940, bears to the total number of months in such taxable year; and

(B) By adding to the amount ascertained under subparagraph (A) an amount which bears the same ratio to the excess profits net income for the last preceding taxable year as such number of months after May 31, 1940, bears to the number of months in such preceding year. The amount added under this subparagraph shall not exceed the amount of the excess profits net income for such last preceding taxable year.

(C) If the number of months in such preceding taxable year is less than such number of months after May 31, 1940, by adding to the amount ascertained under subparagraph (B) an amount which bears the same ratio to the excess profits net income for the second preceding taxable year as the excess of such number of months after May 31, 1940, over the number of months in such preceding taxable year bears to the number of months in such second preceding taxable year.

(g) *Adjustments in excess profits credit on account of capital changes.* For the purposes of this section: (1) The net capital addition for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year.

(2) The net capital reduction for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year.

(3) The daily capital addition for any day of the taxable year shall be the aggregate of the amounts of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day. In determining the amount of any property paid in, such property shall be included in an amount determined in the manner provided in section 718 (a) (2). A distribution by the taxpayer to its shareholders in its stock or rights to acquire its stock shall not be regarded as money or property paid in for stock, or as paid in surplus, or as a contribution to capital. The amount ascertained under this paragraph shall be reduced by the excess, if any, of the excluded capital for such day over the excluded capital for the first day of the taxpayer's first taxable year under this subchapter. For the purposes of this paragraph the excluded capital for any day shall be an amount equal to the sum of the following:

(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of obligations held by the taxpayer at the beginning of such day, which are described in section 22 (b) (4) (A), (B), or (C) any part of the interest from which is excludible from gross income or allowable as a credit against net income; and

(B) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of stock of domestic corporations held by the taxpayer at the beginning of such day.

The daily capital addition shall in no case be less than zero. (For daily capital additions and reductions in case of certain reorganizations, see section 743.)

(4) The daily capital reduction for any day of the taxable year shall be the aggregate of the amounts of distributions to shareholders, not out of earnings and profits, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day.

(5) If, on any day of the taxable year, the taxpayer and any one or more other corporations are members of the same controlled group, then the daily capital reduction of the taxpayer for such day shall be increased by whichever of the following amounts is the lesser:

(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) acquired by the taxpayer after the beginning of the taxpayer's first taxable year under this subchapter, minus the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) disposed of by the taxpayer prior to such day and after the beginning of the taxpayer's first taxable year under this subchapter; or

(B) The excess of the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in all domestic corporations and of obligations described in section 22 (b) (4), held by the taxpayer at the beginning of such day over the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in all domestic corporations and of obligations described in section 22 (b) (4), held by the taxpayer at the beginning of its first taxable year under this subchapter.

If any stock or obligations described in subparagraph (A) or (B) was disposed of prior to such day, its basis shall be determined under the law applicable to the year in which so disposed of. The excluded capital of the taxpayer for such day shall be reduced by the amount by which the taxpayer's daily capital reduction for such day is increased under this paragraph. As used in this paragraph, a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (i) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and (ii) the common parent corporation owns directly more than 50 per centum of the total value of shares of all classes of classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations.

§ 35.713–1 *Excess profits credit based on income—determination of average base period net income*—(a) *Introductory.* In order for a corporation to determine for any particular taxable year the amount of its excess profits credit based on income, it is necessary first to compute the amount of the average base period net income, 95 percent of which is the starting point for computing the excess profits credit based on income. Two methods are provided for determining the average base period net income: (1) The general average method, set forth in section 713 (e) and in paragraph (b) of this section, and (2) the method set forth in section 713 (f) and in paragraph (c) of this section, applicable to cases in which the earnings for the last half of the base period are greater than those for the first half, if such method results in a greater average base period net income than that resulting from the use of the general average method.

(b) *Computation under the general average method.* The following steps are required for the computation of the average base period net income under the general average method (for computation of excess profits net income for portions of its base period during which the corporation was not in existence, see paragraph (d) of this section, and for certain limitations upon the average base period net income of a component corporation (as defined in section 740 (b)), see § 35.740–2 (c)):

(1) The excess profits net income, or deficit in excess profits net income, for each of the taxable years in the base period (years beginning after December 31, 1935, and before January 1, 1940) is to be determined as provided in section 711 (b). The "deficit in excess profits net income" for any taxable year is the excess of deductions plus the credit for dividends received plus the credit for interest received allowed by section 26 (a) over gross income. If the amount of the excess profits net income or the deficit in excess profits net income, as the case may be, for one taxable year in the base period, when divided by the number of months in such year, is less than 75 percent of the average monthly amount (for the other taxable years in the base period), there shall be substituted for the amount for such one year an amount of excess profits net income equal to 75 percent of such average monthly amount multiplied by the number of months in such year. The year to be increased under this provision is the year the increase in which will produce the highest average base period net income. The "average monthly amount" referred to is the aggregate of the excess profits net income (reduced by deficits in excess profits net income) for the other taxable years in the taxpayer's base period divided by the number of months in such other taxable years.

(2) The aggregate of the excess profits net income for the taxable years in the base period, determined with respect to each year as provided in (1) above, disregarding any taxable year for which (after the application of (1) above) the excess profits net income is less than zero, is to be computed.

(3) From such aggregate amount there is to be deducted the sum of the deficits in excess profits net income, excluding a deficit for which an amount of income has been substituted as provided in (1) above.

(4) Such aggregate amount as so reduced is to be divided by the number of months in the taxable years in the base period and the quotient so obtained is to be multiplied by 12. In no case shall the average base period net income be less than zero.

If the base period is composed solely of 4 taxable years of 12 months each, the base period year which may be adjusted under section 713 (e) (1) is the year of the lowest amount, i. e., the lowest excess profits net income or the greatest deficit. If the base period is more or less than 48 months, or is composed of more than 4 taxable years, the base period year the increase in the amount of which will product the highest average base period net income and which may be adjusted accordingly under section 713 (e) (1) must be determined by a test upon the facts of the case.

The computation of the average base period net income may be illustrated by the following examples:

Example (1). The excess profits net income, credit for interest received, credit for dividends received, deductions, and gross income (all computed by making the adjustments provided in section 711 (b)) of the X Corporation (a domestic corporation), for the years 1936 to 1939, are as follows:

	1936	1937	1938	1939
Excess profits net income	$100,000	−$100,000	−$60,000	$30,000
Credit for interest received	10,000	10,000	10,000	10,000
Credit for dividends received	20,000	40,000	25,000	30,000
Deductions	60,000	150,000	180,000	90,000
Gross income	190,000	100,000	125,000	160,000

The average base period net income of the corporation is $21,875, computed as follows:

(i) Amount (excess profits net income or deficit) for taxable year in which increase under section 713 (e) (1) will produce highest average base period net income (calendar year 1937)	−$100,000
(ii) Average monthly deficit for 1937 (−$100,000÷12)	−8,333
(iii) Aggregate for other taxable years in base period of excess profits net income reduced by deficits in excess profits net income ($100,000+$30,000−$60,000)	70,000
(iv) 75 percent of average monthly amount ($70,000÷36, the number of months in the taxable years in the base period other than 1937) multiplied by the number of months in 1937. This amount is the substitute amount for 1937 (75 percent of $\frac{\$70,000}{36}\times 12$)	17,500
(v) Aggregate of excess profits net income for taxable years in base period (other than those years for which there is a deficit in such income) before reduction required by section 713 (e) (1) ($100,000+$17,500+$30,000)	$147,500
(vi) Amount item (v) above is to be reduced as required by section 713 (c) and (e) (1), i. e., deficit in excess profits net income for 1938	60,000
(vii) Aggregate of excess profits net income for taxable years in base period as reduced (item (v) minus item (vi))	87,500
(viii) Average base period net income, $87,500 (item (vii)) divided by 48 (total number of months in taxable years in base period), multiplied by 12, or $\frac{\$87,500}{48}\times 12$	21,875

Example (2). The excess profits net income (or deficit in excess profits net income) credit for interest received, credit for dividends received, deductions, and gross income (all computed by making the adjustments provided in section 711 (b)) of the Y Corporation (a domestic corporation), for its taxable years beginning in the base period (the calendar years 1936 and 1937, the short-period year January 1, 1938, through June 30, 1938, resulting from a change from the calendar year to a fiscal year, and the fiscal years ending June 30, 1939, and June 30, 1940) are as follows:

	Calendar year 1936	Calendar year 1937	Short period year 1938	Fiscal year 1939	Fiscal year 1940
Excess profits net income	$100,000	−$60,000	−$60,000	−$40,000	$25,200
Credit for interest received	10,000	10,000	5,000	10,000	10,000
Credit for dividends received	20,000	25,000	15,000	20,000	20,000
Deductions	60,000	150,000	100,000	130,000	144,800
Gross income	190,000	125,000	60,000	120,000	200,000

The average base period net income of the corporation is $6,800, computed as follows:

(i) Amount (excess profits net income or deficit) for taxable year in which increase under section 713 (e) (1) will produce highest average base period net income (calendar year 1937)	−$60,000
(ii) Average monthly deficit for 1937 (−$60,000÷12)	−5,000
(iii) Aggregate for other taxable years in base period of excess profits net income reduced by deficits in excess profits net income ($100,000+$25,200−$60,000 −$40,000)	25,200
(iv) Average monthly amount ($25,200÷42 (total number of months in taxable years in base period other than 1937))	600
(v) 75 percent of amount in (iv)	450
(vi) Amount of excess profits net income to be used for 1937 (12×$450)	5,400
(vii) Aggregate of excess profits net income for taxable years in base period (other than those years for which there is a deficit in such income), before reduction required by sections 713 (e) (1) ($100,000+$5,400+$25,200)	130,600
(viii) Amount item (vii) above is to be reduced as required by section 713 (c) and (e) (1), i. e., sum of deficits in excess profits net income ($60,000+$40,000)	100,000
(ix) Aggregate of excess profits net income for taxable years in base period as reduced (item (vii) minus item (viii))	30,600
(x) Average base period net income, $30,600 (item (ix)), divided by 54 (total number of months in taxable years in base period), multiplied by 12, or $\frac{\$30,600}{54}\times 12$	6,800

(c) *Computation under section 713 (f); increased earnings in last half of base period.* The determination of the base period net income under the method set forth in section 713 (f) is operative only if the aggregate excess profits net income for the last half of the base period of the taxpayer, reduced by the aggregate of the deficits in excess profits net income for such half, is greater than such aggregate so reduced for the first half and the average base period net income determined under section 713 (f) is greater than the amount determined under section 713 (e). The following steps are required for the computation of the average base period net income under the method set forth in section 713 (f).

(1) The excess profits net income or the deficit in excess profits net income for each of the taxable years in the base period (years beginning after December 31, 1935, and before January 1, 1940) is to be determined as provided in section 711 (b).

(2) The base period is to be divided into halves, each of an equal number of months. There is to be computed for each half of the base period the aggregate of the excess profits net income for each of the taxable years in such half, reduced, if for one or more of such years there was a deficit in excess profits net income, by the sum of such deficits. In making this computation, no substitute amount of excess profits net income is to be used for any taxable year as in the case of the general average method under section 713 (e) (1).

(3) The excess of the amount ascertained for the second half over the amount ascertained for the first half is to be divided by 2.

(4) The amount ascertained under paragraph (3) is to be added to the amount ascertained under paragraph (2) for the second half of the base period.

(5) The amount found under paragraph (4) is to be divided by the number of months in the second half of the base period and the result multiplied by 12.

(6) The amount ascertained under paragraph (5) shall be average base period net income determined under the method set forth in section 713 (f), except that the average base period net income so determined shall in no case be greater than the highest excess profits net income for any taxable year in the base period. For the purpose of this limitation if any taxable year is less than 12 months, the excess profits net income for such taxable year shall be placed on an annual basis by multiplying by 12 and dividing by the number of months included in such taxable year. For a restriction upon this limitation in the case of a component corporation, see § 35.740–2 (c).

The computation of the average base period net income under the method set forth in section 713 (f) may be illustrated by the following example:

Example. The X Corporation, which makes its income tax returns on the calendar year basis, has the following amounts of excess profits net income for the taxable years in its base period: 1936, $100,000; 1937, $200,000; 1938, $300,000; and 1939, $400,000. Its average base period net income under the method set forth in section 713 (f) is $400,000, computed as follows:

(1) Aggregate of excess profits net income for taxable years in second half of base period ($300,000 plus $400,000)	$700,000
(2) Aggregate of excess profits net income for taxable years in first half of base period ($100,000 plus $200,000)	300,000
(3) Item (1) less item (2) ($700,000 minus $300,000)	400,000
(4) Item (3) divided by 2 ($400,000 divided by 2)	200,000
(5) Sum of item (1) plus item (4) ($700,000 plus $200,000)	900,000
(6) Item (5) placed on annual basis by dividing it by number of months in second half of base period and multiplying by 12 (($900,000 divided by 24) multiplied by 12)	450,000
(7) Highest excess profits net income for any taxable year in base period (1939)	400,000
(8) Average base period net income (item (7) since such item is less than item (6))	400,000

The provision of section 713 (f) (2) relative to the manner of computation of the aggregate excess profits net income for each half of the base period where the taxpayer, because of changes in its accounting period or for other reasons, has more or less than four taxable years in such period, and where part of one taxable year is in the first half and the other part is in the second half of such period, may be illustrated by the following example:

Example. A corporation has taxable years in its base period and excess profits net incomes for such years as follows:

Years in base period		Number of months	Excess profits net income
Beginning—	Ending—		
Sept. 1, 1936	Aug. 31, 1937	12	$30,000
Sept. 1, 1937	Dec. 31, 1937	4	20,000
Jan. 1, 1938	Dec. 31, 1938	12	60,000
Jan. 1, 1939	Dec. 31, 1939	12	100,000
Total		40	210,000

The aggregate excess profits net income for the first half of the base period is $70,000,

and for the second half it is $140,000, computed as follows:

	Number of months	Excess profits net income
FIRST HALF		
The taxable year beginning Sept. 1, 1936, and ending Aug. 31, 1937	12	$30,000
The taxable year beginning Sept. 1, 1937, and ending Dec. 31, 1937	4	20,000
One-third of the taxable year beginning Jan. 1, 1938, and ending Dec. 31, 1938	4	20,000
Total	20	70,000
SECOND HALF		
Two-thirds of the taxable year beginning Jan. 1, 1938, and ending Dec. 31, 1938	8	40,000
The taxable year beginning Jan. 1, 1939, and ending Dec. 31, 1939	12	100,000
Total	20	140,000

For the purpose of computing the average base period net income thereunder, section 713 (f) (7) provides certain limitations on the amount of the excess profits net income for any taxable year in the base period ending after May 31, 1940.

Section 713 (f) (7) (A) and (B) may be illustrated by the following example:

Example. The Y Corporation makes its income tax returns on the basis of the fiscal year ending September 30. It had an excess profits net income of $400,000 for the fiscal year ended September 30, 1939. It had an excess profits net income of $600,000 for the fiscal year ended September 30, 1940, before the application of section 713 (f) (7) (A) and (B). Both of these taxable years are in its base period but four months of the fiscal year ended September 30, 1940, are after May 31, 1940. Under section 713 (f) (7) (A) and (B) the excess profits net income of the corporation for the fiscal year beginning October 1, 1939, and ended September 30, 1940, is $533,333.33, computed as follows:

(1) Excess profits net income before application of section 713 (f) (7) (A) and (B)	$600,000.00
(2) Amount by which item (1) is to be reduced under section 713 (f) (7) (A) (four-twelfths of $600,000)	200,000.00
(3) Item (1) less item (2) ($600,000 minus $200,000)	400,000.00
(4) Amount to be added to item (3) under section 713 (f) (7) (B) (four-twelfths of $400,000)	133,333.33
(5) Excess profits net income for fiscal year ended September 30, 1940, after application of section 713 (f) (7) (item (3) plus item (4), $400,000 plus $133,333.33)	533,333.33

Section 713 (f) (7) (C) may be illustrated by the following example:

Example. The last three taxable years in the base period of the Z Corporation and the number of months in, and the excess profits net income for, such taxable years are as follows:

Taxable years		Number of months	Excess profits net income
Beginning—	Ending—		
July 1, 1938	June 30, 1939	12	$400,000
July 1, 1939	Sept. 30, 1939	3	75,000
Oct. 1, 1939	Sept. 30, 1940	12	600,000

Under section 713 (f) (7) the excess profits net income of the corporation for the fiscal year ended September 30, 1940, $508,333.33, computed as follows:

(1) Excess profits net income before application of section 713 (f) (7) (A) and (B)	$600,000.00
(2) Amount by which item (1) is to be reduced under section 713 (f) (7) (A) (four-twelfths of $600,000)	200,000.00
(3) Item (1) less item (2) ($600,000 minus $200,000)	400,000.00
(4) Amount to be added to item (3) under section 713 (f) (7) (B) (four-thirds of $75,000 but not in excess of $75,000)	75,000.00
(5) Amount to be added to item (3) under section 713 (f) (7) (C) (one-twelfth of $400,000)	33,333.33
(6) Excess profits net income for fiscal year ended September 30, 1940, after application of section 713 (f) (7) (sum of items (3), (4), and (5), or $400,000 plus $75,000 plus $33,333.33)	508,333.33

(d) *Computation of excess profits net income for portions of base period during which corporation was not in existence; applicable both under sections 713 (e) and 713 (f).* The base period of a corporation which was in existence during only part of the 48-month period preceding the beginning of its first excess profits tax taxable year is such period of 48 months. Section 713 (d) (2) provides a method for determining the excess profits net income for such a corporation for that portion of such base period during which it was not in existence. For each taxable year of 12 months (beginning with the beginning of the base period) during which it was not in existence the excess profits net income is 8 per cent of the corporation's daily invested capital (see section 717) for the first day of its first excess profits tax taxable year reduced on account of inadmissible assets by the same ratio as would be applicable under section 720 in reduction of its average invested capital for the preceding taxable year. The excess profits net income for a taxable year of less than 12 months consisting of that part of the remainder of the base period during which it was not in existence is a proportionate part of such amount. The provisions of this paragraph may be illustrated by the following example:

Example. The Z Corporation, a domestic corporation which makes its income tax returns on the calendar year basis, was organized on July 1, 1937. The daily invested capital of the corporation for January 1, 1940, is $200,000. The percentage of such invested capital which would be applicable under section 720 in reduction of the average invested capital of the corporation on account of inadmissible assets for the calendar year 1939 is 5.

The excess profits net income of the Z Corporation for 1936 is $15,200, and for the period January 1, 1937, to June 30, 1937, $7,537.53, computed as follows:

(1) Daily invested capital for January 1, 1940	$200,000.00
(2) Amount equal to the same percentage (5 per cent) of item (1) as is applicable under section 720 in reduction of the average invested capital for preceding taxable year, 1939 ($200,000 multiplied by 0.05)	10,000.00
(3) Excess of item (1) over item (2)	190,000.00
(4) Excess profits net income for 1936 ($190,000 multiplied by 0.08)	15,200.00
(5) Excess profits net income for period from January 1, 1937, to June 30, 1937 $\left(\frac{\$15,200 \times 181}{365}\right)$	7,537.53

§ 35.713–2 *Excess profits credit based on income; adjustments in excess profits credit on account of capital changes—*(a) *General.* Under the income method of determining the excess profits credit it is necessary to make adjustments for capital changes since the beginning of the first excess profits tax taxable year.

The amount representing 95 percent of the average base period net income which is the starting point in the computation of the excess profits credit shall be increased by 8 percent of the net capital addition or reduced by 6 percent of the net capital reduction. No capital adjustments are permitted or required in the case of a foreign corporation. Capital additions are money and property paid in for stock, or as paid-in surplus, or as a contribution to capital after the beginning of the first excess profits tax taxable year, adjusted for increases in excluded capital over the same period. Capital reductions are (1) distributions since the beginning of the first excess profits tax taxable year which are not out of earnings and profits; and (2) increased holdings since the beginning of the first excess profits tax taxable year of stock in another corporation which is a member of a controlled group of corporations of which the taxpayer is also a member, limited as provided in section 713 (g) (5) (B). The term "earnings and profits" includes earnings and profits of the taxable year and the accumulated earnings and profits of the corporation, whether accumulated before, on, or after March 1, 1913. For capital additions and reductions in case of certain reorganizations, see section 743.

(b) *Computation of net capital addition.* Computation of net capital addition is illustrated by the following example:

Example. On January 1, 1940, the X Corporation, which makes its income tax returns on the calendar year basis (but not more than 50 percent) in another domestic corporation, acquired in 1938, the adjusted basis of which is $10,000 and $90,000 of State bonds which it had purchased in 1936 for $82,000.

The following were the only changes which occurred during the period 1940–1944, inclusive, that would affect the determination of the net capital additional or the net capital reduction of the corporation:

Period April 2, 1944, to July 1, 1944, inclusive

(1) Real estate paid in for stock April 1 1944	$30,000.00
(2) Less: Excess of excluded capital for each day of period over excluded capital on January 1, 1940 [1]	None
(3) Daily capital addition for each day of period (item (1) minus item (2))	30,000.00
(4) Aggregate of daily capital additions for period ($30,000 multiplied by 91, number of days in period)	2,730,000.00

Period July 2, 1944, to December 31, 1944, inclusive

(5) Real estate, as above	$30,000.00
(6) Treasury bonds paid in for stock July 1, 1944	22,400.00
(7) Cash paid in for stock July 1, 1944	36,600.00
(8) Total	89,000.00
(9) Less: Excess of excluded capital for each day of period over excluded capital on January 1, 1940 [2]	22,400.00
(10) Daily capital addition for each day of period (item (8) minus item (9))	66,600.00
(11) Aggregate of daily capital additions for period ($66,600 multiplied by 183, number of days in period)	12,187,800.00
(12) Aggregate of daily capital additions for 1944 (item (4) plus item (11))	14,917,800.00
(13) Net capital addition ($14,917,800 divided by 366, number of days in taxable year)	40,759.02

[1] (1) Excluded capital for each day of period:

(A) Stock of domestic corporations	$10,000
(B) State bonds	32,000
Total	42,000

(ii) Excluded capital for January 1, 1940:

(A) Stock of domestic corporations	10,000
(B) State bonds	32,000
Total	42,000

(iii) Excess of excluded capital for each day of period over excluded capital on January 1, 1940

(A) Stock of domestic corporations	None
(B) State bonds	None
Total	None

[2] (i) Excluded capital for each day of period:

(A) Stock of domestic corporations	$10,000
(B) State bonds	32,000
(C) Treasury bonds	22,400
Total	64,400

(ii) Excluded capital for January 1, 1940 42,000

(iii) Excess of excluded capital for each day of period over excluded capital on January 1, 1940 ($64,400 minus $42,000) 22,400

(c) *Computation of net capital reduction on account of distributions under section 713 (g) (4).* Computation of net capital reduction in a case to which only section 713 (g) (4) applies is illustrated by the following example:

Example. The Y Corporation, a domestic corporation which makes its income tax returns on the calendar year basis, was organized and outstanding capital stock of 2,000 shares of common stock of a par value of $100 each and 1,000 shares of participating preferred stock of a par value of $100 each. Each share of preferred stock is entitled to receive annual dividends of $7, and $100 on complete liquidation, in priority to any payments on common stock, and is entitled to participate equally with each share of the common stock in either instance after the common stock has received a similar amount. The preferred stock is redeemable in whole or in part at the option of the board of directors at any time at $106 per share plus its proportion of the earnings of the company at the time of such redemption. The preferred stock was issued at $106 per share for a total of $106,000, and the common stock was issued at $100 per share for a total of $200,000. On July 1, 1944, the company had a paid-in surplus of $6,000, consisting of the premium received on the preferred stock, earnings and profits of $80,000 accumulated prior to March 1, 1913, and earnings and profits accumulated since February 28, 1913, of $75,000. On July 1, 1944, the option with respect to the preferred stock is exercised and the entire amount of such stock is redeemed at $141 per share for a total of $141,000, such transaction being a partial liquidation under section 115 (c). The corporation has no other transactions during the year 1944 which affect the capital of the corporation.

The net capital reduction of the corporation for 1944 is $53,000, computed as follows:

(1) Total amount distributed to preferred shareholders	$141,000
(2) Allocation of the amount distributed:	
(i) Attributable to par value	$100,000
(ii) Attributable to paid-in surplus	6,000
(iii) Attributable to earnings and profits accumulated as of July 1, 1944 (one-third of ($80,000 plus $75,000))	35,000
Total	141,000
(3) Amount of distribution not out of earnings and profits ($100,000 plus $6,000)	106,000
(4) Aggregate of the daily capital reduction from July 2, 1944, to December 31, 1944, both dates inclusive ($106,000 multiplied by 183, number of days in taxable year after distribution)	19,398,000
(5) Net capital reduction ($19,398,000 divided by 366, number of days in taxable year)	53,000

(d) *Computation of capital reduction and excluded capital in case of increased holding of stock of controlled corporation.* Section 713 (g) (5) provides that if on any day of the taxable year a taxpayer and one or more other corporations are members of the same controlled group, the increase in the taxpayer's holdings in the stock of such other corporation or corporations since the beginning of the taxpayer's first excess profits tax taxable year and before the beginning of such day shall be a daily capital reduction of the taxpayer for such day, except as limited by (2) below. The amount of such daily capital reduction (or the amount by which the taxpayer's daily capital reduction for such day is to be increased) on account of such stock is the lesser of the amounts determined by two rules:

(1) The first rule provides that the amount of such increase shall equal the aggregate of the adjusted basis (for determining loss upon sale or exchange) of the stock in such other corporation or corporations acquired by the taxpayer after the beginning of the taxpayer's first excess profits tax taxable year, minus the aggregate of the adjusted basis (for determining loss upon sale or exchange) of the stock in such other corporation or corporations disposed of by the taxpayer prior to such day and after the beginning of the taxpayer's first excess profits tax taxable year.

(2) The second rule provides that the amount of such increase shall equal the excess of the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in all domestic corporations and of obligations described in section 22 (b) (4), held by the taxpayer at the beginning of such day, over the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in all domestic corporations and of obligations described in section (22) (b)

If the invested capital for the taxable year, determined under section 715, is:	The credit shall be:
Not over $5,000,000	8% of the invested capital.
Over $5,000,000, but not over $10,000,000	$400,000, plus 7% of the excess over $5,000,000.
Over $10,000,000, but not over $200,000,000	$750,000, plus 6% of the excess over $10,000,000.
Over $2,000,000,000	$12,150,000, plus 5% of the excess over $200,000,000.

§ 35.714-1 *Excess profits credit based on invested capital.* Section 714 applies only to a corporation which under section 712 is entitled or is required to compute its excess profits credit under the invested capital method. Regardless of the ratio of earnings to invested capital for previous taxable years, such credit is an amount equal to 8 per cent of the corporation's invested capital for the taxable year, except that if such invested capital for any taxable year exceeds $5,000,000, the credit for such taxable year is an amount determined in accordance with the table set forth in section 714. For computation of excess profits net income if excess profits credit based on invested capital is used, see section 711 (a) (2).

SEC. 715. DEFINITION OF INVESTED CAPITAL. [Added by sec. 201, Second Rev. Act 1940.]

For the purposes of this subchapter the invested capital for any taxable year shall be the average invested capital for such year, the average invested capital for any taxable year shall be determined under section 720 (relating to inadmissible assets), the determination of invested capital on a basis other than a daily basis, will produce an amount not differing by more than $1,000 from an amount computed under section 720 (relating to inadmissible assets), the determination of invested capital on a basis other than a daily basis, will produce an invested capital differing by not more than $1,000 from an invested capital determined on a daily basis, if the Commissioner finds that in any case he may, under regulations prescribed by him with the approval of the Secretary, provide for such determination on such other basis. (For computation of invested capital in case of foreign corporations and corporations entitled to the benefits of section 251, see section 724.)

§ 35.715-1 *Determination of invested capital.* It is necessary for a taxpayer using the invested capital method in computing the excess profits credit to determine the invested capital for the taxable year. This is not the invested capital at the beginning of the taxable year but the average invested capital for the taxable year, reduced by an amount computed under section 720 if the taxpayer owned any inadmissible assets during the taxable year. The average invested capital for the taxable year is the aggregate of the daily invested capital for each day of the taxable year, whether such daily invested capital be a positive amount or a negative amount, divided by the number of days in such taxable year. In no event shall the average invested capital, or the invested capital, be an amount which is less than zero. The invested capital shall be computed in all cases on a daily basis.

The daily invested capital is the sum of the equity invested capital, as determined under section 718 (whether such equity invested capital be a positive amount or a negative amount), and the borrowed invested capital, as determined under section 719. The daily invested capital of a transferee upon an exchange, as defined in section 760 (a), for any day after such exchange shall be reduced by the amount of any excess computed under the provisions of section 760 (c). If the amount of the equity invested capital determined under section 718 is a negative amount and is not offset by borrowed invested capital, or if the amount of the reduction under section 760 (c) in daily invested capital is larger than the amount of such daily invested capital computed without regard to such reduction, the daily invested capital will be a negative amount.

If, during the taxable year, a corporation is not involved in a tax-free liquidation and neither receives new capital, whether paid in or borrowed, nor makes any distribution other than out of earnings and profits of the taxable year, nor retires indebtedness of the character includible in borrowed capital, its average invested capital for the taxable year is an amount equal to its daily invested capital for the first day of the taxable year.

(4), held by the taxpayer at the beginning of its first excess profits tax taxable year.

In applying these rules, if any stock or obligations referred to therein were disposed of prior to the day for which the computation is being made, the basis shall be determined under the law applicable to the year in which disposed of. The excluded capital of the taxpayer for the day for which the computation is being made shall be reduced by the amount by which the taxpayer's daily capital reduction for such day is increased by the application of such rules. For definition of the term "controlled group," as here used, see section 713 (g) (5).

The effect of section 713 (g) (5) is illustrated by the following example:

Example. Corporation A and Corporation B compute their income taxes on the calendar year basis. Corporation B has 10,000 shares of capital stock outstanding. Corporation A engages in the following transactions with respect to the following items:

With respect to stock of B Corporation:

January 1, 1932, acquired 1,000 shares (10 percent) with a basis of $10,000.

September 30, 1941, acquired 4,500 shares (45 percent) with a basis of $45,000.

August 31, 1942, sold 1,000 shares (10 percent) with a basis of $10,000.

With respect to bonds of State of X:

January 1, 1939, acquired bonds with a basis of $40,000.

March 31, 1941, acquired bonds with a basis of $50,000.

April 30, 1942, sold bonds with a basis of $75,000.

With respect to capital additions:

June 30, 1941, capital stock issued (to others than B) for $75,000 cash.

The daily capital additions and reductions of A for 1942 are as follows:

CAPITAL ADDITIONS FOR 1942

(1) For each day in period—	(2) Cumulative addition to capital	(3) Increase in excluded capital since Dec. 31, 1939	(4) Capital addition (col. (2) minus col. (3), but not less than zero)
(i) Jan. 1–Apr. 30	[1] $75,000	$50,000	$25,000
(ii) May 1–Aug. 31	[2] 75,000	[3] 0	75,000
(iii) Sept. 1–Dec. 31	[4] 75,000	10,000	65,000

[1] Excluded capital May 1, 1942 ($15,000 bonds of X plus $55,000 stock of B).
Excluded capital Jan. 1, 1940 ($40,000 bonds of X plus $10,000 stock of B).

[2] Excluded capital Sept. 1, 1942 ($15,000 bonds of X plus $45,000 stock of B).
Excluded capital Jan. 1, 1940 ($40,000 bonds of X plus $10,000 stock of B).

[3] Increase in excluded capital as of May 1, 1942.
Stock issued. $55,000 minus $45,000 capital reduction in (iv).
$20,000 minus $20,000 capital reduction in (v).

CAPITAL REDUCTIONS FOR 1942

(1) For each day in period—	(2) Basis of stock in B held	(3) Lesser of basis of stock in B acquired since Dec. 31, 1939, or amount of increase in excluded capital since Dec. 31, 1939	(4) Capital reduction (amount in col. (3) if col. (2) is more than 50 percent)
(i) Jan. 1–Apr. 30	[4] $55,000	[4] $15,000	$45,000
(v) May 1–Aug. 31	[4] 55,000	[4] 20,000	20,000
(vi) Sept. 1–Dec. 31	[4] 45,000		0

[1] Excluded capital May 1, 1942 ($15,000 bonds of X plus $55,000 stock of B).
Excluded capital Jan. 1, 1940 ($40,000 bonds of X plus $10,000 stock of B).

Increase in excluded capital as of May 1, 1942 20,000

[2] 55 percent.
[3] Stock in B.
[4] Excluded capital.
[5] 45 percent.

SEC. 714. EXCESS PROFITS CREDIT: BASED ON INVESTED CAPITAL. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 201 (b), Rev. Act 1941, and by sec. 217, Rev. Act 1942.]

The excess profits credit, for any taxable year, computed under this section, shall be the amount shown in the following table:

In cases where the changes in invested capital are not numerous during the taxable year, the determination of the average invested capital may generally be simplified by taking the invested capital as of the first day of the taxable year and adding thereto such portion of each addition made during the year as the number of days remaining in the taxable year after such addition bears to the total number of days in the taxable year, and subtracting such portion of each reduction of capital as the number of days after such reduction bears to the total number of days in the taxable year. A simple method for determining average invested capital is illustrated by the following example:

Example. The invested capital of the X Corporation, which files its income tax returns on the calendar year basis, is $500,000 on January 1, 1944. The only changes in invested capital during the taxable year 1944 ar as follows:

(a) On April 1, 1944, money amounting to $100,000 is paid in for stock.

(b) On October 1, 1944, a capital distribution is made amounting to $200,000.

Aggregate invested capital from January 1 to April 1, inclusive (92 days), $500,000×92	$46,000,000.00
Aggregate invested capital from April 2 to October 1, inclusive (183 days) ($500,000 plus $100,000)×183	109,800,000.00
Aggregate invested capital from October 2 to December 31, inclusive (91 days) ($600,000 minus $200,000)×91	36,400,000.00
Aggregate invested capital for 1944	192,200,000.00
Average invested capital for 1944 ($192,200,000 divided by 366, number of days in taxable year)	525,136.61

SEC. 716. AVERAGE INVESTED CAPITAL. [Added by sec. 201, Second Rev. Act 1940.]

The average invested capital for any taxable year shall be the aggregate of the daily invested capital for each day of such taxable year, divided by the number of days in such taxable year.

SEC. 717. DAILY INVESTED CAPITAL. [Added by sec. 201, Second Rev. Act 1940.]

The daily invested capital for any day of the taxable year shall be the sum of the equity invested capital for such day plus the borrowed invested capital for such day determined under section 719.

SEC. 718. EQUITY INVESTED CAPITAL. [Added by sec. 201, Second Rev. Act 1940; amended by secs. 202 (f) and 203, Rev. Act 1941, and by secs. 205 (d), 218, 219, and 230 (b) and (c), Rev. Act 1942.]

(a) *Definition.* The equity invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following amounts, reduced as provided in subsection (b)—

(1) *Money paid in.* Money previously paid in for stock, or as paid-in surplus, or as a contribution to capital;

(2) *Property paid in.* Property (other than money) previously paid in (regardless of the time paid in) for stock, or as paid-in surplus, or as a contribution to capital. Such property shall be included in an amount equal to its basis (unadjusted) for determining loss upon sale or exchange. If the property was disposed of before such taxable year, such basis shall be determined under the law applicable to the year of disposition, but without regard to the value of the property as of March 1, 1913. If the property was disposed of before March 1, 1913, its basis shall be considered to be its fair market value at the time paid in. If the unadjusted basis of the property is a substituted basis, such basis shall be adjusted, with respect to the period before the property was paid in, by an amount equal to the adjustments proper under section 115 (l) for determining earnings and profits;

(3) *Distribution in stock.* Distributions in stock—

(A) Made prior to such taxable year to the extent to which they are considered distributions of earnings and profits; and

(B) Previously made during such taxable year to the extent to which they are considered distributions of earnings and profits other than earnings and profits of such taxable year;

(4) *Earnings and profits at beginning of year.* The accumulated earnings and profits as of the beginning of such taxable year;

(5) [Not applicable to taxable years under these regulations (section 230 (c) and (d), Rev. Act 1942).]

(6) *New capital.* An amount equal to 25 per centum of the new capital for such day. The term "new capital" for any day means so much of the amounts of money or property includible for such day under paragraphs (1) and (2) as was previously paid in during a taxable year beginning after December 31, 1940, and so much of the distributions in stock includible for such day under paragraph (3) as was previously made during a taxable year beginning after December 31, 1940, subject to the following limitations:

(A) There shall not be included money or property paid in by a corporation in an exchange to which section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5) is applicable (or would be applicable except for section 371 (g)), or would have been applicable if the term "control" had been defined in section 112 (h) to mean the ownership of stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote or more than 50 per centum of the total value of shares of all classes of stock.

(B) There shall not be included money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group. As used in this subparagraph and subparagraph (C), a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (i) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and (ii) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of the classes of stock, of at least one of the other corporations

(C) There shall not be included a distribution in stock described in paragraph (3) made to another corporation, if immediately after the distribution the taxpayer and the distributee are members of the same controlled group.

(D) *Increase in inadmissible assets.* The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the excess, if any, of the amount computed under section 720 (b) with respect to inadmissible assets held on such day, over the amount computed under section 720 (b) with respect to inadmissible assets held on the first day of the taxpayer's first taxable year beginning after December 31, 1940. For the purposes of this subparagraph, in determining whether obligations which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income are to be treated as admissible or inadmissible assets, such obligations shall be treated in the same manner as they are treated for the taxable year for which tax under this subchapter is being computed.

(E) *Maximum new capital allowable.* The new capital for any day of the taxable year shall not be more than the amount, if any, by which—

(i) the sum of the equity invested capital (computed without regard to this paragraph) and the borrowed capital (as defined in section 719 (a)) of the taxpayer as of such day, reduced by the amount of money or property paid in which is excluded by reason of the limitation of subparagraph (A) or (B) of this paragraph, exceeds

(ii) the sum of such equity invested capital and borrowed capital as of the beginning of the first day of such taxpayer's first taxable year beginning after December 31, 1940, reduced by the amount, if any, by which the accumulated earnings and profits as of such first day of such first taxable year exceed the accumulated earnings and profits (computed without regard to distributions made in taxable years beginning after December 31, 1940) as of the beginning of the first day of the taxable year for which the tax under this subchapter is being computed.

(F) *Reduction on account of distributions out of pre-1941 accumulated earnings and profits.* The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the amount which, after the beginning of the first taxable year which begins after December 31, 1940, has been distributed out of earnings and profits accumulated prior to the beginning of such first taxable year.

(7) *Deficit in earnings and profits of another corporation.* In the case of a transferee, as defined in subsection (c) (5), an amount, determined under such paragraph, equal to the portion of the deficit in earnings and profits of a transferor attributable to property received previously to such day.

(b) *Reduction in equity invested capital.* The amount by which the equity invested capital for any day shall be reduced as provided in subsection (a) shall be the sum of the following amounts—

(1) *Distributions in previous years.* Distributions made prior to such taxable year which were not out of accumulated earnings and profits;

(2) *Distributions during the year.* Distributions previously made during such taxable year which are not out of the earnings and profits of such taxable year;

(3) *Earnings and profits of another corporation.* The earnings and profits of another corporation which previously at any time were included in accumulated earnings and profits by reason of a transaction described in section 112 (b) to (e), both inclusive, or in the corresponding provision of a prior revenue law, or by reason of the transfer by such other corporation to the taxpayer of property the basis of which in the hands of the taxpayer is or was determined with reference to its basis in the hands of such other corporation, or would have been so determined if the property had been other than money; and

(4) [Not applicable to taxable years under these regulations (section 230 (c) and (d), Rev. Act 1942).]

(5) *Deficit in earnings and profits transferred to another corporation.* In the case of a transferor, as defined in subsection (c) (5), an amount, determined under such

paragraph, equal to the portion of the deficit in earnings and profits of the transferor attributable to property transferred previously to such day.

(c) *Rules for application of subsections (a) and (b).* For the purposes of subsections (a) and (b)—

(1) *Distributions to shareholders.* The term "distribution" means a distribution by a corporation to its shareholders, and the term "distribution in stock" means a distribution by a corporation in its stock or rights to acquire its stock. To the extent that a distribution in stock is not considered a distribution of earnings and profits it shall not be considered a distribution. A distribution in stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital.

(2) *Distributions in first sixty days of taxable year.* In the application of such subsections to any taxable year beginning after December 31, 1940, so much of the distributions (taken in the order of time) made during the first sixty days thereof as does not exceed the accumulated earnings and profits as of the beginning thereof (computed without regard to this paragraph) shall be considered to have been made on the last day of the preceding taxable year.

(3) *Computation of earnings and profits of taxable year.* For the purposes of subsections (a) (3) (B) and (b) (2) in determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the tax under this subchapter or chapter 1 for such year and the determination shall be made without regard to the amount of earnings and profits at the time the distribution was made.

(4) [Not applicable to taxable years under these regulations (section 230 (c) and (d), Rev. Act 1942).]

(5) *Deficit in earnings and profits—earnings and profits of transferor and transferee.* If a corporation (hereinafter called "transferor") transfers substantially all its property to another corporation formed to acquire such property (hereinafter called "transferee"), if—

(A) the sole consideration for the transfer of such property is the transfer to the transferor or its shareholders of all the stock of all classes (except qualifying shares) of the transferee. (In determining whether the transfer is solely for stock, the assumption by the transferee of a liability of the transferor or the fact that the property acquired is subject to a liability shall be disregarded);

(B) the basis of the property, in the hands of the transferee, for the purposes of this subsection, is determined by reference to the basis of the property in the hands of the transferor;

(C) the transferor is forthwith completely liquidated in pursuance of the plan under which the acquisition of the property is made; and

(D) immediately after the liquidation the shareholders of the transferor own all such stock;

for the purposes of this subchapter, in computing the equity invested capital for any day after the date of the acquisition of the property, the earnings and profits or deficit in earnings and profits of the transferee and the transferor shall be computed as if, immediately before the beginning of the taxable year in which such transfer occurs, the transferee had been in existence and sustained a recognized loss, and the transferor had realized a recognized gain, equal to the portion of the deficit in earnings and profits of the transferor attributable to such property.

(d) For special rules affecting computation of property paid in for stock in connection with certain exchanges and liquidations, see Supplement C.

(e) For determination of equity invested capital in special cases, see section 723.

(f) The reserves of an insurance company shall not be included in computing equity invested capital under this section but shall be treated as borrowed capital as provided in section 719.

§ 35.718–1 *Determination of daily equity invested capital; money and property paid in.* The equity invested capital for any day is determined as of the beginning of such day. The basis or starting point is found in the amount of money and property previously paid in for stock, or as paid-in surplus, or as a contribution to capital. The terms "money paid in" and "property paid in" do not include amounts received as premiums by an insurance company subject to taxation under section 204. For the purpose of determining equity invested capital, the amount of any property paid in is the unadjusted basis to the taxpayer for determining loss upon a sale of exchange under the law applicable to the taxable year for which the invested capital is being computed. If the property was disposed of after February 28, 1913, and before such taxable year, such unadjusted basis shall be determined under the law applicable to the year of disposition, but without regard to the value of the property as of March 1, 1913; if the property was disposed of before March 1, 1913, its unadjusted basis shall be considered to be its fair market value at the time paid in.

If the basis to the taxpayer is cost and stock was issued for the property, the cost is the fair market value of such stock at the time of its issuance. If the stock had no established market value at the time of the exchange, the fair market value of the assets of the company at that time should be determined and the liabilities deducted. The resulting net worth will be deemed to represent the total value of the outstanding stock. In determining net worth for the purpose of fixing the fair market value of the stock at the time of the exchange, the property paid in for such stock shall be included in the assets at its fair market value at that time.

If stock having no established market value is issued for intangible property, and it is necessary to determine the fair market value of such property, the following factors, among others, may be taken into consideration in determining such value: (a) The earnings attributable to such intangible assets while in the hands of the predecessor owner; and (b) any cash offers for the purchase of the business, including the intangible property, at or about the time of its acquisition. A corporation claiming a value for intangible property paid in for stock should file with its return a full statement of the facts relating to such valuation.

If the property was acquired after December 31, 1920, by a corporation from a shareholder as paid-in surplus or from any person as a contribution to capital, then the basis shall be the same as it would be in the hands of the transferor if the transfer had not been made. (See section 113 (a) (8).) If so acquired prior to January 1, 1921, the basis is the fair market value of the property at the time it was paid in. Where the basis is the transferor's basis, those adjustments shall be made to such basis with respect to the period before the property was paid in as are proper under section 115 (l) for determining earnings and profits. Thus, if A paid into a corporation in 1930 as paid-in surplus certain improved real estate purchased by him in 1920 for $20,000, with respect to which depreciation was allowed for the period held by him in amounts aggregating $6,000 (the full amount allowable), A's basis of $20,000 shall be reduced by $6,000 for the purpose of computing the invested capital of the corporation.

The fact that the money or property paid in has been lost, destroyed, or otherwise disposed of shall not reduce the invested capital, except as such facts are reflected in the earnings and profits as of the beginning of the taxable year. As to cases with respect to which the equity invested capital at the beginning of the year can not be determined, see section 723. As to determination of amount of property paid in for stock in connection with certain exchanges, see section 760 (b). As to determination of additional amount to be included in daily equity invested capital on account of new capital, see § 35.718–4.

See section 761 for rules for the elimination of duplication in invested capital as between two or more corporations.

§ 35.718–2 *Determination of daily equity invested capital; accumulated earnings and profits*—(a) *In general.* The term "accumulated earnings and profits" is not defined in the Internal Revenue Code. See, however, section 115 and the regulations prescribed thereunder as to the effect of certain transactions on earnings and profits, and § 35.718–5 as to the effect of the declaration and distribution of dividends. In general, the concept of "accumulated earnings and profits" for the purpose of the excess profits tax is the same as for the purpose of the income tax. As to determination of additional amount to be included in daily equity invested capital on account of new capital, see § 35.718–4. In computing accumulated earnings and profits as of the beginning of the taxable year, a taxpayer keeping its books and making its income tax returns on the accrual basis shall subtract the income and excess profits taxes for the preceding taxable year. If there is a deficit in the accumulated earnings and profits as of the beginning of the taxable year, such deficit shall not be taken into account in determining invested capital, and in such cases the earnings and profits as of the beginning of the taxable year shall be considered as zero, but subsequent earnings and profits shall be applied against such deficit. Unrealized appreciation in value of property is not a factor in determining earnings and profits.

If the earnings and profits of another corporation have been included in the earnings and profits of the taxpayer by virtue of a transaction of the character referred to in section 718 (b) (3), for the purpose of computing the equity invested capital of the taxpayer for each day after the day of such transaction there shall be included in the accumulated earnings and profits of the taxpayer as of the beginning of its taxable year in which such transaction occurred the proportionate part of any earnings and profits of the other corporation accumulated prior to the beginning of such taxable year and properly allocable to the taxpayer; and there shall be included in the current earnings and profits of the taxpayer for such taxable year the proportionate part of any earnings and profits of such other corporation accumulated after the beginning of such taxable year and properly allocable to the taxpayer. The amount so included in the earnings and profits of the taxpayer as of the beginning of its taxable year in which the transaction occurred or in its current earnings and profits for such year shall not exceed such proportionate part of the earnings and profits of such other corporation accumulated as of the day on which such transaction occurred.

If the transaction which resulted in the transfer to the taxpayer of the earnings and profits of another corporation constitutes an intercorporate liquidation subject to the provisions of section 761, the rule of the preceding paragraph shall apply only with respect to that portion of such earnings and profits attributable to the stock of such other corporation held by the taxpayer with a basis determined under section 761 to be a basis other than cost. Section 761 (d) (1) provides for the adjustment appropriate with respect to the earnings and profits of such other corporation taken over in the liquidation attributable to the stock of such other corporation held by the taxpayer with a basis determined to be a cost basis.

(b) *Current earnings and profits.* Earnings and profits of any taxable year can not be included in the computation of invested capital for that year. If a dividend is declared and paid during any year out of the earnings and profits of that year and the stockholders pay back into the corporation all or a substantial part of the amount of such dividends, the amount so paid back can not be included in the computation of invested capital for that year unless the corporation shows by evidence satisfactory to the Commissioner that the dividends were paid in good faith and without any understanding, express or implied, that they were to be paid back.

In any case in which the earnings and profits of another corporation are included in the accumulated earnings and profits of the taxpayer by reason of a transaction of the character referred to in section 718 (b) (3), the proportionate part of any such earnings and profits accumulated after the beginning of the taxable year of the taxpayer in which such transaction occurred and allocable to the taxpayer, but in an amount not to exceed the proportionate part of the earnings and profits of such other corporation accumulated as of the day of such transaction, shall be considered to be current earnings of the taxpayer for such taxable year.

The earnings and profits for the taxable year in which an intercorporate liquidation has occurred subject to the provisions of section 761 shall be increased or decreased, as the case may be, by the plus adjustment or the minus adjustment computed under section 761 (b) with respect to the stock of the liquidated corporation held by the taxpayer with a basis determined under section 761 to be a cost basis. See section 761 (d) (1).

§ 35.718–3 *Determination of daily equity invested capital; distributions in stock.* A distribution made prior to the taxable year by a corporation in its stock, or in rights to acquire its stock, to the extent to which it constitutes a distribution of earnings and profits of the corporation, constitutes an item of invested capital. Such a distribution made during the taxable year out of earnings and profits other than out of the earnings and profits of that year is also an item of invested capital. If a stock dividend is paid out of capital and not out of earnings and profits, or is of such a character as not to be subject to tax in the hands of a distributee because exempt as a stock dividend either by statute or otherwise, it is not deemed to constitute a distribution and does not reduce the earnings and profits account. See section 115 (h). For new capital treatment of distributions in stock, see § 35.718–4.

§ 35.718–4 *Determination of daily equity invested capital; new capital.*—(a) *In general.* The equity invested capital for any day of the taxable year, as partially determined under section 718 (a) (1) to (4), shall be increased by an amount equal to 25 percent of the new capital, if any, for such day. The term "new capital" for any such day means the aggregate amount of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, and the amount of distributions made in stock and includible for such day under section 718 (a) (1) to (3), subject, however, to the limitations provided in subparagraphs (A) to (F) of section 718 (a) (6).

(b) *Limitations under subparagraph (A) of section 718 (a) (6).* The limitations provided in subparagraph (A) of section 718 (a) (6) exclude from the term "new capital" the amount of any equity invested capital acquired in an exchange occurring during a taxable year beginning after December 31, 1940, to which section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5), is applicable. However, in determining whether an exchange is within section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5), the control requirement is considered to mean the ownership of stock possessing more than 50 per cent of the total combined voting power of all classes of stock entitled to vote or more than 50 per cent of the total value of shares of all classes of stock. These limitations also apply to all exchanges under Supplement R of Chapter 1 which would be subject to the statutory provisions referred to in the preceding sentence if it were not for section 371 (g). The application of these limitations may be illustrated by the following example:

Example. The A Corporation issues stock during the taxable year beginning on January 1, 1942, to the B Corporation in exchange for the transfer of certain property by the B Corporation. Immediately after the transfer the stock acquired by the B Corporation has a value of $10,000, the total value of all classes of stock of the A Corporation then outstanding amounting to $18,000. The A Corporation obtains no new capital, since the property for which the new stock was issued was obtained in an exchange to which section 112 (b) (5) would be applicable if the term "control" had been defined in section 112 (h) so as to include either the ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of all classes of stock outstanding.

(c) *Limitations under subparagraph (B) of section 718 (a) (6).* The limitations provided in subparagraph (B) of section 718 (a) (6) exclude from the term "new capital" any money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group as that term is defined in such subparagraph. The application of these limitations may be illustrated by the following example:

Example. The A Corporation owns stock in the B Corporation, and the B Corporation owns stock in the C Corporation. The A Corporation transfers property to the C Corporation in exchange for stock of the C Corporation. Immediately after the transfer the stock owned by the A Corporation in the B Corporation possesses more than 50 per cent of the total combined voting power of all classes of stock entitled to vote. Also immediately after such transfer the stock owned by the B Corporation in the C Corporation has a value equal to more than 50 percent of the total value of all classes of stock of the C Corporation. The C Corporation obtains no new capital through the acquisition of the property from the A Corporation in exchange for its stock, since immediately after the transfer the A Corporation, the transferor, and the C Corporation, the transferee, are members of the same controlled group.

(d) *Limitations under subparagraph (C) of section 718 (a) (6).* The limitations provided in subparagraph (C) of section 718 (a) (6) exclude from the term "new capital" any distribution in stock described in section 718 (a) (3) made by the taxpayer to another corporation if immediately after the distribution the taxpayer and the other corporation are members of the same controlled group as that term is defined in subparagraph (B) of section 718 (a) (6). The application of these limitations may be illustrated by the following example:

Example. The A Corporation makes a distribution in taxable stock dividends to the B and C Corporations during the taxable year beginning on January 1, 1942. Immediately after the distribution the B and C Corporations own stock in the A Corporation which has a voting power of more than 50 per cent of the combined voting power of all classes of stock entitled to vote. Immediately after the transfer the B Corporation owns stock in the C Corporation which has a value

of more than 50 per cent of the total value of all classes of stock of the C Corporation. The taxable stock dividend distributed by the A Corporation does not constitute new capital to the A Corporation.

(e) *Limitations under subparagraph (D) of section 718 (a) (6).* The limitations provided in subparagraph (D) of section 718 (a) (6) require that the amount of new capital for any day of the taxable year, computed without the application of section 718 (a) (6) (E), shall be reduced by the excess of the amount of inadmissible assets held on the beginning of that day over the amount of such assets held on the beginning of the first day of the taxpayer's first taxable year beginning after December 31, 1940. The application of these limitations may be illustrated by the following example:

Example. The X Corporation makes its excess profits tax return on the calendar year basis. On July 1, 1942, cash in the amount of $100,000 is paid in for stock. There are no other changes made in either the amount of equity invested capital or the amount of borrowed capital at any time during the year 1942. The adjusted basis of inadmissible assets as of January 1, 1941, amounts to $5,000. The adjusted basis of such assets as of July 2, 1942, is $15,000. Under subparagraph (D) the new capital of $100,000 is reduced to $90,000 as of July 2, 1942, as shown by the following computation:

Money paid in for stock July 1, 1942	$100,000
Less:	
Excess of inadmissible assets as of July 2, 1942, over such assets as of January 1, 1941 ($15,000 minus $5,000)	10,000
New capital as reduced under subparagraph (D)	90,000

(f) *Limitations under subparagraph (E) of section 718 (a) (6).* The limitations provided in subparagraph (E) of section 718 (a) (6) prevent new capital as of any day from exceeding the amount by which the total equity invested capital and borrowed capital as of such day (computed without including the 25 per cent increase and reduced as provided in such subparagraph on account of amounts excluded under subparagraph (A) or (B) exceeds the sum of the equity invested capital and borrowed capital as of the first day of the taxpayer's first taxable year beginning after December 31, 1940 (reduced as provided in such subparagraph on account of reduction in accumulated earnings and profits other than as the result of distributions). The application of these limitations may be illustrated by the following example:

Example. The Y Corporation makes its return on the calendar year basis. Its equity invested capital as of January 1, 1941, amounts to $30,000, consisting of money paid in for stock, $20,000, and accumulated earnings and profits, $10,000. Its borrowed capital as of January 1, 1941, consists of bonds outstanding in the amount of $15,000. Accordingly, the total of its equity invested capital and borrowed capital as of January 1, 1941, is $45,000. The corporation has no inadmissible assets at any time during the year 1941 or 1942. No changes in its equity invested capital or borrowed capital occur in 1941. On July 1, 1942, the following events occur:

(1) The corporation distributes taxable stock dividends amounting to $5,000 out of earnings and profits accumulated prior to January 1, 1941;

(2) Money amounting to $15,000 is paid in as a contribution to capital;

(3) Property with an unadjusted basis of $20,000 for determining loss is acquired for stock in an exchange to which section 112 (b) (4) is applicable; and

(4) Bonds in the amount of $10,000 are retired.

Only $5,000 of the $40,000 of new capital (tentative) arising out of the transactions which took place on July 1, 1942, constitutes new capital as of July 2, 1942, computed as follows:

(1) Sum of equity invested capital and borrowed capital as of July 2, 1942 (computed without regard to 25 percent increase in new capital)	$70,000
(2) Property paid in for stock excluded under subparagraph (A)	20,000
(3) Item (1) minus item (2)	50,000
(4) Sum of equity invested capital and borrowed capital as of January 1, 1941	45,000
(5) New capital as of July 2, 1942 (item (3) minus item (4))	5,000

If the accumulated earnings and profits of the Y Corporation are reduced to zero as of January 1, 1943, because of the stock dividend distribution of $5,000 made on July 1, 1942, and because of an operating loss of $5,000 during the taxable year 1942, the new capital includible in equity invested capital as of January 1, 1943, would remain at $5,000 under the application of subparagraph (E), as shown by the following computation:

(1) Sum of equity invested capital and borrowed capital as of January 1, 1943 (computed without regard to 25 percent increase in new capital)	$65,000
(2) Property paid in for stock excluded under subparagraph (A)	20,000
(3) Item (1) minus item (2)	45,000
(4) Sum of equity invested capital and borrowed capital as of January 1, 1941	45,000
(5) Excess of accumulated earnings and profits as of January 1, 1941, over earnings and profits, computed without regard to distributions, as of January 1, 1943 ($10,000 minus $5,000)	5,000
(6) Item (4) reduced by item (5)	40,000
(7) New capital as of January 1, 1942 (item (3) minus item (6))	[1] 5,000

[1] The application of subparagraph (F) is not shown in the above computation since it does not change the result.

(g) *Limitations under subparagraph (F) of section 718 (a) (6).* The limitations provided in subparagraph (F) of section 718 (a) (6) require that new capital for any day of the taxable year (computed without the application of subparagraph (E)), shall be reduced by distributions made after the beginning of the first taxable year which begins after December 31, 1940, out of earnings and profits accumulated prior to the beginning of such first taxable year. The application of these limitations may be illustrated by the following examples:

Example (1). The Z Corporation makes its return on the calendar year basis. Its total equity invested capital and borrowed capital as of January 1, 1941, is $100,000, including $10,000 of accumulated earnings and profits. No changes occur in its equity invested capital or borrowed capital during 1941. The only capital acquired during 1942 amounts to $10,000, resulting from the distribution of a taxable stock dividend on July 1, 1942. The corporation has no earnings and profits for 1942. The capital resulting from the stock dividend is excluded from new capital by subparagraph (F) (as well as by subparagraph (E)), for it is reduced by the amount distributed out of earnings and profits accumulated prior to January 1, 1941.

Example (2). Assume that the facts with respect to the Z Corporation are the same as in example (1), except that the Z Corporation has an operating loss of $10,000 for the year 1942. Although under subparagraph (E), because of the adjustment relative to a reduction in accumulated earnings and profits not resulting from distributions, there would be new capital as of January 1, 1942, in the amount of $10,000, the application of subparagraph (F) prevents the stock dividend distributed on July 1, 1942, from being new capital, inasmuch as the capital from the stock dividend ($10,000) must be reduced by the amount of the distribution out of earnings and profits accumulated prior to January 1, 1941 ($10,000).

Example (3). Assume that the facts with respect to the Z Corporation are the same as in example (1), except that there are no earnings and profits in 1942 and no operating loss for such year and that its earnings and profits for 1943 are $10,000. Although, because of the 1943 earnings and profits, there would be new capital under subparagraph (E) in the amount of $10,000 as of January 1, 1944, subparagraph (F) prevents the stock dividend distributed on July 1, 1942, from being new capital, inasmuch as the capital resulting from such stock dividend ($10,000) is reduced by the amount of the distribution ($10,000) made out of earnings and profits accumulated prior to January 1, 1941.

§ 35.718–5 *Determination of daily equity invested capital; reductions by distributions.* The amount of the daily equity invested capital as partially determined by taking the aggregate of the sums described in section 718 (a) shall be reduced by the amount of the distributions made in prior taxable years which were not out of accumulated earnings and profits plus the amount of the distributions previously made during the taxable year which were not out of the earnings or profits of such year. In determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the excess profits tax imposed by the Excess Profits Tax Act of 1940, or by reason of the tax imposed by Chapter 1, and without regard to the amount of earnings and profits at the time the distribution was made.

For example, if a corporation making a return on the calendar year basis had accumulated earnings and profits as of the beginning of the taxable year of $50,000, and earnings and profits during the taxable year (without diminution by any distributions, the excess profits tax for the taxable year, or the income tax for the taxable year) of $150,000, all earned during the last six months of the taxable year, and distributed $175,000 as dividends during the taxable year, $56,000 on April 1, $70,000 on July 1, and $49,000 on October 1, six-sevenths of each distribution will be deemed to have been paid out of earnings of the taxable year and one-seventh from accumulated earnings and profits, so that accumulated earnings and profits will be reduced by $8,000 beginning April 2, by an additional $10,000 beginning July 2, and by an additional $7,000 beginning October 2.

In computing accumulated earnings and profits as of the beginning of the taxable year and in determining what distributions during the taxable year are made out of the earnings and profits of such year, for the purposes of section 718 (a) and (b) distributions made during the first 60 days of any taxable year are deemed, to the extent they do not exceed the accumulated earnings and profits as of the beginning of the taxable year, to have been made on the last day of the preceding taxable year. In applying such rule, such distributions shall be considered in the order of time. For example, if a corporation on the calendar year basis has accumulated earnings or profits of $100,000 on January 1, 1942, and makes distributions of $75,000 on January 15, 1942, the distribution of January 15, 1942, and $25,000 of the distribution of February 15, 1942, are considered as having been made on December 31, 1941.

A distribution is considered to be made on the date it is payable, except that where no date is set for its payment, the distribution is considered to be made on the date when it is declared, and except that distributions payable during the first 60 days of a taxable year are considered to be distributions made on the last day of the preceding taxable year to the extent such distributions do not exceed the accumulated earnings and profits as of the beginning of the taxable year.

The purchase by a corporation of its own stock for investment does not of itself result in a reduction of invested capital. But see § 35.720–1 relative to inadmissible assets. If, however, the corporation subsequently cancels such stock, invested capital is reduced, beginning with the day following such cancellation, by so much of the adjusted basis of such stock in the hands of the corporation as is not properly chargeable to earnings and profits of the taxable year. If stock is purchased for retirement, there is a distribution on the date of purchase of the amount paid therefor and the invested capital is reduced by the amount thereof not properly chargeable to earnings and profits of the taxable year.

The amount of distributions by a corporation whether in bonds of such corporation, or in money or other property may exceed the amount of the equity invested capital computed without regard to such distributions. In such event, the equity invested capital of such corporation shall be reduced by virtue of such distributions to a negative amount.

§ 35.718–6 *Determination of daily equity invested capital; reduction by earnings and profits of another corporation.* Section 718 (b) (3) provides for the elimination of the duplication which occurs in the computation of the equity invested capital of the taxpayer following a transaction of the character referred to therein, as a result of which the earnings and profits of another corporation became the earnings and profits of the taxpayer.[1] The earnings and profits of such other corporation having been included at the time of the transaction in the earnings and profits of the taxpayer, they remain continuously thereafter a part of such earnings and profits account for the purpose of computing for any day after such transaction the earnings and profits, the accumulated earnings and profits at the beginning of the taxable year, and the earnings and profits of the taxable year. In addition, however, the amount of such included earnings and profits is also brought into computation of equity invested capital of the taxpayer under provisions of section 718 other than section 718 (a) (4) relating to accumulated earnings and profits as of the beginning of the taxable year. Thus, if the transaction is a reorganization to which section 113 (a) (7) is applicable, and in which the taxpayer receives all the assets of another corporation in exchange solely for its own stock, such amount has already been taken into account in property paid in for stock under section 718 (a) (2); or if the transaction is an intercorporate liquidation of another corporation involving a distribution with respect to stock of such other corporation held by the taxpayer with a basis determined under section 761 to be a basis other than cost, such amount has already been taken into account in the computation of equity invested capital of the taxpayer, as adjusted under section 761 (d) (2).

To preclude this duplicate inclusion of the earnings and profits of another corporation in the invested capital of the taxpayer, section 718 (b) (3) provides, as a step in the computation of equity invested capital, for the reduction of equity invested capital otherwise computed by the amount of earnings and profits of another corporation previously at any time included in the earnings and profits of the taxpayer. This adjustment is to be made in the computation of equity invested capital for each day after the day of such transaction, regardless of whether the earnings and profits absorbed were produced during the taxable year of the taxpayer in which such transaction occurred or in a prior taxable year, and regardless of the condition of the earnings and profits account of the taxpayer immediately prior to or at any time subsequent to the date of such transaction.

§ 35.718–7 *Determination of daily equity invested capital; deficit in earnings and profits of transferor transferred to transferee.* The determination of the amount of money or property paid in for stock or as paid-in surplus or as a contribution to capital of the transferee on account of certain tax-free exchanges is prescribed by section 760. (The determination with respect to excess profits tax taxable years beginning prior to January 1, 1942, is also prescribed by section 760 if the taxpayer elects, pursuant to the provisions of section 230 (d) of the Revenue Act of 1942, to have the provisions of section 760 apply.) Such amount of property paid in is computed with respect to the unadjusted basis for determining loss of the property in the hands of the transferee, adjusted for the period prior to the time the property was paid in by amounts equal to the adjustments proper under section 115 (l) for determining earnings and profits, minus, *inter alia*, any liability of the transferor assumed upon the exchange or to which the property received was subject. Since the unadjusted basis of the property received minus any liabilities assumed by the transferee or to which the property received was subject, will reflect the amount of any deficit incurred by the transferor, the equity invested capital of the transferee resulting from the exchange would be reduced by the amount of such deficit, although the amount of such deficit would not have reduced the equity invested capital of the transferor, prior to the exchange, below the amount of its accumulated earnings and profits.

In certain cases where, despite a reorganization of the transferor involving a tax-free exchange of its assets, the corporate identity of the transferor is preserved, section 718 (a) (7) provides that equity invested capital of the transferee for taxable years beginning after December 31, 1939, shall be increased by that portion of the deficit in earnings and profits of the transferor attributable to the property transferred by the transferor to the transferee. Section 718 (b) (5) provides for the complementary reduction in the equity invested capital of the transferor for any day after such a transfer in taxable years beginning after December 31, 1939, by the amount of the deficit in earnings and profits attributable to the property transferred.

If the transferee has received substantially all, but not all, the property of the transferor upon the exchange, the deficit in earnings and profits of the transferor attributable to the property transferred shall be an amount which bears the same ratio to the total deficit in earnings and profits of the transferor as the excess of the basis of the property transferred to the transferee (adjusted by amounts equal to the adjustments proper under section 115 (l) for determining earnings and profits) over the amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received bears to the excess of the basis of the total assets of the transferor immediately prior to the exchange (adjusted by amounts equal to the adjustments proper under section 115 (l) for determining earnings and profits) over the amount of any liability of the transferor, and the amount of any liability subject to which such assets were held immediately prior to the transfer.

The adjustments provided by section 718 (a) (7) and section 718 (b) (5) are applicable only in case a corporation

[1] *Commissioner* v. *Sansome*, 60 Fed. (2d) 931.

(called the transferor) transfers substantially all its property to another corporation formed especially to acquire such property (called the transferee), *Provided*, That:

(a) The sole consideration for the transfer of such property is the transfer to the transferor or its shareholders of all the stock of all classes (except qualifying shares) of the transferee. In determining whether the transfer is solely for stock, the assumption by the transferee of a liability of the tranferor or the fact that the property acquired was received subject to a liability shall be disregarded;

(b) The basis of the property in the hands of the transferee is determined by reference to the basis of such property in the hands of the transferor;

(c) The transferor is forthwith completely liquidated in pursuance of the plan under which the acquisition of the property was made; and

(d) Immediately after such liquidation the shareholders of the transferor own all the stock of the transferee received by the transferor.

The earnings and profits of the transferee for any day after the date of acquisition of the property shall be considered to have been reduced by an amount equal to the amount by which the equity invested capital was increased pursuant to section 718 (a) (7), as if immediately before the beginning of the taxable year in which such transfer occurred the transferee had been in existence and had sustained a recognized loss equal to the portion of the deficit in earnings and profits of the transferor attributable to the property acquired by the transferee. The deficit in earnings and profits of the transferor for any day after the date of the transfer of property, and prior to the liquidation, must be decreased by the amount by which the equity invested capital is decreased pursuant to section 718 (b) (5), as if immediately before the beginning of the taxable year in which the transfer occurred the transferor had realized a recognized gain equal to the portion of the deficit in earnings and profits of the transferor attributable to the property transferred to the transferee.

The provisions of section 718 (a) (7), section 718 (b) (5), and section 718 (c) (5) shall apply only in the case of a tax-free exchange involving a single transferor and shall not apply to instances where two or more transferors transfer property to a transferee in a tax-free exchange.

The provisions of this section may be illustrated by the following example:

Example. In 1942 Corporation A, which was organized under the laws of the State of New York, found it necessary to incorporate under the laws of Delaware. Consequently a new Corporation B was organized under the laws of Delaware, and in exchange for all its stock received the entire assets of Corporation A. Immediately after the exchange Corporation A was liquidated, and the stock of Corporation B was transferred to the shareholders of Corporation A. Immediately prior to the exchange, the equity invested capital of Corporation A, consisting of money and property previously paid in for stock, was $500,000; in addition, Corporation A had a deficit in earnings and profits of $200,000. The adjusted basis of the assets of Corporation A at the time of the exchange properly adjusted under section 115 (l) for the computation of earnings and profits, and consequently the unadjusted basis of the assets to Corporation B at such time was $300,000. The equity invested capital of Corporation B, however, as of January 1, 1943, is $500,000, since section 718 (a) (7) requires the addition of Corporation A's $200,000 deficit to the equity invested capital of Corporation B, otherwise determined. As of January 1, 1943, Corporation B is also considered to have a deficit in earnings and profits of $200,000. If in 1943 Corporation B had earned $150,000, its equity invested capital as of January 1, 1944, would be $500,000 and its deficit in earnings and profits would be $50,000 ($200,000 minus $150,000). If in 1944 Corporation B had earned $75,000, its equity invested capital as of January 1, 1945, would be $525,000 ($500,000 plus $25,000 accumulated earnings and profits ($150,000 plus $75,000, minus $200,000)). Immediately after the exchange the equity invested capital of Corporation A would be $300,000 since section 718 (b) (5) requires the reduction of Corporation A's invested capital by the amount of any deficit in earnings and profits transferred to the transferee pursuant to the provisions of section 718 (c) (5), and Corporation A's deficit in earnings and profits computed pursuant to section 718 (c) (5) would be zero ($200,000 minus $200,000).

§ 35.718–8 *Determination of daily equity invested capital; insurance companies.* Section 718 (f) provides that the reserves of certain insurance companies shall not be included in computing equity invested capital but shall be treated as borrowed capital as provided in section 719. This rule does not apply to the computation of invested capital of mutual insurance companies other than life or marine, the reserves of which would not be included in equity invested capital under section 718 (see section 718 (e)) but are included only in equity invested capital as provided in section 723 (b).

SEC. 719. BORROWED INVESTED CAPITAL. [Added by sec. 201, Second Rev. Act 1940; amended by secs. 205 (e) and 230 (b), Rev. Act 1942.]

(a) *Borrowed capital.* The borrowed capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following:

(1) The amount of the outstanding indebtedness (not including interest) of the taxpayer which is evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, or deed of trust, plus,

(2) In the case of a taxpayer having a contract (made before the expiration of 30 days after the date of the enactment of the Second Revenue Act of 1940) with a foreign government to furnish articles, materials, or supplies to such foreign government, if such contract provides for advance payment and for repayment by the vendor of any part of such advance payment upon cancellation of the contract by such foreign government, the amount which would be required to be so repaid if cancellation occurred at the beginning of such day, but no amount shall be considered as borrowed capital under this paragraph which has been includible in gross income, plus,

(3) In the case of an insurance company, the mean of the amount of the pro rata unearned premiums determined at the beginning and end of the taxable year, plus,

(4) In the case of a life insurance company, the mean of the amount of the adjusted reserves, and the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year.

(b) *Borrowed invested capital.* The borrowed invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be an amount equal to 50 per centum of the borrowed capital for such day.

§ 35.719–1 *Borrowed invested capital.* The borrowed invested capital for any day of the taxable year is 50 percent of the borrowed capital for such day determined as of the beginning of such day. Borrowed capital is defined to mean:

(a) Outstanding indebtedness (other than interest, but including indebtedness assumed or to which the taxpayer's property is subject) of the taxpayer which is evidenced by a bond, a promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, or deed of trust, plus

(b) In the case of a corporation having a contract, made before November 8, 1940, with a foreign government to furnish articles, materials, or supplies to such foreign government, amounts received as advance payment in connection with and as provided by such contract, to the extent such amounts would be repayable pursuant to the terms of the contract, if cancellation by such foreign government occurred at the beginning of the day for which the borrowed capital is being ascertained, but no amount shall be included as borrowed capital which has been includible in gross income, plus

(c) In the case of an insurance company (except a mutual insurance company other than life or marine), the mean of the amount of the pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of this chapter) determined at the beginning and end of the taxable year, plus

(d) In the case of a life insurance company, for any taxable year beginning after December 31, 1941, the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of this chapter) and the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year.

The provisions of section 719 (a) (3) and (4) do not apply to mutual insurance companies other than life or marine. For computation of equity invested capital in the case of such corporations, see section 723 (b) and § 35.723–2.

In order for any indebtedness to be included in borrowed capital it must be bona fide. It must be one incurred for business reasons and not merely to increase the excess profits credit. If indebtednes of the taxpayer is assumed by another person it ceases to be borrowed capital of the taxpayer. For such purpose an assumption of indebtedness includes the receipt of property subject to indebtedness.

Whether outstanding certificates designated by such names as "debenture preferred stock" or "guaranteed preferred stock" constitute borrowed capital depends upon whether the holder has a proprietary interest in the corporation or has the rights of a creditor, determined in the light of all of the facts. The name borne by the certificate is of little importance. More important attributes to be considered are whether or not there is a maturity date, the source of payment of any "interest" or "dividend" specified in the certificate (whether only out of earnings or out of capital and earnings), rights to enforce payment, and other rights as compared with those of general creditors.

The term "certificate of indebtedness" includes only instruments having the general character of investment securities issued by a corporation as distinguishable from instruments evidencing debts arising in ordinary transactions between individuals. Borrowed capital does not include indebtedness incurred by a bank arising out of the receipts of a deposit and evidenced, for example, by a certificate of deposit, a passbook, a cashier's check, or a certified check.

The provisions of section 719 (a) (2) relating to contracts with a foreign government may be illustrated by the following example:

Example. The X Corporation, which makes its income tax returns on the calendar year basis and reports its income on the accrual basis, entered into a contract with a foreign government on November 1, 1940, for the manufacture and delivery of certain parts for aircraft, and received thereunder an advance payment as of that date of $500,000. The contract provided for its cancellation by the vendee, and further provided that the advance payment should be returned upon such cancellation less the sum of $100,000 and $5,000 for each unit delivered before cancellation. No units were delivered during 1940 or 1941. Ten units were delivered December 1, 1942, another 10 units December 30, 1942, and the contract was canceled December 31, 1942, before any other deliveries had been made. Borrowed invested capital would be increased $200,000 (50 percent of $400,000) for each day beginning January 1, 1942, and ending December 1, 1942; $175,000 (50 percent of $350,000) for each day beginning December 2, 1942, and ending December 30, 1942; and $150,000 (50 percent of $300,000) for one day, December 31, 1942.

SEC. 720. ADMISSIBLE AND INADMISSIBLE ASSETS. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 12 (a), Excess Profits Tax Amendments 1941, and by secs. 207 (h) and 220, Rev. Act 1942.]

(a) *Definitions.* For the purposes of this subchapter—

(1) The term "inadmissible-assets" means—

(A) Stock in corporations except stock in a foreign personal-holding company, and except stock which is not a capital asset; and

(B) Except as provided in subsection (d), obligations described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income.

(2) The term "admissible assets" means all assets other than inadmissible assets.

(b) *Ratio of inadmissibles to total assets.* The amount by which the average invested capital for any taxable year shall be reduced as provided in section 715 shall be an amount which is the same percentage of such average invested capital as the percentage which the total of the inadmissible assets is of the total of admissible and inadmissible assets. For such purposes, the amount attributable to each asset held at any time during such taxable year shall be determined by ascertaining the adjusted basis thereof (or, in the case of money, the amount thereof) for each day of such taxable year so held and adding such daily amounts. The determination of such daily amounts shall be made under regulations prescribed by the Commissioner with the approval of the Secretary. The adjusted basis shall be the adjusted basis for determining loss upon sale or exchange as determined under section 113.

(c) *Computation if short-term capital gain.* If during the taxable year there has been a gain from the sale or exchange of a capital asset held for not more than 6 months with respect to an inadmissible asset, then so much of the amount attributable to such inadmissible asset under subsection (b) as bears the same ratio thereto as such gain bears to the sum of such gain plus the dividends and interest on such asset for such year, shall, for the purpose of determining the ratio of inadmissible assets to the total of admissible and inadmissible assets, be added to the total of admissible assets and subtracted from the total of inadmissible assets.

(d) *Treatment of Government obligations as admissible assets.* If the excess profits credit for any taxable year is computed under section 714, the taxpayer may in its return for such year elect to increase its normal tax net income for such taxable year by an amount equal to the amount of the interest on, reduced by the amount of the amortizable bond premium under section 125 attributable to, all obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income. In such case, for the purposes of this section, the term "admissible assets" includes such obligations, and the term "inadmissible assets" does not include such obligations.

§ 35.720–1 *Reduction of average invested capital for inadmissible assets.* If a taxpayer owns any "inadmissible assets" on any day during the taxable year, then section 715 relating to the computation of invested capital requires the average invested capital to be reduced in the same ratio as the inadmissible assets bear to the total assets. The term "inadmissible assets" means (1) stock in all corporations, domestic or foreign, except stock in a foreign personal holding company, and except stock which is not a capital asset (such as stock held primarily for sale to customers by a dealer in securities), and (2) all obligations described in section 22 (b) (4), any part of the interest from which is excludible from gross income or allowable as a credit against net income. Stock held in the treasury of the issuing corporation is an inadmissible asset. The term "admissible assets" means all assets other than inadmissible assets. However, if a taxpayer in its return for the taxable year elects to increase its normal-tax net income for that year for the purpose of the excess profits tax by including all the interest derived from the obligations described in section 22 (b) (4), reduced by the amount, if any, of the amortizable bond premium under section 125 attributable to such obligations (see § 29.125–1 of this chapter), all such obligations shall be considered admissible assets for such taxable year. For the purposes of the preceding sentence, (i) the term "interest" includes, in the case of obligations issued at a discount, so much of such discount as (for purposes of determining gain or loss upon sale or other disposition) is treated as interest in the hands of the taxpayer for the taxable year, and (ii) the term "obligations described in section 22 (b) (4)" includes obligations, whether or not issued at a discount, the discount on which, if issued at a discount, would be so treated. The following steps are necessary in the application of section 720:

(a) There must first be determined the adjusted basis for determining loss upon the sale or exchange, as provided in section 113, for each asset, or, in the case of money, the amount thereof, owned at the beginning of each day during the taxable year.

(b) There must then be determined the aggregate of the admissible assets and the aggregate of the inadmissible assets for the taxable year.

(c) The average invested capital for the taxable year must then be reduced by the percentage which the total of the inadmissible assets is of the total of the admissible and inadmissible assets.

If the taxpayer had a gain during the taxable year from the sale or exchange of a capital asset held for not more than six months, which capital asset was an inadmissible asset, then the amount of the admissible assets shall be increased and the amount of the inadmissible assets shall be decreased by so much of the amount attributable to such inadmissible asset as such gain bears to the sum of such gain plus the dividends or interest on such asset for such year.

The amount of admissible assets and the amount of inadmissible assets shall be determined as of the beginning of each day. If, however, it is impracticable to determine such amounts as of the beginning of each day but the amounts held on a given day of each month throughout the year or at other regular intervals not exceeding one year can be determined, the amounts held as of the beginning of each day of such month or other period may be determined by dividing by two the sum of the amounts of such assets held at the beginning of the period and the amounts held at the end of the period. If at any time a substantial change has taken place either in the amount of inadmissible assets or in the total amount of admissible and inadmissible assets, the effect of such change shall be averaged exactly from the date on which it occurred. Ordinarily the taxpayer will be able to determine the amount of inadmissible assets actually held on each day of the taxable year. The fact that it may be impracticable to determine the amount of admissible assets actually held on each day of the taxable year will not relieve the taxpayer from the necessity of determining the actual amount of inadmissible assets held unless such determination is likewise impracticable.

The adjustment for inadmissible assets may be illustrated by the following example:

Example. The average invested capital of the X Corporation, not a dealer in securities, for its taxable year 1944, determined under section 718, is $1,000,000. On January 1, 1944, the corporation holds bonds of a State which it had previously purchased for $60,000, and stock in another corporation (not a foreign personal holding company) which it had pre-

viously purchased for $25,000. On July 1, 1944, it purchases stock in another corporation (not a foreign personal holding company) for $20,000, and on July 4, 1944, additional State bonds for $48,700. On September 1, 1944, it sells for $29,000 the stock purchased on July 1, 1944, after receiving a dividend of $1,000 thereon. The aggregate of the daily amounts of the admissible and inadmissible assets for the taxable year 1944 is $400,000,000. The corporation does not elect to increase its normal-tax net income for excess profits tax purposes by the amount of the interest derived from the State bonds. None of the bonds was purchased at a premium.

The invested capital of the X Corporation as defined in section 715 is $900,000, computed as follows:

Average invested capital for 1944	$1,000,000
Less: Amount computed under section 720 for inadmissible assets (10 percent of $1,000,000, see Schedule I below)	100,000
Invested capital for 1944 as defined in section 715	900,000

Schedule I

(a) Aggregate of the daily amounts of inadmissible assets for the year 1944 before adjustment for short-term capital gain:		
(1) State bonds held January 1, 1944 ($60,000 multiplied by 366 (days))	$21,960,000	
(2) State bonds purchased July 4, 1944 ($48,700 multiplied by 180 (days))	8,766,000	
(3) Stock in domestic corporation held January 1, 1944 ($25,000 multiplied by 366 (days))	9,150,000	
(4) Stock in domestic corporation purchased July 1, 1944, for $20,000 and sold September 1, 1944, for $29,000 ($20,000 multiplied by 62 (days))	1,240,000	
		$41,116,000
(b) Less: Adjustment on account of short-term capital gain (see Schedule II below)		1,116,000
(c) Aggregate of the daily amounts of the inadmissible assets after adjustment for short-term capital gain (item (a) minus item (b))		40,000,000
(d) Aggregate of the daily amounts of admissible and inadmissible assets for the year 1944 (this item being unaffected by the adjustment on account of the short-term capital gain)		400,000,000
(e) Ratio of aggregate of daily amounts of inadmissible assets (item (c) above) to aggregate of daily amounts of admissible and inadmissible assets (item (d) above), $40,000,000 divided by $400,000,000—percent		10

Schedule II

Computation of adjustment on account of short-term capital gain:

(a) Amount attributable to inadmissible assets before adjustment under section 720 (c) for short-term capital gain (stock in domestic corporation purchased July 1, 1944, for $20,000 and sold September 1, 1944, for $29,000), $20,000 multiplied by 62 (days)	$1,240,000
(b) Amount of gain realized ($29,000 minus $20,000)	9,000
(c) Sum of gain plus dividends received ($9,000 plus $1,000)	10,000
(d) Ratio of gain (item (b)) to sum of gain plus dividends received (item (c)), $9,000 divided by $10,000—percent	90
(e) Adjustment on account of short-term capital gain, 90 percent of $1,240,000 (item (a))	1,116,000

SEC. 721. ABNORMALITIES IN INCOME IN TAXABLE PERIOD. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 5, Excess Profits Tax Amendments 1941, and by secs. 221 and 222 (f), Rev. Act 1942.]

(a) *Definitions.* For the purposes of this section—

(1) *Abnormal income.* The term "abnormal income" means income of any class includible in the gross income of the taxpayer for any taxable year under this subchapter if it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class but the amount of such income of such class includible in the gross income of the taxable year is in excess of 125 per centum of the average amount of the gross income of the same class for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence.

(2) *Separate classes of income.* Each of the following subparagraphs shall be held to describe a separate class of income:

(A) Income arising out of a claim, award, judgment, or decree, or interest on any of the foregoing; or

(B) [Not applicable to taxable years under these regulations (section 222 (f), Rev. Act 1942).]

(C) Income resulting from exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months; or

(D) Income includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's accounting period or method of accounting; or

(E) In the case of a lessor of real property, income included in gross income for the taxable year by reason of the termination of the lease; or

(F) Income consisting of dividends on stock of foreign corporations, except foreign personal holding companies.

All the income which is classifiable in more than one of such subparagraphs shall be classified under the one which the taxpayer irrevocably elects. The classification of income of any class not described in subparagraphs (A) to (F), inclusive, shall be subject to regulations prescribed by the Commissioner with the approval of the Secretary.

(3) *Net abnormal income.* The term "net abnormal income" means the amount of the abnormal income less, under regulations prescribed by the Commissioner with the approval of the Secretary, (A) 125 per centum of the average amount of the gross income of the same class determined under paragraph (1), and (B) an amount which bears the same ratio to the amount of any direct costs or expenses, deductible in determining the normal-tax net income of the taxable year through the expenditure of which such abnormal income was in whole or part derived as the excess of the amount of such abnormal income over 125 per centum of such average amount bears to the amount of such abnormal income.

(b) *Amount attributable to other years.* The amount of the net abnormal income that is attributable to any previous or future taxable year or years shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary. In the case of amounts otherwise attributable to future taxable years, if the taxpayer either transfers substantially all its properties or distributes any property in complete liquidation, then there shall be attributable to the first taxable year in which such transfer or distribution occurs (or if such year is previous to the taxable year in which the abnormal income is includible in gross income, to such latter taxable year) all amounts so attributable to future taxable years not included in the gross income of a previous taxable year.

(c) *Computation of tax for current taxable year.* The tax under this subchapter for the taxable year, in which the whole of such abnormal income would without regard to this section be includible, shall not exceed the sum of:

(1) The tax under this subchapter for such taxable year computed without the inclusion in gross income of the portion of the net abnormal income which is attributable to any other taxable year, and

(2) The aggregate of the increase in the tax under this subchapter for the taxable year (computed under paragraph (1) and for each previous taxable year which would have resulted if, for each previous taxable year to which any portion of such net abnormal income is attributable, an amount equal to such portion had been included in the gross income for such previous taxable year.

(d) *Computation of tax for future taxable year.* The amount of the net abnormal income attributable to any future taxable year shall, for the purposes of this subchapter, be included in the gross income for such taxable year.

(1) The tax under this subchapter for such future taxable year shall not exceed the sum of—

(A) the tax under this subchapter for such future taxable year computed without the inclusion in gross income of the portion of such net abnormal income which is attributable to such year, and

(B) the decrease in the tax under this subchapter for the previous taxable year in which the whole of such abnormal income would, without regard to this section, be includible which resulted by reason of the computation of such tax for such previous taxable year under the provisions of subsection (c); but the amount of such decrease shall be diminished by the aggregate of the increases in the tax under this subchapter for the future taxable year as computed under subparagraph (A) and for the taxable years intervening between such previous taxable year and such future taxable year which have resulted because of the inclusion of the portions of such net abnormal income attributable to such intervening years in the gross income for such intervening years.

(2) If, in the application of subsection (c), net abnormal income from more than one taxable year is attributable to any future taxable year, paragraph (1) of this subsection shall be applied with respect to such future taxable year in the order of the taxable years from which the net abnormal income is attributable beginning with the earliest, as if the portion of the net abnormal income from each such year was the only amount so attributable to such future taxable year, and (except in the case of the portion for the earliest previous taxable year) as if the tax under this subchapter for the future taxable year was the tax determined under paragraph (1) with respect to the portion for the next earlier previous taxable year.

(3) If in the application of paragraph (1) to any future taxable year it is determined that the decrease in tax computed under paragraph (1) (B) with respect to the net abnormal income, a portion of which is included in the gross income for the future taxable year, does not exceed the aggregate of the increases in tax computed under paragraph (1) (B) with respect to such net abnormal income, then the portions of such net abnormal income attributable to taxable years subsequent to such future taxable year shall not be included in the gross income for such subsequent taxable years. For the purpose of computing the tax under this subchapter for a taxable year subsequent to the future taxable year, the portion of net abnormal income attributable to the future taxable year shall not be included in the gross income for such future taxable year to the extent that the inclusion of such portion of net abnormal income in the gross income for such future taxable year did not result in an increase in tax for such future taxable year by reason of the provisions of paragraph (1).

(e) *Application of section.* This section shall be applied only for the purpose of computing the tax under this subchapter as provided in subsections (c) and (d), and shall have no effect upon the computation of base period net income. For the purposes of subsections (c) and (d)—

(1) Net abnormal income means the aggregate of the net abnormal income of all classes for one taxable year.

(2) Under regulations prescribed by the Commissioner with the approval of the Secretary, the tax under this subchapter for previous taxable years shall be computed as if the portions of net abnormal income for each previous taxable year for which the tax was computed under this section were included in the gross income for the other previous taxable years to which such portions were attributable.

(3) If both subsections (c) and (d) are applicable to any current taxable year, subsection (d) shall be applied without regard to subsection (c), and subsection (c) shall be applied as if the tax under this subchapter, except for subsection (c), was the tax computed under subsection (d) and as if the gross income and the other amounts necessary to determine the adjusted excess profits net income were those amounts which would result in the tax computed under subsection (d).

(f) *Abnormal income from exploration, etc.* If by reason of taking into account, in determining constructive average base period net income under section 722, exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months, such constructive average base period net income is higher than it would be without such taking into account, only such portion of the income in the taxable year resulting from such activity which is of a class described in subsection (a) (2) (C) as is attributable to another taxable year under this subchapter shall be deemed attributable to a year other than the taxable year.

§ 35.721–1 *Abnormalities in income in taxable year.* Section 721 provides relief where abnormal income (as defined in section 721 (a)) for any excess profits tax taxable year is attributable to other taxable years. The term "abnormal income" means income of any class includible in the gross income of the taxpayer for any excess profits tax taxable year (1) if it is abnormal for the taxpayer to derive gross income of such class, or (2) if the taxpayer normally derives gross income of such class but the amount of such income of such class is in excess of 125 percent of the average amount of the gross income of the same class determined for the four previous taxable years or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence. It is abnormal for a taxpayer to derive income of any class only if the taxpayer had no gross income of that class for the four previous taxable years. For the purpose of determining abnormal income under this paragraph the gross income of the class for the previous taxable years is not to be increased or decreased by any allocation under the provisions of section 721. Abnormal income is to be determined by considering classes of income, and not merely particular items. As to the classification of income, see § 35.721–2.

Abnormal income must be adjusted, as provided in section 721 (a) (3), in order to determine net abnormal income. Net abnormal income must then be allocated to the various item included in abnormal income. The items of net abnormal income so determined are the amounts which may be attributed to other taxable years under these regulations. Net abnormal income and the allocated amounts which are items of net abnormal income are determined in the following manner:

(a) Net abnormal income is determined as follows:

(1) The abnormal income of each class is computed;

(2) Such abnormal income is then reduced by 125 percent of the average amount of the gross income of the same class for the four previous taxable years or, if the taxpayer was not in existence for four previous taxable years, the previous taxable years during which it was in existence;

(3) The abnormal income is further reduced by an amount which bears the same ratio to the amount of any direct costs or expenses, deductible in determining the normal-tax net income for the taxable year, through the expenditure of which such abnormal income was in whole or in part derived, as the abnormal income, reduced as provided in (a) (2), bears to the abnormal income. The amount thus determined is the net abnormal income.

(b) The items of net abnormal income are determined as follows:

(1) Each item of abnormal income is reduced, but not below zero, by an amount equal to 125 percent of the average income, if any, for the four previous taxable years, arising out of the same property as the income represented by the item;

(2) Each item of abnormal income is further reduced, but not below zero, by an amount which bears the same ratio to the amount of any direct costs or expenses, deductible in determining the normal-tax net income for the taxable year, through the expenditure of which such item was in whole or in part derived, as the amount of the item of abnormal income reduced in (b) (1) bears to the amount of the item of abnormal income;

(3) The aggregate of the items as reduced under (b) (1) and (2) is determined;

(4) Net abnormal income is allocated to each item in the proportion that the item, reduced as provided in (b) (1) and (2), bears to the aggregate of the items so reduced, determined in (b) (3). The amount so allocated is an item of net abnormal income.

The following examples illustrate the computation of items of net abnormal income:

Example (1). For the taxable year 1942, the A corporation, which makes its income tax returns on the calendar year basis, has gross income of $1,000,000 from judgments. This consists of two items, one of $800,000 for a judgment against X and the other of $200,000, for a judgment against Y. Its average income of this class for the four previous taxable years was $300,000. For 1942, it has direct deductible expenses of $160,000 applicable to the judgment against X. There were no direct deductible expenses applicable to the other judgment. The $1,000,000 is abnormal income, since it is in excess of 125 percent of the average income of this class for the four previous taxable years. The items of net abnormal income represented by the judgments are determined as follows:

(1) Abnormal income		$1,000,000
(2) Less 125 percent of average income ($300,000) for the four previous taxable years		375,000
(3) Excess of (1) over (2)		625,000
(4) Less an amount bearing same ratio to $160,000 (deductions applicable to items in this class) as $625,000 bears to $1,000,000		100,000
(5) Net abnormal income		525,000
(6) Gross income on account of the judgment against X	$800,000	
(7) Less deductions applicable to such item	160,000	
(8) Amount of (6) reduced by (7)		640,000
(9) Gross income on account of the judgment against Y	$200,000	
(10) Less deductions applicable to such item	None	
(11) Amount of (9) reduced by (10)		200,000
(12) Aggregate of (8) and (11)		840,000
(13) Portion of net abnormal income allocated to the judgment against X (640,000/840,000 of $525,000)		408,000
(14) Portion of net abnormal income allocated to the judgment against Y (200,000/840,000 of $525,000)		125,000

Example (2). For the taxable year 1942, the A Corporation has $134,062.50 net abnormal income from the two oil leases which it developed. One lease, on the X field, produced an average of $60,000 a year during the four previous taxable years, and $85,000 in 1942. There were $6,800 direct expenses applicable to this lease. The other lease, on the Y field, produced no income in the four previous years. In 1942, there were $38,200 direct expenses applicable to this lease. The lease produced $155,000 income in 1942. The item of net abnormal income represented by the X lease is $9,788.69, and the item represented by the Y lease is $124,273.81, computed as follows:

(1) Gross income on account of the X lease		$85,000.00
(2) Less 125 percent of average income of this lease for the four previous taxable years (125 percent of $60,000)		75,000.00
(3) Item (1) less item (2)		10,000.00
(4) Less amount bearing same ratio to $6,800 (expenses applicable to this lease) as $10,000 bears to $85,000		800.00
(5) Income from X lease reduced on account of average income and applicable expenses		9,200.00
(6) Gross income on account of Y lease	$155,000.00	
(7) Less 125 percent of average income for the four previous taxable years	None	
(8) Item (6) less item (7)	155,000.00	
(9) Less amount bearing same ratio to $38,200 (expenses applicable to this lease) as $155,000 bears to $155,000	38,200.00	
(10) Income from Y lease reduced on account of average income and applicable expenses		116,800.00
(11) Aggregate of item (5) and item (10)		126,000.00
(12) Portion of net abnormal income allocated to the X lease (9,200/126,000 of $134,062.50)		9,788.69
(13) Portion of net abnormal income allocated to the Y lease (116,800/126,000 of $134,062.50)		124,273.81

§ 35.721–2 *Classification of income.* Section 721 (a) (2) (A), (C), (D), (E), and (F) sets forth five separate classes of income. Income which does not fall within those provisions may be grouped by the taxpayer, subject to approval by the Commissioner on the examination of the taxpayer's return, in such other classes as are reasonable in a business of the type which the taxpayer conducts, and as are appropriate in the light of the taxpayer's business experience and accounting practice.

All the income which reasonably is classifiable in more than one class shall be classified under the one which the taxpayer irrevocably elects. Such election shall be made in the manner prescribed in § 35.721–3.

The classification of income in any year must be consistent with the classification made under section 721 for previous years. The classification must also be consistent with any classification made in applying to the taxpayer section 711 (b) (1) (H), (I), or (J), and section 736.

Income from contracts the performance of which requires more than 12 months is a class of income. In the case of a taxpayer which does not make the election provided in section 736 (b), any such income derived in an excess profits tax taxable year beginning before January 1, 1942, and attributable under the provisions of § 30.721–7 of this chapter to future taxable year beginning after December 31, 1941, shall be included in gross income for such future taxable year as provided in § 35.721–5. However, any such income derived in an excess profits tax taxable year beginning after December 31, 1941, shall not be considered as abnormal income for the purposes of section 721.

§ 35.721–3 *Amount attributable to other years.* The mere fact that an item includible in gross income is of a class abnormal either in kind or in amount does not result in the exclusion of any part of such item from excess profits net income. It is necessary that the item be found attributable under these regulations in whole or in part to other taxable years. Only that portion of the item which is found to be attributable to other years may be excluded from the gross income of the taxpayer for the year for which the excess profits tax is being computed.

Items of net abnormal income are to be attributed to other years in the light of the events in which such items had their origin, and only in such amounts as are reasonable in the light of such events. To the extent that any items of net abnormal income in the taxable year are the result of high prices, low operating costs, or increased physical volume of sales due to increased demand for or decreased competition in the type of product sold by the taxpayer, such items shall not be attributed to other taxable years. Thus, no portion of an item is to be attributed to other years if such item is of a class of income which is in excess of 125 percent of the average income of the same class for the four previous taxable years solely because of an improvement in business conditions. In attributing items of net abnormal income to other years, particular attention must be paid to changes in those years in the factors which determined the amount of such income, such as changes in prices, amount of production, and demand for the product. No portion of an item of net abnormal income is to be attributed to any previous year solely by reason of an investment by the taxpayer in assets, tangible or intangible, employed in or contributing to the production of such income.

Section 721 has no effect upon the computation of base period net income or of earnings and profits and therefore does not affect the computation of the excess profits credit. Similarly, it has no application in the determination of taxes other than the excess profits tax imposed by Subchapter E of Chapter 2 (except where the excess profits tax or the credit provided in section 26 (e) is applicable in the computation of other taxes). Amounts attributed to future years are to be included in gross income for such years for excess profits tax purposes only. If the taxpayer either transfers substantially all its properties or distributes any property in complete liquidation prior to the close of the last future year to which any such amounts are attributable, then all amounts of net abnormal income attributable to years subsequent to both:

(a) The first year in which such transfer or distribution in liquidation occurs, and

(b) The taxable year in the gross income of which such abnormal income would have been included except for section 721

shall be included in the gross income for the year referred to in (a) or the year referred to in (b), whichever is the later. For example, if a taxpayer realizes in 1944 net abnormal income attributable to the years 1942 to 1946, inclusive, and in 1945 begins to distribute its property in complete liquidation, the portion of the net abnormal income attributable to the future year 1946 is to be reallocated to and included in the gross income for 1945 (the first year of liquidation) in addition to the amount already attributed to that year. If the first distribution in liquidation occurred before the year of realization, for example, in 1943, the portions of the net abnormal income attributable to the future years 1945 and 1946 would be included in the gross income for 1944 (the year of realization) in addition to the amount already attributed to that year. In neither event will the allocations originally made to 1942, 1943, and 1944 be disturbed.

Specific methods of treating items of net abnormal income of the five classes specified in section 721 (a) are set forth in §§ 35.721–6 to 35.721–10. These methods are to be applied subject to the provisions of this section.

A taxpayer claiming the benefits of section 721 shall file with its excess profits tax return a detailed statement in duplicate containing the following information:

(1) The amount and a description of each class of income claimed to be abnormal, and the amount and a description of each item in each such class;

(2) For each class of income claimed to be abnormal, the amount and a description of each item of income of the same class derived during the four taxable years immediately preceding the taxable year, and the aggregate amount of such items for each taxable year;

(3) For each class of income claimed to be abnormal, the amount of net abnormal income, the amount of each item of net abnormal income, and the computations by which these amounts were determined;

(4) The transactions in which each such item had its origin, the method used in allocating such item, the amount allocated to each year, and the reasons therefor; and

(5) All other facts upon which the taxpayer relies.

If any item of income is reasonably classifiable in more than one class, the inclusion of such item in any one of such classes in the statement referred to above shall constitute an irrevocable election by the taxpayer for the purpose of section 721 (a) (2).

§ 35.721–4 *Computation of tax for current taxable year.* The excess profits tax for the taxable year shall be the smaller of the following amounts:

(a) The excess profits tax computed without excluding from gross income any amounts attributable to other years under section 721, and so computed with the application of section 721 (d), relating to the tax for future taxable years to which net abnormal income is attributable, if such section is applicable to such taxable year; or

(b) The sum of (1) the excess profits tax for the taxable year computed without including in gross income the amount of items of net abnormal income attributable to other taxable years, and so computed with the application of section 721 (d) if such section is applicable, and (2) the aggregate of the amounts of additional excess profits tax which would have resulted for the taxable year in the computations under (1) of this paragraph and for each previous excess profits tax taxable year if there had been included in the gross income for each previous taxable year the amount of the items, if any, of the net abnormal income attributable thereto. If the excess profits tax for any previous taxable years was computed under section 721, the increases in tax under (2) of this paragraph shall be computed on the basis of the computations made for such previous taxable years, that is, as if the gross income for all previous taxable years included the items of net abnormal income attributable to such previous taxable years from the other previous taxable years to which section 721 applied.

Since the net abnormal income attributable to any taxable year, if included in the gross income for such taxable year, would reduce items, such as the net operating loss or unused excess profits credit, for such year which are taken into account in other taxable years through a carry-over or carry-back, such inclusion in gross income may also result in an increase in tax in such other taxable years in which such loss or unused credit is taken into account in computing the net operating loss deduction or unused excess profits credit adjustment. Section 721 requires that the increase in tax for the taxable year in which such net operating loss deduction or unused excess profits credit adjustment would be affected by the attributed income must be taken into account in computing the tax under section 721. Such income shall not be included in determining the net abnormal income for the taxable year to which it is attributable. The increase in tax caused by any adjustment under section 721 is the difference between the tax computed without such adjustment and the tax computed after making such adjustment.

The computations required by section 721 (c) may be illustrated by the following examples:

Example (1). The taxpayer, on the calendar year basis, sustains a net operating loss in 1941 which forms the basis for a net operating loss deduction of $10,000 for 1942. In 1942 it has $6,000 net abnormal income, all of which is attributable to 1941. Although there would be no increase in excess profits tax for 1941 if the $6,000 net abnormal income were included in gross income for that year, the $6,000 would offset the $10,000 net operating loss for 1941. Therefore, the net operating loss deduction for 1942 would be reduced to $4,000 and the excess profits tax for 1942 would be increased to the extent caused by such reduction of the net operating loss deduction. The tax for 1942 is whichever is less of the following:

(i) The tax for 1942 computed without excluding any net abnormal income from gross income, or

(ii) The tax for 1942 computed after excluding from gross income the $6,000 net abnormal income attributable to 1941, plus the increase in the tax so computed which would result if, by reason of the $6,000 being included in gross income for 1941, the net operating loss deduction available in computing excess profits net income for 1942 were only $4,000 instead of $10,000.

The taxpayer had net income and adjusted excess profits net income for 1942 after giving effect to the net operating loss deduction of $10,000. For 1943 it has $8,000 net abnormal income, all of which is attributable to 1941. The tax for 1943 is whichever of the following is the lesser:

(A) The tax for 1943 computed without excluding any net abnormal income from gross income; or

(B) The tax for 1943 computed after excluding from gross income the $8,000 net abnormal income attributable to 1941, plus the increase in the tax for 1941 and 1942 which would be caused by the reduction in the net operating loss for 1941 if the $6,000 were included in gross income for 1941 so that it offset the net operating loss sustained in that year. In making these computations for 1941 and 1942, the adjustments made for those years in applying section 721 (c) to 1942 are retained, that is, the $6,000 net abnormal income attributable to 1941 from 1942 in applying section 721 to 1942 is treated as if it remained in gross income for 1941, and the $6,000 net abnormal income attributable to 1941 from 1942 is not included in the gross income for 1942 and the net operating loss deduction for that year (prior to any adjustment caused by applying section 721 (c) to 1943) is treated as being $4,000, not $10,000.

Example (2). The taxpayer, on the calendar year basis, has $50,000 net abnormal income in 1940 attributable in the amount of $10,000 to each of the years 1941 to 1945. This $10,000 amount is therefore included in gross income for each of these years. In 1945 it has $60,000 net abnormal income, all of which is attributable to 1943. The tax for 1945 is whichever of the following is the lesser:

(i) The tax for 1945 computed under section 721 (d) without excluding any net abnormal income for 1945 from gross income; or

(ii) The tax for 1945 computed under section 721 (d) after excluding the $60,000 net abnormal income for 1945 from gross income, plus the increase in the tax for 1945 as so computed, if any, and the increase in tax, if any, for all previous taxable years which would result if the $60,000 net abnormal income were included in gross income for 1943.

For any taxable year for which the excess profits tax or the increase in excess profits tax is determined under section 721 (c), the excess profits tax may be computed pursuant to the provisions of section 710 (a) (1) (B) (if such section is applicable to such year) as an amount which when added to the normal tax and surtax for the year is equal to 80 percent of the corporation surtax net income for such year determined under section 15 or Supplement G of Chapter 1 (relating to insurance companies) but without regard to the credit provided in section 26 (e) (relating to income subject to excess profits tax), as follows:

If the provisions of section 710 (a) (1) (B) are applicable for the purposes of paragraph (a) of this section, the normal tax and surtax shall be the actual normal tax and surtax for the taxable year computed under Chapter 1, and the corporation surtax net income shall be the actual corporation surtax net income computed under Chapter 1 or, if the excess profits tax is computed under section 721 (d), the corporation surtax net income determined for the purposes of section 721 (d). See § 35.721–5. If the provisions of section 710 (a) (1) (B) are applicable for the purposes of subparagraph (1) of paragraph (b) of this section, the normal tax and surtax shall be the actual normal tax and surtax for the taxable year computed under Chapter 1, and the corporation surtax net income shall be the corporation surtax net income described in the preceding sentence except that the amount of any items of net abnormal income attributable to other taxable years shall be excluded from gross income. If the provisions of section 710 (a) (1) (B) are applicable for the purposes of subparagraph (2) of paragraph (b) of this section, the normal tax and surtax for a previous taxable year shall be the actual normal tax and surtax for such year computed under Chapter 1, and the corporation surtax net income for such year shall be the corporation surtax net income described in the first sentence of this paragraph increased by the total amount of the items of net abnormal income attributable to such prior year.

§ 35.721–5 *Computation of tax for future taxable years.* Amounts of items of net abnormal income attributable to a future taxable year shall be included in the gross income for such future taxable year for the purposes of the excess profits tax, except that if in the application of section 721 (d) (1) to any future taxable year it is determined that the decrease in tax computed under section 721 (d) (1) (B) for the taxable year in which the net abnormal income was realized does not exceed the aggregate

of the increases in tax for other taxable years with respect to such net abnormal income, as computed under section 721 (d) (1) (B), then no portion of such net abnormal income shall be included in gross income for any taxable year subsequent to such future taxable year. For example, in 1940 the taxpayer, on the calendar year basis, has $60,000 net abnormal income, of which $10,000 is attributable to each of the years 1941 to 1946. In applying section 721 (d) to 1943, it is determined that the decrease in tax for 1940 caused by the application of section 721 (c) (computed with the exclusion of the net abnormal income from gross income) does not exceed the increases in tax for 1941 and 1942 caused by the inclusion in gross income of the net abnormal income attributable to those years. Therefore, the net abnormal income for 1940 attributable to 1944, 1945, and 1946 shall not be included in gross income for those years.

The excess profits tax is determined as the lesser of the amounts computed under section 710 (a) (1) (A) (90 percent of the adjusted excess profits net income) and section 710 (a) (1) (B). Under section 710 (a) (1) (B), the excess profits tax is an amount which when added to the normal tax and surtax for the year is equal to 80 percent of the corporation surtax net income for such year determined under section 15 or Supplement G of Chapter 1 (relating to insurance companies) but without regard to the credit provided in section 26 (e) (relating to income subject to excess profits tax). For the purpose of applying section 710 (a) (1) (B) to a future taxable year to which amounts of items of net abnormal income are attributable, which amounts are included in gross income for such year for excess profits tax purposes under section 721 (d), the normal tax and surtax shall be the actual normal tax and surtax for the taxable year computed under Chapter 1, and the corporation surtax net income shall be computed on the basis of the gross income determined under section 721 for the purposes of the excess profits tax for such taxable year.

If net abnormal income is included in the gross income for any future taxable year, and if the tax for such year is the amount determined under the limitations of section 721 (d) (1) with respect to such net abnormal income, then for the purpose of computing the net operating loss deduction or unused excess profits credit adjustment for any taxable year subsequent to such future taxable year the gross income for the future taxable year shall be deemed to include only such portion of the net abnormal income as, when added to the other gross income for such future taxable year, would result without the application of section 721 (d) (1) in an excess profits tax equal to the amount determined under that section. For example, $50,000 net abnormal income for 1942 it attributable to 1945, and is included in the gross income for that year. The excess profits tax for 1945 computed without the application of section 721 (d) (1) is $145,000. Under section 721 (d) (1), the excess profits tax is determined to be $118,000. If only $20,000, instead of $50,000, had been included as net abnormal income in the gross income for 1945, the excess profits tax for that year without the application of section 721 (d) (1) would be $118,000. Therefore, for the purpose of computing the net operating loss deduction or unused excess profits credit adjustment for any taxable year subsequent to 1945, the gross income for 1945 is considered to include $20,000 and not $50,000 net abnormal income.

Section 721 (d) (1) provides that the excess profits tax for a future taxable year to which any portion of the net income for a previous taxable year is attributed is the smaller of the amounts determined under (a) and (b) below:

(a) The excess profits tax for such year computed with the inclusion in gross income of such portion of the net abnormal income;

(b) The sum of:

(1) The excess profits tax for such year computed without the inclusion in gross income of such portion of the net abnormal income, and

(2) The excess of:

(i) The decrease in excess profits tax for the year of realization which resulted from the exclusion of net abnormal income from the gross income for such year, over

(ii) The aggregate of the increase in excess profits tax for the future taxyear (as determined under (1) of this paragraph) and for intervening years resulting from the inclusion in the gross income for such intervening years of the other portions of such net abnormal income.

If net abnormal income from more than one previous taxable year is attributed to the future taxable year, the determinations under (a) and (b) of this section are to be made first with respect to the portion of net abnormal income attributed from the earliest previous taxable year, the portions of net abnormal income from the later taxable years being treated as ordinary income for such future taxable year. The determinations under (a) and (b) are then to be made with respect to the portion of net abnormal income attributed from the next earliest previous taxable year, and for such purpose the excess profits tax for the future taxable year determined under (a) is considered the excess profits tax resulting from the determinations under (a) and (b) with respect to the net abnormal income attributed from the earliest previous taxable year, and the gross income referred to in (b) is considered that amount which would result in the tax reported under (a) if section 721 (d) (1) did not apply. The determinations for the other previous taxable years from which net abnormal income is attributed to the future taxable year are to be made in a similar manner in the order of such taxable years, and the amount so determined for the latest of such taxable years is the tax under section 721 (d) (1) of the future taxable year. The foregoing provisions are illustrated by the following example:

Example. A taxpayer, on the calendar year basis, has net abnormal income for 1941, of which $10,000 is attributed to 1945, and net abnormal income for 1942, of which $20,000 is also attributed to 1945. The tax for 1945, before the application of section 721 (d) (1), is $90,000. The adjusted excess profits net income for 1945 is $100,000, and the gross income and other amounts necessary to determine this amount are such that a decrease in gross income (if such decrease is $100,000 or less) causes a decrease of an equal amount in adjusted excess profits net income. For the purpose of applying section 721 (d) (1) to 1945, computations under (a) and (b) are first made only with respect to the $10,000 attributed from 1941, and the $20,000 attributed from 1942 is not considered net abnormal income. Upon this computation, the tax under (a) is $90,000. The tax under (b) (1), determined by excluding the $10,000 from gross income, is $81,000. Assuming that the amount determined under (b) (2) with respect to the $10,000 net abnormal income is $4,500, the excess profits tax would then be determined under (b) as $85,500, a lesser amount than the $90,000 computed under (a). The computations under (a) and (b) are then made with respect to the $20,000 attributed from 1942. For this purpose, the tax under (a) is considered to be the $85,500 amount computed with respect to the net abnormal income attributed from 1941. For the purposes of (b), the taxpayer is considered to have such gross income and other items of deductions and credits as would produce the tax of $85,500 determined with respect to the net abnormal income attributed from 1941. That is, the gross income is considered reduced by $5,000, the items of deductions and credits remaining the same, so that the adjusted excess profits net income is reduced to $95,000, on which amount the tax would be $85,500. The exclusion of $20,000 from that amount of gross income which would produce $95,000 adjusted excess profits net income would reduce such adjusted excess profits net income to $75,000, on which the tax is $67,500, and this $67,500 amount is considered the tax under (b) (1) determined by excluding the $20,000 from gross income. Assuming that the amount determined under (b) (2) with respect to the $20,000 net abnormal income is $7,500, then the tax finally determined under section 721 (d) (1) for the future taxable year would be $75,000, the sum of $67,500 and $7,500, which is a lesser amount than the $85,500 determined under (a).

If part of the income for a future taxable year, to which year net abnormal income of previous years is attributed, constitutes net abnormal income for such future year which is attributable to other taxable years, then the computations under section 721 (d) (1) shall be made without regard to the provisions of section 721 (c) which apply in determining the tax for such future taxable year. Section 721 (c) is applied after the tax is determined under the limitations of section 721 (d). In determining for the purpose of section 721 (d) (1) the increases and decreases in tax for previous taxable years, portions of net abnormal income for any of such previous taxable years attributable under section 721 (c) to other of such previous taxable years shall be treated as remaining in gross income in the years to which attributed.

This section may be illustrated by the following example:

Example. In the taxable year 1940, the A Corporation realized $26,000 net abnormal income, $2,000 of which is attributed to the taxable year 1940 and $4,000 to each of the taxable years 1941 through 1946. For the years 1940 through 1942, the adjusted excess profits net income, computed with these attributed amounts included in gross income, and the resulting excess profits tax are as follows:

	Adjusted excess profits income	Excess profits tax
1940	$4,000	$1,000
1941	54,000	20,800
1942	104,000	93,600

The adjusted excess profits net income for 1943, after the inclusion in gross income of the amount attributed to such year, is $124,000. The excess profits tax for such year is $109,000, computed as follows:

(a) Tax on $124,000 computed without regard to the limitations of section 721 (d)		$111,600
(b) (1) Tax on $120,000 (income for 1943 excluding amount attributed to such year)		108,000
(2) (i) Tax for 1940 if section 721 were not applied to the net abnormal income for such year (tax on sum of $4,000 plus the $24,000 attributed to other years, or a total of $28,000)	$7,400	
(ii) Less tax for 1940 after application of section 721	1,000	
(iii) Decrease in tax for 1940 due to application of section 721	6,400	
(3) (i) Tax for 1941 after application of section 721	$20,800	
(ii) Less tax for 1941 if attributed income of $4,000 were excluded from gross income (tax on $50,000)	19,000	
(iii) Increase in tax for 1941 due to inclusion of attributed income	1,800	
(4) (i) Tax for 1942 after application of section 721	93,600	
(ii) Less tax for 1942 if attributed income of $4,000 were excluded from gross income (tax on $100,000)	90,000	
(iii) Increase in 1942 tax due to inclusion of attributed income	3,000	
(5) Aggregate of increases in tax for intervening years 1941 and 1942 (item (3) (iii) plus item (4) (iii))	5,400	
(6) Excess of decrease in tax for 1940 over aggregate of increases in tax for intervening years 1941 and 1942 (item (2) (iii) minus item (5))		1,000
(7) Sum of tax on income for 1943, excluding amount attributed to such year, plus excess of decrease in tax for 1940 over aggregate of increases in tax for 1941 and 1942 (item (1) plus item (6))		109,000

Since the amount computed in (b) (7), $109,000, is less than the amount computed in (a), $111,600, the excess profits tax of the A Corporation for 1943 is $109,000, the smaller amount.

In the above example, the decrease in tax for 1940 ($6,400) has been equaled by the aggregate of the increases in tax for the intervening years 1941 through 1943 ($1,800 plus $3,600 plus $1,000). Therefore, the $4,000 attributed to 1944, 1945, and 1946 will not be included in gross income for such years.

§ 35.721–6 *Income arising out of a claim, award, judgment, or decree, or interest thereon.* The first class of potentially abnormal income specifically set forth in section 721 (a) (2) is income arising out of a claim, award, judgment, or decree, or interest thereon. All items of such income are of the same class. Therefore, in determining whether income arising out of a judgment, for example, is abnormal either in kind or in amount, account must be taken not only of other judgment income, if any, received in preceding taxable years, but also of any income arising out of claims, awards, and decrees, and interest thereon, so received.

In determining the portions of income of the class described which are attributable to other taxable years, due regard shall be given to the nature of the claim upon which the recovery is founded. Allocation will generally be made to the year or years during which occurred the exploitation, removal, or use, as the case may be, of the property right forming the subject matter of the claim, award, judgment, or decree. Thus, in the case of a judgment for infringement of a patent, the number of units produced through the use by the infringer of such patent in the respective years involved shall constitute a proper basis of allocation. Similarly, if the removal of minerals forms the basis of the recovery, the units removed in the respective years shall constitute a proper basis of allocation. The income arising from awards of the Mixed Claims Commission, United States and Germany, to the extent they constitute compensation for past losses, shall be attributed to the years during which such losses occurred. Interest shall be attributed to the years for which it was allowed.

This section may be illustrated by the following example:

Example. Based upon encroachment by the Y Corporation upon mineral property, the X Corporation in 1942 obtains judgment for and payment of $350,000. The X Corporation has not in any prior year derived income from any like source; nor are there any direct expenses involved in obtaining the judgment which are deductible for 1942. This amount, therefore, represents the net abnormal income, and is the only item included therein. As the judgment is based upon $1 per ton for ore removed in each year, the amount received is allocated as follows:

Year	Tonnage	Income attributed
1941	150,000	150,000
1942	200,000	200,000
Total		350,000

There was no net operating loss deduction or unused excess profits credit adjustment in 1941 or 1942. For the purposes of the computation of the excess profits tax there shall be included in gross income for the year 1942 the amount of $200,000. The amount of $150,000 allocated to 1941 affects the total 1942 excess profits tax as explained below.

The excess profits tax for the year 1942 shall be determined as follows:

(1) An excess profits tax for 1942 shall be computed without regard to section 721, that is, by including in gross income the item of $350,000, and

(2) A partial excess profits tax for 1942 shall be computed on the net income arrived at by including in gross income only $200,000 of the item of $350,000, and to the partial tax so computed there shall be added the increase in the excess profits tax which would result from the inclusion in gross income for the year 1941 of $150,000 of the item of $350,000.

The excess profits tax for 1942 is either (1) or (2), whichever is the lesser.

To arrive at the increase in the excess profits taxes for 1941 which would result from the inclusion in the gross income for such year of $150,000 of the item of $350,000 the excess profits tax shall (but only for the purpose of determining the 1942 excess profits tax liability) be computed first by including the item of $150,000 in the gross income, and second by excluding such amount from the gross income. The excess of the amount obtained as the result of the first computation over the amount obtained as the result of the second computation represents such increase.

If in the above example, in addition to the principal amount, interest had been added to the judgment, such interest would be also properly allocable as between 1942 and 1941 in accordance with the method sanctioned by the court in settling the amount of such interest. If the portion of the total interest attributable to the respective years cannot be ascertained from the judgment, such interest may be allocated among such years, upon the basis of the respective portions of the principal amount attributable to such years, giving effect to the period of time each portion remained unpaid.

§ 35.721–7 *Exploration, discovery, prospecting, research, or development.* The second class of potentially abnormal income specifically set forth in section 721 (a) (2) is income resulting from exploration, discovery, prospecting, research, or development of tangible property (such as mines, oil producing property, and timber tracts), patents, formulae, or processes, or any combination thereof, extending over a period of more than 12 months. The exploration, discovery, prospecting, research, or development must be that of the taxpayer. Income resulting from activities of such a character carried on by a predecessor is not entitled to the treatment provided in section 721.

An item of income resulting from exploration, discovery, prospecting, research, or development is all such income for the taxable year arising out of a unit of property such as an oil lease or other mineral property defined in § 29.33 (m)–1 (1) of this chapter, a patent, or a formula. If the taxpayer engages in manufacturing, marketing, mining, oil production or similar activities, only such portion of the resulting income as is attributable to exploration, discovery, prospecting, research, or development is within the class of income described in this section. For example, the A Corporation develops a patented device and itself manufactures and sells such device. It also permits other corporations to manufacture such device upon payment of a royalty of $10 for each device produced. Income resulting from the development of the device is the sum of the royalties included in income and so much of the income arising out of the sale of the units manufactured by the taxpayer itself as does not exceed $10 for each device so manufactured and sold.

In general, an item of net abnormal income of the class described in this section is to be attributed to the taxable years during which expenditures were made for the particular exploration, discovery, prospecting, research, or development which resulted in such item being realized and in the proportion which the amount of such expenditures made during each such year bears to the total of such expenditures. Allocation of items of net abnormal income of the class described in this section must be made according to the principles set forth in § 35.721–3.

Exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing extending over a period of more than 12 months occurring during or immediately prior to the base period may constitute the basis of a claim under section 722 (b) that the average base period net income is an inadequate standard of normal earnings and for the establishment of a constructive average base period net income under section 722 (a). In such case, if the constructive average base period net income determined by taking into account the activities described in section 721 (a) (2) (C) and in the preceding sentence is higher than it would be if such activities are not taken into account, only that portion of the net abnormal income for the taxable year resulting from such activities, which is of a class described in section 721 (a) (2) (C) and this section, as is attributable to another excess profits tax taxable year shall be deemed attributable to a year other than the taxable year. No amount of such net abnormal income shall be attributed to any year in the taxpayer's base period or to any year prior thereto.

This section may be further illustrated by the following examples:

Example (1). In January, 1940, the X Corporation began the development of a certain device on which it expended considerable sums. The corporation secures a patent on such device in December, 1942, and in the same month sells such patent at a profit. It did not in any of the four immediately preceding years derive income of the class specified in section 721 (a) (2) (C). The net abnormal income represented by this item is $250,000. In 1940, the corporation expended $50,000 on the development of this device, $100,000 in 1941, and $150,000 in 1942, a total of $300,000. For excess profits tax purposes, one-sixth (50,000/300,000) of the item of $250,000 is, therefore, attributable to 1940; one-third (100,000/300,000) is attributable to 1941; and one-half (150,000/300,000) is attributable to 1942. For method of computation of the excess profits tax for the year 1942, see § 35.721–4.

Example (2). In 1941, the A Corporation purchased from X, an inventor, the rights to a device he was developing, paying him $4,500 for such rights. In perfecting the device, the corporation spent $3,000 in 1941 and $6,000 in 1942, or a total of $9,000. A patent was obtained on the device in 1942, and it was licensed for use in the industry. The corporation had a $15,000 item of net abnormal income in 1942 as a result of the royalties received for the use of this device. Of this item, $5,000 (3000/9000 of $15,000) is attributable to 1941, and may be excluded from gross income for the year 1942 in the computation of excess profits tax for that year. For method of computation of the excess profits tax for the year 1942, see § 35.721–4 and the example in § 35.721–6.

Example (3). In 1937, the B Corporation, which had been engaged in manufacturing and selling patented products under licensing agreements with the patent holders, discontinued such practice and devoted its facilities to research and development of new products. In 1938 and 1939, the corporation secured several patents and started selling the products which it manufactured under such patents. In 1940 and in subsequent years, the corporation received net abnormal income as a result of such sales. The corporation has made an application for relief under section 722 (b) (4) on the ground that it had changed the character of its business during the base period, and that its average base period net income does not reflect the normal operation for the entire base period of the business. The constructive average base period net income finally determined is higher than it would have been if the activities referred to and engaged in by the corporation in 1938 and 1939 had not occurred and were not taken into account under section 722. Consequently no part of any net abnormal income determined under section 721 (a) (2) (C) and this section shall be deemed to be attributable to 1937, 1938, or 1939.

§ 35.721–8 *Change in accounting period or method of accounting.* The third class of potentially abnormal income specifically set forth in section 721 (a) (2) is income which is includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's accounting period or method of accounting. This class may include such items of income as are includible in gross income for the taxable year by reason of a change from the installment method to the straight accrual method of accounting, a change in inventory method, or a change from the reserve method to the specific charge-off method for the treatment of bad debts. Items of net abnormal income includible in gross income for the taxable year rather than for a different taxable year by reason of a change from the installment method to the straight accrual method of accounting shall be attributed to the year or years such items accrued. The method of allocating items of net abnormal income includible in gross income for the taxable year rather than for a different year by reason of other changes in accounting method or changes in accounting period is to be determined in each particular case upon consideration of all the facts in the case. (See § 35.721–3 as to the statement required to be filed where the benefits of section 721 are claimed.)

This section may be illustrated by the following example:

Example. The Y Corporation, prior to the calendar year 1942, reported its income on the installment basis. For the year 1942 it secures the consent of the Commissioner to a change in the method of reporting income to the straight accrual basis.

The gross income for the year 1942 computed under the straight accrual method of accounting and without regard to section 721 is as follows:

From installment sales contracts made in 1942	$320,000
From installment collections in 1942 on sales contracts made prior to 1942	250,000
From installment sales contracts made prior to 1942 but not yet collected	130,000
Total	700,000

Under the provisions of § 35.721–3, the items of net abnormal income included in the abnormal income of $380,000 resulting from sales contracts made prior to 1942 are to be attributed to the years in which such contracts were made. For method of computation of the excess profits tax for the year 1942, see § 35.721–4 and the example in § 35.721–6.

§ 35.721–9 *Income derived by lessor from termination of lease.* The fourth class of potentially abnormal income specifically set forth in section 721 (a) (2) is amounts included in the gross income of a lessor for the taxable year by reason of the termination of the lease. Income derived by reason of the fact that improvements made by the lessee upon leased property come into the possession or the control of the lessor upon termination or forefeiture of the lease is income of such class, except to the extent such income is excluded from gross income under section 22 (b) (11) for taxable years beginning after December 31, 1941. Other income derived by a lessor by reason of the termination of the lease and not excluded from gross income under section 22 (b) (11) (see § 29.22 (b) (11)–1 of this chapter) is also income of such class. If such other income includible in gross income is abnormal either in kind or in amount, the resulting item of net abnormal income is to be attributed to the taxable year in which such item is realized and prior or subsequent taxable years in the light of the agreement underlying the realization of such item. If, for instance, the lessee pays a lessor a lump sum as consideration for the cancellation of a lease, the resulting item of net abnormal income, if any, shall be attributed ratably to the taxable years included in what would have been the remaining life of the lease had such lease not been canceled.

Income derived in an excess profits tax taxable year beginning before January 1, 1942, by reason of the fact that improvements made by the lessee upon the leased property came into the possession or control of the lessor upon termination or forfeiture of the lease may result in the allocation of net abnormal income under section 721 to taxable years beginning after December 31, 1941. In such cases, if the income includible is abnormal either in kind or in amount, the resulting item of net abnormal income shall be allocated in accordance with the following rules:

(a) If the lease has not been canceled or forfeited, but has merely expired, the amount of such item shall be spread over the life of the lease:

(b) If the lease has been canceled or forfeited, but the remaining useful life of the improvement is not in excess of what would have been the remaining life of the lease had the cancellation or forfeiture not occurred, the amount of such item shall be spread over what would have been the remaining life of the lease;

(c) If the lease has been canceled or forfeited and the remaining useful life of the improvement is in excess of what would have been the remaining life of the lease had the cancellation or forfeiture not occurred, then:

(1) An amount which bears the same ratio to the item of net abnormal income as the period which would have constituted the remaining life of the lease bears to the remaining useful life of the improvement shall be spread over what would have been the remaining life of the lease, and

(2) The remaining portion of the item shall be spread over the life of the lease, including what would have been its remaining life had the cancellation or forfeiture not occurred.

Amounts attributed to each future taxable year (including any taxable year beginning after December 31, 1941) are to be included in gross income for such year for the purpose of computing the excess profits tax. See § 35.721–5. This paragraph may be illustrated by the following example:

Example. On January 1, 1929, the A Corporation, which makes its income tax returns on the calendar year basis, leased to the X Corporation an unimproved site. The latter corporation completed a building on this site on June 30, 1931. Such lease was for a period of 20 years and by its terms expired on December 31, 1948. On July 1, 1940, the lease is forfeited and the building comes into the possession and control of the A Corporation. The value of the building as of such date is $100,000, and its remaining useful life is 16 years. The A Corporation did not, prior to 1940, derive gross income of this nature, nor did it report as gross income any amount with respect to the erection of the building. In 1940 there were no direct costs or expenses attributable to the realization of such income. The net abnormal income for this item is, therefore $100,000. Since the remaining useful life of the improvement is 16 years, but what would have been the remaining life of the lease is only 8½ years, 8½/16 of $100,000, or $53,125, is to be spread over what would have been the remaining life of the lease, *i. e.*, the last half of 1940, and the calendar years 1941 to 1948, both inclusive. Since there are 17 half-years in such period, 1/17 of $53,125, or $3,125, is to be allocated to the last half of 1940, and 2/17 of $53,125, or $6,250, to each of the calendar years 1941 to 1948, both inclusive. The remainder of the $100,000 item, or $46,875 ($100,000 minus $53,125), is to be spread over the years 1929 to 1948, both inclusive, *i. e.*, 1/20 of $46,875, or $2,343.75, is to be allocated to each such year. The total amount allocable to each year is as follows:

Years:	*Amount per year*
1929–1939	$2,343.75
1940—	
Portion of $53,125 allocated to last half of year	3,125.00
Plus: Portion of $46,825 allocated to such year	2,343.75
Total	5,468.75
1941–1948—	
Portion of $53,125 allocated to each year	6,250.00
Plus: Portion of $46,825 allocated to each year	2,343.75
Total	8,593.75

The amounts allocated to the years 1929 to 1939, both inclusive, will have no effect upon the computation of the excess profits tax. The amounts attributed to 1942 and subsequent years must be included in gross income for such years for the purpose of computing the excess profits tax, as provided in § 35.721–5.

§ 35.721–10 *Dividends on stock of foreign corporations other than foreign personal holding companies.* The fifth class of potentially abnormal income specifically set forth in section 721 (a) (2) is dividends on stock of foreign corporations, except foreign personal holding companies. This section is applicable only to the extent that such dividends are not excluded from excess profits net income under section 711 (a) (2) (A), and therefore does not apply in the computation of the excess profits tax when the excess profits credit based on invested capital is used unless the stock on which the dividends were received is not a capital asset. In determining whether the class of income described in this section is abnormal or in excess of 125 percent of the average income of the same class for the four preceding taxable years, only dividends received from foreign corporations are to be taken into account. The exception relative to dividends from foreign personal holding companies applies both to distributions actually received from foreign personal holding companies and to constructive dividends deemed to have been received pursuant to section 337.

Items of net abnormal income of the class herein described are to be attributed to the years in which were accumulated the earnings and profits out of which the distributions were made, if accumulated after the acquisition by the distributee of the stock of the distributing corporation. If the earnings and profits out of which the distribution is made were accumulated prior to such acquisition, the income arising out of the distribution is to be attributed to the taxable year in which the stock was acquired. The earnings and profits out of which any distribution is made are, as provided in section 115, the most recently accumulated earnings and profits.

This section may be illustrated by the following example:

Example. The X Corporation, a domestic corporation, computing its excess profits credit on the income basis, acquired in 1938 all of the stock of the Y Company, Ltd., a foreign corporation, which is not a foreign personal holding company. The Y Company, Ltd., paid in July, 1942, a dividend to the X Corporation in the amount of $100,000. The X Corporation did not previously receive dividends from this or any other foreign corporation. In 1942 there were no direct costs or expenses attributable to the receipt of this dividend. The $100,000 is therefore a single item of net abnormal income. The Y Company, Ltd., had earnings and profits of $75,000 in 1942 and $125,000 in 1941. Following principles of existing law with respect to the source from which dividends are deemed to have been paid, the $100,000 item of net abnormal income shall be allocated between the years 1942 and 1941 in the respective sums of $75,000 and $25,000. See section 115 (b) and corresponding provisions of prior revenue laws. For method of computation of the excess profits tax for the year 1942, see §35.721–4 and the example in § 35.721–6.

SEC. 722. GENERAL RELIEF; CONSTRUCTIVE AVERAGE BASE PERIOD NET INCOME. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 6, Excess Profits Tax Amendments 1941, sec. 202 (g), Rev. Act 1941, sec. 222 (a), Rev. Act 1942, and by Public Law 21 (Seventy-Eighth Congress).]

(a) *General rule.* In any case in which the taxpayer establishes that the tax computed under this subchapter (without the benefit of this section) results in an excessive and discriminatory tax and establishes what would be a fair and just amount representing normal earnings to be used as a constructive average base period net income for the purposes of an excess profits tax based upon a comparison of normal earnings and earnings during an excess profits tax period, the tax shall be determined by using such constructive average base period net income in lieu of the average base period net income otherwise determined under this subchapter. In determining such costructive average base period net income, no regard shall be had to events or conditions affecting the taxpayer, the industry of which it is a member, or taxpayers generally occurring or existing after December 31, 1939, except that, in the cases described in the last sentence of section 722 (b) (4) and in section 722 (c), regard shall be had to the change in the character of the business under section 722 (b) (4) or the nature of the taxpayer and the character of its business under section 722 (c) to the extent necessary to establish the normal earnings to be used as the constructive average base period net income.

(b) *Taxpayers using average earnings method.* The tax computed under this subchapter (without the benefit of this section) shall be considered to be excessive and discriminatory in the case of a taxpayer entitled to use the excess profits credit based on income pursuant to section 713, if its average base period net income is an inadequate standard of normal earnings because—

(1) in one or more taxable years in the base period normal production, output, or operation was interrupted or diminished because of the occurrence, either immediately prior to, or during the base period, of events unusual and peculiar in the experience of such taxpayer,

(2) the business of the taxpayer was depressed in the base period because of temporary economic circumstances unusual in the case of such taxpayer or because of the fact that an industry of which such taxpayer was a member was depressed by reason of temporary economic events unusual in the case of such industry.

(3) the business of the taxpayer was depressed in the base period by reason of conditions generally prevailing in an industry of which the taxpayer was a member, subjecting such taxpayer to

(A) a profit cycle differing materially in length and amplitude from the general business cycle, or

(B) sporadic and intermittent periods of high production and profits, and such periods are inadequately represented in the base period,

(4) the taxpayer, either during or immediately prior to the base period, commenced business or changed the character of the business and the average base period net income does not reflect the normal operation for the entire base period of the business. If the business of the taxpayer did not reach, by the end of the base period, the earning level which it would have reached if the taxpayer had commenced business or made the change in the character of the business two years before it did so, it shall be deemed to have commenced the business or made the change at such earlier time. For the purposes of this subparagraph, the term "change in the character of the business" includes a change in the operation or management of the business, a difference in the products or services furnished, a difference in the capacity for production or operation, a difference in the ratio of nonborrowed capital to total capital, and the acquisition before January 1, 1940, of all or part of the assets of a competitor, with the result that the competition of such competitor was eliminated or diminished. Any change in the capacity for production or operation of the business consummated during any taxable year ending after December 31, 1939, as a result of a course of action to which the taxpayer was committed prior to January 1, 1940, or any acquisition before May 31, 1941, from a competitor engaged in the dissemination of information through the public press, of substantially all the assets of such competitor employed in such business with the result that competition between the taxpayer and the competitor existing before January 1, 1940, was eliminated, shall be deemed to be a change on December 31, 1939, in the character of the business, or

(5) of any other factor affecting the taxpayer's business which may reasonably be considered as resulting in an inadequate standard of normal earnings during the base period and the application of this section to the taxpayer would not be inconsistent with the principles underlying the provisions of this subsection, and with the conditions and limitations enumerated therein.

(c) *Invested capital corporations, etc.* The tax computed under this subchapter (without the benefit of this section) shall be considered to be excessive and discriminatory in the case of a taxpayer, not entitled to use the excess profits credit based on income pursuant to section 713, if the excess profits credit based on invested capital is an inadequate standard for determining excess profits, because

(1) the business of the taxpayer is of a class in which intangible assets not includible in invested capital under section 718 make important contributions to income,

(2) the business of the taxpayer is of a class in which capital is not an important income-producing factor, or

(3) The invested capital of the taxpayer is abnormally low. In such case for the purposes of this subchapter, such taxpayer shall be considered to be entitled to use the excess profits credit based on income, using the constructive average base period net income determined under subsection (a). For the purposes of section 713 (g) and section 743, the beginning of the taxpayer's first taxable year under this subchapter shall be considered to be that date after which capital additions and capital reductions were not taken into account for the purposes of this subsection.

(d) *Application for relief under this section.* The taxpayer shall compute its tax, file its return, and pay its tax under this subchapter without the application of this section, except as provided in section 710 (a) (5). The benefits of this section shall not be allowed unless the taxpayer, not later than six months after the date prescribed by law for the filing of its return, or if the application relates to a taxable year beginning after December 31, 1939, but not beginning after December 31, 1941, prior to September 16, 1943, makes application therefor in accordance with regulations to be prescribed by the Commissioner with the approval of the Secretary, except that if the Commissioner in the case of any taxpayer with respect to the tax liability of any taxable year—

(1) Issues a preliminary notice proposing a deficiency in the tax imposed by this subchapter such taxpayer may, within ninety days after the date of such notice make such application, or

(2) Mails a notice of deficiency (A) without having previously issued a preliminary notice thereof or (B) within ninety days after the date of such preliminary notice, such taxpayer may claim the benefits of this section in its petition to the Board or in an amended petition in accordance with the rules of the Board.

If the application is not filed within six months after the date prescribed by law for the filing of the return, or if the application relates to a taxable year beginning after December 31, 1939, but not beginning after December 31, 1941, prior to September 16, 1943, the operation of this section shall not reduce the tax otherwise determined under this subchapter by an amount in excess of the amount of the deficiency finally determined under this subchapter without the application of this section. If a constructive average base period net income has been determined under the provisions of this section for any taxable year, the Commissioner may, by regulations approved by the Secretary, prescribe the extent to which the limitations prescribed by this subsection may be waived for the purpose of determining the tax under this subchapter for a subsequent taxable year.

(e) *Rules for application of section.* For the purposes of this section—

(1) The tax imposed by this subchapter shall be the tax before the allowance of the foreign tax credit pursuant to section 729 (c) and (d);

(2) In the case of a taxpayer, the average base period net income of which is computed under Supplement A, for the period for which the income of any other person is included in the computation of the average base period net income of the taxpayer, the taxpayer shall be treated as if such other person's business were a part of the business of the taxpayer.

(f) *Mining corporations.* In the case of a taxpayer to which section 711 (a) (1) (I) or section 711 (a) (2) (K) applies, if its constructive average base period net income is established under this section, there shall also be determined a fair and just amount to be used as normal output and normal unit profit for the purposes of section 735.

§ 35.722–1 *General rule.* Section 722 provides for the extension of excess profits tax relief for taxable years beginning after December 31, 1939, to any taxpayer subject to the excess profits tax which satisfies the conditions and limitations expressed in such section. Relief is available whether the actual excess profits credit of the taxpayer is based on income or on invested capital and regardless of when the first excess profits tax taxable year of the taxpayer begins. A taxpayer which claims relief and which is entitled to use the excess profits credit based on income under section 713 or Supplement A, regardless of which excess profits credit is actually used in computing the excess profits tax on its return, must establish that its business during the base period falls into one or more of the categories described in section 722 (b) in order to be eligible for relief. A taxpayer is considered to be entitled to use the excess profits credit based on income even though the excess profits credit based on invested capital produces a lower tax than the excess profits credit based on income (computed without the benefit of section 722) for any excess profits tax taxable year for which a claim for relief is made. A taxpayer which claims relief under section 722 and which is not entitled to use the excess profits credit based on income under section 713 or Supplement A must establish that its invested capital falls into one or more of the categories specified in section 722 (c) in order to become eligible for relief under section 722. In either case, once eligibility for relief is established, the taxpayer will be deemed to be entitled to use the excess profits credit based on income and any relief to be extended under section 722 shall be in the form of a constructive average base period net income.

§ 35.722–2 *Constructive average base period net income*—(a) *In general.* If a taxpayer establishes:

(1) That the excess profits tax determined without regard to the provisions of section 722 results in an excessive and discriminatory tax, and

(2) What would be a fair and just amount representing normal earnings to be used as a constructive average base period net income for the purposes of an excess profits tax based upon a comparison of normal earnings and earnings during an excess profits tax period,

the excess profits tax for the taxable year shall be determined by using the excess profits credit computed upon the basis of such constructive average base period net income in lieu of the actual excess profits credit based on income or invested capital, as the case may be.

The excess profits tax is excessive and discriminatory if in the instances described in section 722 (b) the excess profits credit based on income is an inadequate standard of normal earnings or if in the instances described in section 722 (c) the excess profits credit based on invested capital is an inadequate standard for determining excess profits. Excessive and discriminatory taxation may result if, in a proper case, the taxpayer is not allowed to compute its unused excess profits credit for purposes of the unused excess profits credit adjustment for prior or subsequent years upon the basis of the excess profits credit based on constructive average base period net income in lieu of the actual excess profits credit. For what constitutes an excessive and discriminatory tax, computed without the provisions of section 722, see §§ 35.722–3 and 35.722–4.

The constructive average base period net income is a fair and just amount representing normal earnings to be attributed to the taxpayer with respect to years prior to the excess profits tax return period for the purposes of establishing a standard to be used in the computation of an excess profits tax based upon a comparison of normal earnings and earnings during the excess profits tax period. The determination of such constructive average base period net income must be made without regard to events or conditions affecting the taxpayer, the industry of which it is a member, or taxpayers generally occurring after December 31, 1939. Such events or conditions are deemed to be integral parts of the war economy; they cannot therefore be accepted as either accurate or reliable determinants of normal operations or normal earnings. Thus high war prices, swollen demand, and other factors which would not be normal in the experience of the business for years prior to the imposition of the excess profits tax shall not be considered in determining the normal earnings of the taxpayer. However, in certain cases involving a change in the character of the business consummated during a taxable year ending after December 31, 1939, as described in the last sentence of section 722 (b) (4) (see § 35.722–3 (d)), and in the case of a taxpayer first coming into existence as described in section 722 (c) (see § 35.722–4), regard shall be had to such change in the character of the business under section 722 (b) (4) or to the nature of the taxpayer and the character of its business under section 722 (c) to the extent necessary to establish the normal earnings to be used as the constructive average base period net income.

(b) *Rules for determination.* The determination of the constructive average base period net income must depend in each instance upon the facts and circumstances presented by the taxpayer and upon the provisions of section 722 forming the basis of the taxpayers' contention that its excess profits tax is excessive and discriminatory, i. e., if the taxpayer is entitled to use the excess profits credit based on income, the reasons why such credit is an inadequate standard of normal earnings, or if the taxpayer is not entitled to use such credit, the reasons why the excess profits credit based on invested capital is an inadequate standard for determining excess profits. No single test or standard of universal application can be prescribed pursuant to which every taxpayer must establish the fair and just amount representing normal earnings to be used as its constructive average base period net income. However, the following principles and rules must be observed in every case in which a constructive average base period net income is determined:

(1) Section 722 (a) provides for the determination of a constructive average base period net income to be used in lieu of the actual average base period net income is those cases to which section 722 is applicable. Since the constructive average base period net income is the fair and just amount representing normal earnings, a taxpayer in computing such amount is not, as a matter of right, entitled to use the rules provided by section 713 (e) (1), relating to increase in base period net income of lowest year of base period, or by section 713 (f), relating to average base period net income in case of increased earnings in last half of base period. However, in a proper case the principles underlying section 713 (e) (1) and 713 (f) may be taken into account if and to the extent that the application of such principles is reasonable and consistent with the conditions and limitations of section 722 and of such sections.

(2) If normal earnings are reconstructed for poor years within the base period of a taxpayer, the fair and just amount representing normal earnings determined with respect to such period cannot reasonably include above-normal earnings for other years in the base period. Consequently, if the constructive average base period net income involves a reconstruction of normal earnings for one or more taxable years in the base period, the taxpayer must be able to establish that the actual excess profits net income for other taxable years in the base period is not unusually large. Unusually large excess profits net income may occur either as the result of abnormally large gross income or as the result of abnormally low deductions. Thus if a manufacturing corporation, which was in existence throughout the base period, had a fire in 1937, which seriously interrupted production and caused an operating loss for such year but enjoyed exceptionally high earnings in 1938 as a result of production and sales which normally would have been enjoyed in 1937 and 1938, the excess profits net income for 1937 cannot be reconstructed upon the basis of normal earnings without also reconstructing excess profits net income for 1938 so as to eliminate the effects of the duplicated production and income for such year. Likewise, if in 1939 the taxpayer had exceptionally high earnings because of increased sales due primarily to a fire interrupting the production of its chief competitor, the income for 1939 must be adjusted to eliminate the effects of such unusual circumstance. However, no adjustment shall be made to eliminate income due to more favorable general business conditions.

Excess profits net income shall be considered unusually large in a taxable year in the base period only if, as the result of physical or economic circumstances unusual and peculiar in the case of the taxpayer, the income for such year is larger than it would have been if such circumstances had not occurred. Increased income due to circumstances which have affected business in general and which have caused an increase in the earnings of business in general, or due to circumstances which would not be considered unusual and peculiar in the experience of the taxpayer shall not be deemed to result in unusually large excess profits net income. If excess profits net income for a taxable year is determined to be unusually large, gross income and deductions shall be recomputed so as to remove the effect of the unusual circumstances in the computation of excess profits net income for such year.

(3) Except as otherwise provided, the constructive average base period net income shall be computed with regard to the principles in section 711 (b) (relating to excess profits net income for taxable years in the base period) applicable to the taxable year for which the constructive average base period net income is used. The rules provided by section 711 (b) (1) (H), (I), (J), and (K), relating to abnormal deductions and costs, may not be used as a matter of right in computing the constructive average base period net income. In a proper case, however, the principles underlying section 711 (b) (1) (H), (I), (J), and (K) may be taken into account if and to the extent that the application of such principles is reasonable and consistent with the conditions and limitations of section 722 and of such section.

(4) If the taxpayer has acquired the business of any other person (corporation, partnership, or individual) hereafter called "a component corporation" in a transaction which enables the taxpayer to compute its average base period net income under the provisions of Supplement A, the business of such component corporation shall be considered to be a part of the business of the taxpayer for the period for which the income of such component corporation is included in the computation of the average base period net income of the taxpayer under Supplement A. A taxpayer which has acquired, in a transaction which constitutes it an acquiring corporation under Supplement A, a component corporation for which a constructive average base period net income has been finally determined and has been used by such component in a taxable year prior to its acquisition, cannot as a matter of right use such constructive average base period net income in the determination of its average base period net income under Supplement A. The taxpayer as an acquiring corporation must establish, in accordance with the provisions of section 722 (e) (2), the amount which, in the light of such provisions, would constitute a fair and just amount representing normal earnings to be used as its constructive average base period net income. If the taxpayer has during the base period acquired substantially all the assets of another corporation in a transaction which does not constitute the taxpayer an acquiring corporation within the provisions of Supplement A, and after such transaction such other corporation ceases business, the business of such other corporation attributable to the assets acquired may be considered to be a part of the business of the taxpayer during the base period, to the extent to which it does not duplicate the business of the taxpayer otherwise carried on.

(5) If a taxpayer which, for the purposes of the income tax imposed by Chapter 1, computes its income from installment sales under the method provided by section 44 (a) elects to compute such income for excess profits tax purposes under Subchapter E of Chapter 2 upon the accrual basis pursuant to section 736 (a), any constructive average base period net income established with respect to such taxpayer shall be deter-

mined under the accounting methods underlying the computation of income from installment sales followed by the taxpayer in computing its income tax for the base period.

(6) If a taxpayer elects under the provisions of section 736 (b) to compute income from contracts the performance of which requires more than 12 months upon the percentage of completion method of accounting, any constructive average base period net income established with respect to such taxpayer shall be determined in accordance with the principles underlying the percentage of completion method of accounting. See § 29.42–4 (a) of this chapter.

(7) If an affiliated group of corporations makes a consolidated excess profits tax return under section 141 for a taxable year beginning after December 31, 1941, any constructive average base period net income must be established with respect to the group as a unit and no constructive average base period net income shall be established separately for any member of the group. If the members of an affiliated group for which a constructive average base period net income has been established are different during the taxable year from the members at the time such constructive average base period net income was established (because new members have been acquired by the group or because old members have ceased to remain members) or if one or more members of the group have become acquiring corporations of component corporations pursuant to Supplement A, the group may not as of right continue to use the constructive average base period net income previously established but must establish a new constructive average base period net income predicated upon the membership of the group for the taxable year for which relief is claimed. No constructive average base period net income determined with respect to any member of the group prior to the year for which the group makes a consolidated excess profits tax return shall be used by the group as a matter of right in computing its actual average base period net income. If a taxpayer ceases to be a member of an affiliated group which, during the time that such taxpayer was a member, made a consolidated excess profits tax return and used a constructive average base period net income in the computation of its excess profits tax, such taxpayer shall not use any portion of such constructive average base period net income in the computation of its separate excess profits tax or the excess profits tax of another affiliated group of which it becomes a member. Any constructive average base period net income to be used by such taxpayer or by such other group must be established solely with respect to such taxpayer or such group.

(8) For the purposes of section 722 and of § 35.722–3 (b) and (c), no exclusive definition of the concept "industry" can be constructed. In general an industry may be said to include a group of enterprises engaged in producing or marketing the same or similar products or services under analogous conditions which are essentially different from those encountered by other enterprises. The mere similarity of product and marketing methods, however, is not enough of itself to comprehend taxpayers satisfying such conditions within the same industry. Factors such as geographical location, character, and location of markets, availability and character of raw material supply, and other conditions under which operations are carried on must be considered. Regard may be had to trade custom and practice in determining whether a group of enterprises constitutes an industry.

(9) The fact that the excess profits tax liability of a taxpayer, establishing eligibility for relief and a constructive average base period net income under section 722, is zero or is very small prior to the application of such section does not prevent the actual average base period net income from being an inadequate standard of normal earnings. Such a taxpayer is entitled to use the constructive average base period net income established under section 722 in the computation of its excess profits tax for all excess profits tax taxable years, and to compute its unused excess profits credit for any excess profits tax taxable year with respect to the excess profits credit based upon such constructive average base period net income. However, in the case of a taxpayer which is deemed to have commenced business or to have changed the character of its business two years prior to the actual event, in the case of a taxpayer consummating a change in the capacity for production or operation in a taxable year beginning after December 31, 1939, as a result of a course of action to which it was committed prior to January 1, 1940, in the case of a taxpayer which prior to May 31, 1941, acquired from a competitor engaged in the dissemination of information through the public press substantially all the assets of such competitor employed in such business with the result that competition between the taxpayer and the competitor existing before January 1, 1940, was eliminated, or in the case of a taxpayer which commenced business after December 31, 1939, the constructive average base period net income might vary from one excess profits tax taxable year to another. As to the determination of the constructive average base period net income in such cases, see §§ 35.722–3 (d) and 35.722–4.

(c) *Excess profits credit based on constructive average base period net income.* For any excess profits tax taxable year for which a constructive average base period net income has been determined under the provisions of section 722 and of this section, the excess profits credit based on income shall be an amount equal to:

(1) 95 percent of the constructive average base period net income determined under section 722;

(2) Plus 8 percent of the net capital addition defined in section 713 (g) computed with regard to the provisions of section 722 (c); or

(3) Minus 6 percent of the net capital reduction defined in section 713 (g) computed with regard to the provisions of section 722 (c).

(d) *Normal output and normal unit profit in case of producers of minerals or timber.* Nontaxable income from exempt excess output of mines or timber blocks determined under section 735 (relating to nontaxable income from certain mining and timber operations) may be excluded under section 711 (a) (1) (I) or section 711 (a) (2) (K) from the excess profits net income of a taxpayer for which there is established under section 722 a constructive average base period net income. For the purposes of computing nontaxable income from exempt excess output under section 735 in such a case, there shall be determined with respect to each mineral property as defined in section 735 (a) (6), or timber block as defined in section 735 (a) (8), in which an economic interest is owned by the taxpayer, a fair and just amount to be used as the normal output as defined in section 735 (a) (5), and with respect to such mineral property, a fair and just amount to be used as the normal unit profit as defined in section 735 (a) (9). However, no amounts representing fair and just normal output or normal unit profit for such base period shall be established for any mineral property or timber block unless the constructive average base period net income is predicated in whole or in part upon normal earnings attributable directly to such mineral property or timber block, unless such mineral property or timber block was in operation for at least six months during the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939, of the person owning the mineral property or timber block (whether or not the taxpayer), and in the case of a timber block, unless such timber block was in existence and was acquired by the taxpayer prior to January 1, 1942. A normal output and a normal unit profit may be established for a mineral property or a timber block in which an economic interest is owned by the taxpayer despite the fact that such taxpayer came into existence after December 31, 1939, if such mineral property or timber block meets the requirements provided in the preceding sentence.

§ 35.722–3 *Determination of excessive and discriminatory tax; taxpayer entitled to excess profits credit based on income.* The excess profits tax, computed without regard to the provisions of section 722, for any taxable year shall be considered to be excessive and discriminatory in the case of a taxpayer entitled to use the excess profits credit based on income pursuant to section 713 (or pursuant to Supplement A if the taxpayer is an acquiring corporation under Supplement A) if its actual average base period net income is an inadequate standard of normal earnings for one or more of the following reasons:

(a) *Interruption or diminution of normal production, output, or operation in the base period.* If the taxpayer establishes that in one or more taxable years in its base period normal production, output, or operation was interrupted

or diminished because of the occurrence either immediately prior to, or during the base period, of events unusual and peculiar in the experience of the taxpayer, the average base period net income shall be considered to be an inadequate standard of normal earnings. Activities comprised within the meaning of production, output, or operation include the rendering of services in those cases in which corporations render services rather than manufacture or market tangible products, as for example advertising agencies, brokerage concerns, purchasing agents, etc. Normal production, output, or operation means the level of production, output, or operation which would have been reached by the business of the taxpayer had the unusual and peculiar events not occurred.

Not every interruption or diminution of normal production, output, or operation in the base period may furnish the basis of a claim for relief under section 722. The interruption or diminution must be a direct result of events unusual and peculiar in the experience of the taxpayer, and must occur in or immediately prior to the base period. A direct result of an unusual or peculiar event is a result which would occur as a normal consequence or effect of the event and one to which the event bears a casual relationship. The diminution or interruption of normal production, output, or operation may occur not only in the year in which such event occurs but may result in a later year directly affected by such event.

An event is deemed to occur immediately prior to the base period if under normal circumstances the effect of such event would not be fully manifested until a year in the base period and such effect is directly related to such occurrence. An event is unusual and peculiar in the experience of the taxpayer if its occurrence is not ordinarily encountered in such experience. The fact that such event unusual in the case of the taxpayer is also unusual in the case of other taxpayers, as in the case of a flood in a particular locality, is no bar to a claim for relief under section 722 (b) (1). If an event is unusual in the course of normal business experience in general but regular in the case of the taxpayer, such event is not unusual and peculiar in the experience of the taxpayer. Thus, if a corporation is engaged in felling and transporting logs and timber, and if its annual operations are interrupted by spring floods occasioned by thaws and rains, such events are not unusual and peculiar in the experience of the taxpayer. Unusual and peculiar events contemplated in section 722 (b) (1) consist primarily of physicial rather than economic events or circumstances. Except as otherwise described in this paragraph, such events would include floods, fires, explosions, strikes, and other such exceptional and uncommon circumstances hindering production, output, or operation; such events would not include economic maladjustments such as higher prices of materials, labor, capital, or any other agent of production, unusually low selling price of the product of the taxpayer, or unusually low physical volume of sales owing to low demand for such product or for the output of the taxpayer. However, a diminution in the taxpayer's production caused by a low demand for the product of the taxpayer resulting from the effects of war conditions in the country in which the taxpayer sold a substantial portion of its products may be an event which might form the basis of a claim for relief under section 722 (b) (1).

The taxpayer's normal production, output, or operation for those years in which interruption or diminution has been established may be determined by reference to its average production, output, or operation with respect to products or services of the same class. This determination may be made in the light of the experience of the taxpayer prior to its first excess profits tax taxable year (but not after May 31, 1940), or in the light of the experience of a comparable competitor or of an industry of which the taxpayer is a member, engaged in manufacturing or selling the same products or rendering the same services. No particular years or specific number of years in such experience need be selected in establishing normal production, output, or operation. However, normal earnings reconstructed for one or more taxable years in the base period or for the base period as a whole on account of an interruption or diminution in production, output, or operation, must be determined in the light of business conditions prevailing during such period. Among the material factors to be considered are general business conditions, business conditions together with the taxpayer's competitive position in an industry of which the taxpayer is a member, and demand for the products or services of a class produced or rendered by the taxpayer. The cost of materials, labor, capital, or any other agent of production, the selling price of the product or the service, the physical volume of sales resulting from the demand for such products or services during the base period are also factors to be taken into account.

Thus, assume that, except for the year 1938 in which the taxpayer experienced an explosion in its plant which interrupted production and caused an operating loss for the year, the base period represented a period of normal earnings for the taxpayer. Such period also represented a period of normal earnings for the industry of which the taxpayer is a member. In the year 1938 the demand for the product manufactured by the industry of which the taxpayer is a member was 20 percent below the demand for such product for the average of the other years in the base period. The taxpayer's normal production and normal earnings for 1938 should be reconstructed upon the basis of the actual demand in that year, rather than upon the basis of the demand for the remaining years in the base period.

(b) *Business depression in base period on account of temporary economic circumstances.* If the taxpayer establishes that its business was depressed in the base period because of temporary economic circumstances unusual in the case of such taxpayer or because of the fact that an industry of which the taxpayer was a member was depressed by reason of temporary economic circumstances unusual in the case of such industry, the average base period net income of the taxpayer shall be considered to be an inadequate standard of normal earnings. For the purposes of this paragraph a business shall be considered to be depressed if it realized low earnings or operating losses which resulted from such factors as a low volume of output of products or services, from a low volume of sales, from high manuacturing costs, from low sales price, or from a combination of such factors.

Only those economic circumstances which were temporary in the sense that they had little perceptible effect upon the long run prospects of a business, and which affected the taxpayer alone or an industry of which it was a member as distinguished from those economic events which were of a chronic or continuing character or which affected business in general, may furnish a basis for a claim for relief under section 722 (b) (2). An economic circumstance is temporary depending upon the character and nature of such circumstances rather than upon the mere length of time of its existence. Thus the income of a declining business or industry which was depressed throughout the base period because of economic conditions of a chronic and continuing character which may be expected to depress the earnings of such business for an indefinite period is not an inadequate standard of normal earnings under section 722 (b) (2). For example, a traction company the earnings of which had been steadily reduced over a decade by increasing competition with motor trucks and by the use of private passenger vehicles might not be considered to suffer business depression by reason of temporary and unusual economic circumstances. Higher income resulting from increased patronage due to wartime restrictions upon the use of alternative methods of transportation should reasonably be regarded as excess profits. Low earnings are entirely normal in the case of such a chronically depressed taxpayer and are not rendered subnormal merely because an increased level of profits resulting from the effect of war conditions occurs during excess profits tax taxable years.

High costs of production because of high costs of material, labor, capital, or other elements of production, low selling price of the finished product, low volume of sales due to a low demand for such product or the taxpayer's output, or other ordinary economic hazards to which business in general is subject and which have the effect temporarily of depressing income are ordinarily not sufficiently unusual economic circumstances to constitute income an inadequate standard of normal earnings under section 722 (b) (2). Such circumstances are to be expected during any period of normal earnings and are presumed to have been offset by counterbalancing economic circumstances causing higher than average profits in other years in the base period.

Consequently, the presence of unfavorable economic factors during the base period years of a taxpayer is not unusual when the presence of such factors is usual in the case of an industry of which the taxpayer is a member, or if such industry is depressed, in the case of business in general for such years. Nevertheless unusual and temporary economic circumstances reflected in one or more of such factors may depress the business of the taxpayer substantially beyond the extent to which other members of an industry of which the taxpayer is a member are affected, or may depress the industry (including the taxpayer) substantially beyond the extent to which other industries are affected. In such case the presence of such circumstances is an adequate reason for establishing that actual average base period net income is an inadequate standard of normal earnings. However, the mere fact that the business of the taxpayer or of an industry of which it is a member, as the case may be, fluctuates widely under the impact of economic events or is operated at a lower level of earnings than other members of such industry or other industries, as the case may be, and thus is depressed to a greater degree by unfavorable economic conditions than such other members or industries does not of itself indicate that average base period net income is an inadequate standard of normal earnings.

As in the case of unusual and peculiar physical events interrupting or diminishing production, output, or operation (see § 35.722–3 (a)), a temporary economic circumstance is unusual in the case of a taxpayer or of an industry if its occurrence is not ordinarily encountered in the experience of such taxpayer or industry. However, a temporary economic circumstance which is usual in the case of the taxpayer is not rendered unusual because such circumstance is unusual in the case of an industry of which the taxpayer is a member or in the course of normal business experience in general. As to the definition of an "industry", see § 35.722–2 (b) (8).

An example illustrating § 35.722–3 (b) might be a taxpayer which for a long period of years conducted business with one customer which it lost during the base period because such customer decided to manufacture for itself the product it had formerly bought from the taxpayer. The taxpayer would be compelled to develop a new market. The average earnings of the taxpayer for the period of time during which the taxpayer was engaged in obtaining new customers would not represent an adequate standard of its normal earnings and would be sufficient cause for the establishment of a constructive average base period net income under section 722.

An example in which temporary economic events caused business depression during the base period of an industry of which the taxpayer was a member would be an industry the members of which (including the taxpayer) were engaged in a ruinous price war during several of the base period years. As a result of sales below cost in such years, the members of the industry sustained severe losses; when the price war was ended, the members again realized normal average earnings. The business of the taxpayer in such case would be depressed during the base period because of the fact that an industry of which the taxpayer was a member was depressed by reason of temporary economic events unusual in the case of such industry and the average base period net income of such taxpayer would be an inadequate standard of normal earnings.

If the temporary economic circumstances causing the taxpayer to be depressed in the base period did not affect an industry of which the taxpayer was a member, the constructive average base period net income of the taxpayer may be established in the same manner as is prescribed in the case of a taxpayer the base period production, output, or operation of which was interrupted or diminished by events unusual and peculiar in its experience. See § 35.722–3 (a). However, since the actual economic conditions existing in the years for which depression is claimed are those which caused such depression, normal earnings should be reconstructed not upon the basis of the actual economic factors affecting the taxpayer's production, costs, sales, and profits in such years but upon the basis of such factors as existed in such years in the case of the industry of which the taxpayer was a member. Relationships existing between the taxpayer's production, costs, sales, and profits and the average production, costs, sales, and profits of the industry or other members of the industry, in other periods determined to represent periods of normal earnings for the taxpayer and the industry, or other members of the industry, may be utilized in determining the taxpayer's production, costs, sales, and profits for the base period. Depending upon the particular circumstances in the taxpayer's case normal earnings might be reconstructed for each base period year in which the taxpayer was depressed, or a constructive average base period net income might be determined for the base period as a whole without a reconstruction for separate years.

If the taxpayer was depressed in the base period because an industry of which it was a member was depressed by reason of temporary economic circumstances unusual in the case of such industry, the constructive average base period net income of the taxpayer might be determined by reference to a prior period in the experience of the taxpayer, or of an industry in which it is a member, which is established to be a period of normal earnings, or possibly by reference to the base period experience of comparable taxpayers or industries. Since actual economic conditions prevailing in the base period of the taxpayer were those which had the effect of causing depression in the industry of which the taxpayer was a member, such conditions should not form the basis upon which normal earnings of the taxpayer are reconstructed if such reconstruction is made for any of the years in the base period of the taxpayer or for such period in its entirety. In such case, relationships established between the economic condition present in the case of the taxpayer during other periods and such conditions in the case of comparable taxpayers or industries may be used in determining the taxpayer's production, costs, sales, and profits which would have been realized had the temporary and unusual economic circumstances not affected the industry of which it was a member.

(c) *Business depression in base period because of variant profits cycle or sporadic and inadequately represented profits periods.* If the taxpayer establishes that its business was depressed in the base period by reason of conditions generally prevailing in an industry of which the taxpayer was a member subjecting such taxpayer either to a profits cycle which differs materially in length and amplitude from the general business cycle or to sporadic and intermittent periods of high production and profits, and such periods are inadequately represented in the base period, the average base period net income of the taxpayer shall be considered to be an inadequate standard of normal earnings. To come within the provisions of section 722 (b) (3) and this paragraph, it must be shown that the business of the taxpayer was depressed in the base period as a consequence of circumstances which are ordinary and usual in the case of an industry of which the taxpayer is a member; such business depression may not result from extraordinary and unusual events such as are necessary to invoke the provisions of section 722 (b) (2) and § 35.722–3 (b). Furthermore, the conditions producing the unusual profits cycle or the sporadic profits of the taxpayer must be shown to have prevailed generally throughout the past history of the industry and not to be peculiar to the base period alone. The ordinary circumstances existing in the case of the industry of which the taxpayer is a member and which produce business depression in the case of the taxpayer must also be established by the taxpayer to have produced business depression with respect to the industry generally during the base period. As to the definition of "industry" see § 35.722–2 (b) (8).

(1) *Unusual profits cycle.* No categorical definition or description can be given to the concept of the general business cycle. The term does not refer to any particular business index prepared by any public or private financial, economic, or statistical organization, or combination of such indices. A taxpayer does not establish a claim for relief under section 722 (b) (3) (A) merely by comparing its own profits cycle, or the profits cycle of an industry of which it is a member, with one or more general business indices prepared by any public or private financial, economic, or statistical organization, and by showing a variance between its own profits cycle and such other general business indices.

On a national industry-wide basis, the four years beginning January 1, 1936, and ending December 31, 1939, represent a period of normal average earnings in the experience of business in general. If, due to conditions entirely normal in the experience of an industry of which the taxpayer was a member, such period was not correspondingly a time of normal average earnings in the case of the industry and of the taxpayer in the light of the prior experience of such industry and taxpayer, the profits cycle of the taxpayer may be considered to be different from the general profits cycle.

The profits cycle of a taxpayer will be deemed to differ in length and amplitude from the general business cycle if its period of normal profits has not occurred during the base period but at some prior time entirely without the base period, or partly without and partly within such period. It is not necessary that the length of the taxpayer's profits cycle be longer or shorter than four years nor is it necessary that the crests and troughs of such profits cycle vary from the level of high and low profits of the general business cycle. Only in case the normal average earnings of the taxpayer and an industry of which it is a member are substantially greater than the average profits earned during the excess profits tax base period will the profits cycle of a taxpayer be considered to differ materially from the general business cycle.

The mere fact that the earnings of the taxpayer and an industry of which it was a member are not as high during the base period as they were during some prior period in the experience of such taxpayer or such industry does not necessarily mean that normal average earnings are greater than earnings during the base period. Normal average earnings are average earnings for all periods of normal earnings in the experience of such taxpayer or such industry. It is inevitable that some periods of normal earnings should be higher or lower than other such periods. Consequently the fact that the earnings of the taxpayer and of an industry of which it is a member are slightly lower than the level of normal average earnings is not of itself an indication that the profits cycle of the taxpayer or the industry varies materially from the general business cycle.

A taxpayer which claims to be a member of an industry in which conditions prevail which subject the taxpayer to a profits cycle differing materially from the general business cycle must establish that the business experience both of itself and of such industry is susceptible of segregation into a cyclical pattern. Types of industries, the business cycles of which may not necessarily coincide with the general business cycle, are industries connected with the construction industry. It is well established that over the past three decades there has been a building cycle which generally has embraced two or more of the general cycles of business profits. If the base period embraced only the subnormal years of the profits cycle of a branch of the building industry, the members thereof may be able to establish that their average base period net income does not represent an adequate standard of normal profits. If, however, the profits cycle of such branch of the building industry and of the taxpayer in a particular locality in which the operations of such branch and of the taxpayer were encompassed followed the pattern of the general business cycle in the base period so that such period represented a period of average normal profits for the taxpayer, no basis would exist for a claim for relief under section 722 (b) (3) (A).

The constructive average base period net income of a taxpayer which was depressed in the base period on account of a variant profits cycle might be determined by reference to one or more prior periods in the experience of the taxpayer or of the industry of which it was a member which represents a period of normal earnings properly attributable to such taxpayer. These periods need be of no specified duration except that they should not be less than three years. If any one such period is used it should be established that with respect to the taxpayer and the industry of which it was a member, such period bears the same relationship to the profits cycle of the taxpayer and the industry which the base period (representing a period of normal earnings of business in general) bears to the general business cycle. In case no such prior periods are available, if proper relationships based upon comparative profit and loss statements and balance sheets can be established, the constructive average base period net income might be determined by reference to the average base period net income of comparable taxpayers or industries for which the base period represents a period of normal earnings. In such case, actual economic factors of production, costs, demand, sales, and profits experienced by the taxpayer during the base period should not generally serve as a limitation upon any normal earnings reconstructed for the taxpayer for the base period.

(2) *Sporadic profits inadequately represented in the base period.* The characteristic distinguishing the type of case described in section 722 (b) (3) (B) from that in section 722 (b) (3) (A) is that in the latter case the taxpayer has an earnings experience which can be segregated into definite cycles, whereas in the former case (the type of case described in this paragraph) no such cyclical segregation can be made. In case the taxpayer is subjected to intermittent periods of high production and profits, the prosperous years of the taxpayer will occur at irregular and unpredictable intervals, and may depend upon fortuitous combinations of advantageous circumstances, as for example the juxtaposition of a good crop and a good market. If the base period of the taxpayer does not include these prosperous years, its earnings during such period will not be an adequate measurement of average normal earnings.

Proof that a year of high production and profits did not occur during the base period is not of itself sufficient to establish that the base period did not represent a period of normal earnings. The actual average base period net income computed under section 713 (d) may approximate either the average earnings of periods of normal earnings, which include years of very high profits as well as years of low profits, or the average earnings for the entire experience of the taxpayer. Consequently it must be established not only that the base period did not include one or more years of high profits irregularly experienced by the taxpayer but also that the level of earnings for periods of average normal earnings which include such years or the level of earnings for the entire period in which the taxpayer was in existence is substantially higher than the level of earnings during the base period. Since the concept of normal earnings does not contemplate a fixed and inflexible amount but envisions a level of earnings which represents normal earning capacity of a business, the mere fact that actual average base period net income is less than an amount which might be determined by reference to some period claimed to represent normal earnings or by reference to an average of earnings over the entire economic life of a business does not establish that such average base period net income is an inadequate standard of normal earnings.

A taxpayer which claims to be a member of an industry in which conditions prevail which subject the taxpayer to sporadic and intermittent periods of high production and profits must establish that business depression was encountered during the base period because of such conditions. It must also establish that such conditions were not peculiar to it alone in the base period but were also present in the case of such industry.

A taxpayer does not establish eligibility for relief under section 722 (b) (3) (B) merely by showing that annual periods of high profits have occurred irregularly in the past experience of the taxpayer. Such periods of high earnings may have resulted from windfall profits or from unusual circumstances befalling the taxpayer, or an industry of which it is a member, and not as the result of normal conditions under which the taxpayer's usual operations are carried on. Only in case high earnings which have occurred in prior years are directly attributable to factors normal in the case of the taxpayer and of an industry of which it is a member, may such high periods of production and profits be considered grounds for relief under section 722 (b) (3) (B).

Depending upon actual proof, a possible example of an industry operating under conditions which subject its members to sporadic and intermittent periods of high production and profits might be an industry engaged in the preparation and canning of fruit. Profits would be dependent upon the size of the pack and the market obtainable. Suppose that the records of a taxpayer in such industry indicate that ordinarily in one out of every three years the earnings were substantially in excess of the average of the other three years, and that no prosperous years occurred in the base period, as follows:

Net income (in thousands of dollars)

1926	50	1933	25
1927	10	1934	20
1928	15	1935	48
1929	55	1936	15
1930	12	1937	28
1931	45	1938	18
1932	18	1939	10

If the records of the industry of which the taxpayer is a member show a similar pattern, the average base period net income of such concern would not be deemed to be an adequate standard of normal earnings and such taxpayer would be entitled to relief under section 722 (b) (3) (B).

The constructive average base period net income of a taxpayer depressed during the base period on account of the failure of such period to reflect one or more years of high profits sporadically enjoyed by the taxpayer might be determined in the same manner as in the case of a taxpayer with a variant profits cycle. See § 35.722–3 (c) (1). In a proper case a standard of normal earnings might fairly be determined as an average of earnings of the business in its experience prior to the beginning of its first excess profits tax taxable year (but not after May 31, 1940), and a reasonable determinations of excess profits could be made as the excess of the profits during a current excess profits tax taxable year over such standard.

(d) *Commencement or change in character of business.* If the taxpayer has commenced business or has changed the character of its business either during or immediately prior to the base period, and if the taxpayer establishes that its average base period net income does not reflect the normal operation for the entire base period of a business so commenced or changed in character the average base period net income shall be considered to be an inadequate standard of normal earnings.

No arbitrary temporal limitations can be provided to circumscribe the concept of "immediately prior to the base period" for the purposes of section 722 (b) (4) in the case of a business commenced or changed in character at such time. Nor does the fact that a taxpayer has commenced business or changed the character of its business within one or two years prior to the base period necessarily establish eligibility for relief under section 722 (b) (4). Generally, business experiences a time lag between the time that new operations are commenced, reflecting either the starting of a new business or of a business essentially different in character from an old business, and the attainment of a normal earning level. If all or a portion of this time lag occurs during the base period, the earnings during such period cannot be said to represent normal average earnings.

Generally, the commencement of business or the change in character of a business will be deemed to have occurred immediately prior to the base period if under normal conditions the normal earning level of a business so commenced or changed would not be realized until some time during the base period and would be principally and directly related to such commencement or change. However, if a taxpayer, which has commenced business immediately prior to the base period, has reached its level of normal operations prior to such period, but has sustained a loss in its first base period year because of the occurrence of an unusual event or circumstance, such as a flood interrupting production, the average base period net income will not be considered to be an inadequate standard of normal earnings because the taxpayer has commenced business immediately prior to the base period. Any relief sought by such a taxpayer should be based upon interruption of production under section 722 (b) (1) and § 35.722–3 (a).

The following examples are illustrations of the provisions of this paragraph: Corporation A, which makes its returns on a calendar year basis, and which until 1934 manufactured snuff at a loss, in that year changed to the manufature of cigars. Due to normal difficulties in establishing trade connections and in establishing its product, it did not realize normal profits until 1938. Such corporation is deemed to have changed the character of its business immediately prior to the base period. Corporation B, which makes its returns on the calendar year basis, converted its business in 1934 from the manufacture of general textiles to the manufacture of automobile upholstery. It immediately realized a level of earnings which were deemed to be reasonable for such business and enjoyed such earnings until 1938. In that year it made a profitable connection with a large automobile manufacturer, and as a result realized larger profits. The fact of such large profits due to this connection is not principally and directly attributable to the change in the character of the business in 1934, and such fact is not a normal and inevitable result of such change. Consequently the change in the character of the business in 1934 is not considered to have occurred immediately prior to the base period for the purposes of section 722 (b) (4).

If the business of a taxpayer which was commenced or changed in character either immediately prior to or during the base period was growing and expanding so that by the end of the base period it did not reach the earning level which it would have attained had the business been commenced or changed in character two years prior to the time of the actual event, the taxpayer shall be deemed to have commenced business or changed the character of its business at such earlier time. In order to establish that its actual average base period net income is an inadequate standard of normal earnings, the taxpayer shall establish that the actual average base period net income does not reflect the normal operation for the entire base period of a business commenced or changed in character at such earlier date. In determining whether the business of the taxpayer was growing or expanding by the end of the base period, consideration may be given to the taxpayer's actual business experience during and immediately prior to the base period, including its rate of growth, to a comparison of the taxpayer's experience and the experience for a comparable period of other members of an industry of which the taxpayer is a member, to the experience and rate of growth of such members after the commencement or change in character of their business, and to the future prospects of the business of the taxpayer under normal conditions reasonably ascertainable at the end of the base period. Events occurring or existing after December 31, 1939, may not be considered in determining whether the taxpayer was growing by the end of the base period, or if so, to the extent thereof.

An example illustrating the preceding paragraph would be a corporation which was organized in 1938 and started the development of a delivery route to sell food products. In 1938, it had a net loss; in 1939, a moderate profit. Its record of earnings is as follows:

Net income (in thousands of dollars)

1938	−5
1939 (first quarter)	−1
1939 (second quarter)	2
1939 (third quarter)	4
1939 (fourth quarter)	7

Its steady growth together with other factors indicates that if it had started business two years earlier its earning level at the end of the base period would have been considerably higher. Such taxpayer shall be deemed to have started business in 1936, and its average base period net income would not be considered an adequate reflection of normal operations for the entire base period of the type of business which would have resulted at the end of the base period if the taxpayer had started business in 1936.

Another example would be a taxpayer which immediately prior to and during the base period was engaged in research and development of an American raw material for the manufacture of a product not theretofore practicable of manufacture in the United States. In early 1938 a process was perfected for such manufacture. In that year, the taxpayer entered into sales contracts, commenced a program of building plant and equipment (ultimately completed in 1941), and began to supply its customers in September, 1939. It operated with low invested capital and its earnings did not reach by the end of the base period the level which would have been reached if the taxpayer had commenced business two years earlier. In such case the average base period net income will be considered to be an inadequate standard of normal earnings, and the taxpayer will be deemed to have commenced business two years prior to the actual commencement.

For the purposes of section 722 (b) (4), normal operations refers to normal operations throughout the entire base period of the business commenced or to which such business was changed immediately prior to or during the base period, and to the normal earnings reconstructed on the basis of such normal operations for such entire period. The taxpayer may have commenced business or changed the character of its business after the beginning of the base period; such commencement or change although considered to have been effected two years prior to the actual event might still occur after the beginning of the base period. Neither fact shall prevent the reconstruction of normal earnings for the entire base period, including the time prior to the date of the actual commencement or change or to the date upon which the commencement or change is considered to have occurred.

If the business of the taxpayer has reached by the end of the base period the earning level it would have reached had it been commenced or changed in character two years prior to such event, normal earnings for the entire base period shall be reconstructed upon the basis of the level of normal operations actually attained during the base period and upon the basis of the character, nature, and size of the business actually developed during the base period. If the business of the taxpayer is considered to have been commenced or changed in character two years prior to such event, normal earnings for the entire base period shall be based upon the level of normal operations, and upon the character, nature, and size of the business which would have been developed by the end of the base period if the business had been commenced or changed at such earlier date.

If a business which was commenced or changed in character either during or immediately prior to the base period did not reach, by the end of the base period, the earning level it would have reached had it been commenced or changed in character two years earlier, the earning level which it would have reached had such events occurred at such an earlier date will be dependent upon reconstructed, as opposed to actual production, costs, demand, sales, and selling prices. If may not be possible to reconstruct demand, sales, and selling prices based upon actual economic conditions existing within the framework of the base period. In certain cases actual demand, sales, and selling prices might not represent reasonable limitations upon the earning level which the taxpayer would have reached had its business been commenced or changed in character two years prior to the actual occurrence. Moreover the fact that a business is deemed to have been commenced or changed two years earlier implies the existence of conditions not necessarily present in the period for which reconstruction is being made. Consequently, in proper cases, demand, sales, and selling prices may be established upon the basis of certain assumptions not inconsistent with the fact that the taxpayer is considered to have commenced business or changed the character of its business two years prior to the actual commencement or change and not inconsistent with the experience of similar taxpayers which have reached a level of normal earnings, or of an industry of which the taxpayer is a member, which might furnish an indication of economic factors to be encountered by an expanding business.

Although actual economic factors influencing the taxpayer's earnings for the period prior to its attainment of normal operations may not reflect the results of such operations and consequently might not furnish adequate criteria for determining the normal earnings for such period, regard might be had to such factors to the extent that they might be determinants in establishing the taxpayer's earning capacity. Thus, if the taxpayer's business is a continuation of a preexisting business enterprise, regard might be had to the experience and earning capacity of such enterprise in order to ascertain normal earnings to be attributed to the taxpayer. Likewise, if a corporation is reorganized in the base period into two new corporations, the excess profits net income of each of the new corporations for the taxable years in the base period in which each was not in existence may be determined from that part of the business of the original corporation operated by each of the new corporations and that part of the excess profits net income of the original corporation attributable to such part of the business.

If the business of the taxpayer, deemed to have been commenced or changed in character two years prior to such event, has not reached by the end of the base period its level of normal operations and of normal earnings because of the interruption or diminution of production, output, or operation on account of events unusual and peculiar in the experience of the taxpayer (section 722 (b) (1)), or because of adverse temporary economic circumstances unusual in the case of the taxpayer or an industry of which it was a member (section 722 (b) (2)), or because the taxpayer was a member of an industry in which conditions prevailed which would subject the taxpayer to a variant profits cycle or to sporadic and intermittent periods of high production and profits which are not represented in the base period (section 722 (b) (3)), or because of other factors adversely affecting the business of the taxpayer in the base period (section 722 (b) (5)), the principles pursuant to which relief is determined in such cases shall be taken into account in determining the normal operations and normal earnings of the taxpayer. Thus, a taxpayer which was organized and commenced business during the base period might be a member of an industry in which conditions prevailing in such industry subjected its members to a profits cycle materially different from the general business cycle. If the base period represented the trough in such cycle and the average base period net income of the members of the industry represented an inadequate standard of normal earnings, the normal operations and normal earnings of the taxpayer might be determined by reference to one or more other periods in the experience of the industry. Relationships existing between the taxpayer's operations in the base period and the operations of other members of the industry, or of the industry as a whole, might be taken into account. See § 35.722–3 (a).

The fact that income for the entire base period is to be reconstructed upon the basis of the level of normal operations actually attained during the base period or upon the basis of the level of normal operations which would have been reached had the business been commenced or changed two years earlier, does not necessarily mean that the highest level of earnings actually or constructively reached during the base period is to be ascribed to the entire base period. The earning level of business usually is fluctuating rather than constant. Normal earnings to be attributed to the taxpayer for the base period must follow such pattern. In determining such normal earnings regard may be had to the earnings cycle during the base period of other taxpayers engaged in similar businesses, of other members of an industry of which the taxpayer was a member, of such industry as a whole, and to relationships existing between the taxpayer's production, costs, sales, and profits during its years of normal operations and similar factors in the case of such other taxpayers or industry.

Events or conditions occurring after December 31, 1939, may not be taken into account in determining the constructive average base period net income of a taxpayer which during the base period has commenced business or changed the character of its business. Consequently, the level of normal operations which would have been reached by a taxpayer which is considered to have commenced business or to have changed the character of its business two years prior to the actual event shall not be determined by attributing to the base period the results of the taxpayer's operations for its first two excess profits tax taxable years beginning after December 31, 1939, or for any period of time after such date.

Since the amount of normal earnings in the case of a taxpayer which is considered to have commenced business or changed the character of its business two years prior to the actual event is based upon a reconstructed business experience which has been lengthened two years, such amount may exceed the actual earnings realized by the taxpayer during its first or second excess profits tax taxable year. Consequently, the reconstructed normal earnings which would be used as the constructive average base period net income after the second excess profits tax taxable year may not constitute a fair and just amount to be used for the purposes of the excess profits tax for the first or second excess profits tax taxable year. Therefore, in determining the constructive average base period net income to be used in computing the excess profits tax or the unused excess profits credit for the first or second excess profits tax taxable year, the fair and just amount representing normal earnings should be based upon the actual earning capacity which, as of the end of its base period, the taxpayer could reasonably have expected to reach under normal conditions during such first or second excess profits tax taxable year. If the excess profits net income for the taxpayer's first or second excess profits tax taxable year reflects an earning capacity greater than that reasonably established for such year, the amount by which such excess profits net income exceeds the excess profits credit based upon constructive average base period net income represents adjusted excess profits net income subject to excess profits tax. If the excess profits net income for such first or second taxable year is less than the excess profits credit

based upon the constructive average base period net income, the difference is the unused excess profits credit for such year under section 710 (c). See § 35.710–3.

A change in the character of the business for the purposes of section 722 (b) (4) must be substantial in that the nature of the operations of the business affected by the change is regarded as being essentially different after the change from the nature of such operations prior to the change. No change which businesses in general are accustomed to make in the course of usual or routine operations shall be considered a change in the character of the business for the purposes of section 722 (b) (4). Trade custom and practice may be taken into account in determining whether an essential difference in the character of the business has occurred. A change in the character of the business, to be considered substantial, must be reflected in an increased level of earnings which is directly attributable to such change. If such increased level of earnings is not actually realized in the base period, the taxpayer is not precluded from establishing a change in the character of the business provided it can establish that such increased level would have been attained in the base period but was hindered or delayed by unusual and peculiar events or economic circumstances. Such proof may not take into account any increase in earnings after December 31, 1939, as indicative of the fact that a change in the character of the business was productive of increased earnings.

A change in the character of the business includes changes resulting from the following activities:

(1) A change in the operation or management of the business. The introduction of new or substantially different processes of manufacturing or of new or substantially different methods of distribution would constitute a change in the operation of a business; the hiring of new key managing personnel or the adoption of materially new basic management policies by the old management resulting in drastic changes from old policies would constitute a change in the operation or management of the business. However, ordinary technological improvements developed in the course of routine business operations or changes in operating or supervisory personnel normally experienced by business in general and having no effect upon basic business policies would not be considered a change in the operation or management of the business.

Examples of a change in operation or management might be the following:

Corporation A was reorganized in 1936, and the new directors and officers initiated drastic changes in management, sales, and production policies which were not reflected in the corporation's earnings until 1939; a change in management would be deemed to have occurred. In 1937, Corporation B engaged in coal mining converted from a system of hand loading, under which it had lost money, to mechanized loading which reduced operating costs and resulted in profits; a change in operations has occurred. Likewise, Corporation C, which prior to 1938 marketed its product from door to door, in such year changed such sales methods to direct sales to retailers and thereafter realized profits; it would be deemed to have effectuated a change in operations. Corporation D experienced a severe reduction in the volume of its business due in part to economic conditions but principally to financial mismanagement. Early in 1939 new management was provided, new financial policies were adopted, and the volume of business and of earnings was greatly increased as a result thereof; Corporation D is deemed to have made a change in the management of its business.

(2) A difference in the products or services furnished. A product or service is different from another product or service if the trade custom or practice treats it as a product or service of a different class. A mere improvement in the product or service does not constitute a difference in the product or service. For example, a corporation in one year of its base period was engaged in both the radio broadcasting business and the department store business, and on January 1, 1940, was engaged only in the radio broadcasting business, the department store business having been discontinued. The corporation is deemed to have changed the character of its business. The same is true of a radio station which for three years in its base period was operated by a seed and nursery company. Beginning in 1939, the radio station was operated strictly as a commercial venture, the seed and nursery business having been discontinued. Another taxpayer manufactured and sold a variety of products, some under patents it had developed. During the base period it engaged in extensive research, developed new products, perfected and obtained a patent, and employed new marketing methods, enabling it to sell a leading product never before sold in the new markets. A difference in the products furnished is deemed to have resulted.

(3) A difference in the capacity for production or operation. A difference in the capacity for production or operation exists not only where new facilities have been acquired or old facilities enlarged, but also where latent productive or operative equipment is utilized and where newly developed techniques adopted with respect to existing facilities expand the productive or operating capacity of such facilities. Also included are cases where liquid working capital has been increased admitting of an enlarged scope of operations. A radio broadcasting station increased its power during the base period, necessitating changes and expansion of the physical property of the station, and thus enlarged the area it served. The station was thereby enabled to increase its volume of advertising and advertising rates. Such radio station is deemed to have effected a change in its capacity for production or operation. A taxpayer, in addition to its regular business of manufacturing dental equipment, in 1937 entered the field of manufacture of custom-built precision parts and instruments for the aviation industry, using surplus capacity for the purpose. Such activities would be considered to result in a change in the capacity for production and operation and the normal expansion, including expansion of the line of products which it would have experienced in this new field had it entered such field two years earlier, would be considered.

(4) A difference in the ratio of nonborrowed capital to total capital. As used in this paragraph, total capital is the sum of the average equity invested capital and the average borrowed capital for the taxable year. If a taxpayer operated during the base period in whole or in part on borrowed capital, the interest paid or accrued on such capital would be a deduction in computing average base period net income. If during the base period borrowed capital was reduced so that at the end of its base period the interest deduction was reduced, deductions for interest during the base period would be greater than such deductions during the excess profits tax taxable years. If the total capital at the end of the base period was as large as or larger than the total capital prior to the reduction of the borrowed capital, the average base period net income, to the extent that it was reduced by the interest deduction, would furnish an inadequate standard for determining excess profits. If, however, the total capital at the end of the base period was reduced by the amount by which the borrowed capital was reduced, the average base period net income would not necessarily furnish an inadequate standard for determining excess profits since the total amount of capital producing excess profits net income would also be reduced. For the purposes of section 722 (b) (4) a difference in the ratio of nonborrowed capital to total capital does not obtain merely because borrowed capital has been reduced or because equity invested capital has been increased. Such difference arises only when there is a decrease in borrowed capital offset by a corresponding increase in equity capital. In such event the amount of interest, on borrowed capital so retired during the base period, which has been deducted in computing average base period net income shall be disallowed as a deduction in computing constructive average base period net income. For the purposes of the preceding sentence, the amount of borrowed capital retired during the base period shall be limited to the increase in equity invested capital (whether by amounts paid in for stock, as paid-in surplus, or as contributions to capital, or by the amount of accumulated earnings and profits) for such period.

(5) The acquisition before January 1, 1940, of all or part of the assets of a competitor, with the result that the competition of such competitor was eliminated or diminished. The form in which such acquisition was accomplished and whether or not in a transaction in which taxable gain or loss was recognized is immaterial. For example, two competing newspapers were operating at a loss during all or part of the base period. Prior to January 1, 1940, the first newspaper purchased the franchises and other assets of the second newspaper and as a result of this transaction the condition of the surviving paper was much more promising. A difference in the character of the business of the taxpayer has occurred.

Any change in the capacity for production or operation of the business consummated during an excess profits tax taxable year ending after December 31, 1939, as a result of a course of action to which the taxpayer was committed prior to January 1, 1940, or any acquisition before May 31, 1941, from a competitor engaged in the dissemination of information through the public press, of substantially all the assets of such competitor employed in such business with the result that competition between the taxpayer and the competitor existing before January 1, 1940, was eliminated, shall be deemed to be a change on December 31, 1939, in the character of the business.

If the taxpayer establishes that a change in the character of the business deemed to exist on December 31, 1939, actually entered into the operations of the business during the taxable year and that increased earnings would have been realized during the base period (or during some other period of normal earnings, if the base period is not a period of normal earnings) if the business so changed was in full operation during such period, the average base period net income shall be deemed to be an inadequate standard of normal earnings. The taxpayer must also establish by competent evidence that it was committed prior to January 1, 1940, to a course of action leading to such change. Such a commitment may be proved by a contract for the construction, purchase, or other acquisition of facilities resulting in such change, by the expenditure of money in the commencement of the desired change, by the institution of legal action looking toward such change, or by any other change in position unequivocally establishing the intent to make the change and commitment to a course of action leading to such change. The change in the capacity for production or operation referred to in the preceding paragraph means a change such as described in paragraph (d) (3) of this section.

A change in the character of the business deemed to be a change on December 31, 1939, pursuant to the last sentence of section 722 (b) (4), may not be reflected at all in the business of the taxpayer for an excess profits tax taxable year if such change had not yet been consummated by such year, may be partially reflected in such year to the extent that the new productive or operating capacity was utilized, or may be reflected in full for such year if the full normal capacity for production or operation so changed entered into the business of the taxpayer for such year. Consequently it is possible that the level of normal earnings based upon full normal operating capacity during the base period might exceed the level of earnings reached during an excess profits tax taxable year based upon but a portion of full operating capacity. No accurate computation of excess profits or of an unused excess profits credit for an excess profits tax taxable year can reasonably be made with respect to a taxpayer which has not reached full normal operating capacity in such year based upon a comparison of normal earnings representing full operating capacity of such change with excess profits net income from operations for such year based upon but a portion of normal operating capacity of such change. With respect to such an excess profits tax taxable year, the only fair and just standard of normal earnings to be included in the constructive average base period net income as attributable to such change must be based upon normal earnings attributable to the level of operations of the changed capacity for production or operation which normally would have been reached by the taxpayer during such year.

The extent to which the change in the capacity for production or operation entered into the business of the taxpayer for an excess profits tax taxable year shall be deemed to be the extent to which a change in capacity for production or operation existed on December 31, 1939. Therefore the fair and just amount to be included in the constructive average base period net income, as attributable to such change, in computing excess profits for any taxable year of a taxpayer which has consummated a change in capacity for production or operation after December 31, 1939, under section 722 (b) (4), and prior to the time that the full normal earning capacity of such change has been reached, shall be determined upon the basis of the extent to which the changed productive or operating capacity is reflected in the taxpayer's business for such year. The extent to which such changed capacity is reflected in the business for a taxable year shall be based upon the length of time during the taxable year in which the changed capacity for production or operation was utilized and the level of normal production or operation which was reached as the result of such changed capacity.

For an excess profits tax taxable year, prior to the attainment of full normal operating capacity, the fair and just amount of normal earnings attributable to a change in capacity for production or operation consummated after December 31, 1939, may be determined either by multiplying the full normal earnings attributable to normal operating capacity for the base period (or a comparable period) by a percentage representing the extent to which such change is reflected in the taxpayer's business for such year, or by determining normal earnings upon the basis of the operating level which normally would have been reached by such change during such year. To the extent necessary to determine the nature of the change in the capacity for production or operation, and the extent to which such change has been reflected in the taxpayer's business, regard may be had to facts existing after December 31, 1939. Although no regard should be had to actual earnings after December 31, 1939, as indicative of the amount of normal earnings attributable to the change, ratios existing between such earnings and earnings from other operations of the taxpayer or of similar taxpayers or an industry of which the taxpayer is a member may be taken into account. The principles applicable to the determination of the fair and just amount representing normal earnings to be included in constructive average base period net income as attributable to a changed capacity for production or operation shall also be applicable to the determination of such amount in the case of a taxpayer which has before May 31, 1941, acquired substantially all the assets of a competitor engaged in the dissemination of information through the public press, pursuant to the last sentence of section 722 (b) (4).

The determination of normal earnings both in the case of a taxpayer consummating a change in capacity for production or operation after December 31, 1939, and in the case of a taxpayer acquiring before May 31, 1941, assets of a competitor engaged in the dissemination of information through the public press, may be made in the same manner as the determination of normal earnings of a taxpayer which is deemed to have commenced business or to have changed the character of its business two years prior to the actual event.

In no event may any portion of a constructive average base period net income which is attributable to a change in the capacity for production or operation, or to the acquisition of assets of a competitor engaged in disseminating information through the public press with a concomitant elimination of competition be allowed in the computation of the excess profits tax for any taxable year in which such increased capacity or acquisition of assets and the effect of the elimination of competition do not enter into the business of the taxpayer, regardless of the fact that facilities giving rise to such increased capacity or representing assets acquired have been completely constructed or have been actually acquired in such year. For any excess profits tax taxable year subsequent to the year in which the changed capacity or the assets of the competitor and the elimination of competition have been reflected in the business of the taxpayer to the extent of full normal earning capacity, the constructive average base period net income shall include the entire amount of normal earnings attributable to such increased capacity or acquired assets and elimination of competition, regardless of the fact that in such later year the changed capacity or the acquisition of assets and the effect of the elimination of competition are not reflected to the extent of full normal earning capacity.

If a change in the capacity for production or operation, or the acquisition of assets of a competitor, occurs after December 31, 1939, amounts of money or property paid in to the taxpayer after the beginning of its first excess profits tax taxable year might be used in effectuating such change or acquisition. The amounts of money or property so paid in would constitute capital additions to be used in the determination of the net capital addition for an excess profits tax taxable year under section 713 (g) and section 743, and the excess

profits credit based on income is increased by 8 percent of the net capital addition under section 713 (a) (1) (B). In such case the amount otherwise determined as the fair and just amount representing normal earnings attributable to a changed capacity or an acquisition of assets and elimination of competition would duplicate that portion of the excess profits credit based on the net capital addition. Consequently, in computing the constructive average base period net income attributable to the change in the character of the business described in the last sentence of section 722 (b) (4), the fair and just amount representing normal earnings determined without regard to the provisions of this paragraph to be used in the computation of the excess profits tax for a taxable year shall be reduced by an amount equal to 8 percent of that portion of net capital addition for such year which has been utilized in constructing or acquiring the facilities giving rise to such change. Such portion of the net capital addition so utilized shall be deemed to be equal to that percentage of the net capital addition for such year as that portion of the aggregate of the daily capital additions considered to have been expended in the construction or acquisition of such facilities is of the aggregate of the daily capital additions. In no event, however, shall the amount of the constructive average base period net income attributable to the change be reduced to less than zero.

The effect of the last sentence of section 722 (b) (4) may be illustrated by the following examples:

In 1939, Corporation M, a mining company, began the development of a new mine and the construction of a new plant to be used in connection with such mine. The sum of $3,000,000 was expended upon this project in 1939 and 1940. Of this amount, $1,000,000 was paid in for stock of the corporation in 1939 and $2,000,000 was paid in for stock in 1940. Five hundred thousand dollars additional was paid in for stock in 1940 and used as working capital. Assume that for 1941 and 1942, the net capital addition is $2,250,000. The mine and plant were completed and entered production on October 1, 1941, thus being in operation for three-twelfths of the year 1941. During 1941, the level of production reached by the new facilities was 25 percent of normal operating capacity. The facilities were in operation during the entire year 1942 and reached a level of production of 75 percent of normal operating capacity. There will be considered to be a change in the character of the business on December 31, 1939, for purposes of the application of section 722 to the year 1941 and to subsequent years. No claim for relief based upon such facts may be made for the year 1940, since the new facilities were not a part of the taxpayer's business operations for such year. If it is assumed that full normal earnings attributable to full normal operating capacity is $400,000, the fair and just amount to be included in constructive average base period net income for 1941 attributable to the new facilities is $25,000 (three-twelfths multiplied by 25 percent of $400,000, i. e., three-twelfths multiplied by $100,000). This amount should be reduced by $144,000 representing an amount equal to 8 percent of that portion of the net capital addition which has been utilized in the construction of the new facilities (8 percent of $^{2}/_{3}$ of $2,250,000). Since the reduction of $144,000 exceeds the amount of $25,000, there is no constructive average base period net income attributable to the new facilities to be used in computing the excess profits tax for 1941. The fair and just amount to be included in constructive average base period net income for 1942 attributable to the new facilities is $300,000 ($400,000 multiplied by 75 percent). This amount should be reduced by $144,000 computed as provided above. The excess of $300,000 over $144,000, i. e., $156,000, is the amount of constructive average base period net income attributable to the new facilities to be used in computing the excess profits tax for 1942.

Radio broadcasting station R entered into a contract in July 1939, to change its basic network affiliation from a network with a low volume of business and local programs to one of the larger networks with a very large volume of business and Nation-wide programs. This change in the operation of the business enabled the station greatly to increase its revenue, and to serve a larger audience. Although the contract with the new network was signed in July 1939, actual broadcasting of the new network's programs did not start until March 1940. Corporation R, however, is considered to have been committed to a course of action prior to January 1, 1940, which led to a change in capacity for production and operation consummated after December 31, 1939, and thus to have established a change in the character of its business on December 31, 1939.

In April 1941, an evening newspaper acquired substantially all of the assets employed in publishing a competitive morning newspaper, with the result that competition between the taxpayer and the competitor existing prior to January 1, 1940, was eliminated. A change in the character of the business is deemed to have occurred on December 31, 1939, and the taxpayer is eligible for relief under section 722 for the year 1941 and subsequent years.

(e) *Other factors affecting business and resulting in inadequate standard of normal earnings.* If the taxpayer establishes the presence during or immediately prior to the base period of one or more factors which may reasonably be considered to have influenced adversely operations during the base period and to have resulted in unusually low earnings during the base period, and the application of section 722 to the taxpayer would not be inconsistent with the principles underlying the provisions of section 722 (b) and with the conditions and limitations enumerated in such section, the average base period net income shall be deemed to be an inadequate standard of normal earnings.

The purpose of section 722 (b) is to make eligible for relief under section 722 a corporation which would normally use the excess profits credit based on income in ascertaining income subject to excess profits tax but which has experienced conditions affecting it or an industry of which it was a member resulting in an average base period net income which is not an adequate reflection of average normal earnings and which consequently is not an adequate measurement for the determination of excess profits. The excess profits tax is specifically designed to recapture a portion of profits due to the expansion and creation of activities by the war effort. Profits earned during the current excess profits tax return period can therefore furnish no competent guide to what constitutes normal average earnings. The mere fact that the average base period net income of a taxpayer is somewhat, or even considerably, smaller than its anticipated or actual excess profits net income does not necessarily mean that the average base period net income is an inadequate standard of normal earnings. Such average base period net income may reflect the result of normal operations; a larger current income may reflect the effects of the war economy and truly constitute excess profits to be taxed. Since current excess profits net income cannot be taken into account in determining constructive average base period net income, the mere disparity between average base period net income and current income is no basis for a claim for relief under section 722 (b) (5).

Eligibility for relief under section 722 (b) (5) and the determination of a constructive average base period net income must not be inconsistent with the principles, conditions, and limitations contained in section 722 (b) (1), (2), (3), and (4) and § 35.722–3 (a), (b), (c) and (d).

§ 35.722–4 *Determination of excessive and discriminatory tax; taxpayer not entitled to excess profits credit based on income.* Section 722 (c) defines an excessive and discriminatory excess profits tax, computed without regard to the provisions of section 722, for an excess profits tax taxable year, in the case of a taxpayer which is not entitled to use the excess profits credit based on income pursuant to section 713 (or pursuant to section 742, if the taxpayer has acquired the assets of another corporation). This section applies to taxpayers coming into existence after December 31, 1939, which are not entitled to use the excess profits credit based on average base period net income, and to foreign corporations compelled to use the excess profits credit based on invested capital (see section 712 (b)). The excess profits tax of such corporations, computed without regard to section 722, shall be considered to be excessive and discriminatory if the excess profits credit based on invested capital is an inadequate standard for determining excess profits because of one or more of the following reasons:

(a) The business of the taxpayer is of a class in which intangible assets not includible in invested capital under section 718 make important contributions to income. Corporation M commenced business in 1940. Its business was of a class which required little invested capital but necessitated the establishment of contacts with the trade in which it would obtain its customers. It lost money during its first two years of operation, but by 1942 had built up patronage and showed a considerable profit. If its invested capital was very small, its excess profits credit based on invested capital would be an inadequate standard for determining excess profits, and the corporation would be entitled to file a claim for relief under section 722 for the year 1942 and subsequent years.

(b) The business of the taxpayer is of a class in which capital is not an important income-producing factor. An illustration might be a corporation commencing business in June, 1940, doing business as fashion consultants. Although the corporation operates with very little invested capital, it cannot qualify as a personal service corporation under section 725 because it employs a large technical and professional staff. The excess profits credit based upon low invested capital would be an inadequate standard for determining excess profits.

(c) The invested capital of the taxpayer is abnormally low. If the type of business done by the taxpayer is not one in which invested capital is small but the invested capital of the taxpayer is unusually low because of peculiar conditions existing in its case, the excess profits credit based on invested capital will be considered an inadequate standard for determining excess profits. Thus, suppose that a corporation commenced business in 1941 with a leased plant valued at $1,000,000, but with equity invested capital and borrowed capital of only $40,000. If the invested capital of such company is unusually low relative to the size of its operations, its excess profits credit based on invested capital might be an inadequate standard for determining excess profits, and the taxpayer would be subject to an unreasonable tax burden if required to compute its excess profits tax under the invested capital method.

The last sentence of section 722 (a) permits consideration to be given to the nature of the taxpayer and the character of its business under section 722 (c) existing after December 31, 1939, to the extent necessary to establish the normal earnings to be used as constructive average base period net income. In the case of a taxpayer commencing business after December 31, 1939, it is necessary to examine the type of business engaged in, the relationship between its profits and invested capital, its profits and sales, and the profits and invested capital and profits and sales of comparable concerns, the earning capacity of the taxpayer, the character and experience of the management, the nature of the competition encountered, and all other factors pertinent in constructing normal earnings. The mere fact that earnings after December 31, 1939, exceed the amount of the excess profits credit based on invested capital is not of itself an indication that the taxpayer is of a class which shows a higher than average return upon capital or that its invested capital is abnormally low. Therefore any facts or conclusions derived with respect to the period after December 31, 1939, shall be related to the base period; or, if the base period does not represent a period of normal earnings for the type of business exemplified by the taxpayer, to another period of average normal earnings; and in either case the taxpayer must establish that it would satisfy the provisions and conditions of section 722 (c) and of this section for such period.

No exact criteria can be prescribed for the computation of the constructive average base period net income of a taxpayer described in this section. In some cases it may be the average of normal earnings reconstructed for the 48 months preceding the beginning of its first excess profits tax taxable year which would have begun in 1940 (but not after May 31, 1940); in others it might be determined without reconstructing the income for each year in a fictitious base period. In still other cases, if the taxpayer is a member of an industry which was depressed during the base period or which has a variant business cycle or sporadic and intermittent periods of prosperity, the constructive average base period net income might be determined by reference to the average earnings of comparable businesses in the same industry computed for a period of normal average earnings or computed as the average earnings over the period of existence of the industry. If the taxpayer's business is a continuation of a preexisting business enterprise, regard might be had to the experience and earning capacity of such enterprise in order to ascertain normal earnings to be attributed to the taxpayer.

As in the case of taxpayers which are deemed to have commenced business or changed the character of the business two years prior to the actual event, and of taxpayers which after December 31, 1939, have consummated a change in the capacity for production or operation as a result of a course of action to which the taxpayer was committed prior to January 1, 1940, it may not be possible to reconstruct demand, sales, and selling prices based upon such demand and sales upon the basis of actual economic conditions existing within the framework of the base period or other period established to be a period of normal earnings. In certain cases actual demand, sales, and selling prices might not represent reasonable limitations upon the earning level which the taxpayer would have attained had it been in existence during such period. Moreover, the fact that normal earnings are being reconstructed for such period for a business which was not then in existence implies the existence of conditions not necessarily present in the period for which reconstruction is being made. Consequently in proper cases, demand, sales, and selling prices may be established upon the basis of certain assumptions not inconsistent with the hypothesis that the taxpayer was in existence and attained its normal earning level during such period, and not inconsistent with the experience of similar taxpayers which have reached a level of normal earnings, or of an industry of which the taxpayer is a member, which might furnish an indication of economic factors which would have been encountered by the taxpayer in such period.

Since business normally requires a period of development after commencement before attainment of normal earning capacity, the full amount of normal earnings upon which would be based the constructive average base period net income may exceed the excess profits net income for an excess profits tax taxable year. No accurate computation of excess profits or of an unused excess profits credit for an excess profits tax taxable year can reasonably be made with respect to a taxpayer which has not reached full normal earning capacity in such year based upon comparison of normal earnings representing full operating capacity with excess profits net income from operations for such year based upon but a portion of normal operating capacity. With respect to such an excess profits tax taxable year, prior to the year in which the taxpayer has reached its full earning capacity, the only fair and just standard of normal earnings to be used as the constructive average base period net income for such year shall be based upon normal earnings attributable to the level of operations which normally would have been reached by the taxpayer during such year. Such normal earnings may be determined in the same manner as in the case of a change in the capacity for production or operation consummated during a taxable year beginning after December 31, 1939, as a result of a course of action to which the taxpayer was committed prior to January 1, 1940. See § 35.722–3 (d).

Amounts paid into a corporation which is organized and commences business after December 31, 1939, after the beginning of its first excess profits tax taxable year constitute capital additions under section 713 (g) or section 743. An amount equal to 8 percent of the net capital addition is included in computing the excess profits credit based on income under section 713 (a). Since the amount of normal earnings to be used as the constructive average base period net income must be based upon the nature and character of a taxpayer as it exists on a certain date, a portion of such normal earnings may duplicate a portion of the excess profits credit based upon the net capital addition. In order to obviate such duplication, no amount shall be included in the net capital addition which is included in determining the nature of the taxpayer and the character, kind, and size of its business upon the basis of which is determined the constructive average base period net income. Consequently, in any case in which the taxpayer has claimed relief under the provisions of section 722 (c), the beginning of the taxpayers' first excess profits tax taxable year for the purposes of computing that portion of the excess profits credit reflecting net capital additions or reductions under sections 713 (g) and 743, shall be considered to be that date after which capital additions and capital reductions are not taken into account in computing constructive average base period net income. For example, assume that a corporation reporting income on the basis of a calendar year commenced business on April 1, 1940, with $100,000 of property paid in for stock. By November 1, 1940, $200,000 additional had been paid in, and by the end of its taxable year, December 31, 1940, $10,000 additional had been paid in. It is assumed that the corporation is entitled to relief under section 722, and it is determined that a constructive average base period net income should be established with respect to the nature and character of the business of the taxpayer which existed on November 1, 1940. For the purposes of an adjustment to the excess profits credit on account of net capital

additions or reductions based upon section 713 (g), November 1, 1940, rather than April 1, 1940, will be deemed to be the beginning of the taxpayer's first excess profits tax taxable year.

§ 35.722–5 *Application for relief under section 722*—(a) *Requirements for filing.* Except as provided in section 710 (a) (5) and § 35.710–5 (relating to deferment of payment of excess profits tax in certain cases under section 722) and except as provided in (e) of this section, the taxpayer is not permitted to claim the benefits of section 722 in computing its excess profits tax on its return, but must compute its tax, file its return, and pay its excess profits tax without the application of section 722. To obtain the benefits of section 722 for any taxable year beginning after December 31, 1941, a taxpayer not later than six months after the date prescribed by law for the filing of its excess profits tax return for such year must file under oath an application on Form 991 (revised January, 1943) for the benefits of section 722, unless the taxpayer has deferred on its return a portion of its excess profits tax under section 710 (a) (5), or unless the provisions of (d) and (e) of this section are applicable to the taxpayer. For the purposes of this section, the time prescribed by law for filing the return includes the period of any extension of time granted for such filing.

In order to obtain the benefits of an unused excess profits credit computed by using the excess profits credit based on constructive average base period net income for an excess profits tax taxable year beginning after December 31, 1941, as an unused excess profits credit carry-over, the taxpayer must file an application on Form 991 (revised January, 1943) not later than six months after the date prescribed by law for the filing of the excess profits tax return for the year to which such unused excess profits credit carry-over is desired to be applied, except as otherwise provided in (e) of this section. In order to obtain the benefits of an unused excess profits credit computed by using the excess profits credits based on constructive average base period net income for any taxable year as an unused excess profits credit carry-back, a timely application for relief must be filed with respect to the taxable year in which such unused excess profits credit arose except as otherwise provided in (e) of this section. In addition a claim for refund or credit on Form 843 claiming the benefit of the carry-back shall be filed within the period of limitation provided in section 322 applicable to the year to which such carry-back is to be applied.

Except as otherwise provided in this section, the application on Form 991 (revised January, 1943) must set forth in detail and under oath each ground under section 722 upon which the claim for relief is based, and facts sufficient to apprise the Commissioner of the exact basis thereof. The mere statement of the provision or provisions of law under section 722 upon which the claim for relief is based shall not constitute an application for relief within the meaning of section 722. If a claim for relief is based upon section 722 (b) (5) and § 35.722–3 (e) (relating to factors other than those expressly provided by section 722 (b) (1), (2), (3), and (4) and § 35.722–3 (a), (b), (c), and (d)), the application must state the factors which affect the business of the taxpayer, which may reasonably be considered as resulting in an inadequate standard of normal earnings during the base period, and the reasons why the extension of relief under section 722 to the taxpayer would not be inconsistent with the principles underlying the provisions of sections 722 (b) (1), (2), (3), and (4), and § 35.722–3 (a), (b), (c), and (d), and with the conditions and limitations enumerated therein. If it is not possible for the taxpayer within six months from the date prescribed by law for filing its excess profits tax return to obtain, prepare, and present all the detailed information required to establish its eligibility for relief and the amount of its constructive average base period net income, such information may be submitted within a reasonable time after filing the application as a supplement to the application. No new grounds presented by the taxpayer after the date prescribed by law for filing its application will be considered in determining eligibility for relief or the amount of the constructive average base period net income to be used in computing such relief for a taxable year.

If an application for relief has been filed for any prior excess profits tax taxable year, whether under section 722 prior to its amendment by the Revenue Act of 1942 or after such amendment, and if a constructive average base period net income has not been finally determined which may be used by the taxpayer in computing its excess profits tax for the current year, the supporting data and information submitted with such earlier application need not be repeated in Form 991 (revised January, 1943) filed for the current year provided reference is made to such earlier application as constituting part of Form 991 (revised January, 1943) filed for the current year.

In any case in which the taxpayer claims on its excess profits tax return, in accordance with section 710 (a) (5) and § 35.710–5, the benefit of a tax deferment under section 710 (a) (5), it must attach duplicate copies of its completed application for relief under section 722 on Form 991 (revised January, 1943) to its excess profits tax return on Form 1121. If a taxpayer files an excess profits tax return on which is deducted a tax deferment claimed under section 710 (a) (5) without attaching a completed Form 991 (revised January, 1943) thereto, the taxpayer will not be deemed to have claimed on its return in accordance with section 710 (a) (5) and § 35.710–5 the benefits of section 722 (See § 35.710–5.) In such case, the amount of tax shown on the return shall be the amount shown by the taxpayer, increased by the amount of tax deferment improperly claimed. In order to obtain the benefits of section 722 with respect to the tax shown on the return, the taxpayer must file an application for relief under section 722 on Form 991 (revised January, 1943) not later than six months after the date prescribed by law for the filing of the return.

(b) *Method of filing and information required.* The application on Form 991 (revised January, 1943) shall be filed in duplicate with the Commissioner of Internal Revenue, Washington, D. C., attention of the Income Tax Unit, Clearing Division, Claims Control Section, except in those cases in which the taxpayer claims on its excess profits tax return the benefit of a tax deferment pursuant to section 710 (a) (5). In such latter event, the application shall be executed in duplicate and attached to the taxpayer's excess profits tax return on Form 1121 for the taxable year for which such deferment is claimed. Such application shall, in accordance with the provisions of this section, and the instructions on Form 991 (revised January, 1943) set forth the following information:

(1) The name and address of the corporation;

(2) The date and place of incorporation;

(3) The excess profits tax taxable year for which the benefits of section 722 are claimed;

(4) The collection district in which the excess profits tax return for such year was filed;

(5) The date on which the excess profits tax return for the year was filed and the period of extension, if any, granted for the filing of such return;

(6) The excess profits tax shown upon the excess profits tax return for the year (computed prior to the deferment under section 710 (a) (5), to the foreign tax credit under section 729, to the credit for debt retirement under section 783, and to the adjustment under section 734);

(7) The excess profits tax computed after the application of section 722 (computed as prescribed in line 6);

(8) The reduction in tax resulting from the application of section 722;

(9) The adjusted excess profits net income computed without regard to section 722;

(10) The normal tax net income computed without regard to the credit provided in section 26 (e) relating to income subject to excess profits tax;

(11) The percentage of which line 9 is of line 10;

(12) The amount of tax deferred under section 710 (a) (5);

(13) The total net relief claimed with respect to the excess profits tax shown on the return;

(14) The total excess profits tax for the taxable year paid at or prior to the time the application is filed;

(15) The amount of refund or credit for which the application is a claim;

(16) If the application is filed as a result of a deficiency:

(i) The excess profits tax shown in the preliminary notice or notice of deficiency,

(ii) The excess profits tax after application of section 722, and

(iii) The reduction in tax under section 722;

(17) The prior taxable year or years for which an application for a constructive average base period net income has been made;

(18) Whether a constructive average base period net income has been finally determined and used in connection with a prior taxable year, and if so:

(i) The amount determined for use in computing excess profits tax for a prior year,

(ii) The year for which such amount was used,

(iii) The date of determination,

(iv) By whom the determination was made,

(v) The reason for a claim for a constructive average base period net income for use in the taxable year if different from the amount used in a prior year,

(vi) Whether the membership of an affiliated group filing consolidated excess profits tax returns has changed from the year in which a constructive average base period net income was finally determined for such group;

(19) The excess profits net income or deficit in excess profits net income for each taxable year in the base period computed without regard to section 722;

(20) The average base period net income determined without regard to section 722, together with information and computations showing whether there is claimed:

(i) The benefit of section 713(e) (relating to exclusion of deficit or to increase in lowest year in base period), or

(ii) The benefit of section 713(f) (relating to increased earnings in last half of base period);

(21) The amount and the computation of the constructive average base period net income claimed for use in computing excess profits tax for the taxable year;

(22) Whether Supplement A has been availed of in determining average base period net income, and whether a separate constructive average base period net income has been finally determined for any component prior to the time the application is made;

(23) If the business was commenced during the base period or after December 31, 1939, whether such business is a continuation in whole or in part of a previously existing business, and if so, a statement of particulars;

(24) If the taxpayer is a member of an affiliated group making a consolidated excess profits tax return, and if such group is making application for relief under section 722:

(i) The first taxable year for which a consolidated excess profits tax return was made,

(ii) Whether a constructive average base period net income has been finally determined for any member of the group, and

(iii) Names and addresses of each member of the group, and all pertinent information necessary to determine constructive average base period net income of such group;

(25) If the taxpayer came into existence after December 31, 1939, the date after which capital additions and capital deductions were not taken into account in computing constructive average base period net income;

(26) If the benefits of section 711 (a) (1) (I) or 711 (a) (2) (K) (relating to nontaxable income of certain industries with depletable resources) are claimed, a schedule showing the computation of, and the fair and just amount of:

(i) Normal output during the base period, as defined in section 735 (a) (5),

(ii) Normal unit profit as defined in section 735 (a) (9);

(27) If normal production, output, or operation was interrupted during the base period because of unusual and peculiar events (section 722 (b) (1)):

(i) A description of the events and time of occurrence, and

(ii) The taxable years in the base period during which production output or operations were affected;

(28) If the business of the taxpayer was depressed during the base period, or the taxpayer was a member of an industry which was depressed during the base period because of temporary and unusual economic events (section 722 (b) (2)):

(i) A description of the temporary economic events unusual in the case of the taxpayer or an industry of which it was a member, and

(ii) If claim of depression is based on membership in a depressed industry, description of industry, and names and addresses of other members of such industry;

(29) If the business of the taxpayer was depressed in the base period because of membership in an industry affected by conditions subjecting the taxpayer to either a profits cycle differing materially from the general business cycle (section 722 (b) (3) (A)), or sporadic and intermittent periods of profits inadequately represented in the base period (section 722 (b) (3) (B)):

(i) A description of the character of the industry, and names and addresses of other members of the industry,

(ii) Data establishing that the taxpayer was depressed by reason of an unusual profits cycle, or

(iii) Data establishing that the taxpayer was depressed by reason of realization of sporadic profits inadequately represented in the base period;

(30) If the business of the taxpayer was commenced, or if there was a change in the character of the business, immediately prior to or during the base period (section 722 (b) (4)):

(i) The date upon which the commencement of business or the change in the character of the business occurred,

(ii) If a change in the character of the business has occurred:

(a) The nature of the change,

(b) The portion of the definition in section 722 (b) (4) within which such change is claimed to fall, and

(c) Evidence supporting the contention that the average base period net income does not reflect normal operations for the entire base period,

(iii) If the business did not reach by the end of the base period the earning level it would have reached if the business has been commenced, or if the change in character of the business had occurred two years prior to the time the commencement or change occurred, a statement of particulars,

(iv) If a change in capacity for production or operation of the business was consummated during the taxable year beginning after December 31, 1939, as a result of a course of action to which the taxpayer was committed prior to January 1, 1940:

(a) The date upon which such change was consummated, and the extent to which income for such year reflects such change,

(b) Evidence of commitment to a course of action prior to January 1, 1940,

(c) A schedule showing net capital addition or net capital reduction (section 713 (g) (1) or (2)), and the amount of money or property expended after beginning of the first excess profits tax taxable year under the Internal Revenue Code in changing the capacity for production or operation of the business;

(31) If other factors produce an average base period net income which is an inadequate standard of normal earnings, and if the application of section 722 is not inconsistent with the principles and limitations of section 722 (b) (section 722 (b) (5)):

(i) A description of other factors claimed to affect business during the base period and to result in an average base period net income which is an inadequate standard of normal earnings;

(32) If the business of the taxpayer is of a class in which intangible assets not includible in invested capital under section 718 make important contributions to income (section 722 (c) (1)):

(i) Description of character of intangible assets, and

(ii) Names and addresses of other corporations believed to be in the same class of business where intangible assets of a similar character make important contributions to income;

(33) If the business of the taxpayer is of a class in which capital is not an important income-producing factor (section 722 (c) (2)):

(i) A description of the nature of the business and an explanation of why capital is not an important income-producing factor, and

(ii) Names and addresses of other corporations believed to be in the same class of business in which capital is not an important income-producing factor;

(34) If the invested capital of the taxpayer is abnormally low (section 722 (c) (3)):

(i) A description of the circumstances causing invested capital to be abnormally low;

(35) Such other information as may be required by the instructions appearing on Form 991 (revised January 1943) or issued therewith.

(c) *Claim for refund.* The application on Form 991 or Form 991 (revised January 1943) shall be considered a claim for refund or credit with respect to the excess profits tax for the taxable year for which the application is filed which has been paid at or prior to the time such application is filed. The amount

of credit or refund claimed shall be the excess of the amount of excess profits tax for the taxable year paid over the amount of excess profits tax claimed to be payable computed pursuant to the provisions of section 722. In case the taxpayer elects to pay in installments the tax shown upon its return and at the time the application is filed such tax has not been paid in full, the taxpayer should file a claim for refund on Form 843 as promptly as possible after such tax has been paid in full. The information already submitted in the application need not again be submitted on Form 843 if reference is made therein to such application. For limitations upon refunds and credits generally, see section 322. As to procedure upon disallowance of a claim for refund of an excess profits tax which is claimed to be excessive and discriminatory under section 722, see section 732.

(d) *After assertion of deficiency.* If a taxpayer does not file prior to September 16, 1943, with respect to an excess profits tax taxable year beginning in 1940 or 1941 or within the 6-month period provided in section 722 (d) with respect to an excess profits tax taxable year beginning after December 31, 1941, an application under (a) and (b) of this section, it may nevertheless obtain relief under section 722 for such year if there is a deficiency in excess profits tax asserted against it for such year. In such case, the operation of section 722 shall not reduce the excess profits tax for such year determined without reference to such section by an amount in excess of the amount of the deficiency finally determined without reference to such section.

If a preliminary notice of deficiency is issued, the taxpayer may obtain the limited benefits of section 722 described in the preceding paragraph by filing an application on Form 991 (revised January, 1943) within 90 days after the date of such notice, regardless of when or whether a formal notice of deficiency is issued. (See section 272 (a).) If a formal notice of deficiency is issued without the issuance of a preliminary notice or within 90 days after the issuance of a preliminary notice, the taxpayer may claim such benefits in its petition, or amended petition, to The Tax Court of the United States filed in accordance with the rules of The Tax Court and with respect to the deficiency asserted in such formal notice. If, however, a preliminary notice is issued and the taxpayer does not file a timely application on Form 991 (revised January, 1943), and a formal notice of deficiency is issued after the expiration of 90 days from the date of the preliminary notice, the taxpayer cannot claim the benefits of section 722 in a petition, or amended petition filed with The Tax Court of the United States.

A taxpayer filing an application on Form 991 (revised January, 1943) after a preliminary notice of deficiency shall attach to such application a copy of such notice.

(e) *Waiver of limitations for subsequent taxable years.* If constructive average base period net income is finally determined under section 722 (a) with respect to a taxpayer, or if permission is granted by the Commissioner after a determination which has not become final, and if, in the opinion of the Commissioner, no substantial evidence exists which requires a redetermination of such constructive average base period net income for use in any subsequent taxable year, such taxpayer may without the filing of any application on Form 991 (revised January, 1943) use the constructive average base period net income so determined, except as further adjustments may be required by section 711 (b), in computing its excess profits credit based on income and its excess profits tax in any return required to be filed thereafter. If a taxpayer, which pursuant to the preceding sentence would otherwise be entitled to use a constructive average base period net income previously determined, is acquired by another corporation in a transaction which under Supplement A constitutes it a component corporation and the transferee an acquiring corporation, or if such taxpayer becomes a member of an affiliated group which makes a consolidated excess profits tax return, the average base period net income of the acquiring corporation, or the consolidated average base period net income of the affiliated group, as the case may be, may not as of right include such constructive average base period net income. To obtain the benefits of section 722, such acquiring corporation or affiliated group of corporations must file an application on Form 991 (revised January, 1943) and establish eligibility for relief and the fair and just amount representing normal earnings to be used as the constructive average base period net income.

Eligibility for relief and a constructive average base period net income finally determined on behalf of a taxpayer with respect to an excess profits tax taxable year may have to be reestablished with respect to a subsequent taxable year if:

(1) The taxpayer, after the year with respect to which such determination was made, acquires a component corporation in a transaction constituting it an acquiring corporation under Supplement A,

(2) The membership of the taxpayer which is an affiliated group of corporations making consolidated excess profits tax returns has changed subsequent to the year with respect to which the determination was made,

(3) The taxpayer which is an affiliated group of corporation makes its first consolidated excess profits tax return subsequent to the year with respect to which such determination was made on behalf of one or more members of the group,

(4) The taxpayer is deemed to have commenced business or changed the character of its business two years prior to the actual event, and as of the close of its base period could not reasonably except to realize its full earning capacity in the year with respect to which the determination was made,

(5) The taxpayer has effected a change in capacity for production or operation after December 31, 1939, as a result of a course of action to which it was committed prior to January 1, 1940, and the full effect of such change was not reflected in the operations of the business in the year with respect to which the determination was made,

(6) The taxpayer commenced business after December 31, 1939, and the business had not reached its full earning capacity in the year with respect to which the determination was made.

SEC. 723. EQUITY INVESTED CAPITAL IN SPECIAL CASES. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 205 (f), Rev. Act 1942.]

(a) Where the Commissioner determines that the equity invested capital as of the beginning of the taxpayer's first taxable year under this subchapter cannot be determined in accordance with section 718, the equity invested capital as of the beginning of such year shall be an amount equal to the sum of (a) the money plus (b) the aggregate of the adjusted basis of the assets of the taxpayer held by the taxpayer at such time, such sum being reduced by the indebtedness outstanding at such time. The amount of the money, assets, and indebtedness at such time shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary. In such case, the equity invested capital for each day after the beginning of the taxpayer's first taxable year under this subchapter shall be determined, in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, using as the basic figure the equity invested capital as so determined.

(b) The equity invested capital of mutual insurance companies other than life, or marine, shall be the mean of the surplus, plus 50 per centum of the mean of all reserves required by law, both surplus and reserves being determined at the beginning and end of the taxable year. The surplus shall include all of the assets of the company other than reserves required by law.

§ 35.723–1 *Rules where equity invested capital cannot be determined under section 718.* In cases in which the Commissioner determines that the equity invested capital of a corporation as of the beginning of its first excess profits tax taxable year can not be determined in accordance with section 718, such equity invested capital shall be an amount equal to the sum of (a) the money, plus (b) the aggregate of the adjusted basis of the assets, other than money, held by the corporation as of the beginning of such taxable year, such sum being reduced by the indebtedness of the corporation outstanding at such time. The adjusted basis of the assets shall be the adjusted basis for determining loss upon a sale or exchange for Federal income tax purposes. See, in general, section 113 and the regulations prescribed thereunder. For the purposes of section 723 the term "indebtedness" means any liability of the corporation, absolute and not contingent, and includes liabilities assumed by the corporation, whether or not in connection with property held by the taxpayer, and any liabilities to which property held by the corporation is subject, but does not include the obligation of the corporation on its capital stock.

The equity invested capital under section 723 for each day after the first day of the first excess profits tax taxable year of the corporation shall be the basic figure determined under the first paragraph of this section increased or decreased as provided in section 718 and the regulations prescribed thereunder with respect to changes in the equity invested capital occurring after the beginning of such first taxable year. For such purpose the term "accumulated earnings and profits" means the earnings and profits accumulated since the beginning of the first excess profits tax taxable year of the corporation, computed without regard to any deficit in accumulated earnings and profits existing at the beginning of such year. Similarly, the term "earnings and profits" refers only to such accumulated earnings and profits and earnings and profits of an excess profits tax taxable year. In all cases coming under section 723 the taxpayer shall be treated as a corporation newly organized immediately prior to the beginning of its first excess profits tax taxable year with an equity invested capital, consisting of money paid in for stock, equal to the basic figure determined under section 723.

In any case in which a taxpayer finds it impossible to determine its equity invested capital as of the beginning of its first excess profits tax taxable year in accordance with section 718, it may compute its equity invested capital in accordance with section 723, provided it submits with its return a schedule showing such computation, and a statement of the facts upon which it bases its conclusion that it can not compute its equity invested capital under section 718, so that the Commissioner may determine whether its equity invested capital can be computed in accordance with that section.

§ 35.723–2 *Equity invested capital of mutual insurance companies other than life or marine.* The equity invested capital of mutual insurance companies other than life or marine shall be determined as provided in section 723 (b) rather than section 718. The equity invested capital of such insurance companies for any such year shall be the mean of the surplus, plus 50 percent of the mean of all reserve required by law, both surplus and reserve being determined at the beginning and end of the taxable year. For this purpose surplus means the excess of all the assets of the company over the sum of the liabilities of the company, including in such liabilities the reserves required by law. In determining such excess, all the assets of the company, whether admitted or not admitted, shall be included. "Reserves required by law" include not only reserves required by express statutory provisions but also reserves required by the rules and regulations of State insurance departments when promulgated in the exercise of an appropriate power conferred by statute, but do not include assets required to be held for the ordinary running expenses of the business, such as taxes, salaries, and unpaid brokerage. Only reserve commonly recognized as such in insurance accounting are to be taken into consideration in computing the "reserves required by law." In the case of a fire insurance company the only reserves commonly recognized are the "unearned-premiums."

SEC. 724. FOREIGN CORPORATIONS AND CORPORATIONS ENTITLED TO BENEFITS OF SECTION 251—INVESTED CAPITAL. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 212 (a), Rev. Act 1942.]

Notwithstanding section 718, in the case of a foreign corporation engaged in trade or business within the United States, and in the case of a corporation entitled to the benefits of section 251, the invested capital for any taxable year shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, under which—

(a) *General rule.* The daily invested capital for any day of the taxable year shall be the aggregate of the adjusted basis of each United States asset held by the taxpayer on the beginning of such day. In the application of section 720 in reduction of the average invested capital (determined on the basis of such daily invested capital), the terms "admissible assets" and "inadmissible assets" shall include only United States assets; or

(b) *Exception.* If the Commissioner determines that the United States assets of the taxpayer cannot satisfactorily be segregated from its other assets, the invested capital for the taxable year shall be an amount which is the same percentage of the aggregate of the adjusted basis of all assets held by the taxpayer as of the end of the last day of the taxable year which the net income for the taxable year from sources within the United States is of the total net income of the taxpayer for such year.

(c) *Definition of United States asset.* As used in this subsection, the term "United States asset" means an asset held by the taxpayer in the United States, determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary.

§ 35.724–1 *Invested capital of certain foreign corporations and corporations entitled to benefits of section 251.* In the case of a foreign corporation engaged in trade or business within the United States, and in the case of a corporation entitled to the benefits of section 251 (on account of deriving a large portion of its gross income from possessions of the United States), the invested capital for any taxable year shall be invested capital as provided in section 715, 716, 717, and 720, with the following exceptions:

(a) The daily invested capital for each day in the taxable year shall be the aggregate of the adjusted basis of each United States asset as defined in (d) below held by the taxpayer on the beginning of such day. The adjusted basis of each such asset shall be the adjusted basis for determining loss upon a sale or exchange for Federal income tax purposes. The amount of United States assets held at the beginning of each day of the taxable year shall be determined in the same manner as the amount of admissible and inadmissible assets is determined under § 35.720–1. The daily invested capital computed under this section is not affected by the indebtedness of the corporation, and does not include borrowed capital as defined in section 719.

(b) In the application of section 720 in reduction of the average invested capital (determined on the basis of the daily invested capital as provided in (a) above), the terms "admissible assets" and "inadmissible assets" shall include only United States assets. The amount of such admissible assets and inadmissible assets shall be determined in the same manner as provided in § 35.720–1.

(c) In cases in which the Commissioner determines that the United States assets of a corporation can not satisfactorily be segregated from its other assets, the invested capital of the corporation for the taxable year shall be an amount which is the same percentage of the aggregate adjusted basis (for determining loss) of all assets held by the taxpayer as of the end of the last day of the taxable year which the net income for the taxable year from sources within the United States is of the total net income of the taxpayer for such year. For the purposes of this paragraph the net income of the corporation from sources within the United States shall be determined as provided in section 119 and the regulations prescribed thereunder. The provisions of sections 715 and 720 relating to adjustment for inadmissible assets have no application in determining invested capital under section 724 (b).

(d) For the purposes of section 724 the term "United States asset" means an asset either (1) employed by the taxpayer in the United States in carrying on its trade or business therein, or (2) of a kind the income from which is income from sources within the United States under section 119 and the regulations prescribed thereunder irrespective of where the evidence of the property right in such asset is held.

SEC. 725. PERSONAL SERVICE CORPORATIONS. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 223 (b), Rev. Act 1942.]

(a) *Definition.* As used in this subchapter, the term "personal service corporation" means a corporation whose income is to be ascribed primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are the owners at all times during the taxable year of at least 70 per centum in value of each class of stock of the corporation, and in which capital is not a material income-producing factor; but does not include any foreign corporation, nor any corporation 50 per centum or more of whose gross income consists of gains, profits, or income derived from trading as a principal. For the purposes of this subsection, an individual shall be considered as owning, at any time, the stock owned at such time by his spouse or minor child or by any guardian or trustee representing them.

(b) *Election as to taxability.* If a personal service corporation signifies, in its return under Chapter 1 for any taxable year, its desire not to be subject to the tax imposed under this subchapter for such taxable year, it shall be exempt from such tax for such year, and the provisions of Supplement S of Chapter 1 shall apply to the shareholders in such corporation who were such shareholders on the last day of such taxable year of the corporation. Such corporation shall not be exempt for such year if it is a member of an affiliated group of corporations filing consolidated returns under section 141.

§ 35.725–1 *Taxation of personal service corporations.* A personal service corporation is subject to the excess profits tax imposed under Subchapter E of Chapter 2 the same as any other domestic corporation unless it elects as to any

taxable year not to be subject to such tax. Such an election may not be exercised by a corporation filing a consolidated return under section 141. If a corporation is exempt by reason of the exercise of such an election, the provisions of Supplement S of Chapter 1 (sections 391 to 396, inclusive) shall apply to the shareholders in such corporation who were such shareholders on the last day of the taxable year of the corporation. See § 29.394–1 of this chapter. In such case, the amount of the undistributed Supplement S net income shall be considered as paid in to the corporation as of the close of the taxable year as paid-in surplus or as a contribution to capital, and the amount of accumulated earnings and profits as of the close of such year shall be correspondingly reduced. See section 394 (d).

§ 35.725–2 *Definition of personal service corporation*—(a) *In general.* The term "personal service corporation" means a domestic corporation in which capital is not a material income-producing factor and the income of which is to be ascribed primarily to the activities of shareholders who (1) are regularly engaged in the active conduct of the affairs of the corporation, and (2) are the owners, throughout the entire taxable year of at least 70 percent in value of each class of stock of the corporation.

If 50 percent or more of the gross income of a corporation consists of gains, profits, or income derived from trading as a principal, such corporation can not be considered to be a personal service corporation. As to corporations in which less than 50 percent of the gross income is derived from trading as a principal, see (c) below.

(b) *Stock interest of shareholders.* Shareholders regularly engaged in the active conduct of the affairs of the corporation and to whom the income of the corporation is primarily to be ascribed must own at all times during the taxable year at least 70 percent in value of each class of stock of the corporation. If stock is owned by the spouse or minor child of an individual, or owned by the guardian or trustee of such spouse or child, such stock is treated as being owned by such individual.

A corporation can not be considered to be a personal service corporation for any taxable year if another corporation owns more than 30 percent in value of any class of its stock at any time during such year. A corporation is an artificial entity and can not itself be regularly engaged in the active conduct of the affairs of another corporation within the meaning of section 725.

The fact that the ownership of shares in the corporation may change during the course of the taxable year does not take the corporation which is otherwise a personal service corporation out of that class unless at some time during the taxable year the ownership of more than 30 percent in value of the shares of any class of stock passes into the hands of persons not regularly engaged in the active conduct of the affairs of the corporation.

(c) *Income to be ascribed primarily to the activities of shareholders.* If employees other than shareholders contribute substantially to the services rendered by a corporation, such corporation is not a personal service corporation unless, in every case in which services are so rendered, the value of and the compensation charged for such services are to be attributed primarily to the experience or skill of the shareholders and such fact is evidenced in some definite manner in the normal course of the business or profession. The fact that the shareholders give personal attention or render valuable services to the corporation as a result of which its earnings are greater than those of a corporation engaged in a like or similar business or profession, the shareholders of which are not regularly engaged in the activities of the corporation, does not of itself constitute the corporation a personal service corporation.

Income of a corporation from merchandising or trading as a principal, directly or indirectly, in commodities or in the services of others is not to be ascribed primarily to the activities of its shareholders. Income of a corporation from the conduct of an auction, agency, brokerage, or commission business strictly on the basis of a fee or commission may be so ascribed. If, however, either as a matter of business policy or by contract, the corporation assumes any such risks as those of market fluctuations, bad debts, or failure to accept shipments, or if it guarantees the accounts of the purchaser or is in any way accountable to the seller for the payment of the purchase price, the transaction is one of merchandising or trading, and this is true even though the goods are shipped directly from the producer to the consumer and are never actually in the possession of the corporation. The fact that earnings of the corporation are termed commissions or fees is not controlling. The fact that a commission or fee in a transaction is based on a difference in the prices at which the seller sells and the buyer buys raises a presumption that the transaction is one of merchandising or trading, and it will be so considered in the absence of satisfactory evidence to the contrary.

It may happen that a corporation is engaged in two or more businesses or professions which are more or less related. Thus, an engineering concern may also engage in contracting, which amounts to trading in materials and labor, or a brokerage concern may guarantee some of its accounts, or a photographic concern may sell pictures, frames, art goods, and supplies. In such cases, the corporation is not a personal service corporation unless the activities of the corporation consisting of trading or guaranteeing of accounts or selling are negligible or merely incidental, and unless no appreciable part of the earnings is to be ascribed to such activities. See also (e) below relating to the employment of capital.

(d) *Shareholders regularly engaged in the active conduct of the affairs of the corporation.* A corporation is not a personal service corporation unless shareholders who own at all times during the taxable year at least 70 percent in value of each class of stock are regularly engaged in the active conduct of the affairs of the corporation. That such shareholders devote some of their time to the affairs of the corporation is not sufficient; they must with regularity devote substantial time and energy to the conduct of its affairs.

(e) *Capital as a material income-producing factor.* In a personal service corporation capital must not be a material income-producing factor. Whether capital is a material income-producing factor is to be determined by reference to (1) the extent to which capital is required to carry on the business or profession and (2) the extent to which capital is actually used in the production of income though not required by the primary activities of the corporation. If the use of capital is necessary to the production of the income of the corporation and is more than incidental, capital is a material income-producing factor and the corporation is not a personal service corporation. If a substantial portion of the income is attributable to a use of capital, whether or not connected with the primary activities of the corporation, capital is a material income-producing factor even though such use of capital is not necessary to such primary activities. The term "capital" as used in section 725 and in this section means not only capital actually invested by the shareholders but also capital obtained in other ways. Thus, capital may be borrowed either directly as shown by bonds, debentures, certificates of indebtedness, notes, bills payable, or other paper, or indirectly as shown by accounts payable or other forms of credit, or the business of the corporation may be financed in some other manner by its shareholders. If a substantial amount of capital is used to finance or carry the accounts of clients or customers, it will be inferred that because of competition or for other reasons such use of capital is necessary and more than incidental in order to secure or hold business which would otherwise be lost. If a corporation engaged in an agency, brokerage, or commission business regularly employs a substantial amount of capital to lend to its principals, to buy and carry goods on its own account, or to buy and carry odd lots in order that it may render more satisfactory service to its principals or customers, such corporation is not a personal service corporation. In general, the larger the amount of capital actually used the stronger is the evidence that capital is necessary and more than incidental and is a material income-producing factor.

The term "income" as used in section 725 and in this section means gross income. Capital is a material income-producing factor if its use results in a substantial amount of gross income, irrespective of the amount of net income, if any, such use produces.

(f) *Application of regulations; returns.* No definite and conclusive tests can be prescribed by which it can be finally determined in advance of an examination of the corporation's income tax return whether it is or is not a personal service corporation. In the preceding subsections are set forth the general principles under which such determination will be made.

If a corporation claiming to be a personal service corporation signifies in its return under Chapter 1 for any taxable year its desire not to be subject to the excess profits tax under Subchapter E of Chapter 2 for such taxable year, it shall attach Form 1121PS, in duplicate, to its income tax return on Form 1120. In Form 1121PS there shall be stated (1) such facts as tend to show whether or not the corporation is a personal service corporation, including (i) the nature of its business, (ii) the character, preferences, dividend rates, and other essential features of the various classes of its stock outstanding for any time during the taxable year, (iii) the names and addresses of its several shareholders and their relationship to each other, (iv) the number and classes of shares owned at any time during the taxable year by each shareholder and the portion of the year during which such shares were so owned, (v) the nature of the activities of the several shareholders on behalf of the corporation, and (vi) the extent to which capital in any form is used in the business, and (2) the computation of the undistributed Supplement S net income for the taxable year, the names and addresses of all shareholders of the corporation at the close of the taxable year, the number and classes of shares held by each, and such other information as may be required by the form and the instructions printed on the form or issued therewith.

§ 35.725–3 *Election as to taxability.* The election as to taxability provided for in section 725 (b) and the exemption from tax, where such is allowable, have application only to the excess profits tax on domestic corporations imposed under Subchapter E of Chapter 2. The corporation may make such an election by signifying in its return under Chapter 1 its desire not to be subject to the excess profits tax. A new election is required for each taxable year. An amended return filed after the statutory period for filing the return (or after the last day of any extension period) is not a return within the meaning of section 725 (b).

SEC. 726. CORPORATIONS COMPLETING CONTRACTS UNDER MERCHANT MARINE ACT, 1936. [Added by sec. 201, Second Rev. Act 1940.]

(a) If the United States Maritime Commission certifies to the Commissioner that the taxpayer has completed within the taxable year any contracts or subcontracts which are subject to the provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended, then the tax imposed by this subchapter for such taxable year shall be, in lieu of a tax computed under section 710, a tax computed under subsection (b) of this section, if, and only if, the tax computed under subsection (b) is less than the tax computed under section 710.

(b) The tax computed under this subsection shall be the excess of—

(1) A tentative tax computed under section 710 with the normal-tax net income increased by the amount of any payments made, or to be made, to the United States Maritime Commission with respect to such contracts or subcontracts; over

(2) The amount of such payments.

§ 35.726–1 *Corporations completing contracts under Merchant Marine Act of 1936.* (a) Section 726 provides for an alternative tax in the case of a corporation which has been certified by the United States Maritime Commission (hereinafter referred to as the Commission) to the Commissioner as having completed within the taxable year any contracts or subcontracts subject to the provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended (hereinafter referred to as section 505 (b)). Under section 505 (b) a contractor or subcontractor is required to pay to the Commission the amount of profit, if any, in excess of 10 percent of the total contract prices of such contracts or subcontracts.

(b) The alternative tax is in lieu of the excess profits tax computed under section 710 but only if such alternative tax is less than the tax under such section. Such alternative tax is the excess of (1) a tentative tax computed under section 710 with the normal-tax net income increased by the amount of any payments made, or to be made, to the Commission with respect to contracts or subcontracts the completion of which during the taxable year has been certified to the Commissioner by the Commission, over (2) the amount of such payments. The tentative tax under section 726 (b) (1), as is the case with respect to the tax computed under section 710, shall be the lesser of:

(1) An amount equal to 90 percent of the adjusted excess profits net income (section 710 (a) (1) (A)), or

(2) An amount which when added to the sum of the normal tax and surtax for the taxable year equals 80 percent of the corporation surtax net income computed under section 15 (a) but without regard to the credit under section 26 (e) for income subject to excess profits tax (section 710 (a) (1) (B)).

If the tentative tax is computed under section 710 (a) (1) (B) and clause (2) of the immediately preceding sentence, the normal tax and surtax for such purposes shall be the actual normal tax and surtax computed under Chapter 1 and shall be determined by using as the credit under section 26 (e), in computing normal tax net income and corporation surtax net income, the amount of which the tax computed under section 726 (b) pursuant to the provisions of section 710 (a) (1) (A) is 90 percent. The corporation surtax net income for the purposes of section 710 (a) (1) (B) and clause (2) above, computed without regard to the credit under section 26 (e) for income subject to excess profits tax, shall be increased by the amount of any payments made, or to be made, to the United States Maritime Commission with respect to contracts or subcontracts subject to the provisions of section 505 (b). For the computation of tax under section 710 (a) (1) (B), see § 35.710–4 (c).

If the excess profits tax is computed for a taxable year of less than 12 months, the tentative tax shall be the excess profits tax for such taxable year computed under section 711 (a) (3) (see § 35.711 (a)–4), except that for such purpose the corporation surtax net income used to determine the tax under section 710 (a) (1) (B) shall be increased by the amount of any payments made, or to be made, to the United States Maritime Commission with respect to contracts or subcontracts subject to the provisions of section 505 (b).

The application of this paragraph may be illustrated by the following example:

For the calendar year 1942, Corporation S has a normal tax net income, and corporation surtax net income of $300,000, an excess profits net income of $330,000, and an excess profits credit of $75,000. It has paid to the United States Maritime Commission with respect to contracts completed in 1942 and subject to section 505 (b) of the Merchant Marine Act of 1936, as amended, $40,000. Its excess profits tax is $210,222.23, computed as follows:

Excess profits tax under section 710		
1. Excess profits net income		$330,000.00
2. Less specific exemption	$5,000.00	
3. Excess profits credit	75,000.00	
4. Item 2 plus item 3		80,000.00
5. Adjusted excess profits net income (item 1 minus item 4)		250,000.00
6. 90 percent of item 5		225,000.00
7. Corporation surtax net income computed without regard to credit under section 26 (e) relating to income subject to excess profits tax		300,000.00
8. 80 percent of item 7		240,000.00
9. Total normal tax and surtax (item 15)		20,000.00
10. Item 8 minus item 9		220,000.00
11. Excess profits tax (item 6 or item 10 whichever is lesser)		220,000.00
Normal tax and surtax		
12. Normal tax net income and corporation surtax net income computed without regard to credit under section 26 (e)		$300,000.00
13. Less credit under section 26 (e) (amount of which item 6 is 90 percent, i. e., item 5)		250,000.00
14. Normal tax net income and corporation surtax net income		50,000.00
15. Total normal tax and surtax (40 percent of item 14)		20,000.00

Excess profits tax under section 726 (b)

16. Excess profits net income including payment to Maritime Commission		$370,000.00
17. Less specific exemption	$5,000.00	
18. Excess profits credit	75,000.00	
19. Item 17 plus item 18		80,000.00
20. Adjusted excess profits net income		290,000.00
21. Tentative excess profits tax under section 726 (b) (1) and section 710 (a) (1) (A) (90 percent of item 20)		261,000.00
22. Less payments made to Maritime Commission		40,000.00
23. Excess profits tax under section 726 (b) and section 710 (a) (1) (A)		221,000.00
24. Corporation surtax net income including payment to Maritime Commission		340,000.00
25. 80 percent of item 24		272,000.00
26. Total normal tax and surtax (item 35)		21,777.77
27. Tentative excess profits tax under section 726 (b) (1) and section 710 (a) (1) (B) (item 25 minus item 26)		250,222.23
28. Less payments made to Maritime Commission		40,000.00
29. Excess profits tax under section 726 (b) and section 710 (a) (1) (B)		210,222.23
30. Excess profits tax under section 726 (b) (item 29 or item 23 whichever is the lesser)		210,222.23
31. Excess profits tax under section 726 (item 11 or item 30 whichever is the lesser)		210,222.23

Normal tax and surtax for item 26

32. Normal tax net income and corporation surtax net income (item 12)		$300,000.00
33. Less credit under section 26 (e) (amount of which $221,000, item 23, is 90 percent)		245,555.56
34. Normal tax net income and corporation surtax net income		54,444.44
35. Normal tax and surtax (40 percent of item 34)		21,777.77

(c) For the purposes of section 726, a certificate by the Commission that the vessel or portion thereof covered by the contract or subcontract has been delivered during the taxable year shall be deemed to be the certificate required by such section.

(d) A corporation claiming the benefit of section 726 shall attach to its excess profits tax return (1) a certificate of the Commission showing each contract or subcontract subject to the provisions of section 505 (b) which the corporation has completed within the taxable year and (2) a statement showing the amount of payments made, or to be made, to the Commission with respect to such contracts and subcontracts. If the amount of the payments made, or to be made, to the Commission with respect to such contracts or subcontracts has not been ascertained at the time of filing the excess profits tax return, the corporation may estimate the amount of such payments for the purposes of section 726. In such cases, the Commissioner may require a bond from the corporation as a condition precedent to the computation of the tax under that section. If such a bond is required, it shall be on the form prescribed by the Commissioner and in such sum as the Commissioner may prescribe, and it shall be conditioned upon the payment by the corporation of any amount of tax found due upon redetermination of the tax made necessary by the estimated amount under section 726 (b) (2) proving incorrect, and upon such further conditions as the Commissioner may require. The bond shall be executed by the corporation as principal and by sureties satisfactory to the Commissioner. (See also section 1126 of the Revenue Act of 1926, as amended, paragraph 63 of the Appendix to Part 29 of this chapter.)

(e) If the amount actually paid, or to be paid, to the Commission under section 505 (b) differs from the amount used in determining the tax under section 726, the corporation shall immediately notify the Commissioner of the amount actually paid, or to be paid, with respect to the particular contract. The Commissioner will thereupon redetermine the amount of the excess profits tax under section 726, and the amount of tax, if any, found to be due upon such redetermination shall be paid by the corporation upon notice and demand from the collector. The amount of tax, if any, shown upon redetermination to have been overpaid shall be credited or refunded to the taxpayer in accordance with the provisions of section 322.

SEC. 727. EXEMPT CORPORATIONS. [Added by sec. 201, Second Rev. Act 1940; amended by secs. 212 (b) and 223 (a) and (c), Rev. Act 1942.]

The following corporations, except a member of an affiliated group of corporations filing consolidated returns under section 141, shall be exempt from the tax imposed by this subchapter:

(a) Corporations exempt under section 101 from the tax imposed by Chapter 1.

(b) Foreign personal-holding companies, as defined in section 331.

(c) Regulated investment companies as defined in section 361 without the application of section 361 (b) (4).

(e)[1] Personal-holding companies, as defined in section 501.

(f) Foreign corporations not engaged in trade or business within the United States.

(g) Domestic corporations satisfying the following conditions:

(1) If 95 per centum or more of the gross income of such domestic corporation for the three-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources other than sources within the United States; and

(2) If 50 per centum or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business.

(h) Any corporation subject to the provisions of Title IV of the Civil Aeronautics Act of 1938, in the gross income of which for any taxable year beginning after December 31, 1939, there is includible compensation received from the United States for the transportation of mail by aircraft if, after excluding from its gross income such compensation, its adjusted excess profits net income for such year is zero or less.

§ 35.727–1 *Exempt corporations.* (a) A corporation which has established its right under section 101 to exemption from income tax need not again establish its right under section 727 (a) to exemption from excess profits tax. A corporation which has not established its right to exemption under section 101 and which claims exemption under section 727 (a) is required to establish its right to exemption under section 101 in the manner prescribed in the regulations thereunder in order to be held exempt under section 727 (a).

(b) A corporation which claims exemption under the provisions of section 727, other than the provisions of section 727 (a), (g), and (h), shall file with its income tax return a statement showing under what paragraph of section 727 it claims exemption.

(c) A corporation which claims exemption under section 727 (g) shall attach to its income tax return a statement showing for the 3-year period immediately preceding the close of the taxable year (or for such part thereof during which the corporation was in existence) (1) its total gross income from all sources, (2) the amount thereof derived from the active conduct of a trade or business, (3) a description of such trade or business and the facts upon which the corporation relies to establish that such trade or business was actively conducted by it, and (4) the amount of its gross income from sources within the United States. The gross income from sources within the United States shall be determined as provided in section 119 and the regulations prescribed thereunder.

(d) A corporation which claims exemption under section 727 (h) shall attach to its income tax return a statement showing (1) that it is subject to the provisions of Title IV of the Civil Aeronautics Act of 1938, (2) the amount of the compensation included in the gross income of the corporation as compensation received from the United States for the transportation of mail by aircraft, and (3) the amount of its gross income, net income, excess profits net income, and adjusted excess profits net income, after excluding from its gross income the amount of such compensation.

(e) If any corporation described in subsection (a), (b), (c), (e), (f), (g), or (h) of section 727 is a member of an affiliated group of corporations filing consolidated returns under section 141, such corporation shall not be exempt under section 727 for such year.

As to the statute of limitations where no return is filed, see sections 275 (a) and 276 (a).

[1] No subsection (d).

SEC. 728. MEANING OF TERMS USED. [Added by sec. 201, Second Rev. Act 1940.]

The terms used in this subchapter shall have the same meaning as when used in Chapter 1.

SEC. 729. LAWS APPLICABLE. [Added by sec. 201, Second Rev. Act 1940; Amended by sec. 16, Excess Profits Tax Amendments 1941, and by secs. 205 (g), 224 (a), and 225 (b), Rev. Act 1942.]

(a) *General rule.* All provisions of law (including penalties) applicable in respect of the taxes imposed by Chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by this subchapter.

(b) *Returns.* (1) [Not applicable to taxable years under these regulations (section 224 (a), Rev. Act 1942).]

(2) *No return required.* Notwithstanding subsection (a), no return under section 52 (a) shall be required to be filed by any taxpayer under this subchapter for any taxable year for which its excess profits net income, computed with the adjustments provided in section 711 (a) (2) and placed on an annual basis as provided in section 711 (a) (3), is not greater than $5,000 or, in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, is not greater than $50,000.

(3) *Consolidated returns.* For provisions relating to consolidated returns, see section 141.

(c) *Foreign taxes paid.* In the application of section 131 for the purposes of this subchapter the tax paid or accrued to any country shall be deemed to be the amount of such tax reduced by the amount of the credit allowed with respect to such tax against the tax imposed by Chapter 1.

(d) *Limitations on amount of foreign tax credit.* The amount of the credit taken under this section shall be subject to each of the following limitations:

(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources within said country bears to its entire excess profits net income for the same taxable year; and

(2) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year.

§ 35.729–1 *Time and place for filing returns and information to be included.* Excess profits tax returns shall be filed at the same time and place as the time and place prescribed in sections 53 and 235 and the income tax regulations under such sections for the filing of income tax returns. The excess profits tax return of a corporation of income received or accrued:

(a) From the date of its incorporation to the end of its first accounting period, where the period between the date of incorporation and the end of such period is less than 12 months, or

(b) From the beginning of its last accounting period to the date it ceases operations and is dissolved, retaining no assets, where the period between the beginning of the accounting period and such date is less than 12 months,

shall be considered as a return for a fractional part of a year consisting of such period, and shall be filed within the time prescribed for filing returns for taxable years of less than 12 months.

The excess profits tax return shall be on Form 1121 (revised), and such return shall contain all the information required by such form and by these regulations with respect to computation of such tax. The return, however, requires the computation of the tax with only the credit which results in the lesser tax, and a return so filed meets the requirements of the statute. Thus a taxpayer may omit from the return the computation and information with respect to the excess profits credit under section 713 or section 714 which does not result in the lesser excess profits tax and may omit the computation and information with respect to the excess profits net income otherwise to be computed with such omitted credit. A return filed in this manner shall be audited as filed, regardless of whether it may be determined that the use of the omitted credit would result in a lesser tax. A corporation which files a return is not, by reason of the fact that only one method of computing its credit is employed, precluded from using the other method in the computation of its excess profits tax for such taxable year and, if an overpayment results, from filing a claim for the refund of such overpayment within the applicable period of limitation.

For provisions relating to consolidated returns, see section 141 and the regulations prescribed thereunder.

§ 35.729–2 *Time for payment of tax.* The excess profits tax shall be paid at the same time as the time prescribed in sections 56 and 236 and the income tax regulations under such sections for the payment of income tax.

§ 35.729–3 *Foreign tax credit.* The provisions of law made applicable to the excess profits tax by section 729 (a) include section 131 relating to the credit for income, war-profits and excess-profits taxes paid or accrued during the taxable year to any foreign country or any possession of the United States. The taxpayer is allowed such a credit against the excess profits tax if it claims such credit in its Federal income tax return and likewise claims such credit in its excess profits tax return. The amount of such credit allowable against the excess profits tax is (a) the amount of such income, war-profits and excess-profits taxes reduced by (b) the amount of such taxes allowed as a credit under section 131 against the income tax. Thus, for instance, if a taxpayer pays to a foreign country with respect to the calendar year 1942 income tax in the amount of $25,000 upon income from sources therein and, due to the operation of the limitation provisions, contained in section 131 (b), only the amount of $20,000 is allowed as a credit against the income tax for that year, the remainder, or $5,000, is available as a credit against the excess profits tax for the year 1942. The amount thus made available as a credit against the excess profits tax is, however, subject to the further limitations provided in section 729 (d). For the application of the limitations provided in section 729 (d) to the amount of income, war-profits or excess-profits taxes thus made available as a credit against the excess profits tax, see section 131 (b) and the regulations prescribed thereunder.

SEC. 730. CONSOLIDATED RETURNS. [Added by sec. 201, Second Rev. Act. 1940; amended by sec. 7, Excess Profits Tax Amendments 1941, and by sec. 225(a), Rev. Act 1942; not applicable to taxable years under these regulations (sec. 225(a), Rev. Act 1942).]

SEC. 731. CORPORATIONS ENGAGED IN MINING OF STRATEGIC MINERALS. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 204, Rev. Act 1941, and by sec. 226, Rev. Act 1942.]

In the case of any domestic corporation engaged in the mining of antimony, chromite, manganese, nickel, platinum, quicksilver, sheet mica, tantalum, tin, tungsten, or vanadium, the portion of the adjusted excess profits net income attributable to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess profits net income.

§ 35.731–1 *Corporations which mine strategic minerals.* (a) In case a domestic corporation is engaged in mining tungsten, quicksilver, manganese, platinum, antimony, chromite, tin, nickel, sheet mica, tantalum, or vanadium (all of which minerals are hereinafter referred to as strategic minerals), within the United States, the portion of its adjusted excess profits net income attributable to such mining is exempt from excess profits tax. The excess profits tax on the remaining portion of such adjusted excess profits net income is an amount which bears the same ratio to the excess profits tax computed without regard to section 731 as such remaining portion bears to the entire adjusted excess profits net income. The excess profits tax shall be the lesser of:

(1) An amount equal to 90 percent of the adjusted excess profits net income (section 710(a)(1)(A)), or

(2) An amount which when added to the sum of the normal tax and surtax for the taxable year equals 80 percent of the corporation surtax net income computed under section 15(a) but without regard to the credit under section 26 (e) for income subject to excess profits tax (section 710(a)(1)(B)). If the excess profits tax computed without regard to section 731 is determined under section 710 (a) (1) (B) and clause (2) of this paragraph, the normal tax and surtax for such purposes shall be determined by using as the credit under section 26(e) in computing normal tax net income and corporation surtax net income the amount of which the tax computed pursuant to section 710(a)(1)(A) and under section 731 upon the adjusted excess

profits net income other than from mining strategic minerals is 90 percent.

(b) The portion of the adjusted excess profits net income attributable to mining of strategic minerals is an amount which bears the same ratio to the total adjusted excess profits net income as the portion of the excess profits net income attributable to such mining bears to the total excess profits net income. For any taxable year, the portion of the excess profits net income attributable to such mining is the gross income derived from strategic minerals and arising out of operations which give rise to "gross income from the property," as defined in § 29.23 (m)–1 (f) of this chapter, less the sum of (1) allowable deductions which are directly attributable to such mining for such year, (2) any adjustments made under the provisions of section 711 applicable to such year involving items directly attributable to such mining, and (3) an allocable portion of any deductions partly attributable to such mining and of any adjustments under the provisions of section 711 applicable to such year involving items partly attributable to such mining.

(c) There shall be attached to and made a part of the return of any taxpayer claiming the benefits under section 731 a schedule containing the following information:

(1) The amount of gross income from the mining of strategic minerals and from each other activity of the corporation;

(2) The allowable deductions and the adjustments under section 711 directly attributable to such mining; and

(3) The portion of the allowable deductions and of the adjustments under section 711 allocated to such mining and the basis for such allocation.

The following example illustrates the computation of the tax in the case of a corporation entitled to the benefits of section 731:

Example. The M Corporation, a domestic corporation which makes its return on a calendar year basis, mines both gold and platinum (a by-product of gold) and reduces the ores containing such metals. For 1942, the corporation has an excess profits credit of $40,000. Also for 1942 the excess profits net income of the M Corporation attributable to platinum mining is $40,000; that attributable to other activities is $180,000. The normal tax net income and corporation surtax net income computed without regard to the credit under section 26 (e) for income subject to excess profits tax is $200,000. The excess profits tax is $112,314.05, computed as follows:

1. Total excess profits net income		$220,000.00
2. Less specific exemption	$5,000.00	
3. Excess profits credit	40,000.00	
		45,000.00
4. Item 2 plus item 3		175,000.00
5. Adjusted excess profits net income		
6. Less portion attributable to platinum mining $\left(\frac{40,000}{220,000}\text{ of }\$175,000\right)$		31,818.18
7. Remaining portion of adjusted excess profits net income		143,181.82
8. Excess profits tax on adjusted excess profits net income computed without regard to section 731 (90 percent of item 5)		157,500.00
9. Excess profits tax pursuant to section 710 (a) (1) (A) under section 731 on item 7, i. e., portion of item 8 which bears the same ratio to $157,500 (item 8) as portion of adjusted excess profits net income not attributable to platinum mining (item 7) bears to total adjusted excess profits net income (item 5) $\left(\frac{143,181.82}{175,000}\text{ of }\$157,500\right)$ (viz, 90 percent of item 7)		126,863.64
10. Corporation surtax net income computed without credit under section 26 (e) for income subject to excess profits tax		200,000.00
11. 80 percent of item 10		160,000.00
12. Total normal tax and surtax (item 19)		22,727.27
13. Item 11 minus item 12		137,272.73
14. Excess Profits tax pursuant to section 710(a)(1)(B) under section 731 on item 7, i. e., portion of item 13 which bears the same ratio to $137,272.73 (item 13) as portion of adjusted excess profits net income not attributable to platinum mining (item 7) bears to total adjusted excess profits net income (item 5) $\left(\frac{143,181.82}{175,000}\text{ of }\$137,272.73\right)$		112,314.05
15. Excess profits tax under section 731 on portion of adjusted excess profits net income not attributable to platinum mining (item 7) (item 9 or item 14, whichever is the lesser)		112,314.05
Normal tax and surtax		
16. Normal tax net income and corporation surtax income computed without regard to credit under section 26(e) for income subject to excess profits tax		200,000.00
17. Less credit under section 26(e) for income subject to excess profits tax (an amount of which the excess profits tax under section 731 computed without regard to section 710(a)(1)(B) is 90 percent, i. e., an amount of which $128,863.64 (item 9) is 90 percent (viz, item 7)		143,181.82
18. Normal tax net income and corporation surtax net income		56,818.18
19. Total normal tax and surtax (40 percent of item 18)		22,727.27

SEC. 732. REVIEW OF ABNORMALITIES BY BOARD OF TAX APPEALS. [Added by sec. 9, Excess Profits Tax Amendments 1941; amended by sec. 222(c), Rev. Act 1942.]

(a) *Petition to the Board.* If a claim for refund of tax under this subchapter for any taxable year is disallowed in whole or in part by the Commissioner, and the disallowance relates to the application of section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, relating to abnormalities, the Commissioner shall send notice of such disallowance to the taxpayer by registered mail. Within ninety days after such notice is mailed (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) the taxpayer may file a petition with the Board of Tax Appeals, for a redetermination of the tax under this subchapter. If such petition is so filed, such notice of disallowance shall be deemed to be a notice of deficiency for all purposes relating to the assessment and collection of taxes or the refund or credit of overpayments.

(b) *Deficiency found by Board in case of claim.* If the Board finds that there is no overpayment of tax in respect of any taxable year in respect of which the Commissioner has disallowed, in whole or in part, a claim for refund described in subsection (a) and the Board further finds that there is a deficiency for such year, the Board shall have jurisdiction to determine the amount of such deficiency and such amount shall, when the decision of the Board becomes final, be assessed and shall be paid upon notice and demand from the collector.

(c) *Finality of determination.* If in the determination of the tax liability under this subchapter the determination of any question is necessary solely by reason of section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, the determination of such question shall not be reviewed or redetermined by any court or agency except the Board.

(d) *Review by special division of Board.* The determinations and redeterminations by any division of the Board involving any question arising unoer section 721 (a) (2) (C) or section 722 shall be reviewed by a special division of the Board which shall be constituted by the Chairman and consist of not less than three members of the Board. The decisions of such special division shall not be reviewable by the Board, and shall be deemed decisions of the Board.

SEC. 504. CHANGE OF NAME OF BOARD OF TAX APPEALS. (Revenue Act of 1942, Title V.)

* * * * *

(c) *References.* All references in any statute (except this section), or in any rule, regulation, or order, to the "Board of Tax Appeals" or to the "Board" when used in the sense of "Board of Tax Appeals", or to the "member", "members", or "chairman" thereof shall be considered to be made to The Tax Court of the United States, the judge, judges, and presiding judge thereof, respectively.

§ 35.732–1 *Review of abnormalities by The Tax Court of the United States.* Section 732 provides that, in addition to its jurisdiction to redetermine a deficiency, The Tax Court of the United States shall have jurisdiction to review the Commissioner's disallowance of a claim for refund of excess profits taxes, if such disallowance involves the determination of any question relating solely to the application of section 711 (b) (1) (H), (I), (J), or (K), relating to abnormal deductions during the base period, section 721, relating to abnormalities in income in the taxable period, or section 722, relating to general relief from excessive and discriminatory excess profits taxes. The taxpayer's petition must be filed with The Tax Court within

90 days (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) after the sending by registered mail of the notice of disallowance of the claim for refund.

Where the taxpayer has filed such a petition the notice of disallowance of its claim for refund is considered to be a notice of deficiency for all purposes relating to the assessment and collection of taxes or the refund or credit of overpayments. If The Tax Court finds that there has been no overpayment of tax with respect to the taxable year involved, and further finds that there is a deficiency for such year, The Tax Court will determine the amount of such deficiency and such amount shall, when the decision of The Tax Court becomes final, be assessed and paid upon notice and demand from the collector.

The extent and the finality of The Tax Court's jurisdiction with respect to questions involving the sections dealing with abnormalities and general excess profits tax relief are set forth in section 732 (c) and (d). If the ascertainment of the excess profits tax liability for a taxable year is dependent in whole or in part upon the determination of any question which is necessary solely by reason of section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, the determination of such question shall not be reviewed or redetermined by any court or agency except The Tax Court. If the determinations and redeterminations by any division of The Tax Court involve any question arising under section 721 (a) (2) (C) or section 722, such determinations and redeterminations shall be reviewed by a special division of The Tax Court which shall be constituted by the presiding judge and shall consist of not less than three judges of The Tax Court. The decisions of such special division shall not be reviewable by The Tax Court, or by any court or agency, and shall be deemed decisions of The Tax Court. The application of section 732 (c) and (d) may be shown by the following example:

Example. A taxpayer, which is a domestic manufacturing corporation, has filed a claim for refund for a taxable year beginning in 1942, and as a result of the Commissioner's action with respect to such claim, makes the following contentions: first, that it is entitled to a constructive average base period net income of $1,300,000 pursuant to an application filed on Form 991 for relief under section 722 instead of a constructive average base period net income of $900,000 determined by the Commissioner; second, that $100,000 of income from a judgment based upon a claim for patent infringement is net abnormal income attributable under section 721 to prior years whereas the Commissioner has attributed only $60,000 to such years; and third, that the amount of gross income determined by the Commissioner is too large. Since the taxpayer's first contention is predicated upon an issue arising under section 722, the Commissioner's determination is reviewable only by The Tax Court, and any determination or redetermination made by any division of The Tax Court must be reviewed by the special division constituted by the presiding judge; the decision of such special division is the decision of The Tax Court and cannot be reviewed by The Tax Court or any court or agency. The taxpayer's second contention is based upon an issue arising under section 721; therefore the Commissioner's determination is reviewable only by The Tax Court. Since the issue arises under section 721 (a) (2) (A), and not section 721 (a) (2) (C), no further review is required by the special division, and the decision of The Tax Court is final and cannot be reviewed by any court or agency. The taxpayer's third contention does not arise under either section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, but independently of such sections. Consequently review of this issue is not confined to The Tax Court.

SEC. 733. CAPITALIZATION OF ADVERTISING, ETC., EXPENDITURES. [Added by sec. 10, Excess Profits Tax Amendments 1941.]

(a) *Election to charge to capital account.* For the purpose of computing the excess profits credit, a taxpayer may elect, within six months after the date prescribed by law for filing its return for its first taxable year under this subchapter, to charge to capital account so much of the deductions for taxable years in its applicable base period on account of expenditures for advertising or the promotion of good will, as, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, may be regarded as capital investments. Such election must be the same for all such taxable years, and must be for the total amount of such expenditures which may be so regarded as capital investments. In computing the excess profits credit, no amount on account of such expenditures shall be charged to capital account:

(1) For taxable years in the base period unless the election authorized in subsection (a) is exercised, or

(2) For any taxable year prior to the beginning of the base period.

(b) *Effect of election.* If the taxpayer exercises the election authorized under subsection (a)—

(1) The net income for each taxable year in the base period shall be considered to be the net income computed with such deductions disallowed, and such deductions shall not be considered as having diminished earnings and profits. This paragraph shall be retroactively applied as if it were a part of the law applicable to each taxable year in the base period; and

(2) The treatment of such expenditures as deductions for a taxable year in the base period shall, for the purposes of section 734 (b) (2), be considered treatment which was not correct under the law applicable to such year.

§ 35.733–1 *Scope of election to charge to capital account expenditures for advertising or the promotion of good will.* Any taxpayer may, for the purpose of computing its excess profits credit under either the income or the invested capital method, elect to charge to capital account any deductions based upon expenditures for taxable years in its base period on account of advertising or the promotion of good will, to the extent that such expenditures may be regarded as capital investments under the regulations prescribed under section 733. Section 733 provides for an election with reference only to deductions for such expenditures for taxable years in the base period. In order to secure the benefits of that section an election must be made by the taxpayer within six months after the date prescribed by law for filing its return for its first excess profits tax taxable year under Subchapter E of Chapter 2.

The election under section 733 is an election to capitalize all the expenditures in each taxable year in the taxpayer's base period which were for advertising or the promotion of good will and which may be regarded as capital investments under the regulations prescribed under section 733. A taxpayer may not capitalize such expenditures for one base period taxable year and treat as a deduction such expenditures with respect to another base period taxable year. No such expenditures for any taxable year beginning prior to the taxpayer's base period may be charged to capital account. A taxpayer which has failed to make an election under section 733 is not permitted, in computing its excess profits credit, to charge to capital account base period expenditures for advertising or the promotion of good will which have been deducted for taxable years in such period.

§ 35.733–2 *Expenditures which may be regarded as capital investments.* An expenditure for advertising or the promotion of good will may be regarded as a capital investment if, upon consideration of all the facts and circumstances of the particular case, it may be regarded as made for the purpose of increasing the taxpayer's earning capacity over a substantial period subsequent to the taxable year in which such expenditure was made. The fact that a corporation failed, because of operating losses, to receive any benefits with respect to its income tax liability from deductions on account of expenditures is not evidence that such expenditures may be regarded as capital investments. In addition to those expenditures for capital items including good will which, under the provisions of section 24, may not be allowed as deductions, the following expenditures may in any case be regarded as capital investments within the contemplation of section 733:

(a) All advertising expenditures to promote a taxpayer's business in a territory new to such taxpayer, or to promote a new product, department, trade mark, trade brand, or trade name of such taxpayer, for the first 12 months after the taxpayer has begun to develop such new territory, or to promote such new product, department, trade mark, trade brand, or trade name. A new product within the meaning of this section does not include any product which is merely an improvement of an earlier product.

(b) All advertising expenditures for the taxable year to the extent that such expenditures exceed the taxpayer's average annual expenditures on account of advertising for the 48 months preceding the taxable year, or, if the taxpayer was not in existence during the whole of such 48-month period, then for the period during which the taxpayer was in existence.

Every item classifiable under this section as a capital investment constitutes a permanent asset of the taxpayer's business, and no deduction for depreciation will be allowed in respect of such an item.

A taxpayer which has made the election under section 733 may not deduct for any excess profits tax taxable year expenditures made in such year similar to expenditures made during its base period for advertising or the promotion of good will which are treated under sec-

tion 733 for the purposes of its excess profits credit as capital investments. Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct for such excess profits tax taxable year may not be regarded as capital investments under the provisions of this section. The taxpayer shall submit with its excess profits tax return a statement containing complete information with respect to all expenditures for advertising or the promotion of good will made during its excess profits tax taxable year, classified as to those which are deductible and those which may be regarded as capital investments under section 733. The statement filed with the return shall also set forth whether such expenditures were extraordinary in nature or amount and the purpose for which they were made.

§ 35.733–3 *Effect of election.* Section 733 retroactively amends, for the purpose of determining the income tax liability and the excess profits credit of any taxpayer exercising an election under that section, the revenue laws applicable to each of such taxpayer's base period taxable years. Hence, the previous treatment as deductions of expenditures made during the base period for advertising or the promotion of good will which may be regarded as capital investments under the regulations prescribed under section 733 is an erroneous and inconsistent treatment. The normal-tax or special-class net income for each applicable base period taxable year must be recomputed with such expenditures disallowed as deductions, and both the excess profits net income for each such year and the earnings and profits account will be increased in the amount of such disallowed deductions.

The disallowance of deductions in the base period made necessary by this section requires a redetermination of the income tax liability for such years and any deficiencies in tax resulting from the disallowance of such deductions shall be assessed and collected under the internal revenue laws applicable with respect to the assessment and collection of deficiencies for such years. If, however, correction of the effect of the prior inconsistent treatment of such items in the base period years is prevented, within the meaning of section 734 (b) (1) (C), correction shall be made by means of an adjustment under section 734. Since the amount of such an adjustment under section 734 is a part of the excess profits tax, which applies only to taxable years beginning after December 31, 1939, it does not decrease earnings and profits or excess profits net income for any period before the beginning of the taxpayer's first excess profits tax taxable year.

In the case of a taxpayer electing under section 733, the provisions of section 711 (b) (1) (J), relating to abnormal deductions in the base period, do not affect deductions for expenditures for advertising or the promotion of good will which may be regarded as capital investments, since, in such a case, section 733 effects a disallowance of such deductions for income tax purposes before any of the adjustments under section 711 (b) (1) are operative.

SEC. 734. ADJUSTMENT IN CASE OF POSITION INCONSISTENT WITH PRIOR INCOME TAX LIABILITY. [Added by sec. 11, Excess Profits Tax Amendments 1941; amended by sec. 227, Rev. Act 1942.]

(a) *Definitions.* For the purposes of this section—

(1) *Taxpayer.* The term "taxpayer" means any person subject to a tax under the applicable revenue Act.

(2) *Income tax.* The term "income tax" means an income tax imposed by Chapter 1 or Chapter 2A of this title; Title I and Title IA of the Revenue Acts of 1938, 1936, and 1934; Title I of the Revenue Acts of 1932 and 1928; Title II of the Revenue Acts of 1926 and 1924; Title II of the Revenue Acts of 1921 and 1918; Title I of the Revenue Act of 1917; Title I of the Revenue Act of 1916; or section II of the Act of October 3, 1913; a war profits or excess profits tax imposed by Title III of the Revenue Acts of 1921 and 1918; or Title II of the Revenue Act of 1917; or an income, war profits, or excess profits tax imposed by any of the foregoing provisions, as amended or supplemented.

(3) *Prior taxable year.* A taxable year beginning after December 31, 1939, shall not be considered a prior taxable year.

(4) The term "predecessor of the taxpayer" means—

(A) A person which is a component corporation of the taxpayer within the meaning of section 740; and

(B) A person which on April 1, 1941, or at any time thereafter, controlled the taxpayer. The term "controlled" as herein used shall have the same meaning as "control" under section 112 (h), and

(C) Any person in an unbroken series ending with the taxpayer if subparagraph (A) or (B) would apply to the relationship between the parties.

(b) *Circumstances of adjustment.*

(1) If—

(A) in determining at any time the tax of a taxpayer under this subchapter an item affecting the determination of the excess profits credit is treated in a manner inconsistent with the treatment accorded such item in the determination of the income-tax liability of such taxpayer or a predecessor for a prior taxable year or years, and

(B) the treatment of such item in the prior taxable year or years consistently with the determination under this subchapter would effect an increase or decrease in the amount of the income taxes previously determined for such taxable year or years, and

(C) on the date of such determination of the tax under this subchapter correction of the effect of the inconsistent treatment in any one or more of the prior taxable years is prevented (except for the provisions of section 3801) by the operation of any law or rule of law (other than section 3761, relating to compromises),

then the correction shall be made by an adjustment under this section. If in a subsequent determination of the tax under this subchapter for such taxable year such inconsistent treatment is not adopted, then the correction shall not be made in connection with such subsequent determination.

(2) Such adjustment shall be made only if there is adopted in the determination a position maintained by the Commissioner (in case the net effect of the adjustment would be a decrease in the income taxes previously determined for such year or years) or by the taxpayer with respect to whom the determination is made (in case the net effect of the adjustment would be an increase in the income taxes previously determined for such year or years) which position is inconsistent with the treatment accorded such item in the prior taxable year or years which was not correct under the law applicable to such year.

(3) *Burden of proof.* In any proceeding before the Board or any court the burden of proof in establishing that an inconsistent position has been taken (A) shall be upon the Commissioner, in case the net effect of the adjustment would be an increase in the income taxes previously determined for the prior taxable year or years, or (B) shall be upon the taxpayer, in case the net effect of the adjustment would be a decrease in the income taxes previously determined for the prior taxable year or years.

(c) *Method and effect of adjustment.* (1) The adjustment authorized by subsection (b), in the amount ascertained as provided in subsection (d), if a net increase shall be added to, and if a net decrease shall be subtracted from, the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent position is adopted.

(2) If more than one adjustment under this section is made because more than one inconsistent position is adopted with respect to one taxable year under this subchapter, the separate adjustments, each an amount ascertained as provided in subsection (d), shall be aggregated, and the aggregate net increase or decrease shall be added to or subtracted from the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent positions are adopted.

(3) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to one taxable year under this subchapter, result in an aggregate net increase, the tax imposed by this subchapter shall in no case be less than the amount of such aggregate net increase.

(4) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to a taxable year under this subchapter (hereinafter in this paragraph called the current taxable year), result in an aggregate net decrease, and the amount of such decrease exceeds the tax imposed by this subchapter (without regard to the provisions of this section) for the current taxable year, such excess shall be subtracted from the tax imposed by this subchapter for each succeeding taxable year, but the amount of the excess to be so subtracted shall be reduced by the reduction in tax for intervening taxable years which has resulted from the subtraction of such excess from the tax imposed for each such year.

(d) *Ascertainment of amount of adjustment.* In computing the amount of an adjustment under this section there shall first be ascertained the amount of the income taxes previously determined for each of the prior taxable years for which correction is prevented. The amount of each such tax previously determined for each such taxable year shall be (1) the tax shown by the taxpayer, or by the predecessor, upon the return for such prior taxable year, increased by the amounts previously assessed (or collected without assessment) as deficiencies, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or (2) if no amount was shown as the tax by such taxpayer or such predecessor upon the return, or if no return was made by such taxpayer or such predecessor, then the amounts previously assessed (or collected without assessment) as deficiencies, but such amounts previously assessed, or collected without assessment, shall be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. There shall then be ascertained the increase or decrease in each such tax previously determined for each such year which results solely from the treatment of the item consistently with the treatment accorded such item in the determination of the tax liability under this subchapter. To the increase or decrease so ascertained for each such tax for each such year there shall be added interest thereon computed as if the increase or decrease constituted a deficiency or an overpayment, as the case may be, for such prior taxable year. Such interest shall be computed to the fifteenth day of the third month following the close of the excess profits tax taxable year with respect to which the determination is made. There shall be ascertained the difference between the aggregate of such increases, plus the interest attributable to each, and the aggregate of such decreases, plus the interest attributable to each, and the net increase or decrease so ascertained shall be the amount of the adjustment under this section with respect to the inconsistent treatment of such item.

(e) *Interest in case of net increase or decrease.* (1) If an adjustment under this section results in a net decrease, or more than one adjustment results in an aggregate net decrease, the portion of such net decrease or aggregate net decrease, as the case may be, subtracted from the tax which represents interest shall be included in gross income of the taxable year in which falls the date prescribed for the payment of the tax under this subchapter.

(2) If an adjustment under this section results in a net increase, or more than one adjustment results in an aggregate net increase, the portion of such net increase or aggregate net increase, as the case may be, which represents interest shall be allowed as a deduction in computing net income for the taxable year in which falls the date prescribed for the payment of the tax under this subchapter.

§ 35.734–1 *Purpose and scope of section 734.*—(a) *General.* Section 734 provides for an adjustment if a determination of a taxpayer's excess profits tax liability treats an item or transaction affecting the excess profits credit inconsistently with the treatment of such item or transaction in the determination of the income tax liability of the taxpayer, or a predecessor, for a prior taxable year or years. The adjustment is not authorized unless (1) the treatment of the item or transaction for prior taxable years was incorrect under the law applicable to such years, (2) a correction of the effect of such erroneous treatment for one or more of the prior taxable years is prevented by the operation of a provision or rule of law, and (3) the inconsistent position adopted in the determination is asserted and maintained by the party (either the Commissioner or the taxpayer) who would be adversely affected by the adjustment.

(b) *Definitions.* When used in §§ 35.734–1 to 35.734–4 inclusive:

(1) The terms "taxpayer," "income tax," and "prior taxable year" shall have the meaning assigned to such terms by section 734 (a). As to what constitutes a taxable year, see section 48 (a).

(2) The term "predecessor of the taxpayer" shall have the meaning assigned to such term by section 734 (a) (4). It is specifically provided that the term "controlled" as used in such definition shall have the same meaning as "control" under the definition contained in section 112 (h). Accordingly, a person is a predecessor of the taxpayer if, on April 1, 1941, or at any time thereafter, such person owned stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the taxpayer. For the purpose of section 734 it is immaterial that such control did not exist during the taxable year in respect of which the incorrect treatment of the item or transaction occurred, or during the taxable year in respect of which the inconsistent position is adopted in the determination of the excess profits credit of the taxpayer.

Any person which is a component corporation of the taxpayer under the definition contained in section 740 is a predecessor of the taxpayer within the meaning of section 734. Such person may be a corporation, partnership, or a sole proprietor. Any such component corporation is a predecessor of the taxpayer irrespective of the method employed in computing the excess profits credit of the taxpayer.

Under the terms of the definition, any person which is a predecessor of a predecessor in an unbroken series ending with the taxpayer is a predecessor of the taxpayer within the meaning of section 734.

The limitation of the term "predecessor of the taxpayer" to certain cases, and the resulting exclusion of other cases, should not be construed to affect the established judicial doctrines commonly known as estoppel, recoupment, set-off, etc., which may be applied by the courts in appropriate cases.

§ 35.734–2 *Circumstances of adjustment.*—(a) *Determination.* A final determination of the excess profits tax liability is not a prerequisite to an adjustment under section 734. Whenever there is a determination of the excess profits tax liability and the conditions prescribed in section 734 (b) are satisfied, the adjustment is authorized as an essential part of the determination of such tax liability. For example, the making of the excess profits tax return required by section 729 or section 141 is a determination by the taxpayer; the assertion of a deficiency or the allowance or disallowance of a claim for refund is a determination by the Commissioner; and a decision by The Tax Court of the United States or a court is a determination by such Tax Court or court. If any such determination becomes final, the adjustment also becomes final. If, following a determination, there are further proceedings in the case and a subsequent determination which does not adopt the inconsistent treatment of the item or transaction, then no adjustment is authorized as a part of such subsequent determination.

(b) *Correction under ordinary procedure prevented.* An adjustment is authorized only if, on the date of the determination of the excess profits tax liability, correction of the effect of the inconsistent treatment for one or more of the prior taxable years is prevented (except for the provisions of section 3801, relating to mitigation of effect of limitations and other provisions in income tax cases) by the operation, whether before, on, or after the date of enactment of section 734, of any provision of law (other than section 3761, relating to compromises) or rule of law. Such provisions or rules of law include, for example, status of limitations and res judicata.

The ascertainment of whether correction of the effect of the inconsistent treatment is prevented within the meaning of section 734(b) (1) (C) and this section must be made with respect to each income tax for each prior taxable year affected by the erroneous treatment of the item or transaction. Section 734 is not applicable in respect of any income tax for any prior taxable year if, on the date of the determination of the excess profits tax liability, correction of the effect of the erroneous treatment of the item is possible under the ordinary procedure applicable to the assessment and collection of deficiencies or the refund or credit of overpayments, as the case may be, in respect of such tax for such taxable year. See the example under § 35.734–4.

If correction of the effect of the erroneous treatment of the item or transaction with respect to an income tax for a prior taxable year is otherwise prevented, the application of section 734 is not precluded by the fact that the tax for such year may, under appropriate circumstances, be open to an adjustment under section 3801.

If any income tax liability for a prior taxable year has been compromised under section 3761, no adjustment may be made under section 734 with respect to the tax liability compromised.

(c) *Operation dependent upon maintenance of inconsistent position.* An adjustment, with respect to an item or transaction, which would result in a net increase in the amount of the income taxes previously determined for prior taxable years is authorized only if (1) the taxpayer with respect to which the determination is made has, in connection with an item or transaction affecting the determination of its excess profits credit, maintained a position which is inconsistent with the erroneous treatment of such item or transaction for prior taxable years, and (2) such inconsistent position is adopted in the determination.

An adjustment, with respect to an item or transaction, which would result in a net decrease in the amount of the income taxes previously determined for prior taxable years is authorized only if (1) the Commissioner, in connection with an item or transaction affecting the determination of the taxpayer's excess profits credit, has maintained a position which is inconsistent with the erroneous treatment of such item or transaction for prior taxable years, and (2) such inconsistent position is adopted in the determination.

Neither the Commissioner nor the taxpayer is required to adopt an inconsistent position with respect to the treatment of an item or transaction in the determination of the excess profits credit because of the fact that such item or transaction was incorrectly treated in the determination of the income tax liability

of the taxpayer, or a predecessor, for a prior taxable year or years, under the law applicable to such year or years. Such item or transaction may, in the determination of the excess profits credit, be treated in a manner consistent with the incorrect treatment accorded in the determination of the income tax liability if neither the Commissioner nor the taxpayer objects. Either the Commissioner or the taxpayer, however, may insist upon the correct treatment of such item or transaction in the determination of the excess profits credit under the law applicable to the excess profits tax taxable year, but such action constitutes the maintenance of an inconsistent position and will result in an adjustment under section 734, if the party insisting upon such treatment is the party who would be adversely affected by such adjustment.

A taxpayer which has taken an inconsistent position with respect to an item or transaction affecting the determination of its excess profits credit may, upon notice to the Commissioner in writing, withdraw from such position.

Inconsistent treatment within the meaning of section 734 may relate to the principle or rule of law applied in determining the taxable status of an item or transaction, or it may relate only to the amount of the item or transaction which is to be taken into account for tax purposes. The inconsistency is to be ascertained by reference to the actual treatment of the item or transaction for prior taxable years rather than to what the taxpayer or the Commissioner may have urged.

If a determination of the excess profits tax liability for one taxable year adopts with respect to an item or transaction an inconsistent position which results in an adjustment under section 734, similar treatment of the same item or transaction for subsequent excess profits tax taxable years does not authorize a further adjustment under such section.

(d) *Law applicable in determination of error.* Whether there was an erroneous treatment of the item or transaction for prior taxable years is to be determined under the provisions of the internal revenue laws applicable with respect to such years. If the inconsistent treatment adopted in the determination of the excess profits tax liability is based upon an authoritative judicial interpretation of the applicable revenue law which differs from the interpretation of such law accepted in the determination of the tax liability for such prior years, then the treatment accorded the item or transaction for such prior years is erroneous within the meaning of section 734.

Section 734 does not authorize an adjustment if the difference between the treatment accorded an item or transaction in computing the excess profits credit and the treatment accorded such item or transaction in computing the tax liability for prior taxable years is occasioned solely by reason of an adjustment required by a specific provision of the Act, such as the adjustments required by section 711 (b) to normal-tax net income and special-class net income in computing excess profits net income. Since the disallowances under section 733 of deductions on account of expenditures for advertising or the promotion of good will are not required by the Act but are merely permissive at the election of the taxpayer, and since section 733 specifically provides that, if an election is made, the treatment of such expenditures as deductions for prior taxable years shall be considered incorrect, an adjustment under section 734 may be authorized in the case of such a disallowance.

The rule relative to the burden of proof to establish, in any Tax Court or court proceeding, that an inconsistent position has been taken, is prescribed in section 734 (b) (3). If the net effect of the adjustment by reason of the alleged inconsistency would be an increase in the income taxes previously determined for the prior taxable year or years, the burden of proof is upon the Commissioner. If the net effect of such adjustment would be a decrease in the income taxes previously determined for the prior taxable year or years, the burden of proof is upon the taxpayer. Inasmuch as the adjustment under section 734 is a factor in the determination of the excess profits tax liability, the provisions relative to the burden of proof in a Tax Court or court proceeding do not relieve the taxpayer from responsibility for a full disclosure of the facts necessary to the correct determination of the tax liability.

§ 35.734–3 *Method and effect of adjustment.* The adjustment authorized by section 734, although measured by reference to the income taxes previously determined for prior taxable years, does not operate as an adjustment to the income tax liability for such years, but the amount of such adjustment is added to or subtracted from, as the case may be, the excess profits tax otherwise computed for the taxable year with respect to which the inconsistent position is adopted.

No adjustment with respect to an item or transaction is authorized unless the inconsistent position adopted in the determination is maintained by the party who would be adversely affected by such adjustment. See § 35.734–2 (c). Accordingly, if a determination for one taxable year adopts inconsistent positions with respect to several items or transactions, it is necessary to make separate and distinct computations with respect to each such item or transaction in order to ascertain the amount of the potential adjustment with respect to each such item or transaction and whether an adjustment with respect to such item or transaction is authorized. If several adjustments are authorized with respect to one excess profits tax taxable year, the separate adjustments are aggregated and the aggregate net increase or net decrease is added to, or subtracted from, as the case may be, the excess profits tax otherwise computed for such taxable year. In ascertaining the amount of the adjustment with respect to a particular item or transaction, no effect shall be given to the computations made for the purpose of determining the amount of the adjustment with respect to any other item or transaction. If the several authorized adjustments result in an aggregate net increase, the excess profits tax liability for such taxable year shall not in any case be less than the amount of such aggregate net increase.

If the authorized adjustments with respect to one excess profits tax taxable year result in an aggregate net decrease and the amount of such decrease exceeds the excess profits tax (computed without regard to the provisions of section 734) for such year, the excess may be carried over and subtracted from the excess profits tax in each succeeding taxable year until such excess is exhausted. If excesses result from adjustments with respect to two or more excess profits tax taxable years, such excesses shall be carried over in the order of their occurrence.

Example.

	1942	1943	1944	1945	1946	1947
Tax (computed without regard to provisions of section 734)	$10,000	$20,000	$15,000	$7,000	$3,000	$8,000
Aggregate net decrease under section 734	(40,000)		(20,000)			
Excess	(30,000)		(5,000)			

(a) The $30,000 excess from 1942 will be subtracted from the tax of $20,000 for 1943; the remaining $10,000 will not be subtracted from any 1944 tax since such tax has been absorbed by the $20,000 net decrease for that year; such remaining $10,000 will, however, be subtracted from the $7,000 tax for 1945, and the $3,000 tax for 1946.

(b) The full $5,000 excess from 1944 will be subtracted from the tax of $8,000 for 1947, since the excess from 1942 has been exhausted in 1946 and the tax for 1946 has been reduced to zero.

The amount of the credit for foreign taxes allowable under the provisions of section 729 shall be determined before giving effect to any adjustment under this section.

§ 35.734–4 *Ascertainment of amount of adjustment.* To ascertain the amount of the adjustment, it is necessary to determine the amount of the increase or decrease in each income tax previously determined for each of the prior taxable years which would have resulted if the item or transaction erroneously treated had received the correct treatment under the law applicable with respect to such tax for such year. To each such increase or decrease there shall be added interest thereon computed as if the increase or decrease constituted a deficiency or an overpayment, as the case may be, with respect to such tax for such year. In all such cases interest shall be computed to the 15th day of the third month following the close of the excess profits tax taxable year with respect to which the determination of the excess profits tax liability is made.

If only one income tax for one prior taxable year is involved, the increase or decrease in such tax for such year plus the interest thereon is the amount of the adjustment with respect to the particular item or transaction.

If two or more income taxes for one prior taxable year, or two or more prior taxable years are involved, it is necessary to determine the increase or decrease in each income tax previously determined for each such year, plus the interest on each such increase or decrease. The difference between the sum of the increases, including the interest thereon, and the sum of the decreases, including the interest thereon, shall be ascertained and the net increase or net decrease so determined is the amount of the adjustment with respect to the particular item or transaction.

The computation to determine the increase or decrease in each income tax for each year shall be made as follows:

(a) The amount of the tax previously determined must first be ascertained. This may be the amount of tax shown on the taxpayer's return, but if any changes in that amount have been made they must be taken into account, including any adjustment previously made under the provisions of section 820 of the Revenue Act of 1938 or section 3801 of the Internal Revenue Code. In such cases, the tax previously determined will be the tax shown on the return, increased by the amounts previously assessed (or collected without assessment) as deficiencies, and decreased by amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. If no amount was shown as the tax on the return, or if no return was made, the tax previously determined will be the sum of the amounts previously assessed (or collected without assessment) as deficiencies, decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax.

(b) After the tax previously determined has been ascertained, a recomputation must be made to ascertain the increase or decrease in tax represented by the difference, if any, between the tax previously determined and the tax as recomputed upon the basis of the correct treatment of the item or transaction.

With the exception of the items upon which the tax previously determined was based and the item or transaction with respect to which the erroneous treatment occurred, no item shall be considered in computing the amount of the increase or decrease in the tax previously determined. If the treatment of any item upon which the tax previously determined was based, or if the application of any provisions of the internal revenue laws with respect to such tax depends upon the amount of income (e. g., charitable contributions, foreign tax credit, earned income credit), readjustment of such items in conformity with the change in the amount of the income which results from the correct treatment of the item or transaction in respect of which the inconsistent position was adopted is necessary as part of the recomputation.

Example. In December, 1934, the X Corporation in pursuance of a plan of reorganization transferred all of its assets except cash to the Y Corporation in exchange for all of the stock of the Y Corporation, such stock having a fair market value of $300,000. The assets transferred, consisting of real estate and securities, had an adjusted basis in the hands of the X Corporation of $400,000. Among such assets was a building, which was acquired by the X Corporation in 1924, and which had an adjusted basis in the hands of the X Corporation of $100,000 and an estimated remaining life of 20 years. The building had a fair market value of $80,000 at the time of the transfer. Both corporations make their returns on the calendar year basis. The exchange was treated as taxable and the loss of $100,000 realized by the X Corporation was recognized. For each of the years 1935 to 1941, inclusive, the Y Corporation was allowed a deduction for depreciation in the amount of $4,000 computed on the cost basis of $80,000. In its excess profits tax return for the calendar year 1942, the Y Corporation claimed that the assets acquired from the X Corporation should have a basis of $400,000 for invested capital purposes, including a basis of $100,000 for the building, and claimed a deduction of $5,000 for depreciation on the building for such year. This position was based upon the contention that the 1934 exchange was a nontaxable reorganization, resulting from the acquisition by Y Corporation in exchange solely for its voting stock of substantially all of the properties of X Corporation; and that the basis in the hands of the Y Corporation of the assets acquired upon the exchange was the same as the adjusted basis in the hands of the transferor. Timely claims for refund based upon the allowance of additional deductions for depreciation for the taxable years 1939, 1940, and 1941 were filed. The statute of limitations prevents any refund of overpayments or assessment of deficiencies for the taxable years 1934 to 1938, inclusive. The Commissioner's determination of the excess profits tax liability for the calendar year 1942 adopts the inconsistent position asserted by the Y Corporation and, accordingly, if the computation under section 734 (d) discloses a net increase in the taxes previously determined for the taxable years for which correction is prevented, an adjustment is authorized under the provisions of section 734.

The X Corporation was not subject to the income tax imposed by Title IA of the Revenue Act of 1934. Its tax previously determined for the taxable year 1934 is $4,125, computed upon an income of $30,000. The corporation omitted from its gross income an item of rental income amounting to $3,000 and neglected to take a deduction for interest amount to $1,500. During the taxable year it realized a gain of $10,000 from the sale of a capital asset.

The increase in the tax of the X Corporation previously determined for 1934, plus the interest thereon, is computed as follows:

Tax previously determined for 1934		$4,125
Net income for 1934 upon which tax previously determined was based		30,000
Plus: Capital loss previously allowed (limited to capital gain plus $2,000)		12,000
Net income		42,000
Tax as recomputed		5,775
Tax previously determined		4,125
Increase in tax previously determined		1,650
Interest on increase in tax		792
Total increase for 1934		2,442

In accordance with the provisions of section 734 (d), the recomputation does not take into consideration the item of $3,000, representing rental income which was omitted from gross income, or the item of $1,500, representing interest paid, for which no deduction was allowed.

The Y Corporation was not subject to the income tax imposed by Title IA of the Revenue Acts of 1934, 1936, or 1938. The decrease in the tax of the Y Corporation previously determined for each of the taxable years 1935, 1936, 1937, and 1938, which results solely from the allowance of an additional deduction of $1,000 for depreciation in each of such years, plus the interest on each such decrease, is assumed to be as follows:

Year	Tax	Interest	Total
1935	$137.50	$57.75	$195.25
1936	220.00	79.20	299.20
1937	220.00	66.00	286.00
1938	190.00	45.60	235.60

The amount of the adjustment to be added to the excess profits tax of the Y Corporation otherwise determined for the taxable year 1942 is as follows:

Increase for 1934		$2,442.00
Less:		
Decrease for 1935	$195.25	
Decrease for 1936	299.20	
Decrease for 1937	286.00	
Decrease for 1938	235.60	
		1,016.05
Net increase (amount of adjustment authorized)		1,425.95

§ 35.734–5 *Interest.* The portion of an adjustment under section 734 which represents interest is characterized as interest for certain tax purposes and is includible in gross income, or allowable as a deduction in computing net income, as the case may be, for the taxable year in which falls the date prescribed for the payment of the excess profits tax for the taxable year to which the adjustment or, in the case of an adjustment involving a carry-over, the portion of such adjustment is applied, regardless of the method of accounting employed by the taxpayer. The date prescribed for payment of the tax is, in the case of a domestic corporation, the 15th day of the third month following the close of the taxable year and, in the case of a foreign corporation not having an office or place of business in the United States, the 15th day of the sixth month following the close of the taxable year.

Under the rule prescribed, if the adjustments in respect of an excess profits tax taxable year result in a net increase, or an aggregate net increase, the portion of such increase which represents interest shall be allowed as a deduction in computing net income for the succeeding taxable year. Thus, under the facts set forth in the example contained in § 35.734–4, the portion of the net increase which represents interest is $543.45 (interest on increases, $792, minus interest on decreases, $248.55), and such interest is allowable as a deduction in computing net income for the calendar year 1943.

If the adjustments in respect of an excess profits tax taxable year result in a net decrease, or an aggregate net decrease, the interest contained in that portion of such decrease which is subtracted from the tax for any taxable year shall be included in the gross income for the succeeding taxable year. For such purpose, no portion of the amount sub-

tracted in any taxable year shall be deemed to represent interest until the portion of the net decrease which represents tax has been exhausted.

Example. For the calendar year 1942, Corporation X had an excess profits tax liability of $9,000 (computed without regard to section 734) and an authorized adjustment under section 734 resulting in a net decrease of $12,000, of which $8,000 represents tax and $4,000 represents interest. In giving effect to the adjustment, $9,000 will be subtracted from the tax for 1942 and the balance will be carried over to succeeding taxable years. Since $8,000 of the net decrease represents tax, only $1,000 of the amount subtracted in 1942 represents interest and hence $1,000 will be included as interest in the taxpayer's gross income for 1943. The entire amount of the $3,000 to be carried over and subtracted from the tax for a succeeding taxable year represents interest, since the portion of the net decrease which represents tax is exhausted in 1942.

SEC. 735. NONTAXABLE INCOME FROM CERTAIN MINING AND TIMBER OPERATIONS. [Added by sec. 209 (c), Rev. Act 1942.]

(a) *Definitions.* For the purposes of this section, section 711 (a) (1) (I), and section 711 (a) (2) (K)—

(1) *Producer.* The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation.

(2) *Mineral unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property.

(3) *Timber unit.* The term "timber unit" means a unit of timber recovered from the operation of a timber block.

(4) *Excess output.* The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output.

(5) *Normal output.* The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (hereinafter called "base period"), of the person owning the mineral property or the timber block (whether or not the taxpayer). The average annual mineral units or timber units shall be computed by dividing the aggregate of such mineral units or timber units for the base period by the number of months for which the mineral property or the timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes, under regulations prescribed by the Commissioner with the approval of the Secretary, that the operation of any mineral property or any timber block is normally prevented for a specified period of each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of this section, be deemed not to have been in operation during the base period.

(6) *Mineral property.* The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for purposes of such extraction.

(7) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

(8) *Timber block.* The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941.

(9) *Normal unit profit.* The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion computed in accordance with the basis for depletion applicable to the current taxable year) during the base period by the number of mineral units recovered from the mineral property during the base period.

(10) *Estimated recoverable units.* The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year plus the excess output for such year. All estimates shall be subject to the approval of the Commissioner, the determinations of whom, for the purposes of this section, shall be final and conclusive.

(11) *Exempt excess output.* The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 per centum if the excess output exceeds 50 per centum of the estimated recoverable units;

95 per centum if the excess output exceeds 33⅓ but not 50 per centum of the estimated recoverable units;

90 per centum if the excess output exceeds 25 but not 33⅓ per centum of the estimated recoverable units;

85 per centum if the excess output exceeds 20 but not 25 per centum of the estimated recoverable units;

80 per centum if the excess output exceeds 16⅔ but not 20 per centum of the estimated recoverable units;

60 per centum if the excess output exceeds 14⅔ but not 16⅔ per centum of the estimated recoverable units;

40 per centum if the excess output exceeds 12½ but not 14⅔ per centum of the estimated recoverable units;

30 per centum if the excess output exceeds 10 but not 12½ per centum of the estimated recoverable units;

20 per centum if the excess output exceeds 5 but not 10 per centum of the estimated recoverable units.

(12) *Unit net income.* The term "unit net income" means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal or iron ore or the timber recovered from the coal mining property, iron mining property, or timber block, as the case may be, during the taxable year by the number of units of coal or iron ore, or timber recovered from such property in such year.

(b) *Nontaxable income from exempt excess output*—(1) *General rule.* For any taxable year for which the excess output of mineral property which was in operation during the base period exceeds 5 per centum of the estimated recoverable units from such property, the nontaxable income from exempt excess output for such year shall be an amount equal to the exempt excess output for such year multiplied by the normal unit profit, but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year.

(2) *Coal and iron mines.* For any taxable year, the nontaxable income from exempt excess output of a coal mining or iron mining property which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year, or an amount determined under paragraph (1), whichever the taxpayer elects in accordance with regulations prescribed by the commissioner with the approval of the Secretary.

(3) *Timber properties.* For any taxable year, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year.

(c) *Nontaxable bonus income.* The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of a mineral product or of timber the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota.

(d) *Rule in case income from excess output includes bonus payment.* In any case in which the income attributable to the excess output includes bonus payments (as provided in subsection (c)), the taxpayer may elect, under regulations prescribed by the Commissioner with the approval of the Secretary, to receive either the benefits of subsection (b) or subsection (c) with respect to such income as is attributable to excess output above the specified quota.

§ 35.735–1 *General rule.* Section 735 provides specific rules for the computation of nontaxable income from exempt excess output and of nontaxable bonus income which are excluded in the computation of excess profits net income of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in such section.

§ 35.735–2 *Definitions.* For the purposes of section 735, section 711 (a) (1) (I), and section 711 (a) (2) (K):

(a) *Producer.* The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation. Although section 711 (a) (1) (I) and section 711 (a) (2) (K) exclude certain nontaxable income in the computation of excess profits net income in the case of a producer of logs or lumber, a producer of lumber is not within the provisions of this subsection unless such corporation is also a producer of the logs from which such lumber is sawed. An economic interest is possessed in every case in which the taxpayer has acquired, by investment, any interest in minerals in place or standing timber and secures, by any form of legal relationship, income derived from the severance and sale of the mineral or timber, to which it must look for a return of its capital. A taxpayer which has no capital investment in the mineral deposit or standing timber does not possess an economic interest merely because, through a contractual relation to the owner, it possesses a mere economic advantage derived from production. Thus, an agreement between the owner of an economic interest and another entitling the latter to purchase the product upon production or to share in the net income derived from the interest of such owner does not convey an economic interest. The mere ownership of the development and plant necessary to the extraction of the minerals in place or the felling and logging of the timber is not an economic interest for the purposes of section 735. Thus, a corporation which owns the equipment necessary to the extraction of minerals or the logging of timber and which acts as an independent contractor or as an agent in extracting minerals or timber, receiving as consideration a portion of the net income from the property, but which does not own an economic interest in the mineral property or timber block is not a producer within the provisions of this paragraph. However, the owner of the economic interest in the mineral property or timber block and from which the mineral or timber is being extracted by the independent contractor or the agent is the producer within the provisions of this paragraph.

(b) *Mineral unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property. A mineral unit does not mean the number of units of minerals as defined in paragraph (g) of this section but refers to the units of metal, coal, or nonmetallic substances contained in such minerals. If a corporation extracts from the same mineral property two or more minerals containing different metals, coal, or nonmetallic substances, or if two or more metals, coal, or nonmetallic substances are contained in the same mineral extracted by a corporation from a mineral property, a determination of mineral units must be made with respect to each type of metal, coal, or nonmetallic substance contained in such minerals. A unit is any designation of quantity, such as ton, pound, quart, ounce, kilogram, gram, etc., customarily used by the taxpayer as a standard of measurement.

(c) *Timber unit.* The term "timber unit" means a unit of timber recovered from the operation of a timber block. It does not mean the units of lumber, boards, or other wood products sawed from the timber, but refers to the actual logs felled prior to processing at the sawmill. The fact that more than one species of timber is cut by a taxpayer from a timber block shall not be taken into account and a timber unit shall not be established with respect to each species of timber. A unit is any designation of quantity such as board feet measure, log scale, cords, or other units customarily used by the taxpayer as a standard of measurement.

(d) *Excess output.* The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output. If the taxpayer operated two or more mineral properties or two or more timber blocks, the excess output shall be determined with respect to each such mineral property and each such timber block and shall not be computed upon the basis of the aggregate of the mineral properties or timber blocks owned by the taxpayer. If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the determination of the excess output of mineral products extracted from such mineral property for an excess profits tax taxable year shall be made with respect to each separate type of metal, coal, or nonmetallic substance, i. e., the amount by which the mineral units of each type for the taxable year exceeds the normal output of such type. The excess output of a mineral property from which minerals are extracted containing two or more types of metals, coal, or nonmetallic substances shall not be made upon an aggregate basis, i. e., the amount by which the aggregate of all types of mineral units for the taxable year exceeds the aggregate of the normal output of all such types.

The mineral units for an excess profits tax taxable year shall be the number of units of metal, coal, or nonmetallic substances in the minerals recovered from a mineral property during the taxable year, which would be used in computing the allowance for depletion for the purposes of Chapter 1 if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 29.23 (m)–2 of this chapter.

The timber units for an excess profits tax taxable year shall be the number of units of timber felled during the year, which is used in the computation of the depletion allowance for the purposes of Chapter 1. See § 29.23(m)–21 of this chapter. However, no timber felled or logs cut from standing timber acquired after December 31, 1941, shall be considered in determining the number of timber units for the taxable year.

(e) *Normal output.* The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (referred to in §§ 35.735–1 through 35.735–5 as the base period) of the person owning the mineral property or the timber block, whether or not such person is the taxpayer claiming relief under section 711 (a) (1) (I) or section 711(a) (2) (K), and section 735. A person includes an individual, a trust, estate, partnership, company, or corporation. See section 3797. If the mineral property or timber block was not owned by the taxpayer for the entire base period, the taxpayer must, in its first excess profits tax return in which the benefits of section 711(a) (1) (I) or section 711 (a) (2) (K), and section 735 are claimed, state the name and address of each person owning the mineral property or timber block during the base period and submit evidence establishing the mineral units or the timber units recovered from the mineral property or timber block by such other person during the period of its ownership, and the number of months in such period.

In any case in which two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, a normal output shall be computed with respect to each type of metal, coal, or nonmetallic substance in such minerals.

The average annual mineral units or timber units shall be computed by dividing the aggregate of the mineral units of each type of metal, coal, or nonmetallic substance or the aggregate of the timber units for the base period by the number of months for which the mineral property or timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes that the operation of a mineral property or a timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. If any excess profits tax taxable year for which excess output is computed for the purposes of section 735 is a taxable year of less than twelve months, the number of months in such year, in lieu of twelve and in lieu of the number of months specified in the preceding sentence (if less than such number of months), shall be used in computing the average annual mineral units or timber units.

The mineral units for a taxable year in the base period shall be the number of units of each type of metal, coal, or nonmetallic substance in the minerals recovered from a mineral property during the taxable year, which would be used in computing the depletion allowance for the purposes of Chapter 1 if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 29.23 (m)–2 of this chapter. The timber units for a taxable year shall be the number of units of timber felled during the year used in the computation of the depletion allowance for the purposes of Chapter 1. See § 29.23 (m)–21 of this chapter.

Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of section 735, be deemed not to have been in operation during the base period. Such months need not be consecutive months.

(f) *Mineral property.* The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for the purposes of such extraction. The term "mineral deposit" refers to the minerals in place. The taxpayer's interest in each separate mineral property is a separate "property." If the mineral deposit in which a taxpayer owns an economic interest extends beyond the boundaries of a single tract or parcel of land a separate mineral property exists with respect to each tract or parcel of land into which the mineral

deposit extends. Where two or more mineral properties are included in a single tract or parcel of land, the taxpayer's interest in such mineral properties may be considered to be a single "property," provided such treatment is consistently followed.

(g) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

(h) *Timber block.* The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941. In those cases in which the point of manufacture is at a considerable distance, or in which the logs or other products will probably be sold in a log or other market, the block may be a logging unit which includes all of the taxpayer's timber which would logically be removed by a single logging development.

(i) *Normal unit profit.* The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion determined in accordance with the basis for depletion, cost basis depletion, discovery value depletion, or percentage depletion, applicable to the current taxable year) during the base period by the total number of mineral units recovered from the mineral property during the base period.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a normal unit profit shall be established for each class of mineral unit. The normal unit profit for each class of mineral unit shall be determined by dividing the net income with respect to such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property during the base period by the total number of mineral units of such class for the base period.

(l) *Net income.* Net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion) means the "gross income from the property" as defined in subparagraph (2) of this paragraph less the allowable deductions attributable to the mineral property with respect to which exempt excess output is computed and the allowable deductions attributable to the processes listed in subparagraph (2) in so far as they relate to the product of such property, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be computed in accordance with the provisions of section 23(m) and section 114(b) and the regulations thereunder. The allowance for depletion for each year during the base period shall, for the purposes of section 735, be computed upon the same basis used in computing the allowance for depletion during the excess profits tax taxable year beginning after December 31, 1941, for which the benefits of section 735 are claimed. Thus, if during the base period the taxpayer computed the allowance for depletion with respect to a mineral property upon the cost basis, and if during each excess profits tax taxable year, for which the benefits of section 735 are claimed, the taxpayer computes the allowance for depletion based upon a percentage of income, the allowance for depletion for each year in the base period shall be recomputed as a percentage of income under the law applicable to each such year. In cases where the taxpayer engages in activities in addition to mineral extraction and to the processes listed in subparagraph (2), deductions for depreciation, taxes, general expenses, and overhead, which cannot be directly attributed to any specific activity, shall be fairly apportioned between (i) the mineral extraction and the processes listed in subparagraph (2) and (ii) the additional activities, taking into account the ratio which the operating expenses directly attributable to the mineral extraction and the processes listed in subparagraph (2) bear to the operating expenses directly attributable to the additional activities. If more than one mineral property is involved, the deductions apportioned to the mineral extraction and the processes listed in subparagraph (2) shall, in turn, be fairly apportioned to the several properties, taking into account their relative production.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a net income with respect to each type of metals, coal, or nonmetallic substance shall be established. Such net income shall be the gross income with respect to such type minus the allowable deductions for such year attributable to such type. The allowable deductions for any taxable year attributable to each type of metal, coal, or nonmetallic substance shall be computed as follows: There shall be determined an amount which bears the same ratio to the total allowable deductions (not including the allowance for depletion) attributable to the mineral property from which the minerals containing such type of metal, coal, or nonmetallic substance has been recovered, as the gross income from such type of metal, coal, or nonmetallic substance bears to the total gross income from such property. To this amount shall be added the allowance for depletion computed with respect to such type of metal, coal, or nonmetallic substance.

(2) *Gross income from the property.* For the purposes of section 735 the term "gross income from the property" for any year in the base period means the amount for which the taxpayer sold the crude mineral product (the product in the form in which it emerges from the mine) of the mineral property in the immediate vicinity of the mine, but, if the product was transported or processed (other than by processes excepted below) before sale, it means the representative market or field price (as of the date of sale) of crude mineral product of like kind and grade before such transportation or processing. If there was no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any process or processes (or, if the product in its crude state was merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes not listed below. The processes excepted are as follows:

(i) In the case of coal—cleaning, breaking, sizing, and loading at the mine for shipment;

(ii) In the case of sulphur—pumping to vats, cooling, breaking, and loading at the mine for shipment;

(iii) In the case of iron ore, ball and sagger clay or rock asphalt, and ores which are customarily sold in the form of the crude mineral product—sorting or concentrating to bring to shipping grade, and loading at the mine for shipment; and

(iv) In the case of lead, zinc, copper, gold, silver, or fluorspar ores and ores which are not customarily sold in the form of the crude mineral product—crushing, concentrating (by gravity or flotation), and other processes to the extent to which they do not beneficiate the product in greater degree (in relation to the crude mineral product on the one hand and the refined product on the other) than crushing and concentrating (by gravity or flotation).

In case any of the excepted processes were not applied in the immediate vicinity of the mining district in which the mine is located, costs incurred for transportation to the processing location and, if transported by taxpayer, the proportionate profits attributable to transportation should be subtracted from the sale price of the product to determine "gross income from the property."

There shall be excluded in determining the "gross income from the property," for each year in the base period, an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the property and were not otherwise excluded from the "gross income from the property." If royalties in the form of bonus payments were paid in respect of the property in a taxable year in the base period or any prior years, or if advanced royalties were paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from "gross income from the property" for a taxable year in the base period on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year.

If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the base period, and in an excess profits tax taxable year for which the benefits of section 735 are claimed owns an economic interest in such property which does not require the payments of rents, royalties, or bonus payments, the amount of such rents, royalties, and bonuses paid during the base period shall, for the purposes of section 735, not be deducted in the computation of the gross income from the property. If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the base period and in an excess profits tax taxable year for which the benefits of section 735 are claimed pays rents, royalties, or bonuses in amounts different from those paid during the base period because of a change in its economic interest, the gross income from the property during the base period shall be recomputed as if the new contractual terms pursuant to which the new rents, royalties, or bonuses are paid had been in effect during the base period. If the economic interest of the taxpayer during the base period was such that it did not pay rents, royalties, or bonuses, but such interest has changed so that during the excess profits tax taxable year for which the benefits of section 735 are claimed the taxpayer pays rents, royalties, or bonuses, the gross income from the property during the base period shall be recomputed as if the contractual agreement pursuant to which rents, royalties, or bonuses are paid during the excess profits tax taxable year were in full force and effect during the base period. If the economic interest of a person other than the taxpayer in the mineral property during any year in the base period was different from the economic interest of the taxpayer in the excess profits tax taxable year for which the benefits of section 735 are claimed, the gross income of such person from the property during such base period year shall be recomputed as if its economic interest in the mineral property were the same as the economic interest of the taxpayer in the excess profits tax taxable year for which the benefits of section 735 are claimed.

If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the gross income from such property shall be allocated to each type of metal, coal, or nonmetallic substance for which a separate mineral unit is established. If the gross income from the property is determined by excluding the costs and proportionate profits attributable to transportation and to the processes not listed above, or if such gross income is an amount different from the gross proceeds received from the sale of the minerals, the gross income attributable to each type of metal, coal, or nonmetallic substance shall be an amount which bears the same ratio to the gross income from the property which the gross proceeds received from the sale of such type of metal, coal, or nonmetallic substance in the minerals bears to the total gross proceeds received from the sales of all such types.

(j) *Estimated recoverable units.* The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the excess profits tax taxable year for which the benefits of section 735 are claimed plus the excess output for such year. If the number of recoverable units of metal, coal, and nonmetallic substances in the minerals in the property have been previously estimated for the prior year or years, and if there has been no known change in the facts upon which the prior estimate was based, the number of recoverable units of metal, coal, and nonmetallic substances in the minerals in the property as of the taxable year will be the number remaining from the prior estimate. Thus, the recoverable units estimated to remain at the end of a taxable year shall be computed, generally, as the estimated recoverable units as of the beginning of the taxable year minus the output for the year. In any case in which it is ascertained either by the taxpayer or the Commissioner as the result of operations or development work prior to the close of the taxable year that the remaining recoverable mineral units are materially greater or less than the number remaining from the prior estimate, the estimate of the remaining recoverable units shall be revised and the revised estimate will be used for the purposes of computing exempt excess output under the provisions of section 735 (a) (11) and § 35.735–2 (k) unless a change in the facts requires another revision. Regardless of the method of determining the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the excess profits tax taxable year, the estimated recoverable units for the purposes of section 735 shall be the number of such units plus the excess output for such year. The estimated number of units of metal, coal, or nonmetallic substance in the estimated recoverable mineral means the metal, coal, or nonmetallic substance content of the minerals and not the estimated recoverable units of the minerals which are the ores of the metals, coal, or nonmetallic substances. The estimated recoverable units from any mineral property shall be determined with respect to each type of metal, coal, or nonmetallic substance in the estimated recoverable minerals and shall not be determined as the aggregate of all classes of mineral units attributable to all such types of metal, coal, or nonmetallic substances. As to the determination of the estimated recoverable units of mineral products, see § 29.23 (m)–9 of this chapter.

All estimates of recoverable units of metal, coal, and nonmetallic substances in the estimated recoverable minerals from the mineral property shall be subject to the approval of the Commissioner, and the determination of the Commissioner for the purposes of section 735 shall be final and conclusive.

(k) *Exempt excess output.* The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 percent if the excess output exceeds 50 percent of the estimated recoverable units;

95 percent if the excess output exceeds 33⅓ but not 50 percent of the estimated recoverable units;

90 percent if the excess output exceeds 25 but not 33⅓ percent of the estimated recoverable units;

85 percent if the excess output exceeds 20 but not 25 percent of the estimated recoverable units;

80 percent if the excess output exceeds 16⅔ but not 20 percent of the estimated recoverable units;

60 percent if the excess output exceeds 14⅔ but not 16⅔ percent of the estimated recoverable units;

40 percent if the excess output exceeds 12½ but not 14⅔ percent of the estimated recoverable units;

30 percent if the excess output exceeds 10 but not 12½ percent of the estimated recoverable units;

20 percent if the excess output exceeds 5 but not 10 percent of the estimated recoverable units.

Since the excess output and the estimated recoverable units, in the case of a mineral property from which are extracted minerals containing two or more types of metal, coal, or nonmetallic substances, shall be determined with respect to the mineral units comprising the excess output and the mineral units contained in the estimated recoverable units for each separate type of metal, coal, or nonmetallic substance, the percentage which the excess output is of the estimated recoverable units shall be based upon the excess output and the estimated recoverable units of each separate type and shall not be computed with respect to the aggregate of all classes of mineral units. The percentage so determined with respect to each separate type of metal, coal, or nonmetallic substance shall then be multiplied by the excess output of such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property, and the product of the two shall be considered the exempt excess output of that type of metal, coal, or nonmetallic substance.

(l) *Unit net income.* The term "unit net income" means the amount of net income per mineral unit of coal or iron or per timber unit for any excess profits tax taxable year for which the benefits of section 735 are claimed. It is ascertained by dividing the net income (computed with the allowance for depletion used in computing net income for the purposes of Chapter 1 for such year) from the coal or iron ore, or the timber, recovered during the taxable year from the coal mining property, the iron mining property, or the timber block, as the case may be, by the number of mineral units contained in the coal or iron ore recovered from such coal or iron mining property or by the number of timber units recovered from such timber block, in such year.

For the purposes of section 735(a)(12) and section 735(b)(2), the term "coal mining property" means the aggregate of all tracts or parcels of land containing coal deposits in which economic interests were owned, and from which coal was

extracted, by the taxpayer at any time after the beginning of the base period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which coal was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that the coal extracted therefrom by the taxpayer was processed at a single preparation plant, regardless of whether the economic interest in one such tract or parcel of land differed from that in another.

For the purpose of section 735(a)(12) and section 735(b)(2), the term "iron mining property" means the aggregate of all tracts or parcels of land containing iron ore deposits in which economic interests were owned, and from which iron ore was extracted, by the taxpayer at any time after the beginning of the base period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which iron ore was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that such tracts or parcels of land were operated by the taxpayer as an operation unit, regardless of whether the economic interest in one tract or parcel of land differed from that in another.

The net income (computed with the allowance for depletion) from the coal or the iron ore recovered from the coal mining property or the iron mining property during an excess profits tax taxable year for which the benefits of section 735 (b) (2) are claimed shall be the net income from the coal mining property or iron mining property from which such coal or iron ore is recovered, computed in a manner similar to that described in § 35.735–2 (i) with respect to a mineral property as if such coal mining property or iron mining property were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be computed according to sections 23 (m) and 114, and the regulations thereunder.

The determination of net income from a timber block for an excess profits tax taxable year must be made with respect to each timber block separately and cannot be made with respect to the aggregate of the timber blocks owned by the taxpayer. Net income from a timber block includes only income which is attributable to that portion of the operation unit which was in existence on December 31, 1941; net income attributable to any standing timber acquired after December 31, 1941, and which after such date has become a part of the timber block existing on December 31, 1941, must be excluded. Net income from timber recovered from a timber block (computed with the allowance for depletion) means the net income attributable to timber and logging operations, not including transportation of the logs to the log or other market. That portion of the taxpayer's net income attributable to transportation or to manufacturing or remanufacturing, if the taxpayer which is a producer of logs from a timber block carries its operations beyond the logging stage, must be eliminated. If the taxpayer is engaged in activities in addition to timber and logging operations, the net income attributable to timber recovered from a timber block shall be computed as follows:

(1) *Net income.* Net income from timber recovered from a timber block (computed with the allowance for depletion) means the gross income from the timber block as defined in (2) of this paragraph, less the allowable deductions attributable to the timber block with respect to which exempt excess output is computed and the allowable deductions attributable to timbering and logging operations, but not including transportation of the logs to the log or other market, insofar as they relate to logs cut by the taxpayer from the timber block, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be that used in computing net income for the purposes of Chapter 1 for the taxable year. In cases where the taxpayer engages in activities in addition to timbering and logging operations, including in such additional activities transportation of the logs to the log or other market, deductions for depreciation, taxes, general expenses, and overhead which cannot be directly attributed to any specific activity shall be fairly apportioned between (i) the timber and logging operations, and (ii) the additional activities, taking into account the ratio which the operating expenses directly attributable to the timber and logging operations bear to the operating expenses directly attributable to the additional activities. If more than one timber block is involved, the deductions apportioned to the timber and logging operations shall, in turn, be fairly apportioned to the several timber blocks, taking into account their relative production.

(2) *Gross income from the timber block.* Gross income from the timber block means the amount for which the taxpayer sold the timber or the logs in the immediate vicinity of the timber block, but if the logs were transported or processed or manufactured or remanufactured before sale, it means the representative market or field price (as of the date of sale) of logs of like kind and grade before such transportation, processing, manufacture, or remanufacture. If there was no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any processing, manufacture, or remanufacture (or, if the logs were merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes, manufacture, and remanufacture.

In all cases there shall be excluded in determining the gross income from the timber block an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the timber block and are not otherwise excluded from the gross income from the timber block. If royalties in the form of bonus payments have been paid in respect of the timber block in the taxable year or any prior years or if advanced royalties have been paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year. If advanced royalties have been paid in respect of the timber block in any taxable year ending on or after December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to the deduction for such taxable year taken on account of such payments pursuant to the rules provided in § 29.23(m)–10(e) of this chapter with respect to advanced royalties paid in the case of mineral properties.

§ 35.735–3 *Nontaxable income from exempt excess output.* Nontaxable income from exempt excess output is excluded in the computation of excess profits net income under section 711 (a) (1) (I) if the taxpayer uses the excess profits credit based on income or under section 711 (a) (2) (K) if the taxpayer uses the excess profits credit based on invested capital, and is determined as follows:

(a) *General rule.* If the excess output of a mineral property which was in operation during the base period exceeds 5 percent of the estimated recoverable units from such mineral property, computed as provided in § 35.735–2 (j) the nontaxable income from exempt excess output shall be an amount equal to the exempt excess output for such year (computed under § 35.735–2 (k)) multiplied by the normal unit profit (computed under § 35.735–2 (i)). In no event shall the amount of nontaxable income from exempt excess output exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year. The net income attributable to excess output shall be that percentage of the net income from the mineral property which the excess output for the taxable year is of the total output for the taxable year. The net income from the mineral property shall be computed in accordance with the rules provided in § 35.735–2 (i) for the computation of net income from the mineral property for a taxable year in the base period.

If mineral units are determined for two or more types of metals, coal, or nonmetallic substances, the nontaxable income shall be determined with respect to the exempt excess output of each type of metal, coal, or nonmetallic substance. In no event shall nontaxable income from exempt excess output be determined with respect to any such type unless the mineral property was in operation during the base period and unless the excess output of such type exceeds 5 percent of the estimated recoverable units of such type of metal, coal, or nonmetallic substance in the mineral property.

If the minerals recovered from a mineral property contain two or more types of metals, coal, or nonmetallic substances, nontaxable income from exempt excess output of such property for a taxable year shall be the aggregate of the nontaxable incomes from exempt excess output of each type of metal, coal, or nonmetallic substance. The nontaxable income from exempt excess output of each type of metal, coal, or nonmetallic substance shall be an amount equal to the exempt excess output of such type of metal, coal, or nonmetallic substance (see § 35.735–2 (k)) multiplied by the normal unit profit for such type (see § 35.735–2 (i)). The nontaxable income from exempt excess output attributable to each type of metal, coal, or nonmetallic substance shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output of such type for the taxable year. The net income attributable to the excess output of each type of mineral unit shall be determined as follows: The net income attributable to the mineral property for the taxable year shall be fairly allocated to each type of metal, coal, or nonmetallic substance contained in the minerals recovered from the mineral property in such year in accordance with the principles set forth in § 35.735–2 (i). The amount so allocated shall be divided by the total number of mineral units of such type of metal, coal, or nonmetallic substance for the taxable year, and the amount so determined shall be multiplied by the excess output of the mineral units of such type, determined in accordance with § 35.735–2 (d), for the year.

The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume that the taxpayer, which is on the calendar year basis, owns a mineral property from which is extracted a mineral containing one nonmetallic substance. The total output of such property during the four calendar years in the base period, the first of which began in 1936, was 416,000 tons and the aggregate of the net incomes for such years (including the allowance for depletion computed upon the same basis as for the year 1942) was $1,248,000. The normal output is 104,000 tons and the normal unit profit is $3 per ton. During 1942 minerals containing 200,000 tons of the nonmetallic substance were extracted from the property at a unit profit of $3.50 per ton. The net income for such year was $700,000. As of December 31, 1942, it is estimated that 1,000,000 tons of the nonmetallic substance remained in the mineral property. The amount of nontaxable income from exempt excess output to be excluded in the computation of excess profits net income for 1942 is $57,600, computed as follows:

1. Normal output (tons)	104,000
2. Output for 1942 (tons)	200,000
3. Excess output for 1942 (tons)	96,000
4. Estimated recoverable units for 1942 (1,000,000 tons plus item 3)	1,096,000
5. Percentage which item 3 is of item 4 (percent)	8.8
6. Percentage of item 3 to be used in computing exempt excess output (percent)	60
7. Exempt excess output for 1942 (tons) (item 3 times item 6)	19,200
8. Normal unit profit (per ton)	$3.00
9. Nontaxable income from exempt excess output (item 8 times item 7, but not in excess of item 12)	$57,600.00
10. Net income for 1942	$700,000.00
11. Unit net income for 1942 (per ton) (item 10 divided by item 2)	$3.50
12. Net income attributable to excess output for 1942 (item 3 times item 11)	$336,000.00

Example (2). Corporation A, which is on the calendar year basis, owns a mineral property from which it extracts minerals containing gold and silver. For each of the four taxable years in the base period it recovered 250,000 tons of a $7.75 ore, i. e., minerals assaying 10 ounces of silver and 0.05 ounce of gold per ton, the price of silver being $0.60 per ounce and of gold being $35 per ounce during such period. The output of silver for each base period year was 2,500,000 ounces, and of gold was 12,500 ounces. The gross income for each base period year was $1,937,500, constituting $1,500,000 attributable to silver and $437,500 attributable to gold. Allowable deductions, including the smelter charges for each year but excluding the allowance for depletion, amounted to $1,000,000. Of the amount of such deductions, $774,193.55 represented the amount allocable to silver production

$$\left(\frac{1,500,000}{1,937,500}\text{ times }\$1,000,000\right)$$

and $225,806.45 represented the amount allocable to gold production

$$\left(\frac{437,500}{1,937,500}\text{ times }\$1,000,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $725,806.45 attributable to silver and $211,693.55 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $225,000 (15 percent of $1,500,000 but not in excess of 50 percent of $725,806.45); the allowance for such depletion computed with respect to gold mining was $65,625 (15 percent of $437,500 but not in excess of 50 percent of $211,693.55). In 1942, 320,000 tons of ore were extracted from the mineral property. The character of the ore encountered had changed so that in 1942 it was $11.375 ore, i. e., minerals which assayed 15 ounces of silver and 0.025 ounce of gold to the ton, the price of silver being $0.70 per ounce and the price of gold $35 per ounce. The total output of silver for 1942 was 4,800,000 ounces; the total output of gold was 8,000 ounces. The gross income for 1942 was $3,640,000, consisting of $3,360,000 attributable to silver and $280,000 attributable to gold. Allowable deductions, including the smelter charges for the year but excluding the allowance for depletion, amounted to $1,280,000. Of the amount of such deductions, $1,181,538.46 represented the amount allocable to silver production

$$\left(\frac{3,360,000}{3,640,000}\text{times }\$1,280,000\right)$$

and $98,461.54 represented the amount allocable to gold production

$$\left(\frac{280,000}{3,640,000}\text{ times }\$1,280,000\right)$$

The net income from the mineral property (computed without the allowance for depletion) was $2,178,461.54 attributable to silver and $181,538.46 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $504,000 (15 percent of $3,360,000 but not in excess of 50 percent of $2,178,461.54); the allowance for such depletion computed with respect to gold mining was $42,000 (15 percent of $280,000 but not in excess of 50 percent of $181,538.46). It is estimated that as of December 31, 1942, there were 19,200,000 units of silver and 32,000 units of gold remaining in the mineral property. There is no nontaxable income from exempt excess output of gold, since the normal output exceeds the 1942 output of that metal. The nontaxable income from exempt excess output of silver is $138,220.80, computed as follows:

	Silver	Gold
1. Normal output (ounces): a. Silver (10,000,000 divided by 4)	2,500,000	
b. Gold (50,000 divided by 4)		12,500
2. Output for 1942 (ounces)	4,800,000	8,000
3. Excess output (item 1a or 1b, minus item 2)	2,300,000	0
4. Estimated recoverable unit as of December 31, 1942 (ounces): a. Silver (19,200,000 plus 2,300,000)	21,500,000	
b. Gold (32,000 plus 0)		32,000
5. Percentage which item 3 is of item 4a or 4b (percent)	10.7	0
6. Percentage of item 3 to be used in computing exempt excess output (percent)	30	0
7. Exempt excess output (ounces) (item 3 times item 6)	690,000	0
8. Normal unit profit per ounce (item 17)	$0.20032	$11.68548
9. Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	$138,220.80	0
NORMAL UNIT PROFIT		
10. Gross income from the mineral property for each base period year	$1,500,000.00	$437,500.00
11. Allowable deductions (excluding allowance for depletion) for each base period year	774,193.55	225,806.45
12. Net income from the mineral property (excluding allowance for depletion) for each base period year	725,806.45	211,693.55
13. Allowance for percentage depletion	225,000.00	65,625.00
14. Net income from the mineral property for each base period year	500,806.45	146,068.55
15. Aggregate net income from the mineral property for the base period	$2,003,225.80	$584,274.20
16. Aggregate mineral units recovered during base period (ounces)	10,000,000	50,000
17. Normal unit profit (item 15 divided by item 16)	$0.20032	$11.68548
NET INCOME ATTRIBUTABLE TO EXCESS OUTPUT		
18. Gross income from the mineral property for 1942	$3,360,000.00	$280,000.00
19. Allowable deductions (excluding allowance for depletion) for 1942	1,181,538.46	98,461.54
20. Net income from the mineral property (excluding allowance for depletion for 1942	2,178,461.54	181,538.46
21. Allowance for percentage depletion	504,000.00	42,000.00
22. Net income from the mineral property for 1942	1,674,461.54	139,538.40
23. Unit net income for 1942 (item 22 divided by item 2)	$0.348846	$17.4423
24. Net income attributable to excess output (item 3 times item 23)	$802,345.80	6

If income attributable to a strategic mineral as defined in section 731 is exempt from the excess profits tax pursuant to the provisions of such section, nontaxable income from exempt excess output of such strategic mineral shall not be computed for the purposes of section

735 (b) (1) or of section 711 (a) (1) (I) or section 711 (a) (2) (K). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the base period and for the excess profits tax taxable year for which the benefits of section 735 are claimed.

(b) *Coal and iron mines.* With respect to any excess profits tax taxable year beginning after December 31, 1941, the nontaxable income from exempt excess output of a coal mining or an iron mining property which was in operation during the base period shall be whichever of the following amounts the taxpayer elects:

(1) An amount equal to the excess output of such coal mining or iron mining property, determined under this subsection, for such year multiplied by one-half of the unit net income determined under § 35.735–2 (l) from such property for such year, or

(2) An amount determined under § 35.735–3 (a).

In order to elect the amount provided in (1) of this paragraph, the excess output of the coal mining property or iron mining property (as defined in § 35.735–2 (l)) which was in operation during the base period need not exceed 5 percent of the estimated recoverable units in such property. As to the election with respect to the amount provided in (2) of this paragraph, see section 735 (b) (1) and § 35.735–3 (a).

For the purposes of the computation of the amount described in (1) of this paragraph for an excess profits tax taxable year:

A coal mining property or an iron mining property (as defined in § 35.735–2 (l)) shall be considered to have been in operation during the base period if any part of such property was in operation for six months or more during the base period.

The excess output of a coal mining property or an iron mining property which was in operation during the base period shall be computed upon the basis of the coal mining property or the iron mining property and shall be the excess of the aggregate of the mineral units extracted from such coal mining or iron mining property during the taxable year over the normal output of such property. The normal output of a coal mining property or an iron mining property shall be computed with respect to such property in a manner similar to that described in § 35.735–2 (e) with respect to a mineral property, as if such coal mining property or iron mining property were a mineral property.

The election pursuant to section 735 (b) and this paragraph shall be made in the excess profits tax return, filed on or before the last day required by law for the filing of such return, for the taxable year for which the benefits of section 735 are claimed. The last day required by law for the filing of such return includes the last day of the period of any extension of time granted for such filing. Such election must be made for each excess profits tax taxable year for which the benefits of section 735 (b) (2) are claimed. An election made with respect to a taxable year to compute nontaxable income from exempt excess output pursuant to the provisions of section 735 (b) (2) and § 35.735–3 (b) (1) or § 30.735–3 (b) (1) of this chapter does not preclude the taxpayer from electing for a subsequent year to compute nontaxable income pursuant to the provisions of section 735 (b) (1) and § 35.735–3 (a) provided the taxpayer satisfies the requirements there provided, and vice versa. For any excess profits tax taxable year for which an election is made under section 735 (b) (2) and this paragraph, such election shall be made by the taxpayer by attaching to its excess profits tax return a statement showing the method of computation and the amount of nontaxable income from exempt excess output elected under the provisions of section 735 (b) (2) and this paragraph. An election made by the taxpayer pursuant to the provisions of § 30.735–3 (b) of this chapter shall be deemed to be made pursuant to the provisions of this paragraph. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington, D. C., within the period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its income and excess profits taxes for such years. If the recomputation results in an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 in accordance with the provisions of section 322.

The provisions of this paragraph may be illustrated by the following example:

Example. Assume that during the taxable year 1942 a corporation owned several tracts of land containing coal deposits which it had operated for more than six months during the base period. During the taxable year 1942, the coal extracted by the taxpayer from such land was processed at a single preparation plant, so that for the purposes of the computation provided by (1) of this paragraph such land constitutes a coal mining property. The normal output of the coal mining property was 350,000 tons. The output for the calendar year 1942 was 450,000 tons. The net income from the coal mining property during 1942 was $103,500. Assume that for the year 1942, the corporation elected to compute an amount of nontaxable income from exempt excess output of the coal mining property under the rule prescribed by (1) of this paragraph rather than under (2) of this paragraph. Such amount of nontaxable income from exempt excess output would be $11,500, computed as follows:

1. Normal output (tons)	350,000
2. Output for 1942 (tons)	450,000
3. Excess output (tons) (item 2 less item 1)	100,000
4. Net income from coal extracted from coal mining property in 1942	$103,500.00
5. Unit net income per ton for 1942 (item 4 divided by item 2)	$0.23
6. Nontaxable income from exempt excess output computed pursuant to section 735(b)(2) and without regard to section 735 (b) (1) (item 3 times one-half of item 5)	$11,500.00

(c) *Timber properties.* The nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such timber block for such year, determined under § 35.735–2 (d), multiplied by one-half of the unit net income from such timber block for such year, determined under § 35.735–2 (l).

The provisions of this paragraph may be illustrated by the following example:

Example. Assume that the normal unit output of a timber block operated by Corporation T during the base period was 20,000,000 board feet log scale. The output of timber units for the taxable year 1942 was 32,000,000 board feet log scale and the net income attributable to the timber block, and to timber and logging operations, not including transportation, was $320,000. The nontaxable income from exempt excess output of the timber block for 1942 is $60,000, computed as follows:

1. Normal output (M board feet log scale)	20,000
2. Timber units for 1942 (M board feet log scale)	32,000
3. Excess output (M board feet log scale)	12,000
4. Net income from timber block for 1942	$320,000
5. Unit net income per M board feet log scale for 1942 (item 4 divided by item 2)	$10
6. Nontaxable income from exempt excess output computed pursuant to section 735 (b) (3) (item 3 multiplied by one-half of item 5)	$60,000

§ 35.735–4 *Nontaxable bonus income.* The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of certain specified quotas of a mineral product or of timber, if the exhaustion of the mineral property or the timber block from which such product or timber was recovered gives rise to an allowance for depletion under section 23 (m). Such amount, however, shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income from the mineral property, computed as provided in § 35.735–2 (i), or the net income from the timber block, computed as provided in § 35.735–2 (l), as the output in excess of the quota bears to the total number of mineral units or timber units produced for the taxable year. If two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, nontaxable bonus income must be determined with respect to each such metal, coal, or nonmetallic substance, and net income from the property must be allocated fairly between each type of metal, coal, or nonmetallic substance. In the case of

any such bonus paid with respect to any such type of metal, coal, or nonmetallic substance the nontaxable bonus income shall not exceed the net income attributable to the output in excess of the specified quota of such type. Such net income shall be an amount which bears the same ratio to the net income attributable to such type of metal, coal, or nonmetallic substance as the output in excess of the quota established for such type bears to the number of mineral units of such type produced for the taxable year.

The provisions of this section may be illustrated by the following example:

Example. Corporation C, which is on the calendar year basis, owns a mineral property from which is extracted copper ore. For each of the four years in the base period, it extracted 200 tons of ore a day, or 73,000 tons per year; the ore assayed 60 pounds of copper to the ton. The annual base period output of copper was 4,380,000 pounds, and the price received by Corporation C per ton of ore was $7.20. Gross income for each base period year was therefore $525,600. Allowable deductions, including the smelter charges but exclusive of percentage depletion, amounted to $385,000. Net income from the mineral property, without regard to the allowance for depletion, was $140,600. Percentage depletion for each such year amounted to $70,300 (15 percent of $525,600 but not in excess of 50 percent of $140,600). For 1942, Corporation C recovered 110,000 tons of ore, which assayed 50 pounds of copper to the ton, from the mineral property. The 1942 output of copper was therefore 5,500,000 pounds. The ceiling price established by the War Production Board and the Office of Price Administration for copper was $0.12 per pound. With respect to Corporation C, a 1942 quota of 4,000,000 pounds of copper was established and a bonus of $0.05 per pound was paid for above-quota production. Gross income received by Corporation C for 1942 was $735,000 and included a bonus payment of $75,000 (1,500,000 times $0.05). Allowable deductions, including the smelter charges but exclusive of percentage depletion, amounted to $579,700. Net income from the property, without regard to the allowance for depletion, was $155,300. Percentage depletion amounted to $77,650 (15 percent of $735,000 but not in excess of 50 percent of $155,300). As of December 31, 1942, it was estimated that 35,000,000 pounds of copper remained in the minerals in the mineral property. Since the excess output for 1942 did not exceed 5 percent of the estimated recoverable units for 1942, nontaxable income from exempt excess output is not authorized by section 735 (b) (1). The amount of nontaxable bonus income for 1942 is $21,177, computed as follows:

1. Normal output (pounds) (17,520,000 divided by 4)	4,380,000
2. Output for 1942 (pounds)	5,500,000
3. Excess output for 1942 (pounds) (item 2 minus item 1)	1,120,000
4. Estimated recoverable units for 1942 (pounds) (35,000,000 plus item 3)	36,120,000
5. Percentage which item 3 is of item 4 (percent)	3.1
6. Gross income for 1942 from the mineral property	$735,000
7. Allowable deductions (excluding depletion)	$579,700
8. Net income from the mineral property (excluding depletion)	$155,300
9. Less percentage depletion	$77,650
10. Net income for 1942 from the mineral property	$77,650
11. Unit net income for 1942 (item 10 divided by item 2)	$0.014118
12. Quota for 1942 (pounds)	4,000,000
13. Above-quota production for 1942 (pounds) (item 2 minus item 12)	1,500,000
14. Net income attributable to above-quota production (item 13 times item 11)	$21,177
15. Bonus payments received	$75,000
16. Nontaxable bonus income (item 14 or item 15, whichever is the lesser)	$21,177

If income attributable to a strategic mineral as defined in section 731 is exempt from excess profits tax pursuant to the provisions of such section, nontaxable bonus income attributable to such strategic mineral shall not be computed for the purposes of section 735 (c) or of section 711 (a) (1) (I) or section 711 (a) (2) (K). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the base period and for the excess profits tax taxable year for which the benefits of section 735 are claimed.

§ 35.735–5 *Rule in case income from excess output includes bonus payment.* The nontaxable income attributable to exempt excess output pursuant to the provisions of section 735 (b) (1), (2), or (3) may include nontaxable bonus payments, as provided in section 735 (c). In such case, the taxpayer may elect to compute its nontaxable income attributable to the output in excess of the established quota as nontaxable income from exempt excess output pursuant to the appropriate provision of section 735(b) and § 35.735–3 or as nontaxable bonus income pursuant to section 735 (c) and § 35.735–4. Such election shall be made in the excess profits tax return filed prior to the last day prescribed by law for the filing of such return for the taxable year for which the benefits of section 735 are claimed. The last day prescribed by law for the filing of the return includes the last day of the period of any extension granted for such filing. The election provided in section 735(d) must be made for each excess profits tax taxable year for which income attributable to excess output includes bonus payments. An election made with respect to one excess profits tax taxable year to receive the benefits of nontaxable bonus income under section 735(c) does not preclude the taxpayer from electing for a subsequent year to receive the benefits of nontaxable income from exempt excess output under section 735(b), and vice versa. For any excess profits tax taxable year for which an election is made under section 735(d) and this section, such election shall be made by the taxpayer by attaching to its excess profits tax return a statement showing the method of computation and the amount of nontaxable income from exempt excess output under section 735 (b) or of nontaxable bonus income under section 735 (c) whichever the taxpayer elects to exclude under section 711 (a) (1) (I) or section 711 (a) (2) (K) in the computation of excess profits net income. An election made by the taxpayer pursuant to the provisions of § 30.735–5 of this chapter shall be deemed to be made pursuant to the provisions of this section. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made in an amended return filed by the taxpayer within the period of limitations for the filing of claims for credit or refund.

The provisions of this section may be illustrated by the following example:

Example. Corporation P, which is on the calendar year basis, owns a mineral property from which is extracted minerals containing lead and silver. For each taxable year in the base period, 10,000 tons of ore assaying 100 pounds of lead and 10 ounces of silver to the ton, were extracted from the mineral property. The output of lead for each base period year was 1,000,000 pounds; the output of silver was 100,000 ounces. Assume that the market price obtained by such corporation for lead for such period was $0.05 per pound and that the market price obtained for silver was $0.70 per ounce. The gross income for each year in the base period was $120,000, consisting of $50,000 received for lead and $70,000 for silver. Allowable deductions for each year, including the smelter charges but excluding the allowance for depletion, amounted to $40,000. Of the amount of such deductions, $16,666.67 represented the amount allocable to lead production $\left(\frac{50,000}{120,000} \text{ times } \$40,000\right)$ and $23,333.33 represented the amount allocable to silver production $\left(\frac{70,000}{120,000} \text{ times } \$40,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $33,333.33 attributable to lead, and $46,666.67 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $7,500 (15 percent of $50,000 but not in excess of 50 percent of $33,333.33); the allowance for such depletion computed with respect to silver mining was $10,500 (15 percent of $70,000 but not in excess of 50 percent of $46,666.67). In 1942, 20,000 tons of ore were extracted from the mineral property. The quality of the ore had deteriorated so that it assayed 80 pounds of lead and 8 ounces of silver to the ton. For 1942, therefore, the total output of lead was 1,600,000 pounds, and the total output of silver was 160,000 ounces. The ceiling price of lead was $0.06½ per pound; a quota of 900,000 pounds of lead was established by the War Production Board and the Office of Price Administration with respect to the taxpayer and a bonus of $0.02¾ per pound was paid to the taxpayer with respect to production in excess of such quota. The price of silver obtained by taxpayer was $0.70 per ounce. The gross income for 1942 was $235,250 consisting of $123,250 attributable to lead and $112,000 attributable to silver. The bonus payments received by the taxpayer with respect to above-quota production of lead, included in gross income attributed to lead, amounted to $19,250 (700,000 pounds of lead times $0.02¾ per pound). Allowable deductions for the year, including the smelter charges but excluding the allowance for depletion, amounted to $80,000. Of the amount of such deductions, $41,912.86 represented the

amount allocable to lead production ($\frac{123,250}{235,250}$ times $80,000$) and $38,087.14 represented the amount allocable to silver production ($\frac{112,000}{235,250}$ times $80,000$). The net income from the mineral property (computed without the allowance for depletion) was $81,337.14 attributable to lead and $73,912.86 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $16,487.50 (15 percent of $123,250 but not in excess of 50 percent of $81,337.14); the allowance for such depletion computed with respect to silver mining was $16,800 (15 percent of $112,000 but not in excess of 50 percent of $73,912.86). It is estimated that as of December 31, 1942, there were 6,500,000 pounds of lead and 510,000 ounces of silver remaining in the mineral property. For 1942 the amount of nontaxable income from exempt excess output of lead was $3,099.60, the amount of nontaxable bonus income from lead was $19,250, and the amount of nontaxable income from exempt excess output of silver was $6,510.06.

Since the amount of nontaxable bonus income with respect to the output of lead which exceeds the established quota and which also constitutes excess output, i. e., 600,000 pounds, was $16,500 (item 33 in the following computation) and exceeded $3,099.60, representing the nontaxable income from exempt excess output of lead, Corporation P elected under section 735(d) to exclude $16,500 with respect to such 600,000 pounds in the computation of excess profits net income. With respect to the remaining portion of its output in excess of the established quota, i. e., 100,000 pounds, Corporation P excluded nontaxable bonus income of $2,750 (item 34) in the computation of excess profits net income pursuant to section 735(c).

COMPUTATION

	Lead	Silver
1. Normal output:		
a. Lead (pounds) (4,000,000 divided by 4)	1,000,000	
b. Silver (ounces) (400,000 divided by 4)		100,000
2. Output for 1942	1,600,000	160,000
3. Excess output (item 2, minus item 1a or 1b)	600,000	60,000
4. Estimated recoverable units as of December 31, 1942:		
a. Lead (pounds) (6,500,000 plus 600,000)	7,100,000	
b. Silver (ounces) (510,000 plus 60,000)		570,000
5. Percentage which item 3 is of item 4a or 4b (percent)	8.45	10.53
6. Percentage of item 3 to be used in computing exempt excess output (percent)	20	
7. Exempt excess output (item 3 times item 6)	120,000	18,000
8. Normal unit profit (item 17)	$0.02583	$0.36167
9. Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	$3,099.60	$6,510.06
NORMAL UNIT PROFIT		
10. Gross income from the mineral property for each base period year	$50,000.00	$70,000.00
11. Allowable deductions (excluding allowance for depletion) for each base period year	16,666.67	23,333.33
12. Net income from the mineral property (excluding allowance for depletion) for each base period year	33,333.33	46,666.67
13. Allowance for percentage depletion	7,800.00	10,500.00
14. Net income from the mineral property for each base period year	25,533.33	36,166.67
15. Aggregate net income from the mineral property for the base period	103,333.32	144,666.68

COMPUTATION—Continued

	Lead	Silver
NORMAL UNIT PROFIT—con.		
16. Aggregate mineral units recovered during the base period	4,000,000	400,000
17. Normal unit profit (item 15 divided by item 16)	$0.02583	$0.36167
NET INCOME ATTRIBUTABLE TO EXCESS OUTPUT		
18. Gross income from the mineral for 1942	$123,250.00	$112,000.00
19. Allowable deductions (excluding allowance for depletion) for 1942	41,912.86	38,087.14
20. Net income from the mineral property (excluding allowance for depletion) for 1942	81,337.14	73,912.86
21. Allowance for percentage depletion	16,487.50	16,800.00
22. Net income from the mineral property for 1942	62,849.64	57,112.86
23. Unit net income for 1942 (item 22 divided by item 2)	0.0392	$0.35695
24. Net income attributable to excess output for 1942 (item 3 times item 23)	$23,568.00	$21,417.60
NONTAXABLE BONUS INCOME		*Lead*
25. Quota established for 1942 (pounds)		900,000
26. Total output for 1942 (pounds)		1,600,000
27. Above-quota output (pounds)		700,000
28. Bonus payments received (item 27 times $0.02¾)		$19,250
29. Net income attributable to above-quota output (item 27 times item 23)		$27,496
30. Nontaxable bonus income (item 28 or item 29, whichever is the lesser)		$19,250
COMPUTATION OF NONTAXABLE INCOME FROM EXEMPT EXCESS OUTPUT AND FROM BONUS PAYMENTS WITH RESPECT TO 1942 EXCESS OUTPUT IN EXCESS OF QUOTA		
31. Item 3 or item 27, whichever is the lesser		600,000
32. Nontaxable income from exempt excess output computed with respect to item 31 (item 9)		$3,099.60
33. Nontaxable bonus income computed with respect to item 31 (item 31 times $0.02¾)		$16,500.00
34. Nontaxable bonus income computed with respect to above-quota output in excess of 600,000 pounds, i. e., 100,000 times $0.02¾ (item 30 minus item 33)		$2,750.00

SEC. 736. RELIEF FOR INSTALLMENT BASIS TAXPAYERS AND TAXPAYERS WITH INCOME FROM LONG-TERM CONTRACTS. [Added by sec. 222 (d), Rev. Act 1942.]

(a) *Election to accrue income.* In the case of any taxpayer computing income from installment sales under the method provided by section 44 (a), if such taxpayer establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, that the average volume of credit extended to purchasers on the installment plan in the four taxable years preceding the first taxable year beginning after December 31, 1941, was more than 125 per centum of the volume of such credit extended to such purchasers in the taxable year, or the average outstanding installment accounts receivable at the end of each of the four taxable years preceding the first taxable year beginning after December 31, 1941, was more than 125 per centum of the amount of such accounts receivable at the end of the taxable year, or if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence, in either case including only such years for which the income was computed under the method provided in section 44 (a), it may elect, in its return for the taxable year, for the purposes of the tax imposed by this subchapter, to compute, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, its income from installment sales on the basis of the taxable period for which such income is accrued, in lieu of the basis provided by section 44 (a). Except as hereinafter provided, such election shall be irrevocable when once made and shall apply also to all subsequent taxable years, and the income from installment sales for each taxable year before the first year with respect to which the election is made but beginning after December 31, 1939, shall be adjusted for the purposes of this subchapter to conform to such election. In making such adjustments, no amount shall be included in computing excess profits net income for any excess profits tax taxable year on account of installment sales made in taxable years beginning before January 1, 1940. If the taxpayer establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, that in a taxable year subsequent to the year with respect to which an election has been made under the preceding provisions of this subsection it would not be eligible to elect such accrual method, the taxpayer may in accordance with such regulations elect in its return for such year to abandon such accrual method. Such election shall be irrevocable when once made and shall preclude any further elections under this subsection. For the taxable year for which the latter election is made and subsequent taxable years, income shall be computed in accordance with section 44 (c).

§ 35.736 (a)–1 *Taxpayers reporting income on installment basis; eligibility for relief*—(a) *In general.* Section 736 (a) provides excess profits tax relief with respect to a taxpayer which computes its income for the taxable year from installment sales under the method provided by 44 (a), if such taxpayer establishes that either:

(1) The average volume of credit extended to purchasers on the installment plan in the four taxable years preceding the first taxable year of the taxpayer beginning after December 31, 1941, was more than 125 percent of the volume of such credit extended to such purchasers in the taxable year, or

(2) The average outstanding installment accounts receivable at the end of each of the four taxable years preceding the first taxable year of the taxpayer beginning after December 31, 1941, was more than 125 percent of the amount of such accounts receivable at the end of the taxable year.

If the taxpayer was not in existence for the four taxable years preceding its first taxable year beginning after December 31, 1941, the average volume of credit or the average outstanding installment accounts, as the case may be, for the years preceding such first taxable year shall be computed for such years as the taxpayer was in existence. The average volume of credit or the average outstanding installment accounts shall be computed only with respect to those years for which the income was computed pursuant to the method provided by section 44 (a), and shall not be computed with respect to any year for which the income was reported on the cash or the straight accrual basis. The years with respect to which such computations are made need not be consecutive taxable years.

The average volume of credit for the appropriate years preceding the taxpayer's first taxable year beginning after December 31, 1941 (hereinafter called the "installment base period"), shall be the aggregate of the volumes of credit extended during each of such years divided by the number of months in such years and multiplied by 12. If the taxable year with respect to which the election is being made is a year of less than 12 months, the number of months in such year shall be used for the purposes of the preceding sentence instead of 12. The average outstanding installment accounts receivable shall be the aggregate of the amounts of the installment accounts receivable at the end of each of the taxable years in the installment base period divided by the number of years in such period.

(b) *Definitions and determinations.* For the purposes of this section:

(1) An installment sale means any sale upon credit which the purchaser agrees to repay in two or more scheduled payments, regardless of the maturity of such credit or the amount of the down payment or of each payment, and which for the purposes of the income tax under Chapter 1 is reported on the installment basis. An installment sale shall not include any casual sale of personal property, and shall not include any sale of real property unless the initial payments received in cash or property (other than evidences of indebtedness of the purchaser) during the taxable period in which the sale is made do not exceed 30 percent of the selling price and unless the taxpayer is regularly engaged in the business of selling real property upon such basis.

(2) The volume of credit for a taxable year is the amount equal to the difference between the amount of net sales (gross sales minus sales returns and allowances) and the amount of the down payments in cash or in other property (other than evidence of indebtedness of the purchaser). The sales price of an article shall include the amount of any service or credit charge but shall not include the amount of any sales tax or other excise tax imposed upon the sale whether or not charged to the purchaser. The down payment shall be the payment made at the time of the sale and shall not include the amount of any sales tax or other excise tax charged to the purchaser and included in the down payment.

(3) The outstanding accounts receivable at the end of a taxable year shall be the aggregate of the net debit amounts in the installment accounts receivable of the taxpayer at the end of such taxable year. Installment accounts receivable shall be the accounts reflecting the amounts due the taxpayer from installment sales. In computing the net debit amount of such accounts for the installment base period there shall be allowed as credits not only payments, trade-ins, and returns and allowances but also the amount of installment accounts receivable which have been ascertained to be worthless and have been charged off under section 23 (k) of the Revenue Act of 1938 and have been allowed as a deduction in computing the net income, or which have become worthless under section 23 (k) (1) of the Internal Revenue Code and have been allowed as a deduction. With respect to the taxable year for which eligibility for relief under section 736 (a) and this section is being determined, in addition to the credits for payments, trade-ins, and returns and allowances, there shall be allowed as a credit the amount of installment accounts receivable which have been determined to be worthless under section 23 (k) (1) of the Internal Revenue Code and which have been allowed as a deduction in computing the net income for such year. In determining the amount of installment accounts receivable at the end of the taxable year for which eligibility for relief under section 736 (a) is being determined, no credit shall be allowed based upon the sale, hypothecation, or other disposition (other than by payment by the purchaser) of any installment account receivable unless it is the practice of the taxpayer to sell, hypothecate, or make other disposition of a portion of its installment accounts receivable, and unless such sales, hypothecations, or other dispositions have been made in the installment base period. If such sales, hypothecations, or other dispositions have been made in such period, credits may be allowed in computing the amount of installment accounts receivable at the close of the taxable year for which eligibility is being determined. Such credit, however, shall not exceed an amount which bears the same ratio to the installment accounts receivable at the close of the taxable year which the total credit attributable to sales, hypothecations, or other dispositions (other than by payment by the purchaser) during the taxable years in the installment base period bears to the aggregate of the installment accounts receivable at the end of each of the taxable years in such period.

§ 35.736 (a)–2 *Election to compute excess profits income on straight accrual basis.* If a taxpayer computing income from installment sales under the method provided by section 44(a) establishes eligibility for relief in accordance with the provisions of section 736(a) and § 35.736(a)–1, it may elect in its excess profits tax return for such year to compute income attributable to installment sales on the basis of the taxable period for which such income is accrued, in lieu of the basis provided by section 44(a), pursuant to which income for any taxable year is determined to be that proportion of the installment payments actually received during the year which the gross profit realized or to be realized when payment is completed, bears to the total contract price.

A taxpayer electing to compute income from installment sales on the basis of the taxable period for which such income is accrued, pursuant to section 736 (a) and this section, must file with its excess profits tax return for the year in which such election is made the following:

(a) A statement of the taxable years in the installment base period for which income from installment sales was reported for the purposes of the income tax under Chapter 1 under the method provided by section 44(a) and a statement that for the taxable year income from such sales is reported upon such basis for purposes of the income tax under Chapter 1.

(b) A schedule setting forth in columnar form the details of the computation of the volume of credit extended to purchasers on the installment plan in the taxable year and in each taxable year in the installment base period or of the amount of the outstanding installment accounts receivable at the end of the taxable year and at the end of each taxable year in the installment base period, or both, and the computation of the ratio between such volume of credit extended in the taxable year and in the installment base period, or between such outstanding accounts receivable at the end of the taxable year and the average of such outstanding accounts for the installment base period, or both.

(c) A schedule setting forth the installment accounts receivable which have been sold, hypothecated, or otherwise disposed of during the taxable year and during the installment base period, and the ratio that such sales, hypothecations or other dispositions bear to installment accounts receivable outstanding at the close of the taxable year and at the end of each taxable year of the installment base period.

(d) Amended income and excess profits tax returns for each taxable year beginning after December 31, 1939, and prior to the taxable year for which the election is made, to reflect the effects of the computation of income from installment sales for the purposes of the excess profits tax for such years on the basis of the taxable period for which such income is accrued. If the recomputation produces an overassessment for any of such years, the taxpayer should file a claim for refund on Form 843 with the amended returns for such years.

An election made by the taxpayer pursuant to the provisions of § 30.736 (a)–2 of this chapter shall be deemed to be made pursuant to the provisions of this section.

If the taxpayer elects under the provisions of section 736 (a) and this section to compute its income from installment sales on the straight accrual basis, such election shall be irrevocable when once made and shall apply also to all subsequent taxable years and the income from installment sales for each taxable year before the first year with respect to which the election is made, but beginning after December 31, 1939, shall be adjusted for the purposes of the excess profits tax computation to conform to such election. Since no change in the computation of income from the installment basis to the straight accrual basis can be made for any year beginning prior to January 1, 1940, as a result of such election, no recomputation can be made for any year in the base period. If the taxpayer uses the excess profits credit based on income pursuant to section 713 or section 742, the average base period net income shall be the actual average base period net income with income from installment sales computed under the method pursuant to which such income was reported for the purposes of the income tax under Chapter 1 for the taxable years in such period. If the taxpayer uses the excess profits credit based on

invested capital pursuant to section 714, the determination of accumulated earnings and profits shall be made without regard to any adjustment resulting from election made under section 736 (a) and this section, except as such election is reflected in the amount of income tax or excess profits tax payable for taxable years beginning after December 31, 1939. The election made pursuant to section 736 (a) and this section to compute income on the straight accrual basis in lieu of the basis provided in section 44 (a) shall apply only with respect to excess profits net income for purposes of the excess profits tax imposed by Subchapter E of Chapter 2. For purposes of the income tax under Chapter 1, or the surtax on personal holding companies or the declared value excess profits tax under Chapter 2, income shall be computed upon the basis provided in section 44 (a).

If the taxpayer does not satisfy the eligibility requirements of section 736 (a) and § 35.736 (a)–1 for its first taxable year beginning after December 31, 1941, it is not precluded from electing for any subsequent taxable year in which it satisfies such eligibility requirements to compute its income from installment sales upon the straight, accrual basis. Moreover, the taxpayer need not elect under section 736 (a) and this section to compute its income from installment sales upon the straight accrual basis for the first taxable year beginning after December 31, 1941, with respect to which such eligibility requirements are satisfied. Failure so to elect does not preclude an election for a subsequent taxable year with respect to which the eligibility requirements are met.

For a new election to return to the installment basis of reporting income for a taxable year in which the taxpayer would not be eligible to elect to compute income from installment sales on the straight accrual basis pursuant to section 736(a) and this section subsequent to the year in which such election was made, see § 35.736(a)–4.

§ 35.736 (a)–3 *Computation of income on straight accrual basis.* If the taxpayer has elected under section 736(a) and section 35.736(a)–2 to compute for excess profits tax purposes its income from installment sales on the basis of the taxable year for which such income is accrued, in lieu of the basis provided by section 44 (a), the gross income of the taxpayer from installment sales shall be computed upon such accrual basis. Likewise all deductions under section 23 allowable in computing net income and attributable to such sales, shall be computed upon the straight accrual basis. However, no income or deductions (including deductions for bad debts) shall be included in the computation of excess profits net income for any excess profits tax taxable year on account of installment sales made in taxable years beginning before January 1, 1940.

Any deductions under section 23 which are limited to a percentage of net income (computed without regard to such deductions, as for example, the deduction for charitable contributions which is allowed by section 23(q) shall be determined on the basis of such net income with income from installment sales determined upon the straight accrual basis, and not on the basis of such net income for the purposes of the income tax under Chapter 1. The deduction for bad debts under section 23(k) shall be allowed only with respect to debts which have become worthless within the taxable year. No reserve for bad debts arising from installment accounts receivable may be set up for excess profits tax purposes, and no bad debt deduction shall be allowed for any additions to such a reserve. Only those debts which have become worthless within the taxable year and which are allowed as a deduction in the computation of net income for the purposes of the income tax under Chapter 1 for the taxable year shall be allowed in the determination of the bad debt deduction for excess profits tax purposes under section 736(a). If a debt reflected in installment accounts receivable was created in a prior excess profits tax taxable year for which the income for excess profits tax purposes was computed upon the straight accrual basis or was recomputed upon the straight accrual basis pursuant to an election made under section 736(a) and § 35.736(a)–2, and the total amount of the profit represented by such installment accounts receivable was included in gross income for such year, the amount of the deduction for the bad debt shall be computed upon the straight accrual basis and shall not be limited to the unrecovered cost of the goods or article sold in consideration of such debt.

In computing the net operating loss deduction for the purposes of the excess profits tax for a taxable year pursuant to section 23 (s), section 122, and section 711 (a) (1) (J) or section 711 (a) (2) (L):

(a) The net operating loss under section 122 (a) for any prior or subsequent taxable year and the net income under section 122 (b) for any prior taxable year shall be determined by computing income from installment sales upon the straight accrual basis if for the purposes of the excess profits tax for such prior or subsequent years the income would be so computed upon the straight accrual basis pursuant to an election made under section 736 (a) and § 35.736 (a)–2;

(b) The net operating loss under section 122 (a) for any subsequent taxable year shall be determined by computing income from installment sales upon the installment method provided by section 44 (a) if for the purposes of the excess profits tax for such year income from installment sales would be so computed under the method provided by section 44 (a) pursuant to an election made under section 736 (a) to abandon the straight accrual method (see § 35.736 (a)–4);

(c) The net operating loss for a taxable year beginning in 1939 shall be the net operating loss determined under the provisions of Chapter 1 applicable to such year, without regard to any election subsequently made under section 736 (a);

(d) The excess profits net income for the taxable year in which the net operating loss deduction is computed shall, for the purposes of the reduction provided by section 711 (a) (1) (J) (ii) or section 711 (a) (2) (L) (ii) be determined by computing income from installment sales under the straight accrual basis pursuant to the election made under section 736 (a) and § 35.736 (a)–2.

In computing normal tax net income for the purposes of determining excess profits net income, the credit for dividends received shall be limited to 85 percent of the adjusted net income computed by placing income from installment sales on the straight accrual basis as provided in this section, instead of on the installment basis.

The unused excess profits credit under section 710 (c) (2) for any excess profits tax taxable year for which the excess profits net income is computed by determining income from installment sales on the straight accrual basis pursuant to the election exercised under section 736 (a) and § 35.736 (a)–2 shall be computed with regard to the excess profits net income so computed. For any excess profits tax taxable year for which income from installment sales is computed under the method provided by section 44 (a), pursuant to an election under section 736 (a) and § 35.736 (a)–4 to abandon the straight accrual basis, the unused excess profits credit shall be computed with regard to the excess profits net income so computed. The adjusted excess profits net income used in the computation of the unused excess profits carry-back and carry-over under section 710 (c) (3) shall be the adjusted excess profits net income computed by determining income from installment sales on the straight accrual basis as described in this section. The unused excess profits credit adjustment for any taxable year shall be the aggregate of the unused excess profits credit carry-overs and unused excess profits credit carry-backs to such taxable year, and shall be applied against excess profits net income for such year computed by determining income from installment sales on the straight accrual basis. However, no unused excess profits credit carry-back may be used against excess profits net income for an excess profits tax taxable year beginning prior to January 1, 1941, regardless of the fact that the excess profits net income for such year had been increased by income from installment sales computed on the straight accrual basis, whereas if such income had been computed on the installment basis the income from installment sales would be attributable to a subsequent taxable year to which an unused excess profits credit carry-back would be allowed. For the computation of the unused excess profits credit adjustment, see section 710 (c) and § 35.710–4.

If an election is made under section 736 (a) and § 35.736 (a)–2 for an excess profits tax taxable year beginning after December 31, 1941, or for a subsequent taxable year, to compute excess profits net income on the straight accrual basis in lieu of the installment basis, the following rules shall apply with respect to a taxable year beginning after December 31, 1941: The normal tax and surtax determined under Chapter 1 shall be based upon normal tax net income and surtax net income which include income from installment sales computed under the method provided by section 44 (a), and the excess profits tax shall be determined upon the basis of adjusted excess profits net income which shall include income from installment sales computed upon the straight accrual basis as described in this section. The normal tax net income and the corporation surtax net income for the purposes of the normal tax and surtax under Chapter 1 shall be determined by using as the credit under section 26 (e) (relating to income subject to excess profits tax) the amount of adjusted excess profits net income computed by determining income from installment sales upon the straight accrual basis. For the purposes of determining the excess profits tax under section 710 (a) (1) (B), as an amount which when added to the normal tax and surtax for such year equals 80 percent of the corporation surtax net income computed without regard to the credit under section 26 (e) the corporation surtax net income shall include income from installment sales computed upon the straight accrual basis described in this section, the credit for dividends received used in computing corporation surtax net income shall be limited to 85 percent of the net income which shall include income from installment sales computed upon such straight accrual basis, and the normal tax and surtax shall be the actual normal tax and surtax determined under Chapter 1.

For rules applicable to taxable years beginning in 1940 and 1941 where an election is made under section 736 (a) and § 35.736 (a)–2 for an excess profits tax taxable year beginning after December 31, 1941, or for a subsequent taxable year, to compute excess profits net income on the straight accrual basis in lieu of the installment basis, see § 30.736 (a)–3 of this chapter.

The income tax and excess profits tax for any taxable year recomputed as provided in this section pursuant to the election under section 736 (a) shall be the income tax and the excess profits tax for such year for the purposes of the provisions of Supplement L of Chapter 1, relating to assessment and collection of deficiency, the provisions of Supplement M of Chapter 1, relating to interest and additions to the tax, and the provisions of Supplement O of Chapter 1, relating to overpayments. Any amount of excess profits tax deferred under section 710 (a) (5) on account of relief claimed under section 722, any amount of foreign tax credit under section 729 (c) and (d) which is limited to a portion of the excess profits tax imposed, any credit for debt retirement under section 783, and any amount of post war refund under section 780 shall be computed with respect to the excess profits tax so determined. Likewise, any amount of foreign tax credit under section 131 which is limited to a portion of the income tax imposed shall be computed with respect to the income tax so determined.

The provisions of this section may be illustrated by the following example:

Example. Corporation I, which came into existence early in 1936, is a retail dealer selling personal property on the installment plan. It computes its income on the calendar year basis under the method provided in section 44 (a). It has established that the average outstanding installment accounts receivable at the end of the years 1938, 1939, 1940, and 1941 is more than 125 percent of the amount of outstanding installment accounts receivable at the end of 1942. It therefore elects under section 736 (a) and § 35.736 (a)–2 to compute its income from installment sales upon the straight accrual basis for purposes of the excess profits tax for the year 1942; income from such sales for the years 1940 and 1941 must also be computed upon the straight accrual basis. The net income of Corporation I from installment sales computed upon the installment method and upon the straight accrual basis, the deductions (not including any deduction for excess profits tax) and the amount of income which will not be subject to excess profits tax as a result of the election under section 736 (a) are shown in the following schedule:

Taxable year	Income accrued	Years in which income is realized by collection and reported upon the installment basis							Unrealized income Dec. 31, 1942
		1936	1937	1938	1939	1940	1941	1942	
1936	$200,000	$70,000	$50,000	$50,000	$30,000				
1937	300,000		100,000	100,000	50,000	$50,000			
1938	350,000			120,000	150,000	50,000	$80,000		
1939	400,000				150,000	100,000	100,000	$50,000	
1940	450,000					200,000	150,000	100,000	
1941	490,000						250,000	200,000	$30,000
1942	540,000							500,000	40,000
Income	2,720,000	70,000	150,000	270,000	380,000	400,000	530,000	850,000	70,000
Deductions	530,000	50,000	60,000	65,000	75,000	90,000	90,000	100,000	
Net income	2,190,000	20,000	90,000	205,000	305,000	310,000	440,000	750,000	70,000

	1940	1941	1942	Unrealized income Dec. 31, 1942
Net income from installment sales for taxable years beginning after December 31, 1939, computed upon installment basis	$400,000	$530,000	$850,000	$70,000
Net income from installment sales for taxable years beginning after December 31, 1939, computed upon accrual basis	450,000	480,000	540,000	
Increase in excess profits net income caused by change to accrual basis	50,000			
Decrease in excess profits net income caused by change to accrual basis		50,000	310,000	70,000

Income subject to excess profits tax upon installment basis (sum of incomes for 1940, 1941, 1942, and income unrealized as of December 31, 1942)	$1,650,000
Income subject to excess profits tax upon accrual basis (sum of incomes for 1940, 1941, and 1942)	1,470,000
Income which is not subject to excess profits tax if election is made under section 736 (a) to compute income from installment sales upon the accrual method	380,000

Assume, for the purpose of computing tax for 1942, that except for the credit for income subject to excess profits tax, there are no adjustments to net income shown in the preceding schedule in computing normal tax net income, corporation surtax net income, or excess profits net income, and that dividends out of earnings and profits were distributed for each year in the base period equal to the amount of the net income for such year. The average base period net income pursuant to section 713 (d) and (f) for 1942 is $305,000, i. e., one-half of the sum of $205,000 (the income for 1938), $305,000 (the income for 1939), and $200,000 (one-half of the amount by which the aggregate of the incomes for 1938 and 1939 exceeds the aggregate of the incomes for 1936 and 1937), but not in excess of $305,000. The excess profits credit based on income for such year is $289,750 (95 percent of $305,000). The income tax and excess profits tax computed for 1942 without regard to section 736 (a) and pursuant to an election under section 736 (a) would be as follows:

Income tax

Without regard to section 736 (a)

1. Net income (installment basis)	$750,000
2. Less: Credit under section 26 (e) for income subject to excess profits tax (item 16)	455,250
3. Normal tax net income and corporation surtax net income	294,750
4. Normal tax (24 percent)	70,740
5. Surtax (16 percent)	47,160
6. Total tax	117,900

Income tax—Continued

Pursuant to election under section 736 (a)

7. Net income (installment basis)		$750,000
8. Less credit under section 26 (c) for income subject to excess profits tax (item 21)		145,250
9. Normal tax net income and corporation surtax net income		604,750
10. Normal tax (24 percent)		145,140
11. Surtax (16 percent)		96,760
12. Total tax		241,900

Excess profits tax

Without regard to section 736 (a)

13. Excess profits net income (installment basis)		$750,000
14. Less: Excess profits credit	$289,750	
15. Specific exemption	5,000	
		294,750
16. Adjusted excess profits net income		455,250
17. Excess profits tax (90 percent)		409,725

(Pursuant to election under section 736 (a)

18. Excess profits net income (accrual basis)		440,000
19. Less: Excess profits credit	$289,750	
20. Specific exemption	5,000	
		294,750
21. Adjusted excess profits net income		145,250
22. Excess profits tax (90 percent)		130,725
23. Corporation surtax net income (accrual basis (item 18))		440,000
24. 80 percent of item 23		352,000
25. Less income tax under Chapter 1 (item 12)		241,900
26. Item 24 less item 25		110,100
27. Excess profits tax (item 22 or item 26, whichever is the lesser)		110,100
Tax computed without regard to section 736 (a):		
Income tax		117,900
Excess profits tax		409,725
Total		527,625
Tax computed pursuant to election under section 736 (a):		
Income tax		241,900
Excess profits tax		110,100
Total		352,000
Tax saving resulting from election under section 736 (a)		175,625

§ 35.736 (a)–4 *Election to abandon straight accrual basis and to return to installment basis.* If the taxpayer establishes for any excess profits tax taxable year subsequent to the year in which it elected under the provisions of section 736 (a) and § 35.736 (a)–2 to compute for excess profits tax purposes income from installment sales on the straight accrual basis that:

(a) Such election was based upon a comparison of the average volume of credit extended to purchasers on the installment plan in the installment base period with the volume of credit for such year, and that such average volume of credit extended in the installment base period is not more than 125 percent of the volume of credit extended to purchasers on the installment plan in the taxable year, or

(b) Such election was based upon a comparison of the average outstanding accounts receivable for the installment base period with the amount of such accounts receivable at the end of such year, and that such average outstanding accounts receivable for the installment base period is not more than 125 percent of the amount of such accounts receivable at the end of the taxable year,

the taxpayer may elect in its excess profits tax return for the taxable year to abandon for excess profits tax purposes the computation of income from installment sales on the straight accrual basis and may elect under the method provided by section 44(a) to compute its income from installment sales as that proportion of installment payments actually received in the taxable year which the gross profit realized or to be realized when payment is completed, bears to the total contract price. When made, such election shall be irrevocable and shall be applicable not only to the taxable year for which the election is made but also to all subsequent excess profits tax taxable years. No such election may be made if subsequent to the year for which the taxpayer has elected under section 736(a) and § 35.736(a)–2 to compute its income from installment sales on the straight accrual basis, the taxpayer has received permission from the Commissioner under section 41 and the regulations thereunder to change its accounting method for purposes of the income tax under Chapter 1 to the straight accrual basis. An election made under section 736(a) and this section to abandon the straight accrual basis and to resume the installment basis method provided by section 44(a) precludes any further election under section 736 (a) and § 3[illegible].736 (a)–2, and no future election can be made to compute, for excess profits tax purposes, income from installment sales on the straight accrual basis. An election made by the taxpayer pursuant to the provisions of § 30.736 (a)–4 of this chapter shall be deemed to be made pursuant to the provisions of this section.

If the election under section 736(a) and this section is made to resume the installment method of computing income from installment sales, the income from such sales computed upon such basis shall be included in excess profits net income for the taxable year for which the election is made and for all subsequent excess profits tax taxable years. Such income shall be computed in accordance with section 44(c), and amounts received during any such year on account of sales or other disposition of property made in any prior year (whether the income for such prior year was computed on the installment or the straight accrual basis) shall not be excluded in the computation of excess profits net income.

In computing the net operating loss deduction pursuant to section 23(s), section 122, and section 711(a)(1)(J) or section 711(a)(2)(L) for the purposes of the excess profits tax for a taxable year for which income from installment sales is computed under the method provided by section 44(a) pursuant to an election under section 736(a) and this section to abandon the straight accrual basis:

(a) The net operating loss under section 122(a) and the net income under section 122(b) for any prior taxable year shall be determined by computing income from installment sales upon the basis, straight accrual basis or installment basis provided by section 44(a), used in computing excess profits net income for such year,

(b) The net operating loss for any subsequent taxable year shall be determined by computing income from installment sales upon the installment basis method provided in section 44(a),

(c) The excess profits net income for the taxable year for which the net operating loss deduction is computed shall, for the purposes of the reduction provided by section 711(a)(1)(J)(ii) or section 711(a)(2)(L)(ii), be determined by computing income from installment sales under the installment basis method provided by section 44(a).

The unused excess profits credit under section 710 (c) (2) for any prior excess profits tax taxable year and the adjusted excess profits net income for any such year (used in the computation of the unused excess profits credit carry-over) shall be determined upon the basis of the excess profits net income for such year which shall include income from installment sales computed upon the basis, straight accrual basis or installment basis provided by section 44 (a), used in computing excess profits net income for such year. The unused excess profits credit for a subsequent excess profits tax taxable year shall be determined upon the basis of the excess profits net income which shall include income from installment sales computed upon the installment method provided by section 44 (a). The unused excess profits credit adjustment for any taxable year shall be the aggregate of the unused excess profits credit carry-overs and unused excess profits credit carrybacks to such year. For the computation of the unused excess profits credit adjustment, see section 710 (c) and § 35.710–4.

With respect to those excess profits tax taxable years for which the taxpayer has resumed the computation of income from installment sales on the installment basis provided by section 44 (a), normal tax net income and corporation surtax net income for the purposes of computing the excess profits tax shall prior to any adjustments under section 711 (a) and section 710 (a) (1) (B), be the normal tax net income and the corporation surtax net income used in the computation of the normal tax and the surtax under Chapter 1.

[SEC. 736. RELIEF FOR INSTALLMENT BASIS TAXPAYERS AND TAXPAYERS WITH INCOME FROM LONG-TERM CONTRACTS. (Added by sec. 222 (d), Rev. Act 1942.)]

* * * * * *

(b) *Election on long-term contracts.* In the case of any taxpayer computing income from contracts the performance of which requires more than 12 months, if it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class but the amount of such income of such class includible in the gross income of the taxable year is in excess of 125 per centum of the average amount of the gross income of the same class for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence, it may elect, in its return for such taxable year for the purpcses of this subchapter, or in the case of a taxable year the return for which was filed prior to the date of the enactment of the Revenue Act of 1942, within 6 months after the date of the enactment of such Act, to compute, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, such income upon the percentage of completion method of accounting. Such election shall be made in accordance with such regulations and shall be irrevocable when once made and shall apply to all other contracts, past, present, or future, the performance of which required or requires more than 12 months. The net income of the taxpayer for each year prior to that with respect to which the election is made shall be adjusted for the purposes of this subchapter, including the computation of excess profits net income in each taxable year of the base period under section 711 (b), to conform to such election but for purposes of chapter 1, the tax imposed by this subchapter for any prior taxable year on account of the adjustment required by this subsection shall be considered a part of the tax imposed by this subchapter for the taxable year in which such income is, without regard to this subsection, includible in gross income. Income described in this subsection shall not be considered abnormal income under section 721.

§ 35.736 (b)–1 *Taxpayers with income from long-term contracts; eligibility for relief.* Section 736 (b) provides relief with respect to a taxpayer which computes, pursuant to section 42 and § 29.42–4 (b) of this chapter (or the corresponding provision of prior regulations), income from contracts the performance of which requires more than 12 months (hereinafter called "long-term contracts") for the taxable year in which such contracts are finally completed and accepted (hereinafter called the "completed contract basis"), if such taxpayer establishes that either:

(a) It is abnormal for the taxpayer to derive income from such class of long-term contracts, or

(b) The taxpayer normally derives income from such class of long-term contracts, but the amount of such income of such class includible in the gross income of the taxpayer for th taxable year is in excess of 125 percent of the average amount of the gross income of the same class for the four previous taxable years, or if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence (hereinafter called the "long-term contract base period"). In determining whether performance required a period of more than 12 months, only the period beginning with the commencement of the work and ending with its completion shall be taken into account. If 12 months or less elapse between the beginning of the work and its completion, the contract is not a long-term contract even though more than 12 months may have elapsed between the execution of such contract and the completion of its performance.

The average amount of gross income from long-term contracts in the long-term contract base period of a taxpayer shall be the aggregate of the gross incomes from such long-term contracts for each year in such base period divided by the number of months in such period and multiplied by 12. If the taxable year for which the election under section 736 (b) and § 35.736 (b)–2 is made is a year of less than 12 months, the number of months in such year shall be used for the purposes of the preceding sentence instead of 12. For the definition of gross income see section 22 (a).

§ 35.736 (b)–2 *Election to report income upon percentage of completion basis.* If the taxpayer satisfies the eligibility requirements provided in section 736 (b) and § 35.736 (b)–1 with respect to a taxable year beginning after December 31, 1939, it may elect in its excess profits tax return for such year, or if the election is made for a taxable year the excess profits tax return for which was filed prior to October 21, 1942 (the date of enactment of the Revenue Act of 1942), it may elect not later than April 21, 1943 (six months after the date of enactment of the Revenue Act of 1942), to compute its income from long-term contracts upon the percentage of completion method of accounting under the provisions of § 29.42–4 (a) of this chapter or § 19.42–4 (a) of Regulations 103 applicable to the taxable year for which the tax is being computed. An election made by the taxpayer pursuant to the provisions of § 30.736 (b) (2) of this chapter shall be deemed to be made pursuant to the provisions of this section.

If the election to compute income from long-term contracts upon the percentage of completion method of accounting is made in an excess profits tax return filed on or after October 21, 1942, the taxpayer shall file with its return for such year the following:

(a) A schedule setting forth in columnar form a comparison between the gross income from long-term contracts reported in the long-term contract base period and the gross income from long-term contracts which would be reported upon the completed contract basis for the taxable year, together with a statement of the percentage which the latter bears to the average of the former.

(b) A schedule showing the recomputation of the average base period net income and the excess profits net income for each year in the base period with income from long-term contracts computed upon the percentage of completion method of accounting. Included in this schedule shall be an analysis of all long-term contracts entered into, the income from which has been reported in income tax returns for the purposes of Chapter 1 for the taxable years beginning with the first taxable year in the base period of the taxpayer and ending with the taxable year for which the election is made, and including all long-term contracts which in such year of election are in the process of completion. The schedule shall contain a statement of the percentage of completion of such contracts for all such years supported, if possible, by architects' certificates or, if such certificates are not obtainable for such prior years, by other competent evidence establishing the percentage of completion claimed for such years.

(c) Amended excess profits tax returns for each prior excess profits tax taxable year for which a recomputation is necessitated by reason of the election to recompute income from long-term contracts upon the percentage of completion method of accounting, and amended income tax returns if necessary to reflect the recomputation of excess profits tax for such prior year. If the recomputation has produced an overassessment for any of such years, the taxpayer should file a claim for refund on Form 843 with the amended returns for such years.

If the taxpayer desires to make the election under section 736 (b) for an excess profits tax taxable year, the return for which was filed prior to October 21, 1942, such election shall be made by the taxpayer filing an amended excess

profits tax return for such year and an amended income tax return for such year, if necessary to reflect the recomputation of the excess profits tax for the year, on or before April 21, 1943. The additional information set forth in the preceding paragraph shall also be filed with such returns.

If the taxpayer elects under the provisions of section 736 (b) and this section to compute its excess profits net income from long-term contracts upon the percentage of completion method of accounting, such election shall be irrevocable when once made. The election shall apply to all other long-term contracts entered into by the taxpayer, whether completed in the past or in the taxable year, or whether such contracts are partly performed and are to be completed in the future, and to contracts which may be entered into in the future as well as to contracts which have already been entered into by the taxpayer. The income for excess profits tax purposes for each taxable year prior to the year in which the election is made to compute excess profits net income from long-term contracts upon the percentage of completion method of accounting shall be adjusted to conform to such method. The excess profits net income under section 711 (b) for each taxable year in the base period, for the purposes of computing the average base period net income under section 713 or section 742, shall also be adjusted so as to conform to such election and the income from long-term contracts shall be computed upon the percentage of completion method of accounting. If the taxpayer uses the excess profits credit based upon invested capital pursuant to section 714, the determination of accumulated earnings and profits shall be made without regard to any adjustment resulting from any election made under section 736 (b) or this section, except as such election is reflected in the amount of income tax or excess profits tax payable for taxable years beginning after December 31, 1939.

The election made pursuant to section 736 (b) and this section to compute income from long-term contracts upon the percentage of completion method of accounting shall apply only with respect to average base period net income and to excess profits net income for an excess profits tax taxable year. For purposes of the income tax under Chapter 1, or the surtax on personal holding companies or the declared value excess profits tax under Chapter 2, income from such contracts shall be computed upon the completed contract basis.

If the taxpayer does not satisfy the eligibility requirements of section 736 (b) and § 35.736 (b)–1 for a taxable year beginning prior to January 1, 1943, it is not precluded from electing for any subsequent excess profits tax taxable year with respect to which it satisfies such eligibility requirements to compute its income from long-term contracts on the percentage of completion basis for the purposes of the excess profits tax. Moreover, the taxpayer need not elect under section 736 (b) and this section to compute income from long-term contracts on the percentage of completion basis for the first excess profits tax taxable year with respect to which the eligibility requirements are satisfied. Failure so to elect does not preclude an election for a subsequent excess profits tax taxable year with respect to which the eligibility requirements are met.

§ 35.736 (b)–3 *Computation of net income upon percentage of completion method of accounting*—(a) *Excess profits tax taxable year.* If a taxpayer has elected under section 736 (b) and § 35.736 (b)–2 to compute for excess profits tax purposes its net income from long-term contracts upon the percentage of completion method of accounting, in lieu of the completed contract basis, gross income from such long-term contracts shall be reported for each excess profits tax taxable year upon the basis of percentage of completion of such contract in such year. There shall be deducted from such gross income for a taxable year all expenditures made during such year on account of the contract, account being taken of the material and supplies on hand at the beginning and end of the taxable year for use in connection with the work under the contract but not yet so applied. Any deductions under section 23 which are limited to a percentage of net income (computed without regard to such deduction, as for example, the deduction for charitable contributions which is allowed by section 23 (q)) shall, for excess profits tax purposes, be determined upon the basis of such net income with the income from long-term contracts computed upon the percentage of completion method of accounting, and not upon the basis of net income for Chapter 1 purposes. No reserve for bad debts arising from accounts receivable from long-term contracts may be set up for excess profits tax purposes unless a reserve has been established for income tax purposes.

In computing the net operating loss deduction for the purposes of the excess profits tax for a taxable year pursuant to section 23 (s), section 122, and section 711 (a) (1) (J) or section 711 (a) (2) (L), the net operating loss under section 122 (a) and the net income under section 122 (b) for any taxable year prior or subsequent to the taxable year in which the election under section 736 (b) and § 35.736 (b)–2 is made shall be determined by computing income from long-term contracts upon the percentage of completion method of accounting. The excess profits net income for the taxable year for which the net operating loss deduction is computed shall, for the purposes of the reduction provided by section 711 (a) (1) (J) (ii) or section 711 (a) (2) (L) (ii), be determined by computing income from long-term contracts upon the percentage of completion method of accounting.

In computing normal tax net income for the purposes of determining excess profits net income, the credit for dividends received shall be limited to 85 percent of the adjusted net income computed by determining income from long-term contracts upon the percentage of completion method of accounting as provided in section 736 (b) and this section instead of upon the completed contract basis.

The excess profits tax may be computed under section 710 (a) (1) (B) as an amount which when added to the normal tax and surtax computed under Chapter 1 equals 80 percent of the corporation surtax net income computed without regard to the credit under section 26 (e) (relating to income subject to excess profits tax). For such purpose, the corporation surtax net income shall be determined by computing the income from long-term contracts upon the percentage of completion method of accounting. The credit for dividends received used in computing corporation surtax net income shall be limited to 85 percent of the net income determined by computing income from long-term contracts upon the percentage of completion method of accounting, and the normal tax and surtax shall be the actual normal tax and surtax determined under Chapter 1.

The unused excess profits credit under section 710 (c) (2) for any excess profits tax taxable year for which the excess profits net income is determined by computing income from long-term contracts upon the percentage of completion method of accounting pursuant to the election exercised under section 736 (b) and § 35.736(b)–2 shall be computed with regard to the excess profits net income so computed. The adjusted excess profits net income used in the computation of the unused excess profits credit carry-back and carry-over under section 710 (c) (3) shall be the adjusted excess profits net income determined by computing income from long-term contracts upon the percentage of completion method of accounting as described in this section. The unused excess profits credit adjustment for any taxable year shall be the aggregate of the unused excess profits credit carry-overs and unused excess profits credit carry-backs to such taxable year, and shall be applied against excess profits net income for such year determined by computing income from long-term contracts upon the percentage of completion method of accounting. However, no unused excess profits credit carry-back may be used against excess profits net income for an excess profits tax taxable year beginning prior to January 1, 1941, regardless of the fact that the excess profits net income for such year has been increased by income from long-term contracts computed upon the percentage of completion method of accounting, whereas if such income had been computed upon the completed contract basis it would be attributable to a subsequent taxable year to which an unused excess profits credit carry-back would be allowed. For the computation of the unused excess profits credit adjustment, see section 710 (c) and § 35.710–4.

The excess profits tax for a taxable year recomputed as provided in this section shall be the excess profits tax for such year for the purposes of the provisions of Supplement L of Chapter 1, relating to assessment and collection of deficiency, the provisions of Supplement M of Chapter 1, relating to interest and additions to tax, and the provisions of Supplement O of Chapter 1, relating to overpayments. Any amount of excess profits tax deferred under section 710 (a) (5) on account of relief claimed under section 722, any amount of foreign tax credit under section 729 (c) and (d) which is limited to a portion of the excess profits tax imposed, any credit for debt retirement under section 783, and any amount of post-war refund under section 780 shall be computed with respect to the excess profits tax so determined.

In no event shall income from long-term contracts computed for excess profits tax purposes upon the percentage of completion method of accounting pursuant to an election under section 736 (b) and § 35.736 (b)–2 be considered abnormal income under section 721.

(b) *Taxable year in the base period.* If a taxpayer elects, pursuant to section 736 (b) and § 35.736 (b)–2, to compute its income from long-term contracts upon the percentage of completion method of accounting, the excess profits net income for a taxable year in the base period to be used in computing the average base period net income shall be computed pursuant to section 711 (b) but with income from long-term contracts computed upon the percentage of completion method of accounting as described in § 35.736 (b)–3 in lieu of the completed contract basis method. In such event gross income attributable to each long-term contract shall be placed in the appropriate year in the base period upon the percentage of completion method of accounting, regardless of whether such contract was completed in a subsequent year in the base period or in an excess profits tax taxable year and regardless of when gross income from such contract was reported for income tax purposes under Chapter 1. Likewise, gross income attributable to each long-term contract completed during a taxable year in the base period shall be included in income for such year only to the extent to which such income is attributable to the percentage of the contract completed in such year. Gross income attributable to the percentage of the contract completed prior to the base period shall be excluded in the computation of excess profits net income for a taxable year in the base period and consequently from average base period net income. There shall be deducted from such gross income for each taxable year in the base period all expenditures made during the taxable year on account of the contract, account being taken of the material and supplies on hand at the beginning and end of each year for use in connection with the work under the contract but not yet so applied.

(c) *Adjustment of income tax liability.* For purposes of the normal tax and surtax and of the surtax on corporations improperly accumulating surplus imposed by Chapter 1, the excess profits tax imposed by Subchapter E of Chapter 2 for any taxable year on account of the adjustment in excess profits tax for such year required by the recomputation of income from long-term contracts upon the percentage of completion method of accounting pursuant to the election under section 736(b), shall be considered a part of the excess profits tax imposed by Subchapter E of Chapter 2 for the taxable year in which such income is, without regard to the provisions of section 736(b), includible in gross income.

The excess profits tax imposed by Subchapter E of Chapter 2 for any excess profits tax taxable year on account of the recomputation of income from long-term contracts required by section 736(b) shall be the amount by which the excess profits tax imposed for such year with the income from long-term contracts computed upon the percentage of completion method of accounting exceeds the excess profits tax imposed for such year computed upon the completed contract basis method of accounting. The amount of such increase in excess profits tax which is attributable to the inclusion in excess profits net income for such year of income from long-term contracts computed upon the percentage of completion method of accounting shall be added to the excess profits tax imposed for the year in which the income from such long-term contracts would be includible in gross income under the completed contract basis method of accounting. The amount of such increase shall be the increase prior to the inclusion in the excess profits tax for the taxable year in which the increase is determined of any increase in a prior taxable year attributable to a contract the gross income from which would be reported upon the completed contract basis for the year for which the increase is determined. If an increase in excess profits tax for a taxable year is due to income attributable to two or more contracts which are not completed in such year but the income from which is included in excess profits net income for such year upon the percentage of completion method of accounting, the portion of such increase attributable to each contract shall be the same proportion of the total increase for such year which the income attributable to such contract for such year is of the total income from such contracts for such year. The amount of income computed upon the percentage of completion method of accounting which is attributable to a contract in any taxable year shall be the gross income (so computed) minus the direct cost for such year on account of such contract, but shall not include any deductions, expenses, or costs which are not directly charged to such contract under the method of cost accounting employed by the taxpayer. The increase in excess profits tax so attributed to each contract shall be considered to be a part of the excess profits tax for the taxable year in which such contract is completed and in which the income would be reported under the completed contract basis method of accounting.

For the purposes of the credit under section 26 (e) for income subject to excess profits tax, the excess profits tax for any taxable year for which an increase in tax is considered to be part of the tax for a subsequent taxable year shall be deemed to be the excess profits tax computed for such year upon the completed contract basis method of accounting, increased by any increase in excess profits tax for a prior taxable year due to income from long-term contracts being computed upon the percentage of completion method of accounting if the income from such contracts would have been reported for the taxable year upon the completed contract basis.

If the excess profits tax imposed for an excess profits tax taxable year recomputed pursuant to the election under section 736 (b) is less than the excess profits tax imposed for such prior year computed without regard to the election under section 736 (b), there is no amount of excess profits tax attributable to any contract which is to be completed in a future year and the income from which, computed upon the completed contract basis, would be included in gross income for such future year. Consequently no adjustment in the excess profits tax for such future year is to be made. With respect to the taxable year for which the excess profits tax recomputed pursuant to the election under section 736 (b) is less than the excess profits tax computed without regard to such election, the excess profits tax for the purposes of Chapter 1 shall be the excess profits tax computed pursuant to the election under section 736 (b) increased by any increase in excess profits tax for a prior taxable year due to income from long-term contracts being computed upon the percentage of completion method of accounting if the income from such contracts would have been reported for the taxable year upon the completed contract basis.

The excess profits tax imposed by Subchapter E of Chapter 2 for any taxable year shall be the tax prior to the tax deferment under section 710(a)(5), prior to the credit for foreign taxes under section 729(c) and (d), prior to the credit for debt retirement under section 783, and prior to the adjustment under section 734 in case of position inconsistent with prior income tax liability. The recomputation pursuant to the election under section 736(b) of excess profits tax imposed for any taxable year involves not only a recomputation of the excess profits net income for such taxable year by placing income from long-term contracts upon the percentage of completion method of accounting, but also a recomputation of the average base period net income upon such accounting method, if the excess profits credit based on income pursuant to section 713 is used.

If income from long-term contracts is computed upon the percentage of completion method of accounting pursuant to the election under section 736(b), the following rules are applicable in determining, for the purposes of Chapter 1, the excess profits tax, and the method of utilizing such tax, for a taxable year in which income from such contracts would be reported upon the completed contract basis:

(1) There is allowed as a credit by section 26(e) in computing normal tax net income and surtax net income, the amount of income subject to excess profits tax. If the excess profits tax is computed pursuant to an election under section 736(b), such income is the amount of which the excess profits tax computed under section 710(a)(1)(A) is 90 percent. For purposes of the credit provided by section 26(e), the amount of excess profits tax so computed is considered to include the increase in excess profits tax imposed for a year beginning

Assume, for the purpose of computing tax for 1942, that except for the credit for income subject to excess profits tax, there are no adjustments to net income shown in the preceding schedule in computing normal tax net income, corporation surtax net income, or excess profits net income, and that dividends out of earnings and profits were distributed for each year in the base period equal to the amount of the net income computed upon the completed contract basis for such year. The average base period net income computed upon the completed contract basis is determined under section 713 (d) and (e), since the income for the last half of the base period does not exceed the income for the first half. The average base period net income upon which is based the excess profits credit based on income for 1942 is $88,437.50, i. e., the aggregate of the incomes for 1936, 1937, and 1939 plus $70,750, assumed to be the excess profits net income for 1938 under section 713 (e) (1) (75 percent of the average of the incomes for 1936, 1937, and 1939) divided by 4. The excess profits credit based on income for 1942 is $64,015.63 (95 percent of $88,437.50). The average base period net income computed upon the percentage of completion method of accounting is determined under section 713 (d) and (f), since the income for the last half of the base period exceeds the income for the first half. The average base period net income for 1942 is $119,000, i. e., one-half of the sum of $100,000 (the income for 1939), $119,000 (the income for 1940), and $37,500 (one-half of the incomes for 1936 and 1938 which the aggregate of the incomes for 1936 and 1937, but not in excess of $119,000. The excess profits credit (95 percent of $119,000). The income and excess profits tax computed for 1942 without regard to section 736 (b) and pursuant to an election under section 736 (b) is as follows:

Income tax	
Without regard to section 736(b)	
1. Net income (completed contract basis)	$239,000.00
2. Less credit under section 26(e) for income subject to excess profits tax (item 12)	140,994.37
3. Normal tax net income and corporation surtax net income	98,015.63
4. Normal tax and surtax (40 percent)	35,606.25
Pursuant to election under section 736 (b)	
5. Net income (completed contract basis)	$239,000.00
6. Less credit under section 26(e) for income subject to excess profits tax (item 20)	39,572.16
7. Normal tax net income and corporation surtax net income	199,427.84
8. Normal tax and surtax (40 percent)	79,771.14
Excess profits tax	
Without regard to section 736(b)	
9. Excess profits net income (completed contract basis)	$239,000.00
10. Less: Excess profits credit	$84,015.63
11. Specific exemption	5,000.00
	89,015.63
12. Adjusted excess profits net income	140,994.37
13. Excess profits tax (90 percent)	134,985.93
Pursuant to election under section 736(b)	
14. Excess profits net income (percentage of completion method)	$139,000.00
15. Less: Excess profits credit	$113,050
16. Specific exemption	5,000
	118,050.00
17. Adjusted excess profits net income	20,950.00

	1935	1936	1937	1938	1939	1940	1941	1942
Income from contracts upon completed contract basis (gross income minus deductions)	$50,000		$150,000		$110,000	$200,000	$220,000	$250,000
Other excess profits tax or credit for income subject to excess profits tax)	$7,000	8,000	8,000	$10,000	11,000	12,000	15,000	11,000
Net income upon completed contract basis	(7,000)	42,000	142,000	(10,000)	99,000	188,000	205,000	239,000
Income from contracts upon percentage of completion method (gross income minus deductions):								
Contract A	20,000	20,000	50,000	40,000	40,000	50,000	40,000	
Contract B	40,000	60,000	30,000	70,000	80,000	90,000	40,000	
Contract C					10,000	20,000	80,000	
Contract D							160,000	100,000
Contract E							70,000	50,000
Contract F								
Contract G								
Contract H [1]								
Total	70,000	80,000	80,000	110,000	130,000	160,000	315,000	150,000
Other deductions (not including excess profits tax or credit for income subject to excess profits tax)	7,000	8,000	8,000	10,000	11,000	12,000	15,000	11,000
Net income upon percentage of completion method	63,000	72,000	72,000	100,000	119,000	153,000	300,000	139,000

[1] Incomplete December 31, 1942.

and the provisions of Supplement O of Chapter 1, relating to overpayments. Any amount of foreign tax credit under section 131 which is limited to a portion of the income tax imposed shall be computed with respect to the income tax so determined.

The provisions of this section may be illustrated by the following example:

Example. Corporation C, which came into existence early in 1936, is a contractor deriving all its income from the performance of long-term contracts requiring more than 12 months to complete. It computes its income for income tax purposes on the calendar year basis under the provisions of section 42 and § 39.42-4 (b) of this chapter, or § 19.42-4 (b) of Regulations 108. It has established that gross income from long-term contracts completed in 1942 is in excess of 125 percent of the average amount of gross income from such contracts in 1938, 1939, 1940, and 1941. It therefore elects under section 736 (b) and § 35.736 (b)-2 to compute its income from long-term contracts upon the percentage of completion method of accounting. Income from such contracts must be computed upon the percentage of completion method of accounting for the purpose of excess profits tax taxable years 1940, 1941, 1942, and subsequent years and also for the base period years 1936, 1937, and 1939. The net income of Corporation C from long-term contracts computed upon the percentage of completion method of accounting and upon the completed contract basis method of accounting and the deductions (not including any deduction based upon excess profits tax) are shown in the following schedule:

prior to January 1, 1942, and attributable to a contract which is completed, and the income from which would be reported on the completed contract basis, in a taxable year beginning after December 31, 1941. Consequently, the excess profits tax for a year beginning in 1942 would be deemed to include any increase in excess profits tax for a taxable year beginning in 1940 or 1941 and attributable to a contract ending in 1942.

(2) In the case of the surtax on corporations improperly accumulating surplus, the credit under section 26(e) for income subject to excess profits tax shall be deducted in determining section 102 net income for such year pursuant to section 102(d) (1) (D).

For rules applicable to taxable years beginning in 1940 and 1941 where an election is made under section 736(b) and § 35.736(b)-2 for an excess profits tax taxable year beginning after December 31, 1941, or for a subsequent taxable year, to compute income from long-term contracts upon the percentage of completion method of accounting, see § 30.736(b)-3 of this chapter.

The income tax for a taxable year recomputed as provided in this section shall be the income tax for such year for the purposes of the provisions of Supplement L of Chapter 1, relating to assessment and collection of deficiency, the provision of Supplement M of Chapter 1, relating to interest and additions to tax,

Excess profits tax—Continued

18. Excess profits tax (90 percent)	$18,855.00
19. Excess profits tax upon which is based credit under section 26(e) for 1942 income tax purposes (item 18 plus $16,759.94, portion of increase in 1941 excess profits tax attributable to contract G completed in 1942 [1])	35,614.94
20. Credit under section 26(e) for income subject to excess profits tax for 1942 income tax purposes (amount of which $35,614.94 (item 19) is 90 percent)	39,572.16
Without regard to section 736(b)	
(i) Excess profits net income (completed contract basis)	$205,000.00
(ii) Less: Excess profits credit	$67,212.50
(iii) Specific exemption	5,000.00
	72,212.50
(iv) Adjusted excess profits net income	132,787.50
(v) Excess profits tax ($41,500 plus 50 percent of $32,787.50)	57,893.75
Pursuant to election under section 736(b)	
(vi) Excess profits net income (percentage of completion method)	$300,000.00
(vii) Less: Excess profits credit	$113,050
(viii) Specific exemption	5,000
	118,050.00
(ix) Adjusted excess profits net income	181,950.00
(x) Excess profits tax ($41,500 plus 50 percent of $81,950)	82,475.00
(xi) Increase in excess profits tax due to election under section 736(b) (item (x) minus item (v))	24,581.25
(xii) Portion of increase attributable to contract G completed in 1942 $\left(\frac{150,000}{220,000} \text{ of } \$24,581.25\right)$	16,759.94
Tax computed without regard to section 736(b):	
Income tax	35,606.25
Excess profits tax	134,985.93
Total	170,592.18
Tax computed pursuant to election under section 736(b):	
Income tax	79,771.14
Excess profits tax	18,855.00
Total	98,626.14
Tax saving resulting from election under section 736(b)	71,966.04

[1] This amount is derived from the following computations of excess profits tax for 1941 under the law applicable to 1941. For complete computations of the income and excess profits taxes for 1940 and 1941 both without regard to section 736(b) and pursuant to election under section 736(b), in the case of the above example, see the example in § 30.736(b)-3(c) of this chapter.

[SEC. 736. RELIEF FOR INSTALLMENT BASIS TAXPAYERS AND TAXPAYERS WITH INCOME FROM LONG-TERM CONTRACTS. (Added by sec. 222 (d), Rev. Act 1942.)]

* * * * * * *

(c) *Adjustment on account of change.* If an adjustment specified in subsection (a) or subsection (b), as the case may be, is, with respect to any taxable year, prevented, on the date of the election by the taxpayer under subsection (a) or subsection (b), as the case may be, or within two years from such date, by any provision or rule of law (other than this section and other than section 3761, relating to compromises), such adjustment shall nevertheless be made if in respect of the taxable year for which adjustment is sought a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within two years after the date such election is made. If at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this subsection shall be limited to the increase or decrease in the tax imposed by Chapter 1 and this subchapter previously determined for such taxable year which results solely from the effect of subsection (a), or subsection (b), as the case may be, and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if on the date of such election, two years remain before the expiration of the period of limitation upon assessment or the filing of claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 734 (d). The amount to be assessed and collected under this subsection in the same manner as if it were a deficiency or to be refunded or credited in the same manner as if it were an overpayment, shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain or loss, other than one resulting from the effect of subsection (a) or subsection (b), as the case may be. Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain or loss, other than one resulting from the effect of subsection (a) or subsection (b), as the case may be.

§ 35.736 (c)-1 *Adjustment on account of changes arising from election under section 736 (a) or section 736 (b).* The recomputation of the tax liability authorized by section 736 (c) applies to the income tax and to the surtax on corporations improperly accumulating surplus, imposed by Chapter 1, and to the excess profits tax imposed by Subchapter E of Chapter 2. Under section 736 (c), if the adjustment of any such taxes imposed for any taxable year, to give effect to the recomputations provided under section 736 (a) (in the case of an installment basis taxpayer) or under section 736 (b) (in the case of a taxpayer with long-term contracts), is prevented on the date of the election by the taxpayer under section 736 (a) or section 736 (b), as the case may be, or within two years from such date by any provision of law (other than section 736 and other than section 3761, relating to compromises) or by any rule of law, including the doctrine of res adjudicata, an adjustment shall nevertheless be made if with respect to the taxable year for which such adjustment is sought a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within two years after the date such election was made. Section 736 (c) applies only if at the time of filing of a claim for refund or the mailing of the notice of the deficiency the adjustment would otherwise be prevented by the running of the statute of limitations, by the execution of a closing agreement, by the operation of the rule of res adjudicata, or because of other reasons. For reference to provisions which would prevent adjustment except for the provisions of section 736 (c), see § 29.3801 (b)-0 of this chapter. Section 736 (c) is not applicable if, on the date of the filing of the claim for refund or the mailing of the notice of deficiency, adjustment of the tax liability is permissible without recourse to such section.

The amount of the adjustment authorized by section 736 is limited to the increase or decrease in the tax imposed by Chapter 1 or the tax imposed by Subchapter E of Chapter 2 previously determined for the taxable year which results solely from the revision of the excess profits tax liability effectuated by section 736 (a) or section 736 (b), as the case may be, and the collateral effects of such revision upon items of income, deductions, credits, average base period net income, etc., already taken into account in ascertaining the tax previously determined. The tax previously determined shall be ascertained in accordance with section 734 (d). See § 35.734-4. If the amount of the adjustment determined under section 736 (c) represents an increase in tax, it is to be treated in the same maner, and assessed and collected as if it were a deficiency for the taxable year; if the amount of the adjustment represents a decrease in tax, it is to be treated, credited, or refunded, in the same manner as if it were an overpayment for the taxable year. In either case the increase or decrease shall be treated as if on the date of the election pursuant to section 736 (a) or section 736 (b), as the case may be, two years

remain before the expiration of the period of limitation upon assessment or the filing of a claim for refund for the taxable year. The amount of the adjustment considered as a deficiency or as an overpayment, as the case may be, will bear interest to the extent provided by the internal revenue laws applicable to deficiencies and overpayments for the taxable year for which the adjustment is made.

The amount of any adjustment under section 736 (c) to be collected in the same maner as if it were a deficiency and the amount of any adjustment to be refunded or credited in the same manner as if it were an overpayment, as the case may be, shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption or gain or loss other than one resulting from the effect of section 736 (a) or section 736 (b), as the case may be.

The amount of any adjustment under the provisions of section 736 (c) which is refunded may not subsequently be recovered in a suit for erroneous refund based upon any adjustment other than one resulting from the revision of excess profits tax liability occasioned by the recomputation of tax pursuant to an election under section 736 (a) or section 736 (b), as the case may be. The amount of any adjustment under section 736 (c) which is assessed and collected as a deficiency may not thereafter be recovered by the taxpayer in any suit for refund based upon any adjustment other than one resulting from the revision of excess profits tax liability occasioned by the recomputation of tax pursuant to an election under section 736 (a) or section 736 (b), as the case may be.

Rules in Connection With Certain Exchanges[1]

Excess Profits Credit Based on Income[2]

Sec. 745. Definitions. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 8 (a), (b), and (c), Excess Profits Tax Amendments 1941, and by sec. 228 (a), Rev. Act 1942.]

For the purposes of this Supplement—

(a) *Acquiring corporation.* The term "acquiring corporation" means—

(1) A corporation which has acquired—

(A) substantially all the properties of another corporation and the whole or a part of the consideration for the transfer of such properties is the transfer to such other corporation of all the stock of all classes (except qualifying shares) of the corporation which has acquired such properties, or

(B) substantially all the properties of another corporation and the sole consideration for the transfer of such properties is the transfer to such other corporation of voting stock of the corporation which has acquired such properties, or

(C) before October 1, 1940, properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock owned by such other corporation, or

(D) substantially all the properties of a partnership in an exchange to which section 112 (b) (5), or so much of section 112 (c) or (e) as refers to section 112 (b) (5), or to which a corresponding provision of a prior revenue law, is or was applicable.

For the purposes of subparagraphs (B) and (C) in determining whether such voting stock or such paid-in surplus or contribution to capital is the sole consideration, the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. Subparagraph (B) or (C) shall apply only if the corporation transferring such properties is forthwith completely liquidated in pursuance of the plan under which the acquisition is made, and the transaction of which the acquisition is a part has the effect of a statutory merger or consolidation.

(2) A corporation which has acquired property from another corporation in a transaction with respect to which gain or loss was not recognized under section 112 (b) (6) of Chapter 1 or a corresponding provision of a prior revenue law;

(3) A corporation the result of a statutory merger of two or more corporations; or

(4) A corporation the result of a statutory consolidation of two or more corporations.

(b) *Component corporation.* The term "component corporation" means—

(1) In the case of a transaction described in subsection (a) (1), the corporation which transferred the assets;

(2) In the case of a transaction described in subsection (a) (2), the corporation the property of which was acquired;

(3) In the case of a statutory merger, all corporations merged, except the corporation resulting from the merger; or

(4) In the case of a statutory consolidation, all corporations consolidated, except the corporation resulting from the consolidation; or

(5) In the case of a transaction specified in subsection (a) (1) (D), the partnership whose properties were acquired.

(c) *Income of certain component corporations not included.* For the purposes of section 712, section 742, and section 743 in the case of a corporation which is a component corporation in a transaction described in subsection (a)—

(1) Except as provided in paragraph (2), for the purpose of computing, for any taxable year beginning after December 31, 1941, the excess profits credit of such component corporation or of an acquiring corporation of which the acquiring corporation in such transaction is not a component, except in the application of sections 713 (f) and 742 (h) (other than the limitation on the amount of average base period net income or Supplement A average base period net income, as the case may be, determined thereunder), no account shall be taken of the excess profits net income of such component corporation for any period before the day after such transaction, or of the excess profits net income for any period before the day after such transaction of its component corporations in any transaction before such transaction, and no account shall be taken of the capital addition or capital reduction of such component corporation either immediately before such transaction or for any prior period, or of the capital addition or capital reduction either immediately before such transaction or for any prior period of its component corporations in any transaction before such transaction.

(2) In case such transaction occurred in a taxable year of such component corporation beginning after December 31, 1941, for the purpose of computing the excess profits credit of such component corporation for such taxable year, the amount of its average base base period net income or Supplement A average base period net income, as the case may be, shall be limited to an amount which bears the same ratio to such average base period net income or Supplement A average base period net income, as the case may be (computed without regard to this paragraph but with the application of paragraph (1) in case of a prior transaction described in subsection (a) with respect to such component corporation or a component corporation thereof), as the number of days in such taxable year before the day after such transaction bears to the total number of days in such taxable year.

For the purposes of section 742, in the case of a corporation which is a component corporation in a transaction described in subsection (a), in computing for any taxable year the Supplement A average base period net income of the acquiring corporation in such transaction or of a corporation of which such acquiring corporation becomes a component corporation, no account shall be taken of the excess profits net income of such component corporation for any period beginning with the day after such transaction.

(d) In the case of a taxpayer which is an acquiring corporatidn the base period shall be the four calendar years 1936 to 1939, both inclusive, except that, if the taxpayer became an acquiring corporation prior to September 1, 1940, the base period shall be the same as that applicable to its first taxable year ending in 1941.

(e) *Base period years.* In the case of a taxpayer which is an acquiring corporation its base period years shall be the four successive twelve-month periods beginning on the same date as the beginning of its base period.

(f) *Existence of acquiring corporation.* For the purposes of section 712(a), if any component corporation of the taxpayer was in existence before January 1, 1940, the taxpayer shall be considered to have been in existence before such date.

(g) *Component corporations of component corporations.* If a corporation is a component corporation of an acquiring corporation, under subsection (b) or under this subsection, it shall (except for the purposes of section 742(d) (1) and (2) and section 743(a) (1), (2), and (3)) also be a component corporation of the corporation of which such acquiring corporation is a component corporation.

(h) *Sole proprietorship.* For the purposes of sections 740(a) (1) (D), 740(b) (5), and 742(g), a business owned by a sole proprietorship shall be considered a partnership.

§ 35.740–1 *Purpose and scope of supplement A.* (a) The term "Supplement A," when used in these regulations, means sections 740 and 742 to 744. Supplement A provides rules governing the right to use the excess profits credit based on income and the method of computing such credit, in the case of certain "acquiring" corporations. An acquiring corporation is a domestic corporation which has absorbed one or more other domestic corporations, partnerships, or businesses owned by sole proprietorships in a transaction meeting the requirements set forth in section 740(a), which transaction is generally referred to in these regulations as a "Supplement A transaction." Each such absorbed corporation, partnership, or business owned by a sole proprietorship is designated a component corporation of the acquiring corporation. Furthermore, except for the purposes of section 742(d) (1) and (2) and section 743(a) (1), (2), and (3), if an acquiring corporation is later absorbed by another acquiring corporation, all of the component corporations of the first acquiring corporation become component corporations of the second acquiring corporation. A foreign corporation cannot be an acquiring corporation and neither a foreign corporation, a foreign partnership, nor a business owned by a foreign sole proprietorship can be a component corporation (see section 744).

(b) The purpose of Supplement A is in general to attribute to an acquiring corporation the existence of corporations, partnerships, or businesses owned by sole proprietorships absorbed by it, together with the base period excess profits net income or deficit in excess profits net income and the net capital changes of such predecessors, in order (1) that a corporation the corporate life of which in substance, though not in form, includes the base period may use the excess profits credit based on income and (2) that a corporation composed in whole or in part of component corporations may compute its excess profits credit in the light of the base period experience of the entire enterprise. Accordingly, an acquiring corporation which was not actually in existence before the close of its base period, as defined in section 740(d), is given the right to use the excess profits credit based on income, provided that it has a component corporation actually in existence before January 1, 1940. In the case of an acquiring corporation which was actually in existence before January 1, 1940, and which uses an excess profits credit based on income, its average base period net income must be computed under section 713 or Supplement A, whichever method results in the greater average base period income. If an acquiring corporation computes its average base period net income under Supplement A, it is required to take into account the daily capital addition or reduction of each component corporation in computing its daily capital addition or reduction for each day after the Supplement A transaction, subject to the rules of section 743 and § 35.743–1.

§ 35.740–2 *Transactions whereby a corporation becomes an acquiring corporation.* (a) The types of transactions whereby a corporation can become an acquiring corporation are specifically described in section 740(a). In addition to statutory mergers and consolidations and the acquisition of property in a complete liquidation in which gain or loss is not recognized because of the provisions of section 112(b) (6) or the same section as contained in the Revenue Act of 1936 or 1938, only the following types of transactions are included:

(1) The acquisition by one corporation, in exchange in whole or in part for all of its stock of all classes (except qualifying shares), of substantially all the properties of another corporation. See section 112 (g) (1) (D).

(2) The acquistion by one corporation, in exchange solely for all or a part of its voting stock, of substantially all the properties of another corporation, but in determining whether the exchange is solely for voting stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. See section 112 (g) (1) (C). In this type of transaction it is also required that the transferor corporation be forthwith completely liquidated pursuant to the plan under which the transfer of its properties was made and that the transaction of which the transfer is a part have the effect of a statutory merger or consolidation.

(3) The acquistion before October 1, 1940, by one corporation of properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock of the acquiring corporation owned by the transferor corporation, but in determining whether the acquisition is solely as paid-in surplus or a contribution to capital the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. As in the case of (2) above, it is also required that the transferor corporation be forthwith completely liquidated pursuant to the plan under which the transfer of properties was made and that the transaction of which the transfer is a part have the effect of a statutory merger or consolidation.

(4) The acquisition of substantially all the properties of a partnership in an exchange to which section 112 (b) (5), or so much of section 112 (c) or (e) as refers to section 112 (b) (5), or to which the corresponding provisions of a prior revenue law, is or was applicable. For the purposes of this paragraph a business owned by a sole proprietorship shall be considered a partnership.

(b) The types of transactions set forth in section 740(a), other than those set forth in section 740(a) (1) (C), either are embraced within the definition of a reorganization contained in section 112(g) (1), are transfers to a controlled corporation within the meaning of section 112(b) (5) and related sections, or are complete liquidations within the meaning of section 112(b) (6). Since Supplement A applies only to cases where there is a sufficient continuity of interest to justify treating a corporation by which the assets of another corporation, a partnership, or a business owned by a sole proprietorship have been acquired, as standing in the place of its predecessor, such transactions must satisfy all the requirements of the regulations prescribed under section 112 with respect to such transactions in order that the transferee corporation may be treated as an acquiring corporation.

(c) The purposes of section 740(c) are fourfold:

(1) In general, it confines the base period experience of a component corporation for the period before the day after the Supplement A transaction and its capital changes immediately before such transaction and for any prior period to the acquiring corporation in such transaction or to an acquiring corporation of which the first acquiring corporation is a component corporation.

(2) It permits a component corporation which does not terminate its existence in connection with the Supplement A transaction to take into account its entire base period experience (including that for the day of and the period before such transaction) for the purposes of sections 713 (f) and 742(h), except that its experience for the period before the day after the transaction cannot be taken into account for the purpose of applying the limitation prescribed in such sections as to the maximum amount of average base period net income. (See further § 35.742–1 (c).)

(3) It limits a component corporation which does not terminate its existence in connection with the Supplement A transaction, for the purpose of its credit under section 713 or section 742 in computing its excess profits tax for the taxable year in which the transaction occurs, to the proportionate part of its base period experience (after the application of section 740 (c) (1) as explained in subparagraphs (1) and (2) above in case of a prior transaction) which the number of days in such taxable year before the day after such transaction bears to the total number of days in such taxable year. If the component corporation goes out of existence on the day of the Supplement A transaction in a taxable year of such component which begins after December 31, 1941, and ends on the day of the Supplement A transaction (by reason of the termination of its existence, or for any other reason), it is entitled, subject to these regulations, to use its entire average base period net income for the purpose of computing its excess profits credit to be applied for such year. (For a corresponding provision in the case of the acquiring corporation in a Supplement A transaction occurring during its excess profits tax taxable year and an illustration of the application of such corresponding provision and section 740 (c) (2), see section 742 (f) (2) and § 35.742–3 (c).)

(4) It prevents a corporation acquiring a component corporation which does not terminate its existence in connection with the transaction from taking into account the base period experience of the component corporation after such transaction for the purpose of computing its excess profits credit based on income.

The operation of section 740 (c), from the standpoint of the purpose described in (1) above, is as follows: If a corporation is a component corporation in, for example, a transaction described in section 740 (a) (1) (A), occurring within the base period, and if the existence of such corporation is not terminated in connection with such transaction, its base period experience for the period before the day after such transaction is given to the acquiring corporation in such transaction or to an acquiring corporation of which the first acquiring corporation is a component corporation. Consequently, assuming that such component corporation remains in existence and continues business with properties acquired after such transaction, it will not, except for a limited purpose in computing average base period net income under section 713 (f) or section 742 (h), receive any benefit from its experience on the day of and prior to such transaction, nor can its experience on the day of and prior to such transaction be passed on to another acquiring corporation in a subsequent Supplement A transaction in which it is the component corporation.

[1] Part II, sections 740–761 of the Internal Revenue Code.

[2] Supplement A, sections 740–744 of the Internal Revenue Code.

The same rule is applicable to each successive Supplement A transaction to which such corporation is a party as a component corporation and in connection with which its existence is not terminated. Section 740 (c) applies to all types of Supplement A transactions, whether or not complete liquidation of the component corporation is specifically required in connection therewith.

If a Supplement A transaction occurred in a taxable year of the component corporation beginning in the base period, the excess profits net income of such component corporation for the portion of the taxable year after the transaction and for the prior portion of the taxable year (which is to be taken into account only by the acquiring corporation in such transaction) shall be computed on the basis of its income as shown by its books if the accounts are so kept that excess profits net income for each of such portions can be clearly and accurately determined. If the accounts are not so kept, the excess profits net income for the portion of the taxable year after the transaction shall be considered to be an amount which bears the same ratio to the excess profits net income for such taxable year as the number of days in such taxable year after such transaction bears to the total number of days in such taxable year, and the excess profits net income for the prior portion of such taxable year shall be considered to be the balance of the excess profits net income for such taxable year. However, if items of income and deduction are clearly and accurately determined to be attributable to particular portions of the taxable year, such items may be eliminated before the above proration is made, and after the proration is made such items will be added to (if items of income) or deducted from (if deductible items) the excess profits net income determined by the proration for the period to which such items are attributable.

The application of the provisions of section 740 (c) may be illustrated by the following example:

Example. A, B, and C, corporations which have always made their income tax returns on the calendar year basis, were in existence on January 1, 1936, and have continued in existence at all times since that date. On December 31, 1938, B acquired the properties of A in a transaction described in section 740 (a) (1) (A). A converted into cash the stock in B which it received in such transaction, and with the proceeds of such conversion acquired new properties. It operates such properties continuously down to the time C acquires such properties from A on October 19, 1943, in a transaction described in section 740 (a) (1) (A). A continues in business throughout 1943, operating properties which it purchased with the proceeds of the conversion of the stock in C received in the second transaction. The operation of section 740 (c) under circumstances outlined in this example is as follows:

(a) As to B. In determining its average base period net income under Supplement A for the purposes of the excess profits taxes for 1942 and 1943, B takes into account A's base period experience for 1936, 1937, and 1938. Inasmuch as the transaction involving B occurs within the base period, there is no capital addition or reduction of A to be transferred to B. See section 743.

(b) As to A. In determining its average base period net income under the general average method for the purposes of its excess profits tax for 1942, A takes into account its base period experience for 1939, but is denied the right to use its base period experience for 1936, 1937, and 1938. However, in determining its average base period net income under the growth formula, for purposes of its excess profits tax for 1942, A takes into account its base period experience for 1936, 1937, 1938, and 1939, except that such average cannot exceed its excess profits net income for 1939. When A determines its excess profits tax for 1943, it takes into account for the purpose of its average base period net income under the general average method only four-fifths (the ratio of the number of days in January 1, 1943–October 19, 1943, inclusive (292), over the number of days in 1943 (365)) of its base period experience for 1939; for the purpose of the growth formula it takes into account only four-fifths of its average base period experience determined under such formula. It does not take into account for the purpose of its tax for 1943 any of its capital addition or reduction attributable to the time immediately before the transaction. A will be entitled, however, to use the credit based on invested capital.

(c) As to C. Section 740 (c) is first applicable to C with respect to 1943. In determining its average base period net income under Supplement A for the purposes of its excess profits tax for that year, under the general average method C takes into account one-fifth of A's base period experience for 1939, and for the purpose of the growth formula (except in computing for such purpose the limitation as to the year of the highest excess profits net income) it takes into account one-fifth of A's average base period net income determined under such formula. See section 742 (f) (2). In determining C's average base period net income under Supplement A for the purposes of its excess profits tax for 1944, C takes into account all of A's base period experience for 1939 if the general average method is used, or all of A's base period experience for the purpose of the growth formula (except the limitation under such formula with respect to the year of the highest excess profits net income). Moreover, as the transaction involving C occurs after the close of the base period, A's daily capital addition and reduction as of the time immediately before the transaction are transferred to C. See section 743.

§ 35.740–3 *Base period and base period years of acquiring corporation.* The base period of a taxpayer, the average base period net income of which is computed under Supplement A, is

(a) The four calendar years 1936, 1937, 1938, and 1939, except in cases to which (b) applies, or

(b) If the taxpayer became an acquiring corporation prior to September 1, 1940, the 48 months preceding the date in 1940 on which its first excess profits tax taxable year ending in 1941 began or the date in 1940 which corresponds to the date in 1941 on which its first excess profits tax taxable year ending in 1941 began, as the case may be.

The base period once determined under this section for purposes of Supplement A is not affected by the fact that the taxpayer subsequently changes its taxable year.

The base period years of an acquiring corporation are four in number, being composed of the four successive 12-month periods beginning on the same date as the beginning of its base period. Thus, if the base period begins January 1, 1936, the four base period years are the four calendar years 1936, 1937, 1938, and 1939.

§ 35.740–4 *Partnerships and sole proprietorships under Supplement A.* A partnership (or a business owned by a sole proprietorship) can be a component corporation for the purposes of Supplement A, subject to the exceptions in section 740 (g). However, a partnership (or a business owned by a sole proprietorship) cannot be an acquiring corporation and, therefore, section 740 (g) cannot operate to make any of its predecessors component corporations of its acquiring corporation.

SEC. 741. ALLOWANCE OF EXCESS PROFITS CREDIT. [Added by sec. 201, Second Rev. Act 1940; Amended by sec. 14, Excess Profits Tax Amendments 1941; Not applicable to taxable years under these regulations (secs. 224 (b) and 228 (b), Rev. Act 1942).]

SEC. 742. SUPPLEMENT A AVERAGE BASE PERIOD NET INCOME. [Added by sec. 201, Second Rev. Act 1940; Amended by secs. 8 and 15, Excess Profits Tax Amendments 1941, and by sec. 228 (c), Rev. Act 1942.]

In the case of a taxpayer which is an acquiring corporation, its average base period net income (for the purpose of the credit computed under section 713) shall be the amount computed under section 713 or the amount of its Supplement A average base period net income, whichever is the greater. The Supplement A average base period net income shall be the amount computed without regard to subsection (h) of this section or computed under subsection (h) of this section, whichever is the greater. The Supplement A average base period net income shall be computed as follows:

(a) By ascertaining with respect to each of its base period years—

(1) The amount of its and each of its component corporation's excess profits net income for each of its and such component corporation's taxable years beginning with or within such base period year; or, in the case of each such taxable year of the taxpayer or of such component corporation, as the case may be, in which the deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) exceeded the gross income, the amount of such excess;

(2) (A) The aggregate of the amounts of excess profits net income ascertained under paragraph (1); (B) the aggregate of the excesses ascertained under paragraph (1); and (C) the difference between the aggregates found under clause (A) and clause (B). If the aggregate ascertained under clause (A) is greater than the aggregate ascertained under clause (B), the difference shall for the purposes of subsection (b) be designated a "plus amount", and if the aggregate ascertained under clause (B) is greater than the aggregate found under clause (A), the difference shall for the purposes of subsection (b) be designated a "minus amount".

If, in the case of the taxpayer or any component corporation of the taxpayer, one and only one taxable year of the taxpayer or such component corporation, as the case may be, begins with or within such base period year and such taxable year is less than twelve months, the amount of the excess profits net income, or the amount of such excess of deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) over gross income, as the case may be, for such taxable year, shall be placed on an annual basis in the same manner as is provided in section 711 (a) (3). If more than one taxable year of the taxpayer or such component corporation, as the case may be, begins with or within such base period year, the aggregate of the amounts of excess profits net income minus the aggregate of the excesses of deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) over gross income, or the aggregate of such excesses minus the aggregate of the amounts of excess profits net income, as the case may be, for such taxable years shall be adjusted to such extent as the Commissioner, under regulations prescribed by him with the approval of the Secretary, prescribes as necessary in order that such base period year shall reflect income for a period of twelve months. For the purposes of this section, a taxable year of a component corporation beginning within the base period which also begins with or within the taxable year of the acquiring corporation in which the acquisition occurred, or which also begins with or within the same base period year with which or within which began such taxable year of the acquiring corporation, shall be considered a taxable year of the acquiring corporation, and such taxable year shall be considered to have begun in the base period year with which or within which such taxable year of the acquiring corporation began.

(b) By adding the plus amounts ascertained under subsection (a) (2) for each year of the base period; and

(1) If the tax under this subchapter is being computed for a taxable year not beginning after December 31, 1941, by subtracting from such sum, if for two or more years of the basis [sic] period there was a minus amount, the sum of the minus amounts, excluding the greatest; or

(2) If the tax under this subchapter is being computed for a taxable year beginning after December 31, 1941, by subtracting from such sum the sum of the minus amounts. If the amount used under the preceding sentence for the lowest year is less than 75 per centum of the sum of the plus amounts reduced by the sum of the minus amounts for the other years in the base period divided by three, the amount which shall be used for such lowest year shall be 75 per centum of the amount last ascertained.

(c) By dividing the amount ascertained under subsection (b) by four.

(d) In no case shall the average base period net income be less than zero. In the case of a taxpayer which becomes an acquiring corporation in any taxable year beginning after December 31, 1939, if, on September 11, 1940, and at all times until the taxpayer became an acquiring corporation—

(1) the taxpayer owned not less than 75 per centum of each class of stock of each of the qualified component corporations involved in the transaction in which the taxpayer became an acquiring corporation; or

(2) one of the qualified component corporations involved in the transaction owned not less than 75 per centum of each class of stock of the taxpayer, and of each of the other qualified component corporations involved in the transaction,

the average base period net income of the taxpayer shall not be less than (A) the average base period net income of that one of its qualified component corporations involved in the transaction the average base period net income of which is greatest, or (B) the average base period net income of the taxpayer computed without regard to the base period net income of any of its qualified component corporations involved in the transaction. As used in this subsection, the term "qualified component corporation" means a component corporation which was in existence on the date of the beginning of the taxpayer's base period.

(e) For the purposes of subsection (a) (1) of this section—

(1) If neither the taxpayer corporation nor any of its component corporations was actually in existence on December 31, 1936, the excess profits net income of each such corporation for each base period year at no time during which any of such corporations was actually in existence, shall (except in the case of a corporation which became a component corporation of its acquiring corporation before the beginning of the acquiring corporation's first taxable year which began in 1940) be an amount equal to 8 per centum of the excess of—

(A) in the case of any such corporation to which paragraph (2) is not applicable, the daily invested capital of such corporation for the first day of its first taxable year under this subchapter beginning in 1940 over

(B) an amount equal to the same percentage of such daily invested capital as would be applicable under section 720 in reduction of the average invested capital of such corporation for the last taxable year beginning in 1939 if such section had been applicable to such year (computed as if the admissible and inadmissible assets of any other such corporation with respect to which it became, in such taxable year, an acquiring corporation, had been held by it).

(2) In case the transaction by which a corporation became a component corporation of its acquiring corporation occurred in the last taxable year of such component corporation beginning in 1939 but on a day in a taxable year of such acquiring corporation beginning in 1940, the excess profits net income of such component corporation for each base period year described in paragraph (1) shall be an amount equal to 8 per centum of the excess of—

(A) the daily invested capital of such component corporation for such day, over

(B) an amount equal to the same percentage of such daily invested capital as would be applicable under section 720 in reduction of the average invested capital of such component corporation for the twelve-month period ending with the preceding day if such twelve-month period constituted a taxable year and such section had been applicable to such taxable year.

(3) In case any corporation described in paragraph (1) owned stock in any other such corporation on the first day of such owning corporation's first taxable year under this subchapter beginning in 1940, the amounts computed under subparagraphs (A) and (B) of paragraphs (1) and (2) with respect to such corporations shall be adjusted, under regulations prescribed by the Commissioner with the approval of the Secretary, to such extent as may be necessary to prevent the excess profits net income of such corporations for the base period years described in paragraph (1) from reflecting money or property having been paid in by either of such corporations to the other for stock or as paid-in surplus or as a contribution to capital, or from reflecting stock of either having been paid in for stock of the other or as paid-in surplus or as a contribution to capital. For the purposes of this paragraph, stock in either such corporation which has in the hands of the other corporation a basis determined with reference to the basis of stock previously acquired by the issuance of the taxpayer's or first corporation's own stock shall be deemed to have been paid in for the stock of such other corporation.

(4) In determining whether, for any taxable year, the deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made.

(f) (1) If, after December 31, 1935—

(A) the taxpayer acquired stock in another corporation, and thereafter such other corporation became a component corporation of the taxpayer, or

(B) a corporation (hereinafter called "first corporation") acquired stock in another corporation (hereinafter called "second corporation"), and thereafter the first and second corporations became component corporations of the taxpayer,

then to the extent that the consideration for such acquisition was not the issuance of the taxpayer's or first corporation's, as the case may be, own stock, the Supplement A average base period net income of the taxpayer shall be reduced, and the transferred capital addition and reduction adjusted, in respect of the income and capital addition and reduction of the corporation whose stock was so acquired and in respect of the income and capital addition and reduction of any other corporation which at the time of such acquisition was connected directly or indirectly through stock ownership with the corporation whose stock was so acquired and which thereafter became a component corporation of the taxpayer, in such amounts and in such manner as shall be determined in accordance with regulations prescribed by the Commissioner with the approval of the Secretary. For the purposes of this paragraph, stock which has, in the hands of the taxpayer or first corporation, as the case may be, a basis determined with reference to the basis of stock previously acquired by the issuance of the taxpayer's or first corporation's, as the case may be, own stock, shall be considered as having been acquired in consideration of the issuance of the taxpayer's or first corporation's, as the case may be, own stock.

(2) If during the taxable year for which tax is computed under this subchapter the taxpayer acquires assets in a transaction which constitutes it an acquiring corporation, the amount includible under subsection (a), attributable to such transaction, shall be limited to an amount which bears the same ratio to the amount computed without regard to this subsection as the number of days in the taxable year after such transaction bears to the total number of days in such taxable year.

(g) In the case of a partnership which is a component corporation by virtue of section 740 (b) (5), the computations required by this Supplement shall be made, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, as if such partnership had been a corporation. For the purpose of such computations, in making the adjustment for income taxes required by section 711 (b) (1) (A), the partnership so regarded as a corporation shall be considered as having distributed all its net income as a dividend.

(h) *Increased earnings in last half of base period*—(1) *General rule.* The Supplement A average base period net income determined under this subsection shall be computed by ascertaining for each half of the base period the sum of the plus amounts determined under subsection (a) reduced if for any year in such half a minus amount was determined by the minus amount for such year. If the amount ascertained for the second half exceeds the amount ascertained for the first half, the Supplement A average base period net income shall be the sum, divided by two, of the amount so ascertained for the second half plus one-half of such excess, except that it shall not exceed the largest plus amount determined under subsection (a) with respect to any base period year.

(2) *Limitation on amount includible for certain taxable years ending after May 31, 1940.* For the purposes of this subsection the excess profits net income of any corporation for any taxable year beginning in 1939 and ending after May 31, 1940, shall in no case exceed an amount computed as follows:

(A) By reducing the excess profits net income by an amount which bears the same ratio thereto as the number of months after May 31, 1940, bears to the total number of months in such taxable year; and

(B) By adding to the amount ascertained under subparagraph (A) an amount which bears the same ratio to the excess profits net income for the last preceding taxable year as such number of months after May 31, 1940, bears to the number of months in such preceding year. The amount added under this subparagraph shall not exceed the amount of the excess profits net income for such last preceding taxable year.

(C) If the number of months in such preceding taxable year is less than such number of months after May 31, 1940, by adding to the amount ascertained under subparagraph (B) an amount which bears the same ratio to the excess profits net income for the second preceding taxable year as the excess of such number of months after May 31, 1940, over the number of months in such preceding taxable year bears to the number of months in such second preceding taxable year.

§ 35.742–1 *General rules for determining Supplement A average base period net income*—(a) *Introductory.* In the case of an acquiring corporation which was actually in existence before January 1, 1940, its average base period net income, for the purposes of the excess profits credit based on income, shall be (1) the amount computed under section 713 with reference to its base period experience but without reference to the base period experience of its component corporations; or (2) the amount of its Supplement A average base period net income, computed under section 742 with reference to its base period experience and also with reference to the base period experience of its component corporations, whichever of such amounts is the greater. In the case of an acquiring corporation which was not actually in existence before January 1, 1940, but which was constructively in existence before such date through a component corporation, its average base period net income, for the purposes of such credit, shall be its Supplement A average base period net income, computed under section 742.

In the case of an acquiring corporation which desires to compute its average base period net income under Supplement A, section 742 is not intended to require such corporation to include in its return the computations of base period income under section 713 for the purpose of showing that the computations under Supplement A result in the greater average base period net income. A return setting forth one set of computations of base period income shall be acceptable. A return filed in this manner shall be audited as filed, regardless of whether the omitted computation of average base period net income would result in a lesser tax. If a corporation files a return which contains only one set of computations of base period income, it is not thereby precluded from establishing that the computations used resulted in an overpayment of the excess profits tax or from filing a claim for the refund thereof.

The Supplement A average base period net income of an acquiring corporation shall be (1) the amount computed under section 742 without regard to paragraph (h) of such section, or (2) the amount computed under such paragraph, whichever of such amounts is the greater. If neither the acquiring corporation nor any of its component corporations was in existence at any time during a base period year, then, in computing the Supplement A average base period net income of the acquiring corporation, section 742 (e) (1), (2), and (3) is applicable regardless of whether the computation is made under section 742 (h) or without regard to such section.

(b) *General average method*—(1) *In general.* The following steps are required for the computation of the Supplement A average base period net income under section 742 without regard to paragraph (h) of such section (for exceptions and limitations as to amounts of excess profits net income or deficit to be included in average base period, see § 35.742–3, and for computation of excess profits net income for base period years during which neither the taxpayer nor any of its component corporations was in existence at any time, see § 35.742–4):

(i) The excess profits net income or the excess of deductions plus the credit for dividends received and the credit provided in section 26 (a) over gross income (hereinafter referred to as "deficit in excess profits net income") of the acquiring corporation and each component corporation for each taxable year beginning with or within a base period year of the acquiring corporation must be determined.

(ii) The group excess profits net income or group deficit in excess profits net income for each base period year of the acquiring corporation, i. e., the aggregate of the amounts determined with respect to each corporation separately for taxable years beginning with or within such base period year, must be determined as provided in subparagraph (3) of this paragraph.

(iii) The taxpayer's Supplement A average base period net income is then ascertained by determining the aggregate of the group excess profits net incomes and deficits in excess profits net income (with adjustment in certain cases of the amount for the lowest year) and dividing by 4, as provided in subparagraph (4) of this paragraph.

(2) *Determination of excess profits net income or deficit in excess profits net income of acquiring corporation and each component corporation.* The first step in computing the average base period net income of an acquiring corporation is the determination of the excess profits net income or deficit in excess profits net income of the acquiring corporation and each component corporation for each taxable year beginning with or within a base period year of the acquiring corporation. Such excess profits net income or deficit in excess profits net income shall be computed with the adjustments provided in section 711 (b).

In the case of a component corporation which is a partnership or a business owned by a sole proprietorship, its excess profits net income or deficit in excess profits net income for each taxable year in the base period shall be determined as though such partnership or business owned by a sole proprietorship had been a corporation for each such year. Among the adjustments which are necessary in computing the excess profits net income or deficit in excess profits net income are the following:

(i) A reasonable deduction for salary or compensation to each partner or the sole proprietor for personal services actually rendered shall be allowed;

(ii) The credit for dividends received provided by section 26 (b) and section 711 (b) (1) (G) shall be allowed;

(iii) The treatment of capital gains and losses shall be that applicable to corporations;

(iv) The deduction for charitable contributions shall be that allowed by section 23 (q);

(v) The income taxes allowed as a deduction under section 23 (c) shall be computed as though the partnership or business owned by a sole proprietorship were a corporation and in computing such taxes the partnership or business owned by a sole proprietorship shall be deemed to have distributed all its net income as a dividend.

(3) *Determination of group excess profits net income or deficit in excess profits net income.* The group excess profits net income or deficit in excess profits net income of an acquiring corporation for each base period year is determined by adding together the excess profits net incomes of the several corporations determined under subparagraph (2) of this paragraph for each taxable year beginning with or within such base period year and subtracting from such sum the sum of the deficits in excess profits net income so determined for each such taxable year, with the exceptions and limitations set forth in § 35.742–2 (a). If the sum of the excess profits net incomes for such base period year exceeds the sum of the deficits in excess profits net income for such base period year, the difference is the group excess profits net income for such base period year. If the sum of the deficits in excess profits net income exceeds the sum of the excess profits net incomes, the difference is the group deficit in excess profits net income for such base period year. This paragraph may be illustrated by the following examples:

Example (1). The X Corporation, which was organized prior to 1936, and which has always made its income tax returns on the calendar year basis, is computing its excess profits tax for the calendar year 1942. In 1939 it became an acquiring corporation of the Y Corporation and the Z Corporation, both of which were organized prior to January 1, 1936. The Y Corporation made its income tax returns on the basis of the fiscal year beginning July 1, and the Z Corporation made its income tax returns on the calendar year basis. For the calendar year 1936 the X Corporation had an excess profits net income of $50,000, and the Z Corporation had an excess profits net income of $20,000. For the fiscal year beginning July 1, 1936, the Y Corporation had an excess profits net income of $30,000. For its first base period year, i. e., the calendar year 1936, the group excess profits net income of X, the acquiring corporation, is $100,000, computed as follows:

Excess profits net income of X Corporation for 1936	$50,000
Plus:	
Excess profits net income of Z Corporation for 1936	20,000
Excess profits net income of Y Corporation for fiscal year beginning July 1, 1936	30,000
Group excess profits net income for 1936	100,000

The Y Corporation's fiscal year ending June 30, 1936, cannot be taken into account since it is a taxable year which did not begin with or within the first base period year.

Example (2). If, in the case of the same corporations as in example (1), for the calendar year 1937 the X Corporation had an excess profits net income of $75,000 and the Z Corporation had an excess profits net income of $30,000 and if the Y Corporation for the fiscal year beginning July 1, 1937, had a deficit in excess profits net income of $5,000, the X Corporation would have a group excess profits net income for its second base period, year, i. e., the calendar year 1937, of $100,000, computed as follows:

Excess profits net income of X Corporation for 1937	$75,000
Plus: Excess profits net income of Z Corporation for 1937	30,000
Total	105,000
Less: Deficit in excess profits net income of Y Corporation for fiscal year beginning July 1, 1937	5,000
Group excess profits net income for 1937	100,000

Example (3). If for the calendar year 1938 the X Corporation had an excess profits net income of $40,000 and the Z Corporation had a deficit in excess profits net income of $50,000, and if the Y Corporation had an excess profits net income of $5,000 for the fiscal year beginning on July 1, 1938 (which ended before the acquisition in 1939), the X Corporation would have a group deficit in excess profits net income for its third base period year, i. e., the calendar year 1938, of $5,000, computed as follows:

Deficit in excess profits net income of Z Corporation for 1938		$50,000
Less:		
Excess profits net income of X Corporation for 1938	$40,000	
Excess profits net income of Y Corporation for fiscal year beginning July 1, 1938	5,000	
		45,000
Group deficit in excess profits net income for 1938		5,000

(4) *Determination of average base period net income.* The average base period net income of an acquiring corporation, in general, is the sum of the group excess profits net incomes for the base period years for which there were group excess profits net incomes, reduced by the sum of the group deficits in excess profits net income for the base period years for which there were group deficits in excess profits net income, the remainder being divided by four. However, in cases in which the lowest amount for any base period year is less than 75 percent of the average for the other three years, there shall be substituted for such lowest amount an amount of excess profits net income equal to 75 percent of such average, and then the average base period net income shall be computed for the four base period years as under the general rule. In no case shall the average base period net income be less than zero. This paragraph may be illustrated by the following example:

Example. The group net income or group deficit in excess profits net income of the P Corporation for each of its base period years is as follows (a group deficit in excess profits net income being preceded by a minus sign):

First base period year	$100,000
Second base period year	−50,000
Third base period year	−25,000
Fourth base period year	75,000

The average base period net income of the P Corporation is $46,875, computed as follows:

(1) Group deficit in excess profits net income for lowest year	−$50,000
Average for other 3 years ($100,000 − $25,000 + $75,000 ÷ 3)	50,000
75 percent of average for other 3 years	$37,500
(2) Group excess profits net income for first year	100,000
Plus: Group excess profits net income for second year (as determined above for lowest year)	37,500
Group excess profits net income for fourth year	75,000
Total	212,500
Less: Group deficit in excess profits net income for third year	−25,000
Remainder	187,500
Average base period net income ($187,500 ÷ 4)	46,875

Section 742 (d) provides for a minimum average base period net income in the case of a taxpayer which becomes an acquiring corporation in a transaction taking place in a taxable year beginning after December 31, 1939, if, on September 11, 1940, and at all times thereafter until the transaction takes place, either the taxpayer owns at least 75 percent of each class of stock of each qualified component corporation involved in the transaction, or one of such qualified component corporations owns at least 75 percent of each class of stock of the taxpayer and each of the other qualified component corporations. In such case the average base period net income of the taxpayer shall be determined as provided in section 742 (d). The term "qualified component corporation," as used in this paragraph, means a component corporation which was in existence on the date of the beginning of the taxpayer's base period. For the purposes of this paragraph section 740 (g) is not applicable.

§ 35.742–2 *Computation of average base period net income under section 742 (h); increased earnings in last half of base period*—(a) *In general.* The determination of the Supplement A average base period net income under the method provided in section 742 (h) is operative only if the sum of the group excess profits net incomes of the taxpayer for the second half of its base period, reduced by the sum of its deficits in excess profits net income for such half, is greater than such sum so reduced for the first half and the average base period net income determined under section 742 (h) is greater than the amount determined under section 742 without regard to paragraph (h) of such section. The following steps are required for the computation of the Supplement A average base period net income under the method provided in section 742 (h):

(1) The excess profits net income or deficit in excess profits net income of the acquiring corporation and of each component corporation for each taxable year beginning with or within each base period year of the acquiring corporation is determined as provided in § 35.742–1 (b).

(2) The group excess profits net income or group deficit in excess profits net income of the acquiring corporation for each of its base period years is determined as provided in § 35.742–1 (b).

(3) There is computed for each half of the base period the sum of the group excess profits net incomes for the base period years in such half, reduced, if for one or more of such years there was a group deficit in excess profits net income, by the sum of such group deficits. In making this computation, the lowest amount for any base period year is not adjusted as in the case of the computation under the general average method described in § 35.742–1 (b).

(4) The excess of the amount ascertained for the second half over the amount ascertained for the first half is divided by 2.

(5) The amount ascertained under subparagraph (4) is added to the amount ascertained under subparagraph (3) for the second half of the base period.

(6) The amount found under subparagraph (5) is divided by 2.

(7) The amount ascertained under subparagraph (6) shall be the Supplement A average base period net income determined under the method provided in section 742 (h), except that the Supplement A average base period net income so determined shall in no case be greater than the highest group excess profits net income for any base period year. For the purposes of this limitation, in the case of a corporation which became a component corporation in a Supplement A transaction occurring in a taxable year beginning in the base period, no account shall be taken of its excess profits net income before the day after such transaction or of any of its component corporations acquired before the day after such transaction. (See section 740 (c) (1).)

The computation of the Supplement A average base period net income under the method provided in section 742 (h) may be illustrated by the following examples:

Example (1). The X Corporation, an acquiring corporation, has the following amounts of group excess profits net incomes for the base period years in its base period: 1936, $100,000 1937, $200,000; 1938, $300,000; and 1939, $400,000. Its Supplement A average base period net income under the method provided in section 742 (h) is $400,000, computed as follows:

(i) Sum of group excess profits net incomes for second half of base period ($300,000 plus $400,000)	$700,000
(ii) Sum of group excess profits net incomes for first half of base period ($100,000 plus $200,000)	300,000
(iii) Excess of item (i) over item (ii)	400,000
(iv) One-half of item (iii) ($400,000 divided by 2)	200,000
(v) Sum of item (i) plus item (iv) ($700,000 plus $200,000)	900,000
(vi) Item (v) divided by 2 ($900,000 divided by 2)	450,000
(vii) Highest group excess profits net income for any base period year (1939)	400,000
(viii) Supplement A average base period net income (item (vii) since such item is less than item (vi))	400,000

Example (2). The X Corporation was in existence throughout its base period and has always made its income tax returns on the calendar year basis. On July 1, 1938, it transferred its property to another corporation in a transaction described in section 740 (a) (1) (A). It immediately exchanged the stock received in such transaction for other assets and continued in business. On December 31, 1938, it acquired all of the assets of the Y Corporation in a Supplement A transaction. The Y Corporation was in existence on January 1, 1936, and made its income tax returns on the calendar year basis. The excess profits net incomes of the X Corporation for 1936, 1937, and 1938 were, respectively, $75,000, $125,000, and $350,000. With respect to the last amount, $200,000 thereof is attributable to the part of 1938 after the transaction in which the X Corporation was a component corporation and $150,000 is attributable to the prior part of such year. The excess profits net incomes of the Y Corporation for 1936, 1937, and 1938 were, respectively, $25,000, $75,000, and $200,000. The excess profits net income of the X Corporation for 1939 was $300,000. In applying the method provided in section 742 (h), the X Corporation is required to take into account its excess profits net incomes for the period before the date of the transaction in which it was a component corporation, but, for the purposes of the limitation as to the maximum amount of Supplement A average base period net income, it is not permitted to take into account such income. (See section 740 (c) (1).) Accordingly, its group excess profits net incomes for the base period years are, respectively, $100,000, $200,000, $550,000, and $300,000, and its Supplement A average base period net income is $400,000, computed as follows:

(i) Sum of group excess profits net incomes for second half of base period ($550,000 plus $300,000)	$850,000
(ii) Sum of group excess profits net incomes for first half of base period ($100,000 plus $200,000)	300,000
(iii) Excess of item (i) over item (ii)	$550,000
(iv) One-half of item (iii) ($550,000 divided by 2)	275,000
(v) Sum of item (i) plus item (iv) ($850,000 plus $275,000)	1,125,000
(vi) Item (v) divided by 2 ($1,125,000 divided by 2)	562,500
(vii) Highest group excess profits net income for any base period year for purposes of limitation as to maximum average income (1938). (Effective income for 1938 for purposes of limitation is $400,000 after excluding $150,000 attributable to part of year preceding July 2, 1938)	400,000
(viii) Supplement A average base period net income (item (vii) since such item is less than item (vi)	400,000

The restriction upon the limitation illustrated in the last example applies also in the case of a component corporation computing the average base period net income under section 713 (f) and not under section 742 (h), for the purpose of its credit for a taxable year beginning after December 31, 1941 (see section 740 (c) (1)). Thus, if in example (2) above, the X Corporation had continued in existence without acquiring the assets of the Y Corporation and, as in the example, its excess profits net income for 1939 was $300,000, its average base period net income computed under section 713 (f) (without the benefit of the experience of Y Corporation) would be limited to $300,000. The otherwise highest amount of excess profits net income, $350,000 for 1938, would be reduced under the restriction in section 740 (c) to $200,000 by the elimination of $150,000 attributable to the part of the taxable year preceding July 2, 1938.

(b) *Limitation in case of taxable year beginning in 1939 and ending after May 31, 1940.* For the purpose of computing the Supplement A average base period net income under the method provided in section 742 (h), section 742 (h) (2) provides certain limitations on the amount of the excess profits net income for any taxable year of the taxpayer or a component corporation beginning in 1939 and ending after May 31, 1940.

Section 742 (h) (2) (A) and (B) may be illustrated by the following example:

Example. The X Corporation makes its income tax returns on the basis of a fiscal year ending September 30. It had an excess profits net income of $400,000 for the fiscal year ended September 30, 1939. Its excess profits net income for the fiscal year ended September 30, 1940, before the application of section 742 (h) (2) (A) and (B), is $600,000. Four months of the latter fiscal year are after May 31, 1940. Under section 742 (h) (2) (A) and (B) the excess profits net income of the corporation for the fiscal year ended September 30, 1940, is $533,333.33, computed as follows:

(1) Excess profits net income before application of section 742 (h) (2) (A) and (B)	$600,000.00
(2) Amount by which item (1) is to be reduced under section 742 (h) (2) (A) (4/12 of $600,000)	200,000.00
(3) Item (1) less item (2) ($600,000 minus $200,000	$400,000.00
(4) Amount to be added to item (3) under section 742 (h) (2) (B) (1/2 of $400,000, the amount of excess profits net income for the fiscal year ended September 30, 1939)	133,333.33
(5) Excess profits net income for fiscal year ended September 30, 1940, after application of section 742 (h) (2) (item (3) plus item (4), or $400,000 plus $133,333.33)	533,333.33

If on December 31, 1940, the X Corporation acquired the Y Corporation in a Supplement A transaction, and if the Y Corporation had made its income tax returns on the calendar year basis and had an excess profits net income for the calendar year 1939 of $100,000, the X Corporation's group excess profits net income for 1939 would be $633,333.33 ($533,333.33 plus $100,000).

Section 742 (h) (2) (C) may be illustrated by the following example:

Example. The last three taxable years in the base period of the Z Corporation and the number of months in, and the excess profits net income for, such taxable years are as follows:

Taxable years		Number of months	Excess profits net income
Beginning—	Ending—		
July 1, 1938	June 30, 1939	12	$400,000
July 1, 1939	September 30, 1939	3	75,000
October 1, 1939	September 30, 1940	12	600,000

Under section 742 (h) (2) the excess profits net income of the corporation for the fiscal year ended September 30, 1940, is $508,333.33, computed as follows:

(i) Excess profits net income before application of section 742 (h) (2) (A) and (B)	$600,000.00
(ii) Amount by which item (i) is to be reduced under section 742 (h) (2) (A) (4/12 of $600,000)	200,000.00
(iii) Item (i) less item (ii) ($600,000 minus $200,000)	400,000.00
(iv) Amount to be added to item (iii) under section 742 (h) (2) (B) (4/3 of $75,000 but not in excess of $75,000)	75,000.00
(v) Amount to be added to item (iii) under section 742 (h) (2) (C) (1/12 of $400,000)	33,333.33
(vi) Excess profits net income for fiscal year ended September 30, 1940, after application of section 742 (h) (2) (sum of items (iii), (iv), and (v), or $400,000 plus $75,000 plus $33,333.33)	508,333.33

The Z Corporation's excess profits net income for the two taxable years beginning in 1939 are required to be placed on an annual basis in order to determine its excess profits net income for the base period year 1939. (See section 742 (a).) For this purpose, its excess profits net income for the taxable year beginning October 1, 1939, and ending September 30, 1940, is the amount as reduced by the application of section 742 (h) (2). If on December 31, 1941, the Z Corporation acquired a component corporation

in a Supplement A transaction, and if the component corporation had made its income tax returns on the calendar year basis, Z Corporation's group excess profits net income for the base period year 1939 would be the sum of (A) the excess profits net income of the component corporation for the calendar year 1939, plus (B) the amount resulting from placing Z Corporation's actual excess profits net income for the short taxable year beginning on July 1, 1939, and its excess profits net income for the fiscal year ending September 30, 1940 (as reduced under section 742 (h) (2)), on an annual basis.

§ 35.742–3 *Exceptions and limitations as to amounts of excess profits net income or deficit to be included in Supplement A average base period net income; applicable under both general average method and increased earnings method.* The amount of excess profits net income or deficit in excess profits net income of an acquiring corporation or a component corporation for a taxable year beginning with or within a base period year which may be included in computing the group excess profits net income or deficit in excess profits net income for such base period year is to be determined subject to the exceptions and limitations set forth in paragraphs (a), (b), and (c) of this section.

(a) *Adjustment under section 742 (a) for change in taxable year*—(1) *Introductory.* Section 742 (a) requires adjustment where an acquiring corporation or component corporation has one or more taxable years beginning with or within a base period year other than one taxable year of 12 months.

If the taxpayer or a component corporation has only one taxable year beginning with or within a base period year and such taxable year is less than 12 months, or if the taxpayer or a component corporation has two or more taxable years beginning with or within a base period year, the experience of the taxpayer or of such component for such short taxable year or for such taxable years shall be adjusted to reflect 12 months' experience by either of two methods described in this paragraph. The first method is hereafter referred to as the daily average method and the second method is hereafter referred to as the actual experience method. The second method may be used only if the taxpayer establishes to the satisfaction of the Commissioner that the actual experience method will more clearly reflect actual group excess profits net income (or deficit) for the base period year. See (4) of this paragraph. In either case, the adjustment is to be made only as provided in this paragraph under the heading "daily average method" or "actual experience method," whichever method is applicable. Only one method may be used for the same base period year. Under either method, any period, the experience of which is not to be included in the average base period net income of the taxpayer under the rules provided in section 740 (c), is not to be considered any part of a taxable year of the acquiring corporation or the component.

(2) *Short taxable year or two taxable years other than year of Supplement A transaction.* If only one taxable year of the taxpayer or of a component begins in a base period year and such taxable year is less than 12 months, or if two or more taxable years of the taxpayer or of a component begin in a base period year, the following adjustment shall be made if the Supplement A transaction did not occur in such base period year or in a taxable year of the acquiring corporation beginning in such base period year:

Daily average method. Under this method, the aggregate of the amounts of excess profits net income minus the aggregate of the amounts of deficit in excess profits net income, or vice versa, as the case may be, for the period to be adjusted (i. e., such short taxable year or such two or more taxable years, as the case may be) shall be placed on an annual basis by dividing by the number of days in such period and by multiplying by the number of days in the base period year.

Actual experience method. Under this method, the actual excess profits net income (or deficit) for the period of 12 months beginning with the first day of the period to be adjusted (i. e., such short taxable year or such two or more taxable years, as the case may be) shall be considered the total excess profits net income (or deficit) of the acquiring corporation or of the component, as the case may be, which is to be attributed to the base period year under section 742 (a) (1). If such 12-month period ends after May 31, 1940, or with or after a month in which a Supplement A transaction occurs, the experience after such date or for and after such month, whichever first occurs, shall not be used. In such case, there shall be added to the experience used the experience for as many consecutive months immediately preceding the beginning of the period of months used as will produce an aggregate period of 12 months. If 12 months' experience cannot be obtained by either of the above rules, the actual experience method may not be used.

(3) *Two taxable years including year of Supplement A transaction*—(i) *General description.* If two or more taxable years of a component corporation or if two or more taxable years of the taxpayer (including as such any year of the component, as provided in the following sentence) begin in a base period year and if the Supplement A transaction occurs in such base period year or in a taxable year of the acquiring corporation beginning in such base period year, adjustment shall be made in the two categories of cases described below and in the manner set forth below. For this purpose, section 742 (a) provides that a taxable year of a component corporation:

(a) Which begins within the base period and which also begins with or within the taxable year of the acquiring corporation in which the acquisition occurred, or

(b) Which begins with or within the same base period year with which or within which began the taxable year of the acquiring corporation in which the acquisition occurred,

shall be treated as a taxable year of the acquiring corporation and as if it began in the base period year with which or within which such taxable year of the acquiring corporation began. The adjustment to be made is set forth in (ii) and (iii) below.

(ii) *First category.* In the first category are cases in which, in a base period year, the first taxable year of each corporation, which became a component in any taxable year of the acquiring corporation beginning in such base period year, began on the same date, if (*a*) the acquiring corporation's first taxable year in such base period year also began on such date, or (*b*) the acquiring corporation's first taxable year upon its coming into existence began on the date of a Supplement A transaction in such base period year.

Daily average method. In such cases, a group excess profits net income or group deficits in excess profits net income, as the case may be, for only the acquiring corporation and any such component corporations shall be determined for such base period year, in the manner provided in § 35.742–1 (b) (3). This amount shall be the excess profits net income or deficit in excess profits net income, as the case may be, of such acquiring corporation (including such component corporations) for such base period year, unless the period from the beginning of the first taxable year of any such component corporation beginning in such base period year to the end of the last taxable year of such acquiring corporation beginning in such base period year, inclusive, is not a period of 12 months. In such latter case, the amount thus determined shall be placed on an annual basis by dividing by the total number of days in such period and by multiplying by the number of days in such base period year. The rules applicable in this first category may be illustrated by the following examples:

Example (1). The A Corporation computes its income tax on the calendar year basis. On July 1, 1936, the A Corporation is reorganized into the B Corporation in a Supplement A transaction. The B Corporation computes its income tax on the basis of the fiscal year beginning July 1 until it goes on a calendar year basis beginning January 1, 1937. Although A's short period is considered a taxable year of B, since the total period of both taxable years is 12 months, the excess profits net income, or the deficit in excess profits net income, of the B Corporation for 1936 is the sum of the excess profits net income (or deficit) for each of the two short taxable years (not placed on an annual basis) of A and B for the calendar year 1936.

Example (2). The C Corporation and the D Corporation compute their income taxes on the calendar year basis. On July 1, 1937, C and D consolidated in a Supplement A transaction to form the E Corporation which thereafter computed its income tax on a fiscal year basis beginning July 1 (until 1940 when it went on a calendar year basis). The excess profits net income, or the deficit in excess profits net income, of E for the base period year 1937, is determined by computing the excess of the aggregate of the excess profits net incomes of C and D for the period January 1, 1937–July 1, 1937, inclusive, and of E for the period July 1, 1937–June 30, 1938, over the deficit in excess profits net income of C, D, and E, if any, for each of their respective periods, or the excess of the deficits, as the case may be; by divid-

ing such excess by the number of days in the period January 1, 1937, through June 30, 1938; and by multiplying the resulting quotient by 365.

Example (3). The F, G, and H Corporations were in existence prior to 1936 and all computed their income tax on a fiscal year basis beginning March 1. On July 1, 1937, the F Corporation transfers its assets to the H Corporation in a Supplement A transaction and continues in existence with new assets acquired in exchange for the stock of H. On December 31, 1937, the H Corporation acquires the assets of the G Corporation in a Supplement A transaction and the G Corporation goes out of existence. The H Corporation changes to a calendar year basis beginning January 1, 1938. Assuming the figures shown below, the excess profits net income of the H Corporation for the base period year 1937 is $365,000, computed as follows:

(1)	Excess profits net income of— G, for period March 1, 1937–December 31, 1937	$200,000
	H, for period March 1, 1937–December 31, 1937	186,000
(2)	Aggregate excess profits incomes for taxable years beginning in base period	$386,000
(3)	Deficit in excess profits net income of F, for period March 1, 1937–July 1, 1937 (deficit)	80,000
(4)	Excess of (2) over (3)	306,000
(5)	Number of days in period March 1, 1937–December 31, 1937	306
(6)	Excess profits net income placed on an annual basis ($306,000÷306×365)	$365,000

Actual experience method. The treatment under this method in cases in the first category applies only if it would be necessary under the daily average method to place the experience for the taxable years on an annual basis, as provided above under such method. Under the actual experience method, the actual excess profits net income (or deficit) of the corporations falling within this category for the period of 12 months beginning with the first day of the first taxable year in such base period year of any such component corporation shall be considered the total (or group) excess profits net income (or deficit) of such corporations for all their taxable years beginning in such base period year. If such 12-month period ends after May 31, 1940, or with or after a month in which a Supplement A transaction occurs in a taxable year of the acquiring corporation not beginning in such base period year, the experience after such date or for and after such month, whichever first occurs, shall not be used. In such case, there shall be added to the experience used the experience for as many consecutive months immediately preceding the beginning of the period of months used as will produce an aggregate period of 12 months. The first rule may be illustrated by example (2) above, where, under the actual experience method, the actual experience of the C, D, and E Corporations for the calendar year 1937 would be used. The second rule may be illustrated by example (3) above, if it is assumed that the first rule is not applicable by reason of another Supplement A transaction occurring in January 1938. In such case, under the actual experience method, the actual experience of the F, G, and H Corporations for the period of 12 months ending with December 31, 1937, is to be used.

(iii) *Second category.* In the second category of cases under section 742 (a), previously referred to, are all cases not falling within the first category and in which more than one taxable year of the acquiring corporation is, by reason of the last sentence of section 742 (a), considered to begin in a base period year. Since such taxable years include taxable years of component corporations, a group excess profits net income or group deficit in excess profits net income, as the case may be, is determined for 12 months, in a manner similar to that in the first category above. However, in this second category not all of such components' first taxable years in the base period year begin on the same day as the acquiring corporation's first taxable year in such base period year, as in cases in the first category, and, therefore, the following adjustments are prescribed:

Daily average method. Before applying the daily average method as in the first category, it is necessary in cases falling within this second category to develop conditions equivalent to those existing in the first category by adjusting the experience of any such components to a period beginning on the same day as the beginning of the acquiring corporation's first taxable year in such base period year. This development and the adjustment to be made in this category under the daily average method are shown in the following examples:

Example (1). The A Corporation, which computed its income tax on the calendar year basis, was reorganized on July 1, 1936, in a Supplement A transaction into the B Corporation, which thereafter computed its income tax on a fiscal year basis beginning July 1 (until 1940, when it changed to a calendar year basis). The C Corporation which computed its income tax on a fiscal year basis beginning March 1 was in existence prior to 1936. The B Corporation acquired all of the assets of C in a Supplement A transaction on October 31, 1936. The excess profits net incomes (or deficits) of A and C for such of their taxable years in 1936 as begin before July 1, 1936, are to be adjusted to the period beginning July 1, 1936. Thus, the excess profits net income (or deficit) of A for the period of January 1, 1936–July 1, 1936, is to be divided by 182 (the number of days in the period January 1, 1936–July 1, 1936, inclusive) and the resulting quotient is to be multiplied by 1 (the number of days in the period beginning July 1 and in such taxable year of A beginning before July 1). The excess profits net income (or deficit) of C for the period March 1, 1936–October 31, 1936, is to be placed on the basis of the period July 1, 1936–October 31, 1936. Thus, if the excess profits net income of C for the period March 1, 1936–October 31, 1936, is $49,000, such amount when adjusted will be $24,600, computed by dividing $49,000 by 245 (the number of days in the period March 1, 1936–October 31, 1936, inclusive) and by multiplying the resulting quotient of $200 by 123 (the number of days in the period July 1, 1936–October 31, 1936, inclusive). The amount of $24,600 is to be added to the amounts of excess profits net incomes (or deficits) of the A Corporation, as previously adjusted to the basis of 1 day, and of the B Corporation for the period July 1, 1936–June 30, 1937. No further adjustment is necessary in this case because the resulting sum is the excess profits net income of the acquiring corporation, B (including A and C), for a period of 12 months which is to be attributed to the base period year 1936.

Example (2). The D Corporation computes its income tax on a fiscal year basis beginning March 1. In 1937, it changed to a fiscal year beginning July 1 (which it continued to use until 1940 when it changed to a calendar year basis). D acquired the assets of corporations in Supplement A transactions as follows: the E Corporation, August 1, 1937; the F Corporation, December 31, 1937; and the G Corporation, May 31, 1938. Assume that the excess profits net incomes or deficits in excess profits net income for the pertinent periods are as follows (the first date at the left indicating the beginning of a taxable year):

D: March 1, 1937–June 30, 1937	$12,200
D: July 1, 1937–June 30, 1938	54,700
E: February 1, 1937–August 1, 1937	18,200
F: April 1, 1937–December 31, 1937 (deficit)	27,500
G: May 1, 1937–April 30, 1938	36,500
G: May 1, 1938–May 31, 1938	3,100

The first day of the first taxable year of the acquiring corporation, D, beginning in 1937 is March 1, 1937. Therefore, the excess profits net income of the E Corporation for its taxable year beginning prior to such date (i. e., beginning on February 1, 1937) must be adjusted to a period beginning on March 1, 1937. The deficit in excess profits net income of the F Corporation for its taxable year beginning after such date (i. e., on April 1, 1937) must be adjusted to the period beginning March 1, 1937. Similarly, the first taxable year of the G Corporation to be taken into account begins after March 1, 1937 (i. e., on May 1, 1937) and, therefore, the excess profits net income for such year must be adjusted to the period beginning March 1, 1937. The following computations result:

E: Excess profits net income for taxable period February 1, 1937–August 1, 1937	$18,200
Divided by number of days in period ($18,200÷182)	100
Multiplied by number of days in period March 1, 1937–August 1, 1937 (154×$100)	15,400
F: Deficit in excess profits net income for taxable period April 1, 1937–December 31, 1937 (deficit)	27,500
Divided by number of days in period ($27,500÷275) (deficit)	100
Multiplied by number of days in period March 1, 1937–December 31, 1937 (306×$100) (deficit)	30,600
G: Excess profits net income for taxable period May 1, 1937–April 30, 1938	36,500
Divided by number of days in period ($36,500÷365)	100
Multiplied by number of days in period March 1, 1937–April 30, 1938 (426×$100)	42,600

The excess profits net income of the taxpayer for 1937 therefore will be $73,000, computed in the same manner as in the first category, as follows:

(1)	Excess profits net incomes for taxable years beginning in 1937 (the first taxable year in each case beginning on the same day, March 1, 1937):	
	D Corporation ($12,200+$54,700)	$66,900
	E Corporation	15,400
	G Corporation ($42,600+$3,100)	45,700
	Total	$128,000
(2)	Deficit in excess profits net income for taxable year beginning in 1937: F Corporation (March 1, 1937–December 31, 1937) (deficit)	30,600
(3)	Excess of aggregate excess profits net incomes over deficit in excess profits net income	97,400
(4)	Amount in (3) divided by number of days in total period (March 1, 1937–June 30, 1938) ($97,400÷487)	200
(5)	Amount in (4) multiplied by number of days in 1937 ($200×365)	73,000

Actual experience method. Under this method, the actual excess profits net income (or deficit) of the corporations falling within this category for the period of 12 months beginning with the first day of the first taxable year in such base period year of the acquiring corporation shall be considered the total (or group) excess profits net income (or deficit) of such corporations for all their taxable years beginning in such base period year. If such 12-month period ends after May 31, 1940, or with or after a month in which a Supplement A transaction occurs in a taxable year of the acquiring corporation not beginning in such base period year, the experience after such date or for and after such month, whichever first occurs, shall not be used. In such case, there shall be added to the experience used the experience for as many consecutive months immediately preceding the beginning of the period of months used as will produce an aggregate period of 12 months.

The first rule in this category under the actual experience method may be illustrated by example (1) above in this category, where, under the actual experience method, the total (or group) excess profits net income (or deficit) of the A, B, and C Corporations, for the base period year 1936, would be determined from their actual experience for the 12-month period beginning with July 1, 1936. It will be noted that under this rule no excess profits net income is included with respect to A for the period January 1, 1936–June 30, 1936, or with respect to C for the period March 1, 1936–June 30, 1936. The same rule may be applied similarly to example (2) above in this category.

(4) *Application for use of actual experience method.* If the taxpayer desires to use the actual experience method for any base period year, as prescribed in this paragraph, it shall file with its return or claim in which it determines its excess profits tax under the provisions of Supplement A a statement showing the computations of its total (or group) excess profits net income (or deficit) for the taxable years in each of such base period years, together with such explanation as it believes necessary to establish that the total (or group) excess profits net income under this method more clearly reflects actual group excess profits net income (or deficit) for such base period years than does the daily average method. If the total (or group) excess profits net income for any such base period year is finally determined under the actual experience method, or if permission is granted by the Commissioner before a final determination by the Commissioner, the taxpayer, in computing its excess profits tax under Supplement A in any return required to be filed thereafter, may, without the filing of such statement but with reference to the statement as to which the final determination had been made or permission given, use such total (or group) excess profits net income, except as further adjustment may be necessary in the case of the taxpayer under the rules of section 711 (b) (1) (K) (iii).

(b) *Limitation under section 742 (f) (1) in case of stock acquisition.* Section 742 (f) (1) is designed to prevent certain duplications in base period income and transferred capital additions and reductions in certain cases where after December 31, 1935, assets of the taxpayer (or of a corporation which later becomes its component) are transferred for stock in another corporation which later becomes a component of the taxpayer. Section 742 (f) (1) contemplates that, after the Supplement A transaction, the part of the component's base period experience which is attributable to the acquired stock and which occurred before the acquisition of its stock shall under regulations prescribed herein be excluded in determining the taxpayer's Supplement A average base period net income. The adjustment under section 742 (f) (1) shall be made in the cases described in this paragraph, and in all other cases to which section 742 (f) (1) may be applicable, in a manner consistent with the principles underlying such described cases. Except to the extent duplication of experience occurs, no adjustment is necessary under section 742 (f) (1) with respect to stock which the acquiring corporation acquired directly from the corporation whose stock was acquired.

The rules for the application of section 742 (f) (1) for the purpose of computing Supplement A average base period net income under the general average method and under the growth formula (see § 35.742–2) are set forth in this paragraph. As to determination of excess profits net income for such purpose under the limitations of section 742 (f) (1) for any "vacant" base period year, see § 35.742–4. As to adjustment of daily capital addition or reduction in case of such stock acquisition prior to the Supplement A transaction, see § 35.743–1 (b).

The general application of section 742 (f) (1) may be illustrated by the following examples:

Example (1). The A and B Corporations were in existence on January 1, 1936, and have at all times made their income tax returns on the calendar year basis. On January 1, 1937, A purchased for cash all of the stock in B from the stockholders of B. On December 31, 1939, A acquired all of the assets of B in a Supplement A transaction. In determining A's Supplement A average base period net income, the excess profits net income of A for 1936, 1937, 1938, and 1939 and of B for 1937, 1938, and 1939 will be included, and that of B for 1936 will be excluded.

Example (2). The C and D Corporations were in existence on January 1, 1936, and have at all times made their income tax returns on the calendar year basis. On January 1, 1941, C acquired for cash all of D's stock from D's stockholders. On December 31, 1941, C acquired all of the assets of D in a Supplement A transaction. In such a case, section 742 (f) (1) requires the exclusion of D's entire base period experience in computing C's Supplement A average base period net income. (D's capital additions and reductions in 1940 are also required to be excluded. See § 35.743–1 (b).)

In cases in which the taxpayer does not at one time or at any time prior to the Supplement A transaction acquire all of the other corporation's stock, only that part of the component's base period experience before the acquisition which is attributable to the stock so acquired is to be excluded in computing the taxpayer's Supplement A average base period net income. In cases in which the component had only one class of stock outstanding at the time of the Supplement A transaction, the portion of the component's experience to be excluded under section 742 (f) (1) with respect to any part of the base period is an amount which bears the same ratio to the whole of the component's experience for such part as the number of shares of such stock acquired by the taxpayer after such part, and not disposed of prior to the Supplement A transaction, bears to the aggregate number of such shares outstanding at the time of the acquisition of such stock. If any of such shares of stock, whether acquired before or after the beginning of the base period, were disposed of prior to the Supplement A transaction, the shares disposed of shall, for the purpose of this computation, be deemed to be those most recently acquired. The adjustment under section 742 (f) (1) in cases described in this paragraph may be illustrated by the following examples:

Example (1). The E and F Corporations were in existence on January 1, 1936, and have at all times made their income tax returns on the calendar year basis. The outstanding capital stock of F consists of 1,000 shares, all of one class. On January 1, 1937, E purchased for cash 510 shares of such stock from the stockholders of F. On December 31, 1941, E issued stock in exchange for the balance of the stock of F and acquired all of the assets of F in a Supplement A transaction. For the purpose of computing E's Supplement A average base period net income for the tax for 1942 and thereafter, 51 percent of F's excess profits net income or deficit in excess profits net income for 1936 is to be excluded under section 742 (f) (1).

Example (2). Assume the same facts as in example (1) just above and the additional fact that on January 1, 1938, E purchased for cash 340 additional shares of F from the stockholders of the latter, making its total stock holdings in F 850 shares prior to the issuance of its (E's) own stock for the balance of the stock of F and prior to the Supplement A transaction. In such case, there shall be excluded under section 742 (f) (1) an amount equal to 85 percent (51 percent plus 34 percent) of F's excess profits net income, or deficit, for 1936 and 34 percent of its excess profits net income, or deficit, for 1937.

Example (3). Assume the same facts as in example (2) just above and the additional fact that on January 1, 1939, E sold 350 shares of the F Corporation stock to various individuals. Accordingly, immediately prior to the issuance of its (E's) own stock for the balance of the stock of F and prior to the

Supplement A transaction, E will own 500 shares of the stock of F acquired for assets since December 31, 1935. Therefore, 50 percent of F's excess profits net income, or deficit, for 1936 will be excluded under section 742 (f) (1). No portion of such experience for 1937, 1938, or 1939 will be excluded since the 350 shares sold are presumed to include all of the 340 shares acquired on January 1, 1938 (as in example (2)), and only 10 shares of the 510 shares acquired on January 1, 1937.

Example (4). Assume the same facts as in examples (1), (2), and (3), except that the original acquisition of 510 shares of F's stock occurred prior to January 1, 1936. In such case, no adjustment will be necessary under section 742 (f) (1) because the 350 shares disposed of on January 1, 1939, are deemed to be out of the most recently acquired shares, including in this case all of the shares acquired since December 31, 1935, that is, the 340 shares acquired on January 1, 1938.

Where the corporation whose stock is acquired has at the time of such acquisition more than one class of stock outstanding and the taxpayer does not, prior to the Supplement A transaction, acquire all of the stock of all classes for assets (other than its own stock), the base period experience of the component which is to be excluded under section 742 (f), (1) must be determined upon the basis of the earnings which may be attributed to each class of stock. Where preferred stock is nonvoting and is also limited and preferred as to dividends, the base period excess profits net income may be allocated first to the preferred stock on the basis of the prescribed dividend rate per share. If the only other class is common stock, the balance of such excess profits net income may be allocated to the common stock. The portion of such base period excess profits net income which is attributable to the stock owned by the acquiring corporation is that portion of such base period excess profits net income allocated to the class to which such stock belongs proportionate to the number of shares of such class acquired by the acquiring corporation after December 31, 1935. This rule may be illustrated by the following example:

Example. The G Corporation was in existence on January 1, 1936, and has at all times made its income tax returns on the calendar year basis. It has had outstanding at all times the following shares:

5,000 shares of nonvoting preferred stock of a par value of $100 per share, limited and preferred as to dividends to the extent of $6 per share annually.

10,000 shares of no-par-value common stock possessing sole voting power.

On January 1, 1938, the H Corporation acquired for cash 6,000 shares of G's common stock from the stockholders of G. The excess profits net income of G for 1936 and 1937 was $100,000 each year. Of this amount, $30,000, representing the prescribed dividend rate of $6 a share on 5,000 shares, is allocable to the preferred stock. Of the balance of $70,000 which is allocable to the common stock, 60 percent (the ratio of the 6,000 shares of common stock acquired by H since December 31, 1935, to the total of 10,000 shares of such stock outstanding), or $42,000, will be considered attributable to the stock so acquired by H. Therefore, if H subsequently acquired all of the assets of G in a Supplement A transaction (no stock of G having been purchased or disposed of in the interval), $42,000 of G's excess profits net income for 1936 and 1937 is to be excluded under section 742 (f) (1) in computing the Supplement A average base period net income of H. If G had a deficit in excess profits net income for either 1936 or 1937, or for both, such deficit would be considered attributable solely to the common stock for purposes of determining the portion to be excluded under section 742 (f) (1).

The acquisition of stock by the acquiring corporation may occur on a day in a taxable year of the acquiring corporation other than the first day of such year, as in the cases previously discussed in this subdivision. If such stock acquisition occurred in a taxable year of the acquiring corporation beginning in a base period year, the amount of the component's excess profits net income (or deficit) for its taxable year or years beginning in such base period year to be excluded shall be determined upon the basis of the ratio which the number of days in such acquiring corporation's taxable year or years up to the date of such stock acquisition bears to the total number of days in such acquiring corporation's taxable year or years. If the stock acquisition occurred in an excess profits tax taxable year for which the tax is being computed and later in such year the Supplement A transaction occurred, the amount of the component's base period experience to be excluded under section 742 (f) (1) shall be determined upon the basis of the ratio which the number of days in such excess profits tax taxable year of the acquiring corporation up to the date of such stock acquisition bears to the total number of days in such year. This rule may be illustrated by the following examples (in which it is assumed that the base period years are calendar years):

Example (1). The J Corporation purchased for cash all of the stock of the K Corporation from the latter's stockholders on July 2 1936, and on December 31, 1942, acquired the assets of the K Corporation in a Supplement A transaction. The J Corporation made its income tax returns on the calendar year basis.

(i) If the K Corporation made its income tax returns on the calendar year basis, one-half of K's excess profits net income or deficit in excess profits net income (the ratio which the number of days in the period January 1 through July 1, 1936 (183 days), bears to the total number of days in 1936 (366) is to be excluded under section 742 (f) (1) in computing J's Supplement A average base period net income.

(ii) If the K Corporation made its income tax returns on the basis of a fiscal year ending July 31, the excess profits net income or deficit in excess profits net income of K for the fiscal year ending July 31, 1937, would otherwise be includible in the group excess profits net income (or deficit) for 1936. Although the stock acquisition occurred before the beginning of such taxable year of K (but after December 31, 1935), nevertheless one-half of such experience of K for its taxable year ended July 31, 1937, is to be excluded under section 742 (f) (1).

(iii) If the K Corporation had made its income tax returns on the basis of the fiscal year ending July 31, and then received permission to make its income tax returns on the calendar year basis after the close of its taxable year ending July 31, 1936, K has a short taxable year in 1936 for the period August 1 through December 31, 1936. The excess profits net income or deficit in excess profits net income for such short taxable year is to be adjusted to represent 12 months' experience, as provided in paragraph (a) of this section, and of the amount thus determined, one-half is to be excluded under section 742 (f) (1) in computing the group excess profits net income (or deficit) for 1936.

(iv) If the K Corporation had made its income tax returns on a calendar year basis and then received permission to make such returns on the basis of a fiscal year beginning August 1, 1936, the experience for the two taxable years, January 1, 1936, through July 31, 1936, and August 1, 1936, through July 31, 1937, are to be adjusted to represent 12 months' experience, as provided in paragraph (a) of this section. Of the amount thus determined, one-half is to be excluded under section 742 (f) (1) in computing the group excess profits net income (or deficit) for 1936.

Example (2). Assume the same facts as in example (1) (including the variations in (i), (ii), (iii), and (iv) thereof) except that J, the acquiring corporation, received permission to make its income tax returns on a fiscal year basis beginning May 1, 1936, and filed its returns on such basis until 1940 when it changed back to a calendar year basis, and that J purchased for cash all of the stock of K from the latter's stockholders on August 31, 1936 (instead of July 2, 1936, as in example (1)). In such case, J has two taxable years beginning in 1936, the taxable year January 1, 1936–April 30, 1936, and the taxable year May 1, 1936–April 30, 1937. The excess profits net income (or deficit) for such two taxable years is to be placed on an annual basis as provided in paragraph (a) of this section. Nevertheless, one-half of the experience of the K Corporation is to be eliminated in computing group excess profits net income for 1936, just as in example (1). This is determined from the ratio of the number of days in such taxable years prior to August 31, 1936 (243, the number of days in the period January 1, 1936–August 30, 1936), to the total number of days in both taxable years (486, the number of days in the period January 1, 1936–April 30, 1937).

Example (3). The L Corporation which makes its income tax returns on the calendar year basis, on March 2, 1944, purchases for cash all of the stock of the M Corporation from the stockholders of M. On July 2, 1944, L acquires all of the assets of M in a Supplement A transaction. In such case, one-sixth (the ratio of the number of days in the period January 1, 1941–March 1, 1944, 61 days, to the total number of days in 1944, 366 (days) of M's experience for each base period year is to be eliminated under section 742 (f) (1) in computing the Supplement A average base period net income of L for the purpose of the excess profits credit to be applied in computing the tax for 1944. For further limitation upon the average base period net income computed after this limitation, see section 742 (f) (2) and paragraph (c) of this section. In computing the Supplement A average base period net income of L for the purpose of the tax for 1945, the entire base period experience of M is to be eliminated. As to limitations upon the use of M's capital additions and reductions, see § 35.743–1 (b).

Section 742 (f) (1) does not apply where stock of one corporation is acquired by another corporation solely in exchange for the latter's stock. In case stock is acquired in exchange partly for the acquiring corporation's own stock and partly for other property, section 742 (f) (1) is applicable only to the extent that the acquisition is attributable to such other property. Stock which has, in the hands of the taxpayer, a basis determined with reference to the basis of stock previously acquired by the issuance of the taxpayer's own stock shall be considered as having been acquired in consideration of the issuance of the taxpayer's own stock. These rules may be illustrated by the following examples:

Example (1). Corporation N acquires, after December 31, 1935, stock in Corporation O in exchange solely for the stock of N. In a subsequent nontaxable reorganization, N receives new shares of O in exchange for the original shares. If the new shares take the basis of the original shares, the new shares are considered, for the purposes of section 742 (f) (1), to have been acquired for the stock of N, and such section is inapplicable.

Example (2). The P and Q Corporations were in existence prior to January 1, 1936. On January 1, 1937, P acquired all the stock of Q from the latter's stockholders, in exchange for stock of P. On January 1, 1938, in a nontaxable reorganization, the X Corporation was organized and acquired all the assets of Q in exchange for its (X's) stock. In connection with this reorganization, P exchanged its stock in Q for the stock in X, and Q was dissolved. On December 31, 1939, P acquired all the assets of X in a Supplement A transaction. For the purposes of section 742 (f) (1), the stock in X acquired by P is regarded as having been acquired for its own stock and, therefore, no adjustment is required under section 742 (f) (1).

Section 742 (f) (1) also applies in cases in which a component (referred to as the "first corporation") of the taxpayer transfers assets for the stock in a corporation (referred to as the "second corporation") and both corporations become components of the taxpayer (the second corporation becoming a component either directly or as a component of the first corporation). The statute also applies to any other corporation which becomes a component of the taxpayer and which at the time of a stock acquisition by the taxpayer or first corporation (under the circumstances described in section 742 (f) (1) (A) or (B)) was connected, directly or indirectly, through stock ownership with the corporation the stock of which was acquired. In the case of such a corporation connected through stock ownership, the statute applies regardless of the manner of acquisition of the stock of such connected corporation held at such time (for example, whether or not acquired for a consideration other than the issuance of stock). The statute also applies regardless of the date before such time that the corporation holding such stock, directly or indirectly, acquired such stock of such connected corporation. That is, it is immaterial whether the stock of such connected corporation held at such time was acquired before, on, or after December 31, 1935, as long as such stock was acquired before the time the acquisition of stock of the corporation to which it was so connected occurred in a transaction described in section 742 (f) (1) (A) or (B). In the case of any such corporation connected through stock ownership at such time, the amount of its excess profits net income, or deficit, which is to be eliminated under section 742 (f) (1) is to be determined by reference to that part of such amount which is attributable to the period prior to such time and which is attributable to the stock held, directly or indirectly, at such time, and not disposed of thereafter, by the corporation the stock of which was acquired at such time by the taxpayer or first corporation. Such experience to be eliminated is to be attributed to the period prior to such time and to such stock so held upon the basis of the principles previously stated in this subsection. To the extent that the stock of a corporation (later to become a component) was not so held at such time but was subsequently acquired, after December 31, 1935, by the taxpayer or another corporation (a first or second corporation), for assets of the latter, the base period experience of such corporation is to be excluded in accordance with the rules previously set forth in this subsection for excluding the experience of a component when the latter's stock is acquired after December 31, 1935, for assets by the taxpayer. The application of these rules in such cases is illustrated by the following examples:

Example (1). The R, S, T, and U Corporations were in existence prior to January 1, 1936, and at all times made their income tax returns on the calendar year basis. The S Corporation came into existence on January 1, 1935, and issued all of its stock to the stockholders of the T Corporation for the stock of the latter. On January 1, 1937, the S Corporation purchased for cash all of the stock of the U Corporation from stockholders of the U Corporation. On January 1, 1938, the R Corporation purchased for cash all of the stock of S from the latter's stockholders. On December 31, 1939, S acquired all of the assets of the T and U Corporations in Supplement A transactions. On December 31, 1940, R acquired all of the assets of S in a Supplement A transaction. In computing the Supplement A average base period net income of R, there is to be excluded under section 742 (f) (1) the experience of S, T, and U for 1936 and 1937.

Example (2). Assume the same facts as in example (1) above except that the S Corporation made the acquisition of the U Corporation's stock on January 1, 1939 (after the acquisition by R of the stock of S). In such case, there is to be excluded under section 742 (f) (1) the experience of both S and T for 1936 and 1937 and the experience of U for 1936, 1937, and 1938.

Example (3). The W, X, Y, and Z Corporations were all in existence in 1935 and at all times made their income tax returns on the calendar year basis. In July, 1935, the X Corporation acquired 50 percent of the stock of Y from the stockholders of the latter. On January 1, 1937, the W Corporation acquired for assets (other than its own stock) all of the stock of the X Corporation from the latter's stockholders. On January 1, 1938, the X Corporation acquired for assets (other than its own stock) the remaining 50 percent of the stock of the Y Corporation from other stockholders of the latter. On January 1, 1939, the Y Corporation acquired for assets (other than its own stock) all of the stock of the Z Corporation from the latter's stockholders. On January 31, 1939, the X Corporation acquired all of the assets of the Y Corporation in a Supplement A transaction and on November 30, 1939, the W Corporation acquired all of the assets of the X Corporation in a Supplement A transaction. On December 31, 1939, the W Corporation acquired all of the assets of the Z Corporation in a Supplement A transaction. In computing the Supplement A average base period net income of the W Corporation, there is to be excluded all of the experience of the X Corporation for 1936. There is also to be excluded all of the experience of the Y Corporation for 1936, one half of such experience being excluded because of the 50 percent ownership of its stock by the X Corporation at the time the stock of X was acquired by W and the other half being excluded because of the subsequent acquisition of the other 50 percent of the stock of Y by the X Corporation for the assets of the latter. One-half of the experience of the Y Corporation for 1937 is also to be excluded because of the acquisition of one-half of its stock on January 1, 1938, by the X Corporation for assets of the latter. The entire experience of the Z Corporation for 1936, 1937, and 1938 is to be excluded because of the acquisition from the stockholders of Z on January 1, 1939, of the stock of Z for assets of the Y Corporation.

(c) *Limitation under section 742 (f) (2) in case of Supplement A transaction in excess profits tax taxable year.* Section 742 (f) (2) imposes a limitation in case a corporation becomes an acquiring corporation in an excess profits tax taxable year. In such case only a proportionate amount of the excess profits net income or deficit in excess profits net income of any component corporation acquired upon such transaction may be included in computing the taxpayer's average base period net income for purposes of the excess profits credit for such taxable year. The amount thereof which may be included with respect to each base period year is an amount which bears the same ratio to the total amount of the excess profits net income or deficit in excess profits net income of such component corporation otherwise includible in such base period year as the number of the days in the taxable year after the acquisition takes place bears to the total number of days in the taxable year. In the computation of the excess profits credit based on income for subsequent taxable years, the average base period net income shall, unless otherwise limited, reflect the full amount of the base period excess profits net income or deficit in excess profits net income of such component corporation. Section 742 (f) (2) may be illustrated by the following example:

Example. On October 19, 1942, the X Corporation acquires all of the assets of the Y Corporation in a transaction described in section 740 (a). Both the X Corporation and the Y Corporation were in existence on January 1, 1936, and both corporations have always filed their income tax returns on the calendar year basis. The Y Corporation had an excess profits net income of $100,000 for the calendar year 1936, a deficit in excess profits net income of $10,000 for the calendar year 1937, an excess profits net income of $70,000 for the calendar year 1938, and an excess profits net income of $50,000 for the calendar year 1939. In computing its average base period net income for purposes of the excess profits credit for the calendar year 1942, the X Corporation may include only one-fifth (i. e., 73/365) of the above amounts, i. e., $20,000 for 1936, minus $2,000 for 1937, $14,000 for 1938, and $10,000 for 1939. In computing the excess profits credit for 1943 and subsequent years, however, the X Corporation may include the full amount of the base period excess profits net income and deficit in excess profits net income of the Y Corporation.

A similar limitation applies in the case of a component corporation for the purpose of computing its excess profits credit for a taxable year of such component beginning after December 31, 1941, and in which the Supplement A transaction occurs. See section 740 (c) (2). In such

case, however, the proportionate amount of the average base period net income or Supplement A average base period net income, as the case may be, to be taken into account for the purpose of the component corporation's excess profits credit for such taxable year is in the ratio which the number of days in such taxable year before the day after the transaction bears to the total number of days in such taxable year. Thus, in the above example, in computing the average base period net income or the Supplement A average base period net income, as the case may be, of the Y Corporation (assuming it continues in existence after the transaction) for the purpose of its excess profits credit for 1942, the amounts to be taken into account will be $80,000 for 1936, minus $8,000 for 1937, $56,000 for 1938, and $40,000 for 1939.

§ 35.742–4 *Computation of excess profits net incomes for base period years during which neither taxpayer nor any component corporation was in existence; applicable under both general average method and increased earnings method*—(a) *General.* The base period of an acquiring corporation is composed of four successive 12-month periods, whether or not there is one or more of such base period years during the whole of which neither the acquiring corporation nor any of its component corporations was in existence (although, of course, either the acquiring corporation or one of its components must have been actually in existence prior to January 1, 1940, in order for Supplement A to apply). Section 742 (e) (1) provides a method for determining the excess profits net incomes of the several corporations for a base period year during which none of such corporations was actually in existence.

In the case of an acquiring corporation which acquired the assets of its component corporation in a Supplement A transaction occurring before the beginning of such acquiring corporation's last taxable year which began in 1939, the following steps are required for the computation of its excess profits net income for a base period year during which neither the acquiring corporation nor the component corporation was at any time in existence:

(1) The daily invested capital of the acquiring corporation for the first day of its first excess profits tax taxable year is determined.

(2) There is determined the percentage of such daily invested capital which would be applicable under section 720 in reduction of the average invested capital of the acquiring corporation on account of inadmissible assets for its last taxable year beginning in 1939, in the same manner as if section 720 had been applicable to such year.

(3) The amount determined under (1) is reduced by an amount equal to the same percentage of such daily invested capital as the percentage determined under (2).

(4) 8 percent of the amount found under (3) is determined.

The amount determined under (4) is the excess profits net income of the acquiring corporation for such base period year. In such case, no excess profits net income is to be built up for the component corporation for such base period year.

In the case of an acquiring corporation which acquired a component corporation in the acquiring corporation's last taxable year beginning in 1939, the excess profits net income of the acquiring corporation for a base period year during which neither of such corporations was at any time in existence is determined in the manner prescribed in the preceding paragraph, except that, in determining the percentage figure under section 742 (e) (1) (B), the acquiring corporation is considered to have held the admissible and inadmissible assets held by the component corporation (and at the time so held by it) immediately prior to the transaction and during any part of such taxable year of the acquiring corporation. In such case, no excess profits net income is to be built up for the component corporation for such base period year.

In case the Supplement A transaction by which a corporation became a component corporation of its acquiring corporation occurred in the last taxable year of such component corporation beginning in 1939 but on a day in a taxable year of such acquiring corporation beginning in 1940, the following steps are required for the computation of the excess profits net income with respect to such component corporation for a base period year during which neither of such corporations was at any time in existence:

(1) The daily invested capital of the component corporation for the day of the transaction is determined.

(2) There is determined the percentage of such daily invested capital which would be applicable under section 720 in reduction of the average invested capital of the component corporation on account of inadmissible assets for the 12-month period ending with the day preceding the day of the transaction, in the same manner as if such 12-month period constituted a taxable year and section 720 had been applicable to such taxable year.

(3) The amount determined under (1) is reduced by an amount equal to the same percentage of such daily invested capital as the percentage determined under (2).

(4) 8 percent of the amount found under (3) is determined.

The amount determined under (4) is the excess profits net income of the component corporation for such base period year.

In the case of an acquiring corporation which acquired all of the assets of a component corporation after the beginning of both corporation's first excess profits tax taxable year, the excess profits net income for each corporation for a base period year during which neither was at any time in existence is determined in the manner prescribed in the second paragraph of this subsection, the amount for the component being determined under such paragraph in the same manner as if it were an acquiring corporation.

The application of the foregoing rules under section 742 (e) (1) and (2) may be illustrated by the following examples (examples (4) and (2) covering subsection (e) (1) in general; example (3) dealing with the application of subsection (e) (1) (B), and example (4) covering subsection (e) (2)):

Example (1). The F Corporation, on the calendar year basis, was organized on January 1, 1937. The G Corporation was organized on December 1, 1936. It has at all times used a fiscal year ending November 30. On January 1, 1942, the F Corporation acquired the properties of G Corporation in a Supplement A transaction. Since the G Corporation was actually in existence in the base period year 1936, section 742 (e) (1) is not applicable and therefore the F Corporation will not be permitted to build up any income for 1936.

Example (2). The H Corporation and the J Corporation came into existence on January 1, 1937, and January 1, 1938, respectively. Both corporations have at all times been on the calendar year basis. On January 1, 1942, the H Corporation acquired all of the assets of the J Corporation in a Supplement A transaction. Although the J Corporation was not actually in existence in 1937, the H Corporation was actually in existence in such year. Therefore, no excess profits net income may be built up with respect to such year. However, since neither corporation was actually in existence in 1936, income may be built up for such year. Such income is the excess profits net income built up for each corporation for 1936. In the case of each corporation the built up income is an amount equal to 8 percent of the excess of:

(i) The daily invested capital of the corporation for January 1, 1940, over

(ii) An amount which is the same percentage of such capital as the percentage determined as provided in section 742 (e) (1) (B) under the rules of section 720 by reference to its last taxable year beginning in 1939.

Example (3). The M Corporation came into existence on November 1, 1937. It has at all times used a fiscal year ending October 31. The N Corporation, on the calendar year basis, came into existence on January 1, 1937. On October 1, 1940, the M Corporation acquired all of the assets of the N Corporation in a Supplement A transaction. Here the date of the transaction fell within the M Corporation's last taxable year beginning within 1939, but within the N Corporation's first excess profits tax taxable year. In building up excess profits net income for 1936 (the year in which neither corporation was in existence), there is taken into account only the M Corporation's daily invested capital—for November 1, 1940. The N Corporation's daily invested capital is reflected in the M Corporation's daily invested capital for such day. In determining the percentage figure as provided in section 742 (e) (1) (B) under the rules of section 720 by reference to its taxable year ended October 31, 1942 (to be used in reducing the M Corporation's daily invested capital), the M Corporation is treated as if it had held the admissible and inadmissible assets which the N Corporation held during the period November 1, 1939, through September 30, 1940.

Example (4). The K Corporation, on the calendar year basis, came into existence on January 1, 1937. The L Corporation was organized on July 1, 1937. It has at all times used a fiscal year ending June 30. On March 1, 1940, the K Corporation acquired all of the assets of the L Corporation in a Supplement A transaction. The date of the transaction fell, accordingly, within the K Corporation's first excess profits tax taxable year, but within the L Corporation's last taxable year beginning in 1939. In building up excess profits net income for each corporation for 1936 (the year in which neither corporation was in existence), there is taken into account the K Corporation's daily invested capital for January 1, 1940, and the L Corporation's daily invested capital for March 1, 1940.

(b) *Limitations.* The determination of excess profits net income for vacant base period years is subject to each of the following limitations:

(1) Section 742 (e) (3) acts as a limitation on subsections (e) (1) and (2). The cases generally covered by it are those in which there was cross-ownership of stock between such corporations prior to the Supplement A transaction, but it also covers cases where property or stock of either corporation has been transferred to the other as paid-in surplus or as a contribution to capital. As such, the primary purpose of section 742 (e) (3) is to prevent doubling up on the factor of the daily invested capital carried into the first excess profits tax taxable year as the factor upon which the constructive income allowed under subsections (e) (1) and (2) is computed.

Briefly stated, section 742 (e) (3) provides that in case any corporation described in section 742 (e) (1) owned stock in any other such corporation on the first day of such owning corporation's first excess profits tax taxable year beginning in 1940, then the invested capital factor, upon which the constructive income allowed under section 742 (e) (1) and (2) with respect to such corporations is computed, shall be adjusted to such extent as may be necessary to prevent such constructive income from reflecting money or property paid in by either of such corporations to the other for stock or as paid-in surplus or as a contribution to capital; or from reflecting stock of either paid in for stock of the other or as paid-in surplus or as a contribution to capital. For this purpose, stock in either such corporation which has in the hands of the other corporation a basis determined with reference to the basis of stock previously acquired by the issuance of such other corporation's own stock shall be deemed to have been paid in for the stock of such other corporation. For certain limitations in other cases of cross-ownership of stock not covered by section 742 (e) (3), see section 742 (f) (1) and § 35.742–3 (b).

The following example illustrates the nature of the adjustment to be made in cases to which section 742 (e) (3) applies:

Example. The O Corporation and the P Corporation are both on the calendar year basis. The O Corporation came into existence on January 1, 1938. The P Corporation was organized on December 31, 1938, and on that date it issued all of its capital stock to the O corporation in exchange for assets of the latter. The O Corporation holds this stock continuously until December 31, 1941, at which time it acquires the P Corporation in a transaction described in section 740 (a) (2). Each corporation is entitled under section 742 (e) (1) to a constructive income for the years 1936 and 1937. This constructive income is computed at 8 percent of the excess of its daily invested capital for January 1, 1940, over an amount which is the same percentage of such invested capital as the percentage determined under section 720—generally known as the inadmissible asset ratio. In the event that the reduction under section 720 in the O Corporation's daily invested capital for January 1, 1940, attributable to the stock in P is an amount which is less than the basis of such stock to the O Corporation, a further adjustment shall be made in its invested capital in order to eliminate duplication of the same invested capital. Assuming that the basis of the P stock to the O Corporation under section 718 (a) (2) is $50,000; that on December 31, 1938, and December 31, 1939, it owned shares in other domestic corporations having a basis of $10,000; and that the O Corporation's daily invested capital for January 1, 1940, is $450,000 (section 742 (e) (1) (A)), the computation of the adjustment required under section 742 (e) (3) may be illustrated as follows:

(i) Total inadmissible assets (based upon computation under section 720)	$60,000
(ii) Total admissible and inadmissible assets computed under section 720 with reference to the aggregate of both classes of assets (§ 35.720–1)	600,000
(iii) Percentage which the total inadmissible assets is of total admissible and inadmissible assets—percent	10
(iv) Daily invested capital of the O Corporation for January 1, 1940, as stated above	450,000
(v) Amount of reduction in the O Corporation's daily invested capital for January 1, 1940, for inadmissible assets under section 742 (e) (1) (B)—10 percent of item (iv)	45,000
(vi) Reduction in the daily invested capital of the O Corporation for January 1, 1940, which is attributable to the stock in the P Corporation $\left(\frac{50,000}{60,000} \times 45,000\right)$	37,500
(vii) Basis of the P Corporation stock to the O Corporation	50,000
(viii) Adjustment to be made in the O Corporation's daily invested capital for January 1, 1940, in order to arrive at the invested capital factor under section 742(e)(3) upon which constructive income is computed	12,500
(ix) Daily invested capital for January 1, 1940	450,000
Adjustment for inadmissibles under section 720 (item (vi) above) $45,000	
Adjustment under section 742(e)(3) 12,500	
	57,500
(x) Invested capital as adjusted under section 742(e)(3) upon which constructive income of the O Corporation is computed	392,500

(2) Section 742(f)(1) requires the exclusion from Supplement A average base period net income of all or a part of the base period experience of a component which is determined under section 742(e) for vacant base period years, if the taxpayer (or any corporation which later became a component of the taxpayer) acquired for assets (other than its own stock) the stock of such component after such vacant base period year. See § 35.742–3(b).

The adjustment necessary under section 742(f)(1) where excess profits net income for vacant base period years would otherwise be determined under section 742(e) is illustrated by the following example:

Example. The A and B Corporations were both organized on January 1, 1937, and have at all times made their income tax returns on the calendar year basis. On January 1, 1938, A purchased for cash all of the stock of B from the latter's stockholders. On December 31, 1940, A acquired all of the assets of B in a Supplement A transaction. Under section 742(e), the excess profits net incomes of A and B for 1936 are to be determined separately. However, by reason of section 742(f)(1), the experience of B prior to January 1, 1938, is to be excluded, and therefore no excess profits net income need be determined for B for 1936.

The application of section 742(f)(1) in other cases described in section 742(e) but not illustrated above is to be determined in accordance with the above principles and those of § 35.742–3(b).

SEC. 743. NET CAPITAL CHANGES. [Added by sec. 201, Second Rev. Act 1940; amended by sec. 4, Excess Profits Tax Amendments 1941, and by sec. 228 (d), Rev. Act 1942.]

(a) *Taxpayer using this supplement.* For the purposes of section 713 (g), if the transaction which constitutes the taxpayer an acquiring corporation occurs in a taxable year of the taxpayer which begins after December 31, 1939, and the taxpayer's average base period net income is computed under section 742, the following rules shall apply in computing the daily capital addition and reduction of the taxpayer for each day after such transaction:

(1) The transferred capital addition or reduction of the component corporation shall be treated as if it were a capital addition or reduction, as the case may be, of the taxpayer.

(2) The transferred capital addition of the component corporation shall be its daily capital addition as of the time immediately before the transaction (computed under section 713 (g), but without regard to its reduction under the fourth sentence of paragraph (3) on account of excluded capital, but with the application of paragraph (6) of this subsection).

(3) The transferred capital reduction of the component corporation shall be its daily capital reduction as of the time immediately before the transaction (computed under section 713 (g) but with the application of paragraph (7) of this subsection).

(4) In computing the daily capital addition of the taxpayer, money or property paid in to the taxpayer by any of its component corporations, and property consisting of stock in any such component corporation paid in by shareholders of such component corporation, shall be disregarded.

(5) In computing the daily capital reduction of the taxpayer, distributions by the taxpayer to any of its component corporations not out of earnings and profits shall be disregarded.

(6) In computing the transferred capital addition of the component corporation, money or property paid in to such component corporation by the taxpayer or any other component corporation and property consisting of stock in the taxpayer or any other component corporation paid in by shareholders of the taxpayer or other component corporation, shall be disregarded.

(7) In computing the transferred capital reduction of the component corporation, distributions by such component corporation

to the taxpayer or any other component corporation shall be disregarded.

(8) The daily capital addition of the taxpayer to which any amount is added under paragraph (1) shall be the amount thereof computed before its reduction under the fourth sentence of section 713 (g) (3) on account of excluded capital.

(b) *Rule where acquiring corporation is component of taxpayer.* In cases where an acquiring corporation is a component of the taxpayer, and the transaction which constitutes such corporation an acquiring corporation occurs in a taxable year of such corporation which begins after December 31, 1939, for the purpose of determining the daily capital addition or reduction of the taxpayer the above rules shall be applied in a similar manner to determine the daily capital addition or reduction of such acquiring corporation for each day after such transaction.

§ 35.743–1 *Net capital changes*—(a) *General.* If a taxpayer acquires a component corporation in a Supplement A transaction occurring in a taxable year of the taxpayer beginning after December 31, 1939, and if for the particular taxable year the taxpayer computes its average base period net income under section 742 for the purposes of its excess profits credit, the transferred capital addition of the component corporation is added to the taxpayer's daily capital addition for each day after such transaction and the transferred capital reduction of the component corporation is added to the daily capital reduction of the taxpayer for each such day.

The transferred capital addition of such component corporation is the daily capital addition of such component as of the time immediately before the transaction. Such daily capital addition is computed in accordance with the provisions of section 713 (g) except that it is not reduced on account of the excluded capital of the component corporation. In determining such daily capital addition of the component corporation, there is disregarded (1) money or property paid in to such component corporation by the taxpayer or any other component corporation of the taxpayer and (2) property consisting of stock in the taxpayer or any other component corporation of the taxpayer paid in by shareholders of the taxpayer or other component corporation.

The transferred capital reduction of such component corporation is the daily capital reduction of such component as of the time immediately before the transaction. Such daily capital reduction is computed in accordance with the provisions of section 713 (g). But in determining such daily capital reduction, there is disregarded distributions by such component corporation to the taxpayer or any other component corporation of the taxpayer.

The daily capital addition of the taxpayer to which the transferred capital addition of such component corporation is to be added is its daily capital addition computed in accordance with the provisions of section 713 (g), but before reduction on account of excluded capital. The taxpayer's excluded capital after the transaction, which is taken into account in making the reduction required by section 713 (g), will embrace the excluded capital of the component corporation which is carried over to the taxpayer in the transaction. In computing the daily capital addition of the taxpayer, there is disregarded (1) money or property paid in to the taxpayer by any of its component corporations and (2) property consisting of stock in any such component corporation paid in by the shareholders of that component corporation.

In computing the daily capital reduction of the taxpayer, there are disregarded distributions by the taxpayer to any of its component corporations not out of earnings and profits.

If an acquiring corporation is a component corporation of a taxpayer and if the transaction constituting such corporation an acquiring corporation occurred in a taxable year of such corporation beginning after December 31, 1939, then, for the purpose of determining the daily capital addition or reduction of the taxpayer, the provisions of this section shall be applied in a similar manner in order to determine the daily capital addition or reduction of such acquiring corporation for each day after such transaction.

This section may be illustrated by the following example:

Example. On March 1, 1942, the X Corporation, in exchange solely for its voting stock, acquires all the assets of the Y Corporation, having an adjusted basis for computing loss in the hands of the Y Corporation of $100,000. Immediately after the exchange, the Y Corporation distributes the stock of the X Corporation in complete liquidation. Both corporations make their income tax returns on a calendar year basis. Among the assets of the Y Corporation transferred in the Supplement A exchange were $30,000 of State bonds which it had purchased in 1938 for $32,000. The only money or other property paid into and distributions made by the Y Corporation from January 1, 1940, to March 1, 1942, were as follows:

January 15, 1942, $5,000 was paid into Y Corporation for stock by persons other than the X Corporation or any component thereof.

March 1, 1942, the day of the Supplement A transaction, but at a time prior to the transaction, the Y Corporation distributed $10,000 to shareholders (not including the X Corporation or any component thereof), of which only $7,000 was out of earnings and profits. If, for 1942, the X Corporation computes its average base period net income under Supplement A, it will have for March 2, 1942, and for each day thereafter, $5,000 of capital addition computed without regard to excluded capital, $32,000, of excluded capital (assuming the State bonds are retained for the balance of the year), and $3,000 of capital reduction. Such amounts will be added to the X Corporation's own capital additions, excluded capital, and capital reductions for 1942 in computing its capital additions and reductions under section 713 (g) for the purpose of its excess profits credit. No portion of the $100,000 paid in for stock on March 1, 1942, may be taken into account.

(b) *Limitation under section 742 (f) (1).* Section 742 (f) (1) requires the exclusion from transferred capital addition or reduction of any capital addition or reduction (determined as provided in section 743) of a component corporation attributable to stock of such component acquired for assets (other than its own stock) of the acquiring corporation before the Supplement A transaction. Necessarily this rule applies only in case the acquisition of such stock occurred on or after the beginning of the first excess profits tax taxable year of the component corporation, after such capital additions and reductions occurred, and before the Supplement A transaction. Such capital additions and reductions are to be attributed to such stock acquisitions in accordance with the principles of § 35.742–3 (b) and the purposes of section 742 (f) (1). No adjustment is necessary under section 742 (f) (1) with respect to stock which was acquired by the acquiring corporation directly from the corporation whose stock was acquired, unless duplication results and such duplication is not corrected under section 743.

SEC. 744. FOREIGN CORPORATIONS. [Added by sec. 201, Second Rev. Act 1940.]

The term "corporation" as used in this Supplement does not include a foreign corporation.

INVESTED CAPITAL IN CONNECTION WITH CERTAIN EXCHANGES AND LIQUIDATIONS[1]

SEC. 760. EXCHANGES. [Added by sec. 230 (a), Rev. Act 1942.]

(a) *Definitions, Etc.* For the purposes of this section—

(1) *"Exchange", "Transferor", and "Transferee".* The term "exchange" means a transaction by which one corporation (hereinafter called "transferee") receives property of another corporation (hereinafter called "transferor") and the basis of the property received, in the hands of the transferee, for the purposes of section 718 (a) is determined by reference to the basis in the hands of the transferor.

(2) *Determination of basis of property received.* The basis, in the hands of the transferee, of the property of the transferor received by the transferee upon the exchange shall be determined in accordance with section 718 (a).

(b) *Rule.* In the application of section 718 (a) to a transferee upon an exchange in determining the amount paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee, in connection with such exchange, only an amount shall be deemed to have been so paid in equal to the excess of the basis in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of:

(1) The amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received, plus

(2) The amount of any liability of the transferee (not arising out of any liability described in paragraph (1)) constituting consideration for the property so received, plus

(3) The aggregate of the amount of any money and the fair market value of any other property (other than such stock and other than property described in paragraphs (1) and (2)) transferred to the transferor.

(c) *Reduction in daily invested capital.* In the application of section 717 to a transferee upon an exchange, the daily invested capital for any day after such exchange shall be reduced by an amount equal to the amount by which the sum of the amounts specified in paragraphs (1), (2), and (3) of subsection (h) exceeds the basis in the hands

[1] Supplement C, sections 760–761 of the Internal Revenue Code. Supplement B, sections 750–752 not applicable to taxable years under these regulations (sec. 229, Rev. Act 1942).

of the transferee of the property of the transferor received upon the exchange.

§ 35.760–1 *Definitions and determinations.* For the purposes of section 760 and of §§ 35.760–1, 35.760–2, and 35.760–3:

(a) *Exchange, transferee, transferor.* The term "exchange" means a transaction in which one corporation, called the "transferee," acquires property of another corporation, called the "transferor," and the basis to the transferee of the property acquired, for the purposes of determining the amount of money or property paid in for stock, or as paid-in surplus, or as a contribution to the capital of the transferee pursuant to the provisions of section 718 (a) as a result of such exchange, is a substituted basis under section 113 (b) (2) (A), i. e., is a basis determined by reference to the basis of such property in the hands of the transferor.

(b) *Applicability of section 760 to various types of exchanges*—(1) *In general.* A substituted basis within the provisions of section 113 (b) (2) (A) may result from:

(i) The application of section 113 (a) (7) to property acquired in an exchange in a taxable year beginning after December 31, 1917, pursuant to a plan of reorganization under the provisions of section 112 (g);

(ii) The application of section 113 (a) (8) to property acquired in a taxable year beginning after December 31, 1920, by a corporation by the issuance of its stock or securities, if immediately after such acquisition the transferor is in control of the corporation under the provisions of section 112 (b) (5), or by a corporation as paid-in surplus or as a contribution to capital;

(iii) The application of section 113 (a) (17) and section 372 in certain instances to property acquired in connection with exchanges and distributions in obedience to certain orders of the Securities and Exchange Commission;

(iv) The application of section 113 (a) (20) to property acquired in certain railroad reorganizations;

(v) The application of section 113 (a) (21) to property acquired by certain street, suburban, or interurban electric railway corporations; and

(vi) The application of section 23.38 (b) of Consolidated Income Tax Return Regulations 104, or § 33.38 (b) of this chapter, property acquired by a member of an affiliated group of corporations from another member of such group during a consolidated return period.

The rules provided with respect to the provisions of the Code and of the consolidated returns regulations mentioned in this section shall also be applicable with respect to corresponding provisions of prior revenue laws and of prior consolidated returns regulations.

Example. In 1939 Corporation X, solely in exchange for 1,000 shares of its common voting stock (representing 5 percent of its total voting stock), acquired in a statutory reorganization under section 112 (g) (1) (C) all the assets of Corporation Y. Under section 113 (a) (7) (B), the basis of such assets in the hands of Corporation X would be determined by reference to the basis of such assets in the hands of Corporation Y. The amount to be included in the equity invested capital of Corporation X as the amount paid in for stock of Corporation X as a result of such exchange shall be determined under section 760.

The mere fact that property was acquired in an exchange pursuant to a plan of reorganization in which gain or loss was not recognized does not of itself invoke the provisions of section 760 if the basis of the property is not fixed by reference to the basis in the hands of the transferor. Thus, if the exchange described in the preceding example occurred in 1935, the basis of the assets to Corporation X would be fair market value at the date of the exchange because of failure of Corporation Y to retain the 50 percent control in such assets pursuant to section 113 (a) (7) (A), and the provisions of section 760 would be inapplicable in determining the amount includible in the equity invested capital of Corporation X as a result of the exchange.

(2) *Exchanges constituting intercorporate liquidations.* Since section 760 is applicable only in the determination of the amount paid in for stock, or as paid-in surplus, or as a contribution to capital, of a transferee upon an exchange, such section shall not be applicable in determining the equity invested capital of such transferee in the case of the receipt of property in any of the exchanges described in this section if the receipt of such property is a distribution in an intercorporate liquidation, in whole or in part, of the transferor within the provisions of section 761. In such cases, the exchange shall be considered to be an intercorporate liquidation subject to the provisions of section 761. For rules relating to the adjustment of equity invested capital in the case of intercorporate liquidations see section 761 and § 35.761–7.

The provisions of this paragraph may be illustrated by the following example:

Example. Prior to 1940, Corporation A owned the entire outstanding capital stock of Corporation B. In 1940, Corporation C acquired all of the assets of Corporation A and Corporation B in a statutory consolidation constituting a reorganization under section 112 (g) (1) (A). Although Corporation C might be deemed to have acquired the assets of Corporation B with a basis determined by reference to the basis of such assets in the hands of Corporation B, the provisions of section 760 are not applicable to such exchange since section 761 (f) provides that, in such a case, Corporation C shall be considered to have acquired in the statutory consolidation the stock of Corporation B previously owned by Corporation A and to have received the assets of Corporation B in an intercorporate liquidation.

(c) *Determination of basis of property received*—(1) *General rule.* In determining the amount paid in for stock, or as paid-in surplus, or as a contribution to capital of the transferee for the purposes of section 718 (a) with respect to an exchange, the basis of the property received upon the exchange is to be determined in accordance with the rules provided by section 718 (a) (2), namely, the basis (unadjusted) to the transferee for determining loss, adjusted with respect to the period prior to its receipt by the transferee, by an amount equal to the adjustments proper under section 115 (l) for determining earnings and profits. For the purposes of determining such basis (unadjusted) to the transferee, the amount of any gain or loss recognized to the transferor upon the exchange shall be limited to the gain or loss taken into account under section 115 (l) in computing the earnings and profits of the transferor. If the property was not disposed of prior to the taxable year, such unadjusted basis shall be determined under the law applicable to the taxable year. If the property was acquired in a taxable year beginning after February 28, 1913, and prior to January 1, 1934, and the basis of such property was prescribed by section 113 (a) (6), (7), or (9) of the Revenue Act of 1932, or if the property was acquired in a taxable year beginning after February 28, 1913, and prior to January 1, 1936, and the basis of such property was prescribed by section 113 (a) (6), (7), or (8) of the Revenue Act of 1934, for the purposes of section 760 the basis of such property shall be the same as the basis prescribed by the Revenue Act of 1932 or the Revenue Act of 1934, respectively. See section 113 (a) (12) and (16). If the property was disposed of prior to the taxable year, such unadjusted basis shall be that prescribed by the law applicable to the year of disposition, but without regard to the value of the property as of March 1, 1913.

(2) *Applicability of section 760 in case of statutory change.* If the transferee received property in any taxable year in a transaction which, under the revenue law applicable to such year, did not constitute an exchange within the provisions of section 760 (a), and if:

(i) Such property is held in the taxable year, and under the revenue law applicable to such year such transaction qualifies as an exchange under section 760, or

(ii) Such property was disposed of in a taxable year subsequent to the year of acquisition and under the revenue law applicable to such subsequent taxable year, the transaction did qualify as an exchange under section 760,

the provisions of section 760 are applicable in determining the amount paid in to the transferee as a result of such transaction. However, if such property was disposed of prior to a year in which the revenue law was changed so as to bring a transaction of such a character within the provisions of section 760, the provisions of section 760 shall not be applicable in determining the invested capital of the transferee attributable to the property acquired in such transaction.

Thus, if after December 31, 1917, a corporation acquired the entire assets of another corporation in exchange solely for 79 percent of its voting stock, although such transaction would constitute a reorganization and a tax-free exchange under the Revenue Acts of 1924, 1926, and 1928, the basis of the assets to the transferee would not be determined by reference to the basis of such assets in the hands of the transferor since an interest or control of 80 percent in the assets transferred did not remain in the transferor. See sections 203 (b) (3) and (4), 203 (h) (1) A, and 204 (a) (7) of the Revenue Acts of 1924 and 1926, and

sections 112 (b) (3) and (4), 112 (i) (1) (A), and 113 (a) (7) of the Revenue Act of 1928. The percentage of control necessary to establish a substituted basis for such property was reduced to 50 percent by section 113 (a) (7) of the Revenue Acts of 1932 and 1934. The Revenue Act of 1936 removed the necessity for any control under section 113 (a) (7), but preserved the basis established under the Revenue Act of 1932 or 1934. The Revenue Act of 1938 and the Code provide in section 113 (a) (7) (A) that with respect to property acquired by a corporation in connection with a reorganization after December 31, 1917, but in a taxable year beginning prior to January 1, 1936, 50 percent control is necessary for the property transferred to have a basis to the transferee fixed by reference to the basis of the property in the hands of the transferor. In the case of property acquired in connection with a reorganization after December 31, 1935, no such control is necessary.

Example. Assume that in 1926, Corporation C acquired all the property of Corporation D in exchange for 79 percent of its entire capital stock, all of which was voting stock. Although the transaction would have been a reorganization and a tax-free exchange, the basis of the property to Corporation C in any taxable year beginning before January 1, 1932, would not have been fixed by reference to the basis of such property in the hands of Corporation D. Consequently, if Corporation C had disposed of the property prior to January 1, 1932, the amount paid in to Corporation C as a result of the 1926 exchange would not be determined under section 760. If Corporation C had disposed of the property in a taxable year beginning subsequent to December 31, 1931, the basis of such property to Corporation C would be the basis to Corporation D, and the amount paid in to Corporation C as a result of the 1926 exchange would be computed under section 760.

(3) *Inconsistent position.* As to the effect of an inconsistent position in the determination of invested capital under section 760, or without regard to its provisions, see section 734 and the regulations thereunder.

§ 35.760–2 *Determination of amount paid in for stock, or as paid-in surplus, or as a contribution to capital.* For the purposes of section 718 (a), the amount of money or property determined to have been paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee in connection with an exchange defined in § 35.760–1 (a) shall be the excess of the basis (determined under § 35.760–1 (b)) in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of:

(a) The amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received, plus.

(b) The amount of any liability of the transferee (not arising out of any liability described in (a) of this section) constituting consideration for the property so received, plus

(c) The aggregate of the amount of any money and the fair market value of any other property (other than such stock and other than property described in (a) and (b) of this section) transferred to the transferor, whether or not such money or property was permitted to be received by the transferor without the recognition of gain.

If the sum of the amounts specified in (a), (b), and (c) of this section exceeds the basis in the hands of the transferee of the property received from the transferor, such excess shall not be taken into account in computing the equity invested capital of the transferee but shall be used to reduce the daily invested capital of the transferee for each day after the exchange. As to the computation to be made in case of such excess, see § 35.760–3.

The application of the provisions of this section may be illustrated by the following examples:

Example (1). In 1942 Corporation X transferred property which had an adjusted basis for determining gain or loss of $600,000 to Corporation Y in consideration (1) of 80 percent of the capital stock of Corporation Y which had a fair market value of $400,000; (2) of the assumption by Corporation Y of open account indebtedness of Corporation X amounting to $20,000; (3) of the payment by Corporation Y of money and other property amounting to $120,000; and (4) of the issuance by Corporation Y to Corporation X of a bond in the amount of $110,000 secured by a lien upon the property acquired. Included in the property acquired by Corporation Y in connection with the foregoing exchange was a building which was subject to a mortgage liability of $100,000 which was not assumed by Corporation X and which was not assumed by Corporation Y. The money and other property received by Corporation X was not distributed in pursuance of the plan of reorganization and therefore the gain resulting from the exchange was recognized by such corporation in accordance with section 112 (d) (2). The amount includible in the equity invested capital of Corporation Y determined under the provisions of section 760 (b) with respect to the exchange is $370,000, computed as follows:

Gain to Corporation X Recognized Upon Exchange

Fair market value of capital stock of Corporation Y	$400,000
Amount of liabilities of Corporation X assumed	20,000
Bond secured by lien upon property	110,000
Money and other property	120,000
Mortgage liability subject to which building was transferred	100,000
Total consideration	750,000
Less: Adjusted basis of property transferred	600,000
Gain	150,000

The gain recognized to Corporation X, however, is limited to $120,000, representing the sum of the money and fair market value of other property received by Corporation X which, pursuant to the plan of reorganization, was not distributed (see sections 112(d)(2) and 112(k)).

Amount deemed to be paid in for stock of Corporation Y under section 718(a) and section 760

Adjusted basis of property to Corporation X		$600,000
Add: Gain to Corporation X recognized upon exchange		120,000
Unadjusted basis for determining loss to Corporation Y		720,000
Deduct: Amount of liabilities of Corporation X assumed	$20,000	
Bonds issued by Corporation Y secured by lien upon property received	110,000	
Money and other property paid	120,000	
Mortgage liability subject to which building was acquired by Corporation Y	100,000	
		350,000
Amount deemed to have been paid in for stock of Corporation Y upon the exchange		370,000

Daily invested capital of Corporation Y resulting from the exchange

Amount deemed to have been paid in to Corporation Y upon the exchange		$370,000
Borrowed invested capital:		
Mortgage liability on building not assumed	$100,000	
Bond issued secured by lien upon property	110,000	
Total borrowed capital	210,000	
Borrowed invested capital (50 percent of $210,000)		105,000
Daily invested capital		475,000

Assume that in 1943, Corporation Y sold the properties acquired from Corporation X for $750,000, the purchaser paying cash in the amount of $650,000 and taking the building subject to the mortgage liability of $100,000. The gain recognized to Corporation Y, and included in its earnings and profits, is $50,000 ($750,000 minus $720,000). There were no other accumulated earnings and profits. Immediately thereafter Corporation Y redeemed and canceled the bond and mortgage it had issued to Corporation X at the time of the exchange. That portion of the daily invested capital of Corporation Y for the excess profits tax taxable year following the year of the sale and attributable to the acquisition and sale of the properties received from Corporation X would be $400,000, computed as follows:

Equity invested capital resulting from the exchange	$370,000
Earnings and profits from sale of properties	30,000
Daily invested capital	400,000

Example (2). Assume that in the preceding example, the money and other property received by Corporation X upon the exchange were distributed pursuant to the plan of reorganization so that no gain was recognized to Corporation X as a result of the exchange (see sections 112 (d) (1) and 112 (k)). Consequently, the basis of the property received by Corporation Y would not be increased by any gain recognized to Corporation X pursuant to section 113 (a) (7), and would be $600,000, rather than $720,000. The

Aggregate of daily invested capital for each day after the exchange ($137,600×184 days)		$25,300,000.00
Total aggregate daily invested capital for each day of the taxable year		43,400,000.00
Average invested capital ($43,400,000 divided by 365 days)		118,904.11

Example (2). In 1942 Corporation A owned property with an adjusted basis for determining gain or loss of $1,500,000 but with a fair market value of $4,500,000. Corporation A had no accumulated earnings and profits or deficit in earnings and profits. On June 30, 1942, pursuant to a plan of reorganization Corporation B acquired such property from Corporation A in exchange for 80 percent of its outstanding stock which had a fair market value of $1,500,000, cash of $500,000, and bonds of $2,500,000. Immediately prior to the exchange Corporation B had an equity invested capital of $875,000 consisting of money paid in and of accumulated earnings and profits. Under section 112 (d) (1) no gain was recognized to Corporation A upon the exchange since immediately after the exchange and pursuant to the plan of reorganization it distributed the cash and bonds of Corporation B to its shareholders. The daily invested capital of Corporation B for each day after the exchange is minus $75,000 and the average invested capital for the taxable year 1942 is $148,150.68, computed as follows:

Daily invested capital immediately after the exchange

Equity invested capital of Corporation B immediately prior to the exchange		$875,000.00
Amount deemed to have been paid in upon the exchange		0
Borrowed invested capital (50 percent of $2,500,000)		1,250,000.00
Total daily invested capital prior to application of section 760 (c)		1,625,000.00
Less: Amount provided by section 760 (c) as reduction in daily invested capital:		
Cash paid upon the exchange	$500,000.00	
Bonds issued upon the exchange	2,500,000.00	
Total	3,000,000.00	
Less Basis of property received upon exchange	1,300,000.00	
Reduction under section 760 (c)		1,700,000.00
Daily invested capital for each day immediately after exchange (a minus quantity)		(75,000.00)

Average invested capital of Corporation B for 1942

Aggregate of daily invested capital for each day prior to and including the day of the exchange ($875,000×181 days)		$67,875,000.00
Aggregate of daily invested capital for each day after the exchange ((-$75,000)×184 days) (a minus quantity)		(13,800,000.00)
Total aggregate daily invested capital for each day of the taxable year		54,075,000.00
Average invested capital ($54,075,000 divided by 365 days)		148,150.68

SEC. 761. INVESTED CAPITAL ADJUSTMENT AT THE TIME OF TAX-FREE INTERCORPORATE LIQUIDATIONS. [Added by sec. 230 (a), Rev. Act 1942.]

(a) *Definition of intercorporate liquidation.* As used in this section, the term "intercorporate liquidation" means the receipt (whether or not after December 31, 1941) by a corporation (hereinafter called the "transferee") of property in complete liquidation of another corporation (hereinafter called the "transferor") to which

(1) The provisions of section 112 (b) (6), or the corresponding provision of a prior revenue law, is applicable or

(2) A provision of law is applicable prescribing the nonrecognition of gain or loss in whole or in part upon such receipt (including a provision of the regulations applicable to a consolidated income or excess profits tax return but not including section 112 (b) (7), (8), or (10) or a corresponding provision of a prior revenue law), but only if none of such property so received is a stock or a security in a corporation the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

(b) *Definition of plus adjustment and minus adjustment.* For the purposes of this section—

Average invested capital of the taxpayer computed under section 716 shall be the aggregate of the daily invested capital for each day of the taxable year computed by taking into account any plus amounts in daily invested capital and any negative amounts in daily invested capital after the exchange resulting from the application of section 760 (c), divided by the number of days in such taxable year. In no case, however, shall such average invested capital be an amount which is less than zero.		
The provisions of this section may be illustrated by the following examples:		
Example (1). In 1942 Corporation O owned property with an adjusted basis for determining gain or loss of $400,000 but with a fair market value of $1,000,000. Corporation O had no accumulated earnings and profits or deficit in earnings and profits. On June 30, 1942, pursuant to a plan of reorganization, Corporation P acquired such property from Corporation O in exchange for 80 percent of its outstanding stock which had a fair market value of $400,000, $125,000 in cash, and $475,000 of its short term notes. Immediately prior to the exchange Corporation P had an equity invested capital of $100,000, consisting of money and property paid in and of accumulated earnings and profits. Under section 112 (d) (1) no gain was recognized to Corporation O upon the exchange since immediately after the exchange and in pursuance of the plan of reorganization it distributed the cash and stock and notes of Corporation P to its shareholders. The daily invested capital of Corporation P for each day after the exchange was $137,000 and the average invested capital for the taxable year 1942 was $118,904.11, computed as follows:		
Daily invested capital of Corporation P immediately after exchange		
Equity invested capital immediately prior to exchange		$100,000.00
Amount deemed to have been paid in under sections 718 (a) and 760 upon the exchange		0
Borrowed invested capital of Corporation P (50 percent of $475,000)		237,500.00
Total daily invested capital prior to application of section 760 (c)		337,500.00
Less: Amount provided by section 760 (c) as reduction in daily invested capital:		
Cash paid upon the exchange	$125,000.00	
Notes issued by Corporation P	475,000.00	
Total	600,000.00	
Less: Basis of property received upon exchange	400,000.00	
Reduction under section 760 (c)		200,000.00
Daily invested capital for each day after exchange		137,500.00
Average invested capital of Corporation P for 1942		
Aggregate of daily invested capital for each day prior to and including the days of the exchange ($100,000×181 days)		$18,100,000.00

(1) *Plus adjustment.* The term "plus adjustment" means the amount, with respect to an intercorporate liquidation, determined to be equal to the amount by which the aggregate of the amount of money received by the transferee in such intercorporate liquidation, and of the adjusted basis at the time of such receipt of all property (other than money) so received, exceeds the sum of—

(A) the aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) the aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of such property, of the liabilities (not assumed by the transferee) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the transferee for such property so received.

(2) *Minus adjustment.* The term "minus adjustment" means the amount, with respect to an intercorporate liquidation, determined to be equal to the amount by which the sum of—

(A) the aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) the aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of such property, of the liabilities (not assumed by the transferee) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the transferee for such property so received

exceeds the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received.

(3) *Rules for application of paragraphs (1) and (2).* In determining the plus adjustment or minus adjustment with respect to any share, the computation shall be made in the same manner as is prescribed in paragraphs (1) and (2) of this subsection, except that there shall be brought into account only that part of each item which is determined to be attributable to such share.

(c) *Rules for the application of this section*—(1) *Stock having cost basis.* The property received by a transferee in an intercorporate liquidation attributable to a share of stock having in the hands of the transferee a basis determined to be a cost basis, shall be considered to have, for the purposes of subsection (b), an adjusted basis at the time so received determined as follows:

(A) The aggregate of the property (other than money) held by the transferor at the time of the acquisition by the transferee of control of the transferor (or, if such share was acquired after the acquisition of such control, at the time of the acquisition of such share, or, if such control was not acquired, at the time immediately prior to the receipt of any property in the intercorporate liquidation in respect of such share) shall be deemed to have an aggregate basis equal to the amount obtained by (i) multiplying the amount of the adjusted basis at such time of such share in the hands of the transferee by the aggregate number of share units in the transferor at such time (the interest represented by such share being taken as the share unit), and (ii) adjusting for the amount of money on hand and the liabilities of the transferor at such time.

(B) The basis which property of the transferor is deemed to have under subparagraph (A) at the time therein specified shall be used in determining the basis of property subsequently acquired by the transferor the basis of which is determined with reference to the basis of property specified in subparagraph (A).

(C) The basis which property of the transferor is deemed to have under subparagraphs (A) and (B) at the time therein specified shall be used in determining all subsequent adjustments to the basis of such property.

(D) The property so received by the transferee shall be deemed to have, at the time of its receipt, the same basis it is deemed to have under the foregoing provisions of this paragraph in the hands of the transferor, or in the case of property not specified in subparagraph (A) or (B), the same basis it would have had in the hands of the transferor

(E) Only such part of the aggregate property received by the transferee in the intercorporate liquidation as is attributable to such share shall be considered as having the adjusted basis which property is deemed to have under subparagraphs (A), (B), (C), and (D) of this paragraph.

(2) *Basis of stock not a cost basis.* The property received by a transferee in an intercorporate liquidation attributable to a share of stock having in the hands of the transferee a basis determined to be a basis other than a cost basis shall, for the purposes of subsection (b), be considered to have, at the time of its receipt, the basis it would have had had the first sentence of section 113 (a) (15) been applicable.

(3) *Definition of control.* As used in this subsection, the term "control" means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and the ownership of at least 80 per centum of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), but only if in both cases such ownership continues until the completion of the intercorporate liquidation.

(d) *Adjustment of equity invested capital.* If property is received by the transferee in an intercorporate liquidation, in computing the equity invested capital of the transferee for any day following the completion of such intercorporate liquidation—

(1) with respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of any property in such intercorporate liquidation, a basis determined to be a cost basis, the earnings and profits or deficit in earnings and profits of the transferee shall be computed as if on the day following the completion of such intercorporate liquidation the transferee had realized a recognized gain equal to the amount of the plus adjustment in respect of such share, or had sustained a recognized loss equal to the amount of the minus adjustment in respect of such share;

(2) with respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of any property in such intercorporate liquidation, a basis determined to be a basis other than a cost basis, there shall be treated as an amount includible in the sum specified in section 718 (a) the amount of the plus adjustment with respect to such share, or as an amount includible in the sum specified in section 718 (b) the amount of the minus adjustment with respect to such share.

(e) *Invested capital basis.* The adjusted basis which property received by the transferee in an intercorporate liquidation is considered to have under the provisions of subsection (c) at the time of its receipt shall be thereafter treated as the adjusted basis, in lieu of the adjusted basis otherwise prescribed, in computing any amount, determined by reference to the basis of such property in the hands of the transferee, entering into the computation of the invested capital of the transferee, or of any other corporation the computation of the invested capital of which is determined by reference to the basis of such property in the hands of the transferee.

(f) *Statutory mergers and consolidations.* If a corporation owns stock in another corporation and such corporations are merged or consolidated in a statutory merger or consolidation, then for the purposes of this section and section 718 such stock shall be considered to have been acquired (in such statutory merger or consolidation) by the corporation resulting from the statutory merger or consolidation, and the properties of such other corporation attributable to such stock to have been received by such resulting corporation as a transferee from such other corporation as a transferor in an intercorporate liquidation.

(g) *Determination*—(1) *Regulations.* Any determination which is required to be made under this section (including determinations in applying this section in cases where there is a series of transferees of the property and cases where the stock of the transferor is acquired by the transferee from another corporation, and the determinations of the basis and adjusted basis which property or items thereof have or are considered to have) shall be made in accordance with regulations which shall be prescribed by the Commissioner with the approval of the Secretary. If the transferor or the transferee is a foreign corporation, the provisions of this section shall apply to such extent and under such conditions and limitations as may be provided in such regulations.

(2) *Application to liquidation extending over long period.* The Commissioner is authorized to prescribe rules similar to those provided in this section with respect to the days within the period beginning with the date on which the first property is received in the intercorporate liquidation and ending with the day of its completion; and the extent to which, and the conditions and limitations under which, such rules are to be applicable.

§ 35.761–1 *Intercorporate liquidation*—(a) *General rule.* For the purposes of section 761, the term "intercorporate liquidation" means the receipt (whether or not after December 31, 1941) by a corporation (hereinafter called the "transferee") of property in complete liquidation of another corporation (hereinafter called the "transferor") to which:

(1) The provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, are applicable, including the case in which an election has been made pursuant to the last sentence of section 113 (a) (15) of the Revenue Act of 1936, as amended by section 808 of the Revenue Act of 1938, or

(2) A provision of law is applicable prescribing the nonrecognition of gain or loss in whole or in part upon such receipt, including a provision of the regulations applicable to a consolidated income tax return or a consolidated excess profits tax return, but not including the provisions of section 112 (b) (7) of the Revenue Act of 1938 relating to certain complete liquidations occurring during December 1938, or the provisions of section 112 (b) (9) relating to certain complete liquidations of railroad corporations. The provisions of regulations applicable to consolidated income or excess profits tax returns which provide for the nonrecognition, in whole or in part, of gain or loss upon a liquidation of a member of an affiliated group during a consolidated return period are article 37 of Regulations 75, 78, 89, 97, 102, section 23.37 of Regulations 104 and § 33.37 of this chapter. A liquidation of a member of an affiliated group during a taxable year, which is a consolidated return period, beginning prior to January 1, 1929, is not an intercorporate liquidation for the purposes of section 761, unless some provision of law other than regulations relating to consolidated returns is applicable prescribing the nonrecognition of gain or loss, in whole or in part, upon the liquidation. A liquidation of a member of an affiliated group during a taxable year, which is a consolidated return period, beginning after December 31, 1933, is not an intercorporate liquidation if it comes within the exceptions provided in articles 37 (a) and 38 (c) (3) of Regulations 89, article 37 (a) (1) and (2) of Regulations 97 and 102, section 23.37 (a) (1) and (2) of Regulations 104 and § 33.37 (a) (1) and (2) of this chapter.

The rules provided with respect to the sections of the Code mentioned in this section shall also be applicable with respect to corresponding sections of prior revenue laws.

(b) *Exception.* A transaction is an intercorporate liquidation within the meaning of the foregoing provisions only if none of the property received by the transferee is a stock or a security in a corporation, the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

Thus, assume that Corporation P owned all the outstanding stock of Corporation S. Pursuant to a plan of reorganization, Corporation S transferred all its assets to Corporation S (1) in exchange for all the capital stock of Corporation S (1), and distributed such stock to Corporation P in liquidation. The entire property received by Corporation P upon the liquidation of Corporation S was stock in a corporation which pursuant to section 112 (b) (3) Corporation P was permitted to receive without the recognition of gain. Consequently, the transaction in which Corporation P acquired the stock of Corporation S (1) in complete liquidation of Corporation S is not an intercorporate liquidation within the provisions of section 761. If the reorganization had occurred in a taxable year beginning prior to January 1, 1934, and the stock of Corporation S (1) had been acquired pursuant to a plan of reorganization by Corporation P without the surrender of the stock of Corporation S, such acquisition by Corporation P of all the assets of Corporation S would not constitute an intercorporate liquidation within the meaning of section 761, since the stock of Corporation S (1) is a stock specified in section 112 (g) of the Revenue Act of 1932 and corresponding provisions of prior revenue laws as stock in a corporation permitted to be received without the recognition of gain. If the stock of Corporation S (1) was acquired by Corporation P in a taxable year beginning subsequent to December 31, 1933, without the surrender or cancellation or retirement of the stock of Corporation S, since the transaction would not be one in which gain or loss is not recognized to Corporation P, the transaction would not be an intercorporate liquidation under section 761. (See section 19.112 (g)–5 of Regulations 103 and § 29.112 (g)–5 of this chapter.

Assume that Corporation P owned the entire outstanding capital stock of Corporation S and that Corporation S owned the entire outstanding capital stock of Corporation S (1). If Corporation P acquired the stock of Corporation S (1) in a complete liquidation of Corporation S pursuant to the provisions of section 112 (b) (6), such liquidation would be an intercorporate liquidation within the provisions of section 761 since section 112 (b) (6) does not specify stock in any corporation as stock permitted to be received without the recognition of gain.

If, in connection with an intercorporate liquidation described in this section, there is also involved (1) the transfer by the transferor to the transferee of property not attributable to the shares of the transferor owned by the transferee in consideration of stock issued by the transferee in an exchange described in section 112 (b) (4) or in an exchange not within the provisions of section 112 (b); or (2) the transfer to the transferee by minority shareholders of the transferor of stock of the transferor in consideration of the issuance by the transferee of stock in an exchange described in section 112 (b) (3) or in an exchange not within the provisions of section 112 (b), the amount includible in the equity invested capital as a result of the receipt of such property or such stock in the exchanges described in (1) or (2) of this sentence shall be determined pursuant to the provisions of section 760 or of section 718 (a) (1) or (2), as the case may be. (See § 35.760–2 and § 35.718–1.)

(c) *Statutory merger or consolidation.* In any case in which one corporation owns stock in another corporation (hereinafter called the "transferring corporation"), whether or not such stock ownership amounts to control, and such corporations are merged or consolidated in a statutory merger or consolidation, for the purposes of section 761 and of section 718, the corporation resulting from the statutory merger or consolidation (hereinafter called the "resulting corporation") shall be considered first to have acquired the stock of such transferring corporation in the statutory merger or consolidation and then to have acquired the properties of such transferring corporation which are attributable to the stock considered to have been acquired by the resulting corporation in the statutory merger or consolidation as a transferee from the transferring corporation as a transferor in an intercorporate liquidation. The foregoing rule is equally applicable to all cases of statutory merger and consolidation, whether the resulting corporation operates under the charter of the parent, the subsidiary, or under a new charter.

(d) *Intercorporate liquidation involving foreign corporation.* An exchange which would otherwise be an intercorporate liquidation subject to the provisions of section 761, but which involves a foreign corporation as the transferor or transferee, shall not constitute an intercorporate liquidation for the purposes of section 761 if such exchange was consummated after June 6, 1932, and involved gain unless, prior to such exchange, it was established to the satisfaction of the Commissioner pursuant to the provisions of section 112 (i) and section 19.112 (i)–1 of Regulations 103 and § 29.112 (i)–1 of this chapter, or the corresponding provisions of prior revenue laws and regulations, that such exchange was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

§ 35.761–2 *Definition of plus adjustment and minus adjustment.* For the purposes of determining the adjustment of equity invested capital under section 761 (d) and § 35.761–7:

(a) *Plus adjustment.* The term "plus adjustment" means the amount computed with respect to an intercorporate liquidation and determined to be equal to the amount by which the aggregate of the amount of money received by the transferee in the intercorporate liquidation and of the adjusted basis at the time of receipt of all property other than money, so received exceeds the sum of:

(1) The aggregate of the adjusted basis of each share of stock with respect to which the property was received in the intercorporate liquidation, and

(2) The aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of the property in the intercorporate liquidation, of the liabilities (not assumed by the transferee) to which the property so received was subject, and of any other consideration other than the stock with respect to which such property was so received given by the transferee for such property so received.

(b) *Minus adjustment.* The term "minus adjustment" means the amount computed with respect to an intercorporate liquidation and determined to be equal to the amount by which the sum of:

(1) The aggregate of the adjusted basis of each share of stock with respect to which the property was received in the intercorporate liquidation, and

(2) The aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of the property in the intercorporate liquidation, of the liabilities (not assumed by the transferee) to which the property so received was subject, and of any other consideration other than the stock with respect to which such property was so received given by the transferee for such property so received,

exceeds the aggregate of the amount of money received by the transferee in the

intercorporate liquidation and of the adjusted basis at the time of receipt of all property other than money so received.

(c) *Rules applicable in determining plus adjustment and minus adjustment.* For the purpose of determining the plus adjustment and the minus adjustment provided by section 761 (b):

(1) The adjusted basis of each share of stock with respect to which property is received upon the intercorporate liquidation shall be determined immediately prior to the receipt in the intercorporate liquidation of the property with respect to such share. As to the computation of the adjusted basis of such share, see § 35.761–4.

(2) The adjusted basis of property other than money at the time of receipt of such property shall be determined in accordance with the provisions of section 761 (c) and §§ 35.761–5 or 35.761–6. This adjusted basis may be different from the adjusted basis otherwise determined under the provisions of section 113.

(3) A share of stock with respect to which property is received upon an intercorporate liquidation means outstanding stock of the transferor owned by the transferee at the time of such liquidation. Outstanding stock of the transferor shall not include shares of the transferor held by it in its treasury as treasury stock. In the case of a complete liquidation of a transferor under the provisions of section 112 (b) (6), such stock refers only to stock of the transferor owned by the transferee at the time of the receipt of the property.

(4) The plus adjustment or the minus adjustment with respect to each share of stock shall be computed in the manner prescribed in section 761 (b) (1) and (2), except that there shall be brought into account only that part of each item specified in such section which is determined to be attributable to such share. The amount of any consideration (other than the stock of the transferor with respect to which property was received upon the intercorporate liquidation) given by the transferee for the property received upon the intercorporate liquidation shall be prorated with respect to each share of stock (other than stock which is limited and preferred as to assets upon liquidation) upon the basis of the percentage which one share of stock is of the total shares of stock of the transferor owned by the transferee at the time of liquidation (not including stock which is limited and preferred as to assets upon liquidation).

(5) In no event shall there be taken into account any plus adjustment with respect to a share of stock which is limited and preferred as to assets upon liquidation of the transferor in excess of the sum of:

(i) The excess of that portion of the net assets to which such share is entitled upon liquidation of the transferor over the adjusted basis to the transferee of such share at the time of liquidation, and

(ii) The amount of any cumulative dividends in arrears upon such share.

(6) Property received by a transferee in an intercorporate liquidation in exchange for stock of the transferee issued by the transferee to the transferor or to minority shareholders of the transfereror, whether or not in an exchange within the provisions of section 112 (b) (4) of the applicable revenue law, is not property received upon an intercorporate liquidation, but is property received upon an exchange under section 760 or property paid in under section 718 (a) (1) or (2). Consequently, other consideration given by the transferee for property received upon the intercorporate liquidation within the provisions of section 761 (b) (1) (B) or section 761 (b) (2) (B) does not include stock of the transferee issued in consideration for property which is received at the time of the intercorporate liquidation but which is received in an exchange under section 760 or which is paid in under section 718 (a) (1) or (2).

(d) *Rules applicable in case intercorporate liquidation extends over period of time.* If any distribution in an intercorporate liquidation occurs in an excess profits tax taxable year beginning after December 31, 1939, to which the provisions of section 761 are applicable, and if the liquidation is consummated by a series of distributions covering a period of more than one taxable year, the application of the principles of section 761 in the computation of the equity invested capital of the taxpayer shall, in addition to the requirements set forth in section 761, be subject to the following requirements:

(1) The taxpayer shall file with its excess profits tax return for the first excess profits tax taxable year to which the provisions of section 761 are applicable with respect to the intercorporate liquidation a statement describing the plan pursuant to which the distributions in liquidation have been or will be made and setting forth the period within which the transfer of the property of the transferor to the taxpayer has been or is to be completed.

(2) If the intercorporate liquidation involves a distribution in liquidation pursuant to the provisions of section 112 (b) (6), the taxpayer shall comply with the requirements prescribed by section 19.112 (b) (6)–3 of Regulations 103 or § 29.112 (b) (6)–3 of this chapter. As used in such section, the term "profits taxes" includes the excess profits tax imposed by Subchapter E of Chapter 2. The bond required by such section shall also contain provisions unequivocally assuring prompt payment of the excess of income and excess profits taxes (plus penalty, if any, and interest) as computed by the Commissioner without regard to the provisions of section 761 over such taxes computed with regard to such section, regardless of whether such excess may or may not be made the subject of a notice of deficiency under section 272 and regardless of whether it may or may not be assessed.

(3) If the intercorporate liquidation involves a distribution in liquidation other than one pursuant to section 112 (b) (6), in addition to the statement required by paragraph (1) for each of the taxable years which falls wholly or partly within the period of liquidation, the taxpayer shall, at the time of filing its excess profits tax return, file with the collector for transmittal to the Commissioner a waiver of the statute of limitations on assessment and collection. The waiver shall be executed on such form as may be prescribed by the Commissioner and shall extend the period for assessment of all income and excess profits taxes for such year to a date not earlier than one year after the last date of the period for assessment of such taxes for the last taxable year in which the transfer of the property of the transferor to the transferee may be completed pursuant to the plan filed by the taxpayer. Such waiver shall also contain such other terms with respect to assessment as may be considered by the Commissioner to be necessary to insure the assessment and collection of the correct tax liability for each year within the period of liquidation. For each of the taxable years which falls wholly or partly within the period of liquidation, the recipient corporation shall file a bond, the amount of which shall be fixed by the Commissioner. The bond shall contain all terms specified by the Commissioner, including provisions unequivocally assuring prompt payment of the excess of the income and excess profits taxes (plus penalty, if any, and interest) as computed by the Commissioner without regard to the provisions of section 761 over such taxes computed with regard to such provisions, regardless of whether such excess may or may not be made the subject of a notice of deficiency under section 272 and regardless of whether it may or may not be assessed. Any bond required under this paragraph shall have such surety or sureties as the Commissioner may require. However, see section 1126 of the Revenue Act of 1926, as amended, providing that where a bond is required by law or regulations, in lieu of surety or sureties there may be deposited bonds or notes of the United States. Only surety companies holding certificates of authority from the Secretary as acceptable sureties on Federal bonds will be approved as sureties. The bonds shall be executed in triplicate so that the Commissioner, the taxpayer, and the surety or the depository may each have a copy.

(4) Pending the completion of the liquidation, if there is a compliance with this section and § 35.761–1 with respect to intercorporate liquidations, the equity invested capital of the taxpayer for each day following a distribution in liquidation of the transferor shall be determined under section 761, and the plus adjustment or minus adjustment for each such day shall be computed under section 761 (b) subject to the following rules:

(i) If a distribution in liquidation is in complete cancellation and retirement of any specific share or shares of stock of the transferor, a plus adjustment or a minus adjustment with respect to such share or shares shall be computed at the time such distribution occurred pursuant to the provisions of § 35.761–2 (c), and the money and property received upon the distribution, the liabilities of the transferor assumed at the time of the distribution, the liabilities to which the property received in the distribution was subject, and any other consideration (other than the stock of the transferor with respect to which the distribution was received) shall be taken into account in computing the plus adjustment or minus adjustment with respect to such distribution and shall not be allocated to any prior or subsequent distribution.

(ii) If the distribution in liquidation is not in complete cancellation and retirement of any specific share or shares, but extends ratably over all the outstanding shares of the transferor or over all the outstanding shares of a particular class of stock of the transferor, a plus adjustment or a minus adjustment shall be computed at the time of each distribution in accordance with the provisions of § 35.761–2 (c), and:

(*a*) The distribution shall be considered a distribution with respect to each share (or each share of a particular class) held by the transferee;

(*b*) The adjusted basis of each share for the purposes of computing the plus adjustment or the minus adjustment at the time of any distribution shall bear that ratio to the total adjusted basis of such share computed under § 35.761–4 as the excess of the aggregate of the money and adjusted basis (computed under § 35.761–5) of all property other than money received from the transferor as a distribution over the aggregate of the liabilities of the transferor assumed by the transferee or to which property received from the transferor was subject, bears to the excess of the aggregate of the money and adjusted basis of all property other than money (computed under § 35.761–5) held by the transferor at the time of the first distribution in liquidation over the aggregate of the liabilities of the transferor and liabilities to which the property held by the transferor was subject, at the time of the first distribution in liquidation. In no event, however, shall the portion of the total adjusted basis of a share of stock used in computing the plus adjustment or the minus adjustment under this paragraph exceed an amount which, when added to portions of such basis previously used in computing the plus adjustment or minus adjustment in connection with such intercorporate liquidation, equals the total adjusted basis of such share computed under § 35.761–4;

(*c*) The amount of any consideration (other than the stock of the transferor with respect to which the distribution was received) given by the transferee at the time of the distribution and the amount of any liability of the transferor assumed at the time of the distribution or any liability to which the property received in the distribution was subject shall be taken into account in computing the plus adjustment or the minus adjustment with respect to such distribution, and shall not be allocated to any other prior or subsequent distribution.

(iii) In no event shall the aggregate of the plus adjustments and minus adjustments computed with respect to an intercorporate liquidation extending over a period of time be different for each day after the last day of the last distribution in liquidation than the plus adjustment or minus adjustment which would have resulted had the intercorporate liquidation been commenced and completed entirely during such last day.

§ 35.761–3 *Determination of basis of stock; cost basis or basis other than cost*—(a) *Cost basis.* In all cases other than those in which the basis of stock is determined to be a basis other than cost under (b) or (c) of this section, the basis of stock shall be determined to be a cost basis.

(b) *Basis other than cost.* Stock in any corporation shall be determined to have a basis other than cost if, as a result of the transaction in which such stock was acquired:

(1) The basis of such stock is fixed by reference to the basis of other property previously held by the acquiring corporation, not including any case in which the basis of such other property to such corporation was a cost basis if, at the time of the acquisition of such stock or immediately thereafter, the acquiring corporation or its shareholders were in control of the corporation from which such stock was acquired or the corporation from which such stock was acquired or its shareholders were in control of the acquiring corporation; or

(2) The basis of such stock is fixed by reference to its basis in the hands of a preceding owner not including any case in which:

(i) Such stock was acquired from another member of an affiliated group of corporations in a taxable year in which the acquiring corporation and the transferring corporation filed a consolidated income or excess profits tax return and

(*a*) The basis of such stock to the transferring corporation was a cost basis, or

(*b*) The basis of the stock of the transferring corporation or of any other member of the affiliated group holding stock of the transferring corporation, directly or indirectly, was a cost basis, whether or not the basis to the transferring corporation of the stock transferred was a cost basis (see § 35.761–4 (c)) relating to amount of basis) except in those cases in which such stock would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (ii) or in an exchange described in (iii); or

(ii) Such stock was acquired in an intercorporate liquidation if immediately prior to such liquidation the stock of the liquidated corporation was held by the acquiring corporation with a cost basis (see section 761 (e)), or the stock which was acquired in such liquidation was held by the liquidated corporation with a cost basis; or

(iii) Such stock was acquired from another member of a controlled group of corporations and

(*a*) The basis of such stock to the preceding owner was a cost basis, or

(*b*) The basis of the stock of the transferring corporation or of any other member of the controlled group holding stock of the transferring corporation, directly or indirectly, was a cost basis, whether or not the basis to the transferring corporation of the stock transferred was a cost basis (see § 35.761–4 (c)) relating to amount of basis) except in those cases in which such stock would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (ii);

Provided, That if, in the opinion of the Commissioner, the liquidation of the transferor whose stock was acquired in a transaction subject to the provisions of (b) (2) (i) and (iii) has the effect of a substitution of one member of a controlled group for another member of such group, the provisions of (b) (2) (i) and (iii) shall not be applicable. For the purposes of this section a controlled group includes one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and the common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other corporations. As used in the preceding sentence, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(c) *Statutory merger or consolidation.* In any case in which a corporation held stock in another corporation and such corporations were merged or consolidated in a statutory merger or consolidation, such stock, for the purposes of section 761 (f), shall be determined to have a cost basis in the hands of the corporation resulting from the merger or consolidation if such stock was held with a cost basis immediately prior to the statutory merger or consolidation and if, immediately thereafter, the shareholders of the holding corporation were in control of the corporation resulting from the statutory merger or consolidation. In all other cases, such stock shall be determined to have a basis other than cost in the hands of the corporation resulting from the statutory merger or consolidation.

(d) *Control.* For the purposes of this section, in determining whether the basis of stock is a cost basis or a basis other than a cost basis, the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation (except nonvoting stock which is limited and preferred as to dividends).

(e) *Series of stock transfers.* The rules provided in this section shall be applicable in determining the basis of stock held by a transferee where there has been a series of transfers of such stock.

§ 35.761–4 *Computation of basis of stock; amount of basis.* The following rules are applicable in determining the adjusted basis of the stock with respect

to which the property was received in the intercorporate liquidation, for the purposes of the computation of the plus adjustment or the minus adjustment under section 761 (b):

(a) *Time of computation.* The adjusted basis of each share of stock with respect to which property is received in an intercorporate liquidation shall be determined immediately prior to the receipt of any property in such liquidation with respect to such share. In case of the receipt by a corporation in a statutory merger or consolidation of shares of stock of another corporatiton, the properties of which are deemed to have been transferred to the acquiring corporation with respect to such stock, the adjusted basis of such stock shall be determined immediately prior to the statutory merger or consolidation.

(b) *Determination of basis.* The adjusted basis of each share of stock shall be the unadjusted basis for determining loss upon a sale or exchange, adjusted by amounts proper under section 115 (l) for determining earnings and profits, under the law applicable to the year in which the intercorporate liquidation began. If such stock has a basis fixed by reference to the basis of such stock in the hands of any preceding owner, the basis of such stock to the transferee upon its receipt shall be the basis to the prior owner determined without regard to its value as of March 1, 1913, and adjusted in the hands of the prior owner (and in the hands of any owners prior to such prior owner if the basis of such stock is determined by reference to the basis in the hands of such other prior owners) by an amount equal to the adjustments proper under section 115 (l) for determining earnings and profits. In any case in which such stock has a basis to the transferee fixed by reference to the basis of such stock in the hands of any preceding owner, and the basis of such stock in the hands of such preceding owner is different for invested capital purposes, because of the provisions of section 761, than for the purposes of determining gain or loss upon a sale or exchange, the basis of such stock for invested capital purposes, rather than the basis for determining gain or loss upon a sale or exchange, shall be used in determining the unadjusted basis of such stock to the transferee. If the basis of such stock to the preceding owner was a cost basis which is preserved to the transferee, and if the preceding owner was in control of the transferor as defined in section 761 (c) (3), the adjustments prescribed by this section with respect to stock owned by a transferee shall also be made with respect to the stock owned by the preceding owner for the purposes of determining the unadjusted basis of such stock to the transferee.

(c) *Acquisition of stock from member of affiliated or controlled group.* If stock of a corporation was acquired by a member of an affiliated group of corporations from another member of such affiliated group in a transaction subject to the provisions of § 35.761–3 (b) (2) (i) (b), or by a member of a controlled group of corporations as defined in § 35.761–3 (b) (2) from another member of such controlled group in a transaction subject to the provisions of § 35.761–3 (b) (2) (iii) (b), the basis of such stock to the acquiring corporation shall be an amount equal to the basis which such stock would have determined pursuant to the provisions of section 761 (c) (1) and (e) if such stock were acquired as the result of an intercorporate liquidation of the corporation transferring such stock and of each member of the group owning stock of the transferring corporation, directly or indirectly, through which such stock would have passed prior to its acquisition by the member of the group.

(d) *Nonapplication of adjustment based on loss during consolidated return period.* If the transferee owns stock of a transferor with which it has made a consolidated income or excess profits tax return, the basis of such stock shall not be reduced pursuant to the provisions of section 113 (a) (11), or § 33.34 (c) of this chapter, or section 23.34 (c) of Regulations 104, or corresponding provisions of prior consolidated returns regulations, or similar rules of law applicable to consolidated returns, relating to decrease in basis of stock of a corporation on account of losses sustained by such corporation during a consolidated return period.

(e) *Precontrol distributions in case of cost basis stock.* As of the date of acquisition of control by the transferee (or as of the time of the intercorporate liquidation in case control was not acquired by the transferee), the basis of the aggregate assets of the transferor attributable to stock owned by the transferee with a cost basis is to be revalued to accord with such cost basis. See section 761 (c). Distributions from earnings and profits of the transferor between the date of acquisition of such stock and the date of acquisition of control (or the time of the intercorporate liquidation in case control was not acquired) may have the effect of reducing the assets of the transferor properly subject to revaluation. For the purpose of section 761 in the case of such distributions made with respect to stock having a cost basis, the basis of such stock shall be reduced by an amount proper to give effect to any such reduction in assets.

(f) *Postcontrol distributions in case of cost basis stock.* If the stock of the transferor is deemed to have a cost basis to the transferee, the adjusted basis of the assets of the transferor must be recomputed pursuant to the provisions of section 761 (c) (1) and § 35.761–5 (a). A subsequent sale or other disposition of the assets of the transferor involved in such recomputation, or the use of such assets in the trade or business of the transferor will affect the earnings and profits of the transferor in amounts determined by reference to the recomputed basis. In determining whether a distribution made by the transferor to the transferee after the acquisition of control by the transferee of the transferor is a dividend within the meaning of section 115 (a) or a distribution in reduction of the basis of the stock of the transferor under section 113 (b) (1) (D) for the purposes of the computation of the adjusted basis of such stock to be used in the computation of the plus adjustment or the minus adjustment under section 761 (b), the earnings and profits of the transferor recomputed in accordance with the method prescribed in this subsection shall be used in lieu of the earnings and profits of the transferor otherwise determined.

§ 35.761–5 *Basis of property received in an intercorporate liquidation with respect to stock having a cost basis*—(a) *Determination.* For the purpose of determining the plus adjustment or the minus adjustment to be used in adjusting the equity invested capital of a transferee in an intercorporate liquidation pursuant to section 761 (b) and (d), the property received by a transferee in an intercorporate liquidation attributable to a share of stock of the transferor having a basis determined under § 35.761–3 to be a cost basis shall be considered to have at the time so received an adjusted basis determined as follows:

(1) *Basis of property with respect to stock acquired on or before date of acquisition of control of transferor.* With respect to a share of stock of the transferor acquired by the transferee with a cost basis on or before the date of acquisition by the transferee of control of the transferor, the aggregate of the property (other than money) held by the transferor at the time of the acquisition by the transferee of control of the transferor shall be considered to have an aggregate basis equal to the amount determined by:

(i) Multiplying the amount of the adjusted basis of such share in the hands of the transferee at the time of acquisition of control by the aggregate number of share units in the transferor at such time, the interest represented by such share being taken as the share unit,

(ii) Adding to the amount determined under (i) the amount of the liabilities of the transferor at the time of acquisition of control, and

(iii) Subtracting from the sum of the amounts determined under (i) and (ii) the amount of money on hand in the transferor at the time of acquisition of control.

(2) *Basis of property with respect to stock acquired after acquisition of control of transferor.* If a share of stock of the transferor was acquired by the transferee with a cost basis after the transferee acquired control of the transferor, the aggregate basis of the property of the transferor (other than money) held by the transferor at the time of the acquisition by the transferee of such share of the transferor shall be determined in the manner prescribed in (1), except that such computation shall be made as of the time of the acquisition of such share. A share of stock shall be considered to have been acquired after the transferee acquired control of the transferor only if, after the acquisition of such share, the transferee did not lose control of the transferor. A share of stock shall be considered to have been acquired on or before the date of acquisition of control if, after the acquisition of such share, the transferee lost control previously held in the transferor and subsequently reacquired and retained control until the time of the intercorporate liquidation.

(3) *Basis of property with respect to stock in transferor in which control is not acquired.* If a share of stock is owned in a transferor and if immediately prior to the receipt of any property in the intercorporate liquidation in respect of such share the transferee does not have control of the transferor, the aggregate basis of the property of the transferor shall be determined in the manner prescribed in (1), except that such computation shall be made as of the time immediately prior to the receipt of the property in the intercorporate liquidation.

(4) *Redetermination of basis of property to accord with basis of stock.* The amount determined under (1), (2), or (3) of this paragraph, representing the aggregate basis of the property of the transferor at the time of acquisition of control of the transferor, at the time of acquisition of stock of the transferor subsequent to the acquisition of control, or at the time of the intercorporate liquidation may be greater or less than the amount of the aggregate adjusted basis of the property of the transferor at such time otherwise computed. Ordinarily, if:

(i) The aggregate basis of the property of the transferor determined under (1), (2), or (3) of this paragraph exceeds the aggregate adjusted basis of such property otherwise computed, such excess shall be deemed to be the basis of an asset which, for the purposes of section 761, shall be called "positive good will," or

(ii) The aggregate basis of the property of the transferor determined under (1), (2), or (3) of this paragraph is less than the aggregate adjusted basis of such property otherwise computed, such difference shall be deemed to represent a deduction from the aggregate basis of the property of the transferor otherwise computed; such difference shall be represented in a credit account to be called "negative good will."

If the fair market value of the property of the transferor at the time as of which the recomputation is made is greater or less than the aggregate adjusted basis of such property determined without regard to (1), (2), or (3) of this paragraph, proper adjustment shall be made to the basis of such assets to reflect such difference.

(5) *Basis of property acquired by transferor subsequent to determination of basis under (4).* In any case in which the transferor, subsequent to the date as of which the redetermination of the basis of its property has been made pursuant to (4) of this paragraph, acquires additional property, the basis of which is fixed by reference to the basis of the property redetermined under (4) of this paragraph, the basis of such additional property shall be determined with respect to the basis of such property redetermined in accordance with the rules set forth in (4) of this paragraph in lieu of the basis otherwise prescribed with respect to such property.

(6) *Use of basis determined for subsequent adjustments.* The basis of the property determined under (4) or (5) of this paragraph shall be used in determining, for the purposes of section 761, all subsequent adjustments to the basis of such property, as, for example, the adjustment based upon depreciation or depletion. Such basis shall also be used in lieu of the basis otherwise prescribed by section 113 in determining, for the purposes of section 761, the gain or loss resulting from a sale or other disposition of such assets by the transferor. The adjustments so obtained and the amount of gain or loss resulting from a sale or other disposition of such assets so determined shall, for the purposes of section 761, be used in computing the earnings and profits or the deficit in earnings and profits of the transferor to ascertain:

(i) Whether distributions subsequent to the date as of which the aggregate basis of the assets of the transferor is determined with respect to stock having a cost basis are out of earnings and profits of the transferor;

(ii) The amount to be included in the earnings and profits of the transferee as a result of such distributions out of earnings and profits of the transferor; or

(iii) The adjustment to be made to the basis of the stock of the transferor owned by the transferee resulting from any such distributions not out of earnings and profits of the transferor.

(7) *Property received by transferee in intercorporate liquidation.* The property received by the transferee in an intercorporate liquidation attributable to a share of stock of the transferor having a cost basis shall be considered to have, at the time of its receipt by the transferee in the intercorporate liquidation, a basis determined as follows:

(i) With respect to property so received which was owned by the transferor with a basis not determined by reference to this paragraph, for example, property the basis of which had not been increased or decreased in a revaluation under (4) of this paragraph or property acquired subsequent to the date of such revaluation, such property shall have the same basis to the transferee which it had in the hands of the transferor immediately prior to the intercorporate liquidation, adjusted, however, by adjustments proper under section 115 (l) for the determination of earnings and profits

(ii) With respect to property so received which was owned by the transferor with a basis increased or decreased as the result of a recomputation provided by (4) of this paragraph, and with respect to property so received which had a basis fixed, as provided by (5) of this paragraph, by reference to other property the basis of which was recomputed pursuant to the provisions of (4) of this paragraph, such property shall have the same basis to the transferee which it had in the hands of the transferor, so increased or decreased, immediately prior to the intercorporate liquidation, adjusted, however, by adjustments proper under section 115 (l) for the determination of earnings and profits; only such part of the aggregate property received by the transferee in the intercorporate liquidation as is attributable to the share of stock with a cost basis shall be considered as having the recomputed basis which such property is deemed to have under (4) or (5) of this paragraph.

(b) *Control.* For the purposes of this section, "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and the ownership of at least 80 percent of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), and shall be determined under the following rules:

(1) Control must be continued under the completion of the intercorporate liquidation.

(2) If control is lost and later reacquired (except as otherwise provided in (3)), the date of the last acquisition of control shall be considered to be the date of acquisition of control.

(3) If control, once acquired, was lost because stock of the transferor which did not possess voting power at the time such control was acquired became entitled to vote, and if control was reacquired either because the stock which became entitled to vote lost its voting power or through the acquisition of the requisite portion of such stock, and such control continues until the completion of the intercorporate liquidation, the date of acquisition of control shall be the date upon which control was first acquired.

(4) Except as otherwise provided in (6), if stock of a corporation was acquired from another corporation which had held such stock with a cost basis, and if such stock is determined to have a cost basis in the hands of the acquiring corporation fixed by reference to its basis in the hands of such other corporation, the acquiring corporation shall be deemed to have acquired such stock as of the date upon which such stock was acquired by such other corporation.

(5) If stock of a corporation was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock of the liquidated corporation was held by the acquiring corporation with a cost basis but the stock acquired was held by the liquidated corporation with a basis other than cost, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which it had acquired the stock of the liquidated corporation.

(6) If stock of a corporation was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock so acquired was held by the liquidated corporation and the stock of the liquidated corporation was held by the acquiring corporation, both with a cost basis, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which such stock was acquired by the liquidated corporation, or

as of the date upon which the acquiring corporation acquired the stock of the liquidated corporation with respect to which the distribution was made, whichever date was the later.

(7) If stock of a corporation was acquired with a basis determined to be a cost basis under § 35.761–3 (b) (1) because the basis of such stock was fixed by reference to the cost basis of other stock in the hands of the acquiring corporation, the acquiring corporation shall be deemed to have acquired such stock as of the date upon which it had acquired such other stock.

(8) If the basis of the stock of a transferor in the hands of the transferee was increased as the result of a statutory merger or consolidation of the transferor and another corporation, or as the result of a transaction having the effect of a statutory merger or consolidation, and if the stock of such other corporation was held by the transferee with a cost basis, that portion of the transferee's stockholding interest in the transferor represented by the increase shall be deemed to have been acquired as of the date upon which the transferee had acquired the stock of such other corporation.

§ 35.761–6 *Basis of property received in an intercorporate liquidation with respect to stock having a basis other than cost.* For the purpose of determining the plus adjustment or the minus adjustment to be used in adjusting the equity invested capital of a transferee in an intercorporate liquidation pursuant to section 761 (b) and (d), the property received by a transferee in an intercorporate liquidation attributable to a share of stock of the transferor having in the hands of the transferee a basis determined under § 35.761–3 to be a basis other than cost shall be considered to have at the time so received by the transferee the basis it would have had if the first sentence of section 113 (a) (15) had been applicable, i. e., the basis of such property to the transferee shall be the basis which such property had in the hands of the transferor, adjusted by adjustments proper under section 115 (l) in determining earnings and profits. Such basis shall be used for the purposes of section 761 in lieu of the basis for determining gain or loss upon a sale or other disposition prescribed by any provision or rule of law such as the last sentence of section 113 (a) (15), or the corresponding provisions of a prior revenue law, or § 33.38 (c) (3) of this chapter or section 23.38 (c) (3) of Regulations 104 or corresponding sections of prior consolidated returns regulations. Only such part of the aggregate property of the transferor received by the transferee in the intercorporate liquidation as is attributable to a share having a basis determined to be a basis other than cost shall be considered as having the adjusted basis which property is deemed to have under section 761 (c) (2) and this section. Thus, if the aggregate basis of the assets to the transferor, properly adjusted by the adjustments required by section 115 (l) is $400,000, and if the transferee owns 90 percent of the stock of the transferor half of which was held with a basis other than cost, and receives 90 percent of the aggregate property of the transferor upon the intercorporate liquidation, the aggregate basis of the assets received by the transferee with respect to the shares held with a basis other than cost, for the purposes of section 761, is $180,000 (one-half of 90 percent of $400,000).

§ 35.761–7 *Adjustment of equity invested capital.* If property is received by the transferee in an intercorporate liquidation within the meaning of section 761 (a), the equity invested capital of the transferee for any day following the day in which such intercorporate liquidation is completed shall be computed with the following adjustments:

(a) *Adjustment with respect to stock with cost basis.* With respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of the property in the intercorporate liquidation, a basis determined under the provisions of § 35.761–3 to be a cost basis, the earnings and profits or the deficit in earnings and profits of the transferee shall be computed as if, on the day following the completion of the intercorporate liquidation, the transferee had realized a recognized gain equal to the amount of the plus adjustment in respect of such share or had sustained a recognized loss equal to the amount of the minus adjustment in respect of such share, computed under the provisions of section 761 (b) and § 35.761–2. No other amount shall be included pursuant to any provision or rule of law in the earnings and profits of the transferee as a result of the intercorporate liquidation with respect to such share.

(b) *Adjustment with respect to stock with basis other than cost.* With respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of the property in the intercorporate liquidation, a basis determined under the provisions of § 35.761–3 to be a basis other than cost, there shall be treated as an amount includible in the sum specified in section 718 (a) (relating to equity invested capital) for each day following the intercorporate liquidation the amount of the plus adjustment computed with respect to such share under section 761 (b) and § 35.761–2 (a), or as an amount includible in the sum specified in section 718 (b) (relating to reduction in equity invested capital) for each day following the intercorporate liquidation – the amount of the minus adjustment computed with respect to such share under section 761 (b) and § 35.761–2 (b).

(c) *Illustration.* The provisions of section 761 may be illustrated by the following example:

Assume that Corporation S was organized on December 31, 1928, with an authorized capital stock of $25,000 consisting of 1,000 shares of common stock with a par value of $25 per share. On that date, in a transaction within the provisions of section 112 (b) (5) of the Revenue Act of 1928, Corporation S issued to Corporation P 600 shares of its stock in exchange for a patent which had an adjusted basis to P of $15,000, and 400 shares of its stock to individuals in exchange for property with an adjusted basis to such individuals of $10,000. The basis to P of the 600 shares of stock of S is determined to be a basis other than cost. Section 113 (a) (6) and § 35.761–3 (b) (1). On December 31, 1931, P purchased for $80,000 in cash the remaining 400 shares of the stock of S which it retained until the liquidation of S on December 31, 1936, under section 112 (b) (6) of the Revenue Act of 1936, an intercorporate liquidation. The date of acquisition of control of S by P was December 31, 1931. § 35.761–5 (b). On December 31, 1928, the patent acquired by S had a remaining life of 15 years; on December 31, 1931, the date of acquisition of control of S by P, the patent had a fair market value of $72,000. As of December 31, 1931, the fair market value of the remaining assets of S was identical with their adjusted basis.

Comparative balance sheets of S as of December 31, 1931, the date of acquisition of control by P, and as of December 31, 1936, the date of liquidation of S, are as follows:

	December 31, 1931		*December 31, 1936*
Assets:			
Cash	$5,000		$35,000
Current assets	60,000		120,000
Fixed assets (less depreciation)	30,000		130,000
Patent	$15,000	$15,000	
Less: Reserve for amortization	3,000	8,000	
	12,000		7,000
Total assets	107,000		292,000
Liabilities and capital:			
Current liabilities	$12,000		$22,000
Mortgage on fixed assets	15,000		10,000
Capital stock	25,000		25,000
Surplus (earnings and profits)	55,000		235,000
	107,000		292,000

The plus adjustment or the minus adjustment to be made to the invested capital of P resulting from the intercorporate liquidation of S is a direct addition to or subtraction from the equity invested capital of P with respect to the stock of S held with a basis other than cost (section 761 (d) (2)); it is deemed to be a recognized gain or loss to P as of the day following the intercorporate liquidation with respect to the stock of S held with a cost basis (section 761 (d) (1)). Moreover, the determination of the basis of property received with respect to stock held with a basis other than cost (section 761 (c) (2)) differs from the determination of such basis with respect to stock held with a cost basis (section 761 (c) (1)). Two separate computations must therefore be made.

(1) *Stock with a basis other than cost.* With respect to the 600 shares of stock of S held by P with a basis other than cost, P is deemed to have received 60 percent $\left(\frac{600}{1000}\right)$ of the assets and to have assumed 60 percent of the liabilities of S, as follows:

As of December 31, 1931, the adjusted basis and the recomputed basis of the property of S would appear as follows:

Assets:	*Adjusted basis*		*Recomputed basis*
Cash	$5,000		$5,000
Current assets	60,000		60,000
Fixed assets (less depreciation)	30,000		30,000
Patent	$15,000	$75,000	
Less: Reserve for amortization	3,000	3,000	
Positive good will	12,000		72,000
			60,000
	107,000		227,000

Pursuant to section 761 (c) (1) (C), the recomputed basis of the patent is to be used in determining all subsequent adjustments to the basis of such asset. Thus, for each of the five years between December 31, 1931, and December 31, 1936, the date of the intercorporate liquidation, the patent will be amortized at $6,000 per year ($72,000 divided by 12), instead of $1,000 per year ($15,000 divided by 15). The total amount included in the reserve for amortization will be $33,000 ($3,000 plus $30,000). Instead of $8,000 ($3,000 plus $5,000). As of December 31, 1936, P is deemed to have received with respect to the 400 shares of stock of S held with a cost basis 40 percent $\left(\frac{400}{1000}\right)$ of the assets of S, including the positive good will account, revalued according to section 761 (c) (1) (A) and (C), and to have assumed 40 percent of the liabilities of S. (Section 761 (c) (1) (E).) The adjusted basis of the property of S as of December 31, 1936, prior to the recomputation and as recomputed, and the portion of the assets deemed to have been received and the liabilities deemed to have been assumed by P, are as follows:

Assets	Prior to recomputation	As recomputed	Assets received
Cash	$35,000	$35,000	$14,000
Current assets	120,000	120,000	48,000
Fixed assets (less depreciation)	130,000	130,000	52,000
Patent	$15,000	$75,000	$60,000
Less: Reserve for amortization	8,000	23,000	18,200
Positive good will	7,000	42,000	16,800
		60,000	24,000
Total	292,000	387,000	154,800

Liabilities:	*Total liabilities*	*Liabilities assumed*
Current liabilities	$22,000	$8,800
Mortgage on fixed assets	10,000	4,000
Total	32,000	12,800

There is a plus adjustment deemed to be a recognized gain to P as of January 1, 1937, in the amount of $60,000, computed as follows:

Money received by P	$14,000
Adjusted basis of all other property received by P	140,800
Total assets received	$154,800
Less: Adjusted basis to P of 400 shares of stock of S	$80,000
Aggregate liabilities assumed	12,800
Total	92,800
Plus adjustment	62,000

	Total assets	*Liabilities assumed*	*Assets received*
Cash	$35,000		$21,000
Current assets	120,000		72,000
Fixed assets (less depreciation)	130,000		78,000
Patent	$15,000	$9,000	
Less: Reserve for amortization	8,000	4,800	
	7,000		4,200
Total	292,000		175,200
	Total liabilities	*Liabilities assumed*	
Current liabilities	$22,000	$13,200	
Mortgage on fixed assets	10,000	6,000	
Total	32,000	19,200	

There is a plus adjustment to the equity invested capital of P in the amount of $141,000 computed as follows:

Money received by P		$21,000
Adjusted basis of all other property received by P		154,200
Total assets received		$175,200
Less: Adjusted basis of P to 600 shares of stock of S		$15,000
Aggregate liabilities assumed		19,200
Total		34,200
Plus adjustment		141,000

(2) *Stock with a cost basis.* With respect to the 400 shares of stock of S held by P with a cost basis, the basis of the aggregate property of S is to be recomputed, as of December 31, 1931, the date of acquisition by P of control of S, to accord with the basis of such stock (section 761 (c) (1) (A)), as follows:

Cost basis per share of stock ($80,000 divided by 400)		$200
Number of share units		1,000
Product of cost per share and number of share units		$200,000
Less: Money		5,000
Difference		195,000
Add: Liabilities:		
Current liabilities	$12,000	
Mortgage on fixed assets	15,000	27,000
Basis of aggregate property other than money		222,000

The excess of the recomputed basis of the aggregate property of S, other than money, over the adjusted basis of such property prior to the recomputation is $120,000 ($222,000 minus $102,000). The only asset which had a fair market value in excess of its adjusted basis prior to the recomputation is the patent. In the recomputation, the basis of the patent is increased by $60,000 under section 761 (c) (1) (A) to its fair market value of $72,000. The remainder of the excess of the recomputed basis of the aggregate property of S other than money over the adjusted basis of such property prior to the recomputation ($120,000 minus $60,000) becomes the basis of an account entitled "Positive good will."

The unadjusted basis to P of the property from S in the intercorporate liquidation is computed as follows:

	Basis with respect to 600 shares	Basis with respect to 400 shares	Total
Cash	$21,000	$14,000	$35,000
Current assets	72,000	48,000	120,000
Fixed assets (less depreciation)	78,000	52,000	130,000
Patent	$9,000	$30,000	$39,000
Less: Reserve for amortization	4,800	13,200	18,000
	4,200	16,800	21,000
Positive good will		24,000	24,000
Total	175,200	154,800	330,000

For the purpose of computing the earnings and profits and the adjusted basis of the patent received from S in the intercorporate liquidation to be used in the determination of the invested capital of P for each excess profits tax taxable year, the patent would be deemed to have an unadjusted basis to P of $21,000 as of January 1, 1937, and the annual amount of amortization from that date would be $3,000 ($21,000 divided by 7) instead of $1,000, the amount of amortization taken by S.

§ 35.761–8 *Invested capital basis.* For the purpose of computing any amount entering into the computation of the invested capital of the transferee, or of any other corporation the computation of the invested capital of which is determined by reference to the basis of property in the hands of the transferee, the adjusted basis which property received by the transferee in an intercorporate liquidation is deemed to have at the time of its receipt by the transferee, determined under section 761 (c) and § 35.761–5, shall be thereafter treated as the adjusted basis of such property in lieu of any other basis otherwise prescribed. Thus, items of depreciation or depletion or any other items computed by reference to the basis of property received in an intercorporate liquidation shall, for the purpose of computing the invested capital of the transferee, be determined by reference to the adjusted basis of such property in the hands of the transferee computed under section 761 in lieu of any basis prescribed by section 113 or any other provision or rule of law. Likewise, the adjusted basis of stock or other assets received by the transferee in an intercorporate liquidation shall, for the purpose of determining the ratio of inadmissible assets to total assets under section 720 (b), be the adjusted basis as provided in section 761 (c) in lieu of the basis determined under section 113. So, also, for the purpose of determining the earnings and profits resulting from a sale or other disposition of an asset received in an intercorporate liquidation the adjusted basis of such asset shall be the adjusted basis as provided in section 761 (c).

Post-War Refund of Excess Profits Tax[1]

SEC. 780. POST-WAR REFUND OF EXCESS PROFITS TAX. [Added by sec. 250, Rev. Act 1942; amended by sec. 2, Public Law 21 (Seventy-eighth Congress).]

(a) *In general.* The Secretary of the Treasury is authorized and directed to establish a credit to the account of each taxpayer subject to the tax imposed under this subchapter, for each taxable year ending after December 31, 1941 (except in the case of a taxable year beginning in 1941 and ending before July 1, 1942), and not beginning after the date of cessation of hostilities in the present war, of an amount equal to 10 per centum of the tax imposed under this subchapter for each such taxable year. For the purposes of this part, in the case of a taxpayer whose tax is determined under section 710 (a) (3), the term "tax imposed under this subchapter" means the excess of the tax imposed by such section 710 (a) (3) over the tax that would be imposed if such section 710 (a) (3) were not applicable.

(b) *Application of credit to purchase of bonds.* Within three months after the payment of the amount of the excess profits tax shown on the return for a taxable year to which subsection (a) applies (or, if such taxable year begins or ends in 1942, within one year after payment of the excess profits tax shown on the return for such year), if the payment is made before three months before the date of maturity of bonds for such year under subsection (c), there shall be issued to and in the name of the taxpayer bonds of the United States in an aggregate amount equal to 10 per centum of the tax paid in respect of which a credit is provided under subsection (a), and the credit established under subsection (a) for such taxable year is hereby made available for the purchase of such bonds.

(c) *Terms and maturity of bonds.* The bonds provided for in subsection (a) shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and the purposes for which bonds may be issued under such Act are extended to include the purposes for which bonds are required to be issued under this section. Such bonds shall bear no interest, shall be nonnegotiable, and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise, on or before the date of cessation of hostilities in the present war, but after said date, such bonds shall be negotiable, and may be sold, exchanged, pledged, assigned, hypothecated, or otherwise transferred, without restriction, and shall be redeemable (at the option of the United States) in whole or in part upon three months' notice. Such bonds for any taxable year to which this section applies shall mature on the last day of that calendar year, beginning after the date of cessation of hostilities in the present war, which is shown in the following table to be applicable to such bonds for such year:

Calendar year (beginning after cessation of hostilities) on last day of which bonds mature	
Bonds purchased with the credit for any taxable year beginning—	
Within the calendar year 1941 or 1942	2nd
Within the calendar year 1943	3rd
Within the calendar year 1944	4th
After December 31, 1944	5th

(d) *Exemption of proceeds from tax.* The proceeds of any such bond upon redemption shall not be included in gross income.

(e) *Date of cessation of hostilities in the present war.* As used in this section, the term "date of cessation of hostilities in the present war" means the date on which hostilities in the present war between the United States and the governments of Germany, Japan, and Italy cease, as fixed by proclamation of the President or by concurrent resolution of the two Houses of Congress, whichever date is earlier, or in case the hostilities between the United States and such governments do not cease at the same time, such date as may be so fixed as an appropriate date for the purposes of this section.

§ 35.780–1 *Post-war refund of excess profits tax*—(a) *In general.* Section 780 (a) authorizes and directs the Secretary to establish a post-war credit, for each taxable year specified in such section, to the account of each taxpayer subject to excess profits tax. The taxable years so specified include all taxable years under this part which begin on or before the "date of cessation of hostilities in the present war," as defined in section 780 (e).

The post-war credit accounts of taxpayers subject to excess profits tax shall be maintained by the Commissioner of Internal Revenue.

Subject to the limitations prescribed in section 731 (d) (see § 35.781–1 (b)), the post-war credit of a taxpayer for a taxable year is an amount equal to 10 percent of the excess profits tax imposed upon the taxpayer for such year. For such purpose the tax imposed is the amount of tax determined under Subchapter E of Chapter 2 prior to (1) any credit under section 131, as made applicable by section 729, for tax paid or accrued to a foreign country or possession of the United States, (2) any credit for debt retirement under section 783, and (3) any adjustment under section 734 on account of position inconsistent with prior income tax liability. If it is determined, in the case of any taxpayer with respect to any taxable year, that constructive average base period net income should be used pursuant to section 722 in computing its tax, the tax imposed, for the purpose of the post-war credit for such year, is the amount determined pursuant to the preceding sentence after the determination pursuant to such section. But in such case, pending the final determination of the tax pursuant to section 722, the tax imposed shall, for such purpose, be tentatively considered as an amount determined without regard to the determination under section 722, minus the amount, if any, by which the tax payable at the time prescribed for payment is reduced under section 710 (a) (5) (relating to deferment of payment of tax in case of claim under section 722). For the purpose of the post-war credit, the tax imposed does not include any interest, penalty, additional amount, or addition to the tax.

For provisions relating to reduction of the post-war credit on account of the allowance of a credit for debt retirement, see section 783 (c) and § 35.783–1 (c).

(b) *Bonds.* Section 780 (b) relates to the application of the post-war credit to the purchase of bonds of the United States. Section 780 (c) relates to the terms and maturity of such bonds. The Commissioner of Internal Revenue shall certify to the Secretary statements of the amounts of post-war credit when such amounts are determined. The issuance, transfer, and redemption of bonds, and other matters relating to the bonds (as distinguished from the determination and adjustment of amounts of post-war credits and the maintenance of post-war credit accounts), are within the jurisdiction of the Secretary to be handled through the office of the Commissioner of the Public Debt, not the Commissioner of Internal Revenue.

For provisions relating to reduction of the amount of bonds on account of the allowance of a credit for debt retirement, see section 783 (c) and § 35.783–1 (c).

(c) *Exemption of proceeds of bonds from tax.* The proceeds of bonds upon redemption which are issued under section 780 shall not be included in gross income.

SEC. 781. SPECIAL RULES FOR APPLICATION OF SECTION 780. [Added by sec. 250, Rev. Act 1942.]

(a) *Effect of deficiencies.* If a deficiency in respect of the excess profits tax for any taxable year for which a credit is provided in section 780 (a) is paid by the taxpayer before three months before the date of maturity of the bonds for such year, an amount of such credit equal to 10 per centum of the excess of the tax imposed by this subchapter on the basis of which the deficiency was determined, over the tax imposed by this subchapter as previously computed and paid shall be available, as provided in section 780 (b), for the purchase of bonds as provided under such section, and there shall be issued to the taxpayer bonds under such section in an amount equal to such excess and with the same maturity as in the case of bonds issued with respect to the taxable year with respect to which the deficiency is determined.

(b) *Effect of refunds.* If an overpayment of the tax imposed by this subchapter for any taxable year for which a credit is provided in section 780 (a) is refunded or credited to the taxpayer under the internal revenue laws, the credit, if any, provided in such section then existing in favor of the taxpayer shall be reduced by an amount equal to 10 per centum of the excess of the tax imposed by this subchapter on the basis of which such tax (in respect of which the internal revenue refund or credit was made) was previously computed and paid, over the tax imposed by this subchapter as determined in connection with the determination of the amount of the overpayment. In such a case, if such credit provided in section 780 (a) is less than the amount by which it is required to be reduced, or if there is no such credit then existing in favor of the taxpayer, the excess of such amount over the amount of such credit, if any, shall be carried forward as a charge against the taxpayer to be applied in reduction of a subsequent credit under section 780 (a); and if no such subsequent credit is made in favor of the taxpayer, the amount of such charge (without interest) shall be paid by the taxpayer to the United States or the amount of bonds previously issued to the taxpayer under section 780 (b) shall be adjusted on account of such charge.

(c) *Tax payments after cut-off date.* In the case of a payment of the tax imposed by this subchapter shown on the return for any taxable year for which a credit is provided in section 780 (a), or the payment of a deficiency in respect of such tax for any such taxable year, after the date prescribed in section 780 (b) or 781 (a) but before the date of maturity of the bonds with respect to such taxable year under section 780 (c), the amount of the credit under section 780 (a) for such taxable year attributable to such payment shall, so far as practicable, be available, as provided in section 780 (b), for the purchase of bonds as provided under such section, and, so far as practicable, there shall be issued to the taxpayer bonds under such section with the same maturity as bonds issued with respect to such taxable year. To the extent that it is not practicable to issue bonds against such amount of the credit, the taxpayer shall be paid in cash. In case after the date of maturity of the bonds of any taxable year under section 780 (c) there is any credit under section 780 (a) remaining in favor of the taxpayer, attributable to such year, such remainder shall be paid to the taxpayer in cash. No amount of any payment made under this subsection to a taxpayer shall be included in gross income.

(d) *Limitation.* The credit under section 780 (a) for any taxable year shall not be greater than the excess of the amount of the tax paid under this subchapter to the United States (and not credited or refunded under the internal revenue laws) in respect of such year over the amount of tax which would be payable to the United States if the excess profits tax rate were 81 per centum, or if the limitation of section 710 is applicable if the amount determined under such section were reduced by 10 per centum.

§ 35.781–1 *Special rules for application of section 780*—(a) *Deficiencies; refunds and credits of overpayments.* In case a deficiency is paid by the taxpayer, or an overpayment is refunded or credited to the taxpayer, for any taxable year to which section 780 (a) applies, appropriate adjustments will be made in the post-war credit account of the taxpayer. In such case, whenever the amount of bonds should be increased or reduced, the Commissioner of Internal Revenue shall certify the status of the account to the Secretary in order that appropriate adjustments may be made in the amount of bonds. Collection from a taxpayer under section 781 (b) of the amount by which charges (arising by reason of a refund or credit of an overpayment) exceed the amount of the post-war credit of the taxpayer, and payment to a taxpayer under section 781 (c) of amounts of any outstanding post-war credit against which bonds have not been issued, shall be made by the Commissioner of Internal Revenue. Such payments to taxpayers under section 781 (c) shall not be included in gross income.

(b) *Limitations on amount of post-war credit.* The post-war credit provided for in section 780 (a) (see § 35.780–1 (a)) is subject to the limitations set forth in section 781 (d). The limitations operate in certain cases in which the taxpayer takes a credit against excess profits tax, pursuant to section 131, as made applicable by section 729, for tax paid or accrued to a foreign country or United States possession. They operate also to eliminate or reduce the post-war credit in case the excess profits tax is not paid, or is not paid in full, and in certain cases in which the excess profits tax is reduced by an adjustment under section 734 on account of position inconsistent with prior income tax liability (as, for example, if the amount of such reduction exceeds the amount of excess profits tax that would be payable if the excess profits tax rate were 81 percent). The limitations are as follows:

(1) The post-war credit is provided only with respect to excess profits tax paid (and not credited or refunded under the internal revenue laws). (See example (1), below.)

(2) The post-war credit for any taxable year, other than a taxable year to which section 710 (a) (1) (B) is applicable, shall not be greater than the excess of the excess profits tax paid over the amount which would be payable if the excess profits tax rate were 81 percent. (See examples (1) and (2), below.)

(3) In the case of any taxable year to which section 710 (a) (1) (B) is applicable (limiting excess profits tax to an amount which, when added to normal tax and surtax, equals 80 percent of corporation surtax net income before the credit for income subject to excess profits tax provided in section 26 (e)), the post-war credit for such year shall not be greater than the excess of the excess profits tax paid over the amount which would be payable if the amount determined under section 710 (a) (1) (B) were reduced by 10 percent. (See example (3), below.)

For the purpose of the limitations prescribed in section 781 (d), the amount of credit for debt retirement allowed under section 783, if any, shall be considered as an amount of tax paid; and for such purpose, in determining amounts of tax which would be payable under the conditions prescribed in section 781 (d), such amounts shall be determined without regard to any credit for debt retirement.

The application of section 781 (d) may be illustrated by the following examples:

Example (1). The X Corporation has for the calendar year 1942 an adjusted excess profits net income of $1,000,000, which is subject to the excess profits tax rate of 90 percent. The excess profits tax imposed is $900,000 (90 percent of $1,000,000), of which only $850,000 is actually paid. The post-war credit of the corporation under section 780 (a) computed without regard to the limitation provided in section 781 (d) would be $90,000 (10 percent of $900,000). However, such credit is limited by section 781 (d) to $40,000, computed as follows:

Excess profits tax paid	$850,000
Less excess profits tax payable if rate were 81 percent (81 percent of $1,000,000)	810,000
Post-war credit allowable	40,000

Example (2). The normal-tax net income, surtax net income, and excess profits net income of the X Corporation, a domestic corporation, for the calendar year 1942 is $1,000,000, of which $200,000 is from sources within a foreign country and $800,000 from sources within the United States. The amount of the normal-tax net income and of the surtax net income is stated hereinbefore without regard to the credit for income subject to excess profits tax provided in section 26 (e). The corporation pays to the foreign country with respect to the calendar year 1942 income tax in the amount of $160,000 upon income from sources therein. After allowance of the credit against normal tax and surtax for foreign tax, the amount of $136,000 of the foreign tax is available as a credit against the excess profits tax for 1942. Such credit is limited by section 729 to one-fifth of the corporation's ex-

[1] Part III, sections 780–783 of the Internal Revenue Code.

cess profits tax for that year since only one-fifth of its entire excess profits net income is from sources within the foreign country. The excess profits credit of the corporation for 1942 under section 712 is $295,000, and its specific exemption under section 710 (b) is $5,000. The corporation pays its excess profits tax for 1942 in full. The post-war credit of the corporation for that year is $50,400, computed as follows:

Excess profits net income		$1,000,000
Less:		
Specific exemption	$5,000	
Excess profits credit	295,000	
		300,000
Adjusted excess profits net income		700,000
Excess profits tax imposed (90 percent of $700,000)		630,000
Less foreign tax credit (⅕ of $630,000)		126,000
Excess profits tax determined under section 710		504,000
Post-war credit under section 780 (a) computed without regard to the limitation under section 781 (d) (10 percent of $630,000 (tax imposed))		63,000
Limitation under section 781 (d)		
Excess profits tax paid		$504,000
Less excess profits tax payable if rate were 81 percent:		
Tax at 81-percent rate (81 percent of $700,000)	$567,000	
Less foreign tax credit (⅕ of $567,000)	113,400	
		453,600
Limitation under section 781 (d)		50,400
Post-war credit allowable		50,400

Since the post-war credit under section 780 (a) ($63,000) computed without regard to the limitation under section 781 (d) is greater than the amount ($50,400) determined under section 781 (d), the amount determined under section 781 (d) is the amount of the post-war credit.

Example (3). The facts are the same as in example (2) except that the excess profits credit of the X Corporation under section 712 is $95,000 instead of $295,000 and the amount of the foreign tax available as a credit against the corporation's excess profits tax, after allowance of the credit against normal tax and surtax for foreign tax, is $152,000 instead of $136,000. The post-war credit of the X Corporation for the calendar year 1942 is $60,800, computed as follows:

Excess profits net income		$1,000,000
Less:		
Specific exemption	$5,000	
Excess profits credit	95,000	
		100,000
Adjusted excess profits net income		900,000
Excess profits tax determined under section 710 (a) (1) (A) (90 percent of $900,000)		810,000
Normal-tax net income before credit for adjusted excess profits net income		1,000,000
Less credit for adjusted excess profits net income		900,000
Normal-tax net income		100,000
Normal tax (24 percent of $100,000)		24,000
Surtax net income before credit for adjusted excess profits net income		1,000,000
Less credit for adjusted excess profits net income		900,000
Surtax net income		100,000
Surtax (16 percent of $100,000)		16,000
Limitation under section 710 (a) (1) (B): 80 percent of surtax net income before credit for adjusted excess profits net income (80 percent of $1,000,000)		800,000
Less:		
Normal tax	$24,000	
Surtax	16,000	
		40,000
Excess profits tax determined under section 710 (a) (1) (B)		760,000
Less foreign tax credit (⅕ of $760,000)		152,000
Excess profits tax determined under section 710		608,000
Post-war credit under section 780 (a) computed without regard to the limitation under section 781 (d) (10 percent of $760,000 (tax imposed))		76,000
Limitation under section 781 (d)		
Excess profits tax paid		$608,000
Less amount of excess profits tax determined under section 710 reduced by 10 percent ($608,000 minus $60,800)		547,200
Limitation under section 781 (d)		60,800
Post-war credit allowable		60,800

Since the post-war credit under section 780 (a) ($76,000) computed without regard to the limitation under section 781 (d) is greater than the amount ($60,800) determined under section 781 (d), the amount determined under section 781 (d) is the amount of the post-war credit.

SEC. 782. REGULATIONS. [Added by sec. 250, Rev. Act 1942.]

The Secretary of the Treasury is authorized to prescribe, from time to time, such rules and regulations as may be necessary to carry out the preceding provisions of this Part.

SEC. 783. CREDIT FOR DEBT RETIREMENT. [Added by sec. 250, Rev. Act 1942.]

(a) *General rule.* An amount equal to 40 per centum of the amounts paid during the taxable year in repayment of the principal of indebtedness shall, at the election of the taxpayer made in its return for such year, be allowed as a credit against the tax for such year imposed by this subchapter.

(b) *Limitations.* The credit under subsection (a) with respect to any taxable year shall in no event exceed whichever of the following amounts is the lesser—

(1) An amount equal to 10 per centum of the tax imposed under this subchapter for the taxable year.

(2) An amount equal to 40 per centum of the amount by which the smallest amount of indebtedness during the period beginning September 1, 1942, and ending with the close of the preceding taxable year exceeds the amount of indebtedness as of the close of the taxable year.

(3) In case such taxable year begins in 1942 prior to September 2, 1942, and ends after September 1, 1942, an amount equal to 40 per centum of the amount by which the amount of indebtedness as of September 1, 1942, exceeds the amount of indebtedness as of the close of the taxable year.

(4) In case such taxable year begins in 1941 or ends before September 1, 1942, zero.

No interest shall be allowed or paid by the United States on account of any overpayment of tax attributable to any credit allowed under this section.

(c) *Reduction of credit and of bonds outstanding under section 780.* If a credit is allowed for debt repayment in a taxable year pursuant to this section, the amount of such credit or refund shall be deducted from the credit under section 780 (a) and the amount of bonds issued under section 780 shall, to the extent necessary, be correspondingly adjusted.

(d) *Definition of indebtedness.* For the purposes of this section the term "indebtedness" means any indebtedness of the taxpayer or for which the taxpayer is liable evidenced by a bond, note, debenture, bill of exchange, certificate, or other evidence of indebtedness, mortgage, or deed of trust.

§ 35.783–1 *Credit for debt retirement*—(a) *General rule.* Subject to the limitations prescribed in section 783 (b), a taxpayer may, at its election, credit against the excess profits tax for the taxable year an amount equal to 40 percent of the aggregate of the amounts paid by the taxpayer during such year in repayment of the principal of indebtedness (as defined in section 783 (d)). The credit is allowable with respect to amounts so paid, whether they constitute part or full payment of the principal of indebtedness.

The credit is allowable only with respect to "amounts paid" by the taxpayer. If, for example, indebtedness of the taxpayer in the amount of $1,000 is satisfied by a payment of $900 by the taxpayer, the credit is allowable only with respect to the $900 paid. Moreover, mere reduction in indebtedness is not enough. Thus, where a taxpayer pays off its obligation on a bond for $1,000 with its bond for $900 (having a later maturity or a higher interest rate) no credit is allowable though there has been a reduction of $100 in indebtedness.

The credit is allowable only with respect to amounts paid "in repayment of the principal of indebtedness." Thus, if the taxpayer purchases its own bonds as an investment or for resale as distinguished from the payment of its bonds, the credit is not allowable. If there has been a payment, as distinguished from a purchase, the fact that the evidence of an indebtedness such as a bond has not been retired and canceled in the same taxable year in which acquired by the debtor taxpayer does not preclude allowance of the credit against the tax for such year. Whether in any case an amount paid by the taxpayer upon the principal of indebtedness was paid "in repayment of the principal of indebtedness" is dependent upon all the facts and circumstances.

If the taxpayer desires to take the credit for a taxable year in which amounts are paid in repayment of indebtedness, the election to take the credit must be made in the taxpayer's return for such year. An election not to take the credit for that year, once made by filing a return on which the credit is not taken, is irrevocable after the expiration of the time prescribed by law for filing the return for such year (including the period of any extension of time for filing the return granted pursuant to section 53). An election to take the credit, once made by filing a return on which the credit is taken, similarly become irrevocable. The election to take the credit, or not to take the credit, for any taxable year does not in any case constitute an election for any subsequent year.

(b) *Limitations.* The limitations provided in section 783 (b) upon the credit for debt retirement are as follows:

(1) No credit for debt retirement is allowable against excess profits tax for any taxable year which ended before September 1, 1942. This is true though a post-war credit is allowable in the case of certain of such years. (See § 35.780–1 (a).)

(2) In the case of a taxable year which began in 1942 prior to September 2, 1942, and ends after September 1, 1942, the credit shall in no event exceed whichever of the following amounts is the lesser:

(i) An amount equal to 10 percent of the excess profits tax imposed upon the taxpayer for such year; or

(ii) An amount equal to 40 percent of the amount by which the amount of indebtedness as of the beginning of September 1, 1942, exceeds the amount of indebtedness as of the close of the taxable year.

(3) In the case of any taxable year beginning after September 1, 1942, the credit shall in no event exceed whichever of the following amounts is the lesser:

(i) An amount equal to 10 percent of the excess profits tax imposed upon the taxpayer for such year; or

(ii) An amount equal to 40 percent of the amount by which the smallest amount of indebtedness during the period beginning with the first moment of September 1, 1942, and ending with the close of the preceding taxable year exceeds the amount of indebtedness as of the close of the taxable year.

The tax imposed, for purposes of the limitations described in this paragraph, is the amount determined as the tax imposed for purposes of section 780 (a) (see § 35.780–1 (a)), as such amount may (by reason of refunds, credits, or deficiencies) be adjusted pursuant to section 781 (a) and (b) (see § 35.781–1 (a)). The limitations prescribed in section 781 (d) upon the post-war credit are not limitations upon the credit for debt retirement.

In the following examples of the computation of the credit allowable for debt retirement all indebtedness referred to is indebtedness as defined in section 783 (d) (see § 35.783–1 (d)).

Example (1). The excess profits tax imposed upon the X Corporation for the calendar year 1942 is $200,000. The amounts paid by the corporation throughout the year in repayment of indebtedness total $85,000. The outstanding indebtedness of the corporation during the year is as follows:

	Paid	Borrowed	Total indebtedness
January 1, 1942			$100,000
April 3	$25,000		75,000
July 10		$200,000	275,000
September 1			275,000
October 22	60,000		215,000
December 31			215,000
Total paid	85,000		

The credit allowable for debt retirement is $20,000, computed as follows:

40 percent of $85,000, the total repaid in the year (see section 783 (a) and § 35.783–1 (a))	$34,000

But the credit for debt retirement may not exceed whichever of the following amounts is the lesser (see section 783 (b) (1) and (3) and § 35.783–1 (b) (2)):

10 percent of $200,000 (amount of tax imposed)	$20,000
40 percent of $80,000 (amount by which indebtedness September 1, 1942, $275,000, exceeds indebtedness at close of taxable year 1942, $215,000)	24,000

Example (2). The excess profits tax imposed upon the Y Corporation for the calendar year 1942 is $700,000, and for the calendar year 1943 is $800,000. The amounts paid by the corporation in repayment of indebtedness throughout the year 1942 total $150,000, and throughout the year 1943 total $170,000. The outstanding indebtedness of the corporation during the years 1942 and 1943 is as follows:

	Paid	Borrowed	Total indebtedness
January 1, 1942			$500,000
July 10	$100,000		400,000
September 1			400,000
October 22	50,000		350,000
December 3		$20,000	370,000
December 31			370,000
Total paid	150,000		
January 1, 1943			370,000
November 5	170,000		200,000
December 31			200,000
Total paid	170,000		

The credit allowable for debt retirement for 1942 is $12,000, computed as follows:

40 percent of $150,000, the total repaid in 1942 (see section 783 (a) and § 35.783–1 (a))	$60,000

But the credit for debt retirement for 1942 may not exceed whichever of the following amounts is the lesser (see section 783 (b) (1) and (3) and § 35.783–1 (b) (2)):

10 percent of $700,000 (amount of tax imposed)	$70,000
40 percent of $30,000 (amount by which indebtedness September 1, 1942, $400,000, exceeds indebtedness at close of taxable year 1942, $370,000)	12,000

The credit allowable for debt retirement for 1943 is $60,000, computed as follows:

40 percent of $170,000, the total repaid in 1943 (see section 783 (a) and § 35.783–1 (a))	$68,000

But the credit for debt retirement for 1943 may not exceed whichever of the following amounts is the lesser (see section 783 (b) (1) and (2) and § 35.783–1 (b) (3)):

10 percent of $800,000 (amount of tax imposed)	$80,000
40 percent of $150,000 (amount by which lowest amount of indebtedness during period beginning September 1, 1942, through close of preceding taxable year (December 31, 1942), $350,000, exceeds indebtedness at close of taxable year (December 31, 1943), $200,000)	60,000

Example (3). The facts are the same as in example (2), except that, instead of paying $50,000 on October 22, 1942, and borrowing $20,000 on December 3, 1942, the Y Corporation borrows $20,000 on October 22, 1942, and pays $50,000 on December 3, 1942.

The credit allowable for debt retirement for 1942 is $12,000, the same amount as arrived at in example (2) and computed in the same manner as in such example.

The credit allowable for debt retirement for 1943 is $68,000 (as distinguished from $60,000 under example (2)), computed as follows:

40 percent of $170,000, the total repaid in 1943 (see section 783 (a) and section 35.783–1 (a))	$68,000

Since the lowest amount of indebtedness in the period September 1, 1942, to the close of preceding taxable year is $370,000, as distinguished from $350,000 in example (2), the amount of the limitation under section 783 (b) (2) is a higher amount than the corresponding amount under example (2). The limitations under section 783 (b) (1) and (2) (see § 35.783–1 (b) (3)), are as follows:

10 percent of $800,000 (amount of tax imposed)	$80,000
40 percent of $170,000 (amount by which lowest amount of indebtedness during period beginning September 1, 1942, through close of preceding taxable year (December 31, 1942), $370,000, exceeds indebtedness at close of taxable year (December 31, 1943), $200,000)	68,000

Example (4). The excess profits tax imposed upon the Z Corporation for the calendar year 1942 is $30,000, and for the calendar year 1943 is $15,000. On January 1, 1942, the Z Corporation was the owner of certain real property subject to a mortgage executed by the corporation. The mortgage secured a promissory note made by the corporation, payable to mortgagee M in the amount of $100,000. On October 1, 1942, the Z Corporation conveyed the property, subject to the

mortgage, to the R Corporation, and the latter assumed the indebtedness. The Z Corporation, however, remained liable for the indebtedness. On November 2, 1942, the R Corporation paid $15,000 on the note, the only amount paid by the R Corporation on the indebtedness. M foreclosed the mortgage in 1943, the net proceeds from the foreclosure sale of the property amounting to $80,000, which was paid and credited upon the indebtedness on November 15, 1943, leaving $5,000 still owing upon the original indebtedness. The Z Corporation, on December 15, 1943, paid the $5,000 to M upon the latter's demand therefor. During the years 1942 and 1943 the Z Corporation had no other indebtedness outstanding, nor was any other indebtedness incurred or paid by it. The outstanding indebtedness of the Z Corporation during the years 1942 and 1943 is as follows:

	Paid by Z Corporation	Paid by R Corporation or from proceeds of foreclosure sale	Total indebtedness
January 1, 1942			$100,000
September 1			100,000
November 2		$15,000	85,000
December 31			85,000
	(1)		
January 1, 1943			85,000
November 15		80,000	5,000
December 15	5,000		
December 31			
Total paid	5,000		

[1] Nothing paid.

No credit for debt retirement is allowable to the Z Corporation for the year 1942, since it paid no amounts in repayment of indebtedness.

The credit allowable for debt retirement for 1943 is $1,500, computed as follows:

40 percent of $5,000, the total repaid by Z Corporation in 1943 (see section 783 (a) and § 35.783–1 (a))	$2,000

But the credit for debt retirement for 1943 may not exceed whichever of the following amount is the lesser (see section 783 (b) (1) and (2) and § 35.783–1 (b) (3)):

10 percent of $15,000 (amount of tax imposed)	$1,500
40 percent of $85,000 (amount by which lowest amount of indebtedness during period beginning September 1, 1942, through close of preceding taxable year (December 31, 1942) $85,000, exceeds indebtedness at close of taxable year (December 31, 1943), zero)	34,000

(c) *Effect upon post-war credit and bonds.* The post-war credit and bonds purchased with such credit are required by section 783 (c) to be reduced by the amount allowed as a credit for debt retirement. If in any case the amount of the credit for debt retirement for a taxable year exceeds the post-war credit allowable for such year, the post-war credit or bonds issued to the taxpayer for any other taxable year or years shall be reduced by the amount of such excess. The Commissioner of Internal Revenue shall certify to the Secretary a statement of the amount, if any, by which the amount of bonds outstanding should be reduced.

(d) *Definition of indebtedness.* For the purposes of the credit for debt retirement, the term "indebtedness" means any indebtedness of the taxpayer or for which the taxpayer is liable which is evidenced by a bond, promissory note, debenture, bill of exchange, certificate, or other evidence of indebtedness, mortgage, or deed of trust, executed by either the taxpayer or any other person. Indebtedness as used in the preceding sentence means an unconditional and legally enforceable obligation for the payment of money. It includes outstanding obligations of the taxpayer held by the taxpayer for investment or resale. It does not include a contingent obligation. However, if and when a contingent obligation for the payment of money becomes absolute it is included in indebtedness. The term "indebtedness" includes indebtedness assumed by the taxpayer even though such indebtedness is evidenced, so far as the taxpayer is concerned, only by a contract with the person whose indebtedness has been assumed. An assumption of indebtedness includes, in addition to the customary forms of assumption, the acquisition of property subject to indebtedness. If indebtedness of the taxpayer or for which the taxpayer is liable is assumed by another person (thus becoming indebtedness of such other person), it does not thereby cease to be indebtedness of the taxpayer or for which the taxpayer is liable. (But credit for debt retirement is allowable to a taxpayer only with respect to amounts paid by the taxpayer. See section 783 (a) and § 35.783–1 (a).) An obligation ceases to be indebtedness when it is satisfied (such as by payment, whether by the taxpayer or another person), extinguished, or otherwise ceases to be legally enforceable, though such indebtedness may be replaced by indebtedness to another person or new indebtedness to the same person.

The term "indebtedness" does not include indebtedness incurred by a bank arising out of the receipt of a deposit and evidenced, for example, by a certificate of deposit, a passbook, a cashier's check, or a certified check.

In order for any indebtedness to be included within the term it must be bona fide. It must be incurred for business reasons and not merely to increase the excess profits credit or the credit for debt retirement.

Whether outstanding certificates designated by such names as "debenture preferred stock" or "guaranteed preferred stock" constitute indebtedness depends upon whether the holder has a proprietary interest in the corporation or has the rights of a creditor, determined in the light of all the facts. The name borne by the certificate is of little importance. More important attributes to be considered are whether or not there is a maturity date, the source of payment of any "interest" or "dividend" specified in the certificate (whether out of earnings or out of capital and earnings), rights to enforce payment, and other rights as compared with those of general creditors.

The term "other evidence of indebtedness" refers to evidence of indebtedness of the same general character as bonds, notes, debentures, bills of exchange, or certificates of indebtedness. Open account book entries, invoices, or statements of account are not evidences of indebtedness.

In pursuance of the Internal Revenue Code the foregoing regulations are hereby prescribed, applicable only to taxable years beginning after December 31, 1941, and Part 30 and Treasury decisions in amendment thereof, in so far as Part 30 and such Treasury decisions relate to excess profits taxes for taxable years beginning after December 31, 1941, are hereby superseded, except that where it is appropriate under Part 30 and such Treasury decisions to apply with respect to taxable years beginning after December 31, 1939, and before January 1, 1942, the rules applicable to taxable years beginning after December 31, 1941, these regulations shall be applicable.

[SEAL] ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.

Approved: January 25, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–1372; Filed, January 26, 1944; 4:45 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 962—IRON AND STEEL

[Supplementary Order M–21–a, Revocation of Direction 1]

REJECTED CORROSION AND HEAT RESISTANT ALLOY STEEL

Direction 1 to Supplementary Order M–21–a is hereby revoked. This revocation does not affect any liabilities incurred under the Direction. Deliveries of rejected corrosion and heat resistant alloy steel remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1592; Filed, February 1, 1944; 11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 16, as Amended Feb. 1, 1944]

REPLACEMENT OF DEFECTIVE CONTROLLED MATERIAL

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1) to all controlled materials producers providing for the replacement of material rejected by a customer because of nonconformity with specifications.

STEEL

(1) When steel is rejected by a customer for non-conformity with specifications, or other defect, the producer must schedule and make replacement in preference to all other orders for similar material, without requiring an additional allotment, in the absence of specific written instructions by the War Production Board or the customer to the contrary. If, after the producer has shipped the replacement order, it develops that the rejection was improper, the customer must either return the material, or furnish the necessary certification to support the replacing shipment, charging the appropriate allotment. The provisions of paragraphs (t) (4) and (t) (5) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) If any portion of the rejected steel can be used by the customer in connection with an authorized production schedule, it may be so used, but the customer must charge the material used to the appropriate allotment. However, defective steel received by a customer prior to July 1, 1943, may be used on any duly authorized order without any charge to an allotment.

(3) If any portion of the rejected steel can be used by the producer for delivery on another authorized controlled material order or for a delivery otherwise permitted by applicable War Production Board Regulations or orders, it may be so used.

(4) Deleted Feb. 1, 1944. (The deletion of this paragraph means that beginning February 1, 1944 the rules stated above apply equally to replacement orders for stainless steel.)

COPPER

(1) Copper produced to fill authorized Controlled Material orders and rejected by a customer for nonconformity with specifications shall be replaced in preference to all other orders in the absence of specific instructions by the Copper Division of the War Production Board to the contrary. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders. If the replacement copper is not delivered before 30 days following the expiration of the quarter in which delivery was originally scheduled, the producer must report the matter to the Copper Division before making delivery. However, no further authorization is required.

(2) Such replacements shall be made without requiring the extension of an additional allotment, even though delivery of the material is made in a subsequent quarter. If, however, some of the material cannot be replaced in time to meet a War Production Board production schedule or the delivery requirements of the producer's customer, the producer shall immediately notify the Copper Division in writing, giving a full explanation. The customer may receive the replacement copper without making further charge to an allotment, even if the copper is delivered in a subsequent quarter.

(3) The customer rejecting material shall immediately report the facts to the producer and dispose of such material only in accordance with written instructions from the producer. Unless the material is scrap, the producer, despite the provisions of § 944.11 of Priorities Regulation No. 1, shall direct that the material be returned to him or be delivered to another customer to fill any order which the producer is entitled to fill with new material under applicable regulations and directions. If the material is scrap it must be handled pursuant to Order M–9–b.

ALUMINUM

(1) Replacement orders for rejected aluminum shall be filled in preference to all other orders not in actual production on the day of the receipt of the replacement order. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) Replacement orders for rejected aluminum are deemed to be covered by the same authorized controlled material order or other authorized order against which the rejected shipment was made. Accordingly, the producer shall not require an additional allotment or other authorization from his customer to secure replacement material if the original shipment was made in accordance with applicable regulations and directives even though delivery of the material is made in a subsequent quarter. The customer may receive the replacement aluminum without making further charge to an allotment, even if delivered in a subsequent quarter.

(3) The rejection of the material shall be reported immediately to the producer and despite provisions of § 944.11 of Priorities Regulation No. 1, the material shipped by his customer in accordance with his instructions. Unless the material is scrap, he shall direct that the material be returned to him or delivered to another customer to fill any order which he is entitled to fill with new material under applicable regulations and directives. If the material is scrap, it must be handled pursuant to order M–1–d.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1588; Filed, February 1, 1944; 11:32 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M–293, Direction 1 to Table 14]

PRODUCTION OF BOILERS FOR STOCK

In order to conserve materials and manufacturing facilities for the production of high and low pressure steel boilers listed on Table 14 of General Scheduling Order M–293, and to prevent the accumulation of duplicate stocks of such high and low pressure steel boilers in the hands of manufacturers, dealers and warehouses, the following direction under Table 14 of M–293 is issued:

(1) Notwithstanding the provisions of Priorities Regulation 1, or of paragraphs (c) (2) and (d) (2) of General Scheduling Order M–293, no manufacturer shall, without specific authorization from the War Production Board, begin production of any high and low pressure steel boilers listed on Table 14 of General Scheduling Order M–293, which the manufacturer knows or has reason to believe, will be held in the stock of any manufacturer, wholesaler, dealer or any other person rather than shipped directly for installation.

(2) Application for such specific authorization should be made by letter addressed to War Production Board, Washington 25, D. C., Reference M–293, Table 14.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1591; Filed, February 1, 1944; 11:32 a. m.]

PART 3281—PULP AND PAPER

[General Limitation Order L–120, Interpretation 1 to Schedule VII]

COMMERCIAL ENVELOPES

The following interpretation is issued with respect to Schedule VII of General Limitation Order L–120:

Under paragraph (b) (1) (ii) of Schedule VII, an exception from the substance weight restrictions is made for filing and document envelopes. This means that it is permissible to use papers heavier than substance 28 in the manufacture of filing and document envelopes when such envelopes are designed and sold particularly for use in connection with the permanent filing of documents, securities, records, etc., in filing cabinets, vaults, safe depositories and similar devices where safety and permanence are of paramount importance or for use in filing cabinets where rigidity of the filing material is necessary for the proper functioning of the filing system. Such items as bank pass book, license holders, photo negatives and similar envelopes not used in filing cabinets are not permitted to be made from papers heavier than 28 substance.

Users of filing and packaging envelopes can be of assistance to the manufacturer, in those instances where heavier weights may be permitted, by including in their order a statement as to the end use of the envelope.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1589; Filed, February 1, 1944; 11:32 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT [1]

[Conservation Order M–311, as Amended Feb. 1, 1944]

USED AUTOMOTIVE PARTS

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of automotive parts for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.81 [1] *Conservation Order M–311.*—(a) *Purpose of this order.* The purpose of this order is to assure that in the dismantling of used motor vehicles, serviceable parts are not scrapped, but are made available to meet the nation's transportation needs. This order does not prohibit the dismantling of used automobiles. On the contrary, all trucks and vehicles in auto wreckers' inventories should be dismantled as rapidly as possible, so that the serviceable parts from them will be readily available as needed, and so that the balance of the vehicle can be moved promptly into scrap channels.

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

[1] Formerly Part 3239, § 3239.1.

(c) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation or other organized group of persons, whether incorporated or not, who in the course of trade, buys, sells, receives, or processes used automotive parts for re-sale either "as is", rebuilt or reconditioned, and automotive wreckers, used automotive parts dealers and scrap dealers, and also any Federal Department, Bureau or Agency, and State or political subdivision thereof. This definition does not include steel mills, foundries or furnaces.

(2) "Motor vehicle" means any passenger automobile, light, medium, or heavy motor truck or passenger carrier, powered with an internal combustion engine; or full trailer, semi-trailer or third axle attachment.

(3) "Used automotive part" means any part listed in Schedule A to this order which has been used in a motor vehicle.

(4) "No longer serviceable" means, when applied to a used automotive part, that it is so worn, broken or damaged that use in its present condition or restoration by rebuilding or reconditioning is impracticable.

(5) "To scrap, to sell as scrap or deliver as scrap" when applied to a used automotive part listed in Schedule A to this order, means to melt, sell or deliver for melting; or to damage, destroy or render useless any such part for the purpose of selling the same as scrap metal.

(6) "Consumer" means the owner or operator of the motor vehicle for which a used automotive part is required.

(d) *Prohibition on scrapping used automotive parts.* On and after June 1, 1943, irrespective of the terms of any contract, agreement or other commitment, no person, as defined in paragraph (b) (1) above, shall scrap, sell as scrap or deliver as scrap any used automotive part listed in Schedule A except when such part is "no longer serviceable". This prohibition shall not apply:

(1) To the sale or delivery of vehicles or chassis to auto wreckers and scrap dealers; to the sale or delivery of vehicles or chassis to or by automotive dealers, repair shops and garages, or between individuals; or to the sale or delivery of used automotive parts other than as scrap.

(2) To the sale or delivery of used parts purchased as scrap by scrap dealers.

(e) *Restrictions on sales to consumers*—(1) *Purchaser to turn in old part.* No person shall sell or deliver any used automotive part to a consumer unless the consumer delivers to such person a used automotive part of similar type and size for each used part delivered to the consumer. However, a used automotive part need not be turned in in the following cases: (i) if the used part has been consumed in use, lost or stolen; (ii) if the used part is ordered by telephone, telegram or mail and shipped to the purchaser.

(2) The foregoing restrictions on the sale of used automotive parts shall not apply to any Federal Department, Bureau or Agency, or to any State or political subdivision thereof, which is restricted by law from making such disposal of used automotive parts.

(f) *Authorization to scrap automotive parts or vehicles.* Application for authority to scrap, sell as scrap or deliver as scrap any used automotive parts of the types listed in Schedule A which are still serviceable, or vehicles, may be made by filing a letter in duplicate with the Field Office of the War Production Board for the District in which is located the applicant's place of business, marked ref: Order M-311. If the application is for authority to scrap individual parts already removed, the parts should be listed showing (1) the quantity of each on hand, (2) the quantity of each to be scrapped, and (3) the make, model and year of the vehicle from which each was obtained, or otherwise identified. If the application is for authority to scrap a vehicle or vehicles or the chassis thereof, without removal of parts for inspection as to serviceability, the applicant should list each vehicle or chassis, identifying it by make, model and year. The reporting provisions of this paragraph have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

(g) *Special directions.* Whenever it is determined by the War Production Board that motor vehicles acquired by any auto wrecker are not being dismantled at a rate sufficient to meet the needs for scrap and serviceable parts, the Board by written direction may order such auto wrecker not to purchase or accept delivery of additional motor vehicles or parts thereof until he shall have dismantled the number of motor vehicles then in his inventory which may be specified in such direction.

(h) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information, to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control and may be deprived of priorities assistance by the War Production Board.

(i) *Application of this order.* The terms and restrictions of this order shall not apply outside the continental United States.

(j) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Automotive Division, Washington 25, D. C., Reference: M-311.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

The used automotive parts to which this order applies are listed below, and include such parts for all motor vehicles regardless of make, model, or year. This schedule will be amended from time to time by the addition or removal of certain parts, or by specifying parts for certain make, year or model of vehicles, or otherwise.

Axles
- Axle shaft
- Front axle assembly
- Propeller shaft
- Ring and pinion gear
- Shock absorber
- Universal joint
- Front wheel suspension

Bearings
- Ball
- Roller
- Taper

Springs
- Coil spring
- Spring front, including coil springs
- Spring rear

Starting and Generator Equipment
- Generator
- Generator armature
- Starter motor
- Starter armature
- Starter bendix
- Voltage regulator

Brake
- Brake drum
- Brake Shoe

Clutch
- Clutch assembly

Cooling system
- Radiator
- Radiator core
- Water Pump

Engine
- Engine assembly
- Engine block
- Cylinder head
- Cylinder sleeve (wet)
- Connecting rod

Fuel system
- Fuel pump
- Carburetor

Ignition system
- Coil
- Distributor
- Spark plug

Steering
- Steering assembly

Transmission
- Transmission assembly
- Transmission gears

Special truck equipment
- Air brake
- Auxiliary transmission
- Booster brake
- Dead axle
- Two-speed axle assembly
- Fifth wheel and mounting
- Hydraulic hoist
- Pole setter
- Power take-off
- Power winch
- Refrigerator unit
- Reserve gasoline tank
- Vacuum tank
- Helper springs

[F. R. Doc. 44-1590; Filed, February 1, 1944; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 2[1], Amdt. 1]

INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 2 is amended in the following respect:

Section 1305.201 (c) is amended to read as follows:

(c) The person required to keep the records shall retain them until December 31, 1944.

This amendment shall become effective January 31, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1559; Filed, January 31, 1944; 11:48 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10070.

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 33]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended in the following respect:

Appendix D, Table 1, Maximum Prices for 100" Box Bolts is amended by the addition of the following paragraph at the conclusion of the price table:

Dealer's commission. If a consumer purchases Box Bolts through a dealer, such consumer may pay such dealer, in addition to the ceiling price, a commission of not to exceed 50 cents per cord of 133 cubic feet.

In no event shall a person receive a dealer's commission, or the proceeds of any such commission on Box Bolts cut by him on his own operations. In no event shall a person receive a dealer's commission on the cut of another person pursuant to any contract agreement or understanding of any sort whatsoever between the two whereby each is to sell and charge a commission on the wood cut by the other. In no event shall the dealer's commission be split or divided with any person. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all the following requirements (i) through (vii) inclusive with respect to the transactions:

(i) Copies must be kept of all contracts or settlement sheets in which a dealer's commission is charged.

(ii) The deliveries must be made by the dealer to the consumer.

(iii) The Box Bolts sold by the dealer to the consumer must have been completely prepared for delivery by a person other than the dealer.

(iv) The dealer must guarantee the merchantable quality of the Box Bolts and that they are free from all liens and incumbrances:

(v) The dealer's commission in such transactions must be shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer has had no part in the preparation of the Box Bolts, and that the charges are not in excess of Maximum Price Regulation No. 348.

(vi) The dealer's allowance must not be split or divided with any other person.

(vii) All pertinent provisions in this Maximum Price Regulation No. 348 must be strictly complied with.

"Dealer" means any person who sells to consumers, Box Bolts not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1554; Filed, January 31, 1944; 11:52 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16198, 16204, 16297.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 67]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.401 (c) is amended by adding the following sentence as the first sentence of the paragraph: The Board may delay action on an application filed by an eligible person until it is satisfied that its approval of such application will not deprive more essential applicants of certificates by reason of inadequate quotas.

2. Section 1315.501 (e) is amended to read as follows:

(e) *No available tires or tubes.* That the applicant, other than a Federal, State, Local or Foreign Government or Government Agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles or equipment in current use (including one spare for each size wheel per vehicle or piece of equipment) which can be used, or repaired for use in lieu of the tires or tubes sought to be replaced; *Provided, however,* That an applicant who is required to operate at high speeds in emergencies may, in addition, be allowed two mud and snow tires. In computing the number of tires or tubes owned or controlled, the applicant shall not include (1) emergency reserves acquired in accordance with § 1315.507; (2) tires or tubes reported on OPA Form R-17 or reported by a manufacturer to the War Production Board; or (3) tires or tubes in a public warehouse which are removable only upon certificate.

3. Section 1315.502 (c) is amended to read as follows:

(c) *Spare tire.* That he does not own or control a serviceable tire for use on each running wheel on the vehicle for which application is made, plus a tire which is not serviceable for continued use on a running wheel, but can still be used or repaired for use as a spare tire in emergencies. An applicant who is required to operate at high speeds in emergencies may establish his need for a tire under this paragraph if his spare tire is not serviceable for continued use on a running wheel.

4. Section 1315.503 is amended to read as follows:

§ 1315.503 *Eligibility of passenger automobile.* A consumer who meets the applicable conditions of § 1315.501 and § 1315.502 may be granted a certificate for tires and new tubes for a passenger automobile in accordance with the following:

(a) *Reconsideration of gasoline ration.* The Board shall first reconsider the gasoline ration issued for use with the passenger automobile, pursuant to § 1394.8110 of Ration Order No. 5C. The consumer's eligibility for a tire or new tube shall be based on the purposes for which his vehicle is used as determined by the Board after such reconsideration.

(b) *Eligibility for Grade I tires*—(1) *Preferred mileage purposes.* A certificate for a Grade I tire (or a Grade III tire, at the applicant's option) may be issued:

(i) For a passenger automobile which is used for one or more of the purposes described in § 1394.7706 (preferred mileage) of Ration Order No. 5C, if its total rationed mileage (excluding mileage allowed on special rations) is 121 miles or more per month or it is operated on a non-highway ration or is not propelled by gasoline;

(ii) To an applicant who operates fleet or official passenger automobiles on interchangeable gasoline ration books, if he establishes that the vehicle for which application is being made will be operated for one of the purposes described in § 1394.7706 of Ration Order No. 5C.

(2) *Obsolete size and motorcycle tires.* A certificate for a Grade I tire of an obsolete size or a new motorcycle tire may be issued to replace an obsolete size tire or a motorcycle tire which cannot be recapped either because of its physical condition or the lack of recapping facilities, but only if:

(i) A valid supplemental gasoline ration is outstanding for the vehicle for which the tire is sought; or

(ii) In any area in which the basic ration is deemed to include occupational mileage, if the vehicle is operated with a basic ration only and if any of the purposes for which the vehicle is used constitute occupational mileage as defined in § 1394.7551 (a) (27) of Ration Order No. 5C, and if the applicant has established the facts required by § 1394.7704 (a) of Ration Order No. 5C for the allowance of such occupational mileage;

(iii) The vehicle is operated on a non-highway ration only or is not propelled by gasoline, and if any of the purposes for which the vehicle is used constitute occupational mileage as defined in § 1394.7551 (a) (27) of Ration Order No. 5C and if the applicant has established the facts required by § 1394.7704 (a) of Ration Order No. 5C for the allowance of such occupational mileage.

The term "obsolete size tire" means passenger-type tires of the following sizes only:

4.00–15	3.85–18
5.00–15	4.00–18
4.50–17	4.40–18
4.75–17	4.50–18
5.00–17	4.75–18
6.50–17	5.00–18
6.00/6.50–17	6.00–18
7.00–17	6.50–18
7.50–17	6.00/6.50–18
3.30–18	7.00–18
3.50–18	7.50–18
3.75–18	7.00/7.50–18

[1] 7 F.R. 9160, 9392, 9724, 10079, 10085, 10264, 10430, 10733, 11480, 11481, 11952, 11846, 12013, 13247, 13293, 13247, 13293, 13172, 13845, 13706, 13846, 13395, 14049, 14737, 15523, 16245, 16246, 16695, 16894, 17326; 9 F.R. 89.

4.00–19	4.40/4.50/4.75–21
4.40–19	5.00–21
4.50–19	5.25–21
5.25–19	5.00/5.25–21
5.50–19	5.50–21
5.25/5.50–19	6.00–21
6.00–19	6.50–21
6.50–19	7.00–21
6.00/6.50–19	5.00–22
7.00–19	6.00–22
7.50–19	4.40–23
7.00/7.50–19	6.00–23
3.30–20	7.50–24
3.85–20	28 x 3
4.40–20	30 x 3
4.50–20	30 x 3½
4.75–20	32 x 3½
5.00–20	31 x 4
4.50/4.75/5.00–20	32 x 4
5.25–20	33 x 4
5.00/5.25–20	34 x 4
5.50–20	32 x 4½
5.25/5.50–20	33 x 4½
6.00–20	34 x 4½
6.50–20	35 x 4½
6.00/6.50–20	36 x 4½
7.00–20	33 x 5
7.30–20	34 x 5
4.40–21	35 x 5
4.50–21	37 x 5
4.40/4.50–21	35 x 6
4.75–21	

(3) *Limited use of Grade I tires.* An applicant who is otherwise entitled to a Grade I tire may be issued a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

(c) *Eligibility for Grade III tires.* A certificate for a Grade III tire may be issued for a passenger automobile which is not eligible under paragraph (b):

(1) If the vehicle is used for an occupational purpose as defined in § 1394.7551 (a) (27) of Ration Order No. 5C and either its total rationed mileage (excluding mileage on special rations) is 121 miles per month or more, or it is operated on a non-highway ration or is not propelled by gasoline and the Board would be entitled to allow mileage for such a purpose to an applicant for a highway ration under § 1394.7704 (a) of Ration Order No. 5C.

(2) If the vehicle is operated on an interchangeable gasoline ration book.

(3) If a basic ration and a special ration issued pursuant to § 1394.7851 (b) (1), (2) or (5) of Ration Order No. 5C are outstanding for the vehicle.

(4) If gasoline is obtained for the vehicle against an Acknowledgment of Delivery (Form OPA R–544 Revised) pursuant to § 1394.7952 of Ration Order 5C. The application must be made within one month of the issuance of the Acknowledgment of Delivery form to the applicant.

(5) If the vehicle is registered and normally garaged or stationed in Canada and gasoline is obtained under a special ration granted pursuant to § 1394.7851 or § 1394.7856 of Ration Order No. 5C. Any Board may issue a certificate for a Grade III tire and a new tube under this subparagraph (5).

(d) *Replacement of recappable tire carcass.* An applicant who cannot prove need for a tire because the tire to be replaced is recappable, but who is otherwise eligible under paragraph (b) or (c), may be issued a certificate for a Grade III tire (or Grade I tire if the applicant is applying under § 1315.503 (b) (2)) in any area where recapping facilities are unavailable or inadequate.

(e) *Eligibility for tubes.* A certificate for a new tube may be issued for any passsenger automobile.

5. Section 1315.507 (c) (2) is amended to read as follows:

(2) Vehicles, other than commercial motor vehicles and equipment, used exclusively for maintaining fire fighting services or in investigation or patrolling necessary to the maintenance of public police services, or eligible under § 1315.506 (a) (2) (off-the-road equipment).

6. Section 1315.516 (b) is amended to read as follows:

(b) *Spare tire.* A Board shall not issue a certificate for a Grade III tire pursuant to this section if the passenger automobile for which application is made is equipped with tires serviceable for use on the running wheels and a tire which, though not serviceable for continued use on a running wheel, can still be used or repaired for use as a spare tire in emergencies.

7. Section 1315.611 (c) (3) is amended by adding to the end of the sentence the phrase "or a 4.00–12 new implement-type tire".

8. Section 1315.705 is amended by deleting the phrase "shall re-examine and re-determine the current gasoline ration issued for such passenger automobile in accordance with § 1315.503 (a) and (b) and".

This amendment shall become effective February 1, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1564; Filed, January 31, 1944; 11:50 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1B,[1] Amdt. 4]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 1B is amended in the following respect:

Section 2.5 (a) (1) is amended by inserting the phrase "or a Grade I" between "truck-type" and "tire".

This amendment shall become effective January 31, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9551, 12695.

(Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong., and Pub. Law 507, 77th Cong., Pub. Law 421 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719, W.P.B. Dir. No. 1, No. 1–J, as amended, 7 F.R. 562, 5043, 8731, Supp. Dir. 1–Q, as amended, 8 F.R. 2013, Rev. Gen. Order No. 20, 8 F.R. 2416)

Issued this 26th day of January 1944.

JORGE L. CORDOVA,
Territorial Director for Puerto Rico.

Approved:

GERALD A. BARRETT,
Acting Regional Administrator, Region IX.

[F. R. Doc. 44–1556; Filed, January 31, 1944; 11:52 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403,[1] Amdt. 7]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 403 is amended in the following respects:

1. Section 6 (e) is amended to read as follows:

(e) If after June 17, 1943, a manufacturer receives total orders exceeding $1,000 for more than one unit of a commodity for which a maximum price must be determined under this section, he shall file a report. This report shall be filed with the Office of Price Administration, Washington, D. C., within ten days after the manufacturer has received sufficient orders to necessitate the filing of the report. This report shall contain the information required by the form set forth in Appendix B and shall be made on a copy of that form. If the maximum price so reported has not been properly computed, it must be corrected. This correction shall apply retroactively. In any case, the maximum price so reported shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration. This adjustment will be made only if the maximum price is not in line with the level of maximum prices established by the regulation.

2. Section 20 (c) (23) is amended to read as follows:

(23) Tarpaulins and covers.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1552; Filed, January 31, 1944; 11:51 a. m.]

[1] 8 F.R. 7498, 8837, 10434, 16406.

PART 1341—CANNED AND PRESERVED FOODS

[MPR 428,[1] Amdt. 3]

CIDER VINEGAR

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 428 is amended in the following respects:

1. Section 2a is added to read as follows:

SEC. 2a. *Adjustment of maximum prices for 1943 raw material costs.* This section provides an increase in maximum prices of processors and secondary packers of cider vinegar to compensate them for higher 1943 raw material costs. On and after February 5, 1944, the price for an item calculated under this section is the seller's new maximum price, replacing his maximum price previously established under section 2.

(a) *General rule.* Each processor and secondary packer shall adjust his maximum prices under section 2 (a) (1) or 2 (b) (1) for 1943 raw material costs by adding the respective figures listed for each grade and quantity in the following table:

The figures listed in this table are to be added to maximum prices under sections 2 (a) (1) and 2 (b) (1)	60 grain basis	50–59 grain	45–49 grain	40–44 grain
Tank car or tank truck lots, per gallon	$0.08½			
Barrels, per gallon, cooperage included		$0.07	$0.06½	$0.05½
Half-barrels, per gallon, cooperage included		.07	.06½	.05½
Gallons, per dozen		.84	.78	.66
Half-gallons, per dozen		.42	.39	.33
Quarts, per dozen		.21	.19½	.16½
Pints, per dozen		.10½	.09¾	.08¼

For any container size not listed in this table, each processor and secondary packer shall adjust for 1943 raw material costs by adding to his maximum price per gallon for the item under the General Maximum Price Regulation the figure named for barrels of the particular grade of cider vinegar being priced.

(b) *Processors who also perform a wholesale service.* A processor who prior to February 5, 1944 determined a maximum price under section 2 (a) (2) shall refigure the price in accordance with that subparagraph after first adding to the factor referred to in section 2 (a) (2) (i) the appropriate figure named in paragraph (a) of this section.

(c) *Processors who also perform the retail service.* A processor who prior to February 5, 1944 determined a maximum price under section 2 (a) (3) shall refigure the price in accordance with that subparagraph after first adding to the factor referred to in section 2 (a) (3) (i) the appropriate figure named in paragraph (a) of this section.

(d) *Secondary packers who also perform a wholesale service.* A secondary packer who prior to February 5, 1944 determined a maximum price under section 2 (b) (2) shall refigure the price in accordance with that subparagraph after first adding to the factor referred to in section 2 (b) (2) (i) the appropriate figure named in paragraph (a) of this section.

(e) *Secondary packers who also perform the retail service.* A secondary packer who prior to February 5, 1944 determined a maximum price under section 2 (b) (3) shall refigure the price in accordance with that subparagraph after first adding to the factor referred to in section 2 (b) (3) (i) the appropriate figure named in paragraph (a) of this section.

2. Section 8 is amended to read as follows:

SEC. 8. *Notification of change in maximum price.* With the first delivery of an item after the effective date of any amendment to this regulation authorizing a change in maximum price, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by brand, grade and bulk quantity or container type and size*) has been changed from $_____ to $_____ under the provisions of Maximum Price Regulation No. 428, 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of amendment authorizing change in maximum price*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each processor and secondary packer shall supply with each bulk quantity and include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales directly to any retailer, the processor or secondary packer may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(b) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with the first transaction with such purchaser after the effective date of the amendment authorizing the change in maximum price, as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by brand, grade, and bulk quantity or container type and size*) has been changed from $_____ to $_____ under the provisions of Maximum Price Regulation No. 428. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert effective date of amendment authorizing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 8 (a) of Maximum Price Regulation No. 428.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1566; Filed, January 31, 1944; 11:51 a. m.]

PART 1346—BUILDING MATERIALS

[RPS 40,[1] Amdt. 3]

BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 40 is amended in the following respect:

1. A new § 1346.6a is added to read as follows:

§ 1346.6a *Applications for adjustment*—(a) *Padlocks.* On and after February 5, 1944, any manufacturer of padlocks who is unable to maintain his production of padlocks under his existing maximum price or prices will be permitted to adjust his maximum price or prices by an amount not more than that specified under (b) below.

(b) *Extent of relief to be granted.* Whenever it appears that a manufacturer is unable to maintain his production of padlocks at his existing maximum price or prices, the Office of Price Administration may, either on application for adjustment filed in accordance with the provisions of Revised Procedural Regulation No. 1, or on its own motion, by order, adjust his maximum price or prices by an amount necessary to permit the maintenance of such production upon a basis not more than his cost to manufacture and sell the commodity.

The term "cost to manufacture and sell" shall include the cost of material, labor, maintenance, supplies, power, taxes (other than State and Federal in-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10358, 12136, 14154.

[1] 7 F.R. 1280, 2132, 8383, 8948; 8 F.R. 7257.

come taxes), insurance, workmen's compensation taxes, royalties, depreciation, other manufacturing expenses, and reasonable costs of selling and administration properly applicable to padlocks. Expenses not related to the manufacturing and selling expenses of padlocks will be excluded.

(c) *Filing of applications.* Applications under this section shall be filed in accordance with Revised Procedural Regulation No. 1.

Before filing an application for adjustment under the provisions of this section, each applicant shall obtain from the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a statement of the specific information that will be necessary in order that the application may receive attention.

(d) *Passing on of permitted increase by persons beyond the manufacturer.* In issuing adjustment orders under this section the Price Administrator will, wherever required, provide to what extent any increase permitted under this section, by way of adjustment, may be added to the maximum price or prices of sellers other than the manufacturer. To the extent that any such adjustment is made for retailers, as defined in § 1346.7 (b), this regulation will supersede the General Maximum Price Regulation.

This amendment shall become effective February 5, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1562; Filed, January 31, 1944; 11:49 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 187,[1] Amdt. 3]

CERTAIN PAPERBOARD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 187 is amended in the following respects:

1. In section 1 (c) (3) (viii) the following is added:

Differentials for quantities or number of colors of ink, in effect during the period October 1–31, 1941, inclusive, shall apply.

2. In Appendix A, paragraphs (b) and (c) are added to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14395, 17367.

(b) Where a manufacturer has established the practice of pricing a group of commodities and/or services by a price list under paragraph (a) above, and if the manufacturer is unable to determine a maximum price for a commodity and/or service under paragraph (a) above, the manufacturer shall:

(1) Select the most comparable commodity and/or service for which a maximum price has been established under paragraph (a) above;

(2) Divide his maximum price for the most comparable commodity and/or service by its current direct cost;

(3) Multiply the percentage so obtained by the current direct cost of the commodity and/or service being priced.

"Comparable commodity and/or service" means the commodity and/or service furnished by the same manufacturer and made on the same converting equipment, which differs the least from the commodity and/or service to be priced as determined by the use of the following tests: (a) style; (b) shape; (c) type of materials; (d) size; (e) addition or subtraction of parts or partitions. These tests must be applied successively and each is to be applied to the commodity or group of commodities determined by the application of the preceding test. A change in color of ink or a change in printing copy shall not affect the comparability of the commodity and/or service.

"Direct cost" means the sum of direct labor and direct material costs. Direct labor shall in no event be computed on wage rates higher than permitted by law, and direct material shall in no event be computed on prices higher than the maximum prices established by the applicable maximum price regulations.

Within ten (10) days after determining a maximum price for a commodity and/or service under this paragraph (b), the manufacturer shall report such price to the Office of Price Administration, Washington, D. C., together with a statement setting forth all relevant facts used in arriving at such maximum price. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) If the manufacturer is unable to determine a maximum price for a commodity and/or service under paragraphs (a) or (b) above, he shall file an application for approval of a maximum price with the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C. The application shall set forth:

(1) A description of the commodity and /or service for which a maximum price is sought;

(2) The reason why such commodity and/or service cannot be priced under paragraphs (a) or (b) above;

(3) The maximum price proposed by the manufacturer, together with a detailed explanation of the method by which the manufacturer calculated such price;

(4) The reasons why the manufacturer believes the proposed price to be in line with the level of maximum prices established by this regulation; and

(5) The manufacturer shall also submit such additional pertinent information as this Office may require.

Unless the Office of Price Administration or a duly authorized representative thereof shall, by letter mailed to the applicant within 21 days from the filing of such application approve, disapprove, adjust, amend, or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved, subject to non-retroactive written disapproval or adjustment at any later time by the Office of Price Administration.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1561; Filed, January 31, 1944; 11:48 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 464,[1] Amdt. 1]

PULPWOOD PRODUCED IN DESIGNATED STATES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 464 is amended in the following respects:

1. In section 8 (a), subparagraphs (7) and (14) are amended to read as follows:

(7) "Rough pulpwood" means pulpwood from which the bark has not been removed except that when rough pulpwood is produced in the Counties of Elk, Forest, McKean, Potter, Tioga, Warren, Jefferson, Lycoming and Wayne in the State of Pennsylvania, rough pulpwood shall also be sawn at both ends, full fifty-two (52) inches long, and round with a minimum diameter of six (6) inches;

(14) "Zone II" includes the State of Maryland, the Counties of Pendleton, Grant, Mineral, Hardy, Morgan, Hampshire, Berkeley, and Jefferson in the State of West Virginia and the State of Delaware.

2. In Appendix B (a), subparagraph (1) is amended to read as follows:

(1) The maximum price per cord for pulpwood cut from the stump in Zone II shall not exceed $9.60 for rough wood; and $12.80 for peeled wood, f. o. b. cars, banked down at a barge landing, or delivered to mill by truck. However, when pulpwood, other than that produced in the State of Delaware, is delivered to a consumer by truck or similar vehicle, an amount not in excess of $2.40 per cord may be added to the maximum price for wood delivered f. o. b. cars as hereinabove set forth. Where pulpwood is loaded on a barge by or at the expense of the seller, an amount not in excess of $1.00 per cord may be added to the maximum price at the landing.

3. In Appendix F, paragraph (b) is amended to read as follows:

(b) *Dealers.* In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10) hereof, such consumer may pay such dealer not more than the maximum price hereinbefore established, plus a dealer's allowance not in excess of 50¢ per cord for both rough and peeled wood, except if the pulpwood is produced in the States of Indiana, Illinois and Missouri, in which case the consumer may pay such dealer not more than the maximum price hereinbefore established, plus a dealer's allowance not in excess of $1.00 per cord for both rough and peeled wood.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1565; Filed, January 31, 1944; 11:50 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5E,[1] Amdt. 3]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5E is amended in the following respect:

Section 2.19 (d) is amended to read as follows:

(d) Each dealer shall deliver all "zafra" certificates in his possession in accordance with the provisions of section 7.16 to the Board having jurisdiction not later than 4:00 p. m. Saturday of the week during which such transfer of gasoline was made and shall receive an exchange certificate (Form OPA R–548) in exchange therefor.

This amendment shall become effective January 31, 1944.

(Pub. Law 871, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law No. 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, WPB Directive No. 1, Supp. Dir. 1–J, 7 F.R. 562)

Issued this 26th day of January 1944.

JORGE L. CORDOVA,
Territorial Director for Puerto Rico.

Approved:

GERALD A. BARRETT,
Acting Regional Administrator, Region IX.

[F. R. Doc. 44–1557; Filed, January 31, 1944; 11:52 a. m.]

PART 1399—CONSTRUCTION, OIL FIELD, MINING AND RELATED MACHINERY

[MPR. 134,[2] Amdt. 14]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND OPERATING OR MAINTENANCE SERVICE CHARGES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1399.16 Appendix B of Maximum Price Regulation 134 is amended in the following respects:

1. Paragraph (a) is amended in the following respects:

a. The text of subparagraph (1) preceding the schedule, is amended to read as follows:

(1) The maximum rental price for any dump truck rented on a fully-operated basis for use on construction or road maintenance work (including other uses to which it may be assigned in the course of a rental that is primarily for construction or road maintenance work), shall be a price calculated on the basis of the hours of actual use of such truck multiplied by an hourly rate which is the sum of (i) the applicable charge per hour, according to the capacity of such truck, set forth in the following Schedule, plus (ii) 135% of the hourly wage for the operator of such truck at the rate prevailing on March 31, 1942 in the area of the job site. "Rate" or "rates" as used in this paragraph means the sum of the aforesaid items. Where the rental is on a fully-operated basis excepting only a driver, the maximum rental price may be computed by multiplying the number of hours of actual use by the applicable charge per hour set forth in the following schedule, as an alternative to the method set forth in paragraph (b) (5) of this section.

b. The heading "charge per hour (less operator's wages)" in the schedule of subparagraph (1) is amended to read as follows: "charge per hour (not including operator's wages)".

c. The first sentence of subparagraph (2) is amended to read as follows: "The capacity of any dump truck shall be the water level capacity as determined by the height of the tail gate or front end, whichever is lower, of the permanent body of the truck: *Provided*, That when necessary to attain such water-level the sides of the truck are brought up to this height, whether by temporary or permanent additions."

d. Subparagraph (2) is further amended by adding a new sentence to read as follows: "The capacity of the Boulder type dump truck shall be determined by the manufacturer's rating."

e. In subparagraph (7) the words "as beginning from the time the truck arrives" _____ are amended to read as follows: _____ "as beginning not sooner than the time the truck arrives _____."

2. The text of paragraph (b) (1) preceding the schedule is amended to read as follows:

(1) The maximum rental price for any dump truck rented on a bare basis for use on construction or road maintenance work (including other uses to which it may be assigned in the course of a rental that is primarily for construction or road maintenance work), shall be a price calculated on the basis of a monthly rate equal to the applicable percentage, according to the value of such truck as set forth in the schedule below, of the highest maximum price (exclusive of any allowance for storage and maintenance) established by any regulation issued by the Office of Price Administration for the sale to any domestic class of purchasers of the nearest equivalent new dump truck, or the nearest equivalent new truck chassis and the nearest equivalent new extra, special, or optional equipment which may have been added to complete the truck. The maximum rate per week shall not exceed ⅓ of the maximum rate per month; the maximum rate per day shall not exceed 1/12 of the maximum rate per month.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1560; Filed, January 31, 1944; 11:48 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478,[1] Amdt. 2]

COATED AND COMBINED FABRICS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 478 is amended in the following respects:

1. In section 1 (c), the text preceding subparagraph (1) is amended to read as follows: "This regulation applies to any manufacturer or wholesaler of coated or combined fabrics. A person may be a manufacturer as to certain fabrics and a wholesaler as to others, depending upon the functions that he performs with respect to the fabric in question. When used in this regulation, the term:"

2. Section 6 (a) (3) is added to read as follows:

(3) Fabrics which are used in the production of combat vehicles or airplanes specifically designed for military use and services rendered on such fabrics.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1555; Filed, January 31, 1944; 11:52 a. m.]

[1] 8 F.R. 14080.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9975.

[2] 7 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 9548, 9785, 8 F.R. 1975, 3789, 5931, 9140, 10759, 12544, 13127.

[1] 8 F.R. 12092, 12515, 14074, 14278.

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[RMPR 324,[1] Amdt. 2]

FENCE POSTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 324 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *Purpose and coverage of this regulation.* (a) This regulation establishes specific maximum prices for all sales of fence posts of the species listed below. Species not listed remain subject to the General Maximum Price Regulation,[2] except on sales by retail yards which are covered in section 3. The "species" includes also some limitations as to the area in which the posts are produced. The species covered are:

(1) Northern White Cedar (Thuja occidentalis), produced in the States of Michigan, Minnesota, Wisconsin, Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

(2) Yellow pine, including shortleaf pine (Pinus echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), or longleaf pine (Pinus palustris), and any other species commercially known as Southern yellow pine, produced at any point in the United States.

(3) Arkansas red cedar (Juniperus virginiana) produced in Arkansas, Louisiana, Oklahoma, and Missouri.

(4) Tennessee red cedar (Juniperus virginiana) produced in Tennessee, Alabama, Kentucky, Virginia, Georgia, North Carolina, South Carolina, West Virginia, Indiana, and Ohio.

(5) Texas mountain cedar (Juniperus mexicana and Juniperus pinchotii) produced in Texas and Oklahoma.

(6) Black locust (Robinia pseudoacacia) produced in Arkansas.

(7) All species of oak (Quercus) produced in Arkansas.

(8) Western Red cedar (Thuja plicata) produced in Idaho, Montana, and those parts of Oregon and Washington lying east of the crest of the Cascade Mountains.

(9) Redwood (Sequoia sempervirens) produced in California.

(b) The term "fence posts" as used in this regulation includes fence posts and stakes, round or split, peeled or unpeeled, untreated or treated. Material may be sold under this regulation as a "fence post" only if it is not greater than eight inches in diameter nor longer than 14 feet and for actual end use as support for fencing. "Diameter" refers to the diameter measured under the bark.

(c) All posts priced in this regulation must be of sound live timber free of decay, splits, large or numerous knots or knot holes, etc., that would impair strength or durability, except other grades specifically priced in the tables of section 4.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2027, 3367, 8869, 10436.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025, 9991, 11955, 13924.

2. Section 3 is amended to read as follows:

SEC. 3. *How to figure maximum prices.* (a) The maximum prices for posts of the listed species for all sales except sales by distributors to retailers, sales out of retail yards, and sales to industrial users, are shown in the tables in section 4.

(b) *Maximum prices for distributors' sales to retail yards.* On sales by a distributor to a retailer, the maximum prices for untreated posts shown in section 4 may be increased 15 percent: *Provided*, The sale is in less-than-carload quantity, and the distributor's stock from which the sale is made is maintained outside the normal production area of the species sold.

NOTE: Retailers buying posts under this provision and reselling to consumers are still limited to resale prices determined according to paragraph (c) below.

(c) *Maximum prices for retail yard sales.* A "retail yard" under this regulation is a wholesale or retail lumber yard or other retail business which gets fence posts from producers, concentrators, or wholesalers; unloads, stores, and resells them to consumers; which regularly maintains a stock of merchandise including fence posts; which sells mostly for local delivery by truck; and which has been located at its particular site in order to be near a consuming area. The maximum prices for retail yard sales of fence posts, treated or untreated, shall be determined as follows:

(1) *Listed species; untreated or treated by nonpressure methods:*

(i) The maximum price from section 4 for the same size and species of post, plus

(ii) An addition for inbound freight computed by multiplying the appropriate estimated weight given in section 4 by the carload freight rate from the basing point given for that species which produces the lowest rate to the seller's retail yard, plus

(iii) A mark-up of 33⅓ percent to the total of (i) and (ii), except that on yellow pine posts the percentage mark-up is limited to 25 percent.

(2) *Listed species; pressure treated:*

(i) The maximum price from section 4 for the same size and species of post, plus

(ii) The appropriate addition for pressure treatment shown in Maximum Price Regulation 491, section 19 (c), table 3,[3] plus

(iii) An addition for freight computed by multiplying the appropriate estimated weight given in section 4 by the carload freight rate from the basing point given for that species which produces the lowest rate to the seller's retail yard, plus

(iv) A mark-up of 25 percent to the total of (i), (ii), and (iii).

NOTE: These treating additions are per piece and include preservative required to obtain a final retention of six pounds per cubic foot with grade one creosote oil. On any other specification of treatment the original seller must have secured approval of an addition under section 8 of Maximum Price Regulation 491. The addition so authorized for his supplier must be used by the retail yard in figuring the maximum price. If this cannot be ascertained, the retail yard must apply for approval of an addition according to section 6 of Revised Maximum Price Regulation 324.

(3) *Species not listed; treated or untreated:*

(i) The General Maximum Price Regulation price of the supplier from whom the posts are bought, plus

(ii) Actual transportation costs from the supplier's shipping point to the retail yard, plus

(iii) A mark-up of 33⅓ percent to the total of (i) and (ii).

(4) *Delivery charges.* The maximum prices for retail yard sales established under this paragraph (c) include free delivery within the mileage limits and to those classes of customers to whom free delivery was extended in March 1942. On retail-yard sales to those classes of customers to whom free delivery was not included in March 1942, an additional charge for delivery may be made, according to (i) or (ii) below.

(i) *Private truck.* When delivery is by truck owned or controlled by the seller, the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. This "actual cost" may not be higher than the over-all average trucking cost for a similar delivery arrived at as of the 12-month period ending December 31, 1942.

(ii) *Common or contract carrier.* When delivery is made by common or contract carrier only the actual amount paid to the carrier for transportation of the fence posts may be added.

(d) *Maximum prices for sales to industrial users.* Industrial users for the purpose of this regulation are federal, state, and municipal governments, industrial plants, and transportation systems, which use fence posts for the protection and maintenance of their properties. The maximum prices for sales of fence posts to an industrial user shall be determined as follows:

(1) *Listed species; untreated or treated by nonpressure methods:*

(i) The maximum price from section 4, plus

(ii) An addition for freight computed by multiplying the appropriate estimated weight given in section 4 by the carload freight rate from the basing point given for that species which is nearest the seller's shipping point, plus

(iii) A mark-up of 15 percent to the total of (i) and (ii).

(2) *Listed species, pressure treated:*

(i) The maximum price from section 4 for the same size and species of post, plus

(ii) The appropriate additions for pressure treatment shown in Maximum Price Regulation 491, section 19 (c), Table 3 (see note under paragraph (c)), plus

(iii) An addition for freight computed by multiplying the appropriate estimated weight given in section 4 by the carload freight rate from the basing point given for that species which is nearest the seller's shipping point.

(3) *Species not listed; treated or untreated:* The seller's General Maximum Price Regulation price including delivery to destination shall apply.

plying to "3" Round 8'", the figure ".17" is changed to ".19".

3. In section 4, Table 1, in the line ap-

Diameter at small end	Length	MPR 491 Addition for Pressure Treatment
	Feet	
4½" round	6½	$0.325
5" round	6½	.45
6" round	6½	.62
2½" round	7	.13
3" round	7	.175
3½" round	7	.235
4" round	7	.29
4½" round	7	.35
5" round	7	.485
6" round	7	.67
2½" round	8	.15
3" round	8	.205
3½" round	8	.265
4" round	8	.33
4½" round	8	.45
5" round	8	.55
6" round	8	.795
7" round	8	1.05
8" round	8	1.35
7" round	9	1.20
8" round	9	1.70
3" round	10	.28
3½" round	10	.35
4" round	10	.48
4½" round	10	.56
5" round	10	.77
6" round	10	1.00
7" round	10	1.35
8" round	10	1.70
3" round	12	.35
3½" round	12	.42
4" round	12	.575
4½" round	12	.68
5" round	12	.945
6" round	12	1.20
3" round	14	.40
3½" round	14	.49
4" round	14	.67
4½" round	14	.80
5" round	14	1.02
6" round	14	1.40
4" halves	6	.14
4½" halves	6	.165
5" halves	6	.195
5½" halves	6	.235
6" halves	6	.30
4" halves	6½	.14
4½" halves	6½	.175
5" halves	6½	.21
5½" halves	6½	.255
6" halves	6½	.325
4" halves	7	.15
4½" halves	7	.19
5" halves	7	.23
5½" halves	7	.275
6" halves	7	.35
4" halves	8	.175
4½" halves	8	.22
5" halves	8	.265
5½" halves	8	.31
6" halves	8	.40
7" face quarters	6½	.21
8" face quarters	6½	.29
7" face quarters	7	.23
8" face quarters	7	.33

[3] For convenience, this schedule of additions for pressure treatment is shown herein, as follows:

Diameter at small end	Length	MPR 491 Addition for Pressure Treatment
	Feet	
2½" round	6	$0.11
3" round	6	.15
3½" round	6	.20
4" round	6	.25
4½" round	6	.30
5" round	6	.415
6" round	6	.575
2½" round	6½	.12
3" round	6½	.165
3½" round	6½	.215
4" round	6½	.27

4. In section 4, Table 4 is amended to read as follows:

TABLE 4.—TENNESSEE RED CEDAR

Species: Red Cedar (Juniperus virginiana) produced in Tennessee, Alabama, Kentucky, Virginia, Georgia, North Carolina, South Carolina, West Virginia, Indiana, and Ohio. Basing Point: Murfreesboro, Tennessee.

[F. o. b. loading-out point]

Diameter at small end (except on quarters which are measured by width of flat side)	Length	Price each post	Estimated weights (lbs. per post)
	Feet		
2" round	6½	$0.08	11.5
2½" round	6½	.12	17.5
3" round	6½	.14	23
4" round	6½	.23	35
5" round	6½	.29	46
2" round	7	.085	14
2½" round	7	.13	19.5
3" round	7	.155	25
4" round	7	.25	38
5" round	7	.39	52
6" round	7	.67	75
3" round	8	.20	30
4" round	8	.33	44
5" round	8	.46	57
6" round	8	.74	86
7" round	8	1.24	126
8" round	8	1.57	172
6" round	9	.98	101
7" round	9	1.42	150
8" round	9	1.84	184
4" round	10	.43	52
5" round	10	.66	75
6" round	10	1.11	115
7" round	10	1.63	173
8" round	10	2.50	196
4" round	12	.53	69
5" round	12	.90	98
6" round	12	1.28	144
4" round	14	.67	92
5" round	14	1.13	121
6" round	14	1.57	173
3" to 3½" slabbed one side	6½	.19	23
3½" to 5" slabbed one side	6½	.25	30
3" to 3½" slabbed one side	7	.20	25
3½" to 5" slabbed one side	7	.26	37
3½" to 5" slabbed one side	8	.31	46
5" face sawn or split halves	6½	.19	21
6" face sawn or split halves	6½	.26	35
7" face sawn or split halves	6½	.40	46
5" face sawn or split halves	7	.20	23
6" face sawn or split halves	7	.27	38
7" face sawn or split halves	7	.44	52
6" face sawn or split halves	8	.37	44
7" face sawn or split halves	8	.52	57.5
3" to 3½" axe hewn four sides	6½	.22	21
3½" to 4" axe hewn four sides	6½	.26	25
4" to 5" axe hewn four sides	6½	.27	35
3" to 3½" axe hewn four sides	7	.23	24
3½" to 4" axe hewn four sides	7	.27	29
4" to 5" axe hewn four sides	7	.30	37
5" to 6" axe hewn four sides	7	.54	52
3" to 3½" axe hewn four sides	7½	.24	26
3" to 3½" axe hewn four sides	8	.28	29
3½" to 4" axe hewn four sides	8	.28	35
4" to 5" axe hewn four sides	8	.48	41
5" to 6" axe hewn four sides	8	.62	58
6" to 7" axe hewn four sides	8	1.29	96
7" to 8" axe hewn four sides	8	1.80	115
8" to 9" axe hewn four sides	8	2.33	138
5" to 6" axe hewn four sides	9	.79	69
6" to 7" axe hewn four sides	9	1.47	92
7" to 8" axe hewn four sides	9	1.86	127
8" to 9" axe hewn four sides	9	2.51	161
3½" to 4" axe hewn four sides	10	.56	46
4" to 5" axe hewn four sides	10	.67	58
5" to 6" axe hewn four sides	10	.89	86
6" to 7" axe hewn four sides	10	1.62	109
7" to 8" axe hewn four sides	10	2.08	138
8" to 9" axe hewn four sides	10	2.65	196

5. In section 4, Tables 9 and 10 are redesignated Tables 10 and 11, respectively, and a new Table 9 is inserted to read as follows:

TABLE 9.—NORTHERN WHITE CEDAR—NEW ENGLAND

Species: Northern White Cedar (Thuja Occidentalis) produced in New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Maine. Basing Point: Dover-Foxcroft, Maine.

[F. o. b. loading-out point]

Diameter at small end	Length	Price each post	Estimated weight (lbs. per post)
	Feet		
3"	6	$0.18	18
4"	6	.21	30
5"	6	.24	42
6"	6	.30	60
3"	7	.21	21
4"	7	.245	35
5"	7	.28	49
6"	7	.35	70
3"	8	.24	24
4"	8	.28	40
5"	8	.32	56
6"	8	.40	80
3"	10	.30	30
4"	10	.35	50
5"	10	.40	70
6"	10	.50	90
3"	12	.36	36
4"	12	.42	60
5"	12	.48	96
6"	12	.60	120

6. Section 5 is amended to read as follows:

SEC. 5. *Transportation addition.* (a) Except as specially provided in section 3 (a) (2), covering retail-yard sales, additions for transportation shall be computed from the applicable basing point specified in the heading of the appropriate price table. In the case of Northern white cedar (Table 1) and yellow pine (Table 2), where more than one basing point is given, the applicable basing point is the one nearest the shipper's actual loading-out point.

(b) When the estimated weights in the tables of section 4 are used, the weight times the carload railroad freight rate from the applicable basing point to the actual destination is the maximum permissible addition, even if the estimated weights are higher than the actual weights.

(c) When estimated weights are not used, the maximum addition for transportation is the actual weight times the carload railroad freight rate from the applicable basing point to destination.

7. Section 7 is amended to read as follows:

SEC. 7. *Treated posts.* Pressure-type preservative treatment additions are established by Maximum Price Regulation 491, section 19 (c), Table 3. On sales of posts of the listed species which are treated by methods other than pressure process, an addition may be made to the maximum prices contained in section 4, figured according to section 6 of this regulation. Posts of unlisted species, treated by any method, remain under the GMPR, except as covered in section 3 for retail-yard sales.

8. In section 8, the phrase "at retail" is substituted in place of the phrase "to consumers".

9. In section 9, the following sentence is added: "It is a direct violation to buy or sell material as fence posts under and according to the provisions of this regu-

lation, for use as saw-logs or for any other purpose than as support for fencing."

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1553; Filed, January 31, 1944; 11:51 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-9, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN NEW ORLEANS, LA., DISTRICT

For the reasons set forth in the statement of considerations issued simultaneously herewith, Restaurant Maximum Price Regulation No. 5–9 is hereby amended in the following respects:

1. Section 18 is amended by the addition of a paragraph (j) reading as follows:

(j) Eating and drinking places operated on a non-profit basis by the State of Louisiana or any agency thereof.

2. The first paragraph of section 19 (b) is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 88]

CALCIUM CARBIDE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.16 (a) is amended to read as follows:

(a) *Maximum prices.* Maximum prices for sales and deliveries of calcium carbide are established as follows:

Grade and class of purchaser	Container	Quantity of shipment	Maximum price per ton
(i) Generator grades or mixed grades:			
(i) For domestic use:			
(a) Industrial customers not receiving allocations.	100 lb. drums	LCL	$95.00, delivered warehouse cities.
(b) Industrial customers receiving allocations.	100 lb. drums	LCL	$93.00, delivered warehouse cities.
	100 lb. drums	CL	$87.00, delivered purchaser's siding.
	All other containers	CL	$85.00, delivered purchaser's siding.
(c) Shipyards			Appropriate price specified in (a) or (b) less $1.00 per ton.
(d) Acetylene plants	100 lb. drums	CL	$67.00, f. o. b. producing point.
	All other containers	CL	$65.00, f. o. b. producing point.
(e) Chemical plants allocated more than 50 tons per month.	100 lb. drums	CL	$57.00, f. o. b. producing point.
	250–400 lb. drums	CL	$55.00, f. o. b. producing point.
	600–1,100 lb. drums	CL	$53.00, f. o. b. producing point.
	5-ton bulk containers	CL	$50.00, f. o. b. producing point.
(ii) For export	100 lb. drums	CL	$80.00, f. o. b. producing point.
	100 lb. drums	LCL	Appropriate price specified in (i) (a) or (b).
			Appropriate price specified in (1) plus $7.00 per ton.
(2) Rice and 14ND	All containers	CL	$55.00, f. o. b. producing point.
(3) Fines—all purchasers			

The above prices for sales in containers of 400 lbs. or less include containers. On sales in containers of more than 400 lbs., the above prices do not include containers.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1563; Filed, January 31, 1944; 11:49 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3–1, Revocation]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN JEFFERSON COUNTY, KY.

For the reasons set forth in a statement of considerations issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Executive Order No. 9328, and General Order No. 50 issued by the Office of Price Administration, it is ordered that Restaurant Maximum Price Regulation No. 3–1 entitled "Food and Drink Sold for Immediate Consumption, Jefferson County, Kentucky" be, and the same is, hereby revoked.

The provisions of Supplementary Order No. 40, "Effect of Repeal. Revocation, Amendment or other Modifications of Price Regulations" issued by the Price Administrator on April 2, 1943, shall apply with full force and effect to this order of revocation.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued and effective February 1, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–1605; Filed, February 1, 1944; 11:54 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 8,[1] Amdt. 5]

COUNTERFEITED OR FORGED RATION DOCUMENT

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.5 is amended to read as follows:

SEC. 2.5 *Acquisition, use, transfer or possession of counterfeited or forged ration document.* (a) No person shall acquire, use, permit the use of, transfer, possess or control any counterfeited or forged ration document under circumstances which would be in violation of section 2.6 if the document were genuine or if he knows or has reason to believe that it is counterfeited or forged.

This amendment shall become effective February 5, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

[1] 8 F.R. 3783, 5677, 9626, 15455.

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1604; Filed, February 1, 1944; 11:55 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[RPS 9,[2] Amdt. 8]

HIDES, KIPS AND CALFSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 9, as amended, is amended in the following respects:

The effective date of Amendment 3 is hereby postponed from February 1, 1944 to June 1, 1944.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1603; Filed, February 1, 1944; 11:55 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[2] Amdt. 21]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. In section 20, Table A, the prices per pound for Schedule Nos. 14 and 17 during the months October through March are amended to read as follows:

[1] 7 F.R. 1227, 2000, 2132, 5706, 8948; 8 F.R. 2997, 11676, 12312, 13513, 15259, 8 F.R. 16279.
[2] 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

TABLE A—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, October through March	
					Bulk ex-vessel	Boxed
14	Sole, Lemon (Pseudo pleuronectes dignabilis)[1]	1	Round	All sizes	$0.10	$0.17
17	Scallops, Sea (Pecten magellanicus)	1	Meats	All sizes	.38	.39

2. In section 20, Table B, the prices per pound for Schedule Nos. 14 and 17 during the months October through March are amended to read as follows:

TABLE B—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, October through March
14	Sole, Lemon (Pseudo pleuronectes dignabilis)	1	Round	All sizes	$0.18[1]/2
		2	Fillets	All sizes	.64
17	Scallops, Sea (Pecten magellanicus)	1	Meats	All sizes	.41[3]/4

PART 1340—FUEL

[MPR 112, Amdt. 17]

PENNSYLVANIA ANTHRACITE

A statement of consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.200 (a) (6) is added to read as follows:

(6) The maximum prices for all anthracite loaded at the mine or preparation plant into railroad cars or trucks during the month of February, 1944 for delivery to destination may be increased by a sum not to exceed 45 cents per net ton. On and after March 1, 1944 the maximum prices for such anthracite shall revert to the maximum prices as established by subparagraphs 1, 2, 3, 4 and 5 of this section or by an order of adjustment issued prior to February 1, 1944.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1572; Filed, January 31, 1944; 4:11 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270,[1] Amdt. 2]

DRY EDIBLE BEANS, AND CERTAIN OTHER DRY FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 6 is amended to read as follows:

SEC. 6. *Packaging allowances.* For listed food commodities packed in the following containers, additional amounts shall be included in base prices as follows:

	Per cwt.
Up to and including 1 lb	$2.05
Over 1 lb. up to and including 2 lbs	1.65
Over 2 lbs. up to and including 3 lbs	1.35
Over 3 lbs. up to and including 5 lbs	1.10
Over 5 lbs. up to and including 25 lbs	.50
Over 25 lbs. up to and including 50 lbs	.25
Over 50 lbs	Nothing

This amendment shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 29, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–1571; Filed, January 31, 1944; 4:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 29 Under § 1499.3 (c) to GMPR]

UNIT STRUCTURES, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with § 1499.3 (c) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.826 *Authorization of maximum prices for sales to dealers of certain prefabricated farm buildings and accessories manufactured by Unit Structure, Inc.* (a) The maximum prices for sales to dealers of the types and descriptions of certain prefabricated farm buildings and accessories manufactured by Unit Structures, Inc., of Peshtigo, Wisconsin, listed below, and contained in the price list of August 21, 1943, filed with the Office of Price Administration by the National Ideal Company of Toledo, Ohio, and sold to dealers by any person, shall be as follows:

PREMIER FARM BUILDINGS

U–12 X Brooder House	$111.80
U–12 R Brooder House	127.60
U–12 SR Brooder House	135.60
U–40 Frame Assembly	26.20
UG Rafters (Repair Item)	3.40
X–10 Brooder House	121.20
X–15 Brooder House	164.00
X–20 Brooder House	206.80
XS–1 5 Ft. Section	42.80
XS–2 10 Ft. Section	85.60
UL–20F Laying House	293.20
UL–20 Laying House	238.00
UL–30F Laying House	404.80
UL–30 Laying House	319.80
UL–40F Laying House	515.60
UL–40 Laying House	401.60
410 (2) Dropping Boards	12.60

MASONITE CELL-U-BLANKET FOR:

UL–20 Laying House	$31.04
UL–30 Laying House	38.88
UL–40 Laying House	46.72
X–10 Brooder House	11.88
X–15 Brooder House	15.20
X–20 Brooder House	18.48
U–12 Series Brooder Houses	16.56

All prices are f. o. b. Peshtigo, Wisconsin, or Sayville, New York.

(b) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

This Order No. 29 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1558; Filed, January 31, 1944; 11:49 a. m.]

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 16166, 17331.

3. In section 20, Table C, the prices per pound for Schedule Nos. 14 and 17 during the months October through March are amended to read as follows:

TABLE C—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE SALES AND SALES BY WHOLESALERS OTHER THAN PRIMARY FISH SHIPPER WHOLESALERS TO OTHER WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, October through March
14	Sole, Lemon (Pseudo pleuronectes dignabilis)	1	Round	All sizes	$0.20
		2	Fillets	All sizes	.67
17	Scallops, Sea (Pecten magellanicus)	1	Meats	All sizes	.44¼

4. In section 20, Table D, the prices per pound for Schedule Nos. 14 and 17 during the months October through March are amended to read as follows:

TABLE D—MAXIMUM PRICES FOR CASH AND CARRY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, October through March
14	Sole, lemon (Pseudo pleuronectes dignabilis)	1	Round	All sizes	$0.21
		2	Fillets	All sizes	.68
17	Scallops, sea (pecten magellanicus)	1	Meats	All sizes	.45¼

5. In section 20, Table E, the prices per pound for Schedule Nos. 14 and 17 during the months October through March are amended to read as follows:

TABLE E—MAXIMUM PRICES FOR SERVICE AND DELIVERY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, October through March
14	Sole, Lemon (Pseudo pleuronectes dignabilis)	1	Round	All sizes	$0.23½
		2	Fillets	All sizes	.70½
17	Scallops, Sea (Pecten magellanicus)	1	Meats	All sizes	.47¾

This amendment shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1601; Filed, February 1, 1944; 11:54 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 100]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 5C is amended in the following respects:

1. Section 1394.7851 (b) (2) (viii) is added to read as follows:

(viii) To transport a representative of a fertilizer manufacturer or a fertilizer mixer to the establishments of fertilizer dealers and fertilizer agents, for the purpose of arranging for the transportation of fertilizer in cooperation with the fertilizer transportation program of the War Food Administration.

(a) The applicant shall present the certification of the Chief of the Fertilizer Division, Office of Materials and Facilities, War Food Administration, stating that travel by him is necessary to the success of the War Food Administration fertilizer transportation program, and certifying the mileage needed by him for the performance of his duties in connection with such program.

(b) No ration issued under this subdivision shall be valid after May 30, 1944.

2. Section 1394.7851 (c) (4) is amended to read as follows:

(4) If application is made pursuant to paragraph (b) (1) (i) or (iii) or paragraph (b) (2) (i), (ii), (iii), (vi) or (viii) or paragraph (b) (8), or for use with a motorboat pursuant to paragraph (b) (5) (i) or (ii) of this section, the alternative means of transportation, which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

3. Section 1394.7856 (c) (2) is amended to read as follows:

(2) The Board shall make a notation upon the registration card or registration certificate of such vehicle of the date of issuance and the class of ration issued.

4. In § 1394.8003 the first sentence is amended to read as follows: "At the time of issuing a gasoline ration in connection with which the presentation of a registration card is required pursuant to paragraph (a) of § 1394.8002, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the motor vehicle registration card or registration certificate presented by the applicant, showing the date of issuance and the class of ration issued."

5. In § 1394.8004 (e) the text preceding subparagraph (1) is amended by inserting after the words "clearly and in ink," the words "or shall write or print clearly and in indelible pencil,".

This amendment shall become effective February 5, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1597; Filed, February 1, 1944; 11:52 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 101]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8006 (c) is added to read as follows:

(c) If a ration has been issued in whole or in part in the form of a gasoline deposit certificate, the renewal of such ration shall be subject to the provisions of § 1394.8051 (g).

2. Section 1394.8015 is revoked.

3. Section 1394.8017 is amended by substituting for the reference "§ 1394.8103 (e)" the reference "§ 1394.8102 (h)".

4. Section 1394.8051 (a) is amended by deleting the first sentence.

5. Section 1394.8051 (g) is added to read as follows:

(g) Notwithstanding any other provisions of this section any renewal of a ration which was issued in whole or in part in the form of a gasoline deposit certificate, shall be subject to the following provisions:

(1) The Board shall determine what amount, if any, of the former ration remains unused in the form of credits in a ration bank account as of the effective date of the renewal.

(2) The unused credits in the ration bank account, so determined by the Board, shall be available for use during the period for which the renewal ration is issued and shall be deemed a portion of the renewal ration.

(3) The Board shall subtract the amount of such unused credits from the amount of gallonage allowed for the renewal period and issue the remainder, if any, in the same manner as any other renewal.

6. Section 1394.8101 is amended to read as follows:

§ 1394.8101 *Invalidity of expired rations.* No ration evidence may be used and no ration evidence shall be valid for transfer of gasoline to a consumer after the expiration of the ration.

7. Section 1394.8102 is amended to read as follows:

§ 1394.8102 *Expiration of rations and surrender of expired rations.*—(a) *Basic rations.* All Class A coupons and coupons contained in Basic Class D books shall expire at the end of the respective valid periods provided in § 1394.7652. A basic ration issued in the form of gasoline purchase permits shall expire as noted on the permits.

(b) *Supplemental, fleet, official, and similar occupational rations.* (1) The coupons and any gasoline deposit certificates representing any supplemental, fleet or official ration, or any ration issued under § 1394.7757 for a vehicle operated on interchangeable license plates, or any ration issued under § 1394.7758 for a leased rental vehicle for a period of three months shall expire on the date when a renewal of such ration becomes valid. A ration issued under § 1394.7758 for a vehicle available for public rental leased for a period of less than three months shall expire as noted on the application and the ration evidence or folder.

(2) Every supplemental ration issued for use in connection with the employment of a ration holder at a plant, establishment or facility at which an organized transportation plan has been established shall expire upon termination of the employment of the ration holder at such plant, establishment or facility, if the committee or official in charge of the organized transportation plan has been given authority to accept the surrender of expired rations. When a ration expires for this reason, all unused books and coupons representing such ration shall be surrendered immediately by the holder thereof to such committee or official or to the issuing Board. If such ration is evidenced by credits in a ration bank account, the holder shall immediately issue to such committee or official or to the issuing Board a certified ration check, payable to the Office of Price Administration for the net balance on his account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. A committee or official to whom any book or ration coupons or a ration check is surrendered shall issue a receipt therefor, and promptly forward such book coupons or check to the issuing Board, or, in the event the rations for the employees are issued by more than one Board, the book, coupons or ration check shall be forwarded in such manner as may be prescribed by the District Director having jurisdiction over the area in which such plant, establishment or facility is located.

(3) Authority to accept the surrender of expired rations may be conferred upon the committee or official in charge of an organized transportation plan by the Board which has jurisdiction to issue rations for all of the employees of the plant, establishment or facility at which the plan has been established. If no Board has such jurisdiction the authority may be conferred by the District Director having jurisdiction over the area in which such plant, establishment or facility is located.

(c) *Transport rations.* (1) All transport rations represented by Class T coupons or gasoline deposit certificates shall expire at midnight of the last day of the calendar quarterly period for which they are issued.

(2) A transport ration shall also expire immediately upon revocation by the Office of Defense Transportation of any certificate of war necessity for the vehicle or vehicles for which the ration was issued.

(3) When the Office of Defense Transportation has modified a certificate of war necessity by decreasing the number of gallons of gasoline allowed under such certificate, it may determine the amount of Class T coupons or credits in a ration bank account the holder has on hand for the operation of the vehicles or vehicles for which such certificate and ration were issued for the remainder of the quarter. It may also determine what amount, if any, of such coupons or credits provide gallonage in excess of the gallonage required for the operation of such vehicle or vehicles for the remainder of the quarter under the modified certificate, and in such a case the Office of Defense Transportation shall notify the holder of the amount of such excess coupons and ration credits. Thereupon such coupons and ration credits shall immediately expire.

(4) When a ration expires under the provisions of subparagraph (1) of this paragraph it shall be surrendered, within five days after it expires, to the district office of the Office of Defense Transportation having jurisdiction with respect to the certificate of war necessity for the vehicle for which the ration was issued. When a ration expires under the provisions of subparagraphs (2) or (3) of this paragraph, it shall be surrendered immediately upon demand to a person designated by the Office of Defense Transportation for that purpose. Surrender, in any case, shall be made by the person to whom the ration was issued, or by the person in possession of the evidences or certificates which have expired. If the ration is represented by credits in a ration bank account, the holder of the ration shall make the surrender by issuing a ration check payable to the Office of Defense Transportation, equal in gallonage value to that portion of the ration which has expired. The Office of Defense Transportation shall give the ration holder a receipt for all coupons or checks surrendered under this subdivision and shall destroy such surrendered coupons. A check issued for this purpose shall not be certified. It shall be returned promptly by the person to whom it is surrendered to the bank on which it is drawn.

(d) *Special rations.* Every coupon, and any gasoline purchase permit or gasoline deposit certificates representing a special ration shall expire as noted on the applications or ration evidences.

(e) *Non-highway rations.* Every coupon, and any gasoline deposit certificate representing a non-highway ration shall expire on the date when a renewal of such ration becomes valid.

(f) *Other circumstances which cause expiration of rations: Cessation of use, change of ownership, change in circumstances of use.* (1) Every ration shall expire upon cessation of use or change of ownership of the vehicle, boat or equipment for which it was issued. The transferee of the vehicle, boat or equipment may apply for a ration therefor in his own behalf, in accordance with the applicable provisions of Ration Order 5C. However, the transferee may not obtain a ration unless a bona fide transfer is involved and he presents a duplicate copy of a receipt on Form OPA R-569 pursuant to § 1394.8017.

(2) Every ration other than a basic ration shall expire upon cessation of use of the ration for a purpose for which such ration may be obtained. Every ration other than a basic or transport ration shall expire when a change occurs in the circumstances under which the ration is being used, of such nature and duration that a ration of the same class or substantially the same quantity could not be issued under the changed circumstances. Such a change in circumstances shall be deemed to have occurred:

(i) If the person for whose use the ration was issued changes the place of his lodging, the place of employment or the route or area over which he regularly drives, so as to decrease his need for mileage;

(ii) If the ration includes preferred mileage in excess of the limitation on non-preferred mileage, and the person for whose use the ration was issued changes his occupation so that he is no longer entitled to preferred mileage.

(iii) If reasonably adequate alternative means of transportation become available for a person whose ration was issued because such means were not available;

(iv) If a person whose ration was issued on the basis of a ride-sharing arrangement fails to maintain a ride-sharing arrangement under which he carries at least four persons, including the operator, under the circumstances stated in his application.

(g) *General requirements for surrender of expired rations.* Unless otherwise provided in this section, the person to whom a ration has been issued, or any person having possession of such ration, shall, within five days after such ration expires, surrender all unused ration evidences, and credits representing such ration and any folder to the issuing Board or, upon good cause shown, to any Board. If the expired ration is evidenced by credits in a ration bank account, the person to whom it was issued shall make

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15937, 16250, 16421, 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90.

such surrender by issuing an uncertified check for the net balance in such account representing such expired ration after deducting the aggregate gallonage of all outstanding checks. The check shall be made payable to the Office of Price Administration. Any check so surrendered shall be endorsed by the Board or office to which it was surrendered and returned promptly to the bank upon which it was drawn.

(h) *Issuance of receipts for rations surrendered on transfer of vehicle.* (1) Upon receiving the surrender, pursuant to paragraph (g) of this section, of all of the unused coupon books, coupons, folders and credits in a ration bank account which represent a ration for use with a motor vehicle transferred to a new owner, the Board shall issue a receipt (Form OPA R–569) in duplicate. When a Board is satisfied that the ration issued to the transferror of the vehicle has been lost, stolen or accidentally destroyed or is being wrongfully withheld from the possession of the transferor, or that no ration (whether valid or expired) issued for use with such vehicle is outstanding, or is satisfied that to refuse to issue a receipt (Form R–569) or to require surrender of such ration would cause undue hardship, the Board shall issue such a receipt in duplicate without a surrender of such coupons, books and ration checks.

(2) After December 31, 1943, any person who transfers a motor vehicle shall deliver to the transferee within two days of transfer duplicate copies of a receipt duly issued by a Board on Form OPA R–569.

(3) After December 31, 1943, the transferee of a motor vehicle, before registering the vehicle in any state for use, shall present the original copy of the receipt on Form OPA R–569 to the Registrar of Motor Vehicles. The duplicate copy of the receipt shall be submitted by the transferee of the motor vehicle to the Board pursuant to the provisions of § 1394.8017 at the time he applies for a ration for the vehicle.

(4) Any motor vehicle dealer holding for sale or resale any motor vehicle which he acquired before January 1, 1944 and for which no currently valid ration has been issued (except a special ration pursuant to the provisions of § 1394.7851 (b) (3) (i)), shall obtain duplicate copies of a receipt on Form OPA R–569 for each such vehicle held by him, by making application to the Board having jurisdiction over the area in which his dealer's establishment is located. Each such dealer shall execute in duplicate an inventory and application on Form OPA R–578 for such receipts. We shall deliver the original of such inventory and application to such Board on or after January 1, 1944, but not later than January 11, 1944, and shall retain the duplicate copy thereof until December 31, 1944. After December 31, 1943, any motor vehicle dealer who acquires a motor vehicle shall obtain duplicate copies of a receipt duly issued by a Board on Form OPA R–569 from the transferor of the vehicle at the time of transfer.

(5) Any person who scraps a motor vehicle on or after January 1, 1944 shall keep on hand for a period of twelve months at the place of business or other establishment where such vehicle was scrapped, duplicate copies of a receipt on Form OPA R–569 for every such vehicle, received by him on or after January 1, 1944.

8. Section 1394.8103 is revoked.

This amendment shall become effective February 5, 1944.

NOTE: The record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1598; Filed, February 1, 1944; 11:52 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 93]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5456 (a) is amended by adding after the period at the end of the paragraph the sentence, "However, where application is made to replace a lost or stolen coupon sheet, the Board, if it finds that extreme hardship will result if the applicant is deprived of the coupon sheet during the period the loss or theft is under investigation, may issue a coupon sheet containing enough coupons to enable the applicant to acquire fuel oil during the period of investigation (but not to exceed 30 days from the date his application was filed)."

2. Section 1394.5457 (a) is amended by substituting for the phrase "or a delivery receipt," the phrase "delivery receipt, or fuel oil deposit certificate".

3. Section 1394.5457 (b) is amended by substituting for the phrase "or a delivery receipt" the phrase "delivery receipt, or fuel oil deposit certificate".

This amendment shall become effective on February 5, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–O, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1599; Filed, February 1, 1944; 11:53 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480.

PART 1499—COMMODITIES AND SERVICES

[SR 14A[1] to GMPR, Amdt. 12]

DEFINITION OF "SOLD AT WHOLESALE"

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation No. 14A is amended in the following respects:

1. Section 1499.73a (a) (1) (xi) (*d*) (7) is added to read as follows:

(7) "Sold at wholesale" means a sale by any person, of fluid milk or cream in bottles or paper containers, to any person, including an industrial or commercial user, other than the ultimate consumer.

2. Section 1499.73a (a) (1a) (vi) (*d*) is added to read as follows:

(*d*) "Sold at wholesale" means a sale, by any person, of ice cream mix whose butterfat content is reduced to not less than 8% included in 14% or more (by weight) of milk solids, and of ice cream, to any person, including an industrial or commercial user, other than the ultimate consumer.

This amendment shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1600; Filed, February 1, 1944; 11:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 35–2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT PERMITS

LOCAL PASSENGER TRANSPORTATION EQUIPMENT

In accordance with § 501.308 of General Order ODT 35, it is hereby authorized that:

§ 521.5201 *Certain operations authorized.* Notwithstanding the provisions of § 501.307 of General Order ODT 35 the Department of War may use and operate local passenger transportation equipment (a) for the movement of military personnel on maneuvers or on trips made on official military orders, or (b) on special operations necessary for the prosecution of the war.

This General Permit ODT 35–2 shall become effective February 1, 1944.

[1] 8 F.R. 9885, 10514, 12793, 13060, 13724, 15259, 15705, 16604, 16428, 16919, 17199.

(E.O. 8989, as amended, 9156, 9294; 6 F.R. 6725 and 8 F.R. 14183, 7 F.R. 3349, 8 F.R. 221; General Order ODT 35, 8 F.R. 3451)

Issued at Washington, D. C., this 1st day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1580; Filed, February 1, 1944; 10:42 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. CMA–17]

BILLMAN COAL CO.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that certain adjustments have been made in the terms and conditions of employment at the coal mines of the Billman Coal Company, 900 Ninth Street SW., Canton, Ohio, which adjustments were approved by the National War Labor Board on January 11, 1944, and that there no longer exist any work stoppages or threats of work stoppages because of labor disputes at said mines.

Based upon such information, and after consideration of all the circumstances, I find that in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong., 1st Sess.) possession by the Government of such mines should be terminated.

Accordingly, I order and direct that the possession by the Government of the mines of the said Billman Coal Company, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession as provided in section 40 of the regulations for the operation of coal mines under Government control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointment of the Operating Manager for the mines of the said Billman Coal Company shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 31, 1944.

[F. R. Doc. 44–1606; Filed, February 1, 1944; 12:04 p. m.]

FOREIGN ECONOMIC ADMINISTRATION.

ADOPTION OF RECOMMENDATIONS OF COMPLIANCE COMMISSIONER

MEMORANDUM OPINION

Pursuant to Part 807 of the Regulations, adopted under section 6 of the Act of July 2, 1940, as amended, the Trade Intelligence Division of the Office of Exports, Office of Economic Warfare (now Trade Intelligence Division of the Requirements and Supply Branch, Foreign Economic Administration) charged the respondent, Caldwell and Company, 50 Broad Street, New York, New York, with the violation of section 6 of the Act of July 2, 1940, as amended, and the regulations adopted pursuant thereto. After due notice the respondent requested an oral hearing in accordance with § 807.7 of said regulations. The matter came on for oral hearing before William B. Butz, Compliance Commissioner for the Office of Economic Warfare. Respondent appeared and was represented by counsel. Subsequent to the hearing the parties submitted briefs in the matter.

Compliance Commissioner Kelly Kash, who has succeeded to the position, reviewed the evidence presented and after due consideration of the record on the 20th day of January 1944 filed his findings of fact and recommendation in this matter. Said findings show that Caldwell and Company, 50 Broad Street, New York, New York is a corporation engaged in the business of representing other concerns as agent in matters involving exportation of commodities between various countries; that under date of April 24, 1942, respondent made application for license to export 389,440 pounds of iron wire and rods of an approximate value of $10,775.00 to Viuda de Juan Spreafico S. A., Monasterio 359, Buenos Aires, Argentina; that said application named Wickwire Spencer Steel Company as the "source of supply" for the commodity, Viuda de Juan Spreafico as ultimate consignee, and stated that the commodity was to be used for the manufacture of nails for various packing houses, that the consignor in the United States was New York Steel Exchange, Argentina; that under date of April 17, 1942, respondent received from New York Steel Exchange a communication referring to Order 4327 C. W. "Baviu"—Certificate of Necessity No. 779 and advising respondent that Certificate of Necessity was enclosed, requesting that export license be procured, and stating that the Steel Company would defray all expenses in connection with the matter; that License No. 1019860 covers the quantity of 389,440 pounds of hot rolled wire rods consigned to the Company, hereinafter called Spreafico, S. A.; that such license shows that the shipment was to be made pursuant to order dated February 11, 1942; that although the New York Steel Exchange actually made the order for 180 tons of wire rods to Spreafico, such shipment being covered by License 1019860, it appears from letter of September 9, 1943, from New York Steel Exchange to the Board of Economic Warfare that portions of the materials were shipped to consignees not named in the license and shipped on order of New York Steel Exchange; that at the time of the filing of license application by respondent there was a subsisting order for the shipment to Spreafico, the consignee mentioned in the license; that necessary letters of credit were furnished by New York Steel Exchange for use by Caldwell and Company for the procurement and shipment of the commodity covered by the license mentioned; that Shippers Export Declaration dated February 25, 1943, covering license 1019860 for 256,180 pounds of wire rod stated the value of the shipment as $8,499.00, that such shipment was for the account of New York Steel Exchange, Argentina and showed Spreafico as consignee; that Shipper's Bill of Lading No. 276 covering 256,180 coil steel wire rods shows the shipper as Caldwell and Company, Inc., agents, notice to be given to New York Steel Exchange, Argentina, and shows Spreafico as ultimate consignee; that the files and papers in connection with the various transactions referred to show respondent acted as agent either for New York Steel Exchange or the ultimate consignee and this was the limit of its interest; that New York Steel Exchange was not a consumer of the products herein referred to by a dealer; that in a communication dated March 1, 1943, respondent advised New York Steel Exchange that the 120 tons of wire rods heretofore mentioned had been shipped and was enroute to New Orleans for shipment to Argentina, that such shipment was not to be marked "Baviu"; that under date of February 21, 1942, Swiss Bank Corporation advised respondent that irrevocable credit had been opened in favor of respondent for account of New York Steel Exchange in the sum of $24,804.00; that by letter of August 9, 1943, License No. 1019860 was cancelled by the Office of Exports; that respondent certified that the difference in price quoted in the export declaration and that in the export license was a result of an increase in export expenses and was authorized by the Maximum Export Price Regulation, and that the increase in price was due to additional freight charges; that Bill of Lading No. 276 for the shipment of 256,180 pounds of coil steel wire to be delivered to "Order New York Steel Exchange, Argentina", was in connection with License No. 1019860, and that the Steel Company was not mentioned in this license; that failure to mention the Steel Company in such license is in violation of the regulations; that the price of steel as set forth in the export license represented the price at which Wickwire Spen-

cer Steel Company sold the steel to New York Steel Exchange; that in connection with the prices covering the shipment of 256,180 pounds of wire it is admitted by respondent that on instructions from New York Steel Exchange it drew up letters of credit for aggregate amounts in excess of the price paid to Wickwire Spencer Steel Company, but it is found that the excess amount represented charges for storage, handling and transportation; that in connection with the application for license filed on August 31, 1942, the names of the applicant, consignee, quantity of the commodity, and price were in substantial compliance with the Export Regulations; that said steel wire rods had been purchased for Spreafico as the ultimate consumer through negotiations carried on by the New York Steel Exchange; that the selling price of the steel was $10,774.90 f. a. s. New York, but the actual sale price to the consignee was in excess of this sum; that answers to questions 2, 6, 8 and 11 on said license application were not false and were not made with the intention to conceal the fact that the commodity was to be consigned to the New York Steel Exchange though such answers do not entirely comply with the Regulations; that respondent knew on or about February 11, 1942, the New York Steel Exchange had bought the steel in question from Wickwire Spencer Steel Company and that a credit would be established in the respondent's favor by New York Steel Exchange; that the fact that New York Steel Exchange was not named in the license application as consignor, but that respondent as agent was named, with the name of its principal not being disclosed, and the fact that the New York Steel Exchange, Argentina was not named as consignee were violations of the Export Regulations which require disclosure of the name of the real shipper and the real consignee. The Commissioner after having found that there have been violations of the Export Regulations has recommended that the suspension of license privileges of respondent since the date of the charging letter be deemed sufficient disciplinary action and that there be no further suspension of licensing privileges beyond January 20, 1944.

The undersigned having considered the findings and recommendations of the Compliance Commissioner has determined that the findings of fact are amply supported by the evidence and adopts the recommendation of the Compliance Commissioner that there be no suspension of licensing privileges beyond that date. *And it is so ordered.*

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380; 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: January 29, 1944.

WALTER FREEDMAN,
Deputy Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-1579; Filed, February 1, 1944; 9:42 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2947]

EUGENE CIPRIANI

In re: Estate of Eugene Cipriani, also known as Gene Cipriani, deceased; File D-38-2835; E. T. sec. 8040.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation.

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by David Dotta, Administrator with the Will Annexed, acting under the judicial supervision of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Eugenia Cipriani, Italy.
Issue, names unknown, of Eugenia Cipriani, Italy.
Antonio Cipriani, Italy.
Issue, names unknown, of Antonio Cipriani, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eugenia Cipriani, issue, names unknown, of Eugenia Cipriani, Antonio Cipriani, and issue, names unknown, of Antonio Cipriani, and each of them, in and to the Estate of Eugene Cipriani, also known as Gene Cipriani, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1526; Filed, January 31, 1944; 11:18 a. m.]

[Vesting Order 2948]

ELIZABETH M. RICHARDSON

In re: Trust under the will of Elizabeth M. Richardson, deceased; File D-66-497; E. T. sec. 3969.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Miners National Bank of Wilkes-Barre, Pennsylvania and Z. Platt Bennett, Co-trustees, acting under the judicial supervision of the Orphans' Court of Luzerne County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gertrude H. Philippovich (nee Robinson), Germany (Austria).

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gertrude H. Philippovich (nee Robinson) in and to the trust estate created under the will of Elizabeth M. Richardson, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1527; Filed, January 31, 1944; 11:18 a. m.]

[Vesting Order 2967]

HENRY DRESES

In re: Trust under the will of Henry Dreses, deceased; File D-28-2120; E. T. sec. 2678.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Western Bank & Trust Company, S. E. Corner 12th & Vine Streets, Cincinnati, Ohio, and Mrs. Johanna Kahr Barnstorff, 505 Rollins Street, Columbia, Missouri, Co-Trustees, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Hamilton;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Dietrich Dreses, Germany.
Mrs. Sophie Kahr, Germany.
Heinrich Dreses, Germany.
Mrs. Emma Kahr Kueper, Germany.
Georg Dreses, Germany.
Otto Dreses, Germany.
Mrs. Wilhelmine Kahr Oehmig, Germany.
Maria Wilms, Germany.
Mrs. Gretchen Dreses Steinbeck, Germany.
Wilhelm Dreses, Germany.
Frieda Dreses, Germany.
Mrs. Marie Dreses Griese, Germany.
Mrs. Emma Dreses Borgschulze, Germany.
Persons or persons, names unknown, child or children of Dietrich Dreses, Mrs. Sophie Kahr, Heinrich Dreses, Mrs. Emma Kahr Kueper, Georg Dreses, Otto Dreses, Mrs. Wilhelmine Kahr Oehmig, Maria Wilms, Mrs. Gretchen Dreses Steinbeck, Wilhelm Dreses, Frieda Dreses, Mrs. Marie Dreses Griese and Mrs. Emma Dreses Borgschulze, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Dietrich Dreses, Mrs. Sophie Kahr, Heinrich Dreses, Mrs. Emma Kahr Kueper, Georg Dreses, Otto Dreses, Mrs. Wilhelmine Kahr Oehmig, Maria Wilms, Mrs. Gretchen Dreses Steinbeck, Wilhelm Dreses, Frieda Dreses, Mrs. Marie Dreses Griese and Mrs. Emma Dreses Borgschulze, and each of them, in and to the trust created under the will of Henry Dreses, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1528; Filed, January 31, 1944; 11:18 a. m.]

[Vesting Order 2968]

MARIE KOETTER

In re: Trust under the will of Marie Koetter, deceased; File D-28-2242; E. T. sec. 3295.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Northwestern National Bank of St. Louis, 1500 St. Louis Avenue, St. Louis, Missouri, Successor Trustee, acting under the judicial supervision of the Circuit Court of the State of Missouri, in and for the City of St. Louis;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Issleib, Germany.
Edgar H. A. Issleib, Germany.
Otto C. F. Issleib, Germany.
Person or persons, names unknown, heirs and assigns of Edgar H. A. Issleib and Otto C. F. Issleib, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $326.32 being net income in the process of administration by and in the possession and custody of the Northwestern National Bank of St. Louis, Trustee under the will of Marie Koetter, deceased; also,

All right, title, interest and claim of any kind or character whatsoever of Emma Issleib, Edgar H. A. Issleib, Otto C. F. Issleib and person or persons, names unknown, heirs and assigns of Edgar H. A. Issleib and Otto C. F. Issleib, and each of them, in and to the trust estate created under Clause 4 of the will of Marie Koetter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1529; Filed, January 31, 1944; 11:18 a. m.]

[Vesting Order 2969]

FRANK MAYLINGER

In re: Trust under the will of Frank Maylinger, deceased; File D-28-6470; E.T. sec. 3560.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank and Trust Company of New Haven, as Trustee, acting under the judicial supervision of the Court of Probate, District of New Haven, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely:

Nationals and Last Known Address

Auguste Maylinger Gresser, Germany.
Elizabeth Maylinger Pirner, Germany.
Johanna Maylinger Kaerlusohuntz, Germany.
Robert Maylinger, Germany.
Fritz Maylinger, Germany.
Johanna Willebacher, Germany.
Fritz Recktewald, Germany.
Anna Recktewald, Germany.
And the issue, whose names are unknown, of each of them, Germahy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Auguste Maylinger Gresser, Elizabeth Maylinger Pirner, Johanna Maylinger Kaerlusohuntz, Robert Maylinger, Fritz Maylinger, Johanna Willebacher, Fritz Recktewald, Anna Recktewald and their issue, whose names are unknown, and each of them, in and to the trust created under the Will of Frank Maylinger, late of the Town of Hamden, State of Connecticut, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1530; Filed, January 31, 1944; 11:18 a. m.]

[Vesting Order 2970]

PAULINE MCKINNON

In re: Estate of Pauline McKinnon, deceased; File D–66–496; E. T. sec. 3920.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The San Francisco Bank, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Tzechman, Germany.
Children, names unknown, of Martha Tzechman, Germany.
Alfred Walter, Germany.
Heinz Walter, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martha Tzechman, Children, names unknown, of Martha Tzechman, Alfred Walter and Heinz Walter, and each of them, in and to the Estate of Pauline McKinnon, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1531; Filed, January 31, 1944; 11:19 a. m.]

[Vesting Order 2971]

ERNST WADEWITZ

In re: Estate of Ernst Wadewitz, deceased; File No. D–28–2420; E.T. sec. 3438.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The First National Bank and Trust Company of New Haven, Executor, acting under the judicial supervision of the Court of Probate, District of New Haven, Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals and Last Known Address

Otto Keller, Zschoppach, Saxony, Frauendorf, Germany.
Marie Stecher, Leipnitz, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otto Keller and Marie Stecher, and each of them, in and to the Estate of Ernst Wadewitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1532; Filed, January 31, 1944; 11:19 a. m.

[Vesting Order 2987]

JOSEPH BASLER

In re: Estate of Joseph Basler, deceased; File D–28–3754; E. T. sec. 6352.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Dennis Zimmermann, P. O. Box 577, Tulia, Texas, Independent Executor, and which is in "partition, libel, condemnation or other similar proceedings."

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Katharina Hock, Germany.
Anna Basler, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Katharina Hock and Anna Basler, and each of them, in and to the estate of Joseph Basler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1533; Filed, January 31, 1944; 11:19 a. m.]

[Vesting Order 2988]

CAROLINE A. GATTLE

In re: Estate of Caroline A. Gattle, deceased; File D–28–7583; E. T. Sec. 8010.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frances Abelson, as Administratrix of the Estate of Henry Abelson, deceased, Executor under the will of Caroline A. Gattle, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Dr. Lucy Adelsberger, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Dr. Lucy Adelsberger, in and to the Estate of Caroline A. Gattle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1534; Filed, January 31, 1944; 11:19 a. m.]

[Vesting Order 2989]

ANNA M. HANDRACK

In re: Estate of Anna M. Handrack, deceased; File D–28–1761; E. T. sec. 1022.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Andrew Abernethy, Jr., Executor of the estate of Anna M. Handrack, deceased, acting under the judicial supervision of the Union County Orphans' Court of Union County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Ida George, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ida George in and to the Estate of Anna M. Handrack, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1535; Filed, January 31, 1944; 11:20 a. m.]

[Vesting Order 2990]

ETHA D. KISSAM

In re: Trust under will of Etha D. Kissam, deceased; File D–11–17; E.T. sec. 3450.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity Union Trust Company of Newark, New Jersey, Trustee, acting under the judicial supervision of the Essex County Orphans' Court of Newark, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Bulgaria, namely,

National and Last Known Address

Bogdana Palamidova Egnateff, Bulgaria.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Bulgaria, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Bogdana Palamidova Egnateff, in and to the trusts created under the will of Etha D. Kissam, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1536; Filed, January 31, 1944; 11:20 a. m.]

[Vesting Order 2991]

FERDINANDE LIPPOLD

In re: Estate of Ferdinande Lippold, deceased; File D–28–4340; E. T. sec. 7435.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Pauline Worm, as Administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ignatz L. Lippold, Buhne, Westfalen, Kreis, Warburg, Germany.
Marie Ishen, Buhne, Westfalen, Kreis, Warburg, Germany.
Hedwig Krull, Buhne, Westfalen, Kreis, Warburg, Germany.
Joseph Krull, Buhne, Wetfalen, Kreis, Warburg, Germany.
Augusta Krull, Buhne, Westfalen, Kreis, Warburg, Germany.
Karl Krull, Buhne, Westfalen, Kreis, Warburg, Germany.
Willie Loeb, Buhne, Westfalen, Kreis, Warburg, Germany.
Karl Loeb, Buhne, Westfalen, Kreis, Warburg, Germany.
Werner Loeb, Buhne, Westfalen, Kreis, Warburg, Germany.
Elly Lippold, Buhne, Westfalen, Kreis, Warburg, Germany.
Terese Lippold, Buhne, Westfalen, Kreis, Warburg, Germany.
Hans Lippold, Buhne, Westfalen, Kreis, Warburg, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ignatz L. Lippold, Marie Ishen, Hedwig Krull, Joseph Krull, Augusta Krull, Karl Krull, Willie Loeb, Karl Loeb, Werner Loeb, Elly Lippold, Terese Lippold and Hans Lippold, and each of them, in and to the Estate of Ferdinande Lippold, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1537; Filed, January 31, 1944; 11:20 a. m.]

[Vesting Order 2992]

MARCELLA NAGEL LUNDGREN, LILLIAN HELD, ET AL.

In re: Partition proceedings: Marcella Nagel Lundgren, Plaintiff, vs. Lillian Held, et al., Defendants; File D–28–1399; E. T. sec. 66.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charles B. Walke, Sheriff of Butler County, Hamilton, Ohio, Depositary, acting under the judicial supervision of the Common Pleas Court of Butler County, Ohio;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marie Baum Goehring, Germany.
Emilie Baum, Germany.
Theodore Baum, Germany.
Gretel Hoffman, Germany.
Emma Baum May, Germany.
Katherine Baum, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Baum Goehring, Emilie Baum, Theodore Baum, Gretel Hoffman, Emma Baum May and Katherine Baum, and each of them, in and to the proceeds of the real estate sold in partition proceedings entitled "Marcella Nagel Lundgren, Plaintiff, vs. Lillian Held, et al., Defendants", being Case No. 51610 pending in the Common Pleas Court of Butler County, Ohio,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1538; Filed, January 31, 1944; 11:20 a. m.]

[Vesting Order 2993]

HELENE NAGEL

In re: Estate of Helene Nagel, deceased; File D–28–1531; E. T. sec. 165.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by J. P. Iverson, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Joaquin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Oldehuus, Germany.
Reimer Johann Hinrich Paulsen and his descendants, Germany.
Wiebke Marie Paulsen and her descendants, Germany.
Anna Margaretha Paulsen and her descendants, Germany.
Paul Paulsen and his descendants, Germany.
Margreta Zech, Germany.
Anne Stempfle, Germany.
Maria Schwartz, Germany.
Auguste Nagel, Germany.
Anna Nagel, Germany.
Catherina Beckman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Oldehuus, Reimer Johann Hinrich Paulsen and his descendants, Wiebke Marie Paulsen and her descendants, Anna Margaretha Paulsen and her descendants, Paul Paulsen and his descendants, Margreta Zech, Anne Stempfle, Maria Schwartz, Auguste Nagel, Anna Nagel and Catharina Beckman, and each of them, in and to the Estate of Helene Nagel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1539; Filed, January 31, 1944; 11:20 a. m.]

[Vesting Order 2994]

IDA K. RUFF

In re: Trust under will of Ida K. Ruff, also known as Ida Katharina Ruff, deceased.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The German Society of the City of New York, Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Jetter, formerly Emma Ruff, Germany.
Elisabeth Kraft, formerly Elisabeth Ruff, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emma Jetter, formerly Emma Ruff, and Elisabeth Kraft, formerly Elisabeth Ruff, and each of them, in and to the trust created under the last will and testament of Ida K. Ruff, also known as Ida Katharina Ruff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of

the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1515; Filed, January 31, 1944; 11:16 a. m.]

[Vesting Order 2995]

RUDOLF SCHULTZ

In re: Estate of Rudolf Schultz, deceased; File No. D–28–6584; E.T. sec. 5213.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by The German Society of the City of New York, as executor, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Anna Schultz whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest and claim of any kind or character whatsoever of Anna Schultz, in and to the estate of Rudolf Schultz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1516; Filed, January 31, 1944; 11:16 a. m.]

[Vesting Order 2996]

FRIEDARIKA SENF

In re: Estate of Friedarika Senf, deceased; file D–28–3488; E.T. sec. 5579.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by C. Frederick Pertsch, Elizabeth Hussman, George Rusterholz, and Frederick Eiermann, Executors of the Estate of Friedarika Senf, deceased, acting under the judicial supervision of the Surrogate's Court, Nassau County, New York;

(2) Such property and interest as are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Katharina S. Bender, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Katharina S. Bender in and to the Estate of Friedarika Senf, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1516; Filed, January 31, 1944; 11:16 a. m.]

[Vesting Order 3006]

ANNA BOOSS

In re: Estate of Anna Booss, deceased; File D–28–7829; E.T. sec. 8433.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna E. Williams, Administratrix, acting under the judicial supervision of the Orphans' Court of Baltimore City, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marta Moribs, Germany.
Helene Sander, Germany.
Margaret Bischoff, Germany.
Else Radewager, Germany.
Mina Buschow, Germany.
Henrich Kleiner, Germany.
Paul Becker, Germany.
Alfred Becker, Germany.
Anna Woitosky, Germany.
Emma Scholz, Germany.
Clara Schleicker, Germany.
Helene Tscharue, Germany.
Hedwig Becker, Germany.
Hildegarde Wetzel, Germany.
Clara Wetzel, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Maria Moribs, Helene Sander, Margaret Bischoff, Else Radewager, Mina Buschow, Henrich Kleiner, Paul Becker, Alfred Becker, Anna Woitosky, Emma Scholz, Clara Schleicker, Helene Tscharue, Hedwig Becker, Hildegarde Wetzel and Clara Wetzel, and each of them, in and to the Estate of Anna Booss, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1517; Filed, January 31, 1944; 11:16 a. m.]

[Vesting Order 3007]

GEORGE W. GERLICH

In re: Estate of George W. Gerlich, deceased; File D–28–2284; E. T. sec. 2875.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity Union Trust Company, Executor, of Newark, New Jersey, acting under the judicial supervision of the Essex County Orphans' Court of Newark, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elizabeth Roth, Simbach–A Inn, Germany.
Matilde Roth Kathol, Fetter, Westfalen, Germany.
Josefine Roth Heimbach, Aschaffenburg Schlossgasse 10, Germany.
Anton Georg Gerlich, St. Andreasberg, Silberhuette 448 Kreis Zellerfeld, Germany.
Nicholas Gerlich, Wuerzbrug-Grombuehl, Gutenbergstrasse 10, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Elizabeth Roth, Matilde Roth Kathol, Josefine Roth Heimbach, Anton Georg Gerlich and Nicholas Gerlich, and each of them, in and to the estate of George W. Gerlich, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file, with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1518; Filed, January 31, 1944; 11:16 a. m.]

[Vesting Order 3008]

ALFRED OSCAR KACHEL

In re: Estate of Alfred Oscar Kachel; File No. D–28–1779; E. T. sec. 972.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Marie Kachel, Administratrix of the Estate of Alfred Oscar Kachel, deceased, acting under the judicial supervision of the Surrogate's Court of Nassau County, State of New York.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Paul Kachel, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Paul Kachel in and to the Estate of Alfred Oscar Kachel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1520; Filed, January 31, 1944; 11:16 a. m.]

[Vesting Order 3009]

AUGUSTA BECK

In re: Estate of Augusta Beck, deceased; File D–28–2453; E. T. sec. 3480.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Hudson County Orphans' Court, Depositary, acting under the judicial supervision of the Hudson County Orphans' Court of Hudson County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louise Wuensche, Germany.
Anna Seidel, Germany.
The Children, names unknown, of Anna Seidel, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Louise Wuensche, Anna Seidel and the Children, names unknown, of Anna Seidel and each of them in and to the estate of Augusta Beck, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1521; Filed, January 31, 1944; 11:17 a. m.]

[Vesting Order 3010]

NICHOLAS BIDDLE

In re: Trusts under the will of Nicholas Biddle, deceased; File No. D–28–1843; E.T. sec. 1454.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bankers Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ellen Biddle von Stackelberg, Germany.
Olaf Patrick von Stackelberg, Germany.
Elizabeth L. E. von Stackelberg, Germany.
Roderick von Stackelberg, Germany.
Nicholas T. von Stackelberg, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Ellen Biddle von Stackelberg, Olaf Patrick von Stackelberg, Elizabeth L. E. von Stackelberg, Roderick von Stackelberg and Nicholas T. von Stackelberg and each of them in and to the trusts created under the Will of Nicholas Biddle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian, a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1522; Filed, January 31, 1944; 11:17 a. m.]

[Vesting Order 3011]

IGNATZ GERENCSER

In re: Estate of Ignatz Gerencser, deceased; File 017–10463; D–28–7940; E. T.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Samuel Lowy, Executor, acting under the judicial supervision of the Orphan's Court of Lehigh County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Frank Gerencser, (Austria) Germany.
Theresia Klepies, (Austria) Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Frank Gerencser and Theresia Klepies and each of them in and to the Estate of Ignatz Gerencser, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–152[illegible], Filed, January 31, 1944; 11:17 a. m.]

[Vesting Order 3012]

MARIE KORNEFFEL

In re: Estate of Marie Korneffel, deceased; File 017–10463; D–28–7940; E. T. sec. 8717.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bertha Roggenkamp, Administratrix with the Will Annexed, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Arthur Mehlhose, Germany.
Martha Korneffel, Germany.
Margarete Korneffel, Germany.
Charlotte Korneffel, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Arthur Mehlhose, Martha Korneffel, Margarete Korneffel, and Charlotte Korneffel, and each of them, in and to the Estate of Marie Korneffel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1524; Filed, January 31, 1944; 11:17 a. m.]

[Vesting Order 3013]

LUDWIG NISSEN

In re: Trusts under will of Ludwig Nissen, deceased; File No. D–28–2139; E. T. sec. 2727.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bankers Trust Company and Ferdinand W. Lafrentz, acting as surviving trustees, and Walter Eitelbach, acting as substituted trustee, acting under the judicial supervision of the Surrogate's Court for Kings County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Fritz Ingwersen, Germany.
Marie Louise Pemoeller, Germany.
Katie Ingwersen Koch, Germany.
Hans Jonas Ingwersen, Germany.
Marie Caroline Frieda Ingwersen, Germany.
Carl Ingwersen, Germany.
Emmy Petersen, Germany.
Emmy Neddermeyer, Germany.
Julius Petersen, Germany.
Katie Eggers, Germany.
Nissen-Stiftung, Germany.
Armin Neddermeyer, Germany.
Walter Neddermeyer, Germany.
Rolf Wilhelm Otto Petersen, Germany.
Gerda Eggers, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Fritz Ingwersen, Marie Louise Pemoeller, Katie Ingwersen Koch, Hans Jonas Ingwersen, Marie Caroline Frieda Ingwersen, Carl Ingwersen, Emmy Petersen, Emmy Neddermeyer, Julius Petersen, Katie Eggers, Nissen-Stiftung, Armin Neddermeyer, Walter Neddermeyer, Rolf Wilhelm Otto Petersen, and Gerda Eggers, and each of them, in and to the trusts created under the Will of Ludwig Nissen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1525; Filed, January 31, 1944; 11:18 a. m.]

[Vesting Order 1493, Amdt.]

PAUL MANTHEY

In re: First mortgage, insurance policies and a claim owned by Paul Manthey and others.

Vesting Order Number 1493, dated May 17, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Paul Manthey, August Manthey, Marie Schutte and Anna Koselke is Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Paul Manthey, August Manthey, Marie Schutte and Anna Koselke are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. That certain mortgage recorded in the Register's Office of Kings County, New York, in Liber 6175 of Mortgages, page 260, which mortgage was assigned to Paul Manthey, August Manthey, Marie Schutte and Anna Koselke by an unrecorded assignment dated April 4, 1938, and any and all obligations secured by said mortgage, including but not limited to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

b. All right, title, and interest of Paul Manthey, August Manthey, Marie Schutte and Anna Koselke, and each of them, in and to fire insurance policy No. 621744, issued by The Hartford Fire Insurance Company of Hartford, Hartford, Connecticut, and covering the property subject to the mortgage described in subparagraph 3–a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Paul Manthey, August Manthey, Marie Schutte and Anna Koselke, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Paul Manthey, August Manthey, Marie Schutte and Anna Koselke, or any of them, by Richter & Kaiser, Inc., and represented on the books of Richter & Kaiser, Inc., as a credit balance due Paul Manthey, August Manthey, Marie Schutte and Anna Koselke, including but not limited to all security

rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1540; Filed, January 31, 1944; 11:21 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 15 Under Order A–2 Under MPR 188]

SIERRA TALC COMPANY

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 15 under Order No. A–2 under Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion, issued simultaneously herewith, and pursuant to paragraph (a) (10) of Order No. A–2 under § 1499.159b of Maximum Price Regulation No. 188, *It is hereby ordered*, That:

(a) Specific authorization is hereby granted to the Sierra Talc Company, Los Angeles, California, to sell, offer to sell, and deliver, and any person may buy, offer to buy, and receive, the following commodities set forth below:

	Sierra Fibrene	C–400
	Per ton	*Per ton*
To jobbers	$23.00	$24.00
To consumers	24.50	25.50

Terms of sale: Net, no discount required. All sales by Sierra Talc Company, Los Angeles, California are f. o. b. mill, Los Angeles, California.

(b) Any person purchasing Sierra Fibrene and C–400 from Sierra Talc Company may resell said commodities at prices not in excess of his established maximum prices therefore, adjusted upwards by an amount not in excess of his actual increase in cost resulting from the increases permitted to the Sierra Talc Company by virtue of paragraph (a) hereof.

(c) Second Revised Order No. 9 under Revised Supplementary Order No. 9, issued by this Office on November 6, 1943, is hereby revoked.

(d) Any person making sales subject to this order shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. 15 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1567; Filed, January 31, 1944; 11:48 a. m.]

[Order 14 Under § 1499.19a of GMPR]

MUROC CLAY CO. ET AL.

ORDER AUTHORIZING ADJUSTABLE PRICING

Petitions have been filed by Muroc Clay Company, 5509 Randolph Street, Los Angeles, California; Vermont Talc Company, Chester Vermont; Georgia Talc Company, Asheville, North Carolina; Southern Talc Company, Asheville, North Carolina; and Western Carolina Talc Company, Asheville, North Carolina, for an amendment to Maximum Price Regulation No. 188, as amended, to increase the presently established maximum prices under that regulation for talc. This order shall be applicable only to the manufacturers herein specified.

It has been shown that authority to use adjustable pricing pending action on the petitions for amendment is necessary to promote the production and distribution of talc products and that such authority will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Numbers 9250 and 9328. Therefore, in accordance with § 1499.19a of the General Maximum Price Regulation which is made a part of Maximum Price Regulation No. 188, as amended, by incorporation, *It is hereby ordered:*

(a) Pending final determination by the Office of Price Administration on the petitions for amendment now on file the above-specified manufacturers of talc and their dealers are hereby authorized to sell and deliver, and to offer to sell and deliver, talc at prices not in excess of the maximum prices established in accordance with Maximum Price Regulation No. 188 (for manufacturers) or the General Maximum Price Regulation (for dealers). *Provided however*, That offers to sell, sales, and deliveries may be made at prices adjustable to those resulting from final action taken by the Office of Price Administration upon the petitions for amendment now on file.

Manufacturers and dealers who avail themselves of the adjustable pricing authority permitted under this order may not receive and purchasers may not pay an amount in excess of maximum prices permitted by Maximum Price Regulation No. 188 or the General Maximum Price Regulation unless and until final action is taken by the Office of Price Administration establishing maximum prices in excess of those presently in effect.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for talc produced by the manufacturers described herein, higher than the maximum prices now prevailing, or upon denial of the petitions for amendment.

This order may be revoked or amended by the Price Administrator at any time.

This Order No. 14 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1602; Filed, February 1, 1944; 11:57 a. m.]

Regional and District Office Orders.

[Region I Order G–19 Under SR 15, MPR 280, and MPR 329, Amdt. 7]

FLUID MILK IN NEW HAMPSHIRE

Amendment 7 to Order G–19 Under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329 (Formerly General Order 19).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280, and § 1351.408 of Maximum Price Regulation No. 329; *It is hereby ordered*, That the title, the subdivisions designated as *Zone 3* and *Zone 4* in paragraph (b) (2), and subparagraphs (3) and (4) of paragraph (d), be amended, and that subparagraph (7) of paragraph (1) be added, to read as set forth below:

(b) • • •

(2) • • •

Zone 3—For the following Milk Marketing Areas:

(25)—Sanbornton, Gilford and Laconia; (59)—Northfield and Tilton; (34)—Franklin; (27)—Tuftonboro and Wolfeboro; (51)—Tamworth, Eaton, Madison, Freedom, Effingham and Ossipee; (19)—Conway, $3.72.

(23)—Milford, Amherst, Wilton; (71)—Merrimack; (79)—Brookline; (75)—Harrisville and Dublin; (41)—Winchester; (66)—Hillsborough; (42)—Goffstown; (61)—Allenstown and Pembroke; (81)—Rollinsford; (69)—South Hampton; (7)—Newfields and Newmarket; (13)—Farmington, $3.95.

(16)—Berlin and Gorham, $3.49.

Provided, further, That payments of differentials for butterfat content in excess of 3.7% are to be made in Area (16) on the basis of the calculations of the Federal Milk Marketing Administrator for Boston as announced from time to time by the New Hampshire Milk Control Board, as is now the customary practice throughout all other areas in the State of New Hampshire.

Zone 4—For the following Milk Marketing Areas, and the town of Hinsdale:

(17)—Lebanon; (30)—Hanover; (40)—Enfield, $3.49.

(11)—Bristol; (29)—Bridgewater and Hebron; (57)—Plymouth, Ashland and Holderness; (25A)—Alton, Moultonboro, Center Harbor, Meredith, New Durham; (28)—Gilmanton; (15)—Claremont; (73)—Newport, Sunapee and New London, $3.72.

(87)—Epping; (39)—Raymond; (18)—Peterborough; (50)—New Ipswich; (78)—Rindge; (49)—Greenville; and the town of Hinsdale, $3.95.

(d) • • •

(3) Zone 3 shall include:

#7—The Towns of Newmarket and Newfields.

#81—The Town of Rollinsford.

#69—The Town of South Hampton.

#51—The Towns of Ossipee, Effingham, Freedom, Madison, Eaton and Temworth.

#19—The Town of Conway.

#16—The City of Berlin and the Town of Gorham.

#27—The Towns of Wolfeboro and Tuftonboro.

#25—The City of Laconia and the Towns of Sanbornton and Gilford and that part of Belmont which is within one mile of the shore of Lake Winnisquam, together with that part of Tilton between the Daniel Webster Highway and Lake Winnisquam.

#59—The Towns of Tilton and Northfield, exclusive of that part of Tilton heretofore included in Market Area #25.

#34—The City of Franklin.

#13—The Town of Farmington.

#61—The Towns of Pembroke and Allenstown.

#66—The Town of Hillsborough and that part of the Town of Deering which is within one mile of the Hillsborough-Deering Town Line.

#42—That part of the Town of Goffstown not included in Market Area #38, and that portion of the Village of Riverdale which is in the Town of Weare.

#41—The Town of Winchester.

#75—The Towns of Dublin and Harrisville.

#23—The Towns of Milford, Amherst and Wilton.

#71—The Town of Merrimack.

#79—The Town of Brookline.

(4) Zone 4 shall include:

#49—The Town of Greenville.

#87—The Town of Epping.

#39—The Town of Raymond.

#11—The Town of Bristol, exclusive of that part of the Town of Bristol, which is included in Market #29. (Newfound Lake Market Area.)

#29—The Towns of Hebron and Bridgewater and that part of Alexandria lying between the shore of Newfound Lake and an imaginary line parallel with and one-quarter mile westerly of the main road from Bristol to Hebron Village and that part of Bristol which lies between the western shore of said Lake and an imaginary line parallel with and one-quarter mile westerly from the main road from Bristol to Hebron Village. Also such part of Bristol which lies within one-quarter of a mile of the southern shore line of said Lake and also such part of Bristol within one-half mile of the easterly shore line of said Lake and all islands within said Lake.

#57—The Towns of Plymouth and Ashland and that part of the Town of Holderness as lies within three miles of the Plymouth-Holderness town line.

#18—The Town of Peterborough.

#50—The Town of New Ipswich.

#78—The Town of Rindge.

#25A—The Towns of Alton, Moultonborough, Center Harbor, Meredith and that part of the Town of New Durham which is more than one mile north of State Highway No. 11, and the Town of Holderness except such portion of said town as lies within three miles of the Plymouth-Holderness town line.

#28—The Town of Gilmanton.

#15—The Town of Claremont.

#73—The Towns of Newport, Sunapee and New London.

#40—The Town of Enfield.

#30—The Town of Hanover.

#17—The Town of Lebanon.

Not subject to any order of the N. H. Milk Control Board—Town of Hinsdale.

(1) • • •

(7) Amendment No. 7 shall become effective December 19, 1943, at 12:01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–1563; Filed, January 31, 1944; 11:56 a. m.]

[Region VIII Order G–2 Under MPR 418, as Amended]

SMELT IN SAN FRANCISCO REGION

Order No. G–2 under Maximum Price Regulation No. 418, as amended. Fresh fish and seafood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 20 (a) of Maximum Price Regulation No. 418, as amended, *It is hereby ordered:*

(a) The maximum prices for sales of smelt (Eulachon or Thaleichthys Pacificus) in Region VIII of the Office of Price Administration shall be as follows:

	Name	Style of dressing	Size	Price in cents per pound	
				Bulk ex-vessel	Boxed
Table A: Producers	Smelt	Round	All	8¢	9½¢
Table B: Primary fish-shipper sales	Smelt	Round	All	------	11¢
Table C: Retailer-owner co-operative sales	Smelt	Round	All	------	12½¢
Table D: Cash & carry sales	Smelt	Round	All	------	13½¢
Table E: Service and delivery sales	Smelt	Round	All	------	16¢

(b) All other provisions of Maximum Price Regulation No. 418, as amended, shall be applicable to such sales unless the context clearly requires otherwise.

(c) *Definition of Region VIII.* "Region VIII" means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the state of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective January 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–1574; Filed, January 31, 1944; 4:12 p. m.]

WAR PRODUCTION BOARD.

[Certificate 93,[1] Amdt. 2]

TRANSPORTATION OF ESSENTIAL MATERIALS

APPROVAL OF HAULAGE REQUEST TR–2

The ATTORNEY GENERAL:

Referring to Certificate No. 93, issued pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), on July 10, 1943, and to Amendment 1 thereto issued October 4, 1943, I submit herewith Haulage Request TR–2 of the War Production Board as amended today.[2]

For the purposes of the statute cited, I approve the amendment; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing by any person in compliance with Haulage Request TR–2 as amended is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 29, 1944.

[F. R. Doc. 44–1581; Filed, February 1, 1944; 10:41 a. m.]

[1] 8 F.R. 9730, 13696, 15648.

[2] *Infra.*

FEB 7

[Haulage Request TR-2, as Amended Jan. 29, 1944]

TRANSPORTATION OF ESSENTIAL MATERIALS

It is requisite to the prosecution of the war that the maximum amount of essential materials be delivered to essential war industries with a minimum dislocation of the general economy, with a minimum of delay and with a minimum of strain upon transportation facilities already severely taxed. This can best be accomplished through voluntary arrangements which permit materials to be consumed as near as may be to their source. Now, therefore, it is hereby requested that:

SECTION 1. *Purchases, sales, exchanges, and common use of facilities.* All persons engaged in producing, supplying or distributing the materials listed on Schedule X hereto annexed (herein referred to as "Schedule X materials"), may arrange for such purchases, sales, exchanges or loans of Schedule X materials and for such common use of transportation and storage facilities as may be requisite or necessary in order to attain the most efficient utilization of such facilities. All such arrangements shall remain subject to review and adjustment by the War Production Board to the end (1) that no producer, supplier or distributor of any Schedule X material shall be deprived of an opportunity to share equitably in the available supply of such material and the use of transportation and storage facilities, (2) that no consumer shall be inequitably treated in the distribution of Schedule X materials by reason of such arrangements, and (3) that such arrangements shall not go beyond the purpose and objective of this request.

SEC. 2. *Reports.* All persons who effect arrangements for purchases, sales, exchanges or loans of Schedule X materials and for common use of transportation and storage facilities, pursuant to section 1 hereof, shall inform the War Production Board thereof by letter, giving the following information:

1. Names and addresses of parties, including names and adresses of persons to whom inquiries concerning the report should be directed.

2. Effective date and duration of arrangement.

3. Kind and quantity of material involved.

4. Location of points of origin and destination of Schedule X materials to be shipped or location of storage facilities to be jointly used.

5. A statement that to the best of the informant's knowledge and belief, no supplier, distributor or producer of the material involved in the arrangement is or will be deprived by the arrangement of an opportunity to share equitably in the available supply and use of transportation and storage facilities.

6. A statement that to the best of the informant's knowledge and belief, no consumer of the material involved in the arrangement is or will be treated inequitably in the distribution of such material by reason of the arrangement.

A separate letter for each Schedule X material involved shall be filed, and if in furnishing the information called for by subparagraphs 3 and 4 above, the quantity of the material involved and the actual location of points of origin and destination or of storage facilities are estimated, supplemental information giving the exact, rather than the estimated, quantity and location, shall be furnished by letter to the War Production Board monthly throughout the duration of the arrangement. Further information may be specifically requested in particular cases.

SEC. 3. *Revocation of Transportation Request No. 1.* This request superseded and revoked Transportation Request No. 1 issued January 9, 1943,[1] covered by Certificate No. 27,[2] pursuant to Public Law No. 603, 77th Congress, but any action taken pursuant to the provisions of said Transportation Request No. 1 and said Certificate No. 27, prior to the date of the issue of this request (July 10, 1943), has the protection thereof.

SEC. 4. *Certification of this request.* Having consulted with the Attorney General, the Chairman of the War Production Board issued a certificate under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), with respect to this Haulage Request TR-2. (Certificate No. 93)

SEC. 5. *Communications.* All communications concerning this request and all information filed hereunder shall, unless otherwise directed, be addressed to: War Production Board, Washington (25), D. C., Reference TR-2 (Specify Material).

Issued this 29th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE X

1. Acetate: Amyl, butyl, ethyl, vinyl.
2. Acetic anhydride.
3. Acetone.
4. Acid: Acetic, citric, hydrochloric (muriatic), mixed (nitric and sulphuric), nitric, picric, sulphuric.
5. Adhesives.[1]
6. Alcohol: Amyl, butyl, diacetone, ethyl, isopropyl, methal (methanol).
7. Aluminum: Acetate, ammonium sulfate, chloride (anhydrous & crystals), formate potassium sulfate, sulfate.
8. Ammonia: Anhydrous and solutions.
9. Ammonium: Bicarbonate, carbonate, chloride (gray), nitrate (including fertilizer grades) sulfate.
10. Aniline.
11. Antifreeze preparations.
12. Butadiene.[1]
13. Calcium: Arsenate, carbide, chloride phosphates.

13a. Carbon bisulfide.[2]

14. Castor oil.
15. Caustic potash.
16. Caustic soda.
17. Cement (Portland cement).
18. Charcoal.[1]
19. Chemical cotton pulp and cotton linters.
20. Chlorinated hydrocarbons.
21. Chlorine.
22. Coal tars.
23. Coke.

23a. Containers,[2] fabricated (in knock-down or set-up form, whether assembled or unassembled). For the purpose of this item the word "containers" shall include all containers required for packaging products to be shipped or delivered, including, but not limited to: Bags, all types (including those made of paper, textile, combinations of materials, transparent films, metallic foils, parchment kraft or sulphite), baskets and hampers, cans (metal), collapsible tubes, cooperage, tight and slack, fibre cans, fibre tubes, fibre bottles, fibre mailing cases, and fibre drums, folding and set-up boxes (paperboard), gas cylinders, glass containers and closures, ice cream cans (paperboard) and paraffin cartons and pails, paper cups and paper food containers, paper milk containers, steel shipping drums, veneer and built-up wood (when used for containers), wooden and fibre inner containers, wooden and fibre shipping containers.

24. Copper sulfate.
25. Corn oil.
26. Corn syrup (glucose).
27. Cottonseed Oil.
28. Distillates and distillation residue of coal tars or coke oven crude light oils (including but not limited to benzol, creosote, cresol, cresylic acid, naphthalene, phenol, solvent naphtha, toluol, xylanol, and xylol).
29. Drugs, Medicine, Toilet Preparations and basic medicinal chemicals.
30. Formaldehyde.
31. Glycols.
32. Hydrogen Peroxide.
33. Lead Arsenate.
34. Lard and Lard Oil.
35. Lime and Limestone (including but not limited to fluxstone).
36. Linseed Oil.
37. Litharge.
38. Magnesium: Carbonate and Sulfate.
39. Methyl Ethyl Ketone.
40. Molasses.
41. Methyl Isobutyl Ketone.
42. Paint Driers, Solid and Liquid.
43. Paints, Varnish, Lacquers and Stains.
44. Peanut Oil.
45. Phosphorus.
46. Phthalic Anhydride.[1]

46a. Pig-Iron.[1]

47. Pigments, Colors and Extenders.
48. Plasticizers, Phosphate and Phthalate.
49. Potash Salts.

49a. Pulpboard,[1] viz: Boxboard, Chipboard, Newsboard, Paperboard, Paper stock board, Pulpboard, Strawboard.

50. Pyridine, Crude and Refined.
51. Pyrites.
52. Road Tar and Road Oil.
53. Sodium: Bicarbonate, Carbonate, Chlorate, Chloride, Hydroxide, Nitrate, Nitrite, Phosphates, Silicates, Sulfate, Pyrophosphate, Thiosulfate.
54. Solvents, Alcohol.
55. Solvents of Petroleum Origin.
56. Soyabean Oil.
57. Styrene.[1]
58. Superphosphates.
59. Tallow: Inedible and Edible.
60. Vegetable Oil Foots and Fatty Acids.
61. Water Gas Tar.

[F. R. Doc. 44-1582; Filed, February 1, 1944; 10:41 a. m.]

[1] Added to Schedule X as of October 4, 1943.
[2] Added to Schedule X as of January 29, 1944.

[1] 8 F.R. 509.

FEDERAL REGISTER

VOLUME 9 NUMBER 24

Washington, Thursday, February 3, 1944

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 11—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

NOTIFICATION IN CASE OF DEATH

Paragraph (a) of § 11.1 (8 F.R. 7301) is amended to read as follows:

§ 11.1 *Notification to nearest relative or other person designated to be notified in case of emergency.* (a) In case of death occurring at a decedent's regular post, camp, station, or other command within the continental United States, excluding Alaska, the commanding officer of that post, camp, station, or other command will send notification of death by commercial telegraph to the nearest relative or other person designated to be notified in case of emergency. In case of death beyond the jurisdiction of the decedent's regular post, camp, station, or other command, the commanding officer of the post, camp, station, or other command nearest the place of death, who is responsible for preparation of remains under the provisions of Army regulations, will send the notification of death to the nearest relative or other person designated to be notified in case of emergency. Such notification will include the fact, date, place, and cause of death, and will, when early shipment of the remains is practicable, request the person notified to reply by telegraph whether it is desired to have the remains shipped home, and if such shipment is desired, to designate the destination and the name of the person to whom the remains are to be consigned. For shipment of remains, see AR 55-155[1]. Under no circumstances will the notification include a statement relative to line of duty or misconduct. In view of the importance and urgency of telegraphic reports of death, a definite address, including street number when known, will be given in all cases in order that prompt and correct delivery may be made. (R. S. 161; 5 U.S.C. 22) [Par. 6, AR 600-550, 14 May 1943, as amended by C 4, 24 January 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-1611; Filed, February 2, 1944; 9:30 a. m.]

[1] Administrative regulations of the War Department pertaining to transportation of public property and remains.

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

ARMY NURSE CORPS, PHYSICAL THERAPY AIDES, AND HOSPITAL DIETITIANS

Sections 79.70 and 79.80 (b) (2) (ii) are amended to read as follows:

§ 79.70 *Winter service uniform.* The winter service uniform for Army nurses, physical therapy aides, and hospital dietitians consists of the following items:

(a) Cap, service, wool, olive-drab, nurses'.
(b) Jacket, wool, olive-drab, women's, nurses', except when waist without coat is authorized.
(c) Skirt, wool, olive-drab, dark, women's, officers', except when slacks are authorized.
(d) Waist, cotton, women's (khaki), or waist, wool, women's (khaki).
(e) Necktie, women's (khaki).
(f) Shoes, service, women's, low (Army russet).
(g) Hosiery, neutral shade.
(h) Gloves, leather, dress, women's (Army russet), or gloves, wool, olive-drab, women's.
(i) Tags, identification.

Optional

(j) Decorations, service medals, and badges.
(k) Ribbons, service.
(l) Overcoats, field, women's, officers'.
(m) Raincoat, parka type, women's, officers'.
(n) Scarf, women's (khaki).
(o) Overshoes, low, women's, or overshoes, arctic, women's, 4-buckle.
(p) Bag, utility, nurses' (Army russet).
(q) Slacks, women's, winter, dark olive-drab. (R.S. 1296; 10 U.S.C. 1391) [Par. 5, AR 600-37, 29 July 1943 as amended by C2, 20 January 1944]

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§ 79.80 *Adopted standards of cloth.* (a) The adopted standards of cloth for Army nurses, physical therapy aides, and hospital dietitians are as follows:

* * *

(2) *Winter olive-drab service uniform.* * * *

(ii) *Overcoat, field (trench coat)*—(*a*) *Fabric.* Cloth, cotton, wind resistant, type II (poplin).

(b) *Color.* Olive-drab, shade No. 2 or No. 7 (R.S. 1296; 10 U.S.C. 1391) [Par. 26, AR 600–37, 29 July 1943, as amended by C2, 20 January 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44–1610; Filed, February 2, 1944; 9:30 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

[Procurement Regs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15]

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 81, 83, and 88 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (7 F.R. 8082) as amended by Change 30, 21 January 1944,[1] the particular regulations amended being Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15.

In section numbers the figures to the right of the decimal point correspond with respective paragraph numbers in the procurement regulations.

AUTHORITY: Sec. 8a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941, 55 Stat. 838; 50 U.S.C. Sup. 601–622.

[Procurement Reg. 2]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

GENERAL PURCHASE POLICIES

In § 81.223 (c) (1) and (d) (3) regulations pertaining to Group III labor areas are amended as follows:

§ 81.223 *Factors governing placement of contracts.* * * *

(c) *Labor supply policy.* (1) The War Manpower Commission has divided the country into twelve Regions and from time to time classifies localities in each Region according to their labor supply conditions and on this basis designates them as:

* * * * *

Group III—Areas in which a slight labor surplus will remain after six months.

* * * * *

(d) *Labor shortage areas.* In accordance with paragraph (c) of this section the following policies will be observed with respect to the placing of contracts in Group I, II, or III labor areas:

* * * * *

(3) *Group III:* In these areas there may be placed any contract (whether representing new or continuation business) which will not require the employment of labor in addition to that normally or currently employed by the contractor. In addition, any contract may be placed in a Group III area which is of such character that it might properly be placed in a Group I or II area under the provisions of subparagraphs (1) and (2).

* * * * *

Section 81.243 is rescinded and a new § 81.243 is substituted therefor:

§ 81.243 *Contractors' proposals*—(a) *Information to be furnished by contractors; methods of obtaining it.* (1) In simple procurements for small amounts where effective competition exists and where it is, accordingly, expected that awards will be made to the lowest bidders (subject to the principles set forth in §§ 81.220–81.228 of this part), information to be obtained from contractors may ordinarily be confined to quotations of prices. These quotations are frequently invited on W. D. Contract Form No. 5, § 81.1317d.

(2) In other cases—where the procurements are complex, or are for large amounts, or are to be carried out in the absence of effective competition—additional information is ordinarily required in order to base a judgment as to the awards. Detailed contractors' proposals are an important method of obtaining such information. As a general rule, such proposals should contain the following types of data:

(i) Separate quotations for the basic (or major) item, essential extra parts and assemblies, initial and extra equipment, and the costs of additional facilities required by the contractor.

(ii) Proposed delivery schedule.

(iii) Summary of the approximate number, amount and extent of completion of other oustanding Government contracts.

(iv) Itemized estimate of costs of production with adequate explanation of the basis used for allocating overhead, etc.

(v) Statement showing the cost experience for the same or similar items under other recent contracts.

(vi) Statement as to labor needs and supply, contemplated hours of work and number of shifts.

(vii) Contemplated method of financing the contract.

(viii) Statement of material to be furnished by the Government and disposition of scrap therefrom.

(ix) Summary of types and extent of subcontracting.

(x) Requirements for additional equipment and facilities.

(xi) Statement of any optional clauses desired in the contract.

(xii) Statement in detail of taxes included in the price and their estimated amount, and of any taxes to be excluded from the price for which contractor will claim reimbursement or a tax exemption certificate.

(3) Contractors' proposals are particularly useful when presented on standardized proposal forms. These proposal forms assist in obtaining all necessary information from the contractor at the same time, and facilitate the comparison and evaluation of proposals from several producers by insuring a uniform basis of statement. They facilitate selection of the appropriate contractor in accordance with §§ 81.220–81.228 of this part and provide a basis for negotiation with the contractor in accordance with this section.

(b) *Standard proposal forms prescribed for use in certain cases.* (1) In conformity with subparagraphs (2) and (3) of paragraph (a) of this section, certain standard proposal forms have been prepared in collaboration with the technical services and published as War Department Standard Procurement Forms (No. 1—Request for Proposal, § 81.1327 (a); No. 2—Contractor's Proposal, § 81.1327 (b); and Instructions for Filling Out Standard Procurement Form No. 2, § 81.1327 (c)).

(2) Whenever, in the opinion of the technical service involved, detailed cost or price information is necessary or desirable as an aid to the adequate negotiation of contracts for supplies (other than construction), the technical service will use the Standard Procurement Forms for this purpose. Except as permitted under subparagraph (3) below, the Standard Procurement Forms will be used in all such cases without deviation or addition, and no substitute or supplementary proposal forms will be used. Where necessary, however, information obtained through use of the Standard Procurement Forms may be clarified or amplified through correspondence or personal negotiation.

(3) Upon request and justification by the technical service involved, the Director, Purchases Division, Headquarters, Army Service Forces, may, in particular cases or classes of cases, permit deviations from or additions to the Standard Procurement Forms, or otherwise grant partial or complete exemptions from the requirements of subparagraph (2) above.

(4) The Standard Procurement Forms have considerable internal flexibility. The procurement office is required, by the terms of Form No. 1, to select and specify (within established limits) the data which the prospective contractor is requested to furnish on Form No. 2. Thus the procurement office has latitude to accommodate the Forms to the necessities of particular procurements; for example, it may relieve the contractor of the task of compiling data which are not pertinent to the procurement, or which are already known to the procurement office.

[1] For previous changes see 7 F.R. 9268, 10184, 10906; 8 F.R. 3339, 3486, 5210, 6576, 7526, 8629, 8918, 9908, 11609, 12043, 13083, 13791, 14512, 16009, 16100 and 17464.

[Procurement Reg. 3]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

CONTRACTS

In § 81.302 (c) subparagraph (5) is redesignated (6) and a new subparagraph (5) is added, as follows:

§ 81.302 *Definitions.* * * *

(c) *Contracting officer.* * * *

(5) Any person duly appointed a contracting officer in accordance with subparagraph (1) above, with authority to execute contracts on behalf of a particular technical service, service command or the Army Air Forces may execute contracts on behalf of any other service when the necessary funds, if any, have been made available.

(6) All action heretofore taken which would have been valid if this paragraph (c) had then been in effect, is hereby ratified and confirmed.

* * * * *

In § 81.303 (e) subparagraph (2) (i) is amended as follows:

§ 81.303 *General requirements for contracts.*

(e) *Numbering and distribution of contracts.* * * *

(2) *Distribution of purchase orders.* * * *

(i) If the purchase order was preceded by a written quotation signed by the contractor, or if the contractor delivered some written instrument evidencing the contractor's assent, the original of such written quotation or instrument should be forwarded to the appropriate Army Audit Branch of the General Acounting Office and a copy thereof attached to the copy of the purchase order furnished the disbursing officer.

* * * * *

In § 81.318b paragraphs (c) (1) (x) and (e) are amended as follows:

§ 81.318b *Contract procedure.* * * *

(c) *Service Command Contracts.* * * *

(1) * * *

(x) Contracts for furnishing local transportation to Government and other personnel, executed in accordance with Circular No. 80, War Department, 1943, and Memorandum No. W55–15–43, issued by the Office of the Adjutant General, will be numbered in accordance with § 81.309 (b) as Transportation Corps contracts. This subparagraph is applicable to contracts for furnishing transportation to Army Air Forces installations and to plants of Army Forces contractors, as well as to contracts for the furnishing of transportation to other War Department installations and to the plants of other War Department Contractors. Any contracts for furnishing local transportation which, in accordance with any previous instructions, may have been numbered in a manner inconsistent with this subdivision (x) should, if practicable, be renumbered.

* * * * *

(e) *Numbering of service command contracts.* (1) Contract numbers will be placed in the upper right-hand corner of service command contracts and will consist of the following in the order named:

(i) The capital letter "W", representing the War Department, followed by a hyphen.

(ii) The station number, that is, the station or office as published in the War Department Fiscal Code. There may be added to the station number a capital letter or other designation to indicate the branch by which the contract was executed. The following symbols will be used to designate the respective branches set opposite each symbol;

Q—Quartermaster
S—Signal
T—Transportation
O—Ordnance
E—Engineer
M—Medical
C—Chemical
U—Repairs & Utilities Branch
Tng—Training Branch

If any symbols or designations other than those enumerated in the preceding sentence are being used, or if it is proposed to adopt any such symbols or designations, the Legal Branch, Office of Director of Matériel, Headquarters, Army Service Forces, should be advised and that branch in turn will advise the Contract Service Section, Audit Division, General Accounting Office, Washington, D. C. It is to be emphasized that the use of the additional symbols authorized by this subdivision (ii) is for the convenience of the post, camp or station and, accordingly, is optional. The use of these branch symbols may be dispensed with or, if desired, a single branch symbol (and one series of contracts) may be used for more than one, but less than all, branches at a given post, camp or station.

(iii) A symbol in parentheses to indicate the service commands, this symbol will consist of the capital letters S. C. in parentheses followed by a hyphen and a Roman numeral indicating in which service command the contract was executed. It is important that capital letters followed by periods and by the Roman numeral be used in order that no confusion will arise with Signal Corps contracts which bear the symbol "sc". In the case of the Northwest Service Command and the Military District of Washington, this symbol will respectively consist of the capital letters S. C. N. W. and M. D. W., the symbol to be in parentheses.

(iv) A serial number separated from the above by a hyphen, commencing with the number "1" and continuing in succession indefinitely without regard to the fiscal year.

(2) It is to be emphasized that the numbering procedure set forth in this paragraph is applicable only to service command contracts (as the term is defined in paragraph (c)). When technical service contracts are executed within a service command (see paragraph (c), particularly subparagraphs (6) to (8)), such contracts should be numbered as technical service contracts in accordance with the provisions of § 81.309 (b).

(3) *Serial numbers.* It is desirable that separate series be commenced for service command contracts (as defined in paragraph (c)). This should be done as promptly as possible. By adding the branch symbols authorized by subdivision (ii) of subparagraph (1) above, separate series may be maintained for each branch of a post, camp or station.

(4) *Effect of War Department Fiscal Code.* See § 81.309 (d).

(5) *Contract of sale.* Reference is made to § 83.706. As indicated therein when a contract of sale, as distinguished from a contract of purchase, is executed, the letter "s" will be added after the parenthesis of the symbol specified in subparagraph (1) (iii) of this paragraph (e).

* * * * *

In § 81.324 paragraphs (a) and (b) are amended as follows:

§ 81.324 *Termination—(a) At option of the Government.* (1) There is set forth in subparagraph (7) below the new termination article prescribed by the Office of War Mobilization for use in lump sum supply contracts. This article will be referred to hereafter in this paragraph as the "new article."

(2) The new article may be inserted in any lump sum supply contract.

(3) Every lump sum supply contract executed on and after 20 February 1944, except:

(i) Contracts to be completed in six months or less for an amount of less than $500,000 and

(ii) Contracts for an amount of less than $50,000, regardless of the date of completion, will contain the new article without deviation.

(4) As provided in § 88.15–107 (a) the chief of any technical service, without approval of higher authority, may amend any existing lump sum supply contract to insert therein the new article. Such amendments will take place wherever possible prior to giving formal notice of termination. Inasmuch as it is in the interest of both the contractors and the Government that termination be effected under a uniform article, a vigorous policy will be pursued of promptly inserting by amendment the new article in existing contracts (other than those within the exceptions of subdivisions (i) and (ii) of subparagraph (3) above) not now containing it. This policy will be applied with special emphasis in the case of contracts for large amounts and contracts calling for deliveries over long periods of time.

(5) Prior to the adoption of the new article by the Office of War Mobilization there was in use by the War Department a standard termination article for lump sum supply contracts which was contained in this § 81.324. The instructions contained in Procurement Regulation No. 15 are based upon the former article. To the extent that such instructions are inconsistent with the new article they are to be deemed inapplicable to contracts containing it. The paragraphs of Procurement Regulations No. 15 containing such instructions will shortly be amended to conform to the new article.

(6) Simultaneously with the issuance of the new article the Office of War Mobilization published a "Statement of Principles for Determination of Costs Upon Termination of Government Fixed Price Supply Contracts". It will be noted that this statement is incorporated by reference by subparagraph (h) of the new article. The statement is set forth in full in §§ 88.15–481 to 88.15–486. For convenience the new article has been printed in § 88.15–901, as well as in subparagraph (7) of this paragraph.

(7) Article concerning termination at the option of the Government.

ARTICLE ___. *Termination at the option of the Government.* (a) The performance of work under this contract may be terminated by the Government in accordance with this Article in whole, or from time to time in part, whenever the contracting officer shall determine any such termination is for the best interests of the Government. Termination of work hereunder shall be effected by delivery to the contractor of a Notice of Termination specifying the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective. If termination of work under this contract is simultaneous with, a part of, or in connection with, a general termination (1) of all or substantially all of a group or class of contracts made by the War Department for the same product or for closely related products, or (2) of war contracts at, about the time of, or following, the cessation of the present hostilities, or any major part thereof, such termination shall only be made in accordance with the provisions of this Article, unless the contracting officer finds that the contractor is then in gross or wilful default under this contract.

(b) After receipt of a Notice of Termination and except as otherwise directed by the contracting officer, the contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Terminations; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the contracting officer, all of the right, title and interest of the contractor under the orders or subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts with the approval or ratifications of the contracting officer to the extent that he may require, which approval or ratification shall be final for all the purposes of this Article; (6) transfer title and deliver to the Government in the manner, to the extent and at the times directed by the contracting officer (i) the fabricated or unfabricated parts, work in process, completed work supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and (ii) the plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government; (7) use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the contracting officer, any property of the types referred to in subparagraph (6) of this paragraph *Provided, however,* That the contractor (i) shall not be required to extend credit to any purchaser and (ii) may retain any such property at a price or prices approved by the contracting officer; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary or as the contracting officer may direct for protection and preservation of the property, which is in the possession of the contractor and in which the Government has or may acquire an interest.

(c) The contractor and the contracting officer may agree upon the whole or any part of the amount or amounts to be paid to the contractor by reason of the total or partial termination of work pursuant to this Article, which amount or amounts may include a reasonable allowance for profit, and the Government shall pay the agreed amount or amounts. Nothing in paragraph (d) of this Article prescribing the amount to be paid to the contractor in the event of failure of the contractor and the contracting officer to agree upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article shall be deemed to limit, restrict or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the contractor pursuant to this paragraph (c).

(d) In the event of the failure of the contractor and contracting officer to agree as provided in paragraph (c) upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (c), shall pay to the contractor the following amounts.

(1) For completed articles delivered to and accepted by the Government (or sold or retained as provided in paragraph (b) (7) above) and not theretofore paid for, forthwith a sum equivalent to the aggregate price for such articles computed in accordance with the price or prices specified in the contract;

(2) In respect of the contract work terminated as permitted by this Article, the total (without duplication of any items) of (i) the cost of such work exclusive of any cost attributable to articles paid or to be paid for under paragraph (d) (1) hereof; (ii) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the notice of termination of work under this contract which amounts shall be included in the cost on account of which payment is made under subdivision (i) above; and (iii) a sum equal to ____% (Note 1),[1] of the part of amount determined under subdivision (i) which represents the cost of articles or materials not processed by the contractor, plus a sum equal to ____% (Note 2),[1] of the remainder of such amount, but the aggregate of such sums shall not exceed 6% of the whole of the amount determined under subdivision (i), which for the purpose of this subdivision (iii) shall exclude any charges for interest on borrowings;

(3) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b) (9) hereof; and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the contractor as the result of the termination of work under this contract.

The total sum to be paid to the contractor under subparagraphs (1) and (2) of this paragraph (d) shall not exceed the total contract price reduced by the amount of payments otherwise made and by the Contract price of work not terminated. Except for normal spoilage and to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the contractor as provided in paragraph (d) (1) and paragraph (d) (2) (i), all amounts allocable to or payable in respect of property, which is destroyed, lost, stolen or damaged so as to become undeliverable prior to the transfer of title to the Government or to a buyer pursuant to paragraph (b) (7) or prior to the 60th day after delivery to the Government of an inventory covering such property, whichever shall first occur.

(e) The obligation of the Government to make any payments under this Article: (1) shall be subject to deductions in respect of (i) all unliquidated partial or progress payments, payments on account theretofore made to the contractor and unliquidated advance payments, (ii) any claim which the Government may have against the contractor in connection with this contract, and (iii) the price agreed upon or the proceeds of sale of any materials, supplies or other things retained by the contractor or sold, and not otherwise recovered by or credited to the Government, and (2) in the discretion of the contracting officer shall be subject to deduction in respect of the amount of any claim of any subcontractor or supplier whose subcontract or order shall have been terminated as provided in paragraph (b) (3) except to the extent that such claim covers (i) property or materials delivered to the contractor or (ii) services furnished to the contractor in connection with the production of completed articles under this contract.

(f) In the event that, prior to the determination of the final amount to be paid to the contractor as in this Article provided, the contractor shall file with the contracting officer a request in writing that an equitable adjustment should be made in the price or prices specified in the contract for the work not terminated by the Notice of Termination, the appropriate fair and reasonable adjustment shall be made in such price or prices.

(g) The Government shall make partial payments and payments on account, from time to time, of the amounts to which the contractor shall be entitled under this Article, whether determined by agreement or otherwise, whenever in the opinion of the contracting officer the aggregate of such payments shall be within the amount to which the contractor will be entitled hereunder.

(h) For the purposes of paragraphs (d) (2) and (d) (3) hereof, the amounts of the payments to be made by the Government to the contractor shall be determined in accordance with the Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board, December 31, 1943. The contractor for a period of three years after final settlement under the contract shall make available to the Government at all reasonable times at the office of the contractor all of its books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and in respect of the termination of work thereunder.

(b) *Termination for convenience of the Government.* Every lump-sum construction contract regardless of subject matter except:

(1) Contracts to be completed in six months or less for an amount of less than $500,000 and

(2) Contracts for an amount of less than $50,000 regardless of the date of completion, will contain the following clause without deviation:

ARTICLE ___. *Termination for Convenience of the Government.* (a) The Government may terminate this contract in whole or in part at any time by a notice in writing from the Contracting Officer to the Contractor, specifying the date upon which such termination shall become effective and the extent to which the performance of such contract shall be terminated. Termination shall be effective upon the date and to the extent specified in said notice.

(b) Upon receipt of the notice of termination the Contractor shall except insofar as the notice directs otherwise with respect to this contract, or, in the event of partial termination, with respect to the part thereof covered by the notice:

(1) Discontinue all work and the placing of all orders for materials and facilities otherwise required for the performance thereof;

(2) Cancel all existing orders and subcontracts to the extent such orders and subcontracts are chargeable to the performance thereof;

(3) Transfer to the Government, in accordance with the directions of the Contracting Officer, all materials, supplies, work in process, facilities, equipment, machinery or tools acquired by the Contractor in connection with the performance thereof, and all plans, drawings, working drawings, sketches, specifications and information for use in connection therewith, if and as the Contracting Officer so directs or authorizes, the Contractor shall sell at a price approved by the Contracting Officer, or retain at a price mutually agreeable, any such materials, supplies, equipment, machinery, tools, or other things: *Provided, however,* That the Contractor may retain any such equipment, machinery and tools as of right if he so elects in writing, stating that he will forego reimbursement therefor. The proceeds of any such sale, or the agreed price, shall be paid or credited to the Government in such manner as the contracting officer may direct so as to reduce the amount payable by the Government under this Article;

(4) Take such action as may be necessary to secure to the Government the benefits of any rights remaining in the Contractor under orders or subcontracts chargeable thereto to the extent that such orders or subcontracts are so chargeable;

(5) Take such action as the Contracting Officer may prescribe for the protection and preservation of all property in the possession or control of the Contractor, title to which is transferable to the Government under the provisions of this Article.

Should the notice of termination cover only a portion of this contract, the Contractor will proceed to completion of such portions as are not terminated.

(c) Upon compliance by the Contractor with the above provisions of this Article and subject to deductions or credit for payments previously made, and without duplication of any such payments, the Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree by Supplemental Agreement is reasonably necessary to compensate the Contractor for his costs, expenditures, liabilities, commitments and work with respect to this contract, other than the expenditures and costs referred to in paragraph (e) of this Article. The Contracting Officer shall include in such sum such allowance for profit with respect to the contract as is reasonable under all the circumstances.

(d) If the Contracting Officer and the Contractor, within 90 days from the effective date of the notice of termination referred to in paragraph (a), or within such extended period as may be agreed upon between them, cannot agree upon the sum payable under the provisions of paragraph (c), the Govern-

[1] NOTES 1 and 2. The chief of each technical service may provide for determining the percentages to be inserted at Note 1 (which in no event will exceed 2%) and at Note 2 (which may be greater or less than or equal to 6%). The general use of 2% and 8%, respectively, as arbitrary figures is recommended in the interest of expediting the execution of contracts. Where the use of arbitrary figures is not desired for any reason, the methods to be used in arriving at the percentage to be inserted at Note 2 shall be the same as those now used in price analysis. When the intended rate of profit on the finished article covered by the contract is lower than 8%, the insertion of a lower figure at Note 2 will of course be desirable.

ment shall instead compensate the Contractor in the following manner, subject to deductions or credit for payments previously made, and without duplication thereof, and upon compliance with the provisions of paragraphs (a) and (b) of this Article:

(1) By reimbursing the Contractor for all actual expenditures and costs certified by the Contracting Officer as having been made or incurred with respect to this contract, including expenditures and costs made or incurred in connections with any portions of the contract which may have been completed prior to termination, as well as expenditures and costs made or incurred after termination in completing those portions of the contract which the Contractor may have been required by the notice of termination to complete.

(2) By reimbursing or providing for the payment or reimbursement of, the Contractor for all expenditures made or costs incurred with the prior written approval of the Contracting Officer in settling or discharging any outstanding contractual obligations or commitments incurred or entered into by the Contractor with respect to this contract; and

(3) By paying the Contractor, as a profit on this contract, insofar as a profit is realized hereunder, an amount to be computed by the Contracting Officer in the following manner:

(A) Estimate the profit which would have been realized on this contract if the contract had been completed and labor and materials costs prevailing at the date of terminations had remained in effect.

(B) Estimate, from a consideration of all relevant factors, the percentage of completion of the contract including any work performed after termination. In estimating the percentage of completion, the Contracting Officer shall estimate the percentage of the total work required by the contract which the work actually accomplished represents.

(C) Multiply the profit determined under (A) by the percentage determined under (B). The product is the amount to be paid the Contractor as profit.

(e) The Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree upon for expenditures made and costs incurred with the approval of the Contracting Officer (a) after the date of termination for the protection of Government property, and (b) for such other expenditures and costs as may be necessary in connection with the settlement of this contract, and in the absence of such agreement as to the amount of such expenditures and costs shall reimburse the Contractor for the same.

(f) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in materials or workmanship.

(g) The sum of all amounts payable under this Article, plus the sum of all amounts previously paid under this contract, shall not exceed the total contract price, adjusted in the event that this contract contains an article providing for price adjustment, on the basis of the estimate of the Contracting Officer, to the extent which would have been required by such article if this contract had been completed and labor and materials costs prevailing at the date of termination had remained in effect.

(h) Should the above provisions of this Article not result in payment to the Contractor of at least $100, then that amount shall be paid to the Contractor in lieu of any and all payments hereinbefore provided for in this Article.

(i) The Government shall promptly make partial payments to the Contractor.

(1) On account of the amounts due under paragraphs (c), (d) and (e) of this Article to the extent that, in the judgment of the Contracting Officer, such payments are clearly within the amounts due under such paragraphs, and

(2) Of such amounts as the Contracting Officer may direct, an account of proposed settlements of outstanding obligations or commitments, to be made by the Contractor pursuant to paragraph (d) (2) of this Article, if such settlements shall have been approved by the Contracting Officer and subject to such provisions for escrow or direct payment to the persons entitled to receive such settlement payments as the Contracting Officer may require.

(j) Any disputes arising out of termination under this Article shall be decided in accordance with the procedure prescribed in Article ------ of this contract.

(k) Upon the making of the payments called for by this Article, all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to patent infringements and reproduction rights shall remain in full force and effect.

(l) The Government shall terminate this contract only in accordance with this Article, except as otherwise provided by law or by Article ------ (Delays-Damage). Notwithstanding Article ------ (Delays-Damages) and any defaults of the Contractor, the Government shall terminate this contract only in accordance with this Article if such termination is simultaneous with or part of or in connection with a general termination of war contracts at, about the time of, or following the cessation of the present hostilities or the end of the present war, unless the Contracting Officer finds that the defaults of the Contractor (1) have been gross or wilful and (2) have caused substantial damage to the Government.

The foregoing clause may be inserted in any contract as to which its inclusion is not mandatory. (See also paragraphs (c), (d) and (e) of this section.) In connection with the Termination Article set forth in this paragraph, see section IX of Procurement Regulation No. 3.

* * * * *

In § 81.395 paragraph (d) is amended as follows:

§ 81.395 *Contracts within section 9, Military Appropriation Act, 1944.* * * *

(d) *Compensation limited.* The following interpretations of the statute above-quoted have been made by the Office of The Judge Advocate General:

(1) The statute is applicable only to contracts under which the technical or professional service procured is the primary purpose of the contracts, and is not merely incidental to the furnishing of other work or services, construction, or supplies which may also be procured under those contracts.

(2) The limitation of compensation to $25 per day for individuals applies to contracts otherwise within the statute made by the Government,

(i) With individuals who are to furnish their technical or professional service direct to the Government;

(ii) With firms or corporations which are to employ individuals who furnish their technical or professional service to the firms or corporations, when the contracts between the Government and the firms or corporations are on a cost reimbursable basis.

In the cases mentioned in subparagraph (2) (i) and (ii) above, the contracts will expressly limit the compensation payable to the individuals to not more than $25 per day.

[Procurement Reg. 4]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

BONDS AND INSURANCE

Section 81.484 is added as follows:

§ 81.484 *Assignment to Government of premiums due under policies written under War Department Insurance Rating Plan upon termination or completion of cost-plus-a-fixed-fee contracts.* (a) The following form will be used for the purpose of assigning to the Government the interest of a cost-plus-a-fixed-fee contractor in return premiums, premium refunds, etc., on insurance policies written under the War Department Insurance Rating Plan upon termination or completion of his contract:

ASSIGNMENT TO GOVERNMENT

Under Cost-Plus-A-Fixed-Fee Contract No. ------ dated ---------- between the United States of America (hereinafter called the Government) and ---------- (hereinafter called the Contractor).

The Contractor does hereby assign, transfer and set over to the Government as of the date hereof, all of its right, title and interest in and to all return premiums, premium refunds, dividends and any other moneys due or to become due the Contractor in connection with Policies No. ------, ------, and ------ issued by the ---------- Insurance Company.

In witness whereof, The Contractor has executed this Assignment this ------ day of ----------, 194--.

CONTRACTOR.

By ----------

[CORPORATE SEAL]

Attest:

Secretary.

Accepted:

UNITED STATES OF AMERICA.

By ----------

Contracting Officer.

(b) Appropriate detailed instructions will be given by the chiefs of technical services to contracting officers and others concerned so that the form is executed and forwarded by registered mail, return receipt requested, to the home office of the insurance company involved. The letter accompanying the form will specify that all checks to cover return premiums, etc., are to be made payable to the Treasurer of the United States.

(c) In addition to whatever copies are required for the purposes of a technical service, one copy of the executed form will be forwarded to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces.

[Procurement Reg. 5]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

FOREIGN PURCHASES

In § 81.506 paragraphs (c) and (d) are amended and (e) is rescinded.

§ 81.506 *Drawback.* * * *

(c) *General rule and exception in case of contracts for cigars, cigarettes, and other tobacco products.* Whenever the Government purchases articles, with respect to which there might arise a claim to a drawback, the price paid shall include the customs duties, and accordingly the manufacturer will have no claim to a drawback. An exception to this rule may be made in the case of Government contracts for the purchase of cigars, cigarettes, and other tobacco products.

(d) *Right to drawback under standard tax articles.* Since customs duties are not Federal taxes from which exemption is available, such duties will, under the standard tax articles set forth in paragraphs (a) and (b), of § 81.357 be deemed to be included in the contract price. Therefore, in the case of contracts for the purchase of cigars, cigarettes, and other tobacco products by the Government, when it is desired to reserve to the manufacturer the claim to a drawback, it will be necessary to insert in the contract an express statement that the price does not include the customs duties.

(e) *Exceptions to War Department policy.* [Rescinded]

[Procurement Reg. 6]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

In § 81.608 (c) subparagraphs (2) and (3) are added as follows:

§ 81.608 *Purchases from Federal Prison Industries, Inc., Department of Justice.* * * *

(c) *General clearances.* * * *

(2) *Amendment dated 20 December 1943.* Under date of 20 December 1943 Clearance C–23445 was amended to include the following under articles and services available:

POTATOES, DEHYDRATED: 400 tons of finished product at the rate of 50 tons per month commencing immediately.

BOATS, wooden, not in excess of 100' long, to be procured in the Ninth Service Command.

(3) *Amendment dated 22 December 1943.* Under date of 22 December 1943 Clearance C–23445 was amended to read as follows so far as wood furniture and specialties are concerned:

WOOD FURNITURE AND SPECIALTIES: Chairs of all types with the exception of 3C and 5C chairs; desk trays; costumers; tool handles; pallets.

* * * * *

In § 81.610 paragraph (c) is amended as follows:

§ 81.610 *Purchases from Government Printing Office.* * * *

(c) (1) Under the regulations of the Joint Committee on Printing relative to periodicals and field printing, printing, binding and blankbook work which it is impracticable to have done at the Government Printing Office and which is necessary for the exclusive use of any field service outside of the District of Columbia may be procured elsewhere than at the Government Printing Office in the District of Columbia without the necessity of obtaining a clearance from the Public Printer. Such work shall be done either

(i) By local Army-owned reproduction facilities

(ii) At United States Army Field Printing Plants authorized by the Joint Committee on Printing, or

(iii) By commercial firms.

A list of authorized War Department Field Printing Plants is contained in the aforementioned regulations. These regulations are distributed by the Printing Branch, Service Installations Division, Office of The Quartermaster General and should be requested through the chief of the technical service (or commanding general of the service command).

(2) Said regulations further provide that

No field printing, even though authorized by the committee, shall be done at any field plant, * * * having machinery or equipment (including motors) which has been or may be purchased, exchanged, or transferred since May 1, 1920, without specific approval by the Joint Committee on Printing of such purchase, exchange, or transfer: *Provided*, That this regulation shall not be construed as applying to minor replacements of type or material or parts necessary in making repairs to machinery and equipment.

* * * * *

[Procurement Reg. 8]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

FEDERAL, STATE AND LOCAL TAXES

Section 81.821 is amended as follows:

§ 81.821. *Transportation of property—*(a) *Freight tax.* Section 3475 of the Internal Revenue Code (inserted by section 620 of the Revenue Act of 1942, and amended by Public Law 180, 78th Congress) imposes a tax of 3% upon the amount paid within the United States on and after 2 December 1942 for transportation of property on or after 1 December 1942 by rail, motor vehicle, wafer, or air from one point in the United States to another. In the case of coal, the rate of tax is four cents per short ton. The tax applies only to amounts paid to pesons engaged in the business of transporting property for hire, including freight forwarders and express companies, but not including amounts paid to forwarders and express companies for transportation for which a tax has previously been paid under the section. The tax is imposed upon the person making the payment subject to the tax. [See Treasury Regulations 113, 1943 ed., 8 F.R. 1433; T.D. 5312, 8 F.R. 16925.]

(b) *Exemptions from the tax.* The following payments are exempt:

(1) *Amounts paid for transportation originating prior to 1 December 1943.* An amount paid for the transportation of property, where such transportation originated prior to 1 December 1943 is exempt from the tax (i) if paid directly to a carrier by the United States or any agency or instrumentality thereof, or by a State, or political subdivision thereof, or (ii) if paid to the United States or any agency or instrumentality thereof. In either case an exemption certificate is not required.

(2) *Amounts paid for transportation originating on and after 1 December 1943* An amount paid on or after 1 December 1943 for the transportation, originating on or after such date, of property to or from the Government of the United States, or any State, Territory, or political subdivision thereof, or the District of Columbia, is exempt from the tax. Where the shipping papers show the consignor or consignee to be the Government of the United States, or any State, Territory, or political subdivision thereof, or the District of Columbia, or an agency or instrumentality of any of the foregoing, such papers may be accepted by the carrier as proof of the exempt character of the shipment. A United States Government bill of lading may likewise be accepted as evidence of the exempt character of the shipment. In any case covered by the two preceding sentences, a certificate of exemption is not required. Amounts paid to the Post Office Department for the transportation of property are exempt from the tax.

(3) *Exports.* Amounts paid for transportation shown to be intended for export are also exempt, irrespective of the date when the transportation originates. No exemption certificate or certificate of exportation is necessary if the property is shipped directly from a point within the United States to a point outside the United States under a through bill of lading, or a through export bill of lading, showing a consignee and destination outside the United States. The term "United States", for this purpose, means the states, the territories of Alaska and Hawaii, and the District of Columbia.

(c) *Cost-plus-a-fixed-fee contracts.* (1) Prior to the amendment of section 3475 of the Internal Revenue Code by Public Law 180, 78th Congress, the Commissioner of Internal Revenue ruled informally that the tax was applicable to amounts paid by cost-plus-a-fixed-fee contractors for transportation of property even though the Government was bound to reimburse the contractor.

(2) Under the amendment referred to in subparagraph (1) the mere fact that the amount of transportation charges was paid by, or that the shipment was

to or from, a cost-plus-a-fixed-fee contractor does not make such amount or shipment exempt from the tax. Of course, if the shipment is made to or from such a contractor, from or to the Government, or if, for any other reason, the amount in question is exempt (see subparagraphs (2) and (3) of paragraph (b)), the mere fact that the shipment is made in connection with a cost-plus-a-fixed-fee contract does not make such shipment or amount taxable.

(3) Shipments to or from a cost-plus-a-fixed-fee contractor are, in any case, exempt when made on a Government bill of lading.

(4) Contracting officers in administering cost-plus-a-fixed-fee contracts need not for the sole purpose of avoiding the payment of the transportation tax arrange to have the shipment made on a Government bill of lading, or made with the Government or an agency or an officer thereof (acting in his official capacity) as consignor or consignee. Cost-plus-a-fixed-fee contractors paying this transportation tax on transportation charges incurred in the performance of their contracts will be reimbursed for the amount of the tax so paid. However, cost-plus-a-fixed-fee contractors will not be authorized to reimburse their suppliers for the payment of this transportation tax under existing contracts or purchase orders, unless such existing subcontracts or purchase orders as presently written expressly authorize an adjustment of the price of the item in the event a tax is imposed on transportation.

[Procurement Reg. 9]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

LABOR

Eight-Hour Law of 1912

In § 81.905 paragraph (d) is added as follows:

§ 81.905 *Applicability.* * * *

(d) *Dredge workers; basic law not applicable.* The Attorney General has expressed the opinion that the basic law is not applicable to the employment of members of the crew of a dredge or like floating plant (38 Op. A. G. 150 (1934)).

Wage and Salary Stabilization

In § 81.976a paragraph (1) of § 4001.1 quoted therein has been amended as follows:

§ 81.976a *Definitions.* (*Section 4001.1*). When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof—

* * * * *

(1) The term "agricultural labor" shall mean persons who are employed in farming in any of its branches, including among other things the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of agricultural or horticultural commodities, and the raising of livestock, bees or poultry: *Provided, however,* That the term "agricultural labor" shall not include any person whose salary payments, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, are at a rate, computed on an annual basis, which exceeds $5,000 per annum.

The War Food Administrator, by regulation, may issue such interpretations of the definition in this paragraph as he finds necessary.

* * * * *

In § 81.979 paragraphs (e), (f) and (k) to (r) are amended as follows:

§ 81.979 *Jurisdiction and procedure of Regional War Labor Boards.* * * *

(e) *The handling of preliminary inquiries about jurisdiction.* (1) An employer or a union (or an employee, or a group of employees not represented by a union) directly concerned in a proposed wage or salary adjustment, may, jointly or separately, ask the nearest designated officer of the Wage and Hour and Public Contracts Division of the United States Department of Labor in the region (hereinafter referred to as the Wage and Hour Office) for a ruling as to whether the proposed adjustment may be made without Board approval. The request for a ruling, if filed by the employer alone, shall state whether there is a duly recognized or certified collective bargaining agent for any or all of the affected employees which has not joined with the employer in the request for the ruling, and if so, the name and address of such collective bargaining agent. If filed by a union, or on behalf of any or all of the employees, without joinder by the employer, the request for ruling shall state the name and address of the employer. If the request for a ruling affects any employees represented by a duly recognized or certified collective bargaining agent, and the employer or the collective bargaining agent has not joined in the request, a copy of the request for the ruling and the ruling shall, after the ruling has been made, be sent to the employer or the collective bargaining agent, whichever has not joined in the request, and to the appropriate regional attorney by the Wage and Hour Office.

(2) If said ruling is that the proposed wage or salary adjustment may be made without approval of the Board:

(i) The ruling shall be deemed to be authoritative and shall remain in effect unless reversed as provided below.

(ii) If, on receipt of the ruling from the Wage and Hour Office, it is reversed by the regional attorney (after consultation, where necessary, with the regional wage stabilization director), the Wage and Hour Office shall be notified promptly, and it shall immediately notify the person or persons who made the inquiry that the adjustment requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the Wage and Hour Office that it did not need approval:

(*a*) The adjustment may be continued in effect for a period of ten days following the notification by the Wage and Hour Office, within which period the employer may file with the Wage and Hour Office (jointly with a duly recognized collective bargaining agency, or by himself, as subsequently provided), an application for approval of the adjustment and

(*b*) If such an application is so filed, the adjustment may be further continued in effect until and unless it is finally disapproved. Such disapproval shall take effect only from the date of the issuance of the order of disapproval.

(iii) If the Wage and Hour Office to which an inquiry has been addressed rules that the proposed adjustment cannot properly be made without approval, the ruling shall be deemed to be authoritative. The person or persons who made the inquiry may seek from the regional attorney, by written petition filed within 10 days after the ruling of the Wage and Hour Office, a reversal of the ruling. The regional attorney's ruling (after consultation, where necessary, with the regional wage stabilization director) on the question so submitted shall be final and shall be transmitted to the applicant and to the other parties, if any, required by subparagraph (1) of this paragraph, through the Wage and Hour Office.

(f) *The filing of applications for approval of wage or salary adjustments.* (1) Each application for approval of proposed voluntary wage or salary adjustments (other than those described in paragraph (c)) shall be filed with the nearest Wage and Hour Office in the region. All applications shall be made upon appropriate forms prepared by the National War Labor Board.

(2) Such applications may be of two kinds. The first kind, in which approval is sought of an adjustment agreed upon by the parties, may be signed by any party (or jointly by any or all the parties) to the contract. The application shall state whether all the parties to the contract have signed the application and shall state the name and address of each party who has not signed the application. If there be any such party who has not signed, the Wage and Hour Office at which the application was filed shall, as agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact or if he files a statement admitting it, the application will then be acted upon. If he contests the fact of the contract having been made, the matter will be determined to be a dispute case and the application Form 10 will be returned to the party which filed the application, and a copy of the letter returning the application will be sent to the contesting party, unless (i) the contract was in writing, (ii) the writing or a certified or otherwise authenticated copy thereof has been produced, and (iii) the Wage and Hour Office is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Office is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the regional attorney when the application is transmitted to the regional war labor board under subparagraph (7) of this paragraph. His ruling shall be final.

(3) The second kind of application, in which an employer on his own initiative wishes to make a wage or salary adjustment, shall be signed either (i) jointly by the employer and a duly recognized collective bargaining agent for any or all of the employees who are to be effected by the proposed wage or salary adjustment, or (ii) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agent (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the Wage and Hour Office at which the application was filed shall, before acting on the application, send to the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections are made within said period, the matter will be determined to be a dispute case and the application Form 10 will be returned to the party which filed it and a copy of the letter returning to the application will be sent to the contesting party. No action shall, however, be taken by the Regional Board on any application after the National Labor Relations Board or a similar State agency has ordered the holding of an election to determine the status of a labor organization as the collective bargaining agent of any of the employees involved in the application. As used here the term "duly recognized collective bargaining agent" referred either to a labor organization which has actually been recognized by the employer for the purpose of collective bargaining or to a labor organization which has been certified by the National Labor Relations Board or a similar State agency where the legal result of such certification is that the employer is obligated to bargain with the union. Where a labor organization has not been duly recognized or certified, it may not receive a copy of the application, but upon inquiry it shall be told whether or not an application has been filed.

(4) In cases where the employer has signed or joined in signing an application for approval of a wage or salary increase he shall state in the application whether he intends to make the proposed increase, if approved, the basis of the application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

(5) In cases where the employer has not signed or joined in signing an application for approval of a wage or salary increase, he shall be requested in the notice of the filing of the application sent to him by the Wage and Hour Office to state whether he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to make this statement (i) within seven days of the sending of said notice or (ii), if (as described in subparagraph (2) above) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Office finding him to be a party to said agreement.

(6) If the employer states that he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, (i) his statement shall be entered in an appropriate place on the application before the application is acted on by the regional wage stabilization director as director as provided below, and (ii) the employer will be required to furnish further information, the nature and effect of which will be set forth under paragraph (j) of this section.

(7) When an application has been submitted to a Wage and Hour Office and no preliminary inquiry about jurisdiction has been made under paragraph (e) of this section, the office shall first make certain that the application needs approval. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed exactly as if the applicant had asked for a preliminary ruling on jurisdiction. If no jurisdictional question is involved or if such a question has been cleared up under paragraph (e) of this section, the Wage and Hour Office shall see that appropriate forms are fully and accurately filled out and shall transmit them to the regional wage stabilization director of the appropriate regional war labor board.

(8) Upon receipt of the application, the regional wage stabilization director, acting in collaboration with the regional attorney, shall first make certain that the application requires Board approval (unless this question has already been ruled upon and determined under paragraph (e) of this section). If it is determined by the regional attorney that the application does not require Board approval, a written ruling to that effect shall be made and copies sent to the applicant or applicants. If it is determined that the application requires Board approval, it shall be acted upon as provided in paragraph (i) of this section. In any case, the regional wage stabilization director may, before acting, obtain further needed information informally from the applicant or applicants, from the Wage and Hour Office, from the United States Bureau of Labor Statistics, or any other source or refer the application back to the Wage and Hour Office for such information as he may specify. In cases where the application reveals that the employer intends to make the proposed increase the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, the Regional Wage Stabilization Director shall send a copy of the application to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C.

* * * * *

(k) *Authority of Regional War Labor Boards.* A description and the extent of this authority is set forth in paragraphs, (l) to (r), inclusive, of this section.

(l) *Applications for approval of voluntary wage or salary adjustments,* (1) Each Regional War Labor Board shall have authority to approve or disapprove applications for voluntary wage or salary adjustments.

(2) Each such ruling shall be final, subject only to the National War Labor Board's right to review on its own initiative, or on a petition for review, as provided for in paragraph (n) of this section. Any reversal or modification of such ruling by the National War Labor Board shall take effect only from the date of its issuance, *Provided, however,* That if a ruling denying an application for permission to make a wage or salary adjustment is overruled, the final ruling of the National War Labor Board shall incorporate as the effective date of the adjustment the date specified in the application or such other date as the National War Labor Board shall specify.

(3) Copies of all such rulings and of any accompanying opinions (together with such other material as the Wage Stabilization Division may require) shall, when issued, be filed with the National War Labor Board.

(4) Rulings of the Regional Board on voluntary applications for approval of wage or salary adjustments shall take effect when issued to the parties. Such rulings may be issued to the parties when made, except that if any member of the Regional Board who votes upon a ruling which is not unanimous requests that it be stayed, such ruling shall forthwith be transmitted by the Regional Board to the National War Labor Board and may be issued to the parties only upon the expiration of ten days after its receipt in Washington, unless (i) the ruling is earlier approved by the Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event the Executive Assistant to the National War Labor Board shall notify the Regional Board, and the issuance of the ruling to the parties shall be stayed until the case is finally disposed of.

(m) *Directive orders in dispute cases.* (1) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policy of the National War Labor Board. Each such directive order shall bear the date of its actual issue and shall be issued to the parties when made. If after the issuance of such an order no timely petition for review is filed (as provided in paragraph (n) of this section), and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing

such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms: *Provided*, That the National War Labor Board may at any time prior to the expiration of the time for the filing a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless the National War Labor Board directs, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order.

(2) Copies of all directive orders and of any accompanying opinions (together with such other material as the Wage Stabilization Division may require) shall, when issued, be filed with the National War Labor Board.

(n) *Petitions for review.* (1) Within 14 days after a Regional Board issues a ruling denying or modifying a voluntary application for approval of a wage or salary adjustment or issues a directive order in a dispute case, any party to the case may file with the Board at Washington, D. C., an original and four copies of a petition, including supporting documents, seeking review by the Board of such ruling or directive order. The petition shall (i) state the petitioner's reasons for believing that one or more of the criteria set forth below is satisfied, (ii) set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case, and (iii) state that a copy of the petition has been served upon the other parties to the case and upon the Regional Board whose ruling or order is sought to be reviewed and the dates of each such service.

(2) No such petition shall be granted unless the petitioner has demonstrated by substantial proof that (i) the order exceeds the National War Labor Board's justification, or (ii) the order contravenes the established policies of the National War Labor Board, or (iii) a novel question is involved of such importance as to warrant national action, or (iv) the procedure resulting in the order was unfair to the petitioner and has caused substantial hardship. The party filing a petition shall at the same time serve a copy thereof, together with any supporting documents, upon each of the other parties to the proceeding and upon the Regional Board.

(o) *The answer.* Any party desiring to file an answer must do so within 14 days after receipt of the petition. An original and four copies of the answer shall be transmitted to the National War Labor Board in Washington, D. C., a copy shall at the same time be served upon the Regional Board and upon each of the other parties to the case. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. An answer may not contain a request for review of an order or any part thereof; such a request must be filed, if at all, in the form of a petition for review in the manner and within the time limit provided in paragraph (n) of this section. Each answer should state fully but concisely the respondent's reasons for believing (1) that the petition ought not to be entertained, and (2) that, if the National War Labor Board decides to entertain the petition, the petition should be denied on the merits. The Regional Board may, within the same period, file comment on the petition with the National War Labor Board, copies of which shall be served upon the parties.

(p) *Decisions of the Board.* The National War Labor Board will make its decision on a petition for review upon the basis of the record before the Regional Board and on the basis of the petition, the answer, if any, the recommendations of the Appeals Committee, and such further argument and proof as the National War Labor Board may require. If the petition for review is denied because the grounds for review set forth therein are deemed to be sufficient, the National War Labor Board shall issue an appropriate directive order or ruling adopting as its own the ruling or order to which the petition relates. If the petition for review is granted, the National War Labor Board will issue an appropriate directive order or ruling adopting, reversing, or modifying the order or ruling to which the petition relates or remanding the case to the Regional Board for such further actiton as is specified in the order or ruling of the National War Labor Board.

(q) *Review by the Board on its own motion.* The National War Labor Board may, on its own motion, assume jurisdiction over any case at any stage of the proceedings either before or after the issuance of the final order or ruling of the Regional Board.

(r) *Reconsideration of directive orders and rulings.* (1) Regional War Labor Boards may reconsider directive orders or rulings on their own motion or on petition, except, while the case is under consideration by the National Board following the granting of a petition for review, or the taking of review by the National Board on its own motion.

(2) The party petitioning for reconsideration shall serve a copy of the petition on all other parties at the same time that it is filed with the Regional Board. The filing of such petition does not preclude the filing of a petition for review, but shall not extend the time for filing with the National War Labor Board a petition for review nor change the date when the directive order takes effect.

(3) The Regional Board shall not act on any petition for reconsideration of a directive order or ruling unless (i) the petition is filed within fourteen days after issuance of the order or ruling in question and sets forth with particularity the grounds upon which the petition is based, or, (ii) the petition is filed promptly upon the petitioner's discovering material and substantial evidence which the petitioner was unable, despite due diligence, to discover in time to present to the Regional Board before it issued its order or ruling, and sets forth with particularity such evidence, or (iii) the petition is filed promptly upon the occurrence of events after the date of the order or ruling which make the order or ruling harsh or unfair, and set forth with particularity such events. If a petition for reconsideration is filed under subdivision (ii) or (iii) of this subparagraph, and the Regional Board deems that the evidence submitted warrants reconsideration of the directive order or ruling, it shall provide the parties a hearing on such new matters.

(4) Regional Boards may adopt rules further restricting reconsideration. Refusal of reconsidefation by a Regional Board shall have no bearing on the validity of a petition for review.

* * * * *

In § 81.980bb paragraph (a) is deleted.

§ 81.980bb *General Order No. 31.* * * *

(a) *Statement of 17 June 1943, by National War Labor Board regarding General Order No. 31.* [Deleted]

Section 81.981f is added:

§ 81.981f *Shipbuilding stabilization committee.* Part I of the National War Labor Board's directive order of January 7, 1943, in accordance with Title III, section 3, of Executive Order No. 9250, permitted the Shipbuilding Stabilization Committee to continue to perform its functions. Part II of the directive order created the Shipbuilding Commission. By directive order of August 9, 1943, the National War Labor Board vacated Part II of its directive order of January 7, 1943, and re-constituted the Shipbuilding Commission (§ 81.981e). Part I of the directive order of January 7, 1943, is as follows:

PART I—SHIPBUILDING STABILIZATION COMMITTEE

A. Title III, section 3, of Executive Order No. 9250 of October 3, 1942, provides: "The National War Labor Board shall permit * * * the Shipbuilding Stabilization Committee * * * to continue to perform its functions * * * except insofar as any of them is inconsistent with the terms of this order." Pursuant thereto, the Shipbuilding Stabilization Committee shall continue to perform the functions ascribed to it by General Administrative Order No. 2–57 of the chairman of the War Production Board and by the Shipbuilding Stabilization Zone Standards Agreements as amended May 16, 1942.

B. No new wage rate fixed by Zone Standards Agreement shall become effective until approved by the National War Labor Board.

Sections 81.983a and 81.983b are deleted.

§ 81.983a *Statement of November 12, 1942.* [Deleted]

§ 81.983b *Statement of December 26, 1942.* [Deleted]

In § 81.983d paragraphs (b) (1) and (c) are amended as follows:

§ 81.983d *Procedure under Executive Order 9250.* * * *

(b) * * *

(1) Advise each such contractor of the particulars in which probable non-compliance appears and request that he consult the Regional War Labor Board or Salary Stabilization Regional Office which has jurisdiction over approval of wage rates in the case. (See §§ 81.977c (a) and 81.979 (a) for list of Regional Offices.)

* * * * *

(c) The technical services have the responsibility of establishing within their services appropriate procedures for the reporting of apparent violations to the proper Government agency. Such procedures should be devised to restrict contacts with such agency solely to the transmittal of a report containing the information listed in paragraph (b) of this section.

* * * * *

[Procurement Reg. 10]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

PLANT FACILITIES EXPANSIONS

Section 81.1004 is amended as follows:

§ 81.1004 *Tax amortization.* Under the provisions of section 124 of the Internal Revenue Code the cost of facilities may, for the purpose of computing taxable income, be amortized over a period of 60 months (or under certain circumstances, a shorter period) when a certificate has been issued by the Secretary of War or the Secretary of the Navy that the acquisition or construction of such facilities is necessary in the interest of national defense during the emergency period. Said section 124 is inapplicable to the acquisition or construction of facilities financed under a plan of the type described in Plans III, IV, or V in § 81.1006. In order to obtain the benefits of such amortization the applicant must obtain a certificate of necessity. The appropriate place to file an application for such a certificate and the procedure for processing such an application are outlined in §§ 81.1016 to 81.1019 of this Procurement Regulation No. 10.

Section 81.1015b is added as follows:

§ 81.1015b *Transfer to the War Production Board of authority to issue certificates of necessity.* Under date of 17 December 1943 the functions, powers and duties of the Secretary of War and the Secretary of the Navy with respect to certification, pursuant to section 124 of the Internal Revenue Code (see § 81.1004), were transferred to the Chairman of the War Production Board. This Executive Order specified that the Secretary of War and the Secretary of the Navy should act upon

(a) All applications for necessity certificates filed before 5 October 1943 (see §§ 81.1016 to 81.1019 for procedure for filing and processing), and

(b) Applications for necessity certificates filed between and including 5 October 1943 and 17 December 1943 describing facilities, the beginning of the construction, reconstruction, erection, installation or the date of acquisition of which was prior to 5 October 1943 (see §§ 81.1016–81.1019 for procedure for filing and processing; see also § 81.1020). All other applications will be governed by the regulations of the War Production Board (8 F.R. 16964). In general these regulations contemplate that the application will be filed with the War Production Board and not with any agency of the War Department.

The introductory paragraph of § 81.1016 is amended as follows:

§ 81.1016 *Information to be submitted in application.* Applications for Necessity Certificates (of the type described in paragraphs (a) and (b) of § 81.1015b) should contain the information and be executed in the manner indicated in the following publications:

* * * * *

Section 81.1017 is amended as follows:

§ 81.1017 *Place of filing application.* (a) Applications for certificates of necessity (of the type described in paragraphs (a) and (b) of § 81.1015b) should ordinarily be filed with the Tax Amortization Branch, Headquarters, Army Service Forces, Washington, D. C. In some instances, taxpayers, unfamiliar with the procedure, may file applications with officers of the technical services. An original and one copy of applications thus filed, will be promptly forwarded by the officer, through the chief of the technical service concerned to the Tax Amortization Branch, Headquarters, Army Service Forces. The third copy will be retained in order to enable the officer to make investigation and report pursuant to § 81.1018 (e).

(b) As to all other applications see § 81.1015b.

The introductory paragraph of § 81.1018 is amended as follows:

§ 81.1018 *Procedure for processing applications.* The following procedure will govern the processing of applications (of the type described in paragraph (a) and (b) of § 81.1015b):

* * * * *

Section 81.1020 is added as follows:

§ 81.1020 *Memorandum of the Under Secretary of War.* Under date of 5 October 1943 the Under Secretary of War issued the following memorandum:

On 5 October 1943 the regulations governing the issuance of Necessity Certificates under section 124 of the Internal Revenue Code were amended by the following addition:

3 (d) The construction, reconstruction, erection, installation, or acquisition of a facility shall not be deemed necessary unless (1) the beginning of the construction, reconstruction, erection, installation, or the date of acquisition of such facility, was prior to October 5, 1943; or (2) an application for a Necessity Certificate describing such facility was filed before October 5, 1943; or (3) the Secretary of War or the Secretary of the Navy, in exceptional cases, has determined prior to the beginning of such construction, reconstruction, erection, installation, or the date of such acquisition that there is a shortage of facilities for a supply required for military or naval uses and that it is to the advantage of the Government that additional facilities for such supply be privately financed.

It will be noted that unless the beginning of construction, reconstruction, erection or installation, or the date of acquisition, of the facility was prior to 5 October 1943, Necessity Certificates will not be granted unless decision to that effect has been made before the facility was begun or acquired.

Every effort will be made to avoid the creation of additional facilities by requiring full use of existing facilities. Where additional facilities are required by a company or individual which is unable or unwilling to finance them privately without the benefit of a Necessity Certificate, efforts will be made to supply the need from Government facilities presently owned. In cases where this is impossible or impracticable, contactual arrangements for Governmental financing should be made.

In the exceptional case where this cannot be done, a full report and recommendation will be submitted to the Under Secretary of War, explaining the reasons for determining (a) that there is a shortage of facilities for the supply required and (b) that such facilities should be privately financed. The Tax Amortization Branch, Purchases Division, Army Service Forces, is designated as the agency which will receive such reports on behalf of the Under Secretary of War.

You will bring this to the attention of all procurement agencies promptly.

[Procurement Reg. 11]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS PURCHASE INSTRUCTIONS

In § 81.1133 paragraph (b) is amended as follows:

§ 81.1133 *Procedure for obtaining exemption under developmental and secret contracts and emergency purchases or for relief from a price regulation.* * * *

(b) *Procedure under secret contracts.* To obtain exemption of the sale or delivery of any commodity manufactured or service supplied pursuant to a secret contract or subcontract it is necessary that it be certified as such to the OPA by the purchasing agency. Such certification need only set forth the date of the secret contract and its number or other designation, not including the commodity covered or the name or address of the supplier. This certification should be sent to the Chief, Office Services Branch, Security Officer, Office of Price Administration, Federal Office Building No. 1, Washington (25), D. C.

* * * * *

[Procurement Reg. 12]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

RENEGOTIATION AND PRICE ADJUSTMENT

In § 81.1204 paragraph (i) is amended and paragraph (j) is added as follows:

§ 81.1204 *Exemptions from statutory renegotiation.* * * *

(i) *No authority to grant exemption from renegotiation in connection with termination settlements.* The authority has been revoked which was previously

granted to contracting officers by this paragraph to exempt from renegotiation (1) contracts, letter contracts, letter purchase orders or letters of intent of which notice of termination for the convenience of the Government has been given, or (2) any agreement making a negotiated settlement of the whole or any part of the amount due from the Government in connection with any such instrument. This revocation of authority takes effect 3 February 1944.

(j) *Exemption of short-term, fixed price contracts from renegotiation.* (1) With the approval of the Director, Purchases Division, Headquarters, Army Service Forces, any contract which meets the following conditions may be exempted from statutory renegotiation:

(i) The contract fixes the price and contains no provision for price adjustment except provisions for equitable adjustment of the price in case of changes in specifications, deliveries, rate of production, or increased expenses resulting from allocations or other Government action (see § 81.351);

(ii) The contract provides for full performance within six months or less;

(iii) The contractor has had previous experience in producing the same or substantially similar articles;

(iv) The total costs of performance of the contract can be determined with reasonable certainty at the time the contract is made;

(v) The price contains substantially no allowances or charges for contingencies, and any remaining allowances or charges for contingencies are segregated, identified and explained;

(vi) The price is fair and reasonable in the circumstances of the particular procurement; and

(vii) The profit and margin of profit are relatively low.

(2) Every request for the approval of an exemption shall contain

(i) An opinion that the contractor's cost accounting system is adequate for the purpose of meeting the requirements of the exemption, such opinion to be given by a qualified representative of the technical service submitted the request;

(ii) An analysis of past and prospective costs sufficient to show that the particular contract meets the requirements specified in subparagraph (1) of this paragraph, and

(iii) An adequate showing that all the other conditions set forth in subparagraph (1) are satisfied.

[Procurement Reg. 13]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

FORMS OF CONTRACTS

In § 81.1312 Article XXI of the contract form is amended as follows:

§ 81.1312 *W. D. Contract Form No. 12.*

* * * * * * *

ARTICLE XXI. (Insert § 81.362)

* * * * * * *

In § 81.1314 the contract form is amended as follows:

§ 81.1314 *W. D. Contract Form No. 14.*

Rental Agreement No. ------
Contract No. ------

RENTAL AGREEMENT—GOVERNMENT-OWNED CONSTRUCTION OR ROAD MAINTENANCE EQUIPMENT

Lessee and address: ----------
Equipment to be used in connection with project located at: ----------
Payment: ----------
To be made to ----------, United States Army, at ----------

* * * * *

SECTION 18. The Lessee warrants that he has not employed any person to solicit or secure this lease upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the lease, or at its option, to recover from the Lessee the amount of such commission, percentage, brokerage, or contingent fee, in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Lessee upon contracts or leases secured or made through bona fide established commercial agencies maintained by the Lessee for the purpose of doing business.

* * * * *

SCHEDULE A—RATES OF RENTAL

[Amendments of Maximum Price Regulation 134 of the Office of Price Administration have necessitated certain changes in the model Schedule which previously appeared at this point. The Office of the Chief of Engineers will issue detailed instructions on this subject matter and will periodically revise such instructions to accord with any further regulations of the Office of Price Administration.]

Section 81.1327 is added as follows:

§ 81.1327 *Standard Procurement Forms; Cross-reference.* The forms set forth in paragraphs (a), (b) and (c) of this section are standard proposal forms which are to be used in accordance with instructions set forth at paragraph (b) of § 81.243.

(a) *W. D. Standard Procurement Form No. 1.*

Budget Bureau Approval
No. 49-R-146

WAR DEPARTMENT STANDARD PROCUREMENT FORM NO. 1, REQUEST FOR PROPOSAL

Proposal Request No. --------
Proposals to be received by----------, 194--
Preference rating to be assigned----------
Date----------, 194--
From ----------

To ----------

Under authority of the First War Powers Act, 1941, and Executive Order No. 9001, you are requested to submit a proposal for the furnishing of the item(s) hereinafter described (or such part thereof as you may be able to furnish), upon the delivery schedule hereinafter specified, and in accordance with Contract Form -------- as amended to date of the proposal, including (a) all applicable provisions required by Federal Law, Executive Order, and War Department Procurement Regulations, and (b) the following optional clauses: ----------
---

A copy of that form of contract with such provisions and clauses, may be obtained from this office.

The Government reserves the right to reject any and all proposals made in response to this request.

Offers of prompt payment or cash discounts will not be considered in making the award, but if such an offer is made, the Government, in making payment, shall have the right to take advantage thereof according to its terms.

DESCRIPTION

Item No.	Item(s)	Quantity	Unit

In calculating your price(s) for such item(s), please take into consideration the issuance to you by the Government of the following described materials:

DELIVERY SCHEDULE

The item(s) described above are desired to be delivered f. o. b.----------, in accordance with the following schedule:

QUANTITY

Date or period	Item No. ----	Item No. ----	Item No. ----	Item No. ----
Total				

The inclosed Contractor's Proposal is to be completed and signed in ---------- and returned to this office on or before ----------, 194--. In any event all the drawings and specifications are to be returned to this office by that date. In preparing the Contractor's Proposal, the inclosed instructions relating thereto are to be carefully followed. *Note carefully that only the following portions of the Contractor's Proposal are to be completed:*

Inclosures: -------- copies Contractor's Proposal. Instructions.

(b) *W. D. Standard Procurement Form No. 2.*

Budget Bureau Approval
No. 49-R-147

WAR DEPARTMENT STANDARD PROCUREMENT FORM NO. 2

NOTE. This is the War Department's Standard proposal form which has been prepared for the convenience of all contractors. For many contracts it will not be necessary to complete the entire form. Before filling out this form, read carefully the last paragraph of the Request for Proposal and the instructions for filling out this form.

Date----------, 194--

CONTRACTOR'S PROPOSAL

To be filled out in----------
(A) From----------
To ----------

(B) Subject: (Item or items)----------

(C) The undersigned hereby offers to furnish to the Government the items, in the quantities, at the prices, and upon the delivery schedule set out below, and in strict accordance with the specifications inclosed with the Government's Request for Proposal dated----------, 194--.

(D) The Government's notice of acceptance of this proposal must be given within 30 days after the closing date specified in the Request for Proposal, by sending to the undersigned, by mail or otherwise, a notice of award, purchase order, or contract responsive to this proposal.

(E) In the event the Government shall accept this proposal, the undersigned will sign and deliver to the Government Contract Form ----------, as amended to the date hereof (if that form requires manual execution by the undersigned), embodying the terms and provisions of this proposal. In addition to the clauses required by Federal law, Executive Order and War Department Procurement Regulations, the contract shall include the following optional clauses: ------
---

(F) Any acceptance of this proposal shall be based on the following representations (including the data furnished by the undersigned under Titles I to ------, both inclusive, and ------ supplementary sheets attached hereto), which are certified to be true to the best knowledge and belief of the undersigned (hereinafter called the "contractor").

(G) Name----------
By----------
Title----------
(Authorized to make this proposal)

Title I. (a) Contractor is:
( ) Corporation incorporated under laws of----------
( ) Partnership, consisting of----------
( ) Sole proprietorship of----------
(b) Business address----------

(c) Name and location of contractor's plant(s) where each item will be manufactured or from which furnished----------

(d) The individual authorized to conduct negotiations on behalf of the contractor is ---------- Title----------

Title II—Scope of Proposal

(A) Item No. (1)	Description of Item (2)	Quantity (3)	Unit (4)	Unit Price (5)	Total Price (6)

(B) 1. Total prices for all items---------- $----------
2. Cost of additional facilities to be manufactured or acquired by contractor for Government account------ ----------
3. Total Proposed Value of Contract---------- $----------

(C) The foregoing prices do not include the Federal, State, and local taxes which are excluded as directed by the instructions which accompany this proposal form.

(D) The foregoing prices are based on the understanding that the following material is to be furnished by the Government: ----------
---

(E) The proposed unit prices are based on the premise that the contractor (will) (will not) take title to all scrap from Government-furnished material. If contractor is to take title, each price per unit listed above has been reduced----------
---

(F) The cost per unit of packaging and boxing which is included in the price for each of the items is as follows: ----------
---

(G) Contractor agrees to comply with reasonable requests for cost information based on production experience under the proposed contract.

Title III—Delivery Schedule

The items described above will be delivered f. o. b. ----------, upon the following schedule:

QUANTITY

Date or period	Item No. ----	Item No. ----	Item No. ----	Item No. ----
Total				

Title IV—Supplementary Information

(Read instructions carefully before completing this and following titles. *See page 2 of Request for Proposal for such titles or portions thereof that are to be answered.*)

1. Contractor now has---------- outstanding war contracts and subcontracts, aggregating $------, of which approximately ------% is uncompleted.

2. Contractor now employs approximately --------- employees. The average number employed in 1940 was approximately-------- To perform contract resulting from this Proposal, contractor will have to employ------ additional employees and work------ shifts of ------hours each, ------days per week.

3. Check proposed method of financing contract resulting from this Proposal:
------ From contractor's working capital or through usual commercial channels.
------ By Government-guaranteed loan of $------
------ By advance payment of ------%, which will be formally requested.
------ By financial assistance from Smaller War Plants Corporation.

4. (a) Contractor (has) (has not) been renegotiated pursuant to section 403, Sixth Supplemental National Defense Appropriation Act, 1942, as amended. Renegotiated by ---------- for the period ----------
(b) Attach summary of price reduction covenants in any renegotiation agreement, and indicate effect of such covenants on proposed prices hereunder.
(c) Status of any pending statutory renegotiation proceeding is ----------
---
(Submit answers to following on separate sheets)

5. Indicate extent of proposed subcontracting in terms of percentage of proposed prices for the items covered by this proposal. To extent available, give names and addresses of proposed subcontractors for major component parts, identification and quantities of such parts, and the unit prices to be paid therefor. Indicate any affiliation between contractor and each of such proposed subcontractors.

6. Show by major classifications (as specified in the instructions) the cost of Government-owned facilities which the contractor intends to use for performance of the proposed contract.

7. State in detail contractor's need of (a) additional Government-owned facilities and (b) additional contractor-owned facilities for performance of proposed contract.

8. (a) Give details of any agreement to pay commission, percentage, brokerage or continent fee in connection with proposed contract.
(b) To extent possible, give details of any such agreement or agreements in connection with any proposed subcontract or subcontracts.

9. If patent royalties are included in price, state: (a) Amount, (b) basis of calculation, (c) name and address of licensor, (d) feature on which paid, and (e) numbers and dates of patents or applications involved.

10. State concisely method of manufacture to be used in performance of proposed contract.

Title V—Unit Cost Breakdowns

Name of item (if proposal covers more than one item)	Col. A: Proposed contract, estimated amount per unit	Col. B: Cost per unit under previous contract for similar items, No. ------ From----to---- Quantity ------ (See note 1)	Col. C: Over-all company operating statement for last fiscal year ended --------- (See note 2)
	Percent	Percent	Percent
1. Direct material	$----------	$----------	$----------
2. Less scrap or salvage	----------	----------	----------
3. Net direct material	----------	----------	----------
4. Purchased parts	----------	----------	----------
5. Direct productive labor	----------	----------	----------
6. Misc. direct factory charges	----------	----------	----------
7. Indirect factory expenses (burden)	----------	----------	----------
8. Engineering and dev. expenses	----------	----------	----------
9. General and admin. expenses	----------	----------	----------
10. Selling expense (see note 5)	----------	----------	----------
11. Contingencies (see note 5)	----------	----------	----------
12. Other expenses (see note 5)	----------	----------	----------
13. ----------	----------	----------	----------
14. ----------	----------	----------	----------
15. ----------	----------	----------	----------
16. Total Cost	---------- 100	---------- 100	---------- 100
17. Operating profit (before income and excess profit taxes)	----------	----------	----------
18. Total Proposed Unit Price	----------	----------	----------

NOTE 1: This column should contain historical costs, not merely a copy of a former proposal
NOTE 2: Column C should conform as closely to the line captions as the contractor's account classification will permit. Operating profit should be shown on line 17 and net sales on line 18.
NOTE 3: Depreciation on productive facilities included above:

	Col. A	Col. B	Col. C
(a) Normal depreciation	$----------	$----------	$----------
(b) Accelerated depreciation	----------	----------	----------
Total	$----------	$----------	$----------

NOTE 4: Unless proposed contract covers only spare parts, do not include spare parts in this breakdown.
NOTE 5: Specify and describe on separate sheets the nature of the expenses included in lines 10 to 15 and the basis of their calculation.

Title VI—Indirect Factory Expenses

	Col. 1	Col. 2	Col. 3
	Proposed contract, estimated amount (if information is readily available)	Budgeted forecast of expenses for plant, department, or company for period	Operating statement, for last fiscal year ended
1. Labor	$	$	$
2. Superintendence			
3. Supplies			
4. Maintenance and repairs			
5. Depreciation			
6. Taxes and other expenses (specify and describe on separate sheets)			
7.			
8.			
9.			
10.			
Total	$	$	$

Title VII—General Expenses

1. Royalties and license fees	$	$	$
2. Administrative salaries			
3. Depreciation			
4. Other administrative expenses (specify and describe on separate sheets)			
5.			
6.			
7.			
8. Miscellaneous			
Total	$	$	$

Title VIII—Accounting Methods

State briefly the method used in estimating costs, including (see last paragraph of Request for Proposal): (*a*) Method of allocation of indirect factory expenses, selling and general expenses, and any other costs subject to allocation; (*b*) general depreciation rates and basis for charging accelerated depreciation; (*c*) a statement as to whether or not the methods and general rates used in (*a*) and (*b*) above are consistent with such used in the last 5 years, with explanation of changes, if any; (*d*) the extent burden applicable to idle or excessive facilities, if any, has been apportioned to this proposal; (*e*) a statement that no charge for depreciation on Government-owned facilities has been included in the estimated costs; (*f*) the amount of rental on Government-owned facilities included in estimated costs; and (*g*) a general description of engineering and development expenses included in this proposal and the method of amortization thereof.

Title IX—Other Costs

1. Submit unit cost breakdown, similar in content to columns A and B of title V, for sets of spare parts.

2. Submit cost breakdown per set for the packaging and boxing of spare parts.

3. Submit unit cost breakdown for packaging and boxing of each of the items covered by this proposal.

(c) *Instructions for filling out contractor's proposal.*

Budget Bureau Approval
No. 49–R–147

WAR DEPARTMENT

Instructions for Filling Out Contractor's Proposal, Standard Procurement Form Number 2.

Read all instructions carefully before filling out form

Fill out the Contractor's Proposal in------

When spaces on that form are insufficient for a complete answer, use separate sheets. Start each answer with the number or letter of the title or portion thereof which is being answered.

Heading: (At (A) insert the contractor's name, and on right-hand side of page 1 fill in date in space provided therefor.

Paragraph (B): Insert short description of item(s). Examples: "Radio TGR508"; Shell, H.E. 20mm, MK.1."

Paragraph (C): Insert date of Request for Proposal.

Paragraph (E): Insert proper contract form number and list of optional clauses to be included in contract. See first paragraph of Request for Proposal. If contractor is not familiar with the contract form, he may obtain a copy from the contracting officer.

Paragraph (F): Insert number of last title required to be answered (see last paragraph of Request for Proposal) and number of supplementary sheets attached to Contractor's Proposal.

Signature (G): Fill in contractor's name. Contractor or duly authorized representative is to sign on third line, and his title is to be shown on fourth line.

Title I

(*a*) Indicate by "X" whether contractor is corporation, partnership, or individual, and give the other pertinent information requested.

(*b*), (*c*), and (*d*) Self-explanatory.

Title II—Scope of Proposal

(A) In filling out the table, refer to Request for Proposal and follow (1) the item numbers, (2) description of items, (3) quantities, and (4) units. As to each item show in the appropriate column (5) unit price and (6) total prices. If any entry in the first four columns does not follow the Request for Proposal, state on the first line of the table "Differs from Request."

(B) On line 1 fill in the total of column (6) of the table. On line 2 fill in amount of additional facilities which contractor proposes to manufacture or acquire for the Government's account, to be used in connection with the production covered by the proposal. This figure should be the total of the cost of additional facilities referred to in paragraph 7 (*a*) of Title IV. If additional facilities are necessary, answer paragraph 7 (*a*) of Title IV. Do not include any part of these costs in the unit prices. Show the total of lines 1 and 2 on line 3.

(C) *Taxes:* Except as otherwise expressly directed in any instance:

1. Contractor shall *exclude* from his proposed prices:

(*a*) All Federal excise taxes enumerated in Chapters 25 and 29, Internal Revenue Code, applicable to the completed supplies or work covered hereby; and

(*b*) All Federal excise taxes enumerated in Chapters 25 and 29, Internal Revenue Code, applicable to the component parts, articles or units of the completed supplies or work of which the contractor himself is the manufacturer, importer, or producer; and

(*c*) All State and local taxes from which an exemption is available for purposes of this procurement.

2. Contractor shall *include* in his proposed prices:

(*a*) All Federal excise taxes enumerated in Chapters 25 and 29, Internal Revenue Code, applicable to the materials or component parts to be incorporated in the completed supplies or work (other than those mentioned in paragraph 1 (*b*) above; and

(*b*) All other Federal taxes, charges, or duties of any nature whatsoever, including without limiting the generality of the foregoing, the Federal excise tax on the transportation of property imposed by Chapter 30, Internal Revenue Code; and

(NOTE: If the completed supplies are taxable articles under Chapters 25 and 29, Internal Revenue Code, contractor's purchase of materials to be incorporated in the supplies is exempt from tax under Section 3442 (1), Internal Revenue Code, and credits or refunds may be obtained under Section 3443 (a) (1). No tax on such materials shall be included in the price.)

(*c*) All State or local taxes other than those mentioned in paragraph 1 (*c*) above.

3. Tax Exemption Certificates, where applicable, will be issued for the amount of any tax excluded from the price, as to which an exemption is available. In making application therefor, list all pertinent data in support of the application.

(D) Complete by inserting the description and amount of Government-furnished material which is specified in the Request for Proposal or which is essential for performance of proposed contract. If this list does not follow the Request for Proposal, write after the word "Government," "Differs from Request."

(E) Strike "will" or "will not" in order to show contractor's intention. If contractor will take title to scrap from Government-furnished material, enter the amount by which the unit prices listed in the table have been reduced.

(F) Insert unit costs of packaging and boxing each of the items, identifying those costs for each of the items.

Title III—Delivery Schedule

Insert f. o. b. delivery point, writing in "Differs From Request" if the delivery point differs from that contained in the Request for Proposal.

The delivery schedule should be completed in the same manner as that appearing in the Request for Proposal. If the delivery dates specified in the Request for Proposal cannot be met, insert the earliest possible delivery dates, and state on first line of table "Differs from Request."

(NOTE: *Before giving information called for by Titles IV to IX, read the last paragraph of the Request for Bid, for a listing of portions of such Titles which are to be answered. For many contracts it will not be necessary to complete the entire proposal.*)

Title IV

1. If actual figures are not readily available, give approximate figures.

2. Give approximate average number of employees in 1940. This figure may be obtained by taking the average number per day period, or the average of the quarterly figures reported to the Bureau of Internal Revenue and the Bureau of Old Age and Survivors Insurance on Form SS 1a. An estimate of need of additional employees may be used.

3. If proposed contract is not to be financed from contractor's working capital or through usual commercial channels, contractor should make inquiry as to the possibility, manner, and extent of any other method of financing before it is checked in the Proposal. This office will assist contractor with respect to such inquiry. Fill in amount if a Government-guaranteed loan is contemplated, and percent of total contract price if advance payment is to be formally requested.

4. (*a*) Strike "has" or "has not." Insert in first blank name of Board or Section which renegotiated contract, and in second blank the fiscal period covered by the renegotiation. (*b*) Include summary in supplementary sheets, identifying the question answered. (*c*) Insert in the blank a brief statement showing state of progress of any pending renegotiation.

(NOTE: *Submit answers to the remaining paragraphs of this Title on numbered, plain white sheets of approximately the same size as the Proposal, except as to paragraphs where the answer is "None," in which cases that word may be inserted at the end of such paragraphs on the form itself. Give the number of the title or portion thereof at the beginning of each answer.*)

5. Subcontractors, as that term is used in the Proposal, are suppliers of parts and components, completely or partially fabricated, and of materials which are fabricated to meet individual specifications for use in performance of proposed contract. List proposed subcontractors for the larger components and parts *only*. When several subcontractors are being considered for the same part, list all of them as alternative suppliers, together with the quantities which may be purchased from each. Indicate which, if any, of the proposed suppliers is an affiliate, subsidiary, division of, or is otherwise legally related to the contractor, or is controlled by an officer or major owner of contractor. Indicate the nature of such relationship.

6. List each separately: (*a*) Land, (*b*) buildings, (*c*) machinery and equipment, (*d*) tools, jigs, and fixtures, and (*e*) rehabilitation expense.

7. List each item of equipment or other facilities separately under (*a*) Government-owned facilities and (*b*) contractor-owned facilities for performance of proposed contract. Supply information under the following headings: (1) Name of Item, (2) Size and Type, (3) Operation for Which Required, (4) Use by Prime or Subcontractor, (5) New or Used, (6) Total Cost, including price, transportation and installation.

8. (*a*) Describe agreements to pay commissions, etc., giving names and addresses of other parties to agreement, amounts and bases of calculation of such fees, and conditions upon which they are proposed to be paid. (*b*) Where contractor has information concerning similar agreements in connection with one or more subcontracts, that information should be furnished in like detail to the extent possible.

9. State amount of patent royalties per unit and total, describe method for calculating these amounts, list licensors, the particular feature or features of the subject items which are covered by the royalty agreement, and numbers and dates of patents or applications involved.

10. Describe any manufacturing operations which in contractor's judgment have any special significance for an understanding of the costs under the proposal. At contractor's request such information may be used as basis for a special provision in the contract relating to the production process and the machine tools used in the production.

Title V

Before supplying information under Titles V to IX check the last paragraph of the Request for Proposal to ascertain whether and what part of those titles need be completed.

Carefully read and follow the notes appended to Title V.

Follow the classifications listed unless the contractor's regular accounting system requires another type of breakdown, in which case that breakdown should be substituted.

The cost breakdowns are required to give the contracting officer as complete an understanding of the contractor's operations as possible. The inclusion or exclusion of individual cost elements under this form does not indicate the propriety or impropriety thereof.

When the proposed contract covers more than one item (not including spares) supply a separate breakdown for each of such items. Specify in the space provided, the item covered by each breakdown. In such case column C need be filled out in only one of the cost breakdowns.

When entries are made on lines 10 to 14 for Selling Expenses, Contingencies, and Other Expenses, specify and describe on separate sheets the nature of the expenses and the basis of their calculation.

Column B. Fill out heading. Insert contract number, dates when production was started and completed under the contract, and the quantity of production.

Column C. Fill in date of end of fiscal year covered.

Fill in dollar amounts for each line required. For each item of cost, calculate percentage of *total costs* and enter on appropriate lines.

Title VI—Indirect Factory Expenses

Follow the classifications listed unless the contractor's regular accounting system requires another type of breakdown, in which case that breakdown should be substituted.

Where entry is made on line 6, Taxes and Other Expenses, or on the following lines, specify and describe on the separate sheets the nature of such taxes and other expenses and the reasons for their inclusion.

Title VII—General Expenses

Follow the classifications listed unless the contractor's regular accounting system requires another type of breakdown, in which case that breakdown should be substituted. When Other Administrative Expenses are included specify and describe on separate sheets.

Title VIII—Accounting Methods

The information called for under Title VIII should be given in sufficient detail to enable the contracting officer to understand the accounting methods employed by the contractor.

Title IX—Other Costs

1. Costs of Spare Parts: See instructions under Title V. Show costs of preparation and boxing as one item of cost. Submit a list of the prices which the contractor paid or proposes to pay for important subcontracted items.

2. Cost of Packaging and Boxing of Spare Parts: Submit a cost breakdown that seems clearest to the contractor. When special packaging constitutes a substantial part of total costs, the explanation might start with the cost of regular packaging and then proceed with an explanation of the differences between the cost of regular packaging and that of special packaging.

3. Cost of packaging and Boxing of Major Items: The cost of packaging and boxing of items other than spare parts is to be included in the costs shown under Title V (when an answer to that title is required) and is to be shown separately under this title. Submit a cost breakdown that seems clearest to the contractor. See suggestion in the next preceding paragraph.

[Procurement Reg. 7]

PART 83—DISPOSAL OF SURPLUS AND UNSERVICEABLE PROPERTY

DISPOSITION OF PROPERTY

Section 83.705a is added:

§ 83.705a *Federal excise taxes on property sold.* Where property which is subject to Federal excise tax is sold, provisions governing the collection of such taxes found in § 81.314 of these Procurement Regulations will be observed.

[Procurement Reg. 15]

PART 88—TERMINATION OF CONTRACTS

TERMINATION OF CONTRACTS

Section 88.15–211 is amended as follows:

§ 88.15–211 *Settlement of contracts containing no termination article.* (a) When the Government desires to terminate contracts containing no termination article, the prompt termination and final settlement of such contracts are in the interest of the Government. Such action will assist materially in enabling contractors affected by terminations to undertake other war work or other productive enterprise at an early date in a manner consistent with the public interest. Accordingly, pursuant to the First War Powers Act, 1941, and Executive Order 9001, there is hereby delegated to the chiefs of the several technical services the authority set forth in subparagraphs (1), (2) and (3) below. It is determined that the execution of supplemental agreements in accordance with the authority so delegated will facilitate the prosecution of the war.

(1) Contracts containing no termination article may be terminated and finally settled by supplemental agreement where such termination is to the interest of the Government. Pending the execution of such a supplemental agreement work may be suspended.

(2) Usually it will be desirable to provide for stopping work on such contracts well in advance of making a settlement. In such cases the contracting officer will attempt to amend the contract by supplemental agreement with the contractor so as to include in the contract the standard termination article for use in the type of contract involved (e. g. § 81.324). Once the amendment to include such an article is made, any termination may proceed in accordance with its provisions.

(3) If the contractor will not agree to include a standard termination article in the contract by amendment, the chief of any technical service, without the approval of higher authority, may make an agreement for the discontinuance of performance and settlement of such a contract, or provide for its settlement by reason of such termination, in such form as he may deem for the best interests of the Government.

(b) If no satisfactory agreement for the termination of such a contract can be made, the chief of the technical service concerned, acting personally or through the settlement review committee designated pursuant to § 88.15–220 (b), may authorize the contracting officer to order the contractor to discontinue further performance. Where speed is essential such authority may be granted by teletype or telegraph. The contractor may thereafter present his claim, if any, for damages arising out of this order, to the General Accounting Office or to the courts for settlement. Where such action is taken special care will be taken to record and preserve the circumstances and reasons leading to such action, together with a statement of the grounds on which it was determined that such action was in the interests of the Government. It is not consistent with War Department policy for the Government to commit breaches of contract and such action will be taken only in unusual cases and where all other reasonable efforts to prevent the incurring of unnecessary expense for the Government have been exhausted. In any such case, even after

the issuance of the order to stop performance, if the contractor is willing to agree to terminate the contract and to make a reasonable settlement thereof, such a settlement agreement (subject to the provisions of § 81.308g) may be made in the manner permitted by paragraph (a) (3) of this section.

Sections 88.15–480 to 88.15–496, inclusive, are rescinded and the following §§ 88.15–480 to 88.15–486 are prescribed:

§ 88.15–480 *Necessity for determining costs.* In connection with termination settlements, it will frequently be necessary to determine costs. In §§ 88.15–481 to 88.15–486, inclusive, is reproduced the "Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board, 31 December 1943" referred to in paragraph (h) of the new termination article (see §§ 81.324 and 88.15–901).

§ 88.15–481 *Statement of principles for determination of costs upon termination of Government fixed price supply contracts.*

§ 88.15–482 *General principles.* The costs contemplated by this statement of principles are those sanctioned by recognized commercial accounting practices and are intended to include the direct and indirect manufacturing, selling and distribution, administrative and other costs incurred which are reasonably necessary for the performance of the contract, and are properly allocable or apportionable, under such practices, to the contract (or the part thereof under consideration). The general principles set out in this statement are subject to the application of any special provisions of the contract. Certain costs are specifically described below because of their particular significance, and, as in the case of other costs, should be included to the extent that they are allocable to or should be apportioned to the contract or the part thereof under consideration.

(a) *Common inventory.* The costs of items of inventory which are common to the contract and to other work of the contractor.

(b) *Common claims of subcontractors.* The claims of subcontractors which are common to the contract and to other work of the contractor.

(c) *Depreciation.* An allowance for depreciation at appropriate rates on buildings, machinery and equipment and other facilities including such amounts for obsolescence due to progress in the arts and other factors as are ordinarily given consideration in determining depreciation rates. Depreciation as defined herein shall not include loss of useful value of the type covered by paragraph (f) of this section.

(d) *Experimental and research expense.* General experimental and research expense to the extent consistent with an established pre-war program, or to the extent related to war purposes.

(e) *Engineering and development and special tooling.* Costs of engineering and development and of special tooling; provided that the contractor protects any interests of the Government by transfer of title or by other means deemed appropriate by the Government.

(f) *Loss on facilities; conditions on allowance.* In the case of any special facility acquired by the contractor solely for the performance of the contract, or the contract and other war production contracts, if upon termination of the contract such facility is not reasonably capable of use in the other business of the contractor having regard to the then condition and location of such facility, an amount which bears the same proportion to the loss of useful value as the deliveries not made under the contract bear to the total of the deliveries which have been made and would have been made had the contract and the other contracts been completed, *Provided*, That the amount to be allowed under this paragraph shall not exceed the adjusted basis of the facility for Federal income tax purposes immediately prior to the date of the termination of the contract, and *Provided further*, That no amount shall be allowed under this paragraph unless upon termination of the contract title to the facility is transferred to the Government, except where the Government elects to take other appropriate means to protect its interests.

(g) *Special leases.* (1) Rentals under leases clearly shown to have been made for the performance of the contract, or the contract and other war production contracts, covering the period necessary for complete performance of the contract and such further period as may have been reasonably necessary; (2) costs of reasonable alteration of such leased property made for the same purpose; and (3) costs of restoring the premises, to the extent required by reasonable provisions of the lease; less (4) the residual value of the lease; provided that the contractor shall have made reasonable efforts to terminate, assign, or settle such leases or otherwise reduce the cost thereof.

(h) *Advertising.* Advertising expense to the extent consistent with a pre-war program or to the extent reasonable under the circumstances.

(i) *Limitation on costs described in paragraphs* (d), (e), (f), (g), *and* (h). In no event shall the aggregate of the amounts allowed under paragraphs (d), (e), (f), (g), and (h) exceed the amount which would have been available from the contract price to cover these items, if the contract had been completed, after considering all other costs which would have been required to complete it.

(j) *Interest.* Interest on borrowings.

(k) *Settlement expenses.* Reasonable accounting, legal, clerical and other expenses necessary in connection with the termination and settlement of the contract and subcontracts and purchase orders thereunder, including expenses incurred for the purpose of obtaining payment from the Government only to the extent reasonably necessary for the preparation and presentation of settlement proposals and cost evidence in connection therewith.

(l) *Protection and disposition of property.* Storage, transportation and other costs incurred for the protection of property acquired or produced for the contract or in connection with the disposition of such property.

§ 88.15–483 *Initial costs.* Costs of a non-recurring nature which arise from unfamiliarity with the product in the initial stages of production should be appropriately apportioned between the completed and the terminated portions of the contract. In this category would be included high direct labor and overhead costs, including training, costs of excessive rejections and similar items.

§ 88.15–484 *Excluded costs.* Without affecting the generality of the foregoing provisions in other respects, amounts representing the following should not be included as elements of cost:

(a) Losses on other contracts, or from sales or exchanges of capital assets; fees and other expenses in connection with reorganization or recapitalization, anti-trust or federal income-tax litigation, or prosecution of federal income tax claims or other claims against the Government (except as provided in § 88.15–432 (k)); losses on investments; provisions for contingencies; and premiums on life insurance where the contractor is the beneficiary.

(b) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(c) Expenses due to the negligence or willful failure of the contractor to discontinue with reasonable promptness the incurring of expenses after the effective date of the termination notice.

(d) Costs incurred in respect to facilities, materials or services purchased or work done in excess of the reasonable quantitative requirements of the entire contract.

(e) Costs which, as evidenced by accounting statements submitted in renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, were charged off during a period covered by a previous renegotiation, may not be subsequently included in the termination settlement if a refund was made for such period, or to the extent that such charging off is shown to have avoided such refund.

§ 88.15–485 *Accounting practices.* To the extent that they conform to recognised commercial accounting practices and the foregoing statement of principles, the established accounting practices of the contractor as indicated by his books of account and financial reports will be given due consideration in the preparation of statements of cost for the purposes of this article.

§ 88.15–486 *Item not mentioned.* The failure specifically to mention in this statement any item of cost is not intended to imply that it should be included or excluded.

§ 88.15–487 *Advertising.* [Rescinded].

§ 88.15–488 *Experimental and research expense.* [Rescinded].

§ 88.15–489 *Excise taxes.* [Rescinded].

§ 88.15–490 *Common items.* [Rescinded].

§ 88.15–491 *Settlement expenses.* [Rescinded].

§ 88.15–492 *Mitigation of losses.* [Rescinded].

§ 88.15–493 *Interest.* [Rescinded].

§ 88.15–495 *Excluded costs.* [Rescinded].

§ 88.15–496 *Allocation of starting load costs.* [Rescinded].

Sections 88.15–551 and 88.15–658 are rescinded:

§ 88.15–551 *Exemption from statutory renegotiation on terminated lump sum contracts.* [Rescinded].

§ 88.15–658 *Exemption from renegotiation on terminated cost-plus-a-fixed-fee contracts.* [Rescinded].

Section 88.15–658a is added as follows:

§ 88.15–658a *Assignment to Government of premiums due under policies written under War Department insurance rating plan upon termination or completion of cost-plus-a-fixed-fee contracts.* (See § 81.484.)

Sections 88.15–800 to 88.15–806, inclusive, are amended as follows:

§ 88.15–800 *Monthly contract termination status report.* Each procurement office (except those reporting to the Commanding General of a Service Command) will prepare a Monthly Contract Termination Status Report.

§ 88.15–801 *Report form.* The report will be prepared on W.D., A.G.O. Form No. 505 (Monthly Contract Termination Status Report). This report is carried in stock at the Adjutant General Pentagon Depot, Washington 25, D. C. and will be ordered by reference to W.D., A.G.O. Form No. 505. The Control Approval Symbol is PDE–10.

§ 88.15–802 *Matters to be covered.* The report will cover all terminations of contracts for the convenience of the Government, regardless of the type or amount of the contract. It will cover all such terminations completed during the month and those still in process. If no such terminations have been completed and none are in process, a negative report will be made. When a final settlement has been made with a contractor and reflected in a monthly report, it will not be reflected in subsequent reports. Cost-plus-a-fixed-fee contract terminations will be reported separately. "Cost-plus-a-fixed-fee" will be typed immediately below the report title of such reports. Any portion of a supply contract pertaining to facilities to be acquired for Government account will be excluded from each column of the report. (If no definite segregation is made in the contract, this instruction may be waived as to Column 7).

§ 88.15–803 *Date for submitting reports.* The report will be submitted monthly and will be filed with the office of the chief of the service (the Assistant Chief of Staff MM&D for Army Air Forces) on or before the 10th day of the month following that for which the report is made, or on any earlier date specified by the chief of the service.

§ 88.15–804 *Number of copies.* The number of copies of the report to be filed will be prescribed by the chief of the service.

§ 88.15–805 *Report to Contract Termination Branch, Readjustment Division, Headquarters, Army Service Forces.* On or before the 15th day of the month following that for which the report is made, the chief of each technical service (the Assistant Chief of Staff MM&D for Army Air Forces) will file with the Chief, Contract Termination Branch, Readjustment Division, Headquarters, Army Service Forces, the original and one copy of each monthly contract termination status report filed with him.

§ 88.15–806 *Instructions with respect to the report form*—(a) *Successive partial terminations.* In the event that successive partial terminations are effected in regard to one prime contract, each such termination will be treated as a separate transaction (see paragraph (d) (1) of this section). When a settlement is made completing more than one such transaction, the date and amount of settlement will be shown opposite the termination with the oldest effective date. A cross reference to this fact will be shown in place of the date and amount of settlement opposite other terminations completed by the same action.

(b) *Dollar amounts and dollar symbols.* The sums shown in the amount columns will be to the nearest dollar. Fractions of a dollar will not be shown. Likewise no dollar symbols will be used in the amount columns.

(c) *Order of listing terminations.* (1) Terminations completed during the month will be listed first in chronological order (based on the effective date of termination). Above these, centered, there will appear the heading "Terminations Completed". Columns 8, 10, 12, 14, 15, 17, 18, 19, 20 and 21 are to be added individually and the totals entered in the respective columns.

(2) Terminations rescinded or transferred will then be listed in chronological order (based on the effective date of termination). Above these, centered, there will appear the heading "Terminations Rescinded or Transferred". Columns 8, 10, 12, 14 and 15 are to be added individually and the totals entered in their respective columns. This grouping is to represent cases previously reported as "Terminations in Process" which will not require completion of settlement action because of the reinstatement of the contract, or because of the transfer of administration to another procurement office. A termination transferred will not be so reported until the office to which the transfer was made has acknowledged receipt, and has stated that the termination will be picked up on its next report. Offices to which transfers are made will acknowledge receipt, advise the transferring office, and pick up the transferred case as authorized during the month (see paragraph (f) of this section).

(3) Terminations in process will then be listed in chronological order (based on the effective date of termination). Above these, centered, there will appear the heading "Terminations in Process". Columns 8, 10, 12, 14, and 15 are to be added individually and the totals entered in their respective columns.

(d) *Columnar information.* There are set forth in the succeeding subparagraphs instructions with respect to the information to be contained in the various columns of the report form. Subparagraph (1) contains instructions with respect to Column 1. Subparagraph (2) contains instructions with respect to Column 2 and so forth.

(1) *Column 1.* Insert contract or other identification number. In the event that a contract under termination has more than one partial termination, the contract number will be entered for each of the additional partial terminations.

(2) *Column 2.* Name of contractor. Because of limited space, the full name of the contractor need not be given. Sufficient information will be given to permit identification.

(3) *Column 3.* Item. Because of limited space, the full description of the items need not be given. Sufficient information will be given to permit identification of the item being manufactured under the contract.

(4) *Column 4.* Partial or complete. Indicate by the symbol "P" or "C" whether the termination is partial or complete. A partial termination is one in which only a part of the uncompleted portion of the contract is terminated and the balance is to be continued after the effective date of termination. A complete termination is one in which the entire uncompleted balance of a contract is terminated. From a practical standpoint, it may be said that a complete termination is one in which the contract price of items cancelled is equal to the entire remaining balance of the contract.

(5) *Column 5.* Date termination authorized. The date of termination authorization will be the date on which the authorization of termination was written in the office of the chief of the service. There may exist, however, certain cases wherein termination proceedings are initiated prior to approval from the office of the chief of the service. In such cases, the date on which the termination action was initiated by the contracting officer will be used as the date of termination authorization.

(6) *Column 6.* Effective date of termination. This is the date designated in the notice of termination as the effective date of termination. With particular reference to partial termination, this is the date the contractor is required to take action to stop work and cancel subcontracts with respect to the terminated portion of the contract. This is not to be construed as meaning the estimated date of completion of the continued portion of the contract unless no action is to be taken by the contractor until the continued portion of the contract is completed. In the event of successive partial terminations affecting the same contract, effective dates for each will be shown. In all instances where the effective date of termination is changed from that shown on the previous month's report, the re-

vised date will be prefixed by "R". The reason for such changes will be explained in the space provided for status of settlement action.

(7) *Column 7.* Amount of contract. Enter the total amount of the contract and all supplements as of the date of termination authorization.

(8) *Column 8.* Total contract price of items cancelled. This column is to reflect the dollar value of the terminated portion of the contract. In some instances it may not be possible to determine accurately the exact contract price of items cancelled. In such cases the best possible estimate will be used until correct figures can be ascertained. In all instances where the total contract price of items cancelled is changed from that shown on the previous month's report, the revised amount will be prefixed by "R".

(9) *Column 9.* Contractor's proposal. Date of filing. Enter the date on which the contractor's proposal was received. In the event of partial proposals or revisions of proposals previously submitted due to post termination expenses, etc., carry the original date until the case has been completed. Dates of revised claims will be shown below the original date prefixed by "R".

(10) *Column 10.* Contractor's proposal. Amount exclusive of subcontractors. This column is to reflect the dollar amount representing the contractor's proposal for settlement of the terminated contract. The amount will be exclusive of (i) charges submitted by subcontractors to the prime contractor and (ii) the contract price of all completed units which have been or will be accepted under the contract. Thus this amount will represent the prime contractor's statement of charges with respect to the uncompleted portion of the contract (prior to negotiation), and therefore the difference between this amount and the amount entered in Column 17 will represent the net change resulting from negotiations. In the event of contractor's revision of preliminary or partial proposals, exclusive of reductions arising from negotiation, the amount of the most recent revision will be shown opposite the most recent revision date (see Column 9). Previous claim figures will be omitted, but the dates for such previous claims will continue to be shown. Explanation of the revision will be made in space provided for explanations of status.

(11) *Column 11.* Subcontractors' claims. Number of claims submitted. Enter number of first tier subcontractor's claims submitted by the prime contractor to the office administering the termination. This includes claims of suppliers and vendors of standard articles.

(12) *Column 12.* Subcontractors' claims. Total amount. Enter the total dollar value of all first tier subcontractors' claims submitted by the prime contractor to the office administering the termination. This column is intended to represent the amounts approved by the prime contractor, and is not necessarily the same as the amount approved by the contracting officer in final settlement as shown in Column 18.

(13) *Column 13.* Subcontractors' claims. Number of claim approved. Enter the number of first tier subcontractors' claims which have been approved by the contracting officer as of the date of preparation of the report.

(14) *Column 14.* Partial payments. For the benefit of prime contractor. Enter the total amount of partial payments made to the prime contractor covering amounts intended solely for the use and benefit of the prime contractor. Advance payments or payments made as reimbursement for costs under a CPFF contract will not be included. Advance payments are to be noted in the space provided for explanations of status of incomplete cases.

(15) *Column 15.* Partial payments. For benefit of subcontractors. Enter the total amount of partial payments made for the use and benefit of subcontractors whether such amounts are paid to the prime contractor for the account of the subcontractors or are paid direct to subcontractors.

(16) *Column 16.* Details of final settlement. Date. Enter the date on which the supplemental agreement incorporating the final settlement is received by the contracting officer, signed by both the contractor and the contracting officer. For those services requiring approval by the office of the chief, the transaction must be considered as pending until this approval is received.

(17) *Column 17.* Details of final settlement. Gross amount excluding subcontractors. This represents the gross amount of the settlement agreement including expenses subsequent to termination but excluding that portion of the contractor's settlement represented by payments to subcontractors. Differences between Columns 10 and 17 represent negotiated reductions between the contractor's claim and the final settlement.

(18) *Column 18.* Details of final settlement. Amount subcontractors. Enter the amount of payments made to subcontractors by the prime contractor and thus included in his final settlement. Differences between Columns 12 and 18 represent any negotiated reductions made by the contracting officer in subcontractor's settlements previously approved by the prime contractor and submitted to the contracting officer for approval.

(19) *Column 19.* Details of final settlement. Disposal credits. The amount credited to the Government by the prime contractor for receipts from sales or retention of property included in his gross settlement proposal. Sales to the Government under purchase orders will be included in this column and will not be confused with the amount allowed for property taken over by the Government as reported in Column 21.

(20) *Column 20.* Details of final settlement. Net amount of settlement. The net payment to the contractor in settlement of the proposal. This is Column 17 plus 18 minus 19.

(21) *Column 21.* Details of final settlement. Amount allowed for property taken over by the Government. The amount which is allowed to the contractor for property taken over by the Government will be shown in this column. This is the amount included in the net settlement, shown in Column 20, required to reimburse the contractor for the cost of his inventory taken over by the Government. When an exact allowance can not be assigned to this property, as in some settlements on a total cost basis, the best possible estimate will be given.

(e) *Special instructions with respect to Columns 16, 17, 18, 19, 20, and 21.* These columns will be filled in only for terminations which have been completely settled during the month. In the case of "Terminations in Process," the space occupied by these columns will be used to explain briefly the status of settlement action. Such explanations will include such information as "Awaiting Contractor's Claim," "Property Disposal," "Contractor's Settlement Proposal Being Audited," "In Process of Negotiation" ("In Process of Negotiation" is considered to apply only to such cases in which audit and property disposition is completed), "Awaiting Final Agreement" and so on. In terminations involving subcontractors, it is desirable to show the total number of first tier subcontractors from whom claims are expected, so as to provide a comparison between probable subcontractors' claims and subcontractors' claims submitted as shown in Column 11.

(f) *Reconciliation; number of terminations.* A reconciliation of the number of terminations received, completed and on hand is to be shown on the last sheet of each report in the following form:

Terminations pending per last report.
Terminations authorized during month.
Total terminations to be accounted for.
Terminations settled during month.
Terminations rescinded or transferred during month.
Terminations pending end of month.
Terminations pending 0–6 months.
Terminations over 6 months.

Cases reported as rescinded or transferred must be completely explained so that the proper correction may be made in the consolidated War Department reports. Any further aging of cases pending less than 6 months will be as determined by the chief of the service.

(g) *Optional reporting of terminations involving less than $10,000 in contract price of items cancelled.* If so directed by the chief of the service concerned, terminations involving less than $10,000 in contract price of items cancelled may be reported in total only. The method of such reporting will be as follows:

(1) *Terminations completed.* Enter totals of Columns 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21 for such terminations involving settlement of contractors' claims completed during the month, as the first line of "Terminations Completed" (see paragraph (c) (1) of this section). Enter the number of such cases completed in Column 1 and "Cases Under $10,000" in Column 2. Enter totals of Columns 7 and 8 for such terminations involving no contractors' claims completed during the month as the second line of "Terminations Completed". Enter the number of such cases completed in Column 1 and "Cases Under $10,000" in Column 2.

(2) *Terminations rescinded or transferred.* Enter totals of Columns 7, 8, 10, 12, 14 and 15 of any such cases rescinded or transferred, as reported on the preceding month's report for "Terminations in Process", as the first line of "Terminations Rescinded or Transferred". Enter the number of such cases in Column 1 and "Cases Under $10,000" in Column 2.

(3) *Terminations in process.* Enter totals of Columns 7, 8, 10, 12, 14 and 15 for such terminations still in process as the first line of "Terminations in Process". Enter the number of such cases in Column 1 and "Cases Under $10,000" in Column 2.

(4) All such cases must be accounted for in the reconciliation provided in paragraph (f) of this section.

Section 88.15–901 is amended as follows:

§ 88.15–901 *Lump sum supply contract.* The following is the new termination article:

ARTICLE ___ *Termination at the Option of the Government.*

(a) The performance of work under this contract may be terminated by the Government in accordance with this Article in whole, or from time to time in part, whenever the contracting officer shall determine any such termination is for the best interests of the Government. Termination of work hereunder shall be effected by delivery to the contractor of a Notice of Termination specifying the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective. If termination of work under this contract is simultaneous with, a part of, or in connection with, a general termination (1) of all or substantially all of a group or class of contracts made by the War Department for the same product or for closely related products, or (2) of war contracts at, about the time of, or following, the cessation of the present hostilities, or any major part thereof, such termination shall only be made in accordance with the provisions of this Article, unless the contracting officer finds that the contractor is then in gross or willful default under this contract.

(b) After receipt of a Notice of Termination and except as otherwise directed by the contracting officer, the contractor shall (1) terminate work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the contracting officer, all of the right, title and interest of the contractor under the orders or subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts with the approval or ratifications of the contracting officer to the extent that he may require, which approval or ratification shall be final for all the purposes of this Article; (6) transfer title and deliver to the Government in the manner, to the extent and at the times directed by the contracting officer (i) the fabricated or unfabricated parts, work in process, completed work, supplies and other material produced as a part of, or acquired in respect of the performance of, the work terminated in the Notice of Termination, and (ii) the plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government; (7) use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the contracting officer, any property of the types referred to in subdivision (6) of this paragraph: *Provided, however*, That the contractor (i) shall not be required to extend credit to any purchaser and (ii) may retain any such property at a price or prices approved by the contracting officer; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary or as the contracting officer may direct for protection and preservation of the property, which is in the possession of the contractor and in which the Government has or may acquire an interest.

(c) The contractor and the contracting officer may agree upon the whole or any part of the amount or amounts to be paid to the contractor by reason of the total or partial termination of work pursuant to this Article, which amount or amounts may include a reasonable allowance for profit, and the Government shall pay the agreed amount or amounts. Nothing in paragraph (d) of this Article prescribing the amount to be paid to the contractor in the event of failure of the contractor and the contracting officer to agree upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article shall be deemed to limit, restrict or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the contractor pursuant to this paragraph (c).

(d) In the event of the failure of the contractor and contracting officer to agree as provided in paragraph (c) upon the whole amount to be paid to the contractor by reason of the termination of work pursuant to this Article, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (c), shall pay to the contractor the following amounts:

(1) For completed articles delivered to and accepted by the Government (or sold or retained as provided in paragraph (b) (7) above) and not theretofore paid for, forthwith a sum equivalent to the aggregate price for such articles computed in accordance with the price or prices specified in the contract;

(2) In respect of the contract work terminated as permitted by this Article, the total (without duplication of any items) of (i) the cost of such work exclusive of any cost attributable to articles paid or to be paid for under paragraph (d) (1) hereof; (ii) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the notice of termination of work under this contract which amounts shall be included in the cost on account of which payment is made under subdivision (1) above; and (iii) a sum equal to _____% (Note 1)[1] of the part of the amount determined under subdivision (i) which represents the cost of articles or materials not processed by the contractor, plus a sum equal to _____% (Note 2)[1] of the remainder of such amount, but the aggregate of such sums shall not exceed 6% of the whole of the amount determined under subdivision (1), which for the purpose of this subdivision (iii) shall exclude any charges for interest on borrowings;

(3) The reasonable cost of the preservation and protection of the property incurred pursuant to paragraph (b) (9) hereof; and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the contractor as the result of the termination of work under this contract.

The total sum to be paid to the contractor under subdivisions (1) and (2) of this paragraph (d) shall not exceed the total contract price reduced by the amount of payments otherwise made and by the contract price of work not terminated. Except for normal spoilage and to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the contractor as provided in paragraph (d) (1) and paragraph (d) (2) (i), all amounts allocable to or payable in respect of property, which is destroyed, lost, stolen or damaged so as to become undeliverable prior to the transfer of title to the Government or to a buyer pursuant to paragraph (b) (7) or prior to the 60th day after delivery to the Government of an inventory covering such property, whichever shall first occur.

(e) The obligation of the Government to make any payments under this article: (1) shall be subject to deductions in respect of (i) all unliquidated partial or progress payments, payments on account theretofore made to the contractor, and unliquidated advance payments, (ii) any claim which the Government may have against the contractor in connection with this contract, and (iii) the price agreed upon or the proceeds of sale of any materials, supplies or other things retained by the contractor or sold, and not otherwise recovered by or credited to the Government, and (2) in the discretion of the contracting officer shall be subject to deduction in respect of the amount of any claim of any subcontractor or supplier whose subcontractor or order shall have been terminated as provided in paragraph (b) (3) except to the extent that such claim covers (i) property or materials delivered to the contractor or (ii) services furnished to the contractor in connection with the production of completed articles under this contract.

(f) In the event that, prior to the determination of the final amount to be paid to the contractor as in this article provided, the contractor shall file with the contracting officer a request in writing that an equitable adjustment should be made in the price or prices specified in the contract for the work not terminated by the Notice of Termination, the appropriate fair and reasonable adjustment shall be made in such price or prices.

(g) The Government shall make partial payments and payments on account, from time to time, of the amount to which the contractor shall be entitled under this article, whether determined by agreement or otherwise, whenever in the opinion of the contracting officer the aggregate of such payments shall be within the amount to which the contractor will be entitled hereunder.

(h) For the purposes of paragraphs (d) (2) and (d) (3) hereof, the amounts of the payments to be made by the Government to the contractor shall be determined in accordance with the Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board, December 21, 1943. The contractor for a period of three years after final settlement under the contract shall make available to the Government at all reasonable times at the office of the contractor all

[1] See footnote 1, *supra*.

shown in Column 18.

of its books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and in respect of the termination of work thereunder.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-1498; Filed, January 29, 1944; 2:03 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-380]

PART 158—MUSICAL INSTRUMENT AND ACCESSORIES INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 1st day of February, A. D. 1944.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of February 2, 1944.

Statement by the Commission

Trade practice rules for the Musical Instrument and Accessories Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules are directed to the prevention of various unfair competitive methods or practices and to the protection of members of the industry and the public from their harmful effects.

The industry's products consist of musical instruments of all kinds played by the individual or musician, and accessories therefor. Embraced therein are band or orchestra instruments, stringed, wind, or percussion instruments, pianos, organs, and other musical instruments, played by the individual or musician, either publicly or privately, in groups or otherwise. Members of the industry are persons or concerns who manufacture, distribute, or sell such products. The aggregate annual volume of business is estimated to approximate, in normal times, $80,000,000 retail value.

With the cooperation of industry members a trade practice conference under the auspices of the Commission was held at Cincinnati, Ohio, and drafts of proposed rules were duly considered. In the further proceedings the rules under consideration were published by the Commission in appropriate form and made available to all industry members and interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments or objections as they desired to offer, and to be heard in the premises. Such public hearing was accordingly held in Washington, D. C., and all matters presented, or otherwise received, in the proceeding were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the following trade practice rules in Group I and Group II:

The Rules

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive practices in harmony with law and the public interest. They are not to be used, directly or indirectly, as part of, or in connection with, any unlawful combination or agreement to fix prices, or to suppress competition, or otherwise to restrain trade.

Group I

The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
158.1 Misrepresentation and misbranding.
158.2 Deceptive testimonials.
158.3 Misrepresentation as to the designing, use, or endorsement of musical instruments.
158.4 Misrepresentation as to price reductions.
158.5 Use of "bait" advertising.
158.6 Deception as to rebuilt, used, converted, reconstructed, restyled, repossessed, or second hand products.
158.7 Misrepresentation as to being manufacturer, importer, wholesaler, jobber, distributor, or retailer, and prices in relation thereto.
158.8 Deception as to origin.
158.9 Misrepresentation as to installment sales contracts, their terms or conditions, etc.
158.10 Deception in respect of keyboard or number of keys.
158.11 Defamation of competitors or disparagement of their products.
158.12 Inducing breach of contract.
158.13 "Push money," "gratuities," etc.
158.14 Misuse of word "free," etc.
158.15 Selling below cost.
158.16 Discrimination.
158.17 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 158.1 to 158.17, inclusive, issued under 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 158.1 *Misrepresentation and misbranding.* In the course of or in connection with selling, distributing, or promoting the sale or distribution of any industry products, it is an unfair trade practice to use or cause to be used any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, designation or representation, however disseminated or published, which directly, or by implication or otherwise, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in respect to the grade, quality, quantity, substance, character, make, type, price, nature, size, tone, origin, use, endorsement, appearance, performance, construction, specifications, finish, material content, or preparation of such product, or in any other material respect. [Rule 1]

§ 158.2 *Deceptive testimonials.* In the course or or in connection with selling, distributing, or promoting the sale or distribution of any industry product, it is an unfair trade practice to use or cause to be used any testimonials, written or oral, which are false, misleading, or deceptive as to the merits or qualities of such industry product, or which are false, misleading, or deceptive in any other material respect.

NOTE: Under this section, the following types of testimonials are among those which should not be used, namely:

(a) Testimonials previously given in respect of a product of a manufacturer or distributor but which are receptive by reason of being so old as no longer to be applicable to the products or instruments currently produced by such manufacturer or sold by such distributor.

(b) Testimonials which deceptively purport to be in support of the merits of the instruments or products endorsed but which were in fact given because of advertising benefits and other considerations and not because of the merits of such instruments or products or the testifier's good-faith belief in the merits thereof.

(c) Testimonials which deceptively purport or imply that the testifier regularly or principally uses the instrument or make of instrument endorsed, when in fact the testifier does not use the instrument, or uses it only to a minor or insubstantial extent and not regularly or principally.

(d) Testimonials which deceptively represent, purport, or imply, directly or indirectly, that the endorsement therein is or has been given by the testifier as his unbiased, unsubsidized, or bona fide endorsement of the instrument, when in fact such testimonial was procured by or given solely because of a financial or other consideration or subsidy received by or for the benefit of such testifier.

(e) Testimonials which in any respect are untrue, or which contain inferences or implications not fully justified by the facts, or which are in any other way deceptive or misleading by reason of undisclosed facts or circumstances or for any other reason.

[Rule 2]

§ 158.3 *Misrepresentation as to the designing, use, or endorsement of musical instruments.* In the course of or in connection with selling, distributing, or promoting the sale or distribution of any industry product, it is an unfair trade practice to represent, directly or indirectly, through advertising or otherwise, that a musician, composer, orchestra leader, or other person or organization, designed, uses or endorses a particular musical instrument or instruments or other products of the industry, when such is not the fact. [Rule 3]

§ 158.4 *Misrepresentation as to price reductions.* It is an unfair trade practice for any member of the industry to represent, in advertising or otherwise, that the price of any industry product has been reduced from what is in fact a fictitious price, or that such price is a reduced or a special price when it is in fact the regular selling price of such product, or that the regular price thereof is higher when such is not the fact, or otherwise to falsely or deceptively represent the past or current price of any industry product. [Rule 4]

§ 158.5 *Use of "bait" advertising.* (a) In the course of or in connection with selling, distributing, or promoting the sale or distribution of any industry product, it is an unfair trade practice to publish or use advertising, or other representations written or oral, which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that a larger supply of such products is available to purchasers at the advertised or stated price or prices than is in fact so available, or that industry products so offered for sale or sold under such representations or conditions are of high grade or quality when such is not true in fact.

(b) It is also an unfair trade practice to advertise, represent or describe the prices at which any musical instruments or accessories are offered for sale as being the "balance due" or unpaid portion on a previous sale under a conditional or time-payment contract, when such is not true in fact, or when such advertisement, representation or offer is otherwise false, misleading or deceptive. [Rule 5]

§ 158.6 *Deception as to rebuilt, used, converted, reconstructed, restyled, repossessed, or secondhand products.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise or otherwise represent any musical instrument or accessory (1) as being new when it is in fact rebuilt, used, repossessed, or secondhand; or (2) as being of new design or new style when it has been converted, reconstructed, or restyled from a used instrument or accessory and such fact is deceptively concealed.

(b) It is an unfair trade practice for any member of the industry to advertise or otherwise represent, directly or indirectly, that he owns or has in his possession for sale new, rebuilt, used, repossessed, or secondhand musical instruments or accessories of a particular type, make, or description, when such is not true in fact.

(c) In the sale or distribution of musical instruments or accessories which are rebuilt, used, repossessed, or secondhand, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure of the fact that such instruments or accessories are not new, but are rebuilt, used, repossessed, or secondhand, as the case may be, such failure or refusal to disclose having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 6]

§ 158.7 *Misrepresentation as to being manufacturer, importer, wholesaler, jobber, distributor, or retailer, and prices in relation thereto.* (a) It is an unfair trade practice for any person, partnership, corporation or organization, by trade or corporate name or otherwise, to represent or to hold himself or itself out as being the manufacturer, importer, wholesaler, jobber, distributor, or retailer of any industry product advertised, offered for sale, sold or distributed, when such is not the fact.

(b) It is an unfair trade practice to use any other deceptive or misleading device, method or representation respecting the character, nature or status of the business of any person, concern or organization engaged in selling or promoting the sale of any industry product.

(c) It is an unfair trade practice for any member of the industry, whether selling as manufacturer, importer, wholesaler, jobber, distributor, or retailer, to misrepresent his prices as being either wholesale or retail prices when such is not true in fact, or to otherwise misrepresent his prices. [Rule 7]

§ 158.8 *Deception as to origin.* In respect to musical instruments or accessories made wholly or partially in a foreign country, or from parts manufactured in a foreign country and assembled into the finished product in the United States, it is an unfair trade practice:

(a) To offer for sale, sell, or distribute any such musical instruments or accessories under marks, stamps, brands, labels, or representations which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the erroneous belief that such products were produced wholly within the United States; or

(b) To offer for sale, sell, or distribute any such musical instruments or accessories without the same being conspicuously marked, stamped, branded, or labeled so as to indicate clearly and nondeceptively the country of origin of such products, the failure, refusal, or omission to so mark, stamp, brand, or label such products having the capacity and tendency or effect of thereby promoting, abetting, or effectuating the marketing of such products under conditions which are misleading or deceptive to purchasers or prospective purchasers.

(Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations, or other applicable provisions of law or regulations, relating to the marking of imported articles.) [Rule 8]

§ 158.9 *Misrepresentation as to installment sales contracts, their terms or conditions, etc.* It is an unfair trade practice to make or publish or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statements or representations, through advertising or otherwise, concerning installment sales contracts used or their terms or conditions, including down payments, interest, carrying charges, etc., or respecting any other matter relative to such contracts or their terms or conditions. [Rule 9]

§ 158.10 *Deception in respect of keyboard or number of keys.* (a) It is an unfair trade practice to cause any piano having less than the standard or 88-note keyboard to be represented or passed off, directly or indirectly, as and for a piano having such standard or 88-note keyboard.

(b) It is an unfair trade practice to cause any other musical instrument having less than the full or standard keyboard or number of keys to be represented or passed off, directly or indirectly, as and for a musical instrument having such full or standard keyboard or number of keys. [Rule 10]

§ 158.11 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, quantity, substance, character, make, type, price, nature, size, tone, origin, appearance, performance, construction, specifications, finish, material content, or preparation of the products of competitors, or of their business methods, selling prices, values, credit terms, policies or services, is an unfair trade practice. [Rule 11]

§ 158.12 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 12]

§ 158.13 *"Push money," "gratuities," etc.* It is an unfair trade practice for any member of the industry to bribe by giving or contracting to give or causing to be given, or by loaning or causing to be loaned, directly or indirectly, to any orchestra leader, band leader, official, singer, musician, music teacher, or any other person, employed by another, or to the agent or representative of, or to any one else on behalf of, such orchestra leader, band leader, official, singer, musician, music teacher, or other person, any "push money," gift, bonus, fee, gratuity, payment, discount, refund, rebate, royalty, service, musical instrument, favor or other thing or act of value, as an inducement to such individual to play or use or cause to be played or used, in a public performance, any musical instrument or accessory of such industry member in either of the following cases:

(a) Without the knowledge and consent of said employer; or

(b) With or without the knowledge and consent of said employer, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade in the marketing of such musical instruments or accessories, or where the effect is to be mislead or deceive purchasers or prospective purchasers. [Rule 13]

§ 158.14 *Misuse of word "free," etc.* The use of the word "free," or the equivalent thereof, when the article is in fact not free, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 14]

§ 158.15 *Selling below cost.* The practice of selling industry products below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule. The costs, however, which are referred to in the rule are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 15]

§ 158.16 *Discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act Approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; United States Code, Title 15, sec. 13c)

[Rule 16]

§ 158.17 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules. [Rule 17]

Group II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

RULE A. *Publication of price lists.* The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists fully setting forth his terms of sale.

A Committee on Trade Practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission February 2, 1944.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-1609; Filed, February 1, 1944; 12:28 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 6]

SPLIT RATINGS

The following direction is issued pursuant to Priorities Reg. 3:

(a) The War Production Board has fixed a base rating which it will assign for use in ordering production materials for each product group. The same base rating will be assigned to each authorized production schedule covering the same product group. Higher ratings may be assigned by the War Production Board to a part of a production schedule to the extent that the application shows that higher ratings are merited. Two or more ratings assigned to a single production schedule are referred to as split ratings.

(b) Split ratings must be applied on a class-of-item basis; that is, ratings must be split with respect to each class of production material. For example: if it is decided that $100,000 worth of bolts and nuts and $50,000 worth of wiring devices will be needed to be put into production during a quarter, and the preference ratings assigned to the schedule are 60% AA-2 and 40% AA-3, the AA-2 rating may be used to buy $60,000 worth of bolts and nuts and $30,000 worth of wiring devices and the AA-3 rating may be used to buy $40,000 worth of bolts and nuts and $20,000 worth of wiring devices.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1593; Filed, February 1, 1944; 11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 3, Direction 6]

SPLIT RATINGS

The following direction is issued pursuant to CMP Regulation 3:

(a) The War Production Board has fixed a base rating which it will assign for use in ordering production materials for each Class B product group. The same base rating will be assigned to each authorized production schedule covering the same product group. Higher ratings may be assigned by the War Production Board to a part of a production schedule to the extent that the CMP-4B application shows that higher ratings are merited. Two or more ratings assigned to a single production schedule are referred to as split ratings.

(b) Split ratings must be applied on a class-of-item basis; that is, ratings must be split with respect to each class of production material. For example: if it is decided that $100,000 worth of bolts and nuts and $50,000 worth of wiring devices will be needed to be put into production during a quarter, and the preference ratings assigned to the schedule are 60% AA-2 and 40% AA-3, the AA-2 rating may be used to buy $60,000 worth of bolts and nuts and $30,000 worth of wiring devices and the AA-3 rating may be used to buy $40,000 worth of bolts and nuts and $20,000 worth of wiring devices.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1595; Filed, February 1, 1944; 11:31 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-d, Revocation]

CORROSION AND HEAT-RESISTANT CHROME STEEL

Section 962.5 *Supplementary Order M-21-d* is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of corrosion and heat-resistant chrome steel remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 2d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1634; Filed, February 2, 1944; 11:25 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, as Amended Feb. 2, 1944]

§ 3175.1 *CMP Regulation 1.* (a) This regulation explains how allotments for manufacturing operations are made under the Controlled Materials Plan, how production schedules are authorized and how controlled materials are obtained. Other CMP regulations cover inventory restrictions, preference ratings, warehouses and distributors, maintenance, repair and operating supplies, construction and other matters.

DEFINITIONS

(b) The following definitions shall apply for the purposes of this regulation and for the purposes of any other CMP regulation unless otherwise indicated:

(1) "Controlled material" means steel—both carbon (including wrought iron) and alloy—copper (including copper base alloys) and aluminum, in each case only in the forms and shapes indicated in Schedule I attached.

(2) "Controlled Materials Division" means the Steel Division, the Copper Division or the Aluminum Division of the War Production Board.

(3) "Industry Division" means the Division, Bureau, or other unit of the War Production Board which is charged with supervision over the operations of a particular industry. The term also includes any other government agency which, by arrangement with the War Production Board, may perform similar functions with respect to a particular industry.

(4) "Claimant Agency" means the following government offices and such others as may be designated from time to time. (Identifying symbols are indicated in parentheses.)

War Department (W)—except Ordnance which is identified by the symbol (O).
Navy Department (N).
Maritime Commission (M).
Aircraft Resources Control Office (agent for Army Air Forces and Bureau of Aeronautics of United States Navy (C).
Foreign Economic Administration—Office of Lend-Lease Administration (L).
Foreign Economic Administration—Office of Economic Warfare (E).
Office of Civilian Requirements (V).
Department of Agriculture (A).
Office of Defense Transportation (T).
Office of Rubber Director (R).
Petroleum Administration for War (P).
National Housing Agency (H).
Office of War Utilities (U).

The symbol (F) will be used by several Claimant Agencies to identify certain construction programs; the symbols (B), (G), (J) and (K) will be used to identify certain B product programs; the symbol (D) will be used to identify certain programs covering items destined for the Dominion of Canada; the symbol (S) will be used to identify certain miscellaneous programs including certain B product programs and construction programs; the symbol (SO) will be used to identify small orders as defined in paragraph (1) and the symbol (RO) will be used by Regional Offices of the War Production Board. The symbols (B), (D), (F), (G), (J), (K), (S), (SO) and (RO) constitute Claimant Agency symbols for the purpose of all CMP regulations.

(5) "Allotment" means (i) a determination by the Requirements Committee of the War Production Board of the amount of controlled materials which a Claimant Agency may receive during a specified period, or (ii) a further determination pursuant thereto by a Claimant Agency, Industry Division, prime consumer or secondary consumer, as to the portion of its allotment of controlled materials which may be received by one of its prime consumers or secondary consumers, as the case may be.

(6) "Prime consumer" means any person who receives an allotment of controlled material from a Claimant Agency or an Industry Division.

(7) "Secondary consumer" means any person who receives an allotment of controlled material from a prime consumer or another secondary consumer.

(8) "Class A product" means any product which is not a Class B product (as defined in subparagraph (9) below), and which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such steel, copper or aluminum as may be contained in Class B products incorporated in it as parts or sub-assemblies.

(9) "Class B product" means any product designated as such in the "Official CMP Product List" printed in "Products and Priorities" issued by the War Production Board, as the same may be modified from time to time, which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such as may be contained in other Class B products incorporated in it as parts or sub-assemblies.

(10) "Program" means a plan specifying the total amount of an item or class of items to be provided in a specified period of time.

(11) "Authorized program" means a program specifically authorized by the Requirements Committee or by a Claimant Agency or Industry Division within the limits of its allotment.

(12) "Production schedule" means a plan specifying the total amount of an item or class of items to be produced by an individual consumer in a specified period of time.

(13) "Authorized production schedule" means a production schedule specifically authorized within the limits of

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any territory of the United States and any State, Territory, or foreign nation, or between any insular possession or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States," (exclusive, however, of the Philippine Islands).

an authorized program by a Claimant Agency or by an Industry Division with respect to a prime consumer, or specifically authorized by a prime or secondary consumer with respect to a secondary consumer producing products for it as required to meet an authorized production schedule.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph (s) of this regulation or which is specifically designated to be such an order by any regulation or order of the War Production Board.

GENERAL ALLOTMENT PROCEDURE

(c) This paragraph explains the general allotment procedure.

Allotments by Requirements Committee to Claimant Agencies

(1) The Requirements Committee of the War Production Board will distribute the available supply of controlled materials by making allotments to the Claimant Agencies or Industry Divisions for each quarter, designating the amount of each form of controlled material available, during the quarter, to each Claimant Agency or Industry Division for allotment to its prime and secondary consumers.

Allotments by Claimant Agencies to prime consumers producing Class A products

(2) Each Claimant Agency will distribute the allotments received by it by making further allotments to the prime consumers who produce Class A products for it. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to the secondary consumers producing Class A products as parts or sub-assemblies for it. A prime consumer producing Class A products for several Claimant Agencies shall obtain separate allotments from each. A Claimant Agency, may, in particular cases, make allotments through an Industry Division.

Allotments by Industry Divisions to producers of Class B products

(3) Unless otherwise specifically directed, allotments to producers of Class B products will be made only by Industry Divisions, both in the case of Class B products which are end-products and in the case of Class B products which are incorporated in other products whether Class A or Class B. Allotments made by the Requirements Committee may be made available to the Industry Divisions for this purpose by the Claimant Agencies. Each Industry Division will make allotments to the prime consumers producing Class B products under its jurisdiction. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to secondary consumers producing Class A products for it. A manufacturer of several Class B products coming under the jurisdiction of different Industry Divisions shall obtain separate allotments from each. A consumer producing Class B products is always a prime consumer with respect to such production.

Allotments by Prime and Secondary Consumers

(4) Each prime consumer receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized production schedule, and shall allot the remainder to his secondary consumers producing Class A products for him, to cover their requirements for controlled materials. Allotments by secondary consumers to secondary consumers supplying them may be made in the same fashion. A secondary consumer producing Class A products for several other consumers shall obtain separate allotments from each.

Advance Allotments

(5) Advance allotments by Claimant Agencies or Industry Divisions to prime consumers may be made within specified limits before receipt of allotments from the Requirements Committee in order to assure fulfillment of long term programs and schedules. Prime consumers receiving such advance allotments may, in turn, make allotments to their secondary consumers, and secondary consumers may make further allotments, in the same manner as in the case of ordinary allotments, but no consumer shall make any allotment in advance of receiving his own allotment.

Allotment Numbers

(6) (i) Allotments to prime consumers shall be identified by allotment numbers consisting of a Claimant Agency letter symbol and seven digits. The Claimant Agency symbol is indicated after the name of each Agency in paragraph (b) (4) of this regulation. The first four digits identify the authorized program of the Claimant Agency. The next three digits identify the authorized production schedule of the prime consumer. The numerical identification of months and quarters as previously required is abolished. Allotments must show the quarter for which the allotment is valid—for example, "3rd quarter 1943" instead of "19". This may be abbreviated as "3Q43" and should appear immediately following the allotment number. Orders for controlled materials must indicate the month delivery is required instead of a month number—for example, "July, 1943." The change from the numerical system shall take effect on July 1, 1943, but shall not apply to orders placed, or allotments made, before then.

(ii) Allotments to secondary consumers shall be identified by an abbreviated allotment number consisting only of a major program identification. The major program identification shall consist of the Claimant Agency letter symbol followed by the first digit only of the program number (omitting the last three digits of the program number and the entire schedule number). For example, in the case of an allotment to a prime consumer for the third quarter of 1943, designated W-2345-687, the allotment to a secondary consumer will be simply W-2-3Q43 denoting an allotment for major program number 2 of the War Department for delivery of controlled materials in the third quarter of 1943.

BILLS OF MATERIALS AND APPLICATIONS FOR ALLOTMENTS

(d) This paragraph explains the use of bills of materials, applications for allotments and other information, in making allotments.

General

(1) The basis for an allotment to a consumer shall be his actual requirements for controlled materials in connection with the fulfillment of an authorized production schedule. The production schedule shall be authorized as provided in paragraph (n) of this regulation. Information as to requirements shall be in the form of a bill of materials, an application for allotment and/or other information as provided below in this paragraph (d).

Bills of Materials

(2) A bill of materials shows the amounts of controlled materials required by a consumer and his secondary consumers, irrespective of time of delivery and inventory, for production of one unit or a specified number of units of his product. Bills of materials shall be prepared in the manner specified in "General Instructions on Bills of Materials," on forms CMP-1, CMP-2 and CMP-3 or on such other forms as may be prescribed. No consumer shall be required to furnish a bill of materials on any form which is not officially prescribed (as indicated by a Bureau of Budget number), but in cases where another form is in use which gives the same information as the official form, the Claimant Agency, Industry Division or consumer to whom a bill of materials is to be furnished may accept it on such other form.

Application for Allotment

(3) An application for allotment shows the aggregate amount of each form of controlled material required (after taking inventories into account to the extent required by CMP Regulation No. 2) by a consumer and his secondary consumers during each quarter for his entire production of a specified product or class of products for the same customer, in the case of Class A products, or for all customers (unless otherwise directed) in the case of Class B products. Applications are to be made by manufacturers of Class A products on Form CMP-4A as issued by the appropriate Claimant Agency, and by manufacturers of Class B products on Form CMP-4B as issued by the War Production Board, or on such other forms as may be prescribed. Allotments are to be made on a quarterly basis and applications for allotments are also to be made on a quarterly basis, in lieu of a monthly basis as originally prescribed, except as may otherwise be required in any allotment or by the applicable application form.

Class B Components Not Included

(4) A bill of materials or application for allotment shall not include controlled materials required for manufacture of Class B products which will be incorporated in the product with respect to which the bill of material or application is submitted, although information as to the number or value of such Class B products is to be given in bills of materials to the extent required by the instructions.

MRO Excluded

(5) Requirements for maintenance, repair or operating supplies shall *not* be included in bills of materials or applications for allotment. Requirements for such purposes are to be obtained separately as provided in CMP Regulation No. 5, CMP Regulation No. 5 A and orders in the P and U series.

Where and When to File

(6) Bills of materials and applications for allotments shall be filed with the Claimant Agency, Industry Division or other consumer by whom the allotment is to be made, as indicated in paragraph (c) of this regulation. Bills of materials shall be filed only when and as called for by such Claimant Agency, Industry Division or other consumer. Manufacturers of Class A products shall file applications for allotments only when and as called for by the Claimant Agency or other consumer for whom they make their products. Manufacturers of Class B products who will require controlled materials from controlled materials producers (or whose secondary consumers will require the same) must file applications for allotments on Form CMP-4B by such date as may be designated or approved by the appropriate Industry Division (or in special cases by a Claimant Agency). Those manufacturers of Class B products who will obtain their requirements of controlled materials entirely from warehouses or retailers, and whose secondary consumers will do the same, need not file any applications for allotments. Procedures for obtaining controlled materials from warehouses or retailers, and limitations on the amount which may be obtained are provided in CMP Regulation No. 4. Manufacturers of Class A products who sell them for use as maintenance, repair or operating supplies, or deliver them to distributors, shall obtain allotments on Form CMP-4B as provided in paragraph (k-1) of this regulation.

Additional Information

(7) Each person making an allotment may require such other information in lieu of, or in addition to, a bill of materials or application for allotment as is required to enable him to make the allotment requested or to furnish any bill of materials, application for allotment or other information that may be required of him. If the consumer from whom such other information is requested is of the opinion that compliance with such request would be unreasonably burdensome he may appeal for relief as provided in paragraph (z) of this regulation.

Waiver

(8) Any consumer making an allotment may waive the furnishing of a bill of materials or application for allotment, or both, if he has other information as to actual requirements of his secondary consumers (taking into account the inventory restrictions of CMP Regulation No. 2) which is sufficiently accurate and detailed to enable him to make the allotment and to furnish any bill of materials, application for allotment or other information that may be required of him.

RESPONSIBILITY FOR STATEMENTS OF REQUIREMENTS

(e) (1) The furnishing of any bill of materials, application for allotment or other information as to requirements by a consumer, shall constitute a representation by him to the person to whom it is furnished, to the appropriate Claimant Agency and to the War Production Board, that the statements contained therein are complete and accurate, to the best of his knowledge and belief, not only with respect to such consumer's own requirements but also with respect to those of his secondary consumers.

(2) Any person who ascertains that he has substantially overstated (whether by inadvertence or otherwise) his requirementss, or those of his secondary consumers, for any form of controlled material, shall immediately report such error to the person to whom the statement of requirements was furnished. If he has already received an allotment based on such overstatement, he shall immediately cancel or reduce the same (or an equivalent amount of other allotments received for the same authorized production schedule) to the extent of such excess, and report such cancellation or reduction to the person from whom the allotment was received; or if he is unable for any reason to make such cancellation, he shall immediately make a full report to the person from whom he received the allotment, and shall send a copy of such report to the appropriate Claimant Agency or Industry Division, if the allotment was received from another consumer.

(3) If any consumer receives any statement of requirements which he knows or has reason to believe to be substantially excessive (whether by inadvertence or otherwise), he shall withhold any allotment based thereon (either entirely or in an amount sufficient to correct the maximum excess) until satisfied that the statement is not excessive or that it has been appropriately modified. If unable to obtain sufficient information or an appropriate modification, he shall promptly report the matter to the appropriate Claimant Agency or Industry Division. Failure to withhold allotments or to make such report shall be deemed participation in the offense.

(4) If, after making any allotment, a consumer ascertains or has reason to believe that the allotment was substantially in excess of actual requirements, he shall either (i) correct the excess by cancelling or reducing the allotment or other allotments made by him to the same consumer, or (ii) report the matter promptly to the appropriate Claimant Agency or Industry Division. Failure to make such correction or report shall be deemed participation in the offense.

(5) An inadvertent overstatement of requirements shall be deemed substantially excessive for purposes of subparagraphs (2), (3), and (4) of this paragraph (e) if, but only if, it exceeds actual requirements by either (i) one-third or more of actual requirements or (ii) the minimum mill quantity specified in Schedule IV attached, whichever is less.

FORMS IN WHICH ALLOTMENTS MADE

(f) Each allotment, whether made by a Claimant Agency, an Industry Division or a prime or a secondary consumer, shall specify the form of the controlled material allotted. Allotments of steel shall be in terms of (1) carbon steel (including wrought iron) and (2) alloy steel, without further breakdown. Allotments of copper and aluminum shall be broken down as indicated in Schedule I. A consumer may make allotments only in the same forms of controlled materials in which he has received his allotment.

ALLOTMENTS BY CONSUMERS

(g) (1) No consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(2) No consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any secondary consumers supplying the latter).

(3) No consumer shall make any allotment for the production of Class B products and no person shall accept any allotment from a consumer for the production of Class B products, except as permitted by Direction 36 to CMP Regulation No. 1.

(4) No consumer who has received his allotment for an authorized production schedule shall place any delivery order (other than small orders placed pursuant

to paragraph (l) of this regulation) for any Class A product required to fulfill said schedule, unless concurrently therewith, he makes an allotment to the person with whom the order is placed, in the amount required by such person to fill said order (taking such person's inventory into account to the extent required by CMP Regulation No. 2); *Provided, however,* That if he purchases a Class A product from a distributor under the conditions specified in paragraph (k–1) of this regulation, he need make no allotment.

METHODS OF ALLOTMENT

(h) (1) A consumer may make an allotment to his secondary consumer on such form (including Form CMP–5 set forth in Schedule II) as may be prescribed for the purpose. Allotments may be made by telegraphing the information required by the appropriate form and confirming the same with such form.

2. Every consumer shall place on each allotment made by him the allotment number which is on the related allotment received by him, and shall indicate the quarter for which the allotment is valid, except that if the full allotment number described in subdivision (i) of paragraph (c) (6) of this regulation is on the allotment received by him, he need only place on related allotments made by him the abbreviated allotment number described in subdivision (ii) of paragraph (c) (6). If a consumer places a delivery order for which he has made an allotment by separate instrument, he shall place the appropriate number on said order, and shall indicate the quarter for which the allotment is valid.

METHOD OF CANCELLING OR REDUCING ALLOTMENTS

(i) A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If such cancellation or reduction is not practicable, he may make equivalent cancellations or reductions with respect to other allotments received by him for the same production schedule. Where such course of action is not practicable he may use or dispose of controlled materials or Class A products which he gets with an allotment in the way explained in paragraph (u) of this regulation.

ASSIGNMENT OF ALLOTMENTS

(j) (1) No consumer shall transfer or assign any allotment in any way unless:

(i) Delivery orders placed with him, in connection with which the allotment was made to him, have been transferred or assigned to another consumer;

(ii) The authorized production schedules of the respective consumers have been duly adjusted; and

(iii) The transfer or assignment is approved in writing by the person who made the allotment.

(2) Transfers or assignments of allotments may be made without complying with paragraph (j) (1) of this regulation in connection with the transfer or assignment of a business as a going concern where the transferee continues to operate substantially the same business in the same plant. The transferee may use the allotment and ratings of the transferor but the transferee must notify the War Production Board of the details of the transaction, giving the names of the persons involved.

GROUPING OF ALLOTMENTS AND SCHEDULES BY MAJOR PROGRAMS

(k) A consumer operating under several authorized production schedules may combine in a single allotment to a secondary consumer requirements for any number of different production schedules which are identified by the same major program number as provided in paragraph (c) (6) (ii), and he may authorize a single production schedule for the secondary consumer in connection with such allotment. If the secondary consumer has filed separate applications, and the consumer making the allotment acts on such applications separately, the secondary consumer may nevertheless treat such allotments and authorized production schedules bearing the same major program number as a single allotment and a single authorized production schedule.

CLASS A PRODUCTS SOLD TO DISTRIBUTORS OR FOR MRO

(k–1) (1) A distributor of Class A products who receives physical delivery thereof may, unless otherwise specifically ordered, buy and sell the same without making or receiving allotments. A manufacturer of Class A products selling them directly or indirectly to such distributors may obtain an allotment for such manufacture from the appropriate Industry Division pursuant to application on Form CMP–4B in the same manner as if they were Class B products. If physical delivery is made directly by the manufacturer to a distributor's customer, the latter (unless he is also a distributor) shall make an allotment directly to the manufacturer in the same manner and subject to the same conditions as if the distributor had no part in the transaction.

(2) A manufacturer of Class A products who sells them for use as maintenance, repair or operating supplies (except items directly purchased and programmed by a Claimant Agency) shall, unless otherwise specifically ordered, obtain allotments for such manufacture in the same manner as provided in subparagraph (1) of this paragraph (k–1) for delivery to distributors. Applications pursuant to said subparagraph (1) and this subparagraph (2) may be combined in a single application on Form CMP–4B.

(3) A manufacturer who also sells purchased Class A products to round out his line, which do not represent more than 10% of his total sales, shall be deemed the manufacturer of such products and not a distributor for purposes of this paragraph (k–1).

SMALL ORDER PROCEDURE

(l) This paragraph explains how orders for Class A products requiring small quantities of controlled materials may be placed without making an allotment.

Definition of Small Order

(1) A "small order" for purposes of this regulation is a delivery order for a Class A product placed with a manufacturer where the amount of any controlled material required to fill the order does not exceed the following:

Carbon steel (including wrought iron)	3 tons.
Alloy steel	1,200 pounds.
Copper and copper base alloys	300 pounds.
Aluminum	500 pounds.

The small order procedure may not be used to get from all suppliers more of the same Class A product for use in the same authorized production schedule during the same calendar quarter than can be made out of the quantities of controlled materials shown above. A person may place small orders for delivery in any one calendar quarter for any number of different Class A products, provided the quantities of controlled materials for each Class A product are within these limits.

(2) A Class A product is considered different from another Class A product if it differs from the other product by reason of one or more of its specifications such as width, thickness, temper, alloy, finish, and the like. A person must not, however, vary a minor specification just for the purpose of using the small order procedure. For example, if a person is purchasing several different kinds of springs, he may treat each different type or size of spring as a separate Class A product, and orders placed for each type or size which require controlled materials for their production within the quantity limits specified in paragraph (1) above constitute small orders, but he must not vary the specifications of the springs just to be able to place small orders.

Persons Entitled to Use the Small Order Procedure

(3) Only a prime consumer who has received an authorized production schedule from a Claimant Agency or the War Production Board, or a secondary consumer who has received an authorized production schedule from a prime consumer or from another secondary consumer, can use the small order procedure to get Class A products needed as production material to fill the authorized production schedule. A Claimant Agency may use the small order procedure to purchase Class A products for its own use.

How to Place Small Orders for Class A Products

(4) A person placing a small order does not have to make an allotment and therefore does not have to show any allotment number or quarterly designation on his order. He must endorse his order with the symbol SO, the preference rating assigned his production schedule, and either the certification set out in CMP Regulation No. 7 or the one set out in CMP Regulation No. 3. Since he does not make an allotment he does not have to account for controlled materials purchased to fill the order and does not need to make any deduction from his own allotment. A person, in filing an application for allotments, need make no adjustment for controlled materials needed to make Class A products which he may buy under the small order procedure.

(5) Where a person places orders for a particular Class A product under the small order procedure believing his total requirements for the product during the quarter will be within the small order limits and later discovers that, due to circumstances he could not reasonably have foreseen, his total requirements for the product during the quarter will not be within the small order limits, he may still use the small order procedure, but must charge his allotment account with the total quantity of controlled materials needed to fill all orders for the product to be delivered in the quarter. However, if he does not have enough controlled materials in his allotment account to cover all of his orders for the product, he must not use the small order procedure to buy the addjtional quantity, but may apply for an allotment to make up the difference.

How to Obtain Production Materials to Fill Small Orders

(6) A manufacturer of Class A products who receives small orders may get controlled materials needed to fill them by endorsing his purchase orders for controlled materials with the allotment symbol SO and the certification set out in paragraph (s) (3) of this regulation or the certification set out in CMP Regulation No. 7. An order so endorsed is an authorized controlled material order. The manufacturer does not have to show any quarterly designation, or preference rating on the order. He must show the date or month when he needs to have the controlled material delivered to him either for the production of the product ordered under the small order procedure or to replace in inventory controlled material so used. If a manufacturer uses controlled materials from inventory in filling small orders, he may place authorized controlled material orders, endorsed with the SO symbol, calling for delivery of controlled materials after the small orders were delivered to his customer. He may use the SO symbol and extend his customers' ratings to get Class A products needed to fill small orders. A manufacturer of Class A products may, in buying controlled materials or Class A products to be used in filling small orders for his product, combine the requirements to fill all small orders received by him. Where, in combining requirements for Class A products to fill small orders, the total amount of controlled materials required for their production is greater than the amounts shown in subparagraph (1) above, he should let his supplier know that this results from combining requirements, by endorsing on his order a statement substantially as follows:

The Class A products covered by this purchase order represent the combined requirements to fill SO orders received by me.

(7) Materials other than controlled materials, and Class B products required to fill small orders may be purchased subject to the same limits as apply to an authorized production schedule, that is they may only be ordered for delivery at the time and in the quantities necessary to meet the delivery dates specified on the small orders, subject to the inventory limits set forth in Priorities Regulation No. 1. The rating applied to deliveries of Class A products covered by a small order may be used to buy Class A products, Class B products and materials other than controlled materials, needed to fill the order. The symbol SO must be endorsed together with the rating on all orders for such production materials.

(8) If a customer placing a small order makes an allotment to cover it instead of using the symbol SO, the manufacturer who receives the order may treat the order as a small order just as though it had been endorsed with the symbol SO and no allotment had been made. He must not, however, use the allotment in such a case. In other words, a manufacturer of a Class A product receiving an allotment of controlled materials which is within the small order controlled material quantity limits has the option of either using the allotment and allotment number, or the small order procedure, but not both. A manufacturer who receives a small allotment which he chooses to treat as a small order, does not have to return the allotment or keep any record of its receipt.

Production Records

(9) A manufacturer of Class A products must keep records which will show the amount of controlled materials ordered by the use of the SO symbol, and his production records must be accurate enough to show that the quantity of Class A products produced to fill small orders is reasonably related to the amount of controlled materials bought by the use of the SO symbol.

Bill of Materials Not Required

(10) A manufacturer of a Class A product does not have to furnish his customer with a bill of materials, application for allotment, or equivalent information as to the amount of controlled materials needed to fill any particular small order. He must, however, if requested, tell his customer the number of units of the Class A product ordered which he can manufacture within the limits of the quantities of controlled materials set forth in subparagraph (1) above, or he must, at the option of his customer, inform the customer that the amount of each controlled material needed to fill the order is within the permitted small order limits.

RELATIONSHIP BETWEEN ALLOTMENTS AND PRODUCTION SCHEDULES

(m) Every allotment made by a consumer must include or be accompanied by authorization of a production schedule with respect to the products to be supplied to him, and no consumer shall authorize a production schedule for a secondary consumer unless he concurrently allots the controlled materials required to fulfill the schedule; provided, however, that this paragraph shall not apply to any delivery order bearing a symbol (such as a small order bearing the symbol SO) which may be placed without making an allotment as expressly permitted by any regulation or order of the War Production Board.

MANNER OF AUTHORIZING PRODUCTION SCHEDULES

(n) (1) A production schedule for each prime consumer producing a Class A product shall be authorized by the appropriate Claimant Agency on such form as may be prescribed. A Claimant Agency may, in particular cases, authorize a production schedule through an Industry Division.

(2) A production schedule for each secondary consumer producing a Class A product shall be authorized by the consumer for whom such Class A product is to be produced, on such form as may be prescribed; provided, however, that the delivery date specified on a delivery order shall constitute an authorization of the minimum production schedule required to permit delivery on such date.

(3) A production schedule for each consumer producing a Class B product shall be authorized by the appropriate Industry Division (or in special cases by a Claimant Agency) on such form as may be prescribed.

(4) A consumer receiving allotments from several persons shall obtain separate authorized production schedules from each.

(5) Prior to authorizing a production schedule, a Claimant Agency, Industry Division or consumer may furnish a tentative production schedule to be used as a basis in submitting requirements, but such action shall not constitute authorization of a schedule.

AUTHORIZED PRODUCTION SCHEDULES MUST BE FILLED

(o) (1) Each consumer receiving an authorized production schedule shall fulfill the same unless prevented by circumstances beyond his control, except that a manufacturer of Class B products need not produce more than required to fill orders bearing preference ratings.

(2) No consumer who has received an authorized production schedule shall exceed such schedule in any month, except that (i) a deficiency in meeting an authorized production schedule during any month may be made up in any subsequent month or months, (ii) production authorized for any month may be completed at any time after the 15th of the preceding month and, (iii) where a delivery order calls for deliveries, on several dates, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly production schedules would result in substantial interruption of production and consequent interference with production to fill other delivery orders, the consumer may produce (and his customer may order and receive) at one time the minimum practicable quantity which may be made without such interference. A person shall be deemed to exceed an authorized production schedule if his completion of finished products exceeds the limits authorized, or if his rate of fabricating, assembling, or otherwise processing, or acquiring raw materials or parts, exceeds the practicable working minimum required to meet the authorized production schedule.

(3) [Deleted October 4, 1943]

PROTECTION OF CLASS A PRODUCT SCHEDULES

(p) (1) No person shall accept an allotment for the manufacture of a Class A product, regardless of the accompanying preference rating, if he does not expect to be able to fulfill the related authorized production schedule, subject to unexpected contingencies and to any period of grace which may be specified by the person who offers the allotment and the authorized schedule.

(2) No person who has accepted an allotment and an authorized production schedule for a Class A product shall thereafter accept any delivery order (except an order rated AAA) for any Class A, Class B or other product manufactured by him, regardless of the accompanying preference rating or allotment number or symbol, unless he expects that, subject to unexpected contingencies, he can fill the order without interfering with the fulfillment of such previously accepted authorized production schedule.

(3) A person making Class B products to fill unrated or low rated orders must accept higher rated orders to the extent and subject to the exceptions provided in Priorities Regulation No. 1, unless he is also making a Class A product on an authorized production schedule, with which such higher rated orders would interfere contrary to the provisions of subparagraph (2) above.

(4) If a person whose allotment or delivery order is rejected pursuant to this paragraph (p) is unable to find another supplier who is in a position to accept it, he should report the facts to the appropriate Claimant Agency or Industry Division. The War Production Board (or the appropriate Claimant Agency, if only orders bearing its symbol are involved, or if all Claimant Agencies concerned have stipulated a single Claimant Agency for the purpose) may make exceptions to the provisions of this paragraph (p) where necessary to assure the filling of orders bearing high preference ratings.

(5) The provisions of Priorities Regulation No. 1 with respect to the acceptance and filling of rated orders and the sequence of deliveries shall remain applicable except as otherwise specifically provided in this regulation, CMP Regulation No. 3, or any other applicable regulation or order of the War Production Board.

RECONCILIATION OF CONFLICTING SCHEDULES

(q) In any case where, for any reason, a manufacturer of Class A or Class B products is unable to fulfill conflicting authorized production schedules which he has accepted from different persons, he shall immediately report to the appropriate Industry Division for directions, except that such report shall be made to a Claimant Agency if all conflicting schedules bear its symbol or if all Claimant Agencies whose schedules conflict have stipulated a single Claimant Agency for such purposes. (See Interpretation No. 15 to CMP Regulation No. 1.)

ALTERNATIVE PROCEDURE FOR SIMULTANEOUS ALLOTMENTS

(r) A prime or secondary consumer who has several secondary consumers in different degrees of remoteness and finds it impracticable to determine the exact allotments to be made to each of his immediate secondary consumers, for their needs and those of their secondary consumers, may, at his option, make simultaneous direct allotments to each secondary consumer, of all degrees of remoteness, by adopting the following procedure:

(1) The consumer who is to make the allotment (hereafter in this paragraph (r) called the originating consumer) shall maintain a complete list of all secondary consumers making Class A products for incorporation in his product. He shall keep this list current at all times by requiring each of his immediate secondary consumers to report promptly to him any change with respect to the source of each secondary consumer's Class A purchased products.

(2) Immediately upon receiving an allotment, the originating consumer shall notify each secondary consumer on the list (either directly or through intervening secondary consumers) of the authorized schedule for which the allotment has been made to him. Such notice shall *not* include an allotment number. It shall identify the product to be delivered by the secondary consumer to whom the notice is sent and state the quantity to be delivered and the time when delivery is required.

(3) Promptly upon receipt of such preliminary notice, each secondary consumer shall report to the originating consumer directly (not through intervening secondary consumers), the amount of each form of controlled material required by him each month in order to make the deliveries indicated. Each such secondary consumer shall include only his own requirements of controlled materials, *not* those of his secondary consumers. No form is prescribed for such statement.

(4) The originating consumer shall then determine the total requirements of all his secondary consumers under the schedule, checking the list to make certain that a preliminary statement of requirements has been received from each secondary consumer.

(5) If such summary shows that the aggregate requirements of the originating consumer and all his secondary consumers for each form of controlled material do not exceed the allotment made to him for the schedule he may then allot directly to each secondary consumer on the list the amount indicated in the preliminary statement of requirements. No form is prescribed for such allotment, and it may be made by telegram, but it must include the allotment number required by paragraph (c) (6) (ii) of this regulation and must show the quarter for which the allotment is valid, and a statement substantially as follows: "This allotment is made in accordance with the alternative procedure for simultaneous allotments provided in paragraph (r) of CMP Regulation No. 1." Such allotment shall constitute authorization of a production schedule for the secondary consumer in the amount specified in the notice sent to him pursuant to subparagraph (2) of this paragraph (r). If aggregate requirements do not exceed his allotment, the originating consumer shall be under no obligation to check the accuracy of the preliminary statements received from his secondary consumers before making allotments to them, but otherwise he and his secondary consumers shall remain subject to the provisions of paragraph (e) of this regulation regarding responsibility for statements of requirements.

(6) If the summary shows that the aggregate requirements of the originating consumer and all his secondary consumers exceed the allotment made to him with respect to any form of controlled material, the originating consumer shall not make any allotment or place any authorized controlled material order for the production schedule covered by his allotment until and unless:

(i) Requirements have been revised by himself or by one or more of his secondary consumers to the extent necessary to eliminate such excess, or

(ii) With the express permission of the appropriate Claimant Agency or Industry Division after he has reported the facts to it, he withholds an amount sufficient to cover all adjustments which must be made in the requirements of his secondary consumers in order to bring them within his allotment.

HOW TO PLACE ORDERS WITH CONTROLLED MATERIALS PRODUCERS

(s) (1) A delivery order placed with a controlled materials producer for controlled material shall be deemed an authorized controlled material order if, but only if, it complies with the provisions of this paragraph (s) or is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board.

(2) A consumer who has received an allotment may place an authorized controlled material order with any controlled materials producer, unless otherwise specifically directed. An allotment to a prime consumer may include a direction to place delivery orders for controlled materials with one or more designated controlled materials producers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials producer or producers or to make allotments to secondary consumers, designating therein only producers named in the allotment received by him. Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.

(3) Every authorized controlled material order must be identified by an endorsement including an allotment number or symbol. Unless another form of endorsement is specifically prescribed by an applicable order or regulation of the War Production Board, such endorsement shall be in substantially the following form (or in the form prescribed in CMP Regulation No. 7), signed manually or as provided in Priorities Regulation No. 7:

The undersigned certifies, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code, that he has received an allotment or allotments of controlled materials (or delivery orders not requiring allotments) authorizing him, pursuant to CMP Regulation No. 1, to place an authorized controlled material order in the amount herein indicated for delivery in the month specified, and that he is authorized to use the allotment number -------

The allotment number included in such endorsement shall be the abbreviated allotment number prescribed by paragraph (c) (6) (ii) of this regulation. Each such order must indicate a specific delivery month in the quarter for which the allotment is valid and need not show the month number as originally prescribed. For example, if a consumer receives an allotment bearing the number W-2-3Q43 and places an authorized controlled material order calling for delivery in August, 1943, the order shall bear the number W-2-3Q43. An authorized controlled material order placed under paragraph (l) of this regulation, relating to small orders, should be endorsed in the way described in paragraph (l) (6) of this regulation.

(4) A delivery order for controlled material must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III attached, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(5) [Deleted October 4, 1943. Obsolete.]

(6) [Deleted Sept. 17, 1943.]

(7) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for the controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of the War Production Board.

RESTRICTIONS ON PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS

(s-1) In no event shall a consumer request delivery of any controlled material in a greater amount or on an earlier date than required to fill his authorized production schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of the War Production Board. No consumer shall, however, be required by the provisions of this paragraph (s-1) to reduce a delivery order below the minimum mill quantity specified in Schedule IV.

CONTROLLED MATERIALS PRODUCERS

(t) This paragraph deals with the obligations of controlled materials producers under the Controlled Materials Plan.

Production Directives

(1) Each controlled materials producer shall comply with such production directives as may be issued from time to time by the War Production Board.

Acceptance and Rejection of Orders

(2) A controlled materials producer shall accept authorized controlled material orders in the order in which received by him except:

(i) He may reject orders for less than the minimum mill quantities specified in Schedule IV attached, but shall not discriminate between customers in rejecting or accepting such orders.

(ii) In any case where he is of the opinion that the filling of the order would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall apply to the appropriate Controlled Materials Division. The War Production Board may direct that the order be placed with another supplier or take other appropriate action.

(iii) He shall refuse any order for shipment of any product in any month if such order, together with all his authorized controlled material orders already on hand for delivery during that month and any orders carried over from the preceding month, plus such amounts as he may be directed by the War Production Board to deliver or set aside for delivery to warehouses or nonintegrated mills or otherwise, total 110% of the production of such product specified in his production directive, or, if no production directive is currently in effect with respect to such product, total 105% of his expected production. As soon as such limits of 110% and 105% respectively have been reached, each controlled materials producer shall promptly notify the appropriate Controlled Materials Division in writing, unless he has received contrary instructions from the War Production Board.

(iv) He shall reject orders to the extent required by specific direction of the War Production Board.

(3) A controlled materials producer must reject any new order for any controlled material unless he is permitted to fill it under this paragraph. A controlled materials producer shall not deliver any controlled material except to fill:

(i) An authorized controlled material order;

(ii) A sample order. A sample order must be supported by the purchaser's certificate that he will use the material solely for testing purposes (in connection with war production). On orders for steel (except stainless steel, tool steel and steel castings) the purchaser must also certify that the total amount received and on order for delivery within any calendar quarter does not exceed 1,000 pounds of any composition nor a total of 3,000 pounds of all compositions. On orders for other controlled materials (including stainless steel, tool steel and steel castings) the aggregate amount of any item delivered by any producer to any one purchaser in any one month shall not exceed 1% of the minimum mill quantity prescribed with respect to such item in Schedule IV of this regulation;

(iii) An order which he is authorized or required to fill by any written direction of the War Production Board.

If a controlled materials producer takes controlled materials which he has produced and processes them into a form other than a controlled materials form, such processing shall be considered a delivery for the purposes of this paragraph (t). In addition, if a controlled materials producer takes aluminum produced by him and processes it into certain other forms of controlled material as provided in Direction 8 under this regulation, delivery for such processing (or such processing if there is actually no delivery) shall also be considered a delivery for the purposes of this paragraph (t).

Time for Delivery—Postponed Deliveries

(4) A controlled materials producer shall make delivery on each authorized controlled material order as close to the requested delivery date as is practicable in view of the need for maximum production and compliance with production schedules. He may make delivery during the 15 days prior to the requested delivery month, but not before then, provided such delivery does not interfere with delivery on authorized controlled material orders calling for shipment in such

preceding month, or earlier months and provided production to meet such delivery would not violate any production directive. If a producer, after accepting an order within the limits of paragraph (t) (2) (iii) finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the delivery date, he must promptly advise his customer of the approximate date when delivery can be scheduled, and keep his customer advised of any changes in that date. Delivery of any such carry-over order for steel or copper must be scheduled and made in preference to any order for similar material originally scheduled for a later month. The time of production and delivery of any such carry-over order for aluminum is covered in Direction No. 23 to this regulation. When the new date for delivery on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make delivery on the basis of the original order even if that order shows that the allotment was valid for a quarter earlier than the one in which delivery is actually to be made. When directed by the War Production Board, a controlled materials producer must promptly notify the appropriate Controlled Materials Division of all carry-over orders on his books, giving allotment numbers, names of customers and material covered by the carry-over orders.

Tentative Acceptance of Authorized Controlled Material Orders

(5) If a producer is unable to accept an order for the month requested because of the restrictions of paragraph (t) (2) (iii), but has open space available in either of the two following months, the producer must accept and schedule the order for delivery as early as possible in either of the two following months and must promptly notify the customer of the proposed delivery date and tell him that the order has been accepted subject to written confirmation within seven days. If the customer does not have written confirmation of the new delivery date in the producer's hands within seven days after the date on which the notice of tentative acceptance was sent, the producer must cancel the order. If the new delivery date falls within a later quarter than that shown on the original authorized controlled material order the confirmation has no effect unless it is accompanied by the customer's certification that he has an allotment valid for the new quarter, in which case the customer must charge the order against that allotment. The confirmation and certification may be by letter or telegram. If made by letter, the letter must be signed by a person authorized to sign the form of certification required on authorized controlled material orders and if made by telegram a copy must be signed by such a person and held in the customer's file.

Directions by the War Production Board

(6) All directions to controlled materials producers affecting production and distribution of controlled materials shall be issued by the War Production Board.

Commercial Tolerances

(7) If the controlled material delivered pursuant to an authorized controlled material order varies from the exact amount specified in the authorized controlled material order, the making and acceptance of such delivery shall not be deemed a violation of this regulation or any other CMP Regulation by the controlled materials producer or his customer, provided such variation does not exceed the commercially recognized shipping tolerance, or allowance for excess or shortage.

Authorized Controlled Material Order Is Not an Allotment

(8) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. If a controlled materials producer requires delivery of controlled materials from other controlled materials producers, to be processed by him and sold to his customers in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific direction as provided in subparagraph (3) (iii) of this paragraph (t) or pursuant to allotment as provided in CMP Regulation No. 8. Specific instructions will inform a controlled materials producer whether to apply for a direction by letter or for an allotment pursuant to CMP Regulation No. 8.

RESTRICTIONS ON USE OF ALLOTMENTS AND MATERIALS

(u) This paragraph explains the restrictions on the use of allotments and controlled materials or Class A products obtained with an allotment.

Use of Allotments

(1) A consumer must not use an allotment to buy any controlled materials or Class A products except (i) what he needs to fill the authorized production schedule for which the allotment was made or (ii) what he needs to fill any of his other authorized production schedules, within the same plant or operating unit, which bear the same Claimant Agency letter symbol, or (iii) to replace in inventory controlled materials or Class A products used to fill any of such authorized production schedules. The symbols W and O are considered the same Claimant Agency letter symbol for purposes of this paragraph. However, each of the other letter symbols are considered separate Claimant Agency letter symbols. In no case may a consumer use an allotment for any purpose which would interfere with filling the schedule for which the allotment was made. Where an allotment made for one schedule is used in filling another schedule in the same plant or operating unit and identified by the same Claimant Agency letter symbol, no charge need be made against the allotment account of the second schedule, but an appropriate record must be made, on the allotment accounts or otherwise, describing the circumstances.

Return of Allotments

(2) If a consumer's needs for a controlled material or Class A product are reduced before he has ordered or received delivery of them and he does not need to use his allotment for another one of his authorized production schedules bearing the same Claimant Agency letter symbol, or for inventory replacement, as permitted in subparagraph (1) above, he must immediately return the allotment as explained in paragraph (w). If he has already placed authorized controlled material orders or made allotments on the basis of his allotment at the time he learns of the reduction in his needs, he must cancel them. If it is too late to cancel the orders, he may receive delivery of the controlled materials and Class A products, in which case his use of them is covered by subparagraph (3) below.

Use of Materials and Products Obtained With Allotments

(3) If a consumer has received physical delivery of controlled materials or Class A products pursuant to an allotment, he may use them for the same purposes for which he is permitted to use the allotment as provided in subparagraph (1) above. Also, if it develops, after he has actually received delivery, or when it is too late to prevent delivery, that he does not need them for a purpose permitted under subparagraph (1) above he may (i) sell them under Priorities Regulation No. 13, relating to sales of idle or excess stocks, or under WPB Directive 16, relating to aircraft inventory transfers, or (ii) use them on any of his other authorized production schedules having an unused allotment big enough to cover the amount of materials involved. If he uses the materials on another authorized production schedule he must, unless the second schedule is filled in the same plant or operating unit and is identified by the same Claimant Agency letter symbol, charge the quantity transferred from the first schedule against the allotment account of the second schedule and an appropriate record must be made, on the allotment accounts or otherwise, describing the circumstances.

Specific Instructions

(4) If, before using or selling controlled materials or Class A products in a way permitted by this paragraph (u), the consumer receives directions from the War Production Board as to disposition or use of the same, he must comply with such directions. Also, he must comply with any directions he receives from a Claimant Agency with respect to his use of controlled materials or Class A products which he got by use of an allotment from that Claimant Agency, in any program of the same Claimant Agency, or with respect to their sale to any other person for use in a program of the same Claimant Agency, subject always to whatever rights he may have to reimbursement.

Common Inventories

(5) A consumer need not segregate inventories of controlled materials or Class A products which he gets by use of his allotments, even though different allotment numbers are used in ordering them, nor does he have to earmark them for a particular schedule. Although a consumer must charge the appropriate allotment account when placing an authorized controlled material order or making an allotment, he may keep all controlled materials and Class A products received in a common inventory and in withdrawing from inventory he does not have to charge the withdrawal against the allotment account. A consumer who is operating under several authorized production schedules need not maintain separate records of the production obtained from the allotment received for each schedule if the records which he normally keeps show that his use of material for his respective schedules is substantially proportionate to the amounts of material allotted for each and that his aggregate production of any product does not exceed the aggregate of the production schedules authorized for that product.

ADJUSTMENTS FOR PURCHASES UNDER PRIORITIES REGULATION 13

(v) A consumer must charge his allotment account with the amount of materials purchased under Priorities Regulation 13 unless that regulation says he does not have to do so.

WHAT TO DO IF REQUIREMENTS CHANGE

(w) This paragraph explains what to do if requirements increase or decrease.

Supplementary Applications

(1) If a consumer's requirements for controlled materials or Class A products needed to fill a schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

Periodic Check-up on Allotments and Return of Excess

(2) As explained in paragraph (e), if a consumer finds that he has been allotted substantially more than he needs, he must return the excess. As of the first of each month, each consumer must check up on his anticipated requirements for the quarter and determine whether he has been allotted substantially more than he anticipates he needs. If he has, he must return the excess by the tenth of the month. He need not take a physical inventory for this purpose, but must merely check up on the effect of known changes in his requirements or errors which he has discovered in his statement of requirements. As of the end of each quarter, he must determine whether he has used his entire allotment by placing authorized controlled material orders or making allotments to his secondary consumers and, if he has any excess, however small, he must return it by the tenth day after the close of the quarter.

To Whom Returns Made—Form CMP–32

(3) The return of an unneeded allotment must be made to the person from whom the allotment was received. The return of unused allotment balances to be made within ten days after the end of the quarter must be made to the Claimant Agency or Industry Division originating the allotment. Form CMP–32, available at all War Production Board offices, should be used for this purpose, but if it is impractical to get this form, the return may be made by letter. Attention is called to Direction No. 26 to CMP Regulation No. 1, which explains when allotments may be returned by a secondary consumer directly to a Claimant Agency or Industry Division rather than to the person making the allotment. The Direction also gives the addresses to which returns to Claimant Agencies or the War Production Board should be sent.

OTHER WAR PRODUCTION BOARD REGULATIONS AND ORDERS

(x) Nothing in this regulation (or any other CMP regulation) shall be construed to relieve any person from complying with any applicable priorities regulation or any order of the War Production Board (including orders in the "E", "L," "M" and "P" series). In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule, he should immediately report the matter to the appropriate Industry Division, and to the Claimant Agency whose schedule is affected. The War Production Board will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by the War Production Board, such person shall comply with the provisions of such regulation or order.

RECORDS AND REPORTS

(y) (1) Each consumer making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records shall be kept separately by abbreviated allotment numbers, as provided in paragraph (c) (6) (ii) of this regulation, and shall include separate entries under each number for each customer, Claimant Agency or Industry Division from whom allotments are received under such number.

(2) Each controlled materials producer shall report to the appropriate Controlled Materials Division, on the forms and for the periods prescribed, such information on production, consumption and distribution of controlled materials as may be prescribed by the War Production Board.

(3) Each prime or secondary consumer and each controlled materials producer shall retain for two years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of the War Production Board, or Claimant Agencies, or filed in such manner that they can be readily segregated and made available for such inspection.

APPEALS AND APPLICATIONS FOR RELIEF

(z) (1) Any person who is subject to any requirement of any regulation, direction, order or other action under the Controlled Materials Plan, may appeal for relief by filing a letter in triplicate with the appropriate authority specified below in this paragraph (z), setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph (z) or as otherwise specifically directed, an appeal by a producer of Class A products

should be filed with the appropriate Claimant Agency, and an appeal by a producer of Class B products should be filed with the appropriate Industry Division, unless the matter affects only production schedules of a single Claimant Agency or where a single Claimant Agency has been stipulated for the purpose by all Claimant Agencies whose schedules are affected, in which case the appeal should be filed with such Claimant Agency.

(3) An appeal concerning the operations of a controlled materials producer (whether filed by such producer, by a consumer, or by a Claimant Agency) should be filed with the appropriate Controlled Materials Division.

(4) A producer of Class B products may apply for permission to be treated as a producer of Class A products. A producer of Class A products making a large variety of items which are sold to many customers and whose allotments originate from several Claimant Agencies, may make application to be treated as a producer of Class B products, but such permission will not be granted with reference to component parts or sub-assemblies, unless the necessary adjustments in bills of materials which include such component parts or sub-assemblies can be made without difficulty. Application for reclassification should be filed with the CMP Division, War Production Board, Washington, D. C., and may be filed either directly by the producer or by a Claimant Agency on his behalf.

(5) In case of any disagreement between any persons as to the interpretation of any provisions of this regulation or any other regulation, direction, or order under the Controlled Materials Plan, the matter should be referred to the CMP Division, War Production Board, Washington 25, D. C.

PENALTIES

(aa) Any person who willfully purports to make any allotment of controlled materials or to place authorized controlled material orders in excess of the amount allotted to him, or violates any other provision of this regulation, or any other regulation, direction or order under the Controlled Materials Plan, or who knowingly or willfully makes any false or fraudulent statement or representation with respect to requirements for controlled materials or in any other matter under the jurisdiction of any agency of the United States under the Controlled Materials Plan, is guilty of a crime and, upon conviction, may be punished by a fine up to $10,000 or by imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries or allotments of controlled material or from making or obtaining any further deliveries of, or from processing or using, any material under priorities control, and may be deprived of priorities assistance.

Issued this 2d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

STEEL

Carbon steel (including wrought iron)

NOTE: Schedule I amended Feb. 2, 1944.

CMP Code No.	Materials	Code also includes	Code does not include
2001	Bars, cold finished		
2005	Bars, hot rolled or forged	Concrete reinforcing bars and rolled fence posts. Angles, channels, T's and Z's under 3" maximum.	Bars forged by a nonproducer, except when sold by a distributor. After March 31, 1944, tool steel, irrespective of grinding, when cut to length and heat-treated for use as tool bits.
2011	Ingots, billets, blooms, slabs, die blocks, tube rounds, sheet and tin bar, and skelp.		
2016	Pipe, including threaded couplings of the type normally supplied on threaded pipe by pipe mills.	Galvanized. Line, oil country goods and water well tubular products. Bedstead tubing.	
2021	Plates		
2026	Rail and track accessories	Rail, rail joints, track spikes, tie plates, and track bolts.	Gage rods, mine ties, clip bolts, rail clips and nut locks. Frogs, crossings, switches, switch stands, rail anchors, rail braces, guard rails, and guard rail clamps.
2031	Sheet and strip	Hot and cold rolled (includes coated products and copper clad including hoops.	Steel roofing sheets coated with bitumen, asphalt or asbestos.
2036	Steel castings	Cast steel magnets (whether magnetized or unmagnetized).	
2041	Structural shapes and piling	Steel sheet piling and bearing piles.	
2046	Tin plate, terne plate and tin mill black plate.	When coated or lithographed by a steel producer.	When coated or lithographed by other than a steel producer.
2051	Tubing	Mechanical, pressure, and brazed.	
2056	Wheels, tires and axles		Resilient wheels. (After December 31, 1943, resilient wheels will be handled as a Class B product.)
2061	Wire rods, wire and wire products.	Drawn wire, barbed and twisted wire, woven wire fence fabric (including chain link fence fabric), wire nails, cut nails, lead-headed nails, horse shoe nails, foundry nails, wire rope, welded steel wire reinforcing mesh; fence post fasteners; wire bale ties; wire netting; coated wire (when coated by producers).	Wire tacks, wire shoe nails, cut nails made from tack plate; wire rope when fabricated into slings (including splicing loops and endless splicing) or when attachments are made (including slings with fittings such as sockets, rings, shackles, thimbles, etc.). Welded wire reforcing mesh with waterproof paper back. Coated and uncoated welding rods and welding wire. Gates. Chain link fence, completely fabricated. Boat spikes, dock spikes and wharf spikes.

Alloy Steel (including stainless)

(See note at foot of Alloy Steel List)

2501	Bars, cold finished		
2505	Bars, hot rolled		
2511	Ingots, billets, blooms slabs, die blocks, tube rounds, sheet bar.		
2516	Pipe and couplings for threaded pipe.		
2521	Plates, all plates (including rolled armored plate in the form and shape to which it is rolled by the steel mill and prior to any subsequent fabrication) and including nickel clad and stainless clad.		
2526	Track accessories	Stainless clad	
2531	Sheet and strip		
2536	Steel castings		
2541	Structural shapes		
2551	Tubing		
2556	Wheels, tires and axles		
2561	Wire rods, wire, and wire products.		

*NOTE: Alloy Steel Codes also include and exclude the items shown under the headings "Code Also Includes" and "Code Does Not Include" shown opposite comparable Carbon Steel Codes.

COPPER AND COPPER-BASE ALLOY PRODUCTS

Brass Mill Products (Copper-Base Alloy)

Alloy Sheet, Strip and Plate

3011	Alloy sheet, strip and plate	Strip equivalent of ammunition cups and discs.	

Alloy Rods, Bars and Wire, Including Extruded Shapes

3021	Alloy rods, bars and wire	Extruded shapes and rod equivalent of ammunition slugs.	

SCHEDULE I—Continued

ALUMINUM PRODUCTS—continued

Shapes, Rolled or Extruded

CMP Code No.	Materials	Code also includes	Code does not include
4251	Rolled structural shapes (angles, channels, tees, tees, etc.)		
4301	Extruded Shapes, 2S, 3S, 53S and 61S Alloys.		
4311	Extruded Shapes, all alloys other than 2S, 3S, 53S and 61S.		

Sheet, Strip, Plate and Foil

4351	Sheet, strip and plate, 2S and 3S alloys.		
4361	Sheet, strip and plate, all alloys other than 2S and 3S.		
4371	Shim		
4601	Foil		

Tubing

4401	Tubing, 2S and 3S alloys		
4411	Tubing, all alloys other than 2S and 3S.		

Tube Blooms

4421	Tube Blooms, 2S and 3S alloys.		
4431	Tube Blooms, all alloys other than 2S and 3S.		

Ingot and Powder

4501	Powder (including atomized, granular, flake, paste, and pigment).		
4801	Ingot, pig, billets, slabs, etc.		

NOTE: Steel, copper and copper base alloys, and aluminum, in any of the above forms and shapes constitute controlled materials, but allotments of steel, copper and copper base alloy products and aluminum, are made in the terms shown in italics without further breakdown.

SCHEDULE II—SHORT FORM OF ALLOTMENT

Allotment number	Controlled Material Products allotted		

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM CMP-5

The above short form of allotment may be used by any consumer for the purpose of making an allotment to a secondary consumer producing Class A products for him. The short form of allotment must be either placed on or physically attached to the delivery order calling for delivery of the Class A products. If it is attached the delivery order number or other identification must be indicated on the form.

The form must be followed by the signature of an authorized official of the consumer making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

Under the heading "Controlled Material Products Allotted" the person making the allotment must designate the forms which

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

SCHEDULE I—Continued

COPPER AND COPPER-BASE ALLOY PRODUCTS—continued

Alloy Seamless Tube and Pipe

CMP Code No.	Materials	Code also includes	Code does not include
3041	Alloy seamless tube and pipe	Tube equivalent of rotating bands	Wrought seam tube.

Brass Mill Products (Unalloyed Copper)

3051	Plate, sheet and strip	Extruded shapes	Wire bars and ingot bars, rod and wire for electrical conduction.
3061	Rods, bars and wire		
3071	Tube and pipe	Tube equivalent of rotating bands	

Wire Mill Products (Copper and Copper-base Alloy)

3101	Wire and cable	Bare, insulated, armored and copper-clad steel.	

Foundry Products (Copper and Copper-base Alloy)

3201	Castings (before machining)		Machined castings, pressed metal shapes (an unclassified product).

ALUMINUM PRODUCTS

Rod, Bar, Wire and Cable

4021	Rod and bar ¾"–3"		
4031	Rod and bar over ¾"–1½"		
4041	Rod and bar over 1½"–3"		
4051	Rod and bar over 3"		
4121	Wire (under ¼")		
4131	Cable (electrical transmission only).		

Rivets

4122	Rivets		

Forgings, pressings, and impact extrusions

4171	Forgings and pressings (before machining).		Hooker tubing and collapsible Tubes.
4901	Impact extrusions		

Castings before machining

4202	Cylinder head for air-cooled engines.		Cylinder head castings for air-cooled engines.
4203	Other heat-treated sand		
4204	Non-heat-treated sand		
4205	Heat-treated permanent mold		
4206	Non-heat-treated permanent mold		
4207	Cold-Chamber Die		
4208	Gooseneck Die		
4209	Other than listed above, such as centrifugal, plaster, etc.		

are allotted. These must be shown in the breakdown prescribed in Schedule I of CMP Regulation No. 1, and must be within the allotments, received by such consumer for the same forms. Additional columns may be added depending on the number of forms of controlled material allotted. A sample form follows:

Allotment number	Controlled Material Products allotted			
	Carbon steel	Copper base alloy seamless tube and pipe	Copper sheets and strip	Aluminum castings
N-1-3Q43	*Tons* 100	*Lbs.* 10,000	*Lbs.* 8,000	*Lbs.* 100

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

SCHEDULE III—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS

NOTE: Schedule III amended February 2, 1944.

STEEL—CARBON AND ALLOY (INCLUDING STAINLESS)

Product	*Number of days in advance of first day of month in which shipment is required*
Tool steel:	
Hot rolled product	60
Cold finished products	90
Cold finished bars:	
Standard sizes, grades and sections	70
Furnace treated at hot mills or special sections, odd sizes or special grades	100
Plates and shapes:	
Plates	30
Shapes	30
Pipe (carbon)	30
Sheet and strip:	
Sheet—hot rolled—16-gauge and heavier	30
Sheet—hot rolled—17-gauge and lighter	45
Sheet—cold rolled—galvanized—long terne	45
Sheet (alloy)—hot and cold rolled of special long-processed specification	60
Strip (low carbon) hot rolled	30
Strip (low carbon) cold rolled	45
Strip (alloy) hot and cold rolled (including electrical grade)	60
High carbon cold rolled strip (over .25 carbon) and other long processed cold rolled sheets and hot and cold rolled strip (including electrical grade)	60
Hot rolled bars and semi-finished:	
Except for bars heat treated and annealed	30
Bars heat treated and annealed	60
Tin mill products (carbon)	30
Tubing:	
Seamless tubing (carbon):	
Hot rolled	60
Cold drawn:	
1½" O. D. and larger	75
Under 1½" O. D.	105
Seamless tubing (alloy, exclusive of airframe and engine tubing):	
Hot rolled	90
Cold drawn:	
1½" O. D. and larger	110
Under 1½" O. D.	120
Airframe and engine tubing	120
Welded tubing (carbon):	
Mechanical:	
Hot rolled	60
Cold rolled	70

SCHEDULE III—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS—Continued

STEEL—CARBON AND ALLOY (INCLUDING STAINLESS)—continued

Product	*Number of days in advance of first day of month in which shipment is required*
Tubing—Continued.	
Welded tubing (carbon)—Continued.	
Annealed:	
Hot rolled	70
Cold rolled	80
Drawn or swaged	85
Boiler tubes	60
Condenser and heat exchanger:	
1" O. D. and under	75
Over 1" O. D.	60
Welded tubing (alloy, including aircraft)	90
Steel castings (provided patterns are available): [1]	
Weight per casting:	
500 pounds and under	45
Over 500 pounds to 5,000 pounds	60
Over 5,000 pounds to 30,000 pounds	75
Over 30,000 pounds	90
Wire and wire products (carbon):	
Hot rolled wire rods	30
Merchant trade products	30
Manufacturing wires:	
Low carbon .0475" and heavier	45
Low carbon under .0475"	60
High carbon (0.40 carbon and higher):	
.0475" and heavier	45
Under .0475" to .021"	60
Under .021"	75
Wire rope and strand:	
⅛" diameter and over	75
3/16" diameter and under	105
Welded wire-reinforcing fabric	45

SCHEDULE IV—MINIMUM MILL QUANTITIES

NOTE: Schedule IV amended Feb. 2, 1944.

STEEL

Product	*Minimum mill quantity for each size and grade of any item for shipment at any one time to any one destination*
Alloy steel (other than stainless):	
Standard grades and sections:	
Rounds, squares 3" and under	5 net tons.
Hexagon and flats—all sizes	5 net tons.
Stainless steel:	
Standard grades and sections	Product of one ingot.
Tool steel	500 pounds.
Castings as established by each foundry, but in no case in excess of	5 net tons.
Cold finished bars	3 net tons.
Hot rolled carbon bars and semi-finished:	
Round bars up to 3" incl., and squares, hexagons, half rounds, ovals, half ovals, etc., of approximate equivalent sectional area	5 net tons.
Round bars over 3" to 8" (including squares within this range)	15 net tons.
Flat bars, all sizes	5 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Forging billets, blooms and slabs	Product of one ingot.
Rerolling billets, slabs, sheet	25 gross tons.

[1] Patterns are to be considered "available" only after they have been received at the foundry, checked, rigged for production, and sample castings have been approved.

SCHEDULE IV—MINIMUM MILL QUANTITIES—Continued

STEEL—continued

Product	*Minimum mill quantity for each size and grade of any item for shipment at any one time to any one destination*
Plates:	
Plates and shapes:	
Continuous strip mill production	10 net tons.
Sheared mill, universal mill or bar mill production	3 net tons.
Structural shapes	5 net tons.
Pipes	(1)
Sheet and strip:	
Sheets—hot and cold rolled	5 net tons.
Strip—hot and cold rolled	3 net tons.
Tin mill products (one gauge)	5,000 pounds.
Track accessories:	
Track spikes, track bolts	5 net tons.
Tubing:	
Seamless tubing	
Carbon steel	
Cold drawn	
O. D. (inches)	
Up to ¾" inclusive	1000 feet
Over ¾" to 1½" inclusive	800 feet
Over 1½" to 3" inclusive	600 feet
Over 3" to 6" inclusive	400 feet
Over 6"	250 feet
Alloy steel	
Aircraft tubing	
O. D. (inches)	
Up to ¾" inclusive	1000 feet
Over ¾" to 1½" inclusive	800 feet
Over 1½" to 3" inclusive	600 feet
Over 3"	250 feet
Welded tubing	
Carbon steel, all sizes	3 net tons
Alloy steel, all sizes	5 net tons
Stainless steel, all sizes	3 net tons
Wire and wire products:	
Hot rolled wire rods	5 net tons.
Merchant trade products (Assorted Merchant Products)	5 net tons.
Manufacturing wires (wires for further fabrication):	
Low carbon	1 net ton.
High carbon (0.40 carbon and higher) .0476" and heavier	1 net ton.
Under .0475" to .021"	1,000 pounds.
Under .021"	500 pounds.
Wire rope and strand	1,000 ft. lengths.
Welded wire reinforcing fabric	(1)

COPPER

Brass mill products	200 pounds.
Wire mill products	300 pounds.

ALUMINUM

Sheet and strip	500 pounds.
Tubing	250 pounds.
Extrusions other than extruded shapes (Extruded shapes are covered by Direction 33 to this regulation)	200 pounds.
Wire, rod and bar	200 pounds.
Rivets	50 pounds.

[1] Published carload minimum (mixed sizes and grades)

[2] Full rolls of manufacturer's standard stock sizes.

LIST OF INTERPRETATIONS 1 THROUGH 22 TO CMP REGULATION NO. 1

1. Discrimination.
2. Prohibition Against Duplicating Orders.
3. Controlled Materials for Use in Metal Guns, Wire Stitchers, etc.
4. "Same Class A Product" as Used in Paragraph (1) (2)—Deleted October 4, 1943.
5. Conversion of Orders not Retroactive—Deleted October 4, 1943.
6. Allotments not Required in Ordering Class A Products in Certain Cases—Deleted February 2, 1944.
7. Class A Repair Parts.
8. Period During Which Allotment Valid—Revised February 2, 1944.
9. Allotments for Minimum Production Quantities.
10. Substitution of Allotment Numbers—Revised January 10, 1944.
11. Use of Allotments to Replenish Inventory.
12. Reduction of Quantity Ordered Does Not Constitute Placing of New Order—Revoked January 10, 1944—See Interpretation 10.
13. Allotment Procedure Determines Classification of Product in Certain Cases.
14. Use of Quarterly Identification.
15. Conflict in Production Schedules of Class A Civilian Type End Products.
16. Furnishing Materials to Subcontractors.
17. Copper Flake Powder—Deleted February 2, 1944.
18. Analysis of Orders by Claimant Agency Symbols—Section A of Form CMP-4B.
19. Proper Allotment Number Must be Used in Identifying Orders.
20. Procuring Claimant Agencies.
21. Temporary Loans.
22. Rejection of Orders.

INTERPRETATION 1—DISCRIMINATION

Questions have arisen as to what constitutes discrimination between customers within the meaning of paragraphs (s) (4) and (t) (2) (i) of CMP Regulation No. 1. These provisions prohibit producers of controlled materials from discriminating between customers in rejecting or accepting orders which are filed later than the prescribed time or which call for deliveries of less than the minimum mill quantities. These provisions mean that, in similar situations, different customers must receive similar treatment. A controlled materials producer who has rejected a late order or small order from one customer, is not prohibited from accepting such an order from another customer if the difference in treatment of the two orders is based in good faith on differences in the practicability of filling the orders in view of the nature of the material ordered, the condition of the production schedule at the time the orders are received, or similar factors. (Issued March 8, 1943.)

INTERPRETATION 2—PROHIBITION AGAINST DUPLICATING ORDERS

The question has been raised as to whether a consumer may place authorized controlled material orders or make allotments exceeding in the aggregate the total amount of his allotment if he intends to cancel the excess before delivery.

Under CMP Regulation No. 1 a consumer is prohibited from duplicating authorized controlled material orders or allotments even though he intends to cancel or reduce his delivery orders to the allotted amount prior to delivery. (Issued March 22, 1943.)

INTERPRETATION 3—CONTROLLED MATERIALS FOR USE IN METAL GUNS, WIRE STITCHERS, ETC.

A manufacturer of equipment who also sells controlled materials merely for use in the operation of such equipment may include such controlled materials in his application for allotment as manufacturer of the equipment, but such requirements must be separately indicated. For example, a manufacturer of a metal gun or a wire stitcher who sells rod or wire for use with his product (whether he makes such sales with the product or separately) may include his requirements for such rod or wire in his application for controlled materials needed to manufacture the gun or stitcher, but he should indicate separately on his application or in an attached note the amount of controlled material required for such purposes as distinct from the manufacture of the gun or stitcher. (Issued April 5, 1943.)

INTERPRETATION 4—"SAME CLASS A PRODUCT" AS USED IN PARAGRAPH (1) (2)

NOTE: Deleted October 4, 1943. Now covered by (1) (2).

INTERPRETATION 5 AS AMENDED—CONVERSION OF ORDERS NOT RETROACTIVE

NOTE: Deleted Oct. 4, 1943. See Interpretation 22—Rejection of Orders.

INTERPRETATION 6 AS AMENDED—ALLOTMENTS NOT REQUIRED IN ORDERING CLASS A PRODUCTS IN CERTAIN CASES

NOTE: Deleted Feb. 2, 1944. Obsolete.

INTERPRETATION 7—CLASS A REPAIR PARTS

(a) A manufacturer of Class A products who sells them for use as maintenance, repair or operating supplies is required to obtain an allotment for their manufacture from the appropriate Industry Division pursuant to application on Form CMP-4B, except where they are directly purchased and programmed by a Claimant Agency—(paragraphs (d) (6) and (k-1) (2) of CMP Regulation No. 1). Such items, with the exception noted, are handled exactly as though they were Class B products. A manufacturer is therefore prohibited by paragraph (g) (3) of CMP Regulation No. 1 from accepting an allotment from his customer, and his customer is prohibited by the same paragraph from making an allotment, for their manufacture. A variation from this rule is indicated in paragraph (b) of this interpretation.

(b) In some cases manufacturers buy class A parts such as springs, screw machine parts and stampings, for incorporation in their products and also resell some of the parts as repair parts. In such cases, if it is impracticable for the manufacturer of the part to segregate those sold for resale as repair parts from those sold for production, he should secure an allotment from his customer covering his requirements for the manufacture of both. For example, a manufacturer of electric motors (a Class B product) purchases screw machine parts (a Class A product) from another manufacturer. He uses some of the screw machine parts for building motors and resells others as repair parts. He normally orders the screw machine parts without distinction as between those which he needs for production or for resale. The motor manufacturer should make an allotment to the manufacturer of the screw machine parts to cover all the parts purchased from him. (Issued May 20, 1943.)

INTERPRETATION 9—ALLOTMENTS FOR MINIMUM PRODUCTION QUANTITIES

(a) Paragraph (o) (2) (iii) of CMP Regulation No. 1 permits a manufacturer to exceed his authorized production schedule "where a delivery order calls for delivery, in successive months, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly production schedules would result in substantial interruption of production and consequent interference with production to fill other delivery orders." In such a case the manufacturer may "produce (and his customer may order) in the first month, the minimum practicable quantity which may be made without such interference."

(b) A manufacturer is entitled to apply for (and his customer is entitled to make) an allotment during a single quarter of the quantity of controlled materials required to produce a minimum practicable production quantity even though the customer's requirements for the finished product may run over several quarters.

In illustration of the above, a customer's requirements of screw machine parts for the third and fourth quarters of 1943 constitutes a minimum practicable production quantity. The manufacturer of the screw machine parts may apply for an allotment for the third quarter of 1943 of all of the controlled materials required to produce the parts. The customer should include the quantity in his application for an allotment and if an allotment is made to him, he should make a third quarter allotment to the screw machine manufacturer for the entire quantity, and should charge the total quantity so allotted to his third quarter allotment account. (Issued June 11, 1943.)

INTERPRETATION 10—CHANGES MADE BY CUSTOMERS IN ORDERS PLACED WITH PRODUCERS

(a) This interpretation deals with the procedure to be followed when a customer, having placed an authorized controlled material order with a producer, wishes to make changes in that order.

(b) The general rule is that any change in a customer's order constitutes a cancellation of the earlier order and must be considered as a new order received on the date of the change, if (but only if) the change necessitates alteration of the producers' production schedule to a point which would interfere with production. For example:

(1) The mere substitution of one allotment number for another which does not require alteration of the producer's schedule is not considered to constitute the placing of a new order. The customer must, of course, have an allotment identified by the substituted allotment number to support the change.

(2) A change in shipping destination does not constitute the placing of a new order.

(3) An increase in the total amount ordered constitutes the placing of a new order to the extent of the increase.

(4) An advancement or deferment of delivery, when made by the customer, will constitute entry of a new order.

(5) A reduction in the total amount ordered will presumably not require a change in the producer's schedule and will not constitute a new order. Of course, if the quantity is reduced below a minimum mill quantity, the producer may reject the order and remove it from his schedule, as provided in paragraph (t) (2) (i) of CMP Regulation No. 1, though he must not discriminate between customers in so doing.

(6) When the customer directs the producer to hold or suspend production on an order, without specifying a new delivery date, the order will not be considered as on a producer's books for the purpose of determining his obligation to accept other orders. When the customer instructs the producer to reinstate a suspended order, it shall be considered a new order as of the date of such instruction.

(7) Where minor variations in size, shape, gauge, etc., are requested by the customer and can be arranged by the producer without interfering with his production, such changes do not constitute a new order.

(c) In the case of changes which constitute a new order under this interpretation, the acceptance or rejection of the new order and its place on the producer's schedule shall be governed by conditions existing at the time the changes are received.

(d) This interpretation, as amended, supersedes Interpretation 12 of CMP Regulation

No. 1 and CMPL letter 414, which are hereby revoked. (Issued Jan. 10, 1944.)

INTERPRETATION 11—USE OF ALLOTMENTS TO REPLENISH INVENTORY

(a) An allotment may be used to replace in inventory controlled materials used to manufacture the product for which the allotment was made. This is specifically covered in paragraph (u) (1) (iii) of CMP Regulation No. 1 [§ 3175.1]. It is not necessary for a manufacturer to delay production until he receives delivery of controlled materials ordered on the basis of the allotment.

(b) A manufacturer of Class A products need not accept an order unless he receives an allotment of enough controlled materials for its manufacture even though he has enough in inventory to fill the order. However, if his inventory is excessive (more than a practicable working minimum or the limit specified in CMP Regulation No. 2) he must fill the order out of the excess. This follows from the fact that he must take inventories into account in applying for an allotment. (However, see Direction 27—Right To Specify Allotment Quarter).

(c) It is not necessary that the quarter for which an allotment is made and the quarter in which delivery of the Class A product is to be made be the same. The allotment may be for an earlier or a later quarter depending on when the manufacturer needs the allotment.

In illustration of the above, the X Company receives an order on July 1, 1943, calling for delivery of 100 transmission assemblies on September 1, 1943. Ten tons of carbon steel and two tons of alloy steel are required to fill the order. The X Company has a sufficient quantity of steel on hand to fill the order but it is, nevertheless, entitled to an allotment of ten tons of carbon steel and two tons of alloy steel from its customer, assuming its inventory is not more than a practicable working minimum or the limit specified in CMP Regulation No. 2. The X Company may fill the order from stock on hand and obtain a fourth quarter allotment which it may use to replenish its inventory. If, in the above case, the X Company did not have controlled materials on hand to fill the order it would not be able to accept the order for delivery on September 1, 1943. If the date for delivery of the Class A products were changed to February 1, 1944, the allotment quarter would precede the quarter in which delivery of the product would be made. (Issued July 14, 1943.)

INTERPRETATION 12—REDUCTION OF QUANTITY ORDERED DOES NOT CONSTITUTE PLACING OF NEW ORDER

NOTE: Deleted Jan. 10, 1944. See Interp. 10.

INTERPRETATION 13—ALLOTMENT PROCEDURE DETERMINES CLASSIFICATION OF PRODUCT IN CERTAIN CASES

(a) When the B product allotment procedure is followed in making allotments for the manufacture of a Class A product, all of the provisions of CMP regulations governing B products apply. A good example of this is Class A repair parts which are handled on the B product basis. Under paragraph (p) of CMP–1 (§ 3175.1), an order for a Class A product, once accepted, cannot be displaced by an order received at a later time even though the later order bears a higher preference rating. However, if the product is a Class A repair part which is handled on a Class B basis, this provision does not apply. Paragraph (g) (3) provides that no consumer may make an allotment for the production of Class B products. In the case of a Class A repair part which is handled on a Class B basis, this provision does apply.

(b) On the other hand, when the A product allotment procedure is followed for making allotments for the manufacture of a Class B product, all of the provisions of CMP regulations governing A products apply. In such a case, the provision of paragraph (p) mentioned above does apply, and the provision of paragraph (g) (3) does not apply. (Issued Aug. 16, 1943.)

INTERPRETATION 14—USE OF QUARTERLY IDENTIFICATION

(a) It is not necessary to show the quarterly identification in rating orders for B components or other production materials, other than controlled materials. For example, "Preference rating AA–1, Allotment number W–1" is sufficient. Where an A product is ordered requiring an allotment, the quarterly identification must, of course, be shown.

(b) The quarterly identification, showing the quarter for which an allotment is valid, must be shown on all authorized controlled material orders, except as described in paragraph (c) below, and on all allotments, immediately following the abbreviated allotment number—for example, W–1–3Q43. The abbreviated allotment number is the same thing as the major program number, that is, the Claimant Agency symbol followed by the first digit of the program number. In the case of an allotment to a prime consumer designated W–1234–567, the abbreviated allotment number is W–1. The quarterly identification is not a part of the allotment number.

(c) It is not necessary to show any quarterly identification on orders for controlled materials where they are being bought under a blanket symbol (such as the MRO symbol assigned by CMP Regulation No. 5) where the use of the symbol is not limited to any particular quarter. This is also true in the case of orders bearing the SO symbol. (Issued Aug. 23, 1943.)

INTERPRETATION 15—CONFLICT IN PRODUCTION SCHEDULES OF CLASS A CIVILIAN TYPE END PRODUCTS

(a) Paragraph (q) of CMP Regulation No. 1 provides that where a manufacturer discovers a conflict between accepted production schedules received from different persons, he should report the matter to the appropriate Industry Division (or Claimant Agency under certain circumstances) for instructions.

(b) Under the provisions of this paragraph, a manufacturer of a Class A Civilian Type End Product who has received allotments and an authorized production schedule from various Claimant Agencies and from an Industry Division of the War Production Board, and who discovers, because of labor shortage, lack of capacity, delays in delivery of material, or other causes, that he is unable to meet all authorized production schedules, should report the details of this conflict to the appropriate Industry Division so it can furnish directions. (Issued Aug. 28, 1943.)

INTERPRETATION 16—FURNISHING MATERIALS TO SUBCONTRACTORS

(a) Instead of making an allotment of controlled material to a manufacturer of Class A products, a manufacturer operating under the Controlled Materials Plan may use any of the following alternatives with the consent of his supplier:

(1) He may sell the material to his supplier from his own inventory.

(2) He may furnish the material to his supplier on toll or processing agreement, retaining title in himself.

(3) He may place an authorized controlled material order for delivery to himself and trans-ship the material to his supplier, either by sale or under toll or processing agreement.

(4) He may place an authorized controlled material order for delivery direct to the supplier.

(b) In each of the above cases, the customer does not make any allotment, and the supplier does not have to keep any allotment records. The supplier must, however, keep sufficiently accurate records to show that he is using the material for the purpose for which it was received. The customer furnishing the material includes it in his own requirements in the same way as if he were going to allot it, and he may not furnish it to his supplier except under conditions where he could make an allotment under CMP Regulation No. 1.

(c) The making of allotments by customers to suppliers of Class B products is forbidden by paragraph (g) of CMP Regulation 1, since these allotments are made directly to the Class B producers by the War Production Board and duplicating allotments would make inaccurate the Board's figures as to requirements and supply. For the same reason, a customer may not furnish any controlled material to the producer of a Class B products in any of the ways mentioned in paragraph (a) above without getting special permission from the War Production Board. (Issued Sept. 11, 1943.)

INTERPRETATION 17—COPPER FLAKE POWDER

NOTE: Deleted Feb. 2, 1944. Obsolete.

INTERPRETATION 18—ANALYSIS OF ORDERS BY CLAIMANT AGENCY SYMBOLS—SECTION A OF FORM CMP–4B

(a) A person applying for an allotment on Form CMP–4B is required to show in Section A of the form an analysis of his orders or shipments by Claimant Agency symbols. The applicant must analyze his orders on the basis of the Claimant Agency symbols appearing on his customers' orders. Where no Claimant Agency symbol appears on a customer's order, the order must be reported under "unidentified".

(b) An applicant must not, in any case, attempt to trace the ultimate end-use of his product for the purpose of filling out Section A of Form CMP–4B. For example, if he receives an order with a preference rating bearing the symbol "B–1", he should report this under the symbol "B" even if he knows that that particular order is for a component of a product that eventually will be sold to the Navy. Or, if he receives an order with a preference rating but no Claimant Agency symbol, he should report this under "unidentified", even if he knows that that particular order is for a component of a product that eventually will be sold to the Navy.

(c) A person who receives a rated order must accept and fill it in accordance with Priorities Regulation No. 1 whether it is identified by a Claimant Agency symbol or not. He does not have the right to assume that his customer is required to show a symbol on his order since in many cases it is not necessary to show a Claimant Agency symbol in applying or extending a rating. There is no reason, however, why a person should not inform his customers of the provisions of paragraph (f) of CMP Regulation No. 3 (see Interpretation No. 3 to CMP Regulation No. 3) and paragraph (z) of CMP Regulation No. 6 which require the compulsory use of Claimant Agency symbols for purposes of identification on certain rated orders. (Issued Sept. 14, 1943.)

INTERPRETATION 19—PROPER ALLOTMENT NUMBER MUST BE USED IN IDENTIFYING ORDERS

(a) A manufacturer of a Class B product, in ordering production materials (whether controlled materials, Class A or B products, or other materials and products) needed to make the Class B product, must not use the allotment number appearing on orders placed with him by his customers. This is true because a person may use only the allotment number which appears on the allotment made to him with his authorized production schedule. Thus a manufacturer of a Class B product, such as electric motor controls, receives an allotment of controlled material and a preference rating from the War Production Board which, in the case of electric motor controls, will be identified by the allotment number J–3. When he orders the production material he needs to make electric motor controls, he will use the symbol J–3 on his orders. Orders for electric motor controls from his customers will bear such allotment symbols as B–4, W–3, G–6, U–1, etc. The electric motor control manufacturer may not use these symbols on his own orders for production materials for the manufacture of electric motor controls.

(b) On the other hand, a manufacturer of a Class A product receives his allotments from his customers and therefore uses the allotment numbers appearing on his customers' orders when he orders materials needed to make the Class A product. Thus, a manufacturer of a Class A product who receives an order from a customer and an allotment identified by the allotment number O–5 will use the allotment number O–5 in placing his orders for production materials needed to fill the order.

(c) An allotment number or symbol alone never constitutes an allotment of controlled materials. In making an allotment a consumer must specify the controlled material and the exact quantity allotted. Attention is called to the fact that under paragraph (f) of CMP Regulation No. 1, allotments of controlled material must be made only in the form and shape in which they are allotted to the consumer. (Issued Oct. 8, 1943.)

INTERPRETATION 20—PROCURING CLAIMANT AGENCIES

(a) The "procuring" Claimant Agencies under the Controlled Materials Plan are:

(1) War Department (including Ordnance).
(2) Navy Department.
(3) Maritime Commission.
(4) Aircraft Resources Control Office.
(5) Office of Lend-Lease Administration.

(b) The other Claimant Agencies are sometimes referred to as "non-procuring" Claimant Agencies. (Issued Oct. 26, 1943.)

INTERPRETATION 21—TEMPORARY LOANS

(a) Paragraph (u) of CMP Regulation No. 1 (§ 3175.1), which places restrictions on the use of controlled materials and Class A products obtained pursuant to an allotment, does not forbid a short term "loan" of controlled materials or Class A products to another manufacturer for his use in filling an authorized production schedule. Whenever a loan is made, the consumer must make certain that the material loaned will be returned to him when he needs it. A loan for more than three months would generally be considered equivalent to a transfer of the materials and therefore unauthorized except as provided in paragraph (u). A consumer must never make such a loan when lending the material would prevent fulfillment of the consumer's authorized production schedule.

(b) A consumer borrowing controlled materials or Class A products does not have to reduce his allotment account under paragraph (v) of the regulation, relating to adjustments on account of controlled materials or Class A products obtained without use of allotments, since the loan is made on a temporary basis and he must be in a position to use his allotment to return, in kind, the material borrowed.

(c) Full records of the loan transaction must be kept by both persons lending and persons borrowing. (Issued Nov. 3, 1943.)

INTERPRETATION 22—REJECTION OF ORDERS

(a) Paragraph (t) (3) of CMP Regulation No. 1 [§ 3175.1] requires a controlled materials producer to reject any order other than an authorized controlled material order, a sample order or an order which he is required or authorized to fill by the War Production Board. This provision does not require a producer to refuse to receive a piece of paper on which an order is written. It does require the producer to refuse to fill an order or schedule it unless it is an order which he is specifically authorized to fill. The order must be specifically rejected and the producer may either return the paper on which the order is written or file it, as he sees fit. In any case he must let his customer know that he cannot schedule the order and that his customer should not expect delivery against it.

(b) Customers who place with a producer orders which the latter is prohibited from filling cause an unnecessary increase in the volume of paper work. It is therefore suggested that purchasers should refrain from placing unauthorized orders, even if they intend to validate the orders later.

(c) While the placing of a delivery order before an allotment is received is discouraged, it is recognized that in certain cases customers will find it necessary to place orders before they have received their allotments. This may happen, for example, in the case of long-term contracts extending beyond the period for which advance allotments have been made. In such a case, a delivery order may be converted into an authorized controlled material order either by furnishing a copy of the order conforming to the requirements of paragraph (s) of the regulation or by furnishing, in writing, the requisite information clearly identifying the order and bearing the certification required by subparagraph (3) of paragraph (s). Such an order must be treated as an authorized controlled material order as of the date on which the necessary information and certificate (including the allotment number) are received by the producer. (Issued Nov. 10, 1943.)

LIST OF DIRECTIONS 1 THROUGH 46 TO CMP REGULATION NO. 1

1. Pursuant to paragraph (t) (6)—Steel Producers—Obsolete.
2. Pursuant to paragraph (t) (6)—Aluminum Producers—Obsolete.
3. Pursuant to paragraph (t)—Copper Wire and Cable Producers—Obsolete.
4. Pursuant to paragraph (t)—Brass Mills—Obsolete.
5. Heat Treated and Normalized Carbon and Alloy Steel Bars for Commercial Warehouse Orders—Obsolete.
6. Rules Governing Certain Deliveries of Steel Between Producers and Others.
7. Pursuant to paragraph (t) (6)—Aluminum Producers—Obsolete.
8. Intra-Company Deliveries of Aluminum.
9. Brass Mill and Wire Mill Direction.
10. Rolled and Forged Armor Plate.
11. Delayed Delivery on April Orders—Obsolete.
12. Water Well Drillers—Revoked January 4, 1944.
13. Complete Bills of Material—Revoked October 9, 1943.
14. Rerating Not Compulsory—Obsolete.
15. Mill Stocks of Steel.
16. Replacement of Defective Controlled Material.
17. Brass Mill Direction—Obsolete.
18. Acceptance of Orders for Steel—Revoked.
19. Tin Plate, Short Ternes and Tin Mill Black Plate for Can Manufacturers.
20. BEW and Lend-Lease Orders.
21. Farmers Copper Wire Allotment Certificates.
22. Special Allotments.
23. Acceptance of Orders for Aluminum by Aluminum Producers and the Effect of Delays in Production.
24. Steel Furnished by Fabricators on Construction Projects.
25. Forgings in Controlled Material Form.
26. When Allotments may be Returned by a Secondary Consumer Directly to a Claimant Agency or Industry Division.
27. Right to Specify Allotment Quarter.
28. Controlled Material Lost or Stolen in Transit.
29. OEW and Lend-Lease Orders.
30. Copper Water Tubing—Revoked November 25, 1943.
31. Ammunition Brass Strip, Rod and Tube.
32. Production and Delivery of Less Than Minimum Mill Quantities of Brass Mill Products Ahead of Schedule.
33. Placement and Acceptance of Orders for Small Amounts of Aluminum and Aluminum Alloy Extruded Shapes.
34. Class A Facilities not Related to Construction.
35. Jigs, Dies, Molds, Fixtures and Special Tooling.
36. Cases in Which a Person who has Received an Allotment for the Manufacture of a Class B product may make Allotments or Furnish Controlled Materials to a Manufacturer of the Class B Product.
37. Consolidation of Army Ordnance Programs O–5 and O–6.
38. Galvanized Steel Products in Controlled Material Form.
39. Official Class B Product List.
40. Railroad Frogs and Switches.
41. Allotment Procedure for Manufacturers of Class A Products When Used for Ship Repairs and Bureau of Ships' Special Navy Products, When Used for Ship Repairs.
42. Copper Powder.
43. Elimination of 1943 Orders for Aluminum.
44. Applications by Producers and Distributors for Permission to Sell Rejected or Excess Steel.
45. Scheduling Provisions Applicable to M–293 Products.
46. Change in Program Numbers of the Maritime Commission.

[F. R. Doc. 44–1635; Filed, February 2, 1944; 11:26 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Interpretation 8 as Amended Feb. 2, 1944]

PERIOD DURING WHICH ALLOTMENT VALID (REVISED)

The following interpretation is issued with respect to CMP Regulation 1:

(a) An allotment of controlled materials under the Controlled Materials Plan is only valid for the quarter (or other specifically designated period) for which it is made as indicated in the allotment certificate. An allotment which is valid for one quarter cannot be used for placing authorized controlled material orders calling for delivery in any other quarter.

(b) A consumer in placing an order for a controlled material must specify the month in which delivery is requested and the requested delivery month must be within the quarter for which the allotment is valid. Controlled materials producers are required to make delivery as close to the requested delivery date as is practicable and are prohibited from accepting authorized controlled material orders in excess of a specified percentage of their production directive or expected production as provided in paragraph (t) (2) (iii) of CMP Regulation No. 1.

(c) If a controlled materials producer is unable to accept an authorized controlled material order for delivery during the delivery month specified, and delivery is required in that month, the consumer may appeal, either directly or through his Claimant Agency or Industry Division, to the appropriate Controlled Materials Division for relief.

(d) The rules governing postponed deliveries of steel or copper are set out in paragraph (t) (4) of the regulation and those governing postponed deliveries of aluminum are covered in Direction No. 23 to the regulation. Rules governing the tentative acceptance of authorized controlled material orders are set out in paragraph (t) (3) of the regulation. The rules on these subjects as stated in paragraphs (c), (e) and (f) of the interpretation before this revision are obsolete.

Issued this 2d day of February, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1636; Filed, February 2, 1944; 11:26 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A as Amended Feb. 1, 1944]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES FOR GOVERNMENTAL AGENCIES AND INSTITUTIONS

§ 3175.5a *CMP Regulation 5A*—(a) *Purpose and scope.* (1) The purpose of this regulation is to provide for governmental agencies and for institutions a uniform procedure for obtaining maintenance, repair and operating supplies, both in the case of controlled materials obtained by use of allotment symbols under the Controlled Materials Plan and in the case of materials or products obtained by preference ratings. Any agency or institution affected by this regulation requiring maintenance, repair and operating supplies, in any form, in such quantities as are available from warehouses or distributors under CMP Regulation No. 4 or at retail without preference ratings or allotments, may obtain the same without using the procedure provided in this regulation, but subject to all applicable limitations in War Production Board regulations and orders.

(2) The provisions of this regulation shall not apply to any governmental agency or to any institution to the extent that it is engaged in the following services or industries: gas, light, power, water, central heating, or the operation of a sanitary sewerage system or a storm sewerage system combined with a sanitary sewerage system for general use by the public, or to communications (in so far only as communications are provided for in Orders U-3 and U-4).

(3) *Governmental agencies and institutions in the Dominion of Canada.* The provisions of this regulation shall be available to those governmental agencies and institutions in the Dominion of Canada which may on application by the Department of Munitions and Supply, Ottawa, Canada, be authorized by the War Production Board to operate under it subject to such conditions as may be set out in the authorization. Any such agency or institution in Canada receiving such authority shall use the following certification instead of any certification prescribed in this regulation, and shall not use the alternative form of certification prescribed in CMP Regulation No. 7:

The undersigned purchaser certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Board Regulations, to the seller, to the Canadian Priorities Officer, and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized, under applicable Canadian orders, and under applicable War Production Board regulations or orders, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

(4) The provisions of this regulation shall not apply to Claimant Agencies as defined in CMP Regulation No. 1, except to such extent as may be specifically provided by order of the War Production Board. Any Claimant Agency which desires that this regulation be made applicable to any of its departments or activities may make application therefor by letter in triplicate addressed to the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A.

(b) *Definitions.* The following definitions shall apply for the purpose of this regulation.

(1) "Governmental agency" means any governmental agency in the United States, its territories or possessions, federal, state, county, municipal or local except any agency specifically excluded from this regulation by order of the War Production Board. The term also includes any governmental agency in the Dominion of Canada which has been authorized to operate under this regulation pursuant to the provisions of paragraph (a) (3) hereof.

(2) "Institution" means any institution within the United States, its territories or possessions, public or private, including but not limited to, schools, colleges, libraries, hospitals, welfare establishments and churches, and also includes any institution in the Dominion of Canada which has been authorized to operate under this regulation pursuant to the provisions of paragraph (a) (3) hereof.

(3) "Educational institution" (see Schedule II) means, (i) any elementary or secondary school, and any college or university maintained and operated by any state or any political subdivision thereof, including school districts and cities, or by any agency of the Federal Government, its territories or possessions, or the District of Columbia;

(ii) Any other school, college or university which offers a curriculum substantially the same as that offered by a school, college or university maintained and operated by any state or any political subdivision thereof or the District of Columbia;

(iii) Any school, college, or university which is conducting one or more of the following programs as established and supervised by the United States Office of Education:

(a) Vocational Education for War Production Workers,

(b) Engineering, Science and Management War Training,

(c) Rural War Production Training;

(iv) Any school, college or university, which pursuant to letter of intent from, or contract with, the Army or Navy of the United States is engaged in housing, feeding or training any unit of military personnel;

(v) Any school, college or university which is specifically authorized by the War Production Board to operate under this regulation as an educational institution. Application for such authorization shall be by letter in triplicate stating the relevant facts addressed to the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A.

(4) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided*, That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (b) (6) of this regulation.

(5) "Operating supplies" means any material or product which (i) is essential for conducting any activity or rendering any service by any governmental agency or by any institution and (ii) is consumed in the course of conducting such activity or rendering such service and (iii) does not constitute capital equipment. Materials included in any finished product produced by a governmental agency or an institution which are normally chargeable to operating expense may also be treated as operating supplies.

(6) Minor capital additions may be obtained under the procedures provided for in this regulation for obtaining maintenance, repair and operating supplies where the cost of the minor capital addition does not exceed $100 (excluding the purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph, and where the capital addition involves construction, authorization to construct must be obtained to the extent required by Conservation Order L-41 or by any other applicable order or regulation of the War Production Board.

(7) Production material required by a governmental agency or an institution for physical incorporation in products manufactured by it, which products it sells for use as maintenance, repair or operating supplies, may be obtained as provided in CMP Regulation No. 1 and in CMP Regulation No. 3, and such production materials shall not be deemed

maintenance repair or operating supplies, as to such agency or institution.

(c) *Controlled materials*—(1) *Steel and copper.* Subject to the quantity restrictions contained in paragraph (f) of this regulation, any governmental agency or any institution engaged in any activity or rendering any service listed in Schedule I or Schedule II attached to this regulation, requiring delivery after March 31, 1943, of any controlled material (as defined in CMP Regulation No. 1) except aluminum, for maintenance, repair or operating supplies in the conduct of such activity or service, may obtain the same by placing on or accompanying its delivery order with substantially the following certificate (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO 5A—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the controlled materials covered by this order are required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5A and that delivery thereof will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

An order bearing such certification shall constitute an authorized controlled material order.

(2) *Aluminum.* Any governmental agency or any institution engaged in any activity, or rendering any service listed in Schedule I or II, requiring aluminum in any of the forms or shapes constituting a controlled material, for essential maintenance, repair or operating supplies, where the use of other materials for the purpose is impracticable, may obtain the same from a controlled materials producer or from a distributor specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale, in an amount of not to exceed 500 pounds from all sources during any one calendar quarter: *Provided*, That any order placed pursuant to this paragraph (c) (2) shall be endorsed with or accompanied by substantially the following certificate (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO-5A—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the materials covered by this order are required for essential maintenance, repair or operating supplies to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5A; that the use of other materials for such purpose is impracticable; and that the amount of aluminum covered by this order, together with all other amounts received by, or on order for delivery to, the undersigned, from all sources, for such purpose during the same quarter, will not exceed 500 pounds.

Any producer or warehouse receiving an order bearing such certificate shall be entitled to rely thereon and may fill the order, unless he knows or has reason to believe the certificate to be false. An order bearing such certification shall constitute an authorized controlled material order.

(3) Any governmental agency or any institution engaged in any activity or rendering any service listed on Schedule I or II, which needs aluminum in any of the forms or shapes constituting a controlled material in amounts aggregating more than 500 pounds from all sources during any one calendar quarter for use as essential maintenance, repair or operating supplies where the use of other material for such purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington 25, D. C., Ref: MRO. The letter should contain substantially the information called for by paragraphs (d) (1) to (6) of Supplementary Order M-1-i, as amended March 10, 1943. If the application is granted, the applicant will receive an allotment number or symbol, and may place an authorized controlled material order by endorsing an order with such allotment number or symbol and the certification prescribed in paragraph (s) (3) of CMP Regulation No. 1 or in CMP Regulation No. 7, executed as provided in such regulations.

(d) *Preference ratings for maintenance, repair and operating supplies.* (1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, orders by any governmental agency or institution calling for delivery after March 31, 1943, of maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials) are hereby assigned preference ratings as follows:

(i) AA-1 for maintenance or repair of facilities required for any activity or service listed in Schedule I or for necessary operating supplies for such activity or service;

(ii) AA-2 for maintenance or repair of facilities required for any activity or service listed in Schedule II or for necessary operating supplies for such activity or service;

(iii) AA-5 for necessary maintenance or repair of facilities required for any activity or service not listed in Schedule I or Schedule II or for necessary operating supplies for any such purpose.

(iv) For maintenance, repair and operating supplies for any building devoted primarily to any service or activity listed in Schedule I or Schedule II, the rating assigned to that service is hereby assigned.

(2) Any agency or any institution which maintains a central stores system where it is impracticable to charge purchases for inventory against a particular service or activity, may establish a scale of percentages for each rating, for each class of items, based upon withdrawals from the central stores system during the calendar year 1942 (or its fiscal year ending nearest to December 31, 1942) by the various agencies and institutions (and departments thereof) and may apply the appropriate percentage of each rating to its purchases for the central stores system. In the alternative, any such agency or institution may apply to the War Production Board, pursuant to the provisions of paragraph (k) for the assignment of ratings for such stores system.

(3) A preference rating assigned under this paragraph (d) shall be applied only by use of the following certification (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

Preference rating ——— (specify rating): MRO 5A. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance, repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5A and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

(4) A person with whom a delivery order is placed bearing a preference rating assigned by this regulation may, subject to the limitations contained in CMP Regulations Nos. 1 and 2, extend the rating in the manner provided in CMP Regulation No. 3 (using the endorsement therein specified or the alternative form of certification provided in CMP Regulation No. 7).

(e) *Departments engaged in several activities.* If any governmental agency or any institution, or any department or unit thereof, is engaged in several activities which are not assigned the same preference rating and if it is impracticable to apportion maintenance, repair and operating supplies between such activities, the principal activity alone shall be considered for the purpose of determining whether controlled materials may be obtained under paragraph (c) of this regulation, and also for determining which preference ratings may be applied under paragraph (d).

(f) *Quantity restrictions.* (1) No governmental agency and no institution which uses the allotment symbol or preference ratings assigned by this regulation to obtain any maintenance, repair and operating supplies shall order for delivery during any calendar quarter maintenance, repair or operating supplies in an aggregate amount exceeding 30 percent of its aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or its fiscal year ending nearest to December 31, 1942), except that any governmental agency or any institution engaged in an activity which normally requires a greater amount of maintenance, repair or operating supplies during certain seasons than others may use such allotment symbol or preference ratings to order for delivery during any calendar quarter up to, but not in excess of, its aggregate expenditures for maintenance, repair and operating supplies during the corresponding quarter of 1942 (or of such fiscal year). In neither case, however, shall any governmental agency or any

institution use such allotment symbol or preference ratings to obtain maintenance, repair and operating supplies during the 12 months ending March 31, 1944, in an amount exceeding its aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or such fiscal year). In determining the dollar amount of expenditures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for supplies obtained by use of the allotment symbol or preference ratings hereby assigned, but also expenditures for supplies which are obtained without the use of such symbol or ratings plus amounts expended in acquiring minor capital additions under paragraph (b) (6) of this regulation. Expenditures during the base period shall be computed in the same way except that amounts expended in acquiring minor capital additions during the base period shall not be included.

(2) A governmental agency or institution which has several departments, branches or units which maintain separate records of maintenance, repair and operating supplies, shall treat each of them separately for purposes of complying with the provisions of subparagraph (1) of this paragraph (f).

(3) In the case of a governmental agency or an institution or any department thereof which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), such agency, institution or department may take, as a base, its expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when such agency, institution or department was in operation, reasonably adjusted for seasonal or other variable factors: *Provided*, That it first notifies the War Production Board in writing of the base which it is taking, the reasons therefor, and the nature of any adjustments made. In the case of a governmental agency, or institution or department thereof starting operations after February 28, 1943, maintenance, repair and operating supplies may be acquired pursuant to this regulation in the minimum amounts necessary for operation, without other restrictions, up to $500 per quarter. If more than this amount is required, application shall be made to the War Production Board for a specific quota. In any case where the base provided in subparagraph (1) or by this subparagraph (3) is deemed too low for necessary operations, application may be made for modification thereof by filing a letter in triplicate with the Government Division, War Production Board, Washington 25, D. C., stating the relevant facts.

(4) The restrictions contained in this paragraph (f) shall apply in addition to any quantitative restrictions contained in any order in the "P" series, unless the particular P order expressly provides that the restrictions of this regulation shall be inapplicable.

(5) The quantity restrictions in this paragraph (f) shall not apply to any governmental agency or any institution which during the calendar year 1942 (or fiscal year ending closest to December 31, 1942) used for maintenance, repair and operating supplies, materials of the aggregate value of not exceeding $1,000 and whose estimated requirements for material to be used for maintenance, repair and operating supplies during any calendar year (or corresponding fiscal year) does not exceed $1,000 provided that a practical working minimum inventory is not exceeded. If the actual requirements for maintenance and repair and operating supplies for such year should prove to be in excess of $1,000 such agency or institution shall not, during such year, accept any deliveries of material to be used for maintenance, repair or operating supplies if such deliveries when taken together with other deliveries within such year would in the aggregate exceed $1,000. In such case such agency or institution may apply for a specific quota pursuant to the provisions of paragraph (k) of this order.

(6) The War Production Board may, by further regulations or orders, require specified persons or classes of persons, to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same either larger or smaller than the limits provided in this paragraph (f).

(g) *Form WPB-837 (PD-408) discontinued.* Form WPB-837 (PD-408) has been discontinued as of September 30, 1943. Orders placed before that date to which the ratings or MRO symbol assigned on that form were applied may nevertheless be filled.

(h) *Special provisions relating to use of MRO symbol and preference ratings.* (1) Any person (such as the operator of a toll bridge or a contract garbage collector) who, pursuant to franchise from, or contract with, any governmental agency, performs any service for such agency may use the same allotment symbol and preference rating to obtain maintenance, repair and operating supplies required for such service, which such governmental agency would be entitled to use if it performed such service itself. In computing quantity restrictions under paragraph (f) hereof such service shall be treated as if it were performed by a single department of such governmental agency.

(2) Any person (such as a service repair shop) engaged in the business of doing maintenance or repair work for any governmental agency or any institution may use the same allotment symbol and preference rating to obtain materials needed in the performance of the work which such governmental agency or institution would be entitled to use if it did the work itself. The cost of materials used in the performance of maintenance or repair work shall be treated as expenditures of such agency or institution for the purpose of computing its quantity restrictions under paragraph (f). A person engaged in such business may, instead, request an allotment of controlled materials and a preference rating by applying to the War Production Board, on Form CMP 4-B, but if he does so he must use that method exclusively and may not use such customer's rating or symbol.

(3) Any governmental agency or any institution or any department, branch or unit thereof which is engaged in producing any product or conducting any business listed in Schedule I or Schedule II of CMP Regulation No. 5 may, to the extent, but only to the extent, that it is so engaged use the applicable rating assigned by CMP Regulation No. 5 and the symbol MRO-5A to obtain maintenance, repair and operating supplies required in conducting such business, but in so doing such agency or institution shall be deemed to operate under this regulation and shall be subject to all of the terms and provisions hereof.

(4) When any building is leased to a governmental agency or institution the landlord may use the same allotment symbol and preference rating to obtain maintenance, repair and operating supplies required for such building, which such governmental agency or institution would be entitled to use if it owned and maintained such building itself; but if the building is occupied by several tenants and the supplies are not for the benefit of a single tenant, the landlord may use a tenants' rating and symbol only if 75 per cent or more of the leased property is used in activities or services on Schedule I or II of this regulation, and in such case, unless all of such activities and services are listed in Schedule I, only the AA-2 rating may be used. In computing quantity restrictions under paragraph (f) hereof, such building shall be treated as if it were maintained by a single department of a governmental agency or institution.

(i) *Penalties for misrepresentation or diversion.* (1) The placing of any order bearing a certification or symbol as provided by this regulation shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U. S. C. 80), that the person placing the order is entitled, under the terms of this regulation to the use of the symbol or preference rating indicated thereon.

(2) No person shall use for any purpose other than essential maintenance, repair or operations, any supplies obtained pursuant to this regulation, or use any supplies obtained under a preference rating assigned by this regulation for a purpose to which a lower rating, or no rating, is assigned. Any such use shall constitute a crime punishable by fine or imprisonment or both. Physical segregation of inventories is not required, provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(j) *Inventory restrictions.* Nothing in this regulation shall be deemed to authorize any governmental agency or any institution to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase its inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1, or would exceed the inventory limitations prescribed for such person by CMP Regulation No. 2 or by any other applicable regulation or order of the War Production Board.

(k) *Additional assistance in individual cases.* Any governmental agency or any institution requiring maintenance, repair or operating supplies which is unable to obtain them with the rating assigned to it by this regulation, and any such agency or institution requiring any controlled material, except aluminum, for maintenance, repair or operating supplies which is not listed in Schedule I or II and which is unable to obtain it from a warehouse or distributor under CMP Regulation No. 4 may apply to the War Production Board on Form PD-1A for a higher rating, or the right to use the MRO symbol to obtain controlled materials, other than aluminum. Such form shall bear a notation to the effect that the material applied for is required for maintenance, repair or operating supplies and that applicant is operating under CMP Regulation 5A. Application for an increase in the quantity of expenditures for maintenance, repair and operating supplies permitted by paragraph (f) of this regulation, shall, however, be made by filing a letter in triplicate with the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A, stating the relevant facts.

(l) *Effect on other orders and procedures.* (1) The preference ratings assigned by this regulation shall supersede the preference ratings assigned by all orders in the "P" series for maintenance, repair and operating supplies with respect to materials or products to be delivered after March 31, 1943, except as may be otherwise provided by amendments of such orders specifically providing to the contrary.

(2) Subject to paragraph (l) (1) of this regulation, all of the terms, provisions and restrictions contained in all orders in the "P" series, including definitions, requirements for making applications and filing reports and other restrictions, except as otherwise provided in paragraph (f) (4) of this regulation shall, subject to the inventory restrictions of CMP Regulation No. 2, remain in full force and effect until modified or revoked, except that this regulation shall be wholly inapplicable to any activity or service covered by any "P" order if such "P" order specifically so provides.

(3) In addition, each governmental agency or institution which, in accordance with existing priorities procedures not covered by "P" orders, is required to file applications or reports with respect to its requirements for, or use of, maintenance, repair or operating supplies, or is limited in the amount of such supplies, which it is permitted to acquire or use, shall continue to comply with such procedures until the same are modified or revoked.

(4) When an order in the "E," "L" or "M" series assigns a specific preference rating to deliveries of any particular material to be used by a particular industry or for a specific purpose, such preference rating shall control and the preference ratings hereby assigned may not be applied. For example, Order M-41 assigns a rating of A-10 to deliveries of chlorinated hydrocarbon solvents for use in the fumigation of stored products, including grain. A person who needs a chlorinated hydrocarbon solvent for such purpose may apply a rating of A-10 to its delivery and must not apply a rating assigned by this regulation.

(5) Nothing in this regulation shall be construed to relieve any governmental agency or institution from complying with any applicable priorities regulation or order of the War Production Board (including orders in the "E", "L," and "M" series) or with any order of any other competent authority.

(m) *Reclassification of activities.* Any governmental agency or any institution which is of the opinion that any activity in which it is engaged should be listed in Schedule I, if it is listed in Schedule II, or should be listed in either Schedule I or Schedule II, if it is not listed in either of such schedules, may apply to have such activity so listed by filing a letter, in triplicate, with the Government Division, War Production Board, Washington 25, D. C., Ref: CMP Regulation 5A setting forth the relevant facts and the reasons why it considers such request should be granted. The War Production Board may cause such activity to be listed in one of the schedules attached to this regulation or, in special cases, may permit the applicant to operate under this regulation to the same extent as though its activity were included in one of such schedules.

(n) *Records.* Each governmental agency and institution or other person acquiring maintenance, repair or operating supplies pursuant to this regulation, shall keep and preserve for a period of not less than two years, accurate and complete records of all such supplies so acquired, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(o) *Communications.* All communications concerning this regulation should be addressed to: Government Division, War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 5A.

(p) *Restrictions on use of ratings.* The preference ratings assigned by this regulation shall not be used to get any of the items shown on List A or B of Priorities Regulation No. 3.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—PREFERENCE RATING AA-1

Hospitals.
Refuse and garbage collection and disposal.
Communicable disease control.
Alcan, Richardson, Steese, Glenn, Pan-american and Trans-Isthmian highways.
Public transportation facilities.
Docks, wharves and terminals.
Police and law enforcement agencies.
Anti-espionage and anti-sabotage activities—Federal agencies only.
Fire protection.
Beacons, markers, and radio devices employed as aids to navigation.
U. S. Post Office Department.

SCHEDULE II—PREFERENCE RATING AA-2

Public streets, highways and roads.
Airports and flight stripe.
Dams, levees and revetments.
Drainage and irrigation.
Canals—waterways.
Flood control facilities.
Farm labor camps operated as a part of the War Food Administration's migratory labor program.
Mineral resources: exploration for (governmental agencies only).
Storm sewers.
Street lighting, by governmental agencies which are not engaged in the business of furnishing electric power for use by the public, except in cases where equipment is maintained by a utility company.
Supplying gas, water, electric power, or central steam heating, by a governmental agency, when such service is for its own use exclusively.
Public dispensaries, clinics and health stations, governmentally-owned or operated not for profit.
Penal institutions and prisons including prison industries.
Mine safety.
Printing and publishing.
United States Mint.
United States Bureau of Printing and Engraving.
Processing, warehousing, distribution, preparation, serving and inspection of food by Governmental agencies only.
Over-all administration including staff services, such as fiscal, procurement, personnel, etc., by Governmental agencies only.
Repairs made necessary by reason of any breakdown of plumbing, heating, electrical wiring or equipment, or elevator service in any building or to provide against imminent breakdown of any such facilities by Governmental agencies only.
Publicly-owned buildings which are used for governmental activities.
Educational institutions.

[F. R. Doc. 44-1594; Filed, February 2, 1944; 11:25 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-78, Revocation]

MERCURY

Section 3286.11 *Conservation Order M-78* is revoked. This revocation does not affect any liabilities incurred under the order. The delivery and use of mercury remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 2d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1633; Filed, February 2, 1944; 11:25 a. m.]

Subchapter D—Office of Rubber Director

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix III as Amended Feb. 1, 1944]

Introductory. Appendix III to Rubber Order R-1 as amended is a compilation of supplementary orders and directives of general applicability which affect rubber and rubber products. In the past, these orders and directives have involved

principally the conversion of products from crude rubber to synthetics and have been issued individually to the manufacturers of the particular products. The purpose of Appendix III is to issue these directives and miscellaneous supplementary orders in printed form.

The material in Appendix III is arranged in accordance with the following product classifications:

Mechanical goods: Wire and cable; Tires and tubes; Footwear; Heels and soles; Proofing and combining of fabrics; Medical, surgical, dental, drug sundries; and Miscellaneous.

Each of these product classifications has been assigned a section number commencing with § 4600.51. Supplementary orders and directives in each group are designated by letter.

§ 4600.50 *Applicability of Rubber Order R–1.* Supplementary orders and directives which appear in Appendix III shall govern in case of inconsistency with other provisions of Rubber Order R–1. These orders and directives may be incorporated in the Rubber Order from time to time, at the discretion of the War Production Board.

§ 4600.51 *Mechanical goods.* The following supplementary orders and directives are applicable to mechanical goods:

(a) *Vibration mount and shock absorber.* No crude rubber or natural latex may be consumed in the manufacture of compression type mountings or insulations of Shore Durometer hardness of 40 and above. Crude rubber may, however, be used for bonding cements and for use in tie-gum compounds which shall not exceed 1/32" in thickness.

No crude rubber or natural latex may be consumed after March 1, 1944, in the manufacture of compression types of mountings or insulators having a Shore Durometer hardness of less than 40. Crude rubber may, however, be used for bonding cements and for use in tie-gum compounds which shall not exceed 1/32" in thickness.

No crude rubber or natural latex may be consumed after March 1, 1944, in the manufacture of plate, sandwich, tubular, or other types of shear mountings or insulations. This restriction covers mountings or insulations where the temperatures of applications are minus 40° F. and above. Aircraft engine and instrument mounts may be considered as falling in the applications functioning below minus 40° F. Crude rubber may be used for bonding cements and tie-gum compounds which shall not exceed 1/32" in thickness.

Torsional vibration dampers may be manufactured from crude rubber until further notice.

(b) [Deleted Jan. 12, 1944]

(c) *Pipe rings.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of pipe rings.

(d) *Milking machine inflations.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of milking machine inflations.

(e) [Deleted Jan. 12, 1944]

(f) *Street car sandwich wheels.* After February 1, 1944, no crude rubber may be consumed in the manufacture of street car sandwich wheels.

§ 4600.52 *Wire and cable.* The following supplementary orders and directives are applicable to wire and cable:

(a) [Deleted Jan. 12, 1944]

(b) [Deleted Jan. 12, 1944]

(c) [Deleted Jan. 12, 1944]

(d) *X-ray cable.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of X-ray cable, high voltage, as shown in List 27, Appendix II, under "Commercial Types".

(e) *Long range field wire.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of W–143 long range field wire.

§ 4600.53 *Tires and tubes.* The following supplementary orders and directives are applicable to tires and tubes:

(a) *Fighter type and ice grip airplane tires.* Rubber Order R–1, List 29, requires that all airplane tires (except beaching gear tires) be manufactured in the S–5 or S–7 synthetic construction. These provisions shall not apply to fighter type and ice grip airplane tires. All fighter type and ice grip airplane tires shall be manufactured using natural rubber compounds throughout the tire until further notice; the compound grades to be used shall be B friction and B tread on all sizes except the following which shall be A friction and A tread.

Size	Ply	Type
47	12	Smooth contour landing.
51	14	Do.
56	16	Do.
55	18	Do.
65	22	Do.
44 x 12	14	High pressure special duty.
46 x 13	16	Do.
17.00 x 20	12	Low pressure landing.
19.00 x 23	16	Do.

(b) *Latex treatment on tire cord fabric.* Rubber Order R–1, List 24, subdivision (a) (1), requires that, when latex is used in the treatment solution for tire cord fabric, the latex used shall not exceed four percent of the dry weight of tire cord treated in any given period. This restriction shall not become mandatory until February 1, 1944.

(c) *Synthetic combat tires.* Rubber Order R–1, List 24, subdivision (b) (3), in the "Special Purpose Tire" table, lists two sizes of S–3 combat tires and four sizes of S–6 combat tires. These tires had previously been permitted in the S–5 synthetic construction. This conversion from the S–5 synthetic construction to the S–3 or S–6 synthetic construction shall not become mandatory until February 1, 1944.

(d) *Industrial pneumatic single tube tires.* Rubber Order R–1, List 24, subdivision (b) (3), no longer lists industrial pneumatic single tube tires in the EF compound. The manufacturer of industrial pneumatic single tube tires is therefore permitted only in the S–3 synthetic construction according to the regulations shown in List 24, subdivision (b) (1). However, this conversion from the EF construction to the S–3 synthetic construction shall not become mandatory until February 1, 1944.

(e) *Reduced crude rubber content in tire tubes.* Rubber Order R–1, List 25, subdivision (b) (2), in the "Civilian Order Tubes" table, shows a reduction in the maximum content crude rubber for LT–15, LT–18, LT–20, LT–22 and LT–24 tubes. This reduction in crude rubber content shall not become mandatory until February 1, 1944.

§ 4600.54 *Footwear.* All outstanding supplementary orders and directives relating to footwear have been superseded by Rubber Order R–1 as amended.

§ 4600.55 *Heels and soles.* All outstanding supplementary orders and directives relating to heels and soles have been superseded by Rubber Order R–1 as amended.

§ 4600.56 *Proofing and combining of fabrics.* All outstanding supplementary orders and directives relating to proofing and combining of fabrics have been superseded by Rubber Order R–1 as amended.

§ 4600.57 *Medical, surgical, dental, drug sundries.* All outstanding supplementary orders and directives relating to medical, surgical, dental and drug sundries have been superseded by Rubber Order R–1 as amended.

§ 4600.58 *Miscellaneous.* The following supplementary orders and directives are applicable to miscellaneous rubber products or materials:

(a) *Pressure sensitive tape.* Rubber Order R–1 permits the consumption of general purpose synthetics, reclaimed or scrap rubber in the manufacture of pressure sensitive tape for industrial purposes to fill Government and civilian orders. Schedule A of the order requires certification by the purchaser as to his end use.

(1) Uses which are classified as "industrial" are set forth in the certification.

(2) *Certification.* With respect to civilian orders no person shall deliver or accept delivery of pressure sensitive tape (except high heat resistant and non-corrosive electric tape) unless the person acquiring the same shall certify to the seller and to the War Production Board in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7.

The undersigned hereby certifies to_____ (insert name of seller) and to the War Production Board that the pressure sensitive tape specified in the accompanying purchase order and future purchase orders will not be sold or used by him except for one or more of the following purposes:

1. Repair of transportation facilities.
2. Maintenance and manufacture of industrial and mining equipment.
3. The manufacture of the following products and parts thereof:
   (a) Aircraft.
   (b) Armored tanks.
   (c) Ships.
   (d) Army transport vehicles.
   (e) Guns.
   (f) Small arms.
   (g) Signalling devices.
   (h) Precision instruments.
   (i) Munitions.
   (j) Electrical equipment.
   (k) Machine tools.
   (l) Vehicles for common carriers and related transportation facilities.
4. Splicing cotton jacketed cellulose gaskets for sealing drums and paint pails.
5. Production and shipping of photographic and motion picture film and X-ray film.
6. Sealing containers used to maintain sterility or vacuum in the manufacture of medicine and drugs; industrial and wholesale packaging of drugs and chemicals.

Name_____
By_____
Address_____
City_____
Date_____

The foregoing certification requirement does not apply to Government orders.

Certification in substantially the above form constitutes the approved form of certification required for deliveries of pressure sensitive tape.

The foregoing certification shall not be required for deliveries of pressure sensitive tape to a person who has already filed the certification with his supplier.

Certification of the purchaser may be relied upon by the seller unless the seller knows or has reason to believe that the certification is false.

(b) *Inflatable or pneumatic mattresses, cushions and pillows.* Rubber Order R–1 as amended does not permit the consumption of rubber or synthetic rubber in the manufacture of inflatable or pneumatic mattresses, cushions or pillows, to fill civilian orders.

In addition, the consumption of rubber or synthetic rubber in the manufacture of the foregoing products to fill Government orders is hereby prohibited except upon special authorization in writing by the War Production Board. (This supersedes SA–142.)

(c) *Shoe cements.* Notwithstanding the provisions of any quota directive 4–A or 4–B, no crude rubber or natural latex shall be consumed in the manufacture of shoe cements after December 31, 1943 without special authorization.

In order to receive adjustments of quota directives for this purpose, manufacturers should address a letter to the Manager of Allocations, Office of Rubber Director, Washington 25, D. C.

In this connection, it should be noted that Rubber Order R–1 as amended permits shoe cements containing crude rubber or natural latex only for shoe repairing.

(d) *Shoe cement inventories in hands of shoe manufacturers on January 1, 1944.* Shoe manufacturers who hold inventories of shoe cements which contain crude rubber or natural latex on January 1, 1944 are hereby authorized to use the same for the following permitted shoe manufacturing operations until April 1, 1944:

(1) Cutting and fitting room operations limited to: Folding uppers including French cord binding.

(2) Lasting room operations limited to: Bed, side and semi-automatic toe lasting; stitchdown construction lasting linings to insoles and uppers to midsoles or outsoles.

(3) Bottoming or making room operations limited to: Sole laying as follows—cementing bottoms and outsoles or outsole midsole combinations prior to permanent attachment; prewelt bottom assembly and permanent attachment of platforms and outsoles; McKay outsole channels.

(4) Stock fitting room operations limited to: Cementing welt insole ribs and lips; coating and attaching gem duck to welt innersoles.

(5) Special operations limited to: Joining leather welting.

Shoe manufacturers are hereby granted permission to purchase and sell such cements for use in the foregoing operations prior to April 1, 1944.

Inventories of shoe cements containing crude rubber or natural latex which remain in the hands of any shoe manufacturer on April 1, 1944 shall be reported to the Office of Rubber Director, War Production Board, by letter indicating the amounts of cement by type of operation.

(e) *Cements containing Neoprene for wood heels.* After February 1, 1944, no person shall deliver or accept delivery of cement containing Neoprene if he knows or has reason to believe that it will be used for covering wood heels. After February 15, 1944, no person shall use any cement containing Neoprene for the covering of wood heels except to fill Government orders.

(f) *Definition of light colored carcass scrap.* Rubber Order R–1 as amended refers to No. 1 and No. 2 light colored carcass. For the purposes of the order, No. 1 light colored carcass means all-white zinc carcass, and No. 2 light colored carcass means and includes light colored types such as white, pink, light grey, pure gum and light brown carcass.

(g) *Neoprene quota restrictions.* No person shall consume General Purpose Synthetic Neoprene types GR–M, GN or Latex without a quota assigned by quota directive or other authorization specifying the amounts which he may consume, and no person shall exceed the quantities which he is specifically authorized to consume in any designated period.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 1st day of February 1944.

RUBBER DIRECTOR,
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1596; Filed, February 1, 1944; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Incl. Amdt. 60]

GENERAL PROVISIONS

Section 1499.20 (p) is amended by Amendment 60, effective February 7, 1944, so that the General Maximum Price Regulation shall read as follows:

In the judgment of the Price Administrator the prices of commodities and services generally have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator the maximum prices established by this General Maximum Price Regulation, which apply with certain exceptions to all commodities and services not otherwise subject to regulation, are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act.

So far as practicable the Price Administrator gave due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability. So far as practicable the Price Administrator consulted with representatives of trade and industry.

A statement of the considerations involved in the issuance of this General Maximum Price Regulation is issued simultaneously herewith.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, this General Maximum Price Regulation is hereby issued.

MAXIMUM PRICES

Sec.
1499.1 Prohibition against dealing in commodities or services above maximum prices.
1499.2 Maximum prices for commodities and services; general provisions.
1499.3 Maximum prices for commodities and services which cannot be priced under § 1499.2.
1499.4 Supplemental regulations.
1499.4a Determination of maximum prices by sellers at retail operating more than one retail establishment.
1499.4b Adjustment of maximum prices in cases of special deals.
1499.5 Transfers of business or stock in trade.
1499.6 Sales for export.
1499.7 Federal and state taxes.
1499.8 Less than maximum prices.

COMMODITIES AND SERVICES EXCEPTED FROM THIS GENERAL MAXIMUM PRICE REGULATION

1499.9 Commodities excepted from this General Maximum Price Regulation.
1499.10 Services excepted from this General Maximum Price Regulation.

RECORDS

1499.11 Base-period records.
1499.12 Current records.

[2] 8 F.R. 3096.

[1] Filed with the Division of the Federal Register. Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Sec.
1499.13 Maximum prices of cost-of-living commodities: statement, marking or posting.
1499.14 Sales slips and receipts.

REGISTRATION AND ENFORCEMENT

1499.15 Registration.
1499.16 Licensing.
1499.17 Penalties.

PROCEDURE FOR ADJUSTMENT OR AMENDMENT

1499.18 Adjustment of maximum prices.
1499.19 Petitions for amendment.
1499.19a Adjustable pricing.

DEFINITIONS AND EXPLANATIONS

1499.20 Definitions and explanations.

OTHER PRICE REGULATIONS, APPLICABILITY, EFFECTIVE DATE

1499.21 Effect of other price regulations.
1499.22 Applicability.
1499.23 Effective date.
1499.23a Effective dates of amendments.
1499.24 Appendix A: Report of maximum price determined under § 1499.3 (a).
1499.25 Appendix B: Commodities designated by the Price Administrator as cost-of-living commodities.
Appendix C: Report of maximum price determined under § 1499.3 (b).

AUTHORITY: §§ 1499.1 to 1499.25, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICES

NOTE: The meaning of certain provisions and terms of this General Maximum Price Regulation is further explained and defined in § 1499.20. The explanations and definitions are set forth in alphabetical order.[1] The terms explained and defined are quoted the first time they appear in the text.

§ 1499.1 *Prohibition against dealing in commodities or services above maximum prices.* On and after the effective date of this General Maximum Price Regulation, regardless of any contract or other obligation:

(a) No "person" shall "sell" or deliver any "commodity", and no person shall sell or supply any "service", at a price higher than the maximum price permitted by this General Maximum Price Regulation; and

(b) No person in the course of trade or business shall buy or receive any commodity or service at a price higher than the maximum price permitted by this General Maximum Price Regulation.

(c) The provisions of paragraph (b) of this section shall not be applicable to any war procurement agency or any contracting or paying finance officer thereof and any such agency or contracting or paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this General Maximum Price Regulation or by the Emergency Price Control Act of 1942. "War procurement agency" as used in this paragraph, includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

[Paragraph (c) added by Am. 7, 7 F.R. 4659, effective 6-25-42]

[1] With exception of definitions added by amendments.

§ 1499.2 *Maximum prices for commodities and services; general provisions.* Except as otherwise provided in this regulation, the "seller's" maximum price for any commodity or service shall be:

(a) The highest price charged by the seller during March 1942:

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service most nearly like it; or

(b) If the seller's maximum price cannot be determined under paragraph (a), the highest price charged during March 1942 by the "most closely competitive seller of the same class":

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service most nearly like it.

HIGHEST PRICE CHARGED DURING MARCH 1942

For the purposes of this General Maximum Price Regulation, the highest price charged by a seller during March 1942 shall be:

(a) The highest price which the seller charged for a commodity "delivered" or service "supplied" by him during March 1942 to a "purchaser of the same class"; or

(b) If the seller made no such delivery or supplied no such service during March 1942, his highest "offering price" for delivery or supply during that month to a purchaser of the same class; or

(c) If the seller made no such delivery or supplied no such service and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers:

Provided, however, That (1) If before April 1, 1942, the seller raised his prices for a commodity or service to all his classes of purchasers (or to all his classes of purchasers except those to whom he was bound to make delivery or supply during March 1942 pursuant to a firm commitment made before the price rise) and

(2) If during March 1942 he delivered the commodity or supplied the service at the increased price to at least one class of purchasers, then, in order to allow the seller to apply the price rise to any class of purchasers to which no delivery or supply was made during that month after the price rise (except under a firm commitment made before the price rise), the highest price charged during March 1942 shall be deemed to be:

(i) The seller's increased offering price to such class of purchasers for delivery or supply during March 1942, or

(ii) If the seller had no such increased offering price to that particular class of purchasers, the highest price charged during March 1942 to a purchaser of a different class, adjusted to reflect:

(a) The seller's customary differential in price between the two classes of purchasers; or

(b) If the seller had no such customary differential, the actual percentage differential in price between the two classes of purchasers which existed at the time the seller last entered into a commitment, or, if he did not enter into such a commitment, last submitted an offering price, for delivery or supply to a purchaser of that particular class during March 1942.

No seller shall evade any of the provisions of this General Maximum Price Regulation by changing his customary allowances, discounts or other price differentials.

No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity or service, than the seller required purchasers of the same class to pay during March 1942 on deliveries or supplies of the same or similar types of commodities or services.

[Above portion of § 1499.2 amended by Am. 23, 7 F.R. 6615, effective 8-26-42 and Am. 38, 7 F.R. 10155, effective 12-10-42]

SIMILAR COMMODITIES OR SERVICES

One commodity shall be deemed similar to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account. One service shall be deemed similar to another service if the first has the same use and purpose as the second and belongs to a type which would ordinarily be sold for the same or substantially the same price.

SPECIAL PROVISIONS

The maximum prices established by this section for certain commodities or services or in certain transactions may be modified by supplementary regulation issued under this section.[1]

[Above paragraph added by Am. 15, 7 F.R. 5484, effective 7-15-42]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1499.3 *Maximum prices for commodities and services which cannot be priced under § 1499.2.* The seller's maximum price for a commodity or service which cannot be priced under § 1499.2 of this General Maximum Price Regulation shall be a maximum price in line with the level of maximum prices established by this General Maximum Price Regulation. Such price shall be determined by

[1] These modifications are contained in Revised Supplementary Regulation No. 14 and Supplementary Regulations 14A and 14B and amendments thereto.

the seller in accordance with the following procedures:

(a) In the case of a "sale at wholesale or retail" of a commodity, the seller (1) shall select from the same general classification and price range as the commodity being priced under this section, the comparable commodity for which a maximum price is established under § 1499.2 of this regulation and of which the seller delivered the largest number of units during March 1942; (2) shall divide his maximum price for that commodity by his "replacement cost" of that commodity; and (3) shall multiply the percentage so obtained by the cost to him of the commodity being priced under this paragraph. The resulting figure shall be the maximum price of the commodity being priced. Within ten days after determining such maximum price under this paragraph, the seller shall report such price to the "appropriate field office of the Office of Price Administration" upon a form, duly filled out, copied from the form contained in Appendix A of this regulation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(b) In the case of a sale, other than at wholesale or retail, of a commodity for which a maximum price or pricing method has not been or is not specifically authorized by the Office of Price Administration,[1]

[Above paragraph amended by Am. 55, 8 F.R. 8511, effective 6-17-43.]

(1) The seller (i) shall select a comparable commodity for which a maximum price has been established under § 1499.2 (a) (1) of this regulation; (ii) shall divide his maximum price for the comparable commodity by its current direct cost; and (iii) multiply the percentage so obtained by the current direct cost of the commodity being priced. All customary discounts, trade practices, and practices relating to the payment of transportation charges in effect with respect to the sale of the comparable commodity shall apply to such maximum price.

"Comparable commodity" as used in this subparagraph (1) means a commodity which is made by the same seller, has the same general use and is recognized in the trade or industry as being of the same general type, even though different materials or construction are used, and has a current direct cost varying by not more than 50% from the current direct cost of the commodity being priced. If more than one commodity can be regarded as comparable, the one whose current direct cost is closest to the current direct cost of the commodity being priced shall be regarded as the "comparable commodity."

"Direct cost" means the sum of direct labor and direct material costs. Direct labor costs shall in no event be computed on wage rates higher than those permitted by law, and direct material costs shall in no event be computed on prices higher than the maximum prices established by the applicable maximum price regulations.

Within ten days after determining a maximum price under this subparagraph (1), the seller shall report such price to the appropriate field office of the Office of Price Administration upon a form, duly filled out, copied from the form contained in Appendix C of this regulation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(2) If the seller is unable to determine a maximum price for a commodity under subparagraph (1) above or if he cannot determine a maximum price under subparagraph (1) without undue hardship, he shall, at least twenty days before offering such commodity for sale, file an application for a maximum price with the appropriate field office of the Office of Price Administration. The application shall set forth (i) a description of the commodity for which a maximum price is sought; (ii) the reasons why such commodity cannot be priced under § 1499.2 or subparagraph (1) above; (iii) the maximum price proposed by the seller together with a detailed explanation of the method by which the seller calculated such price; and (iv) the reasons why the seller believes the proposed price to be in line with the level of maximum prices established by this regulation. The seller shall also submit such additional pertinent information as the field office may require. The proposed price shall be the seller's maximum price, unless the Office of Price Administration specifically disapproves it within twenty days after the application is mailed. Any maximum price established under this subparagraph (2) shall be subject to adjustment by the Office of Price Administration at any time after such twenty day period.

(3) The Price Administrator may, in his discretion, issue orders authorizing maximum prices or pricing methods in those cases where applications under the former § 1499.3 (b) were pending on May 29, 1943. The Price Administrator may also issue orders under this § 1499.3 (b) authorizing maximum prices or price determining methods for groups of sellers, upon application, or on his own motion.

[Subparagraph (3) added and former (3) redesignated (4) and amended by Am. 55, 8 F.R. 8511, effective 6-17-43.]

(4) Any Regional Office of the Office of Price Administration, or such other offices as may be authorized by order issued by the appropriate Regional Office, may approve, disapprove, and make adjustments in prices reported under subparagraphs (1) and (2) above.

[Paragraph (b) amended by Am. 54, 8 F.R. 6962, effective 5-29-43]

(c) In the case of a sale at wholesale or retail of a commodity which cannot be priced under paragraph (a) of this section, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration or any duly authorized officer thereof. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the regional office of the Office of Price Administration for the region in which his principal place of business is located an application setting forth (1) a description of the commodity or commodities for which a maximum price is sought; (2) a statement of the reasons why such commodity or commodities cannot be priced under § 1499.2 or § 1499.3 (a) of this General Maximum Price Regulation; and (3) any other facts which the seller wishes to submit in support of the application. The seller shall also submit such additional pertinent information as the regional office may require. Such authorization will be given in the form of an order prescribing a method of determining the maximum price.

(d) In the case of a sale of a commodity the price for which includes the supply of a service of substantial value and which cannot be priced under paragraph (a) of this section, or in the case of a sale of a service, the maximum price shall be a price determined by the seller by applying the first applicable pricing method of the pricing methods stated in § 1499.102 of Maximum Price Regulation No. 165, as amended.[1]

[§ 1499.3 amended by Am. 25, 7 F.R. 7093, effective 9-9-42 and as otherwise noted]

§ 1499.4 *Supplemental regulations.* If the maximum prices established for any commodity under the provisions of this General Maximum Price Regulation fail equitably to distribute returns from the sale at retail of such commodity among producers, manufacturers, wholesalers and retailers, the Price Administrator will by supplementary regulation establish such maximum prices for different classes of sellers, or fix such base periods for the determination of their maximum prices, as will insure that each such class of sellers shall receive a fair share of such return.

§ 1499.4a *Determination of maximum prices by sellers at retail operating more than one retail establishment.* A seller who owns more than one establishment selling commodities at retail and who has had a fixed practice, which prevailed during March 1942, of selling commodities at retail at uniform or at substantially uniform prices in all such establishments or in all such establishments located in a particular area may

[1] Prices or pricing methods heretofore or hereafter established for certain commodities by orders issued under this paragraph (b) are not affected by this amendment and shall continue to apply to such commodities. This paragraph (b) is not to be used for pricing new commodities which are covered by other price regulations, for example, MPR 188 (Building Materials and Consumers Goods Other Than Apparel), MPR 220 (Certain Rubber Commodities), MPR 300 (Rubber Drug Sundries), MPR 118 (Cotton Products), MPR 136, as amended (Machines and Parts), and others.

[Footnote added by Am. 54, 8 F.R. 6962, effective 5-29-43 and amended by Am. 55, 8 F.R. 8511, effective 6-17-43.]

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 6364, 5755, 5983, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13742, 13920, 14990.

make written application to the Office of Price Administration, Consumer Goods Division, Washington, D. C., for authorization to determine and use uniform maximum prices under this General Maximum Price Regulation in all of such establishments in which it has been the practice to charge uniform or substantially uniform prices. Such application shall state (a) the name and address of the principal office of the seller; (b) the number of separate retail establishments owned by the seller and the address of each such establishment; (c) the kind of merchandise carried in such retail establishments; (d) whether commodities are purchased centrally by the seller and distributed by the seller to such retail establishments or are purchased separately by such establishments; (e) a description of the fixed practice of the seller of selling commodities at uniform or substantially uniform prices in all such retail establishments or in all such retail establishments located in particular areas indicating the length of time during which such practice has been in effect and whether uniform selling prices are determined in a central office; (f) the names and addresses of the seller's most closely competitive sellers of the same class on a national or regional basis; and (g) any other facts which the seller wishes to submit in support of the application. If such authorization is given, it will be accompanied by instructions as to the method by which the seller may determine and use uniform maximum prices under this General Maximum Price Regulation.

[§ 1499.4a added by Am. 12, 7 F.R. 5365, effective 7-15-42]

§ 1499.4b *Adjustment of maximum prices in cases of special deals.* Any seller, other than a seller at retail, whose maximum price for a commodity to purchasers of a particular class is based on a "special deal" given by him to such purchasers which he can demonstrate was to have terminated not more than 123 days from the date on which it first became effective, may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal first became effective.

A seller at retail whose maximum price for a commodity to purchasers of a particular class is based on a special deal given by him to such purchasers as the result of a special deal given to him by his supplier may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal given by him first became effective. Such adjusted maximum price shall not apply to the particular commodities purchased by the retailer under the special deal given to him by his supplier.

The words "special deal," as used in this section, mean any reduction in the price of a commodity to purchasers of a particular class from the price in effect for purchasers of that class on the day immediately preceding the date on which the special deal first became effective, including but not limited to a reduction in such price resulting from offers of free goods, combination sales, and increased quantity and other discounts to purchasers of such class.

A seller who makes an adjustment in his maximum price pursuant to this section shall, within 10 days thereafter, submit a statement to the regional office of the Office of Price Administration for the region in which the seller's place of business is located, except that if the seller makes sales of the commodity in more than one region, the statement shall be submitted to the Office of Price Administration, Washington, D. C. Such statement shall set forth:

(a) The seller's maximum price for the commodity prior to the adjustment permitted by this section;

(b) A description of the special deal given by the seller including all the terms thereof, the class or classes of purchasers to which it was applicable, the dates during which it was in effect, and copies of price lists, advertisements and trade announcements pertaining to such special deal;

(c) In the case of a seller at retail a description of the special deal given to him by his supplier including all the terms thereof, the dates during which it was in effect and copies of price lists and trade announcements pertaining to such special deal;

(d) In the case of a seller other than a seller at retail, detailed evidence demonstrating that the special deal was to have terminated on or before a date not more than 123 days from the date on which the special deal first became effective;

(e) The adjusted maximum price established by the seller pursuant to this section; and

(f) A description of all prices and terms of payment which the seller has had in effect for the commodity since January 1, 1941.

The adjusted maximum price reported by the seller pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration.

No seller shall make an adjustment of his maximum price under this section after May 31, 1943.

[Above paragraph added by Am. 53, 8 F.R. 6047, effective 5-13-43]

[§ 1499.4b added by Am. 14, 7 F.R. 5565, effective 7-21-42]

§ 1499.5 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this General Maximum Price Regulation.

§ 1499.6 *Sales for export.* The maximum price at which a person may export any commodity shall be determined in accordance with the provisions of the Maximum Export Price Regulation [1] issued by the Office of Price Administration on April 28, 1942.

§ 1499.7 *Federal and state taxes.* Any tax upon, or incident to the sale, delivery, processing, or use of a commodity, or the supplying of a service, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity or service and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this General Maximum Price Regulation.

(2) In all other cases if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this General Maximum Price Regulation.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of

[1] Second Revision; 8 F.R. 4132, 5987, 7662, 9998, 15193.

1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

[§ 1499.7 amended, by Am. 7, 7 F.R. 4659, effective 6-25-42 and Am. 39, 7 F.R. 10454, effective 12-17-42.]

§ 1499.8 *Less than maximum prices.* Lower prices than those established by this General Maximum Price Regulation may be charged, demanded, paid or offered.

COMMODITIES AND SERVICES EXCEPTED FROM THIS GENERAL MAXIMUM PRICE REGULATION

§ 1499.9 *Commodities excepted from this General Maximum Price Regulation.* The provisions of this General Maximum Price Regulation shall not apply to such sales and deliveries of commodities as may be specified by supplementary regulations or by any amendments thereto.[2]

[§ 1499.9 amended by Am. 2, 7 F.R. 3990, effective 5-29-42; Am. 4, 7 F.R. 4339, effective 6-5-42; Am. 5, 7 F.R. 4487, effective 6-19-42; Am. 9, 7 F.R. 5027, effective 7-2-42; Am. 21, 7 F.R. 6007, effective 8-7-42; Am. 36, 7 F.R. 9616, effective 11-24-42; Am. 41, 8 F.R. 1204, effective 2-1-43; Am. 42, 8 F.R. 1317, effective 2-3-43; Am. 44, 8 F.R. 2110, effective 2-20-43; Am. 48, 8 F.R. 4347, effective 4-8-43; Am. 50, 8 F.R. 4724, effective 4-14-43; Am. 51, 8 F.R. 4978,[3] effective 4-22-43; and Am. 52, 8 F.R. 4848, effective 4-12-43.]

§ 1499.10 *Services excepted from this General Maximum Price Regulation.* The provisions of this General Maximum Price Regulation shall not apply to such services as may be specified by supplementary regulations issued under this section or by any amendments thereto.[3]

[§ 1499.10 as amended by Am. 8, 7 F.R. 4738, effectivve 7-1-42]

RECORDS

§ 1499.11 *Base-period records.* Every person selling commodities or services for which, upon sale by that person, maximum prices are established by this General Maximum Price Regulation, shall:

(a) Preserve for examination by the Office of Price Administration all his existing "records" relating to the prices which he charged for such of those commodities or services as he delivered or supplied during March 1942, and his offering prices for delivery or supply of such commodities or services during such month; and

(b) Prepare, on or before July 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(1) The highest prices which he charged for such of those commodities or services as he delivered or supplied during March 1942 and his offering prices for delivery or supply of such commodities or services during such month, together with an appropriate description or identification of each such commodity or service; and

(2) All his customary allowances, discounts, and other price differentials.

Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this General Maximum Price Regulation.

§ 1499.12 *Current records.* Every person selling commodities or services for which, upon sale by that person, maximum prices are established by this General Maximum Price Regulation shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices which he charged for such of those commodities or services as he sold after the effective date of this General Maximum Price Regulation; and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices for those commodities or services.

§ 1499.13 *Maximum prices of cost-of-living commodities: statement, marking or posting.* For the purposes of this section, a cost-of-living commodity is any commodity designated as such by the Price Administrator. A list of the classes of commodities so designated appears in § 1499.25, Appendix B, of this General Maximum Price Regulation.

(a) On and after May 18, 1942, every person offering to sell a cost-of-living commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale: *Provided,* That whichever of the above methods of posting is adopted, the maximum price of each commodity offered for sale shall be plainly visible to the purchaser at the place in the business establishment where the commodity is offered for sale, and shall not be obscured by the posted prices of other commodities, whether by use of price books or catalogs or layers of price lists or otherwise or in any other manner. The maximum price shall be stated as follows: "Ceiling price $-----;" or "Our ceiling $--------." Any person choosing to post by price-lines the maximum prices of commodities in the classifications marked by asterisks in Appendix B, shall post the maximum price by price-line at the place in the business establishment where the commodities in such price-line are offered for sale, and, in addition, shall mark the selling price of each such commodity on the commodity itself.

[Paragraph (a) as amended by Am. 18, 7 F.R. 5783, effective 7-30-42]

(1) Every seller making retail sales on the basis of orders received by mail shall post or mark his maximum prices in all catalogs, flyers, leaflets, circulars, booklets, lists or other printed or similar matter issued and distributed by him after the effective date of this amendment for the purpose of obtaining mail orders. One of the following methods of posting or marking shall be used:

(i) State the maximum price for each cost-of-living commodity listed in each of the publications described above at the place in the publication where such commodity is listed. A change in maximum price, which has occurred after a publication has been printed but before it has been distributed, shall be entered either where the cost-of-living commodity has been listed or upon a correction page inserted and attached inside the front cover of the publication. The maximum price shall be stated substantially as follows: "Ceiling price $----;" or "Our ceiling price $----;" or,

(ii) Print on the front cover of all catalogs, flyers, leaflets, circulars or booklets, or the front page of all lists or publications not having a cover, at the time they are issued, substantially the following statement signed with the name of the seller:

NOTICE TO CUSTOMERS

No price for any article listed or described herein exceeds the ceiling price for that article as determined under the applicable maximum price regulation issued by the Office of Price Administration. As required by that Office, we will, upon request, furnish you with a statement of our maximum prices on any of the commodities listed about which you inquire.

(Signed) ----------

Any seller using this method, shall upon request, furnish a statement of the maximum prices for any commodities listed or described in the publication and about which the customer inquires.

[Subparagraph (1) amended by Am. 35, 7 F.R. 9615, effective 11-24-42 and Am. 46, 8 F.R. 3096, effective 3-17-43]

(2) Any seller making retail sales by mail may apply to the Office of Price Administration for permission to deviate from the requirements in subparagraph (1). The application shall state why such requirements are inequitable or inappropriate as applied to the applicant's business, and shall show that the requested method of posting is substantially in line with the requirements of posting for mail order sellers set forth in subparagraph (1).

[Subparagraph (2) as amended by Am. 35, 7 F.R. 9615, effective 11-24-42]

(b) On or before July 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the "appropriate War Price and Rationing Board" of the Office of Price Administra-

[2] These commodities are contained in Revised Supplementary Regulation No. 1 and amendments thereto.

[3] These services are contained in Revised Supplementary Regulation No. 11 and amendments thereto.

tion a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Every person thereafter establishing a new place of business for the sale of cost-of-living commodities at retail shall, within 10 days after opening such new establishment, likewise file with the appropriate War Price and Rationing Board a statement showing his maximum price for each such commodity, together with an appropriate description or identification of the commodity.

[Paragraph (b) amended by Am. 11, 7 F.R. 5192, effective 7-11-42; Am. 56, 8 F.R. 9025, effective 7-6-43; Am. 58, 8 F.R. 11955, effective 9-3-43]

(c) No person is required to mark or file the maximum price of any commodity manufactured by him if his only sales at retail of such commodity are made to his employees. And no person is required to mark, post or file the maximum price of any commodity determined for an "accommodation sale" at retail pursuant to the terms of § 1499.73 (a) (51)[10] of Supplementary Regulation No. 14 to the General Maximum Price Regulation.

[Paragraph (c) added by Am. 31, 7 F.R. 8681, effective 11-5-42 and amended by Am. 49, 8 F.R. 4486, effective 4-10-43]

§ 1499.14 *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

REGISTRATION AND ENFORCEMENT

§ 1499.15 *Registration.* Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an "establishment selling at retail" any commodity or service for which a maximum price is established by this General Maximum Price Regulation or by any other "price regulation" of the Office of Price Administration, shall register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe, on forms which will be made available by the Office of Price Administration.

[§ 1499.15 as amended by Am. 7, 7 F.R. 4659, effective 6-25-42]

§ 1499.16 *Licensing.* The provisions of Licensing Order No. 1,[11] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1499.16 amended by Am. 20, 7 F.R. 6081, effective 8-8-42; Am. 37, 7 F.R. 9732, effective 11-25-42; Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1499.17. *Penalties.* Persons violating any provision of this General Maximum Price Regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

PROCEDURE FOR ADJUSTMENT OR AMENDMENT

§ 1499.18 *Adjustment of maximum prices.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the following cases:

(a) In the case of any seller at retail who shows:

(1) That such maximum price is abnormally low in relation to the maximum price of the same or similar commodity or service established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942 will be granted under this paragraph (a).

(b) In the case of any seller, other than a seller at retail, who shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

(c) In the case of any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity or service which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(4) The provisions of this paragraph (c) shall not apply to fluid milk. The provisions for the adjustment of the established maximum prices for fluid milk are set forth in § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation.

[Subparagraph (4) added by Am. 59, 8 F.R. 13724, effective 10-4-43]

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (c).

(d) In the case of any seller at retail who shows:

(1) That his maximum price for any commodity established under this Regulation is less than the minimum price in effect for such commodity during March 1942 pursuant to a contract entered into in accordance with a Fair Trade Act of any state; and

(2) That the commodity was generally sold at retail during March 1942 at such minimum price within the locality in which his selling establishment is located; and

(3) That he has been permanently enjoined by a court from selling the commodity at less than such minimum price.

In such a case the maximum price of such seller will be increased to such minimum price.

(e) In such other cases as may be specified by supplementary regulation issued under this section.[12]

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.[13]

[§ 1499.18 as amended by Am. 33, 7 F.R. 8942, effective 11-4-42]

[Note: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[Note: Supplementary Order No. 28 (7 F.R. 9619; 8 F.R. 7256) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1499.19 *Petitions for amendment.* Any person seeking an amendment of any provision of this General Maximum Price Regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1499.19 as amended by Supplementary Order 26, 7 F.R. 8948]

§ 1499.19a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[§ 1499.19a added by Am. 57, 8 F.R. 9991, effective 7-16-43]

DEFINITIONS AND EXPLANATIONS

§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(a) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

(b) "Appropriate war price and rationing board" means the war price and rationing board for the area in which is located the seller's place of business from which the cost-of-living commodities are offered for sale.

(c) "Commodity" includes commodities, articles, products, and materials and contracts to buy, sell, or deliver any of the foregoing.

[Paragraph (c) as amended by Am. 8, 7 F.R. 4738, effectivve 7-1-42]

(d) "Delivered." A commodity shall be deemed to have been "delivered" during March 1942, if during such month it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(e) "Establishment" refers to the physical location of the store, shop or other place of business in which commodities or services are sold. Any such establishment shall be deemed to be selling at retail if it has an established practice of making sales at retail.

(f) [Revoked]

[Paragraph (f) revoked by Am. 41, 8 F.R. 1204, effective 2-1-43]

(g) "Most closely competitive seller of the same class." "Seller of the same class" means a seller (1) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (2) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (3) dealing in the same type of commodities or services, and (4) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (i) is selling the same or a similar commodity or service, and (ii) is closely competitive in the sale of such commodities or services, and (iii) is located nearest to the seller.

[Paragraph (g) as amended by Am. 7, 7 F.R. 4659, effective 6-25-42]

(h) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner, except that in the case of sales of commodities by an establishment selling at retail, the offering price shall be the price at which the commodity was offered for sale at the immediate point of sale (for example, the shelves or counters). But "offering price" shall not include a price intended to withhold a commodity or service from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(i) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(j) "Price regulation" means a price schedule effective in accordance with the provisions of § 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(k) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(l) [Revoked.]

[Paragraph (l) amended by Am. 41, 8 F.R. 1204, effective 2-1-43 and revoked by Am. 51, 8 F.R. 4978, effective 4-22-43]

(m) "Records" include books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(n) "Replacement cost" shall be the net price paid by the seller after May 18, 1942, or the net price which the seller would have to pay to replace such commodity after such date.

(o) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user except that (1) for the purpose of § 1499.3 of this General Maximum Price Regulation a "sale at retail" shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him, and (2) for the purpose of §§ 1499.11 and 1499.13 of this General Maximum Price Regulation a "sale at retail" shall not include any sale to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library or any agency of any of the foregoing.

[Paragraph (o) as amended by Am. 7, 7 F.R. 4659, effective 6-25-42]

(p) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer, except that, for the purposes of § 1499.3 of this General Maximum Price Regulation, a sale at wholesale shall include any sale by such person to an industrial or commercial user.

[Paragraph (p) amended by Am. 21, 7 F.R. 6007, effective 8-7-42; Am. 45, 8 F.R. 2346, effective 2-22-43; and Am. 60, effective 2-7-44]

(q) [Revoked.]

[Paragraph (q) revoked by Am. 51, 8 F.R. 4978, effective 4-22-43]

(r) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly. Nothing in this General Maximum Price Regulation shall be construed to prohibit the making of a contract to sell a commodity or service at a price not to exceed the maximum price at the time of delivery or supply.

(s) "Seller" includes the seller of any commodity or service. Where a seller at retail makes sales or supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each such separate place of business of the seller shall be deemed to be a separate seller. Where a seller other than at retail makes sales or supplies services through more than one selling unit, all selling units whose prices for most of the commodities they sell have customarily been determined centrally by the same office, shall be deemed to be a single seller; but where a seller has by charging different prices for a commodity at his selling units established different classes of purchasers, he will have different maximum prices for the different selling units. For the purposes of § 1499.16 of this regulation, the owner of a business shall be considered the seller regardless of the number of separate places of business he owns.

[Paragraph(s) as amended by Am. 43, 8 F.R. 2029, effective 2-18-43]

(t) "Service" includes any service rendered or supplied, otherwise than as an employee, in connection with the processing, distribution, storage, installation, repair, or negotiation of purchase or sale of a commodity, and generally, without limiting the foregoing, all services which preserve or add to the value or utility of a commodity.

(u) "Supplied." A service shall be deemed to have been "supplied" during

[10] Superseded by section 9.2 of Revised Supplementary Regulation No. 14.

[11] 8 F.R. 13240.

[12] Adjustment provisions for specified commodities and services covered by this regulation are contained in Supplementary Regulation No. 15 and amendments thereto.

[13] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173, 11806.

March 1942, if during such month it was completed or in process.

(v) [Revoked.]

[Paragraph (v) added by Am. 2, 7 F.R. 3990, effective 5-29-42; amended by Am. 34, 7 F.R. 9435, effective 11-21-42 and revoked by Am. 51, 8 F.R. 4978, effective 4-22-43]

(w) [Revoked.]

[Paragraph (w) added by Am. 2, 7 F.R. 3990, effective 5-29-42; amended by Am. 6, 7 F.R. 4659, effective 6-22-42 and revoked by Am. 51, 8 F.R. 4978, effective 4-22-43]

(x) [Revoked.]

[Paragraph (x) added by Am. 2, 7 F.R. 3990, effective 5-29-42 and revoked by Am. 51, 8 F.R. 4978, effective 4-22-43.]

(y) [Revoked.]

[Paragraph (y) added by Am. 17, 7 F.R. 5784, effective 7-30-42 and revoked by Am. 51, 8 F.R. 4978, effective 4-22-43.]

(z) [Revoked.]

[Paragraph (z) added by Am. 9, 7 F.R. 5027, effective 7-2-42; amended by Am. 13, 7 F.R. 5445, effective 7-16-42 and revoked by Am. 51, 8 F.R. 4978, effective 4-22-43.]

OTHER PRICE REGULATIONS, APPLICABILITY, EFFECTIVE DATE

§ 1499.21 *Effect of other price regulations.* §§ 1499.13, 1499.14, 1499.15, 1499.16 and 1499.25 of this General Maximum Price Regulation shall apply but the other provisions of this General Maximum Price Regulation shall not apply to any sale or delivery for which a maximum price is in effect, at the time of such sale or delivery, under the provisions of any other price regulation issued, or which may be issued, by the Office of Price Administration, unless otherwise provided in any such price regulation.

[§ 1499.21 as amended by Am. 7, 7 F.R. 4659, effective 6-25-42]

§ 1499.22 *Applicability.* The provisions of this General Maximum Price Regulation shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1499.23 *Effective date.* All the provisions of this General Maximum Price Regulation shall become effective on May 11, 1942, except that:

(a) The provisions of this General Maximum Price Regulation, other than § 1499.11 (a), shall not apply to establishments selling at retail until May 18, 1942;

(b) The provisions of §§ 1499.1 and 1499.2 shall not apply to any sale of services at retail until July 1, 1942; and

(c) The provisions of § 1499.11 (a) shall become effective upon the date of issuance of this General Maximum Price Regulation.

[GMPR originally issued April 28, 1942.]

§ 1499.23a *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected.]

§ 1499.24 *Appendix A: Report of maximum price determined under § 1499.3 (a).*

Form GMPR:2 This form GMPR:2 shall be used for the reporting of a maximum price for sale at wholesale or retail determined under § 1499.3 (a) of the General Maximum Price Regulation. The maximum price for sale at wholesale or retail may be determined under this section only if the seller cannot determine maximum prices under § 1499.2: i. e., if there was no sale or offer to sell of the same or similar commodities by the seller reporting or by a competitor during the month of March, 1942. Any seller who has determined a maximum price under § 1499.3 (a) is required, within 10 days after such determination, to report such price to the appropriate field office of the Office of Price Administration. If the maximum price reported is incorrectly determined or otherwise unreasonable the seller will be required to determine a new maximum price and to file a new report.

The Office of Price Administration has the right at any time for cause to revise the price so reported.

Any seller who under § 1499.4a of the General Maximum Price Regulation has received authorization of the Consumer Goods Division to determine uniform maximum prices pursuant to § 1499.8 (a) for a group of stores under its control in which it has been the practice to charge uniform or substantially uniform prices, shall file his report or reports in accordance with and at the place or places designated in the Order issued by the Office of Price Administration authorizing uniform pricing.

Form GMPR:2
To: Office of Price Administration
From: _____
Name
_____
Address

If report is filed for more than one store indicate here or on attached sheets the stores included or the area covered _____

_____

The undersigned hereby reports its determination, made in accordance with § 1499.3 (a) of the General Maximum Price Regulation, of the maximum price for the commodity described in item 1 below.

1. Brief description of commodity for which a maximum price is reported:

_____

2. Reasons why price could not be determined on the basis of a same or similar commodity dealt in by the undersigned or a competitive seller during March 1942:

_____

3. (a) General classification in which the undersigned classes the commodity for which maximum price is reported _____

_____

(b) Brief description of comparable commodity in this general classification and price range of which the undersigned delivered the largest number of units during March 1942 (referred to herein as "comparable commodity"):

_____

4. The maximum price reported was determined from calculations A, B, and C below, in accordance with instructions printed below:

A. Comparable Commodity:

	Col. (2) Unit of pricing	Col. (3) Net replacement cost per unit	Col. (4) Maximum price per unit	Col. (5) Percentage (col. 4 divided by col. 3)
Example: Commodity X.	Each....	$4.00	$5.00	125

B. Net cost per unit of commodity for which maximum price is reported _____

C. Maximum price reported per unit _____
(This is to be calculated by multiplying item 4B by item 4A, col. 5.)

5. The price reported is a price for sale at retail _____, at wholesale _____ (Check the appropriate designation.)

6. Date price reported became effective _____.

CERTIFICATION

I certify that I have read this report, and that all statements made therein are true and correct.

_____
(Sign)

_____
(Address—Post Office, City and State)

_____
(Date)

Pursuant to § 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than $5000 or by imprisonment for not more than one year, or both, to make any false statement or entry in the above report. This form does not need to be acknowledged before a notary public.

INSTRUCTIONS

The following instructions must be followed in completing this form:

Item 1. Give a brief but complete description of the commodity for which the price is reported. The description should be sufficient to enable any representative of OPA to identify the item. It should include a description of its use, unit, size, packaging, brand name or name of the manufacturer if known, the material of which the item is constructed and any other pertinent information.

Item 2. Indicate how commodity for which price is reported differs from other commodities sold by the seller, or competitive sellers of the same class, during March 1942. *If the seller or competitive sellers sold similar, though not identical, items during March, 1942, maximum prices may not be established under § 1499.3 (a) but must be determined under § 1499.2 of the General Maximum Price Regulation.*

Item 3. (a) Insert general classification (food, hardware, men's clothing, etc.), in which the seller classes the commodity for which a maximum price is reported.

(b) Insert a brief description of comparable commodity in the same general classification and price range of which the seller delivered the largest number of units during March, 1942. The description should be as complete as under Item 1 above.

Item 4-A. Column 1. Name of comparable commodity.

Column 2. Insert unit of pricing, e. g., pound, quart, garment, dozen, gross, etc.

Column 3. Insert net replacement cost per unit. Net replacement cost shall be net price[1] per unit paid by the seller after May 18, 1942, or the net price which the seller would have to pay to replace the comparable commodity after such date. In no case shall this be higher than suppliers' maximum price.

Column 4. Insert the maximum price per unit established in accordance with § 1499.2 of the General Maximum Price Regulation.

Item 4-B. Insert *net cost*[1] per unit of commodity for which price is reported.

Item 4-C. Calculate maximum price reported per unit as follows: Multiply unit cost (4-B) by percentage (4-A, Column 5).

Item 5. Indicate whether the price reported in 4-C is a price for sale at wholesale or at retail as defined in § 1499.20, items (o) and (p) of the General Maximum Price Regulation.

[1] "Net price" (or "net replacement cost") shall be the price paid after deducting all discounts allowed to, and adding transportation and delivery charges paid by the seller filing this form.

Item 6. State the date on which the price was effective for sales to purchasers.

[§ 1499.24 as amended by Am. 19, 7 F.R. 6058, effective 8-6-42]

§ 1499.25 *Appendix B: Commodities designated by the Price Administrator as cost-of-living commodities.*

[NOTE: For the commodity classifications marked by asterisks, maximum prices may be posted by price lines at the place in the business establishment where the commodities are offered for sale, provided that, in addition, the selling price of each commodity in such classification shall be marked on the commodity itself. See § 1499.13 of this General Maximum Price Regulation.]

TOBACCO, DRUGS, TOILETRIES, AND SUNDRIES

(All brands, grades, and sizes, except where otherwise indicated)

Tobacco:
Cigarettes.
Smoking tobacco, in cans and packages.
Packaged household drugs:
Aspirin tablets.
Milk of magnesia, liquid.
Cod liver oil, liquid
Epsom salts.
Boric acid.
Castor oil and mineral oil.
Witch-hazel and rubbing alcohol.
Toiletries and sundries:
Hand and toilet soaps.
Dentifrices (paste, powder, and liquid).
Shaving cream.
Tooth brushes.
Sanitary napkins.
Razor blades.
Facial tissues.
Infants' food: All types.
Ice cream: Bulk and packaged.

APPAREL AND YARD GOODS

Men's and boys' clothing:
Suits, business and sport*.
Overcoats, topcoats, and raincoats, business and sport*.
Trousers and slacks, dress, sport, and wash*.
Men's shirts; other than formal*.
Pajamas and nightshirts, cotton, wool, and part wool*.
Shorts, cotton.
Undershirts, cotton knit.
Union suits.
Hosiery, other than pure silk and pure wool*.
Felt hats*.
Work shirts.
Work pants.
Overalls and coveralls.
Sweaters.
Mackinaws*.
Jackets, boys' only*.
Men's work gloves.
Boys' gloves and mittens.
Boys' blouses and shirts.
Boys' snow suits*.
Infants' clothing:
Diapers.
Dresses, other than silk.
Shirts.
Binders.
Sleeping garments.
Coats, cotton, wool, part wool.
Snow suits.
Sweaters.
Sunsuits (cotton only).
Women's and girls' clothing:
Coats, untrimmed and fur-trimmed, sport and dress*.
Suits*.
Dresses, street and house*.

APPAREL AND YARD GOODS—Continued

Women's and girls' clothing—Continued.
Hosiery, including anklets*.
Panties and slips*.
Foundation garments and brassieres*.
Women's gloves, children's gloves and mittens*.
Skirts.
Blouses and shirts, tailor, rayon or cotton*.
Sweaters.
Children's jackets*.
Nightgowns and pajamas, other than silk*.
Robes and house coats, flannel and cotton*.
Children's overalls, slacks, sunsuits and shorts (cotton only)*.
Children's snow suits*.
Yard goods:
Cotton yard goods.
Rayon yard goods.
Wool and mixtures of wool.
Footwear:
Street, work, dress, and sport shoes for men, women, and children*.
Infants' shoes.
Rubber footwear.

FOOD AND HOUSEHOLD SUNDRIES

Meat

Fresh beef:
Rib roast.
Chuck steak.
Top round steak.
Rump roast.
Chuck roast.
Beef liver.
Ground round steak.
Pork:
Loin whole roast.
Rib end roast.
Loin end roast.
Best center cut chops.
Bacon.
Ham, whole, half, or sliced.
Salt pork.
Other meat products:
Cooked or smoked ham.
Frankfurters.

Canned Fruits, Vegetables, and Juices

Canned peaches.
Canned pears.
Canned pineapples.
Canned corn.
Canned peas.
Canned tomatoes.
Canned pork and beans.
Canned green beans, cut.
Canned tomato juice.
Canned grapefruit juice.[2]
Canned pineapple juice.

Other Groceries and Household Sundries

Canned salmon.
Canned vegetable soup.
Canned tomato soup.
Packaged flour mixes (cake, pancake, biscuit mixes only).
Macaroni and spaghetti, dried, bulk, and packaged.
Rolled oats, bulk and packaged.
Corn flakes.
Bread, all types.
Soda crackers.
Fresh milk and cream.
Lard, bulk and print.
Vegetable shortening.

[2] Amendment No. 3 to Supplementary Regulation No. 1 excepted "citrus fruits and citrus juices hermetically sealed in containers of metal, glass or any other material" from the General Maximum Price Regulation. Superseded by Sec. 2.3 (c) of Revised Supplementary Regulation No. 1.

FOOD AND HOUSEHOLD SUNDRIES—Continued

Other Groceries and Household Sundries—Continued
Sugar, all types, packaged and bulk.
Coffee.
Cocoa.
Table salt.
Corn meal, bulk or packaged.
Rice, bulk or packaged.
Toilet paper.
Soaps (bar, flakes, powder, chips, granular, and cleansing powders).
Paper napkins.

HOUSEHOLD FURNITURE, APPLIANCES, AND FURNISHINGS

Appliances and equipment:
Radios and phonographs.
Vacuum cleaners and carpet sweepers.
Refrigerators and iceboxes.
Washing machines.
Sewing machines.
Stoves and ranges.
Small appliances: irons, toasters, glass coffee makers, and mixers.
Floor lamps and bridge lamps.
Light bulbs.
Ironing boards.
Step-on cans.
Floor brooms.
China and pottery tableware, in sets.
Cooking utensils (10-quart pail, 2-quart saucepan, 5-quart tea-kettle).
Furniture:
All living room, dining room and bed room suites (sets or individual pieces).
Kitchen tables and chairs.
Studio couches and sofa beds.
Mattresses.
Bedsprings.
Furnishings:
Rugs and carpets, size 6 by 9 feet and larger.
Linoleum.
Felt base floor coverings.
Bed sheets and sheeting, cotton.*
Towels, cotton bathroom and kitchen.*
Blankets and comforts.*
House curtains.*
Bed spreads, cotton.*
Tablecloths and napkins, plain and print (cotton only).*
Window shades.

HARDWARE, AGRICULTURAL SUPPLIES, MISCELLANEOUS[3]

Hayforks.
Garden and lawn rakes.
Dirt shovels.
Axes, single bit.
Claw hammers.
Handsaws.
Inside and outside house paints (ready mixed).
Fertilizer, bulk and packaged.
Insecticides.
Bicycles, adult sizes.
Bicycle tires.
Flashlights.

ICE, FUEL AND AUTOMOTIVE

Ice.
Coke.
Coal (hard and soft).
Charcoal.
Firewood.
Kerosene.
Fuel oil.
Gasoline.
Oil.
Tires and inner tubes.

[3] Vegetable seeds, bulk and packaged, revoked by Am. No. 4, 7 F.R. 4339, effective 6-8-42.

APPENDIX C—REPORT OF MAXIMUM PRICE DETERMINED UNDER § 1499.3 (b)

OPA Form No. 6812:277 — Form Approved Budget Bureau No. 08-R430

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

[Report of determination, under § 1499.3 (b) of the General Maximum Price Regulation, of a maximum price for sales other than at wholesale or retail for a new article which cannot be priced under § 1499.2.]

1. Name of manufacturer_____
2. Address_____
(Street) (City) (State)
3. Name of article being priced_____
4. Description of article being priced (also send sample, illustration, or photograph)_____
5. Unit of production used in the calculations_____

NEW ARTICLE BEING PRICED

6. Major materials and parts used in the product:

Name of material	Quality, grade and specifications	Current cost per doz. gal. etc.	Quantity used per unit of product	Current cost per unit of product
(a)		$		$
(b)				
(c)				
(d)				
(e)				
(f)				
(g) All materials except those listed above				

7. Total unit material cost_____ $_____
8. Total unit direct labor cost_____ $_____
9. Total unit direct cost (Item 7 plus Item 8)_____ $_____

COMPARABLE ARTICLE FOR WHICH A MAXIMUM PRICE HAS BEEN ESTABLISHED

10. Name of comparable article_____
11. Catalog number of comparable article_____
12. Description of comparable article (also send sample, illustration or photograph)_____
13. Difference in principal uses for which new article and comparable article are made_____
14. Give reasons for development of the new article, whether because of material shortages or limitations, import restrictions, or any other reasons_____
15. In what way does the manufacturing process for the new article differ from that used for the comparable article?_____
16. Major materials and parts used in the comparable product:

Name of material	Quality, grade and specifications	Current cost per doz. gal. etc.	Quantity used per unit of product	Current cost per unit of product
(a)		$		$
(b)				
(c)				
(d)				
(e)				
(f)				
(g) All materials except those listed above				

17. Total unit material cost of comparable article_____ $_____

APPENDIX C—REPORT OF MAXIMUM PRICE DETERMINED UNDER § 1499.3 (b)—Continued

COMPARABLE ARTICLE FOR WHICH A MAXIMUM PRICE HAS BEEN ESTABLISHED—continued

18. Total unit direct labor cost of comparable article_____ $_____
19. Total unit direct cost (Item 17 plus Item 18)_____ $_____
20. Maximum selling price of comparable article_____ $_____
21. Comparable article: Selling price as a percent of direct cost (Item 20 divided by Item 19)_____ $_____
22. Maximum selling price of the new article (Item 9 multiplied by Item 21)_____ $_____
23. Estimated production of the new article per month (Number of units)_____
24. Past 3 months' production of comparable article (Number of units)_____
25. Value in dollars of past 3 months' production of entire business or plant which is to be engaged in production of new article_____ $_____

I hereby certify that I am the owner of the company whose name appears on this report or that I am authorized to make this report on behalf of the company; that I have read this report and that all of the statements and figures contained in this report are, to the best of my knowledge and belief, correct. I further certify that this company is to the best of my knowledge and belief in full compliance with regulations of the Office of Price Administration and that this company's customary price differentials and/or discounts allowed on the comparable article herein defined will be allowed on sales of the commodity for which a price is here reported.

_____ (Company)
By_____ (Name)
_____ (Title)

Section 35 (A) of the U. S. Criminal Code, 18 U. S. C. A. 80, makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within the jurisdiction of any department or agency of the United States.

INSTRUCTIONS

This form is to be used by manufacturers for pricing new articles subject to the General Maximum Price Regulation which cannot be priced under section 1499.2, GMPR. It is not to be used for pricing of new articles of:
Consumers' durable goods, which are priced under MPR 188,
Building materials, which are priced under MPR 188,
Rubber products, which are priced under MPR 220,
Rubber drug sundries, which are priced under MPR 300,
Cotton products, which are priced under MPR 118,
Machines and parts, which are priced under MPR 136,
Packaged drugs, which are priced under MPR 392,
Packaged cosmetics, which are priced under MPR 393,
Mixed fertilizers, which are priced under MPR 135,
or other articles the manufacturers' prices of which are covered by specific Maximum Price Regulations (other than the General Maximum Price Regulation). Furthermore this form is not to be used in the pricing of new commodities whose prices or pricing methods have been established by orders issued under the old form of section 1499.3 (b) of the General Maximum Price Regulation such as Order No. 260 (Insecticides and Fungicides) and Order No. 375 (Processed Foods), or are established under section 1499.3 (b) (3).

[Above sentence amended by Am. 55, 8 F.R. 8511, 9423, effective 6-17-43.]

Answer all questions. Your report must be formally complete before the price can legally be considered for authorization. Read the instructions below before filling out the form. Numbers at the left correspond to item numbers in the form.

3. Give physical name of the new article (hair tonic, men's shoes, etc.) and model or list name or number.
5. Give the unit of production used in the calculations (one, one dozen, one gross, etc.). Must be the same for both articles.
6. List the information required for all raw materials which, combined, make up a minimum of 90 percent of the total materials cost of the new article. List the same information for the remainder in (g). If additional space is necessary, attach a supplementary sheet to the report.

APPENDIX C—REPORT OF MAXIMUM PRICE DETERMINED UNDER § 1499.3 (b)—Continued

INSTRUCTIONS—continued

7. Give the total of all entries under Item 6. If semifinished or finished parts purchased from other firms are used, the numbers of parts included in each unit of the article, the price paid per part and the names of the suppliers are to be attached to the report. All material costs are to be your supplier's maximum prices unless current prices charged by your supplier to purchasers of your class are lower, in which case these shall apply.
8. Give the total wage bill paid per unit of product for manual labor expended directly in the production of the article. This total must not include inspection, instruction, or other indirect labor, or factory burden. If necessary for a clear understanding, a breakdown of this item should be attached to the report. In computing unit direct labor cost, use the current wage rates for each class of labor. Wage rates may not be higher than those of Oct. 3, 1942 unless approved by the War Labor Board.
10. Select from the comparable articles being produced by you, and for which maximum prices have already been established, that comparable article whose direct unit cost is nearest that of the article being priced.
11. Give catalog or list number and model name or number. If a catalog is not now on file with the OPA containing a full description of the article, such a catalog or description of the article must accompany the report.
16. Same instructions as 6, above.
17. Give the total of all entries under Item 16. Costs shall be determined as under instruction 7 above.
18. Same instructions as 8, above.
20. State here the maximum price now charged that class of customer to which you expect to sell the largest volume of the new article. This may be lower than the highest price you are now permitted to charge some customers. If the comparable article now has an established maximum price based on a different class of customer, this price must be appropriately adjusted to the class of customer for which the price of the new article is being determined.

[NOTE: Supplementary Order No. 76 (8 F.R. 14011) provides that the Price Administrator may authorize service suppliers subject to the General Maximum Price Regulation and Maximum Price Regulations Nos. 134, 136, 165, 246 and 251, to apply the provisions of one regulation to services supplied by him which are subject to two or more of the above regulations; and gives the procedure for filing application for such authorization]

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1612; Filed, February 2, 1944; 9:12 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 83]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14560, 15256, 15455, 15456, 16280, 16419, 16738, 16998.

Maximum Price Regulation No. 120 is amended in the following respects:

Section 1340.213 is amended to read as follows:

§ 1340.213 *Appendix B: Maximum prices for bituminous coal produced in District No. 2.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Underground mines*—(i) *Maximum prices for coals produced at underground mines with the following designated price classifications.* These prices are for shipment to all destinations by all methods of transportation, except by truck or wagon, and for all uses, except all railroad fuel uses and smithing coal.

PRICES AND SIZE GROUP NUMBERS

Price classification	1, 2—lump and double-screened coals bottom size larger than 2"	3, 4, 5—lump and double-screened coals bottom size 2" and smaller	6—mine run and resultants larger than 2"	7, 8—screenings larger than ¾" but not exceeding 2"	9, 10—screenings ¾" and smaller
A	355	335	325	300	285
B	350	335	325	300	285
C	350	335	325	300	280
D	335	325	315	295	270
E	335	305	295	275	260
F	310	300	290	275	260
G	310	300	290	270	255
H	310	295	285	260	250
J	310	275	265	260	250
K	305			245	235
L	300				
Exceptions:					
Mine index number:					
84	360	345	335	320	285
145	350	350	340	300	280
224	365	365	360	345	290

(ii) The maximum prices for coals for all railroad fuel uses shall be the maximum price for the grade and size shipped as set forth in (i) above; or the applicable effective minimum price as of October 1, 1942 for railroad fuel use for all-rail shipment, plus 75 cents per net ton, whichever is higher.

(iii) The maximum price for smithing coal shall be 455 cents per net ton.

(2) *Strip mines.* The maximum price for coals produced at any mine by the stripping method shall be the same as that for the grade, size and use of the coal shipped as set forth in subdivisions (i) and (ii) of this paragraph (b) (1) minus 25 cents per net ton.

(3) *Special price instructions.* (i) An underground mine is one which takes its coal entirely from underground seams from which the overburden is not removed and is not a mine taking any coal from the ground by the stripping method.

(ii) A strip mine is one producing coal by the stripping method and taking its entire production from the ground after removing all overburden.

(iii) If coals from an underground mine and from a strip mine are mixed, the maximum price for the mixture shall be the weighted average of the maximum prices for each of the mixed coals; the calculation shall be made in a reasonable manner on a per net ton basis.

(4) *Specific descriptions of size group numbers referred to in subparagraph (1) of this paragraph (b).*

Size Group Numbers:	*Description*
1 and 2	All single-screened lump coals and double-screened egg coals with bottom size larger than 2".
3 and 4	All single-screened lump coals with a bottom size 2" and smaller, and all double-screened coals with a bottom size 2" and smaller, and top size larger than 2".
5	All double-screened, nut, pea and stoker coals with a top size not exceeding 2".
6	Straight mine run, all mine run resultants larger than 2", and any mine run altered by the removal of any intermediate size.
7 and 8	Screenings larger than ¾" x 0 but not exceeding 2" x 0.
9 and 10	Screenings, top size not exceeding ¾".

(5) *Maximum prices for shipment by truck or wagon to all destinations for all uses.*

PRICES AND SIZE GROUP NUMBERS

Coals produced at all mines in the following counties	Price group No.	1, 2, 3—lump and double-screened coals bottom size larger than 2"	4—lump and double-screened coals bottom size larger than 1¼" but not exceeding 2"	5, 6, 7—lump bottom size 1¼" and smaller and double-screened coals top size not exceeding 2"	8—mine run and resultants larger than 2"	9, 10—screenings larger than ¾" but not exceeding 2"	11—screenings ¾" and smaller
Allegheny	5	425	390	360	325	285	270
Exception:							
Mine Index No. 224	5	430	405	380	330	305	280
	10	395	365	360	295	275	255
Armstrong	4	415	400	375	305	265	245
Beaver							
Exceptions:							
Mine Index Nos. 858	4	600	440	420	390	380	315
904	4						
923	4						
934	4						
1488	4						
1638	4						
Butler	2	435	415	405	320	290	270
Exception:							
Mine Index No. 84	2	450	415	405	320	290	270
	1	465	440	435	370	290	265
Crawford	7	415	385	375	310	280	265
Fayette	11	380	360	340	280	280	230
Greene	9	395	365	355	300	280	260
Indiana							
Lawrence	3	435	400	395	320	285	240
Mercer							
Venango	6	425	385	375	325	290	255
Washington	8	415	395	365	305	285	255
Westmoreland							

(6) *Specific descriptions of size group numbers referred to in subparagraph (5) of this paragraph (b).*

Size Group Nos.:	Description
1 to 3, incl.	All single-screened lump coals and all double-screened egg coals with a bottom size larger than 2".
4	All single-screened lump coals bottom size larger than 1¼" but not exceeding 2", and all double-screened egg coals, bottom size larger than 1¼" but not exceeding 2", and top size larger than 5".
5 to 7, incl.	All single-screened lump coals, bottom size 1¼" and smaller, all forked coals, all double-screened egg coals, bottom size larger than 1¼" but not exceeding 2", and top size larger than 2" but not exceeding 5", all double-screened egg coals, bottom size 1¼" and smaller and top size larger than 4", all double-screened nut, pea and stoker coals, top size not exceeding 2".
8	Straight mine run, all mine run resultants larger than 2", and any mine run altered by the removal of any intermediate size.
9 and 10	Screenings, larger than ¾" x 0 but not exceeding 2" x 0.
11	Screenings, top size, not exceeding ¾".

(7) A charge of no more than 10 cents per net ton may be made for a chemical, oil or waxing treatment to allay dust or to prevent freezing.

This amendment shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1613; Filed, February 2, 1944; 9:11 a. m.]

PART 1419—EXPLOSIVES

[RMPR 191,[1] Amdt. 2]

COTTON LINTERS AND HULL FIBERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9 (a) is amended by changing the definitions of "chemical cotton linters" and "free cotton linters" to read as follows:

"Chemical cotton linters" means linters sold on the basis of cellulose content as determined by chemical analysis.

"Free cotton linters" means linters which are not sold on the basis of cellulose content but are sold according to the grades set forth in Appendix B of this regulation.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1615; Filed, February 2, 1944; 9:11 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11248, 12632.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 68]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (2) is amended to read as follows:

(2) "Board" means a War Price and Rationing Board, or a Plant Area Board designated to serve workers in specified plants or establishments, or other Boards designated to serve consumers in specified areas. The provisions of this order applicable to Boards shall also apply to Plant Area Panels to the extent of the panel's jurisdiction as limited in accordance with administrative orders of the Office of Price Administration relating to the organization and operation of Boards and panels.

2. Section 1315.201 (a) (44) is amended by striking out the phrase "war price and rationing".

3. The headnote of § 1315.303 is amended to read as follows: "§ 1315.303 *Jurisdiction of Boards other than War Price and Rationing Boards.*"

4. Section 1315.303 (a) is amended to read as follows:

(a) *Plant Area Boards and Plant Area Panels.* A Plant Area Board or a Plant Area Panel shall have such jurisdiction to receive and act upon applications for tires or new tubes as may be delegated to it in accordance with administrative orders issued by the Office of Price Administration relating to the organization and operation of Boards and panels.

[1] 8 F.R. 9752, 10079, 10085.

5. Section 1315.505 (a) (15) is amended to read as follows:

(15) To transport persons to and from funerals, or as a hearse.

6. Section 1315.505 (c) is added to read as follows:

(c) *Replacement of recappable tire carcass.* An applicant who is eligible for a tire under § 1315.505 (a) or (b) may be granted a certificate for a used truck tire or a Grade III tire in any area where recapping facilities are unavailable or inadequate, upon turning in a recappable tire carcass.

7. Section 1315.603 (b) is amended by adding after the third sentence appearing therein the following sentence: "A copy of this form shall be retained as a record by the dealer or manufacturer to whom the tires are turned in by the applicant."

8. Section 1315.603 (d) is amended by adding the words "or manufacturer" after the word "dealer".

9. Section 1315.804 (c) (3) is amended by adding two lines to the replenishment table as follows:

If Part B calls for:	*Dealer or manufacturer may replenish with—*
Any size implement or tractor tube.	Any size new implement, tractor, truck, passenger or industrial-type tube.
Any type of tube.	Any size new implement, tractor, truck, passenger or industrial-type tube.

10. Section 1315.804 (j) (6) is amended by inserting the phrase "prior to March 1, 1944" after the word "dealer" in the second sentence.

11. Section 1315.806 (a) (3) is amended by deleting the phrase "or manufacturer".

12. Section 1315.806 (d) is amended to read as follows:

(d) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to a dealer or manufacturer or to any person engaged in the business of repairing tires or tubes for purposes of inspection, mounting or repair only, and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

13. Section 1315.901 (f) is amended by deleting the phrase "in his possession or control".

14. Section 1315.1009 is revoked.

This amendment shall become effective February 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1641; Filed, February 2, 1944; 12:00 m.]

*Copies may be obtained from the Office of Price Administration.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 102]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7851 (b) (1) (ii) is amended to read as follows:

(ii) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof; or to return such a vehicle or boat to the regular place of residence of the person entitled to the use thereof on December 1, 1942 if such vehicle or boat has been continuously away from such place of residence since that date, except that if such place of residence and such vehicle or boat were, on December 1, 1942, within the limitation area, no such ration shall be issued unless such vehicle or boat has been continuously away from the regular place of residence of the person entitled to the use thereof since August 22, 1942.

However, no special ration for use with such a motor vehicle shall be issued under this subdivision unless any outstanding supplemental ration issued for use with such vehicle is first surrendered to the Board to which application for the special ration is made. If a currently valid supplemental ration is surrendered, the Board may include in the special ration an allowance of gasoline for occupational mileage sufficient to cover the applicant's occupational driving requirements for the period between the date of issuance of the special ration and the change of residence. In such a case, the Board shall not allow gasoline for occupational mileage in excess of the proportionate amount of gasoline allowed to the applicant for that period on the basis of such supplemental ration or in excess of the amount of gasoline represented by the surrendered portion of such ration.

2. Section 1394.7851 (d) is added to read as follows:

(d) If application is made for a special ration for use with a motor vehicle for which a tire inspection record is required to be outstanding, the applicant shall present to the Board the tire inspection record for the vehicle for which the ration is sought.

3. Section 1394.7852 (b) (2) is amended by adding the following provisions:

If a tire inspection record is required to be presented pursuant to § 1394.7851 (d), he shall write on such record the following information:

(i) The date of issuance.
(ii) The purpose for which the ration is issued.
(iii) The gallonage allowed.
(iv) The designation of the issuing Board.

4. Section 1394.8002 (a) is amended by substituting for the reference "§ 1394.7851 (b) (1) and (2), 1394.7855 or 1394.7856," the reference "§ 1394.7855 or § 1394.7856."

5. Section 1394.8002 (b) is amended by deleting the parenthetical phrase "(or the registrar)."

6. In § 1394.8010 the text preceding paragraph (a) is amended by inserting after the words "that odometer readings have been taken" the phrase, "if the vehicle carries an odometer,".

This amendment shall become effective February 7, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1638; Filed, February 2, 1944; 12:00 m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 6]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 6.6 (j) is added to read as follows:

(j) *Industrial users may apply for an increased allotment for first allotment period of 1944 to be charged as an advance against future allotments.* (1) An industrial user may apply at any time before March 16, 1944 for an increase in his allotment for the first allotment period of 1944 to be charged as an advance against his future allotments. The application must be made on OPA Form R-315 to the board with which he is registered, but not before he applies for his regular allotment for the first allotment period of 1944. The industrial user must give the following information in the application:

(i) The amount of the increase requested; and

(ii) The amount of his allotment for the first allotment period of 1944.

(2) The board shall grant the application if it complies with the requirements of subparagraph (1). The increase in allotment granted to the industrial user shall not exceed 100% of his regular allotment for the first allotment period of 1944. (Paragraph (d) of this section applies in determining whether an industrial user who receives an in-

[1] 9 F.R. 3.

crease in allotment under this paragraph is entitled to a certificate, and determining the amount of the certificate.)

(3) Any certificate issued or increase in allotment granted to an industrial user under this paragraph may be used only for the purpose of acquiring and using frozen processed foods at his industrial user establishment.

(4) Any increase in allotment granted to an industrial user under this paragraph shall be charged against the industrial user's future allotments. The amount of the increase shall be deducted from his allotment for the second allotment period of 1944. If the amount of the increase exceeds the amount of his allotment for the second allotment period of 1944, the excess shall be deducted from his subsequent allotments, and no allotment for any 1944 allotment period may be issued to him until the amount of the increase has been deducted in this way.

This amendment shall become effective February 7, 1944.

NOTE: All reporting and record-keeping requirements of the amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1642; Filed, February 2, 1944; 12:01 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 11]

MAXIMUM PRICES IN THE VIRGIN ISLANDS OF THE UNITED STATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 395 is amended in the following respects:

1. Section 22, Table IX, item 10, is amended by adding the phrase "originating in the continental United States" after the words "Turkeys, hard chilled, dressed but not eviscerated, Grade B, old and young."

2. Section 23, Table XI, item 1, is amended by adding the phrase "adjusted for shrinkage only" after the words "1 lb." in the quantity column.

3. Section 30 is amended to read as follows:

Sec. 30. Maximum prices for locally produced poultry and poultry imported from the West Indies—(a) *Commodities and transactions governed by this regulation.* (1) This regulation applies to wholesale and retail sales and deliveries of chickens, ducks, geese, guinea fowl, squabs and turkeys, including live, dressed, drawn, when locally produced or imported from the West Indies, except as noted in paragraph (a) (2) below.

(2) This regulation specifically exempts from price control by the Office of Price Administration the following poultry, if sold or delivered in the Virgin Islands of the United States:

Breeding poultry sold by producers to buyers other than food dealers or consumers, when locally produced or imported from the West Indies.

Day-old and baby chickens, nestlings and fledglings of ducks, geese, guinea fowl and turkeys, when locally produced or imported from the West Indies.

All pigeons except squabs as defined in paragraph (b) (5) below.

Undomesticated game fowl (not including guinea fowl) and wild water fowl.

Fighting cock (gamecock).

(3) The prices of poultry and poultry products not specifically covered in paragraph (a) (1) or exempted in paragraph (a) (2) are subject to any applicable regulation or order issued or which shall be issued by the Office of Price Administration. This regulation withdraws from Maximum Price Regulation No. 201 poultry imported from the West Indies; but Maximum Price Regulation No. 201 governs poultry imported from any other place, if the commodity is subject to price regulation in the continental United States, and section 22 of Maximum Price Regulation 395 governs turkeys, hard chilled, dressed but not eviscerated, Grade B, old and young originating in the continental United States.

(b) *Definitions.* (1) "Locally produced poultry" means poultry raised within the Virgin Islands of the United States to the stage at which the poultry is sold or delivered to a seller at wholesale or at retail or to a final consumer, regardless of where the poultry was originally hatched.

(2) Poultry "raised in accordance with modern commercial poultry raising methods" means poultry systematically raised in accordance with modern hygienic and sanitary standards of high quality and fed strictly on commercial feeds.

(3) "Dressed" poultry means poultry which has been killed and plucked. It may or may not have been bled.

(4) "Drawn poultry" means dressed poultry from which the entrails have been removed without contamination of the body cavity.

(5) "Squab" means any pigeon, except a homing pigeon intended to be raised for its flying habits, which is an unfledged nestling.

(c) *Maximum retail prices, live weight.* The maximum retail prices, live weight, for certain kinds of poultry sold or delivered in the Virgin Islands of the United States shall be the pertinent price set forth in the following Table XVI.

TABLE XVI—RETAIL POULTRY PRICES, LIVE WEIGHT

A. PRICES FOR SALES AND DELIVERIES IN THE MUNICIPALITY OF ST. CROIX

Commodity	Unit	Maximum price, live weight
Chickens, raised in accordance with modern commercial poultry raising methods:		
Fryers and broilers	1 lb.	$0.50
Roasters, including hens, roosters and stags	1 lb.	.45
Capons	1 lb.	.55
Chickens, not raised in accordance with modern commercial poultry raising methods:		
Ducks	1 lb.	.35
Geese	1 lb.	.40
Guinea fowl	1 lb.	.50
Squabs	Pair	.50
Turkeys	1 lb.	.50

B. PRICES FOR SALES AND DELIVERIES IN THE MUNICIPALITY OF ST. THOMAS AND ST. JOHN

Commodity	Unit	Maximum price, live weight
Chickens:		
Fryers and broilers	1 lb.	$0.55
Roasters, including hens, roosters and stags	1 lb.	.50
Capons	1 lb.	.60
Ducks	1 lb.	.50
Geese	1 lb.	.60
Guinea fowl	1 lb.	.60
Squabs	Pair	.60
Turkeys	1 lb.	.70

(d) *Service charges for dressing.* The seller may add a service charge not in excess of ten cents per head for dressing chickens, ducks, geese, guinea fowl and turkeys. The charge for dressing squabs may not exceed ten cents per pair.

(e) *Maximum prices at wholesale.* The maximum wholesale price is subject to agreement between buyer and seller, but in no event may exceed the corresponding maximum retail price including, if applicable, the charge for dressing.

(f) *Prices for dressed and drawn poultry and for chilled or frozen poultry sold on the basis of dressed weight.* Any person offering for sale dressed and drawn poultry or chilled or frozen poultry priced on the basis of dressed weight shall apply to the Territorial Director for the Virgin Islands for authorization of his maximum price. The Territorial Director may by order authorize a price, and may require such pertinent information from the seller as will assist him in establishing the price.

The price authorized by the Territorial Director shall be subject to adjustment at any time by the Administrator for the Ninth Region.

Any seller who objects to an authorized or adjusted price may obtain review as provided in Revised Procedural Regulation No. 7 issued by the Office of Price Administration.

This amendment shall become effective February 8, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6621, 8873, 9996, 11438, 12661, 13345, 14344.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1640; Filed, February 2, 1944; 12:00 m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 89]

COMPRESSED GAS CYLINDER DEMURRAGE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.20 is added to read as follows:

SEC. 4.20 *Compressed gas cylinder demurrage.* (a) Notwithstanding any other provision of the General Maximum Price Regulation, a seller of a compressed gas who is lawfully required by his supplier to pay demurrage on a compressed gas cylinder may require his purchasers to pay demurrage on such cylinder in the same amount on the same terms as are lawfully imposed on the seller by his supplier.

(1) Any seller who institutes or modifies a cylinder demurrage charge under this paragraph (a) shall, with or prior to the first delivery to each buyer which is subject to such demurrage charge, furnish such buyer with a written notice containing the following:

(i) A full statement as to the amount of and the conditions governing the demurrage charge.

(ii) A statement that the demurrage charge is instituted under the provisions of section 4.20 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation together with a copy of this paragraph (a).

(2) Any reseller of a compressed gas who receives from his supplier the notice required by subparagraph (1) shall, so long as the Emergency Price Control Act of 1942, as amended, remained in effect, retain such notice for inspection by the Office of Price Administration or any buyer during ordinary business hours.

(b) Where the seller of a compressed gas who owns the cylinders in which it is sold may not, under the provisions of the General Maximum Price Regulation, impose any cylinder demurrage charge on sales of such compressed gas to a class of purchasers, he may, on approval of the Office of Price Administration, institute a cylinder demurrage charge on sales of such compressed gas to that class of purchasers which is of an amount and subject to such conditions as are in line with those in effect by competitive sellers of such compressed gas to purchasers of the same class.

(1) A written application for approval of such a demurrage charge and the conditions governing the same shall be made in writing to the appropriate field office of the Office of Price Administration. Such application shall show:

(i) The compressed gas and the class of purchasers to whom it is proposed to institute a cylinder demurrage charge.

(ii) The proposed demurrage charge and proposed conditions to govern the same.

(iii) The names and addresses of the nearest three competitive sellers of such compressed gas, and the cylinder demurrage charges and governing conditions imposed by such sellers on sales of such compressed gas to purchasers of the same class. Where the applicant is unable to furnish the information as to the cylinder demurrage charges and governing conditions imposed by such sellers and so certifies, he may omit this information.

(2) The proposed demurrage charges and governing conditions shall be considered as approved unless the Office of Price Administration specifically disapproves them within thirty days after the application is mailed. They shall be subject to adjustment at any time by the Office of Price Administration.

(3) Any regional office of the Office of Price Administration, or such other offices as may be authorized by order issued by the appropriate regional offices, may approve, disapprove, and make adjustments in demurrage charges and governing conditions reported under this paragraph (b).

(4) Any seller who institutes a cylinder demurrage charge under this paragraph (b) shall, with or prior to the first delivery to each buyer which is subject to such demurrage charge, furnish such buyer with the written notice specified in paragraph (a) (1). Any reseller of a compressed gas who receives such notice from his supplier shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect retain such notice for inspection by the Office of Price Administration or any buyer during ordinary business hours.

This amendment shall become effective February 8, 1944.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1639; Filed, February 2, 1944; 12:00 m.]

*Copies may be obtained from the Office of Price Administration.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 179]

UNLOADING OF MATERIAL AT ST. LOUIS, MO., FOR SIGNAL CORPS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of February, A. D. 1944,

It appearing, that two (2) cars, CN 472301 and RI 262842, loaded with material for the Philadelphia Signal Corps of the United States Army have been on hand since December 24 and 27, 1943, respectively, on the Manufacturers Railway Company at St. Louis, Missouri, and that the delay in moving or unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.329 *Material at St. Louis, Missouri, for Signal Corps to be unloaded.* The Manufacturers Railway Company, a common carrier subject to the Interstate Commerce Act, and its agents or employees shall unload forthwith CN 472301 and RI 262842 on hand at St. Louis, Missouri, on the said railway loaded with material consigned, or to be consigned, to the Philadelphia Signal Corps of the United States Army. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Manufacturers Railway Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1637; Filed, February 2, 1944; 11:43 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order CMA-18]

BOARDMAN COAL MINING CO.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that the coal mines of the mining companies listed in Appendix A have a daily production of less than fifty tons. Based on such advice, and after consideration of all the circumstances, I find that possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, which is attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines, be, and they are hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 1, 1944.

APPENDIX A

Name of Mining Company and Address

1. Boardman Coal Mining Company, Clearfield, Pa.
2. Potts Run Coal Company, Clearfield, Pa.
3. Roys Smithing Coal Company, Somerset, Pa.

[F. R. Doc. 44-1628; Filed, February 2, 1944; 9:37 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 33 Under RMPR 148, Amdt. 5]

DRESSED HOGS AND WHOLESALE PORK CUTS

ARIZONA DESIGNATED AS CRITICAL AREA

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1617; Filed, February 2, 1944; 9:11 a. m.]

[Order 34 Under RMPR 148, Amdt. 4]

SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment 4 to Order No. 34 under Revised Maximum Price Regulation No. 148. Dressed hogs and wholesale pork cuts.

The second paragraph of Order No. 34 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1619; Filed, February 2, 1944; 9:10 a. m.]

[Order 35 Under RMPR 148, Amdt. 4]

STATE OF NEVADA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment 4 to Order No. 35 under revised Maximum Price Regulation No. 148. Dressed hogs and wholesale pork cuts.

The second paragraph of Order No. 35 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1620; Filed, February 2, 1944; 9:11 a. m.]

[Order 36 Under RMPR 148, Amdt. 5]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment 5 to Order No. 36 under Revised Maximum Price Regulation No. 148. Dressed hogs and wholesale pork cuts.

The second paragraph of Order No. 36 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1621; Filed, February 2, 1944; 9:10 a. m.]

[Order 28 Under RMPR 169, Amdt. 5]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

ARIZONA DESIGNATED AS CRITICAL AREA

The second paragraph of Order No. 28 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1626; Filed, February 2, 1944; 9:09 a. m.]

[Order 30 Under RMPR 169, Amdt. 4]

SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment 4 to Order No. 30 under Revised Maximum Price Regulation No. 169. Beef and veal carcasses and wholesale cuts.

The second paragraph of Order No. 30 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1627; Filed, February 2, 1944; 9:09 a. m.]

[Order 32 Under RMPR 169, Amdt. 4]

STATE OF NEVADA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment 4 to Order No. 32 under Revised Maximum Price Regulation No. 169. Beef and veal carcasses and wholesale cuts.

The second paragraph of Order No. 32 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1616; Filed, February 2, 1944; 9:09 a. m.]

[Order 33 Under RMPR 169, Amdt. 5]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment 5 to Order No. 33 under Revised Maximum Price Regulation No. 169. Beef and veal carcasses and wholesale cuts.

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1618; Filed, February 2, 1944; 9:10 a. m.]

[Order 1 Under RMPR 239, Amdt. 5]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

ARIZONA DESIGNATED AS CRITICAL AREA

The second paragraph of Order No. 1 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1622; Filed, February 2, 1944; 9:10 a. m.]

[Order 2 Under RMPR 239, Amdt. 4]

SAN DIEGO, CALIF.

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment 4 to Order No. 2 under Revised Maximum Price Regulation No. 239. Lamb and mutton carcasses and cuts at wholesale and retail.

The second paragraph of Order No. 2 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1623; Filed, February 2, 1944; 9:10 a. m.]

[Order 3 Under RMPR 239, Amdt. 5]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment 5 to Order No. 3 under Revised Maximum Price Regulation No. 239. Lamb and mutton carcasses and cuts at wholesale and retail.

The second paragraph of Order No. 3 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1624; Filed, February 2, 1944; 9:10 a. m.]

[Order 4 Under RMPR 239, Amdt. 4]

STATE OF NEVADA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment 4 to Order No. 4 under Revised Maximum Price Regulation No. 239. Lamb and mutton carcasses and cuts at wholesale and retail.

The second paragraph of Order No. 4 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including June 30, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1625; Filed, February 2, 1944; 9:10 a. m.]

Regional and District Office Orders.

[Region III Order G-13 Under MPR 329, Redesignated as G-12]

FLUID MILK IN MANISTEE COUNTY, MICH.

Correction to Order No. G-13 (formerly designated Order No. G-13) under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

On December 4, 1943, a general order was duly issued, effective December 4, 1943, by the Cleveland Regional Office of Region III of the Office of Price Administration, adjusting the maximum prices for purchases of milk from producers for resale as fluid milk, applicable to milk distributors in the County of Manistee in the State of Michigan. By inadvertence, said order was erroneously designated Order No. G-13, rather than G-12 under Maximum Price Regulation No. 329. The title of said order is therefore corrected to read as folows: "Order No. G-12 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk."

For the same reason, the title of the opinion accompanying said order is also corrected to read as follows: "Opinion accompanying Order No. G-12 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk."

This eorrection shall beocme effective January 26, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 26, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-1607; Filed, February 1, 1944; 12:14 p. m.]

[Region VI Rev. Order G-96 Under 18 (c)]

FIREWOOD IN UPPER WISCONSIN

Revised Order No. G-96 under § 1499.-18 (c) of the General Maximum Price Regulation. Firewood prices in upper Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *What this order does.* This order completely revises the previously existing Order No. G-96, as amended. The new order establishes ceiling prices for all types of sellers of firewood. Sections

(b) (1) and (b) (2) establish dollars-and-cents ceiling prices for sales by producers to consumers and retailers. Ceiling prices for sales by producers to wholesalers are established by a percentage off the table of ceiling prices for sales to retailers. Provision is made for specific deductions and additions determined by the basis of delivery used. Paragraph (c) establishes ceiling prices for wholesalers, and paragraphs (d), (e) and (f), maximum prices for retail dealers. The dealer's maximum prices are in the main based upon current costs plus March 1942 margins. The ceiling price is recalculated from month to month to reflect changes in cost. Paragraph (g) provides special methods for pricing specialty woods, including kindling. No person may sell firewood at prices higher than the ceiling price provided in this order.

(b) *Ceiling prices for sales by producers of firewood.* The ceiling prices for sales of firewood loaded in freight cars at producer's plant, or delivered within producer's free delivery zone shall be the prices set forth in subparagraphs 1, 2 and 3 of this section. From these amounts shall be deducted, or to these amounts shall be added the deductions or additions applicable to the type of delivery described in subparagraph 4.

(1) *Sales to consumers.* Ceiling prices for sales by producers to consumers shall be the prices set forth in the following table, Schedule A.

SCHEDULE A.—PRODUCER TO CONSUMER

	Hard wood			Mixed wood			Soft wood		
	Body or block wood	Bundled edgings	Slab wood	Body or block wood	Bundled edgings	Slab wood	Body or block wood	Bundled edgings	Slab wood
Standard cord of 48" or 8' lengths	$12.35	$8.80	$8.00	$6.65	$6.90	$6.25	$7.70	$5.50	$5.00
Single cord of 24" lengths	7.05	5.05	4.60	5.60	3.95	3.60	4.45	3.20	2.90
Single cord of 16" lengths	5.30	3.75	3.40	4.05	2.95	2.65	3.30	2.35	2.10
Single cord of 12" lengths	4.25	3.05	2.75	3.35	2.35	2.15	2.35	1.90	1.75

(2) *Sales to retail dealers.* Ceiling prices for sales by producers to retail dealers shall be the prices set forth in the following table, Schedule B. These are also the ceiling prices for sales by wholesalers to retail dealers.

SCHEDULE B.—PRODUCER AND WHOLESALER TO RETAILERS

	Hard wood			Mixed wood			Soft wood		
	Body or block wood	Bundled edgings	Slab wood	Body or block wood	Bundled edgings	Slab wood	Body or block wood	Bundled edgings	Slab wood
Standard cord of 48" or 8' lengths	$10.50	$7.50	$6.80	$8.20	$5.85	$5.30	$6.55	$4.65	$4.25
Single cord of 24" lengths	6.00	4.30	3.90	4.75	3.35	3.05	3.80	2.70	2.45
Single cord of 16" lengths	4.50	3.20	2.90	3.45	2.50	2.25	2.90	2.00	1.80
Single cord of 12" lengths	3.60	2.60	2.35	2.85	2.00	1.85	2.25	1.60	1.50

(3) *Sales to wholesalers.* The ceiling prices for sales by producers to wholesalers shall be the ceiling prices set forth in Schedule B above, less a sum equivalent to 20% thereof with respect to soft woods, and 15% thereof with respect to hard and mixed woods.

(4) *Delivery allowances and deductions.* Where wood is sold on some basis other than loaded on freight cars at the producer's plant, or delivered within the producer's free delivery zone (as that term is defined in section (e) (14) of this order), the following additions may, and the following deductions must, be made:

(i) Where firewood is picked up by the buyer at the producer's place of business, the following deductions from the ceiling prices above established must be made:

Standard cord of 48" or 8' lengths	$1.00
Single cord of 24" lengths	.55
Single cord of 16" lengths	.40
Single cord of 12" lengths	.30

(ii) For deliveries of a minimum load of 128 cu. ft. of firewood beyond the seller's free delivery zone, if delivery is made by seller's own truck, the following delivery charges may be added:

Distance beyond free delivery zone:	*Allowance per minimum load of 128 cu. ft.*
Not over 5 miles	$0.75
Over 5 miles but not over 10 miles	1.50
Over 10 miles but not over 15 miles	2.00
Over 15 miles	2.25

(iii) If deliveries of firewood are made in amounts less than 128 cu. ft. the maximum delivery allowance set forth in the table in subparagraph (ii) above shall be reduced in the proportion which the actual load bears to 128 cu. ft.

(iv) If delivery is made by common or contract carrier a seller may add the actual amount paid to such a carrier, but in no event an amount exceeding the lawful maximum rate for such delivery.

(5) *Test loads.* When a producer sells firewood all of the same size and type by the rail carload, he may weigh one cord of the wood sold and determine the total number of such cords in the carload by dividing the net weight of the carload by the weight of such "test" cord.

(6) *Ceiling prices of specialty firewoods.* The maximum price which a producer may charge for specialty firewoods shall be a price in line with the prices provided in this order, but in no event higher than the prices arrived at by the following procedure:

(i) The seller shall first take the maximum price established by him under the General Maximum Price Regulation for the longest length of slab wood of the same type of wood as the specialty firewood to be priced, that is, hard wood, mixed wood or soft wood.

(ii) The seller shall next find the maximum price established by this order for slab wood of the same type and lengths as that selected pursuant to subparagraph (i).

(iii) The seller shall next divide the price determined in accordance with subparagraph (ii) by the price determined in accordance with subparagraph (i).

(iv) The seller shall finally use the number obtained as provided in subparagraph (iii) to multiply the maximum price established by him under the General Maximum Price Regulation for the specific specialty firewood item to be priced. The result shall be the maximum price for such specialty firewood item under this order.

(c) *Sales to retail dealers by persons other than producers.* The ceiling prices for sales by wholesalers and all other persons other than producers, to retail dealers shall be the ceiling prices set forth in Schedule B, (paragraph (b) (2)) subject to the delivery allowances and deductions provided in section (b) (4).

(d) *Ceiling prices for retail dealers.* The ceiling prices for retail dealers shall be determined as hereinafter set forth:

(1) *Where retail dealer performs no processing.* The ceiling prices for retail dealers for each kind and type of wood which is purchased by such dealer in substantially the same form as sold, and which is not sawed or otherwise processed by such dealer, shall be prices determined as nearly as possible by adding the margin obtained in March 1942 to current costs. The ceiling price shall be computed from month to month in accordance with the following directions:

(i) Determine the highest price charged in March 1942 for each kind, size and type of firewood.

(ii) Add to this amount, the amount by which the "current net landed cost" (as defined in the next two paragraphs) exceeds the "net landed cost" incurred in the last purchase made prior to March 31, 1942.

(iii) "Net landed cost" means the cost of firewood delivered at retail dealer's yard. Where wood is bought on some other basis, it means the actual cost, f. o. b. place of purchase, plus costs, if any, of loading, transportation and unloading incurred in bringing the wood to the yard. Where wood is bought on a basis other than f. o. b. dealer's yard, records must be preserved and made available for inspection on the basis of which such costs can be determined.

(iv) "Current net landed cost" of any type, size and kind of firewood means the "net landed cost" incurred in the largest purchase of such size, kind and type of firewood made during the month preceding sale, if a purchase was made during such month; if not, then the cost of the largest purchase during the last month preceding the month of sale in which such a purchase was made.

(v) The ceiling price for a kind, size or type of firewood not sold, or offered for sale, during March 1942, shall be the "current net landed cost" of such firewood plus a dollar margin equivalent to the dollar margin (as determined under this order) on that type of firewood, the sales of which represented the largest volume during the month of March 1942.

(2) *Ceiling prices for retail dealers who saw or otherwise process firewood.* Where a retailer buys some kind and type of firewood and saws such firewood into various lengths or otherwise processes it, he shall use the method of establishing a ceiling price provided in subparagraph (d) (1), if in March 1942 he sold the same kind and type of firewood sawed or processed in the same manner and to the same extent. If his method of sawing or processing is substantially different from the method adopted with respect to wood sold in March 1942, he shall determine his maximum price under subparagraph (d) (3).

(3) *Maximum prices for retail dealers who cannot price under subparagraphs (d) (1) and (2).* Retail dealers who cannot establish a maximum price for any kind, size or type of firewood under the paragraphs (d) or (e) because they sold no firewood during March 1942 or because they saw or otherwise process firewood in a manner or to an extent substantially different from that in which such sawing or processing was performed during March 1942, or for any other reason, shall apply to the appropriate district office of the Office of Price Administration for ceiling prices or for a pricing method whereby such ceiling prices may be determined. Such applications shall be filed by any dealer now selling firewood on or prior to January 1, 1944, and by any other retail dealer prior to making any sales. Such applications shall state:

(i) The kind, size and type of firewood to be sold.

(ii) The names and addresses of the two retail dealers located closest to applicant's place of business.

(iii) An analysis of transportation, sawing, handling, loading, unloading and other costs, if any, incidental to the sale of each kind, size and type of firewood.

(iv) Such other information as the Office of Price Administration may request.

Upon application, the Office of Price Administration will establish ceiling prices for a method for establishing ceiling prices which will be in line with the general level of ceiling prices established under this order.

(e) *Definitions; as used in this order.* (1) "Firewood" means body or block wood, slab wood or bundled edgings used as stove or furnace fuel cut in lengths of approximately 48", 24", 16" or 12". "Firewood" shall also include such wood when cut in approximately 8' lengths when sold for use ultimately as fuel.

(2) "Body or block wood" means those types of wood commonly referred to as body, block or chunk wood. "Body or block wood" is distinguished from "slab wood" or "edgings" in that a piece of such wood includes a larger portion of the original piece of wood from which it is cut than does a piece of "slab wood" or "edgings" of equal lengths.

(3) "Slab wood" means wood cut from the sides of a log or bolt.

(4) "Bundled edgings" means wood cut from the side of a piece of lumber and tied into bundles in accordance with accepted trade practices.

(5) "Hard wood" means firewood, at least 90% of which is produced from the botanical species of brown ash (Fraxinum nigra), beech (Fagus americana), rock elm (Ulmus thomasi), hard maple (Acer saccharum), and the commercial species of the genera birch (Betula) soft elm (Ulmus), soft maple (Acer), oak (Querous), and all other hardwood species except aspen (Populus tremuloides Michx) and basswood (Tilia).

(6) "Mixed wood" means firewood, at least 40% of which is produced from the botanical species of brown ash (Fraxinum nigra), beech (Fagus americana), rock elm (Ulmus thomasi), hard maple (Acer saccharum), and the commercial species of the general birch (Betula), soft elm (Ulmus), soft maple (Acer), oak (Querous), and all other hardwod species except aspen (Populus tremuloides Michx) and basswood (Tilia).

(7) "Soft wood" means any firewood which does not qualify as hard wood or mixed wood.

(8) A "producer" means a person who produces firewood:

(a) By removing it from the forest or woodlot, or

(b) As a result of the operation of a sawmill, veneer mill, or any other type of wood working plant.

(9) A "retail dealer" means a seller of firewood who produces no firewood but acquires firewood from producers or from other dealers. Cutting firewood into smaller lengths than the lengths in which it was acquired or purchased shall not be considered to be producing firewood.

(10) A "standard cord of 48" or 8' lengths" means a pile of firewood of approximately 4' lengths piled 4' high and 8' wide, or a pile of firewood of approximately 8' lengths piled 4' high and 4' wide.

(11) A "single cord of 24" lengths" means a pile of firewood of 20" to 28" lengths piled 4' high and 8' wide.

(12) A "single cord of 16" lengths" means a pile of firewood of 14" to 20" lengths piled 4' high and 8' wide.

(13) A "single cord of 12" lengths" means a pile of firewood of 12" to 14" lengths piled 4' high and 8' wide.

(14) A seller's "free delivery zone" is the corporate limits of the city village, if any, in which the seller is located but in no event an area smaller than the area within a radius of one mile of the seller's place of business.

(15) A "specialty firewood" means kindling or wood which is produced as a by-product at a sawmill, veneer mill, flooring mill or other wood-working plant, either in random lengths or uneven shapes and sizes so that it cannot practicably be piled and sold in cords. Examples of "specialty firewood" are flooring clippings and defective bowling pins.

(f) *Geographical applicability.* This order shall apply to all sales by any persons whose places of business are located within the following counties, all within the State of Wisconsin:

Adams, Barron, Brown, Buffalo, Calumet, Chippewa, Clark, Door, Dunn, Eau Claire, Florence, Forest, Green Lake, Jackson, Juneau, Kewaunee, La Crosse, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Monroe, Oconto, Oneida, Outagamie, Pepin, Portage, Price, Rusk, Shawano, Taylor, Trempealeau, Vilas, Waupaca, Waushara, Winnebago, Wood.

(g) *Effect on other orders.* This order supersedes and revokes former Order G-96 and Order No. G-38 under § 1499.18 (c) of the General Maximum Price Regulation (formerly known as Regional Order No. 47) insofar as the latter applies to the counties covered by this order.

(h) *Revocability.* This order may be amended, modified or revoked at any time.

(i) *Effective date.* This order shall become effective December 20, 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 10th day of December 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 44-1608; Filed, February 1, 1944; 12:14 p. m.]

[Region I Order G-19 Under SR 15, MPR 280 and MPR 329, Amdt. 8]

FLUID MILK IN NEW HAMPSHIRE

Amendment No. 8 to Order No. G-19 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329 (formerly General Order 19). Fluid milk in New Hampshire.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Adminstrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280, and § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That the subdivisions designated as Zone 3, Zone 4, Zone 5, and Zone 6 in paragraph (b) (2) and subparagraphs (2), (3), (4), (5) and (6) of paragraph (d) be amended and that subparagraph (8) of paragraph (1) be added to read as set forth below:

(b) * * *

(2) * * *

Zone 3—For the following milk marketing areas:

(59)—Northfield and Tilton; (51)—Tamworth, Eaton, Madison, Freedom, Effingham and Ossipee; (19)—Conway, $3.72.

(23)—Milford, Amherst, Wilton; (71)—Merrimack; (79)—Brookline; (75)—Harrisville and Dublin; (41)—Winchester; (66)—Millsborough; (42)—Goffstown; (61)—Allenstown and Pembroke; (81)—Rollinsford; (69)—South Hampton; (7)—Newfields and Newmarket; (13)—Farmington; (25A)—Alton, Moultonborough, Center Harbor, Meredith, parts of Holderness and New Durham, $3.95.

(16)—Berlin and Gorham, $3.49.

Provided, further, That payments of differentials for butterfat content in excess of 3.7% are to be made in Area (16) on the basis of the calculations of the Federal Milk Marketing Administrator for Boston as announced from time to time by the New Hampshire Milk Control Board, as is now the customary practice throughout all other areas in the State of New Hampshire.

Zone 4—For the following milk marketing areas and the town of Hinsdale:

(17)—Lebanon; (30)—Hanover; (40)—Enfield, $3.49.

(11)—Bristol; (29)—Bridgewater and Hebron; (57)—Plymouth, Ashland and part of Holderness; (28)—Gilmanton; (15)—Claremont; (73)—Newport, Sunapee, and New London, $3.72.

(87)—Epping; (39)—Raymond; (18)—Peterborough; (50)—New Ipswich; (78)—Rindge; (49)—Greenville; and the Town of Hinsdale, $3.95.

Zone 5—For the following milk marketing areas; and the towns of Troy and Warner:

(52)—Milton, Wakefield, Brookfield, Middleton, $3.49.

(67)—Weare; (45)—Antrim; (44)—Hopkinton; (77)—Epsom, Northwood and Strafford; (74)—Pittsfield; (80)—Belmont; (64)—North Walpole; (36)—Charlestown; (76)—Rumney; (20)—Lancaster; (31)—Bethlehem; (32)—Littleton; (33) Lisbon; (35) Northumberland; (60) Whitefield; (63)—Carroll-Hart's Location; (72)—Woodstock, Lincoln, Thornton; (83)—Haverhill; and the towns of Troy and Warner, $3.72.

(55)—Danville, $3.84.

Zone 6—For the following milk marketing areas:

(43)—Henniker; (14)—Greenfield; (70)—New Boston, $3.72.

(62)—Franconia; (56)—Campton; (85)—Lyme, $3.49.

For the following localities not subject to New Hampshire Milk Control Board orders: Jefferson, Kilkenny, Stark, Randolph, Shelburne, Success and Milan, $3.37.

(d) • • •

(2) Zone 2 shall include:

#2—The Town of Jaffrey.

#12—The City of Keene and the Towns of Marlboro and Swanzey.

#27—The Towns of Wolfeboro and Tuftonboro.

#25—The City of Laconia and the Towns of Sanbornton and Gilford and that part of Belmont which is within one mile of the shore of Lake Winnisquam, together with that part of Tilton between the Daniel Webster Highway and Lake Winnisquam.

#34—The City of Franklin.

(3) Zone 3 shall include:

#7—The Towns of Newmarket and Newfields.

#61—The Town of Rollinsford.

#69—The Town of South Hampton.

#51—The Towns of Ossipee, Effingham, Freedom, Madison, Eaton and Tamworth.

#19—The Town of Conway.

#16—The City of Berlin and the Town of Gorham.

#25A—The Towns of Alton, Moultonborough, Center Harbor, Meredith and that part of the Town of New Durham which is more than one mile north of State Highway No. 11 and the Town of Holderness except such portion of said town as lies within three miles of the Plymouth-Holderness Town Line.

#59—The Towns of Tilton and Northfield, exclusive of that part of Tilton heretofore included in Market Area #25.

#13—The Town of Farmington.

#61—The Towns of Pembroke and Allenstown.

#66—The Town of Hillsborough and that part of the Town of Deering which is within one mile of the Hillsborough-Deering Town Line.

#42—That part of the Town of Goffstown not included in Market Area #38 and that portion of the Village of Riverdale which is in the Town of Weare.

#41—The Town of Winchester.

#75—The Towns of Dublin and Harrisville.

#23—The Towns of Milford, Amherst and Wilton.

#71—The Town of Merrimack.

#79—The Town of Brookline.

(4) Zone 4 shall include:

#49—The Town of Greenville.

#87—The Town of Epping.

#39—The Town of Raymond.

#11—The Town of Bristol, exclusive of that part of the Town of Bristol, which is included in Market #29. (Newfound Lake Market Area.)

#29—The Towns of Hebron and Bridgewater and that part of Alexandria lying between the shore of Newfound Lake and an imaginary line parallel with and one-quarter mile westerly of the main road from Bristol to Hebron Village and that part of Bristol which lies between the western shore of said Lake and an imaginary line parallel with and one-quarter mile westerly from the main road from Bristol to Hebron Village. Also such part of Bristol which lies within one-quarter of a mile of the southern shore line of said Lake and also such part of Bristol within one-half mile of the easterly shore line of said Lake and all islands within said Lake.

#57—The Towns of Plymouth and Ashland and that part of the Town of Holderness as lies within three miles of the Plymouth-Holderness town line.

#18—The Town of Peterborough.

#50—The Town of New Ipswich.

#78—The Town of Rindge.

#28—The Town of Gilmanton.

#15—The Town of Claremont.

#73—The Towns of Newport, Sunapee and New London.

#40—The Town of Enfield.

#30—The Town of Hanover.

#17—The Town of Lebanon.

Not subject to any order of the New Hampshire Milk Control Board—The Town of Hinsdale.

(5) Zone 5 shall include:

#67—The Town of Weare with the exception of the Village of Riverdale.

#45—The Town of Antrim.

#44—The Town of Hopkinton.

#77—The Towns of Epsom, Northwood and Strafford.

#74—The Town of Pittsfield.

#52—The Towns of Milton, Wakefield, Brookfield and Middleton.

#80—The Town of Belmont with the exception of that part which is within one mile of the shore of Lake Winnisquam.

#72—The Towns of Woodstock, Lincoln and Thornton.

#33—The Town of Lisbon and that part of the Town of Landaff between the Lisbon-Landaff town line and the Boston & Maine new underpass.

#83—The Town of Haverhill and that part of the Town of Bath that is included in the Woodsville precinct for school purposes.

#31—The Town of Bethlehem.

#63—The Towns of Carroll and Hart's location.

#60—The Town of Whitefield.

#20—The Town of Lancaster.

#35—The Town of Northumberland.

#32—The Town of Littleton.

#64—That part of the Town of Walpole known as North Walpole and extending southerly from North Walpole Village to a distance of 500 feet southerly from Cold River.

#36—The Town of Charlestown.

#55—The Town of Danville.

#76—The Town of Rumney.

and the following towns, not subject to orders of the New Hampshire Milk Control Board:

Troy and Warner.

(6) Zone 6 shall include:

#62—The Town of Franconia.

#14—The Town of Greenfield.

#70—The Town of New Boston.

#43—The Town of Henniker.

#56—The Town of Campton.

#85—The Town of Lyme.

and the following localities not subject to New Hampshire Milk Control Board orders: Jefferson, Kilkenny, Stark, Randolph, Shelburne, Success and Milan.

(1) • • •

(8) Amendment No. 8 shall become effective January 1, 1944, at 12:01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-1569; Filed, January 31, 1944; 11:56 a. m.]

[Region IV Order G-28 Under 18 (c), Amdt. 1]

FIREWOOD IN ALBEMARLE, N. C.

Amendment No. 1 to Order No. G-28 under § 1499.18 (c) of the General Maximum Price Regulation. Firewood prices in Albemarle, North Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and by General Order No. 32, *It is hereby ordered*, That paragraph (a) of Order No. G-28 under § 1499.18 (c) of the General Maximum Price Regulation be amended to read as set forth below, and that paragraph (c) is amended as set forth below:

(a) On and after January 26, 1944, the maximum prices for the kind of firewood set forth below shall be as follows:

(1) *Sales to retailers.* The maximum prices for firewood sold to retail sellers when cut in lengths 4' to 12' and delivered to the retailer's yard shall be $5.75 per cord for oak firewood and $5.00 per cord for pine firewood.

(2) *Sales to consumers.* The maximum prices for firewood sawed and delivered to consumers shall be $9.75 per cord and $3.25 per load for oak firewood and $9.00 per cord and $3.00 per load for pine firewood.

(b) • • •

Wherever the term "oak firewood" appears in paragraph (c), the word "oak" is deleted.

This Amendment No. 1 to Order No. G-28 shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued January 21, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44-1570; Filed, January 31, 1944; 11:56 a. m.]

[Louisville Order G-1 Under MPR 418, as Amended]

FIXED TRANSPORTATION ALLOWANCES FOR FISH WHOLESALERS IN DESIGNATED COUNTIES IN KENTUCKY AND INDIANA

Louisville District Order No. G-1 under section 7 (b) of Maximum Price Regulation No. 418, as amended. An order establishing fixed transportation allowances for fish wholesalers in Jefferson County, Kentucky, Floyd County, Indiana, and Clark County, Indiana. Fresh fish and sea food.

For reasons set forth in an opinion issued simultaneously herewith, and under the authority delegated to the District Director of the Louisville District by the Regional Administrator of Region III by virtue of Delegation Order No. 1-A, Amendment 7, effective December 1, 1943, it is hereby ordered that:

SECTION 1. *Exclusive transportation allowance.* In determining maximum prices under the provisions of Maximum Price Regulation No. 418 for sales of the hereinafter designated species of fish and sea food at wholesale, every person making such sales to retail establishments shall substitute in lieu of actual costs of transportation the following exclusive transportation allowance:

$3.50 per hundredweight.

No additions may be made for local hauling, icing, or handling.

SEC. 2. *Species of fish and sea food included.* Provisions of this order shall apply to sales of the following designated species of fresh fish:

Locally known as Flounder: Blackback, Seadab, Yellowtail; Haddock; Hake; Herring; Rosefish; Pollock; Whiting; Cod (Atlantic).

SEC. 3. *Effective date and geographical application.* This order shall be effective on January 27, 1944, and shall apply to all sales made by wholesalers in the Greater Louisville Area to retailers in the Greater Louisville Area, which includes Jefferson County, Kentucky, Floyd County, Indiana, and Clark County, Indiana.

This order may be revised, revoked, or amended at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

GEO. H. GOODMAN,
District Director.

[F. R. Doc. 44-1575; Filed, January 31, 1944; 4:12 p. m.]

[Region VII Order G-1 Under SR 14A]

SALE OF FLUID MILK TO ARMY AND NAVY IN SALT LAKE CITY AREA, UTAH

Order No. G-1 under § 1499.73a (a) (1) (iii) (c) of Supplementary Regulation 14A to the General Maximum Price Regulation. Adjusted prices for sale of fluid milk to the Army and Navy in the Salt Lake City Area, State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.73a (a) (1) (iii) (c), Supplementary Regulation 14A to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Order No. G-1 is issued.

(a) *What this order does.* This order adjusts the maximum price of milk sold by the quart to the Army and Navy by distributors in the Salt Lake City Area of the State of Utah.

(b) *Specific maximum price.* The maximum price of fluid milk sold in glass or paper containers to the Army or Navy for delivery within the Salt Lake City Area or sold f. o. b. the seller's dock or place of business in said Salt Lake City Area to the Army or Navy for use at a place outside of said Salt Lake City Area shall, on and after the effective date of this order, be 11.27¢ per quart.

(c) *Geographical applicability.* This order applies only to the Salt Lake City Area, which means all of the area in the State of Utah contained within the municipal boundaries of Salt Lake City and a distance of 15 miles beyond at all points.

(d) *Applicability to other regulations.* Except insofar as provided otherwise in this order No. G-1, all sellers of fluid milk to the Army or Navy in glass bottles or paper containers in the Salt Lake City Area shall remain subject to and be required to comply with all other applicable regulations.

(e) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who makes sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(f) *Effective date.* This order shall be effective retroactively as of December 13, 1943.

(56 Stat. 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1576; Filed, January 31, 1944; 4:12 p. m.]

[Denver Order G-3 Under 3 (c)]

ELECTRIC DRY CELL BATTERIES PURCHASED BY JAKE HAYUTIN AND SONS

Order No. G-3 issued under § 1499.3 (c) of the General Maximum Price Regulation. Order establishing maximum prices for electric dry cell batteries purchased by Jake Hayutin and Sons, Denver, Colorado.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director by General Order No. 32, as amended, and Region VII Delegation Order No. 4, under § 1499.3 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum prices for electric dry cell batteries on sales at retail.* The maximum price on sale at retail in Colorado to be charged by Jake Hayutin and Sons, whose address is 1426 Larimer Street, Denver 2, Colorado, and whose establishment is at that address, and by all sellers subsequent to said Jake Hayutin and Sons, for an electric dry sell battery which has been purchased by said Jake Hayutin and Sons from or through Brigham Harbertson and James Harbertson, of Ogden, Utah, shall be 80 percent of the highest retail list price of the nearest comparable new Burgess, General, National or Ray-O-Vac electric dry cell battery made and sold for civilian use.

(b) *Maximum prices for electric dry cell batteries on sales other than at retail.* The maximum price on sale in Colorado other than at retail to be charged by said Jake Hayutin and Sons and by all other sellers subsequent to said Jake Hayutin and Sons for an electric dry cell battery which has been purchased by said Jake Hayutin and Sons from or through Brigham Harbertson and James Harbertson, of Ogden, Utah, shall be the maximum price of such electric dry cell battery upon sale at retail, as determined under the provisions of this order, less a discount of 30 percent and 10 percent when sold to jobbers, or less a discount of 30 percent and a discount for cash of 2 percent when sold to retailers.

(c) *Description of electric dry cell batteries covered by this order.* This order relates to the maximum prices of only those electric dry cell batteries which were, prior to the date of this order, purchased by said Jake Hayutin and Sons from or through said Brigham Harbertson and James Harbertson, of Ogden, Utah, and which, previous thereto, had been owned by the United States Army and had been kept at the Utah Army Services Depot at Hill Field, Utah, and had been sold because some of them were overage and the rest of them had been stored in a place which was near a fire which had broken out. Furthermore, this order applies only to such of the electric dry cell batteries above described which are at the time of sale in a usable condition, that is, which have at the time of sale sufficient electrical capacity to fill initially the purpose for which they are to be used.

(d) *Notification of maximum prices.* Each person who shall sell any electric dry cell batteries which are covered by this order to any purchaser who buys them for resale shall, at the time of or prior to the delivery to such purchaser of such batteries, notify such purchaser of the provisions of this order by which are determined the maximum wholesale

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and retail prices of such batteries and of the provisions of this order relating to notification of maximum prices.

(e) *Coverage by General Maximum Price Regulation.* In all particulars which are not specifically covered or which are excepted by this order, all sellers of electric dry cell batteries which are covered by this order shall be subject to the provisions of the General Maximum Price Regulation with respect to the sales of such batteries.

(f) *Modification and adjustment.* This order may be revoked, amended, or corrected at any time, and any maximum price determined under this order shall be subject to modification and adjustment by the Office of Price Administration and this order shall be superseded by any appropriate maximum price regulation or amendment to maximum price regulation which may hereafter be issued which fixes or establishes maximum prices for electric dry cell batteries.

(g) *Keeping of copy of order.* Said Jake Hayutin and Sons shall keep a copy of this order in its establishment at 1426 Larimer Street, Denver, Colorado.

(h) *Effective date.* This order becomes effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of January 1944.

GEO. M. BULL,
District Director.

[F. R. Doc. 44-1577; Filed, January 31, 1944; 4:12 p. m.]

[Region VIII Order G-3 Under MPR 376, Revocation]

TOMATOES IN SAN FRANCISCO REGION, CALIF.

Order revoking Order No. G-3 under section 4 (c) of Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables (fresh tomatoes).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, and section (c) of Order G-3, Order G-3, under section 4 (c) of Maximum Price Regulation No. 376, as amended, is hereby revoked.

This order shall become effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9326, 8 F.R. 4681)

Issued this 24th day of January 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1578; Filed, January 31, 1944; 4:13 p. m.]

FEB 7 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 25

Washington, Friday, February 4, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[FPO 9, Rev. 3, Director's Order 5]

PART 1220—FEED

SET ASIDE REQUIREMENTS FOR PROCESSORS

Pursuant to the authority vested in me by Food Production Order No 9, Revision No. 3 (8 F.R. 16960), issued on December 18, 1943, and to effectuate the purposes of such order pertaining to set aside requirements for oilseed meal produced by processors, and to secure an equitable distribution of such oilseed meal, it is hereby ordered, that:

§ 1220.7 *Set aside requirements for processors of oilseed for March 1944*—(a) *Amount to be set aside.* Each processor shall set aside at each processing plant operated by him 20 percent of his production of cottonseed, soybean, linseed and peanut oil meal, cake or pellets (hereinafter called "oilseed meal"), during March 1944. The amount of production upon which the quantity of oilseed meal set aside is based shall not include any oilseed meal produced for the Commodity Credit Corporation under the provisions of contracts designated "CCC Soybean Form 106, 1943 Crop", and this order shall not apply to oilseed meal produced under such contracts.

(b) *Sale and delivery of oilseed meal set aside.* (1) Oilseed meal set aside pursuant to this order shall not be sold or delivered by any processor except to a buyer named in a Certificate of Designated Buyer issued by the Agricultural Conservation Committee for the State or county in which the buyer's farm or establishment is located or by the Chief of the Feed and Livestock Branch, Office of Production, War Food Administration. The certificate shall be in substantially the following form:

CERTIFICATE OF DESIGNATED BUYER

_____ is authorized to purchase and accept delivery of _____ (tons - pounds) of oilseed meal from amounts set aside by _____ of (Name of Processor) _____, pursuant to the order (Address of Processor) of the Director of Food Production. (If, for any reason, delivery of oilseed meal cannot be made, this certificate shall be returned by the processor to the issuing Agricultural Conservation Committee with the reasons why delivery was not made.)

FOOD PRODUCTION ADMINISTRATION.
_____ Agricultural Conservation Committee of _____
(Address)
J. B. HUTSON, *Director.*
By _____
(Chairman)
Expiration Date _____

(2) Agricultural Conservation Committees may commence issuing Certificates of Designated Buyers pursuant to this order during February 1944, and processors may commence delivery of oilseed meal pursuant to such certificates during February 1944. A processor shall be entitled to credit such deliveries made in February 1944 against the quantity of oilseed meal which he is required to set aside in March 1944, if he makes the report provided for in paragraph (d) (1) hereof.

(3) Shipment of any oilseed meal, set aside pursuant to this order, must be made by a processor within twelve days of the receipt of any such certificate.

(4) The original and the processor's copy of appropriately executed certificates shall be sent by the person responsible for their issuance directly to the processor and a copy shall be sent to the designated buyer. The designated buyer and the processor shall arrange the details of transfer of materials designated on the certificate, using such intermediary parties as the processor may designate. The processor who delivers such oilseed meal pursuant to a certificate shall file such certificate as required under the provisions of paragraph (d) (2).

(c) *Existing contracts.* If this order makes it impossible for a processor to fill all of his contracts for the delivery of oilseed meal, which are in existence on the date of the issuance of this order, he shall not, by reason of this order, re-

(Continued on next page)

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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fuse to make delivery of more than twenty percent of the oilseed meal covered by any such contract.

(d) *Processor's reports—(1) Report of tonnage for February delivery for credit against March set aside.* If a processor wishes to make deliveries of oilseed meal pursuant to this order in February 1944 for credit against his set aside in March 1944, he must report to the Director in writing (or by telegraph) not later than February 25, 1944, the estimated tonnage of each kind of oilseed meal which will be available at each of his processing plants for delivery in February 1944 for such credit. Each processor may also submit such additional information as he deems pertinent to the allocation or distribution of oilseed meal to be set aside under this order.

(2) *Report of tonnage set aside and deliveries made.* Each processor subject to this order shall file a report with the Director on FPA Form 2 not later than April 10, 1944, for each plant operated by him. Certificates of Designated Buyers, pursuant to which oilseed meal has been delivered, shall be attached to and made a part of FPA Form 2.

(e) *Certificates issued by County Agricultural Conservation Committees.* No County Agricultural Conservation Committee shall issue Certificates of Designated Buyers unless authorized to do so by its State Agricultural Conservation Committee.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Food Production, War Food Administration, Washington 25, D. C., Ref: FPO 9–5.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 9, Rev. 3, 8 F.R. 16960)

Issued this 3d day of February 1944.

D. A. FITZGERALD,
Acting Director of Food Production.

[F. R. Doc. 44–1705; Filed, February 3, 1944; 11:31 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79–136]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN AUGUSTA, GA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.171 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Augusta, Georgia, sales area, and is referred to hereinafter as the "sales area":

The city of Augusta and the militia districts numbered 119, 120, 123, 600 and 1,289, in Richmond County, Georgia, and the townships of Langley and Schultz in Aiken County, South Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting re-

quirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 15, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 1st day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-1643; Filed, February 2, 1944; 1:05 p. m.]

[FDO 79-137]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN COLUMBIA, S. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.172 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Columbia, South Carolina, sales area, and is referred to hereinafter as the "sales area":

The city of Columbia and the school districts of Columbia, Hyatt Park, Edgewood, Olympia, and St. Andrews in Richland County, and the township of Congaree in Lexington County, all in the State of South Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; *And provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 15, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 1st day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-1644; Filed, February 2, 1944; 1:05 p. m.]

[FDO 79-139]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MOBILE, ALA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.174 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Mobile, Alabama, sales area; and is referred to hereinafter as the "sales area":

The city of Mobile, Alabama and an area included within a radius of ten (10) miles of the northeast corner of the Mobile County Court House.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups

specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 15, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 1st day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-1646; Filed, February 2, 1944; 1:05 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 5—SAFEGUARDING TECHNICAL INFORMATION

WAR DEPARTMENT CONTRACTORS' REPORT OF VISITORS

Section 5.20, pertaining to responsibility of Government contractors, is amended by the addition of paragraph (c) as follows:

§ 5.20 *Responsibility of Government contractors.* • • •

(c) War Department contractors will submit to the commanding general of the service command, chief of technical service, or Commanding General Matériel Command, Army Air Forces, whichever is appropriate, to whom their plants are assigned for continuing protection, at the end of each month, and upon the completion of the work or project, a report of all visitors, except United States citizens and Canadian nationals, who have gained information concerning the classified work or projects. These reports will include the following information:

(1) Name, official position, and nationality.
(2) Authority for visit and whether written or oral.
(3) Matters in which the visitors showed the greatest interest.
(4) General nature of questions asked.
(5) Expressed object of the visit.
(6) Estimate of the real object of the visit.
(7) General estimate of ability, intelligence, and technical knowledge of the visitor and his proficiency in the English language.
(8) A brief list of what was shown and explained.

(R.S. 161; 5 U.S.C. 22) [Par. 61, AR 380-5, 28 September 1942, as amended by C 15, 22 January 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-1671; Filed, February 3, 1944; 9:59 a. m.]

Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

AMERICAN DEFENSE SERVICE MEDAL

Sections 78.42 to 78.44, inclusive, pertaining to the American Defense Service Medal, as published in the FEDERAL REGISTER 25 February 1942, (7 F.R. 1413) are retained without change in W.D. Circular No. 27, 19 January 1944.

In § 78.40 paragraphs (b) and (c) are amended and paragraph (d) is added as follows:

§ 78.40 *American Defense Service Medal; general.* • • •

(b) *Organizations in which service required.* (1) American Defense Service Medals are awarded for rendition of the prescribed service in any one or more of the following only:

• • • • • •

(v) Philippine Army and Philippine Constabulary mustered into the service of the United States.

(2) An American Defense Service Medal will not be awarded by the War Department for service in any one or more of the following:

• • • • • •

(v) Philippine Army and Philippine Constabulary not mustered into the service of the United States.

• • • • • •

(c) (1) *Metal clasp.* A metal clasp bearing the inscription "Foreign Service" is authorized to be worn on the ribbon of the American Defense Service Medal by each qualified recipient of the medal who served outside the continental limits of the United States during the period for which the medal is awarded. This includes members of the crew of a vessel sailing ocean waters, even though the vessel may have been based within the continental United States, and members of the operating crew of an airplane required to make, and actually participating in, regular and frequent trips over ocean waters beyond the continental limits of the United States even though the airplane was based within the continental United States. Not more than one such clasp is authorized.

(2) *Bronze star.* A bronze star 5/16 inch in diameter will be worn in the center of the service ribbon in lieu of the authorized clasp.

(d) *Service ribbon.* The American Defense Service Medal will not be manufactured until after the close of the present war. Pending the issue of the medal, eligible persons may purchase and wear the American Defense Service ribbon. (E.O. 8808 and 45 Stat. 500, 47 Stat. 158; 10 U.S.C. 1415a, 1415b) [Cir 27, W.D., 19 January 1944]

In § 78.41 paragraph (e) is rescinded as follows:

§ 78.41 *Award of medals.* • • •
(e) *Manufacture.* [Rescinded]

(E.O. 8808 and 45 Stat. 500, 47 Stat. 158; 10 U.S.C. 1415a, 1415b) [Cir. 27, W.D., 19 January 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-1673; Filed, February 3, 1944; 9:59 a. m.]

PART 79—PRESCRIBED SERVICE UNIFORM

WOMEN'S ARMY CORPS

Sections 79.90 to 79.95 pertaining to the service uniform of the Women's Army Corps are added. The regulations in these sections are also contained in AR 600-39, 5 January 1944, the particular sections being shown in brackets at end of sections.

Sec.
79.90 WAC uniform.
79.91 Cap, WAC.
79.92 Jacket, wool, olive-drab, women's, officers.
79.93 Skirt, WAC.
79.94 Overcoat, field.
79.95 Application of War Department directives.

AUTHORITY: §§ 79.90 to 79.95, inclusive, issued under R. S. 1296; 10 U.S.C. 1391.

§ 79.90 *WAC uniform—(a) Winter service uniform.* The winter service uniform for Women's Army Corps officers consists of the following items:

(1) Cap, WAC, winter, officer's.
(2) Jacket, wool, olive-drab, women's, officer's, except when waist without coat is authorized.
(3) Necktie, women's.
(4) (i) Shoes, low, service, women's, or (ii) Shoes, field, women's (optional).
(5) (i) Skirt, wool, dark, olive-drab, women's, officer's, or (ii) Skirt, WAC, winter, light, officer's.
(6) Stockings, WAC, rayon or cotton.
(7) Tags, identification.
(8) Waist, women's.
(9) Decorations, service medals and badges (optional).
(10) Ribbons, service (optional).
(11) (i) Gloves, leather, dress, women's, or
(ii) Gloves, wool, olive-drab, women's (optional).
(12) (i) Coat, WAC, utility, officer's, or
(ii) Overcoat, WAC, officer's, or
(iii) Raincoat, parka type, women's, officer's, or
(iv) Overcoat, field, women's, officers.
(13) Scarf, women's (optional).
(14) (i) Overshoes, low, women's, or
(ii) Overshoes, Arctic, 4-buckle, women's (optional).
(15) Bag, WAC, utility (optional).

(b) *Summer service uniform.* The summer service uniform for Women's Army Corps officers consists of the following items:

(1) Cap, WAC, summer, officers'.
(2) Jacket, WAC, summer, officer's.
(3) Necktie, women's.
(4) (i) Shoes, low, service, women's, or
(ii) Shoes, field, women's (optional).
(5) Skirt, WAC, summer, officer's.
(6) Stocking, WAC, rayon or cotton.
(7) Tags, identification.
(8) Waist, women's.
(9) Decorations, service medals, and badges (optional).
(10) Ribbons, service (optional).
(11) Gloves, leather, dress, women's (optional).
(12) (i) Coat, WAC, utility, officer's, or
(ii) Raincoat, parka style, women's, officer's, or
(iii) Overcoat, field, women's, officer's.
(13) Overshoes, low, women's (optional).
(14) Bag, WAC, utility (optional).

[Pars. 7 and 8]

§ 79.91 *Cap, WAC.* Of adopted design with rigid visor 2⅜ inches in width at center, covered with same material as cap and having a sliding chin strap ⅜ inch in width of same material fastened at each end of visor with small regulation cap button. One center eyelet 1¾ inches below the top of crown to accommodate cap insignia; two eyelets 1½ inches below the top of crown and ½ inch on each side of the back seam. Sides and crown to be reinforced with suitable stiffening material. [Par. 10]

§ 79.92 *Jacket, wool, olive-drab, women's, officer's—(a) Design.* Of adopted design, peaked lapel collar, single-breasted; well fitted through the chest and shoulders and semi-fitted through the waistline to conform to the lines of the figure; lining, if desired, to be in matching color; to be closed with four large regulation coat buttons equally spaced; four-gore back with center seam.

(b) *Collar and lapel.* The collar to measure approximately 1¾ inches in width at the back, the opening between collar and lapel not to exceed ¼ inch. Lapels not more than ½ inch wider than collar end.

(c) *Shoulder loops.* On each shoulder a loop of same material as the coat, let into the sleeve head seam, placed slightly toward the front, with rounded point of the loop touching lower edge of the collar, buttoning to the coast with a small regulation coat button; loops to be about 1⅞ inches in width at lower end, and tapering to 1¼ inches in width at point of buttonhole.

(d) *Pockets.* Two pocket flaps simulating breast pockets placed so that they are horizontal. Center and both ends of pocket flap pointed and buttoned with small regulation coat buttons. Two lower hanging slash pockets set in on the diagonal, double piped with self material a full ⅛ inch in width without any visible stitching on the outside.

(e) *Ornamentation, sleeve.* Band of braid ½ inch in width, olive-drab color No. 53, the lower edge 3 inches from end of sleeve. [Par. 11]

§ 79.93 *Skirt, WAC.* Of adopted design, six-gore skirt, with a 1¼-inch waistband, and side opening with suitable closure. [Par. 12]

§ 79.94 *Overcoat, field—(a) Design.* A utility coat, two ply throughout, with a buttoned-in removable wool lining and detachable hood; double-breasted with convertible style roll collar and notch lapel, buttoned down the front with a double row of large regulation overcoat buttons, five on each side, with the top buttons approximately 6¾ inches apart, and lower buttons approximately 5 inches apart. A rectangular throat piece is provided with two buttonholes for 24-ligne buttons. A detachable belt same material as coat with 2¼ inch tongueless bar buckle and belt keeper held in place by two side loops, and a strap keeper and belt strap. Adjustable tabs to button at cuff, with 30-ligne buttons.

(b) *Pockets.* Two diagonal hanging pockets cut hand opening in lining and finished with pointed flaps buttoning to the rear.

(c) *Shoulder loops.* On each shoulder a loop about 6 inches in length, 2⅛ inches in width at the lower end and 1¾ inches in width at the upper end, which is slightly pointed, same material as the coat, let in at the sleeve seam, buttoning at the upper end with a 30-ligne button.

(d) *Hood.* Detachable, two ply, of same material as overcoat, with five buttonholes for securing to overcoat. Closed at the face by a drawstring inserted in a tunnel.

(e) *Liner.* Made from an olive-drab wool fabric with inside yoke, extending down 3¼ inches below the armhole, faced with olive-drab rayon fabric, 12 buttonholes for buttoning into overcoat body. [Par. 13]

§ 79.95 *Application of War Department directives.* The provisions of War Department regulations and directives governing insignia apply to officers and enlisted women of the Women's Army Corps, except where inappropriate and as modified by War Department instructions. See § 97.22 et seq. [Par. 16]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-1672; Filed, February 3, 1944; 9:59 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4809]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHIEF STATISTICIAN, ETC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.55

Furnishing means and instrumentalities of misrepresentation or deception: § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.69 (a 9.5) *Misrepresenting oneself and goods—business status, advantages or connections—nature in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Government connection.* In connection with offer, etc., in commerce, of mailing cards designed for use in obtaining information concerning debtors, or any other similar material, (1) using the words "Chief Statistician," or any other words of similar import, to designate, describe, or refer to respondents' business; (2) using, or supplying to others for use, mailing cards or other material which represents, directly or by implication, that such cards or other material are from any department or agency of the United States Government, or that the information sought through such cards or other material is for the use of the United States Government or any department or agency thereof; and (3) using, or supplying to others for use, mailing cards or other material which represents, directly or by implication, that respondents' business is other than that of obtaining information for use in the collection of debts, or that the information sought through such cards or other material is for any purpose other than for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chief Statistician, etc., et al., Docket 4809, January 8, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1944.

In the Matter of Michel Lipman and Jack Silverman, Individually and Trading as Chief Statistician and as J. Silverman & Associates, and William Edgar Spicer, Individually

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence, and brief in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Michel Lipman and Jack Silverman, individually and trading as Chief Statistician and as J. Silverman & Associates, or trading under any other name, and respondent William Edgar Spicer, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of mailing cards designed for use in obtaining information concerning debtors, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the words "Chief Statistician," or any other words of similar import, to designate, describe, or refer to respondents' business.

2. Using, or supplying to others for use, mailing cards or other material which represents, directly or by implication, that such cards or other material are from any department or agency of the United States Government, or that the information sought through such cards or other material is for the use of the United States Government or any department or agency thereof.

3. Using, or supplying to others for use, mailing cards or other materials which represent, directly or by implication, that respondents' business is other than that of obtaining information for use in the collection of debts, or that the information sought through such cards or other material is for any purpose other than for use in the collection of debts.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 44-1682; Filed, February 3, 1944; 11:16 a. m.]

[Docket No. 5058]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

L. A. SCHWARZ

§ 3.55 *Furnishing means and instrumentalities of misrepresentation and deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with the use in commerce of respondent's printed cards or any other similar material, (1) using the word "Forwarding or any other word or words of similar import to designate, describe or refer to respondent's business; or otherwise representing, directly or by implication, that respondent is in any capacity connected with the transportation or movement of goods or their delivery to the proper recipients thereof; (2) representing, directly or by implication, that persons concerning whom information is sought through respondent's cards or other material are or may be consignees of goods which have been received by respondent in the usual course of his business, or that the information sought through such means is for the purpose of enabling respondent to make delivery of any goods or packages to such persons; and (3) using or supplying to others for use printed cards or other material which represents, directly or by implication, that respondent's business is other than that of the collection of debts or that the information sought through such means is for any purpose other than for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, L. A. Schwarz, Docket 5058, January 13, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C. on the 13th day of January, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint and waives all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, L. A. Schwarz, individually and trading as the Continental Forwarding System, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's printed cards or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the word "Forwarding or any other word or words of similar import to designate, describe or refer to respondent's business; or otherwise representing, directly or by implication, that respondent is in any capacity connected with the transportation or movement of goods or their delivery to the proper recipients thereof.

2. Representing, directly or by implication that persons concerning whom information is sought through respondent's cards or other material are or may be consignees of goods which have been received by respondent in the usual course of his business, or that the information sought through such means is for the purpose of enabling respondent to make delivery of any goods or packages to such persons.

3. Using or supplying to others for use printed cards or other material which represents, directly or by implication, that respondent's business is other than that of the collection of debts or that the information sought through such means is for any purpose other than for use in the collection of debts.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 44-1683; Filed, February 3, 1944; 11:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 208, 2d Ed.]

PART 627—APPEAL TO BOARD OF APPEAL

APPEAL OF REGISTRANT'S CLASSIFICATION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend paragraph (c) of § 627.2 to read as follows:

§ 627.2 *Who may appeal registrant's classification to board of appeal under certain circumstances.* • • •

(c) The registrant, any person who claims to be a dependent of the registrant, or any person who has filed written evidence of the occupational necessity of the registrant may take an appeal authorized under paragraph (a) above at any time (1) within 10 days after the date when the local board mails to the registrant a Notice of Classification (Form 57) or (2) within 30 days after the date when the local board mails to the registrant a Notice of Classification (Form 57), if, on that date, from information in the registrant's file it appears that the registrant is located in one and the local board which classified the registrant is located in another of the following: the Continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands of the United States. At any time prior to the date that the local board mails to the registrant an Order to Report for Induction (Form 150), the local board may permit any such person to appeal even though such 10-day period or 30-day period, as the case may be, has elapsed, if it is satisfied that the failure of such person to appeal within the 10-day period or the 30-day period was due to lack of understanding of the right of appeal or to unavoidable delays in communication or some other cause beyond the control of such person. Unless the local board thereafter permits an appeal, the right of such persons to appeal shall expire at the end of the 10-day period or the 30-day period, as the case may be. If such an extension of time to appeal is granted by the local board, a record thereof shall be entered on the Selective Service Questionnaire (Form 40) under the heading "Minutes of Other Actions."

2. Amend paragraph (b) of § 627.24 to read as follows:

§ 627.24 *Review by board of appeal.* • • •

(b) In reviewing the appeal, the appeal board shall not receive or consider any information which is not contained in the record received from the local board except (1) the advisory recommendation from the Department of Justice under § 627.25, and (2) general information concerning economic, industrial, and social conditions.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

JANUARY 31, 1944.

[F. R. Doc. 44-1650; Filed, February 2, 1944; 2:20 p. m.]

[Amdt. 209, 2d Ed.]

PART 629—PHYSICAL EXAMINATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend paragraph (a) and add paragraph (e) to § 629.2 to read as follows:

§ 629.2 *Order to report for preinduction physical examination.* (a) In accordance with instructions of the Director of Selective Service, the State Director of Selective Service will issue to each local board a Call—Preinduction Physical Examination (Form 224) specifying thereon the number of specified registrants to be delivered for preinduction physical examination and the time and place fixed for such delivery.

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(e) At the time the local board prepares the original Order to Report—Preinduction Physical Examination (Form 215), it shall make a copy of such form and shall file the copy in the registrant's Cover Sheet (Form 53).

2. Amend paragraph (a) and paragraph (e) of § 629.4 to read as follows:

§ 629.4 *Local board physical examination authorized for registrants who request it.* (a) When a registrant believes that he has a disqualifying defect which is manifest, as listed in List of Defects (Form 220), he may present himself for examination at the office of the local board on or before the date specified in the "Important Notice to Registrants" portion of his Order to Report—Preinduction Physical Examination (Form 215). If the registrant claims that he has a disqualifying defect which is manifest, as listed in List of Defects (Form 220), the member or clerk of the local board to whom such registrant presents himself shall, from the information received from the registrant, complete (a) and (b) of Item 18 of Section II of the registrant's Report of Physical Examination and Induction (Form 221) and the registrant shall certify to the correctness of such entries in (c) and (d) of Item 18. The member or clerk of the local board shall then refer the registrant to the local board examining physician for examination. The local board examining physician shall make only such examination as is necessary to determine whether the registrant has one or more of the defects listed in the List of Defects (Form 220). No laboratory work will be authorized except as provided in §§ 629.33 and 629.34. It shall be the duty of the registrant to present himself to the local board examining physician at the time and place designated by the member or clerk of the local board and to submit to such examination by the local board examining physician herein authorized.

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(e) If the local board determines that the registrant has a defect which disqualifies him for military service, it shall:

(1) Classify or reclassify him in Class IV–F or Class I–C under § 623.53 and immediately mail him a Notice of Classification (Form 57), and

(2) Note the fact that he has been found disqualified for service and classified in Class IV–F or Class I–C in column 3 of the Physical Examination List (Form 217).

3. Amend § 629.23 to read as follows:

§ 629.23 *Request for immediate induction.* (a) A registrant who is in Class I–A or Class I–A–0 may be inducted into service at the induction station upon being found qualified for service: *Provided*, That (1) he signs and files with his own local board a Request for Immediate Induction (Form 219), (2) an appeal is not pending in such registrant's case, and (3) the period during which an appeal may be taken in such registrant's case has expired. If the registrant is forwarded under this paragraph to the induction station for induction instead of for a preinduction physical examination, he will be listed on a Delivery List (Form 151) and his name will be crossed off any Physical Examination List (Form 217) on which it appears.

(b) When a registrant is inducted under the provisions of paragraph (a) of this section, he shall be immediately classified in Class I–C and shall be counted toward filling the next call of the branch of service into which he was inducted.

(c) A registrant who has signed a Request for Immediate Induction (Form 219) shall be forwarded for preinduction physical examination in the usual manner and his Request for Immediate Induction (Form 219) shall be disregarded, if (1) he is in any class other than Class I–A or Class I–A–0, or (2) he is in Class I–A or Class I–A–0 but an appeal in his case is pending, or (3) he is in Class I–A or Class I–A–0 but the period for taking an appeal in his case has not expired.

4. Amend § 629.32 to read as follows:

§ 629.32 *Mailing Certificate of Fitness to registrant accepted or rejected.* When a Certificate of Fitness (Form 218) indicates that a registrant has been accepted for the Army or the Navy or that a registrant has been rejected, the local board shall immediately mail the original of such certificate to the registrant and shall record the date of mailing of such Certificate of Fitness (Form 218) on the registrant's Selective Service Questionnaire (Form 40).

5. Amend § 629.35 to read as follows:

§ 629.35 *Action when it is found that the registrant is disqualified for service.* If, in carrying out the provisions of § 629.33 or § 629.34, it is determined, as a result of a spinal fluid survey, that a registrant has cerebrospinal syphilis or, as a result of other examinations, that a registrant has cardiovascular or visceral syphilis and, in either case, a statement to that effect is filed with the local board by a Public Health Officer, State Medical Officer, or a local board examining physician, or if, for any other reason the registrant is found to be completely disqualified for service, his classification shall be reopened and he shall be placed in Class IV–F or Class I–C under § 623.53 and neither he nor his records shall be forwarded for further consideration by the armed forces.

7. Amend § 629.41 to read as follows:

§ 629.41 *Director to determine.* Notwithstanding any of the provisions of this part, the Director of Selective Service under such procedures as he prescribes and based upon such information concerning the registrant's physical and mental fitness as he specifies, may direct a local board to classify a registrant in Class IV–F or Class I–C under § 623.53 or as available for service. When he does so, the local board shall classify the registrant as directed.

The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1944.

[F. R. Doc. 44–1651; Filed, February 2, 1944; 2:20 p. m.]

[Amdt. 210, 2d Ed.]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

RECEPTION AT CIVILIAN PUBLIC SERVICE CAMPS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 653.11 to read as follows:

§ 653.11 *Reception at camps.* (a) When the assignee has reported to camp, the camp director shall complete the Order to Report for Work of National Importance (Form 50). Four copies of the completed Order to Report for Work of National Importance (Form 50) shall be sent to the Director of Selective Service; one copy will be retained by the camp director. The Director of Selective Service will forward two copies of the Order to Report for Work of National Importance (Form 50) to the appropriate State Director of Selective Service, who will retain one copy for his files and mail the other copy to the local board for filing in the registrant's Cover Sheet (Form 53).

(b) The camp director shall, on the bottom of page 4 of the Original and First Copy of the Report of Physical Examination and Induction (Form 221), place a statement that a registrant is accepted for work of national importance at the civilian public service camp to which the registrant has been assigned. The statement shall specify the date and place of such acceptance and shall be signed by the camp director who shall retain the First Copy of the Report of Physical Examination and Induction (Form 221) and shall forward the Original to the Director of Selective Service.

(c) Upon receiving notice that a registrant has been accepted for work of national importance, the local board shall not change his classification but shall note the fact of his acceptance for such work in the Classification Record (Form 100).

(d) In the event an assignee does not report to the camp at the time prescribed in his Order to Report for Work of National Importance (Form 50) or pursuant to the instructions of the local board, the camp director will report such fact to the Director of Selective Service.

2. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 25, 1944.

[F. R. Doc. 44–1652; Filed, February 2, 1944; 2:20 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–372, Revocation]

PEERLESS STEEL EQUIPMENT CO.

Suspension Order S–372 was issued against Peerless Steel Equipment Company by the War Production Board on July 29, 1943 to take effect on August 5, 1943, and to expire on February 5, 1944. On September 27, 1943 a Stay of Suspension Order S–372 was directed by the Deputy Chief Compliance Commissioner, until February 1, 1944. Included in said direction was a provision that the matter be reviewed between January 15, 1944 and February 1, 1944. A personal hearing, pursuant to said direction, took place before the Deputy Chief Compliance Commissioner on January 27, 1944, at which time it was decided to revoke Suspension Order S–372.

In view of the foregoing: *It is hereby ordered*, That § 1010.372, *Suspension Order S–372*, issued July 29, 1943, be and hereby is revoked.

Issued this 2d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1669; Filed, February 2, 1944; 4:50 p. m.]

PART 1029—FARM MACHINERY

[Limitation Order L–257, Schedule B]

APPLICABLE SCHEDULE OF QUOTAS FOR FARM MACHINERY AND EQUIPMENT FOR DOMESTIC FARM USE FOR THE CURRENT QUOTA PERIOD JULY 1, 1944 TO JUNE 30, 1945

§ 1029.17 *Schedule B to Limitation Order L–257.* In accordance with the provisions of Order L–257, this Schedule B is the "Applicable Schedule" for the current quota period July 1, 1944 to June 30, 1945. With a few minor changes, such as consolidations of certain items, it contains the same items and corresponding item numbers as shown on Schedule A. However, there have been important changes in the quota percentages for the new "current quota period", and also more liberal "bracketing" of many items is permitted.

The production quotas set forth in this Schedule B should be used by producers as the basis for planning their production, establishing production schedules and ordering material under CMP. The War Production Board may establish a final distribution pattern which is not in accord with these quotas. Any additional controls or exemptions which may be desirable with regard to production quotas, and any modifications with respect to final distribution of completed machines, will be issued before the effective date of this schelule, which is July 1, 1944. In figuring his anticipated production, each producer must comply with the provisions of the basic Limitation Order L–257 and the explanatory notes to Schedule A.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

DIVISION 1: PLANTERS (HORSE AND TRACTOR DRAWN)

Item No.		Quota Percent
1	One row, one horse, corn	81
2	One row, one horse, corn and cotton, peanut and other	75
3	One row, two horse, corn and cotton	75
4	Two row, corn	77
5	Two row, corn and cotton	77
6	Three row and over, corn	80
7	Three row and over, corn and cotton	100

DIVISION 2: PLANTERS (TRACTOR MOUNTED)

8	One row, corn	0
9	One row, corn and cotton	73
10	Two row, corn	94
11	Two row, corn and cotton	71
12	Three row and over, corn	125
13	Three row and over, corn and cotton	125

DIVISION 3: POTATO PLANTERS (HORSE AND TRACTOR DRAWN)

14	One row	140
14a	Two row and larger	140

DIVISION 4: TRANSPLANTERS

15	Horse or tractor drawn, tractor mounted or self-propelled	147
16	Hand, wheel type	147

DIVISION 5: LISTERS WITH PLANTING ATTACHMENTS (HORSE OR TRACTOR DRAWN)

17	One row—combined with item 64.
18	Two row—combined with item 65.
19	Three row and over—combined with item 66.

DIVISION 6: LISTERS WITH PLANTING ATTACHMENTS (TRACTOR MOUNTED)

20	One row—combined with item 67.
21	Two row—combined with item 68.
22	Three row and over—combined with item 69.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY—Continued

DIVISION 7: BEET AND BEAN DRILLS OR PLANTERS

Item No.		Quota Percent
23	Horse or tractor drawn or tractor mounted	125

DIVISION 8: GRAIN DRILLS

24	One horse, plain or fertilizer, three to seven disc or run	60
25	Fertilizer drills, horse or tractor drawn	103
26	Plain drills, horse or tractor drawn	91

DIVISION 9: BROADCAST SEEDERS

27	Wheeled, horse or tractor drawn	52
28	Endgate	82
29	Hand (wheelbarrow and other)	65

DIVISION 10: GARDEN PLANTERS

30	Hand, wheel type	77
31	Horse or tractor drawn, one row or multiple row (one row is a unit)	100

DIVISION 11: FERTILIZER DISTRIBUTORS

32	One row, horse or tractor drawn or tractor mounted	84
32d	Hand propelled	90

DIVISION 12: LIME SPREADERS (SOWERS)

33	Wheeled hopper type sower, horse or tractor drawn	61
34	End-gate type	61
34a	Trailer type	61
35	Truck body type	100

DIVISION 13: MANURE SPREADERS AND LOADERS

36	Four wheel, horse or tractor drawn	56
37	Two wheel, tractor drawn	78
37a	Manure loaders	125

DIVISION 14: OTHER PLANTING, SEEDING AND FERTILIZING MACHINES

38	Limestone pulverizers (farm size, under 14")	49
39	Uni-carrier, chassis or rear tool bar (short and long) for mounting tools, pull type	80
39a	Tool frame, attached or rear tool bar (short and long) for mounting tools on tractor	80
40	Potato cutter	100
40a	Misc. planting, seeding and fertilizing equipment	80
40b		80

DIVISION 15: ATTACHMENTS

41	Attachments for all items in group 1 expressed in terms of net shipping weight in pounds	(1)

GROUP 2: FARM PLOWS AND LISTERS

DIVISION 1: MOLDBOARD PLOWS (HORSE DRAWN)

42	Walking, one horse, steel bottom	62
43	Walking, one horse, chilled bottom—combined with item 42	
44	Walking, two horse and larger—combined with item 42	
45	Sulky	90
46	Gang, two bottom and larger	90

DIVISION 2: MOLDBOARD PLOWS (TRACTOR DRAWN OR MOUNTED)

47	One bottom, tractor drawn	63
47a	One bottom, two-way (one furrow) tractor drawn	63
48	Two bottom, tractor drawn	89
48a	Two bottom, two-way (two furrow) tractor drawn	89
49	Three bottom, tractor drawn	86
50	Four bottom, tractor drawn	101
51	Five bottom and larger, tractor drawn	87
52	One bottom, tractor mounted	40
52a	One bottom, two-way (one furrow) tractor mounted	40
53	Two bottom, tractor mounted	62

DIVISION 3: DISC PLOWS (HORSE DRAWN)

54	Single disc and larger	0

[1] Percentage quota is the same as that listed for the machines with which the attachment is used unless option is chosen as provided in paragraph (d) (3) of the Order (L–257).

GROUP 2: FARM PLOWS AND LISTERS—Continued

DIVISION 4: DISC PLOWS (TRACTOR DRAWN)

Item No.		Quota Percent
55	One disc	73
56	Two disc	68
57	Three disc	80
58	One disc—direct connected (1 wheel type)—combined with item 55	
59	Two disc—direct connected (1 wheel type)—combined with item 56	
59a	Three disc—direct connected (1 wheel type)—combined with item 57	
59b	Three disc, tool bar type—combined with item 57	
60	Four disc, tractor drawn	74
61	Five disc, tractor drawn	65
62	Six disc and larger, tractor drawn	72

DIVISION 5: ONE-WAY DISC PLOWS OR TILLERS

63	Under five feet	70
63a	Five foot and over	70

DIVISION 6: LISTERS AND MIDDLEBUSTERS (HORSE OR TRACTOR DRAWN) (WITH OR WITHOUT PLANTING ATTACHMENTS)

64	One row, horse or tractor drawn	76
65	Two row, horse or tractor drawn	74
66	Three row and larger, horse or tractor drawn	126

DIVISION 7: LISTERS AND MIDDLEBUSTERS (TRACTOR MOUNTED) (WITH OR WITHOUT PLANTING ATTACHMENTS)

67	One row, tractor mounted	60
68	Two row, tractor mounted	61
69	Three row and larger, tractor mounted	92
69a	Three row ridgers	85

DIVISION 8: SUB-SOIL PLOWS

70	Horse drawn	60
71	Tractor drawn	60
72	Tractor mounted	60

DIVISION 9: PLOW STOCKS

73	Single or double stocks	66

DIVISION 10: OTHER PLOWS AND LISTERS

74	Basin tiller	100
75	Cane row plows	133
76	Misc. plows and listers	60

DIVISION 11: ATTACHMENTS

77	Attachments for all items in group 2 expressed in terms of net shipping weight in pounds	(1)

GROUP 3: HARROWS, ROLLERS, PULVERIZERS & STALK CUTTERS

DIVISION 1: FARM TYPE HARROWS

78	Spike tooth harrow sections, horse or tractor drawn	69
79	Spring tooth harrow sections, horse or tractor drawn	68
80	Disc harrows, horse drawn	70
80e	Disc harrows, tractor drawn or tractor mounted	70
80h	Disc harrow, offset—tractor drawn	70
81	Disc harrows, tractor mounted and tool bar type, combined with 80e	
81a	Cane disc harrows, tractor mounted and tool bar type	133

DIVISION 2: SMOOTH LAND ROLLERS

82	Smooth land rollers, not including lawn rollers	61

DIVISION 3: SOIL PULVERIZERS AND PACKERS

83	Soil pulverizers and packers	57

DIVISION 4: STALK CUTTERS

84	Stalk cutters, horse or tractor drawn	75
84b	Weed cutters (rotary blade type; not hand type)	75
84c	Cane stubble shavers	85

DIVISION 5: RIDGE BUSTERS

85	Ridge busters, horse or tractor drawn	100
86	Ridge busters, tractor mounted	100

DIVISION 6: OTHER HARROWS AND ROLLERS

87	Combination harrow and rollers	91
87a	Seed-bed row rollers	72
88	Field markers	60
89	Misc. harrows and rollers	60

GROUP 3: HARROWS, ROLLERS, PULVERIZERS & STALK CUTTERS—Continued

DIVISION 7: ATTACHMENTS

Item No.		Quota Percent
90	Attachments for all items in group 3 expressed in terms of net-shipping weight in pounds	(1)

GROUP 4: CULTIVATORS AND WEEDERS

DIVISION 1: CULTIVATORS (HORSE & TRACTOR DRAWN)

91	One horse (all types, including billers, disc hoes, shovel plows, little joes, and similar type harrows and rotary harrows	57
92	One row, walking, two horse	98
93	One row, riding, two horse	90
93b	Two row, riding, horse drawn	90
94	One and two row, riding, horse drawn, listed corn type	90
94b	Two row and over, tractor drawn, listed corn type	100
95	Beet and bean cultivators	67
95b	Two row wing and disc hoes and billers, potato, horse or tractor drawn or tractor mounted	144
96	Field cultivators, including chisels and orchard cultivators	82
97	Hand cultivators, wheel type, including hand plows	110

DIVISION 2: CULTIVATORS (TRACTOR MOUNTED)

98	One row	33
99	Two row, shovel or disc type	79
99a	Two row, listed corn type	79
100	Three row and over, all types	130
101a	Combination cultivators and planters, two row, corn and cotton	75
101b	Cane cultivators	133
101d	Field cultivator, mounted and tool bar type, including chisel and orchard cultivators	84

DIVISION 3: ROTARY HOES

102	Rotary hoes, horse or tractor drawn	68

DIVISION 4: WEEDERS, DRAWN OR MOUNTED

103	Rod weeders	60
104	Tooth weeders, one horse, walking	150
104a	Tooth weeders, two horse, riding	150
104b	Tooth weeders, tractor drawn or tractor mounted	150

DIVISION 5: OTHER CULTIVATORS & WEEDERS

105	Beet, cotton, or vegetable thinners	120
105b	Cyclone weeder	95
106	Misc. cultivators and weeders	85

DIVISION 6: ATTACHMENTS

107	Attachments for all items in group 4 expressed in terms of net shipping weight in pounds	(1)

GROUP 5: FARM SPRAYERS, DUSTERS, & ORCHARD HEATERS

DIVISION 1: POWER SPRAYERS

108	Market garden type, under six G. P. M.	90
108a	Orchard type, auxiliary engine	70
108b	Orchard type, power take-off	70
108g	Field or row crop type, auxiliary engines	90
108h	Field or row crop type, power take-off	90
108m	Field or row crop type, tractor mounted	100
108n	Propeller blast type	100
109	Traction sprayers	100

DIVISION 2: HAND SPRAYERS WITH TANK, BARREL, KNAPSACK, ETC. WITH COMPLETE EQUIPMENT (CAP. 1 QT. OR OVER BUT LESS THAN 6 GAL.)

110	All types other than atomizing	80
111	Knapsack, self contained, combined with item 110	
112	Trombone pump type, combined with item 110	
113	Bucket, pump type, single cylinder, combined with item 110	
114	Bucket, pump type, double cylinder, combined with item 110	
115	Atomizing, single action (1 qt. and larger capacity)	90
116	Atomizing, continuous (1 qt. and larger capacity) combined with item 115	

DIVISION 3: HAND PUMP SPRAYERS (CAPACITY SIX GAL. OR MORE)

117	Barrel pump sprayer	87
118	Wheelbarrow sprayer	90

DIVISION 4: SPRAY PUMPS, POWER

119	Spray pumps, power	104

[1] Percentage quota is the same as that listed for the machines with which the attachment is used unless option is chosen as provided in paragraph (d) (3) of the Order (L-257).

GROUP 5: FARM SPRAYERS, DUSTERS, & ORCHARD HEATERS—Continued

DIVISION 5: WEED AND PEAR BURNERS

Item No.		Quota Percent
120	Weed and pear burners	50

DIVISION 6: DUSTERS

121	Power duster, auxiliary engines	128
121a	Power duster, power take-off	128
122	Traction dusters	100
123	Hand dusters, all types	100

DIVISION 7: ORCHARD HEATERS

124	Orchard heaters and smudge pots	100
124a	Wind frost protection machines	75

DIVISION 8: ATTACHMENTS

125	Attachments for all items in group 5 expressed in terms of net shipping weight in pounds	(1)

GROUP 6: HARVESTING MACHINERY

DIVISION 1: COMBINES (HARVESTER-THRESHERS)

126	Width of cut, 6 ft. & under, auxiliary engines	75
126a	Width of cut, 6 ft. & under, power take-off	75
127	Width of cut, over 6 ft., including 10 ft	110
128	Width of cut, over 10 ft	118
128a	Windrowers or swathers	97

DIVISION 2: GRAIN AND RICE BINDERS

129	Grain binders (ground drive)	60
130	Grain binders (power take-off)	79
131	Rice binders	72

DIVISION 3: CORN BINDERS

132	Corn binders, ground drive	93
132a	Corn binders, power take-off	93
132b	Corn harvester, sled and wheel type	75

DIVISION 4: CORN PICKERS

133	One row, mounted type	150
134	Two row, mounted type	135
135	One row, pull type	135
136	Two row, pull type	150

DIVISION 5: FIELD ENSILAGE HARVESTERS—ROW TYPE

137	Field ensilage harvesters (row type)	150

DIVISION 6: POTATO DIGGERS AND PICKERS

138	Walking plow type	150
139	One row, ground drive	128
139a	One row, power take-off	150
139b	Two row, power take-off	150
139c	Potato pickers	150

DIVISION 7: BEAN CUTTERS OR PULLERS

140	Horse or tractor drawn	127

DIVISION 8: SUGAR BEET & CANE HARVESTING EQUIPMENT

141	Beet lifters, horse or tractor drawn or tractor mounted	68
141b	Beet harvesters	150
141c	Beet loaders	150
141d	Cane harvesters	85
141e	Cane loaders	150

DIVISION 9: OTHER HARVESTING EQUIPMENT

142	Cotton harvesters, stripper type	150
142a	Cotton pickers	150
143	Vegetable pullers and pickers	150
143a	Green pea harvesters	150
143b	Spinach harvesters	150
144	One row soybean harvesters	150
144a	Grass seed harvesters or strippers	80
144b	Flax pullers	100
144c	Hop pickers	67
144d	Peanut diggers	150
144e	Misc. harvesting equipment	90

DIVISION 10: ATTACHMENTS

145	Attachments for all items in group 6 expressed in terms of net shipping weight in pounds	(1)

GROUP 7: FARM HAYING MACHINERY

DIVISION 1: MOWERS

146	Horse or tractor drawn (ground drive)	49
147	Tractor mounted or semi-mounted (power take-off drive)	76

DIVISION 2: RAKES

148	Sulky (dump)	62
149	Side delivery (including comb, side rakes tedders)	113
150	Sweep	90

GROUP 7: FARM HAYING MACHINERY—Continued

DIVISION 3: HAY LOADERS

Item No.		Quota Percent
151	Hay loaders	77

DIVISION 4: STACKERS

152	Stationary	90
152a	Combination stacker-loaders	150

DIVISION 5: PICK-UP HAY BALERS & BALE LOADERS

153	Pick-up hay balers—power take-off	100
153a	Pick-up hay balers—auxiliary engine	100
153b	Field bale loader	150

DIVISION 6: OTHER HAYING MACHINERY

154	Field hay choppers and harvesters	150
155	Misc. haying machinery	90

DIVISION 7: ATTACHMENTS

157	Attachments for all items in group 7 expressed in terms of net shipping weight in pounds	(1)

GROUP 8: MACHINES FOR PREP. CROPS FOR MARKET OR USE

DIVISION 1: STATIONARY THRESHERS—GRAIN, RICE & ALFALFA

158	Threshers, width of cylinder under 28 ins	65
159	Threshers, width of cylinder 28 ins. & over	47

DIVISION 2: STATIONARY PEA & BEAN THRESHERS

160	Stationary pea and bean threshers	132

DIVISION 3: PEANUT PICKERS

161	Peanut pickers	61

DIVISION 4: ENSILAGE CUTTERS—SILO FILLERS

162	Ensilage cutters (silo fillers)	69

DIVISION 5: FEED CUTTERS—HAND AND POWER

163	Feed cutters, hand and power	80

DIVISION 6: CORN SHELLERS

164	Corn shellers (hand)	43
165	Spring (2, 4, 6 and 8 hole)	0
166	Cylinder (150 Bu. and under)	53
167	Cylinder (Over 150 bushels)	45

DIVISION 7: CORN HUSKERS AND SHREDDERS

168	Combination corn huskers—shredders	74
169	Corn huskers	41
170	Corn shredders	0

DIVISION 8: STATIONARY HAY & STRAW BALERS

171	Horse	76
172	Auxiliary engine	36
172a	Belt-driven or power take-off	36
172c	Broom corn balers	79
172d	Peanut hay balers	75

DIVISION 9: FEED GRINDERS AND CRUSHERS (FARM)

173	Hand	52
174	Power, burr type	58
175	Hammer type	58
175a	Roughage mills, combination type with cutter head and grinders	69
175b	Feed mixers (not concrete mixers)	58

DIVISION 10: GRAIN CLEANERS AND GRADERS

176	Cleaners and graders—farm type (small grain and seed)	63

DIVISION 11: SORTERS AND GRADERS

177	Potato sorters and graders	150
177a	Fruit and vegetable graders, washers, sackers, conveyors	90
177b	Vegetable toppers	90
177c	Nut hullers, graders, sackers, conveyors	90

DIVISION 12: MAPLE SYRUP EVAPORATORS

178	Complete sets of pans, not including furnaces	69
179	Furnaces	58

DIVISION 13: CANE SYRUP EVAPORATORS

180	Complete sets of pans, not including furnaces	98
181	Furnaces	77

DIVISION 14: CANE MILLS—FARM SIZE

182	Cane mills (farm size)	63

DIVISION 15: CIDER MILLS AND FRUIT PRESSES

183	Cider mills and fruit presses	32

GROUP 8: MACHINES FOR PREP. CROPS FOR MARKET OR USE—Continued

DIVISION 16: OTHER MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Item No.		Quota Percent
184	Tobacco curers	77
185	Broom corn de-seeders	80
186	Miscellaneous	80

DIVISION 17: ATTACHMENTS

187	Attachments for all items in group 8 expressed in terms of net shipping weight in pounds	(1)

GROUP 9: FARM ELEVATORS AND BLOWERS

DIVISION 1: ELEVATORS—PORTABLE

188	Elevators, portable	100

DIVISION 2: ELEVATORS—STATIONARY

189	Elevators, stationary	72

DIVISION 3: BLOWERS—GRAIN & FORAGE

190	Blowers (grain)	150
190a	Blowers (forage)	150

DIVISION 4: ATTACHMENTS

191	Attachments for all items in group 9 expressed in terms of net shipping weight in pounds	(1)

GROUP 10: TRACTORS

DIVISION 1: FARM TRACTORS, WHEEL TYPE BY RATED BELT H. P.

192	Special purpose, under 30 hp	55
193	Special purpose, 30 and over	55
194	All purpose under 30 hp	55
195	All purpose 30 and over	55

DIVISION 2: GARDEN TRACTORS

196	Garden tractors (including motor tillers)	76

DIVISION 3: ATTACHMENTS

197	Attachments for all items in group 10 expressed in net shipping weight in pounds	(1)

GROUP 11: ENGINES

Items 198, 199, 200, 201, 202 and 203 cancelled—scheduled by automotive division]

DIVISION 5: ATTACHMENTS

204	Attachments for all items in group 11 expressed in terms of net shipping weight in pounds	75

GROUP 12: FARM WAGONS, GEARS & TRUCKS (NOT MOTOR)

DIVISION 1: WAGONS AND TRUCKS

205	Wagon gears (less box) (see par. (f)(1))	70
206	Truck gears (less box) (see par. (f)(1))	70
206a	One horse wagon (less box) (see par. (f)(1))	70

DIVISON 2: WAGON BODIES

207	Wagon & truck boxes, farm (see par. (f)(1))	97

DIVISION 3: FARM SLEIGHS

208	Sleighs & bob-sleds, farm	150

DIVISION 4: TRAILERS—FARM [CANCELLED—SCHEDULED BY AUTOMOTIVE DIVISION]

DIVISION 5: OTHER TRANSPORTING EQUIPMENT (NOT MOTOR TRUCKS)

210	Tobacco trucks (see par. (f)(1))	70
210a	Buggies and spring wagons, farm	70
211	Cane wagons and carts	113
211a	Misc.	50

DIVISION 6: ATTACHMENTS

212	Attachments for all items in group 12 expressed in terms of net shipping weight in pounds (see par. (f)(1))	(1)

GROUP 13: DOMESTIC WATER SYSTEMS (FARM TYPE)

DIVISION 1: DEEP & SHALLOW WELL SYSTEMS

213	Deep well, reciprocal	66
214	Deep or shallow well jet type	81
215	Shallow well, 250-499 gals. per hour	74
216	Shallow well, 500 gals. per hour and over	70

DIVISION 2: POWER PUMPS

217	Horizontal type, up to and including 75 gal., P. M. 100 lbs. pressure	73

[1] Percentage quota is the same as that listed for the machines with which the attachment is used unless option is chosen as provided in paragraph (d) (3) of the Order (L-257).

GROUP 13: DOMESTIC WATER SYSTEMS (FARM TYPE)—Continued

DIVISION 3: WATER WELL CASING

Item No.		Quota Percent
218	Water well casing (fabricated by other than pipe mills)	100

DIVISION 4: ATTACHMENTS

219	Attachments for all items in group 13 expressed in terms of net shipping weight in pounds	(1)

GROUP 14: FARM PUMPS AND WINDMILLS

DIVISION 1: PUMPS, WATER

220	Pitcher Pumps	69
221	Hand and windmill pumps	89

DIVISION 2: WINDMILLS

222	Windmill heads	100
223	Windmill towers	100

DIVISION 3: PUMP JACKS

224	Pump jacks	100

DIVISION 4: ATTACHMENTS

226	Attachments for all items in group 14 expressed in terms of net shipping weight in pounds	(1)

GROUP 15: IRRIGATION EQUIPMENT

DIVISION 1: IRRIGATION PUMPS

227	Turbine pumps	107
228	Combined with item 227	
229	Centrifugal pumps	96
230	Hydraulic rams	100

DIVISION 2: DISTRIBUTION EQUIPMENT

231	Land levelers	66
231a	Blade ditchers and terracers	66
231b	One disc terracers	66
231c	Corrugators	66
231d	Scrapers	66

NOTE: Items 231 to 231d are exclusive of Power Ditchers, Draglines, and Other Self-Powered Machines

232	Portable Pipe and Extensions, Sprinklers (Excluding Lawn Sprinklers), Valves and Gates, Expressed in Terms of Net Shipping Weight in lbs.	94

DIVISION 3: OTHER FARM IRRIGATION EQUIPMENT

(List Each Item Separately)

233, 234 and 235	Misc.	60

DIVISION 4: ATTACHMENTS

236	Attachments for all items in group 15, expressed in terms of net shipping weight in pounds	(1)

GROUP 16: DAIRY FARM MACHINES & EQUIPMENT

DIVISION 1: MILKING MACHINES

237	Milking machines (complete outfits)	82

DIVISION 2: FARM CREAM SEPARATORS

238	Capacity 250 lbs. per hour or less	48
239	Capacity 251 lbs. to 800 lbs. per hour	58
240	Capacity 801 lbs. to 1600 lbs. per hour	38

DIVISION 3: FARM MILK COOLERS

241	Immersion type	109
242	Surface or tubular type	84

DIVISION 4: FARM BUTTER MAKING EQUIPMENT

243	Butter churns	75
244	Butter molds	50

DIVISION 5: OTHER DAIRY FARM EQUIPMENT

245	Milk pails	120
246	Milk strainers	120
247	Stirrers	50
248	Cream setter cans	50
248a	Sterilizing tanks	70
248b	Dairy washing tanks	72
248c	Dairy water heaters (excluding boiler-type heaters)	70
248d	Can racks	70
248e	Misc. dairy farm equipment (list additional items separately)	50

DIVISION 6: ATTACHMENTS

249	Attachments for all items in group 16, expressed in terms of net shipping weight in pounds	(1)

GROUP 17: BARN AND BARNYARD EQUIPMENT

DIVISION 1: FEED CARRIERS, LITTER CARRIERS, AND FEED TRUCKS

Item No.		Quota Percent
250	Feed carriers	50
251	Litter carriers	100
252	Track for feed and litter carriers	100
253	Feed trucks (iron and steel)	67

DIVISION 2: HAY UNLOADING EQUIPMENT

254	Hay carriers	90
255	Track for hay carriers	73
256	Hay forks, harpoon and grapple	90

DIVISION 3: CATTLE STALLS, PEN EQUIPMENT AND STANCHIONS

258	Cattle stalls & fittings (see par. (f) (1))	60
259	Livestock pens (see par. (f) (1))	50
260	Cattle stanchions & fittings (see) par. (f) (1)	72

DIVISION 4: LIVESTOCK DRINKING CUPS AND WATERING BOWL

261	Livestock drinking cups	100
262	Outside livestock watering bowls	80

DIVISION 5: BARNYARD STOCK TANKS

263	Barnyard stock tanks	100
264	Hog troughs (iron and steel)	56
265	Livestock dipping tanks	75

DIVISION 6: FEEDERS, FEED COOKERS AND TANK HEATERS

265a	Livestock feeders (iron and steel)	90
266	Feed cookers	77
267	Tank heaters	100

DIVISION 7: BARN DOOR TRACK & HANGERS (REMOVED FROM THIS ORDER)

DIVISION 8: OTHER BARN & BARNYARD EQUIPMENT

270	Hog waterers	105
270a	Hog oilers	65
271	Hog rings	110
271a	Hog ringers	110
272a	Cattle dehorning equipment	50
272f	Anti-cow kickers	45
272b	Hay hoists	60
272l	Bull staffs	100
272j	Bull rings	100
272k	Misc. barn and barnyard equipment	50

DIVISION 9: ATTACHMENTS

273	Attachments for all items in group 17, expressed in terms of net shipping weight in pounds	(1)

GROUP 18: FARM POULTRY EQUIPMENT

DIVISION 1: INCUBATORS

274	Incubators, 1,000-egg capacity and smaller	60
275	Incubators, over 1,000-egg capacity	90

DIVISION 2: FLOOR BROODERS

276	Oil (over 100 chick capacity)	115
277	Coal (over 100 chick capacity)	115
278	Gas (over 100 chick capacity)	115
279	Wood (over 100 chick capacity)	115
280	Electric (over 100 chick capacity)	115
280a	All types 100 chick capacity and smaller	115

DIVISION 3: BATTERY BROODERS (HEATED)

281	Three deck and smaller (heated)	30
282	Four deck (heated)	70
283	Five deck (heated)	85

DIVISION 4: GROWING AND LAYING BATTERIES

284	Growing	52
285	Laying	0

DIVISION 6: POULTRY FEEDERS

286	Poultry feeders (iron and steel)	98

DIVISION 6: POULTRY WATERERS AND WATER HEATERS

287	Poultry waterers (iron and steel)	97
287a	Automatic float valves	100
287b	Fountain heaters	100

DIVISION 7: LAYING NESTS AND GRIT BOXES

288	Laying nests (iron and steel)	50
289	Egg baskets	100
289b	Grit boxes (iron and steel)	50

GROUP 18: FARM POULTRY EQUIPMENT—Con.

DIVISION 8: OTHER FARM POULTRY EQUIPMENT

Item No.		Quota Percent
290	Leg bands	110
290a	Wing bands	110
291	Egg graders	130
292	Egg candlers	125
292a	Poultry punches	50
292b	Roof saddles	115
292c	Draft equalizers	115
292d	Chimney caps	115
292g	Killing cones	50
292h	Fowl catchers	50
292i	Miscellaneous farm poultry equipment	50

DIVISION 9: ATTACHMENTS

293	Attachments for all items in group 18, expressed in terms of net shipping weight in pounds	(1)

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

DIVISION 1: BEEKEEPERS' SUPPLIES

294	Beekeepers' supplies (except bee hives)	119
295	Bee hives (not limited except iron & steel See par. (f) (1).	

DIVISION 2: SILOS

296	Silos (total wt. of iron & steel) (See par. (f) (1).	80

DIVISION 3: HORSE SHOES—INCL. MULE & OXEN SHOES

297	Horse shoes (including mule and oxen shoes)	107

DIVISION 4: HARNESS HARDWARE

298	Harness hardware	100

DIVISION 5: POWER SHEEP-SHEARING MACHINES

299	Power sheep-shearing machines	100
299a	Power cattle and horse clippers	71

DIVISION 6: ELECTRIC FENCE CONTROLLERS

300	Electric fence controllers	100
301	Electric fence accessories	120

DIVISION 8: FARM WOOD-SAWING MACHINES

309	Farm wood-sawing machines, incl. self-powered cross-cut and drag 5 H. P. and less	93

DIVISION 9: FARM GATES

310	Farm gates (see par. (f) (1))	50

DIVISION 10: FARM ELECTRIC PLANTS (WIND-DRIVEN)

311	Farm electric plants (wind-driven) electric generating plants only—does not include batteries or towers	85
311a	Towers for wind-driven electric generating plants (engine driven farm lighting plants and batteries transferred to automotive division)	85

DIVISION 11: ATTACHMENTS

312	Attachments for all items in group 19, expressed in terms of net shipping weight in pounds	(1)

Issued this 3d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1700; Filed, February 3, 1944; 11:21 a. m.]

PART 1029—FARM MACHINERY

[Limitation Order L-257-a, Export Schedules X-11 Through X-18]

APPLICABLE EXPORT SCHEDULES OF QUOTAS FOR FARM MACHINERY, EQUIPMENT AND REPAIRS FOR EXPORT FOR THE CURRENT QUOTA PERIOD JULY 1, 1944, TO JUNE 30, 1945

§ 1029.18 *Export Schedule X-11 through X-18 to Limitation Order L-257-a.* In accordance with the provisions of Orders L-257 and L-257-a, the following are the "applicable export schedules" for the current quota period starting July 1, 1944. These are similar to the applicable export schedules for the current quota period ending June 30, 1944, with some minor changes and consolidations, and with certain changes in quota percentages.

The production quotas set forth in these export schedules should be used by producers as the basis for planning their production, establishing production schedules and ordering material under CMP. The War Production Board may establish a final distribution pattern which is not in accord with these quotas. Any additional controls or exemptions which may be desirable with regard to production quotas, and any modifications with respect to final distribution of completed machines, will be issued before the effective date of these schedules, which is July 1, 1944. In figuring his anticipated production, each producer must comply with the provisions of the basic Limitation Orders L-257 and L-257-a.

Quotas for countries listed on Schedules X-11, X-13, X-14, X-15, and X-16, below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments of farm machinery and equipment and repair parts to all the countries in the particular group.

Quotas for countries listed on Schedule X-17 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments to each such country.

NOTE: A quota percentage is not established for countries listed in Schedule X-12 below. Quotas for these countries will be allocated specifically from time to time under paragraph (c) (4) of Order L-257-a.

SCHEDULE X-11—QUOTA PERCENTAGE 85%

Bolivia	Haiti
Brazil	Honduras
Chile	Mexico
Colombia	Nicaragua
Costa Rica	Panama
Cuba	Paraguay
Dominican Republic	Peru
Ecuador	Uruguay
El Salvador	Venezuela
Guatemala	

NOTE: Argentina has been transferred to Schedule X-12.

SCHEDULE X-12—QUOTA PERCENTAGE 0%

Aden	French Oceania
Arabia Peninsula States	French Somaliland
Argentina	French West Africa
Azores	French West Indies
Bahrein Island	Gibraltar
Belgian Congo	Greece
Belgium	Greenland
British Oceania	Iceland
British Somaliland	Italian Somaliland
Canary Islands	Italy
Cape Verde Islands	Liberia
Ceylon	Madagascar
China	Malta and Gozo
Curaçao	Mauritius and Dependencies
Cyrenaica	Miquelon and St. Pierre
Denmark	Mozambique
Eire	Netherlands
Ethiopia	Newfoundland
Falkland Islands	Norway
France	Poland
French Cameroons	Portugal
French Equatorial Africa	Portuguese Guinea and Angola
French Guiana	Rio de Oro and Spanish Guinea
St. Helena and Dependencies	Sweden
Spain	Switzerland
Spanish Morocco	Syria
Surinam (Dutch Guiana)	Tangier
	Tripolitania
	U. S. S. R.
	Yugoslavia

SCHEDULE X-13—QUOTA PERCENTAGE 64%

United Kingdom:
Great Britain
North Ireland
Scotland
Wales

SCHEDULE X-14—QUOTA PERCENTAGE 712%

French North Africa:
Algeria
French Morocco
Tunisia

SCHEDULE X-15—QUOTA PERCENTAGE 150%

British West Indies:
Bahamas
Barbados
Bermuda
Jamaica
Leeward Islands
Trinidad and Tobago
Windward Islands

SCHEDULE X-16—QUOTA PERCENTAGE 37%

British West Africa:
Cameroons (British)
Gambia
Gold Coast
Nigeria
Sierra Leone

SCHEDULE X-17—QUOTA PERCENTAGES

Australia	439
British East Africa	164
British Honduras	83
British Guiana	400
Egypt and Sudan	570
India	54
Iran	53
Iraq (Mesopotamia)	800
New Zealand	232
Palestine	208
North and South Rhodesia	330
Turkey	100
Union of South Africa	145

CANADA

SCHEDULE X-18

Quotas for the following items of farm machinery and equipment (excluding attachments) are expressed as a percentage of one-half the number of units of each item shipped to Canada during the combined calendar years 1940 and 1941; where applicable, the item numbers correspond to those in Schedule B of Order L-257. Bracketed items may be handled as indicated in paragraph (d) (2).

The quota base for each item of attachments, and for repair parts, is one-half the net shipping weight of the 1940 and 1941 shipments thereof. Note option to lump all attachments as provided in paragraph (d) (3).

Items not listed are not to be manufactured for shipment to Canada.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

DIVISION 1: PLANTERS (HORSE AND TRACTOR DRAWN)

Item		Quota percentages
4	Two row, corn	81
6	Three row and over, corn	83

DIVISION 2: PLANTERS (TRACTOR MOUNTED)

10	Two row, corn	81

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY—Continued

DIVISION 3: POTATO PLANTERS (HORSE AND TRACTOR DRAWN)

Item		Quota percentages
14	One row	259

DIVISION 4: TRANSPLANTERS

15	One row, horse or tractor drawn	87

DIVISION 7: BEET AND BEAN DRILLS OR PLANTERS

23	Four row, horse or tractor drawn	124

DIVISION 8: GRAIN DRILLS

25	Fertilizer, 14 run and under, horse or tractor drawn	67
26	Plain, 14 run and under, horse or tractor drawn	92
26a	Plain, over 14 run, horse or tractor drawn	92
26b	Press drill, horse or tractor drawn	37

DIVISION 10: GARDEN PLANTERS

30	Hand, wheel type	125

DIVISION 12: LIME SPREADERS (SOWERS)

33	Wheeled hopper type sower, horse or tractor drawn	84

DIVISION 13: MANURE SPREADERS AND LOADERS

36	Four Wheel, horse or tractor drawn	133
37	Two Wheel, tractor drawn	131

GROUP 2: FARM PLOWS AND LISTERS

DIVISION 1: MOLDBOARD PLOWS (HORSE DRAWN)

44	Walking, two horse and larger	57
46	Gang, two bottom and larger	26

DIVISION 2: MOLDBOARD PLOWS (TRACTOR DRAWN OR MOUNTED)

47	One bottom tractor drawn	79
48	Two bottom tractor drawn	78
49	Three bottom tractor drawn	78
50	Four bottom, tractor drawn	78
51	Five bottom and larger, tractor drawn	77
52	One bottom, tractor mounted	74
53	Two bottom, tractor mounted	73

DIVISION 5: ONE-WAY DISC PLOWS OR TILLERS

63	Under five feet	94
63a	Five foot and under eight foot	94
63b	Eight foot and over	94
(1)	Seed boxes for one-way plows	92

GROUP 3: HARROWS, ROLLERS, PULVERIZERS & STALK CUTTERS

DIVISION 1: FARM TYPE HARROWS

78	Spike tooth harrow sections (steel), horse or tractor drawn	65
79	Spring tooth harrow sections (steel), horse or tractor drawn	65
80b	Disc harrows, single over six foot (horse drawn type)	56
80e	Disc harrows, single and tandem, over 6 ft. and under eleven	82
80g	Disc harrows, wide disc harrows over ten foot, tractor drawn	56

DIVISION 3: SOIL PULVERIZERS AND PACKERS

(1)	Trailer Packers for one-way plows	41

GROUP 4: CULTIVATORS AND WEEDERS

DIVISION 1: CULTIVATORS (HORSE OR TRACTOR DRAWN)

91	One horse (all types) including hillers, disc hoes, shovel plows, little joes, and similar type harrows and rotary harrows	100

[1] No applicable item number on Schedule B of Order L-257.

GROUP 4: CULTIVATORS AND WEEDERS—Con.

DIVISION 1: CULTIVATORS (HORSE OR TRACTOR DRAWN)—continued

Item		Quota percentages
93	One row, riding, two horse, shovel type	96
95	Beet and bean cultivators, two row, horse drawn	76
96	Field cultivators, spring tooth type, seven foot and under	85
96c	Field cultivators, stiff tooth type, over seven foot	85
97	Hand cultivators, wheel type, including hand plows	100

DIVISION 2: CULTIVATORS (TRACTOR MOUNTED)

98	One row	83
99	Two row, shovel type	83
100	Three and four row, shovel type	83
101	Narrow row, four and six row (beet, bean, and vegetable cultivators)	83

DIVISION 4: WEEDERS, DRAWN OR MOUNTED

103	Rod weeders, horse or tractor drawn	35

DIVISION 5: OTHER CULTIVATORS AND WEEDERS

(1)	Tobacco cultivators	50

GROUP 5: FARM SPRAYERS, DUSTERS, AND ORCHARD HEATERS

DIVISION 1: POWER SPRAYERS

108c	Orchard type, 11 to 20 G. P. M. auxiliary engines	166
108g	Field or row crop type, 6 to 10 G. P. M. auxiliary engines	147
109a	Traction sprayers, 6 G. P. M. and over	147

DIVISION 2: HAND SPRAYERS WITH TANK BARREL, KNAPSACK, ETC. WITH COMPLETE EQUIPMENT (CAP. 1 QT. OR OVER BUT LESS THAN 6 GALS.)

110	Compressed air	100
111	Knapsack, self contained	
112	Trombone, pump type	
113	Bucket, pump type, single cylinder	
114	Bucket, pump type, double cylinder	
115	Atomizing, single action (1 qt. and larger capacity)	
116	Atomizing, continuous (1 qt. and larger capacity)	

DIVISION 3: HAND PUMP SPRAYERS (CAPACITY SIX GALLONS OR MORE)

117	Barrel pump sprayer	165
118	Wheelbarrow sprayer	163

DIVISION 4: SPRAY PUMPS, POWER

119	Spray pumps, power	100

DIVISION 6: DUSTERS

121	Power duster, auxiliary engines	164
121a	Power duster, power take-off	171
122	Traction dusters	148
123	Hand dusters, rotary type	100

GROUP 6: HARVESTING MACHINERY

DIVISION 1: COMBINES (HARVESTER THRESHERS)

126	Width of cut, 6 ft. & under, auxiliary engines	119
126a	Width of cut, 6 ft. & under, power take-off	119
127	Width of cut, over 6 ft. including 10 ft.	119
128	Width of cut, over 10 feet	119
128a	Windrowers or swathers	244
(1)	Pickup for combine	200

DIVISION 2: GRAIN AND RICE BINDERS

129	Grain binders (ground drive)	67
130	Grain binders (power take-off drive)	78

GROUP 6: HARVESTING MACHINERY—Continued

DIVISION 3: CORN BINDERS

Item		Quota percentages
132	Corn binders, ground drive	75

DIVISION 4: CORN PICKERS

133	One row, mounted type	127
134	Two row, mounted type	122
135	One row, pull type	128
136	Two row, pull type	132

DIVISION 5: FIELD ENSILAGE HARVESTERS—ROW TYPE

137	Field ensilage harvesters (row type)	914

DIVISION 6: POTATO DIGGERS AND PICKERS

139	One row, ground drive	172
139a	One row, power take-off	172
139b	Two row, power take-off	173
139c	Potato Pickers (to be allotted)	173

DIVISION 8: SUGAR BEET AND CANE HARVESTING EQUIPMENT

141	Beet lifters, horse or tractor drawn	97

GROUP 7: FARM HAYING MACHINERY

DIVISION 1: MOWERS

146	Horse or tractor drawn (ground drive)	98
147	Tractor mounted or semi-mounted (power take-off drive)	98
(1)	Knife or sickle grinder	71

DIVISION 2: RAKES

148	Sulky (dump)	93
149	Side delivery (incl. comb. side rakes and tedders)	129
150	Sweep (horse)	75

DIVISION 3: HAY LOADERS

151	Hay loaders	164

DIVISION 4: STACKERS

152	Stationary	100

DIVISION 5: PICK-UP HAY BALERS AND BALE LOADERS

153	Pick-up hay balers—Power take off (to be allotted)	---

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

DIVISION 1: STATIONARY THRESHERS—GRAIN, RICE AND ALFALFA

158	Threshers, width of cylinder under 28 ins.	40
159	Threshers, width of cylinder 28 ins. and over	40

DIVISION 4: ENSILAGE CUTTERS—SILO FILLERS

162	Ensilage cutters (silo fillers)	89

DIVISION 5: FEED CUTTERS—HAND POWER

163	Feed cutters, hand and power	105

DIVISION 6: CORN SHELLERS

164	Corn shellers (hand)	40
165	Spring (2, 4, 6, and 8 hole)	40
166	Cylinder (150 bu. and under)	40
167	Cylinder (over 150 bushels)	40

DIVISION 9: FEED GRINDERS AND CRUSHERS (FARM)

174	Power, burr type	183
175	Hammer type	77
175a	Roughage mills, combination type with cutter head and Grinders	
175b	Feed Mixers (not concrete mixers)	198

DIVISION 10: GRAIN CLEANERS AND GRADERS

176	Cleaners and graders—farm type (small grain and seed)	96

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE—Continued

DIVISION 11: SORTERS AND GRADERS

Item		Quota percentages
177	Potato sorters and graders	86
(1)	Roller or crusher	33
(1)	Pulper	100

GROUP 9: FARM ELEVATORS AND BLOWERS

DIVISION 1: ELEVATORS—PORTABLE

188	Elevators, portable	99

GROUP 10: TRACTORS

DIVISION 1: FARM TRACTORS, WHEEL TYPE, BY RATED BELT H. P.

192	Special purpose, under 30 H. P.	75
193	Special purpose, 30 and over	75
194	All purpose under 30 H. P.	75
195	All purpose 30 and over	75

DIVISION 2: GARDEN TRACTORS

196	Garden tractors (incl. motor tillers) (to be allotted)	

GROUP 12: FARM WAGONS, GEARS AND TRUCKS (NOT MOTOR)

DIVISION 1: WAGONS AND TRUCKS

205	Wagon gears (less box) (See Par. (f) (1))	89
205a	Wagon gears (less box) on rubber (to be allotted)	
206	Truck gears (less box) (See par. (f) (1))	97

DIVISION 2: WAGON BODIES

207	Wagon & truck boxes, farm (see par. (f) (1))	141

GROUP 13: DOMESTIC WATER SYSTEMS (FARM TYPE)

DIVISION 1: DEEP AND SHALLOW WELL SYSTEMS

213	Deep well, reciprocal	128
214	Deep or shallow well, jet type	128
215	Shallow well, 250–499 gals. per hour	128
216	Shallow well, 500 gals. per hour and over	128

DIVISION 2: POWER PUMPS

217	Horizontal type, up to and incl. 75 gal. p. m. 100. lbs pressure	129

GROUP 14: FARM PUMPS AND WINDMILLS

DIVISION 1: PUMPS, WATER

220	Pitcher pumps	87
221	Hand and windmill pumps	162

DIVISION 2: WINDMILLS

222	Windmill heads	92
223	Windmill towers	47

DIVISION 3: PUMP JACKS

224	Pump jacks	158

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

DIVISION 1: MILKING MACHINES

237	Milking machines (complete outfits)	185

DIVISION 2: FARM CREAM SEPARATORS

239	Capacity 251 lbs. to 800 lbs. per hour	186
240	Capacity 801 lbs. to 1500 lbs. per hour	185

DIVISION 4: FARM BUTTER MAKING EQUIPMENT

243	Butter churns	80

[1] No applicable item number on Schedule B of Order L-257.

GROUP 17: BARN AND BARNYARD EQUIPMENT

DIVISION 2: HAY UNLOADING EQUIPMENT

Item		Quota percentages
254	Hay carriers	103
255	Track for hay carriers	103
256	Hay forks, harpoon, and grapple	103

DIVISION 4: LIVESTOCK DRINKING CUPS AND WATERING BOWLS

261	Livestock drinking cups	131

DIVISION 5: BARNYARD STOCK TANKS

264	Hog troughs (iron and steel)	75

DIVISION 8: OTHER BARN & BARNYARD EQUIPMENT

270	Hog waterers	75
271	Hog rings (to be allotted)	
272	Bull rings (to be allotted)	
(1)	Pulleys & fittings for hay forks (to be allotted).	
(1)	Calf weaners (to be allotted).	

GROUP 18: FARM POULTRY EQUIPMENT

DIVISION 1: INCUBATORS

274	Incubators, 1,000-egg capacity & smaller	105
275	Incubators, over 1,000-egg capacity	105

DIVISION 2: FLOOR BROODERS

277	Coal (over 100 chick capacity)	159
278	Gas (over 100 chick capacity)	
279	Wood (over 100 chick capacity)	
280	Electric (over 100 chick capacity)	

NOTE: Producers may use one-half their production of oil brooders (over 100 chick capacity), as well as one-half their production of coal, gas, wood and electric types, during 1940 and 1941, in figuring their total brooder quota; but they can produce for shipment to Canada only the coal, gas, wood, and electric types listed above.

DIVISION 3: BATTERY BROODERS (HEATED)

282	Four deck (heated)	100

DIVISION 8: OTHER FARM POULTRY EQUIPMENT

(1)	Egg cleaners & brushes, hand use only (to be allotted).	

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

DIVISION 4: HARNESS HARDWARE

298	Harness hardware (to be allotted).	

DIVISION 6: ELECTRIC FENCE CONTROLLERS

300	Electric fence controllers	225
301	Electric fence accessories	200

DIVISION 8: FARM WOOD-SAWING MACHINES

309	Farm wood-sawing machines incl. self-powered cross-cut and drag 5 H. P. and less	546

DIVISION 10: FARM ELECTRIC PLANTS (WIND-DRIVEN)

311	Farm electric plants (wind-driven electric generating plants only; does not include batteries or towers)	25

ATTACHMENTS AND REPAIR PARTS

(1)	Repair parts, in the aggregate (base is one-half the net shipping weight of total 1940–1941 shipments of repairs)	150
(1)	Attachments: Quota percentage for each attachment item is the same as that listed above for the machine or item with which the attachment is used, except that the base is net shipping weight	

ATTACHMENTS AND REPAIR PARTS—Continued

Item		Quota percentages
	instead of units. However, option may be chosen to lump all attachments as provided in paragraph (d) (3) of Order L-257-a.	

Issued this 3d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1701; Filed, February 3, 1944; 11:21 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Limitation Order L-211, Schedule 15 as Amended Feb. 3, 1944]

HOT-ROLLED CARBON STEEL BARS

§ 3102.16 *Schedule 15 to Limitation Order L-211*—(a) *Definitions.* For the purpose of this schedule:

(1) "Hot-rolled carbon steel bars" means carbon steel bars in either straight bar or coil form produced from billets or blooms by hot-rolling, without subsequent processing for accuracy of cross-section or to impart special surface finishes. The term does not include tool steel bars or concrete reinforcement bars.

(2) "Bars" means rounds, squares, round-cornered squares, hexagons, ovals, half-ovals, half-rounds, flats ($15/64$ inch or over in thickness and 6 inches and under in width), and bar size shapes (angles, channels, and tees under 3 inches on both legs). Rounds, squares, hexagons and flats having dimensions in excess of those shown in Table 1 of this schedule are classified as forgings or plates and are not within the scope of this definition.

(3) "Carbon steel" means steel other than alloy steel as defined in Order M-21-a.

(b) *Restrictions on sizes.* No person shall produce or deliver hot-rolled carbon steel bars of any type listed in Table 1 within the range of sizes there listed, except in the sizes listed in that table.

(c) *Acceptance of delivery.* No person shall accept delivery of any hot-rolled carbon steel bars which he knows or has reason to believe have been produced or delivered in violation of the provisions of paragraph (b) of this schedule.

(d) *Exceptions.* The provisions of this schedule shall not prevent:

(1) Production, delivery, or acceptance of hot-rolled carbon steel bars for which an order was entered prior to September 30, 1943, provided shipment of the entire order is made on or before December 31, 1943.

(2) Delivery or acceptance of hot-rolled carbon steel bars which because of errors in manufacture do not conform to the requirements of this schedule, providing such requirements are waived by the purchaser.

(3) Production, delivery, or acceptance of hot-rolled carbon steel bars specifically permitted in writing by the War Production Board.

(e) *Records.* Each person owning or possessing hot-rolled carbon steel bars excepted by the provisions of paragraph (d) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 3d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—PERMISSIBLE NOMINAL SIZES AND TOLERANCES

Sizes (All dimensions in inches)

Rounds (Including bolting materials):
¼ to $5/64$ incl., advancing by sixty-fourths.
$5/32$ to 2½ incl., advancing by thirty-seconds.
$2\frac{1}{16}$ to $4\frac{1}{16}$ incl., advancing by sixteenths.
$4\frac{1}{8}$ to $6\frac{1}{8}$ incl., advancing by eighths.
$6\frac{1}{4}$ to $8\frac{1}{4}$ incl., advancing by fourths.

Bolt and rivet sizes:

0.365	0.865	1.235
0.445	0.912	1.297
0.490	0.990	1.360
0.615	1.047	1.422
0.680	1.110	1.485
0.740	1.172	

Heat treated stud rounds:

0.507	0.883	1.261
0.632	1.009	1.387
0.758	1.135	1.514

Squares:
¼ to $1\frac{9}{32}$ incl., advancing by thirty-seconds.
$1\frac{5}{16}$ to $4\frac{1}{16}$ incl., advancing by sixteenths.
$4\frac{1}{8}$ to $5\frac{1}{2}$ incl., advancing by fourths.

Round-corner squares: (sizes, face-to-face):
⅜ to ½ incl., advancing by thirty-seconds; Nominal Corner Radii $1/16$.
$17/32$ to $1\frac{13}{16}$ incl., advancing by thirty-seconds; Nominal Corner Radii $3/32$.
$2\frac{1}{32}$ to $1\frac{15}{32}$ incl., advancing by thirty-seconds; Nominal Corner Radii ⅛.
$1\frac{1}{2}$ to $1\frac{15}{16}$ incl., advancing by sixteenths; Nominal Corner Radii ¼.
2 to $2\frac{7}{16}$ incl., advancing by sixteenths; Nominal Corner Radii $5/16$.
$2\frac{1}{2}$ to $2\frac{7}{8}$ incl., advancing by sixteenths; Nominal Corner Radii ⅜.
3 to $3\frac{3}{8}$ incl., advancing by eighths; Nominal Corner Radii $7/16$.
$3\frac{1}{2}$ to $3\frac{7}{8}$ incl., advancing by eighths; Nominal Corner Radii ½.
4 to $4\frac{1}{4}$ incl., advancing by fourths; Nominal Corner Radii ⅝.
$4\frac{1}{2}$ to $5\frac{1}{2}$ incl., advancing by fourths; Nominal Corner Radii ¾.

NOTE: Round-corner square bars shall be rolled to dimensions and dimensional tolerances, not to weights per linear foot.

Hexagons:
¼ to $2\frac{1}{32}$ incl., advancing by thirty-seconds.
$2\frac{1}{16}$ to $4\frac{1}{16}$ incl., advancing by sixteenths.

Square-edge flats:
Widths:
⅜ to 1 incl., advancing by sixteenths.
Over 1 to 3 incl., advancing by eighths.
Over 3 to 6 incl., advancing by fourths.
Thicknesses:
$13/64$ and $7/32$ incl., advancing by sixty-fourths.
Over $7/32$ to ½ incl., advancing by thirty-seconds.
Over ½ to $1\frac{1}{4}$ incl., advancing by sixteenths.
Over $1\frac{1}{4}$ to 4 incl., advancing by eighths.

Square-edge flats—Continued.
Flats approaching square shall have an ordered difference between the two dimensions of at least:
⅛ inch for sizes up to and including 1 inch in width.
¼ inch for sizes over 1 inch to 2 inches incl., in width.
½ inch for sizes over 2 inches in width.

Round-edge flats:
Widths:
½ to 1 incl., advancing by eighths.
$1\frac{1}{4}$ to $2\frac{1}{2}$ incl., advancing by fourths.
3 to 6 incl. advancing by halves.
Thicknesses:
¼ to ½ incl., advancing by sixteenths.
⅝ to 1 incl., advancing by eighths.

NOTE: When intended for cold-drawing, the ordered sizes of flats (square-edge or round-edge) may be increased over the above listed sizes by $1/32$" or $1/16$" in width, thickness or both, and the rolling tolerances may be specified all over, provided the total range of the allowable standard tolerance is specified.

Round-edge flat spring steel:
Widths:
$1\frac{1}{4}$ to 3 incl., advancing by fourths.
$3\frac{1}{2}$ to 8 incl., advancing by halves.
Thicknesses:
$13/64$ to ¾ incl., advancing by sixty-fourths.
$25/32$ to 1 incl., advancing by thirty-seconds.

Automotive round-edge leaf-spring flats:
Widths:
$1\frac{1}{4}$ to $2\frac{1}{2}$ incl., advancing by fourths.
3 to 6 incl., advancing by halves.
Thicknesses:
S. A. E. standard thicknesses expressed in inch-decimals, as follows:

0.132	0.447
0.145	0.499
0.160	0.558
0.176	0.625
0.194	0.702
0.214	0.788
0.237	0.887
0.262	0.999
0.291	1.127
0.323	1.273
0.360	1.440
0.401	

NOTE: Automotive leaf-spring flats shall be specified to the S. A. E. standard cross-sections as described on page 102 of S. A. E. Handbook 1943, in which no concavity is required but a limited concavity is permitted.

Nut-steel flats:
Widths:
To $2\frac{1}{4}$ incl., advancing by sixty-fourths.
$2\frac{9}{32}$ to 4 incl., advancing by thirty-seconds.
Thicknesses:
$13/64$ to $1\frac{3}{4}$ incl., advancing by sixty-fourths.
$1\frac{25}{32}$ to $2\frac{1}{4}$ incl., advancing by thirty-seconds.

Half rounds:
⅜ to 1 incl., advancing by eighths.
$1\frac{1}{4}$ to 2 incl., advancing by fourths.
$2\frac{1}{2}$ and 3.

Sharp ovals:

2 x $7/16$	⅞ x $7/16$
$1\frac{3}{4}$ x $5/16$	¾ x $5/16$
$1\frac{1}{2}$ x $7/16$	⅝ x $5/16$
$1\frac{1}{4}$ x $7/16$	½ x ¼
1 x $7/16$	⅜ x $5/16$

Blunt ovals:

⅝ x ¼	$3/16$ x ⅛
$9/16$ x ¼	⅜ x ⅛
½ x ¼	

Half ovals:
$3\frac{1}{2}$ x ⅞
3 x ¾
$2\frac{1}{2}$ x ⅝, ½

Half ovals—Continued.

$2\frac{1}{4}$ x	½,	$7/16$		
2 x	½,	$7/16$,	⅜	
$1\frac{3}{4}$ x		$7/16$,	⅜,	$5/16$
$1\frac{1}{2}$ x		$7/16$,	⅜,	$5/16$, ¼
$1\frac{3}{8}$ x			⅜,	$5/16$, ¼
$1\frac{1}{4}$ x			⅜,	$5/16$, ¼, $5/16$
$1\frac{1}{8}$ x			⅜,	$5/16$, ¼, $5/16$
1 x			⅜,	$5/16$, ¼, $5/16$
⅞ x				$5/16$, ¼, $5/16$
¾ x				¼, $5/16$
⅝ x				¼, $5/16$, ⅛
½ x				$5/16$, ⅛
⅜ x				$5/32$

Double-bevel-edge flats:

NOTE: Amended Feb. 3, 1944.

Bottom Width		Top Width		Thickness
$2\frac{1}{2}$	x	$1\frac{3}{4}$	x $5/16$	
$2\frac{1}{4}$	x	$1\frac{1}{2}$	x $5/16$	
2	x	$1\frac{3}{8}$	x $5/16$,	¼
$1\frac{3}{4}$	x	$1\frac{1}{4}$	x $5/16$,	¼
$1\frac{1}{2}$	x	1	x $5/16$,	¼
$1\frac{1}{4}$	x	$1\frac{3}{16}$	x $5/16$,	¼
1	x	⅝	x ¼	

Round-bevel-edge flats:

Width		Thickness		Corner radii
$1\frac{3}{4}$	x	½	x	½
$1\frac{1}{2}$	x	$7/16$	x	$7/16$
$1\frac{1}{4}$	x	⅜	x	⅜
1	x	$5/16$	x	$5/16$
¾	x	¼	x	¼

Equal leg fillet angles:

$2\frac{1}{2}$	x $2\frac{1}{2}$	x	½,	⅜,	$5/16$,	¼, $3/16$
2	x 2	x		⅜,	$5/16$,	¼, $3/16$, ⅛
$1\frac{3}{4}$	x $1\frac{3}{4}$	x			¼,	$3/16$, ⅛
$1\frac{1}{2}$	x $1\frac{1}{2}$	x			¼,	$3/16$, ⅛
$1\frac{1}{4}$	x $1\frac{1}{4}$	x			¼,	$3/16$, ⅛
$1\frac{1}{8}$	x $1\frac{1}{8}$	x				$3/16$, ⅛
1	x 1	x			¼,	$3/16$, ⅛
⅞	x ⅞	x				⅛
¾	x ¾	x				⅛
⅝	x ⅝	x				⅛
½	x ½	x				⅛

Unequal leg fillet angles:

$2\frac{1}{2}$	x 2	x	⅜,	$9/16$,	¼,	$3/16$
$2\frac{1}{2}$	x $1\frac{1}{2}$	x		$9/16$,	¼,	$3/16$
$2\frac{1}{4}$	x $1\frac{1}{2}$	x			¼,	$3/16$
2	x $1\frac{1}{2}$	x			¼,	$3/16$, ⅛
2	x $1\frac{1}{4}$	x			¼,	$3/16$, ⅛
$1\frac{3}{4}$	x $1\frac{1}{4}$	x			¼,	$3/16$, ⅛
$1\frac{3}{4}$	x 1	x				$3/16$, ⅛
$1\frac{1}{2}$	x $1\frac{1}{4}$	x				$3/16$, ⅛
$1\frac{1}{2}$	x 1	x				⅛
$1\frac{1}{4}$	x ¾	x				⅛
1	x ⅝	x				⅛
1	x ⅝	x				⅛
½	x $5/16$	x				$3/32$

Equal leg square root angles:

2	x 2	x ¼			
$1\frac{3}{4}$	x $1\frac{3}{4}$	x ¼,	$3/16$		
$1\frac{1}{2}$	x $1\frac{1}{2}$	x ¼,	$3/16$,	⅛	
$1\frac{1}{4}$	x $1\frac{1}{4}$	x	$3/16$,	⅛	
1	x 1	x		⅛	
⅞	x ⅞	x		⅛	
¾	x ¾	x		⅛	

Unequal leg square root angles:

Note: The first item amended February 3, 1944.

2	x $1\frac{1}{4}$	x ¼			
2	x 1	x	$3/16$,	⅛	

Square back channels:

Width		Flanges		Web
$2\frac{1}{2}$	x ⅝	x		$3/16$
$2\frac{1}{2}$	x $1\frac{9}{32}$	x		⅛
2	x 1	x		$3/16$, ⅛
2	x ⅝	x	¼	
2	x $9/16$	x		$5/16$
2	x ½	x		⅛
$1\frac{3}{4}$	x ½	x		$5/16$
$1\frac{1}{2}$	x ¾	x	$5/16$	⅛
$1\frac{1}{2}$	x $11/16$	x	¼	
$1\frac{1}{2}$	x $9/16$	x		$5/16$
$1\frac{1}{2}$	x ½	x		⅛
$1\frac{1}{4}$	x ½	x		⅛

Square back channels:

Width		Flanges		Web
1⅛	x	9/16	x	1/16
1	x	½	x	⅛
1	x	3/8	x	⅛
⅞	x	5/16	x	⅛
⅞	x	3/8	x	⅛
¾	x	3/8	x	#15 BWG (a)
¾	x	5/16	x	⅛
¾	x	¼	x	⅛
½	x	¼	x	⅛

(a) Birmingham wire gage.

NOTE: Dimensions in the above table are for width, flanges and web for each item. In a number of instances, however, more than one pattern is available and producers' lists should be consulted.

Box channel:

1½ x 1½ x 3/16

Equal tees:

NOTE: The first item amended Feb. 3, 1944.

2½	x	2½	x	3/8, 5/16, ¼		
2¼	x	2¼	x	¼		
2	x	2	x	5/16, ¼		
1¾	x	1¾	x	¼, 3/16		
1½	x	1½	x	¼, 3/16		
1¼	x	1¼	x	¼, 3/16,	⅛	
1⅛	x	1⅛	x		⅛	
1	x	1	x	3/16,	⅛	
⅞	x	⅞	x		⅛	
¾	x	¾	x		⅛	

Unequal tees:

Flange Width		Stem Depth		Thickness
2½	x	1 23/32	x	¼, 3/16
2	x	1½	x	¼, 3/16
1½	x	1¼	x	⅛

NOTE: Dimensions in above lists of equal tees and unequal tees are over-all measurements of flange and stem, and thickness of both flange and stem at outer ends, flange and stem to have the same thickness. Profiles as made by different mills may differ in detail and producers' lists should be consulted.

PERMISSIBLE VARIATIONS FOR DIMENSIONS AND WORKMANSHIP

Permissible size variations applicable to this schedule shall be those set forth as Standard Permissible Variations for Dimensions and Workmanship in Section 8, Hot, Rolled Carbon-Steel Bars, of the American Iron and Steel Institute Manual, Revision June 1943. Modification of the prescribed tolerances is not permissible; except that for bars purchased on Army, Navy or Federal Specifications, the tolerances set forth in such specifications may be applied.

[F. R. Doc. 44-1685; Filed, February 3, 1944; 11:17 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 15 to Limitation Order L-211, Interpretation 1 as Amended Feb. 3, 1944]

HOT-ROLLED CARBON STEEL BARS

The following amended interpretation is issued with respect to Schedule 15 of Limitation Order L-211:

(a) The term "hot-rolled carbon steel bars" as used in the schedule does not include:

(1) Carbon file steel bars, which are considered to be tool steel bars.

(2) Wrought iron bars.

(b) The restrictions of the schedule apply generally to production and delivery, not to use. For example, although carbon steel bars in the dimensions listed under the heading "Nut-Steel Flats" are chiefly used for the manufacture of nuts, the schedule does not prohibit the production or use for other purposes of sizes permitted under this category.

(c) On the other hand, where a special quality or grade of steel is set forth in Table I, that type of steel may be furnished only in the dimensions listed. For example, the dimensions listed under the headings "Round Edge Flat Spring Steel" and "Automotive Round Edge Leaf Spring Flats" are applicable only to spring steel. Round edge flats in grades other than spring steel may not be produced in these dimensions, but must be produced only in the dimensions listed under the heading "Round Edge Flats." However, the rule stated in paragraph (b) of this interpretation is still applicable; spring steel purchased in accordance with the schedule may be used by the buyer for purposes other than the manufacture of springs.

(d) "Mill Edge" or "Strip Edge Flats" are not listed as such in this schedule but the dimensions listed under the heading "Square Edge Flats" also apply to "Mill Edge" or "Strip Edge Flats."

(e) Attention is called to the note at the end of Table 1, relating to permissible variations. This provides that modification of the prescribed tolerances is not permissible. Hence, an order calling directly or indirectly for a narrower tolerance than is prescribed must not be produced or delivered. The only exception is with respect to flats for cold drawing, and this exception is set forth in the note following the list of permitted sizes of flats in Table 1 of the schedule.

Issued this 3d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1686; Filed, February 3, 1944; 11:17 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANIC'S HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, AND MACHINE TOOL ACCESSORIES

[Limitation Order L-216, Schedule V as Amended Feb. 3, 1944]

FILES

§ 3114.6 *Schedule V to Limitation Order L-216*—(a) *Definitions.* For the purpose of this schedule, including the appendix:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of files.

(3) "File" means any file or rasp including American Pattern, Swiss pattern and straight and curved-tooth milled files and rasps, but excluding rotary files, finning burs and small burs as defined in Schedule IV of this order, and excluding ampoule scorers, surgical rasps, dental files and veterinarian rasps and files.

(4) "Total quarterly production" means the total number of units of all types and sizes of files manufactured by a producer in any given quarter.

(b) *Limitations on manufacture and sale.* On and after February 3, 1944, no person shall manufacture or sell any file of any size and type other than the sizes and types listed in Appendix A subject to the following provisions:

(1) Any producer may manufacture and sell any size and type of file which is distinguished by some unusual feature of design or manufacture and is used for a special purpose: *Provided, however,* That the total quantity of such special files to be manufactured by any producer during any quarter shall not exceed five percent of such producer's average total quarterly production for the year 1942.

(2) In addition to the files specified in Appendix A any producer may manufacture for export to foreign countries (other than the Dominion of Canada) any of the types and sizes of files listed in Appendix B. Files listed in Appendix B shall only be sold to fill purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or purchase orders which have been approved by the Office of Foreign Economic Administration for export.

(3) The limitations contained in this paragraph (b) shall not be deemed to prohibit the completion and sale of any files for which the producer had material on hand on February 3, 1944, nor to prohibit the sale of any files from inventories on hand as of February 3, 1944.

(c) *Tolerance permitted for file dimensions.* The following tolerances are permitted in the width and thickness dimensions for finished files shown in the attached appendix:

(1) *American pattern files and rasps.*

(i) Warding files plus or minus 1/32" in both width and thickness.

(ii) Other American pattern files up to and including 6" in length plus or minus 1/16" in width and 1/32" in thickness.

(iii) Other American pattern files over 6" in length—plus or minus 1/16" in both width and thickness.

(iv) Horse rasps and shoe rasps—plus or minus 1/8" in both width and thickness.

(2) Straight and curved-tooth milled files—plus or minus 1/16" in both width and thickness.

(3) *Swiss pattern files.* (i) Three square, half-round and crossing files—plus or minus 1/16" in both width and thickness.

(ii) Other Swiss pattern files up to and including 6" in length—plus or minus 1/32" in width and 1/64" in thickness.

(iii) Other Swiss pattern files over 6" in length—plus or minus 1/32" in both width and thickness.

(d) *Limitation on steel sizes.* On and after July 17, 1943, no producer shall purchase any steel for incorporation into a type and size of file with respect to which the attached appendix indicates that a specified steel size is to be used in such manufacture, other than the size of steel permitted in the appendix for such type and size of file, subject to standard mill tolerances.

(e) *Necessity for preference ratings.* (1) No producer shall sell or deliver any metal cutting file except in accordance with the provisions of General Preference Order E-6, as amended from time to time.

(2) No producer shall sell or deliver any file other than a metal cutting file pursuant to any purchase order placed prior to July 17, 1943 unless such order bears a preference rating of A-9 or higher, nor pursuant to any purchase order placed subsequent to July 17, 1943 unless such order bears a preference rating of AA-5 or higher, or except pursuant to specific permission of the War Production Board.

Issued this 3d of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

TABLE 1—AMERICAN PATTERN FILES

Mill Files[1]

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch: Bastard Min.	Bastard Max.	Smooth Min.	Smooth Max.
4	7/16	7/64	54	62		
6	5/8	1/8	48	52	68	74
7	45/64	1/8	46	50		
8	13/16	9/64	43	46	56	62
10	1	11/64	38	41	51	56
12	1 3/16	3/16	34	37	45	50
14	1 3/8	7/32	30	33	39	43
16	1 7/32	1/4	26	29		

Mill Files—2 Round Edges[1]

6	5/8	1/8	48	52		
8	13/16	9/64	43	46		
10	1	11/64	38	41		

Mill Files—Blunt[1]

[Also known as Special Cross-cut files]

6	5/8	1/8	48	52		
7	45/64	1/8	46	50		
8	13/16	9/64	43	46		
10	1	11/64	38	41		

[1] Mill files shall be made from the following steel sizes.

Length of file (inches)	Width of Steel (inches)	Thickness of Steel (inches)
4	.430	.081
6	.620	.116
7	.715	.134
8	.810	.142
10	1.000	.167
12	1.180	.195
14	1.360	.225
16	1.540	.255

Square Files

Length (inches)	Width of Side (inches)	Cuts—teeth per inch: Bastard Min.	Bastard Max.	Second Cut Min.	Second Cut Max.	Smooth Min.	Smooth Max.
4	9/16	43	48	56	63	72	79
6	3/4	33	37	43	49	55	61
8	31/32	25	29	36	41	44	49
10	1 5/16	22	25	31	35	39	44
12	1 5/8	19	21	29	31	36	39
14	1 7/8	16	18	26	28	33	36
16	2 1/16	15	17				
18	2 3/8	14	16				

Round Files[2]

4	7/16	37	44	46	53	58	65
6	5/8	26	31	34	39	46	51
7	17/64	25	30				
8	9/16	21	25	28	32	39	43
10	5/8	19	21	26	29	36	39
12	3/4	17	19	23	26	32	35
14	7/8	16	18	21	23	30	33
16	1	15	17				

[2] Bastard sizes 6-inch and larger and second cut sizes 12- and 14-inch are double cut. All other sizes are single cut.

Half-Round Files[3]

Length (in.)	Width (Inches)	Thickness (Inches)	Cuts—teeth per inch: Bastard, Back Min.	Bastard, Back Max.	Bastard, Flat Min.	Bastard, Flat Max.	Second cut, Back Min.	Second cut, Back Max.	Second cut, Flat Min.	Second cut, Flat Max.	Smooth, Back Min.	Smooth, Back Max.	Smooth, Flat Min.	Smooth, Flat Max.
4	7/16	1/4	37	45	37	45	51	59	51	59	65	73	65	73
6	5/8	5/32	29	34	29	34	41	46	41	46	50	56	50	56
8	3/4	7/32	24	28	24	28	33	37	33	37	44	50	44	50
10	15/16	9/32	21	24	21	24	29	32	29	32	39	43	39	43
12	1 1/8	11/32	19	21	18	20	26	29	26	29	34	37	34	37
14	1 5/16	13/32	17	19	16	18	23	26	23	26	31	34	31	34
16	1½	15/32	15	17	14	16	20	23	21	24	29	32	29	32

Knife Files

Length (Inches)	Width (Inches)	Thickness: Thick edge (Inches)	Thickness: Thin edge (Inches)	Bastard Min.	Bastard Max.	Second cut Min.	Second cut Max.	Smooth Min.	Smooth Max.
4	15/32	7/64	1/32	49	55	60	68	82	90
6	11/16	9/64	1/16	41	45	52	59	66	73
8	7/8	3/16	1/16	33	37	42	48	54	60
10	1 1/16	3/16	1/16	28	32	34	39	43	49

[3] Flat sides are double cut. Second-cut sizes 4- and 6-inch and all smooth sizes may be single or double cut on the back. All other double cut on back.

Flat Files[4]

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch: Bastard Min.	Bastard Max.	Second cut Min.	Second cut Max.	Smooth Min.	Smooth Max.
4	7/16	7/64	40	48	50	58	65	73
6	5/8	9/64	30	33	41	45	52	57
8	13/16	11/64	23	26	33	37	44	48
10	1	13/64	20	22	29	32	37	41
12	1 3/16	15/64	17	19	26	28	33	36
14	1 3/8	19/64	16	18	23	25	29	32
16	1 13/32	13/32	14	16	21	23	29	32
18	1 23/32	25/64	13	15				

Hand Files[4]

6	5/8	9/64	31	35	41	46	50	56
8	13/16	11/64	23	26	34	38	44	50
10	1	13/64	20	23	29	32	38	42
12	1 3/16	15/64	17	19	26	28	34	38
14	1 3/8	19/64	16	18	24	26	31	34
16	1 13/32	13/32	15	17				

Hand Finishing Files[4]

12	1 3/16	15/64					35	40
14	1 3/8	19/64					33	38

Warding Files

4	7/16	1/16	50	55	68	73	84	91
6	5/8	5/64	41	45	55	59	68	73
8	25/32	3/32	24	37	44	48	55	60
10	1 1/16	5/64	28	31	36	39	43	48

Pillar Files

6	3/64	5/32	34	40	44	50	56	64
8	3/64	7/32	28	32	37	42	47	54
10	4/64	9/64	23	26	33	37	43	48
12	6/64	11/64	20	23				

NOTE: This table amended Feb. 3, 1944.

[4] Flat, Hand and Hand Finishing files shall be made from the following steel sizes:

Length of file, inches	Width of steel	Thickness of steel
	Inches	*Inches*
4	.430	.107
6	.620	.140
8	.810	.180
10	1.000	.230
12	1.180	.265
14	1.360	.300
16	1.540	.345
18	1.720	.390

APPENDIX A—Continued

TABLE 1—AMERICAN PATTERN FILES—continued

Three Square Files

Length, inches	Width of side, inches	Cuts—teeth per inch					
		Bastard		Second-cut		Smooth	
		Min.	Max.	Min.	Max.	Min.	Max.
6	1/2	33	37	43	49	55	61
8	5/8	25	29	36	41	44	49
10	3/4	22	25	31	35	39	44

Double-Ender Files

Length, inches	Width of side, inches	Cuts—teeth per inch	
		Minimum	Maximum
7	7/32	58	63
8	9/32	55	59
9	11/32	52	56
10	3/8	47	51

Taper Files

Length, inches	Tapers single cut			Slim tapers			Extra slim tapers			Double extra slim tapers		
	Width of side	Teeth per inch		Width of side	Teeth per inch		Width of side	Teeth per inch		Width of side	Teeth per inch	
		Min.	Max.		Min.	Max.		Min.	Max.		Min.	Max.
	In.			*In.*			*In.*			*In.*		
4				3/16	58	63	3/16	61	68	5/32	62	70
4½				17/64	55	60	1/4	60	66	11/64	61	68
5				5/16	54	59	7/32	59	64	3/16	60	66
5½							1/4	58	63			
6	1/2	40	45	3/8	50	55	7/32	55	60	7/32	58	63
7	9/16	37	42	11/32	45	50	11/32	51	56	1/4	55	60
8	5/8	36	40	1/2	41	45				5/16	52	57
10	3/4	32	36									

Band-Saw Files—Blunt

Length (inches)	Regular			Slim		
	Width of side (inches)	Teeth per inch		Width of side (inches)	Teeth per inch	
		Min.	Max.		Min.	Max.
6	1/4	40	45	1/16	50	55
8	5/16	36	40	1/2	41	45

APPENDIX A—Continued

TABLE 1—AMERICAN PATTERN FILES—continued

Pillsaw Files

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch			
			Back		Flat	
			Min.	Max.	Min.	Max.
6	7/16	7/32	47	50	47	50
8	9/16	9/32	43	46	43	46

Cant-Saw Files

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch			
			Back		Sides	
			Min.	Max.	Min.	Max.
6	17/32	13/64	49	55	49	55
8	11/16	17/64	44	48	44	48
10	13/16	5/16	39	43	39	43

Cross-Cut Files (Great American)

8	13/16	9/32	42	48	43	48
10	15/16	23/64	38	43	39	43

Aluminum Files

Length (inches)	Width		Thickness		Cuts—teeth per inch					
					Flat		Half Round			
							Back		Flat	
					Min.	Max.	Min.	Max.	Min.	Max.
	H. Rd.	*Flat*	*H. Rd.*	*Flat*						
6	5/16	5/8	5/32	9/64	16	18	16	18	16	18
8	3/4	13/16	7/32	11/64	14	16	15	17	15	17
10	13/16	1	9/32	13/64	14	16	15	17	15	17
12	1 1/16	1 5/16	11/32	17/64	14	16	14	16	14	16
14	1 5/16	1 3/8	13/32	19/64	14	16	14	16	14	16
16	1 1/2	1 17/32	29/64	15/32	14	16	14	16	14	16

NOTE: This table amended Feb. 3, 1944.

Foundry Files

8	3/4	13/16	7/32	11/64	24	27	25	28	24	27
10	13/16	1	9/32	13/64	21	23	23	25	21	23
12	1 1/16	1 5/16	11/32	17/64	16	18	20	23	18	20
14	1 5/16	1 3/8	13/32	19/64	15	18	18	20	16	18
16	1 1/2	1 17/32	29/64	15/32	15	17	16	18	15	17

NOTE: This table amended Feb. 3, 1944.

APPENDIX A—Continued

TABLE 1—AMERICAN PATTERN FILES—continued

Brass Files—Half Round

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch			
			Back		Flat	
			Min.	Max.	Min.	Max.
6	5/16	5/32	28	32	28	32
8	3/8	7/32	22	26	22	26
10	15/16	9/32	21	25	21	25
12	1 1/16	11/32	19	21	19	21

NOTE: This table amended Feb. 3, 1944.

Lead Float Files—Half Round

8	3/4	7/32	17	19	17	19
10	13/16	9/32	15	17	15	17
12	1 1/16	11/32	13	15	14	15

Lead Float Files—Flat [1]

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch	
			Minimum	Maximum
8	13/16	13/64	17	19
10	1	15/64	15	17
12	1 3/16	17/64	13	15

Long Angle Lathe—Flat [1]

10	1	13/64	22	26
12	1 3/16	15/64	20	24
14	1 3/8	15/64	19	21

[1] Flat Aluminum Files, Flat Foundry Files, Flat Lead Float Files and Flat Long Angle Lathe Files shall be made from the same steel sizes as shown in footnote 4 for Flat Files and Hand Files.

Flat Wood Rasps

Length (inches)	Width (inches)	Thickness (inches)	Bastard		Smooth	
			Teeth per row	Rows per inch	Teeth per row	Rows per inch
8	13/16	9/32	7	6¾	8	10
10	1	11/32	7	5¾	9	8¾
12	1 3/16	13/32	7	5¼	10	8¾
14	1 3/8	13/32	7	4¾	11	6¾
16	1 17/32	17/32	7	4¼	12	5¾

APPENDIX A—Continued

TABLE 1—AMERICAN PATTERN FILES—continued

Wood Rasps Half-Round—Bastard

Length (inches)	Width (inches)	Thickness (inches)	Cuts			
			Back		Flat	
			Teeth per row	Rows per inch	Teeth per row	Rows per inch
6	5/8	13/64	7	9	6	9
8	13/16	9/16	8	6¾	7	6¾
10	1	11/32	8	5¾	7	5¾
12	1 3/16	13/32	8	5¼	7	5¼
14	1 3/8	17/32	9	4¾	7	4¾
16	1 9/16	9/16	10	4¾	7	4¾

Wood Rasps Half-Round—Smooth

6	5/8	13/64	8	12	7	12
8	13/16	5/16	9	10	8	10
10	1	13/32	10	8¾	9	8¾
12	1 3/16	15/32	11	8¾	10	8¾
14	1 3/8	17/32	12	6¾	11	6¾
16	1 9/16	9/16	13	6¾	12	6¾

Cabinet Rasps—Second Cut

6	23/32	3/16	7	9	6	9
8	15/16	1/4	9	8¾	8	8¾
10	1 1/8	9/32	11	6¾	10	6¾
12	1 5/16	11/32	11	6¾	10	6¾
14	1 9/16	13/32	12	6¾	11	6¾

Cabinet Rasps—Smooth

6	23/32	3/16	10	12	9	12
8	15/16	1/4	12	12	11	12
10	1 1/8	9/32	12	10	11	10
12	1 5/16	11/32	15	10	14	10
14	1 9/16	13/32	15	10	14	10

Horse Rasps—Plain Half File

Length (inches)	Width (inches)	Thickness (inches)	Cuts			
			Rasp Side		File Side	
			Teeth per row	Rows per inch	Teeth per Inch	
					Minimum	Maximum
12	1 9/32	1 13/32	5	7	11	15
14	1 17/32	3/4	5	7	10	14
16	1 23/32	7/16	5	7	10	13

Horse Rasps—Slim Half File

18	1 23/32	7/16	5	7	10	13

Horse Rasps—Tanged Regular

12	1 17/32	3/4	5	7	11	14
14	1 23/32	7/16	5	7	10	13

Horse Rasps—Tanged Thin

14	1 23/32	23/64	6	7	10	14

APPENDIX A—Continued

TABLE 1—AMERICAN PATTERN FILES—continued

Shoe Rasps—Half-Round

Length, inches	Width, inches	Thickness, inches	Cuts: Rasp end, Flat: Teeth per row	Cuts: Rasp end, Flat: Rows per inch	Cuts: Rasp end, Back: Teeth per row	Cuts: Rasp end, Back: Rows per inch	File end, teeth per inch: Min.	File end, teeth per inch: Max.
8	7/16	3/32	8	12	9	12	19	21
9	31/32	1/4	8	12	9	12	18	20
10	1 3/16	9/32	8	11	9	11	17	19

TABLE 2—STRAIGHT- AND CURVED-TOOTH MILLED FILES

Length, inches	File Blades[6]: Width, inches	File Blades[6]: Thickness, inches	Tang Files[7]: Width, inches	Tang Files[7]: Thickness, inches	Cuts—teeth per inch: Regular cut	Cuts—teeth per inch: Fine	Cuts—teeth per inch: Smooth
7	5/8	3/4	5/16	3/16	14	16	18
8	13/16	13/64	5/16	3/16	13	14	17
10	1	7/16	1	1/4	10	13	16
12	1 5/16	7/16	1 5/32	5/32	8	12	16
14	1 13/32	7/16	1 5/32	5/32			

[6] Flexible or rigid (half-round shell or half-round moulding).
[7] Rigid files with tangs for handles. Any of the following types: Flat, flat babbitt, flat utility, half oval, pillar, square and half-round.

TABLE 3—SWISS PATTERN FILES

"X" as used in the following tables indicates file may be made in the size and cut shown.

Where dimensions for width, thickness or diameter are not given in the following tables, these dimensions are to be the option of the individual manufacturer.

All dimensional figures are inches.

Hand Files

Size: Length	Size: Width	Thickness	Cuts: 00	0	1	2	3	4	6
3	7/16	3/32	X	X	X	X	X	X	----
4	17/32	1/8	X	X	X	X	X	X	----
6	5/8	9/64	X	X	X	X	X	X	X
8	1 3/16	11/64	X	X	X	X	X	X	X
10	1	11/64	X	X	X	X	X	X	----
12	1 9/16	11/64	X	X	X	X	----	X	----

NOTE: This table amended Feb. 3, 1944.

Pillar

3	19/64	3/32	X	X	X	X	X	X	----
4	23/64	7/64	X	X	X	X	X	X	----
6	23/64	9/32	X	X	X	X	X	X	----
8	29/64	7/32	X	X	X	X	----	X	----
10	37/64	11/64	X	X	X	X	----	X	----
12	43/64	11/64	X	X	X	X	----	X	----

Narrow Pillar

3	7/32	5/64	X	X	X	X	X	X	X
4	17/64	7/64	X	X	X	X	X	X	X
6	23/64	9/32	X	X	X	X	X	X	----
8	15/32	5/16	X	X	X	X	X	X	----
10	9/16	3/16	X	X	X	X	----	X	----
12	41/64	5/16	X	X	X	X	----	X	----

Extra Narrow Pillar

3	9/64	3/32	X	X	X	X	X	X	X
4	5/16	7/64	X	X	X	X	X	X	X
6	1/4	9/32	X	X	X	X	X	X	----
8	5/16	5/16	X	X	X	X	X	X	----
10	3/8	7/32	X	X	X	X	----	X	----
12	7/16	1/4	X	X	X	X	----	X	----

TABLE 3—SWISS PATTERN FILES—continued

Pillar Tooling

Length	Cuts: 0	Cuts: 1
6	X	X
8	X	X

Knife

Size: Length	Size: Width	Size: Thickness	Cuts: 00	0	1	2	3	4	6
3	5/16	5/64	X	X	----	X	----	X	----
4	15/32	7/64	X	X	X	X	X	X	----
5	9/16	9/64	X	X	----	X	----	X	----
6	11/16	11/64	X	X	X	X	X	X	----
8	7/8	9/32	X	X	X	X	X	X	----

Taper Round

Size: Length	Size: Diameter	Cuts: 00	0	1	2	3	4	6
3	5/64	X	X	X	X	X	X	X
4	7/64	X	X	X	X	X	X	X
5	9/64	X	X	X	X	X	X	X
6	5/16	X	X	X	X	X	X	X
8	7/16	X	X	X	X	X	X	----
10	9/16	X	X	X	X	X	X	----
12	5/8	X	X	X	X	----	X	----

Parallel Round

4	1/16	X	X	X	X	----	X	----
5	5/64	X	X	----	X	----	X	----
6	3/32	X	X	X	X	----	X	----
8	1/8	X	X	----	X	----	X	----

APPENDIX A—Continued

TABLE 3—SWISS PATTERN FILES—continued

Half Round

Length	Cuts: 00	0	1	2	3	4	6
3	X	X	X	X	X	X	----
4	X	X	X	X	X	X	----
5	X	X	X	X	X	X	----
6	X	X	X	X	X	X	X
8	X	X	X	X	X	X	----
10	X	X	X	X	----	X	----
12	X	X	X	X	----	X	----

Half Round Ring

6	X	X	X	X	----	X	----
7	X	X	X	X	----	X	----

Square

Size: Length	Size: Width of side	Cuts: 00	0	1	2	3	4
3	5/64	X	X	X	X	X	X
4	1/8	X	X	X	X	X	X
6	3/16	X	X	X	X	X	X
8	1/4	X	X	X	X	X	X
10	13/64	X	X	X	X	----	X
12	7/16	X	X	X	X	----	X

Three Square

3	5/32	X	X	X	X	X	X	X
4	1/4	X	X	X	X	X	X	X
5	5/16	X	X	X	X	X	----	X
6	3/8	X	X	X	X	X	X	X
8	1/2	X	X	X	X	X	----	X
10	5/8	X	X	X	X	----	----	X

Metal Saw

3	5/32	----	X	----	X	----	X	X
4	1/4	----	X	----	X	----	X	X
6	5/16	----	X	----	X	----	X	X
6	3/8	----	X	----	X	----	X	X
8	1/2	----	X	----	X	----	X	X

Crossing

Length	Cuts: 00	0	1	2	3	4	6
3	X	X	X	X	X	X	X
4	X	X	X	X	X	X	X
6	X	X	X	X	X	X	X
8	X	X	X	X	X	X	----
10	X	X	X	X	X	X	----

Wording

3	X	X	X	X	----	X	X
4	X	X	X	X	----	X	X
6	X	X	X	X	----	X	X
8	X	X	X	X	----	X	X
10	X	X	X	X	----	X	----

Square Edge Mill

4	X	----	X	X	----	----	----
6	X	----	X	X	----	----	----
8	X	----	X	X	----	----	----
10	X	----	X	X	----	----	----
12	X	----	X	X	----	----	----
14	X	----	X	X	----	----	----

APPENDIX A—Continued

TABLE 3—SWISS PATTERN FILES—continued

Equaling

Length	Cuts: CO	0	1	2	3	4	6
3	X	X	X	X	----	X	----
4	X	X	X	X	----	X	----
6	X	X	X	X	----	X	----
8	X	X	X	X	----	X	----

Crochet

3	X	X	X	X	----	X	----
4	X	X	X	X	----	X	----
6	X	X	X	X	----	X	----
8	X	X	X	X	----	X	----
10	X	X	X	X	----	X	----

Finishing

8	----	----	----	X	----	X	X
10	----	----	----	X	----	X	X
12	----	----	----	X	----	X	X

Barrette

3	X	X	X	X	----	X	----
4	X	X	X	X	----	X	----
6	X	X	X	X	----	X	----
8	X	X	X	X	----	X	----

Pippin

4	X	X	X	X	----	----	----
6	X	X	X	X	----	----	----
8	X	X	X	X	----	----	----

Checkering

6	X	X	X	X	----	----	----
8	X	X	X	X	----	----	----

Slitting

4	X	X	----	X	----	----	----
6	X	X	----	X	----	----	----

Square Edge Joint

Length	Cuts: 00	0	1	2	3	4	6
4	----	X	----	X	----	----	----
6	----	X	----	X	----	----	----

Fork

6	----	X	----	X	----	----	----

Bench

#1 cut on one side.
#3 cut on reverse side.
Lengths: 10 and 12.

Screw Head, Tanged and Plain

Length: 3

Coil

Lengths: 3½ to 5½ over all.

Pivot, Right and Left

Lengths, 3.

Broach

Steel wire gauges 40 to 65, inclusive.
Length, 3.

Auger Bit

Length, 7.

Doctor, Tanged and Plain

Length, 14.

APPENDIX A—Continued

TABLE 3—SWISS PATTERN FILES—continued

Die Sinkers

Cuts: 0, 1 and 2—12 shapes permitted.
Length, 3½.

Round Edge Joint

Length	Cuts: 00	0	1	2	3	4	6
4	----	X	----	X	----	----	----
6	----	X	----	X	----	----	----

Corrugating

6	----	X	----	X	----	X	----

Escapement—or Square Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted
Length:—5½

Straight Blade, Round Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted
Lengths:—4, 5½ and 6¼

Curved Blade, Round Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted
Lengths:—4, 5½ and 6¼

Die Sinkers Rifflers

Cuts:—0, 2 and 4—18 shapes permitted
Length:—6½

Silversmiths Rifflers

Cuts:—0 and 2—12 shapes permitted
Length:—7 to 8.

Parallel and Bench Machine

Cuts:—00, 0 and 2—12 shapes permitted
Lengths:—As required

Special Parallel Machine

Tension and Compression Types
Cuts:—1 and 3—10 shapes permitted
Lengths:—As required.

APPENDIX B

NOTE: Appendix B added Feb. 3, 1944.

AMERICAN PATTERN FILES

Mill Files—2 Round Edges Bastard

Length (inches)	Width (inches)	Thickness (inches)	Cuts—Teeth per inch: Minimum	Cuts—Teeth per inch: Maximum
12	1 3/16	3/16	34	37

Mill Files—Blunt

12	1 3/16	3/16	34	37

Mill Files—1 Round Edge Bastard

6	5/8	3/16	48	52
8	1 3/16	9/64	43	46
10	1	11/64	38	41
12	1 3/16	3/16	34	37

Square Files

Length (inches)	Width of Side (inches)	Teeth per inch: 2d Cu. Minimum	2d Cu. Maximum	Smooth Minimum	Smooth Maximum
16	3/4	22	24	29	32

Round Files

16	3/4	19	21	26	29

APPENDIX B—Continued

AMERICAN PATTERN FILES—continued

Hand Files

Length (inches)	Width (inches)	Thickness (inches)	Teeth per inch: Bastard Minimum	Bastard Maximum	2d cut Minimum	2d cut Maximum	Smooth Minimum	Smooth Maximum
4	17/32	5/64	42	46	55	60	69	75
16	1 17/32	1/32			22	24	29	32

Pillar Files

12	1 3/16	1 3/32			28	32	36	40

Three Square Files

12	2 7/32		19	22	29	32	37	40

Double Ender Files

Length (inches)	Width of Side (inches)	Teeth per inch: Minimum	Teeth per inch: Maximum
6	3/16	60	65

Taper Files

TAPER HEAVY

4	5/8	50	55
4½	7/16	45	50
5	15/32	45	50
6	17/32	40	45
8	2 1/32	39	45

TAPER SINGLE CUT

Length (inches)	Width of Side (inches)	Teeth per inch: Minimum	Teeth per inch: Maximum
4	1 1/32	55	60
4½	3/4	50	55
5	1 3/32	50	55

Hand Saw Files—Blunt

4½	3/4	50	55

APPENDIX B—Continued

AMERICAN PATTERN FILES—continued

Pitsaw Files

Length (inches)	Width (inches)	Thickness (inches)	Teeth per inch			
			Back		Flat sides	
			Minimum	Maximum	Minimum	Maximum
4	5/16	5/32	55	60	55	60
4½	11/32	1/16	50	55	50	55
5	3/8	9/128	50	55	50	55

Cant-Saw Files

4	29/64	5/16	60	65	60	65

Sector Files

6	13/32	1/64	45	50	45	50

Rubber Knife Files

Length (inches)	Width (inches)	Thickness (inches)	Teeth per inch	
			Side:	
			Minimum	Maximum
4½	½	3/64	75	80

[F. R. Doc. 44-1687; Filed, February 3, 1944; 11:17 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-30, as Amended Feb. 3, 1944]

ETHYL ALCOHOL

§ 3293.66 *Allocation Order M-30*—(a) *Definitions.* (1) "Ethyl alcohol" means the product of that name, from whatever source derived. The term includes mixtures of ethyl alcohol and denaturants, including the product known as "proprietary solvent". The term does not include ethyl alcohol produced for beverage purposes or ethyl alcohol tax paid and withdrawn for beverage purposes.

NOTE: Subparagraphs (2), (3) and (4), formerly (3), (4) and (5) redesignated Feb. 3, 1944.

(2) "Producer" means any person engaged in the production of ethyl alcohol and includes any importer and any person who has ethyl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases ethyl alcohol for purposes of resale.

(4) "Supplier" means a producer or distributor.

(b) *General restrictions on deliveries and use.* (1) No person shall accept delivery of ethyl alcohol from a supplier except in accordance with the procedure established by paragraphs (c) and (d) or except upon specific written authorization of the War Production Board issued on application made pursuant to paragraph (e).

(2) No supplier shall deliver any ethyl alcohol except in accordance with the provisions of paragraph (f) or except upon specific written authorization of the War Production Board, issued on application made by the supplier under paragraph (g).

(3) No supplier shall use any ethyl alcohol except upon specific written authorization of the War Production Board issued on application made by him under paragraph (e).

(c) *Acceptance of certain deliveries of 7900 gallons or less per quarter.* Any person may without specific written authorization of War Production Board accept delivery in any calendar quarter from all sources or not more than 7900 gallons of ethyl alcohol, subject to two conditions. The first condition is that he shall have furnished to each supplier from whom he obtains delivery a certificate substantially in the form set forth in Appendix C. The second condition is that the aggregate amount received (in no case in excess of 7900 gallons) must be within the following additional quantity limitations:

(1) Where the purpose for which delivery is requested is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 100% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Adhesives.
Agricultural poisons.
Brake fluids.
Cutting oils.
Drugs and pharmaceuticals (not including rubbing alcohol or products specifically listed in paragraphs (c) (3) or (c) (4)).
Embalming fluids.
Food products (except candy glazes, pectin and vinegar).
Laboratory and experimental.
Photographic materials (including photo engraving).
Natural shellac or shellac substitute.
All other products not classified in paragraphs (c) (2) to (c) (6) inclusive.

(2) Where the purpose is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 50% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Candy glazes.
Cleaning and polishing preparations (including shoe and floor polishes).
Deodorant sprays (non-body).
Tooth cleaning preparations.
Witch hazel.
All toiletries and cosmetics including but not limited to:
Bay rum.
Body deodorants.
Face and hand creams and lotions.
Hair and scalp preparations.
Perfume and perfume materials, tinctures and fixatives.
Shampoos.
Toilet soaps (including shaving cream).
Toilet waters.

However, any person who, during the period from July 1, 1942 to June 30, 1943 inclusive, held a permit issued by the Bureau of Internal Revenue and who purchased ethyl alcohol in quantities averaging not in excess of 162 gallons per calendar quarter during such period and who used such ethyl alcohol for the manufacture of toiletries and cosmetics, may continue to purchase and use not more than 162 gallons of ethyl alcohol per calendar quarter for the manufacture of toiletries and cosmetics.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of ethyl alcohol in the manufacture of a particular toiletry or cosmetic product may be used to support the acceptance of delivery for use in the manufacture of a different toiletry or cosmetic product. For example, ethyl alcohol used in the manufacture of toilet waters during the base period would support the receipt of ethyl alcohol for the manufacture of after-shave lotions containing ethyl alcohol.

(3) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 60% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Antiseptics for oral uses (including Antiseptic Solution N. F.).
Mouth washes.

(4) Where the purpose is the manufacture of any of the following products, there shall be no further limitation on the quantity received (beyond the requirement that only 7900 gallons may be accepted in a calendar quarter):

NOTE: "Nitrocellulose (dissolving and as a diluent)" deleted Feb. 3, 1944.

Acetaldehyde.
Acetic acid (except vinegar for food use).
Basic medicinal chemicals not in compounded form.
Biological preparations.
Butadiene.
Diethylamine.
Dyes and intermediates (manufacture of).
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (military and industrial).
Flotation reagents.
Fulminate of mercury.
Glycols.
Hydrosulfites.
Nitrocellulose (dehydration).
Pectin.
Plastics and synthetic resins (manufacture of).
Styrene.
Xanthates.

(5) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 110% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Flavoring extracts.
Vinegar.

(6) Where the purpose is the manufacture of any rubbing alcohol compound or preparation, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 15% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

(7) Where the purpose is not the manufacture of other products but resale as ethyl alcohol, specific written authorization of War Production Board shall in every case be obtained, whatever the quantity, except as provided in (d) (1).

(d) *Special exemptions for acceptance of small deliveries and acceptance of deliveries by hospitals and scientific institutions.* (1) Any person, upon giving to each supplier from whom he obtains delivery a certificate substantially in the form set forth in Appendix D, may, without written authorization of War Production Board and without any limitation based on past use, accept small deliveries as specified in this paragraph. The specified maximum quantity of either (but not both) of the following two categories of ethyl alcohol may be accepted from all sources: (i) 972 gallons, which may be comprised of proprietary solvent or completely denatured alcohol, or a portion of each, or, in the alternative (ii) 162 gallons which may be comprised of specially denatured or pure alcohol, or a portion of each. However, in computing the amount which may be so accepted, all other ethyl alcohol delivered or ordered for delivery in the same quarter pursuant to any of the provisions of this order, must be taken into account and only the difference between any amounts so delivered and ordered and either 972 gallons or 162 gallons, as the case may be, may be accepted pursuant to this paragraph. Moreover, specially denatured and pure alcohol may not be accepted under this paragraph for use in the manufacture of rubbing alcohol compound or preparation or for use in the manufacture of toiletries and cosmetics.

(2) Any hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue, permitting it to acquire undenatured alcohol tax free, may, without written authorization of War Production Board and without any limitation based on past use, accept delivery of such quantity of alcohol as it is permitted to acquire tax free by such permit.

NOTE: Paragraphs (e) through (l), formerly (d) through (k), redesignated Feb. 3, 1944.

(e) *Acceptance of deliveries (and use by suppliers) upon specific authorization.* Each person seeking specific authorization to accept delivery of ethyl alcohol during any calendar quarter, whether for his own consumption or resale (and each supplier requiring authorization to use ethyl alcohol in any calendar quarter) shall file application therefor on or before the 5th day of the last month of the preceding quarter. The application will be made on Form WPB-2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(f) *Special provisions governing deliveries by suppliers.* (1) A supplier may without specific authorization of the War Production Board deliver to any person, who has filed with him the appropriate certificate substantially in the form either as set forth in Appendix C or in Appendix D, the quantity of ethyl alcohol which such person is entitled to receive under one of the paragraphs (c) (1) to (c) (6), inclusive, or under paragraph (d) (1).

(2) A supplier may, without such certificate and without specific authorization of the War Production Board, deliver to any hospital or scientific institution which holds a permit issued by the Bureau of Internal Revenue permitting it to acquire undenatured alcohol tax free, such quantity of alcohol as such hospital or scientific institution is permitted to acquire tax free by its permit.

(3) A supplier must not deliver ethyl alcohol where he knows or has reason to believe that the certificate is false, but in the absence of such knowledge or reason to believe he may rely upon it.

(4) If War Production Board issues written directions to suppliers reducing the quantities of ethyl alcohol which may be delivered pursuant to paragraph (f) (1), suppliers will rateably reduce all orders for ethyl alcohol from customers wishing it for the same class of use.

(g) *Deliveries by suppliers upon specific authorization.* Each supplier requiring specific authorization to deliver ethyl alcohol during any calendar quarter shall file application on or before the 15th day of the last month of the preceding quarter. The application will be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix B. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(h) *Special authorizations and directions.* (1) Authorizations and directions with respect to delivery to be made or accepted in each calendar quarter (and with respect to use by suppliers in each calendar quarter) will generally be issued by War Production Board prior to the beginning of such quarter, but War Production Board may at any time in its discretion and notwithstanding any of the provisions of this order issue directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of ethyl alcohol.

(ii) Production of ethyl alcohol, including raw materials which may be used.

(2) War Production Board may issue to suppliers and other persons, other and different instructions with respect to the preparation or filing of Form WPB 2947 (formerly PD-602) and Form WPB 2945 (formerly PD-600).

(i) *Special restrictions; rubbing alcohol, anti-freeze, beverage use.* (1) No person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation: *Provided*, That this restriction shall not prevent deliveries to:

(i) A hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to receive undenatured alcohol tax free.

(ii) Licensed physicians, dentists and veterinarians.

(iii) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians.

(iv) A wholesale or retail druggist, for resale in accordance with this paragraph (i) (1) only.

(v) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such compound or preparation (in amounts not exceeding the amounts permitted by paragraph (c) (6) hereof), for resale in accordance with this paragraph (i) (1) only.

(2) The restrictions of this order shall govern delivery of ethyl alcohol to and acceptance of delivery of ethyl alcohol by any person for use in the manufacture of anti-freeze preparations, provided that:

(i) Any person may deliver or accept delivery of completed anti-freeze preparations containing ethyl alcohol without specific authorizations under this order; and

(ii) Nothing contained in this order shall be construed to permit the manufacture, delivery or acceptance of delivery of any anti-freeze preparation in violation of § 1100.1, Limitation Order L-51, as from time to time amended.

(3) No person shall deliver or accept delivery of ethyl alcohol or any compound or preparation containing ethyl alcohol for use, whether in its then form or after rectification or other treatment, for beverage purposes.

(j) *Special provisions; inventories, unfilled orders.* (1) Ethyl alcohol allocated for inventory shall not be used except as specifically authorized or directed in writing by War Production Board.

(2) Ethyl alcohol allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory as though originally allocated therefor.

(k) *Transactions outside the United States.* This order does not apply to deliveries of ethyl alcohol which are both made and received outside of the forty-eight states and the District of Columbia, or to the use of ethyl alcohol outside such states and District, but the import of ethyl alcohol shall be subject to all the provisions hereof.

(l) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Forms.* Forms WPB 2945 and WPB 2947, provided for in paragraphs (e) and (g) have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C.; Ref: M–30.

Issued this 3d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD–600)

(1) *Obtaining forms.* Form WPB 2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. File the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–30, file one copy with each supplier with whom an order is placed, and retain the final copy for your files.

(3) *Information at top of page.* In the heading, under "Name of chemical," specify "Ethyl alcohol"; under "WPB Order No.," specify "M–30"; under "Indicate unit of measure," specify "Wine gallons." In space following heading "Name of supplier with whom this order is placed," state name of usual supplier and also specify his shipping point, if known.

(4) In headings at top of Tables I, III, and IV, substitute "quarter" for "month" and specify particular quarter and year; for example, "third quarter, 1944."

(5) *Proof.* In columns 1, 11 and 19, specify proof, whether pure or denatured, and if denatured, the formula number.

(6) *Primary product.* In column 3, applicant will specify his primary product in terms of the following:

Acetaldehyde.
Acetic acid (except vinegar for food use).
Adhesives.
Agricultural poisons.
Antiseptics for oral uses.
Basic medicinal chemicals not in compounded form.
Biological preparations.
Brake fluids.
Butadiene.
Candy glazes.
Cleaning and polishing preparations (specify).
Cutting oils.
Deodorant sprays (non-body).
Diethylamine.
Drugs and pharmaceuticals (other than rubbing alcohol and other products elsewhere in this paragraph specifically listed).
Dyes and intermediates (manufacture of).
Embalming fluids.
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (specify whether military or industrial).
Flavoring extracts.
Flotation reagents.
Food products (except candy glazes, pectin and vinegar).
Fulminate of mercury.
Glycols.
Hydrosulfites.
Laboratory and experimental.
Mouth washes (other than antiseptics).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent).
Pectin.
Photographic materials (including photo engraving).
Shellac, natural or substitute.
Synthetic plastics and synthetic resins (manufacture of).
Rubbing alcohol compounds.
Styrene.
Toiletries and cosmetics (specify).
Tooth cleaning preparations.
Vinegar.
Witch hazel.
Xanthates.
Other products (specify).
Resale (as ethyl alcohol).
Inventory (as ethyl alcohol).

(7) *Product end use.* In column 4, applicant will specify ultimate use of the product which he manufactures. (Where, for example, applicant's primary product called for in column 3 is "ethylene glycol," the ultimate use of product might be "aircraft coolant.") Applicant must also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer. Where Form WPB 2945 is application for ethyl alcohol for resale or inventory (in each case as ethyl alcohol), leave column 4 blank. If primary product called for in column 3 is under allocation pursuant to War Production Board order, indicate in column 4 "WPB allocation order number."

(8) In column 10 (Remarks) specify quantity of ethyl alcohol used by you in the manufacture of each primary product shown in column 3 in that calendar quarter of the 12-month period ended June 30, 1941, which corresponds to the quarter for which delivery is requested.

(9) *Tables II, III and IV.* Fill out completely Tables II, III and IV, except that Table IV need not be filled out for primary products under allocation. In Table II, substitute word "quarter" for "month" throughout. In Table III show all suppliers, including the supplier named on the face of the form, with whom orders have been placed, including orders against which deliveries may be made without specific authorization.

APPENDIX B—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD–602)

(1) *Obtaining forms.* Form WPB 2947 (formerly PD–602) may be obtained at local field offices of War Production Board.

(2) *Number of copies.* Prepare an original and three copies, file the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–30, retaining the third copy for your files.

(3) *Information at top of form.* In heading under "Name of Material," specify "Ethyl alcohol"; leave grade blank; under "WPB Order No." specify "M–30"; under "Indicate unit of measure," specify "Wine gallons."

(4) In heading "This schedule is for deliveries to be made during the month/quarter ending ----------, 194--," strike out word "month" and insert the quarter and year to which the application relates.

(5) *Listing of customers.* In column 1 list the name of each customer from whom you have received a Form WPB 2945 (formerly PD–600) respecting a delivery in the applicable quarter. Do not list names of customers who have not filed with you Form PD–600. If it is necessary to use more than one sheet to list the customers, number each sheet in order and show on the last sheet total orders for customers whose Form WPB 2945 shows that they propose to accept more than 7,900 gallons in the calendar quarter and the total orders from customers whose Form WPB 2945 shows that they propose to receive not more than 7,900 gallons.

(6) *Primary product and end use.* It is not necessary to show primary product or end use with respect to a customer who files Form WPB 2945 (formerly PD–600). Instead, in column 1–a, opposite the name of each such customer, enter "WPB 2945."

(7) *Other orders to be lumped according to use.* In column 1, the supplier need not list names of customers to whom he proposes to make delivery in the applicable quarter, pursuant to paragraph (f) (1) of this order, but will instead show the total quantity of ethyl alcohol for which he has received orders for delivery in such quarter under each of the paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) and (d) (1). To do so, he will list in columns 1 and 1–a, for example, "Total quantity ordered for delivery under paragraph (c) (1)," and will list in column 4 the total quantity represented by the orders placed pursuant to such paragraph.

(8) *Proof.* In column 7 (remarks), specify proof, whether pure or denatured, and if denatured, the formula number with respect to all ethyl alcohol for which customer has filed WPB 2945. Do not show this information respecting orders for which WPB 2945 has not been filed and which are lumped under (7) above.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 specifying himself as his supplier shall list his own name as customer on Form WPB 2947.

(10) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, columns 9 to 16, inclusive. Distributors will fill out only columns 10, 12 and 13.

APPENDIX C—CUSTOMER'S CERTIFICATE ON CERTAIN DELIVERIES OF 7,900 GALLONS OR LESS (SEE PARAGRAPHS (C) (1) TO (C) (6), INCLUSIVE, AND (F) (1))

NOTE: The second alternate form deleted Feb. 3, 1944.

The undersigned hereby certifies to the War Production Board and to his supplier:

That the ------ gallons of ethyl alcohol hereby ordered for delivery in the ------ calendar quarter, 194-- (insert "second, 1944;" "third, 1944;" etc.] will be used for a class of use within paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) [strike out inapplicable paragraph numbers]; that the quantity used by the undersigned (in such class of use in the corresponding quarter of the 12 month period ended June 30, 1941, was ------ gallons, and that the amount ordered does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed ------ percent of the quantity used in such class of use in the corresponding quarter) or (in the manufacture of toiletries and cosmetics prior to July 1, 1943, did not exceed 162 gallons per calendar quarter) [strike out inapplicable clause in parentheses].

---------- ----------
Date Name of Purchaser

By ---------- --------
Duly Authorized Official Title

INSTRUCTIONS FOR CUSTOMER'S CERTIFICATE

(1) Prepare one copy for each supplier with whom an order is placed and one copy for your files. Wherever possible file certificate with supplier not later than the 5th day of the last mont of the quarter preceding the quarter in which you wish to receive delivery. The certificate may be endorsed on the purchase order or be a separate paper. Do not file a copy with War Production Board.

(2) The certificate shall be signed by the purchaser, or an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

APPENDIX D—CUSTOMER'S CERTIFICATES ON CERTAIN SMALL DELIVERIES (SEE PARAGRAPHS (D) (1) AND (F) (1))

NOTE: Appendix D added Feb. 3, 1944.

The undersigned hereby certifies to the War Production Board and to his supplier: that the ethyl alcohol hereby ordered for delivery in the ---------- calendar quarter (insert "second, 1944"; "third, 1944"; etc.) does not, taken together with all other ethyl alcohol of the applicable types delivered or ordered for delivery in such quarter, exceed the amount authorized pursuant to the provisions of paragraph (d) (1) of allocation Order M–30 and, if specially denatured alcohol or pure alcohol, will not be used for the manufacture of rubbing alcohol compound or preparation or for the manufacture of toiletries and cosmetics.

---------- ----------
Date Name of purchaser

By ---------- --------
Duly Authorized Official Title

[F. R. Doc. 44–1702; Filed, February 3, 1944; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3]

SUGAR RATIONING REGULATIONS

Rationing Order 3 and Amendments 1 through 112,[1] thereto are revised and reissued as Revised Ration Order 3, to read as follows:

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942, and by Supplementary Directive No. 1E of the War Production Board issued April 21, 1942, *It is hereby ordered,* That:

SCOPE OF REVISED RATION ORDER 3

Sec.
1407.1 Territorial limitation.

DEFINITIONS

1407.21 Meaning of terms used in this order.

ADMINISTRATION AND PERSONNEL

1407.41 Personnel.
1407.42 Powers and duties.
1407.43 Jurisdiction of Board; transfers.
1407.44 Records confidential.

CONSUMERS

1407.61 Prohibited deliveries.
1407.69 Issuance of books to certain consumers who have surrendered their books.
1407.71 Home processing and preserving for use.
1407.71a Home processing for sale.
1407.72 Consumers may use sugar stamp No. 40 to get sugar for home processing and preserving for use.
1407.73 Consumer handicapped by transportation difficulties.
1407.74 Growers of sugarcane and sugar beets.
1407.75 Illness of consumer.

INSTITUTIONAL AND INDUSTRIAL USERS

1407.81 Re-registration between December 15, 1943 and January 5, 1944.
1407.82 Prohibited deliveries.
1407.86 Industrial user allotments.
1407.86a Increases in allotments based on increases in population.
1407.86b Temporary increases in allotments due to military maneuvers.
1407.86c Increased allotments for certain industrial users for the period beginning January 1, 1944.
1407.87 Provisional allowances for producing certain products.
1407.87a Provisional allowance for manufacturing condensed milk in containers of over one gallon.
1407.87b Provisional allowance for feeding bees.
1407.88 Reports of provisional allowance uses.
1407.88a Industrial users must keep records.
1407.89 Use of provisional allowance.
1407.90 Amount for which certificate is to be issued.
1407.91 Adjustments.
1407.92 Use of allotments on and after January 1, 1944.
1407.93 Use of sugar prior to January 1, 1944.
1407.93a Ration banking by industrial users.
1407.94 Changes in industrial user accounts as a result of re-registration on OPA Form R–1200.
1407.95 Institutional users.

RETAILERS AND WHOLESALERS

1407.101 Registering unit.
1407.102 Prohibited deliveries.
1407.103 Registration and application: Eligibility.
1407.104 Present inventory.
1407.105 Allowable inventory.
1407.106 Issuance of certificates at registration.
1407.107 Excess inventory.
1407.108 Deliveries to registering units after registration.
1407.109 Late registrations.
1407.109a Ration banking by retailers and wholesalers.
1407.110 Records.
1407.111 Replacement of sugar lost in repackaging.
1407.112 Surrender of certain expired stamps and certificates in exchange for certificates or reduction of excess inventory.

PRIMARY DISTRIBUTORS

1407.120 Ration banking by primary distributors.
1407.121 Deliveries by primary distributors.
1407.122 Records of primary distributors.
1407.123 Orders or commitments for future deliveries.
1407.124 Restrictions on primary distributors.

SUGAR PURCHASE CERTIFICATES, WAR RATION BOOKS, WAR RATION STAMPS AND SUGAR RATION CHECKS

1407.140 Use of checks by depositors and non-depositors.
1407.141 Nature and validity of certificates and stamps.
1407.142 Surrender of certificates and stamps.
1407.142a Use of coupons.
1407.143 Type of sugar authorized.
1407.144 Moving establishment to another place.
1407.144a Sale or transfer of retailer or wholesaler establishments.
1407.144b Sale or transfer of industrial user establishment.
1407.144c Where and how a transferee registers establishments acquired by him.
1407.144d What a person who closes his establishment must do.
1407.145 Stamps and certificates may not be taken by legal process or acquired by will.
1407.146 Delivery of sugar for carriage or storage.
1407.146a Security interests in sugar may be created and released without giving up evidences.
1407.147 Disposal of damaged sugar and undamaged sugar mingled therewith, or sugar in a package, bag, or other container damaged while in transit by common carrier.
1407.147a Adjustments for lost, destroyed, stolen, or damaged sugar.
1407.147b Recovery of lost or stolen sugar.
1407.147c Miscellaneous records.
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[1] 8 F.R. 14820, 15368, 15489, 15524, 15594, 15662, 16605, 16846, 16305, 16597, 16848; 9 F.R. 106, 574, 901.

Sec.
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1407.242 Schedule B: Allotment percentages for industrial users.
1407.243 Schedule C: Designation of ration periods and weight value of stamps valid therein.
1407.244 Schedule D: Counties which have had a substantial increase in population and the percentage for each such county.

AUTHORITY: §§ 1407.1 to 1407.275, issued under Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W. P. B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005.

SCOPE OF REVISED RATION ORDER 3

§ 1407.1 *Territorial limitation.* This order shall apply within the forty-eight states of the United States and within the District of Columbia.

DEFINITIONS

§ 1407.21 *Meaning of terms used in this order.* (a) Whenever the provisions of this order impose or confer duties, obligations, rights or privileges upon an establishment or registering unit, such duties, obligations, rights and privileges shall be considered as being conferred or imposed upon the person owning such establishment or registering unit with respect thereto. Whenever reference is made to an act done or to be done, or to property owned, by an establishment or a registering unit, it shall be deemed to refer to an act done or to be done, or to property owned, by the person owning such establishment or unit in its behalf.

(b) Words importing the masculine gender include the feminine and neuter genders; and words importing the singular include the plural and vice versa.

(c) Definitions:

(1) "Adult" means any married person, or any person who is at least eighteen (18) years of age.

(2) "The Board" means a local rationing board, or the local rationing board with which the consumer or registering unit is registered, as the context indicates.

(3) "Book" or "war ration book" means a war ration book which contains or contained stamps designated by the Office of Price Administration as authorization to take delivery of sugar.

(4) "Certificate" means a sugar purchase certificate (OPA Form R-306) or a food ration certificate (OPA Form R-1201) issued for the delivery of sugar.

(5) "Consumer" means any individual who receives sugar for personal use.

(6) "Delivery" means the transfer of physical possession or the transfer of a document of title.

(7) "Establishment" means the business or operation subject to this order, conducted at or from a particular location.

(8) "Family unit" means a group of two or more individuals, consisting of all persons customarily living together in the same household (including persons temporarily absent therefrom) who are related by blood, marriage, or adoption.

(9) "Industrial user" means any "person" who has an "industrial user establishment". "Industrial user establishment" means any establishment where a person uses sugar in producing, manufacturing, or processing any product other than sugar if the product is not to be used in the preparation or service of food or beverages which the establishment or its owner serves to consumers. It also includes any establishment at which sugar is used for experimental, educational, testing, or demonstration purposes, whether or not a product resulting from such uses is to be used in the preparation or service of foods or beverages which the establishment or its owner serves to consumers.

(10) "Institutional use", "institutional user", "institutional user establishment" and "opening inventory" have the respective meanings given to such terms by General Ration Order 5[1]; *Provided*, That, for the purpose of this order, the term "institutional user establishment" shall be deemed to include any place where an institutional use of sugar is authorized by General Ration Order 5.

(11) "Person" means any individual, partnership, corporation, association, or other organized group of persons, and includes the United States, or any agency thereof, and the States or any political subdivisions or agencies thereof.

(12) "Primary distributor" means any person who manufactures sugar or the agent of any such person; or any person who, for the purposes of sale, takes delivery from the Collector of Customs of sugar brought to the continental United States from a place, other than Canada or Mexico, not subject to this order, or the agent of any such person. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(13) "Ration period" means the space of time designated by the Office of Price Administration for which a Stamp shall be valid.

(14) "Registering unit" means the "wholesaler" or "retailer" establishment or group of establishments selected by the owner thereof to be treated as a single unit for the purpose of this order and which is so registered by him.

(15) "Retailer" means an establishment which makes over 50 percent of its sales of all merchandise to consumers.

(16) "Shipping unit" means the quantity of sugar customarily contained in the carload or truckload by which a registering unit takes delivery of sugar from a primary distributor.

(17) "Stamp" means a War Ration Stamp originally contained in a War Ration Book and designated by the Office of Price Administration as an authorization to take delivery of sugar. All references to stamps 1 to 16, inclusive, are to stamps contained in War Ration Book One.

(18) "Sale at retail" means a sale to a consumer.

(19) "Sale at wholesale" means a sale to a person other than a consumer.

(20) "Sugar" means any saccharine product derived from sugar beets or sugarcane, which is not to be further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than six per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States. "Sugar", within the meaning of this definition, shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, brown sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar, invert sugar mush, raw sugar, liquid sugar, sirups, and sugar mixtures. Liquid sugar shall be computed on the basis of the weight of sugar solids.

(21) "Weight value" means the amount of sugar authorized to be delivered by a stamp, certificate or check.

(22) "Wholesaler" means an establishment which makes over 50 percent of its sales of all merchandise to persons other than consumers. The term "wholesaler" does not include a primary distributor.

(23) "Account" means a sugar ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, certificates and checks and of transfers of sugar ration credits.

(24) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order No. 3.[2]

(25) "Check" means a sugar ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(26) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts, but shall be deemed a depositor only with respect to establishments served by such accounts.

(27) "District office" means a district office of the Office of Price Administration.

(28) "Issue" when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(29) "Ration credits" means the credits in an account reflecting deposits of stamps, certificates or checks.

(30) "Coupon" means a sugar allowance coupon on OPA Form No. R-324, OPA Form No. R-325, OPA Form No. R-326, or OPA Form No. R-327.

(31) "Ration evidences" or "evidences" means certificates, checks, coupons, and stamps.

ADMINISTRATION AND PERSONNEL

§ 1407.41 *Personnel.* (a) This order shall be administered by the Office of Price Administration through its Local Rationing Administrators, and its Local Rationing Boards, and such other administrative personnel as it may designate.

(b) The persons referred to in paragraph (a) hereof may be assisted during the registration periods by the chief school officials of the several states, the city and county superintendents of schools, and by the persons who may be appointed to act as School Site Administrators, Registrars, and Trade Rationing Advisors. The School Site Administrators shall be appointed by the city or county school superintendents and the Registrars shall be appointed by the School Site Administrators. The Trade Rationing Advisors shall be appointed by the Local Rationing Boards. The persons enumerated in this paragraph shall serve without compensation and shall be under the supervision of the persons enumerated in paragraph (a) and of the persons who appointed them.

(c) No person participating in the administration of this order shall act officially in connection with any matter arising under this order wherein, by reason of business interests or relationship by blood or marriage, he is unable to act without bias.

§ 1407.42 *Powers and duties.* The persons appointed to administer this order or to assist therein shall have such powers and duties as are provided in this order and any subsequent orders issued by the Office of Price Administration.

§ 1407.43 *Jurisdiction of Board; transfers.* (a) The jurisdiction of each local rationing board shall extend to every consumer, registering unit and establishment registered or required to be registered with it.

(b) If a consumer does not reside in the area assigned to the Board with which he is registered, a written application may be filed with the Board having jurisdiction over the area in which the consumer resides for the transfer to it of his registration file. Such application may be made by the consumer or by his authorized agent. The Board with which such application is filed, after ascertaining that the consumer is residing within the area assigned to it, shall notify the Board with which the consumer is registered. The latter Board shall thereupon transfer the registration file of the consumer to the Board to which such application has been made.

(c) If the owner of a registering unit moves his principal business office from the area in which the registering unit is registered, such owner, at his option, may apply in writing to the Board having jurisdiction over the area to which his principal business office has been moved, for the transfer to it of the registration file of the registering unit.

(d) If a registering unit is not registered with the Board having jurisdiction over the area in which is located the office from which the operation of the registering unit is immediately controlled, the owner at his option, may apply to such Board in writing for the transfer to it of the registration file of the registering unit.

(e) Whenever an application for the transfer of the registration file of a registering unit is made in accordance with the foregoing provisions the Board to which such application is made shall notify the Board with which the registering unit is registered of the fact that such application has been made. Thereupon the latter Board shall transmit the registration file of the registering unit to the Board to which such application was made, and it shall retain a record of the name and address of the registering unit, the name of the owner, and of the address of his principal business office, and of the designation of the Board to which the registration file is transmitted.

(f) Upon the transfer of the registration file of a consumer or a registering unit in accordance with the foregoing provisions the consumer or registering unit shall thereafter be deemed to be registered with the Board to which such file is transmitted.

§ 1407.44 *Records confidential.* All records of the Office of Price Administration and of the Board relating to sugar rationing shall be confidential and shall be subject to inspection, removal, or other disposition only as provided herein or as the Office of Price Administration may from time to time order. The records shall at all times be available for inspection and use by the Department of Justice of the United States in or out of court. Any person filing a record, or his agent, may examine the record so filed by him if to do so does not interfere with the administration of this order. Records may be subpoenaed in any criminal proceeding in which the defendant is the person named in said records or is a person alleged to be in collusion with the person named therein. Records may be subpoenaed in any other action or proceeding if the subpoena is served at least ten (10) days before the return date and if the Price Administrator deems the production of the records in answer to such subpoena is in the interest of national defense and security. Notwithstanding any of the foregoing there may be posted at the office of each Board a list of all consumers who have made application for and received permission to obtain amounts of sugar in addition to sugar authorized by Stamps, except that the names of Intelligence Officers of the armed forces of the United States, or members of law enforcement agencies of the United States, or of any State or political subdivision thereof, whose work requires secrecy shall not be included in any such list.

CONSUMERS

§ 1407.61 *Prohibited deliveries.* After April 27, 1942, no person may deliver sugar to any consumer and no consumer may accept delivery of sugar from any person except upon giving up stamps, certificates or coupons covering the amount of sugar delivered. However, a consumer who has obtained sugar by the use of his stamps, may give it to another consumer, without receiving stamps, certificates or coupons. He may similarly give such sugar to a religious, charitable, civic, or municipal organization as his agent, to give such sugar to another consumer without receiving stamps, coupons or certificates. (A transaction is not a gift if any charge is made.)

§ 1407.69 *Issuance of books to certain consumers who have surrendered their books.* (a) A consumer whose book has been surrendered pursuant to §§ 1407.73 or 1407.74 shall, by application to the Board in the way provided by General Ration Order 14,[4] be entitled to receive a book containing, however, no "sugar stamps." If such book has been issued, it shall be surrendered to the Board as a condition precedent to the return of the consumer's book pursuant to §§ 1407.73 or 1407.74.

(b) Before returning a book which has been surrendered to the Board, the Board shall detach therefrom stamps applicable to expired ration periods and all "stamps" required to be detached by any other ration order of the Office of Price Administration.

§ 1407.71 *Home processing and preserving for use.* (a) A person registered as a consumer may obtain sugar for the purpose of producing processed foods from fresh fruits for use, in accordance with sections 26.2, 26.5, and 26.6 of Revised Ration Order 13[5] (or for making the gifts permitted by those sections).

(b) Sugar for the purpose of producing processed foods (other than jams, jellies, preserves, or fruit butters) from fresh fruits, for such use, may be obtained and used at the rate of not more than one pound of sugar per four quarts (or eight pounds) of finished processed foods. Sugar for the purpose of making jams, jellies, preserves, or fruit butters may be obtained and used by a consumer in an amount not to exceed five pounds.

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 13920, 14472, 15488.

[2] 8 F.R. 865, 2858, 4627, 9456, 12611.

[3] 8 F.R. 14211.

[4] 9 F.R. 3, 104, 695, 574, 848, 765.

However, the total amount of sugar which may be obtained by a consumer for both these purposes, for the period from March 1, 1943, to February 29, 1944, inclusive, shall not exceed 25 pounds.

(c) Notwithstanding anything to the contrary contained in this order, Stamps Nos. 15 and 16 each authorizes a consumer to obtain sugar on or before October 31, 1943, to be used solely for the purposes stated in paragraphs (a) and (b) of this section in an amount not to exceed five pounds. However, in no event shall a consumer use either such stamp to obtain sugar in an amount which, when added to the amount of sugar otherwise obtained by such consumer for such purposes between March 1, 1943, and February 29, 1944, inclusive, would exceed 25 pounds. The use of such stamps by a consumer to obtain sugar shall constitute a representation by the consumer to the Office of Price Administration that he is entitled to obtain such sugar under the provisions of this section.

(d) Applications for sugar needed for the purposes covered by this section, in addition to that which may be obtained on or before October 31, 1943, under paragraph (c) of this section, shall be made, in writing, to the Board for the place where he lives, by one adult member of a family unit for all members of the unit (or, if there is no adult member, by the oldest member or by a responsible person) or by a consumer not a member of a family unit for himself (or, if a minor, not self-supporting, by his parent or guardian or by a responsible adult). The applicant shall either in person or by mail present to the Board the War Ration Books One issued to the persons on whose behalf the application is made. In addition, the applicant shall in his application state (1) the number of quarts (or pounds) of processed foods (other than jams, jellies, preserves, or fruit butters), the applicant, and the members of the family unit of which he is a member for whom application is made, has produced since March 1, 1943, or intends to produce from fresh fruits, for use; (2) the amount of sugar obtained pursuant to this section used or to be used in the making of jams, jellies, preserves, and fruit butters; (3) that he has used or will use any sugar obtained pursuant to paragraph (c) of this section in accordance with this section; and (4) such other information as the Board may require. The Board shall determine the total requirements of sugar of the applicant, for the period from March 1, 1943, to February 29, 1944, for the purposes covered by this section, and shall, to the extent permitted under the provisions of paragraph (b) of this section, issue coupons or a certificate to the consumer in weight value equal to such requirements less ten pounds (since the consumer will be able to obtain ten pounds of sugar for the purposes covered by this section by the use of stamps 15 and 16, as set forth in paragraph (c) of this section). The weight value of the coupons or certificate issued by the Board, however, shall in no event exceed 15 pounds. However, if the Board acts on the application after October 31, 1943, the Board shall determine the total requirements of sugar of the applicant, for the period from March 1, 1943, to February 29, 1944, for the purposes covered by this section, and shall, to the extent permitted under the provisions of paragraph (b) of this section, issue coupons or a certificate to the consumer in weight value equal to such requirements, less five pounds for each stamp 15 or 16 that is not attached to the consumer's War Ration Book One. The weight value of the coupons or certificates issued, however, shall in no event exceed 25 pounds. The Board shall note on the cover of the War Ration Book One of each person for whom application is made the weight value of the coupons or certificate issued to such person under this paragraph and the date of issuance. However, a person who does not have a War Ration Book One may submit, instead of such a book, his War Ration Book Four together with a statement in writing that he does not have a War Ration Book One. He shall also submit in writing a statement of the amount of sugar he has already obtained under paragraphs (c) and (d) of this section. If the Board finds that the statements are true, it shall issue coupons or a certificate to the consumer in weight value equal to his total requirements less any amounts which the consumer has already obtained under paragraphs (c) and (d) of this section. The weight value of the coupons or certificate issued, however, shall in no event exceed 25 pounds less any amounts which the consumer has already obtained under paragraphs (c) and (d). The Board shall note on the cover of the War Ration Book Four of each such person for whom application is made, the weight value of the coupons or certificate issued to such person under this paragraph and the date of issuance.

(e) Notwithstanding anything to the contrary contained in this section a consumer whose total requirements of sugar for the purposes covered by this section are from one to four pounds, inclusive, or from six to nine pounds, inclusive, shall apply to the Board pursuant to paragraph (d) of this section. If the total requirements of the applicant, determined by the Board, are from one to four pounds, inclusive, the Board shall detach from the book of the applicant Stamps Nos. 15 and 16; if they are from six to nine pounds, inclusive, the Board shall so detach Stamp No. 15 or 16. The Board shall issue coupons or a certificate for the amount of such requirements less the weight value of any such stamp not so detached. Such issuance shall be noted on the cover of the book, in accordance with paragraph (d) of this section. This paragraph shall not apply to applications acted on by the Board after October 31, 1943.

(f) Sugar obtained pursuant to this section shall be used only in the quantities and for the purposes permitted by this section and the processed foods produced therewith shall be used only as permitted by sections 26.2, 26.5, and 26.6 of Revised Ration Order 13.

§ 1407.71a *Home processing for sale.* (a) The Board may permit a person registered as a consumer to obtain sugar to be used for the purpose of producing from fresh fruits home processed foods (other than jams, jellies, preserves, or fruit butter) which he intends to transfer for points in accordance with section 26.3 of Revised Ration Order 13. Such sugar may be obtained at the rate of not more than one pound of sugar per four quarts (or eight pounds) of finished home processed foods. However, the total amount of sugar obtained for such purposes, for the period from March 1, 1943 to February 29, 1944, inclusive, shall not exceed 250 pounds and no more than one such allowance shall be granted to a family unit.

(b) Applications for sugar in accordance with this section shall be made on OPA Form R–315. The applicant shall state (1) the number of quarts (or pounds) of home processed foods he intends to produce from fresh fruits; (2) the amount of sugar applied for; (3) the address at which the processing will be done; (4) the type of facilities to be used; (5) whether any member of the family unit of which he is a member has received an allowance under this section; and (6) such other information as the Board may require.

(c) The Board shall grant the application to the extent permitted under the provisions of this section and shall issue a certificate in weight value equal to the amount of sugar allowed.

(d) The applicant shall make the reports and keep the records required of him by Revised Ration Order 13.

(e) Sugar obtained pursuant to this section shall be used only in the quantities, during the period, and for the purposes for which it was allowed and the home processed foods produced with such sugar shall be delivered, sold, or transferred by the applicant only in accordance with the provisions of Revised Ration Order 13.

§ 1407.72 *Consumers may use Sugar Stamp No. 40 to get sugar for home processing and preserving for use.* Sugar Stamp No. 40 in War Ration Book Four authorizes a consumer to obtain 5 pounds of sugar, before March 1, 1945, to be used solely for the purpose of producing processed foods from fresh fruits for use, in accordance with sections 26.2, 26.5 and 26.6 of Revised Ration Order 13 (or for making the gifts permitted by those sections).

§ 1407.73 *Consumer handicapped by transportation difficulties.* (a) A registered consumer to whom a War Ration Book has been issued who, because of transportation difficulties, finds it a hardship to take delivery of sugar at the times and in the amounts specified in § 1407.243, may apply for a certificate authorizing him to take delivery of a quantity of sugar not in excess of fifteen (15) pounds. The application therefor shall be made to the Board on OPA Form No. R–315 by the consumer personally, by an adult member of his family unit, by an authorized agent, or by any other person authorized to register for him. The applicant may apply by mail or in person. The Board, in its discretion, may grant the application: *Provided,* That the amount allowed such consumer shall not exceed fifteen (15) pounds of sugar. Before issuing a certificate in such case, the Board shall detach from the War Ration Book of the consumer stamps having a weight value equal to the amount for which the certificate is issued; if the amount so allowed is greater than the weight value of the unexpired stamps in his War Ration Book to which a weight value has been assigned in § 1407.243 the War Ration Book shall be surrendered to the Board and held until stamps may be detached having a weight value equal to such amount.

§ 1407.74 *Growers of sugarcane and sugar beets.* A consumer who has delivered sugarcane or sugar beets produced by him to a primary distributor for processing into sugar may apply for a certificate authorizing him to take delivery from that primary distributor of a quantity of sugar not in excess of 25 pounds for himself and 25 pounds for each member of his family unit. The application therefor shall be made to the Board upon OPA Form No. R–315 by the consumer personally or by an adult member of his family unit or by an authorized agent. The Board, in a proper case, shall grant the application: *Provided,* That such consumer shall surrender to the Board his War Ration Book and the War Ration Books of the members of his family unit for whom such application is made.

§ 1407.75 *Illness of consumer.* Any person who, by reason of his illness, requires amounts of sugar in addition to that otherwise allowed him may apply for a certificate authorizing him to take delivery of such additional amounts. The application therefor shall be made to the Board upon OPA Form No. R–315 by the consumer personally or by an adult member of his family unit, or by an authorized agent, and shall be accompanied by a doctor's certificate explaining why additional sugar is needed and stating the amount required. The Board in a proper case shall grant the application.

INSTITUTIONAL AND INDUSTRIAL USERS

§ 1407.81 *Re-registration between December 15, 1943, and January 5, 1944*—(a) *Who must re-register.* Every industrial user who had registered his industrial user establishment under this order before December 15, 1943, must re-register that establishment by filing OPA Form R–1200 at any time between December 15, 1943, and January 5, 1944, inclusive, in accordance with General Ration Order 16.*

(b) *How owner of industrial user establishments re-registers them governs their operation.* If an industrial user has more than one industrial user establishment and they are registered separately (on OPA Form R–1200), each of those establishments must be treated and operated separately for all the purposes of this order (including computation of allotments and base period use), just as though the establishments were owned by different persons, and the industrial user is considered as a different industrial user as to each such establishment. If an industrial user has registered his establishments together, they are treated as a unit, for all the purposes of this order. However, deliveries of sugar between such establishments may not be made except in accordance with § 1407.168 and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration under that section.

(c) *Industrial user must keep copy of registration.* Each industrial user must keep a copy of his registration on OPA Form R–1200. If he has more than one establishment which he registers together, the copy must be kept at his principal business office; otherwise it must be kept at the establishment it covers.

§ 1407.82 *Prohibited deliveries.* (a) No person may deliver sugar to any industrial or institutional user and no industrial or institutional user may accept delivery of sugar from any person unless such person receives from the industrial or institutional user evidences covering the amount of sugar delivered. However, any sugar which was included, or required to be included, in the opening inventory of an institutional user establishment under General Ration Order 5 may be received without giving up evidences.

(b) Deliveries of sugar from one institutional user establishment to another of the same owner are covered by General Ration Order 5.

§ 1407.86 *Industrial user allotments*—(a) *General.* To enable an industrial user to get and use sugar at his industrial user establishment, he is given an allotment for each use or product for which he has established a base-period use in accordance with General Ration Order 16. Allotments are given for fixed periods called allotment periods. The allotment periods are the following quarterly periods:

(1) *First quarter:* January to March, inclusive;

(2) *Second quarter:* April to June, inclusive;

(3) *Third quarter:* July to September, inclusive;

(4) *Fourth quarter:* October to December, inclusive.

(b) *Application for allotments.* An industrial user's registration on OPA Form R–1200 is treated as an application for an allotment for his industrial user establishment for the quarterly period beginning January 1, 1944. Application for any other allotment period must be made, in person or by mail, to the Board with which his establishment is registered. No particular form need be used for such application. The application, however, must be in writing and must be made not more than fifteen days before, nor more than five days after, the beginning of the period. However, the Board may permit an application to be made at any time before an allotment period under such circumstances as the Washington Office of the Office of Price Administration may direct. The Board, in its discretion, may also permit an application to be made at any time within the allotment period, but if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced by an amount which bears the same proportion to the allotment as the number of days which have elapsed from the start of the period bears to the total number of days in the period.

(c) *Amount of allotment.* The amount of an industrial user's allotment is determined on the basis of his use of sugar at his industrial user establishment during the quarter in the base period (1941) corresponding to the allotment period. (General Ration Order 16 describes the way in which base-period use for each quarter in the base period is determined.) The amount of sugar used by him during the quarter for which he has established a base-period use is multiplied by the percentage or percentages fixed in § 1407.242, Schedule B, for that use or class of products and the numbers which result are added, and the total is his allotment, stated in pounds, for that use or class.

§ 1407.86a *Increases in allotments based on increases in population*—(a) *The amount of the increases.* An industrial user who in 1941 delivered to a county listed in § 1407.244, Schedule D, products for which he may obtain an allotment may, for each allotment period, obtain an increase in the allotment he is entitled to get under § 1407.86. The amount of the increase is determined as follows:

(1) Determine the amount of sugar which he used in products he delivered in 1941 to the listed county.

(2) Determine the amount of sugar which he used in all products he delivered in 1941.

(3) Divide the number obtained in (1) by the number obtained in (2).

(4) Multiply the number obtained in (3) by the percentage shown for that county for such allotment period in § 1407.244, Schedule D. (The result is the percentage by which the industrial user's allotment is increased.)

(5) If he made deliveries to more than one listed county, add together the percentage increases in allotment for all such counties. (This is the total percentage by which his allotment is increased.)

(6) Multiply the total percentage increase (the figure obtained in (4), if he made deliveries to one listed county, or (5), if he made deliveries to more than one listed county) by the industrial user's allotment as determined under § 1407.86 for the allotment period for each use or class of product. (This is the amount of the increase in allotment to

*8 F.R. 16840.

which the industrial user is entitled, under this section, for that allotment period.)

(b) *How to determine what to include as deliveries.* Only final deliveries, directly or by independent carrier, are covered by this section. Deliveries to the following are not included: the Army, Navy, Marine Corps, or Coast Guard of the United States; Army Exchanges, Army Exchange Service, Post Exchanges of the Marine Corps, Ships Service Activities of the Navy or Coast Guard; other activities designated by the Army, Navy, Marine Corps, or Coast Guard; Food Distribution Administration, and Ships Service Stores of the Training Organization of the War Shipping Administration, the American National Red Cross, with respect to its acquisitions of food for consumption by members of the armed forces of the United States outside the United States, a naval vessel or naval activity of the United Nations, the Navy, Army and Air Force Institutes (of Great Britain), or for use as ships' or canteen stores in any ocean-going vessel of the United States or of any of the United Nations, or on any neutral vessel, designated by the War Shipping Administration, which is engaged in the transportation of cargo or passengers in foreign, coastal, or intercoastal trade. In determining 1941 deliveries to a listed county, only the following deliveries are to be included: (1) deliveries by the industrial user in 1941 of products in which he used sugar to all places in such county not specified in paragraph (c), and (2) deliveries of such products in 1941, with or without further processing by persons and from places specified in paragraph (c), wherever located, to all places in such county not specified in that paragraph.

(c) *Places referred to in paragraph (b).* The places referred to in the previous paragraph are the following:

(1) An industrial user establishment of the industrial user, or

(2) A plant or warehouse of the industrial user, or

(3) A plant or warehouse of a person having an exclusive contract to distribute the industrial user's products (with or without processing) in more than one county, or

(4) A plant or warehouse of a person owning more than 50 per cent of the stock of the industrial user corporation, or a plant or warehouse of a corporation or other organization more than 50 per cent of the stock of which is owned by that person or by the industrial user.

(d) *How application is made.* An industrial user's application for the increase in allotment allowed by this section must be made, in person or by mail, to the Board with which he is registered. The first application for such increase must be made on OPA Form R–315. If an amendment to this order changes the amount of the increase in allotment to which an industrial user is entitled under this section, he must apply on OPA Form R–315 for the increase in allotment as so changed for the first period to which the amendment applies. Applications under this section must state the facts and show the computations required by paragraph (a). Except for these two cases, no particular form need be used in applying for the increase permitted by this section.

(e) *When application must be made.* Application for the increase for each period must be made at the same time that application for the regular allotment for that period is made and shall be subject to the provisions of § 1407.86 (b) with respect to late application.

(f) *Records.* An industrial user who applies for an increase in allotment under this section must keep, at his office, available for inspection by the Office of Price Administration, the journals, ledgers, and other records and reports which he used in obtaining or furnishing the information on which such increase was based.

§ 1407.86b *Temporary increases in allotments due to military maneuvers.* Whenever the Director of the Food Rationing Division of the Office of Price Administration finds that military maneuvers of the armed forces of the United States will cause temporary abnormal demands for sugar-containing products in the area in which such maneuvers are to be held, he may, upon defining such area, authorize such temporary increases in the allotments of industrial users delivering such products within the affected area as he shall deem necessary.

§ 1407.86c *Increased allotments for certain industrial users for the period beginning January 1, 1944.* (a) An industrial user may apply to the Board for an increase in his allotment for the period beginning January 1, 1944, for the production of the products listed in Class 14 of § 1407.92 (a).

(b) Application must be made prior to March 1, 1944, on OPA Form R–315. The Board shall grant the increase requested in the application. However, the increase in allotment granted to the industrial user must not exceed 25 per cent of the amount of his sugar base for the first quarterly period for the products listed in Class 14 of § 1407.92 (a).

§ 1407.87 *Provisional allowances for producing certain products.* (a) An industrial user who needs sugar to produce any of the products listed in Tables I, II, IV, V, VII and IX of § 1407.241, Schedule A, may get a provisional allowance of sugar in an amount determined by multiplying the number of units of the product which he estimates he will produce during the quarterly period for which the application is being made, by the amount of sugar which is permitted in § 1407.241, Schedule A, as the maximum amount per unit of the product.

(b) An industrial user who needs sugar to produce cooked beans (canned, bottled, frozen, or dehydrated) may get a provisional allowance of sugar in an amount determined by multiplying the number of units of dried beans which he estimates he will use during the quarterly period for which the application is being made, by the amount of sugar which is permitted in § 1407.241, Schedule A, Table VIII, as the maximum amount per unit of dried beans used.

(c) Only an industrial user who has properly registered on OPA Form R–1200 may apply to the Board for a provisional allowance under this section. He must apply on OPA Form R–314. The application must be signed by the industrial user or by an authorized agent. The application may be made in person or by mail.

§ 1407.87a *Provisional allowance for manufacturing condensed milk in containers of over one gallon.* (a) An industrial user may apply, in any month, for a provisional allowance to manufacture during the following month condensed milk to be packaged in containers holding more than one gallon.

(b) Application must be made in duplicate on OPA Form R–315 and must show:

(1) The plant capacity of his industrial user establishment.

(2) The amount of milk the industrial user will receive during the month for which the provisional allowance is requested, and

(3) The amount of such milk which cannot be processed into non-sugar-containing products other than evaporated milk, or into condensed milk to be packaged by him in containers holding one gallon or less. The industrial user shall send the original of the application to the Office of Price Administration, Washington, D. C., and shall file a duplicate with the Board with which he is registered.

(c) The Washington Office of the Office of Price Administration may grant such provisional allowance in an amount which it considers necessary to prevent the spoilage of milk, on such conditions as it may require.

§ 1407.87b *Provisional allowance for feeding bees.* (a) An industrial user who needs sugar for feeding bees may get a provisional allowance of sugar for that purpose in an amount determined under Table VI of Schedule A, § 1407.241.

(b) Application for all or part of such a provisional allowance may be made at any time during a calendar year. It must be made on OPA Form R–315.

(c) Any advance which an industrial user got during 1942 on his future provisional allowances for feeding bees must be deducted from the amount of his 1943 provisional allowance for that purpose. If the amount of the advance was more than 10 pounds per colony, the excess must be deducted from the industrial user's 1944 provisional allowance for feeding bees.

(d) An industrial user who gets a provisional allowance for feeding bees, may, in each calendar year, get an additional provisional allowance for that purpose if additional sugar is necessary to prevent the loss of his bees. Application for the additional provisional allowance must be made to the Board on OPA Form R–315 and must state:

(1) The amount of the additional provisional allowance needed;

(2) The number of colonies of bees for which the additional provisional allowance is needed;

(3) That the industrial user has used his full provisional allowance for the calendar year for feeding bees; and

(4) That the additional sugar applied for is necessary to prevent the loss of the industrial user's bees.

The application must also contain the certification of the local United States Department of Agriculture War Board that the additional sugar applied for is necessary to prevent the loss of the industrial user's bees. If the Board finds that the facts stated in the application are true, it will grant the application. The additional provisional allowance granted to any industrial user under this paragraph must not exceed 15 pounds for each colony of bees during any calendar year.

§ 1407.88 *Reports of provisional allowance uses.* (a) On or before application for a provisional allowance an industrial user who uses sugar in packing or processing any of the products listed in Table II or IX of Schedule A, § 1407.241, must file with the Board a written report showing: (1) the total number of gallons of each fruit juice packed in 1941; (2) the total number of cases, by sizes, of each other product packed during 1941; (3) the total amount of sugar used with each; (4) in the case of each fruit, the total number of cases processed in terms of cases of 24/2½'s on the basis of the conversion table set forth in Table III of Schedule A; (5) in the case of tomato catsup and chili sauce, the total number of cases processed in terms of cases of 6/10's (glass) on the basis of the conversion table set forth in Table X; and (6) the average amounts of sugar used per case on the converted bases.

(b) On or before application for a provisional allowance an industrial user who uses sugar in packing or processing pickled or cured fish, shellfish, or poultry products must file with the Board a written report showing: (1) the amount of each such product processed during 1941; (2) the total amount of sugar used in each; and (3) the average amount of sugar used per hundred-weight (unprocessed).

(c) On or before application for a provisional allowance an industrial user using sugar in the production of cooked beans (canned, bottled, frozen, or dehydrated) must file with the Board a written report showing: (1) the amount of cooked beans produced by him during 1941; (2) the total amount of sugar used by him in such cooked beans in 1941; and (3) the average amount of sugar used per 100 pounds of dried beans processed in 1941.

(d) An industrial user who uses sugar in any month for feeding bees or for packing or processing any of the products listed in §1407.241, Schedule A (other than jams, jellies, preserves, marmalades, or fruit butters (listed in Table VII) or cooked beans (Table VIII)), must, on or before the 15th day of the following month, file with the Board a written report of the use of sugar for each of such products during the past month. The report must show the number of units by sizes of each product packed or processed (and the number of bee colonies fed by weeks) and the amount of sugar used. In the case of products listed in Tables I, II, and IX of Schedule A, § 1407.241, except fruit juices, there must be included as a separate item the number of cases of each product packed or processed in terms of cases of 24/2's, 24/2½'s, and 6/10's (glass), respectively, on the basis of the conversion factors set forth in Tables III and X of Schedule A. In the case of fruit juices the amount packed or processed must be given in terms of gallons.

(e) An industrial user who uses sugar in any month for producing products listed in Table VII must on or before the 15th day of the following month file with the Board a written report showing: (1) the number of pounds of each product produced by him during the past month; (2) the amount of sugar used; and (3) the type of fruit, fruit juices (or tomatoes) used in producing such products.

(f) An industrial user who uses sugar in any month for producing cooked beans (canned, bottled, frozen, or dehydrated) must, on or before the 15th day of the following month file with the Board a written report showing: (1) the amount of sugar used in producing such cooked beans during the past month and (2) the amount in pounds of dried beans he used.

(g) An industrial user who in 1941 used dextrose or corn syrup in packing a product for which he is entitled to get a provisional allowance and who, prior to December 15, 1943, filed the reports required by paragraphs (a), (b), and (c) must, prior to his next application for a provisional allowance, amend those reports to include his use of dextrose and corn syrup on the basis of the conversion factors set forth in § 1407.89 (c).

(h) On or before application for a provisional allowance, an industrial user who uses sugar in the production of jams, jelly, preserves, or marmalade not made with fruit, fruit juice, or tomatoes, must file with the Board a written report showing: (1) the amount of each such product produced by him during 1941; (2) the total amount of sugar used by him in each such product in 1941; and (3) the average amount of sugar used per pound of each such product produced by him in 1941.

§ 1407.88a *Industrial users must keep records.* Each industrial user must keep for two years, at his office, records showing by months the amounts of sugar received by him, the amount of sugar used for each product and use listed in § 1407.241, Schedule A, and § 1407.242, Schedule B, and the amount of each product processed or produced.

§ 1407.89 *Use of provisional allowance.* (a) No industrial user may use more sugar in any packing season for packing or processing any product listed in Table I, II, or IX of Schedule A, § 1407.241, than the amount determined by multiplying the number of units of such product actually packed in such season by the allowance per unit of such product specified in Schedule A.

(b) No industrial user may use more sugar for packing or otherwise processing any unit of any product listed in Table IV, V or VII of Schedule A than the amount specified therein as the allowance per unit of such product. No industrial user may use more sugar for producing cooked beans than the allowance specified in Table VIII of § 1407.241 per 100 pounds of dried beans used.

(c) In determining the quantity of sugar used for the packing or processing of any product listed in § 1407.241, Schedule A there shall be included all dextrose and corn syrup used for such product on the basis of 1.1 pounds of dextrose or 1.2 pounds of corn syrup as the equivalent of 1 pound of sugar.

§ 1407.90 *Amount for which certificate is to be issued.* A certificate shall be issued to the industrial user, after proper application, for the total of the provisional allowance and the allotment or allotments applied for, less any adjustments required to be made by this order and less any excess inventory.

§ 1407.91 *Adjustments.* (a) In issuing a certificate to an industrial user, the amount of his "excess inventory" must be deducted from the amount for which he may receive a certificate.

(b) "Excess inventory" includes:

(1) The amount by which his "present inventory" (sugar which he had on April 28, 1942, or which was stored for him or in transit to him on that date) exceeds the total of all his prior allotments and provisional allowances.

(2) All sugar (other than sugar which was included in his present inventory) received without giving up evidences.

(3) Sugar which an industrial user used (other than sugar which was included in his present inventory) after April 28, 1942, and prior to registration under this order.

(4) The amount by which a certificate, received as a result of an earlier omission or mistake made in his application or by the Board or other office of the Office of Price Administration, exceeded the amount which the industrial user was entitled to receive.

(5) Any part of a provisional allowance obtained for a preceding period which was not used for the purposes for which the provisional allowance was made.

(6) The portion unused, on January 1, 1944, of any allotment obtained by the industrial user, as the owner of a "registering unit" (as defined in this order on December 14, 1943), for a purpose or product for which a provisional allowance may be obtained on such date.

(7) Any other sugar which the industrial user, as the owner of a "registering unit" (as defined in this order on December 14, 1943), was required under this section on December 14, 1943, to deduct

from the amount of the certificate to be issued on the next application for the "registering unit".

(8) Any other amount charged as excess inventory as a result of action taken by the Office of Price Administration.

§ 1407.92 *Use of allotments on and after January 1, 1944.* (a) On and after January 1, 1944, except as may be permitted by the Washington Office of the Office of Price Administration, an industrial user who obtains an allotment under this order may use sugar allotted to him only for the use or for the production of the product on which his base period use was established, or for a use or for the production of a product included in the same class, according to the following classes:

1. Bread and other bakery products.
2. Baking mixes, including batters.
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni.
4. Ice cream; ices; sherbets; frozen custards; and mixes used for these purposes.
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks.
6. Bottled beverages (alcoholic and non-alcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; brandied fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes.
7. Mayonnaise and salad dressing.
8. Products fried in fat (except bakery products) such as nuts, potato chips.
9. Candy; chocolate; cocoa; chewing gum.
10. Sandwiches.
11. Dehydrated and dried soup and soup mixes.
12. Canned and bottled foods (not included in other items); table syrups.
13. Experimental, educational, demonstration, and testing purposes.
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops.
15. Pharmaceuticals (external).
16. All other classes: Food.
17. All other classes: Non-food.

(b) No industrial user may use more sugar in any allotment period for any purpose or use for which allotments may be obtained than his allotment for that period plus any unused part of his allotments for earlier periods. Sugar used under an allotment before the beginning of the period for which it was granted shall, for the purposes of this paragraph be considered to have been used in the period for which it was granted.

(c) On and after January 5, 1944, an industrial user may not use sugar for any use or purpose unless he has registered his industrial user establishment on OPA Form R–1200.

§ 1407.93 *Use of sugar prior to January 1, 1944.* Prior to January 1, 1944, an industrial user may use sugar only in the way permitted by this order on December 14, 1943.

§ 1407.93a *Ration banking by industrial users.* (a) An industrial user may open an account for his establishment. If he has more than one establishment and they are registered together, he may, at his option, open a separate account for each establishment or for any group of such establishments. However, if an account is opened for any such establishment, all his other establishments which are registered with it must be served by an account or accounts.

(b) Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No. 3A.[7]

(c) An industrial user whose establishments are registered together may transfer ration credits from one of his "industrial user" accounts to another by the issuance of a check without the delivery of sugar.

§ 1407.94 *Changes in industrial user accounts as a result of re-registration on OPA Form R–1200.* (a) Any industrial user who has more than one establishment and re-registers those establishments on OPA Form R–1200 in a way different from the way in which they were previously registered on OPA Form R–310 (by registering two or more establishments together when they were previously registered separately or by registering them separately when they were previously registered together) must make the appropriate changes in the designation of the establishments served by any ration bank accounts which he has opened. He must also close any account that is no longer needed.

(b) If an industrial user wishes to change the number of establishments which are served by an account and it is necessary that he use some or all of the credits in that account for an establishment that will no longer be served by the account, he may, on or before January 15, 1944, issue the necessary checks to withdraw such credits from the account. Such checks may be deposited in any account serving the establishment for which he wishes to use the credits, or, if he has no account for such establishment, he may use the checks to obtain sugar for that establishment.

(c) Any industrial user who closes an account under this section may (after notifying the district office in the way provided in General Ration Order 3A) on or before January 15, 1944, issue to the board a check for the balance in such account (minus outstanding checks) and receive in exchange a certificate of equal amount.

§ 1407.95 *Institutional users.* An institutional user shall get allotments of sugar and use sugar only as provided in General Ration Order 5.

RETAILERS AND WHOLESALERS

§ 1407.101 *Registering unit.* As used in §§ 1407.102–1407.112, such registering unit refers to the retailer[8] or wholesaler[9] establishments which are included within such registering unit.

§ 1407.102 *Prohibited deliveries.* On and after April 28, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall make delivery of sugar to any registering unit and no registering unit shall accept delivery of sugar from any person except upon the surrender to such person by the registering unit, pursuant to this order, of certificates or stamps having a total weight value equal to the quantity of sugar so delivered; except that any sugar which at the time of registration has been included in present inventory pursuant to § 1407.104, may be received without the surrender of certificates or stamps.

§ 1407.103 *Registration and application: Eligibility.* (a) Registration and application for certificates shall be made on April 28 or 29, 1942, for each registering unit upon OPA Form No. R–305 (Registration of Retailers and Wholesalers), at a registration site designated for the area in which the principal business office of the owner is located: *Provided*, That in order to be eligible for registration all of the component establishments selling at retail must have made deliveries of sugar at any time during the period from January 1, 1941, to April 20, 1942, or have commenced operations subsequent to April 20, 1942, and that component establishments selling at wholesale must have handled sugar at any time during the period from January 1, 1941, to December 1, 1941. Retail establishments which did not handle sugar during the period from January 1, 1941, to April 20, 1942, or which commenced operations subsequent to April 28, 1942, and wholesale establishments which did not make deliveries of sugar during the period from January 1, 1941, to December 1, 1941, may petition for registration pursuant to the provisions of § 1407.163 of this order.

(b) The Form shall be presented for filing, and signed in the presence of a Registrar, by the owner, a partner (if the owner is a partnership), an officer (if the owner is a corporation, association, or similar organization), or manager of the owner. The Registrar in whose presence the Form is signed shall witness the signature and certify to the execution thereof.

(c) If the registering unit is composed of more than one establishment there shall be attached to the Registration Form a list of the establishments included, with the address of each: *Provided, however*, That a registering unit composed of establishments located on mobile conveyances, including vessels, need not list such mobile conveyances.

(d) The Registrar shall also insert on the Form the designation of the Local Rationing Board having jurisdiction over the registration site and at the close of the registration period the completed Form shall be filed with such Board.

§ 1407.104 *Present inventory.* The present inventory of a registering unit is the aggregate of all sugar in the possession of or intended to be used by, the registering unit, to which, at the time of registration, the owner of the registering unit has title or holds documents of title, or which was in transit or stored for delivery to the registering unit and out of the possession of the vendor of the registering unit prior to April 28, 1942. The owner shall be deemed to have title to sugar regardless of the fact that it may have been mortgaged, pledged, or otherwise used as security in a credit transaction, or that its use may have been prohibited by any order of the War Production Board. Every person who owns one or more registering units must include all sugar to which he has title (except sugar held for personal use and sugar in the possession of his vendor) in the present inventories of such registering units allocating such sugar among those of his registering units as he selects.

§ 1407.105 *Allowable inventory.* (a) A registering unit is permitted to obtain a working inventory of sugar which shall be known as the allowable inventory.

(b) The amount of the allowable inventory for a registering unit registering as a retailer is the quantity equal to one pound for each dollar of gross sales of all meats, groceries, fruits, vegetables, and similar products made during the week ending April 25, 1942 (or, if the component establishment began operations after April 20, 1942, the estimated sales for the first complete calendar week of operations), or one-quarter of the sugar delivered to and accepted by the registering unit during the month of November 1941, whichever is smaller: *Provided*, That if the component establishment was not in operation during the full month of November 1941, or if the information concerning the quantity delivered to and accepted by the registering unit during November 1941 cannot be ascertained, the allowable inventory shall be computed solely on the basis of the aforementioned gross sales.

(c) The allowable inventory of a registering unit registered as a wholesaler is the quantity of sugar equal to the total obtained by taking the quotient arrived at by dividing the amount of sugar delivered to the registering unit in 1941 by twice the number of months it made deliveries of sugar during 1941 and adding thereto the quantity of sugar equal to the shipping unit by which the registering unit customarily took delivery of sugar on or about December 1, 1941.

(d) A registering unit may apply for a temporary increase in its allowable inventory in an amount not to exceed fifty percent of the allowable inventory permitted such registering unit pursuant to paragraph (b) or (c). If it is registered as retailer, it may also apply for a temporary increase not to exceed fifty percent of any permanent increase in its allowable inventory authorized by the Office of Price Administration. Application for the increase shall be made by the registering unit to the Board on OPA Form No. R–315. The Board shall issue a certificate to the registering unit in weight value equal to the increase applied for if it is not in excess of the amount permitted pursuant to this paragraph; *Provided, however*, That if the registering unit has not surrendered stamps or certificates to the Board for cancellation in weight value equal to its excess inventory, as described in § 1407.107, and in weight value equal to any temporary increase in its allowable inventory previously authorized by the Office of Price Administration, the Board shall grant the application and reduce the excess inventory and any previously authorized temporary increase, and, if the increase granted pursuant to this paragraph exceeds the weight value of such stamps and certificates required to be surrendered a certificate shall be issued to the registering unit in weight value equal to the difference. Increases granted pursuant to this paragraph may be cancelled by the Office of Price Administration. If such increases are cancelled, registering units to which they have been granted shall, before accepting any deliveries of sugar, surrender to the Board for cancellation stamps or certificates in weight value equal to such increases. Thirty days notice of any such cancellation will be given.

(e) A registering unit may apply for a temporary increase in its allowable inventory, in addition to the temporary increase it may obtain pursuant to paragraph (d) of this section, in an amount equal to the temporary increase permitted such registering unit under paragraph (d) of this section. Application for the increase shall be made by the registering unit to the Board on OPA Form No. R–315. The Board shall issue a certificate to the registering unit in weight value equal to its excess inventory as described in § 1407.107, and in weight value equal to any temporary increase in its allowable inventory previously authorized by the Office of Price Administration, except those temporary increases authorized pursuant to paragraph (d) of this section, the Board shall grant the application and reduce the excess inventory and any previously authorized temporary increases, except those temporary increases authorized pursuant to paragraph (d) of this section, the Board shall grant the application and reduce the excess inventory and any previously authorized temporary increases, except those temporary increases authorized pursuant to paragraph (d) of this section, and, if the increase granted pursuant to this paragraph exceeds the weight value of the stamps and certificates required to be surrendered, a certificate shall be issued to the registering unit in weight value equal to the difference. Any increase granted under this paragraph may be cancelled by the Office of Price Administration. If such increase is cancelled, the registering unit to which it has been granted shall, before accepting any deliveries of sugar, surrender to the Board for cancellation stamps or certificates in weight value equal to such increase. Thirty days notice of any such cancellation will be given.

§ 1407.106 *Issuance of certificates at registration.* If the present inventory of the registering unit is less than the allowable inventory, a certificate shall be issued by the Registrar to the registering unit in the amount applied for; in no event, however, shall the amount applied for be greater than the difference between the allowable inventory and the present inventory. If application is made for a certificate in weight value less than the maximum for which such application may be made, the allowable inventory shall be reduced by the amount by which the maximum weight value for which application could be made exceeded the weight value of the certificate applied for.

§ 1407.107 *Excess inventory of a registering unit.* The amount by which the present inventory exceeds the allowable inventory shall be known as the "excess inventory of a registering unit." The registration of a registering unit which has an excess inventory shall be completed, but such registering unit shall not be entitled to any certificates at the time of registration. Before it may accept any deliveries of sugar such registering unit must surrender to the Board for cancellation stamps or certificates in weight value equal to the amount of the excess inventory.

§ 1407.108 *Deliveries to registering units after registration.* After registration, the allowable inventory of a registering unit may be replenished upon the surrender, pursuant to this order, of stamps and certificates received by the registering unit from the persons to whom its component establishments delivered sugar.

§ 1407.109 *Late registrations.* A registering unit which was not registered on April 28 or 29, 1942, may be registered thereafter at the office of the Board. In applying for late registration, the present inventory and the allowable inventory shall be computed and declared as of April 28, 1942.

§ 1407.109a *Ration banking by retailers and wholesalers.* (a) Each owner of a registering unit which includes or is composed of one or more wholesale establishments, more than one retail establishment, or a single retail establishment whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2500.00, shall open at least one account for all the component establishments of such registering unit.

(b) The owner of any other registering unit composed of only one retail establishment may open an account for such establishment if such establishment had an account on April 27, 1943, or has a ration bank account for any other rationed food. (A bank is not required to

[7] 8 F.R. 1130, 1449, 1963, 3520, 4627, 5843, 11669, 13738.

[8] "Retailer" means an establishment which makes over 50 percent of its sales of all merchandise to consumers.

[9] "Wholesaler" means an establishment which makes over 50 percent of its sales of all merchandise to persons other than consumers, exclusive of sales made by a primary distributor. The term "wholesaler" does not include a primary distributor.

open or maintain such accounts, but if it does so, it must open or maintain them for any such retail establishment which applies.)

(c) The owner of a registering unit described in paragraph (a) of this section may, at his option, open a separate account for each establishment, or for any group of establishments, in such registering unit.

(d) Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No. 3A.

(e) An owner of a registering unit may transfer ration credits from one account to another by the issuance of a check without the delivery of sugar, if these accounts are carried for establishments in the same registering unit.

§ 1407.110 *Records.* Establishments selling at retail or at wholesale shall keep records of all sugar received by them. An establishment operating as a wholesaler shall also keep a record of the names and addresses of all persons to whom sugar was delivered at wholesale and the quantities and dates of such deliveries. These records shall be kept at the office of the registering unit of which the establishment is a part and shall be made available for inspection by the Office of Price Administration and the Board. Such records shall be retained for a period of not less than 2 years.

§ 1407.111 *Replacement of sugar lost in repackaging.* (a) A registering unit may obtain certificates in weight value equal to the amount of sugar lost by the retail and wholesale establishments included in the registering unit in packaging sugar: *Provided*, That the weight value of such certificates shall not exceed one per cent of the amount of sugar thus packaged.

(b) Application for such certificates shall be made by the registering unit for each six-month period ending October 31 or April 30. It shall be made to the Board on OPA Form No. R–315, in the month following the close of each such period, and shall establish compliance with the requirements of paragraph (a) of this section and include such other information as the Board may require.

§ 1407.112 *Surrender of certain expired stamps and certificates in exchange for certificates or reduction of excess inventory.* (a) A registered retailer or wholesaler may surrender to the Board any stamps numbered 1 through 9 or any expired certificates in exchange for which he delivered before March 19, 1943, and within the periods specified in § 1407.141, the quantity of sugar authorized to be delivered by such stamps and certificates. If his excess inventory as adjusted pursuant to § 1407.107 is equal to or greater than the weight value of such surrendered stamps and certificates, the Board shall reduce the excess inventory by the weight value of such stamps and certificates. However, if the weight value of such stamps and certificates is greater than his excess inventory as adjusted pursuant to § 1407.107, the Board shall cancel the excess inventory and issue to him a certificate in weight value equal to the difference.

(b) Application for such reduction of excess inventory or a certificate shall be made on OPA Form No. R–315 on or before April 9, 1943. The application shall state facts establishing compliance with the requirements of paragraph (a) of this section and such other information as the Board may require. The application shall be accompanied by the stamps and certificates to be surrendered and such stamps shall be pasted on cards as prescribed by § 1407.142.

PRIMARY DISTRIBUTORS

§ 1407.120 *Ration banking by primary distributors.* (a) On or before February 8, 1943, each primary distributor shall open at least one account for all his establishments, other than institutional or industrial user establishments. If the primary distributor has more than one establishment he may, at his option, open a separate account for each establishment or group of establishments. Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No. 3A. The primary distributor shall notify the Washington Office of the Office of Price Administration of the opening of such account or accounts and the name and address of the establishment or establishments to be served by each such account. If a person becomes a primary distributor on or after February 8, 1943, he shall, within one week thereafter, open such account or accounts and shall notify the Washington Office of the Office of Price Administration of the opening of such account or accounts, and the name and address of each establishment to be served by each such account.

(b) Each primary distributor shall deposit all stamps and certificates received by him within the periods specified in § 1407.141, each check transferred to him by endorsement within 20 days of its receipt by him, and each check issued to him within twenty (20) days of the date appearing on its face. Stamps numbered one (1) through nine (9) and certificates received by him in accordance with this order, prior to February 8, 1943, which are dated before December 10, 1942, and which bear no endorsement later than January 9, 1943, may not be deposited, but shall be sent by the primary distributor to the district office having jurisdiction over the area in which the principal office of such primary distributor is located.

(c) A primary distributor may issue checks against ration credits in his account only as provided in § 1407.140 (e) or paragraph (d) of this section.

(d) On or before May 25, 1943, each primary distributor shall issue to the Washington Office of the Office of Price Administration a check in weight value equal to the total weight value of the stamps, certificates, and checks deposited by him on or before April 30, 1943, minus the weight value of any checks issued by him on or before April 30, 1943, pursuant to § 1407.140 (e). On or before the 10th day of each month subsequent to May 1943 each primary distributor shall issue to the Washington Office of the Office of Price Administration a check equal in weight value to the total weight value of the stamps, certificates, coupons, and checks deposited by him during the preceding calendar month, minus the weight value of any checks issued by him during such preceding calendar month pursuant to § 1407.140 (e).

§ 1407.121 *Deliveries by primary distributors.* Except as is otherwise provided herein, a primary distributor may deliver sugar to persons not primary distributors, on and after April 28, 1942, only upon receipt of stamps or certificates in the manner set forth in this order.

§ 1407.122 *Records of primary distributors.* The primary distributor shall preserve for a period of 2 years at his principal business office records of all sugar delivered by him, the persons to whom such deliveries were made and the amounts thereof, the serial numbers of all certificates received therefor, the weight value of such certificates, and the amount of sugar delivered against them. The primary distributor shall, in each month, send to the district office a report of all deliveries made to the Army or Navy or any of the persons or agencies listed in paragraph (b) of § 1407.183.

§ 1407.123 *Orders or commitments for future deliveries.* (a) No primary distributor shall deliver sugar pursuant to a contract, agreement or commitment, regardless of when made, providing for delivery more than three days after the making thereof, directly or to a carrier for delivery. No primary distributor shall deliver sugar to fill any order, regardless of when received, calling for delivery more than three days after the receipt thereof, directly or to a carrier for delivery.

(b) This section shall not apply to deliveries to the Army or Navy of the United States or to any of the persons or agencies listed in § 1407.183 (b) of this order, or to deliveries of raw sugar which is not to be further refined or otherwise improved in quality.

§ 1407.124 *Restrictions on primary distributors.* (a) Primary distributors of beet sugar shall retain for delivery as the Office of Price Administration may order, the undelivered balance of the sugar derived from sugar beets, set aside by such primary distributors pursuant to Supplementary Order M–55–c issued by the War Production Board.

(b) Commencing with June 19, 1942, primary distributors of beet sugar shall set aside at the end of each month for delivery as the Office of Price Administration may order, fifteen percent (15%) of their production during such month.

(c) The provisions of paragraph (b) of this section do not apply to beet sugar produced from sugar beets of the 1943 crop and set aside, pursuant to paragraph (b) of this section, prior to November 1, 1943, is released from the provisions of paragraph (b) of this section and need not be held for delivery as the Office of Price Administration may order. "Sugar beets of the 1943 crop" include all sugar beets planted for harvest in the calendar year 1943, except that with respect to sugar beets grown in Yuma County, Arizona, in Imperial County, California, and in those parts of the Imperial and Coachella Valleys which are included in Riverside County, California, "sugar beets of the 1943 crop" do not include sugar beets planted for harvest in the calendar year 1943 but include sugar beets planted for harvest in the calendar year 1944.

SUGAR PURCHASE CERTIFICATES, WAR RATION BOOKS, WAR RATION STAMPS AND SUGAR RATION CHECKS

§ 1407.140 *Use of checks by depositors and non-depositors.* Notwithstanding anything to the contrary contained in this order:

(a) No depositor, and, on and after February 8, 1943, no person required to be a depositor, shall, except in accordance with General Ration Order No. 3A, surrender or transfer stamps or certificates which are valid for deposit.

(b) Whenever this order requires or authorizes the surrender or transfer of stamps or certificates to a person, other than a bank for deposit, and such stamps or certificates are valid for deposit, a depositor shall not surrender or transfer such stamps or certificates but shall instead, under the same circumstances and with the same effect, issue to such person a check, valid for deposit, in weight value equal to such stamps or certificates.

(c) Whenever this order authorizes the delivery of sugar upon the surrender or transfer of stamps or certificates, such delivery may be made to a depositor upon receipt, by the person making the delivery, of a check valid for deposit issued to him by the depositor and equal in weight value to such stamps or certificates.

(d) A person who neither is nor is required to be a depositor to whom a check is issued by a depositor or to whom a check is transferred by endorsement may transfer such check by endorsement to any person to whom and for any purpose for which stamps or certificates are authorized to be surrendered by this order.

(e) A depositor who has received stamps, certificates or checks from a registering unit or industrial or institutional user establishment may issue to it a check in weight value equal to the sugar which he has not delivered against such stamps, certificates or checks, but which he is then authorized to deliver to such registering unit or industrial or institutional user establishment against such stamps, certificates or checks.

(f) A depositor who has received stamps, certificates or checks as authorization for the delivery of sugar by him may not, except as provided in paragraph (e), issue a check against any part of the credit created by their deposit except to the extent that he has delivered sugar against them.

(g) Whenever this order refers to the delivery or acquisition of sugar (including the replenishment of inventory), upon or without the receipt or surrender of stamps or certificates, the issuance of checks by a depositor or, in the case of a person who neither is nor is required to be a depositor, the transfer of checks by endorsement shall be deemed to be included in such reference, unless the context shall otherwise require.

(h) No person may accept stamps, certificates, or checks which he knows or has reason to believe are transferred or surrendered in violation of this section.

§ 1407.141 *Nature and validity of certificates and stamps.* (a) A certificate or stamp may be transferred only for the purpose of authorizing the consumer or registering unit to whom the certificate or stamp was issued to take delivery of the amount of sugar specified on the certificate or assigned to the stamp in § 1407.243, Schedule C, of this order, and to permit the registering unit to which the certificate or stamp has been surrendered to take delivery of sugar in order to replenish its sugar inventory. Stamps in the hands of a consumer are valid only if attached to a War Ration Book.

(b) Each stamp authorizes delivery of sugar to a consumer only during the ration period assigned to such stamp in § 1407.243. A stamp received in accordance with this order by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar in an amount equal to the weight value of the stamp if such stamp is surrendered to another registering unit or a primary distributor within a month of the close of the ration period assigned to such stamp. A stamp surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after the close of the ration period assigned to such stamp: *Provided, however*, That, notwithstanding anything to the contrary contained in this order, Stamp No. 12 may, on or before July 31, 1943, be surrendered by a registering unit which is not and is not required to be a depositor to authorize the registering unit to take delivery of sugar and may be deposited on or before August 10, 1943. Except as provided in paragraph (f) of § 1407.140, a depositor may issue checks at any time, against credits created by the deposit of a stamp. Stamps numbered one through eleven shall not be valid for deposit. If the ration period assigned to a stamp ends on a day which is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day of the ration period to and including the corresponding day of the next calendar month; otherwise it is the period from the last day of the ration period to and including the last day of the next calendar month.

(c) (1) A certificate issued on OPA Form R–306 authorizes the person to whom it is issued, if he is not a depositor nor required to be one, to take delivery of sugar if such certificate is surrendered within 60 days from the valid date of the certificate. Such certificate duly transferred by endorsement to a registering unit that is neither a depositor nor required to be one, authorizes the delivery of sugar to such registering unit if such certificate is surrendered within 80 days from the valid date of the certificate. Such certificate duly transferred or issued to a depositor shall be valid for deposit in the account of such depositor for a period of 80 days from the valid date of the certificate. Such certificate issued before January 27, 1943, which is duly transferred to a registering unit by endorsement authorizes the delivery of sugar and may be deposited within 60 days from the valid date of the certificate or within 30 days from the date contained in the endorsement to such registering unit, whichever is later.

(2) A certificate issued on OPA Form R–1201 authorizes the person to whom it is issued, if he is not a depositor nor required to be one, to take delivery of sugar if such certificate is surrendered not later than the date appearing on the face thereof. Such certificate duly transferred by endorsement to a registering unit that is neither a depositor nor required to be one, authorizes the delivery of sugar to such registering unit if such certificate is surrendered within 20 days from the date appearing on the face thereof. Such certificate duly transferred or issued to a depositor shall be valid for deposit in the account of such depositor for a period of 20 days from the date appearing on the face thereof.

(3) A depositor may, except as provided in paragraph (f) of § 1407.140, issue checks at any time, against credits created by the deposit of a certificate. Certificates which before January 27, 1943, ceased to authorize the delivery of sugar shall not be valid for deposit.

(d) A primary distributor receiving certificates, or a registered wholesaler receiving stamps or certificates, from a registering unit upon request may deliver to such registering unit a quantity of sugar equal to the weight value of the stamps and certificates so received, plus an additional quantity equal to either: (1) an amount, not in excess of 10% of the weight value of the stamps or certificates so received, required to make a total quantity equal to that contained in a Shipping Unit; or (2) an amount not in excess of ninety-nine (99) pounds, required to permit delivery in shipping packages customarily used by the person making the delivery.

If the amount of sugar delivered is greater than the weight value of the certificates and stamps received the person accepting the delivery shall be charged with such excess and shall surrender stamps or certificates of weight value equal to such excess before accept-

ing delivery of any additional sugar from any person.

(e) As used in this section the term "registering unit" includes industrial user establishments and establishments registered under General Ration Order 5 as Group II and III institutional user establishments.

§ 1407.142 *Surrender of certificates and stamps.* (a) Certificates or stamps must be surrendered by the consumer or registering unit receiving the sugar to the primary distributor or registering unit delivering the sugar at or before the time of delivery. A stamp must be detached by the consumer or the person acting on his behalf from the War Ration Book of the consumer only in the presence of the person making delivery of the sugar. Before a certificate is surrendered, the proper endorsement on the reverse side shall be completed by the holder of the certificate.

(b) A registering unit or primary distributor to which stamps are surrendered by a consumer must paste the stamps on OPA Form No. R-304 (War Ration Stamp Card), or upon a similar card; only stamps bearing the same number may be affixed to the card. When a registering unit surrenders a card for the purpose of authorizing a delivery of sugar to it, the name and address of the registering unit surrendering the card and the name and address of the registering unit, Collector of Customs, or primary distributor to whom the card is being surrendered shall be written on the face or back of the card by the one surrendering the card. Before a card may be surrendered for the purpose of deposit, the person surrendering the card shall, if he affixed the stamps to the card, endorse it by writing his name and address on its face or shall, if he received the card with stamps affixed, endorse it by writing his name on its back.

(c) As used in this section the term "registering unit" includes industrial user establishments and establishments registered under General Ration Order 5 as Group II and III institutional user establishments.

§ 1407.142a *Use of coupons.* Notwithstanding anything to the contrary contained in this order:

(a) Whenever this order authorizes the delivery of sugar to a consumer upon the surrender of stamps or certificates, such delivery may be made upon the surrender by the consumer of coupons equal in weight value to the amount of sugar delivered and bearing the serial number of the consumer's book. The consumer's book shall be presented to the person making the delivery at the time the coupons are surrendered and such person shall make delivery only if the coupons bear the same serial numbers as the book.

(b) A coupon authorizes the delivery of sugar to a consumer in an amount equal to the weight value of such coupon, until February 29, 1944. A coupon received in accordance with this order by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar in an amount equal to the weight value of the coupon until March 31, 1944. A coupon surrendered to a depositor shall be valid for deposit in the account of such depositor until April 10, 1944.

(c) Whenever a registering unit, primary distributor, or Collector of Customs receives a coupon in accordance with this order it may deliver sugar against such coupon and surrender or deposit such coupon for the same purposes and with the same effect as if such coupon were a stamp, subject, however, to the provisions of this section.

(d) A registering unit, primary distributor, or Collector of Customs to whom coupons are surrendered by a consumer shall enclose such coupons in an envelope and shall surrender or deposit them in accordance with the procedure prescribed for stamps or coupons by General Ration Order 7.[*] Such coupons shall be received, surrendered, or deposited, and sugar may be delivered against them, by a registering unit, primary distributor, or Collector of Customs, only in the same manner, for the same purpose and with the same effect as such registering unit, primary distributor, or Collector of Customs could receive, surrender, deposit, or deliver sugar against, stamps of equal weight value.

§ 1407.143 *Type of sugar authorized.* A certificate or stamp shall authorize delivery and receipt of any kind, type, or grade of sugar.

§ 1407.144 *Moving establishment to another place.* (a) A person may move his "retailer" or "wholesaler" establishment to another place after notifying the Board of his new address. A primary distributor may move his "primary distributor" establishment to another place after notifying the Washington Office of the Office of Price Administration of his new address.

(b) If a person wishes to move his "industrial user" establishment to another place, he must treat his moving as the closing of one establishment and the opening of a new establishment unless he applies for and is granted permission to continue his operations at the new place. The application must be made, on OPA Form R-315, to the Board with which the establishment is registered, and must, in addition to showing the new address, give explanations indicating whether:

(1) The entire establishment, including substantially all the equipment and the inventory of sugar will be moved to the new place;

(2) He will continue to serve, from the new place, the same general class of customers and the same area he serves from his present place; and

(3) He will continue to produce, at the new place, the same classes of products which he produces at his present place.

The Board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated in substantially the same manner as at its present place, and that the tests described above are satisfied, it shall grant the application.

(c) An industrial user who moves his establishment and is granted permission to continue his operations at the new place, may not use his allotment if his operation of the establishment ceases to meet the tests described in paragraph (b).

§ 1407.144a *Sale or transfer of retailer or wholesaler establishments*—(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retailer" or "wholesaler" establishment for continued operation, they must both notify the Board at which the establishment is registered. The notice must be given, in writing, within five days after the sale or the transfer and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The sugar inventory transferred; and

(iii) The amount of ration credits in the establishment's account, if any (deducting the amount of any outstanding checks) and the amount of evidences on hand.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has an account, he must notify the district office in the way required by General Ration Order 3A.

(b) *Purchaser of "retailer" or "wholesaler" establishment may get its ration evidences.* The purchaser or transferee of a "retailer" or "wholesaler" establishment may get and use all the certificates, stamps, and coupons of the establishment in the same way as the seller or transferor was entitled to use them. If the establishment has an account, the transferor must transfer all the credits in the account to the transferee by issuing a ration check. (The check shall not include the amount of outstanding checks drawn on such account.) If the establishment does not have an account, the transferor is to give to the transferee the stamps and coupons he has and endorse and give to the transferee any ration checks and certificates he has. (If the transferee is required to have an account, he must deposit all ration evidences in that account. If the transferee is not required to have an account, he may endorse the checks and certificates and use them to get sugar.)

(c) *Same rules apply to the sale of a registering unit composed of more than one establishment.* The rules set forth above also apply to the owner of a registering unit which includes more than one establishment and who sells and transfers all of them for continued operation. The owner must give the information and give up or transfer ration evidences for all the establishments.

(d) *Sale of part of registering unit.* Where a registering unit consists of several establishments, only some of which are sold or transferred, the purchaser or transferee may not acquire its ration evidences. In this case, the seller or transferor keeps the evidences. The transferor may use the evidences with his other establishments in the registering unit.

[*] 8 F.R. 2858, 2997, 4840, 6965, 11738, 16279.

§ 1407.144b *Sale or transfer of industrial user establishment*—(a) *General.* (1) When an industrial user sells or transfers to any other person the business and inventory of his industrial user establishment for continued operation, both the transferor and the transferee must notify the Board at which the establishment is registered. The notice must be given in writing within five days after the sale or transfer and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The sugar inventory of the establishment transferred; and

(iii) The amount of ration credits in the establishment's account (deducting the amount of any outstanding checks).

(2) If the transferor has an account, he must notify the district office in the way required by General Ration Order 3A.

(b) *Transferor must give up unused ration evidences.* The seller or transferor must give to the Board all ration evidences he has for the establishment. If the establishment has a ration bank account, he must give up the evidences in the form of his certified ration check payable to the Office of Price Administration. (The check shall be equal in amount to the credits in the account minus outstanding checks.) The notice described in paragraph (a) and the surrender of unused evidences will be treated as a cancellation of the transferor's registration and allotment.

(c) *Application for allotment by transferee.* The transferee may not use the sugar which was transferred with the establishment unless he receives an allotment. The application for an allotment must be made on OPA Form R-315 to the Board where the establishment was registered and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment, the good will, and the inventory of sugar, have been transferred.

(2) The transferee will continue to serve from that establishment the same general class of customers in the same area served by it before the transfer; and

(3) The transferee will continue to produce at the establishment the same classes of products the transferor was permitted to produce, though not necessarily under the same trade name.

The Board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(d) *Granting of allotment.* If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it will assign to the transferee the transferor's allotment and base-period use for that establishment. It will also give the transferee a certificate for the value of the evidences that the transferor surrendered to the Board. However, if the amount of sugar delivered to the transferee with the establishment is larger than the unused part of the allotment for the current period plus any unused part of the transferor's earlier allotments, the difference will be treated as "excess inventory". The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(f) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all, of them, the procedure described in paragraphs (a), (b), (c), and (d) must be followed separately, as to each establishment transferred.

(2) When the seller or transferor has more than one industrial user establishment which he registered together, and sells or transfers one or more, but not all, of them, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the Board with which he is registered for a redetermination of his allotment and base-period use. The Board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the district office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences, that difference shall be treated as "excess inventory".

(g) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base-period use to him.

(h) *Use of allotment by transferee.* A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

§ 1407.144c *Where and how a transferee registers establishments acquired by him.* (a) A person who buys or otherwise acquires an industrial user establishment of any type and who already has two or more industrial user establishments which are registered together must register the new establishment together with his other establishments at the same Board. (If he already has his other industrial user establishments registered separately, the new establishment must be registered with the Board where it is located.)

(b) A person who buys or otherwise acquires a "retailer" or "wholesaler" establishment and who already has a registering unit which includes an establishment or establishments of the same type may either register such establishment separately or may register it with his other establishments of the same kind. If the owner desires to obtain a new allowable inventory for the registering unit because of the addition of such establishment he shall apply to the Board under § 1407.161.

§ 1407.144d *What a person who closes his establishment must do*—(a) *General.* (1) Any retailer, wholesaler, or industrial user who goes out of the business of dealing in or using sugar at his establishment must notify the Board at which it is registered. The notice must be given in writing within five days after he goes out of business. It must show:

(i) The name and address of the establishment.

(ii) The sugar inventory of the establishment at the time he stopped doing business.

(iii) The amount of ration credits in the establishment's account, if any (deducting the amount of any outstanding checks), or, if he has no account, the amount of ration evidences on hand.

(2) If he has a ration bank account, he must also notify the district office in the way required by General Ration Order 3A.

(3) He must account to the Office of Price Administration for all evidences he has for the establishment at which he ceased doing business. If all his sugar has not been disposed of at the time of the notice, he must account for evidences for such sugar as soon as stocks have been liquidated. An industrial user who has given the notice called for above may deliver the sugar in the same way "retailers" are permitted to make deliveries.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section also apply to a person who:

(1) Has more than one industrial user establishment and goes out of business at all of them, whether or not they were registered separately, or

(2) Has a registering unit which includes several retailer or wholesaler establishments and goes out of business at all such establishments. He must give the information required and must give up evidences for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has a registering unit composed of several "retailer" or "wholesaler" establishments may go out of business at one or more establishments but may continue to operate the others in such registering unit. In that case, he need not give up evidences to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues in that registering unit. He must give written notice to the Board at which the registering unit is registered, giving the name and address of the establishment closed, within five days after he closes it.

(2) A person who has several industrial user establishments which are registered together may go out of business at one or more of them, but may continue to operate the others. In that case, he must notify the Board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The Board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration evidences equal to the reduction. If he does not have evidences to give up, the amount of the reduction shall be treated as "excess inventory".

§ 1407.145 *Stamps and certificates may not be taken by legal process or acquired by will.* (a) No stamp, certificate, coupon, or ration check or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a War Ration Book, a coupon or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp, coupon, or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

§ 1407.146 *Delivery of sugar for carriage or storage.* Any person may deliver sugar to any other person for carriage or storage without getting evidences. The sugar may thereafter be delivered by such other person, without getting evidences, either to the person from whom the sugar was received, or to a person to whom the right to receive such sugar has been transferred under this order.

§ 1407.146a *Security interests in sugar may be created and released without giving up evidences.* (a) No evidences need be given up for a delivery of sugar, or of any interest in it, for security purposes only. (For example, if sugar is pledged or mortgaged, the person with whom it is pledged or mortgaged need not give up evidences.)

(b) No evidences need be given up for a release of a security interest in sugar, or for a return of the sugar to the person who originally delivered it for security purposes. (For example, a person who pledged sugar may get it back without giving up evidences. Similarly, a person who gives a chattel mortgage on his sugar need not give up evidences when the mortgage is ended.)

§ 1407.147 *Disposal of damaged sugar and undamaged sugar mingled therewith or sugar in a package, bag, or other container damaged while in transit by common carrier.* (a) Sugar which is damaged and undamaged sugar mingled therewith, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be delivered by any person who has it, without getting evidences to:

(1) Primary distributors;

(2) Any person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business;

(3) Common or contract carriers in connection with the right of subrogation or by virtue of the payment by them of a claim for damage to such sugar or container; and

(4) Persons engaged principally and primarily in the business of adjusting losses or selling or reconditioning damaged commodities, who take possession of or receive such commodities on the occurrence or imminence of casualties or in direct connection with the adjustment of losses resulting from casualties.

(b) Any person described in paragraph (a), (2), (3), or (4) who acquires such sugar under paragraph (a) must make a report of such transaction, in writing, to the district office for the place where his principal business office is located. The report must indicate how he intends to dispose of such sugar.

(c) Following such report, undamaged sugar which has been mingled with, but which can be and is separated from damaged sugar, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be disposed of by such person, but only in the way permitted by § 1407.147d (c) (1), (2), (3), and (4). Damaged sugar and undamaged sugar mingled therewith which cannot be separated therefrom may be disposed of but only as follows: by delivery, directly or by carrier, without receiving evidences, to (1) a primary distributor or (2) any person for storage purposes. If such sugar is delivered for storage, it may later be delivered, without receiving evidences, to a primary distributor.

§ 1407.147a *Adjustments for lost, destroyed, stolen, or damaged sugar.* (a) A registering unit or an industrial or institutional user who, under § 1407.147 (a), delivers damaged sugar and undamaged sugar mingled therewith, or whose sugar is destroyed, lost, stolen, or taken away by legal process or order of a court may obtain evidences covering the original weight of such sugar. A registering unit or an industrial user or institutional user who, under § 1407.147 (a), delivers sugar in a package, bag, or other container damaged while in transit by common carrier may obtain evidences covering the amount of sugar in such package, bag, or other container before it was damaged. A registering unit or an industrial or institutional user whose sugar, although in a package, bag, or other container damaged while in transit by common carrier, was not delivered under § 1407.147 (a) or was in a package, bag, or other container damaged in any other way may get evidences covering the amount of sugar lost from the package, bag, or other container because of such damage.

(b) Application must be made, on OPA Form R–315, to the district office for the place where the applicant is registered and must show that he meets the requirements of paragraph (a). If the district office finds that the applicant is entitled to a certificate under this section, it will instruct the Board with which the applicant is registered to issue such certificate.

§ 1407.147b *Recovery of lost or stolen sugar.* (a) Sugar which has been lost or stolen may be recovered without the surrender of stamps or certificates by the person rightfully in possession thereof when it was lost or stolen, or by a person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business or by a common or contract carrier in connection with the right of subrogation or by virtue of the payment by it of a claim for such loss or theft. Such recovery may be made directly or through a government agency or other person authorized to secure such recovery.

(b) A registering unit or an industrial or institutional user who recovers lost or stolen sugar for which he has obtained a certificate under § 1407.147a must report such fact in writing to the district office for the place where he is registered. The report must also state the amount of such sugar and how he intends to dispose of it. Such sugar may thereafter be disposed of by the registering unit or industrial or institutional user, but only in the way provided by § 1407.147d (c) (1), (2), (3), and (4).

(c) An insurer or carrier who recovers lost or stolen sugar must report such fact in writing to the district office for the place where his principal business office is located. The report must also state the amount of such sugar and how he intends to dispose of it. Such sugar may thereafter be disposed of by the insurer or carrier, but only in the way provided by § 1407.147d (c) (1), (2), (3), and (4).

§ 1407.147c *Miscellaneous records.* Any person required to make a report to the district office under §§ 1407.147, 1407.147b or 1407.147d, shall preserve for a period of two years at his principal business office records of all sugar received or delivered by him, the person by whom or to whom such deliveries were made and the amounts thereof, the weight value of all stamps and certificates received by him for such deliveries, the serial numbers of such certificates, and the amount of sugar delivered against such stamps and certificates. Such records shall be made available for inspection by the Office of Price Administration and the district office.

§ 1407.147d *Delivery of sugar for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* Sugar may be delivered without the receipt of ration evidences to a person who gets it for liquidation only. Also, no evidences need be given up for sugar delivered as part of a judicial proceeding or by operation of law, or for sugar delivered under the direction of or pursuant to an order of a court or by judicial process. (For example, sugar may be taken over by a creditor, under a court order, without any surrender of evidences. If sugar is assigned for the benefit of creditors, the person to whom it is assigned need not give up evidences to the person making the assignment. Also a person need not give up evidences when he inherits sugar or acquires it by will).

(b) *Transferee must report acquisition.* A person who acquires sugar under paragraph (a) without giving up evidences must, within five days after receiving such sugar, file a report, in writing, with the district office for the place where his principal business office is located, showing:

(1) The amount of sugar acquired;

(2) The name and address of the person from whom the sugar was acquired;

(3) The way in which the sugar was acquired and the date when it was delivered to him; and

(4) How he intends to dispose of the sugar.

(c) *How transferee may dispose of the sugar.* After making the report under paragraph (b), the transferee may dispose of the sugar in the following ways:

(1) He may sell or deliver it to a primary distributor without getting evidences;

(2) He may sell or deliver it in the same way that a "retailer" is permitted to sell or deliver sugar. However, in such case, he must, within five days after the sale or delivery, give up to the district office, the evidences received;

(3) If he is an industrial user, he may use the sugar if he treats it as "excess inventory", or

(4) If he is an institutional user, he may use the sugar if he surrenders evidences, covering the amount of such sugar, to the district office for the place where his principal business office is located.

(d) *Consumer inheritance.* A consumer who acquires sugar from another consumer by inheritance or by will may use the sugar without giving up evidences.

§ 1407.148 *Destroyed, mutilated, or stolen certificates, stamps, and coupons.* (a) A certificate that is torn or mutilated shall be valid only if more than one-half thereof remains legible, and such remaining portion clearly evidences the date of the certificate, its weight value, and the name of the holder. A coupon that is torn or mutilated shall be valid only if more than one-half thereof remains legible and such remaining portion clearly evidences its weight value and the serial number of the book of the consumer to whom it was issued. A stamp that has been torn or mutilated is valid in the hands of the consumer only if more than one-half remains undetached in the book.

(b) If a certificate, stamp, or coupon held by a registering unit or an industrial or institutional user establishment is lost, destroyed, or stolen, or becomes invalid because of mutilation, the person entitled to such stamp, coupon, or certificate may apply for a new coupon or certificate in the weight value equal to that of the replaced stamp, coupon, or certificate. The application therefor shall be made to the Board upon OPA Form No. R–315 by such person or his authorized agent. The Board, in a proper case, shall grant the application.

(c) If a certificate or coupon held by a consumer is lost, destroyed, or stolen, the consumer may apply for a replacement certificate or coupon. The application therefor shall be made to the Board upon OPA Form No. R–315 by the consumer personally or by an adult member of his family unit or by an authorized agent. The Board, in a proper case, shall grant the application.

§ 1407.149 *Drop shipments.* Any registering unit from which delivery of sugar is requested, if the parties so agree, may direct the registering unit, the industrial user, or the institutional user requesting delivery to take the sugar from the premises of a third party or may direct the third party to deliver the sugar. In such event the registering unit from which delivery of sugar was requested shall surrender to the third party as authority for the delivery any stamps or certificates received from the registering unit, the industrial user, or the institutional user to which the sugar is delivered.

§ 1407.151 *Duty to ascertain validity of certificates and stamps.* No person shall make delivery of sugar if he knows or has reason to know that the certificate or stamp involved was not acquired by the person surrendering it in accordance with this order.

§ 1407.152 *Notification to Office of Price Administration of legal proceedings.* It shall be the duty of every person holding a certificate or stamp to notify the Regional or Field Office of the Office of Price Administration immediately upon the commencement of any legal action or proceeding involving a certificate or stamp.

§ 1407.153 *Issuance of Certificates.* Certificates may be signed and issued by a Registrar, a member of the Local Rationing Board, or by such other persons as the Office of Price Administration may designate.

PETITIONS FOR ADJUSTMENT: APPEALS: NEW BUSINESS: MISCELLANEOUS

§ 1407.161 *Applications may be made for adjustment*—(a) *How to apply.* Any registering unit or industrial user which needs an adjustment in its inventory or allotments (or other relief) may apply on OPA Form R–315 to the board with which it is registered. The applicant must state in his application all facts which he claims show his need for the adjustment and the nature and amount of the adjustment he requests. The Board must send the application, together with all other information received, to the district office. The Board may attach its recommendation as to the action to be taken. The district office shall send the file to the "Washington Office" for decision or take such other action as the "Washington Office" may authorize or direct.

§ 1407.162 *Appeals.* (a) A person may appeal from any action of the Board, district office, or Regional Administrator adverse to such person. Such appeal shall be brought in accordance with the terms and provisions of Procedural Regulation No. 9.[1]

(b) This section shall not apply to any action taken with respect to petitions made pursuant to §§ 1407.161 or 1407.163, except action taken with respect to such a petition by the Board, district office, or Regional Administrator in cases where the Board or official taking the action has been authorized by the Office of Price Administration to grant or deny such petition.

§ 1407.163 *New establishments and ineligible establishments desiring sugar.* (a) Any person desiring to obtain sugar for a wholesaler, retailer, or industrial user establishment, not eligible for registration under either this order or General Ration Order 16, may petition the Board for the place in which the principal business office of the establishment is, or will be, located, for registration and assignment to such establishment of a base-period use, allotment, provisional allowance, or allowable inventory, as the case may be. The petition must be made on OPA Form R–315. The Board may not grant or deny the petition but will follow the procedure set forth in § 1407.161 with regard to petitions for adjustment.

[1] 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 11806, 12482, 14211.

(b) Establishments referred to in this section include those which commenced operations using sugar subsequent to April 20, 1942.

§ 1407.164 *Correction of registration.* A registration made upon OPA Form No. R–305 or upon OPA Form R–1200 may be corrected so as to eliminate clerical errors.

§ 1407.165 *Finality of findings.* All findings made by any Local Rationing Board, or the Office of Price Administration shall be final, except as may otherwise be provided in this order.

§ 1407.166 *Exchange of sugar, tolling agreements, and borrowing of sugar by primary distributors.* (a) Any person may exchange sugar of different types with any other person if the weights of the sugars exchanged are equal. No stamps or certificates shall be necessary to authorize deliveries of sugars involved in such exchanges.

(b) A registered industrial user, or other person authorized by the Office of Price Administration, hereinafter in this paragraph referred to as transferor, may surrender a check or certificate without obtaining sugar or may deliver sugar without obtaining stamps, certificates, or checks to a registered industrial user, hereinafter referred to as transferee, for the production of a product to be delivered to the transferor and for which the sugar so delivered, or the sugar authorized to be delivered by such check or certificate, could have been used by the transferor pursuant to this order. Except as the Office of Price Administration may otherwise authorize, the provisions of this paragraph shall apply only if the transferor is not one of the persons or agencies named in section 1.2 of General Ration Order 11[12] and only if: (1) the transferor delivered sugar between January 1, 1941, and December 31, 1941, to another industrial user to be used for the manufacture of the same product, or (2) the means of production of the transferor have been temporarily so disrupted that production is impracticable.

(c) Upon authorization by the Office of Price Administration, a primary distributor may receive delivery of sugar from any person as a loan and thereafter deliver to such person an amount of sugar not exceeding the amount thus received. Such deliveries may be made without the receipt of stamps or certificates.

§ 1407.167 *Investigatory agencies.* Any investigatory or enforcement agency of the United States or of a State or local government which requires deliveries of sugar for the performance of its functions may receive certificates from the district office for the place where the agency's principal business office is located. Sugar acquired by such an agency with such certificates or with books shall be delivered by such agency to any Federal, State, or local institution, which shall acknowledge receipt of the sugar and the amount thereof to the district office which issued the certificates or books.

§ 1407.168 *Deliveries, transfers or shipments outside a zone.* (a) The Director of the Food Rationing Division of the Office of Price Administration may, from time to time, issue orders establishing zones for the purposes of this section.

(b) Except as otherwise authorized by the Director, no person shall deliver, ship or transfer sugar from a zone to a point outside such zone, and no person shall accept such delivery, shipment or transfer.

(c) Paragraph (b) shall not apply to a delivery, shipment or transfer from a wholesale or retail establishment to a point within the established trading area of such establishment, if the person to whom delivery, shipment or transfer is made has customarily received sugar from a wholesaler or retailer.

(d) Unless otherwise specified by the Director, paragraph (b) shall not apply to raw sugar, turbinado sugar, plantation white sugar, high-washed sugar, Louisiana seconds sugar, invert sugar, liquid sugar, or soft sugar in bulk; or to confectioner's, brown, loaf, tablet, and other specialty sugars in one and two pound packages, except fine granulated sugar; or to sugar refined or processed outside the continental United States.

(e) Paragraph (b) shall not apply to deliveries, shipments or transfers by or to the Army or Navy of the United States or by or to any of the persons or agencies specified in § 1407.183 (b) of this order.

(f) Paragraph (b) shall not apply to deliveries, shipments or transfers of sugar by or to carriers for the purpose of making deliveries, shipments or transfers thereof exempted from paragraph (b) by paragraph (c), (d) or (e) or by the Director.

§ 1407.169 *Deliveries of sugar by industrial users.* (a) An industrial user who has received a provisional allowance may, with the prior approval of the board, deliver sugar in the original unopened packages of a primary distributor if the industrial user does not, at the time he makes application for such approval, expect to use any sugar in the next four months and the amount to be delivered does not exceed the unused part of his provisional allowance for the preceding period.

(b) Application for the Board's approval must be made by the industrial user on OPA Form R–315 or such other form of application as may be approved by the Board. The application must establish compliance with the requirements of paragraph (a). If the requirements of paragraph (a) are met, the Board will approve the application.

(c) Such sugar may be delivered upon receipt of evidences and the evidences received must be given up to the Board for cancellation. The Board, when it next issues a certificate to the industrial user under § 1407.90 of this order, will reduce his "excess inventory" by the amount of evidences given up.

§ 1407.169a *Prohibition on deliveries by consumers and industrial and institutional users.* No consumer or institutional or industrial user may deliver sugar, except as authorized by the Office of Price Administration or as provided in this order or General Ration Order 5.

§ 1407.169b *General Ration Order 5 governs whenever inconsistent with this order.* If any provision of this order is inconsistent with the provisions of General Ration Order 5, General Ration Order 5 governs and supersedes the provisions of this order to the extent that they are inconsistent. However, § 1407.168 of this order and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration under that section govern in the event of any inconsistency with the provisions of General Ration Order 5 and shall not be superseded by any provision of General Ration Order 5.

§ 1407.170 *Imports.* (a) Sugar may be brought to a place subject to this order from a place not subject to this order, if it is delivered to the Collector of Customs at the point of entry into the United States. Such sugar may be delivered to the Collector without the receipt of stamps or certificates.

(b) The Collector of Customs may deliver sugar received by him to a consumer, registering unit, or an industrial or institutional user establishment upon receipt of evidences covering the amount of sugar delivered, or an authorization by the Office of Price Administration to such registering unit or industrial or institutional user establishment authorizing it to take delivery of such sugar.

Stamps or certificates received by the Collector of Customs shall be delivered, at least once each calendar month, to the district office having jurisdiction over the area in which such point of entry is located. Authorizations received by the Collector of Customs shall be delivered, at least once each calendar month, to the Office of Price Administration.

(c) The Collector of Customs may deliver sugar, received by him and brought from a place other than Canada or Mexico, to a primary distributor without the receipt of stamps or certificates.

(d) Applications for authorization to take sugar from the Collector of Customs shall be made to the Office of Price Administration by the registering unit or industrial or institutional user on OPA Form No. R–315 or such other form of application as shall be approved by the Office of Price Administration and shall include such information as the Office of Price Administration may require. Such authorization shall not be deemed to increase the allotment of the industrial or institutional user.

(e) Except as otherwise permitted in this order or as authorized by the Office of Price Administration, no person shall bring sugar into a place subject to this order from a place not subject to this order or receive sugar from the Collector of Customs.

§ 1407.171 *Imports of sugar by certain persons.* Notwithstanding any provision to the contrary contained in this order, the following persons may receive sugar from the Collector of Customs and the Collector of Customs may deliver sugar to them without the surrender of stamps or certificates:

(a) Upon request by the Department of State, representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937.

(b) Members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the sugar is consigned or addressed to them and is intended for their personal or official use.

(c) Enemy prisoners of war and enemy civilian internees and detainees in the United States, where the sugar is consigned or addressed to them.

§ 1407.173 *Miscellaneous record keeping.* Any person required by this order on December 14, 1943, to keep records must retain such records for a period of not less than two years or until further order by the Office of Price Administration. Such records must be kept available during such period for inspection by the Office of Price Administration.

§ 1407.174 *References to Rationing Order No. 3 deemed references to Revised Ration Order 3.* References to Rationing Order No. 3 in any order, amendment, rationale, form, or other document shall be deemed references to Revised Ration Order 3.

ARMED FORCES OF THE UNITED STATES: CERTAIN OTHER PERSONS AND AGENCIES

§ 1407.181 *Armed forces personnel.* (a) Members of the armed forces of the United States and Allied Nations who do not have a War Ration Book and are not entitled to have it, may obtain certificates to obtain sugar under the circumstances and in accordance with the procedure set forth in General Ration Order 9.[13]

§ 1407.182 *Deliveries of sugar to exempt agencies.* (a) The Army, Navy, Marine Corps, or Coast Guard of the United States and the Food Distribution Administration, Maritime Commission, War Shipping Administration and Office of Lend-Lease Administration are known as exempt agencies for the purpose of General Ration Order 3B[14] and are authorized to open one or more exempt accounts under the provisions of General Ration Order 3B. In addition, the Army Exchange Service, to the extent it acquires sugar for export to a foreign country or a territory or possession of the United States other than the District of Columbia, and Ships' Service Departments Afloat, are exempt agencies under this order and General Ration Order 3B. Sugar may be delivered to and accepted by these agencies only in exchange for a check of weight value equal to the amount of sugar delivered except that sugar may be delivered by one exempt agency to another exempt agency without the exchange of stamps, certificates, or checks.

(b) An exempt agency or an agency listed in § 1407.184a (a), shall issue a check in the proper amount to the person making delivery by the time of delivery or as soon as practicable thereafter.

(c) If, for any reason, a check cannot be issued when sugar is delivered to an agency listed in paragraph (a), an emergency acknowledgment shall be given to the person making the delivery at the time of delivery instead of a check. This acknowledgment may be in any form but shall set forth the name of the agency, the name and address of the activity within the agency to which the sugar is to be delivered, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a check, the weight value of the check to be issued for the delivery, and date of delivery. The acknowledgment must be signed by an authorized officer or employee of the agency, and must state his official title or rank. A person to whom such an acknowledgment is given may not change it at a Board or use it to acquire sugar but shall send it to the agency activity designated thereon, and the agency shall issue to him a check equal in weight value to the sugar delivered in exchange for the acknowledgment.

§ 1407.182a *Ships' and planes' stores.* (a) Sugar may be acquired for use as ships' and planes' stores under the provisions of General Ration Order 5.

(b) An operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or military officer) under the provisions of General Ration Order 5 may acquire sugar up to the amount authorized thereon without the surrender of stamps or certificates. A registering unit may, in exchange for the statement, deliver sugar to such operator up to the amount specified on the statement without receiving stamps or certificates therefor.

(c) A registering unit may exchange such statement for a certificate at its board. It must attach to the statement a signed receipt, invoice, bills of lading, or such other evidence as substantiates the delivery of the sugar. If the board is satisfied that the sugar was delivered for ships' or planes' stores it shall issue a certificate to the registering unit equal in weight value to the amount so delivered.

(d) An airplane operator who has been allowed an operating inventory under General Ration Order 5 may exchange a statement issued by a Collector of Customs (or military officer) under the provisions of General Ration Order 5 for a certificate at a board having jurisdiction over any area where the operator maintains an office.

§ 1407.182b *Obtaining sugar for demonstrations sponsored by Department of Agriculture Extension Service.* (a) The Extension Service of the Department of Agriculture may open a ration bank account of the type provided in General Ration Order 3B and may, without getting sugar, issue checks to the State Director of the agricultural Extension Service of each State to provide sugar for demonstrations sponsored by it.

(b) The total weight value of checks which may be issued by the Extension Service of the Department of Agriculture under paragraph (a) of this section in any period specified by the Office of Price Administration may not exceed the amount authorized by it for the purposes of this section for such period.

(c) The State Director of the agricultural Extension Service of each State may open an account of the type provided in General Ration Order 3B and may, without getting sugar, issue checks to any person to acquire sugar for demonstrations sponsored by the Extension Service of the Department of Agriculture.

(d) Any person to whom a check is issued under paragraph (c) of this section may give up such check to the board and receive in exchange certificates, in such denominations as he may request, the total weight value of which shall not exceed the weight value of the check given up.

(e) Sugar acquired with a check issued under paragraph (c) of this section or a certificate issued under paragraph (d) of this section may be used only for the purpose of demonstrations sponsored by the Extension Service of the Department of Agriculture, but may not be used to demonstrate canning or preserving.

§ 1407.183 *Deliveries of sugar to certain persons and agencies.* (a) A registering unit which at any time after registration delivers sugar to any of the persons or agencies enumerated in paragraph (b) or (c) of this section except those agencies which are also listed in § 1407.182 (a) as exempt agencies, or delivers sugar to and for consumption in any territory or possession of the United States other than the District of Columbia may deliver such sugar without receiving stamps or certificates therefor. If certificates, stamps, or emergency acknowledgments were not received, the registering unit may apply to the board for a certificate in weight value equal to the amount of sugar delivered. The application shall be made on OPA Form No. R–315 which shall be accompanied by receipts, bills of lading, and such other detailed evidence including affidavits as substantiates such deliveries. In a proper case the board shall grant the application.

(b) The persons and agencies included within the provisions of this section are the Army, Navy, Marine Corps, or Coast Guard of the United States, and the Food Distribution Administration, Maritime Commission, War Shipping Administration and any government agency or other person when such government agency or person, acquires sugar for export to and

[12] 8 F.R. 9008, 9625, 10419, 11671, 12558, 12711, 13171, 13920.

[13] 8 F.R. 7107, 10079, 12796, 15378, 16115.

[14] 8 F.R. 2665, 9457.

consumption or use in any foreign country or in any territory or possession of the United States, other than the District of Columbia.

(c) The following persons and agencies are also included within the provisions of this section: Panama Canal, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, and Office of Scientific Research and Development.

(d) Allotments of sugar for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

§ 1407.183b *Ration banking by certain airplane operators.* An airplane operator who has been allowed an operating inventory under General Ration Order 5 may open an account for each of his offices at which he regularly purchases sugar for use as planes' stores.

§ 1407.184a *Deliveries of sugar to Army Exchanges, Post Exchanges, Ships' Service Departments Ashore and similar agencies.* (a) Sugar may be delivered to and accepted by Army Exchanges, Post Exchanges of the Marine Corps, Ships' Service Departments Ashore of the Navy and Coast Guard, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for checks equal in weight value to the sugar delivered. Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and similar designated activities are authorized to open accounts, but may not open exempt accounts of the type described in General Ration Order 3B. Certificates to be deposited by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Program of the War Shipping Administration, and similar designated activities to establish ration credits shall be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Marine Corps, the Coast Guard, and the Training Organization of the War Shipping Administration. (The issuance of certificates to establish ration credits for Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration and similar designated activities for the delivery of sugar for institutional use is governed by General Ration Order 5.)

(b) Ration credits may be transferred by check without the delivery of sugar between accounts maintained for Army Exchanges, between accounts maintained for Post Exchanges of the Marine Corps, between accounts maintained for Ships' Service Departments Ashore of the Navy, between accounts maintained for Ships' Service Departments Ashore of the Coast Guard, and between accounts maintained for commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration.

(c) During March 1943, Army Exchanges, Post Exchanges, Ships' Service Departments Ashore and similar designated activities, may, if checks are unavailable, use emergency acknowledgments to acquire sugar, in the way described in § 1407.182 (c). An emergency acknowledgment given under this section may not be used by the person to whom it was given to acquire sugar, but must be exchanged for a check at the agency activity designated thereon.

§ 1407.185a *Deliveries of sugar by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore.* (a) Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, Sales Commissaries, Commissary Stores, and any other activity of the Army, Navy, Marine Corps or Coast Guard and the Food Distribution Administration may deliver sugar only upon the receipt of stamps, certificates or checks in the same way that retailers or wholesalers are permitted to make deliveries of sugar under this order. However, they are not required to register as retailers or wholesalers.

(b) All stamps, certificates or checks so received by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, Sales Commissaries, Commissary Stores or any other activity of the Army, Navy, Marine Corps or Coast Guard or by the Food Distribution Administration, shall be deposited in the accounts maintained for such agencies.

ENFORCEMENT

§ 1407.201 *Prohibited sale.* (a) No person shall sell or otherwise dispose of any sugar with knowledge, or under circumstances from which it might reasonably appear to such person, that it is the intention of the person to whom the sugar is sold or otherwise disposed of, to use it, or to resell it or otherwise dispose of it to another person for use in violation of the laws of the United States, including use in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States.

(b) A sale or other disposition of sugar by a person (hereinafter called the transferor) to any other person, following receipt by the transferor of written notice from the Office of Price Administration that such other person has used sugar in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States, shall be *prima facie* evidence of a willful violation of this section by the transferor.

§ 1407.202 *Unlawful use or possession.* No person shall at any time either use or have in his possession or under his control or take delivery of any sugar, certificates, stamps or War Ration Books, where such possession, control, or acquisition is in violation of this order.

§ 1407.202a *Certificates are property of the Office of Price Administration.* All certificates remain the property of the Office of Price Administration, whether or not they have been issued, and the Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

§ 1407.204a *Saving clause.* No provision of any amendment to this order (unless such amendment otherwise expressly provides) effecting the dissolution of registering units, resulting in the amendment or cancellation of registrations, placing persons or establishments once subject to this order under another order, or removing limitations or restrictions heretofore imposed by this order from persons, establishments, or registering units shall be deemed to (1) excuse the failure to discharge or perform any duty or obligation or (2) condone any acts or omissions to act, by any person, establishment, or registering unit prior to the effective date of such amendment.

§ 1407.205 *Prohibited deliveries.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, on and after June 19, 1942, except as otherwise expressly permitted in this order, deliveries of sugar shall be made only by and to, and accepted only by and from institutional user establishments registered under General Ration Order 5, registered consumers, registering units, industrial users registered on OPA Form R-1200, and primary distributors.

EFFECTIVE DATE

§ 1407.221 *Effective date of Revised Ration Order 3.* Revised Ration Order 3 shall become effective February 5, 1944.

SCHEDULES

§ 1407.241 *Schedule A: Tables of sugar allowance for determination of provisional allowance.*

TABLE I—CANNED VEGETABLES

Product	Size of unit	Maximum sugar allowance per unit in pounds
Beets	24/2's	0.22
Carrots	24/2's	.16
Carrots and peas	24/2's	.40
Corn—cream	24/2's	1.25
Corn—whole kernel	24/2's	.80
Corn—vacuum pack	24/12 oz.	.50
Peas	24/2's	.60
Succotash	24/2's	1.10
All other vegetables		No sugar
Sweet potatoes	24/2's	2.00

TABLE II—CANNED FRUITS AND FRUIT JUICES

Product	Size of unit	Maximum sugar allowance per unit in pounds for packing seasons ending prior to July 21, 1943	Maximum sugar allowance per unit in pounds for packing seasons not ending prior to July 21, 1943.
Each fruit	24/2½'s	90 percent of average quantity of sugar used per unit of all grades (converted into 24/2½'s) during 1941.	100 percent of average quantity of sugar used per unit of all grades (converted into 24/2½'s) during 1941.
Each fruit juice	Gallon	90 percent of average quantity of sugar used per unit of all grades during 1941.	90 percent of average quantity of sugar used per unit of all grades during 1941.

TABLE III—CONVERSION FACTORS FOR CASE EQUIVALENTS FOR USE IN TABLES I AND II OF THIS SCHEDULE

Size of case	Conversion factors to case of 24/2's	Conversion factors to case of 24/2½'s
Case of 48 No. 1 tall	1.63	1.12
Case of 24 No. 300	.74	.51
Case of 24 No. 12 oz. vacuum	.72	.57
Case of 24 No. 303	.82	.69
Case of 24 No. 2	1.45	
Case of 24 No. 2½	1.33	.92
Case of 6 No. 10		

TABLE IV—FROZEN FRUIT

Product	Unit (quantity of fruit)	Quantity of sugar allowed in pounds per unit of fruit	
		Packed in containers of 30-lb. weight or greater	Packed in wrapped packages
	Pounds		
Apples and crabapples	5	1	None
Applesauce	9	None	1
Apricots	3	1	1
Cherries	4	1	1
Citrus pulp and citrus marmalade base	5	1	None
Grapefruit	5	None	1
Loganberries	4	None	1
Nectarines	3	1	1
Peaches	3	1	1
Plums, all types	4	1	1
Raspberries	4	1	1
Rhubarb	6	1	None
Strawberries	6	2	1½
Blackberries	4	None	1
Boysenberries	4	None	1
Pineapples	4	1	1
Pears	3	1	None
All other fruits		None	None

No sugar may be allowed to pack any of the above fruits in puree form in containers of less than 30-pounds weight.

TABLE V—CANNED OR CURED MEATS, FISH, AND POULTRY REGARDLESS OF HOW PACKAGED

Product	Size of unit	Quantity of sugar allowed, in pounds, per unit of product
Pork Products, dry cured	100 pounds (unprocessed)	1.30
Pork Products, sweet pickled	100 pounds (unprocessed)	1.00
Beef, dried and corned and beef tongues	100 pounds (unprocessed)	1.00
Canned luncheon meats and canned spiced ham	100 pounds (unprocessed)	1.00
Dry sausage	100 pounds (unprocessed)	.75
Fresh sausage and baked loaves	100 pounds (unprocessed)	.50
Lamb tongue and lunch tongue	100 pounds (unprocessed)	.75
Each type of pickled or cured fish, shellfish, or poultry product	100 pounds (unprocessed)	(1)
Mutton	100 pounds (unprocessed)	1.00
All others		None

[1] 70 percent of amount used per unit of same product during 1941.

TABLE VI—BEE FEEDING

The provisional allowance for feeding bees shall be 10 pounds per calendar year for each colony of bees. For the purposes of this table, the period from April 28 to December 31, 1942, shall be deemed to be a full calendar year.

TABLE VII—JAMS, JELLIES, PRESERVES, MARMALADES, AND FRUIT BUTTERS (INCLUDING IMITATIONS)

Product	Type of fruit	Quantity of sugar allowed, in pounds, per pound of finished product
Jams, jelly, preserves, or marmalade, including imitations (pounds)	Fresh or canned fruit, fruit juices, tomatoes, or fruit frozen without sugar	.67
	Fruit frozen at ratio of fruit to sugar of:	
	3 to 1	.50
	4 to 1	.54
	5 to 1	.57
	6 to 1	.59
	Not made with fruit, fruit juice, or tomatoes	(1)
Fruit butter, including imitations (pounds)	Fresh or dried fruit	.32
All others	• • •	None

[1] For each pound of finished product the smaller of the two following amounts: (1) 100 per cent of average amount of sugar used per pound of same product during 1941; (2) .67 pounds of sugar.

TABLE VIII—COOKED BEANS (CANNED, BOTTLED, FROZEN, OR DEHYDRATED)

Product	Size of unit	Quantity of sugar allowed, in pounds, per unit of dried beans used
Cooked beans (canned, bottled, frozen, or dehydrated)	Each 160 lbs. of dried beans used	100 percent of average quantity of sugar used in 1941 in producing cooked beans (canned, bottled, frozen, or dehydrated)

TABLE IX—TOMATO CATSUP AND CHILI SAUCE

Product	Size of unit	Maximum sugar allowance per unit in pounds
Tomato catsup or chili sauce	6/10's (glass)	100% of average quantity of sugar used per unit of all grades (converted into 6/10 glass) during 1941.

TABLE X—CONVERSION FACTORS FOR CASE EQUIVALENTS FOR USE IN TABLE IX OF THIS SCHEDULE

Size of case:	*Conversion factors to case of 6/10's (glass)*
Case of 12/12 oz. (glass)	0.22
Case of 4/1 gal. (glass)	.90
Case of 24/14 oz. (glass)	.51

§ 1407.242 *Schedule B: Allotment percentages for industrial users.*

[For periods commencing on or after Jan. 1, 1944]

	Percentage of sugar base
1. Bread and other bakery products	80
2. Baking mixes, including batters	80
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni	80
4. Ice Cream; ices; sherbets; frozen custards; and mixes used for these purposes	80
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs, and sugared egg yolks	80
6. Bottled beverages (alcoholic and nonalcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; brandied fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes	80

	Percentage of sugar base
7. Mayonnaise and salad dressing	80
8. Products fried in fat (except bakery products) such as nuts, potato chips	80
9. Candy; chocolate; cocoa; chewing gum	80
10. Sandwiches	80
11. Dehydrated and dried soup and soup mixes	80
12. Canned and bottled foods (not included in other items); table syrup	80
13. Experimental, educational, demonstration, and testing purposes	80
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops	100
15. Pharmaceuticals (external)	100
16. All other classes: Food	80
17. All other classes: Non-food	80

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
		Lb.
No. 1 (May 4 to May 16, 1942)	Stamp No. 1	1
No. 2 (May 17 to May 30, 1942)	Stamp No. 2	1
No. 3 (May 31 to June 13, 1942)	Stamp No. 3	1
No. 4 (June 14 to June 27, 1942)	Stamp No. 4	1
No. 5 (June 28 to July 25, 1942)	Stamp No. 5	2
No. 6 (July 26 to Aug. 22, 1942)	Stamp No. 6	2
No. 7 (July 10 to Aug. 22, 1942)	Stamp No. 7	2
No. 8 (Aug. 23 to Oct. 31, 1942)	Stamp No. 8	3
No. 9 (Nov. 1 to Dec. 15, 1942)	Stamp No. 9	3
No. 10 (Dec. 16, 1942 to Jan. 31, 1943)	Stamp No. 10	5
No. 11 (Feb. 1, 1943 to Mar. 15, 1943)	Stamp No. 11	3
No. 12 (Mar. 16, 1943 to May 31, 1943)	Stamp No. 12	5
No. 13 (June 1, 1943 to August 15, 1943)	Stamp No. 13	5
No. 14 (August 16, 1943 to November 1, 1943)	Stamp No. 14	5
No. 15 (Nov. 1, 1943, to Jan. 15, 1944)	Book Four, Sugar Stamp 29	5
No. 16 (Jan. 16, 1944 to March 31, 1944)	Book Four, Sugar Stamp 30	5

§ 1407.244 *Schedule D: Counties which have had a substantial increase in population and the percentage for each such county.*

Percentage for periods commencing on or after Jan. 1, 1944

State and County	Percent
Alabama:	
Baldwin	20
Calhoun	30
Colbert	10
Dale	70
Etowah	20
Jefferson	10
Madison	10
Mobile	70
Montgomery	10
Russell	15
Talladega	20
Arizona:	
Cochise	40
Gila	20
Greenlee	80
Maricopa	20
Mohave	15
Navajo	10
Pima	30
Pinal	50
Yuma	60
Arkansas:	
Baxter	10
Desha	10
Jefferson	15
Lonoke	15
Pulaski	20
Sebastian	15
California:	
Alameda	20
Contra Costa	80
Inyo	50
Kern	10
Los Angeles	10
Marin	20
Monterey	20
Napa	15
Orange	20
Riverside	50
Sacramento	10
San Bernardino	20
San Diego	40
San Francisco	10
San Joaquin	10
San Luis Obispo	40
San Mateo	20
Santa Barbara	20
Solano	100
Sutter	10
Ventura	10
Yuba	40
Colorado:	
Arapahoe	10
Denver	10
Eagle	40
El Paso	30
Jefferson	10
Otero	10
Prowers	15
Pueblo	10
District of Columbia	20
Florida:	
Bay	90
Bradford	120
Brevard	20
Broward	30
Clay	30
Dade	20
Duval	30
Escambia	20
Franklin	140
Gulf	10
Highlands	90
Hillsborough	20
Indian River	15
Lee	40
Leon	15
Martin	40
Monroe	60
Okaloosa	50
Orange	20
Palm Beach	15
Pinellas	20
St. Lucie	20
Sarasota	30
Georgia:	
Bibb	40
Camden	10
Catoosa	80
Chatham	20
Chattahoochee	10
Clarke	15
Columbia	15
Decatur	10
Dougherty	15
Fulton	20
Glynn	50
Houston	10
Liberty	100
Lowndes	10
McIntosh	10
Muscogee	50
Newton	10
Richmond	20
Stephens	20
Whitfield	10
Idaho:	
Bannock	15
Elmore	60
Jerome	20
Kootenai	20
Illinois:	
Champaign	10
Du Page	10
Lake	10
Madison	10
St Clair	10
Winnebago	10
Indiana:	
Bartholomew	40
Clark	30
Floyd	15
Johnson	10
Lake	10
Marion	10
Porter	10
Scott	10
Starke	20
Tippecanoe	10
Vanderburgh	10
Iowa:	
Clayton	15
Des Moines	20
Kansas:	
Douglas	80
Finney	20
Geary	20
Johnson	30
Riley	10
Saline	50
Sedgwick	30
Seward	20
Wyandotte	10
Kentucky:	
Christian	20
Hardin	30
Jefferson	15
Madison	10
Union	40
Louisiana:	
Allen	20
Beauregard	40
Calcasieu	30
East Baton Rouge	30
Grant	20
Jefferson	20
La Salle	15
Natchitoches	30
Orleans	15
Ouachita	10
Rapides	60
Sabine	20
St. Mary	10
Vernon	100
Maine:	
Cumberland	15
York	10
Maryland:	
Anne Arundel	10
Baltimore City	15
Baltimore	20
Calvert	15
Cecil	15
Charles	20
Harford	30
Howard	10
Montgomery	30
Prince Georges	20
St. Marys	20
Massachusetts:	
Barnstable	30
Nantucket	20
Michigan:	
Calhoun	15
Chippewa	30
Macomb	10
Muskegon	20
Washtenaw	10
Wayne	
Mississippi:	
Amite	20
Forrest	70
Grenada	60

State and County	Percent
Mississippi—Continued.	
Harrison	50
Hinds	10
Jackson	60
Wilkinson	40
Missouri:	
Clay	10
Jackson	10
Newton	30
Phelps	20
Pulaski	50
St. Louis	15
St. Louis City	10
Montana:	
Stillwater	20
Nebraska:	
Adams	15
Box Butte	30
Hall	10
Hooker	10
Lincoln	10
Nevada:	
Clark	160
Mineral	230
Nye	40
Washoe	10
New Hampshire:	
Rockingham	10
New Jersey:	
Burlington	10
Monmouth	10
New Mexico:	
Bernalillo	30
Chaves	20
Curry	30
De Baca	20
Eddy	15
Grant	10
Luna	50
McKinley	30
Otero	20
New York:	
Nassau	10
Seneca	20
Tompkins	15
North Carolina:	
Cabarrus	10
Craven	15
Cumberland	40
Durham	20
Graham	70
Hoke	10
Moore	15
New Hanover	60
Onslow	100
Pasquotank	20
Richmond	15
Robeson	15
Ohio:	
Franklin	10
Greene	20
Hamilton	10
Lake	10
Montgomery	15
Ottawa	10
Portage	10
Summit	10
Trumbull	10
Wood	30
Oklahoma:	
Cleveland	20
Comanche	70
Mayes	30
Muskogee	30
Oklahoma	15
Pittsburg	20
Tulsa	50
Oregon:	
Benton	40
Clatsop	30
Deschutes	10
Jackson	50
Linn	20
Multnomah	40
Tillamook	15
Umatilla	15
Pennsylvania:	
Delaware	10
Lebanon	10
Mercer	20
Rhode Island:	
Kent	15
Newport	40
Washington	80
South Carolina:	
Aiken	15
Beaufort	10
Charleston	40
Dorchester	10
Greenville	10
Richland	30
Spartanburg	10
South Dakota:	
Fall River	10
Minnehaha	10
Tennessee:	
Blount	15
Cannon	10
Coffee	40
Davidson	15
Franklin	15
Henry	15
Johnson	10
Loudon	10
Montgomery	30
Polk	50
Rutherford	20
Shelby	10
Sullivan	20
Trousdale	10
Wilson	10
Texas:	
Bastrop	70
Bell	50
Bexar	30
Bowie	30
Brazoria	60
Brazos	20
Brewster	20
Brown	60
Callahan	10
Childress	20
Cochran	30
Comal	10
Coryell	70
Dallam	30
Dallas	15
Denton	15
Dimmit	15
El Paso	20
Galveston	30
Gregg	10
Harris	15
Hays	15
Hidalgo	10
Hockley	10
Howard	40
Hutchinson	20
Jefferson	30
Kinney	60
Kleberg	20
Lamar	15
Lampasas	10
Lubbock	20
McLennan	15
Matagorda	40
Maverick	20
Medina	20
Midland	40
Moore	100
Nolan	50
Nueces	30
Oldham	10
Orange	120
Palo Pinto	60
Potter	20
Randall	10
Reeves	30
Tarrant	20
Taylor	60
Tom Green	20
Val Verde	20
Victoria	20
Ward	30
Webb	15
Wichita	10
Utah:	
Carbon	10
Davis	50
Millard	20
Salt Lake	20
Tooele	60
Utah	10
Weber	30
Virginia:	
Arlington	40
Dinwiddie	40
Elizabeth City	30
Fairfax	40
Giles	10
Henry	10
James City	15
King George	20
Montgomery	50
Norfolk	100
Nottoway	60
Prince William	30
Princess Anne	50
Pulaski	20
Warwick	150
York	50
Independent Cities	
Alexandria	50
Bristol	50
Buena Vista	30
Charlottesville	10
Danville	80
Fredericksburg	30
Hampton	20
Hopewell	20
Martinsville	10
Newport News	80
Norfolk	40
Petersburg	10
Portsmouth	20
Radford	40
Richmond	20
South Norfolk	20
Suffolk	20
Williamsburg	50
Washington:	
Clark	70
Franklin	20
King	20
Kitsap	100
Mason	10
Pierce	20
Spokane	15
Thurston	15
West Virginia:	
Clay	15
Kanawha	10
Wisconsin:	
Dane	10
Door	10
Monroe	40
Sauk	10
Wyoming:	
Laramie	20
Park	20

NOTE: All reporting and record-keeping requirements of this revised ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of February, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1658; Filed, February 2, 1944; 4:46 p. m.]

PART 1382—HARDWOOD LUMBER

[RMPR 97,[1] Amdt. 12]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 97 is amended in the following respect:

In § 1382.112 (b), subparagraph (39) is deleted.

This amendment shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1659; Filed, February 2, 1944; 4:46 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 146,[2] Amdt. 17]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 146 is amended in the following respect:

In § 1382.11 (b), subparagraph (26) is deleted.

This amendment shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1660; Filed, February 2, 1944; 4:46 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 155,[3] Amdt. 13]

CENTRAL HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 155 is amended in the following respects:

1. In § 1382.61 (b), subparagraph (24) is deleted.

2. In § 1382.64 (b), subparagraph (36) is deleted.

This amendment shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1661; Filed, February 2, 1944; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 30 Under 3 (c) of GMPR]

METALS RESERVE CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, it is hereby ordered:

§ 1499.827 *Maximum prices at which new commercial vehicles may be sold by the Metals Reserve Company.* (a) The Metals Reserve Company may sell, offer to sell, or deliver the following new vehicles including equipment and spare tires and tubes at prices not to exceed the following applicable maximum prices:

Type of vehicle	Make	Serial No.	Maximum price
Trailer	Fruehauf	SW9914	$2,752.39
Trailer	Fruehauf	SW9920	2,752.39
Trailer	Fruehauf	SW9923	2,752.39
Trailer	Fruehauf	SW9916	2,752.39
Trailer	Fruehauf	SW9917	2,752.39
Trailer	Fruehauf	SW9925	2,752.39
Trailer	Fruehauf	SW9927	2,752.39
Trailer	Fruehauf	SW9921	2,752.39
Trailer	Fruehauf	SW9918	2,752.39
Trailer	Fruehauf	SW9928	2,752.39
Trailer	Fruehauf	SW9924	2,752.39
Trailer	Fruehauf	SW9919	2,752.39
Trailer	Fruehauf	SW9926	2,752.39
Trailer	Fruehauf	SW9915	2,752.39
Trailer	Fruehauf	SW9913	2,752.39
Trailer	Fruehauf	SW9922	2,752.39
Trailer	Fruehauf	SW9929	2,752.39
Motor truck	GMC	CC-453-915	2,338.82
Motor truck	GMC	CC-454-2246	2,338.82
Motor truck	GMC	CC-454-1772	2,338.82
Motor truck	GMC	CC-453-2667	2,338.82
Motor truck	GMC	CC-453-2669	2,338.82
Motor truck	GMC	CC-452-2291	2,338.82
Motor truck	GMC	CC-452-2637	2,338.82
Motor truck	GMC	CC-452-2635	2,338.82
Motor truck	GMC	CC-452-2639	2,338.82
Motor truck	GMC	CC-452-2607	2,873.82
Motor truck	GMC	CCX-453-2483	2,873.82

(b) This Order No. 30 (§ 1499.827) may be revoked or amended by the Office of Price Administration at any time.

This Order No. 30 (§ 1499.827) shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1664; Filed, February 2, 1944; 4:47 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 84]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

Section 1340.224 is amended to read as follows:

§ 1340.224 *Appendix M: Maximum prices for bituminous coal produced in District No. 13.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices for shipment to all destinations, for all uses (including railroad fuel and excepting smithing coal) by all methods of transportation except by truck or wagon from mines in Subdistrict No. 1.*

PRICES AND SIZE GROUP NUMBERS

Subdistrict No. 1 (Alabama) coals produced at any and all mines in the following price group numbers	All lump and double-screened egg coals (size groups 1 to 5, incl.)	Nut and chestnut size groups—		Mine run and resultants over 3", size groups—		Resultants and screenings 3" and under, size groups—	
	Washed or raw	6, 8, 10, washed	7, 9, 11, raw	12, 14, 15, 16, washed	13, 19, 20, 21, raw	17, 18, washed	22, 23, raw
1	350	350	340	345	335	340	330
2	365	365	355	365	355	365	355
3	375	375	368	375	365	365	360
4	420	410	400	400	390	390	380
5	415	415	405	415	405	405	395
6	530	480	470	390	380	370	360
7	560	510	500	435	425	425	415
8	620	550	540	460	450	420	410
9	480	455	445	405	395	395	385
Exceptions:							
Mine Index No. 11	550	500	490	410	400	390	380
Mine Index No. 35	375	375	365	370	360	365	355
Mine Index No. 56	450	440	430	430	420	420	410
Mine Index No. 68	380	380	370	380	370	380	370
Mine Index No. 212	550	500	490	410	400	390	380

The maximum prices for blacksmithing coal shall not exceed 560 cents per net ton.

(2) *Maximum prices for shipment by truck or wagon to all destinations for all uses from mines in Subdistrict No. 2.*

PRICES AND SIZE GROUP NUMBERS

Subdistrict No. 2 (Alabama) coals produced at any and all mines in the following truck price group numbers	All lump and double-screened egg coals (size groups 1 to 5, incl.)	Nut and chestnut size groups—		Mine run and resultants over 3", size groups—		Resultants and screenings 3" and under, size groups—	
	Washed or Raw	6, 8, 10, washed	7, 9, 11, raw	12, 14, 15, 16, washed	13, 19, 20, 21, raw	17, 18, washed	22, 23, raw
1	523	475	475	455	440	430	405
2	505	475	455	455	425	415	395
3	495	455	455	435	425	400	405
4	458	455	455	435	410	415	390
5	430	440	425	440	415	400	395
6	420	425	435	425	395	375	360
7	420	435	415	380	380	370	340
Exceptions:							
Mine Index No. 3	555	490	485	455	455	450	405
Mine Index No. 7, 9, 11, 12, 1620	505	485	475	435	435	435	395
Mine Index Nos. 18, 21	550	490	485	440	440	430	405
Mine Index Nos. 6, 8	605	500	485	455	425	425	400
Mine Index No. 17	535	490	485	425	425	415	395
Mine Index No. 1543	544	495	495	435	415	415	400
Mine Index Nos. 22, 23, 1306, 1672	550	490	485	440	440	430	405

(3) *Specific descriptions of size group numbers referred to in subparagraphs (1) and (2) of this paragraph (b).*

Size Group Numbers:	Description
1 to 5, inclusive	All single-screened lump coals and all double-screen egg coals, top size larger than 2".
6 to 11, inclusive	All double-screened nut, pea and stoker coals, top size not exceeding 2".
7 to 9, inclusive	Straight mine run; no fines removed. Mine run, modified by the removal of any intermediate size or mine run resultants larger than 2" no fines removed.
10 to 12, inclusive	Screenings larger than ¾", but not exceeding 2".
13 and 14	Screenings, top size not exceeding ¾".

(7) The charge for a chemical, oil or waxing treating to allay dust or prevent freezing shall not exceed: 10 cents per net ton on coals produced at and shipped from a mine in Tennessee or Georgia; 15 cents per net ton for coals produced at and shipped from a mine in Alabama.

A charge of no more than $2.50 per car may be made if more than one size is shipped in the same railroad car.

(8) *Identification by mine index number of mines in the price group numbers specified in subparagraphs (1) and (4) of this paragraph (b).* Following is a statement on the mines in each such price group. A seller of coal produced at a mine identified by mine index number shall first determine the price group number applicable to the mine. He shall then use the maximum prices applicable to the mines in the same price group number, as set forth in this paragraph (b), unless otherwise specifically provided herein.

1 to 3, inclusive	Mine index Nos. 30 through 54, 62, 104, 118, 127, 156, 165, 215, 230, 308, 391, 973, 618, 621, 756, 1128, 1136, 1143, 1146, 1286, 1249, 1274, 1275, 1338, 1376, 1389, 1390, 1391, 1393, 1394, 1395, 1407, 1410, 1411, 1413, 1417, 1425, 1427, 1431, 1445, 1454, 1458, 1458, 1467, 1469, 1470, 1472, 1494, 1514, 1522, 1538, 1537, 1551, 1557, 1601, 1658, 1594, 1595, 1591, 1605, 1621, 1650, 1672, 1675, 1696, 1697, 1674, 1684, 1701, 1714, 1746, 1749, 1752, 1760, 1762, 1766, 1771, 1775, 1782 are in Price Group No. 1.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1662; Filed, February 2, 1944; 4:46 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13728, 15430, 17375.

[2] 7 F.R. 3776, 4179, 4852, 5520, 6053, 6998, 7600, 7747, 8198, 8350, 8384, 8948; 8 F.R. 3056, 5470, 9998, 14984, 15737, 16063, 17297.

[3] 8 F.R. 13007, 14343, 15430, 16740, 17414.

[1] 14560, 15256, 15455, 15456, 16280, 16419, 16738, 16998.

PRICES AND SIZE GROUP NUMBERS

Subdistricts Nos. 3 and 5 (Tenn. and Ga.) Coals produced at any and all mines in the following price group numbers	1, 2, 3 all lump and double-screened egg coals	4, 5, 6 all double-screened nut, pea, and stoker	7, 8, 9 mine run and resultants over 2"	10, 11, 12 Screenings larger than ¾" but not exceeding 2"	13, 14 screenings ¾" and smaller
10	400	350	340	320	280
Exception: Mine Index No. 92	465	465	410	410	410

The maximum prices for smithing coal shall be 535 cents per net ton.

(5) Maximum prices for shipment by truck or wagon to all destinations, for all uses from mines in Subdistrict No. 4.

PRICES AND SIZE GROUP NUMBERS

Subdistrict No. 4 (Tenn., Ga., and White County, Tenn.) Coals produced at any and all mines in the following truck price group numbers	1, 2, 3 All lump and double-screened egg coals	4, 5, 6 All double-screened nut, pea, and stoker	7, 8, 9 Mine run and resultants over 2"	10, 11, 12 Screenings larger than ¾" but not exceeding 2"	13, 14 Screenings ¾" and smaller
8	400	400	375	345	310
9	455	400	375	345	345
10	455	400	375	345	345
11	455	395	375	345	330
12	455	410	375	345	300
From mines in White County, Tenn.					
13	380	325	335	275	270

(6) Specific descriptions of size group numbers referred to in subparagraphs (4) and (5) of this paragraph (b), including White County, Tenn.

Size Group Numbers:	Description
1 to 3, inclusive	All single-screen lump coals and all double-screen egg coals, top size larger than 2".
4 to 6, inclusive	All double-screened nut, pea and stoker coals, top size not exceeding 2".
7 to 9, inclusive	Straight mine run; no fines removed. Mine run, modified by the removal of any intermediate size or mine run resultants larger than 2" no fines removed.
10 to 12, inclusive	Screenings larger than ¾" but not exceeding 2".
13 and 14	Screenings, top size not exceeding ¾".

(7) The charge for a chemical, oil or waxing treating to allay dust or prevent freezing shall not exceed: 10 cents per net ton on coals produced at and shipped from a mine in Tennessee or Georgia; 15 cents per net ton for coals produced at and shipped from a mine in Alabama.

A charge of no more than $2.50 per car may be made if more than one size is shipped in the same railroad car.

(8) Identification by mine index number of mines in the price group numbers specified in subparagraphs (1) and (4) of this paragraph (b). Following is a statement on the mines in each such price group. A seller of coal produced at a mine identified by mine index number shall first determine the price group number applicable to the mine. He shall then use the maximum prices applicable to the mines in the same price group number, as set forth in this paragraph (b), unless otherwise specifically provided herein.

1 to 3, inclusive	Mine index Nos. 30 through 54, 62, 104, 118, 127, 156, 165, 215, 230, 308, 391, 973, 618, 621, 756, 1128, 1136, 1143, 1146, 1286, 1249, 1274, 1275, 1338, 1376, 1389, 1390, 1391, 1393, 1394, 1395, 1407, 1410, 1411, 1413, 1417, 1425, 1427, 1431, 1445, 1454, 1458, 1458, 1467, 1469, 1470, 1472, 1494, 1514, 1522, 1538, 1537, 1551, 1557, 1601, 1658, 1594, 1595, 1591, 1605, 1621, 1650, 1672, 1675, 1696, 1697, 1674, 1684, 1701, 1714, 1746, 1749, 1752, 1760, 1762, 1766, 1771, 1775, 1782 are in Price Group No. 1.

Mine Index Nos. 67, 68, 1465, 1492, 1690 are in Price Group No. 2.

Mine Index Nos. 59, 61 through 66, 71, 72, 73, 114, 115, 199, 283, 299, 310, 311, 313, 332, 357, 362, 371, 381, 383, 852, 1039, 1105, 1106, 1162, 1203, 1250, 1288, 1289, 1351, 1375, 1376, 1377, 1412, 1418, 1419, 1496, 1526, 1533, 1569, 1570, 1571, 1622, 1657, 1661, 1706, 1709, 1755, 1773 are in Price Group No. 3.

Mine Index Nos. 55, 56, 57, 70, 61, 142, 571, 641, 649, 668, 749, 751, 1136, 1137, 1224, 1231, 1256, 1261, 1278, 1293, 1396, 1436, 1437, 1436, 1439, 1440, 1453, 1464, 1470, 1484, 1502, 1510, 1546, 1635, 1742 are in Price Group No. 4.

Mine Index Nos. 74 through 78, 83, 113, 136, 141, 173, 193, 194, 196, 198, 213, 221, 229, 298, 301, 314, 317, 326, 339, 342, 356, 367, 385, 386, 390, 744, 1059, 1128, 1215, 1271, 1276, 1287, 1309, 1313, 1349, 1354, 1357, 1360, 1362, 1372, 1373, 1374, 1379, 1402, 1403, 1406, 1416, 1433, 1466, 1520, 1521, 1525, 1532, 1547, 1561, 1567, 1640, 1650, 1652, 1653, 1669, 1670, 1683, 1687, 1693, 1704, 1721, 1722, 1744, 1746, 1747, 1756, 1757, 1758, 1759, 1767, 1769, 1786 are in Price Group No. 5.

Mine Index Nos. 1, 2, 7, 9, 10 through 15, 17, 29, 103, 111, 128, 130, 135, 139, 166, 171, 212, 318, 509, 514, 564, 566, 568, 569, 624, 677, 678, 680, 683, 684, 686, 781, 804, 805, 808, 855, 902, 910, 984, 994, 1091, 1077, 1095, 1180, 1181, 1192, 1213, 1243, 1257, 1258, 1259, 1273, 1331, 1350, 1415, 1420, 1424, 1447, 1471, 1491, 1512, 1513, 1516, 1528, 1529, 1534, 1586, 1630, 1645, 1646, 1676, 1694, 1740, 1768, 1778, 1779, 1780, 1786 are in Price Group No. 6.

Mine Index Nos. 18, 18, 19 through 24, 106 through 110, 121, 122, 123, 124, 133, 144, 150, 151, 152, 153, 157, 182, 183 through 191, 241, 247, 249, 253, 404, 408, 411, 418, 421, 422, 424, 426, 427, 434 through 439, 450, 453, 455, 459, 460, 462, 466, 472, 480, 484, 485, 488, 489, 491, 492, 500, 519, 522, 538, 541, 557, 565, 570, 574, 577, 579, 581, 582, 583, 584, 586, 591, 592, 594, 595, 597, 600, 608, 609, 610, 612, 617, 622, 627, 629, 631, 632, 636 through 640, 643 through 648, 650, 657, 658, 664, 665, 670, 687, 763, 764, 765, 768, 780, 786, 790, 792, 793, 795, 838, 865, 867, 881, 897, 911, 922, 926, 949, 963, 965, 972, 985, 987, 1007, 1008, 1010, 1013, 1015, 1022, 1023, 1038, 1074, 1075, 1076, 1078, 1126, 1164, 1166, 1167, 1174, 1229, 1254, 1291, 1295, 1306, 1308, 1317 through 1330, 1333, 1334, 1369, 1381, 1383 through 1387, 1426, 1442, 1444, 1449, 1455, 1458, 1467, 1476, 1478, 1479, 1481, 1482, 1498, 1518, 1519, 1539, 1543, 1547, 1549, 1551, 1555, 1558, 1572 through 1576, 1578, 1583, 1587, 1604, 1607 through 1618, 1641, 1642, 1647, 1648, 1649, 1654, 1665, 1672, 1673, 1685, 1686, 1731 through 1735, 1777 are in Price Group No. 7.

Mine Index Nos. 3, 4, 6, 8, 195, 359, 1599, 1623 are in Price Group No. 8.

Mine Index Nos. 5, 58, 69, 80, 222, 233, 262, 263, 266 through 271, 512, 517, 968, 1072, 1232, 1544, 1545, 1556, 1598 are in Price Group No. 9.

(9) *Identification by counties and seams of mines in the price group members specified in subparagraphs* (2) *and* (5) *of this paragraph* (b). Following is a table of counties seams and price group numbers. A seller of coal produced at a mine from any seam in these counties shall first determine the price group number applicable to the mine, as indicated in this table. He shall then use the maximum prices applicable to the mines in the same price group number, as set forth in this paragraph (b), unless otherwise specifically provided herein.

County, seam, and price group number

ALABAMA—SUBDISTRICT NO. 2

Bibb, Blue Gould, Clark, Gibson Gould, Thompson, Wadsworth, Woodstock, and Youngblood, 2; all seams not named, 7.

Blount, Berry Mountain, 2; Black Creek and Talte Gap, 3; Underwood, 4; all seams not named, 7.

Cherokee, all seams, 5.

Cullman, all seams, 1.

De Kalb, Black Creek, Lookout Mountain and Payne, 1; all seams not named, 3.

Etowah, all seams, 4.

Fayette, Corona, 5; Cobb, 6; all seams not named, 7.

Jackson, all seams, 5.

Jefferson, Black Shale, Buck, Clark, Gould, Harkness, Hartley, Helena, Helena No. 3, Henery Ellen, Leaf, Lower Helena, Ratliff, Thompson, Upper Gould and Wadsworth, 2; Black Creek and Jefferson, 3.

Jefferson, Pratt and Pratt-America, 5; America, Blue Creek, Harkness (Mine Index No. 751 only) and Nickle Plate, 6; Bragg, Gwin, Jagger, Lower Nunnally, Mary Lee, Mt. Carmel, Upper Helena, Upper Nunnally and all seams not named, 7.

Madison, all seams, 5.

Marion, all seams, 1.

Saint Clair, Helena, Henery Ellen (Mine Index No. 1556 only), and Wadsworth, 2; Broken Arrow, Hammond, Harkness, and Marion, 5; Henry Ellen, 7.

Shelby, Buck, Clark-Sholson, Dogwood, Harkness, Helena, Maylene-Climax, Montevallo, Moyle, Underwood, upper Dogwood, and Wadsworth, 2; all seams not named, 7.

Tuscaloosa, Black Creek and Chambers, 1; Bowers, Carter, Johnson, Millidale, North River, Perkins, River View, Weaver, and Woodstock-North River, 3; Brookwood, Jagger, Millidale-Brookwood, and all seams not named, 7.

Walker and Winston, Black Creek, Blue Creek, and Jefferson, 1; Corona and Pratt, 5; America, 6, all seams not named, 7.

TENNESSEE—SUBDISTRICT NO. 4.

Bledsoe, Battle Creek, 8; all seams not named, 9.

Franklin and Grundy, all seams, 9.

Hamilton, Sewanee and Soddy No. 7, 9; all seams not named, 11.

Marion, Battle Creek, Top (Mine Index No. 814 only), 8; Bluff, Bolton, Etna, Etna No. 3, Etna No. 7, Sewanee, Sewanee No. 7, 9, and 10 and Soft Cotton, 9; all seams not named, 11.

Rhea, Nelson, Nelson No. 2 and Nelson-Sewanee, 12; all seams not named, 11.

Sequatchie, Sewanee, Sewanee No. 2, 9; all seams not named, 11.

Van Buren, Battle Creek, 8; all seams not named, 9.

Warren, all seams, 9.

White, all seams, 13.

GEORGIA—SUBDISTRICT NO. 4

Dade and Walker, all seams, 10.

This amendment shall become effective February 3, 1944.

(55 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 1st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1614; Filed, February 2, 1944; 9:09 a. m.]

PART 1378—COMMODITIES OF MILITARY SPECIFICATION FOR WAR PROCUREMENT AGENCIES

[MPR 157,[1] Amdt. 12]

SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation 157 is amended in the following respects:

1. Section 1378.2 (a) (3) is amended by inserting the phrase "or the Training Organization of the War Shipping Administration" following the word "Navy" in each of the two cases where the word "Navy" appears in that subparagraph.

2. Section 1378.10 (a) (6) is amended by inserting the phrase "the Training Organization of the War Shipping Administration" following the phrase "the United States Maritime Commission,".

3. Appendix A is amended to read as follows:

APPENDIX A—MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES AND TRANSACTIONS

In the event that the Office of Price Administration fixes a maximum price for 3.90 yard sanforized fine yarn shirting chambray in excess of 16 cents per yard, gross, then in the case of certain deliveries of shirts made from such chambray, the maximum price shall be the maximum price fixed by § 1378.3 plus an adjustment for the increased cost of chambray. The adjusted maximum price shall be applicable only on deliveries to the Department of the Navy or to the Training Organization of the War Shipping Administration during the period between December 11, 1943 and June 30, 1944, inclusive.

The adjustment per dozen for the increased cost of the chambray shall be an amount equal to the number of yards of chambray required to produce a dozen of the shirts multiplied by the difference between the net cost per yard of the chambray on the 16 cents per yard basis and the net cost per yard of the chambray at the new and higher maximum price.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1662; Filed, February 2, 1944; 4:47 p. m.]

PART 1389—APPAREL

[MPR 506,[1] Amdt. 1]

STAPLE WORK GLOVES

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Maximum Price Regulation 506 is amended in the following respect:

Section 6 is amended to read as follows:

SEC. 6. *Adjustable pricing agreements.* Adjustable pricing agreements may be entered into notwithstanding the provisions of section 5, to the extent permitted by this section.

(a) *When regulation fixes a ceiling price.* In cases where this regulation fixes a ceiling price, a person may sell at that ceiling price, subject to an agreement with the buyer to charge a higher price if it becomes the legal ceiling price by the time of delivery. But one must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless specifically authorized by the Office of Price Administration, a person must not deliver or agree to deliver at a price which is to be adjusted upward in accordance with action by the Office of Price Administration after delivery.

(b) *Where regulation does not fix a ceiling price.* In cases where a ceiling price is not fixed by the regulation, a person must not make any contract or sale unless the price is expressly subject to adjustment in accordance with any action which may be taken by the Office of Price Administration. Moreover, unless specifically authorized by the Office of Price Administration, a person must not make any delivery until a ceiling price has been fixed by the Office of Price Administration.

(c) *When specific authorization will be given.* Specific authorization to deliver or agree to deliver at a price which is to be adjusted upward in accordance with action by the Office of Price Administration after delivery will be given only where:

(1) A request for the fixing or changing of a ceiling price has been filed; and

(2) The authorization is necessary to promote distribution or production; and

(3) It will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

This authorization may be given by the Administrator or by any other official of the Office of Price Administration to whom the power to grant such authorization has been delegated, and may be given by order, letter or telegram.

This Amendment No. 1 shall become effective the 2d day of February 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1663; Filed, February 2, 1944; 4:47 p. m.]

Chapter XIII—Petroleum Administration for War

[Petroleum Directive 59 as Amended Dec. 1, 1943, Amdt. 1]

PART 1510—SUPPLY

PRINCIPAL PETROLEUM PRODUCTS IN DISTRICT ONE

Section 1510.30 (Petroleum Directive 59, as amended December 1, 1943, (8 F.R. 15792)) is hereby amended by changing § 1510.30 (c) to read as follows:

§ 1510.30 *District One supply program.* • • •

(c) *Shipment of crude and principal petroleum products into and within District One.* The subcommittee, after consulting with the Transportation and Refining Committees of District One, shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, assigning to original suppliers the duty of arranging for the shipment of crude petroleum to be imported for purposes other than refining, and principal petroleum products from origins outside District One to destinations within District One and arranging for intradistrict shipments from and to designated points. Principal petroleum products required for intradistrict shipment may be made available by the subcommittee, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, to the original supplier who has been assigned the duty of making such shipment by assignment issued by the subcommittee and such principal petroleum products shall be transferred, unless the parties otherwise agree, by sale and purchase at a price mutually agreed upon by the parties but not to exceed the price as determined pursuant to § 1510.32, and the amount of such principal petroleum products shall, upon such assignment, be deducted from unassigned inventory at the point of origin and added to unassigned inventory in the area at point of destination. Insofar as practicable the suggested schedule shall be arranged to provide (1) each supply terminal area and supply area with the principal petroleum products required to meet the expected demand after providing for inventory changes deemed advantageous to the overall supply position; and (2) for the efficient use of facilities and for shipment into District One of the maximum amount of crude petroleum and principal petroleum products. Subject to the foregoing, the duty of importing principal petroleum products shall be assigned as nearly as practicable among original suppliers, in proportion to their zone sales position. Principal petroleum products manufactured at a District One refinery shall be deemed to have been imported by the refiner. Upon issuance of such schedule pursuant to § 1510.34 (c), each original supplier shall make every effort to increase the volume of products available for distribution within District One and shall perform the duties assigned to him, except that any original supplier may arrange to have another original supplier, willing to assume such responsibility, perform such duties, and notice of any such arrangement or any change or modification thereof shall be given immediately to the subcommittee. When in the opinion of the subcommittee and the original suppliers affected, the transfer of the ownership of a principal petroleum product at a supply terminal to another original supplier will facilitate the administration of this directive, the product shall be transferred without losing its character as unassigned inventory. Any such transfer, unless the parties otherwise agree, shall be by sale and purchase at a price mutually agreed upon by them but not to exceed the price as determined pursuant to § 1510.32. The Petroleum Administration for War shall, from time to time, acting through appropriate governmental agencies, arrange for necessary adjustments to be made in the use of transportation facilities when required to facilitate the carrying out of assignments made hereunder. In making such adjustments, consideration shall first be given to the carrying capacity available to each original supplier by tanker, pipe line, barge, or any form of transportation other than tank car, and insofar as possible, any original supplier's deficit of carrying capacity, shall be made up by the allotment of tank cars. Wherever necessary the Petroleum Administration for War may arrange for the specific use of any transportation facility without regard to the provisions of any schedule issued in connection herewith. The Transportation Committee, District One, shall review the use of all supply terminals and transportation available for shipment of products into or within District One to determine whether the maximum efficient use (including the movement of loaded tank cars, return of empty tank cars in trainload lots, and the distribution of products from the supply terminals) is being attained, and in that connection such committee shall recommend to the persons, committees or subcommittees affected and the Petroleum Administration for War that such action be taken as will, in its opinion, improve the efficient use of transportation and increase the volume of principal petroleum products available for distribution in District One.

Section 1510.32 (Petroleum Directive 59, as amended December 1, 1943, (8 F.R. 15792)) is hereby amended by changing the first paragraph thereof, subparagraph (3) of §§ 1510.32 (a), and 1510.32 (c) to read as follows:

§ 1510.32 *Maximum price formula.* The terms of any purchase and sale made pursuant to §§ 1510.30 (c), 1510.31 (a) or (c), or 1510.33 (a) shall be negotiated between the parties thereto: *Provided:*

(3) If the product sold has been imported from an actual origin in District Three and the cost of transporting the product from the actual origin to the point of delivery by the facilities used (including the substitute cost of in-transit handling) is less than the total sum determined under the preceding subparagraph (2), such actual cost shall be used in lieu of the sum determined under such subparagraph (the actual origin and the cost of transportation and in-transit handling being determined in accordance with Petroleum Compensatory Adjustments Regulations No. 1, as amended, or revised).

• • • • • •

(c) *Sales made pursuant to this section shall not be deemed to be discriminatory.* Sales between original suppliers made at or below the maximum price formula set forth in § 1510.32 (a) or determined in accordance with §§ 1510.31 (d) or 1510.32 (b), and which are made pursuant to §§ 1510.30 (c), 1510.31 (a), (c), or (d) or 1510.33 (a) shall not be deemed to effect any discrimination against any buyer (including any original supplier) to whom any other sale is made at any higher or different price.

[1] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 6948, 8 F.R. 3948, 7507, 16605, 17374.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 684.

Section 1510.33 (Petroleum Directive 59, as amended December 1, 1943, (8 F.R. 15792)) is hereby amended by changing § 1510.33 (a) to read as follows:

§ 1510.33 *Inventory and sales adjustments*—(a) *Inventory adjustments.* The subcommittee shall determine for each principal petroleum product in each zone each original supplier's share of the net inventory as of November 30, 1943, by multiplying the total net inventory for such zone by each original supplier's zone sales position percentage for the product for which the determination is being made. In any case where an original supplier's share of the net inventory is greater or less than his actual net inventory as of such date, the actual net inventory shall be adjusted, either by assignments of actual net inventories or by adjustments in the proportionate part of such principal petroleum product which such original supplier is or will be entitled to receive under § 1510.31 (c), or by a combination of both. If the product be transferred by assignment then, unless the parties otherwise agree, such product shall be transferred by sale and purchase at a price mutually agreed upon by the parties but not to exceed the price as determined pursuant to § 1510.32. The subcommittee in collaboration with a staff representative of Petroleum Administration for War, designated for the purpose may, prior to determining the final adjustments to be made in net inventory, determine preliminary adjustments, and the subcommittee may make assignments to carry such preliminary adjustments into effect subject to such limitations as may be imposed by the Petroleum Administration for War to prevent any exceptional and unreasonable hardship. The net inventory for each zone shall be determined as follows: The subcommittee shall obtain from each original supplier a report showing for each zone in District One, as of November 30, 1943, or as of the last day of the month in which this revised directive becomes effective, whichever time first occurs, (1) the total physical inventory of each principal petroleum product within each zone owned or controlled by such original supplier in all storage facilities having a gross storage capacity for principal petroleum products of 5,000 barrels or over; (2) the amounts of such inventories which are unavailable for distribution by reason of being tank bottoms, pipe line fills or are otherwise unusable; (3) the amounts of such inventories specifically set aside for delivery exclusively to the Army, the Navy, or the Foreign Economic Administration; and (4) a statement showing the amounts of each principal petroleum product then due to or from such original supplier in each zone as a result of loans and exchanges made with other original suppliers, and the names of the original suppliers from which or to which each of such amounts is due. Any portion of that inventory reported under (2) or (3) hereof, which subsequently becomes available for a use other than that for which it is earmarked, shall be promptly reported to the subcommittee by the owner thereof, and shall be transferred to unassigned inventory. Upon receipt of such reports, the subcommittee shall determine for each principal petroleum product in each zone the actual net inventory of each original supplier by deducting from such original supplier's total physical inventory, as reported under (1) hereof, the amount of unavailable inventory, as reported under (2) hereof, and the amount of inventory set aside for the Army, the Navy or the Foreign Economic Administration, as reported under (3) hereof, and by adding the net amount due to, or by deducting the net amount due from such original supplier as reported under (4) hereof. The total net inventory in each zone shall be deemed to be the sum of the net inventories in the zone of all original suppliers as determined hereunder.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued this 17th day of January 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-1688; Filed, February 3, 1944; 11:09 a. m.]

[PAO 15, as Amended Feb. 3, 1944]

PART 1570—MATERIAL CONSERVATION; PIPE LINES, TERMINALS AND REFINING

The fulfillment of the requirements for the defense of the United States has created a shortage of materials necessary for the transportation and refining of petroleum for defense, for private account, and for export; and the following order is deemed necessary in the public interest, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential purposes.

§ 1570.1 *Petroleum Administrative Order No. 15*—(a) *Scope of this order.* The provisions of this order shall be applicable to the use of material in "Petroleum Gathering and Movement" and "Refining" operations in the United States, its territories or possessions. This order does not apply to tank cars, tank trucks or railroad rolling stock, to tankers, barges or other mobile marine equipment, or to material to be used for "residential construction" or "multiple residential construction" as defined in Limitation Order L-41, issued by the War Production Board.

(b) *Definitions.* (1) "Petroleum Gathering and Movement" (defined as "Transportation" in Preference Rating Order P-98-b) means any operation directly incident to the transportation, movement, loading or unloading of petroleum other than natural gas.

(2) "Refining" means any operation directly incident to the processing, reprocessing, or alteration of petroleum, including but not limited to compounding or blending, but not including the extraction or recovery of natural gasoline or associated hydrocarbons.

(3) "Maintenance and repair" means (without regard to accounting practice):

(i) The upkeep of any structure, equipment or material in a sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged or destroyed.

(ii) Any other use of material not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

(4) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in "Petroleum Gathering and Movement" or "Refining" and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense, including among other items, chemicals, additives, or blending agents.

(5) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum industry operations by means of research, technical, or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(6) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(c) *Restrictions on use of material.* No material may be used in "Petroleum Gathering and Movement" or in "Refining" unless permission to use material is granted by provisions of this order which follow below.

(d) *Permitted uses of material.* Material may be used in "Petroleum Gathering and Movement" or in "Refining":

(1) For maintenance and repair purposes, as operating supplies or for laboratory equipment or its installation, notwithstanding any other provision of this paragraph (d).

(2) For the construction, installation, or extension of (or any other similar use of material in connection with) a crude oil gathering line from the first valve on the discharge side of the lease or field shipping tank or battery where petroleum is first gauged to any other "Petroleum Gathering and Movement" facility or any "Refining" facility, if:

(i) The material cost for any one complete operation is $5,000 or less; and

(ii) The cost of material originally obtained for maintenance and repair purposes through the use of priorities assistance, used in any single operation, does not exceed $500; and

(iii) The line does not duplicate in whole or in part the transportation functions of any existing line or lines.

(3) For any other construction, expansion, extension, improvement, installation, reconstruction, remodeling or other similar operation in "Petroleum Gathering and Movement" (which operation does not include any use of material in connection with a crude oil gathering line) or in "Refining", if:

(i) The material cost for any one complete operation is $5,000 or less; and

(ii) The cost of material originally obtained for maintenance and repair purposes through the use of priorities assistance, used in any single operation, does not exceed $500.

(e) *Special restrictions on use of material in crude oil gathering lines.* In no instance may material be used to connect a crude oil gathering line to any well or wells directly or indirectly unless such well or wells were spudded prior to December 23, 1941, or were drilled and completed in conformity with Conservation Order M-68, Petroleum Administrative Order No. 11, or any amendment, supplement or exception to either of such orders.

(f) *Application for authorization to use material.* Where a person wants to use material in "Petroleum Gathering and Movement" or "Refining" but cannot do so because of the preceding provisions of this order, he must make application for both authorization to use the material and for necessary priorities assistance by filing PAW Form 30.

Six copies of this form should be prepared. One copy should be retained by the applicant and the original and three copies together with supporting attachments should be sent to the Petroleum Administration for War, Interior Building, Washington 25, D. C. The other copy with attachments should be sent to the District Office of the Petroleum Administration for War for the District in which the work will be done (see Schedule "A").

Any communications in connection with PAW Form 30 for "Petroleum Gathering and Movement" or for "Refining" should be submitted in accordance with these instructions, Ref: PAO-15.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or mission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; Directive No. 30 of the War Production Board, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of February 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

SCHEDULE A—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District 1: (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia) Direct communications to Petroleum Administration for War; 1104 Chanin Building, 122 East 42nd Street; New York 17, New York. Ref: PAO-15.

District 2: (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota) Direct communications to Petroleum Administration for War; 1200 Blum Building; 624 South Michigan Avenue; Chicago 5, Illinois (or) 415 Beacon Building; 406 South Boulder Avenue, Tulsa 3, Oklahoma. Ref: PAO-15.

District 3: (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico) Direct communications to Petroleum Administration for War; 245 Mellie Esperson Building; Houston 1, Texas. Ref: PAO-15.

District 4: (Montana, Wyoming, Colorado, Utah, Idaho) Direct communications to Petroleum Administration for War; 320 First National Bank Building; Denver 2, Colorado. Ref: PAO-15.

District 5: (Arizona, California, Nevada, Oregon, Washington, Territories of Alaska or Hawaii) Direct communications to Petroleum Administration for War; 855 Subway Terminal Building; Los Angeles 13, California. Ref: PAO-15.

[F. R. Doc. 44-1675; Filed, February 3, 1944; 10:46 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 22,[1] Revised]

PART 310—MERCHANT MARINE TRAINING

REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

General Order 22 is revised to read:

The War Shipping Administration pursuant to authority conferred upon it by the Merchant Marine Act, 1936, as amended, Title 34 U. S. Code, sections 1121, 1122, 1123 and 1123 a-e inclusive, Executive Order 9054 dated February 7, 1942, Executive Order No. 9083 dated March 2, 1942, and Executive Order 9198 dated July 11, 1942, hereby prescribes and adopts as necessary and appropriate to maintain a trained and efficient merchant marine personnel the following regulations for State Maritime Academies.

Sec.
310.1 Definitions.
310.2 Appropriations and disbursements.
310.3 Shore base.
310.4 Training ship.
310.5 Entrance standards.
310.6 Personnel.
310.7 Crew.
310.8 Curriculum.
310.9 Miscellaneous regulations.

AUTHORITY: §§ 310.1 to 310.9, inclusive, issued under 36 Stat. 1353, 55 Stat. 607; 34 U.S.C. 1121-1123; 34 U.S.C. Sup. 1123a-1123e; E.O. 9054, 9083, 9198; 7 F.R. 837, 1609, 5383.

§ 310.1 *Definitions.* As used herein, the following definitions shall apply:

(a) "W.S.A." shall mean the War Shipping Administration.

(b) "Administrator" shall mean the Administrator, War Shipping Administration.

(c) "Deputy Administrator" shall mean the Deputy Administrator for Training, War Shipping Administration.

(d) "Training Organization" shall mean the Training Organization, War Shipping Administration.

(e) "Assistant Deputy Administrator" shall mean the Assistant Deputy Administrator for Training, Training Organization, War Shipping Administration.

(f) "Superintendent" and "Commanding Officer" shall mean one and the same person, providing he fills both capacities; otherwise the word "Superintendent" shall mean the Superintendent of the state maritime academy and the "Commanding Officer" shall mean the Commanding Officer of the training ship.

(g) "Officers" shall mean all officers and instructors connected with the state maritime academy or the training ship, except part-time civilian instructors.

(h) "Maritime Service" shall mean the United States Maritime Service.

(i) "Supervisor" shall mean the Supervisor of State Maritime Academies, Training Organization, War Shipping Administration.

§ 310.2 *Appropriations and disbursements.* (a) An annual grant of $25,000 as authorized by Act of Congress in 1911, will be paid to each State Maritime Academy, if funds therefor are appropriated by the Congress, to each of the five existing State Maritime Academies and such others as may be approved by the W. S. A., providing such State Maritime Academies comply with the Regulations and Minimum Standards prescribed by the W. S. A.

(b) Additional Federal aid in excess of $25,000 and up to a total of $50,000 as authorized by Public Law 191, 77th Congress, (55 Stat. 607), will be paid to the State Maritime Academies, *Provided:*

(1) That the State shall appropriate an amount equal to that received each year from the Federal Government for the same purpose; (2) that the W. S. A. shall have the right to approve students from other states, where an Academy has determined such are eligible for admittance; (3) that the number of students admitted from the other states shall not exceed one-third of the total complement at an Academy; (4) that the per capita cost paid for each out-of-state student will be established annually. To determine this cost, the total number of state cadets will be divided into the total operating expense, less the grant. Vouchers, Standard Form 1034, will be submitted monthly covering the per capita cost of cadets at the Academy, accompanied with a list of the cadets who have been nominated.

For example: Assuming that the per capita cost for cadets is $650.00 and 20 cadets were nominated from out-of-state to an Academy, the voucher submitted would be:

1/12 of $650.00 equals $54.17 per cadet,
$54.17 × 20 cadets equals $1,083.40,
$1,083.40 being the amount for which the voucher is submitted.

The above voucher would then be made out monthly and submitted to the Supervisor for the duration of the cadets' training, for sixteen months at the Academy. If the per capita cost of the cadets is $650.00, no more than 38 cadets can be assigned by the Training Organization to any one Academy. Also, if 38 candidates were nominated to any Academy, no more candidates could be approved by the Training Organization until these men had graduated from that Academy.

(c) All cadets at State Maritime Academies will be enrolled in the Maritime Service, and in the U. S. Naval Reserve, as Midshipmen, Merchant Ma-

[1] 7 F.R. 7619.

rine Reserve (inactive), and will be paid a scholarship subsidy of $65.00 per month plus subsistence allowances of 75¢ per day, and shall receive $195.00 clothing and textbook allowance.

(d) Cadets, while attached to a State Maritime Academy, although transferred to a hospital or sick in the sick bay, shall remain in a pay status.

(e) A detailed daily log of absences, with or without leave, hospitalizations, disenrollments and other analagous data shall be kept by each Academy. A copy of these daily logs shall be furnished the Finance Officer and the Supervisor. No cadet will be paid or subsisted when absent without leave for a condition not in line of duty. An Academy shall make no charge to a cadet for tuition, but cadets may be required to pay no more than $100 a term to cover service charges.

(f) Cadets shall be entitled to medical attention and Public Health Service hospitalization.

(g) The Federal grant of $25,000 to $50,000 per year shall be spent in the operation of the training ship and the maintenance and operation of the shore base. The state shall appropriate and spend at least an amount equal to that received from the Federal Government each year for the same purpose.

(h) Compensation claims for personal injuries or death sustained by cadets enrolled in the Maritime Service in performance of duty shall be forwarded to the Supervisor for transmission to the U. S. Employees' Compensation Commission, Washington, D. C.

(i) The Superintendent is authorized to place any cadet on a non-pay basis for disciplinary reasons, not to exceed a maximum of thirty days. In the event that a cadet is dismissed from a State Maritime Academy for disciplinary reasons, the Superintendent may in his discretion deny payment to such cadet of all earnings due and unpaid such cadet at the time of dismissal.

§ 310.3 *Shore base.* (a) In order to assure its most economical and efficient operation, the maximum number of cadets a State Maritime Academy may be authorized to enroll in the Maritime Service for payment shall be determined by the Assistant Deputy Administrator. No state shall be compelled to take out-of-state students if the full quota can be obtained within the state.

(b) The maximum number of cadets that State Maritime Academies may enroll shall be determined by the Assistant Deputy Administrator.

(c) The W.S.A. shall have the right to inspect and approve shore base facilities.

(d) The State Maritime Academies shall maintain berthing, messing, and classroom instruction facilities ashore for at least 200 cadets.

(e) Rules and regulations for the internal organization and administration of each State Maritime Academy will be determined under the direction of the state authority. Wherever possible such rules and regulations will follow those prescribed by the W.S.A. for the administration of the Federal Academies.

§ 310.4 *Training ship.* (a) The W.S.A. will loan a suitable training vessel, if such is available, to each of the State Maritime Academies. In the event that it is not possible to provide Academies with a training vessel or vessels, adequate cruising facilities will be made available if possible.

(b) Before a vessel is formally released to a State Maritime Academy, and it is manned by State Officers under State control, a condition survey will be made by duly authorized representatives of the Academy and the W.S.A. If the vessel is found in order, the State Maritime Academy representative will receipt for the ship. Subsequently, after due notice, a condition survey may be made of the ship, whenever such is considered advisable.

(c) The W.S.A. property on board the training ship shall not be permanently removed from the ship to shore base without written approval of the Assistant Deputy Administrator.

(d) The State shall have the use of all equipment, appliances, apparel, spare and replacement parts on board a training ship loaned to a State: *Provided*, Same or their substantial equivalent is returned to the W.S.A., ordinary wear and tear, unavoidable accident, and/or perils of the sea excepted; and, any such items otherwise lost, destroyed, or consumed in service shall be replaced at the expense of the State.

(e) The State shall pay for all consumable stores, fuel, and costs incidental to the operation of a training ship, except vessel's sails for propulsion. Payment for operating expenses must be approved by the Commanding Officer of the respective State Maritime Academy.

(f) The W.S.A. shall take inventories of State and Federal property on board the vessel and at such times as it deems necessary after consultation with the Academy authorities. A representative of the State shall be present when such inventories are being taken. The Academy shall furnish such assistance as may be necessary for this purpose.

(g) The State shall exercise due diligence to safeguard the interests of the W.S.A. and avoid loss and damage of every nature. Log books and reports shall be submitted as directed to the Assistant Deputy Administrator.

(h) The Assistant Deputy Administrator shall determine whether or not the berth of the training ship at the base in its home port is satisfactory from the standpoint of safety. When the training ship is not on a practice cruise, the Commanding Officer shall keep the Supervisor informed of the location of the vessel and of any contemplated change of berth.

(i) Expenses for repairs to vessel, changes and alterations, repairs to equipage, and replacements of equipage, in accordance with approved allowance lists of the vessel, will be charged to the W.S.A. if previously approved by it in writing. Should they become necessary while on foreign cruise, the State is authorized to undertake such repairs not to exceed $500. It will be reimbursed by the W.S.A. upon submission of vouchers at the termination of the cruise. While on foreign cruise, written authority must be obtained from the Supervisor for all repairs estimated to cost in excess of $500.

(j) Detailed reports shall be forwarded promptly to the Supervisor in event of accident causing damage to the training ship, equipment or machinery, or damage inflicted by the training ship to any other ship or property.

(k) The W.S.A. may substitute another vessel for the present training ship.

(l) The W.S.A. may also terminate the loan of the training ship to the state in the event said vessel is required for other purposes. The W.S.A. will, however, return the vessel or provide another to the state for its training cruises when available.

(m) The loan of the training ship to the state may be terminated in the event she is not operated to the satisfaction of the W.S.A. after due notice to state authorities and their failure to remedy conditions complained of.

(n) Upon termination of the loan of a training ship, the state shall return, in the state base port, the vessel and all property whatsoever owned by the W.S.A. Title to all additions, replacements and renewals made by the state shall be in the W.S.A. without charge therefor. Upon delivery of the vessel a condition survey will be made by the W.S.A. to determine her physical condition at that time.

(o) The cruise itinerary of the training ship shall be submitted to the Supervisor at least sixty days in advance of the date a cruise is scheduled to begin. While on a practice cruise, the W.S.A. shall be advised by dispatch of the date of arrival at each port visited. The date of departure shall also be reported if at variance with the approved itinerary. At the time it is submitted, the W.S.A. will be asked for permission to visit the foreign ports listed on the proposed itinerary. Permission for the training ship to visit U. S. Naval Stations or Naval Bases shall be arranged by the Commanding Officer of the vessel.

(p) The following notice shall be posted conspicuously on board a training ship on loan to a state:

This training ship is the property of the United States of America. It is loaned to the State of_____by the United States War Shipping Administration for the purpose of training young men to become officers in the Merchant Marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power, or authority to create, incur, or permit to be imposed upon this vessel any lien whatever.

(q) The training ship shall be fumigated at the expense of the state, at least twice a year, if required by the Assistant Deputy Administrator. A copy of the fumigation certificate shall be forwarded to the Supervisor.

(r) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the Commanding Officer to the Supervisor at least thirty days before the date that it is expected to commence the annual overhaul. All items of repair must be approved by the Assistant Deputy Administrator.

(s) To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be made by the trainees under the supervision of ship's officers. When material is needed or has been ordered by the state, the Commanding Officer of the training ship shall forward to the Supervisor a list of material and estimated costs, and a description of the repairs to be carried out by the trainees. The Supervisor will promptly advise the Commanding Officer whether or not such work comes under the heading of repairs.

(t) The Commanding Officer shall promptly advise the Supervisor when it is anticipated or it is determined that major spare parts will be or are required.

(u) The state shall, at its own expense, keep the training ship and its machinery, boilers, appurtenances, equipment, and spare parts in good order and condition, and shall keep her clean and painted to the satisfaction of the Assistant Deputy Administrator; with the exception of such items approved by the Assistant Deputy Administrator as falling under the heading of repairs.

(v) No structural changes shall be made to the training ship, her machinery or boilers without securing the written approval of the W.S.A.

(w) The Supervisor shall be promptly notified, sufficiently in advance to enable a representative of the Training Organization to be present, except in an emergency, when it is necessary to repair or dry dock the training ship because of damage or other reasons, except for annual overhaul.

§ 310.5 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States, and must qualify in all respects as a Midshipman, Merchant Marine Reserve, U. S. Naval Reserve, and be appointed as such. He must be of robust constitution, physically sound and of good moral character, not less than 17 years and 6 months of age: *Provided*, That the candidate will have reached his 19th birthday upon completion of course, and shall not have reached his 23d birthday on date of entrance: *Provided*, That within this range, each state may fix its upper age limit for cadets appointed by the state. When admitted after approval by the Navy, he will wear the insignia and be entitled to all rights and privileges of the Naval Reserve.

(b) A candidate must be unmarried, and in the event it is subsequently determined that he was married at the time of admission to the Academy, or if he marries while at the Academy, he shall be dismissed.

(c) During the emergency candidates must have a minimum of 12 units from accredited secondary schools and are required to produce satisfactory recommendations as to character. (A unit being defined as a course which has been studied in classroom for at least 120-sixty minute hours of a school year.)

Lists of subjects and their corresponding values in units, are as follows:

REQUIRED GROUP (5 UNITS)

3 units in English.

1 unit in Mathematics from any of the following:
- Algebra
- Plane Geometry
- Intermediate Algebra
- Solid Geometry
- Advanced Algebra
- Plane Trigonometry
- Spherical Trigonometry
- Calculus
- Shop Mathematics (for Midshipmen Engineers only)

1 unit in Science from any of the following group:
- Physics
- Chemistry
- General Science
- Biology
- Mechanic Arts Subjects
- Vocational and Workshop Subjects (for Midshipmen Engineers only)
- Aeronautics

REQUIRED GROUP (7 UNITS)

The remaining 7 units may be supplied from other subjects completed in accredited schools.

(d) If a candidate has an excess of units in any subject in the required group, such excess units may be credited to the elective group.

(e) In evaluating the entrance units for admission to the Academy, a candidate may also be given credit for subjects undertaken at a secondary school providing that the principal or master of the secondary school submits a statement that in his opinion, the candidate will successfully complete such subjects.

(f) Candidates, upon enrollment, shall be required to take an oath or affirmation of allegiance to the United States of America and submit to finger printing. Copies of the oath or affirmation of allegiance and finger prints shall be furnished to the Assistant Deputy Administrator.

§ 310.6 *Personnel.* (a) The Superintendent of a State Maritime Academy and the Commanding Officer of the training ship shall be nominated by the state and approved by the Deputy Administrator on behalf of the W.S.A., after consultation with the Navy Department. They shall be either:

(1) Officers of the United States Navy, Naval Reserve, or Maritime Service, active or retired, or

(2) State Maritime Academy graduates with wide experience as Masters of vessels no less in size than the one used as a training ship and shall be officers of the United States Navy or Naval Reserve.

The transcript of service of the nominee and such other documents as may be prescribed must be submitted to the Deputy Administrator for approval before appointment by the state.

(b) After approval of Assistant Deputy Administrator, officer-instructors shall be appointed by the state. Their transcript of service and such other documents prescribed by the W.S.A. shall be submitted to the Assistant Deputy Administrator for approval. The Assistant Deputy Administrator is authorized to approve temporary appointments pending investigation of transcripts of service, and the state is authorized to make such temporary appointments pending investigation.

(c) Officers and instructors shall be appointed for qualities of practical experience and training in their specialties, their ability to impart their knowledge to students, and their personality, including the ability to deal with young men without friction.

(d) Officers and instructors may be required by the state to pay wardroom mess for subsistence and laundry service, Wardroom, stateroom and galley equipment shall not be charged to the accounts of officers and instructors.

(e) The Assistant Deputy Administrator shall set the minimum number of officers for the training ships and instructors, except for part-time instructors, for the State Maritime Academies.

(f) All civilian personnel attached to the State Maritime Academies or training ships shall be paid by the state.

(g) All officer-instructors of the training ship shall possess active Merchant Marine Licenses. Radio operators and instructors shall hold active licenses issued by the Federal Communications Commission. In addition, all such officers and instructors, except those in service on the date of these regulations, must have served at least three years in licensed capacity on board merchant vessels of not less than 2,000 gross tons. The following shall be exempt from the above requirements:

(1) Officers of the U. S. Navy or Naval Reserve, active or retired;

(2) Civilian instructors in other than marine subjects, etc.;

(3) The Medical Officer;

(4) The Paymaster or Supply Officer.

(h) All officer-instructors, except those for temporary emergency service and civilian part-time instructors not on cruise, should be commissioned officers in the United States Navy, Naval Reserve or Maritime Service, and except those in service on October 24, 1941, who are not acceptable because of age or lack of physical qualifications.

(i) The Chief Engineer of the training ship shall be appointed by the state with the approval of the Assistant Deputy Administrator.

(j) The Chief Engineer of the training ship shall possess an active unlimited license as Chief Engineer of steam and motor vessels, or in lieu thereof, be an experienced engineer officer of the United States Navy or Naval Reserve. If not a naval officer he shall have had experience as a licensed engineer officer in the Merchant Marine, and/or a State Maritime Academy training ship, which is satisfactory to the appointing authority.

(k) The Superintendent, or in his absence, the Commanding Officer of the training ship, or in the absence of both, the next senior deck officer shall be responsible for the training ship and all Federal and State property aboard the training ship.

(l) The Superintendent and the Finance Officer of State Maritime Academies will be bonded in accordance with the requirements established by the reg-

ulations of the state comptroller. They shall be responsible for financial matters pertaining to the Academy and the training ship.

(m) If for any good and sufficient reason, following due investigation and hearing, the W.S.A. is dissatisfied with the Superintendent or the Commanding Officer, it will request his discharge by the State.

(n) The Superintendent or, in his absence, the Commanding Officer of the training ship shall be responsible for the courses of instructions and the general system of training as approved by the Assistant Deputy Administrator.

(o) Proper records pertaining to the Academy, its officers, instructors, crew, cadets, the training ship and shore base shall be maintained by each Academy, and shall be available to the Assistant Deputy Administrator upon request.

(p) The W.S.A. recommends the adoption of the pay scale for the staff of each State Maritime Academy which is contained in the following subdivisions, reserving the right, if within its legal authority, to require an established pay and allowance scale at an appropriate time in the future:

(1) The pay and allowances of the Superintendent, to be paid by the state, to be not less than $6,000 per annum. In the event two men hold the positions of Superintendent and Commanding Officer, the pay of the Commanding Officer to be not less than $5,600. There shall be no cognizance taken of the retired pay or personal income received by the Superintendent or any other member of the staff.

(2) The minimum pay and allowance for officer-instructors other than commissioned officers of the U. S. Navy, Naval Reserve, the Maritime Service and civilian part-time instructors, subject to approval of State Legislature, are recommended as follows:

Executive Officer	$5,012
Navigation Officer	4,332
Watch Officer (Senior)	3,552
Watch Officer (Junior)	3,082
Engineer Officer	5,012
First Asst. Engineer Officer	4,332
Second Asst. Engineer Officer	3,552
Third Asst. Engineer Officer	3,082
Paymaster [1]	3,552
Medical Officer [1]	3,552
Communications Officer	3,082
Machinists	3,182
Boatswains	3,182
CPO	2,112

[1] If under 35 years of age, the minimum pay should be as that of U. S. Navy Lieutenant (jg), 1st pay grade, $3,082. The above pay scale is based on "without dependents". If there are dependents, it should be increased according to the Navy pay scale.

(3) Minimum increases of 4% should be granted at the end of each three years of service with the Academy.

(4) Deductions may be made as per U. S. Naval Reserve (active duty) pay and allowance tables in event quarters are owned by the state and furnished to officers and instructors and their dependents.

§ 310.7 *Crew.* (a) Members of the crew of a training ship shall be citizens of the United States, take an oath or affirmation of allegiance to the United States of America and submit to finger printing, and, except those in service on the date these regulations are approved, shall be members of the United States Navy, Naval Reserve or Maritime Service, active or retired. Waivers may be granted by the Assistant Deputy Administrator.

(b) The minimum number of the crew shall be prescribed by the Assistant Deputy Administrator.

§ 310.8 *Curriculum.* (a) For the duration of the emergency, the period of training shall be from 16 to 18 months, six months of which must be spent aboard a training ship in a cruise status.

(b) The curriculum shall be such as the Assistant Deputy Administrator, with the approval of the Deputy Administrator, shall designate in instructions.

§ 310.9 *Miscellaneous regulations.* (a) It is recommended that a Board of Visitors, acting in an advisory capacity only and meeting at least once a year, shall be appointed by the state for each Academy. It should be composed of at least eight (8) members including the following:

One from the shipping industry.
One from the shipbuilding or shop repair industry.
One from the alumni of the Academy.
One Merchant Marine Master Mariner, possessing active license.
One Merchant Marine Chief Engineer, possessing active license.
One officer of the United States Navy, active or retired, designated by the Commandant of the Naval District in which the Academy is located.
One from the State Board of Education, or other State department, bureau or agency.
One representative of the W.S.A. designated by the Deputy Administrator.

(b) The names of the State Maritime Academies shall be as follows:

California Maritime Academy.
Maine Maritime Academy.
Massachusetts Maritime Academy.
New York State Maritime Academy.
Pennsylvania Maritime Academy.

(c) A Medical Officer shall be attached to the State Maritime Academy and to training ships at all times when cadets are present. Officers and members of the crew may avail themselves of any medical facilities furnished by the State or Federal Government. During the illness or injury of an officer or member of the crew not on the Federal roll, pay and allowances will continue as authorized by the state. The Superintendent, Commanding Officer, officers, and instructors (other than part-time instructors) shall, if taken ill and left in other than the home port, be furnished suitable transportation to the home port, unless contrary to state law.

(d) Officers and instructors not on the Federal roll will be allowed leave with pay in accordance with State Civil Service laws. It is recommended that during a national emergency, no leave for more than 7 consecutive days be granted and that 14 days be regarded as the maximum leave with pay allowed in a year for officers and instructors.

(e) The insignia for officer-instructors, other than those of the U. S. Navy, Naval Reserve, Maritime Service, part-time civilian instructors, and cadets, shall be the seal or shield of the particular state.

(f) All officers of the U. S. Navy or Naval Reserve in inactive status, shall wear Merchant Marine Reserve insignia as prescribed by the Bureau of Naval Personnel, or of Maritime Service as prescribed by the W.S.A.

(g) Communications from the State Maritime Academies to other executive or administrative government agencies concerning the policies of the W.S.A. shall be forwarded through the Supervisor. Communications in regard to Naval administration shall be forwarded through official Naval channels.

(h) The Assistant Deputy Administrator is authorized to issue instructions supplementing these Regulations. The State Maritime Academies may be consulted on proposed instructions supplementing these Regulations. These regulations shall become effective as of February 2, 1944, and shall supersede all previous regulations for State Maritime Academies.

E. S. Land,
Administrator.

February 2, 1944.

[F. R. Doc. 44-1703; Filed, February 3, 1944; 11:16 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 3666]

Part 75—Transportation of Explosives [1]

Packing Methyl Bromide

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of January, A. D. 1944.

In the matter of regulations for transportation of explosives and other dangerous articles.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

And it further appearing, that amendments involved in said applications, having been considered and found to be in accord with the best-known practicable means for securing safety in transit and with the need therefor for promoting safety of operation and standards of equipment used in the transportation of said dangerous articles:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Part 3—Regulations applying to shippers (CFR 75)

Superseding and amending paragraphs (d) and (e), sec. 346, order Aug. 16, 1940, to read as follows (packing methyl bromide):

(d) Spec. 104A or 106A500.—Tank cars

(e) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 104A, at 105° F., spec. 106A500, at 130° F.

It is further ordered, That this order amending the aforesaid regulations shall be effective on and after January 19, 1944, and shall remain in full force and effect and be observed until further order of the Commission;

And it is further ordered, That a copy of this order be served upon all the parties of record herein; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445, sec. 204, 49 Stat. 546, sec. 4, 52 Stat. 1232, sec. 20, 54 Stat. 922, 56 Stat. 176; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. Bartel,
Secretary.

[F. R. Doc. 44-1698; Filed, February 3, 1944; 11:25 a. m.]

[1] Part 3 in this order appears in CFR as Part 75.

[S. O. 174, Amdt. 1]

Part 95—Car Service

Transportation of Grain, Grain Products, Etc.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of February, A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation and upon further consideration of Service Order No. 174 (9 F.R. 404) of January 7, 1944:

It is ordered, That:

Service Order No. 174 (9 F.R. 404) of January 7, 1944, be, and it is hereby, amended by designating paragraph (a) and subparagraphs (1) and (2) as paragraph (a) (1) and subparagraphs (i) and (ii) respectively and by adding the following paragraph (a) (2) and subdivisions (i) (ii) and (iii) in § 95.327;

(2) The provisions of paragraph (a) (1) shall not be construed to prohibit the acceptance for transportation or the transportation or movement of carload shipments of grain, grain products, grain byproducts, or seeds:

(i) When the "notify" or "advise" party is located at a river landing or other point inaccessible to carrier's deliveries; or

(ii) When the "notify" or "advise" party is located at a prepay station or on a rural free delivery route or in the interior, in which cases the shipment must be consigned to an adjacent open station designated by the shipper; or

(iii) When the destination station and consignee's post office address adjacent to such station are differently named. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 6, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. Bartel,
Secretary.

[F. R. Doc. 44-1699; Filed, February 3, 1944; 11:25 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Grazing Service.

Designated Western Grazing Districts

Order for Removal of Trespassing Horses

Grazing districts established under the provisions of the act of June 23, 1934 (48 Stat. 1269), as amended.

Whereas by order approved March 10, 1943, the Federal range was closed to all horses unlawfully grazing thereon until March 1, 1944; and

Whereas many thousands of such horses have been removed under and pursuant to said order from the public lands within the exterior boundaries of the 58 grazing districts of the United States; and

Whereas there are still large numbers of such horses grazing at large on the range in all of said grazing districts, consuming forage vitally needed for domestic livestock, injuring the range in many respects, and increasing the cost of range administration; and

Whereas it is necessary for the full protection of the range and the preservation of forage thereon for domestic livestock that the Federal range continue to be closed to such horses for another year;

Now, therefore, by virtue of the authority vested in me by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315, *et seq.*), as amended, commonly referred to as the Taylor Grazing Act, *It is ordered*, That Arizona Grazing Districts Nos. 1, 2, 3, and 4; California Grazing Districts Nos. 1 and 2; Colorado Grazing Districts Nos. 1, 2, 3, 4, 5, 6, 7, and 8; Idaho Grazing Districts Nos. 1, 2, 3, 4, and 5; Montana Grazing Districts Nos. 1, 2, 3, 4, 5, and 6; Nevada Grazing Districts Nos. 1, 2, 3, 4, and 5; New Mexico Grazing Districts Nos. 1, 2, 3, 4, 5, 6, and 7; Oregon Grazing Districts Nos. 1, 2, 3, 4, 5, 6, and 7; Utah Grazing Districts Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9; and Wyoming Grazing Districts Nos. 1, 2, 3, 4, and 5 be and they are hereby closed for the period beginning March 1, 1944, and ending March 1, 1945, to the grazing of all horses other than those lawfully grazing therein under valid license or permit and those used as riding, pack, and draft animals in connection with lawful livestock operations and those used by persons lawfully traveling over such lands.

The Grazing Service is authorized to cause all such unclaimed and trespassing horses to be removed from the Federal range in the grazing districts hereinabove mentioned.

This order shall be effective from and after publication in the Federal Register.

Approved this 29th day of January A. D. 1944.

Abe Fortas,
Acting Secretary of the Interior.

[F. R. Doc. 44-1674; Filed, February 3, 1944, 9:59 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD—19]

Welch Express and Binghamton and Oneonta Express

Findings Regarding War Contracts

In the matter of Welch Express and Binghamton & Oneonta Express, Binghamton, New York; (Case No. S-626).

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the Federal Register August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Welch Express and the Binghamton & Oneonta Express, Binghamton, New York,

I find that motor vehicle transportation of raw materials and finished products by the Welch Express and the Binghamton & Oneonta Express, Binghamton, New York, pursuant to contracts with war contractors in and around Binghamton, New York, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 2d day of February 1944.

Frances Perkins,
Secretary of Labor.

[F. R. Doc. 44-1677; Filed, February 3, 1944; 10:47 a. m.]

[WLD-18]

Mallory Express, Leavenworth Express and Charles Landon

Findings Regarding War Contracts

In the matter of Mallory Express, Leavenworth Express and Charles Lan-

don, Elmira, New York; (Case No. S–598).

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Mallory Express, Leavenworth Express, and Charles Landon, Elmira, New York,

I find that motor vehicle transportation of parts for machinery, raw materials and finished products by the Mallory Express and the Leavenworth Express, Elmira, New York, pursuant to contracts with war contractors in and around Elmira, New York, and motor vehicle transportation of produce by Charles Landon, Elmira, New York, pursuant to contract with the Great Atlantic and Pacific Tea Company, Rochester New York, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 2d day of February 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44–1676; Filed, February 3, 1944; 10:47 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5829]

ARKANSAS POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

JANUARY 31, 1944.

It appearing to the Commission that:

(a) On June 16, 1936, this Commission prescribed a Uniform System of Accounts for Public Utilities and Licensees, Electric Plant Accounts Instruction 2–D of which required electric utilities subject to the jurisdiction of the Commission to complete and file with the Commission reclassification and original cost studies of electric plant not later than two years after the effective date of the system of accounts, i. e., January 1, 1937;

(b) Arkansas Power & Light Company (hereinafter referred to as "Company"), after many delays, on June 3, 1940, filed its purported reclassification studies. Subsequently, the staff of this Commission, in collaboration with the staff of the Department of Public Utilities of Arkansas, began an examination thereof at the offices of the Company in Pine Bluff, Arkansas;

(c) As a result of such examination there was submitted by the staff on March 20, 1943, a report entitled "Arkansas Power & Light Company, Pine Bluff, Arkansas, Report on Reclassification and Original Cost Studies of Electric Plant as of January 1, 1937," which report, while not signed by members of the staff of the Department of Public Utilities of Arkansas because the staff member who collaborated in the study was no longer employed by the Department, nevertheless had the written concurrence in general of J. D. Walker, Chief Accountant of the Department;

(d) On June 15, 1943, this Commission issued an order in this docket pointing out numerous deficiencies in the Company's study and requiring the Company to show cause, under oath, within 90 days, why the Commission should not find and determine that substantial adjustments, as set forth in the staff report, should be made in its books of account;

(e) On September 18, 1943, the Company filed a response which represented definite progress toward the proper adjustment of its accounts but left important questions open for determination before final approval could be given;

(f) On October 9, 1943, Mr. C. Hamilton Moses, President of the Company, sought a conference with the Commission regarding the reclassification and original cost matter and was advised under date of October 13 that our staff was engaged in making an analysis of the Company's response and that further consideration would be given to his request for a conference when such analysis was completed;

(g) On October 9, Chairman A. B. Hill of the Arkansas Department of Public Utilities, following the suggestion by the Commission Chairman that the two commissions should cooperate in the matter, wrote the Commission stating that his Department would be glad to arrange a conference, and was advised that representatives of the Commission would participate in such a conference in Little Rock or Washington according to his convenience. Mr. Hill replied by telegram on October 26 that a conference in Little Rock during the week of November 8 would be agreeable and was advised by letter of October 28 that the Chairman of the Commission and the Chief of its Bureau of Accounts, Finance and Rates would arrive in Little Rock on the morning of November 11 for the purpose of discussing original cost matters of the Arkansas Power & Light Company. The meeting took place on that date;

(h) On November 10, 1943, the day before the conference in Little Rock, the Department of Public Utilities adopted an order setting a hearing for December 7 in its general rate investigation of the Arkansas Power & Light Company which has been pending since 1937. This order was drawn so broadly as to include also the reclassification and original cost proceeding, specifically requiring the Company to show cause "why it should not be required by the Department to adjust its accounts to conform to the uniform system of accounts adopted heretofore by the Department and to write out or charge off any item or items carried on its books of account which do not reflect actual values";

(i) The order of the Department appears to sanction the "value" concept of accounting, advocated by the Company and its affiliates in the Electric Bond and Share group in support of inflationary items in their accounts, as distinguished from the "cost" concept on which the Uniform Systems of Accounts of this Commission and of the Department are based;

(j) The Company was further ordered and directed to make full and complete disclosures at such hearing of "all studies relating to the original cost of its electric properties and to the reclassification of such cost under the system of accounts of the Federal Power Commission which it has heretofore filed with said Commission, together with copies of all correspondence that has passed between the Respondent and the Federal Power Commission";

(k) The Arkansas Department of Public Utilities requested the assistance of this Commission in its proceeding under the foregoing order, urging that this Commission provide its experts, who had prepared the original cost report on the Company, as witnesses in the Department's hearings;

(l) The effect of the order of the Arkansas Department, together with its request for assistance, was to reject the cooperative procedure offered by the Commission, which it had been understood would be the subject of the conference, and to substitute therefor a trial by the Arkansas Department alone, in which trial the Commission's experts would be among the principal witnesses for the Department without any participation by this Commission which thereafter would have to conduct its own hearings in this long pending matter;

(m) The Commission through its representatives and by letters of November 26 and December 29, 1943, and January 12, 1944, expressed its readiness to cooperate with the Arkansas Department of Public Utilities in every way consistent with the effective discharge of its statutory responsibilities. The Commission again proposed that, if a final settlement of the reclassification case could not be reached in conferences with the Company, progressively postponed by the Company, the matter could be disposed of in a joint hearing by the two Commissions and that such joint hearing could be utilized by the Arkansas Department as an integral part of its rate proceeding, thereby sparing members of the Commission's staff the necessity of testifying in two proceedings on the same subject matter and saving time and expense for all concerned. The Arkansas Department rejected this proposal;

(n) The Commission on January 13, 1944, hoping to expedite assistance to the Arkansas Department, adopted an order setting the reclassification of accounts case (involving alleged inflation totalling approximately $17,000,000) for hearing on February 16, 1944, in Little Rock, and provided in said order for the full participation of the Arkansas Department pursuant to the provisions of the Federal Power Act and the cooperative agreement with the National Association of Railroad and Utilities Commissioners, embodied in Part 39, § 39.4 of the Commission's rules of practice;

(o) The Arkansas Department by letter of January 17, 1944, reiterated its unwillingness to consider the matter cooperatively in a joint hearing thereby insisting upon proceeding separately, utilizing this Commission's staff, to decide issues of mutual interest raised by the staff of this Commission and which are the subject of a formal proceeding in our Docket No. IT–5829. The Arkansas Department in the letter stated that if the Commission should go forward with the hearing set for February 16, 1944, it would have the effect of delaying the Department's proceeding.

The Commission finds that:

(1) In the circumstances, it would be prejudicial to the efficient and proper conduct of the duties entrusted to this Commission by Congress to make its experts available as witnesses, at this time and until further order of the Commission, to the Arkansas Department of Public Utilities for its hearing, in which matters subject to the jurisdiction of this Commission are specifically included;

(2) In order to avoid any possible conflict between this Commission's hearing and that of the Arkansas Department, it is appropriate to postpone the hearing in the Commission's docket heretofore ordered to begin in Little Rock, Arkansas, on February 16, 1944.

The Commission orders that:

(A) The public hearing, heretofore ordered to commence on February 16, 1944, at 9:45 a. m. (C. W. T.) in Little Rock, Arkansas, for the purpose of determining the issues raised by the order of June 15, 1943, in this case and the Company's response thereto, be and the same hereby is postponed to commence at the same time and place on March 16, 1944;

(B) The Department of Public Utilities of Arkansas may participate in the hearings as provided in Part 39, § 39.4 of this Commission's rules of practice and regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–1689; Filed, February 3, 1944; 11:07 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 178, Special Permit 10]

CONCENTRATED FRUIT JUICE SHIPMENTS

USE OF REFRIGERATOR CARS FOR TRANSPORT

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

Irrespective of the provisions of Service Order No. 165 as amended to disregard the provisions of Service Order No. 178 insofar as it applies to the loading of not to exceed one hundred fifty (150) refrigerator cars with concentrated citrus juice by Federal Surplus Commodities Corporation at Dade City, Dunedin, Lake Wales or Tampa, Florida, and the movement of not to exceed one hundred fifty (150) refrigerator cars so loaded from those origins to Jacksonville, Florida, Savannah, Georgia, Richmond, Virginia, or to harborside at points in New Jersey, between February 1, 1944, and April 15, 1944: *Provided*, That the Federal Surplus Commodities Corporation furnishes the Bureau of Service of the Interstate Commerce Commission with a weekly report of cars loaded and shipped under this permit.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of January 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44–1697; Filed, February 3, 1944, 11:25 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2093]

HENRY LEMOINE & CIE

In re: Copyright interests of Henry Lemoine & Cie.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Henry Lemoine & Cie, a business organization operating under the laws of Belgium and France, which has its principal places of business at Brussels, Belgium, and Paris, France, is a national of foreign countries (Belgium and France);

2. Determining, therefore, that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and the several States thereof, of the aforesaid Henry Lemoine & Cie, of Brussels, Belgium, and Paris, France, in, to and under the following:

(a) Every copyright, claim of copyright and right to copyright in each and all of the works designated in Exhibits A, B, C, D, E, F, G, H, and I, all of which exhibits are attached hereto and hereby made a part hereof;[1]

(b) Every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by the aforesaid Henry Lemoine & Cie, whether or not such works are specifically designated in this order;

(c) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(d) All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(e) All rights or reversion or revesting, if any, in any or all of the foregoing;

(f) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

(g) All right, title or interest in any paper or other copies of the works described in the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; *Provided, however*, That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on September 4, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1678; Filed, February 3, 1944; 11:11 a. m.]

[Vesting Order 2094]

EDITIONS MAURICE SENART

In re: Copyright interests of Editions Maurice Senart.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

[1] Filed as part of the original document.

1. Finding that Editions Maurice Senart, a joint stock company organized under the laws of France, which has its principal place of business at Paris, France, is a national of a foreign country (France);

2. Determining, therefore, that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and the several States thereof of the aforesaid Editions Maurice Senart, of Paris, France, in, to and under the following:

(a) Every copyright, claim of copyright and right to copyright in each and all of the works designated in Exhibits A and B, both of which exhibits are attached hereto and hereby made a part hereof;

(b) Every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by the aforesaid Editions Maurice Senart, whether or not such works are specifically designated in this order;

(c) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(d) All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(e) All rights of reversion or revesting, if any, in any or all of the foregoing;

(f) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

(g) All right, title or interest in any paper or other copies of the works described in the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; *Provided, however*, That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on September 4, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1679; Filed, February 3, 1944; 11:11 a. m.]

[Vesting Order 2116]

C. F. PETERS

In re: Copyright interests of C. F. Peters.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that C. F. Peters, a resident of Leipzig, Germany, is a national of a foreign country (Germany);

2. Determining, therefore, that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and the several States thereof, of the aforesaid C. F. Peters of Leipzig, Germany, in, to and under the following:

(a) Every copyright, claim of copyright and right to copyright in each and all of the works designated in Exhibit A, which exhibit is attached hereto and hereby made a part hereof;[1]

(b) Every copyright, claim of copyright and right to copyright in each and all of the works subject to copyright, in which such rights and claims are held by the aforesaid C. F. Peters whether or not such works are specifically designated in this order;

(c) Every license, agreement, privilege, power, and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(d) All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(e) All rights of reversion or revesting, if any, in any or all of the foregoing;

(f) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

(g) All right, title or interest in any paper or other copies of the works described in the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2 to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States: *Provided, however*, That this order shall not vest any right of any person to renew any copyright in any or all of the works above described.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on September 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1680; Filed, February 3, 1944; 11:12 a. m.]

[Vesting Order 2543]

CERTAIN FOREIGN NATIONALS

In re: Copyright interests held by certain foreign-nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each person whose name, nationality, and last known address where established, is listed at the top of each page of Exhibit A attached hereto[1] and by reference made a part hereof, if an individual is a resident or citizen of, or if a business organization is organized under the laws of, and holds the nationality designated after the name of such person;

2. Finding that the persons listed in said Exhibit A jointly or severally own or control the property hereinafter described in subparagraph 3;

3. Determining that the property described as follows:

a. All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each person whose name, nationality, and last known address, where established, is designated at the top of each page of said Exhibit A in, to and under the following:

1. Every copyright, claim of copyright and right to copyright, or rights related thereto, in each and all of the works described in each page of said Exhibit A under the name of such person;

2. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

3. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

4. All rights of reversion or revesting, if any, in any or all of the foregoing;

5. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, nationals of one or more foreign countries.

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1681; Filed, February 3, 1944; 11:12 a. m.]

[Vesting Order 2946]

RIKIZO AND TAKA TANAKA

In re: Unimproved real property and claims owned by Rikizo and Taka Tanaka, husband and wife, and bank account owned by Taka Tanaka.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of both Rikizo Tanaka and Taka Tanaka, his wife, is 11 Itcho-me, Showa-dori, Nakano-ku, Tokyo-shi, Japan, and that they are residents of Japan and are nationals of a designated enemy country (Japan);

2. That Rikizo Tanaka and Taka Tanaka are the owners of the property described in subparagraph 3–a hereof, that Rikizo Tanaka is the owner of the property described in subparagraph 3–b hereof, that Taka Tanaka is the owner of the property described in subparagraphs 3–c and 3–d hereof;

3. That the property described as follows:

a. Real property situated in the County of Honolulu, Territory of Hawaii, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Rikizo Tanaka in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by The Yokohama Specie Bank, Ltd., Honolulu Branch, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

c. All right, title, interest and claim of any name or nature whatsoever of Taka Tanaka in and to any and all obligations, contingent or otherwise and whether or not matured, owing to her by The Yokohama Specie Bank, Ltd., Honolulu Branch, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and

d. All right, title, interest and claim of Taka Tanaka in and to the sum of $500, constituting a portion of a savings account, No. 59058, in the Bishop National Bank of Hawaii, Honolulu, T. H., which is due and owing to and held for and in the name of Taka Tanaka, including but not limited to all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraph 3–d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b, 3–c and 3–d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

FIRST PARCEL OF LAND

All of that certain parcel of land situate, lying and being at Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot number three (3), in Block "C", of the tract of land known as the "Ulu Tract", as shown on the Map thereof, filed in the Office of the Registrar of Conveyances at Honolulu as Registered Map Number Twenty-Six (26).

Containing an Area of 3459 Square Feet, or thereabouts, and being a portion of the same lands that were conveyed to the said Rikizo Tanaka by Annie Bernard Kuinae (widow), by Deed dated April 26th, A. D. 1924 and recorded in said Registry Office in Liber 730 on Pages 226–229.

[1] Filed as part of the original document.

SECOND PARCEL OF LAND

All of that certain parcel of land situate, lying and being at Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot number four (4), in Block "C", of the tract of land known as the "Ulu Tract", as shown on the Map thereof, filed in said Registry Office, as Registered Map Number Twenty-Six (26).

Containing an area of 3369 square feet, or thereabouts, and being the same land that was conveyed to the said Rikizo Tanaka by Annie Bernard Kuinae (widow) by Deed dated October 9th, A. D. 1928 and recorded in said Registry Office in Liber 959 on Pages 413–414.

EXHIBIT B

THIRD PARCEL OF LAND

All of those certain parcels of land situate at Kapalama, City and County of Honolulu, Territory of Hawaii, described as follows:

Lots Numbered 1034, area 6,000.0 square feet; 1035, area 6,000.0 square feet; and 1037, area 6,000.0 square feet of land, a little more or less, in Section "G" of the tract of land known as the "McInerny Park Tract", as shown and delineated on subdivision Map or Plan accompanying Land Court Application No. 290 of W. O. Smith, S. M. Damon, E. Faxon Bishop, A. F. Judd and A. W. Carter, Trustees under the Will and of the Estate of Bernice P. Bishop, deceased, approved by the Judge of the Land Court November 24, 1926, and being portions of the lands described in Transfer Certificate of Title Number 6765 issued to the said TAKA TANAKA, wife of Rikizo Tanaka, subject, to the following restrictions and reservation, viz:

That the land described shall not be used as a quarry or for quarrying purposes nor shall any of the soil or rock be taken or carried away from the premises to the detriment of the adjoining or adjacent lands.

Reserving, however, to William Henry McInerny, and to whomsoever he may assign this reserved right or easement, the right, authority and privilege of an easement for installing and thereafter maintaining over, acres, upon, under and/or through said lots, such sewer, water and/or gas pipe or pipes with all necessary appurtenances as he, it or they may desire at such location near either boundary line of said lot or lots, as he, it or they may select, but in no case more than five feet from such boundry line selected, and upon condition that the then owner of said easement shall immediately after executing any of the rights aforesaid, and at his or its own expense, shall restore said premises, in so far as reasonably possible, to the condition that they were in prior to the exercise of such rights under the easement, and the exercise of such rights shall constitute a covenant on the part of the person so exercising the same to so restore said premises to such former condition.

Said above named restrictions and reservation being set forth in that certain deed made by William Henry McInerny to Taka Tanaka, dated January 30, 1928, filed in the Office of the Assistant Registrar of the Land Court as Document No. 14711 to which reference is hereby made.

[F. R. Doc. 44–1692; Filed, February 3, 1944; 11:13 a. m.]

[Vesting Order 2977]

JOHN MARTZER

In re: Real property, property insurance policies, and income account owned by John Martzer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of John Martzer is Wekerle Ut #1 F. M. Mor, Hungary, and that he is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That John Martzer is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the County of Hartford, State of Connecticut, bounded and described as follows, to wit: Northerly by Oak Street, Sixty-five (65) feet, Easterly by land of the Estate of Felix Della Fera; Southerly by land of Celestine Saidella et al, Sixty-five (65) feet, and Westerly by land of the said John Martzer, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Real property situated in the County of Hartford, State of Connecticut, bounded and described as follows, to wit: Northerly by Oak Street; Easterly by land now or formerly of James and Nellie Farrell; Southerly by land formerly of Norbett House; Westerly by Cottage Street, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title, and interest of John Martzer in and to fire insurance policies Nos. 4725 and 4495 issued by the Continental Insurance Company, 80 Maiden Lane, New York City, insuring the premises described in subparagraphs 3–a and 3–b hereof, and

d. All right, title, interest and claim of any name or nature whatsoever of John Martzer in and to any and all obligations, contingent or otherwise and whether or not matured, owing to John Martzer, by the Manchester Trust Company of Manchester, Connecticut, and represented on the books of the said Manchester Trust Company as an income account due John Martzer, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Hungary);

And determining that the property described in subparagraphs 3–c and 3–d hereof is necessary for the maintenance or safeguarding of other property (namely that property described in subparagraphs 3–a and 3–b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraphs 3–a and 3–b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–c and 3–d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1693; Filed, February 3, 1944; 11:13 a. m.]

[Vesting Order 2978]

LENA LOCHNER PAUL

In re: Bond and mortgage, undivided interest in a mortgage on real property, property insurance policies, a claim and $500 cash, owned by Lena Lochner Paul, also known as Lena C. Lochner and as Mrs. George Paul.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Lena Lochner Paul, also known as Lena C. Lochner and as Mrs. George Paul, is Spohrstrasse 9, Kassel, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That the said Lena Lochner Paul, also known as Lena C. Lochner and as Mrs. George Paul, is the owner of the property described in Paragraph 3 hereof;

3. That the property described as follows:

a. A mortgage executed on November 2, 1922 by Isaac Gordon and Minnie Gordon, his wife, and Pincus Toback and Yetta Toback, his wife, and recorded on November 3, 1922 in the Register's Office of Kings County, New York, in Liber 6293 of Mortgages, Page 26, which was assigned to Lena C. Lochner on February 15, 1932, and which assignment was recorded in the Register's Office of Kings County, New York, on May 31, 1933, in Liber 7842 of Mortgages, Page 242, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

b. An undivided interest to the extent of $14,000 in a mortgage executed on June 14, 1929 by The Daniel Houlihan Corporation and recorded in the Register's Office of Bronx County, New York, in Liber 1431 of Mortgages, Page 70, identified by Guaranteed Mortgage Certificate Numbered 14 in Mortgage Number 2538 of the Union Guarantee & Mortgage Company in the possession of Olin, Clark & Murphy, 120 Broadway, New York, New York, and any and all obligations, contingent or otherwise and whether or not matured, which are secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

c. All right, title and interest of Lena Lochner Paul, also known as Lena C. Lochner and as Mrs. George Paul, in and to the following insurance policies:

(1) Fire Insurance Policy No. 442698, issued by the Standard Fire Insurance Company insuring the premises described in subparagraph 3–a hereof;

(2) Fire Insurance Policy No. 45–50754, issued by the Hamilton Fire Insurance Company insuring the premises described in subparagraph 3–a hereof;

(3) War Damage Corporation Policy No. 251–54–7778, insuring the premises described in subparagraph 3–a hereof;

d. All right, title, interest and claim of any name or nature whatsoever of Lena Lochner Paul, also known as Lena C. Lochner and as Mrs. George Paul, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to her by the Mortgage Corporation of New York as Trustee and/or the Superintendent of Insurance of the State of New York, as Liquidator of the Bond and Mortgage Company in Liquidation, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly the claim against the Mortgage Corporation of New York as Trustee and/or the Superintendent of Insurance of the State of New York, as Liquidator of the Bond and Mortgage Company in Liquidation, under Guaranty No. 206037 issued in connection with Guaranteed Mortgage Certificate No. 103306.

e. All right, title, interest and claim of Lena Lochner Paul, also known as Lena C. Lochner and as Mrs. George Paul, in and to the sum of $500, constituting a portion of a certain bank account in the Manufacturers Trust Company, 131 East 23 Street, New York, New York, which is due and owing to, and held for her, and in the name of "Mrs. George Paul" including but not limited to all security rights in and to any and all collateral for any or all of such portion of said account, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–c and 3–e hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a and 3–b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1694; Filed, February 3, 1944; 11:13 a. m.]

[Vesting Order 2979]

ANDREW AND ELIZABETH PROESCHEL

In re: Real property, claim and property insurance policies owned by Andrew Proeschel and Elizabeth Proeschel.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Andrew Proeschel, also known as Andreas Proeschel, and Elizabeth Proeschel, also known as Elizabetha Proschel, is Emskirchen 180, Mittelf, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That the said Andrew Proeschel and Elizabeth Proeschel are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the County of Hamilton, State of Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title, interest and claim of any name or nature whatsoever of Andrew Proeschel and Elizabeth Proeschel in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Andrew Proeschel and Elizabeth Proeschel by Cleneay and Nourse Co., 111 E. Fourth Street, Cincinnati, Ohio, and represented on the books of the said Cleneay and Nourse Co. as an income account due Andrew Proeschel and Elizabeth Proeschel, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

c. All right, title, and interest of Andrew Proeschel and Elizabeth Proeschel in and to fire insurance policy No. 731960 in the amount of $7,000 extended coverage issued by the Royal Insurance Co., Ltd. of 150 William Street, New York, New York, and liability policy No. 266022 in the amount of $5,000/10,000 issued by the Royal Indemnity Company, of 150 William Street, New York, New York, all such policies insuring the premises described in subparagraph (a) above,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein con-

tained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land Situate in the City of Cincinnati, County of Hamilton and State of Ohio, and being known as Lot Number Five (5) of the Cleveland Place Subdivision as recorded in Plat Book 28, page 28 of the Hamilton County, Ohio, Plat Records; said Lot Number Five (5) fronting fifty and 06/100 (50.06) feet on the North side of Cleveland Avenue and being two hundred sixteen and 48/100 (216.48) feet in depth on the West line and two hundred fifteen and 82/100 (215.82) feet in depth on the East line with the same width in rear, and being the same premises conveyed to the grantor herein by Frank E. Wood, et al, by deed dated December 20, 1931, and known as 984 Cleveland Ave.

[F. R. Doc. 44-1695; Filed, February 3, 1944; 11:18 a. m.]

[Vesting Order 2080]

JOSEPH SCHUSTER

In re: Real property and interests in fire insurance policies owned by Joseph Schuster.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

1. That Joseph Schuster is a resident of Germany and a national of a designated enemy country (Germany);

2. That the said Joseph Schuster is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Queens County, New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. All right, title and interest of Joseph Schuster in and to the following insurance policies:

(1) Fire insurance policy No. 19838 and renewal certificate No. 1153, issued by the Home Insurance Company, insuring the premises described in subparagraph 3-a hereof;

(2) Fire insurance policy No. 19626 and renewal certificate No. 1256 issued by the Home Insurance Company, insuring the premises described in subparagraph 3-a hereof;

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot or parcel of land with the buildings and improvements thereon erected in the Borough of Queens, County of Queens, City and State of New York, bounded and described as follows, to wit:

Beginning at a point on the easterly side of St. Nicholas Avenue, distant 60 feet southerly from the corner formed by the intersection of the southerly side of Ralph Street and the easterly side of St. Nicholas Avenue, and running thence southerly along the easterly side of St. Nicholas Avenue 20 feet; thence easterly parallel with Ralph Street 90 feet; thence northerly parallel with St. Nicholas Avenue 20 feet; and thence westerly parallel with Ralph Street 90 feet to the easterly side of St. Nicholas Avenue, at the point or place of beginning.

Also all right, title and interest of the party of the first part in and to one-half of St. Nicholas Avenue in front of and adjoining the premises herein conveyed to the centre line thereof.

[F. R. Doc. 44-1696; Filed, February 3, 1944; 11:14 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 8, Rev. 165]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SAN ANTONIO AND MARION, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Central Freight Lines, Inc., Waco, Texas, and L. E. Hensley, doing business as Hensley Freight Lines, Marion, Texas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947) a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-165" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 7, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1704; Filed, February 3, 1944; 11:19 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Rev. General Order 24]

AUTHORITY TO SIGN AND ISSUE SUBPOENAS AND INSPECTION ORDERS IN RATIONING INVESTIGATIONS

DELEGATION TO REGIONAL ADMINISTRATORS AND DISTRICT DIRECTORS

General Order 24 is amended and revised to read as follows:

Pursuant to the authority conferred upon the Administrator by War Production Board Directive No. 1, as supplemented, and by paragraph 3 of Executive Order No. 9125, the following is prescribed:

(a) *Order delegating to Regional Administrators and District Directors authority, in connection with rationing investigations, to sign and issue subpoenas and Inspection Orders.* (1) In connection with any investigation related to the administration or enforcement of the rationing authority of the Office of Price Administration, or any regulation—or order issued pursuant to that authority, the several Regional Administrators and District Directors are each authorized, within their respective regions or districts, to sign and issue: (a) Subpoenas requiring any person to appear and testify, or to appear and produce books or records or any other documentary or physical evidence or both; and (b) Inspection Orders for the inspection of the books, records, and other writings, and property of any person.

(2) The authority conferred upon the several Regional Administrators and District Directors, by paragraph (2) of this Revised Order No. 24 shall be exercised in conformity with the provisions of subparagraph (4) of section 2 of the Act of June 28, 1940 (54 Stat. 676), as amended by the Act of May 31, 1941 (Public Law No. 89, 77th Cong.) and by Title III of the Second War Powers Act, 1942 (Act of March 27, 1942, Public Law No. 507, 77th Cong.).

(b) This Revised General Order shall be effective as of January 26th, 1944.

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1667; Filed, February 2, 1944; 4:48 p. m.]

[Order 1 Under MPR 298]

ALABAMA INSECTICIDE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 1 under Maximum Price Regulation 298. Rotenone. Docket No. 3298-1.

For the reasons set forth in the opinion issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Orders 9250 and 9328, and in accordance with Procedural Regulation No. 1 and with § 1372.157 (b) of Maximum Price Regulation 298, *It is hereby ordered:*

(a) On and after February 3, 1944, the maximum price at which the Alabama Insecticide Company of Gadsden, Alabama, may sell and deliver dry, finished rotenone insecticides not made from dust bases shall be the higher of the prices calculated under alternatives 1 and 2 of § 1372.169 of Maximum Price Regulation 298.

(b) The price fixed by paragraph (a) hereof shall be filed with this Office within 10 days of the effective date of this Order. The first sale by the Alabama Insecticide Company at such higher price, to such wholesaler shall be accompanied by a copy of this order and a statement of the maximum price determined hereunder, and the wholesaler, on his resale of such commodity, may raise his maximum selling price by the amount of the increase allowed under this order.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(e) The definitions in § 1372.164 of Maximum Price Regulation No. 298 shall apply to terms used herein.

This Order No. 1 shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1668; Filed, February 2, 1944; 4:48 p. m.]

Regional and District Office Orders.

[Region II Order G-3 Under SR 15]

FLUID MILK IN DESIGNATED COUNTIES IN NEW YORK

Order No. G-3 under § 1499.75 of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of wholesale and retail prices of Grade A Class 1 pasteurized fluid milk for certain counties in the State of New York.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 of Supplementary Regulation No. 15, as amended, and pursuant to authorization received from the Price Administrator of the Office of Price Administration, *It is hereby ordered*, That:

(a) The maximum price for the sale and delivery in glass or paper containers of Grade A Pasteurized fluid milk into-store, out-of-store, and to-the-home, in that portion of the State of New York which consists of the following counties:

(1) The Counties of Allegheny, Lewis, Livingston, Orleans, Schoharie, Wyoming, Yates;

(2) The County of Chautauqua, with the exception of the Cities of Dunkirk, and Jamestown, and the Villages of Fredonia, Falconer, Celeron, and Lakewood;

(3) The County of Genesee, with the exception of the City of Batavia, and the Village of Leroy;

(4) Clinton County, with the exception of Plattsburg, Schuyler Falls, Peru, Saranac and Dannemora;

(5) Cattaraugus County with the exception of the towns of Ellicottville and Olean;

(6) Erie County, with the exception of that portion thereof included within the Niagara Frontier Milk Marketing Area;

(7) Cayuga County, with the exception of the City of Auburn, and the towns of Owasco, Niles, Fleming, Moravia, Sennett, Aurelius, Throop, Springport, Scipio, Mentz and Ledyard;

(8) Niagara County, with the exception of that portion thereof included within the Niagara Frontier Milk Marketing Area;

(9) Franklin County, with the exception of the towns of Harrietstown and Santa Clara;

(10) Ontario County, with the exception of the town of Geneva and city of Canandaigua;

(11) Oswego County with the exception of the City of Oswego and the towns of Volney, Granby, Oswego, Minetto, Scriba and New Haven and Mexico;

(12) St. Lawrence County, with the exception of the towns of Canton, Lisbon, Oswegatchie, Morristown, De Peyster, and De

Kalb, Potsdam, Stockholm, Louisville, Waddington, Massena, Madrid, Norfolk and Brasher;

(13) Seneca County, with the exception of the towns of Waterloo and Seneca Falls;

(14) Steuben County, with the exception of the towns of Erwin, Lindley, Corning, Caton and Hornellsville;

(15) Washington County, with the exception of the town of Kingsbury, and the village of Ft. Edward;

(16) Wayne County, with the exception of the town of Arcadia.

shall be the applicable adjusted maximum price specified below:

Type of delivery	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Into store	11½	16½	13½
Out of store and to the home	13½	17½	14½

[1] Where permitted by Food Distribution Order No. 11, issued by the Food Distribution Administration.

(b) The maximum price for the sale and delivery in glass or paper containers of Grade A Pasteurized fluid milk into-store, out-of-store and to-the-home, in that portion of the State of New York which consists of the following counties:

Schuyler, Cortland, Chenango, Otsego, Delaware, Broome (with the exception of the City of Binghamton, the towns of Binghamton, Conklin, Dickenson, Fenton, Kirkwood, Union and Vestal), Tompkins (with the exception of the town of Ithaca), Tioga (with the exception of the town of Barton), and the town of Canandaigua in Ontario County, the Cities of Dunkirk and Jamestown, and the villages of Fredonia, Falconer, Celeron and Lakewood in Chautauqua County, and the City of Batavia and the village of Leroy in the County of Genesee, and the town of Olean in the County of Cattaraugus.

shall be the applicable adjusted maximum price specified below:

Type of delivery	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Into store	12	17	14
Out of store and to the home	14	18	15

[1] Where permitted by Food Distribution Order No. 11, issued by the Food Distribution Administration.

(c) The maximum price for the sale and delivery in glass or paper containers of Grade A Pasteurized fluid milk into-store, out-of-store, and to-the-home, the town of Ellicottville in the County of Cattaraugus, shall be the applicable adjusted maximum price specified below:

Type of delivery	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Into store	11	16½	13½
Out of store and to the home	13	17½	14½

[1] Where permitted by Food Distribution Order No. 11, issued by the Food Distribution Administration.

(d) The maximum price for the sale and delivery in glass or paper containers of Grade A Pasteurized fluid milk into-store, out-of-store and to-the-home, in that portion of the State of New York which consists of the Counties of Sullivan, Ulster, Orange and Rockland, shall be the seller's maximum price as determined under Section 1499.2, General Provisions of the General Maximum Price Regulation, or the applicable adjusted maximum price specified below, whichever is higher:

Type of delivery	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Into store	12	17	14
Out of store and to the home	14	18	15

[1] Where permitted by Food Distribution Order No. 11, issued by the Food Distribution Administration.

(e) The maximum price for the sale and delivery in glass or paper containers of premium milk into-store, out-of-store and to-the-home, in that portion of the State of New York described in paragraphs (a), (b), (c), and (d) hereof, shall be 1¢ per quart more, or ½¢ per pint more, than the applicable adjusted maximum price specified in paragraphs (a), (b), (c), and (d) hereof for Grade A Pasteurized fluid milk.

(f) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sales or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent (for example, a maximum price of 7½¢ for one unit shall be adjusted to 8¢ for one unit, 15¢ for two units, and 23¢ for three units, etc.).

(g) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplementary order which may be contrary hereto.

(h) This order applies to all sales of Grade A Pasteurized fluid milk and premium milk within the geographical limits of the counties and areas set forth in paragraphs (a), (b), (c), and (d) hereof.

(i) Unless the context manifestly otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, issued by the Office of Price Administration, shall apply to other terms herein.

(j) *Definitions.* (1) "Fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk, but shall not include flavored milk.

(2) "Grade A Pasteurized and Fluid milk" shall have the meaning prescribed for such type of milk by the appropriate statutes, orders, or regulations of the State of New York, unless such definitions are superseded by statutes, orders or regulations of that political subdivision of the State of New York within which such type of milk is sold and delivered.

(3) "To-the-home" means a sale and delivery of fluid milk at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes, and shall not include a sale of fluid milk at retail by a grocery store, meat market, dairy store, or other establishment which delivers fluid milk separately or together with other purchases.

(4) "Out-of-store" means a sale of fluid milk at retail by a grocery store, meat market, dairy store, or other establishment which delivers fluid milk separately or together with other purchases, and shall include a sale of fluid milk at retail by a milk distributor at his plant or place of business.

(5) "Premium milk" means fluid milk which customarily sold at a price higher than Grade A Pasteurized fluid milk and which has a butterfat content of 4.2%.

(6) "Niagara Frontier Milk Marketing Area" is that portion of the Counties of Erie and Niagara described in and forming the subject matter of Official Order No. 127, effective October 1, 1938, issued by the Department of Agriculture and Markets, of the State of New York.

(k) This Order No. G–3 supersedes and revokes such portions of Orders G–2, G–9 and G–11 heretofore issued by the Price Administrator under § 1499.18 (c) of the General Maximum Price Regulation which are inconsistent with the maximum prices established by this Order No. G–3.

This order shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1647; Filed, February 2, 1944; 1:05 p. m.]

[Region II Order G–12 Under MPR 329, as Amended]

FLUID MILK IN NEW YORK

Order No. G–12 under Maximum Price Regulation No. 329, as amended.

Purchases of milk from producers for resale as fluid milk. Adjustment of the maximum prices for purchases of fluid milk from producers in the State of New York.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, as amended, and pursuant to a directive issued by the Price Administrator of the Office of Price Administration with the approval of the Administrator of the War Food Administration, *It is hereby ordered:*

(a) The maximum price at which a purchaser in the course of trade or business may purchase or receive from a producer Grade A Class I fluid milk which is thereafter resold as such in that part of the State of New York hereinafter defined as the "State-wide Milk Marketing Area", shall be the higher of either of the following:

(1) The maximum price established under Maximum Price Regulation No. 329, as amended, or

(2) $3.30 per cwt., f. o. b. purchaser's receiving or processing plant for such milk having a butterfat content of 3.5%, plus or minus 4¢ for each 1/10 of 1% butterfat content in excess of or below 3.5%, as the case may be.

(b) The maximum price at which a purchaser in the course of trade or business may purchase or receive from a producer Grade A Class I fluid milk which is thereafter resold as such in that portion of the State of New York hereinafter defined as the "Hudson Valley Milk Marketing Area" shall be the higher of either of the following:

(1) The maximum price established under Maximum Price Regulation No. 329, as amended, or

(2) $3.40 per cwt., f. o. b. purchaser's receiving or processing plant for such milk having a butterfat content of 3.5%, plus or minus 4¢ for each 1/10 of 1% butterfat content in excess of or below 3.5%, as the case may be.

(c) *Definitions.* When used in this order the term:

(1) "Grade A Class I fluid milk" shall have the meanings prescribed by the Sanitary Code, Chapter 3 (Revised to February 26, 1941), established by the Public Health Council of the State of New York, and issued by the New York State Department of Health.

(2) "F. o. b. purchaser's receiving or processing plant" means delivery to a receiving or processing plant which is either owned by the purchaser or in which, with respect to the particular purchase, the Grade A Class I fluid milk purchased from the producer is actually received by such purchaser.

(3) "State-wide milk marketing area" means that the territory comprising the State of New York but excluding the Hudson Valley milk marketing area and the New York Metropolitan milk marketing area, hereinafter defined.

(4) "Hudson Valley milk marketing area" means that portion of the State of New York consisting of the counties of Dutchess, Orange, Putnam, Rockland, Sullivan and Ulster, and the Albany, Rensselaer, Schenectady and Troy milk marketing areas.

(i) "Albany milk marketing area" means that portion of Albany County, New York, which consists of the cities of Albany, Cohoes and Watervliet, the towns of Bethlehem, Colonie, Guilderland and New Scotland, the village of Green Island, and the village of Waterford in the county of Saratoga.

(ii) "Rensselaer milk marketing area" means that portion of Rensselaer County, New York, which consists of the city of Rensselaer and the town of East Greenbush.

(iii) "Schenectady milk marketing area" means that portion of Schenectady County, New York, which consists of the city of Schenectady and the towns of Glenville, Rotterdam and Niskayuna.

(iv) "Troy milk marketing area" means that portion of Rensselaer County, New York, which consists of the city of Troy and the towns of Brunswick and North Greenbush and Lansingburg.

(5) "The New York Metropolitan milk marketing area" means that portion of the State of New York consisting of the counties of New York, Bronx, Kings, Queens, Richmond, Nassau, Suffolk (except Fisher's Island) and Westchester.

(d) Unless the context manifestly otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms herein.

(e) *Geographical applicability.* This order applies to all purchases of Grade A Class I fluid milk pursuant to which a purchaser receives physical delivery within the geographical limits of Region II and which is thereafter sold as Grade A Class I fluid milk by such purchaser within those portions of the State of New York as hereinbefore defined.

(f) This order may be revoked, amended or corrected at any time.

(g) This order has been approved by the Administrator of the War Food Administration.

This order shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1648; Filed, February 2, 1944; 1:06 p. m.]

[Region II Order G–13 Under MPR 329, as Amended]

FLUID MILK IN DESIGNATED AREAS IN NEW YORK

Order No. G–13 under Maximum Price Regulation No. 329, as Amended. Purchases of milk from producers for resale as fluid milk. Revocation of Orders Nos. G–9, G–10, and G–11.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, as amended, *It is hereby ordered,* That Orders No. G–9 issued July 7, 1943, No. G–10 issued December 21, 1943, and No. G–11 issued January 18, 1944, are hereby revoked.

This order shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–1649; Filed, February 2, 1944; 1:06 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER REVISED GENERAL ORDER 51

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on January 31, 1944.

REGION II

Albany, Order No. P–1, filed 2:23 p. m.
Buffalo, Order No. P–1, filed 2:22 p. m.
Delaware, Order No. P–1, filed 2:32 p. m.
District of Columbia, Order No. P–1, filed 2:15 p. m.
Maryland, Order No. P–1, filed 2:18 p. m.
New York, Order No. P–1, filed 2:32 p. m.
Trenton, Order No. P–1, filed 2:16 p. m.

REGION III

Cincinnati, Order No. 2–F, Amendment No. 3, filed 2:08 p. m.
Columbus, Order No. 3–F, Amendment No. 3, filed 2:30 p. m.
Columbus, Order No. 7–F, Amendment No. 2, filed 2:30 p. m.
Columbus, Order No. 10, filed 2:31 p. m.
Detroit, Order No. 5, Amendment No. 30, filed 2:22 p. m.
Lexington, Order No. 1–F, Amendment No. 14, filed 2:26 p. m.
Lexington, Order No. 2–F, Amendment No. 7, filed 2:26 p. m.
Lexington, Order No. 3–F, Amendment No. 5, filed 2:23 p. m.
Lexington, Order No. 1–P, filed 2:26 p. m.
Louisville, Order No. 1–F, Amendment No. 14, filed 2:18 p. m.
Louisville, Order No. 2–F, Amendment No. 8, filed 2:19 p. m.
Louisville, Order No. 3–F, filed 2:18 p. m.
Louisville, Order No. 3–F, Amendment No. 1, filed 2:19 p. m.
Louisville, Order No. 1–P, filed 2:26 p. m.

REGION V

Dallas, Order No. 1–F, Amendment No. 2, filed 2:13 p. m.
Dallas, Order No. 3–F, Amendment No. 1, filed 2:12 p. m.
New Orleans, Order No. 2–F, Amendment No. 2, filed 2:30 p. m.

REGION VI

Chicago, Order No. 5, Amendment No. 16, filed 2:15 p. m.
Duluth-Superior, Order No. 1–F, Amendment No. 1, filed 2:33 p. m.
Green Bay, Order No. 1–F, filed 2:28 p. m.
Green Bay, Order No. 2–F, filed 2:28 p. m.
Milwaukee, Order No. 1–F, filed 2:08 p. m.
Milwaukee, Order No. 1–F, Amendment No. 1, filed 2:31 p. m.
Moline, Order No. 1–F, filed 2:21 p. m.
Moline, Order No. 27, filed 2:17 p. m.
Sioux City, Order No. 1–F, filed 2:32 p. m.

REGION VIII

Fresno, Order No. 1–F, Amendment No. 1, filed 2:12 p. m.
Portland, Order No. 1–F, filed 2:16 p. m.
Portland, Order No. 11, filed 2:21 p. m.
Portland, Order No. 12, filed 2:19 p. m.
Seattle, Order No. 3–F, filed 2:12 p. m.
Spokane, Order No. 1–F, filed 2:17 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1665; Filed, February 2, 1944; 4:48 p. m.]

[Region IV Order G–3 Under GMPR]

FLUID MILK IN COBB CO., GA.

Order No. G–3 under § 1499.75 (a) (9) (i) of General Maximum Price Regulation (Supplementary Regulation No. 15). Adjustment of approved fluid milk prices in Cobb County, Ga.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Ad-

ministration, Region IV by § 1499.75 (a) (9) (i) of the General Maximum Price Regulation and pursuant further to prior written approval of the Price Administrator dated December 14, 1943, it is hereby ordered:

(a) *Adjustment of maximum prices for approved fluid milk in Cobb County, Georgia.* On and after December 16, 1943, the maximum prices for approved fluid milk sold and delivered to any person within Cobb County, Georgia at wholesale or retail in glass and paper containers of one quart or less shall be:

	Quarts		Pints		Half-pints	
	Glass	Paper	Glass	Paper	Glass	Paper
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
Wholesale	15	16	8	9	4	5
Retail out-of-store	17	18	9	10	5	6
Retail home-delivered	17	18	9	10	5	6

One-third quart container sizes. The seller shall adjust his maximum wholesale price for one-third quart container sizes, as determined under § 1499.2 General provisions of the General Maximum Price Regulation, by an amount proportionate to the increase or decrease in his ceiling price for quart container sizes as a result of the foregoing listed maximum prices.

Retail sales of approved fluid milk by hotels, restaurants, soda fountains, cafes, bars, and other eating establishments for consumption on the premises. The seller may use his established maximum price under the General Maximum Price Regulation, or he can determine his adjusted maximum price by adding to the wholesale price paid by him, three cents per pint, two and one-half cents per one-third quart, and two cents per half-pint.

Retail sales other than (A) Out-of-store, (B) Home-deliveries, (C) Retail sales by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises. The maximum prices for retail sales; other than out-of-store sales, home-deliveries, and retail sales by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises, shall equal the listed wholesale prices, subject to any applicable discounts or allowances.

(b) *Applicability of the General Maximum Price Regulation and other supplementary regulations and orders of the Office of Price Administration.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments, supplementary regulations and orders which have heretofore or may hereafter be issued. Specifically, but not by way of limitation, unless the context of this order otherwise requires, the provisions of § 1499.73a (a) (1) (viii) (b), (c), (d), (e), (f) and (g) and § 1499.73a (a) (1) (x) (Supplementary Regulation No. 14A to the General Maximum Price Regulation, as amended,) shall be applicable and are made a part of this order. Unless the context otherwise requires, all terms used herein shall be construed in accordance with the provisions of § 1499.20 of the General Maximum Price Regulation, as amended.

(c) Atlanta Regional Price Order No. 18 (c)–15, issued January 19, 1943, effective January 21, 1943 and redesignated as Order No. G–13 under section 18 (c) of the General Maximum Price Regulation, is hereby revoked.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective December 16, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 29, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44–1666; Filed, February 2, 1944; 4:48 p. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket No. 25]

MISSOURI PACIFIC RAILROAD CO., ET AL.

NOTICE OF HEARING

Employee status of individuals performing service under certain agreements between the Missouri Pacific Railroad Company and the Columbia Transfer Company and between the Missouri-Kansas-Texas Railroad Company and the Columbia Terminals Company.

Pursuant to regulations under the Railroad Unemployment Insurance Act (45 U.S.C. 351–367), Part 319, §§ 319.42 et seq. (7 F.R. 4777), the following orders have been issued:

Order Awarding Benefits on the Basis of Compensation Earned in Service Under Certain Agreements Between the Missouri Pacific Railroad Company and the Columbia Transfer Company and Between the Missouri-Kansas-Texas Railroad Company and the Columbia Terminals Company

In accordance with the determination of the issues presented and passed upon in my opinion of October 31, 1942, L–42–599, and in my opinion of July 7, 1943, L–43–511, holding (1) that individuals who are, or have been, engaged in the performance of service under an agreement dated October 1, 1941, between the Missouri Pacific Railroad Company and the Columbia Transfer Company, covering the transportation of freight, are, and have been, subject to the continuing authority of the Missouri Pacific Railroad Company to supervise and direct the manner of rendition of their service, which service they render for compensation, and therefore that such individuals are, and have been, with respect to their service under the agreement, employees of the Missouri Pacific Railroad Company under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, and (2) that individuals who are, or have been, engaged in the performance of service under an agreement dated November 20, 1939, between the Missouri-Kansas-Texas Railroad Company and the Columbia Terminals Company, covering the transportation of freight, are, and have been, subject to the continuing authority of the Missouri-Kansas-Texas Railroad Company to supervise and direct the manner of rendition of their service, which service they render for compensation, and therefore that such individuals are, and have been, with respect to their service under the agreement, employees of the Missouri-Kansas-Texas Railroad Company under the Railroad Retirement Act and the Railroad Unemployment Insurance Act:

Benefits are hereby awarded to all individuals whose compensation earned in service under the above-mentioned agreements exclusively or in addition to compensation earned in other employee service for covered employers, is $150 or more in the applicable base year, such benefits to be determined in accordance with section 2 (a) of the Railroad Unemployment Insurance Act by including compensation earned in service under the above-mentioned agreements, and to be payable for any days of unemployment established in accordance with the Railroad Unemployment Insurance Act and applicable regulations: *Provided, however*, That all benefits paid pursuant to this award shall be paid subject to a right of recovery thereof as provided in section 5 (c) of the Railroad Unemployment Insurance Act.

Order entered and award of benefits made pursuant to authority vested in me by regulations § 319.40, this 21st day of January, 1944.

JOSEPH H. FREEHILL,
General Counsel.

Order Reopening Initial Determination on Employee Status of Individuals Performing Service Under Certain Agreements Between the Missouri Pacific Railroad Company and the Columbia Transfer Company and Between the Missouri-Kansas-Texas Railroad Company and the Columbia Terminals Company and Designating Examiner

Whereas the General Counsel on October 31, 1942, issued an opinion, L–42–599, and on July 7, 1943, issued an opinion, L–43–511, holding (1) that individuals who are, or have been, engaged in the performance of service under an agreement dated October 1, 1941, between the Missouri Pacific Railroad Company and the Columbia Transfer Company, covering the transportation of freight, are, and have been, subject to the continuing authority of the Missouri Pacific Railroad Company to supervise and direct the manner of rendition of their service, which service they render for compensation, and therefore that such individuals are, and have been, with respect to their service under the agreement, employees of the Missouri Pacific Railroad Company under the Railroad Retirement Act and the Railroad Unemployment Insurance Act; and

Whereas the Columbia Transfer Company, through its attorney, on July 16, 1943, notified the General Counsel of the Board that the Columbia Transfer Company questioned the correctness of the General Counsel's determination and requested an opportunity to be heard further on the question of the employee status of the individuals concerned; and the Missouri-Kansas-Texas Railroad Company, on October 26, 1943, notified the Executive Officer of the Board that the Missouri-Kansas-Texas Railroad Company questioned the correctness of such determination; and

Whereas in accordance with § 319.40 of Part 319 of the regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, the General Counsel, on January 21, 1944, entered a general order awarding benefits on the basis of compensation earned in service under the above-mentioned agreements entered into between the Missouri Pacific Railroad Company and the Columbia Transfer Company, and between the Missouri-Kansas-Texas Railroad Company and the Columbia Terminals Company, subject to a right of recovery of any benefits paid pursuant to such order as provided in section 5 (c) of the Railroad Unemployment Insurance Act;

Now, therefore, the General Counsel, pursuant to the authority vested in him by Part 319 of the regulations, orders and directs that:

(1) The General Counsel's determinations of October 31, 1942, L–42–599, and of July 7, 1943, L–43–511, be, and they hereby are, reopened for further consideration and proceedings in accordance with Part 319 of the regulations; and that

(2) For the conduct of such proceedings, Mr. Samuel Karp is designated to serve as Examiner, with all powers, duties, and functions accruing to such Examiner pursuant to such designation under Part 319 of the said regulations. The Examiner shall arrange for a hearing at the earliest date meeting the convenience of parties in interest, and shall notify all parties properly interested in any issue involved in the proceeding of their right to participate in the proceeding and to present evidence and argument.

Dated: January 21, 1944.

JOSEPH H. FREEHILL,
General Counsel.

Pursuant to the above orders, notice is hereby given that a hearing will be held Wednesday, February 23, 1944, at 10:00 a. m., in Room 519 Grand Jury Room, 5th Floor, United States Post Office Building, Kansas City, Missouri, on the following questions:

(1) Have the individuals, engaged in the performance of service under the agreement entered into October 1, 1941 between the Missouri Pacific Railroad Company and the Columbia Transfer Company, covering the transportation of freight, been, and are they, with respect to such service, employees of the Missouri Pacific Railroad Company, within the meaning of the Railroad Unemployment Insurance Act?

(2) Have the individuals, engaged in the performance of service under the agreement entered into November 20, 1939 between the Missouri-Kansas-Texas Railroad Company and the Columbia Terminals Company, covering the transportation of freight, been, and are they, with respect to such service, employees of the Missouri-Kansas-Texas Railroad Company, within the meaning of the Railroad Unemployment Insurance Act?

The Missouri Pacific Railroad Company, the Columbia Transfer Company, the Missouri-Kansas-Texas Railroad Company, the Columbia Terminals Company, the individuals who have been awarded benefits on the basis of pay earned in service under the above-mentioned agreements, and all other parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the Examiner.

In preparation for, and in the conduct of, said hearing, the Examiner is authorized to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations. A record will be kept of all evidence and argument presented, orally or in writing, at said hearing. The evidence presented orally will be under oath. The Examiner may require that copies of all exhibits admitted in evidence at the hearing be furnished by the party offering the same to all other parties participating or entering an appearance in the proceeding.

SAMUEL KARP,
Examiner.

FEBRUARY 1, 1944.

[F. R. Doc. 44–1670; Filed, February 3, 1944; 10:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–823]

CONSOLIDATED ELECTRIC AND GAS CO. AND THE ISLANDS GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of January 1944.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and The Islands Gas and Electric Company ("Islands"), a holding company and a subsidiary of Consolidated, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, regarding the acquisition by Consolidated of a 6% demand note in the principal amount of $2,500,000 of Islands held by International General Electric Company, Inc., which note is unconditionally guaranteed by Consolidated as to payment of both principal and interest, by the payment to said holder of $2,125,000 (representing 85% of the principal amount of such note) and accrued interest to the date of payment, for which payment said holder has agreed to surrender said note and to release Consolidated from said guaranty;

Consolidated having requested that the jurisdiction retained to this Commission by its order of December 30, 1943, (Holding Company Act Release No. 4806, File No. 70–789) over the use of certain moneys proposed to be paid to Consolidated by certain of its subsidiary companies in connection with the filing of consolidated tax returns be released to the extent necessary to permit Consolidated to utilize such portion of said moneys as may be necessary in the consummation of the presently proposed transaction;

A public hearing having been held upon said joint application and declaration, after appropriate notice, and the Commission having considered the record herein and having made and filed its findings thereon;

It is ordered, That said application be, and the same is hereby, granted, and said declaration be, and the same is hereby, permitted to become effective forthwith, said application being so granted and said declaration being so permitted to become effective subject to those terms and conditions prescribed by Rule U–24;

It is further ordered, That the jurisdiction reserved to this Commission by its order of December 30, 1943 (Holding Company Act Release No. 4806, File No. 70–789) over the use of certain moneys proposed to be paid to Consolidated by certain of its subsidiaries in connection with the filing of consolidated tax returns be, and it is hereby, released, to the extent that Consolidated be, and it is hereby, authorized to utilize such portion of said moneys as may be necessary in the consummation of the note transaction hereinabove described.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1653; Filed, February 2, 1944; 2:40 p. m.]

[File Nos. 70–641, 59–62]

GENERAL GAS AND ELECTRIC CORP. ET AL.

ORDER CLARIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of February 1944.

In the matter of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company,

Sanford Gas Company, Sante Fe Land Company, Georgia Power and Light Company, File No. 70–641; Georgia Power and Light Company, General Gas & Electric Corporation, File No. 59–62.

The Commission having, on September 7, 1943, published its findings and opinion and issued its order herein granting certain applications and permitting certain declarations to become effective forthwith, subject, among other things, to the terms and conditions prescribed in Rule U–24; applicants-declarants having thereafter amended their filing, requesting, among other things, that certain supplemental findings be made and that the time for consummation of the transactions authorized by said order of September 7, 1943, be extended until sixty days after the date on which the Commission issued its supplemental order; the Commission having issued its supplemental order on January 11, 1944, without express reference to the request for extension of time; applicants-declarants having now requested that a clarifying order be issued expressly setting forth the Commission's disposition of their request for extension of time; and it appearing to the Commission that it is appropriate to grant such request;

It is hereby ordered, That there be, and there hereby is, added to the last sentence of the order of this Commission issued January 11, 1944, herein, the following:

* * * except that the time within which applicants-declarants may consummate the various transactions, authorized by said order of September 7, 1943, and by this order, is hereby extended until sixty days from the date of this order.

It is further ordered, That said clarifying addition be deemed to have been effective as of January 11, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1654; Filed, February 2, 1944; 2:40 p. m.]

[File Nos. 54–79, 59–52]

NIAGARA HUDSON POWER CORP. ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of January, 1944.

In the matter of Niagara Hudson Power Corporation, Buffalo, Niagara and Eastern Power Corporation, Applicants, File No. 54–79; Niagara Hudson Power Corporation and its subsidiary companies, Respondents, File No. 59–52.

The Commission having previously designated February 8, 1944 as the date for hearing in the above consolidated proceedings involving the application of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a "Plan of Reorganization of the Niagara Hudson System", which Plan provides, among other things, for the consolidation of Buffalo, Niagara and Eastern Power Corporation and the principal public-utility companies in the Niagara Hudson Power Corporation system; and

The Public Service Commission of the State of New York having on January 21, 1944 denied the petition for approval of said consolidation, and counsel for the applicants having requested that the hearing be postponed indefinitely, and the Commission deeming it appropriate to postpone the hearing subject to further order of the Commission;

It is ordered, That the hearing in this matter previously scheduled for February 8, 1944 at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be, and hereby is, postponed subject to further order of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1655; Filed, February 2, 1944; 2:40 p. m.]

[File No. 30–206]

STANDARD OIL CO. (NEW JERSEY)

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of January 1944.

Standard Oil Company (New Jersey), a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order that it has ceased to be a holding company; and

Appropriate notice having been given and a public hearing held, the Commission having considered the record and having made and filed its findings and opinion herein; and

The Commission finding that Standard Oil Company (New Jersey) has ceased to be a holding company and that the registration of said company as a holding company should cease to be in effect, and that it is not necessary to impose terms or conditions for the protection of investors in connection with the termination of such registration, other than to reserve jurisdiction, with respect to the continuation of services for Interstate Natural Gas Company, Incorporated, by Frank H. Lerch, Jr., President of Consolidated Natural Gas Company;

It is ordered and declared, That Standard Oil Company (New Jersey) has ceased to be a holding company, and that the registration of Standard Oil Company (New Jersey) as a holding company be, and is by virtue of this order, no longer effective, jurisdiction being reserved, however, to enter further orders after notice and opportunity for hearing regarding the continuation of services for Interstate Natural Gas Company, Incorporated, by Frank H. Lerch, Jr., President of Consolidated Natural Gas Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1656; Filed, February 2, 1944; 2:40 p. m.]

[File No. 1–2842]

THE SCRANTON LACE CO.

ORDER SETTING HEARING ON APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of February, A. D. 1944.

The Scranton Lace Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the New York Curb Exchange;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, March 20, 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1657; Filed, February 2, 1944; 2:40 p. m.]

[File No. 1–759]

NORTHWESTERN TELEGRAPH CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of February, A. D. 1944.

In the Matter of Northwestern Telegraph Company, 4½% first mortgage thirty-year funding gold bonds, due January 1, 1934, extended to Jan. 1, 1944.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the 4½% First Mortgage Thirty-Year Funding Gold Bonds, due January 1, 1934, extended to January 1, 1944, of Northwestern Telegraph Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 14, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1690; Filed, February 3, 1944; 11:07 a. m.]

[File No. 70–813]

AMERICAN POWER AND LIGHT CO.

ORDER EXEMPTING TRANSACTIONS FROM CERTAIN REQUIREMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of February 1944.

American Power & Light Company ("American") having filed on its behalf and on behalf of its subsidiary, The Montana Power Company ("Montana"), an application and amendments thereto pursuant to Rule U-100 of the Rules and Regulations of this Commission seeking an exemption from the provisions of section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder for the payment from time to time by certain wholly-owned non-utility subsidiaries of sums owned by them, in the form of bonds, notes, or open accounts, to American or Montana; the said subsidiaries of American being Big Bend Transit Company and Washington Irrigation and Development Company, all of the securities of which (except directors' qualifying shares) are owned by American; the said subsidiary of Montana being Great Falls Townsite Company, all of the securities of which (except directors' qualifying shares) are owned by Montana; and

Said application having been filed on November 10, 1943 and the last amendment thereto having been filed on January 12, 1944 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the matter and it appearing that an exemption of such transactions from the applicable sections of the act or rules thereunder will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, That said application, as amended, for exemption pursuant to Rule U-100 be, and the same hereby is, granted subject to the terms and conditions contained in Rule U-24, except the condition requiring that the transactions be carried out within sixty (60) days after the granting of the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–1691; Filed, February 3, 1944; 11:07 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF REVOCATIONS OF AUTHORIZATION TO BEGIN RECONSTRUCTION

The War Production Board has issued an order revoking authorization to begin construction and stopping construction. For the effect of said order upon the construction of the project and delivery of materials therefor the builder and his suppliers shall refer to the order issued to the builder.

Issued February 2, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

Authorization	Serial No.	Name and address of builder	Location of project	Date of issuance of revocation
PD–443	L–41. 44–2–2568	1663 17th St. Corporation and Samuel Friedman, New York, N. Y.	Brooklyn, N. Y.	Jan. 12 1944

[F. R. Doc. 44–1629; Filed, February 2, 1944; 11:25 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF CANCELLATION OF STOP CONSTRUCTION ORDERS

The War Production Board has issued certain orders listed in Schedule A below which cancel prior orders stopping construction on projects. For the effect of each such order upon the construction of the project and the delivery of materials therefor, the builders and suppliers affected shall refer to the specific order issued to the builder.

Issued February 2, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Date of issuance of cancellation
P–19–e	20A	Wayne County Road Commission, Lansing, Mich.	Inkster, Mich.	Jan 17, 1944
P–19–e	153E	Michigan State Highway Department, Lansing, Mich.	On U. S. 31, SN–FAP, 129H (1).	Jan. 17, 1944
P–19–e	28187	Arkansas State Highway Commission, Little Rock, Ark.	San Sebastian County, Ark.	Jan. 20, 1944

[F. R. Doc. 44–1630; Filed, February 2, 1944; 11:25 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF AMENDMENTS TO ORDERS REVOKING PREFERENCE RATINGS FOR PROJECTS OR STOPPING CONSTRUCTION ON PROJECTS

The War Production Board has issued certain orders listed in Schedule A below which amend prior orders revoking preference ratings for projects or stopping construction on projects or both. For the effect of each such amending order upon preference ratings, the construction of the project and the delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued February 2, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Date of issuance of amendment
P-19-e	582-E	Oklahoma State Highway Department, Oklahoma City, Okla.	Atoka, Okla.	Jan. 35, 1944
P-19-e	15798	Montana State Highway Commission, Helena, Mont.	McCone County, Mont.	Jan. 12, 1944
None		Board of County Commissioners, Dade County, Fla.	Biscayne Bay, Fla.	Jan. 10, 1944

[F. R. Doc. 44-1631; Filed, February 2, 1944; 11:25 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued February 2, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Date of issuance of revocation
CMPL-224	107, 567	Victor Chemical Works, Chicago, Ill.	Mt. Pleasant, Tenn.	Jan. 12, 1944
CMPL-224	108, 512	Phillips Petroleum Co., Washington, D. C.	Oklahoma City, Okla.	Jan. 14, 1944
P-19-h	84, 150	The Texas Co., New York, N. Y.	Wilmington, Calif.	Jan. 18, 1944
P-19-h	80, 308	Carnegie-Illinois Steel Corporation, individually or as agent for Defense Plant Corporation, Pittsburgh, Pa.	Gary, Ind.	Jan. 21, 1944
P-19-h	89, 309	Carnegie-Illinois Steel Corporation, individually or as agent of Defense Plant Corporation, Pittsburgh, Pa.	Braddock, Pa.	Jan. 21, 1944
P-19-h	89, 313	Carnegie-Illinois Steel Corporation, individually or as agent of Defense Plant Corporation, Pittsburgh, Pa.	Munhall, Pa.	Jan. 21, 1944
P-19-h	92, 484	Carnegie-Illinois Steel Corporation, individually or as agent of Defense Plant Corporation, Pittsburgh, Pa.	Chicago, Ill.	Jan. 21, 1944
CMPL-224	102, 065	International Business Machines Corporation, Endicott, N. Y.	Endicott, N. Y.	Jan. 25, 1944

[F. R. Doc. 44-1632; Filed, February 2, 1944; 11:25 a. m.]

[Certificate 156,[1] Amdt. 1]

PRINCIPAL PETROLEUM PRODUCTS IN DISTRICT ONE

APPROVAL OF PAW AMENDMENT

The ATTORNEY GENERAL:

Referring to Certificate No. 156, issued pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), on November 11, 1943, I submit herewith Amendment No. 1 to Directive 59 as amended December 1, 1943, of the Office of Petroleum Administration for War.[2]

For the purposes of the statute cited, I approve the amendment; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Petroleum Directive 59 as amended is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 29, 1944.

[F. R. Doc. 44-1664; Filed, February 3, 1944; 11:09 a. m.]

[1] 8 F.R. 15805.
[2] *Supra.*

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

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VOLUME 9 NUMBER 26

Washington, Saturday, February 5, 1944

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—War Food Administration (Commodity Credit)

[CCC Grapefruit Juice Form 1, Amdt. 1]

PART 249—1943-1944 GRAPEFRUIT JUICE PAYMENT PROGRAM

OFFER OF COMMODITY CREDIT CORPORATION TO MAKE PAYMENTS IN RESPECT OF GRAPEFRUIT JUICE

In order that the "Offer of Commodity Credit Corporation to Make Payments in Respect of Grapefruit Juice" (herein called the "offer"), 9 F.R. 628, may reflect more accurately the commitments heretofore made by Commodity Credit Corporation (herein called "Commodity") in its 1943-1944 Grapefruit Juice Payment Program and to render the offer more explicit, Commodity hereby amends the offer in the manner and to the extent provided in this Amendment No. 1 to the offer.

Section 249.5 of the offer is hereby amended to read as follows:

§ 249.5 *Determination of monthly area fruit costs.* As soon as practicable after receipt of the monthly reports required pursuant to § 249.3 hereof, Commodity shall determine, on the basis of such information as may be available to it, the weighted average area industry delivered cost (hereinafter called the "monthly area fruit cost") of grapefruit with respect to each area, delivered to processors' plants exclusively for processing, for each monthly period covered by such reports: *Provided, however,* That in the event any monthly area fruit cost as thus determined for any period during the term of this offer shall be in excess of the following applicable maximum costs or less than the following minimum costs, then such monthly area fruit cost for such period shall be the applicable maximum (or minimum, as the case may be) cost hereinafter set forth, rather than the cost determined in accordance with this sentence hereof:

Grapefruit area	Maximum	Minimum
	Per box	Per box
Florida	$38.35	$24.47
Texas	37.25	24.09
California-Arizona	36.97	25.00

Provided further, That in respect of fresh grapefruit delivered to any eligible processor between October 1, 1943 and November 30, 1943, both dates inclusive, the monthly area fruit costs applicable to grapefruit delivered on a fixed price basis during such two months period (not segregated according to the separate months) shall apply. In respect of fresh grapefruit delivered to any eligible processor after May 31, 1944, the monthly area fruit costs applicable to such fresh grapefruit shall be those established for the month of May, 1944. In the event Commodity determines, in respect of any period, that reports made pursuant to § 249.3 hereof are inadequate to establish the monthly area fruit cost with respect to any area or areas, Commodity shall determine the monthly area fruit costs applicable to such area or areas for such period on the basis of prevailing prices in the fresh grapefruit market for fruit from such area or areas during such period adjusted to reflect appropriate differentials with respect to grapefruit for processing. Subject to the right of Commodity to correct or amend such determination in case of error, all determinations by Commodity of monthly area fruit costs shall be final and conclusive.

Section 249.13 is hereby amended to read as follows:

§ 249.13 *Payment.* Commodity shall, as soon as practicable after receipt of each such application for payment (or for interim settlement, as the case may be), make payment thereof (to the extent found to be in conformity with this offer) to the eligible processor who made the application for payment (or interim settlement): *Provided, however,* That no more than one payment shall be made

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FEDERAL REGISTER

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NOTICE

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by Commodity hereunder in respect of the eligible grapefruit juice contained in any particular container. The making of any such payment or interim settlement shall not preclude Commodity from requiring restitution of any such payment or portion thereof in the event of a subsequent finding: (a) That any such claim is invalid, defective or incorrectly computed; or (b) that the eligible processor has not acted in good faith or failed otherwise to comply with the terms of this offer. In the event of a preliminary finding by Commodity, based on information to the effect that any processor has not acted in good faith (including, though not by way of limitation, payment by it (or by parties in privity with it) to the grower of an amount, for fresh fruit, excessively below the amount reported to Commodity as the delivered purchase cost of such fresh fruit) or otherwise has failed to comply with the terms of this offer, Commodity reserves the right to suspend payments hereunder to such processor, either in respect of the grapefruit juice upon which such payments are sought or in respect of any of such processor's operations or transactions hereunder. In the event of any such suspension of payment, Commodity shall, as soon as practicable, make a determination of the facts of such compliance or non-compliance, which determination shall be final and conclusive. If after investigation such processor is found not to have acted in good faith or has failed otherwise to comply with the terms of this offer, such processor shall (to the extent Commodity may elect): (1) Be denied any further participation in Commodity's 1943–44 Grapefruit Juice Payment Program hereunder; (2) be denied any further payments hereunder; and (3) be required to reimburse Commodity for any payments hereunder theretofore received by such processor in respect of or relating to those transactions or sales determined not to have been in good faith and otherwise in conformity with this offer. Such rights shall be in addition to any and all other rights of Commodity in the premises. Each eligible processor shall: (1) Report the quantities of the various classes of products covered by payments or interim settlements by Commodity which were subsequently rejected or returned to such eligible processor; and (2) make appropriate adjustment therefor either by set-off or otherwise, within such period of time as Commodity shall direct. Reports and adjustments shall be made, within 30 days of such rejection or return, by each eligible processor in respect of any such products rejected or returned subsequent to the termination of this offer.

Section 249.8 of the offer is amended by adding the following sentence thereto at the end thereof:

In the event any eligible processor's weighted average delivered purchase cost for grapefruit purchased on a fixed price basis for processing into eligible grapefruit juice in respect of any month during the term of this offer (whether such eligible processor elects to operate on a packing month basis or on a seasonal average area fruit cost basis) is less than or in excess of the applicable monthly area fruit cost for such month, then (1) such weighted average delivered purchase cost or (2) 103% of the applicable monthly area fruit cost, whichever of said two costs is the lower, shall be used in lieu of the monthly area fruit cost in respect of the grapefruit so purchased: (1) In determining the rate of payment under this offer for such month if such eligible processor has elected to operate on the packing month basis, and (2) in determining the seasonal average area fruit cost if such eligible processor has elected to operate on the seasonal average area fruit cost basis: *Provided, however,* That in no event shall the applicable amount upon the basis of which payments hereunder are made be in excess of the applicable maximum amount per ton specified in § 249.5 of this offer.

Section 249.13 of the offer is hereby amended by adding thereto, at the end thereof, the following sentence:

No payments shall be made under the offer to any eligible processor on account of grapefruit delivered on a provisional or conditional price basis after February 5, 1944: *Provided, however,* That this shall not preclude the making of payments hereunder subsequent to such date: (1) to eligible processors which are bona fide cooperatives in respect of grapefruit delivered by their grower-members; (2) to eligible processors in respect of grapefruit grown by them; or (3) to others who have received from Commodity specific approval to purchase grapefruit on a conditional or provisional price basis.

Persons acting in reliance upon the offer as amended hereby shall do so in accordance with and subject to the offer as so amended in respect of all eligible grapefruit juice, packed by them during the term of the offer as so amended, with respect to which payment is sought from Commodity.

(Sec. 7, 49 Stat. 4, as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, and Pub. Law 151, 78th Cong.)

Issued at Washington, D. C., the fifth day of February 1944.

[SEAL] COMMODITY CREDIT CORPORATION.
By J. B. HUTSON,
President.

Attest:
NORINE J. FAUBLE,
Assistant Secretary.

[F. R. Doc. 44–7732; Filed, February 4, 1944; 11:31 a. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[FPO 5, Rev. 2, Directive 5]

PART 1206—FERTILIZER

DESIGNATION OF PRODUCTION-INCREMENT CROPS

Pursuant to the authority vested in me by Food Production Order No. 5, Revision No. 2 (8 F.R. 14649, 9 F.R. 632), and in order to promote maximum production to achieve the food, feed and fiber production goals established by the War Food Administration, it is hereby ordered, that:

§ 1206.105 *Designation of production-increment crops.* Pasture and forage crops are hereby designated as Production-Increment crops.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 5, Rev. 2, 8 F.R. 14649, 9 F.R. 632)

Issued this 31st day of January 1944.

J. W. MILLARD,
Director,
Office of Materials and Facilities.

[F. R. Doc. 44–1733; Filed, February 4, 1944; 11:31 a. m.]

[FPO 9, Rev. 3, Director's Order 6]

PART 1220—FEED

LIMITATIONS ON MIXED FEED MANUFACTURERS

Pursuant to the authority vested in me by Food Production Order No. 9, Rev. 3 (8 F.R. 16960), issued on December 18, 1943, to effectuate the purposes of such order pertaining to the use of protein meal in the manufacture of mixed feeds and to promote an equitable distribution of protein meal among mixed feed manufacturers, handlers and feeders, it is hereby ordered, that:

§ 1220.8 *Quarterly limitation on the use of protein meal in the manufacture of mixed feed.* During any quarter (beginning January 1, April 1, July 1 or October 1) of the calendar year 1944, no mixed feed manufacturer shall use any quantity of protein meal in the manufacture of mixed feeds which will exceed (1) his average use for such purpose during the corresponding quarter of the calendar years 1942 and 1943, or (2) 30 percent of his average yearly use for such purpose during the calendar years 1942 and 1943, whichever is greater. Nothing herein shall be construed, however, to permit any mixed feed manufacturer, during the calendar year 1944, to use any quantity of protein meal in the manufacture of mixed feeds which is in excess of 100 percent of the average quantity of protein meal used by him in the manufacture of mixed feeds during the calendar years 1942 and 1943, as provided in paragraph (d) of Food Production Order No. 9, Revision No. 3.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 9, Rev. 3, 8 F.R. 16960)

Issued this 4th day of February 1944.

J. B. HUTSON,
Director of Food Production.

[F. R. Doc. 44–1734; Filed, February 4, 1944; 11:31 a.m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79–138]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MACON, GA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.173 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Macon, Georgia, sales area, and is referred to hereinafter as the "sales area":

The city of Macon and the militia districts of Godfrey, East Macon, and Vineville, all in Bibb County, Georgia.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided,* That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespec-

tive of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports, which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of $0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 15, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 1st day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-1645; Filed, February 2, 1944; 1:05 p. m.]

[FDO 79-108, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN COLUMBUS, GA., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-108 (9 F.R. 142), relative to the conservation and distribution of fluid milk in the Columbus, Georgia, milk sales area, issued by the Director of Food Distribution on December 31, 1943, is hereby amended as follows:

Delete the description of the sales area in § 1401.146 (b) and insert, in lieu thereof, the following:

The city of Columbus, Georgia, and the county of Muskogee in the State of Georgia, and Phenix City located in Russell County in the State of Alabama.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 1, 1944. With respect to violations of said Food Distribution Order No. 79-108, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-108 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 2d day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-1706; Filed, February 3, 1944; 1:14 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration (Packers and Stockyards)

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Pursuant to the application of the Washington State Department of Agriculture, duly designated under the laws of the State of Washington, to act as an official livestock inspection agency, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. Supp. II, 217a), the following authorization is deemed necessary and is issued herewith:

§ 203.8 *Washington State Department of Agriculture.* The Washington State Department of Agriculture, duly designated under the laws of the State of Washington to act as an official livestock inspection agency, is hereby authorized with respect to livestock originating in or shipped from the State of Washington, subject to the provisions of the act, to charge and collect, at those stockyards posted under the act at which the said Washington State Department of Agriculture may register as a market agency to perform such inspection, reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Washington State Department of Agriculture. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and such regulations as may be promulgated pursuant thereto.

This authorization supersedes and revokes the authorization issued on June 30, 1937, to the Washington State Department of Agriculture, which appears in § 203.8, Chapter I, Title 9, Code of Federal Regulations.

(7 U.S.C. 1940 ed. Supp. II, 217a; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 3d day of February 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1735; Filed, February 4, 1944, 11:31 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

[Reg. 13, Amdt. 1]

BITUMINOUS COAL SHIPMENTS IN SOUTHEASTERN STATES

It is necessary to amend Solid Fuels Administration for War Regulation No. 13 (9 F.R. 1005) in order (1) to require certain producers in the Big Sandy-Elkhorn Subdistrict of District No. 8 to make available each week for shipment, pursuant to specific directions issued by the Solid Fuels Administration for War, a portion of their week's production of lump and double-screened domestic coal (not including household domestic stoker coal) and (2) to provide that the reporting requirements of § 602.238 of the regulation may be satisfied by filing each day with the Area Distribution Manager for District No. 8 the manifest sheet or other summarization of daily shipments used between the mine and the sales office of a producer. Accordingly, pursuant to the powers conferred by Executive Order No. 9332, Solid Fuels Administration for War Regulation No. 13 is hereby amended as follows:

(1) Section 602.236 (b) is hereby amended to read as follows:

§ 602.236 *Required shipments of bituminous coal by certain producers in District No. 8 to certain destinations.* • • •

(b) Each producer in the Kanawha, Logan, Hazard and Williamson Subdistricts of District No. 8—and each producer in the Big Sandy-Elkhorn Subdistrict of District No. 8 whose mine is located on the Louisville & Nashville Railroad Company—shall make available for shipment pursuant to specific directions issued by the Solid Fuels Administration, 5 percent of each week's production of lump and double-screened domestic coal (but not including household domestic stoker coal). However, if no specific direction from the Solid Fuels Administration is received by any such producer by Thursday of any week, such producer may ship the entire production of lump and double-screened domestic coal of that week on orders on hand subject to the provisions of Solid Fuels Administration for War Regulation No. 10 (8 F.R. 15773) or of other regulations or directions issued by the Solid Fuels Administration.

(2) Section 602.238 is amended to read as follows:

§ 602.238 *Reports.* Each producer in District No. 8 shall report in writing each day to Mr. Wayne P. Ellis, Area Distribution Manager, Solid Fuels Administration for War, 600 Transportation Building, Cincinnati, Ohio, the name and location of each retail dealer to whom coal was shipped on the previous day in accordance with the provisions of § 602.236 (a) of this regulation, and the tonnage so shipped. In lieu of such report, each such producer may file daily with Mr. Ellis a copy of the daily manifest sheet or other type of record used between his mine and his sales office covering any tonnage shipped the previous day in accordance with § 602.236 (a). The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 3d day of February 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44-1736; Filed, February 4, 1944; 11:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 147]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 801.2, *Prohibited exportations*, is hereby amended in the following particulars:

The group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity, Department of Commerce No., General License Group

Glass and glass products:

Beverage bottles, including soda, beer, and alcoholic-beverage bottles; 5234.00; K minus 3.

Pharmaceutical and proprietary ware, including prescription bottles, ampoules and vials; 5232.00; K.

Other unfilled glass containers, n. e. s.; 5236.00; K.

Part 802, General Licenses, is hereby amended by adding thereto § 802.26 as follows:

§ 802.26 *General license "G-BC".* A general license designated "G-BC" is hereby granted authorizing the exportation to all destinations of bottle and container closures when shipped for use with an equal number of glass bottles and glass containers the exportation of which is authorized by general license.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 31, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-1720; Filed, February 4, 1944; 10:32 a. m.]

[Amdt. 148]

EXPORTATIONS OF RICE TO LATIN AMERICA

ORDER REVOKING CERTAIN LICENSES

It is hereby ordered, That all outstanding individual export licenses, issued by the Foreign Economic Administration or Office of Economic Warfare, authorizing the exportation of rice (Schedule B Nos. 1055.00, 1057.00, 1058.00) to any of the Latin American Republics be and the same are hereby revoked effective April 1, 1944: *Provided*, That shipments which are authorized by licenses revalidated prior to April 1, 1944, or which were on dock, or lighter or laden aboard on exporting carrier prior to April 1, 1944, may be exported pursuant to said licenses or previous valid licenses.

It is further ordered, That any person holding such licenses revoked by this order may forward the same to the Food Division Requirements and Supply Branch, Bureau of Supplies, Foreign Economic Administration, Washington 25, D. C., for revalidation.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: February 1, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-1721; Filed, February 4, 1944; 10:32 a. m.]

[Amdt. 149]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

Section 801.2, *Prohibited exportations*, is hereby amended in the following particulars:

The group and country designations assigned to the commodities listed below,

at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity, Department of Commerce No. and General License Group	
Iron and steel manufactures:	
Tacks (Report Thumbtacks in 9399.00); 6094.00; None.	
Nails and staples, other; 6095.00; None.	

Paragraph (a) of § 802.10, *General licenses which permit shipments not exceeding a specified value*, is hereby amended by adding to the list of commodities set forth therein the following:

Commodity:	*Schedule B No.*
Shoe tacks and nails	6094.00, 6095.00

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective February 11, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44–1722; Filed, February 4, 1944; 10:32 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L–30–a, Interpretation 2]

GALVANIZED WARE AND NON-METAL COATED METAL ARTICLES

The following interpretation is issued with respect to Limitation Order L–30–a:

Paragraph (d) (2) of Order L–30–a prohibits the production of any "fire bucket" from iron and steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish. This provision applies to a bucket having a round bottom or a bucket having a conical or other shape especially designed for use as a fire bucket. This provision, however, does not prevent a manufacturer from taking an ordinary 10- or 14-quart pail or bucket which he may produce under the order and painting it red or stenciling the word "fire" on it.

Issued this 4th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1726; Filed, February 4, 1944; 11:13 a. m.]

PART 3293—CHEMICALS[1]

[Limitation Order L–20 as Amended Feb. 4, 1944]

Section 3293.1[1] *Limitation Order L–20* is hereby amended to read as follows:

§ 3293.1 *Limitation Order L–20*—(a) *Definitions.* For the purpose of this order:

(1) "Supplier means any manufacturer, converter, jobber, dealer, printer and any other person who directly or indirectly delivers cellophane to the users.

(2) "Cellophane" means a film of plasticized regenerated cellulose, whether in nonmoisture proof or moistureproof grades and whether or not heat sealing, and cellulose caps or bands. It does not include any material which has been used to package, wrap or seal any product or in manufacture.

(b) *Restriction on use.* Except as provided in paragraphs (i) and (j), no person shall use cellophane for the packaging, wrapping, sealing or manufacture of the following materials or products:

(1) Cosmetics, soaps, deodorants (including paradichlorobenzene), and cleaning materials, except that cellophane may be used as provided in paragraph (c) and as a replacement of metal for collapsible tubes for tooth paste.

(2) All textiles other than bandages, sanitary swabs and typewriter ribbons.

(3) All rubber and rubber products, except that cellophane may be used in the manufacture of rubber products, as a substitute for Holland Cloth in the backing of retreading stocks for tires, tire reliners, patches and sandblast stencils, and as a wrapping on friction and rubber tape.

(4) All hardware, metals and sporting goods, except that cellophane may be used for packaging and wrapping precision metal parts.

(5) All paper and paper products, including cellulose backed adhesive tape for household purposes.

(6) Glassware, including optical lenses and jewelry.

(7) Candles and wax products, except that cellophane may be used as provided in paragraph (c).

(8) Electrical equipment, except that cellophane may be used in the manufacture of such equipment.

(9) Wood and wood products other than medical tongue depressers and swabs.

(10) Leather and leather products.

(11) Bottles and jars for any use except that cellulose bands and caps may be used for sealing bottles containing wines and alcoholic liquors; for sealing bottles containing drugs subject to deterioration through loss of volatile ingredients by evaporation, when the bottles are labeled to that general effect; and except as provided in paragraph (c).

(12) Canned goods of any sort.

(13) Flowers, plants, seeds and grains.

(14) All decorations and novelties.

(15) Bowl and basket covers, household dyes, household rolls, soda straws, sewing supplies, garment covers, toys and games, pipe filters, coin wrappings, natural and artificial sponges, doilies, hair waving equipment, brake linings, molding materials, window covers, "Jiffy Seals" and similar seals.

(16) Milk bottle hoods, except by a dairy bottling 84,000 or less bottles per month.

(17) Putty and paint, except that cellophane may be used as provided in paragraph (c) and as a replacement for metal containers.

(18) Plastic products (other than tooth brushes) and except that cellophane may be used in the manufacture of plastic products.

(19) Drug products, chemicals and antiseptics, except where necessary for the protection of the product itself.

(20) Candy products and chewing gum as follows:

(i) For box overwraps, including the wrapping of either lid or box of "set-up" boxes.

(ii) For open end sleeves on boats or trays.

(iii) In addition to any wrapper of waxed paper, glassine, grease proof, vegetable parchment, or super calendered sulphite.

(iv) For use as both a container and individual wrap for the same candy piece to form a single packaging unit.

(v) For any other type of packaging of candy products and chewing gum, except where necessary for the protection of the product itself.

(21) All foods for animals.

(22) All insecticides and rodenticides, other than paradichlorobenzene and napthalene insecticides.

(23) Tea, spices, peppers, condiments, sugar, flour, and unshelled nuts.

(24) Carton overwraps for dried food products, including but not limited to peas, beans, rice, barley and lentils, macaroni, noodles and similar paste goods, cereal, cooked and uncooked, and dessert and drink powders.

(25) Window cartons and window bags for all non-food products and for candy products, chewing gum, teas, spices, condiments, sugar, flour and unshelled nuts.

(26) Cigarettes, except that cellophane may be used where foil is omitted from the package.

In addition to the foregoing, no person shall use cellophane for retail decorative "point of sale" packaging or wrapping.

(c) *Metal top replacement exemption.* Notwithstanding the provisions of paragraph (b), cellulose caps and bands may be used as a metal replacement for the packaging of liquid or paste soaps, industrial oils and greases, bottled foods, putty and paint, if the cellulose cap or band serves as a primary closure to a glass, ceramic, or paper top. Disc inner liners of cellulose film may be used also for paper tops to containers for these same products.

(d) *Restrictions on deliveries.* (1) No person shall knowingly, directly or indirectly, deliver or cause to be delivered any cellophane, and no person shall accept cellophane to be used for packaging, wrapping, sealing or manufacture in violation of the provisions of paragraph (b) or (f), unless such packaging, wrapping, sealing or manufacturing is exempt under the provisions of paragraphs (c), (i), or (j).

(2) No user of cellophane may sell or deliver his idle or excess stock of such material to another person (except a manufacturer of such material) without the specific authorization in writing of the War Production Board.

(e) *Inventory restriction.* No person within the forty-eight states of the United States or within the District of Columbia shall accept delivery of cellophane if the amount accepted, together with his inventory of such material then on hand, shall exceed a forty-five day supply, having regard to his orders on hand and his current method and rate of operation. However, the restrictions of this paragraph (e) shall not apply to the acceptance of delivery of fifty pounds or less of cellophane by any person whose inventory of cellophane, immediately prior to delivery, is fifty pounds or less. No person shall deliver cellophane if he knows or has reason to believe that the person accepting delivery will have, on acceptance an amount of cellophane in excess of the inventory allowed him by the previous sentences of this paragraph.

(f) *Partial restrictions on use.* (1) In no calendar quarter shall any person use cellophane in the packaging, wrapping or sealing of cigarettes, cigars and chewing tobacco in an amount in excess of 90% of one quarter of his consumption of cellophane for such purposes during the entire year of 1942. In no calendar quarter shall any person use cellophane in the packaging, wrapping or sealing of smoking (pipe) tobacco in an amount in excess of 90% of his consumption of cellophane for such purpose during the fourth quarter of 1942.

(2) In no calendar quarter shall any person use cellophane in the packaging, wrapping or sealing of bakery products in an amount in excess of 90% of one quarter of his consumption of cellophane for such purpose during the entire year of 1942.

(3) The restrictions of this paragraph (f) do not apply to any person consuming 50 pounds or less of cellophane during any calendar quarter.

(g) [Deleted]

(h) *Monthly reports.* Each converter, agent, fabricator, jobber or similar supplier acting as direct or indirect sales agent for any producer must, by the tenth day of each month, submit to such producer a report of his sales during the preceding month of cellophane (other than waste material as defined in paragraph (i) hereof) purchased by such agent from such producer, classifying sales according to industry (such as candy and chewing gum industry, baking industry, drug industry, tobacco industry, and other specifically named industries) and stating as to each class the total number of pounds sold and the number of pounds sold for civilian use, for military use, and for Lend-Lease. Each producer shall keep records of such reports available for inspection by representatives of the War Production Board. Each person affected by this order shall file such other reports as may from time to time be required by the War Production Board, subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

(i) *Waste material exception.* Nothing contained in this order shall prohibit the sale, delivery or use of waste cellophane (known as roll end trim and rejected or defective rolls and sheets), but producers and suppliers of waste cellophane shall report to the War Production Board by the tenth day of each month the quantities of such material sold or delivered during the preceeding month and the recipients thereof.

(j) *Military exception.* The restrictions of this order shall not apply to the use of cellophane for packaging, wrapping, sealing or manufacturing any material or product to be delivered to or for the account of the United States Army, Navy, Maritime Commission or War Shipping Administration, or to any foreign country pursuant to the Act of March 11, 1942, (Lend-Lease Act); *Provided*, That where this material is not used in connection with implements of war, the primary contract specifically requires the use of such material or of a transparent wrapping material. Persons using cellophane in accordance with the above exception shall nevertheless file reports as required in paragraphs (h) and (i).

(k) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the field office of the War Production Board for the district in which the appellant is located, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: L–20.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 4th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1727; Filed, February 4, 1944; 11:13 a. m.]

Subchapter D—Office of the Rubber Director

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R–1 as Amended Jan. 12, 1944, Amdt. 1]

Rubber Order R–1 as amended January 12, 1944 is hereby amended in the following respects:

1. By amending § 4600.27 to read as follows:

§ 4600.27 *Use of reclaimed, scrap and synthetic rubber cement.* (a) No person shall use any cement which contains general purpose synthetics except,

(1) In the manufacture, application or repair of products in which rubber or synthetic rubber may be used under this order.

(2) In the manufacture of leather shoes: *Provided*, That cements containing Neoprene shall be limited to the following operations only: Folding; Rib and Lips; Sole and Bottom; Toe and Side Lasting; Preweit Assembly; McKay Channels; Sole Attaching; Lapping Leather Welting; and Insole Reinforcing—all Methods.

(b) No person shall use any cement which contains reclaimed or scrap rubber except,

(1) For uses for which cements containing crude rubber, natural latex or general purpose synthetics are permitted.

(2) In the manufacture of any products not prohibited by Schedule B, Appendix I.

2. By adding the following item to Schedule B, Appendix I (Prohibited Products), under "Prohibited on Civilian Orders":

Paper, combining of paper products except for shoes.

3. By changing Group 4 of the production pattern in List 6, Appendix II, to read as follows:

4. *Industrial tires and tubes:*
(a) Bogie rollers.
(b) Pressed-on solid tires.
(c) Cured-on solid tires.
(d) Pneumatic tires.
(e) Tubes.

4. By revoking subparagraphs (b) (1) (i) and (b) (1) (iii) of List 6, Appendix II, thereby making optional the painting of tires and tubes for the sake of appearance and the clipping or shearing of curing-vent overflow.

5. By amending the table in List 24, Appendix II, to "Bogie, Idler and Support Rollers" to read as follows:

BOGIE, IDLER AND SUPPORT ROLLERS

Description of product:	*Maximum percent of crude rubber by volume in compound*
Bogie wheel tires for light tanks, size 20 x 6 x 16	8
Idlers for light tanks, size 20 x 6 x 26	8
Bogie wheels for half-tracks, size 12 x 4¼"	8
Track wheel discs for 76 mm gun motor carriage, T–70	8
Support roller discs for 76 mm gun motor carriage, T–70	8
All other	As needed.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 4th day of February 1944.

RUBBER DIRECTOR,
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1728; Filed, February 4, 1944; 11:17 a. m.]

[1] Formerly Part 1015, § 1015.1.

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 24]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respect:

Section 61 is added to read as follows:

SEC. 61. *Maximum prices for mixed fertilizer, superphosphate and potash*—(a) *Definitions.* When used in this section, the term:

(1) "Manufacturer" means a person who produces, mixes or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(2) "Dealer" means a person who purchases mixed fertilizer, superphosphate or potash and resells it to a consumer.

(3) "Consumer" means a person purchasing mixed fertilizer, superphosphate or potash for use in aiding the growth of crops or plants (and not for resale) including the Agricultural Adjustment Agency.

(4) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(5) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(6) "Potash" means muriate, chloride or sulphate of potash, manure salts and any other substance containing potassium oxide (K_2O), when marketed or sold as an aid to the growth of crops or plants.

(7) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants, except when so marketed or sold without the admixture of any potash or superphosphate.

(8) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of ammonia, available phosphoric acid, and water-soluble potash, e. g. 4–12–4, 0–14–7, 0–20–0, 0–0–50.

(9) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as, for example, in the case of nitrogenous material, 80% water soluble and 20% water-insoluble nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(10) "Price schedule" means any price list or statement, irrespective of form, issued or used by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery and any other provisions relating to sales of the commodities being priced.

(b) *Manufacturers' maximum prices*—(1) *Delivered prices.* A manufacturer's maximum prices for sales of mixed fertilizer, superphosphate and potash delivered to any purchaser's premises or to the railroad shipping station located nearest to the purchaser shall be the prices set forth in his written or printed price schedule or list effective on October 15, 1941, denoted herein as the base period prices, subject to adjustment upward or downward each quarter year by an amount determined as follows:

On or before January 1, 1944, the manufacturer shall determine the average delivered-to-factory cost per unit for each of these four items used or received by him, as the case may be, during the period July 1 to December 31, 1941:

1. Ammonia.
2. Available phosphoric acid.
3. Potash.
4. Bags or containers.

Using these averages as cost figures the manufacturer shall determine, by use of his own formula, the total cost of the amounts of the first three items entering into a ton of his finished fertilizer. To this he shall add the cost (as determined above) of the number of bags of containers he has customarily used to contain one ton of his fertilizer. This final figure is hereafter referred to as "base cost". It is a figure that will be used each three months, and once verified, need not be recomputed.

On January 1, 1944, and quarter annually thereafter the manufacturer shall likewise determine the average delivered-to-factory cost per unit of each of the four items used or received by him, as the case may be, during the period of three months immediately preceding the date of computation.

Using these averages as cost figures the manufacturer shall determine, by use of his own formula, the total cost of the amounts of the first three items entering into a ton of his finished fertilizer. To this he shall add the cost (as determined above) of the number of bags or containers he has customarily used to contain one ton of his fertilizer. This final figure is hereafter referred to as "current cost".

If, during any three-month period one or more of the four items of raw material were not received by the manufacturer, he shall use as the price for such material in his quarterly computations the average price computed for the next preceding three-month period.

If on any quarter-annual date the current cost shall be less than the base cost, then for the succeeding three-month period the manufacturer's maximum price per ton shall be the price scheduled by him on October 15, 1941, less the difference between current cost and base cost.

If on any quarter-annual date the current cost be greater than the base cost, then for the succeeding three months' period the manufacturer's maximum price per ton shall be the price scheduled by him on October 15, 1941, plus the difference between current cost and base cost.

The manufacturer's maximum prices on quantities less than a ton shall preserve the same relative differentials as were present in his price schedule of October 15, 1941.

(2) *F. o. b. prices.* A manufacturer's maximum prices for sales of mixed fertilizer, superphosphate and potash f. o. b. his plant or warehouse shall be determined by subtracting from his delivered prices the freight allowances which he included in his price schedule in effect on October 15, 1941.

(3) *Prices for grades not listed.* A manufacturer's maximum prices for sales of a grade of mixed fertilizer, superphosphate and potash which was not listed in his price schedule effective on October 15, 1941 shall be a price authorized, upon application of the manufacturer, by the Order of the Director of the Office of Price Administration for Puerto Rico, and shall be a price in line with those established by this regulation for grades which were offered for sale by the manufacturer in his price schedule effective October 15, 1941.

(c) *Dealers' maximum prices*—(1) *Cash prices.* A dealer's maximum cash prices for sales of mixed fertilizer, superphosphate and potash shall be determined by adding together the following factors:

(i) The manufacturer's maximum time price on a sale of the same quantity.

(ii) The actual transportation cost, if any, incurred by the dealer from the manufacturer's planter warehouse to the dealer's place of business: *Provided*, That such transportation cost may not exceed the customary carrier charge for a similar shipment, whether such transportation be accomplished by a common or contract carrier or any other person.

(iii) An amount equal to five percent of the sum of paragraphs (i) and (ii).

(2) *Time prices.* A dealer's maximum time prices for sales of fertilizer, superphosphate and potash shall be equal to his maximum cash prices, plus six percent.

(d) *Prohibited practices; general.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts, and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(e) *Filing of price schedules by manufacturers.* Not later than January 6, 1944, every manufacturer of mixed fertilizer, superphosphate, and potash in Puerto Rico shall file with the Territorial Office of Price Administration, San Juan, Puerto Rico, a complete schedule of prices in effect on that date and thereafter shall file within five days of their effective date all supplements and amendments to price schedules in effect on January 1, 1944.

This amendment shall become effective as of January 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1713; Filed, February 3, 1944; 4:29 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 36]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 52 (b) (8) (i) is amended; (b) (10) is added; (c) (3) is amended; (c) (10) is added; (j) (7), (8) and (9) are added; all to read as follows:

(b) * * *

(8) * * *

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (10) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

* * * * *

(10) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, by 1.20.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (5) of this section applying to drop shipments, the maximum price shall be computed by multiplying the manufacturer's selling price by 1.35.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) * * *

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price, less all allowable discounts and allowances, except cash discounts up to 8%, by the figure given below in the second column of the Table below for the classification of goods to be priced.

* * * * *

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances by 1.30.

* * * * *

(j) * * *

(7) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(8) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(9) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

2. Section 53 (b) (8) (i) is amended; (b) (10) is added; (c) (3) is amended; (c) (10) is added; (i) (7), (8) and (9) are added: all to read as follows:

(b) * * *

(8) * * *

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (10) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

* * * * *

(10) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, by 1.20.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (5) of this section applying to drop shipments, the maximum price shall be computed by multiplying the manufacturer's selling price by 1.35.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) * * *

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price, less all allowable discounts and allowances, except cash discounts up to 8%, by the

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

figure given below in the second column of the Table below for the classification of goods to be priced.

* * * * *

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.30.

* * * * *

(i) * * *

(7) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(8) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(9) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

3. Section 60 (b) (5) is added; (h) (1) is amended; (h) (4) is added; (l) (6), (7) and (8) are added to read as follows:

(b) * * *

(5) *Sales by local sub-jobbers.* The maximum prices for sales by a local sub-jobber of any finished piece goods, listed and described in paragraph (a) of this section, to a retail establishment shall be:

(i) Where the sale is by a sub-jobber who purchased the article from a mainland converter, as a Class II purchaser, or from a mainland converter-jobber, wholesaler or jobber, the maximum price shall be computed by multiplying the converter's, converter-jobber's, wholesaler's or jobber's maximum selling price less all allowable discounts and allowances, except cash discounts up to 3%, by 1.25.

(ii) Where the sale is by a sub-jobber who purchased the article from a local converter-jobber, wholesaler or jobber, whether shipped from the establishment of the converter-jobber, wholesaler or jobber or from the factory, the maximum price shall be computed by multiplying the converter-jobber's, wholesaler's or jobber's maximum wholesale price, as computed under paragraph (b) (1) of this section, by 1.18.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

* * * * *

(h) * * *

(1) *Mainland purchases.* The maximum price for sales at retail of finished piece goods shall be computed by multiplying the converter's or the primary converter-jobber's, wholesaler's or jobber's invoice price less all allowable discounts and allowances except cash discounts up to 3% by the figure given below in the first column for the classification of goods to be priced.

* * * * *

(4) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.35.

* * * * *

(l) * * *

(6) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(7) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(8) "Primary converter-jobber, wholesaler or jobber" means a converter-jobber, wholesaler or jobber who has purchased the finished piece goods directly from the converter or manufacturer.

4. Section 61 (b) (9) (i) is amended; (b) (10) is added; (c) (3) is amended; (c) (10) is added; (j) (7), (8) and (9) are added; all to read as follows:

(b) * * *

(9) * * *

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (10) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

* * * * *

(10) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, by 1.20.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (2) of this section applying to drop shipments, the maximum price shall be computed by multiplying the sub-jobber's maximum price by 1.35.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) * * *

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article, listed and described in paragraph (a) of this section, which the retailer purchases from a mainland wholesaler or jobber, shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price, less all allowable discounts and allowances, except cash discounts up to 8%, by the figure given below in the second column of the table below for the classification of goods to be priced.

* * * * *

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.30.

* * * * *

(j) * * *

(7) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(8) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(9) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

5. Section 62 (b) (7) (i) is amended; (b) (8) is added; (c) (3) is amended; (c) (10) is added; (k) (8), (9) and (10) are added; all to read as follows:

(b) * * *

(7) * * *

(i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section, except maximum prices computed under the provisions of paragraph (b) (8) of this section. The purpose of this paragraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

* * * * *

(8) *Sales by local sub-jobbers.* The maximum price for sales by a local sub-jobber of any article, listed and described in paragraph (a) of this section, to a retail establishment, shall be:

(i) Where the sale is by a sub-jobber who has purchased the article from a mainland wholesaler or jobber, whether shipped from the establishment of the wholesaler or jobber or direct from the factory, the maximum price shall be computed by multiplying the sum of the wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8%, plus "landing cost" (as defined in paragraphs (g) and (h)), by 1.15.

(ii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (1) of this section, the maximum price shall be computed by multiplying the wholesaler's or jobber's allowable maximum price by 1.15.

(iii) Where the sale is by a sub-jobber who has purchased the article from a local wholesaler or jobber who has computed the maximum price for the sale under paragraph (b) (2) of this section applying to drop shipments, the maximum price shall be computed by multiplying the sum of the manufacturer's selling price, plus "landing cost" (as defined in paragraphs (g) and (h), by 1.25.

Any sub-jobber who wishes to establish maximum prices in accordance with this paragraph must file with the Office of Price Administration, Honolulu, T. H., a petition for permission to do so. Such petition must show that the applicant has been regularly engaged in performing the function of a sub-jobber during the year 1943 and must also show the estimated percentage of sub-jobbing business done in relation to the total sales during the years 1942 and 1943.

(c) * * *

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article, listed and described in paragraph (a) of this section, which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the primary wholesaler's or jobber's selling price less all allowable discounts and allowances, except cash discounts up to 8% plus the "landing cost" by the figure given in the second column of the Table for the classification of goods to be priced.

* * * * *

(10) *Purchases from local sub-jobbers.* The maximum price for a sale at retail of any article, listed and described in paragraph (a) of this section, purchased from a local sub-jobber, shall be computed by multiplying the sub-jobber's maximum price, less all allowable discounts and allowances, by 1.30.

* * * * *

(k) * * *

(8) "Wholesaler or jobber" means a person who purchases articles from a manufacturer for the purpose of resale at wholesale.

(9) A "sub-jobber" is a jobber who purchases merchandise from primary wholesalers or jobbers and resells it to retail sellers.

(10) "Primary wholesaler or jobber" means a wholesaler or jobber who has purchased the article directly from the manufacturer.

This amendment shall become effective as of December 6, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1714; Filed, February 3, 1944; 4:28 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 37]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respect:

The table following section 21 (d) (1) is amended by changing the prices of "grapefruit" to read as follows:

Grapefruit	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
64's	$4.60 per box	None	$0.10 each.
70's	$4.60 per box	None	$0.09 each.
80's	$4.60 per box	None	$0.08 each.
100's	$4.60 per box	None	$0.06 each.

This amendment shall become effective as of December 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1715; Filed, February 3, 1944; 4:29 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[RMPR 487, Correction]

WHEAT

Revised Maximum Price Regulation No. 487 is corrected in the following respects:

1. Section 3 (a) (15) (iv) is corrected to read as follows:

(iv) If the conveyance used is not a common carrier, 1½¢ per bushel for the first 5 miles and ¼ cent per bushel for each additional five miles or fraction thereof of the haul, the distance to be determined by the shortest one-way route between the two points in question reasonably suited for truck travel.

2. Section 3 (a) (16) is corrected by eliminating the period at the end thereof and adding the following thereto: "and the counties of Quay, Debaca, Curry, Roosevelt, Chaves, Lea, Eddy, Guadelupe, Lincoln and Otero in New Mexico."

3. The heading "Hard Red Winter White Wheat" directly over the right hand column in Table Ib in Appendix A is corrected to read "Hard Red Winter Wheat, White Wheat".

This correction shall become effective February 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1716; Filed, February 3, 1944; 4:28 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Suspension Order ODT 19-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

MOVEMENT OF LIQUID CARGO IN BULK IN GREAT LAKES, INLAND WATERWAY, COASTWISE AND INTERCOASTAL SHIPPING

Pursuant to the provisions of § 502.65 of General Order ODT 19 (7 F.R. 6499), Suspension Order ODT 19-1, as amended, shall be superseded, and it is hereby ordered, that:

§ 522.700 *Permit requirements of § 502.61 of General Order ODT 19 suspended with respect to certain transportation.* The provisions of § 502.61 of General Order ODT 19 shall be and they are hereby suspended until further order with respect to the transportation of:

(a) Crude petroleum and petroleum products from any port or shipping point via the Gulf of Mexico or the Gulf Intracoastal Waterway to a destination east or north of the shipping point;

(b) Crude petroleum from points and places west of milepost 200 on the Gulf Intracoastal Waterway to points west of shipping point and east of milepost 300 on the Gulf Intracoastal Waterway;

(c) Crude petroleum from producing oil fields to refining centers located within 60 miles from point of origin;

(d) Crude petroleum and petroleum products northward and eastward along the Atlantic coast, by sea or by the Atlantic Intracoastal Waterway and ad-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F. R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

jacent and tributary waters, for delivery to any destination in the Atlantic seaboard area of the United States, except northward on the Hudson River above Peekskill;

(e) Crude petroleum and petroleum products down the Mississippi River between Baton Rouge, Louisiana, and Meraux, Louisiana;

(f) Crude petroleum and petroleum products northward on the Mississippi River and eastward and northward on the Ohio River and its tributaries;

(g) Crude petroleum and petroleum products on the Pacific Ocean and waters adjacent and tributary thereto;

(h) Crude petroleum and petroleum products between points in the same harbor when the point of destination is not more than 35 miles distant by water from the point of origin; and

(i) Crude petroleum and petroleum products on the Illinois Waterway system northward as far north as Chicago, Illinois, and southward as far south as Peoria, Illinois.

This Suspension Order ODT 19–2 shall become effective on February 4, 1944.

Suspension Order ODT 19–1, as amended, (7 F.R. 6499, 8 F.R. 12825), is hereby revoked as of the effective date of this Suspension Order ODT 19–2.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14163; Gen. Order ODT 19, 7 F.R. 6499)

Issued at Washington, D. C., this 4th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1724; Filed, February 4, 1944; 10:42 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket Nos. 514, 528 and 994]

TRANSCONTINENTAL & WESTERN AIR, INC., BRANIFF AIRWAYS, INC., AND CONTINENTAL AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Transcontinental and Western Air, Inc., Braniff Airways, Inc., and Continental Air Lines, Inc., for amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, oral argument before the Board in the above-entitled proceeding is hereby assigned for February 10, 1944, 10:00 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C.

Dated: Washington, D. C., February 2, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44–1725; Filed, February 4, 1944; 10:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

MULTIPLE OWNERSHIP OF STANDARD BROADCAST STATIONS

PUBLIC NOTICE CONCERNING COMPLIANCE WITH ORDER 84–A

The Commission draws attention of interested broadcast licensees to the necessity of their proceeding with due diligence to carry out the provisions of Order 84–A (8 F.R. 16065).

To avoid hardship in any particular case where disposition of one of the stations, or compliance with the order by other means, is not feasible prior to May 31, 1944, the Commission will consider a petition for extension of license for such period as may be necessary to complete negotiations for an orderly disposition or otherwise to comply with the terms of the order, provided, such petition sets forth:

1. The specific facts establishing due diligence in the effort to effect a compliance with the terms of the order and the licensee's inability to comply with the terms of the order.

2. The determination of the licensee to proceed in good faith as expeditiously as may be to effectuate compliance with the order.

Dated: January 29, 1944.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 44–1718 Filed, February 4, 1944; 9:57 a. m.]

[Order 119]

REQUIREMENTS FOR MAKING AND PRESERVING RECORDINGS OR TRANSCRIPTIONS OF NETWORK PROGRAMS

NOTICE OF PROPOSED RULE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February 1944;

Whereas the Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed section:

§ 3.409 *Requirements for making and preserving recordings or transcriptions of network programs.* Any program broadcast over a regional or national network shall be transcribed by means of an off-the-line recording by the station at which the program originates and the transcription shall be retained for one year. If the program itself is a transcription, no other recording need be made, but the transcription shall be retained for one year.

Whereas the Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

Now, therefore, *It is hereby ordered*, That, upon the written request of any interested person, oral argument be held before the Commission en banc on March 15, 1944, at 10:30 a. m., as to why the above proposed rule should not be adopted or why it would not be adopted in the form proposed by this order. Such requests for oral argument shall be filed by all persons desiring to appear on or before March 1, 1944, and each such request shall be accompanied by a brief.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 44–1719; Filed, February 4, 1944; 9:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5880]

THE HARPERS FERRY PAPER CO. AND POTOMAC LIGHT AND POWER CO.

NOTICE OF APPLICATION

FEBRUARY 3, 1944.

Notice is hereby given that on February 1, 1944, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by The Harpers Ferry Paper Company (hereinafter called "Harpers"), a corporation organized under the laws of the State of West Virginia and doing business in said State, with its principal business office at Alexandria, Virginia, and Potomac Light and Power Company (hereinafter called "Potomac"), a corporation organized under the laws of the State of West Virginia and doing business in said State, with its principal business office at Martinsburg, West Virginia, seeking an order authorizing the assignment, transfer and sale by Harpers to Potomac, and the purchase by Potomac, of all of Harpers' properties, except cash, bills and accounts receivable, including Harpers' hydro-electric generating plant, a dam, canal and spillways, situated on the waters of the Potomac River at or near Harpers Ferry, West Virginia (the generating plant, canal, spillways and the south abutment of the dam are located in the State of West Virginia and the dam and north abutment are located in the State of Maryland), for a consideration stated in the application to be a sum not in excess of $150,000.00; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 19th day of February 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–1723; Filed, February 4, 1944; 10:41 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70–A, Special Permit 34]

COMMON CARRIERS BY RAILROAD

ORDER TO DISREGARD CERTAIN RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Los Angeles, California, January 24, 1944, by Pacific Coast Distributors of car PFE 43009, now on the Southern Pacific Railroad to San Francisco, California.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44–1730; Filed, February 4, 1944; 11:31 a. m.]

[S. O. 178, Special Permit 11]

CONCENTRATED FRUIT JUICE SHIPMENTS

ORDER TO DISREGARD CERTAIN LOADING PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of car PFE 100495 with fruit juice concentrates by Bireleys at (Hollywood) Los Angeles, California, and the movement of that car from that point February 1 or 2, 1944, to Camden, New Jersey. (Pacific Electric, Southern Pacific.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44–1731; Filed, February 4, 1944; 11:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 149 Under MPR 136, as Amended]

USED CONSTRUCTION EQUIPMENT FOR OVERSEAS TROOP USE

AUTHORIZATION OF MAXIMUM PRICE

Order No. 149 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, *It is hereby ordered:*

(a) That any seller may sell and deliver to the United States Army Corps of Engineers, and the United States Army Corps of Engineers may purchase and receive, any used construction equipment purchased for overseas use by the armed forces of the United States at a maximum price (to be calculated after the rebuilding of the equipment) which, after adding the cost of rebuilding and reconditioning such equipment by the said Corps of Engineers, shall not exceed a total of 85% of the new base price of the equipment (as "new base price" is defined in § 1390.11 of Maximum Price Regulation 136, as amended). Each such transaction shall be accompanied by a statement in writing by the procuring office or officer, or other competent agency, to the effect that the purchase is made at a price not exceeding the maximum price hereby authorized by the Office of Price Administration. Such written statement may be contained in the purchase order authorizing the transaction but in any event a copy of such statement shall be given to the seller.

(b) Any provisions of § 1390.11 which require a seller to furnish a guaranty, and the provisions relating to the maximum prices applicable to the sale of used construction equipment so far as they are inconsistent with the authorization granted by this order, are hereby superseded with respect to the purchase of used construction equipment made pursuant to and in conformity with paragraph (a) above of this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective February 3, 1944.

Issued this 3d day of February 1944.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 44-1717; Filed February 3, 1944; 4:28 p. m.]

Regional and District Office Orders.

[Region IV Order G–17 Under RMPR 122, Amdt. 1]

SOLID FUELS IN TOCCOA, GA., AREA

Amendment No. 1 to Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix I, maximum prices for solid fuels in the City of Toccoa and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G–17, *It is hereby ordered*, That paragraph (m) of said Order No. G–17 be amended by adding a new sub-paragraph thereto, designated (m) (1), to read as set forth below:

(m) • • •

(1) *Appendix I; Maximum prices for specified solid fuels in Toccoa, Georgia.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Toccoa, Georgia, and the area lying within twenty miles of said corporate limits by the most direct highway route shall be as follows:

(i) *"Direct delivery or domestic" basis.*

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT NO. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Block	$9.40	$4.70	$2.48
Egg	9.00	4.50	2.38
Stoker	8.20	4.10	2.18

(ii) *Special sales and services.* (a) Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 40¢ per ton.

(b) Sack coal: For coal sold in sacks the dealer may charge not more than 50¢ per 100 pounds at the yard and 60¢ per 100 pounds delivered to the purchaser's premises.

(c) Yard sales: When the purchaser picks up coal at the dealer's yard, the dealer must reduce his domestic price at the rate of 50¢ per ton.

(d) Delivery zone: No extra charge for delivery may be made for deliveries within the corporate limits of Toccoa or within three miles of said corporate limits. For deliveries of a distance greater than three miles beyond the corporate limits of Toccoa, the dealer may make an additional charge of not more more than 10¢ per mile per ton for each mile beyond a point three miles from said corporate limits, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(e) Credit: No additional charge over the prices provided in this order may be made for credit.

This Amendment No. 1 to Order No. G–17 shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 22, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–1707; Filed, February 3, 1944; 2:28 p. m.]

[Region IV Order G–17 Under RMPR 122, Amdt. 2]

SOLID FUELS IN DALTON, GA., AREA

Amendment No. 2 to Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix II, maximum prices for solid fuels in the City of Dalton and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G–17, *It is hereby ordered*, That paragraph (m) of said Order No. G–17 be amended by adding a new subparagraph thereto, designated (m) (2), to read as set forth below:

(m) • • •

(2) *Appendix II; Maximum prices for specified solid fuels in Dalton, Georgia.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Dalton, Georgia, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(i) *"Direct delivery or domestic" basis:*

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT No. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Egg	$7.75	$4.13	$2.07
Block	8.30	4.40	2.20
Stoker	7.80	4.15	2.08
Slack	6.25	3.38	1.69

(ii) *Special sales and services.* (a) Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 50¢ per ton.

(b) Sack coal: For egg coal sold in sacks, the dealer may charge not more than 50¢ per 100 pounds.

(c) Yard sales: When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton. This does not apply to yard sales of sack coal, in which sales no reduction is required.

(d) Delivery zone: For deliveries beyond the corporate limits of Dalton, Georgia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(e) Credit: No additional charge over the prices provided in this order may be made for credit.

This Amendment No. 2 to Order No. G–17 shall become effective January 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 21, 1944.

JAMES C. DERIEUX,
Regional Adminstrator.

[F. R. Doc. 44–1708; Filed, February 3, 1944; 2:28 p. m.]

[Region IV Order G–17 Under RMPR 122, Amdt. 3]

SOLID FUELS IN ROME, GA., AREA

Amendment No. 3 to Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix III, maximum prices for solid fuels in the City of Rome and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G–17, *It is hereby ordered*, That paragraph (m) of said Order No. G–17 be amended by adding a new sub-paragraph thereto, designated (m) (3), to read as set forth below:

(m) • • •

(3) *Appendix III; Maximum prices for specified solid fuels in Rome, Georgia.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Rome, Georgia, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(i) *"Direct delivery or domestic" basis.*

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT No. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Egg	$8.10	$4.30	$2.28
Block	8.65	4.58	2.41
Stoker	7.45	3.98	2.11
Slack	5.50	3.00	1.63

(ii) *Special sales and services.* (a) Sack coal: For egg coal sold in 70 pound sacks the dealer may charge not more than 35¢ per sack and $1.00 for three sacks at the yard.

(b) Yard sales: When the buyer picks up egg and block coals at the yard, the dealer must reduce the domestic price $1.00 per ton. On sales of stoker coal at the yard the dealer must reduce the domestic price 75¢ per ton.

(c) Delivery zone: For deliveries beyond the corporate limits of Rome, Georgia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(d) Credit: No additonal charge over the prices provided in this order may be made for credit.

This Amendment No. 3 to Order No. G–17 shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 22, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–1709; Filed, February 3, 1944; 2:29 p. m.]

[Region IV Order G–17 Under RMPR 122, Amdt. 4]

SOLID FUELS IN MACON, GA., AREA

Amendment No. 4 to Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix IV, maximum prices for solid fuels in the City of Macon and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G–17, *It is hereby ordered*, That paragraph (m) of said Order No. G–17 be amended by adding a new subparagraph thereto, designated (m) (4), to read as set forth below:

(m) • • •

(4) *Appendix IV; Maximum prices for specified solid fuels in Macon, Georgia.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the City of Macon, Georgia, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(i) *"Direct delivery or domestic" basis.*

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT No. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Egg	$9.55	$4.90	$2.51
Egg (Blue Gem)	10.00	5.13	2.63
Block	10.15	5.20	2.66
Block (Mayflower, Blue Gem, Regal, Red Clover)	10.45	5.35	2.74
Stoker	9.05	4.65	2.39
Slack	7.50	3.88	2.00

(ii) *Special sales and services.* (a) Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 50¢ per ton.

(b) Sack coal: For egg coal sold in sacks at the yard, the dealer may charge not more than 60¢ per 100 pounds. For deliveries of not less than 10 sacks of egg coal, the dealer may charge not more than 60¢ per 80 pounds.

(c) Yard sales: When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton. This does not apply to yard sales of sack coal, in which sales no reduction is required.

(d) Quantity: On deliveries of more than 10 tons, the dealer must reduce the price 50¢ per ton.

(e) Delivery zone: For deliveries beyond the corporate limits of Macon, Georgia, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(f) Credit: If the buyer requests the dealer to extend credit, the dealer may add not more than 50¢ per ton for the extension of credit.

This Amendment No. 4 to Order No. G–17 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 27, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44–1710; Filed, February 3, 1944; 2:29 p. m.]

[Region IV Order G–17 Under RMPR, Amdt. 5]

SOLID FUELS IN COLUMBUS, GA., AND PHENIX CITY, ALA.

Amendment No. 5 to Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix V, maximum prices for solid fuels in Columbus, Georgia and Phenix City, Alabama.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G–17, *It is hereby ordered*, That paragraph (m) of said Order No. G–17 be amended by adding a new subparagraph thereto, designated (m) (5), to read as set forth below:

(m) • • •

(5) *Appendix V; Maximum prices for specified solid fuels in Columbus, Georgia, and Phenix City, Alabama.* The maximum prices for specified solid fuels sold and delivered within the corporate limits of the Cities of Columbus, Georgia, and Phenix City, Alabama, and the area lying within fifteen miles of said corporate limits by the most direct highway route shall be as follows:

(i) *"Direct delivery or domestic" basis.*

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT No. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.	Per ¼ ton, 500 lbs.
Lump or Block	$10.90	$5.70	$2.98
Egg	9.85	5.18	2.71
Blue Gem Egg	10.20	5.35	2.80
Stoker	9.70	5.10	2.68
Slack	7.00	3.75	2.00

HIGH VOLATILE BITUMINOUS COALS FROM DISTRICT No. 13

Lump	$10.85	$5.68	$2.96
Piper Lump	11.50	6.00	3.13
Montevallo	12.15	6.33	3.29
Stoker	9.10	4.80	2.53

(ii) *Special sales and services.* (a) Carry up or down stairs: Only if the buyer requests such service, the dealer may charge for such service a sum no greater than 75¢ per ton.

(b) Sack coal: For coal sold in sacks, the dealer may charge not more than 55¢ per 70 pounds at the yard, and not more than 65¢ per 70 pounds when delivered.

(c) Yard sales: When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price $1.00 per ton. This does not apply to yard sales of sack coal, in which sales no reduction is required.

(d) Delivery zone: For deliveries beyond the corporate limits of Columbus, Georgia, or Phenix City, Alabama, and within fifteen miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such cities, with a minimum charge of 50¢ for each such delivery, said mileage to be determined by the actual highway mileage from the said corporate limits to the point of delivery by the most direct highway route.

(e) Sales tax: The State sales tax of 2% may be added to the prices provided in this appendix for sales of coal in Phenix City, Alabama, and other Alabama delivery points.

(f) Credit: No additional charge over the prices provided in this appendix may be made for credit.

This Amendment No. 5 to Order No. G–17 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 27, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44–1711; Filed, February 3, 1944; 2:29 p. m.]

[Region V Order G–1 Under MPR 426]

LETTUCE IN THE KANSAS CITY DISTRICT

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director of the Kansas City District Office of Region V of the Office of Price Administration by virtue of the delegation of authority contained in Order No. 27 issued by the Regional Administrator of the Dallas Regional Office of the Office of Price Administration on July 13, 1943, pursuant to section 2 of Maximum Price Regulation No. 426—Fresh fruits and vegetables for table use, sales except at retail, *It is hereby ordered*, That:

A. The maximum prices for less-than-carlot and less-than-trucklot sales of the following lettuce items by a "first receiver" and a "secondary wholesaler" to any purchaser, including individual retail stores, commercial, industrial or institutional users, shall be:

Item	Maximum prices for "first receiver"	Maximum prices of "secondary wholesaler"
(1) Iceberg lettuce in L. A or Salinas crates containing not less than 48 heads with a minimum net weight of 60 lbs.	$4.90	$5.20
(2) All lettuce in any container except iceberg lettuce in L. A. or Salinas crates, and except hothouse lettuce. If any lettuce is sold with a net weight of less than 60 lbs. in any container or less than 48 heads in an L. A. or Salinas crate, such lettuce shall be priced under this Item 2 cents per lb.	8.2	8.7

(1) The maximum prices set forth above for both "first receiver" and "secondary wholesaler" are the maximum prices for sales of lettuce delivered to the physical premises of the purchaser, except that a "first receiver" who performs the function of delivering lettuce to the place of business of a retail store or commercial, industrial or institutional user located more than 25 miles from the place of business of the seller; or who performs the functions of selling and delivering lettuce in less than original containers to retail stores, commercial, industrial or institutional users may use the price established for sales of the item by "secondary wholesalers",

B. Maximum prices of the above described items of lettuce by growers in less-than-carlot or less-than-trucklot quantities shall be:

(1) On a sale to a retailer or a commercial, industrial or institutional user, the maximum price for the items set forth for "secondary wholesalers".

(2) On all other sales except to an ultimate consumer the maximum price for the item as set forth above for "first receiver".

(3) On a sale to an ultimate consumer, the maximum price established above for "secondary wholesaler" multiplied by 1.40: *Provided, however*, That such price may not exceed any community (dollars-

and-cents) ceiling prices established by the Kansas City District Office of the Office of Price Administration for fresh fruits and vegetables sold at retail under the provisions of General Order No. 51.

C. Sales by commission merchants:

(1) If a commission merchant makes a carlot or trucklot sale at a wholesale receiving point, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales established in Column 6 of Appendix A—Lettuce, of Maximum Price Regulation No. 426.

(2) If a commission merchant makes a less-than-carlot or less-than-trucklot sale to a retailer or a commercial, industrial or institutional user, his maximum price for that sale shall be priced either as established in Column 6 of Appendix A to Maximum Price Regulation No. 426, plus his commission established under Maximum Price Regulation No. 165, as Amended—Services, or the price established herein for sales by "secondary wholesalers" whichever is lower.

(3) If a commission merchant makes a less-than-carlot or less-than-trucklot sale to anyone other than a retailer or a commercial, industrial or institutional user, his price for that sale shall be either the price established in Column 6 of Appendix A to Maximum Price Regulation No. 426, plus his commission established under Maximum Price Regulation No. 165 as Amended—Services, or the price established herein for sales by a "first receiver", whichever is lower.

D. Definitions.

(1) "First receiver" means any person who purchases lettuce in carlot or trucklot quantities and who resells in less-than-carlot or less-than-trucklot quantities to other intermediate sellers, individual retail stores, or to commercial, industrial or institutional users.

(2) "Secondary wholesaler" means any person who purchases lettuce in less-than-carlot or less-than-trucklot quantities from a "first receiver" and who resells to individual retail stores or to commercial, industrial or institutional users.

(3) "Commission merchant" means any person who is the agent in the terminal market or other wholesale receiving point of a country shipper or other seller who receives lettuce on consignment and who distributes such lettuce on behalf of the principal.

(4) All words, terms and expressions not specifically defined herein shall have the same effect and meaning as in Maximum Price Regulation No. 426.

E. All sales not specifically covered by this Order No. G–1 shall remain subject to Maximum Price Regulation No. 426, and to the extent that any provisions of Maximum Price Regulation No. 426 are not inconsistent with the provisions of this order they shall remain in full force and effect.

F. This order shall become applicable to sales and deliveries made in that part of the State of Missouri lying west of and including the counties of: Putnam, Sullivan, Linn, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Webster, Christian, Taney, and to the counties of Johnson, Leavenworth and Wyandotte in the State of Kansas.

G. This order may be revoked, amended or corrected at any time.

H. This order shall become effective on the 1st day of February 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued at Kansas City, Missouri, this 28th day of January 1944.

J. G. CALLAWAY,
Director.

[F. R. Doc. 44–1712; Filed, February 3, 1944; 2:25 p. m.]

FEDERAL REGISTER

VOLUME 9 NUMBER 27

Washington, Tuesday, February 8, 1944

The President

EXECUTIVE ORDER 9419

BRONZE STAR MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

There is hereby established the Bronze Star Medal, with accompanying ribbons and appurtenances, for award to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, or Coast Guard of the United States on or after December 7, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military or naval operations against an enemy of the United States.

The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of War and the Secretary of the Navy, and may be awarded by the Secretary of War, or the Secretary of the Navy, or by such commanding officers of the Army, Navy, Marine Corps, or Coast Guard as the said Secretaries may respectively designate. Awards shall be made under such regulations as the said Secretaries shall severally prescribe, and such regulations shall, so far as practicable, be of uniform application.

No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations. The Bronze Star Medal or device may be awarded posthumously, and, when so awarded, may be presented to such representative of the deceased as may be designated in the award.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 4, 1944

[F. R. Doc. 44–1762; Filed, February 5, 1944; 10:15 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter I—War Food Administration (Standards, Inspections, Marketing Practices)

PART 33—EXPORT APPLE AND PEAR REGULATIONS

Pursuant to the provisions of the Export Apple and Pear Act, approved June 10, 1933 (48 Stat. 123; 7 U. S. C. 581 *et seq.*), and by virtue of the authority vested in the War Food Administrator, the following revision of Title 7, Chapter I, Part 33, Code of Federal Regulations, as amended (7 CFR, and Cum. Supp., 33.1–33.17), is promulgated:

DEFINITIONS

Sec.
33.1 Meaning of words.
33.2 Definitions.

ADMINISTRATION

33.3 Chief of Branch.

MISCELLANEOUS

33.4 Inspection service.
33.5 Form of certificate.
33.6 Analysis; certificate.
33.7 Delivery of certificate.
33.8 Requirements for shipments.
33.9 Method of inspection and certification.
33.10 Noncertificated shipments; handling.
33.11 Special certificates.
33.12 Issuance of certificate; requirements.
33.13 Minimum quality requirements for shipments in export.
33.14 Packing and marking requirements for shipments in export.
33.15 Fee for certificate.
33.16 Complaint, notice, hearing, and order.
33.17 Service of notice or order.
33.18 Less-than-a-carload lot.
33.19 Effective date.

AUTHORITY: §§ 33.1 to 33.19, inclusive, issued under 48 Stat. 124; 7 U.S.C. 587; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

DEFINITIONS

§ 33.1 *Meaning of words.* Words used in this part in the singular form

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FEDERAL REGISTER

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shall be deemed to import the plural, and vice versa, as the case may demand.

§ 33.2 *Definitions.* Each term defined in the act shall, when used in these regulations, have the same meaning as set forth in said act. When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(a) The term "act' 'or "Export Apple and Pear Act" means "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U.S.C. 1940 ed. 581 *et seq.*).

(b) The term "carrier" means any common or private carrier, including, but not being limited to, trucks, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Administration" means the War Food Administration of the Department.

(e) The term "Administrator" means the War Food Administrator or any officer or employee of the Department to whom the Administrator has heretofore delegated or may hereafter delegate the authority to act in his stead.

(f) The term "Director" means the Director of Food Distribution, Office of Distribution of the Administration or any officer or employee of the Department to whom the Director has heretofore or may hereafter delegate the authority to act in his stead.

(g) The term "Chief of Branch" means the Chief of the Fruit and Vegetable Branch, Office of Distribution of the Administration or any officer or employee of the Branch to whom there has heretofore been delegated or there may hereafter be delegated the authority to act in his stead.

(h) The term "apples" means fresh whole apples whether or not they have been in storage.

(i) The term "pears" means fresh whole pears whether or not they have been in storage.

(j) The term "Farm Products Inspection Act" means the following provision of the Department of Agriculture Appropriation Act, 1944, approved July 12, 1943 (57 Stat. 421), or any future act of Congress conferring similar authority:

For enabling the Secretary, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That officers and employees who, under proper authorization, use privately owned motor vehicles in the performance of official travel within the corporate limits of their official stations for the purpose of inspecting and grading farm and food products and the supervision thereof at points located within the said corporate limits may be reimbursed for such travel at a rate not to exceed 8 cents per mile: *Provided further*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(k) The term "certificate" or "export form certificate" means a statement that a designated lot of apples or pears meets the requirements of the Export Apple and Pear Act included in and made a part of (1) a certificate issued under the Farm Products Inspection Act or under § 14 of the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended (46 Stat. 531; 7 U.S.C. 1940 ed. 499a *et seq.*), or (2) a memorandum in a form approved by the Chief of Branch and issued in lieu of an export form certificate.

(l) The term "less-than-a-carload lot" means any lot of apples or pears of less than 400 bushels in packages.

ADMINISTRATION

§ 33.3 *Chief of Branch.* The Chief of Branch shall perform, for and under the supervision of the Administrator and the director, such duties as the Administrator or the Director may require in the enforcement or administration of the provisions of the act or these regulations.

MISCELLANEOUS

§ 33.4 *Inspection certificate.* The regulations issued under the Farm Products Inspection Act governing the inspection and certification of fresh fruits and vegetables, as amended (7 CFR 51.1 *et seq.*), and as the same may, from time to time, be amended, insofar as the aforesaid regulations apply to apples or pears, are hereby adopted and made a part of these regulations for the purposes of the act except when in conflict with specific regulations herein set forth; and all persons authorized to issue certificates of grade or condition under said Farm Products Inspection Act are authorized to issue the certificate required, under the act and under these regulations, for apples or pears.

§ 33.5 *Form of certificate.* A Farm Products Inspection Act certificate bearing in prominent letters across the face thereof the words "Export Form Certificate" shall, when issued hereunder, be issued only for apples or pears inspected and certified in accordance with the provisions of the act and these regulations and shall include the following printed or typed statement: "The apples or pears covered by this certificate meet the requirements of the Export Apple and Pear Act."

§ 33.6 *Analysis; certificate.* If the apples or pears in any shipment for export are to be analyzed for any spray residue and the chemist's report is not available at the time the inspection for grade is finished, the inspector may, if practicable, issue a certificate subject to its being rescinded within 48 hours after issuance should the chemist's analysis show that the apples or pears do not comply with the tolerances for any such spray residue established under the Federal Food, Drug, and Cosmetic Act, as amended (52 Stat. 1040; 21 U. S. C. 1940 ed. 301 *et seq.*).

§ 33.7 *Delivery of certificate.* If, at the time of billing for shipment in export, a certificate shall have been issued under the provisions of the act and these regulations, such certificate or a copy thereof, on a form approved by the Director, shall be delivered by the shipper or his agent to the initial carrier for delivery to the proper official of any carrier on which the apples or pears, covered by the certificate or the copy thereof, as aforesaid, are to be exported.

§ 33.8 *Requirements for shipments*—(a) *Export of apples or pears.* No person shall ship, offer for shipment, transport, or offer for transportation to a foreign country apples or pears in packages except in accordance and compliance with the requirements hereof and only if a certificate has been issued with respect to such apples or pears.

(b) *No acceptance for export without certificate.* A shipment of apples or pears in packages shall not be accepted for export by any carrier unless such shipment is accompanied by a certificate or a copy thereof, on a form approved by the Director, and such certificate or copy thereof has been surrendered to the carrier.

(c) *Split shipments.* When a certificate has been issued covering a lot of apples or pears and the shipper desires to export part of the lot by one carrier and part by another carrier, such certificate or copy thereof, as aforesaid, shall be delivered to each carrier.

(d) *Representation of issuance, without copy of certificate, not acceptable.* No carrier shall accept for shipment a

part of a lot of apples or pears in packages upon the representation by the shipper or his agent or by the initial carrier that a certificate has been issued covering the entire lot of such apples or pears, but shall require that such certificate or a copy thereof, as aforesaid, be delivered to such carrier.

§ 33.9 *Method of inspection and certification.* When a shipment of apples or pears in packages is made to a foreign country under a through bill of lading or under a bill of lading marked for export, the shipper shall, except as provided in § 33.18, secure inspection of the apples or pears in such shipment and deliver to the local agent of the carrier the certificate or copy thereof, as aforesaid, covering such shipment. Such local agent shall attach such certificate or copy thereof to the waybill or make a notation on the waybill that the fruit has been inspected and that a certificate has been issued. Inspection of a shipment of apples or pears in packages, not under a through bill of lading to a foreign country or not under a bill of lading marked for export, may be obtained at point of origin of such shipment, if inspection is available, or at any convenient point en route to or at destination.

§ 33.10 *Noncertificated shipments; handling.* Any person operating any carrier shall, within 72 hours after such carrier sails from any port, send to the Chief of Fruit and Vegetable Branch, Office of Distribution, War Food Administration, Washington 25, D. C., a list of all shipments of apples or pears in packages on board such carrier which are not accompanied by certificates or copies thereof, as aforesaid, and shall give all particulars with reference thereto, including, but not being limited to, destination, quantity, description, marks, names and addresses of shippers and consignees, and names of railroads or persons having delivered such shipments to such carriers, with car numbers or other means of identification. The furnishing of the foregoing information shall not relieve any person operating a carrier, as aforesaid, from liability under the act or these regulations if the facts warrant prosecution.

§ 33.11 *Special certificates.* A special certificate in compliance with the standards or requirements of any foreign country as to condition of apples or pears shall, as authorized by section 3 of the act, be issued as a part of, or in addition to, an export form certificate. A reasonable additional fee may be charged when the inspection necessary for the issuance of such special certificate requires additional time or an examination or certification at some time or place other than that at which the original inspection was made.

§ 33.12 *Issuance of certificate; requirements.* The issuance of a certificate does not excuse any person who fails to comply with any regulatory laws or requirements applicable to apples or pears shipped in foreign commerce. No certificate shall be issued except upon a showing satisfactory to the Chief of Branch that the apples or pears shipped in foreign commerce comply with the tolerances for any arsenical or lead spray residue established under the Federal Food, Drug, and Cosmetic Act, as aforesaid.

§ 33.13 *Minimum quality requirements for shipments in export*—(a) *Apples.* Any lot of apples in packages shipped or transported in foreign commerce must meet each minimum requirement of the U. S. Utility or the U. S. Utility Early grade, as specified in the United States Standards for Apples, issued by the Department in October 1937 and reissued in October 1939, subject to the tolerances for the applicable grade, except that such apples shall not contain apple maggots and, of such apples, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of apples in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of apples meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Cannery Apples (1930), issued by the Department on July 23, 1930, and reissued on August 30, 1943, subject to an aggregate tolerance of 10 percent for defects of this grade.

(b) *Pears.* Any lot of pears in packages shipped or transported in foreign commerce must meet each minimum requirement of the applicable U. S. No. 2 grade, as specified (1) in the U. S. Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties, effective June 27, 1940, issued by the Department on June 26, 1940, and reissued September 3, 1942, or (2) in the U. S. Standards for Winter Pears, such as Anjou, Bosc, Nellis, Comice, and other similar varieties, effective July 8, 1940, issued by the Department on June 28, 1940, and reissued on May 20, 1942, subject to the tolerances permitted for such applicable grade, except that such pears shall not contain apple maggots and, of such pears, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of pears in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of pears meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Pears for Canning, effective June 12, 1939, issued by the Department on June 6, 1939, and reissued September 13, 1939, subject to an aggregate tolerance of 10 percent for defects of this grade.

(c) *Exception to maturity requirements.* Any lot of apples or pears in packages shipped to a transpacific port need not comply with the maturity standards of the applicable grade, as aforesaid, if the packages are conspicuously marked or branded with the words "Immature fruit."

§ 33.14 *Packing and marking requirements for shipments in export*—(a) *Packages; packing.* Each package shall be packed so that the apples or pears in the shown face shall be reasonably representative in size, color, and quality of the contents of the package.

(b) *Packages; marking.* Any package of apples or pears shipped in foreign commerce shall be plainly and conspicuously marked with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the grade names, not lower than those specified in § 33.13; and (4) the numerical count or the minimum size of such apples or pears.

§ 33.15 *Fee for certificate.* The fee for the issuance of a certificate shall be the fee charged at that time and place where a certificate is issued for an inspection made under the Farm Products Inspection Act: *Provided,* That when any lot of apples or pears, with respect to which a farm products inspection certificate has been issued stating that the fruit meets the requirements of the act and these regulations, arrives at any terminal market or point of export, an export form certificate may be substituted for such farm products inspection certificate for a fee of $1.00, or, for a similar fee, such farm products inspection certificate may be stamped with the words "Export Form Certificate."

§ 33.16 *Complaint, notice, hearing, and order.* Upon receipt of complaint from any person alleging that any apples or pears have been shipped or transported in foreign commerce in violation of any of the provisions of the act or these regulations, the Director shall cause such investigation of the facts to be made as he deems proper. If it appears from the investigation that there has been a violation of the act or these regulations, the Director shall cause notice to be given to the person accused of the nature of the charges against him and of the specific cases in which violation of the act or these regulations is charged. The person accused shall be given an opportunity for a hearing not less than 10 days after notice of such hearing has been served upon him. At such hearing the person complained of will be entitled to be present in person or by counsel and to submit evidence and arguments in his behalf. Any order to withhold the issuance of a certificate, as provided in § 6 of the act, will be effective from the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Administrator under the Farm Products Inspection Act shall issue any certificate to such person.

§ 33.17 *Service of notice or order.* Service of any notice or order required by the act or prescribed by these regulations shall be deemed sufficient if made by registered mail or personally upon the person served. If it is impossible to make service, as aforesaid, upon the person named in the notice or order, service may be made by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode. If the person named is a partnership, association, or corporation, service may similarly be made with respect to any member of the partnership or any officer, employee, or agent of the association or corporation.

§ 33.18 *Less-than-a-carload lot.* Any shipment of less-than-a-carload lot of apples or pears to Mexico, Cuba, the West Indies, Bahamas, Bermuda Islands, Newfoundland, or to other islands adjacent to North America, or to any country in Central America or South America except Argentina, or to any African port not on the Mediterranean Sea, or to any transpacific port, need not comply with the requirements of the act or these regulations: *Provided,* That any shipment of apples or pears of less than 200 pounds gross weight in packages to any foreign destination shall not be subject to the provisions of the act or these regulations.

§ 33.19 *Effective date.* This revision shall become effective at 12:01 a.m., e.w.t., March 6, 1944.

It is directed that, within one week of its promulgation, notice of this revision and of the effective time thereof shall be published in at least two trade papers of the fruit industry.

Issued at Washington, D. C., this 5th day of February 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1839; Filed, February 7, 1944; 11:24 a.m.]

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 65—OFFICIAL UNITED STATES STANDARDS FOR PALATABILITY SCORES FOR DRIED WHOLE EGGS

PREPARATION OF SAMPLES, AND SCORES FOR DRIED WHOLE EGGS

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1944, approved July 12, 1943 (Pub. L. No. 129, 78th Cong., 1st Sess., 57 Stat. 421), and by virtue of the authority vested in the War Food Administrator, the following standards for palatability scores for dried whole eggs that shall be employed for the grading and certification for palatability scores for dried whole eggs by official graders of the War Food Administration are hereby prescribed and promulgated:

§ 65.1 *Preparation of samples for palatability tests.* Reconstitute 30 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a 250 to 400 ml. pyrex beaker by adding a third of the water, mixing until smooth and then adding the remainder of the water slowly while stirring. Place the beaker in gently boiling water and stir the reconstituted egg while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for palatability test.

§ 65.2 *Palatability scores for dried whole eggs.*

Score	Description of quality	Grades
8	No detectable off flavor, comparable to high quality fresh shell egg	Household grades. Acceptable as scrambled egg.
7½	Barely detectable off flavor	
7	Slight but not unpleasant off flavor	
6½	Fairly definite but not unpleasant off flavor	Commercial grades. Suitable only for bakery and similar uses.
6	Definite off flavor which may be slightly unpleasant	
5	Unpleasant off flavor	
4	Definite unpleasant off flavor	Products unsuitable for household grades or commercial grades.
3	Extremely unpleasant off flavor	
2	Repulsive flavor or flavor due to slight decomposition	
1	Strong repulsive flavor or flavor due to decomposition	
0	Extremely repulsive flavor or flavor due to extreme decomposition	

The foregoing standards shall become effective at 12:01 a. m., e. w. t., February 7, 1944.

(Pub. Law 129, 78th Cong., 57 Stat. 421; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 5th day of February 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1841; Filed, February 7, 1944; 11:19 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 80-1, Amdt. 2]

PART 1405—FRUITS AND VEGETABLES

ALLOCATION OF PROCESSED CONCORD GRAPES

Food Distribution Order No. 80-1, § 1405.29, issued on September 22, 1943, by the Director of Food Distribution, as amended (8 F.R. 12963, and 13970), is further amended by deleting therefrom the provisions in § 1405.29 (b) (2) (iii) and inserting, in lieu thereof, the following:

(iii) The quantity remaining, after allocations have been made from the processed Concord grapes in accordance with the provisions contained in paragraphs (b) (2) (i) and (b) (2) (ii) above, is released from the set-aside restrictions contained in § 1405.25 (b) (4) of Food Distribution Order No. 80, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said Food Distribution Order No. 80-1, prior to the effective time of this amendment, all of the provisions of the said Food Distribution Order No. 80-1 in effect prior to the effective time of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, appeal, right, or liability.

This amendment to said Food Distribution Order No. 80-1 shall become effective at 12:01 a. m., e. w. t., February 6, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 80, as amended, 8 F.R. 12527, and 13970)

Issued this 3d day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F.R. Doc. 44-1737; Filed, February 4, 1944; 12:43 p. m.]

[FDO 75, Amdt. 11]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F.R. 11119, 14508, 15684, 15772, 16353, 16587, 16675, 16887, 17290, 9 F.R. 51, 237), § 1410.15, issued under authority of the War Food Administrator on August 9, 1943, is further amended by amending (b) (2) to read as follows:

(2) Until March 17, 1944, any farmer may, without a license or permit, slaughter swine owned by him and deliver the meat derived therefrom.

This order shall become effective at 12:01 a. m., e. w. t., February 4, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 3d day of February 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1738; Filed, February 4, 1944; 12:43 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50999]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

PURCHASE OF IN-BOND SEALS BY CARRIERS

Section 24.13, Customs Regulations of 1943 (19 CFR 24.13), is hereby amended as follows:

The third sentence of paragraph (b) is amended to read:

Seals used for sealing merchandise for customs purposes other than for (1) shipping in bond, (2) shipping by other than a bonded common carrier in accordance with section 553, Tariff Act of 1930, as amended, or (3) shipping in

transit shall be uncolored and stamped "U. S. Customs."

The first sentence of paragraph (f) is amended to read:

In-bond seals may be purchased only by customs bonded carriers or by non-bonded carriers who are permitted to transport articles in accordance with section 553 of the tariff act, as amended. (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

FEBRUARY 3, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F.R. Doc. 44-1792; Filed, February 7, 1944; 9:41 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

PETITIONS FOR REVIEW

The National War Labor Board has adopted the following amendments:

In § 802.38 *Petitions for review* (8 F.R. 16712), the first sentence is changed to read:

Within fourteen days after an agent of the Board mails to a party a ruling denying or modifying a voluntary application for approval of a wage or salary adjustment, or remits to him a directive order in a dispute case, such party may mail to the Board at Washington, D. C., an original and four copies of a petition, including supporting documents, seeking review by the Board of such ruling or directive order.

In § 802.30 *The answer* (8 F.R. 16712), the first sentence is changed to read:

Within fourteen days after a copy of a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail to the Board an answer to the petition.

In § 802.43 (b) (1) (8 F.R. 16712), the second sentence is changed to read:

A petition for reconsideration of any provision of the Board's order which effects a change in the order of the agent may be mailed to the Board by any party within fourteen days from the date that the order was mailed to such party.

(E.O. 9017, 9250; 7 F.R. 237, 7871)

Adopted January 10, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-1741; Filed, February 4, 1944; 2:43 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Rev. Reg. 11]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON ANTHRACITE COAL

To effectuate the purposes of Executive Order No. 9332, Regulation No. 11 is hereby superseded by the following revised regulation:

§ 602.201 *Definitions.* (a) for the purposes of this revised regulation, the definitions contained in Solid Fuels Administration for War Revised Regulation No. 2, as amended, shall be the meaning of the words "anthracite," "producer," "wholesaler," "destination," "person," and "base period."

(b) "Retail dealer" means any person (including the retail outlet, branch or department of a person who is also a producer or wholesaler) who acts in the capacity of a seller of anthracite in a transaction involving the sale, or sale and delivery, of broken bulk anthracite, physically handled in less than carload lots without regard to quantity or frequency of delivery.

§ 602.202 *Restriction on shipments by wholesalers or producers.* Prior to April 1, 1944, no wholesaler or producer shall ship anthracite (including anthracite to be used in poultry brooders or hatcheries) in any calendar month to any destination or retail dealer in excess of 1/24th of the total tonnage shipped all-rail to such destination or retail dealer during the base period: *Provided, however,* That this restriction shall not apply to destinations or retail dealers in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and the Dominion of Canada; *And provided, further,* That this restriction on shipments shall not apply to anthracite owned by any producer or wholesaler and stored on docks or any other storage facilities located in the area to which this restriction applies.

§ 602.203 *Restriction upon anthracite deliveries by certain retail dealers.* Each retail dealer, located within the area to which the restriction provided in §602.202 of this revised regulation applies, who receives anthracite pursuant to that section, shall accord preference in deliveries of such anthracite to consumers who require it for use in base burners, magazine type heaters or boilers, anthracite stokers, bakeries, or poultry brooders and hatcheries.

§ 602.204 *Action under other regulations.* Nothing contained in this revised regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1, or under any other Regulation heretofore or hereafter promulgated by him.

§ 602.205 *Limitations upon applicability of this revised regulation.* The restrictions of this revised regulation shall apply only to anthracite shipped for use by a consumer for space heating, domestic hot water or domestic cooking, and this revised regulation shall not be applicable to and shall not in any wise be deemed to restrict shipments of anthracite to any industrial plant for use in the process of manufacturing or generating steam for industrial use or for space heating which is incidental thereto: *Provided however,* That the buyer, when placing his order, shall certify in writing that the anthracite covered by such order is to be used only by an industrial plant in the process of manufacturing or generating steam for industrial use or for space heating which is incidental thereto, as the case may be.

§ 602.206 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this revised regulation.

§ 602.207 *Violations.* Any person who violates any provision of this revised regulation, or who obtains delivery of anthracite in violation of this revised regulation, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. Sec. 80) or under the Second War Powers Act (Pub. No. 507, 77th Cong., March 27, 1942).

§ 602.208 *Applications for modification and exception.* Any application for modification of or exception from any provision of this revised regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

§ 602.209 *Regulations modified hereby.* (a) This revised regulation modifies the provisions of Revised Regulation No. 2, as amended, in respect to shipments to be made to destinations and retail dealers within the area to which the restriction provided in § 602.202 of this Revised Regulation applies. In all other respects and with regard to all other areas, Revised Regulation No. 2, as amended, remains in full force and effect.

(b) The provisions of Regulation No. 5 shall not be applicable to orders for anthracite for use in poultry brooders or hatcheries placed by any retail dealer or any operator of a poultry brooder or hatchery located within the area to which the restriction provided in § 602.202 of this revised regulation applies. Regulation No. 5 remains in full force and effect with regard to all other areas.

This revised regulation shall take effect forthwith.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 4th day of February 1944.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44-1802; Filed, February 7, 1944; 10:13 a. m.]

[Reg. 14]

PART 602—GENERAL ORDERS AND DIRECTIVES

RECONSIGNMENT, DIVERSION, AND REROUTING SOLID FUELS IN TRANSIT

The Solid Fuels Administrator for War is authorized by Executive Order No. 9332 (8 F.R. 5355) to issue to persons engaged in the development, production, preparation, treatment, processing, storage, shipment, receipt and distribution of solid fuels within the United States, its territories and possessions such directions as are deemed necessary to provide adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements. In some instances, in order to meet emergency situations and in order to avoid inequitable distribution of solid fuels, it has been necessary to order the reconsignment, diversion or rerouting of solid fuels already in transit. Common carriers by railroad subject to the Interstate Commerce Act have been ordered by the Interstate Commerce Commission to accept reconsignment, diversion or rerouting orders from the Solid Fuels Administrator for War (Service Order No. 177, 9 F.R. 64). It would be helpful to clarify the procedure of reconsigning, diverting or rerouting solid fuels in transit. Therefore, in order to effectuate the provisions of Executive Order No. 9332, and by virtue of the authority conferred by that order, the following regulation is issued by the Solid Fuels Administrator for War:

§ 602.250 *Definitions.* (a) "Solid fuels" includes all forms of anthracite, bituminous, sub-bituminous and lignitic coals (including packaged and processed fuels, such as briquettes).

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(c) "Producer" means any person (except when engaged in retail dealer transactions) engaged in the business of mining or preparing solid fuels (or the sales agent of such person).

(d) "Wholesaler" means any distributor, jobber, forwarder, commercial dock operator (river, lake, or tidewater), or other persons (except when engaged in retail dealer transactions) who acts in the capacity of a seller in a transaction involving the resale of solid fuels.

(e) "Retail dealer" means any person (including the retail outlet, branch or department of a person who is also a producer or wholesaler) who acts in the capacity of a seller of solid fuels in a transaction involving the sale, or sale and delivery, of broken bulk solid fuels, physically handled in less than carload lots without regard to quantity or frequency of delivery.

§ 602.251 *Solid fuels in transit are subject to reconsignment, diversion or rerouting by or at the direction of the Solid Fuels Administration for War.* No producer or wholesaler shall ship or distribute solid fuels, and no person shall receive or arrange for the receipt of solid fuels, except upon condition that such solid fuels may be reconsigned, diverted or rerouted in transit by the Solid Fuels Administration for War.

§ 602.252 *Invoicing procedure.* Any person who is directed to reconsign, divert or reroute solid fuels in transit, or who has been notified by the Solid Fuels Administration for War that solid fuels shipped by such person have been reconsigned, diverted or rerouted in transit by the Solid Fuels Administration for War, should invoice the new consignee who will have been instructed by the Solid Fuels Administration for War to remit promptly to the original consignor the value of the solid fuels indicated in the invoice and to pay all transportation and other proper charges.

§ 602.253 *Notification to consignor and consignee by the Solid Fuels Administration for War.* Upon any reconsignment, diversion or rerouting by the Solid Fuels Administration for War of solid fuels in transit, the Solid Fuels Administration for War will notify the consignor and the original and new consignee of the direction which has been issued or the reconsignment, diversion or rerouting which has occurred.

§ 602.254 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this regulation.

§ 602.255 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 or under any other regulation.

This regulation shall become effective immediately.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 4th day of February 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44-1803; Filed, February 7, 1944, 10:13 a. m.]

[Reg. 15]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON COAL SHIPMENT VIA GREAT LAKES

In order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority conferred by that order, the following regulation is issued by the Solid Fuels Administrator for War:

§ 602.265 *Definitions.* For purposes of this regulation:

(a) "Coal" means all bituminous, semi-bituminous and sub-bituminous coal having calorific value in British thermal units of more than seven thousand six hundred per pound or more and having a natural moisture content in place in the mine of less than 30 per centum.

(b) "Person" means any person, partnership, association, business, trust, corporation, government corporation or agency, or organized group of persons.

(c) "Producer" means any person to the extent that he is engaged in the business of mining coal at a mine producing 50 tons per day or more, or at a mine having rail or river shipping facilities regardless of tonnage produced, or any person who operates a central washery or preparation plant, or the sales agent of such persons.

(d) "Wholesaler" means any person, except a receiver, to the extent that he purchases and resells coal in not less than cargo or railroad car lots and shall include, without limitation, distributors, jobbers and cooperatives.

(e) "Receiver" means any commercial dock operator and any industrial consumer, or railroad, to the extent that he or it receives coal by vessel or barge at a dock or other unloading facility located on the Great Lakes.

§ 602.266 *Restrictions on shipments of coal via the Great Lakes except on contracts made before March 1, 1944.* (a) Producers, wholesalers and lake forwarders are prohibited from shipping any coal via the Great Lakes to any receiver except in accordance with a contract for such coal made on or before February 29, 1944, or in accordance with instructions or directions issued by the Solid Fuels Administration for War.

(b) No receiver in the United States shall accept any coal shipped via the Great Lakes except in accordance with a contract for such coal made on or before February 29, 1944, or in accordance with instructions or directions issued by the Solid Fuels Administration for War.

(c) Shipments may be made on any contract made on or before February 29, 1944, for the sale or delivery of coal to a receiver, unless prohibited by directions or regulations hereafter issued by the Solid Fuels Administration for War.

§ 602.267 *Information and reports to be filed.* (a) Each producer, wholesaler and lake forwarder of coal shall file on or before March 1, 1944, a report indicating, among other things, the tonnages, by sizes of coal (including vessel fuel) shipped to or via the Great Lakes during the 1942 season and the 1943 season of lake navigation, the names and locations of the purchasers or receivers and the total tonnage (including vessel fuel) contracted for prior to March 1, 1944, to be shipped to or via the Great Lakes during the 1944 season of lake navigation.

(b) Each receiver of coal shall file on or before March 1, 1944, a report indicating, among other things, the tonnages by producers, mines, sizes, and seams or kinds received during the 1942 and 1943 seasons of lake navigation and the tonnages of coal by producers, mines, sizes and seams or kinds contracted for prior to March 1, 1944, for shipment during the 1944 season of lake navigation. Each such receiver shall also report the tonnages of coal by sizes and seams or kinds which will be necessary in addition to the amount of coal for which contracts have been made, to meet the receiver's minimum requirements for coal during the period beginning May 31, 1944 and ending May 31, 1945.

(c) The reports required to be made pursuant to this section by producers, wholesalers, lake forwarders and receivers shall be filed in duplicate with the Solid Fuels Administration for War, Washington 25, D. C., on forms to be

prescribed by it and shall show to the extent required by such forms the data required to be reported in accordance with this section.

§ 602.268 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this regulation.

§ 602.269 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 or under any other regulation.

§ 602.270 *Approval of Bureau of the Budget.* The reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 602.271 *Violations.* (a) Any person who wilfully violates any provision of this regulation or who, by any act or omission, falsifies records kept or information furinshed in connection with this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment.

(b) Any person who wilfully violates any provision of this regulation may be prohibited from delivering or receiving any material under priority control or such other action may be taken as is deemed appropriate.

This regulation shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.)

Issued this 4th day of February 1944.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44-1804; Filed, February 7, 1944; 10:13 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

SPECIAL INSTRUCTIONS AND REISSUANCE OF EXPIRED LICENSES

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), as amended, §§301.19 (b), 301.20 (e) and 301.23 (e) of the regulations under the Federal Explosives Act heretofore promulgated [1] are hereby amended to read as follows:

§ 301.19 *Special instructions for manufacturers.* * * *

(b) *Copies of licenses.* Every manufacturer of explosives shall furnish a certified or photographic copy of each of his licenses to each of his branch offices and shipping magazines and a certified or photographic copy of at least one of his licenses to each of his salesmen who handles or demonstrates explosives or ingredients.

§ 301.20 *Special instructions for industries using explosives.* * * *

(e) *Posting regulations.* Every licensed owner or operator of an industry using explosives shall keep posted upon the premises and available to his employees a copy of these regulations. Free copies may be obtained from licensing agents, explosives investigators and district and subdistrict offices of the Bureau of Mines, or by writing to the Explosives Control Division, Bureau of Mines, Department of the Interior, Washington 25, D. C.

§ 301.23 *Reissuance of expired licenses.* * * *

(e) *Expired license part of record.* Every expired license shall be preserved as a part of the records of the licensee to whom issued, and every certified or photographic copy of every license shall be preserved as a part of the records of the licensee to whom issued or shall be preserved by the person to whom such copy is furnished by the licensee.

R. R. SAYERS,
Director

Approved: February 2, 1944.

MICHAEL W. STRAUS,
First Assistant Secretary, Department of the Interior.

[F. R. Doc. 44-1794; Filed, February 7, 1944; 10:09 a. m.]

[1] 7 F.R. 305, 1103, 1976, 3876, 4758, 5901, 6175, 9606; 8 F.R. 1343, 3080, 4141, 15313.

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-451]

MISSION ELECTRIC COMPANY

Bernard Morrow is engaged in business under the name of Mission Electric Company at 19th and Valencia Streets, San Francisco, California. During the months of January through March, 1943, the company assembled about 85 radio phonograph combinations for the purpose of sale, without preference ratings, to the general public. Most of these instruments were sold later in 1943. Such assembly constituted a wilful violation of Limitation Order L-183, with the provisions of which Mr. Morrow had ample opportunity to become familiar.

This violation of Limitation Order L-183 has hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.451 *Suspension Order No. S-451.* (a) Bernard Morrow, doing business as Mission Electric Company, or otherwise, his successors or assigns, shall not directly or indirectly, acquire, or manufacture electronic equipment, as defined in Limitation Order L-265, except for use in the maintenance or repair of electronic equipment.

(b) Nothing contained in this order shall be deemed to relieve Bernard Morrow, doing business as Mission Electric Company, or otherwise, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 4, 1944 and shall expire April 4, 1944.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1747; Filed, February 4, 1944; 4:36 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-454]

SOUTHERN HEATER COMPANY, INC.

Southern Heater Company, Inc., 844 Baronne Street, New Orleans, Louisiana, is a distributor of plumbing and heating equipment. During the period from October 10, 1942 through January 1, 1943, Southern Heater Company, Inc., sold and delivered to ultimate consumers 31 new metal floor furnaces, amounting in value to more than $4,000, in violation of Limitation Order L-79. Since at the time of the sales the company knew of the terms of Limitation Order L-79, its violations of that order have been deemed wilful.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting critical equipment to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.454 *Suspension Order No. S-454.* (a) Deliveries of materials to Southern Heater Company, Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Southern Heater Company, Inc., its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve the Southern Heater Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on 4th day of February 1944 and terminate on 4th day of April 1944.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1748; Filed, February 4, 1944; 4:38 p. m.]

PART 1170—USED RAIL AND USED RAIL JOINTS

[Limitation Order L-88 as Amended Feb. 5, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of used rail and used rail joints for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1170.1 *Limitation Order L-88*—(a) *What this amended order does.* This amended order keeps the previous control over the disposition of used rail of reroll or scrap grade. However, there is no longer any similar control over used rail of relayer grade or any obligation to furnish used rail after each receipt of new rail.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, government corporation or agency, or any organized group of persons, whether incorporated or not, except the Army or Navy of the United States and the United States Maritime Commission.

(2) "Rail" means the steel rolling mill shape known as the "tee rail," but does not include high tee rail from street car tracks.

(3) [Deleted Feb. 5, 1944.]

(4) "Used rail" means rail (weighing not less than 35 pounds nor more than 132 pounds per yard in length, weight determination based on steel rolling mill weight descriptions) which has been released from track by the laying of new replacement rail or used rail or by retiral of the track as a transportation facility.

(5) [Deleted Feb. 5, 1944]

(c) *Restrictions on disposition of used rail of reroll and scrap grades.* No person shall sell, transfer or otherwise dispose of any used rail of reroll grade or scrap grade in any amount exceeding 10 tons per month, unless specifically authorized in writing by the War Production Board. This restriction does not apply to used rail of relayer grade, nor does it prevent any person from using used rail of any grade in his own tracks.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, sales and use of used rail.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this order or otherwise.

(i) *Communications.* All communications concerning this order should be addressed to Scrap Unit, Steel Division, War Production Board, Washington 25, D. C., Ref.: L-88.

(j) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board, as amended from time to time.

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1757; Filed, February 5, 1944; 11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Direction 1]

SPECIAL PROCEDURE FOR GA 1456 AUTHORIZATION

The following direction is issued pursuant to CMP Regulation 6:

(a) *What this direction does.* (1) GA 1456 is the form used in authorizing agricultural, commercial and industrial construction and all other kinds of construction except as indicated in paragraph (a) (2) below, and in giving priorities assistance needed in connection with the construction authorized. The form is also used in granting priorities assistance needed for construction work of the kind mentioned even though no authorization to do construction is needed. This direction tells how to buy controlled materials and other products and materials needed to carry on the construction work described in the form.

(2) This direction does not apply to a person doing construction work which has been authorized or rated on forms other than GA 1456. Other forms are used for housing (except farm houses, certain apartment buildings and hotels which use a GA 1456); for certain kinds of construction carried on by the Army and Navy; for water, gas, steam heating, electric power, telephone and telegraph facilities for use by the public; for petroleum facilities; and for certain other specialized kinds of construction which are provided for under blanket orders of the WPB or by special authorization forms. CMP Regulation No. 6 and other directions to that regulation tell how construction of the kinds mentioned in this sub-paragraph (a) (2) is handled under the Controlled Materials Plan.

(b) *Applications and authorizations.* An application for an authorization on form GA 1456 should be made on form WPB-617. An application to amend an authorization on GA 1456 should also be made on form WPB-617. The authorization on form GA 1456 will contain various provisions limiting the kinds of material which may be used in the job and the type of construction which is permitted. The allotment symbol and preference rating may only be used to order materials and equipment needed to complete the project in accordance with the terms of the authorization.

(c) *Allotment symbol and preference rating.* The allotment symbol P-6 and the preference rating assigned by the GA 1456 authorization may be used to order all products, machinery, equipment and material, other than machinery and equipment of the kind that must be listed in section III of WPB-617, needed to complete the project. The symbol and rating may also be used to order those items of machinery and equipment of the kind that must be listed in section III of WPB-617 which have been approved under the terms of the authorization on GA 1456.

(d) *How to order materials.* (1) The allotment symbol may be used to order controlled materials and Class A products by:

(i) The applicant;

(ii) By manufacturers of Class A products or Class A components of Class A products to be incorporated in the project;

(iii) By contractors and sub-contractors doing all or any part of the construction work.

The applicant must not use the allotment symbol or give others the right to use it before he has received a GA 1456 authorization. A manufacturer, contractor or subcontractor must not use it, or give others the right to use it, unless he has received a statement in substantially the following form endorsed on the order or contract by the person placing it, signed manually or in the way explained in Priorities Regulation 7:

Serial Number ------ (identifying project). You are authorized to use the allotment symbol P-6 to order controlled materials and Class A products needed to fill this order or contract.

It is not necessary to show the quantities of controlled materials in this statement. Its use shall constitute a representation by the person signing it to the person with

whom the order or contract is placed, and to the War Production Board, subject to the penalties of section 35A of the United States Criminal Code, that he has the right to authorize the person with whom the order or contract is placed to use the allotment symbol to fill the order or contract. The standard form described in Priorities Regulation 7 cannot be used instead of the above statement.

(2) The preference rating may be used to order all materials other than controlled materials. If an applicant, contractor or subcontractor orders a Class A product the certificate described in Priorities Regulation 7 must be used in addition to the statement set forth in paragraph (d) (1) above. If a contractor or sub-contractor needs a preference rating to buy materials the rating may be given him by use of the certificate set forth in Priorities Regulation 7. In using the rating to buy all products and materials other than controlled materials or Class A products the certificate in Priorities Regulation 7 must be used and the allotment symbol F–6 must be used along with the preference rating for purposes of identification.

(3) Each person using the allotment symbol or preference rating must maintain at his regular place of business, for a period of two years, records of the right to use the symbol or preference rating, records, kept by serial number identifying the project, of the amount of materials ordered with the allotment symbol or rating and records showing that the materials so ordered were used for the purpose for which the right to use the symbol or rating was granted.

(4) The use of the allotment symbol F–6 will not be limited to any particular month or quarter and, therefore, no quarterly identification need be shown when using it. Authorized controlled material orders must, however, show the month in which delivery is requested. The allotment symbol may not be used in placing authorized controlled material orders after the expiration date of the project but delivery after such date may be specified on orders placed before then.

(5) The allotment symbol and preference rating must not be used to order materials in greater quantities, or on earlier dates, then needed for the construction. It may be used not only to order materials needed for the construction but also to replace in inventory materials used for the construction. Attention is called to CMP Regulation No. 2 which places a restriction on inventories of controlled materials which must be complied with.

(6) A person who has the right under this direction to use an allotment symbol in ordering controlled materials must endorse the symbol on his order and the form of certification set out in CMP Regulation No. 7, signed manually or in the way explained in Priorities Regulation No. 7. An order so endorsed is an authorized controlled material order (i) if it is a "delivery order" as defined in paragraph (b) (9) of CMP Regulation No. 6, (ii) if it is in sufficient detail to permit entry on mill schedules and (iii) if, when placed with a controlled materials producer, it is received at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(e) This direction shall become effective on February 15, 1944.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1758; Filed, February 5, 1944; 11:16 a. m.]

PART 3208—SCHEDULED PRODUCTS

[Table 8 to General Scheduling Order M–293, Direction 1 as Amended Feb. 5, 1944]

PRODUCTION OF BOILERS FOR STOCK

The following amended direction is issued pursuant to Table 8 to General Scheduling Order M–293:

In order to conserve materials and manufacturing facilities for the production of land power boilers, boiler units and auxiliaries listed on Table 8 of General Scheduling Order M–293, and to prevent the accumulation of duplicate stocks of such boilers, units and auxiliaries in the hands of manufacturers, dealers and warehouses, the following Direction under Table 8 of M–293 is issued:

(1) Notwithstanding the provisions of Priorities Regulation 1, or of paragraphs (c) (2) and (d) (2) of General Scheduling Order M–293, no manufacturer shall, without specific authorization from the War Production Board, begin production of any boiler, boiler unit or auxiliary listed on Table 8 of General Scheduling Order M–293, which the manufacturer knows, or has reason to believe, will be held in the stock of any manufacturer, wholesaler, dealer or any other person rather than shipped directly for installation.

(2) Application for such specific authorization should be made by letter addressed to War Production Board, Washington 25, D. C., Reference M–293, Table 8.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1759; Filed, February 5, 1944; 11:25 a. m.]

PART 3286 [1]—MISCELLANEOUS MINERALS

[General Preference Order M–109 as Amended Feb. 5, 1944]

ROUGH DIAMONDS

Section 3286.26 [1] *General Preference Order M–109* is hereby amended to read as follows:

§ 3286.26 *General Preference Order M–109*—(a) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations as amended from time to time.

(b) *Reports of stocks.* Every dealer, toolmaker, and cutter and polisher, and every other person other than a consumer, who at any time during the calendar quarter ending March 31, 1944, or at any time during any calendar quarter thereafter, has title to 250 carats or more of rough diamonds in any form, including those incorporated in any unused tool or other industrial device, shall file Form WPB–749 (formerly PD–376) in duplicate with the War Production Board, on or before the 15th day of the month succeeding the end of the quarter.

(c) *Reports of sales or transfers of loose rough diamonds in quantities of 25 carats or more and of crushing bortz in quantities of 100 carats or more.* Beginning February 5, 1944, no person shall purchase, or otherwise acquire title to, and no person shall sell or otherwise transfer to any one purchaser, any crushing bortz in a quantity of 100 carats or more, or other rough diamonds, which have not been incorporated in a tool or other industrial device, in a quantity of 25 carats or more, in any calendar month, unless both purchaser and seller execute Form WPB–751 (formerly PD–377) in quadruplicate, signed manually or as provided in Priorities Regulation No. 7. One copy of the completed form shall be returned to the purchaser, one copy shall be retained by the seller, and two copies shall be filed by the seller with the War Production Board within 10 days after the sale or transfer to which the form relates.

(d) *Reports of imports.* Imports of rough diamonds shall not be subject to the provisions of paragraph (c). Beginning February 5, 1944, every person who imports any rough diamonds shall, within 10 days after receipt of each imported shipment, file with the War Production Board Form WPB–751 in duplicate, giving all the information required thereby to be furnished by the purchaser. Such report shall give the name of, but need not be signed by, the person from whom such imported rough diamonds were acquired.

(e) *Reports of sales or transfers of loose rough diamonds in quantities less than 25 carats, of crushing bortz in quantities less than 100 carats, and of rough diamonds in tools.* Beginning February 5, 1944, every person who makes any sale or transfer of loose rough diamonds in a quantity of less than 25 carats, or of crushing bortz in a quantity of less than 100 carats, or of rough diamonds (regardless of quantity) physically incorporated in an unused tool or other industrial device, shall file with the War Production Board on or before the 15th day of the month succeeding the month in which the sale or transfer occurred Form WPB–750 (formerly PD–378) in duplicate covering all sales and transfers made during the preceding month which have not been covered by certificates filed in accordance with paragraph (c).

(f) *Restrictions upon industrial sales.* Beginning February 5, 1944, no person shall sell or transfer rough diamonds not incorporated in a tool or other industrial device, and no person shall purchase or accept a transfer of rough diamonds not incorporated in a tool or other industrial device, unless:

(1) The sales or transfers aggregate less than 100 carats of crushing bortz or less than 25 carats of other rough diamonds to a single customer in a single calendar month: *Provided, however,* That all such sales or transfers shall be reported on Form WPB–750 in accordance with paragraph (e); or

(2) The sales or transfers are to fill orders bearing a preference rating of AA–5 or higher: *Provided, however,* That all such sales or transfers shall be reported on Form WPB–751 in accordance with paragraph (c), giving in each case, in addition to all other information required by such form, the preference rating of the order pursuant to which the sales or transfers were made; or

[1] Formerly Part 1131, § 1131.1.

(3) The sales or transfers are specifically authorized by the War Production Board in accordance with the following procedure:

When the sale or transfer has been negotiated, the seller or transferor shall immediately package and seal the diamonds and shall hold them subject to authorization or disapproval of the transaction by the War Production Board; and seller and purchaser shall immediately apply to the War Production Board for authorization to make the sale or transfer, upon Form WPB–751, plainly marked "Application" for this purpose, giving all the information required by the form. This application shall be executed by both the seller and the purchaser and shall be filed with the War Production Board, Empire State Building, New York, New York, Ref: M–109, in quadruplicate. If the seller has not received written authorization or disapproval of the transaction from the War Production Board within a period of 10 days from the date of filing the application with the War Production Board, the application shall be considered as having been disapproved. Sales or transfers made pursuant to express authorization shall be considered as having been duly reported for the purposes of paragraph (c).

The restrictions of this paragraph (f) shall apply to sales or transfers for export as well as to domestic transactions.

(g) *Restrictions upon cuttable sales.* Beginning February 5, 1944, except as authorized in writing by the War Production Board, no person shall sell, transfer, or use any rough diamond as a cuttable stone or for the purpose of making a gem therefrom, which he acquired as an industrial stone. If the stone was acquired as part of an allotment, assortment, or series of industrial stones, it shall be conclusively presumed that the stone is an industrial stone. Application for such authorization shall be filed with the War Production Board on Form WPB–751.

(h) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(j) *Communications and reports.* All reports, applications, and certificates required to be filed under this order and all communications concerning this order shall be addressed to: War Production Board, Empire State Building, New York, New York, Ref: M–109.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Definitions.* As used in this order:

(1) "Rough diamonds" means any diamond material that has not been cut and polished as a gem stone, and, unless otherwise stated, shall include rough diamonds incorporated in an unused tool or other industrial device.

(2) "Crushing bortz" means the lowest grade of rough diamonds, useful only after having been crushed into powder.

(3) "Dealer" means any person whose principal business, as far as concerns rough diamonds, is the buying and selling of rough diamonds, and who only incidentally, if at all, incorporates such diamonds in tools or other industrial devices, or cuts, polishes, or otherwise consumes them.

(4) "Toolmaker" means any person whose principal business, as far as concerns rough diamonds, is the manufacture of tools or other industrial devices containing diamonds, and who only incidentally, if at all, consumes in other ways, or sells rough diamonds.

(5) "Cutter and polisher" means any person whose principal business, as far as concerns rough diamonds, is the cutting or polishing, or cutting and polishing, of rough diamonds for use as gem stones, and who only incidentally, if at all, sells rough diamonds or consumes them in other ways. The term includes any person who has such cutting and polishing done for him by others under toll agreement or otherwise.

(6) "Consumer" means any person, other than a dealer, toolmaker, or cutter and polisher, who uses rough diamonds, either loose or incorporated in tools or other industrial devices, by applying them to some business or industrial use. The term does not include a trustee or agent who holds rough diamonds for the account of some other person, unless such other person is a consumer; nor does it include any person who holds rough diamonds for investment or speculative purposes.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1761; Filed, February 5, 1944; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L–215, as Amended Feb. 5, 1944]

TEXTILE, CLOTHING AND LEATHER MACHINERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of textile, clothing and leather machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.150 *General Limitation Order L–215*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Restrictions on purchases of textile, clothing and leather machinery.* No person (including dealers) shall, in any transaction of purchase, lease or rent, accept delivery of any machinery of the kinds on List A at the end of this order without obtaining the approval of the War Production Board on Form WPB–1823 (formerly PD–744) or Form WPB–617 (formerly PD–200). Application for such approval must be filed whether the machinery in question is new, used or rebuilt, unless exempted in paragraph (d) below.

In determining whether to grant or deny applications on Form WPB–1823, the War Production Board will give consideration to the following: availability of the type of machinery in question; the essentiality of the output of activity for which such machinery is to be used; the productive capacity and condition of the machinery to be replaced or supplemented; the labor supply in the area where the machinery is proposed to be used, and any other factors peculiar to the particular application.

(c) *Production and sales schedules of machinery manufacturers.* Each person constructing or assembling for sale or lease any machinery on List A, or reconditioning or rebuilding any textile machinery or equipment for sale or lease, shall file a schedule for the purpose of obtaining approval of his production and deliveries and shall keep his production and deliveries within the limits authorized on these schedules after they have been approved. No person whose operations are covered by this paragraph shall conduct such operations except in accordance with an approved schedule.

The schedule filed by manufacturers of textile machinery and cotton ginning and delinting machinery shall be on Form WPB–1805 (formerly PD–746), and shall be filed on or before the 15th day of each month. Schedules of manufacturers of other types of machinery on List A shall be filed on Form WPB–1806 (formerly WPB–745) not later than 15 days from the end of each calendar quarter.

(d) *Exceptions.* It shall not be necessary to file applications or schedules under paragraph (b) or (c) with respect to the following:

(1) Used or rebuilt textile machinery.

(2) The following tanning, shoe, shoe repairing and other leather working machinery:

(i) Used or rebuilt tanning machinery, whether sold, leased or rented;

(ii) Used or rebuilt shoe manufacturing machinery, whether sold, leased or rented, except eyeletting, clicking, dinking and skiving machinery;

(iii) New, used or rebuilt shoe repairing machinery sold for less than $50;

(iv) All other leather working machinery sold for less than $200, except

clicking, dinking and skiving machinery, and power driven eyeletting machines.

(3) Used or rebuilt industrial sewing machines, whether sold, leased or rented.

(4) [Deleted, Feb. 5, 1944.]

(5) Used or rebuilt cotton ginning and delinting machinery.

(6) Parts purchased for repair, maintenance or operating supplies, as defined in Preference Rating Order P–139.

(7) Parts and attachments to industrial sewing, clothing, shoe and leather working machinery, where such attachments are purchased only for conversion purposes.

(8) The delivery of machinery or attachments as a part of a transaction involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated and where the enterprise is to be continued and the products to be made are to be substantially the same in quantity and type.

It is not necessary to file any application or schedule under this order with respect to any type of machinery covered by General Limitation Order L–91.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Leather working machinery:
- Tanning machinery.
- Shoe manufacturing machinery.
- Shoe repairing machinery.
- Other leather working machinery.

Textile machinery and equipment (machinery and mechanical equipment used in mills for carding, combing, spinning, throwing, weaving, winding, knitting, printing, bleaching, dyeing and otherwise processing or finishing cotton, wool, silk, flax, hemp, jute and other fibers and products of these fibers.)

Industrial sewing machines.

Cotton ginning and delinting machinery.

NOTE: "Clothing machinery" was deleted from the restricted list on February 5, 1944.

[F. R. Doc. 44–1760; Filed, February 5, 1944; 11:16 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Conservation Order L–318, Revocation]

SPOT WELDING ELECTRODES

Section 1226.108 *Order L–318* is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of Spot Welding Electrodes remain subject to all applicable regulations and orders of the War Production Board.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1831 Filed, February 7, 1944; 11:14 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L–199 as Amended Feb. 7, 1944]

PLUMBING & HEATING TANKS

§ 3288.6 *General Limitation Order L–199*—(a) *Definitions.* For the purpose of this order:

(1) "Tank" means any metal expansion tank, metal domestic hot water storage tank, metal range boiler, metal tank for any underfired storage water heater and metal tank for hot water generators, if the tank or range boiler is used in domestic hot water supply systems or in hot water space heating systems.

(2) "Domestic hot water supply system" means any system for supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes. The term does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(3) "Hot water space heating system" means any system which is designed for the purposes of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(4) "Metal jacket" means any metal covering (but not any metal band two inches or less in width used to support dry insulation) for a tank, except any ferrous metal wire netting used as a base for the wet application of insulating materials.

(5) "Metal tank support" means any metal device used for the purpose of suspending or supporting a tank and includes, but is not limited to, stands, pipe stands, brackets, cradles, platforms, saddles, hangers, legs, feet and angle, I-beam, channel and other structural iron or steel framework.

It does not include strap iron hangers, cast iron range boiler stands, supports for a metal tank for underfired storage water heater, cast iron cradles, cast iron legs and cast iron feet for water storage tanks.

(6) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40 per cent of the total weight of the alloy. It includes alloy metal produced from scrap.

(7) "Stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel or other alloying elements.

(8) "Producer" means any person who manufactures, fabricates or assembles new tanks.

(b) *Manufacture and installation of metal jackets and supports.* No person shall manufacture, or fabricate, any metal jacket or any metal tank support (whether or not for repair or replacement) except:

(1) To fill a specific contract, subcontract, or purchase order for use as part of the equipment of any aircraft, or any vessel other than pleasure craft; or

(2) For a tank which is an integral part of a machine.

(c) *Use of copper and alloy steel in manufacture.* No person shall use in the manufacture of a tank any copper, copper base alloy, non-ferrous metal, stainless steel, or monel metal except:

(1) For repair and replacement parts;

(2) For temperature, pressure, vacuum safety valves;

(3) To the extent necessary to conform to the specifications, other than performance specifications, of the prime contractor in the manufacture of any tank which is being produced under a specific contract, subcontract, or purchase order for use as part of the equipment of any aircraft, or vessel for delivery to, or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(d) *Use of copper in installation of repair and replacement parts.* (1) No person may install tank parts containing a total of more than two pounds of copper and copper base alloy as repair or replacement unless he takes from the tanks to be repaired at least an equal amount of these metals, within one pound, and arranges for its repair for re-use, or turns it in to a scrap dealer or other person who may accept delivery under Order M–9–b. Any replaced monel metal or stainless steel must also be repaired for re-use or delivered to a scrap dealer.

(2) No person may deliver or install copper, copper base alloy, monel metal or stainless steel tanks in existing inventories except to replace a non-ferrous tank of similar capacity or larger.

(e) *Restrictions on manufacture of range boilers and tanks.* (1) No person may fabricate, manufacture or assemble black iron, galvanized iron, or porcelain enameled range boilers; black iron or galvanized iron expansion tanks; or black iron or galvanized iron hot water storage tanks, except in accordance with the specifications in Schedules A, B, C, and D.

(2) The above restrictions shall not apply

(i) To any boiler or tank which, before the restrictions became applicable to it, was so machined or processed that its manufacture, in accordance with the schedules, would be impracticable.

(ii) To black iron or galvanized iron hot water storage tanks manufactured, fabricated or assembled of materials in any producer's inventory before December 1, 1943.

(iii) To any variation which is necessary to conform to the specifications, other than performance specifications, of the prime contractor in the manufacture of any boiler or tank which is being produced under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or vessel for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States.

(f) [Deleted Feb. 7, 1944.]

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board, for the district in which is located the plant or branch of the person filing the appeal.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L–199.

SCHEDULE A

BLACK IRON OR GALVANIZED RANGE BOILERS—STANDARD AND EXTRA HEAVY—PERMITTED SPECIFICATIONS

Inside diameter of tank	Length of shell (length of sheet—not over-all length)	Nominal capacity	Tappings pipe size	Tappings	Maximum working pressure (standard)	Maximum working pressure (extra heavy)
Inches	*Inches*	*U. S. gals.*	*Inches*	*Number*	*Lbs./sq. in.*	*Lbs./sq. in.*
12	30	15	1	6	85	150
12	60	30	1	6	85	150
14	60	40	1	6	85	150
18	60	66	1¼	6	85	150
20	60	82	1¼	6	85	150
24	60	120	1½	6	85	150

Construction: Welded seams only.
Hand Holes and Manholes: None permitted.
Inspection Tapping: None permitted.
Working Pressure:
"Standard"—85 pounds per square inch maximum working pressure, 200 pounds per square inch hydrostatic test pressure.
"Extra Heavy"—150 pounds per square inch maximum working pressure, 250 pounds per square inch hydrostatic test pressure.
Tappings: Six tappings: One side tapping, 6 inches from the top edge of sheet, and one 6 inches from the bottom edge of sheet in line; two tappings in the top; one tapping in the bottom; and one tapping on the side at 180° from the line of the other two side tappings—15 gallon size tanks to have such tappings 9 inches from the bottom edge of sheet; all other size tanks to have such tapping 18 inches from the bottom edge of sheet.

SCHEDULE C

EXPANSION TANKS—PERMITTED SPECIFICATIONS

Inside diameter (inches)	Length of shell (length of sheet—not over-all length) (inches)	Nominal capacity (U. S. gal.)	Finish	Type
12	20	15	Galvanized or painted	Vertical or horizontal.
12	60	30	Painted	Horizontal.
14	20	20	Galvanized	Vertical.
14	60	40	Painted	Horizontal.

Construction: Welded seams only.
Working Pressure:
30 pounds per square inch maximum working pressure.
60 pounds per square inch hydrostatic test pressure.
Tappings: Maximum of three tappings on black (painted) basement horizontal type expansion tank; one ¾" tapping in one head (near bottom rim); and one 1" and one ½" tapping along bottom 6" and 12" respectively from opposite head edge of sheet.
Maximum of five tappings on galvanized attic vertical type expansion tanks; one 1" tapping in each head and one 1" tapping on right side 4" up from bottom edge of sheet; and two ¾" gauge glass tappings located on front 13½" between centers of tappings.

SCHEDULE D

STORAGE TANKS—PERMITTED SPECIFICATIONS

Black or galvanized iron hot water storage tanks			Black iron hot water storage tanks (galvanizing not permitted)		
Inside diameter of tanks	Length of shell (length of sheet—not over-all length)	Nominal capacity of tanks with two plus and one minus head	Inside diameter of tanks	Length of shell (length of sheet—not over-all length)	Nominal capacity of tanks with two plus heads
Inches	*Inches*	*U. S. gals.*	*Inches*	*Inches*	*U. S. gals.*
24	60	130	42	96	640
24	72	155	42	120	780
30	60	210	42	144	925
30	72	245	42	168	1,040
30	96	295	42	192	1,200
30	120	390	42	96	1,030
36	96	445	48	120	1,220
36	120	570	48	144	1,500
			48	180	1,760
			48	210	1,760

[Interpretation 1 was superseded November 22, 1943.]

INTERPRETATION 2

The definition of "tank" in paragraph (a) (1) includes tanks produced for underfired storage water heaters, and consequently the restrictions in the text of the order apply to such tanks, but none of the schedules attached to the order apply to them. (Issued Nov. 22, 1943.)

[F. R. Doc. 44–1832; Filed, February 7, 1944; 11:14 a. m.]

PART 3289[1]—RADIO AND RADAR

[General Preference Order M–369 as Amended Feb. 7, 1944]

TUNGSTEN AND MOLYBDENUM PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tungsten and molybdenum products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 3289.61[1] *General Preference Order M–369*—(a) *Definitions.* For the purpose of this order:

(1) "Tungsten products" means the element tungsten in pure form fabricated

[1] Formerly Part 3294, § 3294.156.

to the extent that it is hydrogen-reduced powder, ingot, wire, rod or sheet, or further fabricated into shapes, such as, but not limited to, coils, filaments, spirals, grids, welds, leads or plates, but does not include tungsten in the form of carbon-reduced powder or tungsten contacts.

(2) "Molybdenum products" means the element molybdenum in pure form fabricated to the extent that it is hydrogen-reduced powder, ingot, wire, rod or sheet, or further fabricated into shapes such as, but not limited to, coils, filaments, spirals, grids, welds, leads or plates, but does not include molybdenum in the form of carbon-reduced powder or molybdenum contacts.

(3) "Alloy products" means any ingot, wire, rod or sheet which contains substantially pure tungsten and molybdenum but no other material.

(4) "Processor" means any person who produces tungsten or molybdenum in the form of hydrogen-reduced powder, ingot, wire, rod or sheet.

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(c) *Restrictions on deliveries.* No person shall make delivery of, and no person shall accept delivery of, tungsten products, molybdenum products or alloy products without the specific authorization in writing of the War Production Board. The restrictions of the first sentence of this paragraph shall not apply to deliveries between affiliates, or to deliveries from one branch, division, department, or section of a single enterprise to another branch, division, department, or section of the same enterprise, of molybdenum products, tungsten products or alloy products to be made into ingot, rod, wire or sheet; but they shall apply to all deliveries of molybdenum products, tungsten products or alloy products between affiliates, and to intra-company deliveries thereof, in all cases not just mentioned. In addition, use of rod to make contacts shall be deemed a delivery when the rod and contacts are manufactured in the same branch, division, department or section of a single enterprise.

(d) *Reports and applications.* (1) Each processor shall file, in such manner as the War Production Board may from time to time prescribe, reports with the War Production Board on or before the seventh day of each calendar month, showing his proposed production of tungsten products, molybdenum products or alloy products for the second succeeding calendar month. For example, reports to be filed on or before the seventh day of February will show proposed production for April.

(2) Each person who desires to acquire any tungsten products, molybdenum products or alloy products shall apply to the War Production Board for an authorization which, if granted, will permit his supplier to deliver the desired tungsten products, molybdenum products or alloy products. The application shall be made not later than the first day of the second month preceding the month in which delivery of the tungsten products, molybdenum products or alloy products is desired, on Form WPB–2868 and/or WPB–765, or such other form as the War Production Board may from time to time prescribe. For example, applications shall be made not later than the first day of March for deliveries desired in May. All such applications must be accompanied by reports of the applicant on Form WPB–2870 and/or WPB–2446, or on such other form as may be prescribed for the purpose from time to time by the War Production Board. In order to facilitate the desired delivery of tungsten products, molybdenum products or alloy products, it is imperative that each applicant file with his supplier a copy of Form WPB–2868 and/or WPB–765 broken down into the various categories at the same time he submits the original application to the War Production Board on that form. Failure by that person to file this copy with his supplier on the date specified may result in his failing to secure an allocation.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Communications to the War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Radio and Radar Division, War Production Board, Washington 25, D. C., Reference M–369.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1833; Filed, February 7, 1944; 11:14 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–334, as Amended Feb. 7, 1944]

SODIUM PHOSPHATES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sodium phosphates for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.476[1] *Allocation Order M–334*—(a) *Definitions.* (1) "Sodium phosphate" means di sodium phosphate, tri sodium phosphate, tetra sodium pyrophosphate, sodium tetra phosphate, sodium hexameta phosphate (in soluble form only) and sodium tri poly phosphate. The term includes sodium phosphates in both the anhydrous and hydrated forms.

(2) "Producer" means any person engaged in the production of sodium phosphates and includes any person who has any such material produced for him pursuant to toll agreement.

(3) "Primary distributor" means any person who purchases sodium phosphates direct from a producer for purposes of resale as sodium phosphates.

(4) "Supplier" means a producer, primary distributor or any other person who purchases sodium phosphates for resale as sodium phosphates.

(5) "Allocation period" means one of the following bi-monthly periods:

January–February.
March–April.
May–June.
July–August.
September–October.
November–December.

(b) *Restrictions on delivery.* (1) On and after July 1, 1943, no producer or primary distributor shall deliver any sodium phosphate to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of sodium phosphate which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries to be made in each allocation period by producers and primary distributors will so far as practicable be issued by War Production Board prior to the commencement of such allocation period (in the normal case on Form WPB–2947 (formerly PD–602) filed pursuant to paragraph (f) (1) hereof), but War Production Board may at any time issue directions with respect to deliveries to be made.

(3) In the event that any producer or primary distributor after receiving notice from War Production Board with respect to a delivery of sodium phosphates which he is authorized or directed to make to any specific customer, shall be unable to make such delivery either because of receipt of notice of cancellation from such customer or otherwise, such producer or primary distributor shall forthwith give notice of such fact to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–334, and shall not, in the absence of specific authorization or direction in writing from War Production Board, sell or otherwise dispose of the sodium phosphates which he is unable to deliver as aforesaid.

(c) *Restrictions on use.* (1) On and after July 1, 1943, no producer shall use any sodium phosphate for a purpose other than the manufacture of any other sodium phosphate, except as specifically authorized or directed in writing by War Production Board.

(2) Each person who, with an order for sodium phosphates, furnishes a certificate required by paragraph (e) (1), shall use the sodium phosphates delivered on such order only as specified in such certificate, except as otherwise authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of sodium phosphates to be delivered or then in inventory.

(d) *Exceptions to requirements for specific authorization.* Notwithstanding the provisions of paragraph (b) (1), specific authorization or direction of War Production Board shall not be required for:

(1) The delivery by any producer or primary distributor to any person in any allocation period of not more than 2,000 lbs. of any sodium phosphate.

(2) The delivery by any producer or primary distributor to any person in any allocation period of not more than 20,000 lbs. of any sodium phosphate; provided that such producer or primary distributor shall have received from such person the certificate called for by paragraph (e) (1), showing that the quantity of such sodium phosphate ordered for delivery in such allocation period, together with all other quantities of such sodium phosphate delivered or ordered for delivery in such allocation period, does not exceed 20,000 lbs.

(e) *Certification of customer's use.* (1) No supplier shall in any allocation period beginning with March–April, 1944, deliver to any person more than 2,000 lbs. of any sodium phosphate unless prior thereto he shall have received from such person a certificate in substantially the following form:

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order M–334:

I. That the sodium phosphate(s) hereby ordered for delivery in _____, 194____, _____ months will be used by him for the following purpose(s) only:

Use A _____lbs.
Use B _____lbs.

II. That the quantity of each sodium phosphate hereby ordered for delivery in such month, taken with all other quantities of such sodium phosphate delivered or ordered for delivery in such months, does not exceed 20,000 lbs.

[NOTE: a. Omit II if not applicable.]

b. Where more than one sodium phosphate is ordered, specify in first column 'di sodium phosphate', 'tri sodium phosphate', etc., and for each sodium phosphate, show quantities and uses separately.

c. For other instructions see paragraph (e) (2).]

_____
Name of purchaser

_____ By _____ _____
Date Duly authorized official Title

Suppliers are requested to obtain certificates with respect to deliveries in any allocation period not later than the 10th day of the preceding month. The certificate required by this paragraph need not be filed with War Production Board. It shall be signed by an authorized official either manually or as provided in Priorities Regulation No. 7.

(2) In filling out the certificate called for by paragraph (e) (1), the purchaser will specify use or uses as follows:

Boiler water treatment (including industrial water conditioning)
Foods and drugs (incorporation in)
Direct military (Armed Services, including Maritime Commission, War Shipping Administration—specify which)
Military equipment and supply manufacture
Oil well drilling
Other (specify)
Resale (as sodium phosphates)
Inventory (as sodium phosphates)

If purchase is for resale, applicant will specify "resale" followed by statement of use or uses (in terms of the uses specified in this paragraph) to which each sodium phosphate will be put by his customer, except that a primary distributor need specify only "resale".

(f) *Applications and reports.* (1) Each producer and primary distributor requiring authorization to deliver sodium phosphates during any allocation period (and each producer seeking authorization to use sodium phosphates during any such allocation period) shall file application on or before the 15th day of the preceding month. Application shall be made on Form WPB–2947 (formerly PD–602) in the manner prescribed therein, subject to the following instructions:

(i) Copies of Form WPB–2947 (formerly PD–602) may be obtained at local offices of War Production Board.

(ii) An original and three copies shall be prepared of which the original and two copies shall be filed with War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.: M–334, the third copy being retained for applicant's files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(iii) A separate set of Form WPB–2947 (formerly PD–602) shall be filed for each sodium phosphate for which authorization to deliver or use is sought.

(iv) In the heading, under "Name of Material" specify the particular sodium phosphate to which the application relates (for example, "di sodium phosphate"); under "Grade" specify "Anhydrous" or "Crystal" and if crystal, indicate degree of hydration; under "WPB Order No.", specify "M–334"; under heading "This schedule is for delivery to be made during month/quarter _____, 194__" strike out word "quarter" and indicate months and year to which the application relates; under "Unit of measure", specify "Pounds".

(v) In Column 1, applicant will list the name of each customer who has placed with him an order for delivery in the applicable allocation period of more than 20,000 lbs. of any sodium phosphate. If it is necessary to use more than one sheet to list such customers, applicant will number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(vi) With respect to each order from a customer in the applicable allocation period of more than 20,000 lbs. of any sodium phosphate, applicant will specify in Column 1–a the purpose for which his customer will use such sodium phosphate, or in the case that such sodium phosphate is purchased for resale, the fact that it is purchased for resale and the purpose for which such resale will be made. If the sodium phosphate ordered by the customer is for two or more uses, applicant will list each use separately and will show the quantity of sodium phosphate ordered for each use.

(vii) With respect to orders of more than 2,000 lbs. but not more than 20,000 lbs. of any sodium phosphate, names of customers need not be listed but the aggregate quantity of each sodium phosphate ordered for each use will be lumped. More specifically, applicant will specify in Columns 1 and 1–a "Total orders for 20,000 lbs. or less for use in ____" (inserting in blank the purpose for which customer will use the sodium phosphate), and will specify in Column 4 the total quantity represented by the orders for such product.

(viii) With respect to orders from a customer for delivery of not more than 2,000 lbs. of any sodium phosphate in the applicable allocation period, neither name of customer nor use need be shown. Instead, applicant will state in Columns 1 and 1–a "Total small order deliveries (estimated)" and in Column 4 will specify the total estimated quantity to be delivered.

[1] Formerly Part 3272, § 3272.1.

(ix) A producer requiring permission to use a part or all of his own production of sodium phosphates shall list his own name as customer in Column 1 on Form WPB–2947 (formerly PD–602), specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB–2947 (formerly PD–602) shall constitute authority to the producer to use sodium phosphates in the quantity and for the purposes indicated in such approved form.

(x) Leave Column 6 blank.

(xi) Each producer will report production, deliveries and stocks as required by Table II, Columns 8 to 16, inclusive. Primary distributors will fill out only Columns 8, 10, 12 and 13.

(2) Each person (not including the Army, Navy and other departments and agencies of the United States Government) shall file with the War Production Board a one-time report on Form WPB–2945 (formerly PD–600) on or before the 15th day of the month preceding the first allocation period for which he requests delivery of more than 20,000 lbs. of any sodium phosphate. This report need be filed only once for any one sodium phosphate (reports filed under this paragraph as in effect prior to February 7th, 1944, need not be repeated), but must be filed for each different sodium phosphate for which more than 20,000 lbs. is requested in any allocation period. The report on Form WPB–2945 shall be filed in the manner described therein subject to the following instructions:

(i) Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(ii) The original and one copy shall be prepared of which the original shall be filed with War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–334, the copy being retained for applicant's files. The original copy shall be signed by a duly authorized official.

(iii) A separate set for Form WPB–2945 (formerly PD–600) shall be filed for each sodium phosphate respecting which a report is required.

(iv) In the heading under "Name of chemical", specify particular sodium phosphate to which report relates (for example, di sodium phosphate"), under "WPB Order No.", specify "M–334"; under "Indicate unit of measure", specify "Pounds"; strike out heading "Supplier with whom this order is placed", and insert "Usual supplier", and give his name, mailing address and shipping point (if more than one usual supplier, list all suppliers, if necessary using back of Form); under "Your company name", specify applicant's name and indicate mailing address and delivery destination.

(v) Strike out heading at top of Table I "Application for delivery and/or use required for your next month's operations", as well as headings at the top of Columns 2, 3, 4, 9 and 10.

(vi) In Table I applicant will specify the aggregate quantity of each sodium phosphate which he used and/or resold in each calendar quarter beginning with the third quarter of 1941 to and including the first quarter of 1943. More specifically, he will list in Column 4 "Third quarter 1941", "Fourth quarter 1941", etc., and opposite the appropriate heading he will indicate in Column 2 the aggregate quantity of such sodium phosphate used and resold in each such quarter, and in Column 1 (grade) will specify "Anhydrous" or "Crystal" and if crystal, the degree of hydration. If during any such quarter, applicant resold such sodium phosphate, he will specify "Resale" in Column 10 and in Column 9 will specify the quantity resold in such quarter.

(vii) In Table II, applicant will fill in Columns 11 and 15. The remaining columns of Table II and all of Tables III and IV will be left blank.

(3) War Production Board may issue other and further instructions with respect to preparing and filing Forms WPB–2945 and 2947 (formerly PD–600 and 602), subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Approval of reporting requirements.* Forms WPB–2945 and 2947 and the instructions in this order for filing these forms have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE: Subparagraph (4), formerly (3), redesignated Feb. 7, 1944.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C. Ref: M–334.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1834; Filed, February 7, 1944; 11:14 a. m.]

PART 3294—IRON AND STEEL PRODUCTION[1]

[General Preference Order M–21, as Amended Feb. 7, 1944]

§ 3294.71[1] *General Preference Order M–21*—(a) *Purpose and scope.* This is the basic order covering the distribution of steel and iron products. Other rules for distribution, as well as for production and use, are contained in other War Production Board orders and regulations, which must also be complied with, except to the extent that their provisions are inconsistent with this order. With respect to steel, attention is called particularly to the various CMP regulations and to other orders in the M–21 series.

(b) *Definitions.* For the purposes of this order:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule 1. The term includes all types of second quality material and shearings (including material in the listed forms and shapes which is salvaged or recovered therefrom), except when sold as scrap within the maximum prices for scrap established by the Office of Price Administration.

(2) "Iron products" means cast iron pipe (except cast iron soil pipe and cast iron soil pipe fittings) and all other iron castings, gray and malleable (rough as cast), including all items of ferrous foundry manufacture not classified as steel.

(3) "Producer" means any person who produces steel or iron products.

(c) *Deliveries of iron products and steel forgings.* Iron products and carbon or alloy steel forgings may not be delivered except:

(1) On orders bearing a preference rating of A–10 or higher, or

[1] Formerly Part 962, § 962.1.

(2) As permitted under Priorities Regulation No. 13, or

(3) As specifically authorized or directed in writing by the War Production Board.

(d) *Deliveries of other steel products.* Other steel may not be delivered except:

(1) On authorized controlled material orders, or

(2) As permitted under Priorities Regulation No. 13, or

(3) By distributors as permitted under CMP Regulation No. 4, or

(4) To distributors as permitted under Order M–21–b–1 or M–21–b–2, or

(5) As specifically authorized or directed in writing by the War Production Board.

(e) *Identification of purchase orders*—(1) *Iron products and steel forgings.* Iron products and carbon and alloy steel forgings are obtained on preference rated orders, and purchase orders for these products must be accompanied by a certification of the applicable rating as required by War Production Board regulations. In addition, such purchase orders should be identified in terms of the program for which the products will be used. Therefore, a person purchasing any of these products from a producer must furnish with his purchase order the CMP allotment number or symbol which has been assigned to him for acquiring controlled materials needed for the same program. If the purchaser has no such allotment number or symbol, his purchase order should carry a statement in substantially the following form:

No CMP allotment number or symbol applicable.

No producer shall accept an order for, or make delivery of, iron products or carbon or alloy steel forgings unless a CMP allotment number or symbol, or the above statement, accompanies the purchase order.

(2) *Other steel.* Each purchaser of steel other than forgings shall furnish with his purchase order such information as may be required by applicable War Production Board regulations or orders.

(f) *Special directions.* The War Production Board may from time to time issue special directions to any person or persons as to the type, description, amount, source, or destination of steel or iron products to be produced, delivered, or acquired by such person or persons.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to Steel Division, War Production Board, Washington 25, D. C., Ref: M–21.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE 1

Bars, cold finished.
Bars, hot rolled.
Ingots, billets, blooms, slabs, die blocks, tube rounds, skelp and sheet and tin bar.
Pipe, including threaded couplings of the types normally supplied on threaded pipe by pipe mills.
Plates.
Rails and track accessories, including rail joints, track spikes, frogs and switches, gage rods, guard rails, guard rail clamps, nut locks, rail anchors, switch stands, mine ties, tie plates, track bolts and rail braces.
Sheets and strip.
Steel castings.
Steel forgings.
Structural shapes and piling.
Tin plate, terne plate and tin mill blackplate.
Tubing.
Wheels, tires and axles.
Wire rods.
Wire and wire products, including drawn wire, barbed and twisted wire, woven and welded wire fence (except chain link fence), wire nails (including lead-headed nails), wire staples (for fence and poultry netting only), wire bale ties, wire rope and strand, welded steel wire reinforcing mesh, wire netting.

INTERPRETATION 1

The terms "Steel" and "Iron products" as defined in General Preference Order M–21, as amended, do not include material which has been in use or service, nor material salvaged or recovered therefrom. The terms do include all types of second quality material, shearings, etc., whether generated in a producer's plant, or in the plant of a manufacturer or fabricator, (as well as material in the listed forms and shapes which is salvaged therefrom), except that such material when sold as scrap within OPA ceilings is not considered "Steel" or "Iron products".

For example, the restrictions of Order M–21 apply to side and end shearings, wire shorts and similar products generated at a steel mill. They also apply to the plate croppings generated at a shipyard or in the course of any other fabricating operation. Such material may be sold as scrap at scrap prices free of the restrictions of the order, but if such scrap material is salvaged by sorting or by some processing operation, it cannot be disposed of in any of the listed forms or shapes except in compliance with the order.

On the other hand, the restrictions of the order do not apply to used material such as line pipe which has been in use by an oil company for a period of time and is then picked up and reclaimed, or structural steel which is salvaged from a demolished building. (Issued June 9, 1943.)

[F. R. Doc. 44–1835; Filed, February 7, 1944; 11:14 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1 as Amended Feb. 2, 1944, Amdt. 1]

Schedule III is amended by adding the following items:

COPPER	
Brass mill copper and copper base alloy products:	
Copper and non-refractory alloys	45
Refractory alloys	60
Wire and cable products:	
Bare wire and cable	35
Weatherproof wire and cable	35
Magnet wire	35
Rubber insulated building wire	35
Paper and lead cable	40
Varnished cambric cable	35
Asbestos cable (type H–F)	60
Rubber insulated wire and cable (mold or lead cured)	45
Foundry copper and copper base alloy products:	
Castings (rough castings, not machined—assuming patterns are available):	
Small simple castings to fit 12" by 16" flask	7
Large intricate and centrifugal castings	14
ALUMINUM	
All forms and shapes	45

Where no time is specified in Schedule III for placing orders for a particular form or shape of controlled material, the time for placing such orders shall be subject to agreement between the consumer and the controlled materials producer: *Provided*, That no producer shall discriminate between consumers in the acceptance of orders. In the event of any disagreement, the matter should be referred to the appropriate Controlled Materials Division.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1787; Filed, February 5, 1944; 4:48 p. m.]

PART 3270—CONTAINERS

[Limitation Order L–317 as Amended Dec. 28, 1943, Amdt. 1]

FIBRE SHIPPING CONTAINERS; MANUFACTURE AND USE

Section 3270.6 *Limitation Order L–317* as amended December 28, 1943 is hereby amended by deleting Item #7, "Harnesses" under "k. Miscellaneous" of Schedule B.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1849; Filed, February 7, 1944; 11:51 a. m.]

Chapter XI—Office of Price Administration

PART 1341—CANNED AND PRESERVED FOODS

[MPR 509]

PACKED CITRUS PRODUCTS OF THE 1944 AND LATER PACKS

In the judgment of the Price Administrator, the provisions of this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.* Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practical alternative exists for securing effective price control with respect to the commodities subject to this regulation.

§ 1341.609 *Maximum prices for sales of packed citrus products of the 1944 and later packs by processors and distributors other than wholesalers and retailers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 509 (Packed Citrus Products of the 1944 and Later Packs), which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1341.609 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO 509—PACKED CITRUS PRODUCTS OF THE 1944 AND LATER PACKS

ARTICLE I—EXPLANATION OF THE REGULATION AND GENERAL DEFINITIONS

Sec.
1.1 Explanation of the regulation.
1.2 General definitions.

ARTICLE II—PROCESSORS' MAXIMUM PRICES

2.1 Grapefruit juice.
2.2 Grapefruit segments.
2.3 Orange juice.
2.4 Orange-grapefruit juice blended (50% orange—50% grapefruit).

ARTICLE III—GENERAL PROVISION RELATING TO PROCESSORS' SALES

3.1 Calculation of dollars-and-cents maximum prices for processors who perform the wholesale or retail function.
3.2 When the processor must figure a delivered price.
3.3 Uniform delivered prices where the processor has customarily been selling on an f. o. b. factory basis
3.4 Special packing expenses which may be reflected in maximum prices in sales to government procurement agencies.
3.5 Label and labor allowances.
3.6 Maximum prices for products in new container types or sizes.
3.7 Individual authorization of maximum prices.
3.8 Restrictions on sales to primary distributors.

*Copies may be obtained from the Office of Price Administration.

ARTICLE IV—PROVISIONS APPLICABLE TO PRIMARY DISTRIBUTORS AND OTHER INTERMEDIATE SELLERS

Sec.
4.1 Maximum prices in sales by primary distributors.
4.2 Maximum prices in sales by distributors who are not primary distributors, wholesalers, or retailers.

ARTICLE V—MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

5.1 Grades and invoices.
5.2 Weights.
5.3 Treatment of federal and state taxes.
5.4 Units of sale and fractions of a cent.
5.5 Maintenance of customary discounts and allowances.
5.6 Export and import sales.
5.7 Payment of brokers.
5.8 Notification of new maximum price.
5.9 Records which must be kept.
5.10 Sales slips and receipts.
5.11 Transfer of business or stock in trade.
5.12 How a maximum price is established and how an established maximum price can be changed.
5.13 Adjustable pricing.
5.14 Compliance with this regulation.
5.15 Adjustment of maximum prices of food products under "Government contracts" or subcontracts.
5.16 Application for adjustment by sellers who have been found to have violated the Robinson-Patman Act.
5.17 Petitions for amendment.

ARTICLE I—EXPLANATION OF THE REGULATION AND GENERAL DEFINITIONS

SECTION 1.1 *Explanation of the regulation.* (a) The purpose of this regulation is to establish maximum prices for citrus products processed and packed on and after October 1, 1943, in sales by persons other than wholesalers and retailers. The packed citrus products covered by this regulation and processors' maximum prices for sales of each product are set forth in Article II.

(b) This regulation supersedes Maximum Price Regulation No. 306[1] with respect to sales and deliveries of packed grapefruit juice processed and packed on and after October 1, 1943.

(c) Maximum prices for sales by wholesalers and retailers are governed by Maximum Price Regulation Nos. 421,[2] 422[3] and 423.[4] "Wholesaler" and "retailer" means the persons respectively referred to as "wholesalers" and "retailers" in those regulations.

(d) This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

(e) Prices established by this regulation are in effect from February 4, 1944.

SEC. 1.2 *General definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions, and their agencies.

(2) "Processor" means a person who processes any part of what he sells of the kind and brand of packed citrus product being priced.

(3) "Item" means the particular kind, variety, grade, brand, style of pack, container type and size of packed citrus product being priced.

(4) "Container type" refers to the composition or style of the container used (a separate price must be figured for each container type).

Examples. Tin, glass and paper containers are all different container types. Likewise, a glass container of one design is a different container type from a glass container of a substantially different design.

(5) "Packed citrus products of the 1944 and later packs," means the commodities specified herein, processed and packed on and after October 1, 1943, in any container, whether or not hermetically sealed. It does not include frozen or dehydrated citrus products.

(6) "Sale" includes sales, dispositions, exchanges, leases and other transfers and transactions, and offers to do any of those things. The terms "sell," "seller," "buy," "buyer," "purchase" and "purchaser" shall be construed accordingly.

(7) "Price" means the consideration requested or received in connection with the sale of a commodity.

(8) "Net delivered cost" means the amount the purchaser pays for the item (in a purchase which is customary, for him, in quantity, type of supplier, receiving point and means of transportation), less all discounts allowed him, except the discount for prompt payment. However, the expense of local trucking or unloading is not included.

(9) "Delivered to the customary receiving point" means delivered to the place where the particular buyer has customarily received the goods. In cases where the seller is dealing with the buyer for the first time after the effective date of this regulation, "delivered to the customary receiving point" means delivered to the buyer's place of business.

(10) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, apply to other terms used in this regulation.

ARTICLE II—PROCESSORS' MAXIMUM PRICES

SEC. 2.1 *Packed grapefruit juice*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed grapefruit juice shall be as follows:

[1] 8 F.R. 16896, 17224, 17295, 17482; 9 F.R. 794, 287, 96.
[2] 8 F.R. 9388, 10569, 10987, 13293, 15250, 17367, 15607, 17368.
[3] 8 F.R. 9395, 10569, 10987, 12443, 12610, 13294, 15251, 17369, 14853, 15586, 15607, 17370; 9 F.R. 95.
[4] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 15252, 17371, 14854, 16031, 15587, 15608, 17371; 9 F.R. 95.

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5		Col. 6		Col. 7	
Item	State or area	Style of pack	Grade	Container No. 2 can		Container No. 2 cyl. can		Container No. 10 can	
				Gov't sales	Other sales	Gov't sales	Other sales	Gov't sales	Other sales
1	Florida and Texas	Natural (unsweetened)	A or fancy	$1.360	$1.125	$3.17	$2.55	$6.37	$5.00
			C or standard	1.310	1.075	3.07	2.45	6.17	4.80
			Offgrade or substandard	1.260	1.025	2.97	2.35	5.97	4.60
2	California and Arizona	Sweetened	A or fancy	1.385	1.150	3.22	2.60	6.52	5.15
			C or standard	1.335	1.100	3.12	2.50	6.32	4.95
			Offgrade or substandard	1.285	1.050	3.02	2.40	6.12	4.75
		Natural (unsweetened)	A or fancy	1.460	1.225	3.42	2.80	6.96	5.60
			C or standard	1.410	1.175	3.32	2.70	6.76	5.40
			Offgrade or substandard	1.360	1.125	3.22	2.60	6.56	5.20
		Sweetened	A or fancy	1.485	1.250	3.47	2.85	7.11	5.75
			C or standard	1.435	1.200	3.37	2.75	6.91	5.55
			Offgrade or substandard	1.385	1.150	3.27	2.65	6.71	5.35

NOTE: The prices in this table for government sales must be adjusted in accordance with the provisions of paragraph (c), below.

(b) *Other pricing methods.* (1) If a processor packs grapefruit juice made from grapefruit grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the grapefruit used by him was grown.

(2) The maximum prices for grapefruit juice packed in glass containers, for sales to persons other than Government procurement agencies, shall be as follows:

(i) For 8-ounce glass jars, Grade A or Fancy, 42½¢, for Grade C or Standard, 40¢, and for Off Grade or Sub-Standard, 37½¢, less than the maximum price for the same grade and style of pack in No. 2 cans, in the same area.

(ii) For 16-ounce glass jars, 7½¢ more than the maximum price for the same grade and style of pack in No. 2 cans, in the same area.

(iii) For 46-ounce glass jars, 17½¢ more than the maximum price for the same grade and style of pack in No. 3 cylinder cans, in the same area.

(3) If the processor cannot determine his maximum price for an item of packed grapefruit juice in a particular container size or type in accordance with the provisions of paragraph (a), (b), and (c) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(4) A processor who manufactures in one factory grapefruit juice from grapefruit grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Special provisions relating to government sales.* (1) Processors' maximum prices for sales to Government procurement agencies shall be the maximum prices named in paragraph (a) for such sales, less the amount of the applicable monthly area grapefruit juice cost reduction for the month in which such grapefruit juice was packed: *Provided*, That the monthly area grapefruit juice cost reduction for the month of January 1944 shall be applicable to sales of grapefruit juice packed during the period from October 1, 1943, through January 31, 1944.

(2) The monthly area grapefruit juice cost reduction shall be established by order of the Office of Price Administration as soon as may be practicable after the period to which it applies. That amount is the difference between the cost for raw grapefruit reflected in the maximum prices for government sales set forth in paragraph (a), above, and the monthly area grapefruit cost determined by the Office of Price Administration, converted for the actual reduction in cost per dozen containers of the particular size and type packed during the month to which such monthly area grapefruit juice cost reduction is applicable.

(3) In the event that any monthly area grapefruit cost, determined by the Office of Price Administration as set forth above, shall be equal to or greater than the cost for raw grapefruit reflected in the maximum prices for government sales set forth in paragraph (a), above, the Office of Price Administration shall provide by order that no reduction shall be applicable to the maximum prices for grapefruit juice packed during the month to which such monthly area grapefruit cost is applicable.

NOTE: The provisions of this paragraph (c) shall not be construed as affecting the power of the Office of Price Administration to alter the maximum prices established by this regulation at any time, by amendment or otherwise.

(d) *Records required.* In addition to other records required to be maintained under other provisions of this regulation, each processor shall maintain, for as long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete records of all grapefruit purchases in value and quantity during the period from October 1, 1943, through September 30, 1944; and such records shall be available for inspection by the Office of Price Administration or its authorized agents or representatives at any reasonable time.

SEC. 2.2 *Packed grapefruit segments*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed grapefruit segments shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Item No.	State or area	Style of pack	Grade	Container No. 2 can
				Gov't. sales
1	Florida and Texas	Sweetened	A or Fancy	$1.61
			B or Choice	1.56
			C Standard or Broken	1.51

(b) *Other pricing methods.* (1) If a processor packs grapefruit segments made from grapefruit grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the grapefruit used by him was grown.

(2) If the processor cannot determine his maximum price for an item of packed grapefruit segments in a particular container size or type in accordance with the provisions of paragraphs (a) and (b) (1) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(3) A processor who manufactures in one factory grapefruit segments from grapefruit grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Records required.* Each processor of grapefruit segments shall maintain the records of grapefruit purchases as provided in section 2.1 (d).

SEC. 2.3. *Packed orange juice*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed orange juice shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5		Col. 6		Col. 7	
Item	State or area	Style of pack	Grade	Container No. 2 can		Container No. 3 cyl. can		Container No. 10 can	
				Gov't sales	Other sales	Gov't sales	Other sales	Gov't sales	Other sales
1	Florida and Texas	Natural (Unsweetened)	A or fancy	$1.600	$1.700	$4.00	$4.10	$8.10	$8.31
			C or standard	1.600	1.650	3.90	4.00	7.95	8.11
			Offgrade or substandard	1.550	1.600	3.80	3.90	7.70	7.91
		Sweetened	A or fancy	1.675	1.725	4.05	4.15	8.31	8.46
			C or standard	1.625	1.675	3.95	4.05	8.11	8.26
			Offgrade or substandard	1.575	1.625	3.85	3.95	7.91	8.06

(b) *Other pricing methods.* (1) If a processor packs orange juice made from oranges grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the oranges used by him were grown.

(2) If the processor cannot determine his maximum price for an item of packed orange juice in a particular container size or type in accordance with the provisions of paragraphs (a) and (b) (1) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(3) A processor who manufactures in one factory orange juice from oranges grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Records required.* In addition to other records required to be maintained under other provisions of this regulation, each processor shall maintain for as long as the Emergency Price Control Act of 1943, as amended, shall remain in effect, complete records of all orange purchases in value and quantity during the period from October 1, 1943, through September 30, 1944; and such records shall be available for inspection by the Office of Price Administration or its authorized agents or representatives at any reasonable time.

SEC. 2.4 *Packed orange-grapefruit juice blended (50% orange—50% grapefruit)*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed orange-grapefruit juice blended shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5		Col. 6		Col. 7	
Item	State or area	Style of pack	Grade	Container No. 2 can		Container No. 3 cyl can		Container No. 10 can	
				Gov't sales	Other sales	Gov't sales	Other sales	Gov't sales	Other sales
1	Florida and Texas	Natural (Unsweetened)	A or fancy	$1.505	$1.555	$3.585	$3.685	$7.265	$7.415
			C or standard	1.455	1.505	3.485	3.585	7.065	7.215
			Offgrade or substandard	1.405	1.455	3.385	3.485	6.865	7.015
		Sweetened	A or fancy	1.530	1.580	3.635	3.735	7.415	7.565
			C or standard	1.480	1.530	3.535	3.635	7.215	7.365
			Offgrade or substandard	1.430	1.480	3.435	3.535	7.015	7.165

(b) *Other pricing methods.* (1) If a processor packs orange-grapefruit juice blended made from fruit grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the fruit used by him was grown.

(2) If the processor cannot determine his maximum price for an item of packed orange-grapefruit juice blended in a particular container size or type in accordance with the provisions of paragraphs (a) and (b) (1) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(3) A processor who manufactures in one factory orange-grapefruit juice blended from fruit grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Records required.* Each processor of orange-grapefruit juice blended shall maintain the records of grapefruit and orange purchases as provided in sections 2.1 (d) and 2.3 (c).

ARTICLE III—GENERAL PROVISIONS RELATING TO PROCESSORS' SALES

SEC. 3.1 *Calculation of dollars-and-cents maximum prices for processors who perform the wholesale or retail function*—(a) *Sales by processors from branch warehouses.* Any processor who sells the item being priced from a branch warehouse owned or controlled by him, to retail stores or to commercial, industrial or institutional users, shall figure his maximum prices for these sales, f. o. b. branch warehouse, as follows:

(1) If he handled the kind of packed citrus product being priced in this way prior to April 28, 1942, the processor shall add to his dollars-and-cents maximum price, f. o. b. factory, the freight, if any, incurred from factory to branch warehouse, and multiply the resulting figure by the markup named in Maximum Price Regulation No. 421 for cash-and-carry wholesalers or for service wholesalers, depending on whether delivery is made in the particular sale to the buyer's place of business. These markups may be used only when the particular goods sold have been warehoused at the branch warehouse and are being sold in less-than-carload lots. (Processors who have more than one factory or branch warehouse may, if they wish, figure freight on a weighted average basis from factory to branch warehouse, in the manner provided in section 3.3.)

(2) If he did not handle the kind of packed citrus product being priced in this way prior to April 28, 1942, the processor shall add to his dollar-and-cents maximum price, f. o. b. factory, the freight, if any, incurred from factory to branch warehouse. (Processors who have more than one factory or branch warehouse may if they wish, figure freight on a weighted average basis from factory to branch warehouse, in the manner ppvided in section 3.3.)

"Branch warehouse" means a plant or warehouse (1) which is maintained physically separate and apart from the processor's factory for the principal purpose of selling (in contrast to storing) food products manufactured by him to independent retail stores or commercial, industrial or institutional users, (2) from which the larger part of his sales of the kind of product being priced are made to those classes of purchasers, and (3) which maintains a sales organization separate from the factory sales organization.

(b) *Maximum prices for sales by processors to ultimate consumers.* Processors who sell the items they manufacture to ultimate consumers other than institutional users are normally persons whose general business is selling at retail items manufactured by others. Retailers are covered by Maximum Price Regulations Nos. 422 and 423, which also provide special pricing methods for items that a retailer may happen to manufacture or process himself (see section 25 of MPR 422). Manufacturing retailers, therefore, shall figure their maximum prices under those regulations.

"Ultimate consumer", means a person who buys the kind and brand of product being priced for direct consumption. However, the term does not include a commercial or industrial user, such as a baker, confectioner, restaurateur, or other food manufacturer.

SEC. 3.2 *When the processor must figure a delivered price.* Any processor who regularly sold a purchaser the item being priced on a delivered basis during the calendar year 1941 shall figure a maximum delivered price by increasing the maximum price for the item, f. o. b. factory, by the amount of the transportation charge, per unit of that item, which he added to his f. o. b. factory price from the beginning of the 1941 pack to March 17, 1942. The resulting price is the processor's maximum delivered price to that purchaser. The processor, of course, is free to sell his goods on an f. o. b. basis. However, in that event, the f. o. b. price charged plus the actual transportation charges incurred by the buyer shall not exceed the processor's maximum price figured on a delivered basis.

SEC. 3.3 *Uniform delivered prices where the processor has customarily been selling on an f. o. b. factory basis.* A processor whose maximum price for an item is on an f. o. b. factory basis may, if he wishes, establish a uniform maximum delivered price for the item, by zone or area, by adding to his f. o. b. factory price his weighted average transportation charge from factory to purchasers' receiving points. For any zone or area, the "weighted average transportation charge" shall be figured by him as follows: He shall (1) determine the total estimated transportation charges which would have been incurred if the shipments of the item which he made during the one-year period immediately preceding the date of calculation, to purchasers in that zone or area, had been at rates in effect on that date, and (2) divide that figure by the total number of pounds or other units of the item included in those shipments. (Where more than one means of transportation is used, averages may be taken separately for each). The processor shall refigure his weighted average transportation charge at the end of each three-month period on the basis of shipments made during the one-year period immediately preceding the date of calculation and at rates in effect on that date.

SEC. 3.4 *Special packing expenses which may be reflected in maximum prices in sales to Government procurement agencies.*

NOTE: This section is derived from, and for the purposes of this regulation supersedes, Supplementary Order No. 34,[1] issued by the Office of Price Administration.

(a) *Conditions under which special packing expenses may be reflected in maximum prices.* Special packing expenses are a basis for increasing maximum prices in sales to government procurement agencies only if all of the following conditions are satisfied:

(1) The buyer must specifically require that the commodity be packed or unpacked and repacked, to the buyer's specifications.

(2) The processor must show separately in his contract of sale, or on the invoice furnished to the buyer, the net charge being made for the packing (and any unpacking and repacking) specified by the buyer.

(3) In addition to the records required by section 5.9 of this regulation, the processor must prepare and keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records showing the total additional cost required by the special packing (and any unpacking and repacking) specified by the buyer, and the value of materials salvaged in the process.

(b) *Maximum prices in sales which meet the conditions of paragraph (a).* In sales to a government procurement agency which meets the conditions of paragraph (a), the maximum prices of the processor and of any subcontractor under the processor's contract of sale with the United States shall be the maximum prices otherwise applicable, increased by the following amounts:

(1) If the packing specified by the buyer differs from standard packing, the difference between the total cost of packing to the specifications of the buyer and the total cost of standard packing, or

(2) If the commodity has already been packed in standard packing and if repacking to the specifications of the buyer is required, the total cost incurred in unpacking and repacking, less the reasonable value of salvaged materials, or

(3) If the commodity has initially been packed to the specifications of the buyer in accordance with subparagraph (1) and if repacking to new specifications of the buyer is required, the amount permitted by subparagraph (1) plus the total cost of unpacking and repacking, less the reasonable value of salvaged materials.

(c) *Meaning of "total cost".* "Total cost" means the direct material costs, direct labor costs, factory overhead and other expenses actually incurred in performing the operations described above. However, where these operations are performed for the processor or subcontractor by an independent contractor (not affiliated with the processor) who does not process or sell the commodity but only packs it or prepares it for packing, the amount actually paid to the independent contractor shall be considered to be the "total cost" of such operations.

(d) *Meaning of "packing" and "standard packing".* "Packing" means the providing of wrappings, inner containers, or outer containers; the placing of commodities in such wrappings, inner containers, or outer containers; and the application of any special coverings or coatings to insure shipment without damage.

"Standard packing" means that packing the cost of which was included in figuring the maximum price established by this regulation, or any other type of packing expressly referred to and expressly priced in this regulation.

SEC. 3.5 *Label and labor allowances.* (a) Label allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this regulation, unlabeled in containers no greater in content than a No. 10 can, the processor shall reduce the maximum price established under this regulation by at least the sum of $1.50 per thousand, for the number of labels used.

(2) When any item covered by this regulation is sold unlabeled in containers not greater in content than a No. 10 can, the processor shall make a labor allowance by reducing the maximum price by at least the sum of one cent per case of such containers, in addition to the allowance provided in subdivision (1) above.

(3) When the processor sells any item covered by this regulation in containers no greater in content than a No. 10 can, labeled with labels supplied to him by the purchaser, the processor shall reduce the maximum price established under this regulation by at least the sum of $1.50 per thousand for the number of labels used.

SEC. 3.6 *Maximum prices for products in new container types or sizes.* The maximum price per unit for any item which is packed in a container type or size which the processor did not sell prior to the effective date of this regulation shall be figured as follows. He shall:

(a) *Determine the base container.* If the processor sold the same product (that is, the same kind, variety, grade, brand and style of pack) prior to the effective date of this regulation, but only in other container types or sizes, he shall first determine the most similar container type for which he is able to figure a maximum price for that product under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger than the new size, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the base container. If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will of course be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(b) *Find the base price.* The processor shall take as the "base price" his maximum price under this regulation for the product when packed in the base container. However, if this maximum price is a price delivered to a purchaser or to any point other than the processor's factory the processor shall first convert it to a base price f. o. b. factory by deducting whatever transportation charges were included in it.

(c) *Deduct the container cost.* Taking his base price f. o. b. factory, the processor shall then subtract the direct

[1] 8 F.R. 12404, 14073.

cost of the base container. "Direct cost of the container" means the net cost, at the processor's plant, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing.

(d) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of units in the base container and multiplying the result by the number of the same units in the new container.

(e) *Add the new container cost to get the price f. o. b. factory.* Next, the processor shall add to the adjusted figure the "direct cost" of the container in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the processor's maximum price f. o. b. factory.

(f) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the processor's maximum price for the product in the base container is a delivered price, he shall figure transportation charges to be added as follows:

The processor shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the product in the new container will move under a different freight tariff classification, the processor shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The processor shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the processor's maximum delivered price.

SEC. 3.7 *Individual authorization of maximum prices.* If the processor's maximum price for an item cannot be determined under the other provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth:

(a) A description in detail of the item for which a maximum price is sought, including its grade and brand name (if any) to be used, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price;

(b) An itemized current cost breakdown of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g., direct costs, such as raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food product which contributes substantially to his total volume of business;

(c) The desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price with discounts and allowances, for the second product included in paragraph (b) of this section; and

(d) The method of distribution to be employed by the processor in marketing the item (i. e. whether it is to be sold to wholesalers, retailers, consumers or other classes of purchasers).

Upon receipt of the application, the Office of Price Administration will authorize the maximum price, or a method of determining the maximum price, for the applicant or for the sellers of the item generally, including purchasers for resale or for a class of such resellers. Separate maximum prices will be authorized for sales to government procurement agencies.

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice or receive payment for it.

Where any cost factor set forth in the application is an estimated amount, the processor shall file with the Office of Price Administration, Washington, D. C., within six months but not earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statement.

SEC. 3.8 *Restrictions on sales to primary distributors.* For sales of any packed citrus product, made during the one-year period commencing October 1, 1943, no processor may sell to primary distributors a greater percentage than he sold to primary distributors during the one year period ending April 28, 1942.

ARTICLE IV—PROVISIONS APPLICABLE TO PRIMARY DISTRIBUTORS AND OTHER INTERMEDIATE SELLERS

SEC. 4.1 *Maximum prices in sales by primary distributors.* "Primary distributor" means a distributor, other than a wholesaler or retailer, who purchases all he sells (for his own account) of the kind and brand of packed citrus product being priced and who customarily receives shipment from the processor of at least 50% of his purchases in carload lots delivered for storage into a warehouse or other receiving station not owned or controlled by any of his customers, for resale by him in less-than-carload lots.

There are two pricing methods for primary distributors.

Pricing method No. 1. A primary distributor may use the following pricing method only if he sold the kind and variety of packed citrus product being priced (as a primary distributor) before April 28, 1942, and he may use this pricing method only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused (in normal situations the pricing method will give him the same dollars-and-cents margin that he previously had).

If the processor's maximum price for the item under this regulation is greater than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall add the difference to the maximum price which he had immediately prior to the effective date of this regulation. If the processor's maximum price for it under this regulation is less than the processor's maximum price under the maximum price regulation previously applicable, the primary distributor shall subtract the difference from the maximum price which he had immediately prior to the effective date of this regulation. However, in no event may the primary distributor's maximum price be greater than his net delivered cost (based upon purchases directly from the processor) plus a mark-up of 8% of that cost. The resulting figure in each case is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload lots.

Examples. The processor's ceiling price for grapefruit juice under Maximum Price Regulation 306 and under this regulation are the same, therefore, the primary distributor's maximum price remains the same under this regulation as it was under Maximum Price Regulation 306.

The processor's ceiling price under Maximum Price Regulation 280 for fancy orange juice packed in No. 2 size cans was $1.40 per dozen. Under this regulation it is now $1.70 per dozen. The primary distributor therefore adds the increase of 30 cents to his own ceiling price under Maximum Price Regulation 280, provided that the maximum price so determined does not exceed his net delivered cost plus a mark-up of 8% of that cost.

The primary distributor handled packed grapefruit juice as a primary distributor before April 28, 1942. He added packed orange juice to his line in October, 1942. Although he may use Pricing Method No. 1 for packed grapefruit juice, he must use Pricing Method No. 2 for packed orange juice.

If the primary distributor handled the kind and variety of packed citrus product being priced before April 28, 1942, but did not handle the particular grade, brand, style of pack, container size or type being priced before the effective date of this regulation, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after that date direct from the processor) multiplied by a mark-up factor. This mark-up factor shall be figured by dividing his maximum price (as figured under this section) for the most closely comparable item of that kind and variety of packed citrus product already handled by him by the net delivered cost to him of that item. He may apply this mark-up factor only when he is selling in less-than-carload lots merchandise which he has actually warehoused.

Pricing method No. 2. For all items, and for sales of such items, which are not covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

SEC. 4.2 *Maximum prices in sales by distributors who are not primary distributors, wholesalers, or retailers.* "Distributor" means a person who purchases all he sells (for his own account) of the kind and brand, if any, of packed citrus product being priced and resells it without processing any part of it.

The maximum price, f. o. b. shipping point, of a distributor who is not a primary distributor, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

ARTICLE V—MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

SEC. 5.1 *Grades and invoices.* (a) The provisions of this section apply to all sellers whether or not processors, who affix labels and cause labels to be affixed to the packed citrus products covered by this regulation, packed by them or purchased for resale. However, the provisions of this section shall not apply to any products sold to government procurement agencies.

(b) The term "grade" when used in this regulation, means the grade, at the time of shipment by the seller, as established and defined by the United States Department of Agriculture.

(c) On and after February 4, 1944, each seller selling any item covered by this regulation shall furnish the purchaser, at or before the time of delivery, with an invoice describing such item and separately stating the grade thereof.

(d) The grade of the item shall be shown on the invoice by use of the United States Department of Agriculture grade designation by letter or descriptive term. For example, the grade of an item which conforms to the specifications for U. S. "Grade A" may be designated on the invoice "Grade A" or by the descriptive term "Fancy".

(e) In any case in which standards or definitions are established by the United States Department of Agriculture or under authority of the Federal Food, Drug, and Cosmetic Act for sirup or packing medium for any packed fruit covered by this regulation, the statement of grade on the invoice shall show the sirup or packing medium and shall be described by the same description as that used in the applicable standard or definition.

(f) A processor shall not be subject to any criminal penalty, civil enforcement action or suit for treble damages under the Emergency Price Control Act of 1942, as amended, for failure of an item covered by this regulation to conform to the grade designated on the invoice issued with respect thereto if (1) within 90 days prior to shipment of the item by the processor to the purchaser, the Food Distribution Administration (or any successor thereto) has issued to the processor a Certificate of Quality and Condition for Processed Fruits and Vegetables (or any similar certificate) covering a lot or lots which include such item and from which lot or lots samples have been drawn by official graders of the Food Distribution Administration (or any successor thereto) and (2) the grade designated on the invoice conforms to the grade designated on the certificate.

(g) A person who purchases an item covered by this regulation from a processor and who relies in good faith upon the grade designated on the invoice furnished to him by the processor shall not be subject to any criminal penalty or civil enforcement action under the Emergency Price Control Act of 1942, as amended, in connection with such purchase for failure of the item to conform to the grade designated on the invoice. Such person may resell the item at the grade designated on the invoice and shall not be subject to any criminal penalty, civil enforcement action, or suit for treble damages under the Emergency Price Control Act of 1942, as amended, in connection with such resale.

(h) Nothing herein contained shall be deemed or construed to restrict or limit any of the requirements of the Federal Food, Drug, and Cosmetic Act, or any regulation promulgated thereunder.

SEC. 5.2 *Weights.* Where label weights are used, prices figured by weight shall be based on the weights named on the label and not on actual fill.

SEC. 5.3 *Treatment of federal and state taxes.* Any tax incident to the sale, delivery, processing, or use of an item covered by this regulation, imposed by any statute or ordinance, shall be treated as follows in determining the seller's maximum price for the item, and in preparing the records required by this regulation:

(a) *As to a tax in effect during March, 1942.* (1) If the seller paid the tax or if the tax was paid by any prior vendor, irrespective of whether the amount was separately stated and collected from the seller, but during March 1942 the seller did not customarily state and collect, separately from the purchase price, the amount of the tax paid by him (or tax reimbursement collected from him by his supplier), the seller may not collect the amount in addition to the maximum price under this regulation.

(2) In all other cases, if at the time the seller determines his maximum price the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him (or an amount equal to the amount of tax paid by any prior seller and separately stated and collected from the seller by his supplier). In this case the seller shall not include the amount in determining his maximum price under this regulation.

(b) *As to a tax or tax increase which becomes effective after March, 1942.* If the statute or ordinance imposing the tax or tax increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him (or an amount equal to the amount of tax paid by any prior seller and separately stated and collected from the seller by his supplier). However, the tax on the transportation of property imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the maximum price of any item, be treated as if it were an increase of 3% in the amount charged by persons engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price. (This exception is derived from, and for the purposes of this regulation supersedes, Supplementary Order No. 31,[6] issued by the Office of Price Administration.)

SEC. 5.4 *Units of sale and fractions of a cent.* (a) Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the seller has customarily quoted prices for the product.

(b) Amounts computed in the process of figuring a maximum price (other than the maximum price itself) shall be carried to four decimal places (hundredths of a cent). On sales to government procurement agencies, the maximum price itself shall be carried to four decimal places. If any figured maximum price (other than on sales to government procurement agencies) includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit of a cent (like 1¢, ½¢, etc.) in which he has customarily quoted prices for the product.

SEC. 5.5 *Maintenance of customary discounts and allowances.* For sales to purchasers other than government procurement agencies, no person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers, if the change results in a higher net price to that purchaser or class.

SEC. 5.6 *Export and import sales.* The maximum price at which a person may export any item covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,[7] and amendments. Sales of products which have been processed or packed outside of the geographical area to which this regulation applies are not covered by the regulation except in cases where the goods being priced are located within the area at the time of sale.

SEC. 5.7 *Payment of brokers.* In accordance with existing trade custom, every broker shall be considered as the agent of the seller and not the agent of

[6] 7 F.R. 9894; 8 F.R. 1312, 3702, 9521.
[7] 8 F.R. 4132, 5987, 7662, 9998, 15193.

the buyer. In each case, the amount paid by the buyer to the seller plus any amount paid by the buyer to the broker shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker. The term "broker" includes a "finder".

SEC. 5.8 *Notification of new maximum price.* With the first delivery of an item after the effective date of this regulation, or any amendment or order of the Office of Price Administration authorizing or directing a change in maximum price, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, variety, grade, brand, style of pack, and container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of this regulation, amendment or order of the Office of Price Administration authorizing or directing change in maximum price*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 and 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton, or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(b) Notify each purchaser of the item who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with the first transaction with such purchaser after the effective date of this regulation, amendment or order of the Office of Price Administration authorizing or directing the change in maximum price, as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, variety, brand, style of pack, and container type and size*) has been changed from $------- to $------- under the provisions of Maximum Price Regulation No. 509. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert effective date of this regulation, amendment or order of the Office of Price Administration authorizing or directing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 5.8 of Maximum Price Regulation No. 509.

SEC. 5.9 *Records which must be kept.* Every person who makes sales covered by this regulation shall:

(a) Make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged in those sales; and

(b) Preserve for examination by the Office of Price Administration, for the same period, all his existing records which were the basis of figuring his maximum prices in the manner directed by this regulation, showing the method used in figuring the maximum prices.

SEC. 5.10 *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, shall continue to do so. Upon request, any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each item sold, and the price received for it.

SEC. 5.11 *Transfers of business or stock in trade.* If the business, assets or stock in trade of a seller subject to this regulation are sold or otherwise transferred on and after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of food product, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 5.12 *How a maximum price is established and how an established maximum price can be changed.* On and after the effective date of this regulation, a price figured for any item becomes established (that is, fixed) as the seller's maximum price for such type of sale as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice of any kind, provided that the figured price is not higher than the applicable pricing method allows. A maximum price for any item may be established only once, and it may not be changed by the seller except (a) with the written permission of the District Office of the Office of Price Administration for the area in which he is located in cases where the seller has figured his maximum price lower than the applicable pricing method allows, and (b) in cases where a change in this regulation changes the seller's applicable pricing method, and (c) in cases where a provision of this regulation or order issued under it directs the seller to refigure his price.

If the seller is disclosing a price lower than the one he figured, he may establish the higher (figured) price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink on his books, before he discloses the lower price. A seller who has not figured a price for an item may deliver the item, but he may not receive payment for it until he has established a maximum price in accordance with the rules of this section.

SEC. 5.13 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon a pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 5.14 *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation no person shall sell or deliver, or buy or receive in the course of trade, any item at a price higher than the maximum price established for the sale by this regulation. However, price lower than the maximum price may be charged and paid.

However, the prohibition of this paragraph does not apply to (1) any war procurement agency of the United States, or its contracting or paying finance officers, or (2) the government (or its agencies) of any country the defense of which the President of the United States deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States". No such purchaser or person shall be subject to the liabilities otherwise imposed by this section or by the Emergency Price Control Act of 1942. "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation: the Defense Plant Corporation, the Rubber Reserve Corporation, the Metals Reserve Corporation, and the Defense Supplies Corporation, or any of their agencies. (This exception is derived from, and for the purpose of this regulation supersedes, Supplementary Order No. 7,[8] issued by the Office of Price Administration).

(b) *Evasion.* Nor shall any person evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge, or discount, premium or other privilege; by tying-agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling, or packaging, or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension provision, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1,[9] licensing all persons who make sales under price control, are applicable to all sellers subject to the regulation. A seller's license may be suspended for violations of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 5.15 *Adjustment of maximum prices of food products under "Government contracts" or subcontracts.*

NOTE: This section is derived from, and for the purpose of this regulation supersedes, Supplementary Order No. 9[10] issued by the Office of Price Administration.

(a) The Office of Price Administration, either on its own motion or on application for adjustment in accordance with Procedural Regulation No. 6,[11] and amendments, may adjust the maximum price of any seller who has entered into or proposes to enter into a Government contract (or subcontract) for the sale of an item of a food product essential to the war program, whenever it appears that the maximum price impedes or threatens to impede its production, manufacture, or distribution. The applicant's overall profits will be an important consideration in determining the action to be taken.

(b) From 5 days prior to the filing of an application for adjustment until its final disposition, contracts may be entered into or proposed and bids submitted at the price requested in the application, and deliveries may be made under such contracts. However, no amount by which the price exceeds the maximum price may be paid or received until an order granting a higher price has been issued. In each sale, contract to sell, or offer to sell, at a price requested in the application, the seller shall furnish the buyer with a statement showing the following:

(1) The maximum price for the item; and

(2) The filing of an appropriate application with the Office of Price Administration, or the intention to file it within 5 days.

(c) Any government agency may appear as an interested party in connection with the application.

(d) "Food product essential to the war program" means any food product purchased (1) for the ultimate use of the Army, the Navy, the Maritime Commission or the War Shipping Administration of the United States, or the Lend-Lease Section of the Procurement Division of the Treasury Department, or (2) by the government (or its agencies) of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or (3) for use in the production or manufacture of any such food product.

"Government contract" means a contract with the United States, or an agency, or with the government (or its agencies) of any country whose defense the President deems vital to the defense of the United States under the terms of the Act mentioned above.

"Subcontract" means a purchase order or agreement to perform all or part of the work required under or to make or furnish any commodity needed for the performance of, another Government contract or subcontract.

SEC. 5.16 *Applications for adjustment by sellers who have been found to have violated the Robinson-Patman Act.*

NOTE: This section is derived from, and for the purpose of this regulation supersedes, Supplementary Order No. 41,[12] issued by the Office of Price Administration.

(a) The Office of Price Administration may adjust the maximum price established for any seller in any case in which he shows:

(1) That he has been found by the Federal Trade Commission, or any court of competent jurisdiction, to have discriminated in price between different purchasers of commodities in violation of the provisions of the Robinson-Patman Act (49 Stat. 1526) or of any state statute prohibiting price discrimination; and

(2) That the elimination of the discrimination by lowering his price to the purchasers against whom he has been found to have discriminated would cause him substantial hardship; and

(3) That the elimination of the discrimination by increasing his price to the purchasers in whose favor he has been found to have discriminated is prohibited by this regulation.

(b) Applications for adjustment under this provision shall be filed with the Office of Price Administration, Washington, D. C., in accordance with the provisions of Revised Procedural Regulation No. 1,[13] issued by the Office of Price Administration.

SEC. 5.17 *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1.

Effective date. This regulation shall become effective February 4, 1944.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 4th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1729; Filed, February 4, 1944; 11:26 a. m.]

[8] 7 F.R. 5176.
[9] 8 F.R. 13240.
[10] 7 F.R. 8444, 9323, 8 F.R. 4510, 4785, 6175.
[11] 7 F.R. 5087, 5664, 8 F.R. 6173, 6174, 12024.
[12] 8 F.R. 4782.
[13] 8 F.R. 3313, 3533, 6173, 11806.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 511]

OATS, BARLEY AND GRAIN SORGHUMS

In the judgment of the Price Administrator it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, that the maximum prices for the sale of oats, barley and grain sorghums, as established by Temporary Maximum Price Regulation No. 33, be continued in effect as provided in this Maximum Price Regulation No. 511.

This regulation is issued pursuant to a directive of the Economic Stabilization Director, under section 5 of Executive Order 9328, authorizing and directing the Price Administrator and the Food Administrator to issue a regulation establishing maximum prices on oats, barley and grain sorghums which are substantially the same in effect as those established by Temporary Maximum Price Regulation No. 33. Since the prices so established will exceed those which would reflect parity, the Economic Stabilization Director has further directed the Price Administrator and the Food Administrator to prepare and issue as rapidly as is reasonably possible either a revision of this regulation or new regulations which will establish maximum prices on oats, barley and grain sorghums that will reflect parity to the producers of these agricultural commodities.

In fixing the maximum prices established by this regulation, adequate weighting has been given to farm labor and, so far as practicable, representative members of the industry which will be affected have been consulted. In the judgment of the Price Administrator the maximum prices herein established are in accordance with and will further the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1439.11 *Maximum prices for oats, barley and grain sorghums.* Under the

*Copies may be obtained from the Office of Price Administration.

authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation 511, which is amended hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.11 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 511—OATS, BARLEY AND GRAIN SORGHUMS

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SECTION 1. *Maximum prices.* Regardless of any contract, agreement or other obligation, no person shall sell or deliver oats, barley and grain sorghums, and no person shall in the course of trade or business buy or receive oats, barley and grain sorghums at prices higher than the maximum prices set forth in this Maximum Price Regulation No. 511; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That any contracts for the sale or purchase of oats, barley or grain sorghums made and entered into between December 6, 1943 and February 4, 1944, both dates inclusive, which comply with the provisions of Temporary Maximum Price Regulation No. 33 and any contracts made and entered into on or before December 5, 1943, may be performed according to their terms. Lower prices may be charged, demanded, paid or offered.

SEC. 2. *Applicability.* (a) Except as provided in paragraph (b) of this section and in section 1, this regulation shall apply to all sales, whether for immediate or future delivery, within the 48 States and the District of Columbia of the United States of imported and domestic oats, barley and grain sorghums.

(b) This regulation shall have no application to sales of oats, barley and grain sorghums used as seed for planting.

SEC. 3. *Definitions.* (a) As used herein the following terms shall have the following meanings:

(1) "Bushel" means 32 pounds net weight for oats, 48 pounds net weight for barley and 56 pounds net weight for grain sorghums.

(2) "Person" means an individual, corporation, partnership, association or other organized group of persons or legal successor or representatives, of any of the foregoing and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of any af the foregoing.

(3) "Carload quantity" means a lot of oats, barley or grain sorghums of 60,000 pounds or more: *Provided*, That a lot of grain of 30,000 pounds or more shipped in a mixed car or pool car shall be considered a carload quantity.

(4) "On track" means loaded on a railroad car in a carload quantity.

(5) "Oats" means the grain defined as such in the Official Grain Standards of the United States. References to grades are also to said Official Grain Standards of the United States.

(6) "Barley" means the grain defined as such in the Official Grain Standards of the United States. References to grades are also to said Official Grain Standards of the United States.

(7) "Grain sorghums" means the grains defined as such in the Official Grain Standards of the United States. References to grades are also to said Official Grain Standards of the United States.

(8) "Standard merchantable quality" shall have the meaning normally ascribed to it by the trade.

SEC. 4. *Maximum prices for sales of oats.* (a) The maximum price for sales of oats, in carload quantities, shall be as follows:

Base point:	Maximum price
Chicago, Ill.	No. 3 White—$0.80½ bushel, bulk
Minneapolis, Minn.	No. 3 White— 0.78 bushel, bulk
Kansas City, Mo.	No. 3 Red — 0.83½ bushel, bulk
Omaha, Nebr.	No. 3 White— 0.79 bushel, bulk
Fort Worth, Tex.	No. 3 White— 0.92 bushel, bulk
San Francisco, Calif.	No. 2 Red — 3.15 per 100 pounds, sacked
Portland, Oreg.	No. 2 White—38 pounds—$52.50 ton, bulk
Seattle, Wash.	No. 2 White—38 pounds— 52.50 ton, bulk

(b) The maximum price for sales of other grades, kinds and quantities of oats at any of the above named markets shall be the premium or discount, as the case may be, normal to the trade over or under the foregoing maximum price set forth in paragraph (a).

(c) The maximum price bulk, on track at other points shall be the premium or discount, as the case may be, normal to the trade over or under the foregoing maximum price at said base points.

(d) For sellers, other than a track seller, the foregoing maximum prices shall be increased or decreased, as the case may be, by the premium or discount normal to the trade, for the class of sale, and class of purchaser in question over or under the maximum price on track at or nearest to the point of delivery to the purchaser.

(e) For sales sacked, the foregoing maximum prices may also be increased by the reasonable value (not exceeding the maximum price) of the sacks furnished by the seller and the reasonable value (not exceeding the maximum price) for the sacking furnished by the seller.

SEC. 5. *Maximum prices for sales of barley.* (a) The maximum price for sales of barley in carload quantities shall be as follows:

Base point:	Maximum price
Chicago, Ill.	No. 3—$1.26 per bushel, bulk
Minneapolis, Minn.	No. 2— 1.36 per bushel, bulk
Kansas City, Mo.	No. 2— 1.16½ per bushel, bulk
Omaha, Nebr.	No. 2— 1.15 per bushel, bulk
Fort Worth, Tex.	No. 2— 1.31 per bushel, bulk
Seattle, Wash.	No. 2—45 pounds, $49.00, ton, bulk
Portland, Oreg.	No. 2—West 45 pounds, $50.00, ton, bulk
San Francisco, Calif.	Bright West, 44 pounds $2.70, per 100 pounds, sacked.

(b) The maximum price for sales of other grades, kinds and quantities of barley at any of the above-named markets shall be the premium or discount, as the case may be, normal to the trade, over or under the foregoing maximum price set forth in paragraph (a).

(c) The maximum price, bulk, on track, at other points shall be the premium or discount, as the case may be, normal to the trade over or under the foregoing maximum price at said base points.

(d) For sellers, other than a track seller, the foregoing maximum prices shall be increased or decreased, as the case may be, by the premium or discount normal to the trade for the class of sale, and class of purchaser in question over or under the maximum price on track at or nearest to the point of delivery to the purchaser.

(e) For sales, sacked, the foregoing maximum prices may also be increased by the reasonable value (not exceeding the maximum price) of the sacks furnished by the seller and the reasonable value (not exceeding the maximum price) for the sacking furnished by the seller.

SEC. 6. *Maximum prices for grain sorghums.* The maximum price per 100 pounds net weight for the sale of any variety of grain sorghums shall be as follows:

(a) Bulk, on track, No. 1 and No. 2 grade and otherwise standard merchantable quality at the following base points:

Base point:	Maximum price per 100 pounds
Fort Worth, Tex.	$2.40
Houston, Tex.	2.40
Kansas City, Mo.	2.36
Los Angeles, Calif.	2.74
San Francisco, Calif.	2.74

(b) The maximum price bulk, on track at said above named cities for other grades, kinds and quantities, shall be the premium or discount normal to the trade under the foregoing maximum prices set forth in paragraph (a) for the basic kind.

(c) The maximum price bulk, on track at other points shall be the premium or discount normal to the trade under the foregoing maximum prices at said base points.

(d) For sellers, other than a track seller, the foregoing maximum prices shall be increased or decreased, as the case may be, by the premium or discount normal to the trade for the class of sale, and class of purchaser in question over or under the maximum price on track at or nearest to the point of delivery to the purchaser.

(e) For sales, sacked, the foregoing maximum prices may also be increased by the reasonable value (not exceeding the maximum price) of the sacks furnished by the seller and the reasonable value (not exceeding the maximum price) for the sacking furnished by the seller.

SEC. 7. *Export sales.* The maximum prices at which a person may export oats, barley and grain sorghums shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.[1]

SEC. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 9. *Documents and reports.* (a) Every person subject to this regulation making a sale or purchase of oats, barley and grain sorghums in the course of trade or business on or after the effective date of this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his customary records, including complete and accurate records of such sales and purchases, showing the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point, and the quantity of oats, barley and grain sorghums sold or purchased.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[2]

SEC. 10. *Evasive practices.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to oats, barley and grain sorghums, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by any other means.

SEC. 11. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, and proceedings for suspension of license, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 12. *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 13. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

This regulation shall become effective February 4, 1944.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 4, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1749; Filed, February 4, 1944; 4:52 p. m.]

[1] 8 F.R. 4132.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[3] 8 F.R. 12340.

PART 1305—ADMINISTRATION

[Rev. Supp. Order 13]

RETAIL SELLERS OPERATING OR INTENDING TO OPERATE MORE THAN ONE ESTABLISHMENT

Supplementary Order No. 13 is redesignated Revised Supplementary Order No. 13 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.[4] For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended it is hereby ordered:

§ 1305.17 *Determination of maximum prices by sellers at retail operating or intending to operate more than one establishment.* (a) A seller who owns or operates one or more establishments selling commodities at retail and who has or desires to establish the practice of selling designated commodities at uniform prices in all or certain of such establishments may make written application for such authorization to the Regional Office of the Office of Price Administration within which the seller's main office is located, provided the seller can propose a practicable method of determining prices centrally without increasing the general level of prices and can demonstrate the advisability thereof as an aid to price control. The application shall set forth:

(1) The applicant's name and, where any difference exists, the name under which sales are made, and the principal office address;

(2) The number of separate establishments now owned or operated and the number about to be acquired by the applicant, and shall include four copies of the complete addresses of all such establishments arranged by states;

(3) The kinds of commodities dealt in by such establishments;

(4) Whether commodities are or will be purchased centrally and distributed to such establishments by the applicant, or are to be purchased separately by such establishments, and if purchased separately, what commodities are to be so purchased;

(5) A detailed description of how prices have been established for the various establishments both prior and subsequent to March 1942 and of any price differentials known to exist;

(6) If prices have not been substantially uniform in the past, the reason therefor or cause thereof, together with the reason why uniformity is now desired;

(7) A detailed description of the method the applicant desires to use in determining prices and the means proposed to be adopted to insure centralized control over future prices in such establishments;

(8) Whether the applicant produces, manufactures, or fabricates any commodities to be thus sold or is affiliated with any producer, manufacturer or fabricator of any such commodity;

(9) The cumulative average initial net mark-up taken by the applicant in 1941, and in the first and second six months of 1942, or in its fiscal periods most closely corresponding to the above periods, or, where such figures are not readily available, some comparable figures, such as gross profit figures, for such periods;

(10) Whether uniform selling prices are now or are to be determined and marked in a central office;

[4] Copies may be obtained from the Office of Price Administration.

(11) The names and addresses of the applicant's most closely competitive sellers of the same class on a national or regional basis, and, if an applicant having less than ten existing establishments wishes to open one or more new establishments, the four closest competitors each such new establishment would have if it were a separate seller; and

(12) Any other facts which the applicant wishes to submit. If such authorization is given, it will be accompanied by instructions as to the method by which the seller shall determine and use uniform maximum prices under the applicable maximum price regulation.

(b) *Authorization to regional offices to grant or deny certain applications filed hereunder.* Any regional office of the Office of Price Administration, and such other offices as may be authorized by the appropriate regional office, may by order and accompanying opinion grant or deny applications filed hereunder, when: (1) The applicant's main office and selling units to be included in the authorization are located within its jurisdiction, and (2) The applicant had an established practice of selling commodities therein at substantially uniform prices.

(c) *Definitions.* (1) "Price regulation," as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or supplement thereto or order heretofore or hereafter issued thereunder.

(d) Each seller to whom a uniform pricing order has been issued under § 1499.4a of General Maximum Price Regulation or this supplementary order, either as originally issued or hereby revised, shall prepare a separate list, keeping a copy thereof, by seasons where necessary, for each individual store governed by such order, showing the highest price line in which such store may sell each classification, category, group, class, subclass, or other division, however designated, of a centrally purchased commodity priced under such uniform pricing order and governed by a maximum price regulation containing a highest price line provision. Each store must keep such list and all records pertaining to commodities purchased and priced by the individual store, together with its own base period price statements, but all records of costs, pricings, and computations for commodities centrally purchased shall be kept only in the central or main pricing office.

(e) All orders of authorization heretofore issued under the original Supplementary Order No. 13 shall remain in full force and effect.

This supplementary order shall become effective February 12, 1944.

NOTE: The reporting and record keeping requirements of this supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1762; Filed, February 5, 1944; 12:12 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11, Amdt. 13]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 11 is amended in the following respects:

1. In § 1316.4 (d) Table I, under the heading "Fine Combed Plain", reference No. AJ5 is added to read as follows:

AJ5 54" 96 x 96 3.97 (for industrial use)	33.23

2. In § 1316.4 (d) Table I, under the heading "Poplin", reference No. AO14 is added to read as follows:

AO14 37½" 112 x 72 2.46 (Ply Warp)	37.53

3. In § 1316.4 (d) Table I, under the heading "Carrier Apron for Rubber Thread", references Nos. BC6 and BC7 are added to read as follows:

BC6 38" 96 x 98 3.88	36.08
BC7 46" 96 x 98 3.19	43.89

4. In § 1316.4 (d) Table I, under the heading "Printer's Blanket Fabric", reference No. BD11 is added to read as follows:

BD11 62" 46/92 x 60 1.66 (Ply Warp)	76.50

5. In § 1316.4 (d) Table I, is amended by adding the heading "Mechanical Boat Cloth" and reference No. BW1 to read as follows:

Mechanical Boat Cloth

BW1 48" 56 x 56 2.12 (Single Yarn)	67.90

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1763; Filed, February 5, 1944; 12:05 p. m.]

PART 1345—COKE

[MPR 77,[1] Amdt. 4]

BEEHIVE OVEN COKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 is amended to read as follows:

SEC. 8. *Maximum prices for sales of beehive oven coke produced in Fayette County, West Virginia.* The maximum prices, per net ton f. o. b. ovens, for beehive oven coke produced in Fayette County, West Virginia shall be:

Foundry coke	$9.10
Domestic coke	6.50

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1764; Filed, February 5, 1944; 12:10 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 14]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In section 5.1 (a) the text preceding subparagraph (1) is amended to read as follows:

(a) Crude soybean oil—in tank cars:

	Cents per pound
F. o. b. mills located in:	
California, Oregon and Washington	12.50
Arizona	12.125
Edgewater, New Jersey; Houston, Texas; New Orleans, Louisiana; Savannah, Georgia	12.00
Michigan, New Jersey (except Edgewater), New Mexico, New York, North Carolina, Ohio, Pennsylvania, Virginia	11.875
Alabama, Arkansas, Florida, Georgia (except Savannah), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana (except New Orleans), Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina, Tennessee, Texas (except Houston), Wisconsin	11.75

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1765; Filed, February 5, 1944; 12:05 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 469,[2] Amdt. 4]

LIVE HOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 469 is amended in the following respects:

1. Schedule I of section 13 is amended by changing the ceiling price stated for Nashville, Tennessee from "$14.60" to "$14.50".

2. Item 13 (a) of Schedule III of section 13 is amended to read as follows:

(a) Jerauld, Aurora, Douglas, Charles Mix, Brown, Marshall, Day, Roberts, Spink, Clark, Codington, Hamlin, Grant, Deuel, Beadle, Kingsbury, Brookings, Sanborn, Miner, Lake, Moody, Davison, Hanson, McCook, Minnehaha, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, Union	$14.15

3. Item 28 of Schedule III of section 13 is amended to read as follows:

28. *Kentucky:*	
(a) Marshall, Calloway, Graves, McCracken, Ballard, Carlisle, Hickman, Fulton	$14.35
(b) Robertson, Mason, Lewis, Greenup, Carter, Boyd, Bourbon, Nicholas, Fleming, Bath, Rowan, Elliott, Lawrence, Clark, Montgomery, Menifee, Morgan, Johnson, Martin, Powell, Wolfe, Magoffin, Madison, Estill, Lee, Breathitt, Floyd, Pike, Rockcastle, Jackson, Owsley, Laurel, Whitley, Clay, Knox, Bell, Perry, Leslie, Harlan, Knott, Letcher	$14.55
(c) All counties except those cited in 28 (a) and 28 (b)	$14.45

4. Item 29 of Schedule III of section 13 is amended to read as follows:

29. *Tennessee:*	
(a) Lake, Obion, Weakley, Henry, Dyer, Gibson, Carroll, Benton, Lauderdale, Crockett, Madison, Henderson, Decatur, Tipton, Haywood, Shelby, Fayette, Hardeman, Chester, McNairy, Hardin	$14.30
(b) All counties except those cited in 29 (a)	$14.45

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: January 26, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1767; Filed, February 5, 1944; 12:10 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amdt. 107]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 136, as amended, is amended in the following respects:

1. In paragraph (c) of Appendix A the item "Rubber tire and tube machinery" is amended to read "Rubber tire and tube machinery and equipment, including tire recapping and retreading molds and accessory parts (full circle and sectional molds, matrices, etc.), tire buffers, tire spreaders and spot vulcanizers for tubes".

2. In paragraph (d) of Appendix A the items "masonry saws" and "scaffolds" are added in alphabetical order.

3. Paragraph (b) of Appendix B is amended to read as follows:

(b) Any part or subassembly of any item listed in this Appendix B. Also, any industrial machinery, or part or subassembly of any industrial machinery, which is not listed in Appendices A or B. "Industrial machinery" means any machinery or equipment used in the extraction, production or processing of commodities. The term "industrial machinery" does not include farm equipment covered by Maximum Price Regulation 246—Manufacturers' and Wholesale Prices for Farm Equipment, or any product excluded from the coverage of this regulation by Appendix C.

4. In paragraph (c) of Appendix B the item "Gears, pinions, sprockets and speed reducers, except automotive or tractor transmissions, transfer cases, power take-offs, differentials or axle assemblies, specially designed for use in vehicles, aircraft or equipment used primarily for military purposes" is amended to read "Gears, pinions, sprockets and speed reducers specially designed for use in vehicles, aircraft or equipment used primarily for military purposes (except automotive or tractor transmissions, transfer cases, power take-offs, differentials and axle assemblies)".

5. In Appendix C the item "Hand Tools, except those specially designed for manufacture, repair and maintenance of aircraft, military vehicles or other predominantly military equipment" is amended to read "Hand tools except those listed in Appendices A and B".

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1766; Filed, February 5, 1944; 12:03 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 10 to Supp. 1]

FUEL OIL RATIONING REGULATIONS

Supplement 1 to Ration Order No. 11 is amended in the following respects:

1. A new subparagraph (6) is added to § 1394.9101 (b) to read as follows:

(6) In Zones A-1, A-3, B-1, B-3, C-1, and C-3, the value of one unit represented by coupons numbered "4" on Class 4 coupon sheets, and the value of five units represented by coupons numbered "4" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "4" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

2. A new subparagraph (7) is added to § 1394.9101 (b) to read as follows:

(7) In Zones A-2, B-2, and C-2 the value of one unit represented by coupons numbered "4" and "5" on Class "4" coupon sheets, and the value of five units represented by coupons numbered "4" and "5" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "4" and "5" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

Amendment No. 10 to Supplement No. 1 shall become effective on February 8, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub Laws 421, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1777; Filed, February 5, 1944; 12:09 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[RMPR 282]

CERTAIN PRIVATE FORMULA DRUG AND COSMETIC PRODUCTS

Maximum Price Regulation No. 282 is redesignated as Revised Maximum Price Regulation No. 282 and is revised and amended to read as set forth below:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1396.251 *Maximum prices for certain private formula drug and cosmetic products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 282 (Certain Private Formula Drug and Cosmetic Products), which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1396.251 (issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681).

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16787, 17223; 9 F.R. 986, 753.

[2] 8 F.R. 11150, 11508, 11296, 11739, 12022, 12542, 12659, 12873, 15523.

[1] 8 F.R. 12562, 13741, 13847.

[1] 8 F.R. 16132.

REVISED MAXIMUM PRICE REGULATION NO. 282—CERTAIN PRIVATE FORMULA DRUG AND COSMETIC PRODUCTS

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SECTION 1. *Definitions.* (a) When used in this regulation the term:

(1) "Private formula product" means a drug or cosmetic product to be sold under the label or brand name of a person other than the manufacturer thereof.

(2) "Drug" means any product for internal or external administration, intended to be used for the diagnosis, cure, mitigation, treatment, or prevention of diseases of man or animals.

(3) "Cosmetic" means any product intended to be rubbed, poured, sprinkled, or sprayed upon, or introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance. Soap is not a cosmetic, but, as used herein, the term "cosmetic" includes shaving soap and liquid shampoo.

(4) "Affiliated." A buyer and seller will be deemed to be "affiliated" if the buyer owns more than 50 per cent of the stock or assets of the seller, if the seller owns more than 50 per cent of the stock or assets of the buyer, or if a third person owns more than 50 per cent of the stock or assets of both buyer and seller.

(5) "Most comparable private formula product" means the private formula product selected by the manufacturer, according to the procedure set forth below, from those private formula products of his manufacture for which maximum prices for his sales have already been established under an applicable regulation issued by the Office of Price Administration, and which comply with the following conditions:

(i) The unit direct costs of each product do not differ from those of the private formula product being priced by more than 50 per cent.

(ii) The maximum price of each product was established on the basis of the production of a number of units of the product in any one batch or single continuous run which does not differ by more than 30 per cent from the number of units he contemplates producing in any one batch or single continuous run of the private formula product being priced.

(iii) The maximum price for each product was established on a sale to a non-affiliated buyer, except that where the product being priced is sold to an affiliated buyer, each product may be one whose maximum price was established on a sale to that buyer.

The following steps in the order of selection are to be applied to the products or product meeting the above requirements in the order listed until only one private formula product is left which is the "most comparable private formula product." If any step eliminates all the private formula products selected by the preceding step in the list, there shall be applied to such private formula products the first succeeding step in the list which will select at least one such private formula product.

(a) The manufacturer shall first select from the private formula products of his manufacture specified above those which are made by the same or similar manufacturing processes as the private formula product being priced.

(b) Then from these he shall select those having the same general use as the private formula product being priced.

(c) Then from these, he shall select those having the same or similar physical form as the private formula product being priced.

(d) Then from these he shall select the one whose maximum price was determined on the basis of the production in any one batch or single continuous run of a number of units most similar to the number of units he contemplates producing in any one batch or single continuous run of the private formula product being priced.

(e) In case step (d) selects more than one private formula product, he shall select from these, the one whose unit direct cost is most similar to that of the private formula product being priced.

(6) "Unit direct cost" means the sum of the costs per manufacturer's sales unit of the private formula product of direct labor and materials, computed on the basis of the following wage rates, material prices, and operating conditions:

(i) *Wage rates.* The wage rates shall be no higher than those permitted by law and no higher than the average wage rates in effect for each class of labor used in the manufacturer's plant at the time such product is being priced under this regulation.

(ii) *Material costs.* Material costs shall be those based on prices being paid at the time the product is being priced, but shall in no event be based on prices higher than the maximum prices established by the applicable maximum price regulations.

Where the material whose cost is being determined is tax paid alcohol, the price specified above shall be the price for such alcohol, fully tax paid without drawback, less the following amounts:

(a) If the material costs are being determined for a private formula product whose maximum price was established prior to November 1, 1942, $2.00 per proof gallon.

(b) If material costs are being determined for any other private formula product as to which the manufacturer would be eligible to receive a drawback under section 3250 (1) of the Internal Revenue Code, $3.75 per proof gallon.

(iii) *Operating conditions.* The computation shall be made on the basis of the production technique employed in the plant at the time such product is being priced and on the basis of the actual volume of production in any one batch or single continuous run of such comparable product and the contemplated volume of production in any one batch or single continuous run of the product being priced.

(7) "Trade practices" includes credit practices and practices relating to the payment of transportation costs.

(8) "Transportation costs" or "freight charges" shall be deemed to include the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong., approved October 21, 1942), as if it were a like increase in the rate or the amount charged by the carrier for the transportation in question.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation shall apply to other terms used in this regulation.

SEC. 2. *Applicability of other price regulations*—(a) *General Maximum Price Regulation*[1] The General Maximum Price Regulation shall not apply to sales or deliveries of private formula products covered by this regulation on and after February 11, 1944, except that the provisions specified below shall apply to sales and deliveries covered by or sellers subject to this regulation.

(1) Section 5. Transfers of business or stock in trade.
(2) Section 7. Federal and state taxes.
(3) Section 11. Base period records.
(4) Section 12. Current records.
(5) Section 19a. Adjustable pricing.
(6) § 1499.26 Revised Supplementary Regulation No. 1.[2]

(b) This regulation shall not apply and Maximum Price Regulation No. 165—Services shall apply where all of the materials, including packaging materials, are supplied by the buyer.

(c) *Exports (Second Revised Maximum Export Price Regulation[3] applicable).* The maximum prices at which a person may export private formula products shall be determined in accordance with the provisions of the Second Revised Maximum Price Regulation.

(d) *Imports (Maximum Import Price Regulation[4] applicable).* The provisions of this regulation shall not apply and the Maximum Import Price Regulation shall apply to the purchases, sales or deliveries of private formula products, if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported products are governed by the provisions of the Maximum Import Price Regulation.

SEC. 3. *Geographical applicability of this regulation.* This regulation applies in the 48 States of the United States and the District of Columbia.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.
[2] 8 F.R. 11736, 11814, 11951, 12406, 12793, 13171, 13513.
[3] 8 F.R. 4132, 5987, 7662, 9998.
[4] 8 F.R. 11681, 12237.

SEC. 4. *Prohibition against sales at higher than maximum prices.* (a) On and after February 11, 1944, regardless of any contract or other obligation:

(1) No manufacturer shall sell or deliver any private formula product at a price higher than the maximum price established by this regulation.

(2) No person shall buy or receive any such product, in the course of trade or business, at a higher price than the maximum price established by this regulation.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) The buyer shall be deemed to have complied with this section if, at the time of purchasing, the buyer receives from the seller a written statement that to the best of his knowledge the price does not exceed the maximum price established by this regulation and that he has fully complied with this regulation, and if the buyer has no reason to doubt the truth of the statement

(c) Nothing in this Revised Maximum Price Regulation No. 282 shall prevent the fulfillment of contracts entered into before February 11, 1944 for the sale of private formula products at prices not exceeding the maximum prices established by Maximum Price Regulation No. 282 before revision or the General Maximum Price Regulation, whichever is applicable.

SEC. 5. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 6. *Maximum prices for private formula products priced before February 11, 1944.* The maximum price for a sale of a private formula product which is the same as such a product for which a maximum price has been established under an applicable maximum price regulation shall be the maximum price so established if:

(a) The number of units to be manufactured in any one batch or single continuous run does not vary by more than 30 per cent from the number manufactured in any one batch or single continuous run of the production on the basis of which the maximum price was established, and

(b) The maximum price was established on a sale to a non-affiliated buyer or on a sale to the same buyer, whether affiliated or not.

SEC. 7. *Maximum prices for private formula products which cannot be priced under section 6 above.* (a) The maximum price for a sale by a manufacturer of any private formula product which cannot be priced under section 6 above shall be no higher than the maximum price determined by the method set forth in subparagraphs (1) or (2) below:

(1) *Where comparable product exists.* The maximum price per unit shall be the unit direct cost of the private formula product being priced multiplied by the mark-up factor obtained on the sale of the most comparable product. Such mark-up factor shall be computed by dividing the maximum price per unit on such sale by the current unit direct cost of the most comparable product.

Where the buyer supplies part of the material, including packaging material, for the production of the product being priced, such material shall not be included in computing the unit direct cost of such product.

Where the buyer supplied part of the material, including packaging material, for the production of the most comparable product at the time a maximum price therefor was established, the current market value, of such material not in excess of the applicable maximum price therefor, shall be used in computing the current unit direct cost of the most comparable product, unless such material was not included in computing the costs and price of the most comparable product at the time a maximum price therefor was established.

All customary discounts, trade practices, and practices relating to the payment of transportation charges in effect with respect to the sale of such a comparable product shall apply to such maximum price.

(2) *Where no comparable product exists.* The maximum price for such new private formula product shall be in line with the level of maximum prices established by this regulation and authorized by the Office of Price Administration in accordance with the procedure set forth in paragraph (b) below:

(b) *Report of price.* Before any manufacturer may deliver any private formula product priced under this section, either by reference to a comparable product under paragraph (a) (1) above, or otherwise under paragraph (a) (2) above, he shall submit by registered mail to the Office of Price Administration in Washington, D. C., a report upon OPA Form No. 6812:277, also known as Appendix C of the General Maximum Price Regulation, duly filled out. He may use a form copied from such form. Copies of the form may be obtained from the district, regional or national offices of the Office of Price Administration.

Where no comparable product exists, the part of the form specified in the above paragraph pertaining to a comparable article shall not be filled out.

In addition to the information specified in the said form, the manufacturer shall include therewith a statment showing:

(1) The name and address of the prospective purchaser of the private formula product being priced, whether or not the purchaser is under common control or ownership with the seller and, if so, the facts pertaining to the same.

(2) The number of units to be sold and to be manufactured in any one batch or single continuous run and the prospective dates of manufacture and delivery of the product being priced.

(3) The number of units sold and manufactured in any one batch or single continuous run on the sale of the most comparable product for which a maximum price was established.

(4) Trade practices including credit, container and transportation provisions.

(5) All materials (including packaging materials) supplied by the buyer the costs of which were not included in computing the cost and price of the most comparable product at the time a maximum price therefor was established, including the quality, grade and specification of each such material and the amount of each used per unit of the product.

(6) All materials (including packaging materials) supplied by the buyer of the product being priced, including the quality, grade and specification of each such material and the amount of each used per unit of the product.

(7) Where no comparable product exists, the manufacturer shall also include in the statement:

(i) The reasons why such product cannot be priced under section 6 or section 7 (a) (1) above.

(ii) The maximum price proposed by the manufacturer together with a detailed explanation of the method by which the manufacturer computed such price.

(iii) The reasons why the manufacturer believes the proposed price to be in line with the level of maximum prices established by this regulation.

After mailing the report, or report and statement, the manufacturer may make deliveries at prices not in excess of those reported. If, at the expiration of twenty days from the date of mailing the report, the manufacturer has not received from the Office of Price Administration a written disapproval of the reported proposed maximum prices, such prices shall be considered as authorized. If not approved, the Office of Price Administration may require refunds to be made.

(c) The Price Administrator may by letter or otherwise adjust any such reported prices which he finds are not in conformity with the regulation or which he determines to be excessively high; but, unless a written disapproval has been mailed to the manufacturer within said twenty-day period, not until after giving the manufacturer notice and a reasonable opportunity to present additional evidence. Such adjusted price shall not be retroactive unless written disapproval has been mailed to the manufacturer within said twenty-day period. No retroactive adjustment shall be made as to deliveries made between the end of said twenty-day period and the date the disapproval is received by the manufacturer.

SEC. 8. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, a private formula product, alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 9. *Licensing and enforcement.* (a) The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for

violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Applications for adjustment.* (a) If the materials and labor used by a manufacturer in the production of a private formula product have increased in cost to him so substantially since a maximum price was established for the product that he cannot continue to use those materials in the production of the product or to continue to produce the product, he may file an application for adjustment of his maximum price for the product. The application must show:

(1) The name and address of the prospective purchaser of the product, whether or not the purchaser is under common control or ownership with the seller, and, if so, the facts pertaining to the same.

(2) Name, description, unit of sale and production, established maximum selling price of the product, and full terms of sale.

(3) Itemization of direct material and labor costs per unit, including the cost, quantity, and name and address of the supplier of each item of material, at the time the maximum price was established for the product.

(4) Total current costs of production per unit for the product including:

(i) Itemization of direct material and labor costs per unit including the cost, quantity and name and address of the supplier of each item of material and, if increased labor costs are shown, a full explanation of the reason for the increase and a showing that any wage rates subject to approval by the War Labor Board have been approved by that Board.

(ii) Other manufacturing costs directly assignable to the production of the product such as: indirect labor, factory supplies, repairs and maintenance of building, machinery and equipment, insurance, property taxes, depreciation at normal rates on plant and equipment actually used in manufacture, purchased utility services, and other items commonly associated with factory operation.

(iii) Other general administrative and selling expenses such as: executive and administrative salaries, office expense, commissions, advertising, and similar items but not including income or excess profit taxes, charges to war reserves, or reserves for contingencies.

(iv) The method of allocating the costs and expenses to the product. The costs and expenses of production may be broken down in the detail and in accordance with the method customarily used by the manufacturer in computing his cost of production of the product, but shall show general administrative and selling expenses separately.

(5) Profit and loss statements for each of the calendar or fiscal years between 1936 and 1939, inclusive, and for the most recent full fiscal or calendar year, and for each of the quarters thereafter, prior to the date of filing the application. The filing of the financial data designated in this item is optional. Should the applicant prefer and so requests, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue. If the applicant has submitted any of such data on Office of Price Administration Financial Report Forms A or B for certain periods or has furnished same on a previous application for adjustment of a maximum price, he may so state and omit those periods in his present report.

(6) If the manufacturer applies for an adjustment of his maximum price per unit to a price no higher than the total current cost of production per unit less general administrative and selling expenses, he need not include in the application the data required on general administrative and selling expenses by subparagraph (iii) of paragraph (4) above nor the profit and loss statements required by paragraph (5) above.

(7) The proposed selling price and terms of sale.

(8) A written statement signed by the prospective buyer of the private formula product from the manufacturer that he can and agrees to absorb the increased costs, stating the amount of the same, and that he will not increase his prices to a purchaser from him on a sale of the product under Maximum Price Regulation 392 or 393, or otherwise, by reason of such increased costs should the application for adjustment be granted nor use a price higher than the unadjusted price for the product in computing a maximum price under Maximum Price Regulation No. 392 or 393 for the same product.

(b) Should the application for adjustment be granted, no sales or deliveries of the product to other buyers may be made at the increased price unless such buyer also signs a statement and agreement similar to that required in paragraph (a) (8) above.

(c) Any buyer who fails to carry out such an agreement shall be in violation of this regulation.

(d) No adjustment granted under this section shall exceed the increases in cost of direct labor and materials, and any such adjustment shall be additionally limited as set forth below: (As used below "over-all profits" means over-all profits before deduction of income and excess profit taxes.)

(1) To an amount sufficient to make the adjusted price per unit equal to the total current cost of production per unit less general administrative and selling expenses, where applicant's current over-all profits on an annual basis are at least 15 per cent greater than his average annual over-all profits during the years 1936–1939, inclusive (or other appropriate peace-time base period).

(2) To an amount sufficient to make the adjusted price per unit equal to the total current cost of production per unit, where applicant's current over-all profits on an annual basis are less than 15 per cent greater, but not appreciably less, than his average annual over-all profits during the period 1936–1939, inclusive (or other representative peace-time base period), but not in excess of an amount which will cause his current over-all profits on an annual basis to equal or exceed 115 per cent of his average annual over-all profits during such base period.

(3) To an amount sufficient to make the adjusted price per unit equal to the total current cost of production per unit plus a reasonable margin of profit per unit, where applicant's current over-all profits on an annual basis are appreciably less than his average annual over-all profits during the period 1936–1939, inclusive (or other representative peace-time period), but not in excess of an amount which will cause his current over-all profits on an annual basis to exceed his average annual over-all profits during such base period.

(e) Any application for an adjustment under this section shall be filed in accordance with subpart B of Revised Procedural Regulation No. 1.[1]

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Effective date. This regulation shall become effective February 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1769; Filed, February 5, 1944; 12:11 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[2d Rev. MPR 216,[1] Amdt. 2]

EASTERN PRIMARY FOREST PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Second Revised Maximum Price Regulation 216 is amended in the following respects:

1. In section 2 (a), a subparagraph (4) is added, to read as follows:

(4) Eastern industrial blocking.

2. In section 2 (e), subparagraphs (7), (8), and (9) are redesignated (9), (10), and (11), respectively, and subparagraphs (7) and (8) are added, to read as follows:

(7) "Industrial blocking" means mixed hardwoods that are sawn to specified sizes and of a grade meeting the requirements of steel mills and like users, for bracing and blocking their products in shipment.

(8) "Standard open pit mine ties" means ties 8' in length, manufactured from woods-run timber 8" or larger in top diameter. "Small" open pit mine ties are the same except that they are manufactured from timber 7" to 8" in top diameter.

3. Section 3, in the first undesignated paragraph, immediately after the phrase "for Eastern wooden mine material", the phrase "and industrial blocking" is inserted; and immediately after the phrase "round or split lagging" the phrase "and open pit mine ties" is inserted.

4. In section 3, at the end of the third undesignated paragraph the following sentence is added: "Open pit mine ties in Zone 8 may be priced on a delivered basis in accordance with footnote 1 to table 7 (c)".

5. In section 4, at the end of the first undesignated paragraph, the following sentence is added: "Transportation additions for open pit mine ties delivered to mines in Zone 8 are set out in footnote 1 to table 7 (c)."

6. In section 17, the section heading is amended to read: "*Maximum prices for Eastern wooden mine material and industrial blocking*", and at the end of the undesignated paragraph, the following is added: "A provision for quoting open pit mine ties on delivered basis in Zone 8 appears in footnote 1 to table 7 (c).

All diameters specified in the following tables in this section refer to measurement taken at the small end and under the bark".

7. In section 17, a table 3 (e) is added, to read as follows:

3 (e) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6" x 7"	$30.50	5400	3900
All sizes over 6" x 7"	32.50	5400	3900

NOTE 1: All lengths specified shorter than 6', add 3.00.

8. In section 17, a table 4 (d) is added, to read as follows:

4 (d) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6" x 7"	$30.50	5400	3900
All sizes over 6" x 7"	32.50	5400	3900

NOTE 1: All lengths specified shorter than 6', add $3.00.

9. In section 17, tables 5 (a), 5 (b), and 5 (c) are redesignated 5 (b), 5 (c), and 5 (d), respectively, and new tables 5 (a) and 5 (e) are added, to read as follows:

5 (a) UNPEELED PIT POSTS AND PROPS—PRICE PER POST

(f. o. b. cars railroad loading-out point in the Counties of Bedford, Franklin, Campbell, Amherst, Appomattox, Prince Edward, and Charlotte in the State of Virginia)

Length	Diameters			
	5"	6"	7"	8"
	Price	*Price*	*Price*	*Price*
6'0"	$0.18	$0.20	$0.24	$0.27
6'6"	.185	.21	.245	.275
7'0"	.19	.21	.25	.28
7'6"	.195	.22	.255	.285
8'0"	.20	.23	.26	.29

[1] 8 F.R. 12936, 16209.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[1] Copies may be obtained from the Office of Price Administration.

5 (a) UNPEELED PIT POSTS AND PROPS—PRICE PER POST—Continued

Length	Diameter			
	5"	6"	7"	8"
	Price	*Price*	*Price*	*Price*
6'10"	$0.205	$0.24	$0.27	$0.30
7'0"	.21	.245	.28	.31
7'6"	.225	.26	.30	.335
8'0"	.24	.28	.32	.36
8'6"	.255	.30	.34	.38
9'0"	.27	.315	.36	.40
9'6"	.285	.33	.38	.425
10'0"	.30	.35	.40	.45
10'6"	.34	.39	.44	.50
11'0"	.385	.44	.49	.55
11'6"	.40	.46	.51	.575
12'0"	.42	.48	.54	.60
12'6"	.435	.50	.56	.625
13'0"	.455	.52	.58	.65
13'6"	.47	.54	.60	.675
14'0"	.49	.56	.63	.70
14'6"	.485	.58	.65	.725

5 (e) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6" x 7"	$29.00	5400	3900
All sizes over 6" x 7"	31.00	5400	3900

NOTE 1: All lengths specified shorter than 6' add $3.00

10. In section 17, a table 6 (d) is added, to read as follows:

6 (d) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6" x 7"	$25.00	5400	3900
All sizes over 6" x 7"	27.00	5400	3900

NOTE 1: All lengths specified shorter than 6', add $3.00

11. In section 17, tables 7, 7 (a), 7 (b), 7 (c), 7 (d), and 7 (e) are amended, and tables 7 (f), 7 (g), and 7 (h) are added, all to read as follows:

MAXIMUM PRICES FOR MINE MATERIAL PRODUCED IN ZONE 8

TABLE 7.—ROUND UNPEELED PIT POSTS, PROPS, POLE TIMBER AND CRIBBING PRODUCED IN MINNESOTA

[Weight in pounds and price per lineal foot]

Top diameter inside bark	Mixed Hardwoods and Hemlock				Tamarack				Jack, Norway, White Pine and Spruce			
	All lengths 8' and under		All lengths over 8'		All lengths 8' and under		All lengths over 8'		All lengths 8' and under		All lengths over 8'	
	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price
3" to 5"	10	$0.025	11	$0.03								
5" to 7"	18	.05	19	.055								
7" to 9"	29	.09	31	.10								
9" to 11"	43	.12	45	.13								
11" to 13"	59	.16	62	.17								
13" to 15"	78	.19	81	.20								
15" to 17"	97	.235	100	.245								
3" to 5"					5.5	$0.03	9.5	$0.035	7.5	$0.02	8.5	$0.025
5" to 6"					12	.045	13	.05	11	.03	12	.035
6" to 7"					16	.075	17	.085	14.5	.04	15.5	.05
7" to 8"					21	.105	22	.115	18.5	.065	19.5	.075
8" to 9"					26	.135	27	.145	23	.09	24	.10
9" to 10"					31	.17	33	.18	28	.12	29.5	.13
10" to 11"					37	.205	39	.215	34	.14	35.5	.15
11" to 12"					44	.24	46	.25	40	.17	42	.18
12" to 13"									46	.21	48	.22
13" to 14"									53	.24	55	.25
14" to 15"									61	.29	63	.30

TABLE 7 (a)—ROUND UNPEELED PIT POSTS, PROPS, POLE TIMBER AND CRIBBING PRODUCED IN WISCONSIN AND MICHIGAN

[Weight in pounds and price per lineal foot]

Top diameter inside bark	Mixed Hardwoods and Hemlock				Tamarack				Jack, Norway, White Pine and Spruce			
	All lengths 8' and under		All lengths over 8'		All lengths 8' and under		All lengths over 8'		All lengths 8' and under		All lengths over 8'	
	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price
3" to 5"	10	$0.025	11	$0.03								
5" to 7"	18	.05	19	.055								
7" to 9"	29	.09	31	.10								
9" to 11"	43	.12	45	.13								
11" to 13"	59	.16	62	.17								
13" to 15"	78	.19	81	.20								
15" to 17"	97	.235	100	.245								
3" to 4"					7.5	$0.03	8.5	$0.035				
4" to 5"					9.5	.04	10.5	.045				
5" to 6"					12	.05	13	.055				
6" to 7"					16	.075	17	.085				
7" to 8"					21	.105	22	.105				
8" to 9"					26	.135	27	.135				
9" to 10"					31	.17	33	.17				
10" to 11"					37	.205	39	.205				
11" to 12"					44	.24	46	.24				
3" to 5"									7.5	$0.02	8.5	$0.025
5" to 6"									11	.03	12	.035
6" to 7"									14.5	.04	15.5	.05
7" to 8"									18.5	.065	19.5	.075
8" to 9"									23	.09	24	.10
9" to 10"									28	.12	29.5	.13
10" to 11"									34	.14	35.5	.15
11" to 12"									40	.17	42	.18
12" to 13"									46	.21	48	.22
13" to 14"									53	.24	55	.25
14" to 15"									61	.29	63	.30

TABLE 7 (b)—ROUND OR SPLIT LAGGING (192 CUBIC FOOT CORD)

	Per cord	
	Weight	Price
Split cedar lagging	3250	$15.50
Round or split jack pine or poplar lagging	5000	15.50

TABLE 7 (c)—OPEN-PIT MINE TIES

	Each
8' Standard tamarack mine cross ties (manufactured from 8" and larger timber)	$1.20
8' Small tamarack mine cross ties (manufactured from 7" to 8" timber)	.70
8' Standard white oak mine cross ties (manufactured from 8" and larger timber)	1.47
8' Small white oak mine cross ties (manufactured from 7" to 8" timber)	.8 0
	Per M'BM
Tamarack mine switch ties	$42.00
White oak mine switch ties	45.00

FOR MINE SWITCH TIES SOLD AND LOADED IN SETS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PURCHASER ADD $2.50 PER M'BM

NOTE: 1—To figure delivered prices in Zone 8 instead of using the provisions of section 4, the following amounts may be added to above prices regardless of the production point.

	Each
Standard tamarack mine cross ties	$0.15
Small tamarack mine cross ties	.10
Standard white oak mine cross ties	.20
Small white oak mine cross ties	.15
	Per M'BM
White oak and tamarack mine switch ties	$7.50

TABLE 7 (d)—MIXED HARDWOOD UNDERGROUND MINE CROSS OR SWITCH TIES

	Per M'BM		
	Weight		Price
	Green	Dry	
All sizes 8' and shorter	5400	3900	$30.50

TABLE 7 (e)—CROSS BARS (COLLARS) MIXED HARDWOODS

	Per M'BM		
	Weight		Price
	Green	Dry	
All sizes up to and including 6" to 7"	5400	3900	$30.50
All sizes over 6" x 7"	5400	3900	32.50

NOTE: 1—For specified lengths longer than 16' add $3.00.

TABLE 7 (f)—SHORT MINE MATERIAL MIXED HARDWOODS

	Per M'BM		
	Weight		Price
	Green	Dry	
Post Caps (Headers) All Sizes	5400	3900	$30.50
Wedges to Specification	5400	3900	40.00

TABLE 7 (g)—MINE BOARDS MIXED HARDWOODS

	Per M'BM		
	Weight		Price
	Green	Dry	
All sizes	5400	3900	$30.50

TABLE 7 (b)—INDUSTRIAL BLOCKING MIXED HARDWOODS

	Per M'BM		
	Weight		Price
	Green	Dry	
All sizes up to and including 6" x 7"	5400	3900	$30.50
All sizes over 6" x 7"	5400	3900	32.50

NOTE 1: All lengths specified shorter than 6' add $3.00.

12. Section 18, in the provision headed "Notes: Applying to Tables 8, 8a, 8b, 8c, 8d, and 8e", notes 1 and 7 are amended and note 11 is added, to read as follows:

1. If a top diameter is specified, or where the top diameter controls, the butt size shall be determined by adding to the top diameter specified 1 inch for each 10 feet or fraction thereof in length.

7. For unpeeled Oak, deduct .02 per lineal foot.

11. For yellow pine piling shorter than 15' produced in Zones 2, 3, 4, 5, 6, or 7, the maximum prices and weights shown in Table 10 shall apply.

13. In section 18, Table 9, a note 14 is added, to read as follows:

14. For specified top diameter poles of ASA quality except in dimensions, the maximum price shall be determined as for an ASA pole, the class to be determined by the following matching of sizes:

On all poles 50' and shorter:

4" top dia	use Class 9
5" top dia	use Class 7
6" top dia	use Class 6
7" top dia	use Class 5
8" top dia	use Class 4
9" top dia	use Class 3
10" top dia	use Class 1

On all poles 55' and longer:

4" top dia	use Class 9
5" top dia	use Class 7
6" top dia	use Class 6
7" top dia	use Class 5
8" top dia	use Class 3
9" top dia	use Class 2
10" top dia	use Class 1

14. In section 18, Table 10 is amended, to read as follows:

TABLE 10—YELLOW PINE REINFORCING STUBS AND ANCHOR LOGS SHORTER THAN 15', MAXIMUM PRICES AND WEIGHTS PER LINEAL FOOT, PRODUCED IN ZONES 2, 3, 4, 5, 6, AND 7

(F. o. b. loading-out point or dumped, boomed, rafted, and prepared for towing in towable waters)

Minimum diameter small end	Estimated weight	Maximum Prices	
		Zones 5, 6, and 7	Zones 2, 3, and 4
5"	12	$0.03	$0.04
6"	15	.04	.05
7"	22	.06	.07
8"	30	.07	.09
9"	35	.08	.10
10"	39	.12	.14
11"	47	.14	.17
12"	55	.16	.19
13"	63	.19	.22
14"	72	.22	.25
15"	82	.25	.26
16"	92	.28	.31

NOTE 1: For clean peeled stubs and anchor logs up to and including 13" minimum butt, add $0.01 per lineal foot. 14" minimum butt and larger, add $0.02 per lineal foot.

NOTE 2: For boring, add $0.02 per hole.

This amendment shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1772; Filed, February 5, 1944; 12:07 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 38]

INTOXICATING LIQUORS IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 25 is amended to read as follows:

SEC. 25. *Maximum prices for intoxicating liquors.* (a) Except as otherwise provided herein, the maximum price for intoxicating liquors sold at wholesale or at retail shall be:

(1) *Sales at wholesale.* The maximum price at wholesale shall not exceed the prices charged by the seller for the same amount and type of intoxicating liquors sold or offered for sale on December 6, 1941, except that

(i) Any discounts granted by a wholesaler to a retailer for quantity purchases or otherwise on December 6, 1941, may be discontinued, and

(ii) There may be added to the maximum price established herein, the amount of any United States gallonage tax which has become applicable on such sales since December 6, 1941.

(2) *Sales by retailers.* The maximum price at retail shall not exceed the prices charged by the seller for the same amount and type of intoxicating liquors sold or offered for sale on December 6, 1941, except that

(i) There may be added to the maximum price the amount of any United States gallonage tax which has become applicable on such sales since December 6, 1941.

(3) *Liquors not sold or offered for sale on December 6, 1941.* The maximum prices at wholesale and at retail for any intoxicating liquors not sold or offered for sale on December 6, 1941, shall be determined by the Office of Price Administration, Iolani Palace, Honolulu, T. H., upon application made to it by any seller of such intoxicating liquors.

(4) For the purposes of this table, the term "intoxicating liquor" means any liquid with alcoholic content over 3.2% by volume sold by the bottle, package or case.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201, 9 F.R. 173, 393.

(b) Maximum prices for sales in the Island of Oahu of compounded liquor manufactured in the Territory of Hawaii.

90 PROOF LIQUOR

Number of bottles per case	Size of bottles	Maximum prices per case for sales to wholesalers, retailers or dispensers	Maximum prices per bottle for sales to consumers
4	1 gallon	$30.43	
3	1 gallon	22.82	
6	½ gallon	23.13	$5.01
12	1 quart	23.74	2.57
12	¼ quart	19.35	2.10
24	1 pint	24.84	1.35
48	½ pint	25.96	.71

Liquor other than 90 proof. For liquor other than 90 proof, maximum prices shall be the prices determined by applying the factors shown in the following conversion table for each variation of 1 degree in proof content.

CONVERSION TABLE

Number of bottles per case	Size of bottles	Factors for adjusting maximum prices per case for sales to wholesalers, retailers or dispensers	Factors for adjusting maximum prices per bottle for sales to consumers
4	1 gallon	$0.3131	
3	1 gallon	.2348	
6	½ gallon	.2348	$0.08068
12	1 quart	.2348	.02544
12	¼ quart	.1879	.02035
24	1 pint	.2348	.01272
48	½ pint	.2348	.00636

NOTE: Fractions. Drop fractions of less than ½ cent. For fractions of ½ cent or over, raise to the next highest whole cent.

Variations of less than one degree in proof content. Adjust proportionately (e. g., half the above amounts for variations of ½ degree, etc.)

Examples. To determine the maximum price to wholesalers, retailers or dispensers for a case of 12 one-quart bottles of 86 proof gin (or other Hawaiian manufactured compounded liquor):

Maximum price for a similar case of 90 proof liquor	$23.74
Factor for adjusting prices (from conversion table)	$0.2348
Number of degrees variation in proof content (85 − 90)	−5
Adjustment of 90 proof price ($0.2348 × (−5))	−$1.1740
Adjustment after dropping fraction of less than ½ cent	−1.17
Maximum price for a case of 85 proof liquor	22.57

To determine the maximum price to consumers for one quart bottle of 85 proof liquor:

Maximum price for one quart bottle of 90 proof liquor	$2.57
Factor for adjusting prices (from conversion table)	$0.02544
Number of degrees variation in proof content (85 − 90)	−5
Adjustment of 90 proof price ($0.02544 × (−5))	−$0.12720
Adjustment after raising fraction of more than ½ cent	−.13
Maximum price for one quart bottle of 85 proof liquor	$2.44

Complete schedule of 85 proof liquor prices resulting from application of conversion table in accordance with above examples:

85 PROOF LIQUORS

Number of bottles per case	Size of bottles	Maximum prices per case for sales to wholesalers, retailers or dispensers	Maximum prices per bottle for sales to consumers
4	1 gallon	$28.86	
3	1 gallon	21.65	
6	½ gallon	21.96	$4.76
12	1 quart	22.37	2.44
12	¼ quart	18.41	2.00
24	1 pint	23.67	1.29
48	½ pint	24.79	.68

(1) The maximum prices above established for sales to wholesalers, retailers, or dispensers are for delivery at the seller's warehouse. In the event the seller delivers to the buyer's place of business or to any other point designated by the buyer he may add to the maximum price an amount not in excess of charges for transportation actually paid, or to be paid, in connection with such delivery. The seller may not make any additional charge for delivery made in vehicles owned or controlled by him without first obtaining written authorization from the Office of Price Administration.

(c) Maximum prices for gin drinks applicable in the Island of Hawaii only shall be:

(1) Gin manufactured in the Territory of Hawaii and sold in jiggers straight—$0.20 per ounce of gin.

(2) Mixed drinks made with gin manufactured in the Territory of Hawaii—$0.05 per drink less the dispenser's maximum price for mixed drinks made with imported gin.

VODKA, RUM, ARRACK, OKOLEHO, BRANDY AND ALL OTHER COMPOUND LIQUORS IN THE TERRITORY OF HAWAII—85 PROOF

Number of bottles per case	Size of bottles	Prices to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 Gallon	$30.12	
3	1 Gallon	22.59	
6	½ Gallon	23.51	
12	1 Quart	25.10	$2.76
12	¼ Quart	20.74	2.28
24	1 Pint	26.02	1.46
48	½ Pint	27.34	.77

Other than 85 proof. Apply the factors shown in the following conversion table for each variation of 1 degree in proof content:

CONVERSION TABLE

Number of bottles per case	Size of bottles	Factors for adjusting prices to be charged to retailers and dispensers (per case)	Factors for adjusting prices to be charged to consumers (per bottle)
4	1 gallon	$0.3445	
3	1 gallon	.2584	
6	½ gallon	.2584	
12	1 quart	.2584	$0.02842
12	¼ quart	.2067	.02274
24	1 pint	.2584	.01453
48	½ pint	.2584	.00726

NOTE: Fractions. Drop fractions of less than ½ cent. For fractions of ½ cent or over, raise to the next highest whole cent.

Variations of less than one degree in proof content. Adjust proportionately, by interpolation, (e. g. half the above amounts for variations of ½ degree, etc.)

Examples. (1) To determine the maximum price to retailers and dispensers for a case of 12 four-fifths quart bottles of 80.6 vodka:

Maximum price for a similar case of 85 proof vodka	$20.74
Factor for adjusting prices (from conversion table)	$0.2067
Number of degrees variation in proof content (80.6–85)	−4.4
Adjustment of 85 proof price ($0.2067 × (−4.4)	−.90948
Adjustment after raising fraction of more than ½ cent	−.91
Maximum price for a case of 80.6 proof fifths	19.83

(ii) To determine the maximum price to consumers for one four-fifths quart bottle of 80.6 vodka:

Maximum price for one bottle (⅘ quart) of 85 proof vodka	$2.28
Factor for adjusting prices (from conversion table)	$0.02274
Number of degrees variation in proof content (80.6—85)	−4.4
Adjustment of 85 proof price ($0.02274 × −4.4)	−.100056
Adjustment after dropping fraction of less than ½ cent	−.10
Maximum price for one bottle (⅘ quart) of 80.6 proof	2.18

(iii) Complete schedule of 80.6 proof prices resulting from application of conversion table in accordance with above examples:

80.6 PROOF LIQUORS OTHER THAN GIN

Number of bottles per case	Size of bottle	Price to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 gallon	$28.60	
3	1 gallon	21.45	
6	½ gallon	22.37	
12	1 quart	23.96	$2.63
12	¼ quart	19.63	2.18
24	1 pint	24.88	1.40
48	½ pint	26.20	.74

(iv) Complete schedule of 90 proof prices resulting from application of conversion table in accordance with above examples:

90 PROOF LIQUORS OTHER THAN GIN

Number of bottles per case	Size of bottle	Prices to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 gallon	$31.84	
3	1 gallon	23.88	
6	½ gallon	24.80	
12	1 quart	26.39	$2.90
12	¼ quart	21.77	2.39
24	1 pint	27.31	1.53
48	½ pint	28.63	.81

(v) Complete schedule of 105 proof prices resulting from application of conversion table in accordance with above examples:

100 PROOF LIQUORS OTHER THAN GIN

Number of bottles per case	Size of bottles	Prices to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 gallon	$37.01	
3	1 gallon	27.76	
6	½ gallon	28.68	
12	1 quart	30.27	$3.33
12	⅕ quart	24.87	2.73
24	1 pint	31.19	1.75
48	½ pint	32.51	.92

(d) *Maximum prices for sales outside the Island of Oahu of compounded liquor manufactured in the Territory of Hawaii.* (1) The maximum prices for sales to consumers in the Territory of Hawaii outside the Island of Oahu shall be the maximum prices as set forth in paragraph (b) of this section, plus the following: .05¢ per bottle on ½ gallons, .03½ per bottle on quarts or ⅕ quarts, .01¢ per bottle on pints and ½ pints.

(2) The maximum prices for sales to wholesalers, retailers or dispensers in the Territory of Hawaii outside the Island of Oahu shall be the maximum prices as set forth in subparagraphs (1), (2), and (3) of paragraph (b) of this section, plus the amount of actual transportation costs from the point of manufacture to the buyer's place of business, or to any other point designated by him, actually paid, or to be paid, by the seller. To the extent that such transportation is accomplished in vehicles owned or controlled by the seller, or any other prior vender, no charge may be made therefor without first obtaining written authorization from the Office of Price Administration. Whenever transport is by air, the amount of excess of the actual cost of air freight over the cost of ocean freight for a similar shipment may not be included in the amount to be added for transportation costs unless the buyer requests shipment by air or that his order be filed from shipments that have been transported by air.

(e) *Miscellaneous*—(1) *Taxes.* The prices contained in paragraphs (b) and (c) of this section do not include the 6% Territorial Tax, which may be added, but they include all other taxes.

(2) Maximum prices for sales of less than case lots to wholesalers, retailers or dispensers should be proportional to the prices contained in paragraphs (b) and (c) of this section for full cases. For this purpose, where fractions occur the next highest whole cent may be used. For example, the maximum price to be charged dispensers for a case of twelve one-quart bottles of 85 proof gin is $22.57. The price of three bottles would be three-twelfths of $22.57. Since this would produce a price of $5.64¼, the fraction may be raised to the next highest cent, and $5.65 charged. The price for six bottles, however, would be $11.29, for seven bottles $13.17, etc. With respect to less than case sales in gallon sizes, the prices should be proportional to the price for a full case of three bottles. (Note that the rule for handling fractions for purposes of determining less than case prices is not the same as the rule for handling fractions when using the conversion table under paragraph (b).

2. Section 47 (i) is added to read as follows:

(i) *Posting and marking of prices.* Notwithstanding the provisions of section 10 of this regulation, the following posting and marking provisions shall be applicable to this section 47:

(1) *Posting.* On and after the effective date of this section every person who sells or offers to sell any article listed and described in paragraph (a) (1) at retail shall post in a conspicuous place in a manner plainly visible to and understandable by the purchasing public in the department or portion of the premises where any such article is sold or offered for sale, a sign stating "Each pair of shoes and slippers in this store (or on this counter, shelf, or in this case, bin or rack) is marked and sold at our ceiling price or less."

(2) *Marking.* On and after the effective date of this section no person shall sell or deliver or offer for sale any article listed and described in paragraph (a) (1) at retail unless there is firmly attached to such article a stamp, tag or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

This amendment shall become effective as follows:

(a) As to section 25 as of November 8, 1943.

(b) As to section 47 (i), on February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1770; Filed, February 5, 1944; 12:11 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR. 373,[1] Amdt. 39]

FROZEN SHRIMP AND PRAWN IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 55 is amended to read as follows:

SEC. 55. *Maximum wholesale and retail prices for frozen shrimp and prawn.* (a) Maximum prices for sales at wholesale and retail of frozen shrimp and prawn in the Territory of Hawaii, shall be:

FROZEN SHRIMP AND PRAWN

Style of processing	Size	Wholesale price (per pound packed in five pound containers)	Retail price per pound
Head on	Under 9 count	$0.369	$0.47
Head on	9–12 count	.343	.44
Head on	12–15 count	.316	.40
Head on	15–18 count	.29	.37
Head on	18–25 count	.27	.35
Head on	26–39 count	.25	.32
Head on	40 and over count	.23	.29
Headless	Under 15 count	.58	.71
Headless	15–20 count	.52	.67
Headless	21–25 count	.474	.61
Headless	26–30 count	.428	.55
Headless	31–42 count	.395	.51
Headless	43–65 count	.369	.47
Headless	66 and over count	.336	.43
Peeled	Under 18 count	.691	.88
Peeled	18–25 count	.625	.80
Peeled	26–31 count	.566	.72
Peeled	32–37 count	.513	.66
Peeled	38–51 count	.474	.61
Peeled	52–80 count	.434	.56
Peeled	81 and over count	.395	.51
Peeled and veined	Under 20 count	.783	1.00
Peeled and veined	20–27 count	.697	.89
Peeled and veined	28–33 count	.638	.82
Peeled and veined	34–40 count	.58	.74
Peeled and veined	41–56 count	.54	.69
Peeled and veined	57–86 count	.493	.63
Peeled and veined	87 and over count	.454	.58
Headless and veined	Under 16 count	.625	.80
Headless and veined	16–21 count	.566	.72
Headless and veined	22–27 count	.513	.66
Headless and veined	28–32 count	.467	.60
Headless and veined	33–45 count	.434	.56
Headless and veined	46–69 count	.401	.51
Headless and veined	70 and over count	.369	.47

(b) *Definitions.* When used in this section the term:

(1) "Count" as applied to shrimp and prawn, means the number of processed shrimp or prawn to the pound.

(2) "Frozen shrimp and prawn" means shrimp and prawn that are naturally and artificially frozen.

(3) "Headless" means shrimp and/or prawn from which the head has been removed.

(4) "Headless and veined" means shrimp and/or prawn from which the head and alimentary canal (sand vein) have been removed.

(5) "Head on" means shrimp and/or prawn as it comes from the water.

(6) "Peeled" means shrimp and/or prawn from which the head and shell have been removed.

(7) "Peeled and veined" means shrimp and/or prawn from which the head, shell and alimentary canal (sand vein) have been removed.

(8) "Sale at retail" means a sale or selling to an ultimate user.

(9) "Sale at wholesale" means a sale to any person other than the ultimate consumer and shall include sales to licensed retail stores, peddlers, hotels, restaurants, licensed boarding houses, the United States or any of its political subdivisions, public institutions, and all commercial and industrial users.

(c) Maximum prices for sales at wholesale and retail of frozen shrimp and prawn not set forth in this section shall be a price approved by the Office of Price Administration, Iolani Palace, Honolulu, Hawaii, which approval shall be obtained before any such shrimp is sold or offered for sale at wholesale or retail.

This amendment shall become effective as of November 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1771; Filed, February 5, 1944; 12:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Corr. to Amdt. 14[1]]

DOMESTIC HOG BRISTLES

Section 2.12 (m) is corrected to read section 2.12 (n).

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1776; Filed, February 5, 1944; 12:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 47]

UNGINNED SPANISH MOSS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.12 (o) is added to read as follows:

(o) Unginned Spanish moss.

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1773; Filed, February 5, 1944; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 43]

RECONDITIONING OF CONTAMINATED PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (130) is amended to read as follows:

(130) Reconditioning of contaminated petroleum products from ocean-going vessels or for the United States or any agency thereof or for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1942, entitled "An Act to Promote the Defense of the United States," or for any agency of such government.

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1774; Filed, February 5, 1944; 12:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 90]

GINNED SPANISH MOSS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.40 is added to read as follows:

SEC. 6.40 *Ginned Spanish moss.* This section establishes maximum prices for all sales of ginned Spanish moss except sales at retail. "Ginned Spanish moss" is a fibre derived from the plant dendropogon usnecides by removing the outer covering through a combination of fermentation and ginning.

(a) *Maximum prices for ginner's sales.* (1) Except as provided in subparagraph (2), below, the maximum prices applicable to sales of ginned Spanish moss by the ginner thereof are:

MAXIMUM PRICES F. O. B. GIN

[Cents per pound, any quantity]

	Sales to industrial users	All other sales
Black moss	17¾	16½
All other moss	16¼	15

The prices enumerated above include commissions and all other charges. They are net prices except that the prices for sales to industrial users are subject to terms of 2% 10 days, net 30 days.

(2) The provisions of this subparagraph (2) are applicable only to those ginners who, during March 1942, had an established practice of making sales of ginned Spanish moss for shipment or delivery in less than carload quantities direct to industrial users from warehouse stocks maintained by the ginner at points other than the location of his gin or gins. The maximum prices established by this paragraph apply only to sales by such a ginner for shipment or delivery from warehouses located at points other than the gin and only on sales to industrial users. The maximum price, f. o. b. warehouse, shall be determined by adding to the applicable price enumerated below the rail freight at the carload rate from the producing gin to the warehouse. The invoice or other memorandum delivered to the purchaser by the ginner shall separately state the amount added for freight from the gin to the warehouse.

[Cents per pound]

Quantity	Black moss	All other moss
Carload lots (minimum 20,000 lbs.)	17¾	16¼
Less than carload lots:		
5,000 lbs. or over	18½	17
500 lbs. to 4,999 lbs.	19	17½
499 lbs. or less	22½	21

The above prices include commissions and all other charges and are subject to terms of 2% 10 days, net 30 days.

(b) *Maximum prices for all other sales.* The maximum prices, f. o. b. producing gin, applicable to sales of ginned Spanish moss by all persons other than the ginner are set forth below.

[Cents per pound

Quantity	Black moss	All other moss
Carload lots (minimum 20,000 lbs.)	17¾	16¼
Less than carload lots:		
5,000 lbs. or over	18½	17
500 lbs. to 4,999 lbs.	19	17½
499 lbs. or less	22½	21

The above prices include commissions and all other charges, except as specified below, and are subject to terms of 2% 10 days, net 30 days.

The above prices are for shipment direct from the producing gin to the purchaser. In the case of sales for shipment from a warehouse located at a point other than the location of the producing gin, rail freight at the carload rate from the gin to such warehouse may be added to the above prices. The invoice or other memorandum delivered to the purchaser by the seller shall separately state the amount added for freight from the gin to the warehouse.

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1775; Filed, February 5, 1944; 12:07 p. m.]

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[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8764.

PART 1240—FUEL

[MPR 436,[1] Amdt. 8]

CRUDE PETROLEUM AND PETROLEUM AND NATURAL GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 (m) (2) is added to read as follows:

(2) *Lance Creek Field and Salt Creek Field.* The maximum price at the receiving tank for crude petroleum produced in Lance Creek Field, Niobrara County, Wyoming and the Salt Creek Field, Natrona County, Wyoming except crude petroleum produced from the Tensleep Sand, shall be as follows:

A. P. I. gravity:	*Dollars per 42 gallon barrel*
Below 21	0.85
21–21.9	.87
22–22.9	.89
23–23.9	.91
24–24.9	.93
25–25.9	.95
26–26.9	.97
27–27.9	.99
28–28.9	1.01
29–29.9	1.03
30–30.9	1.05
31–31.9	1.07
32–32.9	1.09
33–33.9	1.11
34–34.9	1.13
35–35.9	1.15
36–36.9	1.17
37–37.9	1.19
38–38.9	1.21
39–39.9	1.23
40 and above	1.25

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1843; Filed, February 7, 1944; 11:40 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 451,[2] Amdt. 1]

BOOK PAPER

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The first paragraph of Appendix B (a) is amended to read as follows:

(a) In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942, the same or a similar grade in a like quantity to a purchaser in the same line of business, the maximum price shall be the highest price charged upon any such sale during that period. In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942 the same or a similar grade in an unlike quantity or to a purchaser in a different line of business, the maximum price shall be the highest price charged for the same or similar grade during that period for any quantity and to any purchaser, adjusted upward or downward, as the case may be, in accordance with the manufacturer's usual system of differentials and charges with respect to sales in varying quantities or to purchasers in different lines of business: *Provided, however,* That with respect to increases effected by seller subsequent to December 1, 1943, the pricing provisions of this paragraph shall in no event operate to increase the seller's maximum price applicable to the sale of the same or a similar grade in a like quantity to a purchaser to whom deliveries of that grade were made during the period October 1, 1941 through March 31, 1942 to an amount in excess of $8.00 per ton more than the highest price paid by such purchaser to such seller during the period October 1, 1941 through March 31, 1942, for the same or a similar grade in a like quantity.

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1845; Filed, February 7, 1944; 11:39 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[1] Amdt. 22]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The first sentence of paragraph (a) in section 20 is amended to read as follows:

The Regional Administrator for Region VIII may by order fix maximum prices for all types of sales of fresh fish or seafood for which a maximum price has not been established in this Maximum Price Regulation No. 418: *Provided,* That: (1) During the year preceding the issuance of the order, substantially all of such fish or seafood which was consumed in the United States at or was produced within Region VIII; (2) substantially all of such fish or seafood during the year preceding the issuance of the order was consumed within Region VIII; and (3) the maximum price fixed by the order for each type of sale of such fish or seafood does not exceed the 1942 weighted average price for that type of sale of such fish or seafood: *Provided,* That such price is otherwise in accord with the provisions of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and Executive Order No. 9328.

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1846; Filed, February 7, 1944; 11:39 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 103]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The definition of "Rationed fats or oils" in section 24.1 (a) is amended by inserting after the words "sesame seed," in subparagraph (3), the words "sunflower seed,".

This amendment shall become effective February 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1847; Filed, February 7, 1944; 11:39 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[2] Amdt. 10]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 271 is amended in the following respects:

1. In tables I and III of section 24, footnote 1, including its subdivisions, in each case, is deleted.

2. Table III in section 24 is amended to read as follows:

TABLE III.—WHITE FLESH POTATOES (1943)

[Maximum price per 100 lbs., U. S. No. 1 grade, sacked and loaded on carrier, all varieties]

State	Producing area	1943			1944					
		Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
North Atlantic:										
Maine	All	$2.15	$2.25	$2.35	$2.40	$2.45	$2.55	$2.65	$2.75	$2.75
New Hampshire	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Vermont	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Massachusetts	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Rhode Island	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Connecticut	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
New York	Long Island	2.60	2.60	2.70	2.75	2.80	2.90	3.00	3.00	3.00
	Rest of State	2.40	2.50	2.60	2.65	2.70	2.80	2.90	3.00	3.00
New Jersey	All	2.50	2.60	2.70	2.75	2.80	2.90	3.00	3.10	3.10
Pennsylvania	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
East North Central:										
Ohio	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Indiana	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Illinois	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Michigan	All	2.35	2.45	2.55	2.60	2.65	2.75	2.85	2.95	2.95
Wisconsin	All	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
West North Central:										
Minnesota	Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine and all counties North thereof.	2.05	2.15	2.25	2.30	2.35	2.45	2.55	2.65	2.65
	Rest of State	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
Iowa	Winnebago, Worth, Mitchell, Howard, Hancock, Cerro, Gordo, Floyd, Chickasaw, Winneshiek and Allamakee Counties.	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
	Rest of State	2.40	2.50	2.60	2.65	2.70	2.80	2.90	3.00	3.00
Missouri	All	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
North Dakota	Bowman, Golden Valley, Billings, Slope, McKenzie, Williams, and Divide Counties.	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
	Rest of State	2.05	2.15	2.25	2.30	2.35	2.45	2.55	2.65	2.65
South Dakota	All	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
Nebraska	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Kansas	All	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
West:										
Montana	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Idaho	Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone, Kootenai, Bonner and Boundary Counties.	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
	Rest of State	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
Wyoming	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Colorado	Saguache, Mineral, Archuleta, Rio Grande, Conejos, Alamosa, Costilla, Huerfano, Las Animas Counties.	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
	La Plata, Hinsdale Gunnison, Pitkin, Eagle, Routt, and all counties west thereof.	2.10	2.20	2.30	2.35	2.40	2.50	2.60	2.70	2.70
	Greeley District and rest of State.	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
New Mexico	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Arizona	All	2.50	2.60	2.70	2.75	2.80	2.90	3.00	3.10	3.10
Utah	All	2.05	2.15	2.25	2.30	2.35	2.45	2.55	2.65	2.65
Nevada	All	2.30	2.40	2.50	2.55	2.60	2.70	2.80	2.90	2.90
Washington	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Oregon	Malheur County	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
	Curry, Jackson, Josephine, Klamath, Lake, Harney, Crook, Deschutes Counties.	2.30	2.40	2.50	2.55	2.60	2.70	2.80	2.90	2.90
	Rest of State	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
California	Modoc and Siskiyou Counties.	2.30	2.40	2.50	2.55	2.60	2.70	2.80	2.90	2.90
	Rest of State	2.50	2.60	2.70	2.75	2.80	2.90	3.00	3.10	3.10
All other States		2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05

3. Table IV of section 24 is amended in the following respects:

a. In item 5 "Nevada" is deleted from the list of States.

b. In item 6 the list of States is amended to read as follows:

Oregon, all other counties except Crook, Deschutes, Klamath and Lake.

c. In item 7 the list of States is amended to read as follows:

California, Nevada, Oregon (counties of Crook, Deschutes, Klamath and Lake).

d. In the footnote, paragraph (d) is amended to read as follows:

d. For U. S. No. 1 white boiler and pickler onions graded and packed in 50-pound bags, the country shipper may add $1.00 per 50 pounds. No grade differential may be added.

4. Section 25 is added to read as follows:

SEC. 25. *Differentials for grade, size and packaging.* (a) *Potatoes (grade and size).* The following differentials shall be applied to the f. o. b. shipping point prices for white flesh potatoes, U. S. No. 1 Grade, packed in 100-pound bags, which are set forth in tables I, III and V in section 24. They shall be added or subtracted, as indicated, in sales by country shippers (including growers) to all persons (including other country shippers).

(1) *Grade*	*Amount to be applied per cwt.*
U. S. Extra No. 1 or better	add 10¢
Below U. S. No. 1 but 85% U. S. No. 1, U. S. commercial or better	subtract 10¢
Less than 85% U. S. No. 1, U. S. commercial or better, including ungraded and unclassified	subtract 30¢

(1) *Size*	*Amount to be applied per cwt.*
U. S. Size B	subtract 30¢
6 oz. minimum	add 15¢
2 inch minimum or U. S. Size A, or combination (If both 2 inch minimum and U. S. Size A only 10¢ may be added).	add 10¢
(3) *Baking type*	
U. S. No. 1 or better, 6 oz. and heavier, 2½ inch and larger	add 35¢
6 oz. minimum to 14 oz. maximum or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed or brushed and specially packed in 10 pound mesh bags, or in bags containing 10 mesh bags (each such mesh bag containing approximately 5 pounds)	add $1.25
6 oz. minimum to 14 oz. maximum or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed or brushed, specially packed in 50 pound bags	add 60¢

(b) *Potatoes (packaging).* The following differentials for packaging shall be added to or subtracted from the figure which results from application of the above grade and size differentials, as indicated, in sales by country shippers (including growers) to all persons (including other country shippers):

Type of pack or package	*Amount to be applied per cwt.*
(1) *Bulk, or in containers furnished by the purchaser* (For example, if the potatoes are U. S. Extra No. 1 and the buyer supplies the containers, the seller's maximum price per cwt. is the price from the appropriate table, plus 10¢ as shown in (a) (1) above, and minus 20¢ under this paragraph)	subtract 20¢
(2) *Cotton, mesh or burlap bags*	
10 pounds	add 40¢
15 pounds	add 30¢
25 pounds	add 20¢
50 pounds	add 10¢
(3) *Paper bags*	
10 pounds	add 20¢
15 pounds	add 15¢
25 pounds	add 10¢
50 pounds	add 5¢
(4) *Kraft paper bags specially treated and moisture proof*	
10 pounds	add 22¢
15 pounds	add 17¢
25 pounds	add 12¢
50 pounds	add 7¢

This amendment shall become effective February 5, 1944, except that as to sales of white boiler and all pickler onions by persons other than country shippers, it shall become effective February 25, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11369.

[2] 8 F.R. 11529.

[1] 8 F.R. 9966, 10086, 10513, 10999, 11784, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

[2] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15268, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220, 677, 695, 849.

[1] 8 F.R. 15587, 15663.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 3, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1766; Filed, February 5, 1944; 12:03 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 368,[1] Amdt. 6]

NORTHEASTERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 368 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Over-ceiling prices prohibited.* (a) On and after April 21, 1943, regardless of any contract or other obligations, no person shall sell or deliver, and no person shall buy in the course of trade or business, any Northeastern hardwood lumber for direct mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) On and after February 5, 1944, the basic mill prices set forth in this regulation may be increased by 6 percent on all items, except the following:

(1) Section 23, Tables 14, 17A, 17B, 17C, and 17D.

(2) Kiln-drying, millworking, anti-stain treatment, specified differentials and all additions to basic prices authorized by footnotes or otherwise.

2. In section 23, Table 17E—*Mixed Hardwoods; Industrial Blocking (Mixed Oak and Hardwoods)* is revoked.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-1785; Filed, February 5, 1944; 4:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[2] Amdt. 1]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Ration Order 3 is amended in the following respects:

1. Section 1407.91 (b) (9) is added to read as follows:

(9) The amount of imported sugar-containing products used in excess of the amount permitted by § 1407.177 of this order.

2. Section 1407.170 (c) is amended by deleting the words "or Mexico".

3. An undesignated center headnote and § 1407.176 are added to read as follows:

IMPORTED SUGAR-CONTAINING PRODUCTS

§ 1407.176 *General.* (a) For the purposes of this section and §§ 1407.91, 1407.177, and 1407.178 of this order:

(1) "Imported sugar-containing product" means any product in which sugar was used (or containing an ingredient in which sugar was used), manufactured outside the 48 States of the United States and the District of Columbia. However, the term does not include processed foods (as defined in Revised Ration Order 13) or foods covered by Ration Order 16;

(2) Whenever any reference is made to the "amount" of an imported sugar-containing product, it shall be taken to mean the amount of sugar used in that product.

4. Section 1407.177 is added to read as follows:

§ 1407.177 *Amount of imported sugar-containing products which may be used.* (a) Any person may use imported sugar-containing products in the production or manufacture, or in the preparation for service, of other products, without giving up stamps, certificates, or checks, as follows:

(1) He may, during the period from May 1, 1944 through June 30, 1944, and during any allotment period beginning on or after July 1, 1944, use an amount not exceeding that which he used during the corresponding period in 1941. If, however, during any such period he uses an amount of imported sugar-containing products which is less than the amount he used during the same period in 1941, he may use the difference during any subsequent allotment period.

(2) He may also use any imported sugar-containing products in his possession or in transit to him on May 1, 1944, if by that date they were already in any of the 48 States of the United States or the District of Columbia and had been released by the Collector of Customs.

(b) If a registered industrial or institutional user desires to use a larger amount of imported sugar-containing products than permitted by paragraph (a), he must first give up to the board ration evidences covering that additional amount.

(c) The above restrictions do not apply to any imported sugar-containing products which a person uses primarily for consumption by himself, members of his family unit, or persons eating at his table or on a farm he operates.

(d) No person may use an imported sugar-containing product in the production or manufacture, or in the preparation for service, of other products, except to the extent permitted by this section, unless specifically authorized by the Director of Food Rationing of the Office of Price Administration.

(e) A person who uses imported sugar-containing products must make and keep a record showing the amount used by him in each month beginning with May 1944. In addition, every person who uses imported sugar containing products under paragraph (a) (1) of this section must make and keep a record showing the amount he used in each month of 1941 and a person using imported sugar-containing products under paragraph (a) (2) of this section must keep a record showing the amount in his possession or in transit to him on May 1, 1944. (This paragraph does not apply to products used as permitted by paragraph (c).)

(f) Every person who uses imported sugar-containing products must, within ten days after the allotment period in which he uses them, report to the district office, in any convenient form, the amount he used in that period. He must in addition, when making his first report, attach a statement showing the amount he used during each quarter of 1941. (This paragraph does not apply to products used as permitted by paragraph (c).)

5. Section 1407.178 is added to read as follows:

§ 1407.178 *Deliveries of imported sugar-containing products.* (a) Any person who knows or has reason to believe that a product is an imported sugar-containing product may not deliver it unless the container in which it is packaged when delivered is marked to show plainly that it is an imported sugar-containing product. Any invoice or sales slip involving an imported sugar-containing product must be similarly marked.

(b) Any person who knows or has reason to believe that a product he is delivering is an imported sugar-containing product which will be used in the production or manufacture, or in the preparation for service, of another product (other than under § 1407.177 (c)), must make and keep a record showing the amount of sugar in the product, the date of delivery, and the name and address of the person to whom the delivery is made.

(c) Any person who imports or receives an imported sugar-containing product from the Collector of Customs must keep a record showing the amount of sugar in the product.

(d) Any person who imports or receives imported sugar-containing products from the Collector of Customs shall, beginning in June 1944, prepare and sign a report in duplicate, in any convenient form, showing:

(1) The amount imported by him during the preceding month; and

(2) The names and addresses of the persons to whom he delivered imported sugar-containing products during the preceding month and the amount delivered to each such person.

The original of the report shall be sent to the Office of Price Administration, Washington, D. C., not later than the 10th day of each month; the duplicate shall be retained by the person reporting.

6. Section 1407.179 is added to read as follows:

§ 1407.179 *Miscellaneous record-keeping provision.* (a) A person required to keep records under §§ 1407.177 or 1407.178 must keep them at his principal business office for a period of two years and must make them available for inspection by representatives of the Office of Price Administration.

This amendment shall become effective May 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2718; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 662, 2965; Food Dir. No. 3, 8 F.R. 2005; Food Dir. 8, 8 F.R. 7093)

Issued this 5th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-1786; Filed, February 5, 1944; 4:44 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4968, 8541, 10660, 15672, 16791, 17414.

[2] 9 F.R. 1433.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

PILOT RULES

By virtue of the authority vested in me by sec. 2, 30 Stat. 102, 38 Stat. 381 (33 U.S.C. 157) and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendment to the Inspection and Navigation regulation is prescribed:

PART 312—PILOT RULES FOR INLAND WATERS

Effective as of April 1, 1944, section 312.16 is deleted and the following substituted in its stead:

§ 312.16 *Lights for barges, canal boats and scows in tow of steam vessels on certain inland waters on the seaboard, except the Hudson River and adjacent waters and Lake Champlain.* On the harbors, rivers, and other inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and except on the waters of the Hudson River and its tributaries from Troy to the boundary lines of New York Harbor off Sandy Hook as defined pursuant to section 2 of the act of Congress of February 19, 1895, the East River, and Long Island Sound (and the waters entering thereon, and to the Atlantic Ocean), to and including Narragansett Bay, R. I., and tributaries, and Lake Champlain, barges, canal boats and scows in tow of steam vessels shall carry lights as follows:

Barges and canal boats towing astern of steam vessels, when towing singly, or what is known as tandem towing, shall each carry a green light on the starboard side and a red light on the port side, and a white light on the stern, except that the last vessel of such tow shall carry two lights on her stern, athwartship, horizontal to each other, not less than 5 feet apart, and not less than 4 feet above the deck house, and so placed as to show all around the horizon. A tow of one such vessel shall be lighted as the last vessel of a tow.

When two or more boats are abreast, the colored lights shall be carried at the outer sides of the bows of the outside boats. Each of the outside boats in last tier of a hawser tow shall carry a white light on her stern.

The white light required to be carried on stern of a barge or canal boat carrying red and green side lights except the last vessel in a tow shall be carried in a lantern so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass, namely, for 6 points from right aft on each side of the vessel, and shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles.

Barges, canal boats or scows towing alongside a steam vessel shall, if the deck, deck houses, or cargo of the barge, canal boat or scow be so high above water as to obscure the side lights of the towing steamer when being towed on the starboard side of the steamer, carry a green light upon the starboard side; and when towed on the port side of the steamer, a red light on the port side of the barge, canal boat or scow; and if there is more than one barge, canal boat or scow abreast, the colored lights shall be displayed from the outer side of the outside barges, canal boats or scows.

Barges, canal boats or scows shall, when being propelled by pushing ahead of a steam vessel, display a red light on the port bow and a green light on the starboard bow of the head barge, canal boat or scow, carried at a height sufficiently above the superstructure of the barge, canal boat or scow as to permit said side lights to be visible; and if there is more than one barge, canal boat or scow abreast, the colored lights shall be displayed from the outer side of the outside barges, canal boats or scows.

The colored side lights referred to in these rules for barges, canal boats and scows in tow shall be fitted with inboard screens so as to prevent them from being seen across the bow, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on either side. The minimum size of glass globes shall not be less than 6 inches in diameter and 5 inches high in the clear.

Scows not otherwise provided for in these rules when being towed by steam vessels on the waters covered by the first paragraph of these rules shall carry a white light at each end of each scow, except that when such scows are massed in tiers, two or more abreast, each of the outside scows shall carry a white light on its outer bow, and the outside scows in the last tier shall each carry, in addition, a white light on the outer part of the stern. The white light shall be carried not less than 8 feet above the surface of the water, and shall be so placed as to show an unbroken light all around the horizon, and shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 5 miles.

R. R. WAESCHE,
Commandant.

FEBRUARY 5, 1944.

[F. R. Doc. 44-1791; Filed, February 9, 1944; 9:03 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

MEN'S HAT AND CAP INDUSTRY

This matter is before me pursuant to section 1 (b) of the act of June 30, 1936, Pub. No. 846, 74th Cong. (49 Stat. 2036; 41 U.S.C. Supp. III, sec. 35), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On November 11, 1943, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (8 F.R. 15873) why the minimum wage determination for the Men's Hat and Cap Industry issued on July 28, 1937, and amended January 24, 1938 and June 12, 1942 (2 F.R. 1335, 3 F.R. 224, and 7 F.R. 4495) should not be amended to provide (1) that there shall be no limitation on the number or proportion of auxiliary workers employed in the Uniform Cap and Stitched Hat Branches of the Industry, (2) that any auxiliary workers in the Industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piece-work basis, and (3) that the term "auxiliary workers" as applied to employees in the Uniform Cap and Stitched Hat Branches of the Industry shall include only those employees engaged in auxiliary occupations which were enumerated and defined in the Notice.

The proposed amendments of the minimum wage determination for the Men's Hat and Cap Industry were based upon evidence before the Department obtained in surveys and conferences held pursuant to a prior notice of opportunity to show cause dated December 10, 1942 and the notice dated November 11, 1943, at which representatives of manufacturers' associations and the trade union representing employees in the Men's Hat and Cap Industry were given an opportunity to express their views.

The above notices of opportunity to show cause were sent to trade unions,

trade associations and publications and were published in the FEDERAL REGISTER (7 F.R. 10492, 8 F.R. 15873). No substantial objections or statements in opposition to the proposed amendments have been received.

Upon consideration of all the facts and circumstances,

I hereby determine:

§ 202.11 *Men's hat and cap industry.* (a) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provision of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35) for the manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction, shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piece-work basis.

(b) A tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act be granted for auxiliary workers in the Men's Hat and Cap Industry except that there shall be no limitation on the number or proportion of auxiliary workers employed in the uniform cap and stitched hat branches of the Industry, provided that any auxiliary workers in the Industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piece-work basis.

(c) The term "auxiliary workers" as applied to the employees in the uniform cap and stitched hat branches of the Industry shall include only those employees engaged in auxiliary occupations enumerated and defined as follows:

Hand clipping: The operation of separating component parts of the article after they have been sewn.

Hand cleaning: The operation of removing excess threads from the article or removing stains or dust.

Size stamping: The operation of stamping the head size mark on the article.

Floor boys (girls): One who carries items of work to and from the various departments.

Examining: The operation of inspecting the article for imperfections during any stage of manufacture.

Sweat band, braid, and strap cutter and measuring: The operation of measuring and cutting bands, straps and ribbons.

Turning: The operation of turning the article inside out or outside in.

Packing: The operation of packing the finished caps into shipping containers, spraying larvex or moth flakes; if necessary, inserting tissue paper in caps and inserting a cardboard ring stiffener to support crown of cap.

Shipping and receiving: The operation of unloading and checking stock and preparing containers for shipment.

Waste material sorting: The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

Hand stapling: The operation by hand pressure of a wire stapling machine to join together parts of the article, to attach labels, bows or cloth to the article or part of the article, or to join ends of a cardboard strip to form a packing ring.

Drawstring pulling: The operation of slipping a cord or drawstring through part of a cap, hood or helmet.

Basting pulling: The operation of pulling out basting threads.

Porter: The operation of cleaning floors or carrying boxes.

Band and braid fitting: The operation of placing by hand but not sewing on a cap a prepared band or braid.

Wire stiffener inserting: The operation of slipping a wire ring into the cap.

Hand buckling: The operation of slipping a buckle on a strap.

Visor inserting: The operation of inserting a canvas stiffener into a cloth pocket before the visor is attached.

Pasting: The operation of attaching a label or ticket to a part of hat with paste or glue.

Hand button inserting: The operation of inserting, by hand, into a prepared hole a button and bending over clips to hold the button in place, or inserting a button with a threaded neck, and screwing a nut on neck to hold button firm.

Hand hole punching: The operation of punching a hole into material by use of an ice pick or similar pointed hand instrument.

Wire cutting and ring forming: The operation of cutting a wire to length and joining the ends to form a stiffener ring.

Hand eyeletting: The operation by hand pressure of a machine to attach an eyelet to the article.

Hand snap fastening: The operation by hand pressure of a machine to attach a snap fastener to the article.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after March 2, 1944.

Signed at Washington, D. C., this 2d day of February 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-1838; Filed, February 7, 1944; 11:21 a. m.]

TITLE 43—PUBLIC LANDS; INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 304]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 18 N., R. 24 E.,
Sec. 18, N½NE¼, SE¼NE¼, and NE¼SE¼.
T. 12 N., R. 25 E.,
Sec. 2;
Sec. 4, N½ and SE¼;
Secs. 12, 14, 22, and 24;
Sec. 26, N½N½, SE¼SW¼, and SW¼SE¼.
T. 13 N., R. 25 E.,
Secs. 24 and 25.
T. 11 N., R. 26 E.,
Secs. 4 and 10.
T. 12 N., R. 26 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 22, 24, 30, and 32.
T. 13 N., R. 26 E.,
Sec. 14, NW¼NE¼, E½NW¼, and S½S½;
Sec. 28, S½N½ and S½;
Secs. 32, 34, and 36.
T. 12 N., R. 27 E.,
Sec. 4, NE¼SW¼ and S½SE¼.
T. 13 N., R. 27 E.,
Sec. 18, lots 1 to 4, inclusive.

The areas described, including both public and non-public lands, aggregate 17,176.72 acres.

This order shall be subject to the classification as a power site made by the order of June 28, 1929, of the Secretary of the Interior (Power Site Classification No. 234), so far as such order affects lot 1 sec. 18, T. 13 N., R. 27 E.

This order shall take precedence over but not modify (1) the withdrawals for reclamation purposes made by the orders of June 7, 1902, April 20, 1904, and December 22, 1905, of the Secretary of the Interior, and (2) the withdrawal of classification and other purposes made by Executive Order No. 6964 of February 5, 1935, so far as such orders affect any of the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 27, 1944.

[F. R. Doc. 44-1797; Filed, February 7, 1944; 10:09 a. m.]

[Public Land Order 305]

MISSISSIPPI

MODIFYING NOXUBEE NATIONAL WILDLIFE REFUGE AND TRANSFERRING CERTAIN JURISDICTION THEREOVER TO SECRETARY OF INTERIOR

By virtue of the authority vested in the President and contained in section 32, Title III, of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (U.S.C., title 7, secs. 1010-1013), and pursuant to Executive Order No. 9337 of April 24, 1943, and finding that such action will best serve the purposes of the

said Bankhead-Jones Farm Tenant Act, it is ordered as follows:

Subject to valid existing rights and upon the recommendation of the Secretary of Agriculture, all lands and waters acquired by the United States within the following-described area are hereby added to and reserved as a part of the Noxubee National Wildlife Refuge, established by Executive Order No. 8444 of June 14, 1940: *Provided*, That any private lands within the area shall become a part of the refuge upon the acquisition of title thereto or control thereof by the United States:

CHOCTAW MERIDIAN

T. 17 N., R. 13 E.,
Secs. 1, 2, and 3;
Sec. 4, NE¼NE¼ and NW¼NW¼;
Sec. 5, E½NE¼;
Sec. 10, that part north and east of the Longview Road;
Sec. 11, that part east of the Longview Road;
Secs. 12 and 13;
Sec. 14, that part east of the Longview Road and the Louisville-Starkville Road;
Sec 25, that part lying south of the Parker Slough Road;
Sec. 26, that part of the N½NW¼ lying east of the Louisville-Starkville Road, and that part of the N½S½ lying east of the Louisville-Starkville Road and south of of the Parker Slough Road;
Sec. 36, that part of the E½ lying south of the Parker Slough Road, E½W½, and NW¼NW¼.
T. 18 N., R. 13 E.,
Sec. 25;
Sec. 26, SE¼;
Sec. 28, S½SE¼;
Sec 32, E½E½;
Secs. 33 to 36, inclusive.
T. 17 N., R. 14 E.,
Sec. 5, N½, SW¼, and N½SE¼;
Secs. 6 and 7;
Sec. 8, W½, W½SE¼, and SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 11, S½;
Sec. 14, W½NW¼;
Sec. 15, E½NE¼;
Secs. 17 and 18;
Sec. 31, that part of the W½ lying south of the Parker Slough Road.
T. 18 N., R. 14 E.,
Sec. 31;
Sec 32, W½NW¼ and SW¼.
T. 16 N., R. 15 E.,
Sec. 1, lots 17, 18, 23, and 24;
Sec. 2, lots 1, 5, 6, and lots 8 to 24, inclusive;
Sec. 27, SW¼SW¼.
T. 17 N., R. 15 E.,
Sec. 35, W½SE¼.
T. 16 N., R. 16 E.,
Sec. 7, NE¼SW¼ and S½SW¼.

The areas described aggregate approximately 14,970 acres.

The following-described lands are hereby eliminated from the refuge, as established by said Executive Order No. 8444:

CHOCTAW MERIDIAN

T. 15 N., R. 13 E.,
Sec. 1, N½, N½SW¼, and SE¼SW¼;
Sec. 2, E½NE¼;
Sec. 3, NW¼NW¼;
Sec. 4, NW¼;
Sec. 5, NE¼, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 6, that part of the N½N½ lying east of the Louisville-Starkville Road.
T. 16 N., R. 13 E.,
Sec. 11, E½SE¼;
Sec. 12, S½;
Sec. 13;
Sec. 14, E½E½;
Secs. 21 and 22, those parts lying south of the Louisville-Starkville Road;
Sec. 23, E½E¼, and those parts of the SW¼ and W½SE¼ lying south and east of the Louisville-Starkville Road;
Secs. 24 and 25;
Secs. 26, 27, and 28, those parts lying south of the Louisville-Starkville Road;
Secs. 29 and 31, those parts lying east of the Louisville-Starkville Road;
Sec. 32, E½, and that part of the W½ lying south of the Louisville-Starkville Road;
Sec. 33;
Sec. 34, N½ and SW¼;
Sec. 35, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 36.
T. 16 N., R. 14 E.,
Sec. 7, S½;
Sec. 8, that part of the S½ lying west of the Louisville-Starkville Road;
Secs. 17 and 18, those parts lying northwest of the Louisville-Starkville Road;
Sec. 19, that part lying northwest of the Louisville-Starkville Road and west of the Bevils Hill-Scattertown Road;
Sec. 30, that part lying west and southwest of the Bevils Hill-Scattertown-Singleton Road;
Sec. 31, that part lying south of the Scattertown-Singleton Road;
Sec. 32, that part lying south and west of the Scattertown-Singleton Road.

The areas described aggregate approximately 11,200 acres.

The jurisdiction over the lands within the Noxubee National Wildlife Refuge vested in the Secretary of Agriculture by said Executive Order No. 8444, is hereby transferred to the Secretary of the Interior.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 27, 1944.

[F. R. Doc. 44-1798; Filed, February 7, 1944; 10:10 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—The President's War Relief Control Board

PART 501—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS FOR WAR RELIEF AND WELFARE

REPORTS

Pursuant to the provisions of Executive Order No. 9205 of July 25, 1942, § 501.8 (a) of Title 45 of the Code of Federal Regulations relating to the solicitation and collection of funds and contributions for war relief and welfare is hereby superseded by the following § 501.8 (a).

§ 501.8 *Reports.* (a) All registrants shall submit to the Board not later than the twentieth day of January, April, July and October of each year sworn statements, on forms provided therefor, setting forth the information called for therein, including separate reports for each benefit, relating to the registrant's activities and operations during the immediately preceding quarterly period. Accounts audited by a certified public accountant shall be submitted to the Board semiannually. The information periodically submitted as required herein shall be supplemented by such further information as the Board may deem necessary.

(E.O. 9205, 7 F.R. 5803)

Approved: January 25, 1944.

CHARLES P. TAFT,
Acting Chairman.

[F. R. Doc. 44-1793; Filed, February 7, 1944; 10:17 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendment to the Inspection and Navigation Regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Section 55.19-3 (m) is deleted and the following is substituted instead:

§ 55.19-3 *Detail requirements; piping systems;* * * *

(m) Discs, or disc faces, seats, stems and other wearing parts of valves shall be made of material which is noncorrosive under service conditions and which possesses heat-resisting qualities suitable for the temperature to which it is exposed.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

DAVIT

Welin gravity davit, type 135-S (Proposed Arrangement Dwg. No. 2635, dated 16 June, 1943, and Dwg. No. 2647, dated 22 June, 1943) (For a maximum working load of 20,500 pounds per arm), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

LINE-THROWING GUNS

2½" line-throwing gun, Model "S" (Dwg. No. DS-256, dated 6 January, 1944), submitted by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

2½" line-throwing gun, Model "B" Short Barrel (Dwg. No. DS-257, dated 9 January, 1944), submitted by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

SEA ANCHOR

Sea anchor, type 9 (U. S. Coast Guard Dwg. No. MMI-562 and specification, dated 1

November, 1943), submitted by Bowman-Durham-Robbins, Inc., 603-613 Bergen Street, Brooklyn, N. Y.

R. R. WAESCHE,
Commandant.

FEBRUARY 5, 1944.

[F. R. Doc. 44-1790; Filed, February 7, 1944; 9:03 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS

MONTHLY AND QUARTERLY REPORTS OF CLASS I MOTOR CARRIERS OF PASSENGERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of January, A. D. 1944.

The matter of statistical reports of Class I motor carriers of passengers being under consideration:[1]

It is ordered, That the order of April 3, 1943 (§§ 205.11 and 205.21 of Title 49, Code of Federal Regulations), be and it hereby is vacated and set aside effective January 1, 1944, and the following order shall become effective in lieu thereof:

§ 205.11 *Quarterly reports of passenger revenues, expenses and statistics.* Each Class I common and contract motor carrier of passengers subject to the provisions of section 220 of the Interstate Commerce Act shall file, under oath, quarterly reports commencing with the period January 1, 1944, to March 31, 1944 (both dates inclusive), in accordance with the Quarterly Report of Revenues, Expenses and Statistics—Class I Motor Carriers of Passengers form which is hereby approved and made a part of this order.[2] Quarterly reports shall be filed in duplicate in the office of the Bureau of Motor Carriers of the Interstate Commerce Commission within thirty days after the close of the period to which they relate. (Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U.S.C. 320)

§ 205.21 *Monthly reports of revenues, passengers and mileage.* Each Class I common and contract motor carrier of passengers subject to the provisions of section 220 of the Interstate Commerce Act shall file monthly reports commencing with the month of January 1944 in accordance with the Monthly Report of Revenues and Statistics—Class I Motor Carriers of Passengers form which is hereby approved[2] and made a part of this order.[2] Monthly reports shall be filed in duplicate in the office of the Bureau of Motor Carriers of the Interstate Commerce Commission within thirty days after the close of the period to which they relate. (Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U.S.C. 320)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1848; Filed, February 7, 1944; 11:47 a. m.]

[1] The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] Filed as part of original document.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

WHITE RIVER NATIONAL WILDLIFE REFUGE, ARK.

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.3 of the regulations for the Administration of the National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), the following is hereby ordered:

Section 25.966a *White River National Wildlife Refuge, Arkansas; commercial fishing*, is amended by striking out paragraph (b) *State fishing laws* and inserting in lieu thereof the following:

(b) *State fishing laws.* Any person who fishes commercially within the refuge must comply with the applicable fishing laws and regulations of the State of Arkansas. Picnic seining is not permitted at any time, and the Director of the Fish and Wildlife Service may further restrict the type of gear that may be used for commercial fishing.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 31, 1944.

[F. R. Doc. 44-1742; Filed, February 4, 1944; 2:43 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Stock Driveway Withdrawal 235, California No. 17, Reduced]

CALIFORNIA

STOCK DRIVEWAY WITHDRAWAL

The order of the Assistant Secretary of the Interior of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described land, which is within California Grazing District No. 1:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 37 E., sec. 9, NE¼SW¼.
The area described contains 40 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 29, 1944.

[F. R. Doc. 44-1795; Filed, February 7, 1944; 10:10 a. m.]

[Stock Driveway Withdrawal 270, California No. 21]

CALIFORNIA

STOCK DRIVEWAY WITHDRAWAL

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U.S.C. title 43, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U.S.C. title 43, sec. 300), it is ordered as follows:

The following-described public lands in California are hereby classified as necessary and suitable for stock-driveway purposes and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public, the reservation to be known as Stock Driveway Withdrawal No. 270, California No. 21:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 5 E.,
Sec. 13, S½SE¼;
Sec. 24, W½NE¼, E½NW¼, SW¼NW¼, and SW¼;
Sec. 26, SE¼NE¼ and NE¼SE¼.
T. 14 S., R. 6 E.,
Sec. 18, lots 3 and 4, E½SW¼, and SE¼.
The areas described aggregate 842.56 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 29, 1944.

[F. R. Doc. 44-1796; Filed, February 7, 1944; 10:10 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Administrative Order]

LANDS IN STATE OF IDAHO

TRANSFER FROM SOIL CONSERVATION SERVICE TO FOREST SERVICE

By virtue of and pursuant to the authority vested in the Secretary of Agriculture by Title III of the Bankhead-Jones Farm Tenant Act, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, the following described lands within the Southeastern Idaho Project, ID-LU-1, situated within Cassia County, Idaho, comprising approximately 4,497.97 acres within the Minidoka National Forest are hereby transferred from the Soil Conservation Service to the Forest Service for administration, protection, and management under the laws applicable to said lands, and such rules and regulations as have been or hereafter may be promulgated.

BOISE MERIDIAN

T. 15 S., R. 29 E.,
Sec. 26, SE¼SE¼, E½SW¼SE¼;
Sec. 35, NE¼NE¼, E½NW¼NE¼, N½NE¼SW¼NE¼, SE¼NE¼SW¼NE¼, N½SE¼NE¼, NE¼SW¼SE¼NE¼, SE¼SE¼NE¼;
T. 16 S., R. 29 E.,
Sec. 7, S½S½;
Sec. 9, S½, S½N½;
Sec. 11, S½, S½N½;
Sec. 15, 17, 19, 21, 29 inclusive.

MARVIN JONES,
War Food Administrator.
GROVER B. HILL,
Acting Secretary of Agriculture.

FEBRUARY 4, 1944.

[F. R. Doc. 44-1756; Filed, February 5, 1944; 11:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE BY VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and part 522.5 (b) of the regulations issued thereunder August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificate may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Acme Cloth Reel Company, 214 West McBee Avenue, Greenville, South Carolina; cloth reels and cloth winding boards; 2 learners (T); reinforcing ends of cloth reels and pasting lettered labels for a learning period of 240 hours at 35¢ per hour; effective February 7, 1944, expiring August 7, 1944.

Hastings & Company, 819 Filbert Street, Philadelphia, Pennsylvania; gold and silver leaf; 4 learners (T); gold leaf cutter for a learning period of 480 hours at 35¢ per hour; effective February 7, 1944, expiring August 7, 1944.

Iowegian Printing Company, 105-7 Main Street, Centerville, Iowa; printing and publishing; 2 learners (T); printers devil, linotype operator for a learning period of 480 hours at 30 cents per hour; effective February 7, 1944, expiring August 7, 1944.

Puerto Rico Mills, Incorporated, of Puerta de Tierra, Puerto Rico, to employ seventy-seven learners in the Hosiery Industry distributed among the following operations: Legging, final inspection foot inspection, leg inspection, seaming, looping, topping, footing, winding and mending; (a) Legging, seaming, looping, topping, footing and winding at 10 cents an hour for the first 480 hours; 12½ cents an hour for the second 480 hours; 15 cents an hour for the third 480 hours; 18¾ cents an hour for the fourth 480 hours, and 25 cents an hour for every hour thereafter. (b) Final inspection, foot inspection, leg inspection, mending at 12½ cents an hour for the first 480 hours; 18¾ cents an hour for the second 480 hours; and 25 cents an hour for every hour thereafter. For all hours over forty worked in any one workweek, one and one-half times the applicable piece rate or the rate established herein, whichever is the higher, shall be paid. This Special Certificate shall become effective on January 1, 1944 and shall remain in effect for a period not exceeding six months thereafter.

State Publishing Company, Pierre, South Dakota; printing; 1 learner (T); pressman for a learning period of 480 hours at 30 cents per hour; effective January 31, 1944, expiring July 31, 1944.

Signed at New York, New York, this 5th day of February 1944.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1836; Filed, February 7, 1944; 11:21 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE BY VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3763).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

The Carlisle Garment Company, 44 N. Bedford Street, Carlisle, Pennsylvania; house dresses, house coats, smocks; 5 learners (T); effective February 2, 1944, expiring February 1, 1945.

Dunhill Shirt Company, Lexington, Missouri; Army and civilian shirts; 10 percent (T); effective February 3, 1944, expiring February 2, 1945.

Elder Manufacturing Company, Ste. Genevieve, Missouri; 10 percent (T); boys' shirts, sportswear and pajamas; effective February 5, 1944, expiring February 4, 1945.

J. & B. Sportswear, Flicksville, Pennsylvania; ladies' blouses, sportswear; 10 learners (T); effective February, 4, 1944, expiring February 3, 1945.

Marvel Underwear & Pajama Company, 20 Cleveland Avenue, Rutland, Vermont; men's pajamas; 10 learners (T); effective February 4, 1944, expiring February 3, 1945.

Salant & Salant, Inc., Parsons, Tennessee; cotton work pants; 10 percent (T); effective February 11, 1944, expiring April 10, 1944.

Sel-Mor Garment Company, 1136 Washington Street, St. Louis, Missouri; ladies' lingerie and house coats; 10 percent (T); effective February 4, 1944, expiring February 3, 1945.

Snelbaker Manufacturing Company, 17-19 E. Simpson Street, Mechanicsburg, Pennsylvania; work shirts and pants; 10 percent (T); effective February 2, 1944, expiring February 1, 1945.

Snelbaker Manufacturing Company, York Springs, Pennsylvania; work shirts; 10 learners (T); effective February 2, 1944, expiring February 1, 1945.

HOSIERY INDUSTRY

Gray Line Hosiery Company, Chambersburg, Pennsylvania; full-fashioned hosiery; 5 learners (T); effective February 2, 1944, expiring February 1, 1945.

Gray Line Hosiery Company, Street Road, Eddington, Pennsylvania; full-fashioned hosiery; 4 learners (T); effective February 2, 1944, expiring February 1, 1945.

Seneca Knitting Mills, Inc., Bridge and Water Streets, Seneca Falls, New York; seam-

less hosiery; 5 percent (T); effective February 4, 1944, expiring February 3, 1945.

Union Manufacturing Company, Union Point, Georgia; seamless hosiery; 10 percent (AT); effective February 2, 1944, expiring August 1, 1944.

KNITTED WEAR INDUSTRY

Louis Gallet Knitting Mills, Penn-Craft, East Millsboro, Pennsylvania; ladies' sweaters; 5 learners (T); effective February 2, 1944, expiring February 1, 1945.

TEXTILE INDUSTRY

Greenwood Cotton Mill, Greenwood, South Carolina; cotton cloth; 3 percent (T); effective February 2, 1944, expiring February 1, 1945.

Mathews Cotton Mill, Greenwood, South Carolina; cotton spun rayon and acetate woven fabrics; 3 percent (T); effective February 2, 1944, expiring February 1, 1945.

CIGAR INDUSTRY

Florida Cigar Company, East Jefferson Street, Quincy, Florida; cigars; 10 percent (T); cigar packers for a learning period of 320 hours at 75% of the applicable minimum; effective February 4, 1944, expiring February 3, 1945.

Signed at New York, N. Y., this 5th day of February 1944.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1837; Filed, February 7, 1944; 11:21 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-523]

GODFREY L. CABOT, INC., AND CABOT GAS CORP.

ORDER FIXING DATE OF HEARING AND SUSPENDING PROPOSED INCREASED RATES

FEBRUARY 2, 1944.

It appears to the Commission that:

(a) Godfrey L. Cabot, Inc., is engaged in the sale of natural gas to its wholly-owned subsidiary, Cabot Gas Corporation, pursuant to the provisions of Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 thereto. Natural gas so obtained by Cabot Gas Corporation is in turn resold by it to Pavilion Natural Gas Company pursuant to Cabot Gas Corporation Rate Schedule FPC No. 1 and Supplements Nos. 1, 3, and 7 thereto.

(b) Cabot Gas Corporation also sells gas at retail in the communities of Hume, Fillmore and Rossburg, New York, in addition to its wholesale sales to Pavilion Natural Gas Company. The latter distributes and sells such gas for ultimate public consumption in Genesee, Livingston and Wyoming Counties, New York.

(c) On January 6, 1944, both Godfrey L. Cabot, Inc., and Cabot Gas Corporation completed the filing of supplemental rate schedules, together with the information required by the amended provisional rules of practice and regulations under the Natural Gas Act, which supplemental rate schedules are designated, respectively, as Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1, providing for increased rates for the sales of natural gas referred to in paragraph (a) above.

(d) In purported justification of the proposed increased rates, Godfrey L. Cabot, Inc., states that the existing rate of Cabot Gas Corporation "was fixed in 1937 when the quantity delivered to Cabot Gas Corporation was more than twelve times the present quantity available for delivery, based upon very large production of gas in the fields in which the Company operates. Increased costs of all items, depletion of wells causing great scarcity of gas and a complete failure of return based on the present price require the increase."

Cabot Gas Corporation, in turn, states that it must have increased rates, because the increased rate proposed by Godfrey L. Cabot, Inc., will cause a corresponding increase in the former's expenses.

(e) By letter of December 16, 1943, Pavilion Natural Gas Company requested that the changes in rates proposed by Cabot Gas Corporation be investigated and that it be permitted to intervene in this matter; on January 24, 1944, the Economic Stabilization Director, by the Price Administrator of the Office of Price Administration, filed a petition to intervene in this matter and requested that a hearing be held and that the proposed increased rates be suspended.

(f) Unless suspended by Commission order, said Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1 will become effective as of February 5, 1944, pursuant to the provisions of the Natural Gas Act and the amended provisional rules of practice and regulations thereunder.

(g) The proposed increased rates provided for in the aforesaid supplemental rate schedule may result in excessive rates to Cabot Gas Corporation and Pavilion Natural Gas Company and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and that such proposed increased rates be suspended pending such hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held commencing on March 7, 1944, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the lawfulness of the proposed increased rates, subject to the jurisdiction of the Commission, contained in Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1, insofar as those schedules provide for increased rates other than for the sale of natural gas for resale for industrial use only, be and they are hereby suspended until July 5, 1944, or until such time thereafter as such increased rates shall be made effective in the manner prescribed by the Natural Gas Act.

(C) During the period of such suspension, the rates of Godfrey L. Cabot, Inc., to Cabot Gas Corporation contained in Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 thereto and the rates of Cabot Gas Corporation to Pavilion Natural Gas Company contained in Cabot Gas Corporation Rate Schedule FPC No. 1 and Supplements Nos. 1, 3, and 7 thereto shall remain and continue in full force and effect, except insofar as such schedules may be for the sale of natural gas for resale for industrial use only.

(D) At the hearing in this matter, the burden of proof to show that the proposed increase rates are just and reasonable shall be upon Godfrey L. Cabot, Inc., and Cabot Gas Corporation, as provided in section 4 (e) of the Natural Gas Act.

(E) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-1753; Filed, February 5, 1944; 9:58 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3015]

BERNDT G. OMMEN

In re: Estate of Berndt G. Ommen, deceased; File D-28-3677; E. T. sec. 6073.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Leslie H. Noble, Judge of the County Court of Gage County, Nebraska, Depositary, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Gage;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Jurgen Wallman, Germany.
Gerhard Wallman, Germany.
Almuth Wallman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $7,172.17 in the hands of the Judge of the County Court of Gage County, Nebraska, for distribution under Decrees of the County Court of Gage County dated May 15, 1943 and November 9, 1943, to Jurgen Wallman in the sum of $2,390.73, Gerhard Wallman in the sum of $2,390.72 and Almuth Wallman in the sum of $2,390.72; also

All right, title, interest, and claim of any kind or character whatsoever of Jurgen Wallman, Gerhard Wallman and Almuth Wallman, and each of them, in and to the estate of Berndt G. Ommen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1810; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3016]

AUGUST BANSLEBEN

In re: Estate of August Bansleben, deceased; File D-28-7981; E. T. sec. 8888.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis M. Schwalb, Freeburg, Illinois, Administrator with the will annexed, acting under the judicial supervision of the Probate Court of St. Clair County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marta Enseling, Germany.
Berta Unterveg, Germany.
Erna Gunther, Germany.
Gustav Bansleben, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marta Enseling, Berta Unterveg, Erna Gunther and Gustav Bansleben, and each of them, in and to the Estate of August Bansleben, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY.
Alien Property Custodian.

[F. R. Doc. 44-1811; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3017]

MARTIN BAUER

In re: Estate of Martin Bauer, deceased; File D-28-3996; E. T. sec. 7000.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Thomas H. Freet, Administrator c. t. a., acting under the judicial supervision of the Orphans' Court of Perry County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a disignated enemy country, Germany, namely,

Nationals and Last Known Address

Katherina Reimold, Germany.
Ludwig Bauer, Germany.
Fritz Bauer, Germany.
Heindrich Sigmund, Germany.
Heirs of Valentine Sigmund, Germany.
Heirs of Adolf Ihrig, Germany.
Martin Ihrig, Germany.
Rosina Hessemer, Germany.
Heirs of Louise Gerhard, Germany.
Anna Gerhard, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Katherina Reimold, Ludwig Bauer, Fritz Bauer, Heindrich Sigmund, Heirs of Valentine Sigmund, Heirs of Adolf Ihrig, Martin Ihrig, Rosina Hessemer, Heirs of Louise Gerhard and Anna Gerhard, and each of them, in and to the estate of Martin Bauer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1812; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3018]

LINA BECHTEL

In re: Petition for the Partition of the Real Estate of Lina Bechtel, late of the Borough of Monaca, Beaver County, Pennsylvania, deceased; File D-66-294; E. T. sec. 2382.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Beaver County Trust Company, 1024 Third Avenue, New Brighton, Pennsylvania, Trustee, acting under the judicial supervision of the Orphans' Court of Beaver County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hermann Bechtel, Germany.
Hans Bechtel, Germany.
Gretchen Schlemmer, Germany.
Charlotte Hose, Germany.
Bertha Hose, Germany.
Heins Hose, Germany.
Ilse Hose, Germany.
Fritz Hose, Germany.
Fritz Stiebing, Germany.
Karl Stiebing, Germany.
Bertha Reyher, Germany.
Else Nelken, Germany.
Frieda Rottenken, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hermann Bechtel, Hans Bechtel, Gretchen Schlemmer, Charlotte Hose, Bertha Hose, Heinz Hose, Ilse Hose, Fritz Hose, Fritz Stiebing, Karl Stiebing, Bertha Reyher, Else Nelken, and Frieda Rottenken, and each of them, in and to the proceeds of the partition sale of real estate of Lina Bechtel, deceased, deposited with the Beaver County Trust Company, Trustee, under Decree of the Orphans' Court of Beaver County, Pennsylvania, dated July 15, 1942,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1813; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3019]

HANNA BODEN

In re: Estate of Hanna Boden, deceased; File D-28-1817; E. T. sec. 1193.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lena M. Klein, Collinsville, Illinois, Administratrix de bonis non, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Madison;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mrs. Mary Mettenzwei, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Mary Mettenzwei in and to the estate of Hanna Boden, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1814; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3020]

WILLIAM GAEDEKEN

In re: Trust created by order of court in the Estate of William Gaedeken, deceased; File D-28-2183; E. T. sec. 2861.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by W. E. Froude, Trustee, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johann Friedrich Gaedeken, also known as Fritz Gaedeken, Germany.
Children, names unknown, of Johann Friedrich Gaedeken, also known as Fritz Gaedeken, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johann Friedrich Gaedeken, also known as Fritz Gaedeken and children, names unknown, of Johann Friedrich Gaedeken, also known as Fritz Gaedeken, and each of them, in and to the trust created by order of court in the Estate of William Gaedeken, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1815; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3021]

JOHN HENNING VS. MARTIN HENNING, ET AL.

In re: Partition Proceedings John Henning vs. Martin Henning, et al.; File D-57-303; E. T. sec. 8068.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Leonard F. Fuerst, 254 Court House, Lakeside and Ontario Streets, Cleveland, Ohio, Trustee, acting under the judicial supervision of the Common Pleas Court of Cuyahoga County, Cleveland, Ohio;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Rumania, namely,

Nationals and Last Known Address

Martin Henning, Pauca, Transylvania, Rumania.
George Henning, Pauca, Transylvania, Rumania.
Katherina Mollnar, Pauca, Transylvania, Rumania.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martin Henning, George Henning and Katherina Mollnar, and each of them, in and to the proceeds derived from the sale of real estate by a decree of the Court of Common Pleas of Cuyahoga County, Ohio, in the partition proceedings entitled "John Henning vs. Martin Henning, et al., Case No. 527,223,"

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1816; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3022]

ANNA HORVATH

In re: Estate of Anna Horvath, deceased; File D-34-553; E. T. sec. 6278.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, acting under the judicial supervision of the Probate Court of the State of Michigan, in and for the County of Wayne;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Mrs. Margaret Horvath Reinek (Mrs. Margit Gyorvari), Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of four dollars and ninety-five cents ($4.95) which is in the possession and custody of Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, pursuant to an order of the Probate Court for the County of Wayne, Michigan, entered on May 1, 1941, in the matter of the estate of Anna Horvath, deceased; also, all right, title, interest and claim of any kind or character whatsoever of Mrs. Margaret Horvath Reinek (Mrs. Margit Gyorvari) in and to the estate of Anna Horvath, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1817; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3023]

HANGO IWAGOSHI

In re: Estate of Hango Iwagoshi, deceased; File D-39-17357; E. T. sec. 9247; H-78.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur E. Restarick, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Fusae Iwagoshi, Japan.

And determining that—
(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action; after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fusae Iwagoshi in and to the Estate of Hango Iwagoshi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1818; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3024]

KOH IWAKAMI

In re: Estate of Koh Iwakami, deceased; File F–39–1434; E. T. sec. 9474.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—
(1) The property and interests hereinafter described are property which is in the process of administration by Masaji Marumoto, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Yaeko Iwakami, Japan.
Junko Iwakami, Japan.
Kotaro Iwakami, Japan.
Yoshiko (Toshiko) Iwakami, Japan.
Taiji Iwakami, Japan.

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Yaeko Iwakami, Junko Iwakami, Kotaro Iwakami, Yoshiko (Toshiko) Iwakami and Taiji Iwakami, and each of them, in and to the Estate of Koh Iwakami, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1819; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3025]

ANNA KUHN

In re: Estate of Anna Kuhn, deceased; File No. D–28–7454; E. T. sec. 7695.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—
(1) The property and interests hereinafter described are property which is in the process of administration by Robert R. Troyer, County Judge of Douglas County, Nebraska, Court House, Omaha 2, Nebraska, Depositary, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Estate of Louise Aigner, deceased, her heirs, executors, administrators, assigns, devisees and legatees, Germany.

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $465.55 which is in the process of administration by, and is in the possession and custody of Robert R. Troyer, County Judge of Douglas County, Nebraska, depositary, pursuant to order entered April 21, 1942, by the County Court of Douglas County, Nebraska, in the matter of the estate of Anna Kuhn, deceased, Case No. 27999, Book 59, Page 379; also all right, title, interest and claim of any kind or character whatsoever of the estate of Louise Aigner, deceased, her heirs, executors, administrators, assigns, devisees and legatees, and each of them, in and to the estate of Anna Kuhn, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1820; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3026]

JOHN LADANYI

In re: Estate of John Ladanyi, deceased; File D–34–555; E. T. sec. 6279.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—
(1) The property and interests hereinafter described are property which is in the process of administration by Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, acting under the judicial supervision of the Probate Court of the State of Michigan, in and for the County of Wayne;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Gyula (Julius) Ladanyi, Hungary.
Mrs. Janos (John) Raczkovy, Hungary.
Jozsef (Joseph) Ladanyi, Hungary.

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $3,064.08 which is in the possession and custody of the County Treasurer of Wayne County, Michigan, Depositary, pursuant to an order of the Probate Court for the County of Wayne, Michigan, entered on April 28, 1942, in the matter of the estate of John Ladanyi, deceased; also, all right, title, interest and claim of any kind or character whatsoever of Gyula (Julius) Ladanyi, Mrs. Janos (John) Raczkovy and Jozsef (Joseph) Ladanyi, and each of them, in and to the estate of John Ladanyi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1821; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3027]

ROSE ROTH MAY

In re: Estate of Rose Roth May, deceased; File F–28–4714; E. T. sec. 8952; H–18.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—
(1) The property and interests hereinafter described are property which is in the process of administration by the Hawaiian Trust Company, Ltd., Executor, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Enid Rose May Poszich or her issue, Germany.

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Enid Rose May Poszich or her issue, and each of them, in and to the Estate of Rose Roth May, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1822; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3028]

FUJIO, LESLIE T., AND ASAKI MURANAKA

In re: Guardianship Estate of Fujio Muranaka, Leslie T. Muranaka and Asaki Muranaka, minors; File D–66–1444; E. T. sec. 9248; H–101.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—
(1) The property and interests hereinafter described are property which is in the process of administration by John D. Texeira, Guardian of the estate of Fujio Muranaka, Leslie T. Muranaka and Asaki Muranaka, Minors, acting under the judicial supervision of the Circuit Court of the Fifth Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Fujio Muranaka, Japan.
Leslie T. Muranaka, Japan.

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fujio Muranaka and Leslie T. Muranaka, and each of them, in and to the Guardianship Estate of Fujio Muranaka, Leslie T. Muranaka and Asaki Muranaka, Minors, in the possession of John D. Texeira, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file, with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1823; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3029]

HENRY SCHROEDER

In re: Estate of Henry Schroeder, deceased; File D–28–3961; E. T. sec. 6846.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by A. P. Baumann, 11 East Main Street, Chilton, Wisconsin, Administrator with Will Annexed, acting under the judicial supervision of the Calumet County Court, State of Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Ernst Schroeder, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ernst Schroeder, in and to the estate of Henry Schroeder, deceased; also,

Real estate consisting of the decedent's homestead described as:

Lot nine (9) of Ostenfeldt's second addition, Block 4, S. W. ¼, S. E. ¼ of section 10, Township seventeen (17), North Range (20), East of City of New Holstein, County of Calumet, Wisconsin; together with all the fixtures, improvements and the appurtenances thereto,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1824; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3030]

SOPHIE E. SCHROEDER

In re: Estate of Sophie E. Schroeder, deceased; File D–19–30; E. T. sec. 429.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First Bank and Trust Company, 800 Washington Avenue, Cairo, Illinois, Executor, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Pulaski;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Christine Krieger, Germany.
Andreas Schroeder, Germany.
Margarethe J. Wilhemi, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Christine Krieger, Andreas Schroeder and Margarethe J. Wilhemi, and each of them, in and to the estate of Sophie E. Schroeder, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1825; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3033]

MAX GABLER

In re: Estate of Max Gabler, deceased; File D–28–2184; E. T. sec. 2862.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank in Oshkosh, 130 Main Street, Oshkosh, Wisconsin, Executor, acting under the judicial supervision of the County Court of Winnebago County, Oshkosh, Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Kramer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Kramer, in and to the estate of Max Gabler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1826; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3034]

BABETTE ORTH

In re: Estate of Babette Orth, deceased; File D–28–3870; E. T. sec. 6612.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George J. Wyers, 818 Olive Street, St. Louis, Missouri, Administrator, acting under the judicial supervision of the Probate Court of the State of Missouri, in and for the City of St. Louis;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Franz Kachel, Germany.
Alfred Kachel, Germany.
Ernst Leininger, Germany.
Auguste L. Feineis, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Franz Kachel, Alfred Kachel, Ernst Leininger and Auguste L. Feineis, and each of them, in and to the estate of Babette Orth, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian, a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1827; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3035]

PHILIP SCHUSTER

In re: Estate of Philip Schuster, deceased; File D–57–272; E. T. sec. 7045.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Raymond Schuster and Betty Schaffer, as Executors, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Roumania, namely,

Nationals and Last Known Address

Yankel Schuster, Bessarabia.
Schmuel Schuster, Bessarabia.

And determining that—

(3) Yankel Schuster and Schmuel Schuster, citizens or subjects of a designated enemy country, Roumania, and within an enemy-occupied area, Bessarabia, are nationals of a designated enemy country, Roumania;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Roumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Yankel Schuster and Schmuel Schuster, and each of them, in and to the estate of Philip Schuster, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1828; Filed, February 7, 1944; 11:09 a. m.]

[Vesting Order 3036]

ROSENBERG LIBRARY ASSN. ET AL.

In re: Partition proceedings: Rosenberg Library Association, et al., vs. The Sealy & Smith Foundation for the John Sealy Hospital, et al.; File D–28–6653; E. T. sec. 4882.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the District Court, Galveston County, Texas, for the Tenth Judicial District, Depositary, acting under the judicial supervision of the District Court of Galveston County, Texas, for the Tenth Judicial District;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Freda Kauffman, Germany.
Johannes Tidemann, Germany.
Herman Wilhelm Runge, and Johanna Runge, Germany.
Person or persons, names unknown, heirs and assigns of Freda Kauffman, Johannes Tidemann, Herman Wilhelm Runge and Johanna Runge, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Freda Kauffman, her heirs and assigns, Johannes Tidemann, his heirs and assigns, Herman Wilhelm Runge and Johanna Runge, their heirs and assigns, and each of them, in and to the proceeds derived from the sale of the real estate involved in partition proceedings entitled "Rosenberg Library Association, et al, vs. The Sealy & Smith Foundation for the John Sealy Hospital, et al", being Cause No. 60,368, pending in the District Court of Galveston County, Texas, for the Tenth Judicial District,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1829; Filed, February 7, 1944; 11:09 a. m.]

[Vesting Order 3037]

BRUNO SCHYBILSKY

In re: Estate of Bruno Schybilsky, also known as George Schmidt, deceased; File D–55–544; E. T. sec. 6433.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Kate Eisemann, as Administratrix, acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hannah Morris, Germany.
Stephanie Schyblisky, Germany.

And determining that—

(3) If such national are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hannah Morris and Stephanie Schyblisky, and each of them, in and to the estate of Bruno Schyblisky, also known as George Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1830; Filed, February 7, 1944; 11:09 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 166]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DETROIT AND HOWELL, MICH.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Interstate Motor Freight System, Grand Rapids, Michigan, and W. Ford Johnson, doing business as W. Ford Johnson Cartage, Howell, Michigan, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

[1] Filed as part of the original document.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 166," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1805; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 167]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEW JERSEY, NEW YORK, AND PENNSYLVANIA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Needham's Motor Service, Inc., Philadelphia, Pennsylvania, and Paul S. Whitescarver, doing business as Whitescarver Transportation, Newark, New Jersey, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or peformed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–167," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

[1] Filed as part of the original document.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1806; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 168]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SAN ANTONIO AND EL PASO, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by English Freight Company, a corporation, Dallas, Texas, and Alamo Freight Lines, Inc., San Antonio, Texas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582, 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth and changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations

governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provisions of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–168," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1807; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 169]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEW YORK

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Albert P. Schmidt and Joseph C. Schmidt, doing business as Schmidt Trucking Co., Blue Point, New York, and Reich Brothers Long Island Motor Freight, Inc., Patchogue, New York, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached heerto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–169," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1808; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 170]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Alamo Freight Lines, Inc., San Antonio, Texas, and Red Arrow Freight Lines, Inc., Houston, Texas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–170," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1809; Filed, February 7, 1944; 10:52 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Administrative Exception Order 10 Under Rev. RO 13]

UNITED STATES ARMY

SURRENDER OF POINTS IN FOOD PURCHASES

Administrative Exception Order No. 10 under Revised Ration Order 13. Processed foods. The United States Army, purchasing on its own behalf and as purchasing agent for other Government agencies.

Since March 1, 1943 the Army, in procuring processed foods under Food Distribution Order 22–4 for its own account has been surrendering points for such processed foods computed at the point value existing at the time of delivery. Revised Ration Order 13 requires points to be surrendered on the basis of point values existing at the time of transfer.

The Army is anxious to revise its method of computing the number of points to be surrendered so that, for processed foods acquired after January 9, 1944, it will surrender points equal to the point value existing at the time of transfer. To liquidate outstanding indebtednesses for points for processed foods purchased prior to January 10, 1944, the three central Quartermaster Depots of the Army Service Forces advised all suppliers of processed foods holding contracts entered into by the Army, that such suppliers were to send point invoices to the agency holding the contract for the foods, for unshipped balances of processed foods, purchased by the Army for its own account or for the account of the agencies for which the Army acts as procurement agency for processed foods under FDO 22–4. The instruction told the suppliers to compute the point values for such unshipped balance of processed foods at the point values existing on January 10, 1944. The Army has now requested the issuance of an Administrative Exception Order to authorize that procedure.

To require the Army to adjust its point payments so as to surrender additional points in those cases where the point value was higher at the time of transfer than at the time of delivery, and to require the Army to collect points from transferors in those cases where the point value was higher at the time of delivery than at the time of transfer, would involve the review of the numerous contracts entered into by the Army between March 1, 1943 and January 9, 1944, inclusive.

The Army has already advised the suppliers that points will be paid for processed foods purchased prior to January 10, 1944, but undelivered on that date, at the point value existing on January 10, 1944. Since the information has already been disseminated, and since suppliers have begun to send the required point invoices to the agencies holding the contracts entered into on their behalf by the Army, it would create confusion to recall the Army's instruction. For this reason the Office of Price Administration is willing to permit the Army to operate under the instruction it has issued, and thus relieve it of the need to review the numerous contracts entered into between March 1, 1943 and January 9, 1944, inclusive, which would be the only method of bringing its past practices into conformity with the requirements of the order with respect to point payments for processed foods acquired prior to January 10, 1944. Further, an Administrative Exception Order is necessary to permit transferors in these cases to accept point payment for processed foods on a basis different from that required by Revised Ration Order 13.

Authorizing the procedure described herein will not defeat or impair the effectiveness or policy of Revised Ration Order 13, since it will enable the Army to bring its practices into conformity with the provisions of the order without requiring the burdensome review of past contracts.

It is hereby ordered, That the Army, and the other agencies for which the Army acted as procurement agency for processed foods under FDO 22–4, may pay, and the transferors may accept, points for processed foods transferred prior to January 10, 1944, and undelivered by that date, at the point value assigned to the processed foods on January 10, 1944. For all processed foods purchased by the Army after January 9, 1944, the Army and the agencies for which the Army acts as procurement agency will be required to surrender points computed at the point value existing at the time of transfer as required by section 9.5 (b) of Revised Ration Order 13.

This order shall become effective February 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562, Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 5th day of February 1944.

COLONEL BRYAN HOUSTON,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 44–1779; Filed, February 5, 1944; 12:09 p. m.]

[Rev. Order A–3 Under MPR 188]

CLAY SILO STAVES, ETC.

ADJUSTMENT OF MAXIMUM PRICES

Revised Order No. A–3 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Applications for absorbable adjustment of maximum prices for manufacturers of particular articles under Maximum Price Regulation No. 188.

Order No. A–3 is revised and amended to read as follows:

An opinion accompanying this Revised Order No. A–3 under § 1499.159b of Maxi-

mum Price Regulation No. 188 has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the purpose of removing price impediments to supply, the Office of Price Administration, Washington, D. C., may adjust maximum prices for particular articles established under Maximum Price Regulation No. 188 as hereinafter provided. Applications for adjustment may be made by the seller or the buyer, and shall be filed in accordance with Revised Procedural Regulation No. 1.

The provisions of this order apply only to producers of the articles listed below, under the circumstances and to the extent specified.

(a) *Who may apply.* An application for adjustment will be entertained in the case of any manufacturer of any of the commodities listed below if:

(1) His operating position and his ceiling price or prices for the article are such that he would qualify for relief under (b) below; and

(2) An increase in his ceiling price will not threaten established ceiling prices at retail, because either:

(i) The article is not sold to household consumers but is used in the supply of a commercial, recreational or professional service, and is an inconsequential cost factor that can readily be absorbed by the purchaser without an increase in the price of that service, or

(ii) The article is sold to a very small number of purchasers (who are purchasers for resale and not ultimate consumers, and one of whom accounts for at least one-third of the manufacturer's entire output of the article), and the purchasers are ready to absorb the adjustment requested in the manufacturer's price without either changing their own resale price or prices for the article (if their selling prices are less than their maximum prices) or using the adjustment as a basis for increasing their maximum prices. Letters from them to this effect must accompany the application.

(b) *Amount of adjustment.* Any adjustment granted under this order will not exceed the following:

(1) If the manufacturer's entire operation is profitable, an amount sufficient to cover the unit manufacturing cost plus packing cost, and shipping cost where delivered prices are quoted or freight is allowed or equalized;

(2) If the manufacturer's entire operation is being conducted at a loss (or will be so within 30 days), an amount sufficient to cover his total unit cost to make and sell the article.

If the article is sold to purchasers for resale any adjustment granted under (1) or (2) above will in no event exceed the amount the customers have agreed to absorb.

(c) *Limitations on purchasers for resale.* The amount of the increase granted to a manufacturer under this provision shall not hereafter be considered by the customer in calculating his maximum price for the article when resold by him; nor will any petition or application for amendment, adjustment, exception or other relief made by any wholesaler or retailer of the article be entertained by the Office of Price Administration to the extent that such petition or application is based, directly or indirectly, upon the increase in price granted to the manufacturer under this provision.

(d) *Definitions.* The term "unit manufacturing cost" means the total of direct materials, direct labor, and manufacturing expenses or factory overhead, applicable to each unit of the article.

The term "total unit cost" means the total of unit manufacturing cost and reasonable general, administrative, and selling expenses applicable to the article, excluding income and excess profits taxes.

Depreciation included in cost shall be at rates which do not exceed those approved by the Bureau of Internal Revenue. Expenses not related to the manufacture and sale of the article will be excluded.

(e) *Articles covered.* This Revised Order No. A–3 applies only to the following commodities:

(1) *Building materials:*

Clay silo staves.

(2) *Consumers' goods:*

Dental supplies.
Household furniture (as defined in Order No. 1052 under Maximum Price Regulation No. 188).
Optical supplies.
Freehand blown glassware.
Insecticide dusters and sprayers.
Combs for personal use.
Embossed wood top cork closures.
Gas mantle rings.
Scientific glass apparatus.

This Revised Order No. A–3 shall become effective February 7, 1944.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1778; Filed, February 5, 1944; 12:09 p. m.]

Regional and District Office Orders.

[Region VII Order G–1 Under GMPR, Amdt. 3]

FLUID MILK IN DESIGNATED AREAS OF IDAHO

Order No. G–1 Under § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation, Amendment No. 3. Order modifying maximum wholesale and retail prices for fluid milk in certain areas in the State of Idaho.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. The title of the original order issued herein on November 25, 1942, is amended to read as follows: "Order No. G–1 Under § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation."

2. Paragraph (1) (a) is amended to make all that part thereof prior to the colon after the word "Ordinance" in the fourth line thereof read as follows:

(a) Grade A milk, when sold and delivered under Municipal Regulation, which by ordinance incorporates therein all of the material and substantial terms and provisions of the police regulation commonly referred to as "Standard Milk Ordinance", and Grade A milk, when sold and delivered by a producer having a Grade A producer's certificate or license duly issued by the Public Health Department of the State of Idaho, in accordance with the law of that State regulating the production and sale of Grade A milk:

3. *Effective date.* This Amendment No. 3 shall become effective on January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1739; Filed, February 4, 1944; 12:43 p. m.]

[Region VIII Order G–4 Under MPR 376]

FRESH TOMATOES IN SAN FRANCISCO REGION

Order No. G–4 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables (fresh tomatoes).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, it is hereby ordered:

(a) *Carlot sales.* The maximum price for sales of fresh tomatoes other than hothouse tomatoes at any wholesale receiving point located in Region VIII in carlot or trucklot quantities shall be as follows:

(1) *Mexican tomatoes.* (i) When packed in standard Los Angeles crates having a minimum net weight of thirty-two pounds: $3.75 per crate f. o. b. Mexican shipping point, plus $.015 per pound import duty, plus $.05 per crate crossing charge, plus "freight" from the point of shipment in the Republic of Mexico to the wholesale receiving point.

(ii) When packed in any other manner: $.14 per pound, calculated f. o. b. Nogales, Arizona, plus "freight" from Nogales, Arizona, to the wholesale receiving point.

(2) *All other tomatoes (except hothouse).* (i) When packed in any type of container: $.15 per pound, calculated f. o. b. Nogales, Arizona, plus "freight" from Nogales, Arizona, to the wholesale receiving point.

(b) *Less than carlot sales.* The maximum price for sales of fresh tomatoes at any wholesale receiving point located in Region VIII in less than carlot or less than trucklot quantities shall be as follows:

(1) *Ex-track sales.* For sales by any carlot receiver selling "ex-track" or "ex-truck": the price as specified in paragraph (a) above, plus, $0.25 per crate in the case of Mexican tomatoes packed in standard Los Angeles crates with a minimum net weight of thirty-two pounds per crate, and 5/16¢ per pound in the case of any other tomatoes.

(2) *Repacked Mexican tomatoes.* For sales to any person, including a retailer: the price as specified in paragraph (a) above, reduced to a per pound basis by dividing the maximum delivered price per crate by thirty-two, where tomatoes are purchased on a per crate basis with a minimum net weight of thirty-two pounds, plus the following maximum mark-ups:

Area:	*Maximum mark-up per pound*
Southern California Area	$0.03
Northern California Area	.04
Nevada and Arizona	.04
Oregon	.05
Washington and Northern Idaho	.05

(3) *All other sales.* For sales other than Mexican "repacked" tomatoes to any person, including a retailer, except as provided in paragraph (b) (1) above: the applicable maximum price as specified in paragraph (a) above, plus $.02 per pound.

(c) Each District Office shall determine the cheapest method of transportation which is customary and generally available from the basing point into each wholesale receiving point and shall compute the freight to be used for each wholesale receiving point within its jurisdiction.

(d) *Definitions.* (1) "Mexican tomatoes" means any tomatoes produced in the Republic of Mexico.

(2) "Ex-track" or "ex-truck" means sales direct from a railroad car or truck, without having been received in a warehouse.

(3) "Repacked" means tomatoes which have been removed from the original container and graded as to color, size and uniform degree of maturity, and repacked in any container.

(4) "Freight" shall include the cost of refrigeration and the lowest available freight by common or contract carrier, as the case may be.

(5) "Carlot receiver" or "trucklot receiver" means a person who for his own account and profit buys the listed commodity being priced in unbroken carlots or unbroken trucklots for resale, in less-than-carlots or less-than-trucklots, to persons other than ultimate consumers. For sales of particular goods in unbroken carlots or trucklots, the seller shall not be considered a carlot receiver.

(6) "South California Area" means that portion of the state of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

(7) "Northern California Area" means that portion of the state of California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

(8) "Northern Idaho" means the following counties in the state of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(9) "Region VIII" means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the state of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–1740; Filed, February 4, 1944; 12:16 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 2, 1944.

REGION III

Cleveland, Order No. F–1, Amendment No. 12, filed 9:39 a. m.
Cleveland, Order No. F–5, Amendment No. 4, filed 9:40 a. m.
Detroit, Order No. 10, filed 9:46 a. m.
Escanaba, Order No. 1–F, Amendment No. 14, filed 9:40 a. m.
Escanaba, Order No. 2–F, Amendment No. 13, filed 9:40 a. m.
Escanaba, Order No. 3–F, Amendment No. 13, filed 9:40 a. m.
Escanaba, Order No. 4–F, Amendment No. 13, filed 9:41 a. m.
Escanaba, Order No. 5–F, Amendment No. 13, filed 9:41 a. m.
Escanaba, Order No. 6–F, Amendment No. 12, filed 9:41 a. m.
Escanaba, Order No. 7–F, Amendment No. 12, filed 9:44 a. m.
Escanaba, Order No. 8–F, Amendment No. 12, filed 9:44 a. m.

REGION IV

Memphis, Order No. 4–F, Amendment No. 18, filed 9:39 a. m.
Nashville, Order No. 5–F, Amendment No. 3, filed 9:44 a. m.
Nashville, Order No. 6–F, Amendment No. 2, filed 9:45 a. m.
Nashville, Order No. 7–F, Amendment No. 2, filed 9:44 a. m.
Nashville Order No. 12, filed 9:46 a. m.
Savannah, Order No. 1–F, Amendment No. 20, filed 9:50 a. m.
Savannah, Order No. 2–F, Amendment No. 15, filed 9:50 a. m.
Savannah, Order No. 3–F, Amendment No. 13, filed 9:49 a. m.
Savannah, Order No. 4–F, Amendment No. 12, filed 9:50 a. m.

REGION VI

Des Moines, Order No. 1–F, filed 9:41 a. m.

REGION VIII

Los Angeles, Los Angeles–5, Amendment No. 6, filed 9:47 a. m.
Los Angeles, Los Angeles–6, Amendment No. 6, filed 9:48 a. m.
Los Angeles, Los Angeles–7, Amendment No. 6, filed 9:48 a m.
Los Angeles, Los Angeles–8, Amendment No. 6, filed 9:48 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1750; Filed, February 4, 1944; 4:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 3, 1944.

REGION I

Augusta, Order No. 11, filed 4:00 p. m.
Augusta, Order No. 12, filed 4:01 p. m.
Augusta, Order No. 13, filed 4:01 p. m.
Augusta, Order No. 14, filed 4:02 p. m.
Augusta, Order No. 15, filed 4:02 p. m.
Augusta, Order No. 16, filed 4:03 p. m.
Augusta, Order No. 17, filed 4:03 p. m.
Augusta, Order No. 18, filed 4:04 p. m.
Providence, Order No. 5, Amendment No. 5, filed 4:04 p. m.

REGION II

Philadelphia, Order No. P–1, filed 4:06 p. m.
Syracuse, Order No. P–1, filed 3:54 p. m.

REGION III

Charleston, Order No. 1–F, Amendment No. 7, filed 3:55 p. m.
Charleston, Order No. 2–F, Amendment No. 5, filed 3:55 p. m.
Charleston, Order No. 3–F, Amendment No. 4, filed 3:55 p. m.
Charleston, Order No. 4–F, Amendment No. 1, filed 3:56 p. m.
Charleston, Order No. 27, Amendment No. 1, filed 3:58 p. m.
Cincinnati, Order No. 1–P, filed 4:06 p. m.
Cincinnati, Order No. 1–F, Amendment No. 14, filed 3:56 p. m.
Cincinnati, Order No. 2–F, Amendment No. 7, filed 3:57 p. m.
Cincinnati, Order No. 2–F, Amendment No. 8, filed 4:08 p. m.
Cincinnati, Order No. 3–F, Amendment No. 1, filed 4:07 p. m.

REGION IV

Birmingham, Order No. 1–F, Amendment No. 2, filed 4:09 p. m.
Jacksonville, Order No. 2–F, Amendment No. 8, filed 3:57 p. m.
Memphis, Order No. 5–F, filed 4:08 p. m.

REGION V

Dallas, Order No. 10, Amendment No. 1, filed 4:04 p. m.
Houston, Order No. 2–F, Amendment No. 1, filed 4:05 p. m.
Oklahoma City, Order No. 3–F, Amendment No. 2, filed 4:09 p. m.
Shreveport, Order No. 1–F, Amendment No. 1, filed 4:08 p. m.
Shreveport, Order No. 2–F, Amendment No. 2, filed 4:09 p. m.

REGION VI

Omaha, Order No. 1–F, Amendment No. 1, filed 3:57 p. m.
Omaha, Order No. 1–F, Amendment No. 2, filed 3:58 p. m.
Omaha, Order No. 2–F, filed 3:58 p. m.

REGION VIII

Fresno, Order No. 7, Amendment No. 4, filed 4:00 p. m.
Fresno, Order No. 8, Amendment No. 5, filed 4:00 p. m.
San Diego, Order No. 1–F, Amendment No. 19, filed 3:54 p. m.
Seattle, Order No. 1–F, filed 4:05 p. m.
Seattle, Order No. 1–F, Amendment No. 1, filed 4:06 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1751; Filed, February 4, 1944; 4:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 4, 1944.

REGION III

Louisville, Order No. 1–F, Amendment 15, filed 10:46 a. m.
Louisville, Order No. 2–F, Amendment 9, filed 10:46 a. m.
Louisville, Order No. 3–F, Amendment 2, filed 10:46 a. m.
Saginaw, Order No. 1–W, Amendment 1, filed 10:28 a. m.
Saginaw, Order No. 17, Amendment 1, filed 10:28 a. m.
Saginaw, Order No. 18, Amendment 1, filed 10:28 a. m.

REGION IV

Jackson, Order No. 1–F, Amendment 21, filed 10:44 a. m.

REGION V

New Orleans, Order No. 1–F, Amendment 1, filed 10:30 a. m.
Dallas, Order No. 2–F, Amendment 1, filed 10:30 a. m.

REGION VI

Chicago, Order No. 1–F, filed 10:24 a. m.
Duluth-Superior, Order No. 2–F, filed 10:24 a. m.
Fargo-Moorehead, Order No. 1–F, filed 10:25 a. m.
Fargo-Moorehead, Order No. 2–F, filed 10:25 a. m.
Fargo-Moorehead, Order No. 3–F, filed 10:25 a. m.
Peoria, Order No. 11, filed 10:24 a. m.
Sioux Falls, Order No. 1–F, filed 10:25 a. m.
Springfield, Order No. 1–F, filed 10:44 a. m.
Springfield, Order No. 2–F, filed 10:30 a. m.
Springfield, Order No. 23, filed 10:40 a. m.
Twin Cities, Order No. 2–F, filed 10:29 a. m.

REGION VIII

Fresno, Order No. 1–F, Amendment 2, filed 10:44 a. m.
Los Angeles, Los Angeles–5, Amendment 7, filed 10:27 a. m.
Los Angeles, Los Angeles–5, Amendment 8, filed 10:26 a. m.
Los Angeles, Los Angeles–6, Amendment 7, filed 10:27 a. m.
Los Angeles, Los Angeles–7, Amendment 8, filed 10:28 a. m.
Los Angeles, Los Angeles–7, Amendment 7, filed 10:28 a. m.
Los Angeles, Los Angeles–8, Amendment 7, filed 10:28 a. m.
Los Angeles, Los Angeles–8, Amendment 8, filed 10:27 a. m.
Los Angeles, Los Angeles–6, Amendment 8, filed 10:26 a. m.
Seattle, Order No. 3–F, Amendment 1, filed 10:26 a. m.
Seattle, Order No. 4–F, Amendment 1, filed 10:26 a. m.
Seattle, Order No. 5–F, Amendment 1, filed 10:26 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1780; Filed, February 5, 1944; 12:02 p. m.]

[Region VII Order G–6 Under RMPR 122, Amdt. 2]

BITUMINOUS COAL IN JACKSON, WYO., AREA

Order No. G–6 Under Revised Maximum Price Regulation No. 122, Amendment No. 2. Solid fuels sold and delivered by dealers. Specific maximum prices for bituminous coal sold and delivered by dealers in the Jackson Area of the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.-260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Subparagraphs (1), (2), and (3) of paragraph (b) are amended by adding 20¢ to each of the per-ton prices set forth therein:

2. Paragraph (e) is hereby revoked as of the effective date of this Amendment No. 2.

3. Paragraphs (f) and (g) are hereby redesignated (j) and (k), respectively, and five new paragraphs designated (e), (f), (g), (h), and (i), respectively, are added to read as follows:

(e) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(f) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(g) *Special service charges.* If in connection with a sale and delivery of coal made by you in the area covered hereby you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated below:

(1) Special service charges:

	Per ton	Per half ton
"Wheel-in" or "Carry-in"	$0.60	$0.35
"Pull-back" or "Trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
"Oil or chemical treatment"	.25	.15

(2) "Wheel-in" or "carry-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space, when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(3) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such "pull-back" or "trimming" shall apply only to the amount of coal so rehandled.

(4) "Carrying up or down stairs" means, generally, the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(5) "Delivered" means placed in the buyer's bin or storage space by dumping, chuting, or shoveling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck.

(h) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the area within which the seller has heretofore customarily made free delivery, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(i) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

3. *Effective date.* This Amendment No. 2 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 2 shall become effective on the 7th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1781; Filed, February 5, 1944; 12:02 p. m.]

[Colorado Order G–1 Under 3 (b) (2)]

DENVER TENT AND AWNING CO.

ORDER ESTABLISHING MAXIMUM PRICES

Order No. G–1 issued under § 1499.3 (b) (2) of the General Maximum Price Regulation. Order establishing maximum prices for HandyKarry Shopping Bag to be manufactured by The Denver Tent and Awning Co., Denver, Colorado.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director by General Order No. 32, as amended, and Region VII Delegation Order No. 12, under § 1499.3 (b) (2) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum price for HandyKarry Shopping Bags on sales by The Denver Tent and Awning Co. to Frank S. Jeffries and Lotta Lee Jeffries.* The maximum price to be charged by The Denver Tent and Awning Co., whose address is 1647 Arapahoe Street, Denver, Colorado, and whose establishment is at that address, for HandyKarry Shopping Bags, on sales by said The Denver Tent and Awning Co., to Frank S. Jeffries and Lotta Lee Jeffries, doing business as HandyKarry Shopping Bag Company, whose address is 1326 Ogden Street, Denver, Colorado, shall, from and after the effective date of this order, be 61½¢ per bag. And the application of said The Denver Tent and Awning Co., which has been filed with this office, asking for approval of that price, is approved.

(b) *Maximum price for HandyKarry Shopping Bags on sales at wholesale by Frank S. Jeffries and Lotta Lee Jeffries, and subsequent sellers.* The maximum price to be charged by said Frank S. Jeffries and Lotta Lee Jeffries, doing business as HandyKarry Shopping Bag Company, and by subsequent sellers, for HandyKarry Shopping Bags, on sales at wholesale by them, shall, from and after the effective date of this order, be $1.25 per bag.

(c) *Maximum price for HandyKarry Shopping Bags on sales at retail.* The maximum price for HandyKarry Shopping Bags, on sales at retail by any person, shall, from and after the effective date of this order, be $1.95 per bag.

(d) *Description of HandyKarry Shopping Bags.* The phrase "HandyKarry Shopping Bags," as used in this order, means a bag made according to a design claimed to have been originated by said Frank S. Jeffries and Lotta Lee Jeffries, or one of them, made of light weight single filling 10-oz. duck, approximately 18 inches wide by 20 inches deep, and having a shoulder strap of the same material for use in carrying the bag as a shoulder bag, and having, in addition, two hand carrying straps of the same material, and having on the front of the bag a pocket of the same material approximately 8 inches by 9 inches in size.

(e) *Notification of maximum prices.* Each person who shall sell HandyKarry Shopping Bags to any purchaser who buys them for resale shall, at the time of or prior to the first delivery of HandyKarry Shopping Bags to such purchaser, notify such purchaser of the wholesale and retail maximum prices which are set out in subdivisions (b) and (c) of this order.

(f) *Coverage by General Maximum Price Regulation.* In all particulars which are not specifically covered or which are excepted by this order, all sellers of HandyKarry Shopping Bags shall be subject to the provisions of the General Maximum Price Regulation with respect to the sales of HandyKarry Shopping Bags.

(g) *Modification and adjustment.* This order may be revoked, amended, or corrected at any time, and any maximum price determined under this order shall be subject to modification and adjustment by the Office of Price Administration and this order shall be superseded by any appropriate maximum price regulation or amendment to maximum price regulation which may hereafter be issued which fixes or establishes maximum prices for HandyKarry Shopping Bags.

(h) *Keeping of copy of order.* Said The Denver Tent and Awning Co. shall keep a copy of this order in its establishment at 1647 Arapahoe Street, Denver, Colorado.

(i) *Effective date.* This order becomes effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

GEO. M. BULL,
District Director.

[F. R. Doc. 44–1782; Filed, February 5, 1944; 12:02 p. m.]

[Spokane Order G–1 Under 18 (c)]

FIREWOOD IN BENTON AND FRANKLIN COUNTIES, WASH.

Order No. G–1 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Certain firewood in Benton and Franklin Counties, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Spokane District Office of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32, *It is hereby ordered:*

(a) With respect to the sales and deliveries of certain specified kinds of firewood in Benton and Franklin Counties, Washington, the maximum prices therefor shall be the seller's previous maximum prices as determined under section 2 of the General Maximum Price Regulation, or the adjusted maximum prices set forth in paragraph (b), whichever are the higher.

(b) The maximum prices for mixed mill slabwood in 16 in. lengths or shorter shall be as follows:

(1) For sales of wood delivered to the consumer's premises at any point in said Benton and Franklin Counties with the exception of the community center of Benton City, $12.00 per cord.

(2) For sales of wood f. o. b. seller's distribution yard located at any place in said Benton and Franklin Counties except the community center of Benton City, $10.00 per cord.

(3) For sales of wood delivered to the consumer's premises in the community center of Benton City, $13.25 per cord.

(4) For sales of wood f. o. b. seller's distribution yard located in the community center of Benton City, $11.25 per cord.

(c) For the purpose of this order, the term "community center of Benton City" shall include all of that area lying within three miles of the Southwest Corner of the Northwest Quarter of Section 18, Township 9 North, Range 27 East, W. M.

(d) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(e) Lower prices than the maximum prices established by this order may be charged, demanded, offered, or paid.

(f) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(g) Order No. G–75 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, issued on November 24, 1943, by the San Francisco Regional Office is hereby superseded and revoked.

(h) This order may be revoked, amended, or corrected at any time. This order shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

DAVE S. COHN,
District Director.

[F. R. Doc. 44–1783; Filed, February 5, 1944; 12:03 p. m.]

[Region VII Rev. Order G–1 Under MPR 122, Amdt. 1]

BITUMINOUS COAL IN UINTAH CO., UTAH

Revised Order No. G–1 Under Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Revised order modifying prices for certain bituminous coal sold in Uintah County, Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.-260 of Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1), (2), (3), and (4) of paragraph (b) are amended to read as follows:

	Per ton
(1) 6" bituminous lump coal	$6.55
(2) 1½ x 6" bituminous nut	6.05
(3) 1½ x 0" bituminous slack (oil)	5.05
(4) 1½ x 0" bituminous slack (raw)	4.80

2. Paragraphs (e) and (f) are hereby redesignated (j) and (k), respectively, and five new paragraphs designated (e), (f), (g), (h), and (i), respectively, are added to read as follows:

(e) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(f) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(g) *Special service charges.* If in connection with a sale and delivery of coal made by you in the area covered hereby you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated below:

(1) Special service charges:

	Per ton	Per half ton
"Wheel-in" or "carry-in"	$0.60	$0.35
"Pull-back" or "trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
"Oil or chemical treatment"	.25	.15

(2) "Wheel in" or "Carry-in" means to transport coal from the vehicle in which delivery is made to from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space, when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(3) "Pull-back" or "Trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such "pull-back" or "trimming" shall apply only to the amount of coal so rehandled.

(4) "Carrying up or down stairs" means, generally, the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(5) "Delivered" means placed in the buyer's bin or storage space by dumping, chuting, or shoveling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck.

(h) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the area within which the seller has heretofore customarily made free delivery, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(i) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 7th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1764; Filed, February 5, 1944; 4:44 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 4, 1944.

REGION IV

Atlanta, Order No. 1-F, Amendment 5, filed 12:25 p. m.
Atlanta, Order No. 1-F, Amendment 6, filed 12:25 p. m.
Atlanta, Order No. 3-F, Amendment 3, filed 12:25 p. m.
Atlanta, Order No. 3-F, Amendment 4, filed 12:24 p. m.
Atlanta, Order No. 5-F, Amendment 2, filed 12:25 p. m.
Atlanta, Order No. 5-F, Amendment 3, filed 12:21 p. m.
Nashville, Order No. 6-F, Amendment 3, filed 12:26 p. m.

REGION V

St. Louis, Rev. Order No. 2-F, filed 12:24 p. m.
St. Louis, Rev. Order No. 1-F, filed 12:25 p. m.

REGION VI

Green Bay, Order No. 1-F, Amendment 1, filed 12:35 p. m.
Green Bay, Order No. 2-F, Amendment 1, filed 12:35 p. m.
La Crosse, Order No. 2-F, filed 12:35 p. m.
Peoria, Order No. 1-F, filed 12:24 p. m.
Springfield, Order No. 24, filed 12:23 p. m.
Springfield, Order No. 25, filed 12:27 p. m.
Springfield, Order No. 26, filed 12:27 p. m.
Springfield, Order No. 27, filed 12:27 p. m.
Springfield, Order No. 28, filed 12:28 p. m.
Springfield, Order No. 29, filed 12:28 p. m.

REGION VIII

Phoenix, Order No. 3-F, Amendment 4, filed 12:34 p. m.
Phoenix, Order No. 4-F, Amendment 4, filed 12:34 p. m.
Phoenix, Order No. 10, Amendment 1, filed 12:35 p. m.
San Diego, Order No. 1-F, Amendment 20, filed 12:26 p. m.
Seattle, Order No. 1-P, filed 12:26 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-1842; Filed, February 7, 1944; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-844]

CENTRAL OHIO LIGHT AND POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of February, A. D. 1944.

Central Ohio Light & Power Company, an electric utility company and a subsidiary of Crescent Public Service Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said act of the issue and sale of $4,300,000 principal amount of First Mortgage 3½% Bonds, Series A, due February 1, 1974, the sales price of such bonds to be fixed by competitive bidding pursuant to Rule U-50 of said act;

Public hearings on such matter having been held, after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the said application, as amended, be, and it hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24 and the further conditions that:

1. Said proposed issuance and sale of securities shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as to completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transactions;

2. During the calendar year 1944, no dividends in excess of the sum of $50,000 shall be declared or paid on the Common Stock of Central Ohio Light & Power Company, and that so long as any of the First Mortgage 3½% Bonds, Series A, due February 1, 1974, shall be unredeemed and outstanding or until further order of the Commission, no further dividend shall be declared or paid on the said Common Stock except on application to, and approval by order of, the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1745; Filed, February 4, 1944; 2:43 p. m.]

[File Nos. 54-89, 59-25, 54-33]

THE UNITED CORPORATIONS

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of February 1944.

In the matter of The United Corporation, applicant, File No. 54-89; The United Corporation, respondent, File No. 59-25; The United Corporation, applicant, File No. 54-33.

Notice is hereby given that The United Corporation ("United"), a registered holding company, has filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing action described as necessary to effectuate the provisions of section 11 (b) of the act, and for the approval of incidental and related transactions;

The transactions proposed in said plan are further described as a step in compliance with the Commission's Order of August 14, 1943, pursuant to section 11 (b) (2) of the act, directing United to change its existing capitalization to one class of stock, namely common stock, and to take such action, in a manner consistent with the provisions of said act, as will cause it to cease to be a holding company;

All interested persons are referred to said plan which is on file in the office of the Commission for a full statement of the transactions therein proposed which may be summarized as follows:

(1) United has outstanding 2,488,712⅛ shares of $3 Cumulative Preference Stock with a voluntary and involuntary liquidating value of $50 per share. At December 31, 1943, accrued and unpaid dividends on said shares of Preference Stock aggregated $12,443,560, or $5.00 per share. On January 19, 1944, a dividend of $1.25 per share was declared payable February 14, 1944. United proposes to offer to exchange for each such share, up to and including 1,244,356 shares of said outstanding Preference Stock, the following:

(a) 1½ shares of common stock of Philadelphia Electric Company,
(b) ¼ share of the common stock of Delaware Power & Light Company, and
(c) $3.75 in cash.

(2) The offer of exchange is proposed to be made with respect to all rights and claims represented by each share of United's $3 Cumulative Preference Stock delivered for exchange, including any and all rights and claims to accrued and unpaid dividends thereon.

(3) If the provisions of the plan are approved by the Commission, it is proposed that the offer of exchange be mailed to holders of the $3 Cumulative Preference Stock, and that the offer remain open for a minimum period of 10 days after such mailing. If, during said 10-day period, more than 1,244,356 shares of the Preference Stock, to which number of shares the offer is limited, shall have been tendered for exchange, it is proposed that a pro-rata distribution of the securities and cash to be exchanged shall be made among all holders who have tendered Preference Stock, on the basis of the total number of shares of Preference Stock tendered. If less than 1,244,356 shares of the Preference Stock shall have been tendered during said 10-day period, it is proposed that the exchange be made for all shares of Preference Stock which shall have been tendered and that the offer shall thereafter remain open, on a "first come, first served" basis, for an additional period of 60 days which the Board of Directors may in its discretion and upon further notice to holders of the Preference Stock extend for a further 60-day period.

(4) The plan further provides that the offer may be accepted only by the deposit with a depositary to be designated by United of the certificates of the shares of $3 Cumulative Preference Stock to be exchanged. Upon presentation by the holder of certificates of the shares of $3 Cumulative Preference Stock to the depositary for exchange, the depositary will deliver to such holder, as soon as practicable, certificates for the aggregate number of shares of Philadelphia Electric Company common stock and Delaware Power & Light Company common stock, respectively, together with the cash payment, to which such holder shall be entitled under the proposed exchange offer.

(5) It is further proposed that in lieu of fractional shares of Philadelphia Electric Company common stock and Delaware Power & Light Company common stock payments in cash will be made on the basis of the closing market price on a designated day or the average closing market price on three successive designated days on the New York Stock Exchange with respect to Philadelphia Electric Company common stock, and on the Philadelphia Stock Exchange with respect to Delaware Power & Light Company common stock.

United holds 2,022,074 shares of Philadelphia Electric Company common stock, representing 19.3% of said company's outstanding voting securities. By virtue of United's ownership of 6,066,223 shares of the common stock of The United Gas Improvement Company, United expects to receive 303,311⅑₀ shares of the common stock of Delaware Power & Light Company, representing 26.1% of the outstanding voting securities of said company, as a partial distribution of capital by The United Gas Improvement Company, pursuant to a supplemental plan approved by an order of the Commission dated December 28, 1943, and subject to the approval of stockholders of The United Gas Improvement Company at a meeting scheduled for February 29, 1944. If the plan for which approval is sought by United is fully consummated, all of the shares of the common stock of Delaware Power & Light Company expected to be received by United will be disposed of and United's holdings of common stock of Philadelphia Electric Company will be reduced from 2,022,074 shares to approximately 155,540 shares, or 1.5% of the outstanding voting securities of said company. In addition, United's outstanding shares of $3 Cumulative Preference Stock will be reduced from 2,488,712⅛ shares to 1,244,356⅛ shares. Shares of Preference Stock to be received by United pursuant to the exchange offer are proposed to be retired in accordance with the applicable provisions of the General Corporation Law of the State of Delaware.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; and it appearing appropriate in the public interest and in the interests of investors and consumers that notice be given and a hearing be held with respect to said plan; and

It further appearing to the Commission that all of the evidence with respect to The United Corporation holding-company system adduced in the proceeding under section 11 (b) (2) of the act, designated as File No. 59-25 and consolidated with the proceeding designated as File No. 54-33, being the consolidated proceeding in which the Commission entered its order dated August 14, 1943, may have a bearing upon the issues presented by said plan, and that a substantial saving of time and expense will result if such evidence adduced in said prior proceeding is used in connection with the consideration of the issues raised by said plan:

It is ordered, That the portion of the record of the consolidated proceeding designated as File Nos. 59-25 and 54-33, commencing with the hearing of December 11, 1941, and including all of the record thereafter made in said consolidated proceeding, be, and hereby is, incorporated into the record of the proceeding with respect to said plan, and that the records in said consolidated proceeding and in this proceeding be, and hereby are, consolidated, subject, however, and without prejudice, to the Commission's right, upon its own motion or the motion of any interested party, to either strike such portion of the record

seller's truck or vehicle, or where such

in respect of said prior proceeding under section 11 (b) (2) as may be deemed irrelevant to the issues raised by said plan, or to add to the record of this proceeding any additional portion of the record in said prior proceeding as may be deemed relevant to the issues raised by said plan.

It is further ordered, That a hearing under the applicable provisions of the act and rules thereunder be held at 10 a. m., e. w. t., on the 7th day of March, 1944, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That notice of said hearing be given to The United Corporation by mailing a copy of this notice and order forthwith by registered mail, and that notice be given to all other persons by a general release by the Commission distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That The United Corporation shall give appropriate notice of this hearing, in such form as the Commission may hereafter approve, to all of the holders of its Common and Preference Stock (insofar as the identity of such holders is known or available to United) at least twenty days prior to March 7, 1944.

It is further ordered, That any person desiring leave to be heard or otherwise wishing to participate in these proceedings shall notify the Commission on or before March 2, 1944 in the manner provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said plan, as submitted or as modified, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether the proposed plan, as submitted or as modified, is fair and equitable to the persons affected by said plan;

(3) Whether the transactions proposed in said plan comply with all of the requirements of the applicable provisions of the act and rules promulgated thereunder;

(4) Whether the fees, expenses and other considerations to be paid or received, directly or indirectly, in connection with the proposed plan and the transactions incidental thereto, are for necessary services or purposes, reasonable in amount, and properly allocated;

(5) Whether, and to what exent, the proposed plan should be modified or terms and conditions imposed to ensure adequate protection of the public interest and the interests of investors and consumers and compliance with all applicable provisions of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1743; Filed, February 4, 1944; 2:43 p. m.]

[File Nos. 59-39, 54-50]

NORTH AMERICAN LIGHT AND POWER CO., AND THE NORTH AMERICAN CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of February 1944.

In the matter of North American Light & Power Company, Holding-Company System, and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50.

The Commission on December 30, 1941, having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing that North American Light & Power Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, be liquidated and its existence terminated, and further directing that North American Light & Power Company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of the Public Utility Holding Company Act of 1935 (see File No. 59-39); and said order having provided that before said companies take any step or action for the purpose of enabling North American Light & Power Company to comply with the provisions of said order such step or action shall be the subject of an application or applications to this Commission for the entry of necessary or appropriate orders; and

North American Light & Power Company both on its own behalf and in conjunction with Illinois Traction Company, a registered holding company and a subsidiary of North American Light & Power Company, having previously filed several applications in the above styled and numbered proceedings relating to various transactions which had as their objective compliance with the aforesaid order, some of which applications have been granted and some of which are still pending;

Notice is hereby given that on January 10, 1944, Illinois Traction Company and North American Light & Power Company filed a joint application designated as application No. 9 in the above styled and numbered proceedings. All interested persons are referred to said joint application which is on file in the office of said Commission for a full statement of the transaction therein proposed, which may be summarized as follows:

Illinois Traction Company proposes to retire all of its publicly held 6% cumulative preferred stock, consisting of 210 shares, at par, or $100 per share, plus dividends accrued from January 1, 1933 to January 1, 1944. The amount required for this purpose is approximately $40,000.

The joint application states that the transaction is part of a general plan of liquidating and dissolving North American Light & Power Company and of integrating its holding company system.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said joint application,

It is ordered, That a hearing on such matter be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the 17th day of February, 1944, at 10:00 a. m. in such room as may be designated at such time by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice on or before February 14, 1944.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing ordered herein. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Illinois Traction Company, North American Light & Power Company, and Illinois Power Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said joint application, particular attention shall be directed at said hearing to the question whether the proposed acquisition at the stipulated price is consistent with the applicable standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1744; Filed, February 4, 1944; 2:43 p. m.]

[File No. 70-812]

CONSOLIDATED ELECTRIC AND GAS CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE, GRANTING APPLICATIONS IN PART, AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of February 1944.

Consolidated Electric and Gas Company, a registered holding company, and its utility subsidiary, Central Illinois Electric and Gas Co., having filed joint applications and declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6, 7, 9, 10, 11 (e), 12 (c), 12 (d), and 12 (f) of said act and the rules promulgated thereunder, whereby authorization is sought for the proposed issuance by Central Illinois Electric and Gas Co. of 400,000 shares of common stock of the par value of $15 per share, the transfer and delivery of all said stock to Consolidated Electric and Gas Company in substitution for the 74,240 shares of common stock of Central Illinois Electric and Gas Co. without par value presently owned by Consolidated Electric and Gas Company, the surrender of said presently outstanding stock without par value by Consolidated Electric and Gas Company to Central Illinois Electric and Gas Co., the acquisition by Consolidated Electric and Gas Company from Central Illinois Electric and Gas Co. in consideration of said surrender of stock of said 400,000 shares of new $15 par value stock, and the reacquisition and retirement by Central Illinois Electric and Gas Co. of said presently outstanding no par value stock;

Consolidated Electric and Gas Company having also applied for approval of a plan submitted by it pursuant to section 11 (e) of said act, by which plan it proposes to sell, through competitive bidding pursuant to Rule U-50 of this Commission, the 400,000 shares of $15 par value stock so to be acquired by it from Central Illinois Electric and Gas Co. and to apply the proceeds received from such sale to the satisfaction of certain of its outstanding bonded debt;

A public hearing having been held, after appropriate notice, upon said applications and declarations, as amended, and the Commission having considered the record and made and filed its findings and opinion herein;

It is ordered, That said applications and declarations in respect of the reclassification of the common stock of Central Illinois Electric and Gas Co. presently owned by Consolidated Electric and Gas Company, to be effected in the manner hereinabove summarized be, and they are hereby, respectively, granted and permitted to become effective forthwith subject to the terms and conditions prescribed by Rule U-24;

It is further ordered, That the application of Consolidated Electric and Gas Company for approval of the plan submitted by it pursuant to section 11 (e) of said act for the sale by said company of the reclassified stock of Central Illinois Electric and Gas Co. and the application of the proceeds thereof, as hereinabove summarized, be, and the same is hereby, granted and approved in respect of the carrying out of the competitive bidding procedure proposed, subject to the terms and conditions set forth in Rule U-24, but, in all other respects, including the proposed definitive sale by

Consolidated Electric and Gas Company of said reclassified stock of Central Illinois Electric and Gas Co. and the application of the proceeds of such sale; jurisdiction is reserved pending the issuance of such further order or orders as the Commission may deem proper upon completion of the record by the incorporation of evidence as to the results of the competitive bidding, the price and other terms of any public offering proposed to be made of the stock, the reasonableness of fees and expenses, and such other evidence as may be appropriately received;

It is further ordered, That the ten day minimum period prescribed by Rule U-50 for reception of competitive bids in respect of the reclassified stock of Central Illinois Electric and Gas Co. be, and the same is hereby, reduced to a minimum period of eight days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1754; Filed, February 5, 1944; 10:36 a. m.]

[File No. 70-752]

ELECTRIC POWER AND LIGHT CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February, A. D. 1944.

Notice is hereby given that an amendment to the application or declaration filed in the above matter has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"). All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

On October 26, 1943, this Commission entered an order in the above proceedings (Holding Company Act Release No. 4644) authorizing Electric to use the proceeds of the sale of the common stock of Idaho Power Company for the acquisition and retirement of Electric's Gold Debentures 5% Series due 2020. Electric in the present amendment proposes to use a portion of such proceeds to purchase all or any part of the present publicly held 65,167 shares of $6 First Preferred Stock of Mississippi Power & Light Company properly tendered to Electric for such purpose within a period of four months after the date of the order of this Commission made in connection herewith. The price to be paid by Electric for such shares will be $100.00 per share, plus an amount equivalent to dividends at the rate of $6.00 per share per annum from the last date as of which dividends have been paid to the date of tender. In the event that any shares are tendered after a record date for the payment of a current quarterly dividend but before the payment thereof the amount to be paid by Electric for such shares will be $100 per share less an amount equivalent to dividends at the foregoing rate from the date of tender to the end of the current dividend period, and on the dividend payment date Mississippi Power & Light Company will pay the full quarterly dividend to the record holder of such shares on the record date.

It is proposed that Electric will acquire any of such shares of preferred stock of Mississippi Power & Light Company upon the terms and conditions set out above as may be available to it for purchase whether or not such shares are acquired in direct response to the invitation of tenders which will be sent to the holders of such shares.

It is further proposed that the cash for the payment of the amount equivalent to dividends on said shares of preferred stock will be supplied from the general corporate funds of Electric.

It appearing to this Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said application and declaration as amended shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said act and the rules of this Commission thereunder be held on February 16, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held. At such hearing cause shall be shown why such declaration as amended should be permitted to become effective and such application as amended granted;

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order to the above-named parties and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 14, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission:

It is further ordered, That Henry C. Lank or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said application and declaration as amended, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by Electric, including all fees, commissions or other remunerations, for the shares of the preferred stocks of Missis-

sippi proposed to be acquired is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets underlying said preferred stocks.

2. Whether the proposed acquisition will unduly complicate the capital structure of the holding company system of Electric or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system.

3. Whether the proposed acquisition is detrimental to the carrying out of the provisions of section 11 and particularly whether it is appropriate for compliance by Electric with the order of dissolution entered by this Commission on August 22, 1942.

4. Whether the proposed acquisition will tend toward the economical and efficient development of an integrated public utility system.

5. Whether the proposed method of acquisition of said shares of preferred stock of Mississippi and the terms and conditions thereof are in compliance with applicable statutory standards and particularly whether they would be fair and equitable to all persons affected thereby.

6. Whether, if the transaction proposed is authorized by this Commission, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS.
Secretary.

[F. R. Doc. 44-1801; Filed, February 7, 1944; 10:09 a.m.]

[File No. 70-849]

INDIANA & MICHIGAN ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February, A. D. 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Indiana & Michigan Electric Company (hereinafter referred to as "Indiana Michigan"), a subsidiary of American Gas and Electric Company, a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

Indiana Michigan proposes to create a Capital Surplus Account of $2,000,000 by a charge of like amount to its Common Capital Stock Account without any change in the number of shares of said stock now outstanding. It is also proposed that Indiana Michigan will, upon order of other regulatory bodies having jurisdiction over the accounts of the company, make various accounting adjustments in order to dispose of inflationary items presently included in its plant accounts which among other things will exhaust the capital surplus so created.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both), shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the act and the rules of the Commission thereunder be held on February 14, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 12, 1944, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder and particularly whether the proposed reduction of Common Capital Stock liability is detrimental to the public interest or the interests of investors or consumers.

(2) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Holding Company Act or any rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1800; Filed, February 7, 1944; 10:09 a. m.]

[File No. 812-346]

ALLEGHANY CORP., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February, A. D. 1944.

In the matter of Alleghany Corporation, The Pittston Company, The Chesapeake and Ohio Railway Company, and Western Pocahontas Corporation, File No. 812-346.

An application having been filed by The Pittston Company pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said act a proposed transaction whereby The Pittston Company will exchange its Common and new Preferred Stock for its Class B Preference Stock and Common Stock, respectively, held by Alleghany Corporation, The Chesapeake and Ohio Railway Company and Western Pocahontas Corporation, to the extent that they elect to accept the exchange offer. This exchange offer is part of a general proposal by The Pittston Company to reconstitute its outstanding Class B Preference Stock as new Preferred Stock and to offer to all holders of shares of outstanding Common Stock and Class B Preference Stock the right to exchange said shares for the new Preferred Stock and for Common Stock, respectively, upon the basis of the average of the closing sales prices of said outstanding shares for the 30 days next preceding the exchange offer. Alleghany Corporation is a registered investment company, The Pittston Company is controlled by Alleghany Corporation, The Chesapeake and Ohio Railway Company is an affiliated person of Alleghany Corporation and Western Pocahontas Corporation is an affiliated person of an affiliated person of Alleghany Corporation.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on February 14, 1944, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Alleghany Corporation, The Pittston Company, The Chesapeake and Ohio Railway Company, and Western Pocahontas Corporation, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS.
Secretary.

[F. R. Doc. 44-1799; Filed, February 7, 1944; 10:09 a. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 132]

LAUREL PROJECT, MARYLAND

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Laurel Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 132. Said project, located at Laurel, Prince Georges County, Maryland, will be the base of operations for work at the District Training School, an institution for mental deficients under the Board of Public Welfare of the District of Columbia, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

2. That the men assigned to said Laurel project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, District Training School, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the District Training School. Administrative and directive control shall be under the Office of Assistant Director of Selective Service in charge of camp operations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 3, 1944.

[F. R. Doc. 44-1746; Filed, February 4, 1944; 2:59 p. m.]

WAR FOOD ADMINISTRATION.

ANGLO-AMERICAN DIRECT TEA TRADING CO., ET AL.

DESIGNATION OF QUALIFIED DISTRIBUTORS

Pursuant to the authority vested in me by Food Distribution Order No. 21, § 1415.1 (c) (1), issued by the Secretary of Agriculture on February 15, 1943, as amended (8 F.R. 2077, 9 F.R. 150), the following persons, who have indicated a willingness to act as qualified distributors of tea and who are, in the judgment of the Director, by reason of their experience, facilities, and personnel, able efficiently to distribute tea to packers and otherwise to discharge the functions and duties which the Director may, from time to time, specify, are hereby designated to act as qualified distributors of tea:

Name and Address
Anglo-American Direct Tea Trading Company, 99 Wall Street, New York, New York.
Balfour, Guthrie and Company, Ltd., 67 Wall Street, New York, N. Y.
H. L. C. Bendiks, 96 Front Street, New York, N. Y.
Bingham and Company, Inc., 96 Wall Street, New York, N. Y.
Carter, Macy Company, Inc., 37-41 Old Slip, New York, N. Y.
Dodwell and Company, Ltd., 79 Wall Street, New York, N. Y.
Eppens, Smith Company, Inc., P. O. Box 898, Church Street Annex, New York, N. Y.
Jacobus F. Frank, 120 Wall Street, New York, N. Y.
Gravenhorst and Company, 82-92 Beaver Street, New York, N. Y.
James P. Harding and Company, 156 State Street, Boston, Mass.
Hellyer and Company, 435 W. Ontario Street, Chicago, Ill.
Holland-Colombo Trading Society, Inc., 30 Rockefeller Plaza, New York, N. Y.
Irwin-Harrisons-Whitney, Inc., 91 Wall Street, New York, N. Y.
Joensson and Cross, 500 Fifth Avenue, New York, N. Y.
Standard Import and Export Company of China, 48 West 48th Street, New York, N. Y.
Stein, Hall and Company, Inc., 295 Madison Avenue, New York, N. Y.
Joseph S. Toledano and J. M. Pinto, 90 Broad Street, New York, N. Y.

Each term defined in said Food Distribution Order No. 21, as amended, shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 21, as amended.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 21, as amended, 8 F.R. 2077, 9 F.R. 150)

Issued this 5th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1840; Filed, February 7, 1944; 11:19 a. m.]

WAR PRODUCTION BOARD.

[Certificate 195]

EXCHANGE AND USE OF TECHNICAL INFORMATION RELATING TO BUTADIENE

APPROVAL OF PROPOSED AMENDING AGREEMENT

The ATTORNEY GENERAL:

I submit herewith a proposed "Agreement Amending General Butadiene Agreement"[1] which has reference to the "General Agreement on Exchange and Use of Technical Information Relating to Butadiene" between Rubber Reserve Company and certain other companies with respect to which, inter alia, I issued Certificate No. 7 under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), on July 28, 1942 (7 F.R. 5897).

For the purposes of the statute cited, and subject to the understanding stated in Certificate No. 7 with respect to the application of the consent decree in United States of America v. The Standard Oil Company (N. J.) et al., I approve the Amending Agreement; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by the parties to the said Amending Agreement in compliance with my approval herein expressed is requisite to the prosecution of the war.

Dated: February 1, 1944.

DONALD M. NELSON,
Chairman.

[1] Filed as part of the original document.

[F. R. Doc. 44-1755; Filed, February 5, 1944; 11:03 a. m.]

WAR SHIPPING ADMINISTRATION.

"GERTRUDE L. THEBAUD"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on November 5, 1942, title to the vessel "Gertrude L. Thebaud," (229547), (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine

that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: February 5, 1944.

[SEAL] E. S. LAND, *Administrator.*

[F. R. Doc. 44-1788; Filed, February 7, 1944; 9:18 a. m.]

"SATANS WIFE"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress).

Whereas on November 30, 1942, title to the vessel "Satan's Wife" (230175) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: February 5, 1944.

[SEAL] E. S. LAND, *Administrator.*

[F. R. Doc. 44-1789; Filed, February 7, 1944; 9:18 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 9 NUMBER 28

Washington, Wednesday, February 9, 1944

The President

EXECUTIVE ORDER 9420

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF THE ARKWRIGHT CORPORATION, BERKSHIRE FINE SPINNING ASSOCIATES, INC., BORDER CITY MANUFACTURING COMPANY, BOURNE MILLS, HOWARD ARTHUR MILLS, RICHARD BORDEN MANUFACTURING COMPANY, AND SAGAMORE MANUFACTURING COMPANY, IN AND ABOUT FALL RIVER, MASSACHUSETTS

WHEREAS after investigation I find and proclaim that as a result of a labor disturbance there is an interruption of the operation of the plants and facilities of the Arkwright Corporation, Berkshire Fine Spinning Associates, Inc., Border City Manufacturing Company, Bourne Mills, Howard Arthur Mills, Richard Borden Manufacturing Company, and Sagamore Manufacturing Company, in and about Fall River, Massachusetts, and that the war effort is being and will be unduly impeded or delayed by this interruption:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, particularly the War Labor Disputes Act of June 25, 1943 (Public Law, 78th Cong.), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of War is hereby authorized to take possession of the plants and facilities of the companies hereinafter named, and to the extent deemed desirable by him of any additional textile plants, facilities or installations situated in and about Fall River, Massachusetts, and the territory adjacent thereto, which are used or operated by the hereinafter-named companies in connection with the plants and facilities of the said companies and in which strikes have occurred or are threatened, together with any real or personal property, tangible or intangible, franchises, rights and other assets used in connection with the operation thereof; and to operate or arrange for the operation of such plants, facilities and installations in such manner as he deems necessary for the successful prosecution of the war, and to do all things necessary for or incidental to the production, sale and distribution of the products thereof:

Arkwright Corporation
Berkshire Fine Spinning Associates, Inc.
Border City Manufacturing Company
Bourne Mills
Howard Arthur Mills
Richard Borden Manufacturing Company
Sagamore Manufacturing Company

2. In carrying out this order, the Secretary of War may act through or with the aid of such public or private instrumentalities or persons as he may designate. All federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order.

3. The Secretary of War shall permit the managements of the plants, facilities, and installations taken under the provisions of this order to continue with their managerial functions to the maximum degree possible consistent with the aims of this order.

4. The Secretary of War shall operate the plants under the terms and conditions of employment which are in effect at the time possession of the plants mentioned herein is taken, subject to the provisions of section 5 of the War Labor Disputes Act.

5. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein, and their families and homes.

6. Possession, control and operation of any plant or facilities, or parts thereof, taken under this order, shall be terminated by the Secretary of War within

(Continued on next page)

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THE PRESIDENT

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FEDERAL REGISTER

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sixty days after he determines that the productive efficiency of the plants has been restored to the level prevailing prior to the interruption of production referred to in the recitals of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 7, 1944.

[F. R. Doc. 44-1870; Filed, February 8, 1944; 10:40 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 30-1, Amdt. 1]

PART 1406—DEHYDRATED FRUIT, VEGETABLES, AND SOUPS

PROCESSORS OF DEHYDRATED VEGETABLES REQUIRED TO KEEP RECORDS AND SUBMIT REPORTS

Pursuant to the authority vested in the Director by Food Distribution Order No. 30 (8 F.R. 3385), issued on March 19, 1943, as amended, *It is hereby ordered*, That Food Distribution Order No. 30-1 (8 F.R. 3386), issued on March 19, 1943, be, and the same hereby is, amended to read as follows:

§ 1406.2 *Requirements relative to records and reports*—(a) *Definitions.* When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof;

(1) The term "FDO 30" means Food Distribution Order No. 30 (8 F.R. 3385), issued on March 19, 1943, by the Secretary of Agriculture, as amended.

(2) Each term defined in FDO 30 shall, when used herein, have the same meaning as set forth in said FDO 30.

(b) *Records.* Each processor of a dehydrated vegetable shall keep and preserve, for not less than 2 years, the following accurate records with respect to all dehydrated vegetables enumerated in § 1406.1 (a) (1) of FDO 30: (1) an inventory of each dehydrated vegetable, by styles (for example, shredded, sliced, diced, powdered, flaked, or stripped), which the respective processor had on hand on March 21, 1943; (2) an inventory of each dehydrated vegetable, by styles, as aforesaid, which the respective processor has on hand at the close of each calendar month; (3) the quantity of each dehydrated vegetable, by styles, as aforesaid, produced during each calendar month by the respective processor; (4) the shipments to governmental agencies, enumerated in § 1406.1 (a) (3) of FDO 30, of each dehydrated vegetable, by quantities and styles, as aforesaid, during each calendar month; and (5) the shipments and sales (including the name and address of each consignee and each purchaser) of all dehydrated beets, dehydrated cabbage, dehydrated onions, and dehydrated rutabagas, by quantities and styles, as aforesaid, during each calendar month. The foregoing records shall be kept with respect to each dehydrated vegetable without regard to whether it may be required to be set aside, under the provisions of FDO 30, for sale to a governmental agency.

(c) *Reports.* Each processor of dehydrated vegetables shall mail to the Director, within two days (Sundays excepted), after the final date of each calendar month, a report on Form FDO 30-1 containing all of the information called for by Form FDO 30-1 and all information of which a record is required by the provisions hereof to be kept by the prospective processor. A report, as aforesaid, shall be filed with respect to each dehydrated vegetable enumerated in § 1406.1 (a) (1) of FDO 30 without regard to whether it is required, by the provisions of FDO 30, to be set aside for sale to a governmental agency.

(d) *Bureau of the Budget approval.* The record-keeping and reporting requirements set forth herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Effective date.* The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., on February 10, 1944. With respect to violations of said Food Distribution Order No. 30-1, rights accrued, or liabilities incurred thereunder prior to the effective time of this amendment, said Food Distribution Order No. 30-1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 30, as amended, 8 F.R. 3385, 7627, 13378, 16887)

Issued this 5th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1851; Filed, February 7, 1944; 1:04 p. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 46]

PART 30—FOREIGN TRADE STATISTICS

SHIPPER'S EXPORT DECLARATIONS, MANIFESTS AND CLEARANCE

Section 30.7 (c) is amended to read as follows:

§ 30.7 *Shipper's export declarations.* • • •

(c) The original shipper's export declarations for shipments by vessel to foreign ports must be verified by oath before a notary public, customs officer, or other person authorized to administer oaths. The oath is not required on shipper's export declarations covering shipments made between the United States and its territories and possessions. The oath is also not required on shipper's export declarations covering shipments made by rail, vehicle, ferry or aircraft.

Section 30.30 (a) is amended to read as follows:

§ 30.30 *Manifests of vessels; shipper's export declarations; clearance.* (a) Before clearance shall be granted to any vessel bound to a foreign place or noncontiguous territory of the United States, the master shall file a manifest with the Collector of Customs on Customs Form 1374 of all cargo on board his vessel. There shall also be filed with the Collector declarations of the owners, shippers, or consignors of the cargo shipped by them, specifying the kinds, quantities, values, and the place to which ultimately destined. These declarations will be made in triplicate on Commerce Form 7525 in accordance with the instructions printed thereon, and the original copy of every declaration shall be verified by oath before a customs officer, notary public or other authorized person. The oath is not required on shipper's export declarations covering shipments made between the United States and its territories and possessions.

(R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

SOUTH TRIMBLE, Jr.,
Acting Secretary of Commerce.

FEBRUARY 7, 1944.

[F. R. Doc. 44-1850; Filed, February 7, 1944; 12:14 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5026]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ROCK CRUSHER MANUFACTURERS ASSOCIATION, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.30 (a5) *Cutting off competitors' access to customers or market—Government specifications.* I. In connection with the offering for sale, sale and distribution, in commerce, of rock crushing machinery, and on the part of respondent rock crusher manufacturers association, respondent Daniels, its secretary, and respondent corporations, its members, entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of them, or between any one or more of them and others not parties hereto, to (1) determine upon or use any plan or scheme for the allocation of orders or sales among themselves or in any manner arrange for the distribution of orders or sales among themselves; (2) establish or maintain a policy or practice of refusing to accept used rock crushing machinery or parts thereof in trade from buyers of new rock crushing machinery or parts; (3) establish or maintain a policy or practice of refusing to rent rock crushing machinery to users or prospective users of such machinery; and (4) attempt through any means to have included in Federal Government specifications for rock crushing machinery provisions for the purpose or with the effect of eliminating any other seller of rock crushing machinery from competition with any respondent: II. Agreeing or cooperating with the respondents subject to the above provisions numbered (1) to (4), inclusive, of this order in doing any of the things prohibited therein, on the part of respondent Associated Equipment Distributors, its officers, board of governors, directors and members, including individuals and concerns, in order set forth: and III. In aforesaid connection and on the part of each respondent hereinbefore made subject to any provision of instant order, entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) establish, fix, or maintain prices, terms, or conditions of sale or adhere to or promise to adhere to prices, terms, or conditions of sale so fixed; (2) determine the amount of any bid or price quotation to be submitted to purchasing officials of any Government agency, or to any other buyer; (3) hold or participate in any meeting, discussion, or exchange of information between or among themselves, or under the auspices of respondent Rock Crusher Manufacturers Association, respondent Associated Equipment Distributors, or any other medium or agency concerning proposed or future prices, terms, or conditions of sale to be included in bids to buyers or rock crushing machinery; (4) assist or cooperate with each other in any way in submitting noncompetitive bids to any buyer; (5) establish, maintain, or carry out any practice or policy for the purpose or with the effect of restraining, persuading, or otherwise causing any seller of rock crushing machinery or parts thereto to refrain from submitting to any buyer price quotations, terms, and conditions of sale independently arrived at or determined; and (6) employ or utilize respondent Rock Crusher Manufacturers Association, respondent Associated Equipment Distributors, or any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the things prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Rock Crusher Manufacturers Association, et al., Docket 5026, January 8, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1944.

In the Matter of Rock Crusher Manufacturers Association: Arthur W. Daniels, Individually and as Secretary of Rock Crusher Manufacturers Association; Diamond Iron Works, Inc., Gruendler Crusher & Pulverizer Company, Iowa Manufacturing Company, Pioneer Engineering Works, Inc., Universal Crusher Company, Universal Engineering Corporation, Western-Austin Company, Corporations; Associated Equipment Distributors, a Corporation, Its Officers, Board of Governors, Directors, and Members, Including the Following, Individually and as Its Officers, Directors, and Governors: James C. Alban, W. W. Bucher, George A. Cooper, William A. Danner, Charles O. Finn, J. S. Gilman, A. E. Hahnan, T. W. Harron, M. R. Hunter, G. F. Lowe, Frank McBath, Fred Mattheis, W. G. Morgan, R. R. Nixon, R. S. Patten, Ed. P. Phillips, R. S. Rosholt, A. F. Sersanous, G. W. Van Keppel, C. F. Winchester, Alban Tractor Company, Inc., Borchert-Ingersoll, Inc., R. E. Brooks Company, Clyde Equipment Company, Columbia Equipment, The Finn Equipment Company, Fuchs Machinery & Supply Company, Harvon, Rickard & McCone Company, Hedge & Mattheis Company, Hunter Tractor & Machinery Company, J. E. Ingram Equipment Company, Loggers & Contractors Machinery Company, Lowe Machinery Company, Nixon-Hasselle Company, Parker, Danner Company, Patten Tractor & Equipment Company, Phillips Machinery Company, The Victor L. Phillips Company, Thorman W. Rosholt Company, Smith Booth Usher Company, The George F. Smith Com-

pany, Inc., Tractor & Machinery Company, Inc., The G. W. Van Keppel Company, William H. Ziegler Company, Inc., Corporation, Members

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers thereto of the several respondents named in the caption hereof, and certain stipulations of additional facts, and respondents having expressly waived all intervening procedure and hearings as to the facts and consented that the Commission may, without any further intervening procedure, make and enter its findings as to the facts, its conclusions based thereon, and its order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Rock Crusher Manufacturers Association, an unincorporated trade association, Arthur W. Daniels, individually and as secretary of the Rock Crusher Manufacturers Association, the corporate respondents Diamond Iron Works, Inc., Gruendler Crusher & Pulverizer Company, Iowa Manufacturing Company, Pioneer Engineering Works, Inc., Universal Crusher Company, Universal Engineering Corporation, and Western-Austin Company, their respective officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of rock crushing machinery in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Determining upon or using any plan or scheme for the allocation of orders or sales among themselves or in any manner arranging for the distribution of orders or sales among themselves.

2. Establishing or maintaining a policy or practice of refusing to accept used rock crushing machinery or parts thereof in trade from buyers of new rock crushing machinery or parts.

3. Establishing or maintaining a policy or practice of refusing to rent rock crushing machinery to users or prospective users of such machinery.

4. Attempting through any means to have included in Federal Government specifications for rock crushing machinery provisions for the purpose or with the effect of eliminating any other seller of rock crushing machinery from competition with any respondent.

It is further ordered, That respondent Associated Equipment Distributors, a corporation, its officers, board of governors, directors, and members, including respondents James C. Alban, W. W. Bucher, George A. Cooper, William A. Danner, Charles O. Finn, J. S. Gilman, A. E. Hahnan, T. W. Harron, M. R. Hunter, G. F. Lowe, Frank McBath, Fred Mattheis, W. G. Morgan, R. R. Nixon, R. S. Patten, Ed. P. Phillips, R. S. Rosholt, A. F. Sersanous, G. W. Van Keppel, C. F. Winchester, individually, and as such officers, governors, and directors, and respondents Alban Tractor Company, Inc., Borchert-Ingersoll, Inc., R. E. Brooks Company, Clyde Equipment Company, Columbia Equipment Company, The Finn Equipment Company, Fuchs Machinery & Supply Company, Harron, Rickard & McCone Company, Hedgé & Mattheis Company, Hunter Tractor & Machinery Company, Loggers & Contractors Machinery Company, Lowe Machinery Company, Nixon-Hasselle Company, Parker, Danner Company, Patten Tractor & Equipment Company, Phillips Machinery Company, The Victor L. Phillips Company, Thorman W. Rosholt Company, Smith Booth Usher Company, The George F. Smith Company, Inc., Tractor & Machinery Company, Inc., The G. W. Van Keppel Company, and William H. Ziegler Company, Inc., individually and as such members, their respective officers, agents, representatives, and employees, do forthwith cease and desist from agreeing or cooperating with the respondents subject to the above provisions numbered 1 to 4, inclusive, of this order in doing any of the things prohibited therein.

It is further ordered, That each respondent hereinbefore made subject to any provision of this order do forthwith cease and desist, in connection with the offering for sale, sale, and distribution of rock crushing machinery in commerce, as "commerce" is defined in the Federal Trade Commission Act, from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

(a) Establishing, fixing, or maintaining prices, terms, or conditions of sale or adhering to or promising to adhere to prices, terms, or conditions of sale so fixed.

(b) Determining the amount of any bid or price quotation to be submitted to purchasing officials of any Government agency, or to any other buyer.

(c) Holding or participating in any meeting, discussion, or exchange of information between or among themselves, or under the auspices of respondent Rock Crusher Manufacturers Association, respondent Associated Equipment Distributors, or any other medium or agency concerning proposed or future prices, terms, or conditions of sale to be included in bids to buyers of rock crushing machinery.

(d) Assisting or cooperating with each other in any way in submitting non-competitive bids to any buyer.

(e) Establishing, maintaining, or carrying out any practice or policy for the purpose or with the effect of restraining, persuading, or otherwise causing any seller of rock crushing machinery or parts thereto to refrain from submitting to any buyer price quotations, terms, and conditions of sale independently arrived at or determined.

(f) Employing or utilizing respondent Rock Crusher Manufacturers Association, respondent Associated Equipment Distributors, or any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the things prohibited by this order.

It is further ordered, That the case growing out of the complaint herein be, and the same hereby is, closed as to respondent J. E. Ingram Equipment Company without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and resume trial thereof in accordance with its regular procedure.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-1871; Filed, February 8, 1944; 10:38 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

PETITIONS FOR REVIEW

Correction

In F.R. Doc. 44-1741, appearing on page 1500 of the issue for Tuesday, February 8, 1944, the reference to § 802.30 should be to § 802.39.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 7]

REPLACEMENT OF DEFECTIVE MATERIALS OR MATERIALS LOST, STOLEN, DAMAGED OR DESTROYED IN TRANSIT

The following direction is issued pursuant to Priorities Regulation 3.

(a) *Purpose.* This direction explains how a supplier must schedule delivery of material covered by a rated order where the material delivered is defective or where it is not received by the purchaser because lost, stolen, damaged or destroyed in transit. This direction does not apply to controlled materials. Direction No. 16 to CMP Regulation No. 1 covers the replacement of defective controlled materials and Direction No. 28 to CMP Regulation No. 1 covers controlled materials lost or stolen in transit.

(b) *When supplier must replace notice required.* When a person places a rated order for material and the material sent him is damaged or defective, or where he does not receive physical delivery of the material because it is lost, stolen, or destroyed in transit, he may promptly notify his supplier and, if the notice is received by the supplier within fifteen days after the material was delivered in the case of damaged or defective material, or within forty-five days after the material was shipped in the case of material lost, stolen or destroyed in transit, the supplier must schedule delivery of the material on the basis of the date the original order was placed. If the notice is received by the supplier after the fifteen or forty-five day period, he must schedule delivery of the material just as though he had received an order for it on the date on which he receives the notice. If the purchaser prefers, he may, instead of notifying the original supplier, place an order for the material with another supplier using the same rating, but the new supplier must treat the order as a new order.

(c) *Materials spoiled by purchaser.* Materials which are spoiled by the purchaser cannot be replaced under this direction.

(d) *What is meant by "in transit."* For purposes of this direction, loss, damage, destruction or theft is regarded as happening in transit if it happens before the purchaser receives actual physical delivery, regardless of whether he has title or constructive possession. For example, material in the hands of a carrier is in transit although delivery to the carrier may have given the purchaser title or constructive possession. It is not in transit if the buyer has picked it up from the seller's plant or from the carrier, or if it has been unloaded at his plant. It does not make any difference whether the buyer or the seller has to bear the financial loss.

(e) *Class A and Class B products.* Although this direction does not apply to controlled materials, it does apply to all rated orders for other products and materials. In the case of Class A or Class B products under the Controlled Materials Plan, there will be times when the manufacturer will have to get a new allotment of controlled materials to make the product. In the case of a Class B product, the manufacturer has the responsibility for getting the new allotment and in the case of a Class A product, the customer has this responsibility.

(f) *Exports.* This direction applies to deliveries to territories and possessions of the United States or to Canada, but does not apply to materials exported to any foreign country, other than Canada, unless the materials are lost, stolen, damaged or destroyed while in transit within the United States or unless the defect is discovered before the materials leave the United States. Where material is damaged, lost, stolen or destroyed outside of the United States while in transit to a foreign country, other than Canada, or where the defect is not discovered until after the material has left the United States, the buyer's replacement order must be treated like a new rated order.

(g) *Frozen schedules.* Where a supplier's schedule is a "frozen schedule" as described in Priorities Regulation No. 18, the shipment of materials to replace defective materials or materials lost, damaged, destroyed or stolen must be approved by the War Production Board by an appropriate amendment of the frozen schedule. The supplier must not ship the materials in the absence of such approval, but he has the responsibility for asking the appropriate Industry Division for the approval.

(h) *No effect on private contractual rights.* This direction has nothing to do with the question of whether the buyer or the seller must bear any financial loss involved as a result of materials being defective or being lost, damaged, destroyed or stolen in transit.

(i) *Applications for special assistance.* Where a purchaser cannot give his supplier notice within the time limits mentioned in paragraph (b) above, and postponement of delivery will result in a substantial loss of production or delay in operations, he may apply to his Claimant Agency or Industry Division for special assistance. Special assistance will be granted only in exceptional cases where a clear showing of substantial interference with the war effort is made.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1868; Filed, February 8, 1944; 10:13 a. m.]

PART 1061—PORTABLE ELECTRIC LAMPS AND SHADES

[General Limitation Order L-33, Interpretation 1, as Amended Feb. 8, 1944]

REPAIRING AND RELINING LAMP SHADES

Interpretation 1 to Limitation Order L-33 (§ 1061.1) is amended to read as follows:

Order L-33 in paragraph (b) (6) provides that "no manufacturer shall produce any lamp shades or parts therefor containing any metal, silk or phenolic plastics" except for wire frames to fill preferred orders. This does not prohibit the repairing, recovering, retrimming or relining of a lamp shade with silk or other material where no new metal or phenolic plastics are used.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1863; Filed, February 8, 1944; 10:12 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Limitation Order L-42, Schedule VIII, as amended Feb. 8, 1944]

RADIATOR SUPPLY VALVES, THERMOSTATIC, FLOAT AND BOILER RETURN TRAPS

The title of *Schedule VIII to Limitation Order L-42* (Vapor and Vacuum Heating Specialties) is changed to "Radiator Supply Valves, Thermostatic, Float and Boiler Return Traps" and the schedule is amended to read as follows:

§ 1076.10 *Schedule VIII to Limitation Order L-42*—(a) *Definitions.* For the purposes of this schedule: "Low pressure" means a maximum steam working pressure of 15 pounds per square inch.

(b) *Limitations.* Pursuant to Limitation Order L-42, the following limitations are established for the manufacture of the heating specialties specified below:

(1) The bodies of low pressure thermostatic radiator and drip traps, combination float and thermostatic traps, and boiler return traps, shall be of cast iron.

(2) No packless radiator supply valves shall be produced with a metallic bellows or diaphragm.

(3) Nickel or monel metal may be used in the manufacture of low pressure thermostatic radiator and drip traps, combination float and thermostatic traps, boiler return traps, and radiator supply valves, only to the extent allocated or otherwise authorized in Conservation Order M-6-b.

(c) *Use of copper base alloys.* In the production of bodies for radiator supply valves designed for working pressures under 100 pounds per square inch, any copper base alloy used shall be made without the use of any primary copper or tin and shall be of no higher grade than a maximum of 86% copper and 6% tin. A lower grade alloy than indicated shall be used if practical in a manufacturing operation and satisfactory for service use of the product.

(d) *General exceptions.* The restrictions of this schedule do not apply to the production of articles or parts not available in the producer's inventory for use in ships, boats, or planes (when required by the Army, Navy, Maritime Commission, War Shipping Administration, or Coast Guard or by rules and regulations promulgated by the Coast Guard for merchant vessels) or for use in chemical plants, research laboratories, and hospitals (when required by contract specifications other than performance specifications).

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1864; Filed, February 8, 1944; 10:12 a. m.]

PART 3201—MINING[1]

[Limitation Order L-269, as Amended Feb. 8, 1944]

The fulfillment of requirements for the defense of the United States has created

[1] Formerly Mining Equipment.

a shortage in the supply of certain critical materials used in the production of mining equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3201.1 *Limitation Order L–269*—(a) *Definitions.* For the purposes of this order:

(1) "Mining equipment" means any complete equipment or apparatus of the types, descriptions, and classifications set forth on List A hereto annexed.

(2) "Repair part" means any part manufactured for use in the repair and maintenance of mining equipment.

(3) "Manufacturer" means any person who constructs or manufactures mining equipment to the extent that he is engaged in such construction or manufacture.

(b) *Production and deliveries of mining equipment.* (1) On or before March 25, 1943, and on or before the 15th of each succeeding calendar month, each manufacturer shall file in triplicate on form PD–815 a schedule of proposed production and deliveries and a report of the previous calendar month's shipments and orders.

(2) On and after April 1, 1943, each manufacturer shall produce and deliver mining equipment only in accordance with the schedule filed pursuant to paragraph (b) (1) or as the same may be changed by the War Production Board.

(3) With respect to mining equipment, the War Production Board may:

(i) Direct the return or cancellation of any order on the books of a manufacturer.

(ii) Direct changes in the production or delivery schedule of a manufacturer.

(iii) Allocate orders placed with one manufacturer to another manufacturer, or

(iv) Take such other action, as it deems necessary, with respect to the placing of orders for, or the production or delivery of, mining equipment.

(4) Beginning February 1, 1944, except as may be otherwise directed in writing by the War Production Board, a manufacturer need not file Form WPB–2406 with respect to any item of mining equipment on List A marked with an asterisk. Further, the War Production Board may from time to time issue written exemptions relieving manufacturers from the requirement of filing Form WPB–2406 with respect to other items of mining equipment in cases where their production records, together with other circumstances, show such uniformity of production or specialization of orders as to indicate no further need for filing such report; and the War Production Board may also, where circumstances change and again show the need for filing such report, revoke any such exemption.

(c) *Repair parts.* The War Production Board may direct the quantity and type of repair parts to be produced or delivered by any manufacturer in any calendar month, and it may direct changes in any manufacturer's production or delivery schedule for mining equipment so as to provide for adequate production or delivery of repair parts.

(d) [Deleted Feb. 8, 1944.]

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Mining Equipment Division, Washington 25, D. C., Reference L–269.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning the manufacture, sale and delivery of and orders for mining equipment and repair parts. All persons affected by this order shall file such reports and questionnaires as may be requested from time to time by the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A amended Feb. 8, 1944.

1. *Cutting machines, mine type—CPM Code 301*
   - Short wall.
   - Long wall.
   - Wheel and crawler mounted.
     - Horizontal kerf.
     - Vertical kerf.
     - Combination horizontal and vertical kerf.
2. *Loaders, mine type—CMP Code 304*
   - Duckbill loading heads only
   - Slusher or scraper
   - Wheel and crawler mounted
     - Rock loaders
     - Coal loaders
3. *Conveyors, mine type—CMP Code 302*
   - Belt
   - Chain
   - Shaking, with or without duckbill loading head
4. *Locomotives, mine type—CMP Code 300*
   - Storage battery
   - Cable reel, trolley
   - Haulage, trolley
5. *Cars, mine type—CMP Code 300*
6. *Cars, shuttle self propelled—CMP Code 300*
   - Storage battery
   - Cable reel
7. *Drills—CMP Code 315*
   - Hand held, electric coal
   - Post mounted, electric coal
   - Wheel and crawler mounted, electric coal
   - Core drills, all types
8. *Trucks, cutting machine—CMP Code 301*
   - Crawler mounted
9. *Hoists, electric and air, mine type—CMP Code 303*
   - Car spotter
   - Tugger
   - Slope and shaft
10. *Crushers—CMP Code 144*
    - *Bradford breakers
    - *Vertical pick coal
    - Coal and coke sizers
    - Pulverizers
    - *Stamp mills
    - Disc
    - Impact
    - Roll
    - Jaw
    - Cone
    - Gyratory
    - Swing hammer
    - Hammer mill
    - Ring
11. *Grinding machinery—CMP Code 144*
    - Ball mill
    - Rod mill
    - Pebble mill
    - Tube mill
12. *Smelting and refining equipment—CMP Code 306*
    - *Calcining furnaces
    - *Charging machines
    - *Converting machines
    - *Ore roasting furnaces
    - *Melting pots
    - *Sintering machines
    - *Casting machines
    - *Clay pug mills
    - *Cottrell precipitators
    - *Kettles, smelting
    - *Retorts
    - *Zinc condenser machines
13. *Ore dressing and coal preparation equipment—CMP Code 305*
    - Agitators
    - Clarifiers
    - Concentrating tables
    - Cone washers
    - *Evaporators
    - Filters
    - Hydraulic separators
    - Jigs, ore and coal
    - Magnetic pulleys
    - Mineral driers
    - Ore scrubbers
    - Thickeners
    - Flotation cells
    - Classifiers
    - Conditioners
    - *Density controllers
    - *Feeders, ore and reagent
    - *Gravity separators
    - *Pan conveyor feeders
    - *Log washers
    - Magnetic separators
    - *Automatic samplers
    - *Sink float machines
    - *Coal driers
14. *Mining, equipment, specialized—CMP Code 307.*
    - *Lamps, miners, carbide
    - Lamps, miners, electric
    - *Lamps, miners, trip
    - Lamps, miners, safety
    - *Grizzlies, mine
    - *Giants, hydraulic
    - *Ties, steel mine
    - *Doors, mine, automatic
    - *Splitters
    - *Props, adjustable mine
    - Tramways, aerial
    - *Buckets, ore
    - *Skips, ore
    - *Cages
    - *Dredges, mine
    - *Rock dust distributing machines
    - *Charging panels, wet cell lamp
    - *Cardox coal blasting equipment
    - *Airduct, flexible and sheet metal

[F. R. Doc. 44–1865; Filed, February 8, 1944; 10:12 a. m.]

PART 3208—SCHEDULED PRODUCTS

[Table 12 to General Scheduling Order M–293, Direction 1]

AUTHORIZATION TO ACCEPT DELIVERY OF ANTI-FRICTION BEARINGS

In order to review the requirements of substantial users of antifriction bearings, the following specific direction under Table 12 of Order M–293 is issued:

(1) During the period April 1–September 30, 1944 no person shall accept during any one month any anti-friction bearings from a manufacturer or distributor in excess of the following amounts without specific authorization to do so on Form WPB–3333 (as revised January 1, 1944):

(i) 1500 bearings of any one size where they are being purchased for incorporation by such person in his end products or for reshipment with his end products as concurrent spare bearings.

(ii) 500 bearings of any one size where they are being purchased for reshipment to the Army, Navy, Maritime Commission, or War Shipping Administration subsequent to delivery of the end product. For instance, this will include bearings bought by such person for the purpose of filling contracts for "second year replenishment" bearings and for similar supplemental spare bearing requirements ordered from him by the procuring Service.

If a person has more than one plant, the amounts specified in (i) and (ii) above shall apply to deliveries to each plant.

(2) Form WPB–3333 must be filed with the War Production Board by March 1, 1944. Any person who subsequent to March 1, 1944 finds that he will require bearing deliveries in any one month during the period April 1–September 30, 1944 in excess of the amounts specified in paragraph (1) of this direction must immediately file Form WPB–3333 submitting such requirements. In submitting Form WPB–3333 in compliance with this direction persons shall state their delivery requirements (for those sizes required to be reported under paragraph (1) of this direction) for the months of April through September 1944, inclusive. In submitting end product production schedules in Section III of Form WPB–3333, applicant shall give such schedules for the months of April through December 1944, inclusive.

(3) Persons who were directed to submit their requirements for anti-friction bearings for the months of March through August 1944, inclusive, by War Production Board letter dated January 7, 1944 are exempt from the provisions of paragraphs (1) and (2) but shall make application in accordance with such letter dated January 7, 1944. However, those persons who submitted their requirements for anti-friction bearings on the original WPB–3333 (dated October 22, 1943) pursuant to War Production Board telegram of October 28, 1943, are not exempt but shall submit the revised Form WPB–3333 covering their requirements for the months of April through September 1944, inclusive.

(4) Authorization by the War Production Board to accept delivery of bearings does not constitute an allocation to the applicant against the bearing manufacturer but simply establishes the maximum amounts which the applicant may accept of those sizes of bearings required to be reported under paragraph (1) above. Applicants must adjust their shipping releases on bearing manufacturers to conform with the authorized amounts.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1866; Filed, February 8, 1944; 10:12 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M–356 as Amended Feb. 8, 1944]

SYNTHETIC FIBERS, YARNS AND FABRICS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of synthetic fibers, yarns and fabrics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.326 *General Conservation Order M–356*—(a) *Definitions.* (1) "Nylon" means synthetic fiber-forming polymeric amides having a protein-like chemical structure, derivable from coal, air and water, or other substances, and characterized by extreme toughness and strength and the peculiar ability to be formed into fibers (yarns and fabrics) and into various shapes, such as bristles, sheets, etc.

(2) "Nylon waste" means waste, noils and garnetted or reclaimed fibers (including scraps and clippings, generated in the manufacture of thread, fabrics, rope, braiding or other material containing nylon) the total nylon content of which is 95% or more by weight.

(b) *Restrictions on nylon.* (1) No person shall sell or deliver nylon except as specifically authorized in writing by the War Production Board.

(2) No person shall knowingly purchase, accept delivery or commercially use nylon contrary to any restriction of the War Production Board.

(c) *Restrictions on nylon waste.* No person shall sell, purchase, deliver, accept delivery, process or commercially use nylon waste except to recover nylon flake. No person shall mix nylon waste with any other waste material having less than 95% nylon content by weight.

Export of Fine Rayon Yarn and Rayon Fabrics

(d) *Definitions.* (1) "Rayon fabrics" mean broad woven synthetic fabrics (over 24 inches in width) made from continuous filament viscose yarn, cuprammonium yarn or cellulose acetate yarn, from viscose or acetate staple fiber, or from combinations or blends containing fifty-one percent or more by weight of any such synthetic yarns. The term shall not include velvets, plushes, and other pile fabrics, upholstery, drapery and tapestry fabrics, and jacquard woven fabrics.

(2) "Fabric producer" means a person who wove, or caused to be woven for him on commission, an average of more than 25,000 yards of rayon fabrics per week during the three months' period ending September 30, 1943. Wherever the words "his total yardage production" or "produced by him" are used in paragraph (e), they refer to the yardage of rayon fabrics manufactured for, as well as by, the fabric producer.

(3) "Procurement orders" mean orders for rayon fabrics placed by the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priority Regulation 17), the Maritime Commission or War Shipping Administration.

(4) "Export orders" mean, with respect to fine rayon yarns as defined in General Preference Order M–37–d, orders bearing a preference rating of AA–3 or higher, and, with respect to rayon fabrics, orders bearing a preference rating of AA–5 or higher, upon which there is endorsed a certification in substantially the following form:

The undersigned purchaser hereby represents that the item(s) hereby ordered are for export under license number —, and pursuant to General Conservation Order M–356.

Name of person

Duly authorized official

(e) *Establishment of export quotas for fine rayon yarn.* (1) An export quota system is hereby established for the producers of fine rayon yarn as defined in General Preference Order M–37–d. Such export quotas will be established from time to time by the War Production Board within which quotas the Foreign Economic Administration will be authorized to assign preference ratings. Until further notice from the War Production Board, each producer of fine rayon yarn shall, regardless of preference ratings, each day set aside an amount of such yarn equal to the production of 4% of his active spindles producing viscose or cuprammonium yarn and 2% of his active spindles producing acetate yarn. The number of active spindles producing high tenacity tire-type rayon yarn shall not be included in computing the above percentages. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as

nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule. No producer of fine rayon yarn shall be compelled to export or accept an order for export of fine rayon yarn under export license granted by the Foreign Economic Administration in excess of the export quota so established for him: *Provided*, That no such producer shall be prohibited from exporting or accepting an order for export of fine rayon yarn in excess of such quota, unless specifically prohibited by the War Production Board.

(2) *Disposition of export yarn not booked or delivered.* All export yarn set aside from the production of any one month, pursuant to the provisions of paragraph (e) (1) and which has not been delivered or booked during said month, shall be immediately available for sale to any person otherwise eligible to purchase such yarn.

(3) [Deleted Feb. 8, 1944]

(f) *Establishment of export quota for rayon fabrics.* (1) An export quota system is hereby established for rayon fabrics. Pursuant to such system export quotas will be fixed from time to time by the War Production Board. Until further notice from the War Production Board, each fabric producer must accept and fill export orders for rayon fabrics until they aggregate for the current calendar quarter four per cent of his total yardage production of rayon fabrics (excluding yardage produced by him to fill procurement orders) during the preceding calendar quarter. No fabric producer is required to accept or fill export orders for more than the established export quota, nor for more than fifteen per cent of any particular construction of rayon fabrics produced by him during the current calendar quarter. However, he is not prohibited from doing so, unless compliance with other orders or regulations of the War Production Board would forbid it.

(2) *Unfilled export quota to be carried over to next quarter.* If a fabric producer does not fill his entire export quota of rayon fabrics in any calendar quarter, the unfilled portion shall be added to his quota for the next succeeding quarter. The portion so carried over which is not filled in such succeeding quarter may be dropped. To illustrate: if the export quota of a fabric producer for the second quarter of 1944 is 100,000 yards and he books or delivers only 75,000 yards during that quarter, the remaining 25,000 yards shall be added to his quota for the third quarter of 1944. If his quota for that quarter is also 100,000 yards, he is required to accept and fill export orders aggregating 125,000 yards during the third quarter. Any part of the 25,000 yards not delivered during the third quarter is thereafter free from the restrictions of this order.

Miscellaneous Provisions

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, and General Conservation Order M-328, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Reports.* Each producer of rayon fabrics shall forward to the War Production Board each week a copy of every export order accepted by him during the week. Each producer of rayon fabrics shall file with the War Production Board quarterly production reports on Form WPB-658-C. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-356.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1867; Filed, February 8, 1944; 10:12 a. m.]

Subchapter C—Director, Office of War Utilities

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U-7, Gen. Directive 1-A]

NATURAL GAS

Whereas, upon investigation, it has been determined that:

(1) A critical shortage of natural gas exists in the Appalachian Area which threatens the maintenance of necessary gas deliveries to manufacturers of war products and essential civilian services in that area;

(2) Additional supplies of natural gas, if available, can be transmitted into the Appalachian Area through the facilities of Panhandle Eastern Pipeline Company;

(3) Substantial quantities of natural gas can without interference with war production or essential services, be made available for transmission into the Appalachian Area through the operation by consumers of Panhandle Eastern Pipeline Company of standby facilities in the possession of such consumers;

(4) Mandatory operation of consumer standby facilities throughout the Appalachian Area has been in effect since November 15, 1943 by order of the War Production Board;

(5) Extension of the requirement for the operation of consumer standby facilities to consumers of the Panhandle Eastern Pipeline will be in the public interest and will promote the national defense;

Therefore, it is ordered and directed pursuant to paragraphs (b) (3) and (b) (4) of Utilities Order U-7 (formerly L-31):

§ 4500.16a *General Directive 1-A under Utilities Order U-7.* (a) Commencing February 14, 1944, and until March 31, 1944, except as otherwise ordered by the War Production Board, Panhandle Eastern Pipeline Company and the other Utilities listed in paragraph (c), all of which receive a portion of their gas supply from said Panhandle Eastern, shall make no deliveries of natural gas to any commercial or industrial consumer having standby facilities capable of utilizing a fuel other than natural gas or liquefied petroleum gas, except to the extent that the fuel requirements of any such consumer exceed the amount that can be supplied by such standby facilities: *Provided*, That any additional curtailments which are necessary shall be made in accordance with the provisions of paragraph (c) (1) of Utilities Order U-7.

(b) No consumer to whom deliveries of natural gas are prohibited by paragraph (a) above, shall accept any such deliveries.

(c) This Directive shall apply to the utilities listed below and to the consumers of each such utility:

Panhandle Eastern Pipeline Co., Kansas City, Missouri.
Albion Gas Light Company, Albion, Michigan.
Battle Creek Gas Company, Battle Creek, Michigan.
Bowling Green Gas Company, Bowling Green, Missouri.
Central Distributing Company, Lee's Summit, Missouri.
Central Illinois Elec. & Gas Co., Lincoln, Illinois.
Central Illinois Light Company, Peoria, Illinois.
Central Illinois Public Service Co., Illinois Building, Springfield, Illinois.
Central Indiana Gas Company, 300 East Main Street, Muncie, Indiana.
Central States Natural Gas Co., Inc., Pauding, Ohio.
Citizens Gas Company, 302 Midland Building, Kansas City, Missouri.
Citizens Gas Company of Hannibal, Hannibal, Missouri.
Citizens Gas Fuel Company, Adrian, Michigan.
City of Fulton, Fulton, Missouri.
City of Pittsfield, Pittsfield, Illinois.
City of Roodhouse, Roodhouse, Illinois.
City of White Hall, White Hall, Illinois.
Greenfield Gas Company, Greenfield, Indiana.
Illinois Power Company, 134 East Main Street, Decatur, Illinois.
Indiana Gas Distribution Corp., Greenfield, Indiana.

Indiana-Ohio Public Service Co., 312 Central Avenue, Greenville, Ohio.
Interstate Gas Company, Harrisonville, Missouri.
Kentucky Natural Gas Corp., 423 West 3d Street, Owensboro, Kentucky.
Kokomo Gas and Fuel Company, Kokomo, Indiana.
Lynn Natural Gas Company, 312 Central Avenue, Greenville, Ohio.
Michigan Consolidated Gas Co., Ann Arbor, Michigan.
Michigan Consolidated Gas Company, 415 Clifford Street, Detroit, Michigan.
Missouri Edison Company, Louisiana, Missouri.
Missouri Power & Light Company, 106 West High Street, Jefferson City, Missouri.
Missouri Western Gas Company, Butler, Missouri.
Missouri Utilities Company, Columbia, Missouri.
Morton Municipal Gas Company, Morton, Illinois.
National Utilities Company of Michigan, Box 151, Newark, Ohio.
Northern Indiana Public Service Co., Hammond, Indiana.
Ohio Gas Light & Coke Co., Bryan, Ohio.
Pendleton Natural Gas Company, Pendleton, Indiana.
Public Service Company of Indiana, 110 North Illinois Street, Indianapolis, Indiana.
Richmond Gas Corporation, Richmond, Indiana.
The Toledo Edison Company, Edison Building, Toledo, Ohio.
Town of Lapel, Lapel, Indiana.
Town of Montezuma, Montezuma, Indiana.
Town of Pittsboro, Pittsboro, Indiana.
Town of Roachdale, Roachdale, Indiana.
Western Ohio Public Service Co., Greenville, Ohio.
Boonville Natural Gas Corp., Boonville, Indiana.
Hoosier Gas Corp., Princeton, Indiana.
Indiana Gas & Chemical Corp., Terre Haute, Indiana.
Indiana-Kentucky Natural Gas Corp., Owensboro, Kentucky.
Southern Indiana Gas & Electric Co., Evansville, Indiana.
City of Linton Gas Department, Linton, Indiana.
Kentucky Public Service Co. Inc., Glasgow, Kentucky.
Livermore Gas Service, Livermore, Kentucky.
Universal Gas Company, Owensboro, Kentucky.
Kentucky-Tennessee Light & Power Co., Bowling Green, Kentucky.
Owensboro Gas Company, Owensboro, Kentucky.
Western Kentucky Gas Company, Owensboro, Kentucky.
Scottsville Gas Company, Scottsville, Kentucky.
Woodburn Gas Company, Woodburn, Kentucky.
Henderson Gas Works, Henderson, Kentucky.
Illinois-Gas Company, Lawrenceville, Illinois.
Gas Utilities Company, Robinson, Illinois.
Public Service Company of Indiana, Martinsville, Indiana.
Central Illinois Public Service Co., Paris, Illinois.
Crawford County Gas Company, Palestine, Illinois.
Village of Flat Rock, Flat Rock, Illinois.
Tri-City Utilities Company, Bowling Green, Kentucky.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1830; Filed, February 7, 1944; 4:53 p. m.]

No. 28——2

Chapter XI—Office of Price Administration

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32,[1] Amdt. 11]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 32 is amended in the following respects:

1. In §§ 1347.61 (a) and (b), and 1347.62 (a) (b) and (e), footnotes 4, 5 and 6 are hereby revoked.

2. In § 1347.62 (a) ".016 -- 56-68 lb. Jute -- 100 lb. Test to less than 110 lb. Test ---------- $2.02" is amended to read as follows:

.016 -- 56-68 lb. Jute-85 lb. Test to less than 110 lb. Test ---------- $1.92.

3. In § 1347.62 (a) ".016 -- 56-68 lb. Jute -- 35 lb. Test to less than 100 lb. Test ---------- $1.92" is hereby revoked.

4. In § 1347.62 (a) ".016 -- 56-68 lb. Jute -- Less than 85 lb. Test ---------- $57.50 per ton" is amended to read as follows:

.016 -- 56-68 lb. Jute -- 70 lb. test to less than 85 lb. Test ---------- $1.84

5. In § 1347.62 (a) an item is added to read as follows:

.016 -- 56-68 lb. Jute -- Less than 70 lb. Test ---------- $57.50 per ton.

6. In § 1347.62 (b) ".030 -- 95-110 lb. Jute -- 135 lb. Test ---------- $3.47" is amended to read as follows:

.030 -- 95-110 lb. Jute -- 135 lb. Test ---------- $3.30.

This amendment shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-1844; Filed, February 7, 1944; 11:41 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 32,[2] Amdt. 1]

NETHERLANDS PURCHASING COMMISSION

A statement of the considerations involved in the issuance of this amendment; issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Order No. 32 is amended in the following respects:

1. The words "this section" are substituted in place of the words "this Supplementary Order No. 32" in § 1305.37 (b).

2. Section 1305.37a is added to read as follows:

§ 1305.37a *Sales by Netherlands Purchasing Commission of the Cargo of "M. S. Mentor."* (a) Sales and deliveries by the Netherlands Purchasing Commission, made either as principals or as agents, of any part of the cargo carried by M. S. Mentor when it docked at New Orleans, Louisiana in March 1942, are hereby exempted from all price regulations issued by the Office of Price Administration.

(b) The purchaser of any part of such cargo from the Netherlands Purchasing Commission shall be regarded as the importer thereof and his maximum price upon resale, as well as the maximum price of any other person who resells any part of such cargo, shall be governed by applicable price regulations.

(c) The term "price regulation," when used in this section, has the same meaning as when used in the preceding section.

This amendment shall become effective February 14, 1944.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1879; Filed, February 8, 1944; 11:42 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 34]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the addition of Appendix E, Table 3.

TABLE 3

Area. Part or all of the States of Illinois, Indiana, Kentucky, and Ohio as follows:

Illinois: That part of the state north of a line starting at the Junction of the tracks of the Louisville and Nashville Railroad with the western boundary of the State in East St. Louis; thence along the tracks of the Louisville and Nashville Railroad through the cities of Belleville, Mt. Vernon, and Eldorado, Illinois to the intersection of said tracks with the eastern boundary of Saline County; thence, south along the eastern boundary of Saline County to the northern boundary of Hardin County; thence easterly along the northern boundary of Hardin County to the eastern boundary of the state.

Kentucky: The counties of Daviess, Ohio, Hancock, Breckinridge, Grayson, Edmonson, Meade, Hardin, Hart, Barren, Monroe, Cumberland, Metcalfe, Green, Larue, Jefferson, Bullitt, Nelson, Washington, Marion, Taylor, Adair, Russell, Spencer, Shelby, Oldham, Trimble, Carroll, Henry, Owen, Gallatin, Franklin, Anderson, Mercer, Boyle, Casey, Lincoln, Garrard, Jessamine, Woodford, Scott, Grant, Fayette, Madison, Clark, Bourbon, Harrison, Pendleton, Boone, Kenton, Campbell, Bracken, Robertson, Nicholas, Montgomery, Bath, Fleming, Mason, Lewis, Greenup.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1264, 2000, 2132, 2740, 8182, 8948; 8 F.R. 3524, 4187, 5838, 11291, 14811, 15607.

[2] 7 F.R. 10377.

[1] 8 F.R. 16115, 16198, 16264, 16297.

Indiana: The entire state.

Ohio: The entire State except the counties of Cuyahoga, Geauga, Lake, Ashtabula, Trumbull, Summit, Portage, Mahoning, Lorain, Medina, Wayne, Ashland, Erie, Huron, Seneca, Richland, Knox, Sandusky, Wood, Lucas, Ottawa and Crawford.

Species. The following commercial species:

Beech	Fagus grandifolia
Sweet Gum	Liquidamber styraciflua
Black Gum	Nyssa sylvatica
Tupelo Gum	Nyssa aquatica
Hackberry	Celtis occidentalis
Poplar	Liriodendron tulipifera
Sycamore	Platanus occidentalis

and all commercial botanical species of the following genera:

Ash	Fraxinus
Basswood	Tilia
Cherry	Prunus
Cottonwood	Populus
Elm	Ulmus
Hickory	Hicoria
Oak	Quercus
Maple	Acer
Walnut	Juglans

as well as all other commercial species.

Scaling Rules. All logs are to be scaled according to the Doyle Log Rule. The diameter of the log shall be measured at the small end of the log, inside the bark, at the smallest diameter. Fractions of an inch less than ½ must be counted back to the next lower inch. Fractions of an inch above ½ inch may be counted as the next higher diameter. If the fraction is exactly one-half inch, it shall be considered as of the nearest even inch. (Thus a 13.5" log could be considered as 14", and a 14.5" log must be counted as a 14" log.)

All logs are to be cut to even lengths unless otherwise specifically requested by the buyer. The lowest acceptable length shall be 8 feet. All logs must be cut 4 inches over length to allow for trim. Logs that are not cut at least 4" over length shall be reduced in scale to the next standard lower length.

All unsound and unusable wood must be eliminated from the scale by deduction in measurement. The defects for which full deduction in scale must be made include hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, and crooks.

Grading Rules—Clear grade. This grade shall include all logs 24" and up in diameter that are clear of all visible defects.

Select grade. This grade shall include:

(a) Those logs 16" to 23" in diameter that are clear of all visible defects and

(b) Those logs 24" and over in diameter that have 3 clear faces or 75 percent of the length clear in one continuous section.

No. 1 grade. This grade shall include:

(a) Those logs 12" to 15" in diameter that are clear of all visible defects.

(b) Those logs 16" to 23" in diameter that have at least 3 clear faces or 75 percent of the length clear in one continuous section, and

(c) Those logs 24" and over in diameter that have at least 2 clear faces or 50 percent of the length clear in one continuous section.

NOTE: In the clear, select, and No. 1 Grades a center rot or dote of 2" in logs 12"–15" in diameter, 3" in logs 16" to 23" in diameter and 4" in logs 24" and up in diameter will be permitted without degrading the log; however, full deduction in scale must be made for this defect.

No. 2 grade. This grade shall include all logs that are better than a cull and that do not grade as a No. 1 log; minimum diameter 12".

Woods run grade shall consist of hardwood logs 12" and up in diameter as produced from the forest, that are better than culls and from which no selection of large-sized or high-quality logs has been made. If any large-sized or high-quality logs have been removed from the run of logs, the remaining logs must be sold at prices no higher than the #2 grade prices if ungraded, or at the applicable grade prices if graded. When any small sized or low quality logs have been removed from the run of logs, the remaining logs may still be sold at the woods run price.

A cull log shall be considered as one where the net board foot scale after deductions have been made for defects is less than 50 percent of the gross scale. Also, any log not meeting the length and diameter requirement shall be classed as a cull, unless otherwise specifically provided for.

MAXIMUM PRICES

(Per M feet log scale)

Species	Clear grade	Select grade	No. 1 grade	No. 2 grade	Woods run grade
White ash [1]	$60.00	$45.00	$35.00	$22.00	$30.00
Other Ash	40.00	35.00	30.00	20.00	25.00
Basswood	55.00	45.00	35.00	22.00	35.00
Beech	45.00	37.50	30.00	20.00	28.00
Cherry	60.00	45.00	35.00	22.00	35.00
Cottonwood	45.00	37.50	30.00	19.00	25.00
Elm	45.00	37.50	30.00	19.00	24.00
Sweet Gum	55.00	40.00	30.00	20.00	25.00
Other Gum	45.00	37.50	27.50	18.00	23.00
Hackberry	40.00	35.00	30.00	19.00	24.00
Hickory	[2] 45.00	[2] 35.00	[2] 27.50	[2] 19.00	25.00
Hard Maple	60.00	50.00	35.00	22.00	36.00
Soft Maple	50.00	45.00	35.00	21.00	30.00
Red Oak	65.00	46.00	35.00	21.00	30.00
White Oak	80.00	55.00	37.50	22.00	36.00
Poplar	70.00	50.00	35.00	22.00	35.00
Sycamore	45.00	37.50	30.00	19.00	25.00
Other species	40.00	35.00	30.00	19.00	24.00
Walnut [1]					40.00

[1] The above prices for Ash and Walnut will prevail for Ash and Walnut logs purchased in conjunction with other species and not on an individual selected basis.

[2] The prices for hickory logs by grades will not apply (a) to that portion of Illinois lying in the Counties of Adams, Pike, Calhoun, Brown, Scott, Greene and Jersey, (b) to any counties in Illinois south of and including the counties of Madison, Bond, Fayette, Effingham, Jasper and Crawford, (c) to that part of Kentucky covered by this amendment or (d) to those counties in Illinois south of and including the counties of Vermilion, Parke, Putnam, Morgan, Johnson, Shelby, Rush, Faye, and Franklin.

These prices apply f. o. b. cars, f. o. b. barge at towable waters, or for logs delivered to a mill by truck from within 25 miles. If logs are delivered to a mill from a distance in excess of 25 miles, the buyer may add to the above ceiling prices 10 cents per thousand feet log scale for every load mile in excess of 25 miles.

If delivery of logs is taken at any point other than f. o. b. cars at shipping point, f. o. b. barge at towable waters, or at mill by trucks, the buyer must deduct

(a) The cost of hauling logs to the rail siding and the cost of loading on cars if logs are delivered to the mill by rail car,

(b) The cost of hauling logs to towable waters and the cost of loading barges if logs are delivered to the mill by barge; or

(c) The cost of trucking logs to the mill if logs are delivered to the mill by truck.

Clear logs 10" and 11" in diameter, 8' and up in length, may be purchased at the woods run price.

Cull logs may be purchased at two-thirds of the No. 2 Grade price by paying only for the net usable contents of the log.

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1874; Filed, February 8, 1944; 11:39 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 35]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the addition of Appendix D, Table 2.

TABLE 2

Area. The following counties in the State of Minnesota: Aitkin, Becker, Beltrami, Benton, Carlton, Cass, Chisago, Clearwater, Cook, Crow Wing, Hubbard, Isanti, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Marshall, Morrison, Mille Lacs, Mahnomen, Ottertail, Pine, Polk, Pennington, Red Lake, Roseau, St. Louis, Todd, Wadena.

Species. The following commercial species:

Jack Pine (Pinus Banksiana)
Soft Maple (Acer rubrum and Acer saccharinum)
Hard Maple (Acer saccharum)
Red Oak (Quercus borealis)
White Oak (Quercus alba)
Tamarack (Larix laricina)
Cedar (Thuja occidentalis)

As well as all botanical species of the following genera:

Elm (Ulmus)
Aspen, Popple, Balm of Gilead (Populus)
Birch (Betula)
Ash (Fraxinus)

Scaling and grading rules. Tie cuts shall be counted by the piece. Tie cuts or bolts must be sound, green timber, free from decay, split, shakes, holes, large or numerous knots or other imperfections which will impair strength or durability and must be otherwise suitable for the manufacture of railroad ties. Dead cedar and tamarack acceptable if otherwise suitable. Minimum diameter is 7" inside bark at the small end and to be 8 or 8½ feet long as specified. A 3" trimming allowance is required on all cuts.

[1] 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 892.

*Copies may be obtained from the Office of Price Administration.

MAXIMUM PRICES

ASPEN, BALM OF GILEAD, ELM, JACK PINE AND SOFT MAPLE

Diameter:	Price per 8' tie cut
7½" to but not including 8½"	$0.20
8½" to but not including 9½"	0.40
9½" to but not including 10½"	0.50
10½" to but not including 11½"	0.60
11½" to but not including 14½"	0.75
14½" to but not including 16½"	1.10
16½" and over	1.40

BIRCH, HARD MAPLE, ASH, RED OAK

Diameter:	
7½" to but not including 8½"	$0.25
8½" to but not including 9½"	0.60
9½" to but not including 10½"	0.70
10½" to but not including 11½"	0.80
11½" to but not including 14½"	9.95
14½" to but not including 16½"	1.30
16½" to but not including 18½"	1.60
18½" to but not including 22½"	2.50
22½" and over	3.20

WHITE OAK

Diameter:	
7" to 8"	$0.40
8" to 11½"	1.05
11½" to 14"	1.20
14" to 18"	1.85
18" to 22"	2.75
22" and up	3.50

TAMARACK

Diameter:	
7" to 8"	$0.30
8" to 14"	0.70
14" and up	1.40

CEDAR

Diameter:	
7" to 8"	$0.30
8" and up	0.60

For 8½' tie cuts of all species add $1.10 per tie cut.

The above prices will prevail for tie cuts f. o. b. cars at a shipping point or for tie cuts delivered to a mill by truck: *Provided*, That the mill is located at a rail shipping point. If the mill is not located at a rail shipping point, the cost of hauling the tie cuts from the mill to the nearest rail shipping point must be deducted.

If delivery of tie cuts is made at any point other than those set forth above, the buyer must deduct from the maximum prices the cost of hauling the tie cuts from the point where delivery is taken to the buyer's mill; if that mill is not on a rail siding, the buyer must also deduct the cost of transporting the tie cuts from that mill to the nearest rail loading point.

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1884; Filed, February 8, 1944; 11:43 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 143,[1] Amdt. 9]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 143 is amended in the following respects:

1. The second and third sentences in § 1315.1502 (b) (2) are amended to read as follows: "The maximum wholesale price under this subparagraph (2) shall in no case be higher than the price determined by deducting a discount of 25 percent for tires other than farm tractor tires, 30 percent for tubes other than farm tractor tubes, and 22½ percent for farm tractor tires and tubes, from the maximum retail price of the tire or tube as fixed by Revised Price Schedule 63.[2] If applying subdivision (i) or (ii) below results in a maximum wholesale price lower than the price which would result from the deduction of these discounts, the maximum wholesale price under this subparagraph (2) shall be determined under subdivision (i) or (ii), whichever is applicable."

2. Section 1315.1502 (b) (3) is amended to read as follows:

(3) *New class of purchasers or new seller.* If the seller did not deliver or offer for delivery during March 1942 any new tires or tubes other than passenger car, to a purchaser of the same class, or if the seller was not in the business of selling such new tires or tubes during March 1942, the maximum wholesale price shall be determined by deducting the following discounts from the maximum retail prices fixed by Revised Price Schedule 63:

Tires, other than farm tractor tires	25 percent
Tubes, other than farm tractor tubes	30 percent
Farm tractor tires and tubes	22½ percent.

3. A new § 1315.1507a is added to read as follows:

§ 1315.1507a *Special prices for brand owners.* This section applies to a brand owner whose wholesale maximum prices for new natural and synthetic rubber tires and tubes are out of line with the level of wholesale maximum prices established for brand owners generally. Notwithstanding any other provision of this regulation, the maximum wholesale prices for sales of new natural and synthetic rubber tires and tubes by such a brand owner shall be determined under § 1315.1507 of this regulation. The brand owner must make application to the Office of Price Administration, Washington, D. C., as required by that section.

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 4328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1880; Filed, February 8, 1944; 11:42 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12326, 15427.

[2] 8 F.R. 2110, 2663, 4332, 5746, 7597.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 266,[1] Amdt. 6]

CERTAIN TISSUE PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 266 is amended in the following respects:

1. Section 1347.511 is amended to read as follows:

§ 1347.511 *Petitions for amendment and applications for adjustment.* (a) Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) Under the following conditions a manufacturer of any of the commodities covered by this Maximum Price Regulation No. 266 may apply for adjustment of his maximum prices where the maximum price causes him substantial hardship and where the War Production Board certifies by letter to the Office of Price Administration that the commodity involved is necessary, in the quantity actually to be supplied by the applicant, to meet a military or essential civilian need. The amount of adjustment which may be granted will be determined by the Office of Price Administration and will in no case exceed an amount deemed reasonably necessary to insure the applicant's production of the commodity in question, in the light of the applicant's costs of production and his over-all financial condition.

(1) *Form of application for adjustment.* Applications for adjustment shall be filed in accordance with subpart B of Revised Procedural Regulation No. 1, with the Office of Price Administration, Code 695, Washington, D. C. In addition the applicant shall set forth the following data:

(i) Statement of the applicant's maximum price, the section of Maximum Price Regulation No. 266 under which such price is determined, the proposed adjusted maximum price, and the complete specifications of the commodity.

(ii) Statement as to the length of time the applicant has been producing the commodity, and the actual production in cases per month for the last six months, preceding the date of filing of the application.

(iii) A record of the applicant's actual costs involved in the manufacture and sale of the commodity is to be given in full detail. These costs are to be given for the total production during each of the last two quarterly accounting periods.

(iv) Statement of the seller's over-all financial condition, including the information required by OPA Form A (Annual Financial Report) for the fiscal year next

[1] 7 F.R. 9335, 10714; 8 F.R. 531, 2431, 4131, 7383, 12468, 12795, 13117.

preceding the filing of the application, and the information required by OPA Form B (Interim Financial Report) for each quarterly period subsequent to the period covered by the A report: *Provided*, That for cause shown this latter requirement may be waived in whole or in part at the discretion of the Administrator.

(v) A complete statement of the reasons why the applicant believes that he will be unable to maintain his production of the commodity at his established maximum price.

2. Section 1347.515 (a) (1) (iii) is amended to read as follows:

(iii) In the event that the maximum price as calculated above is less than the highest carload price which was charged, on a uniform nationally delivered basis, by the manufacturer during the period of October 1 to October 15, 1941, the maximum price shall be such October 1 to 15, 1941, carload price. Freight practices which were employed by the manufacturer during such period may be continued: *Provided*, That the manufacturer shall not require the purchaser to pay a larger proportion of transportation costs incurred in the delivery of the toilet tissue than the manufacturer required purchasers of the same class to pay during the period of October 1 to 15, 1941.

3. Section 1347.515 (a) (1) (v) is added to read as follows:

(v) The manufacturer may reduce the chemical pulp content by not more than 15% of the chemical pulp content upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

4. Section 1347.515 (a) (1) (vi) is added to read as follows:

(vi) The manufacturer may reduce the basis weight by not more than 5% of the basis weight upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

5. Section 1347.515 (b) (1) (i) is amended to read as follows:

(i) In the event that the maximum price as calculated in accordance with the provisions of paragraph (b) of this section is less than the highest carload price which was charged by the manufacturer on sales into any particular zone during the period of October 1 to October 15, 1941, the maximum price shall be such October 1 to October 15, 1941 price for sales into the same zone.

6. Section 1347.515 (d) is amended to read as follows:

(d) The retailer's maximum price for toilet tissue which may in no event exceed the ceiling price in effect on November 30, 1943, as established under this regulation, is to be calculated as follows (for unit and multiple sales separately):

7. Section 1347.515 (d) (2) is amended to read as follows:

(2) *The meaning of "net cost."* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the brand delivered at his customary receiving point, less all discounts and all allowances allowed him, except the discount for prompt payment. "Net cost" should be based on the first sale of such brand of toilet tissue delivered to the retailer in which there has been inserted a copy of this paragraph (d). "Net cost" refers to a customary quantity from a customary supplier and by the customary mode of transportation.

8. Section 1347.515 (e) (1) is hereby revoked.

9. Section 1347.516 (a) (1) (iii) is amended to read as follows:

(iii) In the event that the maximum price as calculated above is less than the highest carload price which was charged, on a uniform nationally delivered basis, by the manufacturer during the period of October 1 to October 15, 1941, the maximum price shall be such October 1 to 15, 1941, carload price. Freight practices which were employed by the manufacturer during such period may be continued: *Provided*, That the manufacturer shall not require the purchaser to pay a larger proportion of transportation costs incurred in the delivery of the toilet tissue than the manufacturer required purchasers of the same class to pay during the period of October 1 to 15, 1941.

10. Section 1347.516 (a) (1) (viii) is added to read as follows:

(viii) The manufacturer may reduce the chemical pulp content by not more than 15% of the chemical pulp content upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

11. Section 1347.516 (a) (1) (ix) is added to read as follows:

(ix) The manufacturer may reduce the basis weight by not more than 10% of the basis weight upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

12. Section 1347.516 (b) (1) (i) is amended to read as follows:

(i) In the event that the maximum price as calculated in accordance with the provisions of paragraph (b) of this section is less than the highest carload price which was charged by the manufacturer on sales into any particular zone during the period of October 1 to October 15, 1941, the maximum price shall be such October 1 to October 15, 1941, price for sales into the same zone.

13. Section 1347.516 (d) is amended to read as follows:

(d) *Retailer's maximum prices.* The retailer's maximum price for paper towels, which may in no event exceed the ceiling price in effect on November 30, 1943, as established under this regulation, is to be calculated as follows (for unit and multiple sales separately):

14. Section 1347.516 (d) (2) is amended to read as follows:

(2) *The meaning of "net cost."* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the brand delivered at his customary receiving point, less all discounts and all allowances allowed him, except the discount for prompt payment. "Net cost" should be based on the first sale of such brand of paper towels delivered to the retailer in which there has been inserted a copy of this paragraph (d); "Net cost" refers to a customary quantity from a customary supplier and by the customary mode of transportation.

15. Section 1347.516 (e) (1) is hereby revoked.

This Amendment No. 6 to Maximum Price Regulation No. 266 shall become effective February 14, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1885; Filed, February 8, 1944; 11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 15]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respects:

A new section 16.1 (d) is added, to read as follows:

(d) *Sales by FDA or FSCC.* On sales of any of the above oils by the Food Distribution Administration or Federal Surplus Commodities Corporation, which oils have actually been stored by the Food Distribution Administration or Federal Surplus Commodity Corporation, there may be added to the maximum prices specified in section 16.1 above, the following storage charges:

(1) On oil stored on the East Coast, .0735¢ per pound for the first month's, or fraction of a month's, storage, plus .0275¢ per pound for each additional month's, or fraction of a month's, storage.

(2) On oil stored on the West Coast, .0750¢ per pound for the first month's, or fraction of a month's, storage plus .0250¢ per pound for each additional month's, or fraction of a month's, storage.

In determining the length of time for which the particular oil being sold has been stored, the "first-in, first-out" method of inventory accounting shall be used.

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1877; Filed, February 8, 1944; 11:41 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[1] Amdt. 23]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, has been issued simultaneously herewith, and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. In section 20, Table B, Item No. 8 of Schedule No. 2 is amended to read as follows:

TABLE B—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound October through March	Price per pound April through September
2	Codfish (Gadus callarias)	8	Sliced	All sizes	$0.19½	$0.16½

2. In section 20, Table C, Item No. 8 of Schedule No. 2 is amended to read as follows:

TABLE C—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE SALES AND SALES BY WHOLESALERS OTHER THAN PRIMARY FISH SHIPPER WHOLESALERS TO OTHER WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound October through March	Price per pound April through September
2	Codfish (Gadus callarias)	8	Sliced	All sizes	$0.21	$0.18

3. In section 20, Table D, Item No. 8 of Schedule No. 2 is amended to read as follows:

TABLE D—MAXIMUM PRICES FOR CASH AND CARRY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound October through March	Price per pound April through September
2	Codfish (Gadus callarias)	8	Sliced	All sizes	$0.22	$0.19

4. In section 20, Table E, Item No. 8 of Schedule No. 2 is amended to read as follows:

TABLE E—MAXIMUM PRICES FOR SERVICE AND DELIVERY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound October through March	Price per pound April through September
2	Codfish (Gadus callarias)	8	Sliced	All sizes	$0.24½	$0.21½

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1883; Filed, February 8, 1944; 11:42 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11150, 11508, 11296, 11739, 12022, 12542, 12559, 12673.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12025, 12468, 12233, 12688, 13207, 13182, 13202, 14049, 14475, 14616, 15430, 15257, 16131, 16293, 16296; 9 F.R. 90.

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 508]

RAYON KNIT FABRICS AND THE KNITTING THEREOF

In the judgment of the Price Administrator it is necessary and proper to establish prices for rayon knit fabrics and commission or contract knitting of rayon knit fabrics which differ in some respects from the maximum prices established by the General Maximum Price Regulation. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this maximum price regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issuance of the Maximum Price Regulation No. 508 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1400.203 *Maximum prices for rayon knit fabrics.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Maximum Price Regulation No. 508 (Rayon Knit Fabrics and The Knitting Thereof) which is annexed hereto is hereby issued.

AUTHORITY: § 1400.203 issued under 56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681

MAXIMUM PRICE REGULATION NO. 508—RAYON KNIT FABRICS AND THE KNITTING THEREOF

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ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

SECTION 1. *Sales of rayon knit fabrics at higher than maximum prices prohibited*—(a) *Higher than maximum prices may not be charged.* On and after February 14, 1944, regardless of any contract, agreement, or other obligation, no person in the course of trade or business shall sell, deliver, supply, buy, or receive, whether for his own account or for the account of another, any rayon knit fabric or any commission or contract tricot knitting services at prices higher than the maximum prices fixed by this regulation; and no person shall agree, offer or attempt to do any of these things.

(b) *Lower than maximum prices may be charged.* Nothing in this regulation prohibits sales or purchases at prices lower than the maximum prices.

SEC. 2. *To what products, services, transactions, and persons this regulation applies*—(a) *What products are covered.* (1) This regulation applies to rayon knit fabrics, which means knitted fabrics:

(i) Made on tricot or circular knitting machines;

(ii) Composed, in the amount of fifty percent or more by weight, of manufactured continuous filament yarn produced chemically from cellulose or with a cellulose base;

(iii) Of a type customarily used in the manufacture of underwear or outerwear.

(2) This regulation does not apply to:

(i) Milanese cloth; or

(ii) Any fabric sold for or of a type customarily used solely in the manufacture of gloves or corsets unless such fabric is specifically priced in the appropriate table of prices in Article III.

(b) *What services are covered by this regulation.* (1) This regulation covers "commission or contract tricot knitting services," which means the warping and/or knitting of rayon tricot knit fabrics from yarns supplied in whole or in part by the person to whom such fabric when knitted is supplied or delivered.

(c) *What transactions are covered by this regulation.* (1) This regulation applies to all sales, purchases, and deliveries of rayon knit fabrics other than sales at retail and sales by a person customarily engaged in manufacturing rayon knit fabrics made of rayon yarn produced by such person or by a subsidiary or affiliate of such person.

The term "sales at retail" means sales in small quantities to ultimate consumers for direct personal use or household consumption, and not for resale or further processing in any form.

(2) This regulation applies to all sales, purchases and supply of commission or contract knitting services consisting of knitting of rayon tricot knit fabrics of the types priced under this regulation.

(d) *What persons are covered by this regulation.* Any person who makes any of the sales, purchases, or deliveries of rayon knit fabrics or performs or receives any of the services referred to in paragraph (b) or (c) of this section is subject to this regulation.

The term "person" includes: an individual, corporation, partnership, association, or any other organized group; the United States or any government, or any of its political subdivisions; or any agent or agency of any of the foregoing.

SEC. 3. *Prohibited practices.* Any practice which is a device to obtain or give a consideration in excess of the maximum price is as much a violation of this regulation as a sale, purchase, or delivery above the maximum price and any person who is a party to such practice thereby violates the provisions of this regulation.

ARTICLE II—GENERAL PROVISIONS

SEC. 4. *Invoice and record-keeping requirements*—(a) *Invoice requirements.* Every seller shall, with respect to each sale of rayon knit fabrics or commission or contract knitting service, deliver to the purchaser an invoice which shall contain:

(1) The purchaser's name and address;

(2) The date of the sale;

(3) The selling price and quantity of each type of rayon knit fabric sold;

(4) All credit terms, allowances, and discounts;

(5) The seller's style number and any other term of identification such as piece number or shipping memorandum reference number sufficient to identify it in seller's record;

(6) Description of fabric, indicating:

(i) On sales to cutters, manufacturers or retailers, whether tricot or circular and color;

(ii) On sales to producers, jobbers, and converters, whether tricot or circular, color, and construction including yield.

(7) If the fabric sold is a printed fabric, the kind of printing applied to the fabrics (i. e., screen- roller-, lacquer-, or other designated printing).

(b) *Record-keeping requirements.* On and after February 14, 1944, every person making a purchase, sale or delivery of rayon knit fabrics, or supplying or receiving commission or contract tricot rayon knit service shall keep with respect to each type of rayon knit fabric or service for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete records as follows:

(1) The date of each purchase, sale, delivery or supply;

(2) The terms of sale;

(3) The name and address of the buyer or seller;

(4) The price paid or received;

(5) The quantity of rayon knit fabrics purchased, sold or delivered;

(6) The style number, piece number, and a description of all items necessary to compute the maximum price of each fabric purchased, sold or delivered, or service supplied.

SEC. 5. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration.

SEC. 6. *Conditional agreements and adjustable pricing.* (a) Except as provided in (b) below, (1) no contract contemplating the sale or delivery of rayon knit fabrics or the sale or supply of commission or contract knitting service shall be made unless a specific price is agreed upon between the parties, and (2) no contract shall contain any provision whereunder the price agreed upon may be adjusted to an agreed price in excess of the maximum price applicable under this regulation at the date the original contract was made.

(b) In an appropriate situation when a petition for amendment requires extended consideration, application may be made by the seller for authorization to agree with the buyer to adjust prices upon deliveries made during or after the pendency of the petition in accordance with the disposition of the petition. Such authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 7. *Definitions.* When used in this regulation:

(a) "Jobber" means, with respect to any sale of rayon knit fabrics, a person who sells such fabric in the performance of a recognized distributive function[2] and in substantially the same form as that in which he purchased it. The term shall not include any person who is controlled by or under common control with a converter or producer.

(b) "Converter" means a person who sells rayon knit fabrics after having screen-, lacquer-, roller-, or otherwise printed such fabrics or after causing them to be so printed for his account.

(c) "Producer" is a person who manufactures rayon knit fabrics or has such fabrics manufactured for his account and shall include a person who sells rayon yarn to and purchases rayon knit fabrics from a person who knits such yarn or a subsidiary, affiliate, agent, designee, or nominee of the person who knits such yarn.

(d) Unless the context otherwise requires, the definitions of the Emergency Price Control Act of 1942, as amended, shall be applicable to this regulation.

SEC. 8. *Enforcement.* Any person who violates any provision of this regulation is subject to all civil liabilities and criminal penalties provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 9. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[1] 7 F.R. 8961, 8 F.R. 3813, 3833, 6173, 11806.

[2] No sale is made "in the performance of a recognized distributive function" within the meaning of this regulation unless it advances the goods sold to the next stage of distribution.

SEC. 10. *Geographical applicability.* This regulation applies to the 48 states of the United States and the District of Columbia.

ARTICLE III—MAXIMUM PRICES

SEC. 11. *Terms, discounts and allowances.* (a) The prices in sections 14 to 18, inclusive, and the prices in Column A of section 19 are subject to terms of 30 days net. The prices in Column B of section 19 and the prices in section 20 are subject to terms of net 10, e. o. m. The prices in section 21 are subject to terms of net 10 days f. o. b. mill. If the seller requires payment to be made on shorter terms than those specified in this paragraph the maximum prices established herein shall be reduced at the rate of 6% per annum for the period of demanded anticipation.

(b) Except as provided in paragraph (a) of this section, no seller shall discontinue or alter to the prejudice of a purchaser any discount, freight allowance or service granted or rendered to purchasers of the same general class during March 1942.

SEC. 12. *Maximum prices for seconds and inferiors.* The maximum prices for other than first quality rayon knit fabrics shall be the prices set forth in this Article III less the differentials between representative prices charged by the individual seller during March 1942 for first quality and the respective types and grades of inferior or second quality rayon knit fabrics to the same class of purchasers. In determining which fabrics are inferior or second quality, each seller shall use the classifications which he used during March 1942.

SEC. 13. *Prices computed in fractions of a cent.* Any maximum price determined under any of the provisions of this Article III must be computed to the nearest ¼th of a cent. If the computation of a price results in a fraction of ⅛th of a cent or less, the price must be reduced to the next lower ¼th of a cent. If the computation results in a fraction greater than ⅛th of a cent, the price may be increased to the next higher ¼th of a cent.

SEC. 14. *Maximum prices for circular knit fabrics for underwear.* (a) The maximum prices for rayon circular knit fabrics of a type customarily used in the manufacture of underwear shall be the applicable prices per pound set forth in Table I. Those maximum prices shall apply to sales by the producer of the fabric and to a resale by any person.

(b) *Table I.*

CIRCULAR KNIT FABRICS FOR UNDERWEAR

VISCOSE YARN, WHITE AND COMMERCIALLY FAST PASTEL SHADES

[Prices are based on finished weights]

Reference No.	Denier	Cut	Prices per pound	
			Under 60 fil.	60 fil. or over
1	200	28	$0.81	$0.83
2	150	28	.85	.87
3	125	28	1.01	1.03
4	100	28	1.16	1.18
5	75	28	1.35	1.37

NOTE: (1) A premium of 3 cents per pound may be added for commercially fast colors other than white or pastel shades.

(2) A premium of 2 cents per lb. may be added for 34 cut or for 12 or 14 cut ribbers.

(3) Circular knit fabrics for underwear not within the description of fabrics enumerated in this Table must be priced in-line with the maximum prices established in the Table. In-line pricing provisions are set forth in Section 22.

(4) Foreign matter and moisture content in excess of 11% in finished weight shall be disregarded in determining the weight of the fabric for purposes of these maximum prices.

SEC. 15. *Maximum prices for circular knit fabrics for outerwear.* (a) The maximum prices for rayon circular knit fabrics of a type customarily used in the manufacture of outerwear shall be the applicable prices per linear yard or per pound set forth in Table II. Except as provided in paragraph (b) of this section, those maximum prices shall apply to sales by the producer of the fabric and to a resale by any person.

(b) The maximum price of rayon circular knit fabrics priced under paragraph (a) of this section, when sold by a jobber, shall be the highest price charged for such fabric by any such jobber in March 1942 less the reduction if any in the jobber's purchase price of the fabric as determined by subtracting the maximum price established in paragraph (a) of this section from the highest purchase price of such fabric paid by the jobber in the period between March 1942 and the effective date of this regulation: *Provided,* That a jobber pricing under this paragraph (b) shall prepare and keep a record of the highest price charged for the fabric in March 1942 and the highest purchase price of such fabric paid by the jobber in the period between March 1942 and the effective date of this regulation. If a jobber did not sell such fabric in March 1942, his price shall be determined under the in-line pricing provision for jobbers in section 22 (d).

(c) *Table II.*

CIRCULAR KNIT FABRICS FOR OUTERWEAR

150 DENIER VISCOSE YARN; DYED WITH COMMERCIALLY FAST COLORS IN STANDARD FINISH

[Prices are based on finished weights]

Price per pound when sold by yard	$0.9375
Price per pound when sold as pound goods	$0.8875

NOTE: (1) A premium of 2 cents per yard may be added for discharge colors.

(2) Circular knit fabrics for outerwear not within the description of fabrics enumerated in this table must be priced in-line with the maximum prices established in the table. In-line pricing provisions are set forth in section 22.

(3) The yield of a fabric sold by the yard may be 3% lighter or heavier than the yield upon which the price is computed.

(4) If a sale of first quality goods is made which is not subject to any claims by the purchaser for allowances or refunds for imperfections or defects in the quality of the cloth, the poundage price of $0.8875 applies.

(5) Moisture content and foreign matter in excess of 11% in finished weight shall be disregarded in determining the weight of the fabric for purposes of these maximum prices.

(d) *Price examples.* (1) To determine the price per yard of a 4 yard per pound cloth sold by the yard.

$\frac{\$0.9375}{4 \text{ yds.}} = \$0.2343$ which, when computed to the nearest ¼th of a cent (see section 13), gives a maximum price of 23½ cents per yard.

(With the allowable tolerance of 3% by weight the yield of the cloth may be 3.88 to 4.12 yards per pound, i.e., 3% of 4 yards.)

(2) To determine the price per yard of 2.6 yard per pound cloth.

$\frac{\$0.9375}{2.6} = \$0.3606$ which, when computed to the nearest ¼th of a cent gives a maximum price of 36¢ per yard.

(With tolerance of 3% by weight the yield of the cloth may be 2.52 to 2.68 yards per pound, i. e., 3% of 2.6 yards.)

SEC. 16. *Maximum prices for brushed circular knit fabrics.* (a) The maximum prices for brushed rayon circular knit fabrics shall be the applicable prices per linear yard set forth in Table III. Except as provided in paragraph (b) of this section, those maximum prices shall apply to sales by the producer of the fabric and to a resale by any person.

(b) The maximum price of brushed rayon circular knit fabrics priced under paragraph (a) of this section, when sold by a jobber, shall be the highest price charged for such fabric by any such jobber in March 1942 less the reduction if any in the jobber's purchase price of the fabric as determined by subtracting the maximum price established in paragraph (a) of this section from the highest purchase price of such fabric paid by the jobber in the period between March 1942 and the effective date of this regulation: *Provided,* That a jobber pricing under this paragraph (b) shall prepare and keep a record of the highest price charged for the fabric in March 1942 and the highest purchase price of such fabric paid by the jobber in the period between March 1942 and the effective date of this regulation. If a jobber did not sell such fabric in March 1942, his price shall be determined under the in-line pricing provision for jobbers in section 22 (d).

(c) *Table III.*

BRUSHED CIRCULAR KNIT FABRICS

150 DENIER VISCOSE YARN, DYED IN COMMERCIALLY FAST COLORS, STANDARD SHEERING AND BRUSHING

[Finished prices are based on net grey weights]

Price per pound when sold by yard	$1.025
Price per pound when sold as pound goods	$0.9750

NOTE: (1) Brushed Knit fabrics not within the description of fabrics enumerated in table must be priced in-line with the maximum prices established in the table. In-line pricing provisions are set forth in section 22.

(2) The yield of a fabric sold by the yard may be 4% lighter or heavier than the yield upon which the price is computed.

(3) If a sale of first quality goods is made which is not subject to any claims by the purchaser for allowances or refunds for imperfections or defects in the quality of the cloth, the poundage price of $0.9750 applies.

(4) Moisture content and foreign matter in excess of 11% after full boil-off allowance shall be disregarded in determining the net grey weight of the fabric for purposes of these maximum prices.

(d) *Price examples.*—(1) Method same as in Table No. II.

$1.026 / 2.4 yds. = $0.4271 which, when computed to the nearest ¼th of a cent (see section 13) gives a maximum price of 42¾ cents per yard.

(With the allowable tolerance of 4% by weight the yield of the cloth may be 2.304 to 2.496 yards per pound, i. e., 4% of 2.4 yards.)

(2) $1.025 / 1.5 yds. = $0.6833 which, when computed to the nearest ¼th of a cent gives a maximum price of 68¼ cents per yard.

(With a tolerance of 4% by weight the yield of the cloth may be 1.44 to 1.56 yards per pound, i. e., 4% of 1.5 yards.)

SEC. 17. *Maximum prices for tricot knit fabrics for underwear.* (a) The maximum prices for rayon tricot knit fabrics of a type customarily used in the manufacture of underwear shall be the applicable prices per square yard set forth in Table IV. Those maximum prices shall apply to sales by the producer of the fabric and to a resale by any person.

(b) *Table IV.*

TRICOT KNIT FABRICS FOR UNDERWEAR

WHITE AND TEA ROSE

[Prices are based on net grey weight]

Reference No.	Square yards per pound	Acetate price per square yard (denier and bars)			Viscose price per square yard (denier and bars)	
		45 2 bars	55 2 bars	100 1 bar	100 1 bar	150 1 bar
1	4.10					$0.20½
2	4.20					.20
3	5.00		$0.29¼		$0.28	
4	5.10				.22½	
5	5.20				$0.22¼	
6	5.30				.21¾	
7	5.40	$0.30¼		$0.21½		
8	5.50	.29¾	.26¼	.21		
9	5.60	.29¼	.26	.20¾		
10	5.70		.25½	.20¼		
11	5.80	.28¼	.25	.20	.20	
12	5.90		.24¾	.19½	.19¼	
13	6.00	.27¾	.24¼	.19¾	.19¼	

NOTE: (1) The following premiums for color may be added to the above maximum prices:

	Cents per square yard
In acetate fabrics:	
For light and medium shades (other than white and tea rose)	1
For dark shades, including black	2
In viscose fabrics:	
For light and medium shades (other than white and tea rose)	½
For dark shades, including black	1

(2) A tolerance of plus .09 is allowable in the yield of the grey fabric. Thus No. 5 may vary in yield from 5.20 to 5.29.

(3) Tricot knit fabrics for underwear not within the description of fabrics enumerated in this Table must be priced in-line with the maximum prices established in the table. In-line pricing provisions are set forth in section 22.

(4) Moisture content and foreign matter in excess of 11% after full boil-off allowance shall be disregarded in determining the net grey weight of the fabric for purposes of these maximum prices.

SEC. 18. *Maximum prices for 40" tricot knit fabrics for outerwear.* (a) The maximum prices for 40" rayon tricot knit fabrics of a type customarily used in the manufacture of outerwear shall be the applicable price for linear yard set forth in Table V. Those maximum prices shall apply to sales by the producer of the fabric and to a resale by any person.

(b) *Table V.*

40" TRICOT KNIT FABRICS FOR OUTERWEAR

75 DENIER ACETATE, 2-BAR CONSTRUCTION FINISHED—WHITE

[Prices are based on net grey weights]

Reference no.	Linear yards per pound	Price per linear yard
1	3.20	$0.4525
2	3.30	.4375
3	3.40	.4250
4	3.50	.4125
5	3.60	.4025
6	3.70	.3900

NOTE:

(1) The finished fabric may vary in width from 39¼" to 40¾", inclusive.

(2) The following premiums for color may be added to the above maximum prices:

	Cents per linear yard
For pastel, light or medium shades	2½
For dark shades	5
For discharge colors an additional	2½

(3) A tolerance of plus .09 is allowable in the yield of the grey fabric. Thus No. 3 may vary in yield from 3.40 to 3.49.

(4) Tricot knit fabrics for outerwear not within the description of fabrics enumerated in the Table must be priced in-line with the maximum prices established in the Table. In-line pricing provisions are set forth in section 22.

(5) Moisture content and foreign matter in excess of 11% after full boil-off allowance shall be disregarded in determining the net grey weight of the fabric for purposes of these maximum prices.

SEC. 19. *Maximum prices for 54" tricot knit fabrics for outerwear.* (a) The maximum prices for 54" rayon tricot knit fabrics of a type customarily used in the manufacture of outerwear, shall be the applicable prices per linear yard set forth in Table VI.

(b) Except as provided in paragraph (c) of this section the prices in the last column B of Table VI shall be applicable to sales by producers and jobbers to cutters, manufacturers, or retailers regardless of whether the fabric was manufactured by producers subject to this regulation.

(c) The prices established in column B of Table VI may be increased by 5% per yard for sales to retailers.

(c) *Table VI.*

54" TRICOT FABRICS FOR OUTERWEAR

75 DENIER ACETATE, 2-BAR CONSTRUCTION FINISHED—WHITE

[Prices are based on net grey weights]

Reference No.	Linear yards per pound	Prices per linear yard	
		Column A	Column B
		To jobbers or converters	To cutters or manufacturers
1	2.20	$0.6450	$0.7375
2	2.30	.6175	.7050
3	2.40	.5900	.6750
4	2.50	.5675	.6475
5	2.60	.5450	.6225
6	2.70	.5250	.6000

NOTE: (1) The finished fabric may vary in width from 52" to 56", inclusive.

(2) The following premiums for color may be added to the above maximum prices:

	Cents per linear yard
For pastel, light or medium shades	2½
For dark shades	5
For discharge colors—an additional	2½

(3) A tolerance of plus .09 is allowable in the yield of the grey fabric. Thus the yield in No. 3 may vary from 2.40 to 2.49.

(4) Tricot knit fabrics for outerwear not within the description of fabrics enumerated in the Table must be priced in-line with the maximum prices established in the table. In-line pricing provisions are set forth in section 22.

(5) The prices in column A apply to sales by any person to a jobber or converter. For example, they apply to sales by a producer to a jobber, a jobber to a jobber, or a cutter to a jobber.

(6) The prices in column B apply to sales by any person to a cutter, manufacturer, or retailer. For example, they apply to sales by a producer to a cutter, a jobber to a cutter, or a cutter to a cutter.

(7) Moisture content and foreign matter in excess of 11% after full boil-off allowance shall be disregarded in determining the net grey weight of the fabric for purposes of these maximum prices.

SEC. 20. *Maximum prices for converted rayon knit fabrics.* (a) The maximum prices for rayon knit fabrics which are screen-, roller-, lacquer-, or otherwise printed, shall be the applicable prices set forth in Tables VII, VIII, IX, or X.

(b) The prices established in this section 20 apply regardless of whether the fabric which is printed was manufactured by producers subject to this regulation.

(c) The prices established in Tables VII, VIII, IX, and X may be increased by 5% per yard for sales by converters to retailers.

(d) The maximum price of rayon knit fabrics priced under Table VII, when sold by a jobber, shall be the highest price charged for such fabric by any such jobber in March 1942 less the reduction if any in the jobber's purchase price of the fabric as determined by subtracting the maximum price established in paragraph (a) of this section from the highest purchase price of such fabric paid by the jobber in the period between March 1942 and the effective date of this regulation: *Provided*, That a jobber pricing under this paragraph (d) shall prepare and keep a record of the highest price charged for the fabric in March 1942 and the highest purchase price of such fabric paid by the jobber in the period between March 1942 and the effective date of this regulation. If a jobber did not sell such fabric in March 1942, his price shall be determined under the in-line pricing provision for jobbers in section 22 (d).

(e) *Table VII.*

SCREEN OR ROLLER PRINTED 40" RAYON TRICOT KNIT FABRICS

75 DENIER ACETATE, 2-BAR CONSTRUCTION

[All prices are based on 3.40 net grey weight cloth]

Reference No.	Colors printed	Price per linear yard
1	One color on white	$0.8625
2	One color on pastel, light or medium shade	.8925
3	One color on dark shade	.9250
4	Multi-color on white	.9250
5	Multi-color on colored ground, application or discharge	.95

NOTE: (1) The tolerances of width and yield specified in Table V are applicable to this fabric.

(2) The prices in this table shall be reduced by the amount per yard designated for the following yields:

Yield (net grey linear yards per pound):	*Reduction in cents per linear yard*
3.50	1.25
3.60	2.25
3.70	3.50

(3) Screen or roller printed rayon tricot knit fabrics not within the description of fabrics enumerated in this table must be priced in-line with the maximum prices established in the table. In-line pricing provisions are set forth in section 22.

(4) Moisture content and foreign matter in excess of 11% after full boil-off allowance shall be disregarded in determining the net grey weight of the fabric for purposes of these maximum prices.

(f) *Table VIII.*

SCREEN OR ROLLER PRINTED RAYON CIRCULAR KNIT FABRICS FOR OUTERWEAR

150 DENIER VISCOSE, 40" TO 42" WIDE

[All prices are based on 3.40 finished weight]

Reference No.	Colors printed	Price per linear yard
1	One color on fast colors	$0.6900
2	One color on discharge colors	.7150
3	Multi-color on fast colors	.7525
4	Multi-color on discharge colors	.7775

NOTE: (1) The tolerances of yield specified in Table II are applicable to this fabric.

(2) The prices in this table shall be reduced by the amount per yard designated for the following yield:

Yield (finished linear yards per pound):	*Reduction in cents per linear yard*
3.50	0.75
3.60	1.50
3.70	2.25

(3) Screen or roller printed circular knit fabrics not within the description of fabrics enumerated in this table must be priced in-line with the maximum prices in the table. In-line pricing provisions are set forth in section 22.

(4) Moisture content and foreign matter in excess of 11% in finished weight shall be disregarded in determining the weight of the fabric for the purposes of these maximum prices.

(g) *Table IX.*

CONVERTED 54" RAYON TRICOT KNIT FABRICS (LACQUER PRINTED OR OTHER THAN SCREEN OR ROLLER PRINTED)

75 DENIER ACETATE, 2 BAR CONSTRUCTION, WHITE GROUND

Reference No.	Linear yards per lb. net grey weight	Printed costs per yard										
		7 to 7.99	8 to 8.99	9 to 9.99	10 to 10.99	11 to 11.99	12 to 12.99	13 to 13.99	14 to 14.99	15 to 15.99	16 to 16.99	17 to 17.99
		Selling price (cents per yard)										
1	2.20	81¾	82¾	83¾	84¾	85¾	86¾	87¾	88¾	89¾	90¾	91¾
2	2.30	78½	79½	80½	81½	82½	83½	84½	85½	86½	87½	88½
3	2.40	75½	76½	77½	78½	79½	80½	81½	82½	83½	84½	85½
4	2.50	72¾	73¾	74¾	75¾	76¾	77¾	78¾	79¾	80¾	81¾	82¾
5	2.60	70¼	71¼	72¼	73¼	74¼	75¼	76¼	77¼	78¼	79¼	80¼
6	2.70	68	69	70	71	72	73	74	75	76	77	78

NOTE: (1) The tolerances of width and yield specified in Table VI are applicable to this fabric.

(2) A premium may be charged of 2½ cents per yard for pastel, light, or medium backgrounds or of 5 cents per yard for dark backgrounds.

(3) 54" Rayon Tricot Knit Fabrics which are not screen or roller printed and not within the description of fabrics enumerated in this table must be priced in-line with the maximum prices in the table. In-line pricing provisions are set forth in Section 22.

(4) Moisture content and foreign matter in excess of 11% after full boil-off allowance shall be disregarded in determining the net grey weight of the fabric for purposes of these maximum prices.

(h) *Table X.*

CONVERTED 40" RAYON TRICOT KNIT FABRICS (LACQUER PRINTED OR OTHER THAN SCREEN OR ROLLER PRINTED

75 DENIER ACETATE, 2 BAR CONSTRUCTION WHITE GROUND

Reference No.	Linear yards per lb. net grey weight	Printed costs per yard										
		7 to 7.99	8 to 8.99	9 to 9.99	10 to 10.99	11 to 11.99	12 to 12.99	13 to 13.99	14 to 14.99	15 to 15.99	16 to 16.99	17 to 17.99
		Selling price (cents per yard)										
1	3.4	56¼	57¼	58¼	59¼	60¼	61¼	62¼	63¼	64¼	65¼	66¼
2	3.5	55	56	57	58	59	60	61	62	63	64	65
3	3.6	54	55	56	57	58	59	60	61	62	63	64
4	3.7	52½	53½	54½	55½	56½	57½	58½	59½	60½	61½	62½

NOTE: (1) The tolerances of width and yield specified in Table V are applicable to this fabric.

(2) A premium may be charged of 2½ cents per yard for pastel, light, or medium backgrounds, or 5 cents per yard for dark backgrounds.

(3) 40" Rayon Tricot Knit Fabrics which are not screen or roller printed and not within the description of fabrics enumerated in this table must be priced in-line with the maximum prices in the table. In-line pricing provisions are set forth in Section 22.

(4) Moisture content and foreign matter in excess of 11% after full boil-off allowance shall be disregarded in determining the net grey weight of the fabric for purposes of these maximum prices.

SEC. 21. *Maximum prices for commission or contract knitting.* (a) The maximum price for commission or contract warping and knitting of rayon tricot knit fabrics shall be the applicable prices per pound set forth in Table XI.

(b) *Table XI.*

WARPING AND KNITTING RAYON TRICOT KNIT FABRICS

Reference No.	Yarn and construction	Yarn put-up and twist	Price per pound
1	75 denier Acetate—2-bar.	Oiled cones—regular twist.	$0.30

NOTE: (1) A premium of 2 cents per pound may be added for inferior yarns.

(2) The maximum price for commission or contract knitting of rayon tricot knit fabrics not within the description noted above must be a price in line with the maximum price established in this Table. In-line pricing provisions are set forth in section 22 (f).

SEC. 22. *In-line prices.* This section provides the methods for determining the prices of rayon knit fabrics and commission or contract knitting services which are not specifically priced in the preceding sections of this Article III.

(a) *Authorization of producers' and converters' in-line prices*—(1) *Currently produced fabrics.* Except as provided in paragraph (e) of this section 22, if a fabric which is priced under paragraph (b) or (c) was produced or sold by the seller between July 1, 1943 and the effective date of this regulation, the seller shall, on or before February 28, 1944, submit the information required in those paragraphs. His proposed price as determined in accordance with paragraph (b) or (c) below shall be his established maximum price until he is advised by the Office of Price Administration that it is incorrect. Any delivery made at the proposed price prior to the receipt in writing of notice that the proposed price is incorrect shall not be deemed to be in violation of this regulation.

(2) *New fabrics.* If a fabric which is priced under paragraph (b) or (c) of this section 22 was not produced or sold by the seller between July 1, 1943 and the effective date of this regulation or has never previously been produced or sold by him, the seller shall submit the information required in those paragraphs.

The seller shall make no sale or delivery of any such fabric until an in-line price has been approved in writing by the Office of Price Administration, Washington, D. C.

(b) *Producers' in-line price.* The maximum price of rayon knit fabrics sold or offered for sale by the producer of the fabric and not specifically priced in the preceding sections of this Article shall be determined in accordance with this paragraph (b). In computing an in-line price under this paragraph (b) the direct manufacturing cost of the comparable and new fabric shall be determined on the same basis, i. e., where the direct manufacturing cost of one fabric is determined on a commission or contract knitting basis the direct manufacturing cost of the other fabric must be determined on such basis.

(1) Determine the gross profit by subtracting from the established maximum price of the most nearly comparable fabric specifically priced and produced by the seller, the direct manufacturing costs per pound of that fabric (computed on a white basis) as of the date of the in-line pricing.

(2) Divide the gross profit by the direct manufacturing cost of the comparable fabric to give the gross percentage profit.

(3) Multiply the direct manufacturing costs per pound (computed on a white basis) of the fabric being priced by the gross percentage profit of the comparable fabric.

(4) Add the figure resulting from (3) to the direct manufacturing costs per pound of the fabric being priced.

Example: Assume the following facts:

(i) The established maximum price per pound of the comparable fabric is	$1.40
(ii) The direct manufacturing cost per pound of the comparable fabric is	1.20
(iii) The direct manufacturing cost per pound of the new fabric is	1.25

From the above facts the price is determined as follows:

1. The gross profit of the comparable fabric is the difference between (i) and (ii) which is	$0.20
2. The gross percentage profit of the comparable fabric is the gross profit (20¢ divided by (ii) or $\frac{20}{1.20}$ =	16⅔%
3. The gross profit of the new fabric is (iii) times 16⅔% =	$0.2083
4. The maximum price of the new fabric is (iii) plus $0.2083 =	1.4583
to nearest ¼ of a cent = (See Section 13)	1.45¾

(5) If the same type of yarn is used in both fabrics, the same premium for colors shall apply to the new fabric as that applicable to the comparable fabric. If a different type of yarn or a combination of yarns is used, the premium for colors shall be the additional cost of dyeing the particular color classification subject to the approval of the Office of Price Administration, Washington, D. C.

(6) A report to the Office of Price Administration, Washington, D. C., on Form 666–631 is required when any fabric is priced under the provisions of this paragraph (b). Such forms are available at the Office of Price Administration, Washington, D. C.

(c) *Converter's in-line price.* The maximum price of rayon knit fabric sold or offered for sale by the converter of the fabric and not specifically priced in Tables VII, VIII, IX or X shall be determined in accordance with subparagraphs (1) through (7) of this paragraph (c).

(1) Determine the gross profit by subtracting from the established maximum price of the most nearly comparable converted fabric specifically priced and converted by the converter the "Cost of acquisition" as defined in subparagraph (7) of this paragraph (c). Where the background of the comparable fabric is not in the same color classification as that of the fabric now being priced, use the established maximum price of the comparable fabric in the same color classification as that of the new fabric.

(2) Divide the gross profit by the cost of acquisition per yard of the comparable fabric to give the gross percentage profit.

(3) Multiply the cost of acquisition per yard of the fabric being priced by the gross percentage profit of the comparable fabric.

(4) Add the resultant figure in (3) to the cost of acquisition per yard of the fabric being priced.

(5) For lacquer printed fabrics, other than screen and roller printed, add the figure resulting from (4) to the appropriate color premium provided for in footnote to Tables IX and X.

(6) *Pricing example.*

Assume the following facts:

(i) The established maximum price per yard of the comparable fabric for multi-color screen print on colored ground is	95¢
(ii) The cost of acquisition per yard of the comparable fabric is	75¢
(iii) The cost of acquisition per yard of the new fabric is	80¢

From the above facts the price is determined as follows:

(a) The gross profit of the comparable fabric is the difference between (i) and (ii) which is	20¢
(b) The gross percentage profit of the comparable fabric is the gross profit (20¢) divided by (ii) or $\frac{20}{75}$ which is	26⅔%
(c) The gross profit of the new fabric is (iii) times 26⅔% or 80 times 26⅔% which is	21⅓¢
(d) The maximum price of the new fabric for multicolor screen print on colored ground is (iii) plus 21⅓ cents or 80 plus 21.33 which is $1.0133. Reducing that to the nearest ¼ of a cent (see Section 13) equals	$1.01¼

(7) The "cost of acquisition" per yard shall be:

(i) For screen and roller printed knit fabrics, the sum of the following as of the date of the in-line pricing determination:

(a) The established maximum price of the rayon knit fabric dyed white;

(b) The freight paid either to or from the printer which shall not exceed ¼ cent per yard;

(c) The cost of printing, which shall not exceed 25 cents per yard for one-color roller or screen printing, or 30 cents per yard for multi-color screen or roller-printing;

(d) For 40" tricot fabrics only, the cost of screens or rollers not to exceed 2½ cents per yard;

(e) The cost of put-up which shall not exceed ¼ cent per yard.

(ii) *For lacquer printed knit fabrics (other than screen and roller printed)*, the sum of the following as of the date of the in-line pricing determination:

(a) The established maximum price of the rayon knit fabric dyed white;

(b) The cost of lacquer printing;

(c) The cost of tubes, repacking, etc. not to exceed 1 cent per yard.

(8) When any fabric is priced under the provisions of this paragraph (c) the converter shall report for both the new and comparable fabrics the following information in writing to the Office of Price Administration, Washington, D. C.:

Supplier's name and address.
Supplier's style number.
Converter's style number.
Type of printing (i. e., screen, roller or other).
Cost of acquisition itemized in accordance with section 20 (c) (7).
Proposed selling price per yard for each color classification to cutters or retailers or both.

(d) *Jobber's in-line price.* (1) The maximum price of a rayon knit fabric sold or offered for sale by a jobber of the fabric and not specifically priced in Table VI shall be 117% of the producer's established maximum price for sales of the white fabric to jobbers. The appropriate color premium provided for in the footnote to Table VI may be added to the jobber's maximum price of the white fabric.

(2) When any fabric is priced under the provisions of this paragraph (d), the jobber shall report immediately the following information in writing to the Office of Price Administration, Washington, D. C.:

Supplier's name and address.
Supplier's style number.
Jobber's style number.
Net cost of fabric.
Proposed selling prices per yard for each color classification.

The jobber's proposed price as determined in paragraph (1) above shall be his established maximum price until he is advised by the Office of Price Administration that it is incorrect. Any delivery made at the proposed price prior to the receipt of notice in writing that the proposed price is incorrect shall not be deemed to be in violation of this regulation.

(e) *Where no comparable fabric had been produced or sold.* If the maximum price for the particular rayon knit fabric cannot be determined under paragraphs (b) or (c) of this section (22), or paragraphs (b) of section 15, (b) of section 16, and (d) of section 20, the maximum price shall be a priced authorized by the Office of Price Administration, Washington, D. C. In requesting an authorization of a price, the producer of the fabric must submit to the Office of Price Administration, Washington, D. C., on Form 666–631 all of the applicable information called for in that form; the converter must submit all of the applicable information called for in paragraph (c) (8) of this section; and the jobber must submit all of the applicable information called for in paragraph (d) (2) of this section. It is not permissible to sell or deliver any fabric which is to be priced under this paragraph (e) until an in-line price has been approved in writing by the Office of Price Administration.

(f) *Commission or contract knitting in-line price.* (1) The maximum price for commission or contract knitting of rayon tricot knit fabric not specifically priced in Table XI shall be a price in-line with the maximum price set forth in Table XI. The term "in-line with" means having a justifiable relation to such maximum price with commensurate increases and decreases to give effect to the difference in cost of warping and knitting due to the difference in yarn and construction.

(2) When any commission or contract knitting services is priced under the provisions of this paragraph (f), the knitter shall immediately report the following information in writing to the Office of Price Administration, Washington, D. C.

(i) Knitter's cost of warping and knitting the construction designated as reference No. 1 in Table XI.

(ii) Knitter's cost of warping and knitting of construction now being inlined, including description of construction.

(iii) Proposed maximum price.

(3) The knitter's proposed price as determined in accordance with paragraph (1) above shall be his established maximum price until he is advised by the Office of Price Administration that it is incorrect. Any delivery made at the proposed price prior to the receipt of notice in writing that the proposed price is incorrect shall not be deemed to be in violation of this regulation.

This regulation shall become effective this 14th day of February 1944.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1878; Filed, February 8, 1944; 11:41 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 102]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695.

1. The definition of "rationed cheeses" in section 24.1 (a) is amended by adding the following sentence to the end thereof: "It does not include 'whey products', nor does it include any cheese in the manufacture of which neither cow's milk nor milk solids derived from cow's milk are used."

This amendment shall become effective February 12, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1873; Filed, February 8, 1944; 11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Corr. to Amdt. 17]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

The heading of the last column of the table in paragraph (e) of Appendix G in section 15 is amended to read as follows: "Zones III and IV".

This correction shall be effective as of January 19, 1944.

(56 Stat 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1875; Filed, February 8, 1944; 11:40 a. m.]

[1] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902.

PART 1499—COMMODITIES AND SERVICES

[SR 15 to GMPR,[2] Amdt. 19]

RAYON KNIT UNDERWEAR FABRIC

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation No. 15 is amended by adding § 1499.75 (a) (12) to read as follows:

(12) *Adjustment of maximum price of integrated producers for 150 denier viscose rayon knit underwear fabric.* Any integrated producer may apply for adjustment of his maximum price for 150 denier viscose rayon knit underwear fabric. An adjustment will be granted if it is found by the Office of Price Administration that the maximum price for the fabric is less than the sum of the following:

(1) The ceiling price of the rayon yarn used (less any amounts saved by the absence of selling expense, freight charges, and packing and crating expenses ordinarily incurred by him on sales of knitting yarn); and

(2) The cost of the knitting and dyeing (including general, administrative, and selling expense reasonably attributable thereto).

Any adjustment made will establish as the maximum price for the fabric an amount equivalent to the sum of items (1) and (2) above.

Any application filed hereunder shall conform with the instructions contained in Subpart B of Revised Procedural Regulation No. 1.

As used herein, the term "integrated producer" means a producer who itself or through an affiliated company manufactures the yarns used in producing the underwear fabric.

This amendment shall become effective this 8th day of February 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1876; Filed, February 8, 1944; 11:41 a. m.]

*Copies may be obtained from the Office of Price Administration.

[2] 8 F.R. 8096, 8849, 4347, 4724, 4486, 4848, 4978, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[General License 32A]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REMITTANCES THROUGH DOMESTIC BANKS TO INDIVIDUALS WITHIN SICILY

FEBRUARY 7, 1944.

General License No. 32A under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 131.32a *General License No. 32A*—(a) *Certain remittances to Sicily for living expenses authorized.* A general license is hereby granted authorizing remittances by any individual through any domestic bank to any individual within Sicily, and any domestic bank is authorized to effect such remittances, provided the following terms and conditions are complied with:

(1) Such remittances are made only for the necessary living expenses of the payee and his household;

ric is priced under the provisions of this paragraph (b). Such forms are avail- color roller or screen printing, or 30 information called for in that form; the

(2) If the payee is not a citizen of the United States, the total of all remittances to such payee and his household effected in any three month period under this general license may not exceed $100;

(3) If the payee is a citizen of the United States, the total of all remittances to such payee and his household effected in any one calendar month under this general license may not exceed $75, except that additional sums not exceeding $25 in any one calendar month may be remitted for each member of such payee's household in addition to the payee who is a citizen of the United States: *Provided*, That in no case shall a sum in excess of $150 per calendar month be remitted to any such payee and his household;

(4) Such remittances are not made from a blocked account other than from an account in a banking institution within the United States in the name of, or in which the beneficial interest is held by, a citizen of the United States who is the payee or a member of the household; and

(5) Such remittances are effected only by the payment of the dollar amount of the remittance to a domestic bank for credit to a post-liberation blocked account in the name of "Bank of Sicily, Account AF".

(b) *Duty of individuals and domestic banks acting under this license.* All individuals making such remittances and all domestic banks effecting such remittances shall satisfy themselves that the foregoing terms and conditions are complied with.

(c) *Reports by domestic banks effecting remittances.* Domestic banks through which any such remittances originate shall execute promptly Section A of Form TFR–132 with respect to each such remittance. When so executed Form TFR–132 shall be forwarded promptly to the domestic bank ultimately transmitting abroad the payment instructions for such remittances and the latter bank shall, upon receipt thereof, execute Section B of Form TFR–132 and promptly file such executed report with the appropriate Federal Reserve Bank. If the domestic bank through which any such remittance originates is also the bank ultimately transmitting abroad the payment instructions for such remittance, then such bank shall execute both Sections A and B of such report. No report on Form TFR–132 shall be deemed to have been filed in compliance with this general license unless both Sections A and B thereof have been duly executed as herein prescribed.

(d) *Reports by domestic banks maintaining post-liberation blocked accounts.* Domestic banks maintaining post-liberation blocked accounts in the name of "Bank of Sicily, Account AF" shall report promptly the establishment of such accounts, and the balances therein at the end of each calendar month, to the appropriate Federal Reserve Bank.

(e) *Refunds.* Domestic banks are authorized to refund the amount of any remittance ordered pursuant to this general license when such domestic banks are advised that such remittance cannot be effected.

(f) *Waiver of General Ruling No. 11 and General Ruling No. 5A.* Transactions authorized herein and communications with persons in Sicily relating thereto are authorized notwithstanding General Ruling No. 11. Domestic banks are authorized, notwithstanding General Ruling No. 5A, to send to and receive from the Bank of Sicily non-negotiable bank payment orders covering remittances or refunds authorized herein.

(g) *Definitions.* As used in this general license:

(1) The term "household" shall mean:

(i) Those individuals sharing a common dwelling as a family; or

(ii) Any individual not sharing a common dwelling with others as a family.

(2) The term "post-liberation blocked account" shall mean a blocked account:

(i) Which is established pursuant to this license or any other license or other authorization expressly referring to a post-liberation blocked account;

(ii) To which funds may be credited only pursuant to this license or any other license or other authorization expressly referring to a post-liberation blocked account; and

(iii) With respect to which payments, transfers, or withdrawals or other dealings may not be made or effected except pursuant to this license or any other license or other authorization expressly referring to a post-liberation blocked account.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44–1859; Filed, February 7, 1944; 4:38 p. m.]

[General License HC–3, Revocations]

PART 134—GENERAL LICENSES UNDER REGULATIONS OF THE GOVERNOR OF HAWAII RELATING TO CURRENCY

JANUARY 15, 1944.

Effective January 20, 1944, General License No. HC–3 (7 F.R. 5901) is hereby revoked.

[SEAL] INGRAM M. STAINBACK,
Governor of Hawaii.

[F. R. Doc. 44–1856; Filed, February 7, 1944; 4:38 p. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket Nos. G–220, G–402]

MONDAKOTA DEVELOPMENT CO. AND MONTANA-DAKOTA UTILITIES CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 1, 1944.

Mondakota Development Company v. Montana-Dakota Utilities Co., Docket No. G–220. In the matter of Montana-Dakota Utilities Co., Docket No. G–402.

It appearing to the Commission that:

Mondakota Development Company, on December 6, 1941, filed a complaint against Montana-Dakota Utilities Co. (Docket No. G–220) alleging among other things that the rates and charges specified in schedules filed with this Commission by Montana-Dakota Utilities Co. for the common carrier transportation of natural gas in interstate commerce were excessive, unreasonable, and discriminatory, and asked that this Commission, after hearing, fix fair, reasonable, and non-discriminatory rates for such service;

On July 7, 1942, the Commission, upon its own motion, adopted an order (Docket No. G–402) instituting an investigation, to determine whether Montana-Dakota Utilities Co., was a natural-gas company within the meaning of the Natural Gas Act and whether in connection with the transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications, are unjust, unreasonable, unduly discriminatory or preferential;

The Commission orders that:

(A) The above entitled proceedings be and they are hereby consolidated for the purposes of hearing;

(B) A public hearing be held commencing on February 29, 1944, at 10:00 a. m. in Court Room No. 3, Third Floor, U. S. Court House, Marquette Avenue and Third Street, Minneapolis, Minnesota, respecting the matters involved and the issues presented in these proceedings;

(C) Interested State commissions may participate in the hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–1872; Filed, February 8, 1944; 11:18 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A–65]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE MARIETTA, OHIO, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operator") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Marietta, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–65" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio.

8. This order shall become effective February 15, 1944 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

City Cab Company, Marietta, Ohio.
Peoples Bus & Cab Company, Marietta, Ohio.
Safety Cab Company, Marietta, Ohio.

[F. R. Doc. 44–1869; Filed, February 8, 1944; 10:19 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Rev. Order 47 Under RMPR 122, Amdt. 3]

SOLID FUELS IN WASHINGTON AREA AND ALEXANDRIA, VA.

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 3 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That Revised Order No. 47 be amended in the following respect:

1. The maximum prices set forth in Revised Order 47 for all sales of all sizes of Pennsylvania anthracite may be increased from and after February 1, 1944 by 45 cents per net ton or by 50 cents per gross ton.

This amendment shall become effective as of February 1, 1944 and shall become void March 1, 1944.

(56 Stat. 23, 765; Pub. Law. 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1881; Filed, February 8, 1944; 11:39 a. m.]

[Order 1237 Under MPR 188]

GEORGE ADAMS LUMBER CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 1237 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a new step stool manufactured by the George Adams Lumber Company, Inc.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) This Order No. 1237 establishes maximum prices for sales of a new step stool manufactured by the George Adams Lumber Company, Inc., 16 Doughty Boulevard, Inwood, Long Island.

(1) For sales by the manufacturer and all other persons to jobbers, the maximum price is $1.89 per unit, f. o. b. seller's city.

(2) For sales by the manufacturer and all other persons to retailers, the maximum price is $2.27 per unit, f. o. b. seller's city.

(b) The manufacturer shall send a written notice to each purchaser of the step stool covered by this order stating the maximum price set by the order for sales by the purchaser to jobbers and the maximum price for sales by the purchaser to retailers. The manufacturer shall send this notice to each purchaser at the time he sends the first invoice for a step stool covered by this order. This written notice may be in any form.

(c) This Order No. 1237 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 1237 shall become effective February 9, 1944.

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1882; Filed, February 8, 1944; 11:39 a. m.]

Regional and District Office Orders.

[Region II Order G–2 Under 18 (c), Revocation]

FLUID MILK IN BUFFALO AREA, N. Y.

Revocation of Order No. G–2 under section 18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of section (b) of Order No. G–2, *It is hereby ordered*, That Order No. G–2 issued under § 1499.18 (c) of the General Maximum Price Regulation on December 6, 1942, be and hereby is revoked.

This order of revocation shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 76th Cong.; No. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-1853; Filed, February 7, 1944; 3:45 p. m.]

[Region II Order G-9 Under 18 (c), Amdt. 4]

FLUID MILK IN BINGHAMTON-ROCHESTER AREA, N. Y.

Amendment No. 4 to Order No. G-9 under section 18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of section (d) of Order No. G-9 issued under § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That: Said Order No. G-9, as amended, be further amended by deleting from paragraph (a) thereof that part of the schedule listed therein designated as "Area 9" and type of milk, type of delivery, container sizes and adjusted maximum prices set forth therefor, by deleting paragraph (b) and the schedules set forth therein, and by deleting from paragraph (h) subparagraphs (6), (8) and (11).

This amendment to Order No. G-9 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-1854; Filed, February 7, 1944; 3:46 p. m.]

[Region II Order G-11 Under 18 (c), Amdt. 4]

FLUID MILK IN SYRACUSE-ALBANY TERRITORY, N. Y.

Amendment No. 4 to Order No. G-11 under section 18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for the Syracuse-Albany Territory, New York.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of section (c) of Order No. G-11 issued under § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That subparagraph (6) of paragraph (f) be deleted from Order No. G-11, and that paragraph (f) (2) be amended to read as follows:

"Syracuse-Albany Territory" means that part of the State of New York which consists of the Counties of Albany, Cayuga in part, Columbia, Clinton in part, Essex, Franklin in part, Fulton, Greene, Herkimer, Jefferson, Madison, Montgomery, Oneida, Oswego in part, Rensselaer, Saratoga, St. Lawrence in part, Schenectady, Warren, Washington in part,

and that that part of the schedule listed under paragraph (a) designated as "Area 4", and the type of delivery, container sizes and adjusted maximum prices set forth therefor, also be deleted from said order.

This amendment to Order No. G-11 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-1855; Filed, February 7, 1944; 3:45 p. m.]

[Region VI Order G-14 Under RMPR 122]

SOLID FUELS IN MILWAUKEE COUNTY, WIS.

Order No. G-14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. *Maximum prices for solid fuels sold in Milwaukee County, Wisconsin.*

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered in Milwaukee County, Wisconsin. These are the highest prices that any dealer may charge when he delivers any such fuel within this area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order G-14; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices before discounts for sales of specified sizes, kinds and quantities of solid fuels. Column 1 describes the coal or coke for which prices are established. Column 2 shows the maximum prices for "direct delivery" of domestic fuel sold in quantities of less than 1 ton. Column 3 shows the maximum price for direct delivery of domestic fuel sold in quantities of more than 1 ton. Column 4 shows the maximum prices for "yard sales" of domestic fuel. Column 5 shows the maximum prices for "commercial" or "steam" sales and Column 6 shows the maximum prices for "yard sales" to dealers. The terms "direct delivery," "yards sales" and "commercial sales" are defined in paragraph (j) of this order.

AREA PRICES FOR MILWAUKEE, WISCONSIN

1 Description	2 Domestic ½ ton	3 Domestic 1 ton or more	4 Domestic at yard	5 Commercial	6 Dealer at yard
I. Hi-volatile bituminous, Dist. #2 and #3:					
1. Lump 2" or larger	$5.35	$9.65	$8.90	----------	$7.25
2. Egg and lump mixed	5.20	9.55	8.80	----------	7.15
3. Stove 2" x 1¼" and larger	5.20	9.40	8.65	----------	7.00
II. Low volatile bituminous, Dist. #7:					
1. Egg 3" x 2" and larger	7.40	13.65	12.90	$12.00	11.25
2. Stove 2" x 1¼" and larger	6.95	12.90	12.15	11.25	10.50
3. Nut 1¼" x ¾ and larger	6.45	11.90	11.15	10.25	9.50
4. Pea ¾" x ¼ and larger	6.00	11.00	10.25	9.35	8.60
5. Screenings ⅜" x 0 and larger	4.80	8.55	7.80	6.75	6.15
6. Run of mine	5.55	10.10	9.35	8.45	7.70
Hi-volatile bituminous, Dist. #6:					
1. Lump, 2" and larger:					
A. Miller's Creek	5.98	10.85	10.10	9.20	8.45
B. Elkhorn	5.75	10.50	9.75	8.85	8.10
C. Dorothy	5.65	10.30	9.55	8.65	7.90
D. Island Creek	5.55	10.10	9.35	8.45	7.70
E. Hand picked fireplace, class A	6.20	11.40	10.65	----------	9.00
2. Egg:					
A. Miller's Creek	5.75	10.50	9.75	8.85	8.10
B. Elkhorn	5.65	10.30	9.55	8.65	7.90
C. Dorothy	5.55	10.10	9.35	8.45	7.70
D. Island Creek	5.50	9.95	9.20	8.30	7.55
3. Stove:					
A. Miller's Creek	5.55	10.10	9.35	8.45	7.70
B. Elkhorn	5.55	10.05	9.30	8.40	7.65
C. Dorothy	5.50	9.95	9.20	8.30	7.55
D. Island Creek	5.45	9.85	9.10	8.20	7.45
4. Stoker:					
A. Unscreened	5.55	10.10	9.35	8.40	7.70
B. Rescreened	5.75	10.50	9.75	8.80	8.10
5. Screenings:					
A. Miller's Creek	5.00	8.95	8.20	7.25	6.55
B. Elkhorn	5.00	8.95	8.20	7.25	6.55
C. Dorothy	4.90	8.75	8.00	7.05	6.35
D. Island Creek	4.85	8.65	7.90	6.95	6.20
IV. Hi-Volatile bituminous, District #10 (Southern subdistrict):					
1. Egg, 3" x 2"	5.15	9.30	8.55	----------	6.90
2. Screenings	4.90	8.75	8.00	----------	6.35

AREA PRICES FOR MILWAUKEE, WISCONSIN—Continued

1 Description	2 Domestic ½ ton	3 Domestic 1 ton or more	4 Domestic at yard	5 Commercial	6 Dealer at yard
V. Pennsylvania Anthracite:					
1. Egg, stove, nut	$7.90	$14.80	$14.05	----------	$12.45
2. Pea	7.15	13.30	12.65	----------	10.90
3. Buckwheat	6.35	11.70	10.95	----------	9.30
4. Rice	5.30	9.60	8.85	----------	7.20
VI. By-product coke: 1. Egg, stove, nut	7.15	13.55	12.80	----------	11.05
VII. Briquettes, all types	6.80	12.55	11.80	----------	10.15

(2) The maximum prices for all sales by dealers of solid fuels not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* The service charges set forth below may be made for special services rendered in connection with sales under paragraph (c). No other or higher service charges may be made. Service charges must be separately stated on each invoice.

	Cents per ton
Trimming	50
Carrying up or down stairs	50
Carrying or wheeling commercial or steam coal (*but not domestic coal*) from curb	50

(e) *Cash discounts.* Not less than the following discounts must be granted by any seller to any purchaser whose account for previous sales shall not be past due:

(1) On sales of domestic coal, 25¢ per ton, provided payment is made within 5 days of delivery.

(2) On sales to dealers of bituminous coal, coke and briquettes:

(i) Delivered from 1st to 10th of month, 10¢ per ton, if payment is made before the 20th of the month.

(ii) Delivered from 10th to 20th of month, 10¢ per ton, if payment is made before end of month.

(iii) Delivered from 20th to end of month, 10¢ per ton, if payment is made before 10th of next month.

(3) On sales of anthracite, if payment is made within 15 days from date of delivery:

	Cents per ton
(i) Egg, stove and chestnut	15
(ii) Pea and buckwheat	10
(iii) Rice	5

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected, in addition to the maximum price on sales of quarter-ton or lesser quantities.

(g) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes are within the discretion of the Regional Administrator.

(h) *Petitions for amendments.* This order may be revoked, amended or modified at any time. Any dealer may at any time file with the Milwaukee District Office of the Office of Price Administration a petition for amendment to this order in accordance with the provisions of Revised Procedural Regulation No. 1.

(i) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date; the name and address of the buyer, if known; the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(j) *Definitions.* When used in this Order No. G-14, the term,

(1) "Direct delivery" means dumping, chuting or otherwise depositing the fuel into any bin or storage space available on the buyer's premises.

(2) "Yard sales" means deliveries made by the dealer in his customary manner f. o. b. his yard or by any means other than by direct delivery.

(3) "Commercial" or "steam sales" means sales of fuels of the type for which maximum prices are established in Column 5 of the schedule to all industrial users, all apartment buildings with four or more apartments, and any other users whose normal requirements exceed 50 tons per year.

(4) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania. "Chestnut" size of Pennsylvania anthracite refers to the size of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee effective December 15, 1941.

(5) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(6) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(7) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(8) "Egg, stove, nut", etc. sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(9) Except as otherwise provided herein or, as the context may otherwise require, all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; if not therein defined, they shall be given their ordinary and popular trade meaning.

(k) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-14 shall become effective January 31, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1856; Filed, February 7, 1944; 3:45 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-666, 70-786]

GENERAL WATER, GAS AND ELECTRIC CO., ET AL.

SUPPLEMENTAL ORDER TERMINATING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of January, A. D., 1944.

In the matters of General Water, Gas & Electric Company, Walnut Electric & Gas Corporation, International Utilities Corporation, Oklahoma Electric & Water Company, File No. 70-666; Southwestern Public Service Company, File No. 70-786.

General Water Gas & Electric Company ("General"), a registered holding company and a subsidiary of International Utilities Corporation, Walnut

Electric & Gas Corporation ("Walnut"), a registered holding company subsidiary of General, and Oklahoma Electric & Water Company ("Oklahoma"), a public utility company subsidiary of Walnut, having heretofore filed an application and declarations, and amendments thereto, pursuant to sections 5 (d), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935, relating to, among other things, the sale to Southwestern Public Service Company, a registered holding company, of all the outstanding securities of Oklahoma owned by Walnut, and for an order declaring that upon the consummation of said sale Walnut will have ceased to be a holding company;

Public hearings having been held after appropriate notice upon said application and declarations, as amended, and the Commission having considered the record therein, having made and filed its findings in respect to the several transactions involved therein, and having, by order entered on December 28, 1943, permitted the said declarations to become effective, and in respect of the application under section 5 (d) of the act for the entry of an order declaring that Walnut, upon the consummation of the said transactions, would have ceased to be a holding company, having by said order of December 28, 1943, provided as follows:

It is further ordered, That upon the consummation of the transactions proposed in the declarations filed by General, Walnut, and Oklahoma, an order will issue, as of course, upon the filing by the parties thereto of a certificate, or certificates, of notification (as required by Rule U-124) of the consummation of the said transactions in accordance with the terms and conditions of, and for the purposes represented in the said declarations filed herein.

General and Walnut having now filed a certificate of notification herein of the consummation of the transactions proposed in the said declarations to the effect that Walnut has now disposed of all its interest in its only subsidiary, Oklahoma;

The Commission having considered said certificate, and it appearing to the Commission that Walnut has ceased to be a holding company and that the registration of said Walnut as a holding company should cease to be in effect;

It is ordered and declared, That Walnut Electric & Gas Corporation, a registered holding company, has ceased to be a holding company, and that its registration as such shall from the date of the entry of this order cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1862; Filed, February 8, 1944; 10:01 a. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 25]

TRANSMITTAL OF FILES IN STATE OF NEW YORK

ORDER TERMINATING PROCEDURE EXCEPT IN NEW YORK CITY

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the procedure provided for in § 627.13 (c) (3), Selective Service regulations, for the transmittal of files from the local board to the board of appeal shall, for local boards situated in the State of New York, not including local boards situated in New York City, be ineffective as of March 1, 1944.

2. That on and after March 1, 1944, if the address of the principal place of employment of the registrant, as recorded on the Individual Appeal Record (Form 66), is outside the State of New York or inside New York City, the local boards situated in the State of New York, except local boards situated in New York City, shall transmit files on appeal to the State Director of Selective Service for the State, or to the City Director for New York City, as the case may be, in which is located the principal place of employment of the registrant for transmittal to the board of appeal whose area includes such place of employment.

LEWIS B. HERSHEY, *Director.*

FEBRUARY 7, 1944.

[F. R. Doc. 44-1852; Filed, February 7, 1944; 2:02 p. m.]

WAR PRODUCTION BOARD.

NEW ENGLAND WRECKING COMPANY

CONSENT ORDER

Benny Mirkin, of Springfield, Massachusetts, doing business there under the name and style of New England Wrecking Company, is engaged in the business of building wrecking and also in the sale to ultimate consumers of new plumbing and heating equipment. He is charged by the War Production Board with having sold and delivered, between the dates of February 25 and August 5, 1943, in fourteen separate transactions, new sinks, radiators and lavatories, these separate items each costing in excess of five dollars and sold as parts of orders, each in excess of ten dollars, which orders did not bear preference ratings of A-10 or better, in violation of Limitation Order L-79, as amended December 16, 1942, and June 28, 1943. Benny Mirkin admits the violations as charged, but denies that they were wilful; he does not care to contest the wilfulness thereof, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Benny Mirkin, the Regional Compliance Chief and the Regional Attorney, and upon the approval of a Compliance Commissioner, *It is hereby ordered*, That:

(a) Benny Mirkin, doing business as New England Wrecking Company, or however else described, his successors or assigns, shall not make any purchases of new plumbing and heating equipment for a period of sixty days from the effective date of this order.

(b) Nothing contained in this order shall be deemed to relieve Benny Mirkin, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 7, 1944, and shall expire on April 7, 1944.

Issued this 31st day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1861; Filed, February 7, 1944; 4:53 p. m.]

FEDERAL REGISTER

VOLUME 9 NUMBER 29

Washington, Thursday, February 10, 1944

The President

PROCLAMATION 2603

IMMIGRATION QUOTA FOR CHINESE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that pursuant to the authority conferred and the duty imposed upon them by sections 11 and 12 of the Immigration Act of 1924 approved May 26, 1924 (43 Stat. 161), as amended, and in effectuation of the provisions of the act of December 17, 1943, entitled "An Act to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes" (Public Law 199, 78th Cong., 1st sess.), they jointly have fixed the quota for Chinese as hereinafter set forth:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the power in me vested by the aforesaid acts of Congress, do hereby proclaim and make known that the annual quota for Chinese effective for the remainder of the fiscal year ending June 30, 1944, and for each fiscal year thereafter, has been determined in accordance with the law to be, and shall be, 105.

The immigration quota for Chinese is designed solely for the purpose of compliance with the pertinent provisions of the two aforesaid acts, and is not to be regarded as having any significance extraneous to this purpose.

The Chinese quota established by this proclamation does not affect the quota for China established by Proclamation No. 2283 of April 28, 1938.[1]

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of February in the year of our Lord nineteen hundred and forty-four and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[F. R. Doc. 44-1903; Filed, February 9, 1944; 11:14 a. m.]

[1] 3 F.R. 997.

EXECUTIVE ORDER 9421

DESIGNATING THE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

By virtue of and pursuant to the authority vested in me by section 10 of the Federal Reserve Act (38 Stat. 260), as amended by section 203 (a) of the Act of August 23, 1935 (49 Stat. 704), I hereby designate Marriner S. Eccles as Chairman of the Board of Governors of the Federal Reserve System, to serve as such for a term of four years effective February 1, 1944.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 8, 1944.

[F. R. Doc. 44-1916; Filed, February 9, 1944; 11:54 a. m.]

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Chapter VII—War Food Administration (Agricultural Adjustment)

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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701.513 Authority, availability of funds and applicability.

AUTHORITY: §§ 701.501 to 701.513 inclusive issued under 49 Stat. 1148, 16 U.S.C. 590g to 590q; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423.

Payments will be made for participation in the 1944 Agricultural Conservation Program (hereinafter referred to as the 1944 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

§ 701.501 *Distribution of funds*—(a) *State funds.* Funds available for conservation practices will be distributed among States on the basis of (1) the acreage of cropland, noncrop pasture land and rangeland, (2) conservation needs, (3) materials and facilities available for carrying out conservation practices, and (4) use of cropland in 1944.

(b) *Adjustments.* If the total estimated earnings under the program exceed the total funds available for payment, payments will be reduced equitably in States where the estimated earnings exceed the amount available for use in the State.

§ 701.502 *Conservation practice allowances, practices and rates of payment*—(a) *Farm allowances*—(1) *Farm allowances for one or more practices.* Farm allowances for one or more practices may be established in any State or area within a State upon the recommendation of the State committee and regional director and the approval of the Agricultural Adjustment Agency for the purpose of limiting payments, materials or services to the available funds. Farm allowances shall be based upon factors which will provide for the equitable distribution of payments, materials and services among farms, on the basis of individual farm conservation and production needs.

(2) *Combination of farm allowances.* Producers in any local area may agree in writing, with approval of the State committee, to perform designated amounts of practices which the State committee determines are necessary to conserve or improve the agricultural resources of the community, and where applicable, to combine all or any part of their farm allowances for this purpose. For purposes of payment, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

(b) *Conservation practices*—(1) *Basis for approval.* In any State or area the conservation practices for which payment will be made shall be those practices which are recommended by the State committee and regional director and approved by the Agricultural Adjustment Agency as practices best adapted to achieve sound soil and water conservation and use, which will not be carried out in desired volume unless payment is made therefor and which will result in immediate increases in production of agricultural commodities required in the war effort. Practices to be approved will include only those which maintain or increase soil fertility; control and prevent soil erpsion caused by wind or water; encourage conservation and better agricultural use of water; or conserve and increase range and pasture forage; and will increase the production of agricultural commodities required in the war effort. In order to encourage the performance of practices which are needed most on all farms or on groups of farms in a county, the county committee, with the approval of the State committee, may designate from the practices approved for the State or area, those practices which will be applicable on all farms or designated groups of farms in the county.

(2) *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for purposes of payment by not less than the percentage of the total cost of the practice which the county committee determines was furnished by a State or Federal agency excluding costs represented by materials or services furnished by the Agricultural Adjustment Agency, equipment furnished by the Soil Conservation Service, materials or services furnished by a State or political subdivision of a State or agency thereof to another agency of the same State, or other costs designated by the Chief.

(c) *Rates of payment; recommendations and approval.* In any area the rate of payment for carrying out any practice shall be the rate recommended by the State committee and the regional director and approved by the Agricultural Adjustment Agency. Approval of such rates shall be made in accordance with the following provisions:

(1) *General provisions applicable to all rates.* The rate of payment for each practice shall be determined on the basis of the estimated average cost of performing the practice, the relative need for the practice in bringing about conservation and increased production, and the familiarity of farmers with the practice.

(2) *Provisions applicable to specific types of practices.* (i) The rates of payment for practices which consist largely of the application of materials shall not exceed the estimated average cost of such materials determined on a farm-delivery basis.

(ii) The rates of payment for engineering and construction practices shall not exceed the estimated average cost of labor, materials, and use of equipment.

(iii) The rates of payment for other practices shall not exceed 75 percent of the estimated average cost of performing the practice, with the exception of those for which a higher rate of payment is justified on the basis of need for the practice in the area, or the lack of familiarity on the part of the farmers with the practice.

§ 701.503 *Division of payments.* The payment earned in carrying out practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion.

§ 701.504 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to 71 cents or less shall be increased to $1.

(b) Any payment amounting to more than 71 cents but less than $1 shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	$8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 701.505 *Payments limited to $10,000*—(a) *Individuals, partnerships and estates.* The total of all payments made in connection with the 1944 program to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of $10,000.

(b) *Others.* The total of all payments made in connection with the 1944 program to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000.

(c) *Evasion.* All or any part of any payment which has been or otherwise would be made to any person under the 1944 program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

§ 701.506 *Association expenses.* No part of the payment for any farm shall be deducted for county association expenses.

§ 701.507 *Conservation materials and services*—(a) *Availability.* Liming materials, phosphate, seeds, and other farming materials or services may be furnished by the Agricultural Adjustment Agency to producers for carrying out approved practices.

(b) *Deductions for materials and services.* Wherever materials or services are furnished, a deduction therefor shall be made in an amount determined by the Agricultural Adjustment Agency. If the producer misuses any such material, an additional deduction for the material misused equal to the amount of the original deduction for the material shall be made. The deduction for materials or services shall be made from any payment to the person who obtained the materials or services, but if the amount of the materials or services exceeds the amount of payment for the producer, the amount of the difference shall be paid by the producer to the Treasurer of the United States: *Provided*, That in any area wherein the regional director recommends, and the Agricultural Adjustment Agency approves, deductions for any deficit for materials or services properly used will be made insofar as possible from payments computed for other persons on the farm with respect to which the materials or services were furnished.

(c) *Materials and services in lieu of payment.* Notwithstanding any other provision in this bulletin, in areas designated by the Agricultural Adjustment Agency, materials and services furnished and properly used will be in lieu of the entire payment for the farm (1) where the producer so elects with the approval of the county committee in advance of performance; (2) where the only practices performed on the farm are carried out with conservation materials or services; or (3) where the value of the materials and services furnished is within $1.00 of the payment for the practices carried out on the farm.

§ 701.508 *General provisions relating to payments*—(a) *Practices defeating purposes of programs.* If the Chief finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the 1944 or previous programs, he may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person.

(b) *Failure to carry out approved erosion control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and carless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1944 program year to other land in the community.

(c) *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from

the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1944 program.

(d) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in paragraph (e) of this section, and except for indebtedness to the United States subject to set-off under orders issued by the War Food Administrator); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(e) *Assignments.* Any person who may be entitled to any payment in connection with the 1944 program may assign his payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1944. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions (ACP–70) issued by the Agricultural Adjustment Agency.

§ 701.509 *Application for payment—*(a) *Persons eligible to file applications.* Except where conservation materials or services are furnished in lieu of the entire payment for the farm and are properly used, an application for payment with respect to a farm may be made by any producer who contributes to the carrying out of approved practices.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Where the charge and credit rate for conservation materials and services furnished by the Agricultural Adjustment Agency are the same and all materials are properly used, there need be reported on the application for payment with respect to such materials and services only the total value of the materials and services furnished and either the practice allowance for the farm or the amount of increase in small payment advanced as conservation materials and services. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the regional director, which time shall not be later than June 30, 1945. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

§ 701.510 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

§ 701.511 *State and regional bulletins, instructions and forms.* The Agricultural Adjustment Agency is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions and forms as may be required in administering the 1944 program.

§ 701.512 *Definitions.* For the purposes of the 1944 program:

(a) *Officials.* (1) "War Food Administrator" means the Administrator of the War Food Administration.

(2) "Chief" means the Chief of the Agricultural Adjustment Agency.

(3) "Regional director" means the director of the division of the Agricultural Adjustment Agency in charge of the agricultural conservation programs in the region to which that division relates.

(4) "State committee" or "State agricultural conservation committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in that State.

(5) "County committee" o. "county agricultural conservation committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in that county.

(b) *Regions.* (1) "Northeast Region" means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) "East Central Region" means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) "Southern Region" means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) "North Central Region" means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) "Western Region" means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(c) *Farms.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Agency, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(d) *Miscellaneous.* (1) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) "Producer" means any person who as landlord, tenant or sharecropper, participates in the operation of a farm.

§ 701.513 *Authority, availability of funds and applicability—*(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, (49 Stat. 1148, 16 U.S.C. 590g to 590q), and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334.

(b) *Availability of funds.* The provisions of the 1944 program are necessarily subject to such legislation affecting the program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

The funds provided for the 1944 program will not be available for the payment of applications filed in the county office after June 30, 1945.

(c) *Applicability.* The provisions of the 1944 program contained herein, except § 701.505 are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) any department or bureau of the United States Government or any corporation wholly owned by the United States; and (3) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered under the Taylor Grazing Act or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to (1) privately-owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes including lands administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, or by any other Government agency designated by the Agricultural Adjustment Agency; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it if the Congress so provides; and (6) Indian lands except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

Done at Washington, D. C., this 9th day of February 1944.

GROVER B. HILL,
Assistant War Food Administrator.

[F. R. Doc. 44–1914; Filed, February 9, 1944; 11:16 a. m.]

TITLE 14—CIVIL AVIATION.

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 302]

MID-CONTINENT AIRLINES, INC., OPERATIONS BETWEEN KANSAS CITY, MO., AND TULSA, OKLA.

SPECIAL CIVIL AIR REGULATION

Noncompliance with the requirements of § 61.5130 of the Civil Air Regulations with respect to the operations of Mid-Continent Airlines, Inc. between Kansas City, Missouri, and Tulsa, Oklahoma.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of February 1944.

The following Special Civil Air Regulation is made and promulgated to become effective February 15, 1944:

Notwithstanding the provisions of § 61.5130 of the Civil Air Regulations any first pilot listed in the Mid-Continent Airlines, Inc., air carrier operating certificate on February 1, 1944, as competent to operate aircraft in scheduled air transportation between Kansas City, Missouri, and Tulsa, Oklahoma, may pilot aircraft under day contact conditions in scheduled transportation for said carrier between these points via Joplin, Missouri, upon furnishing evidence to the Administrator showing that the pilot within the preceding 90 days has made a landing at the Joplin Airport and is familiar with the location and nature of any obstructions in the vicinity.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44–1901; Filed, February 9, 1944; 10:38 a. m.]

[Amendment 60–2, Civil Air Regs.]

PART 60—AIR TRAFFIC RULES

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of February 1944.

Effective February 15, 1944, §60.97 of the Civil Air Regulations is amended to read as follows:

§ 60.97 *Transportation of explosives and other dangerous articles.* The following regulations shall govern the carriage of explosives and other dangerous articles in civil aircraft.

§ 60.970 *Definition of terms.* As used in this § 60.97, the following terms shall have the following meanings:

(a) "Interstate Commerce Commission Regulations" shall mean the Interstate Commerce Commission's "Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express, and Baggage Services, and by Motor Vehicle (Highway), and Water," effective January 7, 1941, as amended to April 28, 1943.

(b) The terms "explosives" and "other dangerous articles" shall mean any article or substance classed as "Class A Explosives," "Class B Explosives," "Class C Explosives," "Inflammable Liquid," "Inflammable Solid," "Oxidizing Material," "Corrosive Liquid," "Noninflammable Compressed Gas," "Inflammable Compressed Gas," "Poison Gas or Liquid, Class A," "Poisonous Liquid or Solid, Class B," or "Tear Gas, Class C," in Part 2 of the Interstate Commerce Commission Regulations.

§ 60.971 *Prohibited articles.* No person shall operate a civil aircraft in flight carrying any article designated as a "forbidden explosive" in Part 4, § 503, or as an explosive "not accepted" in Part 5, § 653, or as an article "not accepted" in Part 5, § 672 of the Interstate Commerce Commission Regulations or any other explosive and/or other dangerous article not designated in § 60.973.

§ 60.972 *Certificate of waiver.* The Administrator may authorize the carriage of any of the articles prohibited by § 60.971 by issuing a waiver for such carriage: *Provided,* That no waiver shall be issued for the carriage of such articles by any aircraft carrying passengers for hire.

§ 60.973 *Acceptable explosives and other dangerous articles.* Civil aircraft may be operated in flight carrying articles designated as "acceptable explosives" in Part 5, § 654 or as "acceptable articles" in Part 6, § 703 of the Interstate Commerce Commission Regulations.

§ 60.974 *Packing and shipping precautions.* No person shall operate a civil aircraft in flight carrying explosives or other dangerous articles which are permitted by this § 60.97 unless:

(a) Such explosives and other dangerous articles have been appropriately packed and marked in accordance with the Interstate Commerce Commission Regulations;

(b) Such explosives and other dangerous articles have been placed in a baggage compartment inaccessible to passengers during flight; and

(c) Such explosives, other dangerous articles, and other cargo carried in the same compartment have been firmly lashed to the aircraft structure or otherwise secured in such manner as to prevent shifting in flight.

§ 60.9740 *Safety equipment and small arms ammunition.* Signaling devices and equipment necessary to promote safety, in operation and small arms ammunition in moderate quantities for personal use may be carried without complying with the provisions of § 60.974.

§ 60.975 *Shipper's certificate.* The operator of a scheduled air carrier aircraft may rely on a certificate signed by an authorized agent of the shipper that a given shipment meets the requirements set forth in § 60.973.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44–1915; Filed, February 9, 1944; 11:40 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regulation 6]

PART 909—GOVERNING THE BRINGING IN OF MEXICAN WORKERS FOR EMPLOYMENT IN THE UNITED STATES IN RAILROAD TRACK LABOR

APPEAL OF DETERMINATIONS

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 (7 F.R. 2919) 9247 (7 F.R. 7379) and 9279 (7 F.R. 10177), § 909.7 (f), of the "Regulation Governing the Bringing in of Mexican Workers for Employment in the United States in Railroad Track Labor" (8 F.R. 8592), is hereby amended to read as follows:

(f) No determination which will result in termination of the employment of a worker shall be effective until expiration of the time for appeal as set forth in paragraph (d) hereof, and, in the event of an appeal from such determination, separation of the worker from employment for the employer shall be stayed pending final determination on appeal; except that the employment of a worker may be terminated effective prior to the expiration of the time for appeal when both the worker and the employer involved request such termination and waive their appeal rights, in writing.

PAUL V. MCNUTT,
Chairman,
War Manpower Commission.

JANUARY 31, 1944.

[F. R. Doc. 44-1902; Filed, February 9, 1944; 10:57 a.m.]

Chapter X—Committee on Fair Employment Practice

PART 1202—INTERPRETATION OF EXECUTIVE ORDER 9346

CONTRACTS

Pursuant to the authority vested in the Committee on Fair Employment Practice by Executive Order No. 9346 (8 F.R. 7183) approved May 27, 1943, and to effectuate the purposes of said order it is hereby ordered as follows:

§ 1202.1 *Contracts.* (a) The words "all contracts hereafter negotiated or renegotiated" include all contracts made, amended or modified.

(b) A non-discrimination provision is required in leases, grants of easements, rights of way, etc., to the same extent that it is required in other contracts.

(c) The obligation to include the non-discrimination clause exists even though the contract involves non-war activity.

(d) The obligation to include the non-discrimination clause exists even though the contract is required to be awarded to the lowest bidder.

(e) The obligation to include the non-discrimination clause exists even though the contract is between a Federal Government agency and a State agency or subdivision of a state.

(f) The obligation to include the non-discrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(g) The non-discrimination provision required does not refer to, extend to or cover the activities or business of the contractor which are not related to or involved in the performance of the contract entered into.

(h) Inclusion of a non-discrimination provision is not required in contracts the performance of which does not involve the employment of persons.

(i) Inclusion of a non-discrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

(E.O. 9346, 8 F.R. 7183)

Dated: December 27, 1943.
For the Committee.

MALCOLM ROSS,
Chairman.

[F. R. Doc. 44-1930; Filed, February 9, 1944; 12:02 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-462, Stay of Execution]

SHATTERPROOF GLASS COMPANY

Shatterproof Glass Company of Detroit, Michigan has appealed from the provisions of Suspension Order S-462, issued on December 14, 1943, to take effect December 21, 1943 and to expire March 21, 1944. In connection with its appeal, the company also requested that execution of Suspension Order S-462 be stayed pending final determination of appeal. The Chief Compliance Commissioner has directed that such a stay be granted. In view of the foregoing, it is hereby ordered, that:

§ 1010.462 *Suspension Order No. S-462.* (a) The provisions of Suspension Order S-462, issued December 14, 1943 are hereby stayed pending final determination of the respondent's appeal.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1907; Filed, February 9, 1944; 11:30 a. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L-161, Direction 1]

DISTRIBUTORS' ORDERS FOR ELECTRIC FUSES

The following direction is issued pursuant to General Limitation Order L-161:

Manufacturers of electric fuses (as defined in this order) receive purchase orders from distributors which bear preference ratings assigned on Form WPB-547 (formerly Form PD-1X). After February 12, 1944, all such orders bearing a rating which was assigned on Form WPB-547 (PD-1X) must be treated as though they are rated AA-2X, regardless of the actual ratings which appear on the orders. Manufacturers must place these orders in their delivery schedule as though they had borne an AA-2X rating at the time they were originally placed, with the exception, however, that these orders may not be scheduled for delivery ahead of any orders placed before December 30, 1943, bearing AA-2X ratings or higher. In case a manufacturer has any doubt as to whether or not the rating appearing on any order was assigned on Form WPB-547 (PD-1X), he should ask his customer for the required information.

Issued this 9th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1908; Filed, February 9, 1944; 11:30 a. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L-277, Direction 1]

DISTRIBUTORS' ORDERS FOR ELECTRICAL WIRING DEVICES

The following direction is issued pursuant to General Limitation Order L-277:

Manufacturers of electrical wiring devices (as defined in this order) receive purchase orders from distributors which bear preference ratings assigned on Form WPB-547 (formerly Form PD-1X). After February 12, 1944, all such orders bearing a rating which was assigned on Form WPB-547 (PD-1X) must be treated as though they are rated AA-2X, regardless of the actual ratings which appear on the orders. Manufacturers must place these orders in their delivery schedule as though they had borne an AA-2X rating at the time they were originally placed, with the exception, however, that these orders may not be scheduled for delivery ahead of any orders placed before December 30, 1943, bearing AA-2X ratings or higher. In case a manufacturer has any doubt as to whether or not the rating appearing on any order was assigned on Form WPB-547 (PD-1X), he should ask his customer for the required information.

Issued this 9th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1909; Filed, February 9, 1944; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 188-A]

DISTILLED SPIRITS SHIPPED FROM PUERTO RICO

Preamble. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1418.155 *Distilled spirits shipped from Puerto Rico.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation 188-A (Distilled spirits shipped from Puerto Rico), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1418.155 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 188-A—DISTILLED SPIRITS SHIPPED FROM PUERTO RICO

Sec.
1. Scope.
2. Maximum prices.
3. Definitions.
4. Compliance with this regulation.
5. Records.
6. Petition for amendment.
7. Intra-island sales.

SECTION 1. *Scope*—(a) *Generally.* This regulation applies to all sales of rum produced in Puerto Rico and shipped to the continental United States. Specifically, the following types of sales of rum produced in Puerto Rico are covered:

(1) Sales consummated in Puerto Rico by any person to any importer.

(2) Sales consummated in the continental United States by any person to any importer.

(b) *Persons.* This regulation applies to sales by any person, including but not limited to a distiller, rectifier, compounder, bottler, export broker, or agent of the foregoing.

(c) *Effect on other regulations.*[1] This regulation supersedes the General Maximum Price Regulation and any orders or interpretations issued thereunder concerning the sales covered herein.

SEC. 2. *Maximum prices*—(a) *F. o. b. maximum prices.* Maximum prices f. o. b. Puerto Rican port of embarkation for sales of rum per case produced in Puerto Rico, when such sales are consummated in Puerto Rico by any person to any importer, shall be the following:

TABLE I

Proof (degree)	SIZE OF CASES					
	12/¼ quarts	12 quarts	24 pints	24/½ pints	48/½ pints	Miniatures 144/½ pints
85	$7.32	$8.09	$9.19	$8.07	$9.09	$8.94
86	7.37	8.75	9.25	8.12	9.75	8.98
90	7.52	8.93	9.43	8.27	9.93	9.09
90	7.57	8.99	9.49	8.32	9.99	9.12
120	9.00	10.79	11.29	9.75	11.79	10.20
125	9.24	11.09	11.59	9.99	12.09	10.38
151	10.49	12.65	13.15	11.24	13.65	11.32

NOTE

(1) The prices in this table do not include Federal excise and rectification taxes or the cost of strip stamps, which may be added to the above prices to the extent actually paid.

(2) Maximum prices are established for all degrees of proof; the adjustment to determine the maximum price for any degree of proof not listed in the table is 2 cents per degree of proof per gallon.

(b) *Other maximum prices.* Maximum prices for sales of rum produced in Puerto Rico, when such sales are consummated in the continental United States by any person to any importer, shall be the maximum prices established by paragraph (a) of this section to which may be added the following items if actually paid:

(1) *Insurance.* Insurance charges for the period during which the rum is in transit to the importer's receiving point, including war risk insurance at rates not in excess of applicable rates published by the War Shipping Board;

(2) *Freight.* Ocean freight from port of embarkation in Puerto Rico to port of arrival in the continental United States; and inland freight from port of arrival to the importer's receiving point, exclusive of charges for hauling, drayage or handling within the metropolitan area of such point. Only the freight actually paid at the rate paid shall be included.

(c) *No other additions.* The maximum prices established in this section are gross prices, to which no additions may be made except those specifically permitted herein.

SEC. 3. *Definitions.* When used in this regulation, the term:

(a) "Importer" means any person who is the first consignee within the continental United States of rum being imported for resale, holding an importer's permit issued under the provisions of the Federal Alcohol Administration Act.

(b) "Inland freight" means lawful freight charges for movement by common or contract carrier. Such charges shall include any applicable Federal tax on transportation, and unless otherwise provided, shall be figured at the lowest available rate. Where the seller uses his own vehicle, such charges shall be figured at the lowest rate for transportation over the same distance by common or contract carrier, exclusive of Federal tax.

(c) "Metropolitan area" of a particular place means the territory within the same municipality and the territory adjacent thereto within the same marketing area.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof.

(e) "Port of embarkation" means the place outside the continental United States from which rum to be imported is shipped by water to the continental United States.

(f) "Proof" means the proof stated on the label of rum. Rum of 100 degree proof is rum containing 50% alcohol by volume at a temperature of 60 degrees Fahrenheit.

(g) "Rum" means a commodity included in Class 5 of Article II of Regulation No. 5 Relating to the Labeling and Advertising of Distilled Spirits, issued under the provisions of the Federal Alcohol Administration Act, as amended.

SEC. 4. *Compliance with this regulation*—(a) *No buying or selling above maximum prices.* On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation applies shall sell or supply, and no person in the course of trade or business shall buy or receive any rum at prices higher than the maximum price applicable to such sale under this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded by direct or indirect methods, whether by finder's fee, brokerage, commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement or trade understanding; by any change in the method of consummating sales, or in style or manner of packing; or in any other way.

(c) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement action and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for the suspension of licenses.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 5. *Records.* Every person selling or supplying any rum for which, upon sale by that person, maximum prices are established under this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, copies of all invoices rendered to the buyer which shall separately state the price charged for the rum, the applicable taxes added to such price, and the freight and insurance charges permitted under section 2 (b) if any.

*Copies may be obtained from the Office of Price Administration.

[1] Maximum prices for sales of rum for use and consumption in Puerto Rico must be established under the General Maximum Price Regulation or other applicable regulations which may hereafter be issued.

SEC. 6. *Petition for amendment.* Any person seeking an amendment of general applicability to this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 7. *Intra-island sales.* Any person in Puerto Rico who desires to sell to another person in Puerto Rico rum ultimately destined for shipment to the continental United States may apply for a maximum price applicable to such sale to the Director for the Office of Price Administration at San Juan, Puerto Rico. The Director in his discretion may issue an order granting such maximum price not in excess of the maximum prices established in section 2 (a), upon being satisfied that such rum is ultimately destined for shipment to the continental United States.

Effective date. This regulation shall become effective February 9, 1944.

NOTE: All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1896; Filed, February 8, 1944; 3:26 p. m.]

PART 1300—PROCEDURE

[Rev. Procedural Reg. 1, Amdt. 5]

APPEARANCE OF EMPLOYEES AND FORMER EMPLOYEES BEFORE OPA

Section 1300.56 is amended to read as follows:

§ 1300.56 *Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.* Appearance of Office of Price Administration employees and former employees in a representative capacity before the Office of Price Administration shall be governed by the provisions of Procedural Regulation No. 14.

This amendment shall become effective February 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1918; Filed, February 9, 1944; 11:45 a. m.]

PART 1300—PROCEDURE

[Procedural Reg. 4, Amdt. 4]

APPEARANCE OF EMPLOYEES AND FORMER EMPLOYEES BEFORE OPA

Section 1300.180a is added to read as follows:

§ 1300.180a *Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.* Appearance of Office of Price Administration employees and former employees in a representative capacity before the Office of Price Administration shall be governed by the provisions of Procedural Regulation No. 14.

This amendment shall become effective February 9, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong.; and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1927; Filed, February 9, 1944; 11:45 a. m.]

PART 1300—PROCEDURE

[Procedural Reg. 9, Amdt. 12]

APPEARANCE OF EMPLOYEES AND FORMER EMPLOYEES BEFORE OPA

Section 1300.608a is added to read as follows:

§ 1300.608a *Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.* Appearance of Office of Price Administration employees and former employees in a representative capacity before the Office of Price Administration shall be governed by the provisions of Procedural Regulation No. 14.

(b) *Prohibitions.* (1) No individual shall act or be permitted to act as agent, attorney or representative of any person in any administrative proceeding in the Office of Price Administration if such individual:

(i) Is, or within one year prior thereto has been, a full-time officer or employee of the Office of Price Administration; or

(ii) Is a part-time compensated or uncompensated officer or employee of the Office of Price Administration; or

(iii) At any previous time has been officially associated with the specific matter to which the proceeding relates, as a full-time or part-time, compensated or uncompensated officer or employee of the Office of Price Administration.

(2) No member of a War Price and Rationing Board shall, within six months after the termination of his official connection with the Office of Price Administration, be permitted to act as agent, attorney or representative of any person in connection with any administrative proceeding in relation to rationing before any hearing commissioner, presiding officer, special hearing officer, or War Price and Rationing Board.

(c) *Saving clause.* Paragraph (b) (1) (i) of this regulation shall not prevent any uncompensated full-time employee appointed by the Office of Price Administration prior to the effective date of this order from representing a party in any administrative proceeding relating to any rent regulation or order, if such proceeding was not pending before the Office of Price Administration during his period of employment.

Effective date. This regulation shall become effective February 9, 1944.

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1917; Filed, February 9, 1944; 11:45 a. m.]

PART 1300—PROCEDURE

[Procedural Reg. 14]

APPEARANCE OF EMPLOYEES AND FORMER EMPLOYEES BEFORE OPA

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, it is ordered:

§ 1300.701 *Appearance of Office of Price Administration employees and former employees before the Office of Price Administration*—(a) *Definitions.* (1) The term "administrative proceeding" as used in this order refers to (i) formal or informal proceedings within the Office of Price Administration with respect to the issuance, revision, revocation or interpretation of price, rent, or rationing regulations, orders, or amendments, or with respect to applications, protests, petitions, suspension or revocation orders, and warning notices, (ii) enforcement investigations and negotiations in relation to alleged violations of price, rent, or rationing regulations or orders, prior to the institution of judicial proceedings, and (iii) notices or negotiations relating to the participation in or other action in respect to common carrier or other public utility rate proceedings, prior to participation by the Price Administrator in such proceedings.

(2) The term "person" as used in this order includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, but shall not include the United States or any other government or any subdivision or agency thereof.

(3) The term "full-time officer or employee" as used in this order shall include, but shall not be limited to, any person who receives or has received per diem compensation for substantially the whole of his working time during any period of more than sixty days, or the major part of his working time during any period of six months.

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 145,[1] Amdt. 6]

PICKLED SHEEPSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 145, as amended, is amended in the following respects:

1. The headnote and introductory paragraph of § 1314.151 (c) are amended to read as follows:

(c) *Pickled sheepskins imported by or for the account and risk of a buyer.* The maximum prices at which pickled sheepskins may be imported by or for the account and risk of a buyer in the United States shall be:

2. Section 1314.151 (e) is added to read as follows:

(e) *Maximum prices for certain brands of South American pickled sheepskins.* Notwithstanding provisions of paragraphs (b) and (c) of this section and § 1314.163, the maximum prices for pickled sheepskins of the brands enumerated in Appendix C, § 1314.165, shall be determined in accordance with Appendix C.

3. Section 1314.163 (b) is amended to read as follows:

(b) *Imported skins sold after arrival or subject to arrival in the United States.* The maximum prices for these pickled sheepskins are prices per dozen skins c. and f. port of entry, including commissions, customs fees, wharfage and all other charges except that the charges actually paid for war risk and marine insurance may be added. In determining the base period price for these skins the seller shall deduct war risk and marine insurance, freight paid from port of entry, and all other charges incurred after the entry of the skins into the United States, but shall include commissions, freight to port of entry, customs fees, wharfage and other charges incidental to discharge at a port of entry, based on the rates prevailing at the time the sale was made. The seller then determines the bracket under Column I within which his base period price falls. His maximum price is the price in the corresponding line under Column II.

4. The headnote and first two subparagraphs preceding the table of § 1314.163 (c) are amended to read as follows:

(c) *Pickled sheepskins imported by or for the account and risk of a buyer.* (1) The maximum prices at which a seller or agent located in the United States may deliver pickled sheepskins imported by or for the account and risk of a buyer in the United States are prices per dozen skins c. and f. port of entry into the United States, including commissions, customs fees, wharfage and all other charges, except that the charges actually paid for war risk and marine insurance may be added. In determining the base period price for these skins the seller shall deduct war risk and marine insurance, freight paid from port of entry, and all other charges incurred after the entry of the skins into the United States, but shall include commissions, freight to port of entry, customs fees, wharfage and other charges incidental to discharge at a port of entry, based on the rates prevailing at the time the sale was made. The seller then determines the bracket under Column I into which his base period price falls. His maximum price is the price in the corresponding line under Column III.

(2) The maximum prices at which a buyer in the United States may import pickled sheepskins directly from a foreign seller or his agent located abroad are prices per dozen skins c. and f. port of entry into the United States, including commissions, customs fees, wharfage and all other charges, except that the charges actually paid for war risk and marine insurance may be added. In determining the base period price for these skins the buyer shall exclude war risk and marine insurance, freight paid from port of entry, and all other charges incurred after the entry of the skins into the United States, but shall include commissions, freight to port of entry, customs fees, wharfage and other charges incidental to discharge at a port of entry, based on the rates prevailing at the time the purchase was made. The purchaser then determines the bracket under Column I into which his base period price falls. His maximum price is the price in the corresponding line under Column III.

5. Section 1314.164 (a) is amended by deleting the second sentence thereof and substituting the following:

These prices are prices per dozen skins c. and f. port of entry, including commissions, customs fees, wharfage and all other charges, except that the charges actually paid for war risk and marine insurance may be added.

6. The head note and first paragraph of § 1314.164 (b) are amended to read as follows:

(b) *Pickled sheepskins imported by or for the account and risk of a buyer.* The maximum prices for pickled sheepskins of the brands enumerated in Column A imported by or for the account and risk of a buyer in the United States are specified in Column C. These prices are prices per dozen skins f. o. b. shipping point.

7. Section 1314.165 is added to read as follows:

§ 1314.165 *Appendix C: Maximum prices for certain brands of South American pickled sheepskins*—(a) *Pickled sheepskins sold after arrival or subject to arrival in the United States.* The maximum prices for pickled sheepskins of the brands specified in the table below sold after arrival or subject to arrival in the United States are listed in Column A. These prices are prices per dozen skins c. and f. port of entry, including commissions, customs fees, wharfage and all other charges, except that the charges actually paid for war risk and marine insurance may be added.

(b) *Pickled sheepskins imported by or for the account and risk of a buyer.* The maximum prices for pickled sheepskins of the brands specified in the table below imported by or for the account and risk of a buyer in the United States are listed in Column B. These prices are prices per dozen skins c. and f. port of entry to which may be added the charges actually paid for war risk and marine insurance. Customs fees and wharfage charges are for the account of the buyer. In addition, a buyer may pay a commission of not more than 2½% of the purchase price to a domestic agent acting for the buyer's account.

Brand	Maximum price	
	Column A	Column B
Armour La Plata:		
Sheep	$10.00	$9.15
Heavy lambs	9.00	8.25
Regular lambs	7.125	6.55
Spring lambs	5.50	5.05
Sm. spring lambs	3.50	3.25
Galy & Erviti:		
A1-A2-A3-A4	9.50	8.70
AR-AS	4.75	4.40
B1-B2-B3-B4	7.50	6.90
BR-BS	4.00	3.70
C1-C2-C3-C4	6.50	6.00
CR-CS	3.50	3.25
LB1-LB2-LB3-LB4	5.75	5.30
LBR-LBS	3.125	2.95
CR1-CR2-CR3-CR4	4.50	4.15
CRR-CRS	2.50	2.30
M1-M2-M3-M4	3.50	3.25
MR-MS	2.00	1.85
G1-G2-G3-G4	8.50	7.75
F1-F2-F3-F4	6.50	6.00
S1-S2-S3-S4	5.75	5.30
B1S-B2S-B3S-B4S	5.00	4.60
H1-H2-H3-H4	4.00	3.70
J1-J2-J3-J4	3.00	2.80
Swift:		
Swift La Plata:		
Heavy Sheep	10.75	9.85
Light Sheep	8.75	8.00
Heavy Lambs	9.75	8.95
Regular Lambs	7.00	6.40
Spring Lambs	5.25	4.85
Swift Montevideo (Regular):		
Sheep	8.25	7.55
Lambs	5.875	5.40
Spring lambs	4.25	3.95
Reject "B"	2.625	2.45
Reject	1.625	1.45
Swift:		
Swift Montevideo (Dry):		
Sheep	6.75	6.20
Lambs	5.125	4.75
Spring lambs	3.75	3.50
Reject "A"	2.50	2.30
Reject "B"	.75	.60
Swift Yale:		
Sheep	8.25	7.55
Lambs	5.875	5.40
Spring lambs	4.25	3.95
Smithfield:		
Sheep	8.00	7.35
Lambs	6.50	6.00
O. A. P.:		
Sheep	8.00	7.35
Lambs	6.50	6.00
Anglo Argentine (Frigorifico):		
H. Sheepskins:		
XH	12.25	11.20
H	11.50	10.50
MXH	11.75	10.75
MH	10.75	9.85
FFF	11.75	10.75
FF	10.75	9.85
SS	9.50	8.70
RR	9.00	8.25
SSL	7.375	6.75
SRS	8.00	7.35
TSH	7.375	6.75
TSM	7.75	7.10
Light Sheepskins:		
XC	11.50	10.50
C	10.50	9.60
ML	9.00	8.25
F	9.00	8.25
R	7.00	6.40
SSL	7.75	7.10
TSL	6.00	5.50
Large Lambs:		
XXXX	9.50	8.70
XXXXM	9.00	8.25

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3746, 3889, 5771, 5835, 8948, 11074; 8 F.R. 5724.

Brand	Maximum price Column A	Maximum price Column B
Anglo Argentine (Frigorifico):		
Regular Lambs:		
XXX	$8.50	$7.75
XX	8.00	7.35
XXXM	8.50	7.75
XXM	8.00	7.35
FL	7.125	6.55
RL	7.125	6.55
SL	6.25	5.75
SRL	6.25	5.75
T	5.625	5.20
FT	2.625	2.45
Spring lambs:		
X	8.00	7.35
XS	7.625	7.00
XM	7.625	7.00
XMM	6.75	6.20
XXMM	5.875	5.40
FLL	6.00	5.50
RSL	5.625	5.20
LSL	5.125	4.75
SRM	3.875	3.60
TL	3.125	2.95
MAM		
Soulas (Argentine):		
Large Lambs:		
1LB	9.00	8.25
2LB	8.50	7.75
3LB	7.50	6.90
Regular Lambs:		
3XBR	8.25	7.55
2XBR	7.25	6.65
XBR	6.25	5.75
RL	6.25	5.75
3XRL	6.50	6.00
2XRL	6.00	5.50
XRL	5.00	4.60
RCL	5.25	4.85
Anglo Uruguayan (Frigorifico):		
Sheepskins:		
XH	11.25	10.30
MXH	10.75	9.85
MH	9.75	8.95
FFF	10.75	9.85
FF	9.75	8.95
SS	8.00	7.35
RR	8.50	7.75
TSH	7.00	6.40
ML	9.00	8.25
F	8.50	7.75
R	6.875	6.30
TSL	6.00	5.50
Regular Lambs:		
XXXXM	8.00	7.35
XXXM	7.125	6.55
XXM	6.75	6.20
FL	5.875	5.40
RL	5.875	5.40
SLL	5.00	4.60
SRL	4.25	3.95
Spring Lambs:		
XM	6.25	5.75
XMM	5.375	4.95
XXMM	4.50	4.15
FLL	4.50	4.15
RSL	4.125	3.80
LSL	4.125	3.80
T	3.375	3.15
TXS	2.625	2.45
Wilson & Co. (S. A.):		
4X Spec. Sheep	12.00	11.00
3X Rib Sheep	10.00	9.15
2X Rib Sheep	9.00	8.25
#1 Spec. Sheep	11.00	10.05
#1 Sheep	10.00	9.15
#2 Sheep	8.50	7.75
#3 Sheep	6.75	6.20
#3 H. R. Sheep	5.50	5.05
#1 Rib Sheep	9.00	8.25
Seedy Sheep	6.875	6.30
Rib Lambs	7.625	7.00
H. R. Lambs	7.375	6.75
Spring Lambs	6.25	5.75
H. R. Spr. Lambs	5.875	5.40
M. Lambs	3.375	3.15
H. R. M. Lambs	3.00	2.80
Seedy Medium	6.50	6.00
Seedy Small	5.00	4.60
Seedy Small H. S.	3.50	3.25
Frigorifico National:		
Sheep:		
HXG	10.00	9.15
HXM	9.50	8.70
HXP	8.50	7.75
HXI	8.25	7.55
HXPI	8.00	7.35
HLC	8.50	7.75
HLM	8.00	7.35
HLJ	7.375	6.75
HCG	7.375	6.75
HCM	7.125	6.55
HCI	6.50	6.00
HD	5.50	5.05
HFX 1st	6.00	5.50
HFX 2nd	5.00	4.60
HFR 1st	5.00	4.60
HFR 2nd	4.50	4.15
Frigorifico National—Con.		
Lambs:		
HXG	$7.50	$6.85
BXM	7.00	6.40
BXI	6.50	6.00
BLG	7.00	6.40
BLM	6.50	6.00
BLL	6.00	5.50
BCG	5.50	5.05
BCM	5.00	4.60
BCI	5.00	4.60
BD	4.50	4.15
BF 1st	4.50	4.15
BF 2nd	4.00	3.70
Spring Lambs:		
CX	6.00	5.50
CDL	5.50	5.05
CMX	5.00	4.60
CMI	4.50	4.15
CD	3.50	3.25
CF 1st	3.50	3.25
CF 2nd	3.00	2.80

This amendment shall become effective February 15, 1944; *Provided*, That firm commitments entered into prior to February 15, 1944, in compliance with Maximum Price Regulation No. 145 may be completed at contract prices if deliveries are made prior to April 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1927; Filed, February 9, 1944; 11:48 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 409,[1] Amdt. 10]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 4a is amended to read as follows:

SEC. 4a. *Notification of change in maximum price.* With the first delivery of an item of frozen fruits, berries or vegetables, in any case where a seller determines his maximum price pursuant to section 2, section 3 (other than under paragraphs (e) and (m)) or section 4 and such maximum price he previously had for the same item of the 1943 pack, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(*Insert date*)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, grade, style of pack, container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of amendment authorizing change in maximum price*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the packer shall supply with each barrel and include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the packer may supply the notice by attaching it to, or stating it on, the invoice covering the shipment instead of providing it with the goods.

(b) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with his first transaction with such purchaser after the effective date of the amendment authorizing the change in maximum price, as follows:

(*Insert date*)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, grade, style of pack, container type and size*) has been changed from $---- to $---- under the provisions of Maximum Price Regulation No. 409. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert effective date of amendment authorizing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 4a (a) of Maximum Price Regulation No. 409.

This amendment shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1924; Filed, February 9, 1944; 11:47 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 473,[1] Amdt. 6]

MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8358, 9298, 11034, 11080, 11952, 16204, 16207, 16995, 16625, 17299; 9 F.R. 97.

[1] 8 F.R. 13104, 13846, 15257, 16129; 9 F.R. 98.

Section 4 is amended to read as follows:

SEC. 4. *Notification of change in maximum price.* (a) With the first delivery of an item after the effective date of this regulation, or any amendment authorizing a change in maximum price, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

(1) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(*Insert date*)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, flavor, brand and container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of regulation, or amendment authorizing change in maximum price*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each packer shall include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the packer may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(2) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with the first transaction with such purchaser after the effective date of the regulation, or amendment authorizing the change in maximum price, as follows:

(*Insert date*)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, flavor, brand and container type and size*) has been changed from $——— to $——— under the provisions of Maximum Price Regulation No. 473. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert effective date of regulation, or amendment authorizing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 4 (a) (1) of Maximum Price Regulation No. 473.

(b) Any seller whose maximum price for an item was changed pursuant to an amendment to this regulation authorizing the change on or after December 31, 1943, and who made delivery of the item between December 31, 1943, and February 15, 1944, but did not supply the purchaser with the notification provided for by paragraph (a), above, shall send the notification to the purchaser on or before February 29, 1944.

This amendment shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1921; Filed, February 9, 1944; 11:45 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 493,[1] Amdt. 4]

DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943 CROP AND AFTER

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 29 is amended to read as follows:

SEC. 29. *Notification of change in maximum price.* With the first delivery of an item of dried or processed apples or apple products, in any case where a seller determines his maximum price under this regulation and the maximum price is different from that which he previously had for the same item processed from apples of the 1943 crop, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(*Insert date*)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, grade, style of pack, and container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422, or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of amendment authorizing change in maximum price*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time each processor shall include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the processor may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(b) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with the first transaction with such purchaser after the effective date of the amendment authorizing the change in maximum price, as follows:

(*Insert date*)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, grade, style of pack, and container type and size*) has been changed from $——— to $——— under the provisions of Maximum Price Regulation No. 493. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert effective date of amendment authorizing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 29 (a) of Maximum Price Regulation No. 493.

This amendment shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1925; Filed, February 9, 1944; 11:47 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 496,[1] Amdt. 2]

MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF APPLE BUTTER

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 18 is amended to read as follows:

SEC. 18. *Notification of change in maximum price.* (a) With the first delivery of an item after the effective date of this regulation, or any amendment authorizing a change in maximum price, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

(1) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(*Insert date*)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by brand and container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of regulation, or*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15697, 16664; 9 F.R. 99.

[1] 8 F.R. 16503; 9 F.R. 98.

amendment authorizing change in maximum price). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each packer shall include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the packer may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(2) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with the first transaction with such purchaser after the effective date of the regulation, or amendment authorizing the change in maximum price, as follows:

(*Insert date*)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by brand and container type and size*) has been changed from $------- to $------- under the provisions of Maximum Price Regulation No. 498. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert effective date of regulation, or amendment authorizing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 18 (a) (1) of Maximum Price Regulation No. 498.

(b) Any seller whose maximum price for an item was changed pursuant to an amendment to this regulation authorizing the change on or after December 31, 1943, and who made delivery of the item between December 31, 1943, and February 15, 1944, but did not supply the purchaser with the notification provided for by paragraph (a), above, shall send the notification to the purchaser on or before February 29, 1944.

This amendment shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1923; Filed, February 9, 1944; 11:46 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 50,[1] Amdt. 9]

GREEN COFFEE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1351.1 (e) of Revised Price Schedule 50 is amended by adding thereto the following:

(e) * * * except that as to lots of green coffee stored prior to July 1, 1944, warehouse storage charges actually paid by the seller for up to ninety days may be added. Invoices for ex-warehouse sales must show the name of the entry carrier, bill of lading number, and the date when storage began.

This amendment shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 141, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1926; Filed, February 9, 1944; 11:45 a. m.]

PART 1440—PROCESSED FOOD COMMODITIES

[MPR 488,[2] Amdt. 2]

PICKLES AND CERTAIN PICKLED PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 488 is amended in the following respects:

1. In section 3 (a) (2) (i) (*d*) the phrase "stock salt" is amended to read "salt stock."

2. Section 7 is amended to read as follows:

SEC. 7. *Notification of change in maximum price.* (a) With the first delivery of an item after the effective date of this regulation, or any amendment authorizing a change in maximum price, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

(1) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(*Insert date*)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price (*describe item by kind, brand, grade, variety, count and container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of regulation, or amendment authorizing change in maximum price*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each salter, briner, and final processor shall include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the salter, briner, or final processor may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(2) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with the first transaction with such purchaser after the effective date of the regulation, or amendment authorizing the change in maximum price, as follows:

(*Insert date*)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, brand, grade, variety, count and container type and size*) has been changed from $------- to $------- under the provisions of Maximum Price Regulation No. 488. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier purchasing the item from you after (*insert effective date of regulation, or amendment authorizing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 7 (a) (1) of Maximum Price Regulation No. 488.

(b) Any seller whose maximum price for an item was changed pursuant to an amendment to this regulation authorizing the change on or after December 31, 1943, and who made delivery of the item between December 31, 1943, and February 15, 1944, but did not supply the purchaser with the notification provided for by paragraph (a), above, shall send the notification to the purchaser on or before February 29, 1944.

This amendment shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1922; Filed, February 9, 1944; 11:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 180]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of February, A. D. 1944.

It appearing that commodities in refrigerator cars are being delayed unduly in unloading, thereby impeding the movement and most efficient use of refrigeration cars and decreasing the available supply of refrigerator cars for shippers; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic, it is ordered that:

§ 95.330 *Demurrage charges on refrigerator cars.* (a) After the expiration of the free time allowed by tariffs lawfully on file with this Commission, the demurrage charges on a refrigerator car loaded with any commodity which is not unloaded within the free time shall be $2.20 per car per day or a fraction thereof for the first two (2) days; $5.50 per car per day or a fraction thereof for the third day; $11 per car per day or a fraction thereof for the fourth day; $22 per day or a fraction thereof for the fifth day; and $44 per car per day or a fraction thereof for each succeeding day.

(b) *Application*—(1) *Average agreements.* Refrigerator cars loaded with any commodity and which have not been unloaded shall not be included in any average agreement, but, except as otherwise provided herein, said cars shall otherwise be subject to car demurrage rules and charges, Tariff I. C. C. No. 3815, supplements to or successive issues thereof issued by Agent B. T. Jones.

(2) *Intrastate.* The provisions of this order shall apply to intrastate transportation as well as interstate transportation.

(3) *Service orders.* The provisions of this order shall not be construed to affect the provisions of Service Order No. 70 (8 F.R. 8515) of February 3, 1942, as amended (8 F.R. 8515) or Service Order No. 70-A (8 F.R. 14624-25) of October 22, 1943, or Corrected Service Order No. 112 (8 F.R. 2889) of March 3, 1943, as amended (8 F.R. 4488), or Service Order No. 135 (8 F.R. 9569) as amended (8 F.R. 10941).

(c) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each railroad, or its agent, on or before the effective date of this order, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein.

(e) *Expiration notice.* This order shall expire at 12:01 a. m., April 11, 1944, unless otherwise changed, extended, or vacated. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 11, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1887; Filed, February 8, 1944; 12:10 p. m.]

PARTS 73, 75—TRANSPORTATION OF EXPLOSIVES[1]

[No. 3666]

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of February, A. D. 1944.

In the matter of regulations for transportation of explosives and other dangerous articles. It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

And it further appearing, that amendments involved in said applications, having been considered and found to be in accord with the best-known practicable means for securing safety in transit and with the need therefor for promoting safety of operation and standards of equipment used in the transportation of said dangerous articles:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Part 2—Commodity List of Explosives and Other Dangerous Articles (CFR 73)

Amending list, order Aug. 16, 1940, as follows, add:

Article	Class	Packing (sec.)	Label	Quantity, one package, rail express
Carbopropoxide stabilized	Cor. L	No exemption, 252A	White	Not accepted.
Carbopropoxide unstabilized	Inf. S	No exemption 161A	Yellow	Not accepted.

Part 3—Regulations Applying to Shippers (CFR 75)

Amending order Aug. 16, 1940, as follows (packing carbopropoxide); add

161A (a) Carbopropoxide unstabilized must be packed in specification containers as follows:

(b) Specification 15A, 15B, 15C, 16A, or 19A.—Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 32° F. Shipments are authorized for transportation by carrier by motor vehicle only.

252A (a) Carbopropoxide stabilized must be packed in specification containers as follows:

(b) Spec. 15A, 15B, 15C, 16A, or 19A.—Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 75° F. Shipments are authorized for transportation by carrier by motor vehicle only.

It is further ordered, That this order amending the aforesaid regulations shall be effective on and after February 1, 1944, and shall remain in full force and effect and be observed until further order of the Commission;

And it is further ordered, That a copy of this order be served upon all the parties of record herein; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445, sec. 204, 49 Stat. 546, sec. 4, 52 Stat. 1232, sec. 20, 54 Stat. 922, 56 Stat. 176; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F.R. Doc. 44-1888; Filed, February 8, 1944; 12:10 p. m.]

[S. O. 179-A]

PART 95—CAR SERVICE

UNLOADING OF MATERIAL FOR SIGNAL CORPS AT ST. LOUIS, MO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of February A. D. 1944.

Upon further consideration of Service Order No. 179 (9 F.R. 1399) of February 1, 1944, and good cause appearing therefor:

It is ordered, That: Service Order No. 179 (§ 95.329, 9 F.R. 1399) of February 1, 1944, requiring material at St. Louis, Missouri, for the Signal Corps to be unloaded be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:30 p. m., February 5, 1944; that a copy of this order and direction shall be served upon the Manufacturers Railway Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the

*Copies may be obtained from the Office of Price Administration.

[1] 7 F. R. 1305, 2132, 2945, 5462, 6387, 6685, 8948, 10471; 8 F.R. 5477, 13024.

[2] 8 F.R. 15187, 15865; 9 F.R. 99.

[1] Parts 2 and 3 in this order appear in CFR as Parts 73 and 75.

terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-1910; Filed, February 9, 1944; 11:24 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

War Food Administration.

AMERICAN-EGYPTIAN COTTON

BASE PERIOD USED FOR DETERMINING PARITY PRICE

Proclamation of the War Food Administrator and the Secretary of Agriculture made with respect to the base period to be used for the purpose of determining the parity price of American-Egyptian cotton.

It is hereby found and proclaimed that the purchasing power during the pre-war period August 1909–July 1914 of the agricultural commodity, American-Egyptian cotton, cannot be satisfactorily determined from available statistics of the Department of Agriculture, but its purchasing power can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1922–July 1929. August 1922–July 1929 is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of American-Egyptian cotton.

Done at Washington, D. C., this 9th day of February 1944.

GROVER B. HILL,
Assistant War Food Administrator.
CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 44-1906; Filed, February 9, 1944; 11:18 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5102]

MILTON S. KRONHEIM AND SON, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 23, 1944, at ten-thirty o'clock in the forenoon of that day (Eastern Standard Time), in the Hearing Room of the Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence, with his conclusions of fact, and law and his recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-1928; Filed, February 9, 1944; 11:56 a.m.]

[Docket No. 5129]

L. P. MAGGIONI & CO.

COMPLAINT AND NOTICE OF HEARING

In the matter of Joseph O. Maggioni, Joseph S. Cafiero, and Madeline Cafiero, doing business as L. P. Maggioni & Company.

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondents Joseph O. Maggioni, Joseph S. Cafiero and Madeline Cafiero are partners, doing business as L. P. Maggioni & Company, having their principal office and place of business located at 401 West Bay Street, Savannah, Georgia.

PAR. 2. The respondents are now engaged, and for many years prior hereto have engaged, in the business of packing and canning fish, oysters, shrimp and clams (all of which are hereinafter called "Sea Food Products") and in the marketing, sale and distribution of such sea food products in its own name and for its own account for resale.

The respondents sell and distribute their sea food products through two separate and distinct methods: (1) through a large number of legitimate intermediaries who act as their agents in negotiating the sale of sea food products and for which services such intermediaries customarily are paid directly, or indirectly, commissions or brokerage fees; (2) through the sale of its sea food products direct to a few buyers who are paid, directly or indirectly, commissions or brokerage fees on their own purchases of such sea food products from the respondents.

The respondents, to distinguish their sea food products from the sea food products sold by competitors, to facilitate sales utilize registered and unregistered trade marks and brands for the various sea food products it sells. These brands are generally known as packers' or sellers' brands. Representative of the respondents' brands are:

Mermaid, Sea Zone, Daufuski, Warsaw, Coosaw, Sambo, Port Royal, Fox Inn, Crown, Off Shore, Jekyl Island, Magico, Maggioni, Magestic, English Ace.

Respondent also sells its sea food products under the labels or brands of its buyers, which brands or labels are generally known to the trade as private or buyers brands. Some of such buyers who incorrectly designate themselves as brokers also utilize registered and unregistered labels and brands, which labels and brands are utilized by the respective buyers in selling such buyers merchandise. Representative of respondents' buyers who purchase respondents' sea food products under their own buyers' brands or labels as well as under the sellers brands or labels is Wm. H. Stanley, Inc., of New York City, N. Y. This buyer purchases in its own name, and for its own account, large quantities of respondents' sea food products under its own registered private brand "Seaspray." Representative of respondent's buyers who purchase in their own name and for their own account respondents' sea food products exclusively under the sellers brands or labels are, Haas-Guthman Co., Savannah, Georgia and Brit-McKinney Co., Inc., Greenville, S. C.

PAR. 3. The respondents, in the course and conduct of their said business, since June 19, 1936, have sold and distributed a substantial portion of their sea food products directly to buyers located in states other than the state in which the respondents are established, and as a result of said sales and the respondents' instructions, such sea food products are shipped and transported across state lines to such buyers who are located in various states of the United States.

PAR. 4. The respondents, since June 19, 1936, in connection with the interstate sale and distribution of sea food products in their own name and for their own account for resale, have sold such sea food products to buyers located in the various states of the United States other than the state where respondents are established, and have been and are now paying or granting or have paid or granted, directly or indirectly, commissions, brokerage or other compensation or allowances or discounts in lieu thereof to buyers of said sea food products.

PAR. 5. The paying and granting by respondents, Joseph O. Maggioni, Joseph S. Cafiero and Madeline Cafiero, partners, doing business as L. P. Maggioni & Company, directly or indirectly, of commissions, brokerage or other compensation and allowances or discounts in lieu thereof to the buyers of said sea food products, on their own purchases, and the acts and practices of the respondents in promoting sales of sea food products by paying to buyers, directly or indirectly, commissions, brokerage or other compensation and allowances or discounts in lieu thereof, as set forth above, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission, on this 5th day of February, A. D. 1944, issues its complaint against said respondents.

Notice. Notice is hereby given you, Joseph O. Maggioni, Joseph S. Cafiero and Madeline Cafiero, partners, doing business as L. P. Maggioni & Company, respondents herein, that the 10th day of March, A. D., 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C. as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with request to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 5th day of February, A. D. 1944.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-1929; Filed, February 9, 1944; 11:56 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 29085]

CONTROL OF CHESAPEAKE AND OHIO RAILWAY CO., ET AL.

ORDER FOR INVESTIGATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of February, A. D. 1944.

Control of Chesapeake and Ohio Railway Company, New York, Chicago and St. Louis Railroad Company, Pere Marquette Railway Company by Alleghany Corporation-Robert R. Young-Allan P. Kirby.

It appearing that Chesapeake and Ohio Railway Company, New York, Chicago, and St. Louis Railroad Company, and Pere Marquette Railway Company are carriers subject to Part I of the Interstate Commerce Act;

And it further appearing that control of said carriers may have been acquired by Alleghany Corporation, Robert R. Young, and Allan P. Kirby after the enactment, and in violation, of paragraph (4) of section 5 of the Interstate Commerce Act, and that said persons may be continuing to maintain control of said carriers, and other carriers, accomplished and effectuated after the enactment, and in violation, of said paragraph; now, therefore,

It is ordered, That this Commission, upon its own motion, and in accordance with the provisions of paragraph (7) of said section 5, hereby enter upon an investigation for the purpose of determining whether Alleghany Corporation, Robert R. Young, or Allan P. Kirby are violating the provisions of said paragraph (4) of section 5 of the Interstate Commerce Act, and if such violation is found, of entering an order or orders requiring said persons, or either of them, and any other person or persons participating therein, to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation.

It is further ordered, That this matter be assigned for hearing at a time and place to be determined, and that Alleghany Corporation, Robert R. Young, Allan P. Kirby, Chesapeake and Ohio Railway Company, New York, Chicago and St. Louis Railroad Company, and Pere Marquette Railway Company be, and they are hereby, made respondents to this proceeding.

And it is further ordered, That a copy of this order be served upon each of the respondents and that notice thereof be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director, Division of Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-1886; Filed, February 8, 1944; 12:10 p. m.]

[S. O. 164, 3d Amended Gen. Permit 5]

CITRUS FRUITS

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a mixed shipment of tangerines or temple, king, or clementine oranges and other citrus fruits originating at any point of points in the State of Florida provided that the tangerines or temple, king, or clementine oranges in the car comprise not less than fifty (50) percent of the lading and further provided that the waybills shall show reference to this general permit.

This general permit shall become effective at 12:01 a. m., February 8, 1944, and shall expire at 12:01 a. m., April 1, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1911; Filed, February 9, 1944; 11:24 a. m.]

[S. O. 164, Gen. Permit 7 as Amended]

TEMPLE ORANGES

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a straight carload shipment of Temple oranges provided the waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., February 8, 1944, and shall expire at 12:01 a. m., March 1, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-1912; Filed, February 9, 1944; 11:24 a. m.]

[S. O. 164, Gen. Permit 10]

CITRUS FRUIT

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once in transit to full bunker capacity at a regular icing station en route but not beyond Florence, South Carolina, Aberdeen, North Carolina, Spencer, North Carolina, Augusta, Georgia, Atlanta, Georgia, Pensacola, Florida, Montgomery, Alabama, or Birmingham, Alabama, after the first or initial icing at an icing station in the State of Florida, any refrigerator car or cars originating at points in the State of Florida containing straight carloads of oranges commonly known as "mid-season oranges," or mixed carloads of "mid-season oranges" and other citrus fruit providing the "mid-season oranges" in the car comprise at least fifty percent (50%) of the lading.

The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., February 8, 1944, and shall expire at 12:01 a. m., March 1, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F.R. Doc. 44-1913; Filed, February 9, 1944; 11:24 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region VI Rev. Order G-1 Under MPR 154]

ICE IN MINNEAPOLIS AREA

Revised Order No. G-1 under Maximum Price Regulation No. 154. Maximum prices for ice in the Minneapolis area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority of § 1393.8 of Maximum Price Regulation No. 154, the Regional Administrator does hereby order that Order G-1 under Maximum Price Regulation No. 154 be revised and amended to read as set forth below:

(a) *Maximum distributor prices.* (1) The maximum prices for sales of block ice to domestic and commercial users, in the various quantities and subject to the conditions indicated below, shall be as follows:

(i) *Domestic delivered (block ice):*

100 lbs.	$0.55
50 lbs.	.28
25 lbs.	.14

(ii) *Commercial delivered (block ice) per ton:*

Under 500 lbs. weekly	$11.00
500-1,000 lbs. weekly	8.80
1,000-2,000 lbs. weekly	7.70
2,000-5,000 lbs. weekly	6.60
Over 5,000 lbs. weekly	5.50
2,000 lbs. weekly or over, apartment service	7.70
Load lots, 3,000 lbs. or over	5.50

(2) The maximum price for wholesale platform sales of block ice shall be, subject to the conditions indicated below, as follows:

April through November, $4.05 per ton.
December through March, $2.05 per ton.

Provided, however, That discounts or rebates shall be granted purchasers of wholesale platform ice as follows:

Purchasers whose annual requirements of wholesale platform ice amount to 400 tons or over shall receive the following discounts or rebates:

40¢ per ton on all ice purchased at $4.05 per ton.

20¢ per ton on all ice purchased at $2.05 per ton.

Purchasers whose annual requirements amount to 200 tons but less than 400 tons shall receive the following discounts or rebates:

20¢ per ton on all ice purchased at $4.05 per ton.

10¢ per ton on all ice purchased at $2.05 per ton.

(3) All maximum prices for sales of ice not covered by this order shall be as established by Maximum Price Regulation No. 154.

(b) *Applicability of distributor prices.* The maximum distributor prices set forth in paragraph (a) of this order shall apply to all sales of ice in connection with which physical delivery is made within the cities and communities of Minneapolis, Columbia Heights, Robbinsdale, St. Louis Park, Richfield, Oxboro Heath, Wold Chamberlain Field, Morningside and Edina in the state of Minnesota.

(c) *Relationship to Office of Price Administration regulations.* Except as otherwise provided herein, the provisions of Maximum Price Regulation No. 154 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base period established by that regulation.

(d) *Definitions.* Unless the context otherwise requires, terms and phrases not herein defined shall be given the meaning subscribed to them in Maximum Price Regulation No. 154 or the Emergency Price Control Act of 1942, as amended; and if not there defined their ordinary meaning.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F.R. Doc. 44-1893; Filed, February 8, 1944; 12:54 p. m.]

[Region VI Order G-23 Under SR 15, MPR 280, MPR 329]

FLUID MILK IN GILLESPIE, ILL.

Order No. G-23 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280—Maximum prices for specific food products—and under Maximum Price Regulation No. 329. Purchases of milk from producers for resale of fluid milk. Adjustment of fluid milk prices for Gillespie, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $3.05 per cwt. for 3.5% milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 3.5% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Gillespie, Illinois, or who sell within that city 50% or more of the milk sold by them. Prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk in August or September 1943, and are not applicable to purchases from producers who did not in those months sell to any Gillespie, Illinois, distributor covered by this order.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Gillespie, Illinois, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

SCHEDULE OF PRICES TO BE ESTABLISHED

	Wholesale	Retail
Milk—quart	$0.10½	$0.12½
Buttermilk—quart	.08½	.10½
Chocolate milk—quart	.10½	.12½

Where the maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Gillespie, Illinois, area shall mean:

1. All sales made within the city limits of Gillespie, Illinois, and all sales at or from an establishment located in Gillespie, Illinois;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Gillespie, Illinois.

(e) *Definitions.* 1. "Milk" shall mean cow's milk having a butterfat content of not less than 3.2 or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

2. "Sales at wholesale" shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration Regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280, and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(g) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1890; Filed, February 8, 1944; 12:53 p. m.]

[Region VI Order G-23 Under SR 15, MPR 280, MPR 329, Amdt. 1]

FLUID MILK IN GILLESPIE, ILL.

Amendment No. 1 to Order No. G-23 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280—maximum prices for specific food products—and under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Gillespie, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and § 1351.408 (b) of Maximum Price Regulation No. 329, *It is ordered,* That paragraphs (b), (c), and (d) of Order No. G-23 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280—maximum prices for specific food products—and under Maximum Price Regulation No. 329—purchases of milk from producers for resale of fluid milk—be amended to read as follows:

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within the Townships of Caholia, Gillespie, Mt. Olive, and Dorchester in the County of Macoupin in the State of Illinois, or who sell within those townships 50% or more of the milk sold by them. Prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk in August or September 1943, and are not applicable to purchases from producers who did not in those months sell to any Caholia, Gillespie, Mt. Olive, and Dorchester townships, Macoupin County, Illinois, distributors covered by this order.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Caholia, Gillespie, Mt. Olive, and Dorchester townships, Macoupin County, Illinois, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

SCHEDULE OF PRICES TO BE ESTABLISHED

	Wholesale	Retail
Milk—quart	$0.10½	$0.12½
Buttermilk—quart	.08½	.10½
Chocolate milk—quart	.10½	.12½

Where the maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Townships of Caholia, Gillespie, Mt. Olive, and Dorchester in Macoupin County in the State of Illinois, shall mean:

1. All sales made within the limits of the townships of Caholia, Gillespie, Mt. Olive, and Dorchester in Macoupin County, Illinois, and all sales at or from establishments located in Caholia, Gillespie, Mt. Olive, and Dorchester townships, Macoupin County, Illinois;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within the Townships of Caholia, Gillespie, Mt. Olive, and Dorchester, Macoupin County, Illinois.

This Amendment No. 1 to Order No. G-23 shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1891; Filed, February 8, 1944; 12:53 p. m.]

[Region VI Order G-24 Under SR 15]

FLUID MILK IN CHESTER, ILL.

Order No. G-24 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices for Chester, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and at retail in glass or paper containers for human consumption by all distributors in Chester, Illinois, shall be the maximum prices determined under the provisions of the General Maximum Price Regulation or

the following prices, whichever shall be higher:

Type of milk	Quantity	Wholesale	Retail
		Cents	*Cents*
Regular	Quarts	10½	12½
Regular	Pints	6¼	
Regular	½ pints	3½	
Homogenized	Quarts	11½	13½
Homogenized	Quarts	10½	12½
Chocolate	Quarts	6¼	
Chocolate	Pints	3¢	
Chocolate	½ pints	10½	12½
Buttermilk	Quarts		

Where the retail maximum price set forth is expressed in terms of ½¢, the price charged for a single unit at retail may be increased to the next even cent. The opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. Home delivery sales at retail shall be considered multiple unit sales, unless separate collections are made for single units when delivered.

(b) *Applicability of distributor prices.* Sales and deliveries of fluid milk in glass or paper containers for human consumption may be made at the prices set forth in paragraph (a) by any distributor:

(1) Who makes sales within the city limits of Chester, Illinois;

(2) Who makes sales at or from an establishment located in Chester, Illinois provided such sales are made in the state of Illinois; and

(3) Who makes retail sales of fluid milk at or from an establishment which obtains the major portion of its supply of milk from a seller at wholesale located within Chester, Illinois.

(c) *Relation to Office of Price Administration Regulations.* Except as otherwise provided herein, the provisions of the General Maximum Price Regulation shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by these regulations.

(d) *Definitions.* (1) "Regular milk" shall mean cow's milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for human consumption in fluid form as whole milk.

(2) "Sales at wholesale" shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(3) Unless the context otherwise requires, terms and phrases not herein defined shall be given the meaning subscribed to them in the General Maximum Price Regulation or the Emergency Price Control Act; and if not therein defined, their ordinary meanings.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 2250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1892; Filed, February 8, 1944; 12:54 p. m.]

[Region VI Order G-26 Under MPR 329]

FLUID MILK IN BEAVER DAM, WIS.

Order No. G-26 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Beaver Dam, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which distributors in Beaver Dam, Wisconsin, may pay to producers for milk sold for human consumption in fluid form shall be $3.20 per cwt. for milk having a butterfat content of 4%, plus not more than 8¢ for each ⅒ of a pound of butterfat in excess of 4% and minus not less than 8¢ for each ⅒ of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Beaver Dam, Wisconsin, or who sell within that city 50% or more of the milk sold by them. Prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk during the period from August 1943 to the date of this order; and such prices are not applicable to purchases from producers who did not during that period sell to any Beaver Dam, Wisconsin, distributor covered by this order.

(c) *Relation to Office of Price Administration Regulations.* Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January 1943.

(d) *Definitions.* Unless the context otherwise requires, the definition set forth in Maximum Price Regulation No. 329, and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective the 31st day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 25th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1894; Filed, February 8, 1944; 12:54 p. m.]

[Region VI Order G-102 Under 18 (c)]

BREAD IN LAMONI, IOWA

Order No. G-102 under § 1499.18 (c) of the General Maximum Price Regulation. Order adjusting the maximum price of bread manufactured by the Lamoni Industries, Inc., of Lamoni, Iowa.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price for 1¼ pound loaves of white bread sold at wholesale by Lamoni Industries, Inc., of Lamoni, Iowa, shall be 8¢ per loaf, delivered to buyer's place of business.

(b) The maximum price for sales at retail for 1¼ pound loaves of white bread manufactured by the Lamoni Industries, Inc., of Lamoni, Iowa, shall be the maximum price established under the General Maximum Price Regulation for such bread, plus 1¢ per loaf. If sellers at retail in March 1942 were selling this bread in multiple units at a reduced price from the single unit pribe, they may compute their new maximum price for the multiple unit sale by adding 1¢ per loaf to the number of loaves being sold.

(c) With the first delivery of bread at the new maximum price granted by this order, the Lamoni Industries, Inc., shall give to retailers a notice in writing as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of 1¼ pound loaves of white bread from 7¢ to 8¢. Your new ceiling price for such 1¼ pound loaves of bread is your March 1942 ceiling price, plus 1¢ per loaf. If you have in March 1942 been selling this bread in a multiple unit sale at a reduced price from the single unit sale, you are permitted to add the 1¢ per loaf in computing your new multiple unit price. For example, if you were in March 1942 selling this bread at 3 loaves for 25¢, you are now permitted to charge not to exceed 26¢ on a three loaf sale. You are also required to post the new ceiling price.

LAMONI INDUSTRIES, INC.
Lamoni, Iowa.

(d) This order may be revoked, amended or modified at any time.

This order shall become effective February 5, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued January 31, 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-1889; Filed, February 8, 1944; 12:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 5, 1944.

REGION III

Columbus Order No. 3-F, Amendment No. 4, filed 1:35 p. m.
Columbus Order No. 7-F, Amendment No. 3, filed 1:35 p. m.
Detroit Order No. 1-F, filed 1:55 p. m.
Detroit Order No. 9, Amendment No. 3, filed 1:56 p. m.
Indianapolis Order No. 1-F, Amendment No. 9, filed 1:45 p. m.
Indianapolis Order No. 1-F, Revocation, filed 1:47 p. m.
Indianapolis Order No. 2-F, Revocation, filed 1:47 a. m.
Indianapolis Order No. 3-F, Revocation, filed 1:47 p. m.
Indianapolis Order No. 4-F, filed 1:38 p. m.
Indianapolis Order No. 5-F, filed 1:38 p. m.
Indianapolis Order No. 6-F, filed 1:38 p. m.
Indianapolis Order No. 8-F, filed 1:41 p. m.
Indianapolis Order No. 9-F, filed 1:41 p. m.
Indianapolis Order No. 10-F, filed 1:43 p. m.
Indianapolis Order No. 11-F, filed 1:29 p. m.
Lexington Order No. 1-F, Amendment No. 15, filed 1:56 p. m.
Lexington Order No. 2-F, Amendment No. 6, filed 1:46 p. m.
Lexington Order No. 3-F, Amendment No. 6, filed 1:47 p. m.

REGION IV

Atlanta Order No. 4-F, filed 1:45 p. m.
Jacksonville Order No. 1-F, Amendment No. 9, filed 1:43 p. m.
Montgomery Order No. 1-F, Amendment No. 5, filed 1:52 p. m.
Montgomery Order No. 2-F Amendment No. 3, filed 1:52 p. m.
Montgomery Order No. 4-F, Amendment No. 3, filed 1:50 p. m.
Nashville Order No. 5-F, Amendment No. 4, filed 1:35 p. m.
Nashville Order No. 7-F, Amendment No. 3, filed 1:54 p. m.
Savannah Order No. 1-F, Amendment No. 21, filed 1:36 p. m.
Savannah Order No. 2-F, Amendment No. 16, filed 1:36 p. m.
Savannah Order No. 3-F, Amendment No. 14, filed 1:36 p. m.
Savannah Order No. 4-F, Amendment No. 13, filed 1:36 p. m.

REGION V

Arkansas Order No. 1-F, Amendment No. 1, filed 1:47 p. m.
Dallas Order No. 1-F, Amendment No. 3, filed 1:49 p. m.
Kansas City Order No. 1-F, Amendment No. 1, filed 1:50 p. m.
Kansas City Order No. 2-F, Amendment No. 1, filed 1:49 p. m.
Wichita Order No. 2-F, filed 1:49 p. m.

REGION VI

Oklahoma City, Order No. 3-F, Amendment No. 3, filed 1:34 p. m.
Milwaukee Order No. 2-F, filed 1:55 p. m.
Milwaukee Order No. 1-F, filed 1:29 p. m.
Sioux City Order No. 2-F, filed 1:34 p. m.

REGION VII

Wyoming Order No. 1-F, Amendment No. 1, filed 1:55 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-1895; Filed, February 8, 1944; 3:26 p. m.]

[Region VI Order G-15 Under RMPR 122]

SOLID FUELS IN QUAD CITIES AREA

Order No. G-15 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in Quad Cities area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered in the cities of Rock Island, Moline, East Moline, Silvis and Milan, Illinois, and Davenport and Bettendorf, Iowa. These are the highest prices that any dealer may charge when he delivers any such fuel within this area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order G-15; but less than the maximum prices may at any time be charged, paid or offered.

(2) Obtain higher than maximum prices by

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices before discounts for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the fuel for which prices are established; Columns 2, 3 and 4 show maximum prices for fuel delivered in quantities indicated by each column heading. All prices are stated on a net ton basis.

MAXIMUM AREA PRICES FOR QUAD CITIES AREA

1 Description	2 2 tons or more	3 1 ton or more	4 ½ ton
I. Low volatile bituminous coal from Dist. #7 (W. Va. and Va.):			
1. Egg, S. G. #2, top size 3" and larger; bottom size no limit	$12.75	$13.00	$6.75
II. High volatile bituminous coal from Dist. #8 (E. Ky. and W. Va.):			
1. Block, S. G. #1, larger than 5"	11.85	12.10	6.30
2. Lump, S. G. #2, larger than 2" but not exceeding 5", Price Class A	11.95	12.20	6.35
3. Lump, S. G. #2, larger than 2" but not exceeding 5", other than Price Class A	11.75	12.00	6.25
4. Egg, S. G. #3, top size larger than 3" but not exceeding 6"; bottom size larger than 3" but not exceeding 4". Price Class A	11.95	12.20	6.35
5. Egg, S. G. #2, top size 5" but not exceeding 6"; bottom size larger than 3" but not exceeding 4" other than Price Class A	11.45	11.70	6.10
6. Egg, S. G. #6, Top size 3" but not exceeding 5"; bottom size 2" but not exceeding 3". Other than Price Class A	11.30	11.55	6.05
7. Stoker, S. G. #10, top size 1¼" and smaller; bottom size smaller than 1¼"	10.95	11.20	5.85
III. High volatile bituminous coal from Dist. #9 (W. Ky.):			
A. Lump, S. G. #1, larger than 4":			
1. 6th seam	8.55	8.80	4.65
2. 9th or 11th seam	8.15	8.40	4.45
3. 14th or stray seam	8.55	8.80	4.65
B. Egg, S. G. #3, 6" x 3", 7" x 3", 8" x 3":			
1. 6th seam	7.90	8.15	4.35
2. 9th or 11th seam	8.10	8.35	4.40
3. 14th or stray seam	8.55	8.80	4.65
C. Nut or stoker, S. G. #10, 1¼" x ½":			
1. 6th seam	8.55	8.80	4.65
2. 9th or 11th seam	7.00	7.25	3.90
3. 14th or stray seam	7.50	7.75	4.15

MAXIMUM AREA PRICES FOR QUAD CITIES AREA—Continued

1 Description	2 2 tons or more	3 1 ton or more	4 ½ ton
IV. High volatile bituminous coal from Dist. #10 (Ill.):			
A. Central subdistrict:			
1. Lump S.G. #1, larger than 4"	7.45	7.70	4.10
B. Belleville subdistrict:			
1. Egg, S. G. #2, 6" x 4", 7" x 4"	7.55	7.80	4.20
C. Fulton-Peoria subdistrict:			
1. Lump:			
a. S.G. #1, 4" and larger	6.70	6.95	3.75
2. Egg:			
a. S.G. #2, 6" x 4", 7" x 4"	6.75	7.00	3.80
b. S.G. #3, 6" x 3", 7" x 3", 8" x 3"	6.65	6.90	3.70
c. S.G. #4, 5" x 2", 6" x 2", 7" x 2"	6.35	6.60	3.55
d. S.G. #5, 3" x 2", 4" x 2"	6.25	6.50	3.50
3. Stove or nut, S.G. #8, 2" x 1½"	6.40	6.65	3.60
4. Washed stoker nut:			
a. S.G. #18, 1¼" x ¾"	6.40	6.65	3.60
b. S.G. #19, 1½" x ¾"	7.50	7.75	4.15
c. S.G. #20, ¾" x ⅜"	6.60	6.85	3.65
D. Southern subdistrict:			
1. Lump, S. G. #1, 4" & larger	8.75	9.00	4.75
2. Egg:			
a. S. G. #3, 6" x 3", 7" x 3", 8" x 3", Price Class A	8.75	9.00	4.75
b. S. G. #3 & #5, 1" x 3", 2" x 3", 2" x 4", 6" x 3", 8" x 3", other than Price Class A	8.45	8.70	4.60
3. Stove, S. G. #5, 2" x 1½"	8.35	8.60	4.55
4. Stoker, S. G. #28, washed, ¾" x 10 Mesh	8.35	8.60	4.55
V. High volatile bituminous coal from District #11 (Ind.):			
A. Brazil-Clinton subdistrict:			
1. Lump, S. G. #1, 5", 6", 7"	8.65	8.90	4.70
B. Linton-Sullivan subdistrict:			
1. Lump, S. G. #1, 5", 6", 7"	9.40	9.65	5.10
2. Egg, S. G. #3, 6" x 3"	9.30	9.55	5.05
C. Princeton-Ayershire subdist.:			
1. Lump, S. G. #1, 5", 6", 7"	9.55	9.80	5.15
2. Egg, S. G. #3, 6" x 3"	9.50	9.75	5.10
3. Nut or raw stoker, S. G. #11, 1¼" x ¾"	8.15	8.40	4.45
VI. Pennsylvania anthracite:			
1. Nut, until May 31, 1944	18.75	19.00	9.75
After May 31, 1944	18.35	18.60	9.55
VII. By-product coke:			
1. Egg and stove	15.95	16.20	8.35

(2) The maximum prices for all sales by dealers of solid fuels not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* The service charges set forth below may be made for special services rendered in connection with sales under paragraph (c). No other or higher service charges may be made. Service charges must be separately stated on each invoice.

	Coal
Carrying or wheeling from curb, per ton	$0.75
Carrying up or down stairs, per ton	.60

(e) *Cash discounts.* A cash discount of not less than $.50 per ton must be allowed whenever payment is made within 10 days of delivery.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected, in addition to the maximum price on sales of quarter-ton or lesser quantities. Any other tax upon or incident to the sales of solid fuel (including the Illinois Retailers' Occupational Tax) may also be collected.

(g) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices

set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof, but increases or decreases in the maximum prices set hereby, to reflect such changes are within the discretion of the Regional Administrator.

(h) *Petitions for amendments.* This order may be revoked, amended or modified at any time. Any dealer may at any time file with the Quad Cities District Office of the Office of Price Administration a petition for amendment to this order in accordance with the provisions of Revised Procedural Regulation No. 1.

(i) *Posting of maximum prices and records.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date; the name and address of the buyer, if known; the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(j) *Definitions and explanations.* When used in this Order G–15, the term

(1) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(2) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania. "Chestnut" size of Pennsylvania anthracite refers to the size of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(3) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(4) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(5) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(6) "Egg, stove, nut", etc. sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(7) "P. G." (Production Group) and "S. G." (Size Group) refer to the meaning given to these terms under the Bituminous Coal Act of 1937, or under any order, schedule, rule or regulation issued by the Bituminous Coal Division of the U. S. Department of the Interior which was established or in effect as of midnight August 23, 1943.

(8) Except as otherwise provided herein or as the context may otherwise require, all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; if not therein defined, they shall be given their ordinary and popular trade meaning.

(k) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–15 shall become effective February 4, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–1857; Filed, February 7, 1944; 3:45 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70–725, 59–11, 59–17, 54–25]

NORTHERN INDIANA PUBLIC SERVICE CO., ET AL.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of February 1944.

In the matter of Northern Indiana Public Service Company, La Porte Heat Corporation, File No. 70–725; The United Light and Power Company, et al., La Porte Gas and Electric Company, File Nos. 59–11, 59–17, 54–25, Application No. 16.

The United Light and Power Company, a registered holding company, and La Porte Gas and Electric Company (La Porte), a subsidiary thereof, having filed applications and declarations and amendments thereto pursuant to sections 11, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44 and U-46 promulgated thereunder, with respect to the sale by La Porte of its electric, gas and heat properties to Northern Indiana Public Service Company (Northern), a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, and La Porte Heat Corporation (Heat Corporation), a subsidiary of Northern, and with respect to the dissolution and liquidation of La Porte; and

Northern and Heat Corporation having filed applications and declarations and amendments thereto, pursuant to sections 6 (b), 9 (a), 10, and 12 of the act and Rule U-44 promulgated thereunder, with respect to the issue and sale by Northern of $1,400,000 principal amount of serial notes of a maturity of seven years or less, and by Heat Corporation of 3,750 shares of its common stock of the par value of $100 per share, and with respect to the acquisition by Northern of such common stock and the acquisition by Heat Corporation of the heat properties of La Porte; and

The Commission having by order dated December 7, 1943, granted the applications and permitted the declarations to become effective subject to the terms and conditions, among others, prescribed in Rule U-24; and

The above named applicants and declarants having requested that the time, within which the transactions as set forth in the applications and declarations may be consummated, be extended to April 5, 1944; and

The Commission having considered such request and deeming it appropriate that it be granted;

It is ordered, That the conditions contained in the order of December 7, 1943, be and hereby are modified to the extent necessary to extend the time within which such transactions may be consummated to April 5, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1904; Filed, February 9, 1944; 11:19 a. m.]

[File Nos. 70–798, 70–799]

PUBLIC SERVICE COMPANY OF COLORADO AND CITIES SERVICE POWER AND LIGHT CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of February 1944.

In the matter of Public Service Company of Colorado, Cities Service Power & Light Company, File No. 70–798; Cities Service Power & Light Company, File No. 70–799.

Cities Service Power & Light Company ("Power & Light"), a registered holding company, and Public Service Company of Colorado ("Public Service"), a subsidiary company of Power & Light, having filed declarations and applications and amendments thereto proposing, among other things, the sale by Power & Light of the common stock of Public Service; and

Said amended declarations and applications having estimated fees payable by Power & Light to counsel to Power & Light and Public Service in connection with the proposed transactions at an aggregate of $60,000; and

This Commission, by orders dated respectively November 19, 1943, and November 22, 1943, having granted said amended aplications and having permitted said amended declarations to become effective subject, however, to certain conditions, including a reservation of jurisdiction with respect to, among other things, the estimated fees of counsel in connection with said proposed transactions; and

Power & Light and said counsel to Power & Light and Public Service having agreed to a reduction of such counsel fees from $60,000 to $45,000; and

It appearing to the Commission that said reduced amount of $45,000 is not unreasonable, in view of the nature and size of the transactions involved;

It is hereby ordered, That jurisdiction of the Commission be and it is hereby released with respect to estimated fees of counsel to Power & Light and Public Service in connection with said transactions, and that Power & Light is hereby authorized to pay such fees in amounts not exceeding $45,000.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1905; Filed, February 9, 1944, 11:19 a. m.]

WAR FOOD ADMINISTRATION.

[License No. 66]

MILK IN BATTLE CREEK, MICHIGAN, SALES AREA

ORDER TERMINATING LICENSE

The license for milk in the Battle Creek, Michigan, sales area, issued by the Secretary of Agriculture on July 1, 1934, pursuant to the powers vested in him by the terms and provisions of Public Act No. 10, 73d Congress, May 12, 1933, which license was suspended by the War Food Administrator on June 30, 1943 (8 F.R. 9270), is hereby terminated, effective as of the date of the execution hereof.

Done at Washington, D. C., this 8th day of February 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44–1897; Filed, February 8, 1944; 4:11 p. m.]

WAR PRODUCTION BOARD.

ANTHONY V. TAURASI

CONSENT ORDER

Anthony V. Taurasi is a building contractor in Milton, Massachusetts. About September 10, 1943, he began residential construction on property located at 97 Dudley Lane, Milton, Massachusetts, the estimated cost of which was in excess of the $200.00 limit permitted by Conservation Order L–41. Mr. Taurasi admits this violation, denies it was wilful but does not care to contest the issue of wilfulness and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Anthony V. Taurasi, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Anthony V. Taurasi, his successors and assigns, shall not directly or indirectly order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to continue or complete construction of the premises at 97 Dudley Lane, Milton, Massachusetts, unless such construction is hereafter specifically authorized by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Anthony V. Taurasi from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the 8th day of February 1944.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1900; Filed, February 8, 1944; 4:34 p. m.]

INTERNATIONAL SCRAP IRON & METAL COMPANY, INC.

CONSENT ORDER

International Scrap Iron & Metal Company, Inc., is a Delaware corporation engaged in a general scrap business at Trainor, Pennsylvania, which business includes the buying and selling of copper and copper base alloy scrap, as defined in Supplementary Order M–9–b. On December 1, 1943 it was charged by the War Production Board with having wilfully furnished false information on report forms PD–249, in that it did not include thereon all of the #1 wire and heavy copper scrap which it had received and shipped during the months of March, April, May, June and July, 1943.

The company admits that it incorrectly stated its shipments of scrap on said forms for the months of March, April, May, June and July, 1943, but denies that these acts were done wilfully. It does not desire to contest this matter further, and consents to the issuance of the following order.

Wherefore, upon the agreement and consent of the International Scrap Iron & Metal Company, Inc., the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) International Scrap Iron & Metal Company, Inc., its successors and assigns, are hereby prohibited from receiving or accepting delivery of #1 wire and heavy copper scrap, except as hereafter specifically authorized in writing by the War Production Board, and except the receipt of not more than a total of three tons in any period of thirty days during the term of this order, as such receipt may inadvertently occur as an incident of receiving other scrap.

(b) Nothing contained in this order shall be deemed to relieve International Scrap Iron & Metal Company, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on issuance and shall expire on April 8th, 1944.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1898; Filed, February 8, 1944; 4:34 p. m.]

SIMMONS COMPANY

CONSENT ORDER

Simmons Company is a corporation engaged in the manufacture of coil springs, box springs and innerspring mattresses, with its main office at 230 Park Avenue, New York City, New York, and its Atlanta office at 353 Jones Avenue, N. W., Atlanta, Georgia. The company is charged by charging letter dated December 13, 1943 with having processed, fabricated or assembled 2,292 innerspring mattresses containing iron or steel, without specific orders therefor, as required by Limitation Order L–49, during the period from May 1, 1943 to September 30, 1943. The company admits the violation as charged and consents to the issuance of the following order.

Wherefore, upon the agreement and consent of Simmons Company, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Simmons Company shall not at its Atlanta, Georgia plant process, fabricate, work on or assemble, innerspring mattresses containing iron or steel, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order or regulation of the War Production Board shall be made to Simmons Company at or for its Atlanta, Georgia plant, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Simmons Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 8, 1944 and shall expire on May 8, 1944.

Issued this 1st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1899; Filed, February 8, 1944; 4:34 p. m.]

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FEDERAL REGISTER

VOLUME 9 NUMBER 30

Washington, Friday, February 11, 1944

The President

EXECUTIVE ORDER 9422

RATIFYING THE USE BY THE ARMY AIR FORCES OF CERTAIN OPTICAL GLASS

By virtue of the authority vested in me by section 4 of the act of June 7, 1939, 53 Stat. 811, and as President of the United States, it is ordered as follows:

The use by the Army Air Forces of 6,120.25 pounds of optical glass acquired by the Procurement Division of the Treasury Department pursuant to the said act, and stored in the custody of the Army Air Forces, is hereby ratified and approved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 9, 1944.

[F. R. Doc. 44-1994; Filed, February 10, 1944; 11:36 a. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4704]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

VON DRUG COMPANY, ET AL.

§ 3.6 (t) *Advertising falsely and misleadingly—Qualities or properties of product.* In connection with offer, etc., of "Von's Pink Tablets" or any other similar medicinal preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' said "Von's Pink Tablets, which advertisements represent, directly or through inference, that said preparation (1) is an effective treatment for stomach ulcers or stomach ulcers caused by gastric hyper-acidity; (2) will afford prompt relief to a person suffering from a long-standing case of stomach ulcers; (3) is an effective and competent home treatment for stomach ulcers; (4) will restore the stomach content to a more correct chemical balance; (5) will prevent or tend to prevent stomach ulcers from forming; (6) will make it safe for one suffering from stomach ulcers to eat heartily; and (7) will effectively coat stomach ulcers or denuded surfaces in the stomach with a protective coating; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, George Von Nieda, et al., trading as Von Drug Company, et al., Docket 4704, Jan. 26, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1944.

In the Matter of George von Nieda, Sadie von Nieda, and Florence Beebe, Co-partners, Trading as Von Drug Company, Wallace G. Firth, an Individual, Trading as Omaha Von Company, F. J. Foersterling and Virginia G. Pachaly, Co-partners, Trading as Philadelphia Von Company and as Chicago Von Company; W. A. Egan, an Individual Trading as Boston Von Company; E. W. Downs, an Individual Trading as Los Angeles Von Company and as San Francisco Von Company; C. M. LeRoux, an Individual, Trading as Atlanta Von Company; Clarence A. Paulson, an Individual, Trading as Twin City Von Company; Lottie Johnston, an Individual, Trading as Indianapolis Von Company; M. T. Sughroue, an Individual, Trading as Seattle Von Company; G. B. McGlenn and C. A. Revell, Co-partners, Trading as Detroit Von Company and as Cleveland Von Company; E. C. Beebe, an Individual, Trading as New York Von Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between counsel for the respondents herein and Richard P. Whiteley, Assistant Chief

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FEDERAL REGISTER

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Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the said Commission may proceed upon said statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, George Von Nieda, Sadie Von Nieda and Florence Beebe, co-partners, trading as Von Drug Company; Wallace G. Firth, an individual, trading as Omaha Von Company; F. J. Foersterling and Virginia G. Pachaly, co-partners, trading as Philadelphia Von Company and as Chicago Von Company; W. A. Egan, an individual, trading as Boston Von Company; E. W. Downs, an individual, trading as Los Angeles Von Company and as San Francisco Von Company; C. M. LeRoux, an individual, trading as Atlanta Von Company; Clarence A. Paulson, an individual, trading as Twin City Von Company; Lottie Johnston, an individual, trading as Indianapolis Von Company; M. T. Sughroue, an individual, trading as Seattle Von Company; G. B. McGlenn and C. A. Revell, co-partners, trading as Detroit Von Company and as Cleveland Von Company; and E. C. Beebe, an individual, trading as New York Von Company, or trading under any other name or names, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their preparation, "Von's Pink Tablets," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation:

(a) Is an effective treatment for stomach ulcers or stomach ulcers caused by gastric hyperacidity.

(b) Will afford prompt relief to a person suffering from a long-standing case of stomach ulcers.

(c) Is an effective and competent home treatment for stomach ulcers.

(d) Will restore the stomach content to a more correct chemical balance.

(e) Will prevent or tend to prevent stomach ulcers from forming.

(f) Will make it safe for one suffering from stomach ulcers to eat heartily.

(g) Will effectively coat stomach ulcers or denuded surfaces in the stomach with a protective coating.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said "Von's Pink Tablets", which advertisements contain any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44–1943; Filed, February 10, 1944; 10:59 a. m.]

[Docket No. 5082]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RODIN NOVELTY CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of various merchandise, including cigarette lighters, ash trays, knives, luggage, clocks, blankets, toys, leather goods and novelties, (1) supplying, etc., others with punch boards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which are to be used or may be used in the sale or distribution of respondent's merchandise to the public; (2) selling, etc., any merchandise so packed and assembled that sales of such merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondent, may be made by means of a game of chance, gift enterprise, or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and Desist order, Rodin Novelty Company, Docket 5082, January 28, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Rodin Novelty Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others punch boards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which are to be used or may be used in the sale or distribution of respondent's merchandise to the public.

2. Selling or distributing any merchandise so packed and assembled that sales of such merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondent, may be made by means of a game of chance, gift enterprise, or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44–1944; Filed, February 10, 1944; 10:59 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51002]

PART 2—MEASUREMENT OF VESSELS

WAIVER OF ADMEASUREMENT LAWS ON SHELTER-DECK SPACE TONNAGE

FEBRUARY 8, 1944.

R. S. 4153, as amended, waived to extent necessary to permit omission of tonnage of enclosed shelter-deck space from gross tonnage of certain vessels.

Upon the written recommendations of the Chairman of the United States Maritime Commission and the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. App. 635), I hereby waive compliance with the provisions of so much of R. S. 4153, as amended (46 U.S.C. 77), as requires the tonnage of a shelter-deck space which is under cover and permanently closed in to be added to the gross tonnage, to the extent necessary to permit the tonnage of that space to be omitted from the gross tonnage of any shelter-deck vessel which is constructed by or for the account of the United States Maritime Commission and which is used as a troop transport, so long as it is so used and no longer: *Provided,* That,

(a) At the time of construction of the vessel the space above referred to was open to the weather and not permanently closed in;

(b) At the time of construction or thereafter the space above referred to is closed in by omitting the coaming of the middle line tonnage opening and by enclosing that opening in a superstructure which is closed in and not open to the weather;

(c) After construction the space above referred to is further closed in by making the weather-tight hatch in the shelter-deck water-tight and by closing the tonnage openings in the transverse bulkheads between the freeboard and shelter decks, making those bulkheads water-tight; and

(d) The load line of the vessel is not raised as a result of the closing in of the space above referred to.

I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 44–1935; Filed, February 9, 1944; 4:18 p. m.]

[T. D. 51003]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF PRESQUE ISLE AIR BASE, MAINE, AS PORT OF ENTRY

FEBRUARY 8, 1944.

The Presque Isle Air Base, Presque Isle, Maine, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. Title 49, sec. 179 (b)), for a period of one year from February 20, 1944.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR 6.13), is hereby amended by changing the date of designation opposite the name of this airport to "February 20, 1944."

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 44–1936; Filed, February 9, 1944; 4:18 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Order 1218–A]

PART 8—CERTIFICATES OF AUTHENTICATION

DELEGATION OF AUTHORITY

Under the authority contained in R.S. 161 (5 U.S.C. 22), § 8.1 of Title 22 of the Code of Federal Regulations, issued on May 24, 1943 (8 F.R. 6918), is hereby amended to read as follows:

§ 8.1 *Officers authorized to sign and issue certificates of authentication.* The Chief or Acting Chief, Division of Administrative Management, is hereby authorized to sign and issue certificates of authentication under the Seal of the Department of State for and in the name of the Secretary of State or Acting Secretary of State. The form of authentication shall be as follows:

In testimony whereof, I, _____, Secretary of State (or Acting Secretary of State), have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief (or Acting Chief), Division of Administrative Management, of the said Department, at the city of Washington, in the District of Columbia, this _____ day of _____, 19__. _____, Secretary of State. By _____, Chief (or Acting Chief), Division of Administrative Management.

(R.S. 161; 5 U.S.C. 22)

The title of this part is hereby changed to read "Part 8—Certificates of Authentication".

This amendment is effective immediately.

[SEAL] CORDELL HULL, *Secretary of State.*

FEBRUARY 8, 1944.

[F. R. Doc. 44–1932; Filed, February 9, 1944; 3:48 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5331]

PROPERTY APPROPRIATED TO INCOME-PRODUCING PURPOSES

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

Section 29.23 (a)–15 (relating to nontrade or nonbusiness expenses) and corresponding provisions of prior regulations amended with respect to expenses

in connection with property appropriated to income-producing purposes.

PARAGRAPH 1. Section 29.23 (a)–15 of Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Supp.] is amended by striking out the fifth paragraph of paragraph (b) and inserting in lieu thereof the following:

Ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held for use as a residence by the taxpayer are not deductible. However, ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held by the taxpayer as rental property are deductible even though such property was formerly held by the taxpayer for use as a home.

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PAR. 2. Section 19.23 (a)–15, as added to Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Supp.] by Treasury Decision 5196, approved December 8, 1942, and amended by Treasury Decision 5280, approved July 12, 1943, is further amended by striking out the fifth paragraph of paragraph (b) and inserting in lieu thereof the following:

Ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held for use as a residence by the taxpayer are not deductible. However, ordinary and necessary expenses paid or incurred in connection with the management, conservation, or maintenance of property held by the taxpayer as rental property are deductible even though such property was formerly held by the taxpayer for use as a home.

Prior Income Tax Regulations

PAR. 3. Subsection (e) of section 121 of the Revenue Act of 1942 (Public Law 753, 77th Congress) provides as follows:

(e) *Retroactive amendment to prior revenue Acts.* For the purposes of the Revenue Act of 1938 or any prior revenue Act the amendments made to the Internal Revenue Code by this section shall be effective as if they were a part of such revenue Act on the date of its enactment.

Pursuant to the above provisions of law, the amendment to Regulations 103 (covering taxable years beginning after December 31, 1938) set forth in this Treasury decision is hereby made applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), corresponding provisions of prior revenue laws, and sec. 121 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: February 9, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–1937; Filed, February 9, 1944; 4:18 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

STAY OF ORDER OR RULING

Section 802.37 has been amended to read as follows:

§ 802.37 *Stay of order or ruling of an agent of the Board*—(a) *Rulings in voluntary wage or salary cases*—(1) *Effective date.* Rulings of an agent of the Board on a voluntary application for a wage or salary adjustment shall take effect when issued to the parties.

(2) *Stay of issuance to parties.* Rulings of an agent on a voluntary application for approval of a wage or salary adjustment may be issued to the parties when made, unless two or more public members of such an agent who dissent from a ruling request that the issuance of the ruling or any specified portion thereof be stayed and at the same time state the reasons for their request. In such event, the ruling or the specified portion thereof and the accompanying request shall immediately be transmitted to the Board and, except as provided in paragraph (3) below, shall not be issued to the parties until the expiration of 10 days after receipt in Washington of the request for stay, unless (i) the ruling is earlier approved by the Board, or (ii) within such ten-day period, the Board sets the case down for review. In the latter event, the Executive Assistant to the Board shall communicate the Board's action to the agent of the Board, and the requested stay shall continue in effect until the case is finally disposed of.

(3) If only a specified portion of a ruling is asked to be stayed, as above provided, the agent of the Board may, in its discretion, issue to the parties any other, unrelated provisions of the ruling at any time after the ruling is made.

(b) *Directive orders in dispute cases.* (1) Agents of the Board shall issue their directive orders to the parties when made. If after the issuance of such an order, no timely petition for review is filed within the period prescribed in § 802.38, below, and if the Board within such a period does not review the agent's order on its own motion, the order shall on the day following the last day for filing such a petition, stand confirmed as the order of the Board and shall immediately be effective according to its terms: *Provided*, That the Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings.

(2) If a timely petition for review of a Directive Order of an agent of the Board is filed by a party in accordance with the provisions of § 802.38 below, or if the Board reviews such an order on its own motion, the entire order shall be suspended, unless and until, the Board directs, or has directed, otherwise, or the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of an agent of the Board granting a maintenance of membership provisions shall not be affected by the filing of a petition for review of this or any other provision of the order.

(3) If only a part of the order is sought to be reviewed, any party may petition the Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval.

(E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7871, War Labor Disputes Act, P. L. 89, 78th Cong.)

Adopted February 1, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44–1939; Filed, February 9, 1944; 3:44 p. m.]

PART 802—RULES OF PROCEDURE

JURISDICTION AND PROCEDURE OF REGIONAL WAR LABOR BOARDS [1]

The National War Labor Board has adopted the following amendments to the "Jurisdiction and Procedure of Regional War Labor Boards":

Paragraphs (a) and (b) of § 802.51 are amended as follows:

§ 802.51 *Constitution of regions and Regional War Labor Boards.* (a) Regional War Labor Boards are created to operate on behalf of the National War Labor Board in each of the following regions:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.
Region II: New York, the Northern part of New Jersey (including following counties: Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Monmouth, Hunterdon).
Region III: Pennsylvania, Maryland, Delaware, District of Columbia, Southern part of New Jersey (including following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May).
Region IV: Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Caroline, Florida, Virginia.
Region V: Ohio, Kentucky, West Virginia.
Region VI: Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota.
Region VII: Missouri, Arkansas, Kansas, Iowa, Nebraska.
Region VIII: Texas, Oklahoma, Louisiana.
Region IX: Colorado, New Mexico, Utah, Wyoming, Idaho, Montana.
Region X: California, Nevada, Arizona.
Region XI: Michigan.
Region XII: Washington, Oregon, Alaska.

(b) Each Regional War Labor Board shall consist of the following members to be appointed by the National War Labor Board:

* * * * *

(3) Representatives of the public, 4 of whom are to be available for service with the Regional War Labor Board at any given time. There shall be a Chairman, and one or more Vice-Chairmen, to be designated by the National War Labor Board from among full-time members.

[1] 8 F.R. 16676.

Paragraphs (a), (b), (c) and (d) of § 802.52 are amended to read as follows:

§ 802.52 *Procedure in dispute cases not involving wages or salaries.* (a) If the National War Labor Board refers a labor dispute over which it has obtained jurisdiction to a Regional War Labor Board, the Regional War Labor Board to which the case is referred will be notified and a formal certification, together with all other available data and reports, will be transmitted to it.

(b) Upon receipt of the certification, the case will be considered by a New Case Committee of the Regional War Labor Board, composed of the Chairman or Vice-Chairman, one industry and one labor member, and the Disputes Director. The New Case Committee, in determining what action to take, will consult with the Regional Representative of the Conciliation Service. If the Committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the Regional Representative of the Conciliation Service for further information, or further investigation or conciliation. If the case is deemed ready for a hearing, the Committee will designate a tri-partite panel to hear the case, unless the parties agree to have the case heard by a single person, in which event the Regional War Labor Board will designate one of the public panel members, or some other suitable person to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

(c) If a case is assigned to a panel, the panel shall advise the parties that they may if they so desire, submit their evidence and argument in writing. If the parties mutually agree in writing to such a presentation, the Disputes Director shall transmit to them any requests for information required by the panel and shall advise them of the procedure to be followed in submitting their case. If the parties do not agree to present their case in writing, a public hearing shall be held in accordance with the provisions of §§ 802.15 to 802.27 of the Rules of Procedure of the National War Labor Board, adopted November 27, 1943.

(d) Any member of the Regional Board who in a particular case serves as a hearing officer or on a panel shall be disqualified from participating in any other capacity in any further proceedings in the case.

Paragraphs (e) and (f) remain the same. Additional paragraph (g) is added as follows:

(g) At any time before its decision of a dispute case, the Regional Board may, upon the request of a party or upon its own motion, order a further hearing to be held before the Board or a panel for the purpose of receiving evidence not introduced at any prior hearing in the case. The conduct of such hearing shall be governed by the provisions of §§ 802.15 to 802.27 of the Rules of Procedure of the National War Labor Board, adopted November 27, 1943.

Paragraphs (b) and (c) of § 802.53 are amended to read as follows:

(b) If an agreement to refer the wage or salary question to arbitration is brought about, whether as a result of conciliation or without it, and the arbitrator's award provides for a wage or salary adjustment, a copy of the award, together with all of the information submitted to the arbitrator relating to the wage or salary issue, shall be filed by the arbitrator directly with the Regional Board at the same time that it is issued to the parties. Arbitrators should consult the Regional Wage Stabilization Director, in advance of any award, regarding the application to the particular situation of the Board's wage stabilization policy.

(c) If an agreement calling for an adjustment has been reached the procedure thereafter will be the same as in voluntary wage and salary adjustment cases. If the case has resulted in an arbitration award, the procedure will be that set forth in § 802.31 of the Arbitration Policy of the National War Labor Board, adopted November 27, 1943. A ruling of the Regional Board approving, modifying, or disapproving the award shall have the same effect, and be subject to the same provisions for stay and review, as similar rulings of the Regional Board on an application for the approval of a voluntary wage or salary adjustment. In all cases the conciliator, hearing officer, or panel chairman should remind the employer that he should promptly upon receiving the award or report (and without waiting for the Board's decision) apply to the Office of Price Administration for price relief if he intends to make any order requiring increased payment of wages and salaries the basis for asking such relief.

Present paragraphs (d) and (e) are repealed.

Paragraph (b) of § 802.55 is amended to read as follows:

(b) If the Regional Wage Stabilization Director disapproves the application (or approves a lesser increase than that requested) the applicant, or any application if there be more than one, may within ten days after the date of the issuance of the ruling file with the Regional War Labor Board a petition for review by that Board of the action of the Regional Wage Stabilization Director. Upon receipt of such a petition the Regional Board shall rule upon the application on the basis of the entire record of the case and such other information as may be available to it.

In paragraph (c) (1) and (c) (2) of § 802.57 the first sentence has been amended to read as follows:

(1) Within fourteen days after a Regional Board mails to a party a ruling denying or modifying a voluntary application for approval of a wage or salary adjustment, or remits to him a directive order in a dispute case, such party to the case may mail to the Board at Washington, D. C., an original and four copies of a petition, including supporting documents, seeking review by the Board of such ruling or directive order.

(2) Within fourteen days after a copy of a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail to the National War Labor Board an answer to the petition.

In paragraph (d) (3) of § 802.57 the first sentence has been amended to read as follows:

(3) The Regional Board shall not act on any petition for reconsideration of a directive order or ruling unless (1) the petition is mailed to the Regional Board within fourteen days after the mailing by the Regional Board of the order or ruling in question and sets forth with particularity the grounds upon which the petition is based, or, (2) the petition is filed promptly upon the petitioner's discovering material and substantial evidence which the petitioner was unable, despite due diligence, to discover in time to present to the Regional Board before it issued its order or ruling, and sets forth with particularity such evidence, or (3) the petition is filed promptly upon the occurrence of events after the date of the order or ruling which make the order or ruling harsh or unfair, and sets forth with particularity such events.

(E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7871, War Labor Disputes Act, P. L. 89, 78th Cong.)

Adopted: February 1, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44–1938; Filed, February 9, 1944; 3:44 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–478, Stay of Execution]

JAMES A. GAVIN & SONS, INC.

James A. Gavin & Sons, Inc., has appealed to the Chief Compliance Commissioner from the provisions of Suspension Order S–478 on the grounds that it would suffer irreparable damage unless the suspension order was stayed pending determination of its appeal from the provisions of Suspension Order No. S–478. The Chief Compliance Commissioner has directed that the suspension order be stayed. In view of the foregoing, it is hereby ordered, that:

§ 1010.478 *Stay of execution of Suspension Order S–478.* (a) The provisions of § 1010.478, Suspension Order S–478, issued January 8, 1944, are hereby stayed and shall be of no force or effect

pending further order directed by the Chief Compliance Commissioner.

Issued this 9th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1940; Filed, February 9, 1944; 4:44 p. m.]

PART 927—NICKEL

[Conservation Order M-6-b, Direction 1]

The following direction is issued pursuant to M-6-b:

To all holders of nickel plating solutions who have had the solutions in their inventories since March 30, 1942, and to any persons who may acquire such solutions after February 9, 1944:

Notwithstanding the provisions of General Preference Order M-6-a, any holder of nickel plating solutions who has held such solutions in his inventory since March 30, 1942, is hereby given authorization (1) to deliver those solutions to any person (unless he knows or has reason to believe the person accepting delivery intends to use the solutions in violation of the restrictions of this direction), or (2) to use them for plating subject to the restrictions of this direction.

Notwithstanding the provisions of Conservation Order M-6-b, the solutions may be used by any person holding them on February 9, 1944, who had acquired them on or before March 30, 1942, or by any person who acquires them after February 9, 1944, for any purpose whatsoever, if (1) no nickel anodes (scrap or otherwise) are used in the plating process and (2) no additional nickel salts are added to the solutions. If the nickel anodes are used or salts are added to the solutions the solutions may be used without further authorization from the War Production Board, in any manner not prohibited by paragraph (a) and List A of Order M-6-b, unless of course, specific restrictions were placed on the use of the anodes or salts at the time of their allocation by the War Production Board.

This direction covers only those solutions in inventory on or before March 30, 1942, and does not apply to solutions subsequently allocated to platers for specific uses by the War Production Board. Your attention is further called to the fact that there are many limitation orders of the War Production Board restricting nickel plating in addition to Order M-6-b, and the provisions of any such order apply when they are more restrictive than this direction.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1987; Filed, February 10, 1944; 11:20 a. m.]

PART 927—NICKEL

[Supplementary Order M-6-c, Revocation]

NICKEL SCRAP AND SECONDARY NICKEL

Section 927.4 *Order M-6-c* is revoked. This revocation does not affect any liabilities incurred under this order. The delivery and acceptance of delivery of nickel scrap and secondary nickel, and their melting, remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1986; Filed, February 10, 1944; 11:20 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 11B, Direction 1]

RATINGS FOR PRODUCTION MATERIALS FOR UNCLASSIFIED PRODUCTS MAY BE ASSIGNED PURSUANT TO A CMP-4B APPLICATION

The following direction is issued pursuant to Priorities Regulation 11B.

(a) A manufacturer of a Class B product who also makes the same product without incorporating controlled materials in it (which is an unclassified product) may file a single CMP-4B application covering his entire production of the product. He does not have to file a CMP-4B application for the part of his production which is a Class B product and a WPB-2613 application for the part of his production which is an unclassified product. For example, abrasive wheels are listed on the Official CMP Product List. A manufacturer of abrasive wheels incorporates controlled materials in some of his wheels and makes the rest of them without using controlled materials. He may file a single CMP-4B application for his entire production of abrasive wheels, or, if he prefers, he may file a CMP-4B application covering the wheels which are Class B products and a WPB-2613 for the wheels which are unclassified products.

(b) If such a manufacturer decides to file a CMP-4B application he must explain in a letter accompanying his application, that the products covered by the application include both Class B and unclassified products. In filling out the CMP-4B application the manufacturer does not have to make any breakdown between the two types of products.

(c) The preference ratings assigned pursuant to such a CMP-4B application may be used in ordering production materials both for the Class B products and for the unclassified products covered by the application. The allotment number identifying the allotment made to the Class B product schedule must be used to identify the ratings when applied to orders for production materials.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1983; Filed, February 10, 1944; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended Feb. 10, 1944]

SALES OF CONTROLLED MATERIALS BY WAREHOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4*—(a) *Purpose and scope.* This regulation describes the procedure to be followed by warehouses and distributors in delivering controlled materials from stock (including consigned stock) except that in the case of steel, deliveries from one distributor to another are governed by Orders M-21-b-1 and M-21-b-2.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I of CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Rejection of orders.* (1) A distributor must reject all orders except those which he is required or permitted to fill under paragraph (d).

(2) [Deleted Jan. 13, 1944.]

(3) A distributor must not deliver any steel on an authorized controlled material order bearing a specific allotment number except in the period for which the allotment was made or within 15 days before or 30 days after such period. For example, a distributor receiving an order bearing the allotment number N-1-4Q43 may fill the order at any time during the period September 15, 1943, through January 31, 1944. Orders bearing symbols such as MRO which do not have to bear any quarterly identification are not subject to this provision.

(4) A distributor may reject any order for steel on which the customer does not specify immediate delivery. Even if he elects to accept an authorized controlled material order calling for future delivery, he is not allowed to set aside the steel covered by such order. He must deliver it on any order calling for immediate delivery that he is required to fill under paragraphs (d) (1), (2) or (3), and may deliver it on any order calling for immediate delivery that he is permitted to fill under paragraph (d) (4).

(5) A distributor may reject any order calling for the delivery of steel which he does not have in stock or which he does not know is in transit to his stock.

(6) A distributor may reject all or any part of an order which the War Production Board specifically authorizes him to reject. If a delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired, he may apply to the War Production Board for authority to reject the order and may delay filling the order until his application is acted upon.

(d) *Orders which must be filled.* A distributor must fill the following kinds of orders unless he is required or permitted to reject them under paragraph (c):

(1) A distributor must fill all authorized controlled material orders.

(2) A distributor must fill orders for delivery to farmers as required by Priorities Regulation No. 19.

(3) A distributor must fill orders bearing preference ratings of AAA.

(4) A distributor may fill other orders as follows, but is not required to do so regardless of whether rated or not:

(i) Orders in amounts of $25 or less. No endorsement is required on such orders.

(ii) Orders calling for delivery to one customer during any calendar quarter of not more than 10 tons of carbon steel, 1,000 pounds of stainless steel and 2 tons of other alloy steel, providing such deliveries of any one product group and type to one customer do not exceed the amounts shown below:

	Quantities in pounds per quarter unless otherwise stated		
	Carbon (including wrought iron)	Stainless	Alloy (Other than stainless)
Tool steel, including drill rod	300	----	300
Mechanical tubing	1,000*	100*	200*
Wire rope and strand	300*	----	----
Music Wire	300	----	----
All other steel products	20,000	1,000	4,000

*Feet per quarter.

Each order placed under this paragraph (d) (4) (ii) must be accompanied by or endorsed with both the standard form of certification in CMP Regulation No. 7 and the following sentence: "This order is placed under paragraph (d) (4) (ii) of CMP Regulation No. 4."

The purpose of this paragraph (d) (4) (ii) is to permit persons using small quantities of steel to obtain their requirements without the use of allotments; it is not to allow users of large quantities to obtain steel in addition to their purchases on authorized controlled material orders. Therefore, a person who buys any steel under this paragraph (d) (4) (ii) cannot receive steel from producers or distributors in any quarter in excess of the amounts shown in the above table whether it is received on authorized controlled material orders or otherwise. Purchases of steel from persons other than producers or distributors do not affect the amount which can be bought under this paragraph. Such purchases are subject to the provisions of Priorities Regulation 13 and paragraph (u) of CMP Regulation No. 1.

Copper

(e) *Definitions with respect to copper.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Copper wire mill product" means bare, insulated or armored wire or cable for electrical conduction made from copper or copper base alloy or copper-clad steel containing more than 20% copper by weight.

(2) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy. This does not include copper wire mill products.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, electrical wholesaler or other person engaged in the business of distributing brass mill products or copper wire mill products to industry or trade otherwise than as a controlled materials producer and includes warehouses owned by mills.

(4) "Item of copper wire mill product" means any wire or cable made from copper, copper base alloy or copper-clad steel containing more than 20% copper by weight for electrical conduction which is different from all other items of that form by reason of one or more differences of its specifications, such as size, alloy or insulation. Differences in temper or length do not differentiate items.

(5) "Item of brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy, which is different from all other items of that form, by reason of one or more differences of its specifications, such as size, shape, gauge, thickness or alloy. Differences in temper or length do not differentiate items except in the case of copper and brass sheet, where differences in temper will constitute different items.

(6) "Warehouse stock" means brass mill or copper wire mill products physically located in warehouse inventories, whether owned or held on consignment by the warehouse.

(f) *Delivery of brass mill or copper wire mill products*—(1) *Delivery from warehouse stock.* (i) A warehouse shall fill authorized controlled material orders for brass mill or copper wire mill products, in accordance with this regulation, if it can fill the orders from its stock. In no case, however, may a warehouse fill an order for brass mill or copper wire mill products unless the purchaser has the right to accept delivery under the provisions of this paragraph (f) which limit the amount of brass mill and copper wire mill products which a purchaser may get from a warehouse. A warehouse is entitled to rely on a certificate furnished by any of its customers under paragraph (f) (1) (iv) of this regulation, unless it knows or has reason to believe the certificate to be false.

(ii) No person shall place orders for delivery from warehouse stock of any item of brass mill product to any one destination, during any one calendar month, which aggregate more than 2,000 pounds gross weight and no person shall accept any delivery in excess of this amount, except that this limitation does not apply to condenser tubes or to the resale of brass mill products obtained by brass mill warehouses through an authorization issued by a Regional Office of the War Production Board or by the Copper Recovery Inventory Branch, War Production Board, 350 5th Avenue, New York City, New York.

(iii) No person shall place orders for delivery from warehouse stock of any item of copper wire mill product to any one destination, during any one calendar month, which aggregate more than 3,000 pounds copper content and no person shall accept any such delivery in excess of this amount, except that this limitation does not apply to the resale of copper wire mill products obtained by copper wire mill warehouses through an authorization issued by a Regional Office of the War Production Board or by the Copper Recovery Inventory Branch, War Production Board, 350 Fifth Avenue, New York City, New York.

(iv) No person shall place an order under this paragraph (f) (1) and no warehouse shall accept an order unless it is accompanied by, or endorsed with, a certificate in the form provided in CMP Regulation No. 7 (or a certificate prescribed by any regulation or order of the War Production Board for use in placing an authorized controlled material order), signed manually or as provided in Priorities Regulation No. 7.

(2) *Shipments direct to customer or to fill specific orders.* If a warehouse wants to order material to fill a specific authorized controlled material order of a customer instead of filling it from stock, it may order the material either for direct shipment to the customer or for shipment via the warehouse, by placing on its order the customer's name and allotment number or symbol. Such an order is to be treated as an authorized controlled material order. The warehouse may not treat the delivery to the customer as made from stock and may not request a replacement. However, in the case of brass mill products, a warehouse may order from another warehouse only if it does not have the material in inventory and needs it for immediate delivery to a customer on an authorized controlled material order. It must state these facts on its order.

(3) *Rejection of orders.* (i) A warehouse must not fill any order for brass mill or copper wire mill products except those which it is required or permitted to fill under paragraph (f) (1) or (f) (2) above.

(ii) A warehouse must not deliver any brass mill or copper wire mill product on an authorized controlled material order except in the quarter for which the allotment appearing on the order is valid. Orders bearing symbols such as "MRO" or "SO" which do not have to bear any quarterly identification may be filled during any quarter, but such orders must indicate when delivery is required if for other than immediate delivery.

(iii) A warehouse may reject any order calling for immediate delivery of brass mill or copper wire mill products which it does not have in stock or know to be in transit to its stock.

(iv) A warehouse may reject an order calling for future delivery. If it elects to accept the order, it must not set aside or hold any material to fill it.

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who is specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale.

(h) *Deliveries of aluminum by distributors on authorized controlled material orders.* (1) Each distributor shall, to the extent of his available stocks, fill authorized controlled material orders, except that a distributor shall reject any authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of more than 2,000 pounds of any gage, alloy and size of aluminum sheet, or more than 900 pounds of any alloy, shape and size of aluminum wire, rod or bar, or more than 600 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes: *Provided, however,* That any distributor shall be entitled to fill an authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of 5,000 pounds or less of any gage, alloy and size of aluminum sheet, 3,000 pounds or less of any gage, alloy and size of aluminum wire, rod or bar or 2,000 pounds or less of any alloy, size and shape of aluminum tubing, extrusions or structural shapes, if such distributor shall first have requested the mill supplying him to fill such order and such mill shall have advised such distributor to fill the same from his stock. Such request and advice may be made verbally but shall be confirmed in writing.

(2) No distributor shall deliver any aluminum except to fill an authorized controlled material order or pursuant to a specific direction of the War Production Board.

General Provisions Applicable to Steel, Brass Mill Products, Copper Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, copper wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, copper wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate certification and allotment number or symbol in the way prescribed by paragraph (s) (3) of CMP Regulation No. 1.

(3) A delivery order for steel, brass mill products, copper wire mill products or aluminum, placed with a distributor or warehouse shall be considered as calling for immediate delivery unless the order specifically provides otherwise.

(k) *Verbal delivery orders.* Any delivery order requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation, *Provided,* That the person placing the order furnishes to the distributor or warehouse, within fifteen days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within fifteen days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written confirmation is furnished. On or before the twentieth day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, shall notify the appropriate Regional Compliance Office of the War Production Board, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation, an authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt.

(m) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum).

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

DISTRIBUTORS OF AUTOMOTIVE REPLACEMENT PARTS

The definitions of "distributor" and "warehouse" appearing in paragraphs (b) (2) and (e) (3) of CMP Regulation No. 4 are not deemed to include persons engaged solely in the business of distributing automotive replacement parts. Consequently, such persons may sell, for use as automotive replacement parts, such items as bulk or spooled primary and spark plug wire, battery cables and magnet wire, without reference to the terms of CMP Regulation No. 4, but subject to the provisions of General Limitation Order L-158 and other applicable regulations or orders (Issued Feb. 27, 1943)

[F. R. Doc. 44-1989; Filed, February 10, 1944; 11:20 a. m.]

PART 3207—RADIO AND RADAR DIVISION INDUSTRIAL TYPE INSTRUMENTS; CONTROL VALVES AND REGULATORS: SIMPLIFICATION

[Limitation Order L-272, Schedule VIII]

RAILROAD GAUGES

§ 3207.2 *Schedule VIII to Limitation Order L-272*—(a) *Scope of this schedule.* This schedule sets forth certain special rules which must be followed in the manufacture of "railroad gauges" which means gauges specially designed and manufactured for use on locomotives, railway rolling stock, subway trains or trolleys. Airbrake gauges are included, but gearless crank type movement gauges are not included. A gauge is any instrument which measures and indicates, but does not record, any pressure or vacuum (regardless of the units specified on the dial) by means of a bourdon spring or springs, a diaphragm, or a bellows; or any complete element assembly of such an instrument without a case. Schedule IV to this order, which applies to indicating dial pressure gauges, generally, no longer applies in any respect to railroad gauges, so Schedule IV need not be considered at all in connection with this schedule. Schedule IV continues to apply, however, to other gauges, even when they are purchased by railroad, subway or traction companies.

(b) *Size specifications* (expressed in inches-dial diameter). Railroad gauges shall be manufactured only in the 3½, 5 and 6¾ inch sizes, subject to the following special size limitations:

(1) Tank-level gauges shall be manufactured in only one size by each producer, and each producer may select the one size which he wishes to manufacture.

(2) Quadruplex gauges shall be made in only one size of casing, and each producer may select the one size of casing which he wishes to manufacture.

(3) Double-dial gauges and boiler gauges shall be made in the 6¾ inch size only.

(4) Duplex gauges shall be made in the 3½, and 5-inch sizes only, except that steam chest and back pressure gauges may also be made in the 6¾ inch size.

(5) Steam heat, booster, stoker, feed water heater and injector gauges shall be made in the 5-inch size only.

(6) Single pointer airbrake gauges shall be made in the 3½ and 5-inch sizes only.

(c) *Range specifications.* Railroad gauges shall be manufactured only in the following pressure ranges (or their metric equivalents): O–30 in. vac.; 30 in.–15 lb.; 30 in.–30 lb.; 30 in.–60 lb.; 30 in.–100 lb.; 30 in.–150 lb.; 30 in.–200 lb.; 30 in.–300 lb.; 0–15 lb.; 0–30 lb.; 0–60 lb.; 0–100 lb.; 0–160 lb.; 0–200 lb.; 0–300 lb.; 0–400 lb.; 0–600 lb.; 0–800 lb.; 0–1,000 lb.; 0–1,500 lb.; 0–2,000 lb.; 0–3,000 lb.; 0–5,000 lb.; and 0–10,000 lb. There are however certain exceptions to these limitations. The exceptions are:

(i) Ranges are not limited for pressures lower than 15-lb. or higher than 10,000 lb. p. s. i.

(ii) Boiler gauges shall be manufactured only in pressure ranges of 0–400 lb.; 0–500 lb.; and 0–600 lb.

(d) *Design limitations.* (1) Railroad gauges shall be furnished with bottom connection only.

(2) The following items and special features shall be eliminated:

(i) Ribbed or lugged back construction, except for bosses on the back of the flange at bolt holes.

(ii) Customer's name on dial.

(iii) Illuminated dial construction or attachments, except for quadruplex and double dial gauges.

(iv) Cases of copper base alloy. The bezel is not considered part of the case.

(3) Bezels shall be furnished in either the flared or close flat knurled types and shall be limited for each producer to his standard bezel in each type.

(4) Dials shall have a dull black background only, except that duplex airbrake gauges, quadruplex and double dial gauges may be furnished with white or silvered background dials.

(5) There shall be only one type of bourdon tube design for each specific service, and that shall be as follows:

(i) Double bourdon tubes for boiler, steam heat and booster gauges.

(ii) Single bourdon tube design for all other services.

(iii) Duplex construction shall be of the single bourdon tube design.

(6) Railroad gauges shall be manufactured with the following connections only:

(i) Bronze bourdon tube gauges—¼-inch pipe thread only.

(ii) Steel bourdon tube gauges—¼-inch pipe thread from 0 to 1,000 lbs. p. s. i. dial graduation inclusive; ½-inch pipe thread from 1,000 lbs. to 10,000 lbs. p. s. i. dial graduation inclusive.

(7) Railroad gauges shall be furnished with flanged cases only, and the bolt circle diameter and bolt hole drillings, if furnished, shall conform to the specifications in the following table (quadruplex and double dial gauges may be furnished with bracket feet for mounting):

GAUGE MOUNTING SPECIFICATIONS (IN INCHES)

Nominal size of gauge	Diameter of bolt circle	Size of bolt holes
3½	4¼	#2
5	6¼	#2
6¾	7¾	#2

Holes shall be located at the third points on the bolt circle (120 degrees apart), with one hole at the top center. Sheared flange case gauges, however, shall be furnished with four holes for single pointer gauges, and three holes for the duplex types. Slotted openings for dial illumination shall be furnished in only one position and size for each quadrant.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1985; Filed, February 10, 1944; 11:19 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 1 as Amended Feb. 10, 1944]

PROGRAMS

Table 1 to General Scheduling Order M-293 is hereby amended to read as follows:

§ 3208.2 *Table of programs.* (a) The following table is issued pursuant to the provisions of General Scheduling Order M-293:

Paragraph (f) for M-293 products applies only to orders for the programs and claimant agencies shown in the following list:

Ships as programmed by the Navy Department, the Maritime Commission and the War Department.

Advanced and Overseas Bases as programmed by the Navy Department.

Tanks, Combat Vehicles and motor transport vehicles as programmed by the War Department.

Power generating plants as programmed by the Office of War Utilities.

Plants designed for the production of high octane gasoline as programmed by the Petroleum Administration for War.

Programs corresponding to the above as programmed by the Canadian Department of Munitions and Supply and approved by the Canadian Division; War Production Board; or, in the case of plants designed for the production of high octane gasoline, approved by the Petroleum Administration for War.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1981; Filed, February 10, 1944; 11:19 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293 as Amended Feb. 10, 1944]

Section 3208.1 *General Scheduling Order M-293* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the production of certain products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 3208.1 *General Scheduling Order M-293*—(a) *Definitions.* For the purpose of this order:

(1) "M-293 product" means any item listed in the tables to this order except Table 1. These items are identified in the Tables as Class X; Class Y and undesignated. The same products may be designated X and Y and, if so, are subject to the provisions applying to each class. Class X, Class Y and undesignated products are subject to all other provisions of this order.

(2) "Manufacturer" means any person to the extent that he is engaged in making an M-293 product.

(b) *Operations reports.* Each manufacturer must file an operations report on the applicable form shown in Column 1 of the appropriate table in accordance with the instructions accompanying the form at the times there shown. If no form is designated in Column 1, no operations report need be filed.

(c) *Provisions covering Class X products*—(1) *Filing of shipping schedules of Class X products.* Each manufacturer of Class X products must file with the War Production Board his shipping schedule and other information called for on the form shown in Column 2 of the appropriate table, at the times shown and in accordance with the instructions accompanying the form, except when he is excused from filing by the War Production Board. If the War Production Board excuses the manufacturer from filing his shipping schedule under this paragraph, that does not excuse him from complying with paragraph (f) below. In arranging the sequence of shipments on his shipping schedules, unless otherwise directed by the War Production Board, the manufacturer shall be governed by Priorities Regulation No. 1 and other applicable orders and regulations of the War Production Board. The shipping dates of purchase orders which are already part of a frozen schedule, must not be changed.

(2) *Maintaining shipping schedules of Class X products when not filed.* Each manufacturer of a Class X product who is excused from filing his shipping schedule by the War Production Board, must maintain his proposed shipping schedule on the forms shown in Column 2 of the appropriate table if so instructed by the War Production Board, otherwise in such manner that they can be readily transferred to that form. In arranging the sequence of shipments on his shipping schedule, unless otherwise directed by the War Production Board, the manufacturer shall be governed by Priorities Regulation No. 1 and other applicable orders and regulations of the War Production Board. The shipping dates of purchase orders which are already part of a frozen schedule must not be changed.

(3) *Freezing of shipping schedules of X products.* If a manufacturer is not excused from filing, his shipping schedule is automatically frozen under Priorities Regulation 18 on the date it is filed for the period of time specified in Column 4 of the appropriate table or for sixty days if no time is specified. If a manufacturer of a Class X product is excused from filing his shipping schedule, his schedule becomes frozen under Priorities Regulation 18 at the time specified in the letter excusing him, and at the close of business on the same day of each successive month thereafter. The schedule is frozen for shipments to be made during the period of time specified in Column 4 of the appropriate table or for sixty days if no time is specified. Even though a manufacturer is excused from filing his shipping schedule, he may, if he wishes, file the Column 2 form with the War Production Board but his shipping schedule is frozen at the time and manner specified in the letter excusing him.

(4) *Production and shipment of X products.* When a shipping schedule has become frozen, the manufacturer must schedule his production and make his shipments so as to meet the schedule without regard to preference ratings or directions from any governmental agency, except that the schedule may be amended by the War Production Board as explained in Priorities Regulation 18 and paragraph (g) of this order.

(d) *Provisions covering Class Y products*—(1) *Authorization of orders required.* No person shall place a purchase

order with a manufacturer and no manufacturer shall accept a purchase order for any Class Y product unless the purchase order is accompanied by specific authorization of the War Production Board obtained on the form shown in Column 3 of the appropriate table. If a time for shipment is specified in the authorization of the War Production Board, a manufacturer must not accept a purchase order specifying any other shipping time. He must not accept an order which will interfere with a previously frozen schedule or on which delivery cannot be made on the specified date because of the requirements of Priorities Regulation No. 1 or any other applicable order or regulation of the War Production Board.

(2) *Freezing of authorized orders for Y products.* All authorized purchase orders for Class Y products which the manufacturer accepts, automatically become a "frozen schedule" under Priorities Regulation No. 18, and the manufacturer must schedule his production and make his shipments so as to meet the schedule without regard to preference ratings or directions from any governmental agency, except that the schedule may be amended by the War Production Board as explained in Priorities Regulation 18 and paragraph (g) of this order.

(3) *Authorization of orders for Y products placed by distributors.* A distributor who places a purchase order for a Class Y product must accompany it by an authorization as provided in subparagraph (1) above. If he wants to buy for immediate resale, the information called for by the application for authorization must be given about the customer and not the distributor. The application may be filled out and filed either by the distributor or by the customer. In either case the distributor must forward the authorization with his purchase order to the manufacturer. If the distributor is buying for stock, he must say so on his application and give all information called for by the application form in terms of the type of customers to whom he expects to sell. A manufacturer must obtain authorization for the transfer of a Y product to a distribution outlet owned or controlled by him. The term "distributor" includes wholesalers, retailers, jobbers, sales agencies and consignees for sale.

(e) *Provisions covering undesignated products.* No manufacturer of an undesignated M–293 product need file the form shown in Column 2 of the appropriate table unless specifically directed to do so by the War Production Board or unless he chooses to do so. If the manufacturer is directed to file, the shipping schedule shown on the form becomes frozen in accordance with the direction. If the manufacturer is not directed, but chooses to file the form, the shipping schedule shown on it does not become a frozen schedule until the War Production Board specifically directs the manufacturer that it is one.

(f) *Special reporting provisions covering certain M–293 products*—(1) *Reports of requirements by purchasers of M–293 products.* Any claimant agency listed on Table 1 may instruct its prime contractor (or the prime contractor of a procuring agency which the claimant agency represents) who is purchasing M–293 products required in his prime contracts, or any other person purchasing M–293 products except for incorporation into other M–293 products manufactured by himself, to file with the claimant agency a report on Form WPB–3003 or other form approved for the purpose by the Bureau of the Budget. In such a case the person must file the form giving the information called for concerning the purchase orders which he has placed or will place for each specified M–293 product required under the Table 1 programs, except those which are indicated on the tables as being exempt from this paragraph. The report must state how many of each M–293 product will be used as spares.

(2) *Reports of shipping schedules.* A claimant agency listed on Table 1 may send to a manufacturer a Form WPB–3003, or other form approved for the purpose by the Bureau of the Budget, which shows the requirements of purchasers described in paragraph (f) (1) above covering all M–293 products for Table 1 programs, except those indicated on the tables as being exempt from the provisions of this paragraph. If a manufacturer receives such a form filled out and certified by the claimant agency in accordance with the accompanying instructions, he must fill in only the proposed shipping dates determined in accordance with Priorities Regulation No. 1 and other applicable orders and regulations of the War Production Board. The shipping dates of purchase orders which already are part of a frozen schedule must not be changed. He must file copies of the form with the claimant agency in accordance with the accompanying instructions and also with the War Production Board when requested to do so by the appropriate industry division. This schedule does not become a frozen schedule unless the War Production Board specifically directs the manufacturer that it is one.

(g) *Other scheduling provisions.* With respect to any M–293 product, the War Production Board may, notwithstanding any other order, preference rating, directive, rule or regulation (except Priorities Regulation 18) of the War Production Board, or of any other government agency:

(1) Revoke any authorization or approval to place a purchase order granted by it under paragraph (d) above;

(2) Direct the return or cancellation of any purchase order on the books of a manufacturer;

(3) Direct changes in the shipping schedule of a manufacturer;

(4) Cancel purchase orders placed with one manufacturer and direct that they be placed on another manufacturer;

(5) Take such other action as it deems necessary with respect to the production of, the placing of purchase orders for, or the shipment of M–293 products.

(h) *Deviations from a frozen schedule.* If a manufacturer is unable to fulfill on time a frozen schedule of any M–293 product, he must make shipments, so far as practicable, in the sequence required by the schedule. In any case where the manufacturer foresees an appreciable delay in or acceleration of production, the manufacturer must notify the War Production Board of the reason for the delay or acceleration and the revised dates on which he expects to be able to make shipments under each purchase order affected. The manufacturer shall notify the War Production Board, either by letter or telegram, at his option.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(j) *Reports and communications.* The list of M–293 products is arranged so that the name of the Industry Division appears at the top of the table covering M–293 products for which it is primarily responsible. All reports and forms required by the order and all appeals should be addressed to the War Production Board, Washington 25, D. C., attention of the appropriate Industry Division so listed. All reports and forms required in paragraphs (b), (c), (d), (e), (f), (g), and (h) of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Violations.* Any person who wilfully violates any provisions of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Effective date. This order, as amended, shall become effective March 1, 1944.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1982; Filed, February 10, 1944; 11:19 a. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L–303, as Amended December 13, 1943, Amdt. 1]

STEEL INSECT SCREEN CLOTH

Section 3284.26 *General Limitation Order L–303* is hereby amended in the following particular:

1. The following new paragraph (c) is inserted after paragraph (b) and the subsequent paragraphs are redesignated accordingly:

(c) *Producers must disregard certain ratings.* Producers must disregard any preference rating of AA–3 or lower borne by any order for steel insect screen cloth unless (1) the order is one of the kinds designated in paragraph (b) (2) of this order, or (2) the order is for screen cloth which is to be used in a project approved by the National Housing Agency (the order must carry some identification showing that the screen cloth will be used in a project approved by the National Housing Agency). Orders bearing preference ratings which must be disregarded under this rule must be treated as unrated orders, and should be filled in accordance with the equitable distribution provisions of paragraph (d).

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1980; Filed, February 10, 1944; 11:19 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L–284 as Amended Feb. 10, 1944]

LUGGAGE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials for making luggage for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.186 *General Limitation Order L–284*—(a) *Definitions.* For the purpose of this order:

(1) "Luggage" means a container of the type used for the transportation of personal effects on a journey, and includes (without limitation of the foregoing) the following: animal carriers, army lockers, bellows and extension cases, Boston bags, bottle cases, carryalls, cosmetic cases, duffel, sport and furlough bags, fitted cases, gladstone cases, hat boxes, hat and shoe boxes, jackknife cases, kit bags, over-night or week-end cases, physician's bags, picnic cases, pullman cases, pullman tray cases, salesmen's sample cases, secretary cases, shoe cases, suit cases, travelling bags, vanity cases, victoria cases, women's and men's wardrobe cases, trunks of all types, and all other products that are sold and known as luggage in the trade. It shall not include any items having a factory price (exclusive of taxes) of $1.50 or less.

(2) "Base period" means the twelve months ended December 31, 1941.

(3) "Cattle hide leather" means leather or rawhide produced from the hides or skins of bulls, steers, cows and buffaloes, whether native or branded, foreign or domestic, including calf and kipskins.

(4) "Military order" means an order for luggage to be delivered to the Army or Navy of the United States (excluding post exchanges and ship's service stores), United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics and the Office of Scientific Research and Development.

(5) "Post exchanges" means United States Army post exchanges and United States Marine Corps post exchanges.

(6) "Ship's service stores" means the stores maintained by the United States Navy Ship Service Department.

(7) [Deleted Oct. 11, 1943.]

(8) "Design and construction" of luggage means the make-up of the luggage in every detail, so that any two pieces of luggage of the same design and construction are necessarily identical, except in quality and color of material utilized.

(b) *Restrictions on manufacturing*—(1) *Limitations on construction.* (i) After June 30, 1943, no person shall produce any luggage except in conformity with the restrictions contained in Schedule I, annexed; and

(ii) After April 30, 1943, no person shall cut or otherwise put into process any material for the manufacture of any animal carriers, bellows and extension cases, bottle cases, cosmetic cases, fitted cases, gladstone cases, hat boxes, hat and shoe boxes, jackknife cases, kit bags, picnic cases, secretary cases, shoe cases, vanity cases, victoria cases, women's wardrobe cases or wardrobe trunks of any type: *Provided, however,* That no person shall be deemed to be in violation of this paragraph (b) (1) (ii) in cutting material in his inventory on April 30, 1943, if used only in connection with fabricated or semi-fabricated parts in his inventory on said date and if the luggage into which such material is incorporated is completed prior to July 1, 1943.

(2) *Limitation on quantity produced.* No manufacturer shall produce during any calendar semi-annual period, beginning January 1, 1944, a greater net dollar volume of luggage (factory sales, excluding taxes) than that shown for his class on the following list:

Class factory sales during the base period:	*Factory sales permitted during any calendar semi-annual period*	*Rate of production on annual basis (percent)*
$750,000 or more	32% of base period volume	64
Between $250,000 and $750,000	35% of base period volume	70
Between $25,000 and $250,000	38% of base period volume	76
Less than $25,000	45% of base period volume	90

Provided, however, That nothing in this paragraph (b) (2) shall prevent any manufacturer from making factory sales up to $1,000 per month or from producing luggage within such dollar volume.

(3) *Application to military and Post Exchanges orders.* None of the restrictions of this paragraph (b) shall apply to luggage produced under specific military orders as above defined.

Luggage produced for Post Exchanges and Ships' Service Stores must conform to paragraph (b) (1) above, whether or not produced on rated orders, but need not be included within the quota assigned in the second column of the schedule in paragraph (b) (2).

In computing factory sales for the purpose of determining a manufacturer's base period volume, sales to civilian stores, Post Exchanges and Ships' Service Stores shall be included and sales on specific military orders as above defined shall be excluded.

(c) *Restrictions on sales, deliveries and inventories*—(1) No manufacturer or dealer shall sell or deliver any luggage which he knows or has reason to believe was manufactured in violation of this order.

(2) No manufacturer shall accept delivery of any item of material to be incorporated into luggage if by reason of such delivery such manufacturer's inventories of such item will be in excess of his minimum practicable working requirements, or in any event in excess of his requirements for the next 120 days.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all regulations of the War Production Board, as amended from time to time, except paragraph (d) of Priorities Regulation 17, which shall be inapplicable to luggage.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(f) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall unless otherwise directed be addressed to the War Production Board, Textile, Clothing & Leather Division, Washington 25, D. C., Ref.: L–284.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

(a) *Limitation of types and styles.* (1) Subject to paragraph (a) (3) below, all items shall be of the following types and within the following maximum outside length:

Type	Maximum outside length (Inches)
Furlough bag	20
Over-night case	21
Pullman case (empty)	26
Tray pullman case	29
Men's wardrobe	24
Men's week-end	24
Foot locker	31
Physician's bag	18
Sample cases and sample trunks	Unlimited
Packing trunks	40

NOTE: "Men's week-end • • •" amended, "Packing trunks • • •" added Feb. 10, 1944.

(2) Except with respect to sample cases and sample trunks, no manufacturer shall in any calendar year produce within each type mentioned above more than two price lines, i. e., either one style in two price lines or two styles in one price line each. For this purpose "style" shall refer to the design and construction of the luggage, including its size, but not to the quality or color of the material utilized.

(3) The restrictions in this paragraph (a) regarding dimensions and number of styles and price lines shall not apply to items produced by manufacturers whose factory sales have not in any prior calendar month (subsequent to May, 1943) exceeded $1,000.

(b) *Limitation on use of materials.* (1) None of the following materials shall be used in making luggage:

(i) Parts containing iron or steel, other than slide fasteners (closures only), frames, locks, bolts, dowels, handle dee rings, handle posts, valances, valance clamps, binding corner clips, men's wardrobe hanger brackets, foot locker corners, foot locker bindings, snap fasteners, buckles, hinges, rivets, screws, nails, tacks, washers, burrs, or other small hardware for essential joinings. No stainless steel may, however, be used in any of these parts.

(ii) Any slide fasteners, except for closures.

(iii) Parts containing copper, zinc, aluminum, or copper, zinc or aluminum alloys.

(iv) Leather, except:

(a) Sheepskin, pigskin, sealskin, walrus, sharkskin or alligator leather.

(b) Rawhide (cattlehide) or vegetable tanned cattlehide leather under 3½ ounces in weight.

(c) Scrap cattle hide leather, or

(d) Vegetable tanned bag, case and strap cattle hide leather bellies under 7 ounces in weight.

Any of the foregoing may be used for handles, attaching handle pieces, welts, bindings, corners, closures but for no other purpose.

(2) In no event shall more iron, steel, or leather be used than is essential to perform a functional purpose. The functional uses for handle loops, leather straps, leather corners and leather bindings shall be limited as follows:

(i) Leather handle loops shall consist of necessary attaching pieces only and shall not include extended strips for design or decorative purposes.

(ii) Leather straps shall be used for essential closure means only and shall not include extended or long straps.

(iii) Leather corners shall be used for essential reinforcements for the top or bottom, or both, of a case or bag only and shall not include wing-tip corners or over-sized corners for design or decorative purposes.

(iv) Leather bindings shall be used for essential reinforcements and shall not exceed 1¼" width before attachment.

INTERPRETATION 1

LUGGAGE

The quota exemption contained in paragraph (b) (3) in favor of "luggage produced for post exchanges and ship's service stores" refers only to luggage produced to fill direct orders from post exchanges and ship's service stores. It does not refer to luggage produced for wholesalers or retailers, even though such wholesalers or retailers may intend to resell the luggage to post exchanges or ship's service stores. (Issued Nov. 17, 1943).

[F. R. Doc. 44–1988; Filed, February 10, 1944; 11:20 a. m.]

PART 3293—CHEMICALS [1]

[Conservation Order M–53, as Amended Feb. 10, 1944]

§ 3293.86 [1] *Conservation Order M–53*—(a) *Definitions* (1) "Producer" means any person engaged in the manufacture of printing inks for sale to others or for his own consumption, but does not include the Government Printing Office or the Bureau of Engraving and Printing of the United States.

(2) "Printing ink" includes any fluid or viscous material or composition of materials used in printing, impressing, stamping or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(3) "News ink" means any black ink made from mineral oil and carbon black, with or without rosin, used in the production of newspapers and newspaper supplements.

(4) "Non-scratch ink" means an ink containing resins for the purpose of increasing hardness and reducing abrasion.

(b) *Restrictions on use.* In the manufacture of printing ink, no producer shall:

(1) Use any oil soluble toner in any black ink, nor a toner of any form in news ink; *Provided, however,* That nothing contained in this paragraph (b) (1) shall restrict a producer's use of oil soluble toners, either in dry form or solution, in the production of black inks other than news inks, where such toners were in his inventory prior to March 30, 1942.

(2) Use any alkali blue or other organic toner as a toner for black ink in excess of eight percent (8%), by weight, of such black ink where such alkali blue or other organic toner is in paste form or, where in the form of dry color, then in excess of four percent (4%), by weight, of such black ink.

(3) Use any glycerol phthalate resins for the production of any gloss ink, non-scratch ink or gloss overprint varnish: *Provided, however,* That nothing contained in this paragraph (b) (3) shall restrict the use of varnishes containing such resins in the inventories of ink producers, printers, or manufacturers of varnishes for the printing ink industry, where such varnishes were manufactured prior to March 30, 1942, for use in the manufacture of printing ink.

(c) *Prohibitions against sales or deliveries of materials.* No person shall hereafter sell or deliver any of the materials named in paragraph (b) hereof to any other person if he knows or has reason to believe such material is to be used in violation of the terms of this order.

(d) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, with the appropriate field office of the War Production Board. The appeal should refer to the particular provisions appealed from and state fully the grounds of the appeal.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications.* Except as provided in paragraph (d) (2), all communications concerning this order shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M–53.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1984; Filed, February 10, 1944; 11:19 a. m.]

PART 3302—SERVICE EQUIPMENT [1]

[Limitation Order L–190, as Amended Feb. 10, 1944]

SCALES, BALANCES AND WEIGHTS

The fulfillment of requirements for the defense of the United States has created a shortage in the materials used in the manufacture of scales, balances, and weights for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3302.21 [1] *Limitation Order L–190*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Scales" means devices used for weighing persons, materials, objects or substances, or for grading, classifying, counting or evaluating materials, objects or substances in terms of weight, or the measuring of forces expressed in terms of weight. The term includes scales, balances, attachments, and weights.

(3) "Weights" means objects of established weight used in connection with the operation of scales and necessary to the operation or testing thereof.

(4) "Scales for household use" includes all scales commonly used for household purposes except dietetic scales graduated in the metric system for personal use by a person whose diet is regulated by a licensed physician and baby weighing or nursery scales.

(5) "New" scales are all scales other than those which have been used, or sold, rented or lent for the purpose of being used; except that scales which have been used solely for demonstration, trial loans or emergency repair loans are "new" scales.

(6) "Emergency repair loan" means the temporary leasing or lending of a scale to replace a similar scale while the latter is being repaired.

(7) "Class One scales" means spring type scales equipped with postal charts and having a retail list price of five dollars or less, and scales for household use, including bathroom scales and kitchen scales.

(8) "Class Two scales" means person weighing scales for clinical use and baby weighing or nursery scales.

(9) "Class Three scales" means mailing and parcel post scales, except spring type scales equipped with postal charts and having a retail list price of $5.00 or less.

(10) "Class Four scales" means all scales other than those in Class One, Class Two, Class Three, Class Five, Class Six or Class Seven.

(11) "Class Five scales" means egg grading scales, milk scales, cotton beam scales, cotton spring scales, and grain sampling, grading, and testing scales.

(12) "Class Six scales" means dietetic scales, graduated in the metric system, for personal use by a person whose diet is regulated by a licensed physician.

(13) "Class Seven Scales" means cylinder type scales, fan type scales, hanging scales, and even-balance scales of the kinds, sizes and models commonly used in making sales of merchandise direct to ultimate consumers.

(b) *Restrictions on production.* (1) No person shall fabricate parts for new Class One scales or assemble new Class One scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Two scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(3) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Three scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(4) No person engaged in the manufacture of scales shall increase his inventory of new scales in Class Four if that inventory following such increase will exceed one-twelfth of the total number of such scales billed by him to customers during the calendar year of 1941.

(5) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Five scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(6) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Six scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(7) During the calendar year of 1944, and during each subsequent calendar year, no person may fabricate or assemble a total dollar value of new Class Seven scales in excess of two-fifths of the total dollar value of such scales billed by him to customers during the calendar year of 1941.

(c) *Restrictions on transfer.* (1) No person shall sell any new Class Three, Class Four or Class Five scales to fill any order for such scales in an amount of $50.00 or more, except orders to which the purchaser has applied or extended a preference rating issued on Form WPB–2581 (Form PD–857), or to which the purchaser has applied or extended a rating of A–9 or higher prior to May 13, 1943. Any person placing such an order amounting to $50.00 or more after May 13, 1943, shall certify, in substantially the following form, that the preference rating applied or extended was issued on Form WPB–2581, (Form PD–857).

The undersigned purchaser represents to the seller and to the War Production Board that the rating of ---------- applied or extended to this purchase order was issued on Form WPB–2581 (Form PD–857).

The person receiving this certification shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(2) No person shall rent or lend any new Class Three, Class Four or Class Five scales to fill any order for such scales in any amount, except orders to which the person placing the order has applied or extended a rating issued on Form WPB–2581 (Form PD–857), or to which the purchaser has applied or extended a rating of A–9 or higher prior to May 13, 1943. Any person placing such an order after May 13, 1943, shall certify that the rating was issued on Form WPB–2581 (Form PD–857) in the manner provided in paragraph (c) (1) of this order, and the person receiving the certification shall be entitled to rely thereon unless he knows or has reason to believe it to be false.

(3) No person shall sell any new Class Three scales to fill any order for such scales in an amount over $5.00 and less than $50.00, except orders rated A–9 or higher.

(4) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over $5.00 and less than $50.00, placed by a person intending to use such scales on a farm, except orders for which purchase certificates have been issued by a County Farm Rationing Committee, or orders to which a rating of A–9 or higher was applied or extended prior to May 13, 1943.

(5) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over $5.00 and less than $50.00, placed by a person intending to use such scales elsewhere than on a farm, except orders rated A–9 or higher.

(6) No person shall sell a new Class Four or Class Five scale having a retail list price of more than $5.00 to a person intending to resell it, except to fill orders rated A–9 or higher. Scales having a retail list price of $5.00 or less may be sold without ratings to persons buying them in amounts less than $50.00 for resale.

(7) No person shall sell any new Class Two or Class Six scales to any person acquiring such scales for personal or family use except to fill the prescription of a licensed physician.

(8) The restrictions of paragraphs (c) (1) to (c) (6), inclusive, of this order shall not apply to an emergency repair loan of new scales when no used scales are available for such use, or to the selling, renting or lending of any scales which are sold or delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L–144, as amended.

(d) *Repair and maintenance parts.* (1) No person shall produce any repair or maintenance parts for scales for household use except parts to be used for rebuilding used commercial scales into baby weighing scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person shall fabricate a quantity of parts for repair and maintenance of scales which contains, when finished, a total weight of metals greater than 150% of the total weight of metals in the parts (exclusive of those for scales for household use) used or sold by him for repair and maintenance of scales during the calendar year of 1941.

(e) *Restrictions on types, sizes and materials.* (1) So far as any other order of the War Production Board may have

[1] Formerly Part 1132, § 1132.1.

[1] Formerly Part 3051, § 3051.1.

the effect of limiting or curtailing the use of any material in any scales or parts thereof to an extent greater than herein provided, the limitations of such order shall be observed.

(2) No manufacturer shall assemble scales equipped with poises, weighbeams, pans, scoops or commodity receivers of copper or copper base alloys. This restriction does not apply to type bars, to scales sensitive to a weight of one centigram or less, or to racks, pinions and rollers for registering poises.

(3) After a period of sixty days following October 10, 1942, no manufacturer may fabricate weights of copper or copper base alloys if such weights are of denominations of 20 grams (metric) or ½ ounce (avoirdupois) and over. This restriction does not apply to weights of classes A, B, M, S, and S2 as defined and recognized by the National Bureau of Standards.

(4) The War Production Board may from time to time issue schedules establishing simplified practices with respect to the types, sizes, forms, materials and specifications or other qualifications for scales. After the effective date of any such schedule no scales shall be fabricated, or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, CMP Regulation No. 5, or CMP Regulation No. 5A, persons applying or extending a rating issued on Form WPB–2581 (Form PD–857) for scales shall certify that fact as required by paragraph (c) of this order, in addition to making any certifications required by said regulations.

(g) *Records.* All persons to whom this order applies shall keep, and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* (1) Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, all persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(2) Each manufacturer and each distributor of scales must file Form WPB–3495 monthly in accordance with the instructions thereon. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of prioritics assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(l) *Communications.* All reports to be filed hereunder, or communications concerning this order should be addressed to: War Production Board, Service Equipment Division, Service Machinery Section, Washington 25, D. C. Ref: L–190.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1990; Filed, February 10, 1944; 11:21 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L–190, Revocation of Interpretation 1]

Interpretation 1 of Limitation Order L–190 is superseded by paragraph (a) (13) of the order as amended February 10, 1944.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1991; Filed, February 10, 1944; 11:21 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L–190, Revocation of Interpretation 2]

Interpretation 2 of Limitation Order L–190 is superseded by paragraph (a) (7) and (a) (9) of the order as amended April 29, 1943.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1992; Filed, February 10, 1944; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 41]

FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 280 is amended in the following respects:

1. Section 1351.817a (a) (1) (i) is amended to read as follows:

(i) To establish and adjust maximum prices for the sale or delivery by, and purchase from handlers of fluid milk, first physically received from producers by any handler at a receiving station or processing plant within the region of the Regional Administrator, and

2. Section 1351.817a (b) (1) is amended to read as follows:

(1) Any handler or purchaser of fluid milk from a handler may communicate with the Regional Office of the Office of Price Administration, within whose region the fluid milk is first physically received from producers by any handler at a receiving station or processing plant within the region, and request that the Regional Administrator establish maximum prices for the sale or delivery by, and purchase from handlers of said fluid milk.

This amendment shall become effective February 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1934; Filed, February 9, 1944; 3:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 91]

CORN STARCH AND DEXTRINE PRODUCTS IN BULK

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 6.41 is added to read as follows:

SEC. 6.41 *Corn starch and dextrine products in bulk*—(a) *Maximum prices.* The maximum price per hundredweight which any seller may charge any class of purchasers for any type, condition, brand (if any), and container type and size of corn starch and dextrine products in bulk shall be the sum of

(1) His maximum price per hundredweight to the same class of purchasers established by the General Maximum Price Regulation for the same type, condition, brand (if any), and container type and size; and

(2) $0.62 per hundredweight figured on the basis of dry starch of 11½ percent moisture. However, for products not wholly corn starch or dextrine this figure shall be adjusted by multiplying it by the percentage (by weight) of the corn starch and dextrine contained therein also on the basis of starch of 11½ percent moisture content.

(b) *Meaning of "corn starch and dextrine."* "Corn starch and dextrine," means the carbohydrates extracted from corn grain by the wet milling process commercially dry, in suspended form, thin boiling, thick boiling, oxidized, rolled or roasted, but does not include products commercially known as refinery products.

(c) *Meaning of "in bulk."* "In bulk" means in an original container larger in capacity than 10 pounds.

This amendment shall become effective February 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1933; Filed, February 9, 1944; 3:52 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 91,[1] Amdt. 6]

TEA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 91 is amended in the following respects:

1. Section 1351.251 is amended to read as follows:

§ 1351.251 *Maximum prices for tea established with prohibition of sales in violation.* On and after February 3, 1942 or the effective date thereof as to any amendment to this schedule regardless of any contract or any other obligation:

(a) No person shall sell, offer to sell, attempt to sell, deliver, or transfer teas specified in this schedule at prices higher than the maximum prices hereinafter established, and

(b) No person shall buy, offer to buy, attempt to buy, receive, or import in the course of trade or business teas specified in this schedule at prices higher than the maximum prices hereinafter established.

2. Section 1351.254a is added to read as follows:

§ 1351.254a *Taxes.* Any tax upon or incident to the sale, delivery, or use of tea imposed after February 15, 1944 by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated in determining the seller's maximum price for tea, and in preparing the records of such seller with respect thereto as follows: If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately collect and state it, the seller may receive, in addition to the otherwise maximum price, the amount of such tax, or increase in tax actually paid by him, or an amount equal to the amount of such tax on tea paid by any prior vendor and separately stated and collected from the seller by the vendor, from whom he purchased.

3. Section 1351.263 is added to read as follows:

§ 1351.263 *Maximum prices for tea imported by U. S. Commercial Company or any other United States Governmental agency.* Provisions excepting tea imported by the Commodity Credit Corporation in § 1351.261 paragraphs (a), (b), (c), (d), and (e) and provisions establishing maximum prices for tea imported by the Commodity Credit Corporation in § 1351.262 shall apply in the same manner for tea imported by the U. S. Commercial Company or any other United States Governmental agency authorized to import and sell tea.

This amendment shall become effective February 16, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1995; Filed, February 10, 1944; 11:43 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513, 11811, 13060, 13721, 16296.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1981, 3178.

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATIONS OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's delegation of authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION III—INDIANA

MORGAN COUNTY

Locality I: Consisting of Adams Township, $7,608.
Locality II: Consisting of Ashand Township, $8,520.
Locality III: Consisting of Baker Township, $4,286.
Locality IV: Consisting of Brown Township, $10,034.
Locality V: Consisting of Clay Township, $8,077.
Locality VI: Consisting of Green Township, $5,585.
Locality VII: Consisting of Gregg Township, $5,370.
Locality VIII: Consisting of Harrison Township, $7,354.
Locality IX: Consisting of Jackson Township, $4,477.
Locality X: Consisting of Jefferson Township, $5,340.
Locality XI: Consisting of Madison Township, $10,291.
Locality XII: Consisting of Monroe Township, $9,084.
Locality XIII: Consisting of Ray Township, $5,838.
Locality XIV: Consisting of Washington Township, $7,434.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: February 9, 1944.

R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 44–1993; Filed, February 10, 1944; 11:29 a. m.]

FEDERAL POWER COMMISSION.

[Docket G–522]

MEMPHIS NATURAL GAS COMPANY

NOTICE OF APPLICATION

FEBRUARY 9, 1944.

Notice is hereby given that on January 31, 1944, Memphis Natural Gas Company, a Delaware Corporation having its principal place of business in Memphis, Tennessee, filed with the Federal Power Commission its application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of approximately 61½ miles of 18-inch O. D. loop line paralleling its existing transmission system in Chicot County, Arkansas, and Bolivar, Coahoma and Tunica Counties, Mississippi, including tie-ins and appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of February, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–1942; Filed, February 10, 1944; 10:47 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2250]

JOSEPH FERIGO

In re: Judgment of foreclosure and sale, and bid at Referee's sale of premises 433 West 46th Street, New York, New York, owned by Joseph Ferigo.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Joseph Ferigo is Boscoreale, Province of Naples, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Joseph Ferigo is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

A judgment entered in the Supreme Court of the State of New York, County of New York, on January 25, 1938, in an action entitled Joseph Ferigo, Plaintiff, against Two One Three Realty Corporation, William A. Henrichson, and The People of the State of New York, Defendants, together with a bid made at the foreclosure sale on behalf of Joseph Ferigo on February 28, 1938,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1963; Filed, February 10, 1944; 11:07 a. m.]

[Vesting Order 2735]

MESSAGGERIE MUSICALI S. A.

In re: Copyright interests held by certain foreign nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each person whose name, nationality, and last known address where established, is listed at the top of each page of Exhibit A[1] attached hereto and by reference made a part hereof, if an individual is a resident or citizen of, or if a business organization is organized under the laws of, and holds the nationality designated after the name of such person;

2. Finding that the persons listed in said Exhibit A jointly or severally own or control the property hereinafter described in subparagraph 3;

3. Determining that the property described as follows:

a. All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each person whose name, nationality, and last known address, where established, is designated at the top of each page of said Exhibit A in, to and under the following:

(1) Every copyright, claim of copyright and right to copyright, or rights related thereto, in each and all of the works described in each page of said Exhibit A under the name of such person;

(2) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

(3) All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

(4) All rights of revision or revesting, if any, in any or all of the foregoing;

(5) All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, nationals of one or more foreign countries.

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1965; Filed, February 10, 1944; 11:04 a. m.]

[Vesting Order 2742]

ALBERTO CASELLA

In re: Copyright interests held by certain foreign nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each person whose name, nationality, and last known address were established, is listed at the top of each page of Exhibit A[1] attached hereto and by reference made a part hereof, if an individual is a resident or citizen of, or if a business organization is organized under the laws of, and holds the nationality designated after the name of such person;

2. Finding that the persons listed in said Exhibit A jointly or severally own or control the property hereinafter described in subparagraph 3;

3. Determining that the property described as follows:

a. All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each person whose name, nationality, and last known address, were established, is designated at the top of each page of said Exhibit A in, to and under the following:

1. Every copyright, claim of copyright and right to copyright, or rights related thereto, in each and all of the works described in each page of said Exhibit A under the name of such person;

2. Every license, agreement, privilege, power, and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

3. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

4. All rights of reversion or revesting, if any, in any or all of the foregoing;

5. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, nationals of one or more foreign countries.

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1966; Filed, February 10, 1944; 11:04 a. m.]

[Vesting Order 2883]

FRANK DUMUR

In re: United States letters patent and patent applications standing of record in the name of Frank Dumur.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Frank Dumur is a resident of Switzerland;

2. That Ernst Leitz, Optische Werke, Ernst Leitz, Optische Werke, G.m.b.H. and Ernst Leitz, G.m.b.H. are business organizations organized under the laws of Germany and are nationals of a designated enemy country (Germany);

3. That Frank Dumur is acting directly or indirectly for the benefit or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

4. That the property described in subparagraph 7 hereof, is property of Ernst Leitz, Optische Werke, Ernst Leitz, Optische Werke, G.m.b.H., Ernst Leitz, G.m.b.H., and/or Frank Dumur;

and determining

5. That Frank Dumur is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That such national is a person not within a designated enemy country, but that the national interest of the United States requires that he be treated as a national of a designated enemy country (Germany);

7. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof.

(b) Patent Applications identified in Exhibit B attached hereto and made a part hereof.

is property of nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 4, 1944.

LEO T. CROWLEY,
[SEAL] *Alien Property Custodian.*

EXHIBIT A

Patent Number, Date of Issue, Inventor and Title

1,798,634; 3-31-31; Willy Schafer; Rotatable stage for microscopes.

1,935,430; 11-14-33; Oskar Barnack; Adjusting device for photographic objectives.

1,939,098, 12-12-33; Max Berek, Light intensive objective.

2,047,561; 7-14-36; Edwin Edwin Ernest; Refractometer.

2,123,510; 7-12-38; Ludwig Leitz & Christian Luz; Enlarging apparatus.

2,127,925; 8-23-38; Ludwig Leitz; Combined range finder and view finder.

2,128,394; 8-30-38; Max Berek; Microscope.

2,138,068; 11-29-38; Hans Mulch; Film operating mechanism for cameras.

2,146,506; 2-7-39; Wilhelm Maisch; Microscope.

2,151,124; 3-21-39; Ludwig Leitz; Combined range finder and view finder.

2,157,547; 5-9-39; Ludwig Leitz; Photographic camera.

2,157,548; 5-9-39; Ludwig Leitz; Photographic view finder.

2,169,566; 8-15-39; Erwin May; Motion picture film drive.

2,169,567; 8-15-39; Erwin May; Geneva movement for motion picture projection.

2,188,954; 2-6-40; Hans Mulch; Projection apparatus.

2,211,867; 8-20-40; Franz Xavier Speiser & Wilhelm Albert; Shutter mechanism.

2,217,236; 10-8-40; Willy Schafer; Photographic exposure meter.

2,221,568; 11-12-40; Helmut Becker, Heinrich Broschke & Erich Filsinger; Roll film camera.

2,221,577; 11-12-40; Paul Dinkel; Machines for marking scales on work pieces.

2,221,609; 11-12-40; Otto Sanger; Photographic view finder.

2,224,674; 12-10-40; Erich Filsinger; Camera flashlight synchronizer.

2,227,237; 12-31-40; Adam Wagner; Photographic shutter brake.

2,227,240; 12-31-40; Helmut Becker & Erich Filsinger; Transmission mechanism for cameras.

2,227,269; 12-31-40; Erwin May; Fire protection device for motion picture projectors.

2,232,354; 2-18-41; Conrad Weygand; Cooling chamber for microscopes.

2,234,578; 3-11-41; Hermann Riepert; Cooling chamber for microscopes.

2,237,943; 4-8-41; Erwin Lihotzky; Intermediary optical system for microscopes.

2,240,707; 5-6-41; Erwin May; Electric lamp for picture projection.

2,242,043; 5-13-41; Otto Sanger, Helmut Becker & Heinrich Breschke; Exposure meter for photographic apparatus.

2,245,871; 6-17-41; Theodor Pauschert; Focal plane shutter.

2,252,449; 8-12-41; Adam Wagner; Rapid shutter winding device for cameras.

2,252,573; 8-12-41; Ludwig Leitz, Helmut Becker & Heinrich Broschke; Motion picture camera with exposure meters.

2,256,207; 9-16-41; Ludwig Leitz & Heinrich Broschke; Roll film camera with spring motor.

2,256,226; 9-16-41; Adam Wagner & Ferdinand Mai; Focal plane shutter.

EXHIBIT B

Serial Number, Date of Filing, Inventor, and Title

260,905; 3-10-39; Hermann Riepert & Heinrich Broschke; Micro hardness testing instrument.

[1] Filed as part of the original document.

279,103; 6-14-39; Erwin May; Electric lamp bulb for picture projection apparatus.
314,412; 1-18-40; Helmut Becker & Heinrich Broschke; Measuring table.

[F. R. Doc. 44–1949; Filed, February 10, 1944; 11:05 a. m.]

[Vesting Order 2885]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft in agreements with General Aniline Works, Inc., dated February 17, 1999 and January 14, 1935.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated February 17, 1933 (including all modifications thereof or supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., relating, among others, to patent number 1,843,670.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated January 14, 1935 (including all modifications thereof or supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., relating, among others, to patents number 1,813,879 and 1,814,218.

[F. R. Doc. 44–1950; Filed, February 10, 1944; 11:05 a. m.]

[Vesting Order 2928]

NATIONALS OF ENEMY-OCCUPIED COUNTRIES

In re: Abandoned patent applications of nationals of Enemy-Occupied Countries.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each of the persons to whom reference is made in the column headed "Owner" in Exhibit A attached hereto and made a part hereof, is a resident of the country represented by the code number set forth after its respective name in said Exhibit A under the heading "NAT" in accordance with the following:

7 represents Belgium, 17 represents Czechoslovakia, 27 represents France, 49 represents The Netherlands,

and is a national of such foreign country or countries respectively;

2. That the patent applications and rights related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the coulmn headed "Owner" opposite the respective numbers thereof in said Exhibit A;

3. That the property described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Belgium, Czechoslovakia, France, The Netherlands);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications identified as follows:

Serial Number, Date, Inventor, Owner, Title, and Nationality

33,843; 7-30-35; Hendrik Jan and Jacob Janssen; Hendrick Jan Jacob Janssen; Fuel oils; 49.

176,724; 77-26-37; Cesar Arnold Reymond & Marcelle Reymond; Cesar Arnold Reymond & Marcelle Reymond; Stabilization of fermentable liquids; 27.

203,202; 4-20-38; Sebastien O. A. Fiedler & Geza Victor Austerweil; L'Auxiliaire Des Chemins de fer et de L'Industrie; Soil improving; 27.

220,140; 7-19-38; Joseph Baudot; Joseph Baudot; Process for treating distillery vinasses; 27.

240,789; 11-16-38; Walter Freund; Walter Freund; Working liquids for hydraulic apparatus; 17.

242,802; 11-26-38; Claude Van Hoestemberghe; Claude Van Hoestemberghe; Apparatus for the low temperature distillation of solid carbonaceous fuel, such as coal, lignite, shale or the like; 27.

269,778; 4-24-39; Henri Felix Jean Baptist; Henri Felix Jean Baptist; Process for the manufacture of agglomerates from the coal base utilized as the only binder; 7.

287,849; 8-1-39; Jacques Francon; Jacques Francon; Manufacture of formaldehyde and catalysts therefor; 27.

[F. R. Doc. 44–1951; Filed, February 10, 1944; 10:05 a. m.]

[Vesting Order 2929]

DYCKERHOFF & WIDMANN KOMMANDITGESELLSCHAFT

In re: Interest of Dyckerhoff & Widmann Kommanditgesellschaft in an Agreement with Structural Shell Designers, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dyckerhoff & Widmann Kommanditgesellschaft is a business enterprise organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Dyckerhoff & Widmann Kommanditgesellschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dyckerhoff & Widmann Kommanditgesellschaft by virtue of an agreement dated October 20, 1940 (including all modifications thereof and supplements thereto, if any) by and between Dyckerhoff & Widmann Kommanditgesellschaft and Structural Shell Designers, Inc., which agreement relates, among other things, to United States Letters Patent No. 1,940,402.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1952; Filed, February 10, 1944; 11:08 a.m.]

[Vesting Order 2930]

ROBERT BOSCH, A. G.

In re: Interest of Robert Bosch, A. G. in an agreement with Lanova Corporation, and patents of Acro, A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Robert Bosch, A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That Acro, A. G. is a corporation organized under the laws of Switzerland and is a national of a foreign country (Switzerland);

3. That Acro, A. G. is owned by Robert Bosch, A. G. and is a national of a foreign country (Germany);

4. That the property identified in subparagraph 6a hereof is property of Acro, A. G.;

5. That the property identified in subparagraph 6b hereof is property of Robert Bosch, A. G.;

6. That the property described as follows:

(a) All right, title and interest including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the United States Letters Patent identified in Exhibit A attached hereto and made a part hereof,

(b) All interest and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Robert Bosch, A. G. by virtue of an agreement dated October 2, 1937, (including all modifications thereof and supplements thereto, if any) by and between Robert Bosch, A. G. and Lanova Corporation, which agreement relates, among other things, to United States Letters Patent No. 1,645,199,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Germany and Switzerland);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 12, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents which are identified as follows:

Patent Number, Date, Inventor, and Title

1,645,199; 10-11-27; Franz Lang; Two cycle internal combustion engines.
1,679,831; 7-7-28; Franz Lang; Combustion power engine with self-ignition.
1,679,832; 8-7-28; Franz Lang; Combustion power engines.
1,687,673; 10-16-28; Franz Lang; Combustion engines.
1,694,269; 12-4-28; Franz Lang; Internal combustion engine.
1,732,901; 10-22-29; Franz Lang; Oil motor.
1,759,160; 5-20-30; Franz Lang; Combustion power engine.
1,759,161 5-20-30; Franz Lang; Oil engine with fuel ignition.
1,759,162; 5-20-30; Franz Lang; Oil motor.
1,759,163 5-20-30; Franz Lang; Oil engine refuel injection.
1,803,262; 4-28-31; Franz Lang; Self igniting oil motor.
1,803,263; 4-28-31; Franz Lang; Internal-combustion engine with self ignition.
1,818,339; 8-11-31; Franz Lang; Internal combustion engine.
1,832,758; 11-17-31; Ottmar Baur; Internal combustion engine.
1,901,838; 3-14-33; Ottmar Baur; Internal combustion engine.

[F. R. Doc. 44–1953; Filed, February 10, 1944; 11:05 a. m.]

[Vesting Order 2938]

TITANGESELLSCHAFT M. B. H.

In re: Patents and interest in a patent of Titangesellschaft m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Titangesellschaft m. b. H. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Titangesellschaft m. b. H.;

3. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof,

(b) The undivided interest transferred to Titan Inc. by an assignment from F. Raspe dated March 1, 1940 in and to the following patent:

Patent Number, Date, Inventor, and Title

2,224,987; 12-17-40; F. Raspe and R. W. Ancrum; Titanium dioxide pigment and printing ink containing the same.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof to which the owner of such interest is entitled,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to taken any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent Number, Date, Inventor, and Title

2,121,215; 6-21-38; P. Weise and F. Raspe; Preparation of titanium oxygen compounds.

2,260,177; 10-21-41; H. Giese; Making improved titanium dioxide pigments.

2,303,304; 11–24–42; P. Tillman and F. Raspe; Preparation of titanium dioxide.

2,303,305; 11–24–42; P. Tillman, F. Raspe and J. Heinen; Process for the manufacture of titanium dioxide.

2,303,306; 11–24–42; P. Tillman and F. Raspe; Process of preparing titanium dioxide.

[F. R. Doc. 44–1954; Filed, February 10, 1944; 11:05 a. m.]

[Supplemental Vesting Order 2941]

L. U. C. E. (INSTITUTO NAZIONALE LUCE)

In re: Copyright interests, in motion picture films in the United States, owned by L. U. C. E. (Instituto Nazionale Luce), Rome, Italy.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that L. U. C. E. (Instituto Nazionale Luce) is a company organized under the laws of Italy, with its principal place of business at Via di S. Susanna 17, Rome, Italy, and is a national of a foreign country (Italy);

2. Finding that L. U. C. E. (Instituto Nazionale Luce) owns or controls the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of L. U. C. E. (Instituto Nazionale Luce) in, to and under the following:

a. Every copyright, claim of copyright and right to copyright, in each and all of the motion picture films in the United States (which motion picture films were, on September 8, 1943, vested by Vesting Order Number 2164, as amended, as property within the United States owned or controlled by L. U. C. E. (Instituto Nazionale Luce), Rome Italy, a national of a designated enemy country (Italy), owned or controlled by L. U. C. E. (Instituto Nazionale Luce);

b. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

c. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

d. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

e. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country (Italy);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1964; Filed, February 10, 1944; 11:08 a. m.]

[Vesting Order 2945]

THEODORE PAUL AND WILLIAM AUGUST NORDMAN

In re: Interests in real property and a fire insurance policy owned by Theodore Paul Nordman and William August Nordman.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Theodore Paul Nordman and William August Nordman is 107 Heidberg Street, Bremen, Germany, and that they are citizens and residents of Germany and nationals of a designated enemy country (Germany);

2. That Theodore Paul Nordman and William August Nordman are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided two-sixths interest, identified as the interest which was inherited from their father, August Nordman, deceased, by Theodore Paul Nordman and William August Nordman, in and to the real property situated in Berryhill Township, Mecklenburg County, State of North Carolina, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest, and claim of Theodore Paul Nordman and William August Nordman, and each of them, in and to the fire insurance policy No 22001, issued by the Niagara Fire Insurance Company on November 1, 1941, and expiring October 31, 1944, insuring the improvements to the premises described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3–b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Land situate, lying and being in Berryhill Township, Mecklenburg County, State of North Carolina, and more particularly described and defined as follows:

Beginning in a stake in the center line of the New Belt Road, which said stake is 1350 feet in a westerly direction from the center line of the Yorkville Road, said point of beginning also being 150 feet in a westerly direction from Northwest line of Tract #4, being the dower tract of the William Long Estate lands and runs thence N., 40–21 E. 663.4 feet to an iron stake; thence N. 49–39 W. 200 feet to an iron stake; thence S. 40–21 W. 643.4 feet to an iron stake in the center line of the New Belt Road; thence along the center line of the New Belt Road, S. 43–56 E. 201 feet to the being of beginning, containing 3 acres, as shown by survey made by J. W. Spratt, February 24, 1934, and being a part of Tract #6 of the William Long Estate Dower Tract, reference being made to map recorded in Book 3, at page 505 in the Mecklenburg Public Registry and being in all respects a part of the same property conveyed to Fred L. Long by F. B Long and wife, et al, by deed dated the 25th day of February 1929, and recorded in Book 741, at page 163, in the office of the Register of Deeds for Mecklenburg County.

The above described property shall be owned and occupied by members of the white race only, domestic servants excepted.

And being in all respects the same tract of land conveyed to Mrs. Ora Sifford and William Sims by deed of Mrs. P. Farlow Parrish Long and husband, Fred L. Long, dated the 27th day of February 1934, and recorded in Book 848, at page 109 in the office of the Register of Deeds for Mecklenburg County.

[F. R. Doc. 44–1965; Filed, February 10, 1944; 11:08 a. m.]

[Vesting Order 2955]

NATIONALS OF ENEMY COUNTRIES

In re: Abandoned patent applications of nationals of enemy countries.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each of the persons to whom reference is made in the column headed "Owner" in Exhibit A attached hereto and made a part hereof, if an individual, is a resident of, or, if a corporation or other business organization, is organized under the laws of, the country represented by the code number set forth after its respective name in said Exhibit A under the heading "Nat" in accordance with the following: 28 represents Germany, 38 represents Italy, 39 represents Japan, and is a national of such foreign country or countries, respectively;

2. That the patent applications and rights related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "owner" opposite the respective numbers thereof in said Exhibit A;

3. That the property described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Germany, Italy, Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications identified as follows:

Serial Number, Date, Inventor, Owner, Title, and Nationality

7,278; 2-19-35; Ernst Koenemann & Alfred Hoppe; Ernst Koenemann & Alfred Hoppe; Process for removing solvents from oils and other organic liquids; 28.

24,358; 5-31-35; Martin Mueller-Cunradi; Martin Mueller-Cunradi; Production of non-knocking motor fuels; 28.

30,576; 7-9-35; Hermann Schladebach & Herbert Hahle; Hermann Schladebach & Herbert Hahle; Stabilizing the artificial coloration of hydrocarbons, particularly gasoline; 28.

137,552; 2-17-37; Otto Johannsen & Karl-Heinz Hennenberger; Rochlingsche Eisen und Stahlwerke G. m. b. H.; Process for the production of phosphorous fertilizer; 28.

148,413; 6-15-37; Gerhard Stalmann; Gerhard Stalmann; Process of regenerating bleaching earths; 28.

174,441; 11-13-37; Berndt Meppen; Chemische Studien Gesellschaft Uniways G. m. b. H.; Method and apparatus for converting phosphates in order to render them soluble; 28.

177,052; 11-29-37; Egon Haas, Friedrich W. Stauf & Friederich Schubert; Egon Haas, Friedrich W. Stauf & Friederich Schubert; Preservation of manure and dung water; 28.

181,888; 12-27-37; Gerlando Marullo; Gerlando Marullo; Process for the simultaneous manufacture of calcium nitrate and carbon dioxide; 38.

187,076; 1-26-38; Elmar Profft; Vereinigte Glanzstoff-Fabriken A. G.; Process for the production of a product for improving furs, pelts, hairs and textiles of all kinds; 28.

193,923; 3-4-38; Karl Lobinger; Karl Lobinger; Fertilizing agents and a process of preparing them; 28.

195,410; 3-11-38; Hans Dohse & Walter Klempt; Hans Dohse & Walter Klempt; Process for production of mixed fertilizers composed of ammonium nitrate and calcium carbonate; 28.

197,406; 3-22-38; Eugen Ulbricht & Anton Volz; Eugen Ulbricht & Anton Volz; Refrigerant for tools and process of making the same; 28.

217,650; 7-6-38; Johannes Mohr; C. Lorenz A. G.; Direction finding arrangements; 28.

218,762; 7-12-38; Hirosaburo Osawa; Hirosaburo Osawa; Process for the formation into shape and dry-distillation of fine dust coal of low caking quality; 39.

244,294; 12-6-38; Gustav Buckwitz & Julius Barth; Gustav Buckwitz; Means for plasticising vegetable fibrous materials and process for the production of constructional elements and constructional elements made by such process; 28.

246,200½; 12-16-38; Georg Wilhelm, Maria Behnen & Adolf Schmatloch; Chemische Werke Rombach G. m. b. H.; Manufacture of superphosphate; 28.

257,238; 2-18-39; Rudolf Schmucker & Hans Radler; Rudolf Schmucker & Hans Radler; Process for the precipitation of finely dispersed colloidal suspensions; 28.

260,146; 3-6-39; Hermann Holler & Otto Mues; I. G. Farbenindustrie A. G.; Process for the generation of acetylene from calcium carbide & water; 28.

266,918; 4-8-39; Felice Piromalli; Felice Piromalli; Self-regenerating apparatus for the gasification at a low temperature of the volatilizable substances contained in bituminous schists, coal and other materials; 38.

270,021; 4-25-39; Friedrich Rusberg; Kali-Chimie A. G.; Process for the manufacture of sintered phosphates; 28.

288,622; 8-5-39; Karl-Heinz Hennenberger; Karl-Heinz Hennenberger; Process for the manufacture of phosphate fertilizers; 28.

288,960; 8-8-39; J. Klavack; Georg Muller; Barrels; 28.

289,110; 8-9-39; Eberhard Legeler; Eberhard Legeler; Apparatus for purifying liquids; 28.

292,060; 8-26-39; Franz Klemm; C. Lorenz A. G.; Radio beacons; 28.

296,526; 9-25-39; Camillo Zanlconi & Carlo Ciampi; Camillo Zanlconi & Carlo Ciampi; Process for the industrial manufacturing of formaldehyde; 38.

309,299; 12-14-39; Alfred Pott; Alfred Pott; Manufacture of powdered carbonaceous fuel material for internal combustion engines; 28.

347,158; 7-24-40; Erich Gossel & Werner Hammacher; C. Lorenz A. G.; Reflectors for ultra-short waves; 28.

373,296; 1-8-41; Heinrich Koppers; Heinrich Koppers; Process for the distillation of oily residues; 28.

[F. R. Doc. 44-1955; Filed, February 10, 1944; 11:06 a. m.]

[Vesting Order 2956]

AKTIENGESELLSCHAFT FÜR FEINMECHANIK VORMALS JETTER AND SCHEERER

In re: Patent of Aktiengesellschaft Für Feinmechanik vormals Jetter & Scheerer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Aktiengesellschaft Für Feinmechanik vormals Jetter & Scheerer is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Aktiengesellshaft Für Feinmechanik vormals Jetter & Scheerer;

3. That the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

1,962,264; 6-12-34; Hermann Veit; Haircutting and thinning shears.

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1956; Filed, February 10, 1944; 11:06 a. m.]

[Vesting Order 2957]

HENRI G. ANDRE

In re: Patents and interest of Henri G. Andre in an agreement with Raytheon Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Henri G. Andre is a resident of France and is a national of a foreign country (France);

2. That the property described in subparagraph 3 hereof is property of Henri G. Andre;

3. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof,

(b) All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Henri G. Andre by virtue of an agreement dated June 30, 1926 (including all modifications thereof and supplements thereto, including, but not by way of limitation, the Letter-Agreement dated June 19, 1928, addressed to Raytheon Manufacturing Company by H. Andre) by and between Henri G. Andre and Raytheon Manufacturing Company, which agreement relates, among other things, to United States Letters Patent No. 2,001,698,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent Number, Date of Issue, Inventor, and Title

1,768,680, 5-13-30; Henri G. Andre; Rectifying apparatus.

1,764,770; 6-17-30; Henri G. Andre; Rectifying apparatus and method of making.

1,780,056; 10-28-30; Henri G. Andre; Alternating-current rectifier.

1,780,057; 10-28-30; Henri G. Andre; Unilateral conductor for rectifying alternating currents.

1,782,129; 11-18-30; Henri G. Andre; Unilateral conductor for rectifying alternating currents.

1,830,500; 11-3-31; Henri G. Andre; Unilateral conductor for rectifying alternating currents.

1,830,501; 11-3-31; Henri G. Andre; Unilateral conductor for rectifying alternating currents.

1,872,214; 8-16-32; Henri G. Andre; Rectifying apparatus.

2,001,698; 5-21-35; Henri G. Andre; Rectifier.

[F. R. Doc. 44-1957; Filed, February 10, 1944; 11:06 a.m.]

[Vesting Order 2958]

ARGUS MOTORENGESELLSCHAFT M. B. H.

In re: Patents and interest of Argus Motorengesellschaft, m. b. H. in an agreement with Hayes Industries, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Argus Motorengesellschaft m. b. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Argus Motorengesellschaft m. b. H.;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor, and Title

1,988,888; 1-22-35; William L. Avery; Brake mechanism and clutch.

2,017,034; 10-15-35; William L. Avery; Vehicle wheel.

2,028,488; 1-21-36; William L. Avery; Brake.

2,040,589; 5-12-36; William L. Avery; Vehicle wheel.

2,096,293; 10-19-37; William L. Avery; Vehicle wheel.

(2) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Argos Motorengesellschaft m. b. H. by virtue of an agreement dated February 13, 1940 (including all modifications thereof and supplements thereto, if any) by and between Argus Motorengesellschaft m. b. H. and Hayes Industries, Inc., which agreement relates, among other things, to certain United States Letters Patent, including Patent No. 2,096,293.

[F. R. Doc. 44-1958; Filed, February 10, 1944; 11:06 a. m.]

[Vesting Order 2959]

DR. LEO BLUMENTHAL

In re: Patent and interest of Dr. Leo Blumenthal in an agreement with Arthur Bloch.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dr. Leo Blumenthal is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Dr. Leo Blumenthal;

3. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor, and Title

2,079,311; 5-4-37; Leo Blumenthal; Device for exercising orthopedically and massaging the unshod human foot.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Leo Blumenthal by virtue of an agreement dated March 21, 1938 (including all modifications thereof and supplements thereto, if any) by and between Dr. Leo Blumenthal and Dr. Arthur Bloch, relating, among other things, to United States Letters Patent No. 2,079,311,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1966; Filed, February 10, 1944; 11:06 a. m.]

[Vesting Order 2960]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft in Patent No. 2,108,755.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows:
An undivided one-half (50%) interest which stands of record in the United States Patent Office in the name of I. G. Farbenindustrie Aktiengesellschaft in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

2,108,755; 2-15-38; Walter H. McAllister; Process for purification of sulphonation products.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, to which the owner of such interest is entitled,

is property of a national of a foreign country Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1967; Filed, February 10, 1944; 11:07 a. m.]

[Vesting Order 2961]

DYCKERHOFF PORTLAND-ZEMENTWERKE, A. G.

In re: Patents and interest of Dyckerhoff Portland-Zementwerke, A. G. in agreements with George von Seebeck and Southwestern Portland Cement Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Dyckerhoff Portland-Zementwerke, A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Dyckerhoff Portland-Zementwerke, A. G.;

3. That the property described as follows:
Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations, and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date of Issue, Inventor, and Title

2,095,183, 10-5-37, Walter Dyckerhoff, method of making cement.

2,098,136, 11-2-37, Walter Dyckerhoff, apparatus for use in making cement.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dyckerhoff Portland-Zementwerke, A. G. by virtue of an agreement dated December 8, 1937 (including all modifications thereof or supplements thereto, including, but without limitation, modifications dated February 7, 1938) by and between Dyckerhoff Portland-Zementwerke, A. G. and George von Seebeck, relating, among others, to patent number 2,095,183.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dyckerhoff Portland-Zementwerke, A. G. by virtue of an agreement dated November 10, 1937 (including all modifications thereof or supplements thereto, including, but without limitation, a special agreement dated November 10, 1937) by and between Dyckerhoff Portland-Zementwerke, A. G. and Southwestern Portland Cement Company, relating, among others to patent number 2,095,183.

[F. R. Doc. 44–1968; Filed, February 10, 1944; 11:07 a. m.]

[Vesting Order 2962]

HEINRICH W. HELLMANN

In re: Patent of Heinrich W. Hellmann.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Heinrich W. Hellmann is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Heinrich W. Hellmann;

3. That the property described as follows:
An undivided ¾ (75%) interest, which stands of record in the United States Patent Office in the name of Heinrich W. Hellmann, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,005,973; 6-25-35; Heinrich W. Hellmann; Apparatus for listening in on telephone calls.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof to which the owner of such interest is entitled,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1969; Filed, February 10, 1944; 11:07 a. m.]

[Vesting Order 2965]

GANZ & CO., LIMITED

In re: Interest of Ganz & Co. Limited in an agreement with International General Electric Company, Incorporated and Allgemeine Elektricitaets-Gesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Ganz & Co. Limited is a corporation organized under the laws of Hungary and is a national of a foreign country (Hungary);

2. That the property identified in subparagraph 3 hereof is property of Ganz & Co. Limited;

3. That the property described as follows:
All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ganz & Co. Limited by virtue of an agreement dated July 11, 1930 (including all modifications thereof and supplements thereto, if any) by and between International General Electric Company, Incorporated, Allgemeine Elektricitaets-Gesellschaft and Ganz & Co. Limited, which agreement relates, among other things, to Patent No. 1,902,466,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1947; Filed, February 10, 1944; 11:04 a. m.]

[Vesting Order 2981]

A. M. WILLNER, ET AL.

In re: Copyright interests held by certain foreign nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each person whose name, nationality, and last known address where established, is listed in Column 5 of Exhibit A attached hereto and by reference made a part hereof, if an individual is a resident or citizen of, or if a business organization is organized under the laws of, and holds the nationality designated after the name of such person;

2. Finding that the persons listed in said Exhibit A jointly or severally own or control an interest in the property hereinafter described in subparagraph 3;

3. Determining that the property described as follows:

a. All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each person whose name, nationality, and last known address, where established, is in Column 5 of said Exhibit A in, to and under the following:

1. Every copyright, claim of copyright and right to copyright, or rights related thereto, in each and all of the works described in each page of said Exhibit A under the name of such person;

2. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the copyrights arising in, from or under any or all of the foregoing;

3. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

4. All rights of reversion or revesting, if any, in any or all of the foregoing;

5. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property of, or is property payable or held with respect to copyrights or rights related thereto, in which interests are held by, and such property itself constitutes interests held therein by, nationals of one or more foreign countries.

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Persons whose interests are being vested
4853-4	Blossom Time	A. M. Willner, Austrian; Heinz Reichert, Austrian; Franz Schubert, Austrian; Heinr. Berte, Austrian.	Karczag Publishing Co., Inc., 62 West 48th Street, New York, New York.	Lilian Marischka, Vienna, Austria; Olga Cavar, Vienna, Austria; Rosa Wedl, Vienna, Austria; A. Bauer, Vienna, Austria; Emil Steininger, Vienna, Austria; Emil Berte, Vienna, Austria.

[F. R. Doc. 44–1970; Filed, February 10, 1944; 11:08 a. m.]

[Vesting Order 2986]

IDA ADELE MARGRIT HARTKOPF

In re: Deed of Trust on real property situated in San Francisco, California, and a promissory note owned by Ida Adele Margrit Hartkopf.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended and pursuant to law, the undersigned after investigation, finding:

1. That the last known address of Ida Adele Margrit Hartkopf, formerly known as Ida Adele Margrit Lange, is Kaiserstrasse 228, Solingen, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Ida Adele Margrit Hartkopf is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. That certain Deed of Trust executed on October 26, 1938, by Jack Goldberger and Josephine Goldberger, his wife, in favor of Max Ruetersham, and recorded on December 6, 1938, in the Office of the Recorder of the City and County of San Francisco, State of California, which Deed of Trust was distributed to Ida Adele Margrit Hartkopf by an order of the Superior Court of the City and County of San Francisco, State of California, dated December 10, 1941, and any and all obligations secured by said Deed of Trust, including but not limited to all security rights in and to any and all collateral (including the aforesaid Deed of Trust) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations, and

b. That certain promissory note executed by Herman Ellert on April 13, 1938, identified as that promissory note in the principal amount of $2,000 which was distributed to Ida Adele Margrit Hartkopf by an order of the Superior Court of the City and County of San Francisco, State of California, dated December 10, 1941, and any and all obligations evidenced thereby, including but not limited to all security rights in and to any and all collateral for all or part of such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order.

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1971; Filed, February 10, 1944; 11:08 a. m.]

[Vesting Order 3044]

MARIE HOFFMANN

In re: Estate of Marie Hoffmann, deceased; File D–28–2230; E. T. sec. 2951.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Ninth Bank and Trust Company, Administrator of the estate of Marie Hoffmann, deceased, acting under the judicial supervision of the Orphans' Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Georg Schachtner, Germany.

Person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Marie Hoffman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Georg Schachtner, Person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns in and to the estate of Marie Hoffmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1972; Filed, February 10, 1944; 11:08 a. m.]

[Vesting Order 3045]

JOSEPH HELUS

In re: Estate of Joseph Helus, deceased; File D–28–1998; E. T. sec. 2065.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, Administrator c. t. a., 137 Broadway, Los Angeles, California, acting under the judicial supervision of Superior Court for the County of Los Angeles, California;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Josef Hejduk, Germany (Austria).
Josephine Puchinger, Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Josef Hejduk and Josephine Puchinger, and each of them, in and to the Estate of Joseph Helus, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1973; Filed, February 10, 1944; 11:08 a. m.]

[Vesting Order 3046]

THEODORE BUHMANN

In re: Estate of Theodore Buhmann, deceased; File: D–28–1451; E. T. sec. 85.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Ramundt and Herman Ramundt, Executors, acting under the judicial supervision of the District Court of the State of Iowa, in and for the County of Grundy;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Christina Ratjens, or her surviving child or children, Germany.
John Buhmann, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Christina Ratjens or her surviving child or children, and John Buhmann, and each of them, in and to the Estate of Theodore Buhmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1974; Filed, February 10, 1944; 11:09 a. m.]

[Vesting Order 3047]

FRANK DORN

In re: Estate of Frank Dorn, deceased; File D–6–1054; E. T. sec. 8179.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William A. Sims, Executor, acting under the judicial supervision of the Court of Ordinary, Fulton County, Georgia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Poldy Brunner, (Austria) Germany.
Carl Planninger, (Austria) Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Poldy Brunner and Carl Planninger, and each of them, in and to the Estate of Frank Dorn, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1975; Filed, February 10, 1944; 11:09 a. m.]

[Vesting Order 3048]

FARMERS NATIONAL BANK AND TRUST CO. OF READING, PA.

In re: Receivership of Farmers National Bank and Trust Company of Reading, Pennsylvania, an insolvent national bank; File F-28-13178; E. T. sec. 337.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Comptroller of the Currency, Treasury Department, Washington, D. C., and H. F. Dunn, Receiver of the Farmers National Bank and Trust Company of Reading, Pennsylvania, c/o Office of the Comptroller of the Currency, Washington, D. C., Depository, and which is in "partition, libel, condemnation or other similar proceedings,"

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Pauline Mueller, by marriage Pauline Mueller Baur, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Pauline Mueller, by marriage Pauline Mueller Baur, in and to property in the hands of the Comptroller of the Currency and H. F. Dunn, Receiver of the Farmers National Bank and Trust Company of Reading, Pennsylvania, including but not limited to Certificate No. 01209 for 25 shares of Capital Stock of the Howe Sound Company, cash in the sum of $506.25 representing dividends on the stock, and any subsequent dividend receipts,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1976; Filed, February 10, 1944; 11:09 a. m.]

[Vesting Order 3049]

FRANZ GOETZ

In re: Estate of Franz Goetz, deceased; File D-28-2192; E. T. sec. 2955.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frank C. Lupton and Frank Piper, Executors, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Schmieg, Germany.
Martha Maria Franziska Albrecht, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Schmieg and Martha Maria Franziska Albrecht and each of them in and to the Estate of Franz Goetz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1977; Filed, February 10, 1944; 11:09 a. m.]

[Vesting Order 3050]

AGNES HESS

In re: Estate of Agnes Hess, deceased; File D-28-7897; E. T. sec. 8613.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Odorion W. Roby, Register of Wills, acting under the judicial supervision of the Orphans' Court of Montgomery County, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Willy Hess, Germany.
Marria Schomeberg, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Willy Hess and Marria Schomeberg, and each of them, in and to the Estate of Agnes Hess, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1978; Filed, February 10, 1944; 11:09 a. m.]

[Vesting Order 3051]

HENRY W. RINK

In re: Trust under the Will of Henry W. Rink, deceased; file D-28-4837; E. T. sec. 1241.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Carolina Savings Bank, 1 Broad Street, Charleston, South Carolina, Substituted Trustee, acting under the judicial supervision of the Court of Common Pleas, County of Charleston, South Carolina;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heirs of Mrs. Maria Herzog, deceased, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of the heirs of Mrs. Maria Herzog, deceased, whose names are unknown, and each of them, in and to the trust estate created under the will of Henry W. Rink, deceased,

to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1979; Filed, February 10; 1944; 11:09 a. m.]

[Vesting Order 367, Amdt.]

PACIFIC TRADING CO.

Vesting Order Number 367, dated November 14, 1942, is hereby amended as follows and not otherwise:

By deleting the name "Pacific Trading Company, Inc." wherever it appears in the Order and by substituting therefor the name "Pacific Trading Co."

All other provisions of such Vesting Order Number 367 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C. on February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1960; Filed, February 10, 1944; 11:04 a. m.]

[Vesting Order 690, Amdt.]

JOSEPH HELUS

In re: Estate of Joseph Helus, deceased; File D-28-1998; E. T. sec 2065.

Whereas a letter has been received by the Alien Property Custodian from the Office of the County Counsel, Los Angeles, California, advising that the name "Wenzel Hyduk," one of the nationals listed in Vesting Order Number 690, is misspelled and that the correct spelling of the name of this national is "Wenzel Hejduk,"

Now, therefore, Vesting Order Number 690 is hereby amended as follows and not otherwise:

The spelling of the name of the national referred to herein is corrected to read "Wenzel Hejduk," wherever it appears in said Vesting Order.

All other provisions of such Vesting Order Number 690 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1961; Filed, February 10, 1944; 11:10 a. m.]

[Vesting Order 1425, Amdt.]

MARIE HOFFMANN

In re: Estate of Marie Hoffmann, deceased; File D-28-2230; E. T. sec. 2951.

Whereas evidence obtained subsequent to the issuance of Vesting Order Number 1425 discloses that one of the nationals of a designated enemy country, Germany, listed therein, namely, Katharina Kline, whose single name was Katharina Schachtner, was married on January 30, 1939, to Edward Stopper,

Now, therefore, Vesting Order Number 1425 is hereby amended as follows and not otherwise:

The name "Katharina Kline" is changed to "Katharina Schachtner Stopper" wherever the former appears in said vesting order.

All other provisions of such Vesting Order Number 1425 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: February 2, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1962; Filed, February 10, 1944; 11:10 a. m.]

[Special Order No. 8]

JACOB DICHTER

In re: Assignments from Jacob Dichter to Kimble Glass Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to Alien Property Custodian General Order No. 11 and the regulations issued thereunder and pursuant to law, the undersigned:

1. Finding that on December 18, 1942 there were recorded in the assignment records of the United States Patent Office instruments of assignment itemized as follows, and accompanied by a copy of Form APC-15 and by a report on Form APC-14P:

Date of Execution, Recording Data, Liber, Page, and Property Affected

6-24-41; A-195; 336; Patent No. 1,962,985 and others.

9-26-41; A-195; 339; Application S. N. 418,602.

9-26-41; A-195; 341; Application S. N. 418,603.

9-26-41; A-195; 343; Application S. N. 418,604.

6-28-41; A-195; 362 Application S. N. 52,679 and others.

2. Finding that Jacob Dichter is a citizen and resident of Germany and is a national of a foreign country (Germany);

3. Finding that each such instrument affects title to or grants an interest in one or more United States Letters Patent or application therefor in which a designated for-

eign country (Germany) or a national thereof has on or since the effective date of Executive Order No. 8389, as amended, had an interest;

4. Finding that one of the parties to each such instrument is a national of a designated foreign country (Germany);

5. Determining that the recordation of each such instrument was subject to the provisions of the Alien Property Custodian General Order No. 11 and of the regulations issued thereunder and in particular of paragraph (a) (3) of Regulation No. 2 under said general order;

6. Finding that each such instrument was not intended to transfer and did not have the effect of transferring the beneficial interest in the patents, applications and inventions thereby affected to Kimble Glass Company;

7. Determining that the action hereinafter ordered is in the interest of and for the benefit of the United States;

hereby orders that each of the aforesaid instruments shall be, and they hereby are, set aside.

Each of the terms "designated foreign country" and "national" as used herein shall have the meaning prescribed in Regulation No. 2 under General Order No. 11.

Executed at Washington, D. C., on January 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1959; Filed, February 10, 1944; 11:07 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811–240]

ROTARY ELECTRIC STEEL CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of February, A. D. 1944.

An application having been filed by American Company, now known as Rotary Electric Steel Company, pursuant to Section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on February 16, 1944, at 9:45 A. M., Eastern War Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1997; Filed, February 10, 1944; 11:51 a. m.]

[File Nos. 59–47, 54–63]

REPUBLIC SERVICE CORP. AND ITS SUBSIDIARIES

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of February, 1944.

The Commission having entered its order herein on Febrary 19, 1943 pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 directing that:

(1) Republic Service Corporation shall take such action as may be appropriate, not in contravention of the applicable provisions of the Act or the rules and regulations promulgated thereunder, to divest itself of all interest in, and all ownership and control of Page Power Company, Madison Power Company, Massanutten Power Corporation, Massanutten Water Corporation, and Holston River Power Company;

(2) Republic Service Corporation shall take such steps as may be necessary to change its capitalization in an appropriate manner, not in contravention of the applicable provisions of the Act or the rules and regulations promulgated thereunder, so as to ensure that the corporate structure of Republic Service Corporation does not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among security holders of the Republic Service Corporation holding company system, and that, upon such recapitalization, the common stock of Republic Service Corporation shall be accorded no participation;

Notice is hereby given that on January 26, 1944 Republic Service Corporation, on behalf of itself and its subsidiary companies affected by the said order of February 19, 1943, filed an application requesting the entry of an order by this Commission under section 11 (c) of the Act, extending for one year the time within which to comply with the aforesaid order of February 19, 1943.

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application and for other purposes;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on the 17th day of February, 1944, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by Rule XVII of the Commission's rules of practice, on or before February 15, 1944.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by such application, particular attention will be directed at the hearing to (1) whether the applicants have exercised due diligence to comply with the Commission's order of February 19, 1943, and (2) whether an extension of time of one year for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Republic Service Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1998; Filed, February 10, 1944; 11:51 a. m.]

[File No. 70–847]

MILWAUKEE ELECTRIC RAILWAY AND TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of February, 1944.

The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, having filed a joint declaration and application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, relating to the proposal of The Milwaukee Electric Railway & Transport Company (a) to redeem on March 1, 1944 at par plus accrued interest $200,000 principal amount of its First Mortgage 4% Bonds owned by Wisconsin Electric Power Company and pledged as collateral to the latter company's Mortgage and Deed of Trust dated October 26, 1938 and (b) to purchase for cash at par for retirement 8,000 shares of its capital stock of the aggregate par value of $800,000 from Wisconsin Electric Power Company. Wisconsin Electric Power Company seeks authorization to surrender the bonds and the stock on the basis described; and

Said joint declaration and application having been filed on the 10th day of January 1944, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for a hearing with respect to said joint declaration and application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 10, 12 (c) and 12 (f) and Rules U-42 and U-43 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application and to permit said declaration to become effective;

It is hereby ordered, That, pursuant to said Rule U-23 and the applicable provisions of said act, said joint application be and the same is hereby approved and said joint declaration be and the same is hereby permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the general rules and regulations, and subject further to continuation of the condition imposed on The Milwaukee Electric Railway & Transport Company by our order of June 29, 1943 (Release No. 4394) by the terms of which it is provided that if from time to time in the future additional common stock is retired by said company, its bonds will be retired to the extent necessary in order that the aggregate par amount of stock outstanding will at least equal two and one-half times the aggregate principal amount of the outstanding bonds.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–1999; Filed, February 10, 1944; 11:51 a. m.]

[File No. 1–1154]

BROOKLYN-MANHATTAN TRANSIT CORP.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of February, A. D., 1944.

In the matter of Brooklyn-Manhattan Transit Corporation, Common stock, no par value.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Common stock, no par value, of Brooklyn-Manhattan Transit Corporation;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 28, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–2000; Filed, February 10, 1944; 11:51 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended; 49 Stat. 1544, 54 Stat. 163–167 (46 U.S.C. 375, 391a, 404, 481, 489, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

BUOYANT CUSHION FOR MOTORBOATS

15" x 15" x 2" Typha buoyant cushion (Approval No. B–210), manufactured by Old Town Canoe Co., Old Town, Maine. (For use on motorboats of classes A, 1, and 2 not carrying passengers for hire, for the duration of the National Emergency and six months thereafter.)

LIFEBOAT

26' x 9' x 3'6" metallic oar-propelled lifeboat (540 cu. ft. net) (General Arrangement & Construction Dwg. No. 2655, dated 10 January, 1944), submitted by Lane Lifeboat & Davit Corporation, Foot of 40th Road, Flushing, N. Y.

SKATES OR FENDERS FOR LIFEBOATS

Lifeboat skates (Adjustable skid for launching lifeboats at sea, drawing dated 15 January, 1944, revised), designed by Captain A. T. Nelson, Sturgeon Bay, Wisconsin.

WATER LIGHT

Electric automatic floating water light, Type 763 (Dwg. dated 7 January, 1944), submitted by Garinol, Inc., 17 Battery Place, New York, N. Y.

Corrections—Winches for Lifeboats

"New England" lifeboat winch (Dwgs. Assembly Sheet #1, No. R–2496–A, dated 24 September, 1943, Assembly Sheet #2, No. R–2497–A, dated 27 September, 1943, and specifications revised 4 October, 1943) (Maximum working load of 5,000 pounds at the drums), submitted by the New England Trawler Equipment Company, Chelsea, Mass. (This listing replaces that published in the FEDERAL REGISTER dated Jan. 12, 1944, 9 F. R. 481.)

Welin type "CV" dual lifeboat winch with single motor drive (General Arrangement Dwg. No. 2651, dated 28 June, 1943, revised 22 October, 1943) (Maximum working load of 6,500 pounds at the drums), manufactured by Welin Davit & Boat Corporation, Perth Amboy, N. J. (This listing replaces that published in the FEDERAL REGISTER dated January 12, 1944, 9 F. R. 481.)

Type BWB–1 vertical lifeboat winch (Dwg. No. 2657, dated 4 June, 1941) (Maximum working load of 20,000 pounds at the drums), manufactured by the Welin Davit & Boat Corp., Perth Amboy, N. J. (This listing replaces that published in the FEDERAL REGISTER dated January 20, 1944, 9 F. R. 774.)

R. R. WAESCHE,
Commandant.

FEBRUARY 9, 1944.

[F. R. Doc. 44–1941; Filed, February 10, 1944; 10:21 a. m.]

WAR SHIPPING ADMINISTRATION.

"O. T. & B. No. 11 (168333)"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on December 17, 1942, title to the vessel *O. T. & B. No. 11 (168333)*, (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: February 9, 1944.

E. S. LAND,
Administrator.

[F. R. Doc. 44-1931; Filed, February 9, 1944; 3:05 p. m.]

FEB 14 '44

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 9 NUMBER 31

Washington, Saturday, February 12, 1944

The President

PROCLAMATION 2604

THOMAS ALVA EDISON DAY, 1944

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Thomas Alva Edison immeasurably enriched our way of living by the products of his incomparable genius;

WHEREAS we are proud to include the name of this modest inventor in the long roll of American benefactors of the human race; and

WHEREAS the President of the United States is authorized and requested by a joint resolution approved February 9, 1944, to issue a proclamation designating February 11, 1944, as Thomas Alva Edison Day;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate February 11, 1944, as Thomas Alva Edison Day; I call upon officials of the Government to display the flag of the United States on all Government buildings on that day; and I invite the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 9th day of February, in the year of our Lord nineteen hundred and forty-four, and of the independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 44-2081; Filed, February 11, 1944; 12:26 p. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5072]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BROOKS APPLIANCE COMPANY, ET AL.[1]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' device designated as "Brooks Rupture Appliance" and as "Brooks Automatic Air Cushion" or the device designated as "Natural Uterine Supporter" disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said devices which advertisements represent, directly or through inference (1) that the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia; (2) that its use by one suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment; (3) that its use in cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play; (4) that its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times; (5) that said device adjusts itself to every bodily movement; (6) that the use of said device can be depended upon to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated; (7) that its use will eliminate the possibility of a strangulated hernia; (8) that the air cushion attachment incorporated in said device is fully automatic

[1] See F.R. Doc. 44-2017, *infra*.

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THE PRESIDENT

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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and clings to any spot to which it is adjusted, and will not slip; and (9) that the use of the device designated as Natural Uterine Supporter constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 State. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Brooks Appliance Company, et al., Docket 5072, January 27, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1944.

In the Matter of Brooks Appliance Company, a Corporation; Harold C. Brooks and Craig W. Brooks, Individually and as Officers of Brooks Appliance Company; and Fogarty-Jordan-Phelps Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Brooks Appliance Company, a corporation; Harold C. Brooks and Craig W. Brooks, individually and as officers of Brooks Appliance Company; and Fogarty-Jordan Phelps Company, a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion or the device designated as Natural Uterine Supporter, or any other device of substantially similar construction and performing substantially similar functions, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

a. That the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia;

b. That its use by one suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment;

c. That its use in cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play;

d. That its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times;

e. That said device adjusts itself to every bodily movement;

f. That the use of said device can be depended upon to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated;

g. That its use will eliminate the possibility of a strangulated hernia;

h. That the air cushion attachment incorporated in said device is fully automatic and clings to any spot to which it is adjusted, and will not slip;

i. That the use of the device designated as Natural Uterine Supporter constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of the said devices, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44–2016; Filed, February 10, 1944; 4:17 p.m.]

[Docket No. 5072]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BROOKS APPLIANCE COMPANY, ET AL.[1]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' device designated as "Brooks Rupture Appliance" and as "Brooks Automatic Air Cushion" or the device designated as "Natural Uterine Supporter" disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' said devices which advertisements represent, directly or through inference (1) that the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia; (2) that its use by all persons suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment; (3) that its use in all cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play; (4) that its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times; (5) that said device adjusts itself to every bodily movement; (6) that the use of said device can be depended upon in most cases to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated; (7) that its use will eliminate the possibility of a strangulated hernia; (8) that the air cushion attachment incorporated in said device is fully automatic and clings to any spot to which it is adjusted, and will not slip; and (9) that the use of the device designated as Natural Uterine Supporter constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Modified cease and desist order, Brooks Appliance Company, et al., Docket 5072, February 7, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1944.

[1] See F.R. Doc. 44–2016, *supra*.

In the Matter of Brooks Appliance Company, a Corporation; Harold C. Brooks and Craig W. Brooks, Individually and as Officers of Brooks Appliance Company; and Fogarty-Jordan-Phelps Company, a Corporation

This matter coming on to be considered by the Commission upon the request of the respondents; dated February 3, 1944, for modification of the order to cease and desist issued in this proceeding on January 27, 1944, and the Commission having duly considered said request and the record herein, and being now fully advised in the premises;

It is ordered, That the order to cease and desist issued in this proceeding on January 27, 1944, be, and the same hereby is, modified as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel, for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Brooks Appliance Company, a corporation; Harold C. Brooks and Craig W. Brooks, individually and as officers of Brooks Appliance Company; and Fogarty-Jordan-Phelps Company, a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion or the device designated as Natural Uterine Supporter, or any other device of substantially similar construction and performing substantially similar functions, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

a. That the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia;

b. That its use by all persons suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment;

c. That its use in all cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play;

d. That its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times;

e. That said device adjusts itself to every bodily movement;

f. That the use of said device can be depended upon in most cases to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated;

g. That its use will eliminate the possibility of a strangulated hernia;

h. That the air cushion attachment incorporated in said device is fully automatic and clings to any spot to which it is adjusted, and will not slip;

i. That the use of the device designated as Natural Uterine Supporter constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of the said devices, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this modified order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44–2017; Filed, February 10, 1944; 4:17 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328, as Amended Jan. 1, 1944, Amdt. 1]

PROVISIONS APPLICABLE TO TEXTILE, CLOTHING, LEATHER AND RELATED PRODUCTS

Paragraph (f) (4) of § 3290.118 hereby is amended by adding at the end of said paragraph (f) (4) the following:

An appeal for suspension of a direction under paragraph (c) may be made on the ground that compliance with the direction will result in production at a loss: *Provided*, That an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, requirements of a direction for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2020; Filed, February 10, 1944; 4:26 p. m.]

PART 933—COPPER

[Copper Order M-9 as Amended Feb. 11, 1944]

§ 933.1 *Copper Order M-9*—(a) *Purpose.* The primary purpose of this order is to govern the acceptance of delivery (whether on purchase, toll agreement or otherwise) of specified types of copper and copper-base alloy materials (other than controlled materials), and copper-clad and copper-base alloy-clad steel scrap, all of which for convenience are called copper raw materials throughout this order. The production, delivery and acceptance of controlled materials are governed by applicable CMP and priorities regulations.

(b) *Acceptance of delivery of copper raw materials.* Except as specifically authorized in writing by the War Production Board, no person shall accept a delivery of any copper raw material other than those shown opposite his class in column B of the following table:

Class of person (A)	Copper raw materials: Acceptance of delivery authorized by this order without application to the War Production Board. (B)	Report form used to apply for specific WPB authorization to accept delivery of copper raw materials other than those shown in Column B. (C)	Other WPB report forms regarding copper raw materials and copper controlled materials. (D)
Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base alloy-clad steel scrap into refined copper or other usable forms of copper.[1]	Other unalloyed copper scrap. Other copper-base alloy scrap.	WPB-2959[1]	WPB-3212.
Scrap Dealer—Any person regularly engaged in the business of buying and selling scrap but who does not melt such scrap.	Other unalloyed copper scrap. Other copper-base alloy scrap. Brass mill scrap.	None	WPB-202 or WPB-3202.
Jobber Dealer—Any person who receives physical delivery of refined copper, copper-base alloy ingot or copper or copper-base alloy shot and sells or holds the same for sale without change in form.	None	WPB-2959	None.
Brass Mill—Any person who produces brass mill products, brass mill castings or intermediate shapes.	Brass mill scrap. Fired cartridge and artillery cases (from Government plants only).	WPB-3112 WPB-2954	WPB-3506. WPB-3007. WPB-3244,[2] WPB-3113.[2]
Copper Wire Mill—Any person who produces copper wire mill products or intermediate shapes.	None	WPB-2953	WPB-3505.
Brass and Bronze Foundry—Any person who produces foundry copper or copper-base alloy products.	[3]	WPB-2958	WPB-3206.
Ingot Maker—Any person who produces copper-base alloy ingot for delivery as such.	[3]	WPB-2959	WPB-3159.
Miscellaneous Producer—Any person not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, etc.	None	WPB-2959	None.
Scrap Generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap but who is not in the business of producing copper raw materials or copper controlled materials.	None	None	WPB-452 or WPB-2915.

[1] Refiners requiring copper-clad or copper-base alloy-clad steel scrap should apply by supplementary letter setting forth the copper raw material involved, the amount required, and other pertinent data such as inventory, receipts, production, consumption and shipments, on the basis of which authorization to accept delivery is requested.
[2] Forms WPB-3244 and WPB-3113 apply only to beryllium copper brass mill products.
[3] Foundries and ingot makers may exchange copper-base alloy ingot on an equivalent copper content basis without charging such deliveries against their authorizations.

(c) *Restriction on disposal of scrap and copper-clad and copper-base alloy-clad steel scrap.* (1) No person (other than one who is in the business of producing copper raw materials or copper controlled materials) shall melt or process any scrap or copper-clad or copper-base alloy-clad steel scrap, generated in his plant through fabrication or accumulated in his operations through obsolescence, except as specifically authorized by the War Production Board, or dispose of such material in any way other than by delivery to a person authorized to accept such delivery. In no event shall any such person keep on hand more than thirty (30) days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than five tons.

(2) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap except with the specific authorization of the War Production Board in writing.

(3) Nothing herein contained shall prohibit any public utility from using in its own operations wire or cable which has become scrap by obsolescence, provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by such public utility in any calendar month does not exceed five tons.

(d) *Specific authorization and directions.* This order is designed to prescribe the general regulations under which deliveries of copper raw materials may be accepted. At times the provisions of this order will not fit the needs of a particular person. In any such case, the person affected may apply by letter to the Copper Division, War Production Board, for a specific authorization to cover his needs. Situations may arise which will require the War Production Board, from time to time, to issue specific authorizations or directions to a person as to the source, destination, amount or grade of copper raw materials to be delivered, acquired or used by him.

(e) *Definitions.* (1) "Copper" means unalloyed copper.

(2) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. Copper-base alloy does not include alloyed gold produced in accordance with United States Commercial standards CS 51-35 and CS 67-38.

(3) "Scrap" means all copper or copper-base alloy materials or objects (except those containing 0.10% or more beryllium and governed by supplemental order M-160a) which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason. This does not include fired cartridge and artillery cases or copper-clad or copper-base alloy-clad steel scrap.

(4) "Copper wire mill product" means bare, insulated or armored wire and cable for electrical conduction made from copper, copper-base alloy, or copper-clad steel containing over 20% copper by weight.

(5) "Brass mill product" means sheet, rod, wire or tube made from copper or copper-base alloy. This does not include copper wire mill products.

(6) "Foundry copper or copper-base alloy product" means cast copper or copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (The process of casting includes the removal of gates, risers and sprues and sand-blasting, tumbling or dipping, but does not include any further machining or processing.)

(7) "Copper raw materials" as used in this order, includes the following materials as defined:

(i) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes or controlled materials.

(ii) "Brass mill scrap"—Scrap which is the waste or by-product of industrial fabrication or production of brass mill products or copper wire mill products. This does not include material which has been reclaimed from use or which is unsuitable for brass mill use because of contamination.

(iii) "Other copper-base alloy scrap"—Copper-base alloy scrap other than brass mill scrap. This includes spent bullets but does not include fired cartridge and artillery cases.

(iv) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(v) "Copper-clad or copper-base alloy-clad steel scrap"—All copper-clad or copper-base alloy-clad or -coated steel materials or objects in which the cladding or coating amounts to 3% or more by weight and (*a*) which are the waste or by-product of industrial fabrication, or (*b*) which have been discarded on account of obsolescence, failure or other reasons. This does not include spent bullets.

(vi) "Fired cartridge and artillery cases"—Unreloadable fired cartridge cases or artillery cases which have been manufactured from brass mill products.

(vii) "Brass mill casting"—A copper-base alloy casting from which brass mill or copper wire mill products or intermediate shapes may be rolled, drawn or extruded without remelting.

(viii) "Copper-base alloy ingot"—a copper-base alloy casting used in remelting, alloying or deoxidizing operations.

(ix) "Copper or copper-base alloy shot"—shot produced from copper or copper-base alloy and to be used in remelting, alloying, deoxidizing or chemical operations.

(x) "Copper or copper-base alloy powder"—copper or copper-base alloy in the form of powder or flake, other than flake type bronze powder which is governed by Supplementary Conservation Order M-9-c-3.

(xi) "Intermediate shape"—any product which has been rolled, drawn or extruded from refined copper or brass mill castings and which will be re-rolled, redrawn, insulated or further processed into finished brass mill or copper wire mill products by other producers of such products.

(f) *Addressing of communications.* Except as provided by instructions accompanying application forms, all communications filed pursuant to this order or concerning the subject matter hereof should be addressed: "Copper Division, War Production Board, Washington 25, D. C."

(g) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Revocations.* General Preference Order M-9-a and Supplementary Order M-9-b are hereby revoked as these orders are superseded by this order, M-9. These revocations do not affect any liabilities incurred under orders M-9-a and M-9-b.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2053; Filed, February 11, 1944; 11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-193 as Amended Feb. 11, 1944]

CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials, and in the engineering and other facilities, used in the manufacture of conveying machinery and mechanical power transmission equipment, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.52 *General Limitation Order L-193*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Conveying machinery" means any new machinery (and any important component part thereof) used for the mechanical handling of materials, including pneumatic tube delivery systems; except (i) belting, (ii) farm machinery, (iii) machinery or parts used on board ship in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operating of aircraft, tanks, ordnance, or similar combat equipment, (iv) power and hand lift trucks, (v) cranes, hoists and platform elevators, (vi) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vii) cars and car dumpers, (viii) steel mill tables, (ix) sintering conveyors, (x) metal pig conveyors, (xi) underground mining machinery including slope conveyors, and (xii) portable conveyors as defined in Limitation Order L-287.

(3) "Mechanical power transmission equipment" means new equipment (and any important component part thereof) of the following kinds (except equipment or parts used in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operation of aircraft, tanks, ordnance or similar combat equipment):

(i) Open and enclosed gearing for transmitting more than ¼ horsepower; except marine propulsion gears, gears manufactured by a person for incorporation into other machinery also produced by him, gears built into turbines, and gears used on household, manually powered, automotive, or farm machinery;

(ii) Mechanical drives and parts thereof for transmitting more than ¼ horsepower; except belting, drives manufactured by a person for incorporation into other machinery also produced by him, and drives used on household, manually powered, automotive or farm machinery.

(4) "Order" includes any arrangement for the delivery of conveying machinery or mechanical power transmission equipment, whether by purchase and sale, lease, rental or otherwise.

(5) [Deleted Oct. 26, 1943]

(6) [Deleted Oct. 26, 1943]

(7) "Manufacture" means fabrication or shop assembly of conveying machinery or mechanical power transmission equipment, or any component part thereof; but does not include the making of engineering drawings, blue prints, designs, estimates, or surveys.

(8) [Deleted Oct. 26, 1943]

(9) "Anti-friction bearings" means all types of ball, needle and roller bearings.

(b) *Restrictions on acceptance of orders.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) On and after May 15, 1943 no person shall accept any order for any conveying machinery or mechanical power transmission equipment unless the order is rated AA-5 or higher. This restriction shall not apply to orders under which unused machinery or equipment is returned to the person from whom it was purchased.

(4) [Deleted Oct. 26, 1943]

(c) *Restrictions on manufacture and delivery.*

(1) [Deleted Oct. 26, 1943]

(2) Except as otherwise provided in paragraph (c) (3) hereof, on and after October 7, 1942 no person shall manufacture or deliver, and no person shall

knowingly accept the delivery of, any conveying machinery or mechanical power transmission equipment, or parts therefor unless such machinery or equipment or parts are manufactured in accordance with the restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however,* That parts fabricated or processed, prior to October 7, 1942 to the point where other use is impracticable, may be used in fulfillment of any order at any time.

(3) The limitations and restrictions of paragraph (c) shall not apply:

(i) To the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer prior to August 1, 1942.

(ii) For ninety days following October 7, 1942, to the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer on or after August 1, 1942 but prior to October 7, 1942.

(iii) For ninety days following October 7, 1942 to the manufacture or delivery in fulfillment of any order for the use of the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration, require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission" or "War Shipping Administration" shall not include any privately operated plant or shipyard financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis. For the purposes of this paragraph (c) an order for machinery or equipment shall be deemed to have been in the process of manufacture on October 7, 1942 only if fabrication or assembly of a component part, in fulfillment of such order and not for inventory or stock, was begun prior to October 7, 1942.

(d) [Deleted Oct. 26, 1943]

(e) [Revoked May 10, 1943]

(f) *Miscellaneous provisions.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L, M, or R order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L, M or R order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing, with the Field Office of the War Production Board for the District in which is located the plant or branch of the appellant to which the appeal relates, either Form WPB–1477 (formerly PD–500) or a letter in triplicate, referring to the provision appealed from and fully stating the grounds for the appeal.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref.: L–193.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—RESTRICTIONS AND LIMITATIONS ON THE USE OF MATERIALS IN CONVEYING MACHINERY OR MECHANICAL POWER TRANSMISSION EQUIPMENT

(a) As used in this schedule, (1) "alloy steel" and "alloy iron" mean alloy steel and alloy iron as defined in Order M–21–a, as amended and supplemented from time to time; and (2) "line shafting" means any shaft driving two or more machines or any single length or rigidly coupled lengths of shafting supported by three or more bearings.

(b) *Conveying machinery.* The materials listed below are restricted or prohibited in the construction of conveying machinery, as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Bins, bunkers, hoppers and tanks (when used as part of conveying machinery or equipment).* No metal shall be used in bins, hoppers, tanks, or bunkers having a capacity of more than 400 cubic feet level filled, except in clips, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars or mesh, washers, and hopper bottoms of less than 400 cubic feet capacity. No steel plate of a thickness in excess of ¼ inch shall be used in bins, tanks, or hoppers with a capacity of less than 400 cubic feet, level filled. No liner plates of steel shall be used in steel bins, steel tanks, or steel hoppers. Steel liners for wood bins or wood bunkers shall not exceed No. 10 U. S. gage in thickness.

(2) *Conveyors and elevators.* No alloy steel or alloy iron, except Hadfield manganese steel, shall be used for parts of chains (other than chains for the transmission of power), except for (i) pins and bushings in steel conveyor chains or cast sprocket chains, or (ii) chains used in the heat zone of heat treating and metallurgical furnaces.

(3) *Conveyor and elevator sprockets.* No alloy steel or alloy iron except Hadfield manganese steel shall be used in chain sprocket wheels, except for sprockets to be used in the heat zone of heat treating and metallurgical furnaces.

(4) *Conveyor structures.* (i) No metal, except for steel in clips, bearing brackets, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars, reinforcing mesh, and washers, shall be used in the following structural parts:

(A) Supports for fixed conveyor frames, except supports for gravity, live roll and package conveyors.

(B) Fixed bulk material belt conveyor frames (including stringers).

(C) Conveyor galleries.

(D) Belt conveyor decking.

(E) Walkways, toe boards, handrails, stairways, and platforms.

(F) Guards or housing used only for protection, except those used for mechanical power transmission drives.

(G) [Deleted Jan. 21, 1944]

(H) [Deleted Jan. 21, 1944]

(I) [Deleted Jan. 21, 1944]

(ii) Trough linings for fixed conveyors shall not exceed No. 10 U. S. gage in thickness.

(iii) Steel for chutes and spouts shall not exceed 3/16 inch in thickness.

(iv) No steel liner plates shall be used in steel chutes or steel spouts.

(v) Steel linings for wood chutes or wood spouts shall not exceed No. 10 U. S. gage in thickness.

(vi) No copper bearing sheets or plates shall be used.

(vii) Steel troughing belt carriers and steel return belt idler rolls shall not exceed 5 inches nominal diameter on idlers up to 42 inches; and shall not exceed 6 inches on idlers 42 inches and over; provided that this limitation shall not apply to parts used for repair or replacement purposes.

(c) *Mechanical power transmission equipment.* The materials listed below are restricted or prohibited in the construction of mechanical power transmission equipment as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Anti-friction bearings.* (i) Anti-friction bearings shall not be used in hangers, pillow blocks, loose pulleys, and clutch pulleys for line shafting except for the following purposes, as certified by the purchaser:

(A) The reduction or elimination of fire hazards resulting from the combustible nature of the material being processed.

(B) Reduction or elimination of waste due to spoilage.

(C) Reduction of starting or running loads where the use of anti-friction bearings will correct an overload pertaining to the primary source of power.

(D) The repair or replacement of bearings for line shafting: *Provided, however,* That no anti-friction bearings shall be used for repair or replacement purposes for line shafting not previously equipped with such bearings.

The above mentioned certification by the purchaser shall be included in or shall accompany the purchase order, shall be signed by a duly authorized official of the purchaser, and shall be in the following form:

"The undersigned hereby certifies that the anti-friction bearings covered by order ------ (here give order number or other pertinent description) are for the following purposes as permitted by the provisions of Item (c) (1) of List A to Order L–193:

(here fill in the purposes for which the bearings will be used)

---------- Company
By ----------"

Such certification shall be deemed a representation to the War Production Board as well as to the supplier to whom the order is tendered.

(ii) No alloy steel or alloy iron shall be used in bearing housings.

(2) *Bearings.* No alloy steel or alloy iron shall be used in base, cap or liner castings for sleeve bearings; or in bearing hangers, base plates, floor stands, or wall brackets for line shafting.

(3) *Chains.* (i) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in cast sprocket chains.

(ii) No alloy steel shall be used in semi-finished or finished roller chain, bushed drive chain, or silent chain except in those parts thereof which the manufacturer made of alloy steel prior to January 21, 1943.

(4) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in chain sprocket wheels.

(5) *Shafting appliances.* No alloy steel or alloy iron shall be used in the construction of shafting appliances in rigid couplings, collars, or pulleys and sheaves.

(6) *Gears.* No alloy steel or alloy iron shall be used in cast teeth or molded teeth gears and pinions or in gear housings.

(d) *Rust proofing.* No metallic plating or coating shall be used in the rust proofing of conveyor machinery or mechanical power transmission equipment, except that galvanising may be used to prevent contamination of food or in the case of anchor bolts set in concrete and subject to corrosive chemical action.

[F. R. Doc. 44–2048; Filed, February 11, 1944; 11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L–292, Quota Schedule VI as Amended Feb. 11, 1944]

PRODUCTION QUOTAS FOR FLOUR, GRAIN, FEED MILLING AND PROCESSING MACHINERY AND EQUIPMENT

§ 1226.81b *Production quotas for flour, grain, feed milling and processing machinery and equipment*—(a) *Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of flour, grain, feed milling and processing machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944, inclusive. The quotas for the items described in this schedule shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L–292 with respect to those items.

(b) *Definitions.* (1) "Base period use" means the annual average tonnage of controlled materials used to complete items of flour, grain, feed milling and processing machinery and equipment during the years 1939, 1940 and 1941.

(2) "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use more controlled materials to fabricate or assemble flour, grain, feed milling and processing machinery and equipment in any class than the quota percentage of his base period use for each class of machinery and equipment as set forth in the table below.

PRODUCTION QUOTAS

The first column describes each class of machinery covered by this schedule.

The second column describes the various types of machinery and equipment included in each class of machinery.

The third column assigns a code number to each type of machinery and equipment.

The fourth column shows the quota percentage that each manufacturer is allowed.

Class of Machinery	Type of machine	Machine code No.	Quota percentage
General reduction.	Andre Mills	202.002	100
	Burr Mills	202.011	
	Corn Crushers	202.017	
	Corn Cutters	202.018	
	Degerminators	202.024	
	Flaking Roll Mills	202.034	
	Corn Roll (Cracker)	202.036	
	Grinding Starch Mill	202.039	
	Roller Mill	202.057	
	Sugar Clipper	202.067	
Grinders	Attrition Mill	202.004	140
	Hammers & Pulverizers	202.040	
Mixing and feeding.	Blenders	202.007	90
	Feeders (Chemical)	202.020	
	Feeders (Percentage)	202.030	
	Feeders (Roll)	202.031	
	Feeders (Batch)	202.032	
	Mixers	202.044	
	Mixers (Molasses)	202.045	
	Pellet Machine	202.049	
	Puffing Machine	202.052	
	Batch Mixer	202.005	
Sifting and screening.	Bolting Reels	202.008	110
	Bolting Sifters	202.009	
	Bran and Shorts Dusters	202.010	
	Germ Washing Reels	202.038	
	Purifiers (regular)	202.053	
	Purifiers (purulator)	202.054	
	Scalpers	202.058	
	Separating & Washing reels.	202.060	
	Centrifugals	202.012	
	Centrifuges	202.013	
Cleaning and grading.	Aspirators	202.003	100
	Corn Shellers	202.021	
	Dust Collector (cyclone)	202.026	
	Dust Collector (tubular)	202.027	
	Germ Separators	202.037	
	Huller (rice & oats)	202.042	
	Pearlers (rice)	202.048	
	Polisher (rice)	202.050	
	Scourer (air type)	202.059 A	
	Scourer (friction type)	202.059 B	
	Separator or Grader	202.061 A	
	Separator—magnetic	202.061 B	
	Separators—gravity	202.061 C	
	Wheat Washers	202.074	
	Entoleters	202.075	
	Tipple—Tipple House	202.072	
General conditioning.	Acidifier	202.001	90
	Bleaching Gas Control	202.006	
	Convertors	202.014	
	Cookers	202.015	
	Cookers and Preheaters	202.016	
	Corn Steeps or Tank	202.022	
	Crystallizing Equipment.	202.023	
	Dryers and Coolers	202.025	
	Furnace	202.035	
	Heat Exchanger	202.041	
	Neutralizers	202.046	
	Revolving Heat Chambers.	202.055	
	Roasters and Ovens	202.056	
	Solvent Extraction Equipment.	202.063	
	Steam Germ Dryer	202.064	
General conditioning—Con.	Steamer	202.065	90
	Sterilizer	202.066	
	Sulphur Tower (SO_2)	202.068	
	Tanks (Metal)	202.069	
	Tanks (wood)	202.070	
	Tempering Device (auto)	202.071 A	
	Tempering Device (steamers).	202.071 B	
	Tempering Device (wheat).	202.071 C	
	Vacuum Pans	202.073	
Filter and press.	Corn Germ Squeezer	202.019	
	Corn Oil Filter Press	202.020	
	Filters	202.033	
	Hydraulic Press	202.043	
	Oil expellers and cookers.	202.047	
	Pressers	202.051	
All other			85

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of flour, grain, feed milling and processing machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions, issued to any manufacturer or class of manufacturers, increase or decrease any quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L–292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L–292, as amended from time to time.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2049; Filed, February 11, 1944; 11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L–292, Quota Schedule VII as Amended Feb. 11, 1944]

PRODUCTION QUOTAS FOR MEAT CANNING, MEAT PACKING AND MEAT PROCESSING MACHINERY AND EQUIPMENT

§ 1226.81c *Production quotas for meat canning, meat packing and meat processing machinery and equipment*—(a) *Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of meat canning, meat packing and meat processing machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944. The quotas for the items de-

scribed in this schedule shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L–292 with respect to those items.

(b) *Definition.* "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use, in the fabrication or assembly of meat canning, meat packing or meat processing machinery and equipment, more controlled materials than 125% of the annual average gross tonnage of controlled materials used by him for this purpose during the calendar years 1939, 1940 and 1941.

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of meat canning, meat packing or meat processing machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions issued to any manufacturer or class of manufacturers, increase or decrease the quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L–292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L–292 as amended from time to time.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2050; Filed, February 11, 1944; 11:36 a. m.]

PART 3221—RIBOFLAVIN

[General Preference Order M–299, Revocation]

Section 3221.1 *General Preference Order M–299* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order. Riboflavin is subject to allocation under General Allocation Order M–300 (Appendix B, Schedule 2), issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of riboflavin during February, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M–299.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2054; Filed, February 11, 1944; 11:36 a. m.]

PART 3244—THIAMINE HYDROCHLORIDE

[General Preference Order M–314, Revocation]

Section 3244.1 *General Preference Order M–314* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order. Thiamine hydrochloride is subject to allocation under General Allocation Order M–300 (Appendix C, Schedule 3), issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of thiamine hydrochloride during February, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M–314.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2060; Filed, February 11, 1944; 11:37 a. m.]

PART 3245—NICOTINIC ACID

[General Preference Order M–315, Revocation]

Section 3245.1 *General Preference Order M–315* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order. Nicotinic acid is subject to allocation under General Allocation Order M–300 (Appendix A, Schedule 1), issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of nicotinic acid during February, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M–315.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2061; Filed, February 11, 1944; 11:37 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L–331]

MOTORCYCLES

The fulfillment of requirments for the defense of the United States having created a shortage in the supply of rubber, steel and other materials used in the production of motorcycles for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3292.126 *Limitation Order L–331*—(a) *Definitions.* For the purposes of this order:

(1) "Motorcycle" means a complete two or three wheeled automotive vehicle, powered by an air-cooled internal combustion engine, having a piston displacement of not less than thirty (30) cubic inches.

(2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture or assembly of new motorcycles.

(3) "Agency" means the Foreign Economic Administration (formerly, Office of Economic Warfare and Office of Lend-Lease Administration), the Office of Civilian Requirements or the Canadian Division of the War Production Board.

(b) *Prohibition of production of motorcycles, except when specifically authorized.* No producer shall manufacture any motorcycle except when specifically authorized in writing by the War Production Board. Such authorization shall specify the quantities and types of motorcycles to be produced, the periods of time within which the production must be completed, and the Agencies through whom distribution is to be effected.

(c) *Restrictions on delivery of motorcycles.* Motorcycles produced under authority of this order may be delivered only on orders for distribution through an Agency, and in the following manner:

(1) *Motorcycles for Foreign Economic Administration.* Motorcycles produced for distribution through the Foreign Economic Administration (i) to be exported to individuals, firms or corporations, may be delivered by the producer only when he has been supplied with an export license issued by the Foreign Economic Administration covering the order; (ii) to be exported for Lend-Lease account may be delivered by the producer only on orders for Lend-Lease account originating in the War Department or in the Procurement Division of the Treasury and which specify the country of destination.

(2) *Motorcycles for the Office of Civilian Requirements.* Motorcycles produced for distribution through the Office of Civilian Requirements of the War Production Board for public or private police usage or for other civilian usages may be delivered by the producer only upon receipt by him of authorization from the War Production Board. Such authorization shall be applied for by the producer on Form WPB 1319 and shall be filed by the producer with the Automotive Division of the War Production Board, in quadruplicate, and shall contain the following information: (i) The name, address and place of business of the producer; (ii) the name, address and business of the person to whom the producer proposes to sell the motorcycle; (iii) the number of motorcycles covered by the application, indicating the make and model; (iv) the use to which the vehicle will be put by the purchaser; (v) the state or area where vehicle is to be used; (vi) statement of the quantity, make and type (indicating the year of manufacture) of all other motorcycles operated by the prospective purchaser as of the date of the application. If motorcycles are to be traded in, state the same information and also their mileage and condition.

(3) *Motorcycles for Canada.* Motorcycles produced for distribution to individuals, firms or corporations located in Canada, or to the Canadian Government, may be delivered by the producer only upon receipt by him of an authorization from the War Production Board. Such authorization shall be applied for by the producer on Form WPB 1319 and shall be filed by the producer with the Automotive Division of the War Production Board, in quadruplicate, and shall contain the information called for in subparagraph (2) immediately above. No authorizations under this paragraph will be issued by the War Production Board unless the application on Form WPB 1319 is accompanied by the written aproval of the Deputy Motor Vehicle Controller of Canada.

(d) *Army and Navy exempted.* The terms and restrictions of this order shall not apply to any motorcycle sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance by the War Production Board.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Automotive Division of the War Production Board, Washington, D. C., referring to the particular provision appealed from and stating fully the grounds for appeal.

(g) *Applicability of War Production Board regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time except where otherwise stated.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Automotive Division, War Production Board, Washington 25, D. C.; Ref.: Order L–331.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2051; Filed, February 11, 1944; 11:36 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–371]

TRICHLORETHYLENE AND PERCHLORETHYLENE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of trichlorethylene and perchlorethylene for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.591 *Allocation Order M–371*—(a) *What this order does.* This order provides for the allocation of trichlorethylene and perchlorethylene from all producers and distributors except distributors who sell these materials only in quantities of a drum or less per customer per month.

A customer must file certified statements of end use with his purchase orders when ordering 700 pounds or more of these materials for delivery by all suppliers in any calendar month.

Suppliers must apply on Form WPB–2947 (formerly PD–602) for authorization for use or delivery on or after March 1, 1944.

(b) *Definitions.* (1) "Trichlorethylene" means the chemical $CHCl{=}CCl_2$.

(2) "Perchlorethylene", sometimes known as tetrachlorethylene, means the chemical $Cl_2C{=}CCl_2$.

(3) "Drum" means a container with a capacity of approximately 52 gallons.

(4) "Supplier" means any person who produces trichlorethylene or perchlorethylene or who purchases trichlorethylene or perchlorethylene for resale as such. The term "supplier" shall not include any person who resells exclusively in quantities of a drum or less per customer per month.

Requirements for Suppliers

(c) *Restrictions on delivery by suppliers.* (1) Beginning March 1, 1944, no supplier shall deliver trichlorethylene or perchlorethylene to any person except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) Authorization to each supplier for deliveries will be made on the following basis:

Deliveries to customers ordering 10,000 pounds or more of trichlorethylene and perchlorethylene combined during any month must be individually authorized; deliveries to customers ordering between 700–10,000 pounds per month will be authorized on the basis of end uses stated in the customers' certificates and a lump sum will be allocated to each end use for such orders without specifying individual customers' names; deliveries to customers ordering 700 pounds (one drum) or less of trichlorethylene and perchlorethylene combined will be authorized by allocating a lump sum for such small orders without specifying individual customers' names and without reference to end use.

(3) Perchlorethylene and trichlorethylene which cannot be delivered as authorized or directed shall revert to inventory subject to further allocation.

(d) *Restrictions on use by suppliers.* Beginning March 1, 1944, no supplier shall use trichlorethylene or perchlorethylene except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(e) *Suppliers to notify customers of denial of applications.* Each supplier shall notify his customer as soon as possible of denial in whole or in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

Requirements for Customers

(f) *Requirement for filing certificates with purchase orders.* Each person ordering more than 700 pounds of trichlorethylene and perchlorethylene combined for delivery in the aggregate by all suppliers during March 1944, or during any calendar month thereafter, shall furnish each supplier with a use certificate in accordance with Appendix C.

(g) *Use of allocated material.* Each person furnishing a use certificate with a purchase order shall use the trichlorethylene or perchlorethylene only as specified in the certificate, unless advised by his supplier that a particular specified use has been denied or limited by the War Production Board. However, any person not a supplier may redeliver to a supplier without restriction.

(h) *One-time customer's report.* Each person (excluding governmental departments and agencies, but including suppliers who consume any part of their own stock) shall file a report in accordance with Appendix B on or before the 20th day of the month preceding the first month in which he expects to receive or use 10,000 pounds or more of trichlorethylene and perchlorethylene combined. This report need be filed only once, and not earlier than February 20, 1943.

Other Provisions

(i) *Exemption for intermediate brokers and sales agents.* Application and specific authorization shall not be required for the participation by a broker or sales agent in either of the following cases:

(1) When trichlorethylene or perchlorethylene is ordered through the broker or sales agent and is to be delivered by the supplier directly to the purchaser and not to the broker or sales agent for redelivery to the purchaser;

(2) When trichlorethylene or perchlorethylene is sold by a supplier through an agent who is required to submit the customer's purchase orders to the supplier for approval.

In either of the above cases, the purchaser shall furnish the broker or sales agent with a purchase order and use certificate, which certificate the broker or sales agent shall transmit to the supplier. The supplier shall then apply in accordance with Appendix A as if the order had been placed directly with him.

(j) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions with respect to:

(1) Use, delivery or acceptance of delivery of trichlorethylene or perchlorethylene; or

(2) Production of trichlorethylene or perchlorethylene; or

(3) Preparation and filing of forms and certificates required by Appendices A, B and C, subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

(k) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-371.

NOTE: Forms WPB 2947 and 3442, together with the instructions in this order for the use of these forms and the filing of certificates, have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS TO SUPPLIERS FOR FILING FORM WPB-2947

Each supplier seeking authorization to use or deliver trichlorethylene or perchlorethylene shall file application on Form WPB-2947 (formerly PD-602), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or delivery is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-371.

Number of sets. Separate sets of forms shall be prepared for trichlorethylene and perchlorethylene.

Heading. Under the name of material, specify trichlorethylene or perchlorethylene; under War Production Board order number specify M-371; leave grade space blank; specify pounds as unit of measure; specify proposed delivery month; and otherwise fill in as indicated.

Table I (Application to deliver). First, in Column 1 list customers ordering 10,000 pounds or more of trichlorethylene and perchlorethylene combined for delivery during the next month, in Column 1a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each use; second, specify in Column 1 "between 700 and 10,000 lb. orders", without specifying customers' names, in Column 1a group the end uses stated in the use certificates filed with these orders, and in Column 4 specify the aggregate quantity ordered for each use; third, specify in Column 1 "700 lb. or less orders", without specifying individual customers' names leave Column 1a blank, and in Column 4 specify the aggregate quantity ordered or expected to be ordered. Fill in the other columns as indicated.

Table I (Application to use). If the applicant supplier is seeking authorization to use any part of his own production or stock of trichlorethylene or perchlorethylene, he shall apply as if the consuming part of his organization had filed a purchase order and use certificate with the production or distribution part of his organization (the actual filing of such an order and certificate is not necessary). For example, if he wishes to use 10,000 pounds or more during the next month, he should specify his own name, his proposed use and requested quantity in Columns 1, 1a and 4; if he wishes to use between 700 and 10,000 pounds during the next month, he should not specify his own name, but opposite "between 700 and 10,000 lb. orders" in Column 1, and opposite his proposed end use in Column 1a, should include in Column 4 the quantity which he requests for the specified use; or if he wishes to use 700 pounds or less during the next month, opposite "700 lb. or less orders" in Column 1, he should include in Column 4 the quantity which he requests, leaving Column 1a blank. Fill in the other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Each producer of trichlorethylene or perchlorethylene shall fill in all columns of this table as indicated. Distributors purchasing from producers for resale shall fill in Columns 8, 10, 12 and 13 and leave the other columns of this table blank. In Columns 10 and 13, suppliers shall enter only those stocks not authorized for use or delivery on the dates specified.

APPENDIX B—INSTRUCTIONS FOR FILING CUSTOMER'S ONE-TIME REPORT ON FORM WPB-3442

Each person (not including governmental departments and agencies, but including suppliers who consume any part of their own stock) shall file a report on Form WPB-3442 on or before the 20th day of the month preceding the first month in which he expects to receive or use 10,000 pounds (15 drums) or more of trichlorethylene and perchlorethylene combined. Fill in the form as indicated, subject to the following instructions for the purpose of this order:

Form WPB-3442. Copies may be obtained at local field offices of the War Production Board.

Number of copies. Two copies shall be prepared, of which one shall be retained by the person reporting and one shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-371.

Number of sets. Separate sets of forms shall be prepared for trichlorethylene and perchlorethylene.

Heading. In space (1) specify trichlorethylene or perchlorethylene; in space (2) specify pounds; in space (3) specify Order M-371; and fill in space (4), (5), (6) and (7) as indicated.

Section I. Fill in Column (a) as indicated, leaving Column (b) blank; specify "6 months ending Dec. 31, '43" in the heading of Column (c) and fill in accordingly; and leave Columns (d), (e), (f) and (g) blank.

Section II. Leave Columns (a) and (d) blank; specify "February 1, 1944" in the heading of Column (b) and "March 1, 1944" in the heading of Column (c) and fill in accordingly. (If filing after February, 1944, specify the first day of the current month and the first day of the next month in the headings of Columns (b) and (c) respectively).

APPENDIX C—INSTRUCTIONS FOR FILING USE CERTIFICATES WITH PURCHASE ORDERS FOR 700 POUNDS (ONE DRUM) OR MORE PER MONTH FROM ALL SUPPLIERS

(1) Each person ordering more than 700 pounds (one drum) of perchlorethylene and trichlorethylene together in the aggregate from all of his suppliers for delivery during March, 1944, or during any calendar month thereafter, shall furnish with each purchase order a certificate in substantially the following form:

(Insert statement of quantities of trichlorethylene and perchlorethylene for each proposed primary product and end use, in accordance with instructions in paragraphs (3) and (4) below).

The undersigned hereby certifies to the seller and to the War Production Board that the trichlorethylene and/or perchlorethylene covered by the accompanying purchase order will be used only as specified above, and that the quantity of trichlorethylene and perchlorethylene hereby ordered, together with all other quantities of these materials ordered for delivery in the same month, does/does not (*strike out inapplicable words*) exceed 10,000 pounds.

(Name of purchaser)

By _____
(Signature and title of duly authorized officer)

(2) Suppliers are requested to obtain certificates with respect to deliveries to be made during any calendar month not later than the 10th day of the preceding month. The above certificate need not be filed with the War Production Board. It shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The standard certification of Priorities Regulation No. 7 may not be used unless a statement is added with respect to end use and whether all orders of the customer for delivery in the same month do or do not exceed 10,000 pounds.

(3) The primary product and end use description in the above certificate shall be specified as follows:

Quantity of trichlorethylene or perchlorethylene (specify separately)	Primary product	End use
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Primary product. Primary product should be specified as follows:

Vapor degreasing solvent.
Liquid degreasing solvent (specify whether used hot or cold).
Fire extinguisher fluid.
"Freon."
Hexachlorethane.
Solvent extractant.
Spotting and cleaning fluid.
Drugs and pharmaceuticals (specify).
Other (specify).

End use. End use should be specified to indicate the disposition of the primary product; for example, where trichlorethylene or perchlorethylene is to be used for solvent extraction, specify whether for foodstuffs, medicinals, etc., or if requested for industrial degreasing, particularize this general use, such as: degreasing airplane parts or other articles sold to or incorporated in articles sold to Armed Services; degreasing machinery and equipment used in the manufacture of articles sold to or incorporated in articles sold to the Armed Services; degreasing civilian goods; auto servicing; etc. Where the trichlorethylene or perchlorethylene or the product made from it is to be delivered directly to the Armed Services, or for export, or on Lend-Lease, specify "Armed Services", "Export", or "Lend-Lease" as the end use, without further end use description.

Resale. If the purchase is for resale, the purchaser shall leave blank the "primary product" space and as end use shall specify "authorized resale", or, if ordering exclusively for resale on small order of 70 pounds or less, shall specify "resale in 700 lbs. or less lots per customer per month".

(4) In the event that two or more end uses are involved in a single purchase order, the amount of trichlorethylene or perchlorethylene required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the primary supplier to advise his customers, by purchase order number and item number, as to the action taken on the application to make delivery.

(5) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall, provided such purchase order specifies the Lend-Lease contract or requisition number, constitute a use certificate for the purpose of this order.

[F. R. Doc. 44-2052; Filed, February 11, 1944; 11:36 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300]

CHEMICALS AND ALLIED PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of those chemicals and allied products subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.1000 *General Allocation Order M-300*—(a) *Purpose and effect.* The purpose of this general allocation order is to provide a central framework for allocation of chemicals and allied products. Materials subject to this order are listed in Appendices A, B and C attached.

Three general systems of allocation are provided for in this order, following the outline of allocations now in general use for chemicals. Appendix A materials are allocated on customers' Form WPB-2945 (formerly PD-600) and suppliers' Form WPB-2946 (formerly PD-601). Appendix B materials are allocated on suppliers' Form WPB-2947 (formerly PD-602), on the basis of certified statements of proposed use from each customer. Appendix C materials are allocated on suppliers' Form WPB-2947 (formerly PD-602), on the basis of applications on customers' Form WPB-2945 (formerly PD-600) for large orders and certified statements of end use to the supplier from customers ordering intermediate quantities.

A separate schedule under this general order is issued for each subject material. The schedule details the information required for applications, and may contain special exemptions or additional requirements modifying the terms of the general order.

The appendices in this order outline the requirements for applying for each material and show the governing schedule numbers.

The general order will be reissued from time to time with all changes to date. New or amended schedules will be issued at the same time, as far as possible. Schedules remain in effect until individually amended and will not be reissued each time the general order is reissued.

(b) *Definitions.* For the purpose of this order:

(1) "Material" means any chemical or allied product listed in Appendix A, B or C, as defined in the schedule governing that material.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(3) "Supplier" means any person who produces or imports a material or who purchases a material for resale as such.

(4) "Initial allocation date" means the date when a material first becomes subject to allocation under this order, or when it first became subject to allocation under another order prior to its transfer to this order, whichever date is earlier.

Appendix A Materials—General Requirements

(c) *Delivery, acceptance of delivery, and use.* On and after the initial allocation date, no supplier of an Appendix A material shall deliver it to any person, no person shall accept delivery of an Appendix A material from a supplier, and no person shall use an Appendix A material, except as specifically authorized in writing by the War Production Board upon application under this order.

Appendix B Materials—General Requirements

(d) *Delivery and use by suppliers.* On and after the initial allocation date, no supplier of an Appendix B material shall use or deliver it to any person, except as specifically authorized in writing by the War Production Board upon application under this order.

(e) *Certified purchase orders.* With respect to material ordered for delivery on and after the initial allocation date:

(1) Each person ordering an Appendix B material from a supplier shall furnish a certified statement of end use with his purchase order in accordance with Appendix D.

(2) Each person shall use material delivered on a certified purchase order only as certified, unless advised by his supplier that a particular specified use has been denied or limited by the War Production Board or unless otherwise specifically authorized in writing by the War Production Board. However, any person not a supplier may redeliver material to a supplier without restriction.

(3) Each supplier within a week after receipt of authorization to ship shall notify his customer of denial in whole or in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

Appendix C Materials—General Requirements

(f) *Delivery.* On and after the initial allocation date, no supplier of an Appendix C material shall deliver it to any person, except as specifically authorized in writing by the War Production Board upon application under this order.

(g) *Acceptance of delivery.* On and after the initial allocation date, no person shall accept delivery during any allocation period from all suppliers of an aggregate quantity of an Appendix C material in excess of the quantity specified in Column 3 of Appendix C, except as specifically authorized in writing by the War Production Board upon application under this order.

(h) *Use.* On and after the initial allocation date, no person shall use an Appendix C material except as follows:

(1) As specifically authorized in writing by the War Production Board upon application on Form WPB-2945 (formerly PD-600); or

(2) For the purpose and in the quantity stated in the use certificate furnished with the purchase order against which the material was delivered, unless advised by the supplier that a particular specified use has been denied or limited by the War Production Board.

(i) *Certified purchase orders.* (1) Each person ordering an aggregate quantity of an Appendix C material within the limits specified in Column 4 of Appendix C from all suppliers for delivery during any allocation period, shall furnish each supplier with a use certificate in accordance with Appendix D.

(2) Each supplier within a week after receipt of authorization to ship shall notify his customers of denial in whole or in part by the War Production Board of any item or items on their certified purchase orders.

Additional Reports and Certificates—Special Requirements

(j) *Past use and inventory report.* Periodic or one-time reports on Form WPB-3442 covering past use and inventory may be required by the applicable schedule.

(k) *Supplementary use certificates.* Persons required to file statements of use with respect to materials subject to this order may be required by the applicable schedule to obtain supplementary statements of use from their customers.

Existing Stocks on Initial Allocation Date

(l) *Suppliers' stocks.* The restrictions on delivery and use of Appendix A, B, and C materials shall apply to all stocks of each supplied on the initial allocation date. Stocks of suppliers who resell exclusively on small orders are exempted by paragraph (o) (4).

(m) *Exemption for stocks of suppliers who consume.* If a supplier customarily maintains inventories of an Appendix

A, B or C material for his own consumption separately, both physically and on his books, from his inventory of the material for sale, his stocks on the initial allocation date for his own consumption shall be subject to the provisions of the following paragraph (n) regarding consumers' stocks and not to the restrictions of paragraph (l) above regarding suppliers' stocks. Prior to the initial allocation date, no supplier shall transfer any more material to his inventory as a consumer than his rated orders for derivatives of the material compared with his rated orders for the material itself would permit under Priorities Regulation No. 1.

(n) *Consumers' stocks.* Any person not a supplier may freely use, deliver or accept delivery of any Appendix A, B or C material which he had in stock on the initial allocation date or which was in transit consigned to him prior to that date, unless otherwise expressly provided in the applicable Schedule (indicated by asterisk in Column 7 of Appendix A).

Small Order Exemption

(o) *Small order deliveries by suppliers.* A supplier may fill small orders without application or specific authorization, if he delivers not more than the small order exemption quantity specified in Appendix A, B or C to any customer in any allocation period, if he has received small order certificates when so required, and if the total amount delivered does not exceed the sum of the following:

(1) The amount which he has been specifically authorized, upon application on the applicable supplier's form (WPB-2946 or 2947) to deliver on small orders;

(2) The amount which he has received pursuant to specific authorization or certification for redelivery on small orders;

(3) The amount which he himself acquired on small orders and has not used for other purposes;

(4) The amount which he had on hand on the initial allocation date, if he sells exclusively on small orders.

(p) *Acceptance of delivery and use of small order quantities.* Any person during each allocation period may use and accept delivery of the small order exemption quantity provided in Appendices A, B and C for each material, provided that:

(1) The total accepted from all suppliers during each allocation period shall not exceed in the aggregate one small order exemption quantity;

(2) Quantities received under the small order exemption shall be used only for experimental purposes if additional quantities of the material are received during the same allocation period on specific allocation;

(3) Use of the material is subject to any special limitations on use contained in the applicable schedule (noted with a "u" in the small order exemption columns of Appendices A, B and C);

(4) Acceptance is subject to the filing of a special small order cerificate when required by the applicable schedule (noted with a "c" in the small order columns of Appendices A and C).

Territorial and Import-Export Provisions

(q) *Territorial limitations.* This order shall apply only to acts occurring within the forty-eight States and the District of Columbia, unless otherwise provided in the applicable schedule.

(r) *Imports.* Application and authorization under this order shall not be required for importation of an Appendix A, B and C material into the United States, acceptance of delivery of the material by the consignee and delivery by such consignee to, and acceptance by, any person who purchased or contracted to purchase the material prior to its importation. No person who acquires an Appendix A, B or C material under this exemption shall use it after the initial allocation date except as specifically authorized in writing by the War Production Board upon application under this order. Nothing contained in this order limits the requirements of General Imports Order M-63.

(s) *Exports.* (1) No supplier shall export or deliver for export on Appendix A, B or C material after the initial allocation date except as specifically authorized in writing by the War Production Board upon application under this order, or except to fill exempt small orders. A producer who is also an exporter shall treat the export part of his operations as a separate entity for the purpose of this order. An exporter applying on Form WPB-2945 (formerly PD-600) for allocation and to the Foreign Economic Administration for an export license for the same material subject to this order, shall file both sets of applications together with the Foreign Economic Administration.

(2) Authorized deliveries for export must be made within the authorized period, unless the exporter notifies the supplier and the War Production Board in writing that delivery must be postponed to a later specific period, in which case the limitation of duration of authorization in paragraph (t) is automatically waived, subject to any special directions from the War Production Board. After an exporter has accepted an authorized delivery for export he may export the material at any time to the destination for which allocation was made without further application or authorization under this order.

Duration of Authorizations

(t) *Duration of authorization for delivery.* If it is not practicable for a supplier to make all deliveries in the allocation period for which authorized, he may complete them as early as practicable in the next month. However, authorization shall terminate if the purchaser fails to place his order before the end of the allocation period or if the purchaser requires postponement of delivery beyond 10 days after the allocation period.

(u) *Duration of authorization for acceptance of delivery.* A purchaser may accept delivery after the allocation period but shall notify the War Production Board and hold the material intact subject to direction from the War Production Board if he knows or has reason to believe that the shipment was made after the authorization for delivery had expired.

(v) *Duration of authorization for use.* Authorization for use on Form WPB-2945 (formerly PD-600) shall be valid during the allocation period for which the authorization was issued and the following month. Any unused portion remaining thereafter shall not be used for any purpose until further authorized or directed by the War Production Board.

Action by War Production Board

(w) *Individual actions.* In addition to regular allocations under this order, the War Production Board may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of an Appendix A, B or C material; or

(2) Production or processing of an Appendix A, B or C material; or

(3) Preparation and filing of forms and certificates required by this order or by its schedules, subject to approval by the Bureau of the Budget when required by Federal Reports Act of 1942.

Miscellaneous Provisions

(x) *Miscellaneous provisions*—(1) *Toll arrangements.* In the case of any toll arrangement where raw materials are converted into any Appendix A, B or C material by any person for the owner of the raw materials, the owner shall be considered the producer for the purpose of applications and authorizations under this order, and the Appendix A, B or C material may be delivered to him without restriction.

(2) *Laboratories.* This order is subject to the provisions of Supplementary Order P-135-a, which contains optional provisions for filing of small order and end use certificates by laboratories ordering reagent chemicals, and for acceptance by laboratories of small order deliveries of reagent chemicals.

(3) *Equivalent quantities.* The provisions of this order relate to quantities of material and not to the identity of any particular lot of material.

(4) *Full container adjustments.* A specifically authorized delivery (not including an exempt small order delivery) may be increased to the extent necessary to avoid shipping partly filled containers, if a container in the nearest practicable size is used. The excess quantity shall be deducted from subsequent authorized shipments to the same customer. The person accepting overshipment shall hold the excess material as an advance shipment on subsequent allocations, and shall use it only for the purpose authorized for the subsequent allocation against which it is credited, or shall hold it in inventory subject to further directions from the War Production Board.

(5) *Allocated inventory.* Material which is allocated for inventory shall not be used or disposed of for any purpose, except as specifically directed by the War Production Board. Material which has not been used for the purpose for which it was allocated shall revert to inventory as if originally allocated for inventory. Pending receipt of material allocated for a particular purpose, stocks on hand may be used for that purpose. The quantity withdrawn from allocated inventory must be replaced upon receipt of the allocated material.

(6) *Applicability of regulations.* This order, its schedules, and all transactions affected thereby, are subject to all applicable War Production Board regulations, as amended from time to time.

(7) *Approval of reporting requirements.* Forms WPB-2945, 2946, 2947 and 3442, and the instructions in this order and in its Appendices and schedules for applications and reports regarding materials subject to this order, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(8) *Violations.* Any person who wilfully violates any provision of this order or of its schedules or who, in connection with such order or schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priority assistance.

(9) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemical Bureau, Washington 25, D. C.; Ref: M-300—(specify applicable schedule number).

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—ALLOCATION USING FORMS WPB-2945 AND WPB-2946 (FORMERLY PD-600 AND 601)

Material	Schedule	Customers' filing date (WPB-2945)	Suppliers' filing date (WPB-2946)	Small order exemption per allocation period ("n" indicates use restriction in schedule; "c" indicates small order certificate required by schedule).	Report on Form WPB-3442	Initial allocation date and allocation period (*indicates user's stocks frozen)
1	2	3	4	5	6	7
Nicotinic acid	1	15th	20th	1 kilogram	None	5-4-43 Month
Anhydrous hydrofluoric acid.	4	15th	20th	500 lbs.	None	3-1-44 Month

APPENDIX B—ALLOCATION USING SUPPLIERS' FORM WPB-2947 (FORMERLY PD-602) WITH CUSTOMERS' USE CERTIFICATES

Material	Schedule	Suppliers' filing date (WPB-2947)	Small order exemption per allocation period—No certificate required ("n" indicates use restriction in schedule)	Report on Form WPB-3442	Initial allocation date and allocation period
1	2	3	4	5	6
Riboflavin	2	20th	100 grams	None	4-1-43 Month

APPENDIX C—ALLOCATION USING FORM WPB-2947 (FORMERLY PD-602) FOR SUPPLIERS, AND CUSTOMERS' FORM WPB-2945 (FORMERLY PD-600) FOR LARGE ORDERS AND USE CERTIFICATES FOR INTERMEDIATE ORDERS

Material	Schedule	Customer's applications		Small order exemption per allocation period ("u" indicates use restriction in schedule; "c" indicates small order certificate required by schedule)	Suppliers' filing date (WPB-2947)	Report on Form WPB-3442	Initial allocation date and allocation period
		On Form WPB-2945 filing date and quantities per allocation period from all suppliers	Use certificate quantities per allocation period from all suppliers				
1	2	3	4	5	6	7	8
Thiamine hydrochloride.	3	15th—more than 2,000 grams.	Between 100—2,000 grams.	100 grams	20th	None	5-4-43 Month

APPENDIX D—USE CERTIFICATE GENERAL INSTRUCTIONS

(1) Each person required to file a use certificate with a purchase order for material subject to this order shall furnish the supplier with a certified statement of proposed use of the material in substantially the following form, either placed on or attached to the purchase order:

(Statement of quantity of listed material required for each specified product and end use—see instructions in the applicable schedule and the instructions in paragraphs (10) and (11) of Appendix E for description of proposed use.)

USE CERTIFIED—REF. M-300

_____
Name of purchaser

By: _____
(Signature and title of duly authorized officer)

(2) In the event two or more end uses are involved in a single purchase order, the amount of the material required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the supplier to advise his customer by purchase order number and item number as to the action taken in the supplier's application for authorization to make delivery.

(3) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall constitute a use certificate for the purpose of this order, if the purchase order specifies the Lend-Lease contract or requisition number.

(4) A certified statement on Form WPB-2945 (formerly PD-600), or on any equivalent form, of quantities of material ordered for each intended product and end use, shall constitute a use certificate for the purpose of this order.

(5) The special certificate specified in Supplementary Order P-135-a may be used by laboratories when applicable instead of the above certificate.

APPENDIX E—FORMS WPB-2945, 2946 AND 2947—GENERAL INSTRUCTIONS

CUSTOMERS' FORMS

Customers' Form WPB-2945 (formerly PD-600). Each person requiring specific authorization to use or accept delivery of a material subject to this order shall file application on Form WPB-2945 in the manner prescribed therein, subject to the following general instructions:

(1) *Where to obtain copies.* Copies may be obtained at local field offices of the War Production Board.

(2) *Special instructions in schedules.* The applicable schedule may contain special instructions for applying for the particular material, supplementing or modifying the following general instructions.

(3) *When application is required.* Application for specific authorization is required for use or acceptance of delivery during any allocation period of a quantity exceeding the small order exemption in Column 5 of Appendix A, or of a quantity specified in Column 3 of Appendix C, or for use of an Appendix A, B or C material which has previously been allocated for a different purpose or for inventory.

(4) *Time of filing.* Application for regular allocation shall be filed or mailed in time to reach the War Production Board on or before the date specified in Column 3 of Appendix A or C.

(5) *Number of copies and where to file.* Prepare five copies, retain one, send one (reverse side blank) to the supplier, if any, and send three copies (original certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-_____ (specify schedule number). Exporters, however, when applying to the Foreign Economic Administration for an export license for material for which War Production Board allocation is requested, shall send both sets of applications to the Foreign Economic Administration.

(6) *Applications regarding suppliers and inventory.* When applying only for use from inventory, specify "Inventory" as supplier in the heading. When applying for material from other companies as suppliers, file separate sets of applications for each supplying company. A combined application may be made to accept delivery and use material from

another company as supplier, and to use an additional quantity from inventory. It will be presumed that applications which name another company in the heading as supplier relate only to acceptance of delivery and use of material from that supplier, unless it is clearly indicated that part of the application relates to use of an additional quantity from inventory. This may be indicated by specifying the requested quantity from inventory separately in Column 2 (quantities requested) and by specifying in Column 10 (Remarks) "From Inventory").

(7) *Heading.* Fill in as indicated, specifying as WPB Order No., "M-300-----" (specify Schedule number).

(8) *Table I.* Specify in the heading the allocation period for which authorization for acceptance of delivery or use is sought.

(9) *Columns 1 and 2.* Fill in as indicated, subject to the instructions in the applicable Schedule.

(10) *Column 3.* Specify the proposed primary use of the material sought in terms of the proposed primary product to be made from the material (as indicated in the applicable Schedule), or specify the use as for resale, export or inventory of the requested material in original form.

Column 4. Fill in as follows:

Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (and Schedule number, if allocated under General Allocation Order M-300).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use accurately and briefly, giving Army or Navy specification or contract numbers, or Lend-Lease requisition and contract numbers, when practicable.

Opposite "resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for exempt small orders". Suppliers who resell in both large and small quantities should specify "upon further authorization" for the total quantity ordered, and should apply on their suppliers' Form WPB-2946 or 2947 for authorization to deliver an aggregate quantity for small orders.

Opposite "export" in Column 3 specify in Column 4 the name of the individual company or governmental agency to whom, or for whose account, the material will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract and requisition number.

Opposite "inventory" in Column 3, write into Column 4, "subject to further authorization".

(12) *Columns 9 and 10.* Leave blank, except for remarks, if any, in Column 10.

(13) *Tables II, III and IV.* Fill in as indicated except as otherwise provided in the applicable schedule. In Columns 15 and 16, report entire physical inventory, whether or not subject to valid authorization or exemption on the dates specified. Suppliers who both sell and consume the material shall keep separate accounts of their sales and consumption inventories, reporting only the latter on customers' Form WPB-2945.

(14) *Table V.* Fill in only when and as required by the applicable schedule.

SUPPLIERS' FORMS

Suppliers' Forms WPB-2946 and 2947 (formerly PD-601 and 602). Each supplier requiring specific authorization to make delivery shall file application on Form WPB-2946 for an Appendix A material and on Form WPB-2947 for an Appendix B or C material, in the manner prescribed in these forms, subject to the following general instructions:

(15) *Where to obtain copies.* Copies may be obtained at local field offices of the War Production Board.

(16) *Special instructions in schedule.* The applicable schedule may contain special instructions for applications to deliver the particular material, supplementing or modifying the following general instructions.

(17) *When application to deliver is required.* Application for specific authorization to deliver an Appendix A, B or C material is required for any delivery by a supplier after the initial allocation date which is not subject to small order exemption.

A supplier who wishes to divert to his own use any part of his own production shall list his own name on the applicable supplier's form as in the case of any other customer, in addition to applying on customer's Form WPB-2945 (formerly PD-600) when so required.

(18) *Time of filing.* Applications for regular allocation shall be filed or mailed in time to reach the War Production Board on or before the date specified in Column 4 of Appendix A or Column 3 of Appendix B or Column 6 of Appendix C.

(19) *Number of copies and where to file.* Prepare five copies, retain one, and send four copies (original certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300 ——— (specify schedule number).

(20) *Number of sets.* File a separate set of forms for each separately located plant or distributing point, unless otherwise expressly provided in the applicable schedule.

(21) *Heading.* Fill in as indicated, specifying as WPB Order No. "M-300 ——". (specify schedule number).

(22) *Table I.* Fill in as indicated on Form WPB-2946 (formerly PD-601). List customers alphabetically, as far as practicable. On Form WPB-2947 (formerly PD-602) group customers according to end use and list alphabetically within each group, as far as practicable. If the applicant supplier wishes to use any part of his own production, he should list his own name as a customer on his supplier's form as in the case of any other customer. An aggregate quantity may be requested for exempt small orders without listing individual customers' names. In the case of Appendix C materials specify "WPB-2945" without further use description in Column 1-a of Form WPB-2947 opposite the names of customers who have filed copies of Form WPB-2945 with the applicant supplier.

(23) *Table II.* Fill in as indicated. In Column 10 and 13 report stocks on physical inventory basis regardless of whether any part of the stock is subject to valid authorization to deliver on the date specified. In Column 16, specify a quantity no greater than what is estimated will be available for allocation during the requested allocation period, taking into account undelivered balances on still valid prior authorizations.

[F. R. Doc. 44-2055; Filed, February 11, 1944; 11:36 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 1]

NICOTINIC ACID

§ 3293.1001 *Schedule 1 to General Allocation Order M-300*—(a) *Definition.* "Nicotinic acid" means nicotinic acid (also known as niacin) in crude or refined form. The term shall include any compound of nicotinic acid, including, but not limited to nicotinamide (also known as nicotinic acid amide and niacinamide), but does not include standard dosage forms (tablets, capsules, ampuls, solutions, etc.), combinations in foods or beverages, nicotinic acid of natural origin or nikethamide.

(b) *General restrictions.* Nicotinic acid is subject to allocation under General Allocation Order M-300, as an Appendix A material. The initial allocation date is May 4, 1943, the date of issuance of the nicotinic acid order M-315 (revoked). The allocation period is the calendar month, and the small order exemption is one kilogram per person per month.

(c) *Special provisions.* Use, delivery and acceptance of delivery prior to March 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in the nicotinic acid order M-315 (revoked).

(d) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 20th day of the month preceding the proposed delivery month. Send four copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-1. Separate sets of forms shall be filed for nicotinic acid and nicotinamide. The unit of measure is kilograms. Specify grade as "USP" or "crude." An aggregate quantity may be requested, without specifying customers' names, for delivery on small orders of 1 kilogram or less per person per month. Fill in Table II.

(e) *Customers' applications for authorization on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-1, one copy (reverse side blank) to the supplier and retain one copy. File separate sets of forms for nicotinic acid and nicotinamide and for each different supplier. The unit of measure is kilograms. Specify grade as "USP" or "crude." In Column 3 specify primary products as multivitamin, B-Complex, or single-vitamin capsules, tablets, ampuls or liquids; as bread, flour or cereal enrichment concentrates; as nikethamide; or as other specified products; or the primary use may be specified as resale, inventory or export of nicotinic acid as such. Opposite each primary product, in Column 3, specify end use in Column 4, in terms of Army, Navy, or Lend-Lease requirements, if any, giving contract or requisition numbers when practicable.

Fill in Tables II, III and IV as indicated. In Table V specify "Frozen Inventory on first of ----------" (name first day of requested allocation month), in the heading of Column 23, and in the column enter the estimated quantity of nicotinic acid which at the beginning of the requested allocation month will be in inventory subject to further authorization before it can be used. Leave column 24 and 25 blank.

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Reference M-300-1.

NOTE: Forms WPB-2945 and 2946 and the instructions in this schedule and the appendices of Order M-300 for applications for nicotinic acid have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2056; Filed, February 11, 1944; 11:37 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 2]

RIBOFLAVIN

§ 3293.1002 *Schedule 2 to General Allocation Order M-300*—(a) *Definition.* "Riboflavin" means riboflavin (lactoflavin, Vitamin G, Vitamin B_2), in crude or refined form. The term does not include standard dosage forms (tablets, capsules, ampuls, solutions, etc.), combinations in feeds, foods or beverages, nor riboflavin concentrates of natural origin.

(b) *General provisions.* Riboflavin is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is April 1, 1943, the date of issuance of the riboflavin order M-299 (revoked). The allocation period is the calendar month. The small order exemption without use certificate is 100 grams or less per person per month.

(c) *Special provisions.* Use, delivery and acceptance of delivery prior to March 1, 1944 will be authorized on the basis of applications filed in the form heretofore prescribed in the riboflavin order M-299 (revoked).

(d) *Suppliers' applications on WPB-2947.* Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). The filing date is the 20th day of the month preceding the proposed delivery month. Send four copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-2. The unit of measure is grams. Specify grade as "USP" or "crude". An aggregate quantity may be requested without specifying customers' names on uncertified small orders. Fill in Table II.

(e) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of more than 100 grams per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of Gencral Allocation Order M-300. List Government contract numbers or export license numbers if practicable. It is requested that certified end use statements be filed with the supplier not later than the 15th day of the month preceding the requested delivery month. Specify primary products as multivitamin, B-Complex, or single-vitamin capsules, tablets, ampuls, or liquids; as bread, flour, or cereal enrichment concentrates; or as other specified products. Specify as end use, Army, Navy or Lend-Lease requirements, if any, giving contract or requisition numbers when practicable. Proposed use may also be specified as, for authorized resale, for resale on exempt small orders, or for export (specify destination and export license number).

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Ref. M-300-2.

NOTE: Forms WPB-2947 and instructions in this schedule and the appendices of Order M-300 for applications for riboflavin have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2057; Filed, February 11, 1944; 11:37 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 3]

THIAMINE HYDROCHLORIDE

§ 3293.1003 *Schedule 3 to General Allocation Order M-300*—(a) *Definition.* "Thiamine hydrochloride" means thiamine hydrochloride (also known as thiamine chloride, vitamin B_1 hydrochloride, vitamin B_1) in crude or refined form. The term does not include standard dosage forms (tablets, capsules, ampuls, solutions, etc.), combinations in foods or beverages, or thiamine hydrochloride of natural origin.

(b) *General provisions.* Thiamine hydrochloride is subject to the provisions of General Allocation Order M-300 as an Appendix C material. The initial allocation date is May 4, 1943, the date of issuance of the thiamine hydrochloride order M-314 (revoked). The allocation period is the calendar month. A customer may purchase 100 grams or less per month from all suppliers without restrictions, must furnish use certificates with each order when seeking delivery of between 100 and 2000 grams per month from all suppliers, and must file on Form WPB-2945 for more than 2000 grams per month from all suppliers.

(c) *Special provisions.* Use, delivery and acceptance of delivery prior to March 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in the thiamine hydrochloride order M-314 (revoked).

(d) *Suppliers' applications on Form WPB-2947.* Each supplier seeking authorization to deliver shall file application on Form WPB-2947 (formerly PD-601). The filing date is the 20th of the month preceding the proposed delivery month. Send four copies (one certified) to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-3. The unit of measure is grams. Specify grade as "USP" or "crude". Fill in Tables I and II as indicated.

(e) *Customers' applications for authorization on Form WPB-2945.* Each person seeking delivery of more than 2000 grams per month from all suppliers shall file application for authorization on Form WPB-2945 (formerly PD-600). The filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-3, one copy (reverse side blank) to the supplier, and retain one copy. The unit of measure is grams. Specify grade as "USP" or "crude". In column 3, specify primary products as multivitamin, B-Complex, or single-vitamin capsules, tablets, ampuls or liquids; as bread, flour or cereal enrichment concentrates; or as other specified products, or the primary use may be specified as resale, inventory or export of thiamine hydrochloride as such. Opposite each primary product in Column 3, specify end use in Column 4 in terms of Army, Navy, or Lend-Lease requirements, if any, giving contract or requisition numbers when practicable. Fill in Tables II, III, and IV as indicated. In Table V specify "Frozen Inventory on first of ----------" (name first day of requested allocation month) in the heading of Column 23, and in the column enter the estimated quantity of thiamine hydrochloride which at the beginning of the requested allocation month will be in inventory subject to further authorization before it can be used. Leave Columns 24 and 25 blank.

(f) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of between 100 and 2,000 grams per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of General Allocation Order M-300. Describe proposed use as shown in paragraph (e) above. It is requested that certified end use statements be filed with the supplier not later than the 15th day of the month preceding the requested delivery month.

(g) *Communications to War Production Board.* All reports filed hereunder and all communications concerning this Schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Reference M-300-3.

NOTE: Forms WPB-2947 and 2945 and the instructions in this schedule and the appendices of Order M-300 for applications for thiamine hydrochloride have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2058; Filed, February 11, 1944; 11:37 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 4]

ANHYDROUS HYDROFLUORIC ACID

§ 3293.1004 *Schedule 4 to General Allocation Order M-300*—(a) *Definition.* "Anhydrous Hydrofluoric Acid" means anhydrous hydrofluoric acid in liquid or gaseous form.

(b) *General restrictions.* Anhydrous hydrofluoric acid is subject to allocation under General Allocation Order M-300-4 as an Appendix A material. The initial allocation date is March 1, 1944. The allocation period is the calendar month, and the small order exemption is 500 pounds per month.

(c) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 20th day of the month preceding the proposed delivery month. Send four copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-4. The unit of measure is the ton. An aggregate quantity may be requested, without specifying customers' names, for delivery on small orders of 500 pounds or less per person per month. Fill in Table II.

(d) *Customers' applications for authorization on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington, D. C., Reference M-300-4, one copy (reverse side blank) to the supplier and retain one copy. File separate sets of forms for each different supplier. The unit of measure is the ton. In Column 3 specify each primary product, or specify "Resale" or "Export" if the anhydrous hydrofluoric acid is to be resold or exported as such. Fill in the other columns of Table I, and fill in Tables II and III as indicated. Leave Tables IV and V blank.

(e) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Reference M-300-4.

NOTE: Forms WPB-2945 and 2946 and the instructions in this schedule and the appendices of Order M-300 for applications for anhydrous hydrofluoric acid have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3[1] Incl. Amdt. 5]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Section 1300.250 amended by Amendment 5 effective February 9, 1944 so that Revised Procedural Regulation No. 3 shall read as follows:

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong.), Procedural Regulation No. 3—Procedure for the Protest and Amendment of Maximum Rent Regulations and Adjustment Under Such Regulations—is hereby revoked, except as provided in § 1300.253 of this regulation, and the following rules are prescribed for adjustments, amendments, protests and interpretations under maximum rent regulations.

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AUTHORITY: §§ 1300.201 to 1300.253a, inclusive, issued under 56 Stat. 23; 765.

§ 1300.201 *Purposes of this regulation.* It is the purpose of this regulation to prescribe and explain the procedure of the Office of Price Administration in making various kinds of determinations in connection with the establishment of maximum rents.

(a) Subpart A deals with petitions for adjustment and other relief, provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Subpart B deals with petitions for amendment. A petition for amendment is the appropriate document to file when a petitioner seeks a change of general applicability in the provisions of a maximum rent regulation.

(c) Subpart C deals with protests. A protest is the means provided by the Emergency Price Control Act of 1942 for making a formal claim that a maximum rent regulation or an order issued thereunder is in some respect invalid. Only if a protest has been filed and denied may the protestant file a complaint with the Emergency Court of Appeals to have the maximum rent regulation or order protested, enjoined or set aside in whole or in part.

(d) Subpart D explains the way in which interpretations of the meaning or effect of provisions of maximum rent regulations are given by officers or employees of the Office of Price Administration.

(e) Subpart E contains miscellaneous provisions, and definitions.

[1] 8 F.R. 526.

SUBPART A—LANDLORDS' PETITIONS AND TENANTS' APPLICATIONS

§ 1300.202 *Right to file petition.* A petition for adjustment or other relief may be filed by any landlord subject to any provision of a maximum rent regulation who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action.

§ 1300.203 *Method of filing, form, and contents.* A petition for adjustment or other relief provided for by a maximum rent regulation shall be filed with the rent director of the Office of Price Administration for the defense-rental area within which the housing accommodations involved are located. Petitions shall be filed upon forms prescribed by the Administrator and pursuant to instructions stated on such forms and may be accompanied by affidavits or other documents setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.

§ 1300.204 *Joint petitions, consolidation.* Two or more landlords may file a joint petition for adjustment or other relief where the grounds of the petition are common to all landlords joining therein. A joint petition shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one landlord. A landlord's petition may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the rent director deems it necessary or appropriate, he may order the filing of separate petitions or he may consolidate separate petitions presenting common questions which can be determined expeditiously in one proceeding.

§ 1300.205 *Tenants' applications.* All tenants' applications provided for by any maximum rent regulation shall be filed with the rent director for the defense-rental area within which the housing accommodations involved are located. The application shall be filed on forms prescribed by the Administrator and pursuant to directions set forth on such forms. Action upon any tenant's application shall be within the discretion of the rent director and the procedure thereon shall be the same as in proceedings initiated by the rent director pursuant to provisions of a maximum rent regulation authorizing such action.

§ 1300.206 *Investigation of petitions and applications.* Upon the filing of a petition or application pursuant to the provisions of this regulation, the rent director may make such investigation of the facts involved in the petition or application, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the petition or application.

§ 1300.207 *Action by rent director on his own initiative.* In any case where the rent director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord of the housing accommodations involved stating the proposed action and the grounds therefor.

§ 1300.208 *Action by the rent director on petitions for adjustment or other relief.* (a) Upon receipt of a petition for adjustment or other relief, and after due consideration, the rent director may either:

(1) Dismiss any petition which fails substantially to comply with the provisions of the applicable maximum rent regulation or of this regulation; or

(2) Grant or deny in whole or in part, any petition which is properly pending before him; or

(3) Notice such petition for oral hearing to be held in accordance with §§ 1300.229 to 1300.237, inclusive, of this regulation; or

(4) Provide an opportunity to present further evidence in affidavit form, in connection with such petition.

(b) An order entered by a rent director upon a petition for adjustment or other relief, or an order entered by a rent director on his own initiative, shall be effective and binding until changed by further order and shall be final subject only to application for review or protest as provided in §§ 1300.209 and 1300.210 and §§ 1300.215 to 1300.228, inclusive, of this regulation. An order entered by a rent director may be revoked or modified at any time upon due notice to the petitioner.

[Paragraph (b) as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

Application for Review of Rent Director's Action

§ 1300.209 *Applications for review.* (a) Any landlord whose petition for adjustment or other relief has been dismissed or denied in whole or in part by the rent director, or any landlord subject to an order entered by the rent director on his own initiative, may within a period of sixty days after the date of issuance of such determination, regardless of the effective date thereof, file with the rent director an application for review of such determination by the regional administrator for the region in which the defense-rental area office is located: *Provided,* That any landlord subject to an order entered under section 5 (d) of any maximum rent regulation or subject to an order entered by the rent director under § 1300.207 of this regulation, may either apply for review of such order as provided in this section, or may protest any provision of such order as provided in §§ 1300.215 to 1300.223, inclusive, of this regulation. An application for review shall be filed in triplicate upon forms prescribed by the Administrator and pursuant to instructions stated on such forms. Upon the filing of an application for review of such determination, the rent director shall forward the record of the proceedings with respect to which such application is filed to the appropriate regional administrator.

(b) Applications for review shall be deemed filed on the date received by the rent director: *Provided,* That applications for review properly addressed to the rent director, bearing a postmark dated within the sixty-day period specified above, but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark.

[§ 1300.209 amended by Am. 1, 8 F.R. 1798, effective 2-13-43, Am. 2, 8 F.R. 3534, effective 3-20-43 and Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.210 *Action on applications for review.* Upon the filing of an application for review in accordance with § 1300.209 of this regulation, and after due consideration, the regional administrator may affirm, revoke, or modify, in whole or in part, the determination of the rent director sought to be reviewed and may enter such order as is necessary or proper. In any case where an application for review does not conform in a substantial respect to the requirements of this regulation, the regional administrator may dismiss such application. An order entered by a regional administrator upon an application for review shall be effective and binding until changed by further order and shall be final subject only to protest as provided in §§ 1300.215 to 1300.228, inclusive, of this regulation. An order entered by a regional administrator upon an application for review may be revoked or modified at any time upon due notice to the applicant.

[§ 1300.210 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

SUBPART B—PETITION FOR AMENDMENT

§ 1300.211 *Right to file petition.* A petition for amendment may be filed at any time by any person subject to or affected by a provision of a maximum rent regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the Act.

§ 1300.212 *Place for filing petitions for amendment; form and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C. One original and four copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every such petition shall be designated "Petition for Amendment" and shall contain,

upon the first page thereof, the name of the defense-rental area and the number and date of issuance of the maximum rent regulation to which the petition relates, and the name and address of the petitioner. The petition shall specify the manner in which the petitioner is subject to or affected by the provision of the maximum rent regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in his petition.

[§ 1300.212 as amended by Am. 1, 8 F.R. 1798, effective 2-13-43]

§ 1300.213 *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment, where the amendments proposed are identical or substantially similar. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several, and, in any event, he may require the filing of relevant material by each individual petitioner.

§ 1300.214 *Action by the Administrator on petition.* In the consideration of any petition for amendment, the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Administrator may consolidate such petitions.

SUBPART C—PROTESTS

§ 1300.215 *Right to protest.* Any landlord subject to any provision of a maximum rent regulation, or of an order issued under § 1300.210 of this regulation, or of an order entered under section 5 (d) of any maximum rent regulation, or of an order entered by the rent director under § 1300.207 of this regulation, may file a protest in the manner set forth below. A landlord is, for the purposes of this regulation, subject to a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him. Any protest filed by a landlord not subject to the provision protested, or otherwise not in accordance with the requirements of this regulation, may be dismissed by the Administrator.

[§ 1300.215 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.216 *Time and place of filing protests.* (a) Any protest as provided in § 1300.215 of this regulation against a provision of a maximum rent regulation or an order, shall be filed with the Secretary, Office of Price Administration, Washington, D. C., within a period of sixty days after the date of issuance of such regulation or order, regardless of the effective date thereof: *Provided,* That a protest against a provision of a maximum rent regulation based solely on grounds arising after the date of issuance of such maximum rent regulation shall be filed within a period of sixty days after the protestant has had, or could reasonably have had, notice of the existence of such grounds.

[Former text of § 1300.216 designated (a) by Am. 2, 8 F.R. 3534 and amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

(b) Protests shall be deemed filed on the date received by the Secretary, Office of Price Administration, Washington, D. C.: *Provided,* That protests properly addressed to the Secretary bearing a postmark dated within the applicable sixty-day period specified above, but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark.

[Paragraph (b) added by Am. 2, 8 F.R. 3534, effective 3-20-43]

§ 1300.217 *Form of protest.* Every protest shall be clearly designated a "Protest" and shall contain, upon the first page thereof (a) the name of the protestant and of the defense-rental area for which the maximum rent regulation or order protested was issued, (b) a statement whether the protest is against a maximum rent regulation or order, and (c) the date of issuance and the number of such maximum rent regulation or order. One original and five copies of the protest and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and should be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented.

§ 1300.218 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the information specified in § 1300.217 of this regulation.

§ 1300.219 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the manner in which the protestant is subject to the provision of the maximum rent regulation or order protested, and the location, by post office address or otherwise, of all housing accommodations involved in the protest.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision of the maximum rent regulation or order protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objections.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum rent regulation or order, the specific changes which he seeks to have made therein.

(f) In cases where the protest is based upon grounds arising after the date of issuance of the maximum rent regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement signed and sworn to (or affirmed) by the protestant personally or, if a partnership, by a partner or if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts are known to him to be true and which are alleged on information and belief.

§ 1300.220 *Affidavits or other written evidence in support of protest.* Every protestant shall file together with his protest the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information: *Provided,* That on a protest of an order, the evidence and all documents in proceedings had in connection therewith, shall be a part of the record on protest and need not be filed by the protestant.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement by the protestant in affidavit form setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limit for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence. Any affidavits providing further evidence, pursuant to order, shall contain the information required by subparagraph (a) of this section.

§ 1300.221 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

§ 1300.222 *Joint protests.* Two or more landlords may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed severally. A joint protest shall be verified in accordance with §1300.219 (g) of this regulation by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by the individual protestants.

§ 1300.223 *Amendment of protest and presentation of supplemental evidence.* (a) The protestant may amend his protest or his affidavits and briefs submitted therewith, or may add to such material within a period of sixty days after the issuance of the maximum rent regulation or order against a provision of which the protest is filed, or, in the case of a protest based solely on grounds arising after the date of issuance of a maximum rent regulation, within sixty days after the protestant has had or could reasonably have had notice of the existence of such grounds.

(b) After the time prescribed in paragraph (a) of this section, a protestant may be granted permission to amend his protest or to present further evidence in connection therewith, when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest. No amendment which adds a new ground of protest will be permitted.

§ 1300.224 *Protest and evidential material not conforming to this regulation.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to the requirements of this regulation, the Administrator may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest. A protest against the provisions of an order entered under section 5 (d) of any maximum rent regulation or of an order entered by a rent director under § 1300.207 of this regulation may be dismissed where, prior to the filing of such protest, the landlord filed an application for review of such order as provided in § 1300.209 of this regulation.

[§ 1300.224 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.225 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest, in accordance with this regulation, but in no event more than thirty days after such filing or ninety days after the issuance of the maximum rent regulation or order against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

(1) Grant or deny such protest in whole or in part; or

(2) Notice such protest for oral hearing, to be held in accordance with the provisions of §§ 1300.229 to 1300.237, inclusive of this regulation; or

(3) Provide an opportunity to present further evidence in connection with such protest. Before, or within a reasonable time after, the presentation of such further evidence, the Administrator may notice such protest for oral hearing in accordance with subparagraph (2) of this section, may include additional material in the record of the proceedings in connection with the protest in accordance with § 1300.226 of this regulation, or may take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 1300.226 *Statements in support of maximum rent regulation or order.* (a) Any person affected by the provisions of a maximum rent regulation, or of an order issued thereunder, may at any time after the issuance of such regulation or order submit to the Administrator a statement in support of any such provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation or order in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.220 of this regulation.

(b) In the event that a protest has been, or is subsequently, filed against a provision of a maximum rent regulation or order in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.227 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.228 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Administrator may consolidate such protests.

Oral Hearings

§ 1300.229 *Requests for oral hearing.* Any protestant, applicant, or petitioner may request an oral hearing. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence and briefs will not permit the fair and expeditious disposition of the protest, application for review, or petition. In the event that an oral hearing is ordered in connection with a protest, application for review, or petition, notice thereof shall be served on the protestant, applicant, or petitioner not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice. Any such oral hearing may be limited in such manner and to the extent deemed appropriate to the expeditious determination of the proceeding.

[§ 1300.229 amended by Am. 1, 8 F.R. 1798, effective 2-13-43 and Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.230 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the protestant, applicant, or petitioner may be requested to appear at a conference to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact which will avoid unnecessary proof; and (c) such other matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the officer authorized to conduct such conference shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, such negotiations may be conducted by correspondence.

[§ 1300.230 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.231 *Continuance or adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.

§ 1300.232 *Conduct of the oral hearing.* (a) An oral hearing on a protest, application for review, or petition shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose. Any such appointment or designation may be made or revoked at any time.

(b) The oral hearing shall be conducted in such manner as will permit the protestant, applicant, or petitioner to present evidence and argument to the fullest extent compatible with expeditious decision of the issues. To this end:

(1) The rules of evidence prevailing in courts of law or equity shall not be controlling; and

(2) The presiding officer, having due regard to the need for expeditious decision and for fair treatment to the protestant, applicant, or petitioner, may restrict oral argument and the examination and cross-examination of witnesses: *Provided*, That in no event shall this section be construed to limit the right of the protestant, applicant, or petitioner to submit affidavits or other written evidence or arguments.

[§ 1300.232 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.233 *Filing of briefs.* The presiding officer shall allow the protestant, applicant, or petitioner to file briefs or written arguments within such time as he shall designate.

[§ 1300.233 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.234 *Subpoenas.* (a) Any protestant, applicant, or petitioner may apply for a subpoena in connection with an oral hearing. Applications for subpoenas when made prior to the oral hearing shall be filed as follows: (1) in connection with a protest against a provision of a maximum rent regulation or order, with the Secretary, Office of Price Administration, Washington, D. C.; (2) in connection with a proceeding under §§ 1300.207 to 1300.210, inclusive, of this regulation, with the rent director or regional administrator, as the case may be, before whom such proceeding is pending. The Administrator may grant or deny an application for a subpoena or refer it to the presiding officer appointed or designated under § 1300.232 who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

[Paragraph (a) amended by Am. 1, 8 F.R. 1798, effective 2-13-43 and Am. 3, 8 F.R. 5481, effective 4-24-43]

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued at the instance of the Administrator, fees and mileage need not be tendered.

§ 1300.235 *Witnesses.* Witnesses summoned before the presiding officer at any hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

§ 1300.236 *Contemptuous conduct.* Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.

§ 1300.237 *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the office of the Secretary, Office of Price Administration, Washington, D. C., or in the appropriate regional office or defense-rental area office.

Opinion and Transcript of Protests

§ 1300.238 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice. Any order entered in such protest proceedings shall be effective from the date of its issuance unless otherwise provided in such order.

§ 1300.239 *Treatment of protest as petition for amendment or for adjustment or other relief.* Any protest filed against a provision of a maximum rent regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as a petition for adjustment or other relief pursuant thereto, when the facts produced in connection with the protest justify such treatment.

§ 1300.240 *Transcript for judicial review.* The transcript for judicial review shall include:

(a) The designation of the defense-rental area;

(b) The rent declaration;

(c) The maximum rent regulation or order against a provision of which the protest was filed;

(d) The protest;

(e) A statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and

(f) Such other portions of the proceedings in connection with the protest as are material under the complaint.

SUBPART D—INTERPRETATIONS

§ 1300.241 *Interpretations.* An interpretation given by an officer or employee of the Office of Price Administration with respect to any provision of the Act or any maximum rent regulation or order thereunder, will be regarded by the Office of Price Administration as official only if such interpretation was requested and issued in accordance with §§ 1300.242 to 1300.244, inclusive, of this regulation. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by regulation, order or amendment, shall constitute action in good faith pursuant to the provision of the Act, or of the regulation or order to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is given unless issued as an interpretation of general applicability.

§ 1300.242 *Requests for interpretations: Form and contents.* Any person desiring an official interpretation of the Emergency Price Control Act of 1942, or of any maximum rent regulation or order thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to whom his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

§ 1300.243 *Interpretation to be written: Authorized officials.* Official interpretations shall be given only in writing, signed by one of the following officers of the Office of Price Administration: the Administrator, the general counsel, any associate or assistant general counsel, any regional attorney, any regional rent attorney, any chief attorney for a State or district or defense-rental area office, and any district rent attorney: *Provided*, That interpretations of general applicability shall be given only by the Administrator, the general counsel, or any associate or assistant general counsel.

§ 1300.244 *Revocation or modification of interpretations.* Any official interpretation, whether of general applicability or otherwise, may be revoked or modified by a publicly announced statement by any official authorized to give interpretations of general applicability or by a statement or notice by the Administrator or general counsel published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the general counsel or any associate or assistant general counsel. An official interpretation addressed to a particular person by a regional attorney, a regional rent attorney, or a chief rent attorney for a defense-rental area office may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the attorney who issued it or by his successor.

SUBPART E—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 1300.245 *Filing of notices, etc.* All notices, reports, registration statements and other documents which a landlord is required to file pursuant to the provisions of any maximum rent regulation shall be filed with the appropriate defense-rental area office, unless otherwise provided in such maximum rent regulation or in this regulation.

§ 1300.246 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service. When service is by unregistered mail, an affidavit that the document has been mailed shall be proof of service.

§ 1300.247 *Action by representative.* Any action which by this regulation is required of, or permitted to be taken by a landlord may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with an application for review, a petition for amendment, or a protest. In such cases the power of attorney, signed by the landlord, shall be filed at the time action on his behalf is taken.

[§ 1300.247 as amended by Am. 4, 8 F.R. 14811, effective 11-1-43]

§ 1300.248 *Secretary: Office hours.* The office of the Secretary, Office of Price Administration, Washington, D. C., shall be open every day except Sunday from 9 a. m. until 5 p. m. Any person desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Secretary, requesting permission therefor.

§ 1300.249 *Confidential information, inspection of documents filed with Secretary.* Protests and all papers filed by protestants in connection therewith are public records, open to inspection in the office of the Secretary upon such reasonable conditions as the Secretary may prescribe. Except as provided above, confidential information filed with the Office of Price Administration will not be disclosed, unless the Administrator determines the withholding thereof to be contrary to the interests of the national defense and security.

§ 1300.250 *Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.* Appearance of Office of Price Administration employees and former employees in a representative capacity before the Office of Price Administration shall be governed by the provisions of Procedural Regulation No. 14.

[§ 1300.250 as amended by Am. 5, effective 2-9-44]

§ 1300.251 *Definitions.* As used in this regulation, unless the context otherwise requires, the terms:

(a) "Act" means the Emergency Price Control Act of 1942 (Public Laws 421, 77th Cong.).

(b) "Administrator" means the price Administrator of the Office of Price Administration or such person or persons as he may appoint or designate to carry out any of the duties delegated to him by the Act.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum rent regulation" means any regulation establishing a maximum rent.

(e) "Maximum rent" means the maximum rent established by any maximum rent regulation or order for the use of housing accommodations within any defense-rental area.

(f) "Date of issuance," with respect to a maximum rent regulation, means the date on which such maximum rent regulation is filed with the Division of the Federal Register.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Protestant" means a person subject to any provision of a maximum rent regulation or order who files a protest in accordance with Section 203 (a) of the Act.

(i) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(j) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(k) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishing, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(l) "Defense-rental area" means the District of Columbia and any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of the Act.

(m) "Rent director" means the person designated by the Administrator as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the rent director by the Administrator.

(n) "Regional administrator" means the person designated by the Administrator as administrator of any regional office established by the Office of Price Administration or such person or persons as may be designated to carry out any of the duties delegated to the regional administrator by the Administrator.

§ 1300.252 *Amendment of this regulation.* Any provision of this regulation may be amended or revoked by the Administrator at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

§ 1300.253 *Effective date of Revised Procedural Regulation No. 3.* Sections 1300.209 and 1300.210 of this regulation are applicable to petitions for adjustment or other relief which are denied in whole or in part by the rent director, or to orders entered by the rent director pursuant to § 1300.207 of this regulation, on or after the effective date of this regulation. Protests against such denials or orders entered prior to February 1, 1943, shall be filed and acted upon pursuant to the applicable provisions of Procedural Regulation No. 3 as heretofore and such provisions are continued in effect for this purpose except that such protests properly addressed to the appropriate Regional Office, bearing a postmark dated within the applicable sixty-day period specified in Procedural Regulation No. 3 but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark. This regulation shall become effective February 1, 1943.

[Issued January 12, 1943]

§ 1300.253a *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following parts affected.]

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2018; Filed, February 10, 1944; 4:20 p. m.]

PART 1358—TOBACCO

[MPR 494,[1] Amdt. 2]

DOMESTIC CIGAR FILLER AND BINDER TOBACCOS OF THE 1943 CROP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 494 is amended in the following respects:

1. Section 2 is amended by adding a new paragraph (d) to read as follows:

(d) *For sellers reselling tobacco (other than low grades) in substantially the same form.* The maximum price of a seller reselling domestic cigar filler or binder tobacco (other than low grades covered by Table III of paragraph (c)) in substantially the same form as when purchased from a grower or grower cooperative shall be the maximum price

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15663, 16928.

of the particular type and grade of the tobacco as set forth in Table I or Table II of paragraph (a) of this section.

2. Section 2a is added to read as follows:

SEC. 2a. *Maximum prices for sellers unable to price under section 2.* A seller who cannot determine his maximum price for a sale of any particular type and grade of domestic cigar filler or binder tobacco of the 1943 crop under section 2, shall apply by letter to the Office of Price Administration, Washington, D. C., requesting that a maximum price be established for the particular tobacco. A statement should be furnished setting forth (a) the name and address of the buyer of any tobacco that cannot be priced under section 2; (b) a description of the tobacco by type and grade; and (c) the reasons why the seller is unable to determine his maximum price under section 2.

Upon receipt the the application, the Office of Price Administration will by order establish a maximum price, or prescribe a method of determining a maximum price for the applicant. Until a maximum price is established, or a method of determining a maximum price is prescribed, the applicant may deliver the tobacco but he may not receive payment for it.

This amendment shall become effective February 10, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 9, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-2019; Filed, February 10, 1944; 4:20 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395-A]

DISTILLED SPIRITS SHIPPED FROM THE VIRGIN ISLANDS OF THE UNITED STATES

Preamble. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1418.156 *Distilled spirits shipped from the Virgin Islands of the United States.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 395-A (Distilled spirits shipped from the Virgin Islands of the United States), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1418.156 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 395-A—DISTILLED SPIRITS SHIPPED FROM THE VIRGIN ISLANDS OF THE UNITED STATES

Sec.
1. Scope.
2. Maximum prices.
3. Definitions.
4. Compliance with this regulation.
5. Records.
6. Petition for amendment.
7. Intra-island sales.

SECTION 1. *Scope*—(a) *Generally.* This regulation applies to all sales of rum produced in the Virgin Islands (U. S.) and shipped to the continental United States. Specifically, the following types of sales of rum produced in the Virgin Islands (U. S.) are covered:

(1) Sales consummated in the Virgin Islands (U. S.) by any person to any importer.

(2) Sales consummated in the continental United States by any person to any importer.

(b) *Persons.* This regulation applies to sales by any person, including but not limited to a distiller, rectifier, compounder, bottler, export broker, or agent of the foregoing.

(c) *Effect on other regulations.*[1] This regulation supersedes the General Maximum Price Regulation and any orders or interpretations issued thereunder concerning the sales covered herein.

SEC. 2. *Maximum prices*—(a) *F. o. b. bulk maximum prices.* Maximum prices f. o. b. port of embarkation of the Virgin Islands (U. S.) for sales in bulk of rum produced in the Virgin Islands (U. S.), when such sales are consummated in the Virgin Islands (U. S.) by any person to any importer, shall be $2.75 per proof gallon.

(b) *F. o. b. bottled maximum prices.* Any person who bottles rum in the Virgin Islands (U. S.) may apply to the Director of the Office of Price Administration at St. Thomas, Virgin Islands (U. S.), for maximum prices applicable to f. o. b. sales of bottled rum to an importer. The Director may authorize such maximum prices as are in line with the maximum prices established in paragraph (a).

(c) *Other maximum prices.* Maximum prices for sales of rum produced in the Virgin Islands (U. S.), when such sales are consummated in the continental United States by any person to any importer, shall be the maximum prices established by either paragraph (a) or (b), whichever is applicable, to which may be added the following items to the extent actually paid by the seller:

(1) *Insurance.* Insurance charges for the period during which the rum is in transit to the importer's receiving point, including war risk insurance at rates not in excess of applicable rates published by the War Shipping Board;

(2) *Freight.* Ocean freight from port of embarkation in the Virgin Islands (U. S.) to port of arrival in the continental United States; and inland freight from port of arrival to the importer's receiving point, exclusive of charges for hauling, drayage or handling within the metropolitan area of such point. Only the freight actually paid at the rate paid shall be included.

(3) *Taxes.* United States excise taxes, United States customs duties, United States rectification taxes and one cent for each strip stamp affixed to individual containers, only to the extent actually paid by the seller.

(d) *No other additions.* The maximum prices established in this section are gross prices, including cooperage, outage, leakage, Virgin Islands (U. S.) export taxes, and no additions may be made except those specifically permitted herein.

SEC. 3. *Definitions.* When used in this regulation, the term:

(a) "Bulk" or "in bulk", when used with reference to rum, means rum in containers having a capacity in excess of one wine gallon.

(b) "Importer" means any person who is the first consignee within the continental United States of rum being imported for resale, holding an importer's permit issued under the provisions of the Federal Alcohol Administration Act.

(c) "Inland freight" means lawful freight charges for movement by common or contract carrier. Such charges shall include any applicable Federal tax on transportation and, unless otherwise provided, shall be figured at the lowest available rate. Where the seller uses his own vehicle, such charges shall be figured at the lowest rate for transportation over the same distance by common or contract carrier, exclusive of Federal tax.

(d) "Metropolitan area" of a particular place means the territory within the same municipality and the territory adjacent thereto within the same marketing area.

(e) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof.

(f) "Port of embarkation" means the place outside the continental United States from which rum to be imported is shipped by water to the continental United States.

(g) "Rum" means a commodity included in Class 5 of Article II of Regulation No. 5 Relating to the Labeling and Advertising of Distilled Spirits, issued under the provisions of the Federal Alcohol Administration Act, as amended.

SEC. 4. *Compliance with this regulation*—(a) *No buying or selling above maximum prices.* On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation applies shall sell or supply, and no person in the course of trade or business shall buy or receive any rum at prices higher than the maximum price applicable to such sale under this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded by direct or indirect methods, whether by finder's fee, brokerage, commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement or trade understanding; by any change in the method of consummating sales, or in style or manner of packing; or in any other way.

(c) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement action and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for the suspension of licenses.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 5. *Records.* Every person selling or supplying any rum for which, upon sale by that person, maximum prices are established under this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, copies of all invoices rendered to the buyer which shall separately state the price charged for the rum, the freight, insurance and taxes added to such price as permitted under section 2 (c) if any.

SEC. 6. *Petition for amendment.* Any person seeking an amendment of general applicability to this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 7. *Intra-island sales.* Any person in the Virgin Islands (U. S.) who desires to sell to another person therein rum ultimately destined for shipment to the continental United States may apply for a maximum price applicable to such sale to the Director for the Office of Price Administration at St. Thomas, Virgin Islands (U. S.). The Director in his discretion may issue an order granting such maximum price not in excess of the maximum prices established in section 2 (a) or 2 (b) upon being satisfied that such rum is ultimately destined for shipment to the continental United States.

Effective date. This regulation shall become effective February 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1996; Filed, February 10, 1944; 11:43 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RPS 85,[1] Amdt. 13]

NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. In § 1360.51 the text of paragraph (c) preceding subparagraph (1) is amended to read as follows:

(c) To the maximum price may be added an amount equal to 1% of the list price of the automobile, or $15, whichever is lower, for each calendar month, or greater part thereof, within the period from February 1, 1942 up to and including, whichever is earlier, April 30, 1944 or the date of sale of the automobile at wholesale: *Provided,* That no amount whatsoever under this paragraph (c) shall be added to the maximum wholesale price unless the automobile sold shall have received while in storage maintenance operations as set forth in subparagraphs (1), (2), (3) or (4) of this paragraph (c), and the seller at the time of delivery shall execute and deliver to the purchaser and to the Office of Price Administration the certification set forth in § 1360.52 (b).

2. In § 1360.52 the text of paragraph (e) preceding subparagraph (1) is amended to read as follows:

(e) An allowance (hereinafter called increment) equal to 1% of the list price of the automobile, or $15, whichever is lower, for each calendar month, or greater part thereof, within the period from February 1, 1942 up to and including, whichever is earlier, April 30, 1944 or the date of delivery of the automobile to the purchaser, subject to the following conditions and qualifications:

3. In § 1360.52 (e) subparagraphs (2), (3) and (4) are redesignated (3), (4) and (5) respectively, and a new subparagraph (2) is added to read as follows:

(2) Increment may be included without the performance of the maintenance operations in Appendix B for any period that the automobile is kept in a customary sales room on display for sale, or is used as a demonstrator, company owned or executive car.

This amendment shall become effective February 17, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1364, 1675, 2134, 2132, 6048, 6897, 7100, 7436, 7942, 8948, 9899; 8 F.R. 1450, 2040, 8218.

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 219]

NORTHEASTERN SOFTWOOD LUMBER

Revised Maximum Price Regulation No. 219 is redesignated Second Revised Maximum Price Regulation 219 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1381.301 *Maximum prices for Northeastern softwood lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Second Revised Maximum Price Regulation No. 219 (Northeastern Softwood Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1381.301 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION NO. 219—NORTHEASTERN SOFTWOOD LUMBER

ARTICLE I—SCOPE OF THE REGULATION

Sec.
1. Prices higher than ceiling prohibited.
2. To what products and transactions this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Basic prices and cash discount.
4. Addition for direct-mill retail sales.
5. Transportation charges.
6. Species, grades, services and extras not specifically priced.
7. What the invoice must contain.
8. Sales for export.
9. Prohibited practices.
10. Adjustable pricing.

ARTICLE III—MISCELLANEOUS

11. Applications for adjustment and petitions for amendment.
12. Records.
13. Enforcement.
14. Licensing.

ARTICLE IV—APPENDIX A: SQUARE-EDGE WHITE PINE: PRICE TABLES

15. Application of Appendix A.
16. Grading rules.
17. Maximum prices.
18. Transportation addition on imported lumber.

ARTICLE V—APPENDIX B: ROUND-EDGE WHITE PINE: PRICE TABLES

19. Application of Appendix B.
20. Grading rules.
21. Maximum prices.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2029; Filed, February 11, 1944; 11:26 a. m.]

ARTICLE VI—APPENDIX C: EASTERN SPRUCE, NORWAY PINE AND JACK PINE: PRICE TABLES

Sec.
22. Application of Appendix C.
23. Grading rules.
24. Maximum prices.
25. Transportation addition on imported lumber.

ARTICLE VII—APPENDIX D: NEW ENGLAND AND IMPORTED EASTERN HEMLOCK LUMBER: PRICE TABLES

26. Application of Appendix D.
27. Grading rules.
28. Maximum prices.
29. Transportation addition on imported lumber.

ARTICLE VIII—APPENDIX E: EASTERN HEMLOCK LUMBER PRODUCED IN NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA: PRICE TABLES

30. Application of Appendix E.
31. Grading rules.
32. Maximum prices.

ARTICLE IX—APPENDIX F: OTTAWA VALLEY WHITE AND NORWAY PINE: PRICE TABLES

33. Application of Appendix F.
34. Grading rules.
35. Maximum prices.
36. Transportation adjustment.

ARTICLE 1—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after February 17, 1944, regardless of any contract or other obligation, no person shall sell or buy for direct-mill shipment, or deliver or receive on direct-mill shipment, any Northeastern softwood lumber at prices higher than the ceiling prices fixed by this regulation; and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 2. *To what products and transactions this regulation applies*—(a) *Products covered.* This regulation covers, under the name of "Northeastern softwood lumber", all items of lumber of the following softwood species produced in the States of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia, and in that part of the Dominion of Canada located east of the 85th meridian: Northeastern white pine (Pinus strobus), Norway pine (Pinus resinosa), Eastern hemlock (Tsuga canadensis), Eastern spruce (Picea rubra, Picea Mariana, and Picea glauca), Eastern white cedar (Thuja occidentalis), and Jack pine (Pinus banksiana), and of all other softwood species except Southern pine (covered by Second RMPR 19), Cypress (covered by MPR 412, GMPR or other maximum price regulations) and Cedar (covered by MPR 454), whether the item or species is specifically named in the price tables or not.

(b) *Transactions covered.* This regulation covers, under the term "sales for direct-mill shipment", all sales of Northeastern softwood lumber, no matter who the seller is, and regardless of the quantity involved, except sales of Northeastern softwood lumber which was part of the regular stock of a distribution yard at the time the sale was made.

(1) *How to tell a mill from a distribution yard.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishment are described below: the first (1), a typical sawmill or planing mill; the second (2), a typical concentration yard; and the third (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill; and one which resembles (3) more than it does (1) and (2) is considered a distribution yard.

(i) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Northeastern softwood lumber;

(ii) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly Northeastern softwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail or full truck-load shipment, and which has been located at its particular site to be near the lumber producing area;

(iii) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(2) *New yards or changed status.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards, either new or resulting from a change in operations, set up after May 24, 1943, unless the yard writes to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

(3) *"CPA contract yards".* "CPA yards" as defined in Second Revised Maximum Price Regulation 215[1] are considered distribution yards, regardless of the above requirements.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Basic prices and cash discount*—(a) *Basic prices.* The maximum f. o. b. mill prices for domestic Northeastern softwood lumber are set forth in Appendices A, B, C, D, and E. The maximum base prices for imported Northeastern softwood lumber are set forth in Appendices A, C, D, and F, and the transportation charges provided in these Appendices shall be added to arrive at the maximum delivered prices to points within the United States.

(b) *Cash discount.* If cash is paid the maximum price must be reduced by the seller's August 1941 cash discount. When a seller was not in business in August 1941, 2% cash discount for payment in 10 days shall be allowed. On specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(c) If the purchaser himself makes the pick-up at the mill, the maximum price shall be reduced $2.00 per M'BM.

SEC. 4. *Addition for "direct mill retail sales."* In the case of sales of less than 2,500 feet to any buyer except mills or distribution yards, a handling charge of $5.00 per M'BM may be added to the f. o. b. mill price, together with a percentage mark-up of 10% of the total so obtained, provided the seller expressly agrees:

(a) To see that the lumber is delivered to the job site or buyer's plant at such time and in such quantities as the buyer specifies;

(b) To give the buyer the privilege of exchanging the lumber and returning unused material;

(c) To make good any shortage from stocks kept on hand for this purpose. The size of the sale is determined by the over-all amount involved in the transaction. Thus, if the buyer and seller know that a particular shipment will run to 10 M'BM, the addition may not be made even if the order is broken into five orders of 2 M'BM and delivered on five different days in loads of 2 M'BM.

SEC. 5. *Transportation charges*—(a) *Domestic lumber*—(1) *Private truck.* When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M'BM; over 10 and up to and including 20 miles, $2.00 per M'BM; and over 20 and up to and including 30 miles, $2.50 per M'BM. Where the distance is greater than 30 miles, the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or $3.00 per M'BM, whichever is greater. Distance, as used in this paragraph, means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(2) *Common or contract carrier.* For common or contract carrier shipments, the maximum transportation addition shall be either the rate times the estimated weights in the Appendices, or the actual amount paid to the carrier.

(3) *Truck delivery after rail haul.* Where the shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of the truck delivery.

[1] 8 F.R. 14145.

(4) *Trucking to rails.* Where a truck haul precedes the rail haul, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul.

(5) *Transportation to planing mill.* Where the lumber is shipped by rail from a mill having milling-in-transit arrangements with a carrier to a planing mill, owned by the same person, for further processing before delivery to the purchaser, that person may apply for permission to figure transportation charges on the basis of the through rail freight rate from the first mill to final destination in the following case:

(i) Where the hurricane of September, 1938, damaged and destroyed a substantial portion of the timber near which the planing mill had been located so that the mill has been compelled to rely primarily on more distant sources of timber; and

(ii) Where it has not been practicable to move the planing mill near other sources of timber because of excessive moving costs, shortages of mill labor and insufficient standing timber in any single location to warrant moving the mill.

The application should be made by letter to the Lumber Branch, of the Office of Price Administration, Washington 25, D. C., and may be acted upon by letter. The addition may not be made on quotations or sales until permission has been received.

(b) *Imported lumber.* In the case of sales of imported lumber the transportation charges that may be added to the maximum basic prices are specifically set forth in the various Appendices dealing with imported Northeastern softwood lumber.

(c) *"Evening-out."* When estimated weights are used, delivered prices shall be evened out to the nearest quarter of a dollar per M'BM, or nearest 5 cents per 1,000 pieces of lath or square of shingles.

SEC. 6. *Species, grades, items, services and extras not listed.* (a) If a seller wishes to sell a species, grade or item of Northeastern softwood lumber which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or extras for which additions are not specifically permitted, he must apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C. for a maximum price. He must submit the following information:

(1) The requested price: (2) a complete description of the material to be priced; and (3) the price differential between it and the most comparable item priced in the price tables between January 1 and August 1, 1941, from the seller's own records, or if that is impossible, from the experience of the trade. If no established price differential existed, detailed analysis of comparable value should be furnished.

Applications under this section will be considered only when accompanied by a true copy of an order or of a customer's inquiry which forms the basis of the application, and a written statement by the purchaser showing that none of the items specifically priced in the regulation will serve the purpose for which the stock is to be used, and that it has been his custom to purchase lumber on these special specifications.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but final payment may not be made until the price has been approved. Action on the request may be by letter or telegram. If the Office of Price Administration has not acted within 30 days of the receipt of the request, the requested price is approved.

SEC. 7. *What the invoice must contain*—(a) *Basic price.* All invoices must contain a complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Transportation charges.* In delivered sales, the invoice must contain the:

(1) Point of origin of shipment;

(2) Destination;

(3) Rail rate (if estimated weights are used; otherwise the actual amount added for transportation); and in the case of the sales of imported lumber, the method of calculation of the freight addition;

(4) The words "direct-mill shipment".

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul must be separately shown on the invoice.

(d) *Direct-mill retail sales.* If the price exceeds the basic mill price because of the "direct-mill retail sale" mark-up authorized in section 10, the invoice should show the amount of the mark-up separately labeled "Direct-mill retail sale".

(e) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids $33.00 per M'BM on a single order of a hundred thousand feet of lumber, the ceiling price being $30.00 per M'BM and the estimated freight $3.00, he can ship half of it on a rate resulting in a $2.00 freight charge and half on a rate resulting in a $4.00 freight charge. Where this practice is adopted, the seller must observe all of the following conditions:

(1) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(2) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(3) Upon completion of the order the seller must render a final invoice showing the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

SEC. 8. *Sales for export.* The maximum price at which any person may export Northeastern softwood lumber shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [1] issued by the Office of Price Administration.

SEC. 9. *Prohibited practices.*—(a) *General.* Any practice which is a device to get the effect of a higher than ceiling price without actually raising the dollars-and-cents price is as much a violation of this Regulation as an outright over-ceiling price.

(b) *Specific practices.* The following are some of the specific practices prohibited.

(1) Getting the effect of a higher price by changing credit practices from what they were in August 1941. This includes decreasing credit periods or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used.

(2) Refusing (without good reason) to ship except in specified or restricted random lengths, or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths a shipment of lumber which is substantially equivalent to standard or random lengths or widths; or reselling as specified lengths or widths a shipment bought by the seller as standard or random lengths or widths.

(4) Grading as a special grade lumber which can be graded as a standard grade; wrongly or falsely grading or invoicing lumber in any way.

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis, except in the case of sales of imported Northeastern softwood lumber.

(7) Unnecessarily routing lumber through a distribution yard.

(8) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(9) Making the buyer take something he does not want in order to get what he does want.

(10) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered (for example, charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2 x 4's) except where the items ordered and delivered are non-standard sizes not

[1] 8 F.R. 4132, 5987, 7662, 9998, 15193.

specifically priced in the tables. This prohibition has no application where the item resulting from remanufacture is priced higher in the tables than the original larger size.

(11) Making any of the additions contained in the footnotes to the tables in Articles V to X inclusive, to the prices of the various items set forth in the tables unless the purchaser's order expressly requires the working, grade, condition, size, or length for which the additions are permitted.

(12) Making an addition for double end trimming when standard lengths are ordered and shipped.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive, or pay a commission for the service of procuring (including buying, selling or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

(d) *Combination grades.* Lumber sold in a combination of grades for which no price is established in the regulation may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as merchantable and selected merchantable is the maximum price fixed for merchantable lumber. But it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied (tally card to be included in car), in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment.

ARTICLE III—MISCELLANEOUS

SEC. 11. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (See Procedural Regulation No. 6.[5])

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[6] issued by the Office of Price Administration.

(c) In treating with petitions for amendment or applications for adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Maximum Price Regulation 348 (Logs and Bolts),[7] or any revision or amendment of that regulation. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

SEC. 12. *Records.* All sellers of Northeastern softwood lumber must keep, for two years, records which show a complete description of the items of lumber sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 5,000 feet board measure or more of Northeastern softwood lumber.

SEC. 13. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1,[8] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

ARTICLE IV—APPENDIX A: SQUARE-EDGE WHITE PINE

SEC. 15. *Application of Appendix A.* This appendix applies to domestic Northeastern white pine lumber processed square edge (i. e., sawn or processed square on four sides), and to imported Northeastern white pine lumber processed square edge shipped from mills located in that part of the Dominion of Canada east of the Province of Ontario, when sold on the specifications and on the grades designated below. (Maximum prices for Northeastern white pine lumber shipped from mills located in that part of the Province of Ontario lying east of the 85th Meridian, known as Ottawa Valley White Pine, are set forth separately in Appendix F.)

SEC. 16. *Grading rules.* Grade terms in this Appendix have the meaning set forth in "Standard Grading Rules for Northern White Pine and Norway Pine" (Northeastern type) published by the Northeastern Lumber Manufacturers Association, Inc., effective January 1, 1937.

SEC. 17. *Maximum prices.* The maximum f. o. b. mill price for domestic Northeastern white pine lumber processed square edge, and the maximum base price for imported Northeastern white pine lumber other than Ottawa Valley white pine lumber processed square edge shall be as set forth below. These prices are for 1,000 feet board measure of lumber in a rough air-dried condition.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533.
[5] 8 F.R. 16115, 16198, 16204, 16297.
[6] 7 F.R. 5067, 5064; 8 F.R. 6173, 6174, 12024.
[7] 8 F.R. 13240.

TABLE 1—NORTHEASTERN WHITE PINE PROCESSED SQUARE EDGE ROUGH—AIR DRIED

Random lengths	C select and better	D select and better	No. 1 and No. 2 common	No. 3 common	No. 4 common	No. 5 common
1" x 3"	$81.00	$71.00	$54.00	$42.50	$37.00	$33.00
1" x 4"	80.50	70.50	51.00	42.00	35.00	28.00
1" x 5"	81.50	71.50	51.50	41.00	36.00	28.00
1" x 6"	83.00	73.00	54.50	44.00	40.00	32.50
1" x 7"	83.00	73.00	54.50	44.00	40.00	32.50
1" x 8"	86.00	76.00	57.00	44.50	40.50	33.50
1" x 9"	86.00	76.00	57.00	44.50	40.50	33.50
1" x 10"	91.00	81.00	57.00	46.50	40.50	33.50
1" x 11"	91.00	81.00	57.00	46.50	40.50	33.50
1" x 12"	103.00	93.00	67.00	52.00	42.50	34.50
1" x 13" and wider	106.00	96.00	68.00	53.00	44.00	35.00
1" x 4" and wider av. 7" to 8"	84.00	74.00	55.50	43.75	39.75	33.00
1" x 5" and wider av. 8" to 9"	85.50	75.50	56.50	44.00	40.00	33.50
1" x 6" and wider av. 9" or over	86.00	76.00	57.00	44.50	40.50	33.50

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	C select	D select	No. 1 and No. 2 common	No. 3 common	No. 4 common	No. 5 common
For thickness:						
1. 5/4" to 8/4" add	$10.00	$10.00	$7.00	$3.00	$2.00	$2.00
2. 9/4 and thicker add	15.00	15.00	8.00	3.00	3.00	3.00
For length:						
3. For specified lengths, add $2.00 per 1,000 board feet.						
For condition:						
4. For green, deduct $2.00 per 1,000 board feet.						

	5,000 ft. B. M. or over	1,000 to 4,999 ft. B. M.	Net charge under 1,000
For working:			
5. S1S	$3.00	$3.25	$3.25
6. S2S	3.00	3.25	3.25
7. S4S	4.00	4.25	4.25
8. S2S and match	4.00	4.25	4.25
9. S1S and clip to exact length	3.25	3.50	3.50
10. S2S and clip to exact length	3.25	3.50	3.50
11. S4S and clip to exact length	4.25	4.50	4.50
12. Clipping only to exact length	3.00	3.25	3.25
13. Bead 1 side add to S4S	1.00	1.25	1.25
14. Bead 2 sides add to S4S	1.50	1.75	1.75
15. S2S and resaw 1 cut	5.50	5.75	5.75
16. S4S and resaw 1 cut	6.50	6.75	6.75
17. S2S and resaw 2 cuts	6.50	6.75	6.75
18. S4S and resaw 2 cuts	7.50	7.75	7.75
19. Resaw rough-1 cut	4.00	4.25	4.25
20. Resaw rough-more than 1 cut, add per cut	2.25	2.50	2.50
21. Resaw 1 cut and S2S each piece	6.50	6.75	6.75
22. Resaw 1 cut and S4S each piece	8.25	8.50	8.50
23. Rip per cut	2.75	3.00	3.00
24. S4S and bevel resaw	6.50	6.75	6.75
25. Siding to pattern	8.50	8.75	8.75
26. Other patterns 4" or wider	8.50	8.75	8.75
27. Cross cutting-per cut	1.00	1.25	1.25
28. For dressing thicker than standard, for each 1/32" add to above charges	.50	.75	.75
29. For bundling	1.25	1.25	1.25

TABLE 2—LOG RUN NORTHEASTERN WHITE PINE PROCESSED SQUARE EDGE ROUGH—AIR DRIED

4/4" and thicker $41.00

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICE

For condition: 1. For green, deduct $2.00 per 1,000 board feet. Green lumber is lumber which contains a moisture content in excess of 19% by weight.

TABLE 3—ESTIMATED WEIGHTS PER THOUSAND FEET-DRY

	Pounds
Rough	2,500
S1S, S2S	2,000
S4S	1,800

SEC. 18. *Transportation addition on imported lumber.* (For domestic transportation addition, see section 11). In the case of sales of imported Northeastern white pine lumber, the amount that may be added to the maximum base price for transportation is the railroad freight from Campbellton, New Brunswick, to the point of delivery in the United States, computed on the lowest through rate. This rule applies regardless of the point of origin, and whether the lumber is shipped by rail or truck. The freight shall be computed on the basis of the estimated average weights set forth in Table No. 3 above, and the final amount shall be even out to the nearest quarter of a dollar per M'MB. No addition may be made to the maximum base price for duty or for any charges or fees incurred in importation.

ARTICLE V—APPENDIX B: ROUND-EDGE WHITE PINE: PRICE TABLES

SEC. 19. *Application of Appendix B.* This appendix applies to domestic Northeastern white pine lumber processed round edge (i. e. sawn or processed by sawing two sides without sawing or otherwise processing edges), sold on the specifications and on the grades designated below.

SEC. 20. *Grading rules.* Grade terms used herein have the meaning set forth in "Standard Grading Rules for Northern White Pine and Norway Pine" (Northeastern type), published by the Northeastern Lumber Manufacturers Association, Inc., effective January 1, 1937.

SEC. 21. *Maximum prices.* The maximum f. o. b. mill price for 1,000 feet board measure of Northeastern white pine lumber processed round edge, in a rough air-dried condition, shall be as set forth below.

TABLE 4—NORTHEASTERN WHITE PINE LUMBER PROCESSED ROUND EDGE ROUGH—AIR DRIED

Dry	On sticks	Loaded on trucks	Loaded on railroad cars
4/4" and thicker, log run	$29.00	$30.00	$31.00
Box sides	19.00	20.00	21.00

NOTE: The use of estimated weight of 3,250 lbs. per thousand feet for freight charges for dry lumber is permissible.

ARTICLE VI—APPENDIX C: EASTERN SPRUCE, NORWAY PINE AND JACK PINE PRICE TABLES

SEC. 22. *Application of Appendix C.* This appendix applies to domestic and imported Eastern spruce, Jack pine and Norway pine lumber (except Norway pine produced in Ontario and farther west), sold on the specifications and on the grades designated below. (Maximum prices for Norway pine shipped from mills located in that part of the Province of Ontario lying east of the 85th meridian, known as Ottawa Valley Norway pine, are set forth separately in Appendix F.)

SEC. 23. *Grading rules.* Grade terms used herein have the meaning set forth in "Standard Grading Rules for Eastern Spruce and Balsam Fir", published by the Northeastern Lumber Manufacturers Association, Inc., effective April 1, 1938, as applied to Eastern spruce and Jack pine lumber, and in "Standard Grading Rules for Northern White Pine" (Northeastern type) published by the Northeastern Lumber Manufacturers Association, Inc., effective January 1, 1937, as applied to Norway pine lumber.

SEC. 24. *Maximum prices.* The maximum f. o. b. mill price for domestic Eastern spruce, Norway pine and Jack pine lumber and white cedar shingles, and the maximum base price for imported Eastern spruce, Norway pine (other than Ottawa Valley Norway Pine), and Jack pine lumber shall be as set forth below. These prices are for 1,000 feet board measure (or for 1,000 pieces, or for a square, where so designated) of lumber in a rough air-dried condition.

TABLE 5—EASTERN SPRUCE—FULL SAWN BOARDS—ROUGH

(For Jack Pine and Norway Pine, see notes 31 and 32)

Grade	Random length odd and even 8' to 20'	Random length even 8' to 20'	Specified length 8' to 15' inc.	Specified length 16'	Specified length 17' and/or 18'	Specified length 19' and/or 20'
No. 1 (merchantable):						
1 x 2	$39.00	$40.00	$41.00	$42.00	$43.00	$44.00
3	41.00	42.00	43.00	44.00	45.00	46.00
4	41.00	42.00	43.00	44.00	45.00	47.00
5	41.00	42.00	43.00	44.00	45.00	47.00
6	43.00	44.00	45.00	46.00	47.00	48.00
7	43.00	44.00	45.00	46.00	47.00	48.00
8	45.00	46.00	47.00	48.00	49.00	50.00
9	45.00	46.00	47.00	48.00	49.00	50.00
10	48.00	49.00	50.00	51.00	52.00	53.00
12	50.00	51.00	52.00	53.00	54.00	55.00

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over	1,000 to 4,999 ft. B. M.
For working:		
1. Crosscutting for one cut, add	$1.00	$1.25
Each additional cut, add	.50	.75
2. Crosscutting square, to exact non-standard length, add	2.00	2.25
3. Ripping, straight, for one cut, add	1.00	1.25
Each additional cut, add	.50	.75
4. Ripping, taper, add	2.00	2.25
5. Saw sizing to exact width, add	1.00	1.25
6. Resawing, straight, 4" and narrower, for one cut, add	2.00	2.25
7. Resawing, straight, wider than 4", for one cut, add	1.50	1.75
8. Resawing, bevel 4" and narrower, for one cut, add	2.00	2.25
9. Resawing, bevel wider than 4" for one cut, add	1.50	1.75
10. Resawing, each additional cut, add	.50	.75
11. Dressing S1S, S2S, S1E, S2E, add	2.00	2.25
12. Dressing, S2S1E, S4S, S1S+M, S2S+M, S2S+S1, S2E1S, add	3.00	3.25
13. Any standard dressing and beading one side, add	4.00	4.25
14. Any standard dressing and beading two sides, add	4.50	4.75
15. Working to other standard patterns, add	5.00	5.25

TABLE 6—EASTERN SPRUCE FULL SAWN DIMENSION—ROUGH—Continued

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Cross cutting, for one cut	$1.00	$1.25
Each additional cut	.50	.75
2. Cross cutting square to exact length	2.00	2.25
3. Ripping, straight, for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw siting to exact width	1.00	1.25
6. Resaw, bevel, ¼" and narrower	2.00	2.25
7. Resaw, bevel, wider than 4"	3.00	3.25
8. Dressing S1S, S2S, S1E, S2E	2.00	2.25
9. Dressing S2S1E, S4S, S1S&M, S2S&M, S2S&SL, S2E1S	3.00	3.25
10. Working to other standard patterns	4.00	4.25
11. Any standard dressing and crosscutting to exact length		
For width:		
12. For widths wider than listed: For each inch or fraction thereof over 12", to the 12" price add $1.00		
13. Specified fractional widths: Price as next wider standard width for which a price is provided and add the crosscutting charge		
For length:		
14. For lengths longer than listed: For each 2 ft. or fraction thereof over 20', to the 20' price add $1.00		
15. Specified fractional lengths longer than 10' price and compute footage as next longer standard length and add the crosscutting charge		
16. Specified fractional lengths shorter than 10': Price as shortest multiple for which a price is provided and add the crosscutting charge		
For thickness:		
17. For seam thickness: (1⅛" rough, 1³⁄₁₆" S1S, 1⅛" S2S): From the price of full sawn dimension of the same width, length and working, deduct $2.00		
For grade:		
18. Selected merchantable: add $5.00 to No. 1 prices		
19. No. 2: Deduct $4.00 from No. 1 prices		
20. No. 3: Deduct $9.00 from No. 1 prices		
Notes:		
21. Ontario jack pine: Price as Spruce		
22. Norway pine: From Spruce prices deduct $2.00		

TABLE 7—EASTERN SPRUCE FULL SAWN TIMBERS—ROUGH

(For Jack pine and Norway pine, see notes 21 and 22)

Grade	Random length odd and even 8' to 20'	Random length even 8' to 20'	Specified length 8' to 15' inc.	Specified length 16'	Specified length 17' and/or 18'	Specified length 19' and/or 20'
No. 1 (merchantable):						
3 x 4	$42.00	$43.00	$44.00	$45.00	$46.00	$47.00
5	42.00	43.00	44.00	45.00	46.00	47.00
6	42.00	43.00	44.00	45.00	46.00	47.00
7	43.00	44.00	45.00	46.00	47.00	48.00
8	44.00	45.00	46.00	47.00	48.00	49.00
9	45.00	46.00	47.00	48.00	49.00	50.00
10	46.00	47.00	48.00	49.00	50.00	51.00
12	47.00	48.00	49.00	50.00	51.00	52.00
4 x 4	42.00	43.00	44.00	45.00	46.00	47.00
6	43.00	44.00	45.00	46.00	47.00	48.00
7	44.00	45.00	46.00	47.00	48.00	49.00
8	45.00	46.00	47.00	48.00	49.00	50.00
10	47.00	48.00	49.00	50.00	51.00	52.00
12	48.00	49.00	50.00	51.00	52.00	53.00
6 x 6	43.00	44.00	45.00	46.00	47.00	48.00
7	44.00	45.00	46.00	47.00	48.00	49.00
8	45.00	46.00	47.00	48.00	49.00	50.00
8 x 8	47.00	48.00	49.00	50.00	51.00	52.00

TABLE 5—EASTERN SPRUCE—FULL SAWN BOARDS—ROUGH—Continued

ADDITIONS AND DEDUCTIONS PER M'BM TO ABOVE PRICES—continued

	5,000 ft. B. M. or over	1,000 to 4,999 ft. B. M.
For working—Continued.		
16. Any standard dressing and crosscutting to exact length, add	$4.00	$4.25
17. Any standard dressing and crosscutting each piece, add	4.00	4.25
18. Any standard dressing and resawing each piece, add	4.50	4.75
19. Resawing 1 cut in center and bevel resawing each piece and bundling, add	5.00	5.25
20. Bundling, add	1.00	1.25
21. Bundling, exact specified lengths shorter than 8', add	2.00	2.25
For width:		
22. For widths wider than listed: For each inch or fraction thereof over 12", to the 12" price add $1.00		
23. For specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge		
24. For lengths longer than listed: For each 2 ft. or fraction thereof over 20 ft., to the 20 ft. price add $1.00		
25. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length, add the crosscutting charge		
26. Specified fractional lengths shorter than 10 ft.: Price as next wider standard width for which a price is provided and add the crosscutting charge		
For thickness:		
27. For 1¼" rough: Compute footage as 1¼" and price as 4/4		
28. For 1¼ thickness: To the price of the same width and length add $2.00		
29. For 1¾" rough: Compute footage as 1¾" and price as 5/4		
30. For 0⅝" thickness: To the price of the same width and length add $2.00		
31. For 1⅛" rough: Compute footage as 1⅛" and price as 6/4"		
32. For 1⅛" thickness (⅝" rough, 1³⁄₁₆" S1S, ¾" S2S): From the price of full sawn boards of the same width, length and working, deduct $2.00		
For thickness:		
33. Thin boards: Boards thinner than 1" may be priced on a surface measure basis; but the maximum price for 1,000 feet surface measure for any size may not be more than the total cost to the purchaser of the necessary board foot quantity of the appropriate thicker size reworked to produce 1,000 feet surface measure of the thinner size. For example: 1,000 feet surface measure of 1¼ x 6 S1S may be produced from 813 feet board measure of 1¼ x 6 S2S and resawn and the estimated shipping weight per 1,000 feet surface measure for 1¼ x 6 S1S may not be more than the permissible estimated dressed weight of 813 feet board measure of 1¼ x 6		
For Grade:		
34. Selected merchantable: Add $5.00 to No. 1 prices.		
35. No. 2: Deduct $4.00 from No. 1 prices.		
36. No. 3: Deduct $9.00 from No. 1 prices.		
Notes:		
37. Ontario Jack Pine: Price as spruce.		
38. Norway Pine: From spruce prices deduct $2.00.		

TABLE 8—EASTERN SPRUCE FURRING

Nominal size	Finished size	Random length odd and even 8' to 16'	Random length even 8' to 16'	Specified odd 8' to 16'	Specified even 8' to 16'	Specified 13'
No. 1 (merchantable):						
1 x 1½:						
D1S1E&BDL	1³⁄₁₆ x 1⅜	$39.25	$40.25	$40.25	$41.25	$42.25
	¾ x 1⅜	43.25	44.25	44.25	45.25	46.25
	1³⁄₁₆ x 1⅜	45.25	46.25	46.25	47.25	48.25
D2S1E&BDL	⅞ x 1⅜	46.25	47.25	47.25	48.25	49.25
	¾ x 1⅜	43.75	44.75	44.75	45.75	46.75
	1³⁄₁₆ x 1⅜	45.75	46.75	46.75	47.75	48.75
	⅞ x 1⅜	46.75	47.75	47.75	48.75	49.75
1 x 2:						
D1S1E&BDL	1³⁄₁₆ x 1¾	37.25	38.25	38.25	39.25	40.25
	2³⁄₁₆ x 1¾	38.25	39.25	39.25	40.25	41.25
	¾ x 1¾	40.25	41.25	41.25	42.25	43.25
	2³⁄₁₆ x 1¾	43.25	44.25	44.25	45.25	46.25
	1³⁄₁₆ x 1¾	43.75	44.75	44.75	45.75	46.75
D2S1E&BDL	⅞ x 1¾	44.25	45.25	45.25	46.25	47.25
	¾ x 1¾	44.25	45.25	45.25	46.25	47.25
	2³⁄₁₆ x 1¾	44.50	45.50	45.50	46.50	47.50
	1³⁄₁₆ x 1¾	44.75	45.75	45.75	46.75	47.75
	⅞ x 1¾	45.25	46.25	46.25	47.25	48.25
	⅞ x 1⅞	45.75	46.75	46.75	47.75	48.75
D4S&BDL	¾ x 1¾	46.25	47.25	47.25	48.25	49.25
	⅞ x 1¾	47.25	48.25	48.25	49.25	50.25
	⅞ x 1⅞	47.75	48.75	48.75	49.75	50.75
1 x 2½:						
D1S1E&Bdl	1³⁄₁₆ x 2⅜	39.25	40.25	40.25	41.25	42.25
D2S1E&Bdl	¾ x 2⅜	42.25	43.25	43.25	44.25	45.25
	¾ x 2⅜	43.25	44.25	44.25	45.25	46.25
D4S&Bdl	⅞ x 2⅜	46.25	47.25	47.25	48.25	49.25
	¾ x 2⅜	45.25	46.25	46.25	47.25	48.25
	⅞ x 2⅜	47.25	48.25	48.25	49.25	50.25
1 x 3:						
D1S1E&Bdl	¾ x 2¾	42.25	43.25	43.25	44.25	45.25
	1³⁄₁₆ x 2¾	44.25	45.25	45.25	46.25	47.25
	¾ x 2¾	45.25	46.25	46.25	47.25	48.25
D2S1E&Bdl	⅞ x 2¾	42.75	43.75	43.75	44.75	45.75
	1³⁄₁₆ x 2¾	44.75	45.75	45.75	46.75	47.75
	⅞ x 2¾	45.75	46.75	46.75	47.75	48.75
D4S&Bdl	¾ x 2¾	43.25	44.25	44.25	45.25	46.25
	⅞ x 2¾	46.25	47.25	47.25	48.25	49.25
	⅞ x 2⅞	46.75	47.75	47.75	48.75	49.75
1 x 1:						
D2S1E&Bdl	⅞ x ⅞	49.25	50.25	50.25	51.25	52.25

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

For grade:
1. No. 2: Deduct $4.00 from No. 1 prices.
2. No. 3: Deduct $9.00 from No. 1 prices.

For working:
3. Furring: SSD1E and bundled: From the price of the same width and thickness D1S1E and bundled, deduct $1.00.

TABLE 7—EASTERN SPRUCE FULL SAWN TIMBERS—ROUGH—Continued

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Cross cutting, for one cut	$1.00	$1.25
Each additional cut	.50	.75
2. Cross cutting square, to exact length	2.00	2.25
3. Ripping, straight, for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw siting to exact width	1.00	1.25
6. Dressing S1S, S2S, S1E, S2E	2.00	2.25
7. Dressing S2S1E, S4S, S1S&M, S2S&M, S2S&SL, S2E1S)	3.00	3.25
8. Any standard dressing and crosscutting to exact length	4.00	4.25
For width:		
9. For widths wider than listed: For each inch or fraction thereof over 12"; to the 12 in. price add $1.00.		
10. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		
For length:		
11. For lengths longer than listed: For each 2 ft. or fraction thereof over 20'; to the 20 ft. price add $1.00.		
12. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
13. Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
14. 2½" thick: Compute footage as 2½" and use 3" price.		
15. For thickness greater than listed: For each inch or fraction thereo. over 4" add to the 4" price $1.00.		
For grade:		
16. Selected merchantable: add $5.00 to No. 1 prices.		
17. No. 2: Deduct $4.00 from No. 1 prices.		
18. No. 3: Deduct $9.00 from No. 1 prices.		
Notes:		
19. Ontario jack pine: Price as spruce.		
20. Norway pine: From spruce prices deduct $2.00.		

TABLE 9—EASTERN SPRUCE SELECTS

	Random lengths 8' to 20'
C. Select:	
Thickness and width:	
1 x 2 to 1 x 10, inclusive	$73.00
1 x 12	78.00

ADDITIONS AND DEDUCTIONS PER M. B. M. TO ABOVE PRICES

For width:
1. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.

For length:
2. Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.
3. Specified fractional lengths over 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.

For thickness:
4. 1¼" thick add $5.00 to price of 4/4.
5. 1½" thick add $5.00 to price of 4/4.
6. 2" thick add $10.00 to price of 4/4.
7. 3" thick add $20.00 to price of 4/4.

For grade:
8. B and better: Add to prices of C. Select $20.00.

TABLE 10—EASTERN SPRUCE SELECTED SCAFFOLDING—ROUGH

Thickness and width	Specified length 13'	Specified length 16'
1¼ x 9	$53.50	
2 x 9	51.50	
2½ x 10		$50.50

TABLE 11—EASTERN SPRUCE LATH

Size	Per 1,000 pcs. #1	Per 1,000 pcs. #2
⅝" x 1½" x 4'	$5.75	$4.25
⅝" x 1⅝" x 4'	6.25	4.75
½" x 1½" x 4'	8.50	3.75
7⁄16" x 2" x 4'	10.50	4.25

TABLE 12—WHITE CEDAR SHINGLES 16"

Grade	Per square
Extra No. 1	$2.75
Clear walls	4.00
2nd clears	4.25
Clears	4.85
Extras	5.25

TABLE 13—ESTIMATED AVERAGE WEIGHTS FOR SHIPMENTS FROM AMERICAN MILLS

LUMBER

Species	Rough, lbs. per M'BM	Dressed, lbs. per M'BM
Spruce	3,300	3,000
Norway	3,000	2,500

LATH

	Size	Lbs. per M pieces
Spruce	⅝" x 1½" x 4'	500
	⅝" x 1⅝" x 4'	550
	½" x 1½" x 4'	800
	7⁄16" x 2" x 4'	900

SHINGLES

	Size	Lbs. per square
White cedar	16"	200

TABLE 14—ESTIMATED AVERAGE WEIGHTS FOR SHIPMENTS FROM CANADIAN MILLS

LUMBER

Species	Rough, lbs. per M'BM	Dressed, lbs. per M'BM
Spruce—Except furring	3,100	2,600
Spruce furring 2 3/32+thicker		2,600
Spruce furring 3/4+thinner		2,100
Jack pine	3,100	2,600
Norway	3,000	2,500

LATH

	Size	Lbs. per M pieces
Spruce	5/16" x 1 1/2" x 4'	500
	3/8" x 1 3/8" x 4'	550
	1/2" x 1 1/2" x 4'	800
	5/16" x 2" x 4'	900

SHINGLES

	Size	Lbs. per square
White cedar	16"	200

SEC. 25. *Transportation addition on imported lumber.* (For domestic transportation addition, see section 11). In the case of sales of Eastern spruce, Norway pine (other than Ottawa Valley Norway pine) and Jack pine lumber, the amount that may be added to the maximum base price for transportation is the railroad freight from Campbellton, New Brunswick, to the point of delivery in the United States computed on the lowest through rate. This rule applies regardless of the point of origin and whether the lumber is shipped by rail or truck. The freight shall be computed on the basis of the estimated average weights set forth in Table No. 14 above, and the final amount shall be evened out to the nearest quarter of a dollar per M'BM. No additions may be made to the maximum base price for duty or for any charge or fees incurred in importation.

ARTICLE VII—APPENDIX D: NEW ENGLAND AND IMPORTED EASTERN HEMLOCK LUMBER: PRICE TABLES

SEC. 26. *Application of Appendix D.* This appendix applies to Eastern hemlock lumber which is shipped to the purchaser from mills located in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and that part of the Dominion of Canada located east of the 85th meridian, and which is sold on the specifications and on the grades designated in this section.

SEC. 27. *Grading rules.* Grade terms used herein have the meaning set forth in the "Official Grading Rules for Hemlock and Tamarack Lumber, and White Cedar Shingles" published by the Northern Hemlock and Hardwood Manufacturers' Association, effective June 27, 1941.

SEC. 28. *Maximum prices.* The maximum f. o. b. mill price for New England Eastern hemlock lumber, and the maximum base price for imported Eastern hemlock lumber shall be as set forth below. These prices are for 1,000 feet board measure of lumber in a rough air dried condition.

TABLE NO. 15—HEMLOCK BOARDS—ROUGH

NEW ENGLAND AND CANADIAN

Grade	Random length 6' to 20'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'
No. 1:					
1 x 2	$40.00	$40.00	$42.00	$43.00	$44.00
3	40.00	40.00	42.00	43.00	44.00
4	40.00	40.00	42.00	43.00	44.00
5	40.00	40.00	42.00	43.00	44.00
6	42.00	42.00	44.00	45.00	46.00
7	42.00	42.00	44.00	45.00	46.00
8	42.00	42.00	44.00	45.00	46.00
9	42.00	42.00	44.00	45.00	46.00
10	43.00	43.00	45.00	46.00	47.00
12	45.00	45.00	47.00	48.00	49.00
1 x 5 and wider	41.00	41.00	43.00	44.00	45.00
1 x 6 and wider	42.00	42.00	44.00	45.00	46.00
Merchantable:					
1 x 2	37.00	37.00	39.00	40.00	41.00
3	37.00	37.00	39.00	40.00	41.00
4	37.00	37.00	39.00	40.00	41.00
5	37.00	37.00	39.00	40.00	41.00
6	39.00	39.00	41.00	42.00	43.00
7	39.00	39.00	41.00	42.00	43.00
8	39.00	39.00	41.00	42.00	43.00
9	39.00	39.00	41.00	42.00	43.00
10	40.00	40.00	42.00	43.00	44.00
12	42.00	42.00	44.00	45.00	46.00
1 x 5 and wider	38.00	38.00	40.00	41.00	42.00
1 x 6 and wider	39.00	39.00	41.00	42.00	43.00
No. 2:					
1 x 2	34.00	34.00	36.00	37.00	38.00
3	34.00	34.00	36.00	37.00	38.00
4	34.00	34.00	36.00	37.00	38.00
5	35.00	35.00	37.00	38.00	39.00
6	35.00	35.00	37.00	38.00	39.00
7	36.00	36.00	38.00	39.00	40.00
8	36.00	36.00	38.00	39.00	40.00
9	37.00	37.00	39.00	40.00	41.00
10	39.00	39.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00
1 x 5 and wider	35.00	35.00	37.00	38.00	39.00
1 x 6 and wider	35.00	35.00	37.00	38.00	39.00
No. 3:					
1 x 2	31.00	31.00	33.00	34.00	35.00
3	31.00	31.00	33.00	34.00	35.00
4	31.00	31.00	33.00	34.00	35.00
5	31.00	31.00	33.00	34.00	35.00
6	33.00	33.00	35.00	36.00	37.00
7	33.00	33.00	35.00	36.00	37.00
8	33.00	33.00	35.00	36.00	37.00
9	34.00	34.00	36.00	37.00	38.00
10	36.00	36.00	38.00	39.00	40.00
12	36.00	36.00	38.00	39.00	40.00
1 x 5 and wider	32.00	32.00	34.00	35.00	36.00
1 x 6 and wider	33.00	33.00	35.00	36.00	37.00
No. 4:	4' to 20'				
1 x 4	24.00	24.00	26.00	27.00	28.00
5	24.00	24.00	26.00	27.00	28.00
6	24.00	24.00	26.00	27.00	28.00
7	24.00	24.00	26.00	27.00	28.00
8	24.00	24.00	26.00	27.00	28.00
9	24.00	24.00	26.00	27.00	28.00
10	24.00	24.00	26.00	27.00	28.00
12	24.00	24.00	26.00	27.00	28.00
No. 5: All widths and lengths	$19.00				

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Cross cutting, for one cut	$1.00	
Each additional cut	.50	
2. Cross cutting square, to exact length	2.00	
3. Ripping straight for one cut	1.00	
Each additional cut	.50	
4. Ripping, taper	2.00	
5. Saw sizing to exact width	1.00	
6. Resawing, straight, 4" and narrower, for one cut	2.00	
7. Resawing, straight, wider than 4", for one cut	1.50	
8. Resawing, bevel, 4" and narrower, for one cut	2.00	
9. Resawing, bevel, wider than 4", for one cut	1.50	
10. Resawing, each additional cut	.50	
11. Dressing S1S, S2S, S1E, S2F	2.00	
12. Dressing, S2S1E, S4S, S1S&M, S2S&M, S2S+SL, S2E1S)	3.00	
13. Any standard dressing and beading 1 side	4.00	
14. Any standard dressing and beading 2 sides	4.50	
15. Working to other standard patterns	5.00	
16. Any standard dressing and crosscutting to exact length	4.00	
17. Any standard dressing and resawing	4.00	
18. Resawing 1 cut and dressing each piece	4.50	
19. Resawing 1 cut in center and bevel resawing each piece and bundling	5.00	
20. Bundling	1.00	
For width:		
21. For widths wider than listed: For each inch or fraction thereof over 12"; to 12 in. price add $1.00.		
22. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		

TABLE 15—HEMLOCK BOARDS—ROUGH—Continued

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES—continued

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For length:		
23. For lengths longer than listed: For each 2 ft. or fraction thereof over 20 ft.; to 20 ft. price add $1.00.		
24. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
25. Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
26. For 5/4 thickness: Use price for 1" of the same width and length		
27. For 6/4 thickness: Use price for 1" of the same width and length		
For grade:		
28. "D" select and better, flat grain: Add to price of No. 1 common $13.00		
29. "D" select and better, vertical grain: Add to price of No. 1 common $18.00		

TABLE NO. 16—HEMLOCK DIMENSION—ROUGH

NEW ENGLAND AND CANADIAN

Grade	Random length 6' to 24'	Specified length 8' to 14'	Specified length 16'	Specified length 18'	Specified length 20'	Specified length 22'	Specified length 24'
No. 1:							
2 x 3	$38.00	$38.00	$40.00	$41.00	$42.00	$43.00	$44.00
4	38.00	38.00	40.00	41.00	42.00	43.00	44.00
5	38.00	38.00	40.00	41.00	42.00	43.00	44.00
6	40.00	40.00	42.00	43.00	44.00	45.00	46.00
7	40.00	40.00	42.00	43.00	44.00	45.00	46.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
9	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
Merchantable:							
2 x 3	35.00	35.00	37.00	38.00	39.00	40.00	41.00
4	35.00	35.00	37.00	38.00	39.00	40.00	41.00
5	35.00	35.00	37.00	38.00	39.00	40.00	41.00
6	37.00	37.00	39.00	40.00	41.00	42.00	43.00
7	37.00	37.00	39.00	40.00	41.00	42.00	43.00
8	37.00	37.00	39.00	40.00	41.00	42.00	43.00
9	37.00	37.00	39.00	40.00	41.00	42.00	43.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
No. 2:							
2 x 3	32.00	32.00	34.00	35.00	36.00	37.00	38.00
4	32.00	32.00	34.00	35.00	36.00	37.00	38.00
5	32.00	32.00	34.00	35.00	36.00	37.00	38.00
6	34.00	34.00	36.00	37.00	38.00	39.00	40.00
7	34.00	34.00	36.00	37.00	38.00	39.00	40.00
8	34.00	34.00	36.00	37.00	38.00	39.00	40.00
9	34.00	34.00	36.00	37.00	38.00	39.00	40.00
10	34.00	34.00	36.00	37.00	38.00	39.00	40.00
12	36.00	36.00	38.00	39.00	40.00	41.00	42.00
No. 3:							
2 x 3	27.00	27.00	29.00	30.00	31.00	32.00	33.00
4	27.00	27.00	29.00	30.00	31.00	32.00	33.00
5	27.00	27.00	29.00	30.00	31.00	32.00	33.00
6	29.00	29.00	31.00	32.00	33.00	34.00	35.00
7	29.00	29.00	31.00	32.00	33.00	34.00	35.00
8	29.00	29.00	31.00	32.00	33.00	34.00	35.00
9	29.00	29.00	31.00	32.00	33.00	34.00	35.00
10	29.00	29.00	31.00	32.00	33.00	34.00	35.00
12	31.00	31.00	33.00	34.00	35.00	36.00	37.00
No. 4:							
2 x 4	24.00	24.00	26.00	27.00	28.00	29.00	30.00
5	24.00	24.00	26.00	27.00	28.00	29.00	30.00
6	24.00	24.00	26.00	27.00	28.00	29.00	30.00
7	24.00	24.00	26.00	27.00	28.00	29.00	30.00
8	24.00	24.00	26.00	27.00	28.00	29.00	30.00
9	24.00	24.00	26.00	27.00	28.00	29.00	30.00
10	24.00	24.00	26.00	27.00	28.00	29.00	30.00
12	24.00	24.00	26.00	27.00	28.00	29.00	30.00
No. 5: All widths and lengths, $19.00.							

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Crosscutting, for one cut	$1.00	$1.25
Each additional cut	.50	.75
2. Crosscutting square, to exact length	2.00	2.25
3. Ripping straight for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw sizing to exact width	1.00	1.25
6. Resawing, bevel, 4" and narrower	2.00	2.25
7. Resawing, bevel, wider than 4"	1.50	1.75
8. Resawing, each additional cut	.50	.75
9. Dressing S1S, S2S, S1E, S2F	2.00	2.25
10. Dressing S2S1E, S4S, S1S+M, S2S+M, S2S+SL, S2E1S)	3.00	3.25
11. Working to other standard patterns	5.00	5.25
12. Any standard dressing and crosscutting to exact length	4.00	4.25

TABLE 16—HEMLOCK DIMENSION—ROUGH—Continued

ADDITIONS AND DEDUCTIONS PER M'BM TO ABOVE PRICES—continued

	5,000 ft. B. M. or over add—	1,000–4,999 ft. B. M. add—
For width:		
13. For widths wider than listed: For each inch or fraction thereof over 12"; to 12" price add $1.00.		
14. Specified fractional widths: Price as next wider standard width for which a price is provided and add the crosscutting charge.		
For length:		
15. For lengths longer than listed: For each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add $1.00		
16. Specified fractional lengths longer than 12 ft.: price and compute footage as next longer standard length and add the crosscutting charge		
17. Specified fractional lengths shorter than 12 ft.: price as shortest multiple for which a price is provided and add the cross cutting charge		
For grade:		
18. "D" select and better, flat grain: Add to price of No. 1 Common $13.00		
19. "D" select and better, vertical grain: Add to price of No. 1 Common $18.00		

TABLE 17—HEMLOCK TIMBERS—ROUGH

NEW ENGLAND AND CANADIAN

Grade	Random length 8' to 24'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'	Specified lengths 22'	Specified lengths 24'
No. 1:							
3 x 4	$42.00	$42.00	$44.00	$45.00	$46.00	$47.00	$48.00
6	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
4 x 4	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
6 x 6	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8 x 8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
10 x 10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12 x 12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
Merchantable:							
3 x 4	39.00	39.00	41.00	42.00	43.00	44.00	45.00
6	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
4 x 4	39.00	39.00	41.00	42.00	43.00	44.00	45.00
6	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6 x 6	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8 x 8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10 x 10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12 x 12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
No. 2:							
3 x 4	34.00	34.00	36.00	37.00	38.00	39.00	40.00
6	35.00	35.00	37.00	38.00	39.00	40.00	41.00
8	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
4 x 4	34.00	34.00	36.00	37.00	38.00	39.00	40.00
6	35.00	35.00	37.00	38.00	39.00	40.00	41.00
8	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
6 x 6	35.00	35.00	37.00	38.00	39.00	40.00	41.00
8	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8 x 8	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10 x 10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
12 x 12	39.00	39.00	41.00	42.00	43.00	44.00	45.00

TABLE 17—HEMLOCK TIMBERS—ROUGH—Continued

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000–4,999 ft. B. M. add—
For working:		
1. Crosscutting, for one cut	$1.00	$1.25
Each additional cut	.50	.75
2. Crosscutting square, to exact length	2.00	2.25
3. Ripping, straight, for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw sizing to exact width	1.00	1.25
6. Dressing S1S, S2S, S1E, S2E	2.00	2.25
7. Dressing S2S1E, S4S, S1S&M, S2S&M, S2S&SL, S2F1S	3.00	3.25
8. Any standard dressing and crosscutting to exact length	4.00	4.25
For width:		
9. For widths wider than listed: For each inch or fraction thereof over 12"; to 12" price add $1.00.		
10. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		
For length:		
11. For lengths longer than listed: For each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add $1.00.		
12. Specified fractional lengths longer than 12 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
13. Specified fractional lengths shorter than 12 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
14. 2½" thick: Compute footage as 2½" and use 3" price.		
15. For thickness greater than listed: For each inch or fraction thereof over 12"; add to the 12" price $1.00.		

TABLE 18—ESTIMATED AVERAGE WEIGHTS FOR NEW ENGLAND AND IMPORTED HEMLOCK

LUMBER

Rough	Dressed
Lbs. per M'BM	*Lbs. per M'BM*
4,000	3,000

SEC. 29. *Transportation addition on imported lumber* (*For domestic transportation addition, see section 11.*)—(a) *General.* In the case of sales of imported Eastern hemlock lumber, the amount that may be added to the maximum base price for transportation is the railroad freight computed on the lowest through rate from the applicable basing point as prescribed below to the point of delivery in the United States.

(b) *Basing points.* Regardless of point or origin of shipments, the following basing points shall apply:

(1) For imported Eastern hemlock lumber delivered in the six New England States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, the basing point shall be Campbellton, New Brunswick.

(2) For imported Eastern hemlock lumber delivered in that part of the State of New York east of and including the Counties of St. Lawrence, Jefferson, Oswego, Onondaga, Cortland, and Broome, the basing point shall be Mont Laurier, Quebec.

(3) For imported hemlock lumber delivered in that part of the State of New York west of the Counties of Oswego, Onondaga, Cortland, and Broome, and in all other parts of the United States not covered above, the basing point shall be North Bay, Ontario.

(c) *Estimated weights.* The freight addition shall be computed on the basis of the estimated average weights set forth in Table 18 above, evened out to the nearest quarter of a dollar per MBM.

TABLE 19—HEMLOCK BOARDS—ROUGH

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA SOUTH CAROLINA AND GEORGIA

Grade	Random lengths 6' to 20'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'
No. 1:					
1 x 2	$43.00	$43.00	$45.00	$46.00	$47.00
3	43.00	43.00	45.00	46.00	47.00
4	43.00	43.00	45.00	46.00	47.00
5	43.00	43.00	45.00	46.00	47.00
6	45.00	45.00	47.00	48.00	49.00
7	45.00	45.00	47.00	48.00	49.00
8	45.00	45.00	47.00	48.00	49.00
9	45.00	45.00	47.00	48.00	49.00
10	46.00	46.00	48.00	49.00	50.00
12	48.00	48.00	50.00	51.00	52.00
1 x 5 and wider	43.00	43.00	45.00	46.00	47.00
1 x 6 and wider	45.00	45.00	47.00	48.00	49.00
Merchantable:					
1 x 2	40.00	40.00	42.00	43.00	44.00
3	40.00	40.00	42.00	43.00	44.00
4	40.00	40.00	42.00	43.00	44.00
5	40.00	40.00	42.00	43.00	44.00
6	42.00	42.00	44.00	45.00	46.00
7	42.00	42.00	44.00	45.00	46.00
8	42.00	42.00	44.00	45.00	46.00
9	42.00	42.00	44.00	45.00	46.00
10	43.00	43.00	45.00	46.00	47.00
12	45.00	45.00	47.00	48.00	49.00
1 x 5 & wider	40.00	40.00	42.00	43.00	44.00
1 x 6 & wider	42.00	42.00	44.00	45.00	46.00
No. 2					
1 x 2	37.00	37.00	39.00	40.00	41.00
3	37.00	37.00	39.00	40.00	41.00
4	37.00	37.00	39.00	40.00	41.00
5	37.00	37.00	39.00	40 00	41.00
6	38.00	38.00	40.00	41.00	42.00
7	38.00	38.00	40.00	41.00	42.00
8	39.00	39.00	41.00	42.00	43.00
9	39.00	39.00	41.00	42.00	43.00
10	40.00	40.00	42.00	43.00	44.00
12	42.00	42.00	44.00	45.00	46.00
1 x 5 & wider	37.00	37.00	39.00	40.00	41.00
1 x 6 & wider	38.00	38.00	40.00	41.00	42.00

(d) *Duty and import expenses.* No additions may be made to the maximum base price for duty or for any charges or fees incurred in importation.

ARTICLE VIII—APPENDIX E: NEW YORK, PENNSYLVANIA AND "APPALACHIAN" PRICE TABLES

SEC. 30. *Application of Appendix E.* This appendix applies to Eastern hemlock lumber which is shipped to the purchaser from mills located in the States of New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, and Georgia and sold on the specifications and on the grades designated in this section.

SEC. 31. *Grading rules.* Grade terms used herein have the meaning set forth in the "Official Grading Rules for Hemlock and Tamarack Lumber, and White Cedar Shingles" published by the Northern Hemlock and Hardwood Manufacturers' Association, effective June 27, 1941.

SEC. 32. *Maximum prices.* The maximum f. o. b. mill price per M'BM of Eastern Hemlock lumber in a rough air dried condition produced in the states of New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia shall be as set forth below:

TABLE 19—HEMLOCK BOARDS—ROUGH—Continued

Grade	Random lengths 6' to 20'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'
No. 3:					
1 x 2	$34.00	$34.00	$36.00	$37.00	$38.00
3	34.00	34.00	36.00	37.00	38.00
4	34.00	34.00	36.00	37.00	38.00
5	36.00	36.00	38.00	39.00	40.00
6	36.00	36.00	38.00	39.00	40.00
7	36.00	36.00	38.00	39.00	40.00
8	36.00	36.00	38.00	39.00	40.00
9	37.00	37.00	39.00	40.00	41.00
10	39.00	39.00	41.00	42.00	43.00
12	34.00	34.00	36.00	37.00	38.00
1 x 5 and wider	36.00	36.00	38.00	39.00	40.00
1 x 6 and wider					
No. 4:					
1 x 4	24.00	24.00	26.00	27.00	28.00
5	24.00	24.00	26.00	27.00	28.00
6	24.00	24.00	26.00	27.00	28.00
7	24.00	24.00	26.00	27.00	28.00
8	24.00	24.00	26.00	27.00	28.00
9	24.00	24.00	26.00	27.00	28.00
10	24.00	24.00	26.00	27.00	28.00
12					
No. 5: All widths and lengths $19.00.					

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000–4,999 ft. B. M. add—
For working:		
1. Cross cutting, for one cut	$1.00	$1.25
Each additional cut	.50	.75
2. Cross cutting square, to exact length	2.00	2.25
3. Ripping straight for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw sizing to exact width	1.00	1.25
6. Resawing, straight 4" and narrower	2.00	2.25
7. Resawing, straight wider than 4"	1.50	1.75
8. Resawing, bevel, 4" and narrower	2.00	2.25
9. Resawing, bevel, wider than 4"	1.50	1.75
10. Resawing, each additional cut	.50	.75
11. Dressing 81S, 82S, 81E, 82E	2.00	2.25
12. Dressing 82S1E, 84S, 81S+M, 82S+M, 82S+SL, 82E1S	3.00	3.25
13. Any standard dressing and beading 1 side	4.00	4.25
14. Any standard dressing and beading 2 sides	4.50	4.75
15. Working to other standard patterns	5.00	5.25
16. Any standard dressing and crosscutting to exact length	4.00	4.25
17. Any standard dressing and resawing	4.00	4.25
18. Resawing one cut and dressing each piece	4.50	4.75
19. Resawing one cut in center and bevel resawing each piece and bundling	5.00	5.25
20. Bundling	1.00	1.25
For width:		
21. For widths wider than listed: For each inch or fraction thereof over 12 inches: to 12 inch price add $1.00		
22. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		
For Length:		
23. For lengths longer than listed: For each 2 ft. or fraction thereof over 20 ft.; to 20 ft. price add $1.00.		
24. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
25. Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
26. For 5/4 thickness: Use price for 1" of the same width and length		
27. For 6/4 thickness: Use price for 1" of the same width and length		
For grade:		
28. "D" select and better, flat grain: Add to price of No. 1 common $13.00		
29. "D" select and better, vertical grain: Add to price of No. 1 common $18.00		

TABLE No. 20—HEMLOCK DIMENSION—ROUGH

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA SOUTH CAROLINA AND GEORGIA

Grade	Random Lengths 6' to 24'	Specified Lengths 8' to 14'	Specified Lengths 16'	Specified Lengths 18'	Specified Lengths 20'	Specified Lengths 22'	Specified Lengths 24'
No. 1:							
2 x 3	$41.00	$41.00	$43.00	$44.00	$45.00	$46.00	$47.00
4	41.00	41.00	43.00	44.00	45.00	46.00	47.00
5	41.00	41.00	43.00	44.00	46.00	46.00	47.00
6	43.00	43.00	45.00	46.00	47.00	48.00	49.00
8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
7	43.00	43.00	45.00	46.00	47.00	48.00	49.00
8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
9	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00

TABLE 20—HEMLOCK DIMENSION—ROUGH—Continued

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA—continued

Grade	Random Lengths 6' to 24'	Specified Lengths 8' to 14'	Specified Lengths 16'	Specified Lengths 18'	Specified Lengths 20'	Specified Lengths 22'	Specified Lengths 24'
Merchantable:							
2 x 3	$38.00	$38.00	$40.00	$41.00	$42.00	$43.00	$44.00
4	38.00	38.00	40.00	41.00	42.00	43.00	44.00
5	38.00	38.00	40.00	41.00	42.00	43.00	44.00
6	40.00	40.00	42.00	43.00	44.00	45.00	46.00
7	40.00	40.00	42.00	43.00	44.00	45.00	46.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
9	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
No. 2:							
2 x 3	35.00	35.00	37.00	38.00	39.00	40.00	41.00
4	35.00	35.00	37.00	38.00	39.00	40.00	41.00
5	35.00	35.00	37.00	38.00	39.00	40.00	41.00
6	37.00	37.00	39.00	40.00	41.00	42.00	43.00
7	37.00	37.00	39.00	40.00	41.00	42.00	43.00
8	37.00	37.00	39.00	40.00	41.00	42.00	43.00
9	37.00	37.00	39.00	40.00	41.00	42.00	43.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
No. 3:							
2 x 3	30.00	30.00	32.00	33.00	34.00	35.00	36.00
4	30.00	30.00	32.00	33.00	34.00	35.00	36.00
5	30.00	30.00	32.00	33.00	34.00	35.00	36.00
6	32.00	32.00	34.00	35.00	36.00	37.00	38.00
7	32.00	32.00	34.00	35.00	36.00	37.00	38.00
8	32.00	32.00	34.00	35.00	36.00	37.00	38.00
9	32.00	32.00	34.00	35.00	36.00	37.00	38.00
10	32.00	32.00	34.00	35.00	36.00	37.00	38.00
12	34.00	34.00	36.00	37.00	38.00	39.00	40.00
No. 4:							
2 x 4	24.00	24.00	26.00	27.00	28.00	29.00	30.00
5	24.00	24.00	26.00	27.00	28.00	29.00	30.00
6	24.00	24.00	26.00	27.00	28.00	29.00	30.00
7	24.00	24.00	26.00	27.00	28.00	29.00	30.00
8	24.00	24.00	26.00	27.00	28.00	29.00	30.00
9	24.00	24.00	26.00	27.00	28.00	29.00	30.00
10	24.00	24.00	26.00	27.00	28.00	29.00	30.00
12	24.00	24.00	26.00	27.00	28.00	29.00	30.00
No. 5: All widths and lengths, $19.00.							

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000–4,999 ft. B. M. add—
For working:		
1. Cross cutting for one cut	$1.00	$1.25
Each additional cut	.50	.75
2. Cross cutting square, to exact length	2.00	2.25
3. Ripping straight for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw sizing to exact width	1.00	1.25
6. Resaw, bevel, 4" and narrower	2.00	2.25
7. Resaw, bevel, wider than 4"	1.50	1.75
8. Dressing 81S, 82S, 81E, 82E	2.00	2.25
9. Dressing 82S1E, 84S, 81S+M, 82S+M, 82S+SL, 82E1S	3.00	3.25
10. Working to other standard patterns	5.00	5.25
11. Any standard dressing and crosscutting to exact length	4.00	4.25
For width:		
12. For widths wider than listed: For each inch or fraction thereof over 12"; to 12" price add $1.00.		
13. Specified fractional widths: Price as next wider standard width for which a price is provided and add the crosscutting charge.		
For length:		
14. For lengths longer than listed: For each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add $1.00.		
15. Specified fractional lengths longer than 12 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
16. Specified fractional lengths shorter than 12 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For grade:		
17. "D" select and better, flat grain: Add to price of No. 1 common $13.00.		
18. "D" select and better, vertical grain: Add to price of No. 1 common $18.00.		

TABLE 21—HEMLOCK TIMBERS—ROUGH

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA

Grade	Random lengths 8' to 24'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'	Specified lengths 22'	Specified lengths 24'
No. 1:							
3 x 4	$45.00	$45.00	$47.00	$48.00	$49.00	$50.00	$51.00
6	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8	45.00	45.00	47.00	48.00	49.00	50.00	51.00
10	46.00	46.00	48.00	49.00	50.00	51.00	52.00
12	48.00	48.00	50.00	51.00	52.00	53.00	54.00
4 x 4	45.00	45.00	47.00	48.00	49.00	50.00	51.00
6	45.00	45.00	47.00	48.00	49.00	50.00	51.00

TABLE 21—HEMLOCK TIMBERS—ROUGH—Continued

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA—continued

Grade	Random lengths 8' to 24'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'	Specified lengths 22'	Specified lengths 24'
No. 1:	$45.00	$45.00	$47.00	$48.00	$49.00	$50.00	$51.00
8	46.00	46.00	48.00	49.00	50.00	51.00	52.00
10	48.00	48.00	50.00	51.00	52.00	53.00	54.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
6 x 6	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8	46.00	46.00	48.00	49.00	50.00	51.00	52.00
10	48.00	48.00	50.00	51.00	52.00	53.00	54.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8 x 8	46.00	46.00	48.00	49.00	50.00	51.00	52.00
10	48.00	48.00	50.00	51.00	52.00	53.00	54.00
12	46.00	46.00	48.00	49.00	50.00	51.00	52.00
10 x 10	48.00	48.00	50.00	51.00	52.00	53.00	54.00
12	48.00	48.00	50.00	51.00	52.00	53.00	54.00
12 x 12							
Merchantable:	42.00	42.00	44.00	45.00	46.00	47.00	48.00
3 x 4	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
4 x 4	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6 x 6	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8 x 8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10 x 10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	45.00	45.00	47.00	48.00	49.00	50.00	
12 x 12							
No. 2:	37.00	37.00	39.00	40.00	41.00	42.00	43.00
3 x 4	38.00	38.00	40.00	41.00	42.00	43.00	44.00
6	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	37.00	37.00	39.00	40.00	41.00	42.00	43.00
4 x 4	38.00	38.00	40.00	41.00	42.00	43.00	44.00
6	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	38.00	38.00	40.00	41.00	42.00	43.00	44.00
6 x 6	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8 x 8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10 x 10	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12 x 12							

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000–4,999 ft. B. M. add—
For working:		
1. Crosscutting for one cut	$1.00	$1.25
Each additional cut	.50	.75
2. Crosscutting square to exact length	2.00	2.25
3. Ripping, straight for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw sizing to exact width	1.00	1.25
6. Dressing S1S, S2S, S1E, S2E	2.00	2.25
7. Dressing S2S1E, S4S, S1S+M, S2S+M, S2S+S1L, S2E1S	3.00	3.25
8. Any standard dressing and crosscutting to exact length	4.00	4.25
For width:		
9. For widths wider than listed: for each inch or fraction thereof over 12"; to 12" price add $1.00.		
10. Specified fractional widths: price as next wider standard width for which a price is provided and add the ripping charge.		
For length:		
11. For lengths longer than listed: for each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add $1.00.		
12. Specified fractional lengths longer than 12 ft.: price and compute footage as next longer standard length and add the crosscutting charge.		
13. Specified fractional lengths shorter than 12 ft.: price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
14. 2¼" thick: compute footage as 2½" and use 2" price		
15. For thickness greater than listed: for each inch or fraction thereof over 12", add to the 12" price $1.00.		

TABLE 22—ESTIMATED AVERAGE WEIGHTS FOR NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA HEMLOCK

LUMBER	
Rough *Lbs. per M'BM* 4,000	Dressed *Lbs. per M'BM* 3,000

ARTICLE IX—APPENDIX F: OTTAWA VALLEY WHITE AND NORWAY PINE PRICE TABLES

SEC. 33. *Application of Appendix F.* This section applies to white and Norway pine lumber which is shipped to a purchaser in the United States from mills located in that part of the Province of Ontario, east of the 85th meridian, and sold on the specifications and on the grades designated below.

SEC. 34. *Grading rules.* Grade terms used herein have the meaning set forth in the "Official Grading Rules for White Pine and Red or Norway Pine" adopted by the members of the White Pine Bureau, Toronto, Ontario, published July, 1940.

SEC. 35. *Maximum prices.* The maximum price, *f. o. b.* Niagara Falls, N. Y., for 1,000 feet board measure of Ottawa Valley white pine lumber in a rough air-dried condition shall be as follows:

TABLE 23—WHITE PINE (OTTAWA VALLEY)

C SELECT AND BETTER

Thickness (inches)	Width (inches)	Length (feet)	Price per M BM
1	4/6	6/9	$75.50
1	6	6/9	80.25
1	7 and wider	6/9	89.25
1¼	4 and wider	6/9	102.75
1½	4 and wider	6/9	102.75
2	4 and wider	6/9	102.75
1	4/6	10/16	87.50
1	6	10/16	92.00
1	7 and wider (av. 8)	10/16	105.50
1¼	4/6	10/16	112.00
1¼	4/6	10/16	112.00
2	4/6	10/16	112.00
1¼	7 and wider (av. 8½)	10/16	134.75
1½	7 and wider (av. 8½)	10/16	134.75
2	7 and wider (av. 8½)	10/16	134.75
3	6 and wider	10/16	180.25

D SELECTS

1	4/6	6/9	$68.25
1	7 and wider	6/9	77.50
1¼	4 and wider	6/9	77.50
1½	4 and wider	6/9	77.50
2	4 and wider	6/9	77.50
1	4	10/16	77.50
1	8	10/16	80.25
1	6	10/16	78.25
1	4/6 one piece	10/16	82.75
1	8	10/16	92.00
1	10	10/16	92.00
1	12	10/16	110.25
1	7 and wider	10/16	84.75
1¼	4/6	10/16	85.50
1¼	7 and wider	10/16	105.25
1½	4/6	10/16	85.50
1½	7 and wider	10/16	105.25
2	4/6	10/16	89.25
2	7 and wider	10/16	107.50
2½	6 and wider	8/16	134.75
3	6 and wider	8/16	139.25
4	6 and wider	8/16	143.75

NO. 1 CUTS

1¼	6 and wider	8/16	$98.25
1½	6 and wider	8/16	116.50
2	6 and wider	8/16	116.50

TABLE 23—WHITE PINE (OTTAWA VALLEY)—Continued

NO. 2 CUTS

Thickness (inches)	Width (inches)	Length (feet)	Price per M' BM
1¼	6 and wider	8/16	$80.25
1½	6 and wider	8/16	96.50
2	6 and wider	8/16	96.50

NO. 3 CUTS

1	6 and wider	6/16	55.50
1¼	6 and wider	6/16	62.00
1½	6 and wider	6/16	70.25
2	6 and wider	6/16	70.25
2½+3	6 and wider	6/16	84.75

NO. 1 AND 2 CUTS

1	6 and wider	8/16	71.00
1¼	6 and wider	8/16	98.75
1½	6 and wider	8/16	106.50
2	6 and wider	8/16	106.50
2½	6 and wider	8/16	122.75
3	6 and wider	8/16	122.75

NO. 1, 2, AND 3 CUTS (¼ EACH)

1	6 and wider	8/16	66.50
1¼	6 and wider	8/16	84.75
1½	6 and wider	8/16	94.75
2	6 and wider	8/16	94.75

NO. 1 AND 2 COMMON

1	4 and wider	6/7	53.75
1	4	8/16	65.50
1	5	8/16	63.75
1	6	8/16	63.75
1	7	8/16	63.75
1	8	8/16	65.50
1	9	8/16	67.50
1	10	8/16	76.50
1	11	8/16	82.00
1	12	8/16	86.50
1¼, 1½, 2	4 and wider	6/7	56.50
1¼, 1½, 2	4	8/16	69.25
1¼, 1½, 2	5	8/16	67.50
1¼, 1½, 2	6	8/16	67.50
1¼, 1½, 2	7	8/16	67.50
1¼, 1½, 2	8	8/16	69.25
1¼, 1½, 2	9	8/16	71.00
1¼, 1½, 2	10	8/16	81.00
1¼, 1½, 2	11	8/16	88.25
1¼, 1½, 2	12	8/16	92.75
3	4	8/16	71.00
3	6	8/16	71.00
3	8	8/16	72.75
3	10	8/16	84.75
3	12	8/16	94.75
4	4	8/16	72.75
4	6	8/16	72.75
4	8	8/16	72.75
4	10	8/16	84.75
4	12	8/16	94.75
6	5	8/16	84.75
6	6	8/16	86.50

SELECTED NO. 3 COMMON (80% UPPER END NO. 3)

1	4	8/16	57.50
1	5	8/16	57.50
1	6	8/16	60.25
1	8	8/16	60.25
1	9	8/16	60.25
1	10	8/16	62.00
1	11	8/16	65.50
1	12	8/16	65.50
1¼, 1½, 2	4	8/16	59.25
1¼, 1½, 2	5	8/16	59.25
1¼, 1½, 2	6	8/16	62.00
1¼, 1½, 2	8	8/16	62.00
1¼, 1½, 2	9	8/16	62.00
1¼, 1½, 2	10	8/16	63.75
1¼, 1½, 2	11	8/16	67.50
1¼, 1½, 2	12	8/16	67.50

TABLE 23—WHITE PINE (OTTAWA VALLEY)—Continued

NO. 3 COMMON

Thickness (inches)	Width (inches)	Length (feet)	Price per M' BM
1	4	6/16	$52.75
1	5	6/16	52.75
1	6	6/16	55.50
1	7	6/16	55.50
1	8	6/16	55.50
1	9	6/16	55.50
1	10	6/16	57.50
1	11	6/16	60.25
1	12	6/16	60.25
1¼, 1½, 2	4	6/16	54.75
1¼, 1½, 2	5	6/16	54.75
1¼, 1½, 2	6	6/16	57.50
1¼, 1½, 2	7	6/16	57.50
1¼, 1½, 2	8	6/16	57.50
1¼, 1½, 2	9	6/16	57.50
1¼, 1½, 2	10	6/16	59.25
1¼, 1½, 2	11	6/16	62.00
1¼, 1½, 2	12	6/16	62.00
3	4	10/16	57.50
3	5	10/16	57.50
3	6	10/16	59.25
3	7	10/16	59.25
3	8	10/16	59.25
3	9	10/16	60.25
3	10	10/16	61.00
3	11	10/16	62.75
3	12	10/16	62.75

NO. 4 COMMON

1	4/9	6/16	50.25
1	4	6/16	49.25
1	5	6/16	50.25
1	6	6/16	51.00
1	7	6/16	51.00
1	8	6/16	52.75
1	9	6/16	52.75
1	10	6/16	53.75
1	11	6/16	53.75
1	12	6/16	55.50
1¼, 1½, 2, 3	4/9	6/16	52.00
1¼, 1½, 2, 3	4	6/16	51.00
1¼, 1½, 2, 3	5	6/16	52.00
1¼, 1½, 2, 3	6	6/16	52.75

TABLE 24—NORWAY PINE—ROUGH (OTTAWA VALLEY)—Continued

GRADE: MERCHANTABLE

Thickness (inches)	Length	Width 4"	5"	6"	7"	8"	9"	10"	11"	12"
1	R/L	$50.25	$50.25	$51.25	------	$52.00	------	$53.75	------	$57.50
2	R/L	52.00	50.25	53.00	$53.75	53.75	$55.75	55.75	$59.25	59.25
3	R/L	53.00	------	53.75	55.75	55.75	59.25	59.25	61.25	61.25
4	R/L	54.75	------	55.75	57.50	57.50	61.25	61.25	63.00	63.00

TABLE 23—WHITE PINE (OTTAWA VALLEY)—Continued

NO. 4 COMMON—continued

Thickness (inches)	Width (inches)	Length (feet)	Price per M' BM
1¼, 1½, 2, 3	7	6/16	$52.75
1¼, 1½, 2, 3	8	6/16	54.75
1¼, 1½, 2, 3	9	6/16	54.75
1¼, 1½, 2, 3	10	6/16	55.50
1¼, 1½, 2, 3	11	6/16	55.50
1¼, 1½, 2, 3	12	6/16	57.50

NO. 5 COMMON

1	4/9	6/16	46.50
1	10/12	6/16	50.25
1¼, 1½, 2, 3	4/9	6/16	46.50
1¼, 1½, 2, 3	10/12	6/16	50.25

NO. 6 COMMON

1	4/9	6/16	37.50
1	4 and wider	6/16	38.25
1	10 and wider	6/16	39.25
1¼	4 and wider	6/16	35.50
1½	4 and wider	6/16	38.25
2	4 and wider	6/16	41.00
3	4 and wider	6/16	41.00

TABLE 24—NORWAY PINE—ROUGH (OTTAWA VALLEY)

CLEAR AND CLEAR FACE

Thickness (inches)	Width (inches)	Length (feet)	Price per M'BM
1	4/6	6 and up	$68.50
1	7 and up	6 and up	77.50
1¼	4/6	6 and up	73.00
1½	4/6	6 and up	73.00
2	4/6	6 and up	73.00
1¼	7 and up	6 and up	82.00
1½	7 and up	6 and up	82.00
2	7 and up	6 and up	82.00

GRADE: NO. 1 AND NO. 2 CULLS

Thickness (inches)	Length	Width 4"	5"	6"	8"	10"	12"
1	R/L	$42.00	$42.00	$43.75	$44.75	$45.75	$45.75
2	R/L	43.75	43.75	43.75	44.75	45.75	45.75
3	R/L	43.75	------	44.75	46.50	47.50	47.50
4	R/L	43.75	------	44.75	46.50	47.50	47.50

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 feet B. M.	4,999 feet or less
For working:		
1. Crosscutting, for one cut, add	$1.00	$1.25
Each additional cut, add	.50	.75
2. Crosscutting square to exact non-standard length, add	2.00	2.25
3. Ripping, straight for one cut, add	1.00	1.25
Each additional cut, add	.50	.75
4. Ripping, taper, add	2.00	2.25

TABLE 24—NORWAY PINE—ROUGH (OTTAWA VALLEY)—Continued

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES—continued

	5,000 feet B. M.	4,999 feet or less
For working:		
5. Saw sizing to exact width, add	$1.00	$1.25
6. Resawing, straight, 4" and narrower, add	2.00	2.25
7. Resawing, straight, 4" and wider, add	1.50	1.75
Each additional cut, add	.50	.75
8. Resawing, bevel, 4" and narrower, add	2.00	2.25
9. Resawing, bevel, wider than 4", add	1.50	1.75
Each additional cut, add	.50	.75
10. Dressing S1S, S2S, S1E, S2E, add	2.00	2.25
11. Dressing, S2S1E, S4S, S1S+M, S2S+SL, S2E1S, S2S+M	3.00	3.25
12. Any standard dressing and beading one side, add	4.00	4.25
13. Any standard dressing and beading two sides, add	4.50	4.75
14. Working to other standard patterns, add	5.00	5.25
15. Any standard dressing and crosscutting to exact length, add	4.00	4.25
16. Any standard dressing and resawing, add	4.00	4.25
17. Resawing one cut and dressing each piece, add	4.50	4.75
18. Resawing one cut in center, bevel resawing each piece, and bundling, add	5.00	5.25
19. Bundling, add	1.00	1.25
20. Bundling, exact specified lengths shorter than 8', add	2.00	2.25
For width (White Pine only):		
21. 1 x 7 and wider 10/16 C select and better; for each one inch over 8 inches in average width, add	3.00	
22. 1¼ x 7 and wider 10/16 C select and better; 1¼ x 7 and wider 10/16 C select and better; 2 x 7 and wider 10/16 C select and better; for each one inch over 8½ inches in average width, add	5.00	
For Grade (White Pine only):		
23. B & Better: for 4/4, to the price of C & Better, add	10.00	
B & Better: for 5/4 and thicker, to the price of C & Better, add	15.00	
For thickness (Norway Pine only):		
24. Scant thickness: 8/4 scant thickness deduct $2.00.		
For length:		
25. Specified lengths, one length add	1.00	

TABLE 25—ESTIMATED AVERAGE WEIGHTS FOR OTTAWA VALLEY WHITE AND NORWAY PINE LUMBER

	Rough, lbs. per M'BM	Dressed, lbs. per M'BM
White pine	2,500	2,000
Norway	3,000	2,500

SEC. 36. *Transportation adjustment.* In the case of shipments of Ottawa Valley white or Norway pine to destinations in the United States other than Niagara Falls, N. Y., the maximum delivered price shall be computed as follows: From the maximum price, f. o. b. Niagara Falls, N. Y., deduct railroad freight from the point of shipment to Niagara Falls, N. Y., and add freight from point of shipment to destination. Freight shall be calculated on the lowest through rate and on the applicable estimated average weights set forth in Table 25 above. The final amount shall be evened out to the nearest quarter of a dollar per M'BM. No additions may be made in the maximum prices for the duty or for any charge of fees incurred in importation.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation shall become effective February 17, 1944, except that:

(a) If lumber has been received before February 17, 1944, by a carrier other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this revised regulation. It remains subject to the terms of the earlier regulation, Revised Maximum Price Regulation 219.

(b) If this regulation lowers any maximum price below that fixed in the earlier regulation, contracts that were in existence before the date of issuance of this revised regulation at lawful prices may be completed according to their terms, if delivery is made on or before March 2, 1944.

NOTE: The mere fact that this revised regulation increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer. The regulation permits the making of certain adjustable pricing agreements to cover such situations. Apart from that, increasing prices in existing uncompleted contracts to the level of increased maximum prices in the regulation is purely a matter of agreement between buyer and seller.

Issued this 11th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2027; Filed, February 11, 1944; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 87]

NEW COMMERCIAL MOTOR VEHICLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. In section 6.3 the text of paragraph (a) preceding subparagraph (1) is amended to read as follows:

(a) *Maximum prices.* To the maximum price of any new commercial motor vehicle, determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, there may be added for each calendar month, or greater part thereof, within the period from March 1, 1942 up to and including, whichever is earlier, April 30, 1944 or the date of sale of the new commercial motor vehicle:

This amendment shall become effective February 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2030; Filed, February 11, 1944; 11:26 a. m.]

*Copies may be obtained from the Office of Price Administration.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION, VETERANS' CLAIMS

SERVICE CONNECTION FOR DENTAL DISABILITIES

§ 2.1105 *Required period of service.* Determinations relative to the origin or aggravation in active service of dental conditions will be in accordance with the requirements of § 35.011, paragraph (a) (1) and § 35.012, paragraph (a) (1), respectively, and section 28, Title III, Public No. 141, 73d Congress.

(a) When a period of six months or over of continuous active service during a wartime enlistment which began prior to November 11, 1918, or before the termination of hostilities incident to the present war (World War II), as determined by proclamation of the President or by concurrent resolution of Congress, is shown, service connection may be considered as having been established under the World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, or § 35.011, paragraph (a) (1), as amended, for World War II service, for any dental disability except such as were recorded at time of enlistment subject to the provisions of § 2.1107 (a), existed prior thereto, or otherwise rebutted, shown to have existed within a year from date of discharge from those periods of service. If the claimant was or is discharged after July 2, 1921, or after the termination of hostilities incident to the present war (World War II), as determined by proclamation of the President or concurrent resolution of Congress, the one year period for the establishment of such service connection will begin on July 2, 1921, or the date of termination of hostilities incident to the present war (World War II) as determined by proclamation of the President or concurrent resolution of Congress. Service connection will not be considered as having been established when the evidence clearly shows that the disabilities or conditions existed or were recorded at the time of enlistment subject to the provisions of § 2.1107 (a) or originated subsequent to discharge from causes not related to service. (February 11, 1944) (Sec. 9, Public No. 144, 78th Cong.)

§ 2.1107 *Service connection where dental disability is not of pensionable or compensable degree.* Determinations relating to the origin or aggravation in active service of dental conditions not of pensionable or compensable degree where claim is made for treatment will be in accordance with § 2.1105, § 2.1106 and current instructions covering service connection and aggravation under § 35.011, as amended. However, the statutory presumption provided in section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, or § 35.011, paragraph (b) (1), as amended, as to soundness of condition at time of entrance into active service will not be applicable in cases of dental conditions not of pensionable or compensable degree.

(a) The furnishing of treatment or prosthesis for non-compensable dental conditions during service will not be considered per se as aggravation of a dental condition shown to have existed prior to entrance into active service. However, service connection by aggravation will be conceded where a tooth is noted at time of enlistment as defective but was restorable and is extracted during service or where pyorrhea is noted at enlistment but during service necessitates extraction of a tooth or teeth. Conversely, service connection by aggravation will not be conceded if the tooth at enlistment was classified as defective but was not restorable. (February 11, 1944) (Sec. 9, Public No. 144, 78th Cong.)

* * * * *

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-2023; Filed, February 10, 1944; 4:32 p. m.]

PART 3—ADJUDICATION: VETERANS' CLAIMS

DISALLOWANCE AND AWARDS

§ 3.1281 *Disappearance of incompetent veterans; payment to dependents—*(a) *Under § 35.016.* Where an incompetent veteran receiving or entitled to receive pension (compensation) under either § 35.011 or § 35.012, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amounts authorized for surviving dependents under § 35.011 and § 35.012 respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance or April 1, 1935 (effective date of § 35.016), whichever is the later: *Provided,* That in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance; *Provided, further,* That the amounts authorized for surviving dependents of World War veterans under § 35.011 will be the amounts authorized under section 3 of Public No. 304, 75th Congress, from or after the date of its approval, August 16, 1937. On and after August 1, 1939, the amounts for dependents of World War veterans will be those authorized by section 5, Public No. 198, 76th Congress. On and after September 1, 1941, the rates for the dependents of any veteran entitled under § 35.011, shall be the rates provided by section 5, Public No. 198, 76th Congress. From August 1, 1943, as provided in section 14 (c) of Public No. 144, 78th Congress, the rates for dependents will be those authorized by section 14 (a) and (b) of that act. The provisions of this paragraph are applicable only to the cases of incompetent veterans receiving or entitled to receive pension or compensation under either § 35.011 or § 35.012.

(b) *Under section 8 of Public No. 304, 75th Congress.* Where an incompetent World War veteran receiving or entitled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans Administration, there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service-connected disabilities as provided in section 3 of Public No. 304, 75th Congress, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later. On and after August 1, 1939, the amounts will be those authorized by section 5, Public No. 198, 76th Congress. From August 1, 1943, as provided in section 14 (c) of Public No. 144, 78th Congress, the rates for dependents will be those authorized by section 14 (a) of that act. However, in no event will the amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance. (February 16, 1944) (57 Stat. 554-560)

* * * * *

(c) Awards to dependents under § 35.016, or section 8, Public No. 304, 75th Congress, will not be continued for more than seven years from date of disappearance of the veteran in any case where the facts are such as to bring into effect the presumption of death provided in Public No. 591, 77th Congress. (February 16, 1944) (Sec. 8, 50 Stat. 662, 56 Stat. 325; 38 U.S.C. 472e, 32a)

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-2022; Filed, February 10, 1944; 4:32 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 207]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

PARCEL NO. 1

Beginning at corner No. 7, U. S. Survey No. 176 about one-half mile northeasterly from Skagway, Alaska.

Thence,
S. 52°15' W., 565.69 ft., to corner No. 8;
S. 13°26' W., 340.10 ft., to corner No 9;
N. 37°51.5' E., 857.6 ft., to corner No. 7 and the place of beginning, containing 1.38 acres.

PARCEL NO. 2

Beginning at a point on line 2-3, U. S. Survey No. 176, about one-half mile northeasterly from Skagway, Alaska, from which corner No. 2 bears S. 30°03' W. 600 feet.

Thence,
N. 5°38' E., 362.4 ft.;
N. 54°28' E., 362.4 ft.;
S. 30°03' W., 660.0 ft., to the place of beginning, containing 1.13 acres.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests, then of record. The lands however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 3, 1944.

[F. R. Doc. 44-2026; Filed, February 11, 1944; 10:35 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 180-A]

PART 95—CAR SERVICE

INCREASED DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of February, A. D. 1944.

Upon further consideration of Service Order No. 180 (9 F.R. 1598-99) of February 5, 1944, and good cause appearing therefor: *It is ordered,* That:

Service Order No. 180 (9 F.R. 1598-99) of February 5, 1944, 49 CFR 95.330, providing increased demurrage charges on refrigerator cars loaded with any commodity, be, and it is hereby, suspended until 12:01 a. m., February 16, 1944. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 11, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the

railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-2080; Filed, February 11, 1944; 11:39 a. m.]

[S. O. 181]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT AND DIVERSION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of February, A. D. 1944.

It appearing, that potatoes, other than sweet, loaded in refrigerator cars are being reconsigned or diverted unnecessarily, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic.

It is ordered, That:

§ 95.331 *Potatoes other than sweet*—(a) *Restrictions on reconsignment and diversion.* No common carrier by railroad subject to the Interstate Commerce Act shall allow or permit any refrigerator car loaded with potatoes, other than sweet,

(i) To be reconsigned or diverted more than two (2) times before arrival at destination (or switching limits thereof), or

(ii) To have at destination (or within the switching limits thereof), more than one (1) change in the name of consignor or consignee; more than one (1) change in place of unloading, or both if included in a single order.

(b) *Exception.* A change in the name of consignor or consignee en route without a change in the route or destination of the car.

(c) *Service orders.* (1) The operation of Service Order No. 70 (8 F.R. 8515) of February 3, 1942, as amended (8 F.R. 8515) insofar as it applies to any refrigerator car loaded with potatoes, other than sweet, is hereby suspended.

(2) The provisions of this order shall not be construed to affect the provisions of Service Order No. 70A (8 F.R. 14624-25) of October 22, 1943, or Corrected Service Order No. 112 (8 F.R. 2889) of March 3, 1943, as amended (8 F.R. 4488).

(d) *Application.* (1) The provisions of this order shall apply to intrastate commerce as well as to interstate commerce.

(2) The provisions of this order shall apply only to shipments originating on or after the effective date of this order except that where a shipment has been unloaded under a transit arrangement the provisions of this order shall apply to such shipment if loaded at the transit point on or after the effective date of this order.

(e) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(g) *Expiration notice.* This order shall expire at 12:01 a. m., April 11, 1944, unless otherwise changed, extended, or vacated. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 11, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-2001; Filed, February 10, 1944; 1:53 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

H. O. ERI

ORDER REVOKING LICENSES, DIRECTING SURRENDER OF LICENSES AND REQUIRING RECORDS TO BE FURNISHED

In the matter of licensee H. O. Eri, R. 1, Boring, Oregon. Proceedings for revocation of license.

Based upon the records in this matter, I make the following findings of fact:

1. On January 12, 1944, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto of which you were accused, was mailed to you giving you notice to mail an answer within 15 days from January 12, 1944, answering the charges against you and requesting an oral hearing if you wished.

2. More than 25 days have elapsed since January 12, 1944. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C. from Boring, Oregon, does not exceed 7 days. The only communication received from you was your answer dated January 26, 1944. That answer neither denied the charges against you nor requested an oral hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby order

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked at the expiration of three weeks from the date of this order;

2. That within three weeks from the date of this order you shall sell or otherwise dispose of, to properly licensed persons, or destroy, all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody;

3. That, after having sold or otherwise disposed of or having destroyed all of the explosives and ingredients as required by paragraph 2 of this order, you shall, within three weeks from the date of this order, deliver or mail to L. H. McGuire, Engineer in Charge, United States Bureau of Mines, 233 Federal Office Building, Seattle 4, Washington, a sworn statement of your transactions and destructions of explosives and ingredients of explosives, beginning with the date of this order and ending with the final sale or other disposition or with the destruction of the explosives and ingredients as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, the names and addresses of the persons from whom acquired, the amount of each kind sold or otherwise disposed of by you, the dates on which sold or otherwise disposed of, the names and addresses and the numbers and dates of Federal explosives licenses of the persons to whom sold or otherwise disposed of, the amount of each kind destroyed by you, the dates on which destroyed and the places where destroyed.

4. That within three weeks from the date of this order you shall surrender all licenses issued to you under the Federal Explosives Act, and all copies thereof, by mailing or delivering them to L. H. McGuire, Engineer in Charge, United States Bureau of Mines, 233 Federal Office Building, Seattle 4, Washington.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 7th day of February 1944.

R. R. SAYERS, *Director.*

[F. R. Doc. 44-2025; Filed, February 11, 1944; 10:35 a. m.]

Coal Mines Administration.

[Order CMA-19]

B. F. GOODRICH CO.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of The B. F. Goodrich Company, Akron, Ohio. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of The B. F. Goodrich Company, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession as provided in section 40 of the regulations for the operation of coal mines under Government control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner; and *Provided further*, That except as otherwise ordered, the appointment of the operating manager for the mines of said company shall continue in effect.

ABE FORTAS, *Acting Secretary of the Interior.*

FEBRUARY 10, 1944.

[F. R. Doc. 44-2062; Filed, February 11, 1944; 11:42 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Entomology and Plant Quarantine.

PINK BOLLWORM QUARANTINE

NOTICE OF PUBLIC HEARING TO CONSIDER ADVISABILITY OF EXTENDING TO LOUISIANA

FEBRUARY 10, 1944.

The Secretary of Agriculture has information that the pink bollworm (*Pectinophora gossypiella* Saunders), a dangerous insect not heretofore widely distributed within or throughout the United States, but known to exist in portions of Texas, New Mexico, and Arizona, has recently been discovered in certain parts of Louisiana.

It appears necessary, therefore, to consider the advisability of revising the quarantine on account of this insect (B. E. P. Q.—Q. 52; 7 CFR 301.52) to include the State of Louisiana and of prohibiting or restricting the interstate movement from that State or areas therein where the bollworm has been discovered, of (1) cotton, including all parts of cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton products; (2) bagging and other containers and wrappers of cotton and cotton products; (3) railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are contaminated with such products; (4) farm products, farm household goods, farm equipment, and any other articles if contaminated with unmanufactured cotton products.

Notice is hereby given that, in accordance with the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 161), as amended, a public hearing will be held before the Bureau of Entomology and Plant Quarantine in the assembly hall of the Federal Building, Memphis, Tenn., at 10:00 a. m. on March 1, 1944, in order that any person interested in the hearing to consider the advisability of extending the quarantine may appear and be heard either in person or by attorney.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 44-2046; Filed, February 1, 1944; 11:32 a. m.

FEDERAL POWER COMMISSION.

[Docket No. G-488]

CITIES SERVICE GAS COMPANY

NOTICE OF APPLICATION

FEBRUARY 10, 1944.

Notice is hereby given that on February 4, 1944, Cities Service Gas Company (hereinafter referred to as "applicant") filed with the Federal Power Commission an application seeking a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing applicant to operate a 26-inch natural gas main transmission line approximately 231 miles in length extending in an easterly direction from a point near Guymon, Texas County, Oklahoma in the Hugoton gas field to the applicant's Blackwell compressor station in Kay County, Oklahoma, together with appurtenant facilities. The pipe line and facilities are now under construction pursuant to the Commission's authorization issued in this matter on September 30, 1943, to Cities Service Transportation and Chemical Company.

Pursuant to a proposed lease agreement with Cities Service Transportation and Chemical Company, which has been submitted for the Commission's prior approval, applicant proposes to operate the new facilities as an integral part of its existing pipeline system.

Any person desiring to be heard or to make any protest with reference to this application should, on or before February 28, 1944, file with the Federal Power Commission a petition or protest in accordance with the rules of practice and regulations of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44-2024; Filed, February 11, 1944; 10:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5130]

AUSTELLE-FLINTOM CO.

NOTICE OF HEARING

In the matter of Wallace T. Austelle and John W. Flintom, partners, doing business under the name and style of Austelle-Flintom Company.

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, section 13), hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondents Wallace T. Austelle and John W. Flintom are partners doing business under the name and style of Austelle-Flintom Company, having their principal office and place of business located in the Atlantic Coast Line Warehouse, on Dukes Avenue, in Orangeburg, South Carolina. Respondents are engaged in the business of purchasing canned fruits and vegetables, citrus juices, sugar, rice, beans, salt, and other miscellaneous commodities for their own account, and of reselling the same to jobbers, wholesalers, retail chain stores and other purchasers.

Since June 19, 1936, respondents have made many purchases of such commodities for their own account for resale as aforesaid from sellers located in states other than the State of South Carolina, pursuant to which purchases such commodities have been shipped and transported by sellers from the respective states in which they are located across state lines either to respondents or, pursuant to instructions and directions from respondents, to the respective purchasers to whom such commodities have been resold by respondents.

Since June 19, 1936, respondents have also made many purchases of such commodities for their own account as aforesaid from sellers located in the State of South Carolina, which sellers, pursuant to instructions and directions from respondents, have caused the commodities so purchased by respondents to be shipped and transported from the State of South Carolina across State lines to the respective purchasers to whom such

commodities have been resold by respondents.

PAR. 2. Since June 19, 1936, in connection with the purchases of such commodities by respondents for their own account in interstate commerce as aforesaid, respondents have received and accepted, directly or indirectly, from sellers brokerage fees and commissions or allowances and discounts in lieu thereof in substantial amounts.

PAR. 3. Since June 19, 1936, respondents have resold such commodities purchased for their own account as set forth in paragraphs 1 and 2 hereof to purchasers located in States other than the State of South Carolina, pursuant to which sales respondents have caused such commodities to be shipped and transported across state lines to such purchasers.

Since June 19, 1936, in connection with the resale of such commodities in interstate commerce as aforesaid, respondents have granted and allowed, directly or indirectly, brokerage fees and commissions or allowances and discounts in lieu thereof in substantial amounts to the purchasers of such commodities.

PAR. 4. The receipt and acceptance of brokerage fees and commissions or allowances and discounts in lieu thereof from sellers by respondents upon the purchases of commodities by the respondents as set forth herein, and also the granting and allowing of brokerage fees and commissions or allowances and discounts in lieu thereof by respondents to purchasers upon the resale of commodities by respondents as set forth herein, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 7th day of February, A. D. 1944, issues its complaint against said respondents.

Notice. Notice is hereby given you, Wallace T. Austelle and John W. Flintom, partners, doing business under the name and style of Austelle-Flintom Company, respondents herein, that the 17th day of March, A. D. 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 7th day of February, A. D. 1944.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2028; Filed, February 11, 1944; 11:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 53]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 5 or 6, 1944, by Christ Hansen Company of car WFE 62688, potatoes, now on the Chicago and Northwestern Railroad to St. Louis, Missouri.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2003; Filed, February 10, 1944; 1:53 p. m.]

[S. O. 70-A, Special Permit 54]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, not later than February 8, 1944, by Edward H. Anderson Company of car ART 22326, potatoes, now on the Illinois Central Railroad, to Little Rock, Arkansas.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2004; Filed, February 10, 1944; 1:53 p. m.]

[S. O. 70-A, Special Permit 55]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, not later than February 8, 1944, by Christ Hansen Company of car CX 50115, potatoes, now on the Wood Street Terminal, Chicago, (C&NW) to Cincinnati, Ohio.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2005; Filed, February 10, 1944; 1:53 p. m.]

[S. O. 70-A, Special Permit 56]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, not later than February 9, 1944, by F. H. Vahlsing, Inc. of car ART 23970, potatoes, now on the Pennsylvania Railroad, to Quick and Company, Richmond, Virginia.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2006; Filed, February 10, 1944; 1:53 p.m.]

[S. O. 70-A, Special Permit 57]

CELERY

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 8 or 9, 1944, by Schoenberg Price and Company of car PFE 93734, celery, now at the Chicago Produce Terminal, to J. E. Corcoran, Pittsburgh, Pennsylvania.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2007; Filed, February 10, 1944; 1:53 p. m.]

[S. O. 70-A, Special Permit 58]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 8 or 9, 1944, by Christ Hansen Company of car MDT 17321, potatoes, now at the Wood Street Terminal (C&NW) to Spring Valley, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2008; Filed, February 10, 1944; 1:54 p. m.]

[S. O. 70-A, Special Permit 59]

CELERY

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 8 or 9, 1944, by M. Lapidus Sons of car SFRD 4730, celery, now at the Chicago Produce Terminal to Detroit, Michigan.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2009; Filed, February 10, 1944; 1:54 p. m.]

[S. O. 164, General Permit 9]

CITRUS FRUITS

REICING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once in transit to full bunker capacity at any point in the States of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Kansas or Missouri, or at Council Bluffs, Iowa, Memphis, Tennessee, or Jackson, Mississippi, refrigerator cars loaded with citrus fruits originating in Arizona, California and Texas. This reicing shall be in addition to the replenishing service at the first regular icing station, provided in Amended General Permit No. 8 Under Service Order No. 164.

The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., February 9, 1944, and shall expire at 12:01 a. m., March 1, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2009; Filed, February 10, 1944; 1:54 p. m.]

[S. O. 164, General Permit 11]

TEMPLE, KING, OR CLEMENTINE ORANGES

PERMISSION TO ACCORD STANDARD REFRIGERATION

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to refrigerator cars loaded with straight carloads of temple, king or clementine oranges, originating at any point or points in the State of Florida, moving to destinations in official and western classification territories and western Canada, provided the waybills make reference to this permit.

This permit shall become effective at 12:01 a. m., February 9, 1944, and shall expire at 12:01 a. m., April 1, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2010; Filed, February 10, 1944; 1:55 p.m.]

[S. O. 173, Special Permit 1]

TRANSIT OR NON-TRANSIT CARLOAD FREIGHT

SHIPPERS' OR CARRIERS' ROUTING

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph (§ 97.10, 9 F.R. 222) of Service Order No. 173 of January 4, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accept shippers' or carriers' routing and to route in accordance therewith any shipment of transit or non-transit carload freight from Monroe or West Monroe, Louisiana, to destinations east of the Mississippi River by way of any route on or north of the Illinois Central Railroad Company (YMV) from Monroe or West Monroe, Louisiana, to Ruston, Louisiana, on or east of the Chicago, Rock Island and Pacific Railroad Company from Ruston, Louisiana, to Little Rock, Arkansas, on or east of the Missouri Pacific Railroad Company from Little Rock to St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2014; Filed, February 10, 1944; 1:55 p. m.]

[S. O. 178, Special Permit 16]

LARD

PERMISSION TO DISREGARD CERTAIN LOADING PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of three (3) refrigerator cars with lard by John Morrell Company, Ottumwa, Iowa, and the movement of the three refrigerator cars so loaded from that point to New Orleans, Louisiana, for export, not later than February 11, 1944, (Routed Burlington).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2011; Filed, February 10, 1944; 1:55 p. m.]

[S. O. 178, Special Permit 17]

LARD

PERMISSION TO DISREGARD CERTAIN LOADING PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of six (6) refrigerator cars with lard by Rath Packing Company, Waterloo, Iowa, and the movement of the six refrigerator cars so loaded from that point to New Orleans, Louisiana, for export, not later than February 11, 1944. (Routed I. C.)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2012; Filed, February 10, 1944; 1:55 p. m.]

[S. O. 178, Special Permit 18]

CHEESE

PERMISSION TO DISREGARD CERTAIN LOADING PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of three (3) refrigerator cars with mixed shipments of cheese in bulk package and glass by Kraft Cheese Company at Freeport, Illinois, and the movement of the three cars so loaded from that point to Jersey City, New Jersey, to Denison, Texas, and multiple to Kansas City, Missouri-Kansas and Denver and Pueblo, Colorado on February 10, 1944.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2013; Filed, February 10, 1944; 1:55 p.m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2966]

KALLE AND CO.

In re: Interest of Kalle & Company in an agreement with The Visking Corporation relating to Patent No. 2,136,566.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Kalle & Company is a joint stock company organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Kalle & Company;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Kalle & Company by virtue of an agreement dated May 18, 1931 (including all modifications thereof and supplements thereto, if any) by and between The Visking Corporation and Kalle & Company, relating, among other things, to certain United States Letters Patent, including Patent No. 2,136,566,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1948; Filed, February 10, 1944; 11:04 a. m.]

WAR FOOD ADMINISTRATION.

Commodity Credit Corporation.

OFFER IN CONNECTION WITH PURCHASE AND SALE OF AMERICAN CHEDDAR CHEESE IN U. S.

1. The Commodity Credit Corporation (hereinafter called "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions hereinafter specified, to purchase American Cheddar cheese from any manufacturer thereof (hereinafter called the "manufacturer") in the continental area of the United States, and to sell such cheese to such manufacturer.

2. Commodity will purchase from any manufacturer (a) all American Cheddar cheese produced by such manufacturer (i) during the month of February 1944, and (ii) during such subsequent months, until and including December 1944, as Commodity may designate, and (b) all American Cheddar cheese produced by such manufacturer and held at his plant at the close of business on January 31, 1944, on which claims for payment have not been and will not be submitted in accordance with the "Offer of Commodity Credit Corporation in Connection with the Purchase and Sale of American Cheddar Cheese in the United States," dated December 5, 1942, and the extension thereof dated February 1, 1944. The price to be paid for such cheese shall be twenty-seven cents per pound in the case of cheese with a moisture content of more than thirty-five and one-quarter percent, and twenty-seven and one-half cents per pound in the case of cheese with a moisture content of thirty-five and one-quarter percent or less. Such purchase prices will be paid in the manner prescribed in section 5 of this offer. The weight and moisture content of cheese purchased by Commodity hereunder shall be determined by the weight and moisture content of the cheese at the time it is received from the manufacturer by a receiver or at the time the manufacturer becomes the receiver.

3. Commodity will sell to each manufacturer all such cheese purchased from him pursuant to section 2 of this offer at twenty-three and one-quarter cents per pound. Such sale price shall be paid in the manner prescribed in section 5 of this offer.

4. Purchases by Commodity hereunder shall be deemed to be made at the time the American Cheddar cheese is produced by the manufacturer, and sales by Commodity hereunder shall be deemed to be made immediately thereafter.

5. Settlement hereunder for American Cheddar cheese purchased from, and sold by Commodity to, the manufacturer shall be made on a monthly basis. Claims against Commodity for payment of the difference between the purchase price payable by Commodity under section 2 of this offer, and the sale price payable to Commodity under section 3 of this offer on the quantity of cheese purchased from and sold to the manufacturer during the month covered by such claims shall be presented by the manufacturer to Dairy Products Marketing Association, Inc., which has been designated to receive such claims for and on behalf of Commodity. Such claims shall be submitted on or before the last day of the month following the month covered by such claims. The claims submitted hereunder for cheese produced by the manufacturer during February 1944, shall also cover the cheese on hand at the manufacturer's plant at the close of business on January 31, 1944, purchased by Commodity pursuant to section 2 (b) of this offer. Claims shall be supported by:

(a) Dairy Products Report No. 1 (U.S.D.A. Form No. C. E. 9-119) applicable to the month for which the claim is submitted. This form is currently required to be submitted to the United States Department of Agriculture, P. O. Box 6910-A, Chicago, Illinois, pursuant to Food Distribution Order 15, and such submission shall also satisfy the requirements of this subsection.

(b) When required, a certified statement by each Receiver of American Cheddar cheese showing the quantities, weight, and moisture content of cheese received from the manufacturer during such month.

The documents (including statement of claim) presented pursuant to this offer shall be in such form and contain such certifications as Commodity may prescribe. The manufacturer shall keep books and records sufficient to show the information set forth above and all additional information which may be required by Commodity, and shall permit inspection of his books, records, and accounts and of his stocks of American Cheddar cheese by Commodity.

6. The manufacturer shall distribute to milk producers who supplied whole milk to a plant during any month with respect to which claim is submitted hereunder as amount equal to the difference between the purchase price payable by Commodity under section 2 of this offer, and the sale price payable to Commodity under section 3 of this offer for cheese purchased and sold during such month. Except as Commodity may otherwise direct, such payments shall be distributed pro rata among the milk producers on the basis of the amount otherwise paid to the producers for whole milk delivered to such plant during such month. All such payments shall be in addition to the payments producers would otherwise receive for whole milk. The manufacturer shall give to each producer a written statement of the amount of the payment being made to him in consequence of this offer. If the manufacturer received whole milk at his cheese plant from another plant or milk receiver, the manufacturer shall arrange for similar payment to the producers supplying whole milk to such other plant or milk receiver. The manufacturer shall furnish proof of such payments to producers in such form and at such time as Commodity or its duly authorized agent may prescribe. Notwithstanding the foregoing provisions of this section, if the manufacturer is a handler under any order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, regulating the handling of milk in any marketing area, he shall not be required to distribute payments received from Commodity on cheese manufactured from milk received from producers whose milk is covered by such order (payments to producers of other milk to be made as otherwise provided in this section 6).

7. An amount equal to the total amount payable to the manufacturer by Commodity under the foregoing sections of this offer shall be set aside by the manufacturer as a trust fund for the benefit of the milk producers described in section 6 hereof. Any portion of such amount which the manufacturer has not distributed to the milk producers entitled thereto within sixty days after the receipt of payment hereunder shall, at such time as may be directed by Commodity or its duly authorized agent, be paid to Commodity.

FEB 16 '44

8. The manufacturer shall pay to Commodity 3.8 cents per pound of American Cheddar cheese and processed American Cheddar cheese, as defined in Food Distribution Order No. 15, as amended, sold by him to any of the following government agencies during the effective period of any regulation of the Office of Price Administration establishing maximum prices for sales of such cheese to such agencies equal to the maximum prices on other sales of such cheese plus 3.8 cents per pound:

(a) War Food Administration and any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration)

(b) U. S. Army Quartermaster Market Centers (including Field Headquarters) and U. S. Army Quartermaster Depots

(c) U. S. Navy Market Offices

The acceptance of this offer by any manufacturer shall constitute his authorization to any such Government agency to deduct 3.8 cents per pound from the purchase price of the cheese so sold and to pay such 3.8 cents to Commodity on his behalf, and shall constitute his ratification of the action of any such Government agency in making such deduction and payment on his behalf. Unless such Government agencies shall have made such deduction, payment of the amount due under this section on cheese sold to such Government agencies shall be made by the manufacturer directly to Commodity not later than five days after payment of the purchase price to the manufacturer by such Government agencies. The manufacturer shall keep complete and accurate books, records and accounts with respect to all American Cheddar cheese and processed American Cheddar cheese sold by him to such Government agencies, and shall furnish to Commodity such information and reports relating to such sales as Commodity may from time to time request. Notwithstanding the foregoing provisions of this section 8, the manufacturer shall not be required to make payment to Commodity pursuant to this section with respect to any such cheese for which he is obligated to pay, and makes payment of, to Commodity under Food Distribution Order No. 15, as amended, 3.8 cents per pound.

9. Payments shall not be made to the manufacturer if he has been determined by the agency responsible for the administration of the order not to be in compliance with any order issued by any officer or agency of the United States relating to the conservation, limitation, setting aside or allocation of cheese, or the procurement of cheese by the United States, or if he has been determined not to be in compliance with any order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, regulating the handling of milk in any marketing area.

10. Any manufacturer who intends to accept this offer, and any extension hereof, by performing the acts herein set forth shall, on or before filing the first claim for payment hereunder, notify Dairy Products Marketing Association, Inc., of such intention, but no such notification, in the absence of the performance of such acts, shall constitute an acceptance of this offer or create any obligation of Commodity to such manufacturer.

11. This offer, or any extension hereof, may be partially or wholly revoked or modified by Commodity with respect to any manufacturer at any time upon notice to such manufacturer, or with respect to all manufacturers, by Commodity's giving public notice of such revocation or modification. Such public notice, and the notice referred to in section 2 (a) (ii) hereof may be given by press release or by filing of the notice with the Division of the Federal Register of the National Archives. Notwithstanding any such revocation or modification, settlement will be made as provided in Section 5 hereof with respect to any cheese purchased and sold hereunder prior to such revocation or modification and as provided in Section 8 hereof with respect to cheese sold to Government agencies.

12. Except as may be otherwise directed by Commodity any amounts owing by the manufacturer to Commodity under this offer may be offset against any amounts owing by Commodity to the manufacturer under this offer, and vice versa.

13. For the purpose of this offer, the following terms are defined as follows:

(a) "Dairy Products Marketing Association, Inc." means the corporation of that name organized under the laws of Delaware on May 7, 1938, whose principal place of business is 110 North Franklin Street, Chicago, Illinois.

(b) "American Cheddar cheese" means Cheddar cheese as defined by the Food and Drug Administration regulations, appearing in the FEDERAL REGISTER, Vol. 6, pp. 195–6 (21 CFR § 19.500).

(c) "Receiver" means the dealer, assembler, or local buyer or other person to whom, or through whom, cheese is sold, or marketed, or to whom cheese is consigned or delivered for curing or storage: *Provided*, That, with respect to a manufacturer customarily storing and curing cheese for longer than four weeks or customarily processing cheese, such manufacturer shall be deemed to become the receiver of all cheese so stored, cured, or processed, on the fourth day following the manufacture of such cheese.

14. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this offer or to any benefit to arise herefrom but this provision shall not be construed to extend to benefits arising from this offer if accruing to a corporation.

15. The reporting and record-keeping requirements of this offer have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[SEAL] J. B. HUTSON,
President.

FEBRUARY 10, 1944.

Attest:

NORINE J. FAUBLE,
Assistant Secretary

[F. R. Doc. 44–2047; Filed, February 11, 1944; 11:32 a. m.]

WAR PRODUCTION BOARD.

A. J. GRAVES

CONSENT ORDER

A. J. Graves, of Greenwich, Connecticut, building contractor, is charged by the War Production Board with violations of Conservation Order L–41, by beginning and continuing construction on the following residential projects, without authorizations, each of an estimated cost in excess of two-hundred dollars, which is the maximum amount permitted under Conservation Order L–41: (1) a dwelling on Mayfair Lane, Greenwich, on which construction was begun about July 1, 1943; (2) a dwelling on Bush Avenue, Bella Haven, Greenwich, on which construction was begun in the spring of 1943; (3) a dwelling at 302 Betsy Brown Road, Port Chester, New York, on which construction was begun in the spring of 1943. A. J. Graves admits the violations as charged, and does not desire to contest the willfulness of the same, and he has consented to the issuance of this order.

Wherefore, upon the agreement and consent of A. J. Graves, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) For a period of four months from the effective date of this order, deliveries of material on orders or contracts placed directly or indirectly by A. J. Graves, his successors or assigns shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specificaly authorized in writing by the War Production Board.

(b) For a period of four months from the effective date of this order, no allocation or allotment shall be made to A. J. Graves, his successors or assigns, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve A. J. Graves, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 10th day of February, 1944.

Issued this 3d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2021; Filed, February 10, 1944; 4:26 p. m.]

FEB 16 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 32

Washington, Tuesday, February 15, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 42, Amdt. 3]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE

Food Distribution Order 42, as amended (8 F.R. 13970), § 1460.1, is amended as follows:

By inserting immediately after the end of Schedule A of paragraph (b) (1) thereof and as a part of said Schedule A, the following:

Provided further, however, That for the purpose of determining the restrictions applicable to a manufacturer's use of fats and oils during the calendar quarter beginning on January 1, 1944, only, Schedule A hereof shall read as follows:

Class of use:	*Permitted percentage*
Manufacture of margarine	167
Manufacture of other edible finished products, including shortening	88
Manufacture of package and bar soap	90
Manufacture of bulk package soap	110
Manufacture of abrasive hand soap	150
Manufacture of paints, varnishes, lacquers, and other protective coatings, except protective coatings used as, or in the manufacture of, container closures, container liners, or linings and liners for cans (as defined in Conservation Order M–81, as amended, 9 F.R. 82), *Provided*, That such cans, container closures, and container liners are used only for the packaging of food, drugs, pharmaceuticals, and beverages	70
Manufacture of linoleum, oilcloth (for floor coverings), and felt base floor coverings	70
Manufacture of oilcloth (for all purposes other than floor coverings) and all other coated fabrics	70
Manufacture of printing inks, including lithographing, offset, silk screen, and other processing inks	90

This amendment shall become effective February 10, 1944, 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 10th day of February 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–2015; Filed, February 10, 1944; 3:17 p. m.]

[FDO 79–53, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ALBANY-SCHENECTADY-TROY, N. Y., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–53 (8 F.R. 14190), relative to the conservation and distribution of fluid milk in the Albany-Schenectady-Troy, New York, milk sales area, issued by the Director of Food Distribution on October 15, 1943, as amended, is hereby further amended by deleting therefrom the description of the sales area in § 1401.90 (b) and inserting in lieu thereof the following:

The cities of Albany, Cohoes, and Watervliet, and the towns of Bethlehem, Colonie, Green Island and Guilderland in Albany County, New York; the city of Schenectady and the towns of Glenville, Niskayuna, and Rotterdam in Schenectady County, New York; and the cities of Troy and Rensselaer, and the towns of Brunswick, East Greenbush and North Greenbush in Rensselaer County, New York; and the towns of Halfmoon and Waterford in Saratoga County, New York.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–53, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–53, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

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FEDERAL REGISTER

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Issued this 11th day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44–2086; Filed, February 11, 1944; 3:34 p. m.]

[FDO 79–128, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN ANTONIO, TEX., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distrbution Order No. 79–128 (9 F.R. 648), relative to the conservation and distribution of fluid milk in the San Antonio, Texas, milk sales area, issued by the Director of Food Distribution on January 13, 1944, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.163 (b) and inserting, in lieu thereof, the following:

The city of San Antonio and all of the remaining territory within the boundary lines of Bexar County, in the State of Texas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–128, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–128, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 11th day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44–2087; Filed, February 11, 1944; 3:34 up. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-45]

PART 95—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

FEBRUARY 4, 1944.

Regulations governing the enrollment and disbarment of attorneys and representatives in connection with practice before officers of the Immigration and Naturalization Service or the Board of Immigration Appeals.

Pursuant to the authority conferred by section 161 of the Revised Statutes, as amended (5 U.S.C. 22); section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and § 90.2, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), Part 167, Title 8, Chapter I, Code of Federal Regulations is hereby repealed and the following new part is added to Title 8, Chapter I, Code of Federal Regulations:

Sec.
95.1 Definitions.
95.2 Admission to practice required.
95.3 Qualifications for admission to practice.
95.4 Applications for admission to practice; decision.
95.5 Roster of attorneys.
95.6 Appearances; use of record.
95.7 Suspension and disbarment.
95.8 Procedure for suspension or disbarment; effect.
95.9 Effective date.

AUTHORITY: §§ 95.1 to 95.9, inclusive, issued under sec. 161 Revised Statutes, as amended (5 U.S.C. 22); sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1; 8 CFR 90.2.

§ 95.1 *Definitions.* As used in this part:

(a) The term "Attorney General" means the Attorney General of the United States.

(b) The term "Service" means the Immigration and Naturalization Service.

(c) The term "Commissioner" means the Commissioner of Immigration and Naturalization.

(d) The term "district director" means a district director of Immigration and Naturalization.

(e) The term "officer in charge" means an officer of the Immigration and Naturalization Service who has over-all supervision over a field office which is subordinate to the office of the district director.

(f) The term "Board" means the Board of Immigration Appeals.

(g) The term "attorney" means a person licensed to practice law in the Federal, State (including the District of Columbia), territorial, or insular courts.

(h) The term "representative" means a person representing a reputable religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board.

(i) The term "case" means any proceeding arising under the laws and regulations administered by the Service.

(j) The term "practice" means the act of an attorney or representative in appearing in any case, either in person or through the filing of a brief or other document, on behalf of a client before any officer of the Service or the Board.

§ 95.2 *Admission to practice required.* (a) No person shall be permitted to practice before the Service or the Board until ~~he~~ has been admitted to practice in accordance with § 95.4.

(b) Notwithstanding paragraph (a):

(1) A district director, an officer in charge, the Commissioner, any other officer of the Central Office authorized by the Commissioner to do so, or the Board may permit an attorney or representative to file an appearance in behalf of a party in any case prior to the approval of his application for admission if such attorney or representative files the application concurrently with filing his appearance in the case. If the application is subsequently denied, such attorney or representative shall not thereafter be permitted to practice, in that or any other case, unless and until his admission to practice has been authorized by the Board and subject to such conditions as the Board shall direct.

(2) An attorney or representative who files or has filed an appearance in any case prior to the effective date of this part and on that date continues so to serve may be permitted to conclude such services subject, however, to the prohibitions stated in §§ 95.4 (d) and 95.8 (d).

(3) A party to a case may be represented by any reputable individual of good moral character, whether or not admitted to practice in accordance with § 95.4, if such individual is appearing without monetary or other material remuneration and files a written declaration to that effect, and if such representation is permitted by the officer in charge of the office having the case under consideration, the Commissioner, or the Board.

(4) Any alien may be represented by an accredited official in the United States of the Government to which the alien owes allegiance, if such official appears solely in his official capacity, and with the consent of the alien.

(5) An attorney, other than described in § 95.1 (g), residing outside the United States and licensed to practice law and in good standing in a court or courts of the country in which he resides and who is engaged in such practice may be permitted by any district director or officer in charge of a field office, the Commissioner, or any officer of the Central Office designated by him, or the Board, to file his appearance and be heard in any individual case. The district director shall have authority to withhold granting permission to such attorney to appear before an officer under his jurisdiction pending decision thereon by the Board.

(6) No person who is a party to a case shall be denied the privilege of presenting oral argument in his own behalf before an officer of the Service or the Board having his case under consideration.

(7) Any person desiring to be heard as amicus curiae shall apply therefor to the Board; and the Board may grant such application if it deems it to be in the public interest.

(c) No person previously in the employ of the Service or the Board may be permitted to practice in a case in which he participated during the period of such employment.

§ 95.3 *Qualifications for admission to practice.* (a) Admission to practice shall be limited to persons who are citizens of the United States, who are of good moral character, and who are attorneys in good standing in the court or courts in which they are licensed to practice, or who are representatives of organizations of the character described in § 95.1 (h).

(b) No person within any category set forth in § 95.7 may be admitted to practice.

§ 95.4 *Applications for admission to practice; decision.* (a) Applications for admission to practice may be filed with a district director, the Commissioner, or the Chairman of the Board, at the option of the applicant. Such application shall be made in triplicate upon Form G–27, shall be executed under oath or affirmation, shall be responsive to the questions therein, and shall reveal such information as may be considered necessary to make a decision upon the application. An application by an attorney shall be supported by a current certificate from a judge or clerk of the court

in which the applicant is licensed to practice, or by a written statement of the officer in charge of the local office of the Service certifying that upon inquiry he has ascertained and has personal knowledge that the applicant is so licensed. An application by the representative of an organization shall be supported by a statement of the appropriate officer or officers thereof, certifying that the applicant is its accredited representative and authorized to appear in its behalf in any case.

(b) The original application shall be permanently retained in the files of the Board, the duplicate in the files of the Commissioner, and the triplicate in the files of the district director having jurisdiction over the applicant's place of residence.

(c) As soon as practicable after receipt of the application the Board shall give consideration thereto. If the application is approved, written notation to that effect shall be made on the application and a certificate of admission to practice shall be issued to the licensee. If the conclusion is that the application should be denied, the Board shall prepare a proposed order of denial, in which shall be stated the reasons for denying the application. The Board shall serve the proposed order on the applicant, either personally or by registered mail and obtain a return receipt therefor. The applicant shall be allowed a reasonable time, not less than ten days, in which to file exceptions to the proposed order and to submit a brief if desired. After receipt of the exceptions, or if none are received within three days after expiration of the period specified for filing of exceptions, the Board shall make such order as it may then determine appropriate. If the order be to deny the application, or if any one of the circumstances described in § 90.12 of these regulations be present, the Board shall refer the record to the Attorney General for review of its decision. The order of the Attorney General shall be the final determination of the application.

(d) Admission of a representative shall terminate upon discontinuance of his authority to represent the organization named in his application.

§ 95.5 *Roster of attorneys.* The Board shall maintain an alphabetical roster of attorneys and of representatives of organizations. A copy of the roster shall be supplied to the Commissioner, and he shall be advised from time to time of changes therein.

§ 95.6 *Appearances; use of record.* (a) An appearance shall be filed in writing on Form G–28 by attorneys or representatives appearing in each individual case. When an appropriate appearance has been filed in a case, substitution of attorneys or representatives may be permitted upon the written withdrawal of the attorneys or representatives of record or upon notice by the party to the case of his designation of new attorneys or representatives. If any attorney or representative of record authorizes another attorney or representative to act for him as an associate in a case, the latter will be heard if satisfactory evidence of his authorization is presented and if he has been admitted to practice under this part.

(b) During the time a case is pending the attorney or representative of record, or his associate, shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced and in expulsion proceedings the memorandum, if any, prepared by the presiding inspector setting forth a summary of the evidence and his proposed findings of fact, conclusions of law, and order. The attorney or representative shall give his receipt for such copy and pledge that no copy thereof will be made, that he will retain it in his possession and under his control, and that it will be surrendered uopn final disposition of the case.

CROSS REFERENCES: For attorneys and other persons representing applicants for certificates of derivative citizenship, see 8 CFR 379.3; for registry, 8 CFR 362.3.

§ 95.7 *Suspension and disbarment.* With the approval of the Attorney General, the Board may suspend or bar from further practice an attorney or representative, if it shall find that suspension or disbarment is in the public interest. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of these regulations:

(1) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(2) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(3) Who wilfully misleads, misinforms, or deceives an officer or employee of the Service, the Board, or the Attorney General concerning any material and relevant fact in connection with a case;

(4) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(5) Who solicits practice by means of runners or other unethical methods;

(6) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(7) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(8) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(9) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(10) Who wilfully made false and material statements in his application for admission to practice, or in his appearance in any case;

(11) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(12) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(13) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(14) Who no longer possesses the qualifications required by § 95.3 of this part for admission to practice;

(15) Who is the representative of an organization which is no longer recognized by the Board as being of the character described in § 95.1 (h); or

(16) Who wilfully violates any of the provisions contained in this part.

§ 95.8 *Procedure for suspension or disbarment; effect.* (a) The Commissioner may cause to be investigated any complaint or circumstance which establishes a prima facie case for the suspension or disbarment of any enrolled attorney or representative. If such investigation establishes to the satisfaction of the Commissioner that suspension or disbarment proceedings should be instituted, he shall cause written charges to be preferred. A copy of such charges shall be served upon the respondent, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred from further practice. Such notice shall also advise the respondent that after answer has been made and the matter is at issue, if he so requests he will be given opportunity for a hearing. If hearing is requested, the Commissioner will specify the time and place therefore and specially designate the officer who shall preside and the officer who shall present the evidence in support of the charges. The nonreceipt of answer within three days after expiration of the period prescribed to show cause shall be held a waiver of defense to the charges. When the record is complete, the Commissioner shall forward it to the Board with his recommendation.

(b) The respondent, either with or without counsel, and the Commissioner, or any officer designated by him for the purpose, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

(c) The Board shall consider the record as presented by the Commissioner as soon as practicable after its receipt and render its decision thereon. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however,* That if the order would suspend or disbar the respondent, or if any one of the circumstances described in § 90.12 of this chapter be present, the Board shall refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding.

(d) In case the final order against the respondent is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice unless and until authorized so to do by the Board; and if disbarred, he shall surrender certificate of his admission to the Board for cancellation.

§ 95.9 *Effective date.* This regulation shall take effect from and after May 1, 1944, except that applications for admission to practice may be filed immediately in the manner prescribed in § 95.4 (a) of this part.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44–2105; Filed, February 12, 1944; 11:15 a. m.]

[General Order C–45]

PART 167—ATTORNEYS AND OTHER REPRESENTATIVES

NOTE: Part 167, Attorneys and Other Representatives, is repealed and Part 95, Enrollment and Disbarment of Attorneys and Representatives, is added to this chapter by General Order C–45, *supra.*

[General Order C–46]

ENTRY OF CHINESE PERSONS INTO UNITED STATES

CHANGES RESULTING FROM REPEAL OF CHINESE EXCLUSION ACTS

JANUARY 25, 1944.

Changes in the regulations of the Immigration and Naturalization Service to give effect to the act entitled "An Act to Repeal the Chinese Exclusion Acts, To Establish Quotas, and for Other Purposes" approved December 17, 1943.

Pursuant to the Act of December 17, 1943 (An Act to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes, Public Law No. 199—78th Congress; Chapter 344—1st Session, 57 Stat. 600), section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 7 (d) of the Act of May 20, 1926 (Air Commerce Act of 1926, 44 Stat. 572; 49 U.S.C. 177 (d)); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); sections 327 and 705 of the Act of October 14, 1940 (54 Stat. 1151, 56 Stat. 182; 8 U.S.C. 727, 1005); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, the following changes in Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

Section 110.5 is amended by deleting the following: ", or who is in possession of a laborer's return certificate issued pursuant to section 7 of the Act of September 13, 1888 (25 Stat. 477; 8 U.S.C. 277), relating to Chinese laborers,".

Section 112.1 is amended by deleting the following: ", and such person, if Chinese, may be admitted only at a seaport or land-border port of entry for Chinese designated in §§ 205.1, 205.2, or 205.3 of this title".

Section 116.59 is hereby repealed.

Section 120.3 is amended by deleting the following: "(section 1 of the Chinese Exclusion Act of April 29, 1902, as amended by section 5 of the Deficiency Act of April 27, 1904; 33 Stat. 428; 8 U.S.C. 295), or in cases of Chinese persons or persons of Chinese descent, in the Territory of Hawaii (last mentioned act and joint resolution of July 7, 1898 (30 Stat. 751; 8 U.S.C. 293))".

Section 128.10 is amended by deleting the following: ", including persons of the Chinese race,".

The cross reference at the end of § 130.1 is deleted.

Section 168.6 is amended by deleting the following which appears twice: ", Chinese inspector acting as an immigrant inspector,".

All of Subchapter C, entitled "Chinese Regulations", is hereby repealed.

Section 110.35 is added as follows:

§ 110.35 *Definition of Chinese persons; entry of such persons who were born in the barred zone.* The term "Chinese persons" as used in section 2 of the Act of December 17, 1943 (Public Law No. 199—78th Congress; Chapter 344—1st Session, 57 Stat. 600) means persons who are of as much as one-half Chinese blood and are not of as much as one-half blood of a race or races ineligible to citizenship. The rights of such Chinese persons under the provisions of that Act shall not be regarded as impaired by those provisions of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875; 8 U.S.C. 136 (n)), relating to the exclusion of natives of the geographical zone described in said section 3. (Sec. 2, 57 Stat. 600)

Section 110.36 is amended to read as follows:

§ 110.36 *Nonquota status; by relationship to citizen or by former citizenship.* (a) An unmarried child under 21 years of age, or the wife, of a citizen of the United States, or the husband of a citizen of the United States by marriage occurring prior to July 1, 1932, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer, designating the holder as such, and then only when the facts necessary to determine the particular status as a nonquota immigrant are established to the satisfaction of the examining immigration officer. The alien will be excluded if subsequent to issuance of the visa the alien has obtained a divorce from the citizen petitioner; or, if subsequently widowed, has remarried; or, if beneficiary is a child, has subsequently married. A person who is ineligible to citizenship or is a Chinese person as defined in § 110.35 of this part shall not be regarded as having a nonquota status solely because he bears one of the relationships to a citizen of the United States described in this paragraph.

(b) A woman, regardless of her race, who was a citizen of the United States and lost her citizenship by reason of her marriage to an alien, or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country, and who has acquired no other nationality by affirmative act other than by such marriage, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer, designating the holder as such, and then only when the facts necessary to determine the particular status as a nonquota immigrant are established to the satisfaction of the examining immigration officer.

(c) A person, regardless of his race, who was a citizen of the United States and also a national of a foreign state, and who lost his citizenship of the United States under the provisions of section 401 (c) of the Nationality Act of 1940 (54 Stat. 1169; 8 U.S.C. 801), and who claims that he is entering the United States for the purpose of recovering his citizenship, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only if the facts necessary to determine the particular status are established to the satisfaction of the examining immigration officer. (Secs. 4 (a), 4 (f), 9 (f), 23, 43 Stat. 155, 157, 165, 45 Stat. 1009, 46 Stat. 854, 47 Stat. 656, 50 Stat. 164; 8 U.S.C. 204 (a), 204 (f), 209 (f), 221; sec. 317 (c), 54 Stat. 1147; 8 U.S.C. 717)

Section 110.37 (a) is amended to read as follows:

§ 110.37 *Nonquota status on basis of former residence.* (a) An alien, regardless of his race, claiming to be a nonquota immigrant on the ground that he has previously been lawfully admitted to the United States and is returning from a temporary visit abroad shall not be admitted as such unless at the time of arrival he shall establish that he has previously been lawfully admitted for permanent residence, is returning from a temporary visit abroad, and presents such valid documents as may be necessary under the terms of an outstanding Executive order or orders prescribing documents required of aliens entering the United States, or a waiver of such documents has been granted by the Secretary of State under the circumstances present in his case.

The citation at the end of § 110.37 is amended to read as follows: "(Secs. 4 (b), 13 (b), 23, 43 Stat. 155, 161, 165; 8 U.S.C. 204 (b), 213 (b), 221; E.O. 8766, June 3, 1941, 6 F.R. 2741; sec. 2, 57 Stat. 600)".

Section 110.39 is amended to read as follows:

§ 110.39 *Nonquota status: by country of birth or by relationship to certain nonquota immigrants.* (a) An alien claiming a nonquota status because of birth in the Diminion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an Amer-

ican consular officer designating the holder as such, and then only when it shall be established to the satisfaction of the examining immigration official that he was born in one of the countries named or referred to in this paragraph. When such alien is accompanied by an alleged wife, or an unmarried child or children under 18 years of age, born elsewhere than in one of such countries, who seek admission as nonquota immigrants on the ground that the husband or parent was born in one of such countries, these claimed members of the family must also present immigration visas duly issued by an American consular officer, designating the wife or child or children as nonquota immigrants and satisfactory proof shall be required of the relationship asserted and the age of the child or children.

(b) When a wife, or child under 18 years of age, born elsewhere than in one of the countries named or referred to in paragraph (a) of this section, seeks to enter the United States as a nonquota immigrant because coming to join a husband or parent alleged to have been born in one of such countries, such wife or child must present an immigration visa duly issued by an American consular officer, designating the holder as a nonquota immigrant and shall establish to the satisfaction of the examining immigration official (1) that the claimed relationship actually exists; (2) that the child or children are under 18 years of age; (3) that such husband or parent was born in one of such countries; and (4) that such husband or parent has been lawfully admitted to the United States for permanent residence and resides therein.

(c) An alien who is ineligible to citizenship or is a Chinese person as defined in § 110.35 of this part shall not be regarded as having the nonquota status described in paragraphs (a) or (b) of this section. (Secs. 4 (c), 12 (a), 23, 43 Stat. 155, 160, 165; 8 U.S.C. 204 (c), 212 (a), 221; sec. 2, 57 Stat. 600)

Section 110.40 is changed to read as follows:

§ 110.40 *Nonquota status; ministers and professors; students.* (a) An alien, regardless of his race, who claims a nonquota status because for at least two years immediately preceding the time of his application for admission to the United States he has continuously been, and seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only when it shall be established to the satisfaction of the examining immigration officer that he has been, and seeks to enter the United States solely for the purpose of, so carrying on his vocation. When an alleged wife, or an unmarried child or children under 18 years of age accompany such an alien or follow to join him and seek admission as nonquota immigrants on the ground that the husband or parent is or was a nonquota immigrant as described in this section, these claimed members of the family must also present immigration visas duly issued by an American consular officer, designating the wife or child or children as nonquota immigrants on such ground and satisfactory proof shall be required of the relationship asserted and the age of the child or children.

(b) An alien, regardless of his race, claiming to be a nonquota immigrant on the ground that he is a student as defined in § 125.1 of this chapter shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only when the facts necessary to determine his status as a student are established to the satisfaction of the examining immigration officer. (Secs. 4 (d), 4 (e), 23, 43 Stat. 155, 44 Stat. 812, 45 Stat. 1009, 43 Stat. 165; 8 U.S.C. 204 (d), 204 (e), 221; sec. 2, 57 Stat. 600)

Section 136.4 is amended to read as follows:

§ 136.4 *Forwarding appeal record.* The complete appeal record, including the immigration visa or permit to reenter the United States, and any brief or argument filed by the appellant, his attorney, or his representative shall be forwarded promptly to the Attorney General through the Commissioner of Immigration and Naturalization. The officer in charge shall in his discretion allow whatever time is reasonable, as indicated by the nature of the case, for the preparation and filing of briefs or arguments. (Sec. 17, 39 Stat. 887, 8 U.S.C. 153)

Section 165.1 is amended by designating the present text as paragraph (a); by deleting from said paragraph (a) the first word, which is "Any", substituting the words "Subject to the limitations described in paragraph (b) of this section, a"; and by adding paragraph (b) as follows:

(b) No Chinese person as defined in § 110.35 of this chapter is entitled to a nonquota or preference quota status solely because of his relationship to a citizen of the United States. A preference up to 75 per centum of the quota for the Chinese prescribed by section 2 of the Act of December 17, 1943 (Public Law No. 199, 78th Congress; Chapter 344, 1st Session, 57 Stat. 600) shall be given to Chinese persons born and resident in China. There are no other preferences in the issuance of immigration visas under the quota for the Chinese prescribed by section 2 of that Act. An alien who is a Chinese person as defined in § 110.35 of this chapter and who is seeking a preference in the issuance of an immigration visa under the said quota for the Chinese because of alleged birth and residence in China shall not be required to file an application for such preference with the Commissioner of Immigration and Naturalization but shall submit required proofs to the appropriate American consular officer. The quota for the Chinese authorized by section 2 of the said Act does not affect the quota of 100 prescribed for China by the President's Proclamation No. 2283, of April 28, 1938. Any citizen of the United States may proceed as described in paragraph (a) of this section in behalf of any relative, other than one who is a Chinese person as defined in § 110.35 of this chapter, who was born in China and is not ineligible to citizenship. (Sec. 9, 43 Stat. 157, 50 Stat. 164; 8 U.S.C. 209; sec. 2, 57 Stat. 600)

Section 350.1 is amended to read as follows:

§ 350.1 *Racial eligibility; general classes.* Except as otherwise provided in this part, naturalization under the provisions of the Nationality Act of 1940 is limited to white persons, persons of African nativity or descent, descendants of races indigenous to the Western Hemisphere, and Chinese persons or persons of Chinese descent. Whenever race is required to be designated in connection with any naturalization matter, such designation shall be made by the use of one or more of the following terms, except that where appropriate other terms may be used in cases within §§ 350.3, 350.4, or 350.5 of this part: White, African or African descent, Indian, Eskimo, Aleutian, Chinese or Chinese descent. (Sec. 303, 54 Stat. 1140, 57 Stat. 600; 8 U.S.C. 703)

Section 350.2 is amended to read as follows:

§ 350.2 *Persons of mixed racial bloods.* A person of mixed racial bloods, to be eligible to naturalization within the limitations of § 350.1 of this part, must be:

(a) A person who is of as much as one-half blood of the white race, African nativity or descent, a race indigenous to the Western Hemisphere, or a combination of any such races, and is not of as much as one-half blood of any other race or combination of races, or

(b) A person who is of as much as one-half Chinese blood and is not of as much as one-half blood of a race or races ineligible to citizenship. (Sec. 303, 54 Stat. 1140, 57 Stat. 600; 8 U.S.C. 703)

Section 350.5 is amended to read as follows:

§ 350.5 *Racial eligibility not required in certain classes of naturalization cases.* A child may acquire citizenship under section 313 or 314 of the Nationality Act of 1940 notwithstanding his race. A person may acquire citizenship under section 701 or 702 of the Nationality Act of 1940 notwithstanding his race. (Secs. 313, 314, 701, 702, 54 Stat. 1145, 56 Stat. 182; 8 U.S.C. 713, 714, 1001, 1002)

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44-2106; Filed, February 12, 1944; 11:15 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5073]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HARRY FISCHER & COMPANY.

§ 3.66 (a 7) *Misbranding or mislabeling—Composition—Wool Products Labeling Act;* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Composition—Wool Products Labeling Act.* In connection with introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, misbranding coats and other articles of clothing, or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", by failing to securely affix to or place on each of such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such product of any non-fibrous loading, filling, or adulterating matter; (c) the name of the manufacturer of such product; or the manufacturer's registered identification number and the name of a seller of such product; or the name of one or more persons introducing such product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce", is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited; subject to the provisos, however, (1) that when such product is composed in whole or in part of any of the specialty fibers named in section 2 (b) of the said act, the name of any specialty fiber present may be used in place of the word "wool" on the stamp, tag, label, or other means of identification affixed to such product, in identifying the percentage of the product composed of the specialty fiber named; (2) that when the name of a specialty fiber is used, such fiber shall not be described by any other name on said label or any other stamp, etc., attached to or affixed to such product; (3) that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and (4) that nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, Harry Fischer & Company, Docket 5073, January 31, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1944.

In the Matter of Harry Fischer and Joseph Fischer, Individually and as Copartners Trading and Doing Business as Harry Fischer & Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state they they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939:

It is ordered, That the respondents, Harry Fischer and Joseph Fischer, individually and trading as Harry Fischer & Company, or trading under any other name, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding coats and other articles of clothing, or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said Act, by failing to securely affix to or place on each of such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such product of any nonfibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such product; or the manufacturer's registered identification number and the name of a seller of such product; or the name of one or more persons introducing such product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

Provided, however, That when such product is composed in whole or in part of any of the specialty fibers named in section 2 (b) of the Wool Products Labeling Act of 1939, the name of any specialty fiber present may be used in place of the word "wool" on the stamp, tag, label or other means of identification affixed to such product, in identifying the percentage of the product composed of the specialty fiber named: *And provided, further,* That when the name of a specialty fiber is used, such fiber shall not be described by any other name on said label or any other stamp, tag, label or other means of identification attached to or affixed to such product.

Provided, further, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2145; Filed February 14, 1944; 11:08 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 5, Rev. VI]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 5 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VI of October 7, 1943 (8 F.R. 13883), is hereby promulgated.[1]

By direction of the President:

E. R. STETTINIUS, Jr.,
Acting Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
LEO T. CROWLEY,
Administrator,
Foreign Economic Administration.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

FEBRUARY 11, 1944.

[F. R. Doc. 44-2120; Filed, February 12, 1944; 12:13 p. m.]

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Camp Order 133]

OHIO AGRICULTURAL EXPERIMENT PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Ohio Agricultural Experiment Project is designated as work of national importance, to be known as Civilian Public Service Camp No. 133. Said project, located at Wooster, Wayne County, Ohio, will be the base of operations for farm work in the State of Ohio, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

2. That the work to be undertaken by the men assigned to said project will consist primarily of farming operations and care of livestock and shall be under the technical direction of the Ohio Agricultural Experiment Station. The camp, insofar as camp management is concerned, will be under the same institution. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Office of the Assistant Director of Selective Service in charge of Camp Operations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 11, 1944.

[F. R. Doc. 44–2127; Filed, February 12, 1944; 3:48 p. m.]

REGISTRATION CERTIFICATE, ETC.

ORDER PRESCRIBING FORMS

[No. 241]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 2–F, entitled "Registration Certificate," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 40–F, entitled "Additional Instructions to Registrants Outside the United States," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 150–F, entitled "Order to Report for Induction—Special," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 215–F, entitled "Order to Report—Preinduction Physical Examination—Special," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing additions shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 11, 1944.

[F. R. Doc. 44–2129; Filed, February 12, 1944; 3:48 p. m.]

[1] Filed as part of the original document.

PART 618—REGISTRATION OUTSIDE CONTINENTAL UNITED STATES, ALASKA, HAWAII, AND PUERTO RICO

[Amendment 211, 2d Ed.]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended as follows:

1. Amend the center heading preceding § 618.11 to read as follows: "Action by Local Boards in Continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States."

2. Amend § 618.11 to read as follows:

§ 618.11 *Registrant's serial and order numbers to be assigned and records to be completed by local board receiving Registration Card (Form 1–F).* (a) When a local board in the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands of the United States receives a Registration Card (Form 1–F), it shall check the address given on line 2 to determine if it has jurisdiction.

(b) If the local board determines that it has jurisdiction of the registrant, it shall:

(1) Transcribe from the Registration Card (Form 1–F) to an appropriate colored Registration Card (Form 1) all information needed to complete the Registration Card (Form 1), including placing the name of the registrant and the name of the registrar on the lines provided for their respective signatures;

(2) Prepare a Registration Certificate (Form 2–F) from the information contained on the Registration Card (Form 1–F). The date on which the registrant was registered as certified at the bottom of the reverse side of the Registration Card (Form 1–F) shall be inserted as the date of registration on the face of the Registration Certificate (Form 2–F). When the Registration Certificate (Form 2–F) has been completed it shall be signed by a member or clerk of the local board and mailed to the registrant at his present mailing address as given on line 3 of the Registration Card (Form 1–F): *Provided*, That if such mailing address is outside of the continental United States, the Territory of Hawaii, the Territory of Alaska, Puerto Rico, the Virgin Islands of the United States, Canada, Cuba, and Mexico, such certificate shall be mailed to the Director of Selective Service, Washington 25, D. C.

(3) If the local board is in the Virgin Islands, it will assign a serial and order number to the registrant in the manner directed by the Director of Selective Service.

(4) If the local board is outside the Virgin Islands, it will assign a serial and order number to the registrant and make entries in the local board records in the manner prescribed for late registrants in §§ 616.21 to 616.43, inclusive.

(5) File the Registration Card (Form 1) in the appropriate alphabetical file and the Registration Card (Form 1–F) in the registrant's Cover Sheet (Form 53).

(c) If the local board determines that it does not have jurisdiction over the registrant, it shall return the Registration Card (Form 1–F) to the State Director of Selective Service for transmittal to the proper local board.

The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 9, 1944.

[F. R. Doc. 44–2128; Filed, February 12, 1944; 3:48 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 31]

ASSIGNING RATINGS TO MILITARY CONTRACTS

§ 903.44 *Directive 31.* (a) The Army or Navy or any other government agency which is authorized to issue PD–3A preference rating certificates rating deliveries to or for the account of the agency may, instead of issuing the certificates, assign the preference rating by placing it on the purchase order or contract and endorsing the order or contract with a certification substantially as follows:

By authority of the War Production Board the preference ratings indicated are assigned to the deliveries on this purchase order or contract.

(b) The certification may be placed on a purchase order or contract by means of a rubber stamp or printed on the order or contract form. The certification need not be signed separately if the purchase order or contract is signed by an official who is authorized to assign ratings on behalf of the agency which is placing the order or contract.

(c) All provisions applicable to Form PD–5A including War Production Board approval of certain ratings required by Directive 23 shall be applicable to contracts and purchase order forms rated under this Directive.

(d) Any delegations of authority to rate purchase orders or contracts without the use of PD–3A certificates previously issued individually to any Service of the Army or Bureau of the Navy are hereby revoked and superseded by this directive.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 10th day of February 1944.

J. A. KRUG,
Program Vice Chairman.

[F. R. Doc. 44–2093; Filed, February 11, 1944; 4:32 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3284—BUILDING MATERIALS[1]

[Limitation Order L–303 as Amended Feb. 10, 1944]

STEEL INSECT SCREEN CLOTH

The fulfillment of requirements for the defense of the United States has created a shortage of materials, manpower and transportation for the manufacture and delivery of steel insect screen cloth for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3284.26 *General Limitation Order L–303*—(a) *Definitions.* For the purpose of this order:

(1) "Steel insect screen cloth" means a fabric of woven steel wire designed and constructed primarily for installation in an opening or passageway of a building or structure for the purpose of preventing the entrance of insects.

(2) "Producer" means a person who weaves steel insect screen cloth.

(3) "Dealer" means any person who buys steel insect screen cloth direct from a producer for sale in full rolls or cut lengths.

(4) "Screen manufacturer" means any person who buys steel insect screen cloth direct from a producer or dealer for the purpose of manufacturing window screens or screen doors.

(b) *Simplification and standardization.* (1) On and after December 28, 1943, no producer shall weave or fabricate any steel insect screen cloth except in conformity with the type, mesh, finish, diameter and widths established by Schedule I of this order.

(2) Notwithstanding the provisions of paragraph (b) (1) above, steel insect screen cloth may be woven or fabricated with a finer mesh or diameter wire than that specified in Schedule I if such cloth (or window screens or screen doors made therefrom) is required to fill an order for delivery (i) to or for the account of an agency or government named in § 944.1, paragraph (b) (1) or (b) (2) of Priorities Regulation 1, or (ii) under an export license issued by the Foreign Economic Administration.

(c) *Producers must disregard certain ratings.* Producers must disregard any preference rating of AA–3 or lower borne by any order for steel insect screen cloth unless (1) the order is one of the kinds designated in paragraph (b) (2) of this order, or (2) the order is for screen cloth which is to be used in a project approved by the National Housing Agency (the order must carry some identification showing that the screen cloth will be used in a project approved by the National Housing Agency). Orders bearing preference ratings which must be disregarded under this rule must be treated as unrated orders, and should be filled in accordance with the equitable distribution provisions of paragraph (d).

NOTE: Paragraphs (d) through (i), formerly (c) through (h), redesignated Feb. 10, 1944.

(d) *Equitable distribution.* It is the policy of the War Production Board that steel screen cloth produced for essential civilian uses shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the producer's regularly established prices and terms of sale or payment.

Under this policy every producer of steel screen cloth, as far as practicable, should make available an equitable proportion of his merchandise to his customers periodically without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If observance of the policy outlined is inadequate to achieve equitable distribution or supply essential civilian needs the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction will be deemed a violation.

(e) *Reports.* Fifteen days after December 13, 1943 and, thereafter, fifteen days before the beginning of each quarter (beginning April–June, 1944) each producer of steel insect screen cloth shall file by letter a summary of his proposed shipping schedule covering dealers and screen manufacturers for that quarter. Each producer's shipping schedule shall show separately the aggregate quantity of screen cloth he proposes to ship to dealers and the aggregate quantity proposed for shipment to fill screen manufacturers' orders. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particluar provision appealed from and stating fully the grounds for the appeal.

(h) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board as amended from time to time.

(i) *Routing of correspondence.* All communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington 25, D. C. Ref: L–303.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

Type wire	Mesh (per inch)	Finish	Diameter of wire[1]	Widths[2]
Low carbon	12	Painted	.0110	24", 26", 28", 30", 32", 36", 42", 45"
Steel	16	Painted or galvanized	.0110	24", 26", 28", 30", 32", 36", 42", 45"

[1] Two different sizes of warp and filler wires, approximately the same, having the average diameter of .0110 inch, shall be permitted. Permissible tolerance in wire diameter shall be .0005 inch.

[2] Non-conforming widths are permitted to fill an order or orders for a minimum production run of not less than 4000 linear feet of any one width.

[F. R. Doc. 44–2094; Filed, February 11, 1944; 4:32 p. m.]

[1] This document is a restatement of Amendment 1 to L–303 as Amended December 13, 1943, which appeared in the FEDERAL REGISTER of February 11, 1944, page 1616, and reflects the order in its completed form as of February 10, 1944.

PART 933—COPPER

[Conservation Order M–9–c as Amended Jan. 22, 1944, Amdt. 1]

The first sentence of § 933.4 paragraph (g) (2) of Conservation Order M–9–c is hereby amended to read as follows:

(2) *Insect screening.* This order does not restrict the delivery, installation or cutting of (i) used or second hand insect screening, (ii) insect screening in any roll which was initially cut before April 10, 1942, or (iii) insect screening in rolls which have been rejected by Copper Recovery Corporation or Metals Reserve Company, or their agent, before February 12, 1944 for any reason, or on or after that date for the reason stated in writing that the screening does not meet the specifications of the government buying program.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2099; Filed, February 12, 1944; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Limited Preference Order P–55–c]

HOUSING CONSTRUCTION

§ 1075.13 *Preference Rating Order P–55–c*—(a) *Purpose and scope of order and authorization.* This order applies only to persons who have received approval of an application for a housing project as provided below. For the persons who have received this approval, it is an authorization for residential construction under Conservation Order L–41 and it assigns a preference rating and an allotment symbol for material necessary for housing construction. It covers all residential construction except: (i) Farm construction; (ii) construction of the Federal Public Housing Authority; (iii) residential construction built under a Petroleum Administrative Order of the Petroleum Administration for War; and (iv) construction of hotels and apartments for six or more families not providing additional living quarters for war workers. Residential construction includes new construction, conversion, remodeling and rehabilitation. Priorities assistance for maintenance and repair of residential property is also provided by this order.

This order also applies to housing construction previously authorized under an application on Form WPB–2896 as explained in paragraph (g) below.

(b) *Method of obtaining authorization of housing applications.* Any person who wishes to construct a housing project should apply on Form WPB–2896. If the housing project qualifies for approval, the application will be approved either by the National Housing Agency or the War Production Board.

(c) *Authorization of housing construction.* Approval of the application constitutes War Production Board authorization of the housing project under Conservation Order L–41. The authorization includes only the buildings, structures, roads and other construction work specifically listed and approved on Form WPB–2896, and is subject to the following conditions and directions:

(1) *Cancellation of authorizations on buildings not begun on time.* If work on the building site preparatory to construction is not begun within sixty days of the approval of the project on WPB–2896, the agency which approved the application may cancel the authorization by giving written notice to the owner. Whatever buildings in the total authorized project have not been commenced by physically incorporating material into them by the last starting date specified in the construction schedule of the application will also be subject to cancellation in the way set forth above. These provisions do not preclude cancellation for any other reason. No person shall begin or carry on the construction of any building affected by a cancellation, and no person shall deliver or accept delivery of any material ordered for use in the construction of any building affected by a cancellation.

(2) *Utilities connections.* The builder must not begin construction of a housing project which requires the extension of utility or sewer lines unless both the builder and the utility operators are authorized to make the extensions. In any case where the applicable order of the U series (water, gas, and electricity) or P–141 (sewers) does not require specific authorization, then all required certifications must have been filed.

(3) *Restrictions on use of materials.* The builder must not incorporate any material into the housing project except of the kinds and minimum quantities needed for the project and permitted both by the War Housing Critical List and the War Housing Construction Standards (Schedules I and II to this order). If any schedule is amended after the housing project is approved, the builder may comply with any of the provisions of the schedule as amended or the schedule as in effect at the time the housing project was approved, as he may elect.

(4) *Liability of owner.* The owner and any other person who holds or later acquires any beneficial interest in the housing project or any part of it, must abide by all the representations, certifications and promises made by the owner in the application, except to the extent he is relieved by regulation or order of the National Housing Agency or the War Production Board.

(d) *Assignment of preference ratings and allotments.* It is not necessary to show on Form WPB–2896 the quantity of controlled material or to list products and equipment needed for the housing project. If the application is approved, the builder may use the allotment symbol of H–1 or S–2 (whichever is shown on the application as approved) and a preference rating of AA–3 to get materials permitted by the War Housing Critical List and needed to complete the project. Neither the owner nor the builder shall order or accept delivery of any material prohibited for incorporation in the project by subparagraph (c) (3) above.

(e) *Use of allotment symbol.* (1) The allotment symbol may be used to order controlled materials and Class A products by:

(i) The builder;

(ii) Manufacturers of Class A products or Class A components of Class A products to be incorporated in the project;

(iii) Contractors and subcontractors doing all or any part of the construction work.

The builder must not use the allotment symbol or give others the right to use it before his application is approved. A manufacturer, contractor or subcontractor may not use it or give others the right to use it unless he has received a statement in substantially the following form endorsed on the order or contract by the person placing it, signed manually or in the way explained in Priorities Regulation No. 7:

Serial No. (identifying project)——
You are authorized to use the allotment symbol —— to order controlled materials and Class A products needed to fill this order or contract.

It is not necessary to show the quantities of controlled materials in this statement. Its use shall constitute a representation by the person signing it to the person with whom the order or contract is placed, and to the War Production Board, subject to the penalties of section 35–a of the United States Criminal Code that he has the right to authorize the person with whom the order or contract is placed to use the allotment symbol to fill the order or contract. The standard form described in Priorities Regulation No. 7 cannot be used instead of the above statement.

(2) The preference rating may be used to order all materials other than controlled materials. If an applicant, contractor or subcontractor orders a Class A product the certificate described in Priorities Regulation 7 must be used in addition to the statement set forth in paragraph (d) (1) above. If a contractor or subcontractor needs a preference rating to buy materials the rating may be given him by use of the certificate set forth in Priorities Regulation 7. In using the rating to buy all products and materials other than controlled materials or Class A products the certificate in Priorities Regulation 7 must be used and the allotment symbol must be used along with the preference rating for purposes of identification.

(3) Each person using the allotment symbol or preference rating must maintain at his regular place of business for a period of two years records of the right to use the allotment symbol or preference rating, records, kept by serial number identifying the project, of the amount of controlled materials ordered with the allotment symbol or rating and showing that the materials so ordered were used for the purpose for which the right to use the symbol or rating was granted.

(4) The use of the allotment symbol assigned by this order will not be limited to any particular month or quarter and, therefore, no quarterly identification need be shown when using it. Authorized controlled material orders must, however, show the month in which delivery is requested. The allotment symbol or preference rating may not be used in placing authorized controlled material orders after the scheduled completion date of the project but delivery after such date may be specified on orders placed before then.

(5) The allotment symbol and preference rating must not be used to order controlled materials in greater quantities or on earlier dates than needed for the construction. It may be used not only to order materials needed for the construction but also to replace in inventory materials used for construction. Attention is called to CMP Regulation No. 2 which places a restriction on inventories of controlled materials which must be complied with.

(6) A person who has the right under this order to use an allotment symbol in ordering controlled materials must endorse the symbol on his purchase order and the form of certification set out in CMP Regulation No. 7, signed manually or in the way explained in Priorities Regulation No. 7. An order so endorsed is an authorized controlled material order (i) if it is a "delivery order" as defined in paragraph (b) (9) of CMP Regulation No. 6, (ii) if it is in sufficient detail to permit entry on mill schedules and (iii) if, when placed with a controlled materials producer, it is received by the lead time specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(f) *Applicability of War Production Board orders and regulations.* This order and all transactions affected by it are subject to the applicable provisions of all regulations and orders of the War Production Board. When any such order excepts from its restrictions any person to whom an order in the P–55 series has been issued, the exception shall include any person who is authorized to build by this order.

(g) *Projects previously authorized.* Where a housing project has been previously authorized by the War Production Board and the authorization is still in effect, the owner may construct the project under the provisions of the authorization he received or, at his election, under the provisions of this order. If he elects to construct under this order he should maintain the construction schedule in the CMP–H–1, if any; otherwise he should maintain the construction schedule in his application form. The authorization to construct any such project may be cancelled under paragraph (c) (1).

(h) *Appeals.* Any builder who considers that the provisions of this order or the schedules to it would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board (by letter) setting forth the facts and the reasons why he considers he is entitled to the relief requested. This appeal should be addressed to the War Production Board and filed with the office which approved the application.

(i) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control, and may be deprived of priorities assistance by the War Production Board and may be denied permission to begin construction under General Conservation Order L–41.

(j) *Definitions.* (1) "Owner" means the person in whose name the application was filed.

(2) "Builder" means the owner and any building contractor or subcontractor with whom the owner has placed a contract pursuant to which such contractor or subcontractor has agreed to furnish material.

(3) "Housing project" means the house, or houses, and its appurtenant buildings and related construction described in the owner's application as approved. This also includes projects converting any structure to residential use.

(4) "Application" means the owner's application on Form WPB–2896 as approved.

(k) The effective date of this order is March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2103; Filed, February 12, 1944; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Limited Preference Rating Order P–55–c, Schedule I]

WAR HOUSING CRITICAL LIST

§ 1075.16 *Schedule I to Preference Rating Order P–55–c.* Only the following kinds and quantities of materials may be used in housing construction, and they may be used only for the purposes permitted in the following list. The preference rating and allotment symbol assigned by P–55–c may be used to get materials except where otherwise provided.

100 GENERAL PROVISIONS:

111 The War Housing Critical List is a list of materials permitted for use in housing projects. Non-metallic products and materials not listed herein or used as substitutes for material or products listed herein and required for the completion of authorized housing projects are permitted for purchase and installation subject to applicable CMP and priorities regulations and limitation orders of the War Production Board.

112 Materials and products of metal or metallic content not listed herein but available from existing inventories are permitted for purchase and installation in housing projects only when listed in Appendix A hereof.

113 War Housing Construction Standards restricts the type and size of dwelling structures that may be built for war housing. These Standards may include limitations on the use of certain materials of a critical nature not contained in this list. These standards are set forth in Schedule II.

114 This list is based upon the critical positions, at the time this list is issued, of materials essential to the construction and equipment of housing, and is subject to revision by the War Production Board whenever warranted by a change in the critical positions of the materials included herein.

115 Elevators and escalators including equipment and accessories, are not permitted for housing projects except under specific authorization of the War Production Board, Washington, D. C.

116 In some cases in this list, the use of certain material is permitted only where other substitute materials are not obtainable or available. For this purpose, material may be considered unobtainable or unavailable only when at least three dealers or suppliers (if there are less than three contact shall be made with all) who ordinarily distribute the specified material in the locality have indicated their inability to make delivery on the required date or by the date on which the material for which it is a substitute can be secured. The builder must be in a position to show that he has made these investigations.

200 GENERAL BUILDING CONSTRUCTION:

210 Reinforced concrete and reinforced masonry items permitted for structures, utilities, and land development construction are:

211 Reinforcing steel bards, wire mesh or fabric, tie wire and accessories except that:

(a) When the amount of reinforcing steel used in the project, including mesh or fabric, approved for a project exceeds 10 tons; the designer is required to certify that the concrete design is in accordance with the W. P. B. Directive No. 9, National Emergency Specification for the Design of Reinforced Concrete Buildings.

212 Prefabricated reinforced concrete or reinforced masonry structural products, such as lintels, joists and slab units.

213 Open web steel bar type joists, except when made from sheet products.

214 Rib type metal lath not exceeding 5.4 #/sq. yd. as combination form and reinforcement limited to concrete slabs supported on precast joists or open web steel bar type joists.

220 Miscellaneous Steel & Iron:

221 Anchors, dowels, cleats, timber connectors, bolts, and tie rods with nuts and washers.

222 Plates for framing trusses.

223 Hangers or angle clips for joists, headers and trimmers.

224 Fireplace dampers—cast iron.

225 Foundation vents—cast iron.

226 Railings, handrails, and stair nosings—Wrought and malleable iron not permitted.

227 Special fastenings and locking devices for assemblage of prefabricated houses.

228 Structural steel framing and lintels—When a project employs the use of more than ten tons of structural steel, the designer shall certify that the design is in accordance with War Production Board Directive No. 8, "National Emergency Specifications for the Design, Fabrication and Erection of Structural Steel for Buildings."

229 Structural steel bucks for fire door openings.

230 Fire escapes and metal stairs—use of iron sheet and steel sheet not permitted, plates permitted only to minimum extent required for connections.

240 Insect screen cloth—painted or galvanized steel (in non-metallic frames only)—for doors, windows and vents; only half screens for double-hung windows; no porch screen permitted.

241 Weatherstripping—zinc or ferrous metal.

250 Fire doors, including frames and trim for openings to fire stairs, fire walls, heater rooms, trash rooms, and paint storage rooms in multifamily and dormitory structures—doors wood cored with non-metallic coated ferrous sheet metal covers not heavier than No. 24 gauge.

260 Sheet metal:

261 Fittings, fastenings, hangers and cleats—ferrous metal, zinc or lead coating permitted.

262 Solder containing not more than 30 percent of tin by weight.

263 Flashings—ferrous sheet metal not heavier than No. 24 gauge, zinc or lead coating permitted; or lead.

264 Gutters and downspouts—ferrous metal not heavier than No. 24 gauge, zinc or lead coating.

265 Wire basket strainers for downspouts connected to sewer lines—ferrous metal, zinc or lead coating.

266 Scuppers and downspout connections for flat roofs—ferrous sheet metal not heavier

than No. 24 gauge, zinc or lead coating; or lead.

267 Gravel stops for flat roofs—ferrous metal not heavier than No. 24 gauge, zinc or lead coating; or lead.

268 Metal corners for wood and asbestos siding when made from waste wasters, zinc or lead coating permitted.

269 Termite shields—ferrous metal not heavier than No. 24 gauge—zinc coating permitted.

270 Lath and Accessories:

271 Lath—ferrous metal lath as base for ceramic tile, soffits of wood stairs, wood framed ceilings of heater rooms in multi-family structures two stories and over in height, and as plaster base for remodeling and conversion projects.

272 Corner and joint reinforcing—ferrous metal lath in strips not wider than 5 inches. Limited to internal angles and for reinforcement at joints between different kinds of plaster base.

273 Corner beads—for vertical external angles only—zinc coated.

274 Fastenings for non-metallic lath and interior finish—ferrous metal.

275 Exterior stucco fabric or wire mesh, weighing not more than 2 pounds per square yard (metal weight)—ferrous metal, zinc coated—permitted only in the states of Texas, New Mexico, Arizona, Nevada, Utah and California.

276 String wire for stucco fabric or mesh.

277 Nails, staples, and tie wire for items under 270.

280 Lumber and Lumber Products: General restrictions. The use of dimension lumber shall not exceed the amounts permitted by the current War Housing Construction Standards or any subsequent revision thereof. Lumber for housing projects shall, insofar as possible, be restricted to available species and grades, the supply of which is most conveniently located to the project. In project facilities, structural grades of lumber may be used for roof trusses.

281 Framing lumber (dimensions)—2" nominal size or thicker, shall be spaced not less than as permitted by the FHA—Minimum Construction Requirements and sizes shall not be greater than indicated by these requirements. Where members thicker than 2" are required, such members shall be solid timbers or built up of sizes 3" or thicker, except that 2" sections are permitted if thicker sections are not obtainable.

282 Boards are permitted except for:

a. Wall sheathing (wood stripping not larger than 1" by 3" is permitted for support of side wall shingles).

b. Roof sheathing where pitch of roof is less than 3 in 12.

283 Shingles—wood shingles are prohibited except:

a. for roof surfaces where composition or asbestos shingles are not obtainable.

b. for repairs of not to exceed 25 percent of the existing wood shingled surfaces in conversion projects.

284 Concrete forms—new lumber, and ply-form grade of plywood may be used only where used lumber or existing prefabricated wood or metal forms are not available. Forms of new lumber shall be subject to the following:

a. Maximum re-use in form work and in project construction.

b. For wall construction only where reinforced concrete is required for resistance to hydrostatic pressure or where masonry units are not available.

No form work is permitted for footage except where required by soil conditions.

c. Plywood or hardboard is not permitted for form lining.

285 Flooring—Hardwood or softwood—as available.

286 Wood siding—of available species and grades.

287 Millwork—shop fabricated millwork and lumber for job fabricated millwork permitted.

288 Wood lath—as available.

289 Plywood—is prohibited except as follows and may be used only when secured in accordance with the provisions of WPB Order L-150 or L-150A:

(a) Exterior type (phenolic resin bonded) permitted for surfaces of prefabricated wall and roof panels exposed to weather and prefabricated floor panels for shop or job prefabricated houses and for stressed members (flanges, webs, gusset plates, etc.)

(b) Piyform grade—as permitted under 284.

(c) Moisture resistant type:

1. Stressed members (flanges, webs, gusset plates, etc.).

2. Prefabricated wall, roof, floor, ceiling and partition panels for shop or job site prefabricated buildings.

3. For finish flooring without subflooring where conventional wood flooring is not obtainable.

4. For doors, exposed panels, and drawer bottoms of kitchen cabinets.

5. Counter tops.

6. Interior partitions built of one thickness of plywood with both faces exposed.

7. Shelving for purposes where metal would normally be used.

8. Underlayment for linoleum and composition flooring in kitchens, baths, toilet rooms and entrance vestibules without finish flooring of wood.

9. Air ducts.

10. For other purposes only when specifically approved by the War Production Board.

290 Builders and Cabinet Hardware:

291 Finish hardware—as available in existing stocks or as permitted for manufacture by WPB Order L-236 Schedule I as amended. One pair of butts per door only except fire doors and 1¾" entrance doors which may have 1½ pair. Door closers as limited by Order L-236 above noted. Hangers and tracks for garage doors not permitted.

292 Fittings for wood venetian blinds.

293 Window shade fixtures.

294 Handrail brackets.

295 Wire nails and staples—ferrous metal, uncoated or nonmetallic coated; zinc coating permitted only when nails or staples are used for roof covering, exterior sheet metal work, exterior sidewall finishes, and wall ties.

296 Cut nails, tacks, and screws—ferrous metal.

297 Wall ties—ferrous metal, zinc coating permitted.

298 Glazing points—zinc or ferrous metal.

300 ELECTRICAL INSTALLATIONS:

310 Outlets—The number of outlets permitted for fixtures, switches and convenience outlets for each dwelling unit shall not exceed those listed below for the locations designated. Any combination of these installed in one outlet box or in a fixture, count as one outlet. Two outlets or combinations installed back to back in a partition shall count as one outlet when the additional wire used is not more than two feet.

a. Hall	1
b. Bath, exterior entrance, attic (including stair) utility room	2 each
c. Dining room or dinette, kitchen, stair in two story structure, basement (including stair) and each bed room	3 each
d. Living room	4
e. Yard lighting—as required for public safety.	
f. Special purpose outlets as required for immediate use.	
g. Multi-family structures—service entrance, hall, attic and basement outlets as required.	

311 Wiring and wiring devices for mechanical equipment and controls operated by electricity, permitted only to the extent that the installation of such equipment or controls is herein permitted for war housing. Outlets or wiring for future installations of electric range, electric water heater or mechanical equipment are not permitted.

320 Service entrance:

321 Non-metallic sheathed entrance cables, except that electrical metallic tubing in sizes ½" to 2" inclusive and rigid metallic conduit in size larger than 2" may be used.

a. Where non-metallic sheathed entrance cable is not available.

b. Where service entrance is installed outside on the exterior wall of a structure and such installation is subject to mechanical injury and is required by paragraph 2332 of the National Electrical Code.

322 Moisture-resistant cables only for underground installations in non-metallic service raceways—lead or other non-metallic sheathing.

323 Service cable heads.

324 Service equipment, panel boards, and enclosures—Copper or copper alloy permitted only for current carrying parts. Over-current devices may be fuse or circuit breaker type, thermal or magnetic.

330 Interior wiring:

331 Covered neutral cable.

332 Insulated single conductors.

333 Non-metallic sheathed cable.

334 Non-metallic service cable—for range and domestic water-heater circuits and for feeders from a master-service cabinet to supply other structures. Wiring not permitted for future installations.

335 Flexible metallic conduit and BX—for necessary flexible connections (not longer than 12 feet) from metallic conduit systems to current consuming devices or control equipment and for protection against mechanical injury for such connections to any type of wiring systems.

336 Electrical metallic tubing (thin wall)—ferrous metal, enameled, lead or zinc coated; permitted where it is essential to embed wiring in masonry or concrete and outside on exterior wall of structures where conductors are subject to mechanical injury (see 321) or for connections as provided in 335.

337 Rigid metallic conduit:

a. In sizes over 2"—permitted where it is essential to embed wiring in masonry.

b. In sizes over 2"—permitted on exterior wall of structure where entrance service is subject to mechanical injury (see 321).

c. In all sizes in hazardous locations—classes I to IV inclusive as defined by 1940 National Electrical Code.

338 Conductors and metallic conduits shall be the minimum sizes permitted by the 1940 National Electrical Code as amended. Rubber or synthetic rubber insulation is not permitted for open wiring (individual exposed wiring on cleats) in dry locations or for solidly grounded conductors.

340 Outlet boxes—Metallic or non-metallic. Metallic boxes are not permitted where non-metallic boxes are available and the use of non-metallic boxes is practicable.

341 Pull boxes and cabinets.

350 Plates and wiring devices, such as convenience and special purpose receptacles, switches and outlet-box lamp holders.

360 Fittings:

361 Clamps, lock-nuts, connectors, bushings, and nipples—ferrous metal.

362 Hangers, straps, supports, sleeves, and fastenings—ferrous metal.

363 Cable connectors—copper and copper base alloy for current carrying parts only.

370 Solder—containing not over 21% tin, for current carrying connections, only to the extent that solderless connectors containing no copper are impracticable.

380 Lighting fixtures—as available. Fluorescent lighting not permitted.

390 Low-tension communication assemblies—wiring, low-tension transformers, bells and buzzers. One bell or buzzer permitted for each dwelling unit located on the second floor or above and having an individual private stair leading from a private entrance at the street level. Private telephone systems are not permitted.

400 PLUMBING AND GAS DISTRIBUTION:

410 General:

411 Permitted quantities of materials are limited to those necessary to meet minimum requirements of the current Emergency Plumbing Standards for Defense Housing.

412 The number of fixtures permitted to be installed in each family dwelling unit shall be limited to the following: 1 bathtub or stall shower, shower over bathtub permitted; 1 lavatory; 2 water closets with flush tanks; 1 kitchen sink or 1 combination sink and laundry tray (either 1 or 2 piece); 1 laundry tray, single or double compartment; 1 slop sink for each service room in multi-family structures.

420 Fixtures, fixture fittings and trimming—as currently available—ferrous metal or non-metallic.

430 Sanitary drainage system:

431 Cast iron soil pipe and fittings, cast iron screw pipe and fittings, cast iron floor drains.

432 Steel or wrought iron pipe; cast iron screw pipe fittings—malleable only when available from local stocks—zinc coating permitted.

433 Lead pipe, fittings, bends, traps, cleanout plugs, ferrules, and solder nipples. Copper or copper base alloy not permitted for fittings, except ferrules and solder nipples. Wiping solder containing not more than 32½ per cent of tin by weight.

434 Caulking lead.

435 Flashing—ferrous sheet metal not heavier than No. 24 gauge; zinc lead coating permitted; or lead. Shower pans and pans under non-metallic bathtubs—lead only.

436 Hangers, supports and fastenings—ferrous metal.

437 Sump pump or ejector assemblies.

438 Oakum or substitutes for oakum.

439 Septic tanks (sewage disposal)—non-metallic materials only.

440 Water supply:

441 Pipe—steel or wrought iron, lead or non-metallic zinc, lead or non-metallic coating, cement lining permitted.

442 Pipe fittings—ferrous metal, lead or non-metallic, zinc, lead or non-metallic coating or cement lined permitted. Brass fittings for repair and maintenance, if at least one end of the fitting is connected to copper or copper base alloy pipe or tubing installed prior to July 22, 1942. Brass solder nipples, ferrules, and wiping solder containing not more than 36% of tin, permitted.

443 Valves and cocks—including relief and pressure reducing valves—iron bodies—brass bodies for sizes 2" and smaller. Sill cocks—2 for each dwelling unit in single family structures of detached, semi-detached, or row type; 1 for each 100 feet of perimeter of multi-family structures, with at least 2 permitted for each structure.

444 Hangers, supports, and fastenings—ferrous metal.

445 Wells (see 721).

4451 Pressure tanks—not more than one for each well—ferrous metal, zinc coating optional.

450 Domestic water heaters, control equipment and storage tanks, as currently available. Water heaters and control equipment requiring for their operation a fuel, the use of which is prohibited in the project locality, by the Federal Agency controlling fuel consumption, are not permitted.

451 Vents or flues for water heaters—according to 580.

452 Storage tanks—tank capacity based on number of dwelling units served shall not exceed the following for gas, oil, or coal fired heaters.

1 dwelling unit—30 gallons, except that underfired gas storage tank type is limited to 20 gallons for single family unit.

2 dwelling units—40 gallons.

3 or 4 dwelling units—66 gallons.

5 or 6 dwelling units—82 gallons.

7 or 8 dwelling units—120 gallons.

9 or more dwelling units—15 gallons per dwelling unit.

453 Electric water heaters—as available under Order L-65—may be used only where permitted by the approving Agency. Application for permission may be made with the project application (WPB-2896) by accompanying letter. Permission will not be granted unless electric ranges are permitted and approved under 612 and

(a) there is no basement or utility room in the structure, or

(b) there is not an assured supply of fuel oil or coal suitable for domestic water heaters.

470 Water softeners—may be used only where permitted by the approving Agency. Application may be filed by letter with the project application (WPB-2896) or at the War Production Board District Office but will be approved only when application is accompanied by sufficient justification.

480 Gas distribution:

481 Gas piping shall be installed only where gas fuel is available, as determined by current war emergency regulations, and shall not be greater in size and quantity than the minimum necessary to supply gas fired equipment permitted and installed under these same regulations.

482 Pipe, hangers, supports and fastenings—ferrous metal without metallic coating; fittings—ferrous metal, zinc coating permitted.

483 Regulators.

484 Valves and Cocks—according to 443.

500 HEATING AND INSULATION:

510 *General requirements.* In order to conserve fuel and metal, all structures and heating installations to be authorized shall comply with the following requirements:

511 *Insulation.* Structures shall be insulated to the extent required by 512.

512 *Heat loss of structures.* Heat Loss in Btu per hour shall in no case exceed 60 times the floor area in square feet and shall be calculated as follows:

(a) The data and methods described in the current edition of the "Guide" of the American Society of Heating and Ventilating Engineers shall be used, or an alternate method may be used which results in not less than the heat loss determined by the "Guide" method.

(b) Heat loss shall be based upon maintaining 70° F. inside temperature, with the outside design temperature as recommended in the "Guide" or as established by standard heating design practice for the locality.

(c) The temperature of unheated garages, crawl spaces, and attics shall be assumed to be the outside design temperature.

(d) Storm windows and doors furnished shall be credited with the reduction in heat loss they effect.

513 Floor area of structures. Floor area is the total area in square feet measured at each principal floor level to the outside face of exterior walls, to the center line of walls separating dwelling units or structures and to the outside face of walls or partitions enclosing finished spaces in attic or basement. Unfinished space shall not be included.

514 Output of heat distribution system. The heat distribution system shall be so designed and installed that, when operating at design conditions, the output from radiators, convectors, registers, or other heat distribution devices (excluding circulating and radiant space heaters and heating stoves) shall be not less than the heat loss of the space served and shall not exceed such heat loss by more than 10 percent.

515 Net output of heating unit, furnace or boiler. The net output of a furnace or boiler in Btu per hour shall be determined as stated in 520 through 540 and is the gross output[1] less the allowances for ordinary piping and pickup, if any, recommended or determined by the applicable rating code or commercial standard.

(a) The net output in Btu per hour of a pipeless gravity, floor or wall furnace, or combination of such furnaces, or of a furnace supplying a warm air distribution system shall be:

(1) Not less than the heat loss of the structure heated, as determined in 512, and

(2) Not more than 60 times the floor area in sq. ft. when coal-fired, or 75 times the floor area when gas-fired or oil-fired.[2]

(b) The net output of a boiler in Btu per hour shall be:

(1) Not less than the heat loss of the structure or structures served, plus the heat required to supply attached water heaters or other connected apparatus, and

(2) Not more than 60 times the floor area in sq. ft. plus the heat required to supply attached water heaters or other connected apparatus, except where this size is not manufactured in the type and make selected, the next larger commercial size may be used but in no case shall the net output exceed 75 times the floor area plus the heat required to supply connected apparatus.

516 Allowance for attached water heaters or other connected apparatus. When a domestic water heater is connected to the boiler, an allowance of not more than 12000 Btu per family dwelling unit served may be made. An allowance for other apparatus connected to the boiler (steam tables, Baine Marie, etc.) may be made according to standard heating design practice.

517 Heating equipment limited by fuel available. Heating equipment is not permitted which requires for its operation a fuel that is unavailable or the delivery or use of which is prohibited by applicable orders of the Federal agency controlling such fuel.

Fuel controlling agencies:

(a) Natural and manufactured gas: W. P. B. Office of War Utilities.

(b) Oil and liquid petroleum gas: Petroleum Administrator for War.

518 Installations permitted. Subject to General Limitations 511 through 518:

(a) Heating units, systems and materials including accessory piping, ducts, vents, flues, prefabricated chimneys, smoke pipe, breechings, etc. are permitted as required subject to the output limitations of 515.

520 Overflow heaters:

521 Floor or wall furnaces.

5211 Gas fired. Net Output—90% of the published, listed or labeled output determined in accordance with "Gas Floor Furnaces, Gravity Circulating Type" Commercial Standard CS99-42, or 90% of the American Gas Association output rating.

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[1] Gross output is the heat delivered in Btu per hour: (a) in the air at the bonnet of a furnace or at the register of a floor, wall or pipeless gravity furnace, (b) in the steam or water at the nozzle of a boiler, (c) by a circulating or radiant space heater or heating stove, when the device is operated under the conditions and within the limitations of the applicable Code or Commercial Standard.

[2] The net output of a furnace for a partial or non-recirculating forced warm air system serving a floor area of more than 1,100 square feet may be increased by the Btu necessary to heat the additional outside air supplied. The net output of a furnace with an attached water heater may be increased 12,000 Btu.

5212 Oil fired. Net Output—90% of the output certified by the manufacturer to have been determined in accordance with "Proposed Commercial Standard for Oil Burning Floor Furnaces Equipped with Vaporizing Pot-Type Burners" TS-3518, (This proposed commercial standard becomes Commercial Standard CS113-44 on February 17, 1944).

522 Space heaters and heating stoves (exclusive of cooking ranges).

5221 Gas fired. Net Output—90% AGA output or 63% AGA input rating.

5222 Bathroom Heater. Net Output—90% of AGA output or 63% of AGA input rating.

5223 Oil fired. Net Output—100% of the published, listed or labeled output determined in accordance with "Flue connected Oil Burning Space Heaters Equipped with Vaporizing Pot-Type Oil Burners", Commercial Standard, CS101-43.

5224 Coal fired. Net Output—not more than the Maximum Rating and not less than the Minimum Rating determined in accordance with the "Proposed Commercial Standard (Emergency) for Coal Burning Space Heaters" TS-3443, its revisions or subsequent commercial standard.

530 Warm air systems:

531 Gravity and pipeless warm air furnaces, any fuel.

Net output—

(a) Gas fired furnace-burner unit—75% of the AGA bonnet output.

(b) Oil fired furnace-burner unit:

(1) With vaporizing pot-type burners—75% of the bonnet capacity determined in accordance with "Warm Air Furnaces Equipped with vaporizing Pot-Type Oil Burners," Commercial Standard (Emergency) CS (E) 104-43.

(2) With mechanical draft pressure atomizing burners—120% of the output determined under 531 (c) for coal fired.

(c) Coal fired:

(1) Furnaces with secondary heating surface and having a total heating surface of at least 15 times the grate area—Not more than 136 times the leader pipe area in square inches as determined in accordance with the Standard Gravity Code formula (register output in Btu per hour) and not less than 60% of this amount.

(2) Furnaces with secondary heating surface and having a heating surface not less than 25 times the grate area—Not more than 136 times the leader pipe area in square inches as determined in accordance with the Standard Gravity Code formula (register output in Btu per hour) and not less than 60% of this amount.

(3) Furnaces without secondary heating surface and having ratios of heating surface to grate area between (15 to 1) and (25 to 1)—Not less than the register output in Btu per hour determined by multiplying the grate area in square inches by the factor in column "A" opposite the applicable ratio in the table below, and not more than the output determined by multiplying the grate area in square inches by the factor in column "B" opposite the applicable ratio in the table below:

Ratio heating surface to grate area	A	B
15-1	128	.156
16-1	135	167
17-1	142	179
18-1	150	188
19-1	158	199
20-1	165	209
21-1	173	220
22-1	181	230
23-1	188	241
24-1	196	252
25-1	203	262

532 Forced warm air furnaces including fans, blowers and motors—any fuel—permitted only in basementless structures:

Net output:

(a) Gas fired furnace-burner-fan unit—85% of the AGA output

(b) Oil fired furnace-burner-fan unit

(1) For furnaces fired with vaporizing pot type burners, 75% of the bonnet capacity determined in accordance with "Warm Air Furnaces Equipped with Vaporizing Pot-Type Oil Burners," Commercial Standard (Emergency) CS (E) 104-43.

(2) For furnaces fired with mechanical draft pressure atomizing burners, same as output determined under 532 (c) for coal fired.

(c) Coal fired—150% of the output determined under 531 (c) Gravity Furnaces according to the type of heating surface, or—Not more than the maximum rating and not less than the minimum rating determined in accordance with the "Proposed Commercial Standard for Coal Burning Furnaces" TS-3594 (This Proposed Commercial Standard becomes Commercial Standard 109-44 on March 10, 1944). The net output of furnaces having an output greater than 100,000 Btu may be determined in accordance with the Technical Code of the National Warm Air Heating and Air Conditioning Association.

533 Chimney furnaces and chimney heater ranges, fired with coal or other solid fuel—in one or two story structures with or without basements.

Net output—as in 532.

534 Warm air distribution materials:

5341 Ducts—nonmetallic except that ferrous metal not heavier than No. 26 gauge, is permitted for ducts within 6 feet of the furnace and for all fittings, hangers, and fastenings. Zinc coating permitted.

5342 Registers and grilles—supply registers of stamped, fabricated or cast ferrous metal without metallic coating. Return grilles, nonmetallic.

5343 Filters for forced warm air systems—non-metallic containers and filter material with ferrous metal grid.

540 Steam or hot water systems:

541 Boilers—cast iron with safety devices and trim.

Net output:

(a) Gas fired—65% of the AGA output

(b) Hand fired or mechanically fired, all fuels except gas—100% of the current Institute of Boiler and Radiator Manufacturers' Rating for cast iron boilers, or 100% of the net rating certified by the manufacturer to have been obtained in accordance with the test procedure of the IBR Testing and Rating Code.

542 Steam or Hot Water Distribution Materials as necessary for a complete system except that radiators and convectors shall be of ferrous metal only and molded 85 per cent magnesia permitted only for underground installations.

550 Firing equipment (for fuel limitations see 517) with automatic controls.

551 Oil, gas or sawdust burners.

552 Coal stokers—for heating equipment serving four or more dwelling units and then only by specific authorization of the War Production Board. (Form WPB-1612)

553 Oil Storage Tanks—with pumps, piping and fittings—ferrous metal.

One tank not exceeding 280 gallons capacity to serve three dwelling units or less.

One tank not exceeding 550 gallons capacity to serve four, five, or six dwelling units.

One tank not exceeding 1050 gallons capacity to serve seven to ten dwelling units, inclusive. Reinforced concrete tanks and used steel tanks of any size permitted.

600 HOUSEHOLD EQUIPMENT:

610 Cooking ranges:

611 Ranges for gas, oil, coal or other solid fuel, of the type available in the industry except electric ranges.

612 Electric ranges—over 2500 watts. Subject to allocation. For range installations in war housing, allocations will be made by FHA, and application should be made by letter filed at FHA local offices. For other range installations, allocation is in accordance with provision of Limitation Order L-23-b.

613 Other electric cooking appliances—under 2500 watts; Where gas or oil (including kerosene) or other electric ranges are not used.

620 Refrigerators:

621 Ice cooled, as available.

622 Mechanically cooled for individual family units; subject to approval on application form WPB-882, in accordance with criteria issued by WPB from time to time.

630 Incinerator equipment for multi-family dwelling units only, incinerator proper and flue of non-metallic materials.

700 LAND DEVELOPMENT:

710 General. Where water, gas or electric power is to be obtained by making connections with the facilities of public utility systems, the builder is subject, in the construction of the part of these connections to be installed by him to the Housing Utilities Standards. Sewer service is subject to the limitations of Order P-141.

711 If water, gas, electric power or sewer service is to be obtained by the builder through construction of facilities which do not involve making connections with the facilities of public utility systems, the builder is subject, in performing such construction, to the restrictions listed below (paragraphs 720-780).

720 Water supply and distribution:

721 Wells:

7211 Well Slabs—as permitted under 210.

7212 Casings and drop pipe—ferrous metal, zinc coating optional.

7213 Shallow and Deep Well Pumps and Pumping Equipment and Motors including electric wiring and accessories as permitted under 311.

722 Water Filtration and Treatment Plants—where such equipment is required.

723 Pipe and fittings:

a. Cast iron, all sizes.

b. Steel or wrought iron, zinc coating permitted.

c. Cement asbestos, wood, concrete or other non-metallic material.

d. Fittings—cast or malleable iron. Brass for underground as permitted by M-9-c-4.

e. Lead pipe, oakum and caulking lead.

724 Valves—as permitted under 443.

725 Meter and valve boxes and covers—non-metallic materials—or cast iron—reinforcing steel as permitted under 210—ferrous metal bands permitted.

726 Fire hydrants—as available.

727 Storage reservoirs, tanks and supports. Masonry units and reinforced concrete permitted. Reinforcing steel as permitted under 210. Timber connectors as permitted under 221. Structural steel tank supports.

728 Meters—master or individual.

730 Gas distribution:

731 Pipe and fittings—ferrous metal—zinc coating permitted.

732 Valves—as permitted under 443.

733 Meters—master or individual.

734 Valve and meter boxes and covers—non-metallic materials, ferrous metal, or cast iron—reinforcing steel as permitted under 210, ferrous metal bands permitted.

735 Pressure regulators and governors.

736 Caulking lead.

740 Electrical distribution:

741 Pole line hardware, guys and insulators—as available, permitted.

742 Conductors, connectors and fittings—as permitted by the War Production Board Housing Utilities Standards.

743 Raceways and fittings—underground distribution not permitted. Underground service not permitted except

a. for service requiring larger than No. 2 conductors.

b. for connections to existing underground systems.

744 Transformer and protective equipment—ferrous metal, zinc coating permitted—copper or copper base alloy for current carrying parts.

745 Manhole and vault equipment:

7451 Vault hardware—ferrous metal, zinc coating permitted.

7452 Supports for vault equipment—ferrous metal, zinc coating permitted.

7453 Manhole frames and covers—as available.

746 Auxiliary equipment:

7461 Circuit breakers—as available.

7462 Instrument transformers—as available.

747 Meters—master or individual.

750 Sewers and drainage:

751 Drainage pipe—culverts and inlets—reinforcing steel as permitted under 210.

752 Angles, frames and gratings for drainage inlets—ferrous metal, no metallic coating.

753 Sewer service piping.

754 Sewer force (pressure) mains—piping of cast iron, cement asbestos or reinforced concrete permitted—caulking lead permitted.

760 Sewage treatment and pumping plants:

761 Reinforcing steel—as permitted under 210. Miscellaneous iron—as permitted under 221.

762 Pipe and fittings—ferrous metal to the extent that non-metallic pipe will not serve.

763 Caulking lead.

764 Valves—as permitted under 443 and sluice gates.

765 Pumps and pumping equipment—including electrical wiring and accessories as permitted under 311.

766 Sewage treatment equipment.

770 Utility service manholes, vaults and pits—reinforcing steel as permitted under 210:

771 Manhole frames and covers—as available.

772 Step bars—ferrous metal—metallic coating permitted.

780 Anchors, dowels, tie rods, bolts, nuts and washers—as permitted under 221.

APPENDIX A TO THE WAR HOUSING CRITICAL LIST—ITEMS, THE MANUFACTURE OF WHICH IS NOT AUTHORIZED FOR HOUSING USE BUT MAY BE USED WHEN OBTAINED FROM EXISTING INVENTORIES

Area walls—ferrous metal.
Armored cable (BX)—for remodeling and conversion in any locality or new construction as permitted by item 335.
Ash dumps—for fireplaces.
Bathroom accessories—metallic.
Cabinets—kitchen, bath and under sink—metallic.
Ceilings—ferrous metal.
Cleanout doors—for fireplaces.
Coal chutes—ferrous.
Closet fittings—metallic.
Columns—cement filled, with caps and bases—ferrous metal pipe unsuitable for hydraulic use.
Ducts (straight runs) prefabricated prior to May 1, 1943.
Fireplace linings—ferrous metal—with ducts & outlet grilles.
Hardware—(finishing)—of types no longer permitted to be manufactured including knockers, mail slots and shutter hardware.
Heat deflectors—ferrous metal—for floors under space heaters and stoves.
Joist bridging—where essential in remodeling and conversion.
Lath—ferrous metal, paper backed.
Lighting fixtures—metallic, of types no longer permitted to be manufactured.
Formed sheet steel lintels.
Mouldings—formed, fabricated, of stainless steel or ferrous metal, chrome plated or zinc coated—for wainscots, work tops, drainboards, stair nosing, edging coves, trim and fittings for linoleum, hard board, asphalt tile, etc.
Nailing plugs—ferrous—remodeling only.
Package receivers—ferrous.
Plumbing fixture trim—plated or unplated brass—except as prohibited by Supplementary Order M-9-c-4.
Screen frames—metallic.
Stairs—wood—disappearing—with metallic hardware.
Stair treads—ferrous—non slip.
Sash pulleys—metallic.
Venetian blinds—metallic with hardware.
Windows—metal.
Insect screen cloth—copper—
(a) Which Copper Recovery Corporation has refused to accept.
(b) Any roll cut prior to April 9, 1942.
(c) Used or second hand.

The effective date of Schedule I is March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPE WHELAN,
Recording Secretary.

[F. R. Doc. 44-2104; Filed, February 12, 1944; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Limited Preference Rating Order P-55-c, Schedule II]

WAR HOUSING CONSTRUCTION STANDARDS

§ 1075.19 *Schedule II to P-55-c*—(a) *Applicability of standards.* These standards shall apply only to new housing approved on Form WPB-2896 and, insofar as practicable, to all conversions, rehabilitations and remodeling of existing structures for dwelling purposes so approved.

(b) No housing construction shall be performed unless it complies with the provisions of these standards, the War Housing Critical List, and the Emergency Plumbing Standards for Defense Housing (available for examination at local offices of the Federal Housing Administration and the War Production Board.)

(c) *Design of projects.* Housing projects, whether consisting of single-family detached dwellings, semi-detached dwellings, row houses or multi-family dwellings, in which two or more family dwelling units are located upon a single property, shall be designed so as to use a minimum amount of critical materials in plumbing, heating, electrical work, site utilities and lumber for all purposes.

Project facilities, such as management, maintenance, community and other special service space or buildings which are essential to the operation of the project may be provided, if approved on the application.

Garages (not car ports) are permitted in connection with dwellings: (1) in basements directly under the living quarters (not under porches), (2) as attached structures or detached structures only if approved on the application. They will not be approved except in localities where the average annual snow fall is more than 60 inches or the average minimum temperature for any calendar month is less than plus 15° F. as determined by the War Production Board Regional Offices from past records of the United States Weather Bureau covering a period of not less than ten years.

(d) *Maximum permissible floor areas.* The floor area per family dwelling unit constructed with wood frame exterior wall shall not exceed the following allowances:

MAXIMUM NUMBER OF SQUARE FEET PER FAMILY DWELLING UNIT[1]

Dwelling height	Size of dwelling unit			
	0-bedroom	1-bedroom	2-bedroom	3-bedroom
One-story	400	650	800	1,000
More than one-story	500	750	900	1,100

[1] The maximum permissible floor area of dwelling units may be increased by 10 percent when the exterior wall construction is not wood frame, but this increased area may not be used in computing the permissible amount of lumber.

A one-story structure is one in which all the rooms used for living, sleeping, eating, cooking and sanitation are located on the same principal floor level. Where more than three bedrooms are provided, the floor area shall not exceed that allowed for a three bedroom unit.

Finished rooms only shall be used in determining the number of bedrooms.

A structure which immediately provides in an attic usable floor area of finished space not in excess of 50 per cent of the area of the main floor may be considered a one-story structure, provided the combined area does not exceed that permitted for a one-story structure.

The floor area of an attached or detached garage shall not exceed 200 square feet, and is in addition to the areas permitted above.

The floor areas of project facilities are in addition to the areas permitted above.

(e) *Minimum standards applicable to houses for sale or rent.* The minima set forth in this paragraph (e) apply only to houses built for rent or sale. They do not apply to houses built for occupancy by the applicant. The floor area per family dwelling unit, excluding bedrooms, or for a "0-bedroom" family dwelling unit, shall be not less than 220 square feet.

The minimum floor areas for bedrooms, exclusive of storage space, shall be not less than the following:

Type of dwelling unit	Minimum number of square feet per bedroom		
	1st bedroom	2d bedroom	3rd bedroom
1-bedroom unit	100	------	------
2-bedroom unit	100	70	------
3-bedroom unit	100	100	70

A reduction of the minimum floor areas stated above is permissible for temporary family dwellings constructed for use during the period of the emergency only.

All dwelling units must contain provision for living, sleeping, eating, cook-

ing and sanitation. This does not require separate bathroom facilities for each unit.

(f) *Calculation of floor areas.* Floor area is calculated at each principal floor level to the outside face of exterior walls and to the center line of common walls, except as noted below:

In attics or basements, walls or partitions enclosing finished space shall be considered as exterior walls. Finished space in attics less than 5'0" in height shall not be included. Unfinished space in attics and basements shall not be included. Garages located in basements shall be considered unfinished space.

The exterior side wall of an end row dwelling shall be considered a common wall.

Porches, whether roofed or not, shall not be included in calculating floor area.

The floor area includes space used for living, sleeping, cooking, eating, sanitation, utility rooms, finished closets, vestibules, halls and stair wells, and in multi-family dwellings the floor area also includes any common vestibules, halls and stair wells.

(g) *Allowances for lumber.* Any type of construction may be used provided the total use of dimension lumber (2-inch nominal size or thicker) for dwelling structures shall not exceed the following allowances in board feet per square foot of floor area:

Location of project	Height of structure	
	One story	More than one story
(1) Localities listed in appendix A	5.0	4.0
(2) All other localities	[1] 5.5	[1] 5.5

[1] Where the exterior wall construction is not of wood frame, the lumber allowances given in (1) above shall apply.

For each attached or detached garage, not more than 200 board feet of dimension lumber will be permitted for roof construction. Exterior side wall construction of garages shall be of material other than lumber. (Note: Car ports are not permitted.)

The necessary lumber for project facilities and for construction purposes such as shoring and sheds, is permitted in addition to that allowed for the construction of other structures.

(h) *Restrictions on lumber.* The use of substitutes for lumber shall be employed to the fullest possible extent. Wall sheathing and roof sheathing for flat roofs with a pitch of 3" in 12" or less shall be as allowed by the War Housing Critical List (Schedule I). Construction designs shall be based on the use of standard sizes of lumber and all lumber shall be so sized and spaced as to effect the most economical utilization. Where structural grades of lumber are used, the use shall be in accordance with WPB Directive No. 29, Emergency Specifications for the Design, Fabrication and Erection of Stress Grade Lumber and Its Fastenings for Buildings.

The War Housing Critical List shall be consulted for specific allowances on the use of lumber.

(i) *Plumbing installations.* Plumbing installations shall conform to the current provisions of the War Housing Critical List and the Emergency Plumbing Standards and are further limited as follows:

(1) In multi-family dwellings, the plumbing layout for kitchens and bathrooms shall be designed so as to use a minimum amount of critical materials. All multi-family dwellings of more than one-story and two-story semi-detached and row house dwellings designed for rent shall have an average of less than one stack per dwelling unit.

(2) In other dwellings, bathroom and kitchen plumbing shall be so arranged that not more than one plumbing stack per dwelling will be required. In dwellings of one story the bathroom shall be back to back with the kitchen; in dwellings of more than one story the bathroom may be over the kitchen or elsewhere provided it is immediately adjacent to a common stack.

(j) *Definition of a multi-family dwelling.* A "multi-family" dwelling means a structure containing separate single family dwelling units for two or more families with joint facilities or service or both. "Joint facilities" means any or all of the following which serve two or more families: entrance hall, stairway, storage or laundry facilities, bathroom or toilet, attic, heating plant, hot-water generator, and electrical service equipment; the term "joint services" means janitorial and maintenance services.

APPENDIX A

In the following States all housing structures, except as provided in paragraph (g) of this schedule, shall have laid-up masonry exterior walls constructed of clay or concrete products such as brick, structural clay tile, cement or concrete blocks, and cement brick:

New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia (including Washington Metropolitan Area), North Dakota, South Dakota, Ohio, Indiana, Illinois, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Michigan and Wisconsin.

except that housing projects of which the foundations for one or more structures are completed during December, January, or February in:

New Hampshire, Vermont, Wisconsin, Iowa, North Dakota and South Dakota.

may be wood frame construction with the lumber allowances provided in paragraph (g) (2).

The effective date of Schedule II is March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2102; Filed, February 12, 1944; 11:11 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Direction 2]

RULES GOVERNING THE DELIVERY OF MATERIALS FOR THE CONSTRUCTION OF HOUSING PROJECTS

The following direction is issued pursuant to CMP Regulation 6:

(a) The provisions of CMP Regulation 6 do not apply to housing projects being constructed under the provisions of Limited Preference Order P-55-c. Paragraphs (d), (e) and (f) of order P-55-c provide the method of getting materials and products necessary for housing projects.

(b) Direction 2 shall take effect on March 1, 1944.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2101; Filed, February 12, 1944; 11:11 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Feb. 12, 1944]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.191 *Conservation Order M-217—(a) Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M-328, as amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (e) (3) of Conservation Order M-328.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) "Horizontal quarter seams" means seams on quarters running at a predominantly horizontal direction (i. e. parallel to the sole).

(5) "Design and construction" of footwear means the make-up of the footwear in every detail, so that any two items of footwear of the same design and construction are necessarily identical, except in size; but does not refer to the means whereby the footwear is manufactured.

(6) "Cattle hide leather" means any leather (including splits) made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks) and shall also include buffalo hides.

(7) "Piptucking" means a raised effect on the surface of footwear accomplished by either single or double needle stitching, but does not include the raised seam on a moccasin type vamp.

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) "Padded sole house slippers" means slippers having conventional padded soles where the outsole is made of fabric, imitation leather or split leather not over 2½ ounces in weight and is directly stitched to the upper or to a platform cover.

(10) "Line" means footwear of any one of the following types:

Men's dress,
Men's work,
Youths' and boys',
Women's and growing girls',
Misses' and children's,
Infants',
House slippers,
Athletic,
Men's safety shoes, and
Women's safety shoes,

to the extent that such type of footwear is manufactured for sale in the same manufacturer's price range; *Provided*, That:

(i) Footwear of substantially identical kind and quality sold in more than one price range to different types of purchasers shall be deemed one line; and

(ii) In case the sale by the manufacturer is at retail or to a purchaser controlled by the manufacturer, the applicable price range shall be the retail price range.

(iii) Up to a net wholesale price of $1.75 a pair misses' and children's footwear (not including slippers) may be deemed one line, and youths' and boys' footwear (not including slippers) one line, but no production in new price ranges is authorized unless specifically approved under paragraph (i) (3) (vii), below.

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent, or twenty-five (25) cents a pair, whichever is the greater.

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 to April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(17) "Long shield tip" means a shield tip having a horizontal measurement from the bottom of the curve to the upper end of the tip of more than 1 inch (using size 4B as a standard).

(c) *Curtailment in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) Leather seam laps gauging over ½ inch in width.

(ii) Horizontal quarter seams, on lined low quarter shoes.

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and footwear with fabric uppers.

(v) Woven vamp or quarter patterns.

(vi) Quarter collars, except on unlined shoes and house slippers.

(vii) Bows or other ornaments, if made of leather in whole or in part.

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in goodyear welt footwear other than work shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) Welting in excess of ½ inch in width and 5/32 inch in thickness in shoes other than work shoes, or welting in excess of 9/16 inch in width and 5/32 inch in thickness in work shoes.

(xiii) Straps, buckles, knife pockets or decorative stitching on boots or work shoes.

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) Extension stitched heel seats, except on:

Prewelts in all sizes,
Stitchdowns in all sizes,
Children's shoes up to and including size 3, and
Safety and established orthopedic footwear.

(xvi) Metal nail heads for studs or any metal for decorative purposes.

(xvii) Any stitching thread made from reserved Egyptian cotton (as defined in Conservation Order M-117) or reserved American extra staple cotton (as defined in Conservation Order M-197) for any decorative or any non-functional purpose.

(xviii) Any non-functional or decorative stitching except:

(*a*) Not more than four rows of non-functional stitching on imitation tips, foxings, saddles, mudguards and moccasin type vamps.

(*b*) Not more than an aggregate of four rows of functional and non-functional stitching parallel to the vamp, tip, foxing, saddle, and moccasin seams.

(c) Design stitching solely to permit direct non-stop stitching between cut-outs.

(*d*) Design functional stitching on utility work cowboy boots.

(xix) Any strippings, braidings, pintuckings, lacings or overlays, except those serving a necessary functional purpose.

(xx) Straps passing over, under or through a tongue or vamp.

(xxi) Raised quarter or raised back seams (other than vertical back seams), except on genuine moccasins.

(xxii) Multiple straps, on Roman sandals.

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) Platform soles and platform effects, on all footwear of heel height over 1⅝ inches, using size 4B as the standard.

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) Heels gauging over 2⅛ inches in height, using size 4B as the standard.

(xxvii) Metal spikes, on golf shoes.

(xxviii) Storm welting (except laminated split leather storm welting on work shoes) or caulk welting.

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) Leather or part leather loops performing the function of eyelets.

(2) No person shall use in the manufacture of any footwear any steel shanks of any gauge except:

18 gauge--	.045 minimum, 50 carbon steel.
21 gauge--	.032 minimum, 50 carbon steel.
19 gauge--	.040 minimum, low carbon or basic steel.

unless such shanks were in said person's inventory on September 10, 1942, or were subsequently acquired from a producer of steel shanks who had, prior to September 10, 1942, rolled steel plate for shanks of a different gauge.

(3) No person shall put into process any leather for the manufacture of any boots except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: *Provided, however,* That upon letter application the War Production Board may permit any person to make boots higher than ten inches for use in specified hazardous occupations.

(4) No person shall put into process any leathers or fabrics for the manufacture of footwear of more than one color (subject to unavoidable deviations in shade normally experienced in finishing leathers or dyeing fabrics). This restriction shall apply to the color of stitching, lacing and bindings, but shall not apply to the color of linings and soles. Nothing in this paragraph shall prevent unavoidable discoloring of thread, leather, and perforations as a result of antiquing, or the use of:

(i) Embossed leather or genuine reptiles of the colors permitted in paragraph (f) (1) below but having slight variations in shade caused by normal finishing of such leathers, or

(ii) Embossed leather or genuine reptiles of any color or colors (in all-over shoes) if finished prior to October 16, 1942.

(iii) Shearling collars made of scrap pieces, on house slippers, to the extent available under General Conservation Order M-94.

(iv) An additional color on tips or tongues of safety shoes as above defined.

(5) No person shall put into process for the manufacture of footwear any leather or fabric except leather or fabric finished or dyed in accordance with paragraph (f) below: *Provided, however,* That nothing contained in this paragraph (c) (5) shall prevent any person from using:

(i) Any solid color white cattle hide, turftan, bluejacket blue, gold or silver leather finished prior to March 16, 1943.

(ii) Any other solid color leather or any genuine or imitation reptile leather of any color or colors (in all-over shoes) finished prior to October 16, 1942.

(iii) Any solid color turftan or bluejacket blue fabric acquired by the manufacturer prior to February 20, 1943; or

(iv) Any other solid color fabric dyed prior to September 13, 1942 and acquired by the manufacturer prior to February 16, 1943.

No person shall use any natural colored leather for the manufacture of any footwear except work shoes.

(6) No person shall put into process any cattle hide upper leather (other than kip sides, kipskins and calf), including upper leather splits, gauging 4½ ounces or over for the manufacture of any footwear except work shoes, cowboy utility boots and lined police type high shoes.

(7) No person shall put into process any cattle hide leather (including splits) for uppers or any cattlehide grain leather outsoles (except heads, bellies, shins and shanks of 5 iron or less), for the manufacture of house slippers or romeos.

(8) No person shall attach any leather outsoles or outside leather taps to any footwear having raised or flat seam mocassin type vamps (including genuine moccasins utilizing soles) or mudguard vamps, any saddle-type footwear, or any footwear with imitation wing tips, imitation stitched moccasin types, imitation stitched mudguards and imitation stitched saddles; *Provided, however,* That nothing in this subparagraph (c) (8) shall apply to women's and girls' shoes with heels 1⅛ inches and over in height, using size 4B as the standard.

(9) No person shall put into process any patent leather for the manufacture of men's shoes.

(10) No person shall put into process any upper leather or leather or rubber soles for the manufacture of men's sandals.

(11) No person shall manufacture any leather or part leather bows for use on footwear.

(12) No person shall attach any chrome retan soles heavier than 4-iron to any footwear except infants', misses' and children's or youths' and boys'.

(13) No person shall utilize any upper leather or lining leather set aside by tanners pursuant to Conservation Order M-310 or directions issued thereunder, for the following types of footwear:

(i) Infants';

(ii) Misses' and children's;

(iii) Footwear for the physically maimed and deformed manufactured on a custom-made basis and not for stock; except in the manufacture of one of those types of footwear.

(d) *Restrictions on styling and types manufactured.* (1) No person shall put into process any leather or fabric for the manufacture of any footwear of a design and construction not utilized by him between September 1, 1940 and December 31, 1942, except that:

(i) In the case of footwear the soles of which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other non-skid or soundproofing features covering not more than 25% of the area of the bottom of the sole) designs and constructions utilized between September 1, 1940 and October 16, 1943 may be used;

(ii) Nothing in this paragraph shall prevent correction of patterns to the extent necessary to remove features prohibited by this order; and

(iii) The War Production Board may make exceptions in this paragraph in favor of patterns or designs which will conserve leather or other materials.

(2) No person shall put into process any leather or fabric for the manufacture of any women's evening slippers, except those using gold or silver upper leather finished prior to March 16, 1943 with split, head, belly, shin or shank outsoles of 5 iron or less.

(3) No person shall use special processes or materials at any stage of manufacturing footwear for the purpose of rendering such footwear more adaptable to retail display.

(4) No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(e) *Exceptions to paragraphs* (c) *and* (d) *above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear made wholly without leather and without rubber soles where no two-tone effect is created. This exemption shall extend only to paragraph (c). However, shoes of multicolored fabric (a single fabric containing more than one color) are permitted and may have bindings or other trimmings (not including tips, foxings and eye stays) in one of the colors of the material.

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' footwear up to and including size 4.

(6) Footwear the uppers of which are made of shearlings.

(e-e) *Restrictions on the manufacture of safety shoes.* No person shall manufacture any safety shoes which have leather uppers with leather or rubber (including synthetic rubber) compound bottoms, except those which comply in respect to types, patterns, materials, method of construction, labelling and all other details with the American War Standards Specifications for Protective Occupational Footwear, published by the American Standards Association. These specifications are listed below and may be obtained from the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., or from the American Standards Association, 29 West 39th Street, New York, N. Y.

Men's Safety-Toe Shoes—Z41.1-1943 (2nd edition)—September 24, 1943
Men's Conductive Shoes—Z41.3-1943 (3rd edition)—September 24, 1943
Men's Explosives-Operations (Non-Sparking) Shoes—Z41.4-1943 (2nd edition)—September 24, 1943
Men's Electrical-Hazards Shoes—Z41.5-1943 (3rd edition)—September 24, 1943
Men's Foundry (Molders) Shoes—Z41.6-1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (Oxford) Shoes—Z41.2-1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (High) Shoes—Z41.7-1943 (2nd edition)—September 24, 1943
Women's Explosives-Operations (Non-Sparking) Shoes—Z41.8-1943—(2nd edition)—September 24, 1943
Women's Conductive Shoes—Z41.9-1943 (2nd edition)—September 24, 1943

Upon letter application the War Production Board may authorize deviations from the above mentioned standards when necessary to meet minimum civilian requirements for safety shoes.

(f) *Restriction on tanning and dyeing.* (1) No person shall finish any leather for use as upper leather except in the following colors (subject to unavoidable deviations in shade normally experienced in finishing leathers):

Black.
White, except in cattle hide leathers.
Army russet and town brown, as appearing on the Fall 1942 color card of the Textile Color Card Association of the United States, Inc.
Natural color.

(2) No person shall color any leather or dye any fabric for use in shoe uppers except in the colors mentioned in paragraph (f) (1) above, (subject to unavoidable deviations in shade normally experienced in tanning and dyeing).

(3) No person engaged in the business of shoe manufacturing shall dye any new footwear except in the colors mentioned in paragraph (f) (1) above.

(4) Restrictions of this paragraph shall not apply to the dyeing of fabrics for use in footwear excepted by paragraph (e) (1), above.

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by, or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(5) No manufacturer shall accept delivery of any upper leather or lining leather reserved by tanners pursuant to Conservation Order M-310, or directions issued thereunder, for the manufacture of the following types of footwear:

(i) Infants';

(ii) Misses' and children's;

(iii) Footwear for the physically maimed and deformed manufactured on a custom-made basis and not for stock; if his inventory of leather available for making these types of footwear will thereby become greater than a 30-days' inventory, based on the previous months' production.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning March 1, 1943 complete the manufacture of more civilian footwear within the following lines than the percentage of his civilian line quota for such line shown in the following schedule:

	Percent
Youths' and boys'	125
Infants'	125
Men's safety shoes	125
Men's work	115
Men's dress	100
Women's and growing girls'	100
House slippers	100
Athletic	100
Women's safety shoes	100

With respect to misses' and children's footwear, no manufacturer may exceed 125% of his aggregate quotas for all his lines of misses' and children's footwear, but his production may be distributed among his established lines of misses' and children's footwear in any manner desired: *Provided, however,* That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs* (i) (1) *and* (i) (2). (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to a lower priced line of the same type of civilian footwear.

To the extent shown in the following schedule, any person may transfer the unused portion of any civilian line quota or quotas of men's dress or women's and growing girls' footwear to the production of the following types of footwear:

Type:	*Percentage of unused quota permitted to be added*
Men's work	115
Youths' and boys'	125
Misses' and children's	125
Infants'	125

Provided, however, That in no event shall any unused quota be added to a higher priced line, *And provided further,* That in no event shall a new line be added until authorization has been obtained under paragraphs (d) (1) above and paragraphs (i) (3) (vii) below.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During any six months' period, beginning March 1 or September 1 in any year, a manufacturer whose total production for the period will be less than $250,000 (based on wholesale value) is not subject to paragraph (i) (1), provided that no new lines are added and provided the manufacturer does not exceed his aggregate production in pairs during his six months' base period by more than 50%. The exemption in this paragraph shall not apply to manufacturers affiliated, as a subsidiary or otherwise, with another.

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear made for the physically maimed or deformed on a custom-made basis and not for stock.

(vi) Until September 1, 1943 footwear made wholly without leather and without rubber soles shall not be included in computing production for the purposes of this paragraph (i). The War Production Board may authorize any person making a line of reasonably durable footwear utilizing non-critical materials to exceed his civilian line quota for such line. Application for such authorization shall be made by letter, describing fully the footwear proposed to be manufactured, listing in detail all the materials to be used and stating the quantity of such footwear to be made, the price range, the source of the manpower to effect such increase in production, and all other facts pertinent to the application.

(vii) Any person who has no civilian line quota for a particular type of footwear may apply by letter for one or more civilian line quotas, stating the types and construction of the footwear he proposes to manufacture, the number of pairs to be made, the price range, the consumer need for footwear of the quality proposed to be made, the source of the manpower to make such footwear, and whether production will be reduced in any other line or lines. No such quota will be granted unless the footwear to be made has been specifically priced by the Office of Price Administration.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(l) All persons affected by this order shall file such reports and questionnaires as may be requested by the War Produc-

tion Board, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M–217.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Effective dates.* This order as amended shall become effective on January 12, 1944 with the exception of paragraph (c) (12) which shall become effective on March 15, 1944.

Conservation Order M–217 as presently in force shall remain in force until superseded by this amended order.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The substitute material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. ± 2° F. and reconditioning at 65 per cent ± 2 per cent relative humidity and 120° F. ± 2° F., when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. ± 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours. When the outsole is cemented securely to a backer or midsole, the test shall be made of the combined assembly.

Effect of water. After submerging in water at 75° F. ± 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3290.191. (Conservation Order M–217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date. (Issued October 6, 1942.)

INTERPRETATION 2

FOOTWEAR

The reference to "leather outsoles or outside leather taps," in paragraph (c) (8) of § 3290.191 Conservation Order M–217 designates outsoles and outside taps the wearing qualities of which are derived primarily from leather. For example: An outsole composed primarily of leather but having a paper coating would constitute a "leather outsole," since, presumably, the paper would soon disappear and the wearing quality of the sole would rest primarily upon the leather.

On the other hand, if a sole of durable substitute material were cemented on a thin leather sole so that the substitute material received the wear the leather sole would constitute a midsole rather than an outsole.

Similarly, a wooden sole having a leather heel insert to provide nonskid and soundproofing features is not a "leather outsole," because the wear of the shoe is derived mainly from the wooden portion of the sole. (Issued Oct. 18, 1943.)

[F. R. Doc. 44–2098; Filed, February 12, 1944; 11:11 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–340 as Amended Feb. 12, 1944]

MISCELLANEOUS CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.491 *Allocation Order M–340*—(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form WPB–2947 (formerly PD–602) which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed:

(i) The quantity which he has been specifically authorized, upon application pursuant to Appendix D, to deliver on small orders; or

(ii) If he is a distributor, the quantity which he acquired upon certification that it was required to fill small orders or the quantity which he acquired himself on such a small order; or

(iii) If he is a distributor who customarily delivers exclusively on small orders, any quantity.

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of, the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form WPB–2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form WPB–2947 (formerly PD–602).

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M–340.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde, oxybutanol, 3-hydroxy butanal.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST–115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name as defined and specified in Appendix to Regulations No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.–78" means the chemical known by that trade name.

Effective date—August 1, 1943 Comes in the following grades: no grades.

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Effective date—September 1, 1943. Comes in the following grades; no grades.

(6) "Oxidized petrolatum" means high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos. AXS–673, 52–C–18 and AN–C–52, such as those petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 20%; complete solubility in lower alcohols; toluene insoluble 10 to 30 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(8) "Methyl abietate" means the chemical known by that name and by the trade mark "Abalyn"

Effective date—October 9, 1943. Comes in the following grades: no grades.

(9) "Hydrogenated methyl abietate" means the chemical known by that name and by the trade mark "Hercolyn"

Effective date—October 9, 1943. Comes in the following grades: no grades.

(10) [Deleted Oct. 22, 1943.]

(11) "DDT" means the chemical 2, 2-bis (para chlorophenyl) 1, 1, 1-tri-chloroethane, and is also known by the trade name "Neocid".

Effective date—January 1, 1944. Comes in the following grades: no grades.

(12) "Enamel wire naphtha" (also known as E. W. naphtha) means a mixture of aromatic solvents derived from coke oven light oil, drip oil or coal tar, distilling between 150 and 290° C., with at least 15 per cent distilling above 200° C., and containing 20 to 60 per cent monomeric polymerizable constituents of the cumorone-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumorone-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.

Effective date—February 1, 1944. Comes in the following grades: no grades.

(13) "Methyl Bromide" means the chemical CH_3Br.

Effective date—March 1, 1944. Comes in the following grades: no grade.

APPENDIX B

NOTE: Item (13) added Feb. 12, 1944.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization, and without certificate required by paragraph (f).	Purpose for which delivery may be made without specific authorization, regardless of quantity. (See par. (d).)
(1) Acetaldol	Gallon	54 gallons	None.
(2) ST–115	Gallon	54 gallons	None.
(3) Dehydrol-O	Galloff	54 gallons	None.
(4) G. C.–78	Gallon	54 gallons	None
(5) By-product phosphoric acid	Ton	5 Tons	None.
(6) Oxidized petrolatum	Pound	25 pounds	None.
(7) Vinsol resins.	Pound	500 pounds	None.
(8) Methyl abietate.	Pound	5000 pounds	None.
(9) Hydrogenated methyl abietate.	Pound	5000 pounds	None.
(10) Deleted Oct. 22, 1943.			
(11) DDT	Pound	1 pound	None.
(12) E.W. Naphtha.	Gallons	54 gallons	None.
(13) Methyl Bromide	Pound	10 pounds	None.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M–340, that the ---------- (specify subject chemical) ordered for delivery in ----------, 194--,
Month

will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Quantity	Primary product	End use
(A)			
(B)			

Name of purchaser

By ----------
Date — Duly authorized official — Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. A distributor ordering the subject chemical for resale as such will specify "resale" or, if ordering exclusively for resale on exempt small orders, will specify "small orders of ---------- or less" (specify quantity stated in Column 3 of Appendix B). If purchase is for inventory state "inventory".

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB–2947 (FORMERLY PD–602)

(1) *Obtaining forms.* Copies of Form WPB–2947 (formerly Form PD–602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form WPB–2947 (formerly Form PD–602) for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form WPB–2947 (formerly Form PD–602) relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M–340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1–a (except for small orders as explained in (7) below) specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form WPB–2947 (formerly Form PD–602) specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB–2947 (formerly Form PD–602) shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 44–2100; Filed, February 12, 1944; 11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–210, Revocation]

MUTUAL CLEANERS, INC.

Mutual Cleaners, Inc., a New Jersey corporation doing business at 181 Culver Avenue, Jersey City, New Jersey, has appealed from Suspension Order No. S–210, issued January 11, 1943. It has presented to the Chief Compliance Commissioner evidence indicating that the machines which were the subject of the suspension order have been released from critical controls and that there is now no shortage of such machines; it has also submitted evidence tending to show that the purposes of the suspension order have been accomplished. Therefore, the Chief Compliance Commissioner has determined that Suspension Order No. S–210 should be revoked.

In view of the foregoing, *It is hereby ordered*, That Suspension Order No. S–210, § 1010.210, be and hereby is revoked.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2125; Filed, February 12, 1944; 2:16 p. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L–106, Revocation]

USE OF COPPER OR COPPER BASE ALLOY PRODUCTS IN AUTOMOTIVE PARTS

Section 3292.66, *Limitation Order L–106*, as amended December 17, 1943, is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of automotive parts remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 12th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2126; Filed, February 12, 1944; 2:16 p. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M–328, as Amended Feb. 10, 1944]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M–328*—(a) *Restrictions on preference ratings for textiles, clothing, leather, etc.* (This paragraph states conditions which must be met to make ratings for items on Schedule A valid. However, even though a rating is not valid for the items, this does not prevent anyone from filling a purchase order if he can do so without disregarding valid ratings on other purchase orders or disregarding other orders or directions of the War Production Board.)

No person shall apply, extend or give any effect to any preference rating heretofore or hereafter assigned, applied, or extended to the delivery of any item on Schedule A unless:

(1) The rating has been assigned by a preference rating form or letter issued by or under the authority of the War Production Board to a named applicant and the form or letter specifically describes the item and specifies the quantity, description and type which may be obtained by the rating. No rating assigned by any L, M, P or other order or by any regulation (such as CMP–5 or CMP–5A) shall be valid for any item on Schedule A, except as permitted by paragraphs (a) (2), (a) (3) or (a) (4). For example, the rating for any fabric to comply with this subparagraph must be assigned on a War Production Board form or letter naming the person to whom the rating is assigned and stating the yardage, type and construction of the fabric for which the rating is assigned, or

(2) The rating has been assigned by or pursuant to a form, order or regulation of the War Production Board and is used to obtain the item for direct or ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priorities Regulation 17), the Maritime Commission or War Shipping Administration; or

(3) The rating has been assigned by or pursuant to any supplement to this order or the particular order specified after the item on Schedule A.

(4) The material to be delivered is actually required as, or is required for incorporation in, a functioning part of industrial machinery and is one of the following numbered items on Schedule A: 1, 4, 5, 6, 7, 11, 15, 17, 19.

SCHEDULE A

1. Animal bristles and hair.
2. Closures, apparel and all others which are restricted by L–68.
3. Clothing, footwear (including safety shoes), hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. This order does not apply to the following when specifically designed and used to furnish protection against specific occupational hazards (other than weather):
   - Asbestos clothing.
   - Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
   - Metal mesh gloves, aprons and sleeves.
   - Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
   - Plastic and fibre safety helmets.
   - Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
   - Safety industrial leather clothing other than gloves or mittens.
   - Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
4. Combinations of cotton, wool or synthetic yarn.
5. Combination of cotton, wool, or synthetic woven, felted, knitted or braided fabrics. M–166, M–298.
6. Cotton Yarn. L–282, M–317.
7. Cotton woven, knitted or braided fabric. M–166, M–207, M–298, M–317, P–116.
8. Dyestuffs.
9. Eyelets, metal.
10. Findings, shoe (metal) except shoe wire.
11. Hides, skins, furs and leather and products made primarily therefrom (subject to additional restrictions of M–310).
12. Manila, Agave, Istle, Hemp (Cannabis Sativa), Sunn Hemp, Ramie, Flax, Jute, Coir yarn and other fibers, when used for cordage; and cordage products made primarily therefrom. M–84, P–56, P–73, P–98–b.
13. Sponges.
14. Synthetic yarn.
15. Synthetic woven, knitted or braided fabric. M–166.
16. Tacks, cut steel and wire.
17. Textile fibers (animal or vegetable, including sisal processor's mill waste, sisal bagasse, curled istle, etc.), and products made primarily from textile fibers or textiles, not including fabrics which have been coated and not including fire hose. M–85, M–317.
18. Wool and wool yarn.
19. Wool woven, knitted, felted or braided fabric.

(b) *Notation on purchase orders bearing a preference rating.* (1) Any person applying or extending a preference rating shall satisfy the certification requirements of Priorities Regulation 3. In addition, any person applying or extending a preference rating which is permitted by paragraph (a) (1), (a) (2) or or (a) (4) shall place upon the purchase order a notation substantially as follows:

This rating can be used under Order No. M–328.

However, the Army or Navy of the United States, the Maritime Commission and the War Shipping Administration shall not be required to place this notation on their direct purchase orders.

If the rating is assigned by any order listed on Schedule A, the person applying or extending the same shall place upon the purchase order a notation substantially as follows:

This rating has been assigned by Order No. ------ (insert number of order on Schedule A assigning the rating).

This notation is not necessary if the purchase order contains the specific identifying certification prescribed by an order on Schedule A, or if the rating is assigned by the Foreign Economic Administration in the manner provided in paragraph (a) (1) and the purchase order contains a notation substantially as follows:

This rating has been assigned by the Foreign Economic Administration.

(2) *Restriction on extension of ratings.* Notwithstanding the provisions of Priorities Regulation 3, no rating specifically permitted to be used by paragraphs (a) (1), (a) (3) or (a) (4) to obtain any item on Schedule A shall be extended for the delivery of any other item on Schedule A for physical incorporation into the item. For example, a rating for fabric may not be extended to obtain yarn unless to fill an Army, Navy, Maritime Commission or War Shipping Administration order as permitted by subparagraph (a) (2).

(c) *Specific directives.* The war Production Board may issue specific directions to individual producers or processors of items listed in Schedule A, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no producer or processor shall produce, fabricate, process, deliver or accept delivery contrary to directions.

(d) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that items listed in Schedule A not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filing of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(e) *Rejects, over-runs and seconds*—(1) *Definitions.* "Rejects" means anything made to fill a rated order which (i) is so defective that it will be refused if tendered, (ii) the purchaser has refused, or (iii) the purchaser has notified the seller will be refused because of defects, failure to deliver on time, or termination of the procurement of the United States Government or any of its agencies for which the product was ordered. The term also is used to include seconds, over-runs or by products. A "Second" is anything made to fill a rated order but not actually offered or tendered to the purchaser because of defects, or for any other reason. An "Over-run" is anything made to fill a rated order but not delivered because in excess of the quantity actually needed to fill the order. A "By-product" is anything produced entirely or partly from a reject.

(2) *No one may purposely make a reject.* No manufacturer, processor or converter shall manufacture, process or order any product on Schedule A which he knows or should know will be a reject. This paragraph does not prohibit the production of seconds, over-runs or by-products to the extent that they are unavoidable in the manufacturer's operations.

(3) *Restrictions on the disposition of rejects.* No manufacturer, processor or converter shall sell or deliver a reject listed on Schedules B or C, and no one may accept delivery of such reject except as permitted by this subparagraph (e) (3) or by the schedule on which it is listed:

Rejected hides, skins and leather and products made primarily therefrom may be disposed of only as authorized under General Conservation Order M–310.

Any item listed on Schedule A, but not listed on Schedules B or C, or covered as to disposition of rejects by M–310 or by any direction issued pursuant to this order, may be disposed of for use in the United States or to fill a rated order without regard to the limitations of § 944.11 of Priorities Regulation 1.

(4) *How to get needed permission to dispose of a reject.* Any manufacturer who under the terms of this order needs specific permission to dispose of a reject may apply by letter to the War Production Board stating the number of the contract, the amount of material to be produced under it, the kinds of such material, a detailed statement of quantities and kinds of rejects, a copy of the rejection, and a statement of the efforts he has made to dispose of the rejects to the buyer. If the War Production Board decides he ought to be allowed to dispose of the reject, it will give him specific instructions.

(5) *Effect of specific instructions on disposition.* The War Production Board may issue specific instructions in writing to anyone respecting the use and disposition of rejects or material obtained with priorities assistance, but not used for the purpose for which the priorities assistance was given. These instructions may relate to rejects not yet manufactured on the date of their issuance. They must be obeyed even if they conflict with other provisions of this order.

(6) *Reports.* Manufacturers of textile, clothing and leather products shall report their rejects at such times and in such manner as the War Production

Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(7) *Records.* All persons affected by this order shall keep for at least two (2) years records showing the quantities and kinds of rejects produced by them and the disposition thereof.

SCHEDULE B—REJECTS WHICH MAY BE DELIVERED ONLY ON SPECIFIC AUTHORIZATION OF THE WAR PRODUCTION BOARD

Equipage: Military luggage and sleeping bags.
Plain print cloth, 80 sley and higher, finished and unfinished, if not seconds or shorts.
Slide fasteners.
Silk and nylon yarn, silk and nylon woven, knitted and braided fabrics.

SCHEDULE C—REJECTS, IF NOT SECONDS OR SHORTS, WHICH MAY BE DELIVERED ONLY FOR USE IN THE UNITED STATES AND ONLY FOR THE SPECIFIED END USES STATED BELOW, OR TO FILL A RATED ORDER

8.5 oz. herringbone twill for footwear and foundation garments.
8.2 oz. twill, Types I, II, III, IV and V, for footwear, foundation garments and clothing.
30" 2.50 drill and pro-rata widths, for mattress or pillow tickings, pocketings, footwear and clothing.
6 oz. combed twill for clothing.
7.5 oz combed navy twill for footwear and foundation garments.
5 oz. wind resistant poplin for foundation garments and clothing.
9 oz. sateen for foundation garments, footwear and clothing.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref: M-326.

(4) *Appeals.* Any appeal from the provisions of paragraphs (c), (d) or (e) of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal. An appeal for suspension of a direction under paragraph (c) may be made on the ground that compliance with the direction will result in production at a loss, provided that an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, requirements of a direction for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2144; Filed, February 14, 1944; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Corr. to Amdt. 67]

TIRES, TUBES, RECAPPING AND CAMELBACK

The tire size reading "7.50–24" in the list of obsolete size tires in section 503 (b) (2) in Amendment 67 to Ration Order No. 1A is corrected to read "7.50–14."

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2112; Filed, February 12, 1944; 11:39 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[2] Amdt. 26]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.584 (f) (4) (iii) is amended to read as follows:

(iii) The maximum price for any variety, style, grade and size of asparagus packed:

(*a*) In No. 303 cans, shall be 85% of the maximum price for the same variety, style, grade and size packed in No. 2 cans;

(*b*) In No. 55 (211 X 300) cans, shall be 55% of the maximum price for the same variety, style, grade and size packed in No. 2 cans;

(*c*) In No. 1 (picnic) cans, shall be 70% of the maximum price for the same variety, style, grade and size packed in No. 2 cans;

(*d*) In No. 300 (300 X 407) cans, shall be 78% of the maximum price for the same variety, style, grade and size packed in No. 2 cans.

2. In § 1341.584 (f), subparagraph (5) is redesignated (6) and the phrase, "subparagraphs (1), (2), (3) or (4) (iii)" in the redesignated subparagraph (6) is amended to read, "subparagraphs (1), (2), (3) or (4)". A new subparagraph (5) is added to read as follows:

(5) If the processor cannot establish a maximum price for such variety, style, grade and size under the foregoing provisions of paragraph (f) or of §§ 1341.557 or 1341.588, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

3. Section 1341.584 (d) (7) (iv) is added to read as follows:

(iv) In No. 55 (211 x 300) cans, shall be 55% of the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans.

4. Section 1341.585 (a) (2) (i) (*b*) is amended to read as follows:

(*b*) Add to the figure so obtained the 1943 raw vegetable cost per dozen containers determined by dividing the weighted average of the prices per ton or other unit paid or contracted to be paid by the processor to the grower for the raw vegetables in 1943, based on not less than the first 75% of his purchases, by the dozen container yield per ton or other unit as required to be used in computing his 1942 maximum price. However, in no event shall the 1943 raw vegetable cost exceed the applicable support price of the War Food Administration for the area where the processor's factory is located, except that where the processor purchases any of the raw vegetables in Group II in a support price area other than in which his factory is located, his 1943 raw vegetable cost shall not exceed the applicable support price for the area in which the raw vegetables were grown, with respect to the quantities so purchased, and he may add with respect to such quantities the actual cost of transportation to his factory at the lowest available common or contract carrier rate.

5. Section 1341.585 (a) (3) (i) (*b*) is amended to read as follows:

(*b*) For raw vegetables in Group II, deduct the 1942 raw vegetable cost for such vegetables as required to be used in computing maximum prices for the 1942 pack and add to the figure so obtained the 1943 raw vegetable cost per dozen containers determined by dividing the weighted average of the prices per ton or other unit paid or contracted to be paid by the processor to the grower for the raw vegetables in 1943, based on not less than the first 75% of his purchases, by the dozen container yield per ton or other unit as required to be used in computing his 1942 maximum price. However, in no event shall the 1943 raw vegetable cost exceed the applicable support price of the War Food Administration for the area where the processor's factory is located, except that where the processor purchases any of the raw vegetables in Group II in a support price area other than in which his factory is located, his 1943 raw vegetable cost shall not exceed the applicable support price for the area in which the raw vegetables were grown, with respect to the quantities so purchased, and he may add with respect to such quantities the actual cost of transportation to his factory at the lowest available common or contract carrier rate.

6. Section 1341.585 (a) (4) is amended to read as follows:

(4) *Maximum prices for vegetables and vegetable juices in Groups I, II, and III in certain instances.* (i) Any processor who established a maximum price for any variety, style, grade and container type and size of the 1942 pack of any particular item in Group I, II, or III by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same item: *Provided*, That as to all the vegetables in Group II, and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(*a*) Where the same competitor does not pack such item in 1943 or, as to Group II and III vegetables for which a support price is named, he is located in a different support price area, the processor shall establish his maximum price for the item by adopting his closest competitive seller's maximum price for the 1943 pack of the same variety, style, grade and container type and size: *Provided*, That as to all vegetables in Group II and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(ii) Where the processor did not pack the same variety, style, grade and container type and size of any particular item in Group I, II or III in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container type and size of the 1943 pack shall be the processor's maximum price: *Provided*, That as to vegetables in Group II and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(iii) The maximum price for any variety, style and grade of any particular item in Group I, II, or III packed.

(*a*) In No. 303 cans, shall be 85% of the maximum price for the same variety, style and grade packed in No. 2 cans;

(*b*) In No. 55 (211 x 300) cans, shall be 55% of the maximum price for the same variety, style and grade packed in No. 2 cans;

(*c*) In No. 1 (picnic) cans, shall be 70% of the maximum price for the same variety, style and grade packed in No. 2 cans.

(iv) In the event that a processor cannot establish his maximum price under the provisions of the regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price as provided in § 1341.563.

7. Section 1341.583 (g) (1) (i) is amended to read as follows:

(i) Determine the weighted average price per dozen containers or other unit of sale of brined cherries processed from cherries of the 1941 crop charged by the processor, f. o. b. factory, for the same variety, style, grade, size and container during the period from September 1 through November 30, 1941. "Weighted average price" shall be the total gross sales dollars charged for each variety, style, grade, size and container divided by the number of dozens of containers or other units of sale sold of such variety, style, grade, size and container. All sales contracts made in the regular course of business during the base period (September 1, through November 30, 1941) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

8. Section 1341.583 (g) (1) (vi) is added to read as follows:

(vi) A processor who purchases and uses red sour cherries in processing brined cherries shall determine his maximum price under paragraph (g) except that in making the subtraction under subparagraph (1) (iii) and the addition under subparagraph (1) (v) he shall:

(*a*) Subtract his 1941 weighted average red sour cherry cost converted into units of the finished product; and

(*b*) Add to the difference figured by making this subtraction the 1943 weighted average raw fruit cost converted into units of the finished product. However, in figuring the 1943 weighted average cost of red sour cherries, the processor shall base his calculation on not less than 75% of his purchases of red sour cherries of the 1943 crop purchased and used by him in processing brined cherries and in no event shall the raw fruit cost for red sour cherries of the 1943 pack be in excess of 8½ cents per pound.

9. Section 1341.583 (h) (6) is added to read as follows:

(6) A processor who purchases and uses red sour cherries in the brining of cherries for use in processing maraschino and glace (drained) cherries shall determine his maximum price under paragraph (h) except that in making the subtraction under subparagraph (1) (i) and the addition under subparagraph (1) (ii) he shall:

(i) Subtract his 1941 weighted average red sour cherry cost converted into units of the finished product; and

(ii) Add to the difference figured by making this subtraction the 1943 weighted average raw fruit cost converted into units of the finished product. However, in figuring the weighted average cost of red sour cherries, the processor shall base his calculation on not less than 75% of his purchases of red sour cherries of the 1943 crop purchased and used by him in processing maraschino and glace (drained) cherries and in no event shall the raw fruit cost for red sour cherries of the 1943 pack be in excess of 8½ cents per pound.

10. The table of States in § 1341.584 (b) (2) is amended in the following respects:

a. In Region IV the reference to the State of Idaho is amended to read as follows:

Idaho (portion of State not included in Region V).

b. In Region V Idaho is added in its alphabetical order to read as follows:

Idaho (Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties).

11. The table of States in § 1341.584 (d) (2) is amended in the following respect.

a. In Region VI the reference to Southwestern Idaho is amended to read as follows:

Idaho (Washington, Payette, Gem, Canyon, Ada, Owyhee, Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties).

12. Section 1341.551 (k), (l) and (m) are amended to read as follows:

(k) "Packed fruits" includes any specified fruit or mixture of fruits and the juice or any mixture of juices of specified fruits, when processed and enclosed in containers, whether or not hermetically sealed. However, this term shall not include any product when processed by freezing or dehydrating.

(l) "Packed vegetables" includes any specified vegetable or mixture of vegetables and the juice or any mixture of juices of specified vegetables, when processed and enclosed in containers, whether or not hermetically sealed. However, this term shall not include any product when processed by freezing or dehydrating.

(m) "Packed berries" includes any specified berry or mixture of berries and the juice or any mixture of juices of specified berries, when processed and enclosed in containers whether or not hermetically sealed. However, this term shall not include any product when processed by freezing or dehydrating.

13. Section 1341.582 is amended to read as follows:

§ 1341.582 *Notification of change in maximum price.* With the first delivery of any item covered by this regulation, in any case where a maximum price, once established pursuant thereto, is thereafter changed by amendment to the regulation or pursuant to the provisions of § 1341.586, Appendix D, the processor making such change, and dis-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9752, 1079, 10085, 10264, 10430, 1073, 11480, 11952, 11846, 12013, 12711, 13247, 13293, 13372, 13845, 13706, 13846, 13395, 14049, 14737, 15523, 16245, 16245, 16246, 16695, 16894, 17226; 9 F.R. 89, 692.

[2] 8 F.R. 16896, 17224, 17295, 17462; 9 F.R. 287, 96.

tributors other than wholesalers or retailers making a corresponding change in their maximum prices, shall supply each wholesaler and retailer purchaser with written notice as set forth below:

(Insert Date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for ----------
(Describe item)

has been changed under the provisions of Maximum Price Regulation No. 306. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation Nos. 421, 422 and 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you containing this notification after (*insert effective date of amendment authorizing change in maximum price*).

For a period of 90 days after making such change in the maximum price of an item, and with each shipment after the 90 day period to a person who has not made a purchase within that time, the processor shall include in each case or carton containing the item, the written notice set forth above, or securely attach it to the outside of the case or carton. On the outside of the unit in which the notice is enclosed a legend shall be affixed as follows: "Notice of OPA Ceiling Price Change Enclosed." However, for sales direct to any retailer, the processor may supply the notice by attaching it to, or stating it on, the invoice covering the shipment instead of providing it with the goods.

The processor shall notify all purchasers of the item who are distributors other than wholesalers or retailers of such change in maximum price by written notice attached to or stated on the invoice issued in connection with the first transaction with such purchaser after making such change, as follows:

(Insert Date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS OR RETAILERS

Our OPA ceiling price for ----------
(describe item)

has been changed from $------ to $------ under the provisions of Maximum Price Regulation No. 306. You are required to notify all retailers and wholesalers purchasing the item from you after (*insert effective date of amendment authorizing change in maximum price*) of the corresponding change in your maximum price. The notice must be made in the manner prescribed in § 1341.582 of Maximum Price Regulation No. 306. However, such notification may be accomplished by delivery of notice contained in the shipping unit of the item bearing the legend "Notice of OPA Ceiling Price Change Enclosed."

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2117; Filed, February 12, 1944; 11:40 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 103]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7706 (x) (7) is added to read as follows:

(7) A duly authorized representative of the United Service Organizations, Inc. for travel in a passenger automobile or motorcycle on the official business of the United Service Organizations, Inc. if the vehicle is owned or leased by the United Service Organizations, Inc. or if the representative receives compensation from the United Service Organizations, Inc., for the vehicle used by him in such travel and for his personal services.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed travel to supervise the activities of the United Service Organizations.

2. Section 1394.7706 (x) (8) is added to read as follows:

(8) A member of a County or Local Salvage Committee sponsored by the War Production Board for travel on the official business of such Committee.

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business.

(ii) No mileage in excess of the general limitation of an average of 460 miles per month in Area A and Area B for non-preferred occupational mileage (325 miles per month in the gasoline shortage area) shall be allowed under this subparagraph (8) unless such excess mileage is for travel on which the applicant is exclusively engaged in the performance of his duties as such member, and such excess mileage for such purpose shall not exceed an average of 360 miles per month for any one vehicle or for any such member.

3. Section 1394.8055 is added to read as follows:

§ 1394.8055 *Limitation on restoration of mileage lost by a reduction in unit value of coupons.* Whenever any employee of a facility or establishment described in § 1394.7706 (o) for which a plant transportation committee has been established suffers a loss of mileage in respect to a supplemental ration for driving to and from his occupation at such plant or facility caused by a reduction of the unit value of Class A, B or C coupons made after February 16, 1944, or by an extension of the valid period of the A coupon, no Board shall allow any mileage or issue a ration which will in any way compensate for such loss of mileage unless:

(a) The appropriate District Director, after an investigation and subject to general standards prescribed by the Office of Price Administration, Washington, D. C., has designated such facility or establishment as one whose employees shall be eligible for a restoration of such loss of mileage; or

(b) The applicant in such a case established by clear and convincing proof that a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement exists but as many passengers as the capacity of the vehicle permits, are being transported in the vehicle.

This amendment shall become effective February 17, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2113; Filed, February 12, 1944; 11:39 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 104]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. A center headnote preceding § 1394.8341 is added to read as follows: "*Non-Highway Gasoline Purchase Receipt Books in the St. Paul Test Area.*"

2. Sections 1394.8341 through 1394.8349 are added to read as follows:

§ 1394.8341 *General.* (a) The following sections under this heading provide for the issuance of certain rations by issuing Non-Highway Gasoline Purchase Receipt Books (OPA Form No. R-582). These sections apply only if the rations are issued in the St. Paul Test Area. This area consists of the counties of Washington, Dakota, and Goodhue in the State of Minnesota.

§ 1394.8342 *When Non-Highway Gasoline Purchase Receipt Book is to be issued.* (a) Where the Board would otherwise issue to a consumer Class E or R coupon books as a non-highway ration for use in connection with farming (or as a non-highway ration for other users designated by the St. Paul District Director), the Board shall not issue such coupon books but shall, instead, issue one Non-Highway Gasoline Purchase Receipt Book (OPA Form No. R-582), if the ration is to be used to acquire gasoline by bulk transfers into the consumer's storage tanks or the fuel tank of his non-highway equipment at a place other than the supplier's establishment. (Non-Highway Gasoline Purchase Receipt Books shall not be issued to dealers or distributors.)

§ 1394.8343 *Issuing the Non-Highway Gasoline Purchase Receipt Book.* (a) Before issuing the Non-Highway Gasoline Purchase Receipt Book, the Board shall fill out the Certification of Account on the cover of the book, stating among other things, the first day on which the book may be used, the amount of the ration in gallons, and the earliest renewal date of the ration. The Board shall also note its number and address on the back of each Non-Highway Gasoline Purchase Receipt in the book.

(b) The consumer must sign the Certification of Account before using the Non-Highway Gasoline Purchase Receipt Book.

§ 1394.8344 *Deliveries to consumers in exchange for Non-Highway Gasoline Purchase Receipts*—(a) *General.* The Non-Highway Gasoline Purchase Receipt Book issued to a consumer contains Non-Highway Gasoline Purchase Receipts with a stub for each receipt. These receipts are evidences. They may be used by the consumer to acquire gasoline by bulk transfers into his storage tanks or the fuel tank of his non-highway equipment at a place other than the supplier's establishment. However, they may be so used only under the conditions stated in this section.

(b) *Time when the consumer must surrender the receipts.* The consumer must issue the receipt (and the dealer or distributor must get it) at the time he acquires the gasoline. However, if either is absent when the gasoline is transferred by delivery, he may, at the supplier's option, issue the receipt after the delivery. (The supplier may be absent because delivery is made by a common or contract carrier.) In that case, he must issue the receipt (and the supplier must get it) within 7 days after the delivery, or at the time the gasoline is paid for if that takes place within the 7 days.

(c) *Stub and receipt must be filled out by consumer.* Before the consumer issues the receipt, he must fill it out and sign it. He must also fill out the accompanying stub. The receipt and the stub must each show, among other things:

(1) The date the receipts is issued;
(2) The name and address of the supplier;
(3) The amount of gasoline acquired;
(4) The date of acquisition; and
(5) The amount of the ration less the total amount for which previous receipts from the Non-Highway Gasoline Purchase Receipt Book have been issued.

(d) *Certification of account must be shown to the supplier.* The consumer must show the Certification of Account to the supplier when the gasoline is delivered (unless either is absent at the time).

(e) *Period when transfers may be made.* A Non-Highway Gasoline Purchase Receipt does not authorize the transfer of gasoline to the consumer before the validity date stated on the Certification of Account. A consumer may not issue a receipt after the ration expires.

(f) *Amount that may be transferred.* A Non-Highway Gasoline Purchase Receipt authorizes the transfer of an amount of gasoline not in excess of the balance authorized to be transferred, as shown on the receipt and the accompanying stub. No consumer shall issue a Non-Highway Gasoline Purchase Receipt for or acquire an amount of gasoline which when added to the gasoline already acquired by him (on the basis of the Certification of Account) will exceed the amount authorized to be transferred by the Certification of Account. No dealer or distributor shall transfer gasoline to a consumer or accept a receipt from him if he knows or has reason to believe that the consumer is not permitted to acquire the gasoline or issue the receipt.

(g) *Advance surrender prohibited.* Non-Highway Gasoline Purchase Receipt Books may not be deposited by consumers with dealers or distributors or received for deposit from consumers by dealers or distributors. Non-Highway Gasoline Purchase Receipts may not be issued by consumers or received from them by dealers or distributors before the transfer of the gasoline.

(h) This section constitutes an exception to § 1394.8152, in addition to the other exceptions stated in that section.

§ 1394.8345 *Altered, mutilated, lost, stolen or destroyed Non-Highway Gasoline Purchase Receipts.* (a) No Non-Highway Gasoline Purchase Receipt which has been altered, mutilated, or partially destroyed (or which contains an erasure) may be issued, transferred or deposited. A person who holds such a receipt shall return it to the consumer who issued it with a request for a new receipt. If he is unable to locate the consumer, or to obtain a new receipt from him, he shall deliver the receipt to the St. Paul, Minnesota, District Office, with a statement signed by him of all the circumstances.

(b) A person who loses or unintentionally destroys a receipt issued or transferred to him or from whom such a receipt is stolen, shall notify the consumer who issued it in writing of the circumstances of the loss or destruction and request that a new receipt be issued to him. If he is unable to locate the consumer, or to obtain a new receipt from him, he shall send to the St. Paul, Minnesota, District Office a statement signed by him of all the circumstances.

(c) A consumer to whom an altered, mutilated, or partially destroyed receipt (or one containing an erasure) issued by him is returned or who receives a request for the replacement of a lost, destroyed or stolen receipt issued by him, may issue a new receipt. If he does so, he must enter on the stub of the original receipt the fact that it has been lost, stolen, altered, mutilated, or partially or completely destroyed, and on the stub of the new receipt the fact that it replaces the original receipt. Every consumer shall immediately send to the St. Paul, Minnesota, District Office a written description of any receipt issued by him and lost, destroyed or stolen, and a description of any receipts issued to replace them.

§ 1394.8346 *Disposition of book and unused and mutilated receipts; getting additional books*—(a) *When consumer applies for adjustment or renewal of ration.* When the consumer applies for an adjustment or a renewal of the ration for which he was given a Non-Highway Gasoline Purchase Receipt Book, he must, as a condition of getting the further or renewal ration, surrender to the Board the book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(b) *Additional book for current ration.* If the consumer has used all the receipts in his Non-Highway Gasoline Purchase Receipt Book but has issued receipts for an amount of gasoline less than the amount authorized to be transferred by the Certification of Account, he may, on application to his Board, get another Non-Highway Gasoline Purchase Receipt Book for the difference. However, he must first surrender to the Board the old book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(c) *Replacement of book for current ration; mutilated Certification of Account.* No Non-Highway Gasoline Purchase Receipt Book may be used if the Certification of Account has been altered, mutilated, or partially or completely destroyed (or which contains an erasure). If the consumer has such a book, or if the book is lost, destroyed or stolen, and if the consumer has issued receipts for an amount of gasoline less than the amount authorized to be transferred by the Certification of Account, he may, on application to his Board, get another Non-Highway Gasoline Purchase Receipt Book for the difference. However, he must first surrender to the Board the old book along with all unused and voided Non-Highway Gasoline Purchase Receipts whether or not still attached to the stubs.

(d) *Expiration of ration.* If the consumer's ration expires, he must within 5 days surrender the book to the Board along with all unused and voided receipts whether or not still attached to the stubs.

(e) The consumer's obligation to surrender the book or receipts may be excused by the Board if lost, stolen or destroyed, or for other good cause.

§ 1394.8347 *Substitution of Non-Highway Gasoline Purchase Receipt Book for E and R coupons already issued.* (a) If, upon the renewal of his current ration, a consumer would receive a Non-Highway Gasoline Purchase Receipt Book (pursuant to § 1394.8342) and he has been given only E or R coupons for his current ration, he may, by applying to his Board, get a renewal ration before the earliest renewal date of his current

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15937.

ration. If he does so apply, his current ration shall expire and he must surrender his E and R coupons to the Board in the manner required by § 1394.8102.

§ 1394.8348 *Use of Non-Highway Gasoline Purchase Receipts by dealers and distributors.* (a) Dealers and distributors may transfer or deposit Non-Highway Gasoline Purchase Receipts in the same manner that they may transfer or deposit checks received in exchange for gasoline. The dealer or distributor who obtained the receipt from the consumer must endorse the receipt by signing the certification, and inserting the number of the invoice, delivery ticket, or other document of transfer, if any, on the back of the receipt.

§ 1394.8349 *Exceptions by District Director or Director of Automotive Supply Rationing Division.* (a) The Director of the Automotive Supply Rationing Division, Washington, D. C., or the St. Paul District Director may modify any of the provisions contained in §§ 1394.8341 through 1394.8348 (or grant exceptions thereto) covering the issuance or use of Non-Highway Gasoline Purchase Receipt Books or Receipts. (Action taken under this section shall not include modification of any other provision of this order.)

This amendment shall become effective February 17, 1944.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2111; Filed, February 12, 1944; 11:37 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 94]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5253 (b) is redesignated § 1394.5732 (d) and is amended to read as set forth in paragraph 3 below.

2. Section 1394.5656 is redesignated § 1394.5732 (b) and is amended to read as set forth in paragraph 3 below.

3. Section 1394.5732 is amended to read as follows:

§ 1394.5732 *Records to be kept by dealers, primary suppliers and others—*

(a) *Transfers within the trade*—(1) *All transfers.* Every person (other than as a consumer), whether within or without the limitation area, who makes a transfer of fuel oil to any dealer or primary supplier within the limitation area shall furnish to such dealer or primary supplier an invoice, delivery ticket, or other customary document of transfer showing the name and address of the transferor and transferee, the date and amount of the fuel oil transferred and the place where delivered. The transferor shall make, and keep at his place of business for a period of at least two years from the date of transfer, a copy of the invoice, delivery ticket or other customary document so furnished by him. The transferee shall retain at his place of business for a period of at least two years from the date of the transfer the invoice, delivery ticket or other document so furnished him. In addition, if evidences of a gallonage value equal to the amount of the fuel oil transferred are surrendered at the time of the transfer, the transferor and the transferee shall each note that fact on his copy of the invoice, delivery ticket or other record. If the surrender of evidences is required for the transfer and if evidences of a gallonage value equal to the amount of the fuel oil transferred are not surrendered at the time of the transfer, the transferor and transferee shall also comply with the record requirements of whichever of the following two subparagraphs is applicable.

(2) *Additional requirements when evidences are to be surrendered after the transfer.* Whenever a dealer or primary supplier does not at or before the time of the transfer surrender evidences of a gallonage value equal to the amount of the fuel oil transferred, the transferor and the transferee shall each, immediately following the transfer, make a record showing the name and address of the transferee and transferor, that evidences of a gallonage value equal to the amount of the fuel oil transferred were not surrendered at the time of transfer, the date and amount of the fuel oil transferred and the place where delivered. Immediately following the surrender of evidences for that transfer, the transferor and the transferee shall each note on the record the date when the evidences were surrendered and the aggregate gallonage value of those evidences. The records required by this subparagraph shall be retained at the place of business of the transferor and transferee for a period of at least two years from the date of the transfer of the fuel oil.

(3) *Additional requirements when evidences are surrendered in advance of delivery.* Whenever evidences are surrendered by a dealer or primary supplier to a transferor in advance of a transfer of fuel oil, the transferor and the transferee shall each, immediately following the surrender of the evidences, make a record showing the name and address of the transferee and transferor, the aggregate gallonage value of the evidences surrendered, the date of surrender and that they were surrendered in advance of the transfer of the fuel oil. Immediately following any transfer of fuel oil against those evidences, the transferor and the transferee shall each note on the record the date and amount of each transfer made or received against those evidences and the place where delivered. The records required by this subparagraph shall be retained at the place of business of the transferor and transferee for a period of at least two years from the date the evidences are surrendered.

(b) *Transfers to consumers.* Every dealer and primary supplier shall, immediately following the transfer, make and retain at his place of business for a period of at least 2 years from the date of transfer, a record of each transfer to a consumer of an amount of fuel oil in excess of 10 gallons. Such record shall show the name and address of the consumer, the date of the transfer, the amount of the fuel oil transferred and the place where delivered and whether or not evidences of a gallonage value equal to the amount of the fuel oil transferred are surrendered at the time of the transfer. If evidences of such gallonage value are not surrendered at the time of the transfer, the transferor shall immediately following the surrender of evidences for that transfer, note on the record the date when the evidences were surrendered and the aggregate gallonage value of the evidences surrendered. When a ration check is issued by a consumer in advance of a fuel oil transfer, the transferor's record shall also show the date the check was received, the gallonage value of the check, and that it was issued in advance of the transfer of the fuel oil. Immediately following any transfer of fuel oil against that check, the transferor shall note on the record the date and amount of each transfer made against that check.

(c) *Records and devices showing fuel oil on hand.* Every dealer and primary supplier shall retain at his place of business for a period of at least 2 years from the date of his registration, all receipts, invoices, and other records showing the fuel oil on hand at the time of his registration. He shall also keep at his place of business at all times, all records and equipment including charts, tables, tank gauges, measuring tapes, rods and other devices regularly used by him to determine the amount of fuel oil on hand.

(d) *Records relating to consumer's past consumption.* Each dealer or primary supplier who furnished to a consumer the certification required by § 1394.5253 (a) showing the total amount of fuel oil purchased from such dealer or supplier shall retain at his place of business, for a period of at least two years from the date of such certification, all records on the basis of which such certification was made.

(e) *Other records.* Further record-keeping requirements to be observed by dealers and primary suppliers are set forth in §§ 1394.5687 (d) (entries on check stubs), 1394.5701 (d) (5) (additional records to be kept by dealers who commingle fuel oil), 1394.5704 (c) (certificate of registration), 1394.5721 (use of gummed sheet), 1394.5722 (summary of coupons), and section 6.4 of Revised General Ration Order 3A (retention of checks, stubs, deposit slips and statements of account—ration banking).

4. Section 1394.5687 (d) is amended by adding after the period at the end of the paragraph the sentences, "If the check is issued in advance of the transfer of the fuel oil, the consumer's record shall also show that it was issued in advance of the transfer. Immediately following the receipt of any transfer of fuel oil against that check, he shall note on the record the date and amount of each transfer so received. If the check is issued after the transfer of fuel oil, that record shall also show the date and amount of each transfer for which the check is issued."

This amendment shall become effective on February 17, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2114; Filed, February 12, 1944; 11:39 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[1] Amdt. 19]

CANNED FOODS IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363 (j) Table X, "Maximum retail prices for canned fruit, vegetable and other juices", is amended by changing the maximum prices of certain items, in certain localities, to read as follows:

Brand	Style	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
Apple juice—glass:			*Ounces*														
New West			12	$0.17	$0.17	$0.17	$0.17	$0.17	$0.17	$0.18	$0.18	$0.18	$0.19	$0.22	$0.24	$0.25	$0.20
New West			32	.36	.37	.37	.37	.38	.38	.40	.40	.40	.40	.46	.49	.51	.43
Pineapple juice—tin:																	
Del Monte		Natural	46	.48	.48	.48	.49	.50	.50	.52	.52	.52	.53	.59	.61	.65	.57
Miscellaneous juices—tin:																	
V-8		Vegetable	46	.41	.41	.41	.41	.41	.42	.44	.44	.44	.45	.50	.52	.56	.48

2. Section 1418.363 (k) Table XI, "Maximum retail prices for canned soups", is amended by changing the maximum prices of certain items, in certain localities, to read as follows:

Brand	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
		Ounce														
Campbell's	Asparagus soup	10½	$0.15	$0.15	$0.15	$0.15	$0.15	$0.15	$0.16	$0.16	$0.16	$0.16	$0.17	$0.17	$0.19	$0.17
Campbell's	Beef soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Bouillon	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Chicken soup	10½	.20	.21	.21	.21	.21	.21	.21	.21	.21	.22	.23	.23	.24	.22
Campbell's	Chicken gumbo soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Chicken noodle soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Clam chowder	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Consomme	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20
Campbell's	Mock turtle soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Oxtail soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Pea soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Pepper pot soup	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Scotch broth	10½	.15	.15	.15	.15	.15	.15	.16	.16	.16	.16	.17	.17	.19	.17
Campbell's	Tomato soup	10½	.11	.11	.11	.12	.12	.12	.12	.12	.12	.12	.14	.14	.15	.13
Campbell's	Vegetable soup	10½	.16	.16	.16	.16	.16	.16	.17	.17	.17	.17	.18	.19	.20	.18
Campbell's	Vegetable beef soup	10½	.18	.19	.19	.19	.19	.19	.19	.19	.19	.20	.21	.21	.22	.20

3. Section 1418.363 (l) Table XII, "Maximum retail prices for canned fruit", is amended by changing the maximum prices of certain items, in certain localities; correcting the net weight of Dole fancy sliced pineapple to read 1 lb. 14 oz. instead of 1 lb. 13 oz., and correcting the net weight of Waikiki pineapple, broken slices, to read 1 lb. 13 oz. instead of 1 lb. 14 oz., as set forth below.

Brand	Style	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
Berries—tin:																	
Happy Home	Fancy red	Raspberries	1 lb. 5 oz	$0.43	$0.43	$0.43	$0.43	$0.43	$0.44	$0.44	$0.44	$0.44	$0.45	$0.48	$0.49	$0.49	$0.47
Cherries—tin:																	
Pembrook	Standard	Royal Ann	1 lb. 13 oz	.43	.43	.43	.43	.44	.44	.45	.45	.45	.46	.49	.51	.54	.50
Happy Home	Fancy	Royal Ann	1 lb. 14 oz	.52	.48	.48	.51	.49	.49	.51	.54	.54	.51	.59	.60	.63	.53
Silver Shield		Royal Ann	1 lb. 14 oz	.49	.46	.46	.48	.47	.47	.48	.48	.52	.49	.52	.58	.61	.51
Peaches—tin:																	
Reliance		Freestone halves	No. 2½	.41	.41	.41	.42	.42	.42	.44	.44	.44	.44	.48	.49	.52	.46
Yes Madam	Fancy	Yellow freestone halves	1 lb. 14 oz	.41	.41	.41	.42	.42	.42	.44	.44	.44	.44	.48	.49	.52	.46
Pineapple—tin:																	
Del Monte		Sliced	1 lb. 14 oz	.35	.33	.35	.35	.36	.36	.38	.38	.38	.38	.41	.43	.45	.40
Dole	Fancy	Sliced	1 lb. 14 oz	.35	.33	.35	.35	.36	.36	.38	.38	.38	.38	.42	.43	.46	.40
Waikiki		Broken slices	1 lb. 13 oz	.38	.31	.33	.34	.34	.34	.36	.36	.36	.36	.39	.41	.44	.39
Plums—tin:																	
Silver Shield	Choice	Green gage	1 lb. 14 oz	.34	.35	.35	.35	.35	.35	.37	.37	.37	.37	.41	.42	.45	.40

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3844, 8184, 12549, 13166, 14305, 16514, 16626, 16627, 16865, 16986, 16793; 9 F.R. 301, 849.

4. Section 1418.363 (o) Table XV, "Maximum retail prices for canned vegetables", is amended by changing the maximum prices of certain items, in certain localities, and by adding to the description of large Shurfine asparagus the words: All Green; to read as follows:

Brand	Description	Container size or net weight	Ketchikan	Wrangell	Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Fairbanks	Nome
Asparagus—tin:																
Inland Valley	Choice cut spears,	1 lb. 3 oz.	$0.39	$0.39	$0.39	$0.39	$0.39	$0.39	$0.40	$0.40	$0.40	$0.41	$0.43	$0.43	$0.46	$0.42
	Large, all green	1 lb. 3 oz.	.49	.49	.49	.49	.49	.49	.51	.51	.51	.51	.53	.53	.56	.53
Shurfine	Ungraded	1 lb. 3 oz.	.39	.40	.40	.40	.40	.40	.41	.41	.41	.42	.44	.45	.47	.43
Topside																
Baked beans—tin:																
Dennison	With pork	15½ oz.	.17	.17	.17	.17	.17	.18	.19	.19	.19	.19	.20	.21	.23	.20
Wax and green beans—tin:																
Everson	Cut, string	1 lb. 4 oz.	.19	.20	.20	.20	.20	.20	.21	.21	.21	.21	.24	.25	.27	.23
Silver Falls	Standard cut	1 lb. 3 oz.	.20	.21	.21	.21	.21	.22	.22	.22	.22	.22	.24	.25	.27	.24
Beets—tin:																
Reliance	Medium whole	No. 2	.22	.22	.22	.22	.22	.22	.24	.24	.24	.24	.27	.28	.30	.25
Corn—tin:																
Shurfine	Whole kernel	1 lb. 4 oz.	.21	.21	.21	.21	.21	.21	.23	.23	.23	.23	.25	.26	.28	.24
Mixed vegetables—tin:																
Dinnette	Salad vegetables	1 lb. 4 oz.	.23	.23	.23	.23	.23	.23	.25	.25	.25	.25	.28	.29	.31	.27
Happy Home		1 lb. 4 oz.	.23	.23	.23	.23	.23	.24	.25	.25	.25	.25	.26	.27	.29	.27
Larsen	Veg-all	1 lb.	.24	.24	.24	.24	.24	.24	.25	.25	.25	.25	.27	.28	.29	.27
Mixed vegetables—glass:																
Larsen	Veg-all	1 lb.	.24	.24	.24	.24	.24	.24	.25	.25	.25	.25	.27	.29	.29	.27
Peas—tin:																
Inland Valley	Ex-standard 3 sieve.	1 lb. 4 oz.	.19	.19	.19	.19	.20	.20	.21	.21	.21	.21	.23	.24	.26	.23
Pumpkin—tin:																
Shurfine		1 lb. 13 oz.	.17	.18	.18	.18	.18	.18	.20	.20	.20	.20	.23	.24	.28	.22

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2115; Filed, February 12, 1944; 11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 496,[1] Amdt. 1]

VEGETABLE SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 496 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Prohibition against sales above the maximum price.* While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale or deliver any vegetable seeds subject to this regulation at prices higher than the maximum prices specified in this Maximum Price Regulation No. 496, and no person in the course of trade shall buy, solicit, or receive any such vegetable seeds at a price higher than the maximum prices specified in this Maximum Price Regulation No. 496, and no person shall agree, solicit or attempt to do any of the foregoing.

2. Section 3 (b) (6) is hereby revoked and a new section 3 (b) (6) is hereby added to read as follows:

(6) Of State certified onion seeds.

3. The introductory text of section 5 (a) is amended to read as follows:

(a) For bean, pea, sweet corn, cauliflower, cucumber, Swiss chard and mangel:

4. Section 5 (a) (1) is amended to read as follows:

(1) (i) The maximum price of a farmer-producer for the sale or delivery of bean, pea (except where produced in the State of California), sweet corn, cauliflower, cucumber, Swiss chard and mangel seeds by a farmer-producer shall be the highest price charged by him for each class of sales and deliveries of each variety and kind of such vegetable seeds during the period January 1 to May 31, 1943, hereinafter referred to as the "base period".

(ii) The maximum price of a farmer-producer for the sale or delivery of pea seeds produced in the State of California shall be ¾ cent per pound above the highest price charged by him for each class of sales and deliveries of each variety of pea seeds during the base period.

5. Section 5 (b) is amended to read as follows:

(b) For lettuce:

(1) The maximum price for the sale or delivery of lettuce (except New York and Imperial Types) seeds by a farmer-producer shall be 10 cents per pound above the highest price charged by him for each class of sales and deliveries of each variety of lettuce (except New York and Imperial Types) seeds during the base period.

(2) The maximum price for the sale or delivery of lettuce seeds of the New York and Imperial Types by a farmer-producer shall be $1.00 per pound plus transportation charges from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

6. Section 5 (e) is amended to read as follows:

(e) The foregoing maximum prices shall be reduced by the expenses borne by the purchaser (which were not borne by him during the base period) in connection with the growing, harvesting or loading for transportation of the vegetable seeds in question.

7. Section 5 (f) is hereby revoked and a new section 5 (f) is hereby added to read as follows:

(f) The foregoing maximum prices shall be the maximum prices a seller may charge and a purchaser may pay for the delivery of seeds to the purchaser whether the farmer-producer's contract with him is one for the sale of seeds or for services in connection with the planting, growing and harvesting of a crop of seed.

8. The first sentence in section 6 is amended to read as follows: "The maximum price f. o. b. shipping point, for the sale of vegetable seeds by a commercial grower shall be as follows:"

9. The figure 70 opposite "Lettuce . . . Simpson Black Seeded" in the column entitled "Maximum price per pound for base quality" in section 6 (a) is amended to read 78.

10. The figure 50 opposite "Lettuce" . . . New York or Imperial Types" in the column entitled "Base quantity per bag" in section 6 (a) is amended to read 100.

11. Section 6 (g) is added to read as follows:

(g) The foregoing maximum prices may be increased by the transportation charges actually incurred from the seller's shipping point to the buyer's receiving point by a usual route and method of transportation.

12. Section 7 is amended to read as follows:

SEC. 7. *Maximum prices for processors.* (a) The maximum price or charge for the sale of bean, pea and sweet corn seeds by a processor shall be the maximum price for a like sale by a commercial grower plus transportation charges to his receiving point and transportation charges from his receiving point to his place of delivery by a usual route and method of transportation.

(b) The maximum price or charge for the sale of beet, cabbage, carrot, cauliflower, Swiss chard, cucumber, lettuce, mangel, onion, rutabaga and turnip seeds by a processor shall be the maximum price for a like sale by a wholesaler plus transportation charges from his receiving point to his place of delivery by a usual route and method of transportation.

13. The first sentence in section 8 is amended to read as follows: "The maximum price, f. o. b. shipping point, for the sale of vegetable seeds by a wholesaler shall be as follows:"

14. The figure $1.10 opposite "Lettuce . . . Simpson Black Seeded" in the column entitled "Maximum price per pound for base quantity" in section 8 (a) is amended to read $1.15.

15. The figure 50 opposite "Lettuce . . . New York or Imperial Types" in the column entitled "Base quantity per bag" in section 8 (a) is amended to read 100.

16. Section 8 (g) is added to read as follows:

(g) The foregoing maximum prices may be increased by the transportation charges actually incurred from the seller's shipping point to the buyer's receiving point by a usual route and method of transportation.

17. The first sentence in section 9 is amended to read as follows: "The maximum price f. o. b. the seller's shipping point and delivered to the buyer's receiving point shall be as follows:"

18. Section 19 is added to read as follows:

SEC. 19. *Increases for sacks.* When vegetable seeds are sold in sacks or other containers furnished by the seller, there may be added to the appropriate maximum price the reasonable market value of the sacks or other containers used (not exceeding any maximum price established thereon).

19. Section 20 is added to read as follows:

SEC. 20. *When a person cannot determine his maximum price under the foregoing provisions.* Whenever any seller of vegetable seeds cannot determine his maximum price under the foregoing provisions of this regulation, his maximum price shall be the maximum price of his closest competitor for a like sale; and if he has no competitor for the sale in question, he shall apply to the Seeds and Rice Section, Office of Price Administration, Washington, D. C. for the establishment of a maximum price for such sale.

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 3, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–2116; Filed, February 12, 1944; 11:40 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 36]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has beenfiled with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended in the following respects:

The effective date provisions of Amendments 23, 26, 27, 30 and 31 are amended to include the following sentences immediately after the effective dates: "Regardless of any other provisions of this Regulation, any buyer purchasing logs in the area covered by this amendment who had prices in effect on or after January 12, 1944, higher than those set forth in this amendment, may continue to purchase the same grades and species then being bought at those same prices for an additional period until April 15, 1944. These prices may have been established either by a contract, firm commitment, by a standing offer to buy at stated prices, or by purchases under Maximum Price Regulation 313. New contracts or commitments may be entered into at the same prices fixed by existing contracts, or commitments, or standing offers."

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2130; Filed, February 12, 1944; 4:37 p. m.]

PART 1316—COTTON TEXTILES

[RPS 89,[2] Amdt. 12]

BED LINENS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 89 is amended in the following respects:

1. Section 1316.111 (b) is amended to read as follows:

(b) *Determination of maximum price.* Except as otherwise provided herein, the maximum price for any bed linens shall be determined by the application of the appropriate discount in Table III to the base prices listed in Table II.

2. In § 1316.111 (c) Table III is amended to read as follows:

TABLE III

[Maximum prices for manufacturers, converters or finishers (percentage discounts from base prices in Table II)]

Type 180	Type 140	Type 128	Type 112	Back filled type
6.2%	7.4%	3.1%	0.5%	5.5%

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2132; Filed, February 12, 1944; 4:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 93]

BED LINENS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Article III of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended by adding section 3.11 to read as follows:

SEC. 3.11 *Sales of certain bed linens at wholesale.* (a) This section applies to sales at wholesale of carded cotton bed linens of Types 112, 128, 140 and 180 for which the manufacturer's ceiling price is established by Revised Price Schedule No. 89—Bed Linens.[1]

[1] (a) "Bed linens" means finished sheets, finished pillow cases, finished bolster cases, bleached pillow tubing, domestic-type grey wide sheeting, brown sheeting, and bleached sheeting; however, it refers only to goods made of cotton and does not include goods made wholly of combed yarn.

(b) "Types 112, 128, 140, and 180" are defined in Table I, Section 1316.111 of Revised Price Schedule No. 89. That Schedule requires bed linens, when sold by the manufacturer, to bear a label stating the type.

(c) "Sale at wholesale" means a sale by a person who in the performance of a recognized distributive function resells the goods otherwise than at retail in the same form as that in which he purchases them. No sale is made in the performance of a recognized distributive function unless it advances the goods sold to the next stage of distribution. Presumptively, sales by one jobber or wholesaler to another are not sales in the performance of a recognized distributive function.

(d) "At retail" means in small quantities to ultimate consumers buying for household use and not for resale.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16210, 1244, 15605, 9 F.R. 973.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16198, 16204, 16297, 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682, 792, 1317.

[2] 7 F.R. 1375, 1836, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 6385, 7599, 8937, 8948; 8 F.R. 8070, 11245.

(b) The maximum price for sales at wholesale of these types of bed linens shall be the higher of the following:

(1) The maximum price fixed by the General Maximum Price Regulation;

(2) The seller's net cost of the goods (including, if the goods are sold from stock, freight from the manufacturer's mill to the seller's place of storage) divided by 0.93.

The maximum price shall be subject to the allowances, discounts, and other price differentials observed by the seller during March 1942. No seller shall require any purchaser, and no purchaser shall be permitted, to pay on a sale at wholesale a larger proportion of transportation costs incurred in delivery of bed linens than the seller required purchasers of the same general class to pay during March 1942.

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2131; Filed, February 12, 1944; 4:37 p. m.]

PART 1304—IRON AND STEEL SCRAP

[RPS 4,[1] Amdt. 14]

IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 4 is amended in the following respects:

1. Section 1304.11 (e) is amended to read as follows:

(e) "Operating railroad" means a railroad, terminal association, or switching company which operates a line, and derives at least a portion of its revenue from the carrying of freight.

2. Section 1304.11 (h) is added to read as follows:

(h) "Non-operating railroad" means all steam and electric railroads other than operating railroads, and includes suburban and interurban electric railroads, street railways, refrigerator car companies, sleeping car companies, stock car companies, and tank car companies, but does not include mines or logging roads.

3. Section 1304.13 (e) (6) is amended by deleting the last sentence which reads, "At no time shall the ownership of such scrap reside in the dealer to whom the preparation fee is paid".

4. Section 1304.13 (f) (3) is amended to read as follows:

(3) *No. 1 busheling.* Clean wrought iron or steel scrap 1/16 inch and over in thickness, not exceeding 12 inches in any dimension, including new factory busheling 20 gauge or heavier, (for example, sheet clippings, stampings, etc.). May not contain burnt material, or auto body and fender stock. Must be free of metal coated, limed, or porcelain enameled stock.

5. Section 1304.13 (f) (16) is amended to read as follows:

(16) *Punchings and plate scrap.* Punchings, plate scrap, and bar crops, not over 0.05% of phosphorus or sulphur, not over 0.5% of silicon and free of alloys. All material must be cut 12 inches and under, and with the exception of punchings, must be at least 1/8 inch in thickness. Punchings may not be less than 1/4" or more than 6" in diameter.

6. Section 1304.13 (c) (4) is amended by adding subdivision (v), to read as follows:

(v) Cast iron grindings with an iron content of 85% and over shall not be subject to this schedule when sold for chemical purposes.

7. Section 1304.14 Appendix B is hereby amended to read as follows:

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads*—(a) *Basing point prices from which maximum prices for steel grades of scrap are to be computed*—(1) *Basing point prices[1] of the base grade, No. 1 railroad heavy melting steel.*

No. 1 RAILROAD HEAVY MELTING STEEL (ITEM 1)

Basing point:	*Price per gross ton*
Ashland, Kentucky	$20.50
Birmingham, Alabama	18.00
Buffalo, New York	20.25
Canton, Ohio	21.00
Chicago, Illinois	19.75
Cincinnati, Ohio	20.50
Cleveland, Ohio	20.50
Detroit, Michigan	18.85
Duluth, Minnesota	19.00
Kansas City, Missouri	17.00
Kokomo, Indiana	19.25
Los Angeles, California	18.00
Middletown, Ohio	20.50
Philadelphia, Pennsylvania	19.75
Pittsburgh, Pennsylvania	21.00
Portsmouth, Ohio	20.50
San Francisco, California	18.00
Seattle, Washington	15.50
Sharon, Pennsylvania	21.00
Sparrows Point, Maryland	19.75
Steubenville, Ohio	21.00
St. Louis, Missouri	18.50
Wheeling, West Virginia	21.00
Wilmington, Delaware	19.75
Youngstown, Ohio	21.00

(2) *Basing point prices of standard grades.* The basing point price of any of the following standard grades at the applicable basing point named in paragraph (a) (1) of this section shall be the price of No. 1 Railroad Heavy Melting Steel at such basing point, plus or minus the adjustment specified herein.

Standard grades:	*Adjustments (Plus or minus)*
2. No. 2 Railroad Heavy Melting Steel	Base
3. Wrought Iron and Soft Steel	Base
Standard grades:	
4. No. 2 Steel Wheels	Base
5. Axles, Iron and/or Steel	Base
6. No. 1 Busheling	−$1.00
7. No. 2 Busheling	− 3.50
8. No. 1 Turnings	− 1.50
9. No. 2 Turnings, Drillings, and Borings	− 6.00
10. Iron Arch Bars	− 3.50
11. Steel Arch Bars	− 3.50
12. Boilers, Fire Boxes and Tanks	− 3.50
13. No. 2 Cast Steel	− 3.50
14. Uncut Frogs and Switches	− .50
15. Flues, Tubes and Pipe	− 3.50
16. Limed Iron and Steel	− 3.50
17. Structural Wrought Iron and/or Steel, Uncut	− 3.50
18. Destroyed Cars and Locomotive Tenders	− 3.50
19. No. 1 Sheet Scrap	− 5.00
20. No. 2 Sheet Scrap	− 7.00
21. Scrap Rails in Random Lengths	+ 1.00
22. Rerolling Rails[2]	+ 2.50
23. Cut Rails, 3 ft. and under	+ 3.00
24. Cut Rails, 2 ft. and under	+ 3.25
25. Cut Rails, 18 inches and under	+ 3.50
26. Uncut Tires	+ 2.50
27. Cut Tires	+ 4.50
28. Iron Arch Bars, 3 ft. and under	+ 1.00
29. Uncut Bolsters and Side Frames	Base
30. Cut Bolsters and Side Frames	+ 2.50
31. Angle and Splice Bars	+ 2.50
32. Solid Steel Axles[3]	+ 6.00
33. No. 3 Steel Wheels	+ 3.50
34. Spring Steel	+ 3.50
35. Couplers and Knuckles	+ 3.50

[1] The term "rerolling rails" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for relaying.

[2] The price of solid steel axles shall not exceed the price of the base grade unless sold for rerolling or reforging use.

(b) *Maximum prices for grades of steel scrap*—(1) *On-line prices for operating railroads operating in a basing point.* (The term "on-line prices" means the maximum prices that the originating railroad may charge for scrap delivered to a consumer located on the line of that railroad.)

The maximum on-line price of any grade of steel scrap originating from an operating railroad operating in a basing point named in paragraph (a) of this Section shall be the price established in such paragraph for the scrap at the highest priced basing point in which the railroad operates.

(2) *On-line prices for operating railroads not operating in a basing point.* (i) The maximum on-line price of any grade of steel scrap originating from an operating railroad not operating in a basing point named in paragraph (a) of this section, shall be the price established for the scrap at the most favorable basing point in such paragraph minus the foreign line proportion of the lowest established charge for transporting scrap by rail from the scrap accumulation point of the railroad to such basing point. (The "scrap accumulation point" shall be that point from which the greatest tonnage of scrap was shipped in the calendar year 1943). In no case need the maximum on-line price fall below $15.00 per gross ton for No. 1 Railroad Heavy Melting Steel, (with differentials established in paragraph (a) for all other grades).

The "most favorable basing point" is the basing point which will yield the highest maximum on-line price.

(ii) On and after the 15th day of March, 1944, no operating railroad not operating in a basing point named in paragraph (a) of this section may sell or offer to sell iron and steel scrap to a consumer or his broker (without obtaining prior written approval from the Office of Price Administration) unless prior to that date it has filed with the Office of Price Administration, Iron and Steel Branch, Washington 25, D. C., a statement in writing setting forth its maximum on-line price for No. 1 Railroad Heavy Melting Steel, and describing the method by which the said maximum on-line price was calculated. The statement shall include: the most favorable basing point selected, the price at such basing point, the location of the scrap accumulation point, the lowest established charge for transporting scrap by rail from such accumulation point to the named basing point, and the foreign line proportion of such lowest established charge.

(3) *Non-operating railroads.* (i) The maximum price of any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at the most favorable basing point named in paragraph (a) of this section, minus the transportation charges established in paragraph (c) (1), (2) and (3) of § 1304.13. In no case need the maximum price fall below $15.00 per gross ton for No. 1 Railroad Heavy Melting Steel (with differentials established in paragraph (a) of this section for all other grades).

The "most favorable basing point" is the basing point which will yield the highest maximum price.

(ii) Where the non-operating railroad is located in a basing point set forth in paragraph (a) above, the following switching charge deductions will be applicable:

Basing point:	*Switching charge deductions per gross ton*
Ashland, Kentucky	$0.28
Birmingham, Alabama	.32
Buffalo, New York	.36
Canton, Ohio	.28
Chicago, Illinois	.84
Cincinnati, Ohio	.28
Cleveland, Ohio	.42
Detroit, Michigan	.53
Duluth, Minnesota	.28
Kansas City, Missouri	.32
Kokomo, Indiana	.28
Los Angeles, California	.42
Middletown, Ohio	.14
Philadelphia, Pennsylvania	.14
Pittsburgh, Pennsylvania	.55
Portsmouth, Ohio	.28
San Francisco, California	.42
Seattle, Washington	.36
Sharon, Pennsylvania	.42
Sparrows Point, Maryland	.11
Steubenville, Ohio	.28
St. Louis, Missouri	.28
Wheeling, West Virginia	.28
Wilmington, Delaware	.28
Youngstown, Ohio	.42

(c) *Maximum on-line prices for grades of cast iron scrap.* The maximum on-line price, per gross ton, for any of the following grades of cast iron scrap shall be the price shown in the following table for such grade of scrap at the highest priced zone in which the railroad operates or is located:

	Zone A	Zone B	Zone C
1. Cast Iron, No. 1	$18.00	$19.00	$20.00
2. Cast Iron, No. 2	17.00	18.00	19.00
3. Cast Iron, No. 3	14.50	15.50	16.50
4. Cast Iron, No. 4	13.25	14.25	15.25
5. Cast Iron Brake Shoes	13.25	14.25	15.25
6. Malleable	20.00	21.00	22.00
7. Wheels, No. 1	18.00	19.00	20.00

Zone A includes the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona and New Mexico.

Zone B includes the states of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas and Florida.

Zone C includes all states not named in Zones A and B, and includes the switching district of Kansas City, Kansas-Missouri.

(d) *Maximum prices for scrap delivered to a consumer*—(1) *When delivered to a consumer located on the line of a railroad.* The maximum delivered price of any grade of scrap originating from an operating railroad and delivered to a consumer's plant located on the line of that railroad shall be the maximum on-line price established in paragraph (b) or (c) of this section, whichever is applicable.

(2) *When delivered to a consumer located off the line of the originating railroad.* The maximum delivered price of any grade of scrap originating from an operating railroad and delivered to a consumer's plant located off the line of that railroad shall be the maximum on-line price established in paragraph (b) or (c) of this section, whichever is applicable, plus the foreign line proportion of the through rate from the railroad's line to the plant of the consumer via the point on the line of the railroad nearest the consumer's plant (unless off-line routing at another point is required by order of a Governmental agency).

(3) *When delivered to a consumer from a non-operating railroad.* The maximum delivered price of any grade of scrap originating from a non-operating railroad shall be the maximum price established in paragraph (b) or (c) of this section, whichever is applicable, plus transportation charges to the point of delivery. Such transportation charges shall be computed in the same manner and subject to the same limitations as the charges allowable under § 1304.13 (d) except that the springboard limitations in that section shall not apply to the grades of rails, grades No. 21, 22, 23, 24, and 25.

(e) *Railroad scrap prepared by a dealer.* (1) With the exception of unprepared scrap prepared in-transit pursuant to paragraph (f) (2) of this section, railroad steel scrap prepared by a dealer or moving through a dealer's yard shall be deemed to have lost its railroad origin. Steel scrap which has lost its railroad origin shall be classified and priced under § 1304.13 except that for the following grades of steel scrap number in paragraph (a) (2) above, grades No. 4, 5, 14, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, and 35 the maximum shipping point price shall be the same as those prices established for non-operating railroads in paragraph (b) (3) of this section for those grades, and the maximum delivered prices shall be the same as those prices established for non-operating railroads in paragraph (d) (3) of this section for those grades.

(2) The maximum shipping point price of any grade of railroad cast iron scrap sold by a dealer shall be the same as the price established for the railroad seller in paragraph (c) of this section.

(f) *Unprepared scrap.* (1) The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, or box cars, which must be so priced that the prepared scrap will deliver to the consumer within the maximum delivered price established in this section.

(2) *Preparation in-transit.* (i) If a consumer without adequate preparation facilities purchases unprepared scrap from an originating railroad, the consumer may designate a dealer or dealers to prepare such scrap on a preparation fee basis. The maximum preparation fee for steel scrap shall be the differential established in paragraph (e) of § 1304.13 or paragraph (a) of § 1304.14, whichever is applicable, between the unprepared scrap and the listed grade into which the scrap is prepared (for example: $3.50 per gross ton for prepared No. 1 Railroad Heavy Melting Steel from Structural and/or Wrought Iron and Steel Uncut, or $2.50 per gross ton for cutting rails 18 inches and under from Scrap Rails in Random Lengths, or $4.00 per gross ton for No. 2 Bundles prepared from No. 1 Sheet Scrap, etc.). For railroad cast iron scrap, an in-transit preparation fee will be applicable only for preparing Cast Iron, No. 3 into Cast Iron, No. 1 for which the maximum preparation fee shall be $3.50 per gross ton.

(ii) The maximum delivered price for railroad scrap prepared intransit shall be the maximum on-line price for the unprepared scrap, plus the applicable rail transportation charges, if any, incurred in moving the scrap to the dealer's yard, plus the applicable preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery.

(g) *Premiums for alloy content.* The provisions concerning alloy scrap set forth in § 1304.13 (a) (4) shall be applicable to any grade of railroad scrap.

(h) *Prohibition against special preparation charges.* (1) Except upon prior approval by the Office of Price Administration, no charge may be made for special preparation.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1207, 8 F.R. 1952, 2431, 16786.

[1] A basing point includes a switching district of the city named.

(2) Whenever scrap has arrived at the point of delivery, and the consumer engages a dealer to prepare such scrap, no charge may be made for such service unless prior approval is secured from the Office of Price Administration.

(i) *Superior grades.* Except upon prior approval by the Office of Price Administration, no grade of railroad scrap, other than those listed in this Section, shall command a premium over the base grades (No. 1 Railroad Heavy Melting Steel or Cast Iron, No. 1).

(j) *Inferior grades.* For grades, other than those listed in this section, which are inferior to the base grades (No. 1 Railroad Heavy Melting Steel or Cast Iron, No. 1) the seller shall apply to the Office of Price Administration, Washington 25, D. C., for the establishment of an appropriate price.

(k) *Mixed shipments.* (1) When grades of scrap commanding different maximum prices under the provisions of this Revised Price Schedule No. 4 are included in one vehicle, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest priced grade in the vehicle. This limitation shall not affect shipments involving vessel movement if each grade commanding a different maximum price is segregated in the vessel.

(2) Where a vehicle contains exclusively grades of scrap for which premiums for alloy content are established under the provisions of this schedule, such premiums shall not apply (and the limitations set forth in subdivision (1) of this paragraph shall apply), unless each such grade is segregated in the vehicle.

(l) *Specifications for grades of railroad scrap.* (Reference to Association of American Railroads classification number follows each grade title.)

(1) *Steel grades.*

No. 1. *No. 1 Railroad heavy melting steel.* (A. A. R. No. 24). Steel scrap ¼ inch and over in thickness, not over 18 inches in width, and not over 5 feet long. Individual pieces must be cut into such shape that they will be free from attachments and will lie reasonably straight and compact in a charging box. Cut boiler plate must be practically cleaned of lime, free from staybolts. May include structural shapes, plates, rods and bars ½ inch and heavier, steel castings, heavy chain, heavy forgings, forged butts and similar heavy material. This grade may also include new mashed pipe ends, original diameter four inches and over, thoroughly flattened, sheet bars, billets, blooms, rail ends, railroad steel and wrought scrap, such as angle and slice and splice bars, couplers, knuckles, draw bars, cut cast steel bolsters, coil and leaf springs (all coil springs to be ⅜ inch or larger diameter). No needle or skeleton plate scrap, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldy pieces may be included. Must be free from dirt, excessive rust or scale or foreign material of any kind.

No. 2. *No. 2 Railroad heavy melting steel.* (A. A. R. No. 25). Plate scrap, such as car sides ⅛ inch or over in thickness. Punchings ⅛ inch and over in thickness, heavy clippings, new unmashed pipe ends under 4 inches in diameter. Car sides and all light plate to be sheared 15 inches by 15 inches or under and all light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared in such shape that they will lie reasonably flat in a charging box and not tangle in handling with a magnet; all to be free from cast iron, malleable iron, burnt scrap, dirt or foreign material of any kind. Maximum size 15 inches wide by 3 feet long.

No. 3. *Wrought iron and soft steel.* (A. A. R. Nos. 43 and 44.) Wrought iron and/or soft steel from railroad shops and cars, including iron links and pins. Flats ¼ inch thick and over; rounds and/or squares ⅜ inch thick and over. May include tie plates, track bolts, spikes and nuts. All to be free from steel shapes, plates and riveted materials. Maximum size 18 inches wide by 5 feet long.

No. 4. *No. 2 steel wheels.* (A. A. R. No. 41). Includes all kinds of built up or steel tired wheels 36 inches and under.

No. 5. *Axles, iron and/or steel.* (A. A. R. Nos. 4 and 5). Hollow bored steel axles. Railroad car and/or locomotive axles, A. A. R. and M. C. B. sizes, and free from defective or imperfect forgings. No axles to be included of shorter length than distances between wheel seats.

No. 6. *No. 1 busheling.* (A. A. R. No. 10). Clean iron and/or soft steel pipes and/or flues, tank and/or bands No. 12 gauge and heavier, steel plate punchings and/or clippings, soft steel and/or iron forgings and/or flashings. No dimension over 8 inches. To be free from burnt material, hard steel, cast, malleable and metal coated material of any kind.

No. 7. *No. 2 busheling.* (A. A. R. No. 10–A). Netting, sheet and/or similar light material, lighter than No. 12 gauge. No dimension over 8 inches. To be free from hard steel, cast and metal coated material of any kind.

No. 8. *No. 1 turnings.* (A. A. R. No. 38). Heavy turnings from wrought iron and/or steel railroad axles or heavy forgings and/or rail chips, to weigh not less than 75 pounds per cubic foot. Free from dirt or other foreign material of any kind.

No. 9. *No. 2 Turnings, drillings, and borings.* (A. A. R. No. 39). Cast, wrought, steel and/or malleable iron borings, turnings, and/or drillings mixed with other metals.

No. 10. *Iron arch bars.* (A. A. R. No. 1). Railroad iron arch, transom and/or tie bars, uncut.

No. 11. *Steel arch bars.* (A. A. R. No. 1–A). Railroad steel arch, transom, and/or tie bars, uncut.

No. 12. *Boilers, fire boxes and tanks.* (A. A. R. No. 8). Iron or steel boiler or tank plate cut apart sufficiently to load (with or without staybolts).

No. 13. *No. 2 cast steel.* (A. A. R. No. 11). Steel castings over 18 inches wide and over 5 feet long.

No. 14. *Uncut frogs and switches.* (A. A. R. No. 18). Steel and/or iron frogs and switches that have not been cut apart, exclusive of manganese.

No. 15. *Flues, tubes and pipe.* (A. A. R. No. 21). Wrought iron and/or soft steel. Must be free from dirt, excessive corrosion or lime and riveted seams. Fitting attached permitted.

No. 16. *Limed iron and steel.* (A. A. R. No. 22). All kinds of iron or steel material from interior of boilers. (Except flues which are encrusted with lime, such as crown bars, crown bar bolts, staybolts, etc.)

No. 17. *Structural wrought iron and/or steel, uncut.* (A. A. R. No. 35). All steel or steel mixed with iron from bridges, structures and/or equipment that has not been cut apart; may include uncut bolsters, brake beams, steel trucks, underframes, channel bars, steel bridge plates, frog and/or crossing plates and/or other steel of similar character.

No. 18. *Destroyed cars and locomotive tenders.* (A. A. R. No. 45). Includes bodies of steel cars cut apart sufficiently to load; excludes trucks and/or cast steel underframes.

No. 19. *No. 1 sheet scrap.* (A. A. R. No. 30). Under ¼ inch thick, consisting of cut stacks and/or stack netting, hoops, band iron and/or steel, pressed steel, hand car wheels, scoops and/or shovels (free of wood), and/or wire rope, all sizes. Must be free from burnt or metal coated material, cushion and other similar springs and lime encrusted pipe and flues from boilers.

No. 20. *No. 2 sheet scrap.* (A. A. R. No. 31). Includes netting (other than stack wire) and/or galvanized material, composition brake shoes and/or gas retorts.

No. 21. *Scrap rails in random lengths.* (A. A. R No. 29). Standard section tee, girder, or guard rails; to be free from frogs and switch rails not cut apart, and contain no manganese, cast welds or attachments of any kind except angle bars. Free from concrete, dirt and foreign material of any kind.

No. 22. *Rerolling rails.* (A. A. R. No. 27). Standard section tee or girder rails, 5 feet long and over. Suitable for rerolling into bars and shapes. Free from bent and twisted rails, frogs, switch and guard rails, or rails with split heads and broken flanges.

No. 23. *Cut rails 3 feet and under.* (A. A. R. No. 28). Cropped rail ends 3 feet and under in length. Free from angle bars, splice bars, tie plates, concrete, dirt, or other foreign material.

No. 24. *Cut rails 2 feet and under.* Cropped rail ends 2 feet and under in length. Free from angle bars, splice bars, tie plates, concrete, dirt, or other foreign material.

No. 25. *Cut rails 18 inches and under.* Cropped rail ends 18 inches and under in length. Free from angle bars, splice bars, tie plates, concrete, dirt, or other foreign material.

No. 26. *Uncut tires.* (A. A. R. Nos. 36 and 37). Locomotive or car tires, uncut.

No. 27. *Cut tires.* (A. A. R. Nos. 36 and 37). Locomotive or car tires, cut to lengths of 3 feet and under.

No. 28. *Iron arch bars 3 feet and under.* (A. A. R. No. 1). Railroad iron arch, transom and/or tie bars cut 3 feet and under.

No. 29. *Uncut bolsters and side frames.* (A. A. R. No. 9). Cast steel bolsters and/or truck side frames, uncut.

No. 30. *Cut bolsters and side frames.* Cast steel bolsters and/or truck side frames, cut to charging box size, 5' by 18" or smaller.

No. 31. *Angle and splice bars.* (A. A. R. No. 6). Fish plates and/or patented joints, iron or steel.

No. 32. *Solid steel axles.* (A. A. R. Nos. 2 and 3). Solid car and/or locomotive steel axles. (Free of axles with key-way between wheel seats; no axles of shorter lengths than distance between wheel seats to be included).

No. 33. *No. 3 Steel wheels.* (A. A. R. No. 42). Solid cast steel, forged, pressed, or rolled steel car and/or locomotive wheels, not over 42 inches in diameter.

No. 34. *Spring steel.* (A. A. R. Nos. 34 and 34–A). Coil springs made of material not less than ⅜ inch in diameter. Elliptical springs made of material not less than ¼ inch in thickness, not over 18 inches wide. May be assembled or cut apart.

No. 35. *Couplers and knuckles.* (A. A. R. No. 17). Railroad car and/or locomotive steel couplers, knuckles, and/or locks stripped clean of all other attachments.

(2) *Cast iron grades.*

No. 1. *Cast iron, No. 1.* (A. A. R. No. 12). Cast iron scrap, such as columns, pipe, plates and/or castings of miscellaneous nature, but free from stove plate, brake shoes and/or burnt scrap. Must be cupola size, not over 24 inches by 30 inches in dimensions and no pieces to weigh over 150 pounds. Must be free from foreign material.

No. 2. *Cast iron, No. 2.* (A. A. R. No. 13). Cast iron scrap in pieces weighing over 150 pounds but not more than 500 pounds. Free from burnt cast.

No. 3. *Cast iron, No. 3.* (A. A. R. No. 14). Cast iron scrap in pieces weighing over 500 pounds; includes cylinders, driving wheel centers, and/or all other castings. (Free from hammer blocks or bases).

No. 4. *Cast iron, No. 4.* (A. A. R. No. 15). Burnt cast iron scrap, such as grate bars, stove parts and/or miscellaneous burnt scrap.

No. 5. *Cast iron brake shoes.* (A. A. R. No. 16). Driving and/or car brake shoes of all types except composition filled shoes.

No. 6. *Malleable.* (A. A. R. No. 23). Malleable parts of automobiles, railroad cars, and locomotives.

No. 7. *Wheels, No. 1.* (A. A. R. No. 40). Cast iron car and/or locomotive wheels.

8. The table of shipping point prices in § 1304.15 (a) (1) is amended so that the price of Item 6 Heavy Breakable Cast is reduced from $15.50 to $14.50 in Group A, from $16.50 to $15.50 in Group B, and from $17.50 to $16.50 in Group C.

9. Section 1304.15 (d) (2) and (3) are amended so that wherever the figure of $2.50 appears therein the figure of $3.50 shall be substituted.

NOTE: The reporting and record keeping requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective February 19, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2169; Filed, February 14, 1944; 11:47 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 84]

PAYMENT OF PATRONAGE DIVIDENDS BY MARKETING COOPERATIVE ASSOCIATIONS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1305.215 *Payment of patronage dividends by marketing cooperative associations.* (a) This order applies to the payment of patronage dividends by marketing cooperative associations to their patrons (members or non-members) in connection with any commodity subject to a price regulation issued by the Office of Price Administration unless the applicable price regulation contains different provisions.

(b) No marketing cooperative association may pay to any patron and no patron may receive, through the payment of patronage dividends or otherwise, more for any commodity than the ceiling price applicable to sales of that commodity by the patron to non-cooperative distributors regardless of whether the association acquires title to the commodity or acts as selling agent for the patron except as provided in this order.

(c) Patronage dividends may be paid by marketing cooperative associations to or received by their patrons in connection with a commodity when the dividend plus the original payment to the patron results in his receiving more for the commodity than the applicable ceiling price for sales by him to non-cooperative distributors only if all the following conditions are met:

(1) The association operates on a cooperative basis for the purpose of marketing the commodities of its patrons solely for their mutual benefit, and conforms with all the requirements of the applicable statutes of a state or territory.

(2) The association does not handle a greater proportion (in terms of dollar value or unit volume) of non-member business in any fiscal year than it handled during the calendar year 1943, or its fiscal year ending in 1943, or, if the association was not in existence during all of 1943, it does not handle a greater proportion of non-member business than it handled during the first fiscal or calendar year of its existence: *Provided,* That, for purposes of this paragraph (c), there shall be disregarded in determining the proportion of member to non-member business transaction by the association, any business done by it for and at the request of the United States or any of its agencies as part of a special government procurement program which makes it necessary for the association to obtain commodities out of the normal course of its business from other than its customary sources of supply.

(3) The association is not controlled, with respect to finances, policy, payment of patronage dividends, employment or compensation of personnel or agents, or in any other way by any person (other than a cooperative association).

(4) The association does not offer or agree to pay a patronage dividend of a definite amount or at a specific rate.

(5) The association does not pay patronage dividends except at the end of the association's fiscal year or at the end of intervals of not less than six months where the books of the association are regularly closed at the end of such intervals.

(6) If the association in the payment of patronage dividends customarily differentiates between, and maintains separate accounting records for, various operations in its business (differentiating, for example, between operations in different areas, or between the marketing of different commodities or the products of different types or grades of the same commodity), the patronage dividend paid to patrons whose commodities are marketed in one such operation in its business does not include any sums derived from other such operations.

(7) In the case of a farmers' cooperative association, the association also conforms with all the requirements of the Capper-Volstead Act.

(d) "Price regulation," as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(e) This order shall become effective February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2173; Filed, February 14, 1944; 11:48 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1340—FUEL

[MPR 120, Amdt. 85]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

Section 1340.207 (e) is revoked.

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2168; Filed, February 14, 1944; 11:47 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 86]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.215 (b), new subparagraph (6) is added to read as follows:

(6) Notwithstanding the provisions of subparagraphs (1), (3), (4) and (5) of this paragraph (b), or of any order issued prior to February 14, 1944, the maximum prices for coals shipped for railroad fuel use from any mine in the Hocking, Pomeroy, Crooksville, Jackson, Middle, Leetonia, and Ohio Middle freight origin districts, in Size Group Nos. 1 to 10 inclusive, and in Size Group No. 12, shall in no case be less than the maximum prices for coals in such respective size groups for any other use.

[1] 8 F.R. 14560.

This amendment shall become effective February 14, 1944.

(55 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2174; Filed, February 14, 1944; 11:48 a. m.]

PART 1340—FUEL

[MPR 510]

LUBRICATING OILS, GREASES AND CERTAIN OTHER PETROLEUM PRODUCTS

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250, and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

§ 1340.401 *Maximum prices for lubricating oils, greases and certain other petroleum products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order Nos. 9250 and 9328, Maximum Price Regulation No. 510 (Lubricating Oils, Greases and Certain Other Petroleum Products), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1340.401 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 510—LUBRICATING OILS, GREASES AND CERTAIN OTHER PETROLEUM PRODUCTS

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3. Federal and State taxes.
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ARTICLE I—GENERAL PROVISIONS

SECTION 1. *Transactions, commodities and areas covered*—(a) *Transactions.* This regulation covers all types of sales and deliveries either by refiners, blenders, resellers or any other person except the following:

(1) *Retail sales.* Retail sales at retail establishments.

(2) *Export sales.* The maximum price at which a person may export any commodity covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation including amendments issued or hereafter issued by the Office of Price Administration.

(3) *Import sales.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the Maximum Import Regulation.

(4) *Exchanges.* Exchanges of petroleum products between refiners unless a provision is written or a price established solely for this type of transaction. Such exchanges shall also be exempt from the General Maximum Price Regulation.

(5) *Subsidiaries.* Sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated corporations as are especially excepted by order in writing of the Price Administrator or his duly authorized representative. Such sales shall also be exempt from the General Maximum Price Regulation.

(6) *Secret contracts.* This regulation shall not apply to sales or deliveries of any product made under a contract or subcontract that is officially classified as "Secret" and certified as such to the Office of Price Administration by the United States or any agency thereof, or by the Government, or any agency thereof of any Country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States." Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying Government agency shall notify the contractor or subcontractor and the Office of Price Administration whenever such contract or subcontract ceases to be secret; upon receipt of such notification this exception shall not apply. Such sales shall also be exempt from the General Maximum Price Regulation.

(b) *Commodities.* Motor oils including aviation oils, stock oils (neutrals, bright stocks, steam refined and other stock oils), greases, industrial oils, petroleum sulphonates, mineral oil polymers, and any other fraction of crude petroleum which is sold as a source of any of the foregoing commodities, unless specifically excluded in the following paragraph.

The following commodities are not included in this regulation: Insecticides; germicides; core oils and core washing oils; household oils, upper motor lubricants and other specialty lubricants and compounds such as sealing and thread compounds, honing oil, etc., normally sold to consumers by sellers other than petroleum refiners, compounders, jobbers and service stations; petrolatum, paraffin wax, microcrystalline wax, slop wax, and any compound a major portion of which consists of any of these products; asphalt and asphalt products; crude petroleum; naphthenic acids; those petroleum products coming under Maximum Price Regulation No. 88 or any superseding regulation; and those petroleum products excepted from price control by any applicable price regulation.

(c) *Areas.* This regulation applies in the forty-eight states of the United States, the District of Columbia, and the territories and possessions of the United States, except sales and deliveries in the Panama Canal Zone excepted by Supplementary Order No. 8.

SEC. 2. *Transfers of business or stock in trade.* This section covers cases where the business effects or stock in trade of any seller or any person are sold, leased or otherwise transferred after October 15, 1941 in the case of motor and stock oils, or after March 31, 1942, in the case of other products, and the transferee carries on the business or contracts to deal in the same commodity in an establishment separated from any other establishment previously owned or operated by the transferee. In such cases the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place. His obligation to keep records and make reports shall be the same as those of the tansferor. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation and those of the General Maximum Price Regulation where the latter were applicable.

SEC. 3. *Federal and State taxes*—(a) *Tax in effect during March 1942.* Where a seller during March 1942 included a tax (either directly or by separate statement and collection) as a part of his price for a petroleum product, he may include such tax (either directly or by separate statement and collection) as a part of any maximum price established under this regulation for that product or for a new product he is now selling which is subject to the same tax.

(b) *Tax or increase in tax effective after March 1942.* Any tax increase or new tax imposed after March 31, 1942, upon or incident to the sale, delivery, processing, or use of any petroleum product covered by this regulation may be collected by a seller in addition to the maximum prices established under this regulation.

NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."

SEC. 4. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* Any person who has entered into or proposes to enter into a "Government contract" as defined by Revised Supplementary Order No. 9 who believes that a maximum price contained in this regulation impedes or threatens to impede production, manufacture or distribution of a commodity essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6 and under terms of Revised Supplementary Order No. 9.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(c) *Local shortages.* The Office of Price Administration, or any duly authorized representative thereof, may adjust by order any maximum price established under this regulation for any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such petroleum product; and

(3) That such adjustment will not create or tend to create a shortage or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

NOTE: Applications for adjustment shall be filed in Washington, D. C., in accordance with Revised Procedural Regulation No. 1.

(d) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. Where a petition for adjustment or amendment is pending the buyer and seller may agree that prices for deliveries made during the pendency of the petition shall be determined in accordance with the disposition of the petition. The new maximum prices established in accordance with the disposition of the petition will be permitted to apply to the deliveries which were made while the petition was pending if the deliveries are necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 5. *Records and price filing requirements.* (a) Every person selling petroleum products subject to this regulation shall keep for a period of two years and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such petroleum products and in addition, records showing the basis upon which he determined maximum prices for such petroleum products.

(b) Within thirty days after the effective date of this regulation each refiner, blender or compounder of any commodity for which maximum prices are established under this regulation shall file with the Office of Price Administration in Washington, D. C., in duplicate, a list of his selling prices including therewith his written statement of discounts and price differentials which he supplies to his salesmen, on all of such commodities which he produces. The list shall consist of the prices which he customarily publishes for use of his sales department, customers or distributors. It need not include prices for individual products and formulas which are not customarily published in such manner. The filing of such prices shall not constitute their establishment as maximum selling prices nor their approval as such by the Office of Price Administration.

SEC. 6. *Shifts which must be reported.* A seller who on the last sale prior to the effective date of this regulation sold a particular petroleum product to a purchaser who is a reseller on a delivered price basis at a given point and thereafter sells such a reseller on an f. o. b. shipping point price basis shall report such fact to the regional office of the Office of Price Administration serving the point of destination for such shipment within ten days after such sale is made, if but only if, the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the reseller above the seller's maximum delivered price to such reseller.

SEC. 7. *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation, no person shall sell or deliver and no person shall buy or receive any commodity governed by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things. Prices lower than the maximum prices may, of course, be charged and paid.

(b) *Evasion.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods in connection with a sale, delivery or transfer of petroleum products alone or in conjunction with any other materials or by way of any commission, service, transportation, loading, tank car rental or other charge or discount, premium or privilege or by tying agreement or other trade understanding or by a change in the quality of a product or otherwise.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended. War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to War procurement agencies and buyers to whom such products have been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 8. *Definitions.* (a) "Motor oil" means a lubricating oil when sold for use in the crank cases of internal combustion diesel or gasoline engines installed in mobile equipment, exclusive of rail and marine equipment. By internal combustion engine is meant that type of engine commonly used in an automobile, motorcycle, truck, bus, tractor, airplane, etc. Oils sold exclusively for break-in purposes are classed as industrial oils.

(b) "Industrial oil" means those petroleum oils and compounds thereof used for lubricating and non-lubricating purposes sold primarily for the lubrication of industrial machinery or for processing or other industrial use except as fuel. Examples are lubricating oils for machinery, stationary diesel and gasoline engines and rail and marine equipment; lubricating oils for testing and breaking-in automotive and aircraft engines; ink oils; transformer oils; cable compounds; hydraulic oils; oils and compounds for processing textiles, rubber, fibres, leather, paper, etc.; cutting oils and compounds; rust preventives; etc.: *Provided*, That no product shall be considered an industrial oil unless it is intended for ultimate sale to industrial (including rail and marine) consumers and unless approximately 50% of its non-aqueous constituents are derived from petroleum.

(c) "Grease" means oils commonly sold for the lubrication of automotive gears and soap-thickened oils suitable for lubrication.

(d) "Gross profit" means in the case of producers the difference between the net maximum selling price and the ingredient values, and in the case of sellers at wholesale the difference between the net maximum selling price and the cost delivered to seller's plant.

(e) "Ingredients values" are determined as follows:

(1) If the ingredients are purchased by the seller, he shall use the maximum prices which his suppliers of such ingredients may charge him under applicable price regulations, including cost of delivery to seller's plant.

(2) If the ingredients are obtained from the seller's own refinery, he may use the refinery value, inventory value, works billing price, or other similar value which he customarily places on such ingredients.

(f) "Highest price charged during March 1942" means:

(1) The highest price which the seller charged at the same shipping or delivery point to a purchaser of the same class for delivery of the particular petroleum product during March 1942.

(2) If the seller made no such delivery during March 1942, such seller's highest offering price to a purchaser of the same class for delivery during that month.

(3) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged or offered by the seller during March 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(4) In no event, however, shall a price charged pursuant to a contract entered into prior to March 1942 be regarded as a price charged in March 1942 unless such contract was adjustable to reflect current market conditions at or about the dates of deliveries under such contract.

(g) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for a commodity for sales to purchasers performing different functions (for example, refiner; jobber; distributor; commercial, industrial or private consumer; service station tank car dealer; divided or undivided tank wagon dealer, etc.), or for purchasers performing the same function but located in different areas or buying in different quantities or grades or under different conditions of sale. Price is prima facie evidence but not conclusive evidence to be considered in determining if a purchaser belongs to a particular class; however, a lower price to a particular purchaser which was to meet competition and otherwise was inconsistent with the seller's practice in setting the same price to the particular purchaser and one or more other purchasers, shall neither result in placing the particular purchaser in a lower price class nor be considered in determining a seller's maximum price.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes any government, its political subdivisions and agencies.

(i) "Retail establishment" means the physical location of the store, shop, garage, service station, or other place of business in which petroleum products are sold at retail other than by delivery in tank wagon or larger lots.

(j) "Seller of the same class" means a seller (1) performing the same function, (2) of similar type, (3) dealing in the same type of commodity, and (4) selling to the same class of purchaser.

(k) "Contract" means an agreement, the existence of which is established by written evidence.

SEC. 9. *Index; reports, records and petitions.* (a) The following reports are required by this regulation:

Section 1 (a) (6)—Certification of secret contracts.
Section 2 (a)—Reports to continue unchanged in case of transfer of business.
Section 5 (b)—Filing of list of selling prices required of refiners, blenders and compounders.
Section 6 (a)—Shifts from delivered to f. o. b. price basis which must be reported.
Section 14 (c) (2)—Report of prices for products changed because of shortages of ingredients.
Section 16 (a)—Report of tentative or sale price where seller is unable to determine his maximum price under other methods.

(b) The following records are required by this regulation:

Section 5 (a)—Customary records required to be kept for two years.
Section 2—Records to continue unchanged in case of transfer of business.

(c) The following petitions may be filed under this regulation:

Section 4 (a)—Government contracts.
Section 4 (b)—Petitions for amendment.
Section 4 (c)—Local shortage adjustments.

ARTICLE II—PRICING PROVISIONS

NOTE: How to determine maximum prices.

Specific maximum prices are set forth in section 10 for certain stock oils sold in bulk lots.

If no specific maximum price is provided, you will determine your maximum price as follows:

1. *In the case of motor and stock oils sold by any seller including wholesalers:*

(a) By using your price on the last sale prior to October 15, 1941, as outlined in section 11. If a maximum price cannot be determined in this way,

(b) By continuing to use the maximum price of your most closely competitive seller of the same class, if you have heretofore used such price as your maximum price under § 1340.159 (b) (3) of Revised Price Schedule No. 88 and have heretofore printed it in your published price list or other customary method of publication. If a maximum price cannot be determined in this way,

(c) By using the blending, minor differences or shortages methods outlined in section 14. If a maximum price cannot be determined by these methods,

(d) By using the final pricing method set forth in section 16.

2. *In the case of all products other than motor and stock oils sold by any seller including wholesalers:*

(a) By using your March 1942 price as outlined in section 13. If a maximum price cannot be determined in this way,

(b) By using the blending, minor differences or shortages methods outlined in section 14. If a maximum price cannot be determined by these methods,

(c) By using the final pricing method set forth in section 16.

3. *Prior price approvals:* Certain prior price approvals and orders granted under Revised Price Schedule No. 88 are continued in effect under this regulation by section 15.

SEC. 10. *Specific maximum prices for certain stock oils in bulk lots*—(a) *Pennsylvania grade stock oils.* Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f. o. b. refineries in the Western Pennsylvania Field shall be as follows:

(1) *Viscous neutrals—No. 3 Color. Viscosity at 70° Fahrenheit:*

	Cents per gallon
(i) 200 Viscosity (180 at 100°) 420–425 Flash Point:	
0 pour test	40.5
10 pour test	39.5
15 pour test	38.5
25 pour test	33.0
(ii) 150 Viscosity (143 at 100°) 400–405 Flash Point:	
0 pour test	38.5
10 pour test	37.5
15 pour test	36.5
25 pour test	31.0

(2) *Cylinder stocks:*

(i) Bright stocks (145–155 vis. at 210°, 540–550 fl., No. 8 col.):	
10 pour test	30.5
15 pour test	29.5
25 pour test	25.0
(ii) Other stocks:	
600 S. R. filterable	15.0
650 S. R.	15.5
600 fl.	16.0
630 fl.	17.0

(b) *Mid-continent stock oils.* (Conventionally refined; does not apply to "solvent" oils)—Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f.o.b. refineries in Oklahoma shall be as follows:

(1) *Neutrals (vis. at 100 F., 0–10 pour point)*

(i) Pale oils:

Vis.	Color	Cents per gallon
60–85	No. 2	8
86–110	No. 2	8.5
150	No. 3	14.5
180	No. 3	15
200	No. 3	16
250	No. 3	16
280	No. 3	17
300	No. 3	18

(ii) Red oils:

180	No. 5	15
200	No. 5	15
280	No. 5	17
300	No. 5	17.5

NOTE: Viscous Neutrals (150 Vis. or heavier) 15–25 pour point are 0.5¢ under 0–10 pour point. 60–85 and 86–110 No. 2 non-viscous oils 15–25 pour point are 0.25¢ under 0–10 pour point oils.

(2) *Cylinder stocks*

	Cents per gallon
(i) Bright stocks (viscosity at 210°):	
200 Viscosity D	27.0
150–160 Viscosity D:	
0–10 Pour point	23.0
10–25 Pour point	22.5
24–40 Pour point	23.0
150–160 Viscosity E	22.0
120 Viscosity D:	
0–10 Pour point	22.0
(ii) Other stocks:	
600 S. R. Dark Green	8.5
600 S. R. Olive Green	10.0
631 S. R.	18.5
Black oil	4.0

NOTE: For sales to exporters and export sales at Gulf Coast ports see paragraph (e) below.

(c) *South Texas neutral oils.* Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f. o. b. refineries in the South Texas Field, including Gulf Coast refineries, shall be as follows:

	Cents per gallon
(1) Pale oils (viscosity at 100° F.):	
100 No. 1½–2½	6.5
200 No. 2–3	8.75
300 No. 2–3	9.25
500 No. 2½–3½	10.0
750 No. 3–4	10.25
1200 No. 3–4	10.375
2000 No. 4	10.5
(2) Red oils:	
100 No. 5–6	6.5
200 No. 5–6	8.75
300 No. 5–6	9.25
500 No. 5–6	10.0
750 No. 5–6	10.25
1200 No. 5–6	10.375
2000 No. 5–6	10.5

NOTE: For sales to exporters and export sales at Gulf Coast ports see paragraph (e) below.

(d) *Chicago prices; neutral, unfiltered steam-refined, bright stocks and filtered stocks (From Midcontinent pipe line crude).* Maximum prices in bulk lots to jobbers, compounders, blenders and refiners loaded into all types of transportation facilities (except tank wagons) f. o. b. refineries located in the Chicago area shall be:

[Neutral oils viscosity at 100° F. 0–10 pour point]

(1) Pale oils:

Vis.	Color	Cents per gallon
60–85	No. 2	9.5
86–110	No. 2	10
150	No. 3	15.5
180	No. 3	16
200	No. 3	16
250	No. 3	17

(2) Red oils:

180	No. 5	16
200	No. 5	16
250	No. 5	17
280	No. 5	18
300	No. 5	18.5

NOTE: Viscous oils (150 Vis. or heavier) 15 to 30 pour point are 0.5¢ under 0–10 pour point, 60–85 and 86–110 No. 2 non-viscous oils, 15 to 30 pour point, 0.25¢ under 0–10 pour point.

(3) Unfiltered steam refined: (*Viscosity at 210°*)	
140	11.5
160	12.5
200	13.5
(4) Bright stocks, 160 vis. at 210 No. 8 color:	
0 to 10 pour point	24.0
15 to 25 pour point	23.5
30 to 40 pour point	21.5
Filtered cylinder stock	15.5

NOTE: To obtain prices delivered in Chicago, add 0.25¢ per gallon.

(e) *Sales to exporters and export sales at Gulf Coast Ports.* Prices set out in tables 1 and 2 below shall be the maximum prices in bulk at Gulf Coast ports for sales to exporters and shall also be deemed the maximum domestic prices for the purpose of determining a maximum export price at such ports under the Second Revised Maximum Export Price Regulation. These prices are F. O. B. refineries and terminals loaded into all types of transportation facilities (except tank wagons):

	Cents per gallon
(1) *Mid-continent lubes:*	
200 Vis. D 210 Bright Stock	28.8
150 Vis. D 210 Bright Stock:	
0–10 pour point	24.8
10–25 pour point	24.3
100 Vis. D 210 Bright Stock:	
0–10 pour point	24.3
10–25 pour point	23.8
200 Vis. No. 3 Col. Neutral:	
0–10 pour point	16.8

(2) *South Texas lubes:*

[Vis. at 100° C. t. 0]

(i) Unfiltered pale oils:

Vis.	Color	Cents per gallon
100	No. 3	6.25
200	No. 3	7.75
300	No. 3	8.25
500	No. 3½	9.25
750	No. 4	9.75
1200	No. 4	10.25
2000	No. 4	12.5

(ii) Red oils:

100	No. 5–6	6.5
200	No. 5–6	7.75
300	No. 5–6	8.25
500	No. 5–6	9.25
750	No. 5–6	9.75
1200	No. 5–6	10.25
2000	No. 5–6	11.0

SEC. 11. *Motor and stock oils—Last sale prior to October 15, 1941 method.* Where no applicable specific price is set forth in section 10 the maximum price for each seller at a given shipping or delivery point for motor or stock oils shall not exceed the net price charged at that point by him on the last sale of the same product to a purchaser of the same class, within sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the net price charged on the last sale of the same product to a purchaser of the same class made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of the same product to a purchaser of the same class in the period specified. The term "sale" as hereinabove employed shall include (1) sales and contracts of sale made during the period specified, and (2) deliveries made during the period specified under a contract made prior thereto, if the prices chargeable under such contract were adjustable to reflect market conditions during the said period.

SEC. 12. *Motor and stock oils; price of competitive seller method.* If the maximum price for a motor or stock oil at a given shipping or delivery point was determined prior to the effective date of this regulation on the basis of the maximum price of the seller's most closely competitive seller of the same class for a product of the same grade pursuant to § 1340.159 (b) (3) of Revised Price Schedule No. 88, and a sale was made at such price, or such price was evidenced by publication in seller's published price list or other customary method of publication used by the seller, the seller may continue to use such price as his maximum price.

SEC. 13. *All products other than motor and stock oils—March 1942 price method.* (a) The maximum price for all products covered by this regulation other than motor and stock oils shall be the highest price charged in March 1942 (defined in section 8 (f)), except:

(1) The maximum price established prior to February 25, 1943, for industrial oils and greases, or prior to May 13, 1943, for petroleum sulphonates and mineral oil polymers, in accordance with the provisions of the General Maximum Price Regulation may be continued as the maximum price provided a sale was made at such price or such price was evidenced by publication in the seller's published price list or other customary method of publication used by the seller.

(2) The period April 10, 1942 to May 10, 1942, inclusive, shall be substituted for March 1942 in applying the provisions of this section to the territories of Puerto Rico and the Virgin Islands.

(b) If the particular product was not delivered or offered for delivery during March 1942 but was delivered or offered for delivery prior thereto, the seller's maximum price thereof, shall be determined under the final pricing method described below under section 16.

SEC. 14. *All products—Minor differences, blending and shortages methods (to be used only where a maximum price cannot be determined under the preceding pricing methods)*—(a) *Minor differences method.* Where a maximum price for a particular product cannot be determined under the preceding pricing methods of this regulation and where the product differs from a product for which a maximum price has been determined under this regulation only by reason of minor differences in composition which do not prevent its offering substantially equivalent serviceability, the maximum price of the particular product shall be the same as that of the product for which a maximum price has been established, except that:

(1) *Producers.* A producer may not use this provision if the ingredients value of the particular product varies from the ingredients value of the product for which he has an established maximum price by more than approximately ten per cent of the gross profit of the original product.

(2) *Wholesalers.* A wholesaler may not use this provision if the delivered cost of the particular product varies from the delivered cost of the product for which he has an established maximum price by more than approximately ten per cent of the gross profit of the original product.

(b) *Blending or compounding method.* New products resulting from the blending or compounding of two or more petroleum products each of which has a maximum price.

(1) *Producers.* Where a producer cannot establish a maximum price under the preceding pricing methods of this regulation, the maximum price of any product which is produced by mixing two or more petroleum products for each of which the producer has a maximum price to purchasers of the same class, shall be the weighted average by volume or by weight of the maximum prices of such products plus a mixing charge of ½¢ per gallon. In determining the weighted average mentioned above, the seller shall multiply the per unit maximum price of each product being blended by the percentage (by volume or weight as above prescribed) of each ingredient and add the results of such multiplication.

(2) *Wholesalers.* Where a producer has established his maximum price for a new product by using the blending or compounding method set forth above, wholesalers shall apply for a maximum price for the new product under the final pricing method set forth in section 16.

(c) *Shortages method.* Changes in products necessitated by shortages of ingredients.

(1) *Producers.* Where a producer has an established maximum price for a product under the preceding pricing methods of this regulation and is required to change the product because of shortages of certain ingredients, his maximum price shall be the established maximum price of the original product adjusted by adding or subtracting the increase or decrease in ingredients value (defined in section 8 (e)) resulting from the changes, provided he is unable to establish a maximum price for the new product by use of the preceding pricing methods of this regulation. However, this shortages method shall not be used in determining a maximum price unless the change in ingredients results in an increase or decrease in the ingredients value of the product by more than 10% of the gross profit (defined in section 8 (d)) of the original product.

(2) *Report of maximum price.* Within fifteen days after a purchaser first agrees to buy a commodity for which a maximum price must be determined by this shortages method, or at any time prior thereto, the producer shall report to the Office of Price Administration, Washington, D. C. the maximum price computed by him. The report shall set forth the following in the manner and form prescribed below:

OPA Form No. 652:171 — Form Approved Budget Bureau No. 08-R331

OFFICE OF PRICE ADMINISTRATION

Report of Tentative Maximum Price
Due to Change in Ingredients Resulting from Shortages
Industrial Lubricating Oils and Greases*

Name of Product_____ Class of Purchaser_____

PART A—MAXIMUM PRICE

Unit of sale	*Original product*	*New product*
1. Pounds☐ Gallons☐ (Specify by "X")	2. _____ (As determined under this schedule) *Composition of products*	3. _____ _____

PART B—ORIGINAL PRODUCT

Line	Ingredient [1]	% used	Value per unit [2]	Value of product
	1	2	3	4
1				
2				
3				
	Total	100.0	XXXX	

PART C—NEW PRODUCT

Line	Ingredient [1]	% used	Value per unit [2]	Value of product
	1	2	3	4
1				
2				
3				
	Total	100.0	XXXX	

State the Reason for Each Shortage of Ingredients Indicated in Part B-Column 1:

Instructions and footnotes.—Footnote No. 1 In parts B and C the ingredients listed in column 1 should correspond line by line. Where new ingredients are used these should be listed in column 1 of Part C following the list of original ingredients. Indicate ingredients changed as a result of a shortage and each substitute ingredient by an asterisk (*).

Footnote No. 2 Before computing these values see Section 14 (c).

The unit of sale should be the same for Part A1 and Parts B and C.

Such price shall be the seller's maximum price at the particular shipping point or delivery point for the particular product until the said price is disapproved in writing by the Office of Price Administration or until the seller is notified in writing that a substitute price has been set by the Office of Price Administration. If a substitute price is set, then such price shall be the maximum price subject, however, to further substitution at any time of another maximum price by the Office of Price Administration.

The producer shall notify in writing each person purchasing the new product for resale at wholesale that his maximum price for the new product shall be his maximum price for the product being replaced, adjusted by the amount of the difference in the cost to him of the new product.

(3) *Wholesalers.* Where a producer's maximum price for a product has been increased or decreased by use of this shortages method, the wholesaler's maximum price for such product shall be increased or decreased by the same amount as the increase or decrease in the producer's maximum price.

*Upon written request by the producer, information contained in the report shall be treated as confidential.

SEC. 15. *Prior orders and price approvals.* (a) Orders of adjustment Nos. 1, 2, 3, 9 and 10 were issued pursuant to § 1340.156 (c) (2) of Revised Price Schedule No. 88. Sellers affected by such orders may, notwithstanding the other provisions of this regulation charge the maximum prices authorized by such orders.

(b) If a maximum price for a product at a given shipping or delivery point cannot be established under any preceding provision of this regulation and if a maximum price for a product at the particular point was heretofore approved for a seller under § 1340.159 (b) (7) of Revised Price Schedule No. 88, such approval shall be deemed to continue in full force and effect as if granted under section 16 of this regulation.

(c) If a maximum price for a product was heretofore approved for a seller under the Third Pricing Method contained in § 1340.159 (e) (4) (iii) (a) of Revised Price Schedule No. 88 (Changes necessitated by shortages of ingredients), such approval shall be deemed to continue in full force and effect as if granted under section 14 (c) of this regulation.

SEC. 16. *All products; final pricing method.* (a) If under any of the preceding pricing methods of this regulation a seller is unable to determine the maximum price at a given shipping or delivery point for any product covered by this regulation then the seller may nevertheless make a sale of such product at the said point or may notify the Office of Price Administration in writing that he has set a tentative maximum price for the product at the said shipping or delivery point. In giving notice of the setting of such tentative maximum price or within 15 days of the making of the said sale, the seller shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for the approval of either the tentative or sale price and together with such request a statement setting forth:

(1) Such tentative or sale price and in the latter case, full details of the sale;

(2) An explanation as to why it is impossible for the seller to establish a selling price under the preceding pricing methods of this regulation.

(3) If a new product, the reason for the introduction of a new product at this time.

(4) (i) An explanation, supplemented by specifications showing how the particular product differs from two other of his products having the same end use, which are closest in ingredients value and most nearly similar in specifications and for which maximum prices are established under this regulation for purchasers belonging to the same class; also the ingredients value and seller's maximum prices for such products, and the ingredients value of the new product.

(ii) Should (i) be inapplicable inasmuch as the most nearly similar products having the same end use have extremely wide specification variations, the seller shall submit an explanation, including ingredient values and maximum selling prices, showing how the particular product differs from the two products closest in ingredients values and sold for the same end use for which maximum prices are established under this regulation for purchasers belonging to the same class.

Maximum prices which have been established on the basis of comparison with a competitor's price and which have not been reported to the Office of Price Administration may not be used for purposes of comparison in this subparagraph (4).

(5) (i) The maximum prices of the three nearest competitive sellers of the same class for the same or comparable commodity at the nearest point for which the tentative price was set;

(ii) If the seller has an established maximum price or prices at other points for the same commodity for which a tentative price is herein established, such prices for the three nearest points.

An applicant need not supply information under both subparagraphs (4) and (5) if the applicant believes that the information he submits under only one of such subparagraphs clearly justifies the tentative maximum price for which he is requesting approval. If information under both subparagraphs is needed for the purpose of establishing a maximum price, it may be required at a later date by the Office of Price Administration.

Such tentative or sale price shall be the seller's maximum price at the particular shipping point or delivery point for the particular product until the said price is disapproved in writing by the Office of Price Administration or until the seller is notified in writing that a substitute maximum price has been set by the Office of Price Administration. Either an approved tentative or sale price or a substitute maximum price set by the Office of Price Administration may be replaced by another maximum price upon written notice to the seller from the Office of Price Administration.

If a seller shall fail to report a sale as required by this section, the Office of Price Administration may at any time upon written notice to the seller establish his maximum price for the particular product at the particular point effective retroactively to a date 15 days after the making of the said sale.

SEC. 17. *Exceptions for Hawaii; greases, motor, stock and industrial oils.* A seller's maximum price for a grease or a motor, stock or industrial oil at a particular shipping or delivery point in the Territory of Hawaii shall be the sum of his maximum price at such point for such product as determined by other provisions of this regulation and the amount designated below:

Product:	*Amount*
Motor, Stock and Industrial Oils	4 cents per gallon
Greases	.5 cents per pound

SEC. 18. *On sales to Government agencies pursuant to Government bidding.* (a) Notwithstanding the other provisions of this regulation, a seller may charge for any petroleum product covered by this regulation on any sale thereof, pursuant to open and public bidding, to any governmental agency, whether state or Federal, or any state or political subdivision thereof, either:

(1) His own maximum price under the other provisions of this regulation, or

(2) The amount of the highest maximum price established under this price regulation for any person participating in the particular bidding for sale of the same product to the same buyer.

(3) No bid at any such bidding regardless of the amount thereof shall be deemed to conflict with any provision of this regulation.

Effective date. This regulation shall become effective February 19, 1944 as to the 48 states an dthe District of Columbia and April 4, 1944 as to the territories and possessions, except the Panama Canal Zone.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2175; Filed, February 14, 1944; 11:48 a. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 176,[1] Amdt. 7]

SOUTHERN ROTARY CUT BOX GRADE VENEER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 176 is amended in the following respects:

1. The title of the regulation "Rotary Cut Southern Hardwood Box Lumber" is amended to read "Southern Rotary Cut Box Grade Veneer".

2. The words "rotary cut southern hardwood box lumber", "rotary cut southern hardwood lumber", "rotary cut box lumber", and "rotary cut lumber" wherever appearing in §§ 1384.1, .5, .9, .10, .12, and .13, are amended to read "southern rotary cut box grade veneer".

3. The words "rotary cut egg case lumber" are amended to read "rotary cut egg case veneer" wherever appearing in §§ 1384.12 (c) and (d).

4. In § 1384.4, *Evasion*, the second paragraph is amended to read as follows:

It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating box grade veneer, or for any related service (such as "expediting") which does not involve actual physical handling of box grade veneer, if the commission plus the purchase price results in a total payment by the buyer of box grade veneer which is higher than the maximum price of the box grade veneer. For the purposes of this regulation a commission is any compensation, however designated, which is paid for the procurement of box grade veneer. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as box grade veneer procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the box grade veneer in connection with which the service is rendered.

5. Section 1384.8 (a) (3) is amended to read as follows:

(3) "Southern rotary cut box grade veneer" means veneer of any species,

(i) Cut on a rotary cutting machine (lathe);

(ii) Cut at a mill located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri, Tennessee, or Kentucky;

(iii) Conforming to the grading rules set forth in § 1384.13, Appendix B, hereof, except that cut backs and cut downs in excess of the proportion set forth in paragraph (e) (1) of § 1384.13, Appendix B, shall be considered southern rotary cut box grade veneer; and

(iv) Which either has or has not been cut into box-part finished sizes by means of a saw or comparable cutting device.

This amendment shall become effective February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All reporting and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2167; Filed, February 14, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 7]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The fifth sentence of section 9.5 (c) (3) is amended to read as follows:

"If the transferor does not get the points within the time required by this subparagraph, he must notify the district office for the place where his establishment is located of the default, not later than the Friday following the calendar week in which the default occurred."

This amendment shall become effective February 18, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5180, 7243, 7454, 8949; 8 F.R. 2993, 4720, 7490, 13250.

[1] 9 F.R. 3, 104, 695, 574, 848, 765.

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2172; Filed, February 14, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 104]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The fifth sentence of section 10.5 (d) (3) is amended to read as follows: "If the transferor does not get the points within the time required by this subparagraph, he must notify the district office for the place where his establishment is located of the default, not later than the Friday following the calendar week in which the default occurred."

This amendment shall become effective February 18, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2171; Filed, February 14, 1944; 11:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART E—SECURITY REGULATIONS FOR VESSELS IN PORT

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220, as amended by the act of November 15, 1941, 55 Stat. 763 (50 U.S.C. 191, 191a), and by virtue of the Proclamation and Executive order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States are hereby amended as follows:

§ 6.355 *Readiness of engines.* • • •

(a) Whenever a vessel moored to a waterfront facility is without power to operate its fire pumps, suitable measures shall be taken to place hose lines aboard for fire-fighting purposes sufficient to bring hose streams to bear on any part of the vessel where fire may occur. Such measures shall consist either of bringing separate hose lines aboard supplied from an adequate shore water supply if available on the waterfront facility to which the vessel is moored, or of connecting the vessel's fire system with such shore water supply. Whenever the vessel's fire system is to be connected with a shore drinking water supply and back flow prevention devices, approved by local health officers, are not installed on the supply outlet, the hose lines shall be led aboard and the necessary adapters and fittings provided, but no actual physical connection between the vessel's fire system and such water supply shall be made for fire-fighting purposes until an alarm is sounded; in such cases, a man on watch shall be definitely assigned to complete all connections, to open any necessary valves upon the sounding of the alarm, and to break such connections as soon as the necessity therefor has ended.

• • • • • •

§ 6.395 *Inspection.* • • •

(a) *Inspection of dock on arrival.* Upon arrival at the dock the master shall designate officers to inspect its facilities for furnishing fire-fighting assistance, fresh water, steam, electricity and floodlighting. Inquiry shall be made of the terminal superintendent with regard to the immediate and continuous availability of fire apparatus, guard and pass service and the location of fire alarm boxes and telephones. All of this information shall be given to the master and deck officer on duty.

ARTEMUS L. GATES,
Acting Secretary of the Navy.

Approved: February 10, 1944.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 44-2141; Filed, February 14, 1944; 9:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary

PART 2—COPIES AND INSPECTION OF RECORDS

NOTE: For the text of the amendment to § 2.1, see "Revocation and amendments" at the end of Part 2a (Testimony of Employees and Use of Books, Records and Files in Judicial and Administrative Proceedings), *infra.*

PART 8A—TESTIMONY OF EMPLOYEES AND USE OF BOOKS, RECORDS AND FILES IN JUDICIAL AND ADMINISTRATIVE PROCEEDINGS

Pursuant to section 161 of the Revised Statutes (5 U.S.C. sec. 22), and the act of August 24, 1912 (37 Stat. 497, ch. 370; 5 U.S.C. secs. 488, 489), the following regulations are hereby prescribed:

Sec.
2a.1 Applicability.
2a.2 Employee's testimony subject to bureau head's permission.
2a.3 Prejudicial character of evidence determined by Secretary.
2a.4 Method of refusal to furnish records.
2a.5 Method of claiming privilege.

AUTHORITY: §§ 2a.1 to 2a.5, inclusive, issued under sec. 161 of Rev. Stat. (5 U.S.C. sec. 22), and act of Aug. 24, 1912 (37 Stat. 497, ch. 370; 5 U.S.C. secs. 488, 489)

§ 2a.1 *Applicability.* The regulations in this part shall govern the testimony of employees and the use of books, records, and files of the Department in judicial and administrative proceedings.

§ 2a.2 *Employee's testimony subject to bureau head's permission.* Employees of the Department shall not testify in any judicial or administrative proceeding concerning matters related to the business of the Government, or furnish books, records or files of the Department or copies thereof for use in such a proceeding, voluntarily or in response to process, without the written advance permission of the head of the bureau or office concerned. Where time does not permit an employee to obtain written advance permission from the head of the bureau or office concerned and all possible effort to postpone the time fixed for the taking of his testimony has been made without success, the employee may appear, but shall claim a privilege, respectfully refuse to answer questions until the matter can be referred to the head of the bureau or office involved and, if permission to answer be withheld, to the Secretary or Acting Secretary, and exhibit a copy of these regulations in justification of such refusal. A departmental attorney may accompany the employee called upon to testify where permission has been denied or where permission has been granted and the bureau chief deems it desirable.

§ 2a.3 *Prejudicial character of evidence determined by Secretary.* Any employee, whose testimony is sought or from whom departmental books, records or files or copies of them are sought to be obtained for use in any proceeding, shall request the written advance permission of the head of the bureau or office concerned to appear and testify or furnish books, records or files or copies of them and as a part of such request shall disclose in so far as possible the nature of the evidence sought. If the head of the bureau or office concerned deems the disclosure of the evidence sought to be prejudicial to the interests of the Government, he shall refer the matter to the Secretary or Acting Secretary, who shall make a written determination that the disclosure of the evidence sought is or is not prejudicial to the interests of the Government and, consistent with such determination, the head of the bureau or office involved shall withhold or give his permission to the employee.

§ 2a.4 *Method of refusal to furnish records.* Any employee from whom departmental books, records or files, the disclosure of which has been determined to be prejudicial to the interests of the Government, are sought to be obtained shall respectfully refuse to furnish them or copies of them and exhibit a copy of these regulations and such determination in justification of such refusal.

§ 2a.5 *Method of claiming privilege.* Any employee appearing as a witness from whom evidence, the disclosure of which has been determined to be prejudicial to the interests of the Government, is sought to be obtained shall claim a privilege, respectfully refuse to answer and exhibit a copy of these regulations and such determination in justification of such refusal. In the event of unanticipated efforts to obtain evidence on which no prior determination has been had, the disclosure of which would, in the judgment of the employee involved or the departmental attorney accompanying him, be prejudicial to the interests of the Government, the employee shall claim a privilege, respectfully refuse to answer until the matter can be referred to the head of the bureau or office involved and, if permission to answer be withheld, to the Secretary or Acting Secretary, and exhibit a copy of these regulations in justification of such refusal.

Revocation and amendments. (a) Departmental Order No. 1610, dated September 16, 1941, is hereby revoked. (b) Section 2.1 of Part 2 of this subtitle is hereby amended by striking out "The" at the beginning of the section and substituting "Except as provided in Part 2a of this subtitle, the."

Issued and effective this 8th day of February 1944.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 44-2135; Filed, February 12, 1944; 10:23 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter K—Seamen

PART 132—ALLOTMENTS OF SEAMEN

SAVINGS BANK DEFINED

Under the authority vested in me by Executive Order 9083 (7 F.R. 1609) and section 10 (f) of the act of June 26, 1884, ch. 121, 23 Stat. 55, as amended (46 U.S.C. 599 (f)), § 132.1 of Subchapter K, 46 CFR, Chapter I, is amended by adding a new sentence at the end of paragraph (a) thereof to read as follows:

The term "savings bank" includes any Federal credit union organized in accordance with the provisions of the Federal Credit Union Act.

(Act of June 26, 1934, ch. 750, 48 Stat. 1216, 12 U.S.C. 1751–1771)

R. R. WAESCHE,
Commandant.

FEBRUARY 11, 1944.

[F. R. Doc. 44-2142; Filed, February 14, 1944; 9:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 182]

PART 95—CAR SERVICE

RESTRICTIONS ON USE OF FREIGHT CARS FOR TRANSPORTATION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of February, A. D. 1944.

It appearing, that railroad freight cars, including refrigerator cars, are being used unnecessarily for transporting potatoes, other than sweet, from points in the State of Florida to points west or north of the line described below; thus impeding the use, control, supply, movement, distribution, exchange, interchange, and return of cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of cars and congestion of traffic: *It is ordered,* That:

§ 95.332 *Freight cars including refrigerator cars not to be used for transportation of potatoes, other than sweet.* (a) (1) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation or move any railroad freight car (including a refrigerator car), loaded with potatoes, other than sweet, from any point in the State of Florida to any point located west of the Mississippi River from the Gulf of Mexico to its intersection with the Illinois-Wisconsin State Line, or north of the Illinois-Wisconsin State Line to Lake Michigan, or west or north of Lake Michigan to St. Ignace, Michigan, except as provided in paragraph (b).

(2) No common carrier by railroad subject to the Interstate Commerce Act shall accept or execute a reconsignment or diversion order requiring the transportation or movement of any railroad freight car (including a refrigerator car), loaded with potatoes other than sweet potatoes originating at any point in the State of Florida, to any point located west or north of the line described in paragraph (a) (1) of this section, except as provided in paragraph (b).

(b) *Exception.* The transportation or movement of potatoes, other than sweet, from points in the State of Florida to St. Louis, Missouri. This exception will not authorize the reconsignment or diversion of such potatoes to points west or north of the line described in paragraph (a) (1) of this section.

(c) *Application.* The provisions of this order shall not be construed to prohibit the transportation, movement, reconsignment, or diversion of any railroad freight car, including a refrigerator car, loaded with potatoes, other than sweet, billed or moving prior to the effective date of this order.

(d) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Announcement of suspension.* Each railroad, or its agent, shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 15, 1944; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2118; Filed, February 12, 1944; 11:26 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 802]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 20, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Ohio 4029F1 Pike	$527,000
Ohio 4050D1 Union	306,000
Ohio 4065F1 Fairfield	206,117
Ohio 4-2065F2 Fairfield	1,410,883

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-2090; Filed, February 11, 1944; 3:34 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161.

[Administrative Order 803]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 20, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 4–2022B3 Boulder	$15,000
Colorado 4–2025B2 Pueblo	15,000
Colorado 4–2029E2 Phillips	60,000
Illinois 4–2002D3 Wayne	50,000
Illinois 4–2039B3 Fulton	60,000
Iowa 4–2031C3 Grundy	70,000
Iowa 4–2079A4 Clarke*	100,000
Kansas 4–2027B2 Morris	50,000
Minnesota 4–2001D2 Kanabec	75,000
Minnesota 4–2079C1 Big Stone	13,000
Nebraska 4–1059C1 Butler District Public	4,150
South Carolina 4–1024B3 Marion	15,000
South Carolina 4–1027B3 Marlboro	15,000
Texas 4–1030E3 Upshur	50,000
Texas 4–1075B3 Wharton	25,000
Texas 4–1098B2 Young	35,000
Texas 4–1106A2 Taylor	75,000
Wisconsin 4–2035E3 Richland	50,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44–2091; Filed, February 11, 1944; 3:34 p. m.]

[Administrative Order 804]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 29, 1944.

Administrative Order No. 625, dated October 7, 1941 (6 F.R. 5237), is hereby amended, by rescinding the allocation of $151,000 therein made for "North Carolina 2003B1 Wilson Public" (designation changed to read "North Carolina 2060A1 Wilson Public" by Administrative Order No. 637, dated November 10, 1941).

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 44–2092; Filed, February 11, 1944; 3:34 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 18, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3962), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulations, and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL INDUSTRY

Pullman Wholesale Tailors, 130–132 South West Temple Street, Salt Lake City, Utah; men's and women's clothing; 5 learners (T); effective February 16, 1944, expiring February 15, 1945.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Berry Dry Goods Company, 105–107 East Markham Street, Little Rock, Arkansas; pants and overalls; 20 percent (AT); effective February 10, 1944, expiring August 9, 1944.

Berry Garment Manufacturing Company, 422–24 N. Kansas Avenue, Columbus, Kansas; one-piece suits; 15 learners (AT); effective February 9, 1944, expiring August 8, 1944.

Economy Dress Company, 105 West Locust Street, Fairbury, Illinois; ladies' dresses, blouses; 5 learners (T); effective February 7, 1944, expiring February 6, 1945.

Garden Dress Company, Oak and Balliett Streets, Frackville, Pennsylvania; dresses; 10 percent (T); effective February 9, 1944, expiring February 8, 1945.

Albert Given Manufacturing Company, 1301 W. Chicago Avenue, East Chicago, Indiana; men's and boys' trousers; 10 percent (T); effective February 10, 1944, expiring February 9, 1945.

Albert Given Manufacturing Company, 4859 Melville Avenue, East Chicago, Indiana; men's and boys' trousers; 10 percent (T); effective February 10, 1944, expiring February 9, 1945.

Hollywood-Maxwell Company, Front Street, Natchitoches, Louisiana; brassieres; 10 learners (T); effective February 9, 1944, expiring February 8, 1945.

Martha Maid Manufacturing Company, 367 West Adams Street, Chicago, Illinois; ladies' rayon slips and gowns; 10 percent (T); effective February 7, 1944, expiring February 6, 1945.

B. F. Moore & Company, 4 Eastern Avenue, Newport, Vermont; work clothing, sports clothing; 10 learners (T); effective February 7, 1944, expiring February 6, 1945.

Muscatine Pants & Overall Company, 416 East 3rd Street, Muscatine, Iowa; men's work clothing, shop aprons; 3 learners (T); effective February 10, 1944, expiring February 9, 1945.

Royal Manufacturing Company, Water Street, Washington, Georgia; cotton shorts, utility shorts, cotton trousers; 10 percent (T); effective February 12, 1944, expiring February 11, 1945.

Shane Uniform Company, Inc., 2015 West Maryland Street, Evansville, Indiana; washable uniforms; 10 percent (T); effective February 9, 1944, expiring February 8, 1945.

Tempest Manufacturing Company, Inc., Cherry Street, Jesup, Georgia; men's and boys' sport shirts; 10 percent (T); effective February 12, 1944, expiring February 11, 1945.

GLOVE INDUSTRY

Fairfield Glove & Mitten Company, Bonaparte, Iowa; work gloves; 4 learners (T); effective February 10, 1944, expiring February 9, 1945.

HOSIERY INDUSTRY

Belle Meade Hosiery Mills, Inc., 51st and Centennial Boulevard, Nashville, Tennessee; seamless hosiery; 10 learners (AT); effective February 9, 1944, expiring August 8, 1944.

Martinat Hosiery Mills, Inc., Valdese, North Carolina; seamless hosiery; 12 learners (AT); effective February 9, 1944, expiring August 8, 1944.

Maryon Hosiery Mill, 12 Aycock Street, Carrollton, Georgia; seamless hosiery; 5 learners (T); effective February 9, 1944, expiring February 8, 1945.

KNITTED WEAR INDUSTRY

Bestok Underwear Company, Tower City, Pennsylvania; cotton knit underwear; 5 learners (T); effective February 9, 1944, expiring February 8, 1945.

Pottsville Mills, Inc., 480 Peacock Street, Pottsville, Pennsylvania; knitted outerwear; 15 learners (AT); effective February 12, 1944, expiring August 11, 1944.

TEXTILE INDUSTRY

Ninety Six Cotton Mill, Ninety Six, South Carolina; cotton grey goods; 3 percent (T); effective February 9, 1944, expiring February 8, 1945.

Signed at New York, N. Y., this 12th day of February, 1944.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 44–2166; Filed, February 14, 1944; 11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–521]

PANHANDLE EASTERN PIPE LINE COMPANY

NOTICE OF APPLICATION

FEBRUARY 12, 1944.

Notice is hereby given that on January 28, 1944, the Panhandle Eastern Pipe Line Company, a Delaware corporation having its principal offices in Kansas City, Missouri, and Chicago, Illinois, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the facilities hereinafter described.

Applicant, on December 30, 1943, entered into a contract with the Albion Malleable Iron Company to supply its natural gas fuel requirements on an interruptible basis for a period of three years. Applicant estimates that during the first year of service under said contract the Panhandle Eastern Pipe Line Company will deliver approximately 240,000 Mcf of natural gas.

It is asserted by the applicant that in order to comply with the aforementioned contract it will be necessary to construct approximately 14,300 feet of 3½-inch O. D. gas pipe line in a northeasterly direction from a point on Applicant's 12-inch Michigan West Line in Section 16, Township 3 South, Range 4 West, to a point in Section 33, Township 2 South, Range 4 West, near the city limits of Albion, Calhoun County, Michigan, and at the terminus of said line to construct a meter and regulator station and install the necessary appurtenant facilities, all of which are the subject of the application above referred to. Applicant seeks a certificate of public convenience and necessity to authorize the construction and operation of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th day of February 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulation under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–2143; Filed, February 14, 1944; 9:51 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A–66]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN HORNELL, N. Y., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Hornell, New York, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–66" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York.

8. This order shall become effective February 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of February, 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

John C. Coddington, d/b/a City Cab Service, 67 Broadway, Hornell, New York.
Anna Wyckoff, d/b/a Wyckoff's Taxi Service, 911 Broadway, Hornell, New York.

[F. R. Doc. 44–2095; Filed, February 12, 1944; 10: 45 a. m.]

[Supp. Order ODT 20A–67]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE STOCKTON, CALIF., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Apendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Stockton, California, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

[1] Filed as part of the original document.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Sacramento, California, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–67" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Sacramento, California.

8. This order shall become effective February 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Russel L. Warrick, Sherman A. Donaldson, and John L. Raggio, co-partners, d/b/a Yellow Cab and Baggage Co., Stockton, California.

Harry E. Mahaffey, d/b/a Union Cab Company, Stockton, Calif.

Saul Spiro, d/b/a Black and White Cab Co., Stockton, Calif.

[F. R. Doc. 44–2096; Filed, February 12, 1944; 10:45 a. m.]

[Supp. Order ODT 20A–68]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE FLINT, MICH., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Flint, Michigan, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. No road boss or supervisors employed by the operators pursuant to subparagraph (g) of paragraph 5 of the plan shall use coercive methods in effectuating compliance with the plan, and each such supervisor or road boss shall report to the Office of Defense Transportation all violation of orders issued by the Office of Defense Transportation applicable to taxicab operations and all failures to comply with the plan that may be observed by them. No operator participating in the plan shall be denied or refused further participation without the prior approval of the Office of Defense Transportation.

3. Subparagraph (j) of paragraph 5 of the plan (Appendix 2) stipulating that drivers will be automatically released in certain cases, is hereby disapproved.

4. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

5. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

6. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

7. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

8. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

9. Communications concerning this order should refer to "Supplementary Order ODT 20A–68" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan.

10. This order shall become effective February 21, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Yellow & Checker Cab Co., Flint, Michigan.
Deluxe Cab Company, Flint, Michigan.
Peoples Cab Company, Flint, Michigan.

[F. R. Doc. 44–2164; Filed, February 14, 1944; 11:07 a. m.]

[Supp. Order ODT 20A–69]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE MEMPHIS, TENN., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Memphis, Tennessee, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Memphis, Tennessee, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–69" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Memphis, Tennessee.

8. This order shall become effective February 21, 1944 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Yellow Cab Company, Memphis, Tennessee.
Jolly Cab Company, Memphis, Tennessee.

[F. R. Doc. 44–2165; Filed, February 14, 1944; 11:07 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[MPR 229, Order 1]

CERTAIN RUBBER FOOTWEAR

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders 9250 and 9328, and § 1315.1705a of Maximum Price Regulation 229, *It is hereby ordered,* That:

(a) All wholesalers may sell or deliver to retailers and retailers may buy or receive men's molded sandals, men's molded clogs, and women's molded footholds at prices to be adjusted upward in accordance with any action that may hereafter be taken by the Office of Price Administration charging the applicable maximum price for wholesalers' sales to retailers.

(b) Unless and until the Office of Price Administration changes the maximum prices applicable to men's molded sandals, men's molded clogs, and women's molded footholds, no retailer may pay and no wholesaler may receive for such men's molded sandals, men's molded clogs, and women's molded footholds, more than the maximum prices presently established by Maximum Price Regulation 229.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective February 12, 1944.

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2107; Filed, February 12, 1944; 11:40 a. m.]

[RPS 67, Order 30]

VERDIN, KAPPES AND VERDIN CO.

DENIAL OF ADJUSTMENT APPLICATION

Order No. 30 Under Revised Price Schedule 67. New machine tools. Docket No. 3067–76.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and pursuant to Procedural Regulation No. 6, *It is hereby ordered,* That:

(a) The application for adjustment of Verdin, Kappes and Verdin Company, Cincinnati, Ohio, (Docket No. 3067–76) is hereby denied.

(b) Any person other than the Verdin, Kappes and Verdin Company, Cincinnati, Ohio, may sell the following presses at a price which is not in excess of the following:

Press:		*Maximum price*
No. ¾	Plain	$330.00
No. 1	Plain	410.00
No. 1	Geared	640.00
No. 2	Plain	590.00
No. 2	Geared	740.00
No. 4	Plain	980.00
No. 4	Geared	1,200.00
No. 4½	Plain	1,080.00
No. 4½	Geared	1,270.00

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 14, 1944.

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2133; Filed, February 12, 1944; 4:37 p. m.]

[MPR 188, Amdt. 2 to Order 465]

READY MIXED PAINTS

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 2 to Order No. 465 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 465 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) The following classes of ready mixed paints are subject to this order:
(1) Flats including interior emulsion paints.
(2) Gloss and semi-gloss paints and interior trim enamels.
(3) Interior floor enamels and combination interior-exterior floor enamels, interior household enamel and combination interior-exterior enamels, machinery enamels.
(4) Wall primers and undercoats.
(5) Interior varnishes and combination interior-exterior varnishes.
(6) Exterior enamels and exterior varnishes (sold exclusively for exterior work).
(7) Emulsion paints for exterior purposes.
(8) Mill Whites for industrial maintenance (trade sales only).
(9) Exterior paints containing either natural resins or synthetic resins or both.

2. The word "with" in paragraph (b) (5) is corrected to read "within."

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2134; Filed, February 12, 1944; 4:38 p. m.]

Regional and District Office Orders.

[Region I Order G–12 Under RMPR 122, Amdt. 2]

SOLID FUELS IN HAVERHILL, MASS., AREA

Amendment No. 2 to Order No. G–12 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Haverhill, Massachusetts, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G–12 under Revised Maximum Price Regulation No. 122 is hereby amended by adding paragraph (n), to read as follows:

(n) *Price Schedule IV: One-half bushel bags of coke.* (1) Price Schedule IV sets forth maximum prices (in cents per bag) for sales of coke in paper bags containing one-half bushel each.

	Chestnut coke	Pea coke
	Cents	*Cents*
Sales to dealers and stores at bagger's yard	18.5	16.5
Sales to ultimate consumers at bagger's yard	20.5	18.5
Delivered to retail stores	21	19
Sales to ultimate consumers from dealer's truck	23.5	21.5
Sales at retail stores:		
Chain stores	24.5	22.5
Independent outlet	25.5	23.5

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(3) *Fractions of a cent.* The provisions of subparagraph (2) of paragraph (d) shall be applicable to the prices established by Price Schedule IV.

This Amendment No. 2 to Order No. G–12 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2075; Filed, February 11, 1944; 11:45 a. m.]

[Region I Order G–22 Under RMPR 122, Amdt. 2]

SOLID FUELS IN WORCESTER, MASS., AREA

Amendment No. 2 to Order No. G–22 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Worcester, Massachusetts, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That the following subparagraph (13) is added to paragraph (g) of Region I Order G–22 under Revised Maximum Price Regulation No. 122.

(g) *Definitions.* When used in this Order G–22, the term:

* * * * *

(13) "Coke" shall include only coke produced by the following producers: New England Coke Co., or its affiliated producing company, at their plant located in Everett, Massachusetts. Providence Gas Company, Providence, Rhode Island. All other coke shall be priced under the appropriate provision of Revised Maximum Price Regulation No. 122.

This Amendment No. 2 to Order No. G–22 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2074; Filed, February 11, 1944; 11:45 a. m.]

[Region I Order G–31 Under RMPR 122, Amdt. 1]

SOLID FUELS IN BRUNSWICK, MAINE, AREA

Amendment No. 1 to Order No. G–31 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Brunswick, Maine, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That the following subparagraph (13) is added to paragraph (g) of Region I Order G–22 under Revised Maximum Price Regulation No. 122.

(g) *Definitions.* When used in this Order G–22, the term:

* * * * *

(13) "Coke" shall include only coke produced by the following producers: New England Coke Co., or its affiliated producing company, at their plant located in Everett, Massachusetts. Providence Gas Company, Providence, Rhode Island. All other coke shall be priced under the appropriate provision of Revised Maximum Price Regulation No. 122.

This Amendment No. 2 to Order No. G–22 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2073; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–32 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ROCKLAND, MAINE, AREA

Amendment No. 1 to Order No. G–32 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Rockland, Maine, Area.

For the reasons set forth in an opinion issued simultaneously, herewith, and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That paragraph (d) of Region I Order No. G–32 under Revised Maximum Price Regulation is amended to read as follows:

(d) *Terms of sale*—(a) *Entire area except Union.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices established by paragraphs (b) and (c) shall be reduced by $1.00 per ton on sales of ambricoal, coke and broken, egg, stove, chestnut and pea sizes of Pennsylvania anthracite, and by 50 cents per ton on sales of buckwheat and rice sizes of Pennsylvania anthracite, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a ton or on sales of any quantity of Pennsylvania anthracite yard screenings. If payment is not required or made at the time of delivery or (except in the cases of Pennsylvania anthracite yard screenings and less than ton lots) within ten days thereafter, terms shall be net thirty days.

(b) *Union.* For deliveries in Union (both delivered and yard sales), terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E.O.M.

This amendment No. 1 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 4th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2072; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–36 Under RMPR 122, Amdt. 1]

SOLID FUELS IN DOVER, N. H., AREA

Amendment No. 1 to Order No. G–36 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Dover-Exeter Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G–36 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The following prices for ambricoal are added to Price Schedule I in subparagraph (1) of paragraph (b):

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	100 lbs.
Ambricoal	$15.30	$7.65	$4.00	$0.85

2. The following prices for ambricoal are added to Price Schedule II in subparagraph (1) of paragraph (c):

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	100 lbs.
Ambricoal	$14.30	$7.15	$3.75	$0.80

3. Subparagraph (1) of paragraph (h) is amended to read as follows:

(h) *Definitions.* When used in this Order G–36, the term: (1) "Dover-Exeter Area" shall include the following cities and towns in the State of New Hampshire: Barnstead, Barrington, Brentwood, Deerfield, Dover, Durham, Epping, Epson, Exeter, Farmington, Fremont, Lee, Madbury, Middleton, Milton, New Durham, Newfields, Newmarket, Northwood, Nottingham, Pittsfield, Rochester, Rollinsford, Somersworth, Strafford, Stratham.

4. Subparagraph (10) is added to paragraph (h), to read as follows:

(h) *Definitions.* When used in this Order G–36, the term:

* * * * *

(10) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

This Amendment No. 1 to Order No. G–36 shall become effective February 4, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2071; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–38 Under RMPR 122]

SOLID FUELS IN MILFORD AND HOPEDALE, MASS.

Order No. G–38 under Revised Maximum Price Regulation 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Milford and Hopedale, Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the towns of Milford and Hopedale, Massachusetts, by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–38. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–38 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the Commonwealth of Massachusetts or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in Milford and Hopedale.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.05	$8.30	$4.30	$0.90
Pea	14.00	7.25	3.75	.80
Buckwheat	12.40	6.45	3.35	.75
Rice	11.25	5.90	3.10	.70
Jeddo Highland:				
Egg, stove and chestnut	16.55	8.55	4.40	.90
Salem Hill:				
Egg	17.10	8.80	4.55	.95
Stove	17.35	8.95	4.60	.95
Coke:				
Egg, stove and chestnut	15.35	7.95	4.10	.85
Pea	14.35	7.45	3.85	.80

(2) *Discounts to certain classes of purchasers.* The foregoing per net ton prices shall be reduced by 50 cents per ton on all sales to religious institutions and to industrial and commercial users, including factories, retail stores, restaurants, and similar accounts.

(3) *Terms of sale.* If payment is made by the buyer on or before the 10th day of the month following the month in which the fuel was delivered, the maximum prices set forth above (including the per net ton prices as reduced by any discounts required by subparagraph (2) of this paragraph (b)) shall be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts". No further discounts are required for cash on delivery, and no "cash discount" is required on sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the case of less than quarter-ton lots) on or before the 10th day of the month following the month in which the fuel was delivered, terms shall be net 30 days E. O. M.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for any carry or wheel of quarter-ton and larger quantities from a "direct delivery" point to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
	Cents	*Cents*	*Cents*
For any carry or wheel exclusive of charges for carries up flights of stairs	50	25	15
For any carry up flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in Milford or Hopedale to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.[1]
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.05	$7.80	$4.05	$0.85
Pea	13.00	6.75	3.50	.75
Buckwheat	11.40	5.95	3.10	.70
Rice	10.25	5.40	2.85	.65
Jeddo Highland:				
Egg, stove and chestnut	15.55	8.05	4.15	.85
Salem Hill:				
Egg	16.10	8.30	4.30	.90
Stove	16.35	8.45	4.35	.90
Coke:				
Egg, stove and chestnut	14.35	7.45	3.85	.80
Pea	13.35	6.95	3.60	.75

[1] Prices are for 100 pounds bagged, but do not include the bag.

(2) *Discounts and terms of sale.* The provisions of subparagraphs (2) and (3) of paragraph (b) of this Order G–38 shall be applicable to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer re-

quests such service of him, the seller may make the following charges for bagging tons, one-half tons, and one-quarter tons at the yard:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as pre-determined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(d) *Other named Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals other than the sizes of Jeddo Highland and Salem Hill which are specifically priced in this order.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(f) *Quality standards and applicability of prices for Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(g) *Definitions.* When used in Order G-38, the term:

(1) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(2) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(3) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(4) "Salem Hill" means that Pennsylvania anthracite which is produced by Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, and which meets the quality and preparation standards established by Order No. 2 under Maximum Price Regulation No. 112.

(5) "Broken", "egg", "stove", "chestnut" and "pea" sizes of Pennsylvania anthracite refer to the legal standard sizes for anthracite offered for sale in the Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Division of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926). "Buckwheat" and "rice" sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's vehicle at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order C-38 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order C-38 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-38 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph (i) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(l) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-38 shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2044; Filed, February 11, 1944; 11:31 a. m.]

[Region I Order G-39 Under RMPR 122]

SOLID FUELS IN PROVIDENCE, R. I. AREA

Order No. G-39 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Providence, Rhode Island, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Providence, Rhode Island, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this order G-39 is explained in paragraph (i) and the terms used herein are defined in paragraph (k).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-39. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-39 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Rhode Island, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Providence, Rhode Island, Area:

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$17.00	$8.75	$4.65	$1.00
Pea	15.45	8.00	4.25	.95
Buckwheat	12.55	6.55	3.55	.80
Rice	11.20	5.85	3.20	.75
Class A yard screenings	5.25			
Class B yard screenings	3.25			
Coke:				
Egg, stove and chestnut	14.25	7.40	3.95	.85
No. 2 Chestnut	12.75	6.65	3.60	.80
Ambricoal	14.90	7.65	4.10	.90
Cannel coal	22.00	11.25	5.90	1.20

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up flights of stairs, per flight	25	15	10

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25¢ per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Providence, Rhode Island, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.00	$8.00	$4.00	$0.85
Pea	14.45	7.25	3.65	.80
Buckwheat	11.55	5.80	2.90	.65
Rice	10.20	5.10	2.55	.60
Class A yard screenings	4.25			
Class B yard screenings	2.50			
Coke:				
Egg, stove and chestnut	13.25	6.65	3.35	.70
No. 2 chestnut	11.75	5.90	2.95	.65
Ambricoal	13.80	6.90	3.45	.75
Cannel coal	21.00	10.50	5.25	1.05

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III: Yard sales to unequipped dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Providence, Rhode Island, Area to unequipped dealers.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.75	$6.90	$3.45
Pea	12.20	6.10	3.05
Buckwheat	10.30	5.15	2.60
Rice	9.45	4.75	2.40
Class A yard screenings	4.25		
Class B yard screenings	2.50		
Coke:			
Egg, stove and chestnut	12.00	6.00	3.00
No. 2 chestnut	10.50	5.25	2.65
Ambricoal	11.55	5.80	2.90
Cannel coal	19.75	9.90	4.95

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Price Schedule IV: Yard sales to dealers other than unequipped dealers.* (1) Price Schedule IV sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Providence, Rhode Island, Area to dealers in fuels who resell them, except sales to unequipped dealers which are governed by Price Schedule III.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.00	$6.80	$3.25
Pea	11.45	5.75	2.90
Buckwheat	9.55	4.80	2.40
Rice	8.70	4.35	2.20
Class A yard screenings	4.25		
Class B yard screenings	2.50		
Coke:			
Egg, stove and chestnut	11.25	5.65	2.85
No. 2 chestnut	9.75	4.90	2.45
Ambricoal	10.80	5.40	2.70
Cannel coal	19.00	9.50	4.75

(f) *Named Pennsylvania anthracites.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals as defined therein except that the additions for rice size of Jeddo Highland shall be 25 cents per ton, 15 cents per half-ton and 5 cents per quarter-ton.

(g) *Terms of sale*—(1) *Price Schedules I and II.* Terms of sale applicable to the prices set forth in Price Schedules I and II in paragraphs (b) and (c), including the prices for premium anthracite arrived at by adding the premiums provided in paragraph (f) to the prices set forth in Price Schedules I and II, shall be as follows:

(a) For broken, egg, stove, chestnut and pea sizes of Pennsylvania anthracite, and ambricoal, the maximum prices shall, if payment is made by the buyer within 10 days after receipt of the fuel, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts".

(b) For buckwheat and rice sizes of Pennsylvania anthracite, the maximum prices shall, if payment is made by the buyer within 10 days after receipt of the fuel, be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 10 cents per quarter-ton, which reductions are "cash discounts".

(c) No further discounts than those provided by the foregoing subparagraphs are required for cash on delivery. If payment is not required or made at the time of delivery or within 10 days thereafter, terms shall be net 30 days.

(d) For Class A yard screenings, Class B yard screenings, coke, cannel coal and all sales of less than a quarter-ton, terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(2) *Price Schedules III and IV.* Terms of sale applicable to the prices set forth in Price Schedules III and IV in paragraphs (d) and (e), including the prices for premium anthracite arrived at by adding the premiums provided in paragraph (f) to the prices set forth in Price Schedules III and IV, may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state said tax separately on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this Order G–39 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Providence, Rhode Island, Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Providence, Rhode Island, Area, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f..o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request. The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Definitions.* When used in this Order G–39, the terms:

(1) "Providence, Rhode Island, Area" shall include the entire State of Rhode Island except for the cities and towns of Burrillville, Glocester, Little Compton, North Smithfield, Portsmouth, Tiverton and Woonsocket, and those portions of Cumberland and Lincoln which lie north of Albion and Angell Roads.

(2) "Specified solid fuels" shall include Pennsylvania anthracite, ambricoal, cannel coal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee effective December 15, 1941.

(5) "Class A yard screenings" means yard screenings of Pennsylvania anthracite which have not been so rescreened as to remove any rice size anthracite therefrom.

(6) "Class B yard screenings" means yard screenings of Pennsylvania anthracite from which rice and larger sizes have been removed by rescreening.

(7) "Coke" shall include only coke produced by the following producers: Providence Gas Company; Fall River Gas Company; Taunton Gas Light Company; Blackstone Valley Gas and Electric Company. All other coke shall be priced under the appropriate provision of Revised Maximum Price Regulation #122.

(8) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(9) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(10) "Unequipped dealer" means a seller who is engaged in the business of purchasing solid fuels for resale, and delivers the solid fuel resold by him to consumers from his supplier's place of business, without storing the same except in a truck or wagon, and who has no facilities customarily used for storing solid fuel other than a truck or wagon.

(11) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(12) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(13) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(14) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(l) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(m) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–39 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–39 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All posting shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–39 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefore. This paragraph (m) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(n) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(o) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(p) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–39 shall beccme effective January 31, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2034; Filed, February 11, 1944; 11:30 a. m.]

[Region I Order G–40 Under RMPR 122]

SOLID FUELS IN RUTLAND, VT., AREA

Order No. G–40 under Revised Maximum Price Regulation 122. Solid fuels sold and delivered by dealers., Specified solid fuels; Rutland, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Rutland, Vermont, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this order G–40 is explained in paragraph (g) and the terms used herein are defined in paragraph (l).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–40. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–40 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit noncompliance with any statutes of the State of Vermont of any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Rutland, Vermont, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.00	$8.25	$4.65	$0.95
Pea	14.70	7.60	4.30	.90
Buckwheat	12.35	6.45	3.75	.75
Rice	11.25	5.90	3.45	.70
Yard screenings	4.00	.....	.....	.....
New England coke:				
Egg, stove and chestnut	15.80	8.15	4.60	.95

(2) *Additions for specified deliveries.* For deliveries to consumers whose bins or storage facilities are located more than five (5) but not more than ten (10) miles from the dealer's yard, the dealer may add fifty cents per ton to the foregoing prices, and for deliveries to consumers whose bins or storage facilities are located more than ten (10) miles from the dealer's yard, the dealer may add one dollar per ton.

(3) *Discounts to certain classes of purchasers.* The foregoing per net ton prices shall be reduced by the following amounts on sales to consumers in the following classifications (figures refer to the consumer's annual requirements, in net tons):

Number of tons:	Discount per ton
More than 20 but not more than 30	$0.50
More than 30 but not more than 75	.75
More than 75	1.00

(4) *Terms of sale.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices set forth above (including the per net ton prices as reduced by any discounts required by subparagraph (3) of this paragraph (b)) shall (except in the case of Pennsylvania anthracite yard screenings) be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a quarter-ton or on sales of any quantity of yard screenings. If payment is not required or made at the time of delivery or (except in the case of less than quarter-ton lots and the case of yard screenings) within ten days thereafter, terms shall be net 30 days.

(5) *Maximum authorized service and deposit charges.* (a) the maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for any carry or wheel of quarter-ton and large quantities from a "direct delivery" point to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheel exclusive of charges for carries up flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as pre-determined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II; Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Rutland, Vermont, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.	50 lbs.
Pennsylvania anthracite:					
Broken, egg, stove and chestnut	$15.25	$7.90	$4.20	$0.85	$0.45
Pea	13.95	7.25	3.90	.80	.45
Buckwheat	11.60	6.05	3.30	.65	.35
Rice	10.50	5.50	3.00	.60	.35
Yard screenings	3.00	.....	.....	.....	.....
New England coke:					
Egg, stove and chestnut	15.05	7.80	4.15	.85	.45

(2) *Discounts and terms of sale.* The provisions of subparagraphs (3) and (4) of paragraph (b) of this Order G–40 shall be applicable to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 50 pounds are for 50 pound lots bagged in paper bags, including the bags. The maximum prices per 100 pounds are

for 100 pounds bagged, exclusive of deposit charges for bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging quarter-ton or larger quantities in 100 pound bags, exclusive of deposit charges for bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Rutland, Vermont, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.00	$6.50	$3.25
Pea	11.70	5.85	2.95
Buckwheat	9.35	4.70	2.35
Rice	8.25	4.15	2.10
Yard screenings	3.00	-----	-----
New England coke:			
Egg, stove and chestnut	12.80	6.40	3.20

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as pre-determined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Named Pennsylvania anthracites.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals as defined therein, except that the additions for egg, stove and chestnut sizes of Jeddo Highland shall be 50 cents per ton, 25 cents per half-ton, 10 cents per quarter-ton and 5 cents per 100 pounds.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof,

(g) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Rutland, Vermont, Area regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Rutland, Vermont, Area regardless of whether the dealer is located within said area.

(h) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(i) *Definitions.* When used in Order G–40, the term:

(1) "Rutland, Vermont, Area" shall include the following cities, towns and townships in the State of Vermont: Benson, Clarendon, Castleton, Fair Haven, Hubbardton, Ira, Middletown, Pittsford, Poultney, Proctor, Rutland, West Haven and West Rutland.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and New England coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names of "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(6) "New England coke" means coke produced by the New England Coke Co. or its affiliated producing company at their plant in Everett, Massachusetts.

(7) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(8) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's vehicle at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(9) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(10) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(11) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–40 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–40 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–40 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–40 shall become effective January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc 44–2035; Filed February 11, 1944; 11:30 a. m.]

[Region I Order G–42 Under RMPR 122]

SOLID FUELS IN BENNINGTON, VT. AREA

Order No. G–42 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Bennington, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Bennington, Vermont, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–42 is explained in paragraph (h) and the terms used herein are defined in paragraph (i).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–42. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–42 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Vermont, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Bennington, Vermont, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.20	$8.60	$4.55	$0.95
Pea	14.25	7.65	4.10	.85
Buckwheat	12.60	6.80	3.65	.75
Rice	11.60	6.30	3.40	.70
Yard screenings	3.50	-----	-----	-----
Coke:				
Egg, stove and chestnut	14.80	7.90	4.25	.85
Cannel coal	21.00	11.00	5.75	1.15

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in Bennington and Pownal.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to consumers whose bins or storage facilities are located in the following places in the Bennington, Vermont, Area:

	Per net ton	½ ton	¼ ton
Glastenbury, Shaftsbury and Woodford	$1.00	$0.50	$0.25

(3) *Maximum authorized service charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following service charges:

	Per net ton	Per ½ ton	Per ¼ ton
Single carry (50 feet or less)	$0.50	$0.25	$0.15
Double carry (over 50 feet)	.50	.25	.15
Trimming in bin	.50	.25	.15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be charged by the dealer for bags furnished by him shall be 25 cents ber bag.

(c) *Price Schedule II: Yard sales.* (a) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bennington, Vermont, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut	$15.45	$7.75	$3.90	$0.85
Pea	13.50	6.75	3.40	.75
Buckwheat	11.85	5.95	3.00	.65
Rice	10.85	4.45	2.75	.60
Yard screenings	3.00	-----	-----	-----
Coke:				
Egg, stove and chestnut	14.05	7.05	8.55	.75
Cannel coal	20.25	10.15	5.10	1.05

(2) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be charged by the dealer for burlap bags furnished by him shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsyl-

vania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Named Pennsylvania anthracites.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals as defined therein except that the additions for rice size of Jeddo Highland shall be 25 cents per ton, 15 cents per half-ton and 5 cents per quarter-ton.

(f) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this Order or by a letter to the applicant.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided further,* That the dealer need not state said tax separately on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this Order G–42 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Bennington, Vermont, Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Bennington, Vermont, Area, regardless of whether the dealer is located within said area.

(i) *Definitions.* When used in this Order G–42, the term:

(1) "Bennington, Vermont, Area" shall include the following cities, towns, and townships in the State of Vermont: Bennington, Glastenbury, Pownal, Shaftsbury and Woodford.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, coke and cannel coal.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space, but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–42 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–42 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–42 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size, and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–42 shall become effective February 3, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong. E.A. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2070; Filed, February 11, 1944; 11:44 a. m.]

[Region I Order G–43 Under RMPR 122]

SOLID FUELS IN MANCHESTER, VT., AREA

Order No. G–43 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Manchester, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Manchester, Vermont, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this order G–43 is explained in paragraph (g) and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–43. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–43 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Vermont or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Manchester, Vermont, Area.

DELIVERED CHARGE

	1 ton	½ ton	¼ ton	100 lbs
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.30	$8.65	$4.60	$0.95
Pea	15.00	8.00	4.25	.85
Buckwheat	12.90	6.95	3.75	.75
Rice	11.80	6.40	3.45	.70
Yard screenings	3.50			
Coke:				
Egg, stove and chestnut	14.60	7.90	4.20	.85

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to buyers whose bins or storage facilities are located in Arlington, Dorset, Manchester, and Sunderland.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to buyers whose bins or storage facilities are located in the following places:

	Per net ton	Per ½ ton	Per ¼ ton
Peru and Sandgate	$0.50	$0.25	$0.15
Landgrove, Londonderry and Winhall	1.00	.50	.25

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point	*Cents* 50	*Cents* 25	*Cents* 15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be charged by the dealer for bags furnished by him shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Manchester, Vermont, Area.

	1 ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.55	$7.80	$3.90	$0.85
Pea	14.25	7.15	3.60	.75
Buckwheat	12.15	6.10	3.05	.65
Rice	11.05	5.55	2.80	.60
Yard screenings	3.00			
Coke:				
Egg, stove and chestnut	14.05	7.05	3.55	.75

(2) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be charged by the dealer for burlap bags furnished by him shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one quarter ton; *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(g) *Geographical applicability.* The maximum prices established by this Order G–43 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Manchester, Vermont, area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales

on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Manchester, Vermont, Area, regardless of whether the dealer is located within said area.

(h) *Definitions.* When used in this Order G–43, the term:

(1) "Manchester, Vermont, Area" shall include the following cities, towns and townships in the State of Vermont: Arlington, Dorset, Landgrove, Londonderry, Manchester, Peru, Sandgate, Sunderland and Winhall.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken," "egg," "stove," "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–43 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–43 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All posting shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–43 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Reguluation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–43 shall become effective February 5, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2069; Filed, February 11, 1944; 11:43 a. m.]

[Region I Order G–44 Under RMPR 122]

SOLID FUELS IN DANBURY, CONN., AREA

Order No. G–44 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Danbury, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Danbury, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–44 is explained in paragraph (h) and the terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–44. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–44 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit noncompliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales of deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Danbury, Connecticut, Area.

Kind and size	Per net ton	Per ½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.20	$7.85	$3.95	$1.00
Pea	13.20	6.85	3.45	.90
Buckwheat	11.55	6.05	3.05	.80
Rice	10.95	5.75	2.90	.75
Yard screenings	3.50			
Franklin:				
Egg, stove and chestnut	16.20	8.35	4.20	1.00
Coke—egg, stove and chestnut:				
Koppers	14.50	7.50	3.80	.90
Danbury	12.00	6.25	3.15	.80

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags or canvas carrying baskets furnished by the dealer be left in the containers, the maximum amounts which may be required by the dealer as deposits on, or as predetermined liquidated damages for failure to return, the containers shall be 25¢ per burlap bag and $1.50 per canvas carrying basket.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Danbury, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$14.20	$7.35	$3.70	$0.75
Pea	12.20	6.35	3.20	.65
Buckwheat	10.55	5.55	2.80	.60
Rice	9.95	5.25	2.65	.55
Yard screenings	2.50			
Franklin—egg, stove and chestnut	15.20	7.85	3.95	.80
Koppers coke—egg, stove and chestnut	13.50	7.00	3.50	.70

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amounts which may be required by the dealer as deposits on, or as predetermined liquidated damages for failure to return, burlap bags or canvas carrying baskets furnished by the dealer shall be 25 cents per burlap bag and $1.50 per canvas carrying basket.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) shall, except in the case of Pennsylvania anthracite yard screening, be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 10 cents per quarter-ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yarn screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of sold fuels delivered at the yard of any dealer in the Danbury, Connecticut, Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$12.70	$6.35	$3.20
Pea	10.70	5.35	2.70
Buckwheat	9.05	4.55	2.30
Rice	8.45	4.25	2.15
Yard screenings	2.50		
Franklin: Egg, stove and chestnut	13.70	6.85	3.45
Koppers coke: Egg, stove and chestnut	12.00	6.00	3.00

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100-pound bags:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amounts which may be required by the seller as deposits on, or as predetermined liquidated damages for failure to return, burlap bags or canvas carrying baskets furnished by the seller shall be 25 cents per burlap bag and $1.50 per canvas carrying basket.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(f) *Definitions.* When used in this Order G–44, the term:

(1) "Danbury, Connecticut, Area" shall include the following cities, towns, and townships in the State of Connecticut: Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newton, Redding, Ridgefield, and Sherman.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, and Koppers and Danbury coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Franklin" means that Pennsylvania anthracite which is prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley."

(5) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(7) "Danbury coke" means the retort gas coke produced by the Danbury Gas Company, Danbury, Connecticut.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the terms means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(i) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and

rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showning (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known) the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G-44 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2068; Filed, February 11, 1944; 11:43 a. m.]

[Region I Order G-45 Under RMPR 122]

SOLID FUELS IN WHITE RIVER JUNCTION AREA

Order No. G-45 under Revised Maximum Price Regulation No. 122. Solid fules sold and delivered by dealers. Specified solid fuels; White River Junction Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional utes, concerning sales or deliveries of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265. of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the White River Junction Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum Prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-45 is explained in paragraph (i) and the terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-45. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-45 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the States of Vermont and New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the White River Junction Area.

Kind and size	Per net ton	Per ½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$17.25	$9.15	$4.85	$1.00
Pea	15.95	8.60	4.50	.95
Buckwheat	12.30	7.15	3.85	.80
Rice	12.10	6.55	3.55	.75
Yard screenings	4.00			
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	17.50	9.25	4.90	1.05
Silver Brook: Egg, stove and chestnut	17.55	9.30	4.90	1.05
Coke: Egg, stove and chestnut	17.00	9.00	4.75	.95
Ambricoal	15.30	8.15	4.35	.90

(2) *Additions for specified deliveries.* For deliveries to consumers whose bins or storage facilities are located more than five (5) miles from the dealer's yard, the dealer may add one dollar ($1.00) per ton to the foregoing prices.

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
	Cents	*Cents*	*Cents*
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	50	25	15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a desposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25¢ per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the White River Junction Area to consumers.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.25	$8.65	$4.60	$0.90
Pea	14.95	8.00	4.25	.85
Buckwheat	12.30	6.65	3.60	.70
Rice	11.10	6.05	3.30	.65
Yard screenings	3.00			
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	16.80	.75	4.05	.95
Silver Brook:				
Egg, stove and chestnut	16.55	8.80	4.65	.95
Coke:				
Egg, stove and chestnut	16.00	8.50	4.50	.90
Ambricoal	14.30	7.65	4.10	.80

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the oag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the White River Junction Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut	$14.25	$7.15	$3.60
Pea	12.95	6.50	3.25
Buckwheat	10.30	5.15	2.60
Rice	9.10	4.55	2.30
Yard screenings	3.00		
Jeddo Highland or Greenwood:			
Egg, stove, and chestnut	14.50	7.25	3.65
Silver Brook: Egg, stove, and chestnut	14.55	7.30	3.65
Coke: Egg, stove, and chestnut	14.00	7.00	3.50
Ambricoal	12.30	6.15	3.10

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100-pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(f) *Definitions.* When used in this Order G-45, the term:

(1) "White River Junction Area" shall include the following cities, towns, and townships in the States of New Hampshire and Vermont:

In New Hampshire: Canaan, Enfield, Grantham, Hanover, Lebanon, Lyme, and Plainfield.

In Vermont: Hartford, Hartland, Pomfret, West Windsor, Windsor, and Woodstock.

(2) "Specified Solid Fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal."

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under trade name "Old Company's Lehigh Greenwood Premium Anthracite."

(6) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken Colliery and marketed under the trade name "Silver Brook Coal," and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(7) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(8) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(9) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(10) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(11) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(12) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(13) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 to 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(g) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the specific prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this

order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–45 shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2067; Filed, February 11, 1944; 11:43 a. m.]

[Region I Order G–47 Under RMPR 122]

SOLID FUELS IN NEW HAVEN, CONN., AREA

Order No. C–47 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; New Haven, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the New Haven, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this order G–47 is explained in paragraph (i) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–47. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–47 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the New Haven, Connecticut, Area.

Kind and size	Per net ton	½ ton	¼ ton	125 lbs.	100 lbs.
Pennsylvania anthracite:					
Broken, egg, stove, and chestnut	$16.00	$8.40	$4.70	$1.25	$1.00
Pea	14.20	7.50	4.25	1.20	.95
Buckwheat	11.55	6.20	3.60	1.05	.80
Rice	10.45	5.65	3.30	1.00	.75
Yard screenings	4.25				
Jeddo Highland or Silver Brook:					
Egg, stove, and chestnut	16.50	8.65	4.85	1.25	1.00
Pea	14.70	7.75	4.40	1.20	.95
Buckwheat	12.05	6.45	3.70	1.05	.80
Koppers coke:					
Egg, stove, and chestnut	14.50	7.65	4.35	1.20	.95

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 125 and 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	80	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the New Haven, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	125 lbs.	100 lbs.
Pennsylvania anthracite:					
Broken, egg, stove, and chestnut	$15.00	$7.50	$3.75	$1.00	$0.75
Pea	13.20	6.60	3.30	.95	.70
Buckwheat	10.55	5.30	2.65	.80	.55
Rice	9.45	4.75	2.40	.75	.50
Yard screenings	3.25				
Jeddo Highland or Silver Brook:					
Egg, stove, and chestnut	15.50	7.75	3.90	1.05	.80
Pea	13.70	6.85	3.45	1.00	.75
Buckwheat	11.05	5.55	2.80	.85	.60
Koppers coke:					
Egg, stove, and chestnut	13.60	6.75	3.40	.95	.70

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 and 125 pounds are for 100 or 125 pounds bagged, exclusive of deposit charges on bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 15 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 10 cents per quarter ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the case of yard screenings and less than quarter-ton lots) within 15 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the New Haven, Connecticut, Area to dealers in fuels who resell them.

Kinds and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, stove, egg and chestnut	$13.50	$6.75	$3.40
Pea	11.70	5.85	2.95
Buckwheat	9.05	4.55	2.30
Rice	7.95	4.00	2.00
Yard screenings	3.25		
Jeddo Highland or Silver Brook:			
Egg, stove and chestnut	14.00	7.00	3.50
Pea	12.20	6.10	3.05
Buckwheat	9.55	4.80	2.40
Koppers coke:			
Egg, stove and chestnut	12.00	6.00	3.00

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days e. o. m.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(f) *Temporary price increase; Pennsylvania anthracite.* The provisions of the Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania Anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) *Definitions.* When used in this order G–47, the term:

(1) "Hartford, Connecticut, Area" shall include the following cities and towns in the State of Connecticut: Ansonia, Branford, Derby, East Haven, Hamden, New Haven, North Branford, North Haven, Orange, Oxford, Seymour, Shelton, West Haven and Woodbridge.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, and Koppers Coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(5) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken Colliery and marketed under the trade name "Silver Brook Coal", and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(6) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(7) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order,

regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-47 shall become effective February 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 4th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2063; Filed, February 11, 1944; 11:41 a. m.]

[Region I Order G-1 Under MPR 251]

PAINTERS AND DECORATORS IN NORTHAMPTON MASS, AREA

Order No. G-1 under Maximum Price Regulation 251. Construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1397.68 (b) of Maximum Price Regulation No. 251, *It is hereby ordered:*

(a) Any seller making sales or supplying painting and decorating services which are subject to Maximum Price Regulation No. 251, may increase his maximum price under the regulation for such sales and services by an amount not in excess of the difference between his labor costs computed on the basis of hourly rates in effect on July 1, 1942, and the hourly rate of $1.25 established for painters and decorators by the National War Labor Board in WLB Case No. 14141, when the following conditions have been met:

(1) The seller performs the work described above within the Northampton, Massachusetts, Area;

(2) The seller employs members of the Painters Union Local No. 648 of Northampton, Massachusetts; and

(3) The seller actually pays the hourly rate specified above.

(b) Any person determining maximum prices subject to this order shall submit such reports as the Office of Price Administration from time to time may require.

(c) This Order No. G-1 may be revoked or amended at any time.

(d) This Order No. G-1 shall become effective February 8th, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2038; Filed, February 11, 1944; 11:27 a. m.]

[Region I Order G-2 Under MPR 251]

PLUMBERS, STEAMFITTERS AND SHEET METAL WORKERS IN HAVERHILL, MASS., AREA

Order No. G-2 under Maximum Price Regulation 251. Construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1397.68 (b) of Maximum Price Regulation No. 251, *It is hereby ordered:*

(a) Any seller making sales or supplying services for plumbing, steam fitting, or sheet metal work which are subject to Maximum Price Regulation No. 251 may increase his maximum price under the regulation for such sales and services by an amount not in excess of the difference between his labor cost computed on the basis of hourly rates in effect on July 1, 1942, and labor cost computed on the basis of the hourly rate of $1.25 established for journeymen plumbers, steam fitters and sheet metal workers by the National War Labor Board in WLB Case No. 1-6456, when the following conditions have been met:

(1) The seller performs the work, described above, within the Haverhill, Massachusetts, Area;

(2) The seller employs members of the United Association of Plumbers and Steam Fitters, Local Union No. 486 of Haverhill, Massachusetts; and

(3) The seller actually pays the hourly rate specified above.

(b) Any person determining maximum prices subject to this order shall submit such reports as the Office of Price Administration from time to time may require.

(c) This Order No. G-2 may be revoked or amended at any time.

(d) This Order No. G-2 shall become effective February 8th, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2039; Filed, February 11, 1944; 11:28 a. m.]

[Region II Rev. Order G-17 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN MERCER CO., N. J.

Revised Order No. G-17 under § 1340.-200 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in Mercer County, State of New Jersey; Coal Area VIII.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does—(1) Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in State of New Jersey, Coal Area VIII. Coal Area VIII comprises all of Mercer County in the State of New Jersey.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area VIII, are set forth in Schedules I, II and III hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area VIII, whether or not you are located in Coal Area VIII.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service set forth in Schedule I higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Use the schedule which covers your sale. (Schedule I applies to "direct-delivery" sales of anthracite. You will find Schedule I in paragraph (d). Schedule II applies to "yard sales". You will find Schedule II in paragraph (e). Schedule III applies to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags. You will find Schedule III in paragraph (f).)

(2) Take the dollars-and-cents figure given in the applicable schedule for the size and quantity you are selling.

(3) Deduct from this figure the amount of the discount which you are required to give as specified in the schedule. If the schedule makes no reference to any discount, you need give no discount. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for sales under Schedule I.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct $1.00 per ton for cash payment, you shall deduct 75¢ for three quarters of a ton and 25¢ for one-quarter of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I: Sales on a "direct-delivery" basis.* Schedule I establishes maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area VIII.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$13.75	$7.40	$0.85
Pea	12.45	6.75	.80
Buckwheat	10.55	5.80	.70
Rice	9.10	5.05	----------
Barley	7.95	4.50	----------
Screenings	3.95	2.00	----------

Required discounts. You shall deduct from the prices set forth above, in this schedule, on sales and deliveries of all sizes except screenings, and of rice-sized anthracite delivered in the Borough and Township of Princeton, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. For rice-sized anthracite delivered in the Borough and Township of Princeton, the discounts shall be 65¢ per net ton and 30¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this sub-paragraph requires you to sell on other than a cash basis.

In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount. You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point. You must deduct this discount at or before the delivery of the fiftieth ton and continue to grant the discount on every subsequent delivery during the same twelve-month period.

MAXIMUM AUTHORIZED SERVICE CHARGES

	Cents per net ton
Special service rendered at the request of the purchaser: "Carry" or "wheel" (except for sales in 100 lb. lots amounting to less than one-half ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales in 100 lb. lots, amounting to less than one-half ton). This charge shall be in addition to any charge "carry" or "wheel"	50

(e) *Schedule II: "Yard sales".* Schedule II establishes maximum prices for certain sizes of anthracite sold at the dealer's "yard" to dealers or consumers.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$12.75	$0.75
Pea	11.45	.70
Buckwheat	9.55	.60
Rice	8.10	
Barley	6.95	
Screenings	2.20	

Required discounts. You shall deduct from the prices set forth above, in this Schedule, on sales and deliveries of all sizes except screenings, and of rice-sized anthracite delivered in the Borough and Township of Princeton, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. For rice-sized anthracite delivered in the Borough and Township of Princeton, the discounts shall be 65¢ per net ton and 30¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(f) *Schedule III: "Sales of bagged coal".* Schedule III establishes maximum prices for sales to dealers and to consumers of certain sizes of anthracite in 50 lb., 25 lb., and 12 lb. paper bags.

MAXIMUM PRICE PER 50-LB. PAPER BAG

Size	Delivered at dealers yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut	$0.37	$0.42	$0.42	$0.47
Pea	.32	.37	.37	.42

MAXIMUM PRICE PER 25-LB. PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.19	$0.21	$0.26

MAXIMUM PRICE PER 12-LB. PAPER BAG

Nut	$0.095	$0.105	$0.125

(g) *Commingling.* If one size of anthracite is sold commingled with another size of anthracite, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "delivered sale", "yard sale", or a "sale of bagged coal", except in the following situation: Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle or in the bags, in which the delivery is made. The prices for coal so commingled shall be calculated on the basis of the applicable per net ton price or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(h) *Ex Parte 148; freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, you need not state this tax separately.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(p) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, and the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Trenton District Office of the Office of Price Administration or with the Price Panel of the appropriate War Price and Rationing Board.

(r) *Definitions and explanations.* When used in this Order No. G-17, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or at a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the State of New Jersey, Coal Area VIII, with such designation during December, 1941.

(6) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery".

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at the place of business of the seller other than at seller's truck or vehicle.

(9) "Delivered at dealer's yard" as applied to sales of bagged coal in 50-lb., 25-lb., and 12-lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to sales of bagged coal in 50-lb., 25-lb., or 12-lb. bags means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumers" as applied to bagged coal in 50-lb., 25-lb., or 12-lb. bags, means sales by dealers other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(12) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(s) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

(t) *Effect of order on Order No. G-17 as originally issued and on Order No. G-23.* Order No. G-17 under Revised Maximum Price Regulation No. 122, as issued on October 20, 1943 is hereby revoked in full as of the effective date of this order. This order also supersedes Order No. G-23, issued under that regulation on November 24, 1943, to the extent that Order No. G-23 is applicable to Order No. G-17.

This Revised Order No. G-17 shall become effective January 28, 1944.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-2045; Filed, February 11, 1944, 11:31 a. m.]

[Region III Order G-5 Under RMPR 122]

SOLID FUELS IN DESIGNATED CITIES IN OHIO

Order No. G-5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the municipalities of Akron, Barberton, Cuyahoga Falls, Mogadore, and Tallmadge, in the State of Ohio.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of Akron, Barberton, Cuyahoga Falls, Mogadore, and Tallmadge, Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this order No. G-5; but less than maximum prices may at any time be charged, paid or offered:

(2) Obtain a higher than ceiling price by:

(i) Charging a higher price than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal—(1) Price schedules.* This schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum gross prices for sales on a "direct delivery" basis (subject to discount for payment within 30 days as set forth below); Column III shows maximum cash or credit prices for all "yard sales" to unequipped dealers and to consumers. All prices are for sales on a net ton basis.

Column I	Maximum prices per net ton	
	Column II	Column III
I. High volatile bituminous coals from producing District No. 8 (Eastern Ky. and Southwestern W. Va.):		
A. Lump:		
1. Size Group No. 2 (larger than 3" but not exceeding 5"):		
a. Mine Price Classifications C through E	$8.05	$7.80
b. Mine Price Classifications F through J	8.80	7.55
c. Mine Price Classification K	8.70	7.45
d. Mine Price Classifications L through N	8.60	7.35
e. Mine Price Classifications O and lower	8.50	7.25
B. Egg:		
1. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"):		
a. Mine Price Classifications E through H	8.35	7.10
II. High volatile bituminous coals from producing District No. 4 (Ohio)		
A. Lump:		
1. Size Group Nos. 1 and 2 (bottom size larger than 2"):		
a. Ohio #8 Freight Origin District	7.20	5.95
b. Middle Freight Origin District	7.15	5.90
III. High volatile bituminous coals from producing District No. 3 (Northcentral W. Va. excluding Panhandle):		
A. Lump:		
1. Size Group No. 2 (bottom size larger than 2" but not exceeding 5"):		
a. Mine Price Classifications D and E	7.30	6.05

(2) *Discounts—(i) Discounts for payment within 30 days.* All prices quoted in Column II are gross prices and shall be subject to a discount of $.25 per ton where payment is made within 30 days after date of delivery.

(ii) The prices set forth in Column III are cash or credit prices, and the above discount requirements are not applicable to "yard sales" under said Column III.

(3) *Descriptive terms.* All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-5 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* The maximum price for any service rendered by a dealer in connection with a sale or

handling of solid fuel shall be the highest price charged by the dealer during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this regulation: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order No. G–5 under Revised Maximum Price Regulation No. 122 shall become effective January 15, 1944.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued January 10, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2041; Filed, February 11, 1944; 11:28 a. m.]

[Region III Order G–19 Under MPR 329]

FLUID MILK IN DESIGNATED COUNTIES IN MICHIGAN

Order No. G–19 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk in Wayne, McComb, and Oakland Counties, Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by §§ 1351.408 (b) and 1351.408 (c) of Maximum Price Regulation No. 329, as amended, *It is hereby ordered:*

(a) Any milk distributor located in the Counties of Wayne, McComb, and Oakland, in the State of Michigan, may pay producers, an amount not in excess of $3.69 per cwt., f. o. b. plant, for "milk" of 3.5% butterfat content, plus 5¢ per cwt. for each 1/10 of 1% butterfat variation over 3.5%, and minus 5¢ per cwt. for each 1/10 of 1% butterfat variation under 3.5%.

(b) Each milk distributor increasing his price to producers for "milk" pursuant to the provisions of this order shall, within five days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(c) *Definitions.* (1) "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper, or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state which is purchased for resale for human consumption as fluid milk. "In a raw and unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order may be modified, amended or revoked at any time.

This order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued January 29, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44–2064; Filed, February 11, 1944; 11:41 a. m.]

[Region III Order G–42 Under RMPR 122]

SOLID FUELS IN MAYFIELD, KY.

Order No. G–42 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers in Mayfield, Ky.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.259 of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Any dealer in solid fuels in Mayfield, Kentucky, may, for the effective period of this order, increase his established maximum prices for sales of coal, on a delivered basis, by an amount not exceeding 30¢ per ton.

(b) The increase permitted under section (a) hereof, shall not be applicable to yard sales of coal.

(c) Customary allowances, discounts and price differentials must be maintained by each dealer.

(d) This order shall be effective for the period from February 1, 1944 to and including March 31, 1944.

This order may be modified, amended or revoked at any time.

This order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued February 1, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2065; Filed, February 11, 1944; 11:41 a. m.]

[Region IV Orders G–5 and G–10 Under RMPR 122, Supp. Order 2]

SOLID FUELS IN DESIGNATED AREAS IN NORTH CAROLINA AND VIRGINIA

Supplementary Order No. 2 to Orders No. G–5 as amended, and G–10 as amended under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers applying respectively in or about the following areas: Charlotte, North Carolina, Henrico and Chesterfield Counties and the city of Richmond, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That:

To the maximum prices for Pennsylvania anthracite coal established by the above orders may be added the sum of 45¢ per ton, 23¢ per ½ ton, and 12¢ per ¼ ton during the month of February, 1944. The increases provided in this supplementary order apply only during the period February 1, 1944, to February 29, 1944, inclusive. On and after March 1, 1944, the maximum prices for anthracite shall be as provided in the amended orders prior to the issuance of this Supplementary Order No. 2.

The provisions of this Supplementary Order No. 2 may be amended or revoked at any time by the Regional Administrator.

This supplementary order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F. R. 4681)

Issued February 3, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–2077; Filed, February 11, 1944; 11:45 a. m.]

[Region IV Orders G–13, G–15 and G–16 Under RMPR 122, Supp. Order 1]

SOLID FUELS IN DESIGNATED AREAS IN NORTH CAROLINA AND VIRGINIA

Supplementary Order No. 1 to Orders No. G–13, G–15, and G–16 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers applying respectively in or about the following areas: Wilmington, North Carolina, Winston-Salem, North Carolina, and Lynchburg, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That:

To the maximum prices for Pennsylvania anthracite coal established by the above orders may be added the sum of 45¢ per ton, 23¢ per ½ ton, and 12¢ per ¼ ton during the month of February, 1944. The increases provided in this supplementary order apply only during the period February 1, 1944, to February 29, 1944, inclusive. On and after March 1, 1944, the maximum prices for anthracite shall be as provided in the amended orders prior to the issuance of this Supplementary Order No. 1.

The provisions of this Supplementary Order No. 1 may be amended or revoked at any time by the Regional Administrator.

This supplementary order shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued, February 3, 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44–2076; Filed, February 11, 1944; 11:45 a. m.]

[Region VI Gen. Order G–5 Under RMPR 122, Amdt. 2]

SOLID FUELS IN TWIN CITIES AREA

Amendment No. 2 to General Order No. G–5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in the Twin Cities Area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith, *It is ordered,* That sections IX and X of the price schedule set forth in paragraph (c) (1) of General Order No. G–5 as amended, be and they are hereby amended to read as follows:

1	2	3	4	5	6	7
Description	Domestic coal		Steam coal		Dealer at yard	
	Delivered	Consumer at yard	Delivered	Consumer at yard	Domestic	Steam
IX. Arkansas and Oklahoma anthracite from District #14:						
1. Egg, stove, nut	$15.65	$14.65			$12.90	
2. Screenings			$8.45	$8.10		$7.45
X. By-product coke:						
1. Egg, stove, nut	15.45	14.45	14.00	13.60	12.70	13.00
2. Pea	14.20					

This Amendment No. 2 to General Order No. G–5 shall become effective as of December 23, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–2033; Filed, February 11, 1944; 11:29 a. m.]

[Region VI Gen. Order G–5 Under RMPR 122, Amdt. 3]

SOLID FUELS IN TWIN CITIES AREA

Amendment No. 3 to General Order No. G–5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in the Twin Cities Area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith: *It is ordered,* That sections I, VI and IX of the price schedule set forth in paragraph (c) (1) of General Order No. G–5 as amended, be and it is hereby amended to read as follows:

Description	2	3	4	5	6	7
	Domestic coal		Steam coal		Dealer at yard	
	Delivered	Consumer at yard	Delivered	Consumer at yard	Domestic	Steam
I. Low volatile bituminous coal from Dist. #7 (W. Va. & N. Va. Smokeless):						
1. Lump, 2" and over and egg mixed.	$15.55	$14.55	$14.10	$13.70	$12.80	$13.10
2. Egg, 3" x 2" and larger	15.90	14.90	14.45	14.05	13.15	13.45
3. Stove, 2" x 1¼" and larger	15.35	14.35	13.90	13.50	12.60	12.90
4. Pea or nut, 1¼" x ⅝"	14.55	13.55	12.05	11.65	11.80	10.85
5. Stoker pea ⅝" x ¼"	13.30	12.30	11.70	11.30	10.55	10.65
6. Unscreened stoker (buckwheat)	12.05	11.05	10.00	9.60	9.80	9.00
7. Screenings ⅝" x 0 and larger	11.30	10.30	9.10	8.70	9.05	8.10
8. Run-of-mine	13.20	12.20	11.70	11.30	10.80	10.70
Premium coals from Mine Index #73:						
9. Lump, 2" and over	16.15	15.15	14.70	14.30	13.40	13.70
10. Egg, 3" x 2" and larger	16.50	15.50	15.05	14.65	13.75	14.05
11. Stove, 2" x 1¼" and larger	15.95	14.95	14.45	14.05	13.20	13.50
VI. High volatile bituminous coal from Dist. #10 (Ill.) Southern Sub-District:						
1. Egg 6" x 3"	11.45	10.45	9.75	9.35	8.70	8.75
2. Small egg 3" x 2"	11.15	10.15	9.45	9.05	8.40	8.45
3. Stove 2" x 1¼"	10.70	9.70	9.00	8.60	7.95	8.00
4. Raw screenings, not exceeding (2" x 0)	9.30	8.30	7.10	6.60	7.05	6.10
5. Commercial stoker screenings, washed and redusted, 2" x 0 and smaller	9.75	8.75	7.50	7.00	7.50	6.50
6. Special prepared (double screened) domestic stoker	10.35	9.35	8.15	7.75	8.15	7.15
IX. Arkansas and Oklahoma anthracite from Dist. #14:						
1. Egg, stove, nut	15.75	14.75			13.00	
2. Screenings			8.45	8.05		7.45

This Amendment No. 3 to General Order No. G–5 shall become effective February 1, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44–2040; Filed February 11, 1944; 11:28 a. m.]

[Region VII Order G–17 Under RMPR 122, Amdt. 1]

SOLID FUELS IN MONTANA

Order No. G–17 under Revised Maximum Price Regulation 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1), (2), (3), (4), and (5) of paragraph (d) are amended by adding 10¢ to each per-ton price and 5¢ to each half-ton price as set forth in Tables I, II, III, IV, and V thereof, for bituminous coal produced in Districts 20 and 22; and by adding 20¢ to each per-ton price and 10¢ to each half-ton price as set forth in Tables I, II, III, IV, and V thereof, for bituminous coal produced in District 19.

2. Subparagraph (2) of paragraph (o) is amended by adding thereto the following sentence: "The special charge authorized for such service shall apply only to the amount of coal actually rehandled."

3. Two new paragraphs, designated (r) and (s), are added, to read as follows:

(r) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(s) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several trade areas as defined herein, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, by a dealer in such area may be added to the specific maximum prices established by this order. A dealer who was not in business in such area in December, 1941, or who if in business in such area during that time made no such extra-area deliveries, may take as his additional delivery charge the charge of his nearest competitor who was established in business in said area and did make such extra-area deliveries in December, 1941.

4. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 20th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2032; Filed, February 11, 1944; 11:29 a. m.]

[Region VII Order G–18 Under RMPR 122, Amdt. 1]

SOLID FUELS IN NEW MEXICO

Order No. G–18 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and §1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1) and (2) of paragraph (d) are amended by adding 50¢ to each per-ton price and 25¢ to each half-ton price, as set forth in Tables I and II, for bituminous coal produced in District No. 18, except as to size #8, 1½ x 1 walnut produced in Sub-district 2, Cerrillos, for which maximum prices for delivered sales and $4.90 per half-ton for yard sales are hereby established; no increase in price is granted as to bituminous coal produced in District No. 17 or as to Cerrillos anthracite coal produced at Madrid, New Mexico. The following note is added to Table I: ""The prices hereinabove established for sizes #11 and #12 slack coal are for commercial deliveries of one ton or more."

2. A new paragraph designated (p) is added to read as follows:

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 21st day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2031; Filed, February 11, 1944; 11:29 a. m.]

[Region VII Order G–19 Under RMPR 122, Amdt. 1]

SOLID FUELS IN SANTA FE, N. MEX., AREA

Order No. G–19 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Santa Fe Trade Area, State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraph (1) of paragraph (d) is amended by adding 20¢ to each per-ton price and 10¢ to each half-ton price, as set forth in Table I, for #9 3x1½ nut, bituminous coal produced in District 17, Sub-district 3, Canon No. 2; and by adding 50¢ to each per-ton price and 25¢ to each half-ton price, as set forth in Table I, for bituminous coal produced in District 18, Sub-district 2, Cerrillos, and Sub-district 3, La Ventana; but no increase is granted for Cerrillos anthracite produced in Madrid, New Mexico.

2. A new paragraph designated (p) is added to read as follows:

(p) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 20th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2033; Filed, February 11, 1944; 11: 29 a. m.]

[Region VII Order G–24 Under RMPR 122, Amdt. 3]

SOLID FUELS IN DENVER REGION

Order No. G–24 under Revised Maximum Price Regulation No. 122, Amendment No. 3. Solid fuels sold and delivered by dealers. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. Subparagraph (17) of paragraph (d), "Appendix A", erroneously designates the "District" as "11", whereas the correct number of said district is "17", and that error is hereby corrected by deleting said number "11" and substituting therefor the number "17".

2. Subparagraph (5) of paragraph (d), "Appendix A", is amended and rewritten to read as follows:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
(5) Moffat Coal Company:				*Cents*	
Moffat Nos. 1 and 2	17	4	51	35	1–12–44
Arrowhead	17	4	58	35	1–12–44

3. Subparagraph (7) of paragraph (d), "Appendix A", is amended by deleting therefrom, effective as of January 4, 1944, the entire line covering Gebo #4 Mine.

4. Paragraph (d), "Appendix A", is amended by adding thereto two new subparagraphs designated (18) and (19), respectively, and reading as follows:

Mines operated by—	District	Subdistrict	Index No.	Amount	Effective date
(18) Butte Valley Coal Company:				*Cents*	
Butte Valley	17	1	17	3	12–11–43
(19) American Smelting and Refining Company:					
Bon Carbo	17	8	14	38	1–18–44

5. *Effective date.* This Amendment No. 3 shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2042; Filed, February 11, 1944; 11:28 a. m.]

[Region VII Order G–3 Under MPR 154, Amdt. 1]

ICE IN BOISE, IDAHO

Order No. G–3 under Maximum Price Regulation No. 154, Amendment No. 1. Ice. Establishment of specific maximum prices for dealers in Boise, Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1393.8 (e) of Maximum Price Regulation No. 154, and for the reason set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b) is amended by adding thereto new subparagraphs (3) and (4), to read as follows:

(3) Crushed ice, delivered, 20¢ per 25-pound lot.

(4) Crushed ice, delivered, 40¢ per 50-pound lot.

2. *Effective date.* This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2066; Filed, February 11, 1944; 11:46 a. m.]

[Region VII Order G–40 Under 18 (c), Amdt. 1]

FLUID MILK IN CACHE VALLEY, UTAH, AREA

Order No. G–40 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. Service charges of contract carriers who truck milk in the Cache Valley Area of the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b) is amended and rewritten to read as follows:

(b) *Permission granted processors and haulers to adjust service rates by agreement.* From and after the effective date of this order, it shall be permissible for Morning Milk Company of Wellsville, Utah; Sago Milk Products Company of Richmond, Utah; Borden Company of Morgan, Utah; Cache Valley Association Cheese Plant of Amalga, Utah; Arden-Sunfreze Creameries of Ogden, Utah, and the Weber Central Dairy Association of Ogden, Utah, to negotiate separately with their several contract milk haulers, milk hauling contracts at rates to be mutually agreed upon by and between each of said processors separately and its respective milk haulers: *Provided, however,* That no such negotiated or agreed milk haulers' rate shall exceed the maximum price for such contract carrier service as established under the General Maximum Price Regulation prior to December 1, 1942, by more than 16⅔ percent: *And provided further,* That any and all such increases in milk haulers' rates shall be absorbed by each of said processors separately as to its contract milk haulers, and no part of any such increase shall be in any manner added to the present maximum prices established for said processors on the products which they process, manufacture, and sell, nor shall such increase in hauling charges or any part thereof be deducted from the prices paid by a processor to producers of milk by adding the same to the cost of delivering such milk to the processor's customary receiving point. *Provided, further,* That Weber Central Dairy Association of Ogden, Utah, being a cooperative association of milk producers, may deduct such increased hauling charge from the price paid to its cooperative producers.

2. *Effective date.* This Amendment No. 1 shall be effective retroactively as of September 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2079; Filed, February 11, 1944; 11:46 a. m.]

[Region VII Order G–51 Under 18 (c), Amdt. 1]

CORDWOOD IN NAMPA, IDAHO

Order No. G–51 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. Maximum prices for cordwood sold and delivered in Nampa, Idaho.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reason set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Table II of paragraph (c) (2) is amended by increasing the price of "Part 1" maximum price for dry-cut or seasoned green-cut rick 12'' stove 4x8x1 from $4.25 to $4.50, and by increasing the "Part 2" price for the same stovewood from $4.00 to $4.25.

2. *Effective date.* This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–2078; Filed, February 11, 1944; 11:46 a. m.]

[Cincinnati Order G–1 Under MPR 418]

FRESH FISH IN HAMILTON COUNTY, OHIO

Order G–1 fixing area transportation allowance to wholesaler of fresh fish under Maximum Price Regulation 418, section 7 (b).

In accordance with Maximum Price Regulation 418, section 7 (b) and the authority delegated to the Cincinnati District Office by the Regional Office of Region III, which was previously delegated to that Regional Office by the Price Administrator, *It is hereby ordered,* That wholesalers of the fresh fish and sea food, hereinafter described, be authorized to add to the legal maximum ceiling price charged to them by their suppliers, a transportation allowance of $3.50 per cwt., or three and one-half cents per pound, in lieu of the actual transportation cost in determining their maximum prices for the sale of such hereinafter described fish in Hamilton County, Ohio.

This transportation allowance shall be used instead of the actual transportation costs for the following varieties of fresh fish in the form of whole, round, fillets or steaks: Yellow Tail (Flounder), Haddock, Hake, Pollock, and Codfish which were caught in the Atlantic Ocean and shipped from Boston and/or New Bedford, Massachusetts, to Cincinnati, Ohio, by Railway Express.

In determining the maximum price for sales by wholesalers of fresh fish and sea food in Hamilton County, Ohio, for which a transportation allowance is not hereby established, wholesalers shall add actual transportation costs as provided in Maximum Price Regulation 418, section 7 (a).

This Order G–1 shall become effective January 31, 1944.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, Gen. Order 51, 8 F.R. 6006)

Issued January 27, 1944.

JOHN E. ROBINSON, Jr.,
Cincinnati District Director.

[F. R. Doc. 44–2037; Filed, February 11, 1944; 11:27 a. m.]

[Spokane Order G–2 Under 18 (c)]

CERTAIN FIREWOOD IN FERRY COUNTY, WASH.

Order No. G–2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Certain Firewood in Ferry County, Washington.

For the reasons set forth in an opinion issued simultanecusly herewith and under the authority vested in the District Director of the Spokane District Office of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32, *It is hereby ordered:*

(a) With respect to the sales and deliveries of certain specified kinds of firewood in Ferry County, Washington, the adjusted maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum prices for fir, tamarack, and pine forest wood delivered to consumer's premises shall be:

Length of wood:	*Maximum price (per cord)*
4 ft	$8.00
24 in	9.50
	(per rick)
16 in. or shorter	$3.50

(c) The maximum prices for fir, tamarack, and pine tie slabs and mill slabwood shall be:

(1) For sales of wood delivered to consumer's premises:

Length of wood:	*Maximum price (per cord)*
8 ft. or longer	$5.00
4 ft	6.00
24 in	7.25
	(per rick)
16 in. or shorter	$2.50

(2) For sales of wood f. o. b. mill:

Length of wood:	*Maximum price (per cord)*
8 ft. or longer	$2.50
4 ft	3.00

(d) If in March 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(e) Lower prices than the maximum prices established by this order may be charged, demanded, offered, or paid.

(f) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(g) Order No. G–42 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, issued on August 17, 1943, by the San Francisco Regional Office is hereby superseded and revoked.

(h) This order may be revoked, amended, or corrected at any time. This order shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

DAVE S. COHN,
District Director.

[F. R. Doc. 44–2036; Filed, February 11, 1944; 11:26 a. m.]

[Region I Supp. Order 2 Under RMPR 122]

PENNSYLVANIA ANTHRACITE COAL IN NEW ENGLAND REGION

Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Named Pennsylvania Anthracites.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That:

(a) In every instance where one of the following sizes of a named Pennsylvania anthracite coal is not specifically priced in the Region I orders under Revised Maximum Price Regulation No. 122 which are designated in paragraph (c) hereof, the specific maximum prices in said orders for Pennsylvania anthracite may be increased by the following amounts when the following sizes of named Pennsylvania anthracite coals are sold in conformance with the conditions hereinafter set forth:

Kind and size	Amount of addition: Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Jeddo Highland:				
Broken, egg, stove, chestnut, pea, and buckwheat	$0.25	$0.15	$0.05	None
Rice	.15	.10	None	None
Franklin:				
Broken	.75	.40	.20	$0.05
Egg	1.00	.50	.25	.05
Stove	1.25	.65	.30	.05
Chestnut	.30	.15	.05	None
Rice	.10	.05	None	None
Greenwood:				
Egg, stove, chestnut, and pea	.25	.15	.05	None
Salem Hill:				
Egg and stove	.70	.35	.20	.05
Chestnut	.30	.15	.05	None
Brooder nut	.55	.30	.15	None
Pea	.25	.15	.05	None
Rice	.10	.05	None	None
Colonial:				
Broken, egg, stove, chestnut, pea, and buckwheat	.65	.35	.15	None
Rice	.55	.30	.15	None
Silver Brook:				
Broken, egg, stove, chestnut, pea, and buckwheat	.30	.15	.05	None
Rice	.25	.15	.05	None

(b) The increased maximum prices provided by paragraph (a) of this order may be charged only if:

(1) The named coal is not mixed with a coal which is not named herein, or with any other named coal either in storage or delivery: *Provided, however,* That if a purchaser requests a delivery of a mixture of two or more coals, the dealer may comply with such request if the quantity of each is separately weighed, the price charged does not exceed the weighted average of the maximum prices for the individual coals and the invoice or similar document delivered to the purchaser clearly states the quantity of each coal in the mixture, identified in the manner set forth herein;

(2) An invoice or similar document is delivered to the purchaser which describes the coal by the name used in this order;

(3) The records kept by the dealer, pursuant to the record-keeping clause of the otherwise applicable order, clearly identify the named coal by the name used in this order, and

(4) The dealer preserves and keeps available for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all invoices and other records of his purchases of named coals.

(c) *Applicability.* This Supplementary Order No. 2 shall apply:

(1) To the following outstanding Orders:

Order No. G–9 under §§ 1340.259 (a) (1) and 1340.260, Metropolitan Boston Area.
Order No. G–11 under § 1340.260, Lawrence, Massachusetts Area.
Order No. G–12 under §§ 1340.259 (a) (1) and 1340.260, Haverhill, Massachusetts Area.
Order No. G–13 under § 1340.260, Lynn-Salem Area.
Order No. G–14 under § 1340.260, Lowell, Massachusetts Area.
Order No. G–15 under § 1340.260, Manchester, New Hampshire Area.
Order No. G–16 under § 1340.260, Brockton, Massachusetts Area.
Order No. G–17 under § 1340.260, Taunton, Massachusetts Area.
Order No. G–18 under §§ 1340.259 (a) (1) and 1340.260, New London, Connecticut Area.
Order No. G–19 under § 1340.260, Concord, New Hampshire Area.
Order No. G–21 under § 1340.260, Nashua, New Hampshire Area.
Order No. G–22 under § 1340.260, Worcester, Massachusetts Area.
Order No. G–23 under § 1340.260, Stoughton, Massachusetts.
Order No. G–24 under §§ 1340.259 (a) (1) and 1340.260, Bridgeport, Connecticut Area.
Order No. G–25 under § 1340.260, Portland, Maine Area.
Order No. G–26 under §§ 1340.259 (a) (1) and 1340.260, Portsmouth-Kittery Area.
Order No. G–28 under §§ 1340.259 (a) (1) and 1340.260, Bangor, Maine Area.
Order No. G–29 under § 1340.260, Lewiston-Auburn Area.
Order No. G–30 under § 1340.260, Augusta, Maine Area.
Order No. G–31 under § 1340.260, Brunswick, Maine Area.
Order No. G–32 under § 1340.260, Rockland, Maine Area.
Order No. G–33 under § 1340.260, Biddeford-Saco Area.
Order No. G–34 under § 1340.260, Bath, Maine Area.
Order No. G–35 under § 1340.260, Hampton-Seabrook Area.
Order No. G–36 under § 1340.260, Dover-Exeter Area.
Order No. G–37 under § 1340.260, Stamford-Norwalk Area.

(d) *Definitions.* When used in this Supplementary Order No. 2, the term:

(1) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(2) "Named Pennsylvania anthracite" means "Jeddo Highland", "Franklin", "Greenwood", "Salem Hill", "Colonial" and "Silver Brook".

(3) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(4) "Franklin" means that Pennsylvania anthracite which is prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley". Whenever a specific price is provided in an Order for a specified size of "Red Ash," that price, and not the price provided by this Supplementary Order, shall apply to "Franklin".

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite".

(6) "Salem Hill" means that Pennsylvania anthracite which is produced by Haddock Mining Company at the Salem Hill Colliery, Schuylkill County, near Pottsville, Pennsylvania, and which meets the quality and preparation standards established by Order No. 2 under Maximum Price Regulation No. 112.

(7) "Brooder nut" size of Salem Hill means Salem Hill anthracite which meets the following specifications: it shall be sized through a 1⅝" and over a 13/16" test mesh with maximum over-size of 2% and undersize of 3%; float and sink test shall not exceed 5% sink on a 1.7 gravity. The differential provided for Salem Hill "brooder nut" shall be applied to the non-premium price for chestnut size.

(8) "Colonial" means that Pennsylvania anthracite which is produced and prepared by Colonial Collieries Corporation, Philadelphia, Pennsylvania, and which meets the quality and preparation standards established by Order No. 4 under Maximum Price Regulation No. 112.

(9) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken Colliery and marketed under the trade name "Silver Brook Coal", and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(e) Nothing contained in this Supplementary Order No. 2 shall be so construed as to allow any change in or addition to the specific maximum prices for Pennsylvania anthracite in bags containing less than 100 pounds each which are set forth in any Region I Order under Revised Maximum Price Regulation No. 122.

(f) This Supplementary Order No. 2 may be revoked, amended or corrected at any time.

This Supplementary Order No. 2 shall become effective January 31, 1944

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2110; Filed, February 12, 1944; 11:37 a. m.]

[Region I Supp. Order 4 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN NEW ENGLAND REGION

Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Temporary price increase, Pennsylvania anthracite.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That:

(a) Dealers making sales of Pennsylvania anthracite subject to the Region I orders under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order may, for the period commencing with the effective date of this order and expiring midnight February 29, 1944, increase the specific maximum prices for all sizes of Pennsylvania anthracite coal which are specifically priced in said orders (except yard screenings) by the following amounts:

Unit:	*Permitted addition*
Per Net Ton	45 cents
Per ½ Ton	25 cents
Per ¼ Ton	10 cents
Units smaller than ¼ ton	No increase

(b) *Orders affected.* (1) The following outstanding Orders:

Order No.	*Area*
G–9	Metropolitan Boston Area.
G–11	Lawrence, Massachusetts, Area.
G–12	Haverhill, Massachusetts, Area.
G–13	Lynn-Salem Area.
G–14	Lowell, Massachusetts, Area.
G–15	Manchester, New Hampshire, Area.
G–16	Brockton, Massachusetts, Area.

Order No.	Area
G-17	Taunton, Massachusetts, Area.
G-18	New London, Connecticut, Area.
G-19	Concord, New Hampshire, Area.
G-21	Nashua, New Hampshire, Area.
G-22	Worcester, Massachusetts, Area.
G-23	Stoughton, Massachusetts, Area.
G-24	Bridgeport, Connecticut, Area.
G-25	Portland, Maine, Area.
G-26	Portsmouth-Kittery Area.
G-28	Bangor, Maine, Area.
G-29	Lewiston-Auburn Area.
G-30	Augusta, Maine, Area.
G-31	Brunswick, Maine, Area.
G-32	Rockland, Maine, Area.
G-33	Biddeford-Saco Area.
G-34	Bath, Maine, Area.
G-35	Hampton-Seabrook Area.
G-36	Dover-Exeter Area.
G-37	Stamford-Norwalk Area.
G-38	Milford and Hopedale, Massachusetts.
G-39	Providence, Rhode Island, Area.
G-40	Rutland, Vermont, Area.
G-41	Adams, Massachusetts, Area.
G-42	Bennington, Vermont, Area.
G-43	Manchester, Vermont, Area.
G-44	Danbury, Connecticut, Area.

(2) Such future orders as specifically provide therein that this order shall apply thereto.

(c) This order, which may be revoked, amended or corrected at any time, shall, unless earlier revoked or replaced, expire at midnight, February 29, 1944.

This Supplementary Order No. 4 shall become effective February 1, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2109; Filed, February 12, 1944; 11:37 a. m.]

[Region I Supp. Order 5 Under RMPR 122]

TRANSPORTATION TAX ON SOLID FUELS IN NEW ENGLAND REGION

Supplementary Order No. 5 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Transportation tax.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That:

(a) The transportation tax provision in the paragraphs of each Region I order under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order is amended to read as follows:

Transportation tax. Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however*, That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further*, That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(b) The applicable paragraph, and the Region I order under Revised Maximum Price Regulation No. 122 is as follows:

Order No. and area:	Paragraph
G-6, Hartford, Connecticut	(b) (3)
G-7, Metropolitan Boston	(h)
G-8, Worcester, Massachusetts	(b) (3)
G-9, Metropolitan Boston	(d)
G-11, Lawrence, Massachusetts	(e)
G-12, Haverhill, Massachusetts	(e)
G-13, Lynn-Salem, Massachusetts	(e)
G-14, Lowell, Massachusetts	(e)
G-15, Manchester, New Hampshire	(e)
G-16, Brockton, Massachusetts	(e)
G-17, Taunton, Massachusetts	(e)
G-18, New London, Connecticut	(d)
G-19, Concord, New Hampshire	(e)
G-20, North Shore	(g)
G-21, Nashua, New Hampshire	(d)
G-22, Worcester, Massachusetts	(e)
G-23, Stoughton, Massachusetts	(e)
G-24, Bridgeport, Connecticut	(e)
G-25, Portland, Maine	(g)
G-26, Portsmouth-Kittery	(e)
G-28, Bangor, Maine	(f)
G-29, Lewiston-Auburn	(f)
G-30, Augusta, Maine	(e)
G-31, Brunswick, Maine	(e)
G-32, Rockland, Maine	(e)
G-33, Biddeford-Saco	(f)
G-34, Bath, Maine	(f)
G-35, Hampton-Seabrook	(e)
G-36, Dover-Exeter	(e)
G-37, Stamford-Norwalk	(f)

This Supplementary Order No. 5 shall be effective as of January 18, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2108; Filed, February 12, 1944; 11:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

UTILITIES EMPLOYEES SECURITIES CO., ET AL.

[File Nos. 70-740, 70-741, 70-743, 70-746]

NOTICE OF FILING POST-EFFECTIVE AMENDMENT NO. 2

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of February 1944.

In the matter of Utilities Employees Securities Company, File No. 70-740; Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation, Associated Utilities Corporation, File No. 70-741; New England Gas and Electric Association, File No. 70-743; Noel T. Dowling, James V. Gilloon, Jr., Joseph A. Shields, trustees under pension trust agreement dated December 14, 1937, as amended, File No. 70-746.

The Commission having on August 12, 1943, approved a plan of liquidation, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for Utilities Employees Securities Company (Uesco), a subsidiary of Associated Gas and Electric Company, Associated Gas and Electric Corporation, and Associated Utilities Corporation, registered holding companies, and having at the same time approved certain applications and permitted certain declarations to become effective; the Commission having reserved jurisdiction to approve or disapprove the terms of the Welfare Trust Agreement before the same shall become effective pursuant to the plan; and an amendment to the plan having been filed submitting said Welfare Trust Agreement entered into between and among the various parties to the original plan of liquidation; and Uesco and the Trustee of Associated Gas and Electric Company and the Trustees of Associated Gas and Electric Corporation having requested that they be directed to mail a copy of this notice and of the Welfare Trust Agreement on or before a date to be set by this Commission to each of the distributee companies entitled to participate in the distribution of Uesco welfare assets, pursuant to the agreement dated June 4, 1943, heretofore approved by this Commission in its order dated August 12, 1943, and that an appropriate affidavit of such mailing shall be filed with this Commission;

Notice is hereby given of the filing of such post-effective amendment. All interested persons are referred to the offices of the Commission for a copy of said amendment. The provisions of the agreement, included in the amendment, may be summarized as follows:

The purpose of the agreement is to define the rights, duties, liabilities, and accountability of the Welfare Trustee, the present trustee being Noel T. Dowling. Uesco is to transfer to the Welfare Trustee all of its remaining assets. Within a reasonable time, after the receipt of the Uesco assets, the Welfare Trustee is to establish a separate account for each distributee company and allocate to the account of such company its aliquot portion of the assets. Each distributee company is to be entitled to receive from the Welfare Trustee its portion upon the establishment by such distributee company of employee pension, insurance, or welfare programs as specified in the original settlement agreement of June 4, 1943. The Welfare Trustee is not, however, required to deliver to the company its portion, unless he is satisfied that such company has duly complied with all the conditions to be performed by it. The Welfare Trust Agreement also contains provisions as to the termination of the rights of the Welfare Trustee, the administration of the fund, compensation to be permitted, and other matters originally set forth in the agreement of June 4, 1943, heretofore approved by the Commission.

Notice is further given that any interested person may, not later than March 8, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is hereby ordered, That copies of this notice and of the Welfare Trust Agreement be mailed on or before February 25, 1944, to each of the distributee companies entitled to participate in the distribution of the Uesco welfare assets, pursuant to the agreement dated June 4, 1943, and that an appropriate affidavit of such mailing be filed with this Commission on or before March 3, 1944;

It is further ordered, That the trustees of Associated Gas and Electric Company and Associated Gas and Electric Corporation, New England Gas and Electric Association, and Uesco, directly or indirectly, cause appropriate notice to be circularized among all employees of the various distributee companies and make available copies of the Welfare Trust Agreement to all employees of any of the distributee companies, or any organization of such employees, who may request the same.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2085; Filed, February 11, 1944; 1:05 p. m.]

[File No. 70-852]

NORTHERN STATES POWER CO. (MINNESOTA)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of February 1944.

Northern States Power Company (Minnesota), a registered holding company which is also a public-utility company and a subsidiary of Northern States Power Company (Delaware), a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 regarding: (1) the issue and sale, by competitive bidding pursuant to the requirements of Rule U-50 promulgated under said act, of $5,000,000 principal amount of its First Mortgage Bonds, Series due February 1, 1974, and (2) the issue and sale to commercial banks at private sale and not for resale to the public of its 2¼% Serial Notes in the principal amount of $4,000,000 maturing serially in ten equal semi-annual instalments commencing six months from the date thereof; and

A public hearing having been held, after appropriate notice, upon said declaration, as amended, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration, as amended, be and the same is hereby, permitted to become effective, subject to the conditions prescribed by Rule U-24, and subject to the further condition that the issue and sale of the bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been supplied by amendment and a further order shall have been entered by this Commission which order may contain such further terms or conditions as may then be deemed appropriate; jurisdiction is hereby reserved for the entry of such order and the impositions of such terms or conditions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2082; Filed, February 11, 1944; 1:05 p. m.]

[File Nos. 7-711 to 7-721]

PHILADELPHIA STOCK EXCHANGE

ORDER DISPOSING OF APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of February, A. D. 1944.

In the matter of applications by the Philadelphia Stock Exchange to extend unlisted trading privileges to eleven (11) stocks, File Nos. 7-711 to 7-721, inclusive.

The Philadelphia Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to eleven securities;

After appropriate notice a hearing having been held in this matter at the Philadelphia Office of the Commission; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to

American Cable & Radio Corporation, Common Stock, $1 Par Value.

Gulf Oil Corporation, Capital Stock, $25 Par Value.

Morris & Essex Railroad Company, 7¾% Non-Cumulative Guaranteed, Capital Stock, $50 Par Value.

National Supply Company, Common Stock, $10 Par Value.

Pennsylvania Central Airlines Corp., Common Stock, $1 Par Value.

Radio-Keith-Orpheum Corporation, Common Stock, $1 Par Value.

South American Gold and Platinum Company, Common Stock, $1 Par Value.

Standard Gas and Electric Company, $7 Cumulative Prior Preference Stock, No Par Value.

Sylvania Electric Products, Inc., Common Stock, No Par Value.

Twentieth Century-Fox Film Corporation, Common Stock, No Par Value.

be and the same hereby are approved; and

It is further ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to

American & Foreign Power Company, Inc. $7 Cumulative 2nd Preferred Stock, Series A, No Par Value.

be and it hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2084; Filed, February 11, 1944; 1:05 p. m.]

[File No. 4-52-5]

C. CECIL BRYANT

ORDER DISQUALIFYING ACCOUNTANT FROM PRACTICE BEFORE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of February, A. D. 1944.

In the matter of C. Cecil Bryant, 107 East Broadway, Ocala, Florida, File No. 4-52-5.

A proceeding having been instituted by the Commission pursuant to Rule II (e) of its rules of practice, to determine whether or not the respondent C. Cecil Bryant, a certified public accountant of Ocala, Florida, should be disqualified from or denied, temporarily or permanently, the privilege of appearing or practicing before the Commission;

A hearing having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to said rule, *It is ordered*, That C. Cecil Bryant be and hereby is disqualified from, and is permanently denied the privilege of, appearing and practicing before the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2083; Filed, February 11, 1944; 1:05 p. m.]

[File Nos 59-26, 70-403]

FLORIDA POWER AND LIGHT CO., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of February, A. D. 1944.

In the matter of Florida Power & Light Company, American Power & Light Company, and Electric Bond and Share Company, File No. 59-26; in the matter of Florida Power & Light Company and American Power & Light Company, File No. 70-403.

The Commission having heretofore on December 28, 1943, issued its order herein granting a joint application and permitting to become effective a joint declaration of Florida Power & Light Company and American Power & Light Company pursuant to sections 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 regarding the issue and sale at competitive bidding pursuant to Rule U-50 of $45,000,000 aggregate principal

amount of First Mortgage Bonds due 1973 and $10,000,000 principal amount of Sinking Fund Debentures, and certain related transactions, reserving, however, its jurisdiction with respect to the fees, commissions or other remunerations to be paid in connection with the said joint application and declaration; and

Hearings having been held with respect to the propriety and reasonableness of (i) a fee of $15,000 proposed to be paid by Florida Power & Light Company to the First Boston Corporation for financial advice and assistance in formulating a financial program for Florida Power & Light Company and for services in creating a market for the sale of its debentures; and (ii) a fee of $25,000 proposed to be paid by the underwriters of Florida Power & Light Company's bonds and debentures for the legal services of Wright, Gordon, Zachry, Parlin, and Cahill as counsel for said underwriters; and

The Commission having considered the record herein and having found that the fee to be paid to the First Boston Corporation and the fee to be paid the law firm of Wright, Gordon, Zachry, Parlin, and Cahill are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved with respect to the fees, commissions or other remunerations to be paid in connection with the said joint application and declaration be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2097; Filed, February 12, 1944; 11:06 a. m.]

[File No. 70-853]

CONSOLIDATED ELECTRIC AND GAS CO. AND HAGERSTOWN GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1944.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiary, Hagerstown Gas Company ("Hagerstown").

All interested persons are referred to said documents which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Hagerstown proposes to sell to Harrison & Co. (or its nominee), of Philadelphia, Pennsylvania, all of its properties and other assets (with certain stated exceptions) used in the manufacture and distribution of manufactured gas in the City of Hagerstown and environs, in Maryland, for $140,000 in cash and the assumption by Harrison & Co. (or its nominee) of all the outstanding obligations of Hagerstown (with certain stated exceptions), including the first mortgage bonds of that company, due August 1, 1962, and presently outstanding in the principal amount of $266,000.

In connection with the sale by Hagerstown of its assets, Consolidated proposes to sell to said Harrison & Co. (or its nominee) the $30,000 principal amount of first mortgage bonds of Hagerstown owned by Consolidated for $30,000 in cash.

The applicants (or declarants) state that the outstanding stock of Hagerstown, all owned by Consolidated, and the $30,000 principal amount of first mortgage bonds of Hagerstown owned by Consolidated are pledged under the indenture of Consolidated securing Consolidated's Collateral Trust Bonds. It is proposed that upon the consummation of the sales above mentioned, Hagerstown shall be liquidated and dissolved, that the proceeds of the sale of the assets of Hagerstown, together with all other cash of that company, shall be delivered to Consolidated in such liquidation, that the sum so received by Consolidated, together with the $30,000 in cash to be received by it in the sale of the bonds of Hagerstown in like principal amount, shall be deposited by Consolidated with the trustee under the indenture above mentioned, or be retained by Consolidated in reimbursement of its own treasury, if prior to receipt of such funds, it shall have deposited a like amount of cash with such trustee in lieu of such proceeds. It is further proposed that the moneys so to be delivered to said trustee, or an equivalent amount, shall be expended in the retirement of bonds issued by Consolidated and outstanding under said indenture by purchase thereof in the open market.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said applications or declarations (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on February 18, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Consolidated Electric and Gas Company and the Hagerstown Gas Company; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any persons desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before February 16, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations (or both), particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be received for the assets of Hagerstown is reasonable;

(2) Whether the proposed use of the proceeds of the sale of said assets in the acquisition of Consolidated's collateral trust bonds on the open market is in conformity with the applicable provisions of the act;

(3) Generally, whether in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or the rules and regulations promulgated thereunder;

(4) Whether, if the proposed transactions are authorized, the imposition of terms and conditions is necessary and appropriate in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2136; Filed, February 14, 1944; 9:51 a. m.]

[File No. 70-855]

CONSOLIDATED ELECTRIC AND GAS CO. AND ATHENS AND SAYRE GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1944.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiary, Athens and Sayre Gas Company ("Athens and Sayre").

All interested persons are referred to said declarations or applications (or both), which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Athens and Sayre proposes to sell to H. Emerson Thomas and Mark Anton (or their nominee) of Westfield, New Jersey, and New York City, respectively, all of its properties and assets used in the manufacture and distribution of manufactured gas in the Boroughs of Athens and Sayre and their immediate environs, in Pennsylvania, for a basic sales price of $132,255, subject to certain adjustments to the date of sale, and the assumption by the purchaser of all outstanding contracts, obligations, and liabilities of Athens and Sayre, except obligations owed to Consolidated and any liability for Federal income taxes for prior years.

It is stated by the applicants (or declarants) that all the outstanding securities of Athens and Sayre are owned by its parent, Consolidated, except six shares of 6% non-cumulative preferred stock of the par value of $100 per share which are publicly held and $68,000 principal amount of demand notes which are held by an affiliated company, The Gas Light Company of Waverly, and that all the securities of Athens and Sayre owned by Consolidated are pledged under an indenture securing certain bonds heretofore assumed by Consolidated and known as Federated Utilities, Inc., First Lien Collateral Trust 5½% Gold Bonds, due March 1, 1957. In accordance with the contract for the sale of the assets of Athens and Sayre which provides for the transfer of said assets free of the lien of the indenture securing the bonds of Athens and Sayre, outstanding in the principal amount of $100,000 and all owned by Consolidated, Consolidated proposes to surrender said bonds to Athens and Sayre for cancellation, as a capital contribution, prior to the sale of the assets of the latter company. It is further proposed that upon the consummation of said sale, Consolidated shall surrender to Athens and Sayre the remaining debt securities of the latter company held by Consolidated, as a further capital contribution, and that Athens and Sayre shall then be liquidated and dissolved, the proceeds of the proposed sale to be received by Consolidated in such liquidation to be deposited by it with the trustee under the indenture securing the assumed Federated Utilities, Inc., bonds above mentioned, or retained by Consolidated to reimburse its own treasury if Consolidated, prior to receipt of such proceeds, shall have deposited a like amount of money with said trustee in lieu of such proceeds. It is further proposed that the moneys so to be deposited, or an equivalent amount, shall be expended in the retirement of said assumed bonds by purchases thereof in the open market.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said applications or declarations (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on February 18, 1944, at 2:00 p. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Consolidated Electric and Gas Company and Athens and Sayre Gas Company; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before February 16, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be received for the assets of Athens and Sayre Gas Company is reasonable;

(2) Whether the proposed use of the proceeds of the sale of said assets in the retirement of the above mentioned assumed bonds of Consolidated through purchases of such bonds on the open market is in conformity with the applicable provisions of the act;

(3) Generally, whether in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or the rules and regulations promulgated thereunder;

(4) Whether, if the proposed transactions are authorized, the imposition of terms and conditions is necessary and appropriate in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2137; Filed February 14, 1944; 9:51 a. m.]

[File Nos. 54-78, 54-40, 59-40, 54-53, 59-49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1944.

In the matters of Consolidated Electric and Gas Company, File No. 54-78; Consolidated Electric and Gas Company, applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, applicants, File No. 54-53; Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, respondents, File No. 59-49.

Consolidated Electric and Gas Company, a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan for certain action designed to enable that company and certain of its subsidiary companies to comply with the provisions of section 11 (b) of said act; the Commission having by order dated July 19, 1943, consolidated the proceedings upon said application (1) with certain proceedings theretofore instituted by the Commission pursuant to section 11 (b) of said act with respect to said Consolidated Electric and Gas Company and Central Public Utility Corporation, also a registered holding company, (2) with certain other proceedings instituted by the Commission pursuant to said section 11 (b) with respect to Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, Voting Trustees under a certain voting trust agreement dated August 1, 1932, relating to common stock of said Central Public Utility Corporation (said Trustees also being a registered holding company), (3) with proceedings upon an earlier application of said Consolidated Electric and Gas Company for approval of certain other action also designed to enable said Consolidated Electric and Gas Company to comply with said section 11 (b), and (4) with proceedings upon an application and declaration by said Trustees, above named, regarding the disposition of the common stock of Central Public Utility Corporation held by said Trustees and the Commission having by said order of July 19, 1943, set down said consolidated proceedings for hearing at the offices of the Commission in Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on August 4, 1943; and said hearing having been postponed by subsequent orders of the Commission until February 15, 1944; and

Consolidated Electric and Gas Company having requested that the hearing so directed to be held in said consolidated proceedings be further postponed for a period of not less than sixty days, stating in such request, among other things, that the company, since June 23, 1943, the date of the filing of its application for approval of the plan hereinabove first mentioned, has disposed of its interests in, or the assets of, twelve of its subsidiary companies, that declarations regarding the sale of the assets of two additional subsidiaries are pending before this Commission; that negotiations looking toward the sale of several additional subsidiaries are in progress; that this Commission has recently authorized the sale by Consolidated Electric and Gas Company of all the common stock of Central Illinois Electric and Gas Co., one of the principal subsidiaries of the system, to the public through competitive bidding, but that

such sale cannot be consummated nor the price to be received for such common stock determined until after the date presently set for the hearing herein; that consummation of the transactions now pending will require substantially the full time and attention of the holding company management and, while simplifying problems of system compliance with said section 11 (b), will require material revision of the plan for such compliance heretofore submitted to this Commission; and that the financial statements reflecting the changes in the Consolidated system resulting from the above-mentioned transactions will not be available until after the date presently set for the hearing herein; and

The Commission deeming it appropriate under the circumstances that the hearing directed to be held herein on February 15, 1944, be further postponed;

It is ordered, That the hearing in this matter previously scheduled for February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and hereby is postponed to April 18, 1944, at the same hour and place and before the same trial examiner as heretofore designated.

It is further ordered, That the time within which any person other than parties to said consolidated proceedings desiring to be heard or otherwise wishing to participate in said proceedings shall file his request or application therefor with the Secretary of the Commission as provided by Rule XVII of the Commission's rules of practice be, and the same hereby is, extended to April 13, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2138; Filed, February 14, 1944; 9:51 a. m.]

[File Nos. 54-57, 59-57, 70-860]

AMERICAN UTILITIES SERVICE CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of February 1944.

In the matters of American Utilities Service Corporation, File No. 54-57, and American Utilities Service Corporation and its subsidiary companies, respondents, File No. 59-57, Fred D. Ellis and Edmund J. Haugh, File No. 70-860.

Notice is hereby given that on February 10, 1944, Fred D. Ellis and Edmund J. Haugh filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a) (2) and 10 thereof. All interested persons are referred to said document which is on file in the office of this Commission for the statement of transactions therein proposed which are summarized as follows:

The applicants propose to purchase from American Utilities Service Corporation, a registered holding company, all (95,000 shares, par value $5 per share) of the issued and outstanding common stock of Northwestern Illinois Utilities, an electric and gas utility company and a subsidiary company of American Utilities Service Corporation, together with the unsecured 6% promissory note of Northwestern Illinois Utilities dated November 1, 1938, and due November 1, 1964, in the principal amount of $375,000 for a cash consideration of $840,000 with interest at the rate of 6% from January 1, 1944, to closing date.

It appearing to the Commission that said applicants are already affiliates of one or more public utility or holding companies and will by virtue of the proposed acquisition become affiliates of Northwestern Illinois Utilities; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that on January 17, 1944, the said American Utilities Service Corporation filed an application with this Commission proposing to sell to Fred D. Ellis and Edmund J. Haugh all of the issued and outstanding common stock of Northwestern Illinois Utilities together with its unsecured note in the amount of $375,000 for the aggregate purchase price of approximately $840,000 in cash; and

It further appearing to the Commission that under date of January 26, 1944, the Commission gave notice of the filing of said application of said American Utilities Service Corporation and ordered that a hearing be held thereon on February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It further appearing to the Commission that the proceedings upon the said applications of said Fred D. Ellis and Edmund J. Haugh and American Utilities Service Corporation involve common questions of law and fact; that evidence offered in respect to each of said matters will have a bearing on the other matter; and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so that they may be heard as one matter, and so that the evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That the proceedings upon the said applications of Fred D. Ellis and Edmund J. Haugh and of American Utilities Service Corporation be and they are hereby consolidated for the purpose of hearing and that the said consolidated hearing be held on February 15, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On the day hereinabove indicated for such consolidated hearing, the hearing room clerk in Room 318 will advise where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such consolidated hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That at said hearing without limiting the scope of the issues presented by said applications, particular attention shall be directed to the issues specified in the notice of filing and order for hearing under date of January 26, 1944, in regard to the application of American Utilities Service Corporation, and to the following additional matters and questions:

1. The amount of interest to be acquired by each of the applicants in the securities of Northwestern Illinois Utilities and whether the interests to be acquired are to be held by the purchasers as individuals, or whether any partnership, syndicate or similar agreement exists or is contemplated.

2. Whether or not the acquisition of the proposed securities by these purchasers will serve the public interest by tending toward the economical and efficient development of an integrated public utility system, and whether such acquisition will tend toward interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

3. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors and consumers.

4. Generally, whether the proposed transactions meet the standards of the appropriate provisions of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

It is further ordered, That the Secretary of this Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to American Utilities Service Corporation and to Fred D. Ellis and Edmund J. Haugh by registered mail; and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2139; Filed, February 14, 1944; 9:51 a. m.]

[File No. 1-727]

AMERICAN METAL MINING CO.

FINDINGS AND ORDER WITHDRAWING SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February, A. D., 1944.

In the matter of American Metal Mining Company, Assessable Common Stock, Par Value 10¢, File No. 1-727.

This proceeding having been instituted, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the assessable common stock, 10¢ par value, of American Metal Mining Company, listed and registered on the Salt Lake Stock Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the Salt Lake Stock Exchange; the trial examiner having filed an advisory report, finding that registrant had failed to comply with section 13 of the said act and the rules and regulations promulgated thereunder, in that (1) it made false and misleading statements in Item 4A of its current report on Form 8-K for the calendar month ended August 31, 1942, filed by it with the Commission on September 12, 1942; (2) it made false and misleading statements in Item 12 of its annual report on Form 10-K for the fiscal year ending December 31, 1942, filed by it with the Commission on May 4, 1943; (3) it failed to submit with the said annual report financial statements certified by an independent public or independent certified public accountant or accountants, all of which more fully appears in the report of the trial examiner which is now made part of the public record of this proceeding;

A copy of the trial examiner's report having been duly served on the registrant and the exchange, and no exceptions thereto having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said act, that the registration of the stock in question be, and the same hereby is, withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2140; Filed, February 14, 1944; 9:51 a. m.]

WAR FOOD ADMINISTRATION.

STABILIZATION OF SALARIES AND WAGES OF AGRICULTURAL LABOR

DELEGATION OF AUTHORITY

Pursuant to the authority granted to the Director of the Office of Labor of the War Food Administration by § 1100.2 of "Regulations Relative to Salaries and Wages of Agricultural Labor" issued by the War Food Administrator on January 17, 1944 (9 F.R. 655), there is hereby delegated to the Chief of the Program Branch, Office of Labor, or in his absence, the Acting Chief of the Program Branch, Office of Labor, and to the Chief, Wage Stabilization Division, Program Branch, Office of Labor, or in his absence, the Acting Chief, Wage Stabilization Division, Program Branch, Office of Labor, all the powers conferred upon the Director, Office of Labor, War Food Administration, with respect to the program for the stabilization of salaries and wages of agricultural labor established by the "Wages and Salaries" regulations issued by the Director of the Office of Economic Stabilization on August 28, 1943, as amended (8 F.R. 11960, 12139, 16702), the "Regulations Relative to Salaries and Wages of Agricultural Labor" issued by the War Food Administrator on January 17, 1944, the "Specific Wage Ceiling Regulations" issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), specific wage ceiling regulations heretofore or hereafter issued and such other regulations as may be issued by the War Food Administrator or the Director of the Office of Labor, War Food Administration: *Provided, however*, That such officers shall not by virtue of this delegation have the authority to issue specific wage ceiling regulations established pursuant to § 4001.7 of the "Wages and Salaries" regulations issued by the Economic Stabilization Director, § 1100.7 of the "Regulations Relative to Wages and Salaries of Agricultural Labor" and "Specific Wage Ceiling Regulations" issued by the War Food Administrator, all referred to above.

Issued this 11th day of February 1944.

PHILIP S. BRUTON,
Director, Office of Labor.

[F. R. Doc. 44-2088; Filed, February 11, 1944; 3:36 p. m.]

OFFICERS OF OFFICE OF LABOR

DELEGATION OF AUTHORITY

There is hereby delegated to the following officers of the Office of Labor, War Food Administration, in the order designated below, authority to act as Acting Director of the Office of Labor, for and on behalf of the Director of the Office of Labor, in his absence:

The Assistant Directors, Office of Labor, and the Chief of the Program Branch, Office of Labor.

Issued this 11th day of February 1944.

PHILIP S. BRUTON,
Director, Office of Labor.

[F. R. Doc. 44-2089; Filed, February 11, 1944; 3:36 p. m.]

FEB 18 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 33

Washington, Wednesday, February 16, 1944

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

[W. D. Circ. 45]

PART 36—CLAIMS AGAINST THE UNITED STATES

PAYMENT OF DISCHARGED OR SEPARATED MILITARY PERSONNEL

Section 36.70, pertaining to claims for pay and allowances of military personnel remaining due and unpaid subsequent to discharge and final payment, is added as follows:

§ 36.70 *Claims for items of pay and allowances remaining due and unpaid subsequent to discharge and final payment*—(a) *Authority.* Pursuant to a decision of the Comptroller General of the United States, B38066, 16 November 1943, the procedures prescribed in this circular will govern claims of personnel of the Army of the United States for items of pay and allowances remaining due and unpaid subsequent to discharge and final payment. (See paragraph (e).) The authority for making payments of this nature is confined to cases wherein no construction of law is involved and the right of a payee is clearly defined.

(b) *Classes of payments.* Effective 1 January 1944, personnel of the Army of the United States who have been discharged from the service, relieved from active duty (paragraph (d), or transferred to the Enlisted Reserve Corps, on or after 1 January 1944, and who were not paid items described in subparagraphs (1) to (7) of this paragraph may be paid by disbursing officers on properly certified supplemental final payment vouchers. Items which may be paid on such supplemental vouchers are:

(1) Pay and allowances for one or more calendar months or fraction thereof due for periods of service on and after 1 January 1944.

(2) Items of additional pay as prescribed in Army Regulations due for periods of service on and after 1 January 1944.

(3) Travel allowances or mileage due for travel commencing on or after 1 January 1944.

(4) Soldiers' deposits made on or after 1 January 1944, and interest thereon.

(5) Repayment of erroneous collections regardless of when made or the period involved. See paragraph (e).

(6) Repayments to allotters of allotments and family allowances originally deducted in error, regardless of when such deductions may have been made, or the period involved. See paragraph (e).

(7) Repayments to allotters of allotments and family allowances originally deducted regardless of when such deductions may have been made or the period involved when supported by letter or other notice from the allotment agency indicating that allotment or family allowances was not paid to the allottee.

(c) *Discharge certificate or certificate of service lost.* Payment may not be made to former enlisted persons who cannot produce a Discharge Certificate or Certificate of Service (in case of personnel transferred to Enlisted Reserve Corps only), and vouchers so presented will be forwarded by the disbursing officer by letter of transmittal to the Office of the Fiscal Director, Army Service Forces, Attention: Receipts and Disbursements Division, The Pentagon, Washington 25, D. C. The person in whose favor the voucher is stated will be furnished a copy of the letter of transmittal for his information.

(d) *Personnel entitled to pay and allowances of officers.* Officers discharged or relieved from active duty on or after 1 January 1944, and who are properly entitled to the classes of payments as provided in paragraph (b) of this section and for which payment has not been made, may make application therefor to the disbursing officer who settled his final pay account. Disbursing officers may make payment of such accounts subject to the provisions of this circular. Claims of this nature which cannot be developed by the disbursing officer to whom submitted or which are considered by him as not properly payable, should

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be forwarded to the Office of the Fiscal Director, Army Service Forces, Attention: Receipts and Disbursements Division, The Pentagon, Washington 25, D. C., by letter of transmittal giving all facts in the cases, together with the statement by the disbursing officer, if correct, that no action has been or will be taken with a view toward payment of the claims transmitted.

(e) *Claims not affected by this section.* Nothing contained in this section will be construed as affecting claims for proceeds of undelivered checks forwarded to the General Accounting Office; lost, stolen, or destroyed official checks or claims for refunds of amounts collected as result of Notices of Exception issued by the General Accounting Office. The provisions of this section will not operate to prevent refunds of erroneous deductions for allotments or repayment of erroneous collections under the provisions of Army Regulations. (R.S. 161; 5 U.S.C. 22) [Pars. 1, 2, 5, 8 and 9, Cir. 45, W.D., 2 February 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2197; Filed, February 15, 1944; 10:01 a. m.]

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

CIVILIAN DENTAL ATTENDANCE; RENDITION AND PAYMENT OF ACCOUNTS

Sections 77.43 (b) (1) (8 F.R. 2226) and 77.44 (7 F.R. 7476), pertaining to civilian dental attendance, are amended as follows:

§ 77.43 *Civilian dental attendance.* * * *

(b) *Routine or extensive dental attendance.* (1) Civilian dentists may not be employed at Government expense for the treatment of chronic lesions, filling operations, prosthetic replacements, and other prolonged or extensive procedures, such as those required following the relief of an immediate emergency, until specific authority for such employment has been received from commanding generals of service commands; except that, in the case of military personnel on duty without troops in foreign countries, dental services of this character which is urgently necessary may be procured at reasonable rates without special authority: *Provided*, That this will not apply to the employment of civilian dentists

for elective dentistry. (R.S. 161; 5 U.S.C. 22) [Par. 5, AR 40-510, 31 July 1942, as amended by C 2, 4 February 1944]

* * * * *

§ 77.44 *Rendition and payment of accounts.* Accounts will be prepared in the name of the dentist on W. D., M. D. Forms Nos. 25 and 25a (Public Voucher for Medical Attendance), and forwarded for settlement to the commanding general of the service command in whose territorial limits the organization of the individual(s) is located. In such cases as present unusual or difficult aspects, commanding generals of the service commands will request advice and recommendation from the Surgeon General. Blank forms will be obtained in accordance with current directives. (R.S. 161; 5 U.S.C. 22) [Par. 6, AR 40-510, 31 July 1942, as amended by C 2, 4 February 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2198; Filed, February 15, 1944; 10:01 a. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regulation 5]

PART 906—REGULATION GOVERNING APPEALS

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, Part 906, §§ 906.1 to 906.9 inclusive, effective May 22, 1943, entitled "Regulation Governing Appeals," (8 F.R. 6816) is hereby amended, effective March 13, 1944, to read as follows:

Sec.
906.1 Right of appeal.
906.2 First appeals stage; area level.
906.3 Second appeals stage; regional level.
906.4 Appeal to the Chairman of the War Manpower Commission.
906.5 Effect of appeal on action appealed from or on further action in accordance with decision appealed from.
906.6 General provisions.

AUTHORITY: §§ 906.1 to 906.6 inclusive, issued under E.O. 9139, 7 F.R. 2919, E.O. 9279, 7 F.R. 10177, and E.O. 9328, 7 F.R. 4661.

§ 906.1 *Right of appeal.* Any person who claims that any action taken, action denied, or decision rendered with respect to him, with respect to his employer or with respect to any of his workers, under any War Manpower Commission regulation, program or policy, is unfair or unreasonable as applied to him, or is inconsistent with any such regulation, program or policy, may appeal from such action or decision in accordance with the provisions of this regulation.

§ 906.2 *First appeals stage; area level.*—(a) *To whom appeals taken.* In areas for which an Area Manpower Director and an Area Management-Labor War Manpower Committee have been appointed, appeals shall be taken to such Committee and hearings shall be afforded before such Committee, or, at the discretion of that Committee, before one or more Area Appeals Committees composed of an equal number of representatives of management and labor (including agricultural representation, as provided in § 906.6 (h)), selected by the Area Manpower Director from a panel chosen by the Area Management-Labor War Manpower Committee. The Area Director, or his designated representative, shall serve as the non-voting chairman of the Area Management-Labor War Manpower Committee in appeals hearings and of the Area Appeals Committees.

(b) *Decision at first appeals stage.* (1) At the first appeal stage, a decision shall be rendered on the merits of the case on the basis of the record of the action from which appeal is taken and the evidence presented at the hearing. The decision by a majority of the Committee shall be final unless further appeal is taken in accordance with § 906.3 (a) of this regulation. Members of the Committee may file majority and minority reports. In the event of a tie vote, the case, including the complete record thereon, shall be transmitted promptly to the Regional Management-Labor War Manpower Committee for review and decision in accordance with § 906.3 (b) and (c) of this regulation.

(2) An Area Management-Labor War Manpower Committee may take jurisdiction of, hear and render a decision, which shall supersede any decision rendered by an Area Appeals Committee, on any case assigned by that Committee to an Area Appeals Committee, at any time after the assignment of the case to an Area Appeals Committee and prior to the expiration of the period for further appeal or the filing of a further appeal to the Regional Management-Labor War Manpower Committee.

(c) *Intermediate appeals stage between area and regional levels.* A Regional Manpower Director, with the specific approval of the Chairman, may, with respect to an area presenting special problems and for which a duly constituted Management-Labor War Manpower Committee is functioning, provide for an intermediate review stage between the area appeals stage and the regional level. The review of appeals at such an intermediate review stage shall be subject, in all respects, to the procedures and requirements set forth in this regulation with respect to review of appeals at the regional level.

§ 906.3 *Second appeals stage; regional level.*—(a) *Who may appeal to regional level.* Any person who (1) has a right to appeal as provided in § 906.1 of this regulation and (2) has attended the hearing at the area appeal level in person or by a representative, or shows good cause for his failure to attend such hearing, may appeal to the regional level within the time prescribed for taking such appeal. Within the same time, the Area Manpower Director, upon his own initiative, may transmit any case for review at the regional level, after decision at the area level.

(b) *To whom appeals taken.* Further appeal from decisions at the area appeals level shall be taken to the appropriate Regional Management-Labor War Manpower Committee which may at the discretion of that Committee, act through a Regional Appeals Committee composed of an equal number of representatives of management and labor (including agricultural representation, as provided in § 906.6 (h)), selected by the Regional Manpower Director from a panel chosen by the Regional Management-Labor War Manpower Committee. The Regional Manpower Director, or his designated representative, shall serve as the non-voting chairman of the Regional Management-Labor War Manpower Committee in appeals cases and of Regional Appeals Committees.

(c) *Decision at second appeals stage.* (1) The Regional Committee shall render a decision on the basis of the record in the case unless, in its judgment a further hearing is necessary to enable the Committee to reach a fair and just decision. If the Committee determines that further hearing is necessary, the Committee may either conduct such hearing itself, or remand the case to the area level for such further hearing. The decision by a majority of the Committee shall be final unless further appeal is taken in accordance with § 906.4 (a). Members of the Committee may file majority and minority reports. In the event of a tie vote on a case in which a decision has been rendered at the area appeals level, the decision at that level shall be final unless further appeal is taken. In the event of a tie vote at both the area and regional appeals levels, the case, including the complete record thereon, shall be transmitted promptly to the Chairman of the War Manpower Commission for decision in accordance with § 906.4 of this regulation.

(2) A Regional Management-Labor War Manpower Committee may take jurisdiction of, hear and render a decision, which shall supersede any decision rendered by a Regional Appeals Committee, on any case assigned by that Committee to a Regional Appeals Committee, at any time after assignment of the case to a Regional Appeals Committee and prior to the expiration of the period for further appeal or the filing of a further appeal to the Chairman of the War Manpower Commission.

§ 906.4 *Appeal to the Chairman of the War Manpower Commission—(a) Who may appeal.* Any person entitled to appeal from a decision at the area appeals level may appeal from a decision at the regional level to the Chairman of the War Manpower Commission, within the time prescribed for taking such appeal. Within the same time, the Regional Manpower Director, upon his own initiative, may transmit any case to the Chairman of the War Manpower Commission for review, after decision at the regional level.

(b) *Taking of jurisdiction by Chairman.* The Chairman of the War Manpower Commission may, in his discretion, take jurisdiction of any appeals case at any stage of the appeals process and render a final decision on that appeal.

(c) *Final decision by the Chairman.* The decision of the Chairman of the War Manpower Commission made after consideration of the record in the case and recommendations submitted by the National Management-Labor Policy Committee, shall be final in all cases.

§ 906.5 *Effect of appeal on action appealed from or on further action in accordance with decision appealed from—* (a) *Effect of appeal.* Whenever in the first instance or pursuant to a decision on appeal, the War Manpower Commission or any agent or agency acting on its behalf or with its consent, issues a statement of availability to or makes a referral of any worker, neither the appeal of the employer nor any decision on such appeal (other than a final decision finding fraud or misrepresentation on the part of the worker) shall in any way prejudice the right of the worker to whom the statement or referral had been issued to accept new work on the basis thereof, or the right of an employer to retain a worker whom he has hired in reliance upon such statement or referral. In all other cases the taking of an appeal shall suspend the action appealed from pending final decision, unless the Chairman of the Committee to whom an appeal is taken specifically directs otherwise.

(b) *Immediate issuance of statements of availability or making of referrals.* Except as otherwise provided pursuant to paragraph (c) of this section, an individual found to be entitled to a statement of availability or a referral pursuant to a determination of the War Manpower Commission or any agent or agency acting on its behalf or with its consent, or pursuant to any appeal decision, shall be entitled to immediate issuance of such statement or referral notwithstanding any appeal or further appeal from such determination or decision.

(c) *Optional procedure with respect to issuance of statements of availability and making of referrals—*(1) *Method of exercising option.* Any Area Manpower Director, after consultation with his Area Management-Labor War Manpower Committee, may elect to make applicable in his area the procedure described in this subsection with respect to issuance of statements of availability to and making referrals of workers. Such election shall be evidenced by an order issued by the Area Manpower Director, and approved by the Regional Manpower Director, a copy of which order shall be filed with the Chairman prior to the effective date thereof. Such election shall be effective until revoked by further order of the Area Manpower Director, approved and filed in the same manner. Any such election shall have general application in the area, and may not be made with respect to particular cases only.

(2) *Procedure governing suspension of issuance of statements of availability and making of referrals.* (i) In and only in any case in which it is determined by the War Manpower Commission, or any agent or agency acting on its behalf or with its consent, that a statement of availability should be issued to a worker on the ground that continuance of his employment would involve undue personal hardship or that referral of the worker should be made to other available employment in which the individual will be more fully utilized in the war effort, the issuance of such statement of availability or the making of such referral shall be suspended for a period, designated by the Area Director, which shall not be more than three days from the date of notification to the employer of the determination to issue the statement of availability or make the referral.

(ii) The employer shall be immediately notified of the determination to issue the statement of availability or make the referral. If the employer does not file his appeal, in writing, within the period designated by the Area Director pursuant to subdivision (i) hereof, the statement of availability or referral shall be issued in accordance with such determination without prejudice however, to the employer's right to appeal therefrom on the merits as provided in this regulation. If the employer files his appeal in writing within such period, the issuance of the statement of availability or referral shall be suspended for a further period, designated by the Area Director, which shall not be more than ten days from the date of notification to the employer of the determination to issue the statement of availability or make the referral. If within such designated further period, the case has not been decided at the area level, the statement of availability or referral shall be issued immediately upon the expiration of such period. Except as permitted in this paragraph, no suspension of the issuance of a statement of availability or referral shall be directed or authorized.

(iii) If the employer, upon notification of a determination to issue the statement of availability or make the referral, indicates that he does not intend to appeal, the statement of availability shall be issued or the referral shall be made immediately; if the employer indicates his intention to appeal but does not perfect his appeal, in writing, within the period designated by the Area Director pursuant to subdivision (i) hereof, the statement of availability shall be issued or the referral made immediately upon the expiration of such period.

(iv) An Area Director may withhold the application of the procedure set forth in this paragraph for suspending the issuance of statements of availability and referrals as regards an employer whom the War Manpower Commission finds, after notice, hearing and final decision, to be arbitrarily and capriciously abusing his right of appeal under this paragraph and for so long as such employer fails to satisfy the Area Director that such abuse will be corrected.

§ 906.6 *General provisions—*(a) *Notification of action or decision and right to appeal.* Any worker or employer who has a right to appeal from any action or decision shall be notified of such action or decision, and shall be advised at the time of notification of his appeal rights and of the method of taking an appeal, except that this paragraph shall be construed to permit reasonable posting or publication of notices in cases in which personal notice is deemed impracticable.

(b) *Time for taking appeals.* Appeals to the area and regional levels shall be taken within the time prescribed by the Regional Manpower Director, which shall be not less than three and not more than seven days following receipt of notice or posting or publication of notice, as the case may be, of the action or decision. Appeals to the Chairman of the War Manpower Commission shall be taken within seven days following receipt of notice or posting or publication of notice, as the case may be, of the decision. When notice of the action or decision is given by mail, such notice shall be deemed to have been received on the second day following the date of mailing, and an appeal shall be deemed to have been taken on the date of mailing of a notice that appeal is taken.

(c) *Method of taking appeal.* Any person entitled to appeal as provided in § 906.1 of this regulation may give notice of his appeal in person, in writing, or in any other manner which duly apprises the War Manpower Commission of the taking of the appeal.

(d) *Notice of hearings and further appeal.* The appellant and any other person who following the decision to be made on appeal would be entitled to appeal, shall be given reasonable notice of the time and place of any hearing upon the appeal, and shall be promptly advised of any further appeal.

(e) *Appearance by interested persons.* Any worker or employer, group or organization of workers or employers, and other persons or organizations who claim to be prejudiced by any action which is the subject of an appeal under this regulation may be permitted by the Chairman of the Committee hearing an appeal from such action to attend and be heard at the hearing.

(f) *Right to representation.* Any action which any person or organization may take under this regulation may be taken on his behalf by his duly authorized representative.

(g) *Consolidation of appeals.* Whenever appropriate for the full and expeditious determination of common questions raised by two or more appeals, the Chairman of the Committee to whom such appeals are taken may consolidate them.

(h) *Agricultural management and labor representation.* Whenever agricultural employment is involved in an appeal, the Committee before whom such appeal is pending shall include representatives of agricultural management and labor.

(i) *Conduct of hearings on appeal.* All hearings on appeals shall be conducted informally and in a manner that will best develop the facts, and assure a fair and just decision in the matter, without regard to whether a worker or employer has erred as to the issues involved or as to his grounds for relief.

(j) *Decisions based on evidence presented at a hearing.* A decision of an appeal made on the record as provided in §§ 906.3 (c) and 906.4 (c) of this regulation shall be made exclusively upon evidence presented at a hearing before a lower appeals committee, but written or oral evidence which is submitted subsequent to a hearing in an appeals case may be considered by the appeals committee which afforded the hearing or on any subsequent appeal, if all the parties agree in writing to the consideration of such evidence, or if such evidence is presented in the course of a subsequent hearing which all parties have been afforded an opportunity to attend, or if such evidence has been requested by the Committee before which the appeal is pending.

(k) *Impartial appeals committee.* Any person directly interested in the outcome of an appeal shall be disqualified from acting as a member of any appeals committee considering the appeal.

(l) *Committee attendance required for consideration of appeals cases.* On the hearing of appeals by Regional or Area Management-Labor Committees or by Regional or Area Appeals Committees, an equal number of representatives of management and labor, respectively, shall be present and participate as voting members of the committee.

(m) *Interim appeals committees.* At any appeals level for which a Management-Labor War Manpower Committee has not been appointed, appeals shall be taken to, and hearings shall be afforded before, an Appeals Committee in the locality composed of an equal number of representatives of management and labor (including agricultural representation, as provided in § 906.6 (h)), selected by the Regional or Area Manpower Director. A representative designated by the Regional or Area Manpower Director shall serve as the non-voting chairman of the Appeals Committee.

(n) *Inapplicability to special appeals.* Nothing in this regulation shall be construed as applicable to actions taken or decisions rendered under War Manpower Commission Regulations Nos. 1 and 6, or Executive Order No. 9309, or to transfers between Executive departments or agencies of the Federal Government under Executive Order No. 9243.

(o) *Modification of other policies.* The provisions of any prior War Manpower Commission policy, program, regulation or other direction, to the extent that they are inconsistent with this regulation, are hereby modified to conform with the provisions of this regulation.

PAUL V. MCNUTT,
Chairman.

FEBRUARY 11, 1944.

[F.R. Doc. 44-2200; Filed, February 15, 1944; 10:35 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

[Amendment 150]

PART 802—GENERAL LICENSES

GENERAL IN TRANSIT LICENSES

Section 802.9 *General licenses "GIT"* [1] is hereby amended in the following particulars:

[1] 8 F.R. 12288, 13228, 15239, 9 F.R. 835.

Paragraph (a) is hereby amended by adding thereto subparagraph (4) as follows:

(4) "Y countries" shall mean the following: Australia, Burma, India, New Zealand, Union of South Africa, British Colonies including only Aden, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Ceylon, Cyprus, Fiji, Gambia, Gold Coast, Jamaica, Kenya, Leeward Island, Nigeria, Northern Rhodesia, Nyasaland, Palestine and Transjordania, Seychelles Islands, Sierra Leone, Tanganyika, Trinidad, Uganda, Western Pacific Islands, Windward Islands, Zanzibar.

Paragraph (b) is hereby amended by adding to the table set forth therein the general license designation, countries of origin, and countries of destination, as follows:

General license designation and countries of origin	*Countries of destination*
GIT-Y/S; "Y countries"	"S countries"

There is hereby added to this section paragraph (i) as follows:

(i) No shipment shall be made pursuant to general license "GIT-Y/S," except when destined to Argentina, unless a British imperial export license specifying the nature of the shipment and ultimate consignee in the country of destination is surrendered to the Collector of Customs at the last port of exit from the United States.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9361; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: February 11, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F.R. Doc. 44-2194; Filed, February 15, 1944; 9:35 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3290—TEXTILE CLOTHING AND LEATHER

[General Preference Order M-51, as Amended Feb. 14, 1944]

PIGS' AND HOGS' BRISTLES

§ 3290.161 *General Preference Order M-51—*(a) *Definitions.* For the purpose of this order:

(1) "Bristles" means pigs' or hogs' bristles, including riflings, 2 inches or longer, whether new, reclaimed, raw, dressed, imported or domestic.

(2) "Dealer" means a person who purchases and sells bristles without changing their condition.

(3) "Dresser" means a person who grades, sorts, dresses, reclaims, or in any wise processes bristles.

Restrictions

(b) *Importation.* Notwithstanding any other order, rule, regulation or direction, or any certificate or authorization, no person other than Defense Supplies Corporation or United States Commercial Corporation shall import any variety of bristles of the categories known as "Chinese", "Indias", "Russians" or "Siberians". The importation of bristles of other categories shall be according to General Imports Order M-63, as amended from time to time.

(c) *Purchase and sale.* Unless otherwise authorized in writing by the War Production Board:

(1) *Undressed domestic bristles.* No person other than an approved dresser shall buy or accept undressed domestic bristles from a slaughter house. "Approved dresser" means a dresser so designated and authorized in writing by the War Production Board to process domestic bristles. This designation and authorization, which may be conditioned and limited by the War Production Board at any time, will be made when it approves of a dresser as capable of processing domestic bristles according to specifications fixed by the War Production Board. Applications may be made by a dresser at any time by submitting samples of his product, processed according to such specifications, accompanied by a letter describing his experience and equipment.

(2) *Dressed domestic bristles.* No person other than Defense Supplies Corporation shall buy or accept dressed domestic bristles.

(3) *Dressed imported bristles.* No person other than a dealer or dresser shall sell or deliver dressed imported bristles to a manufacturer of products containing bristles. No person other than a dealer or dresser shall buy or accept dressed imported bristles, except

(i) *Purchase for permitted use.* To manufacture brushes as permitted in subparagraphs (1) (Domestic and imported bristles) and (2) (Manufacture exceeding specific orders and disposal of excess) of paragraph (d), below.

(ii) *Purchase for inventory and inventory limit.* As may be necessary to enable him to manufacture for inventory brushes as permitted by this order, but not more than the quantity of brushes manufactured by him according to this order in the calendar month preceding that in which the order for such bristles is placed:

Provided, That his inventory of dressed imported bristles (as to both subdivisions (i) and (ii) above) does not exceed and to the best of his knowledge and belief will not thereby exceed, the greater of

(a) A practicable minimum working inventory, or

(b) "One-quarter of the quantity, by weight, of dressed imported bristles consumed by him in 1943 in the manufacture of brushes according to this order as effective during 1943.

[NOTE: In 1943, this order, as issued November 30, 1942, July 7, 1943, and September 28, 1943, was in effect.]

(4) *Seller of bristles or bristle products.* No person shall sell or deliver bristles to a person prohibited by this paragraph (c) from buying or accepting them, or bristles or products containing bristles contrary to the provisions of this order or knowing or having reason to believe that the purchase, acceptance or use of them is not or will not be for use or to fill orders as permitted by this order.

(5) *Buyer of bristles or bristle products.* No person shall buy accept or use bristles or products containing bristles, contrary to the provisions of this order or knowing or having reason to believe that the purchase, acceptance or use of them is not or will not be for use or to fill orders as permitted by this order.

Use of Bristles

(d) (1) *Domestic and imported bristles.* Unless other uses[1] are specifically permitted in writing by the War Production Board, and regardless of the assignment of a preference rating, no person shall use domestic or imported bristles in the manufacture of any product, except as follows:

(i) *Dental plate brushes.* In 1944, 3-inch bristles may be used in the manufacture of dental plate brushes requiring not more than one pound of bristles for 120 brushes, in an amount not exceeding the manufacturer's use in 1942 of bristles, nylon or a combination of both for dental plate brushes.

(ii) *Shaving brushes.* In 1944, bristles, other than Chinese, may be used in the manufacture of shaving or lather brushes. The manufacturer may not use more than one-quarter of the quantity, by weight, of the bristles consumed by him in 1942 in the production of shaving or lather brushes.

(iii) *Military orders.* Upon specific orders for any product for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. Dental plate brushes and shaving or lather brushes manufactured upon such orders shall not be charged against the quantity restrictions in subdivisions (i) and (ii) above.

(iv) *Export orders.* For export of brushes from the 48 states, the District of Columbia or the Territory of Alaska, upon specific orders accompanied by individual export licenses issued by the Foreign Economic Administration or upon specific orders from an agency of the United States for delivery pursuant to the Act of March 11, 1941, as amended, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(v) *Brushes for construction, maintenance, repair or operating supplies.* Bristles 2 to 3⅛ inches long, inclusive, may be used in the manufacture of brushes, upon specific orders:

Provided, That no person shall order such brushes, except for necessary use in the construction, maintenance or repair of facilities required for producing any product or conducting any business, activity or service, listed on Schedule I or II annexed to CMP Regulation 5 or 5A, or listed on List A of this order, or for necessary operating supplies for any such purpose, or to fill specific orders therefor. However, reclaimed bristles of that length (such as comb stocks or paint stumps) may be used in the manufacture of spotting, cleaners', dyers', surgeons' hand or hair brushes.

(vi) *Special brushes for construction, maintenance, repair or operating supplies.* Bristles longer than 3⅛" may be used in the manufacture of painters' brushes (such as brushes for the application of paint, lacquer, varnish, shellac and other protective coatings) paper hangers' paste brushes and billboard brushes, upon specific orders:

Provided, That no person shall order such brushes, except for necessary use in the construction, maintenance or repair of facilities required for producing any product or conducting any business, activity or service, listed on Schedule I or II annexed to CMP Regulation 5 or 5A or listed on List A of this order, or for necessary operating supplies for any such purpose, or to fill specific orders therefor.

Bristles of that length may be used only in the manufacture of such brushes, even if manufactured upon orders under subdivisions (iv) (Export orders), (viii) (Distributors' orders), or (ix) (Manufacturers as distributors of their own products) of this subparagraph (1).

(vii) *Limitation on orders.* No person shall order any brushes, referred to in subdivisions (v) and (vi) of this subparagraph (1), for delivery or accept them, during any calendar quarter, in a quantity exceeding his requirements for such maintenance, repair and operating supplies during any such quarter.

(viii) *Distributors' orders.* For the manufacture of brushes, of the kind referred to in subdivision (vi) of this subparagraph (1), and surgeons' hand brushes, for sale to persons authorized by the War Production Board to purchase them, upon specific orders endorsed with a certification substantially as follows:

The undersigned purchaser hereby represents to the brush manufacturer and to the War Production Board that he is authorized by the War Production Board to purchase the brushes shown on this purchase order, and that he is entitled to apply the preference ratings indicated opposite these brushes, and that such application is in accordance with Priorities Regulation 3, as amended, with the terms of which the undersigned is familiar.

Form WPB-547
Certificate No. ----

(Name of wholesaler, distributor or retailer)

(Address)

(Signature and title of authorized official or representative)

(Date)

Applications for that authorization may be made on Form WPB-547 (formerly PD-IX) by persons who propose to purchase them directly from the manufacturer and to resell them without changing their form.

(ix) *Manufacturers as distributors of their own products.* For the manufacture of brushes, of the kind referred to in subdivision (vi) of this subparagraph (1) and surgeons' hand brushes, for sale by the manufacturer directly to the consumer, as authorized by the War Production Board after application by the manufacturer on Form WPB-547 (formerly PD-IX). In granting such authorization, the War Production Board will give consideration to the extent to which the manufacturer customarily sold directly to consumers brushes manufactured by him.

(2) *Manufacture exceeding specific orders and disposal of excess.* The requirements in the next preceding subparagraph (1) (Domestic and imported bristles) that products be manufactured only to fill specific orders, shall not prevent the manufacture of minimum commercially practicable quantities of products exceeding specific orders:

Provided, That any excess manufactured in filling orders under subdivision (iii) (Military orders) of subparagraph (1) shall be sold only upon orders of the kind referred to in that subdivision (iii), and any excess manufactured from bristles longer than 3⅛" shall be sold only upon orders of the kind referred to in subdivision (vi) (Special brushes for construction, maintenance, repair or operating supplies) of that subparagraph.

(3) *Existing stocks of brushes.* The restrictions in this order shall not apply to the manufacturer, jobber or retailer, as the case may be, with respect to brushes in his possession prior to July 30, 1943.

[1] Applications will be considered for permission to use India bristles shorter than 3¼" in the manufacture of miscellaneous brushes, and, in areas where labor shortages are known not to exist, to use additional quantities of bristles of other types in the manufacture of brushes.

Conservation

(e) *Conservation.* Unless otherwise authorized in writing by the War Production Board, no person shall use in the manufacture of any product a mixture of more than 55% of pigs' or hogs' bristles or a combination of both.

Provided, That this restriction shall not apply to:

(1) The manufacture of dental plate brushes as described in paragraph (d) (1) (i), above.

(2) The manufacture of any product containing bristles none of which are longer than 2⅜ inches.

(3) The manufacture of shaving or lather brushes for the United States Army, Navy, Maritime Commission or War Shipping Administration.

(4) The manufacture of spotting, cleaners', dyers', surgeons' hand and hair brushes out of reclaimed bristles as described in paragraph (d) (1) (v) above.

Equitable Distribution

(f) *Equitable distribution.* It is the policy of the War Production Board that bristles and products containing bristles, not required to fill rated orders, shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy, every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location, or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution, unless necessary to meet war or essential needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to concerns. A failure to comply with a specific direction shall be deemed a violation.

General Provisions

(g) *Reports and communications—*(1) *Imported bristles.* Every owner of imported bristles shall file with the Bureau of the Census, Department of Commerce, acting as compiling agent for the War Production Board, not later than the 10th day of each month, a report on Form WPB-431 (formerly Form PD-217), showing his holdings and consumption of imported bristles during the preceding month.

(2) *Domestic bristles.* Every owner of more than ten pounds of domestic bristles shall file with the War Production Board not later than the 10th day of each month, a report on Form WPB-2287 (formerly Form PD-781), showing his holdings and shipments of domestic bristles during the preceding month.

(3) *Reporting.* All reports required to be filed and all communications concerning this order shall unless otherwise directed in writing be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C. Ref.: M-51. The reporting requirements of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds for the appeal.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Further restrictions.* No person shall sell, deliver, accept or use bristles or products containing bristles contrary to any specific direction which may be issued from time to time by the War Production Board.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

Issued this 14th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A added February 14, 1944.

Ferro-alloys (including producers to whom serial numbers have been issued under Order P-68).

Iron Products (including pig iron, pipe, wire, wrought iron and foundry products and also producers to whom serial numbers have been issued under Order P-68). Steel rolling mill and foundry products (including semi-finished steel, bars, pipe, plates, sheets, strip, castings, forgings, structural shapes, piling, tin plate, terne plate, black plate, tubing, rails, track accessories, wheels, tires, axles, wire and wire products, and also producers to whom serial numbers have been issued under Order P-68)

Chemicals and allied products for industrial and military use (including automobile body polish and top dressing: candles; cleaning and polishing preparations for metal, leather, floors and furniture; household dyes; ink and ink eradicators; incense; toiletries and cosmetics, perfumes, powders and creams, manicure preparations, hair dressings, dyes, shampoos and tonics; dentifrices and depilatories).

Distillery machinery (including beverage).

Food and food processing machinery equipment (including food dehydration machinery).

Special industry machinery not elsewhere listed (including tobacco manufacturing machinery and equipment and cosmetics machinery).

Lamp bulbs and tubes (including aircraft).

Agricultural machinery, implements and equipment (including farm and garden hand tools).

Coke and coke oven by-products (including producers to whom a serial number has been issued under Order P-68).

Containers of all types (including fiber drums, gas cylinders and ton containers, and nailed wooden boxes and crates).

Glass products not elsewhere listed (including mirrors).

Heating equipment (including electric and also heating system controls and hot water equipment).

Photographic equipment apparatus and materials (including projection apparatus).

Tools (including edge tools, hand tools, mechanics' hand service tools, gauges and machinists' precision measuring tools, files and rasps; and also farm and garden edge and hand tools).

Industrial food manufacturing, processing, packaging, preservation and storage (including drink and alcoholic beverages, and chewing gum, and also restaurants, hotels, retail stores, and farms).

Public utilities: gas, light, power, water and central heating and sanitation (including producers as defined in Utilities Order U-1).

Petroleum and natural gas production, transportation, refining and marketing (including that covered by P-98-b).

Smelting and refining (including producers to whom a serial number has been issued under P-73).

Wire communications industries (including operators as defined in Utilities Orders U-3 and U-4).

[F. R. Doc. 44-2182; Filed, February 14, 1944; 4:41 p. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b, Direction 1]

MATERIALS PURCHASED BY EMPLOYEES OF OPERATORS FOR PRODUCTION CAMP FACILITIES

The following direction is issued pursuant to Preference Rating Order P-98-b:

(a) *Purpose of this direction.* An operator engaged in the production branch of the petroleum industry can request priorities assistance under Order P-98-b to secure material for use in connection with production camp facilities for his employees. As used in this direction and in any certification made under it, "production camp facilities" are those facilities of the same name included under the term "lease equipment", as defined in Petroleum Administrative Order No. 11, as amended and supplemented from time to time. Some operators construct and maintain such production camp facilities for all of their employees. Employees of other operators find it necessary to secure all or part of the materials with which to construct and maintain production camp facilities for themselves. This direction allows these latter employees under the conditions to be described in this direction to use preference ratings and allotment symbols to buy materials required for the construction of production camp facilities.

(b) *Use of employer's preference ratings and allotment symbols authorized.* (1) To secure material for the maintenance and repair of production camp facilities, an employee of a production operator may use preference rating AA-3, allotment symbol

MRO–P–3, and the "special MRO procedure" of Order P–98–b.

(2) To secure material for use in connection with production camp facilities other than for maintenance and repair, an employee of a production operator may use preference rating AA–3 and allotment symbol PSO.

(3) The particular materials which may be secured with a preference rating and with an allotment symbol are indicated in Order P–98–b. The preference ratings and allotment symbols may be used pursuant to this direction to secure only that material which a production operator could obtain if he were using the ratings or symbols himself.

(c) *How preference ratings and allotment symbols are used.* A preference rating or allotment symbol authorized by the preceding paragraph will be valid only if the employee complies with the appropriate delivery order filing instructions of Order P–98–b (which include placing the standard certification of paragraph (r) of that order on the delivery order), and if, in addition, he gives the seller of the item the following certificate, filled out (with the preference rating and allotment symbol assigned above) and signed by his employer, and then by himself:

Preference rating and allotment symbol (specify rating and symbol) ----------. The items on this (or on the attached) delivery order are required by the undersigned employee for use in connection with production camp facilities.

(Name and address of employer)

(Authorized signature)

(Signature of employee)

(Position)

(d) *Rules on the size of the houses which can be built.* Any production camp facilities built with the priorities assistance of this direction must conform with the War Production Board War Housing Construction Standards. These standards tell how large a house may be built depending upon the number of its rooms, and set forth other limitations. The production operator should be able to secure copies of the standards from the nearest War Production Board field office if he does not already have them. In the event the War Production Board issues an order governing the construction of housing and containing similar standards as part of the order, the standards of such order shall be used in place of the War Housing Construction Standards.

(e) *Records.* The employer must keep a copy of the employee's delivery order and of the certificate given to the employee for two years. The supplier who sells the items must keep the delivery order and the certificate given to him for two years.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2210; Filed, February 15, 1944; 11:23 a. m.]

PART 3125—PARA-PHENYL PHENOL RESINS

[General Preference Order M–254, Revocation]

General Preference Order M–254 is revoked. This revocation does not affect any liabilities incurred under the order. Simultaneously, with the revocation of this order, the para-phenyl phenol resins are being made subject to General Preference Order M–246.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2206; Filed, February 15, 1944; 11:24 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 26 as Amended Feb. 15, 1944]

WHEN ALLOTMENTS MAY BE RETURNED BY SECONDARY CONSUMER DIRECTLY TO CLAIMANT AGENCY OR INDUSTRY DIVISION

The following amended direction is issued pursuant to CMP Regulation 1.

(a) Paragraph (w) of CMP Regulation No. 1 requires a consumer to return allotments which he does not need to the person from whom he received them. In the case of a prime consumer making an A or a B product, the return is made directly to the Claimant Agency or Industry Division which made the allotment except in those cases where the return is to be made to a Field Office of the War Production Board, as explained in paragraph (d) below. In the case of a secondary consumer, the return is made to the prime or secondary consumer who made the allotment.

(b) In those cases where it is impractical for a secondary consumer to return an allotment to the person from whom he received it, he may make the return directly to the Claimant Agency whose symbol appears on the allotment or to the War Production Board in the case of allotments bearing the symbols B, F, G, J, K, S and V. This situation may occur where a secondary consumer produces the same product for a relatively large number of customers whose schedules are all identified by the same abbreviated allotment number. For example, a manufacturer of metal stampings receives orders from many manufacturers accompanied by allotments all bearing the allotment number N–6. As a practical matter, he places all of the allotments in a single allotment account designated N–6. If his requirements for the manufacture of metal stampings are reduced, for any reason, it will be very difficult for him to figure out what portion of the total allotment should be returned to each customer and furthermore the amount returned to each will probably be small. Under this direction, he is permitted to make a return directly to the Navy.

Form CMP–32, "Consumers Return of Allotments", available at all War Production Board offices, should be used in making returns under this direction, but if it is impractical to get this form, the return may be made by letter.

(d) Returns of allotments under this direction bearing the symbols B, F, G, J, K, S and V should be mailed to the War Production Board, Washington 25, D. C. unless the allotment was originated by a Field Office of the War Production Board, in which case the return should be made to the originating Field Office. In case of doubt, returns of allotments bearing these symbols should be mailed to Washington. Returns of allotments under this direction bearing the symbols listed below should be mailed to the addresses indicated:

Symbol	Address
A–1	Containers Division, Temporary B Building, Room 2300, Washington, D. C.
A–2	Farm Machinery Division, Temporary E Building, Washington, D. C.
A–3	Controlled Materials Officer, War Food Administration, Room 1419, South Agriculture Building, Washington, D. C.
C	The Administrator, Aircraft Scheduling Unit, Wright Field, Dayton, Ohio. Attention: Captain W. D. Selby.
D	Material Control Officer, Canadian Division, Room B–129, Tempo 3 Building, Ottawa, Ontario, Canada.
E	Material Control Officer, Foreign Economic Administration, Room 1407 Tempo U, Washington, D. C.
H	Material Control Officer, National Housing Agency, 1600 I St. NW., Washington, D. C.
L	Control Material Officer, Foreign Economic Administration, Room 615, 515 22d St. NW., Washington, D. C.
M	Material Control Officer, % U. S. Maritime Commission, Room 4024 Commerce Building, Washington, D. C.
N	Material Control Officer, Office of Procurement & Material, Room 1211, Navy Department, Washington, D. C.
P	Material Control Officer, Petroleum Administration for War, Room 1444 South Interior Building, Washington, D. C.
R	Material Control Officer, Office of the Rubber Director, Room 6090 New Municipal Center Building, Washington, D. C.
T	Material Control Officer, Office of Defense Transportation, Room 2123 Interstate Commerce Commission Building, Washington, D. C.
U	Material Control Officer, Office of War Utilities, Room 2735 Tempo R Building, Washington, D. C.
V	Controlled Materials Officer, Office of Civilian Requirements, Room 2340, Social Security Building, Washington, D. C.
W or O	CMP Control Officer, Army Service Forces, 4–D–574 Pentagon Building, Washington, D. C.

(e) Attention is called to paragraph (w) (2) of CMP Regulation No. 1 which provides that a periodic check-up must be made by consumers of their allotments to see whether they have more than they need.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2208; Filed, February 15, 1944; 11:23 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 16]

BROOM WIRE

The following direction is issued pursuant to CMP Reg. 5:

Steel wire used in making brooms may be treated as an operating supply under CMP Regulation No. 5 regardless of whether or not under a particular manufacturer's accounting practice the wire is charged to operating expenses. Accordingly, manufacturers of brooms may obtain their wire in the manner provided in CMP Regulation No. 5 instead of applying for an allotment.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2209; Filed, February 15, 1944; 11:23 a. m.]

PART 3216—MATERIAL ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P–142, as Amended Feb. 15, 1944]

Section 3216.1 *Preference Rating Order* P–142 is hereby amended to read as follows:

§ 3216.1 *Preference rating order P–142.* This order explains how "operators" of transportation systems, as defined below, get materials to carry on their operations, and it must be used by them in place of CMP Regulation 5. With a few exceptions, this order gives preference ratings for up to 110% per quarter of each item or group of items specifically authorized for the operator for the first quarter of 1944. Controlled materials (except aluminum and rail and track accessories) are allotted on the same basis. This means that, in most cases, quarterly applications on Form WPB–2585 are no longer necessary, but material may be scheduled for delivery on the new basis only three quarters in advance. Use of the ratings and allotments is explained in the order.

Definitions

(a) *Definitions.* For the purpose of this order:

(1) "Transportation system" means a steam railroad, an electric railroad, a terminal railroad, a switching railroad, a private car line company, a rapid transit system, an electric street railway system, a trolley coach system, or a common carrier passenger motor bus system.

(2) "Operator" means any person to the extent that he is engaged in the business of transporting passengers or property over a transportation system. The term does not include any person who can obtain all of his controlled material requirements at retail, or from warehouses or distributors under the provisions of CMP Regulation 4, and who has not elected to operate under this Order P–142 pursuant to paragraph (k) (1); such person must continue to operate under the provisions of CMP Regulation 5 and all other applicable regulations.

(3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Controlled material" means steel, copper and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation 1.

(5) "Maintenance and repair" means the upkeep or restoration of any unit of the operator's property or equipment by using the minimum amount of material necessary (i) to keep the unit usable for the purpose intended in its existing design, (ii) to restore parts of the unit to their original usefulness, or (iii) to renew parts to restore the unit to its usefulness for the purpose intended in its existing design. The term also includes "heavy repair of locomotives" and "heavy repair of railroad cars," as those terms are defined in paragraphs (a) (8) and (a) (9) below.

(6) "Operating supplies" means those materials and supplies which are essential to the operations of the operator's transportation system, the rendering of services, and the collection of revenues in connection therewith.

(7) "Construction" means the use of material to provide additional facilities or to rehabilitate existing facilities for a purpose not intended in the existing design.

(8) "Heavy repair of locomotives" includes only:

(i) Such repair to boiler, machinery and tender as is necessary to put the unit in thorough order and in condition to run out a new term of assigned mileare (sometimes known as class 1, 2 and 3 repair), and also such intermediate repair thereto as is necessary to enable the unit to run out its full mileage assignment (sometimes known as class 4 and 5 repair); or

(ii) Conversion, which means any change in the general machinery or wheel arrangement of the locomotive; or

(iii) Modernization, which means the addition of accessories and/or specialties to the locomotive.

(9) "Heavy repair of railroad cars" includes only:

(i) Program repair for any group of cars, or, if the operator does not program such repairs, repair of any car requiring 50 or more man hours per car for freight cars, or 100 or more man hours per car for passenger cars; or

(ii) Conversion, which means the modification of the structure of an existing car to such an extent as to change the type of the car.

Ratings and Allotment Symbol

(b) *Preference ratings for materials other than controlled materials.* Subject to the provisions of this order, preference ratings are hereby assigned to deliveries of material to be made to an operator after March 31, 1944, as follows:

(1) *Quotas.* Each operator may use the rating assigned for the purchase of each item or group of items under sections D and E of his authorization on Form WPB–2585 (original and supplements) for the first calendar quarter of 1944, to order for delivery to him during any calendar quarter not more than his quota for that item or group of items for uses permitted under paragraphs (f) and (g) of this order. This quota is in each case 110% of the amount authorized for him in column (k) of the above form, with the exception of the items listed in paragraph (b) (2) below, which are handled on a special basis. If this 110% quota is not enough in any quarter to provide for permitted uses under this order, application for additional amounts may be made as explained in paragraph (k) (2). Also, if an operator has received authorization on Form WPB–2585 for the second calendar quarter of 1944 or later quarters for any item or group of items in excess of the above 110% quota, he may use this authorization for the particular quarter instead of his quota unless otherwise directed by the War Production Board.

(2) *Special items and track material.* The ratings assigned above in paragraph (b) (1) may not be used to order the following items:

Steam injectors.
Mechanical lubricators.
Roller bearings (driving box, tender truck, and engine truck).
Stokers.
Superheaters and headers.
Air brakes—AB.
Hand brakes—power.
Brake beams.
Car bolster springs.
Couplers and coupler bodies.

Track material of the following kinds:
Frogs.
Crossings.
Switches.
Switch stands.
Rail anchors.
Rail braces.
Guard rails.
Guard rail clamps.
Gauge rods.
Clip bolts.
Rail clips.
Nut locks.

The amounts of these items which an operator can get for permitted uses and the proper ratings will be authorized from time to time on Form WPB–2585. Application for such authorization should be made by the operator as explained under paragraph (k) (3) of this order.

(3) *Emergency repairs.* The War Production Board may also assign in writing preference ratings to deliveries of specific materials essential for emergency repairs, application for which should be made as explained in paragraph (k) (2) of this order.

(4) Use of the ratings for advance quarters is subject to paragraph (e).

(c) *Assignment of allotment symbol for controlled materials.* Each operator may use the CMP allotment symbol T–7 to order controlled material for delivery to him after March 31, 1944, for a use authorized by paragraph (f) or (g) of this order, in amounts per quarter as follows:

(1) Aluminum to the extent required for maintenance, repair and operating supplies, excluding heavy repairs of locomotives and cars as defined in paragraphs (a) (8) and (a) (9). Any amounts of aluminum required for such heavy repairs or any other purpose may be applied for as explained in paragraph (k) (4).

(2) Steel and copper (except rail and track accessories) up to 110% per quarter of the respective amounts authorized for the operator for each item or group of items under section C of Form WPB–2585 (original and supplements) for the first calendar quarter of 1944. If this 110% quota is not enough in any quarter to provide for permitted uses

under this order, application for additional amounts may be made as explained in paragraph (k) (2). Also, if an operator has received authorization on Form WPB–2585 for the second calendar quarter of 1944 or later quarters for any such item or group of items in excess of the above 110% quota, he may use this authorization for the particular quarter instead of his quota unless otherwise directed by the War Production Board.

(3) Rail and track accessories (Code No. 2026) in amounts authorized for each quarter by the War Production Board upon Form WPB–2585. Application should be made by the operator only as required under paragraph (k) (3). (Note that the items of track material listed in paragraph (b) (2) are no longer controlled materials).

Use of these authorizations for advance quarters is subject to paragraph (e).

(d) *How to use the ratings and allotment symbol*—(1) *Certification.* An operator may use the above ratings and allotment symbol T–7 to get materials under this order by placing on his purchase orders a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7:

Preference rating—(specify rating if necessary); CMP allotment symbol T–7; P–142, serial No. -----.

The undersigned operator certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order; to receive, for transportation MRO under P–142, the item(s) ordered; and to use any preference rating or allotment symbol which the undersigned has placed on this order.

However, the certifications provided in CMP Regulation 7 and Priorities Regulation 7 may be used instead of the above, if they include the following identification:

Preference rating—(specify rating if necessary); CMP allotment symbol T–7; P–142, serial No. -----.

(2) An order for controlled materials which bears the above certification and allotment symbol is an authorized controlled material order, except that, when placed with a producer, the order must conform to paragraph (s) (4) of CMP Regulation 1 relating to content of the order and time for placing it. On orders for controlled materials, no preference rating should be shown.

(3) The ratings applied by operators under paragraph (d) (1) may be extended in the manner provided in Priorities Regulation 3.

(4) The ratings assigned under this order may not be used to get items shown on List A or B of Priorities Regulation 3.

(e) *Advance authorizations.* Neither the preference ratings nor the allotment symbol assigned by this order may be used by an operator to place orders for delivery farther ahead than the three calendar quarters following the quarter during which the order is placed, unless otherwise indicated with respect to any authorization issued on Form WPB–2585. For example, during the second quarter of 1944, orders may be placed for delivery during that quarter and in each of the last two quarters of 1944 and the first quarter of 1945 to the full extent authorized per quarter under the above paragraphs; during the third quarter of 1944, orders may be placed in corresponding amounts for delivery in the second quarter of 1945, and so on. Any special authorization, unless otherwise indicated, is valid only for the quarter for which issued.

Permitted Uses of Materials and Inventories

(f) *Maintenance, repair, etc.* No operator shall acquire any material under the provisions of this order, nor make withdrawals from inventory of any material acquired with priorities assistance of any kind, except for the following purposes:

(1) Maintenance, repair and operating supplies (including materials required for MRO by the operator for its own use in carrying out authorized construction projects and in manufacturing transportation equipment);

(2) Heavy repair of locomotives;

(3) Heavy repair of railroad cars;

(4) Minor items of productive capital equipment not exceeding $500 per unit (excluding cost of labor);

(5) Replacement of rail with the weight of rail and type of fastenings conforming to the operator's standard practice;

(6) Construction to the extent permitted by paragraph (g) below; or

(7) For any other use when specifically authorized in writing by the War Production Board.

(g) *Construction.* Any operator may, for construction, acquire materials under this order, or make withdrawals from inventory of materials acquired with priorities assistance, but only to the extent that the total cost of such materials for any one project is $2,500 or less (excluding cost of labor). Additional materials of these kinds may be withdrawn from inventory for any one project if the operator has secured specific authorization in writing from the War Production Board pursuant to application made on Form WPB–617 (PD–200), but replacement in inventory of any additional materials so withdrawn may be made only by using the ratings and allotments assigned by the specific authorization (CMPL–224 or other applicable form). Furthermore, with respect to any project specifically authorized by the War Production Board (under Order L–41 or otherwise), acquisition or withdrawal from inventory of materials by the operator is limited to those which may be permitted by the authorization.

Each operator must get permission to construct under Conservation Order L–41 where the particular project is not exempted by that order. If the construction is of a kind exempted by that order, and the total cost of the materials required (excluding cost of labor) is over $2,500, the operator must apply on Form WPB–617 if the excess over $2,500 is to be withdrawn from inventory as explained above, or is to be acquired with priorities assistance.

Inventory Control; Resales

(h) *Inventory control.* Notwithstanding the provisions of any other order or regulation of the War Production Board (including CMP Regulation 2), an operator's inventory of material for uses permitted under this order shall be subject to the following restriction only:

No operator shall receive any delivery of material which will increase his inventory of such material to an amount greater than the minimum necessary to sustain his current level of operations.

However, this does not prevent the operator from maintaining minimum stocks of material for emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning. The foregoing inventory control also does not apply to printed matter.

(i) *Permitted resale of materials.* An operator may resell material (whether or not obtained with the assistance of this order):

(1) To any other operator;

(2) To another person when such material is to be physically incorporated in repairs of equipment that is used in the maintenance, repair, or operations of the operator's own property: *Provided,* That such material could have been used by the operator itself in making its own repairs without violation of any of the provisions of this order;

(3) To the operator's own transportation system subsidiaries, or for the maintenance of track or equipment not owned but customarily maintained by the operator or its subsidiaries; or

(4) For the repair of equipment of another carrier in accordance with the Code of Rules for the Interchange of Traffic as adopted by the Association of American Railroads.

Any such sale shall be expressly permitted within the provisions of paragraph (c) (3) of Priorities Regulation 13: *Provided,* That nothing in this paragraph (i) shall be deemed to authorize receipt or use of any material by any person in violation of any inventory or use restriction imposed by this order or any other order or regulation of the War Production Board, and no operator shall make any sale of material authorized above if he knows or has reason to believe that receipt or use thereof by the buyer will be in violation of any such restriction.

(j) *Other resales.* Any other resale of materials by an operator is subject to Priorities Regulation 13.

Procedure

(k) *How to make application under this order*—(1) *Serial numbers.* No operator shall be entitled to any assistance under the provisions of this order until he has been assigned an authorized serial number, which may be obtained upon application by letter to the War Production Board, stating that the applicant will be unable to obtain all of his controlled material requirements at retail or under the provisions of CMP Regulation 4. In addition, any person who can obtain all such requirements at retail or under that regulation may elect to apply as above for an authorized serial number. When such serial number is assigned to him, he shall be deemed an "operator" under all the provisions of this Order P–142.

(2) *Application for special or additional authorizations.* In order to get authorization or exemption under paragraph (b) (1), (b) (3), (c) (2) or (f) (7) of this order, an operator must communicate with the War Production Board, describing the nature of the emergency or the reason why specific authorization is necessary, and the amount and type of material involved. The War Production Board will thereupon notify the operator in writing whether, and to what extent, his application is approved.

Requests for additional authorizations for any quarter under paragraph (b) (1) or (c) (2) must be made by letter, giving the above information. In acting upon such a request, the War Production Board may at the same time authorize all or part of the additional amount for future quarters. For example, if it was shown that the operator's authorizations on Form WPB–2585 for the first quarter of 1944 were not a reasonable indication of his quarterly needs of any item or group of items, his "base" (against which to apply the 110% quota) might be increased. The War Production Board may also direct in writing that the "base" be reduced.

(3) *Application for special items and track material.* Application for track material under paragraph (b) (3) and for rail and track accessories under paragraph (c) (3) should be made by an operator only if called for by specific instructions of the War Production Board. Application for special items (other than track material) listed in paragraph (b) (3) should be made on Form WPB–2585 at least 45 days before the beginning of each calendar quarter, in accordance with the instructions on the form and any supplemental instructions that may be issued.

(4) *Aluminum.* Any operator requiring aluminum in the form of controlled material for heavy repairs, as defined in paragraphs (a) (8) and (a) (9), must apply by letter for an allotment for the required amounts to the War Production Board, Aluminum and Magnesium Division, Ref.: M–1–i, giving substantially the information described in paragraph (d) of Supplementary Order M–1–i.

NOTE: The reporting requirements in this paragraph (k) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(l) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(n) *Applicability of regulations.* (1) This order and all transactions affected by it are subject to all applicable regulations of the War Production Board, as amended from time to time, unless this order states otherwise.

(2) None of the provisions of CMP Regulations 5 or 5A shall apply to operators as defined in paragraph (a) (2) of this order, and no operator shall obtain any material under the provisions of either of those regulations. However, privileges under other orders and regulations of the War Production Board granted to persons on Schedule I or II of CMP Regulation 5 shall be considered as applicable to operators under this order. For example, Order E–5–a on gauges and precision measuring hand tools classifies a person on Schedules I and II of CMP Regulation 5 as an "approved user". Operators under this order P–142 are in the same position providing that certification clauses and all other provisions of those other orders are complied with.

(o) *Communications.* All communications concerning this order, unless otherwise directed, shall be addressed to: War Production Board, Transportation Equipment Division, Washington 25, D. C., Ref.: PF–142.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1—RERATING DELIVERY ORDERS PLACED UNDER P–88

Order P–88 (predecessor of P–142) assigned "blanket" ratings to railroads for certain specified deliveries of MRO materials; it also provided for the specific assignment of ratings to other deliveries of materials pursuant to application made on Form PD–351. These ratings ranged from A–1–a to A–8. Order P–142 (§ 3216.1) assigns no "blanket" ratings in the order itself, all necessary ratings for transportation MRO being assigned on Form WPB–2585 (formerly PD–844). When P–142 was issued on April 5, 1943, it contained a provision specifically revoking Order P–88 and all ratings issued thereunder, with the exception of ratings issued on Form PD–351 for the second quarter of 1943. Under these circumstances, it is questioned whether an operator who, under P–88, properly placed a delivery order which was never filled, may rerate it on the basis of authorization granted on Form WPB–2585 pursuant to P–142.

The revocation of P–88 did not affect deliveries which had been rated under that order before April 5, 1943. Moreover, an operator who properly placed a rated order for MRO materials under P–88, but did not receive delivery at the time requested, may rerate the original delivery order to the extent that deliveries of such materials have been authorized on Form WPB–2585.

For example, a railroad placed a purchase order for a fabricated product on October 4, 1942, applying the rating of A–1–j in accordance with paragraph (b) (3) of Order P–88, and specifying the delivery date of December 15, 1942. The supplier was unable to make delivery at the time requested. Under P–142, the railroad received authorization for the fourth quarter of 1943 on Form WPB–2585 to apply a rating of AA–1 to the delivery of certain materials, including fabricated products of the kind specified in the original purchase order. Whether the authorization is in terms of units (under section D of the Form), or in terms of dollar value applicable to a group of products (under section E), Priorities Regulation 12 permits the railroad to rerate the original order if it is still unfilled. However, the items or dollar value involved must be charged against the WPB–2585 authorization for the quarter in which the rerating is made. (Issued Nov. 24, 1943.)

[F. R. Doc. 44–2211; Filed, February 15, 1944; 11:23 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Conservation Order M–319, Interpretation 2]

USE OF SMALL ORDER CERTIFICATION BY PRODUCERS WHO ARE ALSO DISTRIBUTORS

The following interpretation is issued with respect to Conservation Order M–319:

A question has arisen as to whether a person who produces certain sizes and types of abrasive grain, but who also purchases abrasive grain from other producers for resale without further processing, may use the small order certification described in paragraph (d) (2) of Conservation Order M–319 to obtain abrasive grain for stock to fill small orders. Paragraph (a) (10) defines a distributor as any purchaser of manufactured crude abrasive or abrasive grain for purposes of resale without further processing. To the extent that a producer obtains abrasive grain from other producers for resale without further processing, he is a distributor within the meaning of M–319 and, as such, may accept delivery of abrasive grain for stock to fill small orders, if he signs the certification required by paragraph (d) (2). The grain which he obtains by this means, however, can only be used to fill small orders placed with him, and is subject to the sixty day inventory limitation contained in paragraph (f). This grain, when obtained, should not be reported as a part of his inventory in making out his proposed production schedule (Form WPB–2780), nor should he include it in the WPB–2761 application which he files as a producer, pursuant to paragraph (d) (3), for authorization to deliver his own grain to fill small orders.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2207; Filed, February 15, 1944; 11:24 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M–241–a, Interpretation 1]

WAXED PAPER CONVERSION

The following interpretation is issued with respect to General Conservation Order M–241–a.

"Waxed and oiled paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war use as provided in List A," as that caption appears in List B of General Conservation Order M–241–a, applies to all the kinds of paper so described regardless of whether produced as a result of a separate converting operation, as is commonly the case, or produced as a result of having been oiled or waxed on the paper machine. For the pur-

pose of this order control has been placed on the end product. The method employed in consuming paper in the manufacture of the end product is not a factor of consideration in determining the applicability of the order.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3281—PULP AND PAPER

[General Conservation Order M–241–a, Interpretation 2]

RETAIL UNITS

The following interpretation is issued with respect to General Conservation Order M–241–a.

This interpretation of General Conservation Order M–241–a applies to the consumption of paper in the manufacture of retail units of wrapping and other papers as dispensed through the variety chain stores, the department stores, the stationery stores and all other retail outlets. These retail units are regarded as within the definition of a "converted product" in Order M–241–a and therefore subject to the restrictions contained in paragraphs (d) or (e) of the order.

All grades and kinds of paper, plain or printed, when converted into retail units for wrapping purposes are subject to the order, although the percentage restriction on consumption need not be separately applied to each of the grades and kinds of paper consumed during the base period. It is permitted to calculate an aggregate quota and to consume any grade or kind of paper, plain or printed, within the quota without regard to the maintenance of the same relationship of grade and kind that prevailed during the base period.

Any person who did not consume paper during the base period of the order in the conversion of such retail units of wrapping and other papers has no basis from which to calculate a quota and, therefore, cannot become a converter.

There is a distinction in the instance of printed wrapping paper as follows:

1. When printed wrapping paper is delivered by the printer in bulk form (not packaged) for further sale or further distribution the printer is the "converter" as defined in the order, and, therefore, subject to the restrictions of paragraph (e); but,

2. If the printer delivers the printed wrapping paper to a person for subsequent conversion into retail units, the final converter is the one subject to the restrictions of paragraph (e) and not the printer.

Since retail units are regarded as a separate and distinct type of "converted product," it is obvious that tonnage from other products cannot be included when calculating a quota for retail units.

Plain wrapping tissue purchased in quires, or flat, when subsequently folded and labeled, or otherwise packaged, is deemed to be a retail unit and therefore restricted by paragraph (e).

Quota tonnage which has not been consumed at the end of a calendar quarter may not be carried over to the succeeding calendar quarter.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2204; Filed, February 15, 1944; 11:24 a. m.]

PART 3293—CHEMICALS[1]

[General Preference Order M–246, as Amended Feb. 15, 1944]

PHENOLIC RESINS AND PHENOLIC RESIN MOLDING COMPOUNDS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of phenolic resins and phenolic resin molding compounds for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.341[1] *General Preference Order M–246*—(a) *Definitions.* For the purposes of this Order:

(1) "Phenolic reactant" means:

(i) Any of the synthetic phenols except resorcinol, of all grades and from whatever source derived.

(ii) Phenolic acids, either in pure or crude form, comprised in whole or in part of one or more of the following: phenol, ortho cresol, meta cresol, para cresol, xylenols and commercial grades of higher boiling cresylic acids, from whatever source derived.

(iii) Any of the substituted phenols, including para phenyl phenol, para tertiary butyl phenol, para tertiary amyl phenol and bis-phenol.

(2) "Aldehyde" means any organic compound containing the monovalent —CHO radical.

(3) "Phenolic resin" means any synthetic reaction product of a phenolic reactant with an aldehyde or a derivative of an aldehyde such as, for example, formaldehyde, furfural, para formaldehyde or hexamethylenetetramine. Such term includes, but is not limited to phenolic resins, modified or otherwise in liquid, lump, spray dried, cast or pulverized form and in solutions commonly termed laminating varnishes and resin solutions as well as resin dispersions, emulsions and cement. The term does not include any reaction product of resorcinol, lignin, cashew nut shell liquid or cardinol unless enriched with another phenolic reactant.

(4) "Phenolic resin molding compound" means any combination of phenolic resin and bulk filler such as, for example, wood flour, asbestos, mica, cotton fibres, or macerated fabrics, which can be molded. Such term includes, but is not limited to, molding compound, molding board and molding blanks.

(5) "Producer" means any person engaged in the production of any phenolic resin or phenolic resin molding compound, and includes any person who has any such material produced for him pursuant to toll agreement.

(6) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(7) "Distributor" means any person who purchases phenolic resin or phenolic resin molding compound for resale as phenolic resin or phenolic resin molding compound.

(8) "Supplier" means a producer or distributor.

[1] Formerly Part 3104, § 3104.1.

(9) "Products made from or treated with phenolic resin or phenolic resin molding compound" mean the following products when made from or treated with phenolic resin or phenolic resin molding compound:

(i) Molded products;

(ii) Protective coatings (other than resins used by protective coatings manufacturers in the formulation of protective coatings);

(iii) Plywood (including shaped plywood and shaped impregnated wood);

(iv) Laminates (sheets, rods, tubes and molded shapes); and

(v) Specialties which shall include all other products, such as abrasive wheels, friction elements and resin bonded insulating batting.

(10) "Product manufacturer" means any person who manufactures any product defined above in paragraph (a) (9).

(b) *Restrictions applicable to suppliers only.* (1) No supplier shall deliver any phenolic resin or phenolic resin molding compound to any other person (except pursuant to a toll agreement) without (i) the specific authorization in writing of the War Production Board to make the particular delivery or (ii) general authorization to deliver specific amounts against orders marked "Small Orders" or "Previously Authorized" orders as provided in paragraph (b) (2) hereof. The term "other person" when used in the previous sentence, includes a branch, division or section of the same enterprise as that of the supplier unless the branch, division or section accepting delivery accepts it for the purpose of producing phenolic resin or phenolic resin molding compound, or unless the branch, division or section accepting delivery normally keeps the same inventory as the branch, division, or section making the delivery. Application by a supplier for authorizations to deliver shall be made pursuant to Appendix A.

(2) Each supplier shall be entitled to deliver against general authorizations amounts of phenolic resin or phenolic resin molding compound not exceeding in the aggregate the amount authorized for such purposes in writing by the War Production Board, as follows:

(i) Against purchase orders marked "Small Order", deliveries aggregating not more than five pounds of resin containing any para phenyl phenol or resin in which para tertiary butyl phenol is the sole phenolic reactant in any one calendar month to any one customer[2]; and against purchase orders marked "Small Order", deliveries aggregating not more than 50 pounds in the case of all other phenolic resins or phenolic resin molding compounds to any one customer[2] in any one calendar month.

(ii) Against orders marked "Previously Authorized" an amount not exceeding 2,000 pounds in any one month to any one customer.[3] This provision shall, however,

[2] In accordance with Interpretation 8 of Priorities Regulation No. 1, the provisions of paragraph (b) (2) (i), (b) (2) (ii), (c) (2) (i), and (c) (2) (ii), shall be available to each operating unit of the same company which does its own buying of phenolic resin or phenolic resin molding compound.

not be applicable to cast phenolic resins or to phenolic resins containing tung oil or para phenyl phenol, or to resins in which para tertiary butyl phenol is the sole phenolic reactant.

(3) Each supplier shall comply with such directions as may be given from time to time by the War Production Board with respect to the production, use, or delivery of any phenolic resin or any phenolic resin molding compound. If the War Production Board stamps or writes the word "Defer" in Column 7 of a supplier's Form WPB–2946 (formerly Form PD–601), the supplier shall not produce, use, or deliver any phenolic resin or any phenolic resin molding compound to fill the orders described on the lines so marked if its production, use, or delivery interferes in any way with the production, use or deliveries necessary to fill on time all other orders which the supplier is entitled to fill.

(c) *Restrictions on accepting deliveries from suppliers and restrictions on use.* (1) (i) No person (except a person acting pursuant to a toll agreement) shall accept delivery of phenolic resin or phenolic resin molding compound from a supplier without the specific authorization in writing of the War Production Board, or except as provided in paragraph (c) (2) below. The term "no person" when used in the previous sentence, includes a branch, division, or section of the same enterprise as that of the supplier, unless the branch, division, or section accepting delivery accepts it for the purpose of producing phenolic resin or phenolic resin molding compound, or unless the branch, division or section accepting delivery normally keeps the same inventory as the branch, division, or section making the delivery.

(ii) No person shall use phenolic resin or phenolic resin molding compound to manufacture products made from or treated with phenolic resin or phenolic resin molding compound (except pursuant to a toll agreement), without the specific authorization in writing of the War Production Board or except as provided in paragraph (c) (2) below.

(iii) No person shall cause another person to use phenolic resin or phenolic resin molding compound pursuant to a toll agreement to manufacture products made from or treated with phenolic resin or phenolic resin molding compound, unless he has himself been specifically authorized in writing by the War Production Board to make the particular product or except as provided in paragraph (c) (2) below.

(iv) Applications for specific authorization to accept delivery of phenolic resin or phenolic resin molding compound from a supplier should be made pursuant to Appendix B, as should all applications for specific authorization to use phenolic resin or phenolic resin molding compound to manufacture products made from or treated with phenolic resin or phenolic resin molding compound.

(2) In addition to being able to accept delivery from a supplier and use phenolic resin or phenolic resin molding compound pursuant to the specific authorization of the War Production Board,

(i) During any calendar month, a product manufacturer[2] may accept from all suppliers deliveries aggregating not more than 2,000 pounds of phenolic resin or phenolic resin molding compound for use in previously authorized end uses, and a product manufacturer may use in any calendar month, and cause others to use pursuant to a toll agreement, not in excess of 2,000 pounds of phenolic resin or phenolic resin molding compound for previously authorized end uses. A product manufacturer placing a purchase order under the provisions of the last sentence should mark his order "Previously Authorized." A "previously authorized use" of a particular manufacturer is an end use described by him on his Form PD–600 or Form WPB–2945 filed under Order M–246 for phenolic resin or phenolic resin molding compound, which end use has been approved in writing by the War Production Board for the particular manufacturer at any time after September 30, 1943. This 2,000 pound provision does not apply to cast phenolic resins or phenolic resins containing tung oil or para phenyl, phenol, or to resins in which para tertiary butyl phenol is the sole phenolic reactant.

(ii) During any calendar month, a product manufacturer[2] may accept from all suppliers, deliveries aggregating not more than 5 pounds of resin containing any para phenyl phenol or resin in which para tertiary butyl phenol is the sole phenolic reactant, and a product manufacturer may use in any calendar month, and cause others to use pursuant to a toll agreement, not in excess of 5 pounds of such resin. In addition, during any calendar month, a product manufacturer[2] may accept deliveries aggregating not more than 50 pounds in the case of all other phenolic resins or phenolic resin molding compounds, and may use in any calendar month, and cause others to use pursuant to a toll agreement, not in excess of 50 pounds of each other material. A product manufacturer placing a purchase order under the provisions of either of the last two sentences should mark his order "Small Order".

(3) No product manufacturer who has received a specific authorization from the War Production Board covering a quarterly period which authorization permits him to acquire during any one calendar quarter 20,000 pounds or more in the aggregate of phenolic resin or phenolic resin molding compound, shall place orders specifying the delivery of more than 40% of the total amount authorized by that authorization in any one month.

(4) If the War Production Board stamps or writes the word "Defer" in Column 10 of a product manufacturer's Form WPB–2945 (formerly Form PD–600), the product manufacturer shall not produce or deliver to his customer the products made from or treated with phenolic resin or phenolic resin molding compound described on the lines so marked, if their production or delivery interferes in any way with the production or delivery on time of other products which the product manufacturer is entitled to make.

(5) Each product manufacturer receiving phenolic resin or phenolic resin molding compound pursuant to an authorization of the War Production Board, must use it solely for the purposes specified in writing in the authorization. However, despite the provisions of Form WPB–2945 and Form PD–600, a product manufacturer may include in the 2000 pounds of phenolic resin or phenolic resin molding compound which he may use in any calendar month for previously authorized end uses (as that term is defined in paragraph (c) (2) (i), material which he was specifically authorized by the War Production Board to accept for a different purpose.

(d) *Sales by a product manufacturer of frozen or excessive inventories.* No product manufacturer shall sell any frozen or excessive stocks of phenolic resin or phenolic resin molding compound except in compliance with Priorities Regulation No. 13. In general that regulation prohibits him from selling, without the specific authorization in writing of the War Production Board, to any person other than a supplier.

(e) *Disposition by product manufacturers of primary products which may not be delivered or used for allocated end uses.* If a product manufacturer has on hand any product made from or treated with phenolic resin or phenolic resin molding compound which he cannot dispose of for the specific end use for which the phenolic resin or phenolic resin molding compound was allocated, he shall not deliver or use the product without first receiving the specific written authorization of the War Production Board to do so. This paragraph (e) applies to, but is not limited to, products which do not meet specifications, or products for which military contracts have been cancelled.

Application for specific authorization to dispose of the products should be made by letter in triplicate directed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–246, setting forth the material facts.

(f) *Restrictions on persons acquiring products made from or treated with phenolic resin or phenolic resin molding compound.* (1) Each person placing or seeking to place a purchase order with a product manufacturer for products made from or treated with phenolic resin or phenolic resin molding compound shall furnish with his order a certificate specifying the end use of the product ordered. Such certificate may be placed on or attached to the purchase order and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

DESCRIPTION OF END USE

Pursuant to Allocation Order M–246, the undersigned hereby certifies to the seller and to the War Production Board that the product covered by the accompanying purchase order will be used solely for the purposes listed above.

---------- (Purchaser)	---------- (Address)
By ---------- (Signature and title of duly authorized officer)	---------- (Date)

(2) Notwithstanding the provisions of paragraph (f) (1) above, no purchaser of such products shall be required to file a certified description of end use for the purpose of this order, if the end use is apparent to the product manufacturer from his own observation and experience (for example, in the case of the sale of a molded distributor head). However, where the purchase is by or for the account of one of the Armed Services, the product manufacturer must receive and retain in his files written evidence of that fact even if the end use is apparent.

(3) In the event that two or more end uses are involved in a single purchase order for products, the amount of the product required for each different use shall be listed as a separate item in the certificate. Each item shall bear an identifying number so that it will be possible for the product manufacturer to advise his customers, by purchase order number and item number, as to the action taken by the War Production Board on his application for the phenolic resin or phenolic resin molding compound needed to make the product ordered by the customer.

(4) Each product manufacturer is requested to notify each customer as soon as possible of a denial, in whole or in part, by the War Production Board of any item or items for which application has been made by such customer.

(5) Any product manufacturer may accept and rely upon any certified description of end use furnished pursuant to this paragraph (f) unless he knows or has reason to believe it to be false.

(6) Each person furnishing a certified description of end use with a purchase order pursuant to paragraphs (f) (1) and (f) (3), shall use the products delivered on such purchase order only for the purpose specified in such certificate, except as otherwise specifically authorized in writing by the War Production Board. Application for such authorization may be made by letter in triplicate directed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-246, setting forth the material facts.

(f) *Reports.* The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Each supplier and each product manufacturer shall file such other reports as may be required from time to time by the War Production Board, subject to the approval of the Bureau of the Budget.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priorities control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-246.

Issued this 15th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR SUPPLIERS' APPLICATIONS FOR AUTHORIZATION TO DELIVER

Each supplier seeking authorization to deliver phenolic resins or phenolic resin molding compound shall file application on Form WPB-2496 (formerly Form PD-601) in the manner prescribed therein, subject to the following instructions:

Form WPB-2946 (formerly Form PD-601). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 23d day of the month preceding the month for which allocation is requested.

Number of copies. The signed original application and one copy shall be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-246.

Number of sets. A separate set of forms shall be submitted for each of the six classes of products described in Appendix B, under the heading "Number of Sets"—namely, molded products, protective coatings A, protective coatings B, plywood, laminates, and specialties. In case of doubt as to how to classify a particular end use, be guided by the Forms PD-601 and WPB-2946 previously returned to you by the War Production Board. Even where deliveries are to be made from more than one producing plant, only one set of forms shall be submitted for each class of use.

Monthly or quarterly forms. A supplier shall always file monthly on Form WPB-2946.

Heading. Under "Name of Chemical", specify "Phenolic resin" or "Phenolic resin molding compound"; under "WPB Order No.", specify "M-246"; under "This schedule is for deliveries to be made during the month of", specify "Delivery month"; under "Unit of measure", specify "Pounds (net)"; and otherwise fill in as indicated.

Table I. The application need only cover the request for a general authorization to deliver pursuant to orders marked "Small Order" or "Previously Authorized". The supplier will list in Column 1 "Total small order deliveries" and "Total previously authorized deliveries", and in each case will enter in Column 4, as one lump sum, the total quantity proposed to be delivered during the month covered by the application. The War Production Board will issue to suppliers their specific authorizations to deliver against other types of orders on the basis of information furnished by the customers of the suppliers to the War Production Board.

Rolling stock. Leave blank columns at end of Table I relating to rolling stock requirements.

Table II. Fill out Table II on each set of Form WPB-2946 filed by you. The instructions as to filling out this table contained in the letter of the Director General for Operations of the War Production Board dated November 10, 1942, are hereby revoked.

In lieu of a listing of each separate grade in Column 8, one listing should ordinarily be made to cover all grades. There are two exceptions to this. List separately any grade or sub-class where manufacturing capacity or some other specific limitation exists which prevents the supplier from fulfilling all demands placed upon him. Also list separately by grade number each grade of protective coating resin containing any para phenyl phenol and of any other protective coating resin in which para tertiary butyl phenol is the sole phenolic reactant. Fill out all columns.

On the last two lines of Table II, write in the following captions: "Total small orders delivered last month" and "Total previously authorized orders delivered last month", and fill in the respective figures.

APPENDIX B—INSTRUCTIONS FOR APPLICATIONS FOR AUTHORIZATION TO ACCEPT DELIVERY AND APPLICATIONS FOR AUTHORIZATION TO USE

General. Each person seeking specific authorization to use or accept delivery of phenolic resin or phenolic resin molding compound shall file application on Form WPB-2945 (formerly Form PD-600) in the manner described therein, subject to the following instructions:

Form WPB-2945 (formerly PD-600). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 18th day of the month preceding the period for which authorization for use or acceptance of delivery is sought.

Number of copies. One copy of Form WPB-2945 shall be sent to the supplier and on this copy, Tables II, III and IV may be left blank. The original and three copies shall be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-246. The original shall be completely filled out, but on the copies, Tables II, III, and IV may be left blank. Attention of applicants is called to the fact that a copy of each application may be sent to the supplier named on it. The original must be signed.

Number of sets. If the applicant has more than one operating unit which does its own buying of phenolic resin or phenolic resin molding compound, each such unit shall be treated as a separate company for the purposes of determining how many sets of Form WPB-2945 shall be filed. An applicant who wishes phenolic resin or phenolic resin molding compound for the manufacture of two or more of the six classes of products specified below shall file a separate set of WPB-2945 forms for each. A separate set of Forms WPB-2945 shall also be filed if the applicant is seeking permission to use material for an end use other than that for which it was originally acquired or for permission to use material obtained for inventory subject to further authorization. All applicants, whether or not manufacturing more than one class of product, shall indicate the product covered by the application on the right side of the upper margin (using only the appropriate italicized word or words):

Molded products

Protective coatings A (coatings to contain any resin made with any para-phenyl phenol or to contain any other resin in which para-tertiary butyl phenol is the sole phenolic reactant).

Protective coatings B (coatings other than the above).

Plywood—laminates

Specialties (which include all other products).

Monthly or quarterly forms. Applications shall be monthly or quarterly as follows, unless the product manufacturer has been authorized by the War Production Board to do otherwise:

Monthly

Manufacturers of molded products.
Manufacturers of protective coatings A and B.

Quarterly

Manufacturers of plywood (including shaped plywood and shaped impregnated wood).
Manufacturers of laminates.
Manufacturers of all other products (specialties).

Heading. Under "Name of chemical" specify "Phenolic resin" and/or "Phenolic resin molding compound"; under "WPB Order No.", specify "M-246"; under "Unit of measure", specify "Pounds, net"; and otherwise fill in as indicated. If the application is for permission to use material for an end use other than the one for which it was obtained, or for permission to use material obtained for inventory subject to further authorization, insert the words "From inventory" under the heading "Your supplier's name".

Table I. Specify in the heading the calendar month or quarter for which authorization for use or acceptance of delivery is sought.

Column 1. Specify supplier's grade number or other identifying symbol or words.

Column 2. Specify separately the quantities (in pounds, net) required for each primary product and each end use specified in Columns 3 and 4.

Column 3. In the case of a manufacturer of molded products, describe the product to be produced and identify by giving its function. For example, specify "aircraft radio condenser" not merely "aircraft", "radio" or "condenser".

In the case of a manufacturer of protective coatings, indicate the primary product by its code number used in WPB-I-217 (primary Products and End Use List) prepared by the Protective Coating Section, Chemicals Bureau, War Production Board.

In the case of a manufacturer of plywood (including shaped plywood and shaped impregnated wood) specify "Plywood".

In the case of a manufacturer of laminates, specify "sheets, rods, tubes, and molded shapes".

In the case of a specialty manufacturer, describe the product to be produced and identify by giving its function. For example, specify "brake-lining" not "friction material".

All manufacturers may insert the word "inventory" when they wish to acquire material to be kept in inventory in the original form. Distributors should insert the word "resale".

Column 4. Opposite each primary product listed in Column 3, specify in Column 4, end use as stated in certified description of use, or, in the absence of such certificates, on the basis of the applicant's own observation and experience. Indicate that governing contract is by or for the account of the Armed Services if you have written evidence of that being the case.

Manufacturers of protective coatings shall use the End Use List (WPB-I-217) to give information as to the specific end use to which the coating is to be put by the ultimate user.

Opposite "resale" or "inventory" in Column 3, write in Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank.

Table II. Make one listing in Column 11 covering the total of material acquired from all suppliers of "All grades" subject to this order which fall into this particular broad class (molding, specialty, etc.) under which application is being made. Then specify separately in Column 17, each grade listed in Column 1 of the application. In all cases, leave Columns (15a), (15b), and (15c) blank.

Where applications are being made on a quarterly basis, list figures for the quarters indicated below. In Columns 13, 14, and 15, strike out the words "Last month" and indicate the quarters (which are not calendar quarters) in these columns as follows:

Quarter Number:	*Period covered*
DJF	Dec. 1 to Feb. 28, inclusive.
MAM	Mar. 1 to May 31 inclusive.
JJA	June 1 to Aug. 31, inclusive.
SON	Sept. 1 to Nov. 30, inclusive.

Even when application is on a quarterly basis, fill in Column 16 as indicated on the form.

Table III. Fill in Column 17 and 18 as indicated, and leave Column 19 blank.

Table IV. Leave blank.

II. *Special instructions for laminators.* Laminators may use this variation of the General procedure given above as desired. When it is not practicable for a laminator to give product end use in Column 4 of his Form WPB-2945, he should write "subject to further authorization" in this column.

The laminator shall then apply on a Form WPB-2947 (formerly Form PD-602) for authorization to deliver the sheets, rods, tubes, and molded shapes for specific end uses, and may not make delivery unless authorized in writing to do so by the War Production Board.

[F. R. Doc. 44-2205; Filed, February 15, 1944; 11:24 a. m.]

Subchapter D—Office of the Rubber Director

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix III as Amended Feb. 15, 1944]

Introductory. Appendix III to Rubber Order R-1 as amended is a compilation of supplementary orders and directives of general applicability which affect rubber and rubber products. In the past, these orders and directives have involved principally the conversion of products from crude rubber to synthetics and have been issued individually to the manufacturers of the particular products. The purpose of Appendix III is to issue these directives and miscellaneous supplementary orders in printed form.

The material in Appendix III is arranged in accordance with the following product classifications:

Mechanical goods: Wire and cable; Tires and tubes; Footwear; Heels and soles; Proofing and combining of fabrics; Medical, surgical, dental, drug sundries; and Miscellaneous.

Each of these product classifications has been assigned a section number commencing with § 4600.51. Supplementary orders and directives in each group are designated by letter.

§ 4600.50 *Applicability of Rubber Order R-1.* Supplementary orders and directives which appear in Appendix III shall govern in case of inconsistency with other provisions of Rubber Order R-1. These orders and directives may be incorporated in the Rubber Order from time to time, at the discretion of the War Production Board.

§ 4600.51 *Mechanical goods.* The following supplementary orders and directives are applicable to mechanical goods:

(a) *Vibration mount and shock absorber.* No crude rubber or natural latex may be consumed in the manufacture of compression type mountings or insulations of Shore Durometer hardness of 40 and above. Crude rubber may, however, be used for bonding cements and for use in tie-gum compounds which shall not exceed 1/32" in thickness.

No crude rubber or natural latex may be consumed after March 1, 1944, in the manufacture of compression types of mountings or insulators having a Shore Durometer hardness of less than 40. Crude rubber may, however, be used for bonding cements and for use in tie-gum compounds which shall not exceed 1/32" in thickness.

No crude rubber or natural latex may be consumed after March 1, 1944, in the manufacture of plate, sandwich, tubular, or other types of shear mountings or insulations. This restriction covers mountings or insulations where the temperatures of applications are minus 40° F. and above. Aircraft engine and instrument mounts may be considered as falling in the applications functioning below minus 40° F. Crude rubber may be used for bonding cements and tie-gum compounds which shall not exceed 1/32" in thickness.

Torsional vibration dampers may be manufactured from crude rubber until further notice.

(b) [Deleted Jan. 12, 1944]

(c) *Pipe rings.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of pipe rings.

(d) *Milking machine inflations.* After April 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of milking machine inflations. During the month of March, 1944, no person shall manufacture milking machine inflations using crude rubber or natural latex in more than 50% of his production during the month.

(e) [Deleted Jan. 12, 1944]

(f) *Street car sandwich wheels.* After February 1, 1944, no crude rubber may be consumed in the manufacture of street car sandwich wheels, except that crude rubber may be used for bonding cements and tie-gum not to exceed 1/32" in thickness.

(g) *Hard rubber products.* Rubber Order R-1 as amended permits crude rubber to be consumed in the manufacture of the following blown hard rubber products: Bottles, fittings, pistons, valves, and valve parts for use with corrosive chemicals and explosives. It also permits crude rubber and natural latex to be consumed in the manufacture of hand made component hard rubber parts of machinery for the manufacture of rayon, explosives and corrosive chemicals. (See List 19, Appendix II).

After February 15, 1944, no crude rubber or natural latex may be consumed in the manufacture of the above mentioned blown hard rubber products.

After February 15, 1944, the maximum percentage of crude rubber or natural

latex by volume in any compound for hand made component parts of machinery for the manufacture of rayon, explosives and corrosive chemicals shall not exceed 10% by volume of the compound.

§ 4600.52 *Wire and cable.* The following supplementary orders and directives are applicable to wire and cable:

(a) [Deleted Jan. 12, 1944]

(b) [Deleted Jan. 12, 1944]

(c) [Deleted Jan. 12, 1944]

(d) *X-ray cable.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of X-ray cable, high voltage, as shown in List 27, Appendix II, under "Commercial Types".

(e) *Long range field wire.* After February 1, 1944, no crude rubber or natural latex may be consumed in the manufacture of W–143 long range field wire.

§ 4600.53 *Tires and tubes.* The following supplementary orders and directives are applicable to tires and tubes:

(a) *Fighter type and ice grip airplane tires.* Rubber Order R–1, List 29, requires that all airplane tires (except beaching gear tires) be manufactured in the S–5 or S–7 synthetic construction. These provisions shall not apply to fighter type and ice grip airplane tires. All fighter type and ice grip airplane tires shall be manufactured using natural rubber compounds throughout the tire until further notice; the compound grades to be used shall be B friction and B tread on all sizes except the following which shall be A friction and A tread.

Size	Ply	Type
47	12	Smooth contour landing.
51	14	Do.
56	16	Do.
65	18	Do.
65	22	Do.
44 x 12	14	High pressure special duty.
46 x 13	16	Do.
17.00 x 20	12	Low pressure landing.
19.00 x 23	16	Do.

(b) Deleted Feb. 15, 1944.

(c) Deleted Feb. 15, 1944.

(d) Deleted Feb. 15, 1944.

(e) Deleted Feb. 15, 1944.

§ 4600.54 *Footwear.* All outstanding supplementary orders and directives relating to footwear have been superseded by Rubber Order R–1 as amended.

§ 4600.55 *Heels and soles.* All outstanding supplementary orders and directives relating to heels and soles have been superseded by Rubber Order R–1 as amended.

§ 4600.56 *Proofing and combining of fabrics.* The following supplementary orders and directives are applicable to the proofing and combining of fabrics:

(a) *Industrial protective clothing.* Rubber Order R–1 as amended prohibits the consumption of crude rubber, natural latex or general purpose synthetics in the following item (Code 17, Schedule A): "Compounds for proofing fabrics designed for the manufacture of industrial occupational protective clothing, including cements for seaming, limited to aprons, leggings, sleeves, pants, coats, jackets, hats, and fireman's and policeman's clothing other than footwear and gloves".

Manufacturers are hereby authorized to consume GR–S in addition to reclaimed rubber in compounds for proofing and seaming under this item.

§ 4600.57 *Medical, surgical, dental, drug sundries.* All outstanding supplementary orders and directives relating to medical, surgical, dental and drug sundries have been superseded by Rubber Order R–1 as amended.

§ 4600.58 *Miscellaneous.* The following supplementary orders and directives are applicable to miscellaneous rubber products or materials:

(a) *Pressure sensitive tape.* Rubber Order R–1 permits the consumption of general purpose synthetics, reclaimed or scrap rubber in the manufacture of pressure sensitive tape for industrial purposes to fill Government and civilian orders. Schedule A of the order requires certification by the purchaser as to his end use.

(1) Uses which are classified as "industrial" are set forth in the certification.

(2) *Certification.* With respect to civilian orders no person shall deliver or accept delivery of pressure sensitive tape (except high heat resistant and non-corrosive electric tape) unless the person acquiring the same shall certify to the seller and to the War Production Board in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7.

The undersigned hereby certifies to_____ (insert name of seller) and to the War Production Board that the pressure sensitive tape specified in the accompanying purchase order and future purchase orders will not be sold or used by him except for one or more of the following purposes:

1. Repair of transportation facilities.
2. Maintenance and manufacture of industrial and mining equipment.
3. The manufacture of the following products and parts thereof:
   (a) Aircraft.
   (b) Armored tanks.
   (c) Ships.
   (d) Army transport vehicles.
   (e) Guns.
   (f) Small arms.
   (g) Signalling devices.
   (h) Precision instruments.
   (i) Munitions.
   (j) Electrical equipment.
   (k) Machine tools.
   (l) Vehicles for common carriers and related transportation facilities.
4. Splicing cotton jacketed cellulose gaskets for sealing drums and paint pails.
5. Production and shipping of photographic and motion picture film and X-ray film.
6. Sealing containers used to maintain sterility or vacuum in the manufacture of medicine and drugs; industrial and wholesale packaging of drugs and chemicals.

Name_____

By_____

Address_____

City_____

Date_____

The foregoing certification requirement does not apply to Government orders.

Certification in substantially the above form constitutes the approved form of certification required for deliveries of pressure sensitive tape.

The foregoing certification shall not be required for deliveries of pressure sensitive tape to a person who has already filed the certification with his supplier.

Certification of the purchaser may be relied upon by the seller unless the seller knows or has reason to believe that the certification is false.

(b) *Inflatable or pneumatic mattresses, cushions and pillows.* Rubber Order R–1 as amended does not permit the consumption of rubber or synthetic rubber in the manufacture of inflatable or pneumatic mattresses, cushions or pillows, to fill civilian orders.

In addition, the consumption of rubber or synthetic rubber in the manufacture of the foregoing products to fill Government orders is hereby prohibited except upon special authorization in writing by the War Production Board. (This supersedes SA–142.)

(c) *Shoe cements.* Notwithstanding the provisions of any quota directive 4–A or 4–B, no crude rubber or natural latex shall be consumed in the manufacture of shoe cements after December 31, 1943 without special authorization.

In order to receive adjustments of quota directives for this purpose, manufacturers should address a letter to the Manager of Allocations, Office of Rubber Director, Washington 25, D. C.

In this connection, it should be noted that Rubber Order R–1 as amended permits shoe cements containing crude rubber or natural latex only for shoe repairing.

(d) *Shoe cement inventories in hands of shoe manufacturers on January 1, 1944.* Shoe manufacturers who hold inventories of shoe cements which contain crude rubber or natural latex on January 1, 1944 are hereby authorized to use the same for the following permitted shoe manufacturing operations until April 1, 1944:

(1) Cutting and fitting room operations limited to: Folding uppers including French cord binding.

(2) Lasting room operations limited to: Bed, side and semi-automatic toe lasting; stitchdown construction lasting linings to insoles and uppers to midsoles or outsoles.

(3) Bottoming or making room operations limited to: Sole laying as follows—cementing bottoms and outsoles or butsole midsole combinations prior to permanent attachment; prewelt bottom assembly and permanent attachment of platforms and outsoles; McKay outsole channels.

(4) Stock fitting room operations limited to: Cementing welt insole ribs and lips; coating and attaching gem duck to welt innersoles.

(5) Special operations limited to: Joining leather welting.

Shoe manufacturers are hereby granted permission to purchase and sell such cements for use in the foregoing operations prior to April 1, 1944.

Inventories of shoe cements containing crude rubber or natural latex which remain in the hands of any shoe manufacturer on April 1, 1944 shall be reported to the Office of Rubber Director, War Production Board, by letter indicating the amounts of cement by type of operation.

(e) *Cements containing Neoprene for wood heels.* After February 1, 1944, no person shall deliver or accept delivery of cement containing Neoprene if he knows or has reason to believe that it will be used for covering wood heels. After February 15, 1944, no person shall use any cement containing Neoprene for the covering of wood heels except to fill Government orders.

(f) *Cements for non-leather shoes.* Cements containing general purpose synthetics may be used in the manufacture of shoes made from materials other than leather except that cements containing Neoprene shall be used only in the shoe manufacturing operations for which Neoprene is permitted in the manufacture of leather shoes by Amendment No. 1 to Rubber Order R–1 as amended.

NOTE: Paragraphs (g) and (h), formerly (f) and (g), redesignated Feb. 15, 1944.

(g) *Definition of light colored carcass scrap.* Rubber Order R–1 as amended refers to No. 1 and No. 2 light colored carcass. For the purposes of the order, No. 1 light colored carcass means all-white zinc carcass, and No. 2 light colored carcass means and includes light colored types such as white, pink, light grey, pure gum and light brown carcass.

(h) *Neoprene quota restrictions.* No person shall consume General Purpose Synthetic Neoprene types GR–M, GN or Latex without a quota assigned by quota directive or other authorization specifying the amounts which he may consume, and no person shall exceed the quantities which he is specifically authorized to consume in any designated period.

(i) *Temporary loans of general purpose synthetics.* A manufacturer may make a short term "loan" of general purpose synthetics to another manufacturer for permitted uses under Rubber Order R–1 as amended. A loan must not be made unless the person lending the material is reasonably certain that an equivalent amount of the material will be returned to him when he needs it. Full records of the loan transactions must be kept by both persons lending and persons borrowing, and the transactions must be reported as shipments or receipts on Form WPB–3410 for the calendar month in which the transactions occur. Each transaction shall be identified separately on the form under "remarks". Deliveries of material under this paragraph may be made without special authorization.

(j) *Elastic webbing.* Rubber Order R–1 includes the item, "elastic webbing not exceeding 4" in width" in Code 22, Schedule A. This item refers to combined knitted fabric cut to widths not exceeding 4".

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 15th day of February 1944.

RUBBER DIRECTOR,
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2212; Filed, February 15, 1944; 11:23 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 88]

FUEL OIL, GASOLINE, LIQUEFIED PETROLEUM GAS, NAPHTHAS AND SOLVENTS

Revised Price Schedule No. 88 is redesignated Maximum Price Regulation No. 88 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1340.151 *Maximum prices for fuel oil, gasoline, liquefied petroleum gas, naphthas and solvents.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, Maximum Price Regulation No. 88 (Fuel Oil, Gasoline, Liquefied Petroleum Gas, Naphthas and Solvents), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1340.151 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328; 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 88—FUEL OIL, FUELS, GASOLINE, LIQUEFIED PETROLEUM GAS, NAPHTHAS AND SOLVENTS

ARTICLE I—GENERAL PROVISIONS AND SCOPE OF REGULATION

Sec.
1.1 To what products this regulation is applicable.
1.2 To what transactions, persons and areas this regulation is applicable.
1.3 Products and transactions exempted from the General Maximum Price Regulation.
1.4 Sales for export.
1.5 Imports.
1.6 Sales to United States and other governments under secret contract excepted.
1.7 Transfers of business or stock in trade.
1.8 Adjustable pricing.
1.9 Applications for adjustment and petitions for amendment.
1.10 Taxes.
1.11 Shifts which must be reported.
1.12 Records and price filing requirements.
1.13 Compliance with this regulation required.
1.14 Definitions.
1.15 How to ascertain a particular maximum price under this regulation.

ARTICLE II—SPECIFIC MAXIMUM PRICES OF FUEL OIL, FUELS AND LIQUEFIED PETROLEUM GAS FOR AREAS WITHIN SINGLE STATES OR TERRITORIES OR THE DISTRICT OF COLUMBIA

Special section 1—Permissible increases for certain marketers.
Special section 2—Permissible brokerage charges to buyers.

Sec.
2.1 Alabama.
2.2 Arizona.
2.3 Arkansas.
2.4 California.
2.5 Colorado.
2.6 Connecticut.
2.7 Delaware.
2.8 Florida.
2.9 Georgia.
2.10 Idaho.
2.11 Illinois.
2.12 Indiana.
2.13 Iowa.
2.14 Kansas.
2.15 Kentucky.
2.16 Louisiana.
2.17 Maine.
2.18 Maryland.
2.19 Massachusetts.
2.20 Michigan.
2.21 Minnesota.
2.22 Mississippi.
2.23 Missouri.
2.24 Montana.
2.25 Nebraska.
2.26 Nevada.
2.27 New Hampshire.
2.28 New Jersey.
2.29 New Mexico.
2.30 New York.
2.31 North Carolina.
2.32 North Dakota.
2.33 Ohio.
2.34 Oklahoma.
2.35 Oregon.
2.36 Pennsylvania.
2.37 Rhode Island.
2.38 South Carolina.
2.39 South Dakota.
2.40 Tennessee.
2.41 Texas.
2.42 Utah.
2.43 Vermont.
2.44 Virginia.
2.45 Washington.
2.46 West Virginia.
2.47 Wisconsin.
2.48 Wyoming.
2.49 Hawaii.
2.50 Puerto Rico.
2.51 Alaska.
2.52 District of Columbia.

ARTICLE III—MAXIMUM PRICES FOR HEAVY FUEL OIL FOR AREAS NOT LIMITED TO A SINGLE STATE OR TERRITORY

Special section 1—Permissible increases for certain marketers.
Special section 2—Permissible brokerage charges to buyers.

Sec.
3.1 Maximum prices of residual fuel oils and blends thereof with distillate fuel oils, of certain API gravities indicated below and otherwise meeting current commercial standard specifications for fuel oils, except all Diesel fuel oils.

ARTICLE IV—SPECIFIC MAXIMUM PRICES FOR GASOLINE FOR AREAS WITHIN SINGLE STATES OR TERRITORIES OR THE DISTRICT OF COLUMBIA

Special section 1—Permissible increases for certain marketers.

*Copies may be obtained from the Office of Price Administration.

Special section 2—Permissible brokerage charges to buyers.

Sec.

4.1 Alabama.
4.2 Arizona.
4.3 Arkansas.
4.4 California.
4.5 Colorado.
4.6 Connecticut.
4.7 Delaware.
4.8 Florida.
4.9 Georgia.
4.10 Idaho.
4.11 Illinois.
4.12 Indiana.
4.13 Iowa.
4.14 Kansas.
4.15 Kentucky.
4.16 Louisiana.
4.17 Maine.
4.18 Maryland.
4.19 Massachusetts.
4.20 Michigan.
4.21 Minnesota.
4.22 Mississippi.
4.23 Missouri.
4.24 Montana.
4.25 Nebraska.
4.26 Nevada.
4.27 New Hampshire.
4.28 New Jersey.
4.29 New Mexico.
4.30 New York.
4.31 North Carolina.
4.32 North Dakota.
4.33 Ohio.
4.34 Oklahoma.
4.35 Oregon.
4.36 Pennsylvania.
4.37 Rhode Island.
4.38 South Carolina.
4.39 South Dakota.
4.40 Tennessee.
4.41 Texas.
4.42 Utah.
4.43 Vermont.
4.44 Virginia.
4.45 Washington.
4.46 West Virginia.
4.47 Wisconsin.
4.48 Wyoming.
4.49 Hawaii.
4.50 Puerto Rico.
4.51 Alaska.
4.52 District of Columbia.

ARTICLE V—FORMULAS FOR ASCERTAINING MAXIMUM PRICES

5.1 Published prices.
5.2 In accordance with price charged on specified sales in a base period.
5.3 In acordance with maximum prices of other sellers at the same point.

ARTICLE VI—INCREASES OR REDUCTIONS TO MAXIMUM PRICES DETERMINED UNDER ARTICLE V

6.1 On any product covered by this regulation.
6.2 On sales of fuel oil, generally.
6.3 On sales of distillate and distillate type fuel oils.
6.4 On sales of residual or residual type fuel oils.
6.5 On sales of gasoline.
6.6 On sales of liquefied petroleum gas.
6.7 On sales of naphthas and solvents.

ARTICLE VII—MAXIMUM TANK WAGON PRICES DETERMINED IN ACCORDANCE WITH REFERENCE SELLER'S PRICES

7.1 Notice by tank wagon sellers.
7.2 Designated reference sellers.
7.3 Consumers tank wagon prices.
7.4 In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.—Products for which use of reference seller's maximum prices are required.
7.5 In States other than those covered by section 7.4—Use of reference seller's maximum prices optional.

ARTICLE VIII—MAXIMUM PRICES TO BE ESTABLISHED UPON APPLICATION

Sec.

8.1 Continuing effectiveness of certain maximum prices heretofore approved under § 1340.159 (b) (7) or (b) (16) of Revised Price Schedule No. 88.
8.2 For waste or re-refined lubricating oil sold for use as fuel oil.
8.3 For all other products covered by this regulation.

ARTICLE I—GENERAL PROVISIONS AND SCOPE OF REGULATIONS

SECTION 1.1 *To what products this regulation is applicable.* The provisions of this regulation cover the following products:

Tractor distillates and similar distillate type motor fuels other than gasoline.
Distillate burning, heating or fuel oils, including kerosene, range and stove oils.
Diesel fuels.
All grades of gasoline, including natural gasoline and blending naphthas, except 80 Octane ASTM All-Purpose gasoline when sold to the United States Government or any agency thereof and aviation gasoline of 87 Octane rating or higher.
Special hydro-carbon fractions when sold for use in the manufacture of gasoline and the components thereof, except those fractions when sold for use in the manufacture of either aviation gasoline of 87 Octane rating or higher or its components.
Liquefied petroleum gas except when sold for use in the manufacture of synthetic rubber and aviation gasoline.
Industrial naphthas and solvents derived from petroleum.

SEC. 1.2 *To what transactions, persons and areas this regulation is applicable.* (a) This regulation covers all types of sales and deliveries either by refiners, blenders, resellers or any other person with the following exceptions:

(1) Retail sales at retail establishments.

(2) Exchanges of petroleum products between refiners unless a provision is written or a price established solely for this type of transaction.

(3) Sales between original suppliers pursuant to assignments or reassignments under Petroleum Directive No. 59 of the Petroleum Administration for War unless a provision is written or a price established solely for this type of transaction.

(4) Sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated corporations as are especially excepted by order in writing of the Price Administrator or his duly authorized representative.

(5) Sales by the Defense Supplies Corporation at pipe line termini.

(b) This regulation applies in the forty-eight states of the United States, District of Columbia and the territories and possessions of the United States except in the Panama Canal Zone where the provisions of Supplementary Order No. 8 apply.

SEC. 1.3 *Products and transactions exempted from the General Maximum Price Regulation.* Any products or transactions stated in sections 1.1 or 1.2 to be excepted from the coverage of the provisions of this Regulation are also exempt from the provisions of the General Maximum Price Regulation.

SEC. 1.4 *Sales for export.* The maximum price at which a person may export any commodity covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation including amendments issued or hereafter issued by the Office of Price Administration.

SEC. 1.5 *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the Maximum Import Regulation.

SEC. 1.6 *Sales to United States and other governments under secret contract excepted.* This regulation shall not apply to sales or deliveries of any product made under a contract or subcontract that is officially classified as "Secret" and certified as such to the Office of Price Administration by the United States or any agency thereof, or by the Government or any agency thereof of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States". Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying Government agency shall notify the contractor or subcontractor and the Office of Price Administration whenever such contract or subcontract ceases to be secret; upon receipt of such notification this exception shall not apply.

SEC. 1.7 *Transfers of business or stock in trade.* This section covers cases where the business effects or stock in trade of any seller or any person are sold, leased or otherwise transferred after October 15, 1941, and the transferee carries on the business or contracts to deal in the same commodity in an establishment separated from any other establishment previously owned or operated by the transferee. In such cases the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place. His obligation to keep records and make reports shall be the same as those of the transferor. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation and those of the General Maximum Price Regulation where the latter were applicable.

SEC. 1.8 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. Where a petition for adjustment or amendment is pending the buyer and seller may agree that prices for deliveries made during the pendency of the petition shall be determined in accordance with the disposition of the petition. Such change in prices will be allowed if the deliveries are necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 1.9 *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* Any person who has entered into or proposes to enter into a "Government contract" as defined by Revised Supplementary Order No. 8 who believes that a maximum price contained in this regulation impedes or threatens to impede production, manufacture or distribution of a commodity essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6 and under the terms of Revised Supplementary Order No. 9.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(d) *Local shortages.* The Office of Price Administration, or any duly authorized representative thereof, may adjust by order any maximum price established under this regulation for any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such petroleum product; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

NOTE: Applications for adjustment shall be filed in Washington, D. C. in accordance with Revised Procedural Regulation No. 1.

(4) Any maximum price or prices established pursuant to an order issued under the provisions of § 1340.156 (d) of Revised Price Schedule 88 shall continue in full force and effect subject to revocation or amendment upon written notice from the Office of Price Administration.

SEC. 1.10 *Taxes.* Any tax increase or new tax hereafter imposed upon or incident to the sale, delivery, processing or use of any petroleum product covered by this regulation may be collected by a seller in addition to the maximum prices established under this regulation.

NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."

SEC. 1.11 *Shifts which must be reported.* A seller who on the last sale prior to January 15, 1944 sold a particular petroleum product to a purchaser who is a reseller on a delivered price basis at a given point and thereafter sells such a reseller on an f. o. b. shipping point price basis shall report such fact to the regional office of the Office of Price Administration serving the point of destination for such shipment within ten days after either the effective date of this regulation or the date such sale is made, if but only if, the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the reseller above the seller's maximum delivered price to such reseller.

SEC. 1.12 *Records and price filing requirements.* Every person selling petroleum products subject to this regulation shall for a period of two years keep and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such petroleum products and in addition, records showing the basis upon which he determined maximum prices for such petroleum products.

SEC. 1.13 *Compliance with this regulation required.* (a) On and after the effective date of this regulation regardless of any contract, obligation or understanding, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any petroleum products covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things. Prices lower than the maximum prices may, of course, be charged and paid.

(b) *Evasion.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods in connection with a sale, delivery or transfer of petroleum products alone or in conjunction with any other materials or by way of any commission, service, transportation, loading, tank car rental or other charge or discount, premium or privilege or by tying agreement or other trade understanding or by a change in the quality of a product or otherwise.

(c) *Penalties for non-compliance*—(1) *In general.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942 as amended.

War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom such products have been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 1.14 *Definitions.* (a) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, the legal successors thereto and representatives thereof and includes any government, its political subdivisions and agencies.

(b) "Product of the same grade." For a product of a particular seller to be regarded as of the same grade as the product of another seller it must customarily have been so regarded in trade practice at the point of sale and it must be a product that has customarily been sold in competition with the product of such other seller.

(c) "Contract" means an agreement, the existence of which is established by written evidence.

(d) As determined or established under any provision of this regulation, a maximum price of a product in bulk lots f. o. b. a refinery or a shipping point means a price that a seller may charge for the product loaded into transportation facilities except when the product has been placed in packages or containers for shipment.

(e) "Tank wagon price" means the price at which a petroleum product is sold and delivered by tank wagon to the ultimate consumer of the particular product or to a person who resells the product at a retail establishment.

(f) "Tank wagon area" as used in this regulation means the reference seller's tank wagon area served from any given point (see Article VII for designated reference sellers).

(g) "Retail establishment" means a store, shop, garage, service station, or other place of business in which a petroleum product covered by this regulation is sold at retail other than by delivery in tank wagon or larger lots.

(h) "Reseller" as used in any paragraph of Article II of this regulation means a reseller at a retail establishment.

(j) "Marketing" and "eligible marketer".

(1) "Marketing", as the term is used in this regulation, means the business of buying petroleum products and reselling the same to any person other than a domestic consumer.

(2) An "eligible marketer" is a marketer who within the 60 day period preceding January 15, 1944, was engaged in the business of marketing petroleum products covered by this regulation and was maintaining an office therefor. Refiners, bulk plant or terminal operators or any corporation in whole or part owning or owned by one of the foregoing shall not be regarded as eligible marketers.

(k) "Broker", "eligible broker" and "brokerage commission".

(1) A "broker" is an agent who performs services for a buyer or a seller in connection with the sale of petroleum products and who does not take title to the product or products involved in the sale.

(2) An "eligible broker" is a broker who within the 60 day period preceding January 15, 1944, was engaged in the business of a broker in petroleum products covered by this regulation and was maintaining an office therefor. Refiners, bulk plant or terminal operators or any corporation in whole or part owning or owned by one of the foregoing shall not be regarded as eligible brokers.

(3) "Brokerage commission" is money paid or agreed to be paid to one or more brokers by a buyer or seller for the services of such broker or brokers in bringing about a sale of petroleum products.

(m) "Original supplier" means a person as so defined by the Petroleum Administrator for War in Petroleum Directive No. 59.

(n) Schedule "D" area of Zone 6 of Petroleum Administration for War District 1 covers an area described as follows:

(1) The entire State of West Virginia with the exception of the Counties of: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph and Tucker.

(2) The following counties in the State of Pennsylvania: Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Jefferson, Lawrence, McKean, Mercer, Potter, Tioga, Venango, Warren, Washington and Westmoreland.

(3) The following counties in the State of New York: Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Steuben.

(p) "PAW" means Petroleum Administration for War.

(q) "P. W. distillate" means prime white distillate.

SEC. 1.15 *How to ascertain a particular maximum price under this regulation*—(a) *Prices of fuel oil and fuels (except waste lubricating oil or re-refined lubricating oil prices).* After you have read Article I containing various general provisions, check Article II and ascertain whether there is a specific maximum price at the shipping or delivery point involved in your sale; if not, and if you are selling a fuel oil of the types mentioned in Article III, your maximum price will be established or determined under one of the tables therein and the provisions of the Article. If neither Article II nor III applies, it may be that your maximum price can be determined from one of the formulas set forth in Article V.

If it can be, then you should also examine Article VI carefully to ascertain whether there are any additions which may be made or any reductions which must be made to the formula price. Note that more than one addition to the maximum price determined under Article V may be provided by Article VI. If you are concerned with a maximum tank wagon price, Article VII should then be examined. It deals with provisions for determining a maximum tank wagon price at the point of sale in accordance with the maximum tank wagon price of the state's reference seller at the same point. Note two things: First, if you have not been able to ascertain your maximum price under any preceding Article of the regulation, you may adopt the reference seller's price providing he has one at that particular point, and second, even if your price has been determined under Article V you may nevertheless at some points adopt the reference seller's price instead if it is higher than your own, though at other points you are required to take the reference seller's price even if it is lower than yours.

If you have not been able to ascertain a maximum price under the aforementioned Articles, you should then apply to the Office of Price Administration for a maximum price pursuant to the provisions of Article VIII.

(b) *Prices of waste lubricating oil or re-refined lubricating oil sold for use as fuel oil.* Read Article I for the various general provisions of the regulation, then turn to Article VIII which provides that maximum prices for either waste lubricating oil or re-refined lubricating oil must be established by application to the Office of Price Administration. There is no other method for establishing a maximum price for such products.

(c) *Liquefied petroleum gas prices.* After you have read Article I containing general provisions, check Article II and ascertain whether there is a specific maximum price at the shipping or delivery point involved in your sale. If Article II does not apply, it may be that your maximum price can be determined from the formulas set forth in Article V.

If it can be, then you should also examine Article VI carefully to ascertain whether there are any additions which may be made or reductions which must be made to the formula price.

If you have not been able to ascertain maximum prices under the aforementioned articles, you should then apply to the Office of Price Administration for a maximum price pursuant to the provisions of Article VIII.

(d) *Gasoline prices.* After you have read Article I containing various general provisions, check Article IV and ascertain whether there is a specific maximum price at the shipping or delivery point involved in your sale. If not, it may be that your maximum price can be determined from the formulas set forth in Article V.

If it can be, then you should also examine Article VI carefully to ascertain whether there are any additions which may be made or any reductions which must be made to the formula price. Note that more than one addition to a maximum price determined under Article V may be provided by Article VI. If you are concerned with a maximum tank wagon price, Article VII should then be examined. It deals with provisions for determining a maximum tank wagon price at the point of sale in accordance with the maximum tank wagon price of the state's reference seller at the same point. Note two things: First, if you have not been able to ascertain your maximum price under any preceding article of the regulation, you may adopt the reference seller's price providing he has one at that particular point, and second, even if your price has been determined under Article V you may nevertheless at some points adopt the reference seller's price instead if it is higher than your own, though at other points you are required to take the reference seller's price even if it is lower than yours.

If you have not been able to ascertain a maximum price under the aforementioned articles, you should then apply to the Office of Price Administration for a maximum price pursuant to the provisions of Article VIII.

(e) *Naphtha and solvent prices.* After you have read Article I containing various general provisions, turn to Article V. It may be that your maximum price can be determined from the formulas set forth in such article. If it can be, then you should also examine Article VI carefully to ascertain whether there are any additions which may be made or any reductions which must be made to the formula price. Note that more than one addition to a maximum price determined under Article V may be provided by Article VI.

If you are not able to ascertain a maximum price under Article V, you must apply to the Office of Price Administration for a maximum price pursuant to the provisions of Article VIII.

ARTICLE II—SPECIFIC MAXIMUM PRICES OF FUEL OIL, FUELS AND LIQUEFIED PETROLEUM GAS FOR AREAS WITHIN SINGLE STATES OR TERRITORIES OR THE DISTRICT OF COLUMBIA

(Prices stated in Article II are exclusive of taxes)

Special section 1—Permissible increases for certain marketers—(a) *On certain f. o. b. refinery shipments.* On f. o. b. refinery shipments to ultimate destinations other than in Petroleum Administration for War District I, when made by an eligible marketer, as defined in section 1.14 (j) of this regulation, the sum of ⅛ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article II; or

(b) *On sales to governmental agencies pursuant to public bidding.* If bids are taken by a governmental agency on an f. o. b. shipping point price basis then, on such a bid, if the bidder is an eligible marketer, as defined in section 1.14 (j), the sum of ¼ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article II, *Provided*, That the laid-down cost to such governmental agency does not exceed the sum of the maximum f. o. b. price of each person participating in the particular bidding as determined or established under any other section of this regulation for the shipping point from which each bidder proposes to make shipment plus the actual cost of transportation that would be incurred from such point to destination by such person.

Special section 2—Permissible brokerage charges to buyers. The terms "broker," "eligible broker" and "brokerage commission" are defined in section 1.14 (k) of this regulation. Except as herein provided, a buyer may not be charged brokerage commission which will increase the buyer's cost on an f. o. b. refinery shipment to more than the applicable f. o. b. refinery price established below in this Article II. On f. o. b. refinery shipments found or negotiated by an eligible broker or eligible brokers a buyer may, however, be charged such brokerage commission which, added to the applicable maximum f. o. b. refinery price established below in this Article II, will not increase the buyer's cost f. o. b. the particular refinery to more than ⅛ of a cent per gallon above the said maximum f. o. b. refinery price.

SEC. 2.1 *Alabama*—(a) *Mobile.* The maximum price for distillate Diesel oil of 28° A. P. I. gravity and above, ship's bunkers (ex lighterage) and f. o. b. refineries and terminals in bulk lots, shall be 4.625¢ per gallon.

(b) *Port Birmingham and Lynn Park.* The maximum price of kerosene, of 41 A. P. I. gravity and above, f. o. b. terminals at either Port Birmingham or Lynn Park when loaded into tank cars or motor transports, shall be 5.375 cents per gallon.

(c) *Birmingham.* The maximum price of kerosene, of 41 A. P. I. gravity and above, f. o. b. terminals and bulk plants at Birmingham, when loaded into tank cars or motor transports, shall be 5.625 cents per gallon.

SEC. 2.2 *Arizona.*

SEC. 2.3 *Arkansas*—(a) *El Dorado area.* In the El Dorado area, comprising the Counties of Miller, Hempstead, Lafayette, Nevada, Columbia, Ouachita, Calhoun and Union, maximum prices of the products listed below f. o. b. refineries[1] and loaded into tank cars, motor transports and pipe lines[2] for shipment to the destinations indicated below[3] shall be as follows:

Products	For shipment to ultimate destinations		
	Column 1	Column 2	Column 3
	Ariz., Ark., Colo., La., N. Mex., Okla., and Texas	I-A-W District One	Other States
	Cents per gallon	*Cents per gallon*	*Cents per gallon*
Kerosene, distillate fuel oils and gas oils:			
42-44 API Grav. W. W. kerosene	4.50	4.125	4.375
41-43 API Grav. W. W. kerosene	4.375	4.125	4.25
Range or stove oil	4.00	3.875	3.875
No. 1 prime white distillate (fuel oil)	3.875	3.875	3.75
No. 1 straw fuel oil	3.75	3.75	3.625
No. 2 fuel oil	3.625	3.625	3.50
No. 3 fuel oil	3.50	3.50	3.375
Gas oil, zero cold test (32-36 gr.)	3.375	3.375	3.25
Gas oil, ordinary	3.00	3.00	2.875
Diesel fuels (distillate):[1]			
58 Diesel index and above	4.25	4.25	4.125
53-57 Diesel index	4.125	4.125	4.00
52 Diesel index and below	4.00	4.00	3.875

[1] These prices apply only to fuels sold for use in Diesel engines.

(b) *Fort Smith tank wagon area.* The maximum tank wagon price for kerosene shall be 8¢ per gallon.

(c) *Texarkana tank wagon area.* The maximum tank wagon price for kerosene shall be 7¢ per gallon.

SEC. 2.4 *California*—(a) *State of California.* Maximum prices f. o. b. refineries and tanker terminals for residual fuel oil having a viscosity of not less than 18 and not more than 60 seconds Saybolt Furol (122° F.) and otherwise meeting the specifications of Pacific Standard No. 300 fuel oil and residual fuel oil having a viscosity of not less than 60 seconds Saybolt Furol (122° F.) and meeting all other specifications of Pacific Standard No. 400 fuel oil when sold to consumers or refiners in bulk lots for delivery into barges, tank steamers, ship's bunkers, tank car, motor transport and pipe line shall be as follows:

Area	P. S. No. 300 fuel oil	P. S. No. 400 fuel oil	Navy grade special
Fresno County	$1.20	$1.10	$1.265
Kings County	1.20	1.10	1.265
San Luis Obispo County[1]	1.20	1.10	1.265
Tulare County	1.20	1.10	1.265
Santa Barbara County	1.20	1.10	1.265
Kern County	1.20	1.10	1.265
Ventura County	1.20	1.10	1.265
Los Angeles County	1.20	1.10	1.265
Orange County	1.20	1.10	1.265
Riverside County	1.20	1.10	1.265
San Bernardino County	1.20	1.10	1.265
San Francisco Bay Area	1.25	1.15	1.315

[1] Maximum f. o. b. refinery and tanker terminal prices at Port San Luis shall be the maximum prices established hereunder at the San Francisco Bay area.

SEC. 2.5 *Colorado.*

SEC. 2.6 *Connecticut*—(a) *Bridgeport, Connecticut area.* In the Bridgeport area comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots loaded into tank cars or motor transports	7.5
Loaded into buyer's tank wagons	7.8
Loaded into containers, in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.3
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.8

(b) *New Haven, Connecticut area.* In the New Haven area comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, maximum prices shall be as follows:

	Cents per gallon
(1) For kerosene, No. 1 fuel oil and range oil:	
F. o. b. terminals in bulk lots loaded into tank cars or motor transports	7.5
Loaded into buyer's tank wagons	7.8
Loaded into containers, in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.3
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.8
(2) For No. 2 fuel oil:	
F. o. b. terminals in bulk lots loaded into tank cars, or motor transports	7.1
At tanker and barge terminal operators' yards loaded into buyers' tank wagons	7.3
At inland points, loaded into buyers' tank wagons	7.4
Tank wagon deliveries to consumers in quantities of 100 gallons or over	8.9
Tank wagon deliveries to consumers in quantities of less than 100 gallons	9.4

(c) *Hartford, Connecticut area.* In the Hartford area comprising the townships and cities of Bloomfield, East Hartford, East Windsor, Glastonbury, Hartford, Newington, Weathersfield, Windsor, Windsor Locks, West Hartford and South Windsor, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots loaded into tank cars or motor transports	7.7
Loaded into buyers' tank wagons	8.0
Loaded into containers, in quantities of 10 gallons or less	10.5
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.5
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.0

(d) *Danbury, Connecticut area.* In the Danbury area comprising the following townships and cities in the State

[1] Column 2 prices apply to all shipping points within the El Dorado area for shipments to ultimate destinations in Petroleum Administration for War District 1.

[2] Products loaded into pipe lines for ultimate delivery to War Emergency Pipe Lines and pipe lines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bollinger, Stoddard and Mississippi in the State of Missouri.

of Connecticut: Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
Loaded into buyers' tank wagons	8.2
Loaded into containers, in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.3
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.8
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.3

(e) *Waterbury, Connecticut and various nearby points.* (1) In the City of Waterbury and in the following towns and cities in the State of Connecticut: Naugatuck, Middlebury, Woodbury, Watertown, Wolcott, Prospect and Cheshire, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
Loaded into buyers' tank wagons	8.4
Loaded into containers, in quantities of 10 gallons or less	11.6
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.1
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.8
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.3

(2) In the City of Waterbury and in the following towns and cities in the State of Connecticut: Wolcott, Middlebury, Watertown, Plymouth, Thomaston and Bethlehem, maximum prices of Nos. 2 and 3 fuel oils shall be as follows:

	Cents per gallon
Loaded into buyers' tank wagons	7.8
Tank wagon deliveries to consumers in quantities of 100 gallons or over	9.3
Tank wagon deliveries to consumers in quantities of less than 100 gallons	9.8

(f) *Greenwich and Norwalk, Connecticut area.* In the Greenwich and Norwalk area comprising the following towns and cities in the State of Connecticut: Darien, Greenwich, New Canaan, Norwalk, Stamford, Stamford City and Wilton, maximum prices shall be as follows:

(1) For kerosene, No. 1 fuel oil and range oil:

	Cents per gallon
F. o. b. terminals in bulk lots loaded into tank cars or motor transports	7.4
Loaded into buyer's tank wagons except at New Canaan	7.7
Loaded into buyer's tank wagon at New Canaan	8.0
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.3
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.8

(2) For Nos. 2 and 3 fuel oil:

	Cents per gallon
F. o. b. terminals in bulk lots loaded into tank cars or motor transports	7.1
Loaded into buyer's tank wagons	7.3
Tank wagon deliveries to consumers in quantities of 100 gallons or over	9.0
Tank wagon deliveries to consumers in quantities of less than 100 gallons	9.5

SEC. 2.7 *Delaware.*

SEC. 2.8 *Florida*—(a) *Pensacola, Panama City and Port St. Joe.* The maximum price for distillate diesel oil of 28° A. P. I. Gravity and above, ship's bunkers (ex lighterage) and f. o. b. refineries and terminals in bulk lots, shall be 4.75¢ per gallon.

(b) *Jacksonville.* The maximum price of kerosene f. o. b. refineries and terminals loaded into tank cars shall be 7.05¢ per gallon.

SEC. 2.9 *Georgia.*

SEC. 2.10 *Idaho.*

SEC. 2.11 *Illinois*—(a) *Chicago.* The maximum price for fuel oil in bulk lots with a maximum viscosity of 300 Saybolt Universal at 100° F. on sales to commercial and industrial users by blenders, except refiners, f. o. b. terminals in the City of Chicago, shall be 5.1 cents per gallon.

(b) *East St. Louis; range oil.* The maximum tank wagon prices for range oil, stove oil or heater oil for the bulk plant points of East St. Louis, Illinois and the circuit points and rural territories served from such plant or plants shall be as follows:

	Cents per gallon
In quantities of less than 25 gallons	8.9
In quantities of as much as 25 gallons but less than 100 gallons	8.3
In quantities of 100 gallons or over	7.9

(c) *Central Illinois area.* In the Counties of St. Clair, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, and Jasper in the State of Illinois, the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

	Cents per gallon
Kerosene and distillate fuel oils:	
42–44 API Grav. W. W. kerosene	5.875
41–43 API Grav. W. W. kerosene	5.75
Range or stove oil	5.375
No. 1 P. W. distillate (fuel oil)	5.25
No. 1 straw fuel oil	5.125
No. 2 fuel oil	*5.00
No. 3 fuel oil	*4.875

*For Lawrence and Crawford Counties add .125.

(d) *Counties of Lake, Cook, DuPage and Will in the State of Illinois.* In the following counties of the State of Illinois: Lake, Cook, DuPage and Will, the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

	Cents per gallon
Kerosene and distillate fuel oils:	
42–44 API Grav. W. W. kerosene	5.875
41–43 API Grav. W. W. kerosene	6.00
Range or stove oil	5.625
No. 1 P. W. distillate (fuel oil)	5.50
No. 1 straw fuel oil	5.375
No. 2 fuel oil	5.25
No. 3 fuel oil	5.125

(e) *Centralia and Salem.* In the cities of Centralia and Salem maximum prices of kerosene, according to the specifications listed below, in bulk lots f. o. b. refineries for shipment to destinations other than Petroleum Administration for War District One shall be as follows:

Specifications:	Cents per gallon
42–44 API Grav. W. W. kerosene	5.625
41–43 API Grav. W. W. kerosene	5.5

SEC. 2.12 *Indiana*—(a) *Connersville tank wagon area.* The maximum tank wagon price for No. 2 fuel oil shall be 8.1¢ per gallon.

(b) *Counties of Lake, Porter, and La Porte in the State of Indiana.* In the following counties in the State of Indiana: Lake, Porter, and La Porte, the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

	Cents per gallon
Kerosene and distillate fuel oils:	
42–44 API Grav. W. W. kerosene	6.125
41–43 API Grav. W. W. kerosene	6.00
Range or stove oil	5.625
No. 1 P. W. distillate (fuel oil)	5.50
No. 1 straw fuel oil	5.375
No. 2 fuel oil	5.25
No. 3 fuel oil	5.125

(c) *Counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, and Clark.* Maximum prices of the products listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 or the State of Michigan shall be as follows:

	Cents per gallon
Kerosene and distillate fuel oils:	
41 API Grav. and above W. W. kerosene	5.5
No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil	5.375
No. 2 fuel oil	5.25
No. 3 fuel oil	5.125

(d) *Indianapolis area.* In the Indianapolis area comprised of that part of the State of Indiana which is within a radius of 25 miles of the center of Indianapolis, Indiana, maximum prices for the products listed below in bulk lots f. o. b. shipping points in such area for shipment to ultimate destinations in Petroleum Administration for War District 1 or the State of Michigan shall be as follows:

	Cents per gallon
Kerosene and distillate fuel oils:	
42–44 API Grav. W. W. kerosene	5.875
41–43 API Grav. W. W. kerosene	6.00
Range or stove oil	5.625
No. 1 P. W. distillate (fuel oil)	5.50
No. 1 straw fuel oil	5.50
No. 2 fuel oil	5.50
No. 3 fuel oil	5.50

SEC. 2.13 *Iowa.*

SEC. 2.14 *Kansas*—(a) *State of Kansas (except Kansas City area).* In the State of Kansas, except that part of the state which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

Products	Cents per gallon
Kerosene and distillate fuel oils:	
42–44 API Grav. W W. kerosene	4.625
41–43 API Grav. W. W. kerosene	4.50
Range or stove oil	4.125
No. 1 P. W. distillate (fuel oil)	4.00
No. 1 straw fuel oil	3.875
No. 2 fuel oil	3.75
No. 3 fuel oil	3.625

(b) *Kansas City, Missouri area.* In that part of the State of Kansas which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of the products listed below in bulk lots f. o. b. shiping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

Products	Cents per gallon
Kerosene and distillate fuel oils:	
42–44 API Grav. W. W. kerosene	5.125
41–43 API Grav. W. W. kerosene	5.00
Range or stove oil	4.625
No. 1 P. W. distillate (fuel oil)	4.50
No. 1 straw fuel oil	4.375
No. 2 fuel oil	4.25
No. 3 fuel oil	4.125

SEC. 2.15 *Kentucky*—(a) *Counties of Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson, and Oldham.* Maximum prices of the products listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan shall be as follows:

Products	Cents per gallon
Kerosene and distillate fuel oils:	
41 API gravity and above W. W. kerosene	5.5
No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil	5.375
No. 2 fuel oil	5.25
No. 3 fuel oil	5.125

(b) *Counties of Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup, and Boyd.* Maximum prices of the products listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan shall be as follows:

Products	Cents per gallon
Kerosene and distillate fuel oils:	
41 API Grav. and above W. W. kerosene	6.125
No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil	5.625
No. 2 fuel oil	5.50
No. 3 fuel oil	5.50

SEC. 2.16 *Louisiana*—(a) *Louisiana Gulf Coast Ports*[1] *and New Orleans Area*[2] *shipping points*—(1) *Maximum prices in bulk lots f. o. b. refineries and tanker terminals.*

Products	Cents per gallon
Kerosene and Distillate fuel oils:	
Kerosene, water white (41 API gravity and above)	4.125
Range or stove oil [4]	3.875
No. 1 fuel oil [4]	3.875
No. 2 fuel oil	3.75
No. 3 fuel oil	3.75

Products	Cents per gallon
Kerosene and distillate fuel oils:	
41 API gravity and above W. W. kerosene	6.125
No. 1 prime white distillate (fuel oil) range or stove oil and No. 1 fuel oil	*5.625
No. 2 fuel oil	*5.50
No. 3 fuel oil	5.50

*For Boyd County add .125.

SEC. 2.16 *Louisiana*—(a) *Louisiana Gulf Coast Ports*[1] *and New Orleans Area*[2] *shipping points*—(1) *Maximum prices in bulk lots f. o. b. refineries and tanker terminals.*

Products	Cents per gallon
Kerosene and Distillate fuel oils:	
Kerosene, water white (41 API gravity and above)	4.125
Range or stove oil [4]	3.875
No. 1 fuel oil [4]	3.875
No. 2 fuel oil	3.75
No. 3 fuel oil	3.75

Products	Cents per gallon
Diesel fuels (distillate): [6]	
Diesel index 58 and above	4.25
Diesel index 53–57	4.125
Diesel index 52 and below	4.00

(2) *Diesel oil—ship's bunkers.* Maximum prices for residual and distillate diesel oil, ship's bunkers (ex lighterage) shall be:

	Dollars per bbl.
Residual, below 28° API gravity	1.35
Distillate, 28° API gravity and above	1.65

(b) *Shreveport area.* In the Shreveport area, comprising the parishes of Caddo, Bossier, Webster, DeSoto and Red River, maximum prices of the products listed below f. o. b. refineries [1] and loaded into tank cars, motor transports and pipe lines [5] for shipment to the destinations indicated below [6] shall be as follows:

Products	For shipment to ultimate destinations		
	Column 1 Ariz., Ark., Colo., La., N. Mex., Okla., and Texas	Column 2 PAW District 1	Column 3 Other States
	Cents per gallon	Cents per gallon	Cents per gallon
Distillate fuel oils and gas oils:			
42–44 Grav. W. W. kerosene	4.50	4.125	4.375
41–43 Grav. W. W. kerosene	4.375	4.125	4.25
Range or stove oil	4.00	3.875	3.875
No. 1 P. W. distillate (fuel oil)	3.875	3.875	3.75
No. 1 straw fuel oil	3.75	3.75	3.625
No. 2 fuel oil	3.625	3.625	3.50
No. 3 fuel oil	3.50	3.50	3.375
Gas oil, zero cold test (32-36 Gr.)	3.375	3.375	3.25
Gas oil, ordinary	3.00	3.00	2.875
Diesel fuels (distillate): [1]			
58 Diesel index and above	4.25	4.25	4.125
53–57 Diesel index	4.125	4.125	4.00
52 Diesel index and below	4.00	4.00	3.875

[1] These prices apply only to fuels sold for use in diesel engines.

SEC. 2.17 *Maine*—(a) *State of Maine.* The maximum tank wagon prices of Nos. 2 and 3 fuel oil to consumers in the following townships and cities in the State of Maine shall be as follows:

(1) For single lot deliveries of 100 gallons or more:

City or town	Cents per gallon
Abbott	10.0
Academy West	10.5
Acton	9.3
Adamstown	11.2
Addison	10.1
Albany	9.7
Albion	9.9
Alexander	10.2
Alfred	9.0
Allagash Pl	11.5
Alna	9.4
Alton	9.1
Amherst	9.1
Amity	10.8
Andover	10.0
Anson	10.1
Appleton	9.1
Argyle	9.1

[1] When loaded into pipe line (see note 5), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District One, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.

[2] When loaded into barge, pipe line (see note 5), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in PAW District One, seller may charge prices in this Table or his maximum prices under other sections of this Regulation whichever may be higher.

[3] New Orleans Area means Mississippi River ports up to and including Baton Rouge.

[4] If range or stove oil or No. 1 fuel oil conform to all of a particular seller's specifications for water white kerosene of 41 API gravity and above the maximum price for such products shall be 4.125¢ per gallon for such seller.

[5] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District One termini shall be considered destined for Petroleum Administration for War District One.

[6] These prices apply only to fuels sold for use in diesel engines.

[7] Column 2 prices apply to all shipping points within the Shreveport area for shipments to ultimate destinations in Petroleum Administration for War District 1.

[8] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with PAW District 1 termini shall be considered destined for PAW District 1.

[9] Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bollinger, Stoddard and Mississippi in the State of Missouri.

City or town—Continued.	Cents per gallon
Arrowsic	9.4
Ashland	11.5
Askwith	10.5
Athens	10.1
Atkinson	10.0
Attean	11.1
Auburn	9.1
Augusta	9.2
Aurora	9.1
Avon	10.1
Baileyville	10.2
Bald Mountain	10.3
Baldwin	9.7
Bancroft	10.8
Bangor	9.1
Bar Harbor	9.7
Baring	10.2
Barnard Pl	10.0
Batchelders Grant	9.7
Bath	9.4
Beals	10.1
Beddington	10.1
Belfast	9.6
Belgrade	9.2
Belmont	9.6
Benedicta	10.8
Benton	9.9
Berwick	9.2
Bethel	10.0
Biddeford	9.0
Bigelow Pl	10.3
Big Squaw	10.5
Bingham	10.3
Blaine	11.1
Blanchard	10.0
Blue Hill	9.7
Boothbay	9.4
Boothbay Harbor	9.4
Bowdoin	9.4
Bowdoinham	9.4
Bowerbank	10.0
Bowmantown	11.2
Bowtown	10.3
Bradford	9.1
Bradley	9.1
Bremen	9.1
Brewer	9.1
Bridgewater	11.1
Bridgton	9.7
Brighton Pl	10.1
Bristol	9.4
Brooklin	9.7
Brooks	9.6
Brooksville	9.7
Brookton	10.8
Brownfield	9.7
Brownville	10.0
Brunswick	9.4
Buckfield	9.7
Bucksport	9.1
Burlington	10.1
Burnham	9.9
Buxton	9.0
Byron	10.0
Calais	10.2
Cambridge	9.8
Camden	9.1
Canaan	10.1
Canton	10.1
Cape Elizabeth	9.0
Caratunk Pl	10.3
Caribou	11.1
Carmel	9.1
Carroll	10.1
Carrying Pl	10.3
Carthage	10.0
Cary Pl	10.8
Casco	9.0
Castine	9.1
Castle Hill	11.5
Caswell Pl	11.1
Centerville	10.1
Chapman	11.1
Charleston	9.1
Charlotte	10.2
Chase	11.1
Chelsea	9.2
Cherryfield	10.1
Chester	10.1
Chesterville	10.1
China	9.2
Clifton	9.1
Clinton	9.9
Codyville	10.8
Columbia	10.1
Columbia Falls	10.1
Concord Pl	9.0
Connor	10.3
Cooper	11.1
Coplin Pl	10.2
Corinna	11.1
Corinth	9.8
Cornish	9.1
Cornville	9.7
Cox Patent	10.1
Cranberry Isles	11.1
Crawford	9.7
Crockertown	10.2
Crystal	10.3
Cumberland	10.8
Cushing	9.0
Cutler	9.1
Cyr Pl	10.2
Dallas Pl	11.5
Damariscotta	11.1
Danforth	9.4
Davidson	10.8
Davis	10.8
Dayton	11.1
Dead River Pl	9.0
Dablois	10.3
Dedham	10.1
Deer Isle	9.1
Denmark	10.7
Dennistown Pl	9.7
Dennysville	11.1
Detroit	10.2
Devereaux	9.8
Dexter	10.1
Dixfield	9.8
Dixmont	10.0
Dover-Foxcroft	9.1
Dresden	10.0
Drew	9.2
Dudley	10.8
Durham	10.8
Dyer Brook	9.1
Eagle Lake	10.8
Eastbrook	11.5
East Machias	9.7
East Millinocket	10.2
East Moxie	10.5
East Wilton	10.3
Easton	10.1
Eastport	11.1
Eddington	10.2
Edgecomb	9.1
Edinburg	9.4
Edmunds	10.1
Elliot	10.2
Ellsworth	9.2
Embden	10.0
Enfield	9.7
Etna	10.3
Eustis	10.8
Exeter	9.0
Fairfield	9.1
Falmouth	9.9
Farmingdale	9.0
Farmington	9.2
Fayette	10.1
Flagstaff Pl	9.2
Forest	11.1
Forkstown	10.8
Fort Fairfield	10.8
Fort Kent	11.1
Frankfort	11.5
Franklin	9.1
Freedom	9.7
Freeman	9.9
Freeport	10.1
Frenchville	9.0
Friendship	11.5
Fryeburg	9.1
Gardiner	9.7
Garfield Pl	9.2
Garland	11.5
Georgetown	9.1
Gilead	9.4
Glenburn	10.0
Glenwood Pl	9.1
Gorham	10.8
Gouldsborough	9.0
Grafton	10.1
Grand Isle	10.0
Grand Lake Stream Pl	11.5
Gray	10.2
Greenbush	9.0
Greene	9.1
Greenfield	9.1
Greenville	9.1
Greenwood	10.5
Grindstone	9.7
Guilford	10.5
Hallowell	10.0
Hamlin Pl	9.2
Hammond Pl	11.5
Hampden	10.8
Hancock	9.1
Hanover	9.7
Harmony	10.0
Harpwell	9.8
Harrington	9.4
Harrison	10.1
Hartford	9.7
Hartland	9.7
Haynesville	9.8
Hebron	10.8
Hermon	9.7
Hersey	9.1
Hibberts Gore	10.8
Highland Pl	9.1
Hiram	10.3
Hodgdon	9.7
Holden	10.8
Hollis	9.1
Hope	9.0
Hopkins Academy Grant	9.1
Houlton	10.5
Howland	10.8
Hudson	10.1
Indian	9.1
Indian Purchase	10.2
Indian Stream	10.5
Industry	10.3
Island Falls	10.1
Islesford	10.8
Jackman Pl	9.7
Jackson	11.1
Jay	10.1
Jefferson	9.2
Jerusalem	10.3
Jonesboro	10.1
Jonesport	10.1
Kenduskeag	9.1
Kennebunk	9.0
Kennebunkport	9.0
Kingfield	10.3
Kingman	10.1
Kingsbury Pl	10.1
Kittery	9.2
Knox	9.6
Kossuth	10.8
Lagrange	9.1
Lake View Pl	10.0
Lakeville Pl	10.1
Lambert Lake	10.8
Lamoine	9.7
Lang	11.1
Lebanon	9.3
Lee	10.1
Leeds	9.1
Levant	9.1
Lewiston	9.1
Lexington Pl	10.3
Liberty	9.1
Lily Bay	10.5

City or town—Continued.	Cents per gallon
Limerick	9.7
Limestone	11.1
Limington	9.7
Lincoln	10.1
Lincoln Pl	11.2
Lincolnville	9.1
Linneus	10.8
Lisbon	9.1
Litchfield	9.2
Little Squaw	10.5
Littleton	10.8
Livermore	10.1
Livermore Falls	10.1
Long Island	9.0
Long Island Pl	9.7
Long Pond	11.1
Lovell	9.7
Lowell	10.1
Lower Cupsuptic	11.2
Lubec	10.2
Ludlow	10.8
Lyman	9.0
Lynchtown	11.2
Machias	10.2
Machiasport	10.2
Macwahoc Pl	10.1
Madawaska	11.5
Madison	10.1
Madrid	10.1
Magalloway Pl	11.2
Manchester	9.2
Mapleton	11.1
Mariaville	9.7
Marion	10.2
Mars Hill	11.1
Marshfield	10.2
Masardis	11.5
Mason Pl	9.7
Mattawamkeag	10.1
Mayfield Plantation	10.1
Mechanic Falls	9.1
Meddybemps	10.2
Medford	10.0
Medway	10.5
Mercer	10.1
Merrill	10.8
Mexico	10.0
Millbridge	10.1
Milford	9.1
Millinocket	10.5
Milo	10.0
Milton	10.1
Milton Pl	10.0
Minot	9.1
Misery	11.1
Misery Gore	10.5
Molunkus	10.1
Monmouth	9.2
Monroe	9.1
Monson	10.0
Monticello	10.8
Montville	9.6
Moosé River Pl	11.1
Moro Pl	10.8
Morrill	9.6
Moscow	10.3
Mount Abram	10.3
Mount Chase Pl	10.8
Mount Desert	9.7
Mount Vernon	9.2
Moxie Gore	10.3
Naples	9.7
Nashville Pl	11.5
New Canada Pl	11.5
New Gloucester	9.1
New Limerick	10.8
New Portland	10.3
New Sharon	10.1
New Sweden	11.1
New Vineyard	10.1
Newburgh	9.1
Newcastle	9.4
Newfield	9.7
Newport	9.8
Newry	10.0
Nobleborough	9.4
Norridgewock	10.1
North Andover	10.0
North Berwick	9.2
North Haven	11.0
North Kennebunkport	9.0
North Yarmouth (Aroostock County)	10.8
North Yarmouth	9.0
Northfield	10.2
Northport	9.6
Norway	9.7
Oakfield	10.8
Oakland	9.9
Old Orchard	9.0
Old Town	9.1
Orient	10.8
Orland	9.1
Orneville	10.0
Orono	9.1
Orrington	9.1
Osborn Pl	9.7
Otis	9.7
Otisfield	9.7
Owl's Head	9.1
Oxbow Pl	11.5
Oxbow	11.2
Oxford	9.7
Palermo	9.2
Palmyra	9.8
Paris	9.7
Parkertown	11.2
Parkman	10.0
Parlin Pond	11.1
Parmachence	11.2
Parsonsfield	9.7
Passadumkeag	10.1
Patten	10.8
Pembroke	10.2
Penobscot	9.1
Perham	11.1
Perkins	10.0
Perry	10.2
Peru	10.0
Phillips	10.1
Phippsburg	9.4
Pittsfield	9.8
Pittson	9.2
Pleasant Ridge Pl	10.3
Plymouth	9.8
Poland	9.1
Portage Lake	11.5
Porter	9.7
Portland	9.0
Pownal	9.0
Prentiss	10.1
Presque Isle	11.1
Princeton	10.2
Prospect	9.1
Randolph	9.2
Rangeley	11.1
Rangeley Pl	11.1
Raymond	9.0
Readfield	9.2
Redington	10.1
Reed Pl	10.8
Richardsontown	11.2
Richmond	9.2
Riley	10.0
Ripley	9.8
Robbinston	10.2
Rockland	9.1
Rockport	9.1
Rockwood Strip	10.5
Rogue Bluffs	10.2
Rome	9.9
Roxbury	10.0
Rumford	10.0
Saco	9.0
Saint Agatha	11.5
Saint Albans	9.8
Saint Croix	10.8
Saint Francis Pl	11.5
Saint George	9.1
Saint John Pl	11.5
Salem	10.1
Sandwich Acad. Grant	11.1
Sandy Bay	11.1
Sandy River Pl	11.1
Sanford	9.3
Sangerville	10.0
Sapling Township	10.5
Scarboro	9.0
Searsmont	9.6
Searsport	9.6
Sebago	9.7
Sebec	10.0
Sedgwick	9.7
Shapleigh	9.3
Sherman	10.8
Shirley	10.5
Sidney	9.2
Silver Ridge Pl	10.8
Skowhegan	10.1
Smithfield	9.9
Smyrna	10.8
Solon	10.3
Somerville Pl	9.2
Sorrerto	9.7
South Berwick	9.2
South Bristol	9.4
Southport	9.4
South Portland	9.0
South Thomaston	9.1
Southwest Harbor	9.7
Springfield	10.1
Squaretown	10.3
Stacyville Pl	10.8
Standish	9.0
Starks	10.3
Stetson (Penobscot County)	9.1
Stetson (Rangely County)	11.1
Steuben	10.1
Stockholm	11.1
Stockton Springs	9.6
Stoneham	9.7
Stonington	10.7
Stow	9.7
Strong	10.1
Sullivan	9.7
Sumner	9.7
Surry	9.7
Swansville	9.6
Swan's Island	9.7
Sweden	9.7
Talmage	10.2
Temple	10.1
The Forks Pl	10.3
Thomaston	9.1
Thorndike	9.9
Tim Pond	11.1
Topsfield	10.8
Topsham	9.4
Tremont	9.7
Trenton	9.7
Trescott	10.2
Troy	9.9
Turner	9.1
Union	9.1
Unity	9.9
Unity Pl	9.9
Upper Cupsuptic	11.2
Upper Molunkus	10.8
Upton	11.2
Van Buren	11.5
Vanceboro	10.8
Vassalborough	9.2
Veazie	9.1
Verona	9.1
Vienna	9.2
Vinalhaven	11.0
Wade	11.1
Waite	10.2
Waldo	9.6
Waldoboro	9.1
Wales	9.1
Wallagrass Pl	11.5
Waltham	9.7
Warren	9.1
Washburn	11.1
Washington	9.1
Waterboro	9.0
Waterford	9.7
Waterville	9.9

City or town—Continued.	Cents per gallon
Wayne	9.2
Webbertown	10.8
Webster	9.1
Webster Pl	10.1
Weld	10.0
Wellington	9.8
Wells	9.2
Wesley	10.2
West Bath	9.4
Westbrook	9.0
Westfield	11.1
West Andover	10.0
West Forks Pl	11.1
West Gardiner	9.2
Westman Land Pl	11.1
Weston	10.8
Westport	9.4
Whitefield	9.2
Whiting	10.2
Whitneyville	10.2
Williamsburg	10.0
Willimantic	10.0
Windham	9.0
Windsor	9.2
Winn	10.1
Winslow	9.9
Winter Harbor	10.1
Winterport	9.1
Winterville Pl	11.5
Winthrop	9.2
Wiscasset	9.4
Woodland	11.1
Woodstock	9.7
Woolwich	9.4
Yarmouth	9.0
York	9.2
TAR2	10.8
TAR7	10.5
TAR8	10.5
TAR9	10.5
TC	10.0
TCR2	10.8
TD	10.0
TDR2	11.1
TE	10.0
TIR3	10.3
TIR5	10.8
TIR6	11.1
TIR13	10.5
T2R4	10.8
T2R6	11.1
T3R1	10.1
T3R3	10.8
T3R7	10.8
T4R1	11.1
T4R2	11.1
T5R7	10.8
T5R9	10.0
T6	10.0
T6R7	10.8
T6R9	10.0
T7R5	10.8
T7SD	10.1
T8R3	10.8
T8R4	10.8
T8R5	10.8
T8SD	9.7
T9R4	11.5
T9R5	11.5
T9SD	10.1
T10R3	10.8
T10R4	11.5
T10R6	11.5
T10SD	10.1
T11R3	10.8
T11R4	11.5
T13R5	11.5
T15R6	11.5
T16MD	10.1
T16R4	11.1
T16R6	11.5
T16ED	10.2
T16MD	10.1
T19ED	10.2
T19MD	10.1
T22MD	10.1
T24MD	10.1
T25MD	10.1
Plantation 21	10.2
Plantation 14	10.2
E Plantation	10.2
	11.1

(2) For single lot deliveries of less than 100 gallons, the maximum price at each point listed in subparagraph (1) above shall be increased by 0.5 of a cent per gallon.

SEC. 2.18 *Maryland*—(a) *Baltimore.* Within the corporate limits of the City of Baltimore maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots loaded into tank cars or motor transports	7.2
Loaded into buyer's tank wagons	7.45
Tank wagon deliveries to resellers	9.8
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.3
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.3

SEC. 2.19 *Massachusetts*—(a) *Metropolitan Boston area.* In the Metropolitan Boston, Massachusetts area, comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop, and Woburn, maximum prices shall be as follows:

(1) For Kerosene, No. 1 fuel oil and Range Oil:

	Cents per gallon
F. o. b. terminals in bulk lots loaded into barges	6.95
F. o. b. terminals in bulk lots loaded into tank cars or motor transports	7.2
F. o. b. barge and inland terminals, except Shell Oil Company's pipeline terminal in Waltham, Massachusetts, loaded into tank car or motor transport	7.3
F. o. b. Shell's pipeline terminal at Waltham, Massachusetts, except for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland, Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport	7.2
F. o. b. Shell's Pipeline terminal at Waltham, Massachusetts, for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland, Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport	7.4
Loaded into buyer's tank wagons	7.8
Loaded into containers, in quantities of 10 gallons or less	10.8
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.1
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.6
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons	12.3

(2) For Nos. 2, 3 and 4 Distillate Fuel Oil:

	Cents per gallon
F. o. b. refineries and seaboard tanker terminals loaded into barges	6.45
F. o. b. refineries and seaboard tanker terminals loaded into tank car or motor transport	6.7
F. o. b. barge and inland terminals except Shell Oil Company's pipeline terminal in Waltham, Massachusetts loaded into tank car or motor transport	6.8
F. o. b. Shell's pipeline terminal at Waltham, Massachusetts except for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland, Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport	6.7
F. o. b. Shell's pipeline terminal at Waltham, Massachusetts, for sales to jobbers whose bulk plants are located in the following cities and towns: Brookline, Watertown, Waltham, Newton, Wellesley, Weston, Lincoln, Natick, Wayland, Maynard, Sudbury, Framingham, Ashland, Sherborn, Hopkinton and Holliston loaded into tank car or motor transport	6.9
F. o. b. yard at seaboard tanker terminals, barge, and inland terminals, and Shell's pipeline terminal at Waltham, Massachusetts loaded into buyer's tank wagons	7.1
F. o. b. yard at jobber's inland bulk plant loaded into buyers' tank wagons	7.3
Tank wagon deliveries to consumers in quantities of 100 gallons or over except in the towns of Lynn, Swampscott, Saugus and Nahant	9.0
Tank wagon deliveries to consumers in quantities of 100 gallons, or over in the towns of Lynn, Swampscott, Saugus and Nahant	9.1
Tank wagon deliveries to consumers in quantities of less than 100 gallons except in the towns of Lynn, Swampscott, Saugus and Nahant	9.5
Tank wagon deliveries to consumers in quantities of less than 100 gallons in the towns of Lynn, Swampscott, Saugus and Nahant	9.6

SEC. 2.20 *Michigan*—(a) *State of Michigan except Wayne and Monroe Counties.* In the State of Michigan except in Wayne and Monroe Counties the maximum prices of the products listed below in bulk lots f. o. b. shipping points and loaded into transportation facilities shall be as follows:

Products:	Cents per gallon
Kerosene and Distillate fuel oils:	
46-49 API gravity w. w. kerosene	6.0
41-45 API gravity w. w. kerosene	5.75
No. 1 prime white distillate (fuel oil)	5.50
No. 2 fuel oil	5.25
No. 3 fuel oil	5.00
Range or stove oil	(*)

*Range or stove oil shall take the maximum price of the product listed above of the same specifications.

(b) *Wayne County* (1) *On shipments to Petroleum Administration for War District 1.* In Wayne County in the State of Michigan the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

Products:	Cents per gallon
Kerosene and Distillate fuel oil:	
46-49 API gravity w. w. kerosene	6.25
41-45 API gravity w. w. kerosene	6.00
No. 1 prime white distillate (fuel oil)	5.75
Products—Continued.	
Kerosene and Distillate fuel oil—Continued	
No. 2 Fuel Oil	5.50
No. 3 Fuel Oil	5.25
Range or stove oil	(*)

*Range or stove oil shall take the maximum price of the product listed above of the same specifications.

(2) *Maximum prices to peddlers and on tank wagon deliveries.* Maximum prices in Wayne County in the State of Michigan for the petroleum products listed below shall be as follows:

[All prices in cents per gallon]

	Loaded into peddler's tank wagon in any quantity	For tank wagon deliveries to consumers: In any quantity	In quantities of 100 gallons or over	In quantities of less than 100 gallons
Kerosene		10		
Range oil, stove oil, heater oil, prime white distillate and No. 1 fuel oil	6.8		8.2	9.2
No. 2 fuel oil	6.4		7.7	8.7
No. 3 fuel oil	5.9		7.2	8.2

(c) *Monroe County*—(1) *On shipments to Petroleum Administration for War District 1.* In Monroe County in the State of Michigan the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

Products:	Cents per gallon
Kerosene and Distillate fuel oils:	
46-49 API gravity w. w. kerosene	6.25
41-45 API gravity w. w. kerosene	6.00
No. 1 prime white distillate (fuel oil)	5.75
No. 2 fuel oil	5.50
No. 3 fuel oil	5.25
Range or stove oil	(*)

*Range or stove oil shall take the maximum price of the product listed above of the same specifications.

(2) *Maximum tank wagon prices.* Maximum tank wagon prices in Monroe County in the State of Michigan for the petroleum products listed below shall be as follows:

Products:	Cents per gallon
Kerosene	10
Range oil, also known as stove oil or heater oil:	
In quantities of 25 gallons or over	8.2
In quantities of less than 25 gallons	9.2
Prime white distillate and Nos. 1 and 2 fuel oil:	
In quantities of 100 gallons or over	7.7
In quantities of less than 100 gallons	8.7
Products—Continued.	
No. 3 fuel oil:	
In quantities of 100 gallons or over	7.2
In quantities of less than 100 gallons	8.2

(d) *Genesee County.* Maximum tank wagon prices in Genesee County, Michigan, for the petroleum products listed below shall be as follows:

Products:	Cents per gallon
Kerosene	10.
Range oil, also known as stove oil or heater oil:	
In quantities of 25 gallons or over	8.2
In quantities of less than 25 gallons	9.2
Prime white distillate and Nos. 1 and 2 fuel oil:	
In quantities of 100 gallons or over	7.7
In quantities of less than 100 gallons	8.7
No. 3 fuel oil:	
In quantities of 100 gallons or over	7.2
In quantities of less than 100 gallons	8.2

(e) *Counties of Macomb, Washtenaw and Oakland*—(1) *Maximum prices to peddlers and on tank wagon deliveries.* Maximum prices in Macomb, Washtenaw and Oakland Counties in the State of Michigan for the petroleum products listed below shall be as follows:

[All prices in cents per gallon]

	Loaded into peddler's tank wagon in any quantity	For tank wagon deliveries to consumers: In any quantity	In quantities of 100 gallons or over	In quantities of less than 100 gallons
Kerosene		10		
Range oil, stove oil, heater oil, prime white distillate and No. 1 fuel oil	6.8		8.2	9.2
No. 2 fuel oil	6.4		7.7	8.7
No. 3 fuel oil	5.9		7.2	8.2

SEC. 2.21 *Minnesota*—(a) *Minneapolis tank wagon area.* Maximum tank wagon prices for No. 2 fuel oil shall be 9.1¢ per gallon for single lot deliveries of less than 100 gallons and 8.1¢ per gallon for deliveries of 100 gallons and over.

(b) *Minneapolis-St. Paul area.* Maximum prices for No. 2 fuel oil f. o. b. refineries or terminals shall be 6.2¢ per gallon.

(c) *Minneapolis and St. Paul; range oil.* The maximum tank-wagon prices for range oil, stove oil or heater oil for the bulk plant points of Minneapolis and St. Paul, Minnesota, and the circuit points and rural territories served from such plant or plants shall be as follows:

	Cents per gallon
In quantities of less than 100 gallons	9.8
In quantities of as much as 100 gallons but less than 200 gallons	8.8
In quantities of 200 gallons or over	8.3

SEC. 2.22 *Mississippi*—(a) *Alcorn County; liquefied petroleum gas.* The maximum retail price for liquefied petroleum gas sold in the County of Alcorn, Mississippi for heating and cooking purposes shall be 12¢ per gallon.

SEC. 2.23 *Missouri*—(a) *St. Louis; range oil.* The maximum tank wagon prices for range oil, stove oil or heater oil for the bulk plant points of St. Louis, Missouri and the circuit points and rural territories served from such plant or plants shall be as follows:

	Cents per gallon
In quantities of less than 25 gallons	8.9
In quantities of as much as 25 gallons but less than 100 gallons	8.3
In quantities of 100 gallons or over	7.9

(b) *St. Louis area.* Within the City of St. Louis, Missouri and that part of the State of Missouri which is within a radius of 25 miles of St. Louis, Missouri, the maximum prices of the products listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

Products:	Cents per gallon
Kerosene and Distillate Fuel Oils:	
42-44 gravity w. w. kerosene	5.875
41-43 gravity w. w. kerosene	5.75
Range or Stove oil	5.375
No. 1 P. W. distillate (fuel oil)	5.25
No. 1 straw fuel oil	5.125
No. 2 fuel oil	5.00
No. 3 fuel oil	4.875

SEC. 2.24 *Montana.*

SEC. 2.25 *Nebraska.*

SEC. 2.26 *Nevada.*

SEC. 2.27 *New Hampshire*—(a) *State of New Hampshire.* The maximum tank wagon prices of Nos. 2 and 3 fuel oil to consumers in the following townships and cities in the State of New Hampshire shall be as follows:

(1) For single lot deliveries of 100 gallons or more:

	Cents per gallon
Acworth	10.2
Albany	10.4
Alexandria	10.7
Allenstown	10.0
Alstead	10.2

	Cents per gallon
Alton	10.1
Amherst	9.4
Andover	10.0
Antrim	9.9
Ashland	10.7
Atkinson	9.4
Auburn	9.7
Barnstead	10.1
Barrington	9.3
Bartlet	10.4
Bath	10.2
Bedford	9.7
Belmont	10.0
Bennington	9.9
Benton	10.7
Berlin	10.4
Bethlehem	10.9
Boscawen	10.0
Bow	10.0
Bradford	10.0
Brentwood	9.2
Bridgewater	10.7
Bristol	10.7
Brookfield	10.4
Brookline	9.4
Cambridge	11.2
Campton	10.7
Canaan	10.1
Candia	9.7
Canterbury	10.0
Carroll	10.9
Center Harbor	10.7
Charlestown	10.2
Chatham	10.4
Chester	9.7
Chesterfield	10.2
Chichester	10.0
Claremont	10.3
Clarksville	11.2
Colebrook	11.2
Columbia	11.2
Concord	10.0
Conway	10.4
Cornish	10.3
Croydon	10.3
Dalton	11.0
Danbury	10.0
Danville	9.4
Deerfield	9.7
Derry	9.4
Deering	9.9
Dixville	11.2
Dorchester	10.7
Dover	9.3
Dublin	9.8
Dummer	10.4
Dunbarton	9.7
Durham	9.3
East Kingston	9.4
Easton	10.7
Eaton	10.4
Effingham	10.4
Ellsworth	10.7
Enfield	10.1
Epping	9.2
Epsom	10.0
Errol	11.2
Exeter	9.2
Farmington	9.6
Fitzwilliam	9.6
Francestown	9.9
Franconia	10.9
Franklin	10.0
Freedom	10.4
Fremont	9.4
Gilford	10.2
Gilmenton	10.1
Gilsum	10.2
Goffstown	9.7
Gorham	10.4
Goshen	10.3
Grafton	10.1
Grantham	10.3
Greenfield	9.8
Greenland	9.2
Greenville	9.4
Groton	10.7
Hampstead	9.4
Hampton	9.4
Hampton Falls	9.4
Hancock	9.8
Hanover	10.1
Harrisville	9.8
Hart's Location	10.4
Haverhill	10.2
Hebron	10.2
Henniker	10.0
Hill	10.0
Hillsboro	9.9
Hinsdale	10.2
Holderness	10.7
Hollis	9.4
Hooksett	9.7
Hopkinton	10.0
Hudson	9.4
Jackson	10.4
Jaffrey	9.8
Jefferson	11.0
Keene	10.2
Kensington	9.4
Kilkenney	10.4
Kingston	9.4
Laconia	10.2
Lancaster	11.0
Landaff	10.7
Langdon	10.2
Lebanon	10.1
Lee	9.3
Lempster	10.3
Lincoln	10.7
Lisbon	10.9
Litchfield	9.7
Littleton	10.9
Livermore	10.7
Londonderry	9.7
Loudon	10.0
Lyman	10.9
Lyme	10.1
Lyndeboro	9.4
Madbury	9.3
Madison	10.4
Manchester	9.7
Marlboro	10.2
Marlow	10.2
Mason	9.4
Meredith	10.2
Merrimack	9.4
Middleton	9.6
Milan	10.4
Milford	9.4
Millsfield	11.2
Milton	9.6
Monroe	10.9
Mount Vernon	9.4
Moultonboro	10.7
Nashua	9.4
Nelson	10.2
New Boston	9.7
Newcastle	9.2
New Durham	9.6
New Hampton	10.7
New Ipswich	9.4
New London	10.3
Newbury	10.3
Newfields	9.2
Newington	9.2
Newmarket	9.2
Newport	10.3
Newton	9.4
North Hampton	9.2
Northwood	10.1
Northfield	10.0
Northumberland	11.0
Nottingham	9.3
Odell	11.2
Orange	10.1
Orford	10.2
Ossipee	10.4
Pelham	9.4
Pembroke	10.0
Peterboro	9.8
Piermont	10.2
Pinkham	10.4
Pittsburgh	11.2
Pittsfield	10.1
Plainfield	10.1
Plaistow	9.4
Plymouth	10.7
Portsmouth	9.2
Randolph	10.4
Raymond	9.7
Richmond	10.2
Rindge	9.6
Rochester	9.6
Rollinsford	9.3
Roxbury	10.2
Rumney	10.7
Rye	9.2
Salem	9.4
Salisbury	10.0
Sanbornton	10.0
Sandown	9.4
Sandwich	10.7
Seabrook	9.4
Sharon	9.6
Shelburne	10.4
Somersworth	9.3
South Hampton	9.4
Springfield	10.3
Stark	11.0
Stewartstown	11.2
Stoddard	10.2
Strafford	10.1
Stratford	11.2
Stratham	9.2
Success	10.4
Sullivan	10.2
Sunapee	10.3
Surry	10.2
Sutton	10.0
Swanzey	10.2
Tamworth	10.4
Temple	9.8
Thornton	10.7
Tilton	10.0
Troy	10.2
Tuftonboro	10.4
Twin Mt	10.9
Unity	10.3
Wakefield	10.4
Walpole	10.2
Warner	10.0
Warren	10.7
Washington	9.9
Waterville	10.7
Weare	9.7
Webster	10.0
Wentworth	10.7
Wentworth Loc	11.2
Westmoreland	10.2
Whitefield	11.0
Wilmot	10.0
Wilton	9.4
Winchester	10.2
Windham	9.7
Windsor	9.9
Wolfeboro	10.4
Woodstock	10.7

(2) For single lot deliveries of less than 100 gallons, the maximum price at each point listed in subparagraph (1) above shall be increased by .5 of a cent per gallon.

(b) *Conway, New Hampshire area.* In the Conway Area, comprising the following towns and cities in the State of New Hampshire: Albany, Bartlett, Chatham, Conway, Eaton, Hart's Location, Jackson, Madison, and Tamworth, maximum prices shall be as follows:

Products:	Cents per gallon
For kerosene, No. 1 fuel oil and range oil:	
Loaded into buyers' tank wagons	9.2
Tank wagon deliveries to resellers in quantities of 25 gallons or over	11.5
Tank wagon deliveries to consumers	11.5

SEC. 2.28 *New Jersey*—(a) *State of New Jersey.* In the State of New Jersey, at points designated below, maximum prices shall be as follows:

(1) For kerosene, No. 1 fuel oil, range or stove oil:

[All prices in cents per gallon]

	Wholesale f. o. b. prices				Delivered prices		
	F. o. b. terminals in bulk lots loaded into barges	F. o. b. refineries, seaboard tanker terminals and pipeline terminals in bulk lots loaded into tank cars and motor transports in single lots of 3,000 gallons or over	Loaded into buyer's tank wagon in single lots of less than 3,000 gallons		For tank wagon delivery to resellers in any quantity	For tank wagon delivery to consumers in quantities of 25 gallons or over	For tank wagon delivery to consumers in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons
For delivery within:				For delivery within:			
Union County	7.0	7.1	7.6	Union County	10.0	10.5	12.0
Middlesex County	7.0	7.1	7.6	Middlesex County	10.0	10.5	12.0
Excepting town of Dunellen			7.7				
Essex County	7.0	7.1	7.8	Essex County	10.0	10.5	12.0
Excepting storage facilities situated on Doremus Avenue, city of Newark.	7.0	7.1	7.6				
Hudson County	7.0	7.1	7.8	Hudson County	10.0	10.5	12.0
Excepting city of Bayonne	7.0	7.1	7.6				
Bergen County	7.0	7.1	7.9	Bergen County	10.0	10.5	12.0
Excepting:							
Borough of Edgewater	7.0	7.1	7.6				
Borough of North Arlington and township of Lyndhurst.			7.8				
Passaic County			7.9	Passaic County	10.0	10.5	12.0

(2) For Nos. 2, 3 and 4 distillate fuel oil:

[All prices in cents per gallon]

	Wholesale f. o. b. prices				Delivered prices	
	F. o. b. terminals in bulk lots loaded into barges	F. o. b. refineries, seaboard tanker terminals, and pipe-line terminals, in bulk lots loaded into tank cars and motor transports, in single lots of 3,000 gallons or over	Loaded into buyer's tank wagon in single lots of less than 3,000 gallons		For tank wagon deliveries in quantities of 100 gallons or over	For tank wagon deliveries in quantities of less than 100 gallons
For delivery within:				For delivery within:		
Union County	6.6	6.7	7.0	Entire State of New Jersey	9.0	9.5
Middlesex County	6.6	6.7	7.0			
Excepting town of Dunellen			7.4			
Essex County	6.6	6.7	7.1			
Excepting storage facilities situated on Doremus Avenue, city of Newark	6.6	6.7	7.0			
Hudson County	6.6	6.7	7.2			
Excepting city of Bayonne	6.6	6.7	7.0			
Bergen County	6.6	6.7	7.2			
Excepting:						
Borough of Edgewater	6.6	6.7	7.0			
City of Garfield and borough of Wallington			7.3			
Boroughs of East Paterson, Paramus and Ramsey; township of Wyckoff and town of Mahwah			7.5			
Passaic County			7.3			
Excepting city of Paterson and borough of Hawthorne			7.5			

(b) *Philadelphia, Pennsylvania area.* In the Metropolitan Philadelphia Area, comprising that section of the State of New Jersey which is within a radius of seventeen and one-half (17½) miles of the City Hall Building in the City of Philadelphia, Pennsylvania, maximum tank wagon prices of grades Nos. 5 and 6 fuel oil shall be as follows:

Grades:	Cents per gallon
Grade No. 5, excluding residual fuel oils and blends thereof with distillate fuel oils	5.76
Grade No. 6 and residual fuel oils and blends thereof with distillate fuel oils in accordance with the following gravity scale:	
A. P. I. gravity range:	
12.9 and below	4.76
13.0–15.9	5.05
16.0–19.9	5.35
20.0–24.9	5.62
25.0 and above	5.76

SEC. 2.29 *New Mexico*—(a) *Roswell.* The maximum tank wagon price for kerosene shall be 7¢ per gallon.

SEC. 2.30 *New York*—(a) *Metropolitan New York City area.* In the New York City, New York, Metropolitan area, comprising the City of New York and the Counties of Westchester, Nassau and Suffolk, maximum prices shall be as follows:

(1) *For kerosene, No. 1 fuel oil, range or stove oil.*

[All prices in cents per gallon]

WHOLESALE F. O. B. PRICES

	F. o. b. terminals in bulk lots loaded into barge	F. o. b. terminals in bulk lots loaded into tank car	Loaded into buyer's tank wagon in any quantity
For delivery within:			
New York City	7.0	7.2	7.5
excepting:			
Borough of Richmond	7.0	7.1	7.5
Westchester County			7.6
excepting:			
Towns of Peckskill and Verplanck			7.7
Towns of Chappaqua and Katonah			8.3
Nassau County			7.8
excepting:			
Towns of Garden City and New Hyde Park			7.
Towns of Merrick, Massapequa and West Hempstead			8.1
Suffolk County			7.8
excepting:			
Towns of Northport and Port Jefferson			7.9
Towns of Amityville, Babylon, Bay Shore, Lindenhurst and Patchogue			8.0
Towns of Greenport, Montauk, Riverhead, and Sag Harbor			8.1

[All prices in cents per gallon]

DELIVERED PRICES

	For tank wagon deliveries to resellers in any quantity	For tank wagon deliveries to consumers in quantities of 25 gallons or over	For tank wagon deliveries to consumers in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons
For delivery within:			
New York City	9.8	10.3	12.8
Westchester County	9.8	10.3	12.0
excepting:			
Townships of North Salem, Lewisboro, Somers, Yorktown, Bedford and Pound Ridge	10.3	10.8	12.5
Nassau County	10.0	10.5	12.0
Suffolk County [1]	10.6	10.6	12.0
excepting:			
Townships of Riverhead, Southampton, Southhold, and East Hampton	10.7	10.7	12.0
Township of Shelter Island	11.2	11.2	12.5

[1] Suffolk County, insofar as the delivered prices herein are concerned, excludes Fishers, Gardiners, Gull, Plum and Robbins Islands. Maximum prices for these excluded islands continue to be determined under other provisions of Maximum Price Regulation No. 88.

(2) *For Nos. 2, 3, and 4 distillate fuel oil.*

[All prices in cents per gallon]

WHOLESALE F. O. B. PRICES

	F. o. b. terminals in bulk lots loaded into barge	F. o. b. terminals in bulk lots loaded into tank car	Loaded into buyer's tank wagon in any quantity
For delivery within:			
New York City	6.6	6.8	7.1
excepting:			
Borough of Richmond	6.6	6.7	7.1
			7.2
Westchester County			7.3
excepting:			
Town of Mamaroneck			7.8
Towns of Chappaqua and Katonah			7.3
Nassau County			7.5
excepting:			
Towns of Garden City and New Hyde Park			7.7
Towns of Massapequa, Merrick and West Hempstead			7.4
Suffolk County			7.5
excepting:			
Towns of Amityville, Babylon, Bay Shore, Lindenhurst, Northport, Patchogue and Port Jefferson			7.7
Towns of Greenport, Montauk, Riverhead and Sag Harbor			

DELIVERED PRICES

	For tank wagon deliveries in quantities of 100 gallons or over	For tank wagon deliveries in quantities of less than 100 gallons
For delivery within:		
New York City	9.0	9.5
Westchester County	9.0	9.5
Nassau County	9.1	9.6
Suffolk County [1]	9.2	9.7
excepting:	9.3	9.8
Township of Brookhaven		
Townships of Riverhead, Southampton, Southhold, and East Hampton	9.4	9.9
Township of Shelter Island	9.9	10.4

[1] Suffolk County, insofar as the delivered prices herein are concerned, excludes Fishers, Gardiners, Gull, Plum and Robbins Islands. Maximum prices for these excluded islands continue to be determined under other provisions of Maximum Price Regulation No. 88.

(b) *Schenectady area.* In the Schenectady Area comprising the County of Schenectady, New York and the adjoining towns of Ballston Lake, Burnt Hills, Charlton, Elnora, Galway, Rexford and W. Charlton in Saratoga County, New York, the maximum prices for No. 2 fuel oil shall be as follows:

	Cents per gallon
Loaded into buyers' tank wagons	7.2
Tank wagon deliveries to consumers in quantities of 100 gallons and over	9.1
Tank wagon deliveries to consumers in quantities of less than 100 gallons	9.6

(c) *Brewster, Patterson and Pawling.* In the towns of Brewster, Patterson, and Pawling, in the State of New York, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
Loaded into buyers' tank wagons	8.2
Loaded into containers, in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.3
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.8
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.3

SEC. 2.31 *North Carolina.*

SEC. 2.32 *North Dakota.*

SEC. 2.33 *Ohio*—(a) *Counties of Cuyahoga, Lorain, Medina, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning and Columbiana.* Maximum prices of the products listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 or the State of Michigan shall be as follows:

Products:	*Cents per gallon*
Kerosene and Distillate fuel oils:	
41 API gravity and above w. w. kerosene	6.25
No. 1 prime white distillate (fuel oil) Range or Stove oil and No. 1 fuel oil	*6.125
No. 2 fuel oil	*6.00
No. 3 fuel oil	*6.00

*For Stark County deduct .25.

(b) *Counties of Allen, Hancock, Lucas, Putnam, Wood and Licking.* Maximum prices of the products listed below in bulk lots f. o. b. shipping points in the above counties shall be as follows:

(1) *For shipment to ultimate destinations in Petroleum Administration for War District 1 or the State of Michigan:*

Products:	*Cents per gallon*
Kerosene and Distillate fuel oils:	
41 API gravity and above w. w. kerosene	6.25
No. 1 prime white distillate (fuel oil) Range or Stove oil and No. 1 fuel oil	5.75
No. 2 fuel oil	5.50
No. 3 fuel oil	5.50

(2) *For shipment to destinations other than in Petroleum Administration for War District 1 or the State of Michigan.* Maximum prices of No. 1 prime white distillate, range or stove oil and No. 1 fuel oil in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations other than Petroleum Administration for War District 1 or the State of Michigan shall be as those established under subparagraph (1) above or as determined under other sections of this Regulation, whichever may be higher.

(c) *Counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs.* Maximum prices of the products listed below f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 or the State of Michigan shall be as follows:

Products:	*Cents per gallon*
Kerosene and distillate fuel oils:	
41 API gravity and above w. w. kerosene	6.125
No. 1 prime white distillate (fuel oil, range or stove oil and No. 1 fuel oil	5.625
No. 2 fuel oil	5.50
No. 3 fuel oil	5.50

SEC. 2.34 *Oklahoma*—(a) *State of Oklahoma.* Maximum prices, f. o. b. refineries in the State of Oklahoma, of the products listed below in bulk lots loaded into tank cars and motor transports shall be as follows:

Products:	*Cents per gallon*
Kerosene, distillate fuel oils and gas oils:	
42-44 A.P.I. Gravity W.W. Kerosene	4.500
41-43 A.P.I. Gravity W.W. Kerosene	4.375
Range or Stove Oil	4.000
No. 1 P.W. Distillate (Fuel Oil)	3.875
No. 1 Straw Fuel Oil	3.750
No. 2 Fuel Oil	3.625
No. 3 Fuel Oil	3.500
Gas Oil, Zero Cold Test (32-36 API gravity)	3.375
Gas Oil, Ordinary	3.000

SEC. 2.35 *Oregon.*

SEC. 2.36—*Pennsylvania*—(a) *Philadelphia area.* In the Philadelphia area, comprising the Counties of Philadelphia, Montgomery, Chester, Delaware and Bucks in the State of Pennsylvania maximum tank wagon prices of grades Nos. 2, 3 and 4 distillate fuel oils shall be as follows:

	Cents per gallon
For deliveries in single lots of 100 gallons or more	9.0
For deliveries in single lots of less than 100 gallons	9.5

(b) *Metropolitan Philadelphia Area.* In the Metropolitan Philadelphia area comprising that section of the State of Pennsylvania which is within a radius of seventeen and one-half (17½) miles of the City Hall Building in the City of Philadelphia, Pennsylvania, maximum tank wagon prices of grades Nos. 5 and 6 fuel oil shall be as follows:

Grades:	*Cents per gallon*
Grade No. 5, excluding residual fuel oils and blends thereof with distillate fuel oils	5.76
Grade No. 6 and residual fuel oils and blends thereof with distillate fuel oils in accordance with the following gravity scale:	
A. P. I. gravity range	
12.9 and below	4.76
13.0-15.9	5.05
16.0-19.9	5.33
20.0-24.9	5.62
25.0 and above	5.76

SEC. 2.37—*Rhode Island.*

SEC. 2.38 *South Carolina*—(a) *Pee Dee River section.* The maximum tank wagon prices for the products listed below in the following tank wagon areas shall be as follows:

[Cents per gallon]

Tank wagon areas	Kerosene	No. 1 fuel oil
Bennettsville	11.8	11.1
Conway	11.8	11.5
Darlington	12.0	11.8
Dillon	11.8	11.5
Florence	12.0	11.8
Georgetown	12.7	11.4
Hartsville	11.8	11.8
Hemingway	11.8	11.4
Kingstree	12.7	11.3
Lake City	11.8	11.8
Lake View	11.8	11.8
Lamar	12.0	12.0
Latta	11.8	11.5
Loris	11.8	11.4
Marion	11.8	11.5
Mullins	11.8	11.5
Nichols	11.8	11.8
Olanta	11.8	11.8
Sumter	11.8	11.8

SEC. 2.39 *South Dakota.*

SEC. 2.40 *Tennessee.*

SEC. 2.41 *Texas*—(a) *Texas Gulf Coast ports*—(1) *Maximum prices in bulk lots*[1] *F.O.B. refineries and tanker terminals.*

Products:	*Cents per gallon*
Kerosene and distillate fuel oils:	
Kerosene, water white (41 A.P.I. gravity and above)	4.125
Range or stove oil [2]	3.875
No. 1 fuel oil [2]	3.875
No. 2 fuel oil	3.75
No. 3 fuel oil	3.75
Diesel fuels (distillate): [4]	
Diesel Index 58 and above	4.25
Diesel Index 53–57	4.125
Diesel Index 52 and below	4.00

(2) *Diesel oil, ship's bunkers.* Maximum prices for residual and distillate diesel oil, ship's bunkers (ex lighterage), shall be:

	Dollars per barrel
Residual, below 28° API gravity	$1.35
Distillate, 28° API gravity and above	1.65

(c) *At inland Texas points.* Maximum prices of petroleum products listed below loaded into tank cars, motor transports, and pipe lines,[5] f. o. b. refineries,[6] located in Texas Panhandle,[7] West Texas,[8] North Texas,[9] and East Texas [10] for shipment to the destinations indicated below [11] shall be as follows:

Products	For shipment to ultimate destinations		
	Column 1 Ariz., Ark., Colo., La., N. Mex., Okla., and Texas	Column 2 PAW District 1	Column 3 Other States
	Cents per gallon	*Cents per gallon*	*Cents per gallon*
Kerosene, distillate fuel oils and gas oils:			
42-44 API gravity W. W. Kerosene	4.50	4.125	4.375
41-43 API gravity W. W. Kerosene	4.375	4.125	4.25
Range or stove oil	4.00	3.875	3.875
No. 1 Prime White Distillate (fuel oil)	3.875	3.875	3.75
No. 1 Straw Fuel Oil	3.75	3.75	3.625
No. 2 Fuel Oil	3.625	3.625	3.50
No. 3 Fuel Oil	3.50	3.50	3.375
Gas Oil, Zero Cold Test (32-36 API Gr.)	3.375	3.375	3.25
Gas Oil, Ordinary	3.00	3.00	2.875
Diesel fuels (distillate): [1]			
.58 Diesel Index and above	4.25	4.25	4.125
53-57 Diesel Index	4.125	4.125	4.00
.52 Diesel Index and below	4.00	4.00	3.875

[1] These prices apply only to fuels sold for use in Diesel engines.

[2] When loaded into pipeline (see note 3), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in Petroleum Administration for War District 1, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.

[3] If range or stove oil or No. 1 fuel oil conform to all of a particular seller's specifications for water white kerosene of 41 API gravity and above the maximum price for such products shall be 4.125¢ per gallon for such seller.

[4] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with District No. 1 termini shall be considered destined for District No. 1.

[5] These prices apply only to fuels sold for use in diesel engines.

[6] Products delivered into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[7] Column 2 prices apply to all shipping points within the designated areas for shipments to ultimate destinations in Petroleum Administration for War District 1.

[8] The Texas Panhandle Area comprises the Counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress in the State of Texas.

[9] The West Texas Area comprises the Counties of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Foard, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Knox, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Mills, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Pecos, Terrell, Crockett, Schleicher, Sutton, Menard, Kimble, Mason, Val Verde, Edwards in the State of Texas.

[10] The North Texas Area comprises the Counties of Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Baylor, Archer, Throckmorton, Young, Jack, Wise, Denton, Collin, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Callahan, Eastland, Comanche, Erath, Hood, Somervell, Johnson, Ellis, Hamilton, Bosque, Hill, Navarro, Lampasas, Coryell, McLennan, Limestone, Freestone in the State of Texas.

[11] The East Texas Area comprises the Counties of Fannin, Lamar, Red River, Bowie, Hunt, Delta, Hopkins, Franklin, Titus, Camp, Morris, Kaufman, Van Zandt, Rains, Wood, Cass, Smith, Upshur, Marion, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Anderson, Nacogdoches, Shelby, Houston, Angelina, Trinity, Polk, Tyler, San Augustine, Sabine, Jasper, Newton in the State of Texas.

[11] For the Texas Panhandle Area Column 1 prices also apply to ultimate destinations in the Counties of Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, and all counties west thereof in the State of Kansas.

SEC. 2.42 *Utah.*

SEC. 2.43 *Vermont*—(a) *State of Vermont.* The maximum tank wagon prices of Nos. 2 and 3 fuel oil to consumers in the following townships and cities in the State of Vermont shall be as follows:

(1) For single lot deliveries of 100 gallons or more:

	Cents per gallon
Adams	9.5
Addison	9.8
Albany	10.6
Alburg	9.8
Andover	10.2
Arlington	9.4
Athens	10.2
Averill	11.2
Avery's Gore (Averill District)	11.2
Avery's Gore (St. Albans District)	9.7
Bakersfield	9.7
Baltimore	9.7
Barnard	10.1
Barnet	10.2
Barre	10.2
Barre City	10.2
Barton	10.6
Basin Harbor	9.8
Belvidere	9.8
Belvidere Center	9.8
Belvidere Corners	9.8
Bennington	9.4
Benson	9.3
Berlin	10.2
Berkshire	10.2
Bethel	10.4
Binghamville	9.8
Bloomingfield	11.2
Bolton	9.5
Bradford	10.2
Braintree	10.4
Brandon	9.5
Brattleboro	10.2
Bridgewater	10.1
Bridport	10.0
Brighton	10.6
Bristol	9.8
Brookfield	10.4
Brookline	10.2
Brownington	10.6
Brunswick	11.2
Burke	10.2
Burlington City	9.2
Cabot	10.2
Calais	10.2
Cambridge	9.8
Cambridge Junction	9.8
Canaan	11.2
Castleton	9.3
Cavendish	9.7
Cedar Beach	9.5
Charleston	10.6
Charlotte	9.5
Checkerberry Village	9.5
Chelsea	10.2
Chester	9.7
Chittendon	9.5
Clarendon	9.5
Cloverdale	9.8
Colbyville	9.8
Colchester	9,5
Concord (excluding E. Concord)	10.2
Corinth	10.2
Cornwall	10.0
Coventry	10.6
Craftsbury	10.2
Danby	9.4
Danville	10.2
Derby	10.6
Dorset	9.4
Dummerston	10.2
Duxbury	9.8
East Barnard	10.4
East Charlotte	9.5
East Concord	11.0
East Dover	10.2
East Fletcher	9.8
East Georgia	9.7
East Granville	10.4
East Haven	10.2
East Monkton	9.8
East Montpelier	10.2
Eden	10.2
Elmore	10.2
Enosburg	10.2
Essex Center	9.5
Essex Junction	9.2
Fairfax	9.7
Fairfield	9.7
Fairhaven	9.3
Fairlee	10.2
Fayston	9.8
Ferdinand	10.6
Ferrisburg	9.8
Fletcher	9.8
Fort Ethan Allen	9.2
Franklin	10.2
Georgia	9.7
Glastenbury	9.4
Glover	10.6
Goshen	9.5
Grafton	10.2
Granby	10.2
Grand Isle	9.5
Grand Isle Station	9.5
Granville	10.2
Greensboro	10.2
Groton	10.2
Guilford	10.2
Guildhall	11.0
Halifax	9.7
Hancock	10.2
Hanksville	9.5
Hardwick	10.2
Hartford	10.1
Hartland	10.1
Highgate	9.7
Hinesburg	9.5
Holland	10.6
Hubbard'on	9.3
Huntington	9.5
Huntington Center	9.5
Hyde Park	10.2
Ira	9.5
Irasburg	10.6
Isle La Motte	9.8
Jamaica	10.2
Jay	10.6
Jeffersonville	9.8
Jericho	9.5
Jericho Center	9.5
Johnson	10.2
Jonesville	9.5
Keelers Bay	9.5
Kirby	10.2
Ladd Bay	9.5
Landgrove	9.4
Leicester	9.5
Lemington	11.2
Lewis	11.2
Lincoln	9.8
Londonderry	9.4
Long Point	9.8
Lowell	10.6
Ludlow	9.7
Lunenburg	11.0
Lyndon	10.2
Maidstone	11.0
Malletts Bay	9.2
Manchester	9.4
Marlboro	10.2
Marshfield	10.2
Mendon	9.5
Middlebury	10.0
Middlesex	10.2
Middletown	9.3
Milton	9.7
Monkton Ridge	9.8
Montgomery	10.2
Montpelier	10.2
Moretown	10.2
Morgan	10.6
Morristown	10.2
Mount Holly	9.7
Mount Tabor	9.4
Muddy Brook	9.b
Newark	10.2
Newbury	10.2
Newfane	10.2
New Haven	9.8
New Haven Junction	9.8
New Haven Mills	9.8
Newport	10.6
Newport City	10.6
North Duxbury	9.8
North Ferrisburg	9.8
Northfield	10.2
North Hero	9.5
North Underhill	9.5
North Williston	9.5
Norton	11.2
Norwich	10.1
Orange	10.2
Orwell	9.5
Panton	9.8
Pawlet	9.5
Peacham	10.2
Peru	9.4
Pittsfield	10.2
Pittsford	9.5
Plainfield	10.2
Pleasant Valley	9.8
Plymouth	9.7
Pomfret	10.1
Poultney	9.3
Pownal	9.4
Proctor	9.5
Putney	10.2
Queen City Park	9.5
Randolph	10.4
Reading	10.1
Readsboro	9.3
Richford	10.2
Richmond	9.5
Ripton	10.0
Rochester	10.2
Rockingham	10.2
Roxbury	10.4
Royalton	10.4
Rupert	9.5
Rutland	9.5
Rutland City	9.5
Ryegate	10.2
St. Albans	9.7
St. Albans City	9.7
St. George	9.5
St. Johnsbury	10.2
Salisbury	9.5
Sandgate	9.4
Searsburg	9.4
Shaftsbury	9.4
Sharon	10.4
Sheffield	10.2
Shelburne	9.2
Shelburne Falls	9.2
Sheldon	10.2
Sherburne	10.2
Shoreham	10.0
Shrewsbury	9.5
Somerset	9.4
South Burlington	9.2
South Hero	9.5
South Lincoln	9.8
South Starksboro	9.8
Springfield	10.2
Stamford	9.3
Stannard	10.2
Starksboro	9.5
Stockbridge	10.2
Stowe	10.2
Strafford	10.1
Stratton	9.4
Sudbury	9.5
Sunderland	9.4
Sutton	10.2
Swanton	9.7
Thetford	10.1
Thompsons Point	9.8
Tinmouth	9.5
Topsham	10.2

	Cents per gallon
Townshend	10.2
Troy	10.6
Tunbridge	10.4
Underhill	9.5
Underhill Center	9.5
Vergennes	9.8
Vernon	10.2
Vershire	10.2
Victory	10.2
Waitsfield	10.2
Walden	10.2
Waldsboro	10.2
Wallingford	9.5
Waltham	9.8
Warner's Grant	11.2
Warren	10.2
Warren Gore	11.2
Washington	10.2
Waterbury	9.8
Waterbury Center	9.8
Waterford	10.2
Waterville	9.8
Weathersfield	10.2
Wells	9.5
Westfield	10.6
Westford	9.5
Westminster	10.2
Westmore	10.6
Weston	9.7
West Addison	9.8
West Bolton	9.5
West Dover	9.4
West Fairlee	10.2
West Ferrisburg	9.8
West Haven	9.3
West Lincoln	9.8
West Milton	9.5
West Rutland	9.5
West Salisbury	10.0
West Windsor	10.1
Weybridge	10.0
Wheelock	10.2
Whiting	9.5
Whitingham	9.3
Williamstown	10.2
Williston	9.5
Wilmington	9.4
Windham	10.2
Windsor	10.1
Winhall	9.4
Winooski	9.2
Wolcott	10.2
Woodbury	10.2
Woodford	9.4
Woodstock	10.1
Worcester	10.2

(2) For single lot deliveries of less than 100 gallons, the maximum price at each point stated in subparagraph (1) above shall be increased by .5 of a cent per gallon.

SEC. 2.44 *Virginia.*

SEC. 2.45 *Washington.*

SEC. 2.46 *West Virginia.*

SEC. 2.47 *Wisconsin.*

SEC. 2.48 *Wyoming* — (a) *Cheyenne tank wagon area.* The maximum tank wagon price for kerosene shall be 9¢ per gallon.

SEC. 2.49 *Hawaii.*

SEC. 2.50 *Puerto Rico.*

SEC. 2.51 *Alaska.*

SEC. 2.52 *District of Columbia*—(a) *Washington, D. C., tank wagon area.* Maximum tank wagon prices shall be as follows:

(1) For kerosene, No. 1 fuel oil and range oil:

	Cents per gallon
Loaded into buyers' tank wagons	8.8
Tank wagon deliveries to resellers	10.8
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.8
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.8

(2) For Nos. 2, 3 and 4 distillate fuel oils:

	Cents per gallon
Tank wagon deliveries to consumers in quantities of 100 gallons or over	9.4
Tank wagon deliveries to consumers in quantities of less than 100 gallons	9.9

ARTICLE III—MAXIMUM PRICES FOR HEAVY FUEL OIL FOR AREAS NOT LIMITED TO A SINGLE STATE OR TERRITORY

Special section 1—Permissible Increases for certain marketers—(a) *On certain f. o. b. refinery shipments.* When made by an eligible marketer, as defined in section 1.14 (j), the maximum price, on an f. o. b. refinery shipment from any point covered by Table I of section 3.1 to an ultimate destination other than in Petroleum Administration for War District I, shall be the maximum f. o. b. refinery price established for the particular shipping point in such table plus 5.25 cents per barrel; or

(b) *On sales to governmental agencies pursuant to public bidding.* If bids are taken by a governmental agency on an f. o. b. shipping point price basis, then, on such a bid, if the bidder is an eligible marketer, as defined in section 1.14 (j), he may bid and charge, for an f. o. b. refinery shipment from any point covered by Table 1 of section 3.1, the maximum f. o. b. refinery price established for the particular shipping point in such table plus 10.5 cents per barrel, *Provided,* That the laid-down cost to such governmental agency does not exceed the sum of the maximum f. o. b. price of each person participating in the particular bidding as determined or established under any other section of this regulation for the shipping point from which each bidder proposes to make shipment plus the actual cost of transportation that would be incurred from such point to destination by such person.

Special section 2—Permissible brokerage charges to buyers. The terms "broker," "eligible broker" and "brokerage commission" are defined in section 1.14 (k) of this regulation. Except as herein provided, a buyer may not be charged brokerage commission which will increase the buyer's cost on an f. o. b. refinery shipment from any point covered by Table I of section 3.1 to more than the maximum f. o. b. refinery price established for the particular shipping point in such table. When, however, an f. o. b. refinery shipment from any point covered by such table has been found or negotiated by an eligible broker or eligible brokers a buyer may be charged brokerage commission, which, added to the f. o. b. refinery price established for the particular shipping point under such table, will not increase the buyer's f. o. b. refinery cost to more than 5.25 cents per barrel above the said maximum price.

SEC. 3.1 *Maximum prices of residual fuel oils and blends thereof with distillate fuel oils, of certain A. P. I. gravities indicated below and otherwise meeting current commercial standard specifications for fuel oils, except all diesel fuel oils*—(a) *On tank wagon sales.* Maximum tank wagon prices in any area where fuel oil rationing applies shall be .3 of a cent per gallon above the maximum prices as determined under this section 3.1.

(b) *Price tables to determine maximum prices f. o. b. refineries and tanker terminals in bulk lots.* (*Price areas for each table are defined below such table.*)

(EXCLUSIVE OF TAXES)

TABLE 1—MAXIMUM PRICES IN BULK LOTS, F. O. B. REFINERIES, SEABOARD TANKER TERMINALS, AND RIVER TANKER TERMINALS AT ALBANY, N. Y., AND ON THE MISSISSIPPI RIVER UP TO AND INCLUDING BATON ROUGE, LOUISIANA

[Dollars per 42-gallon barrel]

A. P. I. gravity range	Price Area A	Price Area B	Price Area C	Price Area D	Price Area E	Price Area F	Price Area G	Price Area H	Price Area I	Price Area J	Price Area K	Price Area L
9.9 and below ° A. P. I.	0.85	0.80	0.74	0.85	1.00	1.43	1.47	1.68	1.68	1.89	2.10	1.85
10.0–12.9 ° A. P. I.	0.90	0.85	0.85	0.85	1.00	1.43	1.47	1.68	1.68	1.89	2.10	1.85
13.0–15.9 ° A. P. I.	1.02	0.97	0.97	0.97	1.14	1.51	1.56	1.74	1.77	1.95	2.16	1.97
16.0–19.9 ° A. P. I.	1.14	1.09	1.09	1.09	1.28	1.59	1.65	1.80	1.86	2.01	2.22	2.09
20.0–24.9 ° A. P. I.	1.26	1.21	1.21	1.21	1.42	1.67	1.74	1.86	1.95	2.07	2.28	2.21
25.0 and above ° A. P. I.	1.32	1.27	1.27	1.27	1.50	1.71	1.79	1.89	2.00	2.10	2.31	2.27

A. P. I. gravity range	Price Area M	Price Area N	Price Area O	Price Area P	Price Area Q	Price Area R	Price Area S	Price Area T	Price Area U	Price Area V
9.9 and below ° A. P. I.	1.65	1.60	1.50	1.15	1.10	0.95	0.75	0.60	0.80	1.26
10.0–12.9 ° A. P. I.	1.65	1.60	1.60	1.15	1.10	0.95	0.80	0.85	0.85	1.26
13.0–15.9 ° A. P. I.	1.77	1.72	1.62	1.27	1.22	1.15	0.92	0.99	0.96	1.36
16.0–19.9 ° A. P. I.	1.89	1.84	1.74	1.39	1.34	1.35	1.04	1.13	1.07	1.46
20.0–24.9 ° A. P. I.	2.01	1.96	1.86	1.51	1.46	1.55	1.04	1.27	1.18	1.56
25.0 and above ° A. P. I.	2.07	2.02	1.92	1.57	1.52	1.65	1.04	1.34	1.24	1.61

NOTE: On sales f. o. b. refineries and terminals within the Schedule "D" area of Zone 6, as defined in section 1.14 (n), for shipment to ultimate destinations in Petroleum Administration for War District 1 outside of such Schedule "D" area the maximum price shall be the prices designated above less 30 cents per barrel.

A comprises Kansas, excludin g however, the area within a radius of 25 miles of Kansas City, Missouri.

B comprises Oklahoma, Arkansas, Louisiana (excluding, however, Gulf Coast ports and Mississippi River ports up to and including Baton Rouge), Texas (excluding, however, Gulf Coast ports and Panhandle which is defined hereby as the portion of Texas north of the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress).

C comprises New Mexico and Texas Panhandle (which is defined hereby as the portion of Texas north of the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress).

D comprises Texas Gulf Coast ports and Louisiana Gulf Coast ports and Mississippi River ports up to and including Baton Rouge.

E comprises the area within a radius of 25 miles of Kansas City, Missouri.

F comprises that part of Missouri within a radius of twenty-five miles of St. Louis, Missouri, and the following counties of Illinois: St. Clair, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, and Jasper.

G comprises the following counties of Kentucky: Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson and Oldham, and the following counties of Indiana: Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd and Clark.

H comprises the following counties of Illinois: Lake, Cook, DuPage and Will; the following counties of Indiana: Lake, Porter and LaPorte, and the State of Michigan (excluding, however, the counties of Wayne and Monroe).

I comprises the area within a radius of 25 miles of Indianapolis, Indiana; the following counties of Ohio: Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, Meigs and the following counties of Kentucky: Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup and Boyd.

J comprises the following counties of Michigan: Wayne and Monroe; and the following counties of Ohio: Lucas, Wood, Hancock, Putnam and Allen.

K comprises the following counties of Ohio: Lorain, Medina, Cuyahoga, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning, Columbiana, and the following counties of New York: Chautauqua, Erie, Niagara, Cattaraugus, Allegany, Wyoming, Genesee, Orleans; and the following counties of Pennsylvania: Potter, Cameron, Clearfield, Cambria, Somerset and all other Pennsylvania counties west thereof; and West Virginia.

L comprises Albany, New York.

M comprises Portland, Maine; Portsmouth, New Hampshire; Boston and Fall River, Massachusetts; Tiverton and Providence, Rhode Island; New Haven, Connecticut; New York Harbor; Philadelphia Harbor; Baltimore, Maryland; and Norfolk, Virginia.

N comprises Wilmington, North Carolina; Charleston, South Carolina; Savannah, Georgia; Jacksonville and Miami, Florida.

O comprises Tampa, Florida.

P comprises Pensacola, Florida.

Q comprises Mobile, Alabama.

R comprises the area within a radius of twenty-five miles of Denver, Colorado.

S comprises Wyoming.

T comprises the Montana counties of Blaine, Fergus, Golden Valley, Stillwater and Carbon and counties of Montana east thereof.

U comprises the Montana counties of Hill, Chouteau, Judith Basin, Wheatland, Sweet Grass, Park and counties of Montana west thereof.

V comprises Utah.

TABLE II—MAXIMUM PRICES IN BULK LOTS, F. O. B. REFINERIES IN DISTRICTS 1, 2, 3 AND 4 AS DEFINED BY THE PETROLEUM ADMINISTRATOR FOR WAR AND NOT COVERED BY TABLE I

[Dollars per 42-gallon barrel]

A.P.I. gravity range	Price Area AA	Price Area BB	Price Area CC	Price Area DD	Price Area EE	Price Area FF	Price Area GG	Price Area HH	Price Area II
9.9 and below ° A. P. I.	BP[1]	BP	BP	BP	BP	BP	BP	BP	BP
10.0–12.9° A. P. I.	BP	BP+0.05	BP	BP	BP	BP+0.05	BP+0.05	BP	BP
13.0–15.9° A. P. I.	BP+0.12	BP+0.17	BP+0.06	BP+0.09	BP+0.20	BP+0.19	BP+0.16	BP+0.10	BP+0.14
16.0–19.9° A. P. I.	BP+0.24	BP+0.29	BP+0.12	BP+0.18	BP+0.40	BP+0.33	BP+0.27	BP+0.20	BP+0.28
20.0–24.9° A. P. I.	BP+0.36	BP+0.41	BP+0.18	BP+0.27	BP+0.60	BP+0.47	BP+0.38	BP+0.30	BP+0.42
25.0 and above ° A. P. I.	BP+0.42	BP+0.47	BP+0.21	BP+0.32	BP+0.70	BP+0.54	BP+0.44	BP+0.35	BP+0.50

[1] BP=Base Price which is to be determined as follows: If a refiner has an established maximum price under other provisions of this price schedule for fuel oil meeting No. 6 Commercial Standard specifications then the base price shall be the refiner's or terminal operator's maximum price thereunder for such No. 6 fuel oil to the class of purchasers who are the principal users of such fuel oil in that price area in which the particular refiner is located.

Base Prices established hereunder must be reported by each refiner to the Petroleum Branch of the Office of Price Administration in Washington, D. C. within 15 days after the initial sales of any grade of fuel oil the maximum price for which is established by this subdivision.

If a seller cannot establish a base price hereunder then he shall file a tentative price with the Petroleum Branch of the Office of Price Administration in accordance with section 8.3.

AA comprises Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York (excluding, however, counties of Chautauqua, Erie, Niagara, Cattaraugas, Allegany, Wyoming, Genesee and Orleans), Pennsylvania (excluding, however, counties of Potter, Cameron, Clearfield, Cambria, Somerset and all other Pennsylvania counties west thereof), New Jersey, Maryland, District of Columbia, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi Gulf Coast ports, Louisiana Gulf Coast ports, Louisiana Mississippi river ports up to and including Baton Rouge, and Texas Gulf ports.

BB comprises Mississippi (excluding, however, Gulf Coast ports), Louisiana (excluding, however, Gulf Coast ports and Mississippi River ports up to and including Baton Rouge), Texas (excluding, however, Gulf Coast ports), Tennessee, Arkansas, New Mexico, Oklahoma, Kansas (excluding, however, the area within a radius of 25 miles of Kansas City, Missouri), Missouri (excluding, however, the areas within a radius of 25 miles of Kansas City, Missouri and St. Louis, Missouri), Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, and Wyoming, except that for Wyoming opposite gravities 20.0° to 24.9° and 25.0° and above A. P. I. add only 2¢.

CC comprises the following counties of Illinois: Lake, Cook, DuPage and Will; the following counties of Indiana: Lake, Porter, LaPorte; Ohio (excluding, however, the following counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, Meigs); the following counties of New York: Chautauqua, Erie, Niagara, Cattaraugus, Allegany, Wyoming, Genesee, Orleans; the following counties of Pennsylvania: Potter, Cameron, Clearfield, Cambria, Somerset, and all other counties of Pennsylvania west thereof; West Virginia; and Michigan.

DD comprises that part of Missouri within a radius of 25 miles of St. Louis, Missouri; Illinois (excluding, however, the counties of Lake, Cook, DuPage and Will); Indiana (excluding, however, the counties of Lake, Porter, and LaPorte); the following counties of Ohio: Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, and Meigs; Kentucky.

EE comprises Colorado.

FF comprises Eastern Montana which is defined hereby as the portion of Montana east of the western boundaries of the counties of Blaine, Fergus, Golden Valley, Stillwater and Carbon.

GG comprises Western Montana which is defined hereby as the portion of Montana west of the eastern boundaries of the counties of Hill, Chouteau, Judith Basin, Wheatland, Sweetgrass and Park; Idaho.

HH comprises Utah.

II comprises the area within a 25 mile radius of Kansas City, Missouri.

(c) *Maximum delivered prices, in bulk lots, of those refiners and tanker terminal operators whose f. o. b. maximum prices are established by Tables I and II.* If a refiner or terminal operator has an established maximum price or prices under other provisions of this regulation at a particular delivery point for fuel oil meeting No. 6 commercial standard specifications, then his maximum price or prices at that point for fuel oil of 9.9° A. P. I. gravity and below shall be his maximum prices thereunder for such No. 6 fuel oil at such point.

If a refiner or terminal operator has no established maximum price or prices at a particular delivery point under other provisions of this regulation for any grade of fuel oil meeting No. 6 commercial standard specifications, then he shall file a tentative maximum price at such point for fuel oil of 9.9° A. P. I. gravity and below in accordance with section 8.3.

For gravities higher than 9.9° A. P. I. gravity, such refiner's or terminal operator's maximum price or prices at a particular delivery point shall be the sum of his maximum price for fuel oil of 9.9° A. P. I. gravity and below and the dollars and cents differential between the price for fuel oil of 9.9° A. P. I. gravity and below and such higher gravity fuel oil established under Table II for refineries of ocean terminals located in the price area where the delivery is made.

(d) *Maximum f. o. b. shipping point and delivery point prices for all sellers other than those refiners and tanker terminal operators covered by paragraphs* (b) *and* (c) *above.* If a seller other than a refiner or ocean terminal operator has an established maximum price or prices under other provisions of this regulation at a particular shipping or delivery point for fuel oil meeting No. 6 commercial standard specifications, then his maximum price or prices at that point for fuel oil of 9.9° A. P. I. gravity and below shall be his maximum price or prices thereunder for such No. 6 fuel oil at such point; *Provided*, That in Price Area FF a seller's maximum price at a particular point for 9.9° A. P. I. gravity shall be the sum of his maximum price or prices for No. 6 fuel oil at such point and 5 cents per barrel.

If a seller has no established maximum price or prices at a particular shipping or delivery point under other provisions of this regulation for any grade of fuel oil meeting No. 6 commercial standard specifications, then he shall file a tentative maximum price or prices at such point for fuel oil of 9.9° A. P. I. gravity and below in accordance with section 8.3.

For gravities higher than 9.9° A. P. I. gravity, a seller's maximum price or prices at a particular shipping or delivery point shall be the sum of his maximum price for fuel oil of 9.9° A. P. I. gravity and below and the dollars and cents differential between the price for fuel oil of 9.9° A. P. I. gravity and below and such higher gravity fuel oil established under Table II for refineries or ocean terminals located in the price area where the delivery is made.

(e) If a refiner, ocean terminal operator, or other seller had an established maximum price or prices under other provisions of this regulation at a particular shipping or delivery point for residual fuel oil or blends thereof with distillate fuel oils which either meets No. 5 fuel oil commercial standard specifications, or has a lower viscosity than No. 5 commercial standard specifications, his maximum price for such fuel oil at such point shall be either the price or prices which he is permitted to charge under (a), (b), (c) and (d) of this section 3.1 or the price or prices established under other provisions of this regulation, whichever is higher: *Provided*, That the maximum prices for Navy Grade Special shall be as follows: In Price Area D the seller's maximum price shall be either the price for the same gravity fuel oil in Table I or $1.05, whichever is higher. In other price areas his maximum price shall be either the applicable price for the same gravity fuel oil in the table or his maximum price established under other provisions of this regulation, whichever is higher.

ARTICLE IV—SPECIFIC MAXIMUM PRICES FOR GASOLINE FOR AREAS WITHIN SINGLE STATES OR TERRITORIES OR THE DISTRICT OF COLUMBIA.

(Prices stated in Article IV are exclusive of taxes.)

Special section 1—Permissible increases for certain marketers—(a) *On certain f. o. b. refinery shipments.* On f. o. b. refinery shipments to ultimate destinations other than in Petroleum Administration for War District I, when made by an eligible marketer, as defined in section 1.14 (j) of this regulation, the sum of ⅛ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article IV; *or*

(b) *On sales to governmental agencies pursuant to public bidding.* If bids are taken by a governmental agency on an f. o. b. shipping point price basis then, on such a bid, if the bidder is an eligible marketer, as defined in section 1.14 (j), the sum of ¼ of a cent per gallon may be added to a maximum f. o. b. refinery price established for the particular shipping point under any other section of this Article IV: *Provided*, That the laid-down cost to such governmental agency does not exceed the sum of the maximum f. o. b. price of each person participating in the particular bidding as determined or established under any other section of this regulation for the shipping point from which each bidder proposes to make shipment plus the actual cost of transportation that would be incurred from such point to destination by such person.

Special section 2—Permissible brokerage charges to buyers. The terms "broker," "eligible broker" and "brokerage commission" are defined in section 1.14 (k) of this regulation. Except as herein provided, a buyer may not be charged brokerage commission which will increase the buyer's cost on an f. o. b. refinery shipment to more than the applicable f. o. b. refinery price established below in this Article IV. On f. o. b. refinery shipments found or negotiated by an eligible broker or eligible brokers as buyer may, however, be charged such brokerage commission which added to the applicable maximum f. o. b. refinery price established below in Article IV, will not increase the buyer's cost f. o. b. the particular refinery to more than ⅛ of a cent per gallon above the said maximum f. o. b. refinery price.

SEC. 4.1 *Alabama.*

Specifications	For shipment to ultimate destinations: Column 1 Ariz., Ark., Colo., La., N. Mex., Okla., and Texas	Column 2 PAW District 1	Column 3 Other States
Gasoline:			
80–82 Oct. ASTM and Ethyl Grade	*Cents per gallon* 7.00	*Cents per gallon* 6.75	*Cents per gallon* 6.625
80 Oct. 1939 Research	6.25	6.00	6.125
72–74 Oct. ASTM	6.00	5.75	5.875
63–66 Oct. ASTM	5.625	5.25	5.50
60–62 Oct. ASTM and below	5.25	5.00	5.125

(b) *Fort Smith tank wagon area.* Maximum tank wagon prices of gasoline shall be:

	Cents per gallon
Regular grade to dealers	9.00
Regular grade to consumers	9.00
Third grade to dealers	6.25
Third grade to consumers	6.25

(c) *Little Rock tank wagon area.* Maximum tank wagon prices of gasoline shall be:

	Cents per gallon
Regular grade to dealers	9.5
Regular grade to consumers	9.5
Third grade to dealers	7.00
Third grade to consumers	7.00

(d) *Texarkana tank wagon area.* Maximum tank wagon prices of gasoline shall be:

	Cents per gallon
Regular grade to dealers	9.00
Regular grade to consumers	9.00
Third grade to dealers	7.5
Third grade to consumers	7.5

SEC. 4.2 *Arizona.*

SEC. 4.3 *Arkansas*—(a) *El Dorado Area.* In the El Dorado area, comprising the Counties of Miller, Hempstead, Lafayette, Nevada, Columbia, Ouachita, Calhoun and Union, maximum prices of gasoline according to the specifications listed below, f. o. b. refineries[1] and loaded into tank cars, motor transports and pipe lines[2] for shipment to the destinations indicated below[3] shall be as follows:

Specifications: Gasoline:	*Cents per gallon*
80–82 Oct. ASTM and Ethyl grade	8.00
72–74 Oct. ASTM	7.25
63–66 Oct. ASTM	6.875
60–62 Oct. ASTM and below	6.50

(c) *Counties of Lake, Cook, DuPage and Will in the State of Illinois.* In the following counties of the State of Illinois: Lake, Cook, DuPage and Will, the maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

Specifications: Gasoline:	*Cents per gallon*
80–82 Oct. ASTM and Ethyl grade	8.25
72–74 Oct ASTM	7.50
63–66 Oct. ASTM	7.125
60–62 Oct. ASTM and below	6.75

SEC. 4.4 *California.*

SEC. 4.5 *Colorado.*

SEC. 4.6 *Connecticut.*

SEC. 4.7 *Delaware.*

SEC. 4.8 *Florida.*

SEC. 4.9 *Georgia.*

SEC. 4.10 *Idaho.*

SEC. 4.11 *Illinois*—(a) *Quincy tank wagon area.* Maximum tank wagon prices of gasoline shall be:

	Cents per gallon
Regular grade to dealers	9.4
Regular grade to consumers	10.9
Premium grade to dealers	10.9

(b) *Central Illinois area.* In the counties of St. Clair, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, and Jasper in the State of Illinois, the maximum prices of gasoline according to the specifications listed below, in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

Specifications: Gasoline:	*Cents per gallon*
80–82 Oct. ASTM and Ethyl grade	8.00
72–74 Oct. ASTM	7.25
63–66 Oct. ASTM	6.875
60–62 Oct. ASTM and below	6.50

SEC. 4.12 *Indiana*—(a) *Counties of Lake, Porter, and LaPorte in the State of Indiana.* In the following counties in the State of Indiana: Lake, Porter and LaPorte, the maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in

[1] Column 2 prices apply to all shipping points within the designated area for shipments to ultimate destinations in Petroleum Administration for War District 1.

[2] Products delivered into pipe lines for ultimate delivery to War Emergency Pipe Lines and pipe lines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bollinger, Stoddard and Mississippi in the State of Missouri.

Petroleum Administration for War District One shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.25
72–74 Oct. ASTM	7.50
63–66 Oct. ASTM	7.125
60–62 Oct. ASTM and below	6.75

(b) *Counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, and Clark.* Maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 or the State of Michigan shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.375
72–74 Oct. ASTM	7.375

(c) *Indianapolis area.* In the Indianapolis area comprised of that part of the State of Indiana which is within a radius of 25 miles of the center of Indianapolis, Indiana, maximum prices for gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in such area for shipment to ultimate destinations in Petroleum Administration for War District 1 or the State of Michigan shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.625
72–74 Oct. ASTM	7.625

SEC. 4.13 *Iowa*—(a) *Des Moines tank wagon area.* Maximum tank wagon prices of gasoline shall be:

	Cents per gallon
Premium grade to dealers	11.4
Premium grade to consumers	13.4
Regular grade to dealers	9.9
Regular grade to consumers	11.4
Third grade to dealers	9.4
Third grade to consumers	10.4

SEC. 4.14 *Kansas*—(a) *State of Kansas (except Kansas City area).* In the State of Kansas, except that part of the state which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	6.875
72–74 Oct. ASTM	6.125
63–66 Oct. ASTM	5.75
60–62 Oct. ASTM and below	5.375

(b) *Kansas City area.* In that part of the State of Kansas which is within a radius of 25 miles of the center of Kansas City, Missouri, the maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District One shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	7.375
72–74 Oct. ASTM	6.625
63–66 Oct. ASTM	6.25
60–62 Oct. ASTM and below	5.875

SEC. 4.15 *Kentucky*—(a) *Counties of Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson, and Oldham.* Maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.375
72–74 Oct. ASTM	7.375

(b) *Counties of Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Greenup, and Boyd.* Maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District One or the State of Michigan shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.625
72–74 Oct. ASTM	7.625

SEC. 4.16 *Louisiana.* (a) Louisiana Gulf Coast Ports[1] and New Orleans area[2][3] Shipping Points. Maximum prices in bulk lots f. o. b. refineries and tanker terminals.

Specifications: Motor gasolines:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	6.75
80 Oct. 1939 Research, leaded (max. 2 cc.)	6.00
72–74 Oct. ASTM leaded	5.75
68–70 Oct. ASTM unleaded	5.75
65–67 Oct. ASTM	5.25
60–64 Oct. ASTM	5.00

(b) *Shreveport area.* In the Shreveport area, comprising the parishes of Caddo, Bossier, Webster, De Soto and Red River, maximum prices of gasoline according to the specifications listed below f. o. b. refineries[4] and loaded into tank cars, motor transports and pipe lines[4] for shipment to the destinations indicated below[7] shall be as follows:

Specifications	For shipment to ultimate destinations: Column 1 — Ariz., Ark., Colo., La., N. Mex., Okla., and Texas	Column 2 — PAW District 1	Column 3 — Other States
Gasoline:			
80–82 Oct. ASTM and Ethyl grade	7.00	6.75	6.625
80 Oct. 1939 Research	6.25	6.00	6.125
72–74 Oct. ASTM	6.00	5.75	5.875
63–66 Oct. ASTM	5.625	5.25	5.50
60–62 Oct. ASTM and below	5.25	5.00	5.125

SEC. 4.17 *Maine.*

SEC. 4.18 *Maryland.*

SEC. 4.19 *Massachusetts.*

SEC. 4.20 *Michigan* — (a) *State of Michigan except Wayne and Monroe Counties.* In the State of Michigan except in Wayne and Monroe Counties the maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.75
72–74 Oct. ASTM	7.75
67–69 Oct. ASTM	7.00
Straight Run	6.00

(b) *Wayne and Monroe Counties.* In Wayne and Monroe Counties in the State of Michigan maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl Grade	9.0
72–74 Oct. ASTM	8.0
67–69 Oct. ASTM	7.25
Straight Run	6.00

SEC. 4.21 *Minnesota.*

SEC. 4.22 *Mississippi.*

SEC. 4.23 *Missouri*—(a) *St. Louis area.* Within the City of St. Louis, Missouri and that part of the State of Missouri which is within a radius of 25 miles of St. Louis, Missouri, the maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points for shipment to ultimate destinations in Petroleum Administration for War District 1 shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl Grade	8.00
72–74 Oct. ASTM	7.25
63–66 Oct. ASTM	6.875
60–62 Oct. ASTM and below	6.50

SEC. 4.24 *Montana*—(a) *Billings tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	12
Regular grade to consumers	12
Third grade to dealers	11
Third grade to consumers	11

(b) *Butte tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	11.5
Regular grade to consumers	11.5
Third grade to dealers	10.5
Third grade to consumers	10.5

(c) *Great Falls tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	12
Regular grade to consumers	12
Third grade to dealers	11
Third grade to consumers	11

(d) *Helena tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	12
Regular grade to consumers	12
Third grade to dealers	11
Third grade to consumers	11

SEC. 4.25 *Nebraska.*

SEC. 4.26 *Nevada.*

SEC. 4.27 *New Hampshire.*

SEC. 4.28 *New Jersey.*

SEC. 4.29 *New Mexico*—(a) *Roswell tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	10
Regular grade to consumers	10
Third grade to dealers	9
Third grade to consumers	9

SEC. 4.30 *New York.*

[1] When loaded into pipe line (see note 4), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in District 1, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.

[2] When loaded into barge, pipe line (see note 4), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in District 1, seller may charge prices in this Table or his maximum prices under other sections of this Regulation, whichever may be higher.

[3] New Orleans Area means Mississippi River ports up to and including Baton Rouge.

[4] Products loaded into pipe line for ultimate delivery to War Emergency Pipe Lines and into pipe lines with Petroleum Administration for War District No. 1 termini shall be considered destined for Petroleum Administration for War District No. 1.

[5] Column 2 prices apply to all shipping points within the Shreveport area for shipments to ultimate destinations in Petroleum Administration for War District 1.

[6] Products loaded into pipe lines for ultimate delivery to War Emergency Pipe Lines and pipe lines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[7] Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New Madrid, Butler, Bollinger, Stoddard and Mississippi in the State of Missouri.

[1] When loaded into pipe line (see note 4), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in PAW District 1, seller may charge prices in this table or his maximum prices under other sections of this regulation, whichever may be higher.

[2] Products loaded into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with Petroleum Administration for War District 1 termini shall be considered destined for Petroleum Administration for War District 1.

[3] Column 2 prices apply to all shipping points within the designated areas for shipments to ultimate destinations in Petroleum Administration for War District 1.

SEC. 4.31 *North Carolina.*

SEC. 4.32 *North Dakota*—(a) *Fargo tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	11.4

SEC. 4.33 *Ohio*—(a) *Geneva tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Premium grade to dealers	11
Premium grade to consumers	14
Regular grade to dealers	9.5
Regular grade to consumers	12
Third grade to dealers	9.5
Third grade to consumers	12

(b) *Counties of Cuyahoga, Lorain, Medina, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning, and Columbiana.* Maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 and the State of Michigan shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.75
72–74 Oct. ASTM	7.75

(c) *Counties of Allen, Hancock, Lucas, Putnam, Wood and Licking.* Maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 and the State of Michigan shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.75
72–74 Oct. ASTM	7.75

(d) *Counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs.* Maximum prices of gasoline according to the specifications listed below in bulk lots f. o. b. shipping points in the above counties for shipment to ultimate destinations in Petroleum Administration for War District 1 and the State of Michigan shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	8.625
72–74 Oct. ASTM	7.625

SEC. 4.34 *Oklahoma*—(a) *State of Oklahoma.* Maximum prices of gasoline, according to the specifications listed below, in bulk lots, f. o. b. refineries in the State of Oklahoma, loaded into tank cars and motor transports shall be as follows:

Specifications: Gasoline:	Cents per gallon
80–82 Octane ASTM and Ethyl Grade	6.750
72–74 Octane ASTM	6.000
63–66 Octane ASTM	5.625
60–62 Octane ASTM and below	5.250

(b) *Muskogee tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	7.75
Regular grade to consumers	7.75
Third grade to dealers	6.75
Third grade to consumers	6.75

(c) *Oklahoma City tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	8
Regular grade to consumers	8
Third grade to dealers	7
Third grade to consumers	7

(d) *Tulsa tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	8
Regular grade to consumers	8
Third grade to dealers	7
Third grade to consumers	7

SEC. 4.35 *Oregon.*

SEC. 4.36 *Pennsylvania*—(a) *Pittsburgh, Pennsylvania.* In Pittsburgh, Pennsylvania, a refiner's maximum price for Ethyl Grade gasoline on sales in bulk lots to other refiners f. o. b. the refiner's shipping point shall be 9.9¢ per gallon, except that the maximum price on sales for shipment to ultimate destinations in Petroleum Administration for War District One outside of the Schedule "D" area, as defined in section 1.14 (n), shall be 8.7¢ per gallon.

SEC. 4.37 *Rhode Island.*

SEC. 4.38 *South Carolina.*

SEC. 4.39 *South Dakota.*

SEC. 4.40 *Tennessee.*

SEC. 4.41 *Texas—(a) Texas Gulf coast ports.*[1] Maximum prices in bulk lots f. o. b. refineries and tanker terminals.

Specifications: Motor gasolines:	Cents per gallon
80–82 Oct. ASTM and Ethyl grade	6.75
80 Oct. 1939 research, leaded (max. 2cc.)	6.00
72–74 Oct. ASTM leaded	5.75
68–70 Oct. ASTM unleaded	5.75
65–67 Oct. ASTM	5.25
60–64 Oct. ASTM	5.00

(b) *At inland Texas points.* Maximum prices of gasoline according to the specifications listed below loaded into tank cars, motor transports, and pipe lines,[1a] f. o. b. refineries[2] located in Texas

Panhandle,[3] West Texas,[4] North Texas,[5] and East Texas,[6] for shipment to the destinations indicated below[7] shall be as follows:

Specifications	For shipment to ultimate destinations		
	Column 1 Ariz., Ark., Colo., La., N. Mex., Okla., and Texas	Column 2 PAW District 1	Column 3 Other States
Gasoline:	*Cents per gallon*	*Cents per gallon*	*Cents per gallon*
80–82 Oct. ASTM and Ethyl Grade	7.00	6.75	6.625
80–Oct. 1939 Research	6.25	6.00	6.125
72–74 Oct. ASTM	6.00	5.75	5.875
63–66 Oct. ASTM	5.625	5.25	5.50
60–62 Oct. ASTM and below	5.25	5.00	5.125

SEC. 4.42 *Utah.*

SEC. 4.43 *Vermont.*

SEC. 4.44 *Virginia.*

SEC. 4.45 *Washington.*

SEC. 4.46 *West Virginia.*

SEC. 4.47 *Wisconsin*—(a) *Lodi tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Premium grade to dealers	12.1
Premium grade to consumers	14.1
Regular grade to dealers	10.6
Regular grade to consumers	12.1
Third grade to dealers	10.1
Third grade to consumers	11.1

(b) *Madison tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Premium grade to dealers	11.9
Premium grade to consumers	13.9
Regular grade to dealers	10.4
Regular grade to consumers	11.9
Third grade to dealers	9.9
Third grade to consumers	10.9

(c) *Mazomanie tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Premium grade to dealers	11.9
Premium grade to consumers	13.9
Regular grade to dealers	10.4
Regular grade to consumers	11.9
Third grade to dealers	9.9
Third grade to consumers	10.9

(d) *Sauk City tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Premium grade to dealers	12.1
Premium grade to consumers	14.1
Regular grade to dealers	10.6
Regular grade to consumers	12.1
Third grade to dealers	10.1
Third grade to consumers	11.1

(e) *Stoughton tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Premium grade for dealers	11.9
Premium grade for consumers	13.9
Regular grade for dealers	10.4
Regular grade for consumers	11.9
Third grade for dealers	9.9
Third grade for consumers	10.9

(f) *Sun Prairie tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Premium grade for dealers	12.1
Premium grade for consumers	14.1
Regular grade for dealers	10.6
Regular grade for consumers	12.1
Third grade for dealers	10.1
Third grade for consumers	11.1

SEC. 4.48 *Wyoming*—(a) *Cheyenne tank wagon area.* Maximum tank wagon prices for gasoline shall be:

	Cents per gallon
Regular grade to dealers	10
Regular grade to consumers	10
Third grade to dealers	9
Third grade to consumers	9

SEC. 4.49 *Hawaii.*

SEC. 4.50 *Puerto Rico.*

SEC. 4.51 *Alaska.*

SEC. 4.52 *District of Columbia.*

ARTICLE V—FORMULAS FOR ASCERTAINING MAXIMUM PRICES

SEC. 5.1 *Published prices.* A seller's maximum price for a petroleum product of a particular grade shall be the lowest quoted price published in the October 8, 1941 issue of the National Petroleum News for a product of the same grade. Where such products are sold and prices are quoted on a delivered basis then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

Quotations in the above named periodical for 80, 72–74, and 66–70 octane motor gasoline; for kerosene and/or No. 1 fuel, No. 2, No. 3, No. 5 and No. 6 fuel oil, as set forth on Page 42 of such publication under the heading "Atlantic Coast," except when prices quoted are specifically designated as barge prices, shall be used only in determining a seller's maximum price for such products loaded into motor transports and tank cars.

Quotations in the above-named periodical for the States of California, Oregon, Washington, Arizona and Nevada shall not be used in determining maximum prices.

If a seller's maximum price for any product covered by this regulation is established by this paragraph and if on his last sale of either of such products to a purchaser of a particular class during the 60 days prior to October 15, 1941 the seller granted a discount or discounts and the discount or discounts were stated as such in the contract of sale, or on the invoice to the purchaser, then discounts no less favorable shall be granted by the seller to all purchasers of the same class in connection with sales of the product on which the discount was granted. Deliveries pursuant to contracts of sale entered into more than 60 days prior to October 15, 1941, shall not be considered as sales for the purpose of determining discounts hereunder.

SEC. 5.2 *In accordance with price charged on specified sales in a base period*—(a) *Definition of sale.* The term "sale" as used in section 5.2 shall include (1) Sales and contracts of sale made during the period specified, (2) Deliveries made during the period specified under a contract made prior thereto, if the prices chargeable under such contract were adjustable to reflect market conditions during the said period, and (3) Deliveries to tank wagon resellers during the period specified under a contract made prior thereto if said contract provided for varying the price to the reseller in accordance with a stipulated posted or market price (or prices) at the point or points where such buyer resells.

(b) *Definition of purchaser of the same class.* "Purchaser of the same class", as used in sections 5.2 and 5.3, refers to the practice adopted by the seller in setting different prices for a commodity for sales to purchasers performing different functions (for example, refiner; jobber; distributor; commercial, industrial or private consumer; service station tank car dealer; divided or undivided tank wagon dealer; etc.), or for purchasers performing the same function but located in different areas or buying in different quantities or grades or under different conditions of sale. Price is prima facie evidence but not conclusive evidence to be considered in determining if a purchaser belongs to a particular class; however, a lower price to a particular purchaser which was to meet competition and otherwise was inconsistent with the seller's practice in setting the same price to the particular purchaser and one or more other purchasers, shall neither result in placing the particular purchaser in a lower price class nor be considered in determining a seller's maximum price.

(c) *Maximum prices of fuel oil,*[1] *fuels, gasoline and liquefied petroleum gas.* Where the maximum price for fuel oil, fuel, liquefied petroleum gas, or gasoline at a given shipping or delivery point cannot be determined under section 5.1 the maximum price for each seller at such shipping or delivery point, except as provided hereunder in paragraph (d), shall not exceed the price charged at that point by him on the last sale of the same product to a purchaser of the same class within 60 days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged by the seller on the last sale of the same product to a purchaser of the same class made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis the maximum price shall be the price charged by the seller on the last f. o. b. shipping point sale at that point to a purchaser of the same class in the period specified.

(d) *In the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and in the District of Columbia.—Maximum prices of Nos. 2, 3 and 4 fuel oil according to size of delivery.* Within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and in the District of Columbia, any seller's maximum per gallon tank wagon price for Nos. 2, 3 and 4 distillate fuel oils at a particular point shall be his maximum per gallon tank wagon price established under provisions of sections 5.2 (c) and 6.3 of this regulation for single lot deliveries of 150 gallons or more of the product of the same grade at the same point except that any seller shall be permitted to charge an additional amount of not more than ½¢ per gallon on deliveries of less than 100 gallons.

(e) *Maximum prices for naphthas and solvents.* Where the maximum price for a naphtha or solvent cannot be determined under section 5.1 of this article the maximum price for each seller at each shipping point or delivery point shall not exceed the highest price charged at that point by him to a purchaser of the same class within the month of March 1942. Where such product is sold on a delivered basis at such point the maximum price charged shall be the highest price charged on a delivered basis at that point in the month specified to a purchaser of the same class. Where such product is sold on an f. o. b. shipping point basis the maximum price shall be the highest price charged a purchaser of the same class on an f. o. b. shipping point sale in the month specified at the same shipping point.

SEC. 5.3 *In accordance with maximum prices of other sellers at the same point.* When the maximum price at a given shipping point for any petroleum product covered by this regulation cannot be determined under sections 5.1 or 5.2 a seller's maximum price at such shipping point shall be the highest maximum price at such shipping point of any seller of the same class to a purchaser of the same class. When the maximum price at a given delivery point for any such petroleum product cannot be determined under sections 5.1 or 5.2 a seller's maximum price at the particular delivery point shall be the highest maximum delivered price at such point of a seller of the same class to a purchaser of the same class.

ARTICLE VI—INCREASES OR REDUCTIONS TO MAXIMUM PRICES DETERMINED UNDER ARTICLE V

SEC. 6.1 *On any product covered by this regulation*—(a) *On sales to government agencies pursuant to public bidding.* (1) A seller may charge for any petroleum product covered by this regulation on any sale thereof, pursuant to open and public bidding, to any governmental agency, whether state or Federal, or to any state or political sub-division thereof, either

(i) His own maximum price under any provision of Article V, or

(ii) The amount of the highest maximum price established or determined under this regulation for any person participating in the particular bidding for sale of the same product to the same buyer.

(2) No bid at any such bidding regardless of the amount thereof shall be deemed to conflict with any provision of this price schedule.

SEC. 6.2 *On sales of fuel oil, generally*—(a) *On tank wagon deliveries in rationed areas.* In any area where fuel oil rationing is required by the United States Government or any agency thereof, the sum of .3 of a cent per gallon may be added to a maximum price determined under Article V for tank wagon deliveries of any fuel oil or heating oil including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5 and 6 fuel oil, diesel oil and gas oil.

(b) *On container deliveries in rationed areas.* In any area where fuel oil rationing is required by the United States Government or any agency thereof, the sum of .3 of a cent per gallon, when delivery is made in single lots of 260 gallons or less, may be added to a maximum price determined under Article V for container deliveries of any fuel oil or heating oil, including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5 and 6 fuel oil, diesel oil and gas oil.

(c) *In connection with free oil burner service.* Where a seller of fuel oil of Grade No. 5 or lighter was required prior to September 23, 1943 to furnish oil burner maintenance and repair services without charge in connection with the sale of such fuel oil, such seller may discontinue the giving of such free service without reducing his price for fuel oil below his maximum price as established or determined under other provisions of this price schedule. The maximum price for all sales of oil burner maintenance and repair services shall be determined in accordance with Supplementary Service Regulation No. 19.

(d) *In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.—On sales to certain tank wagon sellers.* Under the circumstances set forth in subparagraphs (1) and (2) below, in the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, on deliveries of kerosene and fuel oil by a supplier to a tank wagon seller whose maximum price has been increased by the provisions of section 7.4, there may be added to the supplier's maximum price, as determined under section 5.2 for a particular grade at a particular delivery point, a sum computed pursuant to the provisions of subparagraphs (1) or (2) below:

(1) If there was a contract in effect on October 1, 1941, between the supplier and such tank wagon seller, and such contract provided for varying the price of the supplier to such tank wagon seller on the basis of the tank wagon price at the particular delivery point and if such tank wagon seller's maximum price is increased but not to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum delivered price shall be increased only when the tank wagon seller's margin would be in excess of that called for in the contract had the tank wagon seller's price been increased to normal and the extent of such increase to the supplier's maximum price shall be the amount of such excess. In computing the supplier's maximum price, the tank wagon price used in any computation herein shall be regarded as .3 of a cent less than the

[3] The Texas Panhandle Area comprises the Counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collinsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress in the State of Texas:

[4] The West Texas Area comprises the Counties of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Foard, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Knox, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Mills, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Pecos, Terrell, Crockett, Schleicher, Sutton, Menard, Kimble, Mason, Val Verde, Edwards in the State of Texas.

[5] The North Texas Area comprises the Counties of Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Baylor, Archer, Throckmorton, Young, Jack, Wise, Denton, Collin, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Callahan, Eastland, Comanche, Erath, Hood, Somervell, Johnson, Ellis, Hamilton, Bosque, Hill, Navarro, Lampasas, Coryell, McLennan, Limestone, Freestone in the State of Texas.

[6] The East Texas Area comprises the Counties of Fanin, Lamar, Red River, Bowie, Hunt, Delta, Hopkins, Franklin, Titus, Camp, Morris, Kaufman, Van Zandt, Rains, Wood, Cass, Smith, Upshur, Marion, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Anderson, Nacogdaches, Shelby, Houston, Angelina, Trinity, Polk, Tyler, San Augustine, Sabine, Jasper, Newton in the State of Texas.

[7] For the Texas Panhandle Area Column 1 prices also apply to ultimate destinations in the Counties of Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, and all counties west thereof in the State of Kansas.

[1] Except waste or re-refined lubricating oil sold for use as fuel oil.

actual maximum price of the tank wagon seller.

(2) If there was a contract in effect on October 1 ,1941, as described in (1) above, and if such tank wagon seller's maximum price is increased at any point to the normal price of the reference seller as posted on October 1, 1941, then the supplier's maximum price shall be altered in accordance with the provisions of such contract. In computing the supplier's maximum price, the tank wagon price used in any computation herein shall be regarded as .3 of a cent less than the actual maximum price of the tank wagon seller.

SEC. 6.3 *On sales of distillate and distillate type fuel oils*—(a) *In the Eastern Seaboard area*—(1) *Within the area, generally; at all selling levels.* Except as hereunder provided in subparagraph (2), within the States of Connecticut, Delaware, Florida (except east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia, an amount per gallon as indicated below may be added to a maximum price determined under Article V for any of the respective products listed below:

Product:	*Cents per gallon to be added*
All distillate and distillate type fuel oils having a viscosity below 85 seconds Saybolt universal (at 100° F.) except kerosene, range oil and No. 1 fuel oil and including but not limited to the following: Tractor fuel, gas house oils, distillate diesel fuel oils, Nos. 2, 3, and 4 fuel oils, standard light gas oil, gas house standard light gas oil and Mirando and Mirando type crude oil when sold as No. 4 fuel oil or for other distillate fuel oil use	1.5
Kerosene, range oil and No. 1 fuel oil	1.8

(2) *Within Schedule "D" area Zone 6 of Petroleum Administration for War District One.* On sales f. o. b. refineries and terminals within Schedule "D" area of Zone 6 of Petroleum Administration for War District One, as defined in section 1.14 (n), for shipment to ultimate destinations in Petroleum Administration for War District One outside of such Schedule "D" area, the maximum prices for kerosene, range oil and No. 1 fuel oil shall be the maximum prices as determined under Article V plus .3 of a cent per gallon and for all other products listed in subparagraph (1) above shall be the maximum prices as determined under Article V. If a seller's maximum price for a sale as described above was established prior to December 1, 1943, under § 1340.159 (b) (7) of Revised Price Schedule No. 88, then his maximum price shall be his said maximum price prior to December 1, 1943 less 1.5¢ per gallon.

(b) *In certain parts of the lower peninsula of Michigan—on tank wagon deliveries.* In the lower peninsula of Michigan except in the Counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne, the sum of .4 of a cent per gallon may be added to a maximum price determined under Article V for tank wagon deliveries of prime white distillate, range oil, also known as stove or heater oil, and Nos. 1, 2 and 3 fuel oil.

(c) *In the Territory of Hawaii*—(1) *On bulk sales.* At any particular shipping or delivery point in the Territory of Hawaii, the amount provided by section 22 of Maximum Price Regulation 373 and the sum of .8 of a cent per gallon may be added to a maximum price determined under section 5.2 of this regulation for bulk deliveries of any grade of gasoline, kerosene, or any fuel oil meeting Pacific Specification No. 200.

(2) *On sales of packaged stove oil or kerosene.* At any particular shipping or delivery point in the Territory of Hawaii, the amount per gallon indicated below may be added to a maximum price determined under section 5.2 for stove oil, or kerosene in packages:

Products:	*Cents per gallon to be added*
Stove oil	5.5
Kerosene in cases	6

SEC. 6.4 *On sales of residual or residual type fuel oils*—(a) *In the Eastern Seaboard area*—(1) *Within the area, generally; at all sellers' levels.* Except as provided in subparagraph (2) below and except at the refinery and ocean terminals designated in Table 1 of section 3.1 there may be added within the States of Connecticut, Delaware, Florida, (east of the Apalachicola River) Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Vermont, Virginia, West Virginia and the District of Columbia the sum of 30 cents per barrel to a maximum price determined under Article V for any residual or residual type fuel oils having a viscosity of 85 seconds Saybolt Universal (at 100° F.) and above including but not limited to Nos. 5 and 6 fuel oils, bunker C, Navy grade, residual and diesel fuel oils, residuum gas oil, heavy gas oil, heavy gas enrichment oil, gas house heavy oil, N. E. gas enrichment oil, S. W. gas oil, Admiralty fuel oil, Navy special fuel oil, Mirando and Mirando type crude when sold as No. 5 or other residual fuel oil or as a heavy gas enrichment oil.

(2) *Within Schedule "D" area of Zone 6 of Petroleum Administration for War District One.* On sales f. o. b. refineries and terminals within the Schedule "D" area of Zone 6 of Petroleum Administration for War District One, as defined in section 1.14 (n) of this regulation, for shipment to ultimate destinations in Petroleum Administration for War District One outside of such Schedule "D" area, the maximum prices for the products designated in and for the sellers covered by subparagraph (1) above shall be the maximum prices as determined under Article V or Article VIII.

(b) *In the States of Washington and Oregon—Navy Grade Special Fuel Oil.* At any particular shipping or delivery point in the States of Washington or Oregon the sum of 25 cents per barrel may be added to a maximum price determined under Article V for deliveries of Navy Grade Special Fuel Oil.

(c) *In Petroleum Administration for War District Five.* In PAW District Five the sum of 25 cents per barrel may be added to a maximum price determined under Article V for deliveries of residual fuel oil having a viscosity of not less than 18 and not more than 60 seconds Saybolt Furol (122° F.) and otherwise meeting the specifications of Pacific Standard No. 300 fuel oil and of residual fuel oil having a viscosity of not less than 60 seconds Saybolt Furol (122° F.) and otherwise meeting the specifications of Pacific Standard No. 400 fuel oil.

(d) *In the Territory of Hawaii*—(1) *On bulk sales.* At any particular shipping or delivery point in the Territory of Hawaii the amount provided by section 22 of Maximum Price Regulation 373 and the sum of 56 cents per 42 gallon barrel may be added to a maximum price determined under section 5.2 of this regulation for bulk deliveries of Pacific Specification No. 300 fuel oil or Pacific Specification No. 400 fuel oil.

SEC. 6.5 *On sales of gasoline*—(a) *In the Eastern Seaboard area*—(1) *Within the area, generally; at all selling levels.* Except as hereunder provided in subparagraph (3), within the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the corporate limits of Bristol, Tennessee, the sum of 1.2 cents per gallon may be added to a maximum price determined under Article V for deliveries of gasoline in the above states and city and the District of Columbia.

(2) *In the State of Florida (east of the Apalachicola River; at all selling levels.* Within the State of Florida (east of the Apalachicola River) the sum of .9 of a cent per gallon may be added to a maximum price determined under Article V for deliveries of gasoline.

(3) *Within Schedule "D" area of Zone 6 of Petroleum Administration for War District One.* On sales f. o. b. refineries and terminals within Schedule "D" area of Zone 6, as defined in section 1.14 (n) of this regulation, for shipment to ultimate destinations in Petroleum Administration for War District One outside of such Schedule "D" area, the maximum price for gasoline shall be the maximum price as determined under Article V. If a seller's maximum price for a sale as described above was established prior to December 1, 1943 under § 1340.159 (b) (7) of Revised Price Schedule No. 88 then his maximum price shall be his said maximum price prior to December 1, 1943 less 1.2¢ per gallon.

(b) *In the Territory of Puerto Rico—at all selling levels.* In the Territory of Puerto Rico on deliveries to all purchasers other than the U. S. Government, its agencies or instrumentalities, when purchased for their exclusive use, the sum of .3 of a cent per gallon may be added to a maximum price determined under Article V for deliveries of gasoline.

SEC. 6.6 *On sales of liquefied petroleum gas*—(a) *In the Territory of Hawaii—on sales in packages.* At any particular delivery or shipping point in the Territory of Hawaii, the sum of .5 of a cent per pound may be added to a maximum price determined under section 5.2 for liquefied petroleum gas when sold in packages.

SEC. 6.7 *On sales of naphthas and solvents*—(a) *In the Territory of Hawaii—on sales in packages.* At any particular delivery or shipping point in the Territory of Hawaii, the sum of 3.5 cents per gallon may be added to a maximum price determined under section 5.2 for a particular solvent or naphtha, when sold in packages.

ARTICLE VII—MAXIMUM TANK WAGON PRICES DETERMINED IN ACCORDANCE WITH REFERENCE SELLER'S PRICES

SEC. 7.1 *Notice by tank wagon sellers.* Any tank wagon seller of gasoline, kerosene, range or stove oil, distillate fuel oils, tractor and diesel fuel, whose maximum price to a retail dealer pursuant to this Article VII is increased shall notify each retail dealer in writing on or before the date of the initial sale to such dealer after February 13, 1943, that the retail dealer's maximum price for said products at his retail establishment is increased by the amount of such increase in the tank wagon seller's maximum price. Such notice shall be in the following form:

> Your new Office of Price Administration ceiling price for (product) at your retail establishment is your former ceiling price plus ——¢ per gallon. The Office of Price Administration requires you to keep this information for examination.

SEC. 7.2 *Designated reference sellers.* The companies hereinafter named are the reference tank wagon sellers for any point in the Continental United States, in the state, states or districts set out opposite the name of the company: *Provided*, That such company has an applicable maximum price for such point:

For any point in the State of:	*Reference tank wagon sellers*
Alabama	Standard Oil Company of Kentucky.
Arizona	Standard Oil Company of California.
Arkansas	Standard Oil Company of Louisiana.
California	Standard Oil Company of California.
Colorado	Continental Oil Company.
Connecticut	Socony-Vacuum Oil Company, Inc.
Delaware	The Atlantic Refining Company.
District of Columbia	Standard Oil Company of New Jersey.
Florida	Standard Oil Company of Kentucky.
Georgia	Standard Oil Company of Kentucky.
Idaho	Continental Oil Company.
Illinois	Standard Oil Company of Indiana.
Indiana	Standard Oil Company of Indiana.
Iowa	Standard Oil Company of Indiana.
Kansas	Standard Oil Company of Indiana.
Kentucky	Standard Oil Company of Kentucky.
Louisiana	Standard Oil Company of Louisiana.
Maine	Socony-Vacuum Oil Company, Inc.
Maryland	Standard Oil Company of New Jersey.
Massachusetts	Socony-Vacuum Oil Company, Inc.
Michigan	Standard Oil Company of Indiana.
Minnesota	Standard Oil Company of Indiana.
Mississippi	Standard Oil Company of Kentucky.
Missouri	Standard Oil Company of Indiana.
Montana	Continental Oil Company.
Nebraska	Standard Oil Company of Nebraska.
Nevada	Standard Oil Company of California.
New Hampshire	Socony-Vacuum Oil Company, Inc.
New Jersey	Standard Oil Company of New Jersey.
New Mexico	Continental Oil Company.
New York	Socony-Vacuum Oil Company, Inc.
North Carolina	Standard Oil Company of New Jersey.
North Dakota	Standard Oil Company of Indiana.
Ohio	Standard Oil Company of Ohio.
Oklahoma	Continental Oil Company.
Oregon	Standard Oil Company of California.
Pennsylvania	Atlantic Refining Company
Rhode Island	Socony-Vacuum Oil Company, Inc.
South Carolina	Standard Oil Company of New Jersey.
South Dakota	Standard Oil Company of Indiana.
Tennessee	Standard Oil Company of Louisiana.
Texas	The Texas Company.
Utah	Continental Oil Company.
Vermont	Socony-Vacuum Oil Company, Inc.
Virginia	Standard Oil Company of New Jersey.
Washington	Standard Oil Company of California.
West Virginia	Standard Oil Company of New Jersey.
Wisconsin	Standard Oil Company of Indiana.
Wyoming	Continental Oil Company.

SEC. 7.3 *Consumers tank wagon prices*—(a) In the States of Maine, *New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York—Use of reference seller's maximum prices required.* Where deliveries are made within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York, any seller's maximum price for tank wagon and returnable steel barrel deliveries of motor gasoline to a consumer of any class other than a governmental agency shall be as follows:

(1) For tank wagon deliveries in single lots of 200 gallons or more to a purchaser whose semi-annual requirements, as hereinafter defined, for bulk delivery are:

(i) 10,000 gallons and up to 60,000 gallons the maximum commercial consumer's tank wagon price, as determined under other provisions of this price regulation, of the reference tank wagon seller.

(ii) Under 10,000 gallons one-half cent (½¢) per gallon in addition to the maximum price established under (i).

(iii) 60,000 gallons or more one-quarter cent (¼¢) per gallon less than the maximum price established under (i).

(2) For tank wagon deliveries in single lots of less than 200 gallons, one cent (1.0¢) per gallon in addition to the maximum price to the same purchaser as established under (1).

(3) For returnable steel barrel deliveries, three cents (3¢) per gallon in addition to the maximum price to the same purchaser as established under (1).

(b) *In the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia—use of reference seller's maximum price required.* Where deliveries are made within the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, any seller's maximum price for tank wagon and returnable steel barrel deliveries of motor gasoline to a consumer of any class other than a governmental agency shall be as follows:

(1) For tank wagon deliveries in single lots of 200 gallons or more to a purchaser whose semi-annual requirements for all grades of motor gasoline as hereafter defined for bulk delivery are:

(i) Under 60,000 gallons, the maximum commercial consumer's tank wagon price of the reference seller for the particular grade of gasoline in the tank wagon area of the reference seller where delivery is made, as such price is determined under other provisions of this price regulation.

(ii) 60,000 gallons and more, the maximum price as established under (i) less ¾ of a cent per gallon or the maximum price as established under (i) less an amount equal to the largest difference, if any, per gallon, between the net price charged and the undivided dealer tank wagon price of the reference seller for such grade of gasoline on any tank wagon delivery to the purchaser from any supplier during March 1941 in such area, whichever price is higher.

(2) For tank wagon deliveries in single lots of less than 200 gallons, one cent (1.0¢) per gallon in addition to the maximum price to the same purchaser as established under (1).

(3) For returnable steel barrel deliveries, two cents (2.0¢) per gallon in addition to the maximum price to the same purchaser as established under (1).

(c) *Method of computing a consumer's semi-annual requirements—proof of his eligibility for allowances.* For the purpose of section 7.3, a consumer's semi-annual requirements of motor gasoline shall be the sum of all lawful ration allotments for bulk delivery only, converted to semi-annual basis, in effect to a given consumer as of January 1 for the first six months and July 1 for the last six months of any calendar year.

As proof of such semi-annual requirements it shall be the responsibility of the purchaser eligible for and claiming any allowance hereinabove provided to deliver to the seller an affidavit stating his semi-annual requirements for all grades of motor gasoline as above computed. Moreover, it shall be the responsibility of a purchaser claiming an allowance as provided by inferior subdivision (b) (1) (ii) above to deliver to the seller a copy of a relevant March 1941 invoice as proof of the eligibility of the purchaser to an allowance provided by such inferior subdivision or an affidavit setting forth the facts that would entitle him to an allowance. As soon as the necessary paper or papers have been delivered to the seller, the purchaser shall be entitled on any subsequent delivery to the allowance for which he is eligible under the provisions hereinabove made.

SEC. 7.4 *In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin—products for which use of reference seller's maximum prices are required*—(a) *Maximum tank wagon prices.* A seller's maximum tank wagon price for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oil, diesel fuel, or tractor fuel, at a particular point in any of the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, or Wisconsin shall be either the reference tank wagon seller's normal price, as posted on October 1, 1941, for the same grade of the particular product at the same point or the sum of said reference seller's maximum tank wagon price for such product at the same point as established under other provisions of this regulation and .7¢ per gallon, whichever is the lower, except that in the case of tractor fuel if a tank wagon seller's maximum price as determined under other provisions of this regulation is higher then such maximum price shall remain in effect.

If the reference seller has no established maximum price at a particular point for a particular grade of any of the products named above, then a tank wagon seller's maximum price shall be his maximum price as determined by other provisions of this Regulation.

SEC. 7.5 *In States other than those covered by section 7.4—Use of reference seller's maximum prices optional.* A seller's maximum tank wagon price, in states other than those named in section 7.4, for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oils, and tractor and diesel fuel shall be the maximum price as determined under other provisions of this regulation of the reference tank wagon seller for the same grade at the same point: *Provided,* The reference tank wagon seller's maximum price is higher than the maximum price which would otherwise be applicable.

ARTICLE VIII—MAXIMUM PRICES TO BE ESTABLISHED UPON APPLICATION

SEC. 8.1 *Continuing effectiveness of certain maximum prices heretofore approved under § 1340.159 (b) (7) or (b) (16) of Revised Price Schedule No. 88.* If a maximum price for a product at a given shipping or deliver point cannot be established under any preceding article of this regulation and if a maximum price for the product at the particular point was heretofore approved for the seller under § 1340.159 (b) (16) or § 1340.159 (b) (7) of Revised Price Schedule No. 88, then such approval shall be deemed to continue in full force and effect as if granted under section 8.2 or 8.3 below.

SEC. 8.2 *For waste or re-refined lubricating oil sold for use as fuel oil.* When waste lubricating oil or re-refined lubricating oil is sold for use as fuel oil, a seller may not charge and a buyer may not pay a price therefor until a maximum price has been approved in writing by the Office of Price Administration. Applications for such approval must be made in writing to the Petroleum Branch of the Office of Price Administration, Washington, D. C., and shall contain the same information as is required for an application under section 8.3 below.

SEC. 8.3 *For all other products covered by this regulation.* (a) If under any preceding section of this regulation a seller is unable to determine the maximum price at a given shipping or delivery point for any product covered by this regulation then the seller may nevertheless make a sale of such product at the said point or may notify the Office of Price Administration in writing that he has set a tentative maximum price for the product at the said shipping or delivery point. In giving notice of the setting of such tentative maximum price or within 15 days of the making of the said sale, the seller shall file with the Petroleum Branch of the Office of Price Administration, Washington, D. C., a written request for the approval of either the tentative or sale price and together with such request a statement setting forth:

(1) Such tentative or sale price and in the latter case, full details of the sale;

(2) An explanation as to why it is impossible for the seller to establish a selling price under preceding articles of this regulation;

(3) Whenever applicable that the price set or charged by him is in line with the level of maximum prices for the three most closely competitive sellers of his same class and his own maximum price for the same product at three other points nearest the point at which the tentative price is set;

(4) Whenever subparagraph (3) is not applicable, an explanation, supplemented by specifications as to how the particular product differs from the two products having the most nearly similar specifications for which maximum prices are established under preceding articles of this schedule, the maximum prices of such products and a statement showing a computation of the cost to the seller[1] of the particular product and how that differs from the cost to him of the two products having the most nearly similar specifications.

Such tentative or sale price shall be the seller's maximum price at the particular shipping point or delivery point for the particular product until the said price is disapproved in writing by the Office of Price Administration or until the seller is notified in writing that a substitute maximum price has been set by the Office of Price Administration. Either an approved tentative or sale price or a substitute maximum price set by the Office of Price Administration may be replaced by another maximum price upon written notice to the seller from the Office of Price Administration.

(b) If a seller shall fail to report a sale as required by paragraph (a) above the Office of Price Administration may at any time upon written notice to the seller establish his maximum price for the particular product at the particular point effective retroactively to a date 15 days after the making of the said sale.

Effective date. This regulation shall become effective February 19, 1944 as to the 48 states and the District of Columbia and April 4, 1944 as to the territories and possessions, except the Panama Canal Zone.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2187; Filed, February 15, 1944; 9:04 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 114,[2] Amdt. 9]

WOODPULP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 114 is amended in the following respects.

1. The table in Appendix A (a) (1) is amended to read as follows:

Maximum Prices Applicable to Woodpulp Delivered to Consumers Mills Located East of the Continental Divide Exclusive of Denver, Colorado.

Bleached softwood sulphite	$86.00
Unbleached softwood sulphite	74.00
Bleached hardwood sulphite	83.50
Unbleached hardwood sulphite	71.50
Northern bleached sulphate	86.00
Southern bleached sulphate	79.00
Northern semi-bleached sulphate	82.00
Southern semi-bleached sulphate	$75.00
Northern unbleached sulphate	73.00
Southern unbleached sulphate	63.50
Bleached soda pulp	72.00
Unbleached soda pulp	68.00
Groundwood pulp	50.00
Groundwood pulp—paper machine dried and mutilated	53.00
Sulphite screenings	43.50
Sulphate screenings	38.00
Groundwood screenings	32.00
Northern unbleached sulphate sideruns	73.00
Southern unbleached sulphate sideruns	63.50
Standard newsprint sideruns	50.00

2. The table in Appendix A (b) (1) is amended to read as follows:

	Producing area			
	Northeast	Lake Central	Southern	West Coast
Bleached softwood sulphite	$80.00	$80.00	$78.00	$74.00
Unbleached softwood sulphite	68.00	68.00		63.00
Bleached hardwood sulphite	77.50	77.50	75.50	
Unbleached hardwood sulphite	65.50	65.50	63.50	
Northern bleached sulphate				74.00
Southern bleached sulphate			71.00	
Northern semi-bleached sulphate				70.00
Southern semi-bleached sulphate			67.00	
Northern unbleached sulphate				61.00
Southern unbleached sulphate			55.50	
Bleached soda	66.00	66.00	64.00	

This amendment No. 9 to Maximum Price Regulation No. 114 shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2186; Filed, February 15, 1944; 9:04 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 508, Correction]

RAYON KNIT FABRICS AND THE KNITTING THEREOF

The reference to "section 22 (d)" in the last sentences of sections 15 (b), 16 (b) and 20 (d) of Maximum Price Regulation No. 508 is corrected to read "section 22 (e)".

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2185; Filed, February 15, 1944; 9:03 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[10th Rev. Zoning Order 1 under Rev. RO 3,[1] Amdt. 1]

ORDER ESTABLISHING ZONES

The Tenth Revised Zoning Order No. 1 is amended in the following respects:

1. Section 1407.281 (a) Zone 1 is amended to read as follows:

Zone 1 shall include the States of Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

2. Section 1407.281 (a) Zone 1A is added to read as follows:

Zone 1A shall include the State of Connecticut.

3. Section 1407.281 (a) Zone 2 is amended to read as follows:

Zone 2 shall include that part of the State of New York which is not located in Zone 2A; and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex, and Union Counties in the State of New Jersey.

4. Section 1407.281 (a) Zone 2A is added to read as follows:

Zone 2A shall include Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates Counties in the State of New York.

5. Section 1407.281 (c) is amended to read as follows:

(c) Sugar may be delivered, shipped or transferred as follows:

(1) From Zone 1 to any point in Zone 1A.

(2) From Zone 2 to any point in Zones 1A or 2A.

(3) From Zone 3 to any point in Zone 2A.

(4) From Zone 6 to any point in Zone 8A or to any point in the City of Bristol located in the State of Virginia.

(5) From Zone 8 to any point in Zones 3A, 8A, 9, 10, or 11 or to any point in the City of Bristol located in the State of Virginia.

(6) From Zone 9 to any point in Zone 9A.

(7) From Zone 12 to any point in Zones 9A or 11.

6. Section 1407.281 (d) is revoked.

7. Section 1407.281 (f) is amended to read as follows:

(f) Any carrier who has, prior to the effective date of this Tenth Revised Zoning Order No. 1, accepted sugar for a delivery, shipment, or transfer not at that time prohibited by §§ 1407.281 and 1407.168 may complete such delivery, shipment, or transfer after the effective date of this Tenth Revised Zoning Order No. 1.

This Amendment No. 1 to the Tenth Revised Zoning Order No. 1 shall become effective February 14, 1944.

(Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005; Food Dir. 8, 8 F.R. 7093; Sec. 1407.168 of Revised Ration Order 3)

Issued this 14th day of February 1944.

WALTER F. STRAUB,
Director, Food Rationing Division.

[F. R. Doc. 44-2170; Filed, February 14, 1944; 11:46 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 94]

COTTON WAREHOUSING SERVICES IN DESIGNATED SOUTHERN STATES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subdivision (iv) of section 8.2 (b) (6), of Revised Supplementary Regulation No. 14 is amended to read as follows:

(iv) *In Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.* On and after February 14, 1944 and until and including July 31, 1944, cotton warehousemen in the states of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia may charge, for the services of storing, receiving, handling, and compressing cotton and for miscellaneous services in connection with the warehousing of cotton, their maximum prices established by § 1499.2 and Amendments 14 and 40 to Supplementary Regulation No. 14 (now designated as section 8.2 (b) (1) to (5), inclusive, of Revised Supplementary Regulation No. 14), plus a surcharge in the amount of 20%.

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2184; Filed, February 15, 1944; 9:03 a. m.]

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[1] Where the product or any component thereof has been purchased by the applicant and the sale of such product to the applicant was exempted from price control the cost data submitted must show the cost of such product to the original producer thereof rather than the cost to the applicant.

[2] 7 F.R. 2843, 3576, 5059, 5564, 8997, 8948; 8 F.R. 321, 2334, 8877, 10558.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 1433, 1554.

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 46]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. Section 1.2 (b) is amended by inserting the words "such as a particular plant" after the words "fixed location" in the parenthetical statement in that section.

2. Section 2.1 is amended by substituting the word "six" for the word "three" in the title.

3. Section 2.1 (a) is amended to read as follows:

(a) Institutional user establishments are divided into six groups:

(1) A "pooled book" group, called Group I;
(2) An "involuntary confinement" group, called Group II;
(3) A "general group", called Group III;
(4) An "on the job feeding" group, called Group IV;
(5) A "hospital" group, called Group V;
(6) A "child feeding and school lunch" group, called Group VI.

3a. Section 2.2 (b) is amended by adding the following sentence at the end thereof: "Any other establishments which meet the above tests are in Group I, even if they also meet the tests for Group IV, V, or VI."

4. Section 2.3 (a) is amended by adding the following parenthetical sentence at the end thereof: "(Public and private orphanages are included in Group II.)"

5. Section 2.4 (a) is amended to read as follows:

(a) All institutional user establishments not covered by sections 2.2, 2.3, 2.5, 2.6 or 2.7 are in Group III.

6. Section 2.5 is redesignated section 2.8, and a new section 2.5 is added to read as follows:

SEC. 2.5 *Group IV establishments and users.* (a) An institutional user establishment is in Group IV if it is operated by an employer, or by his employees or their representatives, principally for the purpose of feeding those employees in connection with their work. An institutional user establishment is also in Group IV if it is operated (by anyone) principally for the purpose of feeding employees of another person pursuant to a contract and if ninety percent (90%) or more of its services of food regularly are to the employees covered by that contract.

(b) Any institutional user who has an establishment in Group IV is called a Group IV institutional user with respect to that establishment.

7. Section 2.6 is added to read as follows:

SEC. 2.6 *Group V establishments and users.* (a) A hospital or other establishment principally engaged in the care and treatment of the sick is in Group V. (However, a hospital or similar establishment which is part of a prison, insane asylum, home for delinquents or other institution of involuntary confinement, or of a public or private orphanage, is in Group II.)

(b) Any institutional user who has an establishment in Group V is called a Group V institutional user with respect to that establishment.

8. Section 2.7 is added to read as follows:

SEC. 2.7 *Group VI establishments and users.* (a) An institutional user establishment is in Group VI if it is operated at a school, child care center, children's camp or similar establishment and if ninety percent (90%) or more of the services of food there are to children of 18 years or less.

(b) Any institutional user who has an establishment in Group VI is called a Group VI institutional user with respect to that establishment.

8a. Section 3.5 is amended to read as follows:

SEC. 3.5 *Re-registration of certain establishments.* (a) An institutional user who combined in a single registration establishments which, beginning March 1, 1944, are in more than one group as a result of the provisions of Article II, as amended, shall re-register those establishments, according to their groups, when he next applies for allotments after February 29, 1944. He shall file with the Board additional OPA Forms R–1307 and R–1307 Supplement, giving the information called for by those forms separately for each group of establishments. Any remaining excess inventory of the originally combined establishments may be apportioned among the establishments as re-registered, in such proportion as he chooses.

9. The title of Article V is amended to read as follows: "Article V—Allotments for Groups II, III, IV, V and VI users".

10. Section 5.1 is amended to read as follows:

SEC. 5.1 *Institutional users (other than Group I users) are entitled to allotments.* (a) Institutional users are entitled to allotments of rationed foods for establishments in Groups II, III, IV, V and VI. (A Group I user is not entitled to allotments of rationed foods and the provisions of this order dealing with allotments do not apply to him except where specific provision is made for him.)

11. Section 5.2 (a) is amended by deleting the words "Groups II and III" in the first sentence of that section.

12. Section 5.3 is amended by deleting the words "Groups II and III" and substituting in place thereof the word "institutional" in the headnote of that section.

13. Section 5.3 (a) is amended by deleting the words "in Group II or III" in the first sentence of that section, and by changing the words "in these groups" to read "other than a Group I user" in the first sentence of the parenthetical statement of that section.

14. Section 5.3 (b) is amended to read as follows:

(b) Applications for allotments are to be made to the Board, in person or by mail, during the first fifteen (15) days of each allotment period, on OPA Form R–1309 (Revised). However, applications for the March-April 1944 period may be made during the first thirty (30) days of that period. An institutional user who will be in Group IV, V or VI because of the provisions of Article II, shall be classified in one of these groups when he applies for allotments for the March-April 1944 period. He shall submit together with his Form R–1309 (Revised) information showing that he is within one of those groups. (Applications for supplemental allotments may, however, be made at the times and under the conditions specified in Article XI.)

15. Section 5.4 is amended by deleting the words "Group II or III" in the title.

16. Section 5.4 (a) is amended by deleting the words "Group II or III" in the first sentence of that section.

17. Sections 5.4 (c) and 5.4 (d) are amended to read as follows:

(c) Each future allotment of a rationed food shall be equal in amount to the institutional user's last regular allotment. (For example, on May 1, 1944, an applicant applies for a regular allotment of sugar for May and June and a future allotment for July and August. If his allotment for May and June is 500 pounds, the Board may grant an allotment of an additional 500 pounds for July and August.)

(d) When an applicant who has received a future allotment next applies for a regular allotment, the Board shall compute the regular allotment which he would have received for the allotment period covered by the future allotment. If the amount of the future allotment exceeds the amount of that regular allotment, the difference shall be deducted from the allotment for which he is applying. If the amount of the future allotment is less than the amount of the regular allotment which he would have been entitled to receive, the difference shall be added to the allotment for which he is applying.

18. Section 5.5 is amended by changing the word "food" to read "meals" in paragraphs (a) (4), (a) (6), (a) (8), and (d) and by adding a paragraph (f) to read as follows:

(f) The terms "meal" and "meal service" are used in this Order for convenience to cover any service of food other than a service of a refreshment only. This term "food", when used alone, covers all food items and includes both meals and refreshments. OPA Forms R–1307 Supplement and R–1309 (Revised) use the terms "food services" and "persons served food". These terms, for the purposes of this Order, have the same meaning as "meal services" and "persons served meals".

19. Section 5.6 is amended by adding the following note after paragraph (c) of that section:

NOTE: Some Group III users referred to in this section and in section 5.5 are changed to Group IV, V or VI users, effective March 1, 1944. However, the provisions of sections 5.5 and 5.6 apply to them despite the change in groupings.

20. Section 6.1 (a) is amended by deleting the first sentence of that section and substituting in place thereof the following sentence:

(a) An institutional user's allotment for establishments in Group II is based on the total number of persons he served there.

21. Section 6.2 is amended to read as follows:

SEC. 6.2 *Computation of allotments.* (a) The allotment of each rationed food for each allotment period shall be computed by multiplying the total number of persons served during the preceding allotment period by the allowance per person fixed for that food.

22. Section 6.3 is revoked.

23. The title of Article VII is amended to read as follows "Article VII—Computation of allotments for Group III, IV, V, and VI users".

24. Section 7.1 is amended to read as follows:

SEC. 7.1 *Group III, IV, V and VI users have a separate "base" for each rationed food for meals and for services of refreshments only.* (a) An institutional user has a base for each rationed food for "meal services" and a separate base for "services of refreshments only", for his establishments in Groups III, IV, V and VI.

(b) His base for meal services is determined in the following way:

(1) The amount of each rationed food used there during December 1942 for meal services is multiplied by the "December use factor" fixed for that food by the Office of Price Administration as set forth in a supplement to this order. (For the purpose of determining the base, canned milk shall be excluded from, and all cheeses except cottage, pot and bakers', shall be included in, foods covered by Ration Order No. 16);

(2) The number of persons served meals there during December 1942, is multiplied by the "allowance per person" fixed for that rationed food by the Office of Price Administration, as set forth in a supplement to this order;

(3) The smaller of the two figures obtained under (1) and (2) above is his "base" for meal services for that rationed food.

(4) The applicable "December use factor" and "allowance per person" in (1) and (2) above depend upon the percentage of bread, rolls, doughnuts and crullers, pies, cakes, and pastries he served there during December 1942, that he himself baked for such service during that month. The tests for determining the factor and the allowance per person that are to be applied appear in a supplement to this order.

(c) His base for services of refreshments only is determined by multiplying the amount of each rationed food used there during December 1942 for services of refreshments only, by the refreshment factor for that food, as set forth in a supplement to this order. (For the purpose of determining the base canned milk shall be excluded from, and all cheeses except cottage, pot and bakers', shall be included in foods covered by Ration Order No. 16.)

(d) In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served. (For example, a person who was served on 30 separate occasions is to be counted as if he were thirty (30) persons.)

(e) In counting the number of persons served and in determining the amount of rationed food used during December 1942, services to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer, who were served pursuant to written contract with an agency of the United States, are not to be included.

(f) The amount of sugar used is figured in pounds. The amount of processed foods and foods covered by Ration Order 16 used is figured in points and their point value is to be computed in the same way as the point value of the opening inventory of processed foods and foods covered by Ration Order 16. (This computation is covered by sections 3.2 (f) and 3.6 (b).)

(g) Whenever the December use factor, the allowance per person or the refreshment factor for a rationed food is changed, the base for that food of any institutional user affected by the change shall be recomputed when he next applies for his regular allotment. The recomputed base shall be treated as his base for all purposes.

25. Section 7.2 is amended to read as follows:

SEC. 7.2 *Institutional users who discontinue baking operations.* (a) An institutional user whose bases for meal services were computed by using the higher factors and allowances for baking operations fixed in the supplement to the order, may, during the March-April 1944 period, or during a subsequent period, cease to bake the percentages of the baked goods that he uses necessary to qualify for those factors and allowances, as set forth in the supplement. If he ceases, his bases for meal services shall be recomputed when he next applies for regular allotments, by using the lower factors and allowances fixed in the supplement for those who did not do enough baking to qualify.

26. Section 7.3 is amended to read as follows:

SEC. 7.3 *Computation of meal service allotments for Group III users who charge.* (a) If an institutional user charges for meal services and did charge during the month used in determining his base, his allotment of each rationed food for meal services for his establishments in Group III, is determined by comparing his volume of business during December 1942 with his volume during the preceding period.

(b) If the number of persons served meals during the preceding period is less than twice the number of persons he served meals in December 1942, his allotment of a rationed food for meal services is computed in the following way:

(1) The number of persons he served meals during the preceding period is divided by the number he served meals in December 1942;

(2) The figure so obtained is multiplied by his meal service base for that food;

(3) The result is his allotment for meal services.

(c) If the number of persons he served meals and his dollar revenue from meal services during the preceding period are both more than twice his corresponding figures for December 1942, his allotment of a rationed food for meal services is computed in the following way:

(1) The number of persons served meals during the preceding period is divided by the number he served meals in December 1942;

(2) His dollar revenue from meal services during the preceding period is divided by his dollar revenue from meal services in December 1942;

(3) The smaller of the two figures obtained under (1) and (2) above is multiplied by his meal service base for that food;

(4) The result is his allotment for meal services.

(d) In all other cases, his allotment for meal services is twice his meal service base for each rationed food.

(e) In counting the persons served and determining his dollar revenue, service to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer who were served pursuant to written contract with an agency of the United States is not to be included.

(f) Where an institutional user makes a combined charge for food and lodging or other services, his dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment that part of the charge is included in the dollar revenue.) If a determination has been made under any maximum rent regulation of the Office of Price Administration of the part of the total charge which is for rent, that determination shall be used for the purpose of this paragraph.

27. Section 7.4 is amended to read as follows:

SEC. 7.4 *Commutation of meal service allotments for Group III users who do not charge.* (a) If a Group III institutional user does not charge for meal services, or did not charge during the month used in determining his base, his allotment of each rationed food for meal

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10002, 11480, 11479, 12483, 12557, 12403, 12744, 14472.

services for his establishments in Group III, is twice his meal service base for that food. However, if the number of persons he served meals during the preceding period is less than twice the number he served meals in December 1942, his allotment of a rationed food for meal services is computed in the following way:

(1) The number of persons he served meals during the preceding period is divided by the number of persons he served meals in December 1942;

(2) The figure so obtained is multiplied by his meal service base for that food;

(3) The result is his allotment for meal services.

NOTE: A Group III institutional user may not, under this section, obtain an increased allotment for a Group III establishment which made no charge for meal services.

28. Section 7.5 is redesignated section 7.7, section 7.6 is redesignated section 7.8, and a new section 7.5 is added to read as follows:

SEC. 7.5 *Commutation of refreshment service allotments for all Group III users.* (a) A Group III institutional user's allotment of each rationed food for services of refreshments only is computed by multiplying his refreshment base by a multiplier fixed for that food in a supplement to this order. (The meal and refreshment allotments, once obtained, are treated as a single allotment.)

29. A new section 7.6 is added to read as follows:

SEC. 7.6 *Commutation of meal and refreshment service allotments for Group IV, V and VI users.* (a) An institutional user's allotment of each rationed food for meal services for establishments in Group IV, V or VI is computed in the following way:

(1) The number of persons he served meals during the preceding period is divided by the number he served meals during December 1942;

(2) The figure so obtained is multiplied by his meal service base for that food;

(3) The result is his allotment for meal services.

(b) An institutional user's allotment of each rationed food for services of refreshments only for his establishments in Group IV, V or VI is computed by multiplying his refreshment base by a multiplier fixed for that food in a supplement to this order. (The meal and refreshment allotments, once obtained, are treated as a single allotment.)

30. Section 8.1 is amended to read as follows:

SEC. 8.1 *Institutional users who operated during only part of December 1942.* (a) If an institutional user operated his establishment for only part of December 1942 the figures which determine his bases and allotments are to be converted to a full December basis in the following way:

(1) Each of his figures for December 1942 is divided by the number of days he operated or was open for business during that month;

(2) Each result is multiplied by the number of days he would have operated or would have been open for business during December 1942 if it had been a normal month of operation;

(3) The figures so obtained are treated as his figures for December 1942, for all the purposes of this order, just as if those were his actual figures.

31. Section 8.2 is amended to read as follows:

SEC. 8.2 *Institutional users who did not operate in December 1942.* (a) If an institutional user did not operate his establishment during any part of December 1942 but did so at any time between January 1, 1942 and February 28, 1943, the figures which determine his bases and allotments are taken from his most recent period of operations instead of December 1942.

(b) His bases and allotments are to be determined from his figures for his last full calendar month of operation between January 1, 1942 and February 28, 1943. If he did not operate for a full calendar month, his bases and allotments are to be based on his actual figures for the last calendar month in which he operated. However, if the last calendar month is February 1943, his actual figures shall be converted to a full month basis in the way provided in section 8.1 for institutional users who operated during only part of December 1942.

(c) The figures so obtained are treated as his figures for December 1942, for all the purposes of this order just as if those were his actual figures for that full month.

32. Section 9.3 (a) is amended by changing the words "a Group II or III institutional user" in the first sentence of that section to "an institutional user (other than a Group I user)", and by inserting the words "meal service" before the word "allotment" wherever it appears in that section.

33. Section 9.4 and section 9.7 are revoked, section 9.5 is redesignated section 9.4 and section 9.6 is redesignated section 9.5.

34. Section 10.1 is amended to read as follows:

SEC. 10.1 *Seasonal users.* (a) An institutional user is a seasonal user with respect to an establishment which is not in operation during every month in the year. However, if he has two or more establishments registered together, he is a seasonal user as to those establishments only if there is some month in the year in which he does not operate any of them.

(b) A seasonal user who was not in operation between March 1 and March 10, 1943 inclusive, and who did not register between those dates, may register at any time prior to resuming operations. His registration constitutes an application for an allotment for the first allotment period in which he will operate.

(c) His application for an allotment for any subsequent allotment period in which he will operate must be filed during the first fifteen (15) days of the period. However, when he suspends operations he may apply for an allotment for the allotment period following the date on which he suspends operations, even though he will not be in operation during that period. The allotment to which he would be entitled for that period is to be used as his allotment for the allotment period in which he resumes operations. The Board may, at his request, issue a certificate to him when he resumes operations, instead of at the time of the application.

(d) Until a seasonal user has operated in at least two calendar months after February 28, 1943, his allotments for each rationed food shall be twice his bases for that food, except that:

(1) If his bases were determined on a full calendar month of operation (or by conversion to a full calendar month basis of his figures for part of December 1942 or February 1943) and he will not be in operation during the entire allotment period, he must notify the Board of the number of days he will not be in operation during that period. His allotments shall be equal to twice his bases reduced by an amount corresponding to the part of the period during which he will not be in operation;

(2) If his bases were determined on his actual figures for a part of a month only (not converted to a full calendar month basis) and he will operate in any allotment period less than twice the number of days he operated during the month used to determine his base, he shall notify the Board of the number of days he was in operation during that month and of the number of days he will be in operation during the allotment period. His allotments shall be computed by multiplying his bases by the number of days that he will be in operation during the allotment period and then dividing the result by the number of days he was in operation during the month used in determining his bases.

(e) After a seasonal user has been in operation in two calendar months after March 1, 1943, his allotments shall be determined in accordance with section 6.2, 7.3, 7.4, 7.5, or 7.6, whichever is applicable. In computing his allotments, the calendar months in which he was not in operation shall be disregarded and the months in which he was in operation shall be treated as if he operated continuously. (For example, a seasonal user may operate only from August 15 to September 30 and from December 1 to February 28. His January-February allotment will be based on his actual operations in September and December—the two calendar months preceding the allotment period.)

35. Section 10.2 (a) is amended by deleting the words "in Group II or III" in the first sentence of that section and substituting in place thereof the words "other than a Group I user."

36. Section 10.4 is redesignated section 11.7 and amended to read as follows:

SEC. 11.7 *Supplemental allotments for user who has not operated in two months after February 1943.* (a) Until an institutional user has been in operation, after February 1943, in two calendar months prior to the allotment period in which application for a supplemental allotment is made, his eligibility to receive a supplemental allotment shall be determined, and such allotment shall be computed by using his figures for the base month multiplied by two instead of his figures for the preceding allotment period. (However, this section does not apply to a new institutional user's first period of operations, since he may apply in the same manner that he applied to be registered, for permission to correct his estimate of the number of persons to be served during that period, and for an additional allotment computed on the basis of his corrected estimate.)

37. Section 11.1 is amended to read as follows:

SEC. 11.1 *Institutional users may get supplemental allotments for meal services if operations increase.* (a) If an institutional user finds that, because of increased meal services, his allotment of any rationed food will be exhausted before the end of the current period, he may apply for a supplemental allotment for meal services. The application must be made to the Board on OPA Form R-315. However, an institutional user is not entitled to a supplemental allotment for establishments in Group III if he does not charge for food, or did not charge during the month used in determining his base. (No supplemental allotment may be obtained under this Article to provide for an increase in "refreshment services only.")

(b) The application must show the number of persons served meals from the beginning of the current period to the date of the application. In the case of a Group III user, it must also show his dollar revenue from meal services during that time.

38. Section 11.2 is amended to read as follows:

SEC. 11.2 *Supplemental allotments for Group II users.* (a) If a Group II user applies for a supplemental allotment, the Board shall grant it only if it finds that the number of persons he will serve during the current period will be more than twenty percent (20%) larger than the number he served during the preceding period.

(b) The supplemental allotment is to be computed in the following way:

(1) The number of persons he served during the preceding period is subtracted from the total number he will serve during the current period;

(2) The difference is multiplied by the allowance per person for the rationed food for which application is made;

(3) The result is the supplemental allotment to be granted.

39. Section 11.3 is amended to read as follows:

SEC. 11.3 *Supplemental allotment for Group III user.* (a) If a Group III user applies for a supplemental allotment, the Board shall grant it only if it finds that:

(1) The number of persons he will serve meals during the current period and his dollar revenue from meal services during the current period will be more than twenty percent (20%) larger than the corresponding figures during the preceding period; and

(2) He has already served meals in the current period to eighty percent (80%) of the number of persons he served meals during the preceding period and he has already received in the current period eighty percent (80%) of the dollar revenue from meal services that he received in the preceding period.

(b) The supplemental allotment is to be computed in the following way:

(1) The amount of the increase in the number of persons he will serve meals, as estimated by the Board, is divided by the number he served meals during the preceding period;

(2) The amount of the increase in his dollar revenue from meal services, as estimated by the Board, is divided by his dollar revenue from meal services for the preceding period;

(3) The smaller of the two figures obtained in (1) and (2) above, is multiplied by his meal service allotment of the rationed food for the current period;

(4) The result is the supplemental allotment to be granted.

40. Section 11.4 is amended to read as follows:

SEC. 11.4 *Supplemental allotment for Group IV, V and VI users.* (a) If a group IV, V or VI user applies for a supplemental allotment, the Board shall grant it only if it finds that the number of persons he will serve meals during the current period will be twenty percent (20%) larger than the number he served meals during the preceding period.

(b) The supplemental allotment is to be computed in the following way:

(1) The amount of the increase in the number of persons he will serve meals, as estimated by the Board, is divided by the number he served meals during the preceding period;

(2) The figure obtained is multiplied by his meal service allotment of the rationed food for the current period;

(3) The result is the supplemental allotment to be granted.

41. Section 11.5 is amended to read as follows:

SEC. 11.5 *Applicant accounts for supplemental allotment when applying for subsequent allotment.* (a) An institutional user who has received a supplemental allotment of a rationed food prior to March 1, 1944, for which he has not as yet fully accounted, shall, when he applies for his regular allotment for the March-April 1944 period, report the total number of persons served and, except in the case of a Group II user, his dollar revenue for the period for which he received that supplemental allotment. The Board shall compute the amount, if any, to be deducted from his regular allotment in the following way:

(1) The total of his allotments (regular and supplemental) granted for the period in which he received that supplemental allotment is determined;

(2) The number of persons served during that period is divided by the number of persons he served in December 1942;

(3) The dollar revenue (in the case of a Group III user) received during that period is divided by the dollar revenue received in December 1942;

(4) The smaller of the figures obtained in (2) and (3) is multiplied by his base during that period;

(5) If the figure obtained in (1) is larger than the figure obtained in (4), the difference is to be deducted from his allotment for the March-April 1944 period. (He is, however, to be credited with any part of the supplemental allotment for which he has already accounted.)

(b) If he received a supplemental allotment for which he has not yet fully accounted, in more than one period, the procedure set forth in paragraph (a) is to be followed as to each such allotment.

(c) If an institutional user receives a supplemental allotment of a rationed food during the March–April 1944 period or during any subsequent period, it is added to his allotment for meal services for that period. If the total is larger than the allotment for meal services for the next period, the difference must be deducted from his allotment for that next period.

(d) The provisions of this section do not apply to supplemental allotments granted under section 11.6.

41A. A new section 12.3 is added to read as follows:

SEC. 12.3 *Petitions for refreshment base or adjustment.* (a) A Group IV, V or VI user may petition the Board on OPA Form R-315 for a refreshment base or for an adjustment of that base. He shall state the facts required and follow the procedure set out in section 12.2 (a). The Board shall not act upon the petition but shall forward it to the District Office. The District Office may grant a petition for a refreshment base or for an adjustment of a refreshment base if it finds that such relief is necessary to meet the nutritional needs of the persons fed or because of the nature of their work.

42. Section 13.2 (d) is amended by inserting the word "(Revised)" after the words "OPA Form R-1309" in that section.

43. Section 13.2 (e) is amended by substituting the words "allotment period" in place of the words "two periods" in the first sentence of that section.

44. Section 13.2 (f) is amended by changing the figures "6.3" to read "6.2".

45. Section 13.3 is amended by changing the headnote to read as follows:

SEC. 13.3 *New establishments which are registering separately.*

46. Section 13.3 (a) is amended to read as follows:

(a) A person who desires to operate a new Group III establishment at which a charge will be made for the meals served, or a new Group IV, V or VI establishment, and who has no such establishment, or who has two or more such establishments which have been registered separately, or who has only one such

establishment and will register the new one separately, must apply to the Board to be registered pursuant to this section.

47. Section 13.3 (b) (5) is amended by adding the parenthetical phrase "(in the case of a Group III user)" before the semicolon.

48. Section 13.3 (b) (6) is amended to read as follows:

(6) Whether he intends to do his own baking of bread, rolls, doughnuts and orullers, pies, cakes, and pastries, and the percentage he himself expects to bake of each of these baked goods that he expects to serve.

49. Section 13.3 (b) (7) is amended by inserting the word "meals" after the words "he expects to serve."

50. Section 13.3 (d) is amended to read as follows:

(d) If the District Office is satisfied that the new establishment will be a Group III establishment at which a charge for meal services will be made, or a Group IV, V or VI establishment, it shall give the applicant allotments of rationed foods for meal services (but none for refreshment services) for the allotment period in which he commences operations, and shall authorize the Board to issue any certificates to which he may be entitled. The amount of the allotment of each rationed food for that period shall be determined by the District Office on the basis of the manner in which the establishment will be operated, the number of persons which it estimates will be served meals during that time, and of the allotments for meal services which have been granted to similar or comparable establishments. However, in no case may the allotment exceed the amount obtained by multiplying the allowance per person for that food by the estimated number of persons to be served meals. After acting on the application the District Office shall return the file to the Board. Thereafter, applications for allotments shall be made to the Board.

51. Section 13.3 (e) is amended to read as follows:

(e) When he applies for his second allotment he shall report to the Board, on OPA Form R–1307, the following information as to his use of foods during the last thirty (30) days:

(1) His use for meal services of the rationed foods listed in Schedule A of that form (in points for processed foods and foods covered by Ration Order 16 and in pounds for sugar); and

(2) His total use (for all services) of the unrationed foods listed in that schedule.

He shall also report to the Board, on OPA Form R–1307—Supplement, the number of persons served meals and the baking information called for by that form for those thirty (30) days, and, in the case of a Group III user, his dollar revenue from meal services. If he has not yet operated for thirty (30) days, he shall report the information for the number of days he did operate and the figures are to be converted to a full month basis in the manner described in section 8.1. The figures for the last thirty (30) days (or converted to a full month basis if he has not operated for thirty (30) days) shall be used for all the purposes of this order, as if they were his figures for December 1942.

52. Section 13.3 (f) is amended to read as follows:

(f) The Board shall compute a base for meal services for each rationed food (to be used in determining the amount of allotments for the periods following the one in which he commenced operation) in the following way:

(1) The allotment of each rationed food given by the District Office is divided by the number of persons the District Office estimated he would serve meals and the result is multiplied by the number of persons served meals during the last thirty (30) days, computed in accordance with paragraph (e);

(2) The figure obtained shall be his base for meal services. However, if his use of the rationed food for meal services during those thirty (30) days is less than that figure, the amount he used shall be his base for meal services.

53. Section 13.3 (g) is amended to read as follows:

(g) The allotment of each rationed food for meal services for the allotment period following the one in which he began operations shall be twice his base for meal services. The allotments for subsequent periods shall be computed in the same way as the subsequent allotments of other users in that group.

54. Section 13.3 (h) is amended to read as follows:

(h) If the number of persons actually served meals during the period in which he began operations is less than the number of persons which the District Office estimated he would serve meals, his next allotment shall be reduced in an amount computed in the following way:

(1) The allotment of each rationed food given by the District Office is divided by the number of persons the District Office estimated he would serve meals;

(2) The figure obtained is multiplied by the difference between the number of persons actually served meals and the number of persons which the District Office estimated he would serve meals;

(3) The result shall be the reduction in his next allotment.

55. Section 13.4 is amended to read as follows:

SEC. 13.4 *Combined registration of new institutional user establishment.* (a) A person who desires to operate a new institutional user establishment, other than a Group I establishment, to be registered together with one or more other establishments of the same group which he already operates, must notify the Board of his intention to do so and of the address of the proposed establishment. This shall constitute registration on the form already filed for his other establishments. No separate allotment will be granted for the new establishment. He may, however, apply for a supplemental allotment, and the Board is authorized to grant it to him, disregarding the percentage limitations imposed by sections 11.2 (a), 11.3 (a) and 11.4 (a). (There is an exception to this rule as far as registration is concerned in the case of certain educational and eleemosynary Group III establishments, covered in section 28.10 (a).)

56. Section 13.6 is revoked.

57. Section 15.2 (a) is amended by changing the words "Group II or III institutional user" to read "institutional user (other than a Group I user)" and by deleting the phrase "and any allotments granted to him for the next period" in the first sentence of that section.

58. Section 15.3 (b) is amended by deleting the words "are Group II or III establishments," and by adding "(other than Group I)" after the words "same group".

59. Section 15.4 (a) is amended by deleting the words "a Group II or III institutional user" and substituting in place thereof the words "an institutional user (other than a Group I user)" in the first sentence of that section.

60. Section 15.5 is amended by changing the words "Group II and III institutional users" to "Group II, III, IV, V and VI institutional users" and by changing the words "Group II or III institutional users" to "Group II, III, IV, V or VI institutional user" wherever they appear in that section.

61. Section 16.2 (a) and 16.2 (b) are amended by changing the words "a Group II or III institutional user" to "an institutional user (other than a Group I user)" wherever it appears in those sections.

62. Section 16.2 (c) is amended to read as follows:

(c) Any institutional user (other than a Group I user) who is eligible to open a ration bank account and who has combined his establishments in one registration, may open one account for all of his combined establishments or a separate account for each or for any combination of them. No account may be opened for, or serve, establishments in more than one group. If an account is opened pursuant to this paragraph for any establishment in a group, all other establishments in that group must also have an account or accounts.

63. Section 17.1 is amended by changing the headnote to read as follows: "*A person who lives in an institutional user establishment must give up his war ration books.*"

64. Section 17.1 (a) is amended by deleting the words "Group II or III institutional user establishment" and substituting in place thereof "institutional user establishment (other than a Group I establishment)".

65. Section 17.1 (b) is amended by deleting the words "a Group III establishment" and substituting in place thereof the words "an establishment (other than a Group I and II establishment)".

66. Section 17.1 (c) is amended by deleting the words "a Group II or a Group III establishment" and substituting in place thereof the words "an institutional user establishment (other than a Group I establishment)".

67. Section 17.1 (d) is amended by deleting the words "in Group II or III" and substituting in place thereof the words "(other than a Group I user)."

68. Section 18.2 (b) (3) is amended by changing the words "food was" to "meals were".

69. Section 18.2 (b) (4) and (6) are amended by changing the word "food" to read "meals".

70. Section 18.2 (c) is amended to read as follows:

(c) Every Group IV, V and VI institutional user must keep a record for each establishment or group of establishments on which he enters daily:

(1) The total number of persons served;

(2) The number of persons to whom refreshments only were served;

(3) The number of persons to whom meals were served.

NOTE: OPA Form R–1311 may be used for keeping this record.

71. Section 18.2 (d) is amended to read as follows:

(d) If, because of the nature of his operation, it is an undue hardship for a Group III, IV, V, or VI user to keep records in accordance with this section of the actual number of persons served and, in the case of a Group III user, of the dollar revenue received, he may file with the Board a petition for relief on OPA Form R–315. He must state in his petition his method of keeping records of cash receipts (such as punch checks, written checks, cash register, etc.), the reason why it would be a hardship in his type of operation to keep the required records, and the method, other than a complete daily count, he can use for determining the required information. If the Board finds that it is an undue hardship for the institutional user to keep daily records, it may authorize him, in writing, to keep such records for any full week in each month, specifying the record-keeping method and the weeks which it approves. The proportion which the number of persons served meals during that week bears to the total persons served during that week, will be deemed to be the proportion for the entire month. In the case of a Group III user, the proportion which the dollar revenue from meal services during that week bears to the total dollar revenue during that week will be deemed to be the proportion for the entire month. If such user petitions for permission to use a method not involving records for a full week in each month, the Board may not act on his petition, but must forward it to the District Office. The District Office shall act on such petitions in accordance with instructions from the Washington Office.

72. Section 21.5 (a) is amended by substituting for the words "food served" the word "services" in the title and in the last sentence.

73. Section 22.1 is amended as follows:

a. The definition of "dollar revenue" is amended to read as follows:

"Dollar revenue" means gross dollar revenue derived from the service of meals and refreshments (other than alcoholic beverages). Where a combined charge is made for food and lodging or other services, dollar revenue is computed by determining how much of the total charge reasonably covers the service of meals and refreshments (other than alcoholic beverages). (However, if the combined charge covers entertainment, that part of the charge is included in dollar revenue). If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used in computing dollar revenue. Dollar revenue does not include revenue derived from services to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States.

b. The following definition is inserted between the definition of "dollar revenue" and the definition of "foods covered by Ration Order No. 16":

"Food", when used alone, includes all items of food, whether they constitute "meals" or "refreshments". (The terms "food service" or "persons served food", when used in OPA Forms R–1307 Supplement or R–1309 (Revised), have the same meaning as "meal" service or "persons served meals".)

c. The following definition is inserted between the definition of "issue" and the definition of "person":

"Meal" or "meal service" means any service of "food" other than a "service of a refreshment only".

d. The following definition is inserted between the definition of "person" and the definition of "processed foods":

"Persons served" includes both persons served "meals" and persons served "refreshments only". The terms "persons served meals" or "meal services", and "persons served refreshments only" are used when a distinction between refreshment services only and other types of services is intended.

e. The following definition is inserted between the definition of "rationed food" and the definition of "stamp":

"Refreshments" means all items commonly known as such, and includes, but is not limited to, all beverages, such as alcoholic and carbonated beverages, fruit and vegetable juices, non-carbonated water beverages (such as orangeade, lemonade, etc.), milk, milk drinks (such as malted milk, milk shakes and chocolate floats), tea, cocoa, coffee, coffee substitutes, hot chocolate and ice cream sodas. The term also includes items such as ice cream dishes of all kinds, ice cream cones, sherbets, snowballs, popcorn, potato chips, peanuts, candy and pretzels.

A service is considered to be a "service of a refreshment only", if the refreshment, or a mixture or combination of refreshments, is served to a person to whom nothing else is served. It is also considered a service of a refreshment only, even if some incidental item is also served (such as service of crackers with hot chocolate), if no separate charge is customarily made for that incidental item when served with a refreshment.

74. Section 26.1 (a) is amended by deleting the words "Group II and III", in the last sentence of that section and by inserting the parenthetical phrase "(other than a Group I user)" after the words "institutional users".

75. Section 27.1 is amended by substituting the words "Group IV" in place of the words "Group III" in the title of that section and by amending paragraph (a) to read as follows:

(a) A Group IV institutional user may apply for a special allotment of processed foods if he needs additional processed foods and if he cannot get enough fruits or vegetables to meet the minimum nutritional needs for such foods of the employees fed by him because:

(1) The place where he feeds such employees, or the employer's business or occupation is of such a nature, that a source of supply of fresh fruits and vegetables is not reasonably accessible; and

(2) He has no facilities for preserving such foods long enough, and in the quantities required, to meet such needs. (A Group I institutional user may not apply for a special allotment under this section. Consumers eating in Group I establishments are permitted, under similar circumstances, to apply for additional points under Revised Ration Order 13.)

76. Section 27.2 is amended by substituting the words "Group IV" in place of the words "Group III" in the title and by changing the words "poultry and eggs" to "and poultry" wherever they appear in that section.

76a. Section 27.2 (a) is amended to read as follows:

(a) A Group IV institutional user may apply for a special allotment of foods covered by Ration Order 16 if he needs additional amount of such foods and if he cannot get enough fresh fish, fresh milk or poultry to meet the nutritional needs of the employees fed by him because:

(1) The place where he feeds such employees, or the employer's business or occupation is of such a nature that a source of supply of fresh fish, fresh milk and poultry is not reasonably accessible, except at infrequent intervals; and

(2) He has no facilities for preserving such foods long enough, and in the quantities required to meet such needs. (A Group I institutional user may not apply for a special allotment under this section. Consumers eating in Group I establishments are permitted, under similar circumstances, to apply for additional points under Ration Order 16.)

76b. Section 27.2 (b) (4) is amended by deleting the words "and the number of dozens of eggs".

77. Section 28.3 is amended by deleting the words "Group II and III," and inserting the parenthetical phrase "(other than a Group I user)" after the words "institutional users" in the title of that section.

78. Section 28.3 (a) is amended by deleting the words "Group II or III" in the

subtitle, and by substituting for the words "A Group II or III institutional user" in the first sentence the words "An institutional user (other than a Group I user)".

79. Section 28.3 (c) is amended by deleting the words "Group II and III" and the words "Group II or III".

80. Section 28.3 (d) is amended by substituting for the words "A Group II or III" the word "an".

81. Section 28.4 is amended by deleting the words "Group II or III" wherever they appear in that section, and by substituting for the word "a" the word "an" in the title and in the first sentence of that section, and by adding "(other than a Group I user)" after "institutional user" in the first sentence.

82. Section 28.7 is amended by substituting for the words "a Group II or III institutional user" the words "an institutional user (other than a Group I user)" in the title and in the first sentence of that section.

83. Section 28.8 and section 28.9 are amended by inserting the figures ", V or VI" after the words "Group III" wherever they appear in those sections and in the title.

84. Section 29.2 (d) is amended by inserting after the words "Group III" the figures ", IV, V or VI".

85. Section 29.3 (b) (2) (ii) is amended so that the first five sentences shall read as follows:

If establishments in other groups are being transferred, the transferor must also apply to the Board with which he is registered for a redetermination of his allotments and, except in the case of Group II establishments, of his bases. In the case of a transfer of Group III, IV, V or VI establishments, the transferor must also report the December 1942 use of rationed foods for meal services and the information required on OPA Form R-1307 Supplement, for the establishment or establishments being transferred. The Board shall send the application and notices of both parties, and the transferor's registration to the District Office. If the transferred establishments are in Group II, III, IV, V or VI and if the District Office finds that they will continue to be operated in substantially the same manner as before the transfer, it shall grant allotments to the transferee and, except in the case of Group II establishments, shall assign bases to him. It shall first determine the amount of the transferor's allotments and of the transferor's bases allocable to the transferred establishment or establishments.

86. Section 29.4 (a) is amended by inserting after the words "Group III" the figures ", IV, V or VI" in the second sentence.

87. Section 29.6 (a) is amended by substituting for the words "Group II or III establishment" the words "establishment (other than a Group I)."

88. Section 30.2 is amended by substituting for the words "Group II or III establishment" the words "establishment (other than a Group I establishment)" in the title and in the first sentence of that section,

89. Section 30.3 is amended to read as follows:

SEC. 30.3 *Closing of chain establishments*—(a) *Same rules apply to closing of entire chain.* The rules set forth in sections 30.1 and 30.2 apply where a person who has more than one institutional user establishment goes out of business at all of them, whether or not they were registered separately.

(b) *Closing of part of chain.* (1) A person who has several institutional user establishments, which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in section 30.1 or 30.2, whichever is applicable, as to each of the establishments at which he goes out of business.

(2) A person who has several institutional user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the Board within five (5) days.

(c) If the establishments were in Group I, the rules of section 30.1 apply.

(d) If the establishments were in Group II, the notice must state:

(1) The name and address of the establishment or establishments;

(2) The number of persons served in December 1942, at the establishment or establishments being closed; and

(3) The number of persons served in the establishment or establishments for the month in which they go out of business and for the preceding month.

(e) If the establishments were in Groups III, IV, V or VI, the notice must state:

(1) The name and address of the establishment or establishments;

(2) The number of persons served meals, the number of persons served refreshments only, the amount of rationed foods used for meal services and for services of refreshments only (and in the case of the closing of Group III establishments, the dollar revenue from meal services and from services of refreshments only) in December 1942, at the establishment or establishments being closed; and

(3) The number of persons served meals, the number of persons served refreshments only (and in the case of Group III establishments, the dollar revenue from meal services and from services of refreshments only) for the establishment or establishments for the month in which they go out of business and for the preceding month.

(f) In the case of an institutional user other than a Group I user, the Board shall send the notification and his registration to the District Office.

(g) The District Office shall reduce the institutional user's allotments for the allotment period in which the establishments are closed (and, in the case of Group III, IV, V or VI establishments, their bases) by the amount allocable to the closed establishments. He must give up to the Office of Price Administration certificates or ration checks equal to the amount of the reduction in his allotments. If he does not have certificates or ration checks to give up, that amount shall be treated as excess inventory.

(h) Subsequent allotments for Group III, IV, V and VI institutional users shall be computed by using the bases as recomputed in accordance with paragraph (g), and the dollar revenue and persons served figures of the establishments still in operation.

90. Article XXXI is added to read as follows:

ARTICLE XXXI—SPECIAL ALLOTMENTS FOR CERTAIN GROUP IV USERS

SEC. 31.1 *Certain Group IV users may get special allotments.* (a) Certain Group IV institutional users who feed heavy workers will be granted special allotments of rationed foods to meet the nutritional needs of those workers. Such allotments will be given only if those workers are in an industry or occupation designated by the Washington Office, and only after a determination based on studies and recommendations made by the War Food Administration.

(b) Allotments, when granted, will be based on the average number of different persons fed per day. (For this purpose, a person will be counted only once, on any one day even if he actually eats more than one meal there on that day, since allotments will be based on a monthly allowance per person.)

(c) Application shall be made to the Board on OPA Form R-315. Boards and District Offices may grant such special allotments only when authorized by instructions from the Washington Office, and only to the users and under the conditions and limitations set forth in those instructions.

(d) Any Group IV institutional user establishment for which such a special allotment is granted will be required to register separately, so that the allotment can be used only for feeding the persons for whose benefit it is granted. Furthermore, any special allotment granted will be in place of all other allotments to which the user might otherwise be entitled, since the purpose of the special allotment will be to cover nutritional needs to the extent that food supplies and other conditions permit.

91. A new article XXXII is added to read as follows:

ARTICLE XXXII—SPECIAL PROVISIONS FOR CERTAIN GROUP VI USERS

SEC. 32.1 *Certain Group VI users may apply for adjustment of base.* (a) A Group VI institutional user who operates an establishment at a school may apply for an adjustment of his meal service base if he needs more rationed foods because of a change in the character of his operations.

(b) The application shall be made to the Board on OPA Form R-315, and must state:

(1) The place where the meals will be served;

(2) The type of meals that will be served (e. g., F. D. A. type "A" or "B" lunch or other type); and

(3) The number of persons estimated to be served meals during the current allotment period.

(c) If the Board finds that the institutional user needs more rationed foods because of a change in the character of his operation, it may determine an adjusted meal service base for each rationed food, in accordance with instructions from the Washington Office. The applicable allowances per person to be used in adjusting the meal service base of an institutional user who serves lunches meeting the standards set by the War Food Administration for "Type A" or "Type B" lunches are contained in a supplement to this Order.

This amendment shall become effective March 1, 1944, except that section 5.3 (b) shall become effective February 15, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471 respectively)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2222; Filed, February 15, 1944; 11:55 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 69]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (40) is amended to read as follows:

(40) "Wholesaler" means any person engaged in the business of selling tires or tubes at wholesale exclusively to dealers, and at retail exclusively to his own employees or to fleet operators.

2. A new § 1315.508 is added to read as follows:

§ 1315.508 *Eligibility for allotments of Grade I tires and passenger-type tubes based on wholesale sales.* (a) A District Director may issue certificates for allotments of Grade I tires and passenger-type tubes to:

(1) A wholesaler;

(2) A person who is not a wholesaler at the time of his application for an allotment, if he was a wholesaler during 1941 and if he will sell passenger-type tires and tubes exclusively as a wholesaler.

(3) A dealer whose net sales of tires and tubes to other dealers in 1941 from all of his establishments totaled $100,000 or more.

(b) A person eligible under paragraph (a) shall be entitled to an allotment of Grade I tires and passenger-type tubes in an amount determined as follows:

(1) 200 Grade I tires for each establishment where the applicant will engage in the wholesaling of tires and tubes.

(2) An additional Grade I tire for each $500 of net sales in 1941 of tires and tubes to dealers at the establishment for which the allotment is sought.

(3) There shall be deducted from the total of subparagraphs (1) and (2) the number of Grade I tires in the inventory (including Parts B of certificates for Grade I tires upon which replenishment has not yet been obtained) of the establishment as of the date of application.

(4) A new passenger-type tube for each Grade I tire that the applicant is authorized to acquire.

(c) The District Director shall grant only one allotment to an applicant under this Section for each establishment for which the allotment is sought. An applicant may receive his allotment on as many certificates on OPA Form R-2 as he requests.

3. A new paragraph (d) is added to § 1315 602 to read as follows:

(d) *Allotments based on wholesale sales.* Applications for allotments of Grade I tires and passenger-type tubes under § 1315.508 shall be made by letter to the District Director for the area in which the establishment for which the allotment is sought is located. The letter of application shall state the applicant's name, the address of the establishment for which the allotment is sought and the inventory of such establishment of Grade I tires and Parts B of certificates for Grade I tires upon which replenishment has not yet been obtained as of the date of the application. In addition, the application shall state:

(1) If the applicant is a wholesaler, that he engages in the business of selling tires or tubes at wholesale exclusively to dealers and at retail exclusively to his own employees or to fleet operators; and the total net sales in 1941 of tires and tubes to dealers made from the establishment for which the allotment is sought; or

(2) If the applicant is not a wholesaler at the time of his application, that he was a wholesaler during 1941 and that he will sell passenger-type tires and tubes exclusively as a wholesaler; and the total net sales in 1941 of tires and tubes to dealers made from the establishment for which the allotment is sought; or

(3) If the applicant is not a wholesaler but is a dealer eligible under § 1315.508 (a) (3), the total net sales in 1941 of tires and tubes to dealers made from the establishment for which the allotment is sought and, if this amount is less than $100,000, the total net sales of tires and tubes to dealers made from all of the applicant's establishments in 1941.

This amendment shall become effective February 19, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2219; Filed, February 15, 1944; 11:58 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 95]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5458 (a) is amended by substituting for the phrase "in exchange for coupons of the series which will next become valid", the phrase "in exchange for coupons which have not yet become valid".

This amendment shall become effective on February 19, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–O, as amended[2] 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2218; Filed, February 15, 1944; 11:58 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[2] Amdt. 8]

PROCESSED FOOD

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 13 is amended in the following respects:

1. Section 2.9 (b) is amended by deleting the second sentence; and by amending the third sentence to read as follows:

(b) * * * A single application may be made covering more than one consumer, but the name of each shall be listed on the application, and the war

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9752.

[1] 7 F.R. 8480.

[2] 9 F.R. 3, 104.

ration book currently used to acquire processed foods of each person covered by the application must be submitted with it.

2. Section 2.9 (e) is amended to read as follows:

(e) Any board which issues certificates under this section shall enter a notation on the front cover of the books submitted with the application showing:

(1) Its address;
(2) The date it issued certificates under this section;
(3) The foods authorized to be acquired by such certificates;
(4) The point value of such certificates; and
(5) The period for which the supplemental ration was given.

This amendment shall become effective February 19, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2224; Filed, February 15, 1944; 11:56 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 105]

CHEESE MANUFACTURERS' BRANCH PLANTS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 4.11 (a) (2) is amended by designating the text as subdivision (i); by deleting the words, "prior to March 29, 1943"; and by adding the following subdivision (ii):

(ii) A primary distributor who has more than one primary distributor establishment and who wishes to register two or more of those establishments together, but who does not meet the tests set forth in subdivision (i) of this subparagraph may apply to the district office for the place where his principal business office is located for permission to register two or more of his establishments together. He must apply on OPA Form R–315 and he must show:

(*a*) That he maintains a central office for each group of establishments to be registered together, at which he keeps records of the current inventory, production, acquisitions, and transfers of foods covered by this order at each of such establishments; and

(b) That such central office is in fact the place from which the operations of the establishments in the group are directed.

The district office must forward the application to the Washington Office for decision or take such other action as the Washington Office may authorize or direct.

This amendment shall become effective February 19, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R 3471)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2223; Filed, February 15, 1944; 11:56 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 106]

MISCELLANEOUS AMENDMENTS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 2.7 (b) is amended by adding an undesignated paragraph to read as follows:

The applicant must also submit with his application the war ration books currently used to acquire foods covered by this order, of each person for whom the application is made.

2. Section 2.7 (e) is amended to read as follows:

(e) Any board which issues certificates under this section shall enter a notation on the front cover of the books submitted with the application showing:

(1) Its address;
(2) The date it issued certificates under this section;
(3) The foods authorized to be acquired by such certificates;
(4) The point value of such certificates; and
(5) The period for which the supplemental ration was given.

This amendmend shall become effective February 19, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2225; Filed, February 15, 1944; 11:56 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 107]

VITAMIN A OR D OILS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 7.13 (a) (2) is added to read as follows:

(2) An industrial user may get a provisional allowance to enable him to acquire rationed fats or oils to manufacture vitamin A or D oils which have a potency at least equal to the standards set forth in the U. S. Pharmacopoeia XII for "Oleovitamin A", "Synthetic Oleovitamin D", "Oleovitamin A and D" or "Oleovitamin A and D Concentrate", as the case may be.

2. Section 7.13 (b) (2) is added to read as follows:

(2) An industrial user's application for a provisional allowance for rationed fats or oils for use in manufacturing vitamin A or D oils must contain the following information:

(i) The product made by him for which the provisional allowance is requested;

(ii) The minimum potency of the product in terms of vitamin A and D U. S. P. standard units per gram of the product;

(iii) The number of pounds of the product which he expects to make during the period for which application is made;

(iv) The average number of pounds of each type of rationed fats or oils (stated separately for each type) which he used during 1942 to make each 100 pounds of the product;

(v) A report of his use of his last provisional allowance showing the number of pounds of rationed fats or oils used (stated separately for each type), and the number of pounds of the product made;

(vi) The number, if any, of unused points remaining from his last provisional allowance (or supplemental allotment, if any) for rationed fats or oils for that product.

If he makes more than one product for which he is entitled to receive a provisional allowance, he may include them all in a single application. However, he must give all of the required information separately for each of the products.

3. Section 7.13 (c) (2) is added to read as follows:

(2) The amount of the provisional allowance for rationed fats or oils for use in manufacturing vitamin A or D oils shall be computed in the following way:

(i) The number of pounds of the product which the applicant expects to make during the quarter is multiplied by the number of pounds of each type of rationed fats or oils which he used for each 100 pounds of that product during 1942;

(ii) The result, in each case, is multiplied by the factor fixed (in the supplement to this order) for provisional allowances for rationed fats or oils for vitamin A or D oils;

(iii) The resulting figures are multiplied by the point value established on the Official Table of Trade Point Values for the rationed fats or oils used by the applicant;

(iv) These figures are added together and the result is his provisional allowance for the period.

The board shall issue to him a certificate for the amount of his provisional allowance less the point value of any unused balance of his last provisional allowance, or supplemental allotment, for rationed fats or oils to make that product.

This amendment shall become effective February 19, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2217; Filed, February 15, 1944; 11:57 a. m.]

PART 1440—PROCESSED FOOD COMMODITIES

[MPR 326,[1] Amdt. 2]

MACARONI PRODUCTS AND NOODLE PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 326 is amended in the following respects:

1. Section 1440.8 (d) is redesignated § 1440.8 (e).

2. A new § 1440.8 (d) is added, to read as follows:

(d) On or before March 1, 1944 or within 10 days after his first sale of an item for which he determines a maximum price under § 1440.3 (a), file with the nearest district office of the Office of Price Administration a statement showing (1) the maximum price so determined, and (2) if such price is the maximum price of a comparable commodity produced by him, the variety, type, brand (if any) container size and style of that comparable commodity, or, if such price is the maximum price of a comparable commodity produced by his most closely competitive producer, the name of that competitive producer and the variety, type, brand (if any), container size and style of that comparable commodity; and

This amendment shall become effective February 21, 1944.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2220; Filed, February 15, 1944; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[2] Amdt. 84]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.101 (c) (28) is amended by inserting after the word "rental" the parenthetical phrase "(except rental of refrigerators subject to Maximum Price Regulation 139 and rental of washing machines subject to Maximum Price Regulation No. 372)".

This amendment shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2221; Filed, February 15, 1944; 11:55 a. m.]

Chapter XIII—Petroleum Administration for War

PART 1545—PETROLEUM SUPPLY

[PAO 1, as Amended Feb. 1, 1943, Amdt. 4]

INVENTORY RESTRICTIONS

Section 1545.1 (Petroleum Administrative Order No. 1, as amended February 1, 1943) is hereby amended by changing paragraph (g) thereof to read as follows:

(g) *Inventory restrictions.* No person may deliver or otherwise supply motor fuel or fuel oil to any storage location (other than a refinery or bulk terminal) owned, operated or controlled by such person or by any other person, and no person may accept delivery of motor fuel or fuel oil at such a storage location where the amount of motor fuel or fuel oil at such storage location is equal to or exceeds the amount of motor fuel or fuel oil which would normally be withdrawn from such storage location to meet rationed demands during the 10 days next following the date upon which the delivery is made: *Provided,* (i) That any single delivery of motor fuel or fuel oil by means of a transportation facility generally used in such delivery, which brings the amount of motor fuel or fuel oil at such a storage location to an amount equal to or in excess of the foregoing amounts, may be completed, and (ii) that nothing in this paragraph shall be deemed to apply to the delivery of motor fuel or fuel oil to any agency referred to in paragraph (h) (i), and (iii) that nothing in this paragraph shall be deemed to apply to the delivery of motor fuel to any retail filling station, or to the delivery of fuel oil to any private dwelling (as defined in Ration Order No. 11, as amended, issued by the Office of Price Administration), and (iv) that this paragraph shall not apply to public utilities.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13126, 13394, 13960, 15399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16608, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220, 403, 677, 695, 849, 1054, 1532.

[1] See note 1, p. 1818.

[2] 8 F.R. 2098, 4346.

[2] 7 F.R. 6426, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023.

Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of February 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-2226; Filed, February 15, 1944; 12:02 p. m.]

Chapter XIX—Defense Supplies Corporation

[Rev. Reg. 1, Rev. Schedule A]

PART 7001—PETROLEUM COMPENSATORY ADJUSTMENTS

TRANSPORTATION COST OF CRUDE PETROLEUM

Schedule A of Petroleum Compensatory Adjustments, Revised Regulation No. 1 (8 F.R. 6101, 10812, 11873) of Defense Supplies Corporation is revised (effective December 1, 1943) as follows:

REVISED SCHEDULE A

Amounts to be added to the cost of transporting crude, pursuant to § 7001.5 (a) (1) (i) (b) of the revised regulation:

Crude producing area (area in which is located the well which is the actual origin of the crude)	*Amount (per barrel)*
1. Texas Panhandle	$0.315
2. West Texas and New Mexico	.26
3. West Central Texas	.29
4. North Texas	.315
5. East Texas (including East Central)	.147
6. Talco Area	.265
7. North Louisiana and South Arkansas (including Cass and Marion Counties, Texas)	.196
8. Tinsley Area (Miss.)	.191
9. Central Louisiana	.151
10. Southwest Texas	.141
11. Texas and Louisiana Gulf Coast	.126
12. Southeast Louisiana	.083
13. State of Oklahoma	.315

COUNTIES AND PARISHES IN CRUDE PRODUCING AREAS

Counties and parishes included in crude producing areas are as follows:

Area No. 1; Texas Panhandle: Moore, Hutchinson, Potter, Carson, Gray, and Wheeler.

Area No. 2; West Texas and New Mexico: Cochran, Hockley, Lubbock, Eddy, Lea, Yoakum Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Reeves, Ward, Crane, Upton, Reagan, Irion, Tomgreen, Pecos, Crockett, and Schleicher.

Area No. 3; West Central Texas: Stonewall, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Nolan, Taylor, Callahan, Eastland, Erath, Hood, Johnson, Somervell, Runnels, Coleman, Brown, Comanche, Hamilton, Bosque, Concho, McCulloch, San Saba, Mills, Lampasas, and Coryell.

Area No. 4; North Texas: Hardeman, Foard, Wilbarger, Wichita, Knox, Baylor, Archer, Clay, Montague, Cooke, Grayson, Haskell, Throckmorton, Young, Jack, Wise, Denton, and Collin.

Area No. 5; East Texas (including East Central): Camp, Wood, Upshur, Van Zandt, Gregg, Henderson, Smith, Rusk, Navarro, Limestone, Freestone, Anderson, Cherokee, Leon, and Houston.

Area No. 6; Talco Area: Hopkins, Franklin, and Titus.

Area No. 7; North Louisiana and South Arkansas, including Cass and Marion Counties, Texas; Arkansas: Nevada, Ouachita, Miller, Lafayette, Columbia, and Union; *Texas:* Cass and Marion; *Louisiana:* Caddo, Bossier, Webster, and Claiborne.

Area No. 8; Tinsley area (Miss.): Yazoo.

Area No. 9; Central Louisiana: La Salle, Catahoula, Concordia, Rapides, and Avoyelles.

Area No. 10; Southwest Texas: Bastrop, Fayette, Colorado, Guadalupe, Caldwell, Gonzales, Lavaca, Wharton, Karnes, De Witt, Jackson, Matagorda, Goliad, Victoria, Frio, La Salle, McMullen, Live Oak, Bee, Refugio, Aransas, Calhoun, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, and Brooks.

Area No. 11; Texas and Louisiana Gulf Coast: Texas: Trinity, Madison, Brazos, Grimes, Walker, San Jacinto, Polk, Tyler, Jasper, Newton, Montgomery, Hardin, Washington, Austin, Waller, Liberty, Harris, Galveston, Orange, Fort Bend, Chambers, Jefferson, and Brazoria; *Louisiana:* Beauregard, Allen, Evangeline, St. Landrey, Pointe Coupee, West Feliciana, Calcasieu, Jefferson Davis, Acadia, Lafayette, St. Martin, Cameron, Vermillion, Iberia, and St. Mary.

Area No. 12; South East Louisiana: East Feliciana, St. Helena, Tangipahoa, Washington, West Baton Rouge, East Baton Rouge, Livingston, St. Tammany, Iberville, Ascension, St. James, St. John the Baptist, Orleans, Assumption, St. Charles, St. Bernard, St. Martin, Terrebonne, La Fourche, Jefferson, and Plaquemines.

Area No. 13; State of Oklahoma: All counties in the State of Oklahoma.

Revised Schedule A shall become effective as of December 1, 1943.

Issued this 31st day of December 1943.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, JR.,
Executive Vice President.

[F. R. Doc. 44-2121; Filed, February 12, 1944; 10:25 a. m.]

[Reg. 3, Amdt. 2]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

EXTRA COMPENSATION FOR NON-PROCESSING SLAUGHTERERS OF BEEF

Pursuant to a directive issued by the Office of Economic Stabilization on October 25, 1943 (8 F.R. 14641), Regulation No. 3 of Defense Supplies Corporation is hereby amended by adding a new § 7003.14, as follows:

§ 7003.14 *Extra compensation for non-processing slaughterers of beef*—(a) *Definitions.* (1) "Non-processing slaughterer of beef" means an unaffiliated slaughterer as hereinafter defined who during six consecutive months of 1942, sold, and who currently sells, 98% or more, measured in dressed carcass weight, of the total beef produced from cattle slaughtered by him in all his establishments, in the form of carcasses, wholesale cuts, boneless beef or ground beef.

(2) "Unaffiliated slaughterer" means a slaughterer who does not own or control a processor or purveyor of meat, and who is not owned or controlled by a processor or purveyor of meat. "Unaffiliated slaughterer" shall not include any institution, representative or agency of Federal, State or local governments.

(3) "Processor or purveyor of meat" means a person who processes fresh beef or sells or dispenses fresh or processed meat or products containing meat, at wholesale or at retail, or in a hotel, restaurant or other eating establishment.

(4) "Own or control" means to own or control directly or indirectly a partnership equity or in excess of ten percent of any class of outstanding stock or to have made loans or advances in excess of five percent of the other person's monthly sales.

(5) "Beef" means meat derived from the carcasses of bovine animals which does not qualify as veal as defined in § 1364.470 (a) (3) of Revised Maximum Price Regulation No. 169 issued by the Office of Price Administration.

(6) "Cattle" means bovine animals, slaughter of which results in the production of beef.

(7) "Carcasses" means beef carcasses as defined in § 1364.455 (a) (8) of Revised Maximum Price Regulation No. 169 issued by the Office of Price Administration.

(8) "Wholesale cuts" means beef wholesale cuts as defined in § 1364.455 (a) (9) of Revised Maximum Price Regulation No. 169 issued by the Office of Price Administration.

(9) "Boneless beef" means the dressed carcass equivalent of beef covered by § 1364.452 (l), (m) and (n) of Revised Maximum Price Regulation No. 169 issued by the Office of Price Administration.

(10) "Ground beef" means the dressed carcass equivalent of ground beef as defined in § 1364.452 (p) (4) of Revised Maximum Price Regulation No. 169 issued by the Office of Price Administration.

(b) *Persons eligible for extra compensation.* Any non-processing slaughterer of beef who files an application for payment under §§ 7003.1 through 7003.5 of this regulation may file a claim for extra compensation on account of cattle slaughtered on and after November 1, 1943, for any accounting period for which he files an application for payment under §§ 7003.1 through 7003.5.

(c) *Filing claims.* (1) Claims for extra compensation shall be filed in the same manner as, for the same period as, and with, the applications for payment provided for in §§ 7003.1 through 7003.5 of this regulation.

(2) If an applicant's accounting period does not begin on November 1, 1943, he may include in his claim for extra compensation for the first full accounting period beginning after November 1, 1943, the cattle slaughtered on and after November 1, 1943 and before the beginning of the next accounting period.

(d) *Payment of claims.* Defense Supplies Corporation will make payment on approved claims for extra compensation at the rate of .8 cents a pound on the same amount of live weight of cattle slaughtered on and after November 1, 1943, on which payments are made to the applicant under §§ 7003.1 through 7003.5 of this regulation. Payments will be made in the same manner and on the same terms as payments of applications under §§ 7003.1 through 7003.11 of this regulation.

(e) This section shall become effective as of November 1, 1943.

Issued this 30th day of October 1943.

GEORGE H. HILL, JR.,
Executive Vice President.

[F. R. Doc. 44-2122; Filed, February 12, 1944; 10:25 a. m.]

[Reg. 3, Amdt. 3]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

MISCELLANEOUS AMENDMENTS

Regulation No. 3 of Livestock Slaughter Payments, issued by Defense Supplies Corporation on June 16, 1943, is amended as follows:

Section 7003.1 is amended by adding three new paragraphs, (x), (y), and (z) as follows:

(x) "Cattle" and "beef" have the same meanings throughout this regulation as they have in the definitions of § 7003.14, added by Amendment No. 2, effective November 1, 1943.

(y) "Grade" means any of the six grades of beef known by the descriptions (1) AA or choice; (2) A or good; (3) B, commercial or medium; (4) C, utility or common; (5) cutter and canner; and (6) bologna bulls; and is determined on the basis of the carcass grade after slaughter in accordance with the official standards for such grades of beef of the United States Department of Agriculture.

(z) "Established prices" means the range of prices which may be paid for live cattle of each grade delivered at slaughtering establishments within specified zones, or at specified markets, as certified to Defense Supplies Corporation by the Office of Price Administration and the War Food Administration. The prices, zones and markets so certified on December 18, 1943, as amended, are those in the attached certification.[1]

Section 7003.3, paragraph (d), subparagraph (1), is amended by inserting after the words "Only one application", a comma and the words "except as provided in § 7003.16, paragraph (b) of this regulation,".

Section 7003.5, paragraph (a) is amended to read as follows:

(a) *Rate of payment*—(1) *Accounting periods beginning on or before December 25, 1943.* Defense Supplies Corporation will make payment on approved claims covering accounting periods beginning on or before December 25, 1943, at the following rates:

	Cents a pound
Cattle	1.1
Calves	1.1
Sheep	.95
Hogs and pigs	1.3

(2) *Accounting periods beginning after December 25, 1943.* Except as provided in § 7003.15 of this regulation, Defense Supplies Corporation will make payment on approved claims covering accounting periods beginning after December 25, 1943, at the following rates:

	Cents a pound
Cattle	1.0
Calves	1.1
Sheep	.95
Hogs and pigs	1.3

Section 7003.5, paragraph (b) is amended by adding a new subparagraph (4), as follows:

(4) Deductions from claims for cattle slaughtered during accounting periods beginning after December 25, 1943, will be made in accordance with §§ 7003.16 and 7003.17 of this regulation.

A new § 7003.15 is added as follows:

§ 7003.15 *Payment by grades of beef*—(a) *Separate grade rates.* Payment will be made by Defense Supplies Corporation on account of cattle slaughtered during accounting periods beginning after December 25, 1943, at the following rates for each grade:

	Cents a pound
AA or Choice	1.0
A or Good	1.45
B, Commercial or Medium	.9
C, Utility or Common	.5
Canner and Cutter	.5
Bologna Bulls	.5

(b) *Reporting.* Every applicant who files an application for cattle slaughtered in an accounting period beginning after December 25, 1943, shall report by grades the dressed carcass weight of beef produced from such cattle, and payment will be based on the live weight equivalent of the amount in each grade at separate grade rates, except that:

(1) Any applicant who slaughters 25,000 pounds or less of cattle, live weight, in all his establishments (including cattle custom killed for him) in any one accounting period may file applications based only on his total live weight of cattle slaughtered, and the applicable rate of payment shall be one cent ($0.01) a pound for all of his grades of cattle.

(2) Any applicant who slaughters more than 25,000 pounds of cattle, live weight, in all of his establishments (including cattle custom killed for him) in any one accounting period may file application reporting his total live weight of cattle slaughtered and the applicable rate of payment shall be five-tenths of a cent ($0.005) a pound for each of his grades of cattle.

(c) *Grading.* Every applicant who reports his cattle slaughter by grades in accordance with paragraph (b) of this section, shall report the carcass grades as determined by an official grader of the United States Department of Agriculture, unless the applicant has applied for grading by such an official and has been refused such grading in writing since July 1, 1943. If an applicant reports by carcass grades determined by his own graders, payment shall be made by grades at the separate grade rates, but the total payment shall not exceed the total number of pounds, live weight, of cattle slaughtered, multiplied by one cent ($0.01) a pound.

(d) *Weighing.* Dressed carcass weights must be reported as chilled weights, after twenty-four hours in the cooler, less allowance for washing, shrouding, and other factors which would distort the percentage of the total weight represented by each of the various grades, or result in either overstating or understating the actual dressed carcass chilled weights.

(c) *Amount of live weight.* Payment will be made at the separate grade rates on the total amount of actual live weight of cattle slaughtered in all grades, distributed among the grades in the same proportion as the calculated live weight in each grade computed from the dressed weight in that grade by using the applicable conversion factors certified to Defense Supplies Corporation by the Office of Price Administration and the War Food Administration. The calculated live weight in each grade shall be that computed in accordance with § 7003.17 (b).

A new § 7003.16 is added as follows:

§ 7003.16 *Cost of live cattle.* Every applicant, except as provided in paragraphs (b) and (c) of this section, who files an application for payment for cattle slaughtered during an accounting period beginning after December 25, 1943, shall report his total cost of cattle purchased during such an accounting period on forms approved by Defense Supplies Corporation.

(a) *Applications for payment by grade.* Every applicant who files an application for payment reporting slaughter by grades in accordance with § 7003.15, for cattle slaughtered during an accounting period beginning after December 25, 1943, shall report on each such application his total cost of live cattle purchased during the period covered by this application for slaughter in the establishment covered by the claim, subject to the following qualifications:

(1) Such applications shall report only cost of cattle purchased for slaughter within thirty (30) days, and shall not report cost of cattle purchased for resale alive, or purchased for feeding for more than thirty (30) days.

(2) Such applications shall not include any cattle slaughtered which were not purchased by the applicant within thirty (30) days of slaughter.

(3) Such applications shall not include cattle slaughtered which were purchased by the applicant from a member of a 4-H Club, Future Farmers of America, or other recognized farm youth organizations, if such sales are made at the place and time of a fair, show or exhibition.

(b) *Separate application for payment by grade on cattle excluded under § 7003.16 (a).* (1) Every applicant who files an application for payment reporting slaughter by grades, for cattle slaughtered during an accounting period beginning after December 25, 1943, may file separate applications for cattle slaughtered during such accounting period which are excluded from his applications under paragraphs (a) (2) and

[1] 8 F.R. 17014, 9 F.R. 709. Certification filed as part of the original document.

(a) (3) of this section. Such separate applications shall report the slaughter by grades; shall not include a report of the cost of such cattle; shall be filed with the application covering other cattle slaughtered in the same establishment during the same period; and, in the case of cattle excluded under paragraph (a) (3) of this section, shall be accompanied by a written statement approving such sale, signed by a county agricultural agent, a county club agent, a vocational agricultural instructor, or the chief administrator of the state department of agriculture. All pertinent provisions of this regulation shall apply to such separate applications.

(2) If records are not available to make complete separate reports of the cattle slaughtered, for cattle purchased for slaughter within thirty (30) days and for the cattle which were not purchased by the applicant within thirty (30) days of slaughter, Defense Supplies Corporation shall have the right to require reports and applications in such form as will supply information as to the applicant's cost of live cattle.

(c) *Applications for payment without grading.* (1) Any applicant who elects, under § 7003.15, paragraph (b) (1), to file an application for payment based on his total live weight of cattle slaughtered, shall not be required to report his cost of cattle purchased during such accounting period.

(2) Any applicant who elects, under § 7003.15, paragraph (b) (2), to file an application for payment based on his total live weight of cattle slaughtered, shall be required to report his cost of cattle purchased during such accounting period, and all the cattle he purchased shall be considered to be of the grade of bologna bulls in computing his permissible maximum cost, and of the grade of cutter and canner in computing his permissible minimum cost under § 7003.17, paragraph (c).

A new § 7003.17 is added, as follows:

§ 7003.17 *Deductions from applications for cattle.* Defense Supplies Corporation shall deduct from each claim covering cattle slaughtered during any accounting period beginning after December 25, 1943, of any applicant who is required to report the amount of his cost of cattle by § 7003.16 of this regulation, the net amount by which the total of the cost to such slaughterer of live cattle purchased during such accounting period either (1) is below the total cost he would have had at the lower of the applicable established prices, or (2) exceeds the total cost he would have had at the higher of the applicable established prices. Such deductions shall be computed as follows:

(a) *Cost of cattle.* The total cost of cattle shall include all charges for transportation to the applicant's establishment, including charges for feeding, watering, and bedding en route, but shall not include commissions or other service charges, or any allowance for shrinkage, subject to the following qualifications:

(1) "Hard wheat" means any of the purchased during the period covered by the application, for slaughter within thirty (30) days in the establishment covered by the application, except that Defense Supplies Corporation shall have the right to require an allowance for changes in inventory of live cattle at the beginning and end of such period.

(2) There may be deducted from the cost of cattle purchased in any one market during an accounting period, and slaughtered in any establishment east of a line following the eastern side of Lake Michigan, the eastern boundary of Indiana, and the Ohio and Mississippi rivers to the Gulf of Mexico, an amount equal to 80% of the actual cost of railroad freight paid on such cattle from that market to the applicant's establishment, not to exceed 45¢ a live hundred weight from any one market.

(b) *Calculated live weight slaughtered in each grade.* The amount of live weight in each grade shall be calculated by dividing the amount of dressed weight in each grade produced from cattle slaughtered in an establishment during an accounting period, by the conversion factors (yields or dressing percentages) certified by the Office of Price Administration and War Food Administration to Defense Supplies Corporation as applicable to the zone or market in which the establishment is located.

(c) *Permissible cost.* The calculated live weight in each grade shall be multiplied by the lower price and by the higher price of established prices applicable to the establishment and the resulting amounts for each grade shall be totaled to give total minimum and maximum permissible cost: *Provided,* That:

(1) On applications filed in accordance with paragraph (c) (2) of § 7003.16, the total minimum permissible cost shall be computed by multiplying the total live weight of cattle by the lower price of the established prices for cutter and canner cattle applicable to that establishment, and the total maximum permissible cost shall be computed by multiplying the total live weight of cattle by the higher price of the established prices for bologna bulls applicable to that establishment; and

(2) The established prices applicable during an accounting period shall be the established prices certified to Defense Supplies Corporation and published in the FEDERAL REGISTER prior to the beginning of such accounting period, or, at the option of the applicant, the prices so certified and published after ten (10) days prior to the beginning of such accounting period and before the end of such accounting period.

(d) If the actual cost of cattle is above the minimum and below the maximum permissible cost, no deduction shall be made from the claim.

(e) If the actual cost of cattle is below the minimum, or above the maximum permissible cost, the amount it is below the minimum or above the maximum shall be deducted from the total amount of the claim.

This amendment shall become effective as of December 18, 1943.

Issued this 18th day of December 1943.

GEORGE H. HILL, Jr.,
Executive Vice President.

[F. R. Doc. 44-2123; Filed, February 12, 1944; 10:25 a. m.]

[Reg. 4]

PART 7004—FLOUR PRODUCTION PAYMENTS

Sec.
7004.1 Definitions.
7004.2 Persons eligible to apply for payments.
7004.3 Filing applications for payments.
7004.4 Records.
7004.5 Rate of payment.
7004.6 Base of payment.
7004.7 Registration of applicants.
7004.8 Determination of wheat ground.
7004.9 Terms of payment.
7004.10 Right to declare claims invalid.
7004.11 Right to modify or revise claims.
7004.12 Termination.
7004.13 Effective date.

AUTHORITY: §§ 7004.1 to 7004.13, inclusive, issued under sec. 5d of the Reconstruction Finance Corporation Act, as amended, 52 Stat. 212, 54 Stat. 573; 15 U.S.C. 606b; Defense Supplies Corporation Charter, 6 F.R. 2972.

§ 7004.1 *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) "Person" means an individual, corporation, partnership, association, institution, or other business entity, or legal successor or representative of any of the foregoing.

(b) "Miller" means a person who operates a mill and grinds wheat into flour, whether or not he owns the wheat at the time of grinding.

(c) "Flour" means flour from wheat, farina and semolina as defined in paragraphs (6), (13) and (15) of section 16 (a) of Revised Maximum Price Regulation No. 296 issued by the Office of Price Administration, as amended, or as it may be amended or revised from time to time. Flour shall not include wheat products ground for feed for other than human consumption, nor wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes.

(d) "Mill" means each separate establishment within the continental United States where wheat is ground into flour.

(e) "Applicant" means any person who files a claim for payment under this regulation.

(f) "Claim" means a right to payment on an applicant filed pursuant to this regulation.

(g) "Pacific Coast Area" means the entire states of California, Oregon, Washington, Idaho, Nevada, and Utah.

(h) "Bushel" means sixty (60) pounds of wheat weighed before cleaning.

(i) "Dockage" means the customary allowance for tare in the wheat, in accordance with the official standards of the United States Department of Agriculture.

(j) "Grind" means to mill wheat to produce flour as defined in paragraph (c) of this section.

(k) "Type of wheat" means any of the three categories of wheat as defined herein, namely, (1) hard wheat, (2) soft wheat, and (3) durum wheat.

(l) "Hard wheat" means any of the varieties of wheat classified according to the official standards of the United States Department of Agriculture in Class I, Class IV, Class VI, A, and all mixtures of wheat containing 10% or less

than 10% of soft wheat, or 10% or less than 10% of durum wheat.

(m) "Soft wheat" means any of the varieties of wheat classified according to the official standards of the United States Department of Agriculture in Class V, Class VI, B, C, or D, and all mixtures of wheat containing more than 10% of wheat of such classes and subclasses.

(n) "Durum wheat" means any of the varieties of wheat classified according to the official standards of the United States Department of Agriculture in Class II or Class III, and all mixtures containing more than 10% of wheat of such classes, and 10% or less than 10% of soft wheat.

(o) "Forward sales of flour" means the amount of unfilled orders to deliver flour, as defined in paragraph (c) of this section, which the applicant has contracted to deliver at a fixed price. Sales of flour shall include commitments between affiliated companies if such commitments are customarily booked as forward sales by the milling division or company.

(p) "Net forward sales of flour" means forward sales of flour less the amount of flour which the applicant owns in bulk storage or packed ready for delivery.

§ 7004.2 *Persons eligible to apply for payments.* Any miller may file an application for payment on account of wheat ground into flour in all of his mills on and after December 1, 1943.

§ 7004.3 *Filing applications for payment—*(a) *Place of filing.* Application for payment shall be filed with Defense Supplies Corporation at the regional office for the district in which the mill is located, except that a person operating more than one mill must file application for payment at the regional office for the district in which his main office is located. Appendix A lists the offices of Defense Supplies Corporation.

(b) *Time of filing.* Application for payment shall be filed after the last day of the month in which the wheat is ground and on or before the last day of the calendar month following the end of the month in which the wheat is ground.

(c) *Form of application.* All applications for payment shall be filed in triplicate on forms approved by Defense Supplies Corporation and all information therein provided for shall be supplied. One and only one application can be filed on account of wheat ground during a month by an applicant in all of his mills.

(d) *Supporting document.* Every applicant who has made sales or deliveries of whole wheat flour to any one customer during a calendar month after November, 1943, in the amount of 20,000 pounds or more, shall file with his application for payment on account of wheat ground during that month a certified statement reporting all such sales or deliveries.

§ 7004.4 *Records—*(a) *Records required.* Every applicant must keep accurate records of purchases, sales, deliveries and inventories of flour, and of wheat by types.

(b) *Inspection of records.* Every applicant shall preserve for inspection for a period of not less than two years after the date of filing an application, books, records, and other documents which furnish information in support of such application and Defense Supplies Corporation or its designated agents shall have the right at any time to make such examinations and audits of the books, records and other documents as may be necessary to ascertain the facts set forth in such application or as may be required by Defense Supplies Corporation.

(c) *Failure to comply.* Defense Supplies Corporation shall have the right to declare invalid any claim of an applicant who has failed to comply with the requirements of this section.

§ 7004.5 *Rate of payment—*(a) *In general.* Defense Supplies Corporation will make payment on approved claims at rates computed by subtracting from the current market prices for wheat, the prices used by the Office of Price Administration as basic related wheat prices in establishing maximum prices for flour in Revised Maximum Price Regulation No. 296, subject to the following qualifications:

(1) There shall be one rate for all types of wheat ground into flour by mills in the Pacific Coast area.

(2) There shall be separate rates on hard wheat, on soft wheat and on durum wheat ground into flour by mills outside the Pacific Coast area.

(3) The rates shall be in units of one-half of one cent ($.005).

(4) The rates shall never exceed the difference between the flour ceiling-related wheat prices and parity prices for wheat plus two and one-half cents ($.025) allowance for further charges above those included in the parity prices.

(b) *Change in rate.* Changes in rates may be made by Defense Supplies Corporation at any time and such changes shall become effective on the first day of the month following the month in which the announcement of such changes is made. Every person registered with Defense Supplies Corporation in accordance with § 7004.7 below will be notified of such announcements.

(c) *Determination of applicable rate—*(1) *In general.* Except as otherwise provided, the rates of payment on account of wheat ground during a month shall be the rates in effect during the month in which the wheat was ground.

(2) *On wheat ground to produce flour previously sold.* If the applicant has registered forward sales of flour in accordance with § 7004.7 of this regulation, and has forward sales of flour booked at the beginning of the month, the rate of payment on account of wheat ground during that month up to the amount of such forward sales of flour shall be the rate or rates in effect at the time the flour produced from such wheat was sold. In determining which sale of flour is applicable to wheat ground, Defense Supplies Corporation will apply the first-in-first-out principle and not follow individual transactions, either as to dates of delivery or types of wheat necessary to produce the flour.

(3) *Cancelled contracts for the sale of flour.* In determining the amount of forward sales of flour, the amount of contracts for the sale of flour which have been cancelled on and after December 1, 1943, will be deducted from the sales of flour outstanding during the month in which the rate of subsidy is higher of either (1) the month in which the cancellation occurred, or (2) the month in which the sale was booked. No cancellations after December 1, 1943, will be deducted from the net forward sales of flour registered in accordance with § 7004.7 of this regulation:

§ 7004.6 *Base of payment.* Payments will be made on the amount of wheat of each type ground on and after December 1, 1943, subject to the following qualifications:

(a) No payment will be made on wheat ground or processed into any other products than flour as defined in § 7004.1, paragraph (c) of this regulation.

(b) No payments will be made on imported wheat ground in bond.

(c) Payments will not be made on account of a greater number of bushels of wheat than the number required, at the rate of 2.35 bushels for a hundredweight of flour, to produce the amount of flour ground by the applicant during the period covered by this application.

(d) No payment will be made on the wheat ground into flour on and after December 1, 1943, and prior to the date of termination of this regulation, to produce the amount of the net forward sales of flour, made by the applicant and unfilled at the close of business on November 30, 1943, and registered with Defense Supplies Corporation in accordance with § 7004.7 below.

(e) Payment will be made on the wheat ground into flour within one hundred and twenty (120) days after the termination of this regulation, not to exceed whichever is lower of (1) the amount of wheat which has been deducted in accordance with paragraph (d) of this Section, and (2) the number of bushels required to produce the amount of net forward sales of flour made by the applicant and unfilled at the close of business on the day preceding the day notice is given of termination, provided that in computing the amount of such net forward sales of flour, a deduction will be made of the amount of contracts which include a provision for determination of the price at the time of delivery.

§ 7004.7 *Registration of applicants.* Every applicant shall register with Defense Supplies Corporation before filing his first application for payment on forms provided by Defense Supplies Corporation. Registration shall be by each applicant, not by each mill, and shall include a report of total net forward sales of flour unfilled at the close of business on November 30, 1943, except that a person who ground less than 110,000 bushels of wheat during the first eleven months of 1943, may register with Defense Supplies Corporation by reporting his total grind during such period, the daily capacity of his mill or mills and his inventory of flour at the close of business on November 30, 1943. If such person registers in accordance with this exception, he shall be considered to have no

net forward sales of flour; he will have no deductible amounts under § 7004.6 (d); he will have no right to additional payments under § 7004.6 (e); and the rate of payment applicable to the amount of wheat he grinds during a month will be the rate in effect during that month.

§ 7004.8 *Determination of wheat ground.* The amount of each type of wheat ground during a month shall be the actual number of bushels of wheat of that type ground during the month into flour as defined in paragraph (c) of § 7004.1, determined in the following manner:

(a) One sixtieth (1/60) of the number of pounds of wheat of each type weighed into the mill bin or hopper of the mill during the month, and ground into flour, less allowance for dockage.

(b) If records are not available to use the method of paragraph (a) of this section, the number of bushels of each type ground during a month shall be: the inventory of wheat of that type in the mill elevator at the beginning of the month, plus additions of that type to inventory during the month, less wheat of that type taken out during the month for uses other than grinding into flour by that mill, less inventory of wheat of that type in the mill elevator at the end of the month, less allowance for dockage. This calculation shall be in terms of bushels of wheat.

(c) If records are not available to use the methods of either paragraphs (a) or (b) of this section, the number of bushels of each type ground during a month shall be determined in accordance with the customary practice of the mill, less allowance for dockage, by special permission of Defense Supplies Corporation.

§ 7004.9 *Terms of payment*—(a) *Partial payment.* A claim may be paid in whole or in part.

(b) *Persons to whom payments are to be made.* Payments will be made only to the person who files the claim with the Defense Supplies Corporation. No claim filed pursuant to this regulation shall be assignable except as a part of a bona fide transfer of the applicant's business to a legal successor.

(c) *Frequency.* Payments will be made monthly upon preliminary approval of the claim.

(d) *Terms.* Preliminary approval and payment of claims shall not constitute final acceptance of the validity or amount of the claim. On a finding that the claim is invalid or defective, Defense Supplies Corporation shall have the right to require restitution of any payment or any part thereof. Any sums found to be due to Defense Supplies Corporation shall be deductible against any accrued or subsequent claim for any payment of Defense Supplies Corporation to the person.

§ 7004.10 *Right to declare claims invalid.* Defense Supplies Corporation shall have the right to declare invalid, in whole or in part, any claim which does not meet the requirements of this regulation, and any claim filed by an applicant who, in the judgment of the War Food Administrator or the Price Administrator has wilfully violated any regulation of their respective Agencies, applicable to the purchase, sale or distribution of wheat or flour.

§ 7004.11 *Right to modify or revise claims.* Upon announcement of any decision or interpretation issued hereunder, any applicant may within thirty (30) days, apply to Defense Supplies Corporation for the right to modify or revise any claims theretofore filed which are affected by such decision or interpretation and which accrued within the period of ninety (90) days immediately preceding the first of the month following the date when the decision or interpretation was announced. If Defense Supplies Corporation finds justification for reopening the claim, it shall so notify the applicant and the latter may thereupon submit a new application for payment which shall be processed in the same manner as though submitted within the required time.

§ 7004.12 *Termination.* This regulation may be terminated at any time after ten (10) days notice. Such termination shall not preclude the filing of applications (1) on account of wheat ground on or before the date of termination for which the applicant would otherwise have been eligible, and (2) on account of wheat ground within one hundred and twenty (120) days after the date of termination, as provided in § 7004.6 (e). Such applications must be filed within thirty (30) days after the end of the month in which such wheat is ground.

§ 7004.13 *Effective date.* This Regulation No. 4 shall become effective as of November 30, 1943.

Issued this 29th day of November 1943.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, JR.,
Executive Vice President.

APPENDIX A—OFFICES OF DEFENSE SUPPLIES CORPORATION

Atlanta: Healey Building, Atlanta 3, Georgia.
Birmingham: Comer Building, Birmingham 3, Alabama.
Boston: 40 Broad Street, Boston 9, Massachusetts.
Charlotte: Wilson Building, 109 West Third St., Charlotte, North Carolina.
Chicago: 208 South LaSalle Street, Chicago 4, Illinois.
Cleveland: Federal Reserve Bank Building, Cleveland 1, Ohio.
Dallas: Cotton Exchange Building, Dallas 1, Texas.
Denver: Boston Building, Denver 2, Colorado.
Detroit: 607 Shelby Street, Detroit 26, Michigan.
Helena: Power Block, Helena, Montana.
Houston, Rusk Building, 723 Main Street, Houston 2, Texas.
Jacksonville: Western Union Building, Jacksonville 2, Florida.
Kansas City: Federal Reserve Bank Building, Kansas City 6, Missouri.
Little Rock: Pyramid Building, Little Rock, Arkansas.
Los Angeles: Pacific Mutual Building, Los Angeles 14, California.
Louisville: Lincoln Bank Building, 421 West Market Street, Louisville 2, Kentucky.
Minneapolis: McKnight Building, Minneapolis 1, Minnesota.
Nashville: Nashville Trust Building, Union Street, Nashville 3, Tennessee.
New Orleans: Union Building, 837 Gravier Street, New Orleans 12, Louisiana.
New York: Federal Reserve Bank Building, 33 Liberty Street, New York 5, New York.
Oklahoma City: Cotton Exchange Building, Oklahoma City 2, Oklahoma.
Omaha: Woodmen of the World Building, Omaha 2, Nebraska.
Philadelphia: 1528 Walnut Street, Philadelphia 2, Pennsylvania.
Portland: Pittock Block, Portland 5, Oregon.
Richmond: Richmond Trust Building, Richmond 19, Virginia.
St. Louis: Landreth Building, 320 North Fourth Street, St. Louis 2, Missouri.
Salt Lake City: Dooley Building, Salt Lake City 1, Utah.
San Antonio: Alamo National Building, San Antonio 5, Texas.
San Francisco: 200 Bush Street, San Francisco 4, California.
Seattle: Dexter Horton Building, Seattle 4, Washington.
Spokane: Columbia Building, Spokane 8, Washington.

[F. R. Doc. 44-2124; Filed, February 12, 1944; 10:25 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 22-6]

PART 1425—CANNED AND PROCESSED FOODS

CANNED VEGETABLES, CANNED FRUITS, CANNED VEGETABLE JUICES, AND CANNED FRUIT JUICES REQUIRED TO BE SET ASIDE DURING 1944

Pursuant to the authority vested in me by Food Distribution Order No. 22, issued by the Secretary of Agriculture on February 19, 1943, as amended (8 F.R. 2243 and 6397), and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1425.8 *Quota restrictions and allocations*—(a) *Definitions.* The definitions contained in Food Distribution Order No. 22, as amended, shall, when used herein, have the same meaning as set forth in Food Distribution Order No. 22, as amended; and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "quota period" means the period from January 1, 1944, to December 31, 1944, both inclusive.

(2) The term "base period" means the period from January 1, 1942, to December 31, 1943, both inclusive.

(3) The term "base pack" means, when applied to each canned food listed in column A of table 1 attached hereto and by this reference made a part of this order, one-half the total amount, by net weight, of all types, styles, varieties, and grades of such food canned by the respective canner or processor during the base period: *Provided*, That if the respective canner or processor canned any particular food listed in column A of table 1 during only one of the two calendar years of the base period, his base pack for that food shall be his total pack, by net weight, of such food during the said calendar year in which he canned the said food. In the event a canner or processor packed any product listed in column A of table 1 attached hereto during the base period at any plant which he does not operate during the quota period, there shall be deducted, in computing his base pack, the portion represented by his production at such plant during the base period. In the event a canner or processor packs any product listed in said column A of table I during the quota period at any plant which he did not operate during the base period, there shall be added, in computing his base pack, the proportionate quantity represented by the production, if any, of the person who operated such plant during the base period.

(b) *Applicability of this order.* The terms and conditions of this order shall be applicable to (1) all canned vegetables, canned fruits, canned vegetable juices, and canned fruit juices listed in column A of table 1 which are packed during the quota period in any of the 48 States of the United States or the District of Columbia, and (2) all canned pineapple and canned pineapple juice which are packed during the quota period in the Territory of Hawaii.

(c) *Set-aside restrictions.* Each canner or processor who packs any canned vegetable, canned fruit, canned vegetable juice, or canned fruit juice covered under this order during the quota period shall, to the extent that the quantity so packed may be adequate, set aside and thereafter hold for sale and delivery to Government agency from his pack of each such product, for the quota period, a quantity equivalent to the quantity obtained by applying the percentage for the particular product listed in column D of table 1 against his base pack of that product. If the type, style, variety, or grade of the particular product is specified in the aforesaid table 1, the portion set aside shall, so far as available, be in the type, style, variety, and grade so specified; but other types, styles, varieties, or grades in the possession of a particular canner or processor as may be specified by the procuring Government agency shall be substituted to the extent that those specified in said table 1 have not been packed by such canner or processor. In the event a canner or processor is preparing to pack, during the quota period, any canned vegetable, canned fruit, canned vegetable juice, or canned fruit juice, listed in column A of said table 1, which he did not pack during the base period and for which unlimited tinplate is available under § 3270.31 of Conservation Order M-81, issued by the War Production Board on February 11, 1942, as amended (7 F.R. 947, 10321, 8 F.R. 14455, 9 F.R. 82), he shall so inform the Director by letter, and state therein the quantity of such product which he anticipates that he will pack; and such canner or processor shall set aside for sale and delivery to Government agency a portion of his pack of each such product for the quota period equivalent to the quantity obtained by applying the percentage for the particular product, listed in column D of table 1, against his total production of such product during the quota period.

(d) *When entire pack not set aside for Government agency.* (1) In the event a canner or processor packs any canned vegetable, canned fruit, canned vegetable juice, or canned fruit juice, listed in column A of table 1, for non-governmental requirements as well as for governmental requirements, the portion of each such product required to be set aside by him for Government agency shall be set aside as follows: (i) At least two-thirds of the set-aside portion, if it is available, shall be taken from the first preference grade of the canned product, as specified in column F of table 1, but, if the quantity of the said first preference grade which is available is not sufficient to meet that requirement, the total quantity of such first preference grade shall be set aside for Government agency; (ii) To the extent that the quantity set aside for Government agency from the first preference grade in accordance with the provisions of (i) above may fail to complete his set-aside quota, he shall set aside from his production of the second preference grade of the canned product, as specified in column G of table 1, such quantity to complete his set-aside quota as may be available, but, if the quantity of said second preference grade which is available is not sufficient to complete such set-aside quota, the total quantity of such second preference grade shall be set aside for Government agency; and (iii) To the extent that the quantities set aside for Government agency from the first and second preference grades in accordance with the provisions of (i) and (ii) above may fail to complete his set-aside quota, he shall set aside from his production of his third preference grade of the canned product, as specified in column H of table 1, sufficient of such quantity to complete his set-aside quota as may be available: *Provided*, That, if there is an insufficient quantity of all three preference grades to complete his set-aside quota, he shall set aside from such other grades in his posession as may be designated by Government agency sufficient of such quantity to complete his set-aside quota as may be available.

(2) In the event a canner or processor packs a canned product covered hereunder partly in tinplate containers and partly in glass containers, the portion to be set aside for Government agency from the several preference grades of such product in accordance with the provisions of (d) (1) hereof shall be that which is packed in tinplate to the extent that such type of pack is available in the respective grades; and the particular product packed in glass containers shall be set aside from any such preference grade only in the event and to the extent necessary to meet any such deficiency when there is not enough of that product of that preference grade packed in tinplate to meet the set-aside requirements for such grade.

(3) Within the limits of, and subject to the restrictions, set forth in (d) (1) and (2) hereof, a minimum of one-half and a maximum of two-thirds (except with the consent of the particular procuring Government agency) of the quota of any canned product for Government agency shall be set aside in the largest can size specified for that product in column I of table 1 to the extent that the product packed in such largest can size is available in the respective preference grades, and the remainder, if any, of the set-aside quota for the canned product shall be in the other can sizes, if any, specified in said column I of table 1: *Provided*, That the portion of the set-aside quantity of the canned product represented by the contingency reserve percentage for such product shown in column C of table 1 may, at the option of the particular canner or processor, be packed and set aside in any can size permitted under the aforesaid Conservation Order M-81, as amended.

(e) *Reports.* The reports required by § 1425.1 (c) of Food Distribution Order No. 22, as amended, shall be submitted on Form FDA-685. The reports shall be submitted to the Director within 15 days after the completion of the pack. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(f) *Purchase, inspection, and specifications.* The Army of the United States is hereby allocated the quotas prescribed herein for Government agency, and the Army may purchase said quotas for its own account or the account of other Government agencies whenever it has agreed with such agencies to do so. The Army of the United States and the Office of Distribution, respectively, are authorized to inspect and grade such canned foods pursuant to § 1425.1 (d) of Food Distribution Order No. 22, as amended. The Army of the United States is authorized to issue specifications at any time with regard to the processing, packing, containers, container treatment, can marking, labeling, boxing, and strapping of such canned foods pursuant to § 1425.1 (b) (5) of Food Distribution Order No. 22, as amended.

(g) *Provisions of Director Food Distribution Orders Nos. 22-4, as amended, and 22-5 not affected.* The provisions of this order shall not be considered as rescinding or modifying the provisions of Director Food Distribution Order No. 22-4, as amended (8 F.R. 6573 and 11590), or the provisions of Director Food Distribution Order No. 22-5 (8 F.R. 16097).

(h) *Effective date.* This order shall be effective as of 12:01 a. m., e. w. t., February 11, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO No. 22, as amended, 8 F.R. 2243 and 6397)

Issued this 11th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

TABLE 1—CANNED VEGETABLES, CANNED FRUITS, CANNED VEGETABLE JUICES, AND CANNED FRUIT JUICES

A	B	C	D	E	F	G	H	I
Product	Percentage of base pack			Type, style variety (sequence does not denote preference)	Grade preferences			Can size
	Specific reserve	Contingency reserve	Total (cols. B & C)		First	Second	Third	
Apples	[2]68	7	75	Heavy pack	Standard	Fancy		10.
Applesauce	47	5	52		Fancy	Standard		10-2.
Apricots	63	7	70	Halved, unpeeled	Choice	Standard (fancy not desired).	Pie or water pack	10-2½.
Berries [1]	68	7	75		Water pack	(3)		10.
Blueberries	68	7	75		Water pack	(3)		10.
Cherries	68	7	75	Water pack	Standard			10-2.
Figs	42	4	46	Kadota	Choice	Fancy		10-2½.
Fruit Cocktail	63	7	70		Choice	Fancy		10-2½.
Peaches	63	7	70	Yellow clingstone halved or sliced.	Choice	Top std.[3]		10-2½.
				Freestone yellow halved or sliced	Choice	Fancy		10-2½.
Pears	63	7	70	Bartlett, halved	Choice	Top std.[3]	Fancy	10-2½.
Pineapple	63	7	70	Sliced, crushed, chunks, tidbits (except cocktail tidbits).	Fancy	Choice	Std	10-2½-2.
Pineapple Juice	65	7	72		Fancy			10-3, cyl-2.
Asparagus	48	5	53	All green or culturally bleached	Fancy cut	Fancy spear		10-2½-2.
Beans, lima	51	5	56	Fresh	Extra Std	Top Std.[3]	Fancy	10-2.
Beans, snap	49	5	54	Green, wax-cut	Extra Std	Top Std.[3]	Fancy	10-2½-2.
Beets	53	5	58	Cut, quartered, diced, sliced	Fancy	Top Std.[4]		10-2½-2.
Carrots	143	7	150	Diced	Fancy	Top Std.[4]		10-2½-2.
Corn, sweet [4]	28	3	31	White, yellow-cream style, whole kernel.	Fancy or extra Std	Top Std.[3]		10-2.
Peas	37	4	41	Alaska 3, 4 sieve; sweet 3-sieve and larger, ungraded.	Extra Std	Top Std	Fancy	10-2.
Pumpkin or squash	37	4	41		Fancy	Top Std.[4]		2½.
Spinach	44	4	48		Fancy	Top Std.[4]		10-2½-2.
Tomatoes	49	5	54		Extra Std	Top Std.[3]	Fancy	10-2½-2.
Tomato catsup	51	5	56		Fancy 29-33% solids	Fancy 33% solids or over.	Fancy 25-29% solids.	10-3 cy. 12½-2. 14 oz. glass or larger.
Tomato juice	58	6	64		Fancy			10-3 cy. 2.
Tomato puree	25	3	28	Heavy (minimum specific gravity—1.045).	Fancy			10.
Tomato paste	23	3	26		Fancy			10-2¼-2-6 oz.

[1] Blackberries, boysenberries, loganberries, youngberries only. Percentage applies to combined pack of these four varieties.
[2] Syrup pack not desired.
[3] Top standard means 70-74 inclusive as defined in terms of U. S. grades.
[4] Top standard means 80-84 inclusive as defined in terms of U. S. grades.
Full inside enamel cans required. Number 10 cans to be used for whole kernel only.

[F. R. Doc. 44-2119; Filed, February 12, 1944; 12:06 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE [1]

WOMEN'S RESERVE; COMPOSITION, COMPENSATION, RATINGS, ETC.

Sections 6.12201 (c), 6.12205 and 6.12301 (a), (c) (1) are amended to read as follows:

§ 6.12201 *Composition.* • • •

(c) The Women's Reserve shall be composed of women trained and qualified for duty in the shore establishment of the Navy to release male officers and men of the Naval Service for duty at sea. They may be commissioned in ranks not above captain, and enlisted in such appropriate ratings, corresponding to those of the Regular Navy, as may be prescribed by the Secretary of the Navy.

§ 6.12205 *Compensation for disability or death in line of duty; dependent allowances, etc.* Members of the Women's Reserve or their dependents, shall be entitled to all allowances or benefits provided by law for male officers and enlisted men with dependents. The husbands of such members shall not be considered dependents and the children of such members shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support.

§ 6.12301 *Ranks, grades, ratings and classes.* (a) Commissioned officers shall be appointed to service during the pleasure of the President, but not to exceed six months after the termination of the war. There shall be allowed not more than one officer in the grade of captain. The class designation for officers and midshipment shall be "W-V(S), USNR."

• • • • • •

(c) • • •

(1) Class V-9: Women enlisted as apprentice seamen for training preliminary to appointment as midshipmen, W-V(S), U. S. Naval Reserve, and further training for commission in the U. S. Naval Reserve. [Manual Circular Letter No. 4-44, Dec. 29, 1943]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739, Pub. Law 183, 78th Cong.; 34 U.S.C. 853, 854*e*, Supp. 855*f*, 855*o*, 857-857*g*, 853*c*, 853*e*, 855*d*)

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 44-2201; Filed, February 15, 1944; 10:51 a. m.]

[1] Subpart L, 8 F.R. 9711, 12635.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary

PART 2a—TESTIMONY OF EMPLOYEES AND USE OF BOOKS, RECORDS AND FILES IN JUDICIAL AND ADMINISTRATIVE PROCEEDINGS

Correction

F.R. Doc. 44-2135, appearing at page 1728 of the issue for Tuesday, February 15, 1944, should be designated Part 2a instead of Part 8a.

TITLE 46—SHIPPING

Chapter I—Coast Guard; Inspection and Navigation

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

Pursuant to the authority of section 4551 of the Revised Statutes, as amended (46 U.S.C. 643), and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), the Rules and Regulations for Issuance of Certificates and Continuous Discharge Books are amended, effective March 1, 1944, as follows:

Paragraphs (i) and (j) of section 138.9 are amended to read as follows:

§ 138.9 *Rules and regulations covering discharge of seamen* • • •

(i) The master of every merchant vessel of the United States of the burden of one hundred gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, fishing and whaling vessels, yachts, ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and are not engaged on international voyages, and unrigged vessels other than seagoing barges, shall report the employment, discharge, or termination of the services of every seaman not shipped or discharged before a shipping commissioner, or a collector or deputy collector of customs acting as shipping commissioner on Coast Guard Form 735-T in the manner provided in this paragraph.

When a vessel is sailing on a voyage which will extend to the ocean or to the Gulf of Mexico and when coastwise Shipping Articles are opened or when the vessel is departing on a coastwise voyage for which Shipping Articles are not required the master shall, immediately prior to sailing, submit to the Coast Guard Captain of the Port a Form 735-T listing the names, as well as the other data required by the form with the exception of the date and place of discharge, of the master and of each member of the crew. Thereafter, at each domestic port visited on the voyage, the master shall, prior to departure, submit to the Coast Guard Captain of the Port a supplementary report on Form 735-T listing the name, as well as the other data required by the form, of each seaman engaged or discharged or whose services were otherwise terminated since the previous submission of the form. When coastwise Shipping Articles are completed or when a voyage on which Shipping Articles are not required is completed, the master shall submit to the Coast Guard Captain of the Port a Form 735-T listing the names, as well as the other data required by the form, of the master and of each member of the crew on board at the time of the completion of the voyage.

When a vessel is employed exclusively in trade on the Great Lakes, bays or sounds, the master shall submit a Form 735-T, on the last day of each calendar month, listing the name, as well as the other data required by the form—including the dates and places of engagement and discharge, of each seaman employed, discharged, or whose services were otherwise terminated during the calendar month. This form shall be forwarded by the master directly to U. S. Coast Guard Headquarters, Washington, D. C.

Every discharge entry made on a Form 735-T shall agree exactly with the corresponding entry made in a continuous discharge book or on the certificate of discharge issued to a seaman and a record of entry (Form 718-E) or a white copy of a certificate of discharge (Form 718-A, Revised) supporting each discharge shall be attached to any Form 735-T on which discharges are reported.

(j) Any master who fails to comply with the requirements of paragraph (i) of this section is subject to a penalty of $500.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard, Commandant.

FEBRUARY 14, 1944.

[F. R. Doc. 44-2214; Filed, February 15, 1944; 11:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 180, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of February, A. D. 1944

Upon further consideration of Service Order No. 180 (9 F.R. 1598) of February 5, 1944, as suspended by Service Order No. 180-A (9 F.R. 1679-80) of February 10, 1944, and for the purpose of clarification, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 180 (9 F.R. 1598) of February 5, 1944, as suspended by Service Order No. 180-A (9 F.R. 1679-80) of February 10, 1944, be, and it is hereby amended by substituting the following paragraph (b) and subparagraphs (1), (2), and (3) and an added subparagraph (4) for the present paragraph (b) and subparagraphs (1), (2), and (3) to § 95.330:

(b) *Application*—(1) *Average agreements.* Detention occurring on and after the effective date of this order on all refrigerator cars held for unloading shall not be included in, or computed on the basis of, any average agreement, but, except as otherwise provided in this order or in the orders set forth in paragraph (b) (3), said refrigerator cars shall otherwise be subject to the car demurrage rules and charges set forth in tariffs lawfully on file with this Commission.

(2) *Intrastate and foreign commerce.* The provisions of this order shall apply to intrastate as well as interstate traffic.

(3) *Service orders.* The provisions of this order shall not be construed to affect the provisions of Service Order No. 70 (8 F.R. 8515) of February 3, 1942, as amended (8 F.R. 8515) or Service Order No. 70-A (8 F.R. 14624-25) of October 22, 1943, or Corrected Service Order No. 112 (8 F.R. 2889) of March 3, 1943, as amended (8 F.R. 4488) or Service Order No. 135 (8 F.R. 9569) as amended (8 F.R. 10941). The provisions of this order shall not apply to detention on refrigerator cars which have been loaded in accordance with the provisions of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852; 8 F.R. 12100-01; 8 F.R. 17428; 9 F.R. 947)

(4) *Domestic and transshipments.* Except as provided in paragraph (b) (3) on and after the effective date of this order the provisions of this order shall apply to detention to any refrigerator car held for any purpose except loading, at any inland point or at any port, whether for domestic delivery or for transshipment by water. The number of days a refrigerator car has been held prior to the effective date of this order shall determine the charges applicable on that refrigerator car on the first full demurrage day and all subsequent demurrage days occurring after the effective date of this order. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 16, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2202; Filed, February 15, 1944; 11:19 a. m.]

Notices

WAR DEPARTMENT.

[W. D. Circ. 50]

MUSTERING OUT PAYMENTS

(a) *Payments to persons discharged or relieved from active service prior to passage of Mustering-out Payment Act of 1944.* Mustering-out payments to those eligible persons who were discharged or relieved from active service under honorable conditions prior to the passage of the Mustering-out Payment Act of 1944 (Public Law No. 225, 78th Congress, approved 3 February 1944) will be made by certain Finance Officers, United States Army, designated by the Fiscal Director, upon receipt of application forms published in local newspapers. Disbursing officers other than those designated, who receive applications erroneously, will forward them to the proper Finance Officer, United States Army.

(b) *Payment to surviving spouse, child or children, or parents.* If any member of the armed forces, after his discharge or relief from active service, dies before receiving any portion or the full amount of his mustering-out payment, the balance of the amount due him will be payable, on appropriate application therefor, to the surviving spouse, if any; and if there is no surviving spouse, then in equal shares to his child or children, if

any; and if there is no surviving spouse, child or children, then in equal shares to the surviving parents, if any. Mustering-out payment will not be made to any person other than the surviving spouse, child, or children, or parents, in the order stated. The term "spouse means a lawful wife or husband. The term "child" includes a legitimate child; a child legally adopted and a stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household. The term "parent" includes father and mother, stepfather and stepmother, and father and mother through adoption. (R.S. 161; 5 U.S.C. 22) [Pars. 5 and 6, W.D. Cir. 50, 4 February 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2183; Filed, February 14, 1944; 5:04 p. m.]

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order CMA-20]

BENAL COLLIERIES AND C. & S. COAL & CLAY CO.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of Benal Collieries, 343 South Main Street, Butler, Pennsylvania or the C. & S. Coal & Clay Company, Zellenople, Pennsylvania. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the said mining companies, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Instruments of agreement and certification having heretofore been executed and filed with the Coal Mines Administration by each of said companies, the appointments of the Operating Managers for their mines are terminated, as provided by section 25 (f), as amended, of the regulations for the operation of coal mines under government control.

HAROLD L. ICKES,
Secretary of the Interior.

FEBRUARY 14, 1944.

[F. R. Doc. 44-2199; Filed, February 15, 1944; 10:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6215]

CHARLES P. BLACKLEY

NOTICE OF HEARING

In re application of Charles P. Blackley (New), date filed, August 16, 1941; for construction permit; class of service, Broadcast; class of station, Broadcast; location, Staunton, Virginia; operating assignment specified: Frequency, 1240 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing to be consolidated with Dockets 6564 and 6565, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and the operation of Station WCHV as proposed in application B2-ML-1162 as well as the areas and populations affected thereby, and what other broadcast services are available to these areas and populations.

2. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942 and supplements thereto issued September 22, 1942; August 11, 1943 and January 26, 1944.

3. To determine whether the proposed transmitting equipment complies with § 3.41 of the Commission's rules.

4. To determine whether or not a grant of this application would be consistent with § 3.35 of the Commission's rules relating to multiple ownership.

5. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Charles P. Blackley, 333 South Liberty Street, Harrisonburg, Virginia.

Dated at Washington, D. C., February 9, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-2177; Filed, February 14, 1944; 12:16 p. m.]

[Docket No. 6564]

BARHAM AND BARHAM (WCHV)

NOTICE OF HEARING

In re application of Charles Barham, Jr., and Emmalou W. Barham, d/b as Barham and Barham, (WCHV), date filed, April 26, 1943, for modification of license; class of service, broadcast; class of station, broadcast; location, Charlottesville, Va.; operating assignment specified: Frequency, 1240 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing to be consolidated with Dockets 6565 and 6215, for the following reasons:

1. To determine the areas and populations which may be expected to gain primary service should Station WCHV operate as proposed, and what other broadcast services are available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WCHV as proposed and Station WBBL during daytime hours.

3. To determine the areas and populations which would be deprived of primary service, particularly from Station WBBL as a result of the operation of Station WCHV as proposed and what other broadcast services are available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of Station WCHV as proposed and the operation of Station WFVA as proposed in application B2-ML-1169 as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of Station WCHV as proposed and the operation of the station proposed by Charles P. Blackley, Staunton, Virginia in application B2-P-3285 as well as the areas and populations affected thereby, and what other broadcast services are available to these areas and populations.

6. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942 and supplements thereto issued September 22, 1942; August 11, 1943 and January 26, 1944.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Charles Barham, Jr., and Emmalou Barham, d/b as Barham & Barham, Radio Station WCHV, 4th & East Market Streets, Charlottesville, Va.

Dated at Washington, D. C., February 9, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-2178; Filed, February 14, 1944; 12:16 p. m.]

[Docket No. 6565]

FREDERICKSBURG BROADCASTING CORP. (WFVA)

NOTICE OF HEARING

In re application of Fredericksburg Broadcasting Corp., (WFVA), date filed, July 1, 1943, for modification of license; class of service, broadcast; class of station, broadcast; location, Fredericksburg, Va.; operation assignment specified: Frequency, 1240 kc.; power, 250 w.; hours of operation, unlimited, except on Sunday when WBBL operates.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing to be consolidated with Dockets 6564 and 6215, for the following reasons:

1. To determine the areas and populations which may be expected to gain primary service should Station WFVA operate as proposed and what other broadcast services are available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WFVA, as proposed, and the operation of Station WCHV as proposed in application B2-ML-1162 as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942 and supplements thereto issued September 22, 1942; August 11, 1943 and January 26, 1944.

4. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Fredericksburg Broadcasting Corp., Radio Station W F V A, 528 Wolfe Street, Fredericksburg, Va.

Dated at Washington, D. C., February 9, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-2179; Filed, February 14, 1944; 12:16 p. m.]

[Docket No. 6046]

WESTERN UNION TELEGRAPH CO. AND RCA COMMUNICATIONS, INC.

RATES BETWEEN U. S. AND WEST INDIES, CENTRAL AND SOUTH AMERICA

In the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America, and South America.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of February 1944;

The Commission, having under consideration its report and order of June 22, 1943, herein (T-29), and having also under consideration the fact that The Western Union Telegraph Company and R. C. A. Communications, Inc., have not filed with the Commission rates and charges, and related classifications, practices, and regulations for and in connection with telegraph communication service northbound from Peru to the United States which are in conformity with the principles decided upon in the report and order of June 22, 1943;

It is ordered, That a further hearing be, and it is hereby, directed to be held herein with respect to the matter of rates and charges, and related practices, classifications, and regulations for and in connection with telegraph communication service between the United States and Peru;

It is further ordered, That such further hearing be, and it is hereby, consolidated with the further consolidated hearing heretofore ordered herein, and scheduled to begin at 10:00 a. m. on the 24th day of February 1944;

It is further ordered, That at such further hearing, R. C. A. Communications, Inc., and The Western Union Telegraph Company shall appear and show cause why the Commission should not order each of them to establish rates and charges, and related practices, classifications, and regulations, for and in connection with telegraph communication service northbound to the United States from Peru, which are in conformity with the principles decided upon in the Commission's report and order of June 22, 1943, herein.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-2180; Filed, February 14, 1944; 12:16 p. m.]

[Docket Nos. 6575, 6046]

WESTERN UNION TELEGRAPH CO. AND CABLE AND WIRELESS OF WEST INDIES, LTD.

RATES BETWEEN U. S. AND WEST INDIES, CENTRAL AND SOUTH AMERICA

In the matter of the Western Union Telegraph Company and Cable and Wireless of West Indies, Ltd. Charges for telegraph communications between Puerto Rico and the United States. In the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America, and South America.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of February, 1944;

It appearing that Cable and Wireless of West Indies, Ltd., which operates a cable telegraph service between the continental United States and Puerto Rico in conjunction with The Western Union Telegraph Company, is collecting charges for telegraph communications from Puerto Rico to the continental United States which are different from the charges specified in the applicable legally effective tariff schedules filed with this Commission by Cable and Wireless of West Indies, Ltd., and concurred in by The Western Union Telegraph Company;

It further appearing, that the rates and charges, and related classifications, practices, and regulations, shown in the presently effective tariff schedules filed with the Commission by Cable and Wireless of West Indies, Ltd., and concurred in by The Western Union Telegraph Company, and the rates and charges actually being collected in Puerto Rico by Cable and Wireless of West Indies, Ltd., for telegraph communications to the continental United States from Puerto Rico, are contrary to the principles decided upon by this Commission in its report and order of June 22, 1943 (T-29), in its Docket No. 6046, with respect to rates between the United States and the West Indies, including Puerto Rico;

It is ordered, That an investigation be, and it is hereby, instituted into the mat-

ter of rates and charges, and related classifications, practices, and regulations, for and in connection with telegraph communication service between the continental United States and Puerto Rico;

It is further ordered, That Cable and Wireless of West Indies, Ltd., and The Western Union Telegraph Company shall appear and show cause why the Commission should not order each of them immediately to cease and desist from the charging, demanding, collecting, or receiving of a different compensation for telegraph communications from Puerto Rico to the continental United States, or for any service in connection therewith, than the charges specified in the applicable legally effective tariff schedules of Cable and Wireless of West Indies, Ltd., on file with this Commission, and concurred in by The Western Union Telegraph Company, and why the Commission should not order each of them immediately to cease and desist from engaging or participating in such communications unless and until charges are made, demanded, collected or received for such communications which are in accordance with the charges specified in such tariff schedules;

It is further ordered, That Cable and Wireless of West Indies, Ltd., and The Western Union Telegraph Company shall also appear and show cause why the matter of the apparent violations of the Communications Act of 1934, as amended, constituted by noncompliance with applicable legally effective tariff schedules on file with the Commission, should not be referred by the Commission to the Attorney General of the United States with the request that all necessary proceedings for the enforcement of the provisions of the act and for the punishment of such violations, in accordance with the provisions of the act, be instituted and prosecuted;

It is further ordered, That Cable and Wireless of West Indies, Ltd., and The Western Union Telegraph Company shall also appear and show cause why they should not forthwith establish rates and charges, and related classifications, practices, and regulations, for and in connection with telegraph communications to the continental United States from Puerto Rico which are in conformity with the principles decided upon by the Commission in its report and order of June 22, 1943, in Docket No. 6046;

It is further ordered, That a hearing with respect to the above matters be, and it is hereby scheduled to begin at 10:00 a. m. on the 2d day of March 1944, at the offices of the Commission in Washington, D. C.;

It is further ordered, That Commissioner Ray C. Wakefield, who is authorized to conduct such proceedings as may be held in Docket No. 6046, be and he is hereby, authorized to conduct also the proceeding in Docket No. 6575 and to submit appropriate reports thereon.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-2181; Filed, February 14, 1944; 12:16 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-524]

CONSOLIDATED GAS UTILITIES CORPORATION

NOTICE OF APPLICATION

FEBRUARY 14, 1944.

Notice is hereby given that on February 7, 1944, the Consolidated Gas Utilities Corporation, a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the facilities hereinafter described, and for authorization to abandon a certain portion of its transmission facilities under section 7 (b) of the Natural Gas Act.

The proposed construction consists of a 4½-inch gas pipe line approximately 5,280 feet in length, to replace 1½ miles of 5½-inch Boiler Flue pipe line, the former to serve Applicant's existing distribution system in the City of Sterling, Rice County, Kansas. The pipe line to be installed will begin at a connection with Applicant's 6⅝-inch gas pipe line at the Northeast corner of Section 16, Township 21 South, Range 8 West, Rice County, Kansas, and extend in a Southerly direction 5,280 feet along the East line of Section 16 to a point of connection with Applicant's existing distribution system in the City of Sterling, Kansas.

The pipe line which Applicant seeks authorization to abandon consists of approximately 1½ miles of 5½-inch Boiler Flue pipe line commencing at a connection with Applicant's previously installed 8-inch gas transmission line in the North half of the Southwest quarter of Section 13, Township 21 South, Range 8 West, Rice County, Kansas, and extending in a Southwesterly direction across the North half of the Southwest quarter of said Section 13, and across the South half of Section 14, Township 21 South, Range 8 West, Rice County, Kansas, to a connection with Applicant's previously installed 4-inch gas pipe line at the West line of the South half of said section 14.

Applicant states that the use of the 1½ miles of Boiler Flue pipe during the last five years has required continuous maintenance expenditures to prevent excessive leakage of gas, and that the condition of the 5½-inch line is such that adequate repairs can no longer be made.

Applicant asserts that no customers are served from the 5½-inch line which it requests authorization to abandon, and that the new 4½-inch line will eliminate the maintenance expense and excessive leakage of gas caused by the operation of the existing 5½-inch line.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of March, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2196; Filed, February 15, 1944; 10:01 a. m.]

FOREIGN ECONOMIC ADMINISTRATION.

SIGFRIED OLSEN SHIPPING COMPANY

DENIAL OF LICENSE PRIVILEGES

In the matter of Sigfried Olsen Shipping Company, One Drumm Street, San Francisco, California. Decision and Order on Appeal in Case No. 26.

Pursuant to Part 807 of the regulations adopted under section 6 of the Act of July 2, 1940, as amended, the Trade Intelligence Division of the Office of Exports, Office of Economic Warfare (now Trade Intelligence Division of the Requirements and Supply Branch, Foreign Economic Administration) charged the Sigfried Olsen Shipping Company (hereinafter referred to as appellant) with violations of section 6 of the Act of July 2, 1940, as amended, and the regulations adopted pursuant thereto. Apellant filed a written answer to said charges and the matter came on for oral hearing before Kelly Kash, Compliance Commissioner, for the Administration. The Compliance Commissioner received the evidence presented and after due consideration of the record, on the 11th day of January 1944, filed his findings of fact and recommendations in this matter.

The Compliance Commissioner found that the appellant had violated section 6 of the Act of July 2, 1940, as amended, and the regulations adopted pursuant thereto and, on the 13th day of January 1944, J. C. Foulis, Deputy Chief, Requirements and Supply Branch, Bureau of Supplies, Foreign Economic Administration, upon consideration of the record, findings of fact, and recommendation of the Compliance Commissioner in the matter, issued an order denying to appellant and any person, association, or organization acting in its behalf, or for its account, the privilege of obtaining individual, or any other type of export license or release certificate, and the use of any general or other type of export license authorizing any exportation whatsoever from the United States until February 29, 1944, and revoking all outstanding export licenses or release certificates issued to said appellant.

The appellant, within ten days after receipt of a copy of said order, duly filed a written appeal from said order to the undersigned, Director of the Requirements and Supply Branch, Bureau of Supplies, Foreign Economic Administration. The undersigned, having reviewed the record, findings of fact, conclusions, and recommendations of the Compliance Commissioner in this matter, and having given due consideration to the grounds set forth in the appellant's appeal, finds that the facts and conclusions of the Compliance Commissioner are supported by the record and that the order issued pursuant thereto on January 13, 1944, by J. C. Foulis, Deputy Chief, Requirements and Supply Branch, Bureau of Supplies, Foreign Economic Administration, while disregarding the recommendations of the Compliance Commissioner as to the disciplinary action to be taken, was proper and ought not be modified.

Now, therefore, it is determined and ordered, That the said order of the Deputy Chief, Requirements and Supply Branch, Bureau of Supplies, Foreign Economic Administration, denying to the appellant and any person, association or organization acting in its behalf or for its account, the privilege of obtaining individual or any other type of export license or release certificate and the use of any general or any other type of export license authorizing any exportation whatsoever from the United States until February 29, 1944, and revoking outstanding export licenses and release certificates issued to the appellant, is affirmed.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380; 8 F.R. 13081; Delegation of Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: February 12, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 2195; Filed, February 15, 1944; 9:35 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 178, Gen. Permit 4]

FATS AND OILS

DISREGARD OF CERTAIN REFRIGERATION REQUIREMENTS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars to be loaded with, or the transporting or moving of a refrigerator car or cars loaded with mixed shipments of lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, or animal tallow, in combination with fresh meats or packing house products not covered by that order which require refrigeration.

The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 p. m., February 9, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2203; Filed, February 15, 1944; 11:19 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2423, Amdt.]

FRANCES C. SELTER

Whereas pursuant to Vesting Order Number 2423 of October 20, 1943, the undersigned purported to vest all right, title, interest and claim of any kind or character whatsoever of "Francesca M. Loder" and "Herbert Raymond Loder" in and to the Estate of Frances C. Selter, deceased; and

Whereas through clerical error the names "Francesca M. Loder" and "Herbert Raymond Loder" appear in such Vesting Order as "Francesca M. Lodor" and "Herbert Raymond Lodor";

Now, therefore, Vesting Order Number 2423 is hereby amended by substituting the names "Francesca M. Loder" for "Francesca M. Lodor" and "Herbert Raymond Loder" for "Herbert Raymond Lodor" in such vesting order.

All other provisions of said Vesting Order Number 2423 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2155; Filed, February 14, 1944; 11:12 a. m.]

[Vesting Order 2983]

DR. EDMOND RISZDORFER

In re: Interest of Dr. Edmond Riszdorfer in an agreement with Eastman Kodak Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Dr. Edmond Riszdorfer is a resident of Hungary and is a national of a foreign country (Hungary);

2. That the property described in subparagraph 3 hereof is property of Dr. Edmond Riszdorfer;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Edmond Riszdorfer by virtue of an agreement dated July 30, 1934, by and between Dr. Edmond Riszdorfer and Eastman Kodak Company (including all modifications of and supplements to such agreement, including, but not by way of limitation, certain cables between said parties dated July 10, July 15 and July 18, 1941) which agreement relates, among other things, to certain United States Letters Patent, including Patent No. 2,076,482,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2156; Filed, February 14, 1944; 11:09 a. m.]

[Vesting Order 2985]

DR. ALEXANDER WACKER GESELLSCHAFT FUR ELEKTROCHEMISCHE INDUSTRIE, G. M. B. H.

In re: Patents, patent application, and interests of Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H. and others in agreements with Chemische Forschungsgesellschaft m. b. H. and E. I. du Pont de Nemours & Company and between The Roessler & Hasslacher Chemical Company and Consortium fur Elektrochemische Industrie, G. m. b. H. relating, among other things, to Patent No. 1,898,301.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

1. That Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H., Consortium fur Elektrochemische Industrie, G. m. b. H. and Chemische Forschungsgesellschaft m. b. H. are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H. and/or Consortium fur Elektrochemische Industrie, G. m. b. H. and/or Chemische Forschungsgesellschaft m. b. H.;

3. That the property described as follows:

(a) All right, title and interest including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date of Issue, Inventor, and Title

1,642,669, 9-20-27, Martin Mugdan and Joseph Wimmer, method of preparation of methyl formate.

1,730,587, 10-8-29, Martin Mugdan and Joseph Wimmer, process for the production of butyric aldehyde.

2,162,616, 6-13-39, Willy O. Herrmann, Hans Deutsch and Bruno von Zychlinski, process for the manufacture of artificial resins.

(b) Patent application identified as follows:

Serial Number, Date of Filing, Inventor, and Title

326,586; 3-28-40; Ludwig Egger; Production of hard resistant tubes, plates, rods, etc. out of polyvinyl chlorides.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Consortium fur Elektrochemische Industrie G. m. b. H. by virtue of an agrement dated March 26, 1930 (including all modifications thereof and supplements thereto, if any) by and between The Roessler & Hasslacher Chemical Company and Consortium fur Elektrochemische Industrie, G. m. b. H., which agreement relates, among other things, to Patent No. 1,898,301,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H. and Chemische Forschungsgesellschaft m. b. H., and each of them, by virtue of an agreement dated February 15, 1936 (including all modifications thereof and supplements thereto, including, but not by way of limitation, agreements dated February 17, 1936 and April 1, 1937 and letters dated November 1, 1939, June 29, 1940, November 4, 1940, January 9, 1941 and May 5, 1941) by and between Dr. Alexander Wacker Gesellschaft fur Elektrochemische Industrie, G. m. b. H., Chemische Forschungsgesellschaft m. b. H. and E. I. du Pont de Nemours & Company, which agreement relates, among other things, to Patent No. 1,898,301,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2157; Filed, February 14, 1944; 11:10 a. m.]

[Vesting Order 2997]

GLASFABRIK SOPHIENHUTTE, RICHARD BOCK, G. M. B. H.

In re: Patent and interest of Glasfabrik Sophienhutte, Richard Bock, G. m. b. H. in agreements with American Thermos Bottle Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Glasfabrik Sophienhutte, Richard Bock G. m. b. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Glasfabrik Sophienhutte, Richard Bock, G. m. b. H.;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor, and Title

1,960,045; 5-22-34; Max Batschuk and Wilhelm Hodecker; Process for the manufacture of double walled flasks.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Glasfabrik Sophienhutte, Richard Bock, G. m. b. H. by virtue of an agreement dated February 15, 1929 (including all modifications thereof and supplements thereto, if any) by and between Glasfabrik Sophienhutte, Richard Bock G. m. b. H. and American Thermos Bottle Company, which agreement relates, among other things, to United States Letters Patent No. 1,623,311,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Glasfabrik Sophienhutte, Richard Bock G. m. b. H. by virtue of an agreement dated July 9, 1932 (including all modifications thereof and supplements thereto, if any) by and between Glasfabrik Sophienhutte, Richard Bock G. m. b. H. and American Thermos Bottle Company, which agreements relates, among other things, to United States Letters Patent No. 1,960,045.

[F. R. Doc. 44–2158; Filed, February 14, 1944; 11:10 a. m.]

[Vesting Order 2998]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

In re: Patent No. 2,267,124 and interests of I. G. Farbenindustrie Aktiengesellschaft in agreements between Durand & Huguenin A.–G. and certain American Corporations relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Walter Mieg, Franz Wieners, Wilhelm Bauer and Bernhard Bollweg are residents of Germany and are nationals of a foreign country (Germany);

2. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5a hereof is property of Walter Mieg, Franz Wieners, Wilhelm Bauer and Bernhard Bollweg;

4. That the property described in subparagraphs 5b, 5c, 5d and 5e hereof is property of I. G. Farbenindustrie Atkiengesellschaft;

5. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

2,267,124; 12-23-41; Walter Mieg, Franz Wieners, Wilhelm Bauer, Bernhard Bollweg; Leuco-sulphuric acid esters of anthraquinone-naphthalene-carbazoles.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement executed under dates of August 18, 1933 and September 21, 1933 (including all modifications thereof and supplements thereto, including, but not by way of limitation, letters dated September 6, 1934 and December 9, 1939) by and between Durand & Huguenin A.–G., General Aniline Works, Inc. and General Dyestuffs Corporation, which agreement relates, among other things, to Patent No. 1,575,958,

(c) All interests and rights created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement between E. I. du Pont de Nemours & Company and I. G. Farbenindustrie Aktiengesellschaft as evidence by a letter dated June 6, 1935 from E. I. du Pont de Nemours & Company to I. G. Farbenindustrie Aktiengesellschaft, which agreement relates, among other things, to Patent No. 1,877,146,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated July 22, 1935 (including all amendments thereof and supplements thereto, including, but not by way of limitation, an agreement executed under dates of August 28, 1936 and September 14, 1936 by Durand & Huguenin A.–G. and General Aniline Works, Inc. and a letter dated December 9, 1939 from Durand & Huguenin A.–G. to General Aniline & Film Corporation) by and between E. I. du Pont de Nemours & Comany, General Aniline Works, Inc., General Dyestuffs Corporation, Durand & Huguenin A.–G. and Carbic Color and Chemical Corporation, which agreement relates, among other things, to Patent No. 2,182,140.

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated November 29, 1939 (including all modifications thereof and supplements thereto, including, but not by way of limitation, a letter dated December 9, 1939 from Durand & Huguenin A.–G. to General Aniline & Film Corporation) by and between General Aniline Works, Inc. and Durand & Huguenin A.–G., which agreement relates, among other things, to Patent No. 2,224,280,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2159; Filed February 14, 1944; 11:10 a. m.]

[Vesting Order 2999]

I. G. FARBINDUSTRIE AKTIENGESELLSCHAFT

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement dated May 31, 1933 with E. I. du Pont de Nemours & Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated May 31, 1933 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and E. I. du Pont de Nemours & Company, which agreement relates, among other things, to Patent No. 1,939,292,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2160; Filed, February 14, 1944; 11:10 a. m.]

[Vesting Order 3000]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT AND COMPAGNIE DE PRODUITS CHIMIQUES ET ELECTROMETALLURGIQUES ALAIS FROGES ET CAMARGUE

In re: Interests of I. G. Farbenindustrie Aktiengesellschaft and Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue in an agreement with Eastman Kodak Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue is a corporation organized under the laws of France and is a national of a foreign country (France);

3. That the property described in subparagraph 4 hereof is property of I. G. Farbenindustrie Aktiengesellschaft and Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue;

4. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft and Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue, and each of them, by virtue of an option agreement dated January 1, 1939 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft, Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue and Eastman Kodak Company, which agreement relates, among other things, to United States Letters Patent No. 1,982,985,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft and Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue, and each of them, by virtue of every agreement by and between I. G. Farbenindustrie Aktiengesellschaft and Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges et Camargue, relating to United States Letters Patent No. 1,982,985,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries, (France and Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States: *Provided, however,* That the property herein vested shall not include any right, title or interest of said Eastman Kodak Company in and to the aforesaid agreement, nor shall such vesting disturb in any way the right of said Eastman Kodak Company to exercise such option or affect adversely in any way any right, title, interest or privilege it might have as a result of having exercised such option.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2161; Filed, February 14, 1944; 11:10 a. m.]

[Vesting Order 3001]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement with General Aniline Works, Inc. relating to United States Patents No. 1,787,315 and 1,787,316.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement evidenced by a letter from I. G. Farbenindustrie Aktiengesellschaft to General Aniline Works, Inc. dated April 15, 1931 (including all modifications of and supplements to such agreement, including, but not by way of limitation, the agreement dated May 4, 1940, between I. G. Farbenindustrie Aktiengesellschaft and General Aniline & Film Corporation) by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., which agreement relates, among other things, to United States Patents No. 1,787,315 and 1,787,316,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2162; Filed, February 14, 1944; 11:11 a. m.]

[Vesting Order 3003]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT, J. D. RIEDEL AKTIENGESELLSCHAFT AND DEUTSCHE HYDRIERWERKE AKTIENGESELLSCHAFT

In re: Patent and interests of I. G. Farbenindustrie Aktiengesellschaft, J. D. Riedel Aktiengesellschaft and Deutsche Hydrierwerke Aktiengesellschaft in agreements with each other and with Grasselli Dyestuff Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft, J. D. Riedel Aktiengesellschaft and Deutsche Hydrierwerke Aktiengesellschaft are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 6a hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described in subparagraph 6b hereof is property of I. G. Farbenindustrie Aktiengesellschaft and J. D. Riedel Aktiengesellschaft;

4. That the property described in subparagraph 6c hereof is property of I. G. Farbenindustrie Aktiengesellschaft and Deutsche Hydrierwerke Aktiengesellschaft;

5. That the property described in subparagraph 6d hereof is property of I. G. Farbenindustrie Aktiengesellschaft and/or J. D. Riedel Aktiengesellschaft and/or Deutsche Hydrierwerke Aktiengesellschaft;

6. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

1,853,415; 4-12-32; Fritz Gunther, Curt Schuster and Josef Hetzer; wetting, cleaning and emulsifying agents.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft and J. D. Riedel Aktiengesellschaft, and each of them, by virtue of an agreement executed on January 8, 1926 and January 12, 1926 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and J. D. Riedel Aktiengellschaft, which agreement relates, among other things, to alkylated aromatic sulfonic acids and patents therefor;

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft and Deutsche Hydrierwerke Aktiengesellschaft, and each of them, by virtue of an agreement entered into in or about 1928 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Deutsche Hydrierwerke Aktiengesellschaft, which agreement relates, among other things, to certain products sometimes called by the trade names "Nekal" and "Leonil";

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft, J. D. Riedel Aktiengesellschaft and Deutsche Hydrierwerke Aktiengesellschaft, and each of them, by virtue of an agreement entered into in or about January 1927 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Grasselli Dyestuff Corporation, which agreement relates, among other things, to certain products sometimes called by the trade names "Nekal" and "Leonil,"

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2163; Filed, February 14, 1944; 11:11 a. m.]

[Vesting Order 3004]

KIENZLE TAXAMETER UND APPARATE A. G.

In re: Patent and interest of Kienzle Taxameter und Apparate A. G. in an agreement with Sangamo Electric Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Kienzle Taxameter und Apparate A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Kienzle Taxameter und Apparate A. G.;

3. That the property identified as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

Re. 19,481; 2-26-35; Fritz Toewe; Self-starting synchronous motor-drive means for clocks.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Kienzle Taxameter und Apparate A. G. by virtue of an agreement dated May 15, 1934 (including all modifications thereof or supplements thereto, if any) by and between Kienzle Taxameter und Apparate A. G. and Sangamo Electric Company, relating, among others, to Reissue Patent No. 19,481,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2146; Filed, February 14, 1944; 11:11 a. m.]

[Vesting Order 3005]

SOCIETE ANONYME POUR LES APPLICATIONS DE L'ELECTRICITE ET DES GAZ RARES ETABLISSEMENTS CLAUDE-PAZ ET SILVA

In re: Interest of Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva in agreements between Claude Neon Lights, Inc. and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares

Etablissements Claude-Paz et Silva is a corporation organized under the laws of France and is a national of a foreign country (France);

2. That the property identified in subparagraph 3 hereof is property of Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and New Jersey Claude Neon Co., which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and New Jersey Claude Neon Co., which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Claude Neon Southern Corporation, which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Pittsburgh Outdoor Advertising Co., which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Bellows Claude Neon Co., which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(f) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Walker & Co., which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(g) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Claude Neon Federal Co., which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(h) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Electrical Products Corporation, which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(i) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Electrical Products Consolidated, which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

(j) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva by virtue of an agreement dated December 31, 1937 (including all modifications thereof and supplements thereto, if any) by and between Claude Neon Lights, Inc. and Claude Neon Lights of Maryland, which agreement was agreed to and authorized by Societe Anonyme Pour Les Applications De L'Electricite Et Des Gaz Rares Etablissements Claude-Paz et Silva, said agreement relating, among other things, to United States Patent No. 2,030,957.

[F. R. Doc. 44–2147; Filed, February 14, 1944; 11:11 a. m.]

[Vesting Order 3014]

AKTIESELSKAPET KRYSTAL

In re: Interest of Aktieselskapet Krystal in agreement with Semet-Solvay Engineering Corporation and Struthers-Wells Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Aktieselskapet Krystal is a corporation organized under the laws of and having its principal place of business in Norway and is a national of a foreign country (Norway);

2. That the property identified in subparagraph 3 hereof is property of Aktieselskapet Krystal;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Norway);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 25, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Aktieselskapet Krystal by virtue of an agreement dated February 1, 1943 (including all modifications thereof or supplements thereto, if any) by and between Aktieselskapet Krystal and Struthers Wells Corporation, relating, among others, to patent number 2,164,112, issued June 27, 1939.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Aktieselskapet Krystal by virtue of an agreement dated July 5, 1939 (including all modifications thereof or supplements thereto, if any) by and between Aktieselskapet Krystal and Semet-Solvay Engineering Corporation, relating, among others, to patent number 2,164,112, issued June 27, 1939.

[F. R. Doc. 44–2148; Filed, February 14, 1944; 11:11 a. m.]

[Vesting Order 3032]

JOHAN ERNST NYROP AND NIRO ATOMIZER A/S

In re: Patents and interests of Johan Ernst Nyrop and Niro Atomizer A/S in an agreement with Induag Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Johan Ernst Nyrop is a resident of Denmark and is a national of a foreign country (Denmark);

2. That Niro Atomizer A/S is a corporation organized under the laws of and having its principal place of business in Denmark and is a national of a foreign country (Denmark);

3. That the property identified in subparagraph 5a hereof is property of Johan Ernst Nyrop and/or Niro Atomizer A/S;

4. That the property identified in subparagraph 5b hereof is property of Niro Atomizer A/S;

5. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date of Issue, Inventor, and Title
2,044,626; 6-16-36; J. E. Nyrop, Method of concentrating latex.
2,067,627; 7-20-37; J. E. Nyrop, Atomizers for atomizing liquids, emulsions, dispersions and the like;

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Niro Atomizer A/S by virtue of an agreement dated April 24, 1940 (including all modifications thereof and supplements thereto, if any) by and between Niro Atomizer A/S and Induag Corporation, relating, among others, to Patent Number 2,067,627,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Denmark);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2149; Filed, February 14, 1944; 11:12 a. m.]

[Vesting Order 3052]

AUGUSTA B. COLES

In re: Estate of Augusta B. Coles, deceased; File No. D–28–3928; E. T. sec. 6758.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Howard Uhl, Carl Maesel, Jr., and Roland Maesel, as executors, acting under the judicial supervision of the Surrogate's Court, Rockland County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Johanna Charlotte Hortenbach whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johanna Charlotte Hortenbach, in and to the estate of Augusta B. Coles, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an ap-

propriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2150; Filed, February 14, 1944; 11:09 a. m.]

[Vesting Order 3053]

KURT ROSENMEYER

In re: Estate of Kurt Rosenmeyer, deceased; File No. D–28–6562; E. T. sec. 4613.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna (Ellen) Rosenmeyer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany, and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna (Ellen) Rosenmeyer, in and to the estate of Kurt Rosenmeyer, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2151; Filed, February 14, 1944; 11:09 a. m.]

[Vesting Order 3054]

FRITZ TEUTER

In re: Mortgage Participation Certificate N137519 in Mortgage #F 1326 (214286) issued by the Title Guarantee and Trust Company to Fritz Teuter (File D–28–6664; E. T. sec. 5294).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Manufacturers Trust Company, Trustee, acting under the judicial supervision of the Supreme Court, Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Fritz Teuter, Wietze-Steinforde Kreis Celle, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fritz Teuter in and to the Mortgage Participation Certificate #N137519 in Mortgage #F 1326 (214286) for $400.00 issued by the Title Guarantee and Trust Company,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2152; Filed, February 14, 1944; 11:09 a. m.]

[Vesting Order 3055]

BRUNO PAUL WEISS

In re: Estate of Bruno Paul Weiss, deceased; File D–28–4149; E. T. sec. 7171.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Elizabeth Weiss, Administratrix, acting under the judicial supervision of the Morris County Orphans' Court, Morris County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gerhart Weiss, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gerhart Weiss, in and to the estate of Bruno Paul Weiss, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2153; Filed, February 14, 1944; 11:09 a. m.]

[Vesting Order 3099]

NIPPON DRY GOODS COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 170, dated September 24, 1942, that Nippon Dry Goods Company, Inc., is a business enterprise within the United States and a national of a designated enemy country (Japan);

2. Having found in the aforesaid order that Kazo Takemura is a national of a designated enemy country (Japan);

3. Finding that the persons listed below have claims against Nippon Dry Goods Company, Inc., in the amount appearing opposite each name, which claims as of March 15, 1943, aggregated $16,382.61, subject, however, to any accruals or deductions subsequent thereto, and represent interests in said business enterprise:

Name	*Amount*
Heirs, executors, administrators and assigns of Y. Takemura (deceased)	$12,446.97
S. Nakayama	535.64
Kazo Takemura	3,400.00
Total	16,382.61

4. Finding that S. Nakayama and the heirs, executors, administrators and assigns of Y. Takemura (deceased), whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including

hereby vests in the Alien Property Custodian the interests in Nippon Dry Goods Company, Inc., of Kazo Takemura, S. Nakayama and the heirs, executors, administrators and assigns of Y. Takemura (deceased), including but not limited to such interests as are represented on the books and records of said company as accounts and/or notes payable, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2154; Filed, February 14, 1944; 11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region IV Order G–1 Under MPR 280]

FLUID MILK IN WILSON COUNTY, TENN.

Order No. G–1 under Maximum Price Regulation No. 280. Fluid milk. Adjustment of certain wholesale bulk fluid milk prices in Wilson County, Tennessee.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration, Region IV, by § 1351.807 (b) (2) of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) On and after February 3, 1944, regardless of any contract, agreement, or other obligation, no person shall sell or deliver within Wilson County, Tennessee, fluid milk at wholesale in bulk (other than in glass and paper containers) to stores, hotels, restaurants and institutions, and no person in the course of trade or business shall buy or receive fluid milk at wholesale in bulk within Wilson County, Tennessee, at a price higher than the maximum price permitted by this order. No person shall offer, solicit or attempt to do any of the foregoing. Lower prices may be paid or offered.

(b) The maximum price for fluid milk sold at wholesale in bulk (other than glass or paper containers) to stores, hotels, restaurants and institutions sold and delivered by any person within Wilson County, Tennessee, shall be:

	Cents
Per gallon	35

(c) Unless the context otherwise requires, all transactions subject to this order remain subject to all provisions of Maximum Price Regulation No. 280, together with all amendments, supplementary regulations and orders which may have heretofore or may be hereafter issued.

(d) This order may be revoked, amended or corrected at any time.

(e) This order shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 5250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this January 29, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44–2176; Filed, February 14, 1944; 11:49 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 8, 1944.

REGION II

Syracuse, Order No. P–1, Amendment No. 1, filed 1:06 p. m.

REGION III

Charleston, Order No. 1–F, Amendment No. 8, filed 1:04 p. m.
Charleston, Order No. 3–F, Amendment No. 5, filed 1:05 p. m.
Charleston, Order No. 4–F, Amendment No. 2, filed 1:05 p. m.
Charleston, Order No. 5–F, Amendment No. 1, filed 1:05 p. m.
Cleveland, Order No. P–1, Amendment No. 13, filed 1:04 p. m.
Cleveland Order No. F–5, Amendment No. 5, filed 1:04 p. m.
Cincinnati, Order No. 1–F, Amendment No. 15, filed 1:03 p. m.
Columbus, Order No. 5–F, Amendment No. 1, filed 1:03 p. m.

REGION IV

Birmingham, Order No. 2–F, filed 1:02 p. m.
Jackson, Order No. 1–F, Amendment No. 22, filed 1:06 p. m.
Jackson, Order No. 7, Amendment No. 4, filed 1:06 p. m.
Memphis, Order No. 4F, Amendment No. 19, filed 1:05 p. m.
Nashville, Order No. 2–W, filed 1:06 p. m.
Nashville, Order No. 12, Amendment No. 1, filed 1:03 p. m.
Savannah, Order No. 14, filed 1:02 p. m.

REGION V

Lubbock, Order No. 10, Amendment No. 1, filed 1:04 p. m.
San Antonio, Order No. 1–F, Amendment No. 1, filed 1:07 p. m.
San Antonio, Order No. 2–F, Amendment No. 1, filed 1:07 p. m.

REGION VI

Milwaukee, Order No. 3–F, filed 1:03 p. m.
Milwaukee, Order No. 4–F, filed 1:05 p. m.

REGION VII

Utah, Rev. Order No. 3, Amendment No. 2, filed 1:02 p. m.

REGION VIII

Los Angeles, Order No. L. A.–5, Amendment No. 9, filed 1:07 p. m.
Los Angeles, Order No. L. A.–6, Amendment No. 9, filed 1:08 p. m.
Los Angeles, Order No. L. A.–7, Amendment No. 9, filed 1:08 p. m.
Los Angeles, Order No. L. A.–8, Amendment No. 9, filed 1:08 p. m.
San Diego, Order No. 1–F, Amendment No. 21, filed 1:07 p. m.
Sacramento, Order No. 3–F, Amendment No. 3, filed 1:07 p. m.

Copies of these orders may be received from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–2189; Filed, February 15, 1944; 9:03 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 7, 1944.

REGION I

Augusta, Order No. 11, Amendment No. 1, filed 2:36 p. m.
Augusta, Order No. 12, Amendment No. 1, filed 2:36 p. m.
Augusta, Order No. 13, Amendment No. 1, filed 2:36 p. m.
Augusta, Order No. 14, Amendment No. 1, filed 2:35 p. m.
Augusta, Order No. 15, Amendment No. 1, filed 2:35 p. m.
Augusta, Order No. 16, Amendment No. 1, filed 2:35 p. m.
Augusta, Order No. 17, Amendment No. 1, filed 2:34 p. m.
Augusta, Order No. 18, Amendment No. 1, filed 2:34 p. m.

REGION II

New York, Order No. P–1, Amendment No. 1, filed 2:40 p. m.

REGION III

Escanaba, Order No. 1–F, Amendment No. 15, filed 2:26 p. m.
Escanaba, Order No. 2–F, Amendment No. 14, filed 2:26 p. m.
Escanaba, Order No. 3–F, Amendment No. 14, filed 2:26 p. m.
Escanaba, Order No. 4–F, Amendment No. 14, filed 2:26 p. m.
Escanaba, Order No. 5–F, Amendment No. 14, filed 2:27 p. m.
Escanaba, Order No. 6–F, Amendment No. 13, filed 2:27 p. m.
Escanaba, Order No. 7–F, Amendment No. 13, filed 2:27 p. m.
Escanaba, Order No. 8–F, Amendment No. 13, filed 2:29 p. m.
Louisville, Order No. 1–F, Amendment No. 16, filed 2:32 p. m.
Louisville, Order No. 2–F, Amendment No. 10, filed 2:32 p. m.
Louisville, Order No. 3–F, Amendment No. 3, filed 2:34 p. m.

REGION IV

Raleigh, Order No. 4–F, filed 2:40 p. m.

REGION V

Arkansas, Order No. 2–F, Amendment No. 2, filed 2:29 p. m.
Arkansas, Order No. 3–F, Amendment No. 1, filed 2:31 p. m.
Arkansas, Order No. 4–F, Amendment No. 2, filed 2:31 p. m.
Arkansas, Order No. 5–F, Amendment No. 2, filed 2:31 p. m.
Arkansas, Order No. 6–F, Amendment No. 2, filed 2:29 p. m.
Dallas, Order No. 3–F, Amendment No. 2, filed 2:38 p. m.
Fort Worth, Order No. 1–F, filed 2:19 p. m.
Fort Worth, Order No. 1–F, Amendment No. 1, filed 2:21 p. m.
Fort Worth, Order No. 1–F, Amendment No. 2, filed 2:22 p. m.
Fort Worth, Order No. 2–F, filed 2:19 p. m.
Fort Worth, Order No. 2–F, Amendment No. 2, filed 2:23 p. m.
Fort Worth, Order No. 3–F, filed 2:19 p. m.
Fort Worth, Order No. 3–F, Amendment No. 1, filed 2:22 p. m.
Fort Worth, Order No. 3–F, Amendment No. 2, filed 2:23 p. m.
Fort Worth, Order No. 4–F, filed 2:21 p. m.
Fort Worth, Order No. 4–F, Amendment No. 1, filed 2:22 p. m.
Fort Worth, Order No. 4–E, Amendment No. 2, filed 2:23 p. m.
Fort Worth, Order No. 5–F, filed 2:21 p. m.
Fort Worth, Order No. 5–F, Amendment No. 1, filed 2:22 p. m.
Fort Worth, Order No. 5–F, Amendment No. 2, filed 2:23 p. m.
Houston, Order No. 1–F, Amendment No. 1, filed 2:24 p. m.
New Orleans, Order No. 2–F, Amendment No. 3, filed 2:24 p. m.
Tulsa, Order No. 3–F, filed 2:43 p. m.
Tulsa, Order No. 4–F, filed 2:44 p. m.

REGION VI

Chicago, Order No. 2–F, filed 2:39 p. m.
Des Moines, Order No. 1–F, Amendment No. 1, filed 2:32 p. m.
Des Moines, Order No. 1–F, Amendment No. 2, filed 2:31 p. m.
Duluth-Superior, Order No. 1–F, Amendment No. 2, filed 2:32 p. m.
Moline, Order No. 28, filed 2:36 p. m.
North Platte, Order No. 1–F, filed 2:39 p. m.
Omaha, Order No. 1–F, Amendment No. 3, filed 2:40 p. m.
Omaha, Order No. 2–F, Amendment No. 1, filed 2:41 p. m.
Omaha, Order No. 3–F, filed 2:41 p. m.
Sioux City, Order No. 1–FR, filed 2:43 p. m.
Sioux City, Order No. 1–FWN, filed 2:43 p. m.

REGION VII

New Mexico, Order No. F–1, Amendment No. 3, filed 2:40 p. m.
Utah, Sec. Rev. Order No. 1, Amendment No. 2, filed 2:44 p. m.
Utah, Rev. Order No. 2, Amendment No. 2, filed 2:45 p. m.
Utah, Rev. Order No. 4, Amendment No. 2, filed 2:45 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–2188; Filed, February 15, 1944; 9:03 a. m.]

[Region II Rev. Order G–21 Under RMPR 122]

BITUMINOUS COAL IN NEW YORK REGION

Revised Order No. G–21 under Revised Maximum Price Regulation No. 122. Sales of emergency bituminous coal.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and for the period commencing with the effective date of this order and expiring on April 30, 1944, *It is hereby ordered:*

(a) In Region II, consisting of the States of Delaware, Maryland, New Jersey, New York, the Commonwealth of Pennsylvania, and the District of Columbia, the maximum prices for sales of emergency bituminous coal, as defined in paragraph (c) hereof, shall be determined in the following manner:

(1) Any dealer making sales of bituminous coal delivered to premises that have, prior to the current heating season, used bituminous coal, shall determine his maximum price for such sales pursuant to the appropriate pricing rule contained in Section 1340.254 of Revised Maximum Price Regulation No. 122. Any dealer who, prior to the current heating season, made yard sales of bituminous coal, shall likewise determine the maximum price for such sales pursuant to the appropriate pricing rule contained in Section 1340.254 of Revised Maximum Price Regulation No. 122.

(2) The maximum price for sales of bituminous coal delivered to premises that have, prior to the current heating season, consumed anthracite or coke, and that have not, prior to the current heating season, used bituminous coal, shall be the sum of:

First, the per net ton cost to the dealer of the bituminous coal, f. o. b. supplier's shipping point;

Second, the actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility;

Third, the dealer's margin over alongside costs on like sales of anthracite or coke being replaced, taking into account class of purchaser, quantity of differentials, method and terms of delivery, and the size of the fuel replaced: *Provided*, That, where sales or deliveries are contemplated in communities subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, dealers shall add no more than the margins prevailing in the area for such sales of anthracite, and used in the determination of area dollars-and-cents prices. On request, the Regional Office or the appropriate District Office of the Office of Price Administration will notify dealers of those margins which must be reported under paragraph (b) hereof: *And further provided*, That a dealer eligible for compensatory adjustment under Compensatory Adjustment Regulation No. 1 shall, in place of the item marked Second in this sub-section (3), substitute the lowest transportation cost he would have incurred during December, 1941, in bringing the bituminous coal to his terminal facility.

(3) The maximum price for yard sales of emergency bituminous coal for dealers who have not, prior to the current heating season, sold bituminous coal at their yards, shall be the sum of:

First, the per net ton cost to the dealer of the bituminous coal, f. o. b. supplier's shipping point;

Second, the actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility;

Third, such dealer's margin over alongside costs on yard sales of buckwheat sized anthracite, sold to other dealers for resale, provided that if such margin is less than $1.25 per net ton, the maximum price shall be determined by adding an amount not in excess of $1.25 per net ton to supplier's cost plus transportation as set forth in the previous subparagraphs designated "First" and "Second": *Provided*, That, where sales or deliveries are contemplated in communities subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, dealers shall add no more than the margins prevailing in the area for such sales of anthracite, and used in the determination of area dollars-and-cents prices. On request, the Regional Office or the appropriate District Office of the Office of Price Administration will notify dealers of those margins which must be reported under paragraph (b) hereof: *And further provided*, That a dealer eligible for compensatory adjustment under Compensatory Adjustment Regulation No. 1 shall, in place of the item marked Second in this subsection (3), substitute the lowest transportation cost he would have incurred during December, 1941, in bringing the bituminous coal to his terminal facility.

(b) *Reports.* Every dealer subject to this order shall, within ten days after he determines his maximum prices hereunder, report to the District Office of the Office of Price Administration under whose geographical jurisdiction his principal place of business is located:

(1) His maximum price for sales of emergency bituminous coal.

(2) The method employed in computing or determining that price including, where applicable, the margin added to alongside costs for sales to different classes of purchasers.

(3) A statement of the margin over alongside costs on the dealer's similar sale of anthracite coal to different classes of purchasers.

(c) *Definitions.* When used in this Revised Order No. G–21 the term:

(1) "Emergency bituminous coal" means bituminous coal sold as a substitute fuel replacing anthracite or coke, delivered to premises that have, prior to the current heating season, used anthracite or coke, and that have not, prior to the current heating season, used bituminous coal. "Emergency bituminous coal" also comprehends bituminous coal sold at the yard by dealers who have not, prior to the current heating season, made yard sales of bituminous coal.

(2) Unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to all other terms used herein.

(d) This order, which may be revoked, amended, or corrected at any time shall, unless earlier revoked or replaced, expire on April 30, 1944.

NOTE: The record-keeping and reporting requirements of this revised order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Order No. G–21 shall become effective February 1st, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2192; Filed, February 15, 1944; 9:29 a. m.]

[Region II Rev. Order G–21 Under RMPR 122, Correction]

BITUMINOUS COAL IN NEW YORK REGION

Correction to Revised Order No. G–21 under Revised Maximum Price Regulation No. 122. Sales of emergency bituminous coal.

1. The subparagraph designated "Third" under paragraph (a) (3) which now reads:

Third, such dealer's margin over alongside costs on yard sales of buckwheat sized anthracite, sold to other dealers for resale, provided that if such margin is less than $1.25 per net ton, the maximum price shall be determined by adding an amount not in excess of $1.25 per net ton to supplier's cost plus transportation as set forth in the previous subparagraphs designated "First" and "Second": *Provided*, That, where sales or deliveries are contemplated in communities subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, dealers shall add no more than the margins prevailing in the area for such sales of anthracite, and used in the determination of area dollars-and-cents prices * * *

shall be revised to read as follows:

Third, such dealer's margin over alongside costs on yard sales of buckwheat sized anthracite, sold to other dealers for resale, provided that if such margin is less than $1.25 per net ton, the maximum price shall be determined by adding an amount not in excess of $1.25 per net ton to supplier's cost plus transportation as set forth in the previous subparagraphs designated "First" and "Second": *Provided*, That, where sales or deliveries are contemplated in communities subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, dealers shall add no more than the margins prevailing in the area for such sales of anthracite, and used in the determination of area dollars-and-cents prices, or $1.25 per net ton whichever is higher * * *

This correction shall become effective as of February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2193; Filed, February 15, 1944; 9:29 a. m.]

[Region II Order G–26 Under RMPR 122, Amdt. 1]

ANTHRACITE COAL IN NEW YORK REGION

Amendment No. 1 to Order No. G–26 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for "Colonial", "Silver Brook", and "Salem Hill" anthracite sold subject to designated area dollars-and-cents orders.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–26 is amended in the following respects:

1. The description in the title is amended to read as follows: "Permitted increases in maximum prices for 'Colonial', 'Silver Brook', and 'Salem Hill' anthracite, and anthracite produced and prepared by Penn Collieries Company, when sold subject to designated area dollars-and-cents orders".

2. The introductory portion of paragraph (a) is amended to read as follows:

(a) Dealers making sales of "Colonial", "Silver Brook" and "Salem Hill" anthracite, and of anthracite "produced and prepared by Penn Collieries Company", as hereinafter defined, in communities subject to the area dollar-and-cents orders listed in paragraph (c) of this order, may redetermine the maximum price for sales of such "Colonial", "Silver Brook", and "Salem Hill" anthracite, and anthracite "produced and prepared by Penn Collieries Company", in accordance with the following provisions:

3. Paragraph (a) (1) is amended by adding the following additional table of increases:

(a) * * *.
(1) * * *

FOR SALES OF ANTHRACITE "PRODUCED AND PREPARED BY PENN COLLIERIES COMPANY"

Permitted per net ton increase above applicable area ceiling price for anthracite	
Size:	
Egg, stove, nut, pea, buckwheat, and rice	$0.25

4. Paragraph (b) is amended by inserting immediately after the words "'Salem Hill' anthracite," and immediately before the word "purchased" the words "and anthracite produced and prepared by Penn Collieries Company."

5. Paragraph (d) is amended by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), and inserting a new subparagraph (4) to read as follows:

(d) * * *

(4) "Anthracite produced and prepared by Penn Collieries Company" refers to anthracite taken from mines now operated by said company in Lackawanna County, Pennsylvania, and prepared by it at the Von Storch Colliery. "Penn Collieries Company" refers to the company by that name whose principal office is in Scranton, Pennsylvania.

This Amendment No. 1 to Order No. G–26 shall become effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2191; Filed, February 15, 1944; 9:29 a. m.]

[Region II Order G–30 Under RMPR 122]

PENNSYLVANIA ANTHRACITE COAL IN NEW YORK REGION

Order No. G–30 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for Pennsylvania anthracite sold subject to designated area dollars-and-cents orders.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and for the period commencing February 1, 1944 and expiring midnight February 29, 1944, *It is ordered:*

(a) Dealers making sales of Pennsylvania anthracite subject to the area dollars-and-cents orders listed in paragraph (b) of this order, may increase the maximum per net ton price for all sizes by 45¢. Where sales are made in fractions of a net ton, the increase shall be proportionate.

(b) *Area dollars-and-cents orders subject to increases set out in paragraph (a) herein.* The following orders and any subsequent revisions thereof:

Second Revised Order No. G–1 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–2 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Revised Order No. G–3 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–5 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G–6 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Rev. Order No. G–7 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–8 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–9 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–20 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–11 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–12 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–13 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–14 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–15 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–16 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–17 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–18 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Revised Order No. G–19 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–22 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–24 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–25 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G–27 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. 50 under Revised Maximum Price Regulation No. 122. (Issued by the National Office)

(c) This order which may be revoked, amended, or corrected at any time, shall, unless earlier revoked or replaced, expire at midnight February 29, 1944.

This Order No. G–30 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2190; Filed, February 15, 1944; 9:29 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF MISCELLANEOUS ITEMS OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4433, 4479, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, 1028 (46 U.S.C. 375, 391a, 404, 411, 472, 481, 489, 367, 526–526t, 463a), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

DAVIT

Steward mechanical davit, size 5–6–0–S (Maximum working load of 4,500 pounds per arm) (General Assembly Dwg. No. S–150–D, dated 30 November, 1942, Dwg. No. S–151–D, revised 24 January, 1944, and Dwg. No. S–152–D, revised 21 January, 1944), manufactured by The Landley Company, Inc., 15 Park Row, New York, N. Y.

FEEDWATER REGULATOR

Weir boiler feedwater regulator for marine service (Dwg. No. 1252, dated 22 November, 1943), manufactured by General Regulator Corp., Foster Wheeler Corp., 165 Broadway, New York, N. Y.

FIRE EXTINGUISHER

Type C–D/Fog Model 15K, 15–pound Carbon Dioxide Fire Extinguisher with Navy type squeeze-grip valve (Assembly Dwg. No. CO–233E, dated 23 March, 1943), submitted by The General Detroit Corp., Detroit, Mich.

LIFE FLOATS

15-person and 20-person, Models 15E and 20E, steel life floats (with water and provision compartments) Dwgs. No. 1744, dated 21 June, 1943, and Part No. 1763, dated 13 January, 1944), submitted by L. A. Young Spring and Wire Corp., 900 High Street, Oakland, Calif.

35-person and 55-person, Models 35E and 55E, steel life floats (with water and provision compartments) (Dwgs. No. 1753, dated 30 November, 1943, and Part No. 1763, dated 13 January, 1944), submitted by L. A. Young Spring and Wire Corp., 900 High Street, Oakland, Calif.

LIFE PRESERVER

Adult kapok life preserver, removable pads, type A–54–R.1 (Dwg. No. S. K. R. 1–44, dated 6 January, 1944) (For general use and for use in conjunction with rubber lifesaving suits), Approval No. B–211, manufactured by Seaway Manufacturing Co., Inc., 213 N. Peters St., New Orleans, La.

LIFE RAFT

"Buck-Win" 20-person, improved type catamaran life raft, reversible, (Dwgs. Design No. 100 F, sheet #1 of 2, dated 12 January, 1944, and sheet #2 of 2 dated 21 January, 1944), constructed by Buckler-Merwin Company, Portland, Oregon.

SEA ANCHOR

Sea anchor, type BB1 (U. S. Coast Guard specification and Dwg. No. MMI–562, dated 1 November, 1943), submitted by Bogardus Brothers, 20 Mechanic Street, New Rochelle, N. Y.

CORRECTIONS—BUOYANT CUSHIONS

15" x 15" x 2". Typha filled buoyant cushion (Dwg. dated 8 December, 1943) (Approval No. B–208), manufactured by The American Pad & Textile Company, Greenfield, Ohio. (For use on motorboats of classes A, 1, and 2 not carrying passengers for hire, for the duration of the National Emergency and six months thereafter.) (This listing replaces that published in the FEDERAL REGISTER dated January 11, 1944, 9 F.R. 432.)

Typha (Cattail floss) standard size buoyant cushion (Approval No. B–198), submitted by Burgess Battery Company, Chicago, Ill. (For use on motorboats of classes A, 1, and 2 not carrying passengers for hire, for the duration of the National Emergency and six months thereafter.) (This listing replaces that published in the FEDERAL REGISTER dated September 30, 1943, 8 F.R. 13305.)

15" x 15" x 2" Typha buoyant cushion (Approval No. B–205), manufactured by Elvin Salow Company, Boston, Mass. (For use on motorboats of classes A, 1, and 2 not carrying passengers for hire, for the duration of the National Emergency and six months thereafter.) (This listing replaces that published in the FEDERAL REGISTER dated December 22, 1943, 8 F.R. 17235.)

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 44–2215; Filed, February 15, 1944; 11:51 a. m.]

FEB 21 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 34

Washington, Thursday, February 17, 1944

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

PAYMENTS UNDER CONTRACTS, FORMAL AND INFORMAL

Sections 35.5 to 35.9, inclusive, pertaining to payments under contracts, are hereby amended to read as follows. The regulations in these sections are also contained in Army Regulations No. 35–6040, dated 1 February 1944, the particular paragraphs being shown in brackets at end of sections.

§ 35.5 *To whom payment may be made*—(a) *Other than lowest bidder.* Payment may be made to other than the lowest bidder where the award was made in accordance with §§ 81.201 to 81.294 (Procurement Regulation No. 2) and §§ 81.301 to 81.395 (Procurement Regulation No. 3) of this Title.

(b) *Other than original contractor.* Payment may be made to other than the original contractor when the rights under the contract have been validly assigned or transferred. See §§ 81.390 to 81.395 (Procurement Regulation No. 3). Also see R.S. 3477 (31 U.S.C. 203); R.S. 3737 (41 U.S.C. 15); act 9 October 1940 (54 Stat. 1029; 31 U.S.C. 203; 41 U.S.C. 15) [Par. 2]

§ 35.6 *When payment may be made*—(a) *Advances of public money prohibited.* Section 3648, Revised Statutes (31 U.S.C. 529) prohibits payments in advance of the delivery of supplies or rendition of service. Purchases of coupon books for gasoline and oil are within the prohibition and payment may not be made until the supplies are actually furnished. See 8 Comp. Gen. 454. Certain exceptions to the general prohibition contained in section 3648, Revised Statutes, have been made by later statutes. See sec. 1 (c), act 2 July 1940 (54 Stat. 712); sec. 201, Title II, First War Powers Act, 18 December 1941 (55 Stat. 839; 50 U.S.C. App. 611); sec. 401, Title IV, First War Powers Act, 18 December 1941 (55 Stat. 841; 50 U.S.C. App. 621); and Title I, Executive Order 9001, 27 December 1941,

(b) *Procedure for making advance payments.* The procedure for effecting advance payments to contractors under the statutes and Executive order listed above is set forth in §§ 81.319 to 81.321 of this Title (Procurement Regulation No. 3). [Par. 3]

§ 35.7 *What payment is authorized*—(a) *Payments under contracts for indefinite quantities and unlimited amounts.* It has been stated that contracts for indefinite quantities are invalid. This is merely the statement of the general legal principle that the undertakings of the parties to a contract must be sufficiently definite to be capable of enforcement. Thus in 14 Comp. Gen. 446, it was stated that one of the first and most important requisites of a valid contract is that the terms thereof shall be certain, definite, and specific and that, while it may not be possible to determine definitely the quantities which may be required under certain conditions, there appears no reason why there should not be an estimated quantity specified with a variance of 10, 20, or 25 percent. It has also been stated that contracts purporting to obligate the Government to pay unlimited amounts are not authorized. This statement reflects the principle that, with certain exceptions, no contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment (R. S. 3732; 41 U.S.C. 11); whereas an obligation involving payment of an unlimited amount might exceed the appropriation. 15 Comp. Dec. 405, 407; 5 Comp. Gen. 450, 454. These principles do not invalidate the so-called "indefinite quantity contract" under which the contractor undertakes to furnish all of the actual requirements of a Government agency for a particular item and the Government agency in turn agrees to purchase from the contractor all of its requirements of that item during the specified period. See 19 Comp. Gen. 599. Likewise, these principles do not affect the validity of cost-plus-a-fixed-fee contracts expressly authorized by statute (sec. 2, act 28 June 1940 (54 Stat. 676; 50 U.S.C. App. 633); sec. 1, act 2 July 1940 (54 Stat. 712)), pursuant to which a

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NOTICE

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contractor agrees to deliver a specified quantity of items or to perform a specified service, and the Government agrees to pay an undetermined amount to be computed by adding to the fixed fee the actual cost incurred.

(b) *Rates effective "until further notice".* In the absence of competition there is no objection to entering into agreements for public utilities service at stipulated rates "until further notice," without necessity for new agreements or annual renewals except to cover changes in rates or service, unless the interests of the Government require otherwise in a particular case, the original agreements and all changes to be filed in the General Accounting Office, and the vouchers to cite the agreement involved and bear a statement by a responsible officer of the public utility concerned as to the rates charged. Payment may not be made for service in an amount stipulated in a substitute agreement which is in excess of the rate stated in the original contract, effective "until further notice," prior to the date of actual receipt of the substitute agreement by the proper administrative representative of the Government. See 15 Comp. Gen. 920; MS. Comp. Gen. A 65231, 15 December 1936.

(c) *Customs duties on foreign purchases*—(1) *Duty free purchases.* The act approved 30 June 1914 (38 Stat. 399; 34 U. S. C. 568) authorized the Secretary of the Navy to make emergency purchases of war material abroad and provided that the same shall be admitted free of duty. By Executive Order 9177, dated 30 May 1942, this authority was extended to the Secretary of War and others.

(2) *Payment of customs duties.* Where the importation is not duty free the amount of the customs duty is properly chargeable to the same appropriation as the purchase, notwithstanding the fact that the importation and the purchase are in different fiscal years; the customs duty is not chargeable to the appropriation for the fiscal year in which the importation occurs (26 Comp. Dec. 610). Checks issued in payment of customs duties will be drawn payable to and forwarded to the Collector or Deputy Collector of Customs at the port where entry was made.

(3) *Philippine export tax.* Appropriated funds may not be used to pay an export tax on property of the United States shipped from the Philippines sought to be imposed pursuant to the authority granted in the Philippine Independence Act of 24 March 1934 (48 Stat. 456), as amended by the act of 7 August 1939 (53 Stat. 1226). See 21 Comp. Gen. 226. [Par. 4]

§ 35.8 *Adjustments*—(a) *Mistakes in contract price.* Where a contractor claims payment in addition to the contract price on the ground that a mistake was made in the contract price, consideration may be given to whether the contract should be amended in accordance with the procedure outlined in §§ 81.304 to 81.308g of this Title (Procurement Regulation No. 3). In the event that the contract is amended in accordance therewith, payment will be made in accordance with the contract as amended. Otherwise, only the price specified in the contract will be paid and the contractor will be advised to present to the General Accounting Office any protests he may have in connection with the settlement as made.

(b) *Contract provisions for price adjustment.* The contract may contain provision for price adjustment. (For various price adjustment contract articles see §§ 81.322 to 81.368 of this Title (Procurement Regulation No. 3)). Payment will be made in accordance therewith.

(c) *Transportation costs*—(1) *Shipment from point nearer than f. o. b. point.* Shipment to the designated destination from a point nearer than the f. o. b. point does not entitle the contractor to the savings in freight charges over what the Government would have had to pay had shipment been from the f. o. b. point, even though the supplies

cost the contractor more at the shipping point than they would have cost at the f. o. b. point. See 3 Comp. Gen. 56.

(2) *Land-grant deductions.* Where a contract provides for delivery f. o. b. destination and shipment is made on Government bill of lading, which entitles the Government to certain land-grant deductions from the regular commercial rates, the contractor is not entitled to the benefits obtained by the Government on account of said land-grant deductions. See MS. Comp. Gen. A 30249, 8 April 1930.

(3) *Adjustments by General Accounting Office.* Where a contract requires the contractor to deliver at a point f. o. b. and provides that the Government may direct delivery to be made at other points, with an adjustment in the contract price corresponding to the resulting increase or decrease in the amount of the freight, a disbursing officer will not attempt to adjust the matter if the contractor refuses to accept payment on the usual basis and contends that he has paid transportation expenses which the Government was obligated to pay or that the deduction from the contract price sought to be made on account of freight paid by the Government is excessive. Such cases will be transmitted to the General Accounting Office for direct settlement as claims. See 8 Comp. Gen. 500.

(d) *Inferior goods.* Varying contract provisions are found dealing with goods that do not conform to specifications but are nevertheless retained and used by the Government. For instance, certain quartermaster contracts dealing with canned foods provide for deductions from the contract price and for cash reimbursement, in lieu of the right to reject and require replacement of defective cans. Other contracts provide that, if public necessity requires use of rejected goods not conforming to specifications, payment therefor shall be made at a proper reduction in price. Payment for rejected goods so retained and used has usually been on the basis of their reasonable value as distinguished from the contract price. See *Barry* v. *United States*, 229 U. S. 47; *Cor & Sons* v. *United States*, 55 Ct. Cl. 7; 5 Comp. Gen. 993; 15 id. 612. In all such cases disbursing officers will submit the vouchers to the Fiscal Director for instructions as to payment.

(e) *Set-off.* The Government always has the right to set off against an amount due a claimant any sum the claimant owes the Government, either under the same or other contracts or obligations. See *Barry* v. *United States*, 229 U. S. 47; 37 Op. Atty. Gen. 215; 7 Comp. Gen. 186; 18 id. 524. The right of set-off does not apply to unliquidated demands, but the Government has the equitable right to withhold payment of moneys due under one contract to a contractor who is in default under another contract until his indebtedness thereunder can be liquidated. See 7 Comp. Dec. 213. Where a contract so provides, payment to an assignee shall not be subject to reduction or set-off for any indebtedness of the assignor arising independently of the assigned contract. See act 9 October 1940 (54 Stat. 1029; 31 U.S.C. 203; 41 U.S.C. 15)

(f) *Delay in performance*—(1) *When no damages provided for in contract.* (i) Where no specific provision is made in a contract for either liquidated or actual damages, the contractor is, upon failure to complete the contract within the specified time, chargeable with actual damages caused the Government by the delay, unless the delay is excusable under the provisions of the contract or under statutory provisions. Act 31 May 1941 (55 Stat. 236); sec. 301, act 27 March 1942 (56 Stat. 177; 50 U.S.C. App. 633).

(ii) Where there has been delay in performance under a contract which does not contain a provision for damages, the contracting officer will determine whether or not the delay resulted in actual damage to the Government.

(iii) In cases where the contracting officer has determined that the delay resulted in actual damage to the Government, the contracting officer will furnish for file with the voucher a statement of the damage resulting from the delay.

(iv) In cases where the contracting officer has determined that the delay did not result in actual damage, the contracting officer will not be required to furnish a certificate to that effect, except as hereinafter provided. In all cases where the voucher is not accompanied by a statement as to damages, it will be assumed that the contracting officer has determined that no actual damages resulted or that the contractor was not responsible for the delay, and the disbursing officer will make full payment of the voucher, if otherwise correct. If in any such case the General Accounting Office should, after payment of the voucher, request a certificate, contracting officer will prepare and furnish a certificate that the delay did not result in any actual damage to the Government.

(2) *When actual damages provided for in contract.* Whenever under a contract containing provisions for actual damages the contracting officer determines that the failure to complete the contract within the specified time did not result in any actual damage to the Government, the provisions of subparagraph (1) (iv) of this paragraph will apply.

(3) *When liquidated damages provided for in contract.* (i) Whenever, under a contract containing a liquidated damages clause, the contractor fails to perform within the stipulated period and the time is not extended or the liquidated damages waived, the disbursing officer will deduct the maximum amount of liquidated damages for which the contractor may be liable and claim credit for the net amount only, crediting the amount so deducted to the open allotment and project account entitled "Reserve for Settlement of Claims", subject to final adjustment by the General Accounting Office. Accounts deducted on account of liquidated damages will not again become available for obligation or for payment by disbursing officers, settlement to be authorized by the General Accounting Office. Any protests made by the contractor against the deduction of liquidated damages will be forwarded, together with a statement of all payments made, citations to all vouchers and a detailed statement from the contracting officer, through the Fiscal Director to the General Accounting Office. See 16 Comp. Gen. 374, and Procurement Regulation No. 308–E. (§ 81.308e of this Title)

(ii) Where a contract contains a liquidated damages clause based on the contract price and also contains an offer of discount for prompt payment, the liquidated damages should be deducted on the basis of the gross contract price and without regard to the discount. The discount is likewise to be computed on the gross contract price without regard to the amount of the liquidated damages.

(iii) Where a contract contains a liquidated damages clause based on the contract price, which price is subsequently modified, and also contains an offer of discount for prompt payment, the liquidated damages and the discount should each be computed on the basis of the modified contract price.

(iv) Where a contract contains a liquidated damages clause based on the contract price and also contains clauses providing for price reduction and for penalties, the liquidated damages should be computed on the price as revised but without regard to any penalties that may be assessed. See 18 Comp. Gen. 784.

(g) *Disposition of amounts collected by reason of contractor's default.* Amounts collected on account of actual damages or excess costs charged to defaulting contractors should be credited to Miscellaneous Receipts (see MS. Comp. Gen. A 26073, 20 March 1929, 8 August 1929; 10 Comp. Gen. 510), but amounts refunded because of the rejection of unsatisfactory supplies may be credited to the appropriations from which the original payments were made. See 8 Comp. Gen. 103.

(h) *Violations of 8-hour law*—(1) *Disposition of amounts collected.* Amounts withheld from a contractor as a penalty for violation of the 8-hour law of 19 June 1912 (37 Stat. 137; 40 U.S.C. 324), are moneys collected for the use of the United States as specifically provided in said law, and, accordingly, are for depositing and covering into the Treasury as miscellaneous receipts as provided by sections 3617 and 3618, Revised Statutes. Such amounts, however, may be permitted to remain to the credit of the appropriation involved until such time as the right of appeal to the head of the department, as provided in the act of 19 June 1912, has expired (6 months), or until final action on such appeal in case same is duly filed. See 10 Comp. Gen. 504.

(2) *Suspension of law.* Because of the national emergency, Congress provided in section 5b, act of 28 June 1940 (54 Stat. 679), that the provisions of the 8-hour law should be suspended for work covered by Army, Navy, and Coast Guard contracts. This act was superseded by section 303, act 9 September 1940 (54 Stat. 884; 40 U.S.C. 325a), by the terms of which work in excess of 8 hours a day

is now permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. The effect of this latest statute is to reinstate the provisions of the act of 1912, and to provide a statutory waiver thereof where time and one-half is paid. Hence, if the contractor fails to pay such extra compensation, he still violates the 1912 statute and is subject to its penalties. See 20 Comp. Gen. 233; id. 890; 21 id. 1110.

(i) *Partial payments in doubtful cases.* Where a disbursing officer is in doubt as to the legality of a portion of the amount covered by a voucher which is before him for payment, only the amount in doubt will be withheld for submission to The Comptroller General or transmission to the General Accounting Office, and payment will be made to the contractor of such portion of the voucher as is not in question. Disbursing officers will consider such vouchers with a view to paying the maximum amount consistent with protection of the interests of the Government. [Par. 5]

§ 35.9 *Payment where there is no valid contract*—(a) *Lost contract.* Where all executed copies of a contract have been lost, its contents may be proved by the production of the original proposal, a certified copy of its acceptance, and an unsigned copy of the contract, so as to authorize payment at the contract rates for supplies which have been actually delivered. See 4 Comp. Dec. 82.

(b) *Completed transactions.* When payment has been made and accepted under an agreement shown to be reasonable, but informally executed (that is, not signed at the end as required by section 3744, Revised Statutes), the transaction is complete and both parties are bound thereby. See 24 Comp. Dec. 226.

(c) *Quantum meruit.* (1) Accounts covering supplies furnished or services rendered before the making of a contract, without a valid contract, or where otherwise settlement is on a quantum meruit basis, should be transmitted through the Fiscal Director to the General Accounting Office. (See MS. Comp. Dec. A. D. 4997, 6 August 1920.) For exception, see (3) below.

(2) The agreed price, if any, is prima facie but not conclusive evidence as to the amount of liability. See 8 Comp. Dec. 526; 20 id. 437.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, a cost-plus-a-fixed-fee contractor may be reimbursed for proper expenses which were not included in the fixed fee and which were incurred in connection with expediting performance of work under the contract prior to its formal execution, but after verbal notification that the contract would be awarded. See 21 Comp. Gen. 462.

(4) Where a military order commandeered labor and property upon the terms and with compensation as set forth therein, and the parties to whom the order was directed could not have refused to obey it, the Government is liable on an implied contract to pay them on a *quantum meruit* basis the value of the labor, material, supplies and equipment furnished thereunder. Such an agreement may not be considered a contract within the meaning of that word, as used in statutes prohibiting the procurement of supplies or labor under contracts on a cost-plus-a-percentage-of-cost basis. However, in support of reimbursement vouchers, there should be furnished such evidence as will satisfactorily establish that the labor and materials involved were actually furnished pursuant to orders, and, where reimbursement is to be made for the actual cost thereof, evidence that the amounts claimed have actually been paid. See MS. Comp. Gen. B 36873, 16 October 1943.

[Par. 6]

(R.S. 161; 5 U.S.C. 22)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2250; Filed, February 16, 1944; 9:26 a. m.]

Chapter VII—Personnel

PART 72—EMPLOYMENT OF CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

EMPLOYMENT AND COMPENSATION OF CIVILIAN VETERINARIANS

Sections 72.6 and 72.7, pertaining to the employment and compensation of civilian veterinarians, are hereby amended to read as follows:

§ 72.6 *Employment of civilian veterinarians; general.* (a) When veterinary treatment, including medicine, nursing, and hospital care, is required for a public animal or an authorized private mount actually owned by an officer, and such care and treatment cannot otherwise be had, the commanding officer, on recommendation of the surgeon, may employ the necessary civilian service, and just accounts therefor will be paid from Medical Department appropriations.

(b) Accounts for consultation will not be allowed except in extraordinary cases.

(c) Surgical appliances will be paid for only upon satisfactory evidence of their necessity, and such evidence, except in cases of emergency, should be submitted to the commanding general of the service command for his approval before purchase. (56 Stat. 620; Public Law 108, 78th Cong.) [Par. 1, AR 40-2030, 31 August 1942, as amended by C 1, 4 February 1944]

§ 72.7 *Compensation for veterinary attendance.* (a) The compensation allowed to civilian veterinarians for veterinary attendance on public account at garrisoned stations will not exceed the following rates and, if the local charge per visit is less, the account will be rendered at the local rates:

(1) For attending veterinary sick call, five patients, or less, $4.00.

(2) For each patient in excess of five, 50 cents.

(3) For each additional visit to post or sick call on same day, when necessary, $4.00.

(b) Accounts arising at stations under exceptional circumstances, all accounts arising at other places, and accounts for special surgical services will be allowed at reasonable rates approved by the commanding general of the service command.

(c) When there is a large sick report and the service will be required for an extended period, application will be made to the commanding general of the service command for authority to employ a veterinarian by the month. (R. S. 161; 5 U.S.C. 22) [Par. 3, AR 40-2030, 31 August 1942, as amended by C 1, 4 February 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2249; Filed, February 16, 1944; 9:26 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 38]

PART 600—DESIGNATION OF CIVIL AIRWAYS

BLUE CIVIL AIRWAY 3 AND LOS ANGELES TO SAN FRANCISCO CIVIL AIRWAY (COASTAL ROUTE)

FEBRUARY 1, 1944.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1 By amending § 600.10302 *Blue civil airway No. 3 (Birmingham, Ala., to Tampa, Fla.)* to read as follows:

§ 600.10302 *Blue civil airway No. 3 (Tampa, Fla., to Birmingham, Ala.).* From the Tampa, Fla., radio range station via the intersection of the center lines of the on course signals of the north leg of the Tampa, Fla., radio range and the southeast leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; to the intersection of the center lines of the on course signals of the northwest leg of the Cross City, Fla., radio range and the east leg of the Tallahassee, Fla., radio range. From the intersection of the center lines of the on course signals of the northwest leg of the Tallahassee, Fla., radio range and the southeast leg of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; Maxwell Field, Ala., radio range station; the intersection of the center lines of the on course signals of the west leg of the Maxwell Field, Ala., radio range and the south leg of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station.

2. By amending § 600.10414 *Los Angeles, Calif., to San Francisco, Calif., civil airway (Coastal Route)* to read as follows:

From the Municipal Airport, Los Angeles, Calif., via the Municipal Airport, Santa Barbara, Calif.; Hancock Army Air Base, Santa Maria, Calif.; San Luis Obispo, Calif., Army Air Base; a point at latitude 35°48'15" north and longitude 120°39' west; Salinas, Calif., radio range station; Salinas, Calif., Army Air Base and San Jose, Calif., Airport to Municipal Airport, San Francisco, Calif.

This amendment shall become effective 0001 e. w. t., February 15, 1944.

C. I. STANTON,
Administrator.

[F. R. Doc. 44-2237; Filed, February 15, 1944; 8:48 p. m.]

[Amendment 59]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

REDESIGNATION OF RADIO FIXES: RED CIVIL AIRWAY NO. 31; BLUE CIVIL AIRWAY NO. 3

FEBRUARY 1, 1944.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding in § 601.40231 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.)* after the words: "Rapid City, S. Dak., radio range station;" the following: "Pierre, S. Dak., radio range station;"

2. By amending § 601.40303 *Blue civil airway No. 3 (Birmingham, Ala., to Tampa, Fla.)* to read as follows:

§ 601.40303 *Blue civil airway No. 3 (Tampa, Fla., to Birmingham, Ala.).* The intersection of the center lines of the on course signals of the north leg of the Tampa, Fla., radio range and the southeast leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Cross City, Fla., radio range and the east leg of the Tallahassee, Fla., radio range; Dothan, Ala., radio range station; the intersection of the center lines of the on course signals of the west leg of the Maxwell Field, Ala., radio range and the south leg of the Birmingham, Ala., radio range.

This amendment shall become effective 0001 e. w. t., February 15, 1944.

C. I. STANTON,
Administrator.

[F. R. Doc. 44-2238; Filed, February 15, 1944; 8:48 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 33]

PART 803—GENERAL ORDERS

ADJUSTMENTS OF PAY RATES OF WAR RELOCATION AUTHORITY EMPLOYEES

Procedure relative to adjustment in the rates of pay of employees of the War Relocation Authority.

§ 803.33 *General Order No. 33.* (a) The National War Labor Board delegates to the War Relocation Authority, to be exercised on its behalf by the Director of the War Relocation Authority, the authority to approve adjustments in the wages or salaries of the employees of the War Relocation Authority, not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, all in accordance with the further provisions of this order.

(b) In the exercise of his authority hereunder the Director of the War Relocation Authority shall comply with the terms of Executive Order 9250, dated October 3, 1942, Executive Order 9328, dated April 8, 1943, the Supplement thereto issued by the Director of Economic Stabilization on May 12, 1943, and all pertinent principles and policies of the National War Labor Board or of the Director of Economic Stabilization heretofore or hereafter announced.

(c) The Director of the War Relocation Authority, without making a ruling thereon, may refer to the National War Labor Board for decision any case which in his opinion presents doubtful or disputed questions of sufficient seriousness or import to warrant action by the National War Labor Board.

(d) A certificate by the Director of the War Relocation Authority attesting to the approval of the adjustment, stating the nature and amount of the adjustment, and briefly setting forth the facts indicating that the adjustment meets the requirements of the wage stabilization program, as set forth above, will be accepted by the National War Labor Board as sufficient evidence of the propriety of the adjustment. All rulings of the Director hereunder shall be subject to review by the National War Labor Board on its own initiative, but the reversal or modification of any such ruling shall not be retroactive.

(e) The certificate described herein, together with four copies thereof, shall be filed promptly with the Wage Stabilization Division of the National War Labor Board, together with such additional data and reports as said Division or the National War Labor Board may from time to time require.

(E.O. 9250, 7 F.R. 7871)

Adopted February 1, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-2251; Filed, February 16, 1944; 9:23 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Reg. 13, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

LUMP AND DOUBLE-SCREENED COALS IN SOUTHEASTERN STATES

Since the critical shortage of solid fuels in the southeastern states affected by this regulation has been substantially mitigated by shipments of bituminous coal made in accordance with this regulation, it is now necessary to issue this amendment in order to permit a more normal distribution of solid fuels. Producers should, however, arrange their distribution schedules so that the affected states will receive an equitable share of lump and double-screen coals. Accordingly, pursuant to Executive Order No. 9332 (8 F.R. 5355), Solid Fuels Administration for War Regulation No. 13 (9 F.R. 1005-1006; 9 F.R. 1483) is hereby amended as follows:

1. Section 602.236 is amended to read as follows:

§ 602.236 *Producers in District No. 8 required to make available 5% of lump and double-screened coals for shipment pursuant to directions.* (a) Each producer in District No. 8 shall make available for shipment pursuant to specific directions issued by the Solid Fuels Administration, 5% of each week's production of lump and double-screened coal (but not including household domestic stocker coal). However, if no specific direction from the Solid Fuels Administration is received by any such producer by Thursday of any week, such producer may ship the entire production of lump and double-screened coal of that week on orders on hand subject to the provisions of Solid Fuels Administration for War Regulation No. 10 (8 F.R. 15773) or of other regulations or directions issued by the Solid Fuels Administration.

(b) All directions issued, pursuant to this regulation, prior to the effective date of this amendment must be complied with prior to February 20, 1944.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, no producer described in those paragraphs shall be deemed to be required by such paragraphs to curtail his production, and he may ship coal upon any order if such shipment is necessary to permit uninterrupted operation at his mine.

2. Section 602.238, *Reports*, is hereby rescinded.

This amendment shall become effective February 17, 1944.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 14th day of February 1944.

C. J. POTTER,
Deputy Administrator.

[F. R. Doc. 44-2255; Filed, February 16, 1944; 11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–476]

LOUIS FINKEL

Louis Finkel is engaged in business at "A" and Clearfield Streets, Philadelphia, Pennsylvania. On June 17, 1943, without approval of the War Production Board he purchased paper converting machinery of a value of $5,726 at public auction; this machinery was used critical industrial machinery as defined by Limitation Order L–83, and the order forbade disposition of such machinery to a person other than a distributor at auction without approval of the War Production Board if the value exceeded $200; Louis Finkel may be considered a distributor for the purposes of this sale. Subsequently, however, and with knowledge of the provisions of Limitation Order L–83, he transferred the paper converting machinery to his wife, Anna Finkel, doing business as the Lee Box Company, Philadelphia, Pennsylvania, on an order which was not an approved order. This delivery constituted a wilful violation of Limitation Order L–83.

This violation of Limitation Order L–83 has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.476 *Suspension Order No. S–476.* (a) Deliveries of material to Louis Finkel, his successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made directly or indirectly to Louis Finkel, his successors or assigns, of any material the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Louis Finkel from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 15, 1944, and shall expire on June 15, 1944.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2239; Filed, February 15, 1944; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–477]

LEE BOX COMPANY

Mrs. Anna Finkel of Philadelphia, Pennsylvania, doing business as Lee Box Company, is engaged in the manufacture of paper boxes. Subsequent to June 17, 1943, she accepted delivery of paper converting machinery, which is critical industrial machinery as defined by Limitation Order L–83, of the value of $5,728, which exceeded the value of $200 permitted by Limitation Order L–83, on an order which was not an approved order. This machinery had been purchased by her husband, Louis Finkel, on June 17, 1943, at an auction sale, and transferred by him to her without approval of the War Production Board and in violation of Limitation Order L–83. At the time of this transaction she was aware of the restrictions contained in Limitation Order L–83, and this act constituted a wilful violation of Limitation Order L–83.

This violation of Limitation Order L–83 has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing facts, *it is hereby ordered*, That:

§ 1010.477 *Suspension Order No. S–477* (a) Deliveries of material to Anna Finkel, individually or doing business as Lee Box Company or otherwise, her or its successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made directly or indirectly to Anna Finkel, individually or doing business as Lee Box Company or otherwise, her or its successors or assigns, of any material the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Anna Finkel, individually or doing business as Lee Box Company or otherwise, her or its successors or assigns, shall not directly or indirectly receive any paper or paperboard, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Anna Finkel from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on February 15, 1944, and shall expire on April 15, 1944.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2240; Filed, February 15, 1944; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–486]

F. P. HOLLISTER

F. P. Hollister of 166 Blaine Street, Batavia, Illinois, is employed by a corporation as sales promotion manager and expediter in the purchase of steel wire. Apart from his regular employment duties, between October 16, 1942, and November 27, 1943, he purchased for himself without authority of the War Production Board and in violation of General Preference Order M–21 and Conservation Order M–126, 26,000 pounds of sub-standard wire and sold the wire at a profit to be used for florists' supplies. In order to accomplish this transaction, he procured the entry of eleven purchases and invoices under a fictitious name. The respondent's regular employment requires him to purchase and deal in wire and he had knowledge of War Production Board orders relating to this business. Mr Hollister admits that his actions were violations of General Preference Order M–21 and Conservation Order M–126, and they were so grossly negligent as to be deemed wilful.

This improper use of steel wire has diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.486 *Suspension Order No. S–486.* (a) F. P. Hollister, as an individual and for his own account, his successors or assigns, shall not directly or indirectly buy, receive, trade in, sell or deliver any iron, steel or other ferrous products, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve F. P. Hollister, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 15, 1944, and shall expire on May 15, 1944.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2241; Filed, February 15, 1944; 4:25 p. m.]

PART 1157—CONSTRUCTION MACHINERY [1]

[Supplementary General Limitation Order L–53–b, as Amended Feb. 16, 1944]

REPAIR PARTS FOR TRACK-LAYING TRACTORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain repair parts necessary to service track-laying tractors for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.7 [1] *Supplementary General Limitation Order L–53–b*—(a) *Definitions.* For the purpose of this order:

(1) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads, obtaining traction and steered by a full crawler or track-type device; but does not include Ordnance models of tank-type construction such as models M–2, M–4 and M–5.

(2) "Repair part" means:

(i) Any part manufactured for use in the repair of track-laying tractors, but not parts sold to other manufacturers for manufacturing purposes; and

(ii) Tools which bear a producer's standard parts number and which are used in servicing track-laying tractors or attachments.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Producer" means any person engaged in the manufacture of both track-laying tractors and repair parts.

(5) "Domestic dealer or distributor" means any person located within the United States or Canada who, by agreement with a producer, has been granted a sales territory for the sale of repair parts within the United States or Canada.

(6) "Export dealer or distributor" means any dealer or distributor, who, by agreement with a producer, has been granted a sales territory for the sale of repair parts outside the United States and Canada.

(7) "Certificate of minimum requirements" means a declaration in writing by a purchaser pursuant to paragraph (c) (1) of this order.

(8) "War project" means:

(i) A construction project (and maintenance and operation thereof) undertaken by, or contracted for by or for the account of, the Army, the Navy, Maritime Commission or Defense Plant Corporation, or any other construction project granted a preference rating of AA–4 or higher under any order in the P–55 or P–19 series.

(ii) Any other project which shall be so designated by the War Production Board.

(9) "Essential civilian operation" means:

(i) The operation of any mine that holds a serial number under Preference Rating Order P–56;

(ii) Any operation directly incident to the production of logs of any species, including the delivery of logs to sawmills, pulp mills or other dealers in or users of logs;

(iii) Any operation directly incident to the planting, growing or harvesting of agricultural products (excluding flowers, shrubs and other plants grown for decorative purposes);

(iv) Any operation in the petroleum industry directly incident to production, natural gasoline production, transportation (by pipe line), refining, or marketing (other than retail marketing), as these terms are defined in Preference Rating Order P–98–b as amended;

(v) Any operation directly incident to the transportation (by pipe line) and marketing (other than retail marketing) of natural gas; or

(vi) Any other operation or project which shall be so designated by the War Production Board.

(10) "United States" means the forty-eight states of the United States and the District of Columbia.

(11) "Foreign base" means a construction project (and maintenance and operation thereof) located outside the United States and Canada, being built for or under the supervision of the War Department, Navy Department, or other United States Government agency by civilian contracting or engineering organizations which normally purchase repair parts from sources located within the United States.

(12) "Military agency" means the Army, Navy, Maritime Commission, War Shipping Administration or any of the following persons when acting as the authorized procurement agents for the Navy:

(i) George A. Fuller Co. and Merritt-Chapman and Scott Corp.;

(ii) M. T. Reed Company;

(iii) Siems-Drake, Puget Sound;

(iv) Pacific Naval Air Bases.

(b) *Limitations on sales by producers.* (1) No producer shall sell or deliver repair parts except to:

(i) A military agency,

(ii) A domestic dealer or distributor located within the United States or Canada, or

(iii) Any person for export outside the territorial limits of the United States and Canada subject to paragraph (b) (2) hereof.

(2) No producer shall sell or deliver repair parts to any person (other than a domestic dealer or distributor for delivery to persons engaged on foreign bases, a military agency, or an export dealer or distributor) for export outside the territorial limits of the United States and Canada except upon receipt of Form WPB–1319 (or Form PD–556) approved by the War Production Board. In order to receive such approval, a purchaser shall file Form WPB–1319 (or Form PD–556), in quadruplicate, with the War Production Board, Washington 25, D. C., Ref.: L–53–b. Nothing in this order shall be deemed to relieve any person from the necessity of obtaining an export license from the Board of Economic Warfare, where such license is required.

(3) No producer shall, during the period of July 1, 1942, to June 30, 1943, sell or deliver to all the military agencies combined any repair parts in excess of an aggregate of 40 percent of the value, at invoice price, of his total shipments of such repair parts during such period. No producer shall, during the period of July 1, 1943, to June 30, 1944, sell or deliver to all the military agencies combined any repair parts in excess of an aggregate of 40 percent of the value, at invoice price, of his total shipments of such repair parts during such period. This 40 percent restriction does not limit purchases made by a military agency from domestic dealers or distributors upon a certificate of minimum requirements.

(4) Except as provided in paragraph (b) (5) of this order or unless specifically authorized in writing by the War Production Board, no producer shall during any calendar quarter sell or ship to any domestic dealer or distributor a quantity of repair parts of a value, at invoice price, in excess of either $500.00 or 60 percent of the value of such producer's shipments to such domestic dealer or distributor during the preceding six calendar months, whichever is the greater.

(5) Notwithstanding the provisions of paragraph (b) (4) of this order, a producer may sell or ship to any domestic dealer or distributor during any calendar quarter repair parts in an amount up to and including 25 percent in excess of the quota of such domestic dealer or distributor as computed in accordance with the terms of paragraph (b) (4) of this order, but any sales or shipments in excess of such quotas shall be charged against the quota of such domestic dealer or distributor for the next calendar quarter, and such excess shipments shall not be used in computing any base period quota thereafter.

(c) *Limitations on sales by domestic dealers and distributors.* (1) Except as provided in paragraphs (c) (3), (c) (4), and (c) (5) of this order, no domestic dealer or distributor of repair parts shall sell or deliver any repair parts to any person (except a producer or another domestic or export dealer or distributor) unless he has received from such person a certificate of minimum requirements for specific track-laying tractors for which repair parts are sought to be purchased. The purchaser shall furnish such certificate of minimum requirements in one of the following ways:

(i) In the case of a written purchase order, the purchaser shall endorse thereon or attach thereto a certification in

[1] Formerly Part 1107, § 1107.3.

substantially the form set forth below, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, and giving all of the information called for:

Pursuant to the terms of Limitation Order L–53–b of the War Production Board the undersigned certifies to the seller and to the War Production Board that the following statements are correct:

(I) _____
Make and model of track-laying tractor(s) for which repair parts are sought

(II) _____
Factory serial number(s)

(III) _____
Owner of track-laying tractor(s)

(IV) _____
Type of work being performed by track-laying tractor(s) described above (describe the job specifically, e. g., mining, logging, agriculture, highway maintenance, airport construction, etc.)

(V) _____
Contract number of war agency or P–19 or P–55 serial number and rating, if any

(VI) The purchaser hereby certifies that he has registered all construction equipment owned by him pursuant to the terms of Limitation Order L–196, unless exempt from the requirements of such order.[1]

(VII) The purchaser hereby certifies that the repair parts listed on the purchase order to which this certificate pertains are the minimum quantity of repair parts immediately necessary to put such track-laying tractor(s) in serviceable condition, and are not for stock.

(VIII) The purchaser hereby certifies that he does not have like parts on hand or on order to repair the above-described track-laying tractor(s).

_____ _____
Date Name of purchaser

_____
Address of purchaser

(ii) In the case of a purchase order placed by telegraph, the purchaser shall include in the telegram: all information specified in items (I), (II), (III), (IV) and (V) of the certification prescribed in paragraph (c) (1) (i), the statement "Certified under L–53–b", and the name of the person sending the telegram, provided that such person shall be an official duly authorized to make such certification. The statement "Certified under L–53–b" shall constitute a certification to the seller and to the War Production Board of the correctness of all information included in the telegram and shall constitute a certification of all facts specified in items (VI), (VII) and (VIII) of the certificate prescribed in paragraph (c) (1) (i). In such case, a copy of the outgoing telegram shall be retained by the person placing the order and such copy shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7.

(iii) In the case of a purchase order placed by telephone, the purchaser shall state to the domestic dealer or distributor, at the time of placing the order, the substance of the certification set forth in paragraph (c) (1) (i), provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the domestic dealer or distributor within 15 days after placing the purchase order, written confirmation of such order, bearing a certification substantially in the form prescribed in paragraph (c) (1) (i). In case of failure to receive written certification within such 15 day period, the domestic dealer or distributor shall not accept any other order from, or deliver any additional repair parts to, the purchaser until such written certification is furnished.

(2) No domestic dealer or distributor of repair parts shall sell or deliver pursuant to paragraph (c) (1):

(i) A quantity of repair parts to any person in excess of such person's certified minimum requirements.

(ii) Any repair parts to any person whose certificate such domestic dealer or distributor knows or has reason to believe is false.

(3) Notwithstanding the provisions of paragraphs (c) (1) and (c) (2) of this order, a domestic dealer or distributor may sell and deliver repair parts to a purchaser for use on a foreign base under circumstances where the distances involved, the time element, or the lack of shipping facilities make it impracticable to furnish a certificate of minimum requirements, provided such domestic dealer or distributor receives from such purchaser Form WPB–1319 (or Form PD–556) approved by the War Production Board. In order to receive such approval a purchaser shall file Form WPB–1319 (or Form PD–556), in quadruplicate, with the War Production Board, Washington 25, D. C., Ref.: L–53–b.

(4) Notwithstanding the provisions of paragraph (c) (2) of this order, a domestic dealer or distributor may sell or deliver fuel filters and oil filters in sufficient quantity to permit 500 hours operation if he has received from the purchaser a certificate in accordance with paragraph (c) (1) hereof even though subdivisions (VII) and (VIII) of such certificate are not completed.

(5) Notwithstanding the provisions of paragraphs (c) (1) and (c) (2) of this order, a domestic dealer or distributor may sell and deliver repair parts to a purchaser for reconditioning and salvaging worn or damaged parts or subassemblies which have been replaced on a particular tractor by other parts or subassemblies, provided such domestic dealer or distributor receives from such purchaser Form WPB–1319 (or Form PD–556) approved by the War Production Board. In order to receive such approval, a purchaser shall file Form WPB–1319 (or Form PD–556) in quadruplicate with the regional or any district office of the War Production Board in the region in which such parts or subassemblies are to be reconditioned and salvaged.

(d) *Procedure for domestic dealer or distributor in placing orders for critical repair parts.* (1) A domestic dealer or distributor in placing a purchase order with a producer for repair parts for which he has received customers' orders that he is unable to fill out of stock may, if he wishes such purchase order to be entitled to the treatment by the producer required in paragraph (e) of this order, state on the purchase order that the repair parts are for one of the following purposes: (i) War projects as defined in paragraph (a) (8); (ii) foreign bases as defined in paragraph (a) (11); (iii) essential civilian operations (which include only certain mining, logging, agricultural, petroleum and natural gas operations) as defined in paragraph (a) (9); (iv) export; or (v) miscellaneous use. Such statement by the domestic dealer or distributor shall be based on the specific job description shown by item (IV) of the certificate of minimum requirements of customers for whom the repair parts are being ordered or by Form WPB–1319 (or Form PD–556) in the case of orders for customers who have obtained authorization to purchase on Form WPB–1319 (or Form PD–556). The term "miscellaneous use" as used in this paragraph (d) (1) shall be construed to identify any purchase order to be filled out of the category of sales described in subdivision (v) of paragraph (e) (1). A domestic dealer or distributor shall not include, in a single purchase order placed with a producer, orders for repair parts to be filled out of more than one of the categories of sales described in paragraph (e) (1). Repair parts received from a producer by such domestic dealer or distributor, pursuant to each such purchase order, shall be delivered to the customers for whom they were ordered in the sequence in which the customers' orders were received by such domestic dealer or distributor or as otherwise directed by the producer from whom the repair parts were received. Nothing in the foregoing shall be construed to permit a domestic dealer or distributor to place the statements specified above on any order for repair parts placed with a producer for the purpose of building inventory stock.

(e) *Procedure when inventory of producer is insufficient to fill orders.* (1) Whenever unfilled orders in the hands of a producer calling for immediate delivery of any repair part shall exceed his inventory of such repair part, he shall, so long as such condition exists, make no sale (except to military agencies and for export pursuant to paragraph (b) (2) of this order) on any purchase order not containing the statements referred to in paragraph (d) (1) of this order and shall apportion his sales of such repair part as follows:

(i) Sales directly to military agencies: Not more during any month than 40 percent of his total sales of such repair part during that month.

(ii) Sales to domestic dealers and distributors for delivery to persons engaged on war projects and on foreign bases (as indicated by the purchase order of the dealer or distributor) and sales to persons engaged on foreign bases: Not more during any month than 20 percent of his total sales of such repair part during that month.

[1] Item (VI) of the certificate of minimum requirements is not to be included in certificates used by persons in Canada.

(iii) Sales to domestic dealers and distributors for delivery to persons engaged in essential civilian operations (as indicated by the purchase order of the dealer or distributor): Not more during any month than 20 percent of his total sales of such repair part during that month.

(iv) Sales for export (except to military agencies and to, or for delivery to, persons operating on foreign bases): Not more during any month than 15 percent of his total sales of such repair part during that month.

(v) Sales to persons or for purposes other than those specified in subdivisions (i) through (iv) of this paragraph (e): The remainder of his total sales during the month.

(2) (i) If at any time a producer has filled all orders that he has received in one or more of the categories of sales specified in subdivisions (ii), (iii), (iv) or (v) of paragraph (e) (1), he may fill, out of the sales quota allotted to such category or categories, purchase orders in any other of the categories of sales described in subdivisions (ii) (iii), (iv) and (v) of paragraph (e) (1).

(ii) If at any time a producer has filled all orders that he has received in all of the categories of sales specified in subdivisions (ii), (iii), (iv) and (v) of paragraph (e) (1), he may fill, out of the sales quota allotted to any of those categories, purchase orders in the category of sales described in subdivision (i) of paragraph (e) (1).

(iii) If at any time a producer has filled all orders that he has received in the category of sales specified in subdivision (i) of paragraph (e) (1), he may fill, out of the sales quota allotted to that category, orders in any of the categories of sales described in subdivisions (ii), (iii), (iv) and (v) of paragraph (e) (1).

(3) Each producer shall fill purchase orders within each of the categories of sales specified in subdivisions (ii), (iii), (iv) and (v) of paragraph (e) (1) above in the order in which they were received by him.

(4) No producer shall fill any purchase order for a repair part which does not contain the statements specified in paragraph (d) (1) of this order so long as he has on hand unfilled orders for that repair part which do contain such statements.

(f) *Filling orders upon specific direction of the War Production Board.* Notwithstanding the provisions of paragraphs (d) and (e) of this order, a producer or a domestic dealer or distributor shall, upon the specific direction of the War Production Board make delivery of any repair part to fill any order specified in such direction, provided that nothing in this paragraph (f) shall authorize the War Production Board to reduce a producer's sales of any repair part to the military agencies, during any month, below 40 percent of such producer's total sales of such repair part during that month.

(g) *Applicability of priorities regulations.* (1) The provisions of § 944.2 through and including § 944.9 of Priorities Regulation No. 1, as amended, shall not be applicable to any purchase order for track-laying tractor repair parts placed with a producer or domestic or export dealer or distributor.

(2) Except as provided in paragraph (g) (1) hereof, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, purchase orders and certificates of minimum requirements pursuant to which they have sold repair parts.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Reports.* Any person affected by this order shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942. (The uses of Form WPB–1319 or Form PD–556 and the certificate of minimum requirements in this order have been approved by the Bureau of the Budget.)

(k) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Communications.* All reports to be filed, appeals and other communications concerning this order shall be addressed to War Production Board, Construction Machinery Division, Washington 25, D. C., Ref.: L–53–b, except as otherwise specifically provided in paragraph (c) (5) of this order.

(n) *Effective date.* This order shall become effective June 27, 1943.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: Appendix A deleted Feb. 16, 1944.

[F. R. Doc. 44–2261; Filed, February 16, 1944; 11:17 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT[1]

[Limitation Order L–112 as Amended, Feb. 16, 1944]

INDUSTRIAL POWER TRUCKS

The fulfillment of the requirements of the defense of the United States has created a shortage in the supply of certain critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.117[1] *General Limitation Order L–112*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(2) "Industrial power truck" means any self-power-propelled industrial truck or wheel tractor designed primarily for handling material (either by carrying or towing) on floors or paved surfaces in and around industrial plants, warehouses, docks, airports or depots. The term shall not include automotive tractors, trucks, or wheeltype industrial tractors designed for use on tax-built highways, or in such operations as construction, earth-moving, mining, logging, industrial yard work, or petroleum development.

(3) "Manufacturer" means any person who manufactures, fabricates or assembles new industrial power trucks, and includes any sales and distribution outlets of a manufacturer.

(4) "Parts producer" means any person, other than a manufacturer, who manufactures parts to be incorporated in industrial power trucks.

(5) "Standard model" as applied to a manufacturer, means one model only of each type and capacity of industrial power truck listed in List A attached hereto, described in such manufacturer's catalogue or bulletin on July 10, 1942.

(6) "Approved standard model" means a standard model listed hereafter and from time to time by supplementary order or orders, as provided in paragraph (d) (2).

(7) "New", when applied to any industrial power truck, means any truck which has never been sold to a person acquiring the same for use. "Used" means any such truck which has been sold to a person acquiring the same for use, whether or not such truck has subsequently been reconditioned or rebuilt.

(8) "Dealer" means any person, other than a manufacturer, engaged in the business of selling or distributing new or used industrial power trucks, whether at wholesale, retail, or otherwise.

(9) "Owner" means any person (including a manufacturer or dealer) who owns any industrial power truck, regardless of whether such truck was acquired for resale or for use by such person.

[1] Formerly Part 1210, § 1210.1.

(5) *Restrictions on orders and deliveries*—(i) *New trucks.* (a) No manufacturer shall accept any order for a new industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) No manufacturer shall hereafter deliver any new industrial power truck, except in fulfillment of an order (*a*) accepted before October 15, 1942, and rated A-9 or better on Form WPB-541 (formerly PD-1A) or WPB-542 (formerly PD-3A or on a form in the WPB-837 (formerly PD-408), or (b) accepted on or after October 15, 1942, and accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

(2) *Used trucks.* (i) On and after July 20, 1943 no manufacturer, dealer or owner shall accept any order for a used industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) On and after July 20, 1943, no manufacturer, dealer or owner shall deliver any used industrial power truck, except in fulfillment of an order accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

(iii) Any manufacturer, dealer or owner specified as a supplier in the authorization for a used truck shall accept any order placed with him for such truck (if the order is accompanied by the authorization), as if such order bore a preference rating, unless he is permitted to, and does, reject the same under the provisions of Priorities Regulation No. 1, § 944.2. However, nothing herein shall require the sale of any used industrial power truck by any person who acquired and holds such truck for his own use and not for resale.

(iv) The restrictions contained in (i), (ii), and (iii) of this paragraph (b) (2) shall not apply to deliveries of used industrial power trucks made by one branch, division, or section of a single enterprise to another branch, division, or section of the same enterprise under common ownership where no transfer of title or ownership of such trucks is involved, or to deliveries of any used industrial power trucks owned by the Army, Navy, Maritime Commission or War Shipping Administration, from one department to another within any such agency, or from any of such agencies to any other of such agencies.

(3) *Authorizations.* Application for authorization of the War Production Board required by paragraph (b) (1) and (2) shall be made by the purchaser on Form WPB-1319 prepared in accordance with the instructions for such form. The War Production Board may grant such application unconditionally or upon specified conditions, including the requirement that the order be placed with a supplier named by the War Production Board, or that the order shall only cover such model, type or size of truck as may be designated by such Board.

(c) *Conservation of material*—(1) *Restrictions upon use of copper.* Parts producers and manufacturers shall be governed by the provisions of paragraph (b) of Limitation Order L-106, (§ 933.9) as amended, in their use of copper products or copper base alloy products (as defined in that order) in the production of parts for industrial power trucks.

(2) No manufacturer shall begin the manufacture of any industrial power truck if such truck contains any of the following materials, or accept delivery of any of the following materials for use in the manufacture of any industrial power truck:

(i) Rubber in any form, except in tires, storage batteries, radiator hose or wire or cable insulation.

(ii) Protective plating in any form, except when necessary to the operation of functional parts.

(iii) Steel plate, where substitution of a less critical material is practicable.

(iv) Lead for counter weights, except that reclaimed lead may be used when required by space limitations.

(v) Steel battery trays, where steel battery boxes are provided.

Provided, however, That the restrictions of this subparagraph (2) shall not apply to parts in the manufacturer's stock which, as of July 10, 1942, were completed, or processed to the point where other use is impracticable: *And provided further,* That the restrictions of this subparagraph (2) shall not apply to the manufacture or delivery of repair and maintenance parts.

(3) *Other regulations.* Nothing in this paragraph (c) shall be construed to permit any manufacturer to sell, deliver or otherwise transfer, or any person to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts or finished parts or products in contravention of the terms of any regulation or order of the War Production Board.

(d) *Standardization of models.* (1) No manufacturer shall after July 10, 1942 begin the manufacture of any industrial power truck which is not a standard model. The design and structure of any standard model shall be only as specified or described in such manufacturer's catalogue or bulletin; except that electric fork trucks with capacities from 2,000 pounds to 6,000 pounds may be built in both center and end control types; and that alterations may be made in counter weights, die pullers (power winch), height of lift, voltage, battery capacity, explosion or fire prevention features, and the length or width or type of fork or ram: *Provided, however,* That nothing herein shall be construed to prevent any change required by the limitations of paragraphs (c) (1) and (c) (2) hereof, or any change which results in further conservation of critical materials.

(2) On and after August 15, 1942, no manufacturer shall begin the manufacture of any standard model which is not an approved standard model. Approved standard models for each manufacturer shall be only those industrial power trucks listed hereafter and from time to time by order or orders supplementary to this order. The provisions of paragraph (d) (1) hereof relative to changes in design and structure shall be applicable to approved standard models.

(3) On or before the 15th day of October and of each succeeding calendar month, every manufacturer shall file with the War Production Board a report on Form WPB-1262 (formerly PD-385), which shall include (i) such manufacturer's proposed production schedules so far as then planned, but in any event, for not less than the three calendar months following the filing of the report; and (ii) his proposed delivery schedules so far as then planned, but in any event for not less than the one calendar month following such filing. The production schedules for the three calendar months, and the delivery schedules for the one calendar month following the filing of the report shall be deemed to be approved by the War Production Board upon the receipt of the report by the War Production Board, unless the War Production Board shall otherwise direct. The War Production Board may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any industrial power truck so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any industrial power truck except in accordance with schedules approved or prescribed by the War Production Board, as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board.

(e) *Ninety-day exemption of Army, Navy and Maritime Commission.* Until ninety days after July 10, 1942, this order shall not apply to deliveries to and for the use of the Army, Navy, Maritime Commission, or War Shipping Administration to the extent that industrial power trucks of a design or structure prohibited by the terms of this order are required by any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration. As used in this paragraph, the terms "Army," "Navy," "Maritime Commission," and "War Shipping Administration" shall not include any privately operated plant or shipyard, financed or controlled by any of those agencies, or operated on a cost-plus-fixed-fee basis.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and as amended from time to time.

(2) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after July 10, 1942. No person shall be held liable for damages or penalties for default, under any contract or order, which shall result directly or indirectly from his compliance with the terms of this order.

(3) [Revoked July 10, 1943.]

(4) [Revoked July 10, 1943.]

(5) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(6) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(7) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C.; Ref.: L-112.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

No lift, high platform	1,000 lbs. to 20,000 lbs.
No lift, low platform	1,000 lbs. to 20,000 lbs.
Low lift, high platform	2,000 lbs. to 20,000 lbs.
Low lift, low platform	2,000 lbs. to 20,000 lbs.
High lift, low platform	2,000 lbs. to 10,000 lbs.
Fork or ram	2,000 lbs. to 60,000 lbs.
Crane	2,000 lbs. to 20,000 lbs.
Tractor	[1] 1,500 lbs. to 6,000 lbs.
Motorized low lift	2,000 lbs. to 6,000 lbs.
Straddle trucks	10,000 lbs. to 30,000 lbs.

[1] Max. D.B.P.

[F. R. Doc. 44-2265; Filed, February 16, 1944; 11:17 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-298 as Amended Feb. 16, 1944]

RESISTANCE WELDING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials and facilities used in the manufacture of resistance welding equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.107 *General Limitation Order L-298*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Resistance welding" means that process for the localized consolidation or joining of metals under pressure and heat, wherein the heat is generated within the metallic parts to be consolidated or joined by the resistance of those parts to the passage of an electric current.

(3) "Resistance welding equipment" means equipment manufactured for use in the operation of joining metals by the resistance welding process and includes resistance welding machines, resistance welding controls, and resistance welding electrodes.

(4) "Manufacturer" means any person engaged in the business of producing, fabricating or assembling resistance welding equipment, and shall include sales and distribution outlets owned by any such person.

(5) "Dealer" means any person engaged in the business of purchasing resistance welding equipment for resale.

(6) "Order" means any commitment or other arrangement for the delivery of resistance welding equipment whether by purchase, lease, rental or otherwise.

(7) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by, any of those agencies or operated on a cost-plus-fixed-fee basis.

(8) "Used resistance welding equipment" means resistance welding equipment that has been delivered to an ultimate consumer.

(b) *Operations reports.* Each manufacturer shall, on or before the 15th day of each month, commencing with the month of August, 1943, file with the War Production Board an operations report on Form WPB-2830, showing orders for new and rebuilt resistance welding equipment and repair parts unfilled, received, shipped and cancelled during the preceding month, in accordance with instructions accompanying the form: *Provided,* That this paragraph (b) shall not apply to orders for electrical circuit breakers or indicating or recording apparatus used with resistance welding equipment, or repair parts for such circuit breakers or indicating or recording apparatus.

(c) *Authorization of purchase orders required.* (1) On and after July 27, 1943, no manufacturer or dealer shall accept an order for, or deliver any new resistance welding equipment unless the order or delivery is specifically authorized by the War Production Board on Form WPB-1319. Application for an authorization, and for a preference rating if none has been previously assigned, is to be made by the purchaser by filing Form WPB-1319, with the War Production Board as explained in the instructions which accompany the form. The delivery restrictions of this paragraph (c) (1) do not apply to orders received prior to July 27, 1943.

(2) The provisions of paragraph (c) (1) shall not apply to (i) any order of $200 or less for resistance welding equipment; (ii) any order for resistance welding electrodes; (iii) any order for resistance welding equipment for direct use by the Army, Navy, Maritime Commission or War Shipping Administration or for incorporation in or attachment to any resistance welding equipment to be used directly by such agencies; (iv) any order bearing a preference rating assigned under Preference Rating Order P-19-h; *Provided* That, notwithstanding paragraph (g) (4) of Priorities Regulation 3, the certificate applying or extending such rating shall state the source of the rating; or (v) any order placed by a manufacturer of, or dealer in, resistance welding equipment.

(d) *Registration of idle equipment.* On receipt of a specific request by the War Production Board, the owner of any idle used resistance welding equipment shall register it by filing with the War Production Board Form WPB-2732, in accordance with instructions which accompany the request.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except as otherwise expressly provided herein.

(2) *Reporting provisions.* The reporting requirements of paragraphs (b) and (d) and the form of application prescribed in paragraph (c) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref.: L-298.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2273; Filed, February 16, 1944; 11:19 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L–332]

CONTAINER MACHINERY

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of material used in the production of container machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.135 *General Limitation Order L–332*—(a) *What this order does.* This order restricts deliveries of new, used, and reconditioned container machinery; it does not restrict deliveries of repair parts. The order requires manufacturers to file monthly operations reports.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Container machinery" means all new, used, and reconditioned machinery and equipment of the types listed in Schedule A of this order having a retail sales value of $500 or more (unless otherwise indicated).

(3) "Manufacturer" means any person engaged in the fabrication, assembly, reconditioning or rebuilding of container machinery.

(4) "Dealer" means any person engaged in the business of purchasing container machinery for resale.

(5) "Order" includes any arrangement for the delivery of container machinery or equipment, whether by purchase and sale, lease, rental or otherwise.

(c) *Restrictions on sales and deliveries.* After March 1, 1944, no person shall place an order for container machinery and no person shall accept such an order or deliver container machinery to fill an order received after March 1, 1944, unless the order bears a rating of AA–5 or higher. Machinery described as packaging and labeling machinery in List A of Order L–83 must not be delivered on orders accepted prior to March 1, 1944, unless the orders were accepted in accordance with Order L–83.

(d) *Exemptions.* The limitations and restrictions of paragraph (c) shall not apply to the following transactions:

(1) The renewal of a lease for any container machinery if the original lease or any prior renewal was approved in accordance with this order (or Order L–83) and the machinery is still being used for the purpose approved.

(2) Any order for container machinery for the direct use of the Army, Navy, Maritime Commission or War Shipping Administration.

(3) The seizure of container machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sales agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(4) The transfer of container machinery (but not subsequent disposition thereof) by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(5) The transfer of container machinery as part of a transaction, such as merger, consolidation, sale and puchase of stock, or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(6) The transfer of container machinery, within a plant, or within a single corporate enterprise from one plant or branch to another: *Provided, however,* That nothing in this subparagraph (6) shall be construed to permit transfers from a portion of an enterprise manufacturing, building or assembling new machinery to a portion using it.

(7) The transfer of container machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(8) Transfers of used container machinery to dealers.

(9) The delivery of container machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed three months pending the repair of the damaged machine.

(10) The transfer of container machinery to be scrapped for its material content.

(11) The unloading, from a vessel, of any imported container machinery.

(12) The transfer of any interest in any written instrument evidencing an interest in container machinery: *Provided, however,* That nothing in this subparagraph (12) shall be construed to permit the physical delivery or use of container machinery.

(13) The return of any leased container machinery by the lessee to the lessor upon the expiration, termination, or cancellation of the lease.

(e) *Operations reports.* Each manufacturer shall, on or before the 10th day of each month, commencing with March, 1944, file with the War Production Board an operations report on Form WPB–3551, in accordance with the instructions accompanying the form.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter must be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(4) *Communications.* All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. L–332.

NOTE: This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

I. The following machinery and equipment are covered by this order, except as indicated below:

1. Bag making machinery and equipment, excluding textile bag forming and stitching machines.
2. Metal can and drum making machinery and equipment, including, but not limited to, sheet metal feeders, coaters and baking ovens.
3. Metal can and drum cleaning and reconditioning equipment.
4. Paper can, tube, box and carton making machinery.
5. Glass jar and bottle making machinery and equipment.
6. Metal cap and crown making machinery and equipment, including, but not limited to, sheet metal feeders, coaters and baking ovens.
7. Packaging machinery and equipment, including, but not limited to, fillers, labelers, wrappers, strappers, tying machines, case sealing machines, staplers and heavy duty stitchers for large or heavy cartons.
8. Screw capping machines.
9. Can, jar and bottle capping, closing and sealing machinery and equipment (other than screw capping machines) having a retail sales value of $25 or more inclusive of motors.

II. The following machinery and equipment are specifically excluded from the provisions of this order:

1. Filling, labeling, washing and casing machinery used in canning, freezing and fresh packing of meats, fruits, vegetables and fishery products (as covered in Order L–292).
2. Bottling, bottle capping, bottle labeling and bottle washing machinery used for dairy products, brewery and winery products or non-alcoholic beverages (as covered in Order L–292).
3. Wrapping machinery used for bakery, dairy or tobacco products (as covered in Order L–292).
4. Wood container manufacturing machinery (as covered in Order L–311).
5. Graphic arts machinery (as defined in Order L–226).

[F. R. Doc. 44–2274; Filed, February 16, 1944; 11:19 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L–226 as Amended Feb. 16, 1944]

PRINTING AND PUBLISHING MACHINERY, PARTS AND SUPPLIES

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel, iron, steel, manpower, transportation, and electrical energy required for the production of graphic arts machinery, operating supplies, and replacement parts therefor for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.1 *Limitation Order L–226*—(a) *Protection of production schedules.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, except that notwithstanding Priorities Regulation 1 producers of operating supplies and replacement parts, to the extent provided for in paragraphs (d) and (e) of this order, may on and after January 1, 1943, schedule their production of such operating supplies and replacement parts as if the orders therefor bore a rating of AA–1.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Graphic arts machinery" means any piece of new, used or reconditioned machinery or equipment designed for use in the production of printed matter, including but not limited to the kinds listed on Schedule A.

(3) "Operating supplies" means small pieces of equipment not normally considered capital items peculiar to and used exclusively in the graphic arts industry including but not limited to the kinds listed on Schedule B.

(4) "Replacement parts" means parts used for the repair or maintenance of the machinery listed in paragraph (b) (2) hereof.

(5) "Producer" means any person engaged in whole or in part in the manufacture of new graphic arts machinery, operating supplies, or replacement parts as defined in paragraphs (b) (2), (3) and (4) above.

(6) "Inventory" means any stock of operating supplies or replacement parts as defined in paragraphs (b) (3) and (4), on hand, or consignment, or held for the account of the owner thereof in any other name, manner or place.

(7) "Order" means any commitment or other arrangement for the production or delivery of graphic arts machinery.

(8) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned graphic arts machinery, operating supplies, or replacement parts for resale or lease.

(9) "Approved order" means any order for graphic arts machinery approved by the War Production Board as provided in paragraph (g) hereof.

(10) "Printed matter" shall include any paper (or any paperlike substance), wood, fabric, metal or other material upon which there has been printed, impressed or otherwise transferred any ink, color, pigment, mark, character or delineation by the letter press, lithographic or gravure processes or any modifications thereof.

Definitions in paragraphs (2), (3), (4) and (10) of this paragraph shall not be deemed to include any office machinery and collateral equipment as listed in General Limitation Order L–54–c, as Amended, operating supplies and replacement parts for same, and the material produced by same.

(c) *Restrictions on acceptance of orders for production and delivery of graphic arts machinery.* (1) On and after January 30, 1943, no person shall:

(i) Produce any graphic arts machinery, except for the use of the Armed Forces outside of the U. S., its territories or possessions or on shipboard and then only upon an approved order to deliver or accept delivery;

(ii) Deliver or accept delivery of any graphic arts machinery unless such delivery is upon an approved order except as provided in paragraph (c) (3) hereof.

(2) *Auction sales, sales pursuant to court order and similar transactions.* Dispositions of used graphic arts machinery at auction, at sheriff's sales, at tax sales, in liquidations of all or part of the business, and in similar transactions must be approved orders unless such dispositions are made within the limits specified in paragraph (c) (3) (v).

(3) *Exempted transactions.* Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of graphic arts machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of graphic arts machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(v) Deliveries to, and acquisitions by distributors of used graphic arts machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(vi) The delivery of graphic arts machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed ninety (90) days, pending the repair of the damaged machine.

(vii) The delivery and acquisition of graphic arts machinery for scrap.

(viii) The unloading, from a vessel, of any imported graphic arts machinery.

(ix) The transfer of any interest, in any written instrument evidencing an interest in graphic arts machinery: *Provided, however,* That nothing in this subparagraph (ix) shall be construed to permit the physical delivery or use of such graphic arts machinery.

(x) The delivery, acquisition and production of graphic arts machinery, the delivery and acquisition of which has been approved prior to January 4, 1943, under General Conservation Order L–83 on Form WPB–541 (formerly PD–1A) carrying a preference rating of A–9 or higher.

(xi) The delivery and acquisition of graphic arts machinery approved on Form WPB–617 (formerly PD–200).

(xii) The delivery and acquisition of graphic arts machinery which was delivered to the original user prior to May 1, 1937.

(xiii) The delivery and acquisition of a single piece of graphic arts machinery having a sales value of $25 or less.

(d) *Restrictions on the production of operating supplies used in the graphic arts processes.* During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of operating supplies used in the graphic arts industry shall limit his production of such supplies to a quantity having a sales value of not more than 18% of the combined sales value of such supplies sold by him during 1941 and shall limit his inventory of such supplies to a quantity having a sales value of not more than 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter.

In the event that a producer's inventory of operating supplies is or should at any time become in excess of 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter, he shall limit his production of such supplies to a quantity having a sales value of not more than 6% of the combined sales value of such supplies sold by him during 1941.

(e) *Restrictions on the production of replacement parts.* During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of replacement parts used in the graphic arts industry shall limit his production of such parts to a quantity having a sales value of not more than 30% of the combined sales value of such parts sold by him during 1941 and shall limit his inventory of such parts to a quantity having a sales value of not more than 133% of the combined sales value of

such parts sold by him during the preceding calendar quarter.

In the event that a producer's inventory of replacement parts is or should at any time become in excess of 133⅓% of the combined sales value of such parts sold by him during the preceding calendar quarter, he shall limit his production of such parts to a quantity having a sales value of not more than 18% of the combined sales value of such parts sold by him during 1941.

(f) *Restrictions on sale of operating supplies and replacement parts to consumers.* (1) On and after January 4, 1943, no producer or distributor shall sell or deliver any operating supply or replacement part to a consumer who fails within 30 days after receipt of a supply or part ordered on or after January 4, 1943, to deliver to said producer or distributor a used part of similar kind or size for each new replacement part or operating supply delivered to the consumer.

(2) Excluded from the provisions of paragraph (f) (1) are sales of operating supplies and replacement parts to:

(i) A consumer who, on and after February 15, 1943, certifies concurrently with the placing of the order for said supplies or parts that within 30 days after their receipt he will dispose through scrap channels of a used part of similar kind and size for each new replacement part or operating supply delivered to him;

(ii) Any corporate, administrative or other division or agency of the United States or of any state or territory of the United States which is forbidden by law from making such disposal of replacement parts or operating supplies;

(iii) The Army, Navy, Maritime Commission, War Shipping Administration or consumers outside of the continental United States;

(iv) A distributor or other producer for resale only in that form.

(g) *Requirements for obtaining an approved order.* Any person seeking an approved order for graphic arts machinery shall file Form WPB–1319 in quadruplicate with the Printing and Publishing Division, War Production Board, Washington 25, D. C., in accordance with current instructions for such form.

(1) Is the machinery an expansion of existing facilities or a replacement, and if the latter, what disposition will be made of the existing machinery?

(2) Does the applicant have in use any machinery similar to that for which application is made?

(3) How does the applicant now accomplish the work for which is required the machinery applied for?

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the Printing and Publishing Division, War Production Board, Washington 25, D. C.

(l) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L–226.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

MACHINE COMPOSITION

Automatic metal feeders.
Band saws.
Broaching machines.
Buffer and polishers.
Composing room saw trimmers.
Line typesetting machines.
Line composing machine magazines.
Lino-saws.
Material makers.
Plunger cleaners.
Remelt furnaces and molds.
Rule casters.
Space band cleaners.
Single character type composing machines.
Single character type casting machines.
Typesetting and type casting machine matrices of a face not offered for sale by the manufacturer prior to January 1, 1943.

HAND COMPOSITION

Cabinets, type, storage, galley.
Composing frames.
Dead metal frames.
Foundry type of a face not offered for sale by the foundry prior to January 1, 1943.
Imposing tables or stones.
Line-up and register tables and devices.
Make-up frames.
Metal saws and trimmers.
Mitering machines.
Page make-up gauges.
Plate mounting (patent) bases.
Slug and rule cutters.
Trucks, galley, form, dead-metal.

PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE PLATE MAKING

Arc lamps.
Ben Day machines.
Cameras and lenses.
Etching machines, baths and tanks.
Halftone screens.
Monel silver baths.
Monel evaporating dishes.
Nailing machines.
Planing machines.
Plate coating machines.
Plate graining machines.
Plate routers.
Plate beveler and trimmer.
Plate dryers.
Projectors.
Photo-composing machines.
Registering devices.
Vacuum backs for cameras.
Vacuum frames.

ELECTROTYPE, STEREOTYPE RUBBER AND PLASTIC PLATE MAKING

Casting boxes.
Cooling tables.
Electrolytic baths and tanks.
Jig saws.
Mat formers, scorchers and rollers.
Molding presses.
Plate curving machines.
Routing machines.
Rubber plate depth gauges.
Ruling moldings.
Saws and trimmers.
Shaving and planing machines.

PRESSES

Automatic press feeders and deliveries.
Auxiliary ink distributors.
Bronzing machines.
Cutting and creasing presses.
Drying racks.
Hand and automatic sheet and web-fed platen presses.
Hand and automatic fed flat-bed cylinder presses.
Hand and automatic fed flat-bed gravure presses.
Hand and automatic fed plate engraving presses.
Ink agitators.
Numbering machines.
Paper seasoners.
Proof presses.
Roller washing devices.
Scoring and perforating attachments.
Sheet and web-fed rotary letter presses.
Sheet and web-fed offset or direct lithograph presses.
Sheet and web-fed rotary gravure presses.
Sheet heaters, static eliminators and ink dryers.
Thermographic presses.
Transfer presses.
Varnishing machines.
Vibrating rollers.
Web-pasters.
Web-tension devices.
Web-slitting and re-winding machines.

BINDERY

Automatic feeders for folding machines.
Automatic and hand-fed trimmers.
Automatic feeders for board cutters.
Banding machines.
Bindery hand presses.
Binder's board cutters.
Binder's cloth cutters.
Book presses (drying; clamp units, power or hand).
Book sewing machines.
Case making machines.
Casing-in machines.
Cover shaping and bending machines.
Color spraying hoods and machines.
Cover spraying machines.
Corner cutting racks.
Eyeletting machines.
Forwarding machines (backers, liners, and headbanders).
Guillotine cutting machines, power and hand lever.
Gathering and inserting machines.
Gilding presses, screw type.
Gold and foil cover cleaning machines.
Hand and automatic fed folding machines.
Headband forming machines.
Lettering presses.
Marbling troughs and clamps.
Mechanical binding machines.
Nipping machines.
Paper ruling machines.
Perforating machines.
Pamphlet covering machines.
Round cornering, punching, drilling and indexing machines.
Rounding and backing machines.
Rough-edging machines.
Round corner turn-in machines.
Sanding machines (edges).
Stripping machines.
Smashing machines.
Stamping, embossing and brass die-cutting and inlaying machines and presses.
Stippling and graining machines.
Signature bundling presses (hand and power).
Skiving or paring machines.
Thread stitching machines, hand and automatic feed.
Thread sewing machines.
Tipping, pasting and gluing machines.
Wire stitching machines.

SCHEDULE B

MACHINE COMPOSITION

Go No-go type high gauges.
Space bands.
Typesetting and type casting machine matrices.

HAND COMPOSITION

Chases.
Composing sticks.
Imposing furniture.
Line gauges.
Plate hooks.
Quoins and keys.

PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE PLATE MAKING

Routing bits.

PRESSES

Press fountain dividers.
Cylinder jackets for cutting and creasing presses.
Doctor blades (gravure).
Gauge pins.

BINDERY

Cutting-out dies.
Drills and punches (paper).
Graining plates.
Index cutting knives.
Needles and hooks.
Paper cutter knives.
Perforator wheels and knives.

[F. R. Doc. 44-2271; Filed, February 16, 1944; 11:18 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M–293, Table 9 as Amended Feb. 16, 1944]

RADIO AND RADAR DIVISION

§ 3208.10 *Table for Radio and Radar Division.* (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M–293:

NOTE: Item 3a., b., and c. were amended Feb. 16, 1944.

Type of scheduled products M–293	Designation	Applicable forms column 1	2	3
1. Capacitors (fixed):				
a. Ceramic capacitors		3002.17		
b. Electrolytic capacitors				
c. Mica capacitors				
d. Paper capacitors				
e. Capacitors for power factor correction (rated in K. V. A.)	X	3002.16	2809	
2. Coaxial cable—radio frequency				
a. Coaxial cable—radio frequency insulation				
b. Gas- or air-filled rigid lines				
3. Industrial type instruments:				
a. Control valves (Purchase orders of $5,000 or more)	X	3002.40		1319
b. Liquid level controllers (Purchase orders of $5,000 or more)	X	3002.40		1319
c. Combustion safety and liquid level controller combined. (Purchase orders of $5,000 or more)	Y	3002.40		1319
A person shall not subdivide his purchase orders or requirements for the purpose of avoidance of the provisions of 3a, 3b, and 3c, above.				
d. Pyrometers		3002.40		
e. Pressure instruments:		3002.40		
Dial pressure indicators		3002.41		
Recording and controlling pressure instruments		3002.40		
f. Temperature tube system instruments		3002.40		
g. Thermometers and thermometer parts		3002.40		
h. Industrial thermometers		3002.40		
i. Combustion control equipment				
k. Strainers (as manufactured only by industrial instrument producers)		3002.40		
l. Liquid level mechanisms		3002.40		

A manufacturer of a Class X product must file his shipping schedule on Form WPB 3003, 3401, or on the form shown in Column 2.

A person placing an order for a Class Y product must use the form shown in Column 3 to obtain WPB authorization.

Type of scheduled products M–293	Designation	Applicable forms column 1	2	3
4. Electrical indicating instruments. A measuring mechanism, the pointer of which responds to a change in an electrical quantity, including such instruments as are assembled with their operating mechanisms, also small panel, switchboard, and aircraft electrical instruments, but not including the following:				
(1) Instruments made with metal bearings and normally used in automotive vehicles or mobile construction machinery; (2) Radio frequency ammeters; (3) Thermocouple units.		1685		
a) Purchase orders covering electrical indicating instruments except (1) any order for less than 500 identical electric indicating instruments which conform to the ranges and dimensions established and published by the American Standards Association in its publication No. American Standards C39–2–1943 as approved January 4, 1943 and published by the American Standards Association; (2) any order for less than 500 identical electrical indicating instruments of flange diameter, height or width exceeding 3½ inches; (3) any order for polarized vane, non-polarized vane, and moving coil instruments which conform to approved U. S. Army or Navy specifications specified on the order.	Y	3002.18		1682
5. Resistors, fixed and variable				
6. Electrical test equipment and test instruments (standard types). There are excluded from this order: (1) Test equipment for sale to or for use by a manufacturer who does not offer a similar type of test equipment for sale commercially; (2) Test equipment produced on direct Army or Navy orders by a manufacturer who does not offer a similar type of test equipment for sale commercially.				
(a) *Audio frequency generators:*				
(1) Standard laboratory type (below 50 MC)	XY	3002.21	3001.21	3243
(2) FM standard laboratory type (below 50 MC)	XY	3002.21	3001.21	3243
(3) Ultra high frequency type (below 500 MC)	XY	3002.21	3001.21	3243
(4) FM ultra high frequency type (below 500 MC)		3002.21		3243
(5) Very high frequency type	XY	3002.21	3001.21	3243
(6) Test oscillator type		3002.21		3243
(b) *Audio frequency generators:*				
(1) Variable frequency type	XY	3002.21	3001.21	3243
(2) Square wave type		3002.21		3243
(3) Beat frequency type		3002.21		3243
(c) *Radio frequency type equipment:*				
(1) Wavemeter-absorption type	XY	3002.21	3001.21	3243
(2) Wavemeter-heterodyne type	XY	3002.21	3001.21	3243
(3) R.F. noise meter	XY	3002.21	3001.21	3243
(4) Field strength meter		3002.21		3243
(5) Q meter	XY	3002.21	3001.21	3243
(6) Modulation monitor		3002.21		3243
(7) Interpolation oscillator		3002.21		3243
(d) *Audio frequency measuring equipment:*				
(1) Audio frequency meters, electronic	XY	3002.21	3001.21	3243
(2) Audio frequency wattmeters	XY	3002.21	3001.21	3243
(e) *Universal measuring equipment:*				
(1) Laboratory oscilloscope	XY	3002.21	3001.21	3243
(2) Service oscilloscope	XY	3002.21	3001.21	3243
(3) Signal tracer		3002.21		3243
(f) *Meter:*	XY	3002.21	3001.21	3243
(1) Wheatstone	XY	3002.21	3001.21	3243
(2) Megohm	XY	3002.21	3001.21	3243
(3) Kelvin	XY	3002.21	3001.21	3243
(4) Resistance limit		3002.21		3243
(5) Impedance	XY	3002.21	3001.21	3243
(6) Capacitance	XY	3002.21	3001.21	3243
(7) Capacitance limit	XY	3002.21	3001.21	3243
(8) Inductance		3002.21		3243
(g) *Miscellaneous electronic equipment:*				
(1) Stroboscopes	XY	3002.21	3001.21	3243
(2) Laboratory audio frequency amplifiers		3002.21		3243
(3) Sound and vibration meters	XY	3002.21	3001.21	3243
(4) Direct current amplifiers		3002.21		3243
(5) Phase angle meters	XY	3002.21	3001.21	3243
(6) Primary frequency standards	XY	3002.21	3001.21	3243
(h) *Electrical test instruments* (including portable instruments). An electrical test instrument of the general types listed below is one normally connected to the circuit under test for a temporary read-ing. Portable instruments are included in this group as long as the number designation of the meters are included in this group. The model number designations below apply to the instruments which are given that identification by the manufacturer, and the provisions of this order apply to those instruments regardless of any different identification given by the manufacturer. No person shall avoid the provisions of this order by changing any model number designation specified below.				

Type of scheduled products M–293	Designation	Applicable forms column 1	2	3
(1) Ammeters and voltmeters				
(2) Ammeters and voltmeters, portable				
(3) Ammeters and voltmeters, switchboard				
(4) Ammeters and voltmeters, small panel				
(5) Ammeters and voltmeters, aircraft				
(6) Ammeters and voltmeters, radio frequency				
(7) Ammeters and voltmeters, thermocouple				
(8) Ammeters and voltmeters, vibrating reed				
(9) Ammeters and voltmeters, rectifier				
(10) Ammeters and voltmeters, dynamometer				
(11) Ammeters and voltmeters, hot wire				
(12) Ammeters and voltmeters, induction				
(13) Ammeters and voltmeters, moving coil				
(14) Ammeters and voltmeters, moving iron				
(15) Ammeters and voltmeters, polarized vane				
(16) Ammeters and voltmeters, non-polarized vane				
(17) Ammeters and voltmeters, thermal				
(18) Ammeters and voltmeters, vane				
(19) Ammeters and voltmeters, vane, portable				
(20) Ammeters and voltmeters, vane, switchboard				
(21) Ammeters and voltmeters, vane, small panel				
(22) Ammeters and voltmeters, vane, aircraft				
(23) Ammeters and voltmeters, vane, radio frequency				
(24) Ammeters and voltmeters, vane, thermocouple				
(25) Ammeters and voltmeters, vane, vibrating reed				
(26) Ammeters and voltmeters, vane, rectifier				
(27) Ammeters and voltmeters, vane, dynamometer				
(28) Ammeters and voltmeters, vane, hot wire				
(29) Ammeters and voltmeters, vane, induction				
(30) Ammeters and voltmeters, vane, moving coil				
(31) Ammeters and voltmeters, vane, moving iron				
(32) Ammeters and voltmeters, vane, polarized vane				
(33) Ammeters and voltmeters, vane, non-polarized vane				
(34) Ammeters and voltmeters, vane, thermal				
(35) Ammeters and voltmeters, vane, vane				
(36) Ammeters and voltmeters, vane, vane, portable				
(37) Ammeters and voltmeters, vane, vane, switchboard				
(38) Ammeters and voltmeters, vane, vane, small panel				
(39) Ammeters and voltmeters, vane, vane, aircraft				
(40) Ammeters and voltmeters, vane, vane, radio frequency				
(41) Ammeters and voltmeters, vane, vane, thermocouple				
(42) Ammeters and voltmeters, vane, vane, vibrating reed				
(43) Ammeters and voltmeters, vane, vane, rectifier				
(44) Ammeters and voltmeters, vane, vane, dynamometer				
(45) Ammeters and voltmeters, vane, vane, hot wire				
(46) Ammeters and voltmeters, vane, vane, induction				
(47) Ammeters and voltmeters, vane, vane, moving coil				
(48) Ammeters and voltmeters, vane, vane, moving iron				
(49) Ammeters and voltmeters, vane, vane, polarized vane				
(50) Ammeters and voltmeters, vane, vane, non-polarized vane				
(51) Ammeters and voltmeters, vane, vane, thermal				
(52) Ammeters and voltmeters, vane, vane, vane				
(53) Ammeters and voltmeters, vane, vane, vane, portable				
(54) Ammeters and voltmeters, vane, vane, vane, switchboard				
(55) Ammeters and voltmeters, vane, vane, vane, small panel				
(56) Ammeters and voltmeters, vane, vane, vane, aircraft				
(57) Ammeters and voltmeters, vane, vane, vane, radio frequency				
(58) Ammeters and voltmeters, vane, vane, vane, thermocouple				
(59) Ammeters and voltmeters, vane, vane, vane, vibrating reed				
(60) Ammeters and voltmeters, vane, vane, vane, rectifier				
(61) Ammeters and voltmeters, vane, vane, vane, dynamometer				
(62) Ammeters and voltmeters, vane, vane, vane, hot wire				
(63) Ammeters and voltmeters, vane, vane, vane, induction				
(64) Ammeters and voltmeters, vane, vane, vane, moving coil				
(65) Ammeters and voltmeters, vane, vane, vane, moving iron				
(66) Ammeters and voltmeters, vane, vane, vane, polarized vane				
(67) Ammeters and voltmeters, vane, vane, vane, non-polarized vane				
(68) Ammeters and voltmeters, vane, vane, vane, thermal				
(69) Ammeters and voltmeters, vane, vane, vane, vane				
(70) Ammeters and voltmeters, vane, vane, vane, vane, portable				
(71) Ammeters and voltmeters, vane, vane, vane, vane, switchboard				
(72) Ammeters and voltmeters, vane, vane, vane, vane, small panel				
(73) Ammeters and voltmeters, vane, vane, vane, vane, aircraft				
(74) Ammeters and voltmeters, vane, vane, vane, vane, radio frequency				
(75) Ammeters and voltmeters, vane, vane, vane, vane, thermocouple				
(76) Ammeters and voltmeters, vane, vane, vane, vane, vibrating reed				
(77) Ammeters and voltmeters, vane, vane, vane, vane, rectifier				
(78) Ammeters and voltmeters, vane, vane, vane, vane, dynamometer				
(79) Ammeters and voltmeters, vane, vane, vane, vane, hot wire				
(80) Ammeters and voltmeters, vane, vane, vane, vane, induction				
(81) Ammeters and voltmeters, vane, vane, vane, vane, moving coil				
(82) Ammeters and voltmeters, vane, vane, vane, vane, moving iron				
(83) Ammeters and voltmeters, vane, vane, vane, vane, polarized vane				
(84) Ammeters and voltmeters, vane, vane, vane, vane, non-polarized vane				
(85) Ammeters and voltmeters, vane, vane, vane, vane, thermal				
(86) Ammeters and voltmeters, vane, vane, vane, vane, vane				
(87) Ammeters and voltmeters, vane, vane, vane, vane, vane, portable				
(88) Ammeters and voltmeters, vane, vane, vane, vane, vane, switchboard				
(89) Ammeters and voltmeters, vane, vane, vane, vane, vane, small panel				
(90) Ammeters and voltmeters, vane, vane, vane, vane, vane, aircraft				
(91) Ammeters and voltmeters, vane, vane, vane, vane, vane, radio frequency				
(92) Ammeters and voltmeters, vane, vane, vane, vane, vane, thermocouple				
(93) Ammeters and voltmeters, vane, vane, vane, vane, vane, vibrating reed				
(94) Ammeters and voltmeters, vane, vane, vane, vane, vane, rectifier				
(95) Ammeters and voltmeters, vane, vane, vane, vane, vane, dynamometer				
(96) Ammeters and voltmeters, vane, vane, vane, vane, vane, hot wire				
(97) Ammeters and voltmeters, vane, vane, vane, vane, vane, induction				
(98) Ammeters and voltmeters, vane, vane, vane, vane, vane, moving coil				
(99) Ammeters and voltmeters, vane, vane, vane, vane, vane, moving iron				
(100) Ammeters and voltmeters, vane, vane, vane, vane, vane, polarized vane				
(101) Ammeters and voltmeters, vane, vane, vane, vane, vane, non-polarized vane				
(102) Ammeters and voltmeters, vane, vane, vane, vane, vane, thermal				
(103) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane				
(104) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, portable				
(105) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, switchboard				
(106) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, small panel				
(107) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, aircraft				
(108) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, radio frequency				
(109) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, thermocouple				
(110) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vibrating reed				
(111) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, rectifier				
(112) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, dynamometer				
(113) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, hot wire				
(114) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, induction				
(115) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, moving coil				
(116) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, moving iron				
(117) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, polarized vane				
(118) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, non-polarized vane				
(119) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, thermal				
(120) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane				
(121) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, portable				
(122) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, switchboard				
(123) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, small panel				
(124) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, aircraft				
(125) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, radio frequency				
(126) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, thermocouple				
(127) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vibrating reed				
(128) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, rectifier				
(129) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, dynamometer				
(130) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, hot wire				
(131) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, induction				
(132) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, moving coil				
(133) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, moving iron				
(134) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, polarized vane				
(135) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, non-polarized vane				
(136) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, thermal				
(137) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane				
(138) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, portable				
(139) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, switchboard				
(140) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, small panel				
(141) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, aircraft				
(142) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, radio frequency				
(143) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, thermocouple				
(144) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vibrating reed				
(145) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, rectifier				
(146) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, dynamometer				
(147) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, hot wire				
(148) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, induction				
(149) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, moving coil				
(150) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, moving iron				
(151) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, polarized vane				
(152) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, non-polarized vane				
(153) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, thermal				
(154) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane				
(155) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, portable				
(156) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, switchboard				
(157) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, small panel				
(158) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, aircraft				
(159) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, radio frequency				
(160) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, thermocouple				
(161) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vibrating reed				
(162) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, rectifier				
(163) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, dynamometer				
(164) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, hot wire				
(165) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, induction				
(166) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving coil				
(167) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving iron				
(168) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, polarized vane				
(169) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, non-polarized vane				
(170) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, thermal				
(171) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane				
(172) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, portable				
(173) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, switchboard				
(174) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, small panel				
(175) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, aircraft				
(176) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, radio frequency				
(177) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, thermocouple				
(178) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vibrating reed				
(179) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, rectifier				
(180) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, dynamometer				
(181) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, hot wire				
(182) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, induction				
(183) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving coil				
(184) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving iron				
(185) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, polarized vane				
(186) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, non-polarized vane				
(187) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, thermal				
(188) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane				
(189) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, portable				
(190) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, switchboard				
(191) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, small panel				
(192) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, aircraft				
(193) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, radio frequency				
(194) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, thermocouple				
(195) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vibrating reed				
(196) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, rectifier				
(197) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, dynamometer				
(198) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, hot wire				
(199) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, induction				
(200) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving coil				
(201) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving iron				
(202) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, polarized vane				
(203) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, non-polarized vane				
(204) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, thermal				
(205) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane				
(206) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, portable				
(207) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, switchboard				
(208) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, small panel				
(209) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, aircraft				
(210) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, radio frequency				
(211) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, thermocouple				
(212) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vibrating reed				
(213) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, rectifier				
(214) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, dynamometer				
(215) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, hot wire				
(216) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, induction				
(217) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving coil				
(218) Ammeters and voltmeters, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, vane, moving iron		

Type of scheduled products M-243	Desig-nation	Applicable forms column 1	2	3
2. Tube testers (All types including combination tube and set testers)—Con.				
Hickok Electrical Instrument Co.:				
Model 510	XY	3002.21	3001.21	3243
Model 530	XY	3002.21	3001.21	3243
Model 540	XY	3002.21	3001.21	3243
Model 545	XY	3002.21	3001.21	3243
Model 550X	XY	3002.21	3001.21	3243
Model 560	Y			3243
All other models—Purchase orders for 5 or more units	XY	3002.21	3001.21	3243
3. Output meters				
Radio City Products Model 471	XY	3002.21	3001.21	3243
Daven Company:				
Model D-182	XY	3002.21	3001.21	3243
Model OP-182	XY	3002.21	3001.21	3243
Model OP-183				
General Radio Company:				
Model 463	XY	3002.21	3001.21	3243
Model 583	XY	3002.21	3001.21	3243
Simpson Electric Company Model 427	XY	3002.21	3001.21	3243
Triplett Electrical Inst. Co. Model 650 SC	XY	3002.21	3001.21	3243
Weston Electrical Inst. Co. Model 571	XY	3002.21	3001.21	3243
All other models on purchase orders of $25.00 net or more under this heading	Y			3243
4. Ohmmeters, megohmmeters, and insger testers	XY	3002.21	3001.21	3243
Allen B. Du Mont Manufacturing Company: Model 664				
James G. Biddle Company:				
Model 703	XY	3002.21	3001.21	3243
Model 704	XY	3002.21	3001.21	3243
Model 705	XY	3002.21	3001.21	3243
Weston Electrical Inst. Corp.: Model 706				
All other models on purchase orders of $25.00 net or more under this heading	Y			3243
5. Portable electrical indicating instruments	XY	3002.21	3001.21	3243
Weston Electrical Instrument Co.: Model 622				
Kaar Engineering Co.:				
Model 501	XY	3002.21	3001.21	3243
Model 501A	XY	3002.21	3001.21	3243
Model 502	XY	3002.21	3001.21	3243
Model 502A	XY	3002.21	3001.21	3243
Sensitive Research Instrument Co.: All models	XY	3002.21	3001.21	3243
All other models—Purchase orders for 100 or more units	Y			3243
7. Vacuum tubes, electronic (excluding X-ray tubes and tungar type rectifiers)		1003		

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2276; Filed, February 16, 1944; 11:19 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M-241-a as Amended Feb. 16, 1944]

CONSERVATION OF PAPER AND PAPERBOARD

§ 3281.64 *General Conservation Order M-241-a—*(a) *Definitions.* For the purpose of this order:

(1) A "converted product" means any article or type of converted paper resulting from the processing of pulp, paper, or paperboard which alters the original form or characteristics of the pulp, paper, or paperboard. The term includes all articles on any of the lists to this order, but shall not include:

(i) Paper or paperboard manufactured in the first instance by a paper or paperboard mill.

(ii) A "newspaper" as defined in General Limitation Order L-240.

(iii) "Wall paper" as defined in General Limitation Order L-177.

(iv) A "box" as defined in General Limitation Order L-239.

(v) A "magazine" as defined in General Limitation Order L-244.

(vi) A "book" as defined in General Limitation Order L-245.

(vii) A "greeting card" as defined in General Limitation Order L-289.

(viii) A "book match" as defined in General Limitation Order L-263.

(ix) A "paper shipping sack" as defined in General Limitation Order L-279.

(x) Fibre shipping containers, cans, drums, tubs, barrels, dividers, partitions and separators.

(xi) Cups, pails and nested food containers.

(xii) A "display" as defined in General Limitation Order L-294.

(xiii) A "grocery", "variety" and "notion bag" as defined in General Limitation Order L-261.

(xiv) Looseleaf binders.

(xv) Specialty bags.

(xvi) A "flashlight" as defined in General Limitation Order L-71.

(2) A "converter" is any person who, regardless of the identity or nature of his business, manufactures or assembles any converted product.

(b) *Computation of quotas for a portion of a calendar quarter.* Each converter whose quota provisions for a current calendar quarter are affected by this or any subsequent amendment to this order shall compute his permitted quota on a pro rata basis from the effective date of the order for the balance of the current calendar quarter.

(c) *Unrestricted consumption of pulp, paper and paperboard in the manufacture of certain converted products.* Any converter may consume any quantity of pulp, paper and paperboard in the manufacture and assembly of any converted product shown on List A of this order.

(d) *Restriction on consumption of pulp, paper and paperboard in the manufacture of certain named converted products.* (1) No converter shall consume in the manufacture or assembly of any converted product on List B, List C or List D of this order any quantity, in tons, of pulp, paper and paperboard greater than the quantity ascertained:

For the final quarter of 1943, and for each calendar quarter thereafter, by applying the entire percentage figure for each such converted product, as shown in paragraph (d) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the corresponding calendar quarter of 1942.

(2) The following percentage figures shall be used for the calculations described in the preceding paragraph (d) (1):

	Percent
(i) List B products	110
(ii) List C products	100
(iii) List D products	80

(3) [Deleted Oct. 5, 1943]

(e) *Restrictions on consumption of pulp, paper and paperboard in the manufacture of converted products not specifically listed.* (1) No converter shall during the final calendar quarter of 1943 or during any calendar quarter thereafter consume in the manufacture or assembly of any converted product not named on List A, List B, List C or List D of this order, any quantity, in tons, of pulp, paper and paperboard greater than 65 percent of the tonnage consumed in the manufacture or assembly of such converted product during the corresponding calendar quarter of 1942.

(2) In the instance of any converted products not named on any of the lists of this order, the following processes and operations shall not be considered as processing:

(i) Cutting, trimming or rewinding to a different size when such is performed as part of any established finishing room procedure and provided the paper or paperboard so processed is not intended for a use which serves to defeat the purpose of the order. (*Example:* the cutting of plain paper to a given size for use as a tray cover, the manufacture of which is curtailed by this order).

(ii) Punching or corner cutting.

(iii) Super-calendering.

(iv) Laminating.

(v) Coating, friction calendering, flint glazing, plating and embossing.

(vi) Collating and binding.

(vii) Printing, when such contributes to the functional value of the product to such a degree that the product would be incapable of performing the use intended if not printed, (*Examples:* advertising streamers, posters, menus, programs, timetables, sheet music, patterns, decalcomania transfers, checks), or when such printing is an intermediate process in the manufacture of an article or type of converted paper.

(viii) Printed wrappers (excluding gift wrappings) when printing is the only conversion operation other than cutting or trimming.

(ix) Embossing, corrugating, creping and crinkling for industrial and non-decorative uses.

(f) *Alternate method of calculating quotas.* As an alternate method of calculating quarterly quotas for any converted product, any person may, after the filing of a notice in writing with the War Production Board, elect to apply the percentages established by paragraphs (d) and (e) (1) of this order to one fourth of his total yearly consumption of pulp, paper and paperboard in such product during 1942. When such election has been made and the required notice in writing has been given to the War Production Board, the method of determining quotas may not thereafter be changed.

(g) *Converter's responsibility in determining coverage of this order.* It shall be the duty of each converter to determine in the first instance which of his products are included among the converted products referred to in this order. In case of doubt he may apply to the War Production Board in writing describing the product in question, for a specific ruling determining whether or not the same is so included. The War Production Board may of its own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(h) *Inventory restrictions.* (1) No person shall knowingly deliver to any converter and no converter shall accept delivery of, any quantity of any grade of pulp, paper or paperboard if the inventory of such grade in the hands of the converter accepting delivery is, or will by virtue of such acceptance become, either

(i) In excess of two carloads, or

(ii) If in excess of two carloads, greater than 45 days' supply, on the basis of either his average rate of consuming such grade of pulp, paper or paperboard for the preceding quarter or his average rate of consuming such grade of pulp, paper or paperboard as projected for the then current quarter.

(2) After January 1, 1944, no person shall knowingly deliver to any converter and no converter shall accept delivery of, any quantity of any grade of pulp, paper or paperboard if the inventory of such grade in the hands of the converter accepting delivery is, or will by virtue of such acceptance become, either

(i) In excess of two carloads, or

(ii) If in excess of two carloads, greater than 30 days' supply, on the basis of either his average rate of consuming such grade of pulp, paper or paperboard for the preceding quarter or his average rate of consuming such grade of pulp, paper or paperboard as projected for the then current quarter.

(i) *Allocations.* The War Production Board may from time to time direct the production and delivery of specific quantities of any converted product included in this order. Such directions will be made to insure the satisfaction of war requirements both direct and indirect and essential civilian requirements and shall take precedence over any preference rating to the extent indicated by the War Production Board.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(m) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Paper Division, Washington 25, D. C. Ref: M-241-a.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—UNRESTRICTED PRODUCTION

Abrasive papers
Adding machine and business machine rolls
Air force emergency packs
Army ration containers
Automotive oil cartridges
Balloons (direct military only)
Blankets
Blueprints and direct line papers
Bomb fins
Bomb rings
Bombs
Building boards
Cable insulation
Calender rolls (for paper and other finishing machinery)
Camouflage paper
Cape for glass bottles and jars
Caps, pads, cushions and guards for fruit and vegetable packing
Carbon paper
Charts, rolls and tape for communication and recording instruments and machines
Cigarette paper books
Clock backs and cases
Clothing
Condensers—component parts thereof
Control knobs and dials
Cores and core plugs
Crepe cellulose wadding
Dental mouth wadding
Diaper linings
Diaphragms—pump and carburetor
Dust and dirt covers and seals for motors, journals, etc.
Dust masks
Egg case fillers and flats
Embalming, surgical and obstetrical sheets
Faces for gauges, clocks and weighing equipment.
Fibre conduit and fittings
Filters
Flare spacers
Friction pulleys and wheels
Fuses and component parts thereof
Garbage and utility cans
Gas detection armbands and similar products
Gas mask canisters and mask parts
Gas protection capes, tarpaulins & similar products
Gaskets
Gears
Grenades and grenade containers
Gummed sealing and corrugated tape
Gummed stay tape
Gun & rifle protection sleeves
Helmets and helmet accessories
Hospital wadding
Industrial receptacles such as tote boxes, cans, barrels and trucks
Instrument panels
Insulation boards
Impervious papers and specialty containers made therefrom, including waxed, for direct war use but limited to those grades covered by specifications issued by the U. S. Army, U. S. Navy, U. S. Marine Corps, or the Federal Standard Stock Catalog
Jettison tanks
Lens tissue
Lithomat and photomat paper
Milk bottles, milk bottle hoods and milk bottle caps
Mimeograph stencils
Nuts and screws
Paper base plastics
Parachutes and parachute spreaders
Photographic and photo copying papers
Plant protectors
Poultry incubators, brooders and feeders
Prepared tracing
Pressure sensitive adhesive tape.
Plates and mats—printing, lithographic, duplicating and reproduction
Ration bags
Roofing, shingles and building papers (treated)
Sanitary napkins
Seed packets for use by original growers or packers of seed
Shell containers
Shoes and component parts thereof
Shotshell and ignition cartridges
Surgical bandages
Surgical masks and caps
Tabulating cards
Tags, commercial and industrial only (unprinted)
Tank and transformer liners
Targets
Tea ball bags, but limited to bags for small broken leaf, fannings, siftings and dust
Telephones, component parts of
Textile cores, tubes and spools
Toilet seat covers
Twisted paper including but not limited to yarn, twine, cord, rope and strapping
Valves
Vegetable parchment
Veneer tape
V-mail blanks
Vulcanized fibre
Wall boards
Waterproof and moistureproof packaging papers (asphalt and resin impregnated and laminated)

LIST B—PRODUCTS PERMITTED AT 110% OF 1942

Envelopes, in all styles except expansion type
Fillers, looseleaf (except accounting)
Household waxed paper, all styles
Index cards, plain and ruled
Paper stationery and papeteries
Straws (soda and drinking)
Tablets, pads and notebooks
Toilet tissue, other than facial type of two ply or more
Towels for industrial use
Waxed and oiled paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war use as provided in List A.

LIST C—PRODUCTS PERMITTED AT 100% OF 1942

NOTE: "Towels * * *" deleted Feb. 16, 1944.

Artificial leather
Buttons
Cake boards
Concrete forms
Dental pinafores
Dishes and plates
Facial tissue
File cabinets
Forks and spoons
Fruit and vegetable wrappers for apples, pears, peaches, lemons and tomatoes in the instance of original shipments
Gummed flat paper
Hat and cap visors
Headrest rolls
Jacquard cards
Light shades and reflectors
Lunch boxes
Napkins, for industrial and institutional use (bulk and dispenser type)
Napkins for home use (retail packages)
Permanent wave pads
Photo mailers
Photo mounts
Sales tax tokens
Shirt bands
Stereotype mats
Tympan paper

LIST D—PRODUCTS PERMITTED AT 80% OF 1942

Barber's neck bands
Carpets and rugs
Expanding envelopes or pockets
File dividers and indexes
Fly paper
Fly ribbons
Folders (file)
Games and toys of all types (except playing cards)
Music and player piano rolls
Slippers
Snap, button, hook and eye and zipper cards
Soap wraps, including all component parts thereof except wax paper
Textile boards, excluding shirt boards
Toilet tissue, facial type of two or more ply
Towels for home use (Retail package)
Venetian blinds
Vertical file pockets
Window shades

LIST E [Deleted Oct. 5, 1943]

[F. R. Doc. 44-2257; Filed, February 16, 1944; 11:16 a. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L-161, as Amended Feb. 16, 1944]

ELECTRIC FUSES

§ 3284.61 *General Limitation Order L-161*—(a) *Definitions.* For the purposes of this order:

(1) "Electric fuse" means a thermal device used in an electrical circuit to prevent the flow of electricity in excess of a specified capacity in amperes. The term does not include an electric fuse of 2300 volt size or larger, or a "circuit breaker."

(2) "Non-renewable" electric fuse means a fuse containing a fuse link which cannot readily be replaced.

(3) "Manufacturer" means any person who makes, fabricates, assembles, casts or in any way processes material for the manufacture of electric fuses.

(4) "Copper" means unalloyed copper metal.

(5) "Copper base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the metal.

(b) *Restrictions on manufacture.* (1) No manufacturer may use in the manufacture, casting, processing or assembly of a non-renewable electric fuse any copper or copper base alloy except as a conductor of electric current.

(2) After April 1, 1944, no manufacturer may use in the manufacture, casting, processing or assembly of a non-renewable electric fuse any vulcanized fibre tubing. As exceptions to this rule, vulcanized fibre tubing may be used in the following types of uses:

(i) Fuses rated 61 amperes or more;

(ii) Fuses rated 600 volts or more;

(iii) Time delay non-renewable cartridge fuses;

(iv) Any fuse (other than midget type) which is manufactured to fill an order from or for the account of the Navy or from any other person for use by the Navy;

(v) Any fuse (other than midget type) which is manufactured to fill an order from any person for direct application to 440 volt A. C. circuits on vessels of the United States Maritime Commission or the War Shipping Administration.

In addition to the above exceptions, a manufacturer may use in the manufacture of fuses any vulcanized fibre tubing which he has in his inventory on April 1, 1944, but if such tubing is suitable for this paragraph, it must be so used.

(c) *Restrictions on sale and delivery.* No manufacturer may sell or deliver any electric fuse or any component part of an electric fuse except: (1) to fill an order carrying a rating of AA-5 or higher; (2) to another manufacturer; (3) as a replacement part (as defined in General Limitation Order L-158); or (4) to fill an order for a component part essential for repair of electronic equipment, pursuant to paragraph (b) (2) (iii) of Order L-265. This restriction applies only to manufacturers.

(d) *Applicability of regulations.* This order, and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(e) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-147 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(f) *Communications.* All reports and communications concerning this order shall be addressed to: War Production Board, Building Materials Division, Washington 25, D. C., Ref: L-161.

(g) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

NOTE: Interpretation 1 superseded Dec. 17, 1943.

[F. R. Doc. 44-2269; Filed, February 16, 1944; 11:16 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT [1]

[General Limitation Order L-74, as Amended Feb. 16, 1944]

OIL BURNERS

§ 3288.71 [1] *General Limitation Order L-74*—(a) *Definitions.* For the purpose of this order:

(1) "Oil burner" means any devise which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

(i) Mechanical, steam or air atomizer oil burner.

(ii) Vertical or horizontal rotary oil burner.

(iii) Mechanical vaporizing oil burner.

(iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment as defined in L-182.

(2) "Class A oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 5, No. 6 or heavier fuel oil, or which regardless of what grade fuel oil it burns, is designed or manufactured specifically for shipboard use or for heat processing.

(3) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 (except a Class C oil burner), No. 2, No. 3, or No. 4 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(4) "Class C oil burner" means any pot type vaporizing oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(5) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Numbers 1, 2, 3, 4, 5, and 6, bunker C, diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(6) "Replacement" means replacement of any oil burner by another oil burner.

(7) "New installation" includes an oil burner installed in a new heating plant or an oil burner installed as a conversion from any other fuel.

(8) "Producer" means any person who manufactures, fabricates or assembles oil burners.

(b) *Restrictions on producers of Class B oil burners.* No producer shall manufacture or assemble a Class B oil burner or deliver such a burner either assembled or in sets of parts except to fill an order already received, which has been approved on Form WPB-1319. He may produce or assemble such burners only to the extent necessary to fill orders on hand which he cannot fill from his inventory of completely assembled burners. Any person who wants to buy a Class B oil burner from a producer should file Form WPB-1319 in triplicate with the War Production Board, Plumbing and Heating Division, Washington 25, D. C.

(c) *Restrictions on delivery of Class B oil burners for installation; restrictions on installation.* No dealer or distributor may deliver a Class B oil burner for installation, either assembled or in sets of parts, and no person may install a Class B oil burner, except as follows:

(1) *Replacement.* A dealer may deliver any Class B oil burner from his stock for installation as a replacement, and the installation may be made, if the owner of the premises has applied for and obtained the approval of the appropriate War Production Board District office on Form WPB 1319. The dealer may deliver and the installation may be made without advanced approval from any source, if the burner to be replaced is over ten years old, or has actually broken down and is beyond repair during the season in which it is in use. No installation may be made for replacement unless the installer arranges to have the old burner scrapped or dismantled, but this requirement does not mean that the installer is entitled to take the old burner without the owner's consent or without crediting him with its value.

(2) *New installations.* Any person may deliver a Class B burner from a dealer's inventory for a new installation if the Petroleum Administration for War has specifically approved in writing the delivery of fuel oil for a Class B oil burner on the premises in question.[2] The authorization of a local War Price and Rationing Board to accept delivery of fuel oil will not be sufficient.

(3) *Food processing installations.* Any person may deliver a Class B burner from a dealer's inventory for use in raising and preparing crops, poultry, livestock and other agricultural products for market.

(4) *Burners assembled in other products.* If the War Production Board has approved the delivery of a Class B oil burner on Form WPB-1319 for physical incorporation in or assembly with another product, such as a water heater, further authority is not required for delivery of the other product, but the restrictions of L-79 (prohibiting delivery except to fill a rated order) must be complied with.

(5) *Sales to dealers.* Any dealer or distributor may sell or deliver any Class B oil burner to another dealer or distributor for resale.

(6) *Oversea shipment.* Any person may deliver a Class B burner to fill a rated order for shipment to a foreign country or a territory or overseas possession of the United States.

(d) *Restrictions on sale of Class A and Class C oil burners.* On and after January 4, 1944, Class A and Class C oil burners may be delivered only on orders bearing a preference rating of AA-5 or higher. In case of a new installation in the continental United States, application for preference rating must be accompanied by copy of authorization from the Petroleum Administration for War.[3]

(e) *General exception.* Regardless of the terms of this order, any Class B oil burner (as defined by this order as in force prior to June 28, 1943) authorized under an appeal from L-74 as in force prior to June 28, 1943, may be manufac-

[1] Formerly Part 1161, § 1161.1.

[2] Under PDO-13, as amended or supplemented from time to time. At present applications to the P. A. W. for approval are made by letter, which must be submitted in quadruplicate.

[3] Under PDO-13, as amended or supplemented from time to time.

[1] Formerly Part 3008, § 3008.1.

tured, fabricated, assembled and delivered.

(f) *Appeals.* Any appeals from the provisions of this order shall be filed on Form WPB–1477, formerly PD–500, with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(g) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L–74.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Bureau of the Budget.* The Bureau of the Budget has approved the use of Form WPB–1319 and other reporting requirements of this order, in accordance with the Federal Reports Act of 1942.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2262; Filed, February 16, 1944; 11:17 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT [1]

[General Limitation Order L–75, as Amended Feb. 16, 1944]

COAL STOKERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.76 [1] *General Limitation Order L–75*—(a) *Definitions.* For the purposes of this order,

(1) "Coal stoker" means any device designed and produced for the purpose of feeding coal as a fuel to a combustion chamber; including, but not limited to, any feed screw, ram, spreader, or moving grate. Coal stokers shall not include any device designed and produced for the purpose of feeding coal as a fuel to a locomotive.

(2) "Class A coal stoker" means any coal stoker which has a grate area of 36 square feet or less, and a coal feeding capacity in excess of 60 pounds per hour. For the purpose of this paragraph, side dump plates designed to burn coal shall be considered a part of the grate area.

(3) "Class B coal stoker" means any coal stoker which has a maximum coal feeding capacity not in excess of 60 pounds per hour.

(b) *General restrictions*—(1) *Restrictions on orders for Class A coal stokers.* No person shall place an order for the manufacture of a Class A coal stoker unless such order is accompanied by the authorization of the War Production Board on Form WPB–1319. Any order so authorized by the War Production Board shall be deemed a "rated order" for the purposes of § 944.2 of Priorities Regulation No. 1. Use of Form WPB–1319 has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) *Restrictions on delivery.* On and after the 4th day of November, 1942, notwithstanding any contract or preference rating, no manufacturer of a Class A coal stoker shall deliver or transfer any such stoker except:

(i) In accordance with specific authorization given by the War Production Board.

(ii) Such Class A stokers as are listed as unfilled orders in the schedule required to be filed with the War Production Board by paragraph (b) (3) of this order.

The War Production Board may, in its discretion, at any time before delivery of a Class A stoker by a manufacturer, revoke or modify any authorizationfor the delivery of a Class A stoker granted under the provisions of this paragraph (b).

(3) *Filing of schedule of production and delivery by manufacturers of Class A coal stokers.* On the 4th day of November, 1942, each manufacturer of Class A coal stokers shall file, by registered mail, a schedule of production and delivery with the War Production Board, Plumbing and Heating Division, Washington, D. C., setting forth the following information:

All unfilled orders for Class A coal stokers received on or before the 4th day of November, 1942; a brief description of each stoker (including feeding capacity in pounds per hour and extent of completion); the schedule date of each delivery and the name and address of the person ordering each stoker, together with any preference rating applied or extended to such delivery.

No manufacturer shall change the date of any delivery as so scheduled to a later date without specific authorization from the War Production Board.

(4) *Specific exemptions.* Until the 23rd day of November, 1942, the provisions of this paragraph (b) shall not apply to any order for Class A coal stoker to be used by the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(5) *Restriction on manufacture of Class B stokers.* No person shall manufacture a Class B stoker.

(c) *Manufacture of replacement parts.* Nothing in this order shall be construed to prohibit or restrict the manufacture of replacement parts for any type of coal stoker.

(d) *Avoidance of excessive inventories.* No person shall accumulate inventories of any materials (whether raw, semi-processed or processed) for manufacture into coal stokers in excess of the minimum amount necessary to maintain production of coal stokers to the extent permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each manufacturer to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(k) *Applicability of other orders.* Insofar as any other order heretofore or hereafter issued by the War Production Board, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(l) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L–75.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2263; Filed, February 16, 1944; 11:17 a. m.]

[1] Formerly Part 1160, § 1160.1.

PART 3289—RADIO AND RADAR

[General Limitation Order L–151, as Amended Feb. 16, 1944]

DOMESTIC WATTHOUR METERS

§ 3289.11 *General Limitation Order L–151*—(a) *Definition.* Wherever it appears in this order, the term "domestic watthour meter" is used to mean any device designed and manufactured for the purpose of measuring the consumption of electrical energy with respect to time, and includes single phase, two and three wire types, with capacities up to 25 amperes and voltages up to 240 volts, for use on alternating current of any frequency. The term does not include electric energy meters for use on direct current or on polyphase circuits, maximum demand meters, or integrating meters, calibrated in terms other than electric energy (i. e., meters integrating weight, pressure, etc.).

(b) *Prohibition of production.* No person shall manufacture or assemble any new domestic watthour meters or any new parts for the conversion of domestic watthour meters from one to another type. This order does not prohibit the use or delivery of existing parts for the conversion of domestic watthour meters from one to another type, such as the conversion of non-socket to socket type meters, three-wire to two-wire or two-wire to three-wire meters, or meters from one current rating to a higher current rating.

(c) *Restrictions on delivery.* No person shall deliver or accept delivery of any new domestic watthour meter unless it is a delivery:

(1) To or for the account of the Army, Navy, Maritime Commission or War Shipping Administration.

(2) Between persons who own or operate electric power utilities which serve the public generally.

(3) Authorized by the War Production Board on Form WPB–1319. Any prospective purchaser may apply for such an authorization by filing Form WPB–1319 in accordance with the current instructions for filing such forms. These form applications should be filed with the nearest Utility Inventory Control Office of the War Production Board, addressed to the attention of the Regional Utility Engineer. The locations of these Regional Utility Inventory Control Offices are given on List A at the end of this order. As a general rule, favorable consideration will be given to the purchase of new domestic watthour meters only where one or more of the following factors appear to establish the need for them:

(i) The meters are to measure the consumption of electric energy by individual homes in a war housing project, which cannot be metered with a master meter, and delay in obtaining individual used meters would delay the occupancy of such dwellings.

(ii) The meters are required for the replacement in service of damaged meters, and the applicant cannot obtain prompt delivery of used meters for that purpose, and does not have such meters available in his own inventory for replacements.

(iii) Special or emergency conditions require the prompt delivery of new meters.

Unless one of the above conditions exists, a prospective purchaser should obtain his requirements of domestic watthour meters from such sources of supply as the excess inventories of electric utilities, used meter dealers, and meter repair shops. Information as to excess stocks of such meters in the hands of utilities may be obtained from Regional Utility Inventory Control Offices (See List A at the end of this order).

(d) *Parts for maintenance or repair.* The provisions of paragraphs (b) and (c) of this order on production and delivery do not apply to the production or delivery of parts for the maintenance or repair of domestic watthour meters. No person, however, shall manufacture so many of such parts that his inventory thereof will at any time exceed his average monthly inventory of such parts during the calendar year 1941.

(e) *Monthly reports.* On or before the tenth day of each calendar month each manufacturer of domestic watthour meters shall file with the War Production Board a report, in duplicate, in letter form, which shall show the following information as of the first of the month:

(1) Inventory of domestic watthour meters.

(2) Deliveries of domestic watthour meters during the preceding calendar month.

(3) Unfilled orders on hand for domestic watthour meters.

(f) *Applicability of War Production Board regulations and orders.* This order and all things done under it are subject to the provisions of all applicable regulations and orders of the War Production Board.

(g) *Violations and penalties.* Any person who wilfully violates any provision of this order, or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment; or any such person may be deprived of any or all priorities assistance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

(h) *Appeals from this order.* Any person may appeal for relief from any provision of this order by writing a letter which explains fully what provisions he is appealing from and why he thinks he should be relieved from those provisions. He should send this letter, with two signed copies, to the War Production Board.

(i) *Letters and reports.* Letters about this order, or reports filed under it, should be addressed to the War Production Board, Washington 25, D. C., Ref: L–151; and the reports required by paragraph (e) of the order should be addressed to the attention of the Office of War Utilities. All other letters or reports, however, should be addressed to the attention of the Radio and Radar Division. All reports and forms required by this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—ADDRESSES OF REGIONAL UTILITY INVENTORY CONTROL OFFICES

17 Court St., Boston, Mass.
350 Fifth Ave., New York, N. Y.
1617 Pennsylvania Boulevard, Philadelphia, Pa.
116 Candler Building, Atlanta, Ga.
800 First National Bank Building, Pittsburgh, Pa.
226 West Jackson Boulevard, Chicago, Ill.
Mutual Interstate Building, Kansas City, Mo.
1221 Mercantile Bank Building, Dallas, Tex.
Continental Oil Building, Denver, Colo.
1031 South Broadway, Los Angeles, Calif.
7310 Woodward Ave., Detroit, Mich.
334 Midland Bank Building, Minneapolis, Minn.
Bedell Building, Portland, Oreg.

[F. R. Doc. 44–2268; Filed, February 16, 1944; 11:16 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L–98 as Amended Feb. 16, 1944]

DOMESTIC SEWING MACHINES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.280 *General Limitation Order L–98*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic sewing machine" means any sewing machine designed for household use.

(2) "Attachment" means any special purpose detachable device which is designed for use with a domestic sewing machine but which is not essential to the most simplified operation of such machine.

(3) "Sewing machine part" means any part (including, but not limited to, a needle, an electric motor, a cabinet, a portable base, a cover, a table or a stand) of a domestic sewing machine, but does not include an attachment.

(4) "Attachment part" means any part of an attachment.

(5) "Repair part" means any sewing machine part used for the purpose of repairing or replacing a similar part which through wear, tear or damage has caused a domestic sewing machine to become unfit to perform its function of sewing in the most simplified manner. Repair part shall not include any attachment part.

(6) "To produce a new domestic sewing machine" means to complete the manufacturing operations on a new domestic sewing machine other than the final assembly of the machine head into a cabinet, portable base and cover, or table and stand.

(7) "Manufacturer" means any person who produces any new domestic sewing

machine or who manufactures or assembles any sewing machine part, attachment or attachment part.

(8) "Restricted period" means the period from April 25, 1942 to June 15, 1942, inclusive.

(9) "Average daily production" or "average daily manufacture" means the total production or manufacture within a specified period divided by the number of days (including Sundays and holidays) contained in such period.

(10) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(b) *General restrictions.* (1) During the restricted period no manufacturer shall:

(i) Produce more new domestic sewing machines than 75% of his average daily production of such new machines in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period; or

(ii) Manufacture more new attachments of any type than 75% of his average daily manufacture of new attachments of such type in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period.

(2) No manufacturer shall manufacture any new sewing machine parts except that during the year 1944 a manufacturer may produce sewing machine parts for use as repair parts under the following conditions:

(i) He may put into process in the manufacture of needles not more iron and steel than 75% of the iron and steel, by weight, contained in the needles manufactured by him during the two-year period ending December 31, 1941;

(ii) He may put into process in the manufacture of sewing machine parts (other than needles) not more iron and steel than 62½% of the iron and steel, by weight, contained in the sewing machine parts (other than needles) manufactured by him for use as repair parts during the two-year period ending December 31, 1941; and

(iii) He may not put into process any non-ferrous metal except that copper and copper base alloy may be used for the purpose of conducting electricity, provided that he does not put into process more copper and copper base alloy than 50% of the amount of copper and copper base alloy, by weight, used for the purpose of conducting electricity in the sewing machine parts produced by him for use as repair parts during the two-year period ending December 31, 1941.

(3) No manufacturer shall on and after May 25, 1942, and no person other than a manufacturer shall on and after July 15, 1942, install any new sewing machine part, other than a repair part, in a new or used domestic sewing machine, except to complete the new domestic sewing machines, the production of which is permitted under the terms of paragraph (b) (1).

(4) On and after June 16, 1942, no manufacturer shall:

(i) Produce any new domestic sewing machines or (except as provided in paragraph (b) (5) of this order) assemble any new sewing machine parts for the production of such machines; or

(ii) Manufacture or assemble any new attachments or new attachment parts.

(5) Nothing in the foregoing provisions shall limit the final assembly by a manufacturer or any other person of a new domestic sewing machine head into a cabinet, portable base and cover, or table and stand: *Provided*, That such head, cabinet, base and cover, or table and stand were not produced or manufactured in violation of the terms of this or of any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board.

(6) Manufacturers shall sell materials in their inventory only in accordance with the provisions of Priorities Regulation No. 13 (Part 944) and all other applicable orders and regulations.

(c) *Restrictions on transfer of domestic sewing machines.* On and after June 5, 1943, no manufacturer of domestic sewing machines shall transfer the physical possession of or title to:

(1) Any domestic sewing machines except in accordance with a letter of authorization from the War Production Board to be issued prior to June 14, 1943, which letter will permit the transfer without restriction of all domestic sewing machines other than those specified in paragraph (c) (2) below.

(2) Any domestic sewing machines which are required by the Army or Navy of the United States, the War Shipping Administration, the United States Maritime Commission or for lend-lease and export purposes. The domestic sewing machines not released by the letter of authorization referred to in paragraph (c) (1) above are to be held for transfer to the persons or for the purposes specified in this paragraph (2). In order to obtain a release for any of such domestic sewing machines, a specific authorization of the War Production Board is required on Form WPB–1319 pursuant to an application filed on said Form.

(d) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of domestic sewing machines, attachments, or parts thereof inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of domestic sewing machines, attachments, or parts thereof at the rates permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as such board shall from time to time prescribe.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of domestic sewing machines, attachments, sewing machine parts or attachment parts to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumer Durable Goods Division, Washington, D. C., Ref.: L–98.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2264; Filed, February 16, 1944; 11:17 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L–140–a as Amended Feb. 16, 1944]

CUTLERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals used in the production of cutlery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.175 *General Limitation Order L–140–a*—(a) *Definitions.* For the purposes of this order:

(1) "Cutlery" means any professional food processing cutlery, as defined in Schedule A, any professional kitchen cutlery, as defined in Schedule B, any household kitchen cutlery, as defined in Schedule C, any household table cutlery, as defined in Schedule D, any pocket cutlery, as defined in Schedule E, any scissors, shears and trimmers, as defined in Schedule F, any hand hair or fetlock clippers, as defined in Schedule G, any industrial cutlery, as defined in Schedule H, and any hunting or fixed blade sheath knife, any carving sets, any poultry shears, any implement designed or intended for manicuring, for pedicuring or for extracting blackheads, including but not limited to nail files, nail nippers, nail clippers, pushers, picks, cuticle scissors, cuticle pushers, cuticle clippers and cuticle nippers, and any other hand operated, fixed or folding, cutting blade or fork with a handle or handles of any material attached so as to become an integral part of the implement. "Cutlery" shall not include any article of flatware, as defined in Order L–140–b, when issued, or any of the articles subject to Order L–30–d, as amended from time to time, or surgical instruments.

(2) "Manufacturer" means any person engaged in the business of fabricating or assembling any new cutlery from any raw material, purchased parts or previously used or fabricated material, or who performs any hand or mechanical fabricating or assembling operation on an article of cutlery.

(3) "Process" means the first change by a manufacturer in the form of material (whether raw material, semi or fully fabricated material or finished parts) from that form in which it is received by him, or the first assembly by a manufacturer of material which is not changed in form by him. Any manufacturer who did not maintain records during the base period as to his processing of metals in terms of weight, but who maintained records in terms of units of cutlery only, may apply all percentages contained in this order and schedules in terms of units rather than in terms of weight.

(4) "Base period" means the period beginning July 1, 1940 and ending June 30, 1941, inclusive.

(5) Gauges when referred to in this order, are subject to commercial tolerances.

(b) *Restrictions on kinds of cutlery which may be manufactured.* No manufacturer shall process any metal for new cutlery which is not of a type defined in a schedule in this order.

(c) *Restrictions on quantity of cutlery produced.* No manufacturer shall process more metal in the production of any new cutlery than the amount specified for that class of cutlery in the appropriate schedule attached to this order.

(d) *Exceptions for military orders.* In addition to the production permitted by paragraph (c) above a manufacturer may process sufficient additional amounts of metal to fill purchase orders or contracts for cutlery to be delivered by him to or for the account of

(1) The War Shipping Administration,

(2) The United States Maritime Commission,

(3) The United States Navy (excluding purchase orders placed by or for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB–1319, pursuant to an application filed on said Form, the filling of purchase orders for cutlery for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale within but for use outside the 48 United States and the District of Columbia. Form WPB–1319 is to be filed and executed only by the Bureau of Naval Personnel, Navy Department, Washington, D. C., and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified.

(4) The United States Army (excluding purchase orders placed by or for delivery to United States Army post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specially authorize on Form WPB–1319, pursuant to an application filed on said form, the filling of purchase orders for cutlery for delivery to and use by post exchanges located in areas designated by the United States Army as "staging areas." Form WPB–1319 is to be filed and executed only by the Army Exchange Service of New York, and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified.

(e) *Specifications.* No manufacturer shall process any metal for the production of any new cutlery which does not conform to the specifications contained in the applicable schedules in this order except that these specifications do not apply to orders for household table cutlery, pocket cutlery and hunting or fixed blade sheath knives, or orders for other cutlery accepted by the manufacturer prior to July 1, 1943: *Provided*, That such orders are for the agencies specified above in paragraph (d).

(f) *Metal restrictions.* No manufacturer shall process any metals other than iron, carbon steel, gold and silver in the production of cutlery, except

(1) Lead for bolsters or rivets;

(2) Chromium for plating;

(3) Zinc as provided in Schedule G and H of this order subject to the restrictions contained in the M–11 series, as amended from time to time.

(g) *Hardness of knife blades and sharpening steels.* No manufacturer shall process any steel for the production of:

(1) Knife blades for cutlery which when finished tests less than 45, Rockwell C Scale;

(2) Sharpening steel which when finished tests less than 62, or more than 68, Rockwell C Scale.

(h) *Special provision affecting distribution of overruns, rejects and cancellations.* When material for the production of cutlery is obtained with priorities assistance and, because of cancellations of orders or other reasons, can no longer be used for the purpose for which the assistance was given, such material may only be used as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1. Similarly, when such material has been manufactured into cutlery to fill a specific contract and that cutlery, because of overruns, rejects, cancellations or other reasons, cannot be used for that purpose, it may be used or disposed of only as allowed in that section. One of the ways in which these materials or products may be used or disposed of is outlined in subparagraph (5) of that paragraph, which permits use and disposal in any manner specifically authorized in writing by the War Production Board. Applications for such authorization may be made on Form WPB–1319.

(i) *Partial revocation of L–140.* On and after July 1, 1943, the restrictions contained in L–140 are hereby superseded and L–140 is hereby revoked in so far as it applies to the production of any cutlery other than silver plated flatware restricted in paragraph (b) (5) of that order.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of cutlery inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(k) *Reports.* (1) Prior to July 15, 1943, every manufacturer of cutlery shall execute and file in duplicate with the War Production Board, Washington 25, D. C., Ref: L–140–a, a report as to the aggregate amount of all metals processed by that manufacturer during the base period and grouped in accordance with the classes as specified in the definitions contained in the individual schedules attached to this order. Manufacturers who compute their processing of metals in units in accordance with paragraph (a) (3) of this order may file such report in units. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington 25, D. C., Ref.: L–140–a, on or before the 10th day of July, 1943, and on or before the 10th day of each calendar month thereafter, Form WPB–1600 (formerly PD–655).

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time, except as provided in paragraph (j) (2).

(m) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (PD–500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(o) *Communications.* All reports to be filed hereunder or communications concerning this order should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–140–a.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—PROFESSIONAL FOOD PROCESSING CUTLERY

Definitions. "Professional food processing cutlery" means any hand operated knives, cleavers, splitters, sharpening steels, beef tiers, ham stringers, coring hooks, canning or pitting spoons, and other hand cutlery designed for, but not limited to, use in packing houses, quick-freezing plants, canneries and dehydrating plants for slaughtering, cleaning, dressing, boning and otherwise processing meats, poultry, fish, vegetables, fruits, and other food stuffs; and also hand cutlery designed for, but not limited to, use in butcher shops and provision markets for the further processing of meats and other foods.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon, and does not apply to the grind or finish of the blade or bowl, or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional food processing cutlery except that which conforms to the following specifications.

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Minimum length in inches
Butcher knife. Not lighter than .063" in thickness	1	4	6
Steak knife (Scimitar shape)	1	2	10
Trimming or heading knife	1	1	-------
Ribbing knife	1	1	-------
Boning knife (Straight blade)	2	2	-------
Boning knife (Curved blade)	1	1	-------
Sticking knife	1	1	6
Sticking knife (chicken)	1	1	-------
Sticking knife (turkey)	1	1	-------
Skinning knife	2	1	-------
Pinners knife (pinfeather)	1	1	-------
Sharpening steels	1	3	-------
Fish slitting or gutting knife	1	1	-------
Fish splitting knife	1	1	-------
Fish sliming knife	1	1	-------
Fish filet knife	1	1	-------
Clam knife	1	1	-------
Oyster knife	2	1	-------
Scallop knife	1	1	-------
Sponge or fishermen's sheath knife	1	1	-------
Ham stringer	1	1	-------
Beef tier	1	1	-------
Fruit canning knife (California type)	1	3	-------
Canning knife (California type)	1	1	-------
Tomato knife	1	1	-------
Beet topping knife	1	1	-------
Pitting spoon	3	1	-------
Tomato spoon	1	1	-------
Coring hook	2	1	-------
Cleavers	2	1	-------
Splitters	2	1	-------

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional food processing cutlery more iron and steel in the aggregate than 225% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional food processing cutlery.

SCHEDULE B—PROFESSIONAL KITCHEN CUTLERY

Definitions. "Professional kitchen cutlery" means any hand operated knives, forks, scrapers, turners and spatulas used in the preparation of food, designed for, but not limited to, use in the bakery trade and in kitchens of hotels, restaurants, cafeterias, hospitals, institutions and other public eating places.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length," unless otherwise specified, means the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Length in inches
Butcher knife (not heavier than .072" in thickness, nor lighter than 0.65" in thickness).	1	2	8" Maximum.
Cook's knife (Sabatier shape, no heel, no bolster)	1	2	8" Minimum.
Meat slicer	2	1	10" Minimum.
Utility slicer	2	1	8" Maximum. 5" Minimum.
Paring knife	2	1	3½" Maximum
Cook's fork (forged blade).	1	1	14" including handle.
Cook's fork (blanked blade, hardened and tempered).	1	1	
Spatula	1	3	8" Minimum.
Baker's scraper (1 weight of blade only).	1	1	
Cake turner (spatula type).	1	1	
Hamburg turner (spatula type).	1	1	

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household kitchen cutlery more iron and steel in the aggregate than 75% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional kitchen cutlery.

SCHEDULE C—HOUSEHOLD-KITCHEN CUTLERY

Definitions. "Household kitchen cutlery" means hand operated knives and forks used in the preparation and serving of food, and designed for use in home kitchens.

"Pattern" means the outline shape of the blade of a knife or fork. It does not apply to the grind or finish of the blade or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	Length in inches
Slicer	2	1	9" maximum
Cook's fork (blanked blade, hardened and tempered).	1	1	10½" maximum (including handle).

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household kitchen cutlery more iron and steel in the aggregate than 35% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household kitchen cutlery.

SCHEDULE D—HOUSEHOLD TABLE CUTLERY

Definitions. "Household table cutlery" means any knife, fork, spoon or any other cutlery of plated or unplated metal, with handles made of other material than metal, designed for the actual serving and eating of food in the home, other than all metal flatware.

"Pattern" means the outline shape of the blade of a knife or fork or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household table cutlery except that which conforms to the following specifications:

Description of item	Maximum No. of patterns	Maximum No. of lengths per pattern
Table knife	1	1
Dessert fork	1	1
Dessert spoon	1	1
Teaspoon	1	1

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household table cutlery more iron and steel in the aggregate than 50% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household table cutlery.

SCHEDULE E—POCKET CUTLERY

Definitions. "Pocket cutlery" means any folding blade knife.

"Pattern" means the outline shape of the skeleton or frame. It does not apply to the shape of, number of or finishes of blades, or to the type of material, finish or color of the handle.

"Length", unless otherwise specified, means the outside measurement of the skeleton or frame of the knife, subject to a tolerance (plus or minus) of 1/16th inch.

"Number of blades per knife" refers only to the number of blades which may be fastened directly or indirectly to each skeleton or frame and does not refer to the shape or finish of the blades. Different styles of blades may be mounted on the same pattern of skeleton or frame. For instance, the specifications state that not more than one blade may be fastened to each skeleton or frame of a pruning, maize or navy knife. The manufacturer may produce as many styles of blades for such pruning, maize or navy knives as he wishes, so long as each completed knife contains only a single blade, irrespective of its style.

Permissible types. No manufacturer shall process metal in the production of pocket cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	No. of blades per knife
General utility knife	1	1	Maximum 4.
Premium stock knife or cattle knife.	3	1	Maximum 3.
Jackknife. No. of weights, 2.	1	3	2 only.
Pruning, maize or navy knife.	1	1	1 only.
Budding or grafting knife.	1	1	1 only.
Electrician's knife	1	1	2 only.
Scout knife	1	1	4 only.
Self opening knife	1	2	1 only.

No item in this List E may be made with a handle less than 3¾ inches in length nor less than ⅝ of an inch in thickness at the narrowest point.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of pocket cutlery more iron and steel in the aggregate than 60% of the average quarterly amount of iron, steel and other metals in the aggregate processed by that manufacturer during the base period in his production of pocket cutlery.

SCHEDULE F—SCISSORS; SHEARS AND TRIMMERS

Definitions. "Scissors" means any two bladed, hand operated cutting implement having two rings, each of a size sufficient to accommodate not more than one finger or thumb in each ring, designed for use in industrial plants, schools, dressmakers' establishments, department stores, homes, etc., for cutting cloth, paper and miscellaneous materials; including nail scissors, but excluding surgical scissors and barber shears and scissors.

"Shears and trimmers" means any two bladed, hand operated cutting implement having one ring of a size sufficient to accommodate two or more fingers and a second ring which is smaller and barber shears or scissors possessing a protruding finger rest, but not including animal and agricultural shears and trimmers or metal cutting shears or snips.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of scissors more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of scissors.

During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of shears and trimmers more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of shears and trimmers.

SCHEDULE G—HAND HAIR CLIPPERS

Definitions. "Hand hair clippers" means clippers operated by hand, designed for but not limited to use in barber shops, beauty parlors, hospitals or homes for cutting human hair, and including fetlock clippers.

"Length" means the over-all measurement of the article from the tip of the stationary handle to the tip of the cap or head.

"Pattern" means the outline shape of the head, cap and handles, including horns and finger rests of the completed article, without the plates. It does not refer to the finish, color or weight of the article.

Permissible types. No manufacturer shall process metal in the production of any hand hair clippers except those which conform to the following specifications:

General description	Maximum No. of patterns	Maximum No. of lengths
Large heavy duty clippers	1	1
Light weight clippers	1	1
Fetlock clippers	1	1

Permissible amount of metal. During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new large heavy duty hand hair clippers and fetlock clippers more iron, steel and zinc in the aggregate than 45% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new large heavy duty hand hair clippers, and fetlock clippers.

During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new light weight hand hair clippers more iron, steel and zinc in the aggregate than 25% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new light weight hand hair clippers.

Restrictions on distribution. On and after July 1, 1943, no manufacturer shall transfer the physical possession of or title to any new light weight hand hair clipper produced after that date except to or for the account of persons acquiring such light weight hand hair clippers for export to and consumption or use in a foreign country.

SCHEDULE H—INDUSTRIAL CUTLERY

Definitions. "Industrial cutlery means hand operated knives or similar articles designed for use primarily in, but not limited to, shoe, rubber, linoleum, electrical and other manufacturing plants; and in the shipbuilding, storage battery, automotive, tire repair, painting, furniture, office supply and other trades; including but not limited to putty knives, scrapers, wallpaper trimmers, paper hangers' knives, casing knives, corner knives, linoleum knives, roofing knives, manual training knives, wood carving knives, pattern makers' knives, stencil knives, rubber knives, shoe knives, cotton sampling knives, broom corn knives, and similar industrial knives; and also adjustable knife blades with detachable handles designed for essential cutting operations.

Permissible amounts of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of industrial cutlery more iron, steel, and zinc in the aggregate than 200% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of industrial cutlery.

[F. R. Doc. 44–2266; Filed, February 16, 1944; 11:17 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT [1]

[Limitation Order L–1–j as Amended Feb. 16, 1944]

MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of fluid-food tank trucks, tank trailers and tank tractors for defense, for private account

[1] Formerly Part 976, § 976.21.

and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3292.16[1] *Limitation Order L–1–j*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Fluid-food tank truck or trailer" means a motor truck or trailer on which is mounted a tank body lined with glass, or made of stainless steel or aluminum, and used or suitable for use in the transportation of milk or other fluids for use in human foods, including all such trucks and trailers used in such transportation at any time since January 1, 1933.

(3) "Fluid-food tank tractor" means a truck tractor which on or after March 26, 1943 was used, or held for standby service or in reserve, for hauling fluid-food tank trailers.

(c) *Restrictions on sale and transfer of fluid-food tank trucks and tank trailers and fluid-food tank tractors.* On or after March 26, 1943 no person owning, operating, leasing or otherwise possessing a fluid-food tank truck or trailer or a fluid-food tank tractor shall sell, lease, trade, lend, deliver, ship or transfer any such vehicle, or shall convert any such vehicle for or divert it to any usage other than that in which it is being currently operated, except with the specific authorization of the War Production Board.

(d) *Application on Form WPB–1319.* Any person owning a fluid-food tank truck, tank trailer or a fluid-food tank tractor, seeking the authorization of the War Production Board to sell or otherwise transfer or convert the same, shall apply to the Automotive Division, War Production Board, Washington 25, D. C., on Form WPB–1319. Form WPB–1319 may be obtained from the nearest Regional or District Office of the War Production Board, shall be submitted in quadruplicate, and shall contain the information called for by the current instructions for the form.

(e) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to any fluid-food tank truck or tank trailer, or fluid-food tank tractor (1) sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, or (2) leased or operated under a specific order, instruction, or directive, other than a Certificate of War Necessity, of the Office of Defense Transportation.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning sales, leases or other transfers or conversions of vehicles made under this order.

(g) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(j) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Ref: L–1–j.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–3258; Filed, February 16, 1944; 11:16 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L–39, as Amended Feb. 16, 1944]

FIRE PROTECTIVE, SIGNAL AND ALARM EQUIPMENT

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials entering into the production of fire protective, signal and alarm equipment, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.1 *General Limitation Order L–39*—(a) *Definitions.* For the purpose of this order:

(1) "Fire protective equipment" means: sprinkler systems, couplings, playpipes and allied fittings, fire hose, fire hydrants, fire pumps, hose dryers, hose racks, indicator posts, lightning protection systems, piped extinguishing systems, portable fire extinguishers including back pack types, foam generators, stirrup pumps, water spray nozzles, and all other fire protective equipment for preventing or extinguishing fires, excepting self-propelled motorized fire apparatus and auxiliary units including trailer, skid, front mounted and portable apparatus.

(2) "Signal or alarm equipment" means fire, police, and protective alarm and signal systems, including central station, proprietary, auxiliary and automatic fire alarms; watchmen's time recording, burglar, bank vault, hold-up and intrusion systems; and all other instruments and devices to detect, signal or warn against fire or other casualty, except air raid warning devices.

(3) "Dry-pendant sprinkler head" means a sprinkler head for use in a pendant position on a dry pipe system and permanently attached to an extension nipple so as to exclude water from the nipple.

(4) "Incendiary bomb control equipment" means any pump, device, instrument, or material designed for the removal, control or extinguishment of incendiary bombs.

(5) "Stirrup pump" means a manually operated pump used to draw water or other liquid from a separate container to extinguish or control fires.

(6) "Air raid warning device" means any siren, whistle, horn, diaphone, signal or device used or intended for use to warn or signal civilians in connection with air raids or other war hazards.

(7) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *General restrictions*—(1) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) of this order, no person shall incorporate in any fire protective equipment, signal or alarm equipment, air raid warning device, or parts thereof, any aluminum, bismuth, cadmium, chromium, copper, mercury, monel metal, nickel, tin, stainless steel, zinc, or alloy of any of said metals, asbestos, rubber or synthetic rubber, except to the extent permitted in Appendix A hereof.

(2) *Restrictions on fire hose couplings.* Except as provided in paragraph (c) of this order, no brass fire hose couplings in the possession or control of any coupling manufacturer, fire hose manufacturer or distributor on April 27, 1942, shall be transferred, sold or incorporated in the manufacture or assembly of any fire hose.

(3) *Restrictions on foam extinguishers.* No person shall purchase or accept delivery of any foam extinguisher except for use in the protection of inflammable liquids, and no person shall sell or deliver any foam extinguisher which he knows or has reason to believe will be used in violation of this paragraph (b) (3).

(4) *Restrictions on manufacture of alkali metal (loaded stream) extinguishers.* No person shall in any quarter complete the manufacture of any type of alkali metal salt solution (loaded stream) extinguishers in excess of 25 percent of the total of such type (irrespective of size) manufactured by such person during the twelve month period ending November 30, 1941, except to fill purchase orders or contracts from any agency or government listed in subdivisions (i), (ii), and (iii) of this paragraph (b) (4). In determining the number of extinguishers manufactured during said twelve month base period ending November 30, 1941, extinguishers manufactured to fill contracts or purchase orders from, or for delivery to, any of the following shall be excluded:

(i) The Army or Navy of the United States, United States Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The Government of any of the following countries: the United Kingdom, Canada, and other dominions, Crown Colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for delivery to or for the account of any country listed above or any other country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(5) *Restrictions on manufacture of stirrup pumps.* No person shall manufacture any stirrup pump, or part thereof, except to fill purchase orders from the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, Defense Supplies Corporation, or from any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) [Deleted Jan. 21, 1944]

(7) *Restrictions on sale and delivery of signal or alarm equipment and air raid warning devices.* (i) No person shall sell, deliver or install any signal or alarm equipment costing $50 or more, or any air raid warning device costing $25 or more, except to or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration;

(b) Any other person who has been specifically authorized by the War Production Board on Form WPB–1319 to receive the specific equipment or device and who has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(ii) [Revoked Feb. 16, 1944]

(iii) In conjunction with the granting of specific authorization to receive signal or alarm equipment or air raid warning devices on Form WPB–1319, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(8) *Restriction on the manufacture of signal or alarm equipment.* Except upon specific authorization by the War Production Board, no person shall manufacture, install, deliver or accept delivery of any smoke, fire, or intrusion detector employing photo-electric principles, except to fill purchase orders from a purchaser listed in paragraph (b) (4) of this order and unless such item is for use on board ship.

(9) *Restriction on the manufacture of air raid warning devices.* No person shall manufacture, sell, purchase, deliver, install or accept delivery of any air raid warning device which requires for its operation a motor in excess of three (3) horse power.

(10) *Restrictions on sale and delivery of cotton rubber-lined fire hose.* No person shall sell, deliver, purchase or accept delivery of any new cotton rubber-lined fire hose except pursuant to a purchase order bearing a preference rating of AA–5 or higher. However, the above restriction does not apply with respect to purchase orders for fire hose which had been placed before August 23, 1943, and which bear preference ratings of A–9 or higher.

(11) *Restrictions on manufacture of incendiary bomb control equipment.* Effective thirty days after January 20, 1943, no person shall manufacture any incendiary bomb control equipment, except when and to the extent authorized by the War Production Board pursuant to application on Form PD–740, or to the extent permitted by paragraph (b) (5) of this order.

(c) *Exceptions to paragraphs* (b) (1) *and* (b) (2). (1) The restrictions of paragraphs (b) (1) and (b) (2) shall not apply to:

(i) Brass fire hose couplings, rings, or hose line fittings, provided that such couplings, rings, or hose line fittings are delivered to or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and are for use on board ship; or

(b) The Panama Canal; or

(c) Any person for use on board ships warranted by the United States Maritime Commission.

(ii) The restrictions of paragraph (b) (1) shall not apply to:

(a) Carbon dioxide extinguishers manufactured in accordance with specifications of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration; or

(b) Aluminum parts for signal or alarm equipment, if such parts were fabricated before January 23, 1942.

(d) *Representations on orders from government agencies.* Any purchase order or contract from any agency or government named in subparagraphs (i), (ii), or (iii) of paragraph (b) (4) of this order shall constitute a representation that the conditions exist under which such purchase order or contract may be filled within the terms of this order. Said representation may be relied upon by the person with whom the purchase order or contract is placed and by his subcontractors and suppliers.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L–39.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

In accordance with the provisions of paragraph (b) (1) of this order, the materials named in this Appendix A may be incorporated in the manufacture of fire protective equipment, signal or alarm equipment, and air-raid warning devices, and in component parts thereof, to the extent indicated in this Appendix A:

(1) Aluminum, primary or secondary:

(i) In extinguishers for use in airplanes;

(ii) As foil in electric condensers for fire, police and protective alarm systems, to the extent essential to the efficient functioning of such condensers and when approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) (Secondary aluminum only) in zinc die castings.

(2) Bismuth:

(i) As a component of fusible link alloy;

(ii) Up to five and one-half (5½) per cent in solder.

(3) Cadmium, as a component of fusible link alloy.

(4) Chromium:

(i) For plating of parts of fire, police, and protective alarm systems and sprinkler heads to the extent essential to the efficient functioning of such systems or heads;

(ii) As a component of stainless steel, the use of which is permitted by paragraph (10) hereof.

(5) Copper or copper base alloys (where copper base alloys are permitted, the alloys used shall be of the lowest type and grade that are practical for the particular application) in:

(i) Pumps for vaporizing liquid extinguishers;

(ii) Lock nuts on removable hose connections;

(iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid and loaded stream extinguishers;

(iv) Either collars or caps (but not both) on 2½-gallon foam extinguishers;

(v) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;

(vi) Snap clamps, clamp pins and wire springs for "Jones" type fire hose couplings;

(vii) Latch assemblies for "British" type fire hose couplings to the extent essential to the efficient functioning of the parts;

(viii) Swivels and wires for screw type fire hose couplings;

(ix) Swivels, wires, and rollers for suction hose couplings;

(x) Couplings and rings for (a) potable water purification plants, (b) ¾ inch, 1 inch, and 1¼ inch chemical or booster hose, and

(c) 5 inch and 6 inch suction hose; and 1½ inch expansion rings;

(xi) Hose and hydrant adapters;

(xii) Swivels, wires, clappers and seats for Siamese connections;

(xiii) Playpipes made only from drawn, brazed sheet, or cast brass, provided that such playpipes are not more than 15 inches in length and are manufactured for connections not larger than 2½ inches in diameter.

(xiv) Ball and cylinder type shut-off nozzles;

(xv) Nozzle tips for playpipes, and not exceeding 1½" diameter at discharge ends;

(xvi) Portable deluge nozzles, not including tips or handles;

(xvii) The following hydrant fittings to the extent essential to their efficient functioning: valve seats, discs, guides, operating valve stems, stuffing boxes, bushings, rivets, retainer rings, and outlet nipples;

(xviii) The following indicator post and valve fittings to the extent essential to their efficient functioning: Valve stems; seats; discs; packing glands; glands of bonnet openings; extension stem operating washer, nut and target mechanism;

(xix) Parts of portable generators, engines and fixed piped systems to the extent essential to their efficient functioning (The parts referred to herein include generator bodies except bases, shut-off valves except handles, screens, check valves, inner chambers, heads, stopples, closing and other operating mechanisms.);

(xx) Water spray nozzles;

(xxi) Valve seats, discs, stems, guides, and clapper arms;

(xxii) The following parts of automatic sprinkler systems and signal or alarm equipment: Actuating, indicating, and recording units of alarm or signal systems; condenser parts; contacts; diaphragm assemblies; labels of inspection laboratories; links; tubing and fittings; valves not over 2 inches; wire and cables; impellers and rings for fire pumps and for water flow alarms; deflectors on closed sprinkler heads if made of casting, but the alloy shall not contain more than 74 per cent copper; all other parts of closed sprinkler heads, but the alloy for frames shall not contain more than 86 per cent copper and shall be made without the use of primary copper or primary tin, and the alloy for lever arms shall contain no tin and not more than 74 per cent copper.

(xxiii) Impellers, retaining rings and bushings for fire pumps;

(xxiv) Watchmen's time recording systems where required for efficient functioning;

(xxv) The following parts of air raid warning devices: motors up to three horse power, actuating units, wire and cable, control and reducer valves only to the extent necessary to the efficient functioning thereof.

(xxvi) Name and identification plates of a gauge of .03125 inch or less for fire extinguishers which are to be used in aircraft or on board ship.

(6) [Revoked.]

(7) Mercury, as required in check valves for automatic systems and in gravity tank gauges.

(8) Nickel, in signal or alarm systems as a component of bi-metal thermal discs for thermostats, as plating for protection against corrosion where magnetic properties of nickel are essential, as a component of wire wound resisters, as a component of thermocouple wire and as a component of permanent magnets; and in signal or alarm systems for plating component parts of control mechanisms essential to the efficient functioning of the system, where less critical material as a substitute would not be suitable.

(9) Tin:

(i) As a component of fusible link alloy; and in dry pipe valve seat rings, but not to exceed fifty per cent in weight;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used, and only to the extent permitted by General Preference Order M-43;

(iii) Up to ten per cent by weight in metal for coating steel shells for vaporizing liquid extinguishers;

(iv) In solder, provided that the tin content does not exceed that permitted by General Preference Order M-43;

(v) As a component of foil for use in anti-intrusion and anti-sabotage systems, to the extent essential to the efficient functioning of the equipment, provided that the use of tin for this purpose is properly authorized under General Preference Order M-43.

(10a) Stainless steel (non-nickel bearing):

(i) In hinge pins in dry pipe valves of automatic sprinkler systems; in balls for check valves in dry pipe valves and accelerating equipment for automatic sprinkler systems; and in impeller shafts for fire pumps;

(ii) In nozzles and linings for automatic vaporizing liquid sprinkler units approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) In the following parts of signal or alarm systems: cylinders, ratchet pins, and small shafts for signal or alarm mechanisms where the use of any less scarce material is impracticable, mercury check valves, ball bearings, latching parts, and pileup and adjusting screws where the use of any less scarce material is impracticable.

(10b) Stainless steel (nickel bearing) in tour transmitter cylinders where the use of any less critical material is impracticable.

(11) Monel metal:

(i) In balls for check valves in dry pipe valves, accelerating equipment, and water flow alarms for automatic sprinkler systems;

(ii) In helical springs for fire detecting thermostats;

(iii) In vanes and pressure type flexible joints for water flow alarm devices.

(12) Zinc:

(i) In essential parts of alarm and signal systems when a less critical material as a substitute would not be suitable;

(ii) In copper alloys, the use of which is permitted by paragraph (5) hereof;

(iii) In die cast parts;

(iv) For protection against corrosion of iron or steel parts of lightning rods and fittings, extinguishers, pump tanks, fire hose couplings, expansion rings, open head sprinklers, deflectors on sprinkler heads, and as a protective coating for functional parts where ferrous metal has been substituted for copper base alloy.

(v) As sheet to the extent that corrosion-resistant metal is essential to efficient functioning and galvanized steel sheet is not suitable.

(13) Asbestos:

(i) In gaskets for hydrants, fixed or portable foam applicator pipes, and alarm systems.

(ii) As packing for vaporizing liquid extinguishers.

(14) Rubber and synthetic rubber, to the extent permitted by Rubber Order R-1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

[F. R. Doc. 44-2259; Filed, February 16, 1944; 11:16 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT[1]

[General Limitation Order L-43, as Amended Feb. 16, 1944]

MOTORIZED FIRE APPARATUS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the materials entering into the manufacture of motorized fire apparatus for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.6[1] *General Limitation Order L-43*—(a) *Definitions.* For the purposes of this order:

(1) "Motorized fire apparatus" means self-propelled motorized fire apparatus and auxiliary pumping units of fire apparatus, and includes accessories therefor and equipment thereon.

The term shall not include second hand apparatus nor parts or materials for the repair or maintenance of existing apparatus.

(2) "Sedan" means self-propelled motorized fire apparatus of which more than 50% of the area behind the windshield is enclosed.

(3) "Service ladder truck" means self-propelled motorized fire apparatus on which the equipment carried consists of service or ground ladders, miscellaneous equipment, and tools.

(4) "Squad car" means self-propelled motorized fire apparatus designed to carry men.

(5) "Salvage car" means self-propelled motorized fire apparatus designed to carry canvas covers, life nets, and similar equipment.

(6) "Rescue car" means self-propelled motorized fire apparatus designed to carry first aid equipment.

(7) "Hose truck" means self-propelled motorized fire apparatus designed to carry fire hose.

(8) "Pumper" means self-propelled motorized fire apparatus carrying a booster tank, a pump, and hose, which is designed primarily to pump water from sources other than its own booster tank.

(9) "Tank truck" means self-propelled motorized fire apparatus carrying a water tank, a pump, and hose, which is designed primarily to pump water from its own water tank rather than from outside sources. The term shall include, but not by way of limitation, so-called "crash trucks".

(10) "Aerial ladder truck" means self-propelled motorized fire apparatus on the chassis of which are combined an aerial ladder and any or all of the following equipment: (i) a complement of service or ground ladders, (ii) fire hose, (iii) a booster tank, (iv) a pump. An aerial ladder truck may also carry miscellaneous equipment.

(11) "Auxiliary pumping unit" means the following types of fire apparatus:

(i) A pump designed to be mounted on the front or side of a self-propelled vehicle and designed to receive its pumping power from the motor of the self-propelled vehicle;

(ii) A pump and motor designed to be mounted on a trailer, skid, or other type of support; and

(iii) A vehicle or other support carrying a pump or a pump and motor of the types described in the preceding subparagraphs of this paragraph (a) (11).

[1] Formerly Part 1066, § 1066.1.

The term does not include any pumps covered by Limitation Order L-192 or L-246, or Schedule VII to Limitation Order L-217.

(12) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 per cent of the weight of all metal in the alloy.

(13) "Specification of the War Production Board" means the specification for 500 and 750 g. p. m. pumpers on file at the offices of the Safety and Technical Equipment Division of the War Production Board, Washington, 25 D. C. (Copies of this specification may be obtained by addressing a communication to the address indicated in paragraph (k) of this order.)

(14) "Manufacturer" means any person engaged in the business of manufacturing, fabricating or assembling motorized fire apparatus.

(15) "Distributor" means any person engaged in the business of purchasing and reselling motorized fire apparatus without further fabrication of such apparatus.

(16) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(b) *Restrictions on manufacture of motorized fire apparatus.* Except as permitted by paragraph (c) of this order, no manufacturer shall take any action to commence, continue or complete the manufacture of:

(1) Any sedan, service ladder truck, squad car, salvage car, rescue car, or hose truck;

(2) Any chassis for use in connection with a pumper carrying a centrifugal pump of 500 g. p. m. capacity, as rated by the National Board of Fire Underwriters, unless such pumper is being manufactured for delivery to or for the account of the Navy of the United States, Lend-Lease, or any person to whom an export license covering the specific equipment has been issued by the Board of Economic Warfare;

(3) Any 1½ ton chassis for use in connection with a tank truck, unless such tank truck is being manufactured for delivery to or for the account of the Navy of the United States or Lend-Lease;

(4) Any pumper except the following types:

(i) Pumpers which carry centrifugal pumps of either 500 or 750 g. p. m. capacities, as rated by the National Board of Fire Underwriters, and which conform to the "Specification of the War Production Board", and

(ii) Pumpers which carry centrifugal pumps of 1000 or 1250 g. p. m. capacity, as rated by the National Board of Fire Underwriters: *Provided, however,* That the manufacture of such pumpers shall not be commenced until the specifications therefor have been submitted to the War Production Board and have been specifically approved by the War Production Board;

(5) Any tank truck except one having a pump capacity of not more than 400 g. p. m. and carrying a water tank of a capacity of 250 gallons or more, *Provided, however,* That the restrictions set forth in this subparagraph (5) shall not apply to the manufacture of tank trucks for delivery to or for the account of the Army or Navy of the United States or Lend-Lease:

(6) Any aerial ladder truck except one carrying

(i) An extension ladder of not less than 65 feet nor more than 100 feet in length;

(ii) Not more than 500 feet of 2½ inch fire hose, if hose is required;

(iii) A booster tank of not less than 100 gallon nor more than 200 gallon capacity, if a booster tank is required; and (iv) A pump having a capacity of not more than 100 g. p. m., if a pump is required.

(c) *Exceptions.* (1) Notwithstanding the restrictions set forth in paragraph (b) of this order any motorized fire apparatus in the process of manufacture on April 16, 1943, may be completed to fill purchase orders bearing preference ratings which had been assigned to the person placing the order prior to April 16, 1943. Deliveries of such apparatus may be made and accepted without further authorization under paragraph (e) (5) (iii) of this order.

(2) The provisions of paragraphs (b) (2) and (b) (3) of this order shall not be construed to prohibit any alteration or further fabrication of chassis which have been obtained under the provisions of General Conservation Order M-100.

(d) *Restrictions on use of materials in motorized fire apparatus.* Except as specifically authorized by the War Production Board, no manufacturer shall incorporate in the manufacture of any motorized fire apparatus, or of component parts thereof, any aluminum, copper, copper base alloy nickel, chromium, cadmium, tin, zinc, alloy steel, carbon steel, or synthetic rubber, except to the extent permitted in Appendix A, attached to this order.

(e) *Restrictions on sale and delivery of motorized fire apparatus.* (1) No manufacturer or distributor shall install a bell on any motorized fire apparatus, and no person shall sell or deliver any bell which he knows or has reason to believe will be used in connection with motorized fire apparatus;

(2) No manufacturer or distributor shall install any new or used rubber tires on any auxiliary pumping unit, and no person shall sell or deliver any new or used rubber tires which he knows or has reason to believe will be used on an auxiliary pumping unit, except to fill "government orders" as defined in Rubber Order R-1.

(3) No manufacturer or distributor shall sell, deliver, or otherwise supply:

(i) Any accessories or equipment for use in connection with new motorized fire apparatus other than the types and kinds permitted for pumpers by paragraph D-20 of the "Specification of the War Production Board."

(ii) Any intercooler for use in connection with any auxiliary pumping unit, except where it is to be used in place of a radiator.

(iii) Any tachometer for use in connection with motorized fire apparatus, except tachometers which were completed and in the possession of manufacturers or distributors on April 16, 1943.

(4) No person shall sell or deliver any suction hose for use in connection with motorized fire apparatus except to fill purchase orders bearing preference ratings of AA-5 or higher;

(5) Subject to the further restrictions contained in paragraph (g) of this order, no person shall sell or deliver any pumper, tank truck, aerial ladder truck, or auxiliary pumping unit, except to or for the account of:

(i) The Army or Navy of the United States:

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(iii) Any other person who has been authorized by the War Production Board on Form WPB-1319 to receive the specific motorized fire apparatus and has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(6) No person shall purchase or accept delivery of any material if he knows or has reason to believe that the sale or delivery of such material is prohibited by the terms of subparagraphs (1), (2), (3), (4) or (5) of this paragraph (e).

(f) *Authorizations on Form WPB-1319.* (1) [Deleted February 16, 1944.]

(2) Any authorization by the War Production Board on Form WPB-1319 may be granted subject to any conditions which the War Production Board deems necessary. Such conditions may include the requirement that a different size or type of apparatus be obtained, or any other condition. The War Production Board may also assign a preference rating on Form WPB-1319 if such rating is deemed necessary.

(g) *Production and shipping schedules and restrictions thereon.* On or before April 26, 1943, and on or before the 15th day of each succeeding calendar month, each manufacturer of motorized fire apparatus shall file with the War Production Board in triplicate on Form WPB-2332 (formerly Form PD-774) his proposed production and shipping schedules of motorized fire apparatus for such period as production and shipping may be planned. Upon receipt of such form, the War Production Board will approve or disapprove the proposed production and shipping schedule, or make such changes therein as it shall deem necessary, and will thereupon return to the manufacturer a copy of such form as approved or changed. Notwithstanding any preference rating which any order may bear or any rule or regulation of the War Production Board, each manufacturer shall produce and ship motorized fire apparatus in accordance with his production and shipping schedules as approved or changed by the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(k) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington (25), D. C., Ref: L-43.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

In accordance with paragraph (d) of this order, the following materials may be incorporated in the manufacture of motorized fire apparatus, or of component parts thereof, to the extent indicated below, unless any of the uses specified herein shall conflict with the provisions of any other limitation ("L") or conservation ("M") order, in which case the more restrictive order shall control:

(1) Alloy steel containing chromium, in relief valves and seats and highly stressed steel parts, including axles, shafts and gears, to the extent allowed by the National Emergency Steel Specifications; in engine exhaust valves; in pump shafts not exceeding 14%;

(2) Alloy steel containing nickel, in piston pins for engines over 125 horsepower and in heavy duty gears, to the extent allowed by the National Emergency Steel Specifications; and in engine exhaust valves:

(3) Aluminum, as authorized in accordance with the provisions of Order M-1-i;

(4) Carbon steel, to the extent essential to the efficient functioning of the parts;

(5) Chromium, in alloy steel as permitted under paragraph (1) of this Appendix A; and in plating to the extent essential to the efficient functioning of the parts plated;

(6) Copper or copper base alloy (of the lowest type and grade which is practical for the particular application), in automotive parts to the extent permitted by Limitation Order L-106; and copper base alloy (of the lowest type and grade which is practical for the particular application), in intercoolers; suction tube caps; discharge valve caps; valves (not including the handles); relief valves; impellers, rings and rotors; and in swivels and rollers in suction hose couplings;

(7) Synthetic rubber, in valve packing, pump packing, hydraulic hose lines and fuel pump lines;

(8) Tin, in copper base alloys (where no tin-free alloy can be used); and in solders and babbitts to the extent permitted by Preference Order M-43;

(9) Zinc, in carburetors, fuel pumps, speedometers, and windshield wipers; in plating to the extent essential to the efficient functioning of the parts plated; and for protection of ferrous parts substituted for non-ferrous parts.

[F. R. Doc. 44-2260; Filed, February 16, 1944; 11:16 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-144, as Amended Feb. 16, 1944]

LABORATORY EQUIPMENT

§ 3296.56 *General Limitation Order L-144*—(a) *Definitions.* For the purposes of this order:

(1) "Laboratory equipment" means any apparatus, instrument, appliance, device, equipment, or part thereof, designed primarily for use in laboratories. However, the restrictions of this order cover only those items of laboratory equipment which are included on List A, attached hereto. (The language at the top of List A should be examined closely to determine what items are included on List A.)

(2) "Distributor" means any person located in the United States, its territories or possessions, or the Dominion of Canada, who purchases laboratory equipment for the purpose of resale.

(3) [Deleted Oct. 9, 1943]

(b) *Restrictions on the sale and delivery of laboratory equipment.* No person shall sell or deliver any item of laboratory equipment included on List A of this order to any person, other than a distributor, except to fill a purchase order or contract specifically authorized by the War Production Board on Form WPB-1319.

(c) *Restrictions on purchase of laboratory equipment.* No person shall purchase or accept delivery of any laboratory equipment, if he knows or has reason to believe that the sale or delivery of such laboratory equipment is prohibited by the terms of paragraph (b) of this order.

(d) *Authorizations on Form WPB-1319 and extensions of such authorizations.* (1) Each person seeking authorization, pursuant to paragraph (b) of this order, to receive laboratory equipment shall prepare Form WPB-1319 in the manner prescribed therein and shall file such form with the War Production Board, Washington 25, D. C., Ref: L-144. (Copies of Form WPB-1319 may be obtained at the local offices of the War Production Board.)

(2) Any person receiving specific authorization on Form WPB-1319 shall notify his supplier of such authorization by furnishing him with a certification in substantially the following form (on the purchase order or contract, or on an attached document):

The undersigned hereby certifies that he has been specifically authorized by the War Production Board on Form WPB-1319 Case No. ------, to receive the laboratory equipment ordered by the within (or attached) purchase order or contract, in accordance with the provisions of Limitation Order L-144.

Name----------
By----------
Authorized official

Date----------

Any such certification shall be signed by an authorized official, either manually or as provided in Priorities Regulation 7, and shall constitute a representation to the supplier and to the War Production Board of the facts certified therein. The supplier may rely upon such representation, unless he knows or has reason to believe such representation to be false.

(e) *Assignment of preference ratings on Form WPB-1319.* In conjunction with the granting of specific authorizations to receive laboratory equipment on Form WPB-1319 pursuant to paragraph (b) of this order, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records of all sales, deliveries and purchases of laboratory equipment.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Communications with the War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-144.

The above paragraph (a) (2) supersedes Interpretation 1 of the order, issued July 17, 1943.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The sale and delivery of items included on List A are subject to the restrictions set forth in paragraph (b) of this order. List A includes only those items coming within the classifications set forth below which have a value, individually, of $50 or more. Any item coming within the classifications set forth below which has a value, individually, of less than $50 shall not be regarded as being included on List A. Secondhand equipment is not included, nor are parts and materials needed to repair or maintain existing equipment. Furthermore, accessories and attachments for List A items are not included when sold separately. (It should also be understood that no item is included on List A unless it is designed primarily for use in laboratories. For example, a centrifuge which is designed to separate cream from milk is not designed primarily for use in laboratories and therefore is not included on List A.)

Analytical balances (sensitivity ⅕ mg. or more sensitive)
Calorimeters
Centrifuges
Hydrogen ion meters (electrometric)
Metallioscopes
Microscopes (except Brinnell and Tool Makers)
Microtomes
Potentiometers, Wheatstone Bridges and Resistance Boxes
Refractometers
Spectrographs, spectroscopes, spectrometers and spectrophotometers
Vacuum pumps (1 micron or higher vacuum)

INTERPRETATION 1

[Superseded October 9, 1943.]

[F. R. Doc. 44-2267; Filed, February 10, 1944; 11:18 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT[1]

[General Limitation Order L-266 as Amended Feb. 16, 1944]

STERILIZER EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials entering into the manufacture of sterilizer equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.91[1] *General Limitation Order L-266*—(a) *Definitions.* For the purposes of this order:

(1) "Sterilizer equipment" means the following types of sterilizers, as each is hereinafter defined, and includes heating elements when such elements are an integral part of such sterilizers: Pressure sterilizers, bulk pressure sterilizers, pressure water sterilizers, non-pressure water sterilizers, non-pressure instrument sterilizers, non-pressure utensil sterilizers, baby bottle pasteurizers and sterilizers, bedpan steamers, boiling type bedpan sterilizers, laboratory pressure sterilizers, bedpan washers and field sterilizers. The term shall not include used or rebuilt sterilizer equipment, nor any parts or materials for the repair or maintenance of existing sterilizer equipment, nor shall it include any pressure cooker designed for processing foods.

(2) "Pressure sterilizer" means a sterilizer having a volumetric capacity of less than 40,000 cubic inches which is designed to utilize steam under pressure in order to free articles from living pathogenic microorganisms.

(3) "Bulk pressure sterilizer" means a sterilizer having a volumetric capacity of 40,000 cubic inches or more which is designed to utilize steam under pressure in order to free articles from living pathogenic microorganisms. It may or may not include attachments for fumigating purposes.

(4) "Pressure water sterilizer" means a sterilizer which is designed to heat water to a temperature higher than 212° F. in order to free it from living pathogenic microorganisms.

(5) "Non-pressure water sterilizer" means a sterilizer which is designed to free water from living pathogenic microorganisms by means of boiling.

(6) "Non-pressure instrument sterilizer" means a sterilizer which is designed to free surgical, medical and dental instruments and similar articles from living pathogenic microorganisms by subjecting them to a boiling liquid. The term shall not include any such sterilizer which contains metal in no part other than the heating element, lid and essential hardware.

(7) "Non-pressure utensil sterilizer" means a sterilizer which is designed to free hospital or medical utensils and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(8) "Baby bottle pasteurizer and sterilizer" means equipment designed to free baby bottles from living pathogenic microorganisms and to pasteurize baby milk formulas. The term shall not include any such equipment having a capacity of twelve bottles or less.

(9) "Bedpan steamer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to live steam.

(10) "Boiling type bedpan sterilizer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(11) "Laboratory pressure sterilizer" means a sterilizer which is designed to free articles from living pathogenic microorganisms by utilizing steam under pressure and which is specially designed for use in a laboratory.

(12) "Bedpan washer" means apparatus designed to wash (and, in some cases, to sterilize) bedpans, urinals, and similar articles, and which may or may not be equipped with flushing mechanism.

(13) "Field sterilizer" means any sterilizer which is designed for use in the field and which is manufactured for delivery to or for the account of (i) the Army or Navy of the United States, or (ii) any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(14) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of sterilizer equipment.

(15) "Distributor" means any person who purchases sterilizer equipment solely for the purpose of resale without further fabrication.

(b) *Restrictions on the manufacture of sterilizer equipment.* (1) Except as provided in subparagraph (2) of this paragraph (b), no manufacturer shall manufacture or continue the manufacture of any sterilizer equipment other than the permitted sizes of the permitted types set forth in Schedule A attached to this order.

(2) Any sterilizer equipment which was in the process of fabrication on February 24, 1943, and which cannot be completely fabricated within the restrictions of Schedule A, attached to this order, may be further fabricated after said date only to the extent specifically authorized by the War Production Board. Any manufacturer requesting such specific authorization shall file a statement in duplicate with the War Production Board setting forth in detail the number of units of each type in process of fabrication on February 24, 1943, the extent of the fabrication, the amount of materials required to complete fabrication, the reasons why such units cannot be converted to the permitted types and sizes set forth in Schedule A, and any other facts supporting the request for specific authorization.

(c) *Restrictions on the use of materials in the manufacture of sterilizer equipment.* (1) No manufacturer shall incorporate any copper or copper base alloy in the manufacture of any bulk pressure sterilizer, non-pressure instrument sterilizer, non-pressure utensil sterilizer, baby bottle pasteurizer and sterilizer, bedpan steamer, boiling type bedpan sterilizer, or bedpan washer, except as follows:

(i) Copper or copper base alloy may be used to the extent required in electrical circuits, control valves, safety valves, and gauges;

(ii) Copper base alloy sheet may be used to the extent required in non-pressure instrument sterilizers which are 20" in length by 10" in width by 9" in depth or larger in size; and

(iii) Copper or copper base alloy may be used to the extent required in trays for non-pressure instrument sterilizers.

(2) No person shall use any material in the manufacture of sterilizer equipment where the use of any less critical material is practicable.

(d) *Restrictions on the sale and delivery of sterilizer equipment.* (1) Except as provided in subparagraph (2) of this paragraph (d), no person shall sell or deliver any sterilizer equipment, except to or for the account of:

(i) The Army or Navy of the United States;

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(iii) Any person to whom an export license covering the specific equipment has been issued by the Foreign Economic Administration: *Provided, however,* That

[1] Formerly Part 3196, § 3196.1.

delivery shall not be made to any person holding an export license which was issued prior to February 24, 1943, unless such export license has been revalidated by the Foreign Economic Administration after said date;

(iv) Any distributor; or

(v) Any other person who has filed Form WPB–1319 and has been specifically authorized on such form by the War Production Board to receive the specific sterilizer equipment and has furnished to his supplier one copy of such form signed in the name of the War Production Board. (As a general rule, authority to receive sterilizer equipment will be granted only in cases where the equipment will receive general use and where essentiality is clearly established.)

(2) The restrictions set forth in subparagraph (1) of this paragraph (d) shall not apply to the sale or delivery of the following sterilizers, but production and shipping schedules of such sterilizers shall be listed on Form WPB–2232 (formerly Form PD–774) in accordance with the provisions of paragraph (f) of this order:

(i) Non-pressure instrument sterilizers which are not more than 16" in length by 6" in width by 4" in depth (with a permitted variation of 10 per cent from the specified dimensions) in size; or

(ii) Laboratory pressure sterilizers which are sold or delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L–144.

(3) No person shall purchase or accept delivery of any sterilizer equipment if he knows or has reason to believe that the delivery of such sterilizer equipment is prohibited by the terms of this order.

(e) *Applications on Form WPB–1319.* Each person seeking authorization, as permitted by paragraph (d) (1) (v) of this order, to receive sterilizer equipment shall prepare Form WPB–1319 in accordance with the current instructions for such form. (Form WPB–1319 and instructions may be obtained at the local field offices of the War Production Board).

(f) *Production and shipping schedules and restrictions thereon.* (1) On or before the 15th day of July, 1943, and on or before the 5th day of each succeeding calendar month, each manufacturer of sterilizer equipment shall file with the War Production Board in triplicate on Form WPB 2232 (Formerly Form PD–774), his proposed production and shipping schedules of sterilizer equipment for the period required by such form. Upon receipt of such form, the War Production Board will approve the proposed production and shipping schedules or make such changes therein as it shall deem necessary, and will thereupon return to the manufacturer a copy of such form as approved or changed.

(2) In addition to the restrictions contained in paragraphs (b), (c) and (d) of this order, each manufacturer shall produce and ship sterilizer equipment in accordance with his production and shipping schedule as approved or changed by the War Production Board, regardless of any preference rating which any order may bear or any order or regulation of the War Production Board.

(g) *Other allocation action.* With respect to sterilizer equipment, the War Production Board may, notwithstanding any other order, preference rating, or regulation of the War Production Board:

(1) Direct the return or cancellation of any unfilled order on the books of a manufacturer; or

(2) Cancel orders placed with one manufacturer and direct that they be placed with another manufacturer.

(h) *Reports.* The reporting requirements in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. All persons affected by this order shall also file such other reports as may be required from time to time by the War Production Board, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(m) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: L–266.

SCHEDULE A

Permitted types	*Permitted sizes*[1]
Pressure sterilizer (cylindrical).	8" diameter by 16" Length 16" diameter by 24" Length 20" diameter by 28" Length 20" diameter by 36" Length 30" diameter by 54" Length

[1] A variation of not more than 10 per cent in the specified dimensions and capacities will be permitted.

SCHEDULE A—Continued

Permitted types	*Permitted sizes*
Pressure sterilizer (rectangular).	Any sizes with a capacity between 20,000 and 40,000 cubic inches
Pressure water sterilizer (single tank or pairs).	8 gallon capacity per tank 15 gallon capacity per tank 25 gallon capacity per tank
Non-pressure instrument sterilizer.	13" length by 5" width by 3¾" depth 16" length by 6" width by 4" depth 20" length by 10" width by 9" depth 22" length by 12" width by 10" depth
Non-pressure utensil sterilizer.	24" length by 16" width by 16" depth 24" length by 20" width by 20" depth
Baby bottle pasteurizer and sterilizer (36 bottles).	22" length by 12" width by 10" depth
Horizontal laboratory pressure sterilizer (cylindrical) (single pressure wall or double pressure wall).	16" diameter by 24" length 20" diameter by 28" length 20" diameter by 36" length
Vertical laboratory pressure sterilizer (cylindrical).	11" diameter by 24" length 14" diameter by 26" length
Bedpan steamer	24" length by 16" width by 16" depth.
Boiling type bedpan sterilizer.	24" length by 16" width by 16" depth
Bulk pressure sterilizer.	No restriction
Field sterilizer	No restriction
Bedpan washer	No restriction

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2272; Filed, February 16, 1944; 11:18 a. m.]

PART 3302—SERVICE EQUIPMENT[1]

[Limitation Order L–222 as Amended Feb. 16, 1944]

FLOOR SANDING, FLOOR FINISHING, FLOOR MAINTENANCE, AND RUG SCRUBBING MACHINES, INDUSTRIAL VACUUM CLEANERS, AND BLOWERS FOR CLEANING PURPOSES

§ 3302.26 *Limitation Order L–222*—(a) *Definitions.* For the purpose of this order:

(1) "Floor finishing or floor maintenance machines" means any motorized or hand-powered mechanical device, designed for the purpose of floor finishing or maintenance. The term includes, but is not limited to, the types of machines on List A attached to this order as amended from time to time, and excludes independent motor-operated vacuum producing units, floor sanding machines and machines specifically designed for the manipulation of wet cement.

[1] Formerly Part 3123, § 3123.1.

(2) "Floor finishing" and "floor maintenance" include, but are not limited to, the operations of grinding, staining, sealing, scraping, oiling, waxing or polishing floors or decks, and the collection and removal of dust, grime, oil, reclaimable materials or refuse from floors or decks, either separately or in conjunction with the operations of washing, scraping, sterilizing and wiping floors or decks.

(3) "Floor sanding machines" means machines used for the smoothing of floors or decks, other than stone or tile floors, by the use of abrasives such as, but not limited to, sandpaper and steel wool.

(4) "Rug scrubbing machines" means both portable rug shampooing machines and portable rug scrubbing machines.

(5) "Industrial vacuum cleaners" means machines in which a combination of a motor operated vacuum producer (stationary or portable), an air impeller line and a portable tool with attachments is used primarily for the collection and removal by suction of dust, oil, reclaimable materials or refuse in either the wet or dry state. "Industrial vacuum cleaners" shall not include any vacuum cleaners designed primarily for household use or any motor operated vacuum producing units incorporated in floor sanding, floor finishing or floor maintenance machines.

(6) "Blowers" means combination blowers and exhausters, i. e., machines in which a combination of a motor operated air pressure producer, an air impeller line and a portable tool with attachments is normally used for the removal of dust, materials or refuse by air pressure. "Blowers" shall not include any machines used solely for the handling of air or other gaseous mixtures.

(7) "New machines" means any machines which have neither been used, sold, rented, nor lent for the purpose of being used but includes any machines which have been used only for demonstrations, trial loans, instruction or repair loans.

(8) "Supplies" means replaceable items, such as but not limited to, polishing brushes, cleaning brushes, sanding drums and discs, stones, hoses and bags, wand handles and similar attachments which are expended in the operations of floor sanding, floor finishing, floor maintenance, rug cleaning, vacuum cleaning and air pressure cleaning.

(9) "Manufacturer" means any person engaged in the fabrication or assembly of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers or of parts designed specifically for any of such machines. The term also includes wholesaling or retailing subsidiaries or divisions of such a person.

(10) "Distributor" means any person engaged in the business of selling, renting or lending of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers, other than a manufacturer.

(b) *Restrictions on production*—(1) *Floor sanding and floor finishing or floor maintenance machines.* Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new floor sanding, floor finishing or floor maintenance machines or parts for such new machines.

(2) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall, after August 5, 1943, fabricate or assemble any new rug scrubbing machines or parts for such new machines.

(3) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new industrial vacuum cleaners or blowers, or parts for such new cleaners or blowers, except to the extent necessary to fill orders for new industrial vacuum cleaners or blowers authorized on Form PD–722, approved by the War Production Board on Form WPB–1843 (formerly PD–722) before May 16, 1944, or on Form WPB–1319. No application made on such form will be approved unless accompanied by an order rated AA–5 or higher or unless the applicant indicates a need for such machine justifying such rating.

(4) *Repair parts other than supplies.* During the calendar quarter commencing January 1, 1943, and during any calendar quarter thereafter, no manufacturer shall fabricate repair parts having an aggregate manufacturing cost in excess of 2 per cent of that manufacturer's total billed sales of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers during the calendar year of 1941.

(5) *Supplies.* The restrictions of paragraph (b) of this order shall not apply to the fabrication or assembly of supplies.

(6) *Exceptions.* The War Production Board may, from time to time, specifically authorize one or more manufacturers in writing to commence fabrication, to fabricate or to assemble specified quantities of machines and repair parts otherwise restricted by paragraph (b), or to perform any combination of the foregoing operations.

(c) *Restrictions on transfer.* (1) No manufacturer or distributor shall sell, rent, lend or deliver any of the following types of new machines without authorization on Form WPB–1843 (formerly PD–722) approved by the War Production Board prior to May 16, 1944, or on Form WPB–1319 approved by the War Production Board:

(i) Drum type floor sanding machines making a 6-inch path or wider;

(ii) Disc type floor sanding machine making a 10-inch path or wider;

(iii) Drum type floor finishing or floor maintenance machines making a 6-inch path or wider;

(iv) Disc type floor finishing or floor maintenance machines making a 10-inch path or wider;

(v) Rug scrubbing machines;

(vi) Industrial vacuum cleaners;

(vii) Blowers.

Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration, all expired authorization forms shall be returned for cancellation to the War Production Board, Service Equipment Division, Washington, D. C., Ref.: L–222.

(2) Nothing in this paragraph (c) shall be construed to prohibit the sale, loan, rental or delivery of new machines from one manufacturer or distributor to another to fill an order, or part of an order, received by the latter which has been authorized by the War Production Board on Form WPB–1843 (formerly PD–722) on or before May 16, 1944, Form WPB–1319.

(d) *Procedure for authorization.* All persons making application for the authorization required by paragraph (c) hereof shall make such application on Form PD–722.

(e) *Applicability of other orders and regulations.* (1) This order and all transactions affected thereby are subject to all applicable provisions of the regulations and orders of the War Production Board, as amended from time to time.

(2) Nothing in this order shall be construed to permit the production of any machines whose production is prevented by any other orders or regulations of the War Production Board, including § 3302.16, Limitation Order L–91, and Section 1176.1, Conservation Order M–126, as amended from time to time.

(f) *Reports.* On or before July 15, 1943, for the month of June, and on or before the 15th day of each month thereafter, for the preceding month, each manufacturer or distributor of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers shall file a monthly report on Form PD–723.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942 all persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

NOTE: Paragraph (h) (2) deleted Feb. 16, 1944.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications.* All reports to be filed hereunder, or communications concerning this order, should be addressed to: War Production Board, Service Equipment Division, Washington, D. C., Ref: L-222.

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Terrazzo grinders.
Waxing and polishing machines.
Disc type scrubbers, either wet or dry.
Drum type scrubbers, either wet or dry.
Combination scrubbers and water pickup.
Drum type sweepers.
Drum type scarifying machines.
Disc type scarifying machines.

[F. R. Doc. 44-2270; Filed, February 16, 1944; 11:18 a. m.]

Subchapter D—Office of the Rubber Director

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix IV]

TIRE ALLOTMENT PLAN

(a) *What this order does.* This order places truck-bus tires, tractor-implement tires, and industrial tires under allocation and prescribes a procedure for the distribution of these products among claimant agencies on a quarterly basis.

For convenient reference, a summary of the "dead line" dates provided in the order as applied to any quarterly period, follows:

Dead Line	Action required	Paragraph
Feb-May-Aug-Nov.:		
1	Claimants' requirements	(d)(1)
1	Producer's production estimates	(c)
15	Allotments to Claimants	(d)(2)
20	Claimants' break-down between original equipment and replacement.	(d)(3)
25	Production directive to producers	(e)
Mar-Jun-Sept-Dec.:		
1	Claimant's authorization to vehicle manufacturer	(g)
15	Vehicle manufacturer's certification to his supplier	(h)
20	Unplaced orders referred to ORD	(j), (n)(2)
20	Producers' open capacity reports	(k)
20	Placement of unplaced orders	(j), (n)(2)
Beginning of quarter	Frozen schedule	(p)

Definitions

(b) *Meaning of certain terms.* As used in this order:

(1) "Tires" means tires in the groups subject to allotment. These tire groups are defined in paragraph (d). Each group is divided into sub-groups.

(2) "Producer" means a manufacturer of tires in the groups subject to allotment.

(3) "Vehicle manufacturer" means a manufacturer of rubber-borne vehicles or equipment having tires in the groups subject to allotment as part of the original equipment.

(4) "Claimant agency" means any of the following Government Offices (identifying symbols are indicated):

Military Claimants

War Department (except Ordnance, which is identified by the Symbol (O)	(W)
Navy Department	(N)
Maritime Commission	(M)
Aircraft Resources Control Office	(C)
Foreign Economic Administration—Lend-Lease	(L)
Foreign Economic Administration—Economic Warfare	(E)

Indirect Military Claimants

Office of Defense Transportation—Office of Operations Vice Chairman [1]	(T)
War Food Administration	(A)

[1] Claimant for rubber-borne off-the-highway and miscellaneous vehicles and equipment for civilian use. See Table 1.

Requirements, Capacities and Allotments

(c) *Forward estimates of production by producers.* Two months preceding the quarter to be covered by allotments to the claimant agencies or on or before February 1, May 1, August 1, November 1, each producer shall submit by letter to the Office of Rubber Director forward estimates of his production for the quarterly period in each of the groups and sub-groups set forth in the following paragraph. In addition, each producer shall submit similar forward estimates of his production for the following three quarterly periods.

(d) *Allotments to claimant agencies.* (1) Two months preceding the quarter to be covered by the allotment or on or before February 1, May 1, August 1, November 1, each claimant agency shall transmit to the Office of Rubber Director its total requirements for the quarterly period in each of the following groups and sub-groups:

Group A—Truck-bus tires:
1—Combat tires.
2—Extra large size tires, 16.00 and larger cross-section.
3—Large size tires, 9.00 through 14.00 cross-section.
4—Medium size tires (dual bead), all 10 ply up to and including 8.25 cross-section.
5—Small size tires (single bead), 8 ply and under.
6—Tires with 15 inch and 16 inch rim diameters, up to and including 7.50 cross-section.
7—Solid tires.

Group B—Tractor-implement tires:
1—Rear tractor-implement tires.
Group C—Industrial tires:
1—Bogie rollers.
2—Pressed-on solid tires.
3—Cured-on solid tires.
4—Pneumatic industrial tires.

These requirements shall be divided between original equipment and replacement for each group and sub-group.

In addition, each claimant agency shall furnish to the Office of Rubber Director its estimated requirements for each group and sub-group for the following three quarterly periods.

(2) Upon the basis of requirements submitted by each claimant agency to the Office of Rubber Director, War Production Board will allot on or before the 15th day of the second month preceding the quarter to be covered by the allotment, to each claimant a quantity of tires by groups and sub-groups for the following quarterly period and shall also make tentative allotments to each claimant for the following three quarterly periods.

(3) Within 5 days after receipt of its allotment, each claimant agency shall furnish to the Office of Rubber Director a statement showing the break-down of its allotment by group and sub-group between original equipment and replacement.

(e) *Issuance of production directives to producers.* Not later than 10 days after the time prescribed in the preceding paragraph for the issuance of allotments to the claimant agencies, War Production Board will issue to each producer, a directive for the period covered by the allotments, prescribing the percentage of the producer's facilities by groups and sub-groups, allocated to the production of the following classes of orders:

(1) Vehicle manufacturers authorized by military claimants; (2) replacement by military claimants; (3) vehicle manufacturers authorized by indirect military claimants; (4) indirect military replacement.

"Indirect Military" refers to claimants not designated as military claimants in paragraph (b) (4).

(f) *Claimant Agency procurement under allotment.* No claimant agency shall accept delivery of any tires, which have not been specifically allotted to it. In the event that a claimant agency modifies its requirements so that its procurement in any group or sub-group will be less than its allotment for any quarter, it shall immediately notify the Office of Rubber Director.

Original Equipment

(g) *Notification to vehicle manufacturers.* (1) On or before the first day of the month preceding the quarter covered by its allotment, each claimant agency will, within its allotment, determine the number of tires by groups and sub-groups which may be shipped to each of its vehicle manufacturers during the quarterly period, and will authorize each vehicle manufacturer in writing to accept delivery of a specified number of tires. No vehicle manufacturer may accept delivery of tires for his production of vehicles or equipment unless he has been specifically authorized to accept such delivery by the claimant agency.

(2) A claimant agency may transfer all or part of its allotment of tires to the appropriate War Production Board Divisions for distribution among vehicle manufacturers in accordance with this paragraph (g). In such event, however, the War Production Board Divisions will issue authorizations in writing to the vehicle manufacturers under the claimant agency symbol.

(3) Each claimant agency or War Production Board Division will furnish copies of its authorizations to the Office of Rubber Director.

(h) *Vehicle manufacturer's certification to his supplier.* Each vehicle manufacturer who has been authorized to accept delivery of tires in accordance with the preceding paragraph shall certify to his supplier not later than the 15th day of the month preceding the first month of the quarterly period in which shipments are to be made to him that he is authorized by the appropriate claimant agency to accept delivery of a specified number of tires. The certification shall be in substantially the following form signed by an authorized official:

Agency identification number of symbol ____. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that he is authorized to accept delivery of the following tires by the claimant agency identified above for his production during the quarterly period commencing ____, 1944, and to use any preference rating applied or extended by him; that the monthly deliveries specified will not result at any time in an inventory exceeding 10 days' supply based upon his total authorized monthly production:

Size	Ply	Type	Quantity

The identification number shall consist of the appropriate claimant agency symbol followed by the major program number.

No certification other than the above is required. The standard form of certification provided in Priorities Regulation No. 7 may not be substituted.

A single certification may be used for tires authorized by more than one claimant agency, provided the tires authorized by each agency are clearly identified.

(i) *Producers' shipments for original equipment.* (1) No producer may ship tires to a vehicle manufacturer unless the vehicle manufacturer certifies to him on or before the 15th day of the month preceding the quarter in which shipments are to be made, that he is authorized by the appropriate claimant agency to accept delivery of a specified number of tires during the quarterly period, in accordance with the preceding paragraph.

(2) Not more than 40% of the tires in any size or group authorized for shipment to a vehicle manufacturer during a quarterly period may be shipped in any calendar month during the period without specific authorization in writing by the Office of Rubber Director, War Production Board.

(j) *Unplaced certified orders of vehicle manufacturers.* Any vehicle manufacturer who is authorized to accept deliveries of tires and who has been unable to place his certified order after he has made every effort to do so within the time prescribed by paragraph (h), shall refer the unplaced order to the Office of Rubber Director, War Production Board, on or before the 20th day of the month preceding the first month of the quarterly period. The Office of Rubber Director will endeavor to place any such order on the basis of open capacity reports received from producers, and in the event that such orders cannot be placed without adversely affecting the interests of one or more claimant agencies, disposition of unplaced orders shall be made in consultation with the claimant agencies affected.

Open Capacity Reports

(k) *Report by producer of his open capacity.* Each producer shall report to the Office of Rubber Director by letter, not later than the 20th day of the month preceding the first month of the quarterly period, the open capacity he has available for the production of tires in each group and sub-group, after making provision for the scheduling of all orders placed with him as of the last day for placement of orders for production during the quarter. This report shall be based upon the percentage allocation of his production facilities made by directive issued to him in accordance with paragraph (e).

Producers' Acceptance of Orders

(l) *Acceptance of orders after expiration of period for placement.* No producer shall accept any orders for tires after the 15th day of the month preceding the first month of the quarterly period for production during the quarter without specific authorization from the Office of Rubber Director, War Production Board, except orders for indirect military replacement. Within his percentage allocation of facilities for indirect military replacement, a producer may accept, produce and ship orders for indirect military replacement, provided the production or shipment of any such orders does not interfere with his frozen schedule as provided in paragraph (p).

(m) *Acceptance or fulfillment of orders in excess of authorized production.* No producer shall accept or fill any orders for tires for delivery in any quarterly period in excess of the percentage allocation of his facilities for the particular class of order established by his production directive issued under paragraph (e).

Claimant Agency Replacement

(n) *Replacement tires to claimant agencies; unplaced orders.* (1) A producer may produce and ship replacement tires to a claimant agency within the applicable percentage allocation of his facilities for replacement established by his production directive, provided not more than 40% of the tires in any size or group to be delivered to a claimant agency for replacement purposes during a quarterly period may be shipped in any calendar month during the period without specific authorization by the Office of Rubber Director, War Production Board.

(2) Any order for replacement tires which a claimant agency, after diligent effort on its part, is unable to place on or before the 15th day of the month preceding the first month of the quarterly period in which deliveries are requested, shall be referred by the claimant agency to the Office of Rubber Director within 5 days after the expiration of the period for placement of orders. The Office of Rubber Director will endeavor to place any such order on the basis of open capacity reports received from producers and in the event that the order cannot be placed without adversely affecting the interests of one or more claimant agencies, disposition of the unplaced order shall be made in consultation with the claimants affected.

Scheduling Provisions

(o) *Directions by military claimant agencies.* Within its allotment, each military claimant agency may issue the following written directions to a producer:

(1) Diverting a particular shipment of tires scheduled for its account by the producer from one vehicle manufacturer to another or for replacement purposes (or vice versa).

(2) Changing tire sizes to be produced for its account by a producer within a particular sub-group, provided neither the productive capacity required nor the total number of tires to be produced is increased by the change.

This paragraph does not apply to original equipment tires which have been allotted to vehicle manufacturers by the appropriate War Production Board Division on behalf of a military claimant, in which case action may be taken only under paragraph (q) upon recommendation of the appropriate War Production Board Division to the Office of Rubber Director.

Copies of directions issued under this paragraph should be transmitted to the Office of Rubber Director, War Production Board.

(p) *Frozen production schedule.* On the first day of the quarterly period, each producer's production schedule shall become a frozen schedule within the meaning of Priorities Regulation No. 18 for the quarterly period, and may not be altered except as provided in that regulation. Written directions may, however, be issued by a claimant agency in accordance with paragraph (o).

The following orders shall automatically become part of a producer's frozen schedule:

(1) Orders for original equipment tires which have been certified under paragraph (h) and which the producer has accepted and agreed to ship during the quarter.

(2) Orders placed with him by the Office of Rubber Director, War Production Board on the basis of his open capacity report for the quarterly period.

(3) Orders for replacement tires which he has accepted and agreed to fill during the quarterly period.

(q) *Other scheduling provisions.* With respect to the production or shipment of tires, the War Production Board may notwithstanding any other order, pref-

erence rating, directive, rule, or regulation (except Priorities Regulation No. 18) of the War Production Board or other Governmental agency:

(1) Direct the return or cancellation of any purchase order on the books of a producer.

(2) Direct changes in the production or shipping schedule of a producer.

(3) Cancel purchase orders placed with one producer and direct that they be placed with another producer.

Miscellaneous Provisions

(r) *Effect of preference ratings.* Within the percentage allocation of his facilities for each class of order, a producer shall accept orders without regard to preference ratings. Receipt of higher rated orders after acceptance of lower rated orders of the same class does not furnish any basis for rejecting the lower rated orders, even though it means that the higher rated orders must be refused because the allocation of the producer's facilities applicable to orders of that class has been filled.

The above applies only to the acceptance of orders (certified in the case of vehicle manufacturers) during the period for placement which expires on the 15th day of the month preceding the quarter.

In arranging the sequence of production and shipments of orders in each tire sub-group after the period for placing orders has expired, the producer shall be governed by Priorities Regulation No. 1, unless otherwise directed in writing by the Office of Rubber Director, War Production Board under the provisions of this order.

(s) *Status of unfilled orders at end of quarter.* Unless authorized in writing by the Office of Rubber Director, War Production Board, no producer shall carry over any order which he has accepted for delivery during a particular quarter and which he has been unable to produce and ship during that quarter to the following quarter. Any vehicle manufacturer whose certified order was not produced and shipped during the quarterly period for which it was accepted, should refer his unfilled order to the claimant agency or War Production Board Division from which he received his authorization.

(t) *Duplication of orders.* No purchaser of tires shall duplicate an order for tires in any group or sub-group even though he intends to cancel or reduce his orders to the authorized or allotted amount prior to delivery.

(u) *Use of producer's interchangeable facilities.* A producer shall use his interchangeable facilities in accordance with List 6, Appendix II, Rubber Order R–1 as amended.

(v) *Farm machinery.* No "producer" of farm machinery and equipment (as defined in Order L–257) shall use for original equipment purposes any pneumatic tires allotted to him under this order except for the following items of equipment within his quota under Orders L–257 and L–257a.

(1) Wheel type tractors including garden type.

(2) Combines.

(3) Pick-up hay balers and field hay harvesters.

(4) Corn pickers.

(5) Power sprayers over 10 gallons per minute.

(w) *Applicability of regulations.* Except as otherwise provided, this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(x) *Appeals.* Any appeal from the provisions of this order shall be made in writing to the Office of Rubber Director, War Production Board, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(y) *Communications.* All reports required to be filed under this order and all communications concerning this order shall, unless otherwise directed, be addressed to the Production and Priorities Department, Office of Rubber Director, War Production Board, Washington 25, D. C., Reference: Order R–1.

Issued this 16th day of February 1944.

RUBBER DIRECTOR
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE I

Office of Operations Vice Chairman is designated as the claimant for the following programs to the extent that they involve the manufacture of rubber-borne vehicles or equipment (indirect military only) having tires in the groups subject to allotment as part of the original equipment:

Program:	Symbol
Cranes, shovels, hoists, and drilling machinery	B–8
Tractors and tractor-mounted construction equipment	B–9
Construction machinery, other	G–1
Industrial equipment	J–5
Safety and technical equipment	J–6
Mining equipment	J–7
Off-the-highway vehicles	S–9

Office of Operations Vice Chairman is also designated as claimant for replacement tires for the following rubber-borne vehicles and equipment (indirect military only):

Off-the-highway vehicles and equipment.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 44–2256; Filed, February 16, 1944; 11:16 a. m.]

Chapter XI—Office of Price Administration

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 6–2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CHICAGO REGION

In the judgment of the Regional Administrator, the prices of food and beverages sold for immediate consumption in Region VI have risen in some instances to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator for Region VI, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the act. So far as practicable, the Regional Administrator gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living," 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Administrator for Region VI hereby issues this Restaurant Maximum Price Regulation No. 6–2 establishing, in general, as maximum prices for food and drink sold for immediate consumption in the states of Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin and Illinois, except the counties of Cook, Du Page, Kane, Lake and McHenry, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.502 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator for Region VI by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 6–2 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is issued.

AUTHORITY: § 1448.502 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION NO. 6–2—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN REGION VI

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SECTION 1. *Sales at higher than maximum prices prohibited.* If you own or operate a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "Food Item" (including any beverage) or "meal" at a price higher than the maximum price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than maximum prices.

SEC. 2. *How you figure maximum prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.* (a) Your maximum price for any food item or meal other than a bakery product, which you offered in the seven-day period beginning Sunday April 4, 1943, and ending April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

(b) Your ceiling price for any bakery product sold separately and not as part of a meal, is the highest price charged during the seven-day period, plus the amount, if any, by which the cost of such bakery product has been increased by your customary supplier after April 10, 1943 and before November 15, 1943.

SEC. 3. *How you figure maximum prices for food items and meals you did not offer in the seven-day period.* You must figure your maximum price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your maximum price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established maximum prices, choose a food item or meal which currently has a raw food cost equal to or less than the new food item or meal.

(3) Take as your maximum price for the new food item or meal your maximum price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. (See sections 20 and 21 for definitions and classes of food items and meals.) If, however, you have no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) If you are unable to determine a maximum price for a new food item or meal according to paragraphs (a) or (b), then your maximum price is a price which is in line with your maximum prices for other food items or meals in the next higher cost range. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other. In comparing values, quality, size of portions and the margin over food cost, are the things that count. A price established under this paragraph must always be lower than the price for the food item or meal used as the basis for computing the "in line" price.

(d) Once your maximum price for a food item or meal has been fixed, it may not be changed, except as provided in section 4.

SEC. 4. *How you figure your prices for seasonal items.* First, determine your maximum price for a "seasonal food item" (defined in section 20 (e) in accordance with the appropriate rule of sections 2 and 3 of this regulation). Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided,* That in no event shall the price be higher than the maximum price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your maximum price according to this rule provided the maximum price was based upon estimated average raw food cost of the item for the entire season.

SEC. 5. *No maximum price for any food item or meal to be higher than the highest maximum price for a food item or meal of the same class offered in the five-week period beginning March 7, 1943 and ending April 10, 1943.* Under no circumstances are you permitted to charge a higher price for a new food item or meal than your highest price for food items or meals of the same class offered in the five-week period beginning March 7, 1943 and ending April 10, 1943.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 (a), class 25.

SEC. 6. *Holiday differentials.* Notwithstanding the provisions of the foregoing section, any proprietor who has, customarily, in the regular course of his business, charged higher prices for food items or meals on holidays, such as New Year's Eve, Thanksgiving Day, Labor Day, etc. may continue to maintain his customary differentials.

SEC. 7. *Substitution of food items in meals.* If you have already determined your maximum price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your maximum price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its maximum prices in accordance with the rules established by section 3.

SEC. 8. *Prohibition against manipulation of meal offerings.* You must not manipulate your meal offerings in a manner which will force your customers to spend more for meals than they did during the seven-day period. Among other things you must not:

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class served on any day during the seven-day period without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. (Note that Sunday meals and week-day meals are meals of different classes.)

(b) Fail to offer at least as many different meals at (or below) the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

SEC. 9. *Evasion.* (a) You must not evade the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making appropriate reductions in price. For any change in quantity or quality resulting in a cost saving, you shall reduce your maximum price by an amount which is proportionate to the saving in cost. (You must maintain a raw food cost ratio at least equal to such ratio prior to the deterioration or reduction);

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or increasing any additional charge for the sale of a food item or meal to be consumed off the premises, or making such charges when they were not in effect in the seven-day period, except that a cover or minimum charge in effect during the seven-day period may be increased in accordance with

*Copies may be obtained from the Office of Price Administration.

customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period;

(4) Discontinuing a no-tipping practice without a compensating reduction in your maximum prices;

(5) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the seven-day period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(6) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal, and when necessitated by the restrictions of the rationing program, you may vary the size of such pat of butter.

(3) You may limit the amount of cream served with any food item or meal or you may substitute milk for cream when either action is necessitated by the restrictions of any War Food Administration distribution order or other allocation or rationing regulation.

(4) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(5) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit or other similar food items with which sugar is served, to but not less than, one teaspoonful, except that less may be served if your available supply is not adequate.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish the curtailed item at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 10. *Rules for proprietors not in operation during the seven-day period.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same maximum prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to your District Office for permission to price under paragraph (b) or (c) of this section. If such permission is granted, it may be subject to such conditions as the Director of the appropriate District Office of the Office of Price Administration deems necessary in order to insure that maximum prices are established in line with those prevailing during the period April 4 to 10, 1943.

(b) If you were not in operation during the seven-day period, you must fix maximum prices in line with the maximum prices of the nearest eating or drinking place of the same type as yours. If the maximum prices thus fixed are not so in line, the Director of the appropriate District Office of the Office of Price Administration may issue an order requiring you to reduce your maximum prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

(c) If you cannot price under paragraphs (a) or (b) above, you must apply for a price to the appropriate District Office. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(1) Your name and address.

(2) A brief description of your business and the manner of operation.

(3) The menus or price lists required to be filed under section 12 (b) and, if you are a seasonal operator, the prices you charged during a representative week of your last season.

(4) The date when you plan to commence operations.

(5) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Director of the appropriate District Office of the Office of Price Administration prior to the date specified for the commencement of operations. The Director may, at any time, after proper investigation and hearing, establish maximum prices for your business in line with the maximum prices established under this regulation for eating and drinking places in the area covered by this regulation.

SEC. 11. *Taxes.* If in the seven-day period you stated and collected the amount of any tax (including the Illinois Retailers Occupational Tax) separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. *Records*—(a) *Filing of menus.* General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4 to 10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged during such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus, you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. *Posting.* (a) Beginning March 6, 1944, each menu must have clearly and plainly written on or attached to it the following statement:

> All prices are our ceiling prices or below. By OPA regulation, our ceilings are based on our highest prices from April 4 to 10, 1943. Our menus or price lists for that week are available for your inspection.

If you were not in operation during the seven-day period April 4 to 10, 1943, substitute the following statement:

> All prices are our ceiling prices, or below. By OPA regulation, our ceilings as a new proprietor are in line with competitive prices from April 4–10, 1943. Our menus or price lists for our first week of operation are available for your inspection.

If you do not use menus, you must post the first statement quoted above at a place or places where it can easily be read by your customers.

(b) If you do not use menus, you must post your prices for food items and meals currently offered by you at a place or places where they can easily be read by your customers.

SEC. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately except as provided in section 12 (e).

SEC. 15. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, heretofore issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the seven-day period of this regulation shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case, the lawful maximum price applicable at that time shall be the maximum price hereunder.

SEC. 16. *Geographical application.* This Restaurant Maximum Price Regulation No. 6–2 applies to the states of Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin and Illinois, except the counties of Cook, Du Page, Kane, Lake and McHenry.

SEC. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended, and to administrative suspension order proceedings under any applicable rationing orders and Procedural Regulation No. 4.

SEC. 18. *Exempt sales.* Sales by the following eating or drinking places, or persons, are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars; peddlers aboard railroad cars traveling from station to station; and newsstands located on the premises of a railroad station.

(d) Eating and drinking places operated by a school, college, university or other educational institution or a students' fraternity or other students' organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking.

(e) Eating cooperatives formed by officers in the Armed Forces (as for example, Officers' Mess) operated as a nonprofit cooperative (where no part of the net earnings inures to the benefit of any individual), which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales which are made to officers who are members of the cooperative.

(f) Bona-fide private clubs which file with the appropriate District Office a statement setting forth that:

(1) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue;

(2) It sells food items and meals only to members and bona-fide guests of members;

(3) Its members pay dues of more than a merely nominal amount (the amount of dues paid by each class of members and the period covered by such dues should be indicated) and are elected to membership by a governing board, membership committee, or other body; and

(4) It is otherwise operated as a club.

Five days after filing such information or earlier if so notified by the District Director, a private club may consider itself exempt unless and until it is otherwise notified by the District Director.

Any club which subsequent to such filing, changes its operations with respect to any of the requirements stated above shall immediately notify the appropriate District Office accordingly. Any club which sells food items or meals to persons other than members and bona-fide guests of members is subject to this regulation with respect to all sales.

SEC. 19. *Adjustments.* (a) Each District Director of the Office of Price Administration may adjust the maximum prices for any eating establishment located in his District under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operations; and

(2) It is determined with reasonable certainty that such discontinuance will result in a serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation; or

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfied the requirements specified above, you may apply for an adjustment of your maximum prices by submitting in duplicate to the appropriate District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served), and such other information as may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

(7) Such other information as the District Director may reasonably require to ascertain the facts called for by section 19 (a).

SEC. 20. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese. See section 21 (b) for "classes of meals." Two "meals" may be considered the "same" only if they consist of identical combinations of food items, and belong to the same class of meals.

(c) "Offered" means offered for sale for consumption in or about the eating or drinking place, and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese. Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 2 and 3, when they are items in different classes. (See section 21 (a) for "classes of food items".) For example: Lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish, such as oysters; certain fresh fish, such as salmon, trout and shad; certain vegetables, such as summer squash; and certain fruits, such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 20.)

(a) *The classes of food items.* For the purposes of this regulation, there shall be thirty-six classes of food items:

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees; egg and combination egg dishes served at breakfast.
4. Entrees; meat and meat combination dishes served at breakfast.
5. Entrees; all other dishes served at breakfast.
6. Breads, rolls, buns, Danish pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies, and preserves.

OTHER ITEMS

8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef; steaks and roasts.
11. Veal; steaks, chops and roasts.
12. Pork; loin, chops, steaks, roasts.
13. Lamb or mutton; chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Stews, casseroles, ragouts, curries and similar prepared dishes.
19. Egg and cheese dishes and combinations.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts; cakes, cookies, pies, pastries, and other baked goods.
24. Desserts; sherbets, ice cream, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts; seasonal dessert specialties such as watermelon and cantaloupe.
26. Desserts; all others, including fruits, pudding and cheese.
27. Cold sandwiches; including garnishings, salads and vegetables.
28. Hot sandwiches; including garnishings, salads and vegetables.
29. All other food items served in a meal, including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

31. Nonalcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins and brandies.
35. Cordials, including fruit liqueurs.
36. All other alcoholic beverages.

(b) *The classes of meals.* For purposes of this regulation, there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, each District Director of the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers located in his district when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 23. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Under Licensing Order No. 1, a license is automatically granted without application by the seller.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended, or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the Regional Administrator for Region VI.

This regulation shall become effective March 6, 1944.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 15th day of February 1944.

RAE E. WALTERS,
Acting Regional Administrator.

[F. R. Doc. 44-2244; Filed, February 15, 1944; 4:46 p. m.]

PART 1340—FUEL

[MPR 436,[1] Amdt. 9]

CRUDE PETROLEUM IN CERTAIN NEBRASKA AREAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 (n) is added to read as follows:

(n) *Nebraska—(1) Falls City Field and Barada Field.* The maximum price at the receiving tank for crude petroleum produced in the Falls City Field and the Barada Field, Richardson County, Nebraska, shall be as follows:

API gravity:	Dollars per 42 gallon barrel
Below 21	0.85
21-21.9	.87
22-22.9	.89
23-23.9	.91
24-24.9	.93
25-25.9	.95
26-26.9	.97
27-27.9	.99
28-28.9	1.01
29-29.9	1.03
30-30.9	1.05
31-31.9	1.07
32-32.9	1.09
33-33.9	1.11
34-34.9	1.13
35-35.9	1.15
36-36.9	1.17
37-37.9	1.19
38-38.9	1.21
39-39.9	1.23
40 and above	1.25

This amendment shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2279; Filed, February 16, 1944; 11:36 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 16]

PEANUT OIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respects:

1. In section 4.1 (b) the text preceding the table is amended to read as follows:

(b) Refined peanut oil produced from the 1942-43 peanut crop—delivered in tank cars, as follows:

2. A new section 4.1 (c) is added to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11869.

[1] 8 F.R. 11150, 11508, 11296, 11739, 12022, 12549, 12559, 12873, 15523, 15670, 17227; 9 F.R. 540, 795, 1054, 1522, 1574.

(c) Refined peanut oil produced from the 1943-44 peanut crop or any subsequent peanut crop—delivered in tank cars, as follows:

[Cents per pound]

	Refined unbleached and undeodorized	Refined bleached and undeodorized	Refined deodorized and unbleached	Deodorized white (bleached) refined peanut oil	Hydrogenated peanut margarine oil	High titre hydrogenated peanut oil
Albany, N. Y.	14.69	14.83	14.92	15.06	15.78	15.83
Atlanta, Ga.	14.31	14.45	14.54	14.68	15.40	15.45
Baltimore, Md.	14.60	14.74	14.83	14.97	15.69	15.74
Boston, Mass.	14.68	14.82	14.91	15.05	15.77	15.82
Buffalo, N. Y.	14.72	14.86	14.95	15.09	15.81	15.86
Charlotte, N. C.	14.43	14.57	14.66	14.80	15.52	15.57
Chattanooga, Tenn.	14.48	14.62	14.71	14.85	15.57	15.62
Chicago, Ill.	14.57	14.71	14.80	14.94	15.66	15.71
Cincinnati, Ohio	14.57	14.71	14.80	14.94	15.66	15.71
Columbus, Ohio	14.62	14.76	14.85	14.99	15.71	15.76
Cudahy, Wis.	14.59	14.73	14.82	14.96	15.68	15.73
Dallas, Tex.	14.16	14.30	14.39	14.53	15.25	15.30
Denison, Tex.	14.20	14.34	14.43	14.57	15.29	15.34
Denver, Colo.	14.62	14.76	14.85	14.99	15.71	15.76
El Paso, Tex.	14.49	14.63	14.72	14.86	15.58	15.63
Fort Worth, Tex.	14.18	14.32	14.41	14.55	15.27	15.32
Houston, Tex.	14.22	14.36	14.45	14.59	15.31	15.36
Indianapolis, Ind.	14.54	14.68	14.77	14.91	15.63	15.68
Jacksonville, Fla.	14.41	14.55	14.64	14.78	15.50	15.55
Kansas City, Mo.	14.43	14.57	14.66	14.80	15.52	15.57
Los Angeles, Calif.	14.84	14.98	15.07	15.21	15.93	15.98
Louisville, Ky.	14.53	14.67	14.76	14.90	15.62	15.67
Macon, Ga.	14.31	14.45	14.54	14.68	15.40	15.45
Memphis, Tenn.	14.33	14.47	14.56	14.70	15.42	15.47
New Orleans, La.	14.40	14.54	14.63	14.77	15.49	15.54
New York, N. Y.	14.64	14.78	14.87	15.01	15.73	15.78
Oklahoma City, Okla.	14.31	14.45	14.54	14.68	15.40	15.45
Philadelphia, Pa.	14.62	14.76	14.85	14.99	15.71	15.76
St. Louis, Mo.	14.48	14.62	14.71	14.85	15.57	15.62
San Antonio, Tex.	14.22	14.36	14.45	14.59	15.31	15.36
San Francisco, Calif.	14.84	14.98	15.07	15.21	15.93	15.98
Savannah, Ga.	14.39	14.53	14.62	14.76	15.48	15.53
Seattle, Wash.	14.84	14.98	15.07	15.21	15.93	15.98
Sherman, Tex.	14.18	14.32	14.41	14.55	15.27	15.32
Terre Haute, Ind.	14.52	14.66	14.75	14.89	15.61	15.66

(1) The usual or normal differentials above or below these delivered prices, shall apply to all other destinations.

(2) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(3) The usual or normal differentials for type of container shall continue to apply.

3. Section 4.2 is amended to read as follows:

SEC. 4.2 *Refined peanut oil produced from the 1942-1943 peanut crop and sold for industrial use.* When refined peanut oil produced from the 1942-1943 peanut crop is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for such oil by section 4.1 (b) hereof.

This amendment shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2280; Filed, February 16, 1944; 11:36 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 512]

ICELAND HERRING

In the judgment of the Price Administrator, the establishment of the maximum prices fixed by this regulation is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

The Price Administrator has consulted and advised with representative members of the industry which will be affected by the regulation. In the judgment of the Price Administrator the prices established are generally fair and equitable and will effectuate the purposes of the act. The prices established are not below the average prices for these types of sales in the year 1941.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected, or insofar as they were not in general use, their use is essential to effectuate price control, and there is no effective alternative.

A statement of the considerations involved in the issuance of this regulation has been issued herewith and filed with the Division of the Federal Register.*

§ 1364.353 *Maximum prices for sales of Iceland herring.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 512 (Iceland Herring), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.353 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

MAXIMUM PRICE REGULATION NO. 512—ICELAND HERRING

ARTICLE I—EXPLANATION OF THIS REGULATION

Sec.
1. What this regulation does.
2. Relation to other regulations.
3. Applicability of this regulation.

ARTICLE II—PRICES AND PRICING METHODS

4. Maximum prices for Iceland herring.
5. Notification of new maximum price.

ARTICLE III—RECORD KEEPING REQUIREMENTS AND COMPLIANCE

Sec.
6. Records and reports.
7. Prohibition against selling or buying above maximum prices.
8. Evasion.
9. Enforcement.
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ARTICLE IV—MISCELLANEOUS PROVISIONS

11. Petitions for amendment.
12. Adjustable pricing.
13. Definitions.

ARTICLE I—EXPLANATION OF THIS REGULATION

SECTION 1. *What this regulation does.* This regulation fixes maximum prices for sales of Iceland herring by importers.

SEC. 2. *Relation to other regulations.* The provisions of this regulation supersede the provisions in the General Maximum Price Regulation[1] and Maximum Price Regulation No. 421 with respect to sales of Iceland herring by importers. Maximum Price Regulation No. 421 now applies only to sales of Iceland herring by wholesalers who are not importers.

SEC. 3. *Applicability of this regulation.* The provisions of this regulation shall not be applicable to sales or deliveries of Iceland herring to a purchaser, if prior to February 21, 1944, such Iceland herring have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

ARTICLE II—PRICES AND PRICING METHODS

SEC. 4. *Maximum prices for Iceland herring.* (a) The maximum prices for sales of Iceland herring by an importer are set out below. Except for service and delivery sales to retailers or purveyors of meals the prices are f. o. b. the seller's warehouse. The prices for service and delivery sales are prices for sales to retailers and purveyors of meals on a delivered basis to the customers' usual receiving point. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes. An importer may add the actual cost of transportation from the port of entry to the importer's warehouse where his warehouse is not at that port. In no case may the rate exceed the carload rail freight rate.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4624, 4973, 4848, 6047, 6962, 8511, 9025, 9091, 11955.

ICELAND HERRING

Sales to persons other than purveyors of meals or retailers	Sales to retailers or purveyors of meals	
	Service and delivery	Cash and carry
Matjes herring:		
(a) Barrels—containing 250 lbs. of herring $33.25	$37.75	$36.25
(b) Half-barrels—containing 125 lbs. of herring $17.75	20.00	19.25
Headless herring:		
(a) Barrels—containing 200 lbs. of herring $31.50	36.00	34.50
(b) Half-barrels—containing 125 lbs. of herring $16.75	19.00	18.25

(b) *Containers.* For container sizes not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration. Such determination shall be made upon written request addressed to the Office of Price Administration, Washington, D. C. and accompanied by a sworn statement showing costs and usual differentials.

SEC. 5. *Notification of new maximum price.* With the first delivery after February 20, 1944, of any item for which a price is determined pursuant to this regulation, the seller determining his maximum prices under this regulation shall supply each wholesaler and retailer who purchases from him with the following written notice:

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade and container, type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after February 20, 1944. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422, or 423 whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

ARTICLE III—RECORD KEEPING REQUIREMENTS AND COMPLIANCE

SEC. 6. *Records and reports.* (a) Every person making a sale subject to this regulation and every person in the course of trade or business making a purchase of Iceland herring subject to this regulation or otherwise dealing therein, after February 20, 1944, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his customary records including complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and kind of Iceland herring.

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Prohibition against selling or buying above maximum prices.* Regardless of any contract or obligation no person shall sell or deliver, or buy or receive in the course of trade any Iceland herring at a price higher than the maximum price established for it by this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

However, prices lower than the maximum prices may be charged and paid.

SEC. 8. *Evasion.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall directly or indirectly charge or receive for Iceland herring a price higher than the maximum price permitted by this regulation, whether by commission, service, transportation, container, packaging or other charge or discount, premium or other privilege; no person shall as a condition of selling any Iceland herring, subject to this regulation, require a purchaser to buy any other product.

SEC. 9. *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension provisions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Definitions.* When used in this maximum price regulation the term:

"Headless herring" means Iceland herring which has been beheaded and eviscerated and then lightly salted.

"Iceland herring" means Atlantic sea herring which has been processed in and shipped from Iceland.

"Importer" means any person who is the ultimate consignee in the United States of Iceland herring.

"Matjes herring" means Iceland herring from which the gills and viscera have been removed without splitting (gibbed) and which has then been lightly salted (mild cured).

"Purveyor of meals" means a person supplying meals for a consideration.

"Retailer" means a person who sells for the most part to the ultimate consumer and who is not a commercial, industrial or institutional user.

"Wholesaler" means a person, the larger part of whose business is the purchase of food products for resale and the distribution from his warehouse without materially changing the form of such food products to independent retail stores or to commercial, industrial or institutional users.

Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Effective date. This regulation shall become effective February 21, 1944.

NOTE: The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2281; Filed, February 16, 1944; 11:35 a. m.]

17 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amdt. 21]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 333 is amended in the following respects:

1. A new § 1429.65 (z) is added to read as follows:

(z) *Solids and palatability in dried whole eggs.* "Percent of solids" or "percentage in solids", when used in connection with dried whole eggs means the percentage in total egg solids of a lot of dried whole eggs as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, pages 297 and 298, under "Total Solids".

(1) "Palatability", when used in connection with dried whole eggs means the degree to which a representative sample of a lot of dried whole eggs is pleasing to human taste when reconstituted and coagulated as provided in the order of the War Food Administrator promulgated and published in Title 7, Volume 9, Number 27 of the FEDERAL REGISTER of February 8, 1944, page 1499. Such "palatability" shall be determined in accordance with tests prescribed by the War Food Administrator and shall be evidenced by "palatability scores" as provided in such order of the War Food Administrator.

2. There is added to Table H in § 1429.74 (d) the following provisions:

The above maximum prices for dried whole eggs are the maximum base prices for all sales and deliveries of such product in the cities named without regard to "percentage in solids" or "palatability score" except those sales and deliveries to the United States or any agency thereof under contract in which the lot sold or delivered has 96 percent or more in solids and a palatability score of 7 or more.

3. A new § 1429.74 (f) (1) is added to read as follows:

(1) Where the lot of dried whole eggs sold to the United States or any agency thereof under contract has a percentage in solids within a range of percentages in solids indicated below there may be charged in the particular sale the increase in cents per pound above the maximum price determined for less than 96 percent solids, shown opposite the particular range below:

Percentages in solids:	*Permitted increase in cents per pound*
95 to 96.49 inclusive	$0.0075
96.50 to 96.99 inclusive	.0150
97 to 97.49 inclusive	.0225
97.50 and up	.03

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6162, 6476, 6626, 7457, 9027, 9879, 11381, 12095, 12478, 12636, 14093, 14400, 14855, 15459, 16199, 16999, 17485.

4. A new § 1429.74 (f) (2) is added to read as follows:

(2) Where the lot of dried whole eggs sold to the United States or any agency thereof under contract has a palatability score within a range of palatability scores indicated below there may be charged in the particular sale the increase in cents per pound above the maximum price determined for palatability scores less than 7, shown opposite the particular range below:

Palatability score:	*Permitted increase in cents per pound*
7 or more but less than 7.5	$0.005
7.5 or more but less than 8	.01
8 or more	.015

This amendment shall become effective March 1, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2277; Filed, February 16, 1944; 11:33 a. m.]

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amdt. 22]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 333 is is amended in the following respects:

1. Table E of § 1429.70 (e) is amended insofar as it relates to maximum base prices for the egg products therein named for the month of March 1944 in basing point cities, to read as follows:

MARCH

Whole frozen and reconstituted eggs	32
Frozen whites	24
45% yolks	45.5
Sugared and salted yolks (10% sugar or salt)	40.2

2. Table F of § 1429.70 (g) is amended insofar as it relates to maximum base prices for the egg products therein named for the month of March 1944 in Kansas City, Missouri, to read as follows:

MARCH

Whole frozen and reconstituted eggs	30.6
Frozen whites	22.6
45% yolks	44.1
Sugared and salted yolks (10% sugar or salt)	38.8

This amendment shall become effective March 1, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2278; Filed, February 16, 1944; 11:33 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 92]

RECONDITIONED VALVES AND USED VALVES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.33 is amended to read as follows:

SEC. 6.33 *Maximum prices for sales of reconditioned valves and used valves.* (a) On and after the 21st day of February, 1944, regardless of any contract, agreement, lease, or other obligation, no person shall sell, and no person in the course of trade or business shall buy any reconditioned valve or used valve at prices in excess of the following maximum prices:

(1) *Reconditioned valves.* The maximum price for any reconditioned valve shall not be in excess of the amount determined by either of the following methods:

(i) 80 percent of the original manufacturer's net price to jobbers for the new valve;

(ii) 80 percent of any other manufacturer's net price to jobbers for the new valve of identical type; or

(iii) 50 percent of the original manufacturer's recommended resale price for the new valve;

(iv) 50 percent of any other manufacturer's recommended resale price for a new valve of identical type.

(2) *Used valves.* The maximum price for any used valve shall not be in excess of the amount determined by either of the following methods:

(i) 40 percent of the original manufacturer's net price to jobbers for the new valve;

(ii) 40 percent of any other manufacturer's net price to jobbers for a new valve of identical type; or

(iii) 25 percent of the original manufacturer's recommended resale price for the new valve;

(iv) 25 percent of any other manufacturer's recommended resale price for a new valve of identical type.

(b) *Definitions.* As used herein the term:

"Manufacturer's recommended resale price" means the manufacturer's published list price less the applicable published base resale discount (resale sheet) recommended by the manufacturer to be extended by jobbers on sales to consumers during the period October 1 to October 15, 1941.

"Valve" means any manually or motor-operated device designed to regulate, direct, or stop the movement of any liquid, gas, or vapor, in a piping system, tank, or any other restricted area, and includes, but is not limited to, angle, check, cross, gate, globe, or plug valve, or any evolution of these basic types.

"Reconditioned valve" means any used valve which has been subjected to the following reconditioning steps:

(1) The valve has been completely disassembled;

(2) The valve's operating mechanism has been thoroughly examined with particular attention to the seat;

(3) All defective or worn parts have been replaced with new parts;

(4) The valve has been reassembled and painted;

(5) A hydrostatic test at double the rated water working pressure of the valve has been applied and the valve was found to be free from leaks, defects, and in free working order.

"Used valve" means any valve which had been, at any time, incorporated into or connected to a piping system, machinery, or operating mechanism, and which has not been reconditioned as set forth above.

"Manufacturer's net maximum price to jobbers" means the manufacturer's published list price less the applicable published ("J" sheet) discount extended by the manufacturer on sales to jobbers during the period October 1–15, 1941.

(c) *Discounts and allowances.* The maximum prices established in paragraph (a) above shall be subject to at least the same cash discounts extended by the seller during the month of March 1942, to his various classes of customers.

(d) *Delivery.* The maximum prices established in paragraph (a) above are f. o. b. seller's usual place of business, but shall include free local delivery within customary free local delivery zones recognized as such by the seller during the month of March 1942.

(e) *Tagging requirements.* Every person selling a reconditioned valve under this section 6.33, must attach to each valve a tag having substantially the following guarantee printed thereon:

This valve has been reconditioned in accordance with the provisions of section 6.33 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation and this valve is fully guaranteed to operate at the working pressures for which it was originally designed.

(f) *Installed sales.* The sale of a reconditioned valve or a used valve on an installed basis is not covered by this section. Such a sale is covered by the applicable Maximum Price Regulation.

(g) *Notification of purchasers of existence of this section 6.33.* Every person selling reconditioned valves or used valves subject to this section shall, before making an initial sale to each purchaser, notify each purchaser of the existence of this section and, upon request of such purchaser, make available a copy of it for examination.

(h) *Records.* Every person selling reconditioned valves or used valves subject to this section, shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of each sale made under this section showing the date of the sale, the name and address of the purchaser, the manufacturer's plate number of the original valve, the list price of the original valve, the discount extended, as published by the manufacturer in the "J" discount sheet or "Resale" discount sheet, the further discount allowed by the seller as set forth in paragraphs (a) and (c) and the point of delivery of the shipment.

(i) *Reports.* All persons making sales subject to the provisions of this section shall submit such reports as the Office of Price Administration may at any time request, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(j) *Geographical applicability.* This section 6.33 applies only in the 48 states of the United States and the District of Columbia.

This Amendment No. 92 shall become effective February 21, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2282; Filed, February 16, 1944; 11:36 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

WAIVER OF COMPLIANCE WITH CERTAIN PROVISIONS

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979), waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war.

Now therefore, I hereby find it to be necessary in the conduct of the war that there be waived compliance with § 6.20 in the case of any vessel engaged in business connected with the conduct of the war.

R. R. WAESCHE,
Commandant.

FEBRUARY 15, 1944.

[F. R. Doc. 44-2285; Filed, February 16, 1944; 11:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 206]

FLORIDA

REVOCATION OF EXECUTIVE ORDER WITHDRAWING PUBLIC LANDS

Revocation of Executive Order No. 4366 of January 14, 1926, withdrawing public lands.

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 4366 of January 14, 1926, withdrawing public lands in Florida for classification and in aid of legislation, is hereby revoked, the lands thus released becoming subject to the provisions of Executive Order No. 6964 of February 5, 1935, withdrawing public lands in Florida and other States for classification and other purposes.

HAROLD L. ICKES,
Secretary of the Interior.

FEBRUARY 3, 1944.

[F. R. Doc. 44-2248; Filed, February 16, 1944; 9:26 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 5, Rev.]

PART 304—LABOR

PACIFIC COAST MARITIME INDUSTRY BOARD

Whereas by Executive Order No. 9054 dated February 7, 1942, as amended by Executive Order No. 9244, dated September 16, 1942, the President established the War Shipping Administration in order to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war: and

Whereas it is essential in order to achieve the objectives of the said Executive orders that the loading and discharging of vessels be carried out with the maximum possible degree of efficiency...

Now therefore by virtue of the power vested in me by the aforesaid Executive orders, *It is hereby ordered that:*

General Order 5, as amended, be further amended and revised by striking out §§ 304.1 to 304.7 inclusive, and substituting in lieu thereof the following:

Sec.
304.1 Creation of Pacific Coast Maritime Industry Board.
304.2 Membership of the Board.
304.3 Delegation of authority.
304.4 Collective bargaining agreements.
304.5 Surveys.
304.6 Rules and regulations.
304.7 Reports to and delegation of functions by the Administrator.

AUTHORITY: §§ 304.1 to 304.7, inclusive, issued under E.O. 9054, 9244, 7 F.R. 837, 7327.

§ 304.1 *Creation of Pacific Coast Maritime Industry Board.* There is hereby created a Pacific Coast Maritime Industry Board (hereinafter referred to as the Board) as an agency of and within the War Shipping Administration.

§ 304.2 *Membership of the Board.* The Board shall consist of five members, namely, a Chairman, (and a Vice-Chairman to act in his absence), two representatives of employers of longshore labor on the Pacific Coast and two representatives of longshore unions on the Pacific Coast. However, two representatives of longshore unions shall be chosen from the A. F. of L. Union of longshoremen to serve on the Board as the two union representatives in matters arising in ports in which the A. F. of L. Union represents the longshoremen for purposes of collective bargaining and two representatives of longshore unions shall be chosen from the C. I. O. Union of longshoremen to serve on the Board as the two union representatives in matters arising in ports in which the C. I. O. Union represents the longshoremen for purposes of collective bargaining.

(a) The Chairman shall be appointed by the Administrator.

(b) The representatives of the employers and the unions shall be appointed by the Administrator. He may also designate two employer alternates and four union alternates. The four union alternates shall be divided equally between the A. F. of L. and C. I. O. unions. The Administrator may at any time revoke such appointments or designations of representatives or alternates and make new appointments or designations.

(c) The Vice-Chairman shall be selected by the Chairman with the approval of the Administrator. He shall perform such duties, activities and functions as may be assigned to him by the Chairman, shall act as Chairman in the absence of the Chairman and when serving in such capacity shall have all powers granted herein to the Chairman.

§ 304.3 *Delegation of authority.* Subject to such directives as may be issued and such policies as may be determined by the Administrator, the Board shall have all of the powers vested in the Administrator.

(a) To coordinate the efforts of the employer and employee groups in the longshore industry on the Pacific Coast for the purpose of increasing efficiency in loading and discharging vessels in that area in furtherance of the successful prosecution of the war.

(b) To render decisions and make rules, on its own motion, on matters respecting the registration of employees, recruiting and training of new employees, emergency transportation of employees from port to port to meet labor shortages, dispatching rules and procedures, organization and duties of dispatching hall staffs, health, safety and welfare of employees, penalizing of employers and employees for violations of the decisions or rules of the Board, maximum utilization of labor, sizes of sling loads, the right to use labor saving equipment, organization and composition of gangs and responsibilities and authority of various employees, including as to those matters specified in this paragraph (b) the right to modify or suspend any provision or provisions in the applicable collective bargaining agreements, local working and dispatching rules or other agreements and port practices, resulting either from unilateral or bilateral action: *Provided, however,*

(1) That any such decision or rule shall be effective only for the duration of the war, and

(2) That the authority to make any such decision or rule shall be limited to matters affecting the efficiency of stevedoring operations on the Pacific Coast in connection with the successful prosecution of the war as to which effect, in the event of any dispute with respect thereto, the Administrator for all purposes hereunder shall be the sole judge, and

(3) That if the employer or employee groups or any of them, feel aggrieved by any such decision or rule, they may, within thirty (30) days after the issuance of such decision or rule, submit the matter to an arbitrator selected in the manner provided in their collective bargaining agreement, in which event such decision or rule shall remain in force as announced until the decision of such arbitrator becomes final and effective. The Board shall have the right in connection with any such arbitration to present to the arbitrator its reasons for making the decision or rule involved in such matter.

(c) To attempt to mediate the differences that may exist between the employer and employee groups in respect to any dispute arising under their respective collective bargaining agreements or otherwise, which, short of arbitration or actual steps taken leading thereto, are not settled by such groups under the grievance machinery provided in their agreements.

(d) To arbitrate any dispute, arising under the collective bargaining agreements or otherwise between the employer and the employee groups, which, short of other arbitration or steps actually taken leading thereto, are not settled by such groups under the grievance machinery provided in their agreements: *Provided,*

(1) That the parties to such dispute mutually agree in writing that such matter shall be submitted to the Board for arbitration and that the decision of the Board shall be final and conclusive on the issues submitted and shall be binding upon the parties thereto, and

(2) That the Administrator specifically authorizes the Board in each such instance to accept the arbitration of such dispute.

§ 304.4 *Collective bargaining agreements.* Subject to decisions and rules made by the Board pursuant to § 304.3 (b) hereof, existing collective bargaining agreements shall continue in full force and effect.

§ 304.5 *Surveys.* The Board shall from time to time, as the Administrator directs, conduct surveys and make inspections of the loading and discharging of vessels in Pacific Coast ports for the purpose of disclosing facts affecting the efficiency of stevedoring operations on the Pacific Coast. Copies of all such surveys and inspections shall be transmitted to the Administrator. The Board is authorized to require employers to file copies of all hatch logs to aid in determining the efficiency of stevedoring operations and to serve as a guide in making surveys and inspections.

§ 304.6 *Rules and regulations.* The Board shall have power to promulgate procedural and administrative rules and regulations appropriate for the performance of its duties.

§ 304.7 *Reports to and delegation of functions by the Administrator.* (a) The Board shall from time to time report to the Administrator on its activities hereunder and on the status of the efficiency of the loading and discharging of vessels on the Pacific Coast, in so far as such operations are related to the prosecution of the war.

(b) The Administrator may delegate to such person or persons as he may hereafter designate any or all functions on his part to be performed hereunder.

E. S. LAND,
Administrator.

FEBRUARY 15, 1944.

[F. R. Doc. 44-2276; Filed, February 16, 1944; 11:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 178, Amdt. 2]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR FATS AND OILS, ETC.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 178 (9 F.R. 542) of January 11, 1944, as amended (9 F.R. 1184), and good cause appearing therefor:

It is ordered, That Service Order No. 178 (9 F.R. 542) of January 11, 1944, as amended (9 F.R. 1184), be, and it is hereby, amended by substituting the following paragraph (a) in lieu of paragraph (a) of § 95.328, *Use of refrigerator cars for certain commodities prohibited:*

(a) No common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a refrigerator car or cars for loading with, or transport or move a refrigerator car or cars loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, dried or powdered skim milk, concentrated citrus juice, empty beer containers, dried or evaporated fruits, fig paste, fig powder, or fig pulp, processed cheese in glass or metal containers, paraffine wax, or palm or palmetto leaves or buds. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., Feb-

ruary 17, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-2286; Filed, February 16, 1944; 11:52 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VII—NORTH DAKOTA

ROLETTE COUNTY

Locality I: Consisting of Dunseith City; St. John Village; Township 162, Range 70; Township 162, Range 71; Township 162, Range 72; Township 162, Range 73 (part); Township 163, Range 70 (part); Township 163, Range 71; Township 163, Range 72; Township 163, Range 73; Township 164, Range 70; Township 164, Range 71; Township 164, Range 72; and Township 164, Range 73, $2,795.

Locality II: Consisting of Fairview Township; Kohlmeier Township; Mount Pleasant Township; Mylo Village; Rolette City; Rolla City; South Valley Township; Thorne Village; Township 159, Range 69; Township 159, Range 70; Township 159, Range 71; Township 159, Range 72; Township 160, Range 69 (part); Township 160, Range 70; Township 160, Range 71 (part); Township 160, Range 72; Township 161, Range 69; Township 161, Range 70; Township 161, Range 71; Township 161, Range 72 (part); and Township 161, Range 73, $7,001.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: February 14, 1944.

FRANK HANCOCK, *Administrator.*

[F. R. Doc. 44-2264; Filed, February 16, 1944; 11:31 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 227]

PUERTO RICO

APPOINTMENT OF SPECIAL INDUSTRY COMMITTEE NO. 3

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public: Martin Travieso, Chairman, San Juan, Puerto Rico. Jose M. Gallardo, San Juan, Puerto Rico. John A. Lapp, Chicago, Illinois.

For the Employees: Prudencio Rivera Martinez, San Juan, Puerto Rico. Francisco Colon Gordiany, San Juan, Puerto Rico. Charles V. Ernest, Baltimore, Maryland.

For the Employers: Rafael Carrion, San Juan, Puerto Rico. Jose Antonio Canals, Arecibo, Puerto Rico. Ramon Ramos Casellas, San Juan, Puerto Rico.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and rules and regulations promulgated thereunder, shall meet beginning on March 15, 1944, at 9 a. m., in the Chamber of Commerce Auditorium, Tetuan Street, San Juan, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico and recommend to the Administrator minimum wage rates for all employees in Puerto Rico who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Said special industry committee shall first proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the Sugar, Rum, Industrial Alcohol, Shipping, Banking and Insurance, Tobacco, and Needlework Industries, and shall thereafter, in such order as the committee may elect, investigate conditions respecting, and recommend minimum wage rates for, the employees in the other industries in Puerto Rico.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 44-2268; Filed, February 16, 1944; 12:10 p. m.]

INDUSTRIES IN PUERTO RICO

MINIMUM WAGE HEARING

Notice of public hearing before the Special Industry Committee No. 3 for Puerto Rico for the purpose of receiving evidence to be considered in recommending minimum wage rates for employees in Puerto Rico engaged in the sugar, rum, industrial alcohol, shipping, banking and insurance, tobacco, needlework and other industries.

In conformity with the Fair Labor Standards Act of 1938, as amended, and with § 511.11 of the rules and regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning on March 15, 1944, at 10:00 a. m., in the Chamber of Commerce Auditorium, San Juan, Puerto Rico, for the purpose of receiving evidence to be considered by the Special Industry Committee No. 3 for Puerto Rico in determining the highest minimum wage rates for all employees in Puerto Rico who within the meaning of the said Act are "engaged in commerce or in the production of goods for commerce," which, having due regard to economic and competitive conditions, will not substantially curtail employment and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

The Special Industry Committee No. 3 for Puerto Rico was created by Administrative Order No. 227 to be published in the FEDERAL REGISTER on February 17, 1944. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and rules and regulations promulgated thereunder, with the duty of investigating conditions in the industries of Puerto Rico and of recommending to the Administrator minimum wage rates which may be lower than 30 cents but not higher than 40 cents per hour for all employees in Puerto Rico who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator and at which all interested persons will have an opportunity to be heard.

Administrative Order No. 227 directed the Special Industry Committee No. 3 to proceed first to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the sugar, rum, industrial alcohol, shipping, banking and insurance, tobacco and needlework industries and shall thereafter, in such order as the Committee may elect, investigate conditions respecting, and recommend minimum wage rates for, the employees in other industries in Puerto Rico.

Any person who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with Russell Sturgis, Territorial Representative of the Wage and Hour Division, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan, Puerto Rico, not later than March 13, 1944, Notice of Intention to Appear, a copy of which is to be sent to the Administrator of the Wage and Hour Division, 165 West 46th Street, New York 19, New York. The notice of intention to appear should contain the following information:

1. The name and address of the person appearing.
2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.
3. A brief summary of the material intended to be presented.
4. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as Special Industry Committee No. 3 for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committee provided that twenty copies thereof are received not later than March 13, 1944, at the Wage and Hour Division of the United States Department of Labor, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan, Puerto Rico. Any person appearing at the hearing who offers written material must submit twenty copies thereof.

Signed at San Juan, Puerto Rico, this 8th day of February 1944.

MARTIN TRAVIESO, *Chairman, Special Industry Committee No. 3 for Puerto Rico.*

[F. R. Doc. 44-2287; Filed, February 16, 1944; 12:10 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1182]

HUGHES TOOL COMPANY

NOTICE OF HEARING REGARDING TWA CONTROL

In the matter of the application of Hughes Tool Company for approval, if such approval is necessary, of control of Transcontinental & Western Air, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 of said Act, in the above-entitled proceeding, that hearing is assigned for February 24, 1944, 10 a. m. (eastern war time) in room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated: Washington, D. C., February 12, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44-2252; Filed, February 16, 1944; 10:31 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev-172]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEW HAMPSHIRE, MAINE, AND MASSACHUSETTS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Daniel E. McCarthy doing business as McCarthy's Express Company, Lawrence, Massachusetts, M. & E. Transportation Corp., Somersworth, New Hampshire, Rand Pickering Express, Inc., Portsmouth, New Hampshire, and Maine Freightways, Portland, Maine, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582, 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-172," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 21, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of February 1944.

JOSEPH B. EASTMAN, *Director, Office of Defense Transportation.*

[F. R. Doc. 44-2253; Filed, February 16, 1944; 10:39 a. m.]

[Supp. Order ODT 3, Rev-173]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA AND IOWA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of

[1] Filed as part of the original document.

necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-173," and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 21, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Brady Transfer and Storage Company (a corporation), Ft. Dodge, Iowa.
2. Ray Briscoe, Cecilia Briscoe, Administratrix (an individual), Carroll, Iowa.
3. Burlington Transportation Company (a corporation), Galesburg, Illinois.
4. C. J. Calabria (an individual), doing business as C. & H. Motor Freight Co., Omaha, Nebraska.
5. John H. Neumann (an individual), doing business as Consolidated Motor Freight Terminal, Omaha, Nebraska.
6. Charles W. Darling (an individual), doing business as Darling Transfer, Auburn, Nebraska.
7. Leroy Enstrom (an individual), doing business as Enstrom Transfer, Oakland, Nebraska.
8. J. H. Fredrickson and D. H. Fredrickson (a partnership), doing business as J. H. Fredrickson & Son, Harlan, Iowa.
9. W. L. Van Patten (an individual), doing business as Gate City Terminal and Gate City Motor Freight, Omaha, Nebraska.
10. Gordon Storage Warehouses, Inc. (a corporation), Omaha, Nebraska.
11. Walter Hall (an individual), doing business as Hall and Wilson, Fremont, Nebraska.
12. Highway Motor Freight, Inc. (a corporation), Omaha, Nebraska.
13. Holdcroft Transportation Company (a corporation), Sioux City, Iowa.
14. Interstate Transfer & Storage Company (a corporation), Council Bluffs, Iowa.
15. Merchants Motor Freight, Inc. (a corporation), St. Paul, Minnesota.
16. On-Time Transfer Company (a corporation), Omaha, Nebraska.
17. Matthew Leo McKeone (an individual), doing business as Red Ball Transfer Company, Omaha, Nebraska.
18. The Rock Island Motor Transit Company (a corporation), Des Moines, Iowa.
19. Orval Tangeman (an individual), doing business as Tangeman Transfer, Bloomfield, Nebraska.
20. Union Transfer Company (a corporation), doing business as Union Freightways, Omaha, Nebraska.
21. Watson Bros. Transportation Co. Inc., (a corporation), Omaha, Nebraska.
22. Wilson Storage and Transfer Company (a corporation), Sioux Falls, South Dakota.

[F. R. Doc. 44-2254; Filed, February 16, 1944; 10:39 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 130, Under MPR 64]

AUTOMATIC RANGE CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 130 under Maximum Price Regulation No. 64—Domestic Cooking and Heating Stoves. Approval of maximum prices for resales of Model No. V-19 gas range manufactured by Automatic Range Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, and in accordance with section 11, *It is ordered:*

(a) J. Rose & Company, Inc., 68 Jay Street, Brooklyn, New York, may sell and deliver Model No. V-19 gas range, without heat control, manufactured by the Automatic Range Corp., at prices f. o. b. Brooklyn, New York, no higher than the following:

	Per unit
To distributors	$26.04
To dealers	28.85
To real estate trade	32.06

There may be added to these maximum prices the following additional amounts per unit, provided such amounts are separately stated on the invoice: Federal Excise Tax, $1.98; when equipped to burn LP gas, to distributors $1.00, to dealers $1.10, to real estate trade $1.20; when equipped with flash lighter, $0.70 to distributors, dealers or real estate trade.

(b) Any person other than J. Rose & Co., Inc., may sell to dealers and deliver Model No. V-19 gas range, without heat control, manufactured by the Automatic Range Corp., at prices, f. o. b. distributors' city, no higher than the following:

	Per unit
Zone 1	$33.27
Zone 2	34.27
Zone 3	35.27
Zone 4	36.27

There may be added to these maximum prices the following additional amounts per unit, provided such amounts are separately stated on the invoice: Federal Excise Tax, $1.98; when equipped to burn LP gas, $1.25 for each zone; when equipped with flash lighter, $.85 for each zone.

(c) Any person may sell at retail and deliver the Model No. V-19 gas range, without automatic heat control, manufactured by Automatic Range Corporation at prices delivered no higher than the following:

	Per unit
Zone 1	$56.95
Zone 2	57.95
Zone 3	58.95
Zone 4	59.95

These maximum prices include the Federal Excise Tax. There may be added to these maximum prices the following additional amounts per unit, provided such amounts are separately stated on the invoice; when equipped to burn LP gas, $2.10 for each zone, when equipped with flash lighter, $1.45 for each zone.

(d) At the time of or prior to the first invoice to each purchaser for resale, J. Rose & Company, Inc. shall notify the purchaser of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form. In addition, J. Rose & Company, Inc. shall cause to be attached to each range a label listing the maximum retail selling prices established by this order. This label shall be attached to the inside of the oven door.

(e) For the purposes of this order, zones 1, 2, 3, and 4, shall comprise the following states:

Zone 1: Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, D. C., Delaware, Ohio, West Virginia, Virginia, North Carolina, South Carolina.

Zone 2: Wisconsin, Michigan, Iowa, Illinois, Indiana, Missouri, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, Florida.

Zone 3: North Dakota, Minnesota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas.

Zone 4: Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, New Mexico.

(f) This Order No. 130 may be revoked or amended by the Price Administrator at any time.

This Order No. 130 shall become effective February 16, 1944.

Issued this 15th day of February, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2247; Filed, February 15, 1944; 4:47 p. m.]

[Order 1, Under RO 5C[1]]

MINNESOTA EXPERIMENTAL PLAN FOR ISSUANCE OF NON-HIGHWAY RATIONS

MILEAGE RATIONING: GASOLINE REGULATIONS

Pursuant to the authority conferred upon the Director of the Automotive Supply Rationing Division by § 1394.-8394 (a) of Ration Order 5C, *It is hereby ordered*, That § 1394.8342 of Ration Order 5C be, and it is hereby, modified in the following respects:

1. *Issuance of non-highway gasoline purchase receipt books for use in connection with farming.* Non-highway gasoline purchase receipt books shall not be issued in the Minnesota Test Area for use in connection with farming unless the applicant establishes eligibility for at least ninety-six gallons of gasoline for non-highway purposes for the ration period. When an applicant in the St. Paul Test Area establishes eligibility for less than ninety-six gallons of gasoline for use for non-highway purposes in connection with farming, the Board shall issue to the applicant appropriate Class E or R coupon books.

2. *Definitions.* The definition of terms and rules of construction contained in § 1394.7551 of Ration Order 5C shall apply to this order.

3. *Effective period.* This order shall become effective at 12:01 a. m. February 17, 1944, and shall remain effective until modified or revoked.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507; 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; Supp. Dir. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719, Ration Order No. 5C, 7 F.R. 15937 as amended February 17, 1944)

Issued this 16th day of February 1944.

CHARLES F. PHILLIPS,
Director, Automotive Supply Rationing Division.

[F. R. Doc. 44-2263; Filed, February 16, 1944; 11:35 a. m.]

[1] 8 F.R. 15937.

Regional and District Office Orders.

[Region II Order G-27 Under RMPR 122]

SOLID FUELS IN DELAWARE

Order No. G-27 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Solid fuels delivered by dealers in the State of Delaware—Delaware Coal Area I.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does*—(1) *Dealers' maximum prices; area covered.* If you are a dealer in solid fuels, this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain kinds, sizes and quantities of solid fuel, delivered to or at any point in the State of Delaware. That area comprises two zones as follows:

Zone 1: Zone 1 includes that portion of the State of Delaware north of the Chesapeake and Delaware Canal with the exception of the towns of St. Georges and Delaware City.

Zone 2: Zone 2 comprises all of the State of Delaware not included in Zone 1.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges and required discounts, from which you shall determine the maximum prices for designated kinds, sizes and quantities of solid fuels delivered within Zones 1 and 2 are set forth in Schedules I and II hereafter.

(3) *To what sales this order applies.* If you are a dealer in solid fuels, you are bound by the prices and discounts, and by all other provisions of this order for all deliveries within Zones 1 and 2.

You shall determine the maximum price for "Direct-Delivery" sales, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the two zones.

You shall determine your maximum price for a "yard" sale, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone in which the purchaser takes physical possession or custody of the anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy solid fuels of the kinds, sizes, and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the Schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to sales on a "direct-delivery" basis, "yard sales", and "sales of bagged coal" within Zone 1. You will find Schedule I in paragraph (d). In like manner, Schedule II applies to similar sales in Zone 2. You will find Schedule II in paragraph (e).)

(2) Take the dollars-and-cents figure set forth in the applicable table of the schedule, for the kind, size, and quantity of solid fuel you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the schedules.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 75¢ per ton for each payment, you shall deduct 56¢ for three-quarters of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a serv-

ice charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain kinds, sizes, and quantities of solid fuels, delivered to or at any point within Zone 1. There is a separate table of prices for "direct-delivery" sales, "yard sales", and "sales of bagged coal".

(1) *Sales on a "direct-delivery" basis.*

FOR SALES OF SOLID FUELS OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED

Kind and size of fuel	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:			
Broken, egg, stove, nut	$13.85	$7.20	$0.80
Pea	12.30	6.40	.70
Buckwheat	10.70	5.60	.60
Rice	9.60	5.05	.55
Barley	8.60	4.55	
Screenings	3.95	2.00	
Bituminous coal from District No. 1—Pennsylvania:			*Per net ton*
Egg or pea (double screened coal sold for domestic use)			$10.05
Run of mine in Price Classification "A"			9.20
Run of mine in Price Classification "D" and "E"			8.65
2" lump in Price Classification "E"			8.85
Smithing coal			10.20
High volatile coal from District No. 3:			
2" nut and slack			8.35
Stoker pea (Double screened)			8.35
High volatile coal from District No. 8:			
Cannel coal—Lump			18.70
Splint coal—Lump sold as fireplace coal			15.20
Coke			12.75

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes of anthracite except screenings, a discount of 75¢ per net ton and 40¢ per net ½ ton, where payment is made within ten days after delivery. You shall deduct a discount of 50¢ per net ton, where payment is made within ten days after delivery, on sales and deliveries of the following kinds and sizes of bituminous coal: "Egg" and "pea" from District No. 1; High Volatile Cannel Coal (Lump), and Splint Coal (Lump sold as fireplace coal) from District No. 8.

MAXIMUM AUTHORIZED SERVICE CHARGES

	Cents per net ton
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs or downstairs, for each floor above or below the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."*

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED TO DEALERS AND TO CONSUMERS

Kind and size of fuel	Per net ton, for sales of ½ ton or more		Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
	To dealers for resale	To consumers	
Pennsylvania anthracite:			
Broken, egg, stove, nut	$11.95	$12.85	$0.70
Pea	10.40	11.30	.60
Buckwheat	9.10	9.70	.50
Rice	8.00	8.60	.45
Barley	7.00	7.60	
Screenings	2.20	2.20	

	Per net ton, for sales of ½ ton or more	
	To dealers for resale	To consumers
Bituminous coal from District No. 1—Pennsylvania:		
Egg or pea (double screened coal sold for domestic use)	$8.05	$8.55
Run of mine in Price Classification "A"	7.70	8.20
Run of mine in Price Classification "D" and "E"	7.15	7.65
2" lump in price classification "E"	7.35	7.85
Smithing coal	8.70	9.20
High volatile coal from District No. 3:		
2" nut and slack	6.85	7.35
Stoker pea (double screened)	6.85	7.35
High volatile coal from District No. 8:		
Cannel coal—Lump	16.70	17.20
Splint coal—Lump sold as fireplace coal	13.20	13.70
Coke	10.75	10.75

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes of anthracite except screenings in quantities of ½ ton or more, a discount of 75¢ per net ton and 40¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

(3) *"Sales of bagged Pennsylvania anthracite"* (maximum prices per bag).

MAXIMUM PRICES PER 50 LB. PAPER BAG

Size	Delivered at dealer's yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut	$0.37	$0.42	$0.42	$0.47
Pea	.32	.37	.37	.42

MAXIMUM PRICES PER 20 LB. PAPER BAG

Size	Delivered at dealer's yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut	$0.15	$0.17	$0.17	$0.19

(e) *Schedule II.* Schedule II establishes specific maximum prices for certain sizes of Pennsylvania anthracite, in certain specific quantities, delivered to or at any point within Zone 2. There is a separate table of prices for "direct-delivery" sales, "yard sales", and "sales of bagged coal".

(1) *Sales on a "direct-delivery" basis.*

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$14.15	$7.35	$0.85
Pea	12.70	6.60	0.75
Buckwheat	10.50	5.50	0.65
Rice	9.50	5.00	
Barley	8.50	4.50	
Screenings	3.95	2.00	

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

	Cents per net ton
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs or downstairs, for each floor above or below the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50
For deliveries beyond two miles from the limits of the city, town, or village in which is located dealer's place of business	50

(2) *"Yard sales".*

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	$13.15	$0.75
Pea	11.70	.65
Buckwheat	10.00	.55
Rice	9.00	
Barley	8.00	
Screenings	2.20	

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after

delivery. Nothing herein requires you to sell on other than a cash basis.

(3) *"Sales of bagged coal" (maximum prices per bag).*

MAXIMUM PRICES PER 50 LB. PAPER BAG

Size	Delivered at dealers' yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut	$0.39	$0.44	$0.44	$0.49
Pea	.34	.39	.39	.44

(f) *Commingling.* If you sell one size or kind of solid fuel, commingled with another size or kind of solid fuel, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes or the least expensive kind of fuel so commingled, whichever is lower, whether the sale be a "direct-delivery" sale, "ward sale", or "sale of bagged coal", except in the following situation. Where a purchaser requests that two or more sizes or kinds of fuel be commingled in one delivery, then, in that event, if those sizes and kinds are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes and kinds in the truck or other vehicle, or in the bags, in which the delivery is made. The price for fuel so commingled shall be calculated on the basis of the applicable per net ton price, or, in the case of bagged coal, on the basis of the applicable bagged price, for each size and kind in the combination, and the invoice shall separately state the price, so determined ,for the quantity of each size and kind in the combination.

(g) *Ex Parte 148; freight rate increase.* Since the ex parte freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December, 1941. Therefore, you may not increase any scheduled price on account of freight rates.

(h) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your suppliers' maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(i) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 630 of the Revenue Act of 1942 actually paid or incurred by you, or any amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of Delaware or any political subdivision thereof, you need not state this tax separately.

(j) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the fuel has been completed; but the price may be adjustable to the maximum prices in effect at the time of delivery.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(l) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provisions thereof, at any time.

(m) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(n) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of solid fuels hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(o) *Posting of maximum prices: Sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of fuel sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from and the authorized service charges and the taxes, which may be added to the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(p) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Wilmington District Office of the Office of Price Administration; or with the Price Panel of the Appropriate War Price and Rationing Board.

(q) *Definitions and explanations.* When used in this Order No. G-27, the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel of the kinds and sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Direct-delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or other vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct-delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(5) "Carry" and "wheel" refer to the movement of solid fuel to buyer's bin or storage space, in baskets or other containers, or by wheelbarrow or barrel, from the seller's truck or other vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which coal is discharged from the seller's truck in the course of "direct delivery".

(6) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(7) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(8) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the State of Delaware with such designation during December, 1941.

(9) "Delivered at dealer's yard" as applied to sales of bagged coal, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to sales of bagged coal, means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumer" as applied to bagged coal, means sales by dealers, other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(12) "District No." refers to the geographical coal-producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they have been modified as of midnight, August 23, 1943.

(13) "Low volatile bituminous coal" is produced in the low volatile sections of the producing districts specified herein.

(14) "High volatile bituminous coal" is produced in the high volatile sections of the producing districts specified herein.

(15) All designations in this order of sizes, classifications, etc., applicable to bituminous coal, refer to the sizes, classifications, etc., as set forth in the minimum price schedules for the various producing districts issued by the Bituminous Coal Division of the United States Department of the Interior, as in effect midnight, August 23, 1943. Where the minimum price schedules do not make specific mention of any size designated in this order, such size designations shall refer to the sizes of bituminous coal sold as such in the State of Delaware during December, 1941.

(16) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(r) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–27 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2232; Filed, February 15, 1944; 12:30 p. m.]

[Region III Rev. Order G–5 Under RMPR 122]

SOLID FUELS IN AKRON, BARBERTON, CUYAHOGA FALLS, OHIO

Revised Order No. G–5 under Revised Maximum Price Regulation No. 122. Solids fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the municipalities of Akron, Barberton, and Cuyahoga Falls in the State of Ohio.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of Akron, Barberton, and Cuyahoga Falls, Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Revised Order No. G–5, but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a higher price than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal*—(1) *Price schedules.* This schedule sets forth maximum prices for sales of specified sizes, kinds, and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for sales on a "direct delivery" basis, where account *is not* paid within thirty (30) days from date of delivery; Column III shows maximum prices for sales on a "direct delivery" basis, where account *is* paid within thirty (30) days from date of delivery (including cash sales); Column IV shows maximum cash or credit prices for all "yard sales" to dealers and to consumers. All prices are for sales on a net ton basis.

Column I	Column II	Column III	Column IV
I. High volatile bituminous coals from producing district No. 8 (Eastern Ky. and Southwestern W. Va.).			
A. Lump:			
1. Size Group No. 2 (larger than 3" but not exceeding 5"):			
a. Mine price classifications C through E	$9.15	$8.90	$7.90
b. Mine price classification F	8.95	8.70	7.70
c. Mine price classifications G through J	8.90	8.65	7.65
d. Mine price classification K	8.70	8.45	7.45
e. Mine price classifications L and lower	8.65	8.40	7.40
B. Egg:			
1. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2½ and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"): a. Mine price classifications E through N	8.55	8.30	7.30
II. High volatile bituminous coals from producing district No. 4 (Ohio):			
A. Lump:			
1. Size Groups Nos. 1 and 2 (bottom size larger than 2"): a. Ohio No. 8 and middle freight origin districts	7.20	6.95	5.95
III. High volatile bituminous coals from producing district No. 3 (North-central W. Va. excluding Panhandle):			
A. Lump:			
1. Size Group No. 2 (bottom size larger than 2" but not exceeding 9"): a. Mine price classifications D and E	7.40	7.15	6.15

(2) *Description terms.* All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this revised Order No. G–5 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* The maximum price for any service rendered by a dealer in connection with a sale or handling of solid fuel shall be the highest price charged by the dealer during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this order: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However it need not be stated separately on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Order No. G–5 under Revised Maximum Price Regulation No. 122 shall become effective February 4, 1944.

(56 Stat. 23,765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued January 31, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2231; Filed, February 15, 1944; 12:30 p. m.]

[Region III Order G–9 Under RMPR 122]

SOLID FUELS IN MARION COUNTY, IND.

Order No. G–9 under Revised Maximum Price Regulation No. 122. Maximum prices for specified solid fuels in Marion County, in the State of Indiana.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made in the County of Marion in the State of Indiana. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in Marion County, Indiana; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell, or in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–9; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order.

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels subject to the discounts set forth herein. Column I describes the coal for which prices are established; Column II shows maximum prices for sales on a "direct delivery" basis other than quantity sales; Column III shows maximum cash or credit prices for quantity sales, as hereinafter defined. All prices are for sales on a net ton basis.

SCHEDULE I

Column I	Column II	Column III
I. High volatile bituminous coals from producing district No. 8 (Eastern Kentucky and Southwestern W. Va.):		
A. Lump:		
1. Size Group Nos. 1, 2, 3 (larger than 2"):		
a. Mine price classification A	$9.85	$8.95
2. Size Group Nos. 1 and 2 (larger than 3"):		
a. Mine price classifications D and E	9.55	8.50
b. Mine price classifications F through H	9.45	8.40
c. Mine price classifications J and K	9.20	8.30
d. Mine price classifications L through O	9.05	8.05
e. Mine price classifications P and lower	8.65	7.85
B. Egg:		
1. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"):		
a. Mine price classifications B through K	9.00	8.00
b. Mine price classifications L through N	8.60	7.80
c. Mine price classifications O and lower	8.35	7.60

SCHEDULE I—Continued

Column I	Column II	Column III
II. High volatile bituminous coals from producing district No. 11 (Indiana—Continued.		
E. Double screened nut (washed or air cleaned)—Continued.		
2. Size Group No. 22:		
a. Mine price classification 10	$8.15	$8.40
(1) Veins V and VII, mine price classification 10		
F. Screenings (washed or air cleaned):*		
1. Size Group No. 24:		
a. Princeton-Ayrshire District:		
(1) Mine price classification 14	6.10	6.45
G. Dry dedusted screenings:*		
1. Size Group No. 27:		
a. Linton-Sullivan District:		
(1) Veins V and VII mine price classification 9	5.75	5.90
b. Princeton-Ayrshire District:		
(1) Veins V and VII, mine price classification 10	5.80	5.15
H. Water dedusted screenings:*		
1. Size Group No. 31:		
a. Princeton-Ayrshire District:		
(1) Veins V and VII, mile price classification 10	5.90	5.95
III. Low volatile bituminous coals from producing district No. 8 (Pocahontas):		
A. Lump and egg:		
1. Size Group Nos. 1 and 2 (Lump: bottom size larger than screened run of mine; Egg: top size larger than 3" x bottom size no limit):	10.05	8.05
a. Mine price classifications A through D	9.20	8.40
B. Run of mine (straight, resultant or altered): Size Group No. 6:		
1. Mine price classifications A through D	10.20	9.05
2. Mine price classifications F and lower	9.90	8.65
C. Egg, Size Group No. 2 (top size larger than 3" x bottom size no limit):	10.35	8.15
1. Mine price classification A	10.00	8.75
2. Mine price classifications B and C		
D. Stoker:	10.00	8.76
1. Size Group No. 3 (dedusted screenings, top size larger than 1¼" but not exceeding 2½" x bottom size smaller than ¾"):		
a. Mine price classifications A through C	9.25	8.25
2. Size Group No. 5 (pea or dedusted screenings, top size not exceeding ¾" x bottom size smaller than ¼"):		
a. Mine price classification A	9.10	8.15
b. Mine price classifications B through D	8.80	7.95
E. Run of mine: Size Group No. 6:		
1. Double:		
a. Mine price classifications A through D	8.50	8.20
b. Mine price classification E	8.05	8.25
2. Straight, altered and resultant, Size Group No. 7 (larger than 1¼ x 0):	8.20	8.20
a. Mine price classifications C and D		7.90
b. Mine price classifications A and B		
V. Pennsylvania anthracite:		
A. Egg, stove, chestnut:		
VI. Coke, Indianapolis (excluding reject or reclaimed coke):	16.55	
A. Nut and egg	11.70	
B. Egg	10.70	
VII. Briquettes (low volatile)	10.60	

*See Appendix A for size descriptions.

SCHEDULE II

This schedule sets forth the description of size groups referred to by note in Schedule I.

DESCRIPTION OF SIZE GROUPS—DISTRICT 11

Description	Size group	Predominant sizes	Top size		Bottom size	
			Maximum	Minimum	Maximum	Minimum
Raw double screened nut coals.	10	1½" x ¾"——	1½"	Larger than ¾"——	Smaller than 1½"——	Larger than ¾".
	11	1½" x ¾"——	1½"	Larger than ¾"——	¾"——	Larger than 10 mesh or ⅜₃₂".
	12	¾" x ¾"——	Note: Also 1½" x ¾" air cleaned broken nut coals.		Larger than 10 mesh or ⅜₃₂".	Smaller than ¾"——

SCHEDULE I—Continued

Column I	Column II	Column III
I. High volatile bituminous coals from producing district No. 8 (Eastern Kentucky and Southwestern W. Va.)—Continued.		
B. Egg: Size Group No. 7 (top size larger than 3" but not exceeding 6" x bottom size 2" and smaller):		
a. Mine price classification A	$9.15	$8.10
b. Mine price classifications B through H	8.70	7.70
c. Mine price classifications I through M	8.55	7.65
d. Mine price classification N and lower	8.30	7.50
2. Junior egg (or stove), Size Group No. 8 (top size larger than 2" but not exceeding 3" x bottom size 2" and smaller):		
a. Mine price classification A	8.05	7.95
b. Mine price classifications B through G	8.75	7.65
c. Mine price classifications H and lower	8.45	7.85
C. Stoker:		
1. Size Group No. 10 (top size 1¼" and smaller x bottom size smaller than 1¼"):		
a. Mine price classification A through E	9.40	8.75
b. Mine price classifications F through H	9.10	8.40
c. Mine price classifications I and lower	8.90	8.19
III. Low volatile bituminous coals from producing district No. 16 (Logan):		
A. Lump and egg:		
1. Size Group Nos. 1, 20, 21 (straight screenings: larger than ¼" x 0 but not exceeding 2¼" x 0. Altered screenings: top size not exceeding 2¼" from which all of the 1" to 1¼" top and ¼" to ⅜" bottom coal has been removed):	7.60	7.65
a. Mine price classifications A through D		7.45
b. Mine price classifications E and lower		7.20
B. Egg, Size Group No. 2 (top size larger than 4") mine price classifications A through D	6.95	
C. Stove, Size Group No. 3 (dedusted screenings, top size larger than 2½" but not exceeding 3"): Mine price classifications A through C	6.90	
D. Stoker:		
1. Size Group No. 4 (bottom size larger than 1½" but not exceeding 2"): Mine price classifications 7 and 18	6.60	6.65
2. Princeton-Ayrshire District:		
a. Vein V and VII:		
(1) Size Group Nos. 1, 2, 3 (bottom size larger than 2"), mine price classification 10	6.45	5.75
B. Egg:		
1. Linton-Sullivan District:		
a. Vein IV:		
(1) Size Group No. 4 (top size larger than 4" x bottom size larger than 1¼" but not exceeding 2"), mine price classification 13	6.60	5.90
b. Vein V:		
(1) Size Group No. 2 (top size 4" and larger x bottom size larger than 3" but not exceeding 4"), mine price classification 9	6.25	5.65
c. Vein VI:		
(1) Size Group Nos. 2 and 3 (top size 3" and larger x bottom size larger than 2" but not exceeding 3"), mine price classification 18	6.50	.80
(2) Size Group Nos. 4, 5, and 6 (top size larger than 2" x bottom size 2" and smaller), mine price classification 18	6.35	5.70
2. Princeton-Ayrshire District:		
a. Vein V: Group Nos. 1, 2, 3 (top size 3" and larger x bottom size larger than 2"); mine price classification 10	6.25	5.70
C. Nut (mw):*		
1. Size Group Nos. 10, 11, 12:		
a. Linton-Sullivan District:		
(1) Veins V and VII, mine price classification 6	7.05	6.25
(2) Veins V, VI, and VII, mine price classifications 7, 9, and 18	6.05	5.40
b. Princeton-Ayrshire District:		
(1) Veins V and VII, mine price classification 10	6.20	5.40
c. Brazil-Clinton District:		
(1) Veins V and VII, mine price classification 1	6.50	5.35
D. Screenings (raw and washed):		
1. Size Group No. 14:		
a. Linton-Sullivan District:		
(1) Vein VII, mine price classification 18	5.90	5.15
2. Double screened nut, size 10 mesh or air cleaned):		
a. Linton-Sullivan District:		
(1) Veins V and VII, mine price classification 9	6.20	5.55
b. Princeton-Ayrshire District:		
(1) Veins V and VII, mine price classification 14	6.50	5.80
(2) Veins V and VII, mine price classification 10	6.25	5.50
c. Boonville District:		
(1) Vein V, mine price classification 11	6.25	5.80

DESCRIPTION OF SIZE GROUPS—DISTRICT 11—Continued

Description	Size group	Predominant sizes	Top size		Bottom size	
			Maximum	Minimum	Maximum	Minimum
Screenings raw	14	1½" x 0——	1½"	Larger than ¾"——	No fines removed.	
Washed or air cleaned double screened nut coals.	18	1½" x ¾"——	1½"	Larger than ¾"——	Smaller than 1½"——	Larger than ¾".
	19	1½" x ¾"——	1½"	Larger than ¾"——	¾"——	Larger than 10 mesh or ⅜₃₂".
	20	¾" x ¾"——	¾"	Larger than 10 mesh or ⅜₃₂".	Smaller than ¾"——	Larger than 10 mesh or ⅜₃₂".
Nut or dedusted washed screenings.	22	1½ x 10 mesh	1¼"	Larger than ¼"——	10 mesh or ⅜₃₂"——	Larger than one millimeter.
Washed or air cleaned screenings	24	1½" x 0——	1¼"	Larger than ⅜"——	Water cleaned coal: One Millimeter or the equivalent thereof. Air cleaned coal: Shall contain at least 10% of fines that will pass through 10 mesh screen.	
Dry dedusted screenings.	27	1½" x 0——	1¼"	Larger than ⅜"——	Fines are the resultant coal which passes through a dedusting screen with openings not larger than ⅜". Not more than 50% of ¾" minus shall be removed, except that there shall be no limit to the percent of fines removed through the use of standard dedusters equipped with screens with openings smaller than 8 mesh.	
Water dedusted screenings.	31	1½ x 0——	1¼"	Larger than ⅜"——	10 mesh or ⅜₃₂"——	Smaller than 10 mesh or ⅜₃₂".

All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this order No. G–9 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges and discounts*—(1) *Service charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

	Per ton
Wheel-in from curb	$0.50
Carry from curb	1.00
Carry up or down one flight of stairs	1.00
Trimming in bin	.25

(2) *Discounts*—(i) *Yard sales.* The prices set forth in Column II of Schedule I shall be subject to discount of $1.00 per ton for all yard sales as hereinafter defined.

(ii) *Prompt payment.* The prices set forth in Column II, Schedule I for sales on a direct delivery basis (other than "quantity sales") shall be subject to a discount of $.25 ton when paid within thirty (30) days from the date of delivery.

(iii) *Quantity sales.* The prices set forth in Column III, Schedule I, for quantity sales are cash or credit prices and no discount is required for such sales.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price in his invoice or statement. However, such tax need not be separately stated on a sale to the United States, or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by the order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Indianapolis District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, any legal successor or representative of any of the foregoing, and includes the United States, and agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sale" is defined to mean a sale at the seller's yard to another dealer for resale purposes.

(6) "Quantity sale" is defined to mean a sale pursuant to which there is delivery by one dealer, in load lots on orders of 25 tons or more, to one purchaser and to one address, over a period of not more than 30 days.

(7) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(c) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–9 under Revised Maximum Price Regulation No. 122 shall become effective February 1, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 26, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-2230; Filed, February 15, 1944; 12:30 p. m.]

[Region III Order G-14 Under RMPR 122, Amdt. 2]

SOLID FUELS IN DESIGNATED LOCALITIES IN MICHIGAN

Amendment No. 2 to Order No. G-14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the cities of Saginaw, Carrollton, and Zilwaukee and the townships of Kochville, Buena Vista, and Saginaw, all in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of the Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That section (c), Part I, Subpart A be amended to read as set forth below.

Column I	Column II	Column III
I. . . .		
A. Lump—forked:		
1. Size Group No. 1 (larger than 5"); mine price classifications E through J	$9.70	$8.95
2. Size Group Nos. 2 and 3, mine price classifications D through K	9.60	8.85
3. Size Group Nos. 1 and 2 (bottom size larger than 3"):		
(a) Mine price classification A	10.45	9.70
(b) Mine price classifications L through N:		
(1) Upper banner seam	10.15	9.40
(2) Hazard seam	9.35	8.60
(c) Mine price classification O, excepting coal from the Glen Alum Mine, Index No. 219; of the Glen Alum Coal Company	9.25	8.50
(d) Glen Alum Mine, Index No. 219; of the Glen Alum Coal Company	9.40	8.65

This amendment to Order No. G-14 under Revised Maximum Price Regulation No. 122 shall be effective as of January 19, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 27, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-2229; Filed, February 15, 1944; 12:29 p. m.]

[Region III Order G-19 Under RMPR 122]

SOLID FUELS IN WARREN, OHIO, AREA

Order No. G-19 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Warren, Ohio, area.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the City of Warren, and all territory within three miles of the corporate limits thereof, all in the State of Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-19; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for sales of specified sizes, kinds, and quantities of solid fuels. Column I describes the coal for which prices are established. Column II shows maximum prices for all sales on a "direct delivery" basis. Yard sales of one ton or more, whether to a dealer or a consumer, shall be subject to a discount of at least $1.00 a ton. All prices are for sales on a net ton basis.

Column I	*Column II*
I. High volatile bituminous coals from producing district No. 2 (Western Pennsylvania):	
A. Lump and double-screened coals:	
1. Size Group Nos. 1 and 2 (bottom size larger than 2"):	
a. Mine #8, Index 224, of the Castle Shannon Coal Corporation	$7.35
b. Mine price classifications A through E	7.20
2. Size Group Nos. 3, 4, 5 (bottom size 2" and smaller); mine price classifications A through C	6.95
II. High volatile bituminous coals from producing district No. 3 (Northwestern West Virginia excluding Panhandle):	
A. Pittsburgh Seam, mine price classifications D through G:	
1. Lump—Size Group Nos. 2 and 3 (larger than 1¼" but not exceeding 5")	6.90
2. Stoker—Size Group No. 5 (double-screened; top size 2" and smaller)	6.50
II. High volatile bituminous coals from producing district No. 3 (Northwestern West Virginia excluding Panhandle)—Continued	
B. Sewell Seam, mine price classification A	
1. Egg—Size Group No. 2 (double screened; bottom size larger than 2")	$8.50
III. Hight volatile coals from producing district No. 4 (Ohio):	
A. Lump—From the Ohio No. 8 and Middle Freight Origin Districts—Size Group Nos. 1 and 2 (larger than 2")	7.10
B. Egg—From the Ohio No. 8 Freight Origin District—Size Group No. 3 (double screened; bottom size larger than 1¼" but not exceeding 2")	6.70
C. Stoker—From the Ohio No. 8 Freight Origin District—Size Group No. 5 (double screened; top size 2" and smaller):	
1. Treated	6.45
2. Untreated	6.35
IV. High volatile bituminous coals from producing district No. 8 (Eastern Kentucky and Southwestern West Virginia):	
A. Lump—Size Group Nos. 1 and 2 (larger than 3"):	
1. Mine price classifications B thfough J	8.80
2. Mine price classifications K through O	8.45
B. Egg	
1. Size Groups Nos. 6 and 7 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"; top size larger than 3" but not exceeding 5" x bottom size 2" and smaller):	
a. Mine price classification A	8.50
b. Mine price classifications B through K	8.20
2. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"); mine price classification L through N	8.00
V. Low volatile bituminous coals from producing District No. 7 (Pocahontas):	
A. Egg—Size Group No. 2 (double screened; top size larger than 3"); mine price classifications B through D	9.05
B. Stoker—Size Groups No. 5 (Pea or dedusted screenings; top size not exceeding ¾" x bottom size smaller than ¾"); mine price classification A	8.25

All terms used herein to describe size, volatility, and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-19 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of services and credit charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

Carrying or wheeling from curb.	$1 per ton.
Carrying up or down one flight of stairs.	$1 per ton.
One-half ton deliveries	One-half the ton price plus 50 cents.
Deliveries to West Lawn Homes, Federal Housing.	$1.50 per ton.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, the tax need not be so separately stated on a sale to the United States or any agency thereof, the District of Columbia, any state government, or any political subdivision thereof.

(g) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-19 under Revised Maximum Price Regulation No. 122 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 3, 1944.

BURKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2228; Filed, February 15, 1944; 12:29 p. m.]

[Region VI Order G-13 Under RMPR 122]

SOLID FUELS IN LA CROSSE, WIS.

Order No. G-13 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in La Crosse, Wisconsin.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered in the City of La Crosse, Wisconsin and within an area of ten miles from the city limits of La Crosse. These are the highest prices that any dealer may charge when he delivers any such fuel within this area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order G-13; but less than the maximum prices may at any time be charged, paid, or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the coal for which prices are established. The maximum prices indicated under the various column headings apply to the following types of sale:

(i) Column 2 shows maximum prices for coal delivered in quantities of less than one ton.

(ii) Column 4 shows the maximum prices for coal sold for use by buyers whose customary annual requirements of coal exceed 20 tons.

(iii) Column 5 shows the maximum prices for deliveries of 30 tons or more to a single purchaser from a single railroad car.

(iv) Column 3 shows the maximum prices for all types of sales not covered by any of the preceding paragraphs (i), (ii), or (iii).

MAXIMUM AREA PRICES FOR LA CROSSE, WISCONSIN

1 Description	2 ¼ ton delivered	3 1 ton delivered	4 20 ton or more to 1 bin delivered	5 30 ton or more to 1 bin delivered from 1 car
I. Low volatile bituminous coals from District #7:				
1. Lump S. G. #1	$7.70	$14.90	$14.40	$13.65
2. Egg S. G. #2	7.65	14.80	14.30	13.55
3. Stove S. G. #3	7.60	14.75	14.25	13.50
4. Nut S. G. #4	7.60	14.75	14.25	13.50
II. Hi-volatile bituminous coals from District #8:				
1. Lump or Block S. G. #1, Price Class A	7.55	14.70	14.20	13.45
2. Egg S. G. #6 and #7, Price Class A	7.55	14.60	14.10	13.35
3. Stoker S. G. #10, Price Class A	6.85	13.20	12.70	11.95
III. Hi-volatile bituminous coals from District #10:				
A. Fulton-Peoria Sub-District:				
1. Egg S. G. #2	5.10	9.65	9.15	8.40
2. Stoker Nut S. G. #9	4.50	8.50	8.00	7.25
B. Du Quoin Sub District:				
1. Lump S. G. #1	5.10	9.70	9.20	8.45
2. Stoker Screenings S. G. #18	4.70	8.90	8.40	7.65
C. Southern Sub District:				
1. Lump S. G. #1	5.75	10.95	10.45	9.70
2. Egg S. G. #3 to #5	5.70	10.90	10.40	9.65
3. Stoker Nut S. G. #10	6.20	9.85	9.35	8.60
4. Sreenings, Dry Dedusted S. G. #27	5.10	9.65	9.15	8.40
IV. Hi-volatile bituminous coals from District #11:				
1. Lump S. G. #1 Price Group #10	5.60	10.65	10.15	9.40
2. Lump S. G. #1 Price Group #15	5.85	11.20	10.70	9.95
3. Egg S. G. #2 Price Group #7	5.55	10.55	10.05	9.30
4. Egg S. G. #2 Price Group #10	5.25	9.95	9.45	8.70
5. Stoker Nut S. G. #11 Price Group #6	5.25	10.00	9.50	8.75
6. Stoker Nut S. G. #11 Price Group #10	5.10	9.65	9.15	8.40
V. Pennsylvania anthracite:				
1. Egg, stove, nut until 5-31-44	10.15	19.75	19.25	18.50
2. Egg, stove, nut after 6-1-44	9.95	19.35	18.85	18.10
VI. Byproduct coke:				
1. Egg, stove, nut	8.64	16.80	16.30	15.55
VII. Standard briquettes	7.80	15.10	14.60	13.85

(2) The maximum prices for all sales by dealers of solid fuels not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* The service charges set forth below may be made for special services rendered in connection with sales under paragraph (c). No other or higher service charges may be made. Service charges must be separately stated on each invoice.

	Coal	Coke
Carrying or wheeling from curb, per ton	$0.75	$1.00
Carrying up or down stairs (in addition to carrying or wheeling charge), per ton	.75	1.00

(e) *Cash discounts.* A cash discount of not less than $1.00 per ton must be allowed whenever payment is made within 10 days of delivery.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected, in addition to the maximum price on sales of quarter-ton or lesser quantities.

(g) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes are within the discretion of the Regional Administrator.

(h) *Petitions for amendments.* This order may be revoked, amended or modified at any time. Any dealer may at any time file with the La Crosse District Office of the Office of Price Administration a petition for amendment to this Order in accordance with the provisions of Revised Procedural Regulation No. 1.

(i) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date; the name and address of the buyer, if known; the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(j) *Definitions and explanations.* When used in this Order No. G-13, the term:

(1) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(2) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania. "Chestnut" size of Pennsylvania anthracite refers to the size of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(3) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(4) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(5) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(6) "Egg, stove, nut," etc. sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(7) "P. G." (Production Group) and "S. G." (Size Group) refer to the meaning given to these terms under the Bituminous Coal Act of 1937 or under any order, schedule, rule or regulation issued by the Bituminous Coal Division of the U. S. Department of the Interior which was established or in effect as of midnight August 23, 1943.

(8) Except as otherwise provided herein or as the context may otherwise require, all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; if not therein defined, they shall be given their ordinary and popular trade meaning.

(k) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-13 shall become effective January 17, 1944.

(56 Stat. 23, 765, Pub. Laws, 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-2227; Filed, February 15, 1944; 12:29 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 12, 1944.

REGION I

Connecticut Order No. 5, Amendment No. 1, filed 4:35 p. m.
Massachusetts Order No. 14, filed 4:17 p. m.
Massachusetts Order No. 14, Amendment No. 1, filed 4:19 p. m.

REGION II

Newark Order No. 1-P, filed 4:21 p. m.
Trenton Order No. P-1, Amendment No. 1, filed 4:32 p. m.

REGION III

Cleveland Order No. F-4, Amendment No. 8, filed 4:25 p. m.
Detroit Order No. 1-F, Amendment No. 1, filed 4:22 p. m.
Indianapolis Order No. 4-F, Amendment No. 1, filed 4:25 p. m.
Indianapolis Order No. 5-F, Amendment No. 1, filed 4:25 p. m.
Indianapolis Order No. 6-F, Amendment No. 1, filed 4:25 p. m.
Indianapolis Order No. 8-F, Amendment No. 1, filed 4:27 p. m.
Indianapolis Order No. 9-F, Amendment No. 1, filed 4:27 p. m.
Indianapolis Order No. 10-F, Amendment No. 1, filed 4:27 p. m.
Indianapolis Order No. 11-F, Amendment No. 1, filed 4:27 p. m.
Lexington Order No. 1-F, Amendment No. 16, filed 4:33 p. m.
Lexington Order No. 2-F, Amendment No. 9, filed 4:33 p. m.
Lexington Order No. 3-F, Amendment No. 7, filed 4:33 p. m.
Saginaw Order No. 2-F, Amendment No. 2, filed 4:29 p. m.
Saginaw Order No. 2-F, Amendment No. 3, filed 4:30 p. m.

REGION IV

Charlotte Order No. 1-F, Amendment No. 7, filed 4:29 p. m.

REGION V

Dallas Order No. 1-F, Amendment No. 4, filed 4:32 p. m.
Tulsa Order No. 2-W, Amendment No. 1, filed 4:35 p. m.

REGION VI

Duluth-Superior Order No. 1-F, Amendment No. 3, filed 4:30 p. m.
Green Bay Order No. 1-F, Amendment No. 2, filed 4:30 p. m.
Green Bay Order No. 2-F, Amendment No. 2, filed 4:30 p. m.
Milwaukee Order No. 3-F, Amendment No. 1, filed 4:29 p. m.
Twin Cities Order No. 1-F, Amendment No. 1, filed 4:24 p. m.
Twin Cities Order No. 1-F, Amendment No. 2, filed 4:26 p. m.

REGION VIII

Fresno Order No. 1-F, Amendment No. 3, filed 4:22 p. m.
Fresno Order No. 11, filed 4:22 p. m.
Phoenix Order No. 3-F, Amendment No. 5, filed 4:35 p. m.
Phoenix Order No. 4-F, Amendment No. 5, filed 4:34 p. m.
Phoenix Order No. 6-F, Amendment No. 3, filed 4:34 p. m.
Phoenix Order No. 7-F, Amendment No. 3, filed 4:34 p. m.
Phoenix Order No. 9, Amendment No. 1, filed 4:33 p. m.
Sacramento Order No. 1-F, Amendment No. 3, filed 4:21 p. m.
Sacramento Order No. 3-F, Amendment No. 3, filed 4:21 p. m.
Sacramento Order No. 5-F, Amendment No. 3, filed 4:19 p. m.
Sacramento Order No. 6-F, Amendment No. 1, filed 4:18 p. m.
Sacramento Order No. 7-F, Amendment No. 1, filed 4:17 p. m.
Seattle Order No. 1-F, Amendment No. 2, filed 4:28 p .m.
Seattle Order No. 2-F, Amendment No. 1, filed 4:28 p. m.
Seattle Order No. 3-F, Amendment No. 2, filed 4:29 p. m.

REGION IV

Jackson Order No. 8, Amendment No. 1, filed 4:18 p. m.
Jacksonville Order No. 1-F, Amendment No. 10, filed 4:32 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-2243; Filed, February 15, 1944; 4:46 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-3179]

STOKELY FOODS, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of February, A. D. 1944.

In the matter of Stokely Foods, Inc. $1.50 Cumulative Dividend Preferred Stock, $1 Par Value.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $1.50 Cumulative Dividend Preferred Stock, $1 Par Value, of Stokely Foods, Inc.;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 28, 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2233; Filed, February 15, 1944; 3:46 p. m.]

[File No. 70-843]

ELECTRIC POWER AND LIGHT CORP. AND MISSISSIPPI POWER AND LIGHT CO.

ORDER GRANTING APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of February, A. D. 1944.

Mississippi Power & Light Company, an electric utility company, and its corporate parent, Electric Power & Light Corporation, a registered holding company, having filed a joint application and declaration and amendment thereto under the Public Utility Holding Company Act of 1935 particularly sections 6, 7, 9, 10 and 12 thereof and Rules U-42, U-45 and U-62 thereunder; regarding (a) the surrender for cancellation by Electric Power & Light Corporation of 1,493 shares of $6 preferred stock, 35,000 shares of $6 second preferred stock, 500,000 shares of common stock, all without par value, and a demand loan in the principal amount of $190,000, to Mississippi Power & Light Company, the issuer thereof, as a capital contribution to the latter; (b) the reduction and restatement by Mississippi Power & Light Company of its capital stock liability on its remaining outstanding shares of preferred and common stock and the making of changes in its certificate of incorporation with respect thereto; and (c) the making of certain other accounting adjustments in compliance with the orders of other regulatory bodies; and (d) the solicitation of authorizations from the stockholders of Mississippi Power & Light Company for the approval of the aforesaid changes in the certificate of incorporation; and

A public hearing having been held on said application after appropriate notice, and the Commission having examined the record and made and filed its findings and opinion based thereon;

It is ordered, That subject to the terms and conditions prescribed in Rule U-24 promulgated pursuant to the Holding Company Act of 1935, said joint application and declaration, as amended, be granted and permitted to become effective with respect to all of the transactions therein proposed, except the proposed changes in the certificate of incorporation of Mississippi Power & Light Company insofar as they relate to the voting rights of the preferred stock of said company as to which jurisdiction is reserved; and

It is further ordered, That jurisdiction be and the same hereby is reserved to determine whether or not the distribution of voting power among the various classes of securities and security holders of Mississippi is fair and equitable and what steps are or may become necessary to be taken with respect thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2234; Filed, February 15, 1944; 3:46 p. m.]

[File No. 70-859]

THE NORTH AMERICAN CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February, 1944.

Notice is hereby given that a declaration or application (or both) has been

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than February 25, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to pay on April 1, 1944, a dividend to its holders of common stock of record on March 3, 1944. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of 31 cents for each 1/100th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price as of February 9, 1944, the date the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividend will involve the distribution of not more than 75,000 shares of the 1,785,621 shares of common stock of Pacific Gas and Electric Company owned by it and use of not more than $420,000 of cash; and that the payment of such dividend will result in a charge of approximately $2,800,000 to earned surplus.

The North American Company has requested that the Commission enter an order permitting said declaration to become effective or granting said application on or before February 28, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2235; Filed, February 15, 1944; 3:46 p. m.]

[File No. 70-840]

BANGOR GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February 1944.

Bangor Gas Company, a subsidiary of American Gas and Power Company, a registered holding company, in turn a subsidiary of Community Gas and Power Company, also a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 15 (f) of the Public Utility Holding Company Act of 1935 proposing:

(a) To reduce the outstanding capital stock from $600,000 par value to $480,000 par value and create a capital surplus in the amount of $120,000, and

(b) To eliminate from its balance sheet an account designated "Abandoned Property" in the amount of $125,000 by charging $120,000 against said capital surplus and charging the remaining $5,000 to earned surplus as at December 31, 1942, thereby reducing the earned surplus as at said date from $56,961.97 to $51,961.97, and

(c) To transfer the said balance of earned surplus as at December 31, 1942, ($51,961.97) to the account designated reserve for retirements and replacements.

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings and opinion therein:

It is hereby ordered That the declaration as amended be permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2236; Filed, February 15, 1944; 3:47 p. m.]

WAR PRODUCTION BOARD.

E. BEVELANDER COMPANY

CONSENT ORDER

Charles E. Bevelander, doing business as E. Bevelander Company at 112-114 Brighton Avenue, Allston, Massachusetts, is engaged in the retail plumbing and heating business. He is charged by the War Production Board with having sold and delivered new metal plumbing and heating equipment of a retail value of $2,064.00 to an ultimate consumer on or about November 9, 1942, without a preference rating, in violation of War Production Board Order L-79. Charles E. Bevelander admits the violation as charged, and does not care to contest the wilfulness of the same; and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Charles E. Bevelander, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That (a) Charles E. Bevelander, doing business as E. Bevelander Co., or otherwise, his successors or assigns, shall not directly or indirectly, buy, order, receive, or accept delivery of any steam boiler, hot water heating boiler, or warm air heating furnace, except as specifically authorized in writing by the War Production Board.

(b) Charles E. Bevelander, doing business as E. Bevelander Co., or otherwise, his successors or assigns, shall not directly or indirectly, buy, order, receive, or accept delivery of any part of a steam boiler, hot water heating boiler, or warm air heating furnace, of a cost exceeding $75.00, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Charles E. Bevelander from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 15, 1944 and shall expire on June 15, 1944.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2242; Filed, February 15, 1944; 4:25 p. m.]

FEDERAL REGISTER

VOLUME 9 NUMBER 35

Washington, Friday, February 18, 1944

The President

EXECUTIVE ORDER 9423

TRANSFER OF THE WAR RELOCATION AUTHORITY TO THE DEPARTMENT OF THE INTERIOR

By virtue of the authority vested in me by the Constitution and Statutes, including the First War Powers Act, 1941, as President of the United States, it is hereby ordered as follows:

The War Relocation Authority in the Office for Emergency Management of the Executive Office of the President and its functions, together with its records, property, personnel, and unexpended balances of appropriations, allocations, and other funds, are transferred to the Department of the Interior and shall be administered as an organizational entity within the said Department. The functions of the Director of the War Relocation Authority are transferred to the Secretary of the Interior. The War Relocation Authority and the functions transferred by this order shall be administered by the said Secretary or under his supervision and direction through such officers, agents, and employees, of the War Relocation Authority, as he shall designate. All prior Executive orders in conflict with this order are amended accordingly. This order shall take effect immediately.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 16, 1944.

[F. R. Doc 44-2324; Filed, February 17, 1944; 11:44 a. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

CIVILIAN MEDICAL ATTENDANCE

In § 77.3, pertaining to civilian medical attendance for military patients, paragraphs (e) and (h) (2) are amended as follows:

§ 77.3 *Civilian medical attendance for military patients at public expense.* • • •

(e) *Consultation.* Accounts for consultation will not be allowed except in extraordinary cases.

• • • • • •

(h) *Allowances.* • • •

(2) *Charges for other civilian attendance.* Accounts for civilian hospital service, for special nursing, for medicines, for ambulance service, and for sundry items of civilian medical service will be allowed at reasonable rates approved by the commanding general of the service command. (R. S. 161; 5 U. S. C. 22) [Par. 3, AR 40-505, 1 September 1942, as amended by C 6, 4 February 1944]

[SEAL] J. A. ULIO, *Major General, The Adjutant General.*

[F. R. Doc. 44-2310; Filed, February 17, 1944; 11:04 a. m.]

TITLE 29—LABOR

Chapter IV—Children's Bureau

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

POWER-DRIVEN WOODWORKING MACHINES

Amendment to Hazardous-Occupations Order No. 5 (7 F.R. 9298) as amended.

By virtue of and pursuant to the authority vested in me by section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, U.S.C., title 29, sec. 201), and to clarify the definition of the term "power-driven woodworking machines" as set forth in Hazardous-Occupations Order No. 5, as amended, I hereby amend the definition of this term to read as follows:

(Continued on next page)

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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§ 422.5 * * *
(b) * * *
(i) The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

Dated: February 16, 1944.

KATHARINE F. LENROOT,
Chief, Children's Bureau.

[F. R. Doc. 44-2305; Filed, February 17, 1944; 9:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3281—PULP AND PAPER

[General Conservation Order M-24: Direction 2]

PAPER AND PAPERBOARD

The following direction is issued pursuant to General Conservation Order M-241:

Reserve production percentages. Effective March 1, 1944 and until otherwise directed, each manufacturer of paper or paperboard shall, instead of the reserve fixed by paragraph (d) of the Order M-241, as amended December 30, 1943, reserve in each calendar month in the production of each of his mills, time and supplies sufficient to produce and deliver within such month the following percentages of the mill's finished production:

Class and WPB 514 caption	*Percent*
Paperboard, 211000 to 269000 Inc	45
Condenser Tissue, 047200	100
Paper, All other Captions	20

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2302; Filed, February 16, 1944; 5:02 p. m.]

PART 1075—CONSTRUCTION

[Preference Rating Order P-19-h, Interpretation 1]

CMPL-224 AND GA-1456 AUTHORIZATIONS

The following interpretation is issued with respect to Preference Rating Order P-19-h:

Reference is made in various War Production Orders to P-19-h orders or to orders in the P-19 series, and in some of these orders the delivery of material or equipment is not allowed, unless the material or equipment is rated under a P-19-h order or an order in the P-19 series. Order P-19-h has in a large measure been superseded by CMPL-224 authorizations and this last form has in turn been superseded by form GA-1456. Consequently any reference to a P-19-h order or to an order in the P-19 series is also reference to an authorization on form CMPL-224 or GA-1456, and if the delivery of an item is permitted under a P-19-h order or an order in the P-19 series it also may be delivered under a CMPL-224 or GA-1456 authorization.

Issued this 17th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2311; Filed, February 17, 1944; 11:19 a. m.]

Chapter XI—Office of Price Administration

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 357, Amdt. 1]

INDIA-TANNED GOATSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 357 is amended in the following respect:

The table of maximum prices in section 4 is amended to read as follows:

TABLE OF MAXIMUM PRICES

[Basic prices per pound for goatskins weighing 11-12[1] pounds per dozen]

Tannages	Standard run of 3	Grade IV	Grade V	Grade V inferior
Prime[2]	$0.855	$0.755	$0.705	$0.655
Best	.785	.685	.635	.585
Common	.735	.635	.585	.535

[1] Over 11 lbs. up to and including 12 lbs.
[2] Also known as Superior Prime, Superior, Prime City and Special.

This amendment shall become effective February 16, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2294; Filed, February 16, 1944; 4:26 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1340—FUEL

[MPR 120, Corr. to Amdt. 84]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Amendment No. 84 to Maximum Price Regulation No. 120 is corrected in the following respects:

1. In § 1340.224 (b) (2) the price for all lump and double-screened egg coals (size groups 1 to 5, incl.) in Price Group No. 4 is corrected from 435 to 485.

2. In § 1340.224 (b) (8), a new undesignated paragraph is added to read as follows:

All mine index numbers in Subdistrict Nos. 3 and 5 (Tennessee and Georgia) shipping coal by rail or river are in Price Group No. 10.

3. In § 1340.224 (b) (9) a comma is inserted between county names Gibson and Gauld in the first undesignated paragraph.

4. In § 1340.224 (b) (9) the undesignated paragraph beginning with the words, "Marion, Battle Creek" is corrected to read:

Marion, Battle Creek, Top (Mine Index No. 814 only), 8; Bluff, Bolton, Etna, Etna No. 3, Etna No. 7, Sewanee, Sewanee Nos. 7, 9, and 10 and Soft Bottom and Top, 9; all seams not named, 11.

This correction to Amendment No. 84 shall become effective as of February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2320; Filed, February 17, 1944; 11:32 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 87]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.210 (a) (10), the clause, "except as otherwise provided in subdivision (i) below for the services indicated therein" is amended to read, "except as is otherwise provided in subdivisions (i) and (ii) below".

2. Section 1340.210 (a) (10) (i) is redesignated § 1340.210 (a) (10) (ii).

3. In § 1340.210 (a), a new undesignated paragraph is added after subparagraph (10) to read as follows:

No person may pay and no person may receive a service charge over the maximum prices otherwise established by this regulation for the services rendered in the obtaining of supplies of coal or in handling shipments of coal by water unless the Administrator grants permission in writing to do so. Provision is made in subdivisions (i) and (ii) below for the obtaining of such permission; subdivision (i) states how and by what persons such permission may be obtained with regard to shipments other than those by lake and tidewater and subdivision (ii) states the same with regard to lake and tidewater shipments.

4. In § 1340.210 (a) (10), new subdivision (i) is added to read as follows:

(i) With regard to shipments other than those by lake and tidewater a distributor may obtain such permission where the requirements of (a) below are met by filing two copies of a signed application containing the information required in (b) below with the Solid Fuels Branch, Office of Price Administration, Washington 25, D. C.

(a) *Conditions under which permission to pay a service charge will not be granted.* In no event will a service charge be permitted to be paid or received where:

(1) The distributor is or at any time since May 18, 1942 has been related to the producer or his sales agent directly or indirectly by ownership control or affiliation of any kind.

(2) In general the tonnage requirements of the person desiring to purchase from the distributor exceed 10,000 net tons per year, or the situation of the customer is such that the services of a distributor are not required.

(3) The coal to be procured by the distributor will be obtained from the same mine or the same producer or an affiliate of the same producer as the mine, producer or affiliate which supplied the customer of the distributor at any time since May 18, 1942. This condition shall not, however, be applicable where the customer of the distributor is operating a manufacturing plant which was converted from oil to coal since January 1, 1942 and such customer has since that date been supplied coal by a distributor, or where the customer of the distributor is in New England and is now receiving via all-rail transportation part or all of the coal requirements he formerly received by tidewater or where the customer's requirements are supplied by a distributor under a direction issued by the Solid Fuels Administration for War.

(b) *Information which the distributor's application should contain.* A signed application filed in duplicate with the Solid Fuels Branch shall disclose:

(1) The kind, size, tonnage, distributor's f. o. b. mine purchase price of coal which the customer of the distributor needs, the service charge the distributor proposes to make and to which the customer agrees, and the method of shipment of the coal.

(2) A brief statement of the kind, size and tonnage of coal as well as total tonnage purchased by the customer of the distributor since January 1, 1943 from each source of supply together with the name and address of each supplier. The source of supply shall be identified as producer or distributor and by the names, mine index numbers of, and the producing district in which the mines from which the coals are to be shipped are located.

(3) A brief statement as to why applicant's services are necessary to his customer in the proposed transaction.

(4) A statement from the distributor's customer that it will not base any request for an increase in its maximum price for any commodity or service in whole or in part upon the added cost of the service charge and if customer is a reseller of coal subject to Revised Maximum Price Regulation No. 122 that it understands that the service charge it proposes to pay to the distributor may not be added to its maximum price in the resale of the coal and if customer is a person eligible for compensation under Revised Compensatory Adjustment Regulation No. 1 such service charge shall not be included in the current delivered cost of coal.

(5) Any other data deemed relevant by the applicant.

(c) *Records to be kept by the distributor receiving permission to make a service charge.* If such permission to make a service charge is granted, the distributor making such service charge shall maintain records for the effective period of this subdivision (i) in connection with

[1] 8 F.R. 14560, 15256, 15455, 15456, 16280, 16419, 16738, 16998.

any transaction on which such a service charge is made. The records shall disclose:

(1) The distributor's source of coal supply, including the name and address of each supplier, an identification of these suppliers as distributor or producer and the names, mine index numbers of, and the producing district in which the mines from which the coals are to be shipped are located.

(2) The tonnage of coal shipped the customer, maximum f. o. b. mine price; the purchase price the distributor paid f. o. b. the mine; the amount and kind of all special service charges made in the sale of the coal by the producer and distributor and the amount of the service charge made by the distributor under the Administrator's authorization granted pursuant to this subdivision (i).

(d) Permission to pay a service charge of not more than 17 cents per net ton may be granted by the Administrator by letter or telegram with respect to individual transactions on transactions of a continuing nature for either individual distributors or groups of distributors. In all cases the amount of the service charge shall be separately identified in the invoice for the coal.

This amendment shall become effective February 23, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2319; Filed, February 17, 1944; 11:32 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 479, Correction]

WET CORN MILLING BY-PRODUCTS FOR ANIMAL AND POULTRY FEEDS

Maximum Price Regulation 479 is corrected in the following respects:

1. In section 7 (c), delete "as" after "as above provided" and before "if he purchased the same."

2. In section 14, change "of" to "or" between words "revocation" and "suspension."

This correction shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2318; Filed, February 17, 1944; 11:31 a. m.]

PART 1400—TEXTILE FABRICS, COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127,[1] Amdt. 17]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 127 is amended in the following respects:

1. Section 1400.78 (c) (27) is amended to read as follows:

(27) Towels and toweling, other than printed toweling.

2. Section 1400.78 (l) is amended to read as follows:

(l) Sales of better rayon fabrics by converters who prior to February 17, 1944 had certified to the Office of Price Administration that they came within the terms of this paragraph (l) as it read between July 5, 1943 and February 22, 1944.

"Better rayon fabrics" are finished piece goods which

(1) Are composed of 75% or more of rayon, and

(2) Are (i) substantially similar in construction and finish to fabrics which during 1942 sold to dress manufacturers whose minimum price line for dresses then was $16.75 or (ii) plain dyed goods of a type which sold at a price of 85 cents or more per yard during 1942 or printed goods of a type which sold at a price of one dollar or more per yard during 1942.

3. Section 1400.82 (c) (4) is amended to read as follows:

(4) Where goods are trans-shipped from one finishing plant to another (after the goods are partially or wholly finished), the freight charges on such transshipments shall not be included in computing the maximum price under paragraph (a) of this section: *Provided*, (i) That if partially finished goods are trans-shipped from one finishing plant to another for the purpose of screen printing, flock printing, lacquer printing, embossing, or moireing at the second plant, then the freight charges on such trans-shipment may be included in computing the maximum price under paragraph (a) of this section; (ii) That the foregoing limitation shall not apply to the extent that the contrary is expressly provided elsewhere in this regulation.

4. In § 1400.82 (e) (4) the present text is redesignated subdivision (i) and subdivision (ii) is added to read as follows:

(ii) Where fabrics are printed in such a manner that, if by cutting off the edge (or edges) of the fabric which has (or have) been printed more than 80 percent of the original width of the finished fabric could be retained intact in unprinted form, the cost of such printing shall not be included in the finishing cost unless it can be demonstrated that the print design serves a bona fide decorative or functional purpose and prior certification to this effect has been obtained from the Office of Price Administration, Washington 25, D. C.

5. In § 1400.82 (e), subparagraphs (7) and (8) are added to read as follows:

(7) For the purposes of subparagraph (8) below, the cost of each type of processing referred to therein shall be:

(i) In the case of goods finished by a person independent of the converter, the price of such processing as specified in the finishing contract or invoice;

(ii) In the case of goods finished by the converter or by a subsidiary or affiliate of the converter, the price which such person is entitled to charge for such processing under Maximum Price Regulation No. 128 (Processing Piece Goods).

(8) *Special limitations on use of entire finishing cost.* Certain finishing expenses are to be treated in a special manner as explained in subdivision (i) below. These expenses, which are called "excess finishing cost," are listed in subdivision (ii). What constitutes "excess finishing cost" will often depend on whether the goods fall within the converter's "specified finish quota." This quota is dealt with in subdivision (iii).

(i) *How to treat "excess finishing cost."* "Excess finishing cost" shall be disregarded in determining the appropriate division factor pursuant to paragraph (g) of this section and shall not be included in the sum to which (pursuant to paragraph (a) of this section) that division factor is applied, but it may be added to the resulting quotient before the terms factor is applied.

(ii) *What is "excess finishing cost."* "Excess finishing cost" means the following:

(a) Where cotton goods, other than "better cotton wash fabrics,"[3] have been roller-printed, any printing cost[3] in excess of the printing cost which would be applicable to a 15,000-yard run of the pattern.

(b) Where rayon goods[4] have been roller-printed, any printing cost[3] in excess of the printing cost which would be applicable to a 6,000-yard run of the pattern.

(c) The cost of screen printing any rayon goods which (1) are made of combination yarns or (2) have a ceiling price in the grey of less than 27½¢ per yard on the following width bases:

Type of fabric or weave:	*Width Basis*
Plain or dobby-loom except sheers	43½" grey
Box-loom, except sheers	45" reed
Jacquard-loom, except sheers	39" grey
Sheers	46" reed

(d) The cost of applying any of the "specified finishes" designated below to goods which do not fall within the converter's "specified finish quota," as defined in subparagraph (iii) below. The "specified finishes" are embossing, moireing, screen printing, block printing, chenille printing, flock printing, lacquer printing and any type of over-printing (such as pigment type or zinc printing) not expressly mentioned.

(e) The cost of flock printing, chenille printing, lacquer printing or otherwise over-printing goods which (regardless of the sequence in which the operations are performed) are also screen printed, block printed, embossed or moired.

(iii) *Specified finish quota.* (a) For each finish referred to in (ii) (d) above, each converter shall have a "specified finish quota."

(b) Except for a converter who was not in business throughout 1941, the "quota" for shipments made in a given finish during any calendar quarter shall be three-fourths of the yardage of woven goods ordered into process by the converter during the corresponding calendar quarter of 1941 in that finish. However, the quota applicable to the period from February 23, 1944 through March 31, 1944 shall be one-half of the quota computed for the first calendar quarter. Furthermore, a converter shall be permitted to augment his quota for any period by the amount of any unconsumed portion of his quota for the preceding quarter and likewise by borrowing from his quota for the following quarter. If a converter augments his quota for one period by borrowing from his quota for the next quarter, the latter quota shall be correspondingly reduced.

(c) Any converter who was not in business throughout 1941 may file with the Office of Price Administration, Washington 25, D. C., an application for the establishment of one or more "specified finish quotas". The application shall be filed in accordance with subpart B of Revised Procedural Regulation No. 1,[5] issued by the Office of Price Administration, and shall contain a full statement of: (1) the types of processing performed by the converter, (2) current monthly yardage ordered into process and estimated yardage volume for the balance of the calendar year, (3) the type of goods converted, (4) the trades served, (5) the reasons why applicant needs to sell goods in any of the finishes referred to in (ii) (d) above, (6) the names of two or more close competitors; and (7) any other information relevant to whether a quota or quotas should be established and in what amount. No quota will be granted unless it affirmatively appears that the applicant needs the quota in order to serve the actual requirements of his customers. Where such a finding can be made the Administrator will be guided in determining the amount of the quota by the nature of the applicant's business and the "specified finish quotas" of applicant's competitors. A quota may be established in terms of yardage, dollar sales, or percentage of total business and shall be subject to such conditions as the Administrator finds appropriate. Upon the filing of an application and pending final action therein an applicant shall not include the cost of any finish referred to in (ii) (d) above in his finishing cost for the purpose of determining the appropriate division factor under subdivision (g) of this section, but may include the cost of such finish in the sum to which that division factor is applied.

(d) On or before March 23, 1944 every converter who was engaged in business throughout 1941 and who desires to avail himself at any time of one or more "specified finish quotas" shall report to the Office of Price Administration, Washington 25, D. C., his name and address, the amount of each of his "specified finish quotas", and his total dollar volume of finished piece goods sales during 1943. Any converter who fails to make such a report on or before the due date shall be deemed to have waived his right to make use of his quotas, unless he presents a reasonable justification for such failure.

(e) Each converter delivering goods subject to the limitations imposed by this subparagraph (8) shall keep a separate monthly record of all such deliveries. The record shall include the invoice number, yardage delivered, and type of finish.

(iv) *Existing contracts.* Notwithstanding any provision of this subparagraph (8), for goods delivered on or before March 23, 1944 against a firm contract entered into in conformity with this regulation prior to February 17, 1944, the contract price may be charged.

6. Section 1400.82 (k) is amended by deleting the proviso at the end.

This amendment shall become effective February 23, 1944.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2317; Filed, February 17, 1944; 11:31 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 128,[1] Amdt. 3]

PROCESSING PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 128 is amended in the following respects:

1. Section 1400.25 is amended to read as follows:

§ 1400.25 *Itemizing charges for certain finishing processes.* Where the processing of piece goods by any job processor includes any waterproofing, water repellent, special, exclusive, or patented finishing process, or any embossing, moireing, screen printing, block printing, chenille printing, flock printing, lacquer printing, or any type of over-printing (such as pigment type or zinc printing) not expressly named, such job processor shall ascertain the portion of the total price (not to exceed his maximum price) attributable thereto and shall deliver to the customer a contract, invoice, or similar document stating that portion separately.

2. Section 1400.26 (a) (1) (iii) is amended to read as follows:

(iii) An unprocessed and processed reference sample of each different combination of any of the following: type, finish, pattern, print color combination, and shade of piece goods processed;

3. Section 1400.28a is added to read as follows:

§ 1400.28a *Transfers of business.* In any case where a business engaged in processing piece goods is sold or otherwise transferred on or after May 4, 1942, and the transferee carries on the processing of piece goods in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place. Any person who between May 4, 1942 and February 23, 1944 sold or transferred such a business shall either preserve and make available, or turn over, to the transferee all remaining records which he was required to keep of transactions prior to the transfer and which are necessary to enable the transferee to comply with this regulation; any person who after February 22, 1944 sells or transfers such a business shall either preserve and make available, or turn over, to the transferee all records which the transferor was required to keep of transactions prior to the transfer and which are necessary to enable the transferee to comply with this regulation. In all cases the transferee shall have the same obligation as his transferor had to keep and maintain records.

4. Section 1400.31 (a) (2) is amended to read as follows:

(2) "Piece goods" means woven fabrics, more than 12 inches in width, composed in the amount of seventy-five per cent or more by weight of either cotton fibre or chemically produced yarn or fibre or of any mixtures thereof, regardless of what other material may be included in the fabric.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3057, 4851, 6181, 9023, 12934.

[2] As used here the term:
(1) "Cotton goods" means goods which, in the grey, are subject to Maximum Price Regulation No. 11—Fine Cotton Goods; Revised Price Schedule No. 35—Carded Grey and Colored-Yarn Cotton Goods; Revised Price Schedule No. 89—Bed Linens; or Maximum Price Regulation No. 118—Cotton Products;
(2) "Better cotton wash fabrics" means goods for which the division factor is to be determined by use of Table Ia of paragraph (g) or any other goods which are composed 100% of cotton; are sold to manufacturers of women's and children's dresses, suits, and sportswear and to retail outlets; and are of a type that, during the period from August 1 to September 30, 1941, inclusive, were sold at a price of 27½¢ or more per yard of 36" to 39" finished width, net after discount.

[3] The term "printing cost" shall include the cost of all processing preliminary to the roller printing.

[4] "Rayon goods" here means goods which, in the grey, are subject to Revised Price Schedule No. 28, as amended—Rayon Grey Goods.

[5] 8 F.R. 3057, 4851, 6181, 9023, 12934, 15906; 9 F.R. 172.

[1] 7 F.R. 3117, 4659, 6615, 8948.

This amendment shall become effective February 23, 1944.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2314; Filed, February 17, 1944; 11:33 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 9]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 13 is amended in the following respects:

1. The title of section 1.3 is amended to read as follows: *"Points come in the form of stamps, certificates, tokens, ration coupons and ration checks."*

2. Section 1.3 (a) is amended by deleting the words "tokens or".

3. Section 1.3 (b) is amended to read as follows:

(b) The basic forms of ration currency are green and blue stamps in War Ration Book Four, and tokens which are designated by the Office of Price Administration to be used for the acquisition of processed foods. They are the form in which points are generally given up by "consumers".

4. Section 1.3 (c) is amended by inserting in the first sentence the word "tokens" between the words "(OPA Form R–1201)," and "or ration coupons".

5. Section 2.4 (a) is amended to read as follows:

(a) *A consumer uses stamps.* A consumer gives up points, when he acquires processed foods, by surrendering green or blue "stamps" from his War Ration Book Four.

6. Section 2.4 (b) is amended to read as follows:

(b) *Stamps may be used only during fixed periods.* Each stamp in War Ration Book Four is good for a limited time only and a consumer may use it only during that time. The letter printed on the green stamps and the combination of letter and number printed on the blue stamps serve to indicate the time when the stamp may be used by consumers. The stamps in War Ration Book Four may be used only during periods which will be fixed in a supplement to this order. These periods may be changed by the Office of Price Administration, even after they have begun.

7. Section 2.4 (c) is amended to read as follows:

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a green stamp is worth is shown by the figure printed on it. Blue stamps are worth 10 points each, regardless of the number printed on them. Stamps must be given up at the time the foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken or for use at a table at which he eats. If the consumer is unable to give up points exactly equal to the point value of the processed foods acquired by him on and after February 27, 1944 because he does not have stamps of sufficiently small value to make up the proper amount, he may give up, and the transferor may accept, stamps of the nearest higher value, and the transferor must return the excess number of points to the consumer in the form of loose one point stamps through March 20, 1944, or, beginning February 27, 1944, in the form of tokens. Loose one point stamps and tokens may be used by a consumer to acquire processed foods only if he has received the stamps and tokens in this way from his transferor. A transferor may accept loose one point stamps and tokens from a consumer unless he knows or has reason to believe that they were not acquired by the consumer in this way.

8. Section 2.4 (e) is amended by inserting in the first sentence the words "or tokens" between the words "them" and "with".

9. The first sentence of the footnote to section 8.3 (a) is amended by deleting the words "blue stamps from the War Ration Book Two and the green stamps in War Ration Book Four" and by substituting therefor the words "green and blue stamps in War Ration Book Four, tokens,".

10. Section 8.3 (a) is amended by adding the following:

However, any person who sells or transfers processed foods to consumers may retain and need not deposit in his ration bank account enough loose one point stamps, and beginning February 27, 1944 enough tokens for use in returning excess points to consumers pursuant to section 2.4 (c).

11. Section 8.4 (e) is added to read as follows:

(e) *Tokens.* Tokens may be deposited at any time in quantities of 250 or multiples thereof in containers provided for that purpose by the Office of Price Administration.

12. Section 9.4 (a) is amended by adding the following:

If the consumer is unable to give up points exactly equal to the point value of the processed foods transferred because he does not have stamps of sufficiently small value to make up the proper amount, the transferor may accept stamps of the nearest higher value which the consumer has, and the transferor must return the excess points to the consumer, from February 27, 1944 to March 20, 1944, inclusive, in the form of loose one point stamps or tokens. On and after March 21, 1944 he must return the excess points in the form of tokens only.

13. Section 9.4 (b) is amended to read as follows:

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of stamps from his war ration book, a certificate issued for him, and a ration check issued to him and endorsed by him. Points may also be given up in the form of loose one point stamps from February 27, 1944 to March 20, 1944, inclusive, and in the form of tokens, beginning February 27, 1944.

14. Section 9.4 (d) is amended by adding the following:

However, a transferor may accept loose one point stamps from a consumer from February 27, 1944 to March 20, 1944, inclusive, unless he knows or has reason to believe those stamps were not acquired by the consumer in the way permitted by paragraph (a) of this section. Beginning February 27, 1944, a transferor may also accept tokens from a consumer unless he knows or has reason to believe those tokens were not acquired by the consumer in the way permitted by paragraph (a) of this section.

15. Section 9.4 (e) is amended to read as follows:

(e) *When stamps are good.* Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the green stamps and the combination of letter and number on the blue stamps serve to indicate the time when the stamps may be used by the consumers. The period during which the green stamps and the blue stamps in War Ration Book Four may be accepted from a consumer is fixed by the Office of Price Administration in a supplement to this order.

16. Section 9.4 (g) (1) is amended by inserting in the first sentence the word "tokens," between the words "stamps," and "or a ration check".

17. Section 9.4 (g) (3) is amended by inserting in the first sentence the words "or tokens" between the words "stamps" and "from".

18. Section 9.4 (j) is added to read as follows:

(j) *Tokens.* Tokens may be accepted from a consumer at any time beginning February 27, 1944.

19. Section 9.5 (d) is amended by inserting in the first sentence the word "tokens," between the words "stamps," and "certificates".

20. Section 9.5 (d) (1) is amended by substituting in the third sentence the words "(OPA Form R–140)" for the words "(OPA Form R–120)".

21. Section 9.5 (d) (5) is added to read as follows:

(5) *Tokens.* Tokens may be accepted at any time, but a transferor need not accept more than 9 tokens from his transferee in any one transaction.

22. Section 9.5 (e) (2) is amended by inserting in the last sentence the word "tokens," between the words "stamps," and "certificates".

23. Section 11.1 (b) is amended by inserting in the fourth sentence the word "tokens," between the words "stamps," and "and certificates".

24. The title of Article XV is amended to read as follows: *"Issuance and Use of Certificates, Ration Coupons, and Tokens."*

25. Section 15.8 (b) is amended by inserting before the end of the parenthesis, the following sentence: "The only exception to that rule is in the use of one point stamps or tokens to give change to consumers."

26. Section 15.9 is added to read as follows:

SEC. 15.9 *How ration tokens may be obtained by persons other than consumers.* (a) On and after February 17, 1944, any person other than a consumer who sells or transfers processed foods may acquire tokens in quantities of 250 or multiples thereof at any ration bank in exchange for the following types of ration currency:

(1) *Stamps.* From February 17, 1944 to February 26, 1944, inclusive, he may use green stamps in sealed envelopes. From February 27, 1944 to May 1, 1944, inclusive, he may use green stamps in sealed envelopes or blue stamps pasted on gummed sheets, OPA Form R–140. Beginning May 2, 1944 he may use stamps only if they are pasted on such gummed sheets. If he uses stamps in sealed envelopes, the envelopes must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. If he uses stamps pasted on gummed sheets he may use only stamps valid for transfer or deposit by him at the time he acquires tokens, and each sheet must contain 25 stamps. He must write his name and address on each sheet.

(2) *Certificates.* He may use a certificate only if it is made out to him. He must write his name and address on the back of the certificate before using it to acquire tokens.

(3) *Checks.* If he has a ration bank account he may use a ration check to obtain tokens only at the bank where he has his account and only if such check is drawn by him against his account either to his own order or the order of "tokens".

(4) *Ration coupons.* Between February 17, 1944 and May 1, 1944, inclusive, he may use ration coupons to obtain tokens. They must be enclosed in sealed envelopes which must be handled in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. After May 1, 1944 he may not use ration coupons to acquire tokens.

(b) Beginning February 27, 1944 any person who sells or transfers processed foods may obtain tokens in exchange for any valid ration currency from any other person who sells or transfers such foods.

(c) Before February 17, 1944 any retailer who has more than one retail establishment may apply to the Washington Office for permission to obtain tokens from that office. Such a retailer must give up points on or before February 17, 1944 to the Washington Office for tokens he receives in this way.

27. Section 15.10 is added to read as follows:

SEC. 15.10 *How tokens are used.* (a) Beginning February 27, 1944 tokens may be used to buy or acquire foods and to give change to consumers when they buy or acquire such foods. They have a point value of one point each and are good at any time. However, a transferor of processed foods need not accept more than 9 tokens from any transferee other than a consumer in any single transaction.

(b) Any person who has a ration bank account may deposit tokens in his account only in quantities of 250 or multiples thereof and only if they are in the containers provided for them by the Office of Price Administration. Any person who does not have and is not required to have a ration bank account may exchange tokens in quantities of 250 or multiples thereof for a ration check at any ration bank but only if the tokens are in the containers provided for them. Any person who deposits or exchanges tokens in this way must write his name and address in the space provided for that purpose on the cover of the container.

28. Section 19.1 (c) is amended by inserting the word "'token'" between the words "'stamp,'" and "or a".

29. Section 19.1 (d) is amended by inserting the word "token," between the words "stamp," and "certificate".

30. Section 19.1 (e) is amended by inserting the word "token," between the words "stamp," and "certificate".

31. Section 19.1 (f) is amended by inserting the word "token," between the words "stamp," and "certificate".

32. Section 19.1 (g) is amended to read as follows:

(g) No person shall counterfeit, forge, or alter a stamp, token, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, token, certificate or ration check.

33. Section 19.1 (k) is amended by inserting the word "token," between the word "stamp," and "certificate".

34. The title of section 19.2 is amended to read as follows: *"Stamps, tokens, and certificates may not be taken by legal process or acquired by will."*

35. Section 19.2 (a) is amended by inserting in the first sentence the word "token," between the words "stamp," and "certificate".

36. Section 19.2 (b) is amended by inserting the word "token," between the words "stamp," and "or certificate".

37. Section 19.3 (a) is amended by inserting the word "token," between the words "stamp," and "certificate", wherever they appear therein.

38. Section 27.1 (a) (15) is amended to read as follows:

(15) "Stamp" means a blue or green stamp in, or taken from, War Ration Book Four.

39. Section 27.1 (a) (30) is added to read as follows:

(30) "Token" means a blue token designated for the acquisition of processed foods.

This amendment shall become effective February 17, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125; 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2316; Filed, February 17, 1944; 11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 108]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 1.3 (a) is amended by deleting the words "tokens or".

2. The first sentence of section 1.3 (b) is amended to read as follows:

The basic forms of ration currency are brown stamps in War Ration Book Three, red stamps in War Ration Book Four, and tokens which are designated by the Office of Price Administration to be used for the acquisition of all foods covered by this order. They are the form in which points are generally given up by "consumers".

3. Section 1.3 (c) is amended by inserting in the first sentence the word "tokens" between the words "(OPA Form R–1201)," and "or ration coupons".

4. Section 2.3 (a) is amended to read as follows:

(a) *A consumer uses stamps.* A consumer gives up points, when he acquires foods covered by this order, by surrendering brown "stamps" from War Ration Book Three, or red stamps from War Ration Book Four. A brown stamp is not good unless the book from which it is taken has a validation stamp properly placed on its cover.

5. Section 2.3 (b) is amended to read as follows:

(b) *Stamps may be used only during fixed periods.* Each stamp in War Ration Books Three and Four is good for a limited time only and a consumer may use it only during that time. The letter printed on the brown stamps in War Ration Book Three and the combination of letter and number printed on the red stamps in War Ration Book Four serve

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220, 403, 677, 695.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3, 104, 695, 574, 848, 765, 1398.

to indicate the time when the stamp may be used by consumers. The brown stamps in War Ration Book Three and the red stamps in War Ration Book Four may be used only during periods which will be fixed in a supplement to this order. (Transfers of "meat" by farm slaughterers to consumers, covered in section 3.2, are excepted from this rule.) These periods may be changed by the Office of Price Administration, even after they have begun.

6. Section 2.3 (c) is amended to read as follows:

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the foods covered by this order which he acquires, except that fractional amounts are to be handled in the way described in section 10.6. The number of points a brown stamp in War Ration Book Three is worth is shown by the figure printed on it. Red stamps in War Ration Book Four are worth 10 points each, regardless of the number printed on them. Stamps must be given up at the time the foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the foods. A stamp may be used only to get foods covered by this order for the consumer from whose book it is taken, or for use at a table at which he eats. If the consumer is unable to give up points exactly equal to the point value of the foods acquired by him because he does not have stamps of sufficiently small value to make up the proper amount, he may give up, and the transferor may accept, stamps of the nearest higher value, and the transferor must return the excess number of points to the consumer in the form of loose one point stamps through March 20, 1944, or, beginning February 27, 1944, in the form of tokens. Loose one point stamps and tokens may be used by a consumer to acquire foods covered by this order only if he has received the stamps and tokens in this way from his transferor. A transferor may accept loose one point stamps and tokens from a consumer, unless he knows or has reason to believe that they were not acquired by the consumer in this way.

7. Section 2.3 (e) is amended by inserting in the first sentence the words "or tokens" between the words "them" and "with".

8. Section 2.3 (f) is amended by inserting in the first sentence the words "or tokens" between the words "stamps" and "before".

9. Section 9.2 (d) is amended by changing the parenthetical phrase to read as follows: "(stamps, tokens, certificates, or endorsed ration checks.)"

10. Section 9.2 (h) is amended by changing the parenthetical phrase to read as follows: "(stamps, tokens, certificates, or endorsed ration checks.)"

11. The first sentence of the footnote to section 9.3 (a) is amended by deleting the words "red stamps from War Ration Book Two" and by substituting therefor the words "brown stamps in War Ration Book Three and red stamps in War Ration Book Four, tokens".

12. Section 9.3 (a) is amended by deleting the last two sentences and inserting in their place the following: "However, any person who sells or transfers foods covered by this order to consumers may retain and need not deposit in his ration bank account enough loose one point stamps, and beginning February 27, 1944 enough tokens, for use in returning excess points to consumers pursuant to section 2.3 (c). (Section 4.13 (b) states another exception to this paragraph.)"

13. Section 9.4 (e) is added to read as follows:

(e) *Tokens.* Tokens may be deposited at any time in quantities of 250 or multiples thereof, in containers provided for that purpose by the Office of Price Administration.

14. Section 10.4 (a) is amended by inserting before the period at the end of the last sentence the words "through March 20, 1944, or, beginning February 27, 1944, in the form of tokens"; and adding the following: "On and after March 21, 1944 he must return the excess points in the form of tokens only."

15. Section 10.4 (d) is amended to read as follows:

(d) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of stamps from his war ration book, a certificate issued for him, and a ration check issued to him and endorsed by him. Points may also be given up in the form of loose one point stamps through March 20, 1944, and in the form of tokens, beginning February 27, 1944.

16. Section 10.4 (f) is amended by changing the first sentence to read as follows: "The seller or transferor may accept a stamp only if it is torn out of a war ration book in his presence, and, if it is a stamp from War Ration Book Three, only if the book has a validation stamp on its cover."

17. Section 10.4 (f) is further amended by inserting in the last sentence the words "through March 20, 1944" between the words "consumer" and "unless"; and by adding the following: "Beginning February 27, 1944, a transferor may also accept tokens from a consumer unless he knows or has reason to believe those tokens were not acquired by the consumer in the way permitted by paragraph (a) of this section."

18. Section 10.4 (g) is amended to read as follows:

(g) *When stamps are good.* Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the brown stamps in War Ration Book Three and the combination of letter and number printed on the red stamps in War Ration Book Four serve to indicate the time when the stamp may be used by consumers. The periods during which the brown stamps in War Ration Book Three and the red stamps in War Ration Book Four may be accepted from a consumer will be fixed by the Office of Price Administration in a supplement to this order. (Transfers of "meat" by farm slaughterers to consumers, covered in section 3.2 are excepted from this rule.)

19. Section 10.4 (i) (1) is amended by inserting in the first sentence the word "tokens," between the words "detached stamps" and "or a ration check".

20. Section 10.4 (i) (3) is amended by inserting in the first sentence the words "or tokens" between the words "stamps" and "from".

21. Section 10.4 (j) (1) is amended by inserting in the first sentence the word "tokens" between the words "stamps" and "or a ration check".

22. Section 10.4 (m) is added to read as follows:

(m) *Tokens.* Tokens may be accepted from a consumer at any time beginning February 27, 1944.

23. Section 10.5 (e) is amended by inserting in the first sentence the word "tokens" between the words "stamps" and "certificates".

24. Section 10.5 (e) (1) is amended by substituting in the third sentence the words "(OPA Form R–140)" for the words "(OPA Form R–120)".

25. Section 10.5 (f) (1) is amended by inserting in the last sentence the word "tokens," between the words "stamps," and "certificates".

26. Section 10.5 (f) (3) is amended by inserting in the last sentence the word "tokens," between the words "stamps," and "certificates".

27. Section 10.5 (f) (7) is amended by inserting a comma after the words "ration coupons"; and by inserting before the period at the end of the sentence, the following: "* * * through March 20, 1944, or tokens, beginning February 27, 1944."

28. Section 10.5 (e) (5) is added to read as follows:

(5) *Tokens.* Tokens may be accepted at any time, but a transferor need not accept more than 9 tokens from his transferee in any single transaction.

29. Section 12.1 (b) is amended by inserting in the third sentence the word "tokens" between the words "stamps," and "and certificates".

30. The title of Article XVI is amended to read as follows: "*Issuance and Use of Certificates, Ration Coupons, and Tokens.*"

31. Section 16.8 (b) is amended by inserting in the last sentence the words "or tokens" between the words "stamps" and "to give".

32. Section 16.9 is added to read as follows:

SEC. 16.9 *How ration tokens may be obtained by persons other than consumers.* (a) On and after February 17, 1944, any person other than a consumer who sells or transfers foods covered by this order may acquire tokens in quantities of 250 or multiples thereof at any ration bank in exchange for the following types of ration currency:

(1) *Stamps.* From February 17, 1944, to February 26, 1944, inclusive, he may use brown stamps in sealed envelopes. From February 27, 1944 to May 1, 1944, inclusive, he may use brown stamps in sealed envelopes or red stamps pasted on gummed sheets, OPA Form R–140. Beginning May 2, 1944 he may use stamps only if they are pasted on such gummed sheets. If he uses stamps in sealed envelopes, the envelopes must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. If he uses stamps pasted on gummed sheets he may use only stamps valid for transfer or deposit by him at the time he acquires tokens, and each sheet must contain 25 stamps. He must write his name and address on each sheet.

(2) *Certificates.* He may use a certificate only if it is made out to him. He must write his name and address on the back of the certificate before using it to acquire tokens.

(3) *Checks.* If he has a ration bank account he may use a ration check to obtain tokens only at the bank where he has his account and only if such check is drawn by him against his account either to his own order or to the order of "tokens".

(4) *Ration coupons.* Between February 17, 1944 and May 1, 1944, inclusive, he may use ration coupons to obtain tokens. They must be enclosed in sealed envelopes which must be handled in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. After May 1, 1944 he may not use ration coupons to acquire tokens.

(b) Beginning February 27, 1944 any person who sells or transfers foods covered by this order may obtain tokens in exchange for any valid ration currency from any other person who sells or transfers such foods.

(c) Before February 17, 1944 any retailer who has more than one retail establishment may apply to the Washington Office for permission to obtain tokens from that office. Such a retailer must give up to the Washington Office, on or before February 17, 1944, points for tokens he receives in this way.

33. Section 16.10 is added to read as follows:

SEC. 16.10 *How tokens are used.* (a) Beginning February 27, 1944 tokens may be used to buy or acquire foods and to give change to consumers when they buy or acquire such foods. They have a point value of one point each and are good at any time. However, a transferor of foods covered by this order need not accept more than 9 tokens from any transferee other than a consumer in any single transaction.

(b) Any person who has a ration bank account may deposit tokens in his account only in quantities of 250 or multiples thereof and only if they are in the containers provided for them by the Office of Price Administration. Any person who does not have and is not required to have a ration bank account may exchange tokens in quantities of 250 or multiples thereof for a ration check at any ration bank but only if the tokens are in the containers provided for them. Any person who deposits or exchanges tokens in this way must write his name and address in the space provided for that purpose on the cover of the container.

34. Section 20.1 (c) is amended by inserting the word "'token'" between the words "'stamp,'" and "or a".

35. Section 20.1 (d) is amended by inserting the word "token," between the words "stamp," and "certificate".

36. Section 20.1 (e) is amended by inserting the word "token," between the words "stamp," and "certificate".

37. Section 20.1 (f) is amended by inserting in the first and second sentences the word "token," between the words "stamp," and "certificate".

38. Section 20.1 (g) is amended to read as follows:

(g) No person shall counterfeit, forge, or alter a stamp, token, certificate, credit authorization, or ration check, and no person shall transfer, acquire, possess, or use a counterfeited, forged or altered stamp, token, certificate, credit authorization or ration check.

39. Section 20.1 (i) is amended by inserting the word "token," between the words "stamp," and "certificate".

40. The headnote of section 20.2 is amended to read as follows: "*Stamps, tokens, and certificates may not be taken by legal process or acquired by will*".

41. Section 20.2 (a) is amended by inserting the word "token," between the words "stamps," and "certificate".

42. Section 20.2 (b) is amended by inserting the word "token" between the words "stamps," and "or certificate".

43. Section 20.3 (a) is amended to read as follows:

(a) Any person who has a stamp, token, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, token, certificate or check.

44. The definition of stamp in section 24.1 (a) is amended to read as follows:

"Stamp" means a brown stamp in, or taken from a War Ration Book Three or a red stamp in, or taken from, a War Ration Book Four.

45. The definition of "token" is added as follows to the definitions in section 24.1 (a):

"Token" means a red token designated for the acquisition of foods covered by this order.

46. Section 26.11 (b) (2) is amended by inserting the words "or tokens" between the words "stamps" and "(designated)".

This amendment shall become effective February 17, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 6234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2315; Filed, February 17, 1944; 11:33 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 44]

STORAGE FOR WAR DEPARTMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (139) is added to read as follows:

§ 1499.46 *Exceptions for certain services.* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

* * * * * * *

(139) Storage of property and services incidental thereto (other than cold storage and other than tank storage of liquid commodities) for the War Department, Navy Department, Procurement Division of the Treasury Department and U. S. Commercial Company in the following places:

Atlanta, Ga.
Baltimore, Md.
Boston, Mass.
Buffalo, N. Y.
Charleston, W. Va.
Chattanooga, Tenn.
Chicago, Ill.
Cincinnati, Ohio.
Corpus Christi, Tex.
Dallas, Tex.
Denver, Colo.
Des Moines, Iowa.
Detroit, Mich.
Dubuque, Iowa.
Evansville, Ind.
Fort Dodge, Iowa.
Fort Worth, Tex.
Grand Rapids, Mich.
Huntington, W. Va.
Indianapolis, Ind.
Jacksonville, Fla.
Kansas City, Mo.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Memphis, Tenn.
Milwaukee, Wis.
Minneapolis, Minn.
Nashville, Tenn.
New Orleans, La.
Norfolk, Va.
Oklahoma City, Okla.
Omaha, Nebr.
Philadelphia, Pa.
Pittsburgh, Pa.

*Copies may be obtained from the Office of Price Administration.

Port of New York.
Pueblo, Colo.
Rochester, N. Y.
St. Louis, Mo.
St. Paul, Minn.
San Francisco, Calif.
Savannah, Ga.
Seattle, Wash.
Syracuse, N. Y.
Tampa, Fla.
Toledo, Ohio.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2321; Filed, February 17, 1944; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 28]

WOOD FURNITURE PARTS MADE BY FURNITURE FACTORIES

For the reasons set forth in a statement of considerations issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order Nos. 9250 and 9328, *It is ordered:*

Section 1499.166 Appendix A (b) (4) is amended by deleting the sentence: "Partially assembled wood furniture parts made by furniture factories."

This amendment shall become effective on the 23d day of February 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2313; Filed, February 17, 1944; 11:33 a. m.]

Chapter XIX—Defense Supplies Corporation

[Reg. 3, Amdt. 3]

PART 7003—LIVESTOCK SLAUGHTER PAYMENTS

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 44-2123, appearing on page 1821 of the issue for Wednesday, February 16, 1944, the paragraph following § 7003.15 (d) should be designated "(e)".

The first line of the paragraph immediately following § 7003.17 (a) on page 1822 should read: "(1) The cost reported shall be of cattle".

*Copies may be obtained from the Office of Price Administration.

Notices

WAR DEPARTMENT.

[Public Proclamation 6]

SAULT STE. MARIE MILITARY AREA, MICH.

ADOPTION AND RATIFICATION OF REGULATIONS OF CENTRAL DEFENSE COMMAND

Headquarters, Eastern Defense Command, Governors Island, New York 4, N. Y.

To: The people within the State of Michigan and the public generally.

Whereas, by virtue of orders issued by the War Department on 8 January 1944, the territory comprising the Central Defense Command has been added to and made a part of the Eastern Defense Command under my command; and

Whereas, the present situation requires as a matter of military necessity the continuance of military measures for protection against espionage and sabotage;

Now, therefore, I, George Grunert, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Eastern Defense Command, charged with the defense of the area embraced therein, do hereby declare, order, and proclaim that:

1. Public Proclamation No. 1, Headquarters, Central Defense Command, 22 March 1943, and regulations and restrictions promulgated thereunder,[1] are hereby ratified, adopted and confirmed, and shall continue in full force and effect.

2. Copies of this Proclamation and of subsequent proclamations, announcements, restrictions and orders issued hereunder will be displayed in suitable public places throughout the Sault Ste, Marie Military Area. It shall be the duty of every person found within such area to familiarize himself with the terms of every proclamation, announcement, restriction or order issued by this Headquarters.

GEORGE GRUNERT,
Lieutenant General, U. S. Army,
Commanding.

JANUARY 15, 1944.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2304; Filed, February 17, 1944; 10:02 a. m.]

[Public Proclamation 1]

SAULT STE. MARIE MILITARY AREA, MICH.

DESIGNATION AS MILITARY AREA; BLACKOUT AND AIR RAID REGULATIONS

Headquarters, Central Defense Command, Memphis, Tennessee.

To: The people within the State of Michigan and the public generally

Whereas, by virtue of orders issued by the War Department on March 17, 1941, as amended December 20, 1941, March 18, 1942, and April 19, 1942, that portion of continental United States included in the States of Ohio, West Virginia, Indiana, Kentucky, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Wyoming, and Colorado has been established as the Central Defense Command under my command; and

Whereas, by virtue of Section III, General Orders No. 2, War Department, April 14, 1941, and Section IV, General Orders No. 31, War Department, June 25, 1942, the Military District of Sault Sainte Marie was created and specifically placed under my command; and

Whereas, by Executive Order 9066 dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom he may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable to prescribe Military Areas in such places and to such extent as he or the appropriate Military Commanders may determine, with authority over such Military Areas as in such executive orders prescribed; and

Whereas the Secretary of War on April 22, 1942, designated the undersigned as Military Commander to carry out the duties and responsibilities imposed by said Executive Order for that portion of the United States embraced in the Central Defense Command; and

Whereas it is vital to the war effort and to the national defense to provide adequate protection for certain facilities situated in Chippewa County, Michigan, and its contiguous waters, against enemy attack, and against other enemy operations such as espionage and sabotage;

Now therefore, I, Ben Lear, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Central Defense Command, charged with the defense of the area embraced within the Central Defense Command, and more specifically the District of Sault Sainte Marie, do hereby declare and proclaim that:

1. The present situation requires as a matter of military necessity the establishment of a military area comprising certain portions of the territory embraced by the Central Defense Command, more particularly, Chippewa and Mackinac Counties, Michigan, and their contiguous waters.

2. Pursuant to the determination and statement of military necessity in paragraph 1 hereof, Chippewa and Mackinac Counties, Michigan, and their contiguous waters, as shown on the map attached hereto and marked Exhibit 1,[1] are hereby designated and established a military area, to be known as "The Sault Marie Military Area."

[1] *Infra.*

[1] Filed with the original document.

3. All persons entering or remaining in any part or zone of the Sault Sainte Marie Military Area are enjoined to refrain from acts of hostility, from giving information, aid or comfort to the enemies of the United States; from interfering, by word or deed, with the military effort of the United States, or the processes thereof; and to comply strictly with the restrictions and orders which are herein or may hereafter be issued by the Commanding General, Central Defense Command.

4. Within the Sault Sainte Marie Military Area there are hereby designated Prohibited Zones A–1 and A–2. Prohibited Zone A–1 includes the Sault Sainte Marie Locks and vicinity. Prohibited Zone A–2 includes the area comprising Fort Brady. The location and extent of Zones A–1 and A–2 shall be described and defined by the posting of appropriate signs at the entrance to and exits from such Zones, along the outside boundaries thereof, and at such other places therein as shall give full and complete notice of the area included.

5. The right of any person to enter, remain in, or leave the Sault Sainte Marie Military Area, or any part or Zone thereof, shall be subject to the following restrictions, effective from the date of this Proclamation, which said restrictions are hereby promulgated;

a. Any person whose presence in the Sault Sainte Marie Military Area or in any part or Zone thereof deemed dangerous to the national defense by the Commanding General, Central Defense Command, will be ordered excluded from the Military Area by the Commanding General, Central Defense Command. No person who has thus been ordered excluded from the Military Area shall thereafter enter or remain in the Military Area or in any part or Zone thereof.

b. All civilian flying shall be in accordance with the provisions of War Department Circular, March 11, 1942, entitled "National Policy of Air Defense, Regulations and General Flight Rules"; with such regulations as have been or may be promulgated in accordance therewith by the Civil Aeronautics Administration, by the War Department, or by the Navy Department; and with such restrictions or orders as have been or may be issued by this headquarters.

c. In order that suitable protective measures may be maintained against enemy air attack, all persons shall conform to the regulations annexed hereto as Exhibit 2, and to such amendments or additions thereto as may from time to time in the future be prescribed by this headquarters.

d. No person shall make any false statement with respect to his citizenship or country of origin nor shall any person make any false statement orally or in writing in connection with the administration of the Sault Sainte Marie Military Area.

e. All persons are prohibited from entering, remaining in, or leaving any Prohibited or A–Zone, or any part or portion thereof except by special individual permit issued in accordance with instructions of the Commanding General, Central Defense Command. Applications for permits will be made to Commanding General, Sault Sainte Marie Military Area.

f. No person not in the armed forces of the United States entering or remaining in any part or portion of any Prohibited Zone shall have in his possession without authorization by competent military authority any of the following:

(1) Firearms.
(2) Weapons or implements of war or component parts thereof.
(3) Ammunition.
(4) Bombs.
(5) Explosives or material used in the manufacture of explosives.
(6) Short wave radio receiving sets. For the purpose of this Proclamation, a short wave radio receiving set is an apparatus designed to be used or capable of being used for the purpose of receiving signals, messages or communications of any nature whatsoever, which signals, messages or communications are transmitted by means of amplitude modulation radio waves of a frequency of 1750 kilocycles or greater, or of a frequency of 540 kilocycles or less.
(7) Radio transmitting sets. For the purpose of this Proclamation, a radio transmitting set is any apparatus designed to be used or capable of being used for the sending or transmitting of radio signals, communications or messages of any kind or nature whatsoever.
(8) Signal devices.
(9) Codes or ciphers.
(10) Cameras.
(11) Books, magazines, documents or papers in which there is any invisible writing or (other than those distributed and readily available to the general public) in which there are photographs, sketches, pictures, drawings, maps or graphical or written descriptions of any military or naval post, camp, station or installation, or any part thereof, or of any equipment, arms, ammunition, implements of war, devices, or other similar things used or intended to be used in the combat equipment of the land, naval, or air forces of the United States or those of the United Nations.
(12) Binoculars, telescopes, field-glasses or similar instruments in the nature of visual aids.

g. Notwithstanding the provisions of paragraph 5e and f, railways, waterways, or highways included within, passing through or contiguous to any Prohibited Zone, shall continue open for normal traffic and the normal operations of common carriers, except that all restrictions heretofore promulgated by competent authority are hereby adopted, and except as such continuance of normal traffic and operations may be specifically restricted hereafter by competent military authority.

h. On highways, railways or waterways where normal traffic and operation of common carriers are permitted, no person, vehicle, train or watercraft shall stop, loiter, park or anchor in any Prohibited Zone unless so authorized by competent authority or unless the person or persons involved are fully accredited under the established restrictions to enter and remain in such Zone.

6. Any person who violates any restriction or order issued or adopted by the Commanding General, Central Defense Command, pursuant to the authority cited in the preamble of this Proclamation, applicable to the whole or any part of the Sault Sainte Marie Military Area, including any Zone thereof, is subject to the penalties provided by Public Law No. 503 of the 77th Congress approved March 21, 1942, entitled, "An act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military area or zones." In addition, if two or more persons conspire to violate Public Law 503 and one or more do any act to effect the object of such conspiracy, each of the parties will be subject to the penalties provided by Title 18, Section 88, United States Code.

In the case of an alien enemy, such person will, in addition, be subject to immediate apprehension and internment.

7. Prosecution of offenses under Public Law 503, as well as internment proceedings, are to be conducted by the United States Attorney for the Federal Judicial District in which the Sault Sainte Marie Military Area is located, and such other representatives of the Department of Justice as the Attorney General may, from time to time, designate pursuant to the procedure, rules and regulations of the Attorney General.

8. The Commanding General, Sixth Service Command, is hereby charged with the responsibility for the enforcement of these restrictions and orders, and such further restrictions and orders as may subsequently be issued by this headquarters. In the execution of this responsibility, it is specifically requested that such Federal, State, Municipal and local agencies as the Commanding General, Central Defense Command, with the consent of such agencies, may from time to time deem advisable specifically to designate, shall render such assistance as lies within their power. Such agencies, under the supervision and direction of the Commanding General, Central Defense Command, have jurisdiction to conduct the investigations necessary in their respective enforcement thereof.

9. It is requested that State and Municipal Police, and other civilians within the Military Area established by this proclamation, assist the agencies charged with assisting in the enforcement of these restrictions by reporting to the appropriate authorities the names and addresses of all persons believed to have violated these restrictions, and such other information as may be called for.

10. By Proclamation of the President of December 7th and 8th, 1941, the Attorney General of the United States is charged with the duty of executing the regulations prescribed by the President regarding the conduct of alien enemies in the continental United States. He is specifically directed to cause the apprehension of such alien enemies as in his judgment are subject to apprehension. In the execution of his responsibility, under the Proclamations of the President previously referred to, he has promul-

gated certain rules and regulations. Nothing contained herein shall be construed as limiting or modifying the duty and responsibility of the Department of Justice under the said Proclamations insofar as the enforcement of laws and regulations for the conduct and control of alien enemies is concerned.

11. The duties and responsibilities of the Federal Bureau of Investigation with respect to the investigation of alleged acts of espionage and sabotage are not to be construed as limited or modified in any respect by the terms of this Proclamation.

12. Copies of this Proclamation and all subsequent proclamations, announcements, restrictions and orders issued hereunder will be displayed in suitable public places throughout the Sault Sainte Marie Military Area. It shall be the duty of every person found within such area to familiarize himself with the terms of every proclamation, announcement, restriction or order issued by this headquarters.

[SEAL] BEN LEAR,
Lieutenant General, U. S. Army,
Commanding.

MARCH 22, 1943.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[Exhibit 2, Public Proclamation 1]

AIR RAID PROTECTION REGULATIONS GOVERNING BLACKOUT, THE CONTROL OF LIGHTING AND RADIO, THE MOVEMENT OF VEHICLES AND OTHER CONVEYANCES, ACTIVITIES OF PERSONS DURING PERIODS OF BLACKOUT AND AIR RAID, AND RELATED MATTERS, WITHIN THE SAULT SAINTE MARIE MILITARY AREA

SECTION I—DEFINITIONS

1. *Period of blackout.* The period of time beginning with the blackout (BLUE) signal (or the air raid (RED) signal if there has been no preceding blackout (BLUE) signal) and continuing during hours of darkness or until the all clear (WHITE) signal. (See also paragraphs 15, 16 and 17.)

2. *Period of air raid.* The period of time beginning with the air raid (RED) signal and ending with the blackout (BLUE) signal, following the air raid (RED) signal. (See also paragraphs 15 and 16.)

3. *Hours of darkness.* The time from a half hour after sunset to a half hour before sunrise the following morning between October 1 and April 30, inclusive, and from one hour after sunset until one-half hour before sunrise the following morning between May 1 and September 30, inclusive.

4. *Civilian defense authorities.* Officials or bodies of a state or political subdivision thereof authorized by legislation, regulation or order to administer matter pertinent to the subject matter of these regulations.

5. *Director of civilian defense.* The Director of Civilian Defense appointed by the President of the United States pursuant to Executive Order No. 8757, dated May 20, 1941, or any amendment thereof, or his authorized representative.

6. *Persons.* Individuals (including officials and employees of the United States, or of any state or territory, or of any political subdivision thereof), partnerships, associations, corporations (municipal, public or private), or any organized groups of individuals whether incorporated or not.

7. *Persons in control of lighting.* a. With respect to light sources attached to publicly or privately owned real property of any character, the persons entitled, as owners or tenants, to occupy or enter such property or parts thereof;

b. With respect to light sources attached to road vehicles,[1] boats,[1] railroad trains,[1] and aircraft, the persons in control of the operation of such conveyances;

c. With respect to light sources not attached to real property or to the conveyances described in the foregoing paragraph b, the persons in possession or entitled to possession thereof;

d. With respect to all light sources, individuals who, by reason of relationship as licensee or guest, may light or extinguish lights; and

e. Employees, agents and representatives of the persons described in the foregoing paragraphs a to d, inclusive, whose duties include the lighting or extinguishing of lights, and all persons having authority to supervise or direct such employees, agents or representatives.

8. *Public way.* Streets, highways, avenues, boulevards, alleys and other public thoroughfares, but not including sidewalks or other ways for use primarily by pedestrians.

9. *Road vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn upon a public way, not operated on rails, including all such devices motivated by mechanical means, or by animal or human power.

10. *Motor vehicle.* Any road vehicle which is self-propelled.

11. *Boat.* Any means of transportation by water.

12. *Railroad train.* Any means of transportation by rail, except street cars.

SECTION II—AIR WARNING SIGNAL SYSTEM[2]

13. *Transmission of signals.* The air warning signals described in paragraphs 14, 15, 16, and 17 shall be issued, sounded, or announced only upon the order or the authorization of the Region Controller to the warning center which is operated by civilian defense authorities. The Region Controller is responsible only that the warning center receives the order or authorization for the giving of such signals. Civilian defense authorities are responsible for the transmission of such signals from the warning center through their alarm warning systems to the public.[2] In the case of practice blackouts or practice air raids, such air warning signals shall be issued, sounded or announced only upon the order or authorization of the Region Controller to civilian defense authorities.

14. *Yellow signal.* This is a confidential preliminary caution signal not to be given by audible public alarm. It indicates the POSSIBILITY of an air raid. This signal shall be transmitted by civilian defense authorities only to such key persons, essential industries, railroads, and places as such authorities deem essential to initiate proper steps to insure timely blackout or air raid precautions.

15. *Mobilization and blackout (BLUE) signal.* This is an audible warning signal indicating the PROBABILITY of an air raid. This signal will be a long note (approximately two minutes) at steady pitch of sirens, horns, or whistles. Upon the sounding of this signal, civilian defense forces will mobilize or remain mobilized; if during hours of darkness, lighting will be extinguished or obscured except as permitted by paragraphs 20 to 33, inclusive, and pedestrians and traffic may continue or resume movement.

16. *Air raid (RED) signal.* This is an audible public warning signal indicating the PROXIMITY of enemy aircraft and the IMMINENCE of an air raid. This signal (approximately two minutes) will be a series of short blasts of horns or whistles or a warbling or fluctuating sound of varying pitch of a siren. Upon the sounding of this signal, in addition to the actions required by the mobilization and blackout (BLUE) signal, as contained in paragraph 15 above, blackout shall be completed by extinguishing or obscuring all lights, except as permitted by paragraphs 20 to 31, inclusive, and pedestrians, vehicles and other conveyances shall comply with the requirements of paragraphs 34 to 38, inclusive.

17. *All clear (WHITE) signal.* This signal is a public signal indicating ALL CLEAR. This signal may be transmitted by radio, telephone, police, by turning on street lights which have been extinguished on the BLUE signal, or other available means. This signal may also be given by horns, whistles, or sirens, as specified by local civilian defense authorities: *Provided, however,* That such audible signal shall not be the same as the mobilization and blackout (BLUE) signal and the air raid (RED) signal, as provided in paragraphs 15 and 16 above, and shall not resemble said signals so as to be confused therewith. When an ALL CLEAR (WHITE) signal follows a YELLOW signal without an intervening mobilization and blackout (BLUE) or air raid (RED) signal, it shall not be an audible signal but shall be transmitted only in the manner provided for the YELLOW signal, as in paragraph 14 above.

NOTE: Ordinarily, a Yellow Signal shall precede a Blue Signal and a Blue Signal shall precede a Red Signal. However, if sufficient time is not available for these signals to be separated by at least five (5) minutes, the Yellow Signal and/or the Blue Signal may be omitted, so that a Blue Signal may be given without a prior Yellow Signal and a Red Signal may be given without a prior Yellow Signal and/or Blue Signal. A Blue Signal shall follow every Red Signal, after an interval of not less than five (5) minutes and may in turn be followed by a White Signal or by another Red Signal. Upon the sounding of a Blue Signal, pedestrians and vehicles should give consideration to movement to places of safety in anticipation of an air raid (RED) signal. The same action shall be required upon a Blue Signal whether it precedes or follows a Red Signal, that is, a return to a status of blackout rather than a condition of air raid; this will permit traffic and pedestrians to resume movement but maintains the blackout condition indicating that raiders have passed the area so warned but that a condition of blackout is still required in anticipation of another Red Signal upon the approach of a new wave of raiders or return of the original raiders. The sequence of signals in such case would be Blue, Red, Blue, Red, Blue. A White Signal may follow a Yellow Signal or a Blue Signal, but will not follow a Red Signal without an intermediate Blue Signal. A White Signal shall not be given within ten (10) minutes of a preceding Blue Signal. The All-Clear (White) Signal will not be given until the probability of attack no longer exists.

SECTION III—PROHIBITED LIGHTING

18. *Prohibited lighting.* During the period and in the area of blackout occurring during hours of darkness, persons in control of lighting shall cause all lights[1] visible from the outside to be extinguished or blacked-out as promptly as possible, except as permitted in paragraphs 20 to 33, inclusive. The goal or time objective for the completion of all blackout measures shall be five (5) minutes.

19. *Unattended lighting.* At all times during hours of darkness, occupants of premises and operators of road vehicles and other conveyances shall not have any unattended lighting, except as permitted in paragraphs 20 to 31. Lighting shall be considered unattended unless a competent individual, who is a member, employee, or guest of the household or business establishment of the occupier, or who is the operator or occupant of a road vehicle or other conveyance, or who, by arrangement with any such individual has undertaken responsibility for said lighting, can blackout as provided in paragraph 18, above.[2]

SECTION IV—LIGHTING PERMITTED DURING PERIODS OF BLACKOUT AND DURING PERIODS OF AIR RAID

20. *General.* During the periods of blackout or air raid, during hours of darkness, whether attended or not, lighting is permitted as provided in paragraphs 21 to 31 inclusive.

21. *Lights in buildings and residences.* a. In building interiors a small amount of controlled illumination, sufficient to permit reasonable facility of movement without necessitating complete obscuration of doors and windows, is permitted only when the indoor incandescent lamps or lighting units are installed in accordance with the directions contained in subparagraph b below and which:

(1) Are marked "Indoor Blackout—War Department Standard" (See W. D. Specifications—Blackout of Buildings), or

(2) Conform to the following requirements:

(a) Watts—not more than fifteen (15);

(b) Bulb coating—opaque except for circular aperture on bulb end;

(c) Circular aperture—maximum diameter of one (1) inch;

(d) Color of aperture—orange or orange-red,[1] or

(3) Conform to the following requirements:

(a) Watts—not more than twenty-five (25).

(b) Circuit—230 volt bulb used on 115 volt circuit.

(c) Bulb coating—opaque except for circular aperture on end of bulb.

(d) Circular aperature—maximum diameter of one (1) inch.

(c) Color of aperture—clear or frosted.

b. All indoor blackout lights, permitted as above, shall be installed in accordance with the following directions:

(1) In any one room only one unit is permitted to each two hundred square feet of floor area or a fraction thereof.

(2) Units shall be spaced not less than ten feet apart in any direction.

(3) In corridors, one row of units is permitted at a spacing of not less than fifteen feet.

(4) Units shall be placed at least three feet from any window, exterior door, or other opening.

(5) Units shall not be pointed toward any window, exterior door, or other opening.

(6) Units may be installed at any height when openings are covered in the usual manner with drawn window shades, drapes, blinds, or one thickness of newspaper, or whenever each unit has a shade which screens the unit from outside observation above the horizontal.

(7) Units shall be located above the tops of such openings, when exterior openings are not covered and when units are not otherwise shaded from outside observation above the horizontal.

(c) Interior red exit lights are permitted in all public buildings, with the restriction that each exit light shall be so located or shielded as to screen direct light from falling on windows or doors, and that it shall be equipped with one lamp of not more than 15 watts.

22. *Emergency motor vehicles.* Emergency motor vehicles, as defined in paragraph 37, may move during periods stated in paragraph 20 above, using only headlights (on low or depressed beam) and normal tail lights and license plate lights.[1]

23. *Traffic signals and traffic signs.* Traffic signals, traffic signs, fire and police box markers and other illuminated signal devices, complying with War Department Specifications "Traffic Control During Blackouts," are permitted during periods stated in paragraph 20 above.[2]

24. *Street lighting luminaires.* Street lighting luminaires complying with War Department Specification "Street Lighting During Blackouts," are permitted during periods stated in paragraph 20 above.[3]

25. *Flashlights, lanterns and flares.* Flashlights, lanterns and flares complying with War Department Specification "Flashlights, Lanterns and Flares," are permitted during periods stated in paragraph 20 above. Pending the availability of specified filters or automatic cut-offs, flashlights not so equipped may be used provided the light is filtered through (a) three thicknesses of newspaper, or (b) one thickness of newspaper and one sheet of red cellophane. Flashlights shall not be pointed above the horizontal. Pending the availability of lanterns complying with the above specification, lanterns equipped with red or orange globes may be used to mark excavations or other dangerous obstructions.

26. *Water navigation lights.* During the periods as stated in paragraph 20, the following water navigation lights are permitted:

a. Lights on fixed or floating structures except such as are specified by the United States Navy as not essential to indicate safe channels of navigation.

b. Lights on boats to the extent required by the United States Navy.

27. *Aeronautical lights.* During the periods as stated in paragraph 20, the following aeronautical lights are permitted:

a. Flood lights and runway approach lights only at those fields and only to the extent necessary to expedite clearing the air of flights.

b. Position lights on aircraft in flight as required by the Civil Aeronautics Administration.

c. Obstruction lights, except such as are specified by the Region Controller as not essential.

d. Beacon lights as specifically authorized by the Region Controller. (Otherwise beacon lights shall comply with the provisions of paragraph 18).

28. *Thermal processes.* During the periods specified in paragraph 20, light emitted from industrial processes, such as furnace glow on glass, pottery and cement works, iron foundries, steel mills, and coke works, is permitted, provided however, that such light shall be shielded, obscured, reduced in intensity or otherwise treated to as great an extent as may be practicable in order to reduce to a minimum the light visible from the outside. Steam or smoke shall be reduced to the minimum.

29. *Railroad lights.* During the periods as specified in paragraph 20 above, all railroad lights on rolling stock and fixed installations are permitted provided they comply with "Rules and Regulations for Railroads During Blackout or Air Raid Alarm, Association of American Railroads".

30. *Lighting of military necessity.* All lights of the armed forces necessarily used in active defense measures are permitted during the periods stated in paragraph 20.

31. *Specially authorized lights.* Any lights specifically authorized by the Region Controller are permitted during such period and to such extent as he may deem appropriate.

SECTION V—LIGHTING PERMITTED DURING PERIODS OF BLACKOUT BUT PROHIBITED DURING PERIODS OF AIR RAID

32. *Special permitted lights.* During the period and in the area of blackout (BLUE), but not during the period of air raid (RED), (1) street lights and traffic signals, (2) lights in military and naval installations and manufacturing plants or other facilities essential to the war effort, and (3) lights in railroad classification yards, are permitted, provided such lights do not contribute materially to sky-glow and shall be extinguished or blacked out within one (1) minute from the sounding of the air raid (RED) signal when such signal follows a blackout (BLUE) signal.

33. *Lights on road vehicles and other conveyances.* During the period and in the area of blackout (BLUE), but not during the period of air raid (RED):

a. All moving motor vehicles are permitted to use headlights (on low or depressed beam) and normal tail lights and license plate lights.

b. Road vehicles other than motor vehicles are permitted to use normal lights.

SECTION VI—MOVEMENT OF VEHICLES AND OTHER CONVEYANCES; PEDESTRIANS

34. *General.* During the period and in the area of air raid (RED) alarm:

a. All road vehicles, except emergency vehicles as defined in paragraph 37 shall be immediately stopped (except as provided in paragraphs 35 and 36) and parked so that roadway space shall be left for the passage of traffic, and all lights shall be extinguished. Occupants shall leave said vehicles as soon as parked and shall take shelter, except that occupants of road vehicles carrying property which must be guarded may remain in said parked vehicles.

b. Ridden or herded animals shall clear the public way for the passage of traffic.

c. Boats shall comply with regulations issued by the United States Navy.

d. Movement of railroad trains and personnel shall be in accordance with the provisions of "Rules and Regulations for Railroads During Blackout or Air Raid Alarms, Association of American Railroads."

35. *Bridges and tunnels.* During the period and in the area of air raid (RED) alarm, road vehicles, other than emergency vehicles, shall not enter bridges, viaducts, or tunnels and, if already there, shall proceed to the end or exit thereof and as far beyond as necessary to park in accordance with the preceding paragraph 34 a.

36. *Vehicles transporting dangerous materials.* Vehicles transporting explosives, gasoline, or other dangerous combustibles shall, upon the signal for an air raid (RED), proceed forthwith, where possible, to a place

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[1] See paragraphs 9 to 12, incl.

[2] Section II hereof supersedes certain provisions of the O. C. D. pamphlet, "Air Raid Warning System."

[2] Local civilian defense authorities should maintain records of the time of beginning and ending of sounding of all audible air warning signals.

[1] This prohibition applies to lights of every description, electrical, gas, oil, or any other source, including matches, cigarette lighters, etc. It prohibits lights that are blue or any other color except as specifically permitted.

[1] Blue is prohibited for blackout lights.

[2] It is to be noted that the provisions of this paragraph, requiring that lighting be attended, apply every night whether or not there is a period of air raid or a period of blackout

[1] It is anticipated that the provisions of this paragraph will be superseded when standard blackout lighting equipment meeting War Department Specifications or substitute equipment as approved by proper military authority is available and is provided for all the emergency motor vehicles in any specified city or metropolitan area.

[2] See also War Department Specification "Luminescent Materials."

[3] See also paragraph 32 for street lighting permitted during periods of blackout (BLUE) but prohibited during periods of air raid (RED).

more than one hundred (100) feet from the nearest habitation or business premises and there park as provided in paragraph 34 a. Vehicles so proceeding may use headlights (low or depressed beam), normal tail lights, and license plate lights.

37. *Emergency vehicles.* The term "Emergency Vehicles" shall mean the following road vehicles:

a. Vehicles of, or acting under orders of, or traveling with the express permission of, the armed forces of the United States and her allies;

b. Vehicles of fire departments and governmental police agencies;

c. Ambulances and official rescue cars and other vehicles converted to such use in emergency service;

d. Public utility repair vehicles operating in emergency service;

e. Vehicles in emergency service identified by insignia prescribed by the director of civilian defense. In exceptional cases vehicles without such identifying insignia will be permitted to move as emergency vehicles provided the appropriate civilian defense authorities are satisfied that the use of such vehicles is necessary in the performance of emergency duties.

38. *Pedestrians.* Upon the signal for an air raid (RED), all persons shall immediately take shelter in the nearest building in which they are legally permitted to enter or in the designated shelter area most convenient to them, except those required for the performance of their official duties as follows:

a. Uniformed members of the armed forces of the United States and her allies, and of the State Guards.

b. Members of fire departments and governmental police agencies.

c. Persons as authorized by civilian defense authorities who wear arm-bands or carry identification cards with insignia prescribed by the director of civilian defense, or persons wearing arm-bands athorized for the Aircraft Warning Service; provided all such persons are required to move in the performance of their emergency duties.

SECTION VII—RADIO

39. *Radio stations.* Radio stations will be silenced as prescribed in General Orders No. 2, Headquarters Central Defense Command, January 8, 1943.

SECTION VIII—PRACTICE BLACKOUTS AND PRACTICE AIR RAIDS

40. *Practice blackouts and practice air raids* may be conducted by federal, state and local authorities in such area, at such times, and to such extent as may be authorized by the Region Controller. The Region Controller may excuse from such practice blackouts or air raids, for such periods and to such extent as he may determine, any military or naval installation, manufacturing plant or other facility essential to the war effort, provided the said Region Controller has ascertained that such installation, plant, or facility is prepared to and is proficient in blackout, or for such other reasons as he may deem appropriate.

SECTION IX—FALSE BLACKOUTS OR AIR RAIDS

41. *False blackouts or air raids.* No person shall order, utter, publish, sound or otherwise simulate or cause to be ordered, uttered, published, sounded or otherwise simulated, any air warning signal unless ordered or authorized to do so by the Region Controller.

SECTION X—ILLEGAL USE OF INSIGNIA

42. *Illegal use of insignia.* No person shall wear, exhibit, display, use, manufacture, sell, or offer for sale for any purpose, or cause to be worn, exhibited, displayed, used, manufactured, sold or offered for sale for any purpose, any arm-band, badge, emblem, uniform, pennant, card, or other identification or credential embodying the insignia prescribed by the director of civilian defense or prescribed for the aircraft warning service, or any simulation or adaptation of such insignia, except in accordance with rules and regulations of the director of civilian defense or the aircraft warning service.

SECTION XI—ENFORCEMENT AND PENALTIES

43. Any person who violates any regulation contained herein is subject to the penalties provided by Title 18, Section 97A, United States Code,[1] and to immediate exclusion from the Sault Sainte Marie Military Area by the Commanding General, Central Defense Command. In addition, if two or more persons conspire to violate said Section 97A, United States Code, and one or more persons do any act to effect the object of such conspiracy, each of said parties will be subject to the penalties provided by Title 18, Section 88, United States Code.[2] In the case of an alien enemy, such person will, in addition, be subject to immediate apprehension and internment.

44. The Sixth Regional Office of the Office of Civilian Defense and civilian defense authorities within the Sault Sainte Marie Military Area, with their consent, are designated as the principal agencies to assist in the enforcement of these regulations.

45. These regulations shall apply to persons in, or performing or permitting acts in the Sault Sainte Marie Military Area, and shall become effective on March 22, 1943.

[SEAL] BEN LEAR,
Lieutenant General, U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major, General,
The Adjutant General.

[F. R. Doc. 44-2303; Filed, February 17, 1944; 10:02 a. m.]

[1] This section provides a penalty of a fine not to exceed $5,000, or imprisonment for not more than one (1) year, or both, for each offense.

[2] This section provides a penalty of a fine not to exceed $10,000, or imprisonment for not more than two (2) years, or both, for each offense.

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

EMPLOYEES ENGAGED IN MAP REPRODUCTION AND RELATED ACTIVITIES

WAGE FIXING PROCEDURE

The Civil Service Commission has determined that there are excluded from the Classification Act of 1923, as amended, crafts, skilled and semiskilled positions, the incumbents of which are engaged in the quantity reproduction of maps, charts, and similar material through lithographic processes in the Department of the Interior, particularly, in the Geological Survey. The rates of pay for this class of employees are left for determination under wage fixing procedures. For this purpose and to enable the payment to the above-mentioned class of employees of time and one-half for work in excess of 40 hours per week, the following procedure is established:

I. *Wage Board.* A Wage Board, composed of three representatives of the Department, is hereby established to determine prevailing wages for similar work in the District of Columbia in the above-mentioned positions, excluding employees whose rates of pay are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior.

II. *Procedure to be followed by Board.* In determining the prevailing wages of various trades and occupations being considered by the Board in the locality of the District of Columbia and its environs, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established in connection with the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations to the Secretary of the Interior as to the rates of wages to be paid to the Government employees of the classes above specified. The wages recommended shall become effective upon the date they are approved by the Secretary of the Interior, unless otherwise directed by him: *Provided*, That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

III. *Effective period of approved wage determinations.* Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided*, That the Secretary of the Interior may direct a review at any other time, when, in his judgment, this is desirable.

Unless otherwise ordered, the Board shall be composed of these members: Guy W. Numbers of the Office of the Secretary of the Interior, who will serve as Chairman of the Board; Fred Graff of the Geological Survey, who will serve as Member of the Board; and Earl G. Harrington of the General Land Office, who will serve as Member of the Board.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 12, 1944.

[F. R. Doc. 44-2306; Filed, February 17, 1944; 9:44 a. m.]

FOREIGN-TRADE ZONES BOARD.

[Order 10]

CITY OF NEW YORK

WITHDRAWAL OF PIER 75 FROM FOREIGN-TRADE ZONE

In the matter of the application of the City of New York to withdraw Pier No. 75, North River, Borough of Manhattan, from the area designated as Foreign-Trade Zone No. 1.

Pursuant to the authority contained in the act of June 18, 1934 (48 Stat 998; 19 U.S.C. 81-a-81-u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Order No. 8, Foreign-Trade Zones Board, effective March 23, 1942, (7 F.R. 2083), authorized the City of New York, in addition to other designated locations, to establish foreign-trade zone facilities on Pier Nos. 72, 73, 74, 75 and adjacent uplands, N. R., Manhattan.

Upon application of the City of New York, through its Mayor, F. H. LaGuardia, dated November 18, 1943, the Foreign-Trade Zones Board herewith withdraws all foreign-trade zone privileges extended by Order No. 8 to Pier No. 75 and adjacent upland, N. R., Manhattan.

This order is effective November 18, 1943.

[SEAL] JESSE H. JONES,
Chairman.

[F. R. Doc. 44-2308; Filed, February 17, 1944; 11:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 182, Corrected Gen. Permit 1[1]]

POTATOES

ORDER TO DISREGARD CERTAIN TRANSPORTATION PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.322) of Service Order No. 182 of February 9, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 182 insofar as it applies to the acceptance for transportation or the movement of any railroad freight car (including a refrigerator car), loaded with potatoes, other than sweet, from any point in the State of Florida to any point located east of the westernmost boundaries of the States of Texas, Oklahoma, Kansas, Nebraska, South Dakota and North Dakota, *Provided*, That:

No common carrier by railroad subject to the Interstate Commerce Act shall accept or execute a reconsignment or diversion order requiring the transportation or movement of any railroad freight car (including a refrigerator car), loaded with potatoes, other than sweet, originating at any point in the State of Florida, to any point located west of states set forth above.

The waybill shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of February 1944.

HOMER C. KING,
Director.

[1] General Permit 1 filed with the Division of the Federal Register.

[F. R. Doc. 44-2312; Filed, February 17, 1944; 11:11 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

HERMAN A. BRASSERT: ASKANIA-WERKE, A. G.

NOTICE OF HEARING

Order for and Notice of Hearing before Vested Property Claims Committee in the matter of Herman A. Brassert: Askania-Werke, A. G.

Whereas, by Vesting Order No. 13 of May 29, 1942 (7 F.R. 4128), Vesting Order No. 68 of July 30, 1942 (7 F.R. 6181), Vesting Order No. 112 of August 25, 1942 (7 F.R. 7785), Vesting Order 151 of September 17, 1942 (7 F.R. 8317), Vesting Order No. 201 of October 2, 1942 (7 F.R. 625), Vesting Order No. 205 of October 2, 1942 (7 F.R. 8669), Vesting Order No. 640 of January 6, 1943 (8 F.R. 1296), Vesting Order No. 661 of January 12, 1943 (8 F.R. 2163) and Vesting Order No. 1184 of April 2, 1943 (8 F.R. 7029), the Alien Property Custodian vested, among other things, the following numbered patents:

1,550,410, 1,558,529, 1,558,530, 1,620,707, 1,639,394, 1,656,542, 1,712,128, 1,721,800, 1,726,463, 1,729,850, 1,752,135, 1,757,051, 1,763,994, 1,768,726, 1,776,240, 1,822,184, 1,841,565, 1,920,827, 1,929,230, 1,938,492, 1,944,339, 1,959,889, 1,959,890, 1,963,009, 1,963,010, 1,978,502, 1,982,564, 2,025,629, 2,038,465, 2,042,374, 2,052,375, 2,062,922, 2,074,882, 2,095,404, 2,100,978, 2,107,971, 2,107,976, 2,111,466, 2,128,682, 2,129,613, 2,142,741, 2,150,113, 2,150,904, 2,155,456, 2,155,892, 2,158,737, 2,172,315, 2,185,971, 2,190,506, 2,190,617, 2,194,374, 2,204,460, 2,206,618, 2,214,710, 2,225,518, 2,226,545, Reissue 19,276, 2,244,669, 2,245,562, 2,246,887, 2,247,301, 2,248,889, 2,250,341, 2,251,729, 2,252,693, 2,263,687, 2,268,612, 2,269,699, 2,286,710, 2,297,203, 2,297,481, 2,305,878, 2,308,662.

and patent applications, series of 1935, numbered as follows:

206,931, 238,270, 244,127, 262,975, 263,494, 284,318, 273,365, 291,784, 315,835, 320,946, 326,527, 321,769, 364,730, 327,512, 352,145, 352,146, 352,147, 361,463, 362,699, 362,655

(said patents and patent applications relating to regulators and controls), as property of Askania-Werke, A. G., and all right, title and interest of Askania-Werke, A. G. in and to a contract bearing date of July 5, 1939, between Askania-Werke, A. G. and Askania Regulator Company; and

Whereas, Herman A. Brassert has filed Notice of Claim Number 589, which appears to assert that the claimant is the owner of the patents, patent applications and the interest in the contract.

Now therefore, it is ordered, pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 F. R. 16709), that a hearing on said claim be held before the Vested Property Claims Committee or any member or members thereof on Friday, March 3, 1944, at 10:00 a. m. Eastern War Time, at the office of the Alien Property Custodian, 120 Broadway, New York, New York, to continue thereafter at such time and place as the Committee may determine. *It is further ordered*, That copies of this notice of hearing be served by registered mail upon the claimant and upon the person designated in paragraph 2 of the said Notice of Claim, and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington (25), D. C., on or before February 28, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting orders are available for public inspection at the address last above stated.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE.
JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.
NUGENT DODDS.

FEBRUARY 17, 1944.

[F. R. Doc. 44-2322; Filed, February 17, 1944; 11:35 a. m.]

[Vesting Order 633]

DORA HEIMROD TETENS

In re: A bank account and real property owned by, and a safe deposit box leased by, Dora Heimrod Tetens.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Finding that Dora Heimrod Tetens, whose last known address was represented to the undersigned as being Mark Brandenburg, Germany, is a citizen of Germany and is a national of a designated enemy country (Germany);

2. Finding that said Dora Heimrod Tetens is the owner of the property hereinafter described in subparagraph 3;

3. Finding therefore that the property described as follows:

a. All rights, title, interest and estate, both legal and equitable, of said Dora Heimrod Tetens in and to an undivided one-third interest in that certain real property (together with all fixtures, improvements and appurtenances thereto, and any and all claims of Dora Heimrod Tetens for rents, refunds, benefits or other payments arising from the ownership of such property) situated in Douglas County, Nebraska, and particularly described as follows:

Lot five (5) in block 352, original city of Omaha and the west ¼ of Lot six (6) in block 352, original city of Omaha, together with improvements thereon and appurtenances thereto, known as, Heimrod Building, 701–703 North Sixteenth Street, Omaha, Nebraska.

b. All right, title, interest and claim of any name or nature whatsoever of said Dora Heimrod Tetens in and to all obligations, contingent or otherwise and whether or not matured, owing to her by New York Trust Company, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly the account in said New York Trust Company carried in the name of Albert A. Heimrod, "Special Account," and

c. All right, title and interest (including the right of access to the safe deposit box hereinafter mentioned) of said Dora Heimrod Tetens in and to the contract in the name of Albert A. Heimrod, with the Standard Deposit Company, of New York City, pursuant to which said Dora Heimrod Tetens leased a safe deposit box No. 423 located in said Standard Deposit Company, 25 Broad Street, New York City,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property(namely, that hereinbefore described in subparagraph 3–a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid enemy designated country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2339; Filed, February 17, 1944; 11:43 a. m.]

[Vesting Order 633, Amendment]

DORA HEIMROD TETENS

Vesting Order Number 633 of January 6, 1943, is hereby amended as follows and not otherwise:

(1) By striking out the words in subparagraph 3 (a) thereof beginning with "Lot 5" and concluding with "Omaha, Nebraska", and inserting in lieu thereof the following language:

The South One-half (½) of Lot Five (5) and the West One-half (½) of Lot Six (6) in Block 352 in the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded, and being numbers 701–703–705 North 16th Street and 1518–1520 Webster Street, in said City, County and State,

(2) By inserting a new paragraph immediately following the paragraph commencing with the words "hereby vests" and concluding with the words "United States", as follows:

Hereby undertakes the direction, management, supervision and control of the contents of the safety deposit box referred to in subparagraph 3–c hereof, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

All other provisions of such Vesting Order Number 633 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2340; Filed, February 17, 1944; 11:43 a. m.]

[Vesting Order 2235]

EDELEANU G. M. B. H.

In re: Contents of 11 boxes owned by Edeleanu Gesellschaft m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Edeleanu Gesellschaft m. b. H. is a business enterprise organized under the laws of Germany, having its principal place of business in Berlin-Schoenberg, Germany, and is a national of a designated enemy country (Germany);

2. That Edeleanu Gesellschaft m. b. H. is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

The contents of 11 boxes presently in storage at Fidelity Fireproof Warehouse, 153 East 87th Street, New York, New York, constituting and bearing the said warehouse's identifying designation Lot No. 3986 which contents were deposited by and are held for the immediate account of Hensel, Bruckmann & Lohrbacher Inc.,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2341; Filed, February 17, 1944; 11:43 a. m.]

[Vesting Order 2856]

KIYOSHI MIYAZAKI

In re: Two contracts relating to the leasing of safe deposit boxes, owned by Kiyoshi Miyazaki.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Kiyoshi Miyazaki is a citizen and resident of Japan, and a national of a designated enemy country (Japan);

2. That Kiyoshi Miyazaki is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

(a) All right, title, interest and claim of Kiyoshi Miyazaki arising out of a contract made by the Irving Trust Company, 350 Fifth Avenue, New York, New York and Kiyoshi Miyazaki, evidenced by a writing dated February 1, 1940, whereby, among other provisions, Safe Deposit Box No. 3125 in the vaults of Irving Trust Company at 350 Fifth Avenue, New York, New York, is rented to Kiyoshi Miyazaki, including but not limited to the right of access to said safe deposit box,

(b) All right, title, interest and claim of Kiyoshi Miyazaki arising out of a contract made by the Irving Trust Company, 350 Fifth Avenue, New York, New York and Kiyoshi Miyazaki, evidenced by a writing dated June 19, 1939, whereby, among other provisions, Safe Deposit Box No. 3510 in the vaults of Irving Trust Company at 350 Fifth Avenue, New York, New York, is rented to Kiyoshi Miyazaki, including but not limited to the right of access to said safe deposit box,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all actions, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2342; Filed, February 17, 1944; 11:44 a. m.]

[Vesting Order 2863]

BOSTRUM REALTY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the issued and outstanding capital stock of Bostrum Realty, Inc., a corporation organized under the laws of the State of New York and a business enterprise within the United States, consisting of 20 shares of $100 par value stock, 10 shares (50%) are registered in the name of and owned by Ernst Johann Hermann Bohack and are evidence of control of said business enterprise;

2. That Ernst Johann Hermann Bohack, whose last known address is Suderwisch, 55 Cuxhaven, Germany, is a national of a designated enemy country (Germany);

and determining:

3. That Bostrum Realty, Inc., is controlled by Ernst Johann Hermann Bohack and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 10 shares of the capital stock of Bostrum Realty, Inc., registered in the name of and owned by Ernst Johann Hermann Bohack, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on December 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2343; Filed, February 17, 1944; 11:44 a. m.]

[Vesting Order 2907]

BARONESS MATHILDE VON ENTRESS FURSTENECK

In re: Real property, property insurance policies, and income account owned by Baroness Mathilde von Entress Fursteneck, also known as Baroness Mathilde von Entress.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law the undersigned, after investigation, finding:

1. That the last known address of Baroness Mathilde von Entress Fursteneck, also known as Baroness Mathilde von Entress, is Hotel Der Koenigshof, Munchen, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany)

2. That the said Baroness Mathilde von Entress Fursteneck is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City of Galveston, County of Galveston, State of Texas, described as all that North one-half (½) of Lots Thirteen (13) and Fourteen (14) in Block 562, City and County of Galveston, State of Texas, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Baroness Mathilde von Entress Fursteneck in and to fire insurance policies number 5799 and 5802 issued by the Connecticut Fire Insurance Company, windstorm insurance policy number 859 issued by the Connecticut Fire Insurance Company and plate glass insurance policy number 13050 issued by the American Indemnity Company, all such policies insuring the premises described in subparagraph 3–a above and known as 314–318 23rd Street, Galveston, Texas, and

c. All right, title, interest and claim of any name or nature whatsoever of Baroness Mathilde von Entress Fursteneck in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Mathilde von Entress Fursteneck by Charles H. Kellner of 2307 Avenue C, Galveston, Texas, and represented on the books of the said Charles H. Kellner as an income account due Baroness Mathilde von Entress Fursteneck, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2344; Filed, February 17, 1944; 11:45 a. m.]

[Vesting Order 3031]

YUKI TAKAHASHI AND TOKUE TAKAHASHI

In re: Real and personal property, mortgage, and fire insurance policies, owned by Yuki Takahashi and/or Tokue Takahashi.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Tokue Takahashi and Yuki Takahashi is Setagaya-ku, Tamagawa, Oyamamachi, Tokyo, Japan, and that they are residents of Japan and nationals of a designted enemy country (Japan);

2. That Tokue Takahashi and Yuki Takahashi are the owners of the property described in subparagraphs 3–a, 3–b and 3–c hereof, and that Tokue Takahashi is the owner of the property described in subparagraphs 3–d, 3–e, 3–f, 3–g and 3–h hereof,

3. That the property described as follows:

(a) Real property situated in the County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

(b) That certain mortgage executed on April 1, 1942, by Tatsuro Matsuo, as mortgagor, in favor of Tokue and Yuki Takahashi, as mortgagees, and recorded in the Bureau of Conveyances, Honolulu, T. H., on April 4, 1942, in Liber 1692 at Page 485, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

(c) All right, title, and interest of Tokue Takahashi and Yuki Takahashi in and to fire insurance policy No. 989589, issued by the Potomac Insurance Company, District of Columbia, and fire insurance policy No. 5581, issued by the California Insurance Company, San Francisco, California, both insuring the premises described in subparagraph 3–a hereof,

(d) That certain safe belonging to Tokue Takahashi, presently in the possession of Mitsuo Nishihara, 95 N. Vineyard Street, Honolulu, T. H.,

(e) Certain navigation instruments, particularly described as:

1 Sextant in case
1 Compass for small craft
1 Flashlight Upright Compass
1 Chronometer
1 Navigation Record Case

presently in the possession of Walter Saburo Koike, 4236–U Puupanini Road, Honolulu, T. H.,

(f) All the drugs belonging to Tokue Takahashi, presently in the custody of the Treasury Department, Narcotic Service, Honolulu, T. H.,

(g) Approximately 115 medical books belonging to Tokue Takahashi, presently in the custody of the Kuakini Hospital, Honolulu, T. H., and

(h) Certain medical instruments, particularly described as:

1 microscope
1 pneumothorax
1 set of cystoscope
1 set of otoscope
1 set of curvlite

presently in the possession of Mituso Nishihara, 95 N. Vineyard Street, Honolulu, T. H.,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraph 3–c hereof is necessary for the maintenance or safeguarding of other property (namely that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order.

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b to 3–h hereof, both inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that piece or parcel of land situated in the City and County of Honolulu, Territory of Hawaii, particularly described as follows:

Lot Six (6), area 6,555 square feet and Lot Five–B (5–B) area 306 square feet, of the subdivision of Lot 5, as shown on subdivision Maps filed with Land Court Application No. 620 of Lester Petrie and Fred James Maser, together with a right of way over Lots 7–B and 8–G to Alewa Drive, as shown on said subdivision Maps filed with Land Court Application No. 620 and being all of the land described in Transfer Certificate of Title No. 9295 issued to Thomas Gilpon Scott.

[F. R. Doc. 44–2345; Filed, February 17, 1944; 11:45 a. m.]

[Vesting Order 3065]

THEODORE H. CASTOR

In re: Trust under the will of Theodore H. Castor, deceased; File No. D–28–1653; E. T. sec. 564.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Boston Safe Deposit and Trust Company, of Boston, Massachusetts, Trustee, acting under the judicial supervision of the Probate Court, Norfolk County, Massachusetts; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gertrude S. Rauchle, formerly Gertrude Schreitmuller, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gertrude S. Rauchle, formerly Gertrude Schreitmuller, in and to a trust under the will of Theodore H. Castor, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2325; Filed, February 17, 1944; 11:39 a. m.]

[Vesting Order 3066]

JOSEPHINE DIAMOND

In re: Estate of Josephine Diamond, also known as Josephine Diamont, Josephine Diamant and Pepi Diamant, deceased; File No. D–34–578; E. T. sec. 6487.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary, acting under the judicial supervision of the Surrogate's Court, County of New York, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary; namely,

Nationals and Last Known Address

Arthur Diamant, Hungary.
Marcus Singer, Hungary.
Bella Singer, Hungary.
Sarolta or Charlotte Szekely, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Arthur Diamant, Marcus Singer, Bella Singer and Sarolta or Charlotte Szekely, and each of them, in and to the Estate of Josephine Diamond, also known as Josephine Diamont, Josephine Diamant and Pepi Diamant, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2326; Filed, February 17, 1944; 11:39 a. m.]

[Vesting Order 3067]

WILHELM A. HAUFF

In re: Estate of Wilhelm A. Hauff, also known as Wilhelm Hoff or Wilhelm Hof, deceased; File No. F–28–10021; E. T. sec. 7398.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Paul Wolff, Germany.
Anna W. Hammoser, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Paul Wolff and Anna W. Hammoser, and each of them, in and to the Estate of Wilhelm A. Hauff, also known as Wilhelm Hoff or Wilhelm Hof, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date

hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2327; Filed, February 17, 1944; 11:39 a. m.]

[Vesting Order 3068]

LUCY WORTHAM JAMES

In re: Trust under the Will of Lucy Wortham James, deceased; File D-39-1524; E. T. sec. 5139.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fulton Trust Company of New York, 149 Broadway, New York, New York, Ralph Hayes, Hotel duPont, Wilmington, Delaware, William Greenough, 128 East 56th Street, New York City, Trustees, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Japan, namely,

National and Last Known Address

Masakazu Tanaka, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Masakazu Tanaka in and to the trust created under the Last Will and Testament of Lucy Wortham James, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2326; Filed, February 17, 1944; 11:39 a. m.]

[Vesting Order 3069]

JOHN KATONA

In re: Estate of John Katona, deceased, File D-34-697; E. T. sec. 8617.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jennie Fedor and Wayne C. Trace, as executors of the Estate of John Katona, deceased, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Steve Saley, Hungary.
Martin Triso, Hungary.
Anton Triso, Hungary.
Martin Katona, Jr., Hungary.
Billy Katona, Hungary.
Rose Katona, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Steve Saley, Martin Triso, Anton Triso, Martin Katona, Jr., Billy Katona and Rose Katona, and each of them, in and to the Estate of John Katona, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2329; Filed, February 17, 1944; 11:40 a. m.]

[Vesting Order 3070]

LENA M. KERN

In re: Estate of Lena M. Kern, deceased; File D-66-1169; E. T. sec. 7664.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George W. Kern, as Executor, acting under the judicial supervision of the Surrogate's Court, County of New York, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marie Wetzel, Germany.
The heirs of Marie Wetzel whose names are unknown, Germany.
Sophie Dalm, Germany.
The heirs of Sophie Dalm whose names are unknown, Germany.
Mathilda Meyer (sister), Germany.
The heirs of Mathilda Meyer whose names are unknown, Germany.
Amelia Roesch, Germany.
The heirs of Amelia Roesch whose names are unknown, Germany.
Mathilda Meyer (niece), Germany.
The heirs of Mathilda Meyer whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marie Wetzel, Sophie Dalm, Mathilda Meyer (sister), Amelia Roesch, Mathilda Meyer (niece), and their heirs, whose names are unknown, and each of them, in and to the estate of Lena M. Kern, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2330; Filed, February 17, 1944; 11:41 a. m.]

[Vesting Order 3071]

MINNA LENTZ

In re: Estate of Minna Lentz, deceased, File O17-10724; D-28-7928; E. T. sec. 8694.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Rev. H. J. Von Renner, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Stanislaus;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Lena Mundt, Germany.
Marie Busch, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Lena Mundt and Marie Busch, and each of them, in and to the Estate of Minna Lentz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2331; Filed, February 17, 1944; 11:41 a. m.]

[Vesting Order 3072]

AUGUST C. MENZEL

In re: Estate of August C. Menzel, deceased; File D-28-3446; E. T. sec. 5485.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Adolph Kauerauf, Waurika, Oklahoma, Executor, acting under the judicial supervision of the County Court of the State of Oklahoma, in and for the County of Jefferson;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Jacob Krug, Germany.
Auguste Krug, Germany.
Auguste Volkert, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Jacob Krug, Auguste Krug and Auguste Volkert, and each of them, in and to the estate of August C. Menzel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2332; Filed, February 17, 1944; 11:41 a. m.]

[Vesting Order 3073]

ROBERT E. NEUSE

In re: Trust under the Will of Robert E. Nuese, deceased; File D-28-2304; E. T. sec. 3383.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Irving Trust Company, Trustee, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Henry L. Nuese, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive

order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Henry L. Nuese in and to the trust under the Will of Robert E. Nuese, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2333; Filed, February 17, 1944; 11:41 a. m.]

[Vesting Order 3074]

KATIE PHILIPPS

In re: Estate of Katie Philipps, also known as Katherine Philipps, deceased; File D–28–7474; E. T. sec. 7640.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph Liebler, Executor, acting under the judicial supervision of the Surrogate's Court, County of Kings, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Theresia Berninger, Bamburg, Baden, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Theresia Berninger in and to the estate of Katie Philippe, also known as Katherine Philippe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2334; Filed, February 17, 1944; 11:42 a. m.]

[Vesting Order 3075]

LOUIS PHILLIPS

In re: Estate of Louis Phillips, deceased; File D–34–614; E. T. sec. 7157.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Eddie Goodman, Sam Phillips, Joseph Hirsh, and Sam Phillips (nephew), Executors and Trustees, acting under the judicial supervision of the Probate Court of Jefferson County, Alabama;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Irene Frankel, Hungary.
Hannah Gross, Hungary.
Fullop Lajos, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Irene Frankel, Hannah Gross and Fullop Lajos, and each of them, in and to the estate of Louis Phillips, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2335; Filed, February 17, 1944; 11:42 a. m.]

[Vesting Order 3076]

ELIZABETH REICHARDT

In re: Estate of Elizabeth Reichardt, deceased; File D–28–1534; E. T. sec. 224.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Wheeler Kelly Hagny Trust Company, Administrator, 120 South Market Street, Wichita, Kansas, acting under the judicial supervision of the Probate Court of Cowley County, State of Kansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

John (Johannes) Reichardt, Germany.
Matrina Hoffman (also known as Maria Kathrina Hoffman, Maria Katharine Hoffman, Maria Katherine Hoffman, Marie Kathrina Hoffman, Marie Katharina Hoffman, and Katharina Hoffman), Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of John (Johannes) Reichardt and Matrina Hoffman (also known as Maria Kathrina Hoffman, Maria Katharine Hoffman, Maria Katherine Hoffman, Marie Kathrina Hoffman, Marie Katharina Hoffman, and Katharina Hoffman), and each of them in and to the Estate of Elizabeth Reichardt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO D. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2336; Filed, February 17, 1944; 11:42 a. m.]

[Vesting Order 3077]

JESSIE GREY REUSS

In re: Estate of Jessie Grey Reuss, deceased, File D–28–1599; E. T. sec. 401.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Northern Trust Company, 50 South La Salle Street, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Maria Pfankuch, Germany.
Otto Pfankuch, Germany.
Heirs at law, names unknown of Maria Pfankuch, Germany.
Heirs at law, names known of Otto Pfankuch, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Maria Pfankuch, Otto Pfankuch, heirs at law, names unknown of Maria Pfankuch and heirs at law, names unknown of Otto Pfankuch, and each of them, in and to the estate of Jessie Grey Reuss, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2337; Filed, February 17, 1944; 11:42 a. m.]

[Vesting Order 3078]

FLORENCE B. ROSENSTIEL

In re: Estate of Florence B. Rosenstiel, deceased, File D–28–7832; E. T. sec. 8748.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Alfred Pollock, Albert Rosenstiel and Jennings Stein, Executors, acting under the judicial supervision of the Sebastian Probate Court, Fort Smith District, State of Arkansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Max Rosenstiel or his issue, Germany.
Herman Rosenstiel or his issue, Germany.
Michel Rosenstiel or his issue, Germany.
Bertha Feibelman or her issue, Germany.
Sophie Gabriel or her issue, Germany.
Children (names unknown) of Siegmund Rosenstiel, Germany.
Children (names unknown) of Lena Meyer, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Max Rosenstiel or his issue, Herman Rosenstiel or his issue, Michel Rosenstiel or his issue, Bertha Feibelman or her issue, Sophie Gabriel or her issue, Children (names unknown) of Siegmund Rosenstiel and Children (names unknown) of Lena Meyer, and each of them, in and to the Estate of Florence B. Rosenstiel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–3078; Filed, February 17, 1944; 11:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region II Rev. Order G–28 Under RMPR 122]

EMERGENCY SALES OF COKE IN NEW YORK REGION

Revised Order No. G–28 under Revised Maximum Price Regulation No. 122—Solid fuels sold and delivered by dealers. Emergency sales of coke.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a)(1) and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, and for the period commencing with the effective date of this order and expiring on midnight April 30, 1944, *It is hereby ordered*:

(a) In Region II, consisting of the States of Delaware, Maryland, New Jersey, New York, the Commonwealth of Pennsylvania and the District of Columbia, the maximum prices for the sale and delivery of coke shall be determined in the following manner:

(1) Any dealer in coke, purchasing coke of the kind or kinds customarily sold by him, from his customary sources of supply, shall continue to determine his maximum price for the sale of such coke by the use of the applicable pricing rule contained in § 1340.254 of Revised Maximum Price Regulation No. 122.

(2) Subject to the limitations of paragraph (a) (4) hereof, any dealer who has established a maximum price for coke but purchases coke of a different kind or quality or from different sources of supply than formerly, shall calculate his maximum price for sales of such coke by taking the sum of the following:

First: The per net ton cost of such coke to the dealer f. o. b. supplier's shipping point;

Second: The actual transportation cost from supplier's shipping point to the dealer's yard, dock or other terminal facility; and

Third: The margin over delivered cost on the dealer's similar sale of coke most nearly like the coke for which a maximum price is being calculated hereunder, taking into account class of purchaser, method of delivery, and terms of delivery: *Provided*, That, where sales or deliveries are contemplated in communities where coke is subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, dealers shall add no more than the margin prevailing in the area for sales of coke, and used in the determination of area dollars-and-cents prices. On request, the Regional Office or the appropriate District Office of the Office of Price Administration will notify dealers of those margins which must be reported under paragraph (d) hereof.

(3) Subject to the limitations of paragraph (a) (4) hereof, any dealer who has not established a maximum price for coke under Revised Maximum Price Regulation No. 122 may calculate his maximum price for sales of coke by taking the sum of the following:

First: The per net ton cost of such coke to the dealer f. o. b. supplier's shipping point;

Second: The actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility; and

Third: The margin over delivered cost on the dealer's similar sale of egg, stove or nut-sized anthracite, or, if he sells no anthracite, of sized bituminous coal, taking into account class of purchaser, method of delivery, and terms of delivery: *Provided*, That, where sales and deliveries are contemplated in communities where anthracite or coke is subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, such dealers shall add no more than the margin prevailing in the area, and used in the determination of the area dollars-and-cents prices, for sales of coke, if covered by area order, otherwise for sales of egg, stove or nut-sized anthracite. On request, the Regional Office or the appropriate District Office of the Office of Price Administration will notify dealers of those margins which must be reported under paragraph (d) hereof.

(4) (i) Any dealer who now receives coke at his yard by railroad car or barge, where previously it was not so received, shall calculate his maximum price for yard sales of such coke to other dealers for resale, and for delivered sales, by taking the sum of the following:

First: The per net ton cost of such coke to the dealer f. o. b. supplier's shipping point;

Second: The actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility; and

Third: For yard sales to other dealers for resale a margin not to exceed $1.25 per net ton; for delivered sales, a margin not to exceed $3.75 per net ton.

(ii) Any dealer making a purchase of coke at the yard, subject to paragraph (a) (4) (i), shall determine his maximum price for such coke by adding to the seller's yard price a margin not to exceed $2.50 per net ton.

(b) Dealers making sales subject to this order shall not change their customary allowances, discounts, or other price differentials unless such change results in prices lower than the prices permitted by this order (after applying the customary allowances, discounts, or other price differentials).

(c) *Conditions and limitations.* Every dealer making sales of coke pursuant to the pricing authorization of this order must, as a condition to pricing hereunder, keep each kind of coke, from each supplier, separate in storage and delivery from any other kind of coke and from coke shipped by other suppliers, and from any other kind of solid fuel, and sell and invoice it under the description used by the supplier. The invoice shall also set forth the supplier's shipping point.

(d) *Records.* Every dealer making sales of coke subject to this order shall preserve, keep and make available for examination by the Office of Price Administration complete and accurate records of coke purchased and sold hereunder, and a record of every sale of such fuel, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the coke sold. The coke shall be identified in the manner designated by the supplier as well as by the supplier's shipping point. The record shall also state separately each service rendered and the charge made for it.

(e) *Reports.* Every dealer subject to this order shall, within ten days after he determines or redetermines his maximum prices hereunder, report to the District Office of the Office of Price Administration under whose geographical jurisdiction his principal place of business is located:

(1) His maximum price for sales of each kind of coke from each supplier.

(2) The method employed in computing or determining that price including, where applicable, the margin added to delivered costs for sales to different classes of purchasers.

(3) A statement of the margin over delivered costs on the dealer's similar sale of coke most nearly like the coke priced hereunder, to different classes of purchasers.

(f) *Definitions.* When used in this Revised Order No. G–28 the term:

(1) "Coke" means all coke, including reclaimed coke, when sold by dealers for use as fuel.

(2) "Delivered sales" means the customary method of delivery to buyer's premises, whether to the buyer's bin or storage space, or to the point nearest and most accessible to the buyer's bin or storage space and at which the fuel can be discharged directly from the seller's truck.

(3) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(g) This order shall supersede Revised Maximum Price Regulation No. 122 and any order issued thereunder except as to any sales or deliveries of coke not specifically subject to this order.

(h) Order No. G–28 under Revised Maximum Price Regulation No. 122 as issued on January 15, 1944, is hereby revoked in full as of the effective date of this order.

(i) This order, which may be revoked, amended, or corrected at any time shall, unless earlier revoked or replaced, expire on midnight April 30, 1944.

This Revised Order No. G–28 shall become effective February 11, 1944.

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2289; Filed, February 16, 1944; 2:50 p. m.]

[Region VI Order G–14 Under MPR 122, Amdt. 1]

SOLID FUELS IN MILWAUKEE COUNTY, WIS.

Amendment No. 1 to General Order No. G–14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in Milwaukee County, Wisconsin.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That paragraphs III (5) (D), V and VI of the schedule set forth in paragraph (c) (1) be amended; that a section (3) be added to paragraph (c); and that paragraph (c) (1) be amended, to read as set forth below:

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices before discounts for sales of specified sizes, kinds, and quantities of solid fuels. Column 1 describes the coal or coke for which prices are established. Column 2 shows the maximum prices for "direct delivery" of domestic fuel sold in quantities of less than 1 ton. Column 3 shows the maximum price for direct delivery of domestic fuel sold in quantities of more than 1 ton. Column 4 shows the maximum prices for "yard sales" of domestic fuel. Column 5 shows the maximum prices for "commercial" or "steam" sales and Column 6 shows the maximum prices for 'yard sales' to dealers. The terms "direct delivery," "yard sales" and "commercial sales" are defined in paragraph (j) of this order.

AREA PRICES FOR MILWAUKEE, WISCONSIN

1	2	3	4	5	6
Description	Domestic ½ ton	Domestic 1 ton or more	Domestic at yard	Commercial	Dealer at yard
(*)	(*)	(*)	(*)	(*)	(*)
III. Hi-volatile bituminous Dist. #5:					
(*)	(*)	(*)	(*)	(*)	(*)
5. Screenings:					
(*)	(*)	(*)	(*)	(*)	(*)
D. Island Creek	$8.85	$8.65	$7.90	$6.95	$6.25
(*)	(*)	(*)	(*)	(*)	(*)
V. Pennsylvania anthracite:					
1. Egg, stove, nut	8.50	15.95	15.20	----	13.60
2. Pea	7.75	14.45	13.70	----	12.05
3. Buckwheat	6.90	12.75	12.00	----	10.35
4. Rice	5.80	10.55	9.80	----	8.15
(*)	(*)	(*)	(*)	(*)	(*)
VI. By-product coke:					
1. Egg, stove, nut	7.35	13.65	12.90	----	11.15

* * * * *

(3) Anything herein to the contrary notwithstanding, the maximum prices in Schedule (c) (1) for "commercial" or "steam" sales for any type or size of fuel shall be inapplicable with respect to any sales at or from dealers' yards located in South Milwaukee, Wisconsin. Such dealers shall compute the prices for "commercial" or "steam" sales in accordance with the provisions of Maximum Price Regulation No. 122.

(e) *Cash discounts.* Not less than the following discounts must be granted by any seller to any purchaser whose account for previous sales shall not be past due:

(1) On sales of domestic coal, coke and briquettes 25¢ per ton, provided payment is made within 5 days of delivery.

* * * * *

This Amendment No. 1 to Order No. G–14 shall be effective immediately.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44–2290; Filed, February 16, 1944; 2:50 p. m.]

[Region VIII Order G–2 Under MPR 251]

HOURLY RATES FOR SPECIFIED LABORERS IN CLARK AND LINCOLN COUNTIES, NEV.

Order No. G–2 under Maximum Price Regulation 251. Construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1397.68 (b) of Maximum Price Regulation No. 251, *It is hereby ordered*:

(a) Maximum prices for the sale of construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis established pursuant to Maximum Price Regulation No. 251 may be increased by an amount not in excess of the difference between labor cost computed on the basis of hourly rates in effect in the area of installation on July 1, 1942, and the hourly rates set forth in paragraph (b) below, upon the following conditions:

(1) The seller must employ labor of the classification described in paragraph (b) hereof;

(2) The seller must actually pay the hourly rates specified in paragraph (b) for the labor employed for the performance of work in connection with the above described sales and services; and

(3) The seller must perform the work within the geographical area of Clark and Lincoln Counties, Nevada.

(b) *Classification of labor (trade and craft) and specified hourly rates.* The hourly rates set forth below opposite the classification of labor under the heading "Craft" are the maximum rates which may be used in determining maximum prices under paragraph (a) hereof:

Craft	*Approved rate*
Carpenters	$1.375
Plumbers	1.725
Steamfitters	1.725
Bricklayers	1.725
Laborers, concrete	.976
Laborers, pneumatic tools	1.125
Powdermen	1.15
Asphalt rakers	1.125
Mason tenders	1.125
Structural workers (iron)	1.625
Ornamental iron workers	1.50
Reinforcing iron workers	1.44
Electricians	$1.625
Electricians' helpers	1.025
Linemen	1.58
Linemen helpers	1.025
Glaziers	1.44
Linoleum layers	1.375
Painters, brush	1.29
Roofers, composition	1.375
Roofers, waterproofers	1.375
Roofers, slate and tile	1.625
Stone cutters	1.625
Tile, marble and terrazzo workers, helpers	1.15
General laborers	.90
Drivers:	
Pick up	.85
Under 7½ tons	.975
Teamsters	.975

(c) Any person determining maximum prices subject to this order shall submit such reports as the Office of Price Administration may from time to time require.

(d) This order may be revoked or amended at any time.

(e) This Order No. G–2 shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of February 1944.

LEO F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–2291; Filed, February 16, 1944; 2:51 p. m.]

[Region VIII Rev. Order G–31 Under MPR 329, as Amended]

FLUID MILK IN WASHINGTON

Revised Order No. G–31 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price at which any person whose place of business is located in Tacoma, Washington, may purchase milk for resale for human consumption as fluid milk from a producer who did not sell milk to any purchaser for resale as fluid milk during January, 1943, shall be as follows:

(1) For purchases of milk from producers delivered to the purchaser's plant, the maximum price shall be 87¢ per pound milk fat.

(2) For purchases of milk from producers f. o. b. the producer's dairy, the maximum price shall be the price specified in paragraph (a) (1) above, minus an allowance for transporting milk computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually

paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of a carrier operated or controlled by the purchaser, the transportation allowance shall be equal to the lowest truck common carrier or contract carrier rate for the same or most similar haul.

(b) *Definitions.* (1) "Fluid milk" means liquid cow's milk in a raw, unprocessed state sold for human consumption as fluid milk.

(2) Where the producer has customarily placed milk to be picked up by purchasers at a platform or other pick up point at or near his dairy, the term "f. o. b. producer's dairy" shall mean placed at such point.

(3) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(c) Order No. G–31 under Maximum Price Regulation No. 329, as amended, is hereby revoked, effective February 12, 1944.

(d) This order may be revoked, amended, or corrected at any time.

This order shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

L. F. GENTNER,
Regional Administrator.

Approved:

BUELL F. MABEN,
Regional Director, Food Distribution Administration, War Food Administration, Pacific Region.

[F. R. Doc. 44–2293; Filed, February 16, 1944; 2:50 p. m.]

[Region VIII Order G–3 Under 18 (c), as Amended, Amdt. 39]

FLUID MILK IN WASHINGTON

Amendment No. 39 to Order No. G–3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) (i) (a) of Supplementary Regulation No. 15, *It is hereby ordered,* That Order No. G–3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be amended as set forth below:

(a) Section (1) is hereby amended by adding at the end thereof the following:

THE TOWNS OF ENUMCLAW, BUCKLEY, BURNETT, CARBONADO AND FAIRFAX

	Wholesale	Retail store	Retail home delivered
Pint	$0.06	$0.07	$0.07
Quart:			
Less than 3 quarts per stop	.1075	.125	.135
4 or more quarts per stop	.1075	.125	.12

This amendment shall become effective February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44–2292; Filed, February 16, 1944; 2:50 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 15, 1944.

REGION I

Providence Order No. 5, Amendment No. 6, filed 1:55 p. m.

REGION II

Delaware Order No. P–1, Amendment No. 1, filed 1:55 p. m.
Harrisburg Order No. 12, filed 2:12 p. m.
Harrisburg Order No. 12, Amendment No. 1, filed 2:08 p. m.
Harrisburg Order No. 13, Amendment No. 1, filed 2:08 p. m.
Harrisburg Order No. 13, filed 2:13 p. m.

REGION III

Charleston Order No. 1–F, Amendment No. 9, filed 1:50 p. m.
Charleston Order No. 2–F, Amendment No. 6, filed 1:50 p. m.
Charleston Order No. 3–F, Amendment No. 6, filed 1:48 p. m.
Charleston Order No. 4–F, Amendment No. 3, filed 1:43 p. m.
Charleston Order No. 5–F, Amendment No. 2, filed 1:44 p. m.
Charleston Order No. 6–F, filed 1:43 p. m.
Cincinnati Order No. 1–F, Amendment No. 16, filed 1:46 p. m.
Cincinnati Order No. 2–F, Amendment No. 9, filed 1:46 p. m.
Columbus Order No. 3–F, Amendment No. 5, filed 1:46 p. m.
Columbus Order No. 7–F, Amendment No. 4, filed 1:45 p. m.
Indianapolis Order No. 4–F, Amendment No. 2, filed 1:48 p. m.
Indianapolis Order No. 5–F, Amendment No. 2, filed 1:48 p. m.
Indianapolis Order No. 6–F, Amendment No. 2, filed 1:48 p. m.
Indianapolis Order No. 8–F, Amendment No. 2, filed 1:48 p. m.
Indianapolis Order No. 9–F, Amendment No. 2, filed 1:49 p. m.
Indianapolis Order No. 10–F, Amendment No. 2, filed 1:49 p. m.
Indianapolis Order No. 11–F, Amendment No. 2, filed 1:49 p. m.

REGION IV

Savannah Order No. 1–F, Amendment No. 22, filed 1:51 p. m.
Savannah Order No. 2–F, Amendment No. 17, filed 1:51 p. m.
Savannah Order No. 3–F, Amendment No. 15, filed 1:51 p. m.
Savannah Order No. 4–F, Amendment No. 14, filed 1:53 p. m.
South Carolina Order No. 1–W, filed 2:12 p. m.

REGION V

Arkansas Order No. 4–F, Amendment No. 3, filed 1:55 p. m.
Arkansas Order No. 6–F, Amendment No. 8, filed 1:54 p. m.
Oklahoma City Order No. 3–F, Amendment No. 4, filed 1:46 p. m.

REGION VI

Fargo-Moorhead Order No. 15, Amendment No. 1, filed 1:53 p. m.
Fargo-Moorhead Order No. 16, Amendment No. 1, filed 1:53 p. m.
Fargo-Moorhead Order No. 19, Amendment No. 1, filed 1:53 p. m.
Fargo-Moorhead Order No. 20, Amendment No. 1, filed 1:53 p. m.
Fargo-Moorhead Order No. 21, Amendment No. 1, filed 1:53 p. m.
Fargo-Moorhead Order No. 22, Amendment No. 1, filed 1:53 p. m.
Fargo-Moorhead Order No. 23, Amendment No. 1, filed 1:54 p. m.
Fargo-Moorhead Order No. 24, Amendment No. 1, filed 1:54 p. m.
Peoria Order No. 11, Amendment No. 1, filed 1:54 p. m.

REGION VII

Utah Order No. F–1, Amendment No. 2, Filed 1:55 p. m.
Utah Order No. F–2, Amendment No. 1, Filed 2:08 p. m.
Utah Order No. F–3, Filed 2:06 p. m.
Utah Order No. F–4, Filed 2:10 p. m.
Utah Order No. F–5, Filed 2:10 p. m.
Utah Order No. F–6, Filed 2:11 p. m.

REGION VIII

Seattle Order No. 4–F, Amendment No. 2, Filed 2:05 p. m.
Seattle Order No. 5–F, Amendment No. 2, Filed 2:05 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–2295; Filed, February 16, 1944; 4:26 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–848]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of February, A. D. 1944.

In the matter of Consolidated Electric and Gas Company, The Asheville Gas Company, The Durham Gas Company, Martinsburg Gas Company, Suffolk Gas Company, The Raleigh Gas Company, and Jersey Shore Gas Company.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The Asheville Gas Company, The Durham Gas Company, Martinsburg Gas Company, Suffolk Gas Company, The Raleigh Gas Company, and Jersey Shore Gas Company, each of which subsidiaries has recently sold its property and other assets (the aggregate proceeds of such sales amounting to approximately $588,053) and all the outstanding securities of each being owned by Consolidated, having filed declarations pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, including section 12 of that act and Rules U-43, U-44, and U-45, regarding the donation by Consolidated to each such subsidiary as a capital donation of the debt securities of such subsidiary for cancellation; the surrender to each subsidiary of all the outstanding capital stock of such subsidiary for retirement and cancellation; the delivery by each such subsidiary to Consolidated as a liquidating dividend or dividends of all of its assets, consisting solely of cash; and the deposit by Consolidated of the cash so to be received by it with the trustees under the indentures securing the several debt securities of Consolidated under which the securities of such subsidiaries have been heretofore pledged, as required by the terms of such indentures, except that in the cases of The Raleigh Gas Company and Jersey Shore Gas Company, in respect of which companies Consolidated has heretofore deposited cash with the appropriate trustee and secured the release of the pledged securities of said subsidiaries, Consolidated will reimburse its own treasury for the like amounts so deposited; and the subsequent dissolution of each of the six subsidiaries in accordance with the applicable state law;

Said declarations having been filed on January 18, 1944, and notice of filing having been given in the form and manner prescribed in Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said declarations within the time specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable sections of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations be, and the same hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–2299; Filed, February 16, 1944; 4:24 p. m.]

[File No. 70–858]

GENERAL GAS & ELECTRIC CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of February 1944.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company; and

All interested persons are referred to the said declaration which is on file in the office of the said Commission for a statement of the transaction therein proposed, which is summarized below:

General Gas & Electric Corporation, a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a quarterly dividend on its $5 Prior Preferred Stock for the quarterly period ended March 15, 1943. As proposed, the amount of the dividend on the 60,000 outstanding shares of this stock will be $75,000, of which approximately $40,125 will be paid to the public holders of 32,110.9 shares. The declaration as filed states that the remaining 27,889.1 shares outstanding are held by the Trustees of Associated Gas and Electric Corporation, who are to waive their right to the receipt of the dividend, which would otherwise be payable to them.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter:

It is ordered, That a hearing on such matter under the applicable provisions of said act and the rules of the Commission promulgated thereunder be held on March 1, 1944, at 9:45 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 28, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed declaration of a quarterly dividend out of the capital or unearned surplus of General Gas & Electric Corporation is appropriate and in the public interest and the interest of investors;

2. What terms or conditions, if any, should be imposed in the public interest or for the protection of investors;

3. Whether the proposed action to be taken complies with the provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–2301; Filed, February 16, 1944; 4:24 p. m.]

[File No. 70–857]

THE HARPERS FERRY PAPER CO. AND VIRGINIA PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of February 1944.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Harpers Ferry Paper Company, a wholly-owned direct subsidiary of Virginia Public Service Company, and Virginia Public Service Company, a direct subsidiary of General Gas & Electric Corporation, a registered holding company. All interested persons are referred to said document, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below:

The Harpers Ferry Paper Company proposes to sell to Potomac Light and Power Company, a non-affiliated corporation, all of the former's physical property consisting of a hydro-electric generating plant, including a dam, canal and spillways, situated at or near Harpers Ferry, West Virginia, and certain undeveloped lands and water rights located in that vicinity. The proposed consideration to be received therefor is $150,000 in cash, subject to minor adjustments at the date of closing. It is represented that the utility assets are being sold at original cost, which, as at January 1, 1943, was $143,888.90. The balance of $6,111.10 is stated to represent the present day agreed value of the undeveloped real property and water rights. Upon consummation of the sale The Harpers Ferry Paper Company's sole assets will be cash.

It is proposed that, subsequent to the sale by The Harpers Ferry Paper Company of its assets to Potomac Light and Power Company, Virginia Public Service Company will surrender the common stock of The Harpers Ferry Paper Company, the only outstanding securities of that company, and assume the liabilities of said company in exchange for all of its assets, whereupon The Harpers Ferry Paper Company is to be dissolved.

The filing indicates that the State of West Virginia Public Service Commission and the Public Service Commission of Maryland have authorized the transfer of the physical assets of The Harpers Ferry Paper Company to Potomac Light and Power Company to the extent that such assets are located in their respective States.

The filing has designated sections 9 (a), 10, 12 (c), and 12 (d) of the act and Rules U-42, U-43 and U-44 promulgated thereunder as being applicable to the proposed transactions. It appearing that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said joint application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission

thereunder be held on February 28, 1944, at 10 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed transactions are appropriate and in the public interest and in the interest of investors and consumers;

2. Whether the proposed transactions comply with all provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder; and

3. Whether it is necessary or appropriate to impose terms and conditions in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2300; Filed, February 16, 1944; 4:24 p. m.]

[File No. 70-812]

CONSOLIDATED ELECTRIC AND GAS CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

SUPPLEMENTAL MEMORANDUM FINDINGS AND ORDER APPROVING SALE OF SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of February 1944.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its utility subsidiary, Central Illinois Electric and Gas Co. ("Central Illinois"), filed joint applications and declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6, 7, 9, 10, 12 (c), 12 (d), and 12 (f) of the act and the rules promulgated thereunder, whereby authorization was sought for the reclassification of Central Illinois' common stock, consisting of 74,242 shares without par value and all owned by Consolidated, by the issuance of new common stock of the par value of $15 per share in substitution for such stock without par value. On February 3, 1944, we filed our findings and opinion and entered our order herein granting the applications and permitting the declarations to become effective in respect of the proposed stock reclassification (Holding Company Act Release No. 4874).

Consolidated also applied for approval of a plan submitted by it pursuant to section 11 (e) of the act, in which plan it proposed to sell through competitive bidding, pursuant to our Rule U-50, the 400,000 shares of $15 par value stock so to be acquired by it from Central Illinois and to apply the proceeds received from such sale, to the extent required for that purpose, to the satisfaction and retirement of certain bonds assumed by Consolidated, originally issued by Federated Utilities, Inc., and known as Federated Utilities, Inc. First Lien Collateral Trust 5½% Bonds, due March 1, 1957.

Consolidated further proposed that after consummation of the proposed sale by it of the Central Illinois stock and the application of the proceeds in satisfaction of the assumed Federated Utilities, Inc. bonds above mentioned, any balance of such proceeds remaining should be expended in the retirement of Consolidated's own Collateral Trust Bonds, due August 1, 1957, and August 1, 1962.

By our findings and order of February 3, 1944, cited hereinabove, we approved and authorized the carrying out of the competitive bidding procedure proposed by Consolidated as preliminary to the sale of the reclassified stock of Central Illinois, but reserved jurisdiction in respect of the definitive sale of such stock and in respect of the application of the proceeds of such sale, pending the entry of our further order, or orders, to be entered upon completion of the record when the results of the proposed competitive bidding would be available.

A further hearing has now been held and evidence as to the results of the competitive bidding, and certain other evidence, has been incorporated in the record. From such evidence, it appears that Consolidated, subject to our approval, has accepted the bid of a group of underwriters, headed by Allen & Co., of $17.63 per share for the Central Illinois stock, or an aggregate sum of $7,052,000 for the 400,000 shares to be sold. The underwriters propose to resell the stock to the public for a price of $19.125 per share. This price represents a spread to the underwriters of $1.495 per share, or approximately 8.4% of the price to be paid by such underwriters to Consolidated. We make no adverse findings as to the price to be received by Consolidated or as to the price and terms of the proposed public offering.

It is estimated by Consolidated that the total expenses incurred in connection with the proposed sale by Consolidated of the Central Illinois stock will amount to approximately $51,240. All such expenses are to be borne by Consolidated except approximately $2,500 of legal fees and certain accounting expenses, estimated at $3,500. Included within the estimated expenses is an item of $20,000 representing fees proposed to be paid by Consolidated to Central Republic Company for financial services. We find that the fees and expenses as estimated, other than the financial service fees proposed to be paid to Central Republic Company, are not unreasonable. We make no present determination as to the reasonableness of the fees proposed to be paid to Central Republic Company pending further consideration of that question, reserving jurisdiction for later determination of that question.

We find that the proposed sale by Consolidated of the reclassified common stock of Central Illinois and the deposit of the proceeds of such sale with the trustee under the indenture securing the assumed bonds hereinabove identified, as required by the terms of that indenture, pending the definitive expenditure of such proceeds, are necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby. Consolidated's proposals relative to the definitive application of the sales proceeds will be considered, and approved or disapproved, in separate findings and by separate order, or orders, to be entered herein, and jurisdiction will presently be reserved in respect of such proposals.

In view of the foregoing findings and those heretofore made in this matter:

It is hereby ordered, That, subject to the jurisdiction hereinafter reserved, the sale by Consolidated of the reclassified stock of Central Illinois and the deposit of the proceeds of such sale with the trustee under the indenture securing the Federated Utilities, Inc. bonds assumed by Consolidated, be, and the same are hereby, approved, subject to the terms and conditions prescribed by Rule U-24;

Consolidated having requested that the order of this Commission concerning the sale of the Central Illinois stock conform to the formal requirements of sections 373 (a), 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended;

It is further ordered and recited, That the sale and transfer by Consolidated of the stock of Central Illinois owned by Consolidated, and hereby specified and itemized as 400,000 shares of the $15 par value common stock of said Central Illinois Electric and Gas Co., are hereby found necessary or appropriate to the integration or simplification of the Consolidated holding company system and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and said sale and transfer are hereby authorized and ordered to be made, pursuant to said section 11 (b), in accordance with the plan for such action hereinabove summarized;

It is further ordered, That jurisdiction be, and it is hereby, expressly reserved to this Commission (1) further to consider the reasonableness, or unreasonableness of the fees proposed to be paid by Consolidated to Central Republic Company, and to enter such further order, or orders, in respect of the payment of such fees as the Commission may hereinafter determine to be appropriate, and (2) in respect of the proposed definitive application of the proceeds of the sale by Consolidated of the stock of Central Illinois, pending the further order, or orders, of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2297; Filed, February 16, 1944; 4:24 p. m.]

[File No. 70-844]

CENTRAL OHIO LIGHT & POWER COMPANY

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of February 1944.

Central Ohio Light & Power Company, an electric utility company and a subsidiary of Crescent Public Service Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of said act of the issuance and sale, in accordance with Rule U-50 promulgated under said act, of $4,300,000 principal amount of first mortgage bonds, Series A, 3½%, due February 1, 1974, the sales price of such bonds to be fixed by competitive bidding and the proceeds thereof to be used for the redemption and retirement of the presently outstanding first mortgage bonds, Series C, due 1964, and Series D, due 1966, in accordance with the terms thereof; and

The Commission having by order entered herein under date of February 3, 1944 granted said application, as amended, subject to certain terms and conditions, including the condition that the said proposed issuance and sale of securities shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed; and

The record herein having now been completed in respect of the results of said competitive bidding, the action proposed to be taken by Central Ohio Light & Power Company in respect thereof, and the definitive terms of the first mortgage bonds proposed to be issued and sold, and it appearing that Central Ohio Light & Power Company has accepted a bid for the afore-mentioned bonds from Kidder, Peabody & Co.; the price bid for such bonds being 105.159% of the principal amount thereof plus accrued interest from February 1, 1944 to the date of delivery, such bonds to be resold to the public at 105.75% of the principal amount thereof plus accrued interest from February 1, 1944 to date of delivery, representing a spread to the underwriters of .591% of the principal amount of said bonds; and

The Commission having examined the record herein and finding no basis for imposing additional terms and conditions with respect to the proposed transactions other than those prescribed in the Commission's order of February 3, 1944 and those prescribed by Rule U-24;

It is ordered, That the said application, as amended, be, and the some is hereby, granted forthwith, subject only to those terms and conditions prescribed by the Commission's order in this matter dated February 3, 1944 and subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2298; Filed, February 16, 1944; 4:25 p. m.]

[File No. 1-725]

BROOKLYN AND QUEENS TRANSIT CORPORATION

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of February, A. D. 1944.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Brooklyn and Queens Transit Corporation;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, March 6, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2309; Filed, February 17, 1944; 11:04 a. m.]

WAR FOOD ADMINISTRATION.

GREATER LITTLE ROCK STOCK YARDS

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Greater Little Rock Stock Yards, Inc., North Little Rock, Arkansas, posted on April 12, 1938, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by P. C. Hogan, doing business as Greater Little Rock Stock Yards, and that the name of the yard is now the Greater Little Rock Stock Yards. Therefore, the posted name of the stockyard is changed to Greater Little Rock Stock Yards and notice of such fact is given to its owner and to the public, and by filing with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 16th day of February 1944.

THOMAS J. FLAVIN, *Assistant to the War Food Administrator.*

[F. R. Doc. 44-2346; Filed, February 17, 1944; 11:23 a. m.]

WAR PRODUCTION BOARD.

SANOTUF MATTRESS COMPANY

CONSENT ORDER

Sanotuf Mattress Company, a Missouri corporation, located at 1010 North 10th Street, St. Louis, Missouri, engaged in the manufacture of bedding products, was charged by the War Production Board on August 27, 1943, with having used, in the production of box springs, in the period from October 1, 1942, through May 31, 1943, nearly 7,000 lbs. of iron and steel in excess of the amount it was permitted to use under its quota, in violation of Limitation Order L-49. Sanotuf Mattress Company admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Sanotuf Mattress Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Deliveries of material to Sanotuf Mattress Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Sanotuf Mattress Company, its successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Sanotuf Mattress Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 16, 1944 and shall expire on April 16, 1944.

Issued this 9th day of February 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, *Recording Secretary.*

[F. R. Doc. 44-2296; Filed, February 16, 1944; 4:29 p. m.]

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Washington, Saturday, February 19, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[FPO 14, Rev. Supp. Order 2]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT FOR ALASKA, HAWAII, PUERTO RICO AND THE VIRGIN ISLANDS

Supplementary Order No. 2 (8 F.R. 14106) to Food Production Order No. 14 (8 F.R. 17456), is hereby revised and amended in its entirety to read as follows:

Sec.

1202.351 Purpose of this supplementary order.
1202.352 Administration.
1202.353 Transfers to Hawaii, Puerto Rico and the Virgin Islands.
1202.354 Quotas for Hawaii, Puerto Rico and the Virgin Islands.
1202.355 Action by dealers and other persons in Hawaii, Puerto Rico and the Virgin Islands.
1202.356 Reports of manufacturers in the continental United States.
1202.357 Distribution and rationing procedure in Hawaii, Puerto Rico and the Virgin Islands.
1202.358 Alaska.
1202.359 Appeals.
1202.360 Directives.
1202.361 Incorporation into Food Production Order No. 14.
1202.362 Communications.
1202.363 Food Production Order No. 1 superseded.

AUTHORITY: §§ 1202.351 to 1202.363, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E. O. 9280, 9322, 9334, 9392; 7 F.R. 10179, 8 F.R. 3807, 5423, 14783.

§ 1202.351 *Purpose of this supplementary order.* This supplementary order explains the procedure to be followed in distributing farm machinery and equipment produced for farm use under War Production Board Order L-257, as amended (8 F.R. 15568), from manufacturers to retail outlets in Alaska, Hawaii, Puerto Rico and the Virgin Islands. This supplementary order does not deal with repair parts or attachments. This supplementary order should be read in conjunction with Food Production Order No. 14, which establishes the general rationing program and which contains definitions of certain terms used herein.

§ 1202.352 *Administration.* This supplementary order shall be administered by the Director. In Hawaii, Puerto Rico and the Virgin Islands, the Director shall be assisted by the Farm Rationing Committees for Hawaii and Puerto Rico. The Farm Rationing Committee for Puerto Rico will act for the Virgin Islands. The Farm Rationing Committees may delegate any of the duties and functions imposed upon them by this supplementary order to any member of such committees or to any officer or employee of the Agricultural Adjustment Agency in Hawaii or Puerto Rico.

§ 1202.353 *Transfers to Hawaii, Puerto Rico and the Virgin Islands.* (a) Any manufacturer in the continental United States may transfer to a dealer or other person in Hawaii, Puerto Rico or the Virgin Islands any item of farm machinery and equipment produced for farm use under War Production Board Order L-257, as amended, only with the approval of the appropriate Farm Rationing Committee. Such approval shall accompany or be stamped on the purchase order. A manufacturer may make such transfer upon an order so approved whether or not the item of equipment is listed on Schedule I attached hereto. If the item is one which is listed on any of the schedules of Supplementary Order No. 1 to Food Production Order No. 14 (8 F.R. 17458), the manufacturer may supply the item only out of the reserve established by Supplementary Order No. 1. Notwithstanding any provision of Supplementary Order No. 1, a manufacturer is hereby authorized to transfer such item from the reserve pursuant to this supplementary order.

(b) Each manufacturer in the continental United States who declines to accept an order for farm machinery and equipment from Hawaii, Puerto Rico or the Virgin Islands made pursuant to this supplementary order shall promptly no-

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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tify the Director accordingly, stating the reasons for his action.

(c) In approving purchase orders for farm machinery and equipment pursuant to this supplementary order, the Farm Rationing Committees for Hawaii and Puerto Rico shall act in accordance with such instructions and within such limitations as may be issued from time to time by the Director.

§ 1202.354 *Quotas for Hawaii, Puerto Rico and the Virgin Islands.* Quotas for Hawaii, Puerto Rico and the Virgin Islands with respect to items of equipment are hereby established as shown on Schedule I. The Farm Rationing Committees shall approve no orders for any item of equipment in excess of the quota shown on Schedule I, unless authorized to do so by the Director. It shall be the responsibility of the Farm Rationing Committees to charge against the quotas items of equipment shipped by a manufacturer in the continental United States to Hawaii, Puerto Rico or the Virgin Islands pursuant to a purchase order accepted on or after July 1, 1943. (Manufacturers are not charged with any responsibility in carrying out the quota provisions of this supplementary order.)

§ 1202.355 *Action by dealers and other persons in Hawaii, Puerto Rico or the Virgin Islands.* A dealer or other person in Hawaii, Puerto Rico or the Virgin Islands desiring to obtain in the continental United States any farm machinery and equipment produced for farm use under War Production Board Order L-257, as amended, shall submit his proposed purchase order to his Farm Rationing Committee for approval. If such dealer or other person places an order for shipment to the Virgin Islands, he shall indicate the shipping weight of the equipment covered by his proposed order.

§ 1202.356 *Reports of manufacturers in the continental United States.* Each manufacturer in the continental United States who, on or after July 1, 1943, and before January 1, 1944, accepts or has accepted orders for any items of farm machinery and equipment designated with an asterisk (*) on Schedule I for shipment to Hawaii, Puerto Rico or the Virgin Islands, shall, on or before January 10, 1944, report to the Director the item numbers and quantity of such equipment shipped or to be shipped pursuant to such order and the territory or possession to which shipment was or is to be made. Thereafter on or before the 10th of each month, each manufacturer in the continental United States who, during the preceding month, accepts an order for any such farm machinery and equipment to be shipped to any such territory or possession shall make a similar report to the Director with respect to the equipment covered by such order. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

§ 1202.357 *Distribution and rationing procedure in Hawaii, Puerto Rico and the Virgin Islands.* Notwithstanding any provision of Food Production Order No. 14, the Farm Rationing Committees for Hawaii, Puerto Rico and the Virgin Islands are hereby authorized, in their discretion, to direct the distribution of any type of farm machinery and equipment produced for farm use under War Production Board Order L-257, as amended, and to provide for the transfer for use of such equipment. The Farm Rationing Committees shall at all times serve the objectives sought by the rationing program and allocate such farm machinery and equipment in such manner as will afford the maximum contribution to agricultural production. In so doing, the Farm Rationing Committees may prohibit transfers for agricultural use, except pursuant to purchase certificates issued under their authority, and may prescribe the form of such certificates. Control over such transfers may be exercised by the Farm Rationing Committees under such regulations as they may deem appropriate to carry out the purposes of this supplementary order.

§ 1202.358 *Alaska.* Any manufacturer in the continental United States may transfer and ship to Alaska any farm machinery and equipment produced for farm use under War Production Board Order L-257, as amended. If a manufacturer transfers and ships to Alaska any farm machinery and equipment which is also listed on any of the schedules attached to Supplementary Order No. 1 to Food Production Order No. 14, such equipment shall be supplied out of the reserve established by Supplementary Order No. 1, and such manufacturer shall, on or before the 10th day of the month following the acceptance of the purchase order, report to the Director the item numbers and quantity of such equipment. Notwithstanding any provision of Supplementary Order No. 1, a manufacturer is hereby authorized to transfer such equipment from the reserve pursuant to this supplementary order. If a manufacturer declines to accept an order from Alaska for farm machinery and equipment produced for farm use under War Production Board Order L-257, as amended, he shall promptly notify the Director accordingly, stating the reasons for his action. (The reporting requirement contained in this paragraph has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

§ 1202.359 *Appeals.* (a) Any person affected by this supplementary order, who resides in Hawaii, Puerto Rico or the Virgin Islands and who believes that compliance herewith will work an exceptional and unreasonable hardship on him, may appeal to his Farm Rationing Committee for relief. Such appeal may be made by filing a written statement of the relief sought showing the reasons why such person believes he is entitled to relief. The Farm Rationing Committee may grant relief if it would not impair the effectiveness of the rationing program established by or pursuant to this supplementary order and if the granting of similar relief to all persons in like circumstances would not hinder such program. The decision of the Farm Rationing Committee shall be in writing and shall be communicated to the person appealing. If such person is not satisfied with the decision of the Farm Rationing Committee, he may appeal to the Director pursuant to § 1202.278 of Food Production Order No. 14, but in such case the appeal shall be submitted to the Farm Rationing Committee and such committee shall promptly transmit it to the Director, together with its recommendation. Nothing herein shall be construed to authorize the Farm Rationing Committee to increase or establish a quota for any item of equipment. If an appeal involves an increase in or the establishment of a quota, the Farm Rationing Committee shall consider and transmit such appeal to the Director with its recommendation.

(b) Any person affected by this order, who resides in the continental United States and who believes that compliance herewith would work an exceptional and unreasonable hardship on him, may appeal to the Director pursuant to § 1202.278 of Food Production Order No. 14.

§ 1202.360 *Directives.* The Director is hereby authorized to issue such directives to manufacturers in the continental United States and to other persons as he deems necessary or appropriate to carry out the purposes of this supplementary order.

§ 1202.361 *Incorporation into Food Production Order No. 14.* This Supplementary Order No. 2 shall be added to, and become a part of, Food Production Order No. 14, and any violation of this Supplementary Order No. 2 shall be deemed to be a violation of Food Production Order No. 14.

§ 1202.362 *Communications.* All communications concerning this order, unless instructions to the contrary are issued, shall be addressed as follows:

(a) Persons residing in Hawaii should address such communications to the Farm Rationing Committee, in care of the Officer in Charge, Agricultural Adjustment Agency, 418 Dillingham Building, Honolulu, Hawaii, Ref. FPO 14, Supp. 2.

(b) Persons residing in Puerto Rico or the Virgin Islands should address such communications to the Farm Rationing Committee, in care of the Officer in Charge, Agricultural Adjustment Agency, P. O. Box 4349, San Juan, Puerto Rico, Ref. FPO 14, Supp. 2.

(c) Persons residing in the continental United States may address such communications either to the Director of the Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref. FPO 14, Supp. 2, or to the appropriate Farm Rationing Committee for a territory or possession.

§ 1202.363 *Food Production Order No. 1 superseded.* Food Production Order No. 1, as amended,[1] is hereby superseded: *Provided, however,* That Food Production Order No. 1 shall continue to remain in full force and effect in any territory or possession for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceedings heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms of such order.

Issued this 16th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

SCHEDULE I

Item No.	Classification	Quotas: Hawaii	Quotas: Puerto Rico
	Group 1. Planting, Seeding and Fertilizing Machinery:		
1	One row, one horse corn planters	4	30
2	One row, one horse corn and cotton planters		52
*4	Two row (horse and tractor drawn) corn planters	4	
*5	Two row (horse and tractor drawn) corn and cotton planters		16
*10	Two row, tractor mounted corn planters	4	
*14	One row, horse and tractor drawn potato planters	14	
15–15a	Transplanters, horse and tractor drawn	2	
16	Transplanters, hand, wheel type	3	
*18	Listers with planting attachments, two row, horse or tractor drawn	1	
*25–25a	Fertilizer drills, horse or tractor drawn		6
*26–26a	Plain drills, horse or tractor drawn		6
30	Garden planters, hand, wheel type	6	1
32–32a	Fertilizer distributors, horse drawn	14	
33	Lime spreaders wheeled type, horse or tractor drawn		10
34	Lime spreaders end gate type		12
*36	Manure spreaders and loaders, four wheel, horse or tractor drawn	2	24
	Group 2. Plows and Listers:		
42	Moldboard plows, walking, one horse, steel bottom	65	800
43	Moldboard plows, walking, one horse, chilled bottom	1	500
44	Group 2. Plows and Listers—Continued. Moldboard plows, walking, two horse and larger	11	2,000
47	Moldboard plows, one bottom, tractor drawn	10	
48	Moldboard plows, two bottom, tractor drawn	16	2
49	Moldboard plows, three bottom, tractor drawn		12
52	Moldboard plows, one bottom, tractor mounted	3	
52a	Moldboard plows, one bottom, two way (one furrow) tractor mounted	2	
55	Disc plows, one disc, tractor drawn	15	
56	Disc plows, two disc, tractor drawn	11	
57	Disc plows, three disc, tractor drawn	2	20
59	Disc plows, two disc—direct connected (one wheel type) tractor drawn	2	
60	Disc plows, four disc, tractor drawn		38
61	Disc plows, five disc, tractor drawn	10	12
62	Disc plows, six disc and larger, tractor drawn	5	42
64	Listers (middlebusters without planting attachments), one row, horse or tractor drawn	1	18
*65	Listers (middlebusters without planting attachments), two row, horse or tractor drawn	2	8
*67	Listers (middlebusters without planting attachments), one row, tractor mounted	1	
*68	Listers (middlebusters without planting attachments), two row, tractor mounted	16	6
70	Subsoil plows, horse drawn		24
71	Subsoil plows, tractor drawn	1	25
72	Subsoil plows, tractor mounted	5	
	Group 3. Harrows, Rollers, Pulverizers and Stalk Cutters:		
78	Spike tooth harrow sections (steel), horse or tractor drawn	21	
79	Spring tooth harrow sections (steel), horse or tractor drawn	16	
*80–81	Disc harrows	60	45
85	Ridge busters, horse or tractor drawn	5	10
89	Chain harrow	6	
	Group 4. Cultivators and Weeders:		
91	Cultivators, one horse (all type), including hillers, disc hoes, shovel plows, little joes, and similar type harrows and rotary harrows	37	250
93b	Cultivators, two row, riding, horse drawn, shovel or disc type	6	
94	Cultivators, two rows and over, riding		12
97	Hand cultivators, wheel type, including hand plows	21	
99	Cultivators, two row, shovel type, tractor mounted	19	9
100	Cultivators, three and four row, shovel type, tractor mounted	43	
101d	Field cultivator, mounted and tool bar type	9	
104c	Tooth weeders, tractor mounted	13	
105	Towner special cultivator with furrower combination		10
	Group 5. Sprayers, Dusters, and Orchard Heaters:		
*106–106L	Power Sprayers	42	
108h, 108j, 108l	Power Sprayers	8	

[1] 7 F.R. 7301, 7769, 8975, 8819; 8 F.R. 945, 2015.

SCHEDULE I—Continued

SCHEDULE I—Continued

Item No.	Classification	Quotas	
		Hawaii	Puerto Rico
	Group 5—Continued.		
*106–106n	Power sprayers		5
*109–109a	Traction sprayers	10	
110	Hand sprayers, compressed air (one qt. and larger capacity)	238	86
111	Hand sprayers, knapsack, self-contained (one qt. and larger capacity)	631	454
112	Sprayers, pump type trombone		12
113	Sprayers, bucket pump type, single cylinder (one qt. and larger)	197	12
114	Sprayers, bucket pump type, double cylinder (one qt. and larger)	10	12
115	Sprayers, atomizing, single action (one qt. and larger capacity)	1,870	18
116	Sprayers, atomizing, continuous (one qt. and larger capacity)	982	18
117	Sprayers, barrel pump type with complete equipment	10	74
118	Sprayers, wheelbarrow type with complete equipment	10	24
119	Spray pumps, power	36	18
120	Weed and pear burners	30	
*122	Traction dusters	3	
123	Hand dusters (agricultural only)		48
123–123a	Hand dusters	832	
	Group 6. Harvesting Machinery:		
131	Rice binders		10
135	Corn pickers, one row pull type	1	
136	Corn pickers, two row pull type	1	
138	Potato diggers, walking plow type	3	
*139–139b	Potato diggers, one and two row ground drive and power take off	10	
	Group 7. Haying Machinery:		
*146	Mowers, horse or tractor drawn (ground drive)	2	5
*147	Mowers, tractor mounted or semimounted (power take-off drive)	18	5
148	Rakes, sulky (dump)	11	
150	Rakes, sweep (horse)	1	
	Group 8. Machines for preparing crops for market or use:		
159	Threshers, width of cylinder 28 inches and over		2
160	Stationary pea and bean threshers	1	
*162	Ensilage cutters (silo fillers)	5	50
163	Feed cutters, hand and power	12	100
164	Corn shellers (hand)	4	128
166	Corn shellers, cylinder (150 bu. and under)	3	20
173	Feed grinders, hand	3	18
*174	Feed grinders, power, burr type	4	6
*175–175a	Feed grinders and crushers	11	10
176	Cleaners and graders (corn and grain)		6
*177	Potato sorters and graders	5	
86	Corn cracker	1	
	Group 9. Farm Elevators and Blowers:		
*188	Elevators, portable	1	
*190a	Blowers (forage)		6
	Group 10. Tractors:		
*192	Wheel type, special purpose, under 30 h. p.	1	14
*193	Wheel type, special purpose, 30 h. p. and over		25
*194	Wheel type, all purpose, under 30 h. p.	107	20
*195	Wheel type, all purpose, 30 h. p. and over	2	
*196	Garden tractors (including motor tillers)	21	6
	Group 12. Farm Wagons, gears and Trucks (not motor):		
206	Truck gears (less box)	205	
211	Oxen can carts complete		200
211a	Wheels and axles for cane carts (sets)		400

SCHEDULE I—Continued

Item No.	Classification	Quotas	
		Hawaii	Puerto Rico
	Group 13: Domestic water system:		
*213	Deep well, reciprocal		30
*214	Deep or shallow well, jet type		75
*215	Shallow well, 250–499 gals. per hr	1	55
*216	Shallow well, 500 gals. per hour and over		20
*217	Horizontal type, up to and including 75 gals. per minute	1	13
	Group 14: Farm pumps and windmills:		
220	Pitcher pumps		174
221	Hand and windmill pumps	1	180
*222	Windmill heads	4	12
*223	Windmill towers		12
224	Pump jacks		22
	Group 15: Irrigation equipment:		
*227	Turbine pumps, 0 to 1,200 G. P. M	6	15
*228	Turbine pumps, 1,200 G. P. M. and up, belt driven	2	
*229	Centrifugal pumps	34	32
230	Hydraulic rams		25
231–231d	Land leveling equipment, ditchers, corrugators, and scrapers (excluding power ditchers, draglines and other self-powered machines)		12
*232	Portable pipe and extensions, sprinklers, valves and gates	[1] 7,700	[1] 46,00
	Group 16: Dairy farm machines and equipment:		
*237	Milking machines	4	25
238	Farm cream separators, capacity 250 lbs. per hour or less	2	2
239	Farm cream separators, capacity 251 lbs. to 800 lbs. per hour	1	
*241	Farm milk coolers, immersion type	3	28
*242	Milk coolers, surface or tubular type	5	189
243	Butter churns	1	
245	Milk pails	84	2,868
246	Milk strainers	7	290
247	Stirrers		20
	Group 17: Farm and barnyard equipment:		
260	Cattle stanchions and fittings		550
261	Livestock drinking cups	5	
266	Feed cookers	5	
	Group 18: Farm poultry equipment:		
274	Incubators, 1,000-egg capacity and smaller	60	30
275	Incubators, over 1,000-egg capacity	2	
276	Floor brooders, oil		40
280	Floor brooders, electric		10
281	Battery brooders, three deck and smaller (heated)	52	10
282	Battery brooders, four deck (heated)	84	
283	Battery brooders, five deck (heated)	4	
284	Growing batteries	5	
285	Laying batteries	4	
289	Egg baskets	250	
291	Egg graders	100	
	Group 19. Miscellaneous farm equipment:		
294	Beekeepers' supplies (except bee hives)	[1] 8,000	[1] 8,000
297	Horse shoes (including mule and oxen shoes)	[1] 50,000	[1] 300,000
298	Harness hardware	[1] 3,550	
300	Electric fence controllers	10	
301	Electric fence accessories	[1] 10	

*These items must be reported to the Director in accordance with § 1202.357 of this supplementary order.

[1] Pounds.

QUOTA FOR THE VIRGIN ISLANDS

Any item of equipment for which a quota is established for Puerto Rico may be shipped to the Virgin Islands. The total shipping weight of such items shipped to the Virgin Islands, however, shall not exceed 55 tons.

[F. R. Doc. 44–2323; Filed, February 17, 1944; 11:23 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Amdt. 60–3]

PART 60—AIR TRAFFIC RULES

TRANSMISSION OF WEATHER INFORMATION BY PILOTS DURING WAR EMERGENCY

Repeal of § 60.960, transmission of weather information by pilots during the present war emergency.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of February 1944.

Effective February 14, 1944, § 60.960 of the Civil Air Regulations is repealed.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44–2364; Filed, February 18, 1944; 10:31 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 242]

AFFIDAVIT — OCCUPATIONAL CLASSIFICATION (SPECIAL)

ORDER PRESCRIBING FORM

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 42 Special, entitled "Affidavit—Occupational Classification (Special)," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply on hand of DSS Form 42 Special will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

FEBRUARY 16, 1944.

[F. R. Doc. 44–2350; Filed, February 17, 1944; 3:35 p. m.]

[Amendment 212]

PART 622—CLASSIFICATION

AGRICULTURAL DEFERMENT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend § 622.25 to read as follows:

§ 622.25 *Class II–C: Reopening present classifications.* The classifications of

[1] Form filed as part of the original document.

all registrants now in Class II–C shall be immediately reopened in sequence of order numbers. Upon such reopening the local board shall first determine whether such registrants shall be continued in Class II–C. If it is determined that such registrants qualify for classification in Class II–C, they shall be continued in that class.

2. Amend the regulations by adding a new section to be known as § 622.25–1 to read as follows:

§ 622.25–1 *Class II–C: Man deferred by reason of his agricultural occupation or endeavor.* (a) In Class II–C shall be placed any registrant who is found to be necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort.

(b) Class II–C deferments shall be for a period of 6 months or less. At the expiration of the period of the registrant's deferment in Class II–C, his classification shall be reopened. So long as the registrant is necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort and until a satisfactory replacement in such agricultural occupation or agricultural endeavor can be obtained, the registrant shall be continued in Class II–C at the end of each successive period for which he has been deferred in such class.

(c) When a registrant in Class II–C leaves an agricultural occupation or an agricultural endeavor essential to the war effort, he shall be reclassified in Class I–A, Class I–A–O, or Class IV–E unless, before leaving such agricultural occupation or agricultural endeavor, he requests a determination and a determination is made that it is in the best interest of the war effort for him to leave such agricultural occupation or agricultural endeavor for other work.

(d) Any registrant in Class II–C may file with his local board a written request for a determination required under paragraph (c) of this section. When the registrant's board has made a determination upon such request, it shall advise him thereof in writing.

3. Amend § 622.31–2 to read as follows:

§ 622.31–2 *Class III–C: Reopening and classification anew.* (a) No registrant shall hereafter be placed in Class III–C.

(b) As soon as the local board has completed the reopening and reconsideration of the classifications of registrants in Class II–C as provided in § 622.25, it shall reopen in sequence of order numbers the classifications of all registrants who at that time are in Class III–C and they shall then be classified anew. In classifying such registrants anew, it shall first be determined whether such registrants shall be classified in Class II–C. If it is determined that such registrants qualify for classification in Class II–C, they shall be so classified.

4. Amend the regulations by adding a new section to be known as § 622.31–3 to read as follows:

§ 622.31–3 *Class III–C: Men now deferred by reason of dependency and agricultural occupation or endeavor.* (a) A registrant heretofore classified in Class III–C shall be retained in that class until his classification is reopened and he is classified anew under the provisions of paragraph (b) of § 622.31–2, *Provided*, That he (1) continues to be necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort and until a satisfactory replacement in such agricultural occupation or agricultural endeavor can be obtained, and (2) has a wife or child with whom he maintains a bona fide family relationship in their home, *Provided*, Such status was acquired prior to December 8, 1941; or who has dependent upon him for support any of the following persons: Wife of child (with whom he does not maintain a bona fide family relationship in their home, divorced wife, parent, brother, sister, grandparent, grandchild, a person under 16 years of age whose support he has assumed in good faith, or a person of any age physically or mentally handicapped whose support he has assumed in good faith, *Provided*, Such status was acquired prior to December 8, 1941.

(b) When a registrant in Class III–C leaves an agricultural occupation or an agricultural endeavor essential to the war effort, he shall be reclassified in Class I–A, Class I–A–O, or Class IV–E unless, before leaving such agricultural occupation or agricultural endeavor, he requests a determination and a determination is made that it is in the best interest of the war effort for him to leave such agricultural occupation or agricultural endeavor for other work.

(c) Any registrant in Class III–C may file with his local board a written request for a determination required under paragraph (b) of this section. When his local board has made a determination upon such request, it shall advise the registrant thereof in writing.

5. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

FEBRUARY 14, 1944.

[F. R. Doc. 44–2351; Filed, February 17, 1944; 3:35 p. m.]

[Amendment 213]

PART 623—CLASSIFICATION PROCEDURE

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are amended in the following respect:

1. Amend paragraph (a) of § 623.21 to read as follows:

§ 623.21 *Order in which classes are to be considered.* (a) Upon undertaking to classify any registrant, consideration shall be given to the following classes in the order listed and the registrant shall be classified in the first class for which grounds are established: Class I–C, Class IV–A, Class IV–D, Class IV–B, Class II–C, Class II–B, Class II–A, Class III–D.

* * * * * *

2. Amend § 623.61 to read as follows:

§ 623.61 *Classification and change of classification.* (a) Except as provided in paragraph (c) below, as soon as practicable after the local board has classified or changed the classification of a registrant, it shall mail a notice thereof on a Notice of Classification (Form 57) to the registrant. (The date on which the deferment of the registrant terminates will be shown if he is classified in Class II–A or Class II–B but will not be shown if he is classified in Class II–C.) The local board shall also mail a Notice of Classification (Form 57) to the registrant who is retained or placed in Class I–C after separation from the land or naval forces by honorable discharge based on physical or mental disability.

(b) Except as provided in paragraph (c) below, as soon as practicable after the local board has classified or changed the classification of a registrant, it shall mail a notice thereof on a Classification Advice (Form 59) to the persons specified below. (The date on which the deferment of the registrant terminates will be shown if he is classified in Class II–A or Class II–B but will not be shown if he is classified in Class II–C.) The local board will also mail to the persons specified below Classification Advices (Form 59) concerning each registrant who is retained or placed in Class I–C after separation from the land or naval forces by honorable discharge based on physical or mental disability.

(1) Every person whose signed Affidavit—Occupational Classification (Form 42), or Affidavit—Occupational Classification (Form 42A) is on file in the registrant's Cover Sheet (Form 53);

(2) Every person whose signed Affidavit of Dependent Over 18 Years of Age (Form 40A) is on file in the registrant's Cover Sheet (Form 53); and

(3) Any other person authorized to request the reopening of the registrant's classification under the provisions of § 626.2 and whose request that the registrant's classification be reopened is on file in the registrant's Cover Sheet (Form 53).

(c) When, under the provisions of § 622.25 or § 622.25–1, the classification of a registrant who is in Class II–C is reopened and the local board continues the registrant in that class, it shall not mail a Notice of Classification (Form 57) or Classification Advices (Form 59) concerning its action in continuing such registrant in Class II–C.

(d) After each local board meeting, a copy of the Local Board Action Report (Form 110), listing the registrants who have been classified or whose classifications have been changed, shall be posted and kept permanently posted in a conspicuous place in the office of the local board. A copy shall also be sent to the government appeal agent. When a person is unable to ascertain the current classification of a registrant from the posted copy of the Local Board Action Report (Form 110), an employee of the local board, upon request, shall consult

the Classification Record (Form 100) and furnish to the person making inquiry the current classification of such registrant.

(e) When the local board classifies or changes the classification of a registrant, it shall record such classification on the Selective Service Questionnaire (Form 40) and the Classification Record (Form 100).

(f) When the Notice of Classification (Form 57) or Classification Advice (Form 59) is mailed, the date of mailing such notice shall be entered on the Classification Record (Form 100), and, in addition, the date of mailing such notice or advice and the persons to whom they are mailed shall be entered on the Selective Service Questionnaire (Form 40).

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 14, 1944.

[F.R. Doc. 44-2352; Filed, February 17, 1944; 3:35 p. m.]

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 151]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Paper, related products and manufactures: Cigarette paper (except cork paper) cigarette books, and book covers (include cigarette paper in bobbins, flat or in blocks)	4726.05	K
Vegetables and preparations: Potatoes, white	1211.00	K

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: February 17, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply
Branch, Bureau of Supplies.

[F.R. Doc. 44-2362; Filed, February 18, 1944; 9:23 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDER

[Suspension Order S-487]

SUGARMAN-MOORE COMPANY, INC.

Sugarman-Moore Company, Inc. is an Illinois corporation with offices at 936 North Michigan Avenue, Chicago, Illinois. Its business is that of a contractor and builder. In the months of February and March 1943 the corporation performed construction work on the premises located at 20-22 South Michigan Avenue, Chicago, Illinois, without authorization from the War Production Board, and at a total estimated cost in excess of $1,000.00. This construction by the corporation was a violation of Conservation Order L-41. The corporation was familiar with Conservation Order L-41 and its violation was based on such gross negligence and carelessness as to amount to wilfulness.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.487 *Suspension Order No. S-487.* (a) Deliveries of material, directly or indirectly, to Sugarman-Moore Company, Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Sugarman-Moore Company, Inc., its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Sugarman-Moore Company, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 17, 1944 and shall expire on May 17, 1944.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2363; Filed, February 17, 1944; 4:45 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[PR 3, Direction 5 as Amended Feb. 18, 1944]

RATINGS FOR LISTED CHEMICALS AND OTHER MATERIALS

Direction 5 to Priorities Regulation No. 3 is hereby amended to read as follows:

(a) *Purpose.* Owing to the fact that the supply of certain materials is controlled by peculiar factors including their interchangeability and their use both as production materials and for MRO (maintenance, repair and operating supplies), it is necessary to provide special rules for the use of ratings in getting these materials. The purpose of this Direction is to prohibit the use of AA-1 and AA-2 blanket MRO ratings for the materials on the attached list, and to substitute in the place of these ratings, the use of production materials ratings. Where no production materials ratings are available, this direction assigns ratings which may be used in place of AA-1 and AA-2 blanket MRO ratings.

(b) *Restriction on use of certain blanket MRO ratings.* Blanket MRO ratings of AA-1 and AA-2 may not be used to get any of the materials on the attached list for any purpose. An exception to this prohibition, however, is a rating assigned under P-98-b when the rating is applied with the allotment symbol, MRO-P-3, and a rating assigned under P-98 where the rating is applied with the allotment symbol S-3. "Blanket MRO ratings" are defined in paragraph (e) (2) of Priorities Regulation No. 3.

(c) *What ratings may be used instead.* You may use any of the following ratings which may be applicable to your situation for the materials listed in this direction:

(1) *Production materials ratings.* If you have a rating for production materials to be physically incorporated in your product, you may use that rating to get the materials on the attached list as MRO. You may not use the MRO symbol in this case, but your allotment number and symbol, if any, assigned to your production schedule should be used. "Production materials" are defined in paragraph (b) (2) of Priorities Regulation No. 11B and Interpretation No. 1 of that regulation issued June 16, 1943, and also paragraph (b) (1) of CMP Regulation No. 3. For the purpose of this Direction, any rating assigned under Orders P-65 and P-135 are production materials ratings. The amount of these materials which are bought as MRO with any production materials rating must be deducted from your MRO quota under CMP Regulation No. 5, or any other regulation or order which places limits on your purchase of MRO.

(2) *Blanket MRO rating of AA-1 lowered to AA-2X.* If you have a blanket MRO rating of AA-1, you may use an AA-2X rating to get the materials listed in this direction for MRO. If a purchase order bearing a blanket MRO rating of AA-1 is served upon a seller for a product which does not appear on the attached list but which contains any materials listed under "Chemicals" on the attached list, the seller may not extend that AA-1 rating to get the necessary production materials (appearing on the attached list) to make that product. The seller may use a rating of AA-2X instead to get the necessary production materials.

(3) *Blanket MRO rating of AA-2 lowered to AA-3.* If you have a blanket MRO rating of AA-2, you may use an AA-3 rating to get the materials listed in this direction for MRO. If a purchase order bearing a blanket MRO rating of AA-2 is served upon a seller for a product which does not appear on the attached list but which contains any materials listed under "Chemicals" on the attached list, the seller may not extend that AA-2 rating to get the necessary production materials (appearing on the attached list) to make that product. The seller may use a rating of AA-3 instead to get the necessary production materials.

(4) *Ratings for construction projects.* If you have a rating for materials to be physically incorporated in a construction project, you may use that rating to get materials on the attached list for MRO for use in that construction project.

(5) *Specific ratings.* You may use any rating assigned by a preference rating certificate which specifically names the kinds and quantities of material rated to get the materials on the attached list.

(d) *Persons engaged in several activities.* If a person is engaged in several business activities to which different ratings are assigned and it is impracticable to apportion his needs for any material on the attached list between those activities, he must use the rating assigned to the activity in which he is principally engaged. For example, if a person has 75 per cent of his production devoted to filling orders bearing AA-1 production materials ratings, and 25 per cent of his production devoted to filling orders bearing other production materials ratings and it is impracticable to apportion his MRO needs between these, he may use his AA-1 production materials rating to procure items on the attached list to satisfy his entire MRO needs. Also if a person produces only one product but has more than one production rating for the materials going into that product, he must use the rating applicable to the greater portion of his production.

(e) *Applications for special assistance.* Any person who needs any material listed in this direction either as production material or for MRO, and is unable to get it with the rating which he has, may apply on Form WPB-541 (formerly PD-1A) to the nearest local office of the War Production Board for a higher rating.

Issued this 18th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST OF CHEMICALS AND OTHER MATERIALS

1. Coated fabric.
2. Paints, varnishes and lacquers.
3. Printing inks.
4. Chemicals:
   - Acetonyl acetone.
   - Acetylene dichloride.
   - Acetylene tetrachloride.
   - Acids:
     - Boric.
     - Butyric (all).
     - Chlorosulfonic.
     - Hydrochloric.
     - Hydrofluoric.
     - Hydrofluosilicic.
     - Lactic.
     - Monochloracetic.
     - Muriatic.
     - Pnosphoric.
     - Propionic.
     - Sulfamic.
     - Tartaric.
     - Trichloracetic.
   - Alpha proteins.
   - Aluminum acetate.
   - Aluminum ammonium sulfate.
   - Aluminum chloride (not anhydrous).
   - Aluminum formate.
   - Aluminum hydroxide (light).
   - Aluminum nitrate.
   - Aluminum potassium sulfate.
   - Aluminum sulfate.
   - Ammonium aluminum sulfate.
   - Ammonium bicarbonate.
   - Ammonium bifluoride.
   - Ammonium fluoride.

4. Chemicals—Continued.
   - Ammonium molybdate.
   - Ammonium persulfate.
   - Ammonium phosphates.
   - Ammonium silicofluoride.
   - Ammonium thiocyanate.
   - Amyl alcohols (all).
   - Amyl esters (all).
   - Antimony chloride.
   - Antimony trichloride.
   - Arsenic disulfide.
   - Barium carbonate.
   - Barium chloride.
   - Barium peroxide.
   - Barium silicofluoride.
   - Benzoyl peroxide.
   - Bordeaux mixture.
   - Butyl aldehydes (all).
   - Butyric acids (all).
   - Calcium acetate.
   - Calcium arsenate.
   - Calcium arsenite.
   - Calcium carbonate, precipitated.
   - Calcium chloride.
   - Calcium cyanide.
   - Calcium peroxide.
   - Calcium phosphates.
   - Camphor, synthetic.
   - Carbon bisulfide.
   - Caustic potash.
   - Caustic soda.
   - Cerium salts.
   - Chloral hydrate.
   - Chloramine B & T.
   - Chlorinated paraffin.
   - Chloroform.
   - Copper acetarsonite.
   - Courmarin.
   - Cumarone—indone resins.
   - Degreasing compounds.
   - Detergents and wetting agents, synthetic organic.
   - Dichloramine B & T.
   - Dichlorethyl formal.
   - Ethers (all).
   - Ester gum.
   - Ethyl chloride.
   - Ethyl silicate.
   - Ferric nitrate.
   - Ferric sulfate.
   - Ferrous chloride.
   - Gelatin.
   - Hexachlorbenzene.
   - Hexachlorethane.
   - Hydrogen cyanide.
   - Hydrogen peroxide.
   - Hydrogen sulfide.
   - Hydroquinone.
   - Isobutyl-undecylenamide.
   - Isopropyl butyrate.
   - Isopropyl propionate.
   - Ketones (except methyl ethyl and methyl isobutyl ketone).
   - Lanthanum oxide.
   - Lead acetate.
   - Lead arsenate.
   - Lead dioxide.
   - Lead nitrate.
   - Lead peroxide.
   - Lead silicate.
   - Lead thiocyanate (silfocyanide).
   - Lime and limestone.
   - Lime sulfur.
   - Limed rosin.
   - Magnesium carbonate.
   - Magnesium chloride.
   - Magnesium hydroxide.
   - Magnesium oxide.
   - Magnesium peroxide.
   - Magnesium silicofluoride.
   - Magnesium sulfate.
   - Manganese acetate.
   - Manganese chloride.
   - Manganese precipitated dioxide.
   - Manganese sulfate.
   - Mercuric chloride.
   - Mercuric cyanide.
   - Mercuric ethyl chloride.
   - Mercuric nitrate.
   - Mercuric oxide.
   - Mercuric sulfate.
   - Mercuric sulfide.
   - Mercurous chloride.
   - Mercurous chloride acetate.
   - Metallic driers.
   - Metallic naphthenates.
   - Metallic stearates (except alkali stearates).
   - Methyl bromide.
   - Methyl cellulose.
   - Methyl chloride.
   - Methylene chloride.
   - Nicotine sulfate.
   - Nitrocellulose.
   - Organic intermediates for the following:
     - Rubber.
     - Explosives.
     - Dyes.
     - Medicinal chemicals.
     - Photographic chemicals.
     - Plastics and synthetic resins.
     - Refining.
   - Oil additives.
   - Paris green.
   - Phosphorus oxychloride.
   - Phosphorus pentasulfide.
   - Pigments, colors and extenders.
   - Pine oil.
   - Pine tar.
   - Pine tar oil.
   - Potassium:
     - Acetate.
     - Aluminum sulfate.
     - Antimonate.
     - Carbonate.
     - Ferricyanide.
     - Ferrocyanide.
     - Hydroxide.
     - Permanganate.
     - Persulfate.
     - Thiocyanate.
   - Rare earth salts.
   - Red Squill.
   - Resins, natural.
   - Rosin, gum.
   - Rosin, wood.
   - Scandium salts.
   - Seed disinfectants.
   - Silica gel.
   - Silver cyanide.
   - Silver nitrate.
   - Silver oxide.
   - Soda, modified.
   - Soda ash.
   - Sodium:
     - Acetate.
     - Acid pyrophosphate.
     - Aluminate.
     - Aluminum sulfate.
     - Antimonate.
     - Arsenate.
     - Arsenite.
     - Bicarbonate.
     - Bifluoride.
     - Bisulfate.
     - Bisulfite.
     - Ferricyanide.
     - Ferrocyanide.
     - Fluoride.
     - Fluosilicate.
     - Hydrosulfite.
     - Orthosilicate.
     - Pentachlorphenate.
     - Perborate.
     - Peroxide.
     - Sesquicarbonate (trona).
     - Sesquisilicate.
     - Silicate.
     - Silicofluoride.
     - Stannate.
     - Thiocyanate.
   - Soldering compounds.
   - Soluble dried blood.
   - Soya bean adhesives.
   - Stannic chloride (tin tetrachloride).
   - Stannic oxide.
   - Stannic sulfate.
   - Stannous chloride.
   - Starch adhesives.
   - Sulfur chloride.

4. Chemicals—Continued.
Superphosphate, regular and concentrated.
Terpene resins.
Titanium tetrachloride.
Thallium sulfate.
Thorium salts.
Triethanolamine.
Turpentine, gum.
Turpentine, wood.
Urea peroxide.
Vanillin.
Waxes, vegetable:
Bees.
Carnauba.
Candelilla.
Ouricury.
Wetting agents, synthetic organic.
Yttrium salts.
Zeolites.
Zinc acetate.
Zinc ammonium chloride.
Zinc chloride.
Zinc Cyanide.
Zinc hydrosulfite.
Zinc peroxide.
Zinc resinates.
Zinc phosphide.
Zinc sulfate.
Zirconium salts.

[F. R. Doc. 44-2381; Filed, February 18, 1944; 11:36 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L-215, as Amended Feb. 18, 1944]

TEXTILE, CLOTHING AND LEATHER MACHINERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of textile, clothing and leather machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.150 *General Limitation Order L-215*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Restrictions on purchases of textile, clothing and leather machinery.* No person (including dealers) shall, in any transaction of purchase, lease or rent, accept delivery of any machinery of the kinds on List A at the end of this order without obtaining the approval of the War Production Board on Form WPB-1319 or Form WPB-617 (formerly PD-200). Application for such approval must be filed whether the machinery in question is new, used or rebuilt, unless exempted in paragraph (d) below.

In determining whether to grant or deny applications on Form WPB-1319, the War Production Board will give consideration to the following: availability of the type of machinery in question; the essentiality of the output of activity for which such machinery is to be used; the productive capacity and condition of the machinery to be replaced or supplemented; the labor supply in the area where the machinery is proposed to be used, and any other factors peculiar to the particular application.

(c) *Production and sales schedules of machinery manufacturers.* Each person constructing or assembling for sale or lease any machinery on List A, or reconditioning or rebuilding any textile machinery or equipment for sale or lease, shall file a schedule for the purpose of obtaining approval of his production and deliveries and shall keep his production and deliveries within the limits authorized on these schedules after they have been approved. No person whose operations are covered by this paragraph shall conduct such operations except in accordance with an approved schedule.

The schedule filed by manufacturers of textile machinery and cotton ginning and delinting machinery shall be on Form WPB-1805 (formerly PD-746), and shall be filed on or before the 15th day of each month. Schedules of manufacturers of other types of machinery on List A shall be filed on Form WPB-1806 (formerly WPB-745) not later than 15 days from the end of each calendar quarter.

(d) *Exceptions.* It shall not be necessary to file applications or schedules under paragraph (b) or (c) with respect to the following:

(1) Used or rebuilt textile machinery.

(2) The following tanning, shoe, shoe repairing and other leather working machinery:

(i) Used or rebuilt tanning machinery, whether sold, leased or rented;

(ii) Used or rebuilt shoe manufacturing machinery, whether sold, leased or rented, except eyeletting, clicking, dinking and skiving machinery;

(iii) New, used or rebuilt shoe repairing machinery sold for less than $50;

(iv) All other leather working machinery sold for less than $200, except clicking, dinking and skiving machinery, and power driven eyeletting machines.

(3) Used or rebuilt industrial sewing machines, whether sold, leased or rented.

(4) [Deleted, Feb. 5, 1944.]

(5) Used or rebuilt cotton ginning and delinting machinery.

(6) Parts purchased for repair, maintenance or operating supplies, as defined in Preference Rating Order P-139.

(7) Parts and attachments to industrial sewing, clothing, shoe and leather working machinery, where such attachments are purchased only for conversion purposes.

(8) The delivery of machinery or attachments as a part of a transaction involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated and where the enterprise is to be continued and the products to be made are to be substantially the same in quantity and type.

It is not necessary to file any application or schedule under this order with respect to any type of machinery covered by General Limitation Order L-91.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 18th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Leather working machinery:
Tanning machinery.
Shoe manufacturing machinery.
Shoe repairing machinery.
Other leather working machinery.
Textile machinery and equipment (machinery and mechanical equipment used in mills for carding, combing, spinning, throwing, weaving, winding, knitting, printing, bleaching, dyeing and otherwise processing or finishing cotton, wool, silk, flax, hemp, jute and other fibers and products of these fibers.)
Industrial sewing machines.
Cotton ginning and delinting machinery.

NOTE: "Clothing machinery" was deleted from the restricted list on February 5, 1944.

INTERPRETATION 1

Interpretation No. 1 of General Limitation Order L-215 (issued January 11, 1943) became obsolete as of December 9, 1943.

[F. R. Doc. 44-2380; Filed, February 18, 1944; 11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 505,[1] Amdt. 1]

FRESH WHOLE COCONUTS (IMPORTED AND DOMESTIC)

A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 505 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Explanation of the regulation.* The purpose of this regulation is to establish maximum prices for sales of fresh whole coconuts, imported and domestic, in shells or in husks, by all persons other than retailers. In this regulation the term "coconuts," unless otherwise specified, is used to designate all fresh whole coconuts, whether imported or domestic or whether in shells or in husks.

Maximum prices for sales by retailers are governed by Maximum Price Regulation Nos. 422[2] and 423,[3] which set fixed margins for those sales according to the retailer's volume of sales and manner of doing business.

2. Section 2 (a) (7) is added to read as follows:

(7) "Coconuts in husks" means the fruit of the coco palm enclosed in thick, fibrous outer coats commonly called husks.

3. Section 2 (a) (8) is added to read as follows:

(8) "Coconuts in shells" means the fruit of the coco palm with the outer husks removed.

4. Section 3 (a) is amended to read as follows:

(a) *Sales in a bag*—(1) *Coconuts in shells.* The maximum price which any importer or country shipper may charge for coconuts in shells, and packed "in a bag," shall be $6.00 per bag, ex dock any United States port of entry, duty paid, or f. o. b. country shipping point.

(2) *Coconuts in husks.* The maximum price which any importer or country shipper may charge for coconuts in husks, and packed "in a bag," shall be $3.75 per bag, ex dock any United States port of entry, duty paid, or f. o. b. country shipping point.

5. Section 3 (b) (2) is amended to read as follows:

(2) *Coconuts in shells.* The maximum price, per pound, which an importer or country shipper may charge for coconuts in shells, and packed "other than in a bag," shall be $.04 per pound, ex dock any United States port of entry, duty paid, or f. o. b. country shipping point.

6. Section 3 (b) (3) is added to read as follows:

(3) *Coconuts in husks.* The maximum price, per pound, which an importer or country shipper may charge for coconuts in husks, and packed "other than in a bag," shall be $.025 per pound, ex dock any United States port of entry, duty paid, or f. o. b. country shipping point.

7. Section 4 (a) is amended to read as follows:

(a) *Sales in a bag*—(1) *Coconuts in shells.* The maximum price, per bag, which a wholesaler may charge for coconuts in shells, and packed "in a bag," shall be his net delivered cost therefor, plus a markup of $1.50 per bag.

(2) *Coconuts in husks.* The maximum price per bag which a wholesaler may charge for coconuts in husks, and packed "in a bag," shall be his net delivered cost therefor, plus a markup of $.05 per bag.

8. Section 4 (b) (2) is amended to read as follows:

(2) *Coconuts in shells.* The maximum price, per pound, which a wholesaler may charge for coconuts in shells, and packed "other than in a bag," shall be his net delivered cost per pound therefor, plus a markup of $.01 per pound.

9. Section 4 (b) (3) is added to read as follows:

(3) *Coconuts in husks.* The maximum price, per pound, which a wholesaler may charge for coconuts in husks, and packed "other than in a bag," shall be his net delivered cost per pound therefor, plus a markup of ⅝¢ per pound.

10. Effective dates provision of the regulation is amended to read as follows:

Effective dates—(1) *As to importers and country shippers.* The effective date of this regulation as to sales or deliveries of coconuts by importers and country shippers shall be January 31, 1944, except, that the provisions of this regulation shall not apply to sales by importers of coconuts shipped from the country of production prior to January 11, 1944: *Provided*, That the inventories on hand (as of January 31, 1944) from such shipments are reported to the Office of Price Administration, Washington, D. C., before any sales of such coconuts are made.

(2) *As to wholesalers.* The effective date of this regulation as to sales or deliveries of coconuts by wholesalers shall be February 15, 1944.

This amendment shall become effective February 15, 1944.

NOTE: All record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2246; Filed, February 15, 1944; 4:47 p. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269,[1] Amdt. 25]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 269 is amended in the following respects:

1. Section 1429.19 (h) (1) (i) (*a*) is amended to read as follows:

(*a*) *Temporary maximum base prices for poultry fat and for specific portions of "cut-up poultry" in the basing point cities.* The following Temporary Table A-1 establishes temporary maximum base prices for raw and rendered poultry fat and for specific portions of "cut-up poultry". The maximum base prices established are for the poultry fat and the designated "cut-up poultry" items delivered to the buyer's customary receiving point at the basing point cities listed below. These prices may be revoked at any time.

TEMPORARY TABLE A-1

(Prices in cents per pound)

Portions of "cut-up poultry"	Eastern Zone basing-point city	Western Zone basing-point cities	
	Chicago	New York	Pacific Coast—Los Angeles, San Francisco, Seattle and Portland
Wings	28.9	29.9	30.4
Legs	60.6	61.6	62.1
Breast	60.6	61.6	62.1
Back, neck or skin	13.1	14.1	14.6
Liver	68.1	69.1	69.6
Gizzard or heart	[1] 28.9	29.9	[1] 30.4
Raw poultry fat	53.0	54.0	54.5
Government inspected raw poultry fat	58.0	59.0	59.5
Rendered poultry fat	72.5	73.5	74.0
Government inspected rendered poultry fat	77.5	78.5	79.0

[1] If the gizzard is not cleaned by removing the contents and lining the maximum base price shall be ½ of the maximum base price for gizzards as established by this Temporary Table A-1.

2. Section 1429.19 (h) (1) (i) (c) is amended to read as follows:

(c) For a period of 60 days from January 26, 1944, the maximum base price for kosher-killed poultry items sold in the "New York metropolitan area"[2] shall be the maximum base price, as established by the other applicable provisions of this regulation, plus 1 cent per pound.

3. Section 1429.19 (h) (2) (ii) is amended to read as follows:

(ii) The neck and giblets may be included with and sold as part of either half of a "split carcass" poultry item or any quarter of a "quarter carcass" poultry item, or may be divided in any way among these portions.

4. Section 1429.19 (h) (2) (iii) is added to read as follows:

(iii) *Provided, however*, That "cut-up poultry" may be sold, at the prices established for, and in the portions designated in Temporary Table A-1 of this section.

5. Section 1429.19 (h) (2) (iv) is added to read as follows:

(iv) In all other cases, purchases and sales of drawn poultry items shall be made at prices not exceeding those established for the corresponding dressed poultry items in Table A of this section.

6. Section 1429.19 (i) (9) is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[2] "New York metropolitan area" means the city of New York, New York, and the counties of Nassau, Suffolk and Westchester in the State of New York and the counties of Essex, Hudson, and Union in the State of New Jersey.

[1] 8 F.R. 9395, 10569, 10967, 12443, 12611, 13294, 15251, 14853, 15586, 15607, 17369, 17370.
[2] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15606, 16031, 17371.
[3] 7 F.R. 10706, 10864, 11118; 8 F.R. 567, 856, 878, 2282, 3316, 3419, 3792, 6736, 9299, 10940, 11691, 13302, 13303, 13813, 14016, 15256, 14845, 15190, 16793.

(9) "Cut-up poultry" means drawn Grade "A" broilers and fryers, not exceeding 2½ pounds in drawn weight, from which the oil sac, kidneys and lungs have been removed before weighing for sale and the carcass of which has been dismembered or cut into portions in accordance with the following requirements:

(i) The wings of each poultry item must be disjointed and removed at the socket joint adjoining the breast and must contain all the wing meat;

(ii) The legs must be disjointed and removed at the hock joint and at the hip joint and must contain the complete thigh, all thigh meat, and the oyster, but shall not contain the illium or the ischium bones, or any part thereof;

(iii) The breast must be removed from the back by cutting alongside the exterior of the oyster socket (illium) and through the ribs at the point the ribs connect with the spinal vertebrae. No part of the wings, legs, back and neck bones, skin or meat or the gizzard, heart, or any other portion not breast may be sold as breast;

(iv) The back must contain the neck, vertebrae, backbone, oyster socket (illium), the ischium, and the meat, skin and bones of these parts.

7. Section 1429.19 (i) (10) is added to read as follows:

(10) The gizzard means the stomach of the bird.

8. Section 1429.19 (i) (11) is added to read as follows:

(11) "Raw poultry fat" means edible fat which is obtained from cleaned poultry fat tissues and which is free from all flesh and viscera.

9. Section 1429.19 (i) (12) is added to read as follows:

(12) "Rendered poultry fat" means fat obtained from pure poultry fat tissues which are free from other tissues and all foreign matter and which have been cleaned, deodorized or purified by settling, straining, filtering, treating with chemicals, or other such means, and which at the conclusion of the refining process do not contain any added substance. The "rendered poultry fat" must be pure, sweet, clean and free from adulteration, taint, sourness, rancidity, or foreign matter and must not have a moisture content in excess of 1%.

10. Section 1429.19 (i) (13) is added to read as follows:

(13) "Government inspected raw poultry fat" means "raw poultry fat" taken from "frozen eviscerated poultry" as defined in paragraph (i) (4) of this section.

11. Section 1429.19 (i) (14) is added to read as follows:

(14) "Government inspected rendered poultry fat" means "government inspected raw poultry fat" which satisfies the standards of "rendered poultry fat" as defined in paragraph (i) (12) of this section.

This amendment shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2345; Filed, February 15, 1944; 4:46 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 25]

PUERTO RICO; MISCELLANEOUS AMENDMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 20 Table 3 is amended by changing the prices of one item and by adding a new brand to the category "Canned fruit cocktail" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per can
Canned pears:				
Bartlett (Halves):				
Libby	Case of 24/#2½ cans	$6.95	$7.85	$0.42
Canned fruit cocktail:				
Libby	Case of 24/#2½ cans	7.10	8.00	0.43

2. Section 21 Table 4 is amended by adding the category "Prune juice" to read follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Prune juice:				
Sun-Rite	Case of 12/32 oz.	$3.55	$4.05	$0.44

3. Section 22 Table 6a is added to read as follows:

TABLE 6a.—MAXIMUM PRICES FOR CERTAIN PORK PRODUCTS

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
		Pound	*Pound*	*Per container (pound)*
Spiced meat:				
Cream City	Case of 9/64	$0.4250	$0.4625	$0.55

4. Section 24 Table 9 is amended by changing the prices of one item and by adding a new brand to the category "Tomato juice" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per unit
Tomato juice:				
Del Monte	Case of 12/47 oz. cans	$2.95	$3.95	$0.37
Martel	Case of 24/20 oz. cans	3.15	3.60	.20

5. Section 25 Table 10 is amended by adding four new items and by changing the prices of two types "Peas" and one brand "Canned tomatoes", all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Canned asparagus:				
Mammoth blended green point:				
S & W	Case of 24/#2 rd. tin	$8.90	$10.25	$0.55
Palmadale	Case of 24/#2 rd. tin	8.90	10.25	.55
Canned peas:				
Fancy garden sweet:				
Libby	Case of 24/#2 cans	2.60	4.10	.21
Medium sugar green:				
S & W	Case of 24/#2 cans	4.70	5.35	.27
Fancy #1 sieve sweet:				
Libby	Case of 24/#2 cans	3.90	4.45	.23
Spinach:				
Del Monte	Case of 24/#2½ cans	4.20	4.80	.26
Canned tomatoes:				
Standard:				
Gibbs	Case of 24/#2 cans	2.95	3.35	.18

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9582, 10766, 10906, 11437, 11847, 12549, 10937, 12682, 13165, 13847, 14090, 14765, 15195.

11. Section 42 Table 33d is amended by changing the prices of certain items to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per unit
Table salt:				
Sterling	Carton of 24/2# pkg.	$1.70	$1.90	$0.10
Sterling	Carton of 36/1½# pkg.	1.40	1.60	.08
Carey's	Carton of 24/1½# pkg.	1.40	1.60	.08
Jefferson	Carton of 36/1½# pkg.	1.40	1.60	.08

12. The footnote following the "Raw Milk" table in section 43 is amended to read as follows:

NOTE: The maximum price for milk sold in paper containers shall be the prices fixed in the above tables for milk sold in small containers plus 2¢ per quart as an allowance for the additional cost of the container.

• 13. Section 44 Table 36 is amended to read as follows:

TABLE 36—MAXIMUM PRICES FOR ALL GARLIC

	Sales to wholesalers (price per lb.)	Sales at wholesale (price per lb.)	Sales at retail
Garlic	$0.22	$0.25	($0.26 per lb. ($0.03 per head.

14. Section 45 Table 37 is amended by deleting the item "Beef, pickled or jerked," by adding the item "Jerked beef" and by adding a new item to the category "Pork," to read as follows:

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Jerked beef	$0.2370	$0.30	$0.30
Pork:			
Regular smoked ham:			
Tavo Real (boxed 10/12 avg.)	$0.38	.4125	.52

15. Section 47 Table 39 is amended by adding a new variety "Toilet soap" and "Cleanser" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per unit
Toilet soap:				
Palmolive	Carton 144/2 oz. bars	$5.35	$5.70	$0.06
Cleanser:				
Kay-Tee	Carton 48/13 oz. pkg.	2.60	2.75	.07

16. The footnote following section 52 Table 43 is amended to read as follows:

NOTE: A burlap bag used as a measure of content for sales of charcoal shall contain no less than 3 full five gallon tin measures. The 5 gallon tin must be undented and filled to capacity. The maximum price for charcoal sold in containers other than those specified above shall be a price proportionately computed on the basis of container of the nearest capacity.

17. Section 56 (a) is redesignated footnote 1 and amended, and footnotes 2 and 3 are added, all to read as follows:

FOOTNOTE 1: The prices specified include an allowance for bottle deposits at the rate of 35¢ per case of 24/12 oz.; 45¢ for a case of 24/22 oz.; 30¢ for a case of 12/32 oz.; and $5.00 per keg.

FOOTNOTE 2: Prices on sales by breweries to wholesalers or to retailers include delivery.

6. Section 26a is added to read as follows:

SEC. 26a. Maximum prices for Dominican beef sold or delivered in the Territory of Puerto Rico. (a) The maximum price for Dominican beef sold at retail in accordance with the classifications indicated in section 26 for Puerto Rican beef shall be the prices fixed for sales of beef from cattle slaughtered in Puerto Rico.

7. Section 29 Table 15 is amended by adding new varieties to read as follows:

Brand	Container, type and size	To wholesalers	At wholesale	At retail
		Per dozen containers	*Per dozen containers*	*Per container*
		$6.60	$6.60	$1.02
Export soda:				
Hurry	Cartons 6/48 pkg.			.31
Loose-Wiles:				
Cream Lunch	Cartons 24/1# pkg.	2.75	3.00	.47
Tom-Tom	Cartons 24/1# tin	4.15	4.55	.65
Oyster	Cartons 24/1# tin	4.15	4.55	.47
Lemon Snaps	Cartons 24/1# tin	4.15	4.55	.47
Animals	Cartons 24/1# tin	4.15	4.55	.50
Chocolate Nuggets	Cartons 18/1# tin	4.40	4.85	.47
Vanilla Wafers	Cartons 18/1# tin	4.15	4.55	.53

8. Section 32 Table 18 is amended by changing the prices of one item to read as follows:

Brand	Container, type and size	Sales to wholesalers	Sales at wholesale	Sales at retail
		Price per lb.	*Price per lb.*	*Price per lb.*
		$0.195	$0.21	$0.25
Shortening, hydrogenated, built				

9. Section 33a Table 19a is amended by adding a new type to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per unit
Sardines:				
Tomato sauce:				
Las Olas	Cartons 100/5 oz. can	$5.60	$6.15	$0.06

10. Section 36 Table 23 is amended by changing the prices of certain "Quaker" and "Flour" items and by adding the category "General Mills", all to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per unit
Quaker:				
Oats	Cartons 36/20 oz. tins	$6.75	$7.60	$0.27
Farina	Cartons 24/14 oz. pkg.	2.40	2.70	.15
Quaker	Cartons 12/14 oz. pkg.	1.20	1.35	.15
Flour:				
Aunt Jemima:				
Pancake	Cartons 24/20 oz. pkg.	3.20	3.60	.19
General Mills:				
Purity Instant Oats	Cartons 24/14 oz. pkg.	2.75	3.00	.16

22. Section 62 is added to read as follows:

SEC. 62. *Maximum prices for frosted foods.*

TABLE 54—FROSTED FOODS

Items and brand names	Unit	Price at wholesale	Price at retail
		Per package $0.17	*Per package* $0.25
Birdseye:			
Corn on Cob	2 ears to pkg		
Baked Beans	10 oz. pkg		
Rhubarb	10 oz. pkg		
Squash	10 oz. pkg		
Green Beans	10 oz. pkg	.20	.29
Corn cut	10 oz. pkg		
Spinach	10 oz. pkg		
Peas and Carrots	12 oz. pkg		
Mixed Vegetables	12 oz. pkg	.22	.31
Cauliflower	12 oz. pkg		
Peaches	10 oz. pkg		
Brussel Sprouts	10 oz. pkg	.26	.38
Broccoli	12 oz. pkg		
Lima Beans	10 oz. pkg		
Raspberries	12 oz. pkg		
Blueberries	12 oz. pkg	.30	.41
Mixed Fruits	10 oz. pkg		
Strawberries	10 oz. pkg		
Boysenberries	12 oz. pkg	.33	.44
Hook Lima Beans	10 oz. pkg		
Asparagus	12 oz. pkg	.35	.46

23. Section 63 is added to read as follows:

SEC. 63. *Maximum prices for chewing gum.*

TABLE 55—CHEWING GUM

	To wholesalers	At wholesale	At retail
All flavors:			
Cartons of 20 pkgs. of 5 sticks	$0.62	$0.65	($0.06 pkg. ($0.01 stick.
Cartons of 100 pkgs. 2 nuggets	.62	.65	$0.01 2 nuggets.

This amendment shall become effective February 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2354; Filed, February 17, 1944; 5:10 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 188,[1] Amdt. 26]

EDIBLE FATS AND OILS AND PICKLED FISH IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 188 is amended in the following respects:

1. Section 32 Table 18a is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 9632, 10768, 10966, 11437, 11847, 12549, 12937, 13033, 13165, 13647, 14090, 14765, 15195.

TABLE 18a—MAXIMUM PRICES FOR EDIBLE OILS

Brand	Container size and unit	To wholesaler	At wholesale	At retail
Olive oil				*Per unit*
Benedetto	12 ½-gallon cans	$43.00	$46.45	$4.64
Delizia	6 1-gallon cans	40.50	43.75	8.75
Ehmann	48 4½-ounce bottles	15.70	17.25	.45
Ehmann	24 ½-pint bottles	12.50	13.75	.72
Ehmann	12 1-quart bottles	20.20	22.20	2.30
Ehmann	4 1-gallon bottles	24.90	26.90	8.00
Iberia	12 ½-gallon tins	41.40	44.70	4.50
Iberia	24 ¼-gallon tins	42.05	45.40	2.30
Iberia	96 ⅛-gallon tins	44.05	47.55	.60
Oberti	12 32-ounce glass	22.40	24.20	2.52
Oberti	24 16-ounce glass	23.45	25.35	1.26
Romanza	24 1-pint tins	21.00	22.65	1.18
Smith Weihman	1 5-gallon tin	32.75	35.35	42.45
Torino	6 1-gallon glass	40.75	44.00	8.75
Torino	12 ½-gallon glass	41.45	44.75	4.45
Torino	24 ¼-gallon glass	42.45	46.00	2.30
Wrestler	6 ½-gallon glass	18.55	20.40	4.25
Wrestler	12 one-quart glass	19.05	20.95	2.18
Wrestler	12 one-pint glass	10.80	11.88	1.23
Ybarra	24 1.5-liters tins	78.20	82.90	4.00
Ybarra	8 5-liters	84.70	89.80	12.90
Vegetable oil				
Argo	4 1-gallon bottles	8.05	8.25	2.77
La Sultana	6 1-gallon bottles	13.00	14.35	3.00
La Sultana	4 1-gallon bottles	8.75	9.60	3.00
La Sultana	6 ½-gallon bottles	6.65	7.35	1.52
La Sultana	12 1-quart bottles	7.35	8.10	.85
La Sultana	24 12-ounce bottles	5.95	6.55	.34
La Sultana	24 8-ounce bottles	4.25	4.70	.24
La Sultana	24 4-ounce bottles	2.85	3.15	.16
La Campana	6 1-gallon bottles	13.00	14.35	3.00
La Campana	4 1-gallon bottles	8.75	9.60	3.00
La Campana	6 ½-gallon bottles	6.65	7.35	1.52
La Campana	12 1-quart bottles	7.35	8.10	.85
La Campana	24 12-ounce bottles	5.95	6.55	.34
La Campana	24 8-ounce bottles	4.25	4.70	.24
La Campana	24 4-ounce bottles	2.85	3.15	.16
Mazola	4 1-gallon jugs	7.00	7.70	2.45
Ricola	6 1-gallon tins	16.30	17.90	3.73
Massala	6 1-gallon tins	13.95	15.35	3.20
San Rocco	4 1-gallon jugs	7.45	8.20	2.85
San Leo	6 1-gallon cans	12.15	13.35	2.78
Ko-K-Mora	4 1-gallon glass	7.80	8.55	2.67
Liberty Maiza	5 1-gallon cans	9.00	9.90	2.05
Wilson	6 1-gallon cans	9.00	9.90	2.05
Clpo	24 1½ liter cans	31.35	33.55	1.69
Alher	24 1½ liter cans	21.40	23.10	1.20
Ellen White	6 1-gallon	9.80	10.75	2.20
Balbo (Green Label)	6 1-gallon glass	13.00	14.25	2.95

2. Section 33 Table 19 is amended to read as follows:

TABLE 19—MAXIMUM PRICES FOR DRIED, SEMI-DRIED, SMOKED OR PICKLED FISH IN BULK

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
If hard-dried, semi-dried or smoked	$0.14	$0.15	$0.18
Pickled herring	.0925	.105	.14
Pickled bonito fillet	.14	.1525	.19
Pickled salmon	.20	.2125	.25
Pickled codfish fillet	.17	.1625	.22
All other pickled fish (except those specified)	.0825	.095	.13

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2356; Filed, February 17, 1944; 5:10 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 12]

GARLIC IN THE VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 395 is amended in the following respect:

Section 21 Table VIII, item 3 is amended to read as follows:

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
3. Garlic (except string garlic)	¼ lb. or more, price per lb	$0.32	$0.32	$0.32
	Less than ¼ lb., price per head	.03	.03	.03

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 6621, 8673, 9996, 11438, 12621, 13345, 14144, 15865, 16062, 16298, 16793; 9 F.R. 1898.

This amendment shall become effective February 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2355; Filed, February 17, 1944; 5:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 95]

STORAGE OF PROPERTY

The statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (d) is added to section 8.2 to read as follows:

(d) *Storage of property, other than cold storage and other than tank storage of liquid commodities, for the War Department.* Maximum prices for the storage of property for the War Department (other than cold storage and other than tank storage of liquid commodities) and for services incidental thereto, except such storage and services which are exempt pursuant to § 1499.46 (b) (139) of Revised Supplementary Regulation No. 11, shall be (in the absence of a specific price in a regulation of the Office of Price Administration) the highest price charged for supplying or offering to supply the same service to a purchaser of the same class during March, 1942. If the same service was not supplied or offered to be supplied during March, 1942, the maximum price shall be a price agreed upon by the supplier of the service and the War Department, subject to the authority of the Office of Price Administration to modify or adjust such price at any time.

This amendment shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2357; Filed, February 17, 1944; 5:11 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1B,[1] Amdt. 5]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 1B is amended in the following respects:

Footnote 3: No increase which has occurred since April 30, 1943, in the f. o. b. price charged by the foreign seller will be taken into account in establishing maximum prices for imported liquors and beer; except that if the item is produced in the continental United States the importer shall furnish a letter from the appropriate office of the Office of Price Administration having jurisdiction over his supplier, or other satisfactory evidence that his supplier's price for the item does not exceed a supplier's maximum price for the sale established under applicable OPA regulations.

18. Section 56 Table 46 is amended by adding new items to read as follows:

Items and brands	Size	Importer-wholesaler	Retail—per unit
Scotch whiskies:			
Old Angus	Case of 12/5ths	$42.00	$4.75
American whiskies:			
Blended whiskey:			
Calvert Special	Case of 12/5ths	28.26	3.26
Table wines, Portugal:			
Bodegas Virgilio Gallegos:			
Tostado 4 Bocados	Case of 12/1	23.25	2.63
Tinto Mosteiro	Case of 12/1	16.00	1.85
Tinto Mosteiro	Case of 24/2	17.00	1.85
Blanco Mosteiro	Case of 12/1	16.00	1.85

19. Section 56 Table 47 is amended by transferring the prices for "Beer: Corona-India-Tropical, Kegs ½ and Kegs ¼" from the price to wholesalers column to the price at wholesale column.

20. Section 57 Table 50 is amended to real as follows:

TABLE 50—MAXIMUM PRICES FOR SHELL EGGS

Weight per dozen	From January 1 to May 31 (not delivered)	
	Per dozen	Per egg
Over 25 oz.	$0.60	$0.05
20 to 23 oz.	.48	.04

Note: On deliveries to the home the maximum price may be increased 1¢ per egg.

21. Section 60 Table 53 is amended by inserting the number "24" in the column "U. S. G. or G. S. G. No." after the item Galvanized Corrugated Steel Sheets, by adding two new items and a footnote to read as follows:

Description of Item	Sizes	U. S. G. or G. S. G. No.	Price at wholesale per hundred pounds	Price at retail per hundred pounds
Galvanized steel sheets	8 to 10 feet long	26	$5.90	$8.15
Galvanized steel sheets	12 feet long	26	6.00	8.25

Note: For plain brick siding, rock face brick siding or corrugated galvanized steel sheets of gauges and sizes other than those specified, the prices shall be determined on the basis of the gauge and size differentials appearing in the tables published by the Steel Export Association of America.

1. Section 2.12 is amended by the addition of a new paragraph (c) to read as follows:

(c) *Vehicle's condition.* If an applicant is applying for a new tire, he must satisfy the Board that the vehicle on which the tire is to be mounted is in such physical and mechanical condition as to permit the efficient operation of said vehicle for a period of time substantially equal to the normal life of such new tire.

2. Section 2.29 is amended by the addition of a new paragraph, (c), which reads as follows:

(c) *Temporary transfer, mounting and use of used tires not capable of being recapped.* A recapper may temporarily transfer, without certificate, to the holder of a recapping certificate a used tire not capable of being recapped to be mounted and used to replace a tire that is being recapped by such recapper: *Provided, however,* That no recapper shall make and no holder of a recapping certificate shall accept more than one transfer for each recapping certificate issued unless upon the written approval of the Director. Such tire temporarily transferred shall be returned to the transferor within three (3) days after the transferee has been notified that his tire has been recapped. A recapper who transfers used tires incapable of being recapped under the provisions of this paragraph shall not later than 24 hours after the transfer is made, give written notice to the Director of the Office of Price Administration for Puerto Rico, and to the local board which issued the recapping certificate, of the date of transfer, name of transferee, serial number, type, size and brand of tires so transferred, and not later than 24 hours after the return of the tires shall give similar notice of the date when said tires were returned to him.

This amendment shall become effective February 17, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719, WPB Directive No. 1, Supp. Dir. No. 1–J, as amended, 7 F.R. 562, 5043, 8731; Supp. Dir. No. 1–Q, as amended, 8 F.R. 2013 Rev. General Order No. 20, 8 F.R. 2416)

Issued this 12th day of February 1944.

JORGE L. CORDOVA,
Director, Office of Price Administration for Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator, Region IX.

[F. R. Doc. 44–2368; Filed, February 18, 1944; 11:17 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 471,[1] Amdt. 3]

LEGUME AND GRASS SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 471 is amended in the following respects:

1. Section 1.1 is amended to read as follows:

SECTION 1.1 *Prohibition against sales above maximum prices.* While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale or deliver any legume and grass seeds subject to this regulation at prices higher than the maximum prices specified in this Maximum Price Regulation 471, and no person in the course of trade shall buy, solicit, or receive such legume and grass seeds at a price higher than the maximum prices specified in this Maximum Price Regulation 471, and no person shall agree, solicit or attempt to do any of the foregoing.

2. Section 1.3 is amended to read as follows:

SEC. 1.3 *Applicability.* (a) Except as provided in paragraph (b) of this section, this regulation shall apply to all sales, whether for immediate or future delivery, within the 48 States and the District of Columbia of the United States of the following domestic and Canadian legume and grass seeds, viz; alfalfa, medium red and mammoth red clover, alsike clover, sweet clover and timothy; and processed seed mixtures in which one of said seeds is the principal component.

(b) This regulation shall have no application to any sale:

(1) Of State Certified processed seed of the following improved alfalfa varieties: Ranger, Buffalo and Atlantic;

(2) Of State Certified processed seed of the following improved red clover strains: Emerson, Van Fossen, Kirsh, Otten, Letcher, Kentucky 215, Rahn, Tennessee Anthracnose Resistant and Sanford;

(3) Of State Certified processed seed of the following improved timothy varieties: Marietta, Lorain, Milton, Cornell 1777, and Cornell 4059.

3. Section 1.4 (a) (5) is hereby revoked.

4. Section 1.4 (a) (6) is amended to read as follows:

(6) "Noxious weed seeds" for which discounts must be made in this regulation are seeds of *Lepidium draba, Lepidium repens* (Schrenk) *Boiss, Hymenophysa Pubescens C. A., Mey.*, white top; *Cirsium arvense Scop.*, Canada thistle; *Cuscuta spp.*, dodder; *Agropyron repens Beauv.*, quackgrass; *Sorghum halepense Pers.*, Johnson grass; *Convolvulus arvensis*, bindweed; *Centaurea picris Pall.*, Russian Knapweed; *Sonchus arvensis*, perennial sowthistle; *Eurphorbia esula*, leafy spurge; *Provided*, That these weed seeds are considered noxious and their rate of occurrence is such that labelling to show their presence is required by the laws and regulations of the State in which the legume or grass seeds in question are delivered (or by the Federal Seed Act, if delivered in the District of Columbia).

5. Section 1.4 (a) (9) is amended to read as follows:

(9) "Wholesaler" is a person:

(i) Who buys processed legume and grass seeds, unloads them into a warehouse and resells the same to retailers; or

(ii) A processor to the extent of sales by him to retailers from a warehouse, whether a part of or separate from his processing plant.

6. Section 1.4 (a) (10) is amended to read as follows:

(10) "Retailer" is a person:

(i) Who buys processed legume and grass seeds, resells the same to planters;

(ii) A processor to the extent of sales by him to planters from a warehouse whether a part of or separate from his processing plant; or

(iii) A wholesaler to the extent of sales by him to planters from a warehouse.

7. Section 1.4 (a) (14) is added to read as follows:

(14) "State Certified seed" is seed grown, inspected and certified to be of such class pursuant to the laws and regulations governing the official certifying agency of the State or foreign country where grown.

8. Section 1.4 (a) (15) is added to read as follows:

(15) "Estimated dockage" means inert matter, weed seeds and other crop seeds estimated to be in a lot of unprocessed legume and/or grass seeds. In estimating dockage, the person making the estimate shall take from the lot of unprocessed legume and/or grass seeds in question what is considered to be a representative sample under the Federal Seed Act, and remove as much dockage as possible therefrom by the use of one of the following types of hand-screens:

Seed	Screen sizes		
	Top	Middle	Bottom
Alfalfa	9/64"	5/64"	4/64"
Medium and Mammoth Red Clover	5/64" or 6/64" x 20/64"	5/64"	4/64"
Alsike Clover	5/64" or 6/64" x 20/64"	5/64"	4/64"
White Blossom Sweet Clover	5/64" or 6/64" x 20/64"	5/64"	4/64"
Yellow Blossom Sweet Clover	5/64" or 6/64" x 20/64"		4/64"
Timothy	30/64" or 36/64" x 20/64"	5/64"	4/64"

[1] 8 F.R. 13050, 13823.

*Copies may be obtained from the Office of Price Administration.

and, remove the remaining dockage in said representative sample by the hand separation method used by federal seed laboratories.

9. Section 1.4 (d) is added to read as follows:

(d) Whenever legume and grass seeds or mixtures of such seeds are sold in sacks or other containers, the maximum price shall be computed on the net weight of the seeds in the sacks or other containers.

10. Section 1.4 (e) is added to read as follows:

(e) Whenever a price is named in this regulation for unprocessed legume and grass seeds "sacked", the price shall be applied on the net weight of such seeds and the cost of any sacks furnished may be added thereto.

11. Section 1.6 is amended to read as follows:

SEC. 1.6 *Decreases for sales in bulk or buyer's sacks.* Whenever processed legume and grass seeds are sold in bulk or buyer's sacks, the maximum prices set forth in this regulation shall be decreased by the reasonable value (not exceeding any maximum price thereon) of the sacks which would be customarily used in a sale of a like quantity and quality in seller's sacks.

12. Section 2.1 (a) (3) is amended to read as follows:

(3) "Southern alfalfa seed" is alfalfa seed produced in places in the United States south of the places where central alfalfa seed is produced; and in Central and South America.

13. Section 2.6 (c) is amended to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of $7.00 per 100 pounds of seed for the sale of Grimm, Cossack, Ladak, Hardigan, Baltic, Orestan and Hardistan State Certified improved varieties of processed northern alfalfa seed.

14. Section 2.6 (d) is amended to read as follows:

(d) The prices set forth in paragraphs (a) and (b) may be increased per 100 pounds of seed for the sale of Grimm, Cossack, Ladak, Hardigan, Baltic, Orestan, and Hardistan improved varieties of Canadian registered or Canadian Government certified processed alfalfa seed as follows:

(1) $5.00 for Canadian Registered No. 1
(2) $4.00 for Canadian Registered No. 2
(3) $3.00 for Canadian Government Certified No. 1
(4) $2.00 for Canadian Government Certified No. 2

15. Section 2.7 (a) (4) is amended to read as follows:

(4) Less than 9 noxious weed seeds per pound.

16. Section 2.7 (c) is amended to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of $7.00 per 100 pounds of seed for the sale of Grimm, Cossack, Ladak, Hardigan, Baltic, Orestan and Hardistan State Certified improved varieties of processed central alfalfa seed.

17. Section 2.8 (c) is amended to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of $7.00 per 100 pounds of seed for the sale of Grimm, Cossack, Ladak, Hardigan, Baltic, Orestan and Hardistan State Certified improved varieties of processed southern alfalfa seed.

18. Section 3.5 (c) is added to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of $6.00 per 100 pounds of seed for the sale of Cumberland and Midland State Certified improved varieties of processed medium red clover seed.

19. Section 4.1 (a) is amended to read as follows:

(a) (1) The maximum price for the sale of unprocessed sweet clover seed, other than the Hubam variety, sacked, by a producer shall be $10.00 per 100 pounds (excluding estimated dockage), plus transportation charges on the gross weight of the lot actually incurred by the seller from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

(2) The foregoing maximum price may be increased at the rate of $5.00 per 100 pounds of seed for the sale of the Hubam variety of unprocessed sweet clover seed.

20. Section 4.5 (c) is added to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of $6.00 per 100 pounds of seed for the sale of Evergreen, Madrid, Spanish and Willamette State Certified improved varieties of processed sweet clover seed.

21. Section 4.5 (d) is added to read as follows:

(d) The foregoing maximum price may be increased at the rate of $5.00 per 100 pounds of seed for the sale of the Hubam variety of processed sweet clover seed.

22. Section 5.3 (a) is amended to read as follows:

(a) The maximum service charges of a country cleaner of timothy seed shall be $0.40 per 100 pounds of the lot of country cleaned seed in question.

23. The line in section 5.5 (a) (1) which reads:

1.50–2.00%----------.45

is changed to read:

1.51–2.00%----------.45

24. Section 6.1 (a) (1) is amended to read as follows:

(1) "Processed legume and grass seed mixture" is any mixture containing one or more kinds or varieties of processed legume and/or grass seeds subject to this regulation (except sweet clover seed) which is/or are present in excess of five percent of the whole.

25. Section 6.1 (a) (2) is amended to read as follows:

(2) "Processor" is one who processes a legume and grass seed mixture or who produces a mixture of processed legume and grass seed by mixing two or more kinds or varieties of legume and grass seeds into such mixture.

26. Section 6.1 (a) (3) is added to read as follows:

(3) Any mixture of seeds containing one of the seeds subject to this regulation in excess of 75 percent of the whole and one or more other seeds constituting less than 5 percent of the whole shall not be deemed a mixture, but shall be deemed seed of the class of the principal component, and priced accordingly.

27. Section 6.3 is amended to read as follows:

SEC. 6.3 *Maximum price for mixture of processed legume and grass seeds subject to this regulation.* (a) The maximum price of a processor for the sale of a mixture of two or more processed legume and/or grass seeds subject to this regulation (except sweet clover seed) per 100 pounds, sacked, shall be determined as follows:

(1) Determine the exact percentage of each processed legume and/or grass seed per 100 pounds of the mixture and multiply each of such percentages by the appropriate basic maximum price per 100 pounds, sacked, of the respective processed seeds in the mixture, according to their actual purity and germination.

(2) Add the results obtained in subparagraph (1) and deduct for the weed seed content and the noxious weed seed content in 100 pounds of mixture, the amounts which would be deducted therefor in computing a basic maximum price for a sale of 100 pounds of the principal component of the mixture.

(3) Add to the resultant figure all transportation charges by whomsoever paid in respect thereto including transportation charges to the plant where the unprocessed seeds were processed and where the processed seeds were mixed, and transportation charges from the place where mixed to said seller's point of delivery thereof by a usual route and method of transportation.

(b) The maximum price of a wholesaler for the sale of a mixture of processed legume and/or grass seeds subject to this regulation sacked, shall be a maximum margin, as hereinafter determined, per 100 pounds over the maximum price he could lawfully have paid for the lot in question (from out of which his sale is made) under paragraph (a) of this section delivered at his warehouse plus transportation charges from said warehouse to the buyer's receiving point by a usual route and method of transportation. Said maximum margin shall be determined by multiplying the exact percentage of each processed legume and/or grass seed in 100 pounds of the mixture by the appropriate maximum margins of a wholesaler for like sales of 100 pounds of the respective

processed legume and/or grass seeds in the mixture, sacked; and by totaling the results.

(c) The maximum price of a retailer for the sale of a mixture of processed legume and/or grass seeds subject to this regulation sacked, shall be a maximum margin, as hereinafter determined, per 100 pounds over the maximum price he could lawfully have paid for the lot in question (from out of which his sale is made) under paragraphs (a) or (b) of this section delivered at his store or other place of business plus transportation charges from said store or other place of business to the buyer's receiving point by a usual route and method of transportation. Said maximum margin shall be determined by multiplying the exact percentage of each processed legume and/or grass seed in 100 pounds of the mixture by the appropriate maximum margins of a retailer for like sales of 100 pounds of the respective processed legume and/or grass seeds in the mixture, sacked; and by totaling the results.

28. Section 6.4 is amended to read as follows:

SEC. 6.4 *Maximum price for other legume and grass processed seed mixtures.* The maximum price for the sale by any seller of any other legume and grass processed seed mixture in which one of the seeds subject to this regulation is present in excess of 75 percent of the whole, per 100 pounds, sacked, shall be the same as for a like sale by a like class of seller per 100 pounds, sacked, of the principal component of such mixture according to its purity and germination as actually occurring in 100 pounds of the mixture and with deduction for weed seed content and noxious weed seed content and other factors, if any (which would be made in such a sale of said principal component), actually present in 100 pounds of the mixture.

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 11, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-2370; Filed, February 18, 1944; 11:17 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15 to GMPR, Amdt. 20]

HARNESS AND SADDLERY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

Section 1499.75 (a) (5) is amended in the following respects:

1. The letter (i) is inserted after the caption "Harness and Saddlery."

2. Subdivision (ii) is added to read as follows:

(ii) Any manufacturer required to produce horse collars by Direction of the War Production Board, issued pursuant to paragraph (b) (2) of General Conservation Order M-310,[1] may apply for an adjustment of his maximum prices for horse collars. Such application will be granted if it is found by the Office of Price Administration that:

(a) Such prices will result in production of horse collars at a loss; or

(b) The profits currently realized by the manufacturer from his total operations are less than double those earned during the years 1936–1939 inclusive, or less than 3% of net sales, and his maximum prices for horse collars are less than the total cost of manufacturing and selling the horse collars plus 2% of such cost.

Any adjustment made will establish the following maximum prices for horse collars:

(c) A price equal to the total cost of manufacturing and selling the horse collar if the profits currently realized by the manufacturer from his total operations are 3% of net sales or over, *and* double those earned during the years 1936–1939 inclusive;

(d) A price equal to the total cost of manufacturing and selling the horse collars, plus 2% of such cost, if the profits currently realized by the manufacturer from his total operations are less than 3% of net sales or less than double those earned during the years 1936–1939 inclusive.

The Office of Price Administration may also adjust the maximum prices of purchasers for resale.

Applications may be made by filing a letter in duplicate with the Secretary, Office of Price Administration, Washington, D. C., referring to the Direction of the War Production Board and stating that the manufacturer is entitled to relief under the provisions of this subdivision.

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2371; Filed, February 18, 1944; 11:16 a. m.]

Chapter XIX—Defense Supplies Corporation

[Reg. 5]

PART 7005—MID-CONTINENT CRUDE COMPENSATORY ADJUSTMENTS

Sec.
7005.1 Definitions.
7005.2 Persons eligible to file claim.
7005.3 Filing claims for compensation.
7005.4 Inspection and payment of claims.
7005.5 Amount of compensatory adjustments.
7005.6 Effective date.

[1] 9 F.R. 940.

AUTHORITY: §§ 7005.1 to 7005.6, inclusive, issued under sec. 5d of the Reconstruction Finance Corporation Act, as amended, 52 Stat. 212, 54 Stat. 573; 15 U. S. C. 606 b; Defense Supplies Corporation Charter, 6 F.R. 2972.

§ 7005.1 *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) "District Two" means the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee and Wisconsin.

(b) "District Three" means the States of Alabama, Arkansas, Louisiana, Mississippi, New Mexico and Texas.

(c) "Crude" means crude petroleum.

(d) "Claim" means a claim under this regulation computed in accordance with the provisions hereof.

(e) "Person" means an individual, corporation, partnership, association or legal successor or representative of any of the foregoing, but shall not include the United States or any of its political subdivisions or any agency thereof, or any other Government or any of its political subdivisions or any agency thereof.

(f) "Applicant" means a person who files a claim for compensation pursuant to this regulation.

(g) "Barrel" means a quantity equal to 42 U. S. gallons of 231 cubic inches.

§ 7005.2 *Persons eligible to file claims.* Any person who receives crude shipped to such person from any point in District Three specified in Schedule A attached hereto to any point in District Two specified in such Schedule A, and who refines such crude at a refinery operated by such person at the point in District Two to which shipment is made, may file a claim for extra costs covered by this regulation, *Provided:*

(a) Such shipment is made solely by tank car directly from such point in District Three to such point in District Two without any intermediate storage, loading or unloading between such points:

(b) Such shipment is commenced from such point in District Three on or after December 4, 1943;

(c) Such shipment is made pursuant to a shipping schedule approved by the Petroleum Administration for War or is otherwise specifically approved by the Petroleum Administration for War and the volume of crude for which a claim is made does not exceed the quantity specified in the schedule or other approval of the Petroleum Administration for War; and

(d) The freight on such shipment is paid direct to the railroad carrier by such person.

§ 7005.3 *Filing claims for compensation*—(a) *Place of filing.* Claims shall be filed with Price, Waterhouse & Co., 33 North LaSalle Street, Chicago 2, Illinois.

(b) *Time of filing.* No claim may be made with respect to any shipment until such shipment is received at destination. Claims with respect to shipments received at destination during any calendar month shall be accumulated until the end of such month and shall be filed on or before the last day of the second calendar month following the month in which the shipments covered by such claims are received at destination.

(c) *Form of claim.* A separate claim shall be filed for each calendar month in which shall be included all shipments received at destination during such month. All claims shall be filed in quadruplicate on forms approved by Defense Supplies Corporation and shall be accompanied by:

(1) The bill of lading covering each shipment included therein showing the applicant as the consignee of such shipment;

(2) Receipted freight bill or such other evidence as may be satisfactory to Defense Supplies Corporation, showing payment by the applicant to the carrier of the railroad freight charges on such shipment;

(3) Copy of Petroleum Administration for War shipping schedule or other approval; and

(4) Supporting documents provided for in the form of claim except that information required in a claim need not be restated after such information has once been included in a previous claim filed pursuant to this regulation, provided reference is made to such previous claim.

§ 7005.4 *Inspection and payment of claims.* (a) If the Defense Supplies Corporation determines that a valid claim has been filed within the provisions of this regulation, then Defense Supplies Corporation will pay to the applicant the amount thereof. Defense Supplies Corporation may at any time make or cause to be made an examination or audit of any books, records and other supporting data as it may deem necessary to verify further the validity and correctness of any claim filed hereunder. If any claim which has theretofore been paid is found incorrect upon such examination or audit, then the amount of such payment shall be due and payable to Defense Supplies Corporation and shall be returned to it upon demand and without limitation of any other rights accruing to Defense Supplies Corporation. No further advances or payments shall be made to such applicant until such deficiency has been returned.

(b) Should any claim be rejected in whole or in part or should any applicant desire an interpretation of this regulation, the applicant may request Defense Supplies Corporation to reconsider its action or issue an interpretation. If the request is in connection with a rejected claim, it must be filed within thirty (30) days after such claim is rejected. Such request shall be addressed to Defense Supplies Corporation, 811 Vermont Avenue, N.W., Washington 25, D. C., and shall state clearly and concisely the questions involved and the applicant's views thereon. Upon the announcement of any decision or interpretation issued hereunder any applicant may within thirty (30) days apply to Defense Supplies Corporation for the right to modify or revise any claims theretofore filed which are affected by such decision or interpretation and which accrued within the period of ninety (90) days immediately preceding the first of the month following date when the decision or interpretation was announced. If Defense Supplies Corporation finds justification for reopening the claim it shall so notify the applicant and the latter may thereupon submit a new claim which shall be processed in the same manner as though submitted within the required time.

§ 7005.5 *Amount of compensatory adjustments.* The claim with respect to any shipment shall be in the amount per barrel specified in Schedule A attached hereto subject, however, to changes in rail freight rates as provided in said Schedule A. The number of barrels upon which freight is paid shall be the quantity with respect to which claim may be made on any shipment.

§ 7005.6 *Effective date.* This Regulation No. 5 shall become effective as of December 4, 1943.

Issued this 22d day of January 1944.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, JR.,
Executive Vice President.

SCHEDULE A

Compensation to be paid by Defense Supplies Corporation on rail movements of Crude from West Texas to refining points in Petroleum Administration for War District Two.

[Shown in dollars per barrel]

Destination	Origin		
	Levelland, Tex.	Midland, Tex.	McCamey, Tex.
Allen, Okla.	$0.7524	$0.7408	$0.8074
Alma, Mich.	.9018	1.0590	1.0790
Ardmore, Okla.	.7824	.7874	.4966
Arkansas City, Kans.	.7824	.7874	.7608
Augusta, Kans.	.7892	.7874	.7608
Barnsdall, Okla.	.7524	.7874	.8074
Bay City, Mich.	1.2405	1.3076	1.3276
Blue Island, Ill.	.6535	.8239	.7351
Bristow, Okla.	.7824	.7874	.8074
Canton, Ohio.	1.0229	1.0901	1.1101
Carson City, Mich.	.9018	1.0590	1.0790
Catlettsburg, Ky.	.8525	.9197	.9397
Centralia, Ill.	.6235	.6906	.7106
Coffeyville, Kans.	.7824	.7408	.8074
Chanute, Kans.	.6892	.7874	.7608
Cleveland, Ohio.	1.0229	1.0901	1.1101
Cleveland, Okla.	.7824	.7874	.8074
Cleves (Cincinnati) Ohio.	.9875	1.0547	1.0747
Cushing, Okla.	.7524	.7874	.8320
Cyril, Okla.	.6892	.7563	.8074
Drumright, Okla.	.7524	.7574	.8074
Duncan, Okla. (Beckett).	.7202	.7252	.8074
E. Chicago, Ind.	.6635	.8239	.7351
Dupo (E. St. Louis, Ill.)	.6067	.6274	.6785
Eldorado, Kans.	.6892	.7874	.7608
Enid, Okla.	.7824	.7408	.8074
Evansville, Ind.	.8843	.9204	.9404
Fairfield, Ill.	.6978	.7650	.7850
Findlay, Ohio.	.9590	1.0258	1.0458
Flat Rock, Mich. (Trenton).	.9808	1.0479	1.0679
Garnett, Kans.	.6892	.7408	.7608
Gary, Ind.	.7878	.8239	.8760
Grandfield, Okla.	.6425	.6786	.8074
Grand Rapids, Mich.	.9808	1.0279	1.0479
Heath, Ohio.	1.0851	1.1522	1.1722
Indianapolis, Ind. (Rock Island)	.9054	.9414	.9614
Kalamazoo, Mich.	.9808	1.0279	1.0479
Kansas City, Kans.	.7092	.7808	.8008
Latonia, Ky.	.9875	1.0547	1.0747
Lawrenceville, Ill.	.7878	.855	.875
Lemont, Ill.	.6635	.8239	.7351
Lima, Ohio.	.9736	1.0408	1.0608
Lockport, Ill.	.6635	.8239	.7351
Louisville, Ky.	.7483	.8154	.8354
McPherson, Kans.	.8446	.8961	.9161
Memphis, Tenn.	.5661	.5711	.5911
Midland, Mich.	1.2405	1.3076	1.3276
Mt. Pleasant, Mich.	.9018	1.0590	1.0790
Mt. Vernon, Ind.	$0.8221	$0.8893	$0.9093
Muskegon, Mich.	1.0568	1.1240	1.1440
Nashville, Tenn.	.7304	.7354	.7554
Neodesha, Kans.	.7358	.7408	.8074
Oklahoma City, Okla.	.7824	.7874	.6320
Pana, Ill.	.7323	.7839	.8039
Phillipsburg, Kans.	1.1396	1.1914	1.2114
Ponca City, Okla.	.7824	.7874	.7608
Potwin, Kans.	.7358	.7874	.8074
Pryse, Ky.	1.1926	1.1976	1.2176
Robinson, Ill.	.7878	.855	.875
St. Elmo, Ill.	.7478	.815	.835
St. Louis, Mich.	1.2405	1.3076	1.3276
Saginaw, Mich.	1.2405	1.3076	1.3276
Salem, Ill.	.6235	.6906	.7106
Sand Springs, Okla.	.7824	.7408	.8074
Shallow Water, Kans.	.9223	1.1293	1.2736
Sheboygan, Wis.	.8359	.8875	.9075
Stroud, Okla.	.7824	.7874	.8074
Toledo, Ohio.	1.0108	1.0779	1.0979
Trenton, Mich. (Earhart Sta.).	.9808	1.0479	1.0679
Troy, Ind.	.7843	.8204	.8404
Tulsa, Okla.	.7824	.7408	.8074
W. Branch, Mich.	1.4270	1.4630	1.4830
Whiting, Ind.	.6835	.8439	.7551
Wichita, Kans.	.6892	.7408	.7608
Wood River, Ill.	.6067	.6274	.6785
Wynnewood, Okla.	.7824	.7874	.4966

NOTE: The rates contained in this schedule are based in part upon tank car tariff rates between the points listed which were in effect on December 4, 1943. In the event of any change in such tariff rates, Defense Supplies Corporation reserves the right to make corresponding adjustment in the rates listed above, effective from the date of the tariff change.

[F. R. Doc. 44-2307; Filed, February 17, 1944; 10:29 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 629, et al.]

NORTHWEST AIRLINES, INC., ET AL.

NOTICE OF HEARING

Applications for certificates and amendments of existing certificates of public convenience and necessity, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on February 28, 1944, at 10:00 a. m. (eastern war time), in Conference Room A, Departmental Auditorium, Constitution Avenue between 14th Street and 12th Street NW., before Assistant Chief Examiner Francis W. Brown and Examiner William F. Cusick.

Dated: Washington, D. C., February 15, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-2366; Filed, February 18, 1944; 10:31 a. m.]

SCHEDULE A—Continued

Compensation to be paid by Defense Supplies Corporation on rail movements of Crude from West Texas to refining points in Petroleum Administration for War District Two.

[Shown in dollars per barrel]

Destination	Origin		
	Levelland, Tex.	Midland, Tex.	McCamey, Tex.
Mt. Vernon, Ind.	$0.8221	$0.8893	$0.9093
Muskegon, Mich.	1.0568	1.1240	1.1440
Nashville, Tenn.	.7304	.7354	.7554
Neodesha, Kans.	.7358	.7408	.8074
Oklahoma City, Okla.	.7824	.7874	.6320
Pana, Ill.	.7323	.7839	.8039
Phillipsburg, Kans.	1.1396	1.1914	1.2114
Ponca City, Okla.	.7824	.7874	.7608
Potwin, Kans.	.7358	.7874	.8074
Pryse, Ky.	1.1926	1.1976	1.2176
Robinson, Ill.	.7878	.855	.875
St. Elmo, Ill.	.7478	.815	.835
St. Louis, Mich.	1.2405	1.3076	1.3276
Saginaw, Mich.	1.2405	1.3076	1.3276
Salem, Ill.	.6235	.6906	.7106
Sand Springs, Okla.	.7824	.7408	.8074
Shallow Water, Kans.	.9223	1.1293	1.2736
Sheboygan, Wis.	.8359	.8875	.9075
Stroud, Okla.	.7824	.7874	.8074
Toledo, Ohio.	1.0108	1.0779	1.0979
Trenton, Mich. (Earhart Sta.).	.9808	1.0479	1.0679
Troy, Ind.	.7843	.8204	.8404
Tulsa, Okla.	.7824	.7408	.8074
W. Branch, Mich.	1.4270	1.4630	1.4830
Whiting, Ind.	.6835	.8439	.7551
Wichita, Kans.	.6892	.7408	.7608
Wood River, Ill.	.6067	.6274	.6785
Wynnewood, Okla.	.7824	.7874	.4966
Allen, Okla.	$0.7524	$0.7408	$0.8074
Alma, Mich.	.9018	1.0590	1.0790
Ardmore, Okla.	.7824	.7874	.4966
Arkansas City, Kans.	.7824	.7874	.7608
Augusta, Kans.	.7892	.7874	.7608
Barnsdall, Okla.	.7524	.7874	.8074
Bay City, Mich.	1.2405	1.3076	1.3276
Blue Island, Ill.	.6535	.8239	.7351
Bristow, Okla.	.7824	.7874	.8074
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Catlettsburg, Ky.	.8525	.9197	.9397
Centralia, Ill.	.6235	.6906	.7106
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Cleveland, Ohio.	1.0229	1.0901	1.1101
Cleveland, Okla.	.7824	.7874	.8074
Cleves (Cincinnati) Ohio.	.9875	1.0547	1.0747
Cushing, Okla.	.7524	.7874	.8320
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Findlay, Ohio.	.9590	1.0258	1.0458
Flat Rock, Mich. (Trenton).	.9808	1.0479	1.0679
Garnett, Kans.	.6892	.7408	.7608
Gary, Ind.	.7878	.8239	.8760
Grandfield, Okla.	.6425	.6786	.8074
Grand Rapids, Mich.	.9808	1.0279	1.0479
Heath, Ohio.	1.0851	1.1522	1.1722
Indianapolis, Ind. (Rock Island)	.9054	.9414	.9614
Kalamazoo, Mich.	.9808	1.0279	1.0479
Kansas City, Kans.	.7092	.7808	.8008
Latonia, Ky.	.9875	1.0547	1.0747
Lawrenceville, Ill.	.7878	.855	.875
Lemont, Ill.	.6635	.8239	.7351
Lima, Ohio.	.9736	1.0408	1.0608
Lockport, Ill.	.6635	.8239	.7351
Louisville, Ky.	.7483	.8154	.8354
McPherson, Kans.	.8446	.8961	.9161
Memphis, Tenn.	.5661	.5711	.5911
Midland, Mich.	1.2405	1.3076	1.3276
Mt. Pleasant, Mich.	.9018	1.0590	1.0790

NOTE: The rates contained in this schedule are based in part upon tank car tariff rates between the points listed which were in effect on December 4, 1943. In the event of any change in such tariff rates, Defense Supplies Corporation reserves the right to make corresponding adjustment in the rates listed above, effective from the date of the tariff change.

[F. R. Doc. 44-2307; Filed, February 17, 1944; 10:29 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 629, et al.]

NORTHWEST AIRLINES, INC., ET AL.

NOTICE OF HEARING

Applications for certificates and amendments of existing certificates of public convenience and necessity, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on February 28, 1944, at 10:00 a. m. (eastern war time), in Conference Room A, Departmental Auditorium, Constitution Avenue between 14th Street and 12th Street NW., before Assistant Chief Examiner Francis W. Brown and Examiner William F. Cusick.

Dated: Washington, D. C., February 15, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-2366; Filed, February 18, 1944; 10:31 a. m.]

[Docket No. 1106]

WESTERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Western Air Lines, Inc., for approval of the acquisition of control by Western Air Lines, Inc., of Inland Air Lines, Inc., and approval of the merger of Inland Air Lines, Inc., into Western Air Lines, Inc., or the purchase by Western Air Lines, Inc., of all the assets of Inland Air Lines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 of said Act, in the above-entitled proceeding, that oral argument is assigned for February 22, 1944, at 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., February 16, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44-2365; Filed, February 18, 1944; 10:31 a. m.]

[Docket No. SA-89]

ACCIDENT OCCURRING NEAR MEMPHIS, TENN.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC21767 which occurred near Memphis, Tennessee, on February 10, 1944.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Tuesday, February 22, 1944, at 10:00 a. m. (c. w. t.) in the Federal Courtroom, Custom House, Memphis, Tennessee.

Dated at Washington, D. C., February 18, 1944.

[SEAL] W. K. ANDREWS, *Presiding Officer.*

[F. R. Doc. 44—2382; Filed, February 18, 1944; 11:46 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-525]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

NOTICE OF APPLICATION

FEBRUARY 17, 1944.

Notice is hereby given that on February 10, 1944, the Kansas-Nebraska Natural Gas Company, Inc., a Kansas corporation having its principal places of business in Phillipsburg, Kansas, and Hastings, Nebraska, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the facilities hereinafter described, and to effect an interconnection between the proposed pipe line and the line of the Central Gas Utilities Company at a point near Wakeeney in Trego County, Kansas.

Applicant proposes to construct and operate an 18-inch natural-gas pipe line approximately 44 miles in length to be constructed from a point in Section 5, Township 25 South, Range 35 West, in Kearny County, Kansas, thence in a generally northeasterly direction to the compressor station of Applicant located in the southwest ¼ of Section 16, Township 18 South, Range 33 West, being approximately four miles west of Scott City, in Scott County, Kansas; a 12¾-inch natural-gas pipe line approximately 115 miles in length to be constructed from said compressor station, thence in a generally northeasterly direction to the present compressor station of Applicant west of Stockton in Rocks County, Kansas; an 8⅝-inch natural-gas pipe line approximately 15 miles in length to be constructed from its Stockton compressor station, in a northerly direction; and appurtenant facilities including the installation of four additional 500-horsepower compressor units in certain of its compressor stations, together with additions to its dehydrating plant situated at its Scott City compressor station. The proposed natural-gas pipe lines after leaving Scott City compressor station will continue through Scott County and into and through the Counties of Lane, Gove, Trego, Graham, Rocks, and into Phillips County, Kansas.

Applicant states that due to the decline of the natural gas reserves in the Otis Field in the State of Kansas, it is necessary to augment its present supply of natural gas by making available reserves in the Hugoton Field in the State of Kansas, by construction of the proposed facilities, in order to assure continuity of adequate service for war, defense and essential civilian requirements in the areas in the States of Kansas and Nebraska now served by Applicant, which embraces 95 communities with an aggregate population of approximately 150,000.

Applicant asserts it does not have any present plan to sell and deliver, through the facilities above described, natural gas to any communities or customers now served with natural gas by any other natural gas company.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 4th day of March, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44-2361; Filed, February 18, 1944; 9:22 a. m.]

[Docket No. IT-5625]

THE MONTANA POWER COMPANY

ORDER FIXING PLACE OF HEARING AND PROVIDING FOR COOPERATIVE PROCEDURE

FEBRUARY 16, 1944.

(a) The Federal Power Commission, having heretofore by orders of December 28, 1943, and January 18, 1944, provided that a hearing in the above-entitled matter should be held commencing March 13, 1944, at 9:45 a. m., M. W. T., in the State of Montana, and having provided that the Public Service Commission of the State of Montana might participate in the hearing as provided in Part 39 of the Federal Power Commission's rules of practice and regulations which embodies the procedure agreed upon with the National Association of Railroad and Utilities Commissioners;

(b) The Public Service Commission of the State of Montana, by its orders of January 6, 1944, and January 18, 1944, In the Matter of the Reclassification of Accounts of The Montana Power Company, having set a hearing therein for February 28, 1944, at its offices at Helena, Montana; and

(c) On February 7 and 8, 1944, a majority of the members of the Public Service Commission of Montana having conferred, as contemplated by the above-mentioned agreement, with the Federal Power Commission and having expressed their purpose to have the Montana Commission participate with the Federal Power Commission in a joint hearing as hereinafter provided;

The Commission orders that:

(A) The hearing in the above-referred-to proceedings shall be conducted as a joint hearing, commencing March 13, 1944, at 9:45 a. m., M. W. T., in the Court Room of the District Court of the United States for the District of Montana, Federal Building, Butte, Montana.

(B) The joint hearing shall be presided over by a representative of the Federal Power Commission, designated in the usual manner, and the Chairman of the Montana Commission (together hereinafter referred to as "presiding officers"), but any member of either Commission may sit with them at any time.

(C) The presiding officers may by joint announcement provide that rulings announced by one shall be deemed concurrent rulings of both except where divergent rulings shall separately be announced. The record of the proceedings shall show the joint hearing as constituting the hearing of each Commission except that, if divergent rulings are made, the record shall be so reported as to separate and distinguish clearly the proceedings of the respective Commissions in accordance with the rulings of their respective presiding officers. In case the ruling of one presiding officer has the effect of admitting any voluminous exhibit or extensive testimony, excluded by ruling of the other presiding officer, the taking of such evidence will be deferred until after the completion of all proceedings which can be conducted under concurrent rulings. In all other respects the hearing shall be conducted upon behalf of the Federal Power Commission as provided for in the Federal Power Act and the rules of practice and procedure prescribed thereunder, it being intended that each Commission shall control its own record and adopt its own separate final order thereon. Before either Commission enters any such order, opportunity will be afforded for conference between the Federal Power Commission and the Public Service Commission of Montana.

(D) All provisions of this order shall apply to the incorporation of the portion of the testimony of C. F. Kelley and W. D. Thornton heretofore taken on deposition and the cross-examination of said C. F. Kelley and W. D. Thornton, which shall be completed at said hearing.

(E) The hearing may be adjourned from time to time and place to place by the presiding officers.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44-2363; Filed, February 18, 1944; 9:50 a. m.]

MARITIME WAR EMERGENCY BOARD.

[Decisions 1A, 3A and 5A, Amdt. 2]

LIFE AND DISABILITY WAR RISK INSURANCE

MISCELLANEOUS AMENDMENTS

The Maritime War Emergency Board has determined that the Second Seamen's War Risk Policy attached to Decision 1A and referred to in Decisions 3A and 5A (8 F.R. 3455 et seq.) shall be amended to correct certain injustices and cases of hardship arising under and by virtue of the terms of such policy which have developed in the administration thereof during the period since its adoption on March 15, 1943. Pursuant to the provisions of such decisions, the Administrator of War Shipping Administration has concurred in such of the amendments set forth below as the Board has determined should be made retroactive. The Board, therefore, today announces the amendment of the Second Seamen's War Risk Policy in the following respects:

A. In Article 3, in the paragraph added by Amendment 1 to Decisions 1A, 3A and 5A, dated April 23, 1943, delete the word "structural".

This amendment shall become effective at 12:01 a. m. February 15, 1944, as to risks and perils covered thereby occurring on or after such date.

B. In Article 3, at the end of the paragraph added by Amendment 1 to Decisions 1A, 3A and 5A, dated April 23, 1943, add the following sentence:

The word "vessel" shall include any waterborne conveyance used to transport the insured to and from the vessel on which he is employed, and shall also include any airborne conveyance used to transport the insured pursuant to instructions or permission of War Shipping Administration or its agents.

This amendment shall be retroactive to 12:01 a. m. April 24, 1943, as to risks and perils covered thereby occurring on or after such date.

C. In Article 12, paragraph A, subparagraph (1), delete the words "$100 a month" and substitute the following words:

$150 a month, *Provided, however*, That during any part of such period when the insured is hospitalized he shall be paid benefits at the rate of $100 a month.

In Article 12, paragraph A, subparagraph (2) delete the words "$100 a month" and substitute the following words:

$150 a month or $100 a month, as the case may be,

In Article 12, paragraph A, subparagraph (3) delete the words "$100 a month" and substitute the following words:

$150 a month or $100 a month, as the case may be,

In Article 12, paragraph B, subparagraph (2) (b), delete "$100" and substitute the following words:

$150 or $100, as the case may be,

In Article 12, Paragraph B, subparagraph (3), delete "$100" and substitute the following words:

$150 or $100, as the case may be,

This amendment shall be effective at 12:01 a. m. February 15, 1944, as to all disability benefits covered thereby payable on or after such date.

D. In article 12, paragraph B, subparagraph (1) (d) delete "40%" and substitute "50%," and in subparagraph (1) (e) delete "35%" and substitute "45%."

This amendment shall be retroactive to 12:01 a. m. March 15, 1943, as to all dismemberment benefits covered thereby payable on or after such date.

E. In Article 15, paragraph A, delete the words "tools or similar professional equipment."

This amendment shall be effective at 12:01 a. m. February 15, 1944, as to all losses covered thereby occurring on or after such date.

F. In Article 17, paragraph A, at the end of the second sentence in the second paragraph add the following words:

and provided further that no payment shall be made to an allottee for any fractional allotment period between the last regular allotment date and date when such monthly benefits terminate.

This amendment shall be effective at 12:01 a. m. February 15, 1944, as to all benefits covered thereby payable on or after such date.

G. In Article 17, paragraph A, in the third sentence of the second paragraph after the word "Conditions" add the following words:

(for the purpose of this paragraph the words "widow" and "widower" as used in subdivision (3) shall mean "wife" and "husband" respectively)

This amendment shall be effective at 12:01 a. m. February 15, 1944, as to all benefits covered thereby payable on or after such date.

H. In Article 17, paragraph B delete the words "but for no longer than two years."

Delete paragraph D.

Delete paragraph G and substitute the following:

G. If the insured, upon his return to the United States (excluding Alaska), shall be entitled to receive under paragraph A or B or C, Article 17 hereof, benefits exceeding a sum equal to twelve months' basic wage (including special emergency wage), payment of a sum equal to twelve months' basic wage (including special emergency wage) shall be made to the insured forthwith. Any unpaid balance of such benefits shall be paid to the insured in monthly installments equivalent in amount to such monthly benefits until paid in full. In determining the amount which the insured is entitled to receive in a lump sum, as aforesaid, benefits paid to his allottees or to the persons named in subdivision (3), paragraph A, Article 7 hereof, shall not be considered. Payments to an allottee or to schedule beneficiaries shall not be made after the date of arrival of the insured at a continental United States port, and all payments thereafter shall be made only to the insured: *Provided, however*, That if the insured dies after his arrival and while he is receiving monthly payments as above set forth, such monthly payments shall thereafter be paid to his allottees or to schedule beneficiaries until paid in full.

This amendment shall be retroactive to 12:01 a. m. March 15, 1943, as to all benefits covered thereby payable on or after such date.

I. In Article 17, paragraph C, subparagraphs (d) and (e) delete the words "or (e) Three months shall have elapsed" and insert at the end of subparagraph (d) the words "whichever first occurs,".

At the end of paragraph C delete the following words:

and following the expiration of such three months period, whichever first occurs.

This amendment shall be effective at 12:01 a. m. February 15, 1944 as to all benefits covered thereby payable on or after such date.

J. In Article 17 delete paragraph H and substitute the following:

H. The right of the insured to be paid benefits or to have benefits paid on his account, under Paragraphs A, B, or C, Article 17 hereof, shall be conditioned upon the insured being alive during the period such benefits accrued or were paid: *Provided, however*, That benefits payable for the account of the insured to allottees or schedule beneficiaries shall always be paid in full to the date of establishment of death or presumed death of the insured as determined under Paragraph C, Article 17 hereof. Such benefits under no circumstances shall be paid or considered payable to heirs, executors or administrators of the insured or of any allottee or schedule beneficiary of the insured.

This amendment shall be effective at 12:01 a. m. February 15, 1944, as to all benefits covered thereby payable on or after such date.

Dated: February 4, 1944.

MARITIME WAR EMERGENCY BOARD,
EDWARD MACAULEY, *Chairman.*
JOHN R. STEELMAN.
FRANK P. GRAHAM.

[F. R. Doc. 44-2379; Filed, February 18, 1944; 11:24 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR–188, Order 1265]

Oconee Rug Co.

APPROVAL OF MAXIMUM PRICES

Order No. 1265 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of tufted rugs by the Oconee Rug Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Oconee Rug Company, Bogart, Georgia, may sell and deliver the fabrics listed herein at prices no higher than those set forth below:

Oconee Shag (size):	*Sales to retail stores*
21 x 32	$1.85
24 x 36	2.35
24 x 44	3.35
24 x 48	3.85
27 x 54	4.65
30 x 60	5.90

The above prices are subject to discount of 18% for sales to distributors, and to cash terms of 5% 10 days E.O.M. or 4% 10 days 60 days extra dating, f. o. b. Bogart, Georgia.

(b) Any person may sell at wholesale the fabrics listed in paragraph (a) at prices no higher than the maximum prices established in paragraph (a) for sales by Oconee Rug Company to retail stores. These prices are subject to the seller's customary discount, allowances, and other price differentials.

(c) At any time prior to the first invoice to each purchaser for resale, Oconee Rug Company shall notify the purchaser of the maximum prices and the conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1265, may be revoked or amended by the Administrator at any time.

This order shall become effective on the 19th day of February 1944.

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2374; Filed, February 18, 1944; 11:16 a. m.]

[MPR 188, Order 1266]

Peach Rug Co.

APPROVAL OF MAXIMUM PRICES

Order No. 1266 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of tufted rugs by Peach Rug Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, *It is hereby ordered:*

(a) Peach Rug Co., Athens, Georgia, may sell and deliver the fabrics listed herein at prices no higher than those set forth below:

Peach Shag (size):	*Sales to retail stores*
21 x 32	$1.85
24 x 36	2.35
24 x 44	3.35
24 x 48	3.85
27 x 54	4.65
30 x 60	5.90

The above prices are subject to discount of 18% for sales to distributors, and cash terms of 5% 10 days E. O. M. or 4% 10 days 60 days extra dating, f. o. b. Athens, Georgia.

(b) Any person may sell at wholesale the fabrics listed in paragraph (a) at prices no higher than the maximum prices established in paragraph (a) for sales by Peach Rug Co. to retail stores. These prices are subject to the seller's customary discount, allowances, and other price differentials.

(c) At any time prior to the first invoice to each purchaser for resale, Peach Rug. Co. shall notify the purchaser of the maximum prices and the conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1266 may be revoked or amended by the Administrator at any time.

This Order No. 1266 shall become effective February 19, 1944.

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2375; Filed, February 18, 1944; 11:15 a. m.]

[MPR 188, Order 1267]

C & M Rug Company

APPROVAL OF MAXIMUM PRICES

Order No. 1267 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of tufted rugs by the C & M Rug Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, *It is hereby ordered:*

(a) C & M Rug Company, Tuscaloosa, Alabama, may sell and deliver the fabrics listed herein at prices no higher than those set forth below:

C & M Shag (size):	*Sales to retail stores*
21 x 32	$1.85
24 x 36	2.35
24 x 44	3.35
24 x 48	3.85
27 x 54	4.65
30 x 60	5.90

The above prices are subject to discount of 18% for sales to distributors, and to cash terms of 5% 10 days E. O. M. or 4% 10 days 60 days extra dating f. o. b. Tuscaloosa, Alabama.

(b) Any person may sell at wholesale the fabrics listed in paragraph (a) at prices no higher than the maximum prices established in paragraph (a) for sales by C & M Company to retail stores. These prices are subject to the seller's customary discount, allowances, and other price differentials.

(c) At any time prior to the first invoice to each purchaser for resale, C & M Rug Company shall notify the purchaser of the maximum prices and the conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1267 may be revoked or amended by the Administrator at any time.

This order shall become effective February 19, 1944.

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2376; Filed, February 18, 1944; 11:16 a. m.]

[RMPR 122, Amdt. 4 to Rev. Order 47]

Solid Fuels in Washington, D. C., and Alexandria, Va., Area

APPROVAL OF MAXIMUM PRICES

Amendment No. 4 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers: Maximum prices for solid fuels in the Washington Area and Alexandria, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered.* That Order No. 47 be amended in the following respect:

In paragraph (e) and after the prices for "direct delivery" sales to persons reselling bagged coal, the following sentence is added:

The prices for direct delivery sales to persons reselling bagged coal shall be reduced by one cent, respectively, when sales of the same bagged coals are made at the dealer's yard to persons reselling bagged coal.

This Amendment No. 4 to Revised Order No. 47 shall become effective February 19, 1944.

(56 Stat 23, 765; Pub. Law. 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2372; Filed, February 18, 1944; 11:15 a. m.]

[MPR 64, Order 131]

King Stove and Range Co.

APPROVAL OF MAXIMUM PRICES

Order No. 131 under Maximum Price Regulation No. 64. Domestic cooking and heating stoves. Approval of maximum prices for sales of Model No. 190 King-O-Heat Magazine Coal Heater manufactured by the King Stove and Range Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order Nos. 9250 and 9328, and in accordance with sections 7 and 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) King Stove and Range Company, Sheffield, Alabama, may sell and deliver the Model No. 190 King-O-Heat Magazine Coal Heater which it manufactures at prices no higher than the following:

To wholesale distributors, $23.95 per unit in carload lots.
To wholesale distributors, $27.32 per unit in less than carload lots.
To dealers, $29.45 per unit in carload lots.
To dealers, $32.82 per unit in less than carload lots.

These prices are for sales and deliveries made within the area described in section (e) below, and include delivery to the dealer or distributor. These prices are also subject to discounts, allowances and terms no less favorable than those granted with respect to the maximum price for the comparable Model No. 19 King Oak Heater as established under Revised Price Schedule No. 64.

(b) Any wholesale distributor may sell and deliver to dealers the Model No. 190 King-O-Heat Magazine Coal Heater manufactured by the King Stove and Range Company at a price no higher than $32.00 per unit. This price is for sales and deliveries made within the area described below in section (e) and includes delivery to the dealer.

(c) Any person may sell and deliver at retail the Model No. 190 King-O-Heat Magazine Coal Heater manufactured by King Stove and Range Company at a price no higher than $49.50 per unit. This price is for sales made within the area described below in section (e).

(d) At the time of or prior to the first invoice to each purchaser for resale, King Stove and Range Company shall notify the purchaser of the maximum prices and conditions set by this order for resale by the purchaser. This notice shall be given in any convenient form. In addition, King Stove and Range Company shall, before delivering any Model No. 190 King-O-Heat Magazine Coal Heater, attach securely to each coal heater, a tag or label which plainly states the maximum retail selling price established by this order. This tag or label shall be attached to the front of the heater and should contain the words "Retail Ceiling Price—$49.50."

(e) The maximum prices established by this order are for sales and deliveries of the Model No. 190 King-O-Heat Magazine Coal Heater only within the District of Columbia and all states except Arizona, California, Colorado, Connecticut, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, Oregon, Rhode Island, Utah, Vermont, Washington and Wyoming.

(f) This Order No. 131 may be revoked or amended by the Price Administrator at any time.

This Order No. 131 shall become effective February 19, 1944.

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2373; Filed, February 18, 1944; 11:15 a. m.]

Regional and District Office Orders.

[Wyoming Order G–1 Under 3 (c)]

Electric Dry Cell Batteries Purchased by Jack's Appliance and Furniture Co., Cheyenne, Wyo.

Order No. G–1 issued under § 1499.3 (c) of the General Maximum Price Regulation. Order establishing maximum prices for electric dry cell batteries purchased by Jack's Appliance and Furniture Company, Cheyenne, Wyoming. Docket No. 7–W–1–3 (c)–7–46.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director by General Order No. 32, as amended, and Region VII Delegation Order No. 4, under § 1499.3 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum prices for electric dry cell batteries on sale at retail.* The maximum price on sale at retail in Wyoming to be charged by Jake Hayutin and Sons, d/b/a, Jack's Appliance and Furniture Company, 1706 Capitol Avenue, Cheyenne, Wyoming, and by all sellers subsequent to said Jake Hayutin and Sons for any electric dry cell battery which has been purchased from or through Brigham Harbertson and James Harbertson of Ogden, Utah, shall be 80 percent of the highest retail list price of the nearest comparable new Burgess, General, National or Ray-O-Vac electric dry cell battery made and sold for civilian use.

(b) *Maximum prices for electric dry cell batteries on sale other than at retail.* The maximum price for sales in Wyoming other than at retail to be charged by Jack's Appliance and Furniture Company and all subsequent sellers for any electric dry cell battery which has been purchased from or through Brigham Harbertson and James Harbertson of Ogden, Utah, shall be 80 percent of the highest retail list price of the nearest comparable new battery as determined under the provisions of this order, less a discount of 30 percent and 10 percent when sold to jobbers, or less a discount of 30 percent and a discount for cash of 2 percent when sold to retailers.

(c) *Description of electric dry cell batteries covered by this order.* This order relates to the maximum prices of only those electric dry cell batteries which were purchased from or through said Brigham Harbertson and James Harbertson of Ogden, Utah, and which, previous thereto, had been owned by the Utah Army Services Depot at Hill Field, Utah. Furthermore, this order applies only to the electric dry cell batteries above described which are at the time of sale in a usable condition, that is, which have at the time of sale sufficient electrical capacity to fill initially the purpose for which they are to be used.

(d) *Notification of maximum prices.* Each person who shall sell any electric dry cell batteries which are covered by this order to any purchaser who buys them for resale shall, at the time of or prior to their delivery to such purchaser of such batteries, notify such purchaser of the provisions of this order by which are determined the maximum wholesale and retail prices of such batteries and of the provisions of this order relating to the notification of maximum prices.

(e) *Coverage by General Maximum Price Regulation.* In all particulars which are not specifically covered or which are excepted by this order, all sellers of electric dry cell batteries which are covered by this order shall be subject to the provisions of the General Maximum Price Regulation with respect to the sales of such batteries.

(f) *Modification and adjustment.* This order may be revoked, amended, or corrected at any time, and any maximum price adjustment under this order shall be subject to modification and adjustment by the Office of Price Administration and this order shall be superseded by any appropriate maximum price regulation which may hereafter be issued which fixes or establishes maximum prices for electric dry cell batteries.

(g) *Keeping a copy of this order.* Said Jake Hayutin and Sons shall maintain a copy of this order at 1706 Capitol Avenue, Cheyenne, Wyoming, and such copy shall be available for inspection at any time.

(h) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. The seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(i) *Effective date.* This order shall be effective as of January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 4th day of February, 1944.

H. D. WATENPAUGH,
District Director.

[F. R. Doc. 44–2347; Filed, February 17, 1944; 1:14 p. m.]

[Region VII Order G–14 Under RMPR 122, Amdt. 4]

Solid Fuels in Certain Utah Trade Areas

Order No. G–14 under Revised Maximum Price Regulation No. 122, Amendment No. 4. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 4 is issued.

1. Paragraph (a), as amended by Amendment No. 2, is revised and rewritten to read as follows:

(a) *Geographical applicability.* This order shall apply to all of the trade areas within the State of Utah, as defined in subparagraph (8) of paragraph (n) as amended by Amendment No. 2 and this Amendment No. 4.

2. Paragraph (b), as amended by Amendment No. 2, is amended by deleting therefrom the Roman character "V" wherever the same appears therein and substituting therefor the Roman character "VI".

3. Paragraph (d), as amended by Amendment No. 2, is amended by changing the designation of the last subparagraph thereof from (6) to (7) and inserting a new subparagraph (6) following immediately after subparagraph (5), as added by Amendment No. 2, reading as follows:

(6) If you sell and deliver in the Davis County Area any one or more of the kinds and sizes of coal named in Part 1 of Table VI set forth below, your maximum prices therefor are those specified in Part 1 of said Table VI; if you sell coal at your yard in said area, your maximum prices for the kinds and sizes of bituminous coal are as set forth in Part 2 of said Table VI.

TABLE VI—MAXIMUM PRICES, DAVIS COUNTY TRADE AREA

Kind	Size	Part 1: Delivered prices per ton	Part 2: Yard prices per ton
Bituminous coal produced in District 20: Sub-district 1, Castlegate.	#2—8" x 10" lump.	$8.50	$7.75
	#3—3" lump	8.45	7.70
	10 x 3 grate		
	8 x 3 stove		
	#4—1½ lump	8.40	7.65
	#7—3 x 1½ nut	7.90	7.15
	#8—1¼ x 1 pea	7.15	6.40
	#10—1¼ x 0 slack	6.25	5.75
	#11—1 x 0 slack treated.	6.50	6.00

4. Subparagraph (8) of paragraph (n), as amended by Amendment No. 2, is amended by adding thereto a new subparagraph designated (vi), to read as follows:

(vi) The maximum prices set forth in Table VI hereof shall apply to the area contained within Davis County and that portion of Weber County lying south of a line drawn east and west through a point two miles south of the most southern point in the corporate boundary of the City of Ogden. The above described area is referred to herein as the Davis County Trade Area.

5. *Effective date.* This Amendment No. 4 shall become effective on the 17th day of February, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-2349; Filed, February 17, 1944; 1:14 p. m.]

[Region I Order G-16 Under SR 15, MPR 280, MPR 329, Amdt. 12]

FLUID MILK IN MASSACHUSETTS

Amendment No. 12 to Order G-16 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the Commonwealth of Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation 280, as amended, and by § 1351.408 of Maximum Price Regulation No. 329, as amended: *It is hereby ordered*, That subparagraph (7) of paragraph (b) be amended and a new subparagraph (11) of paragraph (b) and subparagraph (12) of paragraph (i) be added to read as set forth below:

(b) • • •

(7) All other customary deposit charges and price differentials for special milk, including but not limited to Grade A milk, flavored milk, trade marked milk, and milk of specially high butterfat content, or for milk distributed in special types of glass bottles, which any seller (or purchaser from a producer) had in effect during the base period, may be added to the maximum prices for standard milk as fixed in this order. Where a seller, who had no customary differential during the applicable base period, purchases any such special milk "wholesale delivered" and resells "retail delivered" or "retail over counter", the maximum price shall be the seller's applicable maximum price for standard milk under this order plus the exact difference between the cost of the special milk and his supplier's maximum price for standard milk. The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the General Maximum Price Regulation, March, 1942.

(ii) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942 to October 2, 1942, inclusive.

(iii) For purchases of fluid milk from producers subject to Maximum Price Regulation 329, January, 1943.

• • • • •

(11) The maximum prices for wholesale delivered sales of milk in 40-quart cans and 20-quart cans in those Massachusetts Milk Marketing Areas for which no maximum price is fixed by paragraph (a) of this order for wholesale delivered sales of milk in 40-quart cans or in 20-quart cans, as the case may be, or for wholesale delivered sales of bulk milk in cans shall be as follows:

(i) For 40-quart cans: one cent per quart less than the maximum wholesale delivered price for quart bottles in the particular Area in which the sale is made.

(ii) For 20-quart cans: the maximum price per quart for sales in 8-quart and 10-quart cans in Areas where such maximum prices are established and in other Areas one cent per quart less than the maximum wholesale delivered price for quart bottles.

• • • • •

(i) • • •

(12) Amendment No. 12 shall become effective at 12:01 a. m. on February 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.)

Issued February 12, 1944.

K. B. BACKMAN,
Regional Administrator.

[F.R. Doc. 44-2359; Filed, February 17, 1944; 5:11 p. m.]

[Region IV Order G-1 Under SR 15]

FLUID MILK IN MARTIN, TENN.

Order No. G-1 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of maximum price for milk hauling services, sold by haulers serving the Pet Milk Company Plant at Martin, Tennessee.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; *It is hereby ordered:*

(a) On and after the effective date of this order, all haulers of milk who bring milk from dairy farms to the plant of the Pet Milk Company located at Martin, Tennessee, may sell and offer to sell the milk hauling services above described at prices no higher than 30¢ per hundredweight.

(b) Lower prices than those provided herein may be charged.

(c) *Definitions.* (1) Except as provided herein, and unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(d) The seller herein named shall keep posted at a conspicuous place in his place of business a copy of this order and opinion.

(e) Except as otherwise provided herein, all transactions subject to this order shall remain subject to all of the provisions of the General Maximum Price Regulations, together with all amendments, supplementary regulations and orders that heretofore have been, or hereafter may be, issued.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective on November 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 44-2360; Filed, February 17, 1944; 5:12 p. m.]

[Region VIII Order G-3 Under 3 (c), Amdt. 1]

STOVE OIL IN LOS ANGELES COUNTY, CALIF.

Amendment No. 1 to Order No. G-3 under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices for sales of stove oil by certain retail establishments located in Los Angeles County.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation and by General Order No. 32: *It is hereby ordered*, That Order No. G-3 under § 1499.3 (c) of the General Maximum Price Regulation be amended in the following particulars:

Paragraph (a) is amended to read as follows:

(a) The maximum price at which any retail establishment located in Los Angeles County which is unable to determine a maximum price for stove oil under Maximum Price Regulation No. 137 or section 2 or section 3(a) of the General Maximum Price Regulation may sell such stove oil shall be 9 cents per gallon delivered into the container of the customer.

The term "retail establishment" means the physical location of the store, shop, garage, service station, or other place of business in which petroleum products are sold at retail other than by delivery in tank wagon or larger lots.

This Amendment No. 1 shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-2358; Filed, February 17, 1944; 5:11 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 22,[1] Revocation]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

The ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated November 20, 1942, concerning Recommendation No. 61 (7 F.R. 9737) of the Petroleum Coordinator for War.

Date: February 10, 1944.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 44-2367; Filed, February 18, 1944; 10:40 a. m.]

WAR SHIPPING ADMINISTRATION.

"HUMRICK (218072)"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on October 9, 1942, title to the vessel "Humrick (218072)," (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. • • •; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: February 17, 1944.

[SEAL] E. S. LAND,
Administrator.

[F.R. Doc. 44-2377; Filed, February 18, 1944; 11:22 a. m.]

"LAKE LOUISE (216406)"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on October 2, 1942, title to the vessel "Lake Louise (216406)," (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requi-

[1] 7 F.R. 9764.

sitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: February 17, 1944.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 44-2378; Filed, February 18, 1944; 11:22 a. m.]

FEB 23 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 37

Washington, Tuesday, February 22, 1944

The President

PROCLAMATION 2605

THE FLAG OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States; and

People all over the world recognize the flag of the United States as symbolic of the United States; and

The effective prosecution of the war requires a proper understanding by the people of other countries of the material assistance being given by the Government of the United States:

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and laws of the United States, particularly by the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942, as President and Commander in Chief, it is hereby proclaimed as follows:

1. The use of the flag of the United States or any representation thereof, if approved by the Foreign Economic Administration, on labels, packages, cartons, cases, or other containers for articles or products of the United States intended for export as lend-lease aid, as relief and rehabilitation aid, or as emergency supplies for the Territories and possessions of the United States, or similar purposes, shall be considered a proper use of the flag of the United States and consistent with the honor and respect due to the flag.

2. If any article or product so labelled, packaged or otherwise bearing the flag of the United States or any representation thereof, as provided for in section 1, should, by force of circumstances, be diverted to the ordinary channels of domestic trade, no person shall be considered as violating the rules and customs pertaining to the display of the flag of the United States, as set forth in the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 (U.S.C., Supp. II, title 36, secs. 171–178) for possessing, transporting, displaying, selling, or otherwise transferring any such article or product solely because the label, package, carton, case, or other container bears the flag of the United States or any representation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 18th day of February in the year of our Lord nineteen hundred and forty-four, and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

E. R. STETTINIUS, Jr.,
Acting Secretary of State.

[F. R. Doc. 44-2518; Filed, February 21, 1944; 11:47 a. m.]

PROCLAMATION 2606

RED CROSS MONTH, 1944

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the war has entered a decisive stage requiring the fullest measure of individual sacrifice;

WHEREAS the American National Red Cross is an auxiliary to the United States armed forces and, as such, is providing indispensable service to our troops throughout the world as well as to their families at home;

WHEREAS these wartime activities, including the collection of life-saving blood for the wounded, recreation work in military hospitals, provision of aid to families of servicemen, shipment of food parcels to prisoners of war, production of surgical dressings, operation of overseas clubs and recreation centers, and re-

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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tional efficiency to lessen the distress of those overwhelmed by disaster; and

WHEREAS this agency is wholly dependent upon individual support and personal participation and is issuing its 1944 appeal to the entire citizenship for a minimum War Fund of $200,000,000;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and President of the American National Red Cross, do hereby designate the month beginning March 1, 1944 as "Red Cross Month" and earnestly beseech my fellow Americans to observe it by opening their hearts to this humanitarian appeal in order that we may keep the Red Cross at the side of our fighting men and their dependents in their hour of greatest need.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 19th day of February, in the year of our Lord nineteen hundred and forty-four, and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 44-2519; Filed, February 21, 1944; 11:47 a. m.]

EXECUTIVE ORDER 9424

ESTABLISHING IN THE UNITED STATES PATENT OFFICE A REGISTER OF GOVERNMENT INTERESTS IN PATENTS AND APPLICATIONS FOR PATENTS

WHEREAS there exists among the several executive departments and agencies a need for a more adequate source of information with respect to patent rights and interests owned or controlled by the United States Government; and

WHEREAS the establishment in the United States Patent Office, Department of Commerce, of a separate register for the recording of such patent rights and interests would meet this need and would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The Secretary of Commerce shall cause to be established in the United States Patent Office a separate register for the recording of all rights and interests of the Government in or under patents and applications for patents.

2. The several departments and other executive agencies of the Government, including Government-owned or Government-controlled corporations, shall forward promptly to the Commissioner of Patents for recording in the separate register provided for in paragraph 1 hereof all licenses, assignments, or other interests of the Government in or under patents or applications for patents, in accordance with such rules and regulations as may be prescribed pursuant to paragraph 4 hereof; but the lack of recordation in such register of any right or interest of the Government in or under any patent or application therefor shall not prejudice in any way the assertion of such right or interest by the Government.

3. The register shall be open to inspection except as to such entries or documents which, in the opinion of the department or agency submitting them for recording, should be maintained in secrecy: *Provided, however,* That the right of inspection may be restricted to authorized representatives of the Government pending the final report to the President by the National Patent Planning Commission under Executive Order No. 8977 of December 12, 1941,[1] and action thereon by the President.

4. The Commissioner of Patents, with the approval of the Secretary of Commerce, shall prescribe such rules and regulations as he may deem necessary to effectuate the purposes of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 18, 1944.

[F. R. Doc. 44-2415; Filed, February 19, 1944; 11:41 a. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

PRIVATE CEMETERIES WITHIN MILITARY RESERVATIONS

Section 52.24, pertaining to private cemeteries within the boundaries of military reservations, is added as follows:

§ 52.24 *Private cemeteries*—(a) *Within boundaries of military reservations owned in fee by United States*—(1) *General.* The policy of the War Department is to acquire title to all cemeteries within the boundaries of military reservations owned in fee by the United States whether or not the bodies are to be removed.

(2) *Removal of bodies.* If the cemetery will not interfere with construction, maintenance, and operation of the post, camp, station, or other installation of the War Department, the removal of bodies will not be required. When it has been determined that the cemetery will interfere with the proposed use of the reservation, the division engineer will taken action in accordance with existing policies and procedures.

(3) *Responsibilities for care, maintenance, and control*—(i) *Fencing, policing, and patrolling.* Commanding officers are responsible for protection of the cemetery by fencing, policing, and patrolling.

(ii) *Permits by commanding officers.* Commanding officers are encouraged and authorized to grant permission, whenever practicable, under such rules and regulations as may be deemed advisable, to families, friends, organizations, cemetery associations, or other proper parties to visit the cemetery, conduct religious ceremonies therein, remove bodies interred therein, and to perform maintenance work.

(iii) *Rights of burial.* There is no legal authority for granting permission for the interment of bodies in private cemeteries, title to which has been acquired by the United States in connection with the establishment of a military reservation.

(iv) *Care and maintenance.* There is no authority of law for the expenditure of funds for the improvement of such cemeteries. It is the responsibility of the post commander, under the provisions of Army Regulations, to insure that the cemetery is kept in a clean and attractive condition. This responsibility of the post commander will be carried out by the post engineer and will include such maintenance work as may be necessary or incidental to the upkeep of the cemetery, including grounds, lawns, trees, shrubs, plants, roads, walks, drains, fences, and walls.

(b) *Within boundaries of military reservations leased by United States.* Areas leased by the United States for military purposes may contain private cemeteries. The United States as a general rule does not acquire any rights in such cemeteries unless the cemetery interferes with the administration of the area for military uses. In such cases, the rights of the interested parties are defined in an agreement made by and between the division engineer and the interested parties, upon the recommendation of the commanding officer. A copy of the agreement is furnished the commanding officer for his guidance in administering the area. Commanding officers will provide for protection of the cemetery by fencing, policing, and patrolling when necessary. (R.S. 161; 5 U.S.C. 22) [W. D. Cir. 64, 11 February 1944]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2411; Filed, February 19, 1944; 9:54 a. m.]

Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

CAMPAIGN MEDALS FOR CURRENT WAR

Section 78.60, pertaining to campaign medals for the current war, is added as follows:

§ 78.60 *Campaign medals for current war*—(a) *Authorization.* The American, European-African-Middle Eastern, and Asiatic-Pacific campaign medals are authorized for award to members of the land and naval forces of the United States, including the Women's Army Auxiliary Corps, who, during any period from 7 December 1941, inclusive, and a date 6 months subsequent to the termination of the present war, shall have served outside the continental limits of the United States in any of the respec-

[1] 6 F.R. 6441.

tive areas described in paragraph (d). See Executive Order 9265.

(b) *Supply.* (1) The manufacture of the medals authorized herein has been postponed until after the war.

(2) Individuals no longer in service may make application to The Adjutant General, War Department, Washington 25, D. C., for ribbons and service stars to which they may be entitled.

(c) *Eligibility.* (1) An individual's eligibility to wear the appropriate ribbon of a theater, except the American theater, is automatically established upon arrival therein under permanent change of station orders.

(2) An individual while in any theater, though not permanently assigned thereto, may establish eligibility to wear the appropriate theater ribbon, *Provided:*

(i) He engages in active combat operations against the enemy and is either:

(a) Awarded a combat decoration, or

(b) Furnished a certificate from a corps or higher commander or the commanding officer of an independent force, to the effect that he has participated in combat operations.

(ii) Or he serves in the theater for a period in excess of 30 consecutive days, or a total of 60 days not necessarily consecutive.

(3) In addition to the means provided in subparagraph (2) (i) of this paragraph, eligibility for the American theater ribbon is established by:

(i) Arrival, under permanent assignment orders, at a place of duty in the American theater outside the continental limits of the United States, or

(ii) Thirty consecutive days' service while permanently assigned to duty as a member of the crew of a vessel sailing ocean waters, even though the vessel may be based within the continental United States, or

(iii) Thirty consecutive days' service while permanently assigned as a member of the operating crew of an airplane required to make, and actually participating in, regular and frequent trips over ocean waters beyond the continental limits of the United States even though the airplane is based within the continental United States.

(d) *Theater boundaries*—(1) *American theater*—(i) *Eastern boundary.* From the North Pole, south along the 75th meridian west longitude to the 77th parallel north latitude, thence southeast through Davis Strait to the intersection of the 40th parallel north latitude and the 35th meridian west longitude, thence south along that meridian to the 10th parallel north latitude, thence southeast to the intersection of the Equator and the 20th meridian west longitude, thence south along the 20th meridian west longitude to the South Pole.

(ii) *Western boundary.* From the North Pole, south along the 141st meridian west longitude to the east boundary of Alaska, thence south and southeast along the Alaska Boundary to the Pacific Ocean, thence south along the 130th meridian to its intersection with the 30th parallel north latitude, thence southeast to the intersection of the Equator and the 100th meridian west longitude, thence south along the 100th meridian west longitude to the South Pole.

(2) *European-African-Middle Eastern theater*—(i) *Eastern boundary.* From the North Pole, south along the 60th meridian east longitude to its intersection with the eastern border of Iran, thence south along that border to the Gulf of Oman and the intersection of the 60th meridian east longitude, thence south along the 60th meridian east longitude to the South Pole.

(ii) *Western boundary.* Coincident with the east boundary of the American theater.

(3) *Asiatic-Pacific theater*—(i) *Eastern boundary.* Coincident with the west boundary of the American theater.

(ii) *Western boundary.* Coincident with the east boundary of the European-African-Middle Eastern theater.

(e) *Description of ribbons*—(1) *American theater.* A blue ribbon with the narrow stripes of United States colors (blue, white, and red) in the center, flanked by German colors (black and white), and Japanese colors (red and white).

(2) *European-African-Middle Eastern theater.* A green ribbon with narrow stripes of United States colors (blue, white, and red) in the center, flanked by Italian (green, white, and red), and German (black and white) colors within brown borders.

(3) *Asiatic-Pacific theater.* An orange ribbon with narrow stripes of United States colors (blue, white, and red) in the center, flanked by Japanese colors (red and white).

(f) *Service stars.* One bronze service star 3/16 inch in diameter will be worn on the pertinent service ribbon for participation in each battle or campaign of the United States Army announced in War Department General Orders. Where more than five bronze service stars have been earned, silver service stars 3/16 inch in diameter may be substituted for the bronze in the ratio of one to five. (R.S. 1296; 10 U.S.C. 1391 and E.O. 9265)

[Cir. No. 62, W.D., 11 February 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44-2412; Filed, February 19, 1944; 9:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51008]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

UNITED STATES GOODS RETURNED

Section 10.1 (b), Customs Regulations of 1943 (19 CFR 10.1 (b)), is hereby amended by substituting for the first and second sentences thereof the following:

If, in any case where the appraising officer's report does not show definitely that merchandise the value of which exceeds $100 is of domestic origin, the affidavit on customs Form 3311 has not been signed by the owner or ultimate consignee, the collector may require the affidavit to be executed on such form by the owner or ultimate consignee. Such affidavit shall be filed within three months after the date of the demand therefor upon the person in whose name the entry was filed. If the owner or ultimate consignee is a corporation, such affidavit may be signed by the president, vice-president, secretary, or treasurer of the corporation, or it may be signed by any employee or agent of the corporation who holds a power of attorney executed under the conditions outlined in § 8.19 and a certification by the corporation that such employee or other agent has or will have knowledge of the pertinent facts.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: February 12, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-2391; Filed, February 18, 1944; 3:58 p. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners Loan Corporation

[Bulletin 254]

PART 402—LOAN SERVICE DIVISION

MISCELLANEOUS AMENDMENTS

Part 402 is amended as follows:

Section 402.16 (a) shall be amended to read as follows:

§ 402.16 *Reconditioning*—(a) *Advances for reconditioning.* The General Manager may authorize advances for the account of borrowers, vendees, and transferees to accomplish reconditioning of any nature whatsoever, including advances for reconditioning which has been partially or fully performed by home owners not in conformance with established regulations, provided such reconditioning is determined to be in the best interest of the Corporation in order to protect its security, to facilitate the collection of the indebtedness owing to the Corporation, or to promote the orderly liquidation of the assets of the Corporation; and may incur and approve the amount and payment of fees and expenses in connection with such advances, except legal fees and expenses which shall be incurred, approved, and paid as provided in Part 406 of this chapter.

The authority herein granted may be exercised, also, by the regional manager, with the advice of the regional counsel, in those cases where he determines that an advance for reconditioning is in the best interest of the Corporation in order to protect its security or to facilitate the collection of the indebtedness owing to the Corporation, *Provided*, The amount to be authorized (exclusive of legal and inspection fees) does not exceed $1,000.

Section 402.16-5 shall be added, which shall read as follows:

§ 402.16-5 *Incidental expenses.* All funds advanced by the Corporation to the home owner for expenses shall be included in the accepted and approved form of the debt or lien instrument. If the advance is disallowed, the funds advanced by the Corporation for expenses shall be charged to the home owner's account pursuant to the provisions of Form 529-A-R7AB.

Repayment of advances. An advance to a home owner for reconditioning shall be repaid "on demand" or "in monthly instalments," as may be determined by the regional manager, who shall notify the regional accountant of the time and manner of the repayment plan. When the advance is to be repayable "in monthly instalments," the total period of repayment shall not exceed the unexpired term of the Corporation's loan, or as extended, nor the statutory period of limitations, and shall be fixed with reference to the estimated life of the reconditioning and the home owner's ability to repay.

Section 402.16-6 shall be amended to read as follows:

§ 402.16-6 *Home office approval.* If the amount of the advance to be authorized (exclusive of legal and inspection fees) exceeds $1,000, or, regardless of the amount, if the regional manager determines that any part of the advance for reconditioning is in the best interest of the Corporation in order to promote orderly liquidation of the assets of the Corporation, he shall forward the file, together with his recommendation, to the General Manager for determination.

In any cases wherein it appears that an advance may not be authorized due to any of the following circumstances, and the regional manager is of the opinion that it is to the best interest of the Corporation to grant an advance notwithstanding, the case may be submitted to the home office for the review and approval of the General Manager. Each such case shall be submitted to the Deputy General Manager in Charge of Loan Service and the Director of Reconditioning for their review and recommendation and to the legal department for advice:

1. Where the home owner cannot effect subordination or release of liens, except taxes and assessments, which are prior to the lien obtained for the advance;

2. Where it is impracticable to require the home owner to effect subordination or release of intervening liens;

3. Where, because of emergency or for other reasons, it is impracticable to require title examination;

4. Where it is impracticable or impossible to obtain the execution of the required security instrument by any or all parties in interest or title and the advance would not be secured as a lien under the Corporation's loan instrument. (In each such case, the file shall contain the opinion of the regional counsel as to the legal rights and remedies of the Corporation to establish and enforce a lien for such reconditioning as against any or all parties in interest or title.);

5. Where an advance cannot be made in full compliance with procedure regulations, or where the regional manager seeks the advice or the decision of the General Manager as to the eligibility of the home owner for an advance under § 402.16 (a).

Section 402.16-7 shall be added to read as follows:

§ 402.16-7 *Reports and legal advice.* In special cases, if the regional manager determines that Form R-4-D and/or an appraisal report is necessary prior to consideration by him, the case may be referred to the Reconditioning Section and/or the Appraisal Section for the desired reports. Ordinarily, the legal requirements will be indicated by the regional counsel in Block VI after authorization of an advance by the regional manager. However, in any special case where the regional manager requires it, Block VI may be completed prior to consideration of the case by the regional manager.

Title examination. Title examination is not required when the estimated cost of reconditioning is $500 or less. Title examination is required when the estimated cost of reconditioning is greater than $500, unless regional counsel waives title examination and certifies as his opinion that the advance will be secured as a lien under the Corporation's loan instrument and such lien will be prior to encumbrances, except taxes and assessments, which intervened or may intervene between the date of the Corporation's loan and the date of the additional lien to be obtained.

Where title examination is required and intervening liens are disclosed, the home owner shall effect subordination or discharge of all such liens, except liens for taxes and assessments, without expense to the Corporation. If the home owner is unable to effect subordination or release of such liens, the regional manager shall be notified.

Section 402.16-13 shall be added, which shall read as follows:

§ 402.16-13 *Advances for reconditioning partially or fully completed.* When application Form 529-A-R7AB requests an advance for reconditioning which has been partially or fully performed by a home owner not in conformance with the standard regulations, the case shall be reviewed by the control supervisor and the Analysis and Review Section, who shall make a recommendation to the regional manager. If the regional manager approves the further consideration of the advance, the case shall be referred to the regional reconditioning supervisor, who shall cause the necessary inspections to be made, and he shall indicate on the form whether the reconditioning has been performed in a satisfactory manner or whether it will be performed under the supervision of the Reconditioning Section. He also shall indicate the actual or estimated reasonable cost of the reconditioning. Acting upon the recommendations of the Loan Service Division and the information of the regional reconditioning supervisor, the regional manager may grant an advance for such repairs within the limitations of his authority.

Section 402.16-14 shall be added, which shall read as follows:

§ 402.16-14 *Catastrophe.* The General Manager is authorized in an emergency to raise the limitations of authority of the regional manager for the purpose of reconditioning properties which have been damaged or destroyed by flood, earthquake, cyclone, or other catastrophe, and is authorized to waive full compliance with the regulations insofar as a need exists. In each such situation, the Director of Reconditioning and the Deputy General Manager in Charge of Loan Service shall make recommendation to the General Manager.

Effective February 18, 1944.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 44-2389; Filed, February 18, 1944; 3:54 p. m.]

[Bulletin 255]

PART 405—RECONDITIONING SECTION

Part 405 in its entirety is amended to read as follows:

Sec.
405.00 Organization.
405.00-2 Fee inspectors not employees.
405.00-3 Assignments.
405.00-4 Fees.
405.00-5 Fees limited.
405.00-6 Fee architects and engineers.
405.00-7 Fees for architectural engineering services.
405.00-8 Fee work unsatisfactory.

PROCEDURE AND FUNCTIONS

405.00-11 Standards.
405.00-12 Execution of forms.
405.00-13 Contractors.
405.00-15 Workmen's compensation.
405.00-16 Public liability insurance.
405.00-21 Job specifications.
405.00-22 Mechanical tests.
405.00-23 Special services.
405.00-24 Bids.
405.00-25 Award of contracts.
405.00-26 Reconditioning extras and credits.
405.00-27 Partial payments.
405.00-33 Chattels.

ACQUIRED PROPERTY CASES

405.01-4 Work order cases.
405.01-6 Receivership cases.
405.01-7 Manager's approval.
405.01-11 Reconditioning by purchaser.

MAINTENANCE PERFORMED BY CONTRACT BROKERS

405.01-15 Assistance by reconditioning section.
405.01-16 Obtaining of bids by brokers.
405.01-17 Review by reconditioning supervisor.
405.01-20 Work authorized on bids.
405.01-21 Work authorized on estimates.
405.01-22 Completion report.

RECONDITIONING ADVANCES

405.02-1 Inspections.
405.02-3 Reconditioning authorized.
405.02-4 Completion.
405.02-6 Home owner providing labor.
405.02-7 Approval by home owner.
405.02-8 Emergency cases.
405.02-9 Abandoned properties.
405.02-10 Award in unusual cases.

INSURANCE LOSS RESTORATION

405.03-1 Inspection and reports; home owner cases.
405.03-3 Restoration commenced by home owner prior to inspection.
405.03-4 Restoration fully completed by home owner prior to inspection.
405.03-5 Submission of reports and recommendations to control supervisor.
405.03-6 Application of loss proceeds to restoration.
405.03-7 Modification procedure.

Sec.
405.03–8 Supplementing loss proceeds; escrow account.
405.03–9 Restoration during foreclosure.
405.03–10 Insurance losses and restoration; Corporation owned properties.

CONSENT TO MAKE IMPROVEMENTS

405.04–1 Cases processed by the reconditioning section.
405.04–2 Inspections.
405.04–3 Consent granted.

PARTIAL RELEASES, CONDEMNATION, AND SUBSTITUTION OF SECURITY

405.04–5 Property visit.

AUTHORITY: Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647: 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529.

§ 405.00 *Organization.* The Reconditioning Section shall function under the administrative direction and supervision of the General Manager and be under the immediate charge of a Director of Reconditioning who shall have necessary authority to carry out the rules and regulations of the Corporation relating to matters within the jurisdiction of the Section, and who shall establish qualification standards for all salaried and fee personnel of the Reconditioning Section who perform reconditioning functions of a technical nature, and shall be responsible for the establishment and approval of fees, and cause to be provided such qualified and competent salaried, W. A. E., and fee personnel as may be necessary.

Field staff. The activities of the Reconditioning Section in the field shall be conducted by regional reconditioning supervisors functioning under the executive authority of managers of their respective offices and assisted by adequate staffs of assistants, inspectors and clerical personnel. Questions of a technical nature shall be submitted by reconditioning supervisors to reconditioning officials next superior for instructions. Copies of all correspondence shall be sent to the managers of the respective offices.

§ 405.00–2 *Fee inspectors not employees.* A fee inspector is not an agent or an employee of the Corporation. He is a party who has contracted with the Corporation for the performance of certain enumerated services for an agreed fee. A fee inspector is not authorized to obligate the Corporation in any manner, except where specifically authorized by regulations or by an official duly authorized to grant such authority.

Qualifications and duties. Architects, engineers, builders, or other qualified persons, where practicable and to the best interests of the Corporation, shall be engaged on a fee basis for all types of cases, to make any necessary inspections of properties; to prepare sketches for minor reconditioning; to prepare specifications; to furnish cost estimates; to certify approval or disapproval of the reconditioning construction work; and to perform such other special assignments as hereinafter provided. Each applicant for such fee assignments must execute an approved application form.

§ 405.00–3 *Assignments.* Assignments may be made to any approved fee inspector, irrespective of (1) previous salary employments by the Corporation, (2) present W. A. E. employment by the Corporation, or (3) previous salaried or W. A. E. service on cases reassigned: *Provided,* That fee service shall not be performed on the same day as W. A. E. employment by the Corporation. The services rendered by the fee inspector shall be conducted under the immediate supervision of the regional reconditioning supervisor or a salaried employee designated by him to exercise such supervision. Reconditioning inspections may be made either on a fee or salaried basis by a qualified inspector at the discretion of the regional reconditioning supervisor.

§ 405.00–4 *Fees.* The regional manager and regional reconditioning supervisor shall recommend the fees to be established for fee inspection service to the Director of Reconditioning, for submission to and final approval by the General Manager. The fees shall include all incidental costs, such as mileage, photographs, plans, and all expenses incidental to the service to be rendered on each type of case. The approved schedule of fees established in accordance with the procedure shall be used by the regional reconditioning supervisor in determining the fees to be paid to the inspector, except when such supervisor determines a lower fee adequate for the service to be performed.

§ 405.00–5 *Fees limited.* An individual fee employee shall not receive assignments for inspection services as heretofore described in this part, the compensation for which would exceed $500 in any given month. Under exceptional circumstances where the best interests of the Corporation require it, the Director of Reconditioning may remove temporarily the limit of $500, upon the recommendation of the regional manager and regional reconditioning supervisor. Individual contracts for architectural or engineering services for plans or supervision, or both, will not be included in the computation of the $500 limit of fees for inspection services.

§ 405.00–6 *Fee architects and engineers.* When the scope of the reconditioning work requires the preparation of sketches or working drawings, together with special specifications, if any, in order to visualize properly the work before the case can be advanced for further consideration, approved architects or engineers may be employed on a fee basis pursuant to the following regulations.

Mortgagor cases. The home owner may cause to be prepared at his own expense such drawings and special specifications for approval of the regional reconditioning supervisor; or, if the home owner so elects, the supervisor may assign a fee architect or engineer for said service, provided the contemplated reconditioning first receives a tentative approval by the regional manager. The fee, with the consent and approval of the owner, shall be established as hereinafter provided.

Acquired property cases. In all cases where architectural or engineering services are engaged by the Corporation on acquired properties or properties in the process of being acquired, architectural and engineering services shall not be contracted for until the case has received preliminary approval by the regional manager and approval by him for the fee recommended to be paid.

§ 405.00–7 *Fees for architectural engineering services.* Fees for architectural and engineering services, including the preparation of sketches, working drawings, specifications, and supervision, shall be established by the regional reconditioning supervisor with the approval of the regional manager, and in no instances shall be in excess of the prevailing fee or fees fixed and established by local professional societies. In cases involving advances to home owners, such fees shall be included in the advance and charged to the home owner's account. In the event the reconditioning work is not executed after preliminary approval by the regional manager, and an advance for reconditioning is not made to the home owner, the Corporation may advance the fee, subject to the approval of the Director of Reconditioning, not to exceed 2½% of the estimated cost of the work, *Provided,* The amount so advanced shall not exceed the sum of $75, and, further, that the sketches or working drawings and specifications submitted shall have been approved by the regional reconditioning supervisor. In all cases of acquired properties or properties in the process of being acquired, payments of fees shall be in accordance with the amount and terms of the fee contract approved by the regional manager, both for partial and fully completed cases.

§ 405.00–8 *Fee work unsatisfactory.* If the work of any fee inspector, fee architect, or fee engineer is unsatisfactory, the regional reconditioning supervisor shall withhold payment of any fees for such work, direct that no more work be assigned to such individual, and report the same to the Director of Reconditioning.

PROCEDURE AND FUNCTIONS

§ 405.00–11 *Standards.* The Reconditioning Section shall formulate and establish, under approved procedure, standards of specifications for materials, equipment, and workmanship, and maintain a technical reconditioning service available to mortgagors and to the several divisions of the Corporation.

Master specifications. Unless otherwise specifically provided for in the regulations of reconditioning operations of the Corporation, where the cost of reconditioning exceeds $25 the master specifications, with any addenda approved by the Director of Reconditioning, are required in the preparation of specifications, reports, and agreements.

In such preparations, the scope of the reconditioning shall be listed under the appropriate trade classifications, and reference made to the applicable section and paragraph of the master specifications governing the nature of the reconditioning.

Any individual job specification prepared otherwise than in accordance with master specifications is subject to the review and approval of the regional reconditioning supervisor, or persons appointed by him, before the award of the contract.

§ 405.00–12 *Execution of forms.* The regional manager is authorized to execute on behalf of the Corporation all reconditioning contracts and reconditioning forms in all cases where the expenditure or advance has been authorized in accordance with the regulations. The regional manager may request, in the manner now or hereafter provided, the appointment of deputies to execute forms on his behalf, to exercise any authority, and to perform any duties vested in or required of the regional manager with respect to reconditioning operations; *Provided, however,* That such deputation is limited to the regional reconditioning supervisor and employees of the Reconditioning Section recommended by him. The foregoing limitations with respect to the persons who may be appointed deputies shall not apply to the appointment of deputies to approve, on behalf of the regional manager, vouchers for reimbursement of travel expense and transportation rental, and shall not be construed as prohibiting the appointment of employees of the Property Management Division to execute, as deputies for the regional manager, reconditioning forms when used by that Division in the performance of maintenance repairs.

§ 405.00–13 *Contractors.* The performance of all reconditioning under the supervision of the Reconditioning Section shall be conducted through qualified and approved contractors. Upon application by qualified contractors, whether an individual, partnership, or Corporation, the regional reconditioning supervisor is authorized to approve such applicants as contractors to perform reconditioning services, and is authorized to terminate the services of such approved contractors for cause or when no longer required. To qualify as a contractor, the applicant shall be honest, dependable, and cooperative; shall possess experience, financial responsibility, organization, and equipment facilities, and shall comply with other regulations prescribed as necessary to perform the reconditioning services required by the Corporation.

§ 405.00–15 *Workmen's compensation.* In order to qualify as an approved contractor, an applicant must show evidence of compliance with the State Workmen's Compensation Law when the legal department advises that the compensation law is compulsory and that the contractor is subject to the operation of such law.

§ 405.00–16 *Public liability insurance.* In order to qualify as an approved contractor, the applicant must show evidence of carrying public liability insurance when the legal department advises that the state law imposes upon the owner of a property legal liability to the public for the negligent acts of an independent contractor, his employees, assignees, or agents. In the absence of such legal liability, the regional reconditioning supervisor, with the concurrence of the regional manager, may require the contractor to provide public liability insurance if it is determined that appreciable hazards exist in a particular case.

Waiver of insurance. The requirements of this section may be waived in any case in which the regional reconditioning supervisor, with the concurrence of the regional manager, determines it is necessary or advisable in the interests of the Corporation.

§ 405.00–21 *Job specifications.* Upon receipt of instructions to proceed with the approved reconditioning, the regional reconditioning supervisor shall review the file upon which the approval has been based. If the case has been processed previously on a desk estimate or preliminary inspection, or the case is already authorized and the supervisor deems such data sufficient for the preparation of accurate specifications, he may order their preparation, but in those cases where such data is inadequate, a field inspection shall be ordered to procure proper information for the preparation of specifications.

In those cases where plans and specifications are prepared by fee architects or engineers, the regional reconditioning supervisor shall review such plans and specifications before inviting bids, and determine that same have been prepared to include the authorized scope of work in accordance with the minimum standards of the Reconditioning Section, and that the estimated cost thereof is reasonable and within the authorized amount.

§ 405.00–22 *Mechanical tests.* In certain instances it may be necessary to obtain a mechanical test of the plumbing, heating, or electrical systems. In any case in which the regional reconditioning supervisor deems it advisable, he may order a mechanical test on an approved form from a contractor, inspector, or other qualified person. Wherever feasible, such test should be made prior to the award of contract. In cases under the jurisdiction of the Property Management Division, the expense for such services shall be based upon the approved schedule of costs.

§ 405.00–23 *Special services.* In certain cases it may be necessary to perform services of a special character, such as termite or pest control, roofing examinations, mechanical tests, orchard pruning, sanitation, and similar inspections or services. In such cases the fees applicable for such service shall be negotiated, based upon the approved schedule of fees and expense.

§ 405.00–24 *Bids.* It is the general policy of the Corporation to solicit bids only from qualified and approved contractors. In the event such contractors are not available in the locality, or where the Director of Reconditioning otherwise authorizes, the regional reconditioning supervisor may solicit bids and award contract to a contractor other than an approved one.

Invitation to bid. In all cases where the Corporation engages the contractor, the invitation to bid shall be in rotation as to class or type of contractor so as to provide equitable distribution of reconditioning cases among all contractors: *Provided, however,* That this practice may be waived by the regional reconditioning supervisor in those localities where the number of contractors is limited, or where an emergency condition exists where contractors are not available, or refuse or are unwilling to submit bids. In mortgagor cases, the invitation to bid shall be obtained from qualified and approved contractors selected by the home owner. The Corporation reserves the right to reject any or all bids, and in cases where the bid submitted appears unreasonable or excessive, the regional reconditioning supervisor, where he deems it to the best interests of the Corporation, may solicit additional bids without the necessity of rejecting former bid or bids. A statement shall accompany the voucher disclosing the reason for soliciting the additional bids thus obtained.

Competitive bids. On jobs in excess of $50, competitive bids shall be solicited from two or more contractors, except in cases of emergency repairs or where it is impossible or impracticable to obtain bids or where necessary to effect an immediate sale or tenancy, or in any other cases authorized by the regulations. A statement shall accompany the voucher, disclosing the reason and justification for waiver of competitive bids.

§ 405.00–25 *Award of contracts.* It is the general policy of the corporation to award reconditioning contracts to the lowest acceptable bidder. In cases where the Corporation engages the contractor, a contract may be awarded to a higher bidder when authorized under the regulations or when, upon the written recommendation of the regional reconditioning supervisor, the regional manager determines that it is advantageous for the Corporation to accept a higher bid. In home owner cases, a contract may be awarded to a higher bidder if the home owner deposits with the Corporation the difference between the lowest bid and the higher bid.

Separate contracts. Due to climatic and other justifiable conditions, a separate contract may be awarded for that portion of the reconditioning which can be performed immediately, and an additional contract may be awarded later for the remainder. Where it is to the Corporation's interest, the regional reconditioning supervisor may recommend the award of a separate contract for work of a particular trade or for the purchase and installation of refrigerators, ranges, shades, linoleum, and other fixtures or equipment.

§ 405.00–26 *Reconditioning extras and credits.* Where the need for extra reconditioning arises subsequent to the award of contract and during the progress of the reconditioning, the regional manager, within the limitations hereinafter prescribed, may authorize generally, or in specific cases, regional reconditioning supervisors, or salaried or fee reconditioning inspectors, to award supplementary contracts for extras or credits, providing the total amount of the original and

supplementary contracts shall not exceed the sum authorized for reconditioning in any case unless a greater amount than originally authorized is approved.

When authorized, the regional reconditioning supervisor or inspector may direct the contractor to begin the performance of the extra reconditioning immediately after obtaining a supplemental contract executed by the contractor. Such extra reconditioning shall be evidenced on the supplemental contract form or approved substitute and shall be transmitted to the regional manager or the deputized regional reconditioning supervisor for execution. Competitive bids are not required in the award of extra contracts.

Acquired property cases. On properties under the jurisdiction of the Property Management Division or on properties upon which a sale is completed and reconditioning was previously authorized, the regional manager may authorize generally, in writing or verbally in specific cases, reconditioning supervisors or reconditioning inspectors to award a contract for extra reconditioning, provided that the cost thereof shall not exceed $100 in those cases where the amount originally authorized was $500 or less, and *Provided*, That the cost of such items or extras shall not exceed $200 in those cases where the amount originally authorized exceeded $500. These amounts are in addition to the amount originally authorized.

Extras; home owner cases. On properties securing liens of the Corporation or sold by the Corporation where the sum of the original reconditioning contract amount, together with the cost of the extra, does not exceed the amount of the original authorization, the regional manager may authorize such extra reconditioning. If the sum of the original contract amount, together with the cost of the extra, exceeds the amount of the original authorization, the regional manager may authorize such extra reconditioning with the concurring approval of the home owner. Authorized extra reconditioning shall be evidenced on an approved supplemental contract form. Competitive bids are not required.

Credits. Where the need arises for the omission from the contract of certain reconditioning in connection with properties securing liens of the Corporation, or properties acquired or sold by the Corporation, the regional manager may authorize the regional reconditioning supervisor, either generally in writing or verbally in specific cases, to effect a credit in a fair and reasonable amount. The agreement for the omission of reconditioning shall be evidenced on an approved supplemental contract form and shall be signed by the home owner and contractor.

§ 405.00–27 *Partial payments.* Where the amount of a reconditioning contract is substantial, or where full performance of the contract is delayed or prevented because of conditions beyond the control of the contractor, such as weather, strikes or other exceptional circumstances, the regional manager is authorized to effect partial payment to the contractor in an amount not to exceed 85% of the fair and reasonable cost of the completed reconditioning. In any such case, the regional manager may require a performance and payment bond or other acceptable indemnity, at the contractor's expense, in such form as prescribed by the Legal Department. In the event such indemnity is not required, the prescribed evidence for avoidance of mechanics' liens shall be obtained.

§ 405.00–33 *Chattels.* When requested, the reconditioning section shall inspect and determine the value of any chattels used in connection with any property upon which the Corporation holds a mortgage or other lien, or in connection with any property under the jurisdiction of the Property Management Division. The regional reconditioning supervisor shall make recommendations as to whether it is to the Corporation's interest to permit removal or to settle or acquire any lien upon or interest in any such chattel as provided in Part 406.

ACQUIRED PROPERTY CASES

§ 405.01–4 *Work order cases.* In maintenance cases referred to the Reconditioning Section, where the estimated cost of maintenance, reconditioning materials, or services does not exceed $50, the regional reconditioning supervisor may contact a qualified contractor, mechanic, or material dealer by telephone or other means and negotiate a reasonable price within the amount authorized for such work, materials, or services, and may undertake to have it performed or delivered immediately. In such cases, a description of the work, materials, or services, and the cost thereof shall be prepared on a form approved for such purpose.

§ 405.01–6 *Receivership cases.* Receivership cases of reconditioning will arise on properties under the jurisdiction of a local court, wherein the court has appointed a receiver to assume custody of the property. In such cases, the technical assistance and facilities of the Reconditioning Section may be made available to receivers by the regional manager with the advice of regional counsel.

§ 405.01–7 *Manager's approval.* After approving the required reconditioning, the regional manager shall direct written authorization with appropriate instructions to the regional reconditioning supervisor on an approved form, advising him of the scope of work to be undertaken and the amount approved therefor, with instructions to proceed with the reconditioning. Such authorization, when received by the reconditioning section, shall constitute full authority for the regional reconditioning supervisor to proceed with the preparation of specifications, obtaining bids, and awarding reconditioning contracts.

§ 405.01–11 *Reconditioning by purchaser.* In cases where the agreement for sale provides for reconditioning to be performed by the purchaser at his expense, inspection of the property shall be made as may be determined necessary by the regional manager. In such cases where the nature and scope of work are minor repairs or maintenance items, the inspection may be made by a representative of the Loan Service Division, but in cases where the work is technical or of a structural nature the inspection shall be made by a reconditioning inspector. In the event the work is not being satisfactorily performed or has not been satisfactorily completed, such fact, together with recommendations, shall be reported promptly to the regional manager.

MAINTENANCE PERFORMED BY CONTRACT BROKERS

§ 405.01–15 *Assistance by reconditioning section.* In the performance of authorized maintenance repairs and purchase of equipment incidental thereto by contract brokers for properties in their charge, the regional reconditioning supervisor shall provide the broker with technical advice, the technical facilities and all required forms and instructions of the Reconditioning Section, in order to assist contract brokers in the preparation of suitable specifications, awarding of contracts, and supervision of work in accordance with established reconditioning practices, and the procurement of contractors' receipts, releases, and waivers of lien, as required.

§ 405.01–16 *Obtaining of bids by brokers.* Contract brokers shall prepare suitable specifications on Form R–26 in those cases which must be submitted for the approval of the regional manager. At least two competitive bids shall be obtained for the work, except where the cost thereof does not exceed $50 or where it is not practicable to secure such bids because of the urgency of the situation, the limited number of available contractors willing to submit bids, or for other reasons. The contract broker shall forward the bids, together with his recommendations through the Reconditioning Section to the regional manager for consideration.

§ 405.01–17 *Review by reconditioning supervisor.* The recommendation of the contract broker respecting maintenance repairs or equipment incidental thereto shall be referred to the Reconditioning Section. The regional reconditioning supervisor shall review and approve such recommendations as being in conformance with minimum standards and adequate to meet the requirements of the case, both architecturally and structurally, and, in the case of mechanical equipment, as adequate for the purpose intended; and the estimated costs or bids as being fair and reasonable.

§ 405.01–20 *Work authorized on bids.* Upon authorization of maintenance repairs or the purchase of equipment, a copy of the contract shall be forwarded to the regional reconditioning supervisor, and the appropriate authorization forms, together with two approved copies of the contract, shall be forwarded to the contract broker, who shall deliver one copy of the contract to the contractor with instructions to proceed with the work.

§ 405.01–21 *Work authorized on estimates.* In cases where the regional manager's authority to proceed with the work was predicated on estimates submitted by the contract broker, the broker shall be instructed to obtain bids, and forward same through the Reconditioning Section to the regional manager for approval and signature.

§ 405.01–22 *Completion report.* Upon completion of the repairs, the broker shall inspect the property and, if completed to his satisfaction, shall indicate his approval on one of the executed copies of the contract form, and shall forward the file, including the copy of the contract certified as to completion and the contractor's combination receipt and mechanics' lien release on the approved form, to the regional reconditioning supervisor for review, to determine compliance with prescribed procedure, verification of cost, and for the preparation of vouchers and assembly of all final papers.

RECONDITIONING ADVANCES

§ 405.02–1 *Inspections.* When an application for an advance for reconditioning is referred to the regional reconditioning supervisor, he shall cause an inspection of the property to be made by an inspector, who shall indicate the extent, necessity, estimated cost, including incidental expenses, and other technical or pertinent information. He also shall obtain from the home owner, if available, the names of the contractors to be used for bidding purposes.

§ 405.02–3 *Reconditioning authorized.* After approval of the advance, the case shall be returned to the regional reconditioning supervisor, who shall authorize the preparation of specifications and soliciting of bids from approved contractors selected by the home owner, if he so desires. When bids are obtained, the case shall be referred to the legal department, if required. When so required, the legal department shall cause to be executed and recorded, if necessary, the appropriate debt and lien instruments and the appropriate contract forms. In cases not required under the regulations to be referred to the legal department, the Reconditioning Section shall obtain the execution of all required forms.

Before the reconditioning contract is awarded, the contractor and the home owner shall execute the approved contract forms unless the regional manager has been authorized to sign a contract with the contractor on behalf of the Corporation. Upon execution of all required forms, the contract shall be awarded and notice forwarded to the Accounting Division on an approved form, and the regional reconditioning supervisor shall make assignment of the case to a salaried or fee inspector for intermediate and final inspections.

§ 405.02–4 *Completion.* Upon completion of the reconditioning and its acceptance by the home owner and by the Corporation, the case, including all necessary forms, shall be forwarded for payment, after review by the legal department if required.

§ 405.02–6 *Home owner providing labor.* When an advance for necessary repairs or other reconditioning has been approved in accordance with the regulations of the Corporation, and the home owner requests permission to provide the labor in connection therewith, the regional reconditioning supervisor shall investigate the qualifications and reliability of the person who is to perform the labor and make recommendations to the regional manager. If the regional manager determines to permit the home owner to provide the labor, a contingency allowance shall be included in the advance to assure the Corporation of satisfactory performance of the reconditioning by the home owner, and the regional manager, on behalf of the Corporation, may enter into a contract with the home owner on a form approved for the purpose. The home owner, where practicable, should be required to submit bids for all materials in accordance with the bid requirements of the regulations.

Completion. The reconditioning work shall be performed under the supervision of the Reconditioning Section. When the work has been completed to the satisfaction of the Reconditioning Section and the home owner has satisfactorily complied with the provisions and covenants contained in the contract, the bills for materials and all costs other than labor shall be paid in compliance with the regular procedure for reconditioning, and the Reconditioning Section, through the regional manager, shall notify the regional accountant of the amount of the unexpended portion of the advance, which shall be credited to the home owner's account. The total cost of labor and materials shall not exceed the advance authorized. The regional manager, with the advice of the regional counsel, at his discretion, may authorize payment of material bills prior to the final completion of the work when the circumstances justify.

Default. In the event the home owner fails or refuses to provide the labor to complete the reconditioning, he may contract with persons acceptable to the Corporation to perform the remainder of the labor, which shall be paid for by the home owner from his personal funds, or, when approved by the regional manager, from funds available in the advance; or the regional manager may contract with suitable persons to complete the work under such terms and conditions as the regional manager, with the advice of the regional counsel, shall deem to be for the best interest of the Corporation. When any funds from the advance are used to pay for any portion of the labor, only the unexpended portion of the advance shall be credited to the home owner's account.

§ 405.02–7 *Approval by home owner.* In any case where the home owner refuses to approve the reconditioning after completion, the Corporation, except as otherwise provided, shall make payment to the contractor only in the event the contractor has reduced his claim to judgment. In any case where it is impractical or impossible to obtain the home owner's approval of the reconditioning after completion because of death, incompetency, or other disability, legal or otherwise, and the cost of such reconditioning is included in and secured by the Corporation's lien instrument, the regional manager, upon the advice of the regional counsel, may authorize payment to the contractor or direct any other appropriate action.

§ 405.02–8 *Emergency cases.* In the event reconditioning of an emergency nature is required immediately to protect the Corporation's security, the regional manager shall refer the case to the Reconditioning Section, with authorization to proceed with the reconditioning.

§ 405.02–9 *Abandoned properties.* In the event repairs are necessary to protect vacant, unoccupied, or abandoned properties, the regional manager may process any such case under the regulations governing emergency repairs.

§ 405.02–10 *Award in unusual cases.* In the event the home owner or other parties are uncooperative or unavailable, or there are other disabilities, legal or otherwise, the regional manager may cause a contract to be awarded on behalf of the Corporation under emergency conditions.

INSURANCE LOSS RESTORATION

§ 405.03–1 *Inspection and reports; home owner cases.* When an insurance loss case is referred to the Reconditioning Section, the inspection shall make a complete and detailed report of necessary repairs to effect restoration, estimate the cost thereof, obtain a statement as to the home owner's wishes concerning restoration, and submit same to the Reconditioning Supervisor. A copy of the cost report may be given to the home owner for adjustment purposes if he so requests: *Provided*, That the home owner is informed by the inspector that the furnishing of such copy in no way commits the Corporation to apply the loss proceeds to the restoration of the security property.

§ 405.03–3 *Restoration commenced by home owner prior to inspection.* If the inspection reveals that restoration by the home owner has been commenced without the prior knowledge of the Corporation a report shall be prepared in the same manner as though the repairs had not been started and shall include a report of the scope and amount of work which the home owner contemplates and which is specified in any contract then under way. If the work to be performed by the home owner appears sufficient to satisfactorily restore the security property, this fact shall be included on the report form. The regional reconditioning supervisor shall make such additional inspection assignments as he may deem necessary to protect the Corporation's interests. If the work is not being performed in a satisfactory manner, the regional reconditioning supervisor shall submit the report and his recommendations to the regional manager, forwarding a copy to the control supervisor.

Where it appears that the restoration is being satisfactorily performed, and upon the receipt of appropriate forms executed by the home owner and con-

tractor, lien waivers or releases, as required by the legal department, shall be obtained by the regional reconditioning supervisor, who shall cause to be prepared appropriate vouchers and other final papers. Upon completion of the case, the regional reconditioning supervisor shall indicate on the insurance loss settlement form the expenditures that have been made, and forward it to the Control Supervisor.

§ 405.03–4 *Restoration fully completed by home owner prior to inspection.* Where the inspection reveals the restoration has been fully completed without the prior knowledge of the Corporation, the inspector shall prepare a report, indicating thereon the cost necessary to effect proper restoration, the scope and amount of work which is specified on the contract between the home owner and contractor, and in addition he shall prepare and obtain the proper receipts, releases, or waivers as required by the legal department. The inspector shall inform the home owner and the contractor that the obtaining by the Corporation of the proper receipts, releases, and waivers required by the legal department is not to be understood as in any way committing the Corporation to apply the loss proceeds to the restoration of the security property. The inspector shall certify on his report whether the total cost of restoration incurred by the home owner is commensurate with the amount of reconditioning which was performed in restoring the security property and whether the restoration has been satisfactorily completed.

§ 405.03–5 *Submission of reports and recommendations to control supervisor.* All reports and other forms shall be returned by the inspector to the regional reconditioning supervisor, who shall review and submit his recommendations to the control supervisor, except that receipts, releases, and waivers as required by the legal department may be retained by the Reconditioning Supervisor pending the regional manager's decision regarding the application of the loss proceeds.

§ 405.03–6 *Application of loss proceeds to restoration.* Upon receipt of the regional manager's authorization for the application of the loss proceeds to the restoration of the security property, the Reconditioning Supervisor, where restoration has not been undertaken or completed by the home owner previously, shall approve the award of the contract and conduct of the work, within the amount of insurance funds available, to a contractor of the home owner's choice, acceptable to the Corporation, and otherwise shall handle the case in accordance with reconditioning procedure. Upon completion of the work and execution of an approval by the home owner, such form, together with receipts, releases, and waivers as required by the Legal Department and the inspector's final report and acceptance of the work, shall be sent to the Reconditioning Section for preparation of vouchers and other final papers. When the Reconditioning Section has completed the processing of the case, the regional reconditioning supervisor shall indicate on the copy of the authorization the expenditures which have been made, and shall return such form to the control supervisor.

§ 405.03–7 *Modification procedure.* Modifications of this procedure are permitted by the regional manager when home owners desire to undertake restoration themselves with contractors and contracts of their own choice, provided the Reconditioning Section reviews and approves the specifications and contracts presented by the home owner and provided that such deviation from procedure does not jeopardize the interests of the Corporation. When the home owner utilizes the facilities of the Reconditioning Section, the Reconditioning Supervisor shall make the customary final inspection assignment to a reconditioning inspector, providing also for as many intermediate inspections as may be appropriate to the size and scope of the restoration contract.

§ 405.03–8 *Supplementing loss proceeds; escrow account.* If the restoration contract is in an amount in excess of the insurance funds available, the home owner will be required to place an amount equal to the difference between the amount of the restoration contract and the insurance funds available in escrow for disbursement, according to approved procedure. An advance, however, may be made to the home owner to supplement insurance loss proceeds for the restoration of the security property; such advances shall be made in accordance with Part 402 of this chapter.

§ 405.03–9 *Restoration during foreclosure.* Insurance losses on properties in process of foreclosure shall be handled, with the advice of the regional council, as far as practicable under the same procedure as prescribed for losses on home owner properties. In the event the property is under the management of a broker, the case shall be processed in accordance with procedure prescribed for properties under the jurisdiction of the Property Management Division.

§ 405.03–10 *Insurance losses and restoration; Corporation owned properties.* In the event a Corporation-owned property is not in charge of a contract broker or, if in charge of a broker, the broker does not effect the repairs, or the cost of restoration is in excess of the broker's authority to incur expenses, as provided in Part 403 of this chapter, the case shall be assigned to the Reconditioning Section for processing in accordance with the usual procedure governing the reconditioning of properties under the jurisdiction of the Property Management Division. Where a property is owned by the Corporation, vouchers covering restoration costs shall be defined as "loss restoration," and shall have indicated thereon the cost of restoration attributable to the loss by fire, windstorm, or other hazard.

CONSENT TO MAKE IMPROVEMENTS

§ 405.04–1 *Cases processed by the reconditioning section.* In connection with a request by a home owner for the Corporation's consent to the making of alterations or improvements to, or the removal or demolition of, a property securing indebtedness to the Corporation, where the estimated cost of alterations or improvements or the value of the property to be removed or demolished exceeds $1,000, the control supervisor shall forward the case to the regional reconditioning supervisor, who shall review the request and, if he considers it necessary or desirable, shall cause an inspection report to be made and shall make his recommendation on the appropriate form. Such inspection, if required, shall be made by a salaried inspector if available; otherwise, the inspection may be made by a fee inspector and the cost of such inspection charged to the home owner's account. In the event the estimated cost of alterations or improvements, or the value of the property to be removed or demolished, does not exceed $100, the regional manager, if he considers it necessary or advisable, may assign the case to the regional reconditioning supervisor for review and recommendation.

The assignment of the case to the Reconditioning Section shall include a statement of the proposed alterations or improvements, or the improvements to be removed or demolished, and any other pertinent information relating to such reconditioning.

§ 405.04–2 *Inspections.* If an inspection report is considered necessary or desirable, the inspector shall visit the property and in conference with the home owner determine, if appropriate, (a) the extent and character of the proposed alterations or improvements; (b) the cost thereof; (c) the manner of accomplishing and paying for such alterations or improvements; and (d) the extent and character of the proposed removal or demolition of the improvements. The inspector shall report his general opinion as to whether the proposed alterations or improvements, or the removal or demolition of the improvements, will impair, decrease, or destroy the value or utility of the premises in any way.

§ 405.04–3 *Consent granted.* Whenever a consent for alterations and removals is approved by the regional manager and the character or extent of the alterations or improvements affects the interest of the Corporation, he shall direct the Reconditioning Section to provide observation of the work undertaken by the home owner. The Reconditioning Supervisor shall assign the case to a salaried inspector if available, or a fee inspector, for the purpose of observing and ascertaining that the interest and security of the Corporation are protected. Upon completion of the alterations or improvements or the removal or demolition thereof, the inspector shall make a final report to the Reconditioning Supervisor.

PARTIAL RELEASES, CONDEMNATION, AND SUBSTITUTION OF SECURITY

§ 405.04–5 *Property visit.* The inspector shall visit the property and in conference with the borrower determine, (a) the extent and effect of the proposed construction work; (b) the cost thereof; (c) the manner in which the owner proposes to accomplish same, whether by contract or himself; (d) the manner in which he proposes to pay the contractor; and (e) his apparent ability to provide the funds. The inspector shall report his opinion respecting the likelihood of the borrower's accomplishing the construction successfully at the cost contemplated and in such a manner as will not create any structural or architectural damage to the Corporation's interest, and the possibility of mechanics' and materialmen's liens arising. After a review of the inspector's report, the regional reconditioning supervisor shall forward his comments and recommendations, together with the case file, to the regional manager.

Effective February 18, 1944.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 44–2390; Filed, February 18, 1944; 3:54 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3071—OVERHEAD TRAVELING CRANES

[General Preference Order M–225, Revocation]

Section 3071.1 *General Preference Order M–225* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

The production and delivery of overhead traveling cranes remain subject to all other applicable regulations and orders of the War Production Board. The subject matter of General Preference Order M–225 is now covered by General Scheduling Order M–293 and overhead traveling cranes now appear on Table 12 of that order.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2416; Filed, February 19, 1944; 11:36 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 17]

MOTION PICTURE THEATRES

The following direction is issued pursuant to CMP Regulation 5:

Motion picture theatres may use the preference rating AA–2 and the allotment symbol MRO for the minimum necessary maintenance and repair of electronic equipment already installed in the theatre. The AA–2 rating may not be used for repair of projection equipment (except sound-heads) or other theatre equipment or to obtain minor capital additions.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2417; Filed, February 19, 1944; 11:36 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M–293, Table 12 as Amended Feb. 19, 1944]

TOOLS DIVISION

§ 3208.13 *Table for Tools Division.* (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M–293:

Type of M–293 Product	Designation	Applicable Forms Column 1	2	3
1. Coated abrasive products:				
(a) Standard size sheets (8¾" x 10½", 9" x 11", and 9" x 13¾") (Purchase orders for 500 reams or more)	Y	3286		3478
(b) Rolls (Purchase orders for 500 or more rolls 50 yds. long 24" wide or equivalent)	Y	3286		3478
2. Bearings, anti-friction		1314		(1)
3. Chain, excluding Stud Link, Anchor and Power Transmission:				
(a) 9/16" (Purchase orders for 2,000 lbs. or more)	X	2064	3001.57	
(b) 5/8" (Purchase orders for 2,000 lbs. or more)	X	2064	3001.57	
(c) 3/4" (Purchase orders for 2,000 lbs. or more)	X	2064	3001.57	
4. Cranes and monorail systems:				
(a) Overhead travelling cranes with Double I Beams	X	1047	1313 & 1313–A	
(b) Rotary cranes, including whirley, revolving, and portal cranes	X	1047	1313 & 1313–A	
(c) Locomotive cranes	X	1047	1313 & 1313–A	
(d) Gantry cranes	X	1047	1313 & 1313–A	
(e) Monorail systems for Motor Driven Cranes and carriers	X	1047	1313 & 1313–A	
(f) Chargers	X	1047	1313 & 1313–A	
(g) Manipulators	X	1047	1313 & 1313–A	
5. Mechanics hand service tools:				
(a) Pliers, slip joint (Purchase orders for $3,000 or more)	Y	2057		1319
(b) Pliers, solid joint (Purchase orders for $1,000 or more)	Y	2057		1319
(c) Screw drivers, all types (Purchase orders for $5,000 or more)	Y	2057		1319
(d) Wrenches, socket, including driving units (Purchase orders for $10,000 or more).	Y	2057		1319
(e) Wrenches, open end and comb. box (Purchase orders for $10,000 or more).	Y	2057		1319
(f) Wrenches, adjustable, 22½° angle (Purchase orders for $2,000 or more).	Y	2057		1319
(g) Wrenches, box (Purchase orders for $15,000 or more)	Y	2057		1319
(h) Wrenches, monkey (Purchase orders for $2,000 or more)	Y	2057		1319
(i) Wrenches, pipe (Purchase orders for $5,000 or more)	Y	2057		1319
6. Metal cutting tools:				
(a) Threading Chasers for Die Heads and Collapsible Taps		39		

[1] Users of anti-friction bearings in excess of certain minimum quantities must submit Form WPB–3333. See Direction 1 to Table 12, Order M–293.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2418; Filed, February 19, 1944; 11:37 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E–6, as Amended Feb. 19, 1944]

HAND SERVICE TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hand service tools and of alloy steel used in their manufacture, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.51 *General Preference Order E–6—(a) Definitions.* For the purposes of this order:

(1) "Mechanic's hand service tool" means any tool listed on Exhibit A hereto attached which is used by hand, and is made of iron or steel or has a principal component part made of iron or steel.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(3) "Producer" means any person engaged in the production of mechanics' hand service tools.

(4) "WPB–547 order" means any order for mechanics' hand service tools now or hereafter placed with a producer by any person acquiring such tools for his own inventory or shelf stock pursuant to a rating assigned on Form WPB–547 (formerly PD–1X).

(5) "Other order" means any purchase order for mechanics' hand service tools except WPB–547 orders.

(6) "Total monthly production" means either.

(i) The total dollar value of each kind of mechanic's hand service tool listed on Exhibit A hereto attached, scheduled to be produced in any given month by a producer, including both special and standard tools of that kind; or

(ii) The total number of units of each kind of mechanic's hand service tool listed on Exhibit A hereto attached, scheduled to be produced in any given month by a producer.

(b) *Restriction on use of steel.* No producer shall manufacture any mechanics' hand service tools out of any alloy steel except those which are in the series specified in Exhibit B hereto attached or except pursuant to specific permission of the War Production Board.

(c) *Allocation of production between WPB–547 orders and other orders.* Commencing with the month of July 1943 and each month thereafter, each producer shall schedule his total monthly production and the delivery thereof as follows:

(1) To the extent that he has WPB–547 orders on hand, he shall schedule between 20 and 25 percent of his total monthly production of each kind of mechanic's hand service tool specified in Exhibit A hereto attached for delivery against WPB–547 orders requiring delivery in such month. No producer shall schedule any order pursuant to this paragraph (c) (1) unless it clearly appears from such order that the rating applied thereto was assigned on Form WPB–547 (formerly PD–1X).

The sequence of deliveries on WPB–547 orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(2) To the extent that he has other orders on hand, he shall schedule between 75 and 80 percent of his total monthly production of each kind of mechanic's hand service tool specified in Exhibit A hereto attached for delivery against other orders requiring delivery in such month.

The sequence of deliveries on other orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(3) Any portion of the percentage allocated to WPB–547 orders which has not been taken up by such orders on or before the fifteenth day of the month preceding the month being scheduled, shall be scheduled for delivery against other orders, and vice versa.

(d) *Necessity for preference ratings and authorizations to place orders.* Notwithstanding any other provisions of this order:

(1) No producer shall sell or deliver any mechanics' hand service tools pursuant to any purchase order placed prior to June 12, 1943 unless such order bears a preference rating of A–9 or higher, nor shall any producer sell or deliver any mechanics' hand service tools pursuant to any purchase order placed subsequent to June 12, 1943 unless such order bears a preference rating of AA–5 or higher, or except pursuant to specific permission of the War Production Board.

(2) [Deleted Feb. 19, 1944]

NOTE: Specific authorization to purchase certain types of mechanics' hand service tools is now required by Table 12 under General Scheduling Order M–293.

(e) *Restrictions on inventory.* On and after June 12, 1943, no person purchasing more than ten mechanics' hand service tools of any kind specified on Exhibit A shall accept delivery of any such tools the delivery of which will effect an increase in his inventory beyond a supply required by his current practices for use or for resale during a sixty-day period. In the event that the provisions of Suppliers' Inventory Limitation Order L–63 as applied to any supplier as defined in that order are more restrictive, such provisions shall govern. The restrictions on inventory contained in this paragraph (e) shall not apply to the following designated types of purchase orders:

(1) Purchase orders for mechanics' hand service tools made pursuant to the purchaser's special design or specifications which are not standard items in the producer's production schedules.

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for mechanics' hand service tools required for bases or supply depots outside the continental United States (comprising the several States and the District of Columbia), or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Any other purchase order specifically excepted from this restriction by the War Production Board.

(f) *Repair parts.* Nothing in this order shall be construed to prevent the sale and delivery of repair parts for mechanics' hand service tools in accordance with applicable regulations and orders of the War Production Board concerning repair parts.

(g) [Revoked Feb. 19, 1944]

(h) *Applicability of General Scheduling Order M–293.* Those mechanics' hand service tools which are listed on the schedule attached to General Scheduling Order M–293 are also subject to the terms and provisions of that order.

(i) *Reports.* Each producer shall execute and file with the War Production Board Form WPB–2057 and such other reports and questionnaires as said Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(l) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to: War Production Board, Tools Division, Washington 25, D. C., Ref.: E–6.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

Mechanics' cold chisels and punches.
Metal cutting files.
Machinists' ball pein hammers.
Metal cutting snips and shears.
Pliers, slip joint.
Pliers, solid joint.
Metalworking punches, lever type.
Screw drivers, all types.
Wrenches, socket and driving units.
Wrenches, open end and combination box.
Wrenches, adjustable, 22½° angle.
Wrenches, box.
Wrenches, adjustable auto.
Wrenches, monkey.
Wrenches, pipe.

NOTE: Tools subject to L–53–b are not included herein.

EXHIBIT B

NE 1300 Series
NE 8000 Series
NE 9200 Series
NE 9400 Series
NE 9600 Series

[F. R. Doc. 44–2420, Filed, February 19, 1944; 11:36 a. m.]

PART 3291—CONSUMER'S DURABLE GOODS

[Limitation Order L–30–b, Direction 1]

ENAMELED COLD PACK CANNERS

The following direction is issued pursuant to Limitation Order L–30–b:

(a) *What this direction does.* This direction is designed to provide for the production of enameled cold pack canners for use in the 1944 canning season. It permits production before July 1, 1944, only.

(b) *Definition of enameled cold pack canner.* An "enameled cold pack canner" is a covered utensil made of vitreous-enameled iron and steel having a capacity of from 17 to 25 quarts which may be used for canning food products and is designed to hold 7 one-quart jars, 9 one-pint jars or 4 half-gallon jars.

(c) *What sizes of canners may be made.* Each manufacturer is permitted by this direction to make one size of enameled cold pack canner. This may be the same as one of the sizes of stock pots which he makes under Table A of Order L–30–b, or may be made in addition to those sizes, but no cold pack canner made under this direction may be sold by a manufacturer as a stock pot.

(d) *How many cold pack canners may be made.* No manufacturer may produce more enameled cold pack canners before July 1, 1944, than 50% of the number of such canners which he made in the twelve months ending June 30, 1941.

(e) *Effect of Order L–30–b.* Under paragraph (h) of Order L–30–b the iron and steel which a manufacturer uses in making cold pack canners may be used in addition to his quotas for civilian orders of enameled ware under paragraph (e) of that Order.

(f) *Wire racks.* Wire racks may be made of carbon steel for use in the enameled cold pack canners to be produced under this direction. Tin may be used in plating these wire racks. These provisions supersede any provisions in Orders M–126 and M–43 which would prevent the use of these materials.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2422; Filed, February 19, 1944; 11:36 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[General Limitation Order L–65, as Amended Feb. 19, 1944]

ELECTRICAL APPLIANCES

§ 3291.311[1] *General Limitation Order L–65*—(a) *Definitions.* For the purposes of this order:

(1) "Electrical appliances" means only those appliances listed on Schedule A of this order which have as functional parts, electrical heating units (of any wattage), or which are powered by an electrical vibrator or electrical fractional horsepower motor.

(2) "Heating unit" means any electric heating unit designed primarily for use in an electrical appliance or in a domestic type electric range.

(3) "Electrical resistance material" means material in the form of ribbon or wire to be incorporated in heating units, in which either nickel or chromium or both, are used to create electrical resistance for the development of heat.

(4) "Manufacturer" means any person engaged in the business of manufacturing or assembling any heating units, electrical appliances or parts for such appliances, including a person who assembles parts of an electrical appliance for sale in knock-down form.

(5) "Distributor" means any person engaged in the business of transferring heating units, electrical appliances or parts for such appliances to his retail outlets or to other dealers.

(6) "Dealer" means any person engaged in the business of transferring or repairing heating units, electrical appliances or parts for such appliances to or for ultimate consumers.

Any person who acts in more than the single capacity of manufacturer, distributor or dealer as defined in paragraphs (a) (4), (a) (5) and (a) (6) of this order shall for the purposes of this order be deemed a manufacturer, distributor or dealer, depending upon the capacity in which he acts in each specific transaction.

(7) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(8) "Repair or replacement part" means any heating unit for a domestic electric range or any heating unit or other part for an electrical appliance when such heating unit or part is not produced for use in the manufacture or assembly of any new electrical appliance or new domestic electric range.

(9) "Current-carrying parts" include only the following parts: Heating units, thermostats and temperature controls, relays, lead-in and connection wires, switches, terminals, fuses, receptacles and parts of motors which conduct electric current, but shall not include cord sets.

(b) *General restrictions on production.* (1) On and after June 17, 1943, no manufacturer shall produce any new electrical appliance (or parts therefor) other than repair or replacement parts, except:

(i) The following new electrical appliances (or parts therefor) may be produced in fulfillment of preferred orders: Coffee makers, flat irons, air heaters, water heaters, and commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.

(ii) During the period beginning June 17, 1943, and ending September 30, 1943, inclusive, and during each three months period thereafter, a manufacturer may produce for other than preferred orders as specified in paragraph (b) (1) (i) above, no more units of any of the following types of new electrical appliance (or parts therefor) than 10% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940: Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers; *Provided*, that no manufacturer shall produce any units of any type of new electrical appliance (or parts therefor) listed in this paragraph (ii) if such production will result in an accumulation of inventory of that particular type of new electrical appliance (or parts therefor) greater than 15% of the number of units of that particular electrical appliance (or parts therefor) produced by him during 1940.

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any new electrical appliances, or parts therefor (whether or not in fulfillment of preferred orders) specified in paragraph (b) (1) of this order, except for such minimum amounts as are necessary for the conduction of electric current or essential to the proper functioning of parts.

(c) *Restrictions on transfer of new electrical appliances.* On and after June 17, 1943, no manufacturer shall transfer the physical possession of or title to any new electrical appliance manufactured after that date, except

(1) In fulfillment of preferred orders.

(2) Pursuant to specific authorization of the War Production Board on Form WPB–1319 pursuant to an application filed on said Form.

(d) *Repair or replacement parts.* (1) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of any repair or replacement parts, other than the specific parts listed on the following table, or any part thereof:

Type of equipment	*Repair or replacement parts for which copper or copper base alloys are permitted*
Air heaters	Current-carrying parts.
Commercial permanent wave equipment and commercial hair driers.	Current-carrying parts, other than copper or copper base alloy disposable grids for permanent wave equipment.
Flat irons	Cord sets pursuant to paragraph (d) (3) of this order and current-carrying parts.
Commercial or heavy duty equipment of the following types: broilers, food choppers, food mixers, food grinders, food servers, food slicers, fry kettles, griddles, hotplates, juicers, ovens, ranges, toasters, urns and vegetable peelers.	Current-carrying parts and motor bearings where the use of other material is impracticable.
Heating units for domestic electric ranges	Current-carrying parts.
Hotplates and disc stoves	Current-carrying parts.
Roasters	Current-carrying parts.
Water heaters	Current-carrying parts and immersion units.

(2) On and after June 17, 1943, no manufacturer shall use copper or copper base alloys in the production of repair and replacement parts in fulfillment of preferred orders, except for such minimum amounts necessary for the conduction of electric current or essential to the proper functioning of parts.

(3) On and after June 17, 1943, no manufacturer shall produce any replacement cord sets except for flat irons. Replacement cord sets produced for flat irons shall conform to the following specifications: The cord shall be of a quality which tests 3,000 or more cycles in flexure and shall be not more than 6 feet in length; plugs and caps shall be so constructed that they can be readily dismantled and reassembled for repair purposes. During the period beginning June 17, 1943, and ending December 31, 1943, and during each six month period thereafter, no manufacturer shall produce more replacement cord sets for flat irons than 25% of the number of such replacement cord sets produced by him during the year 1940.

[1] Formerly Part 1130, § 1130.1.

(4) On and after June 17, 1943, no manufacturer shall produce any repair or replacement parts (other than replacement cord sets for flat irons) if he has, or as a result of such production will have, more parts of such type in his inventory than the number of parts of such type which he sold during the preceding six calendar months.

(5) Except in fulfillment of preferred orders, on and after June 17, 1943, no manufacturer or distributor shall transfer any repair or replacement parts unless a similar used part has been delivered to him in exchange therefor, or unless he has been informed that a similar used part is being held or will be secured by the dealer or distributor to whom the new part is being transferred, or has been disposed of in accordance with this paragraph. The used parts shall be held subject to disposition at the direction of the manufacturer or distributor who transferred the new part. If no such direction is given within 60 days, the person holding the used part shall promptly dispose of it through regular scrap channels.

(e) *Restriction on use or transfer of electrical resistance material.* On and after June 17, 1943, no manufacturer shall use in the production of heating units or transfer for any purpose whatsoever, any electrical resistance material reported by him in columns 4 and 8 of Form PD–370 prior to September 30, 1942, except pursuant to specific authorization of the War Production Board on Form WPB–1319 pursuant to an application filed on said Form.

(1) [Deleted Feb. 19, 1944]

(2) [Deleted Feb. 19, 1944]

(f) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of electrical appliances, heating units, or repair or replacement parts, any inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(g) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of electrical appliances, heating units, or repair or replacement parts to a greater extent than the limits imposed by this order, the provisions of such other order shall govern unless otherwise specified therein.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(i) *Reports.* Every manufacturer affected by this order shall execute and file Form WPB–1600 (formerly PD–655) with the War Production Board, Washington, 25 D. C., Ref.: L–65, on or before the 10th day following the close of each calendar month.

(j) *Appeals.* Any appeal from the provisions of this order should be made on Form WPB–1477 (formerly PD–500).

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L–65.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

The following is the list of electrical appliances specified in paragraph (a) (1) of this order:

Air Heaters (except as covered by L–107 and L–158)
Aquarium Heaters
Baking Ovens
Barbecue Machines
Biscuit and Muffin Bakers
Blankets
Bottle Warmers
•Bread Slicers (except as covered by L–83)
Bread Toasters (except as covered by L–182)
Broilers
Casseroles
Chafing Dishes
Choppers, food and meat
Cigar and Cigarette Lighters
Clothes Driers
Coffee Makers
Coffee Mills
Coffee Roasters
Commercial Cooking and Food and Plate Warming Equipment
Corn Poppers
Curling Irons
•Dishwashing Equipment (domestic)
Double Boilers
Doughnut Cookers
Dry Shavers
Egg Boilers
Face and Hand Driers
Fan Type Heaters (except as covered by L–107 and L–158)
Faucet Heaters
Flat Irons
Fly Screens and Traps
Fireplaces
Food Choppers and Slicers
Food Conveyance Equipment
Food Cooking Equipment
Food Grinders
•Food Mixers
•Food Preparation Machinery
Food Servers
Fry Kettles
Griddles
Grills
Hair Clippers
Hair Driers
Heating Pads
Hedge Clippers
Hotplates and Disc Stoves
Ice Cream Freezers, Domestic
••Immersion Heaters
•Juice Extractors
Knife Sharpeners and Grinders
Massage Vibrators
•Meat, Fish and Bone Cutters
Neckwear and Trousers Pressers
Ovens (except as covered by L–182)
Peanut Roasters
Percolators
Permanent Wave Equipment
Popcorn Machinery
Portable Air Heaters
Pyrographic Pencils
Radiant Heaters
Ranges, Commercial (except as covered by L–162)
Roasters
Roasting Ovens
Sandwich Toasters
Soup Cookers
Steak and Meat Tenderizing Equipment
Steam Tables
••Steamers
Stock Pots
••Strip Heaters
Table Stoves
Tea Kettles
••Unit Heaters
Urns
Vibrators
••Vane Heaters
Waffle Irons
Water Heaters (except as covered by L–185)

•Only those using a fractional horsepower motor.

•• Except for industrial applications.

[F. R. Doc. 44–2423; Filed, February 19, 1944; 11:36 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Limitation Order L–145–a]

ANTI-FRICTION BEARINGS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of anti-friction bearings for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.67 *Limitation Order L–145–a*—(a) *Limitation on production of anti-friction bearings.* No person engaged in the production of anti-friction bearings shall hereafter make bearings of any of the sizes specified on Schedule A attached to this order unless he is designated as an "authorized producer" of such size.

A person who is not designated as an "authorized producer" of a particular size listed in Schedule A may refer persons seeking to place orders with him to those who are designated as "authorized producers"; or if he wishes to continue selling this size he may accept orders for such bearings and arrange to have them made by an "authorized producer."

(b) *Maintenance of equipment by persons other than "authorized producers".* Any person who produced any of the sizes specified on Schedule A in 1943 but who is not designated as an "authorized producer" of such size is prohibited from disposing of tools and equipment used by him to make such size and he shall keep these tools and equipment in such condition that whenever the War Production Board deems it necessary to name him an "authorized producer" he can resume production of bearings of such size one month after notice by the War Production Board.

(c) *Exceptions.* The provisions of this order do not apply to:

(1) The production of any bearings listed on Schedule A for which purchase orders have been placed prior to February 19, 1944, even though the person holding such orders is not designated as an "authorized producer";

(2) To any person whose monthly shipments in November 1943 of all anti-friction bearings did not exceed $60,000.

(d) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(e) *Appeals.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate with the War Production Board, Washington 25, D. C., referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control, and may be deprived of priorities assistance.

(g) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to: War Production Board, Tools Division, Washington 25, D. C., Ref: L–145–a.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

SAE No.	*Authorized Producers*
Light Series—Single Row—Radial:	
224	Marlin-Rockwell Corp., SKF Industries, Inc., Fafnir Bearing Co.
232	
234	Marlin-Rockwell Corp.
236	Torrington Co. (Bantam Div.)
238	
240	
Medium Series—Single Row—Radial:	
326	Marlin-Rockwell Corp., SKF Industries, Inc., Torrington Co. (Bantam Div.)
332	Marlin-Rockwell Corp.
334	Torrington Co. (Bantam Div.)
336	
338	Marlin-Rockwell Corp., SKF Industries, Inc., Torrington Co. (Bantam Div.)
340	Marlin-Rockwell Corp.
344	Torrington Co. (Bantam Div.)
348	Torrington Co. (Bantam Div.)
352	
Light Series—Single Row—Angular Contact:	
7224	Marlin-Rockwell Corp.
7228	SKF Industries, Inc.
7230	Marlin-Rockwell Corp., SKF Industries, Inc., Torrington Co. (Bantam Div.)
7232	
7236	Marlin-Rockwell Corp.
7238	Torrington Co. (Bantam Div.)
7240	

SCHEDULE A—Continued

SAE No.	*Authorized Producers*—Con.
Medium Series—Single Row—Angular Contact:	
7324	Marlin-Rockwell Corp., Fafnir Bearing Co., Torrington Co. (Bantam Div.)
7326	Marlin-Rockwell Corp., SKF Industries, Inc., Torrington Co. (Bantam Div.)
7328	Marlin-Rockwell Corp., Fafnir Bearing Co., Torrington Co. (Bantam Div.)
7332	
7334	
7336	Marlin-Rockwell Corp.
7338	Torrington Co. (Bantam Div.)
7340	
7342	

[F. R. Doc. 44–2421; Filed, February 19, 1944; 11:36 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L–222 as Amended Feb. 19, 1944]

FLOOR SANDING, FLOOR FINISHING, FLOOR MAINTENANCE, AND RUG SCRUBBING MACHINES, INDUSTRIAL VACUUM CLEANERS, AND BLOWERS FOR CLEANING PURPOSES

§ 3302.26 *Limitation Order L–222*—(a) *Definitions.* For the purpose of this order:

(1) "Floor finishing or floor maintenance machines" means any motorized or hand-powered mechanical device, designed for the purpose of floor finishing or maintenance. The term includes, but is not limited to, the types of machines on List A attached to this order as amended from time to time, and excludes independent motor-operated vacuum producing units, floor sanding machines and machines specifically designed for the manipulation of wet cement.

(2) "Floor finishing" and "floor maintenance" include, but are not limited to, the operations of grinding, staining, sealing, scraping, oiling, waxing or polishing floors or decks, and the collection and removal of dust, grime, oil, reclaimable materials or refuse from floors or decks, either separately or in conjunction with the operations of washing, scraping, sterilizing and wiping floors or decks.

(3) "Floor sanding machines" means machines used for the smoothing of floors or decks, other than stone or tile floors, by the use of abrasives such as, but not limited to, sandpaper and steel wool.

(4) "Rug scrubbing machines" means both portable rug shampooing machines and portable rug scrubbing machines.

(5) "Industrial vacuum cleaners" means machines in which a combination of a motor operated vacuum producer (stationary or portable), an air impeller line and a portable tool with attachments is used primarily for the collection and removal by suction of dust, oil, reclaimable materials or refuse in either the wet or dry state. "Industrial vacuum cleaners" shall not include any vacuum cleaners designed primarily for household use or any motor operated vacuum producing units incorporated in floor sanding, floor finishing or floor maintenance machines.

(6) "Blowers" means combination blowers and exhausters, i. e., machines in which a combination of a motor operated air pressure producer, an air impeller line and a portable tool with attachments is normally used for the removal of dust, materials or refuse by air pressure. "Blowers" shall not include any machines used solely for the handling of air or other gaseous mixtures.

(7) "New machines" means any machines which have neither been used, sold, rented, nor lent for the purpose of being used but includes any machines which have been used only for demonstrations, trial loans, instruction or repair loans.

(8) "Supplies" means replaceable items, such as but not limited to, polishing brushes, cleaning brushes, sanding drums and discs, stones, hoses and bags, wand handles and similar attachments which are expended in the operations of floor sanding, floor finishing, floor maintenance, rug cleaning, vacuum cleaning and air pressure cleaning.

(9) "Manufacturer" means any person engaged in the fabrication or assembly of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers or of parts designed specifically for any of such machines. The term also includes wholesaling or retailing subsidiaries or divisions of such a person.

(10) "Distributor" means any person engaged in the business of selling, renting or lending of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers, other than a manufacturer.

(b) *Restrictions on production*—(1) *Floor sanding and floor finishing or floor maintenance machines.* Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new floor sanding, floor finishing or floor maintenance machines or parts for such new machines.

(2) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall, after August 5, 1943, fabricate or assemble any new rug scrubbing machines or parts for such new machines.

(3) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new industrial vacuum cleaners or blowers, or parts for such new cleaners or blowers, except to the extent necessary to fill orders for new industrial vacuum cleaners or blowers authorized on Form PD–722, approved by the War Production Board on Form WPB–1843 (formerly PD–722) before May 16, 1944, or on Form WPB–1319. No application made on such form will be approved unless accompanied by an order rated AA–5 or higher or unless the applicant indicates a need for such machine justifying such rating.

(4) *Repair parts other than supplies.* During the calendar quarter commencing January 1, 1943, and during any calendar quarter thereafter, no manufacturer shall fabricate repair parts having an aggregate manufacturing cost in excess of 2 per cent of that manufacturer's total billed sales of new floor sanding machines, new floor finishing or floor

maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers during the calendar year of 1941.

(5) *Supplies.* The restrictions of paragraph (b) of this order shall not apply to the fabrication or assembly of supplies.

(6) *Exceptions.* The War Production Board may, from time to time, specifically authorize one or more manufacturers in writing to commence fabrication, to fabricate or to assemble specified quantities of machines and repair parts otherwise restricted by paragraph (b), or to perform any combination of the foregoing operations.

(c) *Restrictions on transfer.* (1) No manufacturer or distributor shall sell, rent, lend or deliver any of the following types of new machines without authorization on Form WPB–1843 (formerly PD–722) approved by the War Production Board prior to May 16, 1944, or on Form WPB–1319 approved by the War Production Board:

(i) Drum type floor sanding machines making a 6-inch path or wider;

(ii) Disc type floor sanding machine making a 10-inch path or wider;

(iii) Drum type floor finishing or floor maintenance machines making a 6-inch path or wider;

(iv) Disc type floor finishing or floor maintenance machines making a 10-inch path or wider;

(v) Rug scrubbing machines;

(vi) Industrial vacuum cleaners;

(vii) Blowers.

Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration, all expired authorization forms shall be returned for cancellation to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref.: L–222.

(2) Nothing in this paragraph (c) shall be construed to prohibit the sale, loan, rental or delivery of new machines from one manufacturer or distributor to another to fill an order, or part of an order, received by the latter which has been authorized by the War Production Board on Form WPB–1843 (formerly PD–722) on or before May 16, 1944, Form WPB–1319.

(d) *Procedure for authorization.* All persons making application for the authorization required by paragraph (c) hereof shall make such application on Form WPB–1319.

(e) *Applicability of other orders and regulations.* (1) This order and all transactions affected thereby are subject to all applicable provisions of the regulations and orders of the War Production Board, as amended from time to time.

(2) Nothing in this order shall be construed to permit the production of any machines whose production is prevented by any other orders or regulations of the War Production Board, including § 3302.16, Limitation Order L–91, and § 1176.1, Conservation Order M–126, as amended from time to time.

(f) *Special reports.* (1) On or before July 15, 1943, for the month of June, and and on or before the 15th day of each month thereafter, for the preceding month, each manufacturer or distributor of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers shall file a monthly report on Form WPB–1867 (formerly PD–723). This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) On or before February 29, 1944, for the month of January, 1944, and on or before the 15th day of each month thereafter for the preceding month, each manufacturer and each distributor of products controlled by this order must file a report on Form WPB–3495 in accordance with the instructions thereon. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942 all persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications.* All reports to be filed hereunder, or communications concerning this order, should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L–222.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Terrazzo grinders.
Waxing and polishing machines.
Disc type scrubbers, either wet or dry.
Drum type scrubbers, either wet or dry.
Combination scrubbers and water pickup.
Drum type sweepers.
Drum type scarifying machines.
Disc type scarifying machines.

[F. R. Doc. 44–2424; Filed, February 19, 1944; 11:37 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L–103–b as Amended Feb. 19, 1944]

GLASS CONTAINER AND CLOSURE QUOTAS

§ 3270.36 *Supplementary Order L–103–b.* This order lists the only products which may be commercially packed in new machine-made, glass containers or with new metal closures. It specifies closure materials and sets forth the number of glass packages and metal closures which may be used for each listed product. In addition, some restrictions are placed upon the manufacture of closures.

The order limits "commercial packs" only. Although there are certain manufacturing restrictions, the use of glass containers or metal closures for home canning purposes is not affected.

Likewise, the provisions of this order cover only new glass containers and closures. Used containers or closures are not limited. However, closures which are fabricated from used closures—that is, where the used closures are a production material—are regarded as new closures made of "waste" and are governed by the pertinent provisions of this order.

Definitions of the various terms used in this order appear in paragraph (x) hereof.

Restrictions on Use of Glass Containers and Closures

(Note exceptions from these restrictions in paragraphs (p) through (v)).

(a) *Prohibited acceptances and uses of glass containers and closures.* No packer shall accept delivery of or use any new glass container, or any new metal closure for packing any product not listed in a schedule of this order. This restriction insofar as it relates to glass containers shall not go into effect until March 1, 1944.

(b) *Limitations on acceptance and use of glass containers and closures.* Likewise, during any calendar year beginning with 1944, no packer shall accept delivery of or use, for packing any product which is listed in a schedule of this order, more new glass containers or more new metal closures (other than closures made from waste) than his quota for that product. However, jobbers or retailers may obtain closures and glass containers and resell them in conformity with the provisions of this order.

(c) *Closure materials.* No packer shall accept delivery of or use, for packing any product, new metal closures made of any material except those permitted for that product in the schedules of this order. However, blackplate closures (including rejects) may be used wherever tinplate or terneplate is specified, and frozen plate may be used wherever tinplate, terneplate or blackplate is specified. Likewise, closures made of waste may be used in accordance with the following paragraph:

(d) *Closures made of waste.* Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order. Closures made of waste may be used in addition to specified quotas for listed products.

(e) *Home canning jars.* No packer shall pack any commodity in a home canning jar. (Note that the use of these jars for home canning is not restricted).

Quotas

(f) *General.* Closure and glass quotas are stated separately in the attached schedules, and are not necessarily the same for any given product.

Quotas are not interchangeable as between listed products. That is, a packer who packs two products, product A and product B, must compute his quota (in the manner described in the following paragraph (g)) for each product separately. He cannot allot any portion of his quota for product A to product B, even if he does not pack his full quota of product A.

Furthermore, quotas may not be transferred from one packer to another except as provided in Priorities Regulation 7A.

(g) *Computation of quotas.* In most cases where this order provides a quota for the packing of any product, it does so, in the attached schedules, by stating a percentage figure followed by a calendar year—for instance, 100% 1943. Where this appears in the "glass quota" column opposite a product, it means, unless otherwise specified, that a packer's glass container quota for that product during 1944 and subsequent calendar years is computed as follows:

(1) He takes the number of new glass containers which he used for packing that product during the named base year.

(2) He subtracts the number of new glass containers which he used for packing that product during the named base year and which were quota exempt under the provisions of any prior order of the War Production Board or under any previous amendment of this order.

(3) He multiplies the resulting figure by the applicable percentage.

Identical rules apply to the computation of closure quotas, except that unless otherwise specified they are based on the number of new metal closures used during the specified base period.

The schedules of this order provide that the quotas for some products are based on the number of new metal closures or new glass containers accepted rather than those used during the specified base period. Here again, the method of computation, described in this paragraph, applies, except that the word "accepted" should be substituted for the word "used" in steps 1 and 2 above. Only the new metal closures or the new glass containers which a packer actually accepted delivery of and those which were invoiced to him during the applicable base period may be included in his quota base in such cases. But, for the purpose of making charges against quota, a packer must include the new metal closures and the new glass containers which he actually accepts delivery of, and those which are set aside for him or held by another party for his account—whether or not they are actually invoiced to him.

In a few cases, the schedules of this order set forth special rules, not covered by the above, for the computation of quotas for particular products. Such rules must be followed, and supersede the general statements contained in this paragraph (g) to the extent that they conflict with them.

(h) *Use of quotas.* As indicated above, most quotas are based on past use. The word "use" refers only to the actual filling operation in the case of glass and the actual capping operation in the case of closures. Therefore, to the extent that a person did not do this directly during the base period, he has no quota, despite the fact that he may have supplied the actual packer with the product, closures, containers, etc. After December 31, 1943, any packing done for him must be within the quota of the person performing the actual filling and capping operation.

In the case of products whose quotas are based upon acceptances, a person is deemed to have "accepted" glass containers or closures (for the purpose of computing quotas) only to the extent that he himself actually took possession of them or had them invoiced to him. If he did not do this during the base period, he has no quota, and the rules stated in the preceding paragraph of this paragraph (h) apply.

Packers who use or accept new glass containers or metal closures for packing products for the account of others, as well as for their own account, must conduct both operations within their own quotas. Without a special appeals grant under this order, they cannot regard their use or acceptances of glass containers and metal closures for the account of others as an addition to their quotas. This is true even where the other person may represent to the packer that he has a quota which he is not using himself.

On the other hand, packers are entitled to include, in their own quota bases, their use or acceptances of new glass containers or new metal closures, for the account of others during the specified base periods.

Restrictions on Sale and Delivery of Glass Containers and Closures

(i) *General restrictions.* No person shall sell or deliver any glass containers or closures which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(j) *Export deliveries.* During any calendar year, no person shall deliver more empty new glass containers or more new metal closures to any person outside of the 48 States of the United States and the District of Columbia than he delivered to that person during 1943.

(k) *Certificates.* No person shall sell or deliver any new glass containers or new metal closures except under a purchase order or contract validated by the delivery to such person of a purchaser's certificate, signed manually, or as provided in Priorities Regulation 7.

This certificate shall be in substantially the form attached hereto as Exhibit A in the case of sales or deliveries of all glass containers, and of all metal closures except malt and non-alcoholic beverage closures. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

The certificate should be in substantially the form attached hereto as Exhibit B, where sales or deliveries of malt or non-alcoholic beverage closures are concerned. This certificate differs from Exhibit A in that it must be filed with each purchase order for beverage closures in order to validate the order.

(l) *Outstanding certificates.* Certificates previously filed with a supplier under any previous amendment of this order, shall remain valid insofar as sales or deliveries of glass containers are concerned. Exhibit A certificates previously filed under order M–104, shall remain valid insofar as closure (other than malt or non-alcoholic beverage), deliveries are concerned. In either of the above cases, no new certificate need be filed by any purchaser to validate his orders placed with the supplier to whom the previous certification was made.

(m) *Cases where certificates need not be filed.* No certificates shall be required for the sale or delivery of home canning jars or home canning closures, nor shall any certificates be required for the sale or delivery of any kind of glass containers or closures to: (1) Retailers, for resale empty or unused; or (2) persons purchasing closures or glass containers from retailers.

(n) *Standard certifications.* The standard certification provided for in paragraph (d) of Priorities Regulation 7, cannot be used in place of the certifications provided by this order; nor may the certifications provided by this order be waived in accordance with paragraph (f) of Priorities Regulation 7.

Restrictions Relating Solely to Manufacture of Closures

(o) *Closure material.* (1) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium (other than paraffin) such as another closure.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (o) (2).

(2) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, or wire for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule VII attached to this order. No closure manufactured pursuant to Schedule VII shall knowingly be sold to, or used by, any person for packing any product for sale.

(3) No person shall use any tinplate, terneplate or blackplate heavier than 90 pounds per base box for the manufacture of crown caps. This restriction does not apply to rejects, frozen plate waste-waste, or waste.

(4) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box; and all persons manufacturing closures shall, to the greatest extent available, use 0.50 tinplate for the manufacture of closures for which tinplate is permitted by the provisions of this order.

(5) No person shall use any wire for the manufacture of paperboard disc plug caps, having a diameter of two inches or less, for milk bottles.

Exceptions Pertaining to Both Glass Containers and Closures

(p) *Deliveries to certain agencies and persons.* Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of glass containers or closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy Camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other nonprofit Defense Recreation Committees, engaged in the operation of recreation centers in the 48 States of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (p) (3) by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(q) *Special provisions in schedules relative to exempt deliveries to certain agencies and persons.* The schedules of this order contain certain limitations on the exception provided by the preceding paragraph (p) in the case of certain products—as, for instance, ice cream mix and malt and nonalcoholic beverages. In such cases, the provisions of the schedules are controlling and supersede paragraph (p) to the extent that they conflict therewith.

Exceptions Relative to Glass Containers Only

(r) *Small users.* The restrictions of this order which pertain to glass containers shall not apply to any person during any calendar year in which he accepts no more than a total of five hundred ($500.00) dollars worth (cost price to him) of empty new glass containers for all products.

(s) *Large size glass containers.* The restrictions of this order which pertain to glass containers shall not apply to any glass container with a capacity larger than 140 fluid ounces.

(t) *Glass containers manufactured prior to the date of this order.* The restrictions of this order shall not prevent any person's acceptance or use, for a product not listed in the schedules of this order, of any glass container manufactured before January 1, 1944, if the glass container in question was originally manufactured for the purpose of packing an unlisted product, or was originally manufactured for packing a listed product but has a capacity not permitted for that product in the attached schedules of this order. This paragraph does not permit the quota free use of glass containers for listed products regardless of when the containers were manufactured.

(u) *Quota free use of certain glass containers in inventory of packer on or before December 31, 1943.* To the extent that as of January 1, 1944, a packer had in his possession, empty glass containers which he was permitted to accept under paragraphs (b) (c) and (d) of order L-103-b as amended November 1, 1943, (excluding containers which he was permitted to accept under paragraph (e) of that order), he may use them during 1944 for packing any listed product in addition to his quota for that product. Nothing in this paragraph shall permit the quota free use of glass containers "borrowed" against anticipated 1944 usage, in accordance with paragraph (e) of this order as amended November 1, 1943.

Exceptions Pertaining to Closures Only

(v) *Small users.* The restrictions of this order which pertain to closures shall not apply to any person during any calendar year in which he accepts no more than five thousand new metal closures for all products.

Prior Appeals

(w) *Appeals granted prior to December 31, 1943 under Order M-104 and Order L-103-b.* All appeals granted prior to December 31, 1943 under orders L-103-b and M-104 are cancelled and shall be ineffective on and after January 1, 1944. Therefore, after that date, no person shall accept delivery of or use or shall manufacture, sell or deliver any new glass container or any new metal closure except in accordance with the provisions of this order—unless he receives a new grant on appeal after January 1, 1944.

Definitions

(x) *Definitions.* For the purposes of this order:

(1) "Glass container" means any empty new machine-made bottle, jar or tumbler, with a capacity of 140 fluid ounces or less, which is made of glass and which is suitable for packing any product.

(2) "Packer" means any person who uses glass containers or closures for commercially packing any product in the continental United States (the 48 States and the District of Columbia).

(3) "Home canning jar" means a glass container which is specifically made for use as a home canning jar (that is, for the purpose of packing or preserving food or food products in the home) and which carries some lettering or other marking identifying it as such.

(4) "Closure" means any new sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(5) "Metal closure" means any closure which is made of zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste, or waste.

(6) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(7) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", and all other forms of terneplate except waste and waste-waste.

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, and includes "rejects", and all other forms of blackplate except waste.

(9) "Frozen plate" means only tinplate, terneplate or blackplate which, since before August 9, 1943, has been held in the owner's inventory because, for any reason, it was not suitable for manufacture by the owner into articles permitted the use of steel under the provisions of War Production Board orders.

(10) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(11) Tinmill blackplate "rejects" means steel sheets rejected during processing by the producer because of imperfections which disqualify such sheets for sale as prime blackplate.

(12) "Waste", means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures or cans.

(13) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

Miscellaneous

(y) *Multiple unit users.* Any commercial user who uses glass containers at more than one plant may choose to compute and apply a separate quota for each plant (or group of plants) or a collective quota for all such plants. Any organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single commercial user for purposes of this paragraph.

(z) *Applicability of regulation.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(aa) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(bb) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington (25), D. C., Ref.: L-103-b.

(cc) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 19th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A—PURCHASER'S CERTIFICATE FOR ALL GLASS CONTAINER DELIVERIES AND ALL CLOSURE DELIVERIES EXCEPT MALT AND NON-ALCOHOLIC BEVERAGE CLOSURES

One copy of this certificate is to be delivered to each person from whom purchases of new glass containers or new metal closures (other than malt and non-alcoholic beverage closures) are made. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L-103-b and that he will not use or sell any glass containers or any closures purchased from

Name of seller

Address of seller

pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date

Legal name of purchaser

By

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

EXHIBIT B

Certificate required by Order L-103-b to validate each purchase of new metal closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

INVENTORY

(a) Permitted inventory (20 percent of number of such closures and cans used for packaging malt or non-alcoholic beverages in 1941.) ---------- gross.

(b) Inventory on date of this certification (Exclusive of Closures made from waste) ---------- gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) ---------- gross.

(d) Requested delivery from ----------
Seller
---------- gross.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L-103-b, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures for malt beverages or non-alcoholic beverages received from the seller pursuant to the

above-described "requested delivery" in violation of the terms of such order.

Date ----------

Legal name of purchaser

By ----------

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

Schedules—General Explanation

Schedules I through VI list the only products which may be packed in new glass containers or with new metal closures. Schedule VII relates to the manufacture of home canning closures.

The data set forth in the two "quota" columns, opposite each product, indicate the number of new glass containers and new metal closures (determined in accordance with the general rules set forth in paragraph (g) of Order L–103–b), which may be used for packing that product. However, any special quota provisions which these schedules make applicable to any product, are controlling to the extent that they conflict with paragraph (g).

The "X" mark which appears opposite each product in one of the columns headed "closure material" indicates that, except as listed hereafter, only closures made of the specified material may be used to pack that product. The general exceptions from this rule are:

(i) Closures made of blackplate (including rejects) may be used, within quotas, wherever tinplate or terneplate is specified.

(ii) Closures made of frozen plate may be used, within quota, wherever either tinplate, terneplate or blackplate is specified.

(iii) Closures made of waste may be used in addition to specified quotas for listed products.

All special provisions of these schedules relating to closure materials for specific products must be followed, and control to the extent that they conflict with the above.

After March 1, 1944 all size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L–103 and its schedules.

Attention is called to paragraphs (p) through (v) of Order L–103–b which establish limited exceptions to the provisions of this order. Here again, any special provisions which these schedules contain relative to quota exemptions—as in the case of ice cream mix and certain beverages—must be observed.

Schedule I—Foods

No product packed in a can shall be repacked for sale in a glass container by the same or a different person, in the same or a different form, except as follows (or as otherwise specifically permitted in this schedule):

(i) When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice, grape pulp, citrus peel and pulp may be repacked from reusable cans, 5-gallons or larger. Apricots and peaches, solid pie pack, may be repacked from No. 10 cans or larger. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

(ii) Tomato paste, tomato pulp or puree, and tomato sauce may be repacked from No. 10, or from 5-gallon or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste or tomato pulp or puree), but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
Fruit and Fruit Products				
1. Apples including crab apples, whole apples not to be packed	100% 1943	100% 1943	X	
2. Apple cider, gallons only	100% 1943 (see note)	100% 1943	X	
Note: Only new glass containers of one-half gallon and larger may be included for the purpose of computing quota under paragraph (g).				
3. Apple juice, not to be packed in containers smaller than 1 pint capacity	100% 1943	100% 1943	X	
4. Applesauce including sauce from crab apples	100% 1943	100% 1943	X	
5. Apricots, fresh	Unlimited	Unlimited	X	
6. Blackberries, black raspberries, blueberries or huckleberries, red raspberries, boysen berries, loganberries, and youngberries when packed as berries.	Unlimited	Unlimited	X	
7. Cherries, red sour pitted and sweet	100% 1943	100% 1943	X	
8. Cranberries	Unlimited	Unlimited	X	
9. Figs—(Kadota)	Unlimited	Unlimited		
10. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No 10 or larger cans, to the extent of 10 percent of the fruit cocktail.	Unlimited	Unlimited	X	
10a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent diced peaches, and not less than 35 percent nor more than 45 percent diced pears; or a combination of not less than 50 percent nor more than 60 percent diced peaches and not less than 30 percent nor more than 40 percent diced pears with not less than 6 percent nor more than 10 percent grapes. Such peaches or pears shall be peeled, pitted, or cored and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than 3/4", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
11. Fruit butters, minimum size (excluding tumblers) 3/4 pound. At least 70 percent of containers packed to be 1 1/2 pounds or larger.	100% 1943	100% 1943	X	
12. Fruits crushed, fountain fruits and ice cream toppings	Unlimited	Unlimited	X	
13. Fruit conserves, jams, marmalades and preserves. At least 10 percent of the number of containers packed with these products, excluding tumblers, to be 2 pounds or larger.	Unlimited	Unlimited	X	
14. Fruit jellies	100% 1943	100% 1943	X	
15. Fruit juices, other than grape, apple, or apple cider, or mixtures of fruit juices (undiluted except for the addition of sweetening). Minimum size 1 pint.	Unlimited	Unlimited	X	
16. Grape juice, minimum size 1 pint	100% 1943	100% 1943		X
17. Fruit concentrates, liquid, when concentrated on a ratio 5 or more to 1	100% 1943	100% 1943	X	
18. Fruit concentrates, dry	100% 1943	100% 1943	X	
19. Fruit nectars, minimum size 1 pint	Unlimited	Unlimited	X	
20. Olives, ripe and green ripe	Unlimited	Unlimited	X	
21. Peaches, halves, slices or cubes	Unlimited	Unlimited		X
22. Pears—whole pears, except seckel pears, not to be packed	Unlimited	Unlimited	X	
23. Pectin, liquid	Unlimited	Unlimited	X	
24. Plums	Unlimited	Unlimited		
25. Prunes, fresh Italian	Unlimited	Unlimited		

Schedule I—Foods—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
Vegetables and Vegetable Products				
26. Asparagus, all-green or culturally bleached	Unlimited	Unlimited	X	
27. Beans, with or without pork	100% 1943	100% 1943	X	
28. Beans, fresh, all varieties	Unlimited	Unlimited	X	
29. Beets—whole beets over 1 1/4" diameter not to be packed	Unlimited	Unlimited	X	
30. Carrots—whole carrots not to be packed	Unlimited	Unlimited	X	
31. Peas and carrots—fresh green peas only. Carrots not to exceed 40 per cent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
32. Corn, fresh, sweet cut only	Unlimited	Unlimited	X	
33. Mixtures of vegetables (except succotash, and peas and carrots) which consist of not less than 90 percent of any combination of vegetables listed in this schedule: *Provided*, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, *Provided further*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
34. Mushrooms	100% 1943	100% 1943	X	
35. Okra, including tomatoes and okra	100% 1943	100% 1943	X	
36. Peas, green	Unlimited	Unlimited	X	
37. Peppers, sweet, including pimientos. Minimum size container 6 fluid ounces	100% 1943	100% 1943	X	
38. Pumpkin and squash	100% 1943	100% 1943	X	
39. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke and turnip greens.	100% 1943	100% 1943	X	
40. Succotash, fresh vegetables only	Unlimited	Unlimited	X	
41. Tomatoes	Unlimited	Unlimited	X	
42. Tomato catsup and chili sauce, containing not less than 10.8 percent (specific gravity 1.045) by weight of dry tomato solids.	Unlimited	Unlimited	X	
43. Tomato paste from fresh tomatoes, containing not less than 25 percent by weight of dry tomato solids.	Unlimited	Unlimited	X	
44. Tomato pulp or puree from fresh tomatoes, containing not less than 10.8 percent (specific gravity 1.045) or more than 25 percent, by weight of dry tomato solids.	Unlimited	Unlimited	X	
45. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037) by weight of dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.	Unlimited	Unlimited	X	
46. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning, minimum size 1 pint.	Unlimited	Unlimited	X	
Meat and Meat Products				
47. Beef, dried—tumblers and caps for tumblers may be used in addition to quota	100% 1943	100% 1943	X	
48. Beef extract	100% 1943	100% 1943	X	
49. Chicken, boned	100% 1943	100% 1943	X	
50. Corned beef hash	100% 1943	100% 1943	X	
51. Mince meat, fresh apples only. No containers holding less than one pound net weight of mince meat to be packed.	100% 1943	100% 1943	X	
52. Pigs feet and cuttlets, pickled. No containers of a capacity less than one pint to be packed	200% 1943	200% 1943	X	
53. Scrapple (Philadelphia type)	50% 1943	50% 1943	X	
54. Tamales	100% 1943	100% 1943	X	
55. Chili con carne, with or without beans (only when packed in accordance with F. D. A. standards)	100% 1943	100% 1943	X	
56. Meat spreads, including ham, tongue, liver, beef and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	100% 1943	100% 1943	X	
57. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	100% 1943	100% 1943	X	
58. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 percent added water by weight.	100% 1943	100% 1943	X	
59. Tongue	200% 1943	200% 1943	X	
Fish and Shellfish				
60. Any person who packed fish or shellfish products in 1943 may pack the same products in 1944 or any subsequent year, except that no clam broth shall be packed.	150% 1943	150% 1943	X	
Milk and Dairy Products				
61. Cheese spreads, processed or unprocessed. Tumblers and caps for tumblers may be used in addition to quota.	125% 1943	125% 1943	X	
62. Milk, cultured, as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.	100% 1943	100% 1943		X
63. Milk, fluid with or without flavoring	Unlimited	Unlimited		X
64. Dry milk, malted milk, (including chocolate milk), and milk fortifiers	100% 1943	100% 1943		X
65. Ice cream mix, dry—notwithstanding the provision of paragraph (p) of this Supplementary Order L–103–b, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies. Containers and closures used for such packs must be charged to quotas for this product.	100% 1943	100% 1943	X	
66. Miscellaneous dairy products packed in returnable glass containers, including but not limited to fluid milk cultured milk, liquid modifications of milk, sweet cream, sour cream and cottage cheese.	Unlimited	None		
Syrups and Honey				
67. Syrups—blended, cane, corn, maple, molasses, sorghum. Containers under 1 gallon capacity only to be packed.	150% 1943 (see note).	Unlimited		X
Note: Only new glass containers under 1 gallon capacity to be included for purpose of computing quota in accordance with paragraph (g).				
68. Syrups—bottlers, malt, chocolate, and fountain syrups	100% 1943	Unlimited		X
69. Honey	Unlimited	Unlimited		X
Olives, Pickles, Relishes, Condiments & Sauces				
70. Pickles, piccalilli and relishes	125% 1943	125% 1943	X	
71. Horseradish	100% 1943	100% 1943	X	
72. Mustard	100% 1943	100% 1943	X	
73. Green Olives	100% 1943	100% 1943	X	
74. Sauces—beefsteak, cooking, soya, pepper and Worcestershire	100% 1943	100% 1943	X	
Edible Oils and Dressings				
75. Dressings—Mayonnaise, Russian, salad, Thousand Island, Tartar Sauce and sandwich spreads (other than meat or cheese spreads). At least 60 percent of the containers used by any person to pack any or all of these products must be pints or larger.	125% 1943	125% 1943		X
76. French dressing	100% 1943	100% 1943	X	

SCHEDULE I—FOODS—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
EDIBLE OILS AND DRESSINGS—Continued				
77. Oil, edible, liquid	125% 1943 (see note).	100% of quota glass containers.		X
NOTE: Both new glass containers and new metal cans packed during base period to be included for purpose of computing quota under paragraph (g). No containers other than quarts and pints may be packed, with the following exceptions: (i) Olive oil may be packed in quarts, pints and smaller sizes. (ii) Any person who packed liquid edible oils prior to January 1, 1942 in glass containers larger than one quart may continue to do so in 1944 and subsequent calendar years.				
78. Shortenings	100% 1943	None		
MISCELLANEOUS FOODS				
79. Baby foods. Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used. Potatoes and cereals may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Formulas—dry and liquid.	150% 1943	150% 1943	X	
81. Cherries, maraschino	100% 1943	100% 1943	X	
82. Coffee, not including soluble coffee	75% 1941 (see note).	80% quota glass containers. (See note.)		X
NOTE: Glass quotas for coffee are based on the capacity of new glass containers and metal cans accepted, rather than on the number of those used during 1941. Therefore, after computing his quota base in accordance with steps 1 and 2 of paragraph (g), on this basis, a coffee packer is permitted to accept and use enough new glass containers (of any size), to enable him to pack 75 percent of the capacity of new metal cans and jars resulting from such computation. No more than 40 percent of yearly glass quota may be accepted in period May 1 through October 31. New metal caps used in any one month shall not exceed 50 percent of the number of new glass containers packed in that month.				
83. Coffee, soluble	150% 1943	150% 1943		X
84. Baking powder	100% 1943	100% 1943		X
85. Dyes, certified colors, liquid	100% 1943	100% 1943	X	
86. Flavoring extracts	100% 1943	100% 1943		X
87. Malt, dry	150% 1943	150% 1943		X
88. Nut butters including soybean butter. To be packed in 1 pound, 1½ pound, 2 pounds and larger containers only, except for tumblers which may be used subject to provisions of L–103. At least 10 percent of containers used to be 2 pounds or larger.	100% 1943	100% 1943	X	
89. Spices and seasonings	100% 1943	100% 1943	X	
90. Vinegars. At least 70 percent of the containers packed must be quarts or larger. No containers less than pint capacity to be packed.	(See note)	(See note)	(See note)	(See note).
91. Special foods, for human consumption only, limited to foods other than usual table foods. NOTE: Quota—no person shall pack any special food product unless he packed the product in substantially the same form in 1943, and unless he obtains prior permission upon application to the War Production Board.				

SCHEDULE II—DRUG PRODUCTS

[Products for medicinal purposes only]

Closures made of aluminum may be used for any product listed in this schedule to the extent that the packer used aluminum closures for the same product in 1941. However, all aluminum closures must be used within, and charged to, the quotas established by this schedule. Closure manufacturers must obtain permission from the Administrator of Order M–1–i to receive aluminum plate.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Alcohol, rubbing or medicated	Note 1	Note 1		X
2. Anesthetic solutions	Unlimited	Unlimited	X	
3. Biological preparations	Unlimited	Unlimited	X	
4. Blood plasma	Note 1	Note 1		X
5. Capsules, pills, tablets, troches, lozenges	Unlimited	Unlimited	X	
6. Chemicals, dry or liquid	Note 1	Note 1		X
7. Citrate of magnesia	Note 1	Note 1		X
8. Elixirs	Note 1	Note 1		X
9. Emulsions	Note 1	Note 1		X
10. Extracts, dry or liquid	Note 1	Note 1		X
11. Glycerine	Note 1	Note 1	X	
12. Glycerites	Note 1	Note 1		X
13. Jellies, aqueous	Note 1	Note 1		X
14. Liniments	Note 1	Note 1	X	
15. Liniments of ammonia	Note 1	Note 1		X
16. Lotions, medicinal only	Note 1	Note 1	X	
17. Magmas	Note 1	Note 1		X
18. Oleoresins	Note 1	Note 1	X	
19. Oils, fixed, volatile or medicated	Note 1	Note 1		X
20. Ointments, cerates, petrolatum pastes	Note 1	Note 1	X	
21. Ointments, ophthalmic	Note 1	Note 1		X
22. Powders	Unlimited	Unlimited	X	
23. Prescriptions	Note 1	Note 1		X
24. Proprietary preparations	Note 1	Note 1		X
25. Salts, effervescent, hygroscopic, efflorescent only	Note 1	Note 1	X	
26. Soaps, medicinal only	Note 1	Note 1	X	
27. Solutions, aqueous	Note 1	Note 1	X	
28. Solutions, other than aqueous	Unlimited	Unlimited		X
29. Solutions, parenteral	Note 1	Note 1		X
30. Spirits	Note 1	Note 1	X	
31. Spirits of ammonia, aromatic	Note 1	Note 1	X	
32. Spirit of ether compound and spirit of ether	Unlimited	Unlimited		X
33. Sulfonamide preparations	Note 1	Note 1		X
34. Suppositories	Note 1	Note 1		X
35. Syrups	Unlimited	Unlimited		X
36. Tinctures	Unlimited	Unlimited	X	
37. Tincture of iodine	Note 1	Note 1		X
38. Waters, laxative, purgative or medicinal	Note 1	Note 1		X
39. Other drug products				

NOTE 1: The total number of new metal closures and new glass containers which may be used, during any calendar year, for packing all of the products referring to this note is 100 percent of the number of new metal closures or new glass containers, respectively, a person used for said purpose during 1943. This quota may be used for any one or more of said products.

SCHEDULE III—CHEMICALS

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Adhesives, glue, mucilages and pastes	100% 1943	100% 1943		X
2. Alcohol, liquid or solidified (excluding anti-freeze)	100% 1943	100% 1943		X
3. Ammonia, household, and/or household liquid cleaners. No containers of less than 1 quart capacity may be packed.	100% 1943	100% 1943	X	
4. Aromatic chemicals used for their odoriferous and/or flavoring properties	Unlimited	Unlimited	X	
5. Automotive maintenance or repair items, liquid or paste	100% 1943	100% 1943		X
6. Bluings	100% 1943	100% 1943	X	
7. Bleaches, liquid. No containers of less than 1 quart capacity may be packed	100% 1943	Unlimited	X	
8. Cements—dry, paste or liquid	100% 1943	100% 1943		X
9. Cements used for dental purposes	Unlimited	Unlimited		X
10. Chemicals, dry, not elsewhere specified	80% 1943	80% 1943		X
11. Chemicals, liquid, not elsewhere specified	80% 1943	80% 1943	X	
12. Chemicals for food sanitation purposes only	150% 1943	150% 1943		X
13. Chemicals, reagent	200% 1943	200% 1943	X	
14. Cleaners—dry, paste or liquid, not including liquid household cleaners	100% 1943	100% 1943		X
15. Compounds for grinding, polishing, or sealing	100% 1943	100% 1943		X
16. Deodorants—dry, not for use on human body	100% 1943	100% 1943		X
17. Deodorants—liquid or paste, not for use on human body	100% 1943	100% 1943	X	
18. Dressings for industrial purposes Belt dressings and similar preparations	100% 1943	100% 1943		X
19. Dyes	100% 1943	100% 1943	X	
20. Essential oils, distilled or cold pressed	100% 1943	100% 1943	X	
21. Embalming fluid	Unlimited	Unlimited		X
22. Fire extinguisher fluids	100% 1943	100% 1943		X
23. Fumigants	100% 1943	100% 1943		X
24. Fungicides, insecticides, disinfectants and livestock or agricultural solutions or sprays No containers larger than 1 quart to be packed	150% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
25. Germicides	125% 1943	125% 1943	X	
26. Graphite with liquid	100% 1943	100% 1943		X
27. Glycerine	100% 1943	100% 1943		X
28. Hand protective compounds (industrial protective only and only when packed in 8 oz. container or larger).	150% 1943	150% 1943		X
29. Hypochlorite powders	125% 1943	125% 1943	X	
30. Inks	100% 1943	100% 1943	X	
31. Ink eradicators	100% 1943	100% 1943	X	
32. Paints, clear (including shellac) except nitro-cellulose base paints; containers limited to quarts and smaller	100% 1943 (see note)	100% quota glass containers		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
33. Paints, pigmented except nitro-cellulose base paints; containers limited to one-half pints and smaller	100% 1943 (see note).	100% quota glass containers		X
NOTE: Only new glass containers of one pint capacity and smaller may be included in computing quota under paragraph (g)				
34. Paint thinner, including turpentine, paint and varnish removers and linseed oil; excluding thinners for nitro-cellulose products; quart, pint and half-pint containers only.	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
35. Phenols	100% 1943	100% 1943	X	
36. Photographic supplies	100% 1943	100% 1943	X	
37. Poisons	100% 1943	100% 1943		X
38. Polishes, liquid. Furniture, auto, metal and floor polishes, quart and smaller containers only	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
39. Putty	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g)				
40. Polishes not otherwise specified	75% 1943	75% 1943		X
41. Shoe and leather polishes, waxes, dyes, stains and dressings not including liquid or cream shoe white	125% 1943	125% 1943		X
42. Shoe white, liquid or cream	100% 1943	100% 1943		X
43. Soap, liquid or paste	100% 1943	100% 1943		X
44. Solvents—organic solvents and petroleum distillates	100% 1943	100% 1943		X
45. Synthetic resins	100% 1943	100% 1943		X
46. Waxes	100% 1943	100% 1943		X
47. Wood preservatives and/or fillers	100% 1943	100% 1943		X

SCHEDULE IV—COSMETICS AND TOILETRIES

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material: Tinplate	Closure material: Blackplate
1. Cosmetics, solid and semisolid types; such as face creams, hand cream., vanishing creams, deodorant and anti-perspirant creams and cream rouge.	100% 1943	85% quota glass containers.		X
2. Cosmetics and toileteries, fluid or powder; such as deodorants, antiperspirants, shampoos, hair tonics, hair dyes, wave solutions, hair rinses, oral antiseptics, tooth pastes, tooth powders, liquid dentifrices, after shave lotions, liquid soaps, perfumes, toilet waters, face and hand preparations, lotions, fingernail preparations.	100% 1943	50% quota glass containers.		X
3. Soaps, hand	100% 1943	100% 1943		X
4. Shaving cream	100% 1943	100% 1943		X

SCHEDULE V—MISCELLANEOUS PRODUCTS

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
1. Artist supplies	100% 1943	100% quota glass containers.		X
2. Candle tumblers	Unlimited	None		
3. Dental floss	100% 1943	100% 1943		X
4. Lighter fluids	100% 1943	100% 1943		X
5. Oils, lubricating and machine. Motor oils to be packed in quarts only	100% 1943	100% 1943		X
6. Tobacco and snuff not including cigars and cigarettes	100% 1943	None		

SCHEDULE VI—BEVERAGES

(The rules set forth in this Schedule are controlling wherever they conflict with any other provisions of Order L-103-b. However, except as modified herein, all provisions of Order L-103-b are applicable)

MALT BEVERAGES

Product: Malt beverages, including only beer, ale, porter, near beer and mixtures thereof.

Glass Containers

(a) *Glass container quota.* 100% of the number of new returnable glass containers which the packer accepted delivery of for malt beverages during 1943—less the number of quota exempt returnable glass containers which were accepted during the period between July 1, 1943 and December 31, 1943.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for malt beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering malt beverages to or for any of the persons listed under paragraph (p) of this order:

(1) *Export shipment.* The full amount of glass containers for delivering malt beverages to or for any such person for shipment to points outside the continental United States.

2. *Domestic consumption.* 8% of the full amount of glass containers for delivering malt beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Note 3).* 115% of the number of new metal closures used for malt beverages during 1943. (Quota exempt closures may not be included in base.)

(d) *Closure material.* (See Note 1) Rejects, electrolytic waste-waste and frozen blackplate. Hot dipped waste-waste may be used only to make malt beverage closures which are to be exported unused.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L-103-b, except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

NON-ALCOHOLIC BEVERAGES

Product. Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters and unflavored naturally carbonated and still waters (See Note 2); drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85% by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk.

Glass Containers

(a) *Glass container quota.* 80% of the number of new glass containers which the packer accepted delivery of for non-alcoholic beverages during 1941.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for non-alcoholic beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering non-alcoholic beverages to or for any of the persons listed in paragraph (p) of this Order.

(1) *Export shipment.* The full amount of glass containers for delivering non-alcoholic beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 8% of the full amount of glass containers for delivering non-alcoholic beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Notes 2 and 3).* 115% of the number of new metal closures used for non-alcoholic beverages during 1943 (Quota exempt closures are not to be included in base).

(d) *Closure material (See Note 1).* Rejects, electrolytic waste-waste, and frozen blackplate. Hot dipped waste-waste may be used only to make non-alcoholic beverage closures which are to be exported unused.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L-103-b except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

WINES

Product. Wines.

Glass container quota. 100% of 1943.

Closure quota. 50% quota glass containers.

Closure material. Blackplate.

DISTILLED SPIRITS

Product. Distilled spirits, including cordials.

Glass container quota. 100% of 1943.

Closure quota. 50% quota glass containers.

Closure material. Blackplate.

NOTE 1: Permission to accept delivery of used cans made of tinplate or of sheets recovered from such cans or of tinplate slitter or shear trimmings, lithographing lay sheets and discs must be obtained in accordance with Conservation Order M-325.

NOTE 2: Except with regard to items listed in Schedule II, no new metal closures shall be affixed to glass containers smaller than 12 fl. oz. for packing unflavored carbonated natural or mineral waters unless such glass containers were manufactured on or before June 1, 1942.

NOTE 3: No person other than a jobber purchasing for resale shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory (including closures for use as described in Paragraph (p) of this Order) beyond 20% of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.

SCHEDULE VII—HOME CANNING CLOSURES

No manufacturer of glass containers shall ship any jars with 70 mm. screw finish, intended for home canning unless at least 40% of such jars shipped during each calendar month are delivered as a unit, consisting of the jar and a "glass lid closure" packed together. A "glass lid closure" is one consisting of a glass lid, a screw band and a top seal jar ring.

Description of closure	Manufacturer's quota	Closure material indicated by X			
		0.50 tinplate	Wire bails	Zinc	Blackplate
1. Top seal metal lids, 70 mm	Unlimited	X			
2. Bands for 70 mm. top seal metal lids	Unlimited	X			
3. Bands for use with 70 mm. glass lids	Unlimited		X		
4. Lightning type	Unlimited	X			
5. Top seal metal lids, smaller than 70 mm	Unlimited	X			
6. One piece metal closures, 70 mm. shoulder seal type.	Unlimited	X			
7. One piece metal closures, 70 mm. top seal type	From October 1, 1943 to September 30, 1944—6% of production of 70 mm. lids from October 1, 1942 to September 30, 1943.	X			
8. Top seal metal lids larger than 70 mm	60% 1941 production			X	
9. Zinc Mason P/L closures, 70 mm	Unlimited				X
10. Jelly glass lids					

INTERPRETATION 1

[Interpretation 1 was revoked Jan. 4, 1944.]

[F. R. Doc. 44-2419; Filed, February 19, 1944; 11:33 a. m.]

PART 937—ZINC

[General Preference Order M-11 as Amended Feb. 21, 1944]

SLAB ZINC

§ 937.1 *General Prefefence Order M-11*—(a) *Scope of this order.* This order controls deliveries of zinc from a producer or dealer. No producer or dealer shall deliver zinc to any person, and no person shall accept delivery of zinc from any producer or dealer, except as provided in this order. The order does not relate to the use which may be made of zinc after it is received. The use of zinc in manufacture is controlled by Conservation Order M-11-b or, in the case of certain specific products, by other orders of the War Production Board relating to those products. These use restrictions must also be complied with.

(b) *Definitions.* (1) "Zinc" means all grades of metallic slab zinc (spelter) produced directly from ores, concentrates or other primary material; or redistilled from zinc scrap, including ashes, dross, skimmings, clippings, castings, engravers' plates, die castings, die cast scrap, or any secondary zinc-bearing material.

(2) "Producer" means any person producing zinc and any person who has zinc produced for him under toll agreement.

(3) "Dealer" means any person who regularly receives physical delivery of zinc and sells or holds the same for resale without changing the form. A person who produces any zinc or who has the same produced for him under toll agreement, is a producer as to such zinc, and not a dealer.

(4) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(c) *Acceptance of deliveries of zinc from a producer.* (1) Except as specifically authorized by the War Production Board on Form WPB-2893, no person, other than the Metals Reserve Company, or a person accepting delivery pursuant to an export license duly issued by the Foreign Economic Administration, shall accept delivery of zinc from a producer. The Metals Reserve Company may accept deliveries of zinc for the sole purpose of stockpiling or redistribution without change in form.

(2) Any person wishing to apply for an authorization certificate to accept delivery of zinc from a producer should apply for authorization not later than the twelfth day of the month preceding the month in which shipment is desired.

(3) An authorization certificate will authorize the holder to accept from a producer deliveries of specified amounts of zinc shipped during the month for which the certificate is issued. A producer is authorized to ship zinc on notification from the purchaser of the date and serial number of the authorization certificate authorizing him to accept delivery of zinc. Any producer may, with the consent of the purchaser, substitute for any amount of any grade of zinc specified in an authorization certificate an equal amount of any lower grade of zinc. A producer need not accept a new order (other than a new order bearing a AAA preference rating), although supported by a preference rating or an authorization certificate if his entire production for the month is committed and he has reason to believe that other purchase orders will be presented during the month by the person or persons to whom his production is committed in amounts at least equal to his production.

(4) No producer shall make any delivery of zinc except as permitted under this paragraph (c).

(d) *Acceptance of deliveries of zinc from a dealer.* No specific authorization will be issued by the War Production Board to permit any person to accept deliveries of zinc from a dealer. However, a person may accept delivery of zinc from a dealer only if such delivery meets all the following conditions:

(1) The delivery in question, combined with all other deliveries of zinc to the purchaser during the calendar month, from whatever source, will not aggregate as much as twenty short tons; and

(2) The purchaser has not requested from the War Production Board authorization for that particular month to accept delivery of zinc in any quantity—see paragraph (c) above (a request to the War Production Board shall be deemed a request within the meaning of this paragraph, regardless of whether it has been granted or denied).

A dealer shall not make any delivery if he knows, or has reason to believe, that the person accepting the delivery will not comply with all the provisions of this paragraph.

(e) *Toll agreements.* No person shall produce any zinc under any existing or future toll agreement until and unless he has made a report to the War Production Board, setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of the same, the estimated tonnage involved, the estimated rate of deliveries, the length of time the agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the zinc is to be used, and any other pertinent data. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Specific directions.* The War Production Board may, from time to time, issue special directions to any person as to the source, destination, special kinds and amounts of zinc, to be delivered or acquired by any person.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Reports.* All producers, dealers, and users of zinc shall file, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, such reports as the War Production Board may from time to time prescribe.

(i) *Communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Zinc Division, WPB Dept. 7515, Washington 25, D. C., Ref.: M-11.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(k) *Effective date.* Restrictions of this order with respect to remelt and zinc scrap shall cease to be effective immediately. In other respects, this order as amended June 7, 1943 shall continue in effect until April 1, 1944, on which date this amendment shall become effective.

Issued this 21st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2500; Filed, February 21, 1944; 11:29 a. m.]

PART 1288—POWER, STEAM AND WATER AUXILIARY EQUIPMENT

[L-154, Schedule II as Amended Feb. 21, 1944]

STEAM SURFACE CONDENSERS

Section 1288.3 *Schedule II to Limitation Order L-154* is hereby amended to read as follows:

§ 1288.3 *Schedule II to Limitation Order L-154.*—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates, or assembles steam surface condensers.

(2) "Steam surface condenser" means any tube and shell steam condenser used in land installations which employs water in its circulating system to condense the steam exhausted from a prime mover or from the jets of a steam jet air pump.

(b) *Restrictions on materials.* No producer shall install or incorporate, or accept delivery of, for the purpose of installing or incorporating, in any steam surface condenser, whether such condenser be new or used, any of the following:

(1) Cupro-nickel tube sheets, tube sheets which are tin-coated, or tube sheets which contain more than 1.5 per cent of tin by weight.

(2) Tubing which contains any nickel.

(3) Tubing which is tin-coated or which contains more than 1.5 per cent of tin by weight.

(4) Bracing and baffles which contain nickel or tin, or which are tin-coated.

(5) Bolts and ferrules which contain nickel or are tin-coated or which con-

tain more than 1.5 per cent of tin by weight.

Issued this 21st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2498; Filed, February 21, 1944; 11:29 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Correction]

CMP Regulation No. 1 as amended February 2, 1944 and printed in the FEDERAL REGISTER, Volume 9, Page 1365, stated in the Index to the Directions that Direction No. 4, relating to brass mills, was obsolete. This was in error. The item in the Index should appear as follows: "4. 0-1, 0-4 and N-4 Orders on Brass Mills."

Issued this 21st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2499; Filed, February 21, 1944; 11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317,[1] as Amended Feb. 21, 1944]

COTTON TEXTILE DISTRIBUTION

§ 3290.115 *General Conservation Order M-317*—(a) *Definitions.* In this order:

(1) "Cotton textiles" means the following products, containing more than 50% by weight of cotton or cotton waste, or a combination of the two:

(i) Woven fabrics, whether grey, original mill or regular finish, bleached, dyed or printed, and the following cotton products: bedsheets, pillow cases, blankets, towels, diapers, face cloths and table "linens"; and

(ii) Yarns, whether grey, bleached, colored, mercerized, glazed, polished, single, plied, cabled or braided, including thread, twines and cordage (e. g. tying, sail, seine, etc. twine, rope, sash, cord, etc.) and including any of the foregoing which may be spun on speeder, ring, mule or converted twister spindles.

Blankets containing less than 25% by weight of wool fiber are the only types of blankets which are included in "Cotton textiles."

"Cotton textiles" does not include fabrics or yarns which contain any cotton and which are made on spindles or looms normally engaged in the manufacture of woolen or worsted products, or cotton duck as defined in General Preference Order M-91.

(2) (i) "Producer" means any manufacturer who makes cotton textiles in the United States.

(ii) "Intermediate processor" means any person engaged in the United States in the business of bleaching, dyeing or otherwise finishing cotton textiles and delivering or using them in the United States for his own account in the bleached or otherwise finished state.

(iii) "Processor" means any person engaged in the United States in the business of manufacturing or having manufactured in the United States for his account, any product in which cotton textiles are incorporated.

(iv) "Merchant" means any person engaged in the United States in the business of purchasing cotton textiles for resale in the United States in the form in which purchased.

(v) "User" means any person other than a producer, intermediate processor or processor, who purchases cotton textiles for his own use in the United States in any business, industry, profession or occupation.

(vi) Any person who performs the functions of more than one of the foregoing—regardless of his customary manner of conducting his business—shall, for the purpose of the following be deemed a separate person with respect to each of those capacities, and he is required to:

(a) Accept rated orders for cotton textiles in preference to any other contracts, orders or uses even though he has not in the past accepted or filled orders for that particular cotton textile, and also to fill them in accordance with the rules of Priorities Regulation No. 1;

(b) Use the ratings assigned by this order; and

(c) Apply the inventory restrictions of this order.

(vii) The definitions in subdivisions (i) to (v) above do not include the United States Army, Navy, Maritime Commission or War Shipping Administration.

(3) Trade terms used in this order shall have their usual trade significance unless otherwise specified.

(b) *Assignment of ratings.*[2] The preference ratings specified in the Preference Rating Schedules of this order are assigned to the persons in Column I for the cotton textiles in Column II to be used only as specified in Column III. The revocation of any rating and its effect is stated in the appropriate group of the Preference Rating Schedules.

(c) *Compulsory use of ratings assigned in schedules or by Form WPB-2842.* No intermediate processor, processor or merchant (except a retailer) shall purchase or accept delivery of a cotton textile for a purpose for which a rating for that cotton textile is assigned to him in a Preference Rating Schedule, unless he has applied or extended that rating or a rating assigned on Form WPB-2842. He may not purchase that cotton textile for the specified purpose with any other rating which he may have (whether higher or lower), nor may he purchase it without a rating for that purpose. The provisions of this paragraph do not apply to purchases for delivery or ultimate delivery to, or for incorporation into any product for delivery or ultimate delivery to, the United States Army, Navy, Maritime Commission or War Shipping Administration, nor do they prohibit the use of an AAA rating.

This rule does not change the rating on the finished product. For example, even though a manufacturer (processor), who is given a rating, according to the AA-2X Preference Rating Schedule, to obtain twills to make coated abrasive products, holds an AA-1 order for coated abrasive products, he must use the AA-2X rating given by the schedule to obtain the twills, and may not use the AA-1 rating for this purpose. The AA-1 rating, however, remains applicable to the finished coated abrasive product for all other purposes (such as to determine the sequence of deliveries).

(d) *How ratings for cotton textile are to be applied or extended.* Preference ratings shall be applied and extended as provided in Priorities Regulation 3. In addition, the provisions of subparagraph (1) below shall be followed in the case of products which are to be exported in the form of cotton textiles, and the provisions of subparagraph (2) below are to be followed when cotton textiles are not to be exported.

(1) *Cotton textiles for export.* Except where the cotton textile is for direct or ultimate delivery to, or for incorporation into any product for delivery or ultimate delivery to, the United States Army, Navy, Maritime Commission or War Shipping Administration, the purchaser shall place upon the purchase order an appropriate notation (with the blanks properly filled in), substantially as follows:

These cotton textiles will be exported, or will replace in inventory cotton textiles exported after December 24, 1943.

And also one of the following statements is to be made:

The preference rating was applied by the United States Treasury Procurement Division in connection with contract number ---------. [In the case of United States Treasury Procurement for Foreign Economic Administration];

The preference rating was applied in connection with Export License number ---------, or Release Certificate number ---------. [In the case of export in connection with licenses or release certificates issued by Foreign Economic Administration]

or

The preference rating was applied in connection with the Canadian Cotton Administrator's serial number ---------. [In the case of exports to Canada.]

(This notation is to be used when the rating is for the export of a cotton textile, in the form of cotton textile, as defined in this order. When this is done the requirements of M-328 are met and it is unnecessary to use any other notation.)

(2) *Cotton textiles for domestic use.* A person (other than the United States Army, Navy, Maritime Commission or War Shipping Administration on their direct purchase orders), applying or extending a rating for a cotton textile, which was assigned by a Preference Rating Schedule or under a War Production Board form, shall place upon the purchase order an appropriate notation, substantially as follows:

This rating has been assigned by M-317, Group(s) No. ---------. [Insert applicable group number or numbers of Preference Rating Schedule.]

or

This rating has been assigned under Form WPB ---------, Serial No. ---------. [Insert the War Production Board form number and its serial number.]

(This notation is to be used when the rating for a cotton textile, as defined in this order, is assigned by a Preference Rating Schedule or a War Production Board form. When this is done the requirements of M-328 are met and it is unnecessary to use any other notation.)

The standard certification described in Priorities Regulation 7 may be used in applying or extending the rating, but the specific notation of subparagraph (1) or (2) above must be added.

(e) *Restrictions on extension of rating to obtain fiber or yarn.* (1) No person shall use any preference rating which was assigned, applied or extended for cotton textiles in order to obtain any synthetic fiber or synthetic yarn, except cotton textiles for direct or ultimate delivery to, or for incorporation into any product for direct or ultimate delivery to, the United States Army, Navy, Maritime Commission or War Shipping Administration.

(2) No person shall use any preference rating which was assigned, applied or extended for knitted or woven fabrics, in order to obtain cotton yarns defined in paragraph (a) (1) (ii). If he does not own or control spinning machinery, he may use the rating to obtain cotton yarns for incorporation into products for direct or ultimate delivery to the United States Army, Navy, Maritime Commission or War Shipping Administration. If he does own or control spinning machinery, upon his showing on Form WPB-2842 the extent to which it is insufficient or unsuitable to produce cotton yarns required for incorporation into products for direct or ultimate delivery to the United States Army, Navy, Maritime Commission or War Shipping Administration, the War Production Board may authorize him to use that rating to obtain a specific quantity of cotton yarns for that purpose.

(3) No person owning or controlling spinning machinery shall use any preference rating which was assigned, applied or extended for yarn, in order to obtain cotton yarns defined in paragraph (a) (1) (ii), except to the extent authorized by the War Production Board, upon his showing, on Form WPB-2842, that his own spinning is insufficient or unsuitable to fill that yarn order.

(f) *Obligations in respect of rated orders.* (1) Each producer—even if he is also an intermediate processor, processor, merchant or user—shall, during the first calendar quarter of 1944 and in each succeeding calendar quarter, deliver or set aside for later delivery on rated orders those percentages of his total production (in pounds or yards according to his usual method of operation) of each cotton textile as specified in the Distribution Schedules of this order.

(2) No producer, after January 1, 1944, shall be required to fill rated orders in excess of the percentage of his production of each cotton textile as specified in the Distribution Schedules, computed by calendar quarters.

(3) The War Production Board may establish other percentages with respect to any of the cotton textiles listed in the Distribution Schedules.

(4) No person shall be required to accept any rated order for cotton textiles calling for delivery more than 90 days after the receipt of the order, except from the United States Army, Navy, Maritime Commission or War Shipping Administration.

(g) *Special conditions.* No producer, intermediate processor, processor, merchant or user shall sell, deliver, buy, accept or use a cotton textile or any product containing a cotton textile or assign, apply or extend a preference rating contrary to the provisions in Column III of a Preference Rating Schedule or in Column VI of a Distribution Schedule of this order.

(h) *Exports.* No person shall purchase for export any of the cotton fabrics defined in paragraph (a) (1) (i), other than woven or braided fabrics 12 inches or less in width, except with a preference rated order.

(i) *Inventory restrictions.* No person shall accept delivery of any cotton textiles if his aggregate inventory exceeds or would then exceed the lesser of (1) a practicable minimum working inventory, or (2) his requirements for 90 days (except in the case of merchants and users of cotton textiles used in crop cultivation).

In computing inventory include products in process of manufacture but exclude cotton textiles in transit or in process of conversion.

(j) *Allocation.* The War Production Board may assign preference ratings for or allocate and direct deliveries of cotton textiles pursuant to application on Form WPB-2842.

(k) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board.

(l) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(n) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref.: M-317.

Issued this 21st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[1] Limitation Order L-99 relates to cotton textile production.

[2] Conservation Order M-328 permits other preference ratings, as well as those assigned by this order, and imposes conditions on the use of all ratings for cotton textiles.

AA-1 Preference Rating Schedule

Preference rating AA-1 is assigned for each group to the intermediate processor, processor and merchant in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	Intermediate processor. Processor.	Carded yarn. Combed yarn. Hawser cord (ring twisted only). Seine twine (ring twisted only).	Wire and cable insulation. Wire rope centers.
2	Processor. Merchant.	Fishing twine.	Commercial fishing gear, as defined in Limitation Order L-282. Twines for mending, repairing, and hanging commercial fish nets. Commercial hand fishing lines.
3	Processor.	Cotton tire cord.	Tires. Fuel cells. Fuel hose.

AA-2X Preference Rating Schedule

Preference rating AA-2X is assigned for each group to the intermediate processor, processor, merchant and user in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	Processor. Merchant.	Bagging fabrics, leno. Bagging fabrics, other special. Drill. Duck, flat (including enameling). Jean. Osnaburg. Print cloth of less than 80 sley. Sheetings: Class A. Class B. Class C. Cord, filler. Twine, sewing.	New textile bags as defined in Conservation Order M-221, and for a use there permitted. Paper lined bags. Multi-wall paper bags. Spiral tube shipping containers. Barrel covers.
2	Merchant. User.	Cord, filler. Thread. Twine (other than seine).	Bag closures.
3	Processor.	Flannel, canton. Print cloth of less than 80 sley. Sheetings: Class A. Class C. Soft-filled, for napping.	Buffing wheels or buffs.
4	Intermediate processor. Processor.	Drill Jean. Print cloth of less than 80 sley. Sheeting: Class C. Twill.	Coated abrasive products.
5	Processor.	Duck, army. Yarn, carded. Yarn, combed.	Transmission belts, tapes and ropes. Polishing, grinding and rouging belts. Harvester webbing. Shuttle strap belt.
6	Processor.	Duck, flat (including enameling and pipe). Osnaburg. Print cloth of less than 80 sley. Sheetings: Class A. Class B. Class C. Special, not listed in column IV of Limitation Order L-99. Tobacco cloth.	Magnesia, asbestos, fibre glass and other pipe covering.
7	Intermediate processor. Processor.	Covert. Denim. Drill. Moleskin. Print cloth. Sateen Sheetings: Class A. Class B. Suede. Twill. Tobacco cloth. Thread, sewing.	Safety equipment specifically designed and used to furnish protection against specific occupational hazards (other than weather), as defined and limited in Limitation Order L-114.
8	Intermediate processor. Processor.	Drill. Flannel, canton. Flannel outing. Meads cloth. Print cloth. Sheetings: Class C. Soft-filled for napping. Tobacco cloth. Twill. Meads cloth.	Surgical dressings; meaning those products used in the cure, mitigation, treatment or prevention of traumatic or pathological conditions resulting from surgery, injury or disease, and which are commonly known and sold as surgical or medical products.

AA-2X—Preference Rating Schedule—Continued

Group	Column I	Column II	Column III
9	Intermediate processor. Processor.	Drill. Flannel. Netting, knitted. Print cloth. Sateen. Sheeting: Class C. Twill.	Rubber gloves as defined and limited in Rubber Order R-1, as amended December 4, 1943, Schedule A, Code 18.
10	Intermediate processor. Processor.	Drill. Duck, army. Jean. Osnaburg. Print cloth of less than 80 sley. Sateen. Sheeting: Class A. Class C. Twill. Yarn, carded.	Rubber hose and tubing for safety and industrial purposes (including mine and shiphold ventilating tubing and fire hose). Rubber packing and gaskets, and other mechanical rubber products, as defined and limited in Rubber Order R-1, as amended December 4, 1943, Schedule A, Code Nos. 11 and 12.
11	Processor. User.	Duck, flat (including enameling). Osnaburg. Print cloth of less than 80 sley. Sheetings: Class A. Class B. Class C.	Chafer fabrics, flippers, bead wraps, liner and wrapper fabrics used in the manufacture of tires and other rubber products.
12	Intermediate processor. Processor.	Lawn. Osnaburg. Print cloth. Sheetings: Class C. Tubing, industrial. Window shade cloth.	Cloth and non-selvage tape for industrial uses: Carton tape. Corrugated or fibreboard box stay tape. Gummed cloth tape. Varnished cambric tape. Varnished cambric cloth for use in Rubber Industry. Holland cloth for use in Rubber Industry. Separator cloth. Insulating tape. Cable wrapping tape. Friction tape. Pressure sensitive tape. Sealing tape. Supporting tape. Identifying tape.
13	Intermediate processor. Processor.	Sheeting: Class B.	Varnished cambric to be used only for camelbacks (see Group 12 for list of other fabrics which may be purchased with this rating for varnished cambric irrespective of use).
14	Processor.	Yarn, carded.	Insulating materials: Selvage tape. Insulating webbing and sleeving.
15	Intermediate processor. Processor.	Drill. Duck, Army. Duck, flat (including enameling). Lawn. Print cloth. Sheetings: Class A. Class B. Class C. Twill.	Fabric reinforced laminated plastics.
16	Merchant. User.	Drill. Flannel, canton. Jean. Lawn. Print cloth of less than 80 sley. Sheetings: Class B. Class C. Soft-filled for napping. Tobacco cloth. Twill.	Filter and wrapping cloths used in the manufacture of chemicals and chemical products.
17	User	Cord, solid braided.	Signal or control cords for use by common carriers.
18	Processor.	Yarn, carded. Yarn, combed.	Paper makers' blankets. Woven felts for industrial purposes.
19	Processor.	Yarn, carded. Yarn, combed.	Card clothing fabric.
20	Processor.	Print cloth of less than 80 sley. Yarn, carded.	Blasting caps and fuses.
21	Intermediate processor. Processor. Merchant. User.	Bagging, leno. Drill. Duck, bootleg. Duck, flat. Flannel. Osnaburg. Print cloth of less than 80 sley. Sheetings: Bed. Class A. Class B. Class C. Ticking, woven stripe. Tobacco cloth. Twill. Twine (other than seine). Yarn, carded.	Agricultural and food processing uses: Farm equipment: Horse collars and pads. Back bands. Fly nets. Horse and cow blankets. Dairy products equipment. Crop cultivation and harvesting uses. Meat packers supplies. Glass cloth and incubator crinoline for poultry raising and other farm uses. Filter cloths required in the production of sugar, honey, and vegetable oils.

AA-2X—PREFERENCE RATING SCHEDULE—Continued

Group	Column I	Column II	Column III
22	Processor.	Osnaburg.	Membrane waterproofing (asphalt saturated fabric).
23	Intermediate processor. Processor.	Print cloth of less than 80 sley. Sheeting: Class C. Tobacco cloth.	Waterproof wrapping materials (non-oxidizing cloths, impregnated and laminated fabrics).
24	Intermediate processor. Processor.	Lawn. Print cloth. Sheetings: Bed. Class B. Class C. Window shade cloth.	Tracing cloth. Maps for military or military training use.
25	Processor. Merchant.	Drill. Sheeting: Class C. Sateen. Twill.	Dust arrestors used in manufacturing plants.
26	Intermediate processor. Processor.	Lawn. Typewriter ribbon cloth.	Typewriter or duplicating ribbons.

AA-4 PREFERENCE RATING SCHEDULE

Preference rating AA-4 is assigned for each group to the intermediate processor, processor and user in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	Intermediate processor. Processor. User (non-profit public institutions only).	Blanket lining. Chambray. Corduroy. Cottonade. Covert. Denim. Denim stripes. Drill. Duck, enameling. Flannel, woven shirting. Gabardine. Hickory stripe. Jean. Moleskin. Pin check. Poplin. Sheetings: Bed. Class A. Class B. Class C. Sateen, warp. Suede. Tobacco cloth. Twill, four leaf. Whipcord. Thread, sewing.	Men's and boys' work clothing, meaning any garments designed for male workers' wear while engaged in their occupations and of the type customarily sold as one of the following: Waistband overalls or dungarees. Bib overalls. Overall jumpers or coats. Blanket-lined overall jumpers or coats. One-piece work suits. Work pants. Work breeches. Cossack jackets. Work shirts. Work aprons. Lined work coats. Doctors', dentists', internes' or orderlies' gowns, suits or coats. Druggists' coats. Slaughter house workers' coats. Butchers', fish handlers' or dairy workers' coats or apron sets. Cooks' coats. Shop and work caps. See note.
1-a	Intermediate processor. Processor.	Print cloth. Sheetings: Bed. Class B. Class C. Thread, sewing.	Oilskin jackets, coats, hats or apron overalls. Occupational protective clothing (i. e. black rubber clothing).
2	Intermediate processor. Processor.	Flannel, mitten. Flannel, colored stripe mitten. Osnaburg. Print cloth of less than 80 sley. Sheeting: Class C. Tubing. Twill. Thread, sewing.	Work gloves, meaning any type of hand covering designed for workers' wear while engaged in their occupations and of the type customarily sold as such.
3 Cancelled.		Broadcloth. Chambray, except 3.90 yard. Drill. Jean. Poplin. Print cloth. Seersucker. Sheeting: Class A. Class B. Class C. Suiting (including frock cloth). Thread, sewing.	Hospital clothing. This rating and all applications or extensions as to deliveries not made by February 21, 1944 are cancelled.

NOTE: The rating for print cloth and twills other than four leaf twills is cancelled, and all applications or extensions of the rating as to deliveries not made by February 21, 1944, are cancelled.

AA-4 PREFERENCE RATING SCHEDULE—Continued

Group	Column I	Column II	Column III
Cancelled.		Covert. Denim. Drill. Hickory stripe. Jean. Pin check. Pin stripe. Poplin. Print cloth, of less than 80 sley. Sheeting: Class A. Suiting (including frock cloth). Twill. Thread, sewing.	Women's work clothing. This rating and all applications or extensions as to deliveries not made by February 21, 1944 are cancelled.
5	Intermediate processor. Processor.	Drill. Duck, Army. Duck, boot. Duck, flat (including enameling). Duck, gem. Flannel, shoe. Gabardine. Jean. Netting, knitted. Osnaburg. Print cloth of less than 80 sley. Sheeting: Class A. Class B. Class C. Sateen. Twill.	Rubber footwear, as defined and limited in Rubber Order R-1. All other footwear as defined and limited in Conservation Order M-217.
6	Processor.	Knitting yarns.	Knitted cotton linings to be used only in the manufacture of rubber footwear, as defined and limited in Rubber Order R-1.
7	Intermediate processor. Processor.	Diaper cloths: Birdseye. Gauze. Flannelette. Print cloth of less than 80 sley. Tobacco cloth.	Diapers or finished diaper cloth packaged for consumer distribution.
8	Intermediate processor Processor.	Tobacco cloth.	Sanitary napkins.
9	Processor.	Yarn, carded.	Wicking for oil lamps and stoves.

AA-5 PREFERENCE RATING SCHEDULE

Preference rating AA-5 is assigned for each group to the intermediate processor, processor and user in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	User.	Bedspreads, crinkle. Blankets (including crib). Diapers. Flannelette. Pillow cases. Sheeting: Bed and pillow case. Class A. Class B. Class C. Sheets: Bed. Crib. Toweling: Huck. Terry. Towels: Huck. Terry. Washcloths, terry.	Hospital use.
2	Intermediate processor. Processor.	Duck, Army. Duck, flat (including enameling). Print cloth of less than 80 sley. Tobacco cloth. Window shade cloth.	Book binding cloths.
3	Intermediate processor. Processor.	Drill. Duck, flat (including enameling). Lawn. Print cloth of less than 80 sley. Sateen. Sheeting: bed. Sheeting: Class C. Tobacco cloth. Twill.	Artificial leather for replacement and maintenance uses. For manufacture into coated fabrics for export or for sale to manufacturers of: Book covers. Baby carriages. Bicycle and motorcycle seats. Instrument cases. Shoes. Infants' waterproof panties. Sanitary garments. Crib sheets and mattresses. Allergic mattress covers and pillow cases. Bathinettes. Water repellent sheeting or sheets. Play pen pads. High chair pads. N. b. This rating is assigned only to intermediate processors and processors of coated fabrics and is not assigned to the manufacturers of the end products to obtain coated fabrics.

AA-5 PREFERENCE RATING SCHEDULE—Continued

Group	Column I	Column II	Column III
4	User.	Cover cloth. Cover duck. Drill. Feed ribbons. Felt, table, double napped. Sateen. Sheeting, laundry.	Laundry and dry cleaning operating supplies.
5	Intermediate processor. Processor.	Print cloth of less than 80 sley. Seconds, shorts and remnants of print cloth 80 sley and higher.	Laundry and dry cleaning tags.

DISTRIBUTION SCHEDULE—COTTON YARNS, CORDAGE AND TWINE

Column I indicates the corresponding item numbers of the various cotton textiles in this Schedule as each appears on Form WPB-658E (12-15-43).

Column II shows the cotton textiles covered by this schedule.

Column IV shows the minimum percentage which must be delivered by the producer against all rated orders. However, where the percentage in Column IV amounts to 100, seconds which are produced in the normal course of manufacture may be disposed of without regard to this provision to the extent that rated orders are not offered.

Column V shows the percentage beyond which rated orders need not be accepted by the producer. Priorities Regulation 1 applies up to that percentage. If receipt of an order which is rated higher than the previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter.

The provisions and explanations stated in Column VI apply to the producer, intermediate processor, processor, merchant and user and govern the particular cotton textiles, no matter when produced, converted or ordered, and also products containing those textiles. However, the restrictions in Column VI relating to exports do not apply where the export license or release certificate was issued before January 1, 1944.

Column I	Column II	Column IV	Column V	Column VI
	Carded cotton sale yarn			
16 thru 18	Single machine knitting	50	70	
	Single (other than machine knitting):			
1 thru 3, 22, 23, 27, 28	20's and coarser	65	85	
4, 5, 27, 29	Finer than 20's	50	70	
6 thru 15, 19, 21, 25 thru 29	Ply yarns	75	90	
20	Mop yarns		100	
	Combed cotton sale yarn			
	Single and ply machine knitting:			
51 thru 56	70's and coarser	45	60	
57 thru 60	Finer than 70's		100	
	Single (other than machine knitting):			
30 thru 32, 62	40's and coarser	90	100	
33 thru 35, 62	Finer than 40's and coarser than 71's	45	60	
36 thru 39, 62	71's and finer	65	85	
	Ply yarn (other than machine knitting and thread yarn):			
40 thru 42, 50, 62	40's and coarser	90	100	
43 thru 45, 50, 62	Finer than 40's and coarser than 71's	70	85	
46 thru 50, 62	71's and finer	30	50	
61	Thread yarn		100	
74, 75	Seine twine and cable cords (including fish net twine, trot lines, staging twines, etc.).	80	100	
76 thru 78	Twines, other than seine twine and cable cords	60	80	

DISTRIBUTION SCHEDULE—FINE COTTON GOODS

Column I indicates the corresponding item numbers of the various cotton textiles in this Schedule as each appears on Form WPB-658 C (12-15-43)

Column II shows the cotton textiles covered by this schedule.

Column III shows the minimum percentage which must be delivered by the producer against rated export orders for cotton textiles. This provision does not apply to exports made by the United States Army, Navy, Maritime Commission or War Shipping Administration.

Column IV shows the minimum percentage which must be delivered by the producer against all rated orders (including those specified by Column III). However, where the percentage in Column IV amounts to 100, seconds, shorts or remnants, which are produced in the normal course of manufacture may be disposed of without regard to this provision to the extent that rated orders are not offered.

Column V shows the percentage beyond which rated orders need not be accepted by the producer. Priorities Regulation 1 applies up to that percentage. If receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter.

The provisions and explanations stated in Column VI apply to the producer, intermediate processor, processor, merchant and user and govern the particular cotton textiles, no matter when produced, converted or ordered, and also products containing those textiles. However, the restrictions in Column VI relating to exports do not apply where the export license or release certificate was issued before January 1, 1944.

DISTRIBUTION SCHEDULE—FINE COTTON GOODS—Continued

Column I	Column II	Column III	Column IV	Column V	Column VI
10, 11	Combed broadcloths 37"-128 x 68 and 37"-136 x 60	10	75	100	
12	All other combed broadcloths	10	20	100	
13	Dimities	10	10	100	
16, 17	Fancy handkerchief fabrics			100	
18 thru 27	Lawns (Combed, part-combed and carded)	10	45	70	
28 thru 31	Marquisettes	7½	7½	100	
33	Oxfords	10	10	100	
34	Piques			100	
35	Pongees			100	
37, 38	Combed poplins	10	65	80	
40	Combed and part-combed sateens	10	55	70	
41, 42	Carded sateens (average yarns finer than 35s)	10	25	100	
43	Combed sheeting, including bed sheeting and pillow cases.			100	
44	Shirtings (jacquard gray-dobby and colored yarn)	10	10	100	
53, 55	Combed and part-combed twills	10	80	100	
54	Combed gabardines	10	40	60	
56	Carded twills (yarns finer than 35s)	10	40	80	
57	Tracing cloth		25	100	
58	Typewriter ribbon cloth		50	100	
59	Voiles	10	10	100	
60, 61	Combination cotton and rayon fabrics—chiefly cotton.	10	10	100	
62	All other combed, part-combed and fine carded fabrics (yarn finer than 35s).	10	25	100	
1 thru 9, 14, 15, 32, 36, 39, 45, 46 thru 49, 50 thru 52.	Airplane fabrics and balloon cloth, combed ducks, escape boat cloth, insect netting, marquisette (PQD-260), wind resistant poplins—Type 11 (PQD-1A), wind resistant sateens, 9 oz. (PQD-245-D), twills (combed), Army 6.0 oz. shirting twill (6-311), Army 8.2 oz. uniform twill (6-201-b), Navy twills.	2½	75	100	Seconds, shorts and remnants only shall be used to fill the export requirements.

DISTRIBUTION SCHEDULE—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES

Column I indicates the corresponding item numbers of the various cotton textiles in this Schedule as each appears on Form WPB-658B (12-15-43).

Column II shows the cotton textiles covered by this schedule.

Column III shows the minimum percentage which must be delivered by the producer against rated export orders for cotton textiles. This provision does not apply to exports made by the United States Army, Navy, Maritime Commission or War Shipping Administration.

Column IV shows the minimum percentage which must be delivered by the producer against all rated orders (including those specified by Column III). However, where the percentage in Column IV amounts to 100, seconds, shorts or remnants which are produced in the normal course of manufacture may be disposed of without regard to this provision to the extent that rated orders are not offered.

Column V shows the percentage beyond which rated orders need not be accepted by the producer. Priorities Regulation 1 applies up to that percentage. If receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter.

The provisions and explanations stated in Column VI apply to the producer, intermediate processor, processor, merchant and user and govern the particular cotton textiles, no matter when produced, converted or ordered, and also products containing those textiles. However, the restrictions in Column VI relating to exports do not apply where the export license or release certificate was issued before January 1, 1944.

Column I	Column II	Column III	Column IV	Column V	Column VI
	Sheeting and allied coarse and medium yarn fabrics (approx. 6's to 27's)				
1 thru 8	Osnaburgs	5	100	100	
9	Ixeno bag fabrics		100	100	
10	Special bag fabrics		100	100	
11	Bale coverings (for cotton, cloth, etc.)			100	
14 thru 17, 19	Class A sheetings, under 42"	5	100	100	
18, 20	Class A sheetings, 42" and wider	10	100	100	
21 thru 26, 28	Class B sheetings, under 42"	5	100	100	
27, 29	Class B sheetings, 42" and wider	10	100	100	
30 thru 39, 41, 43	Class C sheetings, under 42"	10	70	100	
40, 42, 44, 45	Class C sheetings, 42" and wider	10	50	70	
	Bed sheetings, 42" and wider (including made up sheets and pillow cases):				
46, 47	Sley of more than 64	10	30	50	
48, 49	Sley of 64 and less	10	20	50	
50	Pillow tubings			100	
50	Industrial tubings		100	100	
51	Carded poplins (sheeting yarns)	10	35	50	
52	Army 8.5 oz. herringbone twill (Army Spec. No. 6-261).		75	100	
53 thru 60	Other three leaf herringbone twills, all drills and jeans.	10	75	100	Jeans, as piece goods, may not be delivered for export.
61	Three leaf pocketing twills 39" 2.58 or 3.00 yd. (sheeting yarns).	10	25	40	
62	Three leaf silesia twills (sheeting yarns)		75	100	
63 thru 69	Four leaf twill fabrics	10	75	100	
	Warp and filling sateens (sheeting yarns):				
70	Narrow (under 42")	10	20	50	
71	Wide (42" and wider)		75	100	
72	Gabardines (carded)	10	20	50	
73	Birdseye diaper cloth		100	100	May not be used for industrial purposes.

DISTRIBUTION SCHEDULE—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES—Continued

Column I	Column II	Column III	Column IV	Column V	Column VI
	Print cloth yarn fabrics (approx. 28's to 42's)				
74	Print cloth yarn fabrics of window shade quality—all counts.	----------	30	60	
75, 81, 82	Plain print cloths, 80 sley and higher	----------	100	100	These cotton textiles, as piece goods, may not be delivered for export.
76 thru 81, 83, 86	Other plain print cloths (including fancies, other than dobby weave), except bandage cloths.	10	35	70	
87, 88	Bandage cloths (99 to 72 threads per square inch).	10	90	100	
	Tobacco and cheesecloths:				
89	All widths, 20 x 12 construction	----------	90	100	
90	All widths, 17 to 18 sley. 12 to 14 pick.	----------	100	100	May be used only for sanitary napkins and milk filters.
91	All other constructions	5	80	100	
92 thru 95	Carded broadcloth, plain and fancy	10	25	50	
96	Carded poplins (print cloth warp yarns) plain and fancy.	10	25	50	
97	Three Leaf Twills (print cloth yarns).	10	25	55	
	Colored yarn fabrics				
98 thru 106	Denims, pin stripes, pin checks, hickory stripes, etc.: 3.00 yd. and heavier (basis 28")	----------	100	100	
103, 104	Lighter than 3.00 yd. (basis 28")	10	50	75	
107 thru 110	Cottonades and suiting coverts	10	90	100	
111	Whipcords and bedford cords	10	90	100	
112	Ginghams	10	10	100	
113, 114	Seersuckers	10	45	100	
115, 116	All other all cotton suitings	10	10	100	
117, 118	Cotton and rayon suitings (51% or more cotton).	10	10	100	
119 thru 121	Shirting coverts	10	75	100	
122	Chambrays (36" 3.90 yd.)	----------	100	100	Except for shorts, remnants and prison-made goods, these cotton textiles, as piece goods, may not be delivered for export.
123	All other chambrays	10	10	100	
124	Bed tickings	10	10	100	
	Towels, toweling and dish cloths, wash cloths and bath mats				
125	Turkish and terry woven	10	30	50	
126	Huck	5	30	55	
126	Damask and Jacquard woven (other than terry).	5	5	50	
127	Dish towels and other twill and plain woven towels (including all cotton, part linen and part rayon).	5	25	50	
128	Dish cloths	----------	----------	100	
	Napped fabrics				
129	Outing flannels	10	25	50	
130, 131	Work shirt flannels	10	70	90	
132	Canton flannels	----------	90	100	At least 85% must be sold for the manufacture of work gloves.
134	Interlining flannels	10	10	100	
135	Moleskins and suedes	10	100	100	
133, 136	All other napped fabrics, except blankets.	10	75	90	Neither gun patch flannel nor gun patches may be delivered for export.
	Soft filled sheetings for napping:				
12	Under 42"	10	10	100	
13	42" and wider	10	10	100	
137	Blankets and blanketing, crib	----------	----------	50	
138 thru 140	Blankets and blanketing, other than crib.	10	10	50	
	Other woven cotton fabrics and specialties				
153	Corduroys, Men's Wear Weights 36"—12 to 13 oz. Thicksets.	2½	100	100	
152, 154	All other corduroys	2½	15	100	
143, 144	Bedspread fabrics—woven stylo	----------	----------	100	
147	Flag bunting	----------	80	100	
148 thru 151	Drapery, upholstery, tapestry, luggage and automobile seat cover fabrics.	10	10	100	
155, 156	Velvets, velveteens, plushes and other pile fabrics.	10	35	65	
157	Table damask	5	5	40	
145, 146, 158	All other carded fabrics, except ducks and tire fabrics.	10	10	100	

[F. R. Doc. 44-2496; Filed, February 21, 1944; 11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Interpretation 1 as Amended Feb. 21, 1944]

COTTON TEXTILE DISTRIBUTION

The following interpretation relates to General Conservation Order M-317 as amended February 21, 1944:

1. Q. Is the denim direction of May 21, 1943, superseded by Order M-317?

A. No. It will continue in effect until expressly revoked in writing.

2. Q. Where a person is given a rating in a preference rating schedule to obtain a particular fabric for a specified end use, is it necessary for that person actually to apply to the War Production Board for the right to use that rating?

A. No. The ratings given by these schedules are assigned in the order and may be applied without application.

3. Q. May a jobber use an AA-5 preference rating to acquire pillow cases in anticipation of business which he expects to get from a hospital?

A. No. The jobber has no rating to use until he receives rated orders from the hospital (user). Only after he has received such an order does the jobber have any rating which he can extend.

4. Q. Suppose, before December 24, 1943, when the order was amended, a spinner of sewing twine had on his books an unfilled and unrated order from a manufacturer of textile bags. Would the manufacturer be allowed to apply an AA-2X preference rating to the remainder of that already placed order?

A. Yes. In Group 1 of the AA-2X preference rating schedule, a processor (manufacturer) is given that rating for sewing twine to be used in the manufacture of textile bags. The rating may be used by him for that purpose, both in connection with unshipped balances of sewing twine orders as well as subsequent orders.

5. Q. Under Group I of the AA-2X preference rating schedule a bag manufacturer is given this rating to obtain flat duck to be used in the manufacture of bags, but he is not given a preference rating to buy this fabric to make tarpaulins. Is he allowed to use flat duck in the manufacture of tarpaulins?

A. Yes. Although the order does not give the bag manufacturer a rating to obtain flat duck to be made into tarpaulins, he is not prohibited from buying flat duck without a preference rating for that purpose. The mill may sell flat duck without a rating to the tarpaulin manufacturer so long as it does not interfere with the filling of rated orders.

6. Q. Does the fact that a particular use or end product is not included in a preference rating schedule mean that no cotton textile may be used for that particular purpose?

A. No. Preference ratings have been given to certain classes of persons to obtain specified cotton textiles for important uses which are described in the preference rating schedules. However, the cotton textiles mentioned in the preference rating schedules or any other cotton textiles may be used for any purpose unless prohibited by Column VI of the distribution schedules of this order or by some other order of the War Production Board.

7. Q. An AA-2X preference rating is given to a manufacturer to obtain window shade cloth for military maps (Group 24). No rating is given in the preference rating schedules to a window shade manufacturer. Does this mean that the window shade manufacturer must obtain a rating in order to get window shade cloth or that he is not allowed to purchase window shade cloth?

A. No. It merely means that a preference rating is not given to him.

8. Q. Is a cotton mill which normally dyes and sanforizes its own production of gray goods for the purpose of sale to manufacturers of work clothing required to accept a rated order for gray sheeting from a bag manufacturer?

A. Yes. Since a work clothes manufacturer has a rating of AA-4 and the bag manufacturer is given a rating of AA-2X, the gray goods must be sold to the bag manufacturer on the AA-2X rating rather than dyed and sanforized for sale to the work clothes manufacturer.

9. Q. A priority is given by the AA-4 preference rating schedule, Group 1, to a manufacturer to obtain fabrics for men's and boys' work clothing. Does work clothing mean anything the manufacturer deems to be work clothing?

A. No. Work clothing is that kind of apparel which is generally recognized and accepted in the trade as work clothing. The rating to be used properly must be used for the special purpose of manufacturing work clothing, and the manufacturer of work clothing must conform with L-181.

10. Q. Are the descriptions of the fabrics listed in Column II, Group 1, of Preference Rating Schedule AA-4 intended to include fabrics which are made wholly of combed or carded yarns or of combinations of both, such as twills or poplins?

A. Yes.

11. Q. When should the notations specified in paragraph (d) of M-317 be used and when should the notations specified in paragraph (b) of Order M-328 be used?

A. If the rating is received by virtue of a Preference Rating Schedule of Order M-317, or by a War Production Board form for a cotton textile as defined in M-317, the certification provided for in Priorities Regulation 3 or the standard certification of Priorities Regulation 7 must be used and, in addition, one of the appropriate notations referred to in paragraph (d) (1) or (d) (2) of M-317 must be used. This will satisfy all certification and notation requirements of M-328.

If the rating is for a product not within the definition of "Cotton textiles" in M-317, then the provisions of paragraph (b) of M-328 must be followed.

It should be noted that the Preference Rating Schedules of M-317 do not assign any rating for export. The answer to Question 16 explains how ratings for export orders are given.

NOTE: See paragraph (d) of M-317 as amended February 21, 1944.

12. Q. What ratings are given for diapers?

A. An AA-4 Preference Rating is given to converters and manufacturers to obtain cloth to be made into diaper cloth or diapers. An AA-5 Preference Rating is given to a hospital for the purchase of diapers.

The effect is that in purchasing diapers, a hospital uses an AA-5 preference rating which may be given to a manufacturer or to a jobber who in turn will pass it on to a manufacturer. This rating of AA-5 does not assist the manufacturer because he already has an AA-4 rating to obtain the fabric with which to make the diapers. It does, however, serve the purpose of giving priorities assistance to hospitals over other types of users.

13. Q. If a manufacturer of work gloves should receive an order from the Navy with an AA-2X rating, may he extend the AA-2X rating to buy mitten flannel or must he use the AA-4 rating given for Group 2 of the AA-4 preference rating schedule?

A. Since he is purchasing that textile for incorporation into a product to be delivered to the Navy, he may use the AA-2X rating and is not required to use the AA-4 rating.

14. Q. The order in subparagraph (a) (2) refers to the United States. Does that mean only the 48 states?

A. For the purposes of this order, United States means not only the 48 states but all the territories and possessions of the United States.

15. Q. Is a Canadian bag manufacturer given a preference rating by any Preference Rating Schedule?

A. No. In the AA-2X preference rating schedule, Group 1, a processor is given that rating for bagging fabrics to make bags. Only a domestic manufacturer is meant. The definition of "processor" relates only to a person engaged in the United States in the business of manufacturing.

16. Q. From where do ratings for export orders come?

A. A rating is given in connection with the granting of export licenses by the Foreign Economic Administration (Office of Economic Warfare). A rating is also given in connection with Treasury Department purchases for the Foreign Economic Administration (Lend-Lease and OFRRO). Canadian importers are being granted ratings by the Canadian Division of the War Production Board in Montreal, Canada, operating in conjunction with the Canadian Wartime Prices and Trade Board. All the ratings are AA-5.

17. Q. Can a domestic exporter or a Canadian importer use the ratings of the Preference Rating Schedules?

A. No.

18. Q. Does the order prohibit shipment without a rating to a Canadian purchaser who made a contract prior to December 24, 1943?

A. Yes it does. However, the Canadian purchaser may apply to the Cotton Administrator, Wartime Prices and Trade Board, Aldred Building, Montreal, for a preference rating.

19. Q. Must the purchaser for export show on his order any export license or serial number or any WPB serial number?

A. No export license or export serial number need be stated on his order. However, if a rating is assigned by Form WPB 2842, the serial number of that form must be inserted in the notation required by paragraph (d) of M-317.

[This interpretation is superseded by paragraph (d) of M-317 as amended Feb. 21, 1944]

20. Q. Do the restrictions of Column VI of the distribution schedules apply even to goods produced or ordered before December 24, 1943, the date of amendment?

A. Yes. The Column VI restrictions apply no matter when the goods were produced,

converted or ordered, and they apply to the producer, intermediate processor, processor, merchant and user. However, the Columns III, IV and V provisions cover only the producer (mill), and relate only to goods produced on and after January 1, 1944, regardless of the date they were ordered.

21. Q. Do the percentages in the distribution schedules apply separately to each construction?

A. No. They apply by groups to all the constructions covered by the respective Column I item numbers. For example, Items 76 thru 81, and 83 in Column I of the Carded Gray Goods Distribution Schedule refer to "other plain print cloths, except bandage cloths" and it is required that 40% be delivered against rated orders. This does not mean 40% of each and every fabric produced by the mill, but 40% of the aggregate yardage of the constructions fitting into those categories.

22. Q. In the Carded Gray Goods Distribution Schedule (Items 46, 47 and 48, 49) referring to bed sheetings 42" and wider (including made up sheets and pillow cases), the requirement is that at least 10% be delivered against rated export orders. May this obligation be satisfied by delivery, in whole or in part, of yard goods (gray or bleached) as well as sheets and pillow cases?

A. Yes. The total yardages are interchangeable. Paragraph (a) (1) (i) defines cotton textiles to include gray or finished fabrics as well as bed sheets and pillow cases.

23. Q. Is a mill which produces soft-filled sheeting and converts it into suede subject to the minimum rated percentages under soft-filled sheetings (Items 12 and 13, Carded Gray Goods Distribution Schedule) as well as the percentages for moleskins and suedes (Item 135)?

A. Yes. Inasmuch as the mill produces both soft-filled sheetings and suedes it must comply with the minimum percentage requirements as to both. However, the suede which is sold on rated export and other rated orders can be credited against the minimum requirements for the delivery of soft-filled sheeting.

24. Q. Are remnants to be excluded from the total of a mill's production for the purposes of the percentages in Columns III, IV and V of the distribution schedules?

A. No. They are to be treated the same as seconds and shorts for the purpose of the distribution schedules.

25. Q. Are seconds and shorts to be considered as part of the mill's total production for the purposes of Columns III, IV and V?

A. Yes. In making calculations a mill's entire production must be considered, including seconds, shorts and remnants. When the Column IV percentage is 100, the privilege is given to the mill to dispose of seconds, shorts or remnants without ratings if no rated orders are available. But if rated orders are presented for seconds, shorts or remnants, those orders must be accepted.

26. Q. Is the mill bound by the provisions in Columns III and IV of the Distribution Schedules even if the rated business is not offered to it?

A. Yes. This does not mean, however, that the War Production Board will grant ratings for uses of cotton textiles which have not heretofore been rated. The percentages in Columns III and IV have been set at levels to cover the quantities of rated business available for each group of fabrics. It, therefore, becomes necessary that each mill actually obtain the specified quotas of rated orders, although the result of this requirement will be that in certain instances mills will be unable to accept their accustomed amount of unrated business.

27. Q. In the heading of each distribution schedule there is a provision which states that if receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter. Does this mean that producers cannot sell their yardage against ratings in excess of the percentage specified in Column V?

A. If after the seller has received the specified quantity of rated orders, another order rated lower than or the same as any of those already accepted is offered to him he may refuse it or he may accept it. This is a case where he is allowed to exceed the Column V percentage with rated orders.

If the newly offered order is rated higher than those he has already accepted, he must accept it, and it must displace the lowest rated order. This is a case where he is not allowed to exceed the Column V percentage with rated orders.

28. Q. The distribution schedules differentiate "bandage cloths" from other types of print cloth. The Preference Rating Schedules do not refer to "bandage cloths". Are "bandage cloths" included in the preference rating schedules?

A. Yes. Print cloths include bandage cloths. They are sub-divided in the distribution schedules, but are not sub-divided in the preference rating schedules.

29. Q. Where Column VI in the Carded Gray Goods Distribution Schedule provides that plain print cloths, 80 sley and higher, "may not be used for export", does that mean that a garment made of such goods may not be exported?

A. Yes. The restriction applies not only to the export of the fabric named in Column II but also to the use of the fabric in any product being produced for export. Furthermore, that restriction controls not only the mill, but also the converter, jobber and cutter.

[This interpretation is superseded by amendment to M-317 issued February 21, 1944, which substituted "These cotton textiles, as piece goods may not be exported" for "May not be used for export," in Column VI.]

30. Q. Suppose rated export orders, exceeding the percentage specified in Column III, are presented. Must the mill accept them?

A. Yes. Those rated orders must be accepted to the extent of the Column V percentage.

31. Q. If a mill is making only one construction of "other plain print cloths, except bandage cloths" (Carded Gray Goods Schedule, Items 76 thru 81, 83) namely 38½" 64 x 60 5.35 yard to meet special quality standards, for which he receives an AA-2 preference rating from an insulating tape manufacturer, is he obliged to deliver 10% for export?

A. Yes. Since Column III specifies 10% as the portion of his production which must be delivered against rated export orders, the mill is obliged to comply unless relieved upon appeal.

32. Q. Does a mill, which is required to deliver a minimum of 10% of its production of Class B sheetings against rated export orders satisfy the requirement by shipments on ratings to a domestic bag manufacturer who will manufacture those goods into bags which will be exported?

A. No. The requirement is that the specified minimum percentage must be delivered against rated orders in the form of a cotton textile. In the case given, the bag manufacturer's order to the mill is not an export, but a domestic, order. Only the bags are covered by an export order.

33. Q. Does delivery of cotton textile to a garment manufacturer who could certify that the garment to be made therefrom is to be exported fulfill the export requirement?

A. No. The provision of Column III of the distribution schedules showing the minimum percentage which must be delivered against rated export orders means rated export orders for a cotton textile and not for a finished product which is not a cotton textile, such as the garment. It is to be noted that when the cotton textile is to be exported, paragraph (d) requires a notation to that effect to be placed by the purchaser on the purchase order.

34. Q. Where a percentage is not specified in Column III of distribution schedules, is the processor relieved of any obligation to accept rated export orders?

A. No. Unless there is a prohibition against export in Column VI, rated orders, export or otherwise, must be accepted up to the Column V percentage. The omission of a percentage in Column III merely indicates that the processor is not required to deliver a minumum percentage against rated export orders.

35. Q. Suppose, before December 24, 1943, when the Distribution Schedules were first adopted, a spinner had received rated contracts for 100 per cent of his first quarter of 1944 production of single machine knitted carded cotton sale yarn (items 16 through 18), does M-317 permit him to cancel those contracts to the extent of 30 per cent of that production, since Column V provides that he is not obliged to accept rated orders for more than 70 per cent?

A. No. The order does not excuse him from performing his existing rated contracts. In his case, only after his existing contracts have been performed will he have the benefit of the provision that "Column V shows the percentage beyond which rated orders need not be accepted by the producer.

Issued this 21st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2497; Filed, February 21, 1944; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 229]

RETAIL AND WHOLESALE PRICES FOR CERTAIN RUBBER FOOTWEAR

Maximum Price Regulation 229 is redesignated Revised Maximum Price Regulation 229 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1315.1701 *Retail and wholesale prices for certain rubber footwear.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 229 (Retail and Wholesale Prices for Certain Rubber Footwear), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.1701 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 229—RETAIL AND WHOLESALE PRICES FOR CERTAIN RUBBER FOOTWEAR

ARTICLE I—SCOPE AND PROHIBITIONS OF THE REGULATION

Sec.

1 What this regulation does.
2 Where this regulation applies.
3 Relation to other regulations.
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ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5 Maximum prices for sales at retail of rubber footwear.
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ARTICLE III—MISCELLANEOUS

10 Petitions for amendment.
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14 Sales slips and receipts.
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Appendix A—Table of maximum prices per pair of waterproof rubber footwear.
Appendix B—Table of maximum prices per pair of canvas-topped rubber-soled footwear of vulcanized construction.

ARTICLE I—SCOPE AND PROHIBITION OF THE REGULATION

SECTION 1. *What this regulation does.* This regulation establishes maximum prices for all sales at retail and wholesale of civilian (non-military) rubber footwear. However, this regulation does not apply to sales or deliveries of rubber footwear on war orders which must be priced under Maximum Price Regulation 403.[1] When used in this regulation the term:

(a) "Rubber footwear" means all types of waterproof and canvas rubber footwear for which maximum prices are set forth in an appendix to this regulation.

(b) "Canvas rubber footwear" means all canvas-topped rubber-soled shoes of vulcanized construction.

[1] 8 F.R. 7498, 8837, 10434.

(c) "Waterproof rubber footwear" means all rubber footwear of vulcanized construction which protects shoes or feet from moisture.

SEC. 2. *Where this regulation applies.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

SEC. 3. *Relation to other regulations.* (a) *Regulations superseded.* This regulation supersedes the General Maximum Price Regulation [2] and any other regulation issued by the Office of Price Administration as to transactions covered by this regulation.

(b) *Export sales.* The Second Revised Maximum Export Price Regulation [3] covers export sales or sales to exporters. When used in this paragraph the terms "export sale" and "exporter" have the meanings given to them by Section 11 of the Second Revised Maximum Export Price Regulation.

SEC. 4. *Prohibition against dealing in rubber footwear at prices above the maximum.* On and after the date this regulation takes effect, regardless of any contract or other obligation, no person shall sell or deliver at retail or wholesale any rubber footwear subject to this regulation, and no person shall buy or receive any rubber footwear subject to this regulation in the course of trade or business, at a price which is higher than the maximum price. No person shall agree, offer, solicit, or attempt to do any of the foregoing. However, lower prices may be charged.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 5. *Maximum prices for sales at retail of rubber footwear*—(a) *Method of determining the maximum price for each type and brand of rubber footwear.* The seller's maximum price for sales of each type and brand of rubber footwear, shall be the maximum price set forth in Appendix A or Appendix B for that type of rubber footwear for the appropriate price class determined under paragraph (b).

(b) *How the seller determines the appropriate price class.* The seller shall determine the appropriate price class for each type and brand of rubber footwear he sells, as follows:

(1) If the seller sold the type and brand of rubber footwear being priced between September 29, 1942, and February 24, 1944, that type and brand of rubber footwear shall be placed in the same price class as it was under § 1315.1703 of Maximum Price Regulation 229 [4] during that period.

(2) If the seller did not sell the type and brand of rubber footwear being priced between September 29, 1942, and February 24, 1944, the appropriate price class shall be determined by reference to the tables set forth in Appendix A for waterproof rubber footwear, and Appendix B for canvas rubber footwear. The seller shall compare the net price at which he purchased the rubber footwear he is pricing after February 23, 1944, with the range of net prices set forth in those tables for that type of footwear. The range of net prices into which the net price he paid falls, shall determine the appropriate price class.

(3) If, at any time subsequent to February 23, 1944, a seller buys a type and brand of rubber footwear in sufficiently larger quantities so that the net price he pays is lower than the net price which he used in determining the appropriate price class for that type and brand of rubber footwear, he must redetermine the appropriate price class by reference to the tables set forth in Appendix A or Appendix B.

(c) *Meaning of the "net price" at which the seller purchased the rubber footwear he is pricing.* The "net price" at which the seller purchased the type and brand of rubber footwear he is pricing, means the lowest price, without cash discount, at which he purchased that type and brand after February 23, 1944, (or the list price, less all discounts except cash discount). Manufacturers' "seconds", clearly marked as such, shall not be considered as establishing the net price for a type and brand of rubber footwear.

(d) *Discounts.* The seller shall deduct from his maximum price, as found in Appendix A or Appendix B, all discounts, allowances, and any other deductions that he had in effect to different classes of purchasers during the period July 1 to October 25, 1941.

SEC. 6. *Maximum prices for sales at wholesale of rubber footwear.* The maximum price for sales at wholesale of rubber footwear is the price stated in Appendix A or Appendix B for sales at wholesale, less all discounts, allowances, and any other deductions that the wholesaler had in effect to different classes of purchasers during the period April 1 to October 25, 1941.

SEC. 7. *Federal and state taxes.* Any tax upon or incident to the sale, delivery, or processing of rubber footwear imposed by any statute of the United States, or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased. The tax on the transportation of all property imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any rubber footwear, be treated as though it were an increase of 3 percent in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

[3] 8 F.R. 4132, 5987, 7662, 9998, 15193.

[4] 7 F.R. 7740, 7738, 8701, 8936, 10289, 10644; 8 F.R. 8843, 10900.

SEC. 8. *Terms and conditions of sale*—(a) *Credit charges.* Charges for the extension of credit may be added to the maximum prices established by this regulation only if: (1) The seller during the period February 11 to September 29, 1942, required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities; (2) the amount charged for the extension of credit is not in excess of the charge in effect during the period February 11 to September 29, 1942, for the extension of credit involving the same amount and term; and (3) such charges are quoted and billed separately. No seller may require as a condition of sale that the purchaser must buy on credit.

(b) *Service charges.* In the case of sales at wholesale a service charge of 5 cents a pair may be added to the maximum price on all orders of six pairs or less. Additional charges for services rendered the purchaser by the seller may be charged only if: (1) the seller during the period February 11 to September 29, 1942, required the payment of a separately stated additional charge for such services to purchasers of the same class, and (2) the amount charged for the services is not in excess of the charge in effect during the period February 11 to September 29, 1942, to purchasers of the same class for the same or similar services.

(c) *Transportation charges.* No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any rubber footwear than the seller required purchasers of the same class to pay on deliveries of the same or similar types of rubber footwear during April 1 to October 25, 1941, for sales at wholesale, and July 1 to October 25, 1941, for sales at retail.

SEC. 9. *Transfers of stock or business in trade.* If the business, assets or stock in trade are sold, or otherwise transferred after February 1944, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

ARTICLE III—MISCELLANEOUS

SEC. 10. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[3]

SEC. 11. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 12. *Records.* To aid in the enforcement of this regulation every seller is required to keep and preserve the following records for inspection by the Office of Price Administration:

(a) All existing records showing his purchases of each type and brand of rubber footwear.

(b) Records showing the basis on which the seller sets each maximum price, in a form which will permit filing on demand with the Office of Price Administration.

(c) Records of the same kind as he has customarily kept showing the prices actually charged by him for rubber footwear which he sells after the effective date of this regulation.

SEC. 13. *Posting and filing of maximum prices for sales of rubber footwear at retail.* (a) On and after February 24, 1944, every person offering to sell rubber footwear at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public, in the business establishment where rubber footwear is offered for sale. The maximum price shall be stated as follows: "Ceiling price $----"; or "Our ceiling $----".

(1) Every seller making retail sales on the basis of orders received by mail shall post or mark his maximum price in all catalogs, flyers, leaflets, circulars, booklets, lists or other printed or similar matter issued and distributed by him after the effective date of this regulation for the purpose of obtaining mail orders. One of the following methods of posting or marking shall be used:

(i) State the maximum price for each rubber footwear commodity listed in each of the publications described above at the place in the publication where such commodity is listed. The maximum price shall be stated substantially as follows: "Ceiling price $———"; or "Our ceiling price $———"; or,

(ii) Print on the front cover of all catalogs, flyers, leaflets, circulars or booklets, or the front page of all lists or publications not having a cover, at the time they are issued, substantially the following statement signed with the name of the seller:

NOTICE TO CUSTOMERS

No price for any article listed or described herein exceeds the ceiling price for that article as determined under the applicable maximum price regulation issued by the Office of Price Administration. As required by that Office, we will, upon request, furnish you with a statement of our maximum prices on any of the commodities listed about which you inquire.

(Signed)----------

Any seller using this method, shall upon request, furnish a statement of the maximum prices for any commodities listed or described in the publication and about which the customer inquires.

(2) Any seller making retail sales by mail may apply to the Office of Price Administration for permission to deviate from the requirements in subparagraph (1). The application shall state why such requirements are inequitable or inappropriate as applied to the applicant's business, and shall show that the requested method of posting is substantially in line with the requirements of posting for mail order sellers set forth in subparagraph (1).

SEC. 14. *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

SEC. 15. *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 16. *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of rubber footwear, alone or with any other commodity or by way of commission, service, transportation, or any other charge, discount, premium, or other privilege, or by tying-agreements or other trade understanding, or otherwise.

SEC. 17. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Definitions.* (a) When used in this regulation, the term: "Sale at retail" means a sale to an ultimate consumer. "Sale at wholesale" means a sale by a person who buys rubber footwear and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[4] 8 F.R. 13240.

APPENDIX A: TABLE OF MAXIMUM PRICES PER PAIR OF WATERPROOF RUBBER FOOTWEAR[1]

Type of footwear	Maximum prices for sales at wholesale	Maximum prices for sales at retail									
		Class I		Class II			Class III			Class IV (except mail order sellers)		Class V (mail order sellers only)	
		If you paid—	Your maximum price is—	If you paid— From—	To, but not including—	Your maximum price is—	If you paid— From—	To, but not including—	Your maximum price is—	If you paid—	Your maximum price is—	If you paid—	Your maximum price is—
Boots—other than severe occupational:													
Men's Short 14"	$2.85	$2.56 or above	$4.28	$2.39	$2.56	$3.92	$2.25	$2.39	$3.69	Below $2.25	$3.50	Below $2.25	$3.32
Men's Short 15"	3.00	$2.70 or above	4.50	2.52	2.70	4.14	2.37	2.52	3.90	Below $2.37	3.69	Below $2.37	3.50
Women's Short	2.45	$2.20 or above	3.68	2.06	2.20	3.41	1.94	2.06	3.21	Below $1.94	3.04	Below $1.94	2.88
Men's Stormking	4.05	$3.64 or above	6.08	3.40	3.64	5.75	3.20	3.40	5.43	Below $3.20	5.14	Below $3.20	4.86
Men's Hip	4.65	$4.18 or above	6.98	3.91	4.18	6.60	3.67	3.91	6.23	Below $3.67	5.91	Below $3.67	5.58
Pacs, other than severe occupational:													
Men's 12" "Topface Pac	3.20	$2.88 or above	4.80	2.69	2.88	4.54	2.53	2.69	4.29	Below $2.53	4.06	Below $2.53	3.84
Men's Lumberman's Overs, Half Heel (Rubber Part Only).	2.10	$1.89 or above	3.15	1.76	1.89	2.93	1.66	1.76	2.76	Below $1.66	2.62	Below $1.66	2.48
Arctics:													
Men's 5-buckle Rubber Mid-weight Bal:													
Net Lined	3.40	$3.06 or above	5.10	2.86	3.06	4.70	2.69	2.86	4.43	Below $2.69	4.20	Below $2.69	3.98
Fleece Lined	3.50	$3.15 or above	5.25	2.94	3.15	4.84	2.76	2.94	4.56	Below $2.76	4.33	Below $2.76	4.10
Men's 4-buckle Rubber Mid-weight Bal:													
Net Lined	3.00	$2.70 or above	4.50	2.52	2.70	4.14	2.37	2.52	3.90	Below $2.37	3.69	Below $2.37	3.50
Fleece Lined	3.10	$2.79 or above	4.65	2.60	2.79	4.28	2.45	2.60	4.03	Below $2.45	3.81	Below $2.45	3.62
Men's 4-buckle Farmweight Blucher—Cloth.	3.00	$2.70 or above	4.50	2.52	2.70	4.14	2.37	2.52	3.90	Below $2.37	3.69	Below $2.37	3.50
Men's 4-buckle Height Lightweight Bal—Rubber:													
Buckle	2.50	$2.25 or above	3.75	2.10	2.25	3.45	1.97	2.10	3.25	Below $1.97	3.08	Below $1.97	2.92
Strap	2.45	$2.20 or above	3.68	2.06	2.20	3.38	1.94	2.06	3.19	Below $1.94	3.02	Below $1.94	2.86
Slide	2.65	$2.38 or above	3.98	2.23	2.38	3.76	2.09	2.23	3.55	Below $2.09	3.37	Below $2.09	3.18
Boys' 3-buckle Lightweight Bal—Rubber.	2.25	$2.02 or above	3.38	1.89	2.02	3.07	1.78	1.89	2.89	Below $1.78	2.74	Below $1.78	2.60
Youth's 3-buckle Lightweight Bal—Rubber.	2.10	$1.89 or above	3.15	1.76	1.89	2.86	1.66	1.76	2.69	Below $1.66	2.55	Below $1.66	2.42
Women's 4-buckle Lightweight Bal—Rubber.	2.20	$1.98 or above	3.30	1.85	1.98	3.05	1.74	1.85	2.88	Below $1.74	2.72	Below $1.74	2.58
Women's Over-the-shoe Boot 10½".	2.00	$1.80 or above	3.00	1.68	1.80	2.74	1.58	1.68	2.58	Below $1.58	2.45	Below $1.58	2.32
Misses' Over-the-shoe Boot 9"	1.90	$1.71 or above	2.85	1.60	1.71	2.60	1.50	1.60	2.45	Below $1.50	2.32	Below $1.50	2.20
Child's Over-the-shoe Boot 8"	1.80	$1.62 or above	2.70	1.51	1.62	2.46	1.42	1.51	2.32	Below $1.42	2.20	Below $1.42	2.08
Men's 4-buckle Lightweight Bal-Cloth.	2.75	$2.47 or above	4.13	2.31	2.47	3.85	2.17	2.31	3.63	Below $2.17	3.45	Below $2.17	3.26
Boys' 3-buckle Cloth:													
Cashmerette	2.20	$1.98 or above	3.30	1.85	1.98	3.12	1.74	1.85	2.95	Below $1.74	2.79	Below $1.74	2.64
Jersey	2.00	$1.80 or above	3.00	1.68	1.80	2.84	1.58	1.68	2.68	Below $1.58	2.54	Below $1.58	2.40
Youths' 3-buckle Cloth:													
Cashmerette	2.00	$1.80 or above	3.00	1.68	1.80	2.84	1.58	1.68	2.68	Below $1.58	2.54	Below $1.58	2.40
Jersey	1.85	$1.66 or above	2.78	1.55	1.66	2.63	1.46	1.55	2.48	Below $1.46	2.35	Below $1.46	2.22
Gaiters:													
Women's 2-snap Height Rubber:													
Snap	1.25	$1.12 or above	1.88	1.05	1.12	1.72	.99	1.05	1.62	Below $0.99	1.54	Below $0.99	1.46
Slide	1.50	$1.35 or above	2.25	1.26	1.35	2.13	1.18	1.26	2.01	Below $1.18	1.91	Below $1.18	1.80
Misses' 2-snap Rubber	1.25	$1.12 or above	1.88	1.05	1.12	1.71	.99	1.05	1.61	Below $0.99	1.52	Below $0.99	1.44
Child's 2-snap Rubber	1.25	$1.12 or above	1.88	1.05	1.12	1.69	.99	1.05	1.59	Below $0.99	1.51	Below $0.99	1.44
Rubbers:													
Men's Work Rubbers, Storms and/or Semi-storms.	1.40	$1.26 or above	2.10	1.18	1.26	1.92	1.11	1.18	1.81	Below $1.11	1.71	Below $1.11	1.62
Boys' Work Rubbers, Storms and/or Semi-storms.	1.35	$1.21 or above	2.03	1.13	1.21	1.84	1.07	1.13	1.74	Below $1.07	1.64	Below $1.07	1.56
Men's 2-buckle Work Rubbers	1.85	$1.66 or above	2.78	1.55	1.66	2.57	1.46	1.55	2.41	Below $1.46	2.27	Below $1.46	2.16
Men's Storms and/or S. A. Overs and Clogs (full lined).	1.15	$1.03 or above	1.73	.97	1.03	1.61	.91	.97	1.51	Below $0.91	1.44	Below $0.91	1.36
Boys' Storms and Overs (full lined).	1.10	$0.99 or above	1.65	.92	.99	1.51	.87	.92	1.42	Below $0.87	1.35	Below $0.87	1.28
Youths' Storms and Overs (full lined).	1.00	$0.90 or above	1.50	.84	.90	1.37	.79	.84	1.29	Below $0.79	1.22	Below $0.79	1.16
Women's Overs (full lined)	.95	$0.85 or above	1.43	.80	.85	1.31	.75	.80	1.24	Below $0.75	1.18	Below $0.75	1.12
Growing Girls' Storms (full lined)	.95	$0.85 or above	1.43	.80	.85	1.31	.75	.80	1.24	Below $0.75	1.18	Below $0.75	1.12
Misses' Storms (full lined)	.88	$0.79 or above	1.32	.74	.79	1.21	.70	.74	1.14	Below $0.70	1.08	Below $0.70	1.02
Child's Storms (full lined)	.83	$0.75 or above	1.25	.70	.75	1.13	.66	.70	1.06	Below $0.66	1.01	Below $0.66	.96
Women's Footbolds, Calendered Sole.	.63	$0.57 or above	.95	.53	.57	.87	.50	.53	.82	Below $0.50	.78	Below $0.50	.74
Rubbers, Special Construction:													
Men's Sandal, Molded	.92	$0.83 or above	1.38	.78	.83	1.27	.73	.78	1.20	Below $0.73	1.14	Below $0.73	1.08
Men's Clog, Molded	.77	$0.69 or above	1.16	.65	.69	1.05	.61	.65	1.00	Below $0.61	.95	Below $0.61	.90
Women's Footholds, Molded	.25	$0.22 or above	.38	.21	.22	.34	.20	.21	.32	Below $0.20	.30	Below $0.20	.28
Women's Footholds, Latex, Black, including Pouch.	.79	$0.71 or above	1.19	.66	.71	1.12	.62	.66	1.06	Below $0.62	1.01	Below $0.62	.95
Women's Footholds, Latex Spotted, including Pouch.	.92	$0.83 or above	1.38	.77	.83	1.30	.73	.77	1.23	Below $0.73	1.16	Below $0.73	1.10
Severe Occupational:													
Men's Black Short Boot	3.40	$3.06 or above	5.10	2.86	3.06	4.70	2.69	2.86	4.43	Below $2.69	4.20	Below $2.69	3.98
Men's Black Short Boot, Steel Toe.	3.90	$3.51 or above	5.85	3.28	3.51	5.41	3.08	3.28	5.10	Below $3.08	4.84	Below $3.08	4.58
Men's Black Stormking Boot	4.70	$4.23 or above	7.05	3.95	4.23	6.55	3.71	3.95	6.17	Below $3.71	5.85	Below $3.71	5.54
Men's Black Stormking Boot, Steel Toe.	5.20	$4.68 or above	7.80	4.37	4.68	7.26	4.11	4.37	6.84	Below $4.11	6.49	Below $4.11	6.14
Men's Black Short Fire Fighter Boot:													
Duck	4.65	$4.18 or above	6.98	3.91	4.18	6.60	3.67	3.91	6.23	Below $3.67	5.91	Below $3.67	5.58
Felt	5.25	$4.72 or above	7.88	4.41	4.72	7.46	4.15	4.41	7.04	Below $4.15	6.67	Below $4.15	6.30

[1] Customary allowances and discounts must e deducted from these prices.

APPENDIX A: TABLE OF MAXIMUM PRICES PER PAIR OF WATERPROOF RUBBER FOOTWEAR [1]—Continued

Type of footwear	Maximum prices for sales at wholesale	Maximum prices for sales at retail: Class I: If you paid—	Class I: Your maximum price is—	Class II: If you paid— From—	Class II: If you paid— To, but not including—	Class II: Your maximum price is—	Class III: If you paid— From—	Class III: If you paid— To, but not including—	Class III: Your maximum price is—	Class IV (except mail order sellers): If you paid—	Class IV: Your maximum price is—	Class V (mail order sellers only): If you paid—	Class V: Your maximum price is—
Severe Occupational—Continued.													
Men's Black Stormking Fire Fighter Boot:	$6.25	$5.62 or above	$9.38	$5.25	$5.62	$8.82	$4.94	$5.25	$8.32	Below $4.94	$7.89	Below $4.94	$7.46
Duck	6.85	$6.16 or above	10.28	5.75	6.16	9.68	5.41	5.75	9.13	Below $5.41	8.65	Below $5.41	8.18
Felt	5.30	$4.77 or above	7.95	4.45	4.77	7.40	4.19	4.45	6.98	Below $4.19	6.61	Below $4.19	6.26
Men's Black Hip and Thigh Boot	5.80	$5.22 or above	8.70	4.87	5.22	8.11	4.58	4.87	7.65	Below $4.58	7.25	Below $4.58	6.86
Men's Black Hip and Thigh Boot, Steel Toe	12.00	$10.80 or above	18.00	10.08	10.80	17.04	9.48	10.08	16.08	Below $9.48	15.24	Below $9.48	14.40
Men's Black Body Boot	4.35	$3.91 or above	6.53	3.65	3.91	6.07	3.44	3.65	5.73	Below $3.44	5.43	Below $3.44	5.14
Men's Black 15" Lace Mine Pac	4.85	$4.36 or above	7.28	4.07	4.36	6.78	3.83	4.07	6.40	Below $3.83	6.07	Below $3.83	5.74
Men's Black 15" Lace Mine Pac, Steel Toe	3.25	$2.92 or above	4.88	2.73	2.92	4.49	2.57	2.73	4.23	Below $2.57	4.01	Below $2.57	3.80
Men's Black Work Shoe	3.75	$3.37 or above	5.63	3.15	3.37	5.20	2.96	3.15	4.90	Below $2.96	4.65	Below $2.96	4.40
Men's Black Work Shoe, Steel Toe	2.80	$2.52 or above	4.20	2.35	2.52	3.98	2.21	2.35	3.75	Below $2.21	3.56	Below $2.21	3.36
Men's Black 2-buckle Perfections	3.55	$3.19 or above	5.33	2.98	3.19	4.92	2.80	2.98	4.63	Below $2.80	4.39	Below $2.80	4.16
Men's Black 10" Mine Pac	3.85	$3.46 or above	5.78	3.23	3.46	5.34	3.04	3.23	5.03	Below $3.04	4.77	Below $3.04	4.52
Men's Black 10" Mine Pac, Safety Toe	4.05	$3.64 or above	6.08	3.40	3.64	5.63	3.20	3.40	5.30	Below $3.20	5.03	Below $3.20	4.76
Men's Black 10" Mine Pac, Steel Toe													
Neoprene Coated, Par-grip Sole:	4.65	$4.18 or above	6.98	3.91	4.18	6.48	3.67	3.91	6.11	Below $3.67	5.79	Below $3.67	5.48
Men's Short Boot, Steel Toe	6.20	$5.58 or above	9.30	5.21	5.58	8.68	4.90	5.21	8.18	Below $4.90	7.76	Below $4.90	7.34
Men's Stormking Steel Toe	6.90	$6.21 or above	10.35	5.80	6.21	9.67	5.45	5.80	9.42	Below $5.45	8.65	Below $5.45	8.18
Men's Hip Boot, Steel Toe	4.15	$3.73 or above	6.23	3.49	3.73	5.77	3.28	3.49	5.44	Below $3.28	5.15	Below $3.28	4.88
Men's Rubber Work Shoe, Steel Toe													

APPENDIX B—TABLE OF MAXIMUM PRICES PER PAIR OF CANVAS-TOPPED RUBBER-SOLED FOOTWEAR OF VULCANIZED CONSTRUCTION [1]

Type of footwear	Maximum prices for sales at wholesale	Maximum prices for sales at retail: Class I: If you paid—	Class I: Your maximum price is—	Class II: If you paid— From—	Class II: If you paid— To, but not including—	Class II: Your maximum price is—	Class III: If you paid— From—	Class III: If you paid— To, but not including—	Class III: Your maximum price is—	Class IV (except mail order sellers): If you paid—	Class IV: Your maximum price is—	Class V (mail order sellers only): If you paid—	Class V: Your maximum price is—
Training Shoes Backed Uppers, Molded soles:	$2.40	$2.16 or above	$3.75	$2.02	$2.16	$3.41	$1.90	$2.02	$3.22	Below $1.90	$3.05	Below $1.90	$2.88
Men's	2.25	$2.02 or above	3.20	1.89	2.02	3.20	1.78	1.89	3.02	Below $1.78	2.86	Below $1.78	2.70
Boys'													
Lace-to-toe Bal:	1.65	$1.48 or above	2.50	1.39	1.48	2.34	1.30	1.39	2.21	Below $1.30	2.10	Below $1.30	1.98
Men's	1.50	$1.35 or above	2.30	1.26	1.35	2.13	1.18	1.26	2.01	Below $1.18	1.91	Below $1.18	1.80
Boys'	1.40	$1.26 or above	2.15	1.18	1.26	1.99	1.11	1.18	1.88	Below $1.11	1.78	Below $1.11	1.68
Youths'	1.30	$1.17 or above	2.00	1.09	1.17	1.85	1.03	1.09	1.74	Below $1.03	1.65	Below $1.03	1.56
Little Gents'													
Lace-to-toe Gym Bal:	1.30	$1.17 or above	2.00	1.09	1.17	1.85	1.03	1.09	1.74	Below $1.03	1.65	Below $1.03	1.56
Women's	1.25	$1.12 or above	1.95	1.05	1.12	1.78	.99	1.05	1.68	Below $0.99	1.59	Below $0.99	1.50
Misses'													
Untrimmed Oxford:	1.30	$1.17 or above	2.00	1.09	1.17	1.85	1.03	1.09	1.74	Below $1.03	1.65	Below $1.03	1.56
Men's	1.20	$1.08 or above	1.85	1.01	1.08	1.70	.95	1.01	1.61	Below $0.95	1.52	Below $0.95	1.44
Boys'	1.10	$0.99 or above	1.70	.92	.99	1.56	.87	.92	1.47	Below $0.87	1.40	Below $0.87	1.32
Youths'	1.20	$1.08 or above	1.85	1.01	1.08	1.70	.95	1.01	1.61	Below $0.95	1.52	Below $0.95	1.44
Women's	1.10	$0.99 or above	1.70	.92	.99	1.56	.87	.92	1.47	Below $0.87	1.40	Below $0.87	1.32
Misses'	1.00	$0.90 or above	1.55	.84	.90	1.42	.79	.84	1.34	Below $0.79	1.27	Below $0.79	1.20
Children's													

[1] Customary allowances and discounts must be deducted from these prices.

This regulation shall become effective February 24, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2392; Filed, February 18, 1944; 4:23 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[RMPR 148,[1] Incl. Amdt. 15]

DRESSED HOGS AND WHOLESALE PORK CUTS

Sections 1364.22 (d) (2), (d) 3, 1364.29, 1364.32 (a) (7), (a) (9), 1364.32 (c), 1364.35, Schedules I, II, and III amended; § 1364.32 (a) (15) (v) added by Amendment 15, effective February 24, 1944; § 1364.22a revoked by Amendment 15, effective March 1, 1944; so that Revised Maximum Price Regulation 148 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for dressed hogs and wholesale pork cuts the prices prevailing with respect thereto during the period March 3, 1942 to March 7, 1942, inclusive. Prices determined as provided in § 1364.22 reflect the prices prevailing during such period. The Price Administrator has ascertained and given due consideration to the prices of dressed hogs and wholesale pork cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said act and Executive order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which dressed hogs and wholesale pork cuts are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Above sentence added by Supplementary Order No. 63, 8 F.R. 12553, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 148 is hereby issued.

Sec.
1364.21 Prohibition against selling dressed hogs and wholesale pork cuts at prices above the maximum.
1364.22 Maximum prices for dressed hogs and wholesale pork cuts.
1364.22a Limitation on volume of sales to purveyors of meals; records and reports.
1364.23 Adjustable pricing and transportation adjustments.
1364.24 Exempt sales and deliveries.
1364.25 Less than maximum prices.
1364.26 Evasion.
1364.27 Records and reports.
1364.28 Enforcement.
1364.29 Petitions for amendment.
1364.30 Licensing.
1364.31 Relation to other regulations.
1364.32 Definitions.
1364.33 Revocation of orders issued under Maximum Price Regulation No. 148.
1364.34 Effective date.
1364.35 Appendix A: Schedules I, II, III and IV.

AUTHORITY: §§ 1364.21 to 1364.35, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1364.21 *Prohibition against selling dressed hogs and wholesale pork cuts at prices above the maximum.* On and after November 2, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver dressed hogs or any wholesale pork cut, and no person in the course of trade or business shall buy or receive dressed hogs or any wholesale pork cut at a price higher than the maximum price permitted by § 1364.22; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That on and after June 14, 1943, a war procurement agency in addition to paying to the seller the maximum price for the commodity prescribed by the applicable provisions of this regulation, may pay to Defense Supplies Corporation an amount equivalent to the meat production payments made by Defense Supplies Corporation on account of the production of such meat.

[§ 1364.21 as amended by Am. 5, 8 F.R. 7671]

§ 1364.22 *Maximum prices for dressed hogs and wholesale pork cuts.* Maximum prices for dressed hogs and wholesale pork cuts shall be computed as provided in this section.

(a) *Base price.* The base price for each wholesale pork cut shall be the price specified in Schedule I of Appendix A (incorporated herein as § 1364.35), minus the required deductions, if any, specified in Schedule II of Appendix A (§ 1364.35), plus the permitted additions, if any, specified in Schedule III of Appendix A (§ 1364.35).

(b) *Maximum prices in central price zone.* Except as provided in paragraph (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer within the Central Price Zone, or delivered outside the Central Price Zone by a local delivery beginning in the Central Price Zone, shall be the base price.

(c) *Maximum prices in Chicago price zone.* Except as provided in paragraphs (b) and (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer in the Chicago Price Zone, or delivered to the buyer outside the Chicago Price Zone and the Central Price Zone by a local delivery beginning in the Chicago Price Zone, shall be the base price plus $0.25 per cwt.

(d) *Maximum prices outside central price zone and Chicago price zone.* Except as provided in paragraphs (b), (c) and (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer outside the Central Price Zone and the Chicago Price Zone shall be the base price plus a transportation differential determined as follows:

(1) The seller shall ascertain the point at which local delivery begins, if local delivery is made, or the point of delivery if no local delivery is made. If no carload meat freight rates are established to such point, he shall ascertain the nearest point at which such freight rates are established.

(2) If the point ascertained under paragraph (d) (1) of this section is east of the Mississippi River, but is not in Minnesota, Wisconsin, or in that part of Michigan lying between Lake Superior and Lake Michigan or Lake Huron, the transportation differential for any fresh wholesale pork cut shall be 115 percent of the lowest fresh meat carload freight rate from Chicago, Illinois, to such point adjusted to the nearest $0.25 per cwt. and plus $0.25 per cwt., and the transportation differential for any cured or processed wholesale pork cut shall be 115 percent of the lowest packing house product carload freight rate (applicable to cooked, cured or preserved meats and sausage) from Chicago, Illinois, to such point, adjusted to the nearest $0.25 per cwt. and plus $0.25 per cwt. (Caution: This transportation differential is to be added to the base price, not to the maximum price in the Chicago Price Zone.)

(3) If the point ascertained under paragraph (d) (1) of this section is in Missouri, Arkansas, or in those portions of Louisiana west of the Mississippi River, or in those portions of Texas, Oklahoma or Kansas which lie east of the 99th meridian, the transportation differential for any fresh wholesale pork cut shall be 115 percent of the lowest fresh meat carload freight rate from Kansas City, Missouri, to such point, adjusted to the nearest $0.25 per cwt., and the transportation differential for any cured or processed wholesale pork cut shall be 115 percent of the lowest packing house product carload freight rate (applicable to cooked, cured or preserved meats and sausage) from Kansas City, Missouri, to such point, adjusted to the nearest $0.25 per cwt.

[Subparagraphs (2) and (3) as amended by Am. 15.]

(4) If the point ascertained under paragraph (d) (1) of this section lies in any other part of the United States than those areas referred to in paragraphs (d) (2) and (d) (3) of this section, the seller shall ascertain the lowest of the packing house product carload freight rates (applicable to cooked, cured or preserved meats and sausage) to such point from Kansas City, Missouri, and South St. Paul, Minnesota. The transportation differential for fresh, cured or processed wholesale pork cuts shall be 115 percent of such lowest rate, adjusted to the nearest $0.25 per cwt.

(e) *When products are delivered to the buyer.* Dressed hogs and wholesale pork cuts shall be deemed to be delivered to the buyer at the point where physical possession is taken by the buyer or his

[1] 7 F.R. 8609.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised, 7 F.R. 8961; 8 F.R. 3313, 3583, 6173, 11806.

agent, or where the dressed hogs or wholesale pork cuts, consigned to the buyer,

(1) Are received by a common carrier or contract carrier, other than a railroad, and the charges of such carrier are paid directly to such carrier by the buyer;

(2) Are received by a railroad, for shipment at the railroad carload rate or for shipment to an agency of the United State government and the charges of such railroad are paid directly to such railroad by the buyer.

[Paragraph (e) as amended by Am. 1, 8 F.R. 544]

(f) *Maximum prices of wholesale pork cuts listed in Appendix A.* (1) Except as provided in paragraph (h) of this section, if the maximum price for any wholesale pork cut delivered to the buyer cannot be determined under the provisions of the foregoing paragraphs of this section, such maximum price shall be that of the nearest similar wholesale pork cut derived from the same primal cut or combination of primal cuts, making adjustment for the differences in the costs of producing such cuts. Each seller shall file with the Office of Price Administration at Washington, D. C., within 10 days of computation, each maximum price computed under the provisions of this paragraph (f) together with a sworn statement of the method of such computation and the comparative costs included therein, including costs of labor, materials, and overhead, and shrinkage or gain in weight. Any maximum price so computed shall be subject to revision by the Price Administrator. No person shall sell any wholesale pork cut not listed in Schedule I of Appendix A (§ 1364.35), except canned meats subject to the provisions of paragraph (h) of this section, without first filing with the Office of Price Administration at Washington, D. C., a maximum price for such cut as required by the provisions of this paragraph (f).

(2) The last date for computing and filing maximum prices under this paragraph (f) for all wholesale pork cuts, other than those sold exclusively to war procurement agencies, shall be May 31, 1943. On or before June 30, 1943, the Office of Price Administration shall review all maximum prices filed on or before May 31, 1943, and the Price Administrator shall in writing confirm or modify the maximum prices filed by such seller under this paragraph (f). On and after June 1, 1943, no person shall sell in civilian trade any wholesale pork cut not listed in § 1364.35, other than a cut for which such person has, prior to that date, duly filed a maximum price as required by this paragraph (f); nor shall any person who has so filed a maximum price for any wholesale pork cut sell such cut at a price higher than the price authorized by the written confirmation or modification of the Price Administrator.

[Paragraph (f) amended by Am. 1, 8 F.R. 544, and Am. 4, 8 F.R. 7322]

(g) *Maximum prices for dressed hogs, invoices, maximum prices for slaughtering services.* (1) The maximum price for each dressed hog, dressed packer style or shipper style, sold to a certified dressed hog processor and delivered to the buyer, shall be that ascertained in accordance with the pricing instructions contained in Schedule IV of Appendix A (§ 1364.35).

(2) Every person who sells dressed hogs to a certified dressed hog processor shall invoice such dressed hogs to the buyer by weight ranges set forth in the table in Schedule IV (a) of Appendix A (§ 1364.35). Every person who sells dressed hogs to others than certified dressed hog processors shall invoice such dressed hogs to the buyer by weight ranges set forth in the table in paragraph (g) (3) of this section. Dressed hogs falling in each such weight range shall be invoiced separately. No person shall sell hogs dressed otherwise than packer style or shipper style.

[Subparagraphs (1) and (2) amended by Am. 1, 8 F.R. 544, and Am. 2, 8 F.R. 2922]

(3) The maximum price for each dressed hog, dressed packer style or shipper style, sold to a buyer other than a certified dressed hog processor and delivered to the buyer shall be as follows:

PACKER STYLE

Weight range	*Price per cwt.*
Pigs and butcher hogs:	
Under 73 lbs	$19.75
73 lbs. & over, but under 90 lbs	18.75
90 lbs. & over, but under 108 lbs	18.25
108 lbs. & over, but under 124 lbs	18.00
124 lbs. & over, but under 155 lbs	17.75
155 lbs. & over, but under 213 lbs	17.50
Over 213 lbs	17.25
Sows:	
All weights	17.50
Stags:	
All weights	15.50
Boars:	
All weights	12.00
Oily hogs (deduct $1.50 per cwt. from above prices).	

SHIPPER STYLE

Weight range	*Price per cwt.*
Pigs and butcher hogs:	
Under 80 lbs	$18.75
80 lbs. & over, but under 100 lbs	17.75
100 lbs. & over, but under 120 lbs	17.25
120 lbs. & over, but under 137 lbs	17.00
137 lbs. & over, but under 172 lbs	16.75
172 lbs & over, but under 235 lbs	16.50
Over 235 lbs	16.25
Sows:	
All weights	16.50
Stags:	
All weights	14.50
Boars:	
All weights	11.00
Oily hogs (deduct $1.50 per cwt. from above prices).	

plus the permitted additions, if any, specified in paragraphs (c) (2), (c) (3), (c) (4), (c) (5), and (c) (6) of Schedule IV of Appendix A (§ 1364.35).

[Subparagraph (3) amended by Am. 2, 8 F.R. 2922 and Am. 5, 8 F.R. 7671]

(4) Any person who slaughters hogs as a service for the purchaser of such hogs shall remit to such purchaser an amount sufficient to make the cost of the dressed hogs to such purchaser equal to or less than the costs which would be incurred by the purchaser if he purchased the dressed hogs from the slaughterer at the maximum price therefor: *Provided*, That this requirement shall not apply in (i) cases where the purchaser does not acquire the carcasses for resale in any form; or (ii) cases where the live hog slaughtered was purchased at a fair, show or exhibition, from a member of a recognized farm-youth organization, during a sale for which prior approval had been obtained from a state office of the Office of Price Administration by a county agent, county club agent, vocational agricultural instructor or the chief administrator of the state department of agriculture. To enable the slaughterer to determine the amount to be remitted to the purchaser, it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the hogs slaughtered.

[Subparagraph (4) amended by Am. 2, 8 F.R. 2922, and Am. 11, 8 F.R. 13296]

(h) *Maximum prices of products sold for export and canned products.* (1) The maximum price at which a person may export any dressed hog or wholesale pork cut shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[4] issued by the Office of Price Administration.

(2) (i) The maximum price for each brand, type and container size of canned meat made entirely from pork shall be the highest price at which such brand or type and container size of canned meat was listed in the price list or lists upon the basis of which the seller made sales and deliveries at the delivery point during the period February 16, 1942 to February 20, 1942, inclusive, plus 1½ cents per lb.: *Provided*, That the seller must continue to allow all the deductions or discounts from his price list or lists which were customary during the 90-day period prior to March 9, 1942.

(ii) If the maximum price for any brand, type or container size of canned meat made entirely from pork cannot be determined under paragraph (h) (2) (i) of this section, the seller shall apply to the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price, setting forth in such sworn application a detailed description of the canned meat and container size for which a price is sought, including, where appropriate: a description of the wholesale cuts used in processing such canned product and the nature and degree of processing; the maximum price, if any, established for the sale by the seller of other brands or types and container sizes of canned meat made entirely from pork, and the manner in which such other canned products differ from that for which the price application is being made; a statement of the reasons why the new manner of canning or processing is being undertaken; a statement of the price requested and the method by which the requested price was arrived at; and a statement by the seller as to whether the granting of his application will require any price adjustment on behalf of the wholesalers or retailers to whom he proposes to sell his products. Authorization to establish a maximum price for such canned meat made entirely from pork shall be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Office of Price Administration, Washington, D. C. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(iii) The provisions of this paragraph (h) (2) shall not apply to any sales of canned meats to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

[Subparagraph (2) as amended by Am. 1, 8 F.R. 544. Paragraph heading amended by Ams. 1 and 2]

(3) [Revoked]

[Subparagraph (3) added by Am. 1, revoked by Am. 2, 8 F.R. 2922]

§ 1364.22a [Revoked]

[§ 1364.22a added by Am. 6, 8 F.R. 7826; revoked by Am. 15]

§ 1364.23 *Adjustable pricing and transportation adjustments*—(a) *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) *Adjustment for transportation to critical areas.* Upon a finding that a critical shortage of meat has occurred in a specific area because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Administrator may by order designate such area as a critical area for such period as he may prescribe. Subject to such conditions as may be prescribed in the order of the Administrator, the Regional Administrator for the area or any District Manager designated by him, may in writing authorize named sellers to charge and receive, for dressed hogs and wholesale pork cuts sold to buyers in that area, the added cost of transportation in addition to the applicable maximum price.

[§ 1364.23 amended by Am. 2, 8 F.R. 2922 and Am. 3, 8 F.R. 4785]

§ 1364.24 *Exempt sales and deliveries.* The provisions of this Revised Maximum Price Regulation No. 148 shall not apply

(a) To sales at retail;

(b) To deliveries made to any political subdivision or agency of any state or of the United States, other than the Federal Surplus Commodities Corporation, under contracts entered into prior to November 2, 1942: *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To deliveries to the Federal Surplus Commodities Corporation under contracts entered into prior to October 17, 1942; or

(d) To sales outside of the forty-eight states of the United States and the District of Columbia.

(e) To sales of canned meat to civilian buyers by a person who did not manufacture or process such canned meat. (Although exempt from this regulation, such sales are subject to Maximum Price Regulation No. 421, Ceiling Prices of Certain Foods Sold at Wholesale.[4]) This exemption does not apply to first sales of imported canned meat in the United States.

[Paragraph (e) added by Am. 11, 8 F.R. 13296]

§ 1364.25 *Less than maximum prices.* Lower prices than those provided for in § 1364.22 may be charged, demanded, paid or offered.

§ 1364.26 *Evasion.* (a) The price limitations set forth in this Revised Maximum Price Regulation No. 148 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, dressed hogs or wholesale pork cuts, alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding: *Provided*, That the following payments shall not be construed as evasions of such price limitations under the following conditions:

(1) A payment by a buyer to a broker of not to exceed $0.125 per hundredweight in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of wholesale pork cuts, if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per hundredweight.

(2) A payment by a buyer to a seller for icing services performed by the seller after March 1, 1943, and before delivery of dressed hogs or wholesale pork cuts to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad;

(3) A payment by a war procurement agency to a seller (i) for freezing and/or storing dressed hogs or wholesale pork cuts purchased by such agency if such freezing and/or storage charges were actually incurred by the seller and are evidenced by an invoice and warehouse receipt duly issued to the seller from a commercial warehouse; or (ii) for storing dressed hogs or wholesale pork cuts if the storage services were performed by the seller, and not by a commercial warehouse, if such services are evidenced by a warehouse receipt, showing the length of the storage, issued by the seller to the war procurement agency; and if such charges do not exceed the second month's maximum storage rates (under the General Maximum Price Regulation) of commercial warehousemen in the vicinity of the place where the storage occurred.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Falsely or incorrectly grading or invoicing dressed hogs or wholesale pork cuts;

(2) Selling or invoicing wholesale pork cuts to buyers other than bona fide purveyors of meals at the prices established for sales by hotel supply houses;

(3) Offering, selling or delivering dressed hogs or any wholesale pork cuts on condition that the purchaser is required to purchase some other wholesale pork cut or other commodity;

(4) Selling or transferring title to hogs at a lower price than was paid for such hogs and re-purchasing, purchasing or receiving title to dressed hogs or wholesale pork cuts derived from the hogs so purchased after they have been slaughtered;

(5) Charging, billing or receiving any consideration for or in connection with any service for which specific allowance has not been provided in this regulation;

(6) So curing wholesale pork cuts as to increase their cured weight, before draining and smoking beyond 110% of green weight;

(7) Selling wholesale pork cuts not referred to in Appendix A (§ 1364.35) and not customarily sold by the same seller prior to March 23, 1942.

[§ 1364.26 amended by Am. 2, 8 F.R. 2922, and Am. 9, 8 F.R. 10732]

§ 1364.27 *Records and reports.* (a) (1) Every person making a sale of any dressed hogs or wholesale pork cuts on and after November 2, 1942, in the course of trade or business or otherwise dealing therein, shall make, and preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the description, quantity and weight of all dressed hogs and wholesale pork cuts sold, and the price charged or received therefor.

(2) [Revoked]

[Paragraph (a) amended by Am. 1, 8 F.R. 544; subparagraph (2) revoked by Am. 2, 8 F.R. 2922]

(b) Persons subject to or affected by this Revised Maximum Price Regulation No. 148 shall submit to the Office of Price Administration at Washington, D. C.:

(1) The reports of maximum prices required by § 1364.22 (f), together with a sworn statement that the facts recited therein are true and correct;

[4] 2nd revision, 8 F.R. 4132, 5987, 7663, 9998, 15193.

[4] 8 F.R. 9388, 10569, 10987, 13293, 15250, 15607.

(2) On or before November 15, 1942, sworn statements of the denominators in sales by them of dressed hogs, determined in accordance with the provisions of § 1364.22 (g), including a statement of the specifications for dressing to which each denominator applies and a statement of the classes of purchasers to which each denominator applies; and

(3) Such other reports as the Office of Price Administration may from time to time require.

(4) [Revoked]

[Subparagraph (4) added by Am. 1, 8 F.R. 544; revoked by Am. 2, 8 F.R. 2922]

(c) Every person making a sale of any wholesale pork cut or fabricated pork cut shall furnish to the purchaser at the time of delivery of such pork cut a written statement setting forth the name and address of the buyer and seller; identifying by weight and description each such pork cuts sold; and setting forth the quantity and the price charged and received therefor.

[Paragraph (c) added by Am. 1, 8 F.R. 544]

§ 1364.28 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 148 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 148 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.29 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 148 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

[§ 1364.29 as amended by Am. 15]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1364.30 *Licensing.* The provisions of Licensing Order No. 1,[7] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1364.30 as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1364.31 *Relation to other regulations.* The provisions of this Revised Maximum Price Regulation No. 148 supersede the provisions of Maximum Price Regulation No. 421 with respect to first sales and deliveries of imported canned meat in the United States for which maximum prices are established by this regulation, if such sales are made by a person who did not manufacture or process such canned meat. The provisions of this Revised Maximum Price Regulation No. 148 supersede the provisions of the General Maximum Price Regulation[8] with respect to all other sales and deliveries for which maximum prices are established by this regulation.

[§ 1364.31 as amended by Am. 11, 8 F.R. 13296]

§ 1364.32 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 148, the term:

(1) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Dressed hogs" includes dressed pigs.

(3) "Wholesale pork cuts" means all cuts derived from the carcass of the hog or pig, dressed with head off and kidney and leaf fat out, including but not limited to the following:

(i) All cuts referred to in Appendix A (§ 1364.35);

(ii) Cuts rough or trimmed, bone in or boneless, whole or sliced;

(iii) Cuts fresh or frozen, cured, smoked, cooked, baked, barbecued, dried, canned, or ready-to-eat;

(iv) Cuts loose, wrapped or packed.

Fresh and frozen cuts shall not be considered separate wholesale pork cuts. Each brand, type and container size of canned meat made entirely from pork shall be considered a separate wholesale pork cut. No uncanned sausage made entirely from pork except sausage sold to the armed forces of the United States or the Federal Surplus Commodities Corporation, shall be considered a wholesale pork cut.

[Subparagraph (3) as amended by Am. 1, 8 F.R. 544]

(4) "Central Price Zone" means the area described as follows: the entire state of Iowa and those parts of Wisconsin, Minnesota, South Dakota, Nebraska, Kansas, Missouri and Illinois which lie south of the 45th parallel, north of the 39th parallel, west of the 91st meridian and east of the 99th meridian, and including Minneapolis, Minnesota, and St. Paul, Minnesota.

(5) "Chicago Price Zone" means the area described as follows: those parts of Wisconsin and Illinois which lie south of the 45th parallel and east of the 91st meridian and including St. Louis, Missouri and St. Louis County, Missouri.

(6) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, on usual retail terms, by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

[Subparagraph (6) as amended by Am. 1]

(7) "Local delivery" means:

(i) Delivery otherwise than by rail commencing at the seller's place of business, or, in the case of car routes, at the car route unloading point, and continuing to the buyer's store door or warehouse; or

(ii) Delivery by rail or rail and truck, commencing at the seller's place of business and continuing to the buyer's store door or warehouse. The seller, if he desires, may elect to treat a delivery under this subparagraph (ii) as not constituting a local delivery.

[Subparagraph (7) amended by Am. 4, 8 F.R. 7322; Am. 13, 8 F.R. 15609; and Am. 15]

(8) "Similar", when used in the phrase "similar purchaser", refers to the type of purchaser to whom the same price customarily applied during the ninety day period prior to March 9, 1942.

(9) "Carload" means:

(i) A shipment by rail to a single delivery point of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided*, That where the transportation charge for shipment of the lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more.

[Subparagraph (9) as amended by Am. 15]

(10) "Peddler truck sale" means a sale of wholesale pork cuts from a truck, where the first record of the transaction is made by the salesman concurrently with the delivery of the products sold,

(i) By a person who purchases meat at or below the ceiling price from a seller with which he has no other financial affiliation or relationship, who takes delivery at the seller's place of business, and who does not sell or deal in meat in any manner other than sales out of stock carried in a truck owned and driven by him; or

(ii) By a person who makes all of his sales of meat out of stock carried in a truck driven by him but owned by a person who used such truck exclusively for this type of sale during the month of March, 1942. The term "peddler truck sale" does not include deliveries made pursuant to prior orders.

[Subparagraph (10) as amended by Am. 2, 8 F.R. 2922]

(11) "Shipping container" means a sealed box, sealed crate, sealed barrel or a sack and/or cloth wrapping, which becomes the property of the buyer upon delivery of the wholesale pork cuts therein contained, or a returnable container of solid wood or metal which must be of a type and size which the seller has customarily used in making delivery of wholesale pork cuts and must be carried into the buyer's place of business in making delivery of products packed therein.

[Subparagraph (11) added by Am. 1, 8 F.R. 544; amended by Am. 2, 8 F.R. 2922, and Am. 13, 8 F.R. 15609]

(12) "Certified dressed hog processor" means any person who does not sell pork at retail except to his own employees or any person who obtained more than half of his pork supply during the year 1941 by cutting up dressed hogs or hog carcasses: *Provided*, That no person may qualify as a certified dressed hog processor until he has (a) filed with a district, state or regional office of the Office of Price Administration an affidavit that he does not sell pork at retail except to his own employees or that he obtained more than half of his pork supply during the year 1941 by cutting up dressed hogs and hog carcasses, and (b) secured from such field office of the Office of Price Administration an endorsement, written on a duplicate copy of such affidavit, acknowledging that he has filed such an affidavit. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(13) "Wholesaler" means a person who buys dressed hogs and/or wholesale pork cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

[Subparagraphs (12) and (13) added by Am. 1, 8 F.R. 544; amended by Am. 2, 8 F.R. 2922]

(14) "Lowest carload freight rate" means the lowest carload rail tariff applicable generally to the class of meat designated (fresh meat or packing house products): *Provided*, (i) That the general freight rate revisions occurring on or about May 15, 1943, shall apply only to sales made on and after June 1, 1943 and not to deliveries under contracts entered into prior to June 1, 1943; and (ii) That any other change in an applicable tariff shall apply only to sales and deliveries made after the effective date of such change.

[Subparagraph (14) added by Am. 4, 8 F.R. 7322]

(15) "Purveyor of meals" means:

(i) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration;

(ii) The War Shipping Administration of the U. S. Government;

(iii) Any person operating an ocean going vessel, engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel;

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state or local government or agency thereof.

(v) Any contract school (means and includes any person who is feeding pursuant to a written contract with any agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States.)

[Subparagraph (15) added by Am. 6, 8 F.R. 7826. (v) added by Am. 15]

(b) When used in this Revised Maximum Price Regulation No. 148 the term:

(1) "Ready to serve without further heating" refers to pork products which have been heated so that all parts of the pork muscle contained therein have reached a temperature of at least 148° F. by a method of heating and under conditions known to insure such result.

[Subparagraph (1) as amended by Am. 2 8 F.R. 2922]

(2) "Baked" refers to a pork product which (i) has been heated in an oven for sufficient time to cause the formation of a brown crust on the surface, the rendering out of the surface fat, the caramelization of sugar, if applied, and the formation of all other characteristics of a baked product; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 80% of its weight in the green state, or the moisture content of which is not in excess of 3 times the weight of protein minus the weight of sodium chloride as chemically tested.

(3) "Barbecued" refers to a product which (i) has been covered with a spiced sauce and cooked, either in a smokehouse or oven, sufficiently to assume the characteristics of cooked meat; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 80% of its weight in the green state or the moisture content of which is not in excess of 3 times the weight of protein minus the weight of sodium chloride as chemically tested.

(4) "Cooked" refers to a pork product which (i) has been heated, otherwise than in the smokehouse or by barbecuing or baking, for sufficient time to assume the characteristics of a cooked product; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 85% of its weight in the green state, or the moisture content of which is not in excess of 3.2 times the weight of protein minus the weight of sodium chloride as chemically tested, except that the cooked products referred to in Items 5, 6, 7, and 8 of Schedule I (c) of Appendix A (§ 1364.35) may have a lean meat weight not in excess of 90% of the weight in the green state, or a lean meat moisture content not in excess of 3.4 times the weight of protein minus the weight of sodium chloride as chemically tested.

[Subparagraph (4) as amended by Am. 2, 8 F.R. 2922]

(5) "Ready-to-eat" refers to a pork product which (i) has been heated in the smokehouse for sufficient time to assume the characteristics of a cooked product; (ii) is ready to serve without further heating, and (iii) the lean meat of which weighs not in excess of 90% of its weight in the green state, or the moisture content of which is not in excess of 3.4 times the weight of protein minus the weight of sodium chloride as chemically tested.

(6) "Chemically tested" means tested by the methods described in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, 5th Edition, 1940:

Salt (sodium chloride)	Ch. XXVIII, para. 2.
Moisture	Ch. XXVIII, para. 5.
Protein	6.25 x wt. of total nitrogen, Ch. XXVIII, para. 8.

(7) "Dried" refers to a product from which moisture has been evaporated by an artificial drying process: The lean meat of Virginia Hams, Prosciutto Hams, Virginia Shoulders and Capicolli Butts shall have a total moisture content not in excess of 65 percent of such moisture in the green state or not in excess of 2.5 times the weight of protein minus the weight of sodium chloride as chemically tested. The lean meat of Virginia Sides, Virginia Bacon and Virginia Jowls shall weigh not in excess of 90 percent of its weight in the green state, or its moisture content shall not be in excess of 3.4 times the weight of protein minus the weight of sodium chloride as chemically tested.

(8) "Smoked" refers to a product which has been smoked by the actual burning of hardwood or hardwood sawdust in such manner as (i) to impart a smoked flavor to the meat, and (ii) to cause the finished weight to be no more than the green weight and to cause the following smoking and hanging shrinks from the weights at the beginning of the smoking process:

Wholesale pork cut	*Minimum smoking and hanging shrink (percent)*
Regular and skinned ham	10
Picnic and shoulder	10
Boston butt	8
Boneless butt (cottage butt)	12
Belly (dry cured, semi-dry cured or sweet-pickle cured)	10
Brisket	12
Pork loin	10
Dry salt belly	7
Dry salt fat back	7
Jowl and plate	8
Spareribs	15
Hock, knuckle, and tail	7
Other smoked cuts	7

(9) "Boneless" refers to a product from which all of the bone has been removed.

[7] 8 F.R. 13240.

[8] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

(10) "Fatted" refers to a product from which the fat has been removed to within ½ inch of the lean.

(c) When used in this Revised Maximum Price Regulation No. 148 the following names of wholesale pork cuts refer to cuts meeting the following minimum specifications:

(1) "Grade A sliced bacon": Bacon sliced from dry sugar-cured or semi-dry sugar-cured, fancy-trimmed square-cut, seedless whole bellies, from which the rind has been removed, in whole slices not over 9½ inches in length and not over 2¼ inches or less than ¾ of an inch in width, containing no more than two part slices to the package.

(2) "Grade B sliced bacon": Bacon sliced from dry sugar-cured, semi-dry sugar-cured or sweet pickle sugar-cured whole bellies, from which the rind has been removed, in whole slices not over 11 inches in length and not over 3 inches or less than ¾ of an inch in width, containing no more than two part slices to the package.

(3) "Grade C sliced bacon": All bacon sliced from oily bacon bellies, and all other bacon sliced from bellies which will not qualify as Grade A or Grade B sliced bacon, exclusive of ends and broken pieces.

(4) "Regular ham": Hams cut off from the hog carcass not less than 2¼ inches nor more than 2¾ inches from the exposed end of the aitch bone, properly faced, with the shank cut off at or above the hock joint, with loose and gut fat removed from the face and pelvic cavity, with the cushion side well rounded and no excessive flank.

(5) "Skinned ham": Hams cut as regular hams but with the skin removed to leave a collar covering not more than 40% of the length of the ham, with the fat beveled back at least 3 inches from the lean meat at the butt, neatly rounded and beveled on flank and cushion, with not over 1¼ inches of fat left on any portion of the ham from which the skin has been removed.

(6) "Regular or skinned ham, short shank": Regular or skinned hams from which the shank has been cut off 2½ inches shorter than in the regular or skinned hams.

(7) "Regular or skinned ham, shankless": Regular or skinned hams from which the shank has been cut off at least 3 inches above the stifle joint to remove the entire shank.

(8) "Regular picnic": Picnics cut from shoulders not less than one rib wide in such manner as to leave not less than 1 inch or more than 2½ inches of blade bone in the picnic, closely trimmed, properly faced, with the lip and breast flap removed, well rounded and with the fat properly beveled on the butt end.

(9) "Regular picnic, short shank": Regular picnics from which the shank has been cut off 2 inches from the arm pit and parallel to the knee joint.

(10) "Regular picnic, shankless": Regular picnics from which the shank has been cut off close to the breast and parallel to the knee joint.

(11) "Regular picnic, half skinned": Regular picnics from which the skin has been removed to leave a collar covering not more than 50% of the length of the picnic.

(12) "Rough shoulder": An untrimmed shoulder with foot and jowl cut off and neck bone left in or out.

(13) "Regular shoulder": Shoulders cut not less than one rib wide, with the breast flap taken off and the neck removed close to the body of the shoulder, and with the foot cut off at the knee joint.

(14) "Skinned shoulders": Shoulders cut as regular shoulders, but with skin taken off within 4 inches of the base of the shank, neatly beveled on the edges, and with not over ¾ inch of fat left on any portion of the shoulder from which the skin has been removed.

(15) "Regular or skinned shoulder, short shank": Regular or skinned shoulders from which the shank has been cut off 2 inches from the arm pit and parallel to the knee joint.

(16) "Regular or skinned shoulder, shankless": Regular or skinned shoulders from which the shank has been cut off close to the breast and parallel to the knee joint.

(17) "Blade butt or blade bone": Blade bones and lean meat taken from a regular plate in converting it to a clear plate.

(18) "Boston butt": Butts the surplus fat of which has been removed to within ½ inch of the lean meat on all portions of the butt and which are neatly beveled on the edges.

(19) "Boneless butt, cellar trim": Boneless butts from which the lip has been removed and which are trimmed smooth on all edges.

(20) "Regular pork loins": Loins from which all excess fat over the tenderloin has been removed and the fat on the back of which does not exceed ½ inch in thickness.

(21) "Regular pork loins, bladeless": Regular pork loins from which the whole shoulder blade bone has been removed.

(22) "Boneless pork loins or Canadian bacon": The boneless eye-muscle only, which has been separated from the other parts of the pork loin at the natural muscle seam. The fat shall not exceed ¼ inch in thickness.

(23) "Fat back pork": Pork derived from the fat back of well finished hogs and cut into pieces about 6 inches square.

(24) "Bean pork": Jowl butts, neatly trimmed on the face and squared on the edges.

(25) "Clear plate pork": Clear plates, free of bone, reasonably free of lean, and squared on the neck side.

(26) "Regular pork trimmings": Trimmings having not in excess of 50% trimmable fat.

(27) "Special lean pork trimmings": Pork trimmings having not in excess of 15 percent trimmable fat.

(28) "Extra lean pork trimmings": Trimmings having not in excess of 5 percent trimmable fat.

(29) "Blade meat": Meat removed from blade bones and having not in excess of 5 percent trimmable fat.

(30) "Virginia cured": Products dry salt cured, washed, peppered and hung from 10 to 30 days before smoking, smoked and hung until product is at least 5 months old.

(31) "Bellies, square cut and seedless": Boneless bellies made from smooth barrows, gilts, or sows and trimmed square on all edges except that the flank may be cut on a bias of not to exceed 1 inch, and if derived from gilts or sows, cut down until seed is removed, except for slight traces of firm white or pink seed. This term does not include bellies of 12 lbs. and under, which are less than ⅝ of an inch in thickness, bellies of 12 lbs. and up, which are less than ¾ of an inch in thickness, nor bellies damaged by scribing, or cut extremely long and narrow, or extremely wide and short, or 1¼ inches beyond the scribe mark, which bellies shall be deemed substandard.

(32) "Bellies, fancy trimmed": Boneless bellies of high quality free from skin cuts, hair roots, rough skin and bruises, which meet all requirements for square-cut and seedless bellies except that all traces of seed must be removed, and the cartilage must be removed from the brisket end and they must be practically free of buttons.

(33) "Bellies, fancy trimmed with brisket off": All fancy trimmed bellies from which the brisket has been cut off behind the shoulder crease.

(34) "Clear bellies, dry salt trim": Bellies reasonably square-cut without excessive boot-jack and boneless.

(35) "Rib bellies, dry salt trim": Bellies cut like clear bellies, dry salt trim, but with the spareribs left in.

(36) "Clear bellies, dry salt square cut trim": Boneless bellies with the boot-jack removed and squarely trimmed on all sides.

(37) "Hams, long-cut bone-in": Hams cut off from the hog carcass at a point not to exceed three inches beyond the end of the saucer bone (slip bone), with the shank cut off not to exceed one inch below the hock joint, with loose gut fat removed from the face and pelvic cavity, with the cushion side well rounded and no excessive flank.

[Paragraph (c) amended by Am. 2, 8 F.R. 2922; Am. 12, 8 F.R. 15191; Am. 14, 8 F.R. 16426; and Am. 15]

§ 1364.33 *Revocation of orders issued under Maximum Price Regulation No. 148.* Orders numbered 1 and 3 to 28, both inclusive, under Maximum Price Regulation No. 148 are hereby revoked.

§ 1364.34 *Effective date.* Revised Maximum Price Regulation No. 148 (§§ 1364.21 to 1364.35, inclusive) shall become effective November 2, 1942. [RMPR 148 originally issued October 22, 1942.]

[Effective dates of amendments follow:
Amendment 1, effective January 19, 1943.
Amendment 2, effective March 6, 1943, except that as to all sales to war procurement agencies of the United States Government, effective March 1, 1943.
Amendment 3, effective April 10, 1943.
Amendment 4, effective May 31, 1943.
Amendment 5, effective (1) as to sales or deliveries of fresh and frozen wholesale pork cuts, by others than wholesalers, June 14, 1943; (2) as to sales or deliveries of fresh and frozen wholesale pork cuts, by wholesalers, June 19, 1943; (3) as to sales or deliveries of cured and processed wholesale pork cuts, by others than wholesalers, June 28, 1943; and (4) as to sales or deliveries of cured and processed wholesale pork cuts, by wholesalers, July 5, 1943. (Amended by Am. 7, 8 F.R. 8677.)
Amendment 6, effective June 9, 1943.
Amendment 7, effective June 14, 1943.
Amendment 8, effective August 3, 1943, except that, as to sales and deliveries of dressed hogs, effective August 8, 1943.
Amendment 9, effective July 30, 1943.
Amendment 10, effective August 13, 1943.
Amendment 11, effective October 4, 1943.
Amendment 12, effective November 9, 1943.
Amendment 13, effective November 20, 1943.
Amendment 14, effective December 10, 1943, except that as to § 1364.35, Schedule I (d), effective January 15, 1944.
Amendment 15, effective February 24, 1944, except that as to revocation of § 1364.22a, effective March 1, 1944.]

§ 1364.35 *Appendix A: Schedules I, II, III and IV.*

SCHEDULE I—PRICES OF WHOLESALE PORK CUTS

[All prices are per hundredweight loose basis, and do not include boxing, transportation or delivery costs, except where indicated otherwise. Weights are by range and not by average]

(a) Pork cuts; green or frozen, cured, smoked, ready-to-eat and cooked

Item	Green or frozen		Cured		Smoked		Ready-to-eat		Cooked	
	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)
1. Hams—regular bone-in	Under 14	$22.25	Under 14	$22.25	Under 14	*Wrapped* $26.25	Under 12	*Wrapped* $29.00	Under 12	*Wrapped* $29.00
	14–18	21.50	14–18	21.50	14–18	25.50	12–16	28.25	12–16	28.25
	Over 18	20.50	Over 18	20.50	Over 18	24.50	Over 16	27.25	Over 16	27.25
2. Hams—long cut, bone-in (may be sold only to be "Virginia cured").	Under 14	22.25								
	14 to 18	21.50								
	Over 18	20.50								
3. Hams—skinned bone-in	Under 14	24.25	Under 14	24.25	Under 14	28.50	Under 12	31.50	Under 12	31.50
	14–18	23.50	14–18	23.50	14–18	27.75	12–16	30.75	12–16	30.75
	Over 18	22.50	Over 16	22.50	Over 18	26.75	Over 16	29.75	Over 16	29.75
4. Hams—regular boneless	Under 14	25.25	Under 14	25.25	Under 12	29.75	Under 12	32.75	Under 12	32.75
	14–18	24.50	14–18	24.50	12–16	29.00	12–14	32.00	12–14	32.00
	Over 18	23.50	Over 18	23.50	Over 16	28.00	Over 14	31.00	Over 14	31.00
5. Hams—skinned boneless	Under 14	27.50	Under 14	27.50	Under 12	32.25	Under 12	35.50	Under 12	35.50
	14–18	26.75	14–18	26.75	12–16	31.50	12–14	34.75	12–14	34.75
	Over 18	25.75	Over 18	25.75	Over 16	30.50	Over 14	33.75	Over 14	33.75
6. Hams—regular boneless and fatted.	Under 10	30.00	Under 10	30.00	Under 10	35.50	Under 8	38.75	Under 8	41.50
	10–14	29.00	10–14	29.00	10–12	34.50	8–12	37.75	8–10	39.75
	Over 14	27.50	Over 14	27.50	Over 12	33.00	Over 12	36.25	Over 10	37.50
7. Hams—skinless boneless and fatted.	Under 10	32.50	Under 10	32.50	Under 10	38.25	Under 8	41.75	Under 8	44.75
	10–14	31.50	10–14	31.50	10–12	37.25	8–12	40.75	8–10	43.00
	Over 14	30.00	Over 14	30.00	Over 12	35.75	Over 12	39.25	Over 10	40.50
8. Boston butts	4–8	25.00	4–8	25.50	4–8	30.25	4–7	33.25		
	Over 8	24.00	Over 8	24.50	Over 8	29.25	Over 7	32.25		
9. Bellies—square cut and seedless.	Under 8	18.00	Under 8	19.00	Under 8	23.00				
	8–12	17.50	8–12	18.50	8–12	22.50				
	12–16	16.00	12–16	17.00	12–14	21.00				
	16–20	15.50	16–20	16.50	14–18	20.50				
10. Bellies—square cut and seedless, derined.	Under 8	20.25	Under 8	21.25	Under 8	25.75				
	8–12	19.75	8–12	20.75	8–10	25.25				
	12–16	18.00	12–16	19.00	10–14	22.50				
	16–20	17.50	16–20	18.50	14–16	21.75				
11. Loins—regular	Under 12	23.50	Under 12	24.00	Under 10	28.50				
	12–16	22.00	12–16	22.50	10–14	27.00				
	16–20	21.00	16–20	21.50	14–18	26.00				
	Over 20	20.00	Over 20	20.50	Over 18	25.00				
12. Picnics:										
Bone in		20.50		20.50		24.50		27.25		27.25
Boneless		23.75		23.75		28.25		31.25		31.25
Boneless, fatted and skinless		28.25		28.25		34.00		37.25		37.50
13. Shoulders—skinned (neck bone out):										
Bone in		22.50		22.50		26.50				
Boneless		25.75		25.75		30.25				29.50
Boneless and fatted		28.50		28.50		34.25				33.00
14. Shoulders—regular neck bone out.		20.50		20.50		24.50				38.25
15. Shoulders—rough:										
Neck bone in		19.75		19.75		23.75				
Neck bone out		20.25		20.25		24.25				
16. Butts—boneless C. T		29.75		30.25		38.25		42.00		
17. Loins-boneless (may not be sold to retailers)		33.50		34.00						
18. Canadian bacon						41.25		45.00		
19. Sliced Canadian bacon						49.75		53.50		
20. Briskets		12.50		18.50		17.75				
21. Sliced bacon—derined:										
Standard Grade A						30.00				
Standard Grade B						27.00				
Standard Grade C						25.75				
Sliced jowl butts						18.50				
Sliced regular plates						18.00				
Bacon end slices						16.00				

SCHEDULE I—PRICES OF WHOLESALE PORK CUTS—Continued

(f) Miscellaneous pork cuts

Item	Cured: Fresh or frozen	Cured: Not packed in tierces	Cured: Packed in tierces	Smoked
1. Hocks	$14.25	$14.25	$15.25	$18.00
2. Knuckles	11.00	11.00	12.00	14.75
3. Feet, short-cut	4.75	4.75		
4. Feet, long-cut	7.25	7.25		
5. Tails	10.00	10.00	11.00	13.75
6. Neck bones	4.75	4.75		7.50
7. Back bones	10.50	10.50		
8. Spareribs	4.50	4.50		6.25
9. Gelatin skins (all rail shipments moving at carload rates must be sold on f. o. b. shipping point basis with buyer paying carrier's charges directly to the carrier)	8.25	8.25		
10. Blade butts (blade bones)	18.75	18.75		22.25
11. Back bones	3.75			
12. Pork tenderloins—10-lb. cartons or packages	32.00			
13. Pork tenderloin—tips	20.00			
14. Pork chops (this price applicable only to sales to purveyors of meals)	27.50			
15. Canned ham, imported Ibio United States and Canadian origin, to be sold on an f. o. b. shipping point basis in U. S. quantities, if buyers pay carrier's charges directly to the carrier)		54.00		

(g) Pork cuts packed in wood and glass containers

Item	Container and net weight: Kit, 13 pounds each	½ barrel, 40 pounds each	¼ barrel, 40 pounds each	Barrel, 200 pounds each	Container	Net weight, pounds	Price each
FAT BACK PORK (Pieces per barrel)							
1. 30-40 or 40-50	$2.35	$3.85	$7.45	$26.75	Piece	300	$28.00
2. 50-60 or 60-70	2.30	3.75	7.25	25.00	Barrel	200	19.50
3. 70-80 or 80-100 or 100-125	2.20	3.65	7.00	24.00	½ barrel	75	7.50
PLATE PORK					¼ barrel	38	3.75
4. 25-35 or 35-44 pieces per barrel	2.25	3.85	6.85	24.00	⅛ barrel	19	2.15
5. Jirisket pork	2.50	4.00	7.75	26.00	Jar	37½	4.15
					Jar	22½	2.70
					Jar	18	2.20
					Jar	10½	1.60
					Jar	6½	1.05
					Barrel	13	25.50
					Jar	16	2.65
6. Vinegar pickled pork feet, cooked, bone in							
7. Vinegar pickled long-cut pork feet, cooked, bone in							

(b) Pork cuts: green or frozen, cured, smoked and barbecued

Item	Green or frozen	Cured	Smoked	Barbecued
		Loose	Packed in tierces			
1. Fat backs:						
Under 12 pounds	$11.00	$11.00		$13.50		
12–16	11.50	11.50		14.00		
Over 16 pounds	12.00	12.00		14.50		
2. Fat back ends or square	10.25	10.25		12.75		
3. Bellies—dry salt trim (clear or rib)	14.50	15.00		17.50		
4. Plates and jowls:						
Clear plates	10.25	10.75		13.00		
Rough plates	11.25	11.75		14.00		
Jowl butts	10.25	10.75		13.00		
Square jowl butts	11.75	12.75		16.00		
5. Spareribs:						
3 pounds or less	16.25	$16.25	$17.25	22.25		
3 to 5 pounds	13.75	13.75	14.75	19.25		
5 pounds or over	18.25	18.25	19.25	24.50		
6. Barbecue ribs, brisket bone off	16.50	18.50	19.50	25.00	$29.00	
7. Loin ribs	17.00	17.00	18.00	23.00	27.00	
8. Sparerib brisket bone	6.75	6.75	7.75	10.75		

[1] Wrapped.

(c) Pork cuts; cooked and smoked and baked or barbecued (wrapped)

Item	Cooked and smoked: Weight	Cooked and smoked: Price	Baked or barbecued: Weight	Baked or barbecued: Price
	Pounds		Pounds	
1. Hams—regular, boneless and tatted	Under 8	$42.75	Under 8	$46.00
	8–10	41.00	8–10	44.00
	Over 10	38.75	Over 10	41.75
2. Hams—skinless, boneless and tatted	Under 8	46.25	Under 8	47.25
	8–10	44.50	8–10	44.50
	Over 10	42.00	Over 10	42.25
3. Picnics—skinless, boneless and tatted	All weights	38.50	All weights	41.75
4. Shoulders—skinned, boneless and tatted				

(d) Dried pork products.

Item:	Price (dollars)
1. Virginia cured ham	39.50
2. Prosciutto hams	36.50
3. Virginia cured sides	28.00
4. Virginia cured bacon	28.75
5. Virginia cured jowls	20.00
6. Virginia cured shoulders	31.50
7. Capicolli butts	44.75

(e) Pork sausage material.

Item	Fresh or frozen	Cured
1. Regular trimmings—50% fat	$18.00	$18.00
2. Trimmings from hams (not over 20% fat)	27.25	27.25
3. Special lean trimmings (85% lean)	28.50	28.50
4. Extra lean trimmings (95% lean)	30.50	30.50
5. Neck bone trimmings	27.25	27.25
6. Blade meat	27.25	27.25
7. Skinned pork fat	11.00	
8. Skinned neck fat	10.25	
9. Skinned back fat	11.00	10.50
10. Skinned ham fat	11.00	
11. Skinned shoulder fat	11.00	

SCHEDULE I—PRICES OF WHOLESALE PORK CUTS—Continued

(h) Products for War Procurement Agencies prepared according to United States Government specifications

Fresh, frozen, cured and smoked items	Weight (pounds)	Price
1. Wiltshires—cured		$20.00
2. Wiltshires—scalded, frozen in sacks		20.50
3. Overseas hams: Regular—shankless (96 hour smoke, long cure, wrapped in muslin. Packed in salt—C. Q. D. specifications).	8–10	31.75
	10–14	31.00
	14–18	30.00
4. Overseas hams: Skinned—shankless (96 hour smoke, long cure, wrapped in muslin. Packed in salt—C. Q. D. specifications).	8–10	34.25
	10–14	33.50
	14–18	32.50
5. Export hams: Regular—shank on (96 hour smoke, long cure, not wrapped. Packed in salt F. S. C. C. specifications).	Under 12	28.75
	12–16	28.00
	Over 16	27.00
6. Export hams: Skinned—shank on (96 hour smoke, long cure, not wrapped. Packed in salt F. S. C. C. specifications).	Under 12	31.00
	12–16	30.25
	Over 16	29.25
7. War hams: Regular (48 hour smoke, long cure, commercial wrapping, packed without salt, C. Q. D. specifications) (deduct $.75 per cwt. if smoked 24 hours or more but less than 48 hours).	8–12	28.00
	12–16	27.25
	Over 16	26.25
8. War hams: Skinned (48 hour smoke, long cure, commercial wrapping, packed without salt, C. Q. D. specifications) (deduct $.75 per cwt. if smoked 24 hours or more but less than 48 hours).	8–12	30.25
	12–16	29.50
	Over 16	28.50
9. Issue hams: Regular (short cure, 48 hour smoke, commercial wrapping). (If smoked 24 hours or more but less than 48 hours, use prices stated for smoked regular hams, Item 1 of Schedule I (a).)	8–14	26.75
	14–18	26.00
	18–20	25.00
10. Issue hams: Skinned (short cure, 48 hour smoke, commercial wrapping). (If smoked 24 hours or more but less than 48 hours, use prices stated for smoked skinned hams, Item 3 of Schedule I (a).)	8–14	29.00
	14–18	28.25
	18–20	27.25
11. Export hams: Regular (short cure, smoked 96 hours, not wrapped, packed in salt. F. S. C. C specifications).	Under 12	26.75
	12–16	26.00
	Over 16	25.00
12. Export hams: Skinned (short cure, smoked 96 hours. Not wrapped, packed in salt, F. S. C. C. specifications).	Under 12	29.00
	12–16	28.25
	Over 16	27.25
13. War bacon (Fancy trimmed, Type 1, Smoked 48 hours. Commercial wrapping, C. Q. D. specifications).	6–8	24.75
	8–12	24.25
	12–14	22.75
	14–18	22.25
14. Overseas bacon (Fancy trimmed, Type 2, Smoked 96 hours. Dry salt cured, wrapped in muslin. Packed in salt C. Q. D. specifications).	Under 10	26.00
	10–14	24.00
	14–18	23.50
15. Rib backs:		
Short cut, dry salt cure		18.50
Short cut, dry salt cure, smoked (F. S. C. C. specifications)		22.75
16. Semi-boneless loins	10 and down	29.50
	10–12	28.00
	12–18	27.00
17. Smoked picnics—export (F. S. C. C. specifications)		25.00
18. Mess pork in barrels (200 pounds net green weight per barrel)		42.75
19. Pork sausage, fresh or frozen:		
Bulk		25.50
In artificial casings		26.50
In hog casings		28.50
In sheep casings		30.50

Canned pork items	Size of can	Price (Dollars per 100 pounds)
20. Spiced luncheon meat	12 oz	35.25
	2½ lb	32.50
21. Spiced ham	12 oz	37.25
	2½ lb	34.50
	6 lb	34.25
22. Pork sausage	1½ lb	26.25
23. Pork sausage links S. C	2 lb	36.50
H. C	2 lb	34.50
24. Pork sausage soya links	1¼ oz or 2 lb	28.25
25. Corned pork	12 oz	56.00
	6 lb	52.00
26. Sliced bacon (F. D. A. specifications)	1½ lbs	30.00
	7 lbs	29.75
Sliced bacon (C. Q. D. tentative specifications)	1½ lbs	32.75
	7 lbs	32.50
27. Dry salt bacon	12 lb	27.00
	14 lb	26.75
28. Pork tongues	12 oz	36.75
	2½ lb	34.00
	6 lb	32.75
29. Pork soya segments	1½ lb. or 2 lb	23.75
30. Cvinaya tushonka	11¼ oz	41.50
	15½ oz	40.75
	28 oz	40.00
	36 oz	39.50
31. Pork and gravy	30 oz	40.00
32. Pork sausage meat (C. Q. D. 98A specifications)	34 oz	33.25

[Schedule I amended by Am. 1, 8 F.R. 544; Am. 2, 8 F.R. 2922; Am. 4, 8 F.R. 7322; Am. 5, 8 F.R. 7671, 8376; Am. 10, 8 F.R. 11380; Am. 11, 8 F.R. 13296; Am. 12, 8 F.R. 15191; Am. 13, 8 F.R. 15609; Am. 14, 8 F.R. 16426 and Am. 15]

SCHEDULE II—REQUIRED DEDUCTIONS FROM PRICES LISTED IN SCHEDULE I

(a) (1) For all slightly miscut or skin cut fresh or frozen wholesale pork cuts, unintentionally so cut, otherwise up to standard, $0.50 per cwt.

(2) For all wholesale pork cuts otherwise substandard because of trim, cutting, thick or wrinkled skin, bruises, abscesses, blood clots, damage, or abnormal color, texture, odor or consistency or character of the lean flesh and of the fat included therein, unintentionally made so substandard, $1.00 per cwt.

(3) For all cured or processed wholesale pork cuts substandard because not in compliance with processing requirements contained in this regulation, unintentionally made so substandard, $2.00 per cwt.

(b) For the following wholesale pork cuts derived from oily hog carcasses, except when sold to an agency of the United States Government pursuant to United States Government specifications and except wholesale pork cuts listed in Schedule I (d) of this Appendix A:

Description of cut:	Required deduction per cwt.
Hams	$1.00
Shoulders and shoulder cuts	3.00
Pork loins	3.00
Bellies	3.00
Slab bacon	3.00
Fat backs	1.00

(c) For all wholesale pork cuts delivered in a straight or mixed carload shipment, $1.00 per cwt.

(d) (1) For all wholesale pork cuts delivered in a straight or mixed shipment of 5,000 lbs. or more, but less than a carload, $0.50 per cwt.

(2) For all wholesale pork cuts delivered in a shipment of more than 500 lbs. of wholesale pork cuts but less than 5,000 lbs., $0.25 per cwt.

(e) For all dried, smoked, ready-to-eat, cooked, baked or barbecued wholesale pork cuts, except sliced bacon, which are designated as wrapped in Schedule I but which the seller does not individually wrap in parchment paper, cellophane or artificial casings or similar packages, $0.50 per cwt.

(f) For sliced bacon not packed in

(1) ½ lb., 1 lb., or 1½ lb. cartons or sealed cellophane or sealed parchment packages, $0.75 per cwt.

(2) Cases of 12 lbs. or less, $0.25 per cwt.

(g) For semi-dry cured Grade A sliced bacon $1.00 per cwt.

(h) For gelatin skins, in lieu of all other deductions, $1.00 per cwt.

[Schedule II amended by Am. 1, 8 F.R. 544; Am. 2, 8 F.R. 2922; Am. 5, 8 F.R. 7671 and Am. 15]

SCHEDULE III—PERMITTED ADDITIONS TO PRICES LISTED IN SCHEDULE I

(a) For special cutting and trimming:

(1) *Hams:*	*Per cwt. over standard*
Short shank	$0.50
Shankless	.75
(2) *Shoulders:*	
Short shank	.50
Shankless	.75
(3) *Picnics:*	
Short shank	.50
Shankless	.75
Half skinned	.25
(4) *Loins*, bladeless	.50

(5) *Bellies:*	*Per cwt. over dry salt trim*
Clear, dry salt square cut trim	$1.00

(6) *Bacon bellies:*

Fancy trimmed, $1.00 per cwt. over square-cut seedless trim price.

Fancy trimmed with brisket off, $2.00 per cwt. over square-cut seedless trim price ($1.00 per cwt. over fancy trimmed price).

(b) For loins, shoulders, picnics, Boston butts, boneless butts, spareribs, feet, tails and neck bones derived from hogs killed in each of the following regions:

Region 1: New England; New Jersey; Delaware; Maryland; the District of Columbia; and those portions of New York and Pennsylvania lying east of the 77th meridian;

Region 2: Those portions of Pennsylvania and New York lying west of the 77th meridian;

Region 3: Virginia; West Virginia; Kentucky; Ohio; Indiana; Chicago, Illinois; and the lower peninsula of Michigan (that part of

SCHEDULE IV—DRESSED HOGS

(a) Table of weight ranges and seasonal denominators

Weights of dressed hogs (by range)			Related live hog weight classifications	Denominators by seasons			
	Packer style (pounds)	Shipper style (pounds)	Live weight (pounds)	December, January, February, March, April and May	June, July, Aug., Sept., Oct., and Nov.		
				Packer style	Shipper style	Packer style	Shipper style
BUTCHER HOGS							
1.	73-89	81-89	120-140	1.53	1.45	1.54	1.46
2.	90-107	90-110	140-160	1.46	1.38	1.47	1.39
3.	108-123	111-136	161-189	1.43	1.35	1.44	1.36
4.	124-138	137-153	190-220	1.41	1.33	1.42	1.34
5.	139-154	154-171	221-250	1.39	1.31	1.40	1.32
6.	155-169	172-188	251-280	1.385	1.305	1.395	1.315
7.	170-192	189-213	281-320	1.375	1.295	1.385	1.305
8.	193-213	214-235	321-360	1.375	1.295	1.385	1.305
9.	214-239	236-265	361-405	1.37	1.29	1.38	1.30
10.	Over 239	Over 265	Over 405				
SLAUGHTER PIGS							
11.	Under 73	Under 79	Under 120	1.61	1.53	1.62	1.54
SOWS							
12.	184-260	202-312	270-400	1.405	1.325	1.415	1.335
13.	260 and over	312 and over	400 and over	1.40	1.32	1.41	1.33

(b) *Definitions.* As used in this regulation, the term

(1) "Packer style" means a dressed hog with the head off, kidneys and leaf fat out, and ham facings off.

(2) "Shipper style" means a dressed hog with the head on, kidneys and leaf fat in, and ham facings on.

(3) "Current Chicago live hog price" of hogs other than oily hogs, stags and boars means the highest price quoted, for live hogs of the applicable weight, in the current Chicago Daily Livestock Market Report of the Agricultural Marketing Administration of the U. S. Department of Agriculture, minus the current live cwt. subsidy rate. "Current Chicago live hog price" of oily hogs means a price determined by deducting from the highest price quoted, for live butcher hogs of the applicable weight, in such current report, $1.00 per cwt. and the current live cwt. subsidy rate. "Current Chicago live hog price" of stags and boars means a price determined by deducting from the highest price quoted for live sows or butcher hogs of the current live cwt. subsidy rate, in such current report, $1.50 per cwt. and the current live cwt. subsidy rate in the case of stags, and $4.00 per cwt. and the current live cwt. subsidy rate in the case of boars. As to all shipments of dressed hogs from points east of the 85th meridian the current report shall be deemed to be that for the third market day preceding such shipment. As to all shipments of dressed hogs from points west of the 85th meridian and east of the 95th meridian and from points east of the Missouri River, south of Kentucky and west of the 88th meridian that for the second market day preceding such shipment. As to all shipments of dressed hogs from any other point, the current report shall be deemed to be that for the current day preceding such shipment. For the designated transportation differential (4) means a transportation differential determined as provided in subparagraphs (1), (2), (3) and (4) of § 1364.22 (d).

(c) *Price instructions.* Except as provided in § 1364.22 (b), the maximum price for each dressed hog shall be fixed as follows:

(1) Ascertain the weight range applicable to the dressed hog to be priced. (Weight ranges for packer style dressed hogs are in the first column of the table in paragraph (a) of this Schedule IV, and weight ranges for shipper style dressed hogs are in the second column.) Ascertain the related live hog weight classification of such dressed hog (on the same line in the table, but in the third column). Multiply the current Chicago live hog price, for hogs of such related live hog weight classification, by the appropriate seasonal denominator (on the same line in the table, but in one of the last four columns).

Example: A butcher hog dressed shipper style and weighing 190 pounds falls in the 180 to 213 pound weight range and in the 240 to 270 pound related live hog weight classification. If it were slaughtered in New York City and shipped on November 24, 1942, the appropriate seasonal denominator would be 1.315, and the current Chicago live hog price would be that reported for Thursday, November 19, 1942, three market days prior to Tuesday, November 24, 1942, ($14.00 per cwt.), minus an assumed current live hog subsidy at that time of $1.30 per cwt., equaling $12.70 per cwt. $12.70 multiplied by 1.315 equals $16.70.

(2) To the price determined under paragraph (c) (1) of this Schedule, add 25¢ per cwt. If the seller delivers such dressed hog by a local delivery to a point more than 50 miles away from the shipping point.

Example: If in the example stated in paragraph (c) (1), such local delivery were made, 25 cents would be added to $16.79 giving a price of $16.95 per cwt.

(3) To the price determined under paragraph (c) (2), add the following permitted fresh kill addition, if the dressed hog is derived from a hog killed in the region where the addition is applicable and delivered by local delivery within such region on the same day as or on the day after killing or sold to the Federal Surplus Commodities Corporation:

Region	Permitted addition per cwt.
(i) New England, New Jersey, Delaware, Maryland, District of Columbia and those portions of New York and Pennsylvania lying east of the 77th meridian	50¢
(ii) Those portions of Pennsylvania and New York lying west of the 77th meridian	35¢
(iii) Virginia; West Virginia; Kentucky; Ohio; Indiana; Chicago, Illinois; and the local peninsula of Michigan (that part of Michigan lying between Lake Michigan and Lake Huron)	15¢

Example: In the example stated in paragraph (c) (2), if the dressed hog is sold to the Federal Surplus Commodities Corporation, or if local delivery is made to a buyer within the region described in subparagraph (3) (i), 50 cents would be added to $16.95 giving a price of $17.45 per cwt.

(4) The maximum price for each dressed hog delivered to the buyer within the Central Price Zone, or delivered outside the Central Price Zone by a local delivery beginning in the Central Price Zone, shall be the applicable price determined under paragraph (c) (1) or (c) (2) of this Schedule.

(5) Except as provided in paragraph (c) (4) of this Schedule, the maximum price for each dressed hog delivered to the buyer in the Chicago Price Zone, or delivered to the buyer outside the Chicago Price Zone and the Central Price Zone by a local delivery beginning in the Chicago Price Zone, shall be the applicable price determined under paragraph (c) (1), (c) (2) or (c) (3) of this Schedule, plus 25¢ per cwt.

(6) Except as provided in paragraphs (c) (4) and (c) (5) of this Schedule, the maximum price for each dressed hog delivered to the buyer outside the Central Price Zone and the Chicago Price Zone shall be the applicable price determined under paragraph (c) (1) (c) (2) or (c) (3) of this Schedule, plus the designated transportation differential.

(d) *Brokers' fees.* The maximum prices fixed pursuant to paragraph (c) of this Schedule IV shall include all charges for brokerage and no addition to such prices may be made for brokers' fees. If the seller pays no brokerage fees on shipments of carload lots, the maximum price shall be reduced by $0.125 per cwt. If the seller pays brokerage on such shipments in an amount less than $0.125 per cwt., the maximum price shall be reduced by the difference between the amount of brokerage actually paid by the seller and $0.125 per cwt.

[Schedule IV added by Am. 1, 8 F.R. 544; amended by Am. 5, 8 F.R. 7671 and Am. 8, 8 F.R. 10571]

Michigan lying between Lake Michigan and Lake Huron)":

(c) For packing in shipping containers:

(1) For domestic shipment (maximum addition permitted: $0.50 per cwt. No addition permitted where price in Schedule I includes shipping container):

Type of container:	Addition per cwt.
(i) All returnable containers	$0.25
(ii) Wood, metal or solid fiber boxes	.50
(iii) Corrugated boxes	.25
(iv) Wirebound crates	.40
(v) Barrels	.25
(vi) Sacks and/or cloth wrappings	.25

(2) For shipment to an agency of the United States Government:

[Item (i) and (vii) amended; items (vi) and (xi) added; items (vii) through (x) redesignated by Am. 15.]	Permitted addition per cwt.
Region 1	$1.00
Region 2	.50

Product	Type of container	Capacity of container	Addition
			Per cwt.
Fresh, frozen and cured meats:			
(i)	Nailed solid wood boxes	50 lbs. or less	$1.10
		More than 50 lbs., less than 200 lbs.	1.05
		200 lbs. or more	1.00
(ii)	V-1, V-2 fiber boxes (with sleeve)	All sizes	.75
(iii)	V-1, V-2 fiber boxes (sleeveless)	All sizes	.90
(iv)	V-3, Army fiber boxes	All sizes	.75
(v)	Wirebound boxes	All sizes	.50
(vi)	Wirebound crates	All sizes	
Canned meats:			
(vii)	Nailed solid wood boxes	40 lbs. or less	1.20
		More than 40 lbs., less than 70 lbs.	1.10
		70 lbs. or more	1.10
(viii)	V-1, V-2 fiber boxes (with sleeve)	40 lbs. or less	1.00
		More than 40 lbs., less than 70 lbs.	.90
		70 lbs. or more	.90
(ix)	V-1, V-2 fiber boxes (sleeveless)	40 lbs. or less	.75
		More than 40 lbs., less than 70 lbs.	.65
		70 lbs. or more	.75
(x)	Wirebound boxes	40 lbs. or less	.65
		More than 40 lbs., less than 70 lbs.	.75
		70 lbs. or more	.50
(xi)	Wirebound crates	All sizes	.50

(d) For local delivery:

(1) Where the seller makes local delivery to the buyer's store-door, otherwise than by peddler delivery as stated in paragraph (d) (2) of this schedule, he may add to the base prices specified in Schedule I, the sum of $0.50 per cwt., if such delivery is completed within 25 miles of the point from which such local delivery begins, or the sum of $0.50 per cwt., if such delivery is completed over 25 miles from such point of beginning.

(2) Where the seller makes a peddler truck sale, involving delivery of not more than 50 lbs. of wholesale pork cuts and not more than 150 lbs. of meats in any one day from the truck to any buyer's store-door, he may add to the prices specified in Schedule I the sum of $1.50 per cwt.

(e) For all wholesale pork cuts sold to a purveyor of meals otherwise than by peddler truck sale, $2.00 per cwt.

(f) For all wholesale pork cuts and dressed hogs sold by wholesalers, $0.50 per cwt. (as to dressed hogs, this addition may be made to the slaughterer's maximum price computed as provided in § 1364.22 (g) of this regulation).

(g) For breaking a box or barrel of wholesale pork cuts and delivering less than 30 lbs. of the kind of cuts contained in such box, loose, to a single buyer, an independent wholesaler or packer's branch house may add to the Schedule I price of the cuts so delivered, in lieu of the shipping containers addition permitted by paragraph (c) (1) of this schedule, an amount equal to such permitted shipping container addition. This provision does not apply to sales from branch houses located at or near the seller's packing plant.

(h) For freezing, in the seller's plant and not in a commercial warehouse, dressed hogs or wholesale pork cuts sold by the seller to war procurement agencies, $0.10 per hundredweight.

[Schedule III amended by Am. 1, 8 F.R. 544; Am. 2, 8 F.R. 2932; Am. 6, 8 F.R. 7826; Am. 8, 8 F.R. 10571; Am. 9, 8 F.R. 10732; Am. 11, 8 F.R. 13296; and Am. 15]

NOTE: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2394; Filed, February 18, 1944; 4:23 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329,[1] Amdt. 18]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 329 is amended in the following respects:

1. Section 1351.402 (a) (1) is amended to read as follows:

(1) Maximum prices for purchases of "milk" from producers for resale as fluid milk in the Atlanta regional area; the Arlington-Alexandria marketing area and in the Baltimore-Annapolis, Maryland, area; Fairfax County, Virginia, except that part of Fairfax County included in the Arlington-Alexandria, Virginia, marketing area; the Montgomery, Maryland, area; the Harford, Maryland, area; the Norfolk-Portsmouth and Newport News-Williamsburg, Virginia, area; the State of Florida; the Eastern Shore, Maryland, area; and the Charles-St. Marys, Maryland, area are modified and adjusted in § 1351.415 below. Maximum prices for purchases of "milk" from producers for resale as fluid milk in the Denver, Colorado, area, Colorado Springs-Manitou, Colorado, area, and the Pueblo, Colorado, area, are modified and adjusted in § 1351.416 below.

2. Section 1351.404 (p) is added to read as follows:

(p) "Eastern Shore, Maryland, area" means all the territory included within the Counties of Caroline, Dorchester, Queen Annes, Somerset, Talbot, Wicomico, and Worcester, in the State of Maryland.

3. Section 1351.404 (q) is added to read as follows:

(q) "Charles-St. Marys, Maryland, area" means all the territory included within the Counties of Charles and St. Marys, in the State of Maryland.

4. Section 1351.415 (q) is added to read as follows:

(q) *Adjusted maximum prices for purchases of "milk" from producers in the Eastern Shore, Maryland, area.* (1) The maximum prices for each grade of "milk" purchased from a producer for resale as fluid milk in the Eastern Shore, Maryland, area shall be the higher of the following prices:

(i) The maximum prices established under § 1351.402 of this regulation; or

(ii) $3.55 per hundredweight, f. o. b. purchaser's receiving station or processing plant, for milk testing 4 percent butterfat, plus or minus 5¢ for each 1/10 of 1 percent that the butterfat content varies over or under 4 percent as the case may be.

5. Section 1351.415 (r) is added to read as follows:

(r) *Adjusted maximum prices for purchases of "milk" from producers in the Charles-St. Marys, Maryland, area.* (1) The maximum price for each grade of "milk" purchased from a producer for resale as fluid milk in the Charles-St. Marys, Maryland, area shall be the higher of the following prices:

(i) The maximum price established under § 1351.402 of this regulation; or

(ii) $3.79 per hundredweight f. o. b. purchaser's receiving station or processing plant, for milk testing 4 percent butterfat, plus or minus 5¢ for each 1/10 of 1 percent that the butterfat content varies over or under 4 percent as the case may be.

This amendment shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 76th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 16, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-2393; Filed, February 18, 1944; 4:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 13 to Rev. Supp. 1]

"SPARE" STAMP 3 FOR PORK PRODUCTS

Section 1407.3027 (e) (4) is added to read as follows:

(4) "Spare" stamp numbered "3" in War Ration Book Four, is good for five points. It may be used by consumers from February 18, 1944, to 12:01 a. m., February 27, 1944, only to acquire all types of sausage, and 100 per cent pork products, except lard. It may be used by persons other than consumers in the same way as a five-point brown stamp.

This amendment shall become effective at 12:01 a. m., February 18, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2395; Filed, February 18, 1944; 4:22 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2038, 2874, 3252, 3621, 4726, 5907, 5933, 6737, 8063, 9884, 10731, 13721, 15704, 16296; 9 F.R. 611.

[1] 8 F.R. 16834, 16839, 17372, 16893, 17306; 9 F.R. 105, 184, 731, 1181, 1819.

PART 1340—FUEL

[MPR 120,[1] Amdt. 88]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.221 (b) new subparagraph (6) is added to read as follows:

(6) Notwithstanding the provisions of subparagraph (1), (3), (4) and (5) of this paragraph (b), the maximum prices for shipments of coals in Size Group Nos. 1 through 6, and 8 for uses other than locomotive fuel use shall in no case be less than the maximum prices for coals in such respective size groups for locomotive fuel use.

This amendment shall become effective February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2429; Filed, February 19, 1944; 11:55 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 89]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.219 (b), subparagraph (3), in the proviso, after the words "Western Railway Company of Alabama" the word "and" is deleted; after the words "Central of Georgia Railway Company," and before the words "for locomotive fuel, etc.," a comma and the words "and Live Oak, Perry and Gulf Railroad Company and East Tennessee and Western North Carolina Railroad Company." are inserted.

This amendment shall become effective February 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2433; Filed, February 19, 1944; 11:54 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 19]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

1. A new paragraph (e) (8) is added to Appendix H, of Article III, section 15 to read as follows:

(8) All weighing and packing by growers and country shippers of the listed commodities shall be done in accordance with customary weighing and packing practices and the requirements of the applicable State Agricultural Code. The provisions of section 1 (f) (5) apply only to those containers of the listed commodities whose maximum prices are named in the applicable table in paragraph (b) hereof, on a per pound basis.

2. Appendix I is added to section 15, Article III, to read as follows:

APPENDIX I—MAXIMUM PRICES FOR CITRUS FRUITS

(a) *Explanation.* This appendix establishes maximum prices for certain sales of oranges, grapefruit, lemons, and tangerines. It supersedes the provisions of Maximum Price Regulation No. 292,[2] and applies to every seller of citrus fruits including growers, country shippers, carlot distributors, terminal brokers, carlot receivers, secondary jobbers, commission merchants and all other sellers except retailers.

Specifically, this appendix:

(1) Establishes designated basing points, maximum prices f. o. b. shipping point, for sales f. o. b. point of shipment,

(2) Establishes maximum prices at the wholesale receiving point for sales through certain named agents and for such sales by all sellers other than retailers,

(3) Establishes maximum prices for all sales of citrus fruits to retail stores, government procurement agencies and institutional buyers.

Each of the citrus fruits is covered by a separate table. Provisions which apply specially to any one kind of citrus fruit are to be found in footnotes to the applicable table. Provisions applicable to all the citrus fruits are to be found in the paragraphs following the tables. The maximum markups which may be added to the f. o. b. or delivered maximum prices, as the case may be, for certain types of sales common to all the citrus fruits, are set forth in a separate table.

Sales by growers of country shippers of five containers (not larger than a "standard" box) or less of citrus fruits in any one lot by mail or express to any one ultimate consumer shall be exempt from the provisions of this regulation, but such sales shall be subject to the provisions of this regulation when made by sellers other than growers or country shippers.

The Office of Price Administration reserves the right to change any basing point named in this Appendix at any time, or to establish new or additional basing points, without changing the maximum prices f. o. b. country shipping point.

(b) *Definitions*—(1) *Container definitions.* (i) For California and Arizona citrus fruits, "standard" or "legal" container means 1⅗ bushel containers (wooden nailed boxes or wire-bound crates) conforming to the specifications of the standard orange box or the standard lemon box respectively, as prescribed by the Agricultural Code of the State of California, or two "half boxes" or two "half strap" boxes, packed and lidded in conformity with the requirements of said Agricultural Code, or a "full box bag" or two "half box bags" containing a quantity of citrus fruit equivalent to that contained in a 1⅗ bushel container as described above.

(ii) For Florida and Texas citrus fruits, "standard" or "legal" container means 1⅗ bushel containers (wooden nailed boxes or wirebound crates) conforming to the specifications for citrus boxes and as published in Freight Container Bureau Tariffs No. 2B, ICC No. 14, and No. 3A, ICC No. 15, as amended, packed and lidded in conformity with the requirements of the Florida Citrus Commission for Florida fruit and in accordance with the requirements of the Texas Commissioner of Agriculture for Texas fruit, or two "half boxes" or two "half strap boxes" packed and lidded in conformity with the requirements of the Agricultural Codes of these states, or a "full box bag" or two "half box bags" containing a quantity of citrus fruit equivalent to that contained in a 1⅗ bushel container as described above.

(iii) "Loose box" means a container of the same size as the standard or legal box filled without any special arrangement or sizing of the fruit and which may be lidded or unlidded.

(2) *Commodity definitions.* (i) "Oranges" includes all oranges, except tangerines.

(ii) "Tangerines" means tangerines, tangelos, satsumas, clementines, temple, and king oranges.

(c) *Maximum price tables applicable to individual citrus fruits.* The following tables state the maximum prices which apply to certain sales of citrus fruits by growers, country shippers, and by intermediate sellers. (For other transactions by these sellers, see the table in paragraph (d) and the provisions of paragraphs (f) (g).)

Except as specified for bulk sales and "on the tree" sales, the maximum prices named in the tables of this paragraph include all costs of harvesting, hauling and packing, and no additional charge may be made for containers.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14560, 15256, 15455, 15456, 16280, 16419, 16738, 16998.

[1] 8 F.R. 9546, 9548, 9727, 10571, 10673, 11589, 11691, 11756, 12096, 12951, 13743, 14012, 14154.

[2] 8 F.R. 135, 543, 2869, 3367, 6134.

TABLE 1—MAXIMUM PRICES FOR ORANGES PRODUCED IN CALIFORNIA AND ARIZONA

1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in California and Arizona.	Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Maximum prices for sales by certain persons in less than carlots or less than truicklots delivered to the premises of any retail stores, government procurement agency or institutional buyer.[4]
1	Oranges packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	1⅗ bushel standard container.	Nov. 16-Apr. 30	$3.85	(Col. 5 price plus freight (including 3% transportation tax) from Phoenix, Arizona, for all wholesale receiving points in the states of Oregon, Washington, Montana, Nevada, Idaho and Utah; and Los Angeles, California for wholesale receiving points in all other states; plus protective services.[3]	Col. 6 price plus 75 cents.
2			May 1-Nov. 15	$4.30		Col. 6 price plus 75 cents.
3	Oranges packed in containers other than standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	Pound	Nov. 16-Apr. 30	5.0 cents per pound	Maximum price above (Item 1) divided by 77.	Col. 6 price plus 1 cent per pound.
4			May 1-Nov. 15	5.6 cents per pound	Maximum price above (Item 2) divided by 77.	Col. 6 price plus 1 cent per pound.
5	Oranges sold in bulk (loose without containers) washed, graded and stamped for sale in all wholesale receiving points, except in California and Arizona.[1]	Pound	Nov. 16-Apr. 30	4.0 cents per pound	Maximum price per pound above (Item 3) minus 1 cent.	Col. 6 price plus 1 cent per pound.
6			May 1-Nov. 15	4.6 cents per pound	Maximum price per pound above (Item 4) minus 1 cent.	Col. 6 price plus 1 cent per pound.
7	Oranges packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points in California and Arizona.	1⅗ bushel standard container.	Nov. 16-Apr. 30	$3.85	$4.07	$4.82.
8			May 1-Nov. 15	$4.30	$4.57	$5.32.
9	Oranges sold loose in standard 1⅗ bushel containers for sale in all wholesale receiving points in California and Arizona.	1⅗ bushel standard container.	Nov. 16-April 30	$2.85	$3.02	$3.57.
10			May 1-Nov. 15	$3.22	$3.43	$3.98.
11	Oranges sold in containers other than standard 1⅗ bushel containers (either packed or loose) for sale in all wholesale receiving points in California and Arizona.	Pound	Nov. 16-April 30	4.7 cents per pound	5.0 cents per pound	6.0 cents per pound.
12			May 1- Nov. 15	5.4 cents per pound	5.7 cents per pound	6.7 cents per pound.
13	Oranges sold in bulk (loose without containers) washed, graded and stamped for sale in all wholesale receiving points in California and Arizona.[1]	Pound	Nov. 16-April 30	4.0 cents per pound	4.3 cents per pound	5.3 cents per pound.
14			May 1-Nov. 15	4.6 cents per pound	4.9 cents per pound	5.9 cents per pound.
15	Oranges sold by growers "on the tree" to persons other than packers.[2]	Pound	Nov. 16-April 30	3.4 cents per pound		
16			May 1-Nov. 15	4.0 cents per pound		

[1] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be 3/10 cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded and stamped listed for Items 5, 6, x 13, and 14 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 4 below.)

[2] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not ship the commodity being priced in this table. (See paragraph (c) (1) of this appendix.)

[3] Protective service allowances shall be added in accordance with the following schedule of freight rate classes:

Freight per 100 lbs.	Allowances for refrigeration and accessorial charges	
	November 16-April 30	May 1-November 15
$1.31 or higher	$0.14	$0.21
1.11 to 1.30	.14	.17
.83 to 1.10	.12	.15
Less than .83	.12	.13

[4] For sellers covered by column 7, see general provisions of this appendix.

TABLE 2—MAXIMUM PRICES FOR ORANGES PRODUCED IN FLORIDA (EXCEPT THOSE MARKED "INDIAN RIVER"), TEXAS AND ALL OTHER STATES, EXCEPT CALIFORNIA AND ARIZONA

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in Florida and Texas [3]	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer [7]
1	Oranges place packed in standard containers of 1⅗ bushel contents.[2]	1⅗ bushel standard container.	Sept. 1-Feb. 29	$3.45	Col. 5 price plus freight (including 3% transportation tax) from homestead, Florida plus 10 cents protective service [5]	Col. 6 price plus 75 cents.
2			Mar. 1-Aug. 31	$3.75		Col. 6 price plus 75 cents.
3	Oranges sold loose in standard containers of 1⅗ bushel contents, and those packed in containers other than standard containers of 1⅗ bushel contents.	Pound	Sept. 1-Feb. 29	3.8 cents per pound	Maximum price above (item 1) divided by 90.	Col. price plus 1/10 cent per pound.
4			Mar. 1-Aug. 31	4.2 cents per pound	Maximum price above (item 2) divided by 90.	Col. 6 price plus 1/10 cent per pound.
5	Oranges sold in bulk (loose without containers), washed, graded and stamped.	Pound	Sept. 1-Feb. 29	3.0 cents per pound	Maximum price per pound above (item 3) minus 1/10 cent.	Col. 6 price plus 1/10 cent per pound.
6			Mar. 1-Aug. 31	3.3 cents per pound	Maximum price per pound above (item 4) minus 1/10 cent.	Col. 6 price plus 1/10 cent per pound.
7	Oranges sold by growers "on the tree" to persons other than packers.[4]	Pound	Sept. 1-Feb. 29	2.5 cents per pound.		
8			Mar. 1-Aug. 31	2.8 cents per pound.		

[1] Oranges produced in Florida and marked "Indian River" shall be priced under the provisions of Table 3.
[2] Provisions of items 1 and 2 also apply to citrus fruits sold in 1⅗ bushel and half box bags even though fruit sold in such containers is not place packed.
[3] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be 2/10 cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded and stamped listed for items 5 and 6 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 5 below.)
[4] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not pack and ship the commodity being priced in this table. (See paragraph (E) (1) of this appendix.)
[5] Maximum prices f. o. b. shipping point in column 5 do not apply to fruit produced in Florida that is marked "Indian River". (See Table 3.)
[6] For all wholesale receiving points in the State of Florida and that part of the State of Texas including and south of the following counties: Galveston, Harris, Waleo, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards, and Valverde, the total allowance for freight and protective services to be added to the Col. 5 price shall be 25 cents per standard container of 1⅗ bushel contents.
[7] For sellers covered by Column 7, see general provisions of this appendix.

TABLE 3—MAXIMUM PRICES FOR ORANGES PRODUCED IN FLORIDA AND MARKED "INDIAN RIVER" [1]

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point for oranges produced in Florida and marked "Indian River" [5]	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, government procurement agency or institutional buyer
1	Oranges place packed in standard containers of 1⅗ bushel contents.[2]	1⅗ bushel standard container.	Sept. 1-Feb. 29	$3.89	Col. 5 price plus freight (including 3% transportation tax) from Homestead, Florida plus 10 cents protective service.[6]	Col. 6 price plus 75 cents.
2			Mar. 1-Aug. 31	$4.01		Col. 6 price plus 75 cents.
3	Oranges sold loose in standard containers of 1⅗ bushel contents, and those packed in containers other than standard containers of 1⅗ bushel contents.	Pound	Sept. 1-Feb. 29	4.3 cents per pound	Maximum price above (item 1) divided by 90.	Col. 6 price plus 1/10 cent per pound.
4			Mar. 1-Aug. 31	4.4 cents per pound	Maximum price above (item 2) divided by 90.	Col. 6 price plus 1/10 cent per pound.
5	Oranges sold in bulk (loose without containers), washed, graded and stamped.[3]	Pound	Sept. 1-Feb. 29	3.5 cents per pound	Maximum price per pound above (item 3) minus 1/10 cent.	Col. 6 price plus 1/10 cent per pound.
6			Mar. 1-Aug. 31	3.6 cents per pound	Maximum price per pound above (item 4) minus 1/10 cent.	Col. 6 price plus 1/10 cent per pound.
7	Oranges sold by growers "on the tree" to persons other than packers.[4]	Pound	Sept. 1-Feb. 29	2.0 cents per pound.		
8			Mar. 1-Aug. 31	3.1 cents per pound.		

[1] Oranges produced in Florida and not marked "Indian River" shall be priced under the provisions of table 2.
[2] Provisions of items 1 and 2 also apply to citrus fruits sold in 1⅗ bushel and half box bags even though fruit sold in such containers is not place packed.
[3] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be 2/10 cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded and stamped listed for items 5 and 6 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 5 below.)
[4] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not pack and ship the commodity being priced in this table. (See paragraph (e) (1) of this appendix.)
[5] Maximum prices f. o. b. shipping point in column 5 do not apply to fruit produced in Florida and not marked "Indian River." (See table 2.)
[6] For all wholesale receiving points in the State of Florida and that part of the State of Texas including and south of the following counties: Galveston, Harris, Waleo, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards, and Valverde, the total allowance for the freight and protective services to be added to the col. 5 price shall be 25 cents per standard container of 1⅗ bushel contents.
[7] For sellers covered by column 7, see general provisions of this appendix.

TABLE 4—MAXIMUM PRICES FOR WHITE GRAPEFRUIT PRODUCED IN CALIFORNIA AND ARIZONA

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in California and Arizona	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer [4]
1	White grapefruit packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	1⅗ bushel standard container.	Nov. 1-Apr. 30	$2.79	Col. 5 price plus freight (including 3% transportation tax) from Phoenix, Arizona, for all wholesale receiving points in the States of Oregon, Washington, Montana, Nevada, Idaho, and Utah, and Los Angeles, California for wholesale receiving points in all other States; plus protective services.[3]	Col. 6 price plus 65 cents.
2			May 1-Oct. 31	$3.48		Col. 6 price plus 65 cents.
3	White grapefruit packed in containers other than standard containers of 1⅗ bushel contents for sale in all wholesale receiving points except in California and Arizona.	Pound	Nov. 1-Apr. 30	4.1 cents per pound	Maximum price above (item 1) divided by 68.	Col. 6 price plus 1 cent per pound.
4			May 1-Oct. 31	5.1 cents per pound	Maximum price above (item 2) divided by 68.	Col. 6 price plus 1 cent per pound.
5	White grapefruit sold in bulk (loose without containers) washed, graded & stamped for sale in all wholesale receiving points, except in California and Arizona.[1]	Pound	Nov. 1-Apr. 30	3.0 cents per pound	Maximum price per pound above (item 3) minus 1.1 cent.	Col. 6 price plus 1 cent per pound.
6			May 1-Oct. 31	4.0 cents per pound	Maximum price per pound above (item 4) minus 1.1 cent.	Col. 6 price plus 1 cent per pound.
7	White grapefruit packed in standard containers of 1⅗ bushel contents for sale; in all receiving points in California—Arizona.	1⅗ bushel standard container.	Nov. 1-Apr. 30	$2.79	$3.09	$3.74.
8			May 1-Oct. 31	$3.48	$3.73	$4.39.
9	White grapefruit sold loose in standard 1⅗ bushel containers for sale in all wholesale receiving points in California-Arizona.	1⅗ bushel standard container.	Nov. 1-Apr. 30	$2.21	$2.46	$3.01.
10			May 1-Oct. 31	$2.79	$3.00	$3.55.
11	White grapefruit sold in containers other than standard 1⅗ bushel containers (either packed or loose) for sale in all wholesale receiving points in California-Arizona.	Pound	Nov. 1-Apr. 30	3.8 cents per pound	4.1 cents per pound	5.1 cents per pound.
12			May 1-Oct. 31	4.8 cents per pound	5.2 cents per pound	6.2 cents per pound.
13	White grapefruit sold in bulk (loose without containers) washed, graded, and stamped for sale in all wholesale receiving points in California-Arizona [1]	Pound	Nov. 1-Apr. 30	3.0 cents per pound	3.3 cents per pound	4.3 cents per pound.
14			May 1-Oct. 31	4.0 cents per pound	4.4 cents per pound	5.4 cents per pound.
15	White grapefruit sold by growers "on the tree" to persons other than packers [2]	Pound	Nov. 1-Apr. 30	2.6 cents per pound.		
16			May 1-Oct. 31	3.6 cents per pound.		

[1] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be 3/10 cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded and stamped listed for items 5, 6, & 13, and 14 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See Footnote 4 below.)
[2] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not ship the commodity being priced in this table. (See paragraph (E)(1) of this appendix).
[3] Protective service allowance shall be added in accordance with the following schedule of freight rate classes:

Freight per 100 pounds	Allowances for refrigeration and accessorial charges	
	November 1-April 30	May 1-October 31
$1.31 or higher	$0.14	$0.21
$1.11 to $1.30	.14	.17
$0.83 to $1.10	.12	.15
Less than $0.83	.12	.13

[4] For sellers covered by column 7, see general provisions of this appendix.

TABLE 5—MAXIMUM PRICES FOR PINK GRAPEFRUIT PRODUCED IN CALIFORNIA AND ARIZONA

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in California and Arizona	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than truck-lots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[4]
1	Pink grapefruit packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	1⅗ bushel standard container.	All year	$3.03	Col. 5 price plus freight (including 3% transportation tax) from Phoenix, Arizona for all wholesale receiving points in the States of Oregon, Washington, Montana, Nevada, Idaho and Utah and Los Angeles, California for wholesale receiving points in all other States: plus protective services.[3]	Col. 6 price plus 65 cents.
2	Pink grapefruit packed in containers other than standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	Pound	All year	4.5 cents per pound	Maximum price above (Item 1) divided by 68.	Col. 6 price plus 1 cent per pound.
3	Pink grapefruit sold in bulk (loose without containers) washed, graded and stamped for sale in all wholesale receiving points except in California—Arizona.[1]	Pound	All year	3.4 cents per pound	Maximum price per pound above (item 2) minus 1.1 cent.	Col. 6 price plus 1 cent per pound.
4	Pink grapefruit packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points in California—Arizona.	1⅗ bushel standard container.	All year	$3.08	$3.33	$3.96.
5	Pink grapefruit sold loose in standard 1⅗ bushel containers for sale in all wholesale receiving points in California-Arizona.	1⅗ bushel standard container.	All year	$2.41	$2.66	$3.21.
6	Pink grapefruit sold in containers other than standard 1⅗ bushel containers (either packed or loose) for sale in all wholesale receiving points in California-Arizona.	Pound	All year	4.2 cents per pound	4.6 cents per pound	5.6 cents per pound.
7	Pink grapefruit sold in bulk (loose without containers) washed, graded and stamped for sale in all wholesale receiving points in California-Arizona.[1]	Pound	All year	3.4 cents per pound	3.8 cents per pound	4.8 cents per pound.
8	Pink grapefruit sold by growers "on tree" to persons other than packers.[1]	Pound	All year	2.9 cents per pound		

[1] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be 3/10 cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded and stamped listed for items 3 and 7 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 4 below.)

[2] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not ship the commodity being priced in this table. (See paragraph (E) (1) of this appendix.)

[3] Protective service allowances shall be added in accordance with the following schedule of freight rate classes:

Freight per 100 lbs.	Allowances for refrigeration and accessorial charges	
	November 1–April 30	May 1–October 31
$1.31 or higher	$0.14	$0.21
1.11 to 1.30	.14	.17
.83 to 1.10	.12	.15
Less than .83	.12	.13

[4] For sellers covered by column 7, see general provisions of this appendix.

TABLE 6—MAXIMUM PRICES FOR WHITE GRAPEFRUIT PRODUCED IN FLORIDA (EXCEPT THOSE MARKED "INDIAN RIVER"), TEXAS, AND ALL OTHER STATES, EXCEPT CALIFORNIA AND ARIZONA [1]

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price F. O. B. shipping point in Florida and Texas [2]	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than truckloads delivered to the premises of any retail store, government procurement agency or institutional buyer.[7]
1	White grapefruit place packed in standard containers of 1⅗ bushel contents.[2]	1⅗ bushel standard container.	Sept. 1–Feb. 29	$2.51	Col. 5 price *plus* freight (including 3% transportation tax) from Homestead, Florida plus 10 cents protective service.[6]	Col. 6 price plus 65 cents
2			March 1–Aug. 31	$2.77		Col. 6 price plus 65 cents.
3	White grapefruit sold loose in standard containers of 1⅗ bushel contents, and those packed in containers other than standard containers of 1⅗ bushel contents.	Pound	Sept. 1–Feb. 29	3.1 cents per pound	Maximum price above (Item 1) divided by 80.	Col. 6 price plus 9/10 cent per pound.
4			March 1–Aug. 31	3.5 cents per pound	Maximum price above (Item 2) divided by 80.	Col. 6 price plus 9/10 cent per pound.
5	White grapefruit sold in bulk (loose without containers), washed, graded and stamped.[3]	Pound	Sept. 1–Feb. 29	2.2 cents per pound	Maximum price per pound above (Item 3) minus 9/10 cent.	Col. 6 price plus 9/10 cent per pound.
6			March 1–Aug. 31	2.6 cents per pound	Maximum price per pound above (Item 4) minus 9/10 cent.	Col. 6 price plus 9/10 cent per pound.
7	White grapefruit sold by growers "on the tree" to persons other than packers.[4]	Pound	Sept. 1–Feb. 29	1.8 cents per pound.		
8			March 1–Aug. 31	2.1 cents per pound.		

[1] White grapefruit produced in Florida and marked "Indian River" shall be priced under the provisions of table 7.

[2] Provisions of items 1 and 2 also apply to citrus fruits sold in 1⅗ bushel and half box bags even though fruit sold in such containers is not place packed.

[3] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be 9/10 cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded and stamped listed for items 5 and 6 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 5 below.)

[4] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not pack and ship the commodity being priced in this table. (See paragraph (e) (1) of this appendix.)

[5] Maximum prices f. o. b. shipping point in column 5 do not apply to fruit produced in Florida that is marked "Indian River". (See table 7.)

[6] For all wholesale receiving points in the State of Florida and that part of the State of Texas including and south of the following counties: Galveston, Harris, Waleo, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards, and Valverde, the total allowance for freight and protective services to be added to the col. 5 price shall be 25 cents per standard container of 1⅗ bushel contents.

[7] For sellers covered by column 7, see general provisions of this appendix.

TABLE 7—MAXIMUM PRICES FOR WHITE GRAPEFRUIT PRODUCED IN FLORIDA AND MARKED "INDIAN RIVER" [1]

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point for white grapefruit produced in Florida and marked "Indian River" [5]	Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, government procurement agency or institutional buyer.[7]
1	White grapefruit place packed in standard containers of 1⅗ bushel contents.[2]	1⅗ bushel standard container.	Sept. 1–Feb. 29	$3.01	Col. 5 price *plus* freight (including 3% transportation tax) from homestead, Florida *plus* 10 cents protective service [6]	Col. 6 price plus 65 cents.
2			March 1–Aug. 31	3.27		Col. 6 price plus 65 cents.
3	White grapefruit sold loose in standard containers of 1⅗ bushel contents, and those packed in containers other than standard containers of 1⅗ bushel contents.	Pound	Sept. 1–Feb. 29	3.8 cents per pound	Maximum price above (item 1) divided by 80.	Col. 6 price plus 8/10 cent per pound.
4			March 1–Aug. 31	4.1 cents per pound	Maximum price above (item 2) divided by 80.	Col. 6 price plus 8/10 cent per pound.
5	White grapefruit sold in bulk (loose without containers), washed, graded and stamped.[3]	Pound	Sept. 1–Feb. 29	2.9 cents per pound	Maximum price per pound above (item 3) minus 8/10 cent.	Col. 6 price plus 8/10 cent per pound
6			March 1–Aug. 31	3.2 cents per pound	Maximum price per pound above (item 4) minus 8/10 cent.	Col. 6 price plus 8/10 cent per pound.
7	White grapefruit sold by growers "on the tree" to persons other than packers.[4]	Pound	Sept. 1–Feb. 29	2.4 cents per pound		
8			March 1–Aug. 31	2.8 cents per pound		

[1] White grapefruit produced in Florida and not marked "Indian River" shall be priced under the provisions of Table 6.

[2] Provisions of Items 1 and 2 also apply to citrus fruits sold in 1⅗ bushel and half box bags even though fruit sold in such containers is not place packed.

[3] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be 9/10 cent per pound less than the maximum prices per pound for fruit sold in bulk, washed, graded and stamped listed for Items 5 and 6 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 5 below.)

[4] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not pack and ship the commodity being priced in this table. (See paragraph (e) (1) of this Appendix.)

[5] Maximum prices f. o. b. shipping point in column 5 do not apply to fruit produced in Florida and not marked "Indian River." (See Table 6.)

[6] For all wholesale receiving points in the State of Florida and that part of the State of Texas including and south of the following counties: Galveston, Harris, Waleo, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards, and Valverde, the total allowance for freight and protective services to be added to the col. 5 price shall be 25 cents per standard container of 1⅗ bushel contents.

[7] For sellers covered by column 7, see general provisions of this appendix.

TABLE 8—MAXIMUM PRICES FOR PINK GRAPEFRUIT PRODUCED IN ALL STATES, EXCEPT CALIFORNIA AND ARIZONA

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in Florida and Texas	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer
1	Pink grapefruit place packed in standard containers of 1⅗ bushel contents.[1]	1⅗ bushel standard container.	Sept. 1-Feb. 29	$2.96	Col. 5 price plus freight (including 3% transportation tax) from Weslaco, Texas plus 10 cents protective service.[4]	Col. 6 price plus 65 cents.
2			Mar. 1-Aug. 31	$3.17		Col. 6 price plus 65 cents.
3	Pink grapefruit sold loose in standard containers of 1⅗ bushel contents, and those packed in containers other than standard containers of 1⅗ bushel contents.	Pound	Sept. 1-Feb. 29	3.7 cents per pound	Maximum price above (item 1) divided by 80.	Col. 6 price plus ⅘o cent per pound.
4			Mar. 1-Aug. 31	4.0 cents per pound	Maximum price above (item 2) divided by 80.	Col. 6 price plus ⅘o cent per pound.
5	Pink grapefruit sold in bulk (loose without containers), washed, graded and stamped.[1]	Pound	Sept. 1-Feb. 29	2.8 cents per pound	Maximum price per pound above (item 3) minus ⅘o cent.	Col. 6 price plus ⅘o cent per pound.
6			Mar. 1-Aug. 31	3.1 cents per pound	Maximum price per pound above (item 4) minus ⅘o cent.	Col. 6 price plus ⅘o cent per pound.
7	Pink grapefruit sold by growers "on the tree" to persons other than packers.[3]	Pound	Sept. 1-Feb. 29	2.4 cents per pound.		
8			Mar. 1-Aug. 31	2.6 cents per pound.		

[1] Provisions of items 1 and 2 also apply to citrus fruits sold in 1⅗ bushel and half box bags even though fruit sold in such containers is not place packed.
[2] The maximum price for grove run fruit (not washed, graded and stamped) sold in bulk shall be ⅘o cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded and stamped listed for items 5 and 6 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 4 below.)
[3] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not pack and ship the commodity being priced in this table. (See paragraph (E) (1) of this appendix.)
[4] For all wholesale receiving points in the State of Florida and that part of the State of Texas including and south of the following counties: Galveston, Harris, Waleo, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards, and Valverde, the total allowance for freight and protective services to be added to the Col. 5 price shall be 25 cents per standard container of 1⅗ bushel contents.
[5] For sellers covered by Column 7, see general provisions of this appendix.

TABLE 9—MAXIMUM PRICES FOR LEMONS PRODUCED IN ALL STATES

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in California and Arizona	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer[1]
1	Lemons packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	1⅗ bushel standard container.	Nov. 1-Apr. 30	5.08	Col. 5 price plus freight (including 3% transportation tax) from Phoenix, Arizona, for all wholesale receiving points in the States of Oregon, Washington, Montana, Nevada, Idaho and Utah; and Los Angeles, California, for wholesale receiving points in all other States; plus protective services.[4]	Col. 6 price plus 90 cents.
2			May 1-Oct. 31	5.57		
3	Lemons packed in other than standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	Pound	Nov. 1-Apr. 30	6.4 cents per pound	Maximum price above (item 1) divided by 79.	Col. 6 price plus 1.1 cents per pound.
4			May 1-Oct. 31	7.0 cents per pound	Maximum price above (item 2) divided by 79.	Col. 6 price plus 1.1 cents per pound.
5	Lemons sold in bulk (loose without containers) washed, graded and stamped for sale in all wholesale receiving points, except in California and Arizona.[1]	Pound	Nov. 1-April 30	5.0 cents per pound	Maximum price per pound above (items 3) minus 1.4 cent.	Col. 6 price plus 1.1 cents per pound.
6			May 1-Oct. 31	5.6 cents per pound	Maximum price per pound above (items 4) minus 1.4 cent.	Col. 6 price plus 1.1 cents per pound.
7	Lemons packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	1⅗ bushel standard container.	Nov. 1-Apr. 30	$5.80	$5.31	$6.21.
8			May 1-Oct. 31	$5.57	$5.80	$6.70.
9	Lemons sold loose in standard 1⅗ bushel containers for sale in all wholesale receiving points in California and Arizona.	1⅗ bushel standard container.	Nov. 1-Apr. 30	$3.94	$4.12	$4.84
10			May 1-Oct. 31	$4.33	$4.51	$5.23.

Footnotes on following page.

TABLE 9—MAXIMUM PRICES FOR LEMONS PRODUCED IN ALL STATES

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. shipping point in California and Arizona	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer
11	Lemons sold in other than standard 1⅗ bushel containers (either packed or loose) for sale in all wholesale receiving points in California and Arizona.	Pound	Nov. 1-Apr. 30	6.2 cents per pound	6.5 cents per pound	7.5 cents per pound.
12			May 1-Oct. 3	6.8 cents per pound	7.1 cents per pound	8.1 cents per pound.
13	Lemons sold in bulk (loose without containers) washed, graded and stamped for sale in all wholesale receiving points in California and Arizona.[1]	Pound	Nov. 1-Apr. 30	5.0 cents per pound	5.3 cents per pound	6.3 cents per pound.
14			May 1-Oct. 31	5.6 cents per pound	5.9 cents per pound	6.9 cents per pound.
15	Lemons sold by grower "on tree" to persons other than packers.[3]	Pound	Nov. 1-Apr. 30	3.8 cents per pound		
16			May 1-Oct. 31	4.4 cents per pound		

[1] The maximum price for grove run fruit (not washed, graded, and stamped) sold in bulk shall be ⅘o cent per pound less than the maximum prices per pound for fruit sold in bulk washed, graded, and stamped listed for items 5, 6, 13, and 14 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 4 below.)
[3] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not ship the commodity being priced in this table. (See paragraph (e) (1) of this appendix.)
[4] Protective service allowances shall be added in accordance with the following schedule of freight rate classes:

Freight per 100 lbs.	Allowances for refrigeration and accessorial charges	
	November 1-April 30	May 1-October 31
$1.31 or higher	$0.03	$0.17
$1.11 to $1.30	.03	.17
$0.83 to $1.10	.02	.14
Less than $0.83	.01	.14

[5] For sellers covered by column 7, see general provisions of this appendix.

TABLE 10—MAXIMUM PRICES FOR TANGERINES, PRODUCED IN ALL STATES, EXCEPT CALIFORNIA AND ARIZONA

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in Florida and Texas	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, government procurement agency or institutional buyer[4]
1	Tangerines place packed in standard containers of 1⅗ bushel contents.[1][2]	1⅗ bushel standard container.	All year	$4.46	Col. 5 price plus freight (including 3% transportation tax) from homestead, Florida plus 10 cents protective service.[3]	Col. 6 price plus 90 cents.
2	Tangerines sold loose in standard containers of 1⅗ bushel contents, and those packed in containers other than standard containers of 1⅗ bushel contents.	Pound	All year	5.2 cents per pound	Maximum price above (item 1) divided by 86.	Col. 6 price plus 1 cent per pound.
3	Tangerines sold in bulk (loose without containers), washed, graded.[2]	Pound	All year	4.0 cents per pound	Maximum price per pound above (item 2) minus 1.2 cent.	Col. 6 price plus 1 cent per pound.
4	Tangerines sold by growers "on the tree" to persons other than packers.[3]	Pound	All year	3.2 cents per pound		

[1] Half boxes (⅘bu.) or half box bags shall have a maximum price one half that of 1⅗ bushel standard containers. (Item 1.)
[2] Provisions of items 1 and 2 also apply to citrus fruits sold in 1⅗ bushel and half box bags even though fruit sold in such containers is not place packed.
[3] The maximum price for grove run fruit (not washed, graded) sold in bulk shall be 3/16 cent per pound less than the maximum prices per pound for fruit sold in bulk washed and graded listed for item 3 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 4 below.)
[4] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not pack and ship the commodity being priced in this table. (See paragraph (e) (1) of this appendix.)
[5] For all wholesale receiving points in the State of Florida and that part of the State of Texas including and south of the following counties: Galveston, Harris, Waleo, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards, and Valverde, the total allowance for freight and protective services to be added to the col. 5 price shall be 25 cents per standard container of 1⅗ bushel contents.
[6] For sellers covered by column 7, see general provisions of this appendix.

TABLE 11—MAXIMUM PRICES FOR TANGERINES PRODUCED IN CALIFORNIA AND ARIZONA

Column 1	2	3	4	5	6	7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point in California and Arizona	Maximum prices for sales delivered to any wholesale receiving point in any quantity	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer [4]
1	Tangerines packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	1⅗ bushel standard container.	All year	$5.13	Col. 5 price *plus* freight (including 3% transportation tax) from Phoenix, Arizona for all wholesale receiving points in the States of Oregon, Washington, Montana, Nevada, Idaho and Utah; and Los Angeles, California for wholesale receiving points in all other States; *plus* protective services.[2]	Col. 6 price plus 10 cents.
2	Tangerines packed in containers other than standard containers of 1⅗ bushel contents for sale in all wholesale receiving points, except in California and Arizona.	Pound	All year	6.7 cents per pound	Maximum price above (Item 1) divided by 77.	Col. 6 price plus 1⅗o cents per pound.
3	Tangerines sold in bulk (loose without containers) washed, graded for sale in all wholesale receiving points, except in California and Arizona.[1]	Pound	All year	5.3 cents per pound	Maximum price per pound above (Item 2) minus 1.4 cents.	Col. 6 price plus 1⅗o cents per pound.
4	Tangerines packed in standard containers of 1⅗ bushel contents for sale in all wholesale receiving points in California and Arizona.	1⅗ bushel standard container.	All year	$5.13	$5.40	$6.30.
5	Tangerines sold in containers other than standard containers of 1⅗ bushel contents for sale in all wholesale receiving points in California and Arizona.	Pound	All year	6.7 cents per pound	7.0 cents per pound	8.2 cents per pound.
6	Tangerines sold in bulk (loose without containers) washed, graded for sale in all wholesale receiving points in California and Arizona.[1]	Pound	All year	5.3 cents per pound	5.6 cents per pound	6.8 cents per pound.
7	Tangerines sold by growers "on the tree" to persons other than packers.[3]	Pound	All year	4.4 cents per pound		

[1] The maximum price for grove run fruit (not washed, graded) sold in bulk shall be 3/10 cent per pound less than the maximum prices per pound for fruit sold in bulk washed and graded listed for items 3 and 6 above. The maximum price for grove run fruit sold in bulk shall apply only to sales made by growers to persons other than packers. (See footnote 3 below.)

[2] Persons other than packers are those not regularly engaged in the business of operating a packing or shipping plant and who do not ship the commodity being priced in this table. (See paragraph (e) (1) of this appendix.)

[3] Protective service allowances shall be added in accordance with the following schedule of freight rate classes:

Allowances for refrigeration and accessorial charges (all year)

Freight per 100 lbs.:	
$1.31 or higher	$0.21
$1.11 to $1.30	.17
$0.83 to $1.10	.15
Less than $0.83	.13

[4] For sellers covered by column 7, see general provisions of this appendix.

(d) *Table of maximum markups applicable to all citrus fruits.* The following table states the maximum markups which may be added for certain distributive services. In each case, the maximum price shall be figured by adding the appropriate markup to the named f. o. b. or delivered maximum price (see Column 6 of the applicable table in paragraph (c)), as the case may be. In figuring maximum prices, markups may not be taken cumulatively.

For example: If a carlot receiver buys a carlot of oranges delivered at the wholesale receiving point from a grower selling through a broker, the grower's ceiling price is the maximum delivered price (see Column 6 of the applicable table in paragraph (c)), plus the broker's fee (not to exceed 7¢ per box) and the carlot receiver's ceiling price on the resale (ex store) is the maximum carlot delivered price plus 45¢ per standard box. In other words, the broker's fee comes out of the 45¢ and is not added to it.

TABLE OF MAXIMUM MARK-UPS FOR DISTRIBUTIVE SERVICES TO BE ADDED TO MAXIMUM DELIVERED PRICES (SEE COLUMN 6 OF TABLES IN PARAGRAPH (C))

Column 1	2	3	4	5	6	7	8	9	10	11	12	13
			Sales by a grower or country shipper				Sales by anyone, other than a grower, or country shipper, who has purchased a carlot or trucklot and sells such a carlot or trucklot unbroken	Sales by carlot receivers in less-than-carlots or less-than-trucklots		Sales by secondary jobbers in any quantity delivered to the premises of the purchaser	Sales by a service wholesaler delivered to the premises of any retail store, Government procurement agency or institutional buyer, within the free delivery zone	
Item No.	Commodity	Unit	Through a broker or shipper's sales agent in any quantity or through a commission merchant in carlots or trucklots [1]	Through a terminal auction in less-than-carlots or less-than-trucklots [1]	Through a commission merchant in less-than-carlot or less-than-trucklot [1]			Through a terminal auction or ex car, truck, dock, terminal sales platform	Ex store or warehouse		Original containers and quantities in excess of half of original container	Half original containers and less [2]
					Ex car, truck, dock, terminal sales platform	Ex store or warehouse						
1	Oranges	Standard container	$0.07	$0.16	$0.20	$0.45	$0.10	$0.20	$0.45	$0.75	$0.75	
		California standard container loose pack	$0.05	$0.12	$0.16	$0.35	$0.08	$0.16	$0.35	$0.55	$0.55	
		Other containers or bulk: California, per pound	3/10 cent	3/10 cent	3/10 cent	6/10 cent	1/10 cent	3/10 cent	6/10 cent	1 cent	1 cent	1⅗o cents.
		All other, per pound	1/10 cent	2/10 cent	2/10 cent	4/10 cent	1/10 cent	2/10 cent	3/10 cent	5/10 cent	5/10 cent	1 cent.
2	Grapefruit	Standard container	$0.07	$0.16	$0.18	$0.40	$0.10	$0.18	$0.40	$0.65	$0.65	
		California standard container loose pack	$0.06	$0.14	$0.15	$0.34	$0.08	$0.15	$0.34	$0.55	$0.55	
		Other container or bulk: California, per pound	3/10 cent	3/10 cent	3/10 cent	6/10 cent	1/10 cent	3/10 cent	6/10 cent	1 cent	1 cent	1⅗o cents.
		All other, per pound	1/10 cent	2/10 cent	2/10 cent	3/10 cent	1/10 cent	2/10 cent	3/10 cent	5/10 cent	5/10 cent	1 cent.
3	Lemons	Standard container	$0.07	$0.16	$0.25	$0.55	$0.10	$0.25	$0.55	$0.90	$0.90	
		California standard container loose pack	$0.06	$0.13	$0.20	$0.45	$0.08	$0.20	$0.45	$0.72	$0.72	
		Other containers or bulk: All, per pound	3/10 cent	3/10 cent	3/10 cent	7/10 cent	1/10 cent	3/10 cent	7/10 cent	1⅛o cents	1⅛o cent	1⅗o cents.
4	Tangerines, Temples, King oranges, Clementines, Tangelos, Satsumas	Standard container	$0.07	$0.16	$0.25	$0.55	$0.10	$0.25	$0.55	$0.90	$.90	
		Other containers or bulk: California, per pound	3/10 cent	3/10 cent	3/10 cent	7/10 cent	1/10 cent	3/10 cent	7/10 cent	1⅗o cents	1⅗o cents	1⅛o cents.
		All other, per pound	2/10 cent	3/10 cent	3/10 cent	6/10 cent	1/10 cent	3/10 cent	6/10 cent	1 cent	1 cent	1⅗o cents.

[1] Charges determined under MPR 165 shall be used instead of those listed in this table if such charges are lower than the mark-ups shown.

[2] Column 12 does not apply to sales made in bulk. Bulk sales of any quantity shall be priced under column 11.

(e) *Provisions applicable to growers and country shippers*—(1) *Prohibition against certain payments.* No grower or country shipper shall receive, and no person shall pay to any grower or country shipper, an amount in excess of the maximum price f. o. b. country shipping point (if sold f. o. b.) or the maximum price for delivered sales (if sold delivered) (see Column 6 of the applicable table in paragraph (c)), regardless of the type of sale or the type of purchaser, and regardless of any existing or future commitment between buyer and seller, except for allowances made to growers and country shippers for sales through agents, and except as provided for sales by growers and country shippers delivered to premises of retail stores, government procurement agencies, institutional buyers and ultimate consumers. No person who does not pack and ship the citrus fruit being priced and who does not regularly operate a packing and shipping plant for that commodity, shall purchase citrus fruits in bulk (but not washed, graded and stamped) or "on the tree" at a price higher than the maximum price for the applicable purchase and sale named in the applicable table in paragraph (c).

For example: Suppose a grower of Florida "Indian River" oranges receives an offer from an eastern jobber to "split the wholesale markup" on a delivered sale to the buyer's place of business. It is illegal for the grower to accept any amount of money in excess of the maximum price, f. o. b. country shipping point, plus freight from the applicable basing point and the allowance for protective services listed in the table in paragraph (c) for Florida "Indian River" oranges. The grower may enter into a "joint account" with an eastern buyer, but after the sale the gross return to the grower must not exceed the applicable maximum price, f. o. b. country shipping point plus freight from the basing point and the named protective service allowance.

"Country shipper" means any person, including a grower, grower's cooperative, or packer, who grades, sizes, and packs, or otherwise prepares the kind of citrus fruit being priced for shipment and who sells the commodity from a farm, orchard, grove or other country shipping point. A person who has the citrus fruit packed or prepared for him for sale shall be deemed to be a "country shipper", and the country shipping point shall be deemed to be the place where the particular citrus fruit has been prepared for shipment.

"Ultimate consumer" means a person who buys the kind of citrus fruit being priced for direct consumption. However, as used in this Appendix, the term does not include a commercial, industrial, institutional user or government procurement agency.

(2) *Sales by country shippers or growers through brokers, shippers' sales agents, commission merchants or terminal auctions.* (i) For sales of citrus fruits by growers or country shippers in carlots or trucklots through a broker, shipper's sales agent or commission merchant, or in less-than-carlots or less-than-trucklots through a broker or shipper's sales agent, the maximum price in each case is the maximum price, f. o. b. country shipping point, or the maximum delivered price (see Column 6 of the applicable table in paragraph (c)), as the case may be, for the kind of citrus fruit being priced, as named in the applicable table in paragraph (c), plus the actual commission or fee charged for the particular sale (not to exceed the maximum allowable commission or fee which such selling agent may charge under Maximum Price Regulation No. 165 [3]) or the markup shown in Column 4 of the table in paragraph (d), whichever is lower.

"Broker" or "shipper's sales agent" means a person other than a commission merchant or a salaried representative of a grower or country shipper who, for a commission or fee, sells the kind of citrus fruit being priced on behalf of his principal, without packing any part of the particular citrus fruits sold.

"Commission merchant" means a seller's agent who receives the kind of citrus fruit being priced and who, for a commission or fee, sells it in any quantity in a terminal market or other wholesale receiving point, and who, in the case of less-than-carlot and less-than-trucklot sales, performs the wholesale functions of unloading the fruit from the car or truck in which it is received.

[3] 8 F.R. 14990.

"Commission" or "fee" means the charge made by an agent for services performed in connection with the sale of citrus fruits. No amount which the agent pays over to his principal shall be considered part of his fee or commission.

(ii) For sales by growers or country shippers through a commission merchant in less-than-carlots or less-than-trucklots, the maximum price in each case is the maximum delivered price for the kind of citrus fruit being priced, as named in Column 6 of the applicable table in paragraph (c), plus the actual commission or fee charged for the particular sale (not to exceed the maximum allowable commission or fee which such selling agent may charge under Maximum Price Regulation No. 165) or the applicable markup (for ex car or ex store sales, as the case may be, named in Columns 6 and 7 of the table in paragraph (d)), whichever is lower. (For deliveries made in conveyances owned by the seller, see paragraph (iv), below.)

For example: Assume that the maximum price for a carlot of oranges in standard boxes delivered in a particular market is $4.50 per box. Assume the commission merchant is selling ex store, and that his actual fee (and his maximum fee under MPR 165) is 7% of the selling price, or 34¢ per box. The maximum markup for sales by commission merchants (ex store) in Column 7 of the table in paragraph (d) is 45¢ per box. The maximum price for sales through the commission merchant is therefore $4.50 plus 34¢, or $4.84 per box.

(iii) The maximum price in each case for sales by growers or country shippers through a terminal auction is the maximum delivered price named in Column 6 of the applicable table in paragraph (c), plus (1) the respective actual commissions or fees charged for the particular sale (not to exceed the maximum allowable commission or fee which the agent of the auction seller and which the auction company may charge under Maximum Price Regulation No. 165) or the markup named in Column 5 of the table in paragraph (d), whichever is lower, plus (2) any actual unloading charges in the terminal market.

"Terminal auction" means a place where, on the basis of competitive bidding open to any person who has established credit with the auction company or pays cash, the citrus fruit being priced is sold in less-than-carlots or less-than-trucklots, by persons operating through a licensed sales organization, known as an "auction company", for whose services a fee is charged.

(iv) For sales by growers or country shippers delivered from the country shipping point in conveyances owned by the seller to government procurement agencies, to institutional buyers or to retail stores where resale is made to ultimate consumers, the maximum price, in each case, is the price for the kind of citrus fruit being priced, as named in Column 7 of the applicable table in paragraph (c). (For deliveries made in conveyances not owned by the seller, see paragraphs (i), (ii) and (iii) above.) For sales by growers or country shippers to ultimate consumers, the maximum price is the price for the kind of citrus fruit being priced, as named in Column 7 of the applicable table in paragraph (c) multiplied by 1.33.

(f) *Maximum prices for sales by persons other than growers or country shippers.* (1) If any person other than a grower or country shipper purchases and resells in unbroken carlots or unbroken trucklots, the maximum price in each case is the maximum price f. o. b. country shipping point, or the maximum delivered price named in Column 6 of the applicable table in paragraph (c), plus the markup named in Column 8 of the table in paragraph (d).

(2) *Sales by carlot or trucklot receivers in less-than-carlots or less-than-trucklots.* (i) For sales ex car, ex truck, ex dock, or ex terminal sales platform, at a terminal market or any wholesale receiving point the maximum price shall be the maximum delivered price (see Column 6 of the applicable table in paragraph (c)) plus the markup named in Column 9 of the table in paragraph (d) for such sales.

(ii) If a carlot or trucklot receiver breaks a car or truck, unloads into a store or warehouse owned or leased in whole or part by him, and makes sales ex store or ex warehouse, the maximum price in these sales shall be the maximum delivered price (see Column 6 of the applicable table in paragraph (c)) plus the markup named in Column 10 of the table in paragraph (d) for ex store or ex warehouse sales. This price does not include delivery charges. If the carlot or trucklot receiver makes delivery, he may also add the amount which the appropriate regional or district office determines to be applicable to deliveries in these cases (see paragraph (g)).

(iii) If a carlot or trucklot receiver makes a delivered sale to the premises of a purchaser, within the free delivery zone, without first unloading into a store or warehouse owned or leased by him, the maximum price shall be the maximum price for ex car, ex truck, ex dock, or ex terminal sales platform sales plus the amount which the appropriate regional or district office determines to be applicable to such sales (see paragraph (g)).

(3) *Sales through terminal auctions.* (i) The maximum price in each case for sales by persons other than growers and country shippers through a terminal auction is the maximum delivered price, as named in Column 6 of the applicable table in paragraph (c), plus the markup named in Column 9 of the table in paragraph (d). All charges incurred in the making of the sale are included in the named markup, and shall not be added to it.

(ii) "Carlot receiver" or "trucklot receiver" means a person who for his own account and profit buys the citrus fruit being priced in unbroken carlots or unbroken trucklots for resale, in less-than-carlots or less-than-trucklots, to persons other than ultimate consumers. For sales of citrus fruits in unbroken carlots or unbroken trucklots, the seller shall not be considered a carlot or trucklot receiver.

(4) *Sales by secondary jobbers.* (i) The maximum price in each case for sales by secondary jobbers on a delivered basis is the maximum delivered price named in Column 6 of the applicable table in paragraph (c) plus the markup named in Column 11 of the table in paragraph (d). "Delivered" means delivered to the buyer's premises within the free delivery zone and, in the case of retailers, delivered to the retail store.

(ii) The maximum price in each case for sales by secondary jobbers not on a delivered basis is the maximum price for sales on a delivered basis less five cents per container for containers under 50 pounds (gross weight) and ten cents per container for containers 50 pounds or more (gross weight), except as these amounts may be changed by the appropriate regional or district office (see paragraph (g)).

(iii) "Secondary jobber" means a person other than a retailer who for his own account and profit purchases the kind of citrus fruit being priced in less-than-carlots or less-than-trucklots and resells it in any quantities.

(5) *Sales by service wholesalers.* (i) The maximum price in each case for sales by service wholesalers on a delivered basis is the maximum delivered price named in Column 6 of the applicable table in paragraph (c) plus the markup named in Column 12 of the table in paragraph (d). "Delivered" means delivered to the buyer's premises within the free delivery zone and, in the case of retailers, delivered to the retail store.

(ii) A service wholesaler, when selling the kind of citrus fruit being priced on a delivered basis in quantities of one-half container or less, may add to the maximum delivered price for that kind of citrus fruit, as named in the applicable table in paragraph (c), the markup named in Column 13 of the table in paragraph (d), but only if he has first offered to sell to the buyer on a full-container basis. This paragraph applies only where the seller breaks the original container received by him and sells a quantity not in excess of half of the quantity in that container. The paragraph does not apply to sales of "half box bags", "half strap boxes", or other fractional units of a standard or legal container, received by the seller and sold unbroken in the form in which it was received.

(iii) The maximum price in each case for sales by service wholesalers not on a delivered basis is the maximum price for sales on a delivered basis less five cents per container for containers under 50 pounds (gross weight) and ten cents per container for containers 50 pounds or more (gross weight), except as these amounts may be changed by the appropriate regional or district office (see paragraph (g)).

(iv) "Service wholesaler" means a person who maintains a store or warehouse at which the kind of citrus fruit being priced is stored or warehoused, who receives the commodity at the premises of his store or warehouse, who maintains at such store or warehouse facilities for cold storage, sorting, repacking, and other handling of the fruit, who employs salesmen to call on the trade in the city or country points which he services, and who sells to retail stores, government procurement agencies or institutional buyers.

(v) The maximum price for sales by secondary jobbers or service wholesalers delivered to the premises of any purchaser located outside of the free delivery zone is the maximum delivered price named in Column 6 of the applicable table in paragraph (c) plus the markup named in Column 11 of the table in paragraph (d), plus the cost of transportation, beyond the free delivery zone, figured at the lowest common or contract carrier rate for available transportation, from the seller's place of business to the premises of the purchaser. The amount added for transportation shall not exceed 25 cents per cwt. for the first 25 miles beyond the free delivery zone and five cents per cwt. for each successive 25 miles, and the total amount may not exceed 50 cents per cwt., except as these amounts may be changed by the appropriate regional or district office (see paragraph (g)).

(g) *Adjustments by regional and district offices.* The authority delegated by sections 2 (a) and 2 (b) of this regulation to the regional and district offices does not apply to citrus fruits. For citrus fruits, the regional offices of the Office of Price Administration, and such district offices as they in turn may authorize, are authorized:

(1) To determine the limits of the free delivery zone at any wholesale receiving point located within its jurisdiction and to adjust upwards or downwards the allowances for sales by secondary jobbers and service wholesalers on a non-delivered basis and to adjust upwards or downwards the allowances for transportation beyond the free delivery zones, at the lowest rates for customary and generally available means of transportation.

(2) To determine and publish orders announcing the maximum amounts which carlot or trucklot receivers may add to their maximum prices for deliveries made within the free delivery zone at that wholesale receiving point, and to adjust upwards or downwards the maximum markups established for sales by carlot or trucklot receivers ex car, ex truck, ex dock, or ex terminal sales platform, or at auction. However, any upward adjustment that is made under this paragraph shall not exceed the maximum markup established for sales by carlot or trucklot receivers ex store or ex warehouse.

(h) *Record keeping and notification requirements.* Every sale by any person to intermediate sellers shall be accompanied by a notification in writing showing the date of the sale, the names and addresses of the seller and buyer, the quantity being sold and total price charged. When the total actual price includes brokerage, commission, freight, trucking, refrigeration, or any other charge or fee recognized by this Appendix, the notice shall also set forth the nature of such charges, where the giving of such information is not inconsistent with state law.

(i) *Weights.* (1) All weighing and packing of citrus fruits by growers and country shippers shall be done in accordance with customary weighing and packing practices and the requirements of the applicable State Agricultural Code.

(ii) The provisions of section 1 (f) (5) shall apply to those containers of citrus fruits whose maximum prices named in the applicable table in paragraph (c) are stated on a per pound basis.

This amendment shall become effective February 23, 1944, as to maximum prices, f. o. b. shipping point and March 9, 1944, as to all other maximum prices.

(56 Stat. 23, 765, Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 9, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-2369; Filed, February 18, 1944; 11:18 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Supp. 3]

FOOD RATIONING FOR INSTITUTIONAL USERS

§ 1305.216 *Average point values, December use factors, allowances per person, and refreshment multipliers to be used in determining bases and allotments of Group III, IV, V and VI users after February 29, 1944—(a) Average point values to be used in determining December use of processed foods and foods covered by Ration Order 16 for services of refreshments only:*

	Average point value (per pound)
Processed foods	11
Foods covered by Ration Order 16	6

NOTE: The point values to be used in determining total December 1942 use of processed foods are set forth in Supplement 1. The point values set forth in Supplement 2 are used in determining 75% of the total December 1942 use of foods covered by Ration Order 16.

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 17486, 9 F.R. 401, 455, 492.

(b) *December use factors (for determining percentage reduction of December use of rationed foods) for meal services.*

	December use factor	
	Group III, IV or V user	Group VI user
Sugar:		
1. If month used in determining the base under this order was after April 1942	*Percent* 100	*Percent* 100
2. If month used in determining the base was April 1942 or earlier	60	60
Processed foods:		
1. If month used in determining the base was February 1943 or earlier	70	100
2. If month used in determining the base was after February 1943	100	100
Foods covered by Ration Order 16:		
1. If month used in determining the base was March 1943 or earlier	75	100
2. If month used in determining the base was after March 1943	100	100

(c) *Allowance per person.* (1) Institutional users who themselves baked less than forty percent (40%) of the baked products (bread, rolls, doughnuts and crullers, pies, cake and pastries) served by them in December 1942, apply the following allowances per person.

	Allowance per person
Sugar	.03 pound
Processed foods:	
1. If the user himself baked less than 80% of the pies served	.7 point
2. If he baked 80% or more of the pies served	.8 point
Foods covered by Ration Order 16	1.0 point

(2) Institutional users who themselves baked forty percent (40%) or more of the baked products (bread, rolls, doughnuts and crullers, pies, cake and pastries) served by them in December 1942, apply the following allowances per person:

	Allowance per person
Sugar	.04 pound
Processed foods:	
1. If the user himself baked less than 80% of the pies served	.7 point
2. If he baked 80% or more of the pies served	.8 point
Foods covered by Ration Order 16	1.1 points

NOTE: For the purposes of determining the percentage of baked products baked by institutional users, Form R-1307 Supplement contains the question: "Of the total number of each of the following baked products that you served in December 1942 what percentage of each did you buy?" This question is intended for the purpose of determining the amount of baked goods which the institutional user himself baked on the assumption that all baked products served which he did not buy were products which he baked. For example, if an institutional user reported that he bought 35% of the baked products which he served, it is taken to indicate that he baked the remaining 65%.

In determining the percentage of all baked products that the user himself baked, the percentage of the total number of items that he baked in each of the 6 categories listed in the parentheses is to be found and the average of those percentages is considered to be the percentage of all baked products that he himself baked.

(d) *December use factors for services of refreshments only:*

	Refreshment December use factor (percent)
Sugar:	
1. If month used in determining the base under this Order was after April 1942	100
2. If month used in determining the base was April 1942 or earlier	60
Processed foods:	
1. If month used in determining the base was February 1943 or earlier	70
2. If month used in determining the base was after February 1943	100
Foods covered by Ration Order 16:	
1. If month used in determining the base was March 1943 or earlier	75
2. If month used in determining the base was after March 1943	100

(e) *Refreshment multiplier (figure to be multiplied by refreshment base to determine the refreshment allotment):*

	Refreshment multiplier
Sugar	2
Processed foods	2
Foods covered by Ration Order 16	2

(f) *Allowances per person to be used in determining adjusted bases of Group VI user serving school lunches:*

(1) Group VI users who serve Type "A" lunch, as approved by War Food Administration, or a similar lunch:

	Allowance per person
Sugar	.03
Processed foods	.7
Foods covered by Ration Order 16	1.0

(2) Group VI users who serve Type "B" lunch, as approved by War Food Administration, or a similar lunch:

	Allowance per person
Sugar	.03
Processed foods	.4
Foods covered by Ration Order 16	.5

This supplement shall become effective on March 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M, and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively, Food Dir. 5, 6, 7, 8 F.R. 2251, 3471, respectively)

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2430; Filed, February 19, 1944; 11:55 a. m.]

PART 1309—COPPER

[RPS 12,[1] Amdt. 6]

BRASS MILL SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1309.19 (e) is amended by adding thereto a new subparagraph (3) to read as follows:

(3) *Briquetted cartridge brass turnings.* (i) Any person may sell and any

[1] 7 F.R. 2132, 3520, 5515, 8650, 8948, 9392; 8 F.R. 3189, 3852, 4928.

person may buy briquetted cartridge brass turnings at a maximum price of 8⅝ cents per pound of material, f. o. b. point of shipment, subject to the applicable quantity premiums for brass mill scrap established by this regulation.

(ii) As used in this subparagraph, the term "briquetted cartridge brass turnings" shall mean turnings generated in the production of brass cartridge cases, such scrap to contain no free iron or other harmful material and to be delivered to the buyer in compressed self-adhering bundles whose measurements do not exceed 16" x 10" x 12".

This amendment shall become effective February 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2432; Filed, February 19, 1944; 11:53 a. m.]

PART 1316—COTTON TEXTILES

[RPS 35,[1] Amdt. 16]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Price Schedule No. 35 is amended in the following respects:

1. Under the heading "Cotton pants coverts" in Table V of § 1316.61 (b) (4) the following is added:

	Premium allowable (cents per lb.)
Mill finish:	
1.85	27.95
2.20	23.00
2.67	19.68

2. In § 1316.61 (b) (4) footnote 3a appended to the item "Class C" under the heading "Four Leaf Twills" in Table III is revoked.

3. In Table III of § 1316.61 (b) (4) the following proviso is added to the next to the last paragraph of footnote 5: *Provided further*, That Defense Supplies Corporation may sell and deliver to the Lend Lease Section in the Procurement Division of the Treasury Department at its cost of acquisition any or all 60" osnaburg which it had in inventory on December 1, 1943.

4. In § 1316.61 (c) (5) the Table after the first paragraph is amended to read as follows:

	Premium allowable (cents per lb.)
United States Army specification No. 6-247 (July 12, 1937) and Amendment No. 1 (July 10, 1940) for cloth, drill unbleached (fully shrunk)	1
United States Army Specifications No. 6-261 (January 7, 1939) and Amendment No. 1 (May 24, 1940) for cloth, cotton, herringbone twill [1]	1
United States Army Specification for synthetic resin coated raincoats delivered after March 14, 1942	½
Quartermaster Corps tentative specification (October 31, 1940) for raincoats, Single Texture, Rubberized, O. D.	½
Specifications of any War Procurement Agency for products requiring synthetic resin-coated sheeting or print cloths otherwise than as laminations for laminated plastic material [2]	½
Quartermaster Corps Specification P. Q. D. No. 142 (in its present form or as hereafter amended) (Bags, Barrack, O. D.) where the water-repellent process is applied by the producer of the cloth or by an affiliated concern [3]	1.25
Quartermaster Corps Specification P. Q. D. No. 142 (in its present form or as hereafter amended) (Bags, Barrack, O. D.) where the water-repellent process is applied by a job processor: *Provided*, That where the water-repellent process is applied by a job processor the seller shall deliver to the purchaser a certificate stating that the water-repellent process was applied by a job processer and setting forth the name and address of such job processor [3]	1.75

[1] Grey goods made for use in meeting this specification are classified under Price Schedule No. 35 as Class A drills.

[2] This provision shall apply to any deliveries made pursuant to Order No. 8 under Revised Price Schedule No. 35 issued January 27, 1944.

Deliveries against contracts entered into before February 19, 1944, may be made through March 20, 1944 at the premium price even if the fabric is to be used as a lamination in laminated plastics.

[3] These premiums are predicated upon information from the Quartermaster Corps that the specifications will require that the water-repellent finish meet the following minimum requirements:

	Spray rating
Initially	80
After 10 days exposure to weather in accordance with Federal Specification CCC-T0191a, as amended, Section XIII, Par. 3	70

This amendment shall become effective as follows:

(a) The provision relating to footnote 3a to Table III in § 1316.61 (b) (4) shall become effective as of November 27, 1943.

(b) The provision relating to footnote 5 in Table III of § 1316.61 (b) (4) shall become effective as of December 1, 1943.

(c) All other provisions of this amendment shall become effective February 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2431; Filed, February 19, 1944; 11:58 a. m.]

PART 1336—RADIO, X-RAY AND COMMUNICATION

[MPR 430, Amdt. 1]

ASSEMBLED RADIOS AND PHONOGRAPHS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 430 is amended in the following respect:

Section 12 (a) is amended to read as follows:

SEC. 12. *Pricing by specific authorization by the Office of Price Administration.* (a) The maximum price for any assembled radio receiving set or phonograph which is assembled by any person other than a distributor-assembler or retailer-assembler or which is not guaranteed as required by section 10 of this regulation, or which cannot be determined by the seller, shall be the price specifically authorized by the Office of Price Administration, Washington, D. C.

This Amendment No. 1 shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2504; Filed, February 21, 1944; 11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 17]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respects:

1. In section 3.1 (c) the text preceding the table is amended to read as follows:

(c) Refined cottonseed oil and bleachable cottonseed oil stearine produced from cottonseed obtained from the 1943–1944 cotton crop, or any subsequent cotton crop, delivered in tankcars, as follows:

2. In section 5.1 (c) the text preceding the table is amended to read as follows:

(c) Refined soybean oil produced from the 1943–1944 soybean crop, or any subsequent soybean crop—in tankcars, basis f. o. b. Decatur, Illinois:

This amendment shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2509; Filed, February 21, 1944; 11:42 a. m.]

[1] 8 F.R. 11150, 11508, 11508, 11296, 11739, 12022, 12842, 12559, 12873, 15523.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1270.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[2d Rev. MPR 346, Amdt. 1]

CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Second Revised Maximum Price Regulation 346 is amended in the following respects:

1. The definition of "corn" in section 3 is amended to read as follows:

"Corn" means corn as defined in the Official Grain Standards of the United States and ear corn and snapped corn as herein defined; and certain mixed grains as set forth in paragraph (h) of the appendix.

2. The definition of "interior barge loading point" in section 3 is amended to read as follows:

"Interior barge loading point" refers to the points specified or described as interior barge loading points in subparagraph (3) of section 20 (d) hereof.

3. The definition of "transportation cost" in section 3 is amended to read as follows:

"Transportation cost" means the cost of transportation actually incurred by a person except that for movement other than by for hire carrier the transportation cost shall not exceed the following scale:

(a) For shelled corn, for distances not exceeding 100 miles, 3 cents per 100 pounds for the first five miles or fraction thereof plus 1 cent per 100 pounds for each succeeding five miles or fraction thereof.

(b) For ear or snapped corn for distances not exceeding 100 miles, 6 cents per 100 pounds for the first five miles or fraction thereof plus 2 cents per 100 pounds for each succeeding five miles or fraction thereof.

(c) For distances in excess of 100 miles, the lowest local carload rail rate from the rail point nearest the point of origin to the rail point nearest the point of destination, plus 8 cents per 100 pounds.

(d) All distances hereunder shall be determined via the shortest route between point of origin and point of destination reasonably suitable for truck movement.

4. The definition of "trucker-merchant" is added to the definitions in section 3 to read as follows:

"Trucker-merchant" means one who purchases corn for resale and transports and delivers the same to his purchaser in a truck owned, leased or operated by him without unloading into an elevator, warehouse, barge or railroad car.

5. The definition of "country shipper" in section 3 is amended to read as follows:

"Country shipper" means, with respect to any lot of corn, a person who has purchased from producers corn which he places in storage facilities such as an elevator or warehouse or which he loads in a railroad car or barge, and (1) which he resells in carload quantities or (2) which he sells and delivers to a trucker-merchant at any point.

6. Section 4 (a) (1) is amended to read as follows:

(1) If delivered to purchaser at farm where grown the formula price set forth in the appendix at the nearest interior rail or barge loading point (whichever is nearer to the farm where grown) less 4 cents per bushel.

7. Section 4 (a) (2) is amended to read as follows:

(2) If delivered to an elevator or warehouse at an interior point other than a barge loading point, either (i) the formula price at such point less 2½ cents per bushel, or (ii) the formula price at the barge loading point nearest to such elevator or warehouse, less 2½ cents per bushel, and less transportation charges, if any, from such elevator or warehouse to such barge loading point at the applicable scale of transportation charges set forth below:

(a) For shelled corn, 1½ cents per bushel for the first five miles or fraction thereof and ¼ cent per bushel for each succeeding five miles or fraction thereof;

(b) For ear corn or snapped corn, 3 cents per bushel for the first five miles or fraction thereof, and ½ cent per bushel for each succeeding five miles or fraction thereof.

(c) All distances hereunder shall be determined via the shortest route between point of origin and point of destination reasonably suitable for truck movement.

8. Section 4 (a) (3) is added to read as follows:

(3) If delivered to an elevator or warehouse at an interior barge loading point, including any elevator or warehouse within the switching, corporate, town or city limits of such barge loading point, the formula price set forth in the appendix for such barge loading point less 2½ cents per bushel.

9. Section 4 (a) (4) is added to read as follows:

(4) If delivered to the purchaser loaded aboard rail car or barge, the formula price at such point of delivery, less 1½ cents per bushel.

10. Section 4 (a) (5) is added to read as follows:

(5) If delivered in Area A in any manner other than as provided in subparagraphs (1), (2), (3) and (4) hereof, the formula price set forth in the appendix for the nearest interior rail point or interior barge loading point (whichever is nearer to the point of production) less 2½ cents per bushel.

11. Section 4 (a) (6) is added to read as follows:

(6) If corn produced in Area A is delivered to a purchaser in Area B, the formula price set forth in the appendix at the interior rail or barge loading point nearest to the point of production plus transportation costs to the point of delivery to the purchaser less 4 cents per bushel.

12. Section 4 (a) (7) is added to read as follows:

(7) If corn produced in Area B is delivered to the purchaser at any other point in Area B, the formula price at the place of delivery less 2½ cents per bushel.

13. Section 4 (b) is amended to read as follows:

(b) Where corn is sold and delivered at farm where grown, if the purchaser performs any services connected with the growing, harvesting, collecting from field or assembling at point or farm where available for ready transportation from farm, the reasonable value of all such services must be deducted from the appropriate maximum price hereinbefore set forth.

14. Section 5 is amended to read as follows:

(a) The maximum price per bushel, bulk, for the sale of any corn by a country shipper shall be the formula price set forth in the appendix at the point from which shipment is made by him plus his transportation cost, if any, to the point of delivery to the purchaser: *Provided*, That if such corn is sold and delivered to an interior barge loading point for barge movement, he may use as his maximum price the formula price at such interior barge loading point.

(b) Notwithstanding the provisions of section 11 of this regulation, the maximum price for sales by a country shipper to a trucker-merchant shall be the formula price at point of delivery to the trucker-merchant.

(c) If a maximum price determined under this section results in a fraction of a cent other than ⅛ of a cent or a multiple thereof, the same may be increased to the next higher ⅛ of a cent.

15. Section 6 (c) (1) is amended to read as follows:

(1) Maximum price per bushel, bulk, for the sale of any corn (other than ex-lake corn) by a merchandiser shall be 1¼ cents per bushel, maximum markup, over the basic price set forth in subparagraphs (i), (ii) and (iii) hereof.

(i) If the corn has transit billing available to the merchandiser, the formula price at the point of origin of the transit billing plus the lowest rail rate from such point of origin to the point of delivery to his customer.

(ii) If the corn has moved into any terminal city named in Appendix A, and no transit billing is available to the merchandiser, the formula price at such terminal city plus the transportation cost from said terminal city to the point of delivery to his customer.

(iii) In all other cases the maximum price at which his supplier could have delivered the corn to him at the point he received the same from his supplier, plus his transportation cost from such

*Copies may be obtained from the Office of Price Administration.

point to point of delivery to his purchaser.

16. Section 7 (d) is added to read as follows:

(d) *Maximum price for sales by trucker-merchants.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, the maximum price for the sale of corn by a trucker-merchant shall be the maximum price he could lawfully have paid to the person from whom he purchased the corn in question plus transportation cost as defined in section 3 from point of loading to point of delivery to his purchaser: *Provided,* That when such delivery is made within a terminal city, the maximum price shall not exceed the formula price at such terminal city less 2½ cents per bushel.

(1) A trucker-merchant shall with respect to every lot of corn transported by him, procure or prepare a statement of information which shall accompany the corn while in transit on the truck. Said statement shall set forth the name and address of the trucker-merchant and of the person from whom the corn was purchased, the date of the purchase and the cost of the corn. Upon delivery of the corn by the trucker-merchant to his purchaser a signed copy of the statement of information shall be given to the purchaser, endorsed to set forth the transportation charge being made, and which shall be retained by the purchaser as part of his record.

17. Section 20 (c) is amended by deleting Evansville, Indiana, from the list of terminal cities.

18. Section 20 (d) (1) is amended to read as follows:

(1) All interior rail points in Area A shall calculate their formula price as set forth in subparagraph (2) of this paragraph (d). All interior barge loading points listed in subparagraph (3) of this paragraph (d) shall calculate their formula prices as set forth in subparagraph (3). The formula price of every other interior point in Area A shall be the formula price of the interior rail point or barge loading point nearest thereto. "Nearest" means the shortest distance between the two points in question by the most usually traveled route.

19. Section 20 (d) (2) is amended to read as follows:

(2) The formula price for No. 1 and No. 2 yellow and mixed corn, bulk, shelled, at any interior rail point in Area A shall be the highest price obtained by deducting from the formula price at any terminal city set forth in paragraph (c) of this appendix or from the figure set forth opposite the following cities:

	No. 1 and No. 2 Yellow and Mixed Corn per Bushel
Milwaukee, Wis	$1.16
Duluth, Minn. and Superior, Wis	1.15½
Nashville, Tenn	1.28⅞
Louisville, Ky	1.20¼
Philadelphia, Pa	1.29⅞

transportation charges computed at the lowest carload rail rate from the interior rail point in question to the various terminal or other cities above named: *Provided,* That the formula price for interior rail points in the following counties of Illinois, may be determined as the highest price obtained by deducting from a basic maximum price of $1.21½ per bushel for No. 1 and No. 2 Yellow and Mixed corn transportation charges computed at the lowest applicable interior carload rail rate from the point in question to Cairo, Illinois. The counties referred to are as follows:

Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saint Clair, Saline, Union, Wabash, Washington, Wayne, White and Williamson.

20. Section 20 (d) (3) is added to read as follows:

(3) The formula price per bushel for No. 1 and No. 2 yellow or mixed corn, bulk, at the following interior barge loading points shall be as follows:

	No. 1 and No. 2 yellow and mixed corn per bushel
Interior barge loading points:	
Morris, Ill	$1.14¾
Seneca, Ill	1.14¾
Ottawa, Ill	1.14½
La Salle, Ill	1.14½
Peru, Ill	1.14½
Hennepin, Ill	1.14¼
Henry, Ill	1.14
Lacon, Ill	1.14
Chillicothe, Ill	1.14
Peoria, Ill	1.15
Pekin, Ill	1.15
Havana, Ill	1.14¼
Beardstown, Ill	1.14¼
Naples, Ill	1.14¼
Clinton, Iowa	1.14¼
Davenport, Iowa	1.14¼
Rock Island, Ill	1.14¼
Muscatine, Iowa	1.14¼
New Boston, Ill	1.14¼
Keithburg, Ill	1.14¼
Oquawka, Ill	1.14¼
Burlington, Iowa	1.14¼
Dallas City, Ill	1.14¼
Meyer Light, Ill	1.14¼
Quincy, Ill	1.14¼
Stillwater, Minn	1.12¾
Hastings, Minn	1.13
Redwing, Minn	1.13
Winona, Minn	1.13½
LaCrosse, Wis	1.13½
Hennepin Canal barge loading points	1.11¾
E. H. Morris Elevator, Evansville, Ind	1.16½

Provided, That if any such corn is shipped out of the interior barge loading point other than by barge, the formula price at the interior barge loading point on resale shall be:

(i) If such barge loading point is also an interior rail point the formula price which would be applicable to such point if it were not also a barge loading point.

(ii) In other cases the formula price at the nearest interior rail point.

21. Section 20 (f) (1), (2) and (3) are amended to read as follows:

(1) For lower grades determined by factors other than moisture content:

Discount per bushel:	*Cents*
No. 3	½
No. 4	1
No. 5	1½
Sample	2

The discounts set forth in this subdivision (1) shall not be cumulative.

(2) The formula price of corn containing over 15½ percent moisture content shall be the formula price for like corn computed without reference to the provision, with the following adjustments for moisture content:

If the moisture content is over 15½ percent and less than 17½ percent deduct ½ cent per bushel for each ½ percent (or fraction thereof) by which the moisture content exceeds 15½ percent.

If the moisture content is 17½ percent or more but less than 20 percent, deduct 2 cents per bushel and in addition deduct ¾ cent per bushel for each ½ percent (or fraction thereof) by which the moisture content exceeds 17½ percent.

If the moisture content is 20 percent or more, deduct 5¾ cents per bushel and in addition deduct 1-cent per bushel for each ½ percent (or fraction thereof) by which the moisture content exceeds 20 percent.

22. Section 20 (h) is amended to read as follows:

(h) *Formula price for certain mixed grain.* The formula price for mixed grain (as defined in the Official Grain Standards of the United States) containing corn, shall be determined at each terminal city and interior point by multiplying the percentage of each such grain in the mixture by the appropriate maximum price thereof at said point or, if there is no such maximum price for a particular grain, by the reasonable market value thereof at said city or point and adding the results.

23. Section 20 (i) is added to read as follows:

(i) *Formula price for ear corn and snapped corn.* The formula price per bushel, bulk, for ear corn and snapped corn shall be the formula price for the kind, grade, quality and quantity of shelled corn into which such corn can be converted, less the reasonable value of all services necessary to make such conversion.

This regulation shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

FEBRUARY 16, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-2516; Filed, February 21, 1944; 11:36 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364,[1] Amdt. 12]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 364 is amended in the following respects:

1. Section 7 (a) is amended to read as follows:

(a) Every processor making a sale and every person making a purchase of frozen fish or seafood in the course of trade or business or otherwise dealing therein, other than a purchaser at retail, after April 13, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity, species, size, grade, style of processing of pack of frozen fish or seafood, and the container type and size, and indicating that the fish or seafood is frozen.

2. Section 7 (e) is amended by changing the first sentence to read as follows:

(e) Every person making a sale of any frozen fish or seafood subject to this regulation shall furnish to the purchaser at the time of delivery a written statement setting forth the date; the names and addresses of the buyer and seller; the species sold; a notation that the fish or seafood is frozen; the quantity, sizes, grades, and styles of processing of such species, and the prices charged therefor, a separate statement of the container differentials, if any, and a separate statement of allowable transportation costs, if any.

3. In section 12, after the definition of "Processor" and before the definition of "Scaled" the following definition is inserted:

"Round" fish or seafood means fish or seafood as it comes from the water.

This amendment shall become effective February 26, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2510; Filed, February 21, 1944; 11:40 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4640, 5566, 7592, 11175, 12023.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[2] Amdt. 20]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. Table 7 of Appendix H, Article III, section 15 is amended to read as follows:

TABLE 7—MAXIMUM PRICES FOR CUCUMBERS

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. shipping points in Florida, California and Iowa.[4]	Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[3]
1	Cucumbers, except hothouse cucumbers, in bushel containers with a net weight of 48 pounds or more.	Bushel	Nov. 1-Dec. 31	$3.40	Col. 5 price plus freight (including 3% transportation tax) from Wachula, Florida, plus 10 cents protective services [1] for all markets east of and including Chicago, Illinois; and from Chula Vista, California, plus 10 cents for all markets west of Chicago, Illinois.	
2			Jan. 1-Mar. 31	$5.00		Col. 6 price plus 75 cents.
3			Apr. 1-May 31	$3.40		Col. 6 price plus 75 cents.
4			June 1-Oct. 31	To be announced later.		Col. 6 price plus 75 cents.
5	Cucumbers, except hothouse cucumbers, in lug boxes with a net weight of 25 pounds or more.	Lug	Nov. 1-Dec. 31	$2.00	Col. 5 price plus freight (including 3% transportation tax) from Wachula, Florida, plus 8 cents protective services [1] for all markets east of and including Chicago, Illinois; and from Chula Vista, California plus 8 cents for all markets west of Chicago, Illinois.	
6			Jan. 1-Mar. 31	$2.90		Col. 6 price plus 45 cents.
7			Apr. 1-May 31	$2.00		Col. 6 price plus 45 cents.
8			June 1-Oct. 31	To be announced later.		Col. 6 price plus 45 cents.
9	Cucumbers, except hothouse cucumbers, in bushel containers with a net weight of less than 48 pounds and in lug boxes with a net weight of less than 25 pounds and in all other containers.[2]	Pound	Nov. 1-Dec. 31	7.1 cents per pound	Maximum price for item 1 above divided by 48.	Col. 6 price plus 1⅝0 cents per pound.
10			Jan. 1-Mar. 31	10.4 cents per pound	Maximum price for item 2 above divided by 48.	Col. 6 price plus 1⅝0 cents per pound.
11			Apr. 1-May 31	7.1 cents per pound	Maximum price for item 3 above divided by 48.	Col. 6 price plus 1⅝0 cents per pound.
12			June 1-Oct. 31	To be announced later.		Col. 6 price plus 1⅝0 cents per pound.
13	Hothouse cucumbers in any container.	Pound	Nov. 1-Dec. 31	13.5 cents per pound	Col. 5 price plus express (including 3% transportation tax) from Davenport, Iowa.[4]	Col. 6 price plus 1⅝0 cents per pound.
14			Jan. 1-Mar. 31	19.3 cents per pound		Col. 6 price plus 1⅝0 cents per pound.
15			Apr. 1-May 31	13.5 cents per pound		Col. 6 price plus 1⅝0 cents per pound.
16			June 1-Oct. 31	To be announced later.		Col. 6 price plus 1⅝0 cents per pound.

[1] For all wholesale receiving points in California and Florida no allowance shall be added for protective services.

[2] The maximum price for cucumbers sold in bulk (loose without containers) shall be 1 cent per pound less than the appropriate prices per pound listed in column 5, 6 or 7.

[3] For the sellers covered by column 7, see general provisions of this appendix.

[4] Maximum prices f. o. b. shipping point for hothouse cucumbers apply only to Iowa.

[4] Express charges to be computed at the published less than carlot rate per 100 pounds without regard to minimum or fixed charges per package or per shipment. No protective service charge to be added to express shipments.

This amendment shall become effective February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 18, 1944.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 44-2446; Filed, February 19, 1944; 3:22 p. m.]

[2] 8 F.R. 9546, 9568, 9727, 10571, 10673, 11589, 11691, 11756, 12098, 12951, 13743, 14012, 14154.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169,[2] Amdt. 37]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment

[2] 8 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 9995, 10364, 10671, 11298, 11445.

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The last sentence in § 1364.452 (o) (1) (i) is amended to read as follows: "No person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any fabricated beef cut, other than one defined in § 1364.455 (b) (3) or 1364.452 (o) (8); and no person shall sell or deliver any fabricated beef cut which does not meet War Shipping Administration Specifications, to the War Shipping Administration, or to any ship operator for ship stores."

2. Section 1364.452 (o) (3) is amended to read as follows:

(3) The applicable zone prices in zones 1 and 2 and 5 to 10 for fabricated beef cuts and for ground beef and miscellaneous beef items shall be the prices specified in subparagraphs 4, 5, 6, 7 or 10 hereof (the applicable zone 3 and 4 price), plus the following:

Zone 1	$1.75
Zone 2	1.00
Zone 5	.50
Zone 6	.75
Zone 7	1.00
Zone 8	1.25
Zone 9	1.50
Zone 10	1.75

3. Section 1364.452 (o) (6) is redesignated as § 1364.452 (o) (10).

4. Section 1364.452 (o) (6), (7), (8) and (9) are added to read as follows:

(6) Subject to the additions and deductions hereafter provided in Column IV, the following table prices shall be the applicable Zone 3 or 4 prices on sales of fabricated beef cuts (War Shipping Administration Specifications) made:

Column I—By—	Column II—To—	Column III—Which sales require deliveries	Column IV—Additions and deductions
(i) Any person licensed or nonlicensed ship supplier (other than slaughterers, packers or packers branch houses).	The War Shipping Administration or to such person as may be authorized by the War Shipping Administration to make such purchases under the direction and control of that agency.	To a commercial warehouse or a storage place designated by the War Shipping Administration.	None.
(ii) Any person licensed or nonlicensed ship supplier (other than slaughterers, packers or packers branch houses).	A licensed ship supplier	To the buyer's place of business.	None.
(iii) A slaughterer, packer or packers branch house which is a licensed ship supplier.	A ship operator	To ship side	None.
(iv) Any licensed ship supplier (other than a slaughterer, packer or packers branch house) which purchased the fabricated beef cuts (War Shipping Administration Specifications) from the War Shipping Administration or a person authorized by the War Shipping Administration to make purchases and sales under its direction and control.	A ship operator	To ship side	Add $1.50 per cwt. to table price.
(v) Any licensed ship supplier (other than a slaughterer, packer, or packers branch house).	A ship operator	To ship side	Add $1.25 per cwt. to table price.
(vi) Any slaughterer, packer or packers branch house (licensed or unlicensed).	A licensed ship supplier	To the buyer's place of business.	Deduct 50¢ per cwt. from table price.

(All prices are on dollars per hundredweight basis. The prices for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include costs of freezing and one month's storage, wrapping, boxing, strapping, inspection and grading in accordance with War Shipping Administration specifications. The additions and deductions specified in Schedule III (§ 1364.454) and Schedule II (§ 1364.453) of this regulation are not applicable.)

	Choice or AA	Good or A	Commercial or B	Utility or C
Ground beef	18.50	18.50	18.50	18.50
Boneless round	31.25	29.25	25.75	21.50
Strip loin (bone in)	46.75	42.25	35.25	28.75
Sirloin butt (boneless)	34.75	32.50	25.50	19.50
Full trimmed beef tenderloin	54.75	54.75	45.75	45.75
Oven prepared rib	30.25	28.25	26.25	22.75
Boneless regular chuck	25.75	24.25	22.50	20.00
Boneless plate	19.50	19.50	18.25	18.25
Boneless brisket (deckle on)	22.75	22.75	19.50	19.50

*Copies may be obtained from the Office of Price Administration.

All sales under this subparagraph are made subject to the provisions of § 1364.452 (k), and for the purposes of this subparagraph (6) the term "fabricated beef cut (War Shipping Administration specifications)" shall be substituted for the term "wholesale cut" in § 1364.452 (k).

For purposes of this subparagraph (6), a sale of fabricated beef cuts (War Shipping Administration specifications) to any person authorized to make such purchase subject to the direction and control of the War Shipping Administration or to a licensed ship supplier for resale as ship stores, shall be deemed a sale to a purveyor of meals.

(7) Notwithstanding the provisions of § 1364.451 (a) (4), the War Shipping Administration or any person authorized by the War Shipping Administration to make purchases under its direction and control, is authorized to purchase and sell fabricated beef cuts (War Shipping Administration specifications).

(8) "Fabricated beef cut (War Shipping Administration Specifications)" means beef derived from steers and heifers of the grades choice, good, commercial or utility and satisfying the specifications and requirements contained in War Shipping Administration Food Control Regulation No. 2. Fabricated beef cuts (War Shipping Administration Specifications), shall be graded in accordance with § 1364.411 (a) (1) and (2) of this regulation, and no fabricated beef cut (War Shipping Administration Specifications) so graded shall be packed for sale and/or delivery to the War Shipping Administration or to any person authorized to make such purchase under the direction and control of the War Shipping Administration, or to a ship operator, except in the presence of an official United States inspector designated by the Food Distribution Administration, or other United States Government agency regularly performing grading and/or inspection service who shall certify that the cutting, boning, trimming and other fabrication, the grade, the weight and the other specifications of the War Shipping Administration and/or the Office of Price Administration have been complied with and that the legends affixed to the package by the seller are correct. Certification by the official United States inspector shall be made by affixing a stamp or sticker to the container, which stamp or sticker shall attest the accuracy of all representations appearing upon the container.

(9) For purposes of subparagraphs (6), (7), and (8) hereof, (i) a licensed ship supplier means any person who has been licensed by the War Food Administration under the provisions of Food Distribution Regulation No. 3,[1] as amended, (issued October 8, 1943) to sell and/or deliver meats and other food products to ship operators and (ii) a "ship operator" means any person as defined in Food Distribution Regulation No. 3, who conducts "• • • the business of vessels for the account of the United States under a general agency form of service agreement approved by the Administrator of the War Shipping Administration; or operating, as the owner or owner's agent, a vessel time chartered to the United States, represented by the Administrator of the War Shipping Administration; or operating a vessel, the services of which are employed by the United States, represented by the Administrator of the War Shipping Administration; which is owned, chartered, or operated by any allied or neutral country", or any other person conducting the business of vessels who is designated as a ship operator by the War Shipping Administration.

5. The last sentence in § 1364.467 (n) (1) is amended to read as follows:

(1) • • • No person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any fabricated veal cut or fabricated veal carcass (War Shipping Administration Specifications), other than one defined in § 1364.470 (b) (3) or § 1364.467 (n) (8); and no person shall sell or deliver any fabricated veal carcass which does not meet War Shipping Administration Specifications to the War Shipping Administration or to any ship operator for ship stores.

[1] 8 F.R. 13880, 14017.

6. Section 1364.467 (o) (3) is amended to read as follows:

(3) The applicable zone prices in zones 1 to 3 and 5 to 10 for fabricated veal cuts or fabricated veal carcasses (War Shipping Administration Specifications) shall be the prices specified in subparagraphs (4), (5), (6), or (7) hereof (the applicable zone 4 prices) plus the following:

Zone 1	$2.50
Zone 2	1.50
Zone 3	$0.75
Zone 5	.50
Zone 6	.75
Zone 7	1.00
Zone 8	1.25
Zone 9	1.50
Zone 10	1.75

7. Section 1364.467 (n) (6), (7), (8), (9), and (10) are added to read as follows:

(6) Subject to the additions and deductions hereafter provided in Column IV, the following table prices shall be the applicable Zone 4 prices on sales of fabricated veal carcasses (War Shipping Administration Specifications), made:

Column I—By—	Column II—To—	Column III—Which sales require deliveries	Column IV—Additions and deductions
(i) Any person (licensed or non-licensed ship supplier other than slaughterers, packers or packers branch houses).	The War Shipping Administration or to such person as may be authorized by the War Shipping Administration to make such purchases under the direction and control of that agency.	To a commercial warehouse or a storage place designated by the War Shipping Administration.	None.
(ii) Any person (licensed or non-licensed ship supplier other than slaughterers, packers or packers branch houses).	A licensed ship supplier	To the buyer's place of business.	None.
(iii) A slaughterer, packer or packers branch house which is a licensed ship supplier.	A ship operator	To ship side	None
(iv) Any licensed ship supplier (other than a slaughterer, packer or packers branch house) which has purchased the fabricated veal carcasses (War Shipping Administration Specifications) from the War Shipping Administration or a person authorized by the War Shipping Administration to make purchases and sales under its direction and control.	A ship operator	To ship side	Adds $1.50 per cwt. to table price.
(v) Any licensed ship supplier (other than a slaughterer, packer or packers branch house).	A ship operator	To ship side	Adds $1.25 per cwt to table price.
(vi) Any slaughterer, packer or packers branch house (licensed or unlicensed).	A licensed ship supplier	To the buyer's place of business.	Deduct 50¢ per cwt. from table price.

(All prices are on dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced accordingly. The prices set forth herein include costs of freezing and one month's storage, wrapping, boxing, strapping, inspection and grading in accordance with War Shipping Administration specifications. The additions and deductions specified in Schedule III (§ 1364.469) and Schedule II (§ 1364.468) of this regulation are not applicable).

	Choice or AA	Good or A	Commercial or B	Utility or C
Veal carcass	$23.75	$22.75	$20.50	$18.50

All sales under this subparagraph are made subject to the provisions of § 1364.467 (k), and for the purposes of this subparagraph (6) the term "fabricated veal carcass (War Shipping Administration Specifications)" shall be substituted for the term "wholesale cut" in § 1364.467 (k).

For purposes of this subparagraph (6), a sale of fabricated veal carcasses (War Shipping Administration Specifications) to any person authorized to make such purchase subject to the direction and control of the War Shipping Administration or to a licensed ship supplier for resale as ship stores, shall be deemed a sale to a purveyor of meals.

(7) Notwithstanding the provisions of § 1364.466 (a) (4), the War Shipping Administration or any person authorized by the War Shipping Administration to make purchases under its direction and control, is authorized to purchase and sell fabricated veal carcasses (War Shipping Administration Specifications).

(8) "Fabricated veal carcass, (War Shipping Administration Specifications)", means veal derived from calves of grades choice, good, commercial or utility and satisfying the specifications and requirements contained in War Shipping Administration Food Control Regulation No. 2. "Fabricated veal carcass (War Shipping Administration Specifications)", shall be graded in accordance with § 1364.411 (a) (1) and (2) of this regulation and no such fabricated veal carcass so graded shall be packed for sale and/or delivery to the War Shipping Administration or to any person authorized to make such purchase under the direction and control of the War Shipping Administration, or to a ship operator, except in the presence of an official United States inspector designated by the Food Distribution Administration, or other United States Government agency regularly performing grading and/or inspection service, who shall certify that the cutting, dressing, trimming and other fabrication, the grade, the weight and the other specifications of the War Shipping Administration and/or the Office of Price Administration have been complied with and that the legends affixed to the package by the seller are correct. Certification by the official United States inspector shall be made by affixing a stamp or sticker to the container, which stamp or sticker shall attest the accuracy of all representations appearing upon the container.

(9) For purposes of subparagraphs (6), (7) and (8), hereof, (i) a licensed ship supplier means any person who has been licensed by the War Food Administration under the provisions of Food Distribution Regulation No. 3, as amended, (issued October 8, 1943) to sell and/or deliver meats and other food products to ship operators. (ii) A "ship operator" means any person as defined in Food Distribution Regulation No. 3 who conducts "the business of vessels for the account of the United States under the general agency form of service agreement approved by the Administrator of the War Shipping Administration; or operating, as the owner or owner's agent, a vessel time chartered to the United States, represented by the Administrator of the War Shipping Administration; or operating a vessel, the services of which are employed by the United States, represented by the Administrator of the War Shipping Administration; which is owned, chartered, or operated by any allied or neutral country", or any other person conducting the business of vessels who is designated as a ship operator by the War Shipping Administration.

(10) The form in § 1364.531, Appendix F, is amended by the addition of column headings (6), (7) and (8), to the table designated "Direct Labor Costs in Production of Frozen Boneless Beef" under (b), all to read as follows:

Classification of direct production employees responsible for above production	No. in each classification	Total wages paid in each classification	Total wages paid at single rate	Total wages paid at overtime rate	Total hours worked	Total hours at single rate	Total hours at overtime rate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Boners							
Weighers							
Packers							
Total							

This amendment shall become effective on February 25, 1944, and shall terminate on May 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2511; Filed, February 21, 1944; 11:43 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d RMPR 19,[1] Amdt. 1]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The last sentence in the first paragraph of section 9 (b), *Anti-stain*, is amended to read. "Treatment by spraying (except of timbers) does not entitle the seller to the addition."

This amendment shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2512; Filed, February 21, 1944; 11:42 a. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 513]

YELLOW CYPRESS LUMBER

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1381.103 *Maximum prices for yellow cypress lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 513 (Yellow Cypress Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1381.103, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 1162.

MAXIMUM PRICE REGULATION 513—YELLOW CYPRESS LUMBER

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SECTION 1. *Prices higher than maximum prohibited.* (a) On and after February 26, 1944, regardless of any contract or other obligation, no person shall sell or buy for direct-mill shipment, or deliver or receive on direct-mill shipment, any yellow cypress lumber at prices higher than the ceiling prices fixed by this regulation; and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than maximum may, of course, be charged and paid.

SEC. 2. *To what products and transactions this regulation applies*—(a) *Products covered.* This regulation covers, under the term "yellow cypress lumber" all items of cypress lumber of all species (except tidewater red which is subject to Maximum Price Regulation 412[1]), whether the item is specifically named in the price tables or not.

(b) *What transactions are covered.* This regulation covers, under the term "sales for direct-mill shipment", all sales of yellow cypress lumber, no matter who the seller is, and regardless of the quantity involved, except sales of yellow cypress lumber which were part of the regular stock of a distribution yard at the time the sale was made.

(c) *How to tell a mill from a distribution yard.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills, and concentration yards. Three types of establishments are described below: The first, (1), a typical sawmill or planing mill; the second, (2) a typical concentration yard; and the third (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill, and one which resembles (3) more than it does (1) or (2) is considered a distribution yard.

(1) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells yellow cypress lumber.

[1] 8 F.R. 8712, 12406.

(2) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock yellow cypress lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail or full truckload shipment, and which has been located at its particular site to be near the lumber producing area.

(3) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(4) *New yards or changed status.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards, either new or resulting from a change in operations, set up after December 31, 1942, unless the yard writes to the Lumber Branch of the Office of Price Administration, Washington, D. C. and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

(5) *"CPA contract yards".* "CPA yards", as defined in Second Revised Maximum Price Regulation 215,[2] are considered distribution yards, regardless of the above requirements.

SEC. 3. *Basic prices.* The maximum f. o. b. mill prices for yellow cypress lumber are set forth in the price tables in section 18.

SEC. 4. *Cash discount.* If cash is paid the maximum price must be reduced by the seller's August 1941 cash discount. When a seller was not in business in August 1941, 2 percent cash discount for payment in 10 days shall be allowed. On specific written allocations issued by the Office of Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

SEC. 5. *Deduction on sales of rough lumber by certain mills.* In sales of all items of yellow cypress lumber in rough form, except timbers, where shipment originates at a sawmill which has no planing mill or which customarily sells the yellow cypress lumber produced by it in rough form, the maximum prices set forth in the price tables of this regulation:

(a) Shall include delivery within a radius of 30 miles, or

(b) Shall be reduced $2.50 per M'BM where the purchaser himself makes the pick-up at the mill, or

[2] 8 F.R. 14145; 9 F.R. 221.

(c) Shall be reduced $2.50 per M'BM before making the transportation additions provided in section 8 where the seller makes delivery over 30 miles.

SEC. 6. *Addition for direct-mill retail sales.* An addition of $3.50 per thousand board feet may be made by a mill or concentration yard on a sale of 2,000 feet board measure or less only within a radius of 25 miles of the seller's establishment to any consumer or buyer who does not purchase for resale, where the shipment originates at a mill.

SEC. 7 *Lumber not graded by seller.* If the seller himself does not specify the exact grades and items contained in a shipment, and furnish an invoice showing the exact footage of each grade and item sold, based on his own measurement and inspection, the maximum price is either:

(a) 10% below the maximum prices for the grades shown in the buyer's inspection; or

(b) the maximum price for the lowest priced grade in the shipment.

In both cases, the seller must furnish free delivery to the buyer's yard, plant, or other destination, up to a distance of 30 miles. Or if the buyer makes the pick-up at the mill, the maximum price must be reduced $2.50 to compensate for non-delivery. If delivery is made over 30 miles, the regular transportation additions permitted by Section 8 must be reduced by $2.50 per M'BM.

Note that these deductions apply regardless of who the purchaser is. The mill cannot sell to the box plant or the retail yard for more than he can to the concentrator, or vice versa.

SEC. 8. *Transportation charges*—(a) *Rail charges.* (1) Only two methods of selling are recognized by this regulation. Any other method is prohibited, as a device to evade the ceiling by manipulation of freight.

The two permitted methods are: on a delivered basis using the estimated weights in section 19 or on an f. o. b. mill basis with actual freight (figured, of course, on actual weights) to be paid by the purchaser.

The two methods may not be combined in a single transaction; that is, a seller may not sell on a basis which gives him the benefit of favorable estimated weights but requires the use of actual weights on items where estimated weights would be unfavorable to him.

(2) The estimated green weights may be used only when green lumber is actually specified and shipped.

(3) The transportation charge, when estimated weights are used, must be evened out to the nearest quarter-dollar per M'BM (or nearest 5 cents per 1,000 pieces of lath).

(b) *Common or contract carrier (other than rail).* Where transportation is by common or contract carrier (other than rail) the only rule is that actual cost of transportation may be added to the f. o. b. mill ceiling.

(c) *Private truck.* When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M'BM, over 10 and up to and including 20 miles, $2.00 per M'BM and over 20 and up to and including 30 miles, $2.50 per M'BM. Where the distance is greater than 30 miles, the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or $3.00 per M'BM, whichever is greater. Distance, as used in this paragraph, means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(d) *Truck delivery after rail haul.* When truck delivery to yard or job site follows a rail haul, and is specified in the order, the actual cost of truck delivery may be added. This may include the actual cost of handling and reloading involved in transfer from rail cars to trucks.

(e) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in paragraphs (b) and (c) of this section.

SEC. 9. *Grades, services and extras not specifically priced*—(a) *Conditions.* If a seller wishes to sell a grade which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, between January 1 and August 1, 1941, from the seller's own records or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

(4) A true copy of the order or of customer's inquiry on the basis of which the application has been submitted.

(5) A statement by the purchaser that none of the items specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; and that it has been his custom to purchase lumber on this special specification.

(b) *Approval.* In each case where a special price is approved, an authorization number will be assigned which must appear on all final invoices covering shipments at the special price. Quotations and deliveries may not be made at the requested price until the price has been approved. Action on the request may be made by letter or telegram.

(c) *Cancellation.* A special price will be cancelled whenever it is found that the grounds on which the price was granted do not exist, or that lumber shipped on the special price is not up to specification, or that the special price or a class of special prices is endangering the general level of prices of yellow cypress lumber.

SEC. 10. *What the invoice must contain*—(a) *Price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum f. o. b. mill or delivered prices must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must contain the:

(1) Point of origin of shipment;

(2) Destination;

(3) Rail rate, if estimated weights are used; otherwise the actual amount added for transportation;

(4) The words "Direct-mill shipment."

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul must be separately shown on the invoice.

(d) *Direct-mill retail sale.* If the "direct-mill retail sale" mark-up is permissible and is added, this must be separately indicated in the invoice.

SEC. 11. *Exports.* The maximum prices on export sales of yellow cypress lumber are governed by the Second Revised Maximum Export Price Regulation.*

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment.

SEC. 13. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher than ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in August 1941. This includes decreasing credit periods or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used.

(2) Refusing to ship except in specified or restricted random lengths, or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths a shipment of lumber which is substantially equivalent to standard or random lengths or widths; or reselling as specified lengths or widths a shipment bought by the seller as standard or random lengths or widths.

[3] 8 F.R. 4132, 5987, 7662, 9998, 15193.

(4) Grading as a special grade lumber which can be graded as a standard grade or wrongly or falsely grading or invoicing lumber in any way.

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(7) Unnecessarily routing lumber through a distribution yard.

(8) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(9) Making the buyer take something he does not want in order to get what he does want.

(10) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered (for example, charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2 x 4's) except where the items ordered and delivered are non-standard sizes not specifically priced in the tables. This prohibition has no application where the item resulting from remanufacture is priced higher in the tables than the original larger size.

(11) Making any of the additions contained in the footnotes to the tables in section 18 to the prices of the various items set forth in the tables unless the purchaser's order expressly requires the working, grade, condition, size, or length for which the additions are permitted.

(12) Making an addition for double end trimming when standard lengths are ordered and shipped.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive, or pay a commission for the service of procuring (including buying, selling or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, in so far as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

SEC. 14. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (See Procedural Regulation No. 6 [4]).

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [5], issued by the Office of Price Administration.

(c) In treating with petitions for amendment or applications for adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Maximum Price Regulation 348,[6] Logs and Bolts, or any revision or amendment of that regulation. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

SEC. 15. *Records.* All sellers of yellow cypress lumber must keep, for two years, records which show a compete description of the items of lumber sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 5,000 feet board measure or more of yellow cypress lumber.

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as Amended.

SEC. 17. *Licensing.* The provisions of Licensing Order No. 1,[7] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license, or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 18. *Price tables.* The maximum prices for yellow cypress lumber, f. o. b. mill per 1,000 feet board measure (or per 1,000 pieces of lath) shall be as follows:

[4] 7 F.R. 8961; 8 F.R. 3313, 3533.

[5] 7 F.R. 10115, 10198, 10204, 10297; 9 F.R. 220, 392, 343, 402, 462, 538, 539, 574, 682, 792.

[6] 8 F.R. 12240.

[7] 7 F.R. 5087, 5064; 8 F.R. 6173, 6174, 12024.

TABLE 1—FACTORY GRADES

ROUGH

	Boat and tank stock—standard lengths 8' and longer	FAS—Standard lengths 8' and longer	Selects—Standard lengths 8' and longer	No. 1 shop—Standard lengths 6' and longer	Box—Standard lengths 4' and longer
4/4" R/W	$86.00	$76.00	$62.00	$44.00	$28.00
4/4 x 4" and 6"	86.00	76.00	62.00	44.00	28.00
4/4 x 8"	88.00	78.00	64.00	46.00	29.00
4/4 x 5 and 10"	91.00	81.00	67.00	51.00	31.00
4/4 x 12"	107.00	97.00	85.00	86.00	34.00
4/4 x 14"	110.00	103.00	89.00	----------	----------
4/4 x 16"	120.00	113.00	99.00	----------	----------
4/4 x 18"	132.00	125.00	111.00	----------	----------
4/4 x 13 to 19" R/W	123.00	115.00	101.00	----------	----------
4/4 x 20"	145.00	137.00	123.00	----------	----------
4/4 x over 20"	155.00	147.00	133.00	----------	----------
5/4" R/W	98.00	86.00	74.00	57.00	31.00
5/4 x 4" and 6"	98.00	86.00	74.00	57.00	31.00
5/4 x 8"	100.00	90.00	76.00	59.00	32.00
5/4 x 5 and 10"	103.00	93.00	79.00	64.00	34.00
5/4 x 12"	119.00	109.00	97.00	69.00	37.00
5/4 x 14"	122.00	115.00	101.00	----------	----------
5/4 x 16"	132.00	125.00	111.00	----------	----------
5/4 x 18"	144.00	137.00	123.00	----------	----------
5/4 x 13 to 19" R/W	135.00	127.00	113.00	----------	----------
5/4 x 20"	157.00	149.00	135.00	----------	----------
5/4 x over 20"	167.00	159.00	145.00	----------	----------
6/4" R/W	107.75	96.25	74.00	64.25	31.00
6/4 x 4 and 6"	107.75	96.25	74.00	64.25	31.00
6/4 x 8"	109.75	98.25	76.00	66.25	32.00
6/4 x 5 and 10"	112.75	101.25	79.00	71.25	34.00
6/4 x 12"	128.75	117.25	97.00	76.25	37.00
6/4 x 14"	131.75	123.25	101.00	----------	----------
6/4 x 16"	141.75	133.25	111.00	----------	----------
6/4 x 18"	153.75	145.25	123.00	----------	----------
6/4 x 13 to 19" R/W	144.75	135.25	113.00	----------	----------
6/4 x 20"	166.75	157.25	135.00	----------	----------
6/4 x over 20"	176.75	167.25	145.00	----------	----------
8/4" R/W	122.00	115.25	84.25	75.00	36.75
8/4 x 4" and 6"	122.00	115.25	84.25	75.00	36.75
8/4 x 8"	124.00	117.25	86.25	77.00	31.75
8/4 x 5 and 10"	127.00	120.25	89.25	82.00	33.75
8/4 x 12"	143.00	136.25	107.25	87.00	36.75
8/4 x 14"	146.00	142.25	111.25	----------	----------
8/4 x 16"	156.00	152.25	121.25	----------	----------
8/4 x 18"	168.00	164.25	133.25	----------	----------
8/4 x 13 to 19"	159.00	154.25	123.25	----------	----------
8/4 x 20"	181.00	176.25	145.25	----------	----------
8/4 x over 20"	191.00	186.25	155.25	----------	----------
10/4 and 12/4 R/W	145.25	128.75	96.25	84.25	----------
10/4 and 12/4 x 4 and 6"	145.25	128.75	96.25	84.25	----------
10/4 and 12/4 x 8"	147.25	130.75	97.25	86.25	----------

TABLE 1—FACTORY GRADES—Continued

ROUGH—continued

	Boat and tank stock—standard lengths 8' and longer	FAS—Standard lengths 8' and longer	Selects—Standard lengths 8' and longer	No. 1 shop—Standard lengths 6' and longer	Box—Standard lengths 4' and longer
10/4 and 12/4 x 5 and 10"	$150.25	$133.75	$100.25	$91.25	----------
10/4 and 12/4 x 12"	166.25	149.75	118.25	96.25	----------
10/4 and 12/4 x 14"	169.25	155.75	122.25	----------	----------
10/4 and 12/4 x 16"	172.25	165.75	132.25	----------	----------
10/4 and 12/4 x 18"	191.25	177.75	144.25	----------	----------
10/4 and 12/4 x 13 to 19"	182.25	167.75	134.25	----------	----------
10/4 and 12/4 x 20"	204.25	189.75	156.25	----------	----------
10/4 and 12/4 x over 20"	214.25	199.75	166.25	----------	----------
16/4" R/W	151.25	132.25	103.25	91.25	----------
16/4 x 4 and 6"	151.25	132.25	103.25	91.25	----------
16/4 x 8"	153.25	134.25	105.25	93.25	----------
16/4 x 5 and 10"	156.25	137.25	108.25	98.25	----------
16/4 x 12"	172.25	153.25	126.25	103.25	----------
16/4 x 14"	175.25	159.25	130.25	----------	----------
16/4 x 16"	185.25	169.25	140.25	----------	----------
16/4 x 18"	197.25	181.25	152.25	----------	----------
16/4 x 13 to 19" R/W	188.25	171.25	142.25	----------	----------
16/4 x 20"	210.25	193.25	164.25	----------	----------
16/4 x over 20" R/W	220.25	203.25	174.25	----------	----------

Additions and deductions per 1,000 feet board measure: (see section 13 (b) (11)).

For working:
1. S1S, S2S, add $3.00.
2. S3S, S4S, S1S1E, S2S & M, shiplap, grooved roofing, add $4.50.
3. Casing, base, jambs, sill stock, casket moulding or any other pattern stock, (except moulding), add $6.00. For lots of less than 1,000 feet board measure any pattern (except moulding), add a flat $5.00 machine set up charge.

For grade:
4. Heart face selects, add to selects, $5.00 for 4/4 and 5/4; $14.00 for 6/4; $23.00 for 8/4 and thicker.
5. No. 2 shop, all thicknesses, deduct $10.00, from No. 1 shop prices.

For size:
6. For any average width, charge the specified width prices for the widths shipped.
7. Extra standard thickness or width other than American Lumber Standards, add $1.50 when stock is dressed clean. No addition may be made for extra standard thickness or width, hit or miss dressing.

For length:
8. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double end trimming.
9. For any specified average length, except odd lengths, 16' or longer, charge the specified length prices for the lengths shipped.
10. Specified lengths, add to Standard length prices:

	16'	18'	20'
4/4, 5/4, 6/4, 8/4, all grades (except box)	$5.00	$7.50	$10.00
10/4 and thicker, boat and tank stock and F. A. S.	5.00	10.00	10.00
10/4 and thicker selects, No. 1 shop	5.00	7.50	10.00
Box, all thicknesses	3.00	3.00	5.00

11. Any length 6' or shorter, cut to a specified exact length, all grades (except No. 1 Shop and Box) charge the Standard length price and add $1.50 for each necessary cross cut, but the total charge may not exceed 26.00 and must be based on the nearest Standard multiple length. No additional charge may be made for precision cutting. If length breaks on even one half foot, compute footage on actual length, otherwise compute on 6" breaks, on the next break above. This footnote covers lengths under 6' in No. 1 Shop and under 4' in Box.
12. No additional charge may be made when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply.

(For other working, condition, grade and handling additions and deductions, see table (11).

TABLE 2—FINISH AND COMMON YARD GRADES

ROUGH

	A Finish—standard lengths 8' and longer	B Finish—standard lengths 8' and longer	C Finish—standard lengths 8' and longer	D Finish—standard lengths 8' and longer	No. 1 common—standard lengths 8' to 20'	No. 2 common—standard lengths 6' to 20'	No. 3 common—standard lengths 6' to 20'	Peck—standard lengths 6' to 20'
4/4 x 4" to 12" R/W	$81.00	$68.75	$65.75	$62.50	$45.00	$39.00	$30.00	$30.00
4/4 x 4" and 6"	77.00	64.75	61.75	58.50	45.00	39.00	30.00	30.00
4/4 x 8"	79.00	66.75	63.75	60.50	46.00	40.00	31.00	31.00
4/4 x 5 and 10"	82.00	69.75	66.75	63.50	49.00	43.00	34.00	34.00
4/4 x 12"	98.00	88.75	85.75	89.50	54.00	46.00	37.00	37.00
4/4 x 14"	100.00	90.75	87.75	----------	----------	----------	----------	----------
4/4 x 16"	110.00	100.75	97.75	----------	----------	----------	----------	----------
4/4 x 18"	122.00	112.75	109.75	----------	----------	----------	----------	----------
4/4 x 13 to 19" R/W	112.00	102.75	99.75	----------	----------	----------	----------	----------
4/4 x 20"	134.00	124.75	121.75	----------	----------	----------	----------	----------
4/4 x over 20"	144.00	134.75	131.75	----------	----------	----------	----------	----------
5/4 x 4 to 12" R/W	93.00	80.75	77.75	74.50	55.00	44.00	33.00	33.00
5/4 x 4" and 6"	89.00	76.75	73.75	70.50	55.00	44.00	33.00	33.00
5/4 x 8"	91.00	78.75	75.75	72.50	56.00	45.00	34.00	34.00
5/4 x 5 and 10"	94.00	81.75	78.75	75.50	59.00	48.00	37.00	37.00
5/4 x 12"	110.00	100.75	97.75	95.50	64.00	51.00	40.00	40.00
5/4 x 14"	112.00	102.75	99.75	----------	----------	----------	----------	----------
5/4 x 16"	122.00	112.75	109.75	----------	----------	----------	----------	----------
5/4 x 18"	134.00	124.75	121.75	----------	----------	----------	----------	----------
5/4 x 13 to 19" R/W	124.00	114.75	111.75	----------	----------	----------	----------	----------
5/4 x 20"	146.00	136.75	133.75	----------	----------	----------	----------	----------
5/4 x over 20"	156.00	146.75	143.75	----------	----------	----------	----------	----------
6/4 x 4 to 12" R/W	93.50	80.75	77.75	74.50	55.00	44.00	33.00	33.00
6/4 x 4 and 6"	91.50	76.75	73.75	70.50	55.00	44.00	33.00	33.00
6/4 x 8"	93.50	78.75	75.75	72.50	56.00	45.00	34.00	34.00
6/4 x 5 and 10"	96.50	81.75	78.75	75.50	59.00	48.00	37.00	37.00

TABLE 2—FINISH AND COMMON YARD GRADES—Continued

ROUGH—continued

	A Finish—standard lengths 8' and longer	B Finish—standard lengths 8' and longer	C Finish—standard lengths 8' and longer	D Finish—standard lengths 8' and longer	No. 1 common—standard lengths 8' to 20'	No. 2 common—standard lengths 6' to 20'	No. 3 common—standard lengths 6' to 20'	Peck—standard lengths 6' to 20'
6/4 x 12"	$112.50	$100.75	$97.75	$95.50	$64.00	$51.00	$40.00	$40.00
6/4 x 14"	122.50	110.75	107.75					
6/4 x 16"	132.50	120.75	117.75					
6/4 x 18"	144.50	130.75	129.75					
6/4 x 13 to 19" R/W	134.50	120.75	119.75					
6/4 x 20"	156.50	142.75	141.75					
6/4 x over 20"	166.50	152.75	151.75					
8/4 x 4 to 12" R/W	114.50	92.25	89.25	81.00	57.50	44.00	33.00	33.00
8/4 x 4 and 6"	110.50	88.25	85.25	77.00	57.50	44.00	33.00	33.00
8/4 x 8"	112.50	90.25	87.25	79.00	58.50	45.00	34.00	34.00
8/4 x 5 and 10"	115.50	93.25	90.25	82.00	61.50	48.00	37.00	37.00
8/4 x 12"	131.50	112.25	109.25	102.00	66.50	52.00	40.00	40.00
8/4 x 14"	136.50	117.25	114.25					
8/4 x 16"	146.50	127.25	124.25					
8/4 x 18"	158.50	139.25	136.25					
8/4 x 13 to 19" R/W	148.50	129.25	126.25					
8/4 x 20"	170.50	151.25	148.25					
8/4 x over 20"	180.50	161.25	158.25					

Additions and deductions per 1,000 feet board measure (see section 13 (b) (11)).
For working:
1. S1S, S2S, add $3.00.
2. S2S, S4S, S1S1E, S2S & M, shiplap, grooved roofing, add $4.50.
3. Casing, base, jambs, sill stock, casket moulding, or any other pattern stock (except moulding), add $6.00.
For lots of less than 1,000 feet board measure, any pattern (except moulding) add a flat $5.00 machine set up charge.
4. Cleat stock in grade equal to No. 1 common or better, counted on leaver measurement, 1 x 6" and under in width, under 8' in length, bundled, $48.00 per M'BM. for 5/4 and 6/4, add $10.00 per M'BM.
For grade:
5. Clear heart 4/4 and 5/4, add $10.00 to A finish, 6/4 and 8/4 charge boat and tank stock prices.
6. All heartwood No. 1 and No. 2 common, add $10.00, No. 3 common, add $5.00 to grade item price.
7. 75 to 85% heartwood No. 1 and No. 2 common, add $5.00. For No. 3 common, add $3.00 to grade item price.
8. No. 2 peek or peek droppings, deduct $11.00 from peck prices, for all thicknesses.
9. Dunnage, $15.00 for all thicknesses, per M'BM.
For size:
10. For any average width, charge the specified width prices for the widths shipped.
11. Extra standard thickness and/or width, other than American lumber standards, add $1.50 when stock is dressed clean. No addition may be made for extra standard thickness or width, bit or miss dressing.
12. 10/4 and 12/4 No. 1, No. 2 and No. 3 common, add $6.50 to the 8/4 price. For 16/4, add $10.50 to the 8/4 price.
For length:
13. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $1.50. No addition is permitted for customary double-end trimming.
14. For any specified average length, 16' or longer, charge the specified length price for the lengths shipped.
15. Specified lengths, add to standard length prices:

	16'	18'	20'
A and B finish, all thicknesses	$5.00	$7.50	$10.00
C, D and No. 1 common, all thicknesses	5.00	7.50	10.00
No. 2 and No. 3 common, all thicknesses	3.00	3.00	5.00
Peck, all thicknesses	4.00	3.00	5.00

16. Random lengths peck in 4' multiples, add $4.00 to standard length prices.
17. Any length 6' or shorter cut to a specified exact length, all grades, (except peck), charge the standard length price and add $1.50 for each necessary cross cut, but the total charge may not exceed $6.00 and must be based on the nearest standard multiple length. No additional charge may be made for precision cutting. If length breaks on even half foot, compute footage on actual length, otherwise compute on 6" breaks on the next break above. This footnote covers lengths under 4' in peck.
18. No additional charge may be made when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply.
(For other working, condition, grade and handling additions and deductions, see table (11).)

TABLE 3—TIMBERS

ROUGH—GREEN

	No. 1 Common—Standard lengths 8' to 20'	No. 2 Common—Standard lengths 6' to 20'	No. 3 Common—Standard lengths 6' to 20'	Peck—Standard lengths 6' to 20'
3 x 3 to 4 x 4"	$44.00	$30.00	$29.00	$29.00
3 x 5 to 5 x 5"	44.00	30.00	29.00	29.00
3 x 6 to 6 x 6"	42.00	37.00	27.00	27.00
3 x 8 to 6 x 8"	45.00	40.00	30.00	30.00
7 x 8 to 8 x 8"	46.00	41.00	31.00	31.00
3 x 10 to 5 x 10"	51.00	46.00	36.00	36.00
6 x 10 to 10 x 10"	50.00	45.00	35.00	35.00
3 x 12 to 5 x 12"	58.00	53.00	43.00	43.00
6 x 12 to 10 x 12"	56.00	51.00	41.00	41.00
11 x 12 to 12 x 12"	56.00	51.00	41.00	41.00
3 x 14 to 7 x 14"	66.00	61.00	51.00	51.00
8 x 14 to 12 x 14"	64.00	59.00	49.00	49.00
13 x 14 to 14 x 14"	64.00	59.00	49.00	49.00
3 x 16 to 7 x 16"	76.00	71.00	61.00	61.00
8 x 16 to 14 x 16"	74.00	69.00	59.00	59.00
15 x 16 to 16 x 16"	74.00	69.00	59.00	59.00
3 x 17 to 9 x 18"	86.00	81.00	71.00	71.00
10 x 17 to 18 x 18"	84.00	79.00	69.00	69.00
3 x 19 to 10 x 20"	98.00	93.00	83.00	83.00
11 x 19 to 20 x 20"	96.00	91.00	81.00	81.00

Additions and deductions per 1,000 feet board measure: (See Section 13 (b) (11)).
For working:
1. S1S, S2S, S3S, S4S, Shiplap, T & G, add $3.00.
2. Grooved two edges, add $3.00 to dressed prices.
3. Beveling and/or outgauging, for two edges on one face, add $4.00; for four edges, or one face and one edge, add $8.00 (to dressed price in each case).
4. Tapered posts or posts resawn diagonally, add $7.50 to item price.
For grade:
5. 75-85% heart, girth measurement, add $7.50; all heart, add $15.00.
For size:
6. Fractional widths, add $3.00 to nearest listed wider width and compute footage on nominal size.
7. Fractional thickness, add $3.00 to nearest listed greater thickness and compute footage on nominal size.
For length:
8. For precision cutting to a specified exact length, with tolerance of not more than ½" allowed, add $1.50. No addition is permitted for customary double end trimming.
9. Specified lengths 16', add $5.00; for lengths over 16', add $1.50 to the 16' price for each lineal foot over 16'.
10. For any specified average length (16' or over), charge the specified length price for the lengths shipped.
(For other working, condition, grade and handling additions and deductions, see table (11).)

TABLE 4—FLOORING, CEILING AND PARTITION

KILN DRIED (BUNDLED)

	A clear heart—standard lengths 8' and longer	Grade A—standard lengths 8' and longer	Grade B—standard lengths 8' and longer	Grade C—standard lengths 8' and longer	Grade D—standard lengths 8' and longer	Grade No. 1 common—standard lengths 8' to 20'	Grade No. 2 common—standard lengths 6' to 20'
Flooring:							
1 x 3, 4 and 6"	$96.50	$86.50	$74.25	$71.25	$68.00	$54.50	$48.50
¾ x 3, 4 and 6"	109.50	99.50	87.25	84.25	81.00	65.50	54.50
¾ x 3, 4 and 6"	112.50	102.50	87.75	84.75	81.50	66.00	55.00
Ceiling:							
5/16 x 3, 4 and 6"	49.75	44.75	38.50	37.00	35.50	28.75	25.75
7/16 x 3, 4 and 6"	70.25	64.00	55.25	54.50	52.50	42.75	36.00
7/16 x 3, 4 and 6"	86.75	79.25	68.00	66.75	63.50	51.75	43.50

Additions and deductions per 1,000 feet board measure: (See Sec. 13 (b) (11)).
For working:
1. Partition, add $10.00 to comparable item of flooring and ceiling.
For condition:
2. Air dried, for 4/4 deduct $4.00; 5/4, deduct $5.00; 6/4, deduct $5.50; 5/16", deduct $2.00; 7/16", deduct $2.50 and 9/16", deduct $2.75.
For size:
3. Stock worked other than standard width or thickness, add $2.00 to price of comparable item.
For length:
4. Specified lengths, all grades of flooring, 8', 10', 12', and 14', add $2.00; 16', add $5.00; 18', add $7.50; 20', add $10.00. For 6' or shorter, all grades except a Clear Heart, deduct $3.00.
5. Specified lengths, all grades of ceiling, 8', 10', 12', and 14', add $1.00; 16', add $2.50; 18', add $3.50; 20', add $5.00. For 6' or shorter, all grades except a Clear Heart, deduct $3.00.
6. No additional charge may be made, when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply.
(For other working, condition, grade and handling additions and deductions, see table 11).

TABLE 5—SIDING

AIR DRIED OR KILN DRIED (BUNDLED)

	Grade A—standard lengths 8' and longer	Grade B—standard lengths 8' and longer	Grade C—standard lengths 8' and longer	Grade D—standard lengths 8' and longer	Grade No. 1 common—standard lengths 8' to 20'	Grade No. 2 common—standard lengths 6' to 20'	Grade No. 3 common—standard lengths 6' to 20'
Bevel siding:							
½ x 4" and 6"	$42.75	$36.75	$35.25	$33.50	$26.75	$23.75	$19.25
½ x 5"	45.25	39.25	37.75	36.00	28.75	25.75	21.25
½ x 8"	43.75	37.75	36.25	34.50	27.25	24.25	19.75
Bungalow siding:							
9/16 x 8"	62.25	54.50	52.75	50.75	40.25	33.50	
9/16 x 10"	64.00	56.50	54.50	52.50	42.25	35.25	
11/16 x 8"	66.00	58.50	56.50	54.50	44.00	38.75	
11/16 x 10"	67.75	60.25	57.50	55.50	45.00	40.25	
11/16 x 12"	77.75	70.25	67.50	65.50	49.00	42.25	
Drop siding, all patterns:							
1 x 6"	82.50	70.25	67.25	64.00	50.50	44.50	35.50
1 x 8"	84.50	72.25	69.25	66.00	51.50	45.50	36.50
1 x 10"	87.50	75.25	72.25	69.00	54.50	49.50	39.50

Additions and deductions per 1,000 feet board measure (see section 13 (b) (11)).
For working:
1. Rabbeting bevel siding or bungalow siding, add $1.25 to grade item price.
For length:
2. 3' to 7½' bevel or bungalow siding, deduct $2.00 from standard length price of listed item.
3. Specified lengths, all grades of bevel and bungalow siding, 8', 10', 12', and 14', add $1.00; 16', add, $2.50; 18', add $3.50; 20', add $5.
4. Specified lengths, drop siding, use charges listed in table 2 for the comparable grade.
5. No additional charge may be made, when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply.
(For other working, condition, grade and handling additions and deductions, see table (11).)

TABLE 6—PANEL STOCK

S2S

Grade and widths	¼" finished 5/16" standard lengths 6' and longer	½" finished 9/16" standard lengths 6' and longer	¾" finished 13/16" standard lengths 6' and longer
A grade:			
4 and 6"	$41.50	$59.50	$73.25
8"	42.50	60.75	74.75
8 and 10"	44.00	62.50	77.00
12"	52.00	72.50	89.00
14"	53.00	73.75	90.50
16"	58.00	80.00	104.00
18"	64.00	87.50	113.00
20"	70.00	95.00	122.00
8 to 12" R/W	46.25	65.25	80.25
13 to 19" R/W	59.00	81.25	105.50

Additions and deductions per 1,000 feet board measure: (See Section 13 (b) (11).)
For working:
1. S3S, S4S, add $1.00.
For grade:
2. B, deduct $4.00.
For length:
3. Specified lengths, 8', 10', 12' and 14', add $2.00; 16', add $5.00; 18', add $7.50; 20', add $10.00. All additions shall be to the standard length prices. No additional charge may be made, when 18' and 20' are excluded from standard lengths, either at request of buyer or through inability of seller to supply.
(For other working, condition, grade and handling additions and deductions, see table (11).)

TABLE 7—STANDARD PLASTERING LATH AND FENCE LATH

AIR DRIED OR KILN DRIED (BUNDLED)

Size and length	Grade No. 1	Grade No. 2	Grade No. 3
5/8 x 1½"—4' plastering lath	$6.50	$5.50	$4.00
½ x 1½"—32" plastering lath	4.00	2.50	
½ x 1"—4' plastering lath	4.25		
½ x 1½"—32" fence lath	5.50	3.50	
½ x 1½"—36" fence lath	6.25	4.25	
½ x 1½"—42" fence lath	7.50	5.50	
½ x 1½"—48" fence lath	9.00	7.00	
½ x 1½"—60" fence lath	11.25	9.25	
½ x 1½"—72" fence lath	13.50	11.50	

Additions and deductions per 1,000 pieces (see section 13 (b) (11)).
For condition:
1. Green, deduct 25¢.

TABLE 8—MOULDINGS

BUNDLED

	B and Better—Standard Lengths 6' to 16' or 6' to 20'
Patterns listed at under $3.00	30% discount
Patterns listed at $3.00, or over	25% discount

8,000 Series Standard Moulding Book, Fourth Edition 1940.

Additions and deductions per 1,000 lineal feet (see section 13 (b) (11).

For Working:
1. Sanding flat surfaces one side, shorten discount 3 points.
For Grade:
2. Clear all heart, shorten discount 20 points.
For Quantity:
3. Lots of 25,000 lineal feet or more of a standard, non-standard or special pattern, lengthen discount 2 points.
4. Lots of less than 1,000 lineal feet of a standard pattern, or less than 3,000 lineal feet of a non-standard or special pattern, shorten discount 5 points and add a flat $5.00 machine set up charge.
For length:
5. For specified lengths or exclusion of any standard length or lengths, shorten discount 3 points.
6. Cut to length patterns, shorter than standard lengths, shorten discount 2 points.

TABLE 9—BATTENS

PER 1,000 LINEAL FEET, BUNDLED

	No. 1 Com. and better 6' and longer
¾ x 3" S1S	$7.70
⅞ x 3" OG or S4S	8.35
2" OG or S4S	11.00
2½" OG or S4S	13.65

Additions and deductions per 1,000 lineal feet (See Section 13 (b) (11)).
For Length:
1. For any specified length or lengths, add 50¢ for ⅞ x 3 and $1.00 for 2" and 2½".
(For other working, condition and handling additions and deductions see table (11)).

TABLE 10—GROUNDS

¾ x ⅞" S1S or S2S String Tied $0.32½

TABLE 11—SPECIAL WORKING, CONDITION, GRADE AND HANDLING ADDITIONS AND DEDUCTIONS.

Per 1,000 feet board measure. See section 13 (b) (11)

For working:
1. No charge may be made for dressing to flooring, ceiling, or any other pattern for which maximum prices are established in any of the tables of the regulation.
2. Sanding flat surfaces, one side (except moulding) add $3.00.
3. Ripping add $1.50 for each cut.—Product of grade before ripping to be shipped.
4. Ripped once and each piece S4S or D & M, add $6.00 to rough grade item price.
5. Resawing and surfacing:

Resawing 1 line	$3.00
Resawing 2 lines	5.50
Surfacing 1 or 2 sides	3.00
Surfacing 3 or 4 sides or 1 side and 1 edge	4.50
Surfacing 2 sides and resawing	6.00
Resawing and surfacing 2 sides	6.50

6. Dadoing, add .05 per cut.
7. Cross cutting, add $1.50 per cut.

TABLE 11—Continued

For condition:
8. Green, deduct $5.00.
9. Kiln drying charges.
Graded before kiln drying—

¼ & ⅝	$3.50
¾	3.50
4/4	4.00
5/4	5.00
6/4	5.50
8/4	6.00
10/4	7.50
12/4	9.00

10. For grading after kiln drying, add $3.00, all thicknesses, to above kiln drying charges.
For handling:
11. Staking, add $7.50 per car.
12. Cleating ends, add $3.00.
For handling—Continued.
13. Bundling rough or flat dressed items, all widths, add $2.00. This addition is not permitted for flooring, ceiling, siding, partition, mouldings, battens, grounds, lath or any other item on which the cost of bundling is included in the listed price.
14. Stenciling, other than association or grade marking, add $1.50.
15. Wrapping, add $5.00.
For inspection:
16. Where official inspection is requested by the buyer and an inspection certificate is required, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the association to the seller and shown on the certificate.

SEC. 19. *Table of estimated weights.*

	Green		Dry	
	Dressed	Rough	Dressed	Rough
4/4, 5/4 and 6/4	4,000	5,000	2,400	3,000
8/4	4,200	5,000	2,600	3,200
10/4 and 12/4	4,400	5,000	2,900	3,500
16/4 and thicker	4,600	5,000	3,200	3,500
4/4 rough, resawed				2,800
4/4 rough resawed twice				2,700
4/4 s2s and resawed			2,250	
4/4 resawed and s2s			2,000	
8/4 rough resawed twice				2,800
3/4" panel			800	
1/2" panel			1,000	
5/8" panel			1,400	
3/4" panel			1,600	
Worked flooring, partition, drop siding, shiplap, moulded casing and base			2,200	
3/4" ceiling			1,600	
1/2" ceiling			1,300	
3/8" ceiling			1,000	
1/2" bevel siding			1,000	
Bungalow siding 5/8" × 3/16"			1,100	
Bungalow siding 11/16" × 3/16"			1,300	
Lath 3/8"-4'			550	
Lath 32"			375	
Lath 3/4"-1'			900	
Sheathing, D & M, shiplap 84S, finished 3/4"			1,850	
O. G. battens 2"			300	
O. G. battens 2½"			250	
O. G. battens 3"			400	
3/8 × 3 battens, S1S			300	
Car siding and roofing			2,000	

Effective date. The regulation shall become effective February 26, 1944, except that: If lumber has been received before February 26, 1944 by a carrier other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of the General Maximum Price Regulation. If this regulation lowers any maximum price below that established by the GMPR, contracts that were in existence prior to the issuance of this regulation at lawful prices may be completed according to their terms with respect to deliveries made on or before March 15, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2505; Filed, February 21, 1944; 11:44 a. m.]

PART 1384—HARDWOOD LUMBER

[MPR 176,[1] Amdt. 8]

ROTARY CUT SOUTHERN HARDWOOD BOX LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1384.7, a paragraph (d) is added, to read as follows:

(d) *Applications for adjustment under government contracts.* See Procedural Regulation No. 6[2] for adjustment provisions on certain government contracts or sub-contracts.

This amendment shall become effective February 26, 1944.

*Copies may be obtained from the Office of Price Administration.
[1] 7 F.R. 5180, 7243, 7454, 8949; 8 F.R. 2993, 4720, 7490, 13250.
[2] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2506; Filed, February 21, 1944; 11:43 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amdt. 108]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 136, as amended, is amended in the following respects:

1. Section 1390.15 is amended to read as follows:

§ 1390.15 *Emergency service charges.* Notwithstanding any other provision of this regulation, any manufacturer or machinery service supplier may add to the maximum price for a machine or part or machinery service the extra material cost resulting from his purchasing materials (not including parts and subassemblies), in an emergency and at the request of the customer, from a source more expensive than the current usual source. Also, any manufacturer, other seller, lessor or machinery service supplier may add to the maximum price for a machine or part or a machinery service his extra transportation cost resulting from his shipping the machine or part or materials used in the production of the machine or part or the supplying of the machinery service, in an emergency and at the request of the customer, by means more expensive than the current usual method of shipping. No markup, overhead or profit shall be applied to the extra material or transportation cost. The extra charges allowed by this paragraph shall be billed separately on the invoice, and a copy of the invoice must be immediately forwarded to the Machinery Branch, Office of Price Administration, Washington, D. C.

2. Section 1390.25 (a) (40) is amended to read as follows:

(4) *Machines and parts containing silver*—(i) *Maximum price.* Notwithstanding any other provisions of this regulation, except where another provision of this regulation permits the increase in cost due to the increased price of silver to be reflected in the maximum price (see §§ 1390.7 (c) (3) (i) and 1390.10 (c)), the maximum price for the sale by any seller of any machine or part containing silver shall be determined as follows: The maximum price shall be the sum of the price determined in accordance with all other applicable provisions of this regulation and an amount determined by multiplying the number of fine troy ounces of silver contained in the machine or part by 9.625 cents in the case of foreign silver and by 36.125 cents in the case of domestic or Treasury silver.

(ii) *Definitions.* When used in this paragraph, the term:

(a) "Domestic silver" means silver mined subsequent to July 1, 1939, from natural deposits in the United States or in any place subject to the jurisdiction thereof.

(b) "Treasury silver" means silver sold by the United States Treasury Department pursuant to an Act approved July 12, 1943, entitled "An Act to Authorize The Use for War Purposes of Silver Held or Owned by the United States" (Pub. Law 137, 78th Cong.).

(c) "Foreign silver" means any silver other than domestic or Treasury silver, as defined above.

This amendment shall become effective February 26, 1944.

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 16132; 9 F.R. 1523.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2507; Filed, February 21, 1944; 11:44 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 105]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7701 (a) is amended to read as follows:

(a) The following coupons may be issued by a Board as supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in § 1394.7702), to provide occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowed by the Board pursuant to § 1394.7704:

(1) Class B or Class C coupon books for use with passenger automobiles, or Class B or C coupons in strip form bearing serial numbers in consecutive order and issued in connection with a folder, which shall identify the coupons with the vehicle and the owner of the vehicle for which the ration is issued.

(2) Class D coupon books marked "Supplemental" for use with motorcycles.

2. Section 1394.7701 (b) is amended to read as follows:

(b) Class B, Class C or supplemental Class D coupons issued as a supplemental ration shall each have a value of one unit. Coupons in Class B, Class C or supplemental Class D books shall authorize the transfer of gasoline to consumers from the validity date, which shall be noted on the ration book by the issuing Board, until such ration or books expire or are revoked. Serially numbered Class B or Class C coupons issued in strip form shall authorize the transfer of gasoline to consumers from the validity date which shall be noted by the Board on the folder which it issues with such coupons until such ration or coupons expire or are revoked.

3. The text of § 1394.7705 (a) is amended to read as follows:

Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7704 or § 1394.7707. If the Board issues the ration in the form of Class B or Class C coupons such coupons shall be contained in a ration book, or, in the case of coupons in strip form, shall bear serial numbers in consecutive order and shall be accompanied by a folder. The person issuing the ration shall note on each ration book or folder issued the date of issuance as the date on which the coupons become valid, and an earliest renewal date three months from the date of issuance. The number of coupons issued shall be determined as follows:

4. Section 1394.7705 (a) (1) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 460 miles per month or less: Class B coupons in the number specified in Table I for the mileage allowed.

5. Section 1394.7705 (a) (1) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to §§ 1394.7704 (b) or 1394.7707 exceeds 460 miles per month: Class C coupons in the number specified in Table II for the mileage allowed.

6. Section 1394.7705 (a) (2) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 325 miles per month or less: Class B coupons in the number specified in Table IA for the mileage allowed.

7. Section 1394.7705 (a) (2) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7704 (b) or § 1394.7707 exceeds 325 miles per month: Class C coupons in the number specified in Table IIA for the mileage allowed.

8. Section 1394.7705 (a) (3) is amended to read as follows:

(3) In the case of a passenger automobile for which application for a supplemental ration is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 400 miles per month or less: Class B coupons in the number specified in Table I for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to §§ 1394.7704 (b) or 1394.7707 exceeds 400 miles per month: Class C coupons in the number specified in Table II for the mileage allowed:

9. In § 1394.7751 (a) the text preceding subparagraph (1) is amended by inserting a comma and the word "coupons" after the words "The following coupon books."

10. Section 1394.7751 (a) (1) is amended to read as follows:

(1) Class B or Class C coupon books, or Class B or Class C coupons in strip form bearing serial numbers in consecutive order and accompanied by a folder for use with passenger automobiles:

11. Section 1394.7751 (b) is amended to read as follows:

(b) Official or fleet rations shall be issued in Class B, C or D coupons in the number specified in the tables set forth in §§ 1394.7705 and 1394.7755 (according to the type of coupon and the area in which it is issued) necessary to provide the mileage allowed by the Board. Such coupons issued in coupon books shall authorize the transfer of gasoline to consumers on and after the validity date, which shall be noted on such books by the issuing Board, until such rations or books expire or are revoked. Serially numbered coupons issued in strip form shall authorize the transfer of gasoline to consumers on and after the validity date, which shall be noted on the accompanying folder by the Board, until such rations or coupons expire or are revoked.

12. In § 1394.7755 (a) the text preceding subparagraph (1) is amended by adding the following sentences:

If the Board issues the ration in the form of Class B, C or D coupons, such coupons shall be contained in a ration book or books, or, in the case of coupons in strip form, shall bear serial numbers in consecutive order and shall be accompanied by a folder. The person issuing the ration shall note on each ration book or folder issued the date of issuance as the date on which the coupons become valid, and an earliest renewal date three months from the date of issuance. The number of coupons issued shall be determined as follows:

13. Section 1394.7755 (a) (1) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 460 miles per month or less: Class B coupons in the number specified in Table III for the mileage allowed.

14. Section 1394.7755 (a) (1) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 460 miles per month: Class C coupons in the number specified in Table IV for the mileage allowed.

*Copies may be obtained from the Office of Price Administration.
[1] 8 F.R. 15937.

15. Section 1394.7755 (a) (2) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the Board is 325 miles per month or less: Class B coupons in the number specified in Table IA in § 1394.7705 (a) (4) for the mileage allowed.

16. Section 1394.7755 (a) (2) (ii) is amended to read as follows:

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 325 miles per month: Class C coupons in the number specified in Table IIA in § 1394.7705 (a) (4) for the mileage allowed.

17. Section 1394.7755 (a) (3) is amended to read as follows:

(3) In the case of passenger automobiles for which application for official or fleet rations is made in Area B, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 460 miles or less: Class B coupons in the number specified in Table III for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to § 1394.7754 (b) exceeds 460 miles per month: Class C coupons in the number specified in Table IV for the mileage allowed.

18. Section 1394.7756 is amended to read as follows:

§ 1394.7756 *Interchangeable official or fleet ration books or coupons.* An applicant for an official or fleet ration may request the Board to note on the folder accompanying the ration coupons issued, or, in the case of Class B, C or D ration books, upon the ration book, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of the particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Whenever any folder issued in connection with Class B or C coupons or any ration book issued as an official or fleet ration bears such an identification made by a Board, the coupons contained in such book or identified on such folder may be used interchangeably for all official or fleet vehicles bearing such identification.

19. In § 1394.7757 (c) the last two sentences are amended to read as follows:

The Board issuing the ration shall, at the time of issuance, make a clear notation of the Use Tax Stamp number on the cover of the ration book or folder and, in the space provided for the license number, shall insert the engine number of such vehicle and the words "dealer plates." The Board shall note on the cover of the book or folder the name and address of the person to whom the ration is issued and shall note on the book or folder and on the application the date on which the book becomes valid and the earliest renewal date.

20. In § 1394.7758 (c) the last three sentences are amended to read as follows:

At the time of issuance of the ration the Board shall note on the cover of the ration book or on the folder the name and address of the person to whom the ration is issued. If the term of the lease remaining from the date of issuance of the ration is less than three months, the Board shall issue coupons only in sufficient number to provide the allowed mileage for the remaining term of the lease, and shall remove from any ration book issued all coupons in excess of such number. In such a case the ration shall expire on the date on which the lease terminates, and the Board shall not note an earliest renewal date on the book or folder issued, but shall write on the outside front cover of the book or folder the date on which the lease terminates, and that the ration will expire on that date.

21. Section 1394.7856 (c) (3) is amended to read as follows:

(3) In the case of a vehicle available for public rental, if the term of the lease remaining from the date of issuance of the ration is less than three months, the Board shall issue coupons in sufficient number to allow the allowed mileage for only the remaining term of the lease and shall write on the outside front cover of the ration book or on the folder the date on which the lease terminates, and that the book will expire on that date.

22. Section 1394.7902 is amended to read as follows:

§ 1394.7902 *Non-highway ration coupons.* (a) Class E and R coupons shall be issued as non-highway rations. Class E and R coupons shall each have a value of one unit. Class E and R book coupons shall authorize the transfer of gasoline to a consumer from the validity date which shall be noted on such books by the Board until such rations or books expire or are revoked. Serially numbered Class E and R coupons issued in strip form shall authorize the transfer of gasoline from the validity date which shall be noted by the Board on the folder which it issues with such coupons, until such rations or coupons expire or are revoked.

(b) Each non-highway ration issued in coupons for use with a motorboat for non-occupational purposes shall be so indicated on the cover of the ration book or on the identifying folder.

23. Section 1394.7903 is amended to read as follows:

§ 1394.7903 *Application for non-highway rations.* Application for a non-highway ration shall be made to a Board on Form OPA R-537. Application may be signed by an agent. The applicant shall state the information required by such form and the amount of gasoline needed for non-highway use during the three-month period, or if the use is in connection with farming, during the six-month period, following the date on which the ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

24. Section 1394.7904 (a) is amended to read as follows:

(a) *General rules for issuance.* The Board shall determine the amount of gasoline required for the three- or six-month period referred to in § 1394.7903 (b), and, subject to the provisions of paragraphs (b), (c) and (d) of this section, shall issue to the applicant a sufficient number of Class E or R coupons to enable the applicant to acquire the amount of gasoline determined by the Board to be necessary for such period, subject to the following provisions:

(1) The Board may refuse to issue such ration for the operation of machinery or equipment, other than boats or airplanes, used for athletic, recreational or amusement purposes, if in its opinion, taking into consideration the gasoline supply available, the use of gasoline for such purposes is not essential to the welfare of the area which it serves.

(2) If the ration is issued in the form of a ration book or books, the Board shall remove from the book or books and cancel any coupons in excess of the number allotted.

(3) If the ration is issued in the form of strip coupons, coupons of the same class must bear serial numbers in consecutive order. The Board shall issue a folder for each class of coupons issued and shall note on the folder the serial numbers of the coupons issued, the date of issuance, the earliest renewal date, the name and address of the applicant and the non-highway purpose or purposes for which the ration is issued.

(4) If the ration is issued for use in connection with farming, the Board shall issue appropriate ration evidences sufficient to provide either a part of the amount of gasoline determined for the six-month period or the total amount. If the Board has issued ration evidences sufficient to provide only part of the gasoline determined, it shall issue, upon the request of the applicant, additional ration evidences in an amount not to exceed the remainder of the ration originally determined or such portion of such remainder as the Board determines the applicant requires for the balance of the ration period.

25. Section 1394.7904 (b) is amended by inserting a headnote to read as follows: *"Allowance of a non-highway ration for use with a boat for a non-occupational purpose."*

26. Section 1394.7904 (b) (2) is amended by substituting for the second sentence the following two sentences:

The Board shall, in such a case, issue coupons in a separate ration book, or coupons bearing serial numbers in consecutive order and accompanied by a separate folder in sufficient number to provide the quantity of gasoline so determined. The Board shall note on such ration book or folder, in addition to the usual information required, that the coupons are issued for a non-occupational purpose.

27. Section 1394.7904 (c) is amended by inserting the following headnote: *"Allowance of non-highway ration for operation of a gasoline engine."*

28. Section 1394.7904 (d) is amended to read as follows:

(d) *Limitation on issuance of non-occupational ration.* Except as provided in § 1394.8102 (f) (1), no non-occupational ration may be issued for an inboard motorboat or an outboard motor during any three or six-month period for which such a ration has already been issued.

29. Section 1394.8004 (b) (4) is added to read as follows:

(4) If the ration is issued in coupons in strip form, the serial numbers of the coupons issued.

30. Section 1394.8004 (c) is amended to read as follows:

(c) *Notations by Board on non-highway rations.* At the time of issuance of any non-highway ration represented by coupons, the Board shall make a notation on the cover of the ration book or folder of the name and address of the applicant, the date on which the ration becomes valid for use and the earliest renewal date. If serially numbered coupons are issued, the Board shall also note on the folder the numbers of the coupons.

31. Section 1394.8153 (b) is amended to read as follows:

(b) *Coupons issued for non-highway rations.* Bulk transfer may be made in exchange for Class E and R coupons under the following conditions:

(1) (i) In the case of a coupon issued in a ration book, the transferor at the time of transfer, must require presentation of the book and must detach therefrom coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this subparagraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(ii) In the case of serially numbered coupons issued in strips in connection with an identifying folder, the transferor must require presentation of the coupons and identifying folder at the time of transfer. No transfer may be made pursuant to this subparagraph in exchange for a coupon which does not bear a serial number included in the sequence of serial numbers specified on the cover of the identifying folder.

(2) No transfer in exchange for Class E or R coupons may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, commercial motor vehicle, or a motor vehicle held by a motor vehicle dealer for sale or resale or operated on dealer or other interchangeable plates, nor shall any such transfer be made into, or knowingly made for use in, the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(3) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (e).

This amendment shall become effective the 25th day of February 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2513; Filed, February 21, 1944; 11:41 a. m.]

(t) *Table XX: Maximum retail prices for coffee.*

Coffee	Ketchikan	Petersburg Wrangell	Juneau Douglas	Skagway Haines	Sitka	Cordova	Valdez	Seward	Kodiak	Anchorage	Palmer	Pts. on Alaska R. R. north of Anchorage and south of Curry	Curry and all points on Alaska R. R. north of Curry and south of Fairbanks	Fairbanks	Nome
Amocat, 1-lb. bag	$0.35	$0.35	$0.36	$0.36	$0.36	$0.38	$0.38	$0.38	$0.38	$0.36	$0.37	$0.37	$0.38	$0.38	$0.41
Bliss, 1-lb. tin	.40	.40	.40	.41	.41	.42	.42	.42	.43	.42	.43	.43	.44	.44	.46
Chase & Sanborn, 1-lb. bag	.37	.37	.37	.38	.38	.40	.40	.40	.40	.39	.39	.39	.40	.40	.43
Chase & Sanborn, 1-lb. tin	.39	.39	.40	.40	.41	.42	.42	.42	.42	.42	.42	.42	.42	.44	.45
Chase & Sanborn, 2-lb. tin	.77	.77	.79	.79	.81	.83	.83	.83	.83	.83	.83	.83	.87	.87	.89
Crescent, 1-lb. bag	.36	.36	.36	.36	.36	.38	.38	.38	.38	.38	.38	.38	.40	.40	.40
Crescent, 1-lb. glass	.39	.39	.39	.40	.40	.42	.42	.42	.42	.42	.43	.43	.46	.46	.46
Empress, 2-lb. glass	.76	.77	.77	.78	.79	.83	.83	.83	.84	.82	.83	.83	.88	.88	.91
Folger's, 1-lb. glass	.38	.38	.39	.39	.39	.41	.42	.41	.42	.41	.42	.42	.44	.44	.46
Folger's, 2-lb. glass	.75	.75	.77	.77	.77	.81	.83	.81	.83	.81	.83	.83	.87	.87	.91
Gold Shield, 1-lb. bag	.37	.37	.38	.38	.38	.40	.40	.40	.40	.38	.39	.39	.40	.40	.43
Hill's Bros., 1-lb. tin	.39	.39	.39	.39	.39	.41	.41	.41	.41	.41	.41	.41	.43	.43	.44
Hill's Bros., 1-lb. glass	.40	.40	.40	.41	.41	.43	.43	.43	.43	.43	.44	.44	.46	.46	.47
Hill's Bros., 2-lb. tin	.77	.77	.77	.77	.77	.81	.81	.81	.81	.81	.81	.81	.85	.85	.87
Hill's Bros., 2-lb. glass	.79	.79	.79	.81	.81	.85	.85	.85	.85	.85	.87	.87	.91	.91	.93
L.G.A., 1-lb. glass	.38	.38	.39	.39	.39	.41	.42	.41	.42	.41	.42	.42	.44	.44	.46
Maxwell House, 1-lb. glass	.41	.41	.41	.41	.42	.44	.44	.44	.44	.44	.44	.44	.46	.46	.48
Maxwell House, 2-lb. glass	.81	.81	.81	.81	.83	.87	.87	.87	.87	.87	.87	.87	.91	.91	.95
M. J. B., 1-lb. glass	.39	.39	.39	.40	.40	.42	.42	.42	.43	.42	.43	.43	.45	.45	.46
Opeka, 1-lb. tin	.40	.40	.41	.41	.41	.43	.43	.43	.43	.43	.43	.43	.45	.45	.46
Par, 2-lb. glass	.77	.77	.78	.78	.79	.83	.83	.83	.84	.82	.84	.84	.88	.88	.92
Reliance, 1-lb. glass	.38	.39	.39	.39	.40	.42	.42	.42	.42	.41	.42	.42	.44	.44	.46
Reliance, 2-lb. glass	.74	.77	.77	.77	.79	.83	.83	.83	.83	.81	.83	.83	.87	.87	.91
S & W, 1-lb. glass	.37	.37	.38	.38	.38	.40	.40	.40	.41	.40	.41	.41	.43	.43	.44
Schillings, 1-lb. glass	.38	.38	.38	.38	.39	.40	.40	.40	.40	.41	.42	.42	.44	.44	.43
Schillings, 2-lb. glass	.75	.75	.75	.75	.77	.79	.79	.79	.79	.81	.83	.83	.87	.87	.85
Decaffeinated Coffee															
Kaffee Hag, 1-lb. tin	.50	.50	.51	.51	.51	.54	.54	.54	.54	.52	.53	.53	.55	.55	.59
Kaffee Hag, 1-lb. glass	.49	.49	.50	.50	.50	.53	.53	.53	.53	.52	.53	.53	.56	.56	.58
Sanka, 1-lb tin	.51	.52	.52	.52	.53	.55	.55	.55	.56	.53	.54	.54	.56	.56	.60
Sanka, 1-lb. glass	.51	.51	.51	.52	.52	.55	.55	.55	.56	.54	.55	.55	.57	.57	.60

PART 1412—SOLVENTS

[MPR 36,[1] Amdt. 6]

ACETONE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1412.66 (a) (1) is amended to read as follows:

(1) *Eastern territory:*	*Fermentation acetone per pound, delivered*
Tank cars	$0.070
Drums, carload lots	.080
Drums, l. c. l. lots	.085

This amendment shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2514; Filed, February 21, 1944; 11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[2] Amdt. 20]

FOOD PRICES IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363 (t) Table XX is added to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6655, 7001, 7910, 8941, 8948; 8 F.R. 16742; 9 F.R. 532.

[2] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 8044, 8184, 12549, 13166, 14305, 16514, 16626, 16627, 16965, 16986, 16793; 9 F.R. 901, 849.

2. Section 1418.363 (u) Table XXI is added to read as follows:

(u) *Table XXI: Maximum retail prices for rice, barley, dried peas and dried beans.*

Item	Unit	Ketchikan	Wrangell-Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova-Valdez-Seward	Kodiak	Anchorage	Palmer and points on Alaska R. R. north of Anchorage and south of Curry	Curry and points on Alaska R. R. north of Curry to and including Fairbanks	Nome
Rice:												
Brown—Unpolished	1#-bulk [1]	$0.14	$0.14	$0.14	$0.14	$0.14	$0.15	$0.15	$0.16	$0.16	$0.17	$0.16
Blue Rose—Fancy	1#-bulk	.13	.13	.13	.13	.13	.14	.14	.15	.15	.16	.15
Patna long head and Happy Home long grain	1#-bulk	.15	.15	.15	.15	.15	.16	.16	.17	.17	.18	.17
Calady—Extra fancy	1#-bulk	.13	.13	.13	.13	.13	.14	.14	.14	.14	.15	.14
California Pearl—Fancy	1#-bulk	.12	.12	.12	.13	.13	.13	.14	.14	.14	.15	.14
Broken	1#-bulk	.11	.11	.11	.11	.11	.12	.12	.12	.13	.13	.13
Rosenburg Co.—Lot 820	1#-bulk	.11	.11	.12	.12	.12	.12	.12	.13	.13	.14	.13
Looking glass:												
Brown	1#-cello	.16	.16	.16	.16	.17	.18	.18	.19	.20	.22	.19
Brown	2#-cello	.31	.31	.31	.31	.32	.34	.34	.37	.38	.42	.37
Brown	1#-cello	.14	.14	.14	.14	.14	.15	.15	.17	.17	.19	.16
Cal. pearl	2#-cello	.26	.26	.26	.27	.27	.29	.29	.32	.33	.36	.31
Cal. pearl	3#-cello	.37	.38	.38	.39	.39	.41	.41	.45	.46	.51	.45
Cal. pearl	2#-ctn	.33	.33	.33	.33	.33	.35	.35	.38	.38	.42	.38
Reliance:												
Brown	1#-cello	.16	.16	.16	.16	.16	.17	.17	.19	.19	.21	.19
Brown	2#-cello	.30	.30	.31	.31	.31	.33	.33	.36	.37	.40	.36
Brown	2#-cello	.30	.30	.30	.30	.30	.32	.32	.34	.35	.39	.35
Blue rose												
S & W:												
Brown	1#-ctn	.19	.19	.19	.19	.19	.20	.20	.22	.22	.24	.22
Brown	2#-ctn	.36	.36	.36	.37	.37	.39	.39	.41	.42	.46	.42
Brown	1#-ctn	.21	.21	.21	.21	.21	.22	.22	.23	.24	.25	.23
Southern long grain	2#-ctn	.40	.40	.40	.40	.40	.42	.42	.45	.46	.49	.41
Southern long grain	4#-ctn	.79	.79	.80	.80	.80	.83	.84	.90	.92	.98	.88
Southern long grain												
Barley:												
Pearl Barley	1#-bulk [1]	.11	.11	.11	.11	.11	.12	.12	.13	.13	.14	.13
Alber's—Pearl	1#-cello	.16	.16	.16	.16	.16	.17	.17	.19	.19	.21	.19
Amocat—Pearl	1#-ctn	.14	.14	.14	.14	.14	.15	.15	.16	.17	.18	.16
Looking Glass:												
Pearl	1#-cello	.13	.13	.13	.13	.13	.14	.14	.16	.16	.18	.16
Pearl	2#-cello	.24	.24	.24	.24	.25	.27	.27	.30	.31	.35	.29
Quaker—Scotch	1#-pkg	.17	.17	.17	.17	.17	.18	.18	.20	.20	.22	.20
Reliance—Pearl	1#-cello	.12	.12	.12	.12	.12	.13	.13	.14	.15	.16	.14
Washburn—Pearl	1#-cello	.14	.14	.14	.14	.14	.15	.16	.16	.17	.18	.20
Dried Peas:												
Yellow, whole	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.13
Yellow, split	1#-bulk	.13	.13	.13	.13	.13	.14	.14	.15	.15	.16	.15
Green, whole	1#-bulk	.13	.13	.13	.13	.13	.14	.14	.15	.15	.16	.15
Green, split	1#-bulk	.14	.14	.14	.14	.14	.15	.15	.16	.16	.17	.16
Amocat—Yellow, split	1#-cello	.14	.14	.15	.15	.15	.16	.16	.17	.17	.19	.17
Looking glass:												
Yellow, whole	1#-cello	.15	.15	.15	.15	.15	.16	.16	.18	.18	.20	.18
Yellow, whole	2#-cello	.28	.28	.29	.29	.29	.31	.31	.34	.35	.39	.34
Yellow, split	1#-cello	.15	.15	.15	.15	.15	.16	.16	.18	.18	.20	.18
Yellow, split	2#-cello	.29	.29	.29	.29	.29	.31	.31	.35	.36	.39	.34
Green, whole	1#-cello	.14	.14	.15	.15	.15	.16	.16	.17	.18	.20	.17
Green, whole	2#-cello	.27	.27	.28	.28	.28	.30	.30	.33	.34	.38	.33
Green, split	1#-cello	.16	.16	.16	.16	.16	.17	.17	.19	.19	.21	.18
Green, split	2#-cello	.30	.30	.30	.30	.30	.33	.33	.36	.37	.40	.35
Reliance:												
Yellow, whole	1#-cello	.14	.14	.14	.14	.14	.15	.15	.16	.17	.18	.16
Yellow, whole	2#-cello	.26	.26	.26	.27	.27	.29	.29	.31	.32	.35	.31
Yellow, split	1#-cello	.15	.15	.15	.15	.15	.16	.16	.17	.18	.20	.17
Yellow, split	2#-cello	.28	.28	.29	.29	.29	.31	.31	.33	.34	.37	.33
Green, whole	1#-cello	.15	.15	.15	.15	.15	.16	.16	.17	.18	.20	.17
Green, whole	2#-cello	.29	.29	.29	.30	.30	.31	.32	.33	.35	.38	.33
Green, split	1#-cello	.16	.16	.16	.16	.16	.17	.17	.18	.19	.20	.18
Green, split	2#-cello	.30	.31	.31	.31	.31	.33	.33	.35	.36	.40	.35
Triad (Trinidad):												
Yellow, split	2#-cello	.33	.34	.34	.34	.34	.36	.36	.39	.39	.43	.39
Green, split	1#-cello	.18	.18	.18	.18	.18	.19	.19	.20	.21	.23	.20
Green, split	2#-cello	.35	.35	.35	.35	.35	.37	.38	.40	.41	.44	.40
Washburn:												
Yellow, whole	1#-cello	.15	.15	.15	.15	.15	.16	.16	.18	.18	.20	.18
Yellow, split	1#-cello	.16	.16	.17	.17	.17	.18	.18	.20	.20	.22	.18
Green, whole	1#-cello	.16	.16	.16	.16	.16	.17	.17	.19	.19	.21	.19
Green, split	1#-cello	.18	.18	.18	.18	.18	.19	.19	.21	.21	.23	.21
Dried beans:												
Soya	1#-bulk [1]	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.14
Small white	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.14
Red Mexican	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.14
Pink	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.14
Idaho red	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.14
Idaho Great Northern, large-white	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.14
Bayo	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.11
Blackeye	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.14	.15	.11
Pinto	1#-bulk	.12	.12	.12	.12	.12	.13	.13	.14	.15	.15	.15
Cranberry	1#-bulk	.13	.13	.13	.13	.13	.13	.14	.14	.15	.15	.16
Red kidney	1#-bulk	.13	.13	.13	.13	.13	.14	.14	.15	.15	.16	.16
Baby Limas	1#-bulk	.14	.14	.14	.14	.14	.15	.15	.15	.15	.16	.16
Large Limas	1#-bulk	.16	.16	.16	.16	.16	.17	.17	.18	.18	.19	.18
Looking glass:												
Small white	1#-cello	.13	.13	.14	.14	.14	.15	.15	.16	.17	.19	.16
Small white	2#-cello	.25	.26	.26	.26	.26	.28	.28	.32	.32	.36	.31
Small white	3#-cello	.36	.37	.37	.37	.37	.40	.40	.44	.45	.50	.44
Red	1#-cello	.13	.13	.14	.14	.14	.15	.15	.16	.17	.19	.16
Red	2#-cello	.25	.26	.26	.26	.26	.28	.28	.32	.32	.36	.31
Red	3#-cello	.36	.37	.37	.37	.37	.40	.40	.44	.45	.50	.44
Gr. Northern	1#-cello	.14	.14	.14	.14	.14	.15	.15	.17	.17	.19	.16
Gr. Northern	2#-cello	.26	.26	.26	.26	.27	.29	.29	.32	.33	.37	.31
Large limas	1#-cello	.17	.17	.18	.18	.18	.19	.19	.20	.21	.22	.20
Large limas	2#-cello	.33	.33	.33	.34	.34	.36	.36	.39	.40	.43	.39
Large limas	3#-cello	.47	.47	.48	.48	.48	.51	.52	.56	.57	.62	.56
Baby limas	1#-cello	.15	.15	.15	.15	.16	.17	.17	.18	.19	.21	.18
Baby limas	2#-cello	.29	.29	.30	.30	.30	.32	.32	.35	.36	.40	.35

[1] One cent per package may be added to the bulk price if the retailer packages and sells the item in a cellophane bag.

(u) *Table XXI: Maximum retail prices for rice, barley, dried peas and dried beans*—Continued.

Item	Unit	Ketchikan	Wrangell-Petersburg	Juneau-Douglas	Skagway-Haines	Sitka	Cordova-Valdez-Seward	Kodiak	Anchorage	Palmer and points on Alaska R. R. north of Anchorage and south of Curry	Curry and points on Alaska R. R. north of Curry to and including Fairbanks	Nome
Dried beans—Continued.												
Reliance:												
Soy	1#-cello	$0.14	$0.14	$0.14	$0.14	$0.14	$0.15	$0.15	$0.17	$0.17	$0.18	$0.17
Soy	2#-cello	.27	.27	.27	.27	.27	.29	.29	.32	.33	.36	.32
Small white	1#-cello	.14	.14	.14	.14	.14	.15	.15	.16	.17	.18	.17
Small white	2#-cello	.26	.26	.27	.27	.27	.29	.29	.31	.32	.36	.32
Small white	3#-cello	.38	.38	.38	.39	.39	.42	.42	.45	.46	.51	.46
Idaho red	1#-cello	.14	.14	.14	.14	.14	.15	.15	.16	.17	.18	.17
Idaho red	2#-cello	.26	.27	.27	.27	.27	.29	.29	.31	.32	.36	.32
Gr. Northern large white	1#-cello	.14	.14	.14	.14	.14	.15	.15	.16	.17	.18	.17
Gr. Northern large white	2#-cello	.26	.26	.27	.27	.27	.29	.29	.31	.32	.36	.32
Gr. Northern large white	3#-cello	.38	.38	.38	.39	.39	.42	.42	.45	.46	.51	.45
Baby limas	1#-cello	.16	.16	.16	.16	.16	.17	.17	.19	.19	.21	.19
Baby limas	2#-cello	.31	.31	.31	.31	.31	.33	.33	.36	.37	.40	.36
Blue seaside, large limas	1#-cello	.18	.18	.18	.18	.18	.19	.19	.20	.21	.23	.20
Blue seaside, large limas	2#-cello	.34	.34	.34	.35	.35	.36	.36	.39	.40	.43	.39
Triad (Trinidad):												
Small white	1#-cello	.16	.16	.16	.17	.17	.17	.18	.19	.19	.21	.19
Small white	2#-cello	.31	.31	.31	.32	.32	.33	.35	.37	.37	.41	.37
Red Mexican	1#-cello	.17	.17	.17	.17	.17	.18	.18	.19	.20	.22	.19
Red Mexican	2#-cello	.32	.32	.33	.33	.33	.35	.35	.37	.38	.42	.37
Pink	1#-cello	.16	.17	.17	.17	.17	.18	.18	.19	.20	.22	.19
Pink	2#-cello	.32	.32	.33	.33	.33	.34	.35	.37	.38	.42	.37
Cal. reds	2#-cello	.32	.32	.32	.33	.33	.34	.35	.37	.37	.43	.37
Gr. Northern	1#-cello	.17	.17	.17	.17	.17	.18	.18	.19	.20	.22	.19
Gr. Northern	2#-cello	.32	.32	.33	.33	.33	.35	.35	.37	.38	.42	.37
Bayo	1#-cello	.17	.17	.17	.17	.17	.18	.18	.19	.20	.22	.19
Blackeye	1#-cello	.17	.17	.17	.17	.17	.18	.18	.19	.20	.22	.19
Blackeye	2#-cello	.32	.32	.33	.33	.33	.35	.35	.37	.38	.42	.37
Pinto	1#-cello	.16	.17	.17	.17	.17	.18	.18	.19	.20	.21	.19
Pinto	2#-cello	.31	.32	.33	.33	.33	.35	.35	.37	.39	.42	.37
Cranberry	2#-cello	.34	.34	.34	.35	.35	.36	.37	.39	.40	.43	.39
Red kidney	2#-cello	.34	.34	.34	.34	.34	.36	.36	.39	.40	.43	.39
Baby limas	1#-cello	.18	.18	.18	.18	.18	.20	.20	.21	.22	.23	.21
Baby limas	2#-cello	.35	.35	.35	.36	.36	.37	.37	.40	.41	.44	.40
Large limas	1#-cello	.20	.20	.20	.21	.21	.22	.22	.23	.24	.25	.23
Large limas	2#-cello	.40	.40	.40	.40	.40	.43	.43	.45	.46	.48	.45
Large limas	3#-cello	.60	.60	.60	.60	.60	.65	.65	.67	.69	.72	.67
Washburn:												
Pink	1#-cello	.17	.17	.17	.17	.17	.18	.18	.19	.20	.22	.20
Idaho red	1#-pkg	.17	.17	.17	.17	.17	.18	.18	.20	.20	.22	.20
Great Northern	1#-pkg	.17	.17	.17	.17	.17	.18	.18	.20	.20	.22	.20
Blackeye	1#-pkg	.17	.17	.17	.17	.17	.18	.18	.20	.20	.22	.20
Pinto	1#-pkg	.17	.17	.17	.17	.17	.18	.18	.20	.20	.22	.20
Red kidney	1#-cello	.18	.18	.18	.18	.18	.19	.19	.21	.21	.23	.21
Baby limas	1#-pkg	.18	.18	.19	.19	.19	.20	.20	.21	.22	.24	.21
Large limas	1#-pkg	.21	.21	.21	.21	.21	.22	.22	.23	.24	.26	.24
California pea	1#-pkg	.17	.17	.17	.17	.17	.18	.18	.19	.20	.22	.20

This amendment shall become effective February 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2515; Filed, February 21, 1944; 11:40 a. m.]

PART 1444—ICE BOXES

[MPR 399,[1] Amdt. 12]

NEW ICE BOXES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 14, Table A, "Retail ceiling prices in each State for sales of ice boxes by ice companies and retail establishments controlled by ice companies," is amended by adding ceiling prices for five new model ice boxes as set forth below:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7445, 9062, 11386, 11813, 13962, 14150, 14818, 15524, 15526, 15717, 15742.

TABLE A—RETAIL CEILING PRICES IN EACH STATE FOR SALES OF ICE BOXES BY ICE COMPANIES AND RETAIL ESTABLISHMENTS CONTROLLED BY ICE COMPANIES

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana
Brunswick Refrigerator Co.	----------	309	50#	$34.50	$34.50	$35.50	$34.50	$35.50	$35.00	$34.50	$34.50	$34.50	$34.50	$34.50	$35.50	$34.50	$34.50	$34.50	$34.50	$34.50	$34.75
Dratch's Victory Refrigerator Box.	----------	444	50#	33.75	33.75	33.75	34.75	33.75	34.75	34.25	33.75	33.75	33.75	33.75	33.75	34.75	33.75	33.75	34.00	33.75	34.00
Home Building Corp.	Home comfort.	44	75#	58.25	60.00	59.75	58.50	59.75	59.00	59.25	59.25	59.00	59.75	59.25	59.25	58.25	58.25	58.25	58.25	58.50	59.00
King Refrigerator Co.	King	C-75 chest	50#	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25
Progress Refrigerator Co.	Progress	450	50#	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota
Brunswick Refrigerator Co.	----------	309	50#	$34.50	$34.50	$34.50	$34.50	$34.50	$34.50	$34.50	$34.50	$35.50	$34.50	$35.50	$34.50	$34.50	$35.50	$34.50	$34.50	$34.75
Dratch's Victory Refrigerator Box.	----------	444	50#	33.75	33.75	33.75	33.75	33.75	33.75	33.75	33.75	34.75	34.00	34.75	33.75	33.75	34.75	33.75	33.75	34.00
Home Building Corp.	Home comfort.	44	75#	58.25	59.50	59.00	59.25	58.50	58.50	59.00	58.25	59.75	58.25	59.75	59.25	59.25	59.25	59.00	59.25	59.00
King Refrigerator Company.	King	C-75 chest	50#	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25
Progress Refrigerator Co.	Progress	450	50#	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Brunswick Refrigerator Co.	----------	309	50#	$34.50	$34.50	$34.75	$35.50	$34.50	$34.50	$34.50	$34.75	$34.50	$35.00	$35.50	$34.50	$34.50	$35.50	$34.50	$34.50	$35.00
Dratch's Victory Refrigerator Box.	----------	444	50#	33.75	33.75	34.00	34.75	33.75	33.75	33.75	34.00	33.75	34.25	34.75	33.75	33.75	34.75	33.75	33.75	34.25
Home Building Corp.	Home comfort.	44	75#	58.25	58.50	58.25	59.75	59.00	59.25	59.50	58.75	58.50	58.75	59.50	59.25	59.00	59.75	58.75	58.25	59.00
King Refrigerator Company.	King	C-75 chest	50#	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25	19.25
Progress Refrigerator Co.	Progress	450	50#	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00	26.00

2. Section 16, Table C, "Ceiling prices in each State for all other sales of ice boxes at retail" is amended by adding ceiling prices for five new model ice boxes as set forth below:

TABLE C—CEILING PRICES IN EACH STATE FOR ALL OTHER SALES OF ICE BOXES AT RETAIL

[No amount may be added to these ceiling prices for delivery to the buyer]

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana
Brunswick Refrigerator Co.	----------	309	50#	$38.95	$40.00	$41.25	$40.25	$41.25	$41.00	$39.25	$39.50	$39.50	$40.00	$40.00	$41.25	$40.00	$39.75	$40.00	$40.50	$39.75	$40.50
Dratch's Victory Refrigerator Box.	----------	444	50#	38.25	39.25	40.75	39.75	40.75	40.25	38.75	38.75	38.75	39.50	39.25	40.75	39.25	39.25	39.50	39.75	39.25	39.75
Home Building Corp.	Home comfort.	44	75#	69.50	71.50	72.50	71.25	72.50	71.50	72.00	71.75	71.75	72.25	71.75	72.25	70.25	71.00	70.25	70.50	71.00	71.75
King Refrigerator Company.	King	C-75 chest	50#	21.75	22.25	22.75	22.25	22.75	22.50	22.00	22.00	22.00	22.25	22.25	22.75	22.25	22.00	22.25	22.50	22.25	22.50
Progress Refrigerator Co.	Progress	450	50#	29.25	29.75	30.50	29.75	30.50	30.25	29.75	29.75	29.75	30.00	29.75	30.50	29.50	29.50	29.75	30.00	29.50	30.00

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota
Brunswick Refrigerator Co.	----------	309	50#	$38.95	$39.75	$39.50	$39.50	$39.75	$40.25	$40.25	$40.00	$41.25	$40.50	$41.25	$39.50	$39.25	$41.25	$39.50	$39.75	$40.75
Dratch's Victory Refrigerator box.	----------	444	50#	38.25	39.00	38.75	38.75	39.00	39.50	39.50	39.50	40.75	39.75	40.75	38.75	38.50	40.50	38.75	39.00	40.00
Home Building Corp.	Home comfort.	44	75#	69.50	72.25	71.75	72.00	71.00	71.00	71.50	70.25	72.50	70.75	72.50	72.00	71.75	72.50	71.50	72.00	71.75
King Refrigerator Company.	King	C-75 chest	50#	21.75	22.00	22.00	22.00	22.00	22.25	22.25	22.25	22.75	22.25	22.75	22.00	22.00	22.75	22.00	22.00	22.50
Progress Refrigerator Co.	Progress	450	50#	29.25	30.00	29.75	29.75	29.75	29.75	29.75	29.75	30.50	30.00	30.50	29.75	29.75	30.50	29.75	29.75	30.25

TABLE C—CEILING PRICES IN EACH STATE FOR ALL OTHER SALES OF ICE BOXES AT RETAIL—Continued

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Brunswick Refrigerator Co.	----------	309	50#	$38.95	$39.75	$40.50	$41.25	$39.50	$39.50	$39.75	$40.50	$40.00	$40.75	$41.25	$39.50	$39.50	$41.25	$39.50	$40.00	$41.00
Dratch's Victory Refrigerator Box.	----------	444	50#	38.25	39.00	39.75	40.50	38.75	38.75	39.25	40.00	39.25	40.00	40.50	38.75	38.75	40.50	39.00	39.25	40.25
Home Building Corp.	Home Comfort.	44	75#	69.50	71.25	71.00	72.50	71.50	72.00	72.00	71.25	71.25	71.50	72.25	72.00	71.75	72.50	71.50	70.50	71.75
King Refrigerator Company.	King	C-75 chest	50#	21.75	22.00	22.50	22.75	22.00	22.00	22.00	22.50	22.25	22.50	22.75	22.00	22.00	22.75	22.00	22.25	22.50
Progress Refrigerator Co.	Progress	450	50#	29.25	29.50	30.00	30.50	29.75	29.75	29.75	30.00	29.50	30.00	30.50	29.75	29.75	30.50	29.75	29.75	30.25

This amendment shall become effective on the 26th day of February 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2517; Filed, February 21, 1944; 11:42 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

PART 2—ADJUDICATION: VETERANS' CLAIMS

Filing of Claims and Supporting Evidence

§ 2.1026 *Application for benefits.* (a) A properly completed and executed Form 526, 526a or 526b, upon receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

Form 526: Veteran's application for Pension or Compensation for Disability Resulting from Service in the Active Military or Naval Forces of the United States.

Form 526a: Application for Compensation or Pension under Section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and section 2, paragraph 4, Public No. 16, 78th Congress.

Form 526b: Veteran's Application for Pension for Disability not the Result of Service in the Active Military or Naval Service of the United States.

(b) Applications for compensation, pension, or burial allowance shall be sworn to before a court of record, or some officer thereof having custody of its seal, or before some officer who has authority to administer oaths for general purposes, or employees of the Veterans' Administration to whom authority to administer oaths has been properly delegated, or, if the person is in the active service at the time of making application, before an officer duly authorized by the Army, Navy, Marine Corps, or Coast Guard to administer oaths for the purposes of military or naval administration. In connection with the execution of applications in foreign countries, see § 2.1032. (February 21, 1944) (54 Stat. 1197, 57 Stat. 44, 554–560; 38 U.S.C. 501a)

§ 2.1027 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, which clearly indicates an intent to apply for benefits under Publics No. 2, No. 141, No. 484, 73d Congress, as amended, or Public No. 196, 76th Congress, as amended by sections 7 and 8, Public No. 866, 76th Congress, may be considered an informal claim for compensation or pension, or an informal claim under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and unless a formal application is received within one year from the date it was transmitted for execution by the claimant, no award shall be made by virtue of such informal claim. If received within one year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated, but the facts are too obscure or complicated for determination, the file will be referred to the director of the service concerned for decision upon the facts in the particular case. When benefits are being resumed under § 3.1299, and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the second and third sentences of this paragraph are not for application. (February 21, 1944) (54 Stat. 1196, 1197, 57 Stat. 554–560; 38 U.S.C. 501a, 703b)

Determinations as to Basic Entitlement

§ 2.1066 *"Line of duty" under §§ 35.011 and 35.012.* (a) Sections 35.011 and 35.012 require that a disabling condition for which pension or compensation is claimed, shall have been incurred in line of duty, except in cases where a right to pension or compensation is preserved by § 35.04. The records of service departments will be accepted in determining line of duty status of diseases and injuries, unless considerations set forth in § 35.10 (h) may warrant a different finding. Any evidence which is properly admissible or acceptable according to the practice of the Veterans' Administration, and which is of a nature competent to demonstrate that the incurrence of disability was or was not in line of duty, according to conditions specified in § 35.10 (h) may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incurrence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. Such determinations will be final, subject to appeal procedure, except when the determination of the service department with respect to line of duty in the case of a living or deceased veteran is not concurred in by those having the foregoing responsibility and the file shows that the service department's determination was approved personally by the Secretary of the Navy, Secretary of War, or by the Secretary of the Treasury. Generally, for purposes of naval administration the only cases involving line of duty of personnel of the Navy or Marine Corps that are required to be referred to the Secretary of the Navy for his personal determination are those pertaining to the retirement of officers of the Navy and Marine Corps and the reserve components of these services; there is no procedure in the War Department by which line of duty determinations are normally brought to the personal attention of the Secretary of War, but in the exceptional case calling for his personal action, the record will reveal it. Such excepted cases, in which the line of duty determination has in fact been personally approved by any one of the Department Secretaries named as unmistakably shown by the context of the record, will be forwarded to the director of the service concerned together with a full statement of the reasons why the line of duty decision as made by the Department Secretary should not be accepted. If the decision of the Department Secretary is concurred in by the director of the service concerned the case will be returned to the agency of original jurisdiction for adjudication accordingly. But if such determination is not concurred in, the case will be forwarded to the assistant administrator. If the assistant administrator concurs in the Department's de-

termination the file will be returned to the office having jurisdiction for adjudication accordingly. But if he does not concur the case will be referred to the Administrator for his determination. Whenever a decision is rendered by the board of veterans appeals in which that board does not concur in the decision as to line of duty approved personally by the Secretary of War, Navy or Treasury, such decision will be referred to the Administrator for his determination. For the purpose of ascertaining line of duty status for periods of time prior to June 16, 1938, continuous periods of leave will be considered as one extended leave in determining whether a leave of absence is of such duration as to interfere materially with the routine performance of duty. The provisions of § 35.10 (h) will be observed carefully in effecting all adjudication where a question of incurrence of disease or injury in line of duty is pertinent: *Provided*, That on or after June 16, 1938, the date of approval of Public No. 648, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized leave (irrespective of the duration of such leave) will not of itself bar a finding that the disability or death resulting therefrom was incurred in line of duty. If the injury was suffered or the disease was contracted while the person who served was away from camp or his post of duty, the burden is upon the claimant to establish line of duty. If, however, the injury was suffered or the disease was contracted while the person who served was at camp or his post of duty, even though in a leave status, the burden is upon the Government to show that the disability or death resulting therefrom was not in line of duty.

(b) Whenever the veterans claims service, the dependents claim service, or the insurance service has made a determination of the question of line of duty status for the purpose of compensation, pension or insurance, under the provisions of § 2.1066 and § 4.2046, such determination shall be binding upon any of these services for any of the purposes mentioned, unless it be clearly and unmistakably in error. This determination shall not be subject to question by reason of a difference of opinion, except as to whether such determination is clearly and unmistakably erroneous, in which case such question shall be referred to the Administrator for his determination. (February 21, 1944) (48 Stat. 8, 9, 57 Stat. 554–560; 38 U.S.C. 701, 707)

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

§ 3.1299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay, and where any person in receipt of compensation or pension returns to active duty status with any of the armed forces of the United States, or active service in the United States Coast Guard, benefits will be suspended effective the day preceding reentrance. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 2.1027.) The period of active service must be verified by Form 3101 series. (February 21, 1944) (48 Stat. 9, 57 Stat. 554–560; 38 U.S.C. 707)

FRANK T. HINES,
Administrator.

[F. R. Doc. 44–2413; Filed, February 19, 1944; 11:22 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1568]

PART 192—OIL AND GAS LEASES

EXTENSION OF FIVE-YEAR LEASES

§ 192.14e *Extension of five-year leases.* Pursuant to the Act of December 22, 1943 (57 Stat. 608), the term of any five-year lease expiring prior to December 31, 1944, maintained in accordance with the applicable statutory requirements and regulations and for which no preference right to a new lease is granted by the act of July 29, 1942 (56 Stat. 726), is extended to December 31, 1944.

Inasmuch as the statute requires that rentals must be paid annually in advance, no lease will be considered as extended under the provisions of the act until rentals are paid to and including December 31, 1944. Compliance must be made with all other statutory requirements and regulations.

(Sec. 32, 41 Stat. 450, 30 U.S.C. 181; 57 Stat. 608)

FRED W. JOHNSON,
Commissioner.

Approved: February 8, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44–2469; Filed, February 21, 1944; 9:49 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—The President's War Relief Control Board

PART 501—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS FOR WAR RELIEF AND WELFARE

REGISTRATION RESTRICTIONS

Pursuant to the provisions of Executive Order No. 9205 of July 25, 1942, § 501.7 (b) (7 F.R. 5946) of Title 45 of the Code of Federal Regulations relating to the solicitation and collection of funds and contributions for war relief and welfare is hereby superseded by the following § 501.7 (b).

§ 501.7 *Registration restrictions.*

* * *

(b) Any registration may be recoked if the registrant under the name used in its application for registration engages in activities other than those authorized in the notice of acceptance of registration. The Board will revoke the registration of any registrant combining political action or propaganda with its authorized activities, and will decline any application for registration when the applicant combines or intends to combine political action or propaganda with relief appeals.

Approved: February 17, 1944.

CHARLES P. TAFT,
Acting Chairman.

[F. R. Doc. 44–2470; Filed, February 21, 1944; 9:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS

QUARTERLY REPORTS OF CLASS I MOTOR CARRIERS OF PROPERTY

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of December, A. D. 1943.

The matter of statistical reports of Class I motor carriers of property being under consideration:

It is ordered, That the order of April 2, 1943, (§ 205.12 of Title 49, Code of Federal Regulations) be and it hereby is vacated and set aside, effective January 1, 1944, and the following order shall become effective in lieu thereof:

§ 205.12 *Quarterly report of property revenues, expenses and statistics.* Each Class I common and contract motor carrier of property subject to the provisions of section 220 of the Interstate Commerce Act, shall file, under oath, quarterly reports commencing with the period January 1, 1944, to March 31, 1944, (both dates inclusive) in accordance with the Quarterly Report of Revenues, Expenses and Statistics for Class I Motor Carriers of Property form which is hereby approved and made a part of this order.[1] Quarterly reports shall be filed, in duplicate, in the office of the Bureau of Motor Carriers of the Interstate Commerce Commission within thirty days after the close of the period to which they relate. (Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U.S.C. 320)

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44–2475; Filed, February 21, 1944; 11:09 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

LESTER E. OLSON

PROCEEDINGS FOR REVOCATION OF LICENSE

Order revoking licenses, directing surrender of licenses and requiring records to be furnished.

To: Lester E. Olson, 216 Sixth Street, Wallace, Idaho.

Based upon the records in this matter, I make the following findings of fact:

1. On January 13, 1944, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto of which you were accused, was mailed to you giving you notice to mail an answer within 15 days from January 13, 1944, answering the charges against you and requesting an oral hearing if you wished.

2. More than 25 days have elapsed since January 13, 1944. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C., from Wallace Idaho, does not exceed 7 days. The only communication received from you was your answer dated January 29, 1944. That answer neither denied the charges against you nor requested an oral hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby order:

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked at the expiration of three weeks from the date of this order;

2. That within three weeks from the date of this order you shall use, or sell or otherwise dispose of, to properly licensed persons, or destroy, all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody;

3. That, after having used, or having sold or otherwise disposed of, or having destroyed all of the explosives and ingredients of explosives as required by paragraph 2 of this order, you shall, within three weeks from the date of this order, deliver or mail to L. H. McGuire, Engineer in Charge, United States Bureau of Mines, 233 Federal Office Building, Seattle 4, Washington, a sworn statement of your uses of, transactions in, and destructions of explosives and ingredients of explosives, beginning with the date of this order and ending with the final use, or with the final sale or other disposition, or with the final destruction of the explosives and ingredients as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, the names and addresses of the persons from whom acquired, the amount of each kind used by you, the dates on which used, the places where used, the amount of each kind sold or otherwise disposed of by you, the dates on which sold or otherwise disposed of, the names and addresses and the numbers and dates of Federal explosives licenses of the persons to whom sold or otherwise disposed of, the amount of each kind destroyed by you, the dates on which destroyed and the places where destroyed.

4. That within three weeks from the date of this order you shall surrender all licenses issued to you under the Federal Explosives Act, and all copies thereof, by mailing or delivering them to L. H. McGuire, 233 Federal Office Building, Seattle 4, Washington.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 14th day of February 1944.

R. R. SAYERS,
Director.

[F. R. Doc. 44–2410; Filed, February 19, 1944; 9:54 a. m.]

Bureau of Reclamation.

[No. 24]

RIVERTON IRRIGATION PROJECT, WYO.

NOTICE OF ANNUAL WATER CHARGES[1]

FEBRUARY 9, 1944.

1. *Water rental.* Irrigation water, when available, will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1944 and thereafter until further notice to those lands in private ownership and to those public lands opened under the orders "opening public land to entry" dated March 3, 1926, November 9, 1926, March 23, 1931, May 2, 1932, January 31, 1933, and October 30, 1939, against which assessments for water rental were not levied by the Midvale Irrigation District in 1943.

2. *Charges and terms of payment.* The minimum water-rental charge for the irrigation season of 1944 and thereafter until further notice will be one dollar and forty cents ($1.40) per acre for each irrigable acre of land for which application has been or is hereafter made which will entitle the applicant to two and eight tenths (2.8) acre-feet of water, or so much thereof as may be necessary for beneficial use, for said season. Payment of the minimum charge shall be made for the entire irrigable area of each farm unit of public land entered under orders "opening public land to entry" dated March 3, 1926, November 9, 1926, March 23, 1931, May 2, 1932, January 31, 1933, and October 30, 1939, and for the entire irrigable area of each 40-acre subdivision of private land entitled to water for which application has been made or is hereafter made. Said minimum charge will be made against each acre of irrigable land whether or not water is used, shall be paid in advance on or before May 1, 1944, and no part of said charge will be refunded. Additional water, if available, will be furnished during said irrigation season at the rate of one dollar ($1.00) per acre-foot, payable on December 1, 1944. When water-rental application is submitted and approved after June 15, 1944, for public land entered under the reclamation law and after August 1, 1944, for land in private ownership, the minimum charge shall apply as a credit on the minimum charge for the following irrigation season. All water-rental charges under this notice should be paid to the Bureau of Reclamation, Riverton, Wyoming.

3. *Penalty for nonpayment.* If payment of the minimum charge be not made on or before May 1, 1944, and payment for additional water furnished be not made on or before December 1, 1944, as herein provided, there shall be added to the amount unpaid a penalty of one-half of one per centum thereof on the first day of the third calendar month thereafter, and there shall be added a like penalty of one-half of one per centum on the first day of each month thereafter so long as such default shall continue, and no water shall be delivered to the owner or entryman in subsequent years until all such charges and penalties have been paid in full.

(Departmental Order No. 1903 of November 17, 1943 (8 F.R. 15872), issued under the Act of December 19, 1941, 55 Stat. 842)

H. W. BASHORE,
Commissioner.

[F. R. Doc. 44–2472; Filed, February 21, 1944; 9:48 a. m.]

[1] Act of June 17, 1902, 32 Stat. 388, as amended and supplemented.

[No. 30]

BOISE IRRIGATION PROJECT, IDAHO, OREG.

PUBLIC NOTICE OF ANNUAL WATER CHARGES[1]

JANUARY 13, 1944.

1. *Annual water charges.* The annual operation and maintenance charges for the irrigation season of 1944, and thereafter until further notice, against all lands of the Arrowrock division, Boise irrigation project, Idaho-Oregon, within the Settlers Irrigation District, and other lands of the Arrowrock division not included in the Boise-Kuna, Wilder, Nampa and Meridian, New York and Big Bend irrigation districts shall be one dollar and thirty cents ($1.30) for the first three (3) acre-feet of water and thirty (30) cents for each additional acre-foot; but a minimum charge of one dollar and thirty cents ($1.30) will be made against each irrigable acre and must be paid as toll before any water is delivered. The minimum operation and maintenance charge will be due and payable to the Board of Control, Boise, Idaho, on April 1 preceding the irrigation season. Charges for additional water will be pay-

able to the Board of Control, upon demand.

(Departmental Order No. 1903 of November 17, 1943 (8 F.R. 15872), issued under the Act of December 19, 1941, 55 Stat. 842)

H. W. BASHORE,
Commissioner.

[F. R. Doc. 44-2471; Filed, February 21, 1944; 9:48 a. m.]

COLORADO-BIG THOMPSON PROJECT

REVOCATION OF FIRST FORM WITHDRAWAL

DECEMBER 31, 1943.

THE SECRETARY OF THE INTERIOR.

SIR: By departmental order of November 27, 1943, certain described lands in the State of Colorado previously withdrawn for reclamation purposes as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), in connection with the Colorado-Big Thompson project, were released from reclamation withdrawal.

The aforementioned departmental order contains a typographical error in that the NW¼SE¼ of Section 14, Township 1 North, Range 74 West, Sixth Principal Meridian, Colorado, has been described as the NE¼SE¼ of said Section 14.

It is therefore recommended that this departmental order be amended, effective as of November 27, 1943, to correctly show this tract as the NW¼SE¼ Section 14, Township 1 North, Range 74 West, Sixth Principal Meridian, Colorado.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: February 3, 1944.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

FEBRUARY 7, 1944.

[F. R. Doc. 44-2473; Filed, February 21, 1944; 9:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1106]

WESTERN AIR LINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Western Air Lines, Inc., for approval of the acquisition of control by Western Air Lines, Inc., of Inland Air Lines, Inc., and approval of the merger of Inland Air Lines, Inc., into Western Air Lines, Inc., or the purchase by Western Air Lines, Inc., of all the assets of Inland Air Lines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 of said Act, in the above-entitled proceeding, that oral argument now assigned for February 22, 1944, is postponed to February 24, 1944, at 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated Washington, D. C., February 19, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-2520; Filed, February 21, 1944; 11:59 a.m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A-70]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN RICHMOND, CALIF., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators"), pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Richmond, California, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. No officer, supervisor, or checker under this plan shall use coercive methods in effectuating compliance with the plan, and each such officer, supervisor or checker shall report to the Office of Defense Transportation all violations of orders issued by the Office of Defense Transportation applicable to taxicab operations and all failures to comply with the plan that may be observed by them. No operator participating in the plan shall be denied or refused further participation without the prior approval of the Office of Defense Transportation.

3. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

4. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

5. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, San Francisco, California, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 20A-70" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, San Francisco, California.

[1] Filed as part of the original document.

9. This order shall become effective February 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Marshall White, Richmond, California.
L. L. Turney, Richmond, California.
William Lam, Richmond, California.
Howard E. Sullivan, Richmond, California.
John Queen, Richmond, California.
Robt. N. Golubin, Richmond, California.
Henry Gallo, Richmond, California.
Earl T. McCracken, Richmond, California.
Mr. and Mrs. F. F. Fauver, Richmond, California.
Harry J. Browne, Richmond, California.
Clarence Kaylor, Richmond, California.

[F. R. Doc. 44-2474; Filed, February 21, 1944; 10:29 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 6 Under MPR 112]

PENNSYLVANIA ANTHRACITE

DIRECTING ANTHRACITE PRODUCERS TO FILE REPORTS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.195 (c) of Maximum Price Regulation No. 112, *It is ordered:*

(a) Each producer of Pennsylvania anthracite who, during the year 1943, produced 50,000 tons or more of anthracite must file within thirty days after the last day of each month a report as to profits and losses for each of the months of January and February, 1944 on OPA Form No. 653-1. In addition to the information required on OPA Form No. 653-1, each producer must show on an attached sheet the following information:

Production Costs

	Total
Labor (under wage agreement)	$------
a. Straight time wages earned	------
b. Overtime wages earned (at rate and one-half, or time and one-half)	------
c. Overtime earned (at double rate or double time for Sunday pay)	------
d. Retroactive wages charged to current operations (if any)	------

Payments for Back Wages

1. Total amount and date of retroactive wages paid	$------
a. November, 1943	------
b. December, 1943	------
c. January, 1944	------
d. February, 1944	------
2. Total amount and date of retroactive wages to be paid	$------
a. Expected date of payment (----)	------
b. Expected date of payment (----)	------
c. Expected date of payment (----)	------

(b) Each producer of Pennsylvania anthracite who, during the year 1943, produced 50,000 tons or more of anthracite must file quarterly reports on OPA Form No. 653-1. In addition to information required by OPA Form No. 653-1, each producer must show on an attached sheet for the first and second quarter of 1944, the information required in paragraph (a) above. The report for the first quarter of the year 1944 must be filed on or before April 25, 1944. Each subsequent quarterly report must be filed within twenty-five days after the last day of each quarter.

(c) Each producer of Pennsylvania anthracite who filed Forms 653-1 for the fourth quarter of 1943, must file before March 1, 1944, a statement showing the information outlined in paragraph (a) above for the fourth quarter of 1943, and the number of tons by sizes sold from November 24, 1943, to and including, December 31, 1943. If any of the items do not apply to the report for the last quarter of 1943, enter for this item "None".

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective February 18, 1944.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2463; Filed, February 18, 1944; 4:22 p. m.]

[MPR 225, Rev. Order 19]

COMMERCIAL OR JOB PRINTERS AND TRADE SUPPLY HOUSES IN NEW YORK, N. Y., OR MINNEAPOLIS, MINN.

ORDER GRANTING ADJUSTMENT

Revised Order No. 19 under Maximum Price Regulation 225, Printing and printed paper commodities.

Order No. 19 under Maximum Price Regulation 225 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with § 1347.469 of Maximum Price Regulation 225, *It is hereby ordered:*

(a) Commercial or job printers and trade supply houses (identified further in paragraph (d) below) who do a printing business in New York, New York, or Minneapolis, Minnesota, may sell and deliver to any person and any person may buy or receive from them any printed paper commodity or service in connection therewith, the sale of which is subject to Maximum Price Regulation 225, at prices which shall not exceed the following:

(1) *Where maximum prices are governed by § 1347.452 of Maximum Price Regulation 225.* The price set forth in § 1347.452 with the addition of a sum equal to the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(2) *Where maximum prices are governed by § 1347.453 of Maximum Price Regulation 225.* The price determined in accordance with § 1347.453, altered by a recomputation of production charges (§ 1347.453 (b)) to include the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(b) Commercial or job printers who purchase services from trade supply houses may treat increased cost of such services, incurred by reason of this revised order, in the same manner as if the increased expenses had accrued to them by way of wage increases granted to their own employees: *Provided*, That such increases are of the type described in the applicable sections of this revised order.

(c) In the foregoing computations no additional allowance shall be made for that portion of any wage increase which is retroactive to a date prior to the sale of the commodity or service.

(d) Commercial or job printers for the purpose of this revised order mean persons engaged in commercial or job printing as that term is commonly understood in the trade and whose business consists chiefly in the production of specific printing jobs for individual customers, such jobs including but not limited to the printing to order of the following: Commercial forms; letterheads and envelopes; sales announcements, enclosures, circulars and other advertising matter; legal documents or forms for state and local governments. Trade supply houses for the purpose of this revised order means persons engaged in fur-

nishing a commercial or job printer with a service or product necessary to the completion of a finished printed product, such services and products being limited to trade composition (typesetting) establishments, trade bindery establishments, trade pressroom establishments, photo-engraving establishments and electrotyping and stereotyping establishments.

(e) Every seller increasing his maximum prices under the provisions of this revised order shall file with the Regional Office of the Office of Price Administration in the region in which he does business a report of the increased price. This report shall be filed on or before the date of sale. The seller may thereupon use the increased prices: *Provided, however,* That if the Office of Price Administration shall by letter mailed to him within 30 days from the filing of the report disapprove the computation of the increase, then the prices charged prior to the receipt of such disapproval shall be adjusted in accordance therewith. In the absence of such disapproval the increased prices shall be deemed to have been approved, subject, however, to nonretroactive written disapproval at any later time by the Office of Price Administration.

For prices established under § 1347.452 a statement of the computation of the increase shall be set forth in the report. For prices established under § 1347.453 Form 325:1 shall be used, setting forth the new rates for production charges on tables 3–9 inclusive and the computation used in their determination.

(f) All prayers of the petitions not granted herein are denied.

(g) This Revised Order No. 19 may be revoked or amended by the Price Administrator at any time. This Revised Order No. 19 shall become effective February 21, 1944.

NOTE: All reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2425; Filed, February 19, 1944; 11:53 a. m.]

[MPR 225, Rev. Order 20]

COMMERCIAL OR JOB PRINTERS IN DENVER, COLO.

ORDER GRANTING ADJUSTMENT

Revised Order No. 20 under Maximum Price Regulation No. 225. Printing and printed paper commodities.

Order No. 20 under Maximum Price Regulation No. 225 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, and in accordance with § 1347.469 of Maximum Price Regulation No. 225, *It is hereby ordered:*

(a) Commercial or job printers (identified further in paragraph (c) below) who do a printing business in Denver, Colorado, may sell and deliver to any person and any person may buy or receive from them any printed paper commodity or service in connection therewith, the sale of which is subject to Maximum Price Regulation No. 225, at prices which shall not exceed the following:

(1) *Where maximum prices are governed by § 1347.452 of Maximum Price Regulation No. 225.* The price set forth in § 1347.452 with the addition of a sum equal to the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(2) *Where maximum prices are governed by § 1347.453 of Maximum Price Regulation No. 225.* The price determined in accordance with § 1347.453, altered by a recomputation of production charges (§ 1347.453 (b)) to include the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(b) Commercial or job printers who purchase services from trade supply houses may treat increased cost of such services, incurred by reason of this revised order, in the same manner as if the increased expenses had accrued to them by way of wage increases granted to their own employees: *Provided,* That such increases are of the type described in the applicable sections of this revised order.

(c) In the foregoing computation no additional allowance shall be made for that portion of any wage increase which is retroactive to a date prior to the sale of the commodity or service.

(d) Commercial or job printers for the purpose of this revised order mean persons engaged in commercial or job printing as that term is commonly understood in the trade and whose business consists chiefly in the production of specific printing jobs for individual customers, such jobs including but not limited to the printing to order of the following: Commercial forms; letterheads and envelopes; sales announcements, enclosures, circulars and other advertising matter; legal documents or forms for state and local governments. Trade supply houses for the purpose of this revised order means persons engaged in furnishing a commercial or job printer with a service or product necessary to the completion of a finished printed product, such services and products being limited to trade composition (typesetting) establishments, trade bindery establishments, trade pressroom establishments, photo-engraving establishments and electrotyping and stereotyping establishments.

(e) Every seller increasing his maximum prices under the provisions of this revised order shall file with the Regional Office of the Office of Price Administration in the region in which he does business, a report of the increased price. This report shall be filed on or before the date of sale. The seller may thereupon use the increased prices: *Provided, however,* That if the Office of Price Administration shall by letter mailed to him within 30 days from the filing of the report disapprove the computation of the increase, then the prices charged prior to the receipt of such disapproval shall be adjusted in accordance therewith. In the absence of such disapproval the increased prices shall be deemed to have been approved, subject, however, to nonretroactive written disapproval at any later time by the Office of Price Administration.

For prices established under § 1347.452 a statement of the computation of the increase shall be set forth in the report. For prices established under § 1347.453 Form 325:1 shall be used, setting forth the new rates for production charges on tables 3–9 inclusive and the computation used in their determination.

(f) All prayers of the petitions not granted herein are denied.

(g) This Revised Order No. 20 may be revoked or amended by the Price Administrator at any time.

This Revised Order No. 20 shall become effective February 21, 1944.

NOTE: All reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2426; Filed, February 19, 1944; 11:52 a. m.]

[MPR 225, Rev. Order 24]

COMMERCIAL OR JOB PRINTERS IN ALAMEDA COUNTY, CALIF.

ORDER GRANTING ADJUSTMENT

Revised Order No. 24 under Maximum Price Regulation 225. Printing and printed matter commodities.

Order No. 24 under Maximum Price Regulation 225 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with § 1347.469 of Maximum Price Regulation 225, *It is hereby ordered:*

(a) Commercial or job printers (identified further in paragraph (c)) who do a printing business in Alameda County, California, may sell and deliver to any person and any person may buy or receive from them any printed paper commodity or service in connection therewith, the sale of which is subject to Maximum Price Regulation 225, at prices which shall not exceed the following:

(1) *Where maximum prices are governed by § 1347.452 of Maximum Price Regulation 225.* The price set forth in § 1347.452 with the addition of a sum equal to the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(2) *Where maximum prices are governed by § 1347.453 of Maximum Price Regulation 225.* The price determined in accordance with § 1347.453, altered by a recomputation of production charges (§ 1347.453 (b)) to include the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(b) Commercial or job printers who purchase services from trade supply houses may treat increased cost of such services, incurred by reason of this revised order, in the same manner as if the increased expenses had accrued to them by the way of wage increases granted to their own employees, provided that such increases are of the type described in the applicable sections of this revised order.

(c) In the foregoing computation no additional allowance shall be made for that portion of any wage increase which is retroactive to a date prior to the sale of the commodity or service.

(d) Commercial or job printers for the purpose of this revised order mean persons engaged in commercial or job printing as that term is commonly understood in the trade and whose business consists chiefly in the production of specific printing jobs for individual customers, such jobs including but not limited to the printing to order of the following: commercial forms; letterheads and envelopes; sales announcements, enclosures, circulars and other advertising matter; legal documents or forms for state and local governments. Trade supply houses for the purpose of this revised order means persons engaged in furnishing a commercial or job printer with a service or product necessary to the completion of a finished printed product, such services and products being limited to trade composition (typesetting) establishments, trade bindery establishments, trade pressroom establishments, photo-engraving establishments and electrotyping and stereotyping establishments.

(e) Every seller increasing his maximum prices under the provisions of this revised order shall file with the Regional Office of the Office of Price Administration in the region in which he does business a report of the increased price. This report shall be filed on or before the date of sale. The seller may thereupon use the increased prices: *Provided, however,* That if the Office of Price Administration shall by letter mailed to him within 30 days from the filing of the report disapprove the computation of the increase, then the prices charged prior to the receipt of such disapproval shall be adjusted in accordance therewith. In the absence of such disapproval the increased prices shall be deemed to have been approved, subject however, to nonretroactive written disapproval at any later time by the Office of Price Administration.

For prices established under § 1347.452 a statement of computation of the increase shall be set forth in the report. For prices established under § 1347.453, Form 325:1 shall be used, setting forth the new rates for production charges on tables 3–9 inclusive and the computation used in their determination.

(f) All prayers of the petition not granted herein are denied.

(g) This Revised Order No. 24 may be revoked or amended by the Price Administrator at any time. This revised order shall become effective February 21, 1944.

NOTE: All reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2428; Filed, February 19, 1944; 11:53 a. m.]

[MPR 188, Amdt. 3 to Order 1052]

CERTAIN ARTICLES OF WOOD HOUSEHOLD FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 3 to Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Order No. 1052 under Maximum Price Regulation No. 188 is amended in the following respects:

1. At the end of paragraph (b) the following sentence is added:

(b) *What this order covers.* • • •

This order also covers dining room, dinette, breakfast room, kitchen and bedroom chair frames and bedroom bench frames (but not frames for upholstered furniture).

2. Paragraph (c) (10) is amended to read as follows:

(c) *What this order does not cover.* • • •

(10) Frames for upholstered furniture.

3. Paragraph (e) (1) is amended to read as follows:

(e) *How this order effects wholesalers and other purchasers for resale to industrial users, commercial users and persons other than the ultimate consumer*—(1) *Amount of the adjustment.* Any wholesaler or other purchaser for resale (other than a retailer) may add to his existing maximum prices for sales to industrial users, commercial users and persons other than the ultimate consumer the adjustment charge determined below: *Provided,* That he fulfills the requirements of subparagraphs (2), (3), (4) and (5) below:

This amendment shall become effective February 21, 1944.

Issued this 19th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2427; Filed, February 19, 1944; 11:52 a. m.]

Regional and District Office Orders.

[Charleston Order G–1 Under MPR 429, Amdt. 1]

REBUILT HOUSEHOLD FURNITURE IN DESIGNATED AREAS IN WEST VIRGINIA

Amendment No. 1 to Order No. G–1 under Maximum Price Regulation No. 429. Fixing maximum prices of certain rebuilt household furniture.

For the reasons set forth in an opinion issued simultaneously herewith, Order No. G–1 under Maximum Price Regulation No. 429 issued by the Charleston, W. Va., District Office, Region III of the Office of Price Administration, is hereby amended by changing the reference "section 10" in the first paragraph so as to read "sections 9 and 10."

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued and effective February 14, 1944.

S. GROVER SMITH,
District Director.

[F. R. Doc. 44–2384; Filed, February 18, 1944; 1:32 p. m.]

[Region I Order G–34 Under 18 (c)]

POTATO STORAGE IN MAINE

Order No. G–34 under section 18 (c) of the General Maximum Price Regulation. Potato storage, State of Maine.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered:*

(a) The maximum price for the storage of potatoes in warehouses located in the State of Maine for the 1943–44 storage season and for succeeding storage seasons shall be 20 cents per barrel of either 11 peck or 12 peck capacity.

(b) The maximum price for potato storage established by this order shall apply to all storage transactions of the 1943–44 storage season in which the potatoes are removed from storage after February 18, 1944, the effective date of this order.

(c) When used in this order, the term "storage of potatoes" includes the services customarily rendered by warehousemen in the State of Maine, among which are the following: unloading the potatoes from the trucks in which they are delivered to the warehouse; transferring the potatoes to the place of storage; protecting the potatoes during the storage period from frost damage to the extent required by applicable law and to the extent that was customary during March 1942, exclusive of protection against loss by fire; removal of the potatoes at the end of the storage period, and delivery to the owner at the warehouse. No grading service is included. The foregoing elements of service are descriptive and do not exclude such additional service as is required by applicable law and customary practice during March 1942.

(d) Warehousemen subject to this order shall post the maximum price established by the order in a conspicuous place in each warehouse where it will be plainly visible to customers. A copy of the order shall be preserved and made available for examination by any person during business hours.

(e) Lower prices than those established by this order may be charged.

(f) This order may be revoked, amended, or corrected at any time.

This order shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9250, 8 F.R. 4681)

Issued this 14th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2383; Filed, February 18, 1944; 1:32 p. m.]

[Region I Order G–9 Under RMPR 122, Amdt. 4]

SOLID FUELS IN METROPOLITAN BOSTON AREA

Amendment No. 4 to Order No. G–9 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels, Metropolitan Boston Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, paragraph (b) (1) (b) of Region I Order No. G–9 under Revised Maximum Price Regulation No. 122 is hereby amended to read as follows:

(b) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania Anthracite yard screenings, be reduced by 50¢ per ton, which reduction is a "cash discount". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania Anthracite yard screenings or on any sales of less than a ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than ton lots) within 10 days thereafter, terms shall be net 30 days.

This Amendment No. 4 to Order No. G–9 shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2406; Filed, February 18, 1944; 4:26 p. m.]

[Region I Order G–41 Under RMPR 122]

SOLID FUELS IN ADAMS, MASS., AREA

Order No. G–41 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels, Adams, Massachusetts, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Adams, Massachusetts, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this order G–41 is explained in paragraph (h), and the terms used herein are defined in paragraph (i).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–41. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–41 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the Commonwealth of Massachusetts, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Adams, Massachusetts, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.[1]
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.05	$8.05	$4.15	$0.95
Pea	14.75	7.40	3.80	.90
Buckwheat	12.10	6.05	3.15	.80
Rice	10.75	5.40	2.80	.70
Coke:				
Egg, stove and chestnut	14.75	7.40	3.85	.85

[1] The maximum prices per 100 pounds include carrying or wheeling to consumer's bin or storage space.

(2) *Discounts to certain classes of purchasers.* The foregoing per net ton prices shall be reduced by $1.00 per net ton on all sales to industrial and commercial consumers, and to educational institutions.

(3) *Terms of sale.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices set forth above (including the reduced prices provided for by the preceding subparagraph) shall be reduced by $1.00 per ton, which reduction is a "cash discount." No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a ton. If payment is not required or made at the time of delivery or (except in the case of less than ton lots) within ten days thereafter, terms shall be net 30 days.

(4) *Maximum authorized service and deposit charges.* (a) If the buyer requests such service of him, the dealer may make the following charges for carry or wheel service to consumer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amounts which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Adams, Massachusetts, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.05	$7.55	$3.90	$0.85
Pea	13.75	6.90	3.55	.80
Buckwheat	11.10	5.55	2.90	.70
Rice	9.75	4.90	2.55	.60
Coke:				
Egg, stove and chestnut	13.75	6.90	3.60	.75

(2) *Discounts and terms of sale.* The provisions of subparagraph (2) and (3) of paragraph (b) shall be applicable to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cents
Per ton	.50
Per half ton	.25
Per quarter ton	.15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Adams, Massachusetts, Area to dealers in fuels who resell them.

Kind and Size	Per net ton	½ ton	¼ ton	25 lb. bags
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$13.05	$6.55	$3.30	$0.22
Pea	11.75	5.90	2.95	.21
Buckwheat	9.60	4.80	2.40	.20
Rice	8.25	4.15	2.10	.19
Coke:				
Egg, stove and chestnut	11.75	5.90	3.00	.20

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return 100 pound burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Named Pennsylvania anthracites.* The provisions of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 shall be applicable to named Pennsylvania anthracite coals as defined therein.

(f) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum price established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application.

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this Order G–41 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Adams, Massachusetts, Area, regardless of the ultimate destination of the fuel. The maximum prices established by this Order G–41 for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Adams, Massachusetts, Area, regardless of whether the dealer is located within said area.

(i) *Definitions.* When used in this Order G–41 the term:

(1) "Adams, Massachusetts, Area" shall include the following cities and towns in the Commonwealth of Massachusetts: Adams, Clarksburg, North Adams, and Williamstown.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut" and "pea" sizes of Pennsylvania anthracite refer to the legal standard sizes for anthracite offered for sale in the

Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Division of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926). "Buckwheat" and "rice" sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications, adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G–41 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G–41 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All posting shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122. (2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G–41 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charge made and the amount charged therefor. This paragraph (k) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. This Order No. G–41 shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2396; Filed, February 18, 1944; 4:28 p. m.]

[Region I Order G–41 Under RMPR 122, Amdt. 1]

SOLID FUELS IN ADAMS, MASS., AREA

Amendment No. 1 to Order No. G–41 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels, Adams, Massachusetts, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, paragraph (n) is added to Region I Order No. G–41 under Revised Maximum Price Regulation #122, to read as follows:

(n) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

NOTE: The record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Amendment No. 1 to Order No. G–41 shall become effective as of February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2400; Filed, February 18, 1944; 4:26 p. m.]

[Region I Order G–46 Under RMPR 122]

SOLID FUELS IN HARTFORD, CONN., AREA

Order No. G–46 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels, Hartford, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Hartford, Connecticut Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this Order G–46 is explained in paragraph (h), and the terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–46. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–46 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule No. I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Hartford, Connecticut, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.50	$8.55	$4.60	$0.95
Pea	14.95	7.80	4.20	.85
Buckwheat	12.80	6.70	3.65	.80
Rice	11.45	6.05	3.35	.75
Yard screenings	4.00			
Koppers coke:				
Egg, stove and chestnut	15.00	7.75	4.25	.85
Ambricoal	14.00	7.30	3.95	.85
Cannel coal	20.00	10.30	5.45	1.10

(2) *Quantity and other special discounts.* (a) The foregoing per net ton prices shall be reduced by 50 cents per ton on sales to consumers whose annual purchases amount to 50 tons, or more. A consumer's annual purchases determine his classification whether or not he purchases all of his requirements from a single dealer.

(b) The foregoing per net ton prices shall be reduced by 50 cents per ton on sales to any person who distributes solid fuel without charge to needy and indigent persons: *Provided, however,* That such a person shall not be entitled to the 50 cent reduction provided for by the preceding subparagraph even if his annual purchases amount to 50 tons or more.

(3) *Terms of sale.* (a) Terms of sale may be net cash on all sales of Cannel coal and yard screenings of Pennsylvania anthracite, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days. E. O. M.

(b) On sales of other sizes of Pennsylvania anthracite, Koppers coke and Ambricoal, the maximum prices set forth above (including the per net ton maximum prices as reduced by any discounts required by subparagraph (2) of this paragraph (b)) shall be reduced by the following amounts if payment is made by the buyer within ten (10) days after receipt of the fuel:

	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite (except yard screenings) and Ambricoal	$1.00	$0.50	$0.25
Koppers coke	.50	.25	.10

which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a quarter ton. If payment is not required or made at the time of delivery or within ten days thereafter, terms shall be net thirty days.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carry or wheel service to consumer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes, and quantities of solid fuels delivered at the yard of any dealer in the Hartford, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.50	$8.05	$4.35	$0.90
Pea	13.95	7.30	3.95	.80
Buckwheat	11.80	6.20	3.40	.75
Rice	10.45	5.55	3.10	.70
Yard screenings	3.00			
Koppers coke:				
Egg, stove and chestnut	14.00	7.25	4.00	.80
Ambricoal	13.00	6.80	3.70	.80
Cannel coal	19.00	9.80	5.20	1.05

(2) *Discounts and terms of sale.* The provisions of subparagrahs (2) and (3) of paragraph (b) of this order shall apply to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons, and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer will be 25 cents per bag.

(d) *Certain named Pennsylvania anthracite coals.* The specific maximum prices set forth above for Pennsylvania anthracite may be increased by the following amounts when the following sizes of named Pennsylvania anthracite coals are sold: *Provided,* That the following increases may be charged only if the conditions set forth in paragraph (b) of Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 are observed.

Kind and size	Per net ton	Amount of addition: Per ½ ton	Amount of addition: Per ¼ ton	Per 100 lbs.
Jeddo Highland:				
Broken, egg, stove, chestnut, pea, and buckwheat	$0.25	$0.15	$0.05	None
Rice	.15	.10	None	None
Greenwood:				
Egg, stove, chestnut and pea	.25	.15	.05	None
Colonial:				
Broken, egg, stove, chestnut, pea, and buckwheat	.65	.35	.15	None
Rice	.55	.30	.15	None
Silver Brook:				
Broken, egg, stove, chestnut, pea, and buckwheat	.30	.15	.05	None
Rice	.25	.15	.05	None

(e) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite (including named Pennsylvania anthracite) contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(f) *Definitions.* When used in this Order G–46, the term:

(1) "Hartford, Connecticut, Area" shall include the following cities and towns in the State of Connecticut: Bloomfield, Bolton, East Hartford, Glastonbury, Hartford, Manchester, Rockyhill, South Windsor, Vernon, West Hartford, Wethersfield and Windsor.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, Koppers coke, Ambricoal and Cannel coal.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Named Pennsylvania anthracite" includes Jeddo Highland, Greenwood, Colonial and Silver Brook.

(5) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(6) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite."

(7) "Colonial" means that Pennsylvania anthracite which is produced and prepared by Colonial Collieries Corporation, Philadelphia, Pennsylvania, and which meets the quality and preparation standards established by Order No. 4 under Maximum Price Regulation No. 112.

(8) "Silver Brook" means that Pennsylvania anthracite which is prepared by Haddock Mining Company, Wilkes-Barre, Pennsylvania, at its Beaver Meadow Breaker from coal produced at the Deringer Colliery and the Tomhicken

Colliery and marketed under the trade name "Silver Brook Coal", and which meets the quality and preparation standards established by Order No. 3 under Maximum Price Regulation No. 112.

(9) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(10) "Koppers coke" means the by-product coke produced by the Koppers Coke Corporation at its plant in New Haven, Connecticut.

(11) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(12) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(13) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(14) "Carry" and "Wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(15) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(16) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(i) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the Area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-46 shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2397; Filed, February 18, 1944; 4:28 p. m.]

[Region I Order G-48 Under RMPR 122]

SOLID FUELS IN BRATTLEBORO-KEENE, VT.-N. H., AREA

Order No. G-48 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels. Brattleboro-Keene Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Brattleboro-Keene Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-48 is explained in paragraph (l) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-48. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-48 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the States of Vermont and New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Brattleboro-Keene Area.

Kind and size	Per net ton	One-half ton	One-quarter ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.75	$8.90	$4.95	$1.00
Pea	14.70	7.85	4.45	.90
Buckwheat	13.55	7.30	4.15	.85
Rice	12.25	6.65	3.80	.80
Yard screenings	3.50	----	----	----
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	17.25	9.15	5.05	1.05
Coke:				
Egg, stove and chestnut	16.50	8.75	4.90	1.00
Ambricoal	14.05	7.55	4.25	.85

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in the following places:

Vermont: Brattleboro.

New Hampshire: Chesterfield, Gilsum, Keene, Marlboro, Roxbury, Surry, Swanzey, Westmoreland.

(b) The following amounts may be added to the base prices in Price Schedule I for deliveries to consumers whose bins or storage facilities are located in Brookline, Dummerston, Guilford, Marlboro, Newfane, Putney and Vernon, Vermont:

	Per net ton	Per one-half ton	Per one-quarter ton
Bin or storage facility located not more than 5 miles from dealer's yard	$0.50	$0.25	$0.15
Bin or storage facility located more than 5 miles from dealer's yard	1.00	.50	.25

(c) The following amounts may be added to the base prices in Price Schedule I for deliveries to consumers whose bins or storage facilities are located in the following places:

	Per net ton	Per ½ ton	Per ¼ ton
Nelson and Sullivan, N. H.	$0.50	$0.25	$0.15
Harrisville, N. H.	1.00	.50	.25

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	$0.50	$0.25	$0.15
For any carry up or down flights of stairs:			
First flight up or down	1.00	.50	.25
Each additional flight	.50	.25	.15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25¢ per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Brattleboro-Keene Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.75	$7.90	$3.95	$0.80
Pea	13.70	6.85	3.45	.70
Buckwheat	12.55	6.30	3.15	.65
Rice	11.25	5.65	2.85	.60
Yard screenings	3.00	----	----	----
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	16.25	8.15	4.10	.85
Coke:				
Egg, stove and chestnut	15.50	7.75	3.90	.80
Ambricoal	13.05	6.55	3.30	.65

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags, exclusive of any charges for or deposit charges on bags by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Brattleboro-Keene Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$15.25	$7.65	$3.85
Pea	13.20	6.60	3.30
Buckwheat	12.05	6.05	3.05
Rice	10.75	5.40	2.70
Yard screenings	3.60	----	----
Jeddo Highland or Greenwood:			
Egg, stove and chestnut	15.75	7.90	3.95
Coke:			
Egg, stove and chestnut	15.00	7.50	3.75
Ambricoal	12.55	6.30	3.15

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b), (c) and (d) shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(f) *Temporary price increases; Pennsylvania anthracite.* The provision of

Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) When used in this Order G–48, the term:

(1) "Brattleboro-Keene Area" shall include the following cities, towns and townships in the States of Vermont and New Hampshire:

In Vermont: Brattleboro, Brookline, Dummerston, Guilford, Marlboro, Newfane, Putney and Vernon.

In New Hampshire: Chesterfield, Harrisville, Gilsum, Keene, Marlboro, Nelson, Roxbury, Sullivan, Surry, Swanzey and Westmoreland.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo coal", "Highland coal", or "Hazle Brook coal".

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite".

(6) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(7) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at this yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality, standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–48 shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2398; Filed, February 18, 1944; 4:28 a. m.]

[Region I Order G–49 Under RMPR 122]

SOLID FUELS IN MIDDLETOWN, CONN., AREA

Order No. G–49 under Revised Maximum Price Regulation No. 122. Solid fuel sold and delivered by dealers. Specified solid fuels. Middletown, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Middletown, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–49 is explained in paragraph (i) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–49. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G–49 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "Direct delivery" basis at any point in the Middletown, Connecticut, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.20	$8.40	$4.35	$0.95
Pea	14.70	7.60	3.95	.85
Buckwheat	12.80	6.65	2.50	.80
Rice	11.70	6.10	3.20	.75
Yard screenings	2.50			
Jeddo Highland:				
Egg, stove and chestnut	16.55	8.55	4.45	.95
Koppers coke:				
Egg stove and chestnut	13.25	7.00	4.10	.90

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, including all carries to cellar or basement and any carry up one flight of stairs	$0.75	$0.40	$0.20
Each additional flight up	.25	.15	.10

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Middletown, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.30	$7.90	$4.10	$0.85
Pea	13.70	7.10	3.70	.75
Buckwheat	11.80	6.15	3.25	.70
Rice	10.70	5.60	2.95	.65
Yard screenings	2.50			
Jeddo highland:				
Egg, stove and chestnut	15.55	8.05	4.20	.85
Koppers coke:				
Egg, stove and chestnut	14.25	7.40	3.85	.80

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging quarter-ton and larger quantities, exclusive of any deposit charges on bags furnished by the dealer.

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraph (b) and (c) shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton or by 50 cents per half-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a half-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than half-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Middletown, Connecticut, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.80	$6.90	$3.45
Pea	12.20	6.10	3.05
Buckwheat	10.30	5.15	2.60
Rice	9.20	4.60	2.30
Yard screenings	2.50		
Jeddo highland:			
Egg, stove and chestnut	14.05	7.05	3.55
Koppers coke:			
Egg, stove and chestnut	12.75	6.40	3.20

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(f) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the Prices for Pennsylvania Anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) *Definitions.* When used in this Order G–49, the term:

(1) "Middletown, Connecticut, Area" shall include the following cities and towns in the State of Connecticut:

Cheshire, Chester, Clinton, Cromwell, Durham, East Haddam, East Hampton, Essex, Guilford, Haddam, Killingworth, Lyme, Madison, Meriden, Middlefield, Middletown, Old Lyme, Old Saybrook, Portland, Saybrook, Wallingford and Westbrook.

(2) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(3) "Specified solid fuels" shall include all Pennsylvania anthracite, and Koppers coke.

(4) "Jeddo highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo coal", "Highland coal", or "Hazle Brook coal".

(5) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(7) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(8) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(9) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(10) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(11) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–49 shall become effective February 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2399; Filed, February 18, 1944; 4:28 p. m.]

[Region II Order G–31 Under RMPR 122]

BITUMINOUS COAL IN DESIGNATED AREAS OF NEW YORK CITY

Order No. G–31 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Adjustment in maximum prices for bituminous coal and coke delivered by dealers in Manhattan, Bronx, Brooklyn and Queens, City of New York, State of New York.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and for the period commencing with the effective date of this order and expiring midnight March 31, 1944, *It is ordered:*

(a) Any dealer making sales of bituminous coal and coke, delivered in Manhattan, Bronx, Brooklyn and Queens in the City and State of New York, may, to the extent that he does not determine his maximum prices under the emergency pricing rules contained in Revised Order No. G–21, "Sales of Emergency Bituminous Coal," and Revised Order No. G–28, "Emergency Sales of Coke," or any subsequent revision thereof, and to the extent that he calculates his maximum prices under Revised Maximum Price Regulation No. 122, increase the maximum prices so calculated as follows:

1. For "direct-delivery" sales of bituminous coal or coke, dealers may add 30¢ per net ton.

2. For "yard sales" of bituminous coal or coke, dealers may add 10¢ per net ton.

(b) The increases authorized herein shall not apply to any sales of bituminous coal or coke for which maximum prices are determined under the emergency pricing rules contained in Revised Order No. G–21, "Sales of Emergency Bituminous Coal," or Revised Order No. G–28, "Emergency Sales of Coke," or any subsequent revisions thereof, provided that, if a maximum price is determined pursuant to a pricing rule embodied in § 1340.259 (a) of Revised Maximum Price Regulation No. 122, specifically incorporated by reference in said Revised Order No. G–21 or Revised Order No. G–28, dealers may add the increases set forth in paragraph (a) hereof to such maximum prices.

(c) Dealers making sales subject to this order shall not change their customary allowances, discounts, or other price differentials unless such change results in prices lower than the prices permitted by this order (after applying the customary allowances, discounts, or other price differentials).

(d) *Reports.* Every dealer making sales subject to this order shall, within ten days after he determines or redetermines his maximum prices hereunder, report to the New York District Office of the Office of Price Administration the maximum prices so determined.

(e) *Definitions.* When used in this Order No. G–31 the term:

1. "Direct delivery" means the customary method of delivery whether to the buyer's bin or storage space, or to the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

2. "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

3. Unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to all other terms used herein.

(f) This order, which may be revoked, amended, or corrected at any time shall, unless earlier revoked or replaced, expire on midnight March 31, 1944.

NOTE: The record-keeping and reporting requirements of this Order No. G–31 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–31 shall become effective February 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2404; Filed, February 18, 1944; 4:25 p. m.]

[Region V Order G–1 Under RMPR 122, Amdt. 3]

SOLID FUELS IN ST. LOUIS, MO.

Amendment No. 3 to Order No. G–1 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels sold in the City of St. Louis, Missouri, and parts of St. Louis County, Missouri.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith, it is hereby ordered that section (c) Price Schedule, paragraph (IV) of Order No. G–1, issued under Revised Maximum Price Regulation No. 122, shall be amended as follows:

(a) The prices for the solid fuels listed in section (c) Price Schedule, paragraph (IV), Pennsylvania anthracite, sold and delivered to purchasers during the period from February 8, 1944, through February 29, 1944, are established to be as follows:

IV. Pennsylvania anthracite:	*Price*
1. Egg, stove, and nut	$15.95
2. Pea	14.40
3. Buckwheat	13.10

(b) Prices set forth in paragraph (a) above shall not be applicable to sales made during the period from February 8, 1944, through February 29, 1944, if delivery is not made to the purchaser, or if the coal is sold to the purchaser but stored by the dealer and is removed from storage by the purchaser or delivered to the purchaser on or after March 1, 1944. On such sales, prices set forth in paragraph (c) below shall be applicable.

(c) The prices for the solid fuels listed in section (c) Price Schedule, paragraph (IV), Pennsylvania anthracite, sold and/or delivered on or after March 1, 1944, are established to be as follows:

IV. Pennsylvania anthracite	*Price*
1. Egg, stove, and nut	$15.50
2. Pea	13.95
3. Buckwheat	12.65

(56 Stat. 23, 765, Pub. Law 151, 76th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 6 F.R. 4631)

Issued and effective at Dallas, Texas, this the 8th day of February 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44–2401; Filed, February 18, 1944; 4:27 p. m.]

[Camden Order G–1 Under MPR 165, Amdt. 1]

LAUNDRY SERVICE IN CAMDEN, N J., AREA

Amendment No. 1 to Order No. G–1 under § 1499.114 (d) of Maximum Price Regulation No. 165, as amended. Services. Adjustment of laundry service prices in Camden, New Jersey, area.

For the reason set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended—Services, and by the Emergency Price Control Act of 1942, as amended, *It is hereby ordered,* That paragraph (a) of Camden District Office Order No. G–1, under § 1499.114 (d) be amended to read as follows:

(a) That the application of the following named power laundry establishment be granted to the extent that it is permitted to increase by six percent (6%) its present legal maximum price for all its laundry, linen supply, dry cleaning and related services, including commercial services in a manner hereinafter provided:

Klean Way Laundry, Inc., Camden, New Jersey.

The applications of the following named power laundry establishments are granted to the extent that they are permitted to increase by seven percent (7%) their present legal maximum prices for all their laundry, linen supply, dry cleaning and related services, including commercial services in a manner hereinafter in paragraph (f) provided:

Foster's Laundry, Gloucester, New Jersey.
Morgan Bros., Inc., Westmont, New Jersey.
Crescent Laundry Company, Camden, New Jersey.
East End Laundry, Camden, New Jersey.

And be it further ordered that paragraph (b) of Camden District Order G–1, under said § 1499.114 (d) be amended to read as follows:

(b) The application of the following named power laundry establishments are granted to the extent that they are permitted to increase by eight per cent (8%) their present legal maximum prices for all their laundry, linen supply, dry cleaning and related services, including commercial services, in the manner hereinafter in paragraph (f) provided:

New Sanitary Laundry, Inc., West Collingswood, New Jersey.
De Luxe Laundry, Woodbury, New Jersey.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

This amendment shall become effective February 14, 1944.

Issued this 12th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-2405; Filed, February 18, 1944; 4:25 p. m.]

[Region I Order G-50 Under RMPR 122]

SOLID FUELS IN ST. ALBANS, VT., AREA

Order No. G-50 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels, St. Albans, Vermont, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the St. Albans, Vermont Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-50 is explained in (i) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-50. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-50 provides uniform allowances, discounts, price differentials, services charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Vermont, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the St. Albans, Vermont, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut	$16.75	$8.90	$4.70	$1.00
Pea	15.20	8.10	4.30	.95
Buckwheat	12.80	6.90	3.70	.80
Rice	11.70	6.35	3.45	.75
Yard screenings	5.00			
Coke:				
Egg, stove, and chestnut	16.00	8.50	4.50	.95

(2) *Additions for specified deliveries.* For deliveries to consumers whose bins or storage facilities are located more than five (5) miles from the dealer's yard, the dealer may add fifty cents per ton to the foregoing prices.

(3) *Discounts to certain classes of purchasers.* The foregoing per net ton prices shall be reduced by fifty cents per ton on sales to religious and charitable organizations and institutions.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per 1/2 ton	Per 1/4 ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	$0.25	$0.15	$0.10
For any carry up or down flights of stairs, per flight	.25	.15	.10
For trimming in bin	Fifty cents ($0.50) per man-hour.		

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidating damages for failure to return, the bags shall be 25¢ per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the St. Albans, Vermont, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut	$16.25	$8.65	$4.55	$0.95
Pea	14.70	7.85	4.15	.90
Buckwheat	12.30	6.65	3.60	.75
Rice	11.20	6.10	3.30	.70
Yard screenings	4.00			
Coke:				
Egg, stove, and chestnut	15.50	8.25	4.40	.90

(2) The provisions of subparagraph (3) of paragraph (b) shall apply to yard sales, to religious and charitable organizations and institutions.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the St. Albans, Vermont, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$15.75	$7.90	$3.95
Pea	14.20	7.10	3.55
Buckwheat	11.80	5.90	2.95
Rice	10.70	5.35	2.70
Yard screenings	4.00		
Coke: Egg, stove and chestnut	15.00	7.50	3.75

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100-pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Terms of sale.* The following "cash discounts" for payment within the periods specified shall be granted from the maximum prices set forth in paragraphs (b), (c) and (d), including those maximum prices as reduced by any discounts required by subparagraph (3) of paragraph (b) and subparagraph (2) of paragraph (c):

	Per net ton	Per ½ ton	Per ¼ ton
Payment at time of delivery or within 15 days thereafter.	$1.00	$0.50	$0.25
Payment more than 15 days but within 30 days after delivery	.50	.25	.10

Provided, however, That no cash discount is required on any sales of Pennsylvania Anthracite yard screenings or on any sales of less than a quarter-ton. If, in those cases where a cash discount is required, payment is not made within 30 days after delivery, terms shall be net 60 days.

(f) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania Anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) When used in this Order G-50, the term:

(1) "St. Albans, Vermont, Area" shall include the following cities, towns and townships in the State of Vermont: St. Albans and Swanton.

(2) "Specified solid fuels" shall include all Pennsylvania Anthracite and Coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania Anthracite may be charged only for Pennsylvania Anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices: Sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All posting shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statment on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this Order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-50 shall become effective February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2402; Filed February 18, 1944; 4:27 p. m.]

[Region I Order G-51 Under RMPR 122]

SOLID FUELS IN WATERBURY, CONN., AREA

Order No. G-51 Under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Waterbury, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Waterbury, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G–51 is explained in paragraph (h), and the terms used herein are defined in paragraph (f).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G–51. Specifically, but without limiting the generality of the foregoing, the prohibtions contained in § 1340.252 apply except to the extent that this Order G–51 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule No. I: Sales on a delivered basis*—(1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Waterbury, Connecticut, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite				
Broken, egg, stove and chestnut	$16.00	$8.30	$4.50	$1.00
Pea	14.95	7.80	4.25	.95
Buckwheat	12.30	6.45	3.60	.80
Rice	11.20	5.90	3.30	.75
Yard screenings	5.00			
Jeddo Highland or Greenwood				
Egg, stove and chestnut	16.25	8.45	4.55	1.00
Pea	15.20	7.90	4.30	.95
Buckwheat	12.55	6.60	3.65	.80
Koppers Coke				
Egg, stove and chestnut	14.75	7.70	4.20	.90

(2) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carry or wheel service to consumer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	25	15	10

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Waterbury, Connecticut, Area to consumers.

Kind and size	Per net ton	¼ ton	¼ ton	100 pounds
Pennsylvania anthracite				
Broken, egg, stove and chestnut	$15.00	$7.80	$4.25	$0.90
Pea	13.95	7.30	4.00	.85
Buckwheat	11.30	5.95	3.35	.70
Rice	10.20	5.40	3.05	.65
Yard screenings	4.00			
Jeddo Highland or Greenwood				
Egg, stove and chestnut	15.25	7.95	4.30	.90
Pea	14.20	7.40	4.05	.85
Buckwheat	11.55	6.10	3.40	.70
Koppers coke				
Egg, stove and chestnut	13.75	7.20	3.95	.80

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by the following amounts:

	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite	$1.00	$0.50	$0.25
Koppers coke	.50	.25	.10

which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of any quantity of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(f) *Definitions.* When used in this Order G–51, the term:

(1) "Waterbury, Connecticut, Area" shall include the following cities and towns in the State of Connecticut: Bethlehem, Middlebury, Prospect, Roxbury, Southbury, Thomaston, Waterbury, Watertown, and Woodbury.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, and Koppers coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal", "Highland Coal", or "Hazle Brook Coal".

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite",

(6) "Broken", "egg", "stove", "chestnut," etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(7) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting, the fuel from the seller's truck directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(g) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantites than one-quarter ton: *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(h) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(i) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this Order or by a letter to the applicant.

(j) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(k) *Posting of maximum prices: Sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(l) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(m) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(n) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–51, shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2435; Filed, February 19, 1944; 12:54 p. m.]

[Region II Order G–26 Under RMPR 122, Amdt. 2]

SOLID FUELS IN NEW YORK REGION

Amendment No. 2 to Order No. G–26 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for "Colonial", "Silver Brook", and "Salem Hill" anthracite sold subject to designated area dollars-and-cents orders.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G–26 is amended in the following respect:

(1) Paragraph (c) is amended by adding the following order to the list of orders there enumerated:

Order No. G–27 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

This Amendment 2 to Order No. G–26 shall become effective February 16, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-2436; Filed, February 19, 1944; 12:54 p. m.]

[Region VI Order G-18 Under SR 15, MPR 280, and MPR 329, Amdt. 1]

FLUID MILK IN SPARTA, WIS.

Amendment 1 to Order No. G-18 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280—Maximum Prices for Specific Food Products, and under Maximum Price Regulation No. 329—Purchases of Milk From Producers for Resale as Fluid Milk. Fluid milk price for Sparta, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, *It is ordered:*

Section (c) of Order No. G-18 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280—Maximum Prices for Specific Food Products, and under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk, is amended to read as follows:

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Sparta, Wisconsin, shall be the maximum price determined under the General Maximum Price Regulation or the following prices, whichever shall be higher:

Standard butterfat content fluid milk	Wholesale	Retail
Gallons in bulk	$0.37	
Gallons	.37	$0.45
Quarts	.09½	.11½
Pints	.05½	.06½
½ pints	.03	.05

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

This amendment shall become effective on the 26th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-2437; Filed, February 19, 1944; 12:54 p. m.]

[Region VI Order G-25 Under MPR 329]

MILK IN TOMAH, WIS.

Order No. G-25 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Tomah, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which distributors in Tomah, Wisconsin, may pay to producers for milk sold for human consumption in fluid form shall be $3.15 per cwt. for milk having a butterfat content of 4%, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) *Applicability of producer prices.* Section (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Tomah, Wisconsin, or who sell within that city 50% or more of the milk sold by them. Prices provided in Section (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased milk during the period from August 1943 to the date of this order; and such prices are not applicable to purchases from producers who did not during that period sell to any Tomah, Wisconsin distributor covered by this order.

(c) *Relation to Office of Price Administration Regulations.* Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January 1943.

(d) *Definitions.* Unless the context otherwise requires, the definition set forth in Maximum Price Regulation No. 329 and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective the 25th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 25th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-2434; Filed, February 19, 1944; 12:54 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 17, 1944.

REGION II

Harrisburg Order No. P-1, filed 4:28 p. m.
Maryland Order No. P-1, Amendment 1, filed 4:20 p. m.

REGION III

Cleveland Order No. F-3, Amendment No. 10, filed 4:18 p. m.
Cleveland Order No. F-4, Amendment No. 9, filed 4:18 p. m.
Detroit Order No. 10, Amendment No. 1, filed 4:23 p. m.
Lexington Order No. 4-F, filed 4:28 p. m.
Indianapolis Order No. 10, Amendment No. 1, filed 4:23 p. m.
Indianapolis Order No. 11, Amendment No. 1, filed 4:22 p. m.
Indianapolis Order No. 12, Amendment No. 1, filed 4:21 p. m.
Indianapolis Order No. 13, Amendment No. 1, filed 4:22 p. m.
Indianapolis Order No. 14, Amendment No. 1, filed 4:21 p. m.
Indianapolis Order No. 15, Amendment No. 1, filed 4:21 p. m.

REGION IV

Jacksonville Order No. 2-F, Amendment No. 9, filed 4:18 p. m.
Memphis Order No. 4-F, Amendment No. 20, filed 4:15 p. m.
Montgomery Order No. 8-F, filed 4:14 p. m.

REGION V

New Orleans Order No. 2-F, Amendment No. 4, filed 4:14 p. m.

REGION VI

Des Moines Order No. 2-F, filed 4:16 p. m.
Green Bay Order No. 12, Amendment No. 1, filed 4:20 p. m.
Omaha Order No. 10, filed 4:27 p. m.
Milwaukee Order No. 5-F, filed 4:26 p. m.
Moline Order No. 3-F, filed 4:14 p. m.
Sioux Falls Order No. 1-F, Amendment No. 1, filed 4:21 p. m.
Sioux City Order No. 3-F, filed 4:16 p. m.
Sioux City Order No. 4-F, filed 4:16 p. m.
Twin Cities Order No. 2-F, Amendment No. 1, filed 4:29 p. m.

REGION VIII

Los Angeles Los Angeles-10, filed 4:25 p. m.
Los Angeles Los Angeles-11, filed 4:23 p. m.
Sacramento Order No. 13, Amendment No. 1, filed 4:20 p. m.
San Francisco Order No. 1-F, filed 4:26 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-2508; Filed, February 21, 1944; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

NEW YORK STOCK EXCHANGE

DECLARATION OF EFFECTIVENESS OF AMENDED PLAN

Declaration of effectiveness of amended plan of the New York Stock Exchange pursuant to § 240.10b-2 (d). [Rule X-10B-2 (d)]

The Securities and Exchange Commission, having previously declared effective a plan for special offerings, and certain amendments thereto, filed pursuant to Rule X-10B-2 (d) by the New York Stock Exchange; and the New York Stock Exchange, on January 7, 1944, having filed further amendments to its plan for such special offerings;

The Securities and Exchange Commission having given due consideration to the special offering plan of the New York Stock Exchange as amended and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and Rule X-10B-2 thereunder, hereby declares the amended special offering plan of the New York Stock Exchange as filed on January 7, 1944, to be effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

Effective January 25, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2387; Filed, February 18, 1944; 2:05 p. m.]

[File No. 54-90]

WEST TEXAS UTILITIES CO. AND PECOS VALLEY POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of February, A. D. 1944.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission by West Texas Utilities Company (West Texas) and Pecos Valley Power & Light Company (Pecos Valley), indirect subsidiaries of The Middle West Corporation, a registered holding company, pursuant to sections 9 (a) (1), 10 and 11 (e) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder.

All interested persons are referred to said declaration or application which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to an Opinion and Order of this Commission issued on January 25, 1943 (Holding Company Act Release No. 4068), West Texas was permitted (as a step toward acquisition of property and assets of Pecos Valley) to offer to purchase all outstanding securities of Pecos Valley as follows:

1. First Mortgage Bonds held by the public in the principal amount of $963,000 at 76% thereof.
2. Income Debentures held by the public in the principal amount of $358,000 at 15% thereof.
3. Common stock held by the public in the amount of 3,582.66 shares at $1 per share.
4. First Mortgage Bonds in the principal amount of $313,000, Income Debentures in the principal amount of $369,500 and common stock in the amount of 3,892.34 shares, all held by The Middle West Corporation for the sum of $238,349.11 (equal to 76% of the principal amount of the bonds held plus $496.11 transfer tax applicable to the debentures and common stock being transferred).

Pursuant to such order, West Texas has acquired (as of January 31, 1944) all outstanding securities of Pecos Valley except the following securities held by the public:

$26,500 (2.08%) principal amount of First Mortgage Bonds.
$14,250 (1.96%) principal amount of Income Debentures.
286.511 shares (3.83%) of Common Stock.

West Texas now proposes to acquire at public or private sale all the assets and property of Pecos Valley at a price equal to

(a) The face amount of the net free assets of Pecos Valley and
(b) $637,860 for property which is subject to an existing mortgage (less depreciation on such property computed at the rate of 3% per annum from January 1, 1943, and less any moneys resulting from sales of property subject to such mortgage, deposited with The New York Trust Company, Trustee under said mortgage subsequent to January 1, 1943).

It is estimated that as a result of payment of said proposed price, the remaining public security holders of Pecos Valley will receive the following amounts (equal to amount permitted to be offered by said Order of January 25, 1943): bondholders 76% and debenture holders 15% of the principal amount of securities held, and stockholders $1 for each share held.

It appearing to this Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission, *It is ordered*, That a hearing on said matters under the applicable provisions of said act and the Rules of this Commission thereunder be held on March 6, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held;

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing a copy of this order to West Texas Utilities Company and Pecos Valley Power & Light Company and that said notice of said hearing be given to all persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before February 28, 1944, his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission;

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said application or declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transactions are in the public interest or in the interest of investors and consumers and whether in all respects the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the Rules, Regulations and Orders promulgated thereunder;

2. Whether, and to what extent it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts of West Texas Utilities Company, or otherwise in regard to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2385; Filed, February 18, 1944; 2:05 p. m.]

[File No. 70-845]

FLORIDA POWER CORP. AND GENERAL GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of February 1944.

Florida Power Corporation, a subsidiary of General Gas & Electric Corporation, a registered holding company, having filed a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding (1) the issuance and sale of $16,500,000 principal amount of First Mortgage Bonds, dated January 1, 1944, and maturing January 1, 1974, to be made pursuant to Rule U-50; and in connection therewith declarant requesting that the ten-day pe-

riod for invitation of bids as provided by paragraph (b) of said Rule be shortened to a period of not less than six days; and (2) the issuance and private sale to John Hancock Mutual Life Insurance Company of $4,000,000 principal amount of serial debentures, bearing interest at the rate of 3¼% per annum and maturing serially from August 1, 1944, to and including August 1, 1957; and

General Gas & Electric Corporation having filed a declaration pursuant to section 12 of the act and Rule U-45 with respect to the donation by General Gas & Electric Corporation of $65,000 principal amount of Florida Public Service 4% bonds, due 1955, previously assumed by Florida Power Corporation; and Florida Power Corporation having joined in this declaration;

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declarations, as amended, be, and hereby are, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the requirements of Rule U-50, with respect to the issuance of $16,500,000 principal amount of First Mortgage Bonds;

It is further ordered; That the ten-day period for inviting bids as provided by Rule U-50 be shortened to a period of not less than six days;

It is further ordered, That jurisdiction be, and hereby is, reserved over the fees to be paid to Milbank, Tweed & Hope, independent counsel to the prospective purchasers of the First Mortgage Bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2386; Filed, February 18, 1944; 2:05 p. m.]

[File No. 70-812]

CONSOLIDATED ELECTRIC AND GAS CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

SUPPLEMENTAL ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of February 1944.

Consolidated Electric and Gas Company, a registered holding company, and its subsidiary, Central Illinois Electric and Gas Co., having heretofore filed applications and declarations pursuant to the applicable sections of the Public Utility Holding Company Act of 1935, regarding the proposed reclassification of the common stock of said subsidiary company (all of which stock is owned by the parent company) and certain intercompany transactions incident to the consummation of such reclassification, which applications and declarations were, respectively, granted and permitted to become effective by order entered herein on February 4, 1944;

Consolidated Electric and Gas Company having also filed a plan pursuant to section 11 (e) of the act whereby it proposed to divest itself of all interest in Central Illinois Electric and Gas Co. by the sale through competitive bidding of all of the reclassified stock of said subsidiary company and to apply the proceeds of such sale, to the extent required for such purpose, in the retirement of certain bonds assumed by said holding company and known as Federated Utilities, Inc., First Lien Collateral Trust 5½% Bonds, due March 1, 1957, by payment of the principal amount of such bonds plus accrued interest to a fixed date after appropriate public notice of the impending retirement of such bonds but without payment of the premium payable upon voluntary redemption of such bonds under the applicable indenture;

The Commission having heretofore made further findings herein and entered a further order finding that portion of said plan relating to the sale by Consolidated Electric and Gas Company of the reclassified common stock of Central Illinois Electric and Gas Co. and the deposit of the proceeds of such sale with the trustee under the indenture securing the above-identified assumed bonds to be necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby, except in respect of certain fees proposed to be paid to Central Republic Company concerning which fees jurisdiction was reserved, and approving said portion of said plan, subject to said reservation of jurisdiction, but further reserving jurisdiction in respect of the definitive application of the proceeds of such sale after the deposit thereof with said trustee;

The Commission having now made and filed further supplementary findings in respect of the application of the proceeds of said sale as proposed, and finding the application of that portion of the proceeds of said sale required for such purpose to the retirement of all the outstanding bonds originally issued by Federated Utilities, Inc., and assumed by Consolidated Electric and Gas Company, in the manner proposed in the plan, as amended, and without the payment of any redemption premium, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby;

Consolidated Electric and Gas Company also proposing that any portion of the proceeds of the sale of said reclassified common stock of Central Illinois Electric and Gas Co. remaining after retirement of the assumed bonds above mentioned shall be utilized in the retirement of the bonds of Consolidated Electric and Gas Company known as its Collateral Trust Bonds, due August 1, 1957, and August 1, 1962, such retirement to be effected by purchases of such bonds in the open market, and the Commission having made no adverse findings in regard to the proposal last described but having found that certain terms and conditions should be imposed in connection therewith;

It is hereby ordered, That said plan so submitted by Consolidated Electric and Gas Company pursuant to section 11 (e) of the act be, and the same is hereby in all respects approved, except in respect of the reasonableness of the fees proposed to be paid to Central Republic Company concerning which the reservation of jurisdiction heretofore made is continued in effect pending the further order, or orders, of the Commission;

It is further ordered, That the proposal of Consolidated Electric and Gas Company that any proceeds of the sale of the common stock of Central Illinois Electric and Gas Co. which are not expended in the retirement of the assumed bonds above mentioned shall be applied to the acquisition and retirement of the bonds of Consolidated Electric and Gas Company known as Consolidated Electric and Gas Company Collateral Trust Bonds, due August 1, 1957, and August 1, 1962, to be effected through purchases of such bonds in the open market, be, and the same is hereby permitted to become effective as a declaration by Consolidated Electric and Gas Company pursuant to section 12 (c) of the act;

Provided, however, And the authorization hereby given in respect to the acquisition and retirement of the Collateral Trust Bonds last mentioned be, and the same is hereby, subject to the following terms and conditions:

(1) That at least seven days before purchases are commenced, Consolidated shall advise by letter each known holder of the Consolidated bonds fully with respect to its intention to make such purchases and the method to be employed, the form of such letter to be submitted to the Commission at least three days prior to release;

(2) That Consolidated shall not solicit or cause to be solicited from individual bondholders the sale of any bonds to the company;

(3) That no purchases shall be made directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated; and

(4) That Consolidated shall furnish to the Commission, promptly after the last day of each month, a schedule showing for each day covered by such report the number of bonds purchased, the prices at which purchased, and the name of the broker through whom purchased.

Consolidated having requested that the order of this Commission concerning the application of the proceeds of the above described sale conform to the formal requirements of sections 373 (a), 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended;

It is further ordered, That Consolidated apply the proceeds from the sale of the common stock described above in the retirement of the Federated Utilities, Inc., First Lien Collateral Trust 5½% Bonds, due March 1, 1957 (assumed by Consolidated) and the Collateral Trust Bonds issued by Consolidated (in the manner hereinabove set forth), which application of such proceeds is hereby found to be necessary or appropriate to the integration or simplification of the Consolidated holding company system.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2468; Filed, February 21, 1944; 9:49 a. m.]

[File No. 811-270]

CREDIT AND INVESTMENT CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February, A. D. 1944.

In the matter of Credit & Investment Corporation, formerly known as German Credit & Investment Corporation.

An application having been filed by Credit & Investment Corporation, formerly known as German Credit & Investment Corporation, pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on February 28, 1944, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2467; Filed, February 21, 1944; 9:49 a. m.]

WAR FOOD ADMINISTRATION.

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

In re market agencies at St. Louis National Stock Yards (formerly styled as Alexander Conover & Company et al.), respondents.

By orders dated February 28, 1933, November 5, 1936, and December 6, 1937, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.), maximum rates and charges for selling and buying livestock on commission by market agencies operating at the St. Louis National Stock Yards, National Stock Yards, Illinois, were prescribed. By an order dated December 26, 1942, pursuant to a petition filed by the respondent market agencies, the Assistant to the Secretary of Agriculture, with the consent of the respondents, temporarily suspended the provisions of the orders of February 28, 1933, November 5, 1936, and December 6, 1937, for a trial period. By a supplemental order dated December 27, 1943, the provisions of the orders of February 28, 1933, November 5, 1936, and December 6, 1937, were again suspended for a further period to and including December 31, 1944, unless such order is modified by further order prior to the expiration of such period. Under the terms of the orders of December 26, 1942, and December 27, 1943, the respondents have been permitted to file, assess, and collect higher rates than the maximum prescribed in the prior orders.

On or about February 4, 1944, the respondent market agencies filed a petition seeking a modification of the order of December 27, 1943, so as to permit the respondents to modify the rate structure of their tariff, in order to denominate cattle and calves as separate species for rate purposes. The effect of such proposed modification would result in some additional revenue to the respondents because its effect would be to place consignments of livestock containing cattle and calves into rate brackets calling for the assessment of higher rates.

It appears that public notice should be given to all interested persons of the request of the respondents and to afford all interested persons, including patrons of the respondents, an opportunity to manifest their desire to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the request of the respondents for a modification of the order of December 27, 1943, and for the purpose of affording said respondents and all other interested persons, including patrons of the respondents, an opportunity to be heard upon the matters covered in the petition.

All interested persons who desire to be heard shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this order.

Copies hereof shall be served on the respondents by registered mail or in person.

Done at Washington, D. C., this 19th day of February 1944.

C. W. KITCHEN, *Acting Director of Food Distribution.*

[F. R. Doc. 44-2501; Filed, February 21, 1944; 11:29 a. m.]

FRESH FRUITS AND VEGETABLES

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me as War Food Administrator, there is hereby delegated to the Director of Food Distribution, War Food Administration, authority to consider and approve (a) the maximum prices for fresh fruits and vegetables as established or adjusted, from time to time, by any regional office of the Office of Price Administration in accordance with Maximum Price Regulation No. 426 and (b) such changes in the definition of the term "purveyor" contained in said Maximum Price Regulation No. 426 as any regional office of the Office of Price Administration may, from time to time, make in accordance with said Maximum Price Regulation No. 426.

The authority delegated herein may be redelegated by the Director of Food Distribution to any employee of the United States Department of Agriculture.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 426" means Maximum Price Regulation No. 426 (8 F.R. 9546), issued by the Price Administrator, Office of Price Administration, on July 10, 1943, as amended at the time the authority delegated herein is exercised.

The term "fresh fruits and vegetables" shall have the same meaning as that which it has when used in said Maximum Price Regulation No. 426.

The term "regional office of the Office of Price Administration" includes each field office of the Office of Price Administration to which authority to act has been delegated, in accordance with Maximum Price Regulation No. 426, by the appropriate regional office of the Office of Price Administration.

(56 Stat. 23, 50 U.S.C., 1940 ed., Sup. II, 901 et seq.; 56 Stat. 765, 50 U.S.C., 1940 ed., Sup. II, 961 et seq.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 44-2502; Filed, February 21, 1944; 11:29 a. m.]

FRESH FRUITS AND VEGETABLES

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by the War Food Administrator, there is hereby delegated to each Regional Director of Food Distribution, War Food Administration, serving the area (8 F.R. 15764) in which (a) and (b) of this paragraph are to be applicable, authority to consider and approve (a) the maximum prices for fresh fruits and vegetables as established or adjusted, from time to time, by any regional office of the Office of Price Administration in accordance with Maximum Price Regulation No. 426 and (b) such changes in the definition of the term "purveyor" contained in said Maximum Price Regulation No. 426 as any regional office of the Office of Price Administration may, from time to time, make in accordance with said Maximum Price Regulation No. 426.

The authority delegated herein may be redelegated by the Director of Food Distribution to any employee of the United States Department of Agriculture.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 426" means Maximum Price Regulation No. 426 (8 F.R. 9546), issued by the Price Administrator, Office of Price Administration, on July 10, 1943, as amended at the time the authority delegated herein is exercised.

The term "fresh fruits and vegetables" shall have the same meaning as that

which it has when used in said Maximum Price Regulation No. 426.

The term "regional office of the Office of Price Administration" includes each field office of the Office of Price Administration to which authority to act has been delegated, in accordance with Maximum Price Regulation No. 426, by the appropriate regional office of the Office of Price Administration.

(56 Stat. 23, 50 U.S.C., 1940 ed., Sup. II, 901 et seq.; 56 Stat. 765, 50 U.S.C., 1940 ed., Sup. II, 961 et seq.; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 44-2503; Filed, February 21, 1944; 11:30 a. m.]

WAR MANPOWER COMMISSION.

Regional Office Orders.

UTICA-ROME, N. Y., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Utica-Rome, New York, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. II by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Utica-Rome, New York, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Utica-Rome, New York, Area shall include:

Oneida, Madison and Herkimer Counties.

II. The effective date of this designation is November 15, 1943.

III. Not later than the effective date, each employer in the Utica-Rome, New York, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: October 15, 1943.

ANNA M. ROSENBERG,
Regional Director, Region II.

[F. R. Doc. 44-2438; Filed, February 19, 1944; 3:12 p. m.]

TRENTON, N J., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Trenton, New Jersey, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region III by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Trenton, New Jersey, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Trenton, New Jersey, Area shall include:

Burlington County: Bordentown, Burlington, Chesterfield, Delanco, Delran, Easthampton, Edgewater Park, Evesham, Florence, Hainesport, Lumberton, Mansfield, Medford, Mt. Holly, Mt. Laurel, New Hanover, North Hanover, Pemberton, Riverside, Southampton, Springfield, Tabernacle, Westhampton, Willingboro and Woodland Townships; Beverly, Bordentown and Burlington Cities; Fieldsboro, Medford Lakes, Pemberton and Wrightstown Boroughs.

Hunterdon County: West Amwell Township and Lambertville City.

Mercer County: all.

Monmouth County: Millstone and Upper Freehold Townships; Allentown and Jersey Homesteads Boroughs.

Ocean County: Plumstead Township in part (New Egypt and vicinity).

II. The effective date of this designation is July 1, 1943.

III. Not later than the effective date, each employer in the Trenton, New Jersey, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: July 1, 1943.

FRANK L. MCNAMEE,
Regional Director, Region III.

[F. R. Doc. 44-2441; Filed, February 19, 1944; 3:12 p. m.]

ELKHART AND KOSCIUSKO COUNTIES, IND.

MINIMUM WARTIME WORKWEEK

Designation of Elkhart and Kosciusko counties in the state of Indiana as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region VI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours" (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate Elkhart and Kosciusko counties in the state of Indiana as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Area shall include:

Elkhart and Kosciusko counties in State of Indiana.

II. The effective date of this designation is February 15, 1944.

III. Not later than the effective date, each employer in Elkhart and Kosciusko counties shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: January 10, 1944.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 44-2442; Filed, February 19, 1944; 3:12 p. m.]

FREEPORT, TRI-CITIES AND WAUKEGAN LABOR MARKET AREAS, ILL.

MINIMUM WARTIME WORKWEEK

Designation of the Freeport, Tri-Cities and Waukegan Labor Market Areas in the state of Illinois as subject to the Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region VI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Freeport, Tri-Cities and Waukegan Labor Market Areas in the state of Illinois as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Freeport, Tri-Cities and Waukegan Labor Market Areas in the state of Illinois shall include:

Freeport, Illinois Labor Market Area: The county of Stephenson.

Tri-Cities, Illinois Labor Market Area: The counties of Mercer and Rock Island.

Waukegan, Illinois Labor Market Area: The county of Lake, except that part of the village of Barrington that lies in Lake County.

II. The effective date of this designationo is March 1, 1944.

III. Not later than March 1, 1944, each employer in the Freeport, Tri-Cities and Waukegan Labor Market Areas shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: January 24, 1944.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 44-2443; Filed, February 19, 1944; 3:13 p. m.]

DE KALB COUNTY, ILL., AREA

MINIMUM WARTIME WORKWEEK

Designation of the De Kalk County, Illinois, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the De Kalb County, Illinois, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the De Kalb County, Illinois, Area shall include:

De Kalb County, Illinois

II. The effective date of this designation is December 1, 1943.

III. Not later than the effective date, each employer in the De Kalb County, Illinois, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: November 6, 1943.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 44-2444; Filed, February 19, 1944; 3:13 p. m.]

UNION AND WAYNE COUNTIES, IND., AREAS

MINIMUM WARTIME WORKWEEK

Designation of the Union County and Wayne County, Indiana, Areas as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Union County and Wayne County, Indiana, Areas as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Union County and Wayne County, Indiana, Areas shall include:

Union and Wayne Counties in the state of Indiana.

II. The effective date of this designation is January 1, 1944.

III. Not later than the effective date, each employer in the Union County and Wayne County, Indiana, Areas shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, to-

gether with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: December 1, 1943.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 44-2445; Filed, February 19, 1944; 3:13 p. m.]

DESIGNATED AREAS IN INDIANA AND ILLINOIS

MINIMUM WARTIME WORKWEEK

Designation of certain areas as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the following areas as subject to the provisions of Executive Order No. 9301:

In the State of Indiana: The counties of Rush, Fayette, Franklin, Howard, Grant, Blackford, Jay, Delaware, Randolph, Henry, LaPorte, Pulaski, Starke, Benton, Carroll, Clinton, Montgomery, Tippecanoe, White, Cass, Fulton, Miami; and the townships of Kane, Davis, Jackson, Logan, Mill Creek, Richland, Shawnee and Van Buren in Fountain County; and the townships of Adams, Liberty, Medina, Pine, Warren and Washington in Warren County.

In the State of Illinois: The counties of Kane, Kendall and Du Page, and all of Cook County excluding that portion in the Chicago Heights-Harvey and Calumet Labor market areas, for which a minimum wartime workweek has heretofore been ordered.

I. The effective date of this designation is January 16, 1944.

II. Not later than the effective date, each employer in the designated areas shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: Dec. 1, 1943.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 44-2447; Filed, February 19, 1944; 3:13 p. m.]

DESIGNATED COUNTIES IN ILLINOIS AND WISCONSIN

MINIMUM WARTIME WORKWEEK

Designation of certain areas as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the following areas as subject to the provisions of Executive Order No. 9301:

Christian, Sangamon, Menard, Logan, DeWitt, Macon, Piatt and Moultrie Counties in the State of Illinois.

Washington, Ozaukee, Waukesha, Kenosha and Milwaukee Counties in the State of Wisconsin.

I. The effective date of this designation is January 16, 1944.

II. Not later than the effective date, each employer in the designated areas shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: December 1, 1943.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 44-2448; Filed, February 19, 1944; 3:13 p. m.]

TAMPA, FLA., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Tampa, Florida, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VII by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Tampa, Florida, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Tampa, Florida, Area shall include:

Hillsborough County.

II. The effective date of this designation is June 1, 1943.

III. Not later than the effective date, each employer in the Tampa, Florida, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: May 6, 1943.

DILLARD B. LASSETER,
Regional Director, Region VII.

[F. R. Doc. 44-2449; Filed, February 19, 1944; 3:15 p. m.]

SPARTANBURG, S. C., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Spartanburg, South Carolina, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VII by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Spartanburg, South Carolina, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Spartanburg, South Carolina, Area shall include:

Spartanburg County, South Carolina.

II. The effective date of this designation is November 15, 1943.

III. Not later than the effective date, each employer in the Spartanburg, South Carolina, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: October 23, 1943.

DILLARD B. LASSETER,
Regional Director, Region VII.

[F. R. Doc. 44-2450; Filed, February 19, 1944; 3:15 p. m.]

ATLANTA, GA., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Atlanta, Georgia, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VII by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Atlanta, Georgia, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Atlanta, Georgia, Area shall include:

Fulton, De Kalb and Cobb Counties, Georgia.

II. The effective date of this designation is February 1, 1944.

III. Not later than the effective date, each employer in the Atlanta, Georgia, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: January 13, 1944.

FRANK A. CONSTANGY,
Acting Regional Director, Region VII.

[F. R. Doc. 44-2451; Filed, February 19, 1944; 3:15 p. m.]

KNOXVILLE, TENN., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Knoxville, Tennessee, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VII by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Knoxville, Tennessee, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Knoxville, Tennessee, Area shall include:

Knox and Jefferson Counties, Alcoa and Maryville in Blount Conty, that portion of Roane and Anderson Counties in which the project of Clinton Engineer Works is located, and Clinton in Anderson County.

II. The effective date of this designation is February 1, 1944.

III. Not later than the effective date, each employer in the Knoxville, Tennessee, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: January 13, 1944.

DILLARD B. LASSETER,
Regional Director, Region VII.

[F. R. Doc. 44-2452; Filed, February 19, 1944; 3:15 p.m.]

COLUMBUS, GA., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Columbus, Georgia, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. VII by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Columbus, Georgia, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Columbus, Georgia, Area shall include:

Muscogee County, Georgia

II. The effective date of this designation is November 15, 1943.

III. Not later than the effective date, each employer in the Columbus, Georgia, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or

local law or regulation limiting hours of work.

Date of issuance: October 23, 1943.

DILLARD B. LASSETER,
Regional Director, Region VII.

[F. R. Doc. 44-2453; Filed, February 19, 1944; 3:15 p. m.]

HARVEY, BUTLER AND COWLEY COUNTIES, KANS.

MINIMUM WARTIME WORKWEEK

Designation of Harvey, Butler and Cowley Counties in Kansas as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. IX by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate Harvey, Butler and Cowley Counties in Kansas as subject to the provisions of Executive Order No. 9301.

I. The effective date of this designation is January 1, 1944.

II. Not later than the effective date, each employer in Harvey, Butler and Cowley Counties in Kansas shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: December 8, 1943.

ED MCDONALD,
Regional Director, Region IX.

[F. R. Doc. 44-2454; Filed, February 19, 1944; 3:15 p. m.]

OKLAHOMA CITY, OKLA.

MINIMUM WARTIME WORKWEEK

Designation of the Oklahoma City, Oklahoma, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. IX by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Oklahoma City, Oklahoma, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Oklahoma City, Oklahoma, Area shall include:

County of Oklahoma

II. The effective date of this designation is November 15, 1943.

III. Not later than the effective date, each employer in the Oklahoma City, Oklahoma, Area shall, in accordance with War Manpower Commission Regiation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: November 9, 1943.

ED MCDONALD,
Regional Director, Region IX.

[F. R. Doc. 44-2455; Filed, February 19, 1944; 3:15 p. m.]

PINE BLUFF, ARK., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Pine Bluff, Arkansas, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. IX by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Pine Bluff, Arkansas, Area as subject to the provisions of Executive Order No. 9301.

I. For the purpose of this designation, the Pine Bluff, Arkansas, Area shall include:

Townships in Jefferson County: Barraque, Bolivar, Dudley Lake, Plum Bayou, Pastoria, Jefferson, Washington, Vaugine, Victoria, Niven, Spring, Melton, Whiteville, Talladega.

II. The effective date of this designation is November 15, 1943.

III. Not later than the effective date, each employer in the Pine Bluff, Arkansas, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any workers;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: November 9, 1943.

ED MCDONALD,
Regional Director, Region IX.

[F. R. Doc. 44-2456; Filed, February 19, 1944; 3:16 p. m.]

MASSENA AREA

MINIMUM WARTIME WORKWEEK

Designation of the Massena Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. II by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Massena Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Massena Area shall include:

Townships of Bangor, Bombay, Brandon, Constable, Dickinson, Fort Covington, Malone, Moria, Waverly, Westville, and the St. Regis Indian Reservation in Franklin County, and the city of Ogdensburg.

Townships of Brasher, Canton, Hopkinton, Lawrence, Lisbon, Louisville, Madrid, Massena, Norfolk, Parishville, Pierrepont, Potsdam, Stockholm, and Waddington in St. Lawrence County.

II. The effective date of this designation is November 15, 1943.

III. Not later than the effective date, each employer in the Massena Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: November 15, 1943.

ANNA M. ROSENBERG,
Regional Director, Region II.

[F. R. Doc. 44-2439; Filed, February 19, 1944; 3:12 p. m.]

SALT LAKE CITY, UTAH

MINIMUM WARTIME WORKWEEK

Designation of the Salt Lake City, Utah, and Provo, Utah, Area, as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. XI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Salt Lake City, Utah and Provo, Utah, Areas as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the above areas shall include:

Salt Lake City, Utah, Area: Salt Lake County, Davis County from Farmington, south, and Tooele County from Grantsville, east.

Provo, Utah, Area: Utah County.

II. The effective date of this designation is August 10, 1943.

III. Each employer in the designated areas shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend, not later than the effective date, to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit, on or before September 10, 1943, to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File, not later than the effective date an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: July 29, 1943.

JOHN R. MCCUSKER,
Regional Director, Region XI.

[F. R. Doc. 44-2458; Filed, February 19, 1944; 3:16 p. m.]

WASHOE COUNTY, NEVADA, AREA

MINIMUM WARTIME WORKWEEK

Designation of the Washoe County, Nevada, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. XII by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Washoe County, Nevada, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Washoe County, Nevada, Area shall include:

Washoe County in the State of Nevada.

II. The effective date of this designation is January 5, 1944.

III. Having found that workers released as a result of the extension of the workweek to the Minimum Wartime Workweek in any establishment or place of employment in the Washoe County, Nevada, Area, can immediately be placed in suitable employment with other employers, I hereby direct each employer in the Washoe County, Nevada, Area in accordance with War Manpower Commission Regulation No. 3:

(a) To extend promptly after the effective date, to a minimum wartime workweek of 48 hours, the workweek of all of his workers; or

(b) To file, on or before February 5, 1944, an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: January 3, 1944.

WILLIAM K. HOPKINS,
Regional Director, Region XII.

[F. R. Doc. 44-2459; Filed, February 19, 1944; 3:16 p. m.]

TERRITORY OF HAWAII

MINIMUM WARTIME WORKWEEK

Designation of the Territory of Hawaii as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Territorial Manpower Director by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours" (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Territory of Hawaii as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Territory of Hawaii shall include all of the Counties of Hawaii, Honolulu, Kauai, and Maui.

II. The effective date of this designation is December 15, 1943.

III. Not later than the effective date, each employer in the Territory of Hawaii shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek fo 48 hours would involve the release of any workers, submit to the Territorial Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: November 15, 1943.

NEWTON R. HOLCOMB,
Territorial Director, Territory of Hawaii.

[F. R. Doc. 44-2460; Filed, February 19, 1944; 3:17 p. m.]

WAR PRODUCTION BOARD.

THE SHIELDS-COMMONWEALTH COMPANY, INC.

CONSENT ORDER

The Shields-Commonwealth Company, Inc., Baltimore, Maryland, is a corporation engaged in the sale and installation of plumbing and heating equipment, as defined in Limitation Order L-79.

The company is charged by the War Production Board with violating Limitation Order L-79 in that during the period from July 12, 1943 to August 15, 1943, they made twelve sales of new metal

heating equipment of items costing in excess of $5.00 each, to ultimate consumers, on orders which did not bear a preference rating.

The company admits having committed the aforesaid violations, but denies that they were done wilfully, and has consented to the issuance of this Order.

Wherefore, upon the agreement and consent of The Shields-Commonwealth Company, Inc., the Regional Compliance Chief and the Regional Attorney, and upon the approval of a Compliance Commissioner, *it is hereby ordered*, That:

(a) Deliveries of material to The Shields-Commonwealth Company, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized, in writing, by the War Production Board.

(b) No allocation or allotment shall be made to The Shields-Commonwealth Company, Inc., its successors and assigns, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized, in writing, by the War Production Board, nor shall The Shields-Commonwealth Company, Inc., its successors and assigns, accept delivery of any such material, unless hereafter specifically authorized, in writing, by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve the Shields-Commonwealth Company, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect upon issuance, and shall expire on April 18, 1944.

Issued this 18th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2414; Filed, February 18, 1944; 5:15 p. m.]

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Washington, Wednesday, February 23, 1944

The President

EXECUTIVE ORDER 9425

ESTABLISHING THE SURPLUS WAR PROPERTY ADMINISTRATION

By virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the First War Powers Act, 1941, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. There is hereby established in the Office of War Mobilization, the Surplus War Property Administration (hereinafter referred to as the "Administration"), the powers and functions of which, subject to the general supervision of the Director of War Mobilization, shall be exercised by a Surplus War Property Administrator (hereinafter referred to as the "Administrator"), to be appointed by the Director of War Mobilization.

2. With the assistance of a Surplus War Property Policy Board, composed of a representative from each of the following: State Department, Treasury Department, War Department, Navy Department, Justice Department, Reconstruction Finance Corporation, Smaller War Plants Corporation, United States Maritime Commission, War Production Board, Bureau of the Budget, War Food Administration, Federal Works Agency, Civil Aeronautics Board, and the Foreign Economic Administration, it shall be the function of the Administration, to the full extent that such matters are provided for or permitted by law:

(a) To have general supervision and direction of the handling and disposition of surplus war property.

(b) To have general supervision and direction of the transfer of any surplus war property in the possession of any Government agency to any other Government agency whenever in the judgment of the Administration such transfer is appropriate.

(c) Unless otherwise directed by the Director of War Mobilization, to assign, so far as it is deemed feasible by the Administration, surplus war property for disposition, as follows: consumer goods to the Procurement Division of the Department of the Treasury; capital and producers' goods, including plants, equipment, materials, scrap and other industrial property, to a subsidiary of the Reconstruction Finance Corporation, created pursuant to Section 5d (3) of the Reconstruction Finance Act, as amended; ships and maritime property to the United States Maritime Commission; and food to the War Food Administration; Provided, That surplus war property to be disposed of outside the United States, unless otherwise directed by the Director of War Mobilization, shall be assigned, so far as it is deemed feasible by the Administration, to the Foreign Economic Administration.

3. All functions, powers, and duties relating to the transfer or disposition of surplus war property, heretofore conferred by law on any Government agency may, to the extent necessary to carry out the provisions of this order, be exercised also by the Administration.

4. The Administrator may prescribe regulations and issue directions necessary to effectuate the purposes of this order; and no Government agency shall transfer or dispose of surplus war property in contravention thereof. Each Government agency shall submit such information and reports with respect to surplus war property and in such form and at such times as the Administrator shall direct. When requested by the Administration, a Government agency shall execute such documents for the transfer of title or for any other purpose or take such steps as the Administration shall determine to be necessary or proper to transfer or dispose of surplus war property or otherwise to carry out the provisions of this order.

5. The Administrator may perform the functions and exercise the powers, authority, and discretion conferred on the Administration by this order by such officials and such agencies and in such manner as the Administrator, subject to the provisions of this order, may determine. In carrying out the purposes of this order, the Administration may utilize the services of any other Government agency. The Administration, within the limit of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities, and services necessary

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to discharge the responsibilities of the Administration.

6. As used in this order:

(a) "Government agency" means any executive department, independent establishment, agency, commission, board, bureau, division, administration, office, service, independent regulatory commission or board, and any government-owned or government-controlled corporation.

(b) "Surplus War Property" means any property, real or personal, including but not limited to plants, facilities, equipment, machines, accessories, parts, assemblies, products, commodities, materials, and supplies in the possession of or controlled by any Government agency, whether new or used, in use or in storage, which are in excess of the needs of such agency or are not required for the performance of the duties and functions of such agency and which are determined, subject to the authority of the Office of War Mobilization, to be surplus by such agency.

7. All prior Executive Orders, in so far as they are in conflict herewith, are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 19, 1944.

[F. R. Doc. 44-2553; Filed, February 22, 1944; 11:15 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 15, Amdt. 2]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE AND PROCESS CHEDDAR CHEESE

Food Distribution Order No. 15 (8 F.R. 1704), issued on February 6, 1943, by the Secretary of Agriculture of the United States, as amended, is hereby further amended to read as follows:

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of Cheddar cheese and process Cheddar cheese for defense, for private account, and for export: and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1401.1 *Cheddar cheese and process Cheddar cheese*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "Cheddar cheese", frequently called "American cheese" or "American Cheddar cheese", means Cheddar cheese (produced in the United States) as defined in the definition and standards of identity for Cheddar cheese (21 CFR, 1941 Supp. 19.500), issued on January 6, 1941, pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) The term "process Cheddar cheese" means the product prepared by grinding and mixing one or more lots of Cheddar cheese into a homogeneous plastic mass (i) by the action of heat, with or without the addition of salt, water, or color, and with or without the incorporation of not more than 3 percent of a suitable emulsifying agent, and (ii) containing not more than 40 percent, by weight, of moisture, and in the water-free substance containing not less than 50 percent, by weight, of milk fat (sweet cream may be added to increase the fat content to the required percentage).

(3) The term "person" means any individual, partnership, corporation, association, or any other business entity or organized group of persons, whether incorporated or not.

(4) The term "authorized cheese assembler" means any person who holds a letter of authority, issued to him by the Director, to receive Cheddar cheese set aside pursuant to the provisions hereof.

(5) The term "set aside" means set aside and hold for sale and delivery to any of the following designated agencies or to any other agency designated by the Director: (i) Office of Distribution (including, but not being limited to, the Federal Surplus Commodities Corporation); (ii) Dairy Products Marketing Association, Inc.; (iii) the Armed Services of the United States (excluding, for the purposes of this order, United States Army Post Exchanges, United States Navy Ship's Service Departments, and United States Marine Corps Post Exchanges); (iv) War Shipping Administration; (v) Veterans' Administration; and (vi) any person who, pursuant to a food distribution regulation, is entitled to purchase Cheddar cheese or process Cheddar cheese subject to this order.

(6) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(7) The terms "U. S. No. 1" and "U. S. No. 2" mean Cheddar cheese of U. S. No. 1 grade (U. S. Grade A) and U. S. No. 2 grade (U. S. Grade B), respectively, as defined in the "Tentative U. S. Standards for Grades of American Cheddar Cheese", issued by the Food Distribution Administration, effective as of May 1, 1943. Whenever new standards are issued by the Office of Distribution or promulgated by the War Food Administrator, "U. S. No. 1" and "U. S. No. 2" shall mean U. S. No. 1 grade (U. S. Grade A) and U. S. No. 2 grade (U. S. Grade B), respectively, as specified in such new standards.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) Each person who has produced more than 8,000 pounds of Cheddar cheese in any calendar month from January 1942 to February 1944, inclusive, shall set aside in March 1944, and in each subsequent calendar month, a quantity of Cheddar cheese equal to such percentage as the Director may order of all Cheddar cheese produced by such person in March 1944 and each subsequent calendar month regardless of the quantity produced by such person during or subsequent to March 1944.

(2) Each person who has not produced more than 8,000 pounds of Cheddar cheese in any calendar month from January 1942 to February 1944, inclusive, but who produces more than 8,000 pounds of Cheddar cheese in March 1944, or any subsequent calendar month, shall thereafter, in each calendar month, set aside a quantity of Cheddar cheese equal to such percentage as the Director may order of all Cheddar cheese produced by such person in each such calendar month regardless of the quantity of Cheddar cheese produced by such person in any month subsequent to the one, as aforesaid, in which he produced more than 8,000 pounds of Cheddar cheese.

(3) In the event of a change in ownership with respect to a cheese factory, the production record of the former owner with respect to such cheese factory shall be the basis for reporting and setting aside Cheddar cheese by the new owner; and the purchaser of the cheese factory shall so report and set aside Cheddar cheese, if (i) the person from whom he purchased the cheese factory was obligated to report and set aside Cheddar cheese or (ii) the purchaser is required by other provisions hereof to report and set aside Cheddar cheese.

(4) Any person who, during a particular calendar month, sets aside and sells to an agency or agencies designated in or pursuant to § 1401.1 (a) (5) hereof a quantity of Cheddar cheese in excess of the quantity required to be set aside by the provisions hereof or Director's order pursuant hereto may be permitted by the Director, if the Director determines that such is necessary or appropriate in the public interest and to promote the national defense, to utilize as a credit against his set-aside obligation, during any subsequent calendar month specified by the Director, the quantity which he set aside and sold to said agencies in excess of his set-aside obligation.

(5) Any person who is required by the provisions of this order to set aside Cheddar cheese may, at his option, sell or deliver all or part of the Cheddar cheese set aside, pursuant to the provisions hereof, to any authorized cheese assembler who agrees to set aside, out of the Cheddar cheese in his possession or control, a quantity of Cheddar cheese equal to the quantity of such set-aside Cheddar cheese received by him, and such authorized cheese assembler shall so set aside such quantity of Cheddar cheese. An authorized cheese assembler shall not, however, sell or deliver set-aside Cheddar cheese to another authorized cheese assembler unless the authorized cheese assembler to whom such Cheddar cheese is to be delivered has applied to the Director and received from him specific authorization to receive such Cheddar cheese. Each person delivering or shipping Cheddar cheese to an authorized cheese assembler shall deliver to such authorized cheese assembler a certificate, in duplicate, in substantially the following language (with the appropriate information inserted in the blank spaces):

"This is to certify that of the _____ pounds of Cheddar cheese shipped or delivered on _____, _____ pounds are Cheddar cheese set aside pursuant to the provisions of Food Distribution Order No. 15, issued by the Secretary of Agriculture of the United States on February 6, 1943, as amended, and such amount of set-aside Cheddar cheese is required to be set aside by you pursuant to the provisions of said order, as amended. The balance, _____ pounds, is Cheddar cheese free from the restrictions of said order, as amended.

_____
(Signature of manufacturer)

"This will acknowledge receipt of the above indicated quantity of Cheddar cheese set aside pursuant to said order, as amended.

_____
(Signature of authorized cheese assembler)"

The aforesaid certificate shall be signed in duplicate by the authorized cheese assembler who shall return one copy to the manufacturer who delivered or shipped the Cheddar cheese, and shall retain the original for one year after the date of receipt thereof.

(6) All Cheddar cheese set aside pursuant to the provisions hereof shall be stored under the same conditions of storage customarily observed to maintain the grade and quality of Cheddar cheese, and shall be packaged and assembled for delivery in accordance with requirements and specifications of the designated agencies purchasing such cheese. At least 80 percent of the Cheddar cheese thus set aside pursuant to the provisions hereof shall be U. S. No. 1 grade or better, and the remainder shall be not less than U. S. No. 2 grade: *Provided, however,* That if the manufacturer shows by grading certificates issued by the Office of Distribution, War Food Administration, that all of the Cheddar cheese of U. S. No. 1 grade or better produced by him is less than the quantity required to be set aside pursuant hereto, the quantity to be set aside shall include all of the U. S. No. 1 grade or better manufactured or received by such person and the remainder may be U. S. No. 2 grade: *Provided, further,* That if the manufacturer shows by grading certificates issued by the said Office of Distribution that the total quantity of Cheddar cheese of U. S. No. 2 grade or better produced by him in the month in which it is required to be set aside is less than the quantity of Cheddar cheese required to be set aside in such month, he shall set aside all of the Cheddar cheese of U. S. No. 2 grade or better produced by him in such month and an additional quantity of lower grade Cheddar cheese to fulfill the total set-aside requirements of this order. Grades as determined by official inspectors of the Office of Distribution shall be final in all cases.

(7) Any person who has contracted with or hereafter contracts with any of the agencies designated in or pursuant to § 1401.1 (a) (5) hereof for the delivery of process Cheddar cheese may deliver such cheese, in accordance with the contract, and credit it against such portion of his set-aside obligation, pursuant to the provisions of this order, at the rate of 95 pounds of Cheddar cheese for each 100 pounds of process Cheddar cheese delivered, as aforesaid, to a designated agency: *Provided,* That no person is authorized to convert such set-aside Cheddar cheese into process cheese prior to the execution of a contract, as aforesaid,

for the delivery of such process Cheddar cheese.

(8) Each authorized cheese assembler shall pay to the Commodity Credit Corporation the sum of 3.8 cents per pound of Cheddar cheese and process Cheddar cheese sold by him to any of the following agencies of the United States during the effective period of any regulation of the Office of Price Administration establishing the maximum prices on such sales equal to the maximum prices on other sales plus 3.8 cents per pound: War Food Administration and any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration); U. S. Army Quartermaster Market Centers (including Field Headquarters), and U. S. Army Quartermaster Depots; and the U. S. Navy Market Offices. Such payment with respect to each sale shall be made not later than 5 days after payment of the purchase price by the purchasing agency. Acceptance from the Director of a letter of authority to serve as authorized cheese assembler shall constitute such assembler's authority to such agencies to make payment, in his behalf and for his account, of the 3.8 cents per pound to Commodity Credit Corporation by deducting such 3.8 cents per pound from the purchase price and paying such 3.8 cents to Commodity Credit Corporation. Unless such deduction has been made, the authorized cheese assembler shall pay the 3.8 cents per pound directly to Commodity Credit Corporation.

(9) No person may serve as authorized cheese assembler unless he has received from the Director a letter of authority to serve as an authorized cheese assembler. Any letter of authority issued prior to February 29, 1944, by the Director shall not entitle the person to whom it was issued to serve as an authorized cheese assembler after February 29, 1944: *Provided*, That the set-aside obligations incumbent on any such authorized cheese assembler with respect to Cheddar cheese acquired or produced by him on or prior to February 29, 1944, shall continue subsequent to February 29, 1944. Any person who desires to become an authorized cheese assembler or to serve as an authorized cheese assembler after February 29, 1944, shall file with the Director an application, upon a form approved by the Director, setting forth the information requested in said form of application. The application shall contain, among other things, a statement by the person submitting such application that (i) he will make the aforesaid payment to the Commodity Credit Corporation, as required by the provisions hereof, and otherwise observe and comply with the requirements of this order, and (ii) he will not refuse to purchase or accept delivery of set-aside Cheddar cheese solely because the vendor is not willing to sell to the respective authorized cheese assembler an additional quantity of Cheddar cheese not set aside or required to be set aside hereunder. An authorized cheese assembler shall have the following facilities and be able to perform the following functions: (i) accumulate carlots of Cheddar cheese for shipment; (ii) storage space with ample capacity and satisfactory temperature and humidity controls; (iii) maintain adequate equipment and facilities for paraffining Cheddar cheese, moisture analysis, grading, branding, shipping, and ample capital for financing the inventories of Cheddar cheese; (iv) substitute for Cheddar cheese of quality unacceptable to an agency designated in or pursuant to § 1401.1 (a) (5) hereof and in packages not suitable for export, according to the standards specified by said agency, Cheddar cheese of acceptable quality and in packages meeting the specifications of said agency; (v) maintain a satisfactory system of records and accounts with respect to Cheddar cheese, and supply promptly, from month to month, correctly prepared reports with respect to Cheddar cheese and process Cheddar cheese; and (vi) make the aforesaid payment of 3.8 cents per pound to the Commodity Credit Corporation pursuant to § 1401.1 (b) (8) hereof with respect to all Cheddar cheese and process Cheddar cheese sold by such authorized cheese assembler to the War Food Administration or any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration); U. S. Army Quartermaster Market Centers (including Field Headquarters), and U. S. Army Quartermaster Depots; and the U. S. Navy Market Offices. The Director shall consider each such application and issue a letter of authority for such period of time as may be specified therein if the Director determines that the issuance of such letter of authority to serve as an authorized cheese assembler is necessary or appropriate in the public interest and to promote the national defense. No person shall represent himself to be an authorized cheese assembler unless he holds a letter of authority duly issued by the Director and in force and effect at the time of such representation. No person other than an authorized cheese assembler holding a letter of authority in force and effect shall receive or, after receipt, deal in Cheddar cheese or process Cheddar cheese set aside pursuant to the provisions hereof.

(10) No authorized cheese assembler shall, unless specifically authorized by the Director, contract to buy or accept delivery of a quantity of Cheddar cheese, set aside pursuant to this order, which will cause the total quantity of the set-aside Cheddar cheese owned, contracted for, processed or, in any other manner, controlled by him to exceed the total quantity of Cheddar cheese required to be set aside by him during the respective calendar month and the then immediately preceding calendar month (including set-aside Cheddar cheese received from others and Cheddar cheese required to be set aside from his own production). Each authorized cheese assembler shall maintain a physical inventory of set-aside Cheddar cheese commensurate with his obligation pursuant hereto to set aside Cheddar cheese.

(11) The Director may release any Cheddar cheese or process Cheddar cheese from the restrictions of this order if he determines that no agency designated in or pursuant to § 1401.1 (a) (5) hereof has contracted for, or declared its intention or desire to contract for, such Cheddar cheese or process Cheddar cheese within such period as he may specify, or that such Cheddar cheese or process Cheddar cheese is not required for such agencies. The Director may issue such administrative rulings, regulations, interpretations, and exemptions as he deems necessary to facilitate, expedite, and accomplish the purposes of this order.

(12) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts or payments made. This order shall not, however, be construed as reducing the amount of Cheddar cheese or process Cheddar cheese which any person is required to offer or deliver, under existing contracts or contracts subsequently entered into, to any agency specified in or pursuant to the provisions in § 1401.1 (a) (5) hereof.

(c) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in Cheddar cheese and process Cheddar cheese.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) The provisions of this order shall not be considered as rescinding or terminating Food Distribution Order No. 15.3 (8 F.R. 14037) issued by the Director on October 14, 1943.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of cheese (including, but not being limited to Cheddar cheese and process Cheddar cheese) of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the administrator of this order. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 15, Dairy and Poultry Branch, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall, by requesting the Order Administrator therefor, obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using Cheddar cheese or process Cheddar cheese, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, except as provided herein or unless instructions to the contrary are issued by the Director, be addressed to the Order Administrator, Food Distribution Order No. 15, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(i) *Territorial scope.* This order shall apply only in the area included in the 48 States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said Food Distribution Order No. 15, as amended, prior to the effective time of the provisions hereof, all provisions of Food Distribution Order No. 15, as amended, in effect prior to the issuance of this order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-2388; Filed, February 18, 1944; 3:22 p. m.]

[FDO 79-2, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE ST. LOUIS METROPOLITAN MILK SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-2 (8 F.R. 13365), relative to the conservation and distribution of fluid milk in the St. Louis metropolitan milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.45 (h) and inserting, in lieu thereof, the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts or cream from which no milk, milk byproducts or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79-2, as amended, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Food Distribution Order No. 79-2, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-2461; Filed, February 19, 1944; 3:23 p. m.]

[FDO 79-7, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CHICAGO, ILL., METROPOLITAN SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-7 (8 F.R. 13371), relative to the conservation and distribution of fluid milk in the Chicago, Illinois, metropolitan milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.40 (h) and inserting, in lieu thereof, the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79-7, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-7, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-2462; Filed, February 19, 1944; 3:22 p. m.]

[FDO 79-38, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN LOUISVILLE, KY., METROPOLITAN SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-38 (8 F.R. 13840), relative to the conservation and distribution of fluid milk in the Louisville, Kentucky, metropolitan milk sales area, issued by the Director of Food Distribution on October 8, 1943, is hereby amended by deleting therefrom the provisions in § 1401.69 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of de-

liveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–38, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Food Distribution Order No. 79–38 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–2463; Filed, February 19, 1944; 3:23 p. m.]

[FDO 79–45, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MINNEAPOLIS-ST. PAUL, MINN., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–45 (8 F.R. 14255), relative to the conservation and distribution of fluid milk in the Minneapolis-St. Paul, Minnesota, milk sales area, issued by the Director of Food Distribution on October 19, 1943, is hereby amended by deleting therefrom the provisions in § 1401.114 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to subhandlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–45, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–45, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–2464; Filed, February 19, 1944; 3:23 p. m.]

[FDO 79–73, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN DIEGO, CALIF., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–73 (8 F.R. 14367), relative to the conservation and distribution of fluid milk in the San Diego, California, milk sales area, issued by the Director of Food Distribution on October 22, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.85 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–73, as amended, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Food Distribution Order No. 79–73, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–2465; Filed, February 19, 1944; 3:22 p. m.]

[FDO 79–75, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN LOS ANGELES, CALIF. SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–75 (8 F.R. 14370), relative to the conservation and distribution of fluid milk in the Los Angeles, California, milk sales area, issued by the Director of Food Distribution on October 22, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.87 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling of processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–75, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–75, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–2466; Filed, February 19, 1944; 3:22 p. m.]

[FDO 93]

PART 1401—DAIRY PRODUCTS

DRIED MILK

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of dried milk for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1401.7 *Restrictions on production and sale of dried milk*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "governmental agency" means (i) the Armed Services of the United States, (ii) the Office of Distribution, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), (iii) the War Shipping Administration, (iv) the Veterans' Administration, and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase dried milk subject to this order.

(4) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(5) The term "dried milk" means all products, sold for human consumption or used in the manufacture of any other product which is sold for human consumption, made by drying cow's milk, whether natural fluid milk, evaporated milk, or condensed milk, with or without the removal of any or all butterfat therefrom and with or without the addition thereto of any other substance or ingredient. Such term shall not include dried skim milk or a dried product made exclusively from buttermilk or whey.

(6) The term "dried skim milk" means all products containing 1½ percent or less, by weight, of butterfat, which are made by drying cows' milk, from which all or part of the milk fat has been separated and to which no other substance or ingredient has been added, and which are sold for human consumption or used in the manufacture of any other product which is sold for human consumption.

(7) The term "infant food" means dried milk which is prepared and sold for the feeding of infants under one year of age, and which is distributed solely through hospitals, drug stores, pharmacies, or licensed members of the medical profession.

(8) The term "dried milk product" means dried milk containing 35 percent or more, by weight, of milk solids, or the quantity of such dried milk contained in any other product. Such term shall not include infant food.

(9) The term "dried milk compound" means dried milk containing less than 35 percent, by weight, of milk solids, or the quantity of such dried milk contained in any other product. Such term shall not include infant food.

(10) The term "commercial export sales" means sales requiring shipment by the seller under an export license issued by the Foreign Economic Administration or a release certificate issued pursuant to a program license executed by the Foreign Economic Administration.

(11) The term "quota restricted sales" means all sales except sales to governmental agencies and commercial export sales.

(12) The term "base sales" means all sales, other than sales to governmental agencies and other than sales requiring shipment by the seller to a point outside the United States or territories or possessions of the United States.

(13) The term "quota period" means the period from the effective time of this order to March 31, 1944, inclusive, and each of the following periods of 3 consecutive calendar months during each period of 12 consecutive calendar months after March 31, 1944: (i) April 1 to June 30, inclusive, (ii) July 1 to September 30, inclusive, (iii) October 1 to December 31, inclusive, (iv) January 1, to March 31, inclusive.

(14) The term "quantity" means number of pounds net weight.

(b) *Restrictions on sales.* (1) During each quota period, no person shall make quota restricted sales of a total quantity of dried milk products manufactured by such person which is in excess of the greater of the following: (i) 75 percent of the total quantity of the respective persons' base sales, during the corresponding period in the calendar year 1942, of dried milk products which were manufactured by such person, or (ii) 10 percent of the total quantity of the respective person's commercial export sales and sales to governmental agencies, during the same quota period, of dried milk products manufactured by such person.

(2) During each quota period, no person shall make quota restricted sales of a total quantity of dried milk compounds manufactured by such person which is in excess of 100 percent of the total quantity of such person's base sales, during the corresponding period in the calendar year 1942, of dried milk compounds manufactured by such person.

(c) *Restrictions on inventory.* (1) On and after July 1, 1944, no person shall, unless authorized in writing by the Director, use milk in the production of a quantity of dried milk products which will cause the total quantity of dried milk products owned by such person on any such date and which were manufactured by him to exceed the sum of (i) the total quantity of his commercial export sales during the immediately preceding quota period of dried milk products manufactured by such person, (ii) the total quantity of dried milk products manufactured by such person and which were sold by him to governmental agencies during the immediately preceding quota period, and (iii) the total quantity of quota restricted sales of dried milk products authorized to be made by such person during the then current quota period pursuant to (b) (1) hereof.

(2) On and after July 1, 1944, no person shall, unless authorized in writing by the Director, use milk in the production of a quantity of dried milk compounds which will cause the total quantity of dried milk compounds owned by such person on any such date and which were manufactured by him to exceed the sum of (i) the total quantity of his commercial export sales during the immediately preceding quota period of dried milk compounds manufactured by such person, (ii) the total quantity of dried milk compounds manufactured by such person and which were sold by him to governmental agencies during the immediately preceding quota period, and (iii) the total quantity of quota restricted sales of dried milk compounds authorized to be made by such person during the then current quota period pursuant to (b) (2) hereof.

(d) *Changes in quotas by Director.* Notwithstanding any other provision hereof, the Director may, by order or other written notice, increase or decrease the quantity of dried milk products and dried milk compounds which may be produced, or sold by any person.

(e) *Existing contracts.* The restrictions of this order shall be observed without regard to the rights of creditors, existing contracts, or payments made. This order shall not, however, be construed as reducing the amount of dried milk products or dried milk compounds which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(f) *Records and reports.* (1) Each person who manufactures any dried milk product, dried milk compound, or infant food on the effective date of this order shall, within 30 calendar days after the effective date hereof, and each person who does not manufacture any such product on the effective date of this order but who starts to manufacture a dried milk product, dried milk compound, or infant food after such effective date shall, within 30 calendar days after he starts to manufacture any such article, submit to the Director, on Form FDO–93–1, the following information: (i) the name, description, and composition of each dried milk product, dried milk compound, and infant food manufactured by such person and which he sold during the period from January 1, 1942, to the effective date hereof; (ii) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold during each calendar month of the calendar year 1942 to (*a*) all purchasers, including governmental agencies, and (*b*) governmental agencies; (iii) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold in the calendar year 1943 to (*a*) all purchasers, including governmental agencies, and (*b*) governmental agencies; (iv) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold during the calendar year 1943 and which required shipment by him to a point outside the United States or territories or possessions of the United States; (v) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold during the calendar year 1943 and which required shipment by him to a point outside the United States or territories or possessions of the United States; and (vi) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by such person and owned by him at the effective time of this order. Each person who, after the effective date of this order, starts to manufacture a dried milk product, dried milk compound, or infant food which he did not manufacture during the period from January 1, 1942, to the effective date hereof, shall, within 30 calendar days after he starts to manufacture each such dried milk product, dried milk compound, or infant food, submit, in writing, to the Director the name, description, and composition of each such dried milk product, dried milk compound, or infant food.

(2) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in dried milk.

(4) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of dried milk of any person, and to make such investigations, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the administrator of this order. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 93, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (h) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using dried milk, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD 93.

(l) *Territorial scope.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(m) *Relevancy to Food Distribution Order No. 54.* The provisions of this order shall not be construed to abrogate, amend, modify, or suspend Food Distribution Order No. 54 (8 F.R. 7210).

(n) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., March 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 18th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-2407; Filed, February 18, 1944; 4:56 p. m.]

[FDO 32, Amdt. 3]

PART 1460—FATS AND OILS

RESTRICTION ON USE AND DISTRIBUTION OF CASTOR OIL

Food Distribution Order No. 32, as amended (8 F.R. 3473, 13434, 16643), § 1460.4 is amended as follows:

By deleting the word and figure "March 31" in paragraph (r) thereof and inserting in lieu thereof the word and figure "June 30."

This amendment shall become effective on the 1st day of March 1944, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 FR. 14783)

Issued this 18th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-2408; Filed, February 18, 1944; 4:56 p. m.]

[FDO 37, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE OF SPERM OIL

Food Distribution Order 37 (8 F.R. 3481) issued by the Acting Secretary of Agriculture on March 19, 1943, is hereby amended to read as follows:

§ 1460.8 *Use and consumption of sperm oil restricted*—(a) *Definitions.* (1) The term "sperm oil" means that oil obtained from the sperm whale, including, but not limited to, head oil, body oil, or combined head and body oil. The term also includes sperm oil which has been winterized, pressed, distilled, deodorized, sulphonated, sulphurized, sulfo-chlorinated, sulphated, blown, or otherwise physically or chemically treated, including technical oleyl alcohol derived from sperm oil, but excluding crude and refined spermaceti and sulphated technical oleyl alcohol derived from sperm oil.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions on use and consumption.* Except as provided for in paragraph (c) hereof, and without regard to whether or not the sperm oil is incorporated in the product, no person shall use or consume sperm oil in the manufacture of any product, other than sperm oil as heretofore defined, unless and except as specifically authorized by the Director.

(c) *Exceptions.* Notwithstanding the provisions of paragraph (b) hereof, specific authorization by the Director shall not be required for:

(1) The use or consumption of sperm oil by the Army, Navy, Coast Guard or Marine Corps of the United States; The United States Maritime Commission; or The War Shipping Administration.

(2) The use or consumption of sperm oil by any person in the manufacture of lubricants or lubricant additives.

(3) The use or consumption of sperm oil by any person in the manufacture of cutting oils or cutting compounds: *Provided, however,* That no person, who in any calendar month uses or consumes more than 2,000 pounds of sperm oil in the manufacture of cutting oils or cutting compounds, shall, during such month, use or consume sperm oil in the manufacture of a cutting oil or cutting compound which contains sperm oil in excess of a quantity equal to 65% (computed by weight) of the total fatty oil content of such oil or compound, unless specifically authorized by the Director.

(4) The use or consumption of sperm oil by any person in the manufacture of grinding oils.

(5) The use or consumption of sperm oil by any person in the manufacture of duplicating stencils, hectograph carbons, carbon papers, mimeograph ink, or typewriter ribbon ink.

(6) The use or consumption of sperm oil by any person, during any calendar month, who during such calendar month does not use or consume more than 500 pounds of sperm oil exclusive of sperm oil used or consumed by him, without specific authorization by the Director, pursuant to paragraphs (c) (2), (3), (4), and (5) hereof.

(d) *Applications for authorizations.* Every person requiring an authorization to use or consume sperm oil in any calendar month shall file an application therefor on or before the 15th day of the calendar month preceding the calendar month in which the applicant desires to use or consume the sperm oil covered by the application. The application shall be made on Form FDA-478, or such other form or forms as the Director may prescribe, and shall be forwarded to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO-37. The Director may prescribe in each authorization issued under the provisions of this order the period of time in which the authorization shall be effective. No person shall take any action pursuant to, or in reliance on, an authorization which has expired.

(e) *Records and reports.* (1) Every person who uses or consumes, in any calendar month, in excess of 500 pounds of sperm oil in the manufacture of an end product, including as so used or consumed, for the purpose of this paragraph only, sperm oil processed in the production of sulphonated, sulphurized, sulfo-chlorinated, sulphated or blown sperm oil, or technical oleyl alcohol, but not including the use or consumption of such processed sperm oils or technical oleyl alcohol, shall between the first and fifteenth day of the following month, properly fill out and file Bureau of the Census Form BM-1, with respect to sperm oil, with the Bureau of the Census, Washington 25, D. C. In the column designated "produced during month" sperm oil which is merely processed shall not be reported. In the column designated "consumed during month" only sperm oil used or consumed within the meaning of the first sentence of this paragraph shall be reported. In the columns designated "stocks held" all sperm oil as defined in paragraph (a) (1) hereof shall be reported. Nothing in this paragraph shall be construed as requiring any person to file more than one Form BM-1 in any month except that a separate report shall be filed for each plant in which such person uses or consumes sperm oil.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in sperm oil.

(3) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of sperm oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO-37. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using sperm oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO-37.

(k) *Territorial extent.* This order shall apply only in the forty-eight States of the United States, and the District of Columbia.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., March 1, 1944. However, with respect to violations of said Food Distribution Order 37, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 37 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 18th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-2409; Filed, February 18, 1944; 4:56 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4110]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MILFORD RIVET & MACHINE CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Milford Rivet & Machine Company, Docket 4110, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C. on the 9th day of February, A. D., 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, Milford Rivet & Machine Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that

the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2575; Filed, February 22, 1944; 11:45 a. m.]

[Docket No. 4111]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JUDSON L. THOMSON MANUFACTURING CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Judson L. Thomson Manufacturing Company, Docket 4111, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, Judson L. Thomson Manufacturing Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2571; Filed, February 22, 1944; 11:46 a. m.]

[Docket No. 4113]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TUBULAR RIVET & STUD CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Tubular Rivet & Stud Company, Docket 4113, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, Tubular Rivet & Stud Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or undertaking that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2572; Filed, February 22, 1944; 11:46 a. m.]

[Docket No. 4560]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EDWIN B. STIMPSON CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Edwin B. Stimpson Company, Docket 4560, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, Edwin B. Stimpson Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2576; Filed, February 22, 1944; 11:45 a. m.]

[Docket No. 4561]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL RIVET & MANUFACTURING CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, National Rivet & Manufacturing Company, Docket 4561, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, National Rivet & Manufacturing Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2577; Filed, February 22, 1944; 11:45 a. m.]

[Docket No. 4562]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHICAGO RIVET AND MACHINE CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than

those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Chicago Rivet and Machine Company, Docket 4562, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, Chicago Rivet and Machine Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2573; Filed, February 22, 1944; 11:46 a. m.]

[Docket No. 4563]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PENN RIVET CORP.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U. S. C., sec. 14) [Cease and desist order, Penn Rivet Corporation, Docket 4563, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, stipulation entered into between counsel for the respondent and W. T. Kelley, Chief Counsel for the Commission, and the record in the proceeding of the Commission, against Judson L. Thomson Manufacturing Company (Docket 4111); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, Penn Rivet Corporation, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2574; Filed, February 22, 1944; 11:46 a. m.]

[Docket No. 4564]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SHELTON TACK CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14.) [Cease and desist order, Shelton Tack Company, Docket 4564, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusions that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondent, Shelton Tack Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by it.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2576; Filed, February 22, 1944; 11:45 a. m.]

TITLE 29—LABOR

Chapter VII—National War Labor Board

PART 802—RULES OF PROCEDURE

JURISDICTION AND PROCEDURE OF REGIONAL WAR LABOR BOARDS

Section 802.57 (a) (4) has been amended to read as follows:

(4) Rulings of the Regional Board on voluntary applications for approval of wage or salary adjustments shall take effect when issued to the parties. Such rulings may be issued to the parties when made, unless two or more public members of the Regional Board who dissent from a ruling request that the issuance of the ruling or any specified portion thereof be stayed and at the same time state the reasons for their request. In such event the ruling or the specified portion thereof and the accompanying request shall immediately be transmitted by the Regional Board to the National War Labor Board and may be issued to the parties only upon the expiration of ten days after its receipt in Washington, unless (i) the ruling is earlier approved by the Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event the Executive Assistant to the National War Labor Board shall communicate the National Board's action to the Regional Board, and the requested stay shall continue in effect until the case is finally disposed of. If only a specified portion of a ruling is asked to be stayed, as herein provided, the Regional Board may, in its discretion, issue to the parties any other unrelated provisions of the ruling at any time after the ruling is made.

Section 802.57 (b) (1) has been amended to read as follows:

(1) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policy of the National War Labor Board. Each such directive order shall bear the date of its actual issue and shall be issued to the parties when made. If after the issuance of such an order no timely petition for review is filed within the period provided in paragraph (c) below, and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms; *Provided*, That the National War Labor Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party in accordance with the provisions of paragraph (c) below, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless and until the National War Labor Board direct, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order. If only a part of the order is sought to be reviewed, any party may petition the National War Labor Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval.

(E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7871, War Labor Disputes Act, P.L. 89, 78th Cong.)

Adopted: February 14, 1944.

THEODORE W. KHEEL, *Executive Director.*

[F. R. Doc. 44-2528; Filed, February 21, 1944; 4:43 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[General License 2, Amdt.]

FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment to General License No. 2 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 2 (6 F.R. 6405) is hereby amended by changing the figure $50 wherever it appears in paragraph (b) to $500.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL, *Acting Secretary of the Treasury.*

[F. R. Doc. 44-2525; Filed, February 21, 1944; 10:57 a. m.]

[General License 5, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment of General License No. 5, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 5 (6 F.R. 3214) is hereby amended by deleting paragraph (b) thereof.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as

amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-2526; Filed, February 21, 1944; 10:57 a. m.]

[General Licenses 49, 50, 52, and 70, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment of General Licenses Nos. 49, 50, 52, and 70 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General Licenses Nos. 49,[1] 50,[2] 52,[3] and 70[4] are hereby amended by deleting the final sentence from paragraph (d) of General License No. 49 and from paragraph (5) of General Licenses Nos. 50, 52, and 70.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-2524; Filed, February 21, 1944; 10:57 a. m.]

[General License 53, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment of General License No. 53 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 53[5] is hereby amended in the following respects:

(a) Paragraph (d) (3) thereof is deleted;

(b) Paragraph (d) (4) thereof is renumbered (d) (3).

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-2527; Filed, February 21, 1944; 10:57 a. m.]

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[1] 6 F.R. 3057; 7 F.R. 1126, 8632.
[2] 6 F.R. 3057; 7 F.R. 1126, 8632.
[3] 6 F.R. 3057, 3404; 7 F.R. 1126, 8632.
[4] 6 F.R. 3057, 3404; 7 F.R. 9119.
[5] Paragraph (d) appears as "(3)" at 6 F.R. 3946 and 5180; as "(d)" at 8 F.R. 4876 and 6595.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 933—COPPER

[Copper Order M-9, Direction 2]

The following direction is issued pursuant to Copper Order M-9:

(a) During any calendar quarter, a person may accept delivery of copper raw materials without specific authorization of the War Production Board: *Provided,*

(1) That his total receipts of copper raw materials from all sources during that calendar quarter do not exceed one hundred fifty (150) pounds copper content; and

(2) That he endorses his purchase orders for such materials as follows:

This order is certified as one on which I am entitled to accept delivery pursuant to Direction No. 2 of Copper Order M-9.

(b) It is to be noted that the material obtained under this direction may not be used in violation of Conservation Order M-9-c or any other order or regulation of the War Production Board.

Issued this 22d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2559; Filed, February 22, 1944; 11:30 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-117, as Amended Feb. 22, 1944]

EXTRA STAPLE COTTON

§ 3290.66 *Conservation Order M-117*—(a) *Definitions.* In this order:

NOTE: Former subparagraphs (1) and (2) deleted, subparagraphs (3), (4) and (5) redesignated (1), (2), and (3) Feb. 22, 1944.

(1) "Reserve cotton" means Giza 7 variety of raw cotton grading "good" or higher (according to the recognized Egyptian standards of classification) or Porto Rico Sea Island variety of raw cotton of 1⅞" or longer staple length grading No. 2 or higher (according to the official United States standards of classification).

(2) "Stitching thread" means finished thread made of reserved cotton (including single or plied yarn with a thread twist made of reserved cotton, customarily manufactured into stitching thread) for use in stitching or home sewing. It does not include crochet, embroidery or other fancy threads.

(3) "Dealer" means a person regularly engaged in the business of purchasing raw cotton for resale. It includes an exporter, importer, agent, and broker, whether or not he owns the cotton.

Restrictions

(b) *Importation.* The importation of raw cotton of 1⅛" to 1 21/32", inclusive, staple length shall be according to General Imports Order M-63, as amended from time to time, and, unless approved by the War Production Board on Form WPB-1615 (formerly Form PD-644), no person shall enter through the United States Customs for consumption, or withdraw from the bonded custody of the United States Bureau of Customs (bonded warehouses) such cotton. This restriction shall not apply to samples taken under a United States Bureau of Customs Sampling permit.

(c) *Sale, delivery, processing, use.* No person shall sell, deliver, buy, receive, process or use reserved cotton, knowing or having reason to believe that it is or will be sold, delivered, processed or used other than in one of the following specifically authorized transactions:

(1) Sales or deliveries to dealers.

(2) Sales or deliveries to the Foreign Economic Administration, the Commodity Credit Corporation, any other United States Government department, agency or corporation, or an agent acting for any of them.

(3) Sales, deliveries, processing or use of reserved cotton for incorporation into products to be delivered to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(4) Sales, deliveries, processing or use of reserved cotton for stitching thread, subject to the limitations of paragraph (d) *"Stitching thread."*

(d) *Stitching thread.* No person shall use annually, beginning January 1, 1944, more reserved cotton for stitching thread than:

(1) An amount of reserved cotton necessary to fill orders for stitching thread for incorporation into products to be delivered to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

plus

(2) The same amount of reserved cotton, as defined in paragraph (a) of this amended order, as he used in 1941 for stitching thread.

Equitable Distribution

(e) *Equitable distribution.* It is the policy of the War Production Board that the cotton described in this order not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such cotton, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

General Provisions

(f) *Grading.* The War Production Board may require any dealer to submit any lot of cotton for classification by the Appeal Board of Review Examiners of the United States Department of Agriculture, whose findings shall, for the purposes of this order, be final in establishing whether the cotton is reserved cotton.

(g) *Reports.* Every owner, processor and holder (for his own account or for the account of others) of cotton 1⅛" or longer staple length shall file with the War Production Board, not later than the 15th day after the end of each calendar quarter, a report on Form WPB-2071 (formerly PD-597) showing the amount of such cotton held or owned by him on the last day of such calendar quarter. This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All reports required to be filed and all communications concerning this order shall, unless otherwise directed in writing, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C. Reference M-117.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine and imprisonment. In addition, such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

Issued this 22d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2560; Filed, February 22, 1944; 11:30 p. m.]

PART 3293—CHEMICALS

[Allocation Order M-287 as Amended Feb. 22, 1944]

ANHYDROUS ALUMINUM CHLORIDE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of anhydrous aluminum chloride for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.376 *Allocation Order M-287*—(a) *Definitions.* (1) "Anhydrous aluminum chloride" means the chemical of that name, in any form.

(2) "Supplier" means any producer or distributor of anhydrous aluminum chloride.

(3) "Producer" means any person who produces anhydrous aluminum chloride.

(4) "Distributor" means any person who purchases anhydrous aluminum chloride for resale.

(b) *Restrictions on deliveries and use.* (1) On and after March 15, 1943, no supplier shall deliver or use anhydrous aluminum chloride, and no person shall accept delivery of anhydrous aluminum chloride from a supplier, except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month beginning with April, 1943 (and with respect to use by supplier) will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time at its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. The War Production Board may also at any time issue directions with respect to the use or uses which may or may not be made by any person of anhydrous aluminum chloride to be delivered or then on hand, or with respect to the kinds of anhydrous aluminum chloride which a producer may manufacture.

(3) Each person specifically authorized to accept delivery of anhydrous aluminum chloride shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the War Production Board.

(4) Anhydrous aluminum chloride allocated for inventory shall not be used except as specifically directed by the War Production Board. Anhydrous aluminum chloride allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory.

(5) Each person who receives specific authorization to accept delivery of anhydrous aluminum chloride in any calendar month and who shall not prior to the first day of the next succeeding month have received delivery in full of the quantity so authorized, shall report such fact to the War Production Board not later than the 5th day of such succeeding month.

(6) Deliveries specifically authorized or directed to be made in any calendar month where the authorization or direction does not specify dates or order of shipment may be made without regard to preference ratings applicable to particular orders.

(c) *Exception to requirement for specific authorization.* (1) Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization or direction of the War Production Board shall not be required for:

(i) The acceptance of delivery by any person, or use by any supplier, of not more than 600 lbs. of anhydrous aluminum chloride in the aggregate in any calendar month: *Provided,* That such person (or supplier) has not been specifically authorized to use or accept delivery of any quantity of anhydrous aluminum chloride during such month.

(ii) The delivery by any supplier of 600 lbs. or less of anhydrous aluminum chloride to each customer in any month, except to customers whom he knows or has reason to believe are not entitled to accept delivery under this exemption.

(2) No producer shall in any calendar month pursuant to paragraph (c) (1) deliver an aggregate amount of anhydrous aluminum chloride in excess of one per cent of the amount of anhydrous aluminum chloride which he is specifically authorized to deliver during such month.

(3) No supplier shall make deliveries during any calendar month pursuant to paragraph (c) (1) if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of (and each supplier seeking authorization to use) anhydrous aluminum chloride in any calendar month beginning with April, 1943, whether for own consumption or resale, shall file application on or before the 15th day of the preceding month. Where delivery or use is to be in March, 1943, such application shall be filed as many days as possible in advance of the requested acceptance of delivery or use. In each case, application shall be made on Form WPB-2945 (formerly PD-600), in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to the supplier and three to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-287, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify anhydrous aluminum chloride; under WPB Order No., specify M-287; under name of company, specify name and mailing address; under unit of measure, specify pounds; and specify the month and year for which authorization for acceptance of delivery or use is sought.

(iv) In Columns 1, 11 and 19 specify grade in terms of the following: technical grade, chemically pure.

(v) In Columns 8, 20 and 22, specify your primary product in terms of the following:

Aviation gasoline
Refining aluminum metal

Synthetic rubber
Synthetic detergents
Toluene
Vat dyes
Nylon
Pharmaceuticals
Terpene resins
Lubricating oil additive
Lubricating oil refining
Catalyst for aviation gasoline, its components and raw materials
Other chemicals (specify)
Others (specify)
Resale (as anhydrous aluminum chloride)
Inventory (as anhydrous aluminum chloride)

(vi) In Column 4, specify ultimate use of product (where, for example, your primary product called for in Column 3 is "vat dyes", the ultimate use of product might be "overcoats"), and, also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. Where the Form WPB 2945 (formerly PD–600) is an application for anhydrous aluminum chloride for resale or inventory (in each case as anhydrous aluminum chloride), leave Column 4 blank.

(2) Each supplier seeking authorization to make delivery of anhydrous aluminum chloride during any calendar month beginning with April, 1943, shall file application on or before the 20th day of the preceding month. The application shall be made on Form WPB–2946 (formerly PD–601) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB–2946 (formerly PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three certified copies to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–287.

(iii) Suppliers who have filed application on Form WPB–2945 (formerly PD–600) specifying themselves as their suppliers, shall list their own names as customers on Form WPB–2946 (formerly PD–601) and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify "anhydrous aluminum chloride"; under WPB Order No., specify "M–287"; under name of company, state name and mailing address; under unit of measure specify "pounds"; and state the month and year during which deliveries covered by your application are to be made.

(v) In Columns 3 and 8, specify grades as stated in customer's Form WPB–2945 (formerly PD–600)

(vi) The supplier may, if he wishes, leave Column 5 blank.

(vii) Names of customers to whom small order deliveries are to be made during the next calendar month pursuant to paragraph (c) (1) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing (Forms WPB–2945 (formerly PD–600) and WPB–2946 (formerly PD–601).

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M–287.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2561; Filed, February 22, 1944; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 5]

RESORT ROOMS, NEW YORK CITY AREA

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (5) is added to read as follows:

(5) *Resort rooms.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944.

The exemption provided in this paragraph (b) (5) shall be effective only from June 1, 1944 to September 30, 1944, inclusive.

2. The last sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on September 30, 1943.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2532; Filed, February 21, 1944; 5:12 p. m.]

[1] 8 F.R. 13910, 14617, 14814, 15581, 16219, 16893.

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 6]

RENT CONCESSION, NEW YORK CITY AREA

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. Section 5 (c) (5) is added to read as follows:

(5) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

2. The second sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

Except in cases under paragraphs (a) (7), (c) (4), and (c) (5) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on September 30, 1943.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2533; Filed, February 21, 1944; 5:11 p. m.]

[1] 8 F.R. 13910, 14617, 14814, 15581, 16219, 16893.

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 4]

RESORT HOUSING, NEW YORK CITY AREA

Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (6) is added to read as follows:

(6) *Resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944.

The exemption provided by this paragraph (b) (6) shall be effective only from June 1, 1944 to September 30, 1944, inclusive.

2. The last sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on September 30, 1943.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2530; Filed, February 21, 1944; 5:12 p. m.]

[1] 8 F.R. 13914, 14814, 15586, 16219.

2. Section 5 (c) (8) is added to read as follows:

(8) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

3. The third sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

In all other cases, except those under paragraphs (a) (7), (c) (6), and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

4. The following sentence is added to the first unnumbered paragraph of section 5 to read as follows:

In cases under paragraph (c) (8) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2531; Filed, February 21, 1944; 5:11 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 106]

GASOLINE WITH HIGH OCTANE RATING

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.7551 (a) (12) (ii) is amended to read as follows:

(ii) Any petroleum product having an octane rating of 86 or more (ASTM D357–42T) when not used or blended for use as fuel for a motor vehicle. Any quantity of the foregoing product which is used or blended for use as fuel for a motor vehicle shall be deemed to be gasoline.

This amendment shall become effective February 25, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2542; Filed, February 21, 1944; 5:12 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15937.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 18]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respect:

Section 1.13 (b) is amended by deleting the last three words in said section, being the words "and cocoa butter.", and by inserting in lieu thereof the words "cocoa butter, and poultry fat."

This amendment shall become effective as of February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2529; Filed, February 21, 1944; 5:13 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SYNTHETICS AND ADMIXTURES

[MPR 127, Amdt. 18]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 127 is amended in the following respects:

In § 1400.82 (w), subparagraph (1) is amended to read as follows:

(1) Regardless of any contract, agreement, or other obligation the maximum price for finished piece goods which are produced from grey goods manufactured in a foreign country and imported into the continental United States by the converter pursuant to a contract with the foreign seller or his agent entered into prior to November 10, 1943, shall be the aggregate of the actual landed duty paid cost of the grey goods and the four items set forth in subparagraphs (2), (3), (4) and (5) of paragraph (a) of this § 1400.82, which sum may be divided by 0.935 but by no other division factor except in accordance with paragraph (h) of this section.

This amendment shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2541; Filed, February 21, 1944; 5:11 p. m.]

[1] 8 F.R. 11150, 11508, 11296, 11739, 12022, 12542, 12559, 12873, 15523.

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 346,[1] Amdt. 37]

CHEMICAL CORDWOOD OF CERTAIN HARDWOODS PRODUCED IN NEW YORK AND PENNSYLVANIA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the addition of Appendix G, Table 8.

TABLE 8

Area. Part of the States of New York and Pennsylvania as follows:

New York: Counties of Broome, Delaware, Sullivan, Allegany, Cattaraugus, and Steuben.

Pennsylvania: Counties of Elk, Forest, McKean, Potter, Tioga, Warren, Jefferson, Lycoming, and Wayne.

Species. Chemical wood of the following species: Birch, beech, maple, cherry, oak, hickory; other species of hardwoods at the option of the purchaser.

Grading and scaling rules. The basis for measurement shall be the unit of 138 cubic feet, based on 52" sticks piled 4 feet in height and 8 feet in length.

Sticks may be cut in 48", 50" or 52" lengths as specified by the buyer, but the price must be adjusted accordingly.[2]

Chemical wood must have a diameter at the small end of at least 3"; sticks greater than 6" in diameter at the large end must be split and the split wood must not be greater than 10" in any one axis; rot or doty material will not be accepted.

Maximum price. $10.00 per unit of 138 cubic feet, f. o. b. cars or delivered to the mill by truck from within 25 miles. If chemical cordwood is delivered to the mill by truck from a distance in excess of 25 miles the buyer may add 5 cents per unit of 138 cubic feet for every load mile in excess of 25 miles.

This amendment shall become effective February 28, 1944.

(56 Stat. 23,765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 FR. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2562; Filed, February 22, 1944; 11:38 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 38]

PINE AND HARDWOOD BOLTS IN TEXAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the addition of Appendix C, Table 6.

TABLE 6

Area. In the State of Texas the Counties of Harris, Liberty, Hardin, Polk, San Jacinto, Walker, Grimes, and Montgomery.

Species. Pine and hardwood bolts suitable for the manufacture of woven picket fences (including snow fences and corn-cribbing).

Scaling and grading rules: All bolts are to be measured on the basis of a unit containing 133 cubic feet.

Bolts are to be cut into 4 or 5 foot lengths as specified by the buyer. Each bolt shall be cut 2 inches over in length to allow for trim. Thus, the unit must actually contain 133 cubic feet.

Bolts must be straight and cut from live sound timber from the main bole of the tree. Bolts cut from the tops will not be accepted.

The minimum diameter acceptable is 6 inches.

Maximum Prices

Pine	$7.60 per unit of 133 cu. ft.
Hardwood	8.00 per unit of 133 cu. ft.

These prices are for pine and hardwood bolts delivered to the mill by truck or f. o. b. cars at shipping point.

If the buyer takes delivery at some place other than on railroad cars or at the mill, the maximum prices must be reduced by

(a) The cost per cord to the buyer of trucking bolts to the closest rail siding and loading on cars if delivery to mill is by rail, or

(b) The cost per cord to the buyer of trucking bolts to the mill if delivery to mill is by truck.

This amendment shall become effective February 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2563; Filed, February 22, 1944; 11:38 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 456]

ALFALFA HAY PRODUCTS

Revised Maximum Price Regulation 456 is redesignated Second Revised Maximum Price Regulation 456 and is revised and amended to read as set forth herein. In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders 9250 and 9328.

Such specifications and standards as are used in this revised regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351.366 *Maximum prices for alfalfa hay products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Second Revised Maximum Price Regulation 456 (Alfalfa Hay Products) which is annexed hereto, and made a part hereof, is hereby issued.

AUTHORITY: § 1351.366 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION 456—ALFALFA HAY PRODUCTS

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SECTION 1. *Applicability.* Except as provided in paragraph (a) of this section, this second revised regulation shall apply to all sales within the 48 states and District of Columbia of domestic and imported alfalfa hay products whether sold for immediate or future delivery.

(a) *Sales excepted.* This revised regulation shall not apply to:

(1) Any sale or delivery of any alfalfa hay product for human consumption when sold by a person other than the processor thereof. The General Maximum Price Regulation, as amended, shall apply.

(2) Any sale or delivery of any alfalfa hay product the maximum price for which is established by any order now or hereafter issued by the Office of Price Administration Regional Administrator for Region VIII pursuant to § 1499.18 (c) of the General Maximum Price Regulation, as amended.

(3) Any export sale of any alfalfa hay product. The maximum price for such sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall in the course of trade or business, buy or receive any of the products covered by this regulation at a price above the maximum price established by this regulation, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing: *Provided, however,* That this prohibition is subject to the exception provided for in subparagraph (1) of this paragraph.

(1) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(b) Prices lower than the maximum prices established by this regulation may, of course, be charged or paid.

SEC. 3. *Definitions.* When used herein, the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other Government or any political subdivision or agency of any of the foregoing.

"Processor" means, with respect to any lot of alfalfa hay products, a person who manufactures such alfalfa hay products or has his own alfalfa hay manufactured by others in alfalfa hay products to which he retains title. It includes an importer-processor.

"Jobber" means, with respect to any lot of alfalfa hay products, a person, other than the processor, who sells such alfalfa hay products without first having unloaded them into a warehouse or store. It includes an importer-jobber.

"Wholesaler" means, with respect to any lot of alfalfa hay products, a person, other than the processor, who sells such alfalfa hay products after having unloaded the same into a warehouse or store to anyone other than a feeder. It includes an importer-wholesaler. It also includes a processor who unloads such products into a warehouse or store operated by him as a separate place of business not located at the production plant and who sells the same from such warehouse or store to anyone other than a feeder.

"Retailer" means, with respect to any lot of alfalfa hay products, a person other than the processor, who sells such alfalfa hay products after having unloaded the same into a warehouse or store to a feeder. It includes an importer-retailer. It also includes a processor who unloads such products into a warehouse or store operated by him as a separate place of business not located at the production plant and who sells the same from such a warehouse or store to a feeder.

"Importer" means, with respect to a lot of alfalfa hay products manufactured outside the continental United States, the person who first sells a lot of such products within the 48 states or the District of Columbia. On that sale, the importer will always also be either a processor, jobber, wholesaler, or retailer, depending upon which one of those classes he belongs to, and he will be referred to herein as "importer-processor," "importer-jobber," "importer-wholesaler" or "importer-retailer," as the case may be.

"Supplier" means, as to any seller, the person from whom he purchased the alfalfa hay product being priced.

"Feeder" means, with respect to any lot of alfalfa hay products, a person who feeds any alfalfa hay product to animals or poultry.

"Alfalfa hay products" means the products produced by a processor from alfalfa hay, and include alfalfa meal, alfalfa leaf meal, alfalfa stem meal, chopped alfalfa, and those products referred to in section 4 (b) (3) hereof. The term refers to alfalfa hay products for human consumption, animal consumption, or other use, and to domestic and imported products.

"Alfalfa meal" means the product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw or foreign material, or the abstraction of leaves. It must be reasonably free from other crop plants and weeds, and must not contain more than 33 percent of crude fibre.

"Alfalfa leaf meal" means the product consisting chiefly of the ground leafy materials which have been separated from alfalfa hay or meal. It must be reasonably free from other crop plants or weeds and must not contain more than 18 percent of crude fibre.

"Alfalfa stem meal" means the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds.

"Chopped alfalfa" means the entire alfalfa hay chopped, cut or ground, but still coarse enough not to pass through a screen whose mesh is less than one inch. Chopped alfalfa must not contain an admixture of alfalfa straw or other foreign material.

"Dehydrated" means artificially dried.

"Carload lot" means a lot of 60,000 pounds of alfalfa hay products, or any smaller quantity which moves as a rail carload shipment under the Office of Defense Transportation or tariff requirements.

"Pool car lot" means a lot of alfalfa hay products sold to one person and being shipped to the purchaser as part of a rail carload lot of alfalfa hay products sold by one seller to two or more persons.

"Less-than-carload lot" means any lot of alfalfa hay products other than a carload lot or a pool car lot.

"Transportation expenses" mean:

(a) When the transportation is by for-hire carrier:

(1) If the shipment originates at a point in the continental United States, the actual lawful transportation charges incurred in delivering to the purchaser, except as provided in (3) and (4) of this definition;

(2) If the shipment originates outside the continental United States, the lowest rail rate of freight applicable to the shipment, from the point of entry to destination, except as provided in (3) and (4) of this definition;

(3) Loading charges not customarily included in such transportation charges may not be added, and

(4) On a shipment involving a rail movement, charges incurred in getting the lot of alfalfa hay products being sold to the rail point of origin may not be included;

(b) When transportation is by other than for-hire carrier, the reasonable value of the transportation service not to exceed the lowest common carrier rate (if any) nor the maximum price the person could lawfully charge a third person for a like service if performed as a for-hire carrier other than a common carrier;

(c) When the shipment is by a combination of the foregoing, the sum of the amounts computed for each factor of transportation, except as provided in paragraph (a) (4) of this definition.

SEC. 4. *Maximum prices for sales of alfalfa hay products by processors.* The maximum per ton price of a sale or delivery of alfalfa hay products in bulk by the processor shall be determined by adjusting the appropriate basic price set forth in Table I by the differentials listed in this section which are applicable to the particular sale and delivery being priced, and adding seller's transportation expenses. The appropriate basic price is dependent upon the type of alfalfa hay product (sun cured or dehydrated) being priced, and either the location of the production plant, in the case of domestically produced products, or the location of the point of entry in the case of products produced outside the continental United States.

(a) *Basic prices per ton for alfalfa hay products.*

TABLE I

	A Sun cured	B Dehydrated
Montana	$36.50	$45.00
Wyoming	36.50	45.00
North Dakota	36.50	45.00
South Dakota	36.50	45.00
Colorado	36.50	45.00
Nebraska	38.50	47.00
Western Kansas[1]	38.50	47.00
Utah	39.50	47.00
Idaho	39.50	47.00
Minnesota	39.50	48.00
Iowa	39.50	48.00
Oklahoma	40.50	47.00
Texas	40.50	47.00
New Mexico	40.50	47.00
Eastern Kansas[2]	41.00	48.00
Wisconsin	41.00	48.00
Illinois	41.00	48.00
Missouri	41.00	48.00
Arkansas	41.00	48.00
Louisiana	42.50	48.00
Mississippi	42.50	48.00
Kentucky	42.50	48.00
Tennessee	42.50	48.00
Alabama	44.00	48.00
Michigan	44.00	48.00
Indiana	44.00	48.00
Ohio	44.00	48.00
All other States (except those in Region VIII)	45.50	48.00

[1] Western Kansas refers to the following counties in Kansas: Barber, Pratt, Stafford, Barton, Russell, Osborne, Smith, and to all counties lying west of those named.

[2] Eastern Kansas refers to all counties in Kansas not included in Western Kansas.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402.

[2] Thus, 48" sticks can be sold on the basis of 128 cubic feet but at a price 7.2 percent below the price set forth herein. Similarly, 50" wood can be purchased on the basis of 133 cubic feet or 3.6 percent below the price set forth herein. See conversion tables at beginning of Appendix G, set out in Amendment 8 to the Regulation.

(b) *Differentials per ton for types, kinds and grades of alfalfa hay products*—(1) *Suncured alfalfa hay products.* (These differentials are to be added to or deducted from the prices in Column A of Table I).

TABLE II

Alfalfa leaf meal:		
No. 1 or choice alfalfa leaf meal [1]	plus	$12.00
Standard alfalfa leaf meal	plus	8.00
No. 1 Alfalfa meal: [1]		
Fine Ground:		
20% or more protein	plus	12.00
17% up to 20% protein	plus	7.00
15% up to 17% protein	plus	3.00
Less than 15% protein	no differential	
Medium	minus	2.00
¼" screen	minus	1.50
⅛" screen	minus	1.00
No. 1 Alfalfa stem meal [1]	minus	5.00
No. 1 Chopped alfalfa [1]	minus	10.00

[1] For No. 2 grade, the maximum prices computed hereunder shall be reduced $2.00. For Sample grade, the maximum prices computed hereunder shall be reduced $4.00.

(2) *Dehydrated alfalfa hay products.* (These differentials are to be added to or deducted from the prices in Column B of Table I).

TABLE III

Alfalfa leaf meal	plus	$12.00
Alfalfa meal:		
20% or more protein	plus	10.00
17% up to 20% protein	plus	7.00
15% up to 17% protein	plus	4.00
Less than 15% protein	no differential	
Alfalfa stem meal	minus	10.00

(3) *Other alfalfa hay products.* The differential for any alfalfa hay product not listed above (including alfalfa hay products for human consumption, products resulting from the further processing of any alfalfa hay product listed above, and products not meeting the definition of alfalfa meal because of the presence of too much crude fibre) shall be the dollars and cents difference during July 1943 between the processor's price bulk, f. o. b. his production plant for No. 1 fine ground sun cured alfalfa meal having less than 15% protein, and his bulk, f. o. b. production plant price for the product in question. If the processor had no such differential he shall take the July 1943 customary trade differential between the two. This differential shall be added or subtracted as is appropriate in each case, pursuant to the practice during July 1943.

(c) *Differential for sale and delivery of less than carload lot.* If the purchaser buys and takes delivery in less than carload lots, $1.00 per ton may be added.

SEC. 5. *Maximum prices for sales of alfalfa hay products by any person other than the processor.* The maximum price for the sale of any alfalfa hay product not for human consumption, bulk, by any person other than the processor, shall be determined by adding seller's transportation expenses and the applicable markup, if any, set forth in paragraph (a) below, either to his supplier's lawful maximum per ton price on the sale to him, or, in the case of a sale by an importer, to the maximum price of a processor for a sale, bulk, f. o. b. production plant of a like amount of a like domestic commodity.

(a) Subject to the limitation set forth in subparagraph (1) of this paragraph, the markup from among those set forth in this paragraph applicable to the sale and delivery and to the class of seller:

Class of seller:	Maximum per ton markup
Jobbers	$1.00 for deliveries in pool car lots.
	.75 for all other sales and deliveries.
Wholesaler	2.50
Retailer	7.00

(1) Sales between two members of the same class are permissible, provided that the aggregate markup for all sales by any one class of seller shall not exceed the maximum per ton markup shown above, and the amount which a subsequent seller may add on resale is reduced or eliminated, as the case may be, by the amount of the markups taken by prior sellers of his class.

SEC. 6. *Increases for sacks.* The maximum price for the sale of domestic or imported alfalfa hay products, sacked or packaged, where the seller has furnished the sacks or packages, shall be the appropriate maximum price for a like sale in bulk, plus the reasonable market value of the sacks or packages used, not exceeding any maximum price for such sacks or packages at the time of the sale or delivery.

SEC. 7. *Sales of alfalfa hay products on the basis of a guaranteed minimum percentage of protein.* No person shall sell any alfalfa hay product, whether domestic or imported, except on the basis of a specified guaranteed minimum percentage of protein therein. If, upon analysis, a delivery falls short of the specified guarantee, the maximum price for such a lot shall be the maximum price that would have been applicable had the guarantee been fulfilled, less a differential determined by reference to the practice customarily followed by the trade in such situations prior to price control of alfalfa hay products.

SEC. 8. *Evasion.* The provisions of this revised regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this revised regulation, alone or in connection with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying agreement or other trade understanding or otherwise.

SEC. 9. *Records and reports.* (a) Every seller subject to this revised regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of alfalfa hay products and documents necessary to the determination of grade and quality, after the effective date of this revised regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 10. *Enforcement.* Persons violating any provision of this revised regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties, as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 11. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this revised regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 12. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

This revised regulation shall become effective February 28, 1944.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2564; Filed, February 22, 1944; 11:39 a. m.]

PART 1355—LEAD

[RPS 69,[1] Amdt. 6]

PRIMARY LEAD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1355.9, paragraph (c) is amended by adding to the table of base prices contained therein a base price of 6.50 cents per pound for Bayfield, Wisconsin, so that the amended list of base points in Wisconsin will read as follows:

Wisconsin:	Cents
Bayfield	6.50
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2565; Filed, February 22, 1944; 11:40 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1339, 2278, 2997; 8 F.R. 612, 3948, 12314.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 465,[1] Correction]

USED PRESSURE VESSELS AND USED ENCLOSED ATMOSPHERIC PRESSURE VESSELS

Maximum Price Regulation 465 is corrected in the following respects:

1. In the table entitled "From And Not Including 3'–0", To And Including 4'–0" (Diameter)", which appears in Appendix A, the price of $214. listed for a reconditioned vessel 14' to 16' in length with a ⅜" shell and 7/16" heads, is corrected to read $244.

2. In the table entitled "From And Not Including 5'–0", To And Including 6'–0" (Diameter)", which appears in Appendix A, the price of $342. listed for an as is vessel 18' to 20' in length with a ½" shell and ½" heads, is corrected to read $347.

3. In the table entitled "From And Not Including 6'–0", To And Including 7'–0" (Diameter)", which appears in Appendix A, the price of $347, listed for an as is vessel 12' to 14' in length with a ¼" shell and ¼" heads, is corrected to read $245.

4. In the table entitled "From And Not Including 6'–0", To And Including 7'–0" (Diameter)", which appears in Appendix A, the price of $547. listed for an as is vessel 26' to 28' in length with a ⅜" shell and ⅜" heads, is corrected to read $542.

5. In the table entitled "From And Not Including 7'–0", To And Including 8'–0" (Diameter)", which appears in Appendix A, the price of $388. listed for an as is vessel 12' to 14' in length with a ⅜" shell and ⅜" heads, is corrected to read $380.

6. In the table entitled "From And Not Including 7'–0", To And Including 8'–0" (Diameter)", which appears in Appendix A, the price of $658. listed for an as is vessel 32' to 34' in length with a ⅜" shell and ⅜" heads, is corrected to read $688.

7. In the table entitled "From And Not Including 10'–0", To And Including 10'–6" (Diameter)", which appears in Appendix A, the price of $775. listed for a reconditioned and guaranteed vessel 30' to 32' in length with a 3/16" shell and 3/16" heads, is corrected to read $795.

8. In the table entitled "From And Not Including 10'–0", To And Including 10'–6" (Diameter)", which appears in Appendix A, the price of $1039. listed for a reconditioned and guaranteed vessel 16' to 18' in length with a ½" shell and ½" heads, is corrected to read $1029.

9. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1299. listed for a reconditioned and guaranteed vessel 20' to 22' in length with a ½" shell and ½" heads, is corrected to read $1199.

10. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $373. listed for an as is vessel 16' to 18' in length with a 3/16" shell and ¼" heads, is corrected to read $393.

11. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1030. listed for a reconditioned and guaranteed vessel 26' to 28' in length with a ¼" shell and 5/16" heads, is corrected to read $1003.

12. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1449. listed for a reconditioned and guaranteed vessel 38' to 40' in length with a 5/16" shell and ⅜" heads, is corrected to read $1499.

13. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1777. listed for an as is vessel 40' to 42' in length with a 7/16" shell and 7/16" heads, is corrected to read $1177.

This correction shall become effective February 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2566; Filed; February 22, 1944; 11:38 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RQ 13,[1] Amdt. 3 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (2) is added to read as follows:

(2) Blue stamps from War Ration Book Four:

(i) A8, B8, C8, D8, and E8 may be used from February 27, to May 20, 1944, inclusive.

This amendment shall become effective February 26, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2567; Filed, February 22, 1944; 11:39 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 12 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) is amended to read as follows:

(e) The following are the periods (referred to in sections 2.3 (b) and 10.4 (g) of Ration Order 16) during which stamps may be used by consumers:

(1) Brown stamps from War Ration Book Three:

Stamps lettered:	Validity period (both dates included)
R	Dec. 26, 1943 to Jan. 29, 1944
S	Jan. 2 to Jan. 29, 1944
T	Jan. 9 to Jan. 29, 1944
U	Jan. 16 to Jan. 29, 1944
V	Jan. 23 to Feb. 26, 1944
W	Jan. 30 to Feb. 26, 1944
X	Feb. 6 to Feb. 26, 1944
Y	Feb. 13 to Mar. 20, 1944
Z	Feb. 20 to Mar. 20, 1944

(2) Red stamps from War Ration Book Four:

(i) A8, B8, and C8 may be used from February 27 to May 20, 1944, inclusive.

(ii) D8, E8, and F8 may be used from March 12 to May 20, 1944, inclusive.

(3) Red stamps numbered 8 from A to M, inclusive, in War Ration Book Four may be given up by consumers and accepted by primary distributors under the provisions of section 3.2 (a) of Ration Order 16.

This amendment shall become effective February 26, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2568; Filed, February 22, 1944; 11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Corr. to Amdt. 18]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

Amendment 18 to Maximum Price Regulation 426, adding Appendix H of section 15, is corrected in the following respects:

1. In paragraph (a) the phrase "green peppers" is corrected to read "sweet peppers".

2. The last sentence of the first paragraph of paragraph (a) is corrected to read "It supersedes the provisions of Maximum Price Regulation No. 376[2] (except as otherwise provided) which affect listed commodities and the provisions of all regional and district orders issued under that regulation which affect listed commodities."

3. In Column 6 of Table 1 of paragraph (b) the word "Centre" is corrected to read "Centro".

4. In Column 6 of Table 3 of paragraph (b) the phrase "Maximum price above (item 1) divided by 26." is corrected to

[1] 8 F.R. 12625, 16170; 9 F.R. 287.

[1] 9 F.R. 178, 908, 1181.

[2] 8 F.R. 16834, 16893, 17278, 17306, 17372; 9 F.R. 105, 184, 731, 1161.

[1] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902.

read "Maximum price above (item 1) divided by 28."

5. In Column 6 of Table 5 of paragraph (b) the phrase "$5.40 plus freight (including 3% transportation tax) from Fort Myers, Florida plus 11 cents protective services.'" is corrected to read "$3.40 plus freight (including 3% transportation tax) from Fort Myers, Florida plus 11 cents protective services.'"

6. In Column 6 of Table 5 of paragraph (b) the phrase "$2.30 plus freight (including 3H transportation tax) from Fort Myers, Florida plus 8 cents protective services.'" is corrected to read "$2.30 plus freight (including 3% transportation tax) from Fort Myers, Florida plus 8 cents protective services.'"

7. In Column 6 of Table 7 of paragraph (b) the phrase "Col. 5 price plus freight (including 3% transportation tax) from Wachula, Fla. plus 10 cents protective services[1] for all markets east of and including Chicago, Ill.; and from Chula Vista, Calif. plus 10 cents for all markets west of Chicago, Ill." is corrected to read "Col. 5 price plus freight (including 3% transportation tax) from Wachula, Florida plus 10 cents protective services[1] for all markets east of and including Chicago, Illinois; and from Chula Vista, California plus 10 cents for all markets west of Chicago, Illinois."

8. In Column 3 of the table in paragraph (c) the phrase "La crate" is corrected to read "L. A. crate".

9. In Column 5 of the table in paragraph (c) the figure "$0.11" is corrected to read "$0.40".

10. In Column 7 of the table in paragraph (c) the phrase "carlots receivers" is corrected to read "carlot receivers".

11. In the last undesignated paragraph of paragraph (d) (1) the word "price" is corrected to read "priced".

12. Paragraph (e) (i) is redesignated (e) (1) and is corrected to read "(1) If any person other than a grower or country shipper purchases and resells a listed commodity in unbroken carlots or truck-lots, the maximum price in each case is the maximum price, f. o. b. country shipping point, or the maximum delivered price, as the case may be, in the applicable table in paragraph (b) plus the markup named in Column 6 of the table in paragraph (c)."

13. The first sentence following the headnote of paragraph (f) is corrected to read "The authority delegated by sections 2 (a) and 2 (b) of this regulation to the regional and district offices does not apply to the listed commodities covered by this appendix."

14. The last word of paragraph (f) (3) is corrected to read "receivers".

This correction shall become effective as of January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2569; Filed, February 22, 1944; 11:38 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

COOPERATION WITH STATE COMMISSIONS

The Commission on February 16, 1944, effective March 18, 1944, deleted § 1.451 *Applications under section 214.*

Effective immediately, the Commission adopted as Appendix No. 5 to Part 1, the following:

A PLAN OF CO-OPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Section 410 of the Communications Act of 1934 authorizes co-operation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State Commissions of the several states, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest co-operation with respect to any proceeding or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that co-operation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of co-operative action, if co-operation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of co-operative procedure, which was jointly prepared by the Association's standing Committee on Co-operation between Federal and State Commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of co-operative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDINGS

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the co-operative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commissions, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and, if co-operation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such co-operation will be by joint conference, or by reference to a joint board appointed under said section 410 (a), and, as hereinafter provided, when such co-operation will be by a joint hearing under said section 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board; and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said Section 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the General Solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than 8 States are within the territory affected by the proceeding, the State commissions interested, are invited to name Co-operating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting co-operation, if not more than 8 States are involved, the General Solicitor shall at once advise the State commissions of said States, they being represented in the membership of the Association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will co-operate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the General Solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding co-operative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than 8 States are interested in the proceeding, because within territory for which rates will be under consideration therein, the General Solicitor shall advise the President of the Association that the Association is invited to name a Co-operating Committee of State Commissioners representing the States interested in said proceeding.

The President of the Association shall thereupon advise the General Solicitor in writing (1) whether the invitation is accepted on behalf of the Association, and (2) the names of commissioners selected to sit as a Co-operating Committee. The President of the Association shall have authority to accept or to decline said invitation for the Association, and to determine the number of commissioners who shall be named on the Co-operating Committee, provided that his action shall be concurred in by the Chairman of the Association's Executive Committee. In the event of any failure of the President of the Association and Chairman of its Executive Committee to agree, the Second Vice-President of the Association (or the Chairman of its Committee on Co-operation between State and Federal Commissions, if there shall be no Second Vice-President) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than 8 States, is pending before the Federal Commission, in which co-operation has not been invited by that Commission, which the Association's President and the First and Second Vice-Presidents, or any two of them, consider should be made a co-operating proceeding, they may instruct the General Solicitor to suggest to the Federal Commission that the proceeding be made a co-operative proceeding; and any State commission considering that said proceeding should be made co-operative may request the President of the Association or the Chairman of its Executive Committee to make such suggestion after consideration with the Executive Officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the President of the Association shall have the same authority to proceed, and shall proceed in the appointment of a Co-operating Committee, as is provided in other cases involving more than 8 States, wherein the Federal Commission has invited co-operation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving 8 States or less, which a commission of any of said States considers should be made co-operative, such commission, either directly or through the General Solicitor of the Association, may suggest to the Federal Commission that the proceeding be made co-operative. If said Federal Commission accedes to such suggestion, it will notify the General Solicitor of the Association to that effect and thereupon the General Solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF CO-OPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any Co-operating Committee, the President of the Association shall make appointments only from commissions of the State interested in the particular proceeding in which the Committee is to serve. He shall exercise his best judgment to select co-operating commissioners who are especially qualified to serve upon Co-operating Committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a Co-operating Committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the Committee is to serve, including the arguments therein, and the co-operative conferences which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF CO-OPERATORS

(a) No State commissioner shall sit in a co-operative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving 8 States or less, or has been selected by the President of the Association to sit in a case involving more than 8 States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a Co-operating Committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a Co-operating Committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any Co-operating Committee, in a proceeding involving more than 8 States, by reason of the death of any co-operating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the President of the Association to fill the vacancy by appointment, if, after communication with the Chairman of the Co-operating Committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a Co-operating Committee involving not more than 8 States, the vacancy shall be filled by the commission from which the vacancy occures.

CO-OPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a co-operative committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the Secretary of the Association, or through the General Solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or non-concurrence of said Co-operating Committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and co-operation as hereinbefore provided because of non-membership in the Association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such Association shall be conducted by the Federal Commission directly with the Chairman of the Commission of such State or States.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-2522; Filed, February 21, 1944; 12:10 p. m.]

PART 63—RULES RELATING TO SECTION 214

EXTENSION OF LINES, CONSTRUCTION OF NEW LINES, ETC.

The Commission on February 16, 1944, effective March 18, 1944, adopted Part 63, Rules Relating to section 214:

EXTENSIONS AND SUPPLEMENTS

Sec.

63.01 Contents of applications.
63.02 Special provisions relating to extensions involving small projects.
63.03 Special provisions relating to small projects for supplementing of facilities.
63.04 Special provisions relating to temporary or emergency service.
63.05 Commencement and completion of construction.
63.06 Authority for supplementing facilities under approved annual program plan.

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

Sec.
63.51 Additional information.
63.52 Copies required.
63.53 Form.
63.54 Reports required.

AUTHORITY: §§ 63.01 to 63.54, inclusive, issued under sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i); sec. 214, 48 Stat. 1075; 47 U. S. C. 214.

EXTENSIONS AND SUPPLEMENTS

§ 63.01 *Contents of applications.* Except as otherwise provided in this part, any person proposing to undertake any construction of a new line, extension of any line, acquisition or operation of any line or extension thereof, for which authority is required under the provisions of section 214 of the Communications Act of 1934, as amended, shall request such authority by formal application containing the following information:

(a) The name and address of each applicant;

(b) The Government, State, or Territory under the laws of which each corporate applicant is organized;

(c) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(d) A statement as to whether the applicant is a carrier subject to section 214 of the act or will become such a carrier as a result of the proposed construction, acquisition or operation;

(e) A statement as to whether the facilities covered by the application will be used to extend service into territory at present not directly served by the applicant or to supplement existing facilities of the applicant and as to whether such facilities will be used for telephone or telegraph service or both;

(f) The points between which the proposed facilities are to be located;

(g) A description of applicant's existing facilities between these points, showing specifically the total number of channels presently provided between major points on each principal route;

(h) A description of the facilities for which authority is requested, including:

(1) The number of channels of each type to be provided by such facilities;

(2) The number, if any, of wires, conductors and coaxial units of each type (not equipped for immediate operation) capable of providing additional channels of communication only by the construction of additional apparatus, equipment, or other facilities;

(3) The type or classes of toll telephone or telegram offices to be established; if telegraph offices are to be established describe pick-up and delivery service to be provided;

(i) (1) Applicant's present and estimated future communication channel requirements, both for the route of the proposed facilities and for routes from which any rerouting to the route of the proposed facilities is contemplated within the period of the estimate;

(2) A map or sketch showing:

(i) Route of proposed project;

(ii) Type and ownership of structures (open wire, aerial cable, underground cable, carrier systems, etc.);

(iii) Facilities, if any, to be removed;

(iv) Cities, towns, and villages along routes indicated on map or sketch, with approximate population of each, and route mileage between the principal points;

(v) Location of important operating centers, and repeater or relay points;

(vi) State boundary lines through which the proposed facilities will extend;

(vii) Topographical features which may require special consideration or entail added cost;

(j) One or more of the following statements, as pertinent:

(1) If proposed facilities are to be constructed, the details thereof, including summary of cost estimates separately by Plant Accounts affected, (in case of construction by or for two or more parties, the quantities of facilities of each kind acquired by each and the cost attributed thereto), quantities and cost of major materials; and amount of labor and cost thereof;

(2) If proposed facilities are to be leased, the details thereof, including the name of the lessor, a summary of the terms of the lease arrangements (or a copy of the lease), the anticipated lease rental, setting up charges, added equipment costs, and each other added cost to the applicant;

(3) If proposed facilities are to be purchased, the name of the vendor, a detailed description of all the properties involved including assets other than plant being acquired in connection with the same transaction, a complete description of the contractual arrangements relating to the sale or a copy of the contract; added equipment cost and each other added cost to the applicant; a statement of the original cost of, and the related reserve requirement for depreciation applicable to, the plant to be acquired (with a full explanation of the manner in which these amounts were determined) including, when appropriate, a separate statement of such amounts applicable to duplicate or other plant which will be retired by the vendee in the reconstruction of the acquired property or its consolidation with previously owned property; and a statement of the estimated annual savings in expenses expected to result from the proposed acquisition;

(4) If facilities are to be acquired or operated other than by lease or purchase, a detailed description of the facilities involved; the terms of the contract or other arrangement relating to such acquisition or operation; added equipment costs; and each other added cost to the applicant;

(k) A summary of the factors showing the public need for the proposed facilities:

(l) Economic justification for the proposed project including, where the application involves an extension into new territory at present not directly served by the applicant, estimated added revenues and costs and the basis therefor.

(m) Description of the manner and means by which interstate and foreign communication services of a similar character are now being rendered by the applicant and others in the area to be served by the proposed facilities, including reasons why existing facilities are inadequate.

(n) Proposed tariff charges and regulations.

(o) A statement of the accounting proposed to be performed in connection with the project. If the facilities are to be acquired by purchase, such proposed accounting shall be presented in journal entry form (on an estimated basis if actual amounts are not available), together with a full explanation of the manner in which the respective amounts were determined:

§ 63.02 *Special provisions relating to extensions involving small projects.* Applications involving extension of service into territory at present not directly served by the applicant by the construction, acquisition or operation of facilities the cost of which to the applicant does not exceed $10,000, or the annual rental of which does not exceed $2,500, may omit the information called for by § 63.01, paragraphs (h) (1) and (2), (i) and (j) (1) but in lieu of such information shall contain a general description of such facilities and, if construction is involved, an estimate of the total construction cost thereof to the applicant.

§ 63.03 *Special provisions relating to small projects for supplementing of facilities.* (a) Applications for the supplementing of existing facilities, involving an estimated construction cost not exceeding $50,000 or an annual rental not exceeding $5,000, may be made by letter to the Commission not less than 15 days prior to the acquisition or commencement of construction of the facilities involved. Such application shall contain the following information:

(1) The points between which the proposed facilities are to be located;

(2) A statement as to whether such facilities are to be used for telephone or telegraph service or both;

(3) The need for the proposed construction, acquisition or operation;

(4) A description of the proposed facilities giving the number of each type of communication channel to be provided thereby;

(5) The estimated cost of the proposed facilities;

(6) The route mileage involved in the project;

(7) The accounting to be performed by such carrier with respect to the proposed construction, acquisition or operation;

(b) Such supplementing of facilities shall be deemed to have been authorized by the Commission effective as of the 15th day following the date of filing of such applications unless on or before such 15th day, the Commission shall notify the applicant to the contrary.

§ 63.04 *Special provisions relating to temporary or emergency service.* Requests for immediate authority for temporary service for a period not exceeding four months, or for emergency service, may be made by letter or telegram setting forth why such immediate authority is required, the nature of the emergency, the type of facilities proposed to be used, the route mileage thereof, the termini, the points to be served, how these points are presently being served by the applicant or other carriers, the need for the proposed service, the cost involved, including rentals, the date on which the service is to begin and, where known, the date or approximate date on which the service is to terminate.

§ 63.05 *Commencement and completion of construction.* Unless otherwise determined by the Commission upon proper showing in any particular case, in the event construction shall not have been begun upon a project involving an expenditure of more than $50,000 within 6 months from the date of the Commission's authorization, or construction of such project shall not have been completed and the facilities placed in operation within 18 months after such date, such authorization shall terminate at the end of such 6 or 18 month period, as the case may be; in the case of projects involving an expenditure of $50,000 or less, the authorization therefor shall terminate at the end of 3 months or 12 months, as the case may be, in the event construction thereof shall not have been commenced, or completed and the facilities placed in operation, within such respective periods.

§ 63.06 *Authority for supplementing facilities under approved annual program plan.* Any carrier may submit to the Commission a procedure, pursuant to which such carrier proposes to request authority covering an annual program of projects for the supplementing of its existing facilities. After approval of such proposed procedure by the Commission, such carrier may request such authority in accordance with such procedure in lieu of filing separate applications for individual projects pursuant to §§ 63.01 and 63.02.

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

§ 63.51 *Additional information.* The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application or request.

§ 63.52 *Copies required.* The Commission shall be furnished with the number of copies of applications required by § 1.491 of the rules and regulations: *Provided, however,* That two additional copies shall be furnished for every additional state involved.

§ 63.53 *Form.* Applications shall be in the form prescribed by § 1.131, except that impressions may be made on both sides of paper.

§ 63.54 *Reports required.* Within ten days after any line authorized to be constructed, acquired, or operated has been put into service the Commission shall be advised of the date thereof; and the Commission shall be notified promptly of any variation in actual cost of construction projects amounting to more than 10 percent of the estimated amounts stated in the application, with an explanation thereof.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-2523; Filed, February 21, 1944; 12:10 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 155-A]

PART 95—CAR SERVICE

RETOP ICING AT LARAMIE, WYO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of February, A. D. 1944.

Upon further consideration of Service Order No. 155 (8 F.R. 13193) of September 23, 1943, and good cause appearing therefor: *It is ordered,* That:

Service Order No. 155 of September 23, 1943, (49 CFR 95.320; 8 F.R. 13193) prohibiting retop icing at Laramie, Wyoming, on the Union Pacific Railroad Company, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 22, 1944; that a copy of this order and direction shall be served upon the Union Pacific Railroad Company and the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-2548; Filed, February 22, 1944; 10:59 a. m.]

[S. O. 180, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE CHARGES FOR STORAGE IN REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February, A. D. 1944.

It appearing that storage charges and not demurrage charges are applicable, at many Atlantic Coast ports, in the United States, on freight held in refrigerator cars at or short of such ports, consigned or reconsigned for export, coastwise or intercoastal movement, and that the demurrage charges prescribed in Service Order No. 180 (9 F.R. 1598) of February 5, 1944, as suspended by Service Order No. 180-A (9 F.R. 1679-80) of February 10, 1944, as amended (9 F.R. 1827) are not applicable to such traffic; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic: *It is ordered,* That:

Service Order No. 180 (9 F.R. 1598) of February 5, 1944, as suspended by Service Order No. 180-A (9 F.R. 1679-80) of February 10, 1944, as amended (9 F.R. 1827) be, and it is hereby, further amended by changing the caption to subparagraph (2) paragraph (b) of Amendment No. 1 to Service Order No. 180 (9 F.R. 1827) to read Intrastate and by adding a subparagraph (5) to paragraph (b) of Amendment No. 1 reading as follows to § 95.330:

(5) *Demurrage charges substituted for charges for storage of freight in refrigerator cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in refrigerator cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as inconsistent with this order.

(ii) In lieu of the charges for storage of freight in refrigerator cars at or short of ports suspended in subparagraph (5) (i) above, the applicable charges for detention of refrigerator cars held at or short of ports for unloading freight consigned or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraph (a) of this section. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective February 23, 1944, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-2549; Filed, February 22, 1944; 10:59 a. m.]

[S. O. 183]

PART 95—CAR SERVICE

REDUCTION IN FREE TIME BEFORE ASSESSMENT OF CHARGES

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 18th day of February, A. D. 1944.

It appearing that freight cars (including refrigerator cars), loaded with freight for export, coastwise or intercoastal movement, are being held unnecessarily at North Atlantic ports (Hampton Roads, Virginia, and north) and Pacific Coast ports, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of cars and congestion of traffic: *It is ordered*, That:

§ 95.503 (a) *Definitions.* (1) The term "ports" as used in this section means the North Atlantic ports (Hampton Roads, Virginia, and north) and Pacific Coast ports in the United States.

(2) The term "freight cars" as used in this section shall include refrigerator cars.

(b) *Reduction in free time at or short of ports.* The operation of all tariff rules, regulations, and provisions, insofar as they authorize, or provide for free time in excess of seven (7) days (168 hours), prior to the assessment of demurrage or storage charges, on freight cars held at or short of ports for unloading freight consigned or reconsigned for export, coastwise or intercoastal movement is hereby suspended, except as provided in paragraph (c) of this section.

(c) *Exceptions.* The provisions of this order shall not be construed to apply to shipments of grain in bulk or to shipments of coal and coke.

(d) *Applicable charges.* After the expiration of said period of seven (7) days (168 hours) charges for demurrage or storage of freight in cars at or short of ports shall be as provided for application after expiration of free time authorized or provided by tariff lawfully on file with this Commission or as modified by effective or subsequently issued service orders of this Commission.

(e) *Application*—(1) *Free time.* In lieu of the periods of free time suspended in paragraph (b) of this section (except as provided in paragraph (c) of this section) the applicable free time (except where free time of seven (7) days (168 hours) or less is provided in tariffs) on traffic at ports shall be seven (7) days (168 hours).

(2) *Free time of seven days or less.* The provisions of this order shall not be construed to affect the free time provided in tariffs lawfully on file with this Commission where such periods of free time are less than that provided in paragraph (b) of this section.

(3) *Freight cars affected by order.* On or after the effective date of this order, the provisions of this order shall apply to detention to any freight car held for unloading at or short of any port mentioned herein for export, coastwise or intercoastal movement.

(4) *Intrastate and foreign traffic.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 7:00 a. m., March 1, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc 44–2550; Filed, February 22, 1944; 10:59 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

DECLARATION ON GOLD PURCHASES

On January 5, 1943, the United States and certain others of the United Nations issued a warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practiced by the governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled. Furthermore, it has been announced many times that one of the purposes of the financial and property controls of the United States Government is to prevent the liquidation in the United States of assets looted by the Axis through duress and conquest.

One of the particular methods of dispossession practiced by the Axis powers has been the illegal seizure of large amounts of gold belonging to the nations they have occupied and plundered. The Axis powers have purported to sell such looted gold to various countries which continue to maintain diplomatic and commercial relations with the Axis, such gold thereby providing an important source of foreign exchange to the Axis and enabling the Axis to obtain much-needed imports from these countries.

The United States Treasury has already taken measures designed to protect the assets of the invaded countries and to prevent the Axis from disposing of looted currencies, securities, and other looted assets on the world market. Similarly, the United States Government cannot in any way condone the policy of systematic plundering adopted by the Axis or participate in any way directly or indirectly in the unlawful disposition of looted gold.

In view of the foregoing facts and considerations, the United States Government formally declares that it does not and will not recognize the transference of title to the looted gold which the Axis at any time holds or has disposed of in world markets. It further declares that it will be the policy of the United States Treasury not to buy any gold presently located outside of the territorial limits of the United States from any country which has not broken relations with the Axis, or from any country which after the date of this announcement acquires gold from any country which has not broken relations with the Axis, unless and until the United States Treasury is fully satisfied that such gold is not gold which was acquired directly or indirectly from the Axis powers or is not gold which any such country has been or is enabled to release as a result of the acquisition of gold directly or indirectly from the Axis powers.

[SEAL] HENRY MORGENTHAU, Jr., *Secretary of the Treasury.*

FEBRUARY 22, 1944.

[F. R. Doc. 44–2579; Filed, February 22, 1944; 12:00 m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 116–A]

RATES AND CHARGES FOR GOVERNMENT TELEGRAPH COMMUNICATIONS

In the matter of the applicability of the Post Roads Act of 1866, as amended, and Commission Order No. 116 to telegraph communications sent by Army post exchanges on official business.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of February 1944;

The Commission, having under consideration the petition filed January 10, 1944, by the Secretary of War alleging that The Western Union Telegraph Company has refused to accept and transmit telegraph communications of United States Army post exchanges relating exclusively to business of the exchanges at the rates prescribed for government telegrams in the Commission's Order No. 116 (8 F.R. 9165), requesting that the Commission order The Western Union Telegraph Company to accept and transmit such telegraph communications at the rates prescribed in Commission Order No. 116, and any subsequent orders that may be issued under the Post Roads Act of 1866, as amended, and having also under consideration the Statement of The Western Union Telegraph Company, filed on January 20, 1944, with regard to its position in the matter; and

It appearing, that telegrams sent by United States Army exchanges relating exclusively to the official business of such exchanges or other public business are, and have been, entitled to be transmitted at the rates annually prescribed by the Commission for United States Government telegrams;

It is ordered, That telegrams sent by United States Army exchanges relating exclusively to the official business of such exchanges or other public business shall be accepted and transmitted by all carriers subject to Commission Order No. 116, at the rates prescribed by the Commission in Commission Order No. 116 and in the Commission's subsequent annual rate orders applicable to United States Government telegrams.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44–2521; Filed, February 21, 1944; 12:10 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G–220, G–402]

MONDAKOTA DEVELOPMENT CO. AND MONTANA-DAKOTA UTILITIES CO.

ORDER GRANTING REQUEST FOR POSTPONEMENT OF HEARING

FEBRUARY 19, 1944.

Mondakota Development Company v. Montana-Dakota Utilities Co.; in the matter of Montana-Dakota Utilities Co.

It appearing to the Commission that:

On February 17, 1944, Montana-Dakota Utilities Co., Respondent in the above proceedings, requested that the hearing to be held beginning on February 29, 1944, at 10:00 a. m., in Court Room No. 3, Third Floor, U. S. Court House, Minneapolis, Minnesota, be postponed for a period of not less than 120 days;

The Commission finds that:

Good cause has been shown for the granting of a postponement of approximately 60 days;

The Commission orders that:

The hearing now set for February 29, 1944, be postponed until May 3, 1944, at 10:00 a. m., in Court Room No. 3, Third Floor, U. S. Courthouse, Minneapolis, Minnesota.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44–2546; Filed, February 22, 1944; 10:02 a. m.]

[Docket Nos. G–526, G–527]

CITIES SERVICE GAS CO., ET AL.

NOTICE OF APPLICATIONS

FEBRUARY 21, 1944.

In the matters of Cities Service Gas Company and Cities Service Transportation and Chemical Company and Cities Service Gas Company.

Notice is hereby given that on February 15, 1944, Cities Service Gas Company and Cities Service Transportation and Chemical Company filed with the Federal Power Commission the above designated applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended.

By its application in Docket No. G–526, Cities Service Gas Company seeks authority to construct and operate the following facilities:

(i) A cooling tower and miscellaneous equipment at its Blackwell compressor station near Blackwell, Kay County, Oklahoma, and

(ii) Thirty-five miles of 16-inch loop line from the Blackwell compressor station to Burbank, Osage County, Oklahoma.

The application in Docket No. G–527 was filed jointly by Cities Service Transportation and Chemical Company and Cities Service Gas Company. In this application, Cities Service Transportation and Chemical Company requests authority to construct and install seven additional 1,000 horsepower compressor units in its Guymon, Oklahoma, compressor station together with additional related facilities in the station and in the dehydration plant operated in connection therewith. Cities Service Gas Company seeks authorization to operate the aforesaid facilities, upon completion, pursuant to a proposed lease agreement between the joint applicants covering the Cities Service Transportation and Chemical Company's entire line with appurtenant facilities extending from Guymon compressor station in the Hugoton gas field eastward to the Blackwell compressor station.

Any person desiring to be heard or to make any protest with reference to these applications should, on or before March 8, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44–2547; Filed, February 22, 1944; 10:02 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5131]

FUNSTEN CO., ET AL.

NOTICE OF HEARING

In the matter of James J. Funsten, an individual doing business as Funsten Company; San Xavier Fish Packing Company, a corporation; and Pacific Marine Products Company, a corporation.

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH ONE: Respondent James J. Funsten is an individual trading as Funsten Company, with his principal office and place of business located at 260 California Street, San Francisco, California (this respondent is hereinafter designated as Funsten Co.), is engaged, and for many years prior hereto has engaged, as the exclusive sales agent of two packing and canning corporations over which he, together with his wife, Florence Funsten, exercise financial control namely, the San Xavier Fish Packing Co. of Monterey, California, and the Pacific Marine Products Co. of Astoria, Oregon. The respondent sells and distributes exclusively for these two corporations canned salmon, tuna, sardines, fish oil and fish meal and other sea food products. Such commodities are hereinafter designated as sea food products.

PAR. TWO: Respondent San Xavier Fish Packing Company is a corporation organized and existing under the laws of the State of California, with its principal office and place of business located at Monterey, California. The respondent corporation is now engaged, and for many years prior hereto has engaged, in the business of packing, canning, distributing and selling food products. The respondent sells and distributes its sea food products through its exclusive sales agent, Funsten Company. Respondent James J. Funsten and respondent's wife, Florence Funsten, own a controlling stock in this corporation.

PAR. THREE: Respondent Pacific Marine Products Co. is a corporation organized and existing under the laws of the State of Oregon, with its principal office and place of business located at Astoria, Oregon. The respondent is now engaged, and for many years prior hereto has engaged, in the business of packing, canning, distributing and selling other sea food products, which it sells and distributes through its exclusive sales agent, Funsten Company. James J. Funsten and his wife, Florence Funsten, own a controlling stock interest in this corporation.

PAR. FOUR: The respondent San Xavier Fish Packing Company and Pacific Marine Products Company sell and distribute their sea food products exclusively through their sales agent, Funsten Co., but by two separate and distinct methods; first, through intermediaries who act as the respective respondents' agents in

negotiating the sale of their sea food products at respondents' price and terms, and for which services such intermediaries are customarily paid commissions or brokerage fees; second, the respondents sell their sea food products through the Funsten Co. directly to buyers on and for their own accounts. Some of such buyers designate themselves as brokers but are paid directly or indirectly on their own purchases of sea food products, commissions or brokerage fees, usually in the amount of 5 per cent of the net purchase price of the sea food products purchased.

Respondent Funsten Co. is paid by San Xavier Fish Packing Company and the Pacific Marien Products Company the sum of 10¢ per case for its services as sales agent in selling and distributing canned fish foods for and in behalf of the two respective corporations mentioned.

To distinguish their sea food products from the sea food products sold by competitors and to facilitate sales, each of the packer respondents utilizes registered and unregistered trade-marks and brands for the various sea food products it sells and distributes, which brands and trade-marks are generally known as packer's or seller's brands. Representative of such brands are: "Golden Eagle", "Silver Beauty", "Sierra", "San Xavier", "AAA", "Triple A", "Saloroc" and "Skipanon".

The respondents also sell their sea food products unlabeled or unbranded, and under the labels or brands of some of their buyers, which labels or brands are generally known to the trade as private buyer's brands.

Some of such buyers who utilize registered and unregistered private labels and brands incorrectly designate themselves as brokers. Such private brand buyers are primarily engaged in the purchase and sale of sea food products in their own names and for their own accounts.

PAR. FIVE: The respondents San Xavier Fish Packing Company and Pacific Marine Products Company in the course and conduct of their said business since June 19, 1936, have sold and distributed a substantial portion of their sea food products through their exclusive sales agent, Funsten Co., directly to buyers who are located in states other than the states in which the respective respondents are located, and as a result of said sales and the respective respondents' instructions such sea food products are shipped and transported across state lines to buyers who are located in the various states of the United States.

PAR. SIX: The respondent Funsten Co., as sales agent for San Xavier Fish Packing Company and Pacific Marine Products, since June 19, 1936, in connection with the interstate sale and distribution of sea food products for and on behalf of the said two respective respondent principals has sold said sea food products in its own name to numerous buyers, and has been and is now paying, or has paid or granted, directly or indirectly, to such buyers commissions, brokerage fees or other compensation or allowances, or discounts in lieu thereof, sometimes under respondents' own labels, sometimes unlabeled, and sometimes under their respective buyers' labels.

A representative, but by no means complete, list of buyers who since June 19, 1936, have purchased sea food products from the respondent for their own account and for resale, and who have received and accepted, and who are now receiving and accepting, from said seller respondents on their respective purchases of sea food products, directly or indirectly, commissions, brokerage fees or allowances and discounts in lieu of brokerage fees, is as follows:

William H. Stanley, Inc., New York, New York.

Griffith-Durney Company, San Francisco, California.

Walter M. Field & Company, San Francisco, California.

John T. Leonard, Charleston, South Carolina.

James A. Seley & Company, Los Angeles, California.

The respondent Funsten Co. customarily pays such buyers a commission or brokerage fee of 5 per cent of the net price of the sea food products purchased by them, and charges to and collects said commissioner brokerage fee from one or the other of the respective corporations whose product he has sold.

PAR. SEVEN: The paying and granting by respondents, San Xavier Fish Packing Company and Pacific Marine Products Company, directly or indirectly through their sales agent, respondent Funsten Co., and the transmission and payment by it, to the buyers of said sea food products, of commissions, brokerage or other compensation and allowance or discounts in lieu thereof on their own purchases, and the acts and practices of each of the respective respondents in promoting their sales of sea food products by such payments as set forth above, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 15th day of February, A. D. 1944, issues its complaint against said respondents.

Notice is hereby given you, James J. Funsten, an individual doing business as Funsten Company; San Xavier Fish Packing Company, a corporation; and Pacific Marine Products Company, a corporation, respondents herein, that the 24th day of March, A. D., 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 15th day of February, A. D. 1944.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2570; Filed, February 22, 1944; 11:45 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3059]

YOSHIRO SHIBATA

In re: Interests in real property and fire insurance policies, and claims owned by Yoshiro Shibata.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Yoshiro Shibata is 874 Shimizu, Shimizu Shi, Shizuoka Ken, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Yoshiro Shibata is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided one-half interest in and to that certain real property situated in the City of Long Beach, County of Los Angeles, State of California, particularly described as Lot 3 in Block 7 of the Long Beach Harbor View Tract in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 3, page 56, of Maps in the office of the County Recorder of said county, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Yoshiro Shibata in and to Fire Insurance Policy No. DH-545868 issued by the New Zealand Insurance Company, and Fire Insurance Policy No. D-187707 issued by the Continental Fire Insurance Company, both of which policies insure the improvements to the real property referred to in subparagraph 3-a hereof,

c. All right, title, interest, and claim of any name or nature whatsoever of Yoshiro Shibata in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Yoshiro Shibata by Leah E. Gay, and represented on the books of said Leah E. Gay as a credit balance due Yoshiro Shibata, including but not limited to any and all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations, and

d. All right, title, interest and claim of any name or nature whatsoever of Yoshiro Shibata in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Yoshiro Shibata by Kumi Shibata, including but not limited to any and all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3-b, 3-c and 3-d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b, 3-c and 3-d hereof,

All such property so vested, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 44-2476; Filed, February 21, 1944; 11:22 a. m.]

[Vesting Order 3060]

LINA ROHR, ET AL.

In re: Real property and a property insurance policy owned by Lina Rohr, and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the persons whose names and respective interests appear in Exhibit A, attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Philadelphia County, Pennsylvania, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons whose names and respective interests appear in Exhibit A, attached hereto and by reference made a part hereof, in and to a Public Liability Insurance policy which is included in Schedule Number 41 of Policy GLPL 566079, issued by the Employers Liability Assurance Corporation, Ltd., Independence Building, Philadelphia, 2, Pennsylvania, insuring the premises described in subparagraph 3-a hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Names and last known addresses	*Fractional interests*
Lina Rohr, Waiblingen, Germany	1/6
Berta Bauer, also known as Bertha Bauer, Bretten, Germany	1/6
Wilhelm Mayer, Eutingen, Germany	1/6
Marie Muller, Eutingen, Germany	1/6
Christiane Hardtner also known as Christiana Hardtner, Magstadt, Germany	1/12
Lina Haussmann, also known as Lina Haussman, Reutlingen, Germany	1/12
Anna Hummel, also known as Anna Hummell, Magstadt, Germany	1/12
Emma Henne, Vaihingen/Enz, Germany	1/24
Erwin Schmidt, Ludwigsburg, Germany	1/24
Hermann Schmidt, also known as Herrman Schmidt, Stuttgart, Germany	1/24
Martha Schmidt, Ludwigsburg, Germany	1/24
Kurt Schmidt, Kornwestheim, Germany	1/24
Karl Sigle, also known as Karl Sigel, Mainhardt (fruher Urach), Germany	1/24

EXHIBIT B

All that certain Messuage or tenement and lot or piece of ground situate on the North Side of Cherry Street in the Square between Fourth Street and Fifth Street in the sixth ward of the city of Philadelphia Bounded and described as follows to wit:

Beginning on the north side of Cherry street at a corner of a lot of Ground Conveyed by Edward Garrigues and wife to Nathaniel Richardson thence extending by the said Richardson's lot the four next Following Courses and distances to wit Northwardly seventy three feet six inches westwardly five feet Northwardly Eight feet Six inches (partly by the west end of a four feet wide alley) and westwardly Twelve feet six inches to the line of a lot of ground Belonging to Henry Muhlenberg and Catharine His wife thence extending partly by the same and partly by the part of a twenty five feet wide Court left open by them across their lot Northwardly fifty two feet or thereabouts to the North line of the said Court thence along the coach Houses and lot of Ground Conveyed by the said Edward Garrigues and wife to Plunket F. Glentworth Eastwardly forty Nine feet and a half More or less to the Distance of one Hundred and Forty eight feet with the said Fourth Street at the aforesaid Distance from the same partly by the east End of the said Court and partly by the East side of a twelve feet wide alley along Ground of Daniel Dawson and others Southwardly One hundred and thirty Four feet More or less to Cherry street aforesaid thence extending by the said Cherry street westwardly about thirty two feet More or less to the place of Beginning.

[F. R. Doc. 44-2477; Filed, February 21, 1944; 11:22 a. m.]

[Vesting Order 3061]

MICHAEL SIPULA

In re: Real property owned by Michael Sipula, also known as Sipula Mihaly.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Michael Sipula, also known as Sipula Mihaly, and "Mary Doe" Sipula, wife of said Michael Sipula, whose Christian name is not available, is Tompca Utca, Rimaszombat, Hungary, and that they are residents of Hungary and are nationals of a designated enemy country (Hungary);

2. That Michael Sipula, also known as Sipula Mihaly, is the owner of the property described in subparagraph 3 hereof, and "Mary Doe" Sipula, wife of said Michael Sipula, whose Christian name is not available, has an interest in said property consisting of her inchoate right of dower;

3. That the property described as follows:

a. Real property situated in the City of Pittsburgh, County of Allegeheny, Pennsylvania, particularly described in Exhibit A attached hereto and by reference made a part hereof, identified as the real property acquired by Michael Sipula, also known as Sipula Mihaly, as the heir and devisee of Helen Gyurovits, deceased, under her Last Will and Testament probated in the Orphans Court in and for Allegheny County, Pennsylvania, No. 5059 of the 1940 term, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any kind, name, or nature whatsoever of Michael Sipula, also known as Sipula Mihaly, in, to, and under two agreements dated June 12, 1941 and August 5, 1942 executed by and between Henry Hobek, Attorney-in-fact for Michael Sipula, and Paul Tegiassy, and an escrow agreement dated November 2, 1942 executed by and between said parties and Fidelity Trust Company, Pittsburgh, Pennsylvania, all relating to the sale of the real property described in subparagraph 3-a hereof, including but not limited to all security rights in and to all collateral for the performance of any and all obligations arising out of said agreements and the right to enforce and collect such obligations as well as the right to terminate such agreements as provided therein,

is property within the United States owned or controlled by a national of a designated enemy country (Hungary);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

That certain tract or parcel of land situated in the County of Allegheny, State of Pennsylvania, more particularly described as follows:

That certain lot or piece of ground situate in the Fifteenth Ward of the City of Pittsburgh, being all of Lot No. 10 and the Southerly six and one-fourth (6¼) feet of Lot. No. 9 in St. Ann's Plan of Lots, recorded in the Recorder's Office of Allegheny County, in Plan Book, Vol. 29, pages 198 and 199, bounded and described as follows, to wit:

Beginning at a point on the Easterly side of Glenwood Avenue at the line dividing Lots Nos. 10 and 11 in said Plan; thence North 84°45' east along line dividing Lots Nos. 10 and 11, One hundred twenty-nine and 94/100 (129.94) feet to the Westerly side of Vargo Way; thence by line of said alley curving to the West, with a radius of Seventy-five and 65/100 (75.65) feet, Twenty-seven and 51/100 (27.51) feet to a point; thence still along said alley north 5°15' West Four and 36/100 (4.36) feet to a point; thence South 84°45' West and parallel with the line dividing Lots Nos. 9 and 10 in said Plan, One hundred and twenty-five (125) feet, more or less, to the Easterly side of Glenwood Avenue; thence along Glenwood Avenue South 5°15' East, Thirty-one and 25/100 (31.25) feet to the place of beginning.

Being part of the same premises which became vested in First Hungarian Reformed Church of Pittsburgh by deed of Pittsburgh St. Ann's Hungarian Roman Catholic Church Society, dated May 21st, 1924, and recorded in the Recorder's Office of Allegheny County in Deed Book Vol. 2231, Page 34.

[F. R. Doc. 44-2478; Filed, February 21, 1944; 11:22 a. m.]

[Vesting Order 3063]

MARTHA KUECHENTHAL

In re: Real property, a claim, and property insurance policies owned by Martha Kuechenthal.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Martha Kuechenthal is Arnstrasse 3, Leipzig S 3, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Martha Kuechenthal is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Denver, State of Colorado, particularly described as Lot Ten (10) and the North One-half (N ½) of Lot Eleven (11) Block Seven (7), Waddell and Machen's Subdivision to the City and County of Denver, State of Colorado, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. All right, title and interest of Martha Kuechenthal in and to personal liability insurance policy No. SB 3162, issued by the London Guaranty and Accident Company, Limited, and fire insurance policy No. 628451, issued by the Yorkshire Insurance Company, Limited, of York, England, insuring the premises described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Martha Kuechenthal in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Martha Kuechenthal by the law firm of Schaetzel and Knight, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2479; Filed, February 21, 1944; 11:22 a. m.]

[Vesting Order 3079]

HENRY F. SAUTER

In re: Estate of Henry F. Sauter, deceased. File D-28-7996; E. T. sec. 8902.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ernest Bottman, Administrator, c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last known address

August Sauter, Germany.
David Bottman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of August Sauter and David Bottman, and each of them, in and to the estate of Henry F. Sauter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2480; Filed, February 21, 1944; 11:23 a. m.]

[Vesting Order 3080]

OTMAR SCHELLENBERG

In re: Mortgage Participation Certificate for Otmar Schellenberg, #B-142,-168 of Series 180,442, issued by the Bond & Mortgage Guarantee Company. File F-28-2847; E. T. sec. 4894.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Brooklyn Trust Company, as Trustee, acting under the judicial supervision of the Supreme Court, Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and last known address

Otmar Schellenberg, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otmar Schellenberg in and to income and proceeds of bond and mortgage participation certificate #B-142,168 in the amount of $1,000, issued in guarantee series #180,442 by the Bond & Mortgage Guarantee Company and being serviced by Brooklyn Trust Company of Brooklyn, New York, as Trustee,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2481; Filed, February 21, 1944; 11:23 a. m.

[Vesting Order 3081]

TAATJE SCHLUETER

In re: Estate of Taatje Schlueter, deceased. File D–28–3983; E. T. sec. 6900.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James F. Bishop, 134 North La Salle Street, Chicago, Illinois, Administrator, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Wumke Wumkes, Germany.
Johann Wumkes, Germany.
Margaretha T. Peters, Germany.
Aafka Kampen, Germany.
Weert Muller, Germany.
Antje de Buhr, Germany.
Brechtje de Vries, Germany.
Gretje Lindemann, Germany.
Herodina B. Lindemann, Germany.
Antje Janssen, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $624.14 which is in the process of administration by and is in the possession and custody of James F. Bishop, Administrator of the estate of Taatje Schlueter, deceased, also;

All right, title, interest and claim of any kind or character whatsoever of Wumke Wumkes, Johann Wumkes, Margaretha T. Peters, Aafka Kampen, Weert Muller, Antje de Buhr, Brechtje de Vries, Gretje Lindemann, Herodina B. Lindemann and Antje Janssen, and each of them, in and to the estate of Taatje Schlueter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2482; Filed, February 21, 1944; 11:23 a. m.]

[Vesting Order 3082]

JOHN M. SCHREIBER

In re: Estate of John M. Schreiber, deceased. File D–34–609; E. T. sec. 7023.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mrs. Ida Josephine Tremewan, Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Mrs. Martha Papp Josefne, Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Martha Papp Josefne in and to the Estate of John M. Schreiber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2483; Filed, February 21, 1944; 11:23 a. m.]

[Vesting Order 3083]

JOHN THOLE

In re: Estate of John Thole, deceased. D–28–7615; E. T. sec. 8021.

Under the authority of the Trading with the Enemy Act, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Otto Ruppert, Executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals

of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hans Thole, Germany.
Anton Thole, Germany.
Bernhard Ludden, Germany.

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hans Thole, Anton Thole and Bernhard Ludden, and each of them, in and to the estate of John Thole, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2484; Filed, February 21, 1944; 11:24 a. m.]

[Vesting Order 3084]

ALBERT UNGER

In re: Mortgage Participation Certificate for Albert Unger, No. 15 of Series No. 267,864, issued by the Lawyers Title and Guaranty Company. File F–28–4556; E. T. sec. 3983.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Sterling National Bank and Trust Company trustee, acting under the judicial supervision of the Supreme Court, Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Albert Unger, Cologne-Sulz Sulzgweitel-38 Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albert Unger, in and to income and proceeds of bond and mortgage participation certificate No. 15, in the amount of $9800.00, issued in guarantee Series 267,864 by the Lawyers Title and Guaranty Company, and being serviced by the Sterling National Bank and Trust Company of New York,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2485; Filed, February 21, 1944; 11:24 a. m.]

[Vesting Order 3085]

JOHN D. WILKENS

In re: Estate of John D. Wilkens, Sr., deceased; File D–28–7941; E. T. sec. 8828.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John D. Wilkens, Sr., as Executor, acting under the judicial supervision of the Probate Court, Dallas County, Texas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and last known address

Kate Pfaffendorf, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kate Pfaffendorf, in and to the Estate of John D. Wilkens, Sr., deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc.44–2486; Filed, February 21, 1944; 11:24 a. m.]

[Vesting Order 3100]

SOPHIA MARTHA BARTHELMESS

In re: Estate of Sophia Martha Barthelmess, deceased. File D–28–4350; E. T. sec. 7444.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Albert L. Coles, as Executor, acting under the judicial supervision of the Court of Probate, District of Bridgeport, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Sophia Schmelter, Germany.
Elizabeth Schmelter Meyer, Germany.
Louisa Schmelter, Germany.
Ella Schmelter, Germany.
Hedwig Schmelter, Germany.
Clara Schmelter, Germany.
Anna Schmelter, Germany.
Gertrude Schmelter, Germany.
Angelika Wagner, Germany.
Kate Wagner, Germany.
Ann Wagner Oder Ohra, Danzig.

And determining that—

(3) Anna Wagner Oder Ohra, a citizen or subject of a designated enemy country, Germany, and within an enemy-occupied area, Danzig, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Sophia Schmelter, Elizabeth Schmelter Meyer, Louisa Schmelter, Ella Schmelter, Hedwig Schmelter, Clara Schmelter, Anna Schmelter, Gertrude Schmelter, Angelika Wagner, Kate Wagner, Anna Wagner Oder Ohra, and each of them, in and to the Estate of Sophia Martha Barthelmess, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2487; Filed, February 21, 1944; 11:24 a. m.]

[Vesting Order 3101]

JOHANNA GOELTL

In re: Estate of Johanna Goeltl, deceased. File D–34–106; E. T. sec. 2806.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Omaha National Bank, 1620 Farnam Street, Omaha, Nebraska, Administrator *cum testamento annexo*, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals and Last Known Address

Hans Schimeck, Germany (Austria).
Antal Weber, Hungary.
Susanna Chervnak, Hungary.
Ferenc Weber, Hungary.
Aranka Weber, Hungary.
Martin Goeltl, Hungary.
Carl Schimeck, Germany (Austria).

And determining that—

(3) If such nationals are persons not within designated enemy countries, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of Hans Schimeck, Antal Weber, Susanna Chervnak, Ferenc Weber, Aranka Weber, Martin Goeltl and Carl Schimeck, and each of them, in and to the estate of Johanna Goeltl, deceased;

(b) An undivided two-thirds interest in and to the following described real estate:

An undivided three-fourths (¾) interest in and to the South Half (S½) of the Northwest Quarter (NW¼) of Section Seventeen (17), Township Nineteen (19), Range Fifty (50), Morrill County, Nebraska;

(c) An undivided one-fourth interest in and to the South Half (S½) of the Northwest Quarter (NW¼) of Section Seventeen (17), Township Nineteen (19), Range Fifty (50), Morrill County, Nebraska,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2489; Filed, February 21, 1944; 11:24 a. m.]

[Vesting Order 3102]

BARBARA KEHL

In re: Estate of Barbara Kehl, deceased; File D–28–7829; E. T. sec. 8447.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phillip Glass, Executor, acting under the judicial supervision of the County Court of the State of Oregon for Benton County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

George Glass, Germany.
Fritz Glass, Germany.
Margaret Glass, Germany.
Marie Ottorback, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of George Glass, Fritz Glass, Margaret Glass and Marie Ottorback, and each of them, in and to the Estate of Barbara Kehl, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2490; Filed, February 21, 1944; 11:24 a. m.]

[Vesting Order 3103]

GEORGE KONNO

In re: Guardianship Estate of George Konno, Minor; File: D–66–1358; E. T. sec. 8587 (H–85).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Takeo Uchimura, Guardian, acting under the judicial supervision of the Circuit Court of the Third Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

George Konno, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of George Konno in and to the Guardianship Estate of George Konno, Minor, in the possession of Takeo Uchimura, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2491; Filed, February 21, 1944; 11:25 a. m.]

[Vesting Order 3104]

ANTON H. MEYER

In re: Trust under the will of Anton H. Meyer, deceased; File D–28–2526; E. T. sec. 4437.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Empire Trust Company of New York, Trustee, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Heinz Juergen Hagemeister, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Heinz Juergen Hagemeister, in and to the trust No. 3 created under the will of Anton H. Meyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2492; Filed, February 21, 1944; 11:25 a. m.]

[Vesting Order 3105]

CHRISTINA SCHNEIDER

In re: Estate and Trust under the Will of Christina Schneider, deceased; File D–28–2488; E. T. sec. 3514.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Dallas National Bank, 1528 Main Street, Dallas, Texas, Independent Executor and Trustee, and which is in "partition, libel, condemnation or other similar proceedings,"

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Bender, Germany.
Louise Berthold Mannheim, Germany.
Louise Mansar Mannheim, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires

that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Bender, Louise Berthold Mannheim and Louise Mansar Mannheim, and each of them, in and to the estate of Christina Schneider, deceased, and in and to the trust under the will of Christina Schneider, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof if and when it should be determined that such return should be made or such compensation should be paid.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2493; Filed, February 21, 1944; 11:25 a. m.]

[Vesting Order 3106]

ROSIE SCHULT

In re: Estate of Rosie Schult, deceased; File D–28–2356; E. T. sec. 3532.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Herman Vogel, as executor, acting under the judicial supervision of the Surrogate's Court, Green County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elfrieda Berger, Germany.
Paula Berger, Germany.
Carl Berger, Germany.
Clara Vogel, Germany.
Rosa Vogel, Germany.
Theodore Vogel, Germany.
Carl Vogel, Germany.
Otto Vogel, Germany.
Herman Schmollinger, Germany.
Emma Schmollinger, Germany.
Hedwig Schmollinger, Germany.
Wilhelm Schmollinger, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Elfrieda Berger, Paula Berger, Carl Berger, Clara Vogel, Rosa Vogel, Theodore Vogel, Carl Vogel, Otto Vogel, Herman Schmollinger, Emma Schmollinger, Hedwig Schmollinger and Wilhelm Schmollinger, and each of them, in and to the Estate of Rosie Schult, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2494; Filed, February 21, 1944; 11:25 a. m.]

[Vesting Order 3107]

WILLIAM SEIDEL

In re: Trust under the will of William Seidel, deceased; File D–28–2443; E. T. sec. 3457.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peter A. Schwabe, Executor, acting under the judicial supervision of the Circuit Court of the State of Oregon, in and for the County of Clackamas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Willie Seidel, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Willie Seidel in and to the trust estate created under the will of William Seidel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2495; Filed, February 21, 1944; 11:25 a. m.]

[Vesting Order 3108]

ADOLPH WERNER

In re: Estate of Adolph Werner, deceased; File D–28–4284; E. T. sec. 7339.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peoples National Bank of Washington, Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Grays Harbor;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Helen Pape, Berlin, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Helen Pape, in and to the Estate of Adolph Werner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2488; Filed, February 21, 1944; 11:22 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 171]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 2,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Gordon Niedergerke, doing business as Niedergerke Truck Line, Fulton, Mo.
2. Gill Bruce Lewton, doing business as Lewton Delivery Service, 3120 Cass Ave., St. Louis, Mo.
3. Toedebusch Transfer, Inc., 926 Cass Ave., St. Louis, Mo.
4. Orschein Bros. Truck Lines, Inc., 339 North William St., Moberly, Mo.
5. Riss & Co., Inc., 2029 West Hubbard, Chicago, Ill.
6. Perry A. Brooks, doing business as Brooks Truck Co., 112 North Salt Pond, Marshall, Mo.
7. E. A. Burggrabe, doing business as E. A. Burggrabe Drayage Service, Warrenton, Mo.

[F. R. Doc. 44–2554; Filed, February 22, 1944; 11:24 a. m.]

[Supp. Order ODT 3, Rev. 174]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI AND KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as

[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947.

[2] Filed as part of the original document.

amended,[1] a copy of which plan is attached hereto as Appendix 2,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to the shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Campbell 66 Express, Inc., Phelps and Grant, Springfield, Missouri.
2. Allen B. Canfield, doing business as Canfield Truck Line, Butler, Missouri.
3. Frisco Transportation Company, Frisco Building, Springfield, Missouri.
4. Powell Bros. Truck Lines, Inc., Bolivar Road and High Street, Springfield, Missouri.
5. Tri-State Motor Transport, Inc., 4th and Maiden Lane, Joplin, Missouri.

[F. R. Doc. 44-2555; Filed, February 22, 1944; 11:24 a. m.]

[Supp. Order ODT 3, Rev. 175]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DUNCAN, OKLA., AND FORT WORTH, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which is plan is attached hereto as Appendix 2,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Wm. H. Perkins and Curtis Jones, doing business as M & D Motor Freight Lines, Duncan, Okla.
2. Yellow Transit Co., 311 South Western Ave., Oklahoma City, Okla.

[F. R. Doc. 44-2556; Filed, February 22, 1944; 11:24 a. m.]

[Supp. Order ODT 3, Rev. 176]

COMMON CARRIERS

REGISTRATION OFFICE AT CHARLESTON, W. VA., FOR HOUSEHOLD GOODS MOTOR CARRIERS

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of household goods, filed with the Office of Defense Transportation by the motor carriers named in Appendix 1 hereof, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), and good cause appearing therefor, *It is hereby ordered*, That:

1. The carriers and each of them, named in Appendix 1 hereof (hereinafter collectively called "carriers"), respectively, in the transportation of shipments of household goods as common carriers by motor vehicle, shall establish an office (hereinafter referred to as "registration office") at Charleston, West Virginia, to facilitate the movement of such shipments, in the following manner:

(a) Each carrier shall register with the registration office shipments which the carrier may be unable to transport by reason of the restrictions contained in General Order ODT 3, Revised, as amended;

(b) Each carrier shall register with the registration office all empty or partially loaded equipment for which the carrier has no shipments available;

(c) The manager or employees of the registration office shall advise the carriers as to shipments registered and empty equipment or the unloaded space therein which is available: *Provided*, That nothing herein contained shall be construed to authorize the manager or any employee of the registration office to dispatch equipment, direct traffic, or exercise any supervision or control over the movement of any shipment, or part thereof, in any manner whatsoever;

(d) The manager of the registration office, and each carrier, shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation; and

(e) The cost of maintaining the registration office shall be apportioned among the carriers as they shall agree on, or in the event the carriers are unable to agree thereon, shall be apportioned as the Office of Defense Transportation shall determine and direct.

2. Shipments exchanged pursuant to this order shall be exchanged in accordance with the following conditions:

(a) All shipments shall be transported to point of destination on the bill of lading of the carrier with whom the shipper entered into the contract of carriage;

(b) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenue derived from transportation of a shipment exchanged, and from storage in transit, packing and unpacking, and other accessorial services pertaining thereto, shall be as determined and directed by the Office of Defense Transportation;

(c) The rates and charges applicable to the transportation, storage in transit, packing and unpacking, and other accessorial services performed in respect of any shipment shall be the lawfully applicable rates and charges of the carrier with whom the shipper entered into the contract of carriage;

(d) The duties and obligations of the originating carrier to the shipper shall not be altered by an exchange made pursuant hereto; and

(e) The carriers shall not exchange shipments with each other except as provided herein.

3. Any common carrier by motor vehicle, duly authorized or permitted to engage in the transportation of household goods, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the functioning of the registration office established pursuant hereto. A copy of every such application shall be served upon the manager of the registration office. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the functioning of the registration office in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named in Appendix 1 hereof.

4. Nothing contained in this order shall be so construed or applied as to relieve any carrier subject hereto from registering with joint information offices and obtaining clearance certificates as provided in General Order ODT 13, as amended (7 F.R. 5066, 5678), or required by any other general order, or as to relieve any carrier from any other requirements of the Office of Defense Transportation, or from any other regulatory or legal requirement, or as to require or permit any carrier to perform any transportation service not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper or other carrier.

5. Each carrier subject to this order engaged in interstate transportation shall file a copy of this order with the Interstate Commerce Commission, and, if engaged in intrastate commerce, shall file a copy hereof with each appropriate State regulatory body having jurisdiction over any operations affected hereby.

6. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-176," and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This supplementary order shall become effective on February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Nelson Transfer & Storage Co. (a corporation), Charleston, W. Va.
2. Mathews Storage & Transfer Co. (a corporation), 1315 Hansford St., Charleston, W. Va.
3. Big 4 Storage and Transfer Co. (a corporation), 615 Virginia St. W., Charleston, W. Va.
4. Birch Transfer & Storage (a corporation), 108 Wyoming St., Charleston, W. Va.
5. H. M. Necely (an individual), doing business as Economy Movers & Storage, 1011 Washington St. W., Charleston, W. Va.
6. Dana Lovejoy (an individual), doing business as Lovejoy's Transfer, Chelyan, W. Va.

[F. R. Doc 44-2557; Filed, February 22, 1944; 11:24 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 12 to Order A-2]

PRODUCERS OF NARROW MOUTH GLASS CONTAINERS

MODIFICATION OF ADJUSTMENT PROVISIONS

Amendment No. 12 to Order No. A-2 Under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of adjustment provisions under Maximum Price Regulation No. 188.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

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[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947.

[2] Filed as part of the original document.

Paragraph (a) (12) is added to read as follows:

(12) *Narrow mouth glass containers.* This subparagraph permits the granting of relief to producers of certain narrow mouth glass containers who are unable to maintain their production under their existing maximum prices. The extent of relief to be granted under this subparagraph is set forth herein.

(i) *Scope of this subparagraph.* The provisions of this subparagraph shall apply only to producers of private mould narrow mouth containers and under the following conditions:

(a) The container has been affirmatively excluded from War Production Board Limitation Order No. L–103, and its continued production expressly authorized.

(b) The product packaged in the container has been declared essential by the appropriate government agency.

(c) The increase in cost to the first purchaser of the container will not be passed on to purchasers in the first sale of any commodity as packaged in the container nor made the basis of an application to the Office of Price Administration by the seller of such packaged commodity to increase his selling price. The applicant shall submit a statement from the buyer certifying to those facts.

(d) The producer's cost to manufacture and sell the container exceeds his established maximum price for such container.

(ii) *Extent of relief to be granted.* If the conditions set forth in this subparagraph have been met, the producer may apply for permission to increase his maximum price in an amount sufficient to cover his cost to manufacture and sell the container.

In determining the amount of adjustment which may be granted, consideration will be given to such factors as:

(a) Revenue from sales of the commodity which is the subject of the application and from all other sources; and

(b) Cost of production and general, administrative, and selling expenses for total company operations and as allocated to the commodity which is the subject of the application.

The "cost to manufacture and sell," for the purpose of this subparagraph, shall include the costs of batch materials, fuel, power, direct and indirect labor, cartons, royalties, depreciation charges, maintenance and repair expense, taxes (not including Federal and state income taxes), other manufacturing expenses, freight from plant to purchaser's destination, and reasonable general, administrative and selling expenses allocated to the cost of the container. Expenses not related to the conduct of manufacturing and selling operations connected with the particular commodity will be excluded.

(iii) Before filing an application for adjustment under the provisions of this subparagraph, it is suggested that the applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive attention.

This Amendment No. 12 shall become effective February 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2535; Filed, February 21, 1944; 5:13 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 19, 1944.

REGION I

Providence Order No. 5, Amendment No. 7, filed 2:30 p. m.

REGION II

Buffalo Order No. P–1, Amendment No. 1, filed 2:44 p. m.
Buffalo Order No. P–2, filed 2:44 p. m.
Camden Order No. P–1, filed 2:30 p. m.
Scranton Order No. P–1, filed 2:42 p. m.

REGION III

Louisville Order No. 1–F, Amendment No. 17, filed 2:14 p. m.
Louisville Order No. 2–F, Amendment No. 11, filed 2:14 p. m.
Louisville Sec. Rev. Order, No. 3, Amendment No. 4, filed 2:32 p. m.
Louisville Order No. 3–F, Amendment No. 4, filed 2:15 p. m.
Saginaw Order No. 2–F, Amendment No. 4, filed 2:14 p. m.

REGION IV

Birmingham Order No. 1–F, Amendment No. 3, filed 2:46 p. m.
Charlotte Order No. 12, filed 2:31 p. m.
Jackson Order No. 1–F, Amendment No. 23, filed 2:30 p. m.
Montgomery Order No. 5–F, filed 2:46 p. m.
Montgomery Order No. 6–F, filed 2:46 p. m.
Montgomery Order No. 7–F, filed 2:48 p. m.

REGION V

Dallas Order No. 3–F, Amendment No. 3, filed 2:13 p. m.
Fort Worth Order No. 2–F, Amendment No. 1, filed 2:30 p. m.

REGION VI

Chicago Order No. 2–F, Amendment No. 1, filed 2:44 p. m.
Omaha Order No. 1–F, Amendment No. 4, filed 2:29 p. m.
Omaha Order No. 2–F, Amendment No. 2, filed 2:29 p. m.
Milwaukee Order No. 2–F, Amendment No. 1, filed 2:14 p. m.
Sioux City Order No. 2–F, Amendment No. 1, filed 2:28 p. m.

REGION VII

New Mexico Order No. 6, Amendment No. 5, filed 2:37 p. m.
New Mexico Order No. 8, Amendment No. 8, filed 2:37 p. m.
New Mexico Order No. 9, Amendment No. 2, filed 2:37 p. m.
New Mexico Order No. 10, Amendment No. 2, filed 2:39 p. m.
New Mexico Order No. 11, Amendment No. 2, filed 2:41 p. m.
New Mexico Order No. 12, Amendment No. 2, filed 2:39 p. m.
New Mexico Order No. 14, Amendment No. 2, filed 2:39 p. m.
New Mexico Order No. 15, Amendment No. 1, filed 2:41 p. m.
New Mexico Order No. 16, Amendment No. 2, filed 2:42 p. m.
New Mexico Order No. 17, Amendment No. 2, filed 2:42 p. m.

REGION VIII

Fresno Order No. 1–F, Amendment No. 4, filed 2:28 p. m.
Los Angeles Los Angeles–5, Amendment No. 10, filed 2:28 p. m.
Los Angeles Los Angeles–6, Amendment No. 10, filed 2:17 p. m.
Los Angeles Los Angeles–7, Amendment No. 10, filed 2:17 p. m.
Los Angeles Los Angeles–8, Amendment No. 10, filed 2:28 p. m.
San Francisco Order No. 1–F, Amendment No. 1, filed 2:13 p. m.
Seattle Order No. 1–F, Amendment No. 3, filed 2:15 p. m.
Seattle Order No. 2–F, Amendment No. 2, filed 2:15 p. m.
Seattle Order No. 3–F, Amendment No. 3, filed 2:15 p. m.
Seattle Order No. 4–F, Amendment No. 3, filed 2:15 p. m.
Seattle Order No. 5–F, Amendment No. 3, filed 2:17 p. m.
Seattle Order No. 20, Amendment No. 3, filed 2:17 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–2534; Filed, February 21, 1944; 5:13 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 31–481; 31–467; 31–165; 31–484; 31–483; 31–473; 31–167; 31–162; 31–164; and 31–525]

KOPPERS UNITED CO., ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 19th day of February 1944.

In the matter of Koppers United Company, (File No. 31–481); The Brooklyn Union Gas Company, (File No. 31–467); Koppers Company, (File No. 31–165); Eastern Gas and Fuel Associates, (File No. 31–484); Koppers United Company, Fuel Investment Associates and Eastern Gas and Fuel Associates, (File No. 31–483); Brockton Gas Light Company, (File No. 31–473); Koppers United Company, (File No. 31–167); Fuel Investment Associates, (File No. 31–162); Eastern Gas and Fuel Associates, (File No. 31–164); and Koppers Company, (File No. 31–525).

Applications and amendments thereto having been filed under section 2 (a) (7) of the Public Utility Holding Company Act of 1935 by Koppers Company for an order declaring it not to be a holding company and under section 2 (a) (8) of the Act by Koppers United Company ("Koppers United"), The Brooklyn Union Gas Company ("Brooklyn Union"), Eastern Gas and Fuel Associates ("Eastern Gas"), Fuel Investment Associates ("Fuel Investment") and Brockton Gas Light Company ("Brockton") for an order declaring that (a) Brooklyn Union is not a subsidiary of Koppers United or Koppers Company, (b) Eastern Gas is not a subsidiary of Koppers Company, and (c) Brockton is not a subsidiary of Koppers United, Fuel Investment or Eastern Gas; and

Applications and amendments thereto having also been filed under sections 3 (a) (1) and (3) (a) (3) (A) of the act by Koppers United, under section 3 (a) (3) (A) by Koppers Company and under sections 3 (a) (1), 3 (a) (3) (A) and 3 (a) (3) (B) by Fuel Investment and Eastern Gas for an order exempting each of such applicants and every subsidiary company thereof as such, from all of the provisions of the act, and Koppers Company having subsequently withdrawn its application under section 3 of the act; and

The Commission having on May 10, 1940 issued its notice of filing and order for hearing and its order for consolidation of hearings with respect to said applications; and

The Commission having, by order dated June 13, 1940, denied motions of said applicants to revoke or amend said order for consolidation of hearings, but having modified such order so as to provide that all applications filed pursuant to section 2 of the act be determined prior to the presentation of evidence relating exclusively to the applications filed pursuant to section 3 of the act and that the evidence adduced in the proceedings on the applications filed pursuant to section 2 would, so far as relevant, constitute part of the record in the proceedings on the applications filed pursuant to section 3; and

Public hearings having been duly held in the consolidated proceedings on the issues arising pursuant to section 2 of the act and the Commission having on September 28, 1942, issued its findings, opinion and order denying said applications pursuant to section 2 of the act; and

An application and amendments thereto having been filed pursuant to section 3 (a) (3) (A) of the act by Koppers Company renewing its request for an order exempting it and every subsidiary company thereof as such from all of the provisions of the act; and

The order of the Commission dated September 28, 1942, denying said applications filed pursuant to section 2 of the act having been affirmed on review by decision of The United States Court of Appeals for the District of Columbia dated October 11, 1943; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application filed by Koppers Company pursuant to section 3 of the act, that the hearing be reconvened with respect to the applications of Koppers United, Fuel Investment and Eastern Gas under said section 3, and that none of said applications shall be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that the issues presented by the application filed pursuant to section 3 of the act by Koppers Company and by the applications with respect to which hearings were directed to be consolidated by order of the Commission dated May 10, 1940 are substantially interrelated and involve common questions of law and fact, that the parties to the respective proceedings on the various applications are the same or are otherwise united in interest, and that a substantial saving in time, effort and expense will result and unnecessary cost or delay will be avoided if the reconvened hearings on all the said applications filed pursuant to section 3 of the act are consolidated and if the evidence heretofore adduced in the consolidated proceedings is permitted to stand as evidence in the pending proceedings under section 3, in so far as the same may be relevant.

It is ordered, That the proceedings on the application filed by Koppers Company (File No. 31–525) pursuant to section 3 of the act be, and they hereby are, consolidated with the said consolidated proceedings pursuant to sections 2 and 3 of the act, and that a consolidated hearing under the applicable provisions of said act and rules of the Commission thereunder be held on March 21, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in Room 318 will at that time advise. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before March 11, 1944.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said applications otherwise to be considered in this consolidated proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the Commission should find with respect to Koppers United, Fuel Investment or Eastern Gas that such applicant and every subsidiary company thereof which is a public-utility company from which any such applicant derives, directly or indirectly, any material part of its income, are predominantly intrastate in character and carry on their business substantially in a single State in which such applicant and every such subsidiary company thereof are organized;

2. Whether the Commission should find with respect to Koppers United, Koppers Company, Fuel Investment or Eastern Gas that such applicant is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company;

3. Whether the Commission should find that Fuel Investment or Eastern Gas is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and owning, directly or indirectly, substantially all the outstanding securities of all public utility subsidiaries from which a material part of income is derived;

4. Whether, if otherwise consistent with the applicable exemption requirements of section 3 (a) of the act, the exemption of Koppers United, Koppers Company, Fuel Investment or Eastern Gas, and every subsidiary thereof as such, from any provision or provisions of the act will be detrimental to the public interest or the interest of investors or consumers;

5. Whether, in the event an exemption or partial exemption should be granted any of the applicants, it is necessary or appropriate to impose terms or conditions in the public interest or in the interest of investors or consumers and if so, what those terms and conditions should be;

It is further ordered, That notice of this hearing be given to the applicants and to all other persons; said notice to be given to the applicants by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act and by publication in the FEDERAL REGISTER;

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in these consolidated proceedings or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–2551; Filed, February 22, 1944; 11:11 a. m.]

[File No. 59–92]

ASSOCIATED GAS AND ELECTRIC CORP.

NOTICE OF PETITION FOR LEAVE TO FILE AN AMENDED SUPPLEMENTAL ANSWER AND TO ADDUCE ADDITIONAL EVIDENCE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of February 1944.

In the matter of Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, Respondents.

The Commission having, on September 4, 1941, instituted proceedings against Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and said respondents having duly filed their answer on November 17, 1941, setting forth, among other things, that the properties of the operating public utility subsidiaries of respondents included in each of the following four groups constitute in the case of each group a "single integrated public utility system" within the meaning of that term as used in the Act:

(1) *New York-Northern Pennsylvania Group.*

New York State Electric & Gas Corporation.
Keuka Lake Power Corporation.
Bradford Electric Company.
Northern Pennsylvania Power Company.
The Waverly Electric Light and Power Company.

(2) *Eastern Pennsylvania-New Jersey Group.*

Metropolitan Edison Company.
Edison Light and Power Company.
Glen Rock Electric Light and Power Company.
New Jersey Power & Light Company.

(3) *Western Pennsylvania Group.*

Pennsylvania Electric Company.
Erie Lighting Company.
Keystone Public Service Company.
The Clarion River Power Company.
Youghiogheny Hydro-Electric Corporation.
Solar Electric Company.
Logan Light, Heat & Power Company.
Pennsylvania Edison Company.

(4) *Florida-Georgia Group.*

Florida Power Corporation.
Florida Public Service Company.
Georgia Power and Light Company;

on August 13, 1942, the Commission having issued its findings and opinion and order in which it directed respondents to dispose of their interest in certain named companies, other than the companies set forth above, and ordered that jurisdiction be reserved with respect to all issues not disposed of in said order; and the Commission having on July 9, 1943, granted respondents leave to file a supplemental answer and ordered further hearings in this proceeding; and the Commission further having on January 10, 1944, issued its findings and opinion and order granting respondents' application for an extension of time for compliance with the order dated August 13, 1942, until August 13, 1944; and the hearings ordered to be held by the Commission's order of July 9, 1943 having been held from time to time and presently being in recess and scheduled for resumption on February 24, 1944; and

Respondents at this time having filed a petition for leave to file an amended supplemental answer and to adduce additional evidence in the following regard:

Respondents now allege that the properties of their subsidiaries included in each of the following four groups constitute in the case of each group a "single integrated public utility system" and retainable additional systems and retainable incidental businesses under the provisions of the act:

(1) *New York-Northern Pennsylvania Group.*

New York State Electric & Gas Corporation.
Keuka Lake Power Corporation.
Northern Pennsylvania Power Company.
The Waverly Electric Light and Power Company.
Rochester Gas and Electric Corporation.
Canadea Power Corporation.

(2) *Eastern Pennsylvania-New Jersey Group.*

Metropolitan Edison Company.
Edison Light and Power Company.
Glen Rock Electric Light and Power Company.
New Jersey Power & Light Company.
Jersey Central Power & Light Company.
Agincourt Land Corporation.
York Steam Heating Company.

(3) *Western Pennsylvania Group.*

Pennsylvania Electric Company.
Pennsylvania Edison Company.
Johnstown Fuel Supply Company.
Blair Engineering and Supply Company.
Penelec Water Company.
Citizens Transit Company.

(4) *Florida-Georgia Group.*

Florida Power Corporation.
Florida Public Service Company (electric properties and properties pertaining to the Orlando ice and Winter Garden water businesses).
Georgia Power and Light Company (electric properties).

Respondents request that the Commission grant leave to them to file an amended supplemental answer superseding the supplemental answer heretofore filed and to adduce evidence in support thereof, and, further, that the Commission direct that at the ensuing hearings in this proceeding additional evidence may be adduced on the retainability under section 11 (b) (1) of the act of any or all electric or gas properties, among the companies listed in the amended supplemental answer, contended during the proceedings to be additional systems, and on the retainability of the non-utility properties among the companies listed above;

Respondents further request that in connection with any order entered in this proceeding the Commission make its findings, after hearing, in accordance with the allegations contained in respondents' original answer as amended and supplemented by this amended supplemental answer, and that pending the making of such findings the Commission defer the making of any determinations with reference to (a) the number of integrated public utility systems, if any, under the control of respondents, and (b) which of such integrated public utility systems, if any, is to be considered as the "single integrated public utility system" retainable by respondents or by any successor thereto.

It appearing to the Commission that it is appropriate at this time and in the public interest that permission to file the respondents' amended supplemental answer be granted and that at the hearings presently scheduled or as hereafter continued, opportunity be afforded respondents or any other interested person to adduce evidence in regard to any issues raised by the petition and the amended supplemental answer;

It is ordered, That permission to file respondents' amended supplemental answer and petition be, and hereby is, granted;

It is further ordered, That at the hearing heretofore continued to February 24, 1944, at 10 o'clock a. m., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on said day by the hearing room clerk in room 318, opportunity be given respondents and any other interested person to be heard with respect to matters raised by the amended supplemental answer and the petition to adduce additional evidence.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2552; Filed, February 22, 1944; 11:11 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with synthetic rubber facilities construction projects to which Urgency Numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating number, 53b; builder's serial number, 6884; company, Humble Oil & Refg. Co.; address, Humble Bldg., Houston, Tex.; location of project, Baytown, Tex.

Issued this 22d day of February, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2558; Filed, February 22, 1944; 11:30 a. m.]

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

VOLUME 9 NUMBER 39

Washington, Thursday, February 24, 1944

The President

EXECUTIVE ORDER 9426

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS, FACILITIES, INSTALLATIONS AND OTHER PROPERTIES IN CALIFORNIA AND NEVADA OF THE DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES, CALIFORNIA

WHEREAS after investigation I find that as the result of labor disturbances there is an interruption of the operation of the power plants, water works and distribution system of the Department of Water and Power of the City of Los Angeles, California, and that the war effort is being and will be unduly impeded or delayed by this interruption.

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including the War Labor Disputes Act of June 25, 1943, (Public Law 89, 78th Cong.) as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of War is hereby authorized to take possession of the water works, water production and water distribution facilities, power generating stations, distribution, transmission and communications systems, and other plants, facilities, installations and properties in the States of California and Nevada, of the said Department of Water and Power of the City of Los Angeles, California, in which strikes or labor disturbances have occurred or are threatened, together with any real or personal property, tangible or intangible, franchises, rights and other assets used in connection with the operation thereof; and to operate or arrange for the operation of such plants, facilities, installations and properties in such manner as he deems necessary for the successful prosecution of the war, and to do all things necessary for or incidental to the operation thereof.

2. In carrying out this order, the Secretary of War may act through or with the aid of such public or private instrumentalities or persons as he may designate. All federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order.

3. The Secretary of War shall permit the managements of the said plants, facilities, installations and properties taken under the provisions of this order to continue with their managerial functions to the maximum degree possible consistent with the aims of this order.

4. The Secretary of War shall operate the plants, facilities, installations and properties under the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the applicable provisions of any existing law.

5. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the said plants, facilities, installations and properties, and for all persons employed or seeking employment therein, and their families and homes.

6. Possession, control and operation of any plants, facilities, installations and properties, or parts thereof, taken under this order, shall be terminated by the Secretary of War within sixty days after he determines that the efficiency of the plants, facilities, installations and properties has been restored to the level prevailing prior to the interruption referred to in the recital of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 23, 1944.

[F. R. Doc. 44-2618; Filed, February 23, 1944; 2:27 p. m.]

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.

Book 2: Titles 4–9, with index.

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TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5332]

PART 29—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXTENSION OF TIME FOR FILING DECLARATION AND PAYING FIRST INSTALLMENT OF ESTIMATED 1944 TAX

In the case of a taxpayer otherwise required under section 58 of the Internal Revenue Code, as added by section 5 of the Current Tax Payment Act of 1943, to make and file a declaration of estimated tax on or before March 15, 1944, for the calendar year 1944, an extension of time up to and including April 15, 1944, is hereby granted for making and filing such declaration and for paying (without interest) the first installment of estimated tax for such calendar year.

(Sec. 58 (e) of the Internal Revenue Code, added by sec. 5 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.), approved June 9, 1943)

[SEAL] HAROLD N. GRAVES,
Acting Commissioner of Internal Revenue.

Approved: February 16, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44–2608; Filed, February 23, 1944; 11:18 a. m.]

TITLE 29—LABOR.

Chapter V—Wage and Hour Division

PART 644—MINIMUM WAGE RATE IN THE MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

RECOMMENDATION OF INDUSTRY COMMITTEE NO. 61

Whereas, on June 16, 1943, by Administrative Order No. 201, the Administrator, acting pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, and directed the Committee to recommend minimum wage rates for the Meat, Poultry, and Dairy Products Industry in accordance with section 8 of the Act; and

Whereas the Committee included seven disinterested persons representing the public, a like number of persons representing employers in the Meat, Poultry, and Dairy Products Industry, and a like number representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Meat, Poultry, and Dairy Products Industry is carried on; and

Whereas Industry Committee No. 61, on July 14, 1943, after investigation of conditions in the Industry, filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour in the Meat, Poultry, and Dairy Products Industry; and

Whereas after notice published in the FEDERAL REGISTER on August 7, 1943, Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing on August 24, 1943 at New York, New York, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceedings before the Presiding Officer was transmitted to the Administrator; and

Whereas pursuant to notice published in the FEDERAL REGISTER on August 28, 1943, all persons who appeared at the hearing were given leave to file briefs on or before September 14, 1943; and

Whereas the Administrator upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for a minimum wage rate for the Meat, Poultry, and Dairy Products Industry as defined in Administrative Order No. 201 is made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 61 for a Minimum Wage rate in the Meat, Poultry, and Dairy Products Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York;

Now, therefore, It is ordered, That:

Sec.
644.1 Approval of recommendation of Industry Committee No. 61.
644.2 Wage rate.
644.3 Posting of notices.
644.4 Definition of the Meat, Poultry, and Dairy Products Industry.
644.5 Scope of the definition.
644.6 Effective date.

AUTHORITY: §§ 644.1 to 644.6, inclusive, issued under sec. 8, 52 Stat. 1060, 1064; 29 U.S.C., sec. 208.

§ 644.1 *Approval of recommendation of Industry Committee No. 61.* The Committee's recommendation is hereby approved.

§ 644.2 *Wage rate.* Wages as a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Meat, Poultry, and Dairy Products Industry who is engaged in commerce or in the production of goods for commerce.

§ 644.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Meat, Poultry, and Dairy Products Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 644.4 *Definition of the Meat, Poultry, and Dairy Products Industry.* The Meat, Poultry, and Dairy Products Industry, to which this order shall apply, is hereby defined as follows:

The assembling, processing, and marketing of meat animals and meat animal products, poultry and poultry products, and dairy products.

a. It includes, but without limitation, any product or by-product obtained from livestock, poultry, wild fowl and game (including meats, milk, and eggs) and any other product which is derived from any other form of animal life (such as fish, reptiles, and frogs), and which is assembled, processed or marketed for animal or human consumption.

b. *Provided, however,* That the definition shall not include:

(1) Storing performed by an independent warehouse,

(2) Any product included in the Leather Industry; Drug, Medicine, and Toilet Preparations Industry (as defined in the wage orders for these industries); or in the Canned Fruits and Vegetables and Related Products Industry; and the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries (as defined in Administrative Orders Nos. 182 and 193 respectively).

§ 644.5 *Scope of the definition.* The definition of the Meat, Poultry, and Dairy Products Industry covers all occupations in the industry which are necessary to the production of the articles or the operations specified therein including clerical, maintenance, shipping and selling occupations: *Provided, however,* The definition does not cover such clerical, maintenance, shipping and selling occupations (a) when carried on in an establishment or department exclusively engaged in wholesaling or selling, the greater part of the sales of which establishment or department are sales of products which are not included in this industry; and (b) when carried on exclusively in connection with the sale of articles not included in this industry: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek, unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 644.6 *Effective date.* This wage order shall become effective March 20, 1944.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44–2598; Filed, February 23, 1944; 9:19 a. m.]

PART 648—MINIMUM WAGE RATE IN THE BAKERY, BEVERAGE, AND MISCELLANEOUS FOOD INDUSTRIES

RECOMMENDATION OF INDUSTRY COMMITTEE NO. 65

Whereas on August 21, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, hereinafter referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 213, appointed Industry Committee No. 65 for the Bakery, Beverage, and Miscellaneous Food Industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Bakery, Beverage, and Miscellaneous Food Industries in accordance with section 8 of the Act; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Bakery, Beverage, and Miscellaneous Food Industries, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Bakery, Beverage, and Miscellaneous Food Industries are carried on; and

Whereas on September 16, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Bakery, Beverage, and Miscellaneous Food Industries; and

Whereas after notice duly published in the FEDERAL REGISTER on October 5, 1943, Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on October 28, 1943, at which all interested persons, were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Bakery, Beverage, and Miscellaneous Food Industries, as defined by Administrative Order No. 213, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 65 for a Minimum Wage Rate in the Bakery, Beverage, and Miscellaneous Food Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

Now, therefore, it is ordered, That:

Sec.
648.1 Approval of recommendation of Industry Committee No. 65.
648.2 Wage rate.
648.3 Posting of notices.
648.4 Definition of the Bakery, Beverage, and Miscellaneous Food Industries.
648.5 Scope of the definition.
648.6 Effective date.

AUTHORITY: §§ 648.1 to 648.6, inclusive, issued under sec. 8, 52, Stat. 1064; 29 U.S.C., sec. 208.

§ 648.1 *Approval of Recommendation of Industry Committee No. 65.* The Committee's recommendation is hereby approved.

§ 648.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Bakery, Beverage, and Miscellaneous Food Industries.

§ 648.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Bakery, Beverage, and Miscellaneous Food Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 648.4 *Definition of the Bakery, Beverage, and Miscellaneous Food Industries.* For the purpose of this order the

term "Bakery, Beverage, and Miscellaneous Food Industries" means:

The manufacture or packaging of bakery products, beverages, ice, and miscellaneous food products and preparations.

a. It includes, but without limitation, bread, pastries, crackers, and pretzels; macaroni and other alimentary pastes; alcoholic and nonalcoholic beverages; natural, mineral, and carbonated waters; malt; baking powder, yeast, and other leavening compounds; corn syrup and corn sugar; starch; ice (including the harvesting of natural ice); coffee and tea; spices; ready-to-mix desserts with corn starch, tapioca, or gelatin bases; and potato chips.

b. *Provided, however,* That the definition shall not include any product the manufacture of which is covered by the definition of an industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 648.5 *Scope of the definition.* The definition of the Bakery, Beverage, and Miscellaneous Food Industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That the definition does not cover (a) such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department, physically segregated from other departments of an establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which are resold in the form in which purchased; and (b) employees engaged exclusively in clerical, maintenance, selling or shipping operations on articles purchased for resale in the form in which purchased: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 648.6 *Effective date.* This wage order shall become effective March 20, 1944.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-2599; Field, February 23, 1944; 9:19 a. m.]

PART 649—MINIMUM WAGE RATE IN THE METAL ORE, COAL, PETROLEUM, AND NATURAL GAS EXTRACTION INDUSTRIES

RECOMMENDATION OF INDUSTRY COMMITTEE NO. 66

Whereas on August 31, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 214, appointed Industry Committee No. 66 for the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries in accordance with section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries are carried on; and

Whereas on September 29, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries; and

Whereas after notice duly published in the FEDERAL REGISTER on October 23, 1943, Mr. Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on November 18, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries, as defined by Administrative Order No. 214, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 66 for a Minimum Wage Rate in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

Now, therefore, it is ordered, That:

Sec.
649.1 Approval of recommendation of Industry Committee No. 66.
649.2 Wage rate.
649.3 Posting of notices.
649.4 Definition of the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries.
649.5 Scope of the definition.
649.6 Effective date.

AUTHORITY: §§ 649.1 to 649.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.

§ 649.1 *Approval of recommendation of Industry Committee No. 66.* The Committee's recommendation is hereby approved.

§ 649.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries.

§ 649.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 649.4 *Definition of the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries.* For the purposes of this order the term "Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries" means:

The production, including mining or other extraction, of metal ores, coal, lignite, peat, crude petroleum, and natural gases.

a. It includes, but without limitation, the dressing, beneficiating, and concentrating of metal ores and the breaking, washing, screening, pulverizing or drying of coal, lignite or peat.

b. *Provided, however,* That the definition shall not include any product or operation included in the Metal, Plastics, Machinery, Instrument, and Allied Industries (as defined in the wage order for that industry); or in the Stone, Clay, Glass, and Allied Industries or the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries (as defined in Administrative Orders Nos. 192 and 193 respectively).

§ 649.5 *Scope of the definition.* The definition of the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industry covers all occupations in the Industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of an establishment the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale: *And provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 649.6 *Effective date.* This wage order shall become effective March 20, 1944.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-2600; Filed, February 23, 1944; 9:19 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 214]

PART 601—DEFINITIONS

"GOVERNOR" AND "STATE"

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 601.6 to read as follows:

§ 601.6 *Governor.* The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Governor of the Territory of Alaska, the Governor of the Territory of Hawaii, the Governor of Puerto Rico, the Commissioners of the District of Columbia, and the Governor of the Virgin Islands of the United States.

2. Amend § 601.14 to read as follows:

§ 601.14 *State.* The word "State" includes, where applicable, the several States of the United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands of the United States.

The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 19, 1944.

[F. R. Doc. 44-2586; Filed, February 22, 1944; 4:05 p. m.]

Chapter IX—War Production Board

Subchapter C—Director, Office of War Utilities

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-i]

§ 4500.10 *Supplementary Utilities Order U-1-i.* In accordance with the provisions of paragraph (i) of Utilities Order U-1, extensions of electric facilities may be made or connected by producers to permit the operation of irrigation water pumps when all of the following conditions are satisfied:

(a) The prospective consumer possesses an electrically driven irrigation water pump not smaller than 25 g. p. m., or can obtain such a pump without priorities assistance, or a preference rating of AA-5 or better has been assigned to delivery of such a pump to him.

(b) There is no other means of operating such a pump on the premises.

(c) The total cost of material for the extension, exclusive of any part built by or for the consumer, does not exceed $1500. No job or project may be subdivided to come within these limits.

(d) No other producer can render the same service with lesser amounts of critical material.

(e) The extension is necessary to provide irrigation for not less than 5 acres of land.

(f) The prospective consumer's application for service is accompanied by a certification from his County Agricultural Conservation Committee in substantially the following form:

(To the Utility Addressed):

Mr. ---------- is eligible under Supplementary Utilities Order U-1-i for an electric connection to provide service for an electrically driven irrigation water pump not smaller than 25 g. p. m. In the opinion of this County Agricultural Conservation Committee, this connection will result in the irrigation of not less than five acres of land and a substantial increase in farm production, and is in accord with the spirit, as well as the letter, of Supplementary Utilities Order U-1-i.

(For County Agricultural Conservation Committee)

Issued this 23d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2606; Filed, February 23, 1944; 11:06 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 122,[1] Incl. Amdt. 9]

CERTAIN RUBBER FOOTWEAR

Section 1315.73, Table II amended by Amendment 9 effective February 28, 1944, so that Maximum Price Regulation No. 132 shall read as follows:

In the judgment of the Price Administrator, the prices of rubber footwear have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rubber footwear prevailing between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 132 is hereby issued.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble amended by Am. 3, 8 F.R. 12302, effective 10-2-43 and Am. 6, 8 F.R. 16685, effective 12-15-43. Title as amended by Am. 6]

Sec.
1315.61 Maximum prices for certain sales of rubber footwear.
1315.61a Terms and conditions of sale.
1315.61b Sales for export.
1315.61c Federal and state taxes.
1315.61d Transfers of business or stock in trade.
1315.62 Less than maximum prices.
1315.63 Adjustable pricing.
1315.64 Evasion.
1315.65 Records.
1315.65a Reports.
1315.66 Enforcement.
1315.66a Licensing.
1315.67 Petitions for amendment.
1315.68 Definitions.
1315.69 Effective date.
1315.70 Appendix A: Maximum prices for waterproof rubber footwear produced after February 10, 1942.
1315.71 Appendix B: Maximum prices for waterproof rubber footwear produced on or before February 11, 1942.
1315.72 Appendix C: Minimum specifications for certain types of waterproof rubber footwear.
1315.73 Appendix D: Maximum prices for canvas footwear.

AUTHORITY: §§ 1315.61 to 1315.73, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1315.61 *Maximum prices for certain sales of rubber footwear.* On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver rubber footwear subject to this regulation and no person shall buy or receive rubber footwear subject to this regulation from a manufacturer in the course of trade or business, at prices higher than the maximum prices set forth in this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of rubber footwear subject to this regulation to a purchaser if prior to May 11, 1942, such rubber footwear subject to this regulation had been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser. The provisions of this section shall not be applicable to sales or deliveries of rubber footwear subject to this regulation pursuant to contracts with any war procurement agency of the United States government, or with any person who contracts to sell the purchased rubber footwear subject to this regulation to any war procurement agency of the United States government.

[§ 1315.61 amended by Amendment 1, 7 F.R. 4294, effective 6-4-42 and Am. 6, 8 F.R. 16685, effective 12-15-43]

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[1] 7 F.R. 3161.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised; 7 F.R. 3861; 8 F.R. 3813, 3833, 8173, 11806; 9 F.R. 1894.

[NOTE: Supplementary Order No. 31 (7 F.R. 9694; 8 F.R. 1312, 2703) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1315.61a *Terms and conditions of sale*—(a) *Credit charges.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) the manufacturer during December 1941, or, if the manufacturer was not producing a particular type of rubber footwear in December 1941, during the first month prior thereto but not earlier than January 1941 in which he was producing such footwear, required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the manufacturer had in effect during December 1941, or, if the manufacturer was not producing a particular type of rubber footwear in December 1941, during the first month prior thereto but not earlier than January 1941 in which he was producing such footwear, for extension of credit involving the same amount and term.

(b) *Transportation costs.* No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of rubber footwear subject to this regulation than the manufacturer required purchasers of the same class to pay during December 1941, or, if the manufacturer was not producing a particular type of rubber footwear in December 1941, during the first month prior thereto but not earlier than January 1941 in which he was producing such footwear, on deliveries of the same or similar types of commodities.

(c) *Service charges.* The maximum prices established by this regulation shall not be increased by any service charges, except that a service charge of 5 cents a pair may be added to the maximum price on all orders of six pairs or less.

§ 1315.61b *Sales for export.* The maximum price at which a manufacturer may make any export sales of any rubber footwear subject to this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [4] or any revisions thereto. When used in this section the phrase "export sales" has the meaning given to it by section 11 (a) of the Second Revised Maximum Export Price Regulation.

§ 1315.61c *Federal and state taxes.* Any tax upon or incident to, the sale, delivery or processing of rubber footwear subject to this regulation imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price: If the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does separately state it, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased.

[§§ 1315.61a, 1315.61b, and 1315.61c added by Am. 3, 8 F.R. 12302, effective 10–2–43; amended by Am. 6, 8 F.R. 16685, effective 12–15–43]

§ 1315.61d *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after May 11, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

[§ 1315.61d added by Am. 3, 8 F.R. 12302, effective 10–2–43]

§ 1315.62 *Less than maximum prices.* Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

[§ 1315.62 as amended by Am. 6, 8 F.R. 16685, effective 12–15–43]

§ 1315.63 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 132 shall enter into any agreement permitting the adjustment of the prices of rubber footwear subject to this regulation to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1315.64 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 132 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to rubber footwear subject to this regulation, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

[§§ 1315.63 and 1315.64 as amended by Am. 6]

§ 1315.65 *Records.* Every person making a sale or purchase of rubber footwear subject to this regulation after May 10, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete and accurate records of each such sale or purchase showing the date thereof, the name and address of the buyer and seller, the price paid or received, and the quantity of each type, kind, size and quality of rubber footwear subject to this regulation, sold or purchased.

[§ 1315.65 amended by Am. 3, 8 F.R. 12302, effective 10–2–43, and Am. 6, effective 12–15–43]

§ 1315.65a *Reports.* (a) If any manufacturer begins producing any type of rubber footwear subject to this regulation for the first time after May 10, 1942, such manufacturer shall submit data as to physical properties of such rubber footwear subject to this regulation to the Rubber Price Branch, Office of Price Administration, in Washington, D. C., within fourteen days after he begins such production.

(b) Before or at the time of, first offering to sell any rubber footwear subject to this regulation which must be priced under paragraph (b) of § 1315.70 or paragraph (b) of § 1315.73 the manufacturer shall file with the Rubber Price Branch, Office of Price Administration in Washington D. C., a report with respect thereto which shall include the following:

(1) A description in detail of the rubber footwear subject to this regulation;

(2) A statement of the reasons why the rubber footwear subject to this regulation must be priced under paragraph (b) of § 1315.70 or paragraph (b) of § 1315.73;

(3) A unit cost analysis of the rubber footwear subject to this regulation, including direct labor costs, direct materials costs, factory overhead costs and selling and administrative costs;

(4) Detailed data as to physical properties of the rubber footwear subject to this regulation;

(5) The proposed maximum price for each class of purchasers;

(6) The method by which that price was determined; and

(7) A statement of the reasons why he believes that the proposed maximum price is in line with the level of prices established by this regulation.

[§ 13.15.65a added by Am. 3, 8 F.R. 12302, effective 10–2–43; amended by Am. 6, 8 F.R. 16685, effective 12–15–43]

§ 1315.66 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 132 are subject to the criminal penalties, civil enforcement actions, and suits for treble dam-

[4] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

[5] 8 F.R. 13240.

ages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 132 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.66a *Licensing.* The provisions of Licensing Order No. 1,[1] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1315.66a added by Supplementary Order 72, 8 F.R. 13244, effective 10–1–43]

§ 1315.67 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 132 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1315.67 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11–4–42]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.68 *Definitions.* (a) When used in this Maximum Price Regulation No. 132 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in the production of rubber footwear subject to this regulation.

[Paragraph (2) as amended by Am. 6, effective 12–15–43]

(3) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic, reclaimed and balata rubber.

[Paragraph (3) amended by Am. 3, 8 F.R. 12302, effective 10–2–43]

(4) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins, or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same uses as natural or synthetic rubber in the particular application in which it is applied.

(5) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

[Paragraphs (4) and (5), added by Am. 3, 8 F.R. 12302, effective 10–2–43]

(6) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

[Paragraph (4) added by Amendment 1, 7 F.R. 4294, effective 6–4–42; redesignated (6) by Am. 3, effective 10–2–43]

(7) "Rubber footwear" means all rubber footwear for which maximum prices are set forth in an appendix to this regulation.

(8) "Canvas rubber footwear" means all canvas topped rubber soled shoes of vulcanized construction.

(9) "Waterproof rubber footwear" means all rubber footwear of vulcanized construction which protects shoes or feet from moisture.

[Paragraphs (7), (8) and (9) added by Am. 6, 8 F.R. 16685, effective 12–15–43]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.69 *Effective date.* This maximum Price Regulation No. 132 (§§ 1315.61 to 1315.71, inclusive) shall become effective May 11, 1942.

[Issued April 28, 1942]

[Effective dates of amendments are shown in notes following the parts affected]

§ 1315.70 *Appendix A: Maximum prices for waterproof rubber footwear produced after February 10, 1942*—(a) *Maximum prices for waterproof rubber footwear produced after February 10, 1942, that can meet certain specifications*—(1) *Applicability of this paragraph.* This paragraph is applicable to the following waterproof rubber footwear:

(i) *Waterproof rubber footwear produced after October 1, 1943, that can meet the specifications set forth in Appendix C.* Specifications for certain types of footwear are set forth in Appendix C. This paragraph applies to footwear produced after October 1, 1943, which can equal or exceed those specifications.

(ii) *Waterproof rubber footwear of types listed in Appendix C that was produced between February 10, 1942, and October 2, 1943, and can meet specifications filed with the Office of Price Administration.* This paragraph is also applicable to waterproof rubber footwear of the types listed in paragraph (a) of Appendix C that was produced between February 10, 1942, and October 2, 1943. However, this paragraph is applicable to such footwear only if it does not vary substantially from the manufacturer's specifications filed with the Office of Price Administration before May 25, 1942. A substantial variance from those specifications is a reduction in the total rubber hydrocarbon content of more than 10 percent or any other substantial change in the specifications originally filed.

(iii) *Waterproof rubber footwear of types not listed in Appendix C but which is listed in Table I of this Appendix A.* This paragraph is also applicable to waterproof rubber footwear of a type not listed in paragraph (a) of Appendix C but which is listed in Table I of this Appendix A. However, this paragraph is applicable to such footwear only if it is produced after February 10, 1942 and does not vary substantially from the manufacturer's specifications filed with the Office of Price Administration before May 25, 1942. A substantial variance from those specifications is a reduction in the total rubber hydrocarbon content of more than 10 percent or any other substantial change in the specifications originally filed, except that the requirements as to rubber hydrocarbon content and the physical and chemical specifications of any compound are not applicable to any compound containing buna-S (GR-S). The provisions of paragraph (c) of § 1315.72 shall apply to footwear covered by this subdivision (iii).

[Paragraph (iii) amended by Am. 4, 8 F.R. 14153, effective 10–22–43, and Am. 5, 8 F.R. 16059, effective 12–1–43]

(2) *Maximum prices.* In order to determine his maximum price for waterproof rubber footwear covered by this paragraph (a) the manufacturer shall deduct all discounts, allowances and any other deductions from the list price that he had in effect to a purchaser of the same class on December 3, 1941, from the price for the waterproof rubber footwear in question set forth in the following table:

TABLE I—CERTAIN WATERPROOF RUBBER FOOTWEAR PRODUCED AFTER FEBRUARY 10, 1942

[Prices From Which Discounts Must Be Deducted]

Type	Price per pair
Boots, other than severe occupational:	
Men's short 14"	$2.85
Men's short 15"	3.00
Women's short	2.45
Men's stormking	4.05
Men's hip	4.65
Pacs, other than severe occupational:	
Men's 12" toplace pac	3.20
Men's lumberman's over, half heel (rubber part only)	2.10
Arctics:	
Men's 5-buckle rubber midweight bal, net lined	3.40
Men's 5-buckle rubber midweight bal, fleece lined	3.50
Men's 4-buckle rubber midweight bal, net lined	3.00
Men's 4-buckle rubber midweight bal, fleece lined	3.10
Men's 4-buckle cloth farmweight blucher	3.00
Men's 4-buckle height lightweight bal, rubber:	
a. Buckle	2.50
b. Strap	2.45
c. Slide	2.65

TABLE I—CERTAIN WATERPROOF RUBBER FOOTWEAR PRODUCED AFTER FEBRUARY 10, 1942—con.

Type	*Price per pair*
Arctics—Continued.	
Boys' 3-buckle lightweight bal, rubber	$2.25
Youths' 3-buckle lightweight bal, rubber	2.10
Women's 4-buckle lightweight bal, rubber	2.20
Women's over-the-shoe boot 10½"	2.00
Misses' over-the-shoe boot 9"	1.90
Child's over-the-shoe boot 8"	1.80
Men's 4-buckle lightweight bal, cloth	2.75
Boys' 3-buckle cloth:	
a. Cashmerette	2.20
b. Jersey	2.00
Youths' 3-buckle cloth:	
a. Cashmerette	2.00
b. Jersey	1.85
Gaiters:	
Women's 2-snap height rubber:	
a. Snap	1.25
b. Slide	1.50
Misses' 2-snap rubber	1.25
Child's 2-snap rubber	1.25
Rubbers:	
Men's work rubber, storms, and/or semi-storms	1.40
Boys' work rubbers, storms and/or semi-storms	1.35
Men's 2-buckle work rubbers	1.85
Men's storms and/or S. A. overs and clogs (full lined)	1.15
Boys' storms and overs (full lined)	1.10
Youths' storms and overs (full lined)	1.00
Women's overs (full lined)	.95
Growing girls' storms (full lined)	.95
Misses' storms (full lined)	.88
Child's storms (full lined)	.83
Women's footholds, calendered sole	.63
Rubbers, special construction:	
Men's sandal, molded	.63
Men's clog, molded	.55
Women's footholds, molded	.20
Women's footholds, latex; black, including pouch	.79
Women's footholds, latex, spotted, including pouch	.92
Severe occupational:	
Men's black short boot	3.40
Men's black short boot, steel toe	3.90
Men's black stormking boot	4.70
Men's black stormking boot, steel toe	5.20
Men's black short fire fighter boot:	
a. Duck	4.65
b. Felt	5.25
Men's black stormking fire fighter boot:	
a. Duck	6.25
b. Felt	6.85
Men's black hip and thigh boot	5.30
Men's black hip and thigh boot, steel toe	5.80
Men's black body boot	12.00
Men's black 15" lace mine pac	4.35
Men's black 15" lace mine pac, steel toe	4.85
Men's black work shoe	3.25
Men's black work shoe, steel toe	3.75
Men's black 2-buckle perfections	2.80
Men's black 10" mine pac	3.55
Men's black 10" mine pac, safety toe	3.85
Men's black 10" mine pac, steel toe	4.05
Neoprene Coated, Par-Grip Sole:	
Men's short boot, steel toe	4.65
Men's stormking, steel toe	6.20
Men's hip boot, steel toe	6.90
Men's rubber work shoe, steel toe	4.15

[Table I amended by Am. 4, 8 F.R. 14153, effective 10-22-43, and Am. 7, 9 F.R. 792, effective 1-26-44. Effective date of Am. 7 amended by Am. 8, 9 F.R. 793]

(b) *Maximum prices for waterproof rubber footwear produced after February 10, 1942, which is not covered by paragraph* (a)—(1) *Applicability of this paragraph.* This paragraph is applicable to waterproof rubber footwear produced after February 10, 1942, which is not covered by paragraph (a). This shall include all types of footwear not listed in Table I and all footwear listed in Table I which is not covered by paragraph (a).

(2) *Maximum prices.* The maximum price of waterproof rubber footwear covered by this paragraph shall be a price, in line with the level of maximum prices established by this regulation, determined by the seller after specific authorization from the Rubber Price Branch, Office of Price Administration. A seller who seeks such an authorization shall file the report required by paragraph (b) of § 1315.65a with the Rubber Price Branch, Office of Price Administration, in Washington, D. C., before first offering to sell the waterproof rubber footwear or on October 15, 1943, whichever is the later date. Within thirty days after mailing the required report to the Rubber Price Branch, Office of Price Administration, the Rubber Price Branch, Office of Price Administration, will either approve the maximum price proposed in the report or designate in writing a different maximum price in line with the level of prices established by this regulation. If thirty days have elapsed after the mailing of the required report, without the Rubber Price Branch, Office of Price Administration, either approving the proposed maximum price or designating in writing a different maximum price, the price proposed by the manufacturer shall be the maximum price. The manufacturer may not accept payment for the waterproof rubber footwear until the proposed maximum price is approved by the Rubber Price Branch, Office of Price Administration, or thirty days have elapsed after the mailing of the required report by the manufacturer to the Rubber Price Branch, Office of Price Administration. If the Rubber Price Branch, Office of Price Administration, designates a maximum price in writing, payment may not be received at a price in excess of the price so designated.

[Paragraph (2) amended by Am. 6, 8 F.R. 16685, effective 12-15-43]

[§ 1315.70 amended by Am. 3, 8 F.R. 12302, effective 10-2-43 and as otherwise noted]

§ 1315.71 *Appendix B: Maximum prices for waterproof rubber footwear produced on or before February 11, 1942.* The maximum price for any waterproof rubber footwear, produced on or before February 11, 1942, shall be the first applicable price, among the prices set forth in the following paragraphs (a) to (c), inclusive.

(a) The price stated in the printed or typewritten schedule or price list of the manufacturer in effect on December 3, 1941, less all trade, cash, quantity, advance buying, and other discounts, freight allowances and rebates, postage allowances and rebates, and any other deductions from the list price in effect for a purchaser of the same class on December 3, 1941.

(b) The highest net price at which the seller sold, contracted to sell, delivered, or transferred waterproof rubber footwear of the same kind and quality and in a similar amount to a purchaser of the same class on December 3, 1941.

(c) The last net price at which the seller sold, contracted to sell, delivered, or transferred waterproof rubber footwear of the same kind and quality and in a similar amount to a purchaser of the same class prior to December 3, 1941.

(d) The maximum price at which a manufacturer may sell, or deliver any waterproof rubber footwear, produced on or before February 11, 1942, for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1315.72 *Appendix C: Minimum specifications for certain types of waterproof rubber footwear*—(a) *What waterproof rubber footwear is covered by these specifications.* These specifications apply only to waterproof rubber footwear produced after October 1, 1943, of the following types:

(1) Short boot, men's 14".

(2) Farmweight cloth arctic, men's 4-buckle.

(3) Lightweight cloth arctic, men's 4-buckle and boys' and youths' 3-buckle.

(4) Work rubber, men's semi-storm and storm.

(5) Dress rubber, men's and boys' storm and over (soft back only); women's over; and youth's, growing girls', misses' and children's storm.

(6) Rubber gaiter, women's, misses' and children's.

(7) Midweight rubber arctic, men's 4-buckle.

(8) Lightweight rubber arctic, men's 4-buckle and boys' and youths' 3-buckle.

(b) *Applicable testing methods.* Testing shall be done by the methods provided by Federal Specifications ZZ-R-601a, General Specifications for Rubber Goods (Methods of Physical Tests and Chemical Analysis).

(c) *Permitted deviations from these specifications.* (1) *Substitution of other materials for materials required by these specifications.* Substitution of other materials for the materials required by these specifications is permissible only where there is a shortage of a required material due to war restrictions on production or distribution. In the case of such a substitution the material substituted must have fairly equivalent serviceability to the required material and must serve the same use in the particular application in which it is applied. Prior to making any such substitution the manufacturer shall notify the Office of Price Administration in Washington, D. C., of the cause of the shortage of the required material for which a substitution is being made. The report shall include a full description of the substitute material. This description shall include the same type of data as these specifications include for the original material, e. g., weight, thickness, bursting point and the like. If, upon examination of the report submitted by the manufacturer, the Office of Price Administration determines either that the substitute material does not give fairly equivalent serviceability or that the shortage of the required material is not due to war restrictions on production or distribution, the Office of Price Administration will notify the manufacturer that footwear produced with the substitute material after the date of notification will not meet these specifications.

[Text of former (c) redesignated (1) and new headnote added to (c) by Am. 8, 8 F.R. 16088, effective 12-1-43]

(2) *Tolerance for items made of buna-S (GR-S).* A minus tolerance of 15 percent or 0.005, whichever is greater, is permitted on any compound gauges containing buna-S (GR-S), providing that such gauges shall not be reduced to less than 0.015 inch and that after such reduction the item of footwear will give fairly equivalent serviceability. The minimum weight of the item of footwear may be reduced by an amount equal to the reduction in the weight of the buna-S compound used as compared with the compound used before the change-over to buna-S.

(3) *Other deviations for items made of buna-S (GR-S).* A manufacturer may deviate from these specifications on footwear made in part of buna-S (GR-S) to improve the serviceability of the footwear, or to avoid an impediment to production or distribution. If a manufacturer deviates from the specifications for any type of footwear made in part of buna-S (GR-S), he shall report to the Office of Price Administration, Washington, D. C., prior to delivery of such footwear, the exact nature of the departure from the specifications, the reasons therefor, and the anticipated period of such departure. If upon examination of the report submitted by the manufacturer, the Office of Price Administration determines that the departure does not improve the serviceability of the footwear, or does not avoid an impediment to production, the Office of Price Administration will notify the manufacturer that the footwear in question, after the date of notification, will not meet these minimum specifications.

[Paragraphs (2) and (3) added by Am. 5, 8 F.R. 16060, effective 12-1-43]

(d) *General specifications.* The following minimum requirements are applicable to all footwear covered by these specifications, except that subparagraphs (2) and (3) are not applicable to any compound containing buna-S (GR-S).

(1) *Workmanship.* The footwear shall be free from any defects in workmanship which might impair its serviceability.

(2) *Rubber Compounds.* The rubber compounds shall show on analysis the amount of rubber hydrocarbons by volume, tensile strength and elongation indicated below:

Compounds	Minimum percent of total rubber hydrocarbons by volume	Minimum pounds tensile strength per square inch	Minimum percent elongation
Outsole	42	1200	
Friction	56	1100	350
Lining	63	1100	350
Upper	65	1500	300
Inner-parts	60	1000	
Heel (molded)	55	900	

The above minimum percent of total rubber hydrocarbons by volume includes the rubber hydrocarbons contained in reclaim rubber. If any change in the method of measurement of rubber hydrocarbons in reclaim rubber is adopted, the equivalent figures may be used.

(3) *Accelerated aging test.* After being subjected to a temperature of 158° F, plus or minus 2°, in air for seven days, the tensile strength shall not be less than 75 percent of its original value.

(4) *Resistance to abrasion.* When tested, as described in paragraph 8 under caption II, Physical Tests, Federal Specification ZZ-R-601a, the abrasive index of the sole compound shall be not less than 25 and the abrasive index of the molded-heel compound shall be not less than 21.

(5) *Lasts.* All footwear shall be made over each manufacturer's standard last equipment for the particular type of footwear.

(6) *Vulcanization.* All footwear shall be vulcanized under pressure to insure a compact unit.

(7) *Packaging.* All footwear shall be packed in standard commercial containers, so constructed as to insure acceptance by common or other carriers for safe transportation at the lowest rate to the point of delivery.

(8) *Brand name.* The manufacturer's brand name may be placed on the footwear.

(e) *Detailed specifications for men's 14" short boots.* In addition to the general specifications already set forth, men's 14" short boots must include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height of the boot inside of the back shall be at least 13¾ inches.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard. This cotton fabric shall be either frictioned on one side with the friction compound or spreader coated and calender coated with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(3) *Leg form.* The leg form shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. The leg form may be omitted if the leg lining is frictioned on one side with the friction compound or spreader coated and calender coated with the lining compound to a thickness of at least 0.020 inch at the face of the calender.

(4) *Vamp form.* The vamp form shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard. This cotton fabric shall be frictioned on both sides with the friction compound and calender coated with the lining compound to a thickness of at least 0.015 inch at the face of the calender. The calender coating of the vamp form to a thickness of at least 0.015 inch at the face of the calender may be omitted if either a gum inner-vamp or a toe-cap is used. If a gum inner-vamp is used, it shall be made of the inner-parts compound and shall be at least 0.015 inch thick. If a toe-cap is used, it shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard. This cotton fabric shall be frictioned on both sides with the friction compound and calender coated with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(5) *Counter form.* The counter form shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard and is frictioned on both sides with the friction compound.

(6) *Friction back stay or friction back strip.* (When used). The friction back stay or friction back strip shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(7) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(8) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.175 inch, but it shall be at least 0.190 inch if the filler sole is used without a binder sole.

[Paragraph (8) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(9) *Stiffening counter.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick.

(10) *Gum leg cover.* The gum leg cover shall be made of the upper compound and shall be at least 0.020 inch thick.

(11) *Gum vamp.* The gum vamp shall be made of the upper compound and shall be at least 0.030 inch thick.

(12) *Gum counter.* The gum counter shall be made of the upper compound and shall be at least 0.025 inch thick.

(13) *Gum ankle.* (When used). The gum ankle shall be made of the inner-parts compound and shall be at least 0.015 inch thick. The gum ankle may be incorporated in the gum leg running.

(14) *Gum heel stay.* (When used). The gum heel stay shall be made of a compound which meets the minimum re-

quirements for the inner-parts compound and shall be 0.025 inch thick.

(15) *Gum back strip.* (When used). The friction back strip shall be covered by a gum back strip which shall be made of the upper compound and shall be at least 0.020 inch thick.

(16) *Top-bind.* The top-bind, which shall be placed at the top of the boot, shall be at least 5/16 inch wide and 0.030 inch thick. It shall be made of a compound which meets the minimum requirements for the inner-parts compound. A black enamel rivet and cap or an eyelet may be placed at the top of the boot in the back, through or below the top bind.

(17) *Heel and toe foxing.* A heel and toe knurled outside foxing or a plain inside foxing shall extend completely around the edge of the outsole. The knurled outside foxing shall be made of a compound which meets the minimum requirements for the outsole compound and shall be at least 0.030 inch thick. The plain inside foxing shall be made of a compound which meets the minimum requirements for the inner-parts compound and shall be at least 0.020 inch thick.

(18) *Outsole.* The outsole shall be made of the outsole compound. It shall be at least 0.250 inch at the ball and shall extend under the heel to a thickness of at least 0.100 inch.

(19) *Heels.* The heels shall be at least ½ inch thick at the thinnest point.

(20) *Finish.* Boots shall have a natural heater or lacquer finish.

(21) *Weight.* The weight of a pair of size nine finished boots shall be at least 3 pounds 6 ounces.

(f) *Detailed specifications for men's 4-buckle cloth farm-weight arctic.* In addition to the general specifications already set forth, men's 4-buckle cloth farm-weight arctics must include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height of the arctic, inside at the back and following the contour of last, shall be at least ten inches for size 9.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fleece which weighs at least 6.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of at least 45 pounds and shall be coated on one side with the lining compound. (See subparagraph (4)).

(3) *Pocket lining.* The pocket lining shall be a cotton fabric which weighs at least 3.2 ounces a square yard. This cotton fabric shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(4) *Cloth quarter, vamp and gore.* The cloth quarter, vamp and gore shall be made of either cotton and reprocessed wool cashmerette which weighs at least 8.5 ounces a square yard, or a twill weave cotton fabric, which weighs at least 9.0 ounces a square yard. The total thickness of lining compound between lining and outer fabric shall be at least 0.016 inch. See subparagraph (2).

(5) *Fabric quarter stay and fabric heel piece.* The fabric quarter stay and fabric heel piece shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(6) *Buckle straps.* The buckle straps shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides and coated with a compound, which meets the minimum requirements of the upper compound, to a thickness of at least 0.006 inch at the face of the calender. The buckle straps shall be folded and shall include two reinforcement cords of 10/2/3 Type A Hawser cord or an equivalent construction. The breaking strength of the cords shall be at least 12 pounds. The folded buckle straps shall be in such width as to suitably thread the manufacturer's standard types of buckle.

(7) *Buckles.* The buckles shall be the manufacturer's standard hook and ladder type.

(8) *Friction or gum inner-vamp.* Either a friction or a gum inner-vamp shall be used. If a friction inner-vamp is used, it shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. If a gum inner-vamp is used, it shall be at least 0.015 inch thick and shall be made of a compound which meets the minimum requirements for the inner-parts compound. When a gum inner vamp is used a collaret shall also be used. This collaret shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound.

(9) *Gum or friction binding.* (When used.) If a gum binding is used it shall be made of a compound, which meets the minimum requirements for the inner-parts compound, and shall be at least ¼ inch in width and 0.020 inch thick. If a friction binding is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard, is frictioned on both sides with the friction compound and is folded to form a bind.

(10) *Gum or fabric back stay.* Either a gum or fabric back stay shall be used. This gum back stay shall be made of a compound which meets the minimum requirements for the inner-parts compound and shall be at least 0.020 inch thick. The fabric back stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides, with the friction compound. The cotton fabric may also be coated on one side to a thickness of at least 0.006 inch at the face of the calender. All back stays shall be made in the manufacturer's standard shape.

(11) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(12) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.125 inch, but it shall be at at least 0.135 inch if the filler sole is used without a binder sole.

[Paragraph (12) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(13) *Stiffening counter.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick.

(14) *Heel and toe foxing.* The heel and toe foxing shall be made of a compound which meets the minimum requirements for the upper compound and shall be at least 0.025 inch thick.

(15) *Outsole.* The outsole shall be made of the outsole compound and shall be at least 0.190 inch thick at the ball and 0.250 inch thick at the back part of the heel.

(16) *Finish.* Arctics shall have a natural heater or lacquer finish.

(17) *Weight.* The weight of a pair of size nine finished arctics shall be at least 2 pounds 9 ounces.

(g) *Detailed specifications for men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight arctics.* In addition to the general specifications already set forth, men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight arctics shall include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back of the arctic and following the contour of the last shall be at least 9⅛ inches for men's size 9, 7⅝ inches for boys' size 5, and 7⅛ inches for youths' size 1.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fleece which weighs at least 5.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of 45 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender. See subparagraph (4).

(3) *Pocket lining.* The pocket lining shall be a cotton sheeting which weighs at least 3.2 ounces a square yard and is coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(4) *Cloth quarter, vamp and gore.* The quarter, vamp and gore shall be made of either a cotton net or a square woven fabric. If a cotton net is used, it shall weigh at least 5.9 ounces a square yard. This cotton net shall have a minimum Scott bursting strength of 85 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender. If a square woven fabric is used, it shall weigh at least 6.4 ounces a square yard. This square woven fabric shall be coated on one side with the lining compound and the total thickness of the lining compound between the lining and the outer fabric shall be at least 0.016 inch. See subparagraph (2).

(5) *Fabric heel piece.* The fabric heel piece shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(6) *Fabric quarter stay.* The quarter stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(7) *Buckle straps.* The buckle straps shall be made of a cotton fabric which weighs at least 4.1 ounces a square yard, and is frictioned on both sides to an over-all gauge of at least 0.025 inch thick. The buckle straps shall be folded and when so constructed shall include two reinforcement cords of 10/2/3 Type A Hawser cord or its equivalent. The breaking strength of the cords shall be at least 12 pounds. When 6.0 ounces a square yard or heavier cotton fabric is used it is not necessary to reinforce with cord. The folded buckle straps shall be in such widths as to suitably thread the manufacturer's standard type of buckle.

(8) *Buckles.* The buckle shall be of the manufacturer's standard hook and ladder type.

(9) *Friction or gum inner-vamp.* Either a friction or a gum inner-vamp shall be used. If a friction inner-vamp is used, it shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. If a gum inner-vamp is used it shall be at least 0.015 inch thick and shall be made of a compound which meets the minimum requirements for the inner-parts compound. When a gum inner-vamp is used, a collaret shall also be used. This collaret shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard and is frictioned on both sides with the friction compound.

(10) *Gum or friction binding.* (When used). If a gum binding is used it shall be made of a compound which meets the minimum requirements for the inner-parts compound and shall be at least ¼ inch in width and 0.020 inch thick. If a friction binding is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard, is frictioned on both sides with the friction compound and is folded to form a bind.

(11) *Gum or fabric back stay.* Either a gum or a fabric back stay shall be used. The gum back stay shall be made of a compound which meets the minimum requirements for the inner-parts compound and shall be at least 0.020 inch thick. The fabric back stay shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.085 inch, but it shall be at least 0.095 inch if the filler sole is used without a binder sole.

[Paragraph (13) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(14) *Stiffening counter.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick.

(15) *Heel and toe foxing.* The heel and toe foxing shall be made of a compound, which meets the minimum requirements for the upper compound, and shall be at least 0.020 inch thick.

(16) *Outsole.* The outsole shall be made of the outsole compound. It shall be at least 0.120 inch thick at the ball and at least 0.200 inch thick at the back of the heel.

(17) *Finish.* Arctics shall have natural heater or bright finish.

(18) *Weight.* The weight of a pair of finished arctics shall be no less than the following:

Age and size:	Weight
Men's size 9	1 pound, 12 ounces.
Boys' size 5	1 pound, 7 ounces.
Youths' size 1	1 pound, 3 ounces.

(h) *Detailed specifications for men's work rubbers, semistorm and storm.* In addition to the general specifications already set forth, men's work rubbers, semistorm and storm, must include the component parts or alternatives listed below except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back of the rubber, following the contour of the last shall be at least 3⅝ inches for men's size 9.

(2) *Lining.* The lining shall be made of a cotton net which weighs at least 6.3 ounces a square yard. This cotton net shall have a minimum Scott bursting strength of 85 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(3) *Counter and heel piece.* The counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick. The heel piece shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If the manufacturer so desires both parts may be combined and made from a cotton fabric, which weighs at least 1.8 ounces a square yard. This cotton fabric shall be frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound to an over-all gauge of at least 0.040 inch thick. When the combination counter and heel piece is placed on the outside of the upper, a gum heel piece not less than 0.025 inch thick shall be used. The combination counter and heel piece may be placed between the lining and the upper.

(4) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is coated one one side with a good grade of stiffening compound.

(5) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.120 inch, but it shall be at least 0.130 inch if the filler sole is used without a binder sole.

[Paragraph (5) as amended by Am. 5, 8 F. R. 16059, effective 12-1-43]

(6) *Toe-cap.* Either a friction or a gum toe-cap shall be used. If a friction toe-cap is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If a gum toe-cap is used, it shall be made of a compound which meets the minimum requirements for the upper compound and shall be at least 0.030 inch thick.

(7) *Upper.* The upper shall be made of the upper compound and shall be at least 0.030 inch thick.

(8) *Foxing.* The foxing shall be made of a compound, which meets the minimum requirements for the sole compound, and shall be at least 0.030 inch thick.

(9) *Gum bind.* The gum bind shall be made of a compound, which meets the minimum requirements for the sole compound and shall be at least $\frac{1}{4}$ inch wide and 0.030 inch thick A separate bind shall not be required if the bind is engraved in the gum upper.

(10) *Outsole.* The outsole shall be made of the outsole compound and shall be at least 0.190 inch thick at the ball and 0.25 inch thick at the back part of the heel.

(11) *Finish.* Men's work rubbers shall have a natural heater, starch or lacquer finish.

(12) *Weight.* The weight of a pair of finished men's size 9 work rubbers shall be at least 1 pound 9 ounces.

(13) *Alternate construction.* The manufacturer may use the following alternate constructions if he uses all of the constructions listed below:

(i) The lining shall be made of a fabric which weighs at least 6.7 ounces a square yard and is coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender. (See subparagraph (2)).

(ii) Both fabric and gum toe-caps shall be used. (See subparagraph (6)).

(iii) When both the combination counter and gum heel piece are used (See subparagraph (3)), then the gauge for the upper (See subparagraph (7)), the gum toe-cap (See subparagraph (6)) and the gum heel piece (See subparagraph (3)) shall be at least 0.025 inch thick.

(j) *Detailed specifications for men's and boys' dress rubber, storm and over (soft back only); youths', growing girls, misses' and children's storm rubber and women's over.* In addition to the general specifications already set forth, men's and boys' dress rubber, storm and over (soft back only); youths', growing girls', misses' and children's storm rubber and women's over must include the component parts or alternatives listed below and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back, following the contour of the last, shall be at least 3⅜ inches for men's size 9. Other ages or genders and heel heights shall vary from this height in accordance with each manufacturer's usual grading.

(2) *Lining.* For men's, boys' and youths' sizes, the lining shall be made of a cotton net which weighs at least 5.4 ounces a square yard and has a minimum Scott bursting strength of 85 pounds. For women's, growing girls', misses' and children's sizes, the lining shall be made of a cotton net which weighs at least 4.0 ounces a square yard and has a minimum Scott bursting strength of 45 pounds. For all genders, the fabrics shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(3) *Counter and heel piece.* The counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick. The heel piece shall be made of cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If the manufacturer so desires, both parts may be combined and made from a cotton fabric which weighs at least 1.8 ounces a square yard. This cotton fabric shall be frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound to an over-all gauge of at least 0.030 inch thick. The stiffening counter, either singly or in combination, may be omitted if a cotton fabric which weighs at least 5.0 ounces per square yard is used and is frictioned on both sides with friction compound. When the combination counter and heel piece is placed on the outside of the upper, a gum heel piece must be used. This gum heel piece shall be made of a compound which meets the minimum requirements for the upper compound and shall be at least 0.020 inch thick for men's, boys' and youths' sizes and 0.017 inch thick for women's, growing girls', misses' and children's sizes. The combination counter and heel piece may be placed between the lining and the upper.

[Paragraph (3) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(4) *Insole.* The insole shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(5) *Heel plug.* A heel plug shall be used on women's heels of 12/8 or higher. This heel plug shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side and coated on the other side with a good grade of stiffening compound to a thickness of at least 0.035 inch. A fibre or hard rubber heel plug at least 0.040 inch thick may be used in place of the fabric heel plug.

(6) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, exclusive of the heel plug, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

[Paragraph (6) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(7) *Toe-cap.* Either a friction or a gum toe-cap shall be used, except that a gum toe-cap must be used on boys', youths', misses' and children's sizes. If a friction toe-cap is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If a gum toe-cap is used, it shall be made of the upper compound and shall be at least the gauge of the upper.

(8) *Upper.* The upper shall be made of the upper compound and shall be at least 0.020 inch thick for men's, boys' and youths' sizes and shall be at least 0.017 inch thick for women's, misses', growing girls' and children's sizes.

(9) *Gum bind.* The gum bind shall be made of a compound which meets the minimum requirements for the sole compound. The gum bind shall be at least ⅛ inch wide and shall be at least the same gauge as the upper. A separate bind shall not be required if a bind is engraved in the gum upper.

(10) *Toe strip or foxing.* The toe strip or the foxing shall be made of a compound which meets the minimum requirements for the soling compound and shall be at least the same gauge as the upper. Neither a toe strip nor a foxing need be used where the manufacturer's process makes allowances for either of them in the upper itself.

[Paragraph (10) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(11) *Outsole.* The outsole shall be made of the outsole compound and shall be at least of the following thicknesses:

Age or gender	Inch thick at ball	Inch thick at back part of heel
Men's	0.100	0.100
Boys'	.120	.170
Youths'	.120	.170
Women's	.075	.100
Growing girls'	.075	.100
Misses'	.110	.160
Children's	.110	.160

(12) *Finish.* The finish shall be bright or lacquer.

(13) *Weight.* The weight of a pair of men's size 9 finished rubbers shall be at least 13 ounces. The minimum weight of other ages and genders shall vary in accordance with the manufacturer's grading.

(j) *Detailed specifications for rubber gaiters for women, misses and children.* The specifications are intended to cover the type of rubber gaiter commonly known as the "two snap rubber gaiter." However, because of the metal shortage no specific type of fastening has been required. In addition to the general specifications already set forth, such gaiters must include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height of the gaiter inside at the back shall be at least 6½ inches for women's low heel, size 5, 6½ inches for misses' size 13 and 5½ inches for children's size 10.

(2) *Leg lining.* The leg lining shall be made of a cotton fleece which weighs at least 5.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of 45 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender, providing that the combined thickness of the lining coat and upper is at least 0.023 inch. The leg lining shall be either a one or two piece construction, shall be properly lapped or butted at the seam joining and shall be properly cemented to insure good adhesion. See subparagraph (12).

(3) *Fastener post stay.* The fastener post stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(4) *Front stay lining.* The front stay lining shall be made of a cotton fabric which weighs at least 4.0 ounces a square yard and is coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(5) *Fabric front stay.* The fabric front stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. The front stay may be omitted if the front stay lining is made of a cotton fabric which weighs at least 6.3 ounces a square yard.

(6) *Fabric front stay hinge.* The fabric front stay hinge shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. The fabric front stay shall be properly placed at the lower front stay and the quarter joint.

(7) *Fabric counter.* The fabric counter shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound.

(8) *Fabric reinforcement strip.* The fabric reinforcement strip shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If the lining is of a one piece construction the fabric reinforcement strip may be omitted.

(9) *Insole.* The insole shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(10) *Heel plug.* A heel plug shall be used on women's heels of 12/8 or higher. The heel plug shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side and coated on the other side with a good grade of stiffening compound to a thickness of at least 0.035 inch. A fibre or hard rubber heel plug of at least 0.040 inch thick may be used in the place of the fabric heel plug.

(11) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, exclusive of the heel plug, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

[Paragraph (11) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(12) *Gum upper and gum reinforcement back stay.* The gum upper and gum reinforcement back stay shall be made of the upper compound, shall be embossed with a plain, pebble, grosgrain, or similar design roll and shall be at least 0.017 inch thick. If the lining is of a one piece front join construction, the gum reinforcement back stay may be omitted. See subparagraph (2).

(13) *Gum front stay, gum back stay and gum counter.* The gum front stay, gum back stay and gum counter shall be made of the upper compound, shall be embossed with a plain, pebble, grosgrain or similar design roll, and shall be at least 0.017 inch thick. The gum back stay and gum counter may be combined into one unit.

(14) *Gum binding.* The gum binding shall extend from the top of the front stay to the top of the gaiter and shall extend completely around the gaiter upper at the top. The gum binding shall be made of the upper compound, and shall be at least 0.017 inch thick and $\frac{1}{4}$ inch wide.

(15) *Gum foxing.* The gum foxing shall be made of the upper compound, shall be plain or embossed and shall be at least 0.017 inch thick. The gum foxing shall extend completely around the forepart of the outsole from shank to shank.

(16) *Gum toe-cap.* The gum toe-cap shall be made in the manufacturer's standard shape and shall be made of a compound which meets the minimum requirements for the upper compound, shall be plain or embossed and shall be at least 0.017 inch thick. The gum front join or piping strip extending over the toe edge may be considered as a gum toe-cap.

(17) *Outsole.* The outsole shall be made of the sole compound and shall be at least of the following thicknesses: women's, 0.075 inch at the ball and 0.150 inch at the heel; misses', 0.110 inch at the ball and 0.160 inch at the heel; and children's, 0.110 inch at the ball and 0.160 inch at the heel.

(18) *Fasteners.* Fasteners shall be of the manufacturer's standard type.

(19) *Finish.* The finish shall be natural heater or lacquer.

(20) *Weight.* The weight of a pair of women's size 5 finished gaiter shall be at least 7.5 ounces. The weight of other ages shall vary from this weight in accordance with the manufacturer's grading.

(k) *Detailed specifications for men's 4-buckle rubber midweight arctic.* In addition to the general specifications already set forth, men's 4-buckle rubber midweight arctics shall include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications.

(1) *Height.* The height at the back of the arctic following the contour of the last, shall be at least 10 inches for men's size 9.

(2) *Leg and toe lining.* The leg and toe lining shall be made either of a cotton net which weighs at least 7.3 ounces a square yard, or of a cotton fleece which weighs at least 6.5 ounces a square yard. If the cotton net is used, it shall have a minimum Scott bursting strength of 85 pounds and shall be coated on one side with lining compound to a thickness of at least 0.006 inch at the face of the calender. If the cotton fleece is used, it shall have a minimum Scott bursting strength of 45 pounds and shall be coated on one side with lining compound to a thickness of at least 0.006 inch at the face of the calender.

(3) *Pocket lining.* The pocket lining shall be a cotton net which weighs at least 5.0 ounces a square yard and is coated on one side with lining compound to a thickness of at least 0.006 inch at the face of the calender.

(4) *Fabric backstay or optional back strip.* The fabric backstay or back strip shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard. This cotton fabric shall be frictioned on both sides with friction compound, or shall be frictioned on one side with friction compound and coated on the other side with lining compound to a thickness of at least 0.006 inch at the face of the calender.

(5) *Fabric front stay.* The fabric front stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard. This cotton fabric shall be frictioned on one side with friction compound and coated on the other side with lining compound to a thickness of at least 0.003 inch at the face of the calender.

(6) *Stiffening counter and fabric heel piece.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.040 inch thick. This stiffening counter shall be used in conjunction with either a separate fabric heel piece, or a cotton fabric which weighs at least 5.0 ounces a square yard. If the heel piece is used, it shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard and is frictioned on both sides with the friction compound.

(7) *Fabric buckle stay cover.* The fabric buckle stay cover shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard, and is frictioned on both sides with friction compound.

This cotton fabric either shall be covered with gum buckle stay covers made of upper compound of a thickness of at least 0.015 inch, or shall be coated with lining compound to a thickness of at least 0.010 inch at the face of the calender. It is optional to use a one-piece construction or separate buckle covers.

(8) *Fabric buckle-strap.* The buckle-strap shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides with friction compound and coated on one side with lining compound to a thickness of at least 0.003 inch at the face of the calender. The buckle straps shall be folded and when so constructed shall include two reinforcement cords of 10/2/3 type A Hawser cord, or its equivalent. The breaking strength of the cords shall be at least 12 pounds. The folded buckle-straps shall be in such width as to suitably thread the manufacturer's standard type of buckle.

(9) *Buckles.* The buckles shall be the manufacturer's standard hook and ladder type.

(10) *Fabric or optional gum front chaffing stay or pocket stiffener.* The front chaffing stay or pocket stiffener shall be made either of a cotton fabric which weighs at least 3.2 ounces a square yard or of the inner parts compound. If a cotton fabric is used, it shall be frictioned on one side with friction compound, or coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender. If the inner parts compound is used, it shall be at least 0.015 inch thick.

(11) *Friction or optional gum inner-vamp.* Either a friction or a gum inner-vamp shall be used. If a friction inner-vamp is used, it shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard, and is either frictioned on both sides with the friction compound, or coated on both sides with the lining compound to a thickness of at least 0.003 inch at the face of the calender. If a gum inner-vamp is used, it shall be at least 0.025 inch thick and shall be made of a compound which meets the minimum requirements for the inner-parts compound.

(12) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard, and is coated on one side with a good grade of stiffening compound.

(13) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.120 inch, but it shall be at least 0.130 inch if the filler sole is used without a binder sole.

[Paragraph (13) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(14) *Gum quarter.* The gum quarter shall be made of the upper compound and shall be at least 0.025 inch thick.

(15) *Gum pocket.* The gum pocket shall be made of the upper compound and shall be at least 0.020 inch thick.

(16) *Gum heel piece.* The gum heel piece shall be made of a compound which meets the minimum requirements of the outsole compound and shall be at least 0.025 inch thick.

(17) *Gum front stay.* The gum front stay shall be made of compound which meets the minimum requirements of the outsole compound, shall be embossed with a plain, pebble, grosgrain or similar design on the outer surface, and shall be at least 0.025 inch thick.

(18) *Gum vamp.* The gum vamp shall be made of the upper compound and shall be at least 0.025 inch thick.

(19) *Gum toe cap (When used).* The gum toe cap may be omitted if a fabric inner vamp is used. If the gum toe cap is used, it shall be made of a compound which meets the minimum requirements for the outsole compound, and shall be at least 0.025 inch thick.

(20) *Gum bind.* The gum bind shall be made of a compound which meets the minimum requirements for the outsole compound, shall be placed at the top of the arctic, and shall be at least 0.025 inch thick and 5/16 inch wide. A separate bind shall not be required if the bind is engraved in the gum upper.

(21) *Gum foxing; heel and toe.* The heel and toe foxing shall be made of a compound which meets the minimum requirements of the outsole compound, shall have a design on its surface and shall be at least 0.030 inch thick at its thinnest point.

(22) *Gum outsole.* The outsole shall be made of the outsole compound and shall be at least 0.190 inch thick at the ball and 0.250 inch thick at the back part of the heel.

(23) *Finish.* Arctics shall have a natural heater or lacquer finish.

(24) *Weight.* The weight of a pair of men's size 9 finished arctics shall be no less than two pounds nine ounces.

(l) *Detailed specifications for men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight rubber arctics.* In addition to the general specifications already set forth, men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight arctics shall include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back of the arctic following the contour of the last shall be at least 9⅝ inches for men's size 9, 7¾ inches for boys' size 5, and 7⅛ inches for youths' size 1.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fleece which weighs at least 5.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of 45 pounds, and shall be coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender.

(3) *Pocket lining.* The pocket lining shall be made of a cotton net which weighs at least 4.0 ounces a square yard, and is coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender.

(4) *Fabric back stay or optional back strip.* The fabric back stay or back strip shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound.

(5) *Fabric front join stay.* The fabric front join stay shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard, and is either frictioned on both sides with the friction compound, or frictioned on one side with the friction compound and coated on the other side with lining compound to a thickness of at least 0.003 inch at the face of the calender.

(6) *Fabric counter.* The fabric counter shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is either frictioned on both sides with the friction compound, or frictioned on one side with friction compound and coated on the other side with a good grade of stiffening compound to a thickness of at least 0.040 inch.

(7) *Fabric buckle stay cover.* The fabric buckle stay cover shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides with the friction compound and either covered with gum buckle stay covers made of upper compound of a minimum thickness of 0.015 inch or coated with lining compound to a thickness of at least 0.010 inch at the face of the calender. If a minimum 4 strand tire cord fabric or a square woven fabric weighing at least 5.3 ounces a square yard and coated with lining compound, or frictioned with friction compound and doubled to itself, is used for the buckle strap, this strap need be covered only with a gum buckle stay cover which is made of the upper compound and is at least 0.015 inch thick. It is optional to use a one-piece construction or separate buckle covers.

(8) *Fabric buckle strap.* The fabric buckle strap shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides with friction compound and coated on one side with lining compound to a thickness of at least 0.003 inch at the face of the calender. The buckle strap shall be folded and when so constructed shall include two reinforcement cords of 10/2/3 Type A Hawser cord or its equivalent. The breaking strength of the cords shall be at least 12 pounds. When 5.3 ounces a square yard or heavier cotton fabric is used, it is not necessary to reinforce with cord. The folded buckle strap shall be in such width as to suitably thread the manufacturer's standard type of buckle.

(9) *Buckles.* The buckle shall be of the manufacturer's standard hook and ladder type.

(10) *Fabric or optional gum front chaffing stay or pocket stiffener.* The front chaffing stay or pocket stiffener shall be made either of a cotton fabric which weighs at least 2.7 ounces a square yard or of the inner parts compound. If the cotton fabric is used, it shall be either frictioned on one side with friction compound, or coated on one side with lining compound to a thickness of at least 0.003 inch at the face of the calender. If the inner parts compound is used, it shall be at least 0.020 inch thick.

(11) *Insole.* The insole shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is coated with a good grade of stiffening compound.

(12) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

[Paragraph (12) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(13) *Gum quarter.* The gum quarter shall be made of the upper compound and shall be at least 0.020 inch thick.

(14) *Gum pocket.* The gum pocket shall be made either of the upper compound or of a knitted fabric. If the upper compound is used, it shall be at least 0.020 inch thick. If a knitted fabric is used, it shall weigh at least 4.0 ounces a square yard, and shall be coated with lining compound to an over all thickness of at least 0.030 inch.

(15) *Gum heel piece.* The gum heel piece may be one or two pieces. It shall be made of a compound which meets the minimum requirements of the outsole compound and shall be at least 0.020 inch thick.

(16) *Gum front stay.* The gum front stay shall be made of a compound which meets the minimum requirements of the outsole compound and shall be at least 0.020 inch thick.

(17) *Gum top bind.* The gum top bind shall be made of a compound which meets the minimum requirements of the outsole compound, shall be placed at the top of the arctic and shall be at least 0.025 inch thick and at least ¼ inch wide.

(18) *Gum foxing.* The foxing shall be made of the outsole compound and shall be at least 0.020 inch thick.

(19) *Gum outsole.* The outsole shall be made of the outsole compound and shall be at least 0.120 inch thick at the ball and at least 0.195 inch thick at the back of the heel.

(20) *Finish.* Arctics shall have a natural heater or lacquer finish.

(21) *Weight.* The weight of a pair of finished arctics shall be no less than the following:

Age and size:	Weight
Men's—Size 9	1 pound, 12 ounces.
Boys'—Size 5	1 pound, 7 ounces.
Youths'—Size 1	1 pound, 3 ounces.

[§ 1315.72 added by Am. 3, 8 F.R. 12302, effective 10-2-43]

§ 1315.73 *Appendix D: Maximum prices for canvas footwear—(a) Maximum prices for canvas rubber footwear named in Table II.* (1) This paragraph is applicable to canvas rubber footwear named in Table II, but only if such footwear is produced after December 14, 1943, and it does not fall below the manufacturer's minimum specifications filed with the Rubber Price Branch, Office of Price Admihistration, before December 31, 1943.

(2) In order to determine his maximum price for canvas rubber footwear subject to this paragraph, the manufacturer shall deduct from the price for the canvas rubber footwear in question set forth in the following table, all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on December 3, 1941, for comparable quality canvas footwear, or if he was not selling canvas footwear of comparable quality on December 3, 1941, on the most recent date prior thereto, not earlier than January 1, 1941, on which he was selling such canvas footwear. If a manufacturer had no discount policy for comparable quality canvas footwear in effect at any time between January 1, 1941, and December 3, 1941, he shall deduct all discounts, allowances and other deductions from the list price that his most closely competitive seller of comparable quality canvas footwear had in effect to a purchaser of the same class on December 3, 1941.

TABLE II—CERTAIN CANVAS RUBBER FOOTWEAR PRICES FROM WHICH DISCOUNTS MUST BE DEDUCTED

Type:	Price per pair
Training shoes, backed uppers, molded soles:	
Men's	$2.40
Boys'	2.25
Trimmed lace-to-toe bal:	
Men's	1.65
Boys'	1.50
Youths'	1.40
Little gents'	1.30
Lace-to-toe gym bal:	
Women's	1.30
Misses'	1.25
Untrimmed oxford:	
Men's	1.30
Boys'	1.20
Youths'	1.10
Women's	1.20
Misses'	1.10
Children's	1.00

[Table II as amended by Am. 9, effective 2-26-44]

(b) *Maximum prices for canvas rubber footwear which is not covered by paragraph (a).* The maximum price for canvas rubber footwear not covered by paragraph (a) shall be a price, in line with the level of maximum prices established by this regulation, determined by the seller after specific authorization from the Rubber Price Branch of the Office of Price Administration. A seller who seeks such authorization shall file the report required by paragraph (b) of § 1315.65a with the Rubber Price Branch of the Office of Price Administration, Washington, D. C., before first offering to sell the canvas rubber footwear or on December 31, 1943, whichever is the later date. Within thirty days after mailing the required report to the Rubber Price Branch of the Office of Price Administration, the Rubber Price Branch of the Office of Price Administration will either approve the maximum price proposed in the report or designate in writing a different maximum price in line with the level of prices established by this regulation. If thirty days have elapsed after the mailing of the required report, without the Rubber Price Branch of the Office of Price Administration either approving the proposed maximum price or designating in writing a different maximum price, the price proposed by the manufacturer shall be the maximum price. The manufacturer may not accept payment for the canvas rubber footwear until the proposed maximum price is approved by the Rubber Price Branch of the Office of Price Administration or thirty days have elapsed after the mailing of the required report by the manufacturer to the Rubber Price Branch of the Office of Price Administration. If the Rubber Price Branch of the Office of Price Administration designates a maximum price in writing, payment may not be received at a price in excess of the price so designated.

[§ 1315.73 added by Am. 6, 8 F.R. 16685, effective 12-18-43]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2589; Filed, February 22, 1944; 4:48 p. m.]

PART 1340—FUEL

[MPR 120, Amdt. 84]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Correction

In F. R. Doc. 44-1614, appearing on page 1454 of the issue for Friday, February 4, 1944, the first two figures in the last column of the table under paragraph (b) (5) should be "315" and "340."

PART 1340—FUEL

[RMPR 122,[1] Incl. Amdt. 18]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

Sections 1340.254 (b), Rule 4, 1340.255 (a), (3), 1340.266 (a) (4) amended; §§ 1340.259 (a) (2), (3) and (4), and 1340.266 (a) (8) revoked; § 1340.266 (a) (9), (10) and (11) redesignated (a) (8), (9) and (10) by Amendment 18, effective February 28, 1944, so that Revised Maximum Price Regulation 122 shall read as follows:

The Price Administrator has ascertained and given due consideration to the prices prevailing on sales of such solid fuels between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this revised regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

A statement of the considerations involved in the issuance of Revised Maximum Price Regulation No. 122, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, issued October 2, 1942, and in accordance with Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 122 is hereby issued.

Sec.
1340.251 Where this regulation applies.
1340.252 What this regulation prohibits.
1340.253 Less than maximum prices may be charged.
1340.254 How maximum prices are calculated under this regulation.
1340.255 The meanings of certain terms used in the maximum price rules.
1340.256 Maximum prices required for certain special sales.
1340.257 How the railroad freight rate increase is treated.
1340.258 Adjustable pricing.
1340.259 Petitions for amendment and applications for adjustment.
1340.260 Provision for specific ceiling prices.
1340.261 Applicability of other regulations.
1340.262 Records and reports.
1340.263 Posting of maximum prices; sales slips and receipts.
1340.264 Enforcement.
1340.264a Licensing.
1340.265 Federal and state taxes.
1340.266 Definitions.
1340.267 Effective date.

AUTHORITY: §§ 1340.251 to 1340.267, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671 and E.O. 9328, 8 F.R. 4681.

§ 1340.251 *Where this regulation applies.* (a) This regulation shall apply to all sales and deliveries of solid fuel from or to any point in the forty-eight states, the District of Columbia, and the territories of Alaska and Hawaii, unless:

(1) Made at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven or briquette plant, or

[Subparagraph (1) as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

(2) Subject to Maximum Price Regulation No. 189[4]—Bituminous Coal Sold for Direct Use as Bunker Fuel.

(b) Where the dealer has more than one business establishment, each establishment shall be considered a separate dealer. (Under Supplementary Order No. 13[5] (7 F.R. 6523) retail sellers operating more than one establishment and having had a uniform pricing practice as to two or more of them may apply for authorization to determine and use uniform maximum prices.)

(c) If a dealer's business, assets or stock in trade are sold or otherwise transferred subsequent to April 1, 1943, and the transferee continues to operate such business, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor was or would have been subject if no such sale or transfer had taken place. The transferee shall have the same obligation as his transferor to keep books and records sufficient to verify such prices. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of § 1340.262 of this regulation.

[Paragraph (c) added by Am. 3, 8 F.R. 4510, effective 4-12-43]

§ 1340.252 *What this regulation prohibits.* Regardless of any contract or other obligation, no person shall:

(a) Sell, or, in the course of trade or business, buy solid fuel at prices higher than the maximum prices fixed by this regulation, or

(b) Obtain a higher than ceiling price by:

(1) Changing his customary allowances, discounts, or other price differentials, or

(2) Increasing any service charge or any interest rate on debts over that charged in December 1941.

[Subparagraph (2) as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

(3) Using any other device by which a higher than ceiling price is obtained, or

(c) Use any tying agreement or make any requirement that anything other than the fuel requested by the buyer be purchased by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States government.

[Paragraph (c) as amended by Am. 8, 8 F.R. 8754, effective 6-30-43]

§ 1340.253 *Less than maximum prices may be charged.* Less than maximum prices may be charged, paid, or offered.

[§ 1340.253 as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

§ 1340.254 *How maximum prices are calculated under this regulation*—(a) *How to use the maximum price rules in paragraphs* (b) *and* (c). Rule 1 is intended to be used generally, but a dealer, if he wishes, may instead calculate his maximum price by optional Rule 1A or Rule 1B. If a dealer cannot calculate his price by using Rule 1, and does not wish to use Rule 1A or 1B, he must use Rule 2. If he cannot use Rule 2, he must use Rule 3 or Rule 4, depending on which covers his situation. Supplemental rules covering four special situations (dock sales for railroad fuel use; sales by bid; sales of lake cargo coal; dealers granted adjustments of maximum prices by order under Maximum Price Regulation No. 122)[6] are stated in § 1340.255. Rules 5 and 6 are to be used for calculating the maximum prices for services rendered by the dealer in connection with his sales of fuels. The meanings of terms printed in quotation marks when first used in this section are given in § 1340.255 which follows this section.

[Paragraph (a) as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

(b) *The maximum price rules for fuels.*

Rule 1. The maximum price for any solid fuel shall be:

(1) The highest price charged by the dealer in December 1941 for the same fuel, plus

(2) Any increase in his supplier's maximum price for the same fuel over the highest of all prices charged the dealer on the same fuel supplied to him during the last calendar month of 1941 in which the dealer took deliveries of such fuel from a supplier.

The maximum price of a solid fuel received from a supplier who is the same person as the dealer shall be: The highest price charged by the dealer in December 1941 for the same fuel; plus the difference between the highest price charged by the supplier during the same month to an independent dealer and the same supplier's maximum price for sales of the same fuel to the same independent dealer or any other of the same class.

If the dealer did not deliver a solid fuel to a certain class of purchasers during December 1941, his maximum price for sales to that class shall be based upon the maximum price for sales of the same solid fuel to other classes of purchasers, adjusted to reflect his customary price differentials between or among the classes of purchasers.

If the dealer did not deliver a certain size of a kind of fuel to any class of purchasers during December 1941, his maximum price for sales of that size shall be based upon his maximum price for a like sale of that kind of fuel adjusted to reflect his customary price differential between that size and the size of the same kind of fuel most nearly similar thereto.

[Above paragraph added by Am. 10, 8 F.R. 11143, effective 8-14-43]

The maximum price for Pennsylvania anthracite yard screenings shall be the highest price charged by the dealer in December 1941 for the same fuel plus $1.00 per net ton.

[Above paragraph added by Am. 4, 8 F.R. 5632, effective 4-28-43 and amended by Am. 16, 8 F.R. 17184, effective 12-27-43]

Rule 1A. The maximum price of a dealer who chooses to set his maximum price by his highest offering price for delivery during December 15–31, 1941, inclusive, shall be such highest offering price for a like sale if, either advertised by him after October 1, 1941 in a medium of general circulation, such as "a newspaper, in his locality, or listed in the last price circular, list or schedule he issued and made available to the purchasing public in 1941.

Rule 1B. The maximum prices of any dealer who chooses to use the maximum prices which he has calculated by using the weighted average price formula (§ 1340.261 (c)) of Maximum Price Regulation No. 122 and which he has posted as it requires (§ 1340.261 (j)) before the effective date of this revised regulation are the maximum prices so calculated and posted for a like sale.

Unless calculated by Rule 1A or Rule 1B, a dealer's maximum price shall precisely reflect any decrease in his supplier's maximum price occurring on or after January 9, 1943.

[Above paragraph added by Am. 7, 8 F.R. 8179, effective 6-19-43]

Rule 2. The maximum price shall be the maximum price of the most closely competitive dealer of the same class for a like sale and shall, of course, precisely reflect any increase or decrease in such competitor's maximum price.

[Rule 2 as amended by Am. 7.]

Rule 3. The maximum price shall be the sum of: First, the per net ton cost to the dealer, f. o. b. supplier's shipping point; Second, the actual transportation cost to the dealer's yard, dock or other terminal facility; and Third, the margin over delivered cost on the dealer's similar sale of solid fuel most nearly like the sale of solid fuel for which a maximum price is calculated under this Rule 3, taking into account similarity in size, kind, quality, use and quantity of fuel, class of purchasers, method of delivery (e. g., by truck, rail, etc.) and terms of delivery (e. g., delivered price, f. o. b. dealer's yard, etc.). But a dealer eligible for compensatory adjustment under Compensatory Adjustment Regulation No. 1[7] shall, in place of the item marked Second in this Rule 3, substitute the lowest transportation cost he would have incurred during December 1941 in bringing the fuel to his terminal facility.

[Rule 3 as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

Rule 4. If Rule 3 cannot be applied because the dealer made no similar sale, his maximum price shall be the price set by the regional office of the Office of Price Administration in line with the level of maximum prices set by this regulation. The dealer shall apply to the regional office, stating in writing:

First: the size, kind, quality and possible use or uses of the solid fuel to be priced;

Second: the name of its producer and its origin and, for bituminous coal, its price classification and group, size group, and mine index number in the minimum price schedules of the Bituminous Coal Division, as in effect midnight August 23, 1943.

[Above paragraph as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

Third: the per net ton price, f. o. b. supplier's shipping point;

Fourth: the actual transportation cost to the dealer's yard, dock, or other terminal facility;

Fifth: a proposed schedule of prices for each class of purchaser involved, stating price variations for different quantities, methods and terms of delivery;

Sixth: his margin over delivered cost on sales of solid fuel serving the same purpose;

Seventh: any other pertinent information which the regional office may request.

The dealer shall reflect in his maximum price set under this Rule 4 the exact amount of any increase or decrease in his supplier's maximum price as established by any amendment or order issued by the Office of Price Administration after November 28, 1943, unless the dealer's price under this Rule 4 is changed by the Regional Office to reflect such increase or decrease.

[Above paragraph added by Am. 15, 8 F.R. 16427, effective 12-4-43; and amended by Am. 18, effective 2-28-44]

(c) *The maximum price rules for services.*

Rule 5. The maximum price for any service rendered by a dealer in connection with a sale or handling of solid fuel shall be the highest price charged by the dealer during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this regulation: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

Rule 6. If a dealer did not render a service during December 1941, his maximum price for such a service shall be the price set by the regional office of the Office of Price Administration. The dealer shall apply to the regional office stating in writing:

First: a description of the services to be rendered;

Second: the classes of purchasers to whom it will be rendered;

Third: a proposed price for the service which shall be shown to the satisfaction of the Regional Administrator to be reasonably computed in relation to charges for similar services by other dealers in the locality and to be reasonable in relation to the actual costs the dealer will incur in rendering the service.

Fourth: any other pertinent information the regional office may request.

[Paragraph (c) added by Am. 10, 8 F.R. 11143, effective 8-14-43]

§ 1340.255 *The meanings of certain terms used in the maximum price rules.* (a) The following quoted words, when used in this regulation, have the meanings given below:

(1) "A like sale" means one sale of solid fuel is like another if the same solid fuel is delivered under the same terms and by the same method to a purchaser of the same class as in the sale to which comparison is made.

(2) "The highest price charged by the dealer" means the highest price he charged for a like sale of fuel delivered during December 1941 and, in the case of a service, means the highest price he charged for the same service he rendered during the same month.

[Subparagraph (2) as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

(3) "Same fuel" or "same solid fuel" means one solid fuel shall be deemed to be the same as another if the first is the same size and kind as the second, is of the same quality, has the same use, affords the purchaser equivalent serviceability, and is interchangeable with the second. In the case of bituminous coal, if the two coals compared are in the same or equivalent price classification and group and size group number as set forth in Maximum Price Regulation No. 120[8]—Bituminous Coal Delivered from Mine or Preparation Plant, they are the same; this is the basic test although it is possible bituminous coals may be the same if they do not meet this test. In the case of Pennsylvania anthracite, size need not be a consideration if the maximum prices f. o. b. the mine are the same for both coals. Furthermore, if the maximum price of any size of any producer's anthracite is higher than any other producer's maximum price for the same size, the first producer's size of anthracite shall not be deemed by the dealer, in calculating his maximum price, to be the same fuel as the other producer's.

[Subparagraph (3) amended by Am. 2, 8 F.R. 3524, effective 3-10-43; and Am. 18, effective 2-28-44]

(4) "A supplier" means any person who in 1941 or 1942 sold the dealer solid fuels for resale. Any person who sells to the dealer after 1942 is also a supplier if he performs the same functions in the selling of the same solid fuels at the same level of distribution and sells to dealers of the same class as did the suppliers who sold to the dealer in 1941 or 1942.

(5) "A supplier's maximum price" means the maximum price of an independent or affiliated supplier for deliveries to the dealer (before deducting any allowance or discount or adding any special service charge), f. o. b. supplier's shipping point. Maximum prices of suppliers are established by one or more of these regulations: Maximum Price Regulation No. 112—Pennsylvania Anthracite,[9] Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant; Regulation No. 121—Mis-

[1] 8 F.R. 440.
[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.
[3] 7 F.R. 8961; 8 F.R. 3313, 9533, 6173, 11806.
[4] 8 F.R. 15317, 16520.
[5] Revised, 9 F.R. 1621.
[6] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8949, 8948, 9426, 9783, 10529.
[7] Revised: 8 F.R. 13960, 15705.
[8] 8 F.R. 14560, 15256, 15455, 15456, 16280, 17184, 16419, 16738, 16998; 9 F.R. 396, 573, 693, 794, 978, 1161, 1395, 1454.
[9] 8 F.R. 8367, 9065, 15706, 16037; 9 F.R. 373, 1324.

cellaneous Solid Fuels Delivered from Mine or Preparation Plant;" and this regulation.

(5) "The highest of all prices charged the dealer on the same fuel supplied to him" means the highest of all prices charged the dealer before the deduction of any discount or allowance or the addition of any special service charge.

(7) "The margin over delivered cost" means the difference between (i) the maximum price of the solid fuel under this Regulation, and (ii) the sum of (a) its most recent cost per ton to the dealer, f. o. b. supplier's shipping point, and (b) the actual transportation cost to the dealer's yard, dock, or other terminal facility.

(8) "Dealer of same class" means (i) a dealer performing the same function (trucking from a mine, yard or dock, a yard or dock operator), (ii) dealing in the same solid fuels, and (iii) selling to purchasers of the same class.

(9) "Most closely competitive dealer of the same class" shall be a dealer of the same class who (i) is selling the same solid fuel, (ii) is closely competitive in the sale of solid fuel, and (iii) is located nearest to the dealer.

(10) "Purchaser of the same class" refers to the practice adopted by the dealer in setting different prices for sales to different purchasers or kinds of purchasers or for purchasers located in different areas or for different quantities or under different conditions of sale, including methods and terms of delivery.

(b) *Other definitions.* Meanings of the following words and phrases are given in § 1340.265: "person", "producer", "distributor", "solid fuel", "f. o. b.", "sell", "dealer", "affiliated supplier", "Bituminous Coal Division."

§ 1340.256 *Maximum prices required for certain special sales.* The dealer's maximum price for the sales covered by this section shall be a price calculated as required in the paragraphs following:

(a) *Maximum dock prices for railroad fuel.* (1) If solid fuel is sold for railroad fuel use at or from a dock on the west bank of Lake Michigan or the United States side of Lake Superior, its maximum prices shall be the sum of (i) the purchase price per ton, f. o. b. the mine for sales to the dealer, (ii) the dealer's actual transportation cost to the same dock, and (iii) fifty-five (55) cents per net ton.

[Subparagraph (1) as amended by Am. 2, 8 F.R. 3524, effective 3-19-43]

(b) *Maximum prices for sales by competitive bidding.* If solid fuel is sold under contract awarded the dealer in public competitive bidding, the maximum price shall be the dealer's maximum price calculated by the rules in § 1340.254 for like sales to business purchasers.

(c) *Certain lake cargo coal.* Notwithstanding the provisions of Rule 1 of § 1340.254 of this regulation, the maximum price of solid fuel received via water transportation facilities at, and sold from, a dock on the United States bank of Lake Superior or on that part of the west bank of Lake Michigan north of and including Waukegan, Illinois shall be a price for like sales calculated by Rule 1A of § 1340.254, plus:

(1) in the case of bituminous coal prepared at the dock as double-screened or lump sizes, the amount per net ton specified for the solid fuels following:

From mines in Districts Nos. 1, 2, 4, or 6	$0.55
From mines in District No. 3 (except medium volatile in Price Classification A)	.55
From mines in District No. 3 and in Price Classification A: medium volatile	.80
From mines in Districts Nos. 7 or 8: low volatile	1.10
From mines in Districts Nos. 7 or 8: medium or high volatile	.80

The maximum price for each size and kind of dock-run bituminous coal shall be 50 cents per net ton lower than the maximum price for the same size and kind of coal when rescreened at the dock.

(2) in the case of bituminous coal in all other sizes, the amount per net ton specified for the solid fuels following:

From mines in Districts No. 7 or 8: low volatile screenings and run-of-mine	$0.50
From mines in Districts Nos. 1, 2, 3, 4, 6, 7, or 8: high volatile screenings and run-of-mine	.40
From mines in Districts Nos. 1, 2, 3, 4, or 6: high volatile stoker size	.40
From mines in Districts Nos. 7 or 8: high volatile stoker size	.70
From mines in Districts Nos. 7 or 8: low volatile stoker size	.50

(3) in the case of Pennsylvania anthracite, the amount specified for the sizes following:

Size:	
Egg, stove and nut	$0.55
Pea	.50
Buckwheat and rice	.45
Barley	.35
Sizes smaller than barley	.30

(All other lake cargo coal is priced under § 1340.254.)

[Paragraph (c) amended by Am. 2, 8 F.R. 3524, effective 3-19-43 and Am. 4, 8 F.R. 5032, effective 4-28-43]

(d) *Dealers previously granted adjustments of maximum prices.* The maximum price of a dealer granted an adjustment of his maximum prices by order of adjustment issued under Maximum Price Regulation No. 122 shall be the higher of the following prices:

(1) The maximum price for a like sale established by this regulation, or

(2) The dealer's maximum price for a like sale as adjusted by order plus the difference between (i) the current delivered cost to him of the same fuel and (ii) the cost of the last delivery of such fuel to him prior to the effective date of the order of adjustment of his maximum price.

§ 1340.257 *How the railroad freight rate increase is treated.* The Ex Parte 148 freight rate increase, effective March 18, 1942, was rescinded as of May 15, 1943 by the Interstate Commerce Commission. Dealers in solid fuel received in whole or in part by rail shall treat the amount thereof as follows:

(a) It shall not be added to maximum prices computed under § 1340.254 (b).

(b) It shall be deducted from maximum prices computed under Rule 2 or Rule 3 of § 1340.254 (b) or under § 1340.256 (d) (2).

[§ 1340.257 as amended by Am. 5, 8 F.R. 6543, effective 6-1-43]

§ 1340.258 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[§ 1340.258 as amended by Am. 6, 8 F.R. 7198, effective 6-2-43]

§ 1340.259 *Petitions for amendment and applications for adjustment.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the following cases:

(1) *Local shortages.* In the case of any dealer or group of dealers when it appears:

(i) That there exists or threatens to exist in a particular locality a shortage in the supply of a solid fuel which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(ii) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such dealer and of like dealers for such solid fuel; and

(iii) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this subparagraph (1).

(2) [Revoked]

(3) [Revoked]

(4) [Revoked]

[Subparagraphs (2), (3) and (4) revoked by Am. 18, effective 2-28-44]

[10] 7 F.R. 3237, 3989, 4483, 5041, 6002, 6386, 8587, 8521, 8938, 10529; 8 F.R. 1895, 2756, 4179, 5758, 6261, 6951, 6957, 7599, 8065, 9992, 10858, 10432, 10936, 12314, 12791, 15706, 16662; 9 F.R. 287, 455, 573.

(5) [Revoked]

[Subparagraph (5) revoked by Am. 2, 8 F.R. 3524, effective 3-19-43]

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

(b) Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 122 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1340.260 *Provision for specific ceiling prices.* The Office of Price Administration, or any regional office thereof after clearance with the Solid Fuels Branch in Washington, D. C., may by order establish specific maximum prices in line with those established by this regulation for deliveries of solid fuels made, or for services rendered in connection therewith, or both, by a dealer or group of dealers in an area or locality. In connection with such prices, appropriate reporting, record keeping or other requirements may be made of the dealer or dealers involved.

[Above paragraph as amended by Am. 8, 8 F.R. 8754, effective 6-30-43]

However, in particular cases, the specific maximum prices established under this section may be such as to restore the December 1941 margins over delivered cost generally prevailing in the area or locality.

If, after such specific maximum prices are established by order, the maximum prices of the dealers' suppliers are increased or decreased by the Price Administrator, the Office of Price Administration or the regional office which issued the order may, after clearance with the Solid Fuels Branch in Washington, D. C., adjust the specific maximum prices so established to correspond generally with such increase or decrease.

[Above paragraph added by Am. 9, 8 F.R. 10858, effective 7-28-43]

[§ 1340.260 amended by Am. 1, 8 F.R. 1200, effective 1-25-43 and as otherwise noted]

§ 1340.261 *Applicability of other regulations.* (a) No provision of the General Maximum Price Regulation [11] shall apply to this regulation.

[Paragraph (a) as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

(b) The minimum price established by the Bituminous Coal Division and in effect midnight August 23, 1943 and applicable to members of its Bituminous Coal Code shall be the maximum price for sales of solid fuels by such members if such minimum is greater than the maximum price otherwise established by this regulation: *Provided*, That no sale of solid fuel shall be made after December 31, 1943, at more than the maximum price established by this regulation.

[Paragraph (b) amended by Am. 11, 8 F.R. 11690, effective 8-21-43 and Am. 13, 8 F.R. 15317, effective 11-10-43]

[11] 9 F.R. 1385.

§ 1340.262 *Records and reports.*—(a) *Base period records.* Each dealer in solid fuels shall preserve for examination by the Office of Price Administration all his existing records relating to:

(1) The prices he charged on deliveries made by him during December 1941;

(2) His offering prices (as defined in Rule 1A of § 1340.254 of this regulation) for delivery during the period December 15-31, 1941;

(3) His customary allowances, discounts and other price differentials;

(4) His charges for all special services and rates of interest on all forms of debts during December 1941;

(5) The prices charged to him by all of his suppliers during the last month of 1941 in which he received each different size, kind and quality of solid fuel.

(b) *Current records.* Every dealer in solid fuels for whom a maximum price is established by this Regulation shall keep and make available for examination by the Office of Price Administration records of his sales and purchases of the same type as he has customarily kept.

(c) *Reports.* Each dealer in solid fuels shall report to his District Office of the Office of Price Administration his maximum prices for sales of solid fuel within ten days after he determines or redetermines his maximum prices under any pricing rule of this revised regulation. It will not, however, be necessary for a dealer whose price for a solid fuel is established by an area ceiling order issued under § 1340.260 of this regulation to file his maximum price for that solid fuel. When any dealer reports maximum prices determined under Rule 1 of § 1340.254 of this regulation, he shall report by filling out the following form in detail:

OPA Form 469-40
(Rev. 11-43)

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
SOLID FUELS PRICE BRANCH

DETERMINATION OF MAXIMUM PRICES

(If after November 16, 1943, maximum prices are redetermined under Rule 1 of Section 1340.254 of Revised Maximum Price Regulation No. 122, this form must be filed with the District OPA office.)

Budget Bureau No. 08-R610
Approval Expires July 1, 1944

COMPANY'S NAME

Company's address

No. and street	City	State

Date of this report

INSTRUCTIONS

Column 1. Define by type of customer and method of sale; i. e., "domestic delivered to bin," "domestic 'yard'," "industrial delivered," "reseller," etc. If yard sales to dealers carry a uniform discount, so indicate on reverse side of this sheet under "Additional Information."

Column 2. State whether solid fuel is anthracite, low volatile or high volatile bituminous coal, coke, or other. (Specify L. V. or H. V.)

Column 5. Enter for each kind of solid fuel the highest purchase cost during December 1941 before discounts, allowances, or service charges.

If no such solid fuel was purchased in December 1941, use the next preceding month in which the solid fuel was purchased.

Columns 6, 7, 8. Enter, for each price, the price *before* discounts, allowances or service charges.

Line No.	Type of sale	Kind of solid fuel	Size	Producing district	Highest purchase cost Dec. 1941	Supplier's current maximum price	Highest Dec. 1941 selling price	New maximum selling price
	1	2	3	4	5	6	7	8
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

If more space is necessary attach additional sheets using the above column headings.

DISCOUNTS AND CHARGES

INSTRUCTIONS: Enter in the appropriate spaces below the charges and discounts made in Dec. 1941 if any were made. Indicate by reference to line number to which of the sales described on the other side of this form these discounts and charges apply. If "all," so indicate. (If these have been modified since the base period by OPA order, give the OPA order in the space labelled "additional information.")

A. In some areas the standard unit of sales is greater than one ton

1. To sales of what quantities do the prices listed on the other side of the report apply?

Line No. (page 1)	Quantity sold	Line No. (page 1)	Quantity sold

2. Specify extra charges for sales of a quantity less than the standard unit, specifying quantity.

Line No. (page 1)	Extra charge	Line No. (page 1)	Extra charge

B. Discounts per ton for sales in larger quantities than the standard unit

Line No. (page 1)	Discount per ton				
	1 ton	2 tons	3 tons	4 tons	5 tons or over

TABLE D—MAXIMUM PRICES FOR CASE AND CARRY SALES OF FRESH FISH AND SHELLFISH

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound: January	February	March	April	May
27	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tschawytscha):								
	Red Meated	1	Drawn	14# & over	$0.30	$0.30	$0.30		
	Red Meated	2	Drawn	Under 14#	.25	.25	.25		
	Red Meated	3	Dressed	12½# & over	.33	.33	.33½		
	Red Meated	4	Dressed	Under 12½#	.27½	.27½	.27½		
	Red Meated	5	Steaks	All sizes	.34	.34	.34		
	Red Meated	6	Round	16# & over	.25½	.25½	.25½	.25½	
	Red Meated	7	Round	Under 16#	.23½	.23½	.23½	.23½	
	Red Meated	8	Dressed	All sizes	.30	.30	.30	.30	
	Red Meated	9	Steaks	All sizes	.37	.37	.37	.37	
	Red Meated	10	Round	All sizes	.27½	.27½	.27½	.27½	
33, 34, 34A	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tschawytscha).	1	Drawn	All sizes	.17½	.17½	.17½	.17½	
		2	Dressed	All sizes	.21½	.21½	.21½	.21½	
		3	Steaks	All sizes	.19½	.19½	.19½	.19½	
		4	Round	All sizes	.13½	.13½	.13½	.13½	
35	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri).	1	Drawn	All sizes	.18½	.18½	.18½	.18½	.18½
		2	Dressed	All sizes	.24½	.24½	.24½	.24½	.24½
		3	Steaks	All sizes	.21½	.21½	.21½	.21½	.21½
		4	Round	All sizes	.15½	.15½	.15½	.15½	.15½

5. In section 20, Table E is amended by changing the prices per pound for Schedule No. 27, Items Nos. 1, 2, 4, 5, 7, 9 and 10, and Schedule No. 35, Item Nos. 1 and 2, for the months of January, February and March, and by inserting prices per pound for Schedule Nos. 33, 34 and 34A, Item Nos. 1, 2, 3 and 4, for the months of January, February, March and April, and Schedule No. 35, Item Nos. 3 and 4, for the months of January, February, March, April and May, all to read as follows:

TABLE E—MAXIMUM PRICES FOR SERVICE AND DELIVERY SALES OF FRESH FISH AND SHELLFISH

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound: January	February	March	April	May
27	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tschawytscha):								
	Red Meated	1	Drawn	14# and over	$0.32½	$0.32½	$0.32½		
	Red Meated	2	Drawn	Under 14#	.30½	.30½	.30½		
	Red Meated	3	Dressed	12½# & over	.35½	.35½	.35½		
	Red Meated	4	Dressed	Under 12½#	.29½	.29½	.29½		
	Red Meated	5	Steaks	All sizes	.36	.36	.36		
	Red Meated	6	Round	16# & over	.27½	.27½	.27½	.27½	
	Red Meated	7	Round	Under 16#	.25½	.25½	.25½	.25½	
	Red Meated	8	Dressed	All sizes	.32½	.32½	.32½	.32½	
	Red Meated	9	Steaks	All sizes	.39	.39	.39	.39	
	Red Meated	10	Round	All sizes	.29½	.29½	.29½	.29½	
33, 34, 34A	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tschawytscha).	1	Drawn	All sizes	.19½	.19½	.19½	.19½	
		2	Dressed	All sizes	.23½	.23½	.23½	.23½	
		3	Steaks	All sizes	.21	.21	.21	.21	
		4	Round	All sizes	.15½	.15½	.15½	.15½	
35	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri).	1	Drawn	All sizes	.20½	.20½	.20½	.20½	.20½
		2	Dressed	All sizes	.26½	.26½	.26½	.26½	.26½
		3	Steaks	All sizes	.23½	.23½	.23½	.23½	.23½
		4	Round	All sizes	.17½	.17½	.17½	.17½	.17½

This amendment shall become effective February 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3502; Filed, February 22, 1944; 4:48 p. m.]

TABLE C—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE SALES AND SALES BY WHOLESALERS OTHER THAN PRIMARY FISH SHIPPER WHOLESALERS TO OTHER WHOLESALERS OF FRESH FISH AND SHELLFISH

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound: January	February	March	April	May
27	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tschawytscha):								
	Red Meated	1	Drawn	14# & over	$0.27	$0.27	$0.27		
	Red Meated	2	Drawn	Under 14#	.25	.25	.25		
	Red Meated	3	Dressed	12½# & over	.29½	.29½	.29½		
	Red Meated	4	Dressed	Under 12½#	.27½	.27½	.27½		
	Red Meated	5	Steaks	All sizes	.34	.34	.34		
	Red Meated	6	Round	16# & over	.23½	.23½	.23½	.23½	
	Red Meated	7	Round	Under 16#	.22	.22	.22	.22	
	Red Meated	8	Dressed	All sizes	.30	.30	.30	.30	
	Red Meated	9	Steaks	All sizes	.37	.37	.37	.37	
	Red Meated	10	Round	All sizes	.27½	.27½	.27½	.27½	
33, 34, 34A	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tschawytscha).	1	Drawn	All sizes	.17½	.17½	.17½	.17½	
		2	Dressed	All sizes	.21½	.21½	.21½	.21½	
		3	Steaks	All sizes	.19½	.19½	.19½	.19½	
		4	Round	All sizes	.13½	.13½	.13½	.13½	
35	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri).	1	Drawn	All sizes	.18½	.18½	.18½	.18½	.18½
		2	Dressed	All sizes	.24½	.24½	.24½	.24½	.24½
		3	Steaks	All sizes	.21½	.21½	.21½	.21½	.21½
		4	Round	All sizes	.15½	.15½	.15½	.15½	.15½

4. In section 20, Table D is amended by changing the prices per pound for Schedule No. 27, Items Nos. 1, 2, 4, 5, 7, 9 and 10, and Schedule No. 35, Item Nos. 1 and 2, for the months of January, February and March, and by inserting prices per pound for Schedule Nos. 33, 34 and 34A, Item Nos. 1, 2, 3 and 4, for the months of January, February, March and April, and Schedule No. 35, Item Nos. 3 and 4, for the months of January, February, March, April and May, all to read as follows:

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348, Amdt. 35]

LOGS AND BOLTS

Correction

In F.R. Doc. 44-1884 appearing on page 1572 of the issue for Wednesday, February 9, 1944, under the heading "Birch, hard maple, ash, red oak" of the table, the fifth price should read "0.95"; under "Cedar," the first paragraph should read: "For 8½' tie cuts of all species add $0.10 per tie cut."

[RMPR 169,[1] Amdt. 38]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The following sentence is added to § 1364.452 (n) (1) to read as follows:

"The prices established for boneless processing beef shall apply only on sales of boneless processing beef to processors and no person shall sell or deliver any boneless processing beef unless the buyer of such boneless processing beef is a bona fide processor of processed products."

2. The effective date provision of Amendment No. 36 to Revised Maximum Price Regulation No. 169 is amended to read as follows:

Amendment No. 36 shall become effective March 1, 1944, except that it shall remain effective as of December 1, 1943, in any case where, prior to February 22, 1944, an adjusted quota has been authorized pursuant to the provisions of Amendment No. 36, or in any case where a previously established quota is increased by the provisions of Amendment No. 36.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc 44-2591; Filed, February 22, 1944; 4:48 p. m.]

PART 1301—MACHINE TOOLS

[MPR 1,[2] Amdt. 2]

SECOND-HAND MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In section 3 (c) the last sentence is revoked and three new sentences are added to read as follows:

In the event of either a sale by a government agency, or a sale for the benefit of creditors where a government agency is the largest creditor, a written certificate may be substituted for the warranty, the invoicing and the guaranty of satisfactory operation. The certificate must be signed by a qualified person who is not in the business of selling second-hand machine tools and who is approved by the purchaser. This certificate must state that such person has inspected the second-hand machine tool, that all worn or missing parts have been replaced or reworked, and that the second-hand machine tool has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new.

This amendment shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2612; Filed, February 23, 1944; 11:36 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,[1] Amdt. 26]

CHEDDAR CHEESE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 289 is amended in the following respect:

Section 1351.1519 is amended to read as follows:

§ 1351.1519 *Maximum prices for cheddar cheese*—(a) *Sales of cheddar cheese by manufacturers and assemblers*—(1) *Sales by a cheese factory or cheesemaker*—(i) *In Wisconsin.* The maximum price for the sale of cheddar cheese by a cheese factory or cheesemaker delivered at any place in Wisconsin shall be as set forth in Table A below (except as provided in subparagraph (2) below for "cheddars," "twins," "flats," and larger styles of 37.7% or less moisture content).

TABLE A

Maximum price (cents per lb.)	Styles	Approximate weight (pounds)
23½	Cheddars, Twins & Larger	70 or more.
23½	Flats	35
23½	Double Daisies	44
23½	Triple Daisies	66
24½	Single Daisies	22
24½	Longhorns	12
24½	Young Americas	12
24½	Picnics and Midgets	12
24½	Square prints	10
24½	Natural loaf & Smaller Styles	5 or less.

(ii) *Outside Wisconsin.* The maximum price for the sale of cheddar cheese by a cheese factory or cheesemaker delivered at any place outside Wisconsin shall be the appropriate price set forth in Table A above plus a "transportation factor."

(iii) The prices in the preceding subdivisions (i) and (ii) are prices for unparaffined, ungraded, bulk cheddar cheese of 39% or less moisture content packed in boxes customarily employed for the particular styles listed in Table A.

(iv) *Marking of date and place of manufacture.* On and after the effective date of this regulation every person engaged in the manufacture of cheddar cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink, the name of the state in which the cheese has been manufactured and the day, month, and year of manufacture.

(2) *Maximum prices for "Cheddars", "twins", "flats", and larger styles of 37.7% or less moisture content.* The maximum price for the sale of "cheddar", "twin", "flats", or larger styles of cheddar cheese of a moisture content of 37.7% or less by a cheese factory or cheesemaker to an assembler, or by any person to a cheese processor, a food processor, or to the United States Government or any agency thereof, shall be as provided in subdivisions (i) and (ii) of this subparagraph.

(i) Where delivery is made at any place in Wisconsin the maximum price shall be set forth in Table B below.

(ii) Where delivery is made at any place outside Wisconsin the maximum price shall be the appropriate price set forth in Table B below, plus a "transportation factor".

TABLE B

Moisture content	Maximum price, cents per pound: For cheddars, twins, and larger styles	For flats
33.2%	25.54	25.79
Over 33.2% but not over 33.7%	25.35	25.60
Over 33.7% but not over 34.2%	25.16	25.41
Over 34.2% but not over 34.7%	24.97	25.22
Over 34.7% but not over 35.2%	24.77	25.02
Over 35.2% but not over 35.7%	24.58	24.83
Over 35.7% but not over 36.2%	24.39	24.64
Over 36.2% but not over 36.7%	24.20	24.45
Over 36.7% but not over 37.2%	24.01	24.26
Over 37.2% but not over 37.7%	23.82	24.07

(3) *Transportation charges; cheese factory to assembler.* (i) In addition to the maximum prices established in subparagraphs (1) and (2) of this paragraph, a cheese assembler may compensate any cheese factory, cheesemaker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4067, 4787, 4844, 5170, 5478, 5634, 6088, 6427, 7109, 6045, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 9995, 10364, 10671, 11298, 11445.

[2] 8 F.R. 10116.

[1] 7 F.R. 10996; 8 F.R. 490, 1455, 1885, 1972, 3252, 3253, 3827, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751, 9380, 9229, 10667, 11245.

assembler's warehouse shall be computed via the nearest publicly traveled route.

TABLE C

Miles (one way)—not over—	Cents per 100 pounds net weight	Miles (one way)—not over—	Cents per 100 pounds net weight
5	17	120	46
10	18	130	47
15	20	140	49
20	21	150	51
25	23	160	53
30	24	170	55
35	26	180	56
40	27	190	58
45	29	200	60
50	30	210	62
55	31	220	63
60	32	230	65
65	34	240	66
70	35	250	68
75	36	260	69
80	37	270	71
85	38	280	72
90	40	290	74
100	42	Over 290	75
110	44		

(ii) *Provided,* That if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheesemaker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(4) *Assembling costs.* (i) Whenever assembling operations are performed by an "authorized cheese assembler", ¾ cents per pound may be added to the maximum prices established in subparagraphs (1) and (2) of this paragraph for each pound of cheddar cheese so assembled. An "authorized cheese assembler" means a cheese assembler authorized by the War Food Administration of the United States Department of Agriculture pursuant to Food Distribution Order No. 15—Cheddar Cheese, issued by the United States Department of Agriculture.

(ii) *Provided, however,* That where the assembled cheddar cheese is cheese which has been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15, or similar Orders issued by the War Food Administrator, the assembly allowance which may be added shall be 1 cent per pound.

(iii) For the purpose of this paragraph, no person shall be entitled to the additional assembling allowance unless he performs the following functions: accumulates cheese; grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; paraffins it; weighs it; stores it in a refrigerated space; and customarily ships it in carload lots. For the purpose of this subparagraph paraffining means a covering of all surfaces of the cheese by dipping in paraffin having a temperature of not less than 240° Fahrenheit. The cheese, before paraffining, must have dry, clean surfaces free of mold and be not less than 3 days old at time of dipping.

(iv) This assembly allowance shall include transportation costs, if any, from the cheese factory to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(b) *Processed cheddar cheese sold by manufacturers*—(1) *In Wisconsin.* The maximum price for the sale of "Processed cheddar cheese" by a manufacturer delivered at any place in Wisconsin shall be as set forth in Table D below.

TABLE D

Weight of package	Cents per pound
Half pound or less (for example, the ½ pound and ¼ pound size)	29.75
Over half pound to 2 pounds inclusive (for example the 2-pound size)	28.00
Over 2 pounds (for example, the 5-pound size)	27.00

(2) *Outside Wisconsin.* The maximum price for the sale of "Processed cheddar cheese" by a manufacturer delivered at any place outside Wisconsin shall be the appropriate price set forth in Table D above plus a "transportation factor".

(c) *Sales of cheddar cheese and "Processed cheddar cheese" by a wholesaler*—(1) *Sales by a "primary wholesaler"*—(i) *Definition.* A "primary wholesaler" is a person who sells to a wholesaler or to a retailer distributing warehouse. (No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place in Wisconsin shall be as set forth in Table E below.

TABLE E

	Cents per pound
Cheddars, twins or larger styles	24.48
Flats	24.73
Double or Triple Daisies	24.99
Single Daisies, Longhorns, or Young Americas	25.5
Picnics, Midgets, Square prints, or natural loaf or smaller styles	25.75
"Processed Cheddar Cheese":	
Package weighing ½ pound or less	30.34
Package weighing over ½ pound to 2 pounds	28.56
Package weighing over 2 pounds	27.54

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table E above plus a "transportation factor".

(2) *Sales by a "service wholesaler"*—(i) *Definition.* A "service wholesaler" is a person who sells to, and makes delivery to the physical premises of, an individual retail store or an individual commercial, industrial, institutional, or non-federal governmental user.

(ii) The maximum price for the sale of any "cheese item" by a "service wholesaler" delivered to the physical premises of a purchaser, (designated in subdivision (i) of this subparagraph) at any place in Wisconsin shall be as set forth in Table F below.

TABLE F

	Cents per pound
Cheddars, Twins or larger styles	26.64
Flats	26.91
Double or Triple Daisies	27.19
Single Daisies, Longhorns, or Young Americas	27.75
Picnics, Midgets, Square Prints, or Natural Leaf or smaller styles	28.02
"Processed Cheddar Cheese":	
Package weighing ½ pound or less	33.76
Package weighing over ½ pound to 2 pounds	31.08
Package weighing over 2 pounds	29.97

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a service wholesaler delivered to the physical premises of a purchaser (designated in subdivision (i) of this subparagraph), at any place outside Wisconsin shall be the appropriate price set forth in Table F above plus a "transportation factor".

(3) *Sales by a cash and carry wholesaler*—(i) *Definition.* A "cash and carry wholesaler" is a person who sells to and does not make delivery to the physical premises of an individual retail store or to an individual commercial, industrial, institutional or non-federal governmental user.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place in Wisconsin shall be as set forth in Table G below.

TABLE G

	Cents per pound
Cheddars, Twins or larger styles	25.68
Flats	25.94
Double or Triple Daisies	26.21
Single Daisies, Longhorns, or Young Americas	26.75
Picnics, Midgets, Square prints, or natural loaf or smaller styles	27.01
"Processed Cheddar Cheese":	
Package weighing ½ pound or less	31.83
Package weighing over ½ pound to 2 pounds	29.96
Package weighing over 2 pounds	28.89

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table G above plus a "transportation factor".

(4) *Reference to assembling allowance.* (i) The maximum prices established in subparagraphs (1), (2), and (3) of this paragraph (c) for sales by a wholesaler" are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section.

(ii) The maximum price for the sale of cheddar cheese by a wholesaler which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a)(4) of this section shall be the appropriate maximum price established in subparagraphs (1), (2), or (3) of this paragraph (c) minus ¾¢ per pound.

(d) *Sales to U. S. Government*—(1) *In general*—(i) *In Wisconsin.* The maximum price for the sale of any "cheese item" to the U. S. Government or any of its agencies delivered at any place in Wisconsin shall be as set forth in Table H below.

TABLE H

	Cents per pound
Cheddars, Twins, or larger styles	24.25
Flats	24.50
Double or Triple Daisies	24.75
Single Daisies, Longhorns, or Young Americas	25.25
Picnics, Midgets, Square Prints, or natural loaf or smaller styles	25.50
"Processed Cheddar Cheese":	
Package weighing ½ pound or less	29.75
Package weighing over ½ pound to 2 pounds	28.00
Package weighing over 2 pounds	27.00

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" to the U. S. Government or any of its agencies delivered at any place outside Wisconsin shall be the maximum price set forth in Table H above plus a "transportation factor."

(2) *Sales and deliveries to individual army posts, naval bases, or Federal hospitals, schools, or penal institutions*—(i) *In Wisconsin.* Notwithstanding subparagraph (1) of this paragraph the maximum price for the sale of any "cheese item" made to, and delivery made to the physical location of, an individual army post or naval base, or a federal hospital, school, or penal institution located at any place in Wisconsin shall be as follows:

(a) For sales and deliveries of quantities of less than carload lots but more than 5,000 pounds, the maximum prices set forth in Table I below:

TABLE I

	Cents per pound
Cheddars, Twins or larger styles	24.73
Flats	24.99
Double or Triple Daisies	25.24
Single Daisies, Longhorns, or Young Americas	25.75
Picnics, Midgets, Square prints, or natural loaf or smaller styles	26.01
"Processed Cheddar Cheese":	
Package weighing ½ pound or less	30.34
Package weighing over ½ pound to 2 pounds	28.56
Package weighing over 2 pounds	27.54

(b) For sales and deliveries of quantities of 5,000 pounds or less, the maximum prices set forth in Table J below:

TABLE J

	Cents per pound
Cheddars, Twins or larger styles	25.94
Flats	26.21
Double or Triple Daisies	26.48
Single Daisies, Longhorns, or Young Americas	27.01
Picnics, Midgets, Square prints, or natural loaf or smaller styles	27.28
"Processed Cheddar Cheese":	
Package weighing ½ pound or less	31.83
Package weighing over ½ pound to 2 pounds	29.96
Package weighing over 2 pounds	28.89

(ii) *Outside Wisconsin. And provided further,* The maximum price for the sale of any "cheese item" made to, and delivery made to the physical premises of, an individual army post or naval base, or a federal hospital, school, or penal institution located at any place outside Wisconsin shall be the appropriate price in either Table I or Table J above, whichever is applicable, plus a "transportation factor".

(3) *Reference to assembling allowance and food distribution order.* (i) The maximum prices established in subparagraphs (1) and (2) of this paragraph (d) for "sales to the United States Government" are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section and which has been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15, or similar orders issued by the War Food Administrator.

(ii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus 1¢ per pound.

(iii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15 of similar orders issued by the War Food Administrator shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus ¼¢ per pound.

(c) *Calculations.* All maximum prices established by this Section shall be calculated on a cents per pound basis and all calculations shall be carried to the second decimal point. All calculations of any "transportation factor" shall be made on a cents per pound basis and shall be carried to the second decimal point. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest tenth of a cent.

(d) *Discounts and allowances.* The maximum prices established in the foregoing paragraphs of this section must be reduced by the customary discounts or allowances for cash or prompt payment. However, any change in customary discounts, allowances, or other price differentials may always be made when it results in a lower price than would the customary discounts or allowances.

(e) *Evasive practices prohibited*—(1) *Used cheese boxes.* The maximum prices established for sales by cheese factories or cheesemakers in paragraphs (a) (1) and (a) (2) of this section shall not be evaded by the selling or furnishing to any cheese factory or cheesemaker or any agent or affiliate thereof, of used wooden cheese boxes at less than their true economic value by any purchaser of cheese from such cheese factory or cheesemaker, or by any agent or affiliate of such purchaser. Any sale of used cheese boxes by such purchaser, his agent, or affiliate to a cheese factory, cheesemaker, or agent or affiliate thereof, at any price less than the prices established in Table K below shall be considered prima facie evidence of an evasion of paragraph (a) (1) and (a) (2) of this section.

TABLE K

Used boxes for—	F. o. b. assembling warehouse	Delivered to cheese factory
	Cents	Cents
Twins and Cheddars	29	30
Single Daisies	18	19
Longhorns	26	27
Flats	22	23

(2) *Supplies.* No purchaser from a cheese factory or cheesemaker or agent or affiliate of such purchaser shall sell, lend, or otherwise transfer supplies or equipment, except cheese hoops, to such cheese factory, cheesemaker, or agent or affiliate thereof at less than the true value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a)(1) and (a)(2) of this section and is hereby prohibited.

(3) The practices described in subparagraphs (1) and (2) of this paragraph as evasions of this regulation are in addition to any evasive practices prohibited by § 1351.1506 of this regulation.

(f) *Definitions*—(1) *Cheddar cheese.* "Cheddar cheese", frequently called "American cheese", means "Cheddar cheese" as defined in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 195. It contains not more than 39% of moisture and its solids contain not less than 50% of milk fat.

(2) *Processed cheddar cheese.* "Processed cheddar cheese" is cheddar cheese which has been graded, cleaned, blended, ground, pasteurized, and packaged. It shall contain not more than 40% of water and in the water free substance not less than 50% of milk fat.

(3) *Transportation factor.* A "Transportation factor" means the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin, to the place of delivery multiplied by 1.15. In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(4) *Cheese item.* "Cheese item" means any of the particular styles and sizes of cheddar cheese and of processed cheddar cheese listed in Tables D, E, F, G, and H of this section.

(5) *"Delivered at any place".* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of F. O. B. shipping point or some other point. Any cheese item sold F. O. B. any point shall be considered "delivered" at that point.

(6) *Place.* "Place" means any city, town, village or hamlet within the United States.

(7) *Retailer distributing warehouse.* "A retailer distributing warehouse" is a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the

meaning of "retailer distributing warehouse".

This amendment shall become effective February 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2614; Filed, February 23, 1944; 11:36 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amdt. 109]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1390.11 (a) (2) the last sentence is revoked and three new sentences are added to read as follows:

In the event of either a sale by a government agency, or a sale for the benefit of creditors where a government agency is the largest creditor a written certificate may be substituted for the guarantee. The certificate must be signed by a qualified person who is not engaged in the business of selling second-hand machines or parts. This certificate must state that such person has inspected the second-hand machine or part and that all worn or missing components which should be replaced or repaired for satisfactory operation, if any, have been replaced or repaired.

This amendment shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2613; Filed, February 23, 1944; 11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1[1] to GMPR, Amdt. 48]

ORES AND ORE CONCENTRATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respect:

1. Section 2.9 is amended by adding at the end thereof the following:

(f) Brucite when sold to a producer of magnesium metal for use in the production of magnesium metal.

This amendment shall become effective February 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2615; Filed, February 23, 1944; 11:36 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1944-1]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART F—1944

The last paragraph of the document appearing on page 1591 of the February 10, 1944 issue of the FEDERAL REGISTER (F.R. Doc. 44-1914) should read:

Done at Washington, D. C., this 9th day of February 1944.

Done at Washington, D. C., this 23d day of February 1944.

GROVER B. HILL,
First Assistant
War Food Administrator.

[F. R. Doc. 44-2607; Filed, February 23, 1944; 11:16 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IX—Transport

PART 93—TRANSPORTATION OF INDIVIDUALS

PASSENGERS ON ARMY TRANSPORTS

In § 93.25 (9 F.R. 873) paragraph (d) is amended to read as follows:

§ 93.25 *Passengers on Army transports.* • • •

(d) *Taxes.* All passage money collected in the United States and territories is subject to United States Transportation Tax. This tax must be collected from the individual when passage is arranged and disposition made in accordance with Regulation 42, United States Treasury Department, Bureau of Internal Revenue. All other foreign government taxes, port dues, landing or embarkation tax, or other charges levied against passengers or passenger fares will be collected from passengers in addition to passenger fares. (R.S. 161; 5 U.S.C. 22) [Cir. 68, W.D., 15 February 1944]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-2606; Filed, February 22, 1944; 2:30 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16132

[2] 7 F.R. 9961; 8 F.R. 3313, 9533, 6173, 11606; 9 F.R. 1504.

Notices

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD-20]

FOURBORO CONTRACTING CORPORATION

FINDING AS TO CONTRACT FOR MAINTENANCE AND REPAIR OF SHIPS

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. no. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Fourboro Contracting Corporation, New York, New York;

I find that the maintenance and repair of ships, including cleaning and painting of ship surfaces and cleaning of boilers and fresh water tanks, by the Fourboro Contracting Corporation, New York, New York, pursuant to contract with the General Ship Repair Company, Baltimore, Maryland, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 21st day of February 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-2587; Filed, February 22, 1944; 2:54 p. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079) and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3746), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Cadillac Shirt Company, 374 Elm Street, Perth Amboy, New Jersey; men's shirts and under shorts; 7 learners (T); effective February 16, 1944, expiring February 15, 1945.

Hamilton Carhartt Overall Company, Carhartt Park, Irvine, Kentucky; work clothes, overalls, coveralls and caps; 10 percent (T); effective February 16, 1944, expiring February 15, 1945.

M. Janowitch & Sons, Main & Market Streets, Mahanoy City, Pennsylvania; cotton and rayon blouses and dresses; 10 percent (T); effective February 18, 1944, expiring February 17, 1945.

Juvenile Manufacturing Company, 327 North Flores Street, San Antonio, Texas; Children's and infants' wearing apparel; 10 percent (T); effective February 16, 1944, expiring February 15, 1945.

Meyersdale Manufacturing Company, Inc., Grant Street, Meyersdale, Pennsylvania; army and civilian shirts; 50 learners (AT); effective February 17, 1944, expiring August 16, 1944.

S & S Clothing Corporation, 44 Lehigh Street, Wilkes-Barre, Pennsylvania; men's and boys' pants; 10 percent (T); effective February 16, 1944, expiring February 15, 1945.

H. B. Spoont, 12-18 East Coal Street, Shenandoah, Pennsylvania; slacks, shorts, overalls, shirts; 10 learners (T); effective February 19, 1944, expiring February 18, 1945.

HOSIERY INDUSTRY

Hosiery Processing Company, 106 Hooker Road, Rossville, Georgia; full fashioned hosiery; 5 learners (T); effective February 19, 1944, expiring February 18, 1945.

H. K. Stork & Company, Adamstown, Pennsylvania; Seamless hosiery, 5 learners (T); effective February 17, 1944, expiring February 16, 1945.

West Creek Hosiery Company, Sprague Avenue, West Creek, New Jersey; full fashioned hosiery; one learner (T); effective February 16, 1944, expiring February 15, 1945.

Whisnant Hosiery Mills, Fourth Street, Hickory, North Carolina; seamless hosiery; 5 percent (T); effective February 18, 1944, expiring February 17, 1945.

TEXTILE INDUSTRY

Charles H. Bacon Company, Lenoir City, Tennessee; cotton yarn; 5 percent (AT); effective February 16, 1944, expiring August 15, 1944.

Grantville Mills, Grantville, Georgia; cotton yarns; 3 percent (T); effective February 18, 1944, expiring February 17, 1945.

Pacific Mills—Granby Plant, Columbia, South Carolina; cotton grey goods; 3 percent (T); effective February 16, 1944, expiring February 15, 1945.

South Hill Industries, Inc., South Hill, Virginia; narrow textiles, fiberglas insulating tapes, parachute tapes and civilian items; 3 learners (T); effective February 19, 1944, expiring February 18, 1945.

CIGAR INDUSTRY

John H. Swisher & Son, Inc., Valdosta, Georgia, cigars; 10 percent (T); cigar machine operating, cigar packing for a learning period of 320 hours, stripping machine operating for a learning period of 160 hours at 75% of applicable minimum; effective February 17, 1944, expiring February 16, 1945.

Signed at New York, N. Y., this 19th day of February 1944.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-2602; Filed, February 23, 1944; 9:19 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Camark Pottery, Pottery Road, Camden, Arkansas; pottery; 2 learners (T); washer trimmer for a learning period of 160 hours at 35¢ per hour, effective February 23, 1944, expiring May 3, 1944.

Queen Glass Company, La Vale Street, Cumberland, Maryland; Glass cutting; 2 learners (T); glass cutting for a learning period of 520 hours at 30¢ an hour for the first 320 hours and 35 cents per hour for the next 200 hours; effective February 18, 1944, expiring August 18, 1944.

Waverly Publishing Company, 301 E. Bremer Ave., Waverly, Iowa; Printing and Publishing; 2 learners (T); Printer for a learning period of 480 hours at 30¢ per hour; effective March 3, 1944, expiring September 2, 1944.

Signed at New York, N. Y., this 19th day of February 1944.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-2603; Filed, February 23, 1944; 9:19 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-507, G-508, G-510, G-516, G-519]

HOPE NATURAL GAS CO., ET AL.

ORDER PROVIDING FOR ORAL ARGUMENT

FEBRUARY 21, 1944.

In the matters of Hope Natural Gas Company, Docket No. G-507; New York State Natural Gas Corporation, Docket No. G-508; The Manufacturers Light and Heat Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company, Docket No. G-510; United Fuel Gas Company, Docket No. G-516; Home Gas Company, Docket No. G-519.

It appearing to the Commission that:

(a) In the session of hearing in the above-entitled proceedings (consolidated for hearing) held on February 18, 1944, the parties, including the several applicants and interveners, through their respective trial counsel in open hearing agreed that oral argument before the Commission sitting *en banc*, with the trial examiner sitting with the Commission, may be substituted for the usual course of filing briefs, following the expected early conclusion of the hearing now in progress and in connection therewith stated their respective resquests for allotments of time for such oral argument;

(b) The suggested procedure thus agreed to by the parties would, while preserving all necessary safeguards, save considerable time and enable the Commission earlier to dispose finally of the proceedings; and

(c) Early final action is, in the circumstances, desirable and probably essential.

The Commission finds that:

The suggested substitute procedure would be fair and adequate and in the circumstances particularly advantageous.

And the Commission orders that:

(1) Oral argument on the issues be had before the Commission sitting *en banc*, the trial examiner sitting with the Commission, on March 3, 1944, beginning at 9:30 a. m., in the Hearing Room of the Commission at 1800 Pennsylvania Avenue NW., Washington, D. C.,

(2) The several counsel representing the applicants and interveners as well as counsel of the Commission's staff have respectively the allotments of time for argument requested by them as reported in the transcript of the session of hearing held on February 18, 1944; and

(3) Any of such counsel who may choose to do so, may file with the Commission at the time of argument, a memorandum of points and authorities.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2597; Filed, February 23, 1944; 9:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 164, General Permit 12]

REFRIGERATION OF ARIZONA AND CALIFORNIA CITRUS FRUITS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to any refrigerator car loaded with not less than 693 boxes of citrus fruits originating in Arizona or California.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2609; Filed, February 23, 1944; 11:23 a. m.]

[S. O. 178, General Permit 5]

REFRIGERATION OF CONCENTRATED CITRUS JUICE

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars to be loaded with, or the transporting or moving of a refrigerator car or cars loaded with concentrated citrus juice, to any destination in the United States.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of February, 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2610; Filed, February 23, 1944; 11:23 a. m.]

[S. O. 182, Special Permit 1, Amended]

REFRIGERATION OF FLORIDA POTATOES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.322, 9 F.R. 1729) of Service Order No. 182 of February 9, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 182 insofar as it applies to the acceptance for transportation and the movement of one hundred (100) railroad freight cars (including refrigerator cars), loaded with potatoes, other than sweet, between February 19, 1944, and April 1, 1944, from any point in the State of Florida to any destination located west of the westernmost boundaries of the States of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, shipped as follows:

25 cars by Dade County Growers Exchange.
12 cars by American Fruit Growers, Inc. South Miami, Florida.
63 cars by M. M. Minkler Company, Goulds, Florida.

100 cars total: *Provided*, That:

No common carrier by railroad subject to the Interstate Commerce Act shall accept or execute a reconsignment or diversion order, at any point except in the States of Florida or Georgia, requiring the transportation or movement of any railroad freight car (including a refrigerator car), loaded with potatoes, other than sweet, originating at any point in the State of Florida, to any point located west of the States set forth above.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2611; Filed, February 23, 1944; 11:23 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 177]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN UTICA AND LAKE PLACID, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs of supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Marasco & Marasco Trucking Co., 624 Varick St., Utica, N. Y.
Ross Auto Express, 1601 Mohawk St., Utica, N. Y.

[F. R. Doc. 44-2604; Filed, February 23, 1944; 11:03 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 178]

COMMON CARRIER

COORDINATED OPERATIONS BETWEEN BAY CITY AND SAGINAW, MICH.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plant for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Phillip Bertram Genger, doing business as John Wahl Cartage, 1800 Abbott St., Detroit, Mich.
The National Transit Corporation, 1687 West Fort St., Detroit, Mich.

[F. R. Doc. 44-2605; Filed, February 23, 1944; 11:03 a. m.]

[1] Filed as part of the original document.

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket 24]

ERIE RAILROAD CO. AND SEABOARD TERMINAL AND REFRIGERATION CO.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the creditability of service rendered under freight handling contracts between the Erie Railroad Company and the Seaboard Terminal and Refrigeration Company.

Notice is hereby given that upon the request of one of the parties and by virtue of the authority vested in me by General Counsel Order dated November 27, 1943 (8 F.R. 16768) issued pursuant to Regulations under the Railroad Unemployment Insurance Act, (45 U.S.C. 351-367) Part 319 §§ 319.42 et seq. (7 F.R. 4777), the hearing in the above-entitled matter which has been set for March 1, 1944, at 10:00 a. m. in Room 1038, Morgan Annex Building, 341 Ninth Avenue, New York, New York (9 F.R. 596), is postponed to March 27, 1944 at 10:00 a. m. and will be held in Room 1030 of that building.

Dated: February 21, 1944.

[SEAL] LOUIS TURNER,
Examiner.

[F. R. Doc. 44-2601; Filed, February 23, 1944; 9:19 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region II Order G–2 Under RMPR 269]

Kosher Killed Poultry Except Ducks in New York City Metropolitan Area

Order No. G–2 under § 1429.14 under Revised Maximum Price Regulation No. 269. Maximum base prices of kosher-killed poultry except ducks in the New York City Metropolitan Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration for Region 2 by § 1429.14 of Revised Maximum Price Regulation No. 269, this order is hereby issued.

Section 1. *What this order does.* This order establishes temporary maximum base prices for kosher-killed poultry items, except ducks, in the New York City metropolitan area. For so long as it remains in effect it supersedes Revised Maximum Price Regulation No. 269 insofar as it establishes maximum base prices for kosher-killed poultry, except ducks, in that area. The base prices established by this order are to be used in determining maximum selling prices in the New York City metropolitan area instead of the base prices established by Revised Maximum Price Regulation No. 269. All other provisions of Revised Maximum Price Regulation No. 269 continue in effect. (Maximum base prices for all other poultry items, except ducks, in the New York City metropolitan area and elsewhere in Region 2 are established by Order No. G–1 under § 1429.14 of Revised Maximum Price Regulation No. 269, which is issued simultaneously herewith.

Sec. 2. *Where this order applies.* This order applies in the City of New York and the Counties of Nassau, Suffolk and Westchester in the State of New York, and the Counties of Essex, Hudson and Union in the State of New Jersey.

Sec. 3. *Maximum base prices for kosher-killed poultry items in the New York City Metropolitan Area*—(a) *Maximum base prices for Grade A kosher-killed poultry items, except ducks, for sales to bona fide buyers of kosher-killed poultry.*

Type	Weight	Maximum base price (cents per pound)
Broilers and fryers	Under 3½ lbs.	36.0
	3½ and over	36.0
Roosters	Under 5½	36.0
Capons, light	5½ and over	39.0
Capons, heavy	All	32.0
Fowl	All	27.0
Stags and old roosters	All	31.0
Geese		
Young turkeys:		
Light	Under 16	44.0
Medium	16–20	42.0
Heavy	20 and over	40.5
Old turkeys:		
Light	Under 16	42.0
Medium	16–20	40.0
Heavy	20 and over	38.5

(b) *Base prices of grades other than Grade A.* The maximum base prices established by this section are for Grade A poultry items. The maximum base prices for lower grades and for poultry items which would otherwise be eligible for Grade A base prices except for the provisions of Revised Maximum Price Regulation No. 269 shall be determined by deductions from the base prices established by this order as required in § 1429.19 of Revised Maximum Price Regulation No. 269.

(c) *Base prices for sales to persons other than bona fide buyers of kosher-killed poultry.* (1) The base prices established by paragraphs (a) and (b) of this section may only be used in determining maximum selling prices for sales to a bona fide buyer of kosher-killed poultry (that is, to a person who maintains a selling establishment at or through which he regularly and generally sells kosher poultry as such, or a person who is a purveyor of kosher meals) located within a radius of 50 miles from the point of slaughter.

(2) For sales to any person who is not a bona fide buyer of kosher-killed poultry located within a radius of 50 miles from the point of slaughter, the base prices established by paragraphs (a) and (b) of this section shall be reduced one cent per pound.

Sec. 4. *Effective date.* This order shall become effective at 12:01 on February 14, 1944, and shall expire at the termination of existing § 1429.19 (b) (1) (i) (c) of RMPR 269.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; RMPR 269, 7 F.R. 10708, 8 F.R. 6736, 9299, 10940)

Issued this 7th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2540; Filed, February 21, 1944; 5:15 p. m.]

[Region III Order G–12 Under RMPR 122]

Solid Fuels in Paducah, Ky.

Order No. G–12 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the City of Paducah in the State of Kentucky.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the regional administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Paducah in the State of Kentucky. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in the City of Paducah in the State of Kentucky; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–12; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for cash sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for cash sales on a "direct delivery" basis; Column III shows maximum prices for "yard sales" to dealers reselling coal and for "yard sales" to consumers. All prices are for cash sales on a net ton basis.

Column I	Column II	Column III
High volatile bituminous coals from producing district No. 9 (Western Kentucky):		
A. Lump and egg—Size Group Nos. 1 through 6 (all single-screened lump coals and all double-screened raw, washed or air-cleaned egg coals, top size larger than 2″):		
1. From the 6th Seam Mines	$5.95	$5.45
2. From the 9th and 11th Seam Mines	5.25	4.75
B. Stove, nut and pea:		
1. Raw, Size Group Nos. 8 through 12 (all double-screened raw or washed stove coals, top size larger than 1½″ but not exceeding 2″ and bottom size larger than ¾″. All raw double-screened nut, stoker, and pea top size not exceeding 2″ and bottom size larger than 10 mesh or 3/32″		
a. From the 6th Seam Mines	5.50	5.00
b. From the 14th Seam Mines	4.75	4.25
2. Washed or air-cleaned, Size Group Nos. 17 through 22 (all washed or air-cleaned, double-screened nut, stoker and pea top size not exceeding 2″; dedusted washed screenings bottom size larger than 1 millimeter and top size not exceeding 2″):		
a. From the 9th and 11th Seam Mines	4.85	4.35
b. From the 14th Seam Mines	4.75	4.25

All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G–12 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service and credit charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

	Per ton
Carry or wheel-in from curb	$0.25
Extra charge for credit after 30 days	.25
Trimming in the bin	.25

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, he need not so separately state this tax on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the regional administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The regional administrator or price administrator may amend, revoke, or rescind this order, or any provisions thereof, at any time.

(k) *Records.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(l) *Posting of maximum prices: sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Louisville District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This Order No. G–12 under Revised Maximum Price Regulation No. 122 shall become effective February 15, 1944.

Note: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued February 9, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2537; Filed, February 21, 1944; 5:14 p. m.]

[Region III Order G–21 Under RMPR 122]

Solid Fuels in Alliance, Ohio

Order No. G–21 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the City of Alliance in the State of Ohio.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Alliance in the State of Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in the City of Alliance in the State of Ohio, and they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell, or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–21; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a higher price than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal*—(1) *Price schedules.* This schedule sets forth maximum gross prices for sales of specified sizes, kinds and quantities of solid fuels on a "direct delivery" basis. All prices are for credit sales on a net ton basis subject to discounts hereinafter set forth.

ALLIANCE, OHIO SCHEDULE I	*Maximum gross price per net ton*
I. High Volatile Bituminous Coals from Producing District No. 8 (eastern Kentucky and southeastern West Virginia):	
A. Lump—Size Group Nos. 1 and 2 (larger than 3"):	
1. Mine Price Classifications E through J	$6.70
2. Mine Price Classifications K through O	6.50
B. Egg—Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3")—Mine Price Classifications G through L	6.25
II. High Volatile Bituminous Coals from Producing District No. 4 (Ohio):	
A. Lump:	
1. From the Ohio No. 8 Freight Origin District:	
a. Size Group No. 1 (larger than 5")	6.75
b. Size Group No. 2 (larger than 2" but not exceeding 5")	6.60
c. Size Group No. 3 (larger than 1¼" but not exceeding 2")	6.35
2. From the Middle Freight Origin District:	
a. Size Group No. 1 (larger than 5")	6.05
b. Size Group No. 2 (larger than 2" but not exceeding 5")	5.85
c. Size Group No. 3 (larger than 1¼" but not exceeding 2")	5.90
B. Egg—From the Ohio No. 8 Freight Origin District:	
1. Size Group No. 2 (double screened; bottom size larger than 2")	6.60
2. Size Group No. 3 (double screened; bottom size larger than 1¼" but not exceeding 2")	6.15
C. Stoker—From the Ohio No. 8 Freight Origin District:	
Size Group No. 5 (double screened; top size 2" and smaller)	6.40
III. High volatile lump coals from Producing District No. 2 (western Pennsylvania)	
Size Group No. 2 (larger than 2" but not exceeding 5")—Mine Price Classification A	7.05

(2) *Discounts*—(i) *Discounts for payment within fifteen days.* All prices quoted are gross prices on "direct delivery" sales and shall be subject to a discount of $0.20 per ton where payment is made within fifteen days after date of delivery.

(ii) *"Yard sales" discounts.* Discounts for sales of one ton or more on "yard sales" to the following classes of purchasers, shall be:

Equipped dealers purchasing for resale	$1.00
Unequipped dealers purchasing for resale	.75
Consumers	.50

(3) *Descriptive terms.* All terms used herein to describe size, volatility, and producing district are those established and defined by the Bituminous Coal Division of the United States Department of Interior and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G–21 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

Service Schedule

Carrying or wheeling from curb.	$0.50 per ton.
Carrying up or down one flight of stairs.	$0.75 per ton.
One-half ton deliveries	½ of the ton price plus $0.25.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, the dealer need not so separately state on the sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the regional administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the regional administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The regional administrator or price administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant, operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This order No. G–21 under Revised Maximum Price Regulation No. 122 shall become effective February 15, 1944.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 9, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2536; Filed, February 21, 1944; 5:14 p. m.]

[Region VI Order G–7 Under RMPR 122, Amdt. 3]

SOLID FUELS IN WILLMAR, MINN.

Amendment No. 3 to Order No. G–7 under revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum Prices for solid fuels sold in Willmar, Minnesota.

Pursuant to the authority vested in the regional administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No 122, and for reasons stated in the opinion issued herewith, *It is ordered*, That section V of the price schedule set forth in paragraph (c) (1) of Order No. G–7 be, and it is hereby amended to read as follows:

Description	Direct delivery	Price at yard
V. By Product Coke:		
1. Egg, Stove, Nut	$14.85	$14.10

This Amendment No. 3 to General Order No. G–7 shall become effective February 15, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44–2539; Filed, February 21, 1944; 5:15 p. m.]

[Region VI Order G–10 Under MPR 165]

BOWLING IN MILWAUKEE, WIS.

Order No. G–10 under Maximum Price Regulation No. 165. Services. Bowling prices in Milwaukee County, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 114 (d) of Maximum Price Regulation No. 165; Services, it is hereby ordered:

a. *What this order covers.* This order establishes maximum prices for games of ten pin bowling in bowling alleys located in Milwaukee County, Wisconsin.

b. *The maximum prices established.* The maximum price for any ten pin bowling game shall be 25¢ per game.

c. *Lower prices.* Lower prices than those provided in this order may be charged and paid.

d. *Posting of maximum prices.* Instead of the posting provisions contained in § 1499.654 (e) of Supplementary Order No. 4 to Maximum Price Regulation No. 165, each bowling alley shall exhibit a poster in a manner plainly visible to the patrons of the establishment, in substantially the following form:

OPA has set a maximum price for bowling in Milwaukee County, Wisconsin of 25¢ per game.

Each seller shall keep a copy of this order available for inspection by bowling patrons.

This order shall become effective February 19, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44–2538; Filed, February 21, 1944; 5:14 p. m.]

[Region VIII Order G–7 Under MPR 280, Amdt. 1]

FLUID MILK IN BURLINGTON, WASH.

Amendment No. 1 to Order No. G–7 under Maximum Price Regulation No. 280, as amended. Maximum prices for specific food products (milk).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.617a of Maximum Price Regulation No. 280, *It is hereby ordered*, That Order No. G–7 be amended as follows;

(a) Paragraph (a) is hereby amended by adding a new paragraph (a) (3) to read as follows:

(3) Notwithstanding any of the foregoing provisions of this paragraph, the maximum prices at which the Skagit County Dairymen's Association may sell milk as a handler f. o. b. its plant located in Burlington, Washington, shall be 82¢ per pound milk fat.

This amendment to Order No. G–7 shall become effective February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

BEN. C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 44–2543; Filed, February 21, 1944; 5:16 p. m.]

[Region VIII Order G–32 Under MPR 329]

FLUID MILK IN STATE OF WASHINGTON

Order No. G–32 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price at which any person may purchase milk from a producer who is a member of the Skagit County Dairymen's Association where such milk is delivered to the plant of the purchaser shall be 82¢ per pound milk fat.

(b) *Definitions.* (1) "Fluid milk" means liquid cow's milk in a raw, unprocessed state sold for human consumption as fluid milk.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which milk is produced. Farmers' cooperatives are producers with regard to all sales of "milk" by them except that "milk" processed for them by operators of milk receiving or processing plants and except that "milk" handled in physical facilities for receiving, processing or distributing milk which are owned or leased by the cooperative.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

BEN. C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 44–2544; Filed, February 21, 1944; 5:15 p. m.]

[Region VIII Order G–33 Under MPR 329]

FLUID MILK IN STATE OF WASHINGTON

Order No. G–33 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price at which the Enumclaw Cooperative Creamery Company may purchase milk for resale for human consumption as fluid milk from a producer member who did not sell milk for resale as fluid milk during January, 1943, shall be: 85¢ per pound milk fat delivered to the purchaser's plant.

(b) *Definitions.* (1) All of the terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

BEN. C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 44-3545; Filed, February 21, 1944; 8:16 p. m.]

[Region I Order G-52 Under RMPR 122]

SOLID FUELS IN PUTNAM, CONN., AREA

Order No. G-52 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Putnam, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Putnam, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-52 is explained in paragraph (i) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-52. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-52 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Putnam, Connecticut, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$16.75	$8.90	$4.70	$1.00
Pea	15.70	8.35	4.45	.95
Buckwheat	13.05	7.05	3.80	.80
Rice	11.95	6.50	3.50	.75
Jeddo Highland:				
Egg, stove & chestnut	17.75	9.40	4.95	1.05
Coke—Koppers or Providence:				
Egg, stove and chestnut	16.50	8.75	4.65	.95

(2) *Quantity and other special discounts.* (a) The foregoing per net ton prices shall be reduced by one dollar ($1.00) per ton on sales of railroad carload lots when the entire contents of a railroad car are sold to one purchaser at one time. On such sales, the number of tons sold shall be considered to be the number of tons shown on the railroad's freight bill for the car, regardless of the actual number of tons that may be shown by reweighing or unloading.

(b) The foregoing per net ton prices, including the per net ton prices as reduced in accordance with subparagraph (a) of this paragraph (b) (2), shall be reduced by fifty cents per ton on all sales to religious and charitable organizations and institutions.

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs	*Cents* 50	*Cents* 25	*Cents* 15
For any carry up or down flights of stairs, per flight	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Putnam, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.75	$8.40	$4.45	$0.90
Pea	14.70	7.85	4.20	.85
Buckwheat	12.05	6.55	3.55	.70
Rice	10.95	6.00	3.25	.65
Yard screenings	2.50			
Jeddo Highland:				
Egg, stove and chestnut	16.75	8.90	4.70	.95
Coke—Koppers or Providence:				
Egg, stove and chestnut	15.50	8.25	4.40	.90

The maximum price for yard sales of 55 pound bags of coke to consumers shall be 65 cents per bag.

(2) *Quantity and other special discounts.* The provisions of subparagraph (2) of paragraph (b) shall be applicable to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 55 and 100 pounds are for 55 or 100 pounds bagged, exclusive of deposit charges on bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of deposit charges on bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) above, including those prices as reduced by any discounts required by subparagraph (2) of paragraph (b) and subparagraph (2) of paragraph (c), shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by $1.00 per ton or by 50 cents per half-ton, or by 25 cents per quarter ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Putnam, Connecticut, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	$13.75	$6.90	$3.45
Pea	12.70	6.35	3.20
Buckwheat	10.05	5.05	2.55
Rice	8.95	4.50	2.25
Yard screenings	2.50		
Jeddo highland:			
Egg, stove and chestnut	14.75	7.40	3.70
Coke—Koppers or Providence:			
Egg, stove and chestnut	13.50	6.75	3.40

(2) *Quantity discount.* The provisions of subparagraph (2) (a) of paragraph (b) shall be applicable to the foregoing maximum prices for yard sales to dealers.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(4) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller;

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(f) *Temporary price increase, Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) *Definitions.* When used in this Order G-52, the term:

(1) "Putnam, Connecticut, Area" shall include the following cities and towns in the State of Connecticut: Ashford, Brooklyn, Eastford, Killingly, Hampton, Pomfret, Putnam, Thompson, Union and Woodstock.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and Koppers and Providence coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal."

(5) "Broken," "egg," "stove," "chestnut," etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(7) "Providence coke" means the retort gas coke produced by the Providence Gas Company, Providence, Rhode Island.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; and *Provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-52 shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 44-2869; Filed, February 22, 1944; 12:21 p. m.]

[Region I Order G-53 Under RMPR 122]

SOLID FUELS IN BELLOWS FALLS AREA (VT. AND N. H.)

Order No. G-53 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Bellows Falls Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.266 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Bellows Falls Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-53 is explained in paragraph (i) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provision of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-53. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-53 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the States of Vermont and New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Bellows Falls Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$14.80	$8.00	$4.75	$1.10
Pea	14.60	7.80	4.15	1.00
Buckwheat	12.60	6.95	3.75	.90
Rice	11.80	6.40	3.45	.80
Yard screenings	4.60			
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	17.15	9.10	4.80	1.10
Coke:				
Egg, stove and chestnut	16.15	8.60	4.55	1.05

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in the following places:

The incorporated villages of Bellows Falls and Saxtons River in the township of Rockingham, Vermont.

The incorporated village of Westminster in the township of Westminster, Vermont.

The entire township of Walpole, New Hampshire. Any point within five (5) miles of the dealer's yard in the entire remaining portion of the Area.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to buyers whose bins or storage facilities are not located in the incorporated villages of Bellows Falls, Saxtons River and Westminster, Vermont, or the township of Walpole, New Hampshire, and are located more than five (5) miles from the dealer's yard:

Distance (miles):	Amount of Addition
More than 5, but not more than 7	$0.80
More than 7, but not more than 10	1.60
More than 10	1.80

(3) *Quantity discount.* The foregoing per net ton prices shall be reduced by 50 cents per ton when the purchaser orders 20 or more net tons for immediate delivery or for delivery at one specified time and the dealer may properly, under any orders of the Solid Fuels Administration for War which are then in effect, deliver at least 20 tons to the purchaser at the time specified by the purchaser.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point exclusive of charges for carries up or down flights of stairs	Cents 30	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight	20	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bellows Falls Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	$15.00	$8.45	$4.50	$0.90
Pea	13.60	7.30	3.90	.80
Buckwheat	11.90	6.45	3.50	.70
Rice	10.80	5.90	3.20	.65
Yard screenings	3.80			
Jeddo Highland or Greenwood:				
Egg, stove and chestnut	16.15	8.60	4.55	.90
Coke:				
Egg, stove, and chestnut	15.15	8.10	4.30	.85

(2) *Quantity discount.* The provisions of subparagraph (3) of paragraph (b) shall apply to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons, and one-quarter tons, exclusive of any charges for bags furnished by the dealer:

	Cents
Per net ton	50
Per half-ton	25
Per quarter ton	15

(b) The maximum amount which may be charged by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by him shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 15 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) including those prices as reduced by the quantity discount required by subparagraph (3) of paragraph (b) and subparagraph (2) of paragraph (c), shall, except in the case of Pennsylvania Anthracite yard screenings, be reduced by $1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania Anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 15 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bellows Falls Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut	$14.40	$7.20	$3.60
Pea	12.10	6.05	3.05
Buckwheat	10.40	5.20	2.60
Rice	9.30	4.65	2.35
Yard screenings	3.50		
Jeddo Highland and Greenwood:			
Egg, stove, and chestnut	14.65	7.35	3.70
Coke:			
Egg, stove, and chestnut	13.65	6.85	3.45

(2) *Maximum authorized bagging charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be charged by the seller as a deposit on, or as predetermined liquidated charges for failure to return burlap bags furnished by him shall be 25 cents per bag.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(f) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) *Definitions.* When used in this Order G-53, the term:

(1) "Bellows Falls Area" shall include the entire area of the following cities, towns and townships in the states of New Hampshire and Vermont:

In New Hampshire: Alstead and Walpole.
In Vermont: Athens, Grafton, Rockingham and Westminster.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal."

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite."

(6) "Broken," "egg," "stove," "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(7) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(8) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(9) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(10) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(11) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices: Sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need

not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this Order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–53 shall become effective February 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 44–2582; Filed, February 22, 1944; 12:21 p. m.]

[Region III Order G–18 Under RMPR 122]

SOLID FUELS IN PARKERSBURG, W. VA., AREA

Order No. G–18 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Parkersburg, West Virginia, Area.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the City of Parkersburg, West Virginia, and within a radius of five miles from the corporate limits thereof. These are the highest prices that any dealers may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–18; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for cash sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for cash or credit sales on a "direct delivery" basis; Column III shows maximum prices for cash or credit "yard sales" to other dealers or to consumers. All prices are on a net ton basis.

Column I	Column II	Column III
I. HIGH VOLATILE BITUMINOUS COALS FROM PRODUCING DISTRICT NO. 3 (FAIRMONT)		
(a) Lump:		
Orders and deliveries in lots of—	*Per ton*	*Per ton*
1 ton	$5.90	$5.05
2 tons	5.75	5.05
3 tons	5.65	5.05
4 tons	5.55	5.05
		Per cwt.
Less than 1 ton	6.38	.30
(b) Stoker:		
Orders and deliveries in lots of—		*Per ton*
1 ton	5.90	5.10
2 tons	5.70	5.10
3 tons	5.60	5.10
4 tons	5.50	5.10

There are no quantity discounts except those set forth above in this price schedule.

All terms used herein to describe size, volatility and producing district are those that were established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G–18 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of services and credit charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

	Per ton
Shovelling as herein defined	$0.50
Carrying or wheeling from curb	1.00
Carrying up or down stairs	1.00

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, it need not be so separately stated on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the type and kind of solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the Charleston District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean sales and deliveries made by the dealer in his customary manner at his yard.

(6) "Shoveling" is defined to mean the unloading of the truck by shovel, rather than by dumping.

(7) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G–16 under Revised Maximum Price Regulation No. 122 shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued February 11, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2581; Filed, February 22, 1944; 12:21 p. m.]

[Region III Order G–40 Under RMPR 122]

COKE IN YOUNGSTOWN, OHIO, AREA

Order No. G–40 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Sales of certain coke in the Youngstown, Ohio, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Any dealer in solid fuels in the City of Youngstown, Ohio, may, for all sales of coke which is shipped into Youngstown from coke ovens in Massillon, Ohio, and which is sold and delivered in Youngstown, Ohio, may charge and receive not in excess of the higher of the following amounts:

(1) $10.09 per ton.

(2) Any maximum price established by such dealer under the provisions of Revised Maximum Price Regulation No. 122.

(b) All customary allowances, discounts and price differentials shall be maintained.

(c) This order may be amended, modified or revoked at any time by the Office of Price Administration.

This order shall become effective February 11, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 11, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44–2580; Filed, February 22, 1944; 12:21 p. m.]

[Region VIII Order G–3 Under MPR 418, Amdt. 1]

SMELT IN SAN FRANCISCO REGION

Amendment No. 1 to Order No. G–3 under Maximum Price Regulation No. 418, as amended. Fresh fish and seafood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 20 (a) of Maximum Price Regulation No. 418, paragraph (a) is hereby amended to read as set forth below:

(a) The maximum prices for sales of smelt (Eulachon or Thaleichthys Pacificus) in Region VIII of the Office of Price Administration shall be as follows:

	Name	Style of dressing	Size	Price in cents (Bulk) ex-vessel	Per pounds (cents) (boxed)
Table A: Producers	Smelt	Round	All	3½	5
Table B: Primary fish shipper sales	Smelt	Round	All		6½
Table C: Retailer owner cooperative sales	Smelt	Round	All		8
Table D: Cash and carry sales	Smelt	Round	All		9
Table E: Service and delivery sales	Smelt	Round	All		11½

This amendment shall become effective 8:00 o'clock p. m., February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44–2585; Filed, February 22, 1944; 12:22 p. m.]

[Region I Supp. Order 2 Under RMPR 122, Amdt. 1]

PENNSYLVANIA ANTHRACITE IN NEW ENGLAND REGION

Amendment No. 1 to Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Named Pennsylvania anthracites.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The following is added to the table in paragraph (a):

Kind and size	Amount of addition			
	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Legitts Creek or Black Stork:				
Egg, stove, chestnut, pea, buckwheat, and rice	$0.25	$0.15	$0.05	None

2. Subparagraph (10) is added to paragraph (d), to read as follows:

(10) "Legitts Creek" and "Black Stork" both mean that Pennsylvania anthra-

cite which is produced and prepared by Penn Anthracite Collieries Company, Scranton, Pennsylvania, and which meets the quality and preparation standards established by Order No. 5 under Maximum Price Regulation No. 112.

This Amendment No. 1 shall become effective February 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 44-2584; Filed, February 22, 1944; 12:22 p. m.]

[Region VI Order G-11 Under RMPR 122]

SOLID FUELS IN THE CHICAGO AREA

Correction

In F.R. Doc. 44-1256, appearing on page 956 of the issue for Wednesday, January 26, 1944, the column 6 price for item I, 7 of the table under paragraph (c) should read "8.55".

[Region I Order G-9 Under RMPR 122, Amdt. 5]

SOLID FUELS IN METROPOLITAN BOSTON AREA

Amendment No. 5 to Order No. G-9 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Metropolitan Boston Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942 as amended, Region I Order No. G-9 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In Price Schedule I in paragraph (b) (1) (a), the words "Red Ash" are deleted at both places where they appear, and the word "Franklin" is inserted in place thereof.

2. In Price Schedule II in paragraph (b) (2) (a), the words "Red Ash" are deleted at both places where they appear, and the word "Franklin" is inserted in place thereof.

3. In Price Schedule III in paragraph (b) (3) (a), the words "Red Ash" are deleted at both places where they appear, and the word "Franklin" is inserted in place thereof.

4. In paragraph (f) (2) the words "Red Ash" are deleted, and the word "Franklin" is inserted in place thereof.

5. Paragraph (f) (6) is revoked, and a new paragraph (f) (6) is inserted, to read as follows:

(f) *Definitions.* When used in this Order G-9, the term:

(6) "Franklin" means that Pennsylvania anthracite which is prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley."

This amendment No. 5 to Order No. G-9 shall become effective March 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2596; Filed, February 22, 1944; 4:50 p. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 21]

FLUID MILK IN CERTAIN LOCALITIES IN CALIFORNIA

Amendment No. 21 to Order No. G-2 under § 1499.18 (c) of the General Maximum Price Regulation, as amended. Fluid milk prices at wholesale and retail in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 and under the authority reserved in Order No. G-2 under § 1499.18 (c) of the General Maximum Price Regulation to amend said order at any time, said Order No. G-2 is hereby amended as set forth below:

(a) Schedule B is hereby amended by striking out the heading "Placer and Nevada Counties, except the portion east of the crest of the Sierra Nevada" and by substituting therefor the following: "Nevada County, except the portion east of the crest of the Sierra Nevada, and Placer County, except the portion contained within the Sacramento marketing area and the portion east of the crest of the Sierra Nevada."

This amendment shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2594; Filed, February 22, 1944; 4:50 p. m.]

[Region VIII Order G-3 Under MPR 136, as Amended]

INSIDE CURING RIMS MANUFACTURED BY STEEL FORMING CORP., LOS ANGELES, CALIF.

Order No. G-3 under Maximum Price Regulation No. 136 as amended. Machines and parts and machinery services. Adjusted maximum prices for inside curing rims manufactured by Steel Forming Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1390.25a of Maximum Price Regulation No. 136 as amended, *It is hereby ordered:*

(a) The adjusted maximum prices which may be charged for inside curing rims, size 4 inches to 5⅛ inches, manufactured by Steel Forming Corporation, Los Angeles, California, or its receivers, trustees, or successors are established to be as follows:

(1) For sales by the manufacturer, the adjusted maximum net price shall be $14.50 per rim.

(2) For resales at wholesale by Balloon Tire Mould Company, Los Angeles, California, the adjusted maximum net price shall be $18.50 per rim.

(3) For resales at retail by any dealer whose place of business is located within the Eighth Region of the Office of Price Administration, the adjusted maximum price shall be $24.20.

(b) This order may be amended, revoked, or corrected at any time.

This order shall become effective February 21, 1944, and shall expire 90 days thereafter.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2593; Filed, February 22, 1944; 4:49 p. m.]

[Region VIII, Order G-3 Under MPR 418, as Amended, Correction]

FISH AND SEAFOOD IN SAN FRANCISCO REGION

On January 20, 1944, an order entitled Order No. G-2 under Maximum Price Regulation No. 418, as amended, was issued effective January 25, 1944. The title of this document should read "Order No. G-3 under Maximum Price Regulation No. 418, as amended."

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2595; Filed, February 22, 1944; 4:50 p. m.]

[Region V Order G-1 Under TMPR 28]

MODIFICATION OF PRICES OF CERTAIN LISTED VEGETABLES IN DALLAS REGION

Correction

In F.R. Doc. 44-1148, appearing on page 925 of the issue for Tuesday, January 25, 1944, the first undesignated paragraph under paragraph (f) (4) should read: "In figuring the maximum price which a wholesaler may charge, he should figure 'his cost' as follows:".

FEDERAL REGISTER

VOLUME 9 NUMBER 40

Washington, Friday, February 25, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[Bull. NSCP-801, Supp. 1]

PART 706—NAVAL STORES CONSERVATION PROGRAM

PAYMENT FOR TREES

By virtue of the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, the 1944 Naval Stores Conservation Program is amended, as follows:

1. Section 706.505 (l) is amended to read as follows:

§ 706.505 *Conditions of payment; performance required.* • • •

(l) *Repayment for faces removed from small trees.* Payment shall be made on faces removed from small trees under the provisions of the 1941, 1942, and 1943 programs; provided such faces (1) were first installed during the 1940 turpentine season, (2) have not been worked since removal, (3) are located in drifts that contain working faces which are continued in operation, (4) are not worked during this program, and (5) have been under the producer's control for turpentine purposes continuously from the time of removal to the end of the turpentine season under this program.

2. Section 706.506 (a) (3) is amended as follows:

(a) *Rates of payment.* • • •

(3) 5 cents per face for any one face of one or more faces on trees less than 9 inches d. b. h., and for any one face of two or more faces on trees 9 to 14 inches d. b. h. which were taken out of operation during the 1941, 1942 or 1943 programs, and kept out of operation during succeeding programs, including this program, for which payment was made in a previous program, or on such faces which are removed from operation during the 1944 turpentine season, provided such faces were first installed during the 1940 turpentine season.

(49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 54 Stat. 676; 16 U.S.C. 1940 ed. 590g-590q; E.O. 9322 and E.O. 9334; 55 Stat. 838)

Issued at Washington, D. C., this 24th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-2678; Filed, February 24, 1944; 11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 243]

EDUCATIONAL VERIFICATION

ORDER PRESCRIBING FORM

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 211, entitled "Educational Verification," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of DSS Form 211 on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 21, 1944.

[F. R. Doc. 44-2620; Filed, February 23, 1944; 3:52 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as

[1] Filed as part of the original document.

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FEDERAL REGISTER

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.

Book 2: Titles 4–9, with index.

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amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–492]

BANKS AND BREZEL

Abraham Banks and Max Brezel are co-partners doing business as Banks and Brezel at 91 Gold Street, New York, New York, as jobbers of leather. On or about April 16, 1943, Messrs. Banks and Brezel violated General Preference Order M–80 by cutting into strips and centers and selling to finders in the trade about 2,000 bends of manufacturers whole stock of military weight and quality; the approximate weight of this leather was 16,670 pounds. The company was familiar with the provisions of the order, and its violation must be deemed wilful.

This misuse of leather of military weight and quality has hampered and impeded the war effort of the United States by diverting military leather to civilian use. In view of the foregoing, it is hereby ordered, that:

§ 1010.492 *Suspension Order No. S–492.* (a) Abraham Banks and Max Brezel, individually or doing business as Banks and Brezel or otherwise, their successors and assigns, shall not directly or indirectly, receive, accept delivery of, cut, or otherwise process any leather bends, backs or crops, unless hereafter specifically authorized in writing by the War Production Board. Nor shall any person, firm, or corporation sell or deliver to Abraham Banks or Max Brezel, individually, or as partners under any name, or for their account or order, directly or indirectly, any leather bends, backs or crops, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Abraham Banks or Max Brezel from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 23, 1944, and shall expire on March 23, 1944.

Issued this 21st day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2621; Filed, February 23, 1944; 4:39 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 18 as Amended Feb. 24, 1944]

FROZEN SCHEDULES

§ 944.39 *Priorities Regulation 18*—(a) *Definitions.* (1) "Producer" means any person whose production, delivery or shipping is subject to a "frozen schedule" as defined below. The term includes all divisions, branches, and plants of a corporation, association or other legal entity, but does not include any parent, subsidiary or affiliated company which is itself a separate legal person.

(2) "Frozen schedule" means a production, delivery, or shipping schedule approved or prescribed pursuant to any order listed in Appendix A of this regulation, or pursuant to any other order of the War Production Board which states expressly that schedules thereunder are to be deemed frozen schedules within the meaning of Priorities Regulation 18, whether or not the schedules are filed with the War Production Board. When any such order provides that the filing of a schedule is equivalent to approval or that a filed schedule may not be varied without approval, the term "frozen schedule" means the schedule as filed with any modifications approved or prescribed by the War Production Board. When any such order requires the approval by the War Production Board of every purchase order for a particular type of item before the producer accepts the purchase order or delivers the item, the term "frozen schedule" includes all purchase orders on the producer's books which have been so approved, unless such order expressly states otherwise.

(b) *Protection of frozen schedules.* (1) Notwithstanding any contrary provisions of any other regulation, order or other instrument issued by or under authority of the War Production Board (including AAA's and other preference rating instruments and CMP allotments), no producer shall interfere with any frozen schedule by eliminating, displacing or altering the precedence of any purchase order (unless removed from the schedule as provided in paragraph (d), (e), or (f) below) listed for production, delivery or shipment thereon in favor of any other purchase order unless he is specifically authorized or directed to do so by an order or direction of the War Production Board which identifies the frozen schedule and states on its face that it is an amendment of that schedule.

(2) An amendment of a frozen schedule may be requested of the War Production Board by the producer, by the person to whom shipment is to be made, or by the claimant agency sponsoring the program, by letter or, at the election of the person making the request, on the form required for filing shipping schedules. The request may relate to one or more purchase orders or may constitute a proposed revision of the frozen schedule.

NOTE: Paragraph (c), formerly (d), redesignated Feb. 24, 1944.

(c) *Automatic scheduling of certain components.* (1) The following definitions shall apply for the purposes of this paragraph (d):

(i) "Product" of a producer means the final product manufactured or assembled by that producer. It may be a complete end product or merely a part or subassembly which some other producer will incorporate into the end product.

(ii) "Component" means any part of a product which is physically incorporated in it except a controlled material as defined in CMP Regulation 1.

(iii) "Principal component" means the component which performs the principal function of the product. In the case of transportation equipment of any kind or equipment which generates electric energy, the principal component is the prime mover. In other types of motive equipment, the main driven component is the principal component.

(iv) "Auxiliary component" means any component which is physically incorporated in the principal component or is attached to the principal component by a shaft, gears, bolt, chain or cable.

(2) When a producer's product is subject to a frozen schedule, all components of that product which are being made by the same producer shall automatically become part of that frozen schedule.

(3) When a producer's product is not subject to a frozen schedule, but the principal component of the product is made by the same producer and is subject to a frozen schedule, then all auxiliary components of that principal component which are being made by the same producer shall automatically become part of that frozen schedule.

(4) When neither the producer's product nor the principal component of the product is subject to a frozen schedule, but some other component, made by the same producer, is subject to a frozen schedule, then all components which are being made by the same producer for physical incorporation into the scheduled component shall automatically become part of that frozen schedule.

(5) This automatic scheduling shall obtain in all cases, whether or not the components which are automatically scheduled would otherwise be subject to scheduling. A schedule which has been automatically frozen shall enjoy the same protection as any other frozen schedule, except that an amendment of the schedule pursuant to paragraph (b) (1) need not identify the frozen schedule if the schedule has not been filed with the War Production Board.

(6) If any order is removed from a frozen schedule then all components of the product covered by the order cease to be part of that frozen schedule.

NOTE: Paragraph (7), formerly (6), redesignated Feb. 24, 1944.

(7) Producers are not excused from including in reports or schedules required to be filed with the War Production Board any information which is required concerning the components which they are producing. When any of the components has been automatically scheduled under this regulation, a notation to that effect must be made on the report or schedule.

(d) *Cancellation and requests to hold up work on orders subject to a frozen schedule.* When a person who has placed an order which has become part of a frozen schedule cancels his order, it ceases to be part of the frozen schedule. If the person does not cancel his order which has become part of a frozen schedule but merely instructs the producer to hold up work on it, the producer must remove it from the frozen schedule. If requested to do so within ten days the producer must reinstate the order as near as possible to its former place in the frozen schedule without causing loss of production or delay in the previously scheduled delivery on any other order in the schedule. If, however, in requesting reinstatement of the order, the person makes a substantial change, the order must not be reinstated but treated as a new order as explained in paragraph (e) below.

(e) *Other changes in purchase orders already placed.* When a person who has placed an order which has become part of a frozen schedule makes a substantial change in the order, the general rule is that the order must be considered a new order placed on the date of the change. Unless the producer has received specific authorization for the change from the War Production Board, the order must be removed from the frozen schedule. The change is substantial if (1) it involves an alteration of the manufacturer's production schedule so as to interfere with production; or (2) it involves an alteration in the product classification of the item. If the change is not substantial, it may be made without notifying the War Production Board.

(f) *Notification to the War Production Board.* Whenever an order is removed from a frozen schedule, a manufacturer should make his shipments under later scheduled orders as nearly as practicable in the prescribed sequence, moving up the shipping dates of other orders. In any case where the producer foresees an appreciable acceleration of production, he must notify the War Production Board of the reason for the acceleration and the revised dates on which he expects to be able to make shipment under each purchase order affected.

(g) *Reinstatement of cancelled orders.* In any case, except where an order is reinstated as required under paragraph (d) above, an order which has been removed from a frozen schedule which is subsequently reinstated by the purchaser is to be treated as a new order. In such a case, and in cases where a change in the order involves the placing of a new order under paragraph (e), the acceptance or rejection of the new order and its place on the manufacturer's schedule shall be governed by conditions existing at the time the order is reinstated.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

NOTE: Appendix A amended Feb. 24, 1944.

Production, delivery, and shipping schedules approved pursuant to the following orders are "frozen schedules" within the meaning of Priorities Regulation No. 18.

Orders

E-11	L-101	L-249	M-293
L-1-c	L-112	L-269	M-360
L-97	L-143-a	M-50	
L-97A	L-192	M-211	
L-97-d	L-203	M-233	

[F. R. Doc. 44–2679; Filed, February 24, 1944; 11:15 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P–98–b, as Amended Jan. 26, 1944, Amdt. 1]

Section 1041.2 (Preference Rating Order P–98–b, as amended January 26, 1944) is hereby amended in the following respects:

(1) Schedule A is amended by the addition of the words "tool joints" to the list contained in that schedule. The entire schedule will then read as follows:

SCHEDULE A

The items listed on this schedule may be delivered to operators without regard to preference ratings. No operator shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale.

Items on List A of Priorities Regulation 3:
Rock bits and core bits (rotary bits).
Tool joints.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2680; Filed, February 24, 1944; 11:14 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 47]

ACCEPTANCE OF ORDERS FOR STEEL FOR DELIVERY FROM MILL STOCK

The following direction is issued pursuant to CMP Regulation 1:

(a) Paragraph (t) (2) (iii) of CMP Regulation No. 1 provides that a steel producer must reject orders for shipment in any month in excess of 110 percent of his current production directive or (if he has no production directive) 105 percent of his expected production for that month. However, to the extent that the additional material is available in mill stock, a producer may accept orders for such material in excess of the above percentages, provided such orders are such as he is permitted to accept under the provisions of paragraph (t) (3).

(b) This direction does not apply to Tin Plate, Terne Plate, and Tin Mill Black Plate.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2681; Filed, February 24, 1944; 11:15 a. m.]

PART 3270—CONTAINERS

[Limitation Order L–197, Direction 1]

STEEL SHIPPING DRUMS

The following direction is issued pursuant to Limitation Order L–197:

Limitation Order L–197 contains a prohibition against the use of any steel shipping drum, new or used, for packing molasses. This direction makes an exception to that rule in the case of used drums owned by farmers.

Notwithstanding the prohibition contained in Order L–197, packers of molasses may pack it in used steel drums owned by a farmer and packed on his order for his use for ensilage. The packer may rely upon a signed statement by the purchaser that he is a farmer, that he owns the steel drum which is to be filled and that the molasses is for his own use for ensilage. If he has knowledge of these facts, he may waive the signed statement.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2682; Filed, February 24, 1944; 11:14 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M–241, Direction 1, Revocation]

PAPER AND PAPERBOARD

Direction 1 to Order M–241 is hereby revoked. The provisions of that direction are now superseded by Direction No. 2 issued February 16, 1944.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2683; Filed, February 24, 1944; 11:15 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Supplementary Limitation Order L–65–a]

ELECTRIC IRONS

§ 3291.316 *Limitation Order L–65–a*—(a) *What this order does.* This order controls the manufacture and delivery of electric irons. It provides for the resumption of production of these items on a limited basis. Notwithstanding the provisions of Limitation Order L–65, no person shall manufacture any electric irons except under the terms of this order.

(b) *Definition.* For the purpose of this order: "Electric iron" means any portable iron designed primarily to be used in ironing or pressing wearing apparel and having a self-contained heating element in which heat is generated by the passage of electricity.

(c) *Production of electric irons.* (1) No person shall make any electric irons except in models and quantities specifically authorized by the War Production Board on Form CMPL–150–b. Application should be made by filing Form WPB–3550 with the field office of the War Production Board for the district in which the plant where the irons are to be made is located.

(2) Each person who has a production quota assigned on Form CMPL–150–b may make in addition to that quota, electric irons in approved models to fill purchase orders or contracts calling for delivery to or for the account of the U. S. Army, Navy, Maritime Commission or the War Shipping Administration. Irons may not be made to fill even these orders by any person who has not been assigned a production quota.

(3) Manufacture of electric irons will be permitted only if labor is available and if such production can be made without interference with existing or potential war contracts. Wherever practical, each manufacturer will be permitted under paragraph (c) (1) to make his pro rata share of the total production authorized, based on his production during 1940. However, to insure full production of approved requirements, the War Production Board may assign additional quotas to qualified manufacturers. In general, no single manufacturer will be authorized to produce more than one model of the automatic type and one model of the non-automatic type. Approval of models will be based largely on economy of production and the volume of production of the individual models by a manufacturer during 1940. The War Production Board will, from time to time or on request of any manufacturer, give notice to all manufacturers of the total production authorized and the percentage of his 1940 production authorized to each individual manufacturer.

(4) Manufacturers who made electric irons in 1940 and who are unable to produce because of interference with war work may apply to the War Production Board for permission to have another person make irons for them. Each application should be made by filing Form WPB–3550 in accordance with its instructions.

(d) *Restriction on production of certain parts.* No person other than those authorized to make electric irons on Form WPB–3550 shall make any sole plates (either cast, stamped or forged) or handles for electric irons, in a Group I labor area, except as permitted by the nearest field office of the War Production Board in writing.

(e) *Distribution.* It is the policy of the War Production Board that each manufacturer shall distribute his production through his normal distribution channels, taking into consideration shipments to areas during 1941, immigration of workers to certain areas, and such other factors as will provide equitable distribution to meet essential needs. The War Production Board may direct the distribution of specified amounts from any manufacturer's production to meet emergencies.

(f) *Preference ratings for purchase of electric irons prohibited.* No preference rating for electric irons shall be valid for any purpose. All orders bearing preference ratings may be filled as unrated orders. This does not apply to any purchase order or contract calling for delivery to or for the account of the U. S. Army, Navy, Maritime Commission or the War Shipping Administration.

(g) *Reports.* Every manufacturer producing electric irons shall file Form WPB–1600, executed in accordance with the instructions for filing that form, with the War Production Board, Washington 25, D. C., Ref: Order L–65–a, on or before the 15th day of April, July, October and January. This form is a report of the number of electric irons made and shipped during the preceding quarter.

(h) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of electric irons to a greater extent than does this order, the other order shall govern unless it states otherwise.

(i) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from this order should be made on Form WPB–1477 and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–65–a.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2684; Filed, February 24, 1944; 11:14 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[General Limitation Order L–233, as Amended Feb. 24, 1944]

PHOTOGRAPHIC FILM AND FILM BASE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for film and film base for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.265[1] *General Limitation Order L–233*—(a) *Definitions.* For the purposes of this order:

(1) "Amateur-type still film" means roll films and 35 millimeter perforated films (whether packaged as cartridges, spools or in bulk) except 35 millimeter motion picture film.

(2) "Amateur-type motion picture film" means 8 and 16 millimeter reversal-type motion picture film.

(3) "Cut-sheet film" means film packaged in lots of individual flat pieces including film packs, but excluding X-ray film.

(4) "Group I products" means amateur-type still films and amateur-type motion picture films.

(5) "Group II product" means cut-sheet film.

(6) "Group III product" means 35 millimeter motion picture film.

[1] Formerly Part 3147, § 3147.1.

(7) "Restricted film" means Group I, Group II and Group III products, and film base for such products.

(8) "Base period" means the calendar year 1941.

(9) "Manufacturer" means any individual partnership association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not, engaged in the business of producing any film or film base whatsoever.

(10) "Preferred order" means any order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) and government agencies or other persons acquiring film or film base for export to and consumption or use in, any foreign country,

(b) *General restrictions.* No manufacturer shall:

(1) On and after December 16, 1942, produce any restricted film other than for preferred orders except in accordance with the provisions of paragraph (c) of this order;

(2) On and after January 1, 1943, produce and sell, lease, trade, ship, lend or transfer any restricted film pursuant to a preferred order except in accordance with the provisions of paragraph (d) of this order;

(3) On and after January 1, 1943, produce any film or film base other than restricted film, whether or not such production is pursuant to a preferred order except in accordance with the provisions of paragraph (e) of this order.

(c) *Limitations on production of restricted film other than for preferred orders.* (1) During the month of December, 1942, no manufacturer shall produce more film base (excluding preferred orders) intended to be used by any person for the production of finished Group I, Group II or Group III products than the following percentages of such film base (including preferred orders) produced by him during the base period:

(i) Film base for Group I products, 5%.

(ii) Film base for Group II product, 7%.

(iii) Film base for Group III product, 7%.

(2) During the month of December 1942, no manufacturer shall produce more finished Group I, Group II or Group III products (excluding preferred orders), than the following percentages of such finished film (including preferred orders) produced by him during the base period:

(i) Group I products, 5%.

(ii) Group II product, 7%.

(iii) Group III product, 7%.

(3) During the three months period beginning January 1, 1943, and for each three months period thereafter, no manufacturer shall produce more film base (excluding preferred orders) intended to be used by any person for the production of finished Group I, Group II or Group III products than the following percentages of such film base (including preferred orders) produced by him during the base period:

(i) Film base for Group I products, 12½%.

(ii) Film base for Group II product, 19%.

(iii) Film base for Group III product, 19%.

(4) During the three months period beginning January 1, 1943, and for each three months period thereafter, no manufacturer shall produce more finished Group I, Group II or Group III products (excluding preferred orders) than the following percentages of such finished film (including preferred orders) produced by him during the base period:

(i) Group I products, 12½%.

(ii) Group II product, 19%.

(iii) Group III product, 19%.

(5) On or after March 9, 1943, no manufacturer shall produce or transfer any restricted film pursuant to a preferred order except in accordance with the provisions of paragraph (d) of this order.

(d) *Limitations on production and delivery of restricted film for preferred orders.* On or before December 20, 1942, and on or before the first day of each third succeeding calendar month thereafter, each manufacturer shall file with the War Production Board a statement in writing in quadruplicate which shall include:

(1) Such manufacturer's proposed production schedule of restricted film for preferred orders so far as then planned, but in any event, for not less than the next succeeding calendar quarter.

(2) His proposed delivery schedules of restricted film for preferred orders so far as then planned, but in any event for not less than the next succeeding calendar quarter.

The War Production Board shall notify manufacturers of its approval or disapproval of the production and delivery schedules for the calendar quarter or more covered in the report. Either at the time the schedule is initially filed by the manufacturer, or at any time thereafter, the War Production Board may change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any restricted film whether or not produced pursuant to a preferred order, to any other person, at the established price and terms. No manufacturer shall produce or deliver any restricted film pursuant to a preferred order, except in accordance with schedules approved or prescribed by the War Production Board as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board. In connection with the delivery of any Group III product, the War Production Board may

direct that such Group III product be delivered in accordance with the restrictions contained in General Limitation Order L–178 as amended from time to time (§ 3032.1).

(e) *Limitations on production of film and film base other than restricted film.* On or before December 20, 1942, and on or before the first day of each third succeeding calendar month thereafter, each manufacturer shall file with the War Production Board a statement in writing in quadruplicate which shall include such manufacturer's proposed production schedule for any film or film base whatsoever (including preferred orders) other than restricted film so far as then planned, but in any event, for not less than the next succeeding calendar quarter.

The War Production Board shall notify manufacturers of its approval or disapproval of the production schedules for the calendar quarter or more covered in the report. Either at the time the schedule is initially filed by the manufacturer, or at any time thereafter, the War Production Board may change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer. No manufacturer shall produce any film or film base whatsoever (including preferred orders) other than restricted film, except in accordance with schedules approved or prescribed by the War Production Board as above provided; and no manufacturer shall alter any such approved or prescribed production schedule unless authorized or directed to do so by the War Production Board.

(f) *Special provision affecting the distribution of film.* (1) All orders for film shall be filled as unrated orders except orders with ratings of AA–5 or higher where film is specifically mentioned on the form; assigned:

(i) On Form WPB–541 (formerly PD–1A);

(ii) On Form WPB–542 (formerly PD–3A);

(iii) On Form WPB–837 (formerly PD–408);

(iv) In accordance with procedures authorized for use by the Bureau of Supplies and Accounts (Navy), Coast Guard or other supply arm or bureau in place and instead of using Form WPB–542 (formerly PD–3A).

(2) No person who has received a rated order for film shall extend the rating unless the rating is AA–5 or higher and unless he is informed in writing by the person placing the order that the rating was expressly assigned in accordance with one of the forms or the procedures prescribed in this paragraph.

(3) Nothing in this paragraph (f) shall affect the distribution of the 35 mm. film controlled by Limitation Order L–178.

(g) *Reports.* (1) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington 25, D. C., Ref: L–233, on or before the 20th day of April, July, October and January, Form WPB–1600, in accordance with the instructions for filing that form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person affected by this order shall execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time request subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of any film or film base whatsoever, inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production of the rates permitted by this order.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(l) *Appeal.* Any appeal from the provisions of this order should be made on Form PD–500, addressed to the War Production Board, Consumers' Durable Goods Division, Ref: L–233.

(m) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of any film or film base whatsoever, to a greater extent than the limits imposed by this order, such other order shall govern unless otherwise specified therein.

(n) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington 25, D. C., Ref: L–233.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2685; Filed, February 24, 1944; 11:14 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–227, as Amended Feb. 24, 1944]

COPPER CHEMICALS

§ 3293.316 *Allocation Order M–277*—(a) *Definitions.* (1) "Copper chemicals" means copper sulfate, copper carbonate, copper oxide, copper chloride and copper cyanide. The term includes copper chemicals in both cupric and cuprous form.

(2) "Supplier" means any producer or distributor.

(3) "Producer" means any person engaged in the production of any copper chemical and includes any person who has any such chemical produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases any copper chemical for purpose of resale without change in form.

(5) "Quarter" means calendar quarter.

(b) *Restrictions on delivery and use.* (1) No supplier shall deliver or use any copper chemical, and no person shall accept delivery of any copper chemical from any supplier, except as specifically authorized by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted will, so far as practicable, be issued by the War Production Board prior to the commencement of the quarter to which such authorizations or directions relate. The War Production Board may also in advance of each quarter issue directions with respect to use by suppliers in such quarter, but it may issue directions at any time to any person respecting use which may or may not be made of copper chemicals to be delivered or then on hand. Applications for copper chemicals not filed in advance of the quarter to which they relate at the times and in the manner provided by paragraph (d) (1) hereof, will not be approved in the absence of a showing of special circumstances.

(3) Each person authorized to accept delivery of copper chemicals shall use the same for the purpose authorized and only for such purpose except as otherwise specifically directed by the War Production Board.

(4) Copper chemicals allocated for inventory shall not be used or redelivered except as otherwise specifically directed by the War Production Board.

(5) Deliveries specifically authorized or directed to be made in any quarter by the War Production Board where the authorization or direction does not specify dates or order of shipment, may be made by any supplier in such quarter, without regard to preference ratings applicable to particular orders.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1), no specific authorization or direction of the War Production Board shall be required for:

(1) Delivery by any supplier to any one person in any quarter, or the acceptance of delivery by any one person in any quarter from all suppliers, of not more than 4000 lbs. of copper sulphate or of not more than 1000 pounds each of copper carbonate, copper chloride, copper cyanide and cupric oxide (no exemption for cuprous oxide except that under paragraph (c) (4) for laboratory use): *Provided, however,* That the aggregate quantity of any copper chemical which any supplier may deliver in any quarter pursuant to this paragraph (c) (1) shall not exceed the quantity which the War Production Board shall have specifically authorized such supplier to deliver in such quarter under this paragraph (c) (1), on application filed by such supplier pursuant to subparagraph (d) (2) (vi) hereof.

(2) Delivery by any supplier to any person who shall have filed with him prior to such delivery a certificate in substantially the following form (which certificate may be endorsed upon or attached to the purchase order):

The undersigned hereby certifies to the War Production Board and to his supplier that the copper chemicals hereby ordered will be *used, or resold for use* [strike out inapplicable word or words] only for soil treatment or as an insecticide or fungicide in connection with the cultivation of agricultural crops, or in the manufacture of animal medicinals.

Name of Purchaser.

By ---
Authorized Official.

Date.

Title.

Such certificate shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of any copper chemical by a supplier where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(3) Acceptance of delivery by any person from any supplier solely for use, or for resale for use, for soil treatment or as an insecticide or fungicide in connection with the cultivation of any agricultural crop or in the manufacture of animal medicinals; provided that such person has filed with his supplier from whom delivery is accepted, a certificate in substantially the form set out in paragraph (c) (2).

(4) Delivery in any calendar quarter of 75 pounds or less of cuprous oxide to each laboratory or supplier principally engaged in supplying laboratories, and acceptance of delivery in any calendar quarter from all sources of 75 lbs. or less of cuprous oxide by any laboratory for experimental use or by any laboratory supplier for resale to laboratories. (The term "laboratory" means laboratory as defined in Order P–43, whether or not registered under that order.)

(d) *Applications and reports.* (1) Each person requiring authorization to accept delivery of any copper chemical in any quarter, whether for own consumption or resale (and each supplier requiring authorization to use any copper chemical in any quarter) shall file application therefor on Form WPB 2945 (formerly PD–600). Such form shall be prepared in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB 2945 (formerly PD–600) may be obtained at the local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which three shall be forwarded to the War Production Board, Chemicals Division, Washington 25 D. C., Ref: M–227, one forwarded to the supplier and the fifth retained as a file copy by the applicant. At least one of the copies forwarded to the War Production Board shall be signed by applicant by a duly authorized official.

(iii) The three copies required to be forwarded to the War Production Board shall be sent in sufficient time to be received not later than the 5th day of the last month of the preceding quarter. The copy to be forwarded to supplier shall be sent in sufficient time to be received by supplier, if supplier is a producer, not later than such 5th day of the last month of the preceding quarter, or if supplier is a distributor, not later than the 1st day of such last month, applications covering the second quarter of 1943 shall be submitted not later than March 15, 1943, if supplier is a producer, or if supplier is a distributor, not later than March 12, 1943.

(iv) Under heading "Name of chemical", specify "Copper chemicals"; under "WPB Order No.", specify "M–227"; under heading "Indicate unit of measure", specify "pounds".

(v) In heading at top of Table I, specify "First quarter", "second quarter", etc., as the case may be, and insert year.

(vi) In Columns 1, 11 and 19 specify copper sulfate, copper carbonate, cuprous oxide, cupric oxide, copper chloride or copper cyanide and in each case indicate the percentage by weight of copper content.

(vii) In Columns 3, 20 and 22, applicant must specify his primary product in terms of the following:

Water treatment
Wire drawing
Electro plating
Mining
Catalyst
Gas sweetener
Anti-fouling paints
Preservatives
Dyes and pigments
Mildew-proofing
Agriculture
Other (specify)
Resale (as copper chemicals)
Inventory (as copper chemicals)

(viii) In Column 4, except where purchase is for resale or inventory, specify the ultimate use to which the product manufactured by applicant will be put, in the terms of the following:

Heat pads
Synthetic rubber
Petroleum
Electric batteries
Textiles
Lumber
Paint
Wood pulp
Pharmaceuticals
Pyrotechnics
Ceramics
Glazes
Porcelain enamel
Soot remover
Paper
Glass
Water
Other (specify)

Applicant will also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer and, where purchase is by government agency, will also indicate specification number, if any.

(2) Each supplier requiring authorization to make delivery of any copper chemical during any quarter shall file application therefor on or before the 10th day of the last month of the quarter preceding the quarter to which the application relates, except that applications for deliveries in the second quarter of 1943 may be filed on or before March 20, 1943. The application shall be made on Form WPB–2946 (formerly PD–601) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB–2946 (formerly PD–601) may be obtained at the local offices of the War Production Board.

(ii) Four copies shall be prepared of which three shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–227, the fourth copy to be retained for supplier's files. At least one of the three copies filed with War Production Board will be signed by the supplier by a duly authorized official.

(iii) Each supplier who has filed application on Form WPB–2945 (formerly PD–600) specifying himself as his supplier, shall list his own name as a customer on Form WPB–2946 (formerly PD–601) and shall list his request for allocation in the manner prescribed for other customers.

(iv) In the heading, under "Name of chemical", specify "Copper chemicals"; under "WPB Order No.", specify "M–227"; under "Name of company", state name and mailing address; under "Indicate unit of measure", specify "pounds"; and state the quarter and year during which deliveries covered by your application are to be made.

(v) In Column 1 insert names of customers for the delivery to whom it is necessary to obtain specific authorization, except as provided in the next two subparagraphs. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(vi) Names of customers to whom supplier proposes to make small order deliveries during the next quarter pursuant to paragraph (c) (1) of this order need not be listed, but supplier shall insert in Column 1 "Total proposed small order deliveries" and in Column 4 shall state the quantity.

(vii) Names of customers to whom deliveries are to be made by a distributor during the next quarter pursuant to paragraph (c) (2) for use, or resale for use, for soil treatment or as an insecticide or fungicide or in the manufacture of animal medicinals, need not be listed, but insert in Column 1 "Agricultural deliveries pursuant to paragraph (c) (2)" and in Column 4 state the quantity. Where the deliveries for Agricultural purposes pursuant to paragraph (c) (2) are to be made by a producer (as opposed to a distributor), the names of customers to whom such deliveries are to be made must be listed in Column 1.

(viii) In Columns 3 and 8, specify particular copper chemical, in terms of chemicals listed in paragraph (d) (1) (vi) hereof, and in each case indicate the percentage, by weight, of copper content.

(ix) The supplier may, if he wishes, leave Column 5 blank.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms WPB–2945 (formerly PD–600) and WPB–2946 (formerly PD–601).

(e) *Restriction on use.* The use of copper chemicals in plating is prohibited in every case where the use of copper products or copper base alloy products in plating is prohibited by paragraph (d) (2) of Conservation Order M–9–c, as amended from time to time.

(f) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–227.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2687; Filed, February 24, 1944; 11:15 a. m.]

PART 3293—CHEMICALS[1]

[Supplementary Allocation Order M–326–a as Amended Feb. 24, 1944]

CELLULOSE ESTER SHEETS, RODS, TUBES AND MOLDING POWDER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cellulose plastics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.452 *Supplementary Allocation Order M–326–a*—(a) *Definitions.* For the purpose of this order:

(1) "Cellulose plastics" means plasticized cellulose ester flake, as such flake is defined in Allocation Order M–326, in the following forms:

(i) First grade rod and tube (unfabricated) produced by the wet extrusion process, but not including rod and tube produced by extrusion from molding powder.

(ii) First grade cake sheet (unfabricated), not including pieces having an area of less than two square feet, produced as a by-product of normal slicing, polishing or fabricating operations.

(iii) First grade continuous sheeting (unfabricated), not including butt rolls having less than 1 inch of material on the core, and not including trim rolls less than four inches in width, produced as a by-product of normal slitting or trimming operations.

(iv) Until April 1, 1944, molding powder, but not including scrap resulting from molding or fabrication of cellulose plastics.[2]

(2) "Plastics supplier" means any person who produces cellulose plastics, or who purchases cellulose plastics for resale as cellulose plastics.

(b) *Restrictions on use and delivery.* (1) No plastics supplier shall use or deliver cellulose plastics without (i) the specific authorization in writing of the War Production Board to make the particular delivery, or (ii) general authorization to deliver specific amounts against orders for aircraft glazing sheet, or against emergency orders based on government contracts with the Armed Services supported by a written or telegraphic certification from the Armed Service involved, stating that an emergency exists. Application by a supplier for authorization to deliver shall be made pursuant to paragraph (f).

(2) Applications and allocations under this supplementary order will be made monthly, and shall be construed to refer to the month when the materials for the production of cellulose plastics are to be put in process, rather than to the month of actual delivery, except when deliveries are to be made from existing stocks. The provisions printed in the WPB 2947 (formerly PD–602) forms for automatic termination of authorizations shall not be applicable to authorized deliveries of cellulose plastics.

(3) Each person furnishing a use certificate pursuant to paragraph (d) with a purchase order for cellulose plastics shall use or dispose of the cellulose plastics delivered on such purchase order, or products made therefrom, only for the purpose specified in such certificate, except as otherwise specifically directed by the War Production Board; provided, however, that any such person may deliver such cellulose plastics to any plastics supplier.

(4) The War Production Board, at its discretion, may from time to time issue special directions to any person with respect to use or delivery of cellulose plastics by such person, or of products made from cellulose plastics allocated to such person, and may issue special directions to any plastics supplier with respect to the kind and quantity of cellulose plastics which he may produce or manufacture.

(c) *Inventory restriction.* No person shall accept delivery of cellulose plastics on orders placed after June 8, 1943 (irrespective of authorization to his plastics supplier to make such delivery), if his inventory of cellulose plastics of the same or equivalent grade or type is, or by virtue of such acceptance would become, greater than a 60-day supply, having regard to his method and rate of processing and sales.

(d) *Use certificate.* (1) Each person placing, or seeking to place, a purchase order for cellulose plastics with a plastics supplier, shall furnish such plastics supplier with a certificate specifying the end use of such plastics, unless such purchase order is placed or such delivery is accepted pursuant to the provisions of paragraph (e). Such certificate may be placed on or attached to the purchase order and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

(End Use Description)

Pursuant to Supplementary Order M–326–a, the undersigned hereby certifies to the seller and to the War Production Board that the cellulose plastics covered by the accompanying purchase order will be used solely for the purposes listed above.

_____ (Name of purchaser)	_____ (Address)
By_____ (Signature and title of duly authorized officer)	_____ (Date)

The above certificate shall constitute a representation to, but shall not be filed with, the War Production Board.

(2) Allocations of cellulose plastics, and of cellulose ester flake to make such plastics, will be based on the essentiality of the end uses stated in the above certificates, and on the accuracy of the end use descriptions. For example, "medical appliances" would not be an acceptable description of end use, whereas "leg splints, Army (contract number)" would be acceptable. The end use description should include the governing military or Lend-Lease contract or specification numbers, if any. Plastics suppliers ordering cellulose plastics from other plastics suppliers for resale may specify as end use "resale, upon specific War Production Board authorization."

(3) In the event that two or more end uses are involved in a single purchase order, the amount of cellulose plastics required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the plastics supplier to advise his customers, by purchase order number and item number, as to the action taken on the plastics supplier's application for authorization to make delivery.

(e) *Small order and experimental exemption.* (1) Any person may order or accept delivery of 100 pounds or less of cellulose plastic molding powder, 50 pounds or less of cellulose plastic sheets, 50 pounds or less of cellulose plastic rods, and 50 pounds or less of cellulose plastic tubes, in the aggregate from all plastics suppliers in any calendar month, without filing a certificate pursuant to paragraph (d), to be used for any purpose not limited by other War Production Board orders (paragraph (j) (2)). Authorization by the War Production Board is required for any plastics supplier to make such small order deliveries, upon application pursuant to paragraph (f) requesting an aggregate quantity of cellulose plastics "for paragraph (e) (1) small orders."

(2) Any plastics supplier may use during any calendar month for any purpose 100 pounds or less of cellulose plastic molding powder, 50 pounds or less of cellulose plastic sheets, 50 pounds or less of cellulose plastic rods, and 50 pounds or less of cellulose plastic tubes, and may use any quantity of cellulose plastics for experimental purposes (not including samples) without specific authorization, notwithstanding the provisions of paragraph (b) (1), but subject to any restrictions on use imposed by other War Production Board orders (paragraph (j) (2)).

(f) *Applications and reports.* (1) Each plastics supplier seeking authorization to deliver cellulose plastics shall file application on Form WPB–2947 (formerly Form PD–602) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB–2947 (formerly PD–602). Copies of Form WPB–2947 (formerly PD–602) may be obtained at local field offices of the War Production Board.

Time. Applications on Form WPB–2947 (formerly PD–602) shall be filed in time to ensure that copies will have reached the War Production Board on or before the 10th day of the month preceding the month in which the materials are to be put in process for the production of the cellulose plastics ordered (or the month in which the cellulose plastics are to be delivered, if delivery is to be made from existing stocks).

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be filed with the War Production Board, Washington, D. C., Reference M–326–a.

Number of sets. Each plastics supplier shall file consolidated sets of Form WPB–2947 (formerly PD–602) applications for his various plants corresponding to his consolidated applications on Form WPB–2945 (formerly PD–600) for cellulose ester flake pursuant to Allocation Order M–326. However, separate applications on Form WPB–2947 (formerly PD–602) shall be made for cellulose plastic sheets, cellulose plastic rods and tubes, and cellulose plastic molding powder.

Heading. Under name of material, specify cellulose plastics; under War Production Board order number, specify M–326–a; specify as grade the particular cellulose plastic referred to in the application, such as cellulose plastic sheets, cellulose plastic rods and tubes, or cellulose plastic molding powder; specify delivery or production month; specify unit of measure as pounds; and otherwise fill in as indicated.

Table I. Fill in as indicated, except for columns 5 and 5a, which may be left blank. Each customer shall be listed who has filed a certificate with the applicant, together with his certified end use description. If the applicant is a producer of cellulose plastics, specify in Column 7 the quantity and grade of cellulose ester flake required to produce the cellulose plastic in question. Request may be made for small order deliveries pursuant to paragraph (e) (1).

Rolling stock requirements. Leave blank columns relating to rolling stock.

Table II. Fill in as indicated. Specify grade as in the heading of the form, without regard to trade names or sales numbers.

(2) Each plastics supplier seeking authorization to use cellulose plastics may apply as follows:

(i) By filing application pursuant to Allocation Order M–326 for cellulose ester flake, stating in such application that such flake is required for certain cellulose plastics (Column 3) for production of specified products for specified end uses (Column 4); or

(ii) By filing application on Form WPB–2947 (formerly PD–602), in the manner provided in Paragraph (f) (1) above, specifying his own name as customer in Column 1, describing the end use of the cellulose plastic in Column 1a and otherwise filling out the form as indicated therein.

It is recommended that the method described in paragraph (f) (2) (i) above be followed where the cellulose plastic for which authorization to use is requested will be manufactured from cellulose ester flake allocated pursuant to Order M–326, and that the method described in paragraph (f) (2) (ii) above be followed with respect to cellulose plastics which are in the plastics supplier's inventory on July 1, 1943, or which are subsequently manufactured from any stock of cellulose ester flake not subject to allocation under Order M–326.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form WPB–2947 (formerly PD–602) and certificates pursuant to paragraph (c).

(4) *Aircraft glazing sheet.* Purchase orders or releases against purchase orders for aircraft glazing sheet shall not be listed individually on Form WPB–2947. Suppliers shall total the orders and releases for the month for which the application is being filed. Column 1 shall read "Total deliveries against certified orders for aircraft glazing". Column 4 shall show the total quantity.

(5) *Military emergency shipments.* (i) Suppliers may make application on Form WPB–2947 for authorization to expedite shipments against anticipated emergency war orders from the Armed Services or their contractors. Column 1 shall read: "Emergency shipments against government contract". Column 4 shall show the aggregate quantity of the proposed shipments.

(ii) On the first WPB–2947 form filed after the end of the month, suppliers shall report their emergency shipments by listing in the usual manner the customers, end-uses, and quantities. An entry shall be made in Column 7 for each such customer to show that the material was expedited and that shipment was made in the preceding month, as, for example, "Expedited—February".

(iii) In the case of emergency shipments to contractors, suppliers must obtain written or telegraphic certification from the Armed Service involved, stating that an emergency exists. Any unused material in the "emergency pool" at the end of the month shall be returned to inventory.

(g) *Plastics suppliers' intra-company deliveries.* Specific authorization shall not be required for intra-company deliveries of cellulose plastics between subdivisions of a plastics supplier, notwithstanding the provisions of § 944.12 of Priorities Regulation No. 1, as amended.

(h) *Notification of customers.* Each plastics producer is requested to notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Special exemption.* The provisions of paragraph (b) (1) shall not apply to cellulose plastics which were in process of manufacture on or before July 1, 1943.

[1] Formerly Part 3263, § 3263.2.

[2] After March 31, 1944, the delivery, acceptance of delivery and use of acetate molding powder, as well as scrap derived from molding, will be governed by Order M–326–b.

(j) *Miscellaneous provisions*—(1) *Applicability of regulations.* Subject to the provisions of paragraph (g), this order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations, as amended from time to time.

(2) *Effect of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other order of the War Production Board, including but not limited to Allocation Order M–326 (Cellulose Ester Flake), Limitation Order L–233 (Photographic Film and Film Base) and General Preference Order M–154 (Thermoplastics), as amended.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M–326–a.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2688; Filed, February 24, 1944; 11:15 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–326–b]

CELLULOSE ACETATE AND CELLULOSE ACETATE BUTYRATE MOLDING POWDER

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of acetate molding powder for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.453 *Allocation Order M–326–b*—(a) *Definitions.* For the purpose of this order:

(1) "Acetate molding powder" means both cellulose acetate molding powder and cellulose acetate butyrate molding powder, whether produced from cellulose ester flake, from yarn or staple fibre originating from cellulose ester flake, or from trimmings resulting from the fabrication of sheeting. For the definition of cellulose ester flake and restrictions on its delivery and use, see Allocation Order M–326.

(2) "Scrap" means sprues, runners, nozzle exudations, and excess or rejected molded parts and extrusions. It also means acetate molding powder produced in whole or in part by the reworking of other scrap.

(3) "Supplier" means (i) any person in the business of making acetate molding powder or reworking scrap, (ii) any person who, for the purpose of resale, has acetate molding powder or scrap made or reworked for him under toll agreement, and (iii) any person who purchases for resale acetate molding powder or scrap.

(4) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(5) "Molder" means any person who manufactures molded parts or extrusions from acetate molding powder or scrap. For convenience, these molded parts and extrusions are sometimes called "acetate molding powder products".

(b) *Restrictions on deliveries.* (1) Except pursuant to authorization in writing from the War Production Board, (i) no supplier shall make any delivery of acetate molding powder or scrap, and (ii) no molder shall make any delivery of acetate molding powder or scrap to any person other than a supplier. This restriction applies also to deliveries from one branch, division or section of a supplier to another branch, division or section of the same supplier unless the receiving unit is engaged in producing acetate molding powder. The restriction does not apply to deliveries on toll agreement which are regulated by paragraph (c) (5).

(2) Application by a supplier or molder for authorization to make deliveries should be made on Form WPB–2945 (formerly PD–601) in accordance with the instructions set forth in Appendix A. Suppliers and molders will be authorized to make deliveries of fixed quantities to specified purchasers. Also, for suppliers, a lump sum quantity will be authorized for deliveries against small orders without the naming of the purchasers. Within this quantity the supplier may without further authorization make deliveries of not more than 100 pounds in any calendar month to any one purchaser[1] against orders received by the supplier and marked "Small Order".

(3) If the War Production Board stamps or writes the word "Defer" in column 7 of a supplier's Form WPB–2946, the supplier shall not produce or deliver any acetate molding powder or scrap to fill any orders described on the lines so marked if this interfers in any way with the production or delivery on time of other authorized orders.

(c) *Restrictions on acceptance of delivery and use.* (1) Except pursuant to authorization in writing, from the War Production Board, (i) no person (including a supplier or molder), shall accept delivery from a supplier of acetate molding powder or scrap, (ii) no person (except a supplier) shall accept delivery of acetate molding powder or scrap from a welder, and (iii) no person shall use acetate molding powder or scrap to make an acetate molding powder product. This restriction does not, however, apply to acceptance of delivery by any person of not exceeding 100 pounds (aggregate of acetate molding powder and scrap) in any calendar month from all suppliers against orders placed with suppliers and marked "Small Order".[1] The restriction also does not apply to acceptance of delivery and use under toll agreement (see paragraph (c) (5) below), or to use of any amounts received by any person under the small order exemption.

(2) Application by a person for authorization to use or accept delivery from a supplier or molder of actetate molding powder or scrap should be made on Form WPB–2945 (formerly Form PD–600) in accordance with the instructions set forth in Appendix B. A molder requesting authorization to use or accept delivery should show on the form the end uses indicated in the certificates received by him under paragraph (d) below.

(3) If the War Production Board stamps or writes the word "Defer" in column 10 of a molder's Form WPB–2945, the molder shall not produce or deliver to his customer the acetate molding powder products described on the lines so marked, if this interfers in any way with the production and delivery on time of other products which the molder is entitled to make and deliver.

(4) Each person receiving acetate molding powder or scrap pursuant to specific authorization of the War Production Board, must use the material (and any scrap resulting from molding the material) solely for the purpose specified in a written authorization, unless and until another written authorization permitting a different use is obtained from the War Production Board. Application for a changed authorization shall be made pursuant to Appendix B.

(5) Any molder specifically authorized to use acetate molding powder or scrap, may furnish the material to another molder for processing pursuant to toll agreement: *Provided*, That he instructs the other molder to use the material for the exact purpose for which the molder making delivery has been authorized to use it. The molder who is to use the material may accept and use it pursuant to instructions without the specific authorization of the War Production Board.

(d) *Restrictions on persons acquiring acetate molding powder products.* (1) Each person placing a purchase order with a molder for acetate molding powder products, shall furnish with his order a certificate specifying the end use of the products ordered. This requirement does not, however, apply where the

[1] In accordance with Interpretation 8 of Priorities Regulation 1, the small order exemption is available to each operating unit of the same company which does its own buying.

end use is apparent to the molder from his own observation and experience. The certificate may be placed on the purchase order and shall be in substantially the following form or in the form prescribed by Priorities Regulation No. 7, signed manually or as provided in that regulation:

(Description of end use)

Pursuant to Allocation Order M–326–b, the undersigned hereby certifies to the seller and to the War Production Board that the product covered by the accompanying purchase order will be used solely for the purposes listed above.

Purchaser

By ---
(Signature and title of duly authorized officer)

Address

Date

(2) If two or more end uses are involved in a single purchase order of acetate molding powder products, the amount of the product required for each different use shall be listed as a separate item in the certificate. Each item shall bear an identifying number so that it will be possible for the molder to advise his customers by purchase order number and item number as to the action taken by the War Production Board on his application for the acetate molding powder or scrap needed to make the product ordered by the customer.

(3) Even where the end use is apparent, the molder must, when the purchase is by or for the account of one of the Armed Services, receive and retain in his files written evidence of that fact and must state the contract number on his application (Form WPB–2945) pursuant to Appendix B.

(4) Each person furnishing a certified description of end use with the purchase order shall use the products delivered on such purchase order only for the purposes specified in the certificate, except as otherwise specifically authorized in writing by the War Production Board. Application for such authorization may be made by letter in triplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–326–b, setting forth the material facts.

(e) *Reports.* Each supplier and each molder shall file such reports as may be required from time to time by the War Production Board subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–326–b.

(g) *Effective date.* This order shall become effective on April 1, 1944, except that acetate molding powder authorized for delivery under Order M–326–a prior to April 1, 1944, may subsequently be delivered and accepted, and used for the purposes certified by the molder.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR APPLICATIONS FOR AUTHORIZATIONS TO DELIVER

General. Each person seeking authorization to deliver acetate molding powder or scrap, shall file application on Form WPB–2946 (formerly Form PD–601) in the manner prescribed therein subject to the following instructions:

Form WPB–2946 (formerly Form PD–601). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to insure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which allocation is requested.

Number of copies. An original and three copies shall be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–326–b.

Number of sets. Each supplier shall file a separate set of applications for cellulose acetate molding powder and cellulose acetate butyrate molding powder; but each set shall cover all his plants and places of distribution.

Heading. Under "Name of Chemical" specify "Cellulose acetate molding powder" or "Cellulose acetate butyrate molding powder", as the case may be; under "WPB Order Number" specify "M–326–b"; under "This schedule is for deliveries to be made during the month of", specify delivery month; under "Unit of Measure" give pounds; and otherwise fill in as indicated.

Table I. Fill in as indicated, listing customers alphabetically. It is not necessary, however, to list customers to whom small order deliveries will be made pursuant to paragraph (b) (2) of Order M–326–b. Instead, the supplier should state in Column 1 "Total small order deliveries" and should enter in Column 4, as one lump sum, the total quantity proposed to be delivered.

Rolling Stock. Leave blank columns at end of Table I relating to rolling stock requirements.

Table II. In lieu of a listing of each separate grade in Column 8, one listing should ordinarily be made for cellulose acetate molding powder and one for cellulose acetate butyrate molding powder. However, list separately any grade or sub-class such as scrap. Also type in Column 8, the words "Total Small Order Deliveries" and give a figure in Column 9, representing actual deliveries last month.

APPENDIX B—INSTRUCTIONS FOR APPLICATIONS FOR AUTHORIZATIONS TO ACCEPT DELIVERY AND TO USE

General. Each person seeking authorization to accept delivery of acetate molding powder or scrap or to use it, shall file application on Form WPB–2945 (formerly Form PD–600) in the manner described therein, subject to the following instructions:

Form WPB–2945 (formerly Form PD–600). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to insure that copies will have reached the person who is to furnish the material and the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or to accept delivery is sought.

Number of copies. One copy of Form WPB–2945 shall be forwarded by the applicant to the person who is to furnish the material and on this copy Tables II, III, and IV may be left blank. The original and three copies shall be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–326–b. The original shall be completely filled out, but on copies, Tables II and III should be left blank. The original must be signed.

Number of sets. A separate set of WPB–2945 forms shall be submitted for each person on whom orders are placed by each operating unit of the applicant which does its own buying of acetate molding powder. A separate set of forms shall be filed if the applicant is seeking permission to use material (including scrap generated by the applicant) for an end use other than that for which it was originally acquired.

Heading. Under "Name of Chemical" specify "Cellulose Acetate Molding Powder" and/or "Cellulose Acetate Butyrate Molding Powder"; under "WPB Order No.", specify "M–326–b"; under "Unit of Measure", specify "Pounds"; and otherwise fill in as indicated. If the application is for permission to use material (including scrap generated by the applicant) for an end use other than the one for which it was obtained, insert the words "From Inventory" under the heading "Your Supplier's Name".

Table I. Specify in the heading the calendar month for which authorization to use or accept delivery is sought.

Column 1. Specify supplier's grade number of material. If scrap is requested, identify as "Scrap".

Column 2. Specify separately the quantities (in pounds, net) required for each primary product and end use specified in Columns 3 and 4.

Column 3. Describe the product to be produced and identify by giving its function. For example, specify "thread protector for aircraft engines", not merely "thread protector" or "aircraft". If end use is apparent to the product manufacturer (Paragraph (d) (1)) specify e. g., "combs", "buttons"; however, any item for the Armed Services should be so specified; e. g., "combs, Army" and followed with the Army contract number.

Column 4. Opposite each primary product listed in Column 3, specify in Column 4, end use as stated in certified descriptions of use, or in the absence of such certificates, on the basis of the applicant's own observation and experience. Indicate governing military or Land-Lease contract or specification numbers, if any.

Opposite "Resale" or "Inventory" in Column 3, write in Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank.

Table II. Make one listing in Column 11 covering the total of all grades of acetate molding powder. Then specify separately in Column 11 each grade listed in Column 1 of the application.

When reporting scrap state "scrap" in Column 11 and fill in as instructed. If scrap has been shipped to a supplier during the previous month, it should be reported in Table II, naming recipient of the material.

Table III. Fill in Columns 17 and 18 as indicated, and leave Column 19 blank.

Table IV. Leave blank.

Table V. Leave blank.

[F. R. Doc. 44-2686; Filed, February 24, 1944; 11:14 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M-338 as Amended Feb. 24, 1944]

PENICILLIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of penicillin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.486[1] *Allocation Order M-338*—(a) *Definitions.* For the purpose of this order:

(1) "Penicillin" means a chemo-therapeutic agent isolated from Penicillium notatum. The term includes penicillin in any medicinal tablet, ampoule or other dosage form as well as crude penicillin in any form.

(2) "Supplier" means any person who produces penicillin, imports penicillin, or purchases penicillin for resale as penicillin, but shall not include any retail pharmacist, hospital or physician.

(b) *Restrictions on delivery and use.* (1) Any supplier must obtain specific written authorization of the War Production Board to use or deliver penicillin, except in the case of (i) deliveries of samples to the Food and Drug Administration, Washington, D. C., and (ii) use by any producer of samples of his own production for making production control and standardization tests solely for potency, sterility, toxicity, pyrogens, moisture and stability. No person shall accept delivery of any penicillin which he knows, or has reason to believe, is delivered in violation of this order.

(2) The War Production Board at its discretion may at any time issue special directions with respect to use, delivery or production of penicillin by any person.

(c) *Applications and reports.* (1) Each supplier seeking authorization to use or deliver penicillin shall file application on Form WPB-2947 (formerly PD-602), as provided in the instructions in Exhibit A annexed hereto. This reporting form has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) Normally the War Production Board will issue its authorizations and directions with respect to use or deliveries of penicillin on Form WPB-2947 and will, so far as practicable, return such form containing its authorization or direction prior to the beginning of the month for which authorization to use or deliver is sought.

(3) In the event that any person shall be unable, for any reason, to use or deliver penicillin in accordance with the authorization or direction of the War Production Board, such person shall immediately give notice to the War Production Board, and shall not, in the absence of further specific authorization or direction from the War Production Board use or dispose of the penicillin.

(4) Each producer shall file an additional report, also on Form WPB-2947 as provided in the instructions in Exhibit B annexed hereto. This report is for the purpose of advising the War Production Board as to the exact distribution which has been made of penicillin produced during the preceding calendar month. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

NOTE: Paragraph (5), formerly (2), redesignated Feb. 24, 1944.

(5) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form WPB-2947 (formerly PD-602).

(d) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M-338.

Issued this 24th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

INSTRUCTIONS TO SUPPLIERS FOR PREPARING AND FILING APPLICATIONS

Form WPB 2947 (formerly PD-602). Copies of Form WPB 2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

Time. Applications on Form WPB-2947 (formerly PD-602) shall be filed in time to ensure that copies will have reached the War Production Board on or before the 25th day of the month preceding the month for which authorization to use or deliver is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant supplier and three copies (one certified) shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-338.

Number of sets. If a supplier requires authorization for delivery or use of both crude penicillin and penicillin in dosage forms, a separate set of applications shall be filed for each.

Heading. Under name of material specify either "crude penicillin in any form" or "penicillin in dosage forms", as the case may be; under War Production Board order number, specify "M-338"; leave grade space blank; specify the month and year for which delivery or use is sought; specify the unit of measure as "Oxford Units"; and otherwise fill in as indicated.

Table I. List each customer in Column 1. In the case of Army, Navy, Maritime Commission, War Shipping Administration, Lend-Lease or export purchase orders, specify in Column 1a the contract or export license number. In the case of other purchase orders, specify briefly in Column 1a whether the customer requires the penicillin for research, resale, or treatment, and, if for treatment, specify the condition to be treated and the urgency of the case. Fill in other columns as indicated.

Leave blank columns relating to rolling stock.

Table II. Fill in as indicated, leaving Column 8 blank.

EXHIBIT B

NOTE: Exhibit B added February 24, 1944.

INSTRUCTIONS TO SUPPLIERS FOR PREPARING AND FILING MONTH-END REPORTS AS TO ACTUAL DISTRIBUTION

Time. The month-end delivery report on Form WPB-2947 shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-338, in time to reach the War Production Board not later than the 5th day of the month succeeding the month for which the report is made.

Number of copies. Only a single copy, properly signed, need be filed with the War Production Board, but the supplier should retain a duplicate copy.

Number of sets. If a supplier produces or delivers both crude penicillin and penicillin in dosage forms in any month, a separate report shall be filed for each.

Heading. The same information shall be given as specified in Appendix A with respect to the heading of the form filed for authorization to use or deliver except that under the heading "This schedule is for deliveries to be made during the month/quarter ending ---------- 19 ", strike out the words "to be" and "quarter" and specify the month and year for which the report is made.

Table I. Change the heading of column 4 to read "quantity delivered". In column 1, list each customer, (including the supplier, with respect to any penicillin which the War Production Board has specifically authorized him to retain or use) to whom deliveries were made during the month covered by the report and in column 4 indicate the quantity actually delivered to each such customer. No listing need be given for deliveries made to the Food and Drug Administration or for quantities used by the supplier for making production control and standardization tests as permitted by paragraph (b) (1) of this order. In all other respects Table I may be left blank.

Table II. This table may be left blank.

[F. R. Doc. 44-2689; Filed, February 24, 1944; 11:15 a. m.]

[1] Formerly Part 3281, § 3281.1.

[1] 8 F.R. 14676.

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,[1] incl. Amdt. 14]

Section 1 (b) (5) is amended by Amendment 14, effective February 24, 1944, so that the Rent Regulation for Hotels and Rooming Houses shall read as follows:

§ 1388.1231 *Rent Regulation for Hotels and Rooming Houses.* The Rent Regulation for Hotels and Rooming Houses is annexed hereto and made a part hereof.

AUTHORITY: § 1388.1231 issued under 56 Stat. 23, 765.

RENT REGULATION FOR HOTELS AND ROOMING HOUSES

CONTENTS

Sec.
1. Scope of this regulation.
2. Prohibition.
3. Minimum services, furniture, furnishings, and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Removal of tenant.
7. Registration and records.
8. Inspection.
9. Evasion.
10. Enforcement.
11. Procedure.
12. Petitions for amendment.
13. Definitions.
Schedule A.

SECTION 1. *Scope of this regulation*—(a) *Rooms in hotels and rooming houses and Defense-Rental Areas to which this regulation applies.* This regulation applies to all rooms in hotels and rooming houses within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in this regulation as the "Defense-Rental Area"), which are listed in Schedule A of this regulation, except as provided in paragraph (b) of this section.

In Schedule A, "the maximum rent date" and "the effective date of regulation" is given for each Defense-Rental Area listed. More than one effective date is given for different portions of a Defense-Rental Area where the same effective date is not applicable to the entire Defense-Rental Area. Wherever the words "the maximum rent date" or the words "the effective date of regulation" are referred to in this regulation, the dates given in Schedule A for the particular Defense-Rental Area or portion of the Defense-Rental Area in which the room is located shall apply. The effective date listed in Schedule A in each instance is the date rent regulation was effective in the particular Defense-Rental Area or portion of the Defense-Rental Area for rooms in hotels and rooming houses.

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part.

(3) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(4) *Entire structures used as hotels or rooming houses.* Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(5) *Resort rooms.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944.

The exemption provided by this paragraph (b) (5) shall be effective only from June 1, 1944 to September 30, 1944, inclusive.

[Subparagraph (5) as amended by Am. 14, effective 2-24-44]

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of regulation.

(e) *Election by landlord to bring housing under this regulation.* Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly, or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this regulation. A landlord who so elects shall file a registration statement under this regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Rent Regulation for Housing, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Rent Regulation for Housing all housing accommodations previously brought under this regulation by such election. He shall make such revocation by filing a registration statement or statements under the Rent Regulation for Housing, including in such registration statement or statements all housing accommodations brought under this regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Rent Regulation for Housing.

SEC. 2. *Prohibition*—(a) *Prohibition against higher than maximum rents.*

Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of regulation of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

(b) *Terms of occupancy*—(1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during June 1942.* Where, during June 1942, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June 1942. However, if, during the year ending on June 30, 1942, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Administrator to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Administrator may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this regulation or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during June 1942, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) *Monthly term of occupancy in tourist camps, etc.* Where, since October 1, 1942, a room, cabin, or similar accommodations in a tourist camp, cabin camp, auto court or similar establishment has been or is hereafter rented to the same tenant for a continuous period of 60 days or longer on a daily or weekly basis, the landlord shall offer such room, cabin or other accommodations for rent for a monthly term of occupancy, regardless of the provisions of subparagraph (2) of this paragraph. The room, cabin or other accommodations shall be offered for rent on a monthly basis for each number of occupants for which it is offered by the landlord for any other term of occupancy. Any tenant of such room, cabin or other accommodations on a daily or weekly basis shall on request be permitted by the landlord to change to a monthly term of occupancy.

Notwithstanding the provisions of section 4 (c) of this regulation, if no maximum rent is established for such room, cabin or other accommodations for a monthly term of occupancy or for a particular number of occupants for such term, the Administrator on his own initiative may enter an order fixing the maximum rent for that term and number of occupants and specifying the minimum services. This maximum rent shall be fixed on the basis of the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date.

(5) *Defense-Rental Areas with maximum rent date later than March 1, 1942.* In Defense-Rental Areas with a maximum rent date later than March 1, 1942, in section 2 (b) (2) the words "June 1943" shall be substituted for the words "June 1942" and the words "June 30, 1943" shall be substituted for the words "June 30, 1942"; in section 2 (b) (3) the words "June 1943" shall be substituted for the words "June 1942"; and in section 2 (b) (4) the words "the maximum rent date" shall be substituted for the words "October 1, 1942."

[Subparagraph (5) added by Am. 10, 8 F.R. 16893, effective 12-16-43]

SEC. 3. *Minimum services, furniture, furnishings, and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings, and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

SEC. 4. *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in section 5) shall be:

(a) *Rented or regularly offered during maximum rent period.* For a room rented or regularly offered for rent during the thirty days ending on the maximum rent date, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) *First rented or regularly offered after maximum rent period.* For a room neither rented nor regularly offered for rent during the thirty days ending on the maximum rent date, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after the maximum rent date; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) *First rent after maximum rent date where no maximum rent established under* (a) or (b). For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after the maximum rent date for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) *Rooms constructed and owned by the government.* For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two.

In Defense-Rental Areas with a maximum rent date of March 1, 1942 or earlier, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942. In Defense-Rental Areas with a maximum rent date later than March 1, 1942, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

[Above two paragraphs as amended by Am. 10, 8 F.R. 16893, effective 12-16-43]

(f) *Rooms subject to rent schedule of War or Navy Department.* For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

[Paragraph (f) as amended by Am. 5, 8 F.R. 12795, effective 9-20-43]

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on the maximum rent date the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since the maximum rent date. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on the maximum rent date.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Major capital improvement prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on the maximum rent date, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) *Substantial increase in services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) *Special relationship between landlord and tenant.* The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date.

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date.

(6) *Varying rents.* The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) *Decreases in minimum services, furniture, furnishings and equipment*—(1) *Decreases existing on effective date.* If, on the effective date of this regulation, the services provided for a room are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services, or, within 30 days (or, within 60 days for rooms within the Los Angeles Defense-Rental Area), after such effective date, file a petition requesting approval of the decreased services. If, on such effective date (or, on December 1, 1942 where the effective date of regulation is prior to that date), the furniture, furnishings or equipment provided with a room are less than the minimum required by section 3, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after effective date.* Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section 5 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of regulation (or December 1, 1942 where the effective date of regulation is prior to that date), whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of regulation (or after December 1, 1942 where the effective date of regulation is prior to that date), whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area

for comparable housing accommodations on the maximum rent date.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent.

(4) *Seasonal demand.* The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) *Orders when facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) or (d) of this section, or a proceeding is initiated by the Administrator under paragraph (d), the Administrator may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

[Paragraph (e) added by Am. 8, 8 F.R. 16032, effective 11-25-43]

SEC. 6. *Removal of tenant—(a) Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access.* The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) *Room not offered for rent.* The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) *Administrator's certificate.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(c) *Notice to Area Rent Office.* At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) *Exceptions from section 6.* The provisions of this section do not apply to:

(1) *Subtenants.* A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Daily or weekly tenants in hotel and daily tenants in rooming house.* A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (4).

(3) *Rooms subject to rent schedule of War or Navy Department.* Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(4) *One or two occupants.* An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(5) *Renting to family in landlord's residence.* A family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any person within such residence other than those in the one family.

[Subparagraph (5) added by Am. 2, 8 F.R. 10618, effective 8-1-43]

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. *Registration and records—(a) Registration statement.* On or before the date specified in Schedule A of this regulation every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of regulation under paragraphs (b) or (c) of section 4 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) *Posting maximum rents.* Within 45 days after the effective date of regulation (or, on or before May 31, 1943 as to rooms within the Cincinnati Defense-Rental Area), every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under section 4 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records—(1) Existing records.* Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c), (iii) rooms rented and offered for rent on a weekly and monthly basis during June 1942, in Defense-Rental Areas with a maximum rent date of March 1, 1942 or earlier, and (iv) rooms rented and offered for rent on a weekly and monthly basis during June 1943, in Defense-Rental Areas with a maximum rent date later than March 1, 1942.

[Subparagraph (1) as amended by Am. 10, 8 F.R. 16893, effective 12-16-43]

(2) *Record keeping.* On and after the effective date of regulation (or on and after October 19, 1942 where the effective date of regulation is prior to that date), every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

SEC. 8. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

SEC. 9. *Evasion.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

SEC. 10. *Enforcement.* Persons violating any provisions of this regulation are subject to criminal penalties, civil enforcement actions, and suits for treble damages as provided for by the Act.

SEC. 11. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3,[2] (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. *Definitions.* (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area Rent Office" means the Office of the Rent Director in the Defense-Rental Area.

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) "Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) "Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) "Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

[2] 9 F.R. 1656.

SCHEDULE A—DEFENSE-RENTAL AREAS

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(1) [Revoked]	Alabama	Baldwin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1944
(1a) Baldwin County	Alabama	Jefferson	Apr. 1, 1941	June 1, 1942	July 15, 1942
(2) Birmingham	Alabama	Calhoun, Cleburne, St. Clair, Shelby, and Talladega	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
	Alabama	Dale and Houston	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(3) Dothan-Ozark	Alabama	Coffee	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
	Alabama	Etowah	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(4) Gadsen	Alabama	Chambers	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(5) [Revoked]	Alabama	Mobile	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(6) Lanett	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(7) Mobile	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(8) Montgomery	Alabama	Colbert, Lauderdale, Limestone, Madison, and Morgan	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
	Alabama	Dallas	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(9) Muscle Shoals-Huntsville	Alabama				
(10) Selma					
(11) [Revoked]					
(12) [Revoked]					
(13) Fort Huachuca	Arizona	Cochise and Santa Cruz	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(14) Phoenix-Salt River Valley	Arizona	Gila and Maricopa	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(15) Prescott-Flagstaff	Arizona	Coconino and Yavapai	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		That portion of the County of Mohave south of the Colorado River.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(16) Tucson	Arizona	Pima	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(17) Yuma	Arizona	Yuma	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(18) [Revoked]					
(19) Blytheville	Arkansas	Mississippi	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(20) El Dorado	Arkansas	Union	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(21) Fort Smith	Arkansas	Sebastian	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(22) [Revoked]					
(23) Little Rock	Arkansas	Lonoke and Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Arkansas	Hot Spring and Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(24) Newport-Walnut Ridge	Arkansas	Craighead, Independence, Jackson, and Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Arkansas	Randolph	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(25) Pine Bluff [1]	Arkansas	Arkansas County and the Southern District of Prairie County consisting of the Townships of Beleher, Center, Haren, Lower Surrounded Hill, Roe Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(26) [Revoked]					
(27) [Revoked]					
(28) Lassen County	California	Lassen	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(29) [Revoked]			Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(30) Los Angeles	California	Los Angeles and Orange	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1942
(31) Marysville-Chico	California	Sutter and Yuba			
	California	Butte	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(32) [Revoked]			Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(33) Modesto-Merced	California	Merced and Stanislaus			
(33a) Monterey Bay [1]	California	Monterey County and in Santa Cruz County the Township of Watsonville.	Jan. 1, 1941	Aug. 1, 1942	Oct. 15, 1942
		Contra Costa, Napa, and Solano	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(34) Richmond-Vallejo	California	Riverside	Mar. 1, 1942	July 1, 1942	Sept. 15, 1942
(35) Riverside	California	Sacramento, San Joaquin and Yolo	Mar. 1, 1942	Sept. 1, 1942	Nov. 15, 1942
(35a) Sacramento	California	San Bernardino	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(36) San Bernardino	California	In the County of San Diego the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(37) San Diego	California	County of San Diego other than the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest.	Mar. 1, 1942	July 1, 1942	Sept. 15, 1942
(38) San Francisco Bay	California	Alameda, Marin, San Francisco, San Mateo, Santa Clara, and Sonoma.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(39) San Luis Obispo	California	San Luis Obispo	July 1, 1941	Dec. 1, 1942	Jan. 15, 1943
(40) Santa Maria	California	In the County of Santa Barbara Judicial Townships Nos. 4, 5, 6, 7, 9, and 10.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
		Ventura	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(40a) Ventura	California	Kings and Tulare	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(41) Tulare-Kings	California	El Paso	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(42) Colorado Springs	Colorado	Adams, Arapahoe, Denver, and Jefferson			
(43) Denver	Colorado		Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(44) [Revoked]			Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(45) Leadville-Salida	Colorado	Eagle, Lake and Summit	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Colorado	Chaffee and Garfield	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Colorado	Otero and Pueblo			
(46) Pueblo	Connecticut	In the County of Fairfield the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(47) Bridgeport	Connecticut	County of Fairfield other than the towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(48) Hartford-New Britain	Connecticut	In the County of Hartford the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; in the County of Middlesex the Towns of Cromwell, Middlefield, Middletown, and Portland; in the County of New Haven the Towns of Meriden and Wallingford; and in the County of Tolland the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Hartford other than the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; County of Middlesex other than the Towns of Cromwell, Middlefield, Middletown, and Portland; and the County of Tolland other than the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(49) New Haven	Connecticut	In the County of New Haven the Towns of Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, West Haven, and Woodbridge.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(50) New London	Connecticut	New London and Windham	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(51) Waterbury	Connecticut	In the County of Litchfield the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Beacon Falls, Cheshire, Waterbury, Middlebury, Naugatuck, Prospect, and Wolcott.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Litchfield other than the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Bethany, Oxford, and Southbury.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(52) [Revoked]					
(53) Delaware	Delaware	New Castle	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Delaware	Kent and Sussex	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(54) [Revoked]					
(55) Banana River	Florida	Brevard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(55a) Fort Pierce	Florida	St. Lucie	Mar. 1, 1943	Dec. 1, 1943	Jan. 1, 1944
(56) Gainesville-Starke	Florida	Alachua, Bradford, and Clay	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(57) Jacksonville, Fla	Florida	Duval	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(58) Key West	Florida	Monroe	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(59) Lake City	Florida	Columbia	Mar. 1, 1942	May 1, 1943	June 15, 1943
(60) Marianna	Florida	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(61) Orlando	Florida	Orange	Oct. 1, 1941	Nov. 1, 1942	Dec. 16, 1942
(62) Panama City	Florida	Bay	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Franklin and Gulf	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Okaloosa	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Santa Rosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
(64) [Revoked]					
(65) Tallahassee	Florida	Leon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Florida	Wakulla	Mar. 1, 1942	May 1, 1943	June 15, 1943
(66) Tampa	Florida	Hillsborough, Pinellas, and Polk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Highlands	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(67) [Revoked]					
(67a) Americus	Georgia	Sumter	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(68) Albany, Ga	Georgia	Dougherty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(69) Athens	Georgia	Clarke	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(70) Atlanta	Georgia	Clayton, Cobb, DeKalb, and Fulton	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(71) Augusta, Ga	Georgia	Richmond	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	South Carolina	Aiken	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(72) Bainbridge-Cairo	Georgia	Decatur and Grady	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(73) Brunswick	Georgia	Brantley, Camden, Glynn, McIntosh, and Wayne	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Georgia	Ware	Mar. 1, 1942	May 1, 1943	June 15, 1943
(74) Columbus, Ga	Georgia	Muscogee	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Alabama	In the County of Russell Election Precinct One, including the City of Phenix City.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(75) Hinesville	Georgia	Liberty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(76) Macon	Georgia	Bibb, Houston, and Peach	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(77) Moultrie	Georgia	Colquitt	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(78) Savannah	Georgia	Chatham	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(79) Toccoa	Georgia	Stephens	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(80) Valdosta	Georgia	Lowndes	Mar. 1, 1942	Nov 1, 1942	Dec. 16, 1942
(80a) Boise	Idaho	Ada and Elmore	Jan. 1, 1943	Jan. 1, 1944	Feb. 15, 1944
(81) Coeur d'Alene-Pend Oreille	Idaho	Bonner and Kootenai	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(82) Pocatello-Idaho Falls [1]	Idaho	Bannock	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(83) Chicago	Illinois	Cook, Du Page, Kane, and Lake	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(84) Crab Orchard	Illinois	Jackson and Williamson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(85) Dixon	Illinois	Lee	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(86) Joliet	Illinois	Will	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(87) Kankakee	Illinois	Kankakee	Mar. 1, 1942	May 1, 1943	June 15, 1943
(88) La Salle County	Illinois	La Salle	Mar. 1, 1942	May 1, 1943	June 15, 1943
(88a) Macomb-Canton	Illinois	Fulton, McDonough, and Mason	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(89) Quad Cities	Illinois	Rock Island	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Scott	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(90) Quincy	Illinois	Adams	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Missouri	Lewis and Marion	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(91) Champaign-Vermillion	Illinois	Champaign and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(92) Rockford	Illinois	Boone and Winnebago	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Illinois	De Kalb	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(93) Savanna-Clinton	Illinois	Carroll	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Clinton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(94) Springfield-Decatur	Illinois	Christian, Logan, Macon, and Sangamon	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(95) [Revoked]					
(96) [Revoked]					
(97) Columbus, Indiana	Indiana	Bartholomew, Brown, Johnson, Morgan, and Shelby	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(98) Richmond-Connersville	Indiana	Fayette	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Wayne	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(99) [Revoked]					
(100) Evansville-Henderson	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(101) Fort Wayne	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(102) Gary-Hammond	Indiana	Lake	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(103) Indianapolis	Indiana	Marion	July 1, 1941	July 1, 1942	Aug. 31, 1942
(104) La Fayette	Indiana	Fountain, Tippecanoe, and Warren	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(105) La Porte-Michigan City	Indiana	La Porte and Starke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(106) Anderson	Indiana	Huntington, Miami, and Wabash	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(107) [Revoked]					
(108) South Bend	Indiana	St. Joseph and Elkhart	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(110) Vincennes	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Daviess and Knox	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Illinois	Lawrence	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(111) [Revoked]	Indiana	Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(112) Burlington	Iowa	In the County of Des Moines the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; in the County of Henry the Townships of Baltimore, Center, Mount Pleasant, and New London; and in the County of Lee the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Iowa	County of Des Moines other than the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; County of Henry other than the Townships of Baltimore, Center, Mount Pleasant, and New London; County of Lee other than the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Illinois	County of Henderson	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(113) Cedar Rapids	Iowa	Linn	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(114) Des Moines	Iowa	Polk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Jasper	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(114a) Ottumwa	Iowa	Wapello	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(115) Baxter Springs	Kansas	Cherokee and Crawford	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Oklahoma	Ottawa	Mar. 1, 1942	May 1, 1943	June 15, 1943
(116) Dodge City	Kansas	Finney, Ford, and Gray	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(116a) Great Bend	Kansas	Barton	Mar. 1, 1942	May 1, 1943	June 15, 1943
(117) Hutchinson	Kansas	Reno	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(118) Junction City-Manhattan	Kansas	Geary and Riley	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(119) Liberal	Kansas	Seward	July 1, 1941	July 1, 1942	Aug. 31, 1942
(120) Parsons[1]	Kansas	Labette	July 1, 1941	Sept. 1, 1942	Oct. 15, 1942
	Kansas	Montgomery	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(121) Salina	Kansas	Dickinson, McPherson, Ottawa, and Saline	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(122) Topeka-Lawrence	Kansas	Douglas, Franklin, and Shawnee	July 1, 1941	July 1, 1942	Aug. 31, 1942
(123) Wichita	Kansas	Sedgwick	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(124) Fort Knox	Kentucky	Bullitt, Hardin, and Meade	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(125) Louisville	Kentucky	Jefferson	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
	Indiana	Clark and Floyd			
(126) [Revoked]					
(127) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Ballard	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(128) Richmond, Ky	Kentucky	Madison	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(129) Alexandria-Leesville	Louisiana	Parishes of Beauregard, Rapides, and Vernon	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(130) Baton Rouge	Louisiana	Parishes of East Baton Rouge and West Baton Rouge	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(131) Lake Charles	Louisiana	Parish of Calcasieu	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(132) Minden	Louisiana	Parish of Webster	July 1, 1941	July 1, 1942	Aug. 15, 1942
(133) Monroe-Bastrop	Louisiana	Parishes of Morehouse, Ouachita, and Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(134) New Orleans	Louisiana	Parishes of Jefferson, Orleans, and St. Bernard	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(135) Bangor	Maine	Penobscot	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(136) Bath	Maine	Lincoln and Sagadahoc	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(137) Portland	Maine	Androscoggin and Cumberland	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Maine	York	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Maine	Aroostook	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(138) Presque Isle	Maryland	City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard.			
(139) Baltimore		Washington	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(140) Hagerstown	Maryland	Charles	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(141) Indian Head-Patuxent River	Maryland	St. Marys and Calvert	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
	Maryland	Montgomery and Prince Georges	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(142) Montgomery-Prince Georges	Maryland	Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(143) Eastern Massachusetts	Massachusetts	Essex	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
		Berkshire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(144) Essex County, Mass	Massachusetts	Hampden and Hampshire	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(145) Pittsfield	Massachusetts	Worcester		Sept. 1, 1942	Oct. 16, 1942
(146) Springfield, Mass	Massachusetts				
(147) Worcester	Massachusetts				
(148) [Revoked]					
(149) Detroit	Michigan	Macomb, Oakland, and Wayne	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Michigan	Washtenaw	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(150) Grand Rapids-Muskegon	Michigan	Muskegon	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Michigan	Kent and Ottawa	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(151) Jackson, Michigan	Michigan	Jackson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee and Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(152) Kalamazoo-Battle Creek	Michigan	Calhoun	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Michigan	Kalamazoo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Michigan	Clinton, Eaton, and Ingham	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(153) Lansing	Michigan	Mason	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(154) Ludington[1]	Michigan	Ferrien	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(155) Niles	Michigan	St. Clair	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(156) Port Huron	Michigan	Bay, Midland, and Saginaw	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(157) Saginaw-Bay City	Michigan	Chippewa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(158) Sault Ste. Marie	Minnesota	Carlton and St. Louis	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(159) Duluth-Superior	Wisconsin	Douglas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Minnesota	Anoka, Dakota, Hennepin, Ramsey, and Washington			
(160) Minneapolis-St. Paul					
(161) [Revoked]					
(162) Biloxi-Pascagoula	Mississippi	Harrison and Jackson	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(163) Centreville[1]	Mississippi	Adams, Amite, Pike, and Wilkinson	Mar. 1, 1942	May 1, 1943	June 15, 1943
(164) Columbus, Mississippi	Mississippi	Chickasaw, Clay, Itawamba, Lee, and Monroe	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Alabama	Lamar	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Lowndes	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(165) Grenada[1]	Alabama	Pickens	Mar. 1, 1942	Nov. 1, 1948	Dec. 15, 1943
	Mississippi	Carroll, Grenada, Leflore, and Montgomery	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(166) Hattiesburg	Mississippi	Calhoun and Yalobusha	Mar. 1, 1942	Feb. 1, 1943	Mar. 15, 1943
(167) Jackson, Miss	Mississippi	Forrest	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(167a) Laurel	Mississippi	Hinds, Madison, and Rankin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(168) Meridian	Mississippi	Jones	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(169) Joplin-Neosho	Missouri	Lauderdale	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(170) Kansas City	Missouri	Jasper and Newton	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Missouri	Clay, Jackson, and Platte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kansas	Johnson, Leavenworth, and Wyandotte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(171) Pike	Missouri	Pike	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Pike	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(172) Rolla-Waynesville	Missouri	Laclede, Phelps, and Pulaski	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(173) Sedalia	Missouri	Johnson and Pettis	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(174) St. Louis	Missouri	City of St. Louis and the Counties of Jefferson, St. Charles, and St. Louis.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Illinois	Madison, Monroe, and St. Clair			

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(176) Great Falls	Montana	Cascade	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(176) Alliance	Nebraska	Box Butte	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(177) Grand Island	Nebraska	Hall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(178) Hastings	Nebraska	Adams and Clay	Mar. 1, 1942	Dec. 12, 1942	Jan. 26, 1943
(179) Kearney	Nebraska	Buffalo	Mar. 1, 1942	May 1, 1943	June 15, 1943
(180) Lincoln	Nebraska	Lancaster	Mar. 1, 1942	Dec. 1, 1942	Jan. 16, 1943
(180a) McCook	Nebraska	Redwillow	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(181) Omaha	Nebraska	Dodge and Saunders	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Pottawatamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(182) Sidney, Nebr	Nebraska	Cheyenne	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(183) [Revoked]					
(184) Las Vegas	Nevada	Clark	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(185) Reno	Nevada	Washoe	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(186) Manchester	New Hampshire	Sullivan	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Hampshire	Hillsborough	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(187) Portsmouth	New Hampshire	Rockingham and Stratford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(188) [Revoked]					
(189a) Southern New Jersey	New Jersey	Burlington, Camden, and Gloucester	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	New Jersey	Salem	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Cape May and Cumberland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(189) [Revoked]					
(190) Northeastern New Jersey	New Jersey	Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	New Jersey	Sussex	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(191) Trenton	New Jersey	Hunterdon and Mercer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(192) Alamogordo	New Mexico	Otero	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(193) Albuquerque	New Mexico	Bernalillo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(194) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Mexico	Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(195) Deming	New Mexico	Luna	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(196) [Revoked]					
(197) Roswell	New Mexico	Chaves	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Mexico	Curry, DeBaca, and Roosevelt	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(197a) San Miguel County	New Mexico	San Miguel	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(198) Silver City-Lordsburg[1]	New Mexico	Hidalgo	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(199) Albany-Troy, N. Y	New York	Albany and Rensselaer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(200) Binghamton	New York	Broome and Tioga	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(201) Buffalo	New York	Erie and Niagara	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(202) Elmira	New York	Chemung and Steuben	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(203) Jamestown	New York	Chautauqua	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(204) Poughkeepsie	New York	Dutchess, Orange, and Ulster	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(205) Rochester	New York	Genesee, Monroe, Orleans, and Wayne	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(206) St. Lawrence County	New York	St. Lawrence	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(207) Schenectady	New York	County of Schenectady; and in the County of Saratoga the towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	New York	County of Montgomery and the County of Saratoga other than the towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(208) Seneca	New York	Ontario, Seneca, and Yates	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(209) Sidney, N. Y	New York	Chemango, Delaware, and Otsego	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(210) Syracuse	New York	Cayuga, Onondaga, and Oswego	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(211) Utica-Rome	New York	Herkimer, Madison, and Oneida	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(212) Watertown	New York	Jefferson	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(212a) Burlington, N. C	North Carolina	Alamance	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(212b) Asheville	North Carolina	Buncombe	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(213) Durham	North Carolina	Durham	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(214) Elizabeth City, N. C	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(215) Fayetteville	North Carolina	Cumberland and Hoke	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(216) Goldsboro	North Carolina	Lenoir, Wayne, and Wilson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(217) Henderson	North Carolina	Vance	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(218) Jacksonville, N. C	North Carolina	Onslow	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(219) Laurinburg	North Carolina	Richmond, Robeson, and Scotland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Marlboro	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(220) Monroe, N. C	North Carolina	Union	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(221) New Bern	North Carolina	Carteret and Craven	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(221a) Rocky Mount	North Carolina	Edgecomb and Nash	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(222) Southern Pines	North Carolina	Moore	Mar. 1, 1942	May 1, 1943	June 15, 1943
(223) Wilmington, N. C	North Carolina	New Hanover	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(224) Akron	Ohio	County of Summit and in the County of Medina the Township of Wadsworth.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Medina other than the Township of Wadsworth	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(225) Ashtabula	Ohio	Ashtabula	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(226) Canton	Ohio	Stark	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	Tuscarawas	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(227) Cincinnati	Ohio	Butler, Clermont, Hamilton, and Warren	Mar. 1, 1942	Nov. 1, 1942	May 31, 1943
	Kentucky	Boone, Campbell, and Kenton	Mar. 1, 1942	Nov. 1, 1942	May 31, 1943
(228) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Geauga, and the County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
(229) Columbus, Ohio	Ohio	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Licking	Mar. 1, 1942	May 1, 1943	June 15, 1943
(230) Dayton	Ohio	Champaign, Clark, Darke, Greene, Miami, Montgomery, and Preble.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(231) [Revoked]					
(232) Lima	Ohio	Allen	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(233) Lorain-Elyria	Ohio	Lorain	July 1, 1941	July 1, 1942	Aug. 15, 1942
(234) Mansfield	Ohio	Ashland, Crawford, and Richland	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Knox	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(235) Marion	Ohio	Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(236) [Revoked]					
(237) Ravenna	Ohio	Portage	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(238) Sandusky-Port Clinton	Ohio	Erie, Huron, Ottawa, and Sandusky	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(239) Sidney, Ohio	Ohio	Shelby	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Seneca	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(241) Youngstown-Warren	Ohio	Mahoning and Trumbull	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(242) [Revoked]					
(242a) Altus-Frederick	Oklahoma	Jackson and Tillman	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(243) Choteau	Oklahoma	Craig, Mayes, Rogers, and Wagoner	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1943

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(244) Clinton-Elk City	Oklahoma	Beckham, Custer, and Washita	Mar. 1, 1942	May 1, 1943	June 15, 1943
(245) Enid	Oklahoma	Garfield	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(246) Lawton	Oklahoma	Comanche	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(247) McAlester	Oklahoma	Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(248) Muskogee	Oklahoma	Muskogee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(249) [Revoked]					
(250) Oklahoma City	Oklahoma	Cleveland, McClain, and Oklahoma	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Oklahoma	Canadian	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
	Oklahoma	Creek, Osage, and Tulsa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(251) Tulsa			Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(252) [Revoked]					
(253) Corvallis	Oregon	Benton and Linn	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(254) Medford	Oregon	Jackson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(255) Pendleton	Oregon	Umatilla	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(256) Portland-Vancouver	Oregon	Clackamas, Multnomah, and Washington	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Washington	Clark	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Clatsop	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
	Oregon	Tillamook	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(257) Allentown-Bethlehem	Pennsylvania	Lehigh and Northampton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	New Jersey	Warren	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Blair, Cambria, and Somerset			
(258) Altoona-Johnstown			Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(259) [Revoked]					
(260) Emporium	Pennsylvania	Cameron	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	Elk	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Pennsylvania	Erie	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(261) Erie	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(262) Harrisburg	Pennsylvania	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Lancaster and York	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(263) Lancaster-York	Pennsylvania	Crawford and Venango			
(264) Meadville-Titusville			Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(265) [Revoked]					
(266) Philadelphia	Pennsylvania	Bucks, Chester, Delaware, Montgomery, and Philadelphia	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(267) Pittsburgh	Pennsylvania	Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington, and Westmoreland	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(268) Reading	Pennsylvania	Berks	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(269) [Revoked]			Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(270) Sharon-Farrell	Pennsylvania	Mercer			
(270a) Warren	Pennsylvania	Warren	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(271) [Revoked]			Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	Columbia, Montour, Northumberland, Snyder, and Union			
	Pennsylvania	In the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
	Pennsylvania	Clinton	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(273) Newport	Rhode Island	Newport	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(274) Providence	Rhode Island	Bristol, Kent, and Providence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(275) Washington County	Rhode Island	Washington			
(276) [Revoked]					
(277) Charleston, S. C.	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Aug. 1, 1942	Oct. 15, 1942
(278) Columbia	South Carolina	Beaufort and Colleton	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
	South Carolina	Calhoun, Lexington, and Richland	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
	South Carolina	Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(279) [Revoked]					
(280) Greenville	South Carolina	Greenville	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(281) Spartanburg	South Carolina	Cherokee, Spartanburg, and Union	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(282) [Revoked]					
(283) Provo-Hot Springs, S. Dak.	South Dakota	Fall River	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(284) Rapid City-Sturgis	South Dakota	Lawrence, Meade, and Pennington	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(285) Sioux Falls	South Dakota	Lincoln, Minnehaha, and Turner	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Iowa	Lyon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Minnesota	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Greene, Hawkins, Sullivan, Unicoi, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(286) Bristol-Kingsport	Virginia	Independent City of Bristol and the Counties of Scott and Washington	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Tennessee	Bradley, Hamilton, and Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(287) Chattanooga	Georgia	Catoosa, Dade, and Walker	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Tennessee	Henry, Montgomery, and Stewart	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(288) Clarksville	Kentucky	Christian, Todd, and Trigg	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Tennessee	Polk	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(289) Copperhill-McCaysville	Georgia	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Tennessee	Crockett, Dyer, and Lauderdale	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(290) Dyersburg	Tennessee	Carroll, Gibson, and Madison	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(291) Jackson-Milan-Humboldt	Tennessee	Blount and Knox	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(292) Knoxville	Tennessee	Anderson and Roane	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Tennessee	Shelby	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(293) Memphis	Arkansas	Crittenden			
	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(294) [Revoked]					
(295) Nashville	Tennessee	Bedford, Coffee, Franklin, Lincoln, and Moore	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(296) [Revoked]			Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(297) Tullahoma	Tennessee	Callahan, Jones, and Taylor	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(298) Abilene	Texas	Potter and Randall	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(299) Amarillo	Texas	Dallam, Hansford, Hartley, Moore, and Sherman	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Bastrop	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(300) Austin	Texas	Hays, Travis, and Williamson	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
			Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(301) [Revoked]					
(302) Beaumont-Port Arthur	Texas	Jefferson and Orange	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(303) Big Spring	Texas	Howard	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(304) [Revoked]					
(305) Borger	Texas	Carson, Gray, and Hutchinson	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(305a) Brady	Texas	McCulloch	Mar. 1, 1942	May 1, 1943	June 15, 1943
(306) Brownwood	Texas	Brown, Coleman, and Comanche	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(307) Bryan	Texas	Brazos	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(308) Childress	Texas	Childress	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(309) Corpus Christi	Texas	Nueces and San Patricio			
		Bee and Kleberg	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(310) [Revoked]					
(311) Dallas	Texas	Dallas	Mar. 1, 1942	May 1, 1943	June 15, 1943
(312) Del Rio	Texas	Kinney, Uvalde, and Val Verde			
(313) [Revoked]			Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(314) Eagle Pass	Texas	Maverick	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(315) El Paso	Texas	El Paso	Mar. 1, 1942	Oct. 15, 1942 [2]	
(316) Fort Worth	Texas	Tarrant		Nov. 1, 1942 [3]	Dec. 16, 1942
	Texas	Denton	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(317) Gainesville	Texas	Cooke	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(318) Greenville, Tex.	Texas	Hunt	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(319) Houston-Galveston	Texas	Brazoria, Chambers, Galveston, Harris, and Liberty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(320) Killeen-Temple	Texas	Bell and Coryell	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Lampasas	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(321) Laredo	Texas	Webb	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(321a) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in Caldwell County	Jan. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(322) Lower Rio Grande Valley	Texas	Cameron, Hidalgo, and Willacy	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(323) Marfa-Alpine	Texas	Presidio	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Brewster	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Camp, Cass, Morris, Red River, and Titus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(325) Paris, Tex.	Texas	Lamar	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Choctaw	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(326) Pecos	Texas	Reeves and Ward	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(327) San Angelo	Texas	Tom Green	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(328) San Antonio	Texas	Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, and Wilson	Mar. 1, 1942	July 1, 1942	Aug. 31, 1943
(329) Sherman-Denison	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(329a) Sweetwater	Texas	Nolan	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(330) Texarkana	Texas	Bowie	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Arkansas	Miller	July 1, 1941	July 1, 1942	Aug. 15, 1942
(331) Victoria	Texas	Victoria	Mar. 1, 1942	Dec. 1, 1942	Jan. 16, 1943
(332) Waco	Texas	McLennan	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(333) Wichita Falls	Texas	Wichita	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(334) [Revoked]					
(335) Provo, Utah	Utah	Utah	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(336) Salt Lake City [1]	Utah	Davis, Morgan, Salt Lake, and Weber	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Box Elder	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(337) [Revoked]					
(337a) Burlington, Vermont	Vermont	Chittenden	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(338) Springfield-Windsor	Vermont	Windsor	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(339) Alexandria-Arlington	Virginia	Independent City of Alexandria and the Counties of Arlington and Fairfax	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(340) Blackstone	Virginia	Nottoway	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(341) Cape Charles	Virginia	Northampton	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(342) Hampton Roads	Virginia	Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City; in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Princess Anne the Magisterial Districts of Kempsville and Lynnhaven; and in the County of Warwick the Magisterial District of Newport	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Virginia	Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; the County of Princess Anne other than the Magisterial Districts of Kempsville and Lynnhaven	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(343) Petersburg	Virginia	Independent Cities of Hopewell and Petersburg; the Counties of Dinwiddie and Prince George; and in the County of Chesterfield the Magisterial District of Matoaca	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(343a) Quantico [1]	Virginia	In the County of Prince William, the Magisterial District of Dumfries	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(344) Radford-Pulaski	Virginia	Independent City of Radford, and the Counties of Montgomery and Pulaski	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(345) Richmond	Virginia	Independent City of Richmond; the County of Henrico; and in the County of Chesterfield the Magisterial Districts of Bermuda, Clover Hill, Dale, Manchester, and Midlothian	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(346) Yorktown	Virginia	Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(347) Bellingham	Washington	Whatcom	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	Skagit	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1943
(347a) Ephrata	Washington	Portion of Grant County lying between the south line of township 23 North and the north line of Township 16 North	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(349) [Revoked]					
(350) [Revoked]					
(351) Port Angeles-Port Townsend	Washington	Clallam and Jefferson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(352) Puget Sound	Washington	County of Kitsap and those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest	Apr. 1, 1941	July 1, 1942	Sept. 21, 1942
(353) Spokane	Washington	Spokane	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(355) Charleston, West Virginia	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Magisterial District of Pocatalico	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(356) Huntington	West Virginia	Cabell and Wayne	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Boyd and Greenup	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(357) Morgantown	West Virginia	Marion and Monongalia	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(358) Point Pleasant-Gallipolis	West Virginia	Jackson and Mason	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Ohio	Gallia and Meigs	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(359) Wheeling-Steubenville	West Virginia	Brooke, Hancock, Marshall, Ohio, and Wetzel	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Belmont, Columbiana, and Jefferson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(360) Beloit-Janesville	Wisconsin	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(361) Eau Claire	Wisconsin	Chippewa, Dunn, and Eau Claire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(361a) La Crosse	Wisconsin	La Crosse	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(362) Madison, Wisconsin	Wisconsin	Columbia, Dane, and Sauk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(363) Manitowoc	Wisconsin	Manitowoc	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(364) Milwaukee	Wisconsin	Kenosha, Milwaukee, Racine, and Waukesha	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(365) Oshkosh-Fond du Lac	Wisconsin	Fond du Lac and Winnebago	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Wisconsin	That portion of the City of Waupun in the County of Dodge	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(366) Sparta	Wisconsin	Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(367) Sturgeon Bay	Wisconsin	Door	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of Defense-Rental Area	State	County or counties in Defense-Rental Area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(368) Casper	Wyoming	Natrona	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(369) Cheyenne	Wyoming	Laramie	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(370) Alaska	Alaska	Territory of Alaska	Mar. 1, 1942	Nov. 1, 1942	Mar. 15, 1943
(371) Puerto Rico	Puerto Rico	Puerto Rico	Oct. 1, 1942	Feb. 1, 1944	Mar. 31, 1944

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

[2] Sections 1, 6, 13.

[3] Remaining sections.

[Schedule A amended by Am. 1, 8 F.R. 9019, effective 7-1-43; Am. 3, 8 F.R. 10739, effective 8-1-43; Am. 4, 8 F.R. 12025, effective 9-1-43; Am. 6, 8 F.R. 14676, 15581, effective 11-1-43; Am. 7, 8 F.R. 14814, effective 11-1-43; Am. 9, 8 F.R. 16207, 16427, effective 12-1-43; Am. 11, 8 F.R. 17297, effective 1-1-44; Am. 12, 9 F.R. 206, effective 2-1-44; and Am. 13, 9 F.R. 847, effective 2-1-44]

Effective date. This Rent Regulation for Hotels and Rooming Houses shall become effective June 1, 1943.

[Rent Regulation for Hotels and Rooming Houses issued May 31, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2624; Filed, February 23, 1944; 4:53 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing,[1] Amdt. 17]

RESORT HOUSING

Section 1 (b) (6) of the Rent Regulation for Housing is amended to read as follows:

(6) *Resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944.

The exemption provided by this paragraph (b) (6) shall be effective only from June 1, 1944 to September 30, 1944, inclusive.

This amendment shall become effective February 24, 1944.

(56 Stat. 23, 765)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2625; Filed, February 23, 1944; 4:53 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[2] Amdt. 43]

ICE CREAM MIX

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provision of Amendment No. 14 to Maximum Price Regulation No. 280 is amended to read as follows:

This amendment shall become effective February 23, 1943 and shall terminate on May 23, 1944.

This Amendment No. 43 shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2622; Filed, February 23, 1944; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14A[3] to GMPR, Amdt. 13]

MILK AND MILK PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The effective date provisfon of § 1499.-73a (a) (1a), as provided for in Amendments Nos. 119 and 184 to Supplementary Regulation No. 14 and Amendments Nos. 2, 4 and 11 to Supplementary Regulation No. 14A, is amended to read as follows:

This amendment shall become effective February 23, 1943, and shall terminate May 23, 1944.

This Amendment No. 13 shall become effective as of February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2623; Filed, February 23, 1944; 4:51 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MRP 201,[4] Amdt. 7]

EXPORTATION FROM VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 201 is amended in the following respects:

1. In § 1418.101 paragraphs (c) and (d) are redesignated (d) and (e) respectively, and a new paragraph (c) is added to read as follows:

(c) No person in the Virgin Islands of the United States shall export or transfer for purposes of exportation to a foreign place any such commodity at a price higher than the maximum prices established by this regulation.

2. Section 1418.102 (c) is added to read as follows:

(c) On all sales for export to a foreign place, there may be added to the maximum prices established under paragraph (a) or (b) of this section all costs of shipments actually incurred or to be incurred by the seller. Such costs shall be itemized and separately shown on the seller's invoice. No incurred costs in excess of those permitted by any applicable price regulation or order issued by the Office of Price Administration shall be allowed.

3. Sections 1418.103 (a) (13) and (14) are added to read as follows:

(13) "Export" means to sell, ship, deliver, or transfer a commodity to a buyer in a foreign place regardless of where title passes or where the invoicing is done, and includes all sales, deliveries or transfers in the Virgin Islands of the United States for purposes of exportation to a foreign place.

(14) "Foreign place" means any place outside of the continental United States and the territories and possessions of the United States.

This amendment shall become effective as of February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2693; Filed, February 24, 1944; 11:46 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 14663, 14815, 15585, 16032, 16208, 16427, 17297; 9 F.R. 206, 972.

[2] 8 F.R. 6165, 7566, 8357, 7196, 7599, 7670, 8065, 8180, 8321, 9386, 9883, 10513, 11811, 13060, 13721, 16997, 17205; 9 F.R. 843, 753, 1622.

[3] 8 F.R. 9635, 9885, 10514, 12793, 13060, 13724, 15259, 15705, 16604, 16428, 16919, 17199.

[4] 7 F.R. 6269, 6744, 9996, 8947, 10231, 10790; 8 F.R. 1860, 10984.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Corr. to Amdt. 28]

FUEL OIL IN HAWAII

Amendment 28 to Maximum Price Regulation 373 is corrected in the following respect:

Section 22 (b) (6) is corrected to read as follows:

(6) Seventy-five hundredths cents per gallon for shipments of gasoline, kerosene, and diesel fuel by barge from Honolulu to Lahaina.

This correction shall become effective as of December 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2694; Filed, February 24, 1944; 11:46 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Corr. to Amdt. 29]

AUTOMOBILES IN HAWAII

Amendment 29 to Maximum Price Regulation 373 is corrected in the following respects:

1. In section 57, Table B, under the heading "(2) Buick, 1941—Series 8-40 A Special"—the item "Sport Coupe F/W 6-445" is corrected to read "Sport Coupe F/W 6-44S".

2. In section 57, Table B, under the heading "(9) Ford, 1937—Series V-8-78-85 h. p.: Standard", the item "Tudor 5—$533" is corrected to read "Tudor 5—$433".

This correction shall become effective as of December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2690; Filed, February 24, 1944; 11:47 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[2] Amdt. 40]

FISH IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 20 (a) is amended to read as follows:

(a) *Maximum prices.* Maximum prices are established on fish caught in the waters of or adjacent to the Territory of Hawaii. The prices established by this section are maximum prices per pound for the whole fish or any portion thereof.

(1) The maximum price for fish sold or delivered on each island specified in Tables A to E inclusive, shall be the maximum price set forth for the fish listed or described in the table applicable to such island. The place where the seller parts with physical possession of the fish shall determine the applicable table except that where a delivered sale is made of fish shipped from one island to another island the maximum price shall be the maximum price set forth for such sale on the island in the table applicable to deliveries on the island of destination. Prices are established in each table: (1) Ex-dock, (2) Delivered retailer, (3) At retail. The maximum prices set forth "delivered retailer" are maximum prices delivered to the retailer's or other purchaser's customary receiving point according to usual trade practice. The maximum prices on sales or deliveries to persons customarily purchasing from wholesalers of fish such as commercial, industrial or institutional users or the Armed Forces of the United States, shall be the prices set forth as "maximum price delivered retailer." If delivery is made at a point other than the customary receiving point of the buyer, the seller shall deduct from the respective maximum price "delivered retailer" the cost of transporting the fish to the buyer's customary receiving point so that the aggregate price paid by the buyer for the fish and the cost of transportation to buyer's customary receiving point shall not exceed the maximum price "delivered retailer".

(2) In the event the fish is sold at or near the dock to be delivered to a wholesaler, at a place other than at or near the dock, the seller may add to the ex-dock maximum price the transportation charges incurred by the seller for such delivery, not to exceed public (contract or common) carrier rates, provided that the transportation charges are separately stated on the invoice.

(3) Where no retail maximum price for a steak or fillet of a particular fish is listed in the applicable table of Tables A to E, inclusive, the maximum price at retail for such unlisted steak or fillet shall be double the "maximum price delivered retailer" listed in the applicable table for the particular fish from which the steak or fillet is derived.

This amendment shall become effective as of February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2691; Filed, February 24, 1944; 11:47 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 13]

MAXIMUM PRICES IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 395 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Prohibition against dealing in commodities above maximum prices*—(a) *Local sales.* On and after May 25, 1943, regardless of any contract, agreement, lease or other obligation or of any price regulation heretofore issued by the Office of Price Administration no person shall sell or deliver and no person in the course of trade or business shall buy or receive in the Virgin Islands of the United States any article listed or described in Article IV at prices higher than the maximum prices set forth in Article IV; and no person shall agree, offer, or attempt to solicit or attempt to do any of the foregoing.

(b) *Export transactions.* On and after February 20, 1944, regardless of any contract, agreement, lease or other obligation or of any price regulation heretofore issued by the Office of Price Administration, no person shall export, or transfer for purposes of exportation to a foreign place any article listed or described in Article IV at prices higher than the maximum prices set forth in Article IV; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That on all sales for export to a foreign place there may be added to the applicable maximum prices established under Article IV all costs of shipment actually incurred or to be incurred by the seller. Such costs shall be itemized and separately shown on the seller's invoice. No incurred costs in excess of those permitted by any applicable price regulation or order issued by the Office of Price Administration shall be allowed.

2. Sections 12 (a) (7) and (8) are added to read as follows:

(7) "Export" means to sell, ship, deliver, or transfer a commodity to a buyer in a foreign place regardless of where title passes or where the invoicing is done and includes all sales, deliveries or transfers in the Virgin Islands of the United States for purposes of exportation to a foreign place.

(8) "Foreign place" means any place outside of the continental United States and the territories and possessions of the United States.

This amendment shall become effective as of February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2692; Filed, February 24, 1944; 11:46 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16997.

[2] 8 F.R. 17201.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201, 9 F.R. 173, 303.

[1] 8 F.R. 6621, 8873, 9996, 11438, 12661, 13345, 14144, 15865, 17062, 16206, 16793; 9 F.R. 1398.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 96]

POWDERED AND GRANULATED CASTILE SOAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.21 is added to read as follows:

SEC. 4.21 *Powdered and granular castile soap, U. S. P. X*—(a) *Sales by producers.* Notwithstanding any other provision of this General Maximum Price Regulation, the maximum prices for sales of powdered and granular castile soap, meeting the specifications set forth in the tenth revision of the United States Pharmacopoeia, by producers thereof to industrial consumers and governmental agencies shall be the maxium prices set forth below, f. o. b. plant:

	Per pound
Powdered castile soap, U. S. P. X	$0.46
Granular castile soap, U. S. P. X	.41

(b) *Discounts and allowances.* The maximum prices set forth in paragraph (a) above are subject to all differentials, discounts, allowances and trade practices on sales of powdered and granular castile soap, U. S. P. X, in effect by a producer during March 1942.

(c) *Other charges.* The maximum prices established by paragraphs (a) and (b) above shall not be increased by any charges for containers or brokers' fees.

(d) *Geographical applicability.* The provisions of this section 4.21 apply to the 48 states of the United States and the District of Columbia.

This amendment shall become effective March 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2695; Filed, February 24, 1944; 11:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 16]

PART 503—ADMINISTRATION

DEPUTY DIRECTOR; DELEGATION OF AUTHORITY

Pursuant to Executive Orders 8989, as amended, 9108, as amended, 9156, 9214, 9294, 9341, and War Production Board Directive 21, and in order to provide further for executing the authority, functions and duties of the Director of the Office of Defense Transportation, it is hereby ordered:

*Copies may be obtained from the Office of Price Administration.

§ 503.350 *Deputy Director, Office of Defense Transportation, general authority.* The Deputy Director of the Office of Defense Transportation is hereby authorized, until otherwise ordered, to exercise the authority vested in, and to perform all the functions and duties imposed upon, the Director of the Office of Defense Transportation, for and in behalf of said Director.

§ 503.351 *ODT orders to remain in effect; certain provisions of Administrative Order ODT 1 suspended.* Subject to the exercise of the authority granted to the Deputy Director by the provisions of § 503.351 hereof, all delegations of authority by the Director of the Office of Defense Transportation now in effect shall remain in effect, except that the provisions of subparagraph (1) of paragraph (a) of § 503.1 of Administrative Order ODT 1 (8 F.R. 6001) are hereby suspended and shall be suspended so long as this Administrative Order ODT 16 shall remain in force.

(E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9108, as amended, 7 F.R. 2201 and 8 F.R. 3687; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; E.O. 9341, 8 F.R. 6323; War Production Board Directive 21, 8 F.R. 5834)

Issued at Washington, D. C. this 19th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-2629; Filed, February 24, 1944; 9:48 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order CMA-21]

BYRON FUEL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

Order revoking Order No. 1888 as to certain companies.

On November 1, 1943, by virtue of the authority vested in me by the President of the United States, I signed Order No. 1888 (8 F.R. 15199), taking possession of anthracite and bituminous coal mines in which I found from the available information that a strike or work stoppage had occurred or was threatened. It now appears, however, that the companies listed in the Appendix attached hereto did not operate any coal mines as of November 1, 1943.

Accordingly, Order No. 1888 is hereby revoked so far as it affects the companies listed in the Appendix attached hereto and made a part hereof.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 23, 1944.

APPENDIX A

Name of Mining Company and Address

1. Byron Fuel Co., Mt. Clare, W. Va.
2. Donnelly Coal, 827 Otterman St., Greensburg, Pa.
3. Heil Coal Co., Adena, Ohio.
4. Holly and Eddins Coal Co., Welch, W. Va.
5. Krisher & Son Coal Co., R. F. D. #2, McCurtain, Okla.
6. Mr. John Mitchell, R. F. D. #3, Brookville, Pa.
7. Petoskie Coal Co., Shamokin, Pa.
8. Rodham Coal Co., Jermyn, Pa.

[F. R. Doc. 44-2696; Filed, February 24, 1944; 11:56 a. m.]

General Land Office.

[Five-Acre Tract Classification 40]

TALLAHASSEE, FLORIDA

ORDER REGARDING LEASED SITES

FEBRUARY 18, 1944.

Executive Order No. 4366 of January 14, 1926, which withdrew from settlement and all forms of appropriation certain therein-described public lands in and bordering upon Lake Tsala Apopka in T. 18 S., R. 19 E., and Tps. 18, 19, and 20 S., R. 20 E., Tal. M., Florida, for classification and in aid of legislation, was revoked by Public Land Order 206 of February 3, 1944. The lands covered by the withdrawal order were unsurveyed at that time. The plats of survey of these lands were officially filed in 1929, and anyone having a prior valid right was afforded opportunity to assert the same at that time.

On February 3, 1944, the Secretary of the Interior classified the following-described public lands in the area referred to above for leasing under the Five-Acre Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as home, cabin, camp, health, convalescent, recreational, and business sites.

FLORIDA NO. 1

TALLAHASSEE MERIDIAN

T. 18 S., R. 19 E.,
Sec. 12, lot 3;
Sec. 13, lots 8, 10, 11, 12, and 13;
Sec. 24, lot 10;
Sec. 25, lot 6.
T. 18 S., R. 20 E.,
Sec. 18, lots 3, 4, and 5;
Sec. 19, lots, 3, 4, and 6;
Sec. 32, lots 8, 9, 10, 11, and 12;
Sec. 33, lots 1, 2, and 7.
T. 19 S., R. 20 E.,
Sec. 9, SW¼NE¼;
Sec. 16, lot 6;
Sec. 22, lot 7.
Total area, 109.17 acres.

Except the SW¼NE¼ sec. 9, T. 19 S., R. 20 E., the tracts described above comprise either islands or shoreland of Lake Tsala Apopka. There are 14 islands, ranging in size from 0.29 to 8.82 acres, and several shoreland areas of 0.88 to 2.65 acres and one containing 21.87 acres.

Lot 1 sec. 33, T. 18 S., R. 20 E., which is shoreland, will be leased in units of approximately 5 acres each, with the long dimension running east and west so that each unit may have access to the lake shore. The SW¼NE¼ sec. 9, T. 19 S., R. 20 E., which is inland and where water frontage is not a consideration, will be leased in rectangular tracts of 5 acres each, described according to the rectangular system of surveys.

The land described in the preceding sentence is in Federal Power Project No. 42, but has been restored to entry subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063, 1075), as amended August 26, 1935 (49 Stat. 846; 16 U.S.C. 818 and Sup.), and any applications for tracts in this subdivision will be subject to the provisions and reservations of that section of the Federal Power Act, as amended. The same land also is in Phosphate Reserve No. 5, created by Executive order of July 29, 1910. However, all leases granted under the Five-acre Tract Act reserve all minerals to the United States.

Each lessee will be required to construct, within a reasonable time after a lease has been granted, substantial improvements of a value not less than $300. Leases will be for a period of 5 years at an annual rental of $5.00, payable in advance yearly, except for business sites, the rental for which will be in accordance with a schedule of graduated charges based on earnings.

Beginning at 10:00 a. m. on April 6, 1944, the lands described above will be subject to application for lease under the act of June 1, 1938, supra, based on the above-mentioned classification, by any qualified persons, in accordance with the regulations issued pursuant to the act, which are contained in Circular No. 1470 as amended. Applications under the act should be on the prescribed form. Copies of the circular and application form may be obtained by addressing the Commissioner, General Land Office, Washington, D.C., where all applications must be filed.

Applications may be filed in person, by mail, or otherwise within the period of 20 days prior to April 6, or from March 17 to April 5, 1944, inclusive. All such applications, with those received at 10:00 a. m. on April 6, will be held and treated as though filed at that time. Applications filed after 10:00 a. m. on April 6 will be received and noted in the order of their filing.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 44-2627; Filed, February 24, 1944; 9:50 a. m.]

Grazing Service.

GILA AND SALT RIVER, ARIZ.

ADDITION TO GRAZING DISTRICT 3

Under and pursuant to the authority vested in me by the provisions of the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. sec. 315 et seq.) as amended, commonly known as the Taylor Grazing Act, the following described lands are hereby added to Arizona Grazing District No. 3:

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 3 W., all;
T. 4 N., R. 3 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive;
Secs. 29 to 32, inclusive;
T. 5 N., R. 3 W.,
Secs. 4 to 11, inclusive;
Secs. 14 to 20, inclusive;
Secs. 29 to 32, inclusive;

T. 6 N., R. 3 W.,
Secs. 32 and 33;
T. 7 N., R. 3 W.,
Secs. 19, 20, 29, 30 and 31;
T. 8 N., R. 3 W.,
Sec. 33, SE¼SE¼;
T. 1 N., R. 4 W., all;
T. 4 N., R. 4 W.,
Secs. 1, 3 and 4;
Secs 9 to 16, inclusive;
Sec. 17, E½;
Secs. 20 to 29, inclusive;
Sec. 30, NE¼, SE¼NW¼, S½;
Secs. 31 to 36, inclusive;
T. 5 N., R. 4 W.,
Secs. 1, 12, 13 and 24;
T. 7 N., R. 4 W.,
Secs. 25 and 26;
Sec. 34, N½, NE¼SW¼, SE¼;
Secs. 35 and 36;
T. 8 N., R. 4 W.,
Secs. 6 and 7;
Sec. 8, SW¼SW¼;
Sec. 15, S½NW¼, SW¼;
Sec. 16, S½N½, S½;
Secs. 17 to 22, inclusive;
Secs. 26 to 36, inclusive;
T. 9 N., R. 4 W.,
Sec. 5, lots 3, 4, 5, 9, 10, 11, 14, SE¼NW¼, NE¼SW¼;
Secs. 6, 7, 8, 18 and 19;
Sec. 29, S½;
Secs. 30, 31 and 32;
T. 10 N., R. 4 W.,
Sec. 32, NE¼, S½;
Sec. 33, all;
T. 8 N., R. 5 W.,
Secs. 1 to 6, inclusive;
Sec. 24, lots 1, 2, 3, 4, and 5, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
T. 9 N., R. 5 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 19 to 36, inclusive;
T. 10 N., R. 5 W.,
Secs. 13 to 15, inclusive;
Sec. 17, S½S½;
Secs. 19 to 23, inclusive;
Sec. 25, W½SW¼;
Secs. 26 to 35, inclusive;
Sec. 36, W½;
T. 7 N., R. 6 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive;
T. 8 N., R. 6 W.,
Secs. 31 and 32;
T. 10 N., R. 6 W.,
Secs. 25 and 36;
T. 6 N., R. 7 W.,
Secs. 3 to 5, inclusive;
T. 7 N., R. 7 W., all;
T. 8 N., R. 7 W.,
Sec. 36;
T. 1 S., R. 2 W.,
That part north of the Gila River;
T. 1 S., R. 3 W.,
That part north of the Gila River;
T. 1 S., R. 4 W.,
That part north of the Gila River.

HAROLD L. ICKES,
Secretary of the Interior.

FEBRUARY 11, 1944.

[F. R. Doc. 44-2628; Filed, February 24, 1944; 9:50 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 505]

BRANIFF AIRWAYS, INC.

NOTICE OF HEARING

Application for amendment of existing certificate of public convenience and necessity, under sections 401 and 1001 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on March 10, 1944, at 10:00 a. m. (eastern war time), in Conference Room C, Departmental Auditorium, Constitution Avenue between 14th Street and 12th Street, before Examiners Thomas L. Wrenn and F. M. Ruhlen.

Dated Washington, D. C., February 24, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-2632; Filed, February 24, 1944; 10:11 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 164, Gen. Permit 12]

CITRUS FRUITS FROM ARIZONA, CALIFORNIA, OR TEXAS

STANDARD REFRIGERATION

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Serivce Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to any refrigerator car loaded with not less than 693 boxes of citrus fruits originating in Arizona, California or Texas.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of February 1944.

HOMER C. KING,
Director.

[F. R. Doc. 44-2631; Filed, February 24, 1944; 10:32 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1412, Amdt.]

WILLIAM AND HENRY SIDENSTUCKER

In re: Real property and claim, owned by William and Henry Sidenstucker.

Vesting Order Number 1412, dated May 6, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of William Sidenstucker and Henry Sidenstucker is Kreis Worbis, Zwinge, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That William Sidenstucker and Henry Sidenstucker are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City of Jewell, County of Hamilton, State of Iowa, particularly described as The South six inches of Lot No. Twelve (12) and all of Lot No. Thirteen (13), in Block No. Two (2), Addition to Jewell Junction, Iowa, and Lot No. Eighteen (18), in Block No. Eight (8) King and Edward's Addition to Jewell Junction, Iowa, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of William Sidenstucker and Henry Sidenstucker, and each of them, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to them, and each of them, and held to their credit by Sterling Alexander, 713 Des Moines Street, Webster City, Iowa, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3–b hereof, all such property so vested, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2633; Filed, February 24, 1944; 10:36 a. m.]

[Vesting Order 3062]

TORAKICHI MASUDA

In re: Real property, property insurance policies, and a claim, owned by Torakichi Masuda.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Torakichi Masuda is Asayamana-mura, Kosasa-gun, Shizuoka-ken, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Torakichi Masuda is the owner of the property described in subparagraph 8 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, and interest of Torakichi Masuda in and to fire insurance policy No. 6052 issued by the California Insurance Company of San Francisco, San Francisco, California, fire insurance policy No. 18097 issued by the Providence Washington Insurance Company, Providence, Rhode Island, and fire insurance policy No. 577775 issued by the Potomac Insurance Company, District of Columbia, all such policies insuring the premises described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Torakichi Masuda in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Torakichi Masuda by the National Mortgage & Finance Co., Ltd., and represented on the books of the National Mortgage & Finance Co., Ltd. as a credit balance due Torakichi Masuda, including but not limited to all security rights in and to any and all collateral for any and all of such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof, all such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land situated in the City and County of Honolulu, Territory of Hawaii, particularly described as follows:

Lot Numbered Fourteen (14), containing an area of 10,000.0 square feet, in Section "A", as shown and delineated on sub-division Map or Plan accompanying Land Court Application No. 488 of Amos Francis Cooke, and being a portion of the land described in Transfer Certificate of Title No. 3891 issued to the P. E. B. Strauch, Limited.

[F. R. Doc. 44–2634; Filed, February 24, 1944; 10:36 a. m.]

[Vesting Order 3109]

HERMAN FENKER

In re: Estate of Herman Fenker, also known as Herman Finker and as Herman Fanker, deceased; File D–28–3659; E. T. sec. 5986.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ben H. Brown, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

August Fenker, Germany.
Fritz Fenker, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of August Fenker and Fritz Fenker, and each of them, in and to the Estate of Herman Fenker, also known as Herman Finker and as Herman Fanker, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2666; Filed, February 24, 1944; 10:34 a. m.]

[Vesting Order 3110]

JOSEPH SCHALLMAN

In re: Estate of Joseph Schallman, deceased; File D–28–7930; E. T. sec. 8775.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis Schallman, Administrator, acting under the judicial supervision of the First Judicial District Court of the State of Nevada, in and for the County of Churchill;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mrs. Josephine Pirkle, Czechoslovakia.

And determining that—

(3) Mrs. Josephine Pirkle, a citizen or subject of a designated enemy country, Germany, and within an enemy occupied country, Czechoslovakia, is a national of a designated enemy country, Germany:

(4) To the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Josephine Pirkle, in and to the estate of Joseph Schallman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2667; Filed, February 24, 1944; 10:34 a. m.]

[Vesting Order 3112]

ERNEST YORG

In re: Estate of Ernest Yorg, deceased; File D–28–7537; E. T. sec. 7912.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The American National Bank of Denver, Executor, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Anna Heinze, and her heirs, Germany.
Emma Heinze, Germany.
Surviving children, names unknown, of Mr. Paul Engelfried, deceased, Germany.
Otto Lechner, Germany.
Karl Engelfried and his heirs, Germany.
Heirs, names unknown, of Robert Engelfried, deceased, Germany.
Emma Neumann, and her heirs, Germany.
Bernhardt Yorg, and his heirs, Germany.
Heirs, names unknown, of Albion Yorg, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Anna Heinze, and her heirs, Emma Heinze, surviving children, names unknown, of Mr. Paul Engelfried, deceased, Otto Lechner, Karl Engelfried and his heirs, heirs, names unknown, of Robert Engelfried, deceased, Emma Neumann, and her heirs, Bernhardt Yorg, and his heirs, and heirs, names unknown of Albion Yorg, and each of them, in and to the Estate of Ernest Yorg, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not

be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2669; Filed, February 24, 1944; 10:34 a. m.]

[Vesting Order 3111]

ADOLPH TEITLEBAUM

In re: Estate of Adolph Teitlebaum, deceased; File D–34–102; E. T. sec. 7117.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph F. Andrews, Executor, acting under the judicial supervision of the Probate Court of Shelby County, Tennessee;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Targan Jakab, Hungary.
Blanka Frau Armin Friedman, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Targan Jakab and Blanka Frau Armin Friedman, and each of them, in and to the estate of Adolph Teitlebaum, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2668; Filed, February 24, 1944; 10:34 a. m.]

[Vesting Order 3113]

HEDWIG ADLER

In re: Estate of Hedwig Adler, deceased; File D–28–1506; E. T. sec. 209.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ernest Adler, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Bernardine Isenberg, Belgium.
Mathilde Cussel, France.

And determining that—

(3) Bernardine Isenberg and Mathilde Cussel, citizens or subjects of a designated enemy country, Germany, and within enemy occupied countries, Belgium and France, respectively, are nationals of a designated enemy country, Germany;

(4) To the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Bernardine Isenberg and Mathilde Cussel, and each of them, in and to the Estate of Hedwig Adler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2670; Filed, February 24, 1944; 10:35 a. m.]

[Vesting Order 3114]

JACOB BAUER

In re: Estate of Jacob Bauer, deceased; File D–28–7834; E. T. sec. 8440.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Elsie Bauer, 1132 South Lombard Avenue, Oak Park, Illinois, Administratrix, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Joseph Bauer, Germany.
Emil Bauer, Germany.
Carl Bauer, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Bauer, Emil Bauer and Carl Bauer, and each of them, in and to the estate of Jacob Bauer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2671; Filed, February 24, 1944; 10:35 a. m.]

[Vesting Order 3115]

FRANCIS E. BRANTINGHAM

In re: Trust under the will of Francis E. Brantingham, deceased, for the benefit of Johanna Hamann; File D–28–2104; E. T. sec. 2508.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the City Bank Farmers Trust Company, as Trustee, acting under the judicial supervision of the Court of Probate, District of Stamford, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Johanna Hamann, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johanna Hamann in and to the trust created under the will of Francis E. Brantingham, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2672; Filed, February 24, 1944; 10:35 a. m.]

[Vesting Order 3116]

CAROLINE BRAUNS

In re: Estate of Caroline Brauns, deceased; File D–28–2094; E. T. sec. 2483.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nations of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Toni Gruner, Germany.
Carl Scholle, Jr., Germany.
Louise Bohmert, Germany.
Kathe Dehn, Germany.
Ilse Scholle, Germany.
Anna Block, Germany.
Anna Seebeck, Germany.
Ludwig Feldhaus, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Toni Gruner, Carl Scholle, Jr., Louise Bohmert, Kathe Dehn, Ilse Scholle, Anna Block, Anna Seebeck and Ludwig Feldhaus, and of each of them, in and to the Estate of Caroline Brauns, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2673; Filed, February 24, 1944; 10:35 a. m.]

[Vesting Order 3117]

HELEN BUCHER

In re: Estate of Helen Bucher, also known as Helen Buechert, deceased; File No. D–57–297; E. T. sec. 7760.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James F. Egan, Public Administrator of the County of New York, as administrator c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Rou-

mania, namely, Helena Kollet whose last known address is Roumania;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Roumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Helena Kollet, in and to the estate of Helen Bucher, also known as Helen Buechert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2674; Filed, February 24, 1944; 10:35 a. m.]

[Vesting Order 3118]

BELLE COLBY CARRINGTON

In re: Trust under will of Belle Colby Carrington, deceased; File D–28–4117; E. T. sec. 7100.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Fifth Avenue Bank of New York, 530 Fifth Avenue, New York City, Trustee, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

P. K. Tschenkell, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of P. K. Tschenkell, in and to the trust established under the will of Belle Colby Carrington, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2675; Filed, February 24, 1944; 10:35 a. m.]

[Vesting Order 3119]

ANNA B. DAYBALL

In re: Estate of Anna B. Dayball, deceased; File F–28–9517; E. T. sec. 8472.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lewis L. Anderson, W–2681 First National Bank Building, St. Paul 1, Minnesota, Administrator, acting under the judicial supervision of the Probate Court of the State of Minnesota, in and for the County of Ramsey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louisa Hruzik, Germany.
Clara Wiese, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louisa Hruzik and Clara Wiese, and each of them, in and to the estate of Anna B. Dayball, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2676; Filed, February 24, 1944; 10:36 a. m.]

[Vesting Order 3120]

CHRISTIAN ENGELHARDT

In re: Estate of Christian Engelhardt, deceased; File D–28–2551; E. T. sec. 4817.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis Engelhardt, Administrator, acting under the judicial supervision of the Superior Court of the State of Washington in and for the County of Stevens;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Frieda Proll, Germany.
Marie Habermann, Germany.
Lina Grass, Germany.
Emilie Shaefer, Germany.
Karl Shaefer, Germany.
Wilhelm Shaefer, Germany.
Friedrich Shaefer, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Frieda Proll, Marie Habermann, Lina Grass, Emilie Shaefer, Karl Shaefer, Wilhelm Shaefer and Friedrich Shaefer, and each of them, in and to the estate of Christian Engelhardt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2677; Filed, February 24, 1944; 10:36 a. m.]

[Vesting Order 3121]

JOHN FABIAN

In re: Estate of John Fabian, deceased; File D–34–95; E. T. sec. 2128.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frank Fabian, 4029a Ashland Avenue, St. Louis, Missouri, Administrator, acting under the judicial supervision of the Probate Court of the City of St. Louis, State of Missouri;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Steve Fabian, Hungary.
Anthony Fabian, Hungary.
Rosie Fabian, Hungary.
Theresa Fabian, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it the estate of John Fabian, deceased,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Steve Fabian, Anthony Fabian, Rosie Fabian and Theresa Fabian, and each of them, in and to the estate of John Fabian, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2678; Filed, February 24, 1944; 10:36 a. m.]

[Vesting Order 3122]

EDITHA ELIZABETH FINCK VON FINCKENSTEIN

In re: General Guardianship, Editha Elizabeth Finck von Finckenstein, minor; File F–28–681; E. T. sec. 586.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by City Bank Farmers Trust Company, General Guardian Editha Elizabeth Finck von Finckenstein u/c/o 12/7/36, acting under the judicial supervision of the Surrogate's Court of Ulster County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Editha Elizabeth Finck von Finckenstein, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Editha Elizabeth Finck von Finckenstein of any nature whatsoever in the possession of City Bank Farmers Trust Company, as General Guardian of the Estate of Editha Elizabeth Finck von Finckenstein, a minor,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: Februay 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2636; Filed, February 24, 1944; 10:37 a. m.]

[Vesting Order 3123]

HERMANN FLEITMANN

In re: Trust under the will of Hermann Fleitmann, deceased; File F–28–1120; E. T. sec. 1916.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Hans C. Neumann, as trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louisa Fleitmann Barack nee Fleitmann, Germany.
Ehrhardt F. Von Henk, Germany.
Anna Elizabeth Von Langen, Germany.
Inez Margarethe Bally, Germany.
Fuchs Scheibler, Germany.
"Jane" Von Langen, name "Jane" being fictitious, real first name unknown, Germany.
"John" Bally, name "John" being fictitious, real first name unknown, Germany.
"James" Bally, name "James" being fictitious, real first name unknown, Germany.
"Jane" Von Henk, name "Jane" being fictitious, real first name unknown, Germany.
"Mary" Von Henk, name "Mary" being fictitious, real first name unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any ind or character whatsoever of Louisa Fleitmann Barack nee Fleitmann, Ehrhardt F. Von Henk, Anna Elizabeth Von Langen, Inez Margarethe Bally, Fuchs Scheibler, "Jane" Von Langen, "John" Bally, "James" Bally, "Jane" Von Henk and "Mary" Von Henk, and each of them, in and to the trust established under the will of Herman Fleitmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2648; Filed, February 24, 1944; 10:37 a. m.]

[Vesting Order 3124]

LUDWIG FREDEKING

In re: Estate of Ludwig Fredeking and trust under the will of Ludwig Fredeking, deceased; File D–28–4389; E. T. sec. 7417.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank of Altoona, Pennsylvania, Executor, acting under the judicial supervision of the Orphans' Court of Blair County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marie Natermann, Germany.
Armin Natermann, Germany.
Marianne Kertell and her issue, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marie Natermann in and to the estate of Ludwig Fredeking, deceased, and all right, title, interest and claim of any kind or character whatsoever of Marie Natermann, Armin Natermann, Marianne Kertell and her issue, and each of them, in and to the trust estate created under the will of Ludwig Fredeking, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2637; Filed, February 24, 1944; 10:37 a. m.]

[Vesting Order 3125]

ZDENKO FREUND

In re: Estate of Zdenko Freund, deceased; File D–6–130; E.T. sec. 702.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arnost Freund, Administrator, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emil Freund, Germany, (Austria).
Otto Freund, Germany, (Austria).
Julius Freund, Germany, (Austria).
Robert Mahler, Germany, (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emil Freund, Otto Freund, Julius Freund and Robert Mahler, and each of them, in and to the estate of Zdenko Freund, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2638; Filed, February 24, 1944; 10:37 a. m.]

[Vesting Order 3126]

DAVID FUERSTENBERG

In re: Trust u/w of David Fuerstenberg, deceased; File D–28–7908; E. T. sec. 6030.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Pennsylvania Company for Insurances on Lives and Granting Annuities, as trustee, acting under the judicial supervision of the Orphans' Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

tional interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emil Freund, Otto Freund, Julius Freund and Robert Mahler, and each of them, in and to the estate of Zdenko Freund, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2639; Filed, February 24, 1944; 10:37 a. m.]

[Vesting Order 3127]

FRED HEIDRICH, ET AL.

In re: Fred Heidrich, et al. vs. Anna Trieb, et al.; File No. D–28–7954; E. T. sec. 8845.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John F. O'Toole, 7 South Dearborn Street, Chicago, Illinois, Master in Chancery of the Superior Court of Cook County, Illinois, Depositary, acting under the judicial supervision of the Superior Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Martha (sometimes known as Marie) Frauenrath, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $150.67 which is in the possession, and custody of John F. O'Toole, Master in Chancery of the Superior Court of Cook County, Illinois, Depositary, pursuant to order entered October 27th, 1943, by the Superior Court of Cook County, Illinois, in the matter of the partition suit entitled: "Fred Heidrich, et al. vs. Anna Trieb, et al. Case No. 41–S–7175,"

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2640; Filed, February 24, 1944; 10:37 a. m.]

[Vesting Order 3128]

KEIKO IMAMURA AND KAZUKO IMAMURA

In re: Guardianship Estate of Keiko Imamura and Kazuko Imamura, Minors; File: D–66–1459; E. T. sec. 9326 (H–115).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by M. Marmuoto, Guardian, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Keiko Imamura, Japan.
Kazuko Imamura, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Keiko Imamura and Kazuko Imamura, and each of them, in and to the Guardianship Estate of Keiko Imamura and Kazuko Imamura, Minors, in the possession of M. Marumoto, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2641; Filed, February 24, 1944; 10:38 a. m.]

[Vesting Order 3129]

MARGARET C. IRLBACKER

In re: Estate of Margaret C. Irlbacker, also known as Margaret C. Irlbacker Schirra, deceased, File D–28–2044; E. T. sec. 2318.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bessie M. Ferguson and Wilfred J. Aigner, as executors and trustees, acting under the judicial supervision of the Surrogate's Court, Erie County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Gretta Aigner, Germany.
Kathi Aigner, Germany.
Joseph Aigner, Jr., Germany.
Frederick W. Aigner, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

A. All right, title, interest and claim of any kind or character whatsoever of Gretta Aigner, Kathi Aigner, Joseph Aigner, Jr., and each of them, in and to the Estate of Margaret C. Irlbacker, also known as Margaret C. Irlbacker Schirra, deceased; and

B. All right, title, interest and claim of any kind or character whatsoever of Gretta Aigner, Joseph Aigner, Jr. and Frederick W. Aigner, and each of them, in and to the trust established under the will of Margaret C. Irlbacker, also known as Margaret C. Irlbacker Schirra, deceased;

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2642; Filed, February 24, 1944; 10:38 a. m.]

[Vesting Order 3130]

LEONA E. KEINER

In re: Estate of Leona E. Keiner, deceased; File D–28–7989; E. T. sec. 8932.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Samuel L. Gerstley and Henry E. Gerstley, surviving Executors and Trustees, acting under the judicial supervision of the Orphans' Court of Clinton County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Mary Schuebel, Germany.
Mrs. Frieda Heidecker, Germany.
Mrs. Clara Buchheim, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vest the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Mary Schuebel, Mrs. Frieda Heidecker and Mrs. Clara Buchheim, and each of them, in and to the estate of Leona E. Keiner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds therof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2643; Filed, February 24, 1944; 10:38 a. m.]

[Vesting Order 3131]

MARIE D. KEMPER

In re: Trust under the Will of Marie D. Kemper, deceased; File D–28–2269; E. T. sec. 3296.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First Wisconsin Trust Company, 735 North Water Street, Milwaukee, Wisconsin, Trustee, acting under the judicial supervision of the County Court of Milwaukee County, State of Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Lilly Kemper Rummel Mueller, Germany.
Gerth Ludwig Adolph Rummel, Germany.
Gunther Ernst Alfred Rummel, Germany.
Adrian Lucas Gustav Mueller, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lilly Kemper Rummel Mueller, Gerth Ludwig Adolph Rummel, Gunther Ernst Alfred Rummel and Adrian Lucas Gustav Mueller, and each of them, in and to the trust under the will of Marie D. Kemper, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2644; Filed, February 24, 1944; 10:38 a. m.]

[Vesting Order 3132]

KENICHI ISERI, ET AL.

In re: Guardianship Estate of Kenichi Iseri, Reiko Iseri, Yayoko Iseri, Mieko Iseri, and Hajime Iseri, Minors; File: D–39–2087; E. T. sec. 8383) (H–84).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur E. Restarick, Guardian, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Kenichi Iseri, Japan.
Reiko Iseri, Japan.
Yayoko Iseri, Japan.
Mieko Iseri, Japan.
Hajime Iseri, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kenichi Iseri, Reiko Iseri, Yayoko Iseri, Mieko Iseri and Hajime Iseri, and each of them, in and to the Guardianship Estate of Kenichi Iseri, Reiko Iseri, Yayoko Iseri, Mieko Iseri and Hajime Iseri, Minors, in the possession of Arthur E. Restarick, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2645; Filed, February 24, 1944; 10:39 a. m.]

[Vesting Order 3133]

OTTO C. W. JIESCHE

In re: Trust under Will of Otto C. W. Jiesche, deceased; File No. D–28–2581; E. T. sec. 5104.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by German Society of the City of New York, as Trustee, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Rosemarie Jiesche, Germany.
Helmuth Jiesche, Germany.
Wilhelm Schmidt, Germany.
Dora Marie Schmidt, Germany.
Erich Schmidt, Germany.
Gertrud Schmidt, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rosemarie Jiesche, Helmuth Jiesche, Wilhelm Schmidt, Dora Marie Schmidt, Erich Schmidt, and Gertrud Schmidt, and each of them, in and to the Trust Estate created under the Last Will and Testament of Otto C. W. Jiesche, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the inter-

est of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2648; Filed, February 24, 1944; 10:39 a. m.]

[Vesting Order 3134]

HELEN KERECMAN (KRITZMAN)

In re: Estate of Helen Kerecman (Kritzman) or Helen Liquori, deceased; File D–34–669; E. T. sec. 8036.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank at Pittsburgh, Custodian, acting under the judicial supervision of the Orphans' Court, Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Marko Ference or Frank Marko, Antaloc, Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marko Ference or Frank Marko in and to the Estate of Helen Kerecman (Kritzman) or Helen Liquori, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2649; Filed, February 24, 1944; 10:40 a. m.]

[Vesting Order 3135]

EDWIN F. KNOWLTON

In re: Trusts under the last will and testament of Edwin F. Knowlton, deceased; File D–28–2542; E. T. sec. 3758.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by City Bank Farmers Trust Company, Trustee and Brooklyn Trust Company, Trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and last known address

Eddy Sierstorpff, Germany (street and city unknown).

The issue of Eddy Sierstorpff, whose names are unknown, Germany.

Constance Sierstorpff, Germany (street and city unknown).

The issue of Constance Sierstorpff, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eddy Sierstorpff, the issue of Eddy Sierstorpff, Constance Sierstorpff and the issue of Constance Sierstorpff, and each of them, in and to the trusts created under the Last Will and Testament of Edwin F. Knowlton, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2650; Filed, February 24, 1944; 10:40 a. m.]

[Vesting Order 3136]

FUMI KOJIMA

In re: Estate of Fumi Kojima, deceased; File: D–39–17373; E. T. sec. 9324 H–118.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Yoshiyuki Yamashita, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address.

Kazuko Kojima, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kazuko Kojima in and to the Estate of Fumi Kojima, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2651; Filed, February 24, 1944; 10:40 a. m.]

[Vesting Order 3137]

JOSEPH KUCHER

In re: Trust under will of Joseph Kucher, deceased; File D–6–153; E. T. sec. 3099.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Chase National Bank of the City of New York, Trustee, acting under the judicial supervision of the Bergen County Orphans' Court of Hackensack, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, an agency or instrumentality of a designated enemy country, Germany, namely,

Landes Kuesurrat, Klagenfurt, Carinthia, Germany (Austria).

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Landes Kuesurrat in Klagenfurt, in and to the trust established under the will of Joseph Kucher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2652; Filed, February 24, 1944; 10:40 a. m.]

[Vesting Order 3138]

GEORGE KURE

In re: Estate of George Kure, deceased; File No. D–28–3693; E. T. sec. 6091.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Val. L. Kies, Clerk of District Court of Dubuque County, Dubuque, Iowa, Depositary, acting under the judicial supervision of the District Court of the State of Iowa, in and for the County of Dubuque;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

John Kure, Germany (Austria).
Margaretta Stark, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $160.00, which is in the process of administration by, and is in possession and custody of Val. L. Kies, Clerk of District Court of Dubuque County, Dubuque, Iowa, Depositary.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2653; Filed, February 24, 1944; 10:40 a. m.]

[Vesting Order 3139]

LULU LACHENMYER,

In re: Trust created in the Estate of Lulu Lachenmyer, also known as Lulu Castorf, and Lulu C. Lachenmyer, deceased; File F–28–12893; E. T. sec. 1270.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Capital National

Bank of Sacramento, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Sacramento;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Rosine Hauser, nee Reber, Germany.
Christian Gottlob Reber, Germany.
Gottliebin Wurst, nee Mauser, Germany.
Christian Johann Mauser, Germany.
Karl Johann Mauser, Germany.
Karoline Regine Laur, nee Neber, Germany.
Christian Gottlob Reber, Germany.
Louise Pauline Schlenher, nee Reber, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Rosine Hauser, nee Reber, Christian Gottlob Reber, Gottliebin Wurst, nee Mauser, Christian Johann Mauser, Karl Johann Mauser, Karoline Regine Laur, nee Reber, Christian Gottlob Reber and Luise Pauline Schlenker, nee Reber, and each of them, in and to the trust estate created by order of the Superior Court of the State of California, in and for the County of Sacramento, entered in the estate of Lulu Lachenmyer, also known as Lulu Castorf, and Lulu C. Lachenmyer, deceased, and all property of the above designated nationals of any nature whatsoever in the possession of the Capital National Bank of Sacramento, as trustee named in the aforesaid order of court,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-4, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2654; Filed, February 24, 1944; 10:40 a. m.]

[Vesting Order 3140]

CLEMENS A. LAISE

In re: Estate of Clemens A. Laise, deceased; File D-28-2228; E.T. sec. 2935.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity Union Trust Company, as Executor, Newark, New Jersey, acting under the judicial supervision of the New Jersey Prerogative Court of Trenton, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hans Laise, Germany.
Wilhelm Clemens Laise, Germany.
Hans Walter Laise, Germany.
Peter Rudolph Laise, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hans Laise, Wilhelm Clemens Laise, Hans Walter Laise and Peter Rudolph Laise, and each of them, in and to the estate of Clemens A. Laise, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2655; Filed, February 24, 1944; 10:41 a. m.]

[Vesting Order 3141]

PAULINE LAUTER

In re: Estate of Pauline Lauter, deceased; File D-28-3537; E. T. sec. 5701.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Essex County Orphans' Court, Depositary, acting under the judicial supervision of the Essex County Orphans' Court, Essex County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Flora Teske, Germany.
Georg Teske, Germany.
Martha Louise Anna Kein, Germany.
Alexander Maximilian Georg Teske, Germany.
Pauline Louise Johanna Natusch, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest; and claim of any kind or character whatsoever of Flora Teske, Georg Teske, Martha Louise Anna Kein, Alexander Maximilian Georg Teske and Pauline Louise Johanna Natusch, and each of them, in and to the estate of Pauline Lauter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2656; Filed, February 24, 1944; 10:41 a. m.]

[Vesting Order 3142]

FRANKLIN J. MATCHETTE

In re: Estate of Franklin J. Matchette, deceased; File No. D-28-3858; E. T. sec. 6602.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Percy S. Kaufman, Merlin Hull, Thomas Harvey Smith and Louis D. Matchette, as Executors, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

William Huettman, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of William Huettman in and to the Estate of Franklin J. Matchette, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the

Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2657; Filed, February 24, 1944; 10:41 a. m.]

[Vesting Order 3143]

MARIE H. MEYRAN

In re: Trust under the will of Marie H. Meyran, deceased; File D-28-2520; E. T. sec. 3734.

Under the authority of the Trading with the Enemy Act, as amended, and Executice Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Colonial Trust Company, 317 Fourth Avenue, Pittsburgh, Pennsylvania, Executor and Trustee, and Arthur W. Petsinger, 414-416 Wood Street, Pittsburgh, Pennsylvania, Co-executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hanna Herrose, Germany.
Bertha Herrose, Germany.
Hans Herrose, Germany.
Anneliese Herrose, Germany.
Lotte Rhode, Germany.
Hans Herrose, as Trustee for Magdalene Herrose, Liese-Lotte, Rudolf Herrose, Germany.
Magdalene Herrose, Germany.
Liese-Lotte, Germany.
Rudolf Herrose, Germany.
Elisabeth Schreber, Germany.
Ilse Haken, Germany.
Ute Haken, Germany.
Eva Jacobs, Germany.
Joachim Schreber, Germany.
Emmy Herrose, Germany.
Ida Herrose, Germany.
Ursula Herrose, Germany.
Paul Herrose, Jr., Germany.
Marie Herrose, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hanna Herrose, Bertha Herrose, Hans Herrose, Anneliese Herrose, Lotte Rhode, Hans Herrose, as Trustees for Magdalene Herrose, Liese-Lotte, Rudolf Herrose; Magdalene Herrose, Liese-Lotte, Rudolf Herrose, Elizabeth Schreber, Ilse Haken, Ute Haken, Eva Jacobs, Joachim Schreber, Emmy Herrose, Ida Herrose, Ursula Herrose, Paul Herrose, Jr. and Marie Herrose, and each of them, in and to the trust created by Paragraph eleventh of the Last Will and Testament of Marie H. Meyran, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-2658; Filed, February 24, 1944; 10:41 a. m.]

[Vesting Order 3144]

KATIE GLASSER

In re: Mortgage Participation Certificate #5 of Series 19,412, issued by Lawyers Mortgage Company to Katie Glasser; File D-28-2594; E. T. sec. 4480.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William P. Thomas, Benjamin Antin and Henry G. McDonough, as Trustees, acting under the judicial supervision of the Supreme Court of the

State of New York, in and for the County of Bronx, New York;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Katie Glasser, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Katie Glasser, in and to Mortgage Participation Certificate #5 of Series 19,412 for $4,655.32, issued by Lawyers Mortgage Company, of New York City, New York,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2659; Filed, February 24, 1944; 10:41 a. m.]

[Vesting Order 3145]

MARGARETE JANS

In re: Mortgage Participation Certificate N 158488 in Mortgage F 738 (170878) issued by the Title Guarantee and Trust Company to Margarete Jans; File D–28–6666; E. T. sec. 5166.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Manufacturers Trust Company, Trustee, acting under the judicial supervision of the Supreme Court of Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Margarete Jans, Egge-Volmarstein, Hamburg, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Margarete Jans in and to the Mortgage Participation Certificate N 158488 in Mortgage F 738 (170878) for $175.99 issued by the Title Guarantee and Trust Company.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2660; Filed, February 24, 1944; 10:41 a. m.]

[Vesting Order 3146]

FRITZ R. TEUTER, ET AL.

In re: Mortgage Participation Certificate No. 96220 and Mortgage Participation Certificate No. 96239, issued by the Bond and Mortgage Guarantee Company, Series No. 170850; Certificate No. 96220 to Fritz R. Teuter and Certificate No. 96239 to Karl Neddermeier and Marie Neddermeier, File D–28–3932; E. T. sec. 6806.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Brooklyn Trust Company, Trustee, acting under the judicial supervision of the Supreme Court of the State of New York, County of Kings;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Fritz R. Teuter, Weitze Bei Celle, Hanover, Germany.

Karl Neddermeier and Marie Neddermeier, or Survivor, Vacha/Rhon, Widermarkterstrs, Altenburg, Thuring, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fritz R. Teuter in and to Mortgage Participation Certificate No. 96220 and of Karl Neddermeier and Marie Neddermeier, or Survivor, in and to Mortgage Participation Certificate No. 96239, issued by Bond and Mortgage Guarantee Company under guarantee No. 170850,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2661; Filed, February 24, 1944; 10:42 a. m.]

[Vesting Order 3147]

HERMAN WEHMEYER

In re: Mortgage Participation Certificate for Herman Wehmeyer, #104 of Series 580, issued by the Guaranteed Mortgage Company; File D–28–6465; E. T. sec. 4865.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Brooklyn Trust Company, as Trustee of Mortgage Participation Certificate for Herman Wehmeyer, #104 of Series 580, issued by the Guaranteed Mortgage Company, acting under the judicial supervision of the Supreme Court of Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Herman Wehmeyer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Herman Wehmeyer in and to income and proceeds of bond and mortgage participation certificate #104 in the amount of $297.60, issued in guarantee series #590 by the Guaranteed Mortgage Company and being serviced by Brooklyn Trust Company of Brooklyn, New York, as Trustee,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2662; Filed, February 24, 1944; 10:42 a. m.]

[Vesting Order 3148]

ADOLF MULLER

In re: Estate of Adolf Muller, also called Adolph Muller, deceased; File D–28–4174; E. T. sec. 7244.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phil C. Katz, Administrator, acting under the judicial supervision of the Superior Court of the State of California for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Newland, Germany.
Anna W. Sattlerel, Germany.
Wilhelm Muller, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy county, Germany, and;

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Newland, Anna W. Sattlerel, and Wilhelm Muller, and each of them, in and to the Estate of Adolf Muller, also called Adolph Muller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2663; Filed, February 24, 1944; 10:42 a. m.]

[Vesting Order 3149]

ANNA L. NOLDE

In re: (a) Trust created by order of the Orphans' Court of Berks County, Pennsylvania, in the estate of Anna L. Nolde, Settlor.

(b) Trust under Deed of Trust dated May 19, 1928, executed by Anna L. Nolde, for the use and benefit of Caroline Pipgras, et al.; File D–28–2320; E. T. sec. 3119.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Reading Trust Company, 515 Penn Street, Reading, Pennsylvania, Trustee, acting under the judicial supervision of the Orphans' Court of Berks County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

E. Windels, E. E. and Min. Plen. for the use of Georg Pipgras, Deceased, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of E. Windels, E. E. and Min. Plen. for the use of Georg Pipgras, deceased, in and to the trust estate created by order of the Orphans' Court of Berks County, Pennsylvania, in the estate of Anna L. Nolde, Settlor.

(b) All right, title, interest, and claim of any kind or character whatsoever of E. Windels, E. E. and Min. Plen. for the use of Georg Pipgras, deceased, in and to the trust estate created by Deed of Trust dated May 19, 1928, executed by Anna L. Nolde, for the use and benefit of Caroline Pipgras, et al,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2664; Filed, February 24, 1944; 10:42 a. m.]

[Vesting Order 3150]

BENEDICT NUDING

In re: Estate of Benedict Nuding, deceased; File D–28–8223; E. T. sec. 9271.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Luther B. Hudders, 33 North West Street, Allentown, Pennsylvania, Administrator c. t. a. d. b. n., acting under the judicial supervision of the Orphans' Court of Lehigh County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

August Nuding, Germany.
Maria Nuding Siedel, Germany.
Clara Nuding Hudelmaier, Germany.
Rosina Nuding Steinle, Germany.
Antonic Nuding, Germany.
Richard Sellmer, Germany.
Pauline Sellmer Muller, Germany.
Erich Sellmer, Germany.
Maria Sellmer, Germany.
Hans Sellmer, Germany.
Dorothea Sellmer Schuler, Germany.
Benedict Sellmer, Germany.
Maria Santee, Germany.
Franz Zeller, Germany.
Maria Zeller, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of August Nuding, Maria Nuding Seidel, Clara Nuding Hudelmaier, Rosina Nuding Steinle, Antonic Nuding, Richard Sellmer, Pauline Sellmer Muller, Erich Sellmer, Maria Sellmer, Hans Sellmer, Dorothea Sellmer Schuler, Benedict Sellmer, Maria Santee, Franz Zeller and Maria Zeller, and each of them, in and to the Estate of Benedict Nuding, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 15, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2665; Filed, February 24, 1944; 10:42 a. m.]

[Supplemental Vesting Order 3178]

IWATA TRADING CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 1764, dated July 8, 1943, that Iwata Trading Company is a business enterprise within the United States and a national of a designated enemy country (Japan):

2. Finding that the following persons have claims against Iwata Trading Company in the amounts appearing opposite each name, which claims, as of September 15, 1943, aggregated $575.24, subject, however, to any accruals or deductions subsequent thereto, and represent interests in Iwata Trading Company:

Ichiji Iwata	$ 30.45
Ryuzo Iwata	544.79
Total	$575.24

3. Finding that Ichiji Iwata and Ryuzo Iwata, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interests of Ichiji Iwata and Ryuzo Iwata in Iwata Trading Company aggregating $575.24 and represented on the books and records of Iwata Trading Company as accounts payable, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 16, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–2647; Filed, February 24, 1944; 10:36 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R–7]

THE CENTRAL RAILROAD CO. OF NEW JERSEY

DISCONTINUANCE AND ADJUSTMENT OF CERTAIN PASSENGER SERVICE

Pursuant to Executive Order 8989, as amended, and in order to make available manpower, railway cars, motive power, and other transportation facilities and equipment for the preferential transportation of troops and materials of war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to prevent shortages of manpower and equipment necessary for such transportation; and to expedite the movement of freight traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The Central Railroad Company of New Jersey (Shelton Pitney and Walter P. Gardner, Trustees; hereinafter called "carrier"), in the transportation of passengers between points and places in the State of New Jersey, as a common carrier by railroad, shall

(a) Discontinue the operation of its passenger trains numbered 1129, 1001, 1103, 1105, 1109, 805, 807, 1119, 7401, 205, 813, 421, 829, 433, 7503, 1102, 800, 406, 1106, 812, 416, 418, 1112, 1114, 1002, 1118, 830, 1128, 434, 834, 753, 757, 461, 7017, 7021, 7241, 7211, 7025, 7213, 7031, 7047, 7051, 7237, 7001, 7002, 7022, 7101, 7206, 7026, 7030, 7214, 7107, 7226, 7230, 7054, 3101, 3105, 3311, 5011, 3325, 3107, 3200, 5014, 3102, 3318, 3324, 3313, and 4216;

(b) Discontinue the operation of its passenger trains numbered 413, 419, and 425 between Dunnellen and Raritan, New Jersey;

(c) Discontinue the operation of its passenger trains numbered 823 and 7215 on all days of the week except Saturday;

(d) Discontinue the operation of its passenger trains numbered 825 and 3319 on all Saturdays;

(e) Discontinue the operation of its passenger trains numbered 7311, 7313, 7314, and 7316 between Elizabethport and Chrone, New Jersey;

(f) Discontinue the operation of its passenger train numbered 4203 between Jersey City and Redbank, New Jersey;

(g) Discontinue the operation of its passenger train numbered 3203 between Matawan and Redbank, New Jersey;

(h) Discontinue the operation of its passenger train numbered 4008 between Matawan and Jersey City, New Jersey;

(i) Discontinue the operation of its passenger train numbered 4218 between Redbank and Jersey City, New Jersey, on all days of the week except Saturday;

(j) Discontinue the operation of its passenger train numbered 7603 between Cranford and Raritan, New Jersey; and

(k) Adjust the service afforded by its trains numbered 443, 705, 1003, 611, 709, 107, 615, 1115, 417, 711, 811, 715, 815, 207, 2709, 817, 1121, 723, 827, 429, 727, 431, 833, 702, 120, 402, 404, 200, 408, 202, 712, 714, 7700, 204, 718, 722, 104, 422, 724, 106, 824, 430, 432, 194, 436, 451, 7019, 7055, 7200, 7204, 7028, 3103, 4229, 3100, 4002, and 3308 by rearranging the stops made and the points served in such a manner that reasonable service will be provided for the communities affected by the suspensions to be made pursuant to this order.

2. The passenger trains referred to in this order mean the passenger trains designated by the same numbers in timetable No. 122 issued by the carrier effective May 23, 1943, and time-table No. 317 issued by The New York and Long Branch Railroad Company effective November 14, 1943.

3. The provisions of this order shall be subject to any special permit issued by the Director, Division of Railway Transport, Office of Defense Transportation, to meet specific needs or exceptional circumstances.

4. The carrier forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

5. Communications concerning this order should be addressed to the Division of Railway Transport, Washington, D. C., and should refer to "Special Order ODT R–7."

This order shall become effective March 12, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

(E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183)

Issued at Washington, D. C., this 24th day of February 1944.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 44–2630; Filed, February 24, 1944; 9:48 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Gen. Order 54]

DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS TO MAKE FINDINGS THAT LIVESTOCK SLAUGHTERERS HAVE WILFULLY VIOLATED REGULATIONS APPLICABLE TO THE SALE OR DISTRIBUTION OF MEAT

Section 10 (a), Regulation No. 3 of Defense Supplies Corporation provides:

(a) *Compliance with other regulations.* Defense Supplies Corporation shall have the right to declare invalid, in whole or in part, any claim which does not meet the requirements of this regulation, and any claim filed by an applicant who, in the judgment of the War Food Administrator or the Price Administrator has wilfully violated any regulation of their respective agencies applicable to livestock slaughter or the sale or distribution of meat.

I hereby delegate to any Regional Administrator, or Acting Regional Administrator, the authority to make findings that livestock slaughterers have wilfully violated any regulation of the Office of Price Administration relating to the sale or distribution of meat and based upon such findings to recommend to Defense Supplies Corporation that they take action pursuant to section 10 (a) of Regulation No. 3 of Defense Supplies Corporation.

Issued and effective this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2626; Filed, February 23, 1944; 4:53 p. m.]

OFFICE OF WAR MOBILIZATION.

JOINT CONTRACT TERMINATION BOARD

ADDITIONAL MEMBERS

The Joint Contract Termination Board shall, in addition to its present members, include a representative from each of the following agencies or departments: the Department of Justice, the War Production Board, The Smaller War Plants Corporation, and the Comptroller General.

JAMES F. BYRNES,
Director.

THE WHITE HOUSE,
February 21, 1944.

[F. R. Doc. 44–2619; Filed, February 23, 1944; 2:58 p. m.]

FEDERAL REGISTER

VOLUME 9 NUMBER 41

Washington, Saturday, February 26, 1944

The President

EXECUTIVE ORDER 9427

ESTABLISHMENT OF THE RETRAINING AND REEMPLOYMENT ADMINISTRATION

By virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the First War Powers Act, 1941, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. There is hereby established in the Office of War Mobilization a Retraining and Reemployment Administration (hereinafter referred to as the Administration), the functions of which, subject to the general supervision of the Director of War Mobilization, shall be exercised by a Retraining and Reemployment Administrator (hereinafter referred to as the Administrator) to be appointed by the Director of War Mobilization.

2. With the assistance of a Retraining and Reemployment Policy Board, composed of a representative of the Department of Labor, the Federal Security Agency, the War Manpower Commission, the Selective Service System, the Veterans Administration, the Civil Service Commission, the War Department, the Navy Department, and the War Production Board, it shall be the function of the Administration:

(a) To have general supervision and direction of the activities of all Government agencies relating to the retraining and reemployment of persons discharged or released from the armed services or other war work, including all work directly affected by the cessation of hostilities or the reduction of the war program; to issue necessary regulations and directions in connection therewith; and to advise with the appropriate committees of the Congress as to the steps taken or to be taken with respect thereto.

(b) In consultation with the Government agencies concerned, to develop programs for the orderly absorption into other employment of persons discharged or released from the armed service, or other war work, including adequate provisions for vocational training, for the finding of jobs for persons so discharged or released, for assisting those persons and their families pending their absorption into employment, and for dealing with the problems connected with the release of workers from industries not readily convertible to peacetime use. In developing such programs, special regard shall be given to the necessity of integrating them with wartime manpower controls.

(c) In consultation with the Government agencies concerned, to develop programs for the adequate care of persons discharged or released from the armed services, including physical and occupational therapy for the wounded and disabled and the resumption of education interrupted by the war.

3. The Retraining and Reemployment Policy Board shall invite representatives of other Government agencies to participate in its deliberations when matters specially affecting them are under consideration.

4. The functions conferred on the Administration by this order shall be performed through existing Government agencies and officials so far as feasible and in such manner as the Administrator shall determine. The Administration, within the limit of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities, and services necessary to discharge the responsibilities of the Administration.

5. All prior Executive orders, so far as they are in conflict herewith, are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 24, 1944.

[F. R. Doc. 44-2728; Filed, February 25, 1944; 9:50 a. m.]

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FEDERAL REGISTER

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.

Book 2: Titles 4–9, with index.

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TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 15–6]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

Pursuant to the authority vested in me by Food Distribution Order No. 15 (8 F.R. 1704), issued on February 6, 1943, as amended, and to effectuate the purposes of such order, as amended, it is hereby ordered as follows:

§ 1401.18 *Percentages of Cheddar cheese to be set aside in March and April 1944*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 15, as amended, shall, when used herein, have the same meaning as set forth for such term in Food Distribution Order No. 15, as amended.

(2) The term "FDO 15" means Food Distribution Order No. 15, issued on February 6, 1943, as amended.

(b) *Percentages.* Each person who is required by FDO 15 to set aside Cheddar cheese during March or April 1944 shall set aside in each of the said months, in which he is required to set aside Cheddar cheese, a quantity of Cheddar cheese equal at least to the following percentages of all Cheddar cheese produced by him in the respective months: (1) In March, 45 percent; and (2) in April, 55 percent.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., March 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 FR. 14783; FDO 15, as amended, 8 F.R. 1704, 5698)

Issued this 22d day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–2617; Filed, February 23, 1944; 12:57 p. m.]

[FDO 75–2, Amdt. 7]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Food Distribution Order No. 75–2, § 1410.18, as amended (9 F.R. 1047), is further amended to read as follows:

§ 1410.18 *Beef required to be set aside*—(a) *Definitions.* (1) "Governmental agency" means the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations), the Office of Distribution, War Food Administration (including but not restricted to the Federal Surplus Commodities Corporation, the War Shipping Administration, and the Veterans Administration.

(2) "Northern Area of Zone 9" includes the following:

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island;

(ii) All that portion of New York east of and including the counties of Saint Lawrence, Jefferson, Lewis, and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond;

(iii) All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

(iv) New Jersey and Delaware;

(v) All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys; and

(vi) The District of Columbia.

(3) "Set aside meat" means meat of the type and grade required to be set aside, reserved, and held under this order.

(4) "Authorized purchaser" means:

(i) Any person who is under contract to sell or deliver set aside meat, or products prepared in whole or part therefrom, to a governmental agency;

(ii) Any person who has delivered set aside meat, or products prepared in whole or part therefrom, to a governmental agency, and has not replaced the set aside meat so delivered, or contained in the products so delivered, by a purchase of set aside meat under this order;

(iii) Any person who is authorized by the Director to purchase set aside meat.

(5) "Army-style beef" means (i) dressed steer carcasses weighing between 400 and 1,100 pounds, or dressed heifer carcasses weighing between 350 and 650 pounds, and (ii) graded "U. S. Choice", "U. S. Good", "U. S. Commercial", or "U. S. Utility".

(6) Any term not specifically defined herein shall have the meaning ascribed thereto in Food Distribution Order No. 75 (8 F.R. 11119), or Food Distribution Order No. 75–1 (8 F.R. 11327).

(b) *All slaughterers; Army-style beef.* No Class 1 slaughterer, and no Class 2 slaughterer who in any calendar week slaughters 52 or more head of cattle producing Army-style beef, shall deliver meat unless he shall:

(1) Set aside, reserve, and hold for delivery to governmental agencies or persons entitled to purchase set aside meat under a Food Distribution regulation:

(i) 50 percent of the conversion weight of each week's production of beef graded "U. S. Choice", "U. S. Good", and "U. S. Commercial", obtained from steers and heifers whose carcasses meet Army specifications for carcass beef or frozen boneless beef;

(ii) In the form of carcass or frozen boneless beef meeting Army specifications, 50 percent of each week's production of beef graded "U. S. Utility" produced from steers and heifers whose carcasses meet Army weight specifications; and

(iii) In the case of any slaughterer of kosher beef located in the Northern Area of Zone 9, who has registered with the Office of Price Administration as required by paragraph (d) of § 1364.407 of Maximum Price Regulation 169, as amended, the percentage applicable under (b) (1) (i) and (b) (1) (ii) hereof shall be 35 percent for all beef derived from the slaughter of steers and heifers, the forequarters or wholesale kosher cuts of which have been sold or delivered as kosher beef to bona fide buyers of kosher beef.

(2) Bone, in accordance with Army specifications for frozen boneless beef, not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (i) hereof, and not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (ii) hereof: *Provided, however,* That the Order Administrator may wholly or partially exempt any slaughterer from this requirement upon a proper showing that said slaughterer (i) does not have adequate facilities for boning, or (ii) does not have, or is unable to obtain, sufficient personnel to bone said beef, or (iii) is unable to comply with this requirement for any reason which appears to the Order Administrator to warrant such exemption.

(c) *Class 1 slaughterers; cutter and canner beef.* No Class 1 slaughterer shall deliver meat unless he shall set aside, reserve, and hold for delivery to governmental agencies or persons entitled to purchase set aside meat under a Food Distribution regulation, 80 percent of the conversion weight of each week's production of beef derived from cutter and canner grade steers, heifers, and cows (Grade D beef).

(d) *Federal inspection.* No Class 2 slaughterer who is subject to (b) hereof shall deliver meat unless he shall apply and qualify under the Meat Inspection Act (21 U.S.C. 71 et seq.) and the regulations applicable thereto, for Federal meat inspection of all Army-style carcasses and beef required to be set aside by him under this order. No Class 2 slaughterer who becomes subject to (b) hereof by virtue of slaughtering, in any calendar week, more than 51 head of cattle producing Army-style beef, and who fails to apply or qualify for Federal inspection as herein provided, shall thereafter slaughter, in any calendar week, more than 51 head of cattle producing Army-style beef.

(e) *Conversion weight.* Conversion weights shall be computed in accordance with (p) of Food Distribution Order No. 75–1, *supra.* The Director may, upon written application, revise any conversion weight factor where it is shown that such factor is working an undue hardship in the preparation of certain products.

(f) *Credits allowed on deliveries.* Subject to the provisions of (g) hereof, any set aside meat delivered to a governmental agency, authorized purchaser, or person entitled to purchase set aside meat under the provisions of a Food Distribution regulation, may be credited against the requirements of (b) hereof for meat of the type and grade so delivered.

(g) *Certificates.* No set aside meat shall be delivered to any authorized purchaser, and no credit shall be allowed for any such delivery unless, within 10 days after delivery, the slaughterer obtains a certificate signed by the authorized purchaser, acknowledging receipt of the meat and containing the following: the name and address of both parties and the date of delivery; the contract number of the contract between the authorized purchaser and the governmental agency; and a statement by the authorized purchaser that the set aside meat so delivered, or an equivalent amount of set aside meat, will be or has been used in the fulfillment of such contract. The slaughterer shall endorse on such certificate the conversion weight of such meat, together with a description permitting conversion in accordance with (p) of Food Distribution Order No. 75–1, *supra.* The slaughterer and the authorized purchaser shall each retain an original of such certificate for delivery to the Director upon request. All statements contained in or accompanying such certificate shall be deemed made to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(h) *Storage; packaging.* All Army-style beef set aside and reserved under this order shall be stored in such manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with Army specifications.

(i) *Authorized purchasers required to redeliver.* Each authorized purchaser who receives set aside meat under the provisions of this order shall deliver all such meat, or an equivalent amount of set aside meat, to a governmental agency or person entitled to purchase set aside meat under the provisions of a Food Distribution regulation.

(j) *Allocation.* The Director may, by general order or written notice to individual slaughterers, order the allocation of meat set aside under this order to or among specific governmental agencies, authorized purchasers, or persons entitled to purchase set aside meat under a Food Distribution regulation. In the absence of such allocation, slaughterers may, subject to (g) hereof, sell meat so set aside to any such person or agency.

(k) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any slaughterer is required to offer or to deliver under any existing contract with a governmental agency, as defined herein, or with the United States Maritime Commission.

(l) *Reports.* Every slaughterer subject to (b) or (c) hereof shall report to the Director concerning his production of and transactions in set aside meat. Such reports shall be made at such times

and upon such forms as the Director may require.

(m) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective at 12:01 a. m., e. w. t., April 1, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75–2, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 75–2, as amended, in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 75, 8 F.R. 11119)

Issued this 22d day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–2616; Filed, February 23, 1944; 12:57 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[Gen. Order C–44]

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

AUTHORITY OF PATROL INSPECTORS, SPECIAL INSPECTORS, NATURALIZATION EXAMINERS, AND OTHER OFFICERS TO ACT AS IMMIGRANT INSPECTORS

FEBRUARY 7, 1944.

Pursuant to the authority conferred by sections 161 and 360 of the Revised Statutes, as amended (5 U.S.C. 22, 311); section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, the following new section is added to Part 60, Title 8, Chapter I, Code of Federal Regulations:

§ 60.27 *Authority of patrol inspectors, special inspectors, naturalization examiners, and other officers to act as immigrant inspectors.* All persons serving under appointment heretofore or hereafter made as patrol inspectors, special inspectors, naturalization examiners, or other officers of the Immigration and Naturalization Service of a higher grade than patrol inspector, special inspector, or naturalization examiner are hereby designated immigrant inspectors without additional compensation. The work as immigrant inspectors shall be arranged by supervisory officers so as not to interfere substantially with the performance of the duties of the other positions.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44–2726; Filed, February 25, 1944; 9:43 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 14—RANGE REGULATIONS FOR FIRING AMMUNITION FOR TRAINING AND TARGET PRACTICE

SAFETY PRECAUTIONS

Section 14.1 (6 F.R. 4470) is hereby amended to read as follows:

§ 14.1 *Safety precautions*—(a) *Safety limits.* Safety limits based upon prescribed danger areas will be determined prior to firing or bombing.

(b) *Trespassing on land ranges.* Before firing or bombing, the danger areas of land ranges will be examined and all persons will be excluded. Livestock will also be excluded unless an agreement has been reached with the owner or owners thereof. Local newspapers will be requested in the interest of safety to publish warnings against trespassing on the range.

(c) *Range guards.* Range guards properly instructed as to their duties will be posted so as to cover all normal approaches to the danger area.

(d) *Warning signals and signs.* (1) Scarlet danger flags and, when necessary, warning signs will be displayed at appropriate points to warn persons approaching a firing or bombing area which is being used.

(2) The scarlet streamer will be displayed from a prominent point on all ranges and at all times during firing or bombing. No firing or bombing will take place unless the scarlet streamer is displayed, and will cease at once in case the streamer is hauled down during firing.

(3) At night red lights may be used in lieu of danger flags, and to supplement the scarlet streamer.

(4) Signs warning persons of the danger from bullets, shells, bombs, and duds will be posted in the vicinity of the firing or bombing area at all times.

(e) *Water ranges.* Prior to firing or bombing over water areas or planting or firing submarine mines in water areas which are used by shipping of any kind, the harbor defense, post, regimental, or similar commander of the firing unit will warn local naval officials and, subject to current instructions regarding secrecy, inform the public of the contemplated firings or submarine mine plantings through one or more of the following agencies: Public press, public radio, Coast Guards or interested public officials. (R.S. 161; 5 U.S.C. 22) [Pars. 3 to 7, AR 750–10, 22 January 1944]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44–2724; Filed, February 25, 1944; 9:38 a. m.]

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

CLAIMS FOR LOSS, DAMAGE OR DESTRUCTION OF PROPERTY OR FOR PERSONAL INJURY

Section 36.26 (8 F.R. 8047, 14655) is amended and § 36.27 is added as follows:

§ 36.26 *Claims for damage to or loss or destruction of property or for personal injury or death caused by Army forces in foreign countries*—(a) *Scope.* Claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by Army forces, or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to noncombat activities of such forces, in a foreign country to public property located therein or to the privately owned property, or to the persons, of inhabitants of such country are within the foreign claims provisions of the Act of January 2, 1942 (55 Stat. 880; 31 U. S. C. 224d), as amended by act of April 22, 1943 (Public Law 39, 78th Cong.). The word "claims" as used in this section refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, and states, territories, and other political subdivisions of such countries, other than such demands for payment as arise under ordinary obligations incurred by the War Department or the Army in the procurement of services or supplies.

(b) *Preemptive of other claims provisions.* Claims within the scope of the foreign claims provision and which but for the existence of that provision would be within the provision of §§ 36.12 to 36.23 or § 36.25 will be settled under the foreign claims provisions.

(c) *Territorial application.* The provisions of the regulations in this section are applicable to claims arising in foreign countries, including territorial waters thereof. The fact that a claim arises at a place, within a foreign country, under the temporary or permanent jurisdiction of the United States does not preclude the allowance thereunder of such claims if otherwise within the foreign claims provision.

(d) *Bailed personal property.* Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, express or implied, are payable under the foreign claims provision unless by express agreement the bailor has assumed the risk of damage, loss or destruction.

(e) *Use and occupancy of real property.* Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, are payable under the foreign claims provision even though legally enforceable against the Government as contract claims.

(f) *Other noncombat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, though not caused by acts or omissions of military personnel or civilian employees of the War Department or of the Army, are payable under the foreign claims provision if otherwise incident to the noncombat activities of the War Department or of the Army. To illustrate, claims arising from airplane crashes, barrage balloons, vibration or concussion from gunfire, mechanical defects, runaway horses, and explosions.

(g) *Elements of damage in case of personal injury and death.* Actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering, and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. In computing damages in cases of personal injury or death, local standards will be taken into consideration. In case of death, only one claim arises; the amount awarded therefor will be apportioned among the beneficiaries, and in the proportions, prescribed by the law or custom of the place in which the claim arises.

(h) *Persons excluded as claimants.* The following classes of claimants are among those excluded:

(1) Persons not inhabitants of the country in which the claim arises. The word "inhabitant" as used in these regulations refers only to those who dwell or reside in the country in which the claim arises. Citizenship of, or legal domicile in, such country is not required; transients having no abode or dwelling place in such country are not included. An inhabitant of any dominion, state, province, colony, territory, or possession constituting a part of a foreign country will be deemed an inhabitant of such foreign country within the meaning of the foreign claims provision as to a claim arising in any part of such country.

(2) Military personnel of the United States.

(3) Nationals of a country at war with the United States, or of any ally of such enemy country, except as the foreign claims commission or the local military commander shall determine that the claimant is friendly to the United States.

(4) United States citizens not inhabitants of the country in which the claim arises.

(i) *Claims excluded.* The following classes of claims are among those excluded; claims based solely on compassionate grounds; private contractual and domestic obligations of individual military personnel or civilian employees; bastardy claims; and workmen's compensation claims. No workmen's compensation claim as such is payable under the foreign claims provision. If the claim is within the scope of any provision made for the payment of workmen's compensation claims (United States Employees' Compensation Act of September 7, 1916, as amended, or Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, as amended, or local law or custom), such specific remedy is exclusive; if, however, there is no compensation provision, or if the claim is not within the scope of any such provision, such claim may be considered under the foreign claims provision.

(j) *Contributory negligence.* No claim will be allowed where the damage, loss, destruction, injury or death is proximately caused in whole or in part by negligence or wrongful act on the part of the claimant, his agent, or employee, unless under the law or custom of the place where the claim arises such negligence or wrongful act is not recognized generally as a bar to recovery on tort claims, in which case such local law or custom will be applied so far as practicable in determining the effect of such negligence or wrongful act.

(k) *Combat activities.* No claim for damage to or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, will be allowed.

(l) *Claims of subrogees.* Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. No inquiry will be made into, nor determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount allowed will be made in the name of the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy provision, or other documentary evidence. The foregoing provisions will be equally applicable in cases of subrogation based other than on insurance. Claims by subrogees in their own right are not within the provisions of the act of January 2, 1942, as amended, and will not be considered.

(m) *Claims within provisions of other regulations.* Claims for damage to or loss or destruction of property, or for personal injury or death, arising in foreign countries, but not within the provisions of the act of January 2, 1942, as amended, for the reason that the claimant is not an inhabitant of the country in which the claim arises or for any other reason will be processed under the military claims provision (§§ 36.12 to 36.23), Article of War 105 (§ 36.25), or the personnel claims provision (§ 36.27), if applicable.

(n) *Statute of limitations.* No claim may be considered by a foreign claims commission unless presented within 1 year after the occurrence of the accident or incident out of which such claim arises except that claims arising out of accidents or incidents occurring after 6 December 1941, but prior to 1 May 1943, may be presented at any time prior to 1 May 1944. Any claim not in excess of $1,000 arising out of an accident or incident occurring after 27 May 1941, and prior to 7 December 1941, is barred unless it was presented within 1 year after the date of such accident or incident. Claims, regardless of amount, arising out of accidents or incidents occurring subsequent to 6 December 1941, but prior to 1 May 1943, may be presented at any time prior to 1 May 1944.

(o) *Foreign claims commissions.* It is the policy of the War Department to provide one or more foreign claims commissions for each foreign theater of operations, base, or comparable command in which claims against the Government within the provisions of the act of January 2, 1942, as amended, may arise. A sufficient number of commissions will be appointed to permit the prompt and final settlement of claims within practicable contact with the points where the claims originate. Commissions will be appointed, and the personnel thereof will be changed, by the Secretary of War.

(p) *Procedure*—(1) *§§ 36.1 to 36.10 generally applicable.* Investigation of claims arising in foreign countries, and of accidents and incidents which may give rise to such claims, whether within the foreign claims provision, or apparently within the provisions of other regulations (§§ 36.12 to 36.23, § 36.25 and § 36.27), or the payment of which is not provided for by any statute or regulation, will be conducted in a manner similar to that prescribed in §§ 36.1 to 36.10, and will be of the scope, completeness, and character directed therein to the extent that the exigencies of the service will permit. Any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resulting. The claim should be signed by or on behalf of the claimant and should, if practicable, be under oath.

(q) *Conditions of payment.* Prior to payment of any claim within the foreign claims provision each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, or destruction, or the amount payable on account of the injury or death, must be determined.

(2) The claim must not exceed $5,000, but claims in excess of that amount may be reported to Congress for consideration.

(3) The claim must be presented within 1 year, except that claims arising after 6 December 1941, but prior to 1 May 1943, may be presented at any time prior to 1 May 1944.

(4) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(5) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim unless not a bar to recovery on tort claims under local law or custom.

(6) The damage, loss, destruction, injury, or death must not have resulted

from action by the enemy or directly or indirectly from any act by armed forces engaged in combat.

(7) The property lost, damaged, or destroyed must belong to an inhabitant of the foreign country in which the accident or incident occurred, or belong to the country itself or a political subdivision thereof.

(8) The injury or death must be to an inhabitant of the foreign country where the accident or incident occurred.

(9) If the claimant is a national of a country at war with the United States, or of any ally of such enemy country, there must be a determination by the foreign claims commission or by the local military commander that the claimant is friendly to the United States.

(10) The claim must be allowed by a foreign claims commission and, if in excess of $2,500, must be approved by the theater, base, or comparable commander or The Judge Advocate General.

(11) The claimant must accept in writing in full satisfaction and in final settlement the amount approved. (Act of January 2, 1942, 55 Stat 880; 31 U. S. C. Sup. 224d as amended by act of April 22, 1943, Public Law 39, 78th Congress) [AR 25–90 dated 3 July 1943]

§ 36.27 *Claims of personnel for property lost, damaged, destroyed, captured, or abandoned in the service*—(a) *Scope.* Claims of military personnel and of civilian employees of the War Department or of the Army for personal property lost, damaged, destroyed, captured, or abandoned in the service are within the personnel claims provision of the Act of 4 March 1921 (41 Stat. 1436; 31 U.S.C. 218–222) as amended by section 6, act of 3 July 1943 (Public Law 112, 78th Cong.) in the following specified circumstances:

(1) Property lost, damaged, or destroyed when shipped on board an unseaworthy vessel or by order of an officer authorized to give such order or direct such shipment.

(2) Property lost, damaged, or destroyed in consequence of its owner having given his attention to the saving of human life of another who was in danger at the same time and under similar circumstances.

(3) Property lost, damaged, or destroyed in consequence of its owner having given his attention to the saving of property belonging to the United States which was in danger at the same time and under similar circumstances.

(4) Property lost, damaged, or destroyed while the claimant was engaged in authorizing military duties in connection with the disaster in which such loss, damage, or destruction occurred.

(5) Property lost, damaged, or destroyed when, during travel under orders, such property, including the regulation allowance of baggage, is being transferred by a common carrier. Allowance of the claim will be limited to the extent of the loss, damage, or destruction over and above the amount recoverable from the carrier (see paragraph (c) (1)).

(6) Property lost, damaged or destroyed when, during travel under orders, such property, including the regulation allowance of baggage, is being transported otherwise than by common carrier by the proper agent or agency of the Government.

(7) Property destroyed by the enemy.

(8) Property captured by the enemy.

(9) Property destroyed to prevent its falling into the hands of the enemy.

(10) Property abandoned on account of lack of transportation.

(11) Property abandoned by reason of military emergency requiring its abandonment.

(12) Property otherwise lost in the field during campaign.

(b) *Limitations of application*—(1) *Claims of representatives of personnel.* Claims asserted by estates are within the provisions of these regulations only if the property was lost, damaged, destroyed, captured, or abandoned prior to the death of the owner.

(2) *Claims of subrogees.* Subrogation claims will not be recognized under the provisions of these regulations.

(3) *Claims for Government property.* Claims for Government property lost, damaged, destroyed, captured, or abandoned are not within the provisions of the regulations in this section.

(4) *Claims for money.* Claims for money lost, damaged, or destroyed are not within the provisions of these regulations unless the claimant furnishes proof that a high degree of diligence was exercised for the safekeeping thereof.

(5) *Claims within the provisions of other regulations.* Claims for damage to or loss, destruction, capture, or abandonment of property not within the provisions of the regulations in this section should be processed under the military claims provision (§§ 36.12 to 36.23), or the foreign claims provision (§ 36.26), or Article of War 105 (§ 36.25), if applicable.

(c) *Certificates required*—(1) *Demand on common carrier.* Whenever property is lost, damaged, or destroyed in transit in which a common carrier (see paragraph (a) (1), (5) or (6)) is involved, the claimant will make demand in writing, upon the last common carrier known or believed to have handled the shipment, for reimbursement for such loss, damage, or destruction. If more than one bill of lading is issued, a separate demand will be made upon the last common carrier under each bill of lading. Such demand will be made prior to the filing of a claim under the provisions of these regulations and, in any event, within 9 months following the date of delivery of the shipment or, if no portion of the shipment is delivered, the date when delivery would in the normal course have been made. A copy of such demand and of any subsequent demands and related correspondence, as well as the originals of any replies, will be retained for presentation with any claim hereunder (see paragraph (e) (6) of this section). In the event of failure of the common carrier to reply to the claimant's demand within a reasonable time, it will be presumed that such carrier denies liability. The claimant will execute and submit with his claim a statement in substantially the following form:

CERTIFICATE OF DEMAND ON COMMON CARRIER

_____
(Place)

_____
(Date)

I, the undersigned, hereby certify that on _____ I made written demand on
(Date)

_____ by properly mailing to
(Common carrier)

such carrier a letter, a copy of which is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said carrier.

_____
(Signature of claimant)

(2) *Request to quartermaster or supply officer for repairs.* Whenever there is damage to property within the provisions of these regulations (see paragraph (a) (1) to (6) of this section), the claimant will make request in writing to the local quartermaster or supply officer to make any necessary repairs thereto fully to restore the damaged property and to furnish the claimant a statement in writing setting forth whether any or all and (if any) how much of the damage can be or has been so repaired, the extent of damage, and the reasons for noncompliance with such request for repairs. A copy of such request and of any subsequent requests and related correspondence, as well as the originals of any replies, will be retained for presentation with any claim hereunder (see paragraph (e) (8)). The claimant will execute and submit with his claim a statement in substantially the following form:

CERTIFICATE OF REQUEST TO QUARTERMASTER OR SUPPLY OFFICER FOR REPAIRS

_____
(Place)

_____
(Date)

I, the undersigned, hereby certify that on _____ I made written request to
(Date)

_____ by properly
(Local quartermaster or supply officer)

mailing to such quartermaster or supply officer a letter, a copy of which is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said quartermaster or supply officer.

or

I, the undersigned, hereby certify that there was no local quartermaster or supply officer to whom I could make request as provided in paragraph 4b, AR 25–100.[1]

_____
(Signature of claimant)

(3) *Demand on insurer.* Whenever property is lost, damaged, destroyed, captured, or abandoned and the property was insured (see paragraph (a) (1) to (12), inclusive), the claimant will make demand in writing upon the insurer for payment under the terms and conditions of the insurance coverage. Such demand will be made prior to the filing of a claim under the provisions of these regulations. A copy of such demand and of any subsequent demands and related correspondence, as well as the originals of any replies, will be retained for presentation with any claim hereunder (see paragraph (e) (9) of this section). In the event of failure of insurer to reply to the claimant's demand within a reasonable time, it will be presumed that such insurer denies liability. The claimant will execute and submit with his claim a statement in substantially the following form:

CERTIFICATE OF DEMAND ON INSURER

_____
(Place)

_____
(Date)

I, the undersigned, hereby certify that on _____ I made written demand
(Date)

on _____ in accordance with
(Insurer)

the terms and conditions of insurance coverage by said insurer by properly mailing to such insurer a letter, a copy of which, together with the originals or copies of the policy and other agreements evidencing such coverage, is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said insurer.

_____
(Signature of claimant)

(d) *Procedure*—(1) *§§ 36.1 to 36.10 applicable.* So far as applicable, the procedure set forth in §§ 36.1 to 36.10 will be followed as to claims within the provisions of these regulations.

(2) *Form of claim.* Claim will be submitted by presenting a detailed statement in triplicate, and signed and sworn to by the claimant, with his grade, serial number, organization, and address, setting forth so far as possible the following information:

(i) Date and place of the loss, damage, destruction, capture, or abandonment.

(ii) All other pertinent facts and circumstances surrounding the loss, damage, destruction, capture, or abandonment.

(iii) Designation of the subparagraph or subparagraphs of paragraph (a) of this section on which the claim is based, and a reference to the facts bringing the claim within the subparagraph so designated.

(iv) Statement that no fault or negligence on the part of the claimant, his agent, or employee, was in whole or in part the proximate cause of the loss, damage, destruction, capture, or abandonment.

(v) Statement that none of the property has been recovered, if lost, captured, or abandoned property is involved.

(vi) Detailed list of the property lost, damaged, destroyed, captured, or abandoned, setting forth as to each item—

(*a*) Quantity.

(*b*) Description.

(*c*) Cost on purchase or value at time of acquisition if acquired other than by purchase.

(*d*) Approximate date of purchase or other acquisition.

(*e*) Cost of repairs, if reparable.

(*f*) Cost of replacement, if not reparable.

(*g*) Salvage value, if not reparable.

(*h*) Amount of depreciation at time of loss, damage, destruction, capture, or abandonment.

(*i*) Condition (new, excellent, good, fair, poor) when lost, damaged, destroyed, captured, or abandoned.

(*j*) Length of time in use.

(*k*) Value at time of loss, damage, destruction, capture, or abandonment.

(vii) Certificate required by paragraph (c) (2) of this section if damaged property is involved, together with detailed facts in relation to matters covered by certificate to provide full information as to repairs.

(viii) Itemized bill, or estimate, for repairs of any reparable damaged property not repaired by quartermaster or supply officer.

(ix) Certificate required by paragraph (c) (3) of this section, together with detailed facts in relation to matters covered by certificate to provide full information as to insurance.

(x) If the claim is based in whole or in part on subparagraphs (1), (5) or (6) of paragraph (a):

(*a*) Copy of any order authorizing the travel, transportation, or shipment.

(*b*) Statement of the approximate weight of each article for which claim is made.

(*c*) Statement of the number designating the container (box, barrel, crate, etc.) of each article for which claim is made.

(*d*) Statement, in cases where the weight of shipment is in excess of the regulation allowance, showing whether such shipment included any article personal to others than the claimant (such as wearing apparel belonging to members of the claimant's household) and, if so, a list thereof showing the weight of each.

(*e*) Statement, in cases where property was turned over to quartermaster, supply officer, or contract packer, setting forth:

Name and address of quartermaster, supply officer, or contract packer.

Date property was turned over.

Condition when property was turned over.

When and where property was packed.

Date when property was shipped and reshipped.

Copies of all manifests and bills of lading.

Date and place of delivery of property to owner.

Date property was unpacked.

Statement by quartermaster or supply officer as to condition of property when received and delivered, as to handling and storage, as to reasons for and conditions of storage, whether property was handled by local carrier, and whether damage occurred during such handling.

Methods of packing and crating.

Whether there was negligence on the part of any Government employee acting within the scope of his employment.

Whether last common carrier was given clear receipt.

Whether local civilian carrier was given clear receipt.

(*f*) Certificate required by paragraph (c) (1) of this section if a common carrier is involved, together with detailed facts in relation to matters covered by certificate to provide full information as to reimbursement by carrier.

(xi) If the claim is based in whole or in part on paragraph (a) (2), (3) or (4):

(*a*) Statement, supported by facts in detail, that claimant endeavored to or did save human life of another or Government property instead of property in relation to which claim is made, or

(*b*) Statement, supported by facts in detail, that performance of authorized military duties prevented saving property in relation to which claim is made.

(*c*) Brief statement of activities of claimant prior to, during and subsequent to the incident.

(xii) If the claim is based in whole or in part on paragraph (a) (9), (10) or (11):

(*a*) Copy of order, or other available evidence of authorization, directing claimant's entry into area involved.

(*b*) Copy of order, or other available evidence of authorization, directing destruction or abandonment of property.

(xiii) Statements (sworn to, if possible) by claimant's commanding officer, and others, to corroborate claim.

(xiv) In any case where the owner of the property is deceased, evidence of appointment of executor or administrator or, if no such appointment, a statement as to the relationship to the owner of the property of the person presenting the claim.

(xv) Statement that no previous claim has been made by the claimant based on the same accident or incident.

(3) *Filing of claim.* All claims within the provisions of these regulations will be submitted to the commanding officer of the organization to which the claimant belongs or with which he is serving if practicable, otherwise to the commanding officer of any post, camp, station, or other military establishment, if practicable the one nearest to the point where investigation of the facts and circumstances can most conveniently be made. In any case where submission under the foregoing provisions is impracticable, claims may be submitted to the commanding general of any service command, or the commanding officer of any air service command, within the United States, its territories and possessions, or to The Judge Advocate General, Washington 25, D. C.

(e) *Basis of allowance*—(1) *Items allowable.* Claims will be allowed under the provisions of these regulations only if for either:

(i) Personal property, including clothing, equipment, and horses, required by law or regulation to be possessed and used by the claimant, or

(ii) Money and articles of personal property found to be reasonable, useful, necessary and proper, both as to kind and quantity, for the claimant to have in his possession while in quarters, or in the field, engaged in the public service in the line of duty.

(2) *Items not allowable.* Claims will not be allowed under the provisions of these regulations for:

(i) Souvenirs.

(ii) Worn out or unserviceable articles.

[1] Paragraph indicated is same as paragraph (c) (2) of this section.

(iii) Articles not personal to the use of the claimant, such as wearing apparel of members of claimant's household.

(3) *Expensive articles.* Allowance for expensive articles, or those purchased at unreasonably high prices, will be based upon fair and reasonable prices for substitute articles appropriate for the claimant to have in his possession under the particular circumstances of his service.

(4) *Officers' mounts.* Allowance for officers' horses will be the average price paid by the Government for similar animals during the preceding fiscal year.

(5) *Military equipment.* Allowance for military equipment will not exceed the current Government sale price.

(6) *Failure to make demand on common carrier.* In the absence of the evidence required to be furnished by a claimant under paragraph (c) (1) of this section with respect to his claim, if any, against a common carrier, the amount otherwise allowable under the provisions of these regulations will be reduced by the maximum amount recoverable from the carrier had claim therefor been filed seasonably with the carrier.

(7) *Proration in event of excess baggage.* If the shipment, made as a unit under paragraph (a) (1), (5) and (6) is in excess of the regulation allowance of baggage permitted to be shipped at Government expense, the claim will be reduced in the ratio that the damage to the entire shipment bears to the regulation allowance on the basis of weight.

(8) *Failure to make request to quartermaster or supply officer for repairs.* In the absence of the evidence required to be furnished under paragraph (c) (2) of this section with respect to repairs, if there is any damage to property, the amount otherwise allowable under the provisions of these regulations will be reduced by the amount of such damage.

(9) *Failure to make demand on insurer.* In the absence of the evidence required to be furnished by a claimant under paragraph (c) (3) with respect to his claim, if any, against an insurer, the amount otherwise allowable under the provisions of these regulations will be reduced by the maximum amount recoverable from the insurer had claim therefor been filed seasonably with the insurer, provided that the circumstances of the claimant's service were not such as to preclude the seasonable filing of such claim with the insurer.

(10) *Proration of insurance and amount recovered from common carrier.* When the amount recovered or recoverable by the claimant from an insurer or common carrier is less than the total loss, the amount so recovered or recoverable from the insurer or common carrier will be prorated between the amount approved and the amount disallowed for items not reasonable, useful, necessary, and proper, and for items not personal to the claimant's use, but not including amounts disallowed for worn out or unserviceable articles or on account of excessive prices paid therefor. Proration under this subparagraph, in accordance with the foregoing, will be made by The Judge Advocate General on legal review of the claim.

(f) *Transfer of rights against carriers and insurers*—(1) *Common carriers.* By the filing of a claim under the provisions of these regulations the claimant will be deemed to have assigned to the United States all of his right, title, and interest in, to the extent not ultimately allowed under the provisions of these regulations, and to any unsatisfied claim which he may have against any common carrier. See paragraph (c) (1) of this section.

(2) *Insurer.* By the filing of a claim under the provisions of these regulations the claimant will be deemed to have assigned to the United States all of his right, title, and interest in, to the extent not ultimately allowed under the provisions of these regulations, and to any unsatisfied claim which he may have against any insurer. See paragraph (c) (3) of this section.

(g) *Replacement in kind.* (1) The report of the claims officer may be acted upon by the commanding officer of the organization to which the claimant belongs or with which he is serving, or at which he may temporarily be, to the extent of directing the replacement in kind by a local quartermaster or supply officer, from stocks then available, or personal property lost, damaged, destroyed, captured, or abandoned within the provisions of these regulations. The claim will then be processed in accordance with other provisions of these regulations. Such action by the commanding officer in directing replacement in kind will be final.

(2) If replacement in kind is accomplished, a list, in triplicate, of the items so replaced and their cost will be included in the file with the claim. If no replacement in kind is made, the claim will include a statement to that effect.

(h) *Conditions of payment.* Prior to payment of any claim within the provisions of these regulations, each of the following conditions must be fulfilled:

(1) Amount of the damage, or value of the property lost, destroyed, captured, or abandoned, must be determined.

(2) Claim must relate to personal property only.

(3) At least one of the situations listed in paragraph (a) (1) to (12), inclusive, must be present.

(4) Claimant must in applicable cases (see paragraph (c) of this section) make demand upon common carrier and insurer and make request to quartermaster for repairs.

(5) Claim must be presented within 2 years after accrual thereof, except if the claim accrues in time of war or when war intervenes within 2 years after accrual it must be presented within 2 years after peace is established.

(6) Subrogation claims will not be recognized.

(7) Fault or negligence on the part of the owner, in whole or in part the proximate cause, bars a claim.

(8) Claim must be approved, and payment directed, by the Secretary of War or his designee. (41 Stat. 1436; 31 U.S.C. 218–222, as amended by sec. 6, Act of 3 July 1943, Public Law 112, 78th Congress) [AR 25–100 dated 3 July 1943]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44–2725; Filed, February 25, 1944; 9:38 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

EXEMPTIONS

Amendment to rule providing exemptions from section 17 (c) of the act.

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (f), 17 (c) and 20 (a) thereof, and finding that such action is in the public interest and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby amends Rule U-70 (a) (7) so that the exemption provided by the same shall expire March 1, 1945, instead of March 1, 1944.

Effective February 24, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–2706; Filed, February 24, 1944; 3:56 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 601—ADMINISTRATIVE; GENERAL

[Order 12]

ESTABLISHMENT AND FUNCTIONS OF DISTRIBUTION COMMITTEES

It is necessary to create a National Advisory Committee on Local Distribution to consult with and make recommendations to the Administrator concerning problems involved in assuring an equitable distribution of solid fuels by retail dealers.

It will also become necessary from time to time to establish Area Advisory Committees on Local Distribution in certain areas. These committees will serve as information centers for users of solid fuels who buy from retail dealers and will be available to assist those consumers who are urgently in need of solid fuels.

The area committees will be authorized to enlist the cooperation of county, municipal and town authorities, and with the approval of the Solid Fuels Administration for War, to establish Community Committees on Emergency Distribution to assist consumers in communities within their areas faced with an actual fuel shortage. This program is designed to supplement the arrangements and regulations under which the Solid Fuels Administration has heretofore utilized the facilities of dealer and community groups in assuring equitable distribution of solid fuels within each community.

Accordingly, in order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority conferred by that order, the following order is issued by the Solid Fuels Administrator for War:

Sec.
601.51 Establishment and functions of the SFAW National Advisory Committee on Local Distribution.
601.52 Establishment and functions of SFAW Area Advisory Committees on Local Distribution.
601.53 Establishment and functions of SFAW Community Committees on Emergency Distribution.
601.54 Reporting requirements.

AUTHORITY: §§ 601.51 to 601.54, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

§ 601.51 *Establishment and functions of the SFAW National Advisory Committee on Local Distribution.* A committee designated as the SFAW National Advisory Committee on Local Distribution is hereby created to furnish such information and advice concerning problems involved in assuring an equitable distribution of solid fuels by retail dealers as may be requested from time to time by the Solid Fuels Administrator for War or as the committee believes would help in carrying out the purposes of Executive Order No. 9332. Members of this committee shall serve without compensation.

§ 601.52 *Establishment and functions of SFAW Area Advisory Committees on Local Distribution.* (a) Committees designated as SFAW Area Advisory Committees on Local Distribution shall be established from time to time. The members of these committees shall serve without compensation.

(b) Each SFAW Area Advisory Committee on Local Distribution shall immediately inform the public in the geographic area in which it functions that it has been created and has begun to function pursuant to this order. Each SFAW Area Advisory Committee may, if necessary, establish headquarters at which consumers of solid fuels may receive assistance in securing solid fuels after they have themselves failed, despite diligent effort, to obtain such fuels. The SFAW Area Advisory Committees on Local Distribution shall proceed to enlist the aid of State and local officials and shall cooperate with State and local officials authorized to deal with local solid fuels distribution problems.

(c) Each SFAW Area Advisory Committee on Local Distribution shall arrange to assist any consumer to obtain solid fuels, in limited amounts not exceeding the amounts that such consumers may obtain under applicable regulations of the Solid Fuels Administration for War, if such consumer (i) has less than five days' supply of solid fuels on hand, (ii) has made a reasonably diligent effort to obtain such fuels through normal distribution channels and (iii) is willing to buy any kind of solid fuels which in the judgment of the committee is usable in the burning equipment of the consumer.

(d) No SFAW Area Advisory Committee on Local Distribution is authorized to require any retail dealer to sell solid fuels to any person, nor is any such committee authorized to require any person to buy solid fuels from any retail dealer.

(e) If any SFAW Area Advisory Committee is unable, after investigation, to find any kind of usable fuels for a consumer eligible under paragraph (c) of this section, or after it is satisfied on the basis of its investigation concerning the supply of solid fuels in retail dealer yards in its area and in transit to such yards, that a solid fuels shortage of emergency proportions exists or threatens to develop within its area, it should forthwith report the results of its investigation and its recommendations as to minimum emergency solid fuels requirements of domestic consumers and retail dealers in the area. The Area Distribution Manager or Regional Representative of the nearest office of the Solid Fuels Administration has been designated to handle the reports and recommendations of such committee. After considering the recommendations of the committee the Area Distribution Manager or Regional Representative may arrange for the voluntary shipment of solid fuels into a critical area in the limited amounts necessary to meet minimum emergency heating requirements. If the issuance of directions are necessary to alleviate the shortage, the Area Distribution Manager or Regional Representative shall so report to the Washington Office of the Solid Fuels Administration.

(f) Written plans of cooperation submitted by the governor of any State and approved by the Solid Fuels Administrator for War may continue in effect and this order shall not be applicable in areas in which such State plans are in effect or are hereafter put into effect.

Any State which hereafter submits a plan of cooperation may, after its approval by the Solid Fuels Administration for War, utilize the services of any SFAW Area Advisory Committee on Local Distribution or any SFAW Community Committee on Emergency Distribution which has been established pursuant to this order.

(g) Any SFAW Area Advisory Committee may in accordance with § 601.53 of this order establish SFAW Community Committees on Emergency Distribution to assist it in performing its functions.

§ 601.53 *Establishment and functions of SFAW Community Committees on Emergency Distribution.* (a) Any SFAW Area Advisory Committee on Local Distribution may, with the approval of the Area Distribution Manager or the Regional Representative of the nearest office of the Solid Fuels Administration for War and with the aid, to the extent necessary or appropriate, of the mayor or other chief executive officer of any municipality, county, town or village, establish for a community or group of communities within its area an SFAW Community Committee on Emergency Distribution. The members of an SFAW Community Committee on Emergency Distribution shall serve without compensation.

(b) It shall be the duty of an SFAW Community Committee on Emergency Distribution to assist its SFAW Area Advisory Committee in performing its functions and to advise and assist consumers of solid fuels within the community in the same way and to the same extent as the SFAW Area Advisory Committees on Local Distribution are authorized under this order to advise and assist consumers within their areas.

(c) Upon the establishment of an SFAW Community Committee on Emergency Distribution in accordance with this order functions exercised pursuant to Revised Regulation No. 6 (8 F. R. 15656) and Revised Regulation No. 7 (8 F. R. 15442) by Local ODT Committees shall be performed by Community Committees on Emergency Distribution: *Provided, however,* That a member of a Local ODT Committee may be designated to serve as a member of an SFAW Community Committee on Emergency Distribution.

§ 601.54 *Reporting requirements.* The SFAW Area Advisory Committees on Local Distribution shall report at least once each month to the Solid Fuels Administration for War, Washington 25, D. C., its activities during the preceding month and shall include in such report a list of the SFAW Community Committees on Emergency Distribution established pursuant to this order, the membership of such community committees and the activities of such community committees during the preceding month. A copy of such report should also be sent to the Area Distribution Manager or Regional Representative of the nearest office of the Solid Fuels Administration for War. A list of the Area Distribution Managers, Assistant Area Distribution Managers and Regional Representatives and offices is appended hereto.

This order shall become effective immediately.

Issued this 24th day of February 1944.

ABE FORTAS,
Acting Solid Fuels
Administrator for War.

LOCATIONS OF OFFICES OF AREA DISTRIBUTION MANAGERS, ASSISTANT AREA DISTRIBUTION MANAGERS AND REGIONAL REPRESENTATIVES, SOLID FUELS ADMINISTRATION FOR WAR

BITUMINOUS

Borden Covel, 17 Court Street, Boston, Mass.

J. N. Geyer, Post Office Building, 11th Avenue & 12th Street, Altoona, Pennsylvania.

Harry A. Sutter, 1512–23 Henry W. Oliver Building, Pittsburgh 22, Pennsylvania.

Lewis Williams, 1148 O'Sullivan Building, Baltimore & Light Streets, Baltimore, Maryland.

Robert A. Magee, Room 701, 734–15th Street, Washington, D. C.

Frank C. Shriver, Monroe & Meredith Streets, Fairmont, West Virginia.

Howard Smith, 501 Bulkley Building, Cleveland, Ohio.

David J. Carroll, 200 Jefferson Street, Bluefield, West Virginia.

Wayne Ellis, 600 Transportation Building, Cincinnati, Ohio.
Harry Rightmire, Dulin Building, 125 South Main Street, Madisonville, Kentucky.
J. C. Fitzpatrick, 1161 Merchandise Mart Building, Chicago 54, Illinois.
William G. Stockton, Chamber of Commerce Building, 320 N. Meridian St., Indianapolis, Indiana.
Edward C. Crowley, 2210 Penobscot Building, Detroit, Michigan.
P. I. Halstead, New York Life Building, 16–24 W. 9th Street, Kansas City 6, Missouri.
A. H. Beddoe, New Federal Building, 1114 Market Street, St. Louis, Missouri.
Howard J. Thomas, 803 Comer Building, 2026 Second Avenue, North, Birmingham, Alabama.
Stuart R. Ducker, 1215 Candler Building, Atlanta, Georgia.
Martin L. Burtless, 917-918 Commercial National Bank Building, Charlotte, North Carolina.
Milton Almer, 116 U. S. Court House, Minneapolis, Minnesota.
R. B. Griffith, 718-721 Boston Building, Denver 2, Colorado.
J. T. Hill, Room 6630, Henry Building, Seattle, Washington.

ANTHRACITE

Walter Dockerill, 5516 Empire State Building, New York City.
James H. Farrell, Room 213, Hills Building, 217 Montgomery Street, Syracuse, New York.
Daniel Gallagher, 5516 Empire State Building, New York City.
E. L. Willson, Room 1212, Stephen Girard Building, 21 South 12th Street, Philadelphia, Pennsylvania.
W. A. Henderson, 17 Court Street, Boston, Massachusetts.
Arthur D. Hill, Room 1148, O'Sullivan Building, Baltimore and Light Streets, Baltimore, Maryland.
Owen J. Williams, 807 Brooks Building, Wilkes-Barre, Pennsylvania.

[F. R. Doc. 44–2739; Filed, February 25, 1944; 11:11 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–488]

JOHNSON COBERLY

Johnson Coberly of 222 W. Cervantes Street, Pensacola, Florida, began construction of a project on or about June 10, 1943, consisting of altering and remodeling a building located at 209–11 W. Cervantes Street, Pensacola, Florida, at an estimated cost of approximately $5,000 without obtaining authorization from the War Production Board. $1,000 was the maximum amount permitted in the absence of such authorization. Mr. Coberly knew of the War Production Board regulations and filed an application to obtain authorization. Without waiting for approval, Mr. Coberly began construction work on the premises on or about June 10, 1943, and although the application was denied, work continued on the project until July 16, 1943. This construction was in violation of Conservation Order L–41, and Mr. Coberly's conduct was so grossly negligent that it must be deemed wilful. This violation of Conservation Order L–41 has diverted scarce materials and labor to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.488 *Suspension Order No. S–488.* (a) Neither Johnson Coberly, his successors or assigns, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner, secure or use material or construction plant in order to continue or complete construction of the premises located at 209–11 W. Cervantes Street, Pensacola, Florida, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Johnson Coberly from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 24, 1944.

Issued this 17th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2709; Filed, February 24, 1944; 4:36 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–489]

J. GRAHAM MILLER

J. Graham Miller is an architect of Pensacola, Florida, who was employed to prepare plans and specifications, and to act as owner's representative in connection with the altering and remodeling of a building located at 209–11 W. Cervantes Street, Pensacola, Florida. The estimated cost for the work was approximately $5,000. $1,000 was the maximum amount permitted in the absence of War Production Board authorization. Mr. Miller, acting in behalf of Johnson Coberly, prepared an application to the War Production Board for authorization to do this construction. Mr. Miller knew of the War Production Board regulations, but, nevertheless, without waiting for approval, began construction work on the premises on or about June 10, 1943, and although the application was denied, work continued on the project until July 16, 1943. This construction was in violation of Conservation Order L–41, and Mr. Miller's conduct was so grossly negligent that it must be deemed wilful. This violation of Conservation Order L–41 has diverted scarce materials and labor to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.489 *Suspension Order No. S–489.* (a) Neither J. Graham Miller, his successors or assigns, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner, secure or use material or construction plant in order to continue or complete construction of the premises located at 209–11 W. Cervantes Street, Pensacola, Florida, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve J. Graham Miller from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 24, 1944.

Issued this 17th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2710; Filed, February 24, 1944; 4:36 p. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 27, Interpretation 1]

EFFECT ON OUTSTANDING RATINGS

The following interpretation is issued with respect to Directive 27:

Priorities Directive 3 was revoked by Directive 27 effective January 1, 1944. At the same time Order M–148 was also revoked. Nevertheless, ratings assigned by the Foreign Economic Administration (or its predecessors, the Board of Economic Warfare and the Office of Economic Warfare) before that date may still be applied and extended. Section 944.4 (a) of Priorities Regulation 1, regarding the effect of revocation of a preference rating order, does not apply since the ratings were not assigned by those instruments but by the Foreign Economic Administration or its predecessors under specific authorizations from the War Production Board, which remain in effect. The method of application and extension is now provided by Priorities Regulation 3.

Issued this 25th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2743; Filed, February 25, 1944. 11:29 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P–98–b, Direction 2]

SPECIAL PREFERENCE RATING FOR CERTAIN MRO MATERIAL USED IN RETAIL MARKETING

The following direction is issued pursuant to Preference Rating P–98–b:

(a) *What this direction covers.* Many petroleum operators maintain or repair retail marketing facilities used by other operators. If this arrangement existed in an industry other than the petroleum industry the person performing the maintenance or repair work for another person would be entitled to use a preference rating of AA–3 pursuant to CMP Regulation 9A.

However, under the terms of Order P–98–b the procedures of CMP Regulation 9A and the rating of that regulation may not be used by a petroleum operator to secure priorities assistance for material to be used in the petroleum industry. Order P–98–b presently makes available to petroleum operators a preference rating of AA–5 to secure MRO material for use in retail marketing.

This direction makes available to a petroleum operator who does such maintenance or repair work the same rating under Order P–98–b as he would have under CMP Regulation 9A.

(b) *Special rating available for MRO material to be used in retail marketing.* An operator who does maintenance or repair work for another operator engaged in retail marketing may use preference rating AA–3 to secure MRO material for use in maintaining and repairing retail marketing facilities for other operators and for himself. The AA–3 rating will be used under Order P–98–b in place of the AA–5 rating available for MRO material for use in retail marketing.

Issued this 25th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2744; Filed, February 25, 1944; 11:29 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P–98–c, as Amended Feb. 25, 1944]

§ 1041.6 *Preference Rating Order P–98–c*—(a) *Purpose of this order; assignment of preference rating and allotment symbol.* The purpose of this order is to make it easier to get materials for the maintenance and repair of petroleum equipment used by consumer accounts. Accordingly, a preference rating of AA–5 and the allotment symbol MRO–P–98–c may be used by consumer accounts and a preference rating of AA–3 and the allotment symbol MRO–P–98–c may be used by repairers to get material for the maintenance and repair of petroleum equipment. The way to use the ratings and the allotment symbol is explained below.

(b) *Who may use this order.* This order may be used by any householder, farmer, industrial concern, institution, governmental agency or other person or organization, to get materials for the maintenance or repair of petroleum equipment which he uses in connection with his consumption of petroleum products. These persons and organizations are called "consumer accounts" in this order. It may also be used by persons or organizations who maintain or repair petroleum equipment for consumer accounts. These persons and organizations are called "repairers" in this order. This order may not be used for the maintenance or repair of any equipment which is used in connection with the manufacture, distribution or sale of petroleum products, such as equipment in refineries, bulk plants or filling stations.

(c) *Meaning of "petroleum equipment."* The phrase "petroleum equipment" refers to equipment which is used for storing or dispensing the following:

Gasoline, when used as a motor fuel
Diesel oil, when used as a motor fuel
Tractor fuel, when used as a motor fuel
Lubricating oil, when used as a lubricant
Lubricating grease, when used as a lubricant
Liquefied petroleum gas (that is, butane, propane, propyolene, butene, butylene, or any combination or dilution of them known as "liquefied petroleum gas"), for any use.

This equipment will include:

Motor fuel and gasoline dispensing pumps
Barrel and drum pumps
Hand and pressure lubricating equipment
Storage tanks, containers, and cylinders
Housing, piping, valves and regulators used in storing or dispensing liquefied petroleum gas.

However, equipment such as gas ranges, stoves, radiators, automobiles, tractors, or other equipment in which the products mentioned above are burned or consumed cannot be said to be used for storing and dispensing. Hence, this equipment is not "petroleum equipment" and cannot be maintained or repaired under this order.

(d) *Meaning of "maintenance and repair".* The words "maintenance and repair" mean keeping equipment in a sound working condition or fixing equipment if it has broken down. However, maintenance and repair does not include the restoration or replacement of any complete motor fuel or gasoline dispensing pump, complete pressure lubricating system, complete storage tank, having a capacity of more than 65 gallons, used for storing motor fuel or lubricants, or any complete storage tank or cylinder, regardless of the capacity, used for storing liquefied petroleum gas.

(e) *How to use this order.* To use the preference ratings and allotment symbol authorized above, a consumer account or repairer must take certain steps as follows:

(1) He must give his supplier a written purchase order for the materials he wants to buy. Any kind of written order will do, if it names the supplier, lists each item being bought and the price, and states when the supplier is to deliver it. The supplier will often help the buyer make out the purchase order, fill in the price, etc.

(2) The consumer account or repairer must put on the purchase order a statement similar to the following one, and sign the statement:

Preference Rating ---------- (Indicate applicable rating)—Allotment Symbol MRO–P–98–c. I certify to the War Production Board, subject to criminal penalties for misrepresentation, that I am entitled to use this rating and symbol under Order P–98–c.

(Signature of consumer account or repairer)

If he wishes, the consumer account or repairer, instead of using this statement, may use the certificate given in CMP Regulation No. 7 or that given in Preference Rating Order P–98–b, as amended.

(3) The consumer account or repairer must make a copy of each purchase order and keep it for at least two years. When requested, these copies must be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(4) If the total cost of the items on the purchase order is $100 or more, the consumer account or repairer must make still another copy of the purchase order. He must send this copy promptly to the District Office of the Petroleum Administration for War for the District where the materials will be used. So that the copy may be identified he should place the symbol Ref: P–98–c on the envelope. A list of the District Officers is contained in List A of the order.

This additional copy is sent for the information of the Petroleum Administration for War so that it can know the need for material of this sort and is not sent to obtain approval of the purchase. Where the total cost of the purchase order is less than $100 no copy need be sent.

(f) *When this order may not be used.* In certain instances, even if he has done everything required by the preceding paragraph, a consumer account or repairer must not use this order to get materials for maintenance or repair work:

(1) A consumer account must not use this order to get materials to keep on hand. He must not buy more than he needs to do a particular job.

(2) A repairer may use this order to get materials to keep on hand as inventory, but he must never buy more than he will need for the next 60 days. In deciding how much he will need for the next 60 days, he must take into account materials which he already has in his inventory as well as those which he is buying.

(3) A consumer account or repairer must not use this order to get materials which can be bought without the use of any preference rating or allotment symbol. Most used articles can be bought without a rating or symbol, and many kinds of new items as well.

(4) A consumer account or repairer must not use this order to get material which will be used to replace a part which is still serviceable.

(5) A consumer account or repairer must under no circumstances use this order to obtain materials for any purpose except the maintenance or repair of petroleum equipment.

(g) *Technical provisions.* The following are technical statements which are included so as to give full legal effect to the procedure established in this order:

(1) The allotment symbol MRO–98–c shall constitute an allotment symbol for the purpose of CMP Regulation No. 3.

(2) Any purchase order for controlled materials bearing the allotment symbol MRO–P–98–c and the statement of paragraph (e) shall constitute an authorized controlled materials order.

(3) If a consumer account or repairer obtains any repair parts or material in accordance with the procedures of this order, the provisions of paragraphs (s), (s–1), and (u) of CMP Regulation No. 1 and the provisions of CMP Regulation Nos. 2, 5 and 5A (and the limitations in-

corporated in any CMP Regulation which otherwise would subject a consumer account or repairer to the provisions of CMP Regulations 2, 5 and 5A) shall not apply to the transaction.

(h) *Use of other orders.* Certain consumer accounts, particularly industrial or commercial concerns, can use other regulations or orders of the War Production Board to get repair materials or parts. These consumer accounts have the choice of using this order or any other regulation or order which they may be entitled to use.

(i) *Where to write concerning this order.* All letters, questions and appeals concerning this order, except delivery orders which must be filed with the District Offices should be addressed to: Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref.: P–98–c.

(j) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Petroleum Administration for War or the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

Issued this 25th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE "A"—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District	Area comprised	How directed	Address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia.	Petroleum Administration for War, Ref: P–98–e.	1104 Chanin Building, 122 East 42nd Street, New York, 17 New York.
2	Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota.	Petroleum Administration for War, Ref: P–98–e.	1200 Blum Building, 624 South Michigan Avenue, Chicago, 5 Illinois, or 410 Beacon Building, 406 South Boulder Avenue, Tulsa, Oklahoma.
3	Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico.	Petroleum Administration for War, Ref: P–98–e.	245 Mellie Esperson Building, Houston, 1 Texas.
4	Montana, Wyoming, Colorado, Utah, Idaho.	Petroleum Administration for War, Ref: P–98–e.	320 First National Bank Building, Denver, 2 Colorado.
5	Arizona, California, Nevada, Oregon, Washington, Territories of Alaska or Hawaii.	Petroleum Administration for War, Ref: P–98–e.	855 Subway Terminal Building, Los Angeles, 13 California.

[F. R. Doc. 44–2740; Filed, February 25, 1944; 11:29 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L–298 as Amended Feb. 25, 1944]

RESISTANCE WELDING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials and facilities used in the manufacture of resistance welding equipment for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.107 *General Limitation Order L–298*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Resistance welding" means that process for the localized consolidation or joining of metals under pressure and heat, wherein the heat is generated within the metallic parts to be consolidated or joined by the resistance of those parts to the passage of an electric current.

(3) "Resistance welding equipment" means equipment manufactured for use in the operation of joining metals by the resistance welding process and includes resistance welding machines, resistance welding controls, and resistance welding electrodes.

(4) "Manufacturer" means any person engaged in the business of producing, fabricating or assembling resistance welding equipment, and shall include sales and distribution outlets owned by any such person.

(5) "Dealer" means any person engaged in the business of purchasing resistance welding equipment for resale.

(6) "Order" means any commitment or other arrangement for the delivery of resistance welding equipment whether by purchase, lease, rental or otherwise.

(7) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by, any of those agencies or operated on a cost-plus-fixed-fee basis.

(8) "Used resistance welding equipment" means resistance welding equipment that has been delivered to an ultimate consumer.

(b) *Operations reports.* Each manufacturer shall, on or before the 15th day of each month, commencing with the month of August, 1943, file with the War Production Board an operations report on Form WPB–2830, showing orders for new and rebuilt resistance welding equipment and repair parts unfilled, received, shipped and cancelled during the preceding month, in accordance with instructions accompanying the form: *Provided*, That this paragraph (b) shall not apply to orders for electrical circuit breakers or indicating or recording apparatus used with resistance welding equipment, or repair parts for such circuit breakers or indicating or recording apparatus.

(c) *Authorization of purchase orders required.* (1) No manufacturer or dealer shall accept an order for, or deliver any new resistance welding equipment unless the order or delivery is specifically authorized by the War Production Board on Form WPB–1319 (or Form WPB–2752). Application for an authorization, and for a preference rating if none has been previously assigned, is to be made by the purchaser by filing Form WPB–1319, with the War Production Board in accordance with the current instructions for the form. (Applications on Form WPB–2752 will continue to be accepted by the War Production Board until March 15, 1944 only.) The delivery restrictions of this paragraph (c) (1) do not apply to orders received prior to July 27, 1943.

(2) The provisions of paragraph (c) (1) shall not apply to (i) any order of $200 or less for resistance welding equipment; (ii) any order for resistance welding electrodes; (iii) any order for resistance welding equipment for direct use by the Army, Navy, Maritime Commission or War Shipping Administration or for incorporation in or attachment to any resistance welding equipment to be used directly by such agencies; (iv) any order bearing a preference rating assigned under Preference Rating Order P–19–h; *Provided* That, notwithstanding paragraph (g) (4) of Priorities Regulation 3, the certificate applying or extending such rating shall state the source of the rating; or (v) any order placed by a manufacturer of, or dealer in, resistance welding equipment.

(d) *Registration of idle equipment.* On receipt of a specific request by the War Production Board, the owner of any idle used resistance welding equipment shall register it by filing with the War Production Board Form WPB–2732, in accordance with instructions which accompany the request.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except as otherwise expressly provided herein.

(2) *Reporting provisions.* The reporting requirements of paragraphs (b) and (d) and the form of application prescribed in paragraph (c) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref.: L–298.

Issued this 25th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2742; Filed, February 25, 1944; 11:29 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M–293, Table 8, as Amended Feb. 25, 1944]

POWER DIVISION, OFFICE OF WAR UTILITIES

§ 3208.9 *Table for Power Division.* (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M–293.

NOTE: Items 19, 20, 21 amended Feb. 25, 1944.

Table of scheduled products	Designation	Applicable forms column 1	2	3
1. Steam, hydraulic, or gas-propelled turbines unless designed for ship propulsion or aircraft use	XZ	-------	3003	------
2. Turbine-generator sets (any combination of one or more turbines and electric generators built to operate as a set) unless designed for ship propulsion, aircraft use, or locomotive headlight service	XZ	-------	3003	------
3. Steam engine-driven generator sets	X	-------	3003	------
4. Diesel and natural gas engines, 750 r.p.m. and less, excluding equipment for marine use	XZ	878	3003	------
5. Diesel and natural gas engine-driven generators, 750 r. p. m. and less, excluding equipment for marine use	XZ	1801	3003	------
6. Generators designed to be propelled by a steam, hydraulic or gas turbine or steam engine, unless designed for ship propulsion, aircraft use, or locomotive headlight service	XZ	1801	3003	------
7. Boilers and boiler units, exclusive of those for marine shipboard or locomotive use:[1]				
a. Boilers and boiler units (including such auxiliaries as superheaters, desuperheaters and water walls or water-cooled furnaces, when such auxiliaries are fabricated by the manufacturer who reports and fabricates the related boiler) of any type listed below if such boilers and boiler units are (i) designed for a steam pressure of more than 15 pounds per square inch, and (ii) have a boiler heating surface of 100 square feet or more, but less than boilers and boiler units listed in c below:				
(i) Water tube	X	-------	1790	------
(ii) Scotch marine				
(iii) Horizontal return tubular				
(iv) Refractory lined firebox				
(v) Oil country				
b. Boilers and boiler units designed for steam pressures over 15 pounds per square inch, all sizes, of the following types:				
(i). Waste Heat	XY	-------	1790	2645
(ii) Dowtherm				
(iii) Mercury				
(iv) Electric				
c. Boilers and boiler units listed in a above which have a combined boiler, water wall, economizer, and air heater heating surface of 3,000 square feet or more	XY	-------	1790	2645
d. Boiler auxiliaries, such as superheaters, desuperheaters economizers, air-heaters and water walls or water-cooled furnaces, (i) for a new boiler installation if fabricated by a manufacturer other than the manufacturer reporting and fabricating the related new boiler, or (ii) for a boiler unit already in use	X	-------	1790	------
8. Pulverizers and related combustion equipment installed for the primary purpose of pulverizing solid fuel for firing any type of furnace, excluding those for marine shipboard and locomotive use	X	-------	1790	------
9. Automatic stokers designed for burning solid fuel, with an active projected grate surface in excess of 36 square feet, excluding stokers for locomotive use. The term active projected grate surface means grate surface through which air is supplied to the fuel bed, either continuously or intermittently	X	-------	1790	------
10. Soot blowers—any device using steam or air to blow soot, cinders, or slag from the heating surfaces of furnaces, boilers, stills and other types of direct-fired heat exchangers, excluding those for locomotive or marine use				
11. Steam condensers (surface, jet and barometric), inter and after condensers, and air ejectors, or any combination thereof, including marine condensers and air ejectors other than those produced for the United States Navy for use on ships	XZ	-------	3003	------
12. Power frequency changers, 62½ cycles and below	XZ	-------	1790	------
13. Synchronous condensers	XZ	-------	1790	------
14. Mercury arc rectifiers and electronic frequency changers for power use	X	-------	2792	------
15. Oil circuit breakers of 2,200 volts or higher	XZ	-------	1790	------
16. Air circuit breakers except types AB, ET, or similar	XZ	-------	1790	------
17. Metal clad switchgear containing oil or air circuit breakers listed in 15 and 16 above and power switchboards	XZ	-------	1790	------
18. [Deleted Nov. 13, 1943].				
19. Liquid-filled and dry-type power or distribution transformers, 250 KVA and larger; unit substations and unit load centers containing such transformers	XYZ	-------	2642	2643
20. Liquid-filled and dry-type power or distribution transformers, smaller than 250 KVA and single phase, of the following classes only:				
a. Transformers which do not conform to EEI-NEMA Standards	YZ	-------	------	2643
b. Transformers not listed, with a catalog number, in a manufacturer's catalog on January 1, 1944				
c. Transformers for purchase orders which are rated lower than AA–5				

[1] A manufacturer of a Class X product must file his shipping schedule on Form WPB 3003 or 3401 or on the form shown in Column 2 at his option.

[1] See Table 14 of this order for listings of land boilers not included in this Table 8.

Table of scheduled products	Designation	Applicable forms column 1	2	3
21. Liquid-filled and dry-type power or distribution transformers, smaller than 250 KVA and multiple phase	YZ			2643
22. Hammer forged, press forged, and cast crankshafts—finished	XZ	878C	878C	
23. Transformers, reactors, and chokes for non-power (electronic) applications only		3002.31		

A person placing an order for a Class Y product must use the form shown in Column 3 to obtain WPB authorization unless the product is also in Class Z and he is placing the order under paragraph (e) of M-293.

A person placing an order for a Class Z product under paragraph (e) of M-293 must use Form WPB-3003, 3400, or 3401, as specified in the instructions he received, to accompany his purchase order. If the product is also Class Y, he should use that same form to obtain WPB authorization instead of the form shown in Column 3.

Issued this 25th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2741; Filed, February 25, 1944; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 3,[1] Amdt. 5]

RATION BANKING: BANKS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 3 is amended in the following respects:

1. Section 1305.412 (a) (3) is amended by inserting the word "tokens" between the words "coupons" and "or" in the third sentence.

2. Section 1305.412 (a) is amended by adding a new subparagraph (15) to read as follows:

(15) Open, in its own name, a Processed Foods and a Ration Order 16 Foods ration bank account for the purpose of issuing ration checks as authorized by the Office of Price Administration. Issue tokens in exchange for valid ration evidences as authorized by the ration orders and the Office of Price Administration.

This amendment shall become effective 12:01 a. m. February 27, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2719; Filed, February 24, 1944; 4:46 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 47]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Section 9.8 is added to read as follows:

SEC. 9.8 *Certificates on account of allotments for March-April 1944 allotment period.* (a) If, by March 15, 1944, the Board will be unable to compute and grant allotments for the March-April 1944 period to an institutional user who has filed OPA Form R-1307 Supplement, it may issue certificates to him on account of those allotments in an amount equal to his January-February 1944 allotments. However, if he has an excess inventory, the amount of the certificate shall be reduced by the amount of such excess chargeable against the March-April 1944 allotment.

(b) When the Board has computed the allotments for the March-April 1944 period, it shall deduct the amount of any certificate issued under this section in computing the amount of any certificate to be granted. If the certificate issued under this section is more than his March-April allotment, the difference shall be treated as excess inventory. The certificate shall not be deemed to increase his allotment.

This amendment shall become effective February 29, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2720; Filed, February 24, 1944; 4:47 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 336,[2] Incl. Amdt. 11]

RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS[3]

Section 4 (a), section 10, and section 19, items 7, 27A and 27B in tables for Group 1 and 2 stores and Group 3 and 4 stores, amended by Amendment 11, effective March 1, 1944, so that Maximum Price Regulation No. 336 shall read as follows:

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 336 has been issued simultaneously herewith and filed with the Division of the Federal Register.[4]

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this maximum price regulation are and will be generally fair and equitable, and comply with the requirements of section 3 and the other requirements of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and will effectuate the purposes of said act and Executive order.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected; or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Above paragraph added by Supplementary Order 63, 8 F.R. 12553, effective 9-11-43]

§ 1364.1001 *Maximum prices for fresh and processed pork cuts and certain sausage products at retail.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 336 (Retail Ceiling Prices for Pork Cuts and Certain Sausage Products) which is annexed hereto and made a part hereof, is hereby issued.

[§ 1364.1001 amended by Am. 5, 8 F.R. 7682, and Am. 10, 9 F.R. 167]

AUTHORITY: § 1364.1001 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 336—RETAIL CEILING PRICES FOR PORK CUTS AND CERTAIN SAUSAGE PRODUCTS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Your ceiling prices.
3. When the new ceiling prices take effect.
4. What pork products and sausage products you may sell.
5. Sales to eating places.
6. Post your ceiling prices.
6a. Descriptive labeling requirements.
7. Records, sales slips and receipts.
8. Licensing.
9. Indirect price increases.
10. Prohibitions.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 865, 2858, 4627, 9456, 12611.

[2] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 17486; 9 F.R. 401, 455, 492.

[3] 8 F.R. 2859.

[3] Title amended by Ams. 5 and 10.

[4] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

ARTICLE II—SPECIAL PROVISIONS

Sec.
11. How you figure the annual gross sales of your store in most cases.
12. How you figure the annual gross sales of your store in special cases.
13. How to find your annual gross sales if you are a new retailer.
14. Transfers of business or stock in trade.
15. Retail sales taxes.
16. Certain stores in "Group 3 and 4," which may, upon certain conditions, use the prices of stores in "Group 1 and 2."

ARTICLE III—ZONES AND CEILING PRICE LIST

17. Description of zones for pork cuts.
17a. Description of zones for sausage products.
18. Map of zones.
19. OPA list of retail ceiling prices for pork cuts.
20. OPA list of retail ceiling prices for sausage products covered by Maximum Price Regulation No. 336.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes dollar-and-cents ceiling prices on all retail sales of fresh and processed pork cuts, and on all retail sales of the following sausage products: fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna, Lebanon bologna, all beef knackwurst and all beef salami, loaves, Braunschweiger, fresh and smoked liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin, and Polish sausage. The United States is divided into zones by this regulation and different ceiling prices are fixed for sales made in each zone and for sales made by different groups of retail stores. Your ceiling prices depend on the zone where your store is and its group and on the type and casing, wrapper or container of the sausage product you are selling. A store includes any place where pork cuts or sausage products subject to this regulation are sold at retail.

[Section 1 amended by Am. 5, 7 F.R. 7682, effective (1) as to the processed meat products covered by section 20 and as to fresh and frozen pork cuts on 9-21-43; and (2) as to all other products subject to this regulation on 7-5-43; Am. 7, 8 F.R. 9366, effective 7-13-43; Am. 8, 8 F.R. 12480, effective 9-8-43; and Am. 10, 9 F.R. 167, effective 1-8-44]

SEC. 2. *Your ceiling prices.* (a) You will find your ceiling prices for pork cuts on your "OPA list of retail ceiling prices for pork cuts" (Article III, section 19) and for sausage products subject to this regulation on your "OPA list of retail ceiling prices for sausage products covered by Maximum Price Regulation No. 336" (Article III, section 20). A copy of these lists for your zone and group will be attached to this regulation. A complete price list showing prices for both pork cuts and sausage products may be obtained from your local war price and rationing board or from your district office. (If you are a "Group 3 and 4" store, you should obtain your copy of the complete price list from your regional OPA office).

(b) *Your zone.* You can find out from your local war price and rationing board or your local Office of Price Administration office what zone your store is in. The zones are fixed by Article III of this regulation.

(c) *Your group.* Your store is in "Group 1 and 2" if its annual gross sales are less than $250,000 and if it is not a "chain store." Otherwise it is in "Group 3 and 4".

(d) Your store is a chain store if it is one of 4 or more stores owned by one person which have combined annual gross sales of $500,000 or more. If you are in doubt whether your store is in "Group 1 and 2", consult the directions given in sections 11, 12 and 13.

[Sec. 2 amended by Am. 5, 8 F.R. 7682; Am. 7, 8 F.R. 9366, effective 7-13-43; and Am. 10, 9 F.R. 167, effective 1-8-44. For effective date of Am. 5 see note following section 1]

SEC. 3. *When the new ceiling prices take effect*—(a) *Pork cuts.* On June 21, 1943, the dollar-and-cents ceiling prices fixed by this regulation take the place of all previous ceiling prices fixed by the Office of Price Administration upon retail sales of pork cuts. On and after June 21, 1943, you must not sell any pork cuts at a price higher than the ceiling price fixed by this regulation.

(b) *Sausage products.* (1) On September 8, 1943, the dollar-and-cents ceiling prices fixed by this regulation take the place of all previous ceiling prices fixed by the Office of Price Administration upon retail sales of the following sausage products: fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna other than Lebanon, all beef knackwurst and all beef salami. On and after September 8, 1943, you must not sell any such sausage product at a price higher than the ceiling price fixed by this regulation.

(2) On January 8, 1944, the dollar-and-cents ceiling prices fixed by this regulation take the place of all previous ceiling prices fixed by the Office of Price Administration upon retail sales of the following sausage products: Lebanon bologna, loaves, Braunschweiger, fresh and smoked liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin and Polish sausage. On and after January 8, 1944, you must not sell any such sausage product at a price higher than the ceiling price fixed by this regulation.

[Sec. 3 amended by Am. 5, 8 F.R. 7682; Am. 8, 8 F. R. 12480, effective 9-8-43; and Am. 10, 9 F.R. 167, effective 1-8-44. For effective dates of Am. 5 see note following section 1]

SEC. 4. *What pork products and sausage products you may sell.* (a) On and after January 8, 1944, the only pork products and sausage products you may sell are (1) those fresh, frozen or processed pork cuts which are given dollar-and-cents ceiling prices under this regulation; (2) the following sausage products which are given dollar-and-cents ceiling prices under this regulation: fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna, Lebanon bologna, all beef knackwurst and all beef salami, loaves, Braunschweiger, fresh and smoked liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin and Polish sausage; (3) canned pork and sausage products for which your ceiling prices are fixed by Maximum Price Regulation No. 422 or Maximum Price Regulation No. 423; (4) pork variety meats or offal (including cutlets, brains, chitterlings, liver, kidneys, tongues, lips, snouts, ears, hearts, cheek and head meat, weasand meat and heads) for which your ceiling prices are fixed by Maximum Price Regulation No. 355; and (5) the following pork and sausage products for which your ceiling prices are to remain as fixed under the General Maximum Price Regulation: (i) uncanned sausage products which are described in section 1 (b) (1) of Maximum Price Regulation No. 389—Ceiling Prices for Certain Sausage Items at Wholesale, (ii) sausage products purchased by you in cans and which you remove from the cans and sell in smaller amounts, and (iii) quick frozen cuts which are sold and delivered to you in the individual packages in which you sell them.

(b) The pork cuts listed in the OPA list of retail ceiling prices for pork cuts are defined in Revised Maximum Price Regulation No. 148 [4]—Dressed Hogs and Wholesale Pork Cuts. If the Office of Price Administration allows any person to make a different cut, you will receive notice when you buy that cut of the ceiling price you may charge for it at retail.

(c) The sausage products listed in the OPA list of retail ceiling prices for sausage products covered by Maximum Price Regulation No. 336 are defined in Maximum Price Regulation No. 389—Ceiling Prices for Certain Sausage Items at Wholesale.

Any sausage made by you other than the sausage described in section 1 (b) of Maximum Price Regulation No. 389 must meet the requirements for one of the kinds and types of sausage for which prices are established by this Maximum Price Regulation No. 336. Any such sausage made by you must also comply with the labeling requirements of section 4 of Maximum Price Regulation No. 389.

[Sec. 4 amended by Am. 2, 8 F.R. 5317, effective 4-27-43; Am. 5, 8 F.R. 7682; Am. 8, 8 F.R. 12480, effective 9-8-43; Am. 10, 9 F.R. 167, effective 1-8-44; and Am. 11, effective 3-1-44. For effective dates of Am. 5, see note following section 1]

SEC. 5. *Sales to eating places.* Your ceiling prices for sales of pork cuts and sausage products covered by this regulation to hotels, restaurants, institutions and other eating places selling or furnishing meals are the ceiling prices fixed by Revised Maximum Price Regulation

[4] 7 F.R. 8609, 9005; 8 F.R. 544, 2922, 3367, 4785, 7322, 7671, 8376, 9998, 7826, 8677, 10571, 10732, 11380, 13296, 15191, 15609, 16426.

No. 148 for pork cuts and by Maximum Price Regulation No. 389 for sausage products. Nevertheless, you may, during any month, use the ceiling prices fixed by this regulation in selling to eating places if 80 percent or more of your total dollar sales of meat during the previous calendar month were retail sales to consumers, that is, to persons who buy the pork cuts or sausage products to be eaten by themselves or their families off of your premises.

[Sec. 5 amended by Am. 5, 8 F.R. 7682, Am. 8, 8 F.R. 12480, effective 9–8–43; and Am. 10, 9 F.R. 167, effective 1–8–44]

SEC. 6. *Post your ceiling prices.* Not later than June 21, 1943, you must post at your store your official OPA list of retail meat prices, showing ceiling prices for pork cuts and sausage products. You may use an exact copy of the OPA list as long as the printing is just as legible and at least as large. Put it on or at the counter of the meat department in your store in one or more places where your customers can easily see and read it. You must have at least one list posted for each 20 feet of meat counter space. You must get your official copies of the price lists for posting or copying from your war price and rationing board or from your district OPA office. You may, if you wish, underline on the lists you post, those pork cuts and sausage products which you carry. If you display any pork cut or sausage product, as in your show case, you must post on it your selling price for that cut or product.

[Sec. 6 amended by Am. 1, 8 F.R. 4253, effective 4–1–43; Am. 5, 8 F.R. 7682; Am. 8, 8 F.R. 12480, effective 9–8–43; and Am. 10, 9 F.R. 167, effective 1–8–44. For effective dates of Am. 5 see note following section 1]

SEC. 6a. *Descriptive labeling requirements.* (a) On and after November 1, 1943, fresh and smoked pork sausage and breakfast sausage, frankfurters, bologna, knackwurst, including all beef sausage other than Lebanon bologna, must bear a descriptive label in accordance with the provisions of this section. On and after February 26, 1944, Lebanon bologna, loaves, Braunschweiger, smoked and fresh liver sausage, liver cheese, liver pudding, New England, minced luncheon, Berliner or Berlin and Polish sausage must bear a descriptive label in accordance with the provisions of this section. A label satisfying the requirements of this section shall appear on each one and one-half pounds of frankfurters and pork or breakfast sausage stuffed in sheep or hog casings, and once on each piece of other sausage product stuffed in casings or packed in wrappers, including but not limited to pork sausage and breakfast sausage (other than that stuffed in sheep or hog casings), bologna, loaves, all beef sausage, New England, Berliner or Berlin, liver sausage and Polish sausage. The label may be a band or tag securely affixed to the sausage product or printed or stamped upon the outside of the casing or wrapper. A similar label also shall be stamped or printed upon the outside of the carton or other immediate container in which the sausage product is placed. Enamel display cases or trays are not immediate containers.

You may not have in your store refrigerator or cooler any sausage product subject to this regulation which has not been properly labeled, except fresh or smoked pork sausage and breakfast sausage, frankfurters, bologna or knackwurst, including all beef sausage other than Lebanon bologna, bought from a seller who has received from the Office of Price Administration written authorization, pursuant to section 4 (b) (4) (i) of Maximum Price Regulation No. 389, to sell such sausage products unlabeled, which authorization in no event may extend beyond December 31, 1943.

(b) Each label shall contain prominently and in easily legible form:

(1) The name of the kind of sausage product as used in Maximum Price Regulation No. 389 (Ceiling Prices for Certain Sausage Items at Wholesale) and in addition, if the seller desires, a trade name, provided it does not include the name of some other kind of sausage product priced under this regulation.

(2) The word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, not counting curing materials, condiments, spices and water. If there is only one ingredient, not counting curing materials, condiments, spices and water, and if the name of the kind of sausage includes the name of the ingredient, the ingredient need not be separately stated. The list of ingredients shall state the common or usual names of the ingredients in the order of their predominance by weight, except that curing materials, spices, condiments and water need not be shown, unless required by some other federal, state, or local regulation. The name of the ingredient shall be a specific name, not a general name such as, but not limited to, "pork", "beef", "pork head meat", "beef cheek meat", "hearts", "livers", "tripe", "cereal", "dried skimmed milk", etc. The word "pork", "beef", "veal", "mutton", "goat", shall be used in connection with all skeletal meat ingredients. If more than 3½ percent of extender is used, the label shall so state:

(3) Whatever of the following letters or words are appropriate to show the kind of casing used: H. C. for hog casing; S. C. for sheep casing; B. C. for beef casing; A. C. for artificial casing, except that no such designation is required for an artificial casing on which is printed the casing manufacturer's name or trade-mark; skinless, where artificial casings have been removed by the manufacturer. Where the same price applies to the sausage product in each kind of natural casing, the letters N. C., indicating natural casing, may be used. The label need not contain a designation of the kind of casing used where the same price applies to the sausage product no matter what kind of casing, carton or wrapper is used.

(c) The label must be left on the sausage product which you buy. Different types of the same kind of sausage product must not be put together in the show case. Sausage products which are alike, except for the kind of casing, container or wrapper used which affects the price, must not be put together in the show case.

[Sec. 6a added by Am. 5, 8 F.R. 7682; amended by Am. 8, 8 F.R. 12480, effective 9–8–43; Am. 9, 8 F.R. 15670, effective 11–24–43; and Am. 10, 9 F.R. 167, effective 1–8–44, except that paragraph (a) shall become effective as of 11–1–43. For effective dates of Am. 5 see note following section 1]

SEC. 7. *Records, sales slips and receipts.* After June 21, 1943, you shall keep the same kind of records you have customarily kept, showing the prices you charge for pork cuts and sausage products. You shall show the records to any representative of the Office of Price Administration upon request. If you have customarily given a customer a sales slip, receipt or similar evidence of purchase, you shall continue to do so. Furthermore, regardless of your previous custom, you shall, upon request by any customer, give a receipt showing the date, your name and address, the name and weight of each pork cut sold, the name, type, weight, and casing, container or wrapper identification of each sausage product sold, and the price you received for the pork cut or sausage product.

[Sec. 7 amended by Am. 5, 8 F.R. 7682; Am. 8, 8 F.R. 12480, effective 9–8–43; and Am. 10, 9 F.R. 167 effective 1–8–44. For effective dates of Am. 5, see note following section 1]

SEC. 8. *Licensing.* The provisions of Licensing Order No. 1,[1] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 8 amended by Am. 8, 8 F.R. 12480, effective 9–8–43; and Supplementary Order 72, 8 F.R. 13244, effective 10–1–43]

SEC. 9. *Indirect price increases.* The price limitations set forth in this regulation shall not be evaded directly or indirectly by you; and you shall not require the purchaser to buy at any price other food products as a condition of selling pork cuts or sausage products.

[Sec. 9. amended by Am. 5, 8 F.R. 7682; and Am. 10, 9 F.R. 167, effective 1–8–44. For effective dates of Am. 5, see note following section 1]

SEC. 10. *Prohibitions.* On and after the date this regulation takes effect, if you sell or deliver any pork cut or sausage product at a higher price than your ceiling price fixed by this regulation, or if you agree, offer, solicit or attempt to do any of the foregoing, or if you otherwise violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person who in the course of trade or business buys from you at a price higher than your ceiling price, is subject to the criminal penalties and civil enforcement actions provided for by that act.

[1] 8 F.R. 13240.

[Sec. 10 amended by Am. 5, 8 F.R. 7682; Am. 10, 9 F.R. 167, effective 1–8–44; and Am. 11, effective 3–1–44. For effective dates of Am. 5, see note following section 1]

ARTICLE II—SPECIAL PROVISIONS

SEC. 11. *How you figure the annual gross sales of your store in most cases.* (a) To find your annual gross sales, take your gross sales for the calendar year 1942. Include all sales, whether of foods or not, as shown on your books. A Federal Income Tax Return will be accepted as good evidence of your gross sales for all or any part of the calendar year 1942 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating it as a separate retailer.

(b) If you were not in operation during the entire year 1942, you must divide your total gross sales from the time you began operation up to April 1, 1943 by the number of weeks you were in operation. This will give your weekly average gross sales. Multiply this figure by 52 and take the result as your "annual gross sales."

[Paragraph (b) as amended by Am. 9, 8 F.R. 15670, effective 11–24–43]

SEC. 12. *How you figure the annual gross sales of your store in special cases—*(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of business is in the sale of general merchandise and not foods, and you sell foods in a separate department, then you must find in what class your store falls by using only the gross annual sales of your food department.

(b) *Stores in which more than one retailer operates.* (1) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be treated as operating a separate retail store of your own and you must find its group by using your own separate sales.

[Subparagraph (1) as amended by Am. 7, 8 F.R. 9366, effective 7–13–43]

(2) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your annual gross sales by taking the combined annual gross sales of all the food retailers in that store.

SEC. 13. *How to find your annual gross sales if you are a new retailer.* If you open a retail store after March 31, 1943, which is not then a chain store, you must consider yourself a "Group 1 and 2" retailer and figure your ceiling prices accordingly. But after you have been in operation for three months you must determine again what group your store is in. To do this, take your gross sales for the three-month period and multiply by 4. If you own four or more stores which have been in operation for this three-month period, you must take your gross sales for each of these stores for the three-month period and multiply by 4. Use the result as your "annual gross sales" in order to find in what group your store or stores belong. If you then find that your store or stores no longer fall in "Group 1 and 2" but in "Group 3 and 4", you must take the ceiling prices for "Group 3 and 4" stores for the applicable zone or zones.

[Sec. 13 amended by Am. 7, 8 F.R. 9366, effective 7–13–43; and Am. 9, 8 F.R. 15670, effective 11–24–43]

SEC. 14. *Transfers of business or stock in trade.* If you acquire in any manner the business, assets or stock in trade of any store subject to this regulation after March 31, 1943, and you carry on the business or continue to deal in pork cuts in a store, separate from any other store previously owned or operated by you, then your ceiling prices should be the same as those of the former owner as if no transfer had taken place; unless as a result of the transfer the business changes from one group of stores to another, in which case your ceiling prices shall be those fixed for the group to which the store belongs after the transfer. You must keep all records sufficient to verify your ceiling prices. The former owner shall either preserve and make available, or turn over, to you all records of transactions prior to your acquiring the store which are necessary to enable you to comply with the record provisions of this regulation.

[Sec. 14 as amended by Am. 7, 8 F.R. 9366, effective 7–13–43]

SEC. 15. *Retail sales taxes.* Any tax upon, or incident to, a sale at retail of pork cuts covered by this regulation which is imposed by any statute of any state or subdivision thereof may be collected by you in addition to the ceiling price, if the statute does not prohibit you from stating and collecting the tax separately from the purchase price.

SEC. 16. *Certain stores in "Group 3 and 4" which may, upon certain conditions, use the prices of stores in "Group 1 and 2."* (a) If your store is in "Group 3 and 4," and does business in the manner outlined below, you may request permission under paragraph (b) to use the ceiling prices for "Group 1 and 2" stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting and wrapping merchandise; and

(2) Your store generally offers to all its customers the services of (i) taking orders over the telephone, and (ii) carrying monthly charge accounts, and (iii) providing delivery service; and

(3) The general level of your prices for meat and grocery products is as high or higher than that maintained for such products by "Group 1 and 2" stores in the same community and is generally higher than the level of prices charged for similar products by "Group 3 and 4" stores; and

(4) The total gross margin on all sales in your store, if you are not a "chain" store, was more than 25% in your fiscal year 1941; or, if you are a "chain" store, the total gross margin on the combined sales of all the stores in your chain was more than 25% in your fiscal year 1941. If you were not in operation in 1941, your gross margin for the most recent fiscal year, or if you have not been doing business for a full fiscal year, for the most recent fiscal period, must be more than 25%.

(b) If your store does business in the way set forth above and you want to sell at the ceiling prices for "Group 1 and 2" stores you must by April 1, 1943, file with your State or District OPA office a request to use such ceiling prices. This request must be filed on a form which you may get from such OPA office. If you have filed this form, you may on the effective date of this regulation, use the ceiling prices of "Group 1 and 2" stores. However, OPA reserves the right to withdraw this permission, and if you receive a notice to such effect you must from that time forward use the ceiling prices for stores in "Group 3 and 4."

(c) The total gross margin which a "Group 3 and 4" store must have had in order to sell at the prices for a "Group 1 and 2" store has been changed from 21% to 25%. If your store is a "Group 3 and 4" store and has been selling, under the preceding paragraph of this section, at the prices for "Group 1 and 2" stores, and if the total gross margin of the store for the period referred to in paragraph (a) (4) was less than 25%, you must, beginning July 3, 1943, sell at the "Group 3 and 4" prices. If the total gross margin of the store was 25% or more, you may continue to sell at the "Group 1 and 2" prices.

[Sec. 16 amended by Am. 6, 8 F.R. 8944, effective 7–3–43; and Am. 7, 8 F.R. 9366, effective 7–13–43]

ARTICLE III—ZONES AND CEILING PRICE LIST

SEC. 17. *Description of zones for pork cuts.*

[Heading amended by Ams. 5 and 10]

ZONE 1: Washington, Oregon, California and Nevada.

ZONE 2: Idaho, Montana, Wyoming, Utah and Arizona.

ZONE 3: Colorado and New Mexico.

ZONE 4: North Dakota, Oklahoma and Texas.

All that portion of Wisconsin north and west of and including the counties of Iron, Price, Taylor, Rusk, Barron and Polk.

All that portion of Minnesota north of and including the counties of Chisago, Anoka, Sherburne, Stearns, Meeker, Kandiyohi, Swift and Big Stone.

All that portion of South Dakota north and west of and including the counties of Roberts, Grant, Day, Brown, Edmunds, Walworth, Potter, Hyde, Buffalo, Brule, Lyman and Gregory.

All that portion of Nebraska west of and including the counties of Keyapaha, Rock, Loup, Custer, Dawson, Phelps and Harlan.

All that portion of Kansas west and south of and including the counties of Phillips, Rocks, Ellis, Rush, Barton, Ellsworth, Saline, Dickinson, Norris, Lyon, Osage, Franklin and Miami.

All that portion of Missouri south and west of and including the counties of Cass, Johnson, Pettis, Cooper, Moniteau, Cole, Callaway, Montgomery, Warren, Franklin, Washington, St. Francois, Madison, Wayne and Butler.

ZONE 4–A: All that portion of Wisconsin south and west of and including the counties of St Croix, Dunn, Chippewa, Clark, Jackson, Monroe, Vernon, and Crawford.

All that portion of Minnesota south of and including the counties of Washington, Ramsey, Hennepin, Wright, McLeod, Renville, Chippewa, and Lac qui Parle.

All that portion of South Dakota south and east of and including the counties of Deuel, Codington, Clarke, Spink, Faulk, Hand, Jerauld, Aurora and Charles Mix.

All that portion of Nebraska east of and including the counties of Boyd, Holt, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin.

All that portion of Kansas east and north of and including the counties of Smith, Osborne, Russell, Lincoln, Ottawa, Clay, Geary, Wabaunsee, Shawnee, Douglas and Johnson.

All that portion of Missouri west and north of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Boone, Howard, Saline, Lafayette, and Jackson.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

ZONE 5: All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, City of St. Louis and Jefferson.

The following counties in Indiana: Lake, Newton, Benton, and Warren.

ZONE 6: The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa and Berrien.

Indiana except the counties of Lake, Newton, Benton and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

The State of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Pointe Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin and Iberia.

ZONE 7: The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua, and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo and Issaquena.

ZONES 8 AND 9—NORTH: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, District of Columbia and Maryland.

All of New York except the counties of Erie, Niagara, Cattaraugus and Chautauqua.

All of Pennsylvania east of and including the counties of McLean, Elk, Jefferson, Indiana, Cambria, and Somerset.

ZONES 8 AND 9—SOUTH: Virginia, North Carolina, South Carolina and Georgia.

All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton.

All that portion of Alabama south of and including the counties of DeKalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Pointe Coupee, Iberville, Assumption and Saint Mary.

All that portion of Florida north of and including the counties of Pasco, Sumter, Lake and Volusia.

ZONE 10: All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough and Pinellas.

SEC. 17a. *Description of zones for sausage products.* The zones for the sausage products covered by this regulation are the same as those for pork cuts except for the following zones which take the place of "Zones 8 and 9 South" and "Zones 8 and 9 North."

Zone 8—North: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, and Broome; but excluding the counties of Niagara, Erie, Cattaraugus, and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton.

The following counties of Maryland: Garrett and Allegany.

Zone 8—South: All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell; but excluding the counties of Berkeley and Jefferson.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

All that portion of Alabama south of and including the counties of DeKalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Pointe Coupee, Iberville, Assumption and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

Zone 9—North: All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Mary.

The District of Columbia.

Maine, all counties.

New Hampshire, all counties.

Vermont, all counties.

Massachusetts, all counties.

Connecticut, all counties.

Rhode Island, all counties.

New Jersey, all counties.

Delaware, all counties.

Zone 9—South: West Virginia, the following counties: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botecourt, Roanoke, Franklin and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Trautlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando and Pasco.

[Sec. 17a added by Am. 5, 8 F.R. 7682; amended by Am. 8, 8 F.R. 12480, effective 9–8–43; and Am. 10, 9 F.R. 167, effective 1–8–44]

SEC. 18. *Map of zones.*[1]

[1] Filed as part of the original document.

SEC. 19. *OPA list of retail ceiling prices for pork cuts.*

NOTE 1. *Deduction for oily pork cuts.* The ceiling price for a pork cut which comes from an oily hog carcass is lower than the ceiling price listed below for that pork cut. The ceiling price is one cent a pound lower for all hams, fat back, and dressed hogs from oily hogs. The ceiling price is four cents a pound lower for all shoulders, shoulder cuts, pork loins, bellies, and slab bacon from oily hogs.

NOTE 2. *Slices of processed picnics, and processed bone-in hams.* Slices from processed picnics and processed bone-in hams shall be center slices only and shall not be more than 33⅓% of the weight of the total picnic or bone-in ham.

NOTE 3. *Slices of fresh picnics and hams.* Slices from fresh picnics and hams shall be center slices only and shall not be more than 20% of the weight of the total picnic or ham.

NOTE 4. Shank and round or butt halves and ends of fresh, smoked and ready to eat hams and picnics may be split lengthwise once and the pieces so produced may be sold at or below the applicable ceiling prices listed for shank and round or butt halves and ends.

NOTE 5. *Center cut pork chops.* Center cut pork chops shall be not more than 33⅓% of the weight of the pork loin.

[Price per pound]

[Items 7, 27A and 27B amended by Am. 11, effective 3–1–44]

	Zone 1, group 1-2	Zone 2, group 1-2	Zones 3 and 4, group 1-2	Zone 4a, group 1-2	Zone 5, group 1-2	Zones 6 and 7, group 1-2	Zones 8 and 9 north, group 1-2	Zones 8 and 9 south, group 1-2	Zone 10, group 1-2
1A. Smoked ham, whole:	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1. Regular bone-in	35	35	34	33	33	33	34	34	35
2. Regular boneless	39	39	37	36	36	37	37	38	38
3. Regular boneless and fatted	46	45	44	43	43	44	44	44	45
4. Skinned bone-in	38	38	36	35	36	36	36	37	37
5. Skinned boneless	42	41	40	39	39	40	40	41	41
6. Skinless, boneless and fatted	49	49	47	46	46	47	47	48	48
1B. Smoked ham, shank half or end:									
1. Regular bone-in	33	33	32	31	31	31	32	32	33
2. Regular boneless	39	39	37	36	36	37	37	38	38
3. Regular boneless and fatted	46	45	44	43	43	44	44	44	45
4. Skinned bone-in	36	35	34	33	33	34	34	35	35
5. Skinned boneless	42	41	40	39	39	40	40	41	41
6. Skinless, boneless and fatted	49	49	47	46	46	47	47	48	48
1C. Smoked ham, round half or end:									
1. Regular bone-in	35	34	33	32	32	33	33	33	34
2. Regular boneless	39	39	37	36	36	37	37	38	38
3. Regular boneless and fatted	46	45	44	43	43	44	44	44	45
4. Skinned bone-in	37	37	36	35	35	35	36	36	37
5. Skinned boneless	42	41	40	39	39	40	40	41	41
6. Skinless, boneless and fatted	49	49	47	46	46	47	47	48	48
1D. Smoked ham, slices:									
1. Regular bone-in	50	49	48	46	47	47	48	48	49
2. Regular boneless	52	52	50	49	49	49	50	50	51
3. Regular boneless and fatted	61	61	59	58	58	59	59	59	60
4. Skinned bone-in	54	53	52	50	50	51	52	52	53
5. Skinned boneless	56	56	54	53	53	53	54	54	55
6. Skinless, boneless and fatted	65	65	63	62	62	63	63	64	65
2A. Ready to eat hams, whole:									
1. Regular bone-in	39	38	37	36	36	36	37	37	38
2. Regular boneless	42	42	41	40	40	40	41	41	42
3. Regular boneless and fatted	49	49	48	47	47	47	48	48	49
4. Skinned bone-in	42	41	40	39	39	39	40	40	41
5. Skinned boneless	46	45	44	43	43	44	44	44	45
6. Skinless, boneless and fatted	53	53	52	50	51	51	52	52	52
2B. Ready to eat hams, shank half or end:									
1. Regular bone-in	36	36	35	34	34	34	35	35	36
2. Regular boneless	42	42	41	40	40	40	41	41	42
3. Regular boneless and fatted	49	49	48	47	47	47	48	48	49
4. Skinned bone-in	39	39	38	36	37	37	38	38	38
5. Skinned boneless	46	45	44	43	43	44	44	44	45
6. Skinless, boneless and fatted	53	53	52	50	51	51	52	52	52
2C. Ready to eat hams, round half or end:									
1. Regular bone-in	38	38	36	35	36	36	36	37	37
2. Regular boneless	42	42	41	40	40	40	41	41	42
3. Regular boneless and fatted	49	49	48	47	47	47	48	48	49
4. Skinned bone-in	41	40	39	38	38	39	39	40	40
5. Skinned boneless	46	45	44	43	43	44	44	44	45
6. Skinless, boneless and fatted	53	53	52	50	51	51	52	52	52
2D. Ready to eat hams, slices:									
1. Regular bone-in	54	54	52	51	51	52	52	53	54
2. Regular boneless	57	56	55	54	54	55	55	56	56
3. Regular boneless and fatted	66	66	64	63	63	63	64	65	65
4. Skinned bone-in	59	58	57	55	55	56	57	57	58
5. Skinned boneless	61	61	59	58	58	58	59	59	60
6. Skinless, boneless and fatted	71	71	69	68	68	69	69	69	70
3A. Fresh ham, whole:									
1. Regular bone-in	34	34	33	31	32	32	34	33	34
2. Regular boneless	38	37	36	35	35	36	37	37	38
3. Regular boneless and fatted	44	44	42	41	41	42	44	43	44
4. Skinned bone-in	37	37	35	34	34	35	37	36	37
5. Skifined boneless	41	41	40	38	39	39	41	40	41
6. Skinless, boneless and fatted	47	47	46	44	45	45	47	46	47
3B. Fresh ham, shank end:									
1. Regular bone-in	34	33	32	31	31	32	33	33	34
2. Regular boneless	37	37	35	34	34	35	37	36	37
3. Regular boneless and fatted	43	43	41	40	40	41	42	42	43
4. Skinned bone-in	36	36	35	33	34	34	36	35	36
5. Skinned boneless	40	40	39	38	38	39	40	40	40
6. Skinless, boneless and fatted	46	46	45	43	44	44	46	45	46

OPA list of retail ceiling prices for pork cuts—Continued

[Price per pound]

	Zone 1, group 1-2	Zone 2, group 1-2	Zones 3 and 4, group 1-2	Zone 4a, group 1-2	Zone 5, group 1-2	Zones 6 and 7, group 1-2	Zones 8 and 9 north, group 1-2	Zones 8 and 9 south, group 1-2	Zone 10, group 1-2
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
3C. Fresh ham, round or butt end:									
1. Regular bone-in	35	35	33	32	32	33	35	34	35
2. Regular boneless	39	38	37	36	36	37	38	38	39
3. Regular boneless and fatted	45	45	43	42	42	43	45	44	45
4. Skinned, bone-in	38	38	36	35	35	36	38	37	38
5. Skinned boneless	42	42	41	39	40	40	42	41	42
6. Skinless, boneless and fatted	48	48	47	45	46	46	48	47	48
3D. Fresh ham, slices:									
1. Regular bone-in	39	38	37	35	36	36	38	37	39
2. Regular boneless	42	42	40	39	39	40	42	41	42
3. Regular boneless and fatted	49	49	47	46	46	47	49	48	49
4. Skinned bone-in	42	41	40	38	39	39	41	40	42
5. Skinned boneless	46	46	44	43	43	44	46	45	46
6. Skinless, boneless and fatted	53	53	51	50	50	51	53	52	53
4A. Smoked picnics, whole:									
1. Bone-in	33	33	32	31	31	31	32	32	33
2. Boneless	37	37	36	34	35	35	36	36	36
3. Boneless and fatted	44	44	42	41	41	42	42	43	43
4B. Smoked picnics, shank end:									
1. Bone-in	31	31	30	29	29	29	30	30	31
2. Boneless	35	35	33	32	33	33	33	34	34
3. Boneless and fatted	41	41	40	39	39	39	40	40	41
4C. Smoked picnics, round or butt end:									
1. Bone-in	33	32	31	30	30	31	31	31	32
2. Boneless	36	36	35	34	34	34	35	35	36
3. Boneless and fatted	43	43	42	40	41	41	42	42	42
4D. Smoked picnics, slices:									
1. Bone-in	47	47	45	43	44	44	45	45	46
2. Boneless	52	52	50	49	49	49	50	51	52
3. Boneless and fatted	62	62	60	58	59	59	60	60	61
5A. Fresh picnics, whole (fresh, frozen or cured):									
1. Bone-in	32	32	30	29	29	30	32	31	32
2. Boneless	36	35	34	33	33	34	35	35	36
3. Boneless and fatted	42	41	40	39	39	40	41	41	42
5B. Fresh picnics, shank half (fresh, frozen or cured):									
1. Bone-in	31	31	30	28	29	29	31	30	31
2. Boneless	35	35	33	32	32	33	35	34	35
3. Boneless and fatted	41	40	39	38	38	39	40	40	41
5C. Fresh picnics, round half (fresh, frozen or cured):									
1. Bone-in	33	32	31	30	30	31	32	32	33
2. Boneless	37	36	35	33	34	35	36	42	43
3. Boneless and fatted	43	42	41	40	40	41	42		
5D. Fresh picnics, slices (fresh, frozen or cured):									
1. Bone-in	36	36	34	33	33	34	36	35	36
2. Boneless	40	40	38	37	37	38	40	39	40
3. Boneless and fatted	47	46	45	43	44	45	46	46	47
6A. Ready to eat picnics, whole:									
1. Bone-in	36	36	35	34	34	34	35	35	36
2. Boneless	41	40	39	38	38	39	39	39	40
3. Boneless and fatted	48	48	46	45	46	46	46	47	48
6B. Ready to eat picnics, shank end:									
1. Bone-in	34	34	33	32	32	32	33	33	34
2. Boneless	38	38	37	36	36	36	37	37	38
3. Boneless and fatted	45	45	44	43	43	43	44	44	45
6C. Ready to eat picnics, round end:									
1. Bone-in	36	36	34	33	33	34	34	35	35
2. Boneless	40	40	38	37	38	38	38	39	39
3. Boneless and fatted	47	47	46	45	45	45	46	46	47
6D. Ready to eat picnics, slices:									
1. Bone-in	52	51	49	48	48	49	49	50	51
2. Boneless	57	57	55	54	54	54	55	56	57
3. Boneless and fatted	68	67	66	64	64	65	66	66	67
7. Virginia type hams:									
1. Whole or half	56	56	54	53	53	54	54	55	55
2. Sliced	63	63	61	60	60	61	61	62	63
8. Prosciutto hams:									
1. Whole or half	53	53	51	50	50	51	51	52	52
2. Sliced bone-in	60	59	58	56	57	57	58	58	59
3. Sliced boneless and fatted	102	101	100	98	99	99	100	100	101
9A. Bellies or slab bacon, whole or piece:									
1. Fresh with rine	28	28	26	25	25	26	28	27	28
2. Fresh derined	31	31	29	28	28	29	31	30	31
3. Smoked with rine	34	34	33	32	32	32	33	33	34
4. Smoked derined	38	38	36	35	35	36	36	37	37
9B. Bellies or slab bacon, store sliced:									
1. Fresh with rine	31	31	30	28	28	29	31	30	31
2. Fresh derined	35	34	33	31	32	33	34	34	35
3. Smoked with rine	39	39	37	36	36	36	37	37	38
4. Smoked derined	43	43	41	40	40	40	41	42	42
10A. Boston butts, whole or piece:									
1. Fresh, frozen or cured	37	37	36	34	35	35	37	36	37
2. Smoked	39	39	38	37	37	37	38	38	39
3. Ready to eat	42	41	40	39	39	40	40	41	41
10B. Boston butts, store sliced:									
1. Fresh, frozen or cured	42	42	40	39	39	40	42	41	42
2. Smoked	44	44	43	41	42	42	43	43	44
3. Ready to eat	47	47	45	44	44	45	45	46	46
11. Pork shoulders, fresh, frozen or cured, whole only:									
1. Skinned bone-in	35	34	33	32	32	33	34	34	35
2. Skinned boneless	38	38	37	35	36	36	38	37	38
3. Skinned boneless and fatted	43	42	41	40	40	41	42	42	43
4. Regular	32	32	30	29	29	30	32	31	32
5. Rough neck bone-in	31	31	30	28	29	29	31	31	31
6. Rough neck bone out	32	31	30	29	29	30	31	31	32

OPA list of retail ceiling prices for pork cuts—Continued

[Price per pound]

	Zone 1, group 1-2	Zone 2, group 1-2	Zones 3 and 4, group 1-2	Zone 4a, group 1-2	Zone 5, group 1-2	Zones 6 and 7, group 1-2	Zones 8 and 9 north, group 1-2	Zones 8 and 9 south, group 1-2	Zone 10, group 1-2
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
12. Pork shoulders smoked, whole only:									
1. Skinned bone-in	36	35	34	33	33	34	34	34	35
2. Skinned boneless	39	39	38	37	37	37	38	38	39
3. Skinned boneless and fatted	45	44	43	42	42	43	43	44	44
4. Regular	33	33	32	31	31	31	32	32	33
5. Rough neck bone-in	33	33	31	30	31	31	31	31	32
6. Rough neck bone out	33	33	31	30	31	31	31	32	32
13. Pork shoulder cooked:									
1. Skinned bone-in	39	39	38	36	37	37	38	38	39
2. Skinned boneless	43	42	41	40	40	41	41	41	42
14A. Boneless butts (whole or pieces):									
1. Fresh, frozen or cured	44	43	42	41	41	42	43	43	44
2. Smoked	49	49	47	46	46	47	47	48	48
3. Ready to eat	53	53	52	51	51	51	52	52	53
14B. Boneless butts (store sliced):									
1. Fresh, frozen or cured	49	49	47	46	46	47	49	48	49
2. Smoked	55	55	53	52	52	53	53	54	54
3. Ready to eat	60	60	58	57	57	58	58	59	59
15A. Boneless loins (Canadian bacon), whole or piece:									
1. Smoked	59	59	57	56	56	57	57	58	58
2. Ready-to-eat	64	64	62	61	61	62	62	63	63
15B. Boneless loins (Canadian bacon), store sliced:									
1. Smoked	66	66	64	63	63	64	64	65	65
2. Ready-to-eat	72	71	70	68	69	69	70	70	71
16. Briskets (whole):									
1. Fresh or frozen	22	21	20	18	19	19	21	20	22
2. Cured	23	23	21	20	20	21	21	22	22
3. Smoked	29	28	27	26	26	26	27	27	28
17. Fat back (whole or piece):									
1. Fresh, cured or frozen	20	20	18	17	17	18	20	19	20
2. Smoked	24	23	22	21	21	21	22	22	23
18A. Pork loins (whole):									
1. Fresh or frozen	35	35	34	32	33	33	35	34	35
2. Cured	36	36	34	33	33	34	34	35	35
3. Smoked	42	42	40	39	39	40	40	41	41
18B. Pork loins, rib half or end:									
1. Fresh or frozen	33	32	31	30	30	31	32	32	33
2. Cured	33	33	32	30	31	31	32	32	33
3. Smoked	39	38	37	36	36	36	37	37	38
18C. Pork loins, loin half or end:									
1. Fresh or frozen	35	35	34	32	33	33	35	34	35
2. Cured	36	36	34	33	34	34	34	35	35
3. Smoked	42	42	40	39	39	40	40	41	41
18D. Pork loins, center cut:									
1. Fresh or frozen	40	39	38	36	37	37	39	39	40
2. Cured	40	40	39	37	37	38	39	39	40
3. Smoked	47	47	45	44	44	45	45	46	46
19. Sliced bacon (derined, smoked):									
1. Standard grade A	44	43	42	41	41	41	42	42	43
2. Standard grade B	40	39	38	37	37	37	38	38	39
3. Standard grade C	38	38	36	35	35	36	36	37	37
4. Sliced jowl butts	29	28	27	26	26	26	27	27	28
5. Sliced regular plates	28	28	26	25	25	26	26	27	27
6. Bacon end slices	25	25	24	22	23	23	24	24	25
7. Sliced Canadian bacon	70	69	68	67	67	67	68	68	69
20A. Spare ribs:									
1. Fresh or frozen	26	25	24	23	23	24	25	25	26
2. Cured	27	27	25	24	24	25	25	26	26
3. Smoked	35	35	33	32	30	33	33	34	34
20B. Barbecue spare ribs, (brisket boneless):									
1. Fresh or frozen	31	31	29	28	28	29	31	30	31
2. Cured	32	32	31	29	30	30	31	31	32
3. Smoked	39	39	37	36	36	37	37	38	38
4. Barbecued	45	45	43	42	42	43	43	44	44
20C. Hocks:									
1. Fresh or frozen	23	23	21	20	20	21	23	22	23
2. Cured	24	24	23	21	22	22	23	23	24
3. Smoked	28	28	26	25	25	26	26	27	27
20D. Knuckles:									
1. Fresh or frozen	19	18	17	16	16	17	18	18	19
2. Cured	20	20	18	17	17	18	18	19	19
3. Smoked	24	23	22	21	21	21	22	22	23
20E. Pigs feet, long cut:									
1. Fresh or frozen	14	13	12	11	11	12	13	13	14
2. Vinegar pickled	21	21	19	18	18	19	19	20	20
20F. Pigs feet, short cut:									
1. Fresh or frozen	10	10	9	7	8	8	10	9	10
2. Vinegar pickled	17	17	15	14	14	15	15	16	16
20G. Tails:									
1. Fresh or frozen	17	17	16	14	15	15	17	16	17
2. Cured	19	18	17	16	16	16	17	17	18
3. Smoked	22	22	21	19	20	20	21	21	22
20H. Neck bones:									
1. Fresh, frozen or cured	9	8	8	7	7	9	10	9	8
2. Smoked	13	12	11	11	11	13	14	13	12
20I. Bacon skins:									
1. Fresh, frozen or cured	10	10	8	7	7	8	10	9	10
2. Smoked	12	12	11	9	10	10	11	11	12
20J. Blade butts:									
1. Fresh, frozen or cured	29	29	27	26	26	27	29	28	29
2. Smoked	34	33	32	31	31	31	32	32	33
20K. Back bones:									
1. Fresh, frozen or cured	9	9	7	6	6	7	9	8	9
20L. Pork tenderloins:									
1. Fresh, frozen or cured	52	52	50	49	49	50	52	51	52
20M. Pork tenderloin tips:									
1. Fresh, frozen or cured	49	49	47	46	46	47	49	48	49

OPA list of retail ceiling prices for pork cuts—Continued

[Price per pound]

	Zone 1, group 1-2	Zone 2, group 1-2	Zones 3 and 4, group 1-2	Zone 4a, group 1-2	Zone 5, group 1-2	Zone 6 and 7, group 1-2	Zones 8 and 9 north, group 1-2	Zones 8 and 9 south, group 1-2	Zone 10, group 1-2
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
21. Dry salt bellies:									
1. Fresh, cured or frozen	24	24	23	21	22	22	24	23	24
2. Smoked	28	28	27	25	26	26	27	27	28
22. Plate and jowls, fresh, froze or cured:									
1. Clear plates	18	18	17	15	16	16	18	17	18
2. Regular plates	20	19	18	17	17	18	19	19	20
3. Jowl butts	18	18	17	15	16	16	18	17	18
4. Square jowl butts	20	20	19	17	18	18	20	19	20
23. Plates and jowls smoked:									
1. Clear plates	22	22	20	19	19	20	20	21	22
2. Regular plates	24	23	22	21	21	21	22	22	23
3. Jowl butts	22	22	20	19	19	20	20	21	22
4. Square jowl butts	26	26	25	23	24	24	25	25	26
24A. Cooked or boiled ham, shoulder, picnic, boneless and fatted (whole or piece):									
1. Regular ham	53	52	51	50	50	51	51	52	52
2. Skinless ham	57	56	55	54	54	54	55	55	56
3. Skinless picnics	49	49	47	46	46	47	47	48	48
4. Skinned shoulder	49	49	47	46	46	47	47	48	48
24B. Cooked or boiled ham, picnic, boneless and fatted (sliced):									
1. Regular ham	75	74	72	71	71	72	72	73	74
2. Skinless ham	80	80	78	76	77	77	78	78	79
3. Skinless picnics	69	69	67	65	66	66	67	67	68
25A. Cooked or boiled and smoked ham and picnic, boneless and fatted (whole):									
1. Regular ham	54	54	53	51	52	52	53	53	54
2. Skinless ham	58	58	57	55	56	56	57	57	58
3. Skinless picnics	49	49	48	46	47	47	48	48	49
25B. Cooked and boiled and smoked ham and picnic, boneless and fatted (sliced):									
1. Regular ham	77	76	75	73	73	74	75	75	76
2. Skinless ham	82	82	80	79	79	80	80	81	82
3. Skinless picnics	70	69	67	66	66	67	67	68	69
26A. Baked and barbecued ham, shoulder and picnic, boneless and fatted (whole):									
1. Regular ham	58	58	57	55	56	56	57	57	57
2. Skinless ham	62	62	60	59	59	60	60	61	61
3. Skinless picnics	54	53	52	51	51	51	52	52	53
4. Skinned shoulder	53	53	52	50	51	51	52	52	52
26B. Baked and barbecued ham, shoulder and picnic, boneless and fatted (sliced):									
1. Regular ham	82	82	80	78	79	79	80	80	81
2. Skinless ham	87	87	85	84	84	85	85	86	87
3. Skinless picnics	76	75	74	72	72	73	74	74	75
4. Skinned shoulder	76	75	73	71	72	72	73	73	74
27A. Dried specialties (whole or piece):									
1. Virginia bacon	43	42	41	40	40	40	41	41	42
2. Virginia sides	39	39	37	36	36	37	37	38	38
3. Virginia jowls	31	31	29	28	28	29	29	30	30
4. Virginia shoulder	47	47	45	44	44	45	45	46	46
5. Capicalli butts	63	63	62	60	61	61	62	62	63
27B. Dried specialties (store sliced):									
1. Virginia bacon	48	48	46	45	45	45	46	47	47
2. Virginia sides	44	44	42	41	41	42	42	43	43
3. Virginia jowls	35	35	33	32	32	32	33	34	34
4. Virginia shoulder	53	52	51	50	50	50	51	51	52
5. Capicalli butts	71	71	69	68	68	69	69	70	71
28. Loin ribs:									
1. Fresh or frozen	27	26	25	24	24	25	26	26	27
2. Cured	28	28	26	25	25	26	26	27	27
3. Smoked	35	34	33	32	32	32	33	33	34
29. Dressed hogs (whole or side):	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*
1. Packer style	22.00	21.75	20.75	19.75	20.00	20.50	21.75	21.25	22.00
2. Shipper style	21.00	20.75	19.75	19.00	19.00	19.50	20.75	20.25	21.00

OPA list of retail ceiling prices for pork cuts—Continued

[Price per pound]

	Zone 1, group 3-4	Zone 2, group 3-4	Zones 3 and 4, group 3-4	Zone 4a, group 3-4	Zone 5, group 3-4	Zones 6 and 7, group 3-4	Zones 8 and 9 north, group 3-4	Zones 8 and 9 south, group 3-4	Zone 10, group 3-4
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1A. Smoked ham, whole:									
1. Regular bone-in	34	33	32	31	31	32	32	32	33
2. Regular boneless	37	37	36	34	35	35	36	36	37
3. Regular boneless and fatted	44	43	42	41	41	42	42	43	43
4. Skinned bone-in	36	36	35	34	34	34	35	35	36
5. Skinned boneless	40	40	39	37	38	38	39	39	39
6. Skinless, boneless and fatted	47	47	45	44	45	45	45	46	46
1B. Smoked ham, shank half or end:									
1. Regular bone-in	32	32	31	30	30	30	31	31	32
2. Regular boneless	37	37	36	34	35	35	36	36	37
3. Regular boneless and fatted	44	43	42	41	41	42	42	43	43
4. Skinned bone-in	35	34	33	32	32	33	33	34	34
5. Skinned boneless	41	40	39	38	38	39	39	39	40
6. Skinless, boneless and fatted	47	47	45	44	45	45	45	46	46
1C. Smoked ham, round half or end:									
1. Regular bone-in	33	33	32	31	31	31	32	32	32
2. Regular boneless	37	37	36	34	35	35	36	36	37
3. Regular boneless and fatted	44	43	42	41	41	42	42	43	43
4. Skinned bone-in	36	35	34	33	33	34	34	34	35
5. Skinned boneless	41	40	39	38	38	39	39	39	40
6. Skinless, boneless and fatted	47	47	45	44	45	45	45	46	46
1D. Smoked ham, slices:									
1. Regular bone-in	47	47	45	44	44	45	46	46	47
2. Regular boneless	50	49	48	47	47	47	48	48	49
3. Regular boneless and fatted	58	58	57	56	55	56	57	57	58
4. Skinned bone-in	51	51	49	47	48	48	49	49	50
5. Skinned boneless	53	53	52	51	50	51	52	52	53
6. Skinless, boneless and fatted	63	62	61	60	60	60	61	61	62
2A. Ready to eat hams, whole:									
1. Regular bone-in	37	37	35	34	34	35	35	36	36
2. Regular boneless	41	40	39	38	38	39	39	39	40
3. Regular boneless and fatted	47	47	46	45	45	45	46	46	47
4. Skinned bone-in	40	39	38	37	37	38	38	39	39
5. Skinned boneless	44	43	42	41	41	42	42	43	43
6. Skinless, boneless and fatted	51	51	49	48	49	49	49	50	50
2B. Ready to eat hams, shank half or end:									
1. Regular bone-in	35	35	34	33	33	33	34	34	35
2. Regular boneless	41	40	39	38	38	39	39	39	40
3. Regular boneless and fatted	47	47	46	45	45	45	46	46	47
4. Skinned bone-in	38	38	37	35	36	36	37	37	37
5. Skinned boneless	44	43	42	41	41	42	42	43	43
6. Skinless, boneless and fatted	51	51	49	48	49	49	49	50	50
2C. Ready to eat hams, round half or end:									
1. Regular bone-in	36	36	35	34	34	34	35	35	36
2. Regular boneless	41	40	39	38	38	39	39	39	40
3. Regular boneless and fatted	47	47	46	45	45	45	46	46	47
4. Skinned bone-in	39	39	38	36	37	37	38	38	38
5. Skinned boneless	44	43	42	41	41	42	42	43	43
6. Skinless, boneless and fatted	51	51	49	48	49	49	49	50	50
2D. Ready to eat hams, slice:									
1. Regular bone-in	52	51	50	48	49	49	50	50	51
2. Regular boneless	54	54	52	52	51	52	52	53	53
3. Regular boneless and fatted	63	63	62	61	60	61	62	62	63
4. Skinned bone-in	56	55	54	53	53	53	54	54	55
5. Skinned boneless	58	58	57	56	55	56	57	57	58
6. Skinless, boneless and fatted	68	68	66	65	65	65	66	67	67
3A. Fresh ham, whole:									
1. Regular bone-in	32	32	31	29	30	30	32	31	32
2. Regular boneless	36	35	34	33	33	34	35	35	36
3. Regular boneless and fatted	42	41	40	39	39	40	41	41	42
4. Skinned bone-in	35	35	33	32	32	33	35	34	35
5. Skinned boneless	39	39	37	36	36	37	39	38	39
6. Skinless, boneless and fatted	45	44	43	42	42	43	44	44	45
3B. Fresh ham, shank end:									
1. Regular bone-in	32	31	30	29	29	30	31	31	32
2. Regular boneless	35	34	33	32	32	33	34	34	35
3. Regular boneless and fatted	41	40	39	38	38	39	40	40	41
4. Skinned bone-in	34	34	32	31	32	32	34	33	34
5. Skinned boneless	38	38	37	35	36	36	38	37	38
6. Skinless, boneless and fatted	44	43	42	41	41	42	43	43	44
3C. Fresh ham, round or butt end:									
1. Regular bone-in	33	33	31	30	30	31	33	32	33
2. Regular boneless	37	37	36	34	35	35	37	36	37
3. Regular boneless and fatted	43	43	41	40	40	41	42	42	43
4. Skinned bone-in	35	35	34	33	33	34	35	35	36
5. Skinned boneless	40	40	38	37	37	38	40	39	40
6. Skinless, boneless and fatted	46	46	44	43	43	44	46	45	46

OPA list of retail ceiling prices for pork cuts—Continued

[Price per pound]

	Zone 1, group 3-4	Zone 2, group 3-4	Zones 3 and 4, group 3-4	Zone 4a, group 3-4	Zone 5, group 3-4	Zones 6 and 7, group 3-4	Zones 8 and 9 north, group 3-4	Zones 8 and 9 south, group 3-4	Zone 10, group 3-4
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
3D. Fresh ham, slices:									
1. Regular bone-in	37	36	35	33	34	34	36	36	37
2. Regular boneless	40	40	38	37	37	38	40	39	40
3. Regular boneless and fatted	47	47	45	44	44	45	47	46	47
4. Skinned bone-in	40	39	38	36	37	37	39	38	40
5. Skinned boneless	44	44	42	41	41	42	44	43	44
6. Skinless, boneless and fatted	51	50	49	47	48	49	50	50	51
4A. Smoked picnics, whole:									
1. Bone-in	32	31	30	29	29	30	30	30	31
2. Boneless	35	35	34	33	33	33	34	34	35
3. Boneless and fatted	42	42	41	39	40	40	41	41	41
4B. Smoked picnics, shank end:									
1. Bone-in	30	30	29	28	28	28	29	29	30
2. Boneless	34	34	32	31	32	32	32	33	33
3. Boneless and fatted	40	40	39	38	38	38	39	39	40
4C. Smoked picnics round or butt end:									
1. Bone-in	31	31	30	29	29	29	30	30	30
2. Boneless	35	34	33	32	32	33	33	34	34
3. Boneless and fatted	41	41	40	39	39	39	40	40	41
4D. Smoked picnics, slices:									
1. Bone-in	44	44	42	41	41	42	42	43	44
2. Boneless	50	49	48	46	47	47	48	48	49
3. Boneless and fatted	59	59	57	55	56	56	57	57	58
5A. Fresh picnics, whole (fresh, frozen or cured):									
1. Bone-in	30	30	28	27	28	28	30	29	30
2. Boneless	34	33	32	31	31	32	33	33	34
3. Boneless and fatted	39	39	38	36	37	37	39	38	39
5B. Fresh picnics, shank half (fresh, frozen or cured):									
1. Bone-in	29	29	28	27	27	28	29	28	29
2. Boneless	33	32	31	30	30	31	32	32	33
3. Boneless and fatted	38	38	37	36	36	37	38	37	38
5C. Fresh, picnics round half (fresh, frozen or cured):									
1. Bone-in	31	30	29	28	28	29	30	30	31
2. Boneless	34	34	33	31	32	32	34	33	34
3. Boneless and fatted	40	40	39	37	38	38	40	39	40
5D. Fresh picnics, slices (fresh, frozen or cured):									
1. Bone-in	34	34	32	31	31	32	34	33	34
2. Boneless	38	38	36	35	35	36	38	37	38
3. Boneless and fatted	45	44	43	41	42	42	44	43	45
6A. Ready to eat picnics, whole:									
1. Bone-in	35	35	33	32	32	33	33	34	34
2. Boneless	39	39	37	36	37	37	37	38	38
3. Boneless and fatted	46	46	45	43	44	44	45	45	45
6B. Ready to eat picnics, shank end:									
1. Bone-in	33	33	32	31	31	31	32	32	33
2. Boneless	37	37	36	35	35	35	36	36	37
3. Boneless and fatted	44	44	43	42	42	42	43	43	43
6C. Ready to eat picnics, round end:									
1. Bone-in	34	34	33	32	32	32	33	33	34
2. Boneless	38	38	37	36	36	36	37	37	38
3. Boneless and fatted	45	45	44	43	43	43	44	44	45
6D. Ready to eat picnics, slices:									
1. Bone-in	49	49	47	45	46	46	47	47	48
2. Boneless	55	54	53	51	51	52	53	53	54
3. Boneless and fatted	65	64	63	61	62	62	63	63	64
7. Virginia type hams:									
1. Whole or half	55	54	53	52	52	52	53	53	54
2. Sliced	61	61	59	58	58	58	59	59	60
8. Prosciutto hams:									
1. Whole or half	51	51	50	48	49	49	50	50	51
2. Sliced bone-in	57	57	55	54	54	55	55	56	57
3. Sliced boneless and fatted	98	98	96	95	96	96	96	97	97
9A. Bellies or slab bacon, whole or piece:									
1. Fresh with rine	27	26	25	24	24	25	26	26	27
2. Fresh derined	30	29	28	27	27	28	29	29	30
3. Smoked with rine	33	33	32	30	31	31	32	32	32
4. Smoked derined	37	36	35	34	34	34	35	36	36
9B. Bellies or slab bacon, store sliced:									
1. Fresh with rine	30	29	28	26	27	28	29	29	30
2. Fresh derined	33	33	31	30	30	31	33	36	36
3. Smoked with rine	37	37	35	34	34	34	35	40	40
4. Smoked derined	41	41	39	38	38	38	39	40	40
10A. Boston butts, whole or piece:									
1. Fresh, frozen or cured	35	35	34	32	33	33	35	34	35
2. Smoked	38	37	36	35	35	36	36	37	37
3. Ready to eat	40	40	39	37	38	38	39	39	39
10B. Boston butts, store sliced:									
1. Fresh, frozen or cured	40	40	38	37	37	38	40	39	40
2. Smoked	43	42	41	40	40	40	41	41	42
3. Ready to eat	45	45	44	42	43	43	44	44	44
11. Pork shoulders, fresh, frozen or cured, whole only:									
1. Skinned bone-in	33	32	31	30	30	31	32	32	33
2. Skinned boneless	36	36	35	33	34	34	36	35	36
3. Skinned boneless and fatted	40	40	39	37	38	38	40	39	40
4. Regular	30	30	28	27	28	28	30	29	30
5. Rough neck bone-in	29	29	28	26	27	28	29	28	29
6. Rough neck boneless	30	29	28	27	27	28	29	29	30
12. Pork shoulder smoked, whole only:									
1. Skinned bone-in	34	34	32	31	32	32	32	33	33
2. Skinned boneless	38	37	36	34	35	36	36	37	37
3. Skinned boneless and fatted	43	43	41	40	41	41	41	42	42
4. Regular	32	31	30	29	29	30	30	30	31
5. Rough neck bone-in	31	31	30	28	29	29	30	30	30
6. Rough neck boneless	31	31	30	29	29	29	30	30	31

OPA list of retail ceiling prices for pork cuts—Continued

[Price per pound]

	Zone 1, group 3-4	Zone 2, group 3-4	Zones 3 and 4, group 3-4	Zone 4a, group 3-4	Zone 5, group 3-4	Zones 6 and 7, group 3-4	Zones 8 and 9 north, group 3-4	Zones 8 and 9 south, group 3-4	Zone 10, 3-4 group
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
13. Pork shoulder cooked:									
1. Skinned bone-in	37	37	36	35	35	35	36	36	37
2. Skinned boneless	41	41	39	38	39	39	39	40	40
14A. Boneless butts (whole or pieces):									
1. Fresh, frozen or cured	41	41	40	38	39	29	41	40	41
2. Smoked	47	47	45	44	45	45	45	46	46
3. Ready to eat	51	51	50	49	49	49	50	50	51
14B. Boneless butts (store sliced):									
1. Fresh, frozen or cured	47	46	45	44	44	45	46	46	47
2. Smoked	53	53	51	50	50	51	51	52	52
3. Ready to eat	58	58	56	55	55	56	56	57	57
15A. Boneless loins (Canadian bacon), whole or piece:									
1. Smoked	57	57	55	54	54	55	55	56	56
2. Ready-to-eat	62	61	60	59	59	59	60	60	61
15B. Boneless loins (Canadian bacon), store sliced:									
1. Smoked	63	63	62	60	61	61	62	62	63
2. Ready-to-eat	69	68	67	66	66	66	67	67	68
16. Briskets (whole):									
1. Fresh or frozen	20	20	18	17	17	18	20	19	20
2. Cured	21	21	20	18	19	19	20	20	21
3. Smoked	27	27	25	24	24	25	25	26	26
17. Fat back (whole or piece):									
1. Fresh, cured or frozen	19	18	17	16	16	17	18	18	19
2. Smoked	22	22	20	19	19	20	20	21	21
18A. Pork loins (whole):									
1. Fresh or frozen	33	33	32	30	31	31	33	32	33
2. Cured	34	34	32	31	31	32	32	33	33
3. Smoked	40	39	38	37	37	37	38	38	39
18B. Pork loins, rib half or end:									
1. Fresh or frozen	31	30	29	28	28	29	30	30	31
2. Cured	31	31	30	29	29	29	30	30	31
3. Smoked	37	36	35	34	34	35	35	35	36
18C. Pork loins, loin half or end:									
1. Fresh or frozen	33	33	31	30	30	31	33	32	33
2. Cured	34	33	32	31	31	31	32	32	33
3. Smoked	39	39	38	37	37	37	38	38	39
18D. Pork loins, center cut:									
1. Fresh or frozen	38	37	36	34	35	36	37	37	38
2. Cured	38	38	37	35	36	36	37	37	38
3. Smoked	45	45	43	42	42	42	43	43	44
19. Sliced bacon (derined, smoked):									
1. Standard grade A	42	42	41	39	40	40	41	41	42
2. Standard grade B	40	39	38	37	37	37	38	38	39
3. Standard grade C	37	36	35	34	34	34	35	35	36
4. Sliced jowl butts	27	27	26	24	25	25	26	26	27
5. Sliced regular plates	27	26	25	24	24	24	25	25	26
6. Bacon, end slices	24	24	22	21	21	22	22	23	23
7. Sliced Canadian bacon	68	68	66	65	65	66	66	67	67
20A. Spare ribs:									
1. Fresh or frozen	24	24	22	21	21	22	24	23	24
2. Cured	25	25	24	22	23	23	24	24	25
3. Smoked	33	33	31	30	30	31	31	32	32
20B. Barbecue spare ribs (trisket boneless):									
1. Fresh or frozen	29	29	28	26	27	27	29	28	29
2. Cured	30	30	29	28	28	28	29	29	30
3. Smoked	37	36	35	34	34	35	35	36	36
4. Barbecued	43	43	42	40	41	41	42	42	43
20C. Hocks:									
1. Fresh or frozen	21	21	20	19	19	20	21	20	21
2. Cured	23	22	21	20	20	20	21	21	22
3. Smoked	26	26	25	23	24	24	25	25	26
20D. Knuckles:									
1. Fresh or frozen	17	17	16	14	15	15	17	16	17
2. Cured	19	18	17	16	16	16	17	17	18
3. Smoked	22	22	20	19	20	20	20	21	21
20E. Pigs feet, long cut:									
1. Fresh or frozen	12	12	11	10	10	11	12	12	12
2. Vinegar pickled	20	19	18	17	17	17	18	18	19
20F. Pigs feet, short cut:									
1. Fresh or frozen	9	9	8	6	7	7	9	8	9
2. Vinegar pickled	16	15	14	13	13	13	14	14	15
20G. Tails:									
1. Fresh or frozen	16	16	14	13	13	14	16	15	16
2. Cured	17	17	16	14	15	15	16	16	17
3. Smoked	21	20	19	18	18	19	19	20	20
20H. Neck bones:									
1. Fresh, frozen or cured	9	8	7	7	7	9	10	9	8
2. Smoked	12	12	11	10	11	12	13	12	12

OPA list of retail ceiling prices for pork cuts—Continued

[Price per pound]

	Zone 1, group 3-4	Zone 2, group 3-4	Zones 3 and 4, group 3-4	Zone 4a group 3-4	Zone 5, group 3-4	Zones 6 and 7, group 3-4	Zones 8 and 9 north, group 3-4	Zones 8 and 9 south, group 3-4	Zone 10, group 3-4
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
20I. Bacon skins:	9	9	7	6	6	7	9	8	9
1. Fresh, frozen or cured	11	11	10	8	9	9	10	10	11
2. Smoked									
20J. Blade butts:	27	27	26	24	25	25	27	26	27
1. Fresh, frozen or cured	32	31	30	29	29	29	30	30	31
2. Smoked									
20K. Back bones:	8	8	6	6	5	6	8	7	8
1. Fresh, frozen or cured									
20L. Pork tenderloins:	50	50	48	47	47	48	50	49	50
1. Fresh, frozen or cured									
20M. Pork tenderloin tips:	47	47	45	44	44	45	47	46	47
1. Fresh, frozen or cured									
21. Dry salt bellies:	23	22	21	20	20	21	22	22	23
1. Fresh, frozen or cured	27	26	25	24	24	24	25	25	26
2. Smoked									
22. Plate and jowls, fresh, frozen or cured:									
1. Clear plates	17	17	15	14	14	15	17	16	17
2. Regular plates	18	18	17	15	16	16	18	17	18
3. Jowl butts	17	17	15	14	14	15	17	16	17
4. Square jowl butts	19	19	17	16	16	17	19	18	19
23. Plates and jowls smoked:									
1. Clear plates	21	20	19	18	18	18	19	19	20
2. Regular plates	22	22	20	19	19	20	20	21	21
3. Jowl butts	21	20	19	18	18	18	19	19	20
4. Square jowl butt	25	24	23	22	22	22	23	23	24
24A. Cooked or boiled ham, shoulder, picnic, boneless and fatted (whole or piece):									
1. Regular ham	51	50	49	48	48	49	49	49	50
2. Skinless ham	54	54	53	52	52	52	53	53	54
3. Skinless picnics	47	47	45	44	45	45	45	46	46
4. Skinned shoulder	47	47	45	44	45	45	45	46	46
24B. Cooked or boiled ham and picnic, boneless and fatted (sliced):									
1. Regular ham	71	71	69	68	68	68	69	70	70
2. Skinless ham	76	76	74	73	73	74	74	75	76
3. Skinless picnics	66	66	64	62	63	63	64	64	65
25A. Cooked or boiled and smoked ham, boneless and fatted (whole or piece):									
1. Regular ham	52	52	51	49	50	50	51	51	51
2. Skinless ham	56	56	55	53	54	54	55	55	56
3. Skinless picnics	47	47	46	45	45	45	46	46	47
25B. Cooked or boiled and smoked ham and picnic, boneless and fatted (sliced):									
1. Regular ham	73	73	71	70	70	70	71	72	72
2. Skinless ham	79	79	77	75	76	76	77	77	78
3. Skinless picnics	66	66	64	63	63	64	64	65	66
26A. Baked and barbecued ham, shoulder and picnic, boneless and fatted (whole):									
1. Regular ham	56	56	54	53	53	54	54	55	55
2. Skinless ham	60	59	58	57	57	58	58	59	59
3. Skinless picnics	51	51	50	49	49	49	50	50	51
4. Skinned shoulder	51	51	49	48	49	49	49	50	50
26B. Baked and barbecued ham, shoulder and picnic, boneless and fatted (sliced):									
1. Regular ham	79	78	77	75	75	76	77	77	78
2. Skinless ham	84	83	82	80	81	81	82	82	83
3. Skinless picnics	72	72	70	69	69	70	70	71	72
4. Skinned shoulder	72	71	70	68	68	69	70	70	71
27A. Dried specialties (whole or piece):									
1. Virginia bacon	41	41	40	38	39	39	40	40	41
2. Virginia sides	38	37	36	35	35	35	36	36	37
3. Virginia jowls	30	30	28	27	27	28	28	29	29
4. Virginia shoulder	46	45	44	43	43	43	44	44	45
5. Capicalli butts	61	61	60	58	59	59	60	60	61
27B. Dried specialties (store sliced):									
1. Virginia bacon	46	46	44	43	43	44	44	45	45
2. Virginia sides	42	42	40	39	39	40	40	41	41
3. Virginia jowls	33	33	32	30	30	31	32	32	33
4. Virginia shoulder	51	50	49	47	48	48	49	49	50
5. Capicalli butts	68	68	67	65	66	66	67	67	68
28. Loin ribs:	25	25	23	22	22	23	25	24	25
1. Fresh or frozen	26	26	25	23	24	24	25	25	26
2. Cured	33	32	31	30	30	30	31	31	32
3. Smoked	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*	*Dollars*
29. Dressed hogs (whole or side):	22.00	21.75	20.75	19.75	20.00	20.50	21.75	21.25	22.00
1. Packer style	21.00	20.75	19.75	19.00	19.00	19.50	20.75	20.25	21.00
2. Shipper style									

[Sec. 19 amended by Am. 3, 8 F.R. 5634, effective 4-28-43; Am. 4, 8 F.R. 6212, effective 5-17-43; Am. 5, 8 F.R. 7682, effective (1) as to fresh and frozen pork cuts, 6-21-43, (2) as to all other products, 7-5-43; Am. 8, 8 F.R. 12480, effective 9-8-43; Am. 9, 8 F.R. 15670, effective 11-24-43; and Am. 11, effective 3-1-44]

SEC. 20. *OPA list of retail ceiling prices for sausage products covered by Maximum Price Regulation No. 336.*

GROUP 1 AND 2 STORES

[Price per pound]

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 north and south	Zone 9 north and south	Zone 10
1. Berliner or Berlin:											
1. Natural casings (N. C.)	$0.38	$0.36	$0.36	$0.36	$0.35	$0.36	$0.36	$0.36	$0.37	$0.37	$0.37
2. Artificial casings (A. C.)	.37	.36	.35	.35	.34	.35	.35	.36	.36	.36	.37
2A. Bologna, natural casings (N. C.):											
1. Lebanon	.48	.47	.46	.46	.46	.46	.47	.47	.48	.49	.48
2. All beef	.44	.42	.40	.40	.39	.39	.39	.40	.40	.40	.41
3. Type 1	.37	.35	.35	.35	.34	.35	.35	.35	.36	.36	.36
4. Type 2	.37	.35	.35	.35	.34	.35	.35	.35	.36	.36	.36
5. Type 3	.32	.31	.31	.30	.30	.30	.31	.31	.31	.32	.32
6. Type 4	.28	.26	.26	.26	.25	.26	.26	.26	.27	.27	.27
2B. Bologna, artificial casings (A. C.):											
1. Lebanon	.48	.46	.45	.46	.45	.46	.46	.46	.47	.48	.48
2. All beef	.43	.41	.39	.39	.38	.38	.38	.39	.39	.39	.40
3. Type 1	.36	.34	.34	.33	.33	.33	.34	.34	.35	.35	.35
4. Type 2	.36	.34	.34	.33	.33	.33	.34	.34	.35	.35	.35
5. Type 3	.31	.30	.30	.29	.29	.29	.30	.30	.30	.31	.31
6. Type 4	.27	.25	.25	.25	.24	.25	.25	.25	.26	.26	.26
3. Braunschweiger:											
1. Sewed hog bungs (H. C.)	.42	.41	.40	.40	.39	.40	.40	.41	.41	.41	.42
2. Other hog casings (H. C.)	.40	.38	.38	.38	.37	.38	.38	.38	.39	.39	.40
3. Artificial casings (A. C.)	.36	.34	.34	.34	.33	.34	.34	.34	.35	.35	.36
4A. Frankfurters, sheep casings (S. C.):											
1. All beef	.51	.49	.48	.47	.46	.46	.46	.47	.47	.48	.48
2. Type 1	.44	.42	.42	.42	.41	.42	.42	.42	.43	.43	.43
3. Type 2	.44	.42	.42	.42	.41	.42	.42	.42	.43	.43	.43
4. Type 3	.39	.38	.38	.37	.37	.37	.38	.38	.38	.39	.39
5. Type 4	.35	.33	.33	.33	.32	.33	.33	.33	.34	.34	.35
4B. Frankfurters, hog casings (H. C.), artificial casings (A. C.) or skinless:											
1. All beef	.46	.45	.43	.42	.41	.41	.41	.42	.42	.43	.43
2. Type 1	.39	.38	.38	.37	.37	.37	.38	.38	.38	.39	.39
3. Type 2	.39	.38	.38	.37	.37	.37	.38	.38	.38	.39	.39
4. Type 3	.35	.34	.33	.33	.32	.33	.33	.34	.34	.35	.35
5. Type 4	.31	.29	.29	.29	.28	.29	.29	.29	.30	.30	.30
5A. Knackwurst, natural casings (N. C.):											
1. All beef	.44	.42	.40	.40	.39	.39	.39	.40	.40	.40	.41
5B. Knackwurst, artificial casings (A. C.):											
1. All beef	.43	.41	.39	.39	.38	.38	.38	.39	.39	.39	.40
6A. Liver sausage, fresh:											
1. Hog bungs (H. C.)	.36	.35	.34	.34	.33	.34	.34	.35	.35	.36	.36
2. Beef casings (B. C.)	.34	.33	.32	.32	.31	.32	.32	.33	.33	.33	.34
3. Artificial casings (A. C.)	.33	.32	.32	.31	.30	.31	.32	.32	.32	.33	.33
6B. Liver sausage, smoked:											
1. Sewed hog bungs (H. C.)	.42	.40	.40	.40	.39	.40	.40	.40	.41	.41	.41
2. Other hog bungs (H. C.)	.40	.38	.38	.37	.36	.37	.38	.38	.38	.39	.39
3. Artificial casings (A. C.)	.36	.35	.34	.34	.33	.34	.34	.35	.35	.36	.36
7. Liver cheese:											
1. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.44	.43	.42	.42	.41	.42	.42	.43	.43	.43	.44
8. Liver loaf:											
1. Artificial casings (A. C.), natural casings (N. C.), cardboard cartons or sealed packages of moisture resistant paper	.35	.34	.33	.33	.32	.33	.33	.34	.34	.34	.35
9. Liver pudding:											
1. Beef casings (B. C.)	.30	.28	.28	.28	.27	.28	.28	.28	.29	.29	.29
2. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.29	.28	.27	.27	.26	.27	.27	.28	.28	.28	.29
10. Loaves, artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper:											
1. Type 1	.65	.64	.64	.63	.62	.62	.62	.63	.63	.64	.64
2. Type 2	.50	.48	.48	.48	.47	.48	.48	.48	.49	.49	.50
3. Type 3	.36	.34	.34	.34	.33	.34	.34	.34	.35	.35	.36
4. Type 4	.31	.29	.29	.28	.28	.28	.29	.29	.29	.30	.30
11. Minced luncheon:											
1. Natural casings (N. C.)	.40	.38	.38	.38	.37	.38	.38	.38	.39	.39	.40
2. Artificial casings (A. C.)	.39	.38	.37	.37	.36	.37	.37	.38	.38	.38	.39
12. New England:											
1. Natural casings (N. C.)	.59	.57	.57	.57	.56	.57	.57	.57	.58	.58	.58
2. Artificial casings (A. C.)	.58	.57	.56	.56	.55	.56	.56	.57	.57	.57	.58
13. Polish sausage, hog casings (H. C.) or skinless:											
1. Type 1	.59	.57	.57	.57	.56	.57	.57	.57	.58	.58	.59
2. Type 2	.48	.46	.46	.46	.45	.46	.46	.46	.47	.47	.48
3. Type 3	.38	.36	.36	.36	.35	.36	.36	.36	.37	.37	.38

OPA list of retail ceiling prices for sausage products, etc.—Continued

GROUP 1 AND 2 STORES—Continued

[Price per pound]

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 north and south	Zone 9 north and south	Zone 10
14A. Pork or breakfast sausage, fresh, sheep casings (S. C.):											
1. Type 1	$0.64	$0.61	$0.59	$0.54	$0.54	$0.53	$0.55	$0.54	$0.55	$0.56	$0.59
2. Type 2	.50	.49	.49	.48	.47	.47	.48	.48	.48	.49	.49
3. Type 3	.43	.42	.41	.41	.40	.40	.40	.41	.41	.41	.42
4. Type 4	.36	.34	.34	.33	.32	.32	.33	.33	.33	.34	.34
14B. Pork or breakfast sausage, fresh, hog casings (H. C.):											
1. Type 2	.46	.45	.44	.44	.43	.43	.43	.44	.44	.44	.45
2. Type 3	.39	.37	.37	.36	.35	.36	.36	.36	.37	.37	.37
3. Type 4	.31	.30	.30	.29	.28	.28	.29	.29	.29	.30	.30
14C. Pork or breakfast sausage, fresh, artificial casings (A. C.) or sealed heavy cardboard waxed cups, 1 lb. each or less:											
1. Type 2	.44	.43	.42	.42	.41	.41	.41	.42	.42	.42	.43
2. Type 3	.37	.35	.35	.34	.33	.34	.34	.34	.35	.35	.35
3. Type 4	.29	.28	.27	.27	.26	.26	.26	.27	.27	.27	.28
14D. Pork or breakfast sausage, fresh, cardboard cartons or sealed packages of moisture resistant paper, 1 lb. each or less:											
1. Type 2	.43	.41	.41	.40	.39	.39	.40	.40	.41	.41	.41
2. Type 3	.35	.33	.33	.32	.31	.32	.32	.32	.33	.33	.33
3. Type 4	.25	.24	.23	.23	.22	.22	.22	.23	.23	.23	.24
14E. Pork or breakfast sausage, fresh, bulk:											
1. Type 1	.55	.52	.49	.45	.45	.44	.47	.45	.47	.47	.49
2. Type 2	.41	.40	.39	.39	.38	.38	.38	.39	.39	.39	.40
3. Type 3	.33	.32	.32	.31	.30	.30	.31	.31	.31	.32	.32
4. Type 4	.24	.23	.23	.22	.21	.21	.22	.22	.22	.23	.23
15. Pork or breakfast sausage, smoked, hog casings (H. C.), artificial casings (A. C.) or skinless:											
1. Type 2	.51	.49	.49	.49	.48	.49	.49	.49	.50	.50	.50
2. Type 3	.47	.45	.45	.45	.44	.45	.45	.45	.46	.46	.47
3. Type 4	.36	.34	.34	.33	.33	.33	.34	.34	.35	.35	.35
16A. Salami, soft, artificial casings (A. C.):											
1. All beef	.49	.48	.47	.46	.46	.46	.46	.46	.47	.47	.48
16B. Salami, medium or hard, artificial casings (A. C.) (Sold weight shall not exceed 80% of the purchased weight):											
1. All beef	.69	.68	.67	.66	.66	.66	.66	.66	.67	.67	.68

GROUP 3 AND 4 STORES

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 north and south	Zone 9 north and south	Zone 10
1. Berliner or Berlin:											
1. Natural casings (N. C.)	$0.36	$0.34	$0.34	$0.34	$0.33	$0.34	$0.34	$0.34	$0.35	$0.35	$0.35
2. Artificial casings (A. C.)	.35	.34	.33	.33	.32	.33	.33	.34	.34	.34	.35
2A. Bologna, natural casings (N. C.):											
1. Lebanon	.46	.45	.44	.44	.44	.44	.45	.45	.45	.47	.46
2. All beef	.42	.41	.39	.39	.38	.38	.38	.38	.39	.39	.39
3. Type 1	.35	.33	.33	.33	.32	.33	.33	.33	.34	.34	.34
4. Type 2	.35	.33	.33	.33	.32	.33	.33	.33	.34	.34	.34
5. Type 3	.31	.29	.29	.29	.28	.29	.29	.29	.30	.30	.30
6. Type 4	.26	.25	.24	.24	.23	.24	.24	.25	.25	.26	.26
2B. Bologna, artificial casings (A. C.):											
1. Lebanon	.45	.44	.43	.43	.43	.44	.44	.44	.45	.46	.45
2. All beef	.41	.40	.38	.38	.37	.37	.37	.37	.38	.38	.38
3. Type 1	.34	.32	.32	.32	.31	.32	.32	.32	.33	.33	.33
4. Type 2	.34	.32	.32	.32	.31	.32	.32	.32	.33	.33	.33
5. Type 3	.30	.28	.28	.28	.27	.28	.28	.28	.29	.29	.29
6. Type 4	.25	.24	.23	.23	.22	.23	.23	.24	.24	.24	.25
3. Braunschweiger:											
1. Sewed hog bungs (H. C.)	.40	.38	.38	.37	.38	.38	.38	.38	.39	.39	.40
2. Other hog casings (H. C.)	.38	.36	.36	.36	.35	.36	.36	.36	.37	.37	.37
3. Artificial casings (A. C.)	.34	.33	.32	.32	.31	.32	.32	.33	.33	.33	.34
4A. Frankfurters, sheep casings (S. C.):											
1. All beef	.49	.48	.48	.46	.44	.44	.45	.45	.46	.46	.46
2. Type 1	.41	.40	.40	.39	.39	.39	.40	.40	.40	.41	.41
3. Type 2	.41	.40	.40	.39	.39	.39	.40	.40	.40	.41	.41
4. Type 3	.37	.36	.36	.35	.35	.35	.36	.36	.36	.37	.37
5. Type 4	.33	.32	.31	.31	.30	.31	.31	.32	.32	.32	.33
4B. Frankfurters, hog casings (H. C.), artificial casings (A. C.) or skinless:											
1. All beef	.44	.43	.41	.41	.40	.40	.40	.40	.41	.41	.41
2. Type 1	.37	.36	.36	.35	.35	.35	.36	.36	.36	.37	.37
3. Type 2	.37	.36	.36	.35	.35	.35	.36	.36	.36	.37	.37
4. Type 3	.33	.32	.32	.31	.31	.31	.32	.32	.32	.33	.33
5. Type 4	.29	.28	.27	.28	.26	.27	.27	.28	.28	.28	.29
5A. Knackwurst, natural casings (N. C.):											
1. All beef	.42	.41	.39	.39	.38	.38	.38	.38	.39	.39	.39

OPA list of retail ceiling prices for sausage products, etc.—Continued

GROUP 3 AND 4 STORES—Continued

[Price per pound]

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4a	Zone 5	Zone 6	Zone 7	Zone 8 North and South	Zone 9 North and South	Zone 10
5B. Knackwurst, artificial casings (A. C.):											
1. All beef	$0.41	$0.40	$0.38	$0.38	$0.37	$0.37	$0.37	$0.37	$0.38	$0.38	$0.38
6A. Liver sausage, fresh:											
1. Hog bungs (H. C.)	.34	.33	.33	.32	.32	.32	.33	.33	.33	.34	.34
2. Beef casings (B. C.)	.32	.31	.30	.30	.29	.30	.30	.31	.31	.32	.32
3. Artificial casings (A. C.)	.32	.30	.30	.29	.29	.29	.30	.30	.30	.31	.31
6B. Liver sausage, smoked:											
1. Sewed hog bungs (H. C.)	.40	.38	.38	.38	.37	.38	.38	.38	.39	.39	.39
2. Other hog bungs (H. C.)	.38	.36	.36	.35	.34	.35	.36	.36	.36	.37	.37
3. Artificial casings (A. C.)	.34	.33	.33	.32	.32	.32	.33	.33	.33	.34	.34
7. Liver cheese:											
1. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.42	.40	.40	.40	.39	.40	.40	.40	.41	.41	.42
8. Liver loaf:											
1. Artificial casings (A. C.), natural casings (N. C.), cardboard cartons or sealed packages of moisture resistant paper	.33	.32	.32	.31	.30	.31	.32	.32	.32	.33	.33
9. Liver pudding:											
1. Beef casings (B. C.)	.28	.27	.26	.26	.25	.26	.26	.27	.27	.27	.28
2. Artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper	.27	.26	.26	.25	.24	.25	.26	.26	.26	.27	.27
10. Loaves, artificial casings (A. C.), cardboard cartons or sealed packages of moisture resistant paper:											
1. Type 1	.63	.61	.61	.60	.59	.59	.60	.60	.60	.61	.61
2. Type 2	.48	.46	.46	.45	.45	.45	.46	.46	.46	.47	.47
3. Type 3	.34	.33	.32	.32	.31	.32	.32	.33	.33	.33	.34
4. Type 4	.29	.27	.27	.27	.26	.27	.27	.27	.28	.28	.28
11. Minced luncheon:											
1. Natural casings (N. C.)	.38	.36	.36	.36	.35	.36	.36	.36	.37	.37	.37
2. Artificial casings (A. C.)	.37	.36	.35	.35	.34	.35	.35	.36	.36	.36	.37
12. New England:											
1. Natural casings (N. C.)	.56	.55	.54	.54	.53	.54	.54	.55	.55	.55	.56
2. Artificial casings (A. C.)	.55	.54	.54	.53	.52	.53	.54	.54	.54	.55	.55
13. Polish sausage, hog casings (H. C.) or skinless:											
1. Type 1	.56	.55	.54	.54	.53	.54	.54	.55	.55	.56	.56
2. Type 2	.46	.44	.44	.44	.43	.44	.44	.44	.45	.45	.45
3. Type 3	.36	.34	.34	.34	.33	.34	.34	.34	.35	.35	.36
14A. Pork or breakfast sausage, fresh, sheep casings (S. C.):											
1. Type 1	.61	.58	.56	.52	.52	.50	.53	.52	.54	.54	.56
2. Type 2	.48	.47	.46	.46	.45	.45	.45	.46	.46	.46	.47
3. Type 3	.41	.39	.39	.38	.37	.38	.38	.38	.39	.39	.39
4. Type 4	.34	.32	.32	.31	.30	.31	.31	.31	.32	.32	.32
14B. Pork or breakfast sausage, fresh, hog casings (H. C.):											
1. Type 2	.44	.42	.42	.41	.40	.41	.41	.41	.42	.42	.42
2. Type 3	.37	.35	.35	.34	.33	.34	.34	.34	.35	.35	.35
3. Type 4	.30	.28	.28	.27	.26	.27	.27	.27	.28	.28	.28
14C. Pork or breakfast sausage, fresh, artificial casings (A. C.) or sealed heavy cardboard waxed cups, 1 lb. each or less:											
1. Type 2	.42	.40	.40	.39	.38	.39	.39	.39	.40	.40	.40
2. Type 3	.35	.33	.33	.32	.31	.32	.32	.32	.33	.33	.33
3. Type 4	.28	.26	.26	.25	.24	.24	.25	.25	.26	.26	.26
14D. Pork or breakfast sausage, fresh, cardboard cartons or sealed packages of moisture resistant paper, 1 lb. each or less:											
1. Type 2	.40	.39	.39	.38	.37	.37	.38	.38	.38	.39	.39
2. Type 3	.33	.32	.31	.31	.30	.30	.30	.31	.31	.31	.32
3. Type 4	.23	.22	.22	.21	.20	.20	.21	.21	.21	.22	.22
14E. Pork or breakfast sausage, fresh, bulk:											
1. Type 1	.52	.50	.47	.43	.43	.41	.44	.43	.45	.45	.47
2. Type 2	.39	.38	.37	.37	.36	.36	.36	.37	.37	.37	.38
3. Type 3	.32	.30	.30	.29	.28	.29	.29	.29	.30	.30	.30
4. Type 4	.23	.21	.21	.20	.19	.20	.20	.20	.21	.21	.21
15. Pork or breakfast sausage, smoked, hog casings (H. C.), artificial casings (A. C.) or skinless:											
1. Type 2	.48	.47	.47	.46	.46	.46	.47	.47	.47	.48	.48
2. Type 3	.45	.43	.43	.42	.42	.42	.43	.43	.44	.44	.44
3. Type 4	.34	.32	.32	.32	.31	.32	.32	.32	.33	.33	.33
16A. Salami, soft, artificial casings (A. C.):											
1. All beef	.47	.46	.45	.45	.44	.44	.44	.45	.45	.46	.46
16B. Salami, medium or hard, artificial casings (A. C.) (Sold weight shall not exceed 80% of the purchased weight):											
1. All beef	.67	.66	.65	.65	.64	.64	.64	.65	.65	.66	.66

[Sec. 20 added by Am. 5, 8 F.R. 7692, effective 6-21-43; amended by Am. 8, 8 F.R. 12480, effective 9-8-43; and Am. 10, 9 F.R. 167, effective 1-8-44, except that subitem 3 of item 14A, subitem 2 of item 14B and subitem 2 of item 14C in the tables for Group 1 and 2 and Group 3 and 4 stores of section 20 shall become effective 1-15-44]

Effective date. This regulation shall become effective April 1, 1943. [MPR 336 originally issued March 5, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2711; Filed, February 24, 1944; 4:40 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 514]

GOAT MEAT

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 514 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

So far as practicable, the Price Administrator has consulted and advised with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the prices established herein are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, and will effectuate the purposes of said act and Executive orders.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined with respect to such standardization that no practicable alternative exists.

§ 1364.354 *Maximum prices for goat meat.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 514, Goat Meat, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.354 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 514—GOAT MEAT

ARTICLE I—GENERAL PROVISIONS

Sec.

1. What this regulation does.
2. Where this regulation applies.
3. Sales to which this regulation does not apply.
4. Relation to other regulations.
5. Indirect price increases.
6. Enforcement.
7. Petitions for amendment.

ARTICLE II—PROVISIONS RELATING TO SALES AT WHOLESALE

8. How maximum wholesale prices are fixed.
9. Species identification requirements.

*Copies may be obtained from the Office of Price Administration.

Sec.
10. Wholesale prices.
11. Permitted additions to base prices.
12. Required deductions from base prices.
13. Records and reports.
14. Licensing.

ARTICLE III—PROVISIONS RELATING TO SALES AT RETAIL

15. The zone retail ceiling prices.
16. What goat meat may be sold at retail.
17. Species identification.
18. Ceilings must be posted.
19. Records, sales slips and receipts.
20. Licensing and registration.

ARTICLE IV—DEFINITIONS, ZONES AND APPENDIX

21. Description of zones.
22. Definitions.
23. Appendix A: Formula for meat marking fluid.

ARTICLE I—GENERAL PROVISION

SECTION 1. *What this regulation does.* This regulation fixes dollar-and-cents ceiling prices on all sales of goat meat at both wholesale and retail. On and after March 1, 1944, the date this regulation takes effect, regardless of any contract, agreement, or other obligation, no person shall sell and/or deliver, and no person in the course of trade or business shall buy and/or receive any goat meat except the items listed in section 10 and section 15 of this regulation for which maximum prices have been established, or any product containing goat meat except with respect to items for which maximum prices have been established under Maximum Price Regulation No. 389, "Ceiling Prices for Certain Sausage Items at Wholesale", or Revised Maximum Price Regulation No. 169, "Beef and Veal Carcasses and Wholesale Cuts", and no person shall agree, offer, solicit or attempt to do any of the foregoing. But lower prices may be charged or paid.

SEC. 2. *Where this regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and to the District of Columbia.

SEC. 3. *Sales to which this regulation does not apply.* (a) The provisions of this regulation shall not be applicable to sales or deliveries of goat meat to a purchaser if prior to March 1, 1944, such meats have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

(b) The provisions of this regulation shall not be applicable to deliveries of goat meat made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to March 1, 1944: *Provided,* That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts.

SEC. 4. *Relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation [1] and all regulations and/or orders issued by any district or regional office of the Office of Price Administration with respect to wholesale sales and/or deliveries of goat meat in the United States and with respect to retail sales and/or deliveries except as specified in Section 16 of this regulation.

(b) The maximum price at which a person may export any goat meat shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

SEC. 5. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for goat meat a price higher than the maximum prices permitted by this regulation. No person shall, as a condition of selling any goat meat, require a purchaser to buy any other meat or any other product.

SEC. 6. *Enforcement.* (a) On and after March 1, 1944, any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [3] issued by the Office of Price Administration.

ARTICLE II—PROVISIONS RELATING TO SALES AT WHOLESALE

SEC. 8. *How maximum wholesale prices are fixed*—(a) *General instructions.* The ceiling prices at wholesale for any sale of goat meat are found by looking at paragraph (a) of section 10 which lists the base prices by zones in dollars per hundredweight, for each kind of goat meat. Section 11 should then be examined to determine whether any additions may be made to these prices, and section 12 to determine whether any deductions are required. The base price for the zone plus the permitted additions, if any, minus the required deductions, if any, is the wholesale ceiling price.

(b) *Determining the zone in which the point of delivery is located*—(1) *Point of delivery.* The point of delivery is either the point at which local delivery begins, if local delivery is actually made, or the point at which the product is delivered to the buyer, if no local delivery is made.

(i) "Local delivery" means delivery by any vehicle, other than a rail carrier, made by the seller to the place of business of the buyer, or made to a point designated by a war procurement or government agency. A truck is not a place of business.

(ii) If no local delivery is made, the point at which the product is delivered to the buyer is the point where actual physical possession is taken by the buyer or where the product consigned to the buyer:

(*a*) Is received by a rail carrier for shipment at the railroad carload rate, or for shipment to an agency of the United States Government; or

(*b*) Is received by a common or contract carrier, other than a railroad; or

(*c*) Is received by an express company for shipment by express to a purveyor of meals, the charges of such carrier in all three instances being paid directly to such carrier by the buyer.

(2) *Determining the zone.* Having determined the point of delivery, the zone in which such point is located can be found by reference to section 21 of this regulation in which all the zones are described by States and counties.

SEC. 9. *Species identification requirements.* (a) No person shall sell, offer or attempt to sell, solicit, ship or deliver, and no person in the course of trade or business shall buy or receive any goat meat, unless the carcass meeting the specifications for goat carcass as defined in section 22, has been identified and marked with the word "Goat" on each hind leg, on the right and left sides of the loin and of the rib section and each shoulder so that the marking shall appear eight times upon the carcass; and the carcass meeting the specifications of kid goat carcass, or cabrito, as defined in section 22, has been identified and marked with the words "Kid Goat" on each side in the region of the loin.

(b) The species identification shall be in letters at least one-half inch in height and width, and shall be placed on the goat carcass with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in Appendix A hereof and incorporated herein as section 23.

(c) Any carton, box or barrel containing boneless goat meat or other goat meat items listed in section 10, excluding carcasses, shall have stamped or printed on it the words "Boneless Goat Meat" or the word "Goat" and the name of the goat meat item contained therein.

SEC. 10. *Wholesale Prices—Table of zone prices.* (All prices are on a dollar per hundredweight loose basis and do not include boxing, transportation or delivery costs. The price for any fraction of a hundredweight shall be reduced accordingly.)

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848.

[2] 8 F.R. 4132.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533.

Item	Zone 1	Zones 2, 3, and 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
1. Goat carcass	$13.00	$11.50	$12.00	$12.25	$12.50	$12.75	$13.00	$13.25
2. Kid goat carcass or cabrito	26.50	25.00	25.50	25.75	26.00	26.25	26.50	26.75
3. Boneless goat meat	18.50	17.00	17.50	17.75	18.00	18.25	18.50	18.75
4. Brains	8.50	7.00	7.50	7.75	8.00	8.25	8.50	8.75
5. Cheek meat	11.50	10.00	10.50	10.75	11.00	11.25	11.50	11.75
6. Hearts	13.50	12.00	12.50	12.75	13.00	13.25	13.50	13.75
7. Kidneys	8.50	7.00	7.50	7.75	8.00	8.25	8.50	8.75
8. Livers	16.50	15.00	15.50	15.75	16.00	16.25	16.50	16.75
9. Sweetbreads	21.50	20.00	20.50	20.75	21.00	21.25	21.50	21.75
10. Tongues	14.50	13.00	13.50	13.75	14.00	14.25	14.50	14.75
11. Tripe	4.50	3.00	3.50	3.75	4.00	4.25	4.50	4.75

SEC. 11. *Permitted additions to base prices*—(a) *For transportation and/or local delivery.* The following amounts may be added for transportation and/or delivery so long as no more than $0.50 per cwt. is added in any zone, except that up to $1.00 per cwt. may be added in Zones 2, 3 and 4:

(1) *Transportation from the place of slaughter to the point of delivery.* If the point of delivery is neither the place where the livestock was slaughtered nor another slaughtering, packing or processing plant, owned or controlled by the slaughterer, the seller may make one of the following transportation additions to the base prices for transporting the product to the point of delivery from the place of slaughter.

(i) Cost up to $0.75 per cwt., if the point of delivery and the place where the livestock was slaughtered are in Zone 2, 3, or 4.

(ii) Cost up to $0.25 per cwt. in all other zones, if the point of delivery and the place of slaughter are in the same zone.

(2) *Local delivery from the point of sale to the buyer.* If local delivery is made by the seller to the place of business of the buyer or to the designated delivery point of a war procurement or other government agency located within a radius of 25 miles of the point at which local delivery starts, $0.25 per cwt. may be added to the base price. If local delivery ends more than 25 miles from the point at which it started, there may be added:

(i) Cost up to $0.75 per cwt. for delivery from a point in Zone 2, 3, or 4.

(ii) Cost up to $0.50 per cwt. for delivery in all other cases.

(3) *Intermediate distributors.* If a wholesaler has paid a charge under either of the two preceding subparagraphs for transportation and/or local delivery, he may add the amount of such charge upon the resale of the meat, up to $0.25 per cwt., if the point of delivery is in Zones 1 or 5 to 10, inclusive, and up to $0.75 per cwt. elsewhere.

(b) *Packaging.* (1) For packaging or boxing goat meat, excluding carcasses, in shipping containers on domestic sales, $0.25 per cwt.

(2) For packaging boneless goat meat for export shipment, Federal Surplus Commodities Corporation specifications, $0.50 per cwt.

(c) *Sales to purveyors of meals.* For goat meat sold to purveyors of meals, $0.50 per cwt.

(d) *Wholesaler's selling addition.* On sales of goat meat a person who at the time of the sale is a wholesaler, may add $0.75 per cwt. to the applicable zone price: *Provided,* That no person shall charge the addition permitted by this section 11 (d) unless such person shall have filed with the appropriate regional office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying meat for resale other than at retail; and (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled, in whole or substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

(e) *Freezing.* For freezing and storage on sales to Federal Surplus Commodities Corporation, there may be added $0.35 per cwt.

SEC. 12. *Required deductions from base prices*—(a) *Carload discount.* For all goat meat delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct $0.25 per cwt. from the applicable zone price.

(b) *Sales to processors.* For all goat carcasses sold to processors, the seller shall deduct $1.25 per cwt. from the applicable zone carcass price.

SEC. 13. *Records and reports.* (a) After February 29, 1944, every person making a sale other than at retail, and every person making a purchase in the course of trade or business of any goat meat subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his customary records including a complete and accurate record of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price charged and the price received, a description of the product and the quantity sold.

(b) Every person making a sale of goat meat subject to this regulation shall furnish to the purchaser at the time of delivery a written statement setting forth the name and address of the buyer and seller, identifying each such item sold, and setting forth the quantity and the weight thereof, and the price charged and received therefor, including a separate statement of any transportation and local delivery charge as provided by section 11 (a), except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any addition for transportation or local delivery which is included in the maximum price charged.

(c) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

ARTICLE III—PROVISIONS RELATING TO SALES AT RETAIL

SEC. 15. *The zone retail prices.* The maximum retail prices for goat meat in each price zone as defined in section 21 are as follows:

MAXIMUM RETAIL PRICES IN CENTS PER POUND

Item	Zone 1	Zones 2 3, and 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10
1. Loin chops or loin roast	32	30	31	31	32	32	32	33
2. Rib chops or rib roast	21	19	20	20	21	21	21	22
3. Shoulder chops, blade or arm chops	19	16	17	17	18	18	19	19
4. Leg, whole or half	23	21	22	22	23	23	23	24
5. Yoke, rattle or triangle	13	11	12	12	13	13	13	14
6. Chuck or shoulder, square cut neck off (bone in)	17	15	16	16	17	17	17	18
7. Stew meat—breast, flank, shank, neck (bone in)	10	8	9	9	9	10	10	10
8. Boneless stew	20	17	18	19	19	19	20	20
9. Ground goat meat	20	17	18	19	19	19	20	20
10. Kid goat carcass or cabrito [1]	32	30	31	31	32	32	32	33
11. Brains	14	11	12	13	13	13	14	14
12. Hearts	21	19	20	20	21	21	21	22
13. Kidneys	14	11	12	13	13	13	14	14
14. Liver	26	24	24	25	25	25	26	26
15. Sweetbread	33	31	32	32	33	33	33	34
16. Tongue	23	21	21	22	22	22	23	23
17. Tripe	8	5	6	6	7	7	8	8

[1] This item may be sold only in the form of carcasses or sides.

[4] 8 F.R. 13240.

SEC. 16. *What goat meat may be sold at retail.* After this regulation takes effect, the only goat meat which retailers may sell are those items which are given dollars-and-cents ceiling prices in section 15: *Provided, however,* That products containing goat meat for which maximum retail prices have not been established under this regulation may be sold at retail at maximum prices determined under the General Maximum Price Regulation, unless otherwise controlled by a specific price regulation. The retail cuts must be made in the manner described in section 22.

SEC. 17. *Species identification.* Every goat carcass must be marked with the word "Goat" if it is not a kid goat carcass as defined in section 22, and with the words "Kid Goat" if it is a kid goat carcass as defined in section 22, before it can be sold, offered for sale, or delivered to the retailer. The marking must be made in the manner prescribed in section 9 of this regulation. If the retailer slaughters the animal himself, he must mark the carcass in the manner designated. The species identification mark must be left on the retail cuts.

SEC. 18. *Ceilings must be posted.* Not later than March 21, 1944, any retailer selling goat meat must post at the counter of his meat department in one or more places, where it may be easily seen and read by his customers, the list of maximum retail prices applicable to his zone as set forth in the table in section 15. The list shall be printed in letters at least one inch in height and entitled "O. P. A. Ceiling prices for Goat Meat." If any goat meat is displayed, as in the show case, the retailer must display upon the meat the ceiling price for that item.

SEC. 19. *Records, sales slips, and receipts.* After February 29, 1944, the retailer shall keep the same kind of records he has customarily kept, showing the prices he is charging for goat meat. He shall show the records to any representative of the Office of Price Administration upon request. If the retailer has customarily given a customer a sales slip, receipt or similar evidence of purchase, he shall continue to do so. Furthermore, regardless of his previous custom, he shall, upon request by any customer, give a receipt showing the date, his name and address, the name of the goat meat item and weight sold and the price he received for it.

SEC. 20. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

ARTICLE IV—ZONES, DEFINITIONS AND APPENDIX

SEC. 21. *Description of zones.*

Zone 1: Washington, Oregon, California, and Nevada. All that portion of Idaho north of and including the counties of Idaho, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce and Lewis.

Zone 2: Montana, Wyoming, Utah and Arizona. All that portion of Idaho south of, but not including Idaho County.

Zone 3: Colorado and New Mexico.

Zone 4: North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma and Texas. All that portion of Wisconsin north and west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon and Crawford. Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee. All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne and Butler.

Zone 5: All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, City of St. Louis and Jefferson.

The following counties in Indiana: Lake, Newton, Benton and Warren.

Zone 6: The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa and Berrien.

Indiana except the counties of Lake, Newton, Benton and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

The State of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin and Iberia.

Zone 7: The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler and Logan.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette and Lamar.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo, and Issaquena.

Zone 8: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broome; but excluding the counties of Niagara, Erie, Cattaraugus and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

Zone 9: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando and Pasco.

Zone 10: All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough and Pinellas.

SEC. 22. *Definitions.* When used in this regulation, the term:

(1) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Maximum Price Regulation No. 514 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Seller" means any person who sells, supplies, disposes, barters, exchanges, transfers, or delivers, or contracts or offers to do any of the foregoing, including but not limited to a car route or packer's branch house. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller. Each distribution point from which a car route or car routes originate shall be deemed a separate seller.

(3) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no wholesaler, processor, packer, slaughterer, branch house, hotel supply house, purchaser for resale, car route, commercial user, purveyor of meals, or government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(4) "Retailer" means a seller regularly and generally engaged in making sales at retail.

(5) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers is based: *Provided,* That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(6) "Purveyor of meals" means:

(i) Any restaurant, hotel, cafeteria or establishment which purchases meats and where meals, food portions or refreshments are served for a consideration.

(ii) The War Shipping Administration of the United States.

(iii) Any person operating an oceangoing vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that meat is delivered to him as ship's stores for consumption aboard such vessel.

(iv) Any hospital, asylum, orphanage, prison or other similar institution, which is operated by any federal, state, or local government or agency thereof.

(v) "Contract school" means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or non-commissioned officer or other authorized representative of the armed services of the United States.

(7) "Wholesaler" means a person who buys goat meat for resale other than at retail and who does not own or control in whole or substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(8) "Processor" means a person who manufactures products containing goat meat.

(9) "Goat meat" means the whole or any portion of the carcass of the goat or caprine animal of any age, including any by-product of goat or kid goat slaughter which is listed in section 10 or section 15.

(10) "Kid goat carcass" or "cabrito" means the entire carcass or side of the young goat slaughtered when approximately 20 weeks old or less, the whole carcass weighing not more than 15 pounds, dressed, and which has been dressed hide off; feet off at the ankle joints, head on or head off, all internal organs and viscera except kidneys removed, which shows evidence of milk feeding as denoted by the characteristics of the flesh and fat and which has the color and texture of the flesh and the color and consistency of the fat and bones characteristic of young kid goats. The liver of the kid goat may be sold with and considered a part of the kid goat carcass.

(11) "Goat carcass" means any goat carcass which has passed the kid goat or cabrito stage as defined in paragraph (10) of this section, and which is dressed skin off, feet off at the ankle or pastern joints, head removed and all internal organs except kidneys removed.

(12) "Boneless goat meat" means boneless meat from all parts of the goat carcass boned in accordance with the best commercial practice. In preparing this meat, all cords, sinews, neck straps, kidneys, and melts shall be excluded. No trimmable fat in excess of 8 percent in weight is to be left on the meat.

(13) When referring to goat meat, the term

(i) "Brains" means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord.

(ii) "Cheek meat" means all the meat from the head, including the lips and glands.

(iii) "Hearts" means hearts with heart valve attached free of blood clots and with an aorta not over one inch in length.

(iv) "Kidneys" means kidneys free from spots and reasonably free from fat.

(v) "Livers" means livers from which the gall bladder and connective tissue have been removed and which are free of white spots.

(vi) "Sweetbreads" means the thymus glands. They are to be free from fat.

(vii) "Tongues" means goat tongues trimmed so as to leave the epiglottis on the tongue. The hinge bones are to be cut flush with the butt end of the tongue. All fat is to be trimmed from the base of the tongue.

(viii) "Tripe" means paunches (stomachs) thoroughly cleaned by washing and scalding according to B. A. I. instructions or similar good commercial methods.

(14) "Leg, whole or half" means the leg of the goat carcass sold in one piece or cut in halves. The legs are separated from the loin by cutting squarely in a line at a right angle to the chine bone, just exposing the end or point of the hip bone and leaving all of the hip bone in the leg. The cut shall be made in a straight line which is perpendicular to the contour of the outside or skin surface of the hindsaddle. The pair of legs is then split through the center to make the single leg.

(15) "Loin roast or loin chops." "Loin, double or single", means the part of the hindsaddle or hindquarter which

remains after the legs or leg have been removed. The hindsaddle or hind quarter is separated from the foresaddle or forequarter by cutting between the 12th and 13th ribs, following the curvature of the ribs close to the 12th rib to the point where the 12th rib turns, then completing the cut through the flank at a right angle to the chine bone. The loin is separated from the hindsaddle by cutting squarely in a line at a right angle to the chine bone, just exposing the end or point of the hip bone, leaving none of the hip bone in the loin. The cut shall be made in a straight line which is perpendicular to the outside or skin surface of the hindsaddle. The loin includes the 13th rib and is not trimmed, i. e. it includes the flank, kidney and fat. The double loin is split in half through the center of the chine bone to make two single loins. "Loin roast" means the single loin after removing the kidney, the suet surrounding the kidney and three inches of the flank. "Loin chops" means chops cut from the single loin after removing the kidney and three inches of the flank.

(16) "Rib roast or rib chops". The "rib, double or single", is made by cutting the foresaddle or forequarter, starting at a point on the 12th rib not more than four inches down from the point of the eye, cutting in a straight line to a point on the 5th rib which is not more than four inches from the inside protruding edge of the chine bone. It is then separated from the yoke or rattle by cutting between the 4th and 5th ribs following the curvature of the ribs close to the 4th rib. The double rib may be split through the center of the chine bone to make two single rib sections. "Rib roast" means either the double rib sold in one piece or the single rib sold in one piece. "Rib chops" means chops cut from the single rib by splitting between the ribs.

(17) "Yoke", "rattle" or "triangle" means the foresaddle or forequarter minus the rib which has been removed as described in paragraph 16 of this section. It consists of the neck, brisket, breast, foreshanks and shoulders. It may be split in half through the chine bone and neck bone.

(18) "Square cut chuck or shoulder, neck off, bone in," means a cut made from the yoke by cutting in a straight line starting at a point on the 4th rib not more than four inches from the inside protruding edge of the chine bone on the inside, cutting in a straight line through a point at the forward end of the first segment of the sternum or breast bone. This cut will separate the shoulder from the brisket, breast, and shank. When the shoulder has been separated from the breast and shank the only bone to show on the side of the shoulder other than the ribs is the arm bone. The full neck also shall be removed. The square cut shoulder may be split through the center of the chine bone.

(19) "Shoulder chops, blade or arm chops" means any chops cut from the cross-cut shoulder, and shall not contain any portion of the shank or neck. Shoulder chops also include chops cut from the rib which contain any segment of the shoulder blade bone or shoulder blade cartilage.

(20) "Stew meat—breast, flank, shank, neck, bone in" means either the breast, shank, flank or neck or any combination of them, sold as entire cuts, or separated into small pieces.

(21) "Boneless stew" means boneless meat from any part of the goat or kid carcass from which all bones have been removed. Head meat, glandular meats, blood, cartilage, and gristle, shall not be put into boneless stew.

(22) "Ground goat meat" means any part of the goat or kid carcass which has been boned and ground. Head meat, glandular meats, blood, cartilage, gristle, bone, cereal of any kind, or any other ingredient except seasoning shall not be put into ground goat meat.

SEC. 23. *Appendix A: Formula for meat marking fluid.* The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection laws:

Water (gallons)	45
Pure grain alcohol, 95 percent (gallons)	38
Granulated cane sugar (pounds)	100
Methyl violet (pounds)	10

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the above-mentioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula, there may be employed pure grain alcohol, denatured according to Formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be added in the same proportion, or heavy corn syrup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

Effective date. This Maximum Price Regulation No. 514 shall become effective March 1, 1944.

NOTE: The reporting and record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2714; Filed, February 24, 1944; 4:42 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6A,[1] Amdt. 7]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 6A is amended in the following respect:

1. Section 2.16 is added to read as follows:

SEC. 2.16 *Transfers to and by the Procurement Division of the Treasury Department.* (a) Certificates need not be collected when rubber footwear is transferred by an agency of the United States Government to the Procurement Division of the Treasury Department, if the rubber footwear is acquired by the Procurement Division for transfer.

(b) The Procurement Division of the Treasury Department may dispose of the rubber footwear in the same way that an establishment is permitted by this order to transfer rubber footwear. (However, for that purpose, the Procurement Division need not register as an establishment.) Not later than the twentieth day following the month in which any transfer is made, the Procurement Division shall account to the National Office of the Office of Price Administration for certificates covering the number of pairs of each type of rubber footwear transferred.

This amendment shall become effective February 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2716; Filed, February 24, 1944; 4:42 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[2] Amdt. 52]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respect:

Section 2.20 is added to read as follows:

SEC. 2.20 *Transfers to and by the Procurement Division of the Treasury Department.* (a) Ration currency need not be collected when shoes are transferred by an agency of the United States Government to the Procurement Division of the Treasury Department if the shoes are acquired by the Procurement Division for transfer.

(b) The Procurement Division of the Treasury Department may dispose of the shoes in the same way that a distributor is permitted by this order to transfer shoes. (However, for that purpose, the Procurement Division need not register as a distributor.) Not later than the twentieth day following the month in which any transfer is made, the Procurement Division shall account to the "Washington Office" of the Office of Price Administration for ration currency covering the number of pairs of shoes transferred.

This amendment shall become effective February 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; 8 F.R. 7440; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2717; Filed, February 24, 1944; 4:43 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[1] Amdt. 2]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 3 is amended in the following respect:

Section 1407.184 is added to read as follows:

§ 1407.184 *Government agencies may, without getting stamps or certificates, deliver sugar to the Procurement Division of the Treasury Department.* (a) No stamps or certificates need be given up for a delivery of sugar by an agency of the United States government to the Procurement Division of the Treasury Department when such sugar is acquired by the Procurement Division for sale or delivery.

(b) The Procurement Division of the Treasury Department may dispose of such sugar only by a sale or delivery in the same way that a retailer is permitted by this order to sell or deliver sugar. (However, for that purpose, the Procurement Division need not register as a retailer.) Not later than the twentieth day following the month in which any delivery is made, the Procurement Division shall account to the "Washington Office" of the Office of Price Administration for stamps or certificates covering the amount of such sugar sold or delivered.

This amendment shall become effective February 29, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2718; Filed, February 24, 1944; 4:43 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 10,[2] Amdt. 14]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 10 is amended in the following respects:

1. The paragraph preceding § 1407.601 is deleted and the following paragraph is substituted therefor:

Pursuant to the authority vested in the Office of Price Administration by Directive No. 1 of the War Production Board issued January 24, 1942, and by Food Distribution Administration Directives No. 3 and No. 9, issued February 15, 1943 and July 13, 1943, respectively, *It is hereby ordered*, That:

AUTHORITY: §§ 1407.601 to 1407.900, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., by Pub. Law 507, 77th Cong., and by Pub. Law 421, 77th Cong.; E.O. 9250, 7 F.R. 7671; WPB Directive No. 1; E.O. 9280, 7 F.R. 10179; F. D. A. No. 3, 8 F.R. 2005, F. D. A. No. 9, 8 F.R. 9600.

2. Section 1407.623 is added to read as follows:

§ 1407.623 *Commodities subject to this ration order.* (a) The following commodities are subject to this ration order:

(1) Corn meal.

3. Section 1407.662 is added to read as follows:

§ 1407.662 *Transfers to consumers.* (a) Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, a distributor or other person may transfer a commodity subject to this ration order to a consumer, and a consumer may accept such transfer, only under the following conditions:

(1) At the time of transfer the transferor shall require presentation of a valid War Ration Book or Certificate issued to the transferee or a person on whose behalf he is acting and shall detach from such War Ration Book stamps designated for the particular commodity and for the period in which the transfer is made, or shall require surrender of a valid certificate having a weight value equal to the quantity of the rationed commodity transferred.

4. The table in § 1407.687 is amended to read as follows:

Ration periods	Stamp valid during ration period	Weight value of stamp
No. 1—Jan. 10 to Jan. 16, 1944.	Book 1 Stamp 1.	2 pounds of corn meal.
No. 2—Jan. 17 to Jan. 23, 1944.	Book 1 Stamp 2.	2 pounds of corn meal.
No. 3—Jan. 24 to Jan. 30, 1944.	Book 1 Stamp 3.	2 pounds of corn meal.
No. 4—Jan. 31 to Feb. 6, 1944.	Book 1 Stamp 4.	2 pounds of corn meal.
No. 5—Feb. 7 to Feb. 13, 1944.	Book 1 Stamp 5.	2 pounds of corn meal.
No. 6—Feb. 14 to Feb. 20, 1944.	Book 1 Stamp 6.	2 pounds of corn meal.
No. 7—Feb. 21 to Feb. 27, 1944.	Book 1 Stamp 7.	2 pounds of corn meal.
No. 8—Feb. 28 to Mar. 5, 1944.	Book 1 Stamp 8.	2 pounds of corn meal.

NOTE: In the municipality of St. Croix only, the value of Stamps No. 2 to No. 8, inclusive, is three pounds of corn meal.

5. Section 1407.704 is added to read as follows:

§ 1407.704 *Designation of amount of rationed commodities allowed per person served by institutional user.* (a) For computing the amount of the ration of a person for institutional use, pursuant to § 1407.703, the allowance per person served shall be 8 pounds per person per month of corn meal, except that in the municipality of St. Croix it shall be 12 pounds.

This amendment shall become effective January 10, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9250, 7 F.R. 7671; WPB Dir. No. 1, E.O. 9280, 7 F.R. 10179; F.D. No. 3, 8 F.R. 2005; F.D. No. 9, 8 F.R. 9600)

Issued this 18th day of February 1944.

JACOB A. ROBLES,
Territorial Director, Office of Price Administration for Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator, Region IX.

[F. R. Doc. 44-2713; Filed, February 24, 1944; 4:41 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 10]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 16.8 is added to read as follows:

SEC. 16.8 *Records, reports, and registrations required by this order.* (a) The following records are required by this order:

(1) Processors must keep records of production, imports, acquisitions, certain transfers, and changes in point values. (Section 3.8)

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7384, 9458, 11688, 15704; 9 F.R. 604.

[2] 8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 1433, 1534.

[1] 7 F.R. 6887, 8523, 8607, 10707; 8 F.R. 1394, 3315, 3843, 4190, 4892, 5268, 7017.

[1] 9 F.R. 3, 104, 574, 695.

(2) Processors must keep records of point-free transfers made to allow for spoilage. (Section 10.12 (c))

(3) Wholesalers must keep records of transfers, and of changes in point values. (Section 4.9)

(4) Retailers must keep records of changes in point values and of their suppliers' statements showing March 1943 transfers. (Section 5.10)

(5) Processors, wholesalers, and retailers must keep records of transfers to retailers during March 1943. (Section 9.5 (f))

(6) Processors, wholesalers and retailers must keep a record of mail order sales made to consumers. (Section 9.4 (g))

(7) Wholesalers and retailers must keep a record of point-free transfers of seed beans, peas or lentils which were in their inventories March 1, 1943 or acquired thereafter for points. (Section 10.15 (a))

(8) Persons who transfer processed foods in advance of receiving points must keep a record of each such transfer. (Section 9.5 (c))

(9) Persons who transfer processed foods in imminent danger of spoilage at less than full point value must keep records. (Section 9.11 (e))

(10) Industrial users must keep a record of inventories, allotments, and use of processed food. (Section 6.9)

(11) Chains must keep records of transfers of stocks and points between establishments. (Sections 10.4, 17.1)

(12) Suppliers must keep records of food transferred to certain Mexican residents. (Sections 25.3, 25.4)

(13) Consumers who sell part of their "home processed foods" must keep a record of such sales. (Sections 26.3 (b), 26.4a (a))

(14) Consumers must keep records of their sales or transfers of processed foods custom processed for household consumption. (Section 26.5)

(15) Records must be kept for two years. (Section 16.1)

(b) The following reports and registrations are required by the order:

(1) Processors must register. (Sections 3.2 (a), (f), 3.10, 12.3 (a))

(2) Processors must file periodic reports of their operations. (Sections 3.2 (b), 3.6 (c), 3.9, 14.4 (b))

(3) Processors must report their inventories. (Section 3.5)

(4) Persons who produce certain items similar to processed foods must file reports. (Section 16.7 (a))

(5) Wholesalers must register. (Section 4.2 (a), (e))

(6) Wholesalers must file periodic reports of their operations. (Sections 4.2 (b), 4.10, 10.9 (b), 12.2 (c))

(7) Wholesalers must report their inventories. (Section 4.4)

(8) Wholesalers must report their sales and points on hand. (Section 4.5)

(9) New wholesalers must register and file reports. (Section 12.2)

(10) Retailers must register. (Section 5.3 (a), (d))

(11) Retailers must report their inventories. (Section 5.5)

(12) Retailers must report their sales and points on hand. (Section 5.6)

(13) New retailers must register. (Section 12.1)

(14) Processors, wholesalers, and retailers who wish to accept points from, and make transfers of processed foods to consumers by mail must notify the district office. (Section 9.4 (g))

(15) Processors, country shippers, wholesalers and retailers must report to the district office defaults in surrender of points more than ten days after transfer. (Section 9.5 (c))

(16) Industrial users must register. (Sections 6.2, 6.10)

(17) Industrial users must report their inventories. (Section 6.4)

(18) Industrial users must report their base-period use. (Section 6.5).

(19) Persons who became industrial users because of changes in the list of processed foods must register. (Section 6.7)

(20) Industrial users who register late must report their inventories. (Section 6.7 (b))

(21) Country shippers must register. (Section 24.2 (a))

(22) Country shippers must file monthly reports. (Sections 24.2, 24.5)

(23) Transferors who acquire dry beans, peas, or lentils point-free as seed but sell or transfer them for use as food must report to the board. (Section 14.7)

(24) Country shippers who used points to get dry beans, peas or lentils must enclose a statement of point values and the name and address of the persons from whom they acquired the product. (Section 24.6 (c))

(25) Any person who goes out of the business of dealing in or using processed foods must give notice and account for points. (Section 13.1)

(26) Reports upon sale of business. (Sections 11.1, 11.2)

(27) Persons who transfer or acquire processed foods in imminent danger of spoilage at less than full point value, must report the transfers or acquisitions. (Section 9.11 (e))

(28) Processors and country shippers who transfer processed foods in imminent danger of spoilage at less than full point value must file statement with periodic reports. (Section 9.11 (h))

(29) Persons who acquire processed foods point-free for liquidation by operation of law, or in judicial proceedings must report such acquisitions. (Section 10.7 (b))

(30) Persons who transfer processed foods point-free to insurers or for salvage, must report such transfers. (Section 10.8)

(31) Insurers or salvagers who acquire processed foods point-free must report the acquisitions. (Section 10.8)

(32) Federal, state, or local institutions which receive processed foods point-free from governmental investigatory agencies, must report such acquisition. (Section 23.8 (c))

(33) Any person who has a ration check, stamp or certificate involved in a legal proceeding must notify the district office. (Section 19.3)

(34) Exporters must account for all processed foods exported and points received in advance for such exports. (Section 22.3)

(35) Suppliers who transfer processed foods to certain Mexican residents must make reports. (Sections 25.3, 25.4)

(36) Members of a consumer group using commercial scale processing facilities must register and file a report if they wish to sell part of their share of processed foods produced there. (Section 26.6 (d))

This amendment shall become effective February 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2722; Filed, February 24, 1944; 4:47 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 11]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 10.20 is added to read as follows:

SEC. 10.20 *Government agencies may transfer processed foods point free to the Procurement Division of the Treasury Department.* (a) No points need be given up for a transfer of processed foods by a government agency to the Procurement Division of the Treasury Department when the processed foods are acquired by the Procurement Division for sale or transfer.

(b) The Procurement Division of the Treasury Department may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. (However, for that purpose, the Procurement Division need not register as a retailer.) Not later than the twentieth day following the month in which any transfer is made, the Procurement Division shall account to the Office of Price Administration for points equal to the point value of the processed foods sold or transferred under this paragraph.

This amendment shall become effective February 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2721; Filed, February 24, 1944; 4:46 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3, 104.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 109]

MEATS, FATS, FISH, AND CHEESE

A rational for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 11.18 is added to read as follows:

SEC. 11.18 *Government agencies may transfer foods point free to the Procurement Division of the Treasury Department.* (a) No points need be given up for a transfer of foods covered by this order by a government agency to the Procurement Division of the Treasury Department when the foods are acquired by the Procurement Division for sale or transfer.

(b) The Procurement Division of the Treasury Department may dispose of those foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer foods covered by this order. (However, for that purpose, the Procurement Division need not register as a retailer.) Not later than the twentieth day following the month in which any transfer is made, the Procurement Division shall account to the Office of Price Administration for points equal to the point value of the foods sold or transferred under this paragraph.

This amendment shall become effective February 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2723; Filed, February 24, 1944; 4:46 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 515[2]]

SOYBEANS OF THE 1943 CROP

In the judgment of the Price Administrator the maximum prices herein established are generally fair and equitable and will reflect to producers of soybeans the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this regulation have previously been promulgated and their use lawfully required by another Government Agency. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

§ 1439.12 *Maximum prices for sales of soybeans.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 515 (Soybeans of the 1943 Crop) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.12 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 515—SOYBEANS OF THE 1943 CROP

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Appendix A—Base price.

SECTION 1. *Applicability.* Except as provided in paragraph (a) of this section this regulation shall apply to all sales within the 48 states and the District of Columbia of the United States of raw and unprocessed soybeans of the 1943 crop.

(a) *Sales excepted.* This regulation shall not apply to

(1) Any sale or delivery of soybeans sold for use as seed for planting in 1944;

(2) Any sale or delivery of soybeans specially cleaned for use in the production of any products for human consumption not involving the extraction of soybean oil;

(3) Any sale or delivery of soybeans to the Commodity Credit Corporation pursuant to processors' contracts under the Commodity Credit Corporation 1943 soybean program;

(4) Any sale or delivery of soybeans by the Commodity Credit Corporation; or

(5) Any export sale of soybeans. The maximum price at which any person may export soybeans of the 1943 crop shall be determined in accordance with the provisions of the Second Revised Export Price Regulation.*

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any soybeans whose transfer is covered by this regulation at a price above the maximum price established by this regulation, nor shall any person agree, solicit, offer or attempt to do any of the foregoing except as provided in the following subparagraph (1) of this paragraph (a).

(1) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Such authorization shall be given by an order issued by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(b) Prices lower than the maximum prices established by this regulation may be charged or paid.

SEC. 3. *Special charges except as specifically provided.* The maximum prices herein provided shall not be increased by any other charges whatsoever including but not limited to duties, brokerages, commissions, storage, insurance, carrying or handling charges and charges for the extension of credit.

SEC. 4. *Addition of transportation tax.* Whenever a maximum price is determined by the addition of transportation charges, the seller may include as a part of such transportation charges the 3 percent transportation tax, when incurred, as provided for under section 620 of the Revenue Act of 1942.

SEC. 5. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of soybeans after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and shall keep such further records as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget.

SEC. 6. *Evasion.* The maximum prices set forth in this regulation shall not be evaded in any manner whatsoever in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to soybeans alone, or in conjunction with any other charge, discount, premium or privilege, or by tying agreement or other trade understanding or by changing a previous business practice.

SEC. 7. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394, 13980, 15399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220.

[2] 8 F.R. 2343.

*8 F.R. 4132, 7662, 9987, 9998.

criminal penalties as provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 8. *Licensing.* The provisions of Licensing Order No. 1 [4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended. These provisions do not apply to any producer selling soybeans produced by him.

SEC. 9. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment to any provision of this regulation may do so in accordance with the provisions of Revised Procedural Regulation No. 1 [5] issued by the Office of Price Administration.

SEC. 10. *Definitions.* The definitions set forth in the General Maximum Price Regulation shall apply to this regulation except as follows:

"Producer" means, with respect to any lot of soybeans, a person who grows or harvests the soybeans, whether land owner, landlord or tenant.

"Country elevator" means, with respect to any lot of soybeans, a person who has received the soybeans from producers or trucker-merchants and who has placed them in storage such as in an elevator or warehouse.

"Trucker-merchant" means, with respect to any lot of soybeans, a person who purchases soybeans at the farm from the producer and delivers them to a buyer by truck without warehousing.

"Actual lawful transportation charges necessarily incurred" includes a reasonable charge for transportation, not in excess of any lawful maximum price therefor, when such transportation service is furnished by a seller who owns or controls the means of transportation.

"Supplier" means, as to any seller, the person from whom he purchased the soybeans being priced.

SEC. 11. *Maximum prices for sales of soybeans*—(a) *Sales by a producer.* The maximum price for a sale by the producer of soybeans, bulk, shall be the applicable price set forth in Appendix A, regardless of where the purchaser takes delivery from the producer.

(b) *Sales by a trucker-merchant.* The maximum price for the sale by a trucker-merchant of soybeans, bulk, delivered to the purchaser, shall be the applicable price set forth in Appendix A, plus 1 cent per bushel plus a transportation charge for the transportation service rendered by him not exceeding the lowest common carrier rate between the points applicable to the shipment, or, if no such rate exists, the reasonable charge for such service.

(1) A trucker-merchant shall, with respect to every sale of soybeans by him, render an invoice to his purchaser stating separately the price for the soybeans and the transportation charge being made; the invoice shall also show the name and address of the producer, the quantity secured at that point, the date of purchase, and the name and address of the trucker-merchant.

(c) *Sales by a country shipper.* The maximum price for the sale of soybeans, bulk, by a country shipper, shall be the applicable price set forth in Appendix A, plus 5 cents per bushel, plus actual lawful transportation charges necessarily incurred by the seller in delivering to his purchaser from his storage facilities.

(d) *All other sales.* The maximum price for the sale of soybeans by any seller not specifically provided for in paragraphs (a)through (c) of this section, shall be the maximum price which the seller's supplier could lawfully have charged the seller, plus actual lawful transportation charges necessarily incurred by the seller in delivering to his purchaser, plus, to the extent permitted under subparagraph (1) of this paragraph, a maximum markup of 2½ cents per bushel if the seller warehouses the lot of soybeans being priced, or 1½ cents per bushel in all other cases.

(1) The aggregate markup for all sales by all sellers whose maximum prices are established under this section shall not exceed the applicable maximum markup specified in this paragraph, and the markup which a subsequent seller may add on resale is reduced or eliminated, as the case may be, by the amount of the markups taken by prior sellers establishing a maximum price under this paragraph (d).

APPENDIX A—BASE PRICES

All prices herein are for a bushel consisting of 60 pounds of soybeans free of dockage.

(a) *Base prices for soybeans of grades 2, 3 and 4.* The base prices per bushel for soybeans of grades 2, 3 and 4, as set forth in the Handbook of Official Grain Standards of the United States, issued by the United States Department of Agriculture, are as follows:

SCHEDULE I

Grade	Moisture	Yellow, green	Black, brown or mixed
		Per bu.	*Per bu.*
U. S. Standard No. 2 or better	0% to 11% (incl.)	$1.92	$1.72
	11.1% to 12% (incl.)	1.90	1.70
	12.1% to 13% (incl.)	1.88	1.68
	13.1% to 14% (incl.)	1.86	1.66
	14.1% to 15% (incl.)	1.90	1.70
No. 3	0% to 11% (incl.)	1.88	1.68
	11.1% to 12% (incl.)	1.86	1.66
	12.1% to 13% (incl.)	1.84	1.64
	13.1% to 14% (incl.)	1.82	1.62
	14.1% to 15% (incl.)	1.80	1.60
	15.1% to 16% (incl.)	1.87	1.67
No. 4	0% to 11% (incl.)	1.85	1.65
	11.1% to 12% (incl.)	1.83	1.63
	12.1% to 13% (incl.)	1.81	1.61
	13.1% to 14% (incl.)	1.79	1.59
	14.1% to 15% (incl.)	1.77	1.57
	15.1% to 16% (incl.)	1.75	1.55
	16.1% to 17% (incl.)	1.73	1.53
	17.1% to 18% (incl.)		

(b) *Base prices for soybeans grading lower than U. S. Standard No. 4*—(1) *Excessive moisture content.* The base price per bushel for soybeans with a moisture content in excess of 18% shall be determined by deducting from the base price for a No. 4 soybean of the same class having 18% of moisture, 1½ cents per bushel for each full ½ percent of moisture in excess of 18%.

(2) *All other factors.* The base price per bushel for soybeans grading lower than U. S. Standard No. 4 because of any other factor shall be determined by deducting, either from the prices listed in Schedule I above for the U. S. No. 4 soybean of the same class and having the same moisture content or from the price determined under paragraph (a) of this section, whichever is applicable, all of the discounts applicable to the soybeans being priced and listed in Schedule II as follows:

SCHEDULE II

(The deductions specified herein are cumulative)

Grading Factor	*Deduction*
Test Weight	½ cent per bushel for each pound or fraction thereof under 49 pounds.
Splits	¼ cent per bushel for each full 5 percent in excess of 30 percent.
Damage—other than green damage.	[1] ½ cent per bushel for each 1% or fraction thereof in excess of 8%, up to 25%. 1 cent per bushel for each 1% or fraction thereof in excess of 25% up to 60%. 1½ cents per bushel for each 1% or fraction thereof in excess of 60%.
Green damage	[1] 1 cent per bushel for green damage in excess of 8% damage up to 15%. An additional 1 cent for each 5% or fraction thereof in excess of 15%.
Foreign material other than dockage.	Weight of foreign material in excess of 5%, rounded to nearest 1 percent, shall be deducted from total weight of soybeans delivered after dockage has been deducted.

[1] When soybeans contain total damage in excess of 8%, the first 8% total damage shall be considered to be damage other than green damage.

[4] 8 F.R. 13240.
[5] 7 F.R. 8961; 8 F.R. 3318, 3533, 6173, 11806.

This regulation shall become effective March 1, 1944.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 16, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44–2715; Filed, February 24, 1944; 4:42 p. m.]

PART 1316—COTTON TEXTILES

[RPS 35,[1] Amdt. 17]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1316.58a is added to read as follows:

§ 1316.58a *Applications for adjustment of maximum prices for denim.* (a) Any manufacturer required by direction of the War Production Board to produce denim may file an application for adjustment of the maximum prices applicable to denim which he produces.

(b) An adjustment will be granted to the extent that existing maximum prices are found by the Office of Price Administration to be lower than:

(1) Total unit cost of manufacturing and selling applicant's denim; or

(2) If the net profits before income taxes (computed in relation to net worth) currently realized by applicant from his total operations are less than twice those realized during the years 1936–1939, or less than 5.7%, then 102% of the total unit cost of manufacturing and selling applicant's denim. The adjustment will be made on the basis of applicant's denim production taken as a whole; it will be assumed that the denim card, as appropriately extended if necessary, establishes proper differentials between different finishes and different weights. Earnings of other companies owning, owned by, or affiliated with the applicant will be taken into consideration in comparing current profits with profits during 1936–1939.

(c) Any application filed hereunder shall conform with the instructions contained in Subpart B of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(d) Any application filed hereunder may be denied in whole or in part, and any adjustment granted hereunder may be revoked or modified, if price relief is granted to applicant in any alternative manner consistent with the program outlined in a letter from the Director of Economic Stabilization to the Price Administrator and the Chairman of the War Production Board dated November 16, 1943 and any modifications thereof which have been or may be made.

This amendment shall become effective February 24, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2712; Filed, February 24, 1944; 4:41 p. m.]

PART 1340—FUEL

[MPR 120, Corr. to Amdt. 82 [1]]

BITUMINOUS COAL DELIVERED FROM MINE TO PREPARATION PLANT

In § 1340.210 (a) (14), the proviso beginning *"Provided, further:"* is corrected by inserting the words, "on his invoice" between the words, "state" and "that".

Production Group No.	Prices and size group numbers														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
11	330	330	330	315	.....	300	.....	255	295	215	255	.....	.....	155	150

4. In § 1340.226 (b) (1), the table of prices is amended by changing the price for Size Group No. 11 coals produced at mines in Production Group No. 3 from 250 to 255 cents per ton.

5. In § 1340.226 (b) (5) (i), the table of prices is amended by changing the price for Size Group Nos. 1, 2 and 3 coals produced at mines in Production Group No. 7 from 610 to 640 cents.

6. In § 1340.226 (b) (5) (i), the table of prices is amended by changing the price for Size Group Nos. 1, 2 and 3 coals produced at mines in Production Group Nos. 8 and 9 from 560 to 590 cents.

7. In § 1340.226 (b) (5) (i), the table of prices is amended by changing the price for coals produced at mines in Production Group Nos. 7, 8 and 9 in Size Groups Nos. 10 and 14 from 290 and 265 respectively to 225 and 190 cents respectively.

8. In § 1340.226 (b) (5) (i), the table of prices is amended by changing the prices for coals produced at mines in Production Group No. 10—Rail—to read as follows:

Production Group No.	Prices and size group numbers														
	1, 2, 3	4	5	6	7	8	9	10	11	12	13	14	15		
10-rail	440	395	.....	350	.....	285	315	240	285	.....	.....	170	.....		

This amendment shall become effective March 2, 1944.

(55 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2750; Filed, February 25, 1944; 11:54 a. m.]

PART 1340—FUEL

[MPR 120,[2] Amdt. 90]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.210 (a) (1) a period is inserted after the numeral 20 and the words following this period are deleted.

2. In § 1340.226 (b) (1), inferior subdivision (i) (a) is deleted.

3. In § 1340.226 (b) (1), the table of prices is amended by changing the prices for mines in Production Group No. 11 to read as follows:

This correction to Amendment No. 82 shall become effective March 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2751; Filed, February 25, 1944; 11:52 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[3] Amdt. 27]

CERTAIN PACKED FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1963, 5306, 15906, 16744.

[2] 9 F.R. 1181.

[3] 8 F.R. 14560, 15256, 15455, 15456, 16281, 17184, 16419, 16738, 16998; 9 F.R. 396, 573, 693, 794, 973, 1181, 1395, 1454, 1905, 1721, 1905.

Maximum Price Regulation No. 306 is amended in the following respects:

Section 1341.561 (g) is amended to read as follows:

(g) The provisions of this regulation shall apply to items packed during the year 1943 and after. (The regulation applies to items packed on and after January 1, 1944, until such time as they are covered by a superseding regulation.) If the major portion of any item was packed in 1943, the item shall be considered to be packed during the year 1943. Any canned citrus juices packed after November 1, 1942, shall be deemed to be packed during the year 1943.

This amendment shall become effective February 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2752; Filed, February 25, 1944; 11:53 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 42]

CAKE AND FLOUR MIXES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 280 is amended in the following respects:

1. Section 1351.801 (e) is amended to read as follows:

(e) *Cake mixes and flour mixes in bulk and "packaged" in quantities greater than 3 pounds.* All combinations of flour with any other ingredients in so far as their sale is not covered by Maximum Price Regulation 421,[2] 422,[3] 423,[4] or 462.[5]

2. Section 1351.803 is amended by adding the following sentence after the section headnote and before the paragraph designation (a) "The provisions of this section apply to sales of listed food products other than sales of cake mixes and flour mixes (referred to in § 1351.801 (e), above) made with enriched flour or containing any added enriching ingredient."

3. Section 1351.803b is added to read as follows:

§ 1351.803b *Maximum prices for sales of cake mixes and flour mixes made with enriched flour or containing any added enriching ingredient, in bulk and "packaged" in quantities greater than 3 pounds*—(a) *Explanation of this section.* The purpose of this section is to establish maximum prices for cake mixes and flour mixes (other than pancake mix and waffle mix) made with enriched flour or containing any added enriching ingredient, in bulk and "packaged" in quantities greater than 3 pounds. (Maximum prices for pancake mix and waffle mix, in sales by persons other than wholesalers and retailers, are governed by Maximum Price Regulation No. 462.) Prices established by this section are in effect on and after March 2, 1944.

(b) *Maximum prices.* (1) A seller's maximum price per pound or other unit to any class of purchasers for cake mix or flour mix, in bulk or "packaged" in quantities greater than 3 pounds, made with enriched flour shall be the sum of:

(i) His maximum price to the same class of purchasers under § 1351.803 for the same kind, grade, quality and container type and size of cake mix or flour mix that is not made with enriched flour and does not contain any added enriching ingredient; and

(ii) $0.125 per one hundred pounds of the finished product if all of the flour used is enriched flour, otherwise the figure which results from multiplying $0.125 by the result obtained by dividing the number of pounds or other units of enriched flour content by the number of pounds or other units of the entire flour content.

(2) A seller's maximum price per pound or other unit to any class of purchasers for cake mix or flour mix, in bulk or "packaged" in quantities greater than 3 pounds, not made with enriched flour, but containing any added enriching ingredient, shall be the sum of

(i) His maximum price to the same class of purchasers under § 1351.803 for the same kind, grade, quality and container type and size of cake mix or flour mix that is not made with enriched flour and does not contain any added enriching ingredient; and

(ii) The processor's actual cost for the added enriching ingredient or ingredients contained in the cake mix or flour mix: *Provided*, That in figuring the maximum price the seller shall exclude from the computation any actual cost for the added enriching ingredients in excess of $0.125 per one hundred pounds of the finished product. "Actual cost" means the amount (not in excess of his supplier's maximum price) which the processor pays for the added enriching ingredients delivered to his customary receiving point (less all discounts allowed him except the discount for prompt payment), plus his direct labor cost for adding those ingredients to the cake mix or flour mix being priced.

(c) *Individual authorizations of maximum prices.* If the processor's maximum price for any item of cake mix or flour mix made with enriched flour or containing any added enriching ingredient, in bulk or "packaged" in quantities greater than 3 pounds, cannot be determined under paragraph (b), he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth (1) a description in detail of the item for which a maximum price is sought, including its grade and the brand name to be used, if any, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price; (2) an itemized current cost breakdown of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g., direct costs—raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food commodity which contributes substantially to his total volume of business; (3) the desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price, with discounts and allowances, for the second commodity included in subparagraph (2), above; and (4) the method of distribution to be employed by the processor in marketing the new commodity (i. e., whether it is to be sold to wholesalers, retailers, consumers, persons who will further process the commodity, or other classes of purchasers). Upon receipt of such application the Office of Price Administration will authorize the maximum price or a method of determining the maximum price for the applicant or for sellers of the item generally including purchasers for resale or for a class of such purchasers.

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice or receive payment for it.

Where any cost factor set forth in the application is an estimated amount, the processor shall file with the Office of Price Administration, Washington, D. C., not later than six months and not earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item since the authorization of the maximum price.

(d) *Meaning of "processor".* "Processor" means a person who manufactures any part of what he sells of the kind of food product being priced.

4. Section 1351.816 (a) (13) and (14) are added to read as follows:

(13) "Added enriching ingredient" means any ingredient which is required to be present in enriched flour by the regulations promulgated under the Federal Food, Drug, and Cosmetic Act.

(14) "Enriched flour" means flour which conforms with the definition and standard of identity prescribed for enriched flour under section 401 of the Federal Food, Drug, and Cosmetic Act.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5165, 7566, 8357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513, 11811 11589, 13060, 13721, 16296, 16597, 16795; 9 F.R. 343, 753.

[2] 8 F.R. 9388, 10569, 10987, 13293, 15250, 17367, 15607, 17368.

[3] 8 F.R. 9395, 10569, 10987, 12443, 12610, 13294, 15251, 17369, 14858, 15586, 15607, 17370; 9 F.R. 95.

[4] 8 F.R. 9407, 10570, 10988, 12448, 12611, 13294, 15252, 17371, 14854, 16031, 15587, 15606, 17371; 9 F.R. 95.

[5] 8 F.R. 12181, 15908.

This amendment shall become effective March 2, 1944.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2747; Filed, February 25, 1944; 11:54 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 389,[1] Amdt. 11]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 389 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

(a) *General instructions.* (1) The ceiling price for any sale is found by looking at paragraph (a) of section 12, which lists the base price per hundredweight in dollars for each type of sausage. To this price should be added, first, the amount specified in paragraph (b) of that section for the zone in which the point of delivery is located and then, whatever other additions are made permissible by paragraph (c) of that section. The base price, plus the zone differential, plus the permitted additions is the ceiling price. An exception to the above rule for determining the ceiling price applying only to intermediate distributors of kosher sausage, all beef sausage and Type 1 special pork sausage is stated in the following paragraph.

(2) The ceiling price for a sale of kosher sausage, all beef sausage or Type 1 special pork sausage by an intermediate distributor shall be computed in accordance with the provisions of the preceding paragraph with the following exception: If the addition for transportation charges provided for in section 12 (c) (4) is added to the base price, the zone differential specified in section 12 (b) for the zone in which the sausage was manufactured shall be added to the base price in place of the zone differential specified in section 12 (b) for the zone in which the point of delivery is located.

2. Section 2 (b) (1) (i) is amended to read as follows:

(i) Local delivery means delivery by any vehicle, other than a rail carrier, made by the seller from the seller's place of business to the buyer's store door.

3. Item (1) (ii) of the price table in section 12 (a) is amended to read as follows:

Item—Kind of sausage and kind of casing	Type 1—special pork	Type 2—skeletal pork	Type 3—meat; by-products; cereal to 3½%	Type 4—meat by-products; cereal over 3½%
(ii) Smoked:				
Hog casings (H. C.) or skinless	----------	31.75	27.50	21.00
Artificial casings (A. C.)	----------	31.25	27.00	20.50
Beef rounds (B. C.)	----------	----------	25.00	18.50

Section 12 (c) (1) is amended to read as follows:

(1) *Selling costs.* One of the following amounts may be added to cover the cost of selling:

(i) On sales to wholesalers, peddler truck sellers and hotel supply houses	$0.50
(ii) On sales to retailers and purveyors of meals made by other than hotel supply houses	1.50
(iii) On peddler truck sales, as defined in the first paragraph and paragraph (1) of the definition in section 13 (a), to retailers and purveyors of meals located in Zone 9 North of the Potomac River	3.00
(iv) Except as provided in the preceding paragraph (iii), on peddler truck sales to retailers and purveyors of meals	2.50
(v) On sales to purveyors of meals by hotel supply houses	2.75

5. Section 12 (c) (2) is amended to read as follows:

(2) *Local delivery.* Where the seller makes local delivery to the buyer's store door, otherwise than by peddler delivery, and treats the point at which local delivery begins as the point of delivery for determining the zone differential to be added to the base price, he may add $0.25 per hundredweight if such delivery is completed within 25 miles of the point from which such local delivery starts, or $0.50 per hundredweight if such delivery is completed over 25 miles from such starting point. A store means a restaurant, hotel, or retail store, or a wholesaler's or hotel supply house's warehouse.

6. The definitions of "Type 3 smoked sausage" and "Type 4 smoked sausage" in section 13 (d) are amended to read as follows:

"Type 3 smoked sausage" means sausage made from the same meat and meat by-product ingredients as permitted in Type 3 fresh breakfast sausage, but cured before or during processing, stuffed in hog casings, beef rounds or artificial casings. It shall have a fat content not in excess of 45 percent, and a yield not in excess of 90 percent, and it may contain extender not exceeding 3½ percent of the finished weight.

"Type 4 smoked sausage" means sausage made from any proportions of meat and meat by-products, including that derived from goats, cured before or during processing, and stuffed in hog casings, beef rounds or artificial casings. It may contain extender not exceeding 15 percent of the finished weight. Water or ice may be added.

This amendment shall become effective February 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2753; Filed, February 25, 1944; 11:23 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Corr. to Amdt. 105]

MILEAGE RATIONING: GASOLINE REGULATIONS

Section 1394.8153 (b) is corrected by adding subparagraph (4) to read as follows:

(4) In the States of Georgia and Florida, no transfer in exchange for Class R coupons may be made by any dealer or by any licensed distributor from his retail facility, unless the transferor transports such gasoline from his place of business to some place of delivery selected by the transferee by means of delivery facilities, such as a tank truck, tank wagon or portable drums, which he maintains and regularly uses for the purpose of transporting gasoline in quantities of twenty-five (25) gallons or more, from that place of business to places of delivery selected by the transferees, except transfers made directly into the fuel tanks of motorboats.

This correction shall become effective February 25, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2754; Filed, February 25, 1944; 11:52 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5903, 6958, 6945, 8185, 8677, 10906, 10907, 11956, 13340, 15192.

[1] 8 F.R. 15937, 16250, 16420, 9 F.R. 104, 8 F.R. 16845, 16846, 17327, 17484, 17297, 9 F.R. 286, 90, 1181, 1180, 972, 1326, 1397, 1712.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5E,[1] Amdt. 4]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5E is amended in the following respects:

Section 4.1 is amended by the addition of a new paragraph (e) to read as follows:

(e) A Board may in its discretion deny the issuance or renewal of a ration for use with a passenger automobile or commercial motor vehicle if the Tire Inspection Record issued for such vehicle or an inspection of the tires held for use thereon shows that any of the tires mounted on the vehicle or declared or held for use thereon needs recapping and if in the judgment of the Board the issuance or renewal of such ration would permit the holder thereof to drive such passenger automobile or commercial motor vehicle beyond the point where such tire is recappable or in any other way would result in a waste of rubber.

This amendment shall become effective February 25, 1944.

(Pub. Law 871, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, WPB Directive No. 1, Supp. Dir. 1–J, 7 F.R. 562)

Issued this 25th day of February 1944.

JORGE L. CORDOVA,
Director, Office of Price Administration for Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 44–2755; Filed, February 25, 1944; 11:54 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[2] Amdt. 12]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 13 is amended in the following respects:

1. Section 10.4 (a) is amended to read as follows:

(a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind, if those establishments are registered together. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person transfers processed foods between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons.

2. The following is inserted between the first and second sentences of section 14.4 (a) (1):

(1) * * * However, a consumer may apply for a certificate with which to replace processed foods only if he has given up points to acquire the foods which are lost, destroyed, stolen, or taken away. (Processed foods reported by a consumer at the time he registered for War Ration Book Two, and for which eight point stamps were removed from his war ration book, are deemed to be processed foods for which he has "given up" points.)

3. Section 14.4 (a) (1) is amended by substituting a semi-colon for the period at the end of (ii) and adding (iii) to read as follows:

(iii) A statement, if the applicant is a consumer, that he gave up points for the processed foods which were lost, destroyed, stolen, or taken away, or that stamps were removed from his War Ration Book Two for such foods.

This amendment shall become effective March 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2756; Filed, February 25, 1944; 11:52 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 110]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The following is inserted between the first and second sentences of section 15.1 (a): "However, a consumer may apply for a certificate with which to replace foods covered by this order only if he has given up points to acquire the foods which are lost, destroyed, stolen, or taken away."

2. Section 15.1 (a) is amended by substituting a semicolon for the period at the end of (2) and adding (3) to read as follows:

(3) A statement, if the applicant is a consumer, that he gave up points for the foods which were lost, destroyed, stolen, or taken away.

This amendment shall become effective March 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2241; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2757; Filed, February 25, 1944; 11:52 a. m.]

PART 1420—BREWERY, WINERY AND DISTILLERY PRODUCTS

[MPR 445,[1] Amdt. 12]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 445 is amended in the following respects:

1. The headnote of section 2.3 and paragraphs (a) and (b) of that section are amended to read as follows:

SEC. 2.3 *Maximum prices for bulk domestic whiskey and for bulk domestic brandy.*

NOTE: "Bulk domestic brandy" comprehends only brandy made from grapes. See definition of brandy in section 7.12 (a) (16).

(a) *Maximum prices for sales in bond.* Any seller's maximum price for a sale of bulk domestic whiskey in bond on an original proof gallon basis or on a regauged proof gallon basis, whether or not made by transfer of warehouse receipt or other evidence of title, shall be determined according to the age of the whiskey and the basis of sale as set forth in paragraph (c) of this section. Any seller's maximum price for a sale in bond of bulk domestic brandy in distiller's original barrels whether or not made by transfer of warehouse receipt or other evidence of title shall be determined according to the age of the brandy to be priced as set forth in paragraph (c) of this section.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9975, 16033; 9 F.R. 397, 1321.

[2] 9 F.R. 3, 104, 695, 574, 848, 765, 1393.

[1] 8 F.R. 18128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695.

[1] 9 F.R. 11161, 11851, 13845, 14016, 14400, 15913, 16997, 17415, 16928; 9 F.R. 303, 105.

(b) *Maximum prices for tax paid sales.* Any seller's maximum price for a tax paid sale of bulk domestic whiskey on an original proof gallon basis or on a regauged proof gallon basis, whether or not made by transfer of warehouse receipt or other evidence of title, shall be as follows: (1) For sales on an original proof gallon basis, the maximum price per original proof gallon shall be the price set forth in paragraph (c) (1) of this section according to the age of the whiskey being priced, plus the amount of United States excise taxes at rates in effect on November 2, 1942 paid by the seller and applicable to that whiskey; (2) For sales on a regauged proof gallon basis, the maximum price per regauged proof gallon shall be the price set forth in Column 2 of paragraph (c) (2) of this section according to the age of the whiskey being priced.

Any seller's maximum price for a tax paid sale of bulk domestic brandy in distiller's original barrels, whether or not made by transfer of warehouse receipt or other evidence of title, shall be the maximum price set forth in paragraph (c) (3) of this section according to the age of the brandy being priced, plus the amount of United States excise taxes at rates in effect on November 2, 1942, paid by the seller and applicable to that brandy.

2. The headnote of section 2.3 (c) (1) is amended to read as follows: "(1) *For bulk domestic whiskey sold on an original proof gallon basis.*"

3. Section 2.3 (c) (2) is redesignated section 2.3 (c) (3) and a new subparagraph (2) is added to section 2.3 (c) to read as follows:

(2) *For bulk domestic whiskey sold on a regauged proof gallon basis.*

Age (months)		Column 1 Maximum prices for regauged proof gallon in bond	Column 2 Maximum prices for regauged proof gallon tax paid
More than	Not more than		
	2	$0.712	$6.71
2	4	.770	6.77
4	6	.821	6.82
6	8	.874	6.87
8	10	.927	6.93
10	12	.982	6.98
12	14	1.038	7.04
14	16	1.096	7.10
16	18	1.154	7.15
18	21	1.238	7.24
21	24	1.323	7.32
24	27	1.410	7.41
27	30	1.500	7.50
30	33	1.592	7.59
33	36	1.674	7.67
36	39	1.758	7.76
39	42	1.844	7.84
42	45	1.933	7.93
45	48	2.024	8.02
48	51	2.117	8.12
51	54	2.200	8.20
54	57	2.285	8.29
57	60	2.359	8.36
60	63	2.435	8.44
63	66	2.513	8.51
66	69	2.593	8.59
69	72	2.676	8.68
72	75	2.762	8.76
75	78	2.850	8.85
78	81	2.941	8.94
81	84	3.035	9.04
84	90	3.116	9.12
90		3.200	9.20

NOTE: Maximum prices in columns 1 and 2 include all excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942; and storage and all other charges applicable to the quantity being priced and accrued to date of sale, together with broker-age commissions, if any, paid by the seller incident to the particular sale. Maximum prices set forth in Column 2 also include the amount of United States excise taxes at rates in effect on November 2, 1942.

4. Section 7.3a is added to read as set forth below and the headnote of section 7.3a is added in numerical order to the list of sections in sections 1.10, 2.5, 3.6, 4.11 and 5.9.

SEC. 7.3a *Distribution of packaged distilled spirits or wine.* Any corporation, unincorporated association, company or partnership desiring to transfer or distribute packaged distilled spirits or wine (in the form of warehouse receipts or otherwise) to its shareholders, or to representatives of or a trustee for its shareholders or members, or desiring to offer its shareholders or members as a class, the right to purchase packaged distilled spirits or wine from it either directly or through a trustee or other intermediary, shall file written notice of its intention to do so with the Office of Price Administration, Washington, D. C., at least thirty days prior to the date on which such transfer, distribution or offer is to be made. The notice shall contain a description sufficient to identify for pricing purposes all packaged distilled spirits and wine to be so transferred, distributed or offered for sale, a statement showing the terms of the transfer, distribution, or offer and the classes of shareholders or members to whom it is to be made, and shall be supplemented with such additional information as the Office of Price Administration may deem necessary and request for pricing purposes in the particular case. The Administrator may, on his own motion, at any time before or after receipt of such notice, issue an order establishing maximum prices for any or all persons who may sell packaged distilled spirits or wine to be so transferred, distributed or offered.

(b) No corporation, unincorporated association, company or partnership shall deliver or permit any packaged distilled spirits or wine (in the form of warehouse receipts or otherwise) to be delivered to its shareholders or members pursuant to the proposed transfer, or distribution or purchase right until thirty days after the notice provided for under paragraph (a) of this section has been filed.

This amendment shall become effective March 2, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2758; Filed, February 25, 1944; 11:53 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

REMOVAL OF TRESPASSING HORSES FROM UNCOMPAHGRE NATIONAL FOREST

Whereas a number of horses are trespassing and grazing on land in the Uncompahgre National Forest in the State of Colorado; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Uncompahgre National Forest is issued:

Temporary closure from livestock grazing.[1] (a) The Uncompahgre National Forest is hereby closed for the period May 1, 1944 to November 30, 1945 to the grazing of horses, excepting those that are lawfully grazing on or crossing land pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Uncompahgre National Forest is located.

Done at Washington, D. C., this 23d day of February 1944.

Witness my hand and the seal of the Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 44–2737; Filed, February 25, 1944; 11:18 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[General Order 10, Supp. 2]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

FORMULAE FOR CALCULATING THE SEA SPEED OF A VESSEL

Whereas, 1. On May 14, 1942, the Administrator issued General Order 10 setting forth formulae for calculating the sea speed of vessels, which formulae reserved to the Administrator the right to demand a trial over a measured mile or other course approved by the Administrator, and further reserved the right to modify or supplement the formula from time to time;

2. The Administrator has heretofore entered into charter agreements with the owners of vessels providing for a scale of rates and values based upon speed, such speed to be determined in accordance with General Order 10, and has is-

[1] This affects tabulation contained in 36 CFR 261.50.

sued insurance binders covering war risk insurance valuations based upon such speed determinations;

3. On December 8, 1942, the Administrator modified and supplemented General Order 10 by issuing Supplement 1 thereto;

4. It now appears that speed certificates calculated pursuant to General Order 10 and Supplement 1 thereto are not satisfactory for certain classes of vessels in that they produce a speed which is in excess of the fair and reasonable speed for the vessels so chartered or insured, and likewise in many instances in excess of the speed contemplated by the parties in connection with such charters and insurance agreements;

5. The Administrator desires to make necessary corrections and adjustments in the formulae set forth in General Order 10, and Supplement 1 thereto so as to avoid certifications of excessive and unreasonably high speeds for vessels chartered or insured by the Administrator;

Now, therefore, *It is hereby ordered*, That: General Order 10 and Supplement 1 thereto are modified, supplemented and superseded so as to read:

§ 302.44 *Method of calculating sea speed of vessels.* The speeds of vessels chartered or insured by the War Shipping Administration on the basis of speed calculations to be determined in accordance with General Order 10 shall be based upon the method of calculation described herein which calculation is to be submitted to the American Bureau of Shipping for checking and certification.

(a) The basis for calculations shall be the data on the vessel as certified in the register of the appropriate Classification Society. The American Bureau Record shall be used except for vessels not having this classification.

(b) The charts and methods outlined in the "Speed and Power of Ships" by D. W. Taylor shall be the basis for determining effective horsepower required, except that of the four methods given therein for wetted surface determination that based on Froude's formula shall be used. Calculations for effective horsepower required shall be made at a speed-length ratio of .60 and corrected to actual speed-length ratio by the cube rule.

(c) The maximum total continuous horsepower available for propulsion (I. H. P., S. H. P., B. H. P.) as determined from the register of the appropriate Classification Society shall be used as a basis for determining the shaft horsepower available except that, for all machinery of a steam reciprocating type, 90 mechanical efficiency shall be used with the I. H. P. The effective horsepower available to be used in conjunction with the speed calculations for single screw vessels shall be determined by multiplying the shaft horsepower available by an appropriate factor based on vessels of 450' length. For all vessels constructed subsequent to January 1, 1925 this factor shall be .50. For vessels constructed prior to January 1, 1925 this factor shall be .50 for vessels having 6,000 SHP or more, .47 for vessels having power less than 6,000 SHP but more than 3,000 SHP, and .44 for vessels having 3,000 SHP or less. The above factors are to be corrected for length with an increase or decrease of .1 per 150' of length that the vessel is greater or less than 450'. (For new vessels 0.4 at 300 feet and 0.6 at 600 feet, etc.)

For twin screw vessels the foregoing factors for single screw vessels shall be reduced by 10%.

§ 302.45 *Other provisions concerning calculation of sea speed; trial in deep water; determinations of the Administrator.* (a) At any time the Administrator has the privilege to request a trial in deep water, either on a standard deep water measured mile or other course approved by the War Shipping Administration. On this trial the operator shall determine to the satisfaction of representatives of the War Shipping Administration the speed at which the vessel runs when the engines are developing 80% of their normal power and the vessel has a mean draft corresponding to its assigned freeboard. All expenses, etc. in connection with such a trial shall be borne by the operator.

(b) Notwithstanding this order, the Administrator will consider the request of any owner for a waiver of the reduction in speed required under this supplement and the acceptance of a speed certificate computed in accordance with General Order 10, Supplement 1, upon submission by the owner of pertinent applicable data proving to the satisfaction of the Administrator that the speed of the vessel as determined in accordance with General Order 10, Supplement 1, is not in excess of fair and reasonable speed satisfactory to the Administrator, but the determinations of the Administrator in this respect shall be final and conclusive.

§ 302.46 *Effective date and applicability.* This order shall be effective as of May 14, 1942 and all certificates heretofore issued by the American Bureau of Shipping shall be corrected, where necessary, to reflect the foregoing if the changes herein are applicable. All certificates of the American Bureau of Shipping heretofore submitted to the Administrator which certify a speed differing from that produced by the foregoing calculations are hereby declared to be unsatisfactory to the Administrator, subject to the provisions of § 302.45 (b) hereof.

8. *Modification or supplementation of formulae.* The formulae set forth herein may be modified or supplemented by such other modifications or formula or formulae as may be adopted from time to time hereafter.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

FEBRUARY 25, 1944.

[F. R. Doc. 44-2738; Filed, February 25, 1944; 11:19 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

WESTERN UNION TELEGRAPH CO.

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of the application of the Western Union Telegraph Company for permission to employ messengers at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938.

Notice is hereby given that the hearing in the above-titled matter scheduled to be held on February 23, 1944, pursuant to notice published in the FEDERAL REGISTER for January 29, 1944 (9 F.R. 1066), has been postponed and will be held in room 1001, 165 West 46th Street, New York, New York, at 10:00 a. m. on March 1, 1944, before Isabel Ferguson, a duly authorized representative of the Administrator.

Notices of intention to appear to offer evidence at said hearing containing the information prescribed by the original notice of hearing, published in the FEDERAL REGISTER on January 18, 1944 (9 F.R. 702), shall be filed with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, not later than February 29, 1944. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the Presiding Officer at the hearing.

Signed at Washington, D. C., this 21st day of February 1944.

WILLIAM R. MCCOMB,
Acting Administrator.

[F. R. Doc. 44-2707; Filed, February 24, 1944; 4:36 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-420, G-434, G-435, G-466, G-511, G-512]

HOPE NATURAL GAS COMPANY

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 22, 1944.

Upon consideration of the following applications filed by Hope Natural Gas Company (hereinafter sometimes referred to as "Applicant") for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended:

(a) Application filed October 6, 1942 (Docket No. G-420), for authority to construct and operate at the West Virginia-Pennsylvania State line facilities to connect with the facilities of Mount Morris Gas Company and to authorize Applicant to sell natural gas to Mount Morris Gas Company for transportation and resale in Pennsylvania; [1]

(b) Application filed March 31, 1943 (Docket No. G-434), for authority to construct and operate 6⅔ miles of 12¾-inch natural-gas pipe line in Geary District, Roane County, West Virginia, to connect Applicant's pipe-line system with the pipe-line system of United Fuel Gas Company at the latter's Lewis Compressor Station for the purpose of increasing the deliverability of Applicant's pipe-line system to serve its present customers in West Virginia, Ohio and Pennsylvania; [2]

(c) Application filed December 16, 1942 (Docket No. G-435), for authority to construct and operate approximately 9¾ miles of 10-inch natural-gas pipe line in Clay District, Harrison County, West Virginia, extending from Applicant's Bridgeport Compressor Station to a point on Applicant's line H-17 leading to its Peora Compressor Station, and the installation and operation of a 500 horsepower gas engine at the Applicant's existing Bridgeport Compressor Station for the purpose of increasing the deliverability of Applicant's pipe-line system to serve its present customers in West Virginia, Ohio and Pennsylvania; [3]

(d) Application filed April 24, 1943 (Docket No. G-466), for authority to acquire from South Penn Natural Gas Company and to operate "such of the facilities hereinafter specified and located in Lewis and Doddridge Counties, West Virginia, as lawfully require such certificate under said section 7":

(i) 5,800 acres of operated leaseholds having drilled thereon some 123 oil wells;

(ii) 2,680 acres of unoperated leaseholds;

(iii) About 65 miles of gathering lines ranging in size from 1-inch to 10-inch;

(iv) One 695 H. P. compressor station with adjacent gasoline extraction plant;

(v) Miscellaneous property and facilities such as warehouses, dwellings and office buildings, meters and regulators; [4]

(e) Application filed December 7, 1943 (Docket No. G-511), for authority to construct and operate at Applicant's existing Cornwell Compressor Station, Kanawha County, West Virginia, the following described facilities:

(i) One gas engine driven gas compressor of 1,000 horsepower;

(ii) Two high stage gas compressors;

(iii) Gas and water coolers and other appurtenant equipment;

In addition, Applicant proposes to revamp some of its existing equipment located at the compressor station. The main changes proposed will consist of strengthening the present station piping system, the replacing of two low stage compressors by high stage compressors and of making a small extension to the present dehydration plant; [5]

(f) Application filed December 7, 1943 (Docket No. G-512), for authority to construct and operate a natural-gas dehydration plant and appurtenant equipment to be located at Applicant's existing Bridgeport Compressor Station in Harrison County, West Virginia; [6]

It appearing to the Commission that:

Good cause exists for consolidating the above-entitled matters for the purposes of hearing;

The Commission orders that:

(A) The proceedings in the above-entitled matters be and they are hereby consolidated for the purposes of hearing;

(B) A public hearing be held commencing on April 12, 1944, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in these proceedings;

(C) Interested State commissions may participate in this hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2735; Filed, February 25, 1944; 11:03 a. m.]

[1] By letter of October 6, 1942, the Company requested a temporary certificate covering the facilities and the sale of natural gas for resale to Mount Morris Gas Company as described. By telegram of October 10, 1942, the Commission granted Applicant temporary authorization to connect its facilities with those of Mount Morris Gas Company and to serve natural gas to such company for resale in the State of Pennsylvania, and thereafter, on October 15, 1942, the Commission issued to Applicant a temporary certificate covering such construction, operation and sale.

[2] Pursuant to telegraphic request therefor filed November 30, 1942, temporary authorization for the construction and operation of the facilities described was granted Applicant by the Commission by telegram of December 1, 1942.

[3] Pursuant to telegraphic request therefor filed November 30, 1942, temporary authorization for the construction and operation of the facilities described was granted Applicant by the Commission by telegram of December 4, 1942.

[4] Pursuant to telegraphic request therefor filed May 7, 1943, temporary authorization for the acquisition and operation of the facilities described was granted Applicant by the Commission by telegram of May 8, 1943.

[5] Pursuant to telegraphic request therefor filed December 27, 1943, temporary authorization for the construction and operation of the facilities described was granted Applicant by the Commission by telegram of January 1, 1944.

[Docket Nos. G-523, G-529]

GODFREY L. CABOT, INC., AND CABOT GAS CORP.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND SUSPENDING PROPOSED INCREASED RATES

FEBRUARY 22, 1944.

It appears to the Commission that:

(a) Godfrey L. Cabot, Inc., is engaged in the sale of natural gas to its wholly-owned subsidiary, Cabot Gas Corporation, and to Producers Gas Company pursuant to the rate schedules designated, respectively, Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 thereto and Godfrey L. Cabot, Inc., Rate Schedule FPC No. 5 and Supplement No. 2 thereto. Natural gas so obtained by Cabot Gas Corporation is in turn resold by it to Pavilion Natural Gas Company pursuant to Cabot Gas Corporation Rate Schedule FPC No. 1 and Supplements Nos. 1, 3 and 7 thereto.

(b) Cabot Gas Corporation sells natural gas at retail in the communities of Hume, Fillmore and Rossburg, New York, in addition to its wholesale sales to Pavilion Natural Gas Company. Producers Gas Company distributes and sells natural gas for ultimate public consumption in portions of Cattaraugus and Allegany Counties, New York. Pavilion Natural Gas Company distributes and sells natural gas for ultimate public consumption in Genesee, Livingston and Wyoming Counties, New York.

(c) By a telegram of January 8, 1944, the Commission authorized the New York State Natural Gas Corporation to make emergency deliveries of natural gas to Godfrey L. Cabot, Inc. Such deliveries are to meet the requirements of the customers of Godfrey L. Cabot, Inc., including Cabot Gas Corporation and Producers Gas Company.

(d) On February 14, 1944, Godfrey L. Cabot, Inc., filed rate schedules providing for the sale of the emergency natural gas referred to in paragraph (c), above, to Cabot Gas Corporation and Producers Gas Company at rates higher than those provided for in the rate schedules now in effect and referred to in paragraph (a), above. Such proposed increased rates are contained, respectively, in Supplement No. 10 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 3 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 5.

(e) On February 14, 1944, Cabot Gas Corporation also filed a schedule of increased rates for the sale to Pavilion Natural Gas Company of the emergency natural gas referred to in paragraph (c), above. Such rate schedule is designated Supplement No. 9 to Cabot Gas Corporation Rate Schedule FPC No. 1.

(f) Unless suspended by Commission order, Supplement No. 10 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1, Supplement No. 3 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 5 and Supplement No. 9 to Cabot Gas Corporation Rate Schedule FPC No. 1 will become effective as of March 15, 1944, pursuant to the provisions of the Natural Gas Act and the amended provisional rules of practice and regulations thereunder.

(g) The proposed increased rates provided for in the aforesaid supplemental rate schedules may result in excessive rates to Cabot Gas Corporation, Producers Gas Company and Pavilion Natural Gas Company and may place an undue burden upon ultimate consumers of natural gas.

(h) By an order entered February 2, 1944, In the Matter of Godfrey L. Cabot, Inc., and Cabot Gas Corporation, Docket No. G-523, the Commission suspended certain other proposed increased rates of those two companies and ordered a hearing thereon. The matters in Docket No. G-523 and in this proceeding may involve substantially similar issues.

The Commission finds that:

(1) It is necessary, desirable, and in the public interest that a hearing be

held concerning the lawfulness of the proposed increased rates for the sale of emergency gas and that such proposed increased rates be suspended pending hearing and decision thereon.

(2) Good cause exists for consolidating for purposes of hearing this matter (Docket No. G–529) and the matters involved in Docket No. G–523.

The Commission orders that:

(A) This matter (Docket No. G–529) and the matters involved in Docket No. G–523 be and they are hereby consolidated for the purposes of hearing.

(B) A public hearing be held commencing on March 7, 1944, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N.W., Washington, D. C., concerning the lawfulness of the proposed increased rates, subject to the jurisdiction of the Commission, contained in Supplement No. 10 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1, Supplement No. 3 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 5, Supplement No. 9 to Cabot Gas Corporation Rate Schedule FPC No. 1, and concerning the proposed increased rates suspended in Docket No. G–523.

(C) Pending such hearing and decision thereon, Supplement No. 10 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1, Supplement No. 3 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 5 and Supplement No. 9 to Cabot Gas Corporation Rate Schedule FPC No. 1, insofar as those schedules provide for increased rates other than for the sale of natural gas for resale for industrial use only, be and they are hereby suspended until August 15, 1944, or until such time thereafter as such increased rates shall be made effective in the manner prescribed by the Natural Gas Act.

(D) During the period of such suspension, the rates of Godfrey L. Cabot, Inc., to Cabot Gas Corporation and Producers Gas Company contained, respectively, in Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 thereto and Godfrey L. Cabot, Inc., Rate Schedule FPC No. 5 and Supplement No. 2 thereto, and the rates of Cabot Gas Corporation to Pavilion Natural Gas Company contained in Cabot Gas Corporation Rate Schedule FPC No. 1 and Supplements Nos. 1, 3, and 7 thereto shall remain and continue in full force and effect, except insofar as such schedules may be for the sale of natural gas for resale for industrial use only.

(E) At the hearing in these matters, the burden of proof to show that the proposed increased rates are just and reasonable shall be upon Godfrey L. Cabot, Inc., and Cabot Gas Corporation, as provided in section 4 (e) of the Natural Gas Act.

(F) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44–2736; Filed, February 25, 1944; 11:03 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 176, Special Permit 27]

REFRIGERATION OF PACKAGED CHEESE

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of five (5) refrigerator cars with mixed shipments of cheese in packages and in jars by Kraft Cheese Company, Freeport, Illinois, and the movement of the five refrigerator cars so loaded from that point between February 17 and 19, 1944, to Jersey City, New Jersey, with stop-overs at Albany and Syracuse, New York, and with stop-overs at Baltimore, Cumberland, Philadelphia and Cambridge.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44–2745; Filed, February 25, 1944; 11:43 a. m.]

[S. O. 178, Special Permit 3, Amended]

REFRIGERATION OF CERTAIN COOKING FATS AND OILS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of not to exceed five (5) refrigerator cars per day with lard substitutes, vegetable oil shortening, or cooking and salad oil by the Capital City Products Company, Columbus, Ohio, destined to points in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, or Pennsylvania, and the movement of not over five (5) refrigerator cars per day when so loaded by the Capitol City Products Company, from Columbus, Ohio, to destinations in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, or Pennsylvania.

The waybills shall show reference to this special permit.

This permit shall expire at 12:01 a. m., April 1, 1944.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44–2746; Filed, February 25, 1944; 11:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order A–1 Under MPR 188, Amdt. 28]

DENNING'S POINT BRICK CO., ET AL.

MODIFICATION OF MAXIMUM PRICES

Amendment No. 28 to Order No. A–1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Subparagraph (a) (6) of Order No. A–1 is amended to read as follows:

(a) *Modification of maximum prices of Maximum Price Regulation No. 188.* The provisions of Maximum Price Regulation No. 188 as applied to certain commodities subject thereto are modified in accordance with § 1499.159b of Maximum Price Regulation No. 188 as hereinafter provided.

* * * * *

(6) *Modification of maximum prices for Hudson River common brick sold in the Metropolitan New York City Area—* (i) *Scope of modification.* The maximum prices fixed by this subparagraph apply to manufacturers' sales of Hudson River common brick in the Metropolitan New York City area and to the resale of such brick by persons other than manufacturers.

"Hudson River common brick" means a standard size, kiln run, soft mud brick produced by the Denning's Point Brick Company, Brockway, New York; East Kingston Brick Company, Incorporated, East Kingston, New York; The Jova Brick Works, Roseton, New York; The Hutton Company, Kingston, New York; Powell and Minnock Brick Works, Incorporated, Coeymans, New York; Roah Hook Brick Company, Coeymans, New York; Sutton and Suderley Brick Company, Coeymans, New York; and The Terry Brothers Company, Kingston, New York.

The term also includes standard size salmon or Number 2 brick; barium treated brick; special color brick; brick selected for facing purposes; oversize or jumbo brick, uncolored or colored; and a Hard Brick, such as that manufactured by the Nassau Brick Company, Inc., Farmingdale, New York, which meet Federal Specification Physical Requirements "E–2, H Grade" SS–B–656, issued June 28, 1932.

"Metropolitan New York City area" means that area of New York State lying east of the Hudson River and west of a line directly connecting Ossining, New York with Rye, New York and that portion of Long Island and New York City which lies west of the boundary between Nassau and Suffolk Counties. It also includes Staten Island, the west bank of the Hudson River south of Haverstraw, New York, and the waters of the Passaic and the Hackensack Rivers, and the tributary waters of such rivers, as far north as Passaic, New Jersey, and Hackensack, New Jersey, respectively.

(ii) *Maximum prices for producers.* (a) On and after February 26, 1944, no producer may sell, offer to sell, or deliver any kiln run, standard size Hudson River common brick, and no person may buy or receive, in the course of trade or business, any kiln run, standard size Hudson River common brick from a producer thereof, at a price higher than $14.00 per M delivered in the Metropolitan New York City area.

(b) On and after February 26, 1944, no producer may sell, offer to sell, or deliver any oversize, or jumbo Hudson River common brick of any type, or any standard size Hudson River common brick of a special type, such as barium treated brick, special color brick, or brick selected for facing purposes, and no person may buy or receive, in the course of trade or business, any such brick from a producer thereof at a price higher than the following maximum prices: The maximum price which each producer may charge for such brick is the maximum price which he was permitted to charge for such brick under the provisions of Maximum Price Regulation No. 188, plus $1.00 per M for standard size brick of any type other than kiln run commons or $1.25 per M for oversize, or jumbo Hudson River common brick of any type delivered in the Metropolitan New York City area.

(c) The maximum prices fixed in subdivisions (a) and (b) for producers are subject to an allowance of $1.00 per thousand for unloading, and $0.50 per thousand for cash payment. The terms under which such allowances are given shall not be made more onerous to the purchaser than those in effect in March 1942.

(d) On and after February 26, 1944, no producer may sell, offer to sell, or deliver any "H" Grade Hudson River common brick and no person may buy or receive, in the course of trade or business any "H" Grade Hudson River common brick from a producer thereof, at a price higher than the producer was permitted to charge for such brick under the provisions of Maximum Price Regulation No. 188, plus $1.00 per thousand for standard size brick or $1.25 per thousand for oversize or jumbo brick.

(e) The maximum prices fixed in subdivision (d) for producers are subject to an allowance of $0.50 per thousand for cash payment. The terms under which such allowances are given shall not be made more onerous to the purchaser than those in effect in March 1942.

(iii) *Notification to purchasers by producers.* Every producer of Hudson River common brick shall send the following notice to every purchaser of such brick at the time of billing:

Amendment No. 28 to Order No. A–1 under § 1499.159b of Maximum Price Regulation No. 188 granted us a price increase on Hudson River common brick. The prices charged you for Hudson River common brick are not higher than the maximum prices which we are permitted to charge you under the provisions of that amendment. The amendment also provides that any person purchasing and taking delivery of Hudson River common brick in the Metropolitan New York City area, as defined in the amendment, for resale in substantially the same form, may add to his maximum price for each class of purchaser $1.00 for standard size Hudson River common brick and $1.25 for oversize, or jumbo brick as determined under the General Maximum Price Regulation.

This notice is given to you at the express direction of the Office of Price Administration.

(iv) *Maximum prices for dealers.* (a) On and after February 26, 1944, any person who purchases and takes delivery of Hudson River common brick in the Metropolitan New York City area, as defined in (i) above, for resale in substantially the same form, may sell and deliver to any destination Hudson River common brick at the maximum price which he was permitted to charge for such brick under the provisions of the General Maximum Price Regulation plus any increase in cost resulting from the adjustments permitted herein for producers, but in no event to exceed $1.00 per M for standard size Hudson River common brick of any type or $1.25 per M for oversize, or jumbo Hudson River common brick.

(b) The maximum prices fixed under (a) above shall be subject to at least the same extension of cash, quantity, and other discounts, the same absorption of transportation charges, and the same rendition of services as the seller extended, absorbed, or rendered on comparable sales to purchasers of the same class during March 1942.

This Amendment No. 28 shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2748; Filed, February 25, 1944; 11:54 a. m.]

[MPR 188, Order 19 Under Order A–2]

GEORGIA TALC CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 19 under Order No. A–2 under Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion, issued simultaneously herewith, and pursuant to paragraph (a) (10) of Order No. A–2 under § 1499.159b of Maximum Price Regulation No. 188, *It is hereby ordered*, That:

(a) Specific authorization is hereby granted to the Georgia Talc Company, the Western Carolina Talc Company, and the Southern Talc Company, all of Asheville, North Carolina, to increase their established maximum prices for sawed talc and soapstone crayons established by Maximum Price Regulation No. 188, as amended, by an amount not in excess of 5 percent per gross, f. o. b. mill.

(b) Any person purchasing sawed talc or soapstone crayons from the companies named above may resell such products at prices not in excess of his established maximum price therefor, adjusted upwards by an amount not in excess of his actual dollars-and-cents increase in cost resulting from the increases permitted the companies listed above by virtue of paragraph (a) hereof.

The Georgia Talc Company, the Western Carolina Talc Company, and the Southern Talc Company shall submit such reports to the Office of Price Administration as it may from time to time require.

This order may be revoked or amended at any time.

This Order No. 19 shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2749; Filed, February 25, 1944; 11:53 a. m.]

Regional and District Office Orders.

[Region I Order G–35 Under 18 (c)]

FIREWOOD IN VERMONT

Order No. G–35 under section 18 (c) of the General Maximum Price Regulation. Firewood in Vermont.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, it is hereby ordered:

(a) *Maximum prices for firewood.* For firewood sold or delivered in the State of Vermont the maximum prices established by the General Maximum Price Regulation are modified, so that the maximum prices for firewood sold or delivered in the State of Vermont in the transactions listed below shall be the prices (in dollars and cents) specified in paragraph (d) hereof.

(b) *Evasion.* (1) The price limitations set forth in this Order No. G–35 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in the State of Vermont, alone or in conjunction with any other commodity or by way of commission, service,

transportation, or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(2) The maximum prices established in this Order No. G–35 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased for prompt payment on March 1, 1942.

(c) *Definitions.* The definitions set forth in section 302 of the Emergency Price Control Act, as amended, and in section 20 of the General Maximum Price Regulation shall apply to the terms used in this Order except when the context otherwise requires and except that the terms listed below shall be construed as follows:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any Government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Firewood" means any wood prepared and intended for consumption as fuel.

(3) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(4) "Hardwood cordwood" is divided into two classifications:

(i) "First quality hardwood cordwood" means any cordwood containing only straight sticks of wood cut from any deciduous trees, such as beech, birch, maple, hickory, oak and similar species, and not containing any large knots, crotches, or decay. Such sticks must be at least three (3) inches in diameter.

(ii) "Second quality hardwood cordwood" means any cordwood cut from any deciduous tree which does not meet the requirements set forth in the definition of first quality hardwood cordwood in paragraph (c) (4) (i) above. Second quality hardwood cordwood may contain sticks of knotty, crotched or heart rotted character.

(5) "Softwood cordwood" means all cordwood other than hardwood cordwood.

(6) "A cord". A cord shall contain 128 cubic feet of wood. A cord of 16-inch wood shall contain the equivalent of three piles of wood 4 feet high, 8 feet long and 16 inches wide. A cord of 12-inch wood shall contain the equivalent of four piles of wood 4 feet high, 8 feet long and 12 inches wide. No cord of wood of any length shall contain less than 128 cubic feet of wood. Because of the widespread practice in Vermont of selling firewood by the "run", and to insure that there shall be no misunderstanding of the meaning of this term, this order establishes that:

(i) A run of 12 inch wood shall contain 32 cu. ft.

(ii) A run of 16 inch wood shall contain 42⅔ cu. ft.

(iii) A run of 24 inch wood shall contain 64 cu. ft.

(7) "Fitted wood" shall be cordwood firewood suitable for stove use, sawed and split to buyer's order.

(8) "Slab wood" means the refuse, except sawdust and bark not adhering to the wood, from sawing any logs.

(9) "Wood waste" means edging, bobbin wood, clippings, and any other wooden material, except sawdust and slab wood, produced in the course of milling or processing of wood.

(10) "Delivered" means deposited on or at premises designated by the buyer.

(11) "Kindling wood" shall mean any hardwood or softwood, including wood waste, split and prepared so as to be primarily used to start or kindle a fire.

(12) "Retail yard" is an establishment which meets all of the following tests:

(i) It customarily purchases from others all or a portion of firewood it offers for sale.

(ii) It regularly maintains stocks of different types of firewood defined in this Order.

(iii) It maintains storage facilities and processing equipment.

(iv) It is prepared to make and does make prompt deliveries of the various types of firewood out of its yard stock, in small or large quantities to ultimate consumers.

(d) *Maximum prices for firewood sold or bought in the State of Vermont:* (1) On and after the effective date of this Order No. G–35 no person shall sell or deliver, and no person shall buy or receive any firewood in the State of Vermont at prices higher than the maximum prices set forth in Tables I and II hereinafter set forth.

(2) In sales of fitted wood two dollars ($2.00) per cord may be added to the maximum prices for cordwood listed in Table I below.

(3) The classifications of firewood listed herein in Tables I and II may be mixed but the maximum prices of each sale of mixed firewood shall be the maximum price for the classification in the mixture having the lowest established maximum price.

(4) In sales of unseasoned or green firewood the seller shall deduct ten (10) per cent from the applicable maximum price established in Table I.

TABLE I

	In the woods	At the roadside	Delivered to a retail yard	At retail yard	Delivered at consumer's premises: From a retail yard: Cut 4'	From a retail yard: Cut 24"	From a retail yard: Cut 16"	From a retail yard: Cut 12"	From other sources: Cut 4'	From other sources: Cut 24"	From other sources: Cut 16"	From other sources: Cut 12"
1st quality hardwood cordwood per cord 4'	$7.50	$9.50	$11.50	$12.00	$13.50				$12.50			
1st quality hardwood cordwood, cut 12", 16" or 24", per cord		12.50		14.50		$16.00	$17.00	$17.00		$15.50	$16.50	$16.50
1st quality hardwood cordwood, per single run:												
Run of 12"–32 cu. ft.						8.25	5.90	4.50		8.00	5.75	4.40
Run of 16"–42⅔ cu. ft.												
Run of 24"–64 cu. ft.												
2d quality hardwood cordwood and softwood, cordwood, per cord of 4' wood	4.50	6.50	8.50	9.00	10.50				9.50			
2d quality hardwood cordwood and softwood cordwood, cut 12", 16", and 24" per cord		9.00		11.00		13.00	13.00	13.00		12.50	12.50	12.50
2d quality hardwood cordwood and softwood cordwood, per single run:												
Run of 12"–32 cu. ft.						6.75	4.60	3.50		6.50	4.40	3.40
Run of 16"–42⅔ cu. ft.												
Run of 24"–64 cu. ft.												

NOTE: (1) In sales of fitted wood two dollars ($2.00) per cord may be added to maximum prices for cordwood listed in above table. (2) In sales of unseasoned or green wood the seller shall deduct 10% from the applicable maximum price in table above. (3) When more than a single run is sold, but less than a cord, the maximum price shall be according to the proportion which the quantity delivered bears to a full cord.

TABLE II

	At the mill	At retail yard	Delivered at Consumer's Premises: Cut 4'	Cut 24"	Cut 16"	Cut 12"	Per cubic foot in baskets or containers piled 9 cubic feet or less	Per cubic foot closely packed and in quantities of more than 9 cubic feet
Hardwood slabwood, 4 ft. or over, per cord	$4.00	$5.00	$6					
Hardwood slabwood, 12", 16" or 24", per cord	5.50	11.00		$12	$12	$14		
Softwood slabwood, 4 ft. or over, per cord	3.00	4.50	5					
Softwood slabwood, 12", 16", or 24", per cord	3.50	8.00		9	9	10		
Softwood kindling			11				$0.13	
Hardwood kindling							.17	

(e) The provisions of this order shall be applicable throughout the State of Vermont.

(f) On and after its effective date, this Order G–35 supersedes Order G–26 issued June 8, 1943, as to all sales and deliveries for which maximum prices are fixed by this Order G–35.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44–2697; Filed, February 24, 1944; 1:39 p. m.]

[Region II Order G–4 Under SR 15]

FLUID MILK IN NEW JERSEY

Order No. G–4 under § 1499.75 of Supplementary Regulation 15 to the General Maximum Price Regulation. Adjusted maximum prices for fluid milk sold and delivered in glass or paper containers to subdealers in Milk Marketing Area No. 4 in the State of New Jersey.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 of Supplementary Regulation 15 to the General Maximum Price Regulation, *It is hereby ordered*, That:

(a) On and after February 26, 1944, the maximum price of fluid milk sold or delivered by milk processors at wholesale in glass or paper containers to subdealers in that portion of the State of New Jersey hereinafter defined as Milk Marketing Area No. 4, shall be the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation or the applicable adjusted maximum price for the particular grade and quantity specified in the following schedule, whichever is higher.

Type of milk	Average daily quantity on weekly basis	Adjusted maximum price
Grade A or premium milk	1 to 300 quarts	13½¢ per qt.
	301 quarts or more	13½¢ per qt.
	Pint (any quantity)[1]	7½¢ per pt.
	Half-pint (any quantity)[1]	4½¢ per ½ pt.
Milk with butterfat content in excess of 4% but not grade A or premium milk.	1 to 120 quarts	13½¢ per qt.
	121 to 1200 quarts	13¢ per qt.
	1201 quarts or more	12½¢ per qt.
	Pint (any quantity)[1]	7½¢ per pt.
	Half-pint (any quantity)[1]	3¾¢ per ½ pt.
Milk with 4% butterfat content or less but not grade A or premium milk.	1 to 120 quarts	12½¢ per qt.
	121 to 1200 quarts	12¢ per qt.
	1201 quarts or more	11½¢ per qt.
	Pint (any quantity)[1]	6¾¢ per pt.
	Half-pint (any quantity)[1]	3½¢ per ½ pt.

[1] Where permitted by Food Distribution Order No. 11 issued by the Food Distribution Administration.

(b) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent.

(c) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter or by supplementary order which may be contrary hereto.

(d) *Geographical applicability.* This order applies to all sales of fluid milk in glass or paper containers to subdealers who resell such milk within the geographical limits of Milk Marketing Area No. 4 in the State of New Jersey as hereinafter defined.

(e) Unless the context manifestly otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms herein.

(f) *Definitions.* (1) "Fluid milk" means cow's milk produced, processed, distributed and sold for human consumption in fluid form as whole milk.

(2) "Subdealer" means any milk dealer handling milk within that portion of the State of New Jersey known as Milk Marketing Area No. 4, who purchases fluid milk in glass or paper containers from processors and resells all such milk to consumers, stores, hotels, restaurants and institutions within said area in the same containers as those in which he purchases it from such processors.

(3) "Milk processor" means a person who processes fluid milk and sells such milk in paper or bottle containers to subdealers.

(4) "Grade A or Premium milk" means "New Jersey Grade A Pasteurized Milk" or "New Jersey Grade A Raw Milk" as defined in "Official Grades for Raw and Pasteurized Milk and Cream" issued by the Secretary of Agriculture of the State of New Jersey in January 1939 as revised February 1, 1942.

(5) "Milk with butterfat content in excess of 4% but not Grade A or Premium Milk" means "New Jersey Grade B Pasteurized Milk" as defined in "Official Grades for Raw and Pasteurized Milk and Cream" issued by the Secretary of Agriculture of the State of New Jersey in January 1939 as revised February 1, 1942 and containing a butterfat content in excess of 4%.

(6) "Milk with 4% butterfat content or less but not Grade A or Premium Milk" means "New Jersey Grade B Pasteurized Milk" as defined in "Official Grades for Raw and Pasteurized Milk and Cream" issued by the Secretary of Agriculture of the State of New Jersey in January 1939 as revised February 1, 1942 and containing a butterfat content of 4% or less but not less than 3.5%.

(7) "Milk Marketing Area No. 4" means that portion of the State of New Jersey consisting of the counties of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union.

This order shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44–2698; Filed, February 24, 1944; 1:40 p. m.]

[Region II Order G–29 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN NASSAU AND SUFFOLK COUNTIES, N. Y.

Order No. G–29 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in Nassau and Suffolk Counties, except Fishers Island, State of New York—Coal Area III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does*—(1) *Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in the zones comprising State of New York—Coal Area III. That area consists of three zones, as follows:

Zone 1—Zone 1 includes all of Nassau County.

Zone 2—Zone 2 includes all of Suffolk County except the towns of Southampton, East Hampton, Southold and Shelter Island.

Zone 3—Zone 3 includes the towns of Southampton, East Hampton, Southold, except Fishers Island, and Shelter Island, in Suffolk County.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within

Zones 1, 2 and 3 are set forth in Schedules I, II and III, respectively.

(3) *To what sales this order applies.* If you are a dealer in anthracite you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Zones 1, 2 and 3.

You shall determine the maximum price for "direct-delivery" sales, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the three zones.

You shall determine your maximum price for a "yard" sale, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone in which the purchaser takes physical possession or custody of the anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the Schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum prices as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to sales on a "Direct-delivery" basis, "Yard sales," and "Sales of bagged coal," within Zone 1. You will find Schedule I in paragraph (d). In like manner, Schedules II and III apply to similar sales in Zones 2 and 3, respectively. You will find Schedule II in paragraph (e) and Schedule III in paragraph (f).

(2) Take the dollars-and-cents figure set forth in the applicable schedule, for the sizes and quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified in each schedule. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the schedules.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Zone I. There is a separate table of prices for "Direct-Delivery" sales, "Yard Sales", and "Sales of Bagged Coal" in 25 lb. paper bags.

(1) *Sales on a "Direct-Delivery" Basis.* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 pounds for sales of 100 pounds or more but less than ½ ton	Per 50 pound paper bag
Broken, egg, stove, nut	$14.90	$7.95	$1.00	$0.55
Pea	13.35	7.20	.90	.50
Buckwheat	11.05	6.05	.85	
Rice	9.95	5.50		
Barley	9.10	5.05		
Screenings "A"[1]	7.00	3.50		
Screenings "B"[1]	4.10	2.05		

[1] See definition in paragraph (r) (5).

Required discounts. You shall deduct from the prices set forth in Table (1) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

Maximum Authorized Service Charges (Cents per Net Ton)

Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."* For sales of anthracite of the sizes and in the quantities specified to dealers and to consumers:

Size	Per net ton, for sales of ½ ton or more		Per 100 pounds for sales of 100 pounds or more but less than ½ ton	Per 50-pound paper bag
	To dealers for resale	To consumers		
Broken, egg, stove, nut	$13.15	$13.90	$0.90	$0.50
Pea	11.60	12.35	.80	.45
Buckwheat	9.55	10.05	.75	
Rice	8.95	8.95		
Barley	7.45	8.10		
Screenings "A"[1]	5.00	5.00		
Screenings "B"[1]	2.10	2.10		

[1] See definition in paragraph (r) (5).

Required discounts. You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

(3) *"Sales of bagged coal" (maximum price per 25 lb. bag):*

Size	Delivered at dealer's yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers for resale	To consumers		
Nut	$0.23	$0.25	$0.25	$0.28

(e) *Schedule II.* Schedule II establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 2. There is a separate table of prices for "Direct-Delivery" sales, "Yard Sales", and "Sales of Bagged Coal" in 25 lb. paper bags.

(1) *Sales on a "direct-delivery" basis.* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 pounds for sales of 100 pounds or more, but less than ½ ton	Per 50 pound paper bag
Broken, egg				
Stove, nut	$15.20	$8.10	$1.00	$0.55
Pea	13.65	7.35	.90	.50
Buckwheat	11.30	6.15	.85	
Rice	10.20	5.60		
Barley	9.10	5.05		
Screenings "A"[1]	7.00	3.50		
Screenings "B"[1]	4.10	2.05		

[1] See definition in paragraph (r) (5).

Required discounts. You shall deduct from the prices set forth in Table (1) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton, and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

Maximum Authorized Service Charges (per net ton)

Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	$1.00
Carrying upstairs provided that the coal is carried not less than one full flight above the ground floor. This charge shall be in addition to any charge for "carry" or "wheel"	1.00

(2) *"Yard sales".* For sales of anthracite of the sizes and in the quantities specified to dealers and to consumers:

Size	Per net ton, for sales of ½ ton or more		Per 100 pounds for sales of 100 pounds or more but less than ½ ton	Per 50-pound paper bag
	To dealers for resale	To consumers		
Broken, egg, stove, nut	$12.95	$14.20	$0.90	$0.50
Pea	11.40	12.65	.80	.45
Buckwheat	9.55	10.30	.75	
Rice	8.45	9.20		
Barley	7.35	8.10		
Screenings "A"[1]	5.00	5.00		
Screenings "B"[1]	2.10	2.10		

[1] See definition in paragraph (r) (5).

Required discounts. You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

(3) *"Sales of bagged coal" (maximum price per 25 lb. bag):*

Size	Delivered at dealer's yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers for resale	To consumers		
Nut	$0.23	$0.25	$0.25	$0.28

(f) *Schedule III.* Schedule III establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 3. There is a separate table of prices for "Direct-Delivery" sales, "Yard Sales", and "Sales of Bagged Coal" in 25 lb. paper bags.

(1) *Sales on a "direct-delivery" basis.*

Size	Per net ton	Per net ½ ton	Per 100 pounds for sales of 100 pounds or more but less than ½ ton	Per 50-pound paper bag
Broken, egg, stove, nut	$15.75	$8.40	$1.00	$0.55
Pea	14.20	7.60	.90	.50
Buckwheat	12.05	6.55	.85	
Rice	11.70	6.35		
Barley	9.20	5.10		
Screenings	4.10	2.05		

Required discounts. You shall deduct from the prices set forth in Table (1) of this schedule on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within five days after delivery. Nothing herein requires you to sell on other than a cash basis.

Maximum Authorized Service Charges

Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton).	$1.00 per net ton
Carrying upstairs, provided that the coal is carried not less than one full flight above the ground floor. This charge shall be in addition to any charge for "carry" or "wheel".	$1.00 per net ton
On all deliveries to the Town of Shelter Island.	$2.00 per truckload. If more than one delivery is made from one truckload, this charge shall be apportioned among the recipients of the fuel, on a tonnage basis.

(2) *"Yard sales."* For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of ½ ton or more	Per 100 pounds for sales of 100 pounds or more but less than ½ ton	Per 50-pound paper bag
Broken, egg			
Stove, nut	$14.75	$0.90	$0.50
Pea	13.20	.80	.45
Buckwheat	11.05	.75	
Rice	10.70		
Barley	8.20		
Screenings	2.10		

Required discounts. You shall deduct from the prices set forth in Table (2) of this schedule, on sales and deliveries of all sizes except screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within five days after delivery. Nothing herein requires you to sell on other than a cash basis.

(3) *"Sales of bagged coal" (maximum price per 25 lb. bag).*

Size	Delivered at dealer's yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers for resale	To consumers		
Nut	$0.23	$0.25	$0.25	$0.28

(g) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "Direct-delivery" sale, "Yard sale", or "Sale of bagged coal", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle, or in the bags, in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(h) *Ex Parte 148; freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order, you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of New York or any political subdivision thereof, you need not state this tax separately.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1, Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(p) *Posting of maximum prices: Sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the New York District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(r) *Definitions and explanations.* When used in this Order No. G-29, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the Schedule herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the State of New York—Coal Area III with such designation during December 1941.

"Screenings A" are screenings derived from the primary or initial screening of egg, stove, nut, pea, and buckwheat sizes of anthracite, before any of these sizes have been reclaimed from screenings.

"Screenings B" are the resultant screenings after buckwheat and larger sizes of anthracite have been reclaimed from "Screenings A".

(6) "Direct-delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle, or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from the seller's truck in the course of "direct delivery".

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(9) "Delivered at dealer's yard" as applied to "sales of bagged coal", means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to "sales of bagged coal", means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumer" as applied to "sales of bagged coal", means sales by dealers, other than sales at a dealer's yard, whether or not delivered to the consumer's premises.

(12) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in Sections 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(s) *Effect of order on Revised Maximum Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

Effective date. This order shall become effective February 23, 1944.

NOTE: The record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-2699; Filed, February 24, 1944; 1:40 p. m.]

[Region IV Order G-3 Under MPR 122, Amdt. 1]

SOLID FUELS IN FULTON AND DE KALB COUNTIES, GA.

Amendment No. 1 to Order No. G-3 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in Fulton and De Kalb Counties in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and paragraph (i) of Order No. G-3 under said section: *It is hereby ordered,* That paragraph (c) (1) of said Order No. G-3 be amended to read as set forth below:

(c) *Price Schedule I: Sales on a "direct delivery or domestic" basis.* (1) Price Schedule I sets forth maximum prices for retail sales of specified sizes, kinds and quantities of solid fuels delivered to consumers at any point in Fulton and De Kalb Counties of the State of Georgia. The provisions of Supplementary Order No. 1 to Order No. G-3 and other orders issued December 1, 1943, and effective November 29, 1943, shall not apply to the prices established in this paragraph (c) (1); insofar as the prices set forth below in this paragraph (c) (1) are concerned, the provisions of said Supplementary Order No. 1 are hereby revoked.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton (2,000 pounds)	Per ½ ton (1,000 pounds)	Per ¼ ton (500 pounds)
Lump, chunk, or block	$9.40	$4.95	$2.73
Egg	9.15	4.83	2.66
Stoker	9.15	4.83	2.66
Stoker size Group 10 (A) Classification	9.50	5.00	2.75
Nut and slack	6.90	3.70	2.10

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 13

Size	Per ton (2,000 pounds)	Per ½ ton (1,000 pounds)	Per ¼ ton (500 pounds)
Lump, chunk, or block	$9.30	$4.90	$2.71
Egg	9.05	4.78	2.64
Stoker	9.50	5.00	2.75
Nut and slack	6.90	3.65	2.08
Montevallo "block	10.50	5.50	3.01

This Amendment No. 1 to Order No. G-3 shall become effective February 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 18, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44-2700; Filed, Feburay 24, 1944; 1:39 p. m.]

[Region VI Order G-7 Under MPR 165, Amdt. 2]

LAUNDRY SERVICES IN CHICAGO AREA

Amendment No. 2 to Order No. G-7 under Maximum Price Regulation No. 165. Services. Family power laundry services in the Chicago area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1499.114 (d) of Maximum Price Regulation No. 165, and for reasons stated in the opinion issued herewith, *It is ordered,* That section (l) be added after section (k) to read as follows:

(l) *Definition of "silk".* Wherever the term "silk" or "silk garments" is used in this order or appendix, the term shall be deemed to include any garments made from any fabric so constructed that either the warp or the woof consists predominantly of rayon fiber.

This amendment No. 2 to General Order G-7 shall become effective March 1, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78 Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-2701; Filed, February 24, 1944; 1:39 p. m.]

[Region VI Order G-10A Under RMPR 122, Con.]

ROUTT COUNTY COAL IN CHICAGO REGION

Correction to Order No. G-10 redesignating it as Order No. G-10A under § 1340.259 (a) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Routt County coal sold in Region VI.

In order to eliminate a duplication in the designation of orders, under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) of Revised Maximum Price Regulation No. 122, *It is ordered,* That Order No. G-10 under § 1340.259 (a) of Revised Maximum Price Regulation No. 122 bearing the title "Routt County Coal Sold in Region VI" be and it is hereby redesignated as Order No. G-10A under § 1340.259 (a) of Revised Maximum Price Regulation No. 122.

This order shall become effective immediately.

(56 Stat. 23, 765, Pub. Laws, 151, 78 Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-2702; Filed, February 24, 1944; 1:39 p. m.]

OFFICE OF WAR MOBILIZATION.

UNIFORM TERMINATION ARTICLE FOR GOVERNMENT FIXED PRICE WAR SUPPLY CONTRACTS

RECOMMENDATIONS OF JOINT CONTRACT TERMINATION BOARD

At the time of the issuance by this office of the directive order to all procurement agencies dated January 8, 1944 (9 F.R. 478), which made effective a uniform termination article for government fixed price war supply contracts, it was stated that certain exceptions thereto were under consideration. The directive order accordingly required that situations in which it was deemed impracticable to use the article should be reported to this office for further instructions. Such reports having been made, that order is hereby amended to include the following provisions in order to make effective certain exceptions recommended by the Joint Contract Termination Board:

1. The Uniform Termination Article for Fixed Price Supply Contracts, providing for termination at the option of the Government, (which was promulgated by the Office of War Mobilization in its directive order of January 8, 1944, and which incorporates by reference the Statement of Principles for Determination of Costs Upon Termination of Government Fixed Price Supply Contracts) will be used, from the dates fixed as provided in paragraph 2 below, by the War, Navy and Treasury Departments, the Maritime Commission, Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Company, Rubber Reserve Company and Foreign Economic Administration, in all fixed price contracts made by them for the manufacture in continental United States of war supplies and equipment, unless exempted by the Office of War Mobilization prior to the execution of the contract: *Provided,*

That any such department or agency may elect not to use the article in any of the following classes of contracts:

a. Contracts for an amount of less than $50,000 regardless of the date of delivery;

b. Contracts for an amount of less than $500,000 providing for delivery within six months;

c. Letters of intent and other preliminary contractual arrangements which contemplate the subsequent execution of formal contracts;

d. Contracts of Governmental departments, agencies and instrumentalities with instrumentalities of the Government or with States or subdivisions or instrumentalities thereof;

e. Contracts for the purchase of a material which is manufactured either as a by-product or a co-product in an integrated operation from a common raw material source in such manner that the cost of its manufacture is not susceptible of separate determination;

f. Contracts or purchase orders made in the name of and on behalf of the Government, by a contractor under a cost or cost plus contract with the Government, for the purchase of materials, supplies and equipment required for or in connection with the construction of Government owned plants and facilities;

g. Contracts, including so-called pool orders and commitment contracts, for the production of materials, supplies and equipment which provide that completed items produced under the contract and furnished to the Government shall be paid for at a price intended to exclude profit;

h. Requirement or open end contracts.

2. The article will be used by the above mentioned agencies and departments in all contracts executed more than thirty days after the publication of the article and statement by the particular department or agency, which publication shall take place as soon as practicable. The earlier use of the article is optional with the department or agency.

3. Each of the above mentioned departments or agencies will give to holders of existing contracts (exclusive of those within any classes excepted under paragraph 1a to h) the earliest practicable opportunity, by regulation or otherwise, to amend their contracts to include the article, in substitution for any existing provision for termination thereof without regard to default and for the convenience or at the option of the Government.

4. Any other department or agency of the Government contracting for the manufactuer of war supplies and equipment in continental United States under fixed price contracts will use the article in such contracts wherever it deems such use to be feasible.

JAMES F. BYRNES,
Director.

THE WHITE HOUSE,
February 24, 1944.

[F. R. Doc. 44-2727; Filed, February 25, 1944; 9:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-835]

ASSOCIATED ELECTRIC COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of February 1944.

Associated Electric Company, a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a), 10, and 12 (d) thereof and Rule U-44 promulgated thereunder; said application-declaration, as amended, being concerned with the sale to William E. Vogelback, a non-affiliate, for the base price of $750,000, of all the outstanding securities and indebtedness of a subsidiary, Union Gas & Electric Company; a part of the consideration being payable in accordance with the terms of a five-year Purchase Money Note in the face amount of $700,000, secured by a pledge of the Securities and other indebtdness to be sold; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion therein;

It is hereby ordered, That, pursuant to the applicable provisions of said Act, the aforesaid application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2704; Filed, February 24, 1944; 3:56 p. m.]

[File No. 70-852]

NORTHERN STATES POWER COMPANY (MINNESOTA)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of February 1944.

Northern States Power Company (Minnesota), a registered holding company which is also a public-utility company and a subsidiary of Northern States Power Company (Delaware), a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by competitive bidding, pursuant to the requirements of Rule U-50, of $5,000,000 principal amount of its First Mortgage Bonds, Series due February 1, 1974; and the issue and sale to commercial banks of 2¼% Serial Notes in the principal amount of $4,000,000; and

The Commission having, on February 9, 1944, filed its findings and opinion and entered an order herein permitting said declaration to become effective, subject to the condition that the issue and sale of the bonds should not be consummated until the results of the competitive bidding had been supplied by amendment and a further order should have been entered in these proceedings; and

The declarant having, on this date, filed an amendment to said declaration stating in substance that it had received six bids for said bonds and had, subject to the approval of this Commission, accepted the bid of a group of underwriters headed by Lehman Brothers of 100.0699% of the principal amount, plus accrued interest from February 1, 1944 to the date of delivery, for 2¾% bonds which bonds are to be resold to the public for 101% of the principal amount thereof, plus accrued interest from February 1, 1944 to the date of delivery; and

The Commission, having examined the completed record, finding that there is no necessity for the imposition of terms and conditions with respect to the price and terms at which said bonds are to be issued and sold;

It is ordered, That said declaration, as amended, be, and it is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2705; Filed, February 24, 1944; 3:56 p. m.]

[File No. 70-864]

K-T ELECTRIC AND WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of February 1944.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, by K-T Electric and Water Company, a subsidiary of Associated Electric Company, a registered holding company; and

Notice is further given that any interested person may, not later than March 8, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the offices of said Commission, for a statement of the transaction therein proposed, which is summarized below:

K-T Electric and Water Company proposes to pay, out of capital surplus, a partial liquidating dividend in the amount of $200,000 on its 1,000 shares of capital stock, $1 par value, all of which is owned by Associated Electric Company. During December 1943, all of the electric properties of K-T Electric and Water Company were sold, for the base purchase price of $200,001. The company, as of December 31, 1943, had cash in the amount of $233,966, and other current assets in the amount of $11,748.65, as against its liabilities aggregating $11,518.65. The net plant and property, per books, as of the same date, was in the amount of $93,349.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2703; Filed, February 24, 1944; 3:56 p. m.]

[File No. 70-862]

OGDEN CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23rd day of February, A. D. 1944.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Ogden Corporation, a registered holding company.

Notice is further given that any interested person may, not later than March 4, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective as provided in Rule U-23 of the general rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Ogden Corporation, a registered holding company, proposes to pay out of surplus of December 31, 1943 a dividend on its Common Stock at the rate of 50¢ per share, payable on March 15, 1944 to holders of record at the close of business on March 8, 1944. The aggregate amount of this dividend will be $1,701,846.94. At December 31, 1943, the Earned Surplus of Ogden Corporation was $292,558.12, and its Capital Surplus was $2,696,674.06. The proposed dividend is to be charged to Earned Surplus to the extent thereof and, thereafter, to Capital Surplus. Ogden Corporation has requested that the Commission enter an order permitting this declaration to become effective on or before March 7, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2731; Filed, February 25, 1944; 11:03 a. m.]

NEW YORK STOCK EXCHANGE

DECLARATION OF EFFECTIVENESS OF AMENDED PLAN

Declaration of effectiveness of amended plan of the New York Stock Exchange pursuant to Rule X-10B-2 (d) [§ 240.10B-2 (d)].

The Securities and Exchange Commission, having previously declared effective a plan for special offerings, and certain amendments thereto, filed pursuant to Rule S-10B-2 (d) by the New York Stock Exchange; and the New York Stock Exchange, on February 11, 1944, having filed a further amendment to its plan for such special offerings;

The Securities and Exchange Commission having given due consideration to the special offering plan of the New York Stock Exchange as amended and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and Rule X-10B-2 thereunder, hereby declares the amended special offering plan of the New York Stock Exchange as filed on February 11, 1944, to be effective, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

Effective February 17, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2732; Filed, February 25, 1944; 11:03 a. m.]

[File No. 70-845]

FLORIDA POWER CORP. AND GENERAL GAS AND ELECTRIC CORP.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of February 1944.

Florida Power Corporation, a subsidiary of General Gas & Electric Corporation, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 concerned with the issuance and sale, in accordance with Rule U-50 promulgated under the act, of $16,500,000 principal amount of First Mortgage Bonds dated January 1, 1944, and maturing January 1, 1974; and

The Commission having by order dated February 16, 1944, permitted such declaration, as amended, to become effective subject to the provision that the declarant report the results of the competitive bidding, as required by Rule U-50 (c) and comply with such supplemental orders as the Commission might enter in view of the facts disclosed thereby; and

Florida Power Corporation having made such report to the Commission in the form of a further amendment to the declaration herein, setting forth the action taken to comply with Rule U-50 and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bids, and stating that Florida Power Corporation has accepted a bid for said bonds from a group of underwriters headed by Kidder, Peabody & Co. of 103.-7799, plus accrued interest from January 1, 1944, to the date of delivery, such bonds to bear interest at the rate of 3⅜% per annum and that said bonds are to be resold to the public at 104.8257 and accrued interest, representing a spread to the underwriter of 1.0458; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the price, spread, and distribution thereof, at which such bonds are to be issued and sold;

It is ordered, That said declaration, as amended, be and hereby is permitted to become effective forthwith, subject to the terms and conditions contained in the said order of the Commission in this matter dated February 16, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2733; Filed, February 25, 1944; 11:03 a. m.]

[File Nos. 70-740, 70-741, 70-743, 70-746]

UTILITIES EMPLOYEES SECURITIES CO., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of February 1944.

In the matter of Utilities Employees Securities Company, File No. 70-740; Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation, Associated Utilities Corporation, File No. 70-741; New England Gas and Electric Association, File No. 70-743; Noel T. Dowling, James V. Gilloon, Jr., Joseph A. Shields, Trustees under Pension Trust Agreement dated December 14, 1937, as amended, File No. 70-746.

The Commission having, on August 12, 1943, approved a plan of liquidation pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for

Utilities Employees Securities Company (Uesco), a subsidiary of Associated Gas and Electric Company, Associated Gas and Electric Corporation and Associated Utilities Corporation, registered holding companies, and having at the same time reserved jurisdiction:

• • • to approve or disapprove any claims that may be asserted for fees or expenses in connection with the liquidation and dissolution of Utilities Employees Securities Company, exclusive of expenses and compensation of the Welfare Trustees, for which provision has been made in the plan herein approved;

and

Uesco having filed its post-effective Amendment No. 3, transmitting the following claims filed against it in connection with its liquidation and dissolution:

	For services	For expenses
James V. Gilloon Jr.	$7,000.00	$163.00
Noel T. Dowling	6,000.00 or 9,000.00	138.78
Frederick L. Kane	25,000.00	750.00
Joseph A. Shields	50,000.00	100.00
Magill & Horrigan	35,000.00	

Said Shields, Dowling, and Gilloon being Trustees under the Pension Trust Agreement, dated December 14, 1937, as Amended (Pension Trustees), the holder, during these proceedings, of all the common stock of Uesco and of 700 shares of the preferred stock thereof; and said Kane and Magill being attorneys for said Pension Trustees; and said Shields and Gilloon, furthermore, being members of the Board of Directors of Uesco; and

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held in connection with the post-effective amendment;

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the rules of the Commission thereunder, and in connection with the reservation of jurisdiction of the Commission in approving the plan of liquidation of Uesco, be held on March 21, 1944, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank, or any other officer of the Commission designated for that purpose shall preside at that hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of issues presented by said post-effective amendment, particular attention be directed at said hearing to the following matters and questions:

(1) Whether the individual applicants should to any extent or in any manner be compensated by Uesco;

(2) Whether the efforts of individual applicants have been of any benefit to, necessary, or in the interests of Uesco, its security holders, the distributee companies, or their employees, the creditors of Associated Gas and Electric Company and of Associated Gas and Electric Corporation, or the general public;

(3) Whether any of the individual applicants have represented conflicting claims; and

(4) Whether such requests for compensation, as presented, are reasonable in light of the time spent, the size and assets of Uesco, effect on the liquidation of Uesco, extent of unnecessary duplication of effort, and other relevant factors;

(5) Generally, whether the services for which compensation is sought were appropriately performed in compliance with the Public Utility Holding Company Act of 1935 and of other applicable statutes.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Dook 44-2734; Filed, February 25, 1944; 11:03 a. m.]

UNITED STATES COAST GUARD.

APPROVAL AND WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167 (46 U.S.C. 375, 391a, 404, 481, 489, 367, 526–526t) and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following action has been prescribed:

APPROVAL OF EQUIPMENT

The following items of equipment for the better security of life at sea are approved:

LIFE PRESERVER

Adult kapok life preserver (Navy standard type with body strap) (Bureau of Ships Standard Plan No. 63927, Alt. J, and Ad Interim Specification 23P12 (INT)), Approval No. B-193, manufactured by Simmons Company, 295 Bay Street, San Francisco, California.

LIFE RAFT

20-person improved type life raft (Dwgs. No. B-1145, dated 3 December 1943, revised, and No. B-1146, dated 1 December 1943, revised), constructed by the Bell Lumber Company, 3961 Gage Avenue, Bell, California, for the Los Angeles Boiler Works, 134 W. Elmyra Street, Los Angeles, California.

APPROVAL WITHDRAWN

The approval of the following item of equipment is withdrawn:

SEA ANCHOR

Sea anchor, type E (Dwg. No. 449, dated 12 November 1943), submitted by Kent Marine Products Corp., West Babylon, N. Y. (Original approval 9 December 1943, 8 F.R. 16628.)

R. R. WAESCHE, *Vice Admiral, USCG, Commandant.*

FEBRUARY 24, 1944.

[F. R. Doc. 44-2780; Filed, February 25, 1944; 10:54 a. m.]

WAR MANPOWER COMMISSION.

DALLAS, TEXAS

MINIMUM WARTIME WORKWEEK

Designation of the Dallas, Texas Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. X by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Dallas, Texas Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Dallas, Texas Area shall include:

Dallas County, Texas.

II. The effective date of this designation is November 1, 1943.

III. Not later than the effective date, each employer in the Dallas, Texas Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: September 30, 1943.

J. H. BOND, *Regional Director.*

[F. R. Doc. 44-2457; Filed, February 19, 1944; 3:16 p. m.]

WAR PRODUCTION BOARD.

[Certificate 88, Revocation]

FISHER INSTRUMENT COMPANY POOL

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated July 3, 1943 (8 F.R. 9316), concerning the Fisher Instrument Company Pool.

DONALD M. NELSON, *Chairman.*

FEBRUARY 21, 1944.

[F. R. Doc. 44-2729; Filed, February 25, 1944; 10:07 a. m.]

MAR 1 '44

FEDERAL REGISTER

VOLUME 9 NUMBER 42

Washington, Tuesday, February 29, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration

(Production Orders)

[FPO 13, Rev. 1, Amdt. 1]

PART 1226—ROTENONE INSECTICIDE

AGRICULTURAL USE OF ROTENONE INSECTICIDE

Paragraph (e) (2) of § 1226.1 (8 F.R. 15809) is hereby amended to read as follows:

(2) No dealer shall deliver rotenone insecticide to any person for agricultural use other than the uses permitted in paragraph (c) hereof. No dealer shall deliver any rotenone insecticide pursuant to this order in a container other than the original unbroken package, unless the insecticide is transferred to a properly labeled bag or to another container to which there is attached a tag, sticker or label, clearly setting forth the ingredient statement required by the Federal Insecticide Act of 1910, as amended, the name and address of the dealer, the name brand or trademark of the insecticide and the permitted uses.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 26th day of February 1944.

WILSON COWEN, *Assistant War Food Administrator.*

[F. R. Doc. 44-2849; Filed, February 28, 1944; 11:15 a. m.]

Chapter XI—War Food Administration

(Distribution Orders)

[FDO 58, Revocation]

PART 1403—ANIMAL FOODS

MANUFACTURE OF PET FOODS

Food Distribution Order No. 58 (8 F.R. 9102), issued by me on June 20, 1943, is revoked as of 12:01 a. m., e. w. t., March 1, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 58, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 58 in effect prior to this revocation shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 26th day of February 1944.

MARVIN JONES, *War Food Administrator.*

[F. R. Doc. 44-2807; Filed, February 26, 1944; 3:41 p. m.]

[FDO 67, Amdt. 2]

PART 1460—FATS AND OILS

INEDIBLE TALLOW OR GREASE

Pursuant to the authority vested in the War Food Administrator, Food Distribution Order 67, as amended (8 F.R. 15810), § 1460.27, is amended as follows:

By deleting the figure "⅓" in paragraph (e) (3) thereof and inserting in lieu thereof the figure "½".

This amendment shall become effective on February 25, 1944 at 12:01 a. m., e. w. t. However, with respect to violations of said Food Distribution Order 67, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 67 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 25th day of February 1944.

WILSON COWEN, *Assistant War Food Administrator.*

[F. R. Doc. 44-2759; Filed, February 25, 1944; 3:41 p. m.]

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FEDERAL REGISTER

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.

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TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended Feb. 26, 1944]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all or for which certain kinds of ratings may not be used. In general this regulation should be consulted before using a rating whether it was gotten directly from the War Production Board or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the War Production Board or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the War Production Board rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs (as is done in the schedules to CMP Regulation 5), that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a War Production Board order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) A manufacturer of Class B products under the Controlled Materials plan and a holder of Form WPB-2613 (formerly PD-870) may not extend his customers' ratings (except AAA) as explained in more detail in CMP Regulation 3 and in Priorities Regulation 11B.

(2) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on a rated order, he may extend the rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minmium, the rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design. Substitution of less scarce materials which do not substantially alter the purpose for which the material is to be used is, however, permitted. The Conservation Division of the War Production Board from time to time publishes a list showing the relative scarcity of materials, entitled "Materials Substitution and Supply List." The latest copy may be obtained from any War Production Board office.

(4) A person to whom a rating has been applied or extended to get material may not extend that rating to get containers or closures to pack the material; nor may he extend it to get any material for his own plant improvement, expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use. Other orders or regulations, such as CMP Regulation 5 and some orders in the "P" series, assign ratings which may be used by the proper persons to get maintenance, repair or operating supplies and minor capital additions.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on Lists A or B attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filing an order.

(2) *Items to which blanket MRO ratings do not apply; List B.* Blanket MRO ratings may not be applied to get any item on List B, except as permitted by the list. A blanket MRO rating means a rating assigned by CMP Regulation 5 or 5A, or by any other War Production Board regulation, order (including an order in the "P" series), form or certificate which assigns a rating for maintenance, repair or operating supplies without specifying the kind and quantity of the material to which the rating may be applied. Where the quantity of material is specified in terms of dollar value only, the rating is a blanket MRO rating. No person shall give any effect to any rating applied to his deliveries of any item on List B if he knows or has reason to believe that it is a blanket MRO rating. Any blanket MRO rating applied to an order for any item on List B which was not delivered before the date the item was added to the list shall be deemed void. The restrictions of this paragraph are not applicable when the blanket MRO rating is applied to get an item on the list for use on board ship, but in such a case the rating may not be extended by the person to whom it is applied.

(3) *Illustration.* A manufacturer of a product listed in Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to get the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services

as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the War Production Board assigns a rating to a named person to get specified services, he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* A blanket MRO rating may be applied by the person to whom it is assigned to get his plant, machinery or equipment repaired even if the repair job does not involve the delivery of repair parts or materials. See paragraph (e) (2) for definition of a blanket MRO rating. A rating assigned on Form WPB–541 (formerly PD–1A) or WPB–542 (formerly PD–3A), or any other rating which may be applied to the delivery of specific repair parts or materials, may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph, "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7.

He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

_____
(Name of Purchaser)

_____
(Address)

By _____
(Signature and Title of Duly Authorized Officer)

_____
(Date)

(2) If the order is placed by telegraph the person placing the order may include in the telegram the words "ratings certified" or words to that effect and the requirements for signature under Priorities Regulation 7 will be complied with if the copy of the telegram kept by the person placing the order is signed or authorized in the manner provided in that regulation.

(3) A rating may be applied or extended by telephone only if the telephone order requires shipment within 7 days. The person placing the order must state the rating which is being applied or extended and must place the certification on the confirmation of the order or, if it is not confirmed in writing, must put it on his written record of the order. The seller must make a note in his records that the rating was received over the telephone.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable War Production Board order. However, he is not required to include the serial number of the preference rating certificate assigning the rating.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the War Production Board for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply. This does not affect the requirements of Priorities Regulation No. 9 (§ 944.30) when ratings are applied to certain types of exports, in which case its terms control.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the War Production Board which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraphs (g) (4) and (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any War Production Board preference ratings:

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P–98–b:

a. Antioxidants (gum inhibitors) for motor fuels.

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cufnene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations.

Communications services.

Dental burs.

Electric energy.

Gas, manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Petroleum; restricted products as defined in Order M–201.

Steam heating, central.

Sterilizer equipment, as defined in Order L–266.

Track-laying tractor repair parts (See Limitation Order L–53–b).

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).[1]

Sulfated, sulfonated, and sulfurized fats and oils.[1]

Tall oil.[1]

Wool grease.[1]

Soap (other than metallic).[1]

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine.[1]

Graphite crucibles.

Pig iron.

LIST B

Blanket MRO ratings, as defined in paragraph (e) (2), may not be used to obtain the items on this list. If a rating is needed the list, application may be made on Form to get a specified quantity of any product on WPB–541 (formerly PD–1A) or on any other form which may be designated for a particular product or person in a War Production Board order.

Adhesive tape backed with cellophane or similar transparent material derived from cellulose.

Animal traps.

Anti-freeze, all types.

Athletic and sport equipment.

Auger Bits, Type 1 as defined in Schedule VIII to Order L–157.

Automotive maintenance equipment as defined in Limitation Order L–270.

Automotive replacement batteries as defined in Limitation Order L–180.

Automotive replacement parts as defined in Limitation Order L–158.

Award emblems, badges, buttons and other similar award pins (not including identification badges).

Blowers and industrial vacuum cleaners governed by Limitation Order L–222.

Capping, closing and sealing machinery and equipment for cans, jars and bottles (other than screw capping machines) having a retail sales value of $25 or more, inclusive of motor, as listed in Schedule A of Order L–332 (except for replacement of existing machinery or equipment).

Cast iron ware, as defined by Limitation Order L–30–c.

Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick.

Cellulose caps or bands of any gauge.

[1] Subject to FD Regulation No. 1 of the War Food Administration.

Chemicals listed in Direction No. 5 of this regulation. (See that direction for MRO ratings which may be used.)

Chinaware.

Civilian defense devices: any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:

a. Air raid warnings or detection of the presence of enemy aircraft; or

b. Blackouts or dimouts; or

c. The protection of civilians, either individually or collectively, against enemy action or attack.

Clocks and watches.

Closures and closing devices required for packaging products to be shipped or delivered, as follows:

a. Closures for glass containers.

b. Gummed stay and sealing tape, paper and cloth.

c. Paper and paperboard bottle caps, closures, and hoods.

Containers, fabricated (in knock-down or set-up form, whether assembled or unassembled) required for packaging products to be shipped or delivered. For the purpose of this item the word "containers" shall not include steel strapping, shipping reels and skids, or any item which is specifically excluded from the following sub-items (such as "shell containers" in sub-item f.). It shall, however, include but is not limited to:

a. Bags, all types, and specialty envelopes (including those made of paper, textile, combinations of materials, transparent films, metallic foils, parchment, kraft or sulphite).

b. Baskets and hampers.

c. Cans, as defined in Order M–81.

d. Collapsible tubes.

e. Cooperage, tight and slack.

f. Fibre cans, fibre tubes (except shell containers), fibre bottles, fibre mailing cases, and fibre drums.

g. Folding and set-up boxes (paperboard).

h. Gas cylinders, as defined in M–233.

i. Glass containers.

j. Ice cream cans (paperboard) and paraffin cartons and pails.

k. Paper cups and paper food containers (except as otherwise stated in Direction 2 of this regulation).

l. Paper milk containers.

m. Steel shipping drums as defined in Order L–197.

n. Wooden and fibre inner containers.

o. Wooden and fibre shipping containers and parts, as defined in Order P–140.

Corrugated and solid fibre sheets, not constituting "shipping containers" or "parts" as defined in Order P–140.

Cutlery, as defined in any order of the L–140 series.

Electronic intercommunicating systems, including public address systems.

Enameled ware, as defined by Limitation Order L–30–b.

Filing cabinets, wooden.

Fire protective equipment, including

a. Couplings, playpipes and allied fittings;

b. Fire hose, hose dryers, racks and reels;

c. (Revoked.)

d. Fire pumps;

e. Fire sprinkler systems;

f. Foam generators;

g. Indicator posts;

h. Lightning rod systems;

i. Piped extinguishing systems;

j. Portable fire extinguishers;

k. Stirrup pumps;

l. Water spray nozzles.

Flatware.

Frying pans.

Fuel.

Furniture for any use, except furniture specifically designed for schools.

Galvanized ware and non-metal coated metal articles as governed by Limitation Order L–30–a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).

Glass tableware.

Glass tumblers.

Kitchen ware, heavy duty (except ratings applied by a food "processor" as defined in Order L–292:

a. Bakery utensils;

b. Butcher benches;

c. Butcher blocks;

d. Canopies or hoods;

e. Carriers, food;

f. Carriers, tray;

g. Coffee mills and grinders;

h. Counters, cafeteria, lunch and serving;

i. Counter protectors;

j. Cutters, french fry;

k. Cutters, meat, bone and fish;

l. Dispensers, milk and cream;

m. Display racks;

n. Dough dividers;

o. Dough troughs;

p. Knife sharpeners and grinders;

q. Pans, cold;

r. Potato mashers;

s. Potato and vegetable parers or peelers;

t. Racks, bread (bakery);

u. Racks, dump (bakery);

v. Racks, pans (bakery);

w. Sandwich units;

x. Slicers, meat and bread;

y. Tables, bakers;

z. Tables, cooks, chef, salad and work;

aa. Tables, soiled and clean dish;

bb. Toaster stands;

cc. Tray stands;

dd. Trucks, food;

ee. Urn stands;

Insulation blowing machines complete, and the following parts thereof:

(a) Internal combustion engines, or electric motors.

(b) Blowers.

(c) Speed reduction units.

Kitchen household and miscellaneous articles governed by Limitation Order L–30–d.

Laboratory instruments and equipment, including parts thereof. (Except ratings assigned by Preference Rating Orders P–43, P–68, P–89, and P–98–b, and ratings assigned pursuant to Orders P–56, P–68 and P–73.)

Lawn mowers, including power and gang mowers.

Light power driven tools (as defined in L–237) which had a producer's list price on October 15, 1942, of more than $175. The following types only:

a. Abrasive belt finishing machines (excluding wet and dry type)

b. Band saw machines (excluding gear driven)

c. Jointers

d. Lathes, bench and floor types as follows:

Metal spinning and woodworking

e. Radial saws

f. Routers

g. Scroll and jig saws

h. Shapers, vertical spindle

i. Table saws

Lighting fixtures, fluorescent (as defined in Order L–78), and incandescent (as defined in Order L–212), and electric floodlights. Blanket MRO ratings of AA–2 or higher may, however, be used.

Lockers, wooden, for offices and factories.

Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment) including:

a. Anaesthesia and oxygen equipment and accessories;
b. Atomizers;
c. Clinical thermometers;
d. Crutches;
e. Dental consumable supplies;
f. Dental equipment and appliances (except dental lathes);
g. Diagnostic instruments and apparatus;
h. Electric light bulbs for diagnostic instruments;
i. Hearing aids;
j. Hospital and medical rubber drug sundries;
k. Hospital enamelware and stainless steel ware;
l. Hypodermic needles and syringes;
m. Operating and examining room furniture;
n. Operating and examining room lights;
o. Opthalmic goods.
p. Orthopedic appliances including splints, belts and trusses;
q. Physical therapy equipment and supplies;
r. Sterilizers;
s. Surgical dressings;
t. Suture needles;
u. Sutures;
v. X-ray equipment and supplies.

Medical, surgical and dental instruments.

Medicinal preparations, including vitamins.

Monorail system and additions thereto, except one complete addition valued at less than $200.00.

Pails and tubs, wooden, including wooden mop pails.

Paper and paperboard and products manufactured therefrom and molded pulp products; excluding carbon paper, tracing paper, reproduction paper, sensitized paper, engineering graph paper, chemically treated paper for engineering use, litmus paper and filter paper and paper tags.

Pencils, mechanical.
Pencils, wood cased.
Pens, fountain.
Pen holders.
Pen nibs, steel.
Photographic film sensitized, as controlled by Order L–233.
Pins, common and safety.
Precision measuring instruments and testing equipment—Preference Rating Order E–9.

Printing and publishing:
a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
b. Processed printing plates;
c. Type metal, stereotyping metal and electrotype backing-metal;
d. Printing paper, paperboard and binders' board;
e. Book cloth;
f. Blankbook and loose-leaf binders, metal parts and units;
g. Mechanical bindings.

Radio transmitters, receivers and transceivers.

Signal and alarm equipment, including:
a. Central Station, proprietary, auxiliary and automatic fire alarms;
b. Watchman's time recording, burglar, bank vault, holdup and intrusion systems.

Slide rules, precision, engineering, having a list price of $7.50 or more.

Venetian blinds.

Wire intercommunicating systems.

Wooden shelving.

Woodworking machinery having a producer's list price (as defined in Order L–311) of more than $175.

NOTE: Lists A and B of this regulation will, in general, be revised on or about the 15th of every second month. Another revision may be expected about April 15, 1944.

INTERPRETATION 1, REVOCATION

Interpretation 1 of Priorities Regulation 3 is hereby revoked. (Issued Nov. 17, 1943.)

INTERPRETATION 2

The restrictions on the use of ratings for the items on Lists A and B apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Nov. 17, 1943.)

INTERPRETATION 4

A great many orders of the War Production Board permit the delivery of materials pursuant to preference ratings assigned by a P–19–h Order, or by an order in the P–19 series. Forms CMPL–224 and CMPL–127 are generally used in place of orders in the P–19 series. It is expressly stated on Form CMPL–224:

"This authorization is issued in lieu of preference rating order of the P–19 series. Any reference in any order of the War Production Board to said preference rating orders shall constitute a reference to this authorization."

It is set forth in CMPL–127:

"This authorization is issued in lieu of Preference Rating Order P–19–h or P–55. Any reference in any order of the War Production Board to said Preference Rating Order P–19–h or P–55 shall constitute a reference to this authorization."

Consequently, it is proper for any person to deliver material or equipment pursuant to a rating assigned by Forms CMPL–224 or CMPL–127, if he is permitted under existing orders of the War Production Board to deliver said material pursuant to a rating assigned by a P–19–h order or an order in the P–19 series. (Issued Aug. 13, 1943.)

INTERPRETATION 5

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the lists. When any other order of the War Production Board restricts the use of preference ratings to obtain any product, or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23). This rule specifically applies to the items which were on List C before the amendment of August 10, 1943.

(b) *"Masking" tape.* Blanket MRO ratings may be used to get industrial pressure sensitive adhesive tape (paper and cloth), also called "masking" tape. This type of tape is not included in "Gummed stay and sealing tape, paper and cloth."

This interpretation is not applicable to adhesive tape backed with cellophane or similar transparent materials derived from cellulose which may not be obtained with blanket MRO ratings. (Issued Dec. 18, 1943.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise, that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7

LIMITATIONS ON THE RIGHT TO USE RATINGS TO GET MATERIALS PROCESSED

(a) *What this interpretation covers.* This interpretation explains the limitations on the use of a preference rating assigned to the delivery of a material to get material processed under paragraph (f) (2) (ii) of the regulation.

(b) *Controlled materials.* Preference ratings cannot be used to buy controlled materials (steel, copper, and aluminum in controlled material form) from a producer or warehouse and consequently no rating may be used to get material processed into a controlled material by a producer or warehouse. There is one exception to this general rule which is covered by paragraph (d–1) of CMP Regulation No. 8, which assigns a preference rating to steel producers for use in getting steel processed into a controlled material form.

(c) *Class B products.* Paragraph (g) (3) of CMP Regulation No 1 prohibits allotments of controlled materials to B product manufacturers except by the War Production Board and, as explained in Interpretation No. 16 to CMP Regulation No 1, also prohibits a customer from furnishing controlled materials to a B product manufacturer. A special exception to this general rule is provided in Direction 36 to CMP Regulation No. 1. In all cases not covered by the exception, it is improper for a person to furnish controlled materials to a B product manufacturer for processing and consequently no preference rating can be used to get such processing done. In this connection, attention is called to the fact that all products, whether Class A products or Class B products, which are bought for use as maintenance, repair, or operating supplies are treated as though they were Class B products. This is covered by paragraph (k–1) (2) of CMP Regulation No. 1. As pointed out in Interpretation No. 13 to CMP Regulation No. 1, a Class A repair part is handled on a Class B basis and therefore paragraph (g) (3) of the regulation is applicable.

(d) *Ratings not to interfere with authorized controlled material orders.* While a person who has been assigned a rating to get material may use the rating to get the use of the facilities of a controlled materials producer to have the material processed (if the material, when processed, is not a controlled material) rated orders for the use of a controlled materials producer's facilities must not interfere with the acceptance, production, or delivery of orders which he is permitted to fill under paragraph (t) (3) of CMP Regulation No. 1. Attention is called to Interpretation No. 4 to Priorities Regulation No. 1 on this subject. (Issued Nov. 18, 1943.)

INTERPRETATION 8

ELECTRONIC INTERCOMMUNICATING SYSTEMS AND WIRE INTERCOMMUNICATING SYSTEMS

List B of Priorities Regulation 3 (§ 944.23) forbids the use of blanket MRO ratings to obtain electronic intercommunicating systems or wire intercommunicating systems. This restriction applies only to getting systems not yet installed. Therefore, blanket MRO ratings may be used to obtain repair parts and materials for existing intercommunicating systems. Also, those blanket MRO ratings which may be used for minor capital additions, may within prescribed dollar limits be used to add stations to an existing intercommunicating system to bring it to its designed capacity. Thus, if an intercommunicating system is designed for 16 stations, with only 12 stations originally installed, four stations may be added by the use of blanket MRO ratings. However, an expansion beyond the 16 stations, or any enlargement of or an extension beyond the designed capacity, may not be obtained by use of blanket MRO ratings.

In conjunction with the above interpretation, it should be pointed out that a related item, signal and alarm equipment, also appears on List B of Priorities Regulation 3. With respect to signal and alarm equipment, blanket MRO ratings may be used to get parts and materials for repair and maintenance of existing equipment. However, since signal and alarm equipment is generally installed without a specific margin of unused designed capacity, no additions or extensions by the use of blanket MRO ratings are permitted. (Issued Jan. 6, 1944.)

INTERPRETATION 9

CERTAIN MRO RATINGS ASSIGNED UNDER P–98–b ARE NOT BLANKET MRO RATINGS

Paragraph (e) (2) of Priorities Regulation 3 prohibits the use of a "blanket MRO rating" to get any item on List B. See that paragraph for a definition of a "blanket MRO rating". Some of the items which are on List B also appear on Schedule B of Preference Rating Order P–98–b. That schedule provides a way to get a rating for the items which appear on it so that such P–98–b ratings will not be "blanket MRO ratings". These ratings are assigned to specific purchase orders for a specific kind and quantity of the material desired.

Therefore, when a rating assigned pursuant to Schedule B of P–98–b (as evidenced by the symbol MRO–P–3) is applied to a purchase order for any item which is set out on Schedule B of that order that rating is valid, despite the fact the item is also on List B of Priorities Regulation 3.

The order does not require the purchaser to furnish a copy of his approved purchase order to the supplier, and the supplier should give effect to the rating and certification unless he knows or has reason to believe that the purchase order has not been rated as provided in Schedule B of Order P–98–b. (Issued Jan. 24, 1944.)

[F. R. Doc. 44–2768; Filed, February 26, 1944; 11:40 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Interpretation 3, as Amended Feb. 26, 1944]

FIRE PROTECTIVE EQUIPMENT

The following interpretation was issued with respect to Priorities Regulation 3:

Blanket MRO ratings may be used to obtain repair parts and material for existing fire protective equipment, but may not be used to obtain end items of fire protective equipment. The term "Fire protective equipment", on List B attached to Priorities Regulation 3, includes only end items and does not include materials or parts required for the repair or maintenance of existing fire protective equipment.

For example, a fire extinguisher or a fire hose coupling is an end item of fire protective equipment and therefore may not be obtained on blanket MRO ratings, whereas a part required to repair an extinguisher or coupling is not an end item and therefore may be obtained on blanket MRO ratings. Similiarly, blanket MRO ratings may not be used to obtain a fire sprinkler system nor to extend an existing sprinkler system, but such ratings may be used to repair or replace sprinkler heads which have been opened up by fire or damaged in any other way. However, blanket MRO ratings may not be used to repair or replace new equipment which is still usable.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2769; Filed, February 26, 1944; 11:40 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5 as Amended Feb. 26, 1944]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

§ 3175.5 *CMP Regulation 5*—(a) *Purpose and scope.* (1) The purpose of this regulation is to provide a uniform procedure for obtaining maintenance, repair and operating supplies, both in the case of controlled materials obtained by use of allotment symbols under the Controlled Materials Plan and in the case of materials or products obtained by preference ratings. Persons requiring maintenance, repair and operating supplies, in any form, in such quantities as are available from warehouses or distributors under CMP Regulation No. 4, or at retail without preference ratings or allotments, may obtain the same without using the procedure provided in this regulation, but subject to all applicable limitations in War Production Board regulations and orders.

(2) The provisions of this regulation shall not apply to any governmental agency (other than Claimant Agencies) or to any institution, as the same are defined in paragraphs (b) (1) and (b) (2) of CMP Regulation No. 5A, regardless of whether it is engaged in the production of any product or in any activity or service listed in any schedule attached to this regulation or not. Procedures for the obtaining of maintenance, repair and operating supplies by such governmental agencies and by such persons and institutions are provided under CMP Regulation No. 5A. This regulation is also inapplicable to certain purchases by Claimant Agencies or for export as more fully provided in paragraph (g).

(3) [Deleted Feb. 26, 1944]

NOTE: Canadians will obtain MRO in the United States under Canadian Order PO 5 B.

(b) *Definitions.* Maintenance, repair and operating supplies and minor capital additions (which are sometimes collectively referred to as "MRO") have the following meanings in this regulation and in other War Production Board regulations and orders unless otherwise indicated:

(1) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided,* That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (b) (3) of this regulation.[1]

(2) "Operating supplies" means any materials or products which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies. The term also includes such items as hand tools purchased by their employer for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.[2]

(3) Minor capital additions may be obtained under the procedures provided for in this regulation for obtaining maintenance, repair and operating supplies where the cost of the minor capital addition does not exceed $500 (excluding the purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph, and where the capital addition involves construction, authorization to construct must be obtained to the extent required by Conservation Order L–41 or by any other applicable order or regulation of the War Production Board.[3]

(4) Production materials required by a manufacturer for physical incorporation in his products, which products he sells for use as maintenance, repair or operating supplies, may be obtained as provided in CMP Regulation No. 1 and in CMP Regulation No. 3, and such production materials shall not be deemed maintenance, repair or operating supplies, as to such manufacturer.

[1] See also Interpretation No. 8: Repairs which are capitalized must be treated as capital additions.

[2] See also: Interpretation No. 4: Material for the manufacture of containers is a production material; Direction No. 2: Steel shoe wire is to be treated as an operating supply; Direction No. 4: Stitching wire is to be treated as an operating supply; Direction No. 7: Welding rod is not an operating supply when used in manufacturing; Direction No. 9: Employees may use their employer's rating to buy hand tools and (Direction 11) safety equipment; Direction 16: Broom wire is to be treated as an operating supply.

[3] See also Interpretation No. 9: Relationship of L–41 and CMP Regulation No. 5. Direction No. 15: MRO Symbol and Rating may be used to buy installation materials where authorization to construct is not required under L–41.

(c) *Controlled materials.* (1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, any person engaged in the business of producing any product or conducting any business listed in Schedule I or II, requiring delivery of any controlled material, for maintenance, repair or operating supplies in the conduct of such business,[4] may obtain the same by placing on his delivery order substantially the following certification (or the alternative form of certification provided in CMP Regulation No. 7), signed manually or as provided in Priorities Regulation No. 7:

CMP allotments symbol MRO—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the controlled materials covered by this order are required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5 and that delivery thereof will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

NOTE: Unnumbered paragraph deleted Feb. 26, 1944.

An order bearing such certification shall constitute an authorized controlled material order.

(2) [Deleted Feb. 26, 1944]

(3) [Deleted Feb. 26, 1944]

(d) *Preference ratings for maintenance, repair and operating supplies.* (1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, orders calling for delivery of maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials) are hereby assigned preference ratings as follows:

(i) AA–1 for maintenance or repair of facilities required for producing any product or conducting any business listed in Schedule I or for necessary operating supplies for such production or business;

(ii) AA–2 for maintenance or repair of facilities required for producing any product or conducting any business listed in Schedule II or for necessary operating supplies for such production or business; and

(iii) AA–5 for necessary maintenance or repair of facilities required for producing any product or conducting any business not listed in Schedule I or Schedule II or for necessary operating supplies for any such purpose.[5]

(2) A preference rating assigned under this paragraph (d) shall be applied only by use of the following certification (or the alternative form of certification provided in CMP Regulation No. 7), signed manually or as provided in Priorities Regulation No. 7:

Preference rating ------- (specify rating)—MRO. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5; and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

(3) [Deleted Feb. 26, 1944]

(e) *Plants engaged in several activities.* If a single plant or operating unit is engaged in several activities which are not all listed on the same schedule (or if some are so listed and others are unlisted), and it is impracticable to apportion requirements for maintenance, repair and operating supplies between such activities, the principal activity alone shall be considered for purposes of determining whether controlled materials may be obtained under paragraph (c) of this regulation and also for determining which preference ratings may be applied under paragraph (d).

(f) *Quantity restrictions.* A person who uses the MRO rating or symbol assigned by this regulation must not buy any more material and products than is permitted under this paragraph.

(1) *General quota.* A person must not order for delivery[6] in any calendar quarter MRO (maintenance, repair and operating supplies) costing more than one-fourth of what he spent for MRO in 1942 (or his fiscal year ending nearest to December 31, 1942).

(2) *Seasonal quota.* A person engaged in a seasonal business must not order MRO for delivery[6] in any calendar quarter in an amount more than the amount he spent for MRO in the corresponding quarter of 1942. A person may choose either the seasonal quota explained in this paragraph or the general quota explained in sub-paragraph (1) above, but he may not afterwards change to the other quota without special authorization by the War Production Board.

(3) *Quota for new businesses.* In the case of a plant or other operating unit which was not in operation during the base periods mentioned in subparagraphs (1) or (2) above, the person operating the plant may take as a quota the amount he spent for MRO during the first quarter of 1943 (or during the part of the quarter the plant was in operation) reasonably adjusted for seasonal or other variable factors. However, he must first notify the War Production Board, in writing, of the base which he is taking, why he is selecting that base, and what adjustments he has made. In the case of a plant starting operations after February 28, 1943, MRO may be bought under this regulation in the minimum amounts necessary for operation up to $5,000 per quarter. If more than this amount is needed, application may be made to the War Production Board as provided in paragraph (f) (8).

(4) *When increased quotas can be used as a base.* If a person's quota has been increased by specific authorization of the War Production Board pursuant to application, he may continue to operate on the basis of the increased quota. However, if a substantial part of the increase was to take care of an abnormal situation, as for example, where he required a large amount of special tools and equipment in order to produce a new product, he may not use that increased quota as a base.

NOTE: Former subparagraph (4) deleted Feb. 26, 1944, because obsolete.

(5) *How to figure the quota.* In figuring his quota, a person must include every expenditure during the base period which he charged to a maintenance, repair or operating supplies account. He must not include any expenditure which was charged to a capital account. In each quarter he must charge against his quota (i) everything he buys for MRO, whether he uses the MRO rating and symbol, or another rating or symbol, or no rating; and (ii) material and products he buys for minor capital additions for which he uses the MRO rating or symbol. (Note, that in deciding whether a single capital addition falls within the cost limits of paragraph (b) (3), the cost of all material and products must be included whether a preference rating or symbol is used or not). In figuring his quota, a person may at his option exclude the cost of his own labor, or the cost of any item on List A or B of Priorities Regulation No. 3, as long as he excludes cost of such items both from the computation of the quota and from charges against the quota.

(6) *Records.* Each person who is subject to this paragraph (f) must figure his quota and must keep his computation and supporting work sheets in his files for two years after his last purchase under the regulation. He must indicate on his computation any election which he makes under this paragraph (f), and in the case of paragraph (f) (3) "Quota for new businesses" or (f) (4) "When increased quotas can be used as a base", he must indicate the base which he selects. He must also maintain a record of his expenditure for a period of not less than two years.

(7) *Treatment of separate plants.* A person who has several plants or other operating units which maintain separate records of maintenance, repair and operating supplies shall treat each of them separately for purposes of complying with the provisions of this paragraph (f).

NOTE: Paragraph (7), formerly (2), redesignated Feb. 26, 1944.

(8) *Applications for increased quota.* In any case where the quota provided in this paragraph (f) is not enough for necessary operations, a person may apply for a larger quota by letter in triplicate sent to the War Production Board, Washington 25, D. C., Reference: CMP Regulation 5, stating the relevant facts.

(9) *Persons who use less than $5,000 a year worth of MRO not limited.* The quantity restrictions in this paragraph (f) shall not apply to persons whose aggregate requirements of maintenance, repair and operating supplies do not exceed $5,000 per year.

(10) *Further reports and limitations in special cases.* The War Production Board may, by further regulations or orders, require specified persons or classes of persons to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same, either larger or smaller than the limits provided above in this paragraph (f).

NOTE: Paragraphs (9) and (10), formerly (8) and (6), redesignated Feb. 26, 1944.

(g) *Special provisions for Claimant Agencies, exports and ship repairs.* Maintenance, repair and operating supplies, required either by a Claimant Agency (except for the purposes mentioned in Schedule I or II) or for export, as regular procurement items covered by specific programs, and material required for ship repairs programmed by the Maritime Commission, shall not be obtained under this regulation, but, if they are controlled materials or Class A products, shall be obtained only by the use of allotments in the same manner as production materials under CMP Regulation No. 1, and, if they are other materials or products, shall be obtained only by such preference ratings as may be specifically assigned for the purpose.

(g–1) *Use of customer's or tenant's MRO symbol and rating.* (1) Any person (such as a service repair shop) engaged in the business of doing maintenance or repair work for others may use the same allotment symbol and preference rating (including any allotment symbol or preference rating assigned for MRO by CMP Regulation 5A or any P or U order) to obtain materials needed in the performance of the work which his customer would be entitled to use if the customer did the work himself. The cost of materials used in the performance of maintenance or repair work shall be treated as expenditures of the customer for the purpose of computing his quantity restrictions under paragraph (f). A person engaged in such business may, instead, request an allotment of controlled materials and a preference rating by applying to the War Production Board on Form CMP–4B, but, if he does so, he must use that method exclusively and may not use a customer's rating or symbol.

(2) A landlord may use his tenant's allotment symbol and rating to obtain maintenance, repair and operating supplies (including controlled materials) for the leased property if the tenant is engaged in the production of a product or in a business listed in Schedule I or II or if the tenant is assigned a rating or symbol for MRO CMP Regulation 5A or by any P or U order; but if the same property is occupied by several tenants and the supplies are not for the exclusive benefit of a single tenant the landlord may only use a tenant's rating if 75 percent or more of the leased property is leased to tenants on Schedule I or II and, in such case, if any are on Schedule II, he can only use the AA–2 rating.

(3) A person who leases equipment to others which he agrees to keep in good order may use either his own or his customer's rating and symbol (regardless of whether the rating is assigned by this regulation or CMP Regulation 5A or any order in the P or U series) to get materials needed to repair and maintain the equipment.

(h) *Restrictions on use of MRO symbol, rating, and materials.*—(1) *Use of symbol and rating.* No person shall use the MRO symbol or the preference rating assigned to him by this regulation to get anything except materials which he needs for essential maintenance, repair or operating supplies, or minor capital additions as permitted by paragraph (b) (3). If he is assigned different ratings by this regulation for different businesses and it is practicable to segregate his purchases, he must not use a higher rating to get material for a purpose for which he is assigned a lower rating. If it is not practicable for him to segregate his purchases, paragraph (e) explains what rating he may use.

(2) *Use of material.* If a person has bought material under this regulation for MRO and then finds that he has another use for it, he may use the material for the other purpose if a preference rating or allotment symbol is assigned to him by any certificate or order for that purpose. However, if he uses the material for another use he may not replace it in inventory by use of the rating or symbol assigned by this regulation. If he replaces it, he must use the rating or symbol assigned for the purpose for which the materials were used. Also, if he uses material bought under this regulation for another use, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized uses. For example, a manufacturer has a rating of AA–2 under this regulation for MRO and also has a rating of AA–3 for a construction project. He may take lumber from his MRO inventory which he bought on the AA–2 rating and use it on the construction job, but if he replaces it in his inventory he must use the AA–3 rating for this purpose, so that he will not, in effect, have filled both his MRO and his construction requirements at the AA–2 rating. Exchanges of this kind may be made only where the material is acquired in good faith for use as MRO. The manufacturer may not use the AA–2 ratings to get lumber if he is getting it specifically for use in the construction project.

(i) *Inventory restrictions.* Nothing in this regulation shall be deemed to authorize any person to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase his inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1 or would exceed the inventory limitations prescribed for such person by CMP Regulation No. 2, or by any other applicable regulation or order of the War Production Board.

(j) *Additional assistance in individual cases.* Any person requiring maintenance, repair or operating supplies who is unable to obtain them with the rating assigned to him by this regulation, and any person requiring any controlled material for maintenance, repair or operating supplies who is not listed in Schedule I or II and who is unable to obtain it from a warehouse or distributor under CMP Regulation No. 4 may apply to the nearest local office of War Production Board on Form WPB–541 (formerly PD–1A) for a higher rating, or the right to use the MRO symbol to obtain controlled materials. Application for an increase in the quantity of expenditures for maintenance, repair and operating supplies permitted by paragraph (f) of this regulation shall, however, be filed in the manner specified in subparagraph (8) of paragraph (f).

(k) *Effect on other orders and procedures.* (1) The preference ratings and allotment symbols assigned by this regulation may be used by any person, unless he is engaged in an activity or business which is covered by an order in the P or U series which specifically provide that the ratings assigned by CMP Regulation No. 5 may not be used.

(2) [Deleted Feb. 26, 1944]

[4] See also Interpretation No. 5: Conduct of business includes general offices, branch offices, salesrooms, et cetera.

[5] See also: Direction No. 3: Rerating of orders placed before May 16 is not compulsory; Direction No. 5: Farmers are not entitled to use AA–5 rating.

[6] See also: Direction No. 8: Quota may be determined on a receipt basis.

(3) [Deleted Feb. 26, 1944]

(4) When an order in the "E", "L" or "M" series assigns a specific preference rating to deliveries of any particular material to be used by a particular industry or for a specific purpose, such preference rating shall control and the preference ratings hereby assigned may not be applied.

NOTE: Remainder of paragraph (k) (4) deleted Feb. 26, 1944.

(5) Nothing in this regulation shall be construed to relieve any person from complying with any applicable priorities regulation or order of the Warr Production Board (including orders in the "E," "L" and "M" series) or with any order of any other competent authority.

(l) *Industry reclassification.* Any person who is of the opinion that the business activity in which he is engaged should be listed in Schedule I, if it is listed in Schedule II, or should be listed in either Schedule I or Schedule II, if it is not listed in either of such schedules, may apply to have such activity so listed by filing a letter, in triplicate, with the appropriate Industry Division setting forth the relevant facts and the reasons why he considers such request should be granted.

The War Production Board may cause such activity to be listed in one of the schedules attached to this regulation or, in special cases, may permit the applicant to operate under this regulation to the same extent as though his business activity were included in one of such schedules.

(m) *Records.* Each person acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Communications.* All communications concerning this regulation should be addressed to: War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 5.

(o) *Restriction on use of ratings.* The preference rating assigned by this regulation cannot be used to get any of the items shown on List A or B of Priorities Regulation No. 3.

(p) *Penalties for misrepresentation.** The placing of any order bearing a certification or symbol as provided by this regulation shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U. S. C. 80), that the person placing the order is entitled, under the terms of this regulation to use of the symbol or preference rating indicated thereon.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

*Formerly paragraph (h) (1).

SCHEDULES

Preference Rating AA-1 may be used for MRO by those businesses listed with the numeral "I", AA-2 by those with "II", others use AA-5 (paragraph (d)).

Manufacture of the following products:

Unfabricated and semi-fabricated metal products

Schedule	
I	Ferro-alloys (except producers to whom serial numbers have been issued under Order P-68).
I	Iron products including pig iron, pipe, wire, wrought iron and foundry products (except producers to whom serial numbers have been issued under Order P-68).
I	Non-ferrous metal and non-ferrous metal alloy unfabricated and semi-fabricated products, including castings, ingots, shot, bar, forgings, sheet, strip, tubing, extrusions and wire and wire products.
I	Steel rolling mill and foundry products, including semi-finished steel, bars, pipe, plates, sheets, strip, castings, forgings, structural shapes, piling, tin plate, terne plate, black plate, tubing, rails, track accessories, wheels, tires, axles, wire and wire products (except producers to whom serial numbers have been issued under Order P-68).

Intermediate metal products

I	Bearings, ball and roller.
I	Bolts, nuts, rivets, washers, screws and pins.
I	Bushings, journal bearings and sleeve bearings.
I	Crankshafts.
I	Cylinders, hydraulic actuating.
I	Fittings, pipe.
I	Gaskets, packings and grease retainers.
II	Metal stampings.
I	Nails, brads, staples and tacks.
I	Pipe, fabricated.
I	Plate, fabricated (steel).
I	Railroad frogs, switches and crossings.
I	Screw machine products.
I	Springs.
II	Strapping, metal, round and flat (including seals).
I	Structural steel (fabricated).
I	Tanks, metal storage.
I	Tubing and hose, flexible (metallic).
I	Valves.

Chemical products

I	Chemicals and allied products for industrial and military use (excluding automobile body polish and top dressing; candles; cleaning and polishing preparations for metal, leather, floors and furniture; household dyes; ink and ink eradicators; incense; toiletries and cosmetics, perfumes, powders and creams, manicure preparations, hair dressings, dyes, shampoos and tonics; dentrifices and depilatories).
I	Colors and pigments.
I	Drugs, medicinals, pharmaceuticals and biologicals.
II	Dry cleaning preparations.
I	Paints, varnishes and lacquers.
II	Printing ink.
II	Soap, soap chips, flakes and powders.

General industrial equipment

I	Air conditioning and refrigeration equipment; industrial and commercial.

General industrial equipment—Continued

Schedule	
I	Boilers, 100 lbs. pressure and over.
II	Boilers, below 100 lbs. pressure.
II	Bottling machines.
I	Condensers: steam, surface, jet and barometric.
I	Control valves and regulators, industrial type.
I	Conveyors and conveyor systems.
I	Cranes, hoists, winches and derricks.
II	Dust collecting equipment, industrial.
I	Fans, blowers and exhausters, excluding propeller type and commercial ventilating fans.
I	Furnaces and ovens, industrial.
I	Heat exchangers, as defined in official CMP B Product List.
I	Instruments, industrial types.
I	Lubricating equipment, industrial.
I	Metal working machinery, equipment, attachments and accessories; including machine tools, bending, die casting; die molding, extruding and forging machines; foundry machinery, equipment and supplies; heat treating equipment; hydraulic and mechanical presses; rolling mills and allied equipment; shears, punches and nibblers; welding equipment and apparatus; wire drawing and wire-working machinery; diamond dies; metal cutting tools; and welding rods and electrodes.
I	Meters, gas and water.
II	Packaging machinery; including packaging machines, bag filling and closing machines, case packers and case sealing machines, wrapping machines.
I	Power transmission equipment, mechanical and hydraulic.
I	Pulverizers, coal.
I	Pumps.
II	Presses, baling.
I	Pressure vessels, as defined in official CMP B Product List.
I	Compressors and dry vacuum pumps.
I	Safety equipment, industrial.
II	Sewing machines, industrial.
I	Speed changers.
II	Spraying equipment, industrial.
I	Stokers.
I	Trucks and tractors, industrial; hand and power operated.
I	Tube cleaners and expanders.
I	Turbo-blowers and turbo-exhausters.
II	Vacuum cleaners, industrial.

Special industry machinery

II	Automotive maintenance equipment.
II	Broom, brush and mop making machinery.
I	Ceramics manufacturing machinery.
I	Chemicals producing machinery.
II	Cooperage machinery.
II	Cotton ginning, compressing and delinting machinery.
II	Distillery machinery (except beverage).
I	Drilling equipment, oil field, including rigs and accessories.
I	Drilling machinery, water well.
I	Drug and pharmaceutical machinery.
I	Dry kilns and redriers for wood treatment.
I	Fertilizer machinery and equipment.
II	Food and food processing machinery and equipment, except food dehydration machinery.
I	Food dehydration machinery.

Special industry machinery—Continued

Schedule	
I	Gas generating, conditioning and gas producing equipment and apparatus.
I	Glass container making machinery.
I	Glass making machinery.
II	Hemp, flax and similar fibre decorticating machinery.
II	Leather working machinery.
I	Logging and sawmill machinery and equipment.
II	Metal container and closure making machinery.
I	Mining machinery and equipment.
I	Oil machinery and equipment; animal, fish, vegetable.
I	Ore milling machinery and equipment.
II	Optical and opthalmic goods making machinery.
I	Paint and varnish making machinery.
II	Paper and fiber container making machinery.
II	Papermill, pulp mill and paper products machinery.
I	Petroleum refinery machinery and equipment.
I	Plastics molding machinery.
II	Printing trades machinery and equipment.
I	Rubber working and tire making, retreading, recapping and repairing machinery.
II	Sewer cleaning machinery and equipment.
I	Smelting and refining equipment.
I	Stone products manufacturing machinery.
II	Textile machinery.
I	Water conditioning equipment.
II	Wood boxmaking machinery.
I	Woodworking machinery.
II	Special industry machinery not elsewhere listed, excluding tobacco manufacturing machinery and equipment and cosmetics machinery.

Construction machinery and equipment

I	Drilling and boring machinery, earth and rock.
I	Power cranes and shovels, draglines, buckets, stiff-leg derricks, and dredges.
I	Scrapers, maintainers and graders.
I	Tractors, track-laying and wheel types.
I	Tractor mounted construction equipment, including angle-dozers, bull-dozers, and power control units.
I	Winches and hoists, contractors elevating.
II	Other construction machinery and equipment, not elsewhere listed.

Military type products

I	Aircraft, including airframes, engines, propellors, instruments, components, maintenance, and concurrent spares, and air borne equipment.
I	Airplane landing mats.
I	Ammunition.
I	Ammunition boxes and chests.
I	Ammunition and explosive loading machinery and equipment.
I	Artillery, including railway and seacoast.
I	Barrage balloon equipment.
I	Bombs, depth charges, mines and torpedoes.
I	Combat tanks and parts, including engines.
I	Communication equipment, military.
I	Explosives.

Military type products—Continued

Schedule	
I	Fire control and other combat instruments.
II	Insignia, military.
I	Machine guns, ground and hand arm.
I	Motor cycles, side cars and parts, including power cycles.
I	Motor vehicles, military, including armored cars, scout cars, half-tracks and other military motor vehicles, including bodies, engines, parts and accessories.
I	Naval armament and weapons.
I	Navigation instruments.
I	Pyrotechnics, including flares and signals.
I	Radio and radar equipment and components.
I	Safety equipment, military, including masks, inhalators, rescue breathing apparatus, goggles, helmets, protective clothing and footwear, and decontamination apparatus.
I	Searchlights, anti-aircraft.
I	Ships, vessels, and other watercraft, including elevators, turbines, engines, equipment and parts.
I	Tanks and anti-tank armament and weapons.
I	Weapons, anti-aircraft.
I	Weapons, not elsewhere listed.
II	Products for military use not elsewhere listed.

Electrical products

I	Anodizing equipment.
I	Batteries, dry cell.
I	Batteries, storage.
II	Bells, buzzers, chimes, gongs, horns and other sound signalling devices (electric).
I	Capacitors.
I	Carbon brushes.
I	Cut-outs and fuse links, electric (heavy duty).
II	Electric appliances, commercial and domestic, all types.
I	Electrical apparatus for internal combustion engines.
I	Electrical connectors.
I	Electroplating equipment.
II	Flashlight cases.
I	Fuses.
I	Infra-red heating and drying equipment.
I	Instruments, electrical measuring.
II	Lamp bulbs and tubes, except aircraft.
II	Lamps and lanterns.
I	Lighting equipment and accessories, aircraft, airport and marine.
II	Lighting equipment and accessories other than aircraft, airport and marine.
II	Lighting fixtures.
I	Magnets, electrical lifting.
I	Motor controls and control equipment.
I	Motors, generators and motor generator sets.
I	Physio-therapy apparatus.
I	Pole-line hardware and insulators.
I	Rectifiers; mercury arc.
I	Regulators.
I	Searchlights and floodlights.
I	Sparkplugs.
II	Street and highway traffic control signals and controllers.
I	Switchgear, panel and distribution boards.
I	Synchronous condensers and frequency changers.
I	Transformers.
I	Tubes, electronic and rectifier.
I	Wire and cable, insulated.
I	Wiring devices and conduits (electric).
I	X-ray apparatus and tubes.

Engines, turbines and generator sets

Schedule	
I	Engines, internal combustion, and accessories.
I	Engines, steam.
I	Generator sets.
I	Turbines.

Communication equipment

I	Alarm and signal systems, protective.
I	Radio equipment and components.
I	Wire communication equipment.
I	Other communication equipment.

Transportation equipment

I	Bicycles.
I	Brakes, air, and airbrake actuating mechanism.
I	Hardware, transportation equipment.
I	Locomotives, railroad; parts and accessories.
I	Motor vehicles, bodies, engines, parts and accessories, nonmilitary; including buses, motorized fire apparatus and automobile trailers for attachment to passenger cars.
I	Railroad cars, parts and accessories.
I	Railroad and transit maintenance-of-way equipment.
I	Railroad and transit signal equipment.
I	Railroad and transit track equipment.
I	Street and rapid transit cars, parts and accessories.
II	Wagons, carts, sleds, sleighs and other non-motorized vehicles.

Building materials

I	Asbestos building materials.
II	Asphaltic building products.
II	Building mesh.
II	Cement, Portland.
II	Concrete building products.
II	Doors and windows.
II	Gypsum building products.
I	Hard board.
II	Hardware, builders.
II	Metal moulding and trim.
II	Mineral wool, industrial.
II	Plumbing fixtures, fittings and trim, and sanitary ware.
II	Radiators, convectors and blast heating coils.
II	Screen cloth.
II	Sheet metal building products.
II	Structural insulation and fibre board.
II	Weatherstripping.
II	Wire fence, posts and gates.
II	Products for structural use not elsewhere listed.[7]

Miscellaneous products

I	Abrasive products.
I	Agricultural machinery, implements and equipment, excluding farm and garden hand tools.
I	Asbestos textiles.
II	Baby carriages and similar equipment.
II	Bag and bale ties.
II	Beds, bedsprings and mattresses.
II	Bells, gongs and other non-electric signalling devices.
I	Blast detonating equipment, industrial.
I	Blue printing developing and drying machines.
II	Brooms, brushes, mops.

[7] See also Interpretation 10: Other products includes light weight aggregates, ready mixed concrete and ready mixed bituminous cement; and Direction 14: Manufacturers of roll roofing, shingles and corkboard may use MRO symbol to buy steel nails.

Miscellaneous products—Continued

Schedule	
I	Buoys.
II	Burners, gas, oil and combination.
I	Carbon products, industrial.
II	Caskets, coffins, burial cases and vaults.
II	Ceramic and clay products.
I	Chains.
II	Church goods.
II	Clocks and watches, including chronometers, except aircraft.
II	Closures, all types.
I	Coke and coke oven by-products (except producers to whom a serial number has been issued under Order P–68).
II	Containers: all types except fiber drums, gas cylinders and ton containers, and nailed wooden boxes and crates.
I	Containers; fiber drums, gas cylinders and ton containers, and nailed wooden boxes and crates only.
I	Cooking stoves and ranges, domestic, including laundry stoves, hot plates, and portable ovens.
I	Cooking equipment, commercial.
II	Cork products.
II	Cutlery.
II	Dishwashing machinery, commercial.
II	Elevators and escalators.
II	Fans, ventilating (commercial).
II	Findings, apparel and shoe.
I	Fire extinguishers, carbon dioxide.
II	Fire protection equipment, including portable and fixed fire extinguishers and systems other than carbon dioxide types; stirrup pumps; automatic sprinkler systems; fire hose, hose dryers, racks, reels and related products; and fire hydrant indicator posts and stand pipe equipment.
I	Fishing equipment, commercial.
II	Floor coverings, linoleum and felt base.
II	Floor finishing and floor maintenance machines, as defined by WPB Order L–222.
II	Food preparation and serving fixtures, equipment and appliances, commercial.
II	Furniture.
I	Glass products: fibrous glass products for military, industrial and structural use, and technical glass for military and industrial use.
II	Glass Products: not elsewhere listed, excluding mirrors.
II	Hairpins, bob pins and hair curlers.
II	Hardware, not elsewhere listed.
I	Heating equipment (except electric) including heating system controls and hot water equipment.
II	Hooks and eyes, slide and snap fasteners, buckles, buttons and miscellaneous apparel findings.
II	Houses, mobile and prefabricated.
I	Ice.
II	Identification badges, emblems, pin tickets, plates, tags not military.
I	Instruments, apparatus, equipment, supplies and appliances; dental.
I	Instruments and apparatus; laboratory.
I	Instruments and equipment; engineering (including surveyors' drawing and mathematical).
I	Instruments and apparatus; analytical and industrial testing.
I	Instruments, equipment, supplies; surgical and medical, including orthopedic appliances.
I	Instruments and lenses; optical.
II	Instruments; musical.
I	Jewel bearings.
II	Kitchen, household and other miscellaneous articles, as defined in WPB Order L–30.
II	Lamps and lanterns, non-electric.
II	Laundry, dry cleaning and pressing machinery, commercial.
II	Laundry machinery, domestic.
II	Lawn mowers, hand and power.
II	Leather and leather products.
I	Lenses and instruments; optical.
II	Loose leaf binders.
II	Morticians' goods.
II	Needles.
II	Office machinery.
II	Office supplies, including marking devices.
II	Ophthalmic goods.
II	Pens and pencils.
I	Photographic equipment, apparatus and materials, excluding projection apparatus.
II	Phonographs, parts, records and needles.
II	Pins, common and safety.
I	Plastic products: moulding and laminating.
II	Projection apparatus.
II	Pulp and paper and paper products.
II	Razors and blades.
I	Refractories.
I	Refrigerators and parts (domestic).
II	Rope.
I	Rubber and rubber products.
II	Scales and balances, industrial and commercial.
I	Sensitized film and paper.
II	Sewing machines.
II	Textiles and clothing.
II	Time stamps and recording devices.
II	Tools, farm and garden, edge and hand.
I	Tools; including edge tools, hand tools, mechanics hand service tools, gauges and machinists precision measuring tools, files and rasps; excluding farm and garden edge and hand tools.
II	Traps and cages, animal.
II	Unit heaters and unit ventilators.
II	Vitreous enameled products.
II	Wood products.
II	Products for military, industrial and structural use not elsewhere listed.

Conduct of the following businesses or activities

Schedule	
II	Cotton ginning and compressing.
II	Construction.
I	Detinning.
II	Drainage and irrigation.
I	Electrical and mechanical repair shops for industrial, commercial and agricultural equipment; and public, industrial and commercial transportation equipment.[8]
I	Electro-plating, galvanizing and other metal treating and finishing.
II	Engraving on metal.
I	Fabricating and rifting mica.
I	Feed and grain (stock and poultry) processing and storage.
I	Fishing, commercial.
II	Hemp, flax, and similar fiber decortication.
I	Industrial food manufacturing, processing, packaging, preservation and storage, (except soft drink and alcoholic beverages, and chewing gum). Restaurants, hotels, retail stores, and farms are not included in this category.[9]
I	Logging operations, sawmills, veneer mills, plywood mills, planing mills, shingle mills, and dry kilns operated in connection with sawmills.
I	Military and Naval establishments: camps, posts, bases, stations, air fields and depots.
II	Motion picture production.
I	Operation of ships, vessels and other craft, except pleasure vessels.[10]
II	Printing and publishing, including blueprinting and allied reproduction.
I	Public utilities; gas, light, power, water and central heating and sanitation (except producers as defined in Utilities Order U–1).
I	Public transportation, terminal and dock facilities, including stevedoring.[11]
I	Petroleum and natural gas production, transportation, refining and marketing (except to the extent covered by P–98 (b).
II	Refrigeration (commercial) other than food.
II	Scrap salvage, sorting and processing.
I	Seed processing, packaging, preservation and storage.
I	Ship repair and maintenance.
I	Slag recovery and disposal.
I	Smelting and refining (except producers to whom a serial number has been issued under P–73).
II	Solid fuel distribution and marketing including only those dealers with equipped yards (a dealer with an equipped yard is one who regularly maintains storage and sorting facilities as a part of his own operations, and loading, carrying and other machinery for handling and weighing).
II	Tire and tube recapping, retreading and vulcanizing.
I	Vegetable oil extraction.
II	Warehousing, metal.
II	Warehouses: public: dry and open storage.
I	Warehouses, refrigerated; perishable food products.
I	Wire communications industries (except operators as defined in Utilities Orders U–3 and U–4).

List of directions 1 through 17 to CMP Regulation No. 5 as revised:

(1) How to Obtain Aluminum Pattern Equipment under CMP.
(2) Steel Shoe Wire.
(3) Rerating not Compulsory—Obsolete.
(4) Stitching Wire for the Printing and Publishing Industry.
(5) Farmers.
(6) Ships of Friendly Foreign Nations.
(7) Welding Rod.
(8) Determining Quantity Restrictions on a Receipt Basis.
(9) Hand Tools Purchased by Employees—Revoked December 20, 1943. Covered by Direction 4 to Priorities Regulation No. 3.
(10) Welding Rod for Repair Shops—Revoked January 28, 1944. Covered by CMP Regulation No. 9A.
(11) Safety Equipment Purchased by Employees—Revoked December 20, 1943. Covered by Direction 4 to Priorities Regulation No. 3.
(12) Rerating not Compulsory—Obsolete.
(13) Quota and Expenditure Records—Revoked. February 26, 1944. Superseded by paragraphs (f) (5) and (f) (6).
(14) Use of MRO Symbol by Manufacturers of Roll Roofing, Shingles and Corkboard.
(15) Use of MRO Symbol and Rating to Buy Installation Materials where Authorization to Construct is not Required under L–41.
(16) Broom Wire.
(17) Motion Picture Theaters.

[8] See also Interpretation No. 6: Public transportation means common carriers: Direction No. 10: Welding rods for service repair shops.

[9] See also Interpretation No. 7 relating to distribution of food products.

[10] See also Direction No. 6: ships of friendly foreign nations.

[11] See also Interpretation No. 6: Public Transportation means common carriers.

INTERPRETATION 1

(NOTE: List A has been supplanted by List B of Priorities Regulation No. 3. Reference should be made to the items listed there.)

Office supplies are not included in List A of CMP Regulation No. 5 and consequently the procedures provided by the regulation may be used to obtain such supplies provided they do not come within the following categories which are specifically mentioned in List A:

Item

2. Printed matter and stationery. This refers only to printed matter and items such as letterheads, envelopes and forms.

3. Paper, paperboard, and products manufactured therefrom; molded pulp products.

5. Office machinery or office equipment.

Safety shoes are included in List A of the regulation and consequently the procedures provided by the regulation may not be used to obtain them. Safety shoes are not included among the items constituting exceptions to item 6 of the list. (Issued April 5, 1943.)

INTERPRETATION 2

A person who is permitted to get controlled materials under paragraph (c) (1) of CMP Regulation No. 5 for maintenance, repair and operating supplies is not entitled to use the MRO symbol for purposes of allotting controlled materials to others. For example, a manufacturer of a product listed in Schedule I or Schedule II of the regulation requires a spring as a repair part. He may use the MRO symbol to place an authorized controlled material order for steel which he will fabricate into the spring which he requires, but if he buys the spring from a spring manufacturer, he may not make an allotment with the MRO symbol to the spring manufacturer. The spring manufacturer receives his allotment direct from the War Production Board as provided in paragraph (k–1) of CMP Regulation No. 1. (Issued April 20, 1943.)

INTERPRETATION 3

NOTE: Interpretation 3 superseded by subsequent amendments.

INTERPRETATION 4

NOTE: Interpretation 4 was revoked Nov. 19, 1943.

INTERPRETATION 5

GENERAL OFFICES, BRANCH OFFICES, SALESROOMS, ETC.

The ratings and symbol assigned by CMP Regulation No. 5 to a particular business may be used to obtain maintenance, repair and operating supplies for general offices, branch offices, salesrooms and other facilities essential to the conduct of the business. (Issued May 20, 1943.)

INTERPRETATION 6

COMMON CARRIERS

Persons engaged in "public transportation" are included in Schedule I of CMP Regulation No. 5. This term includes any person who holds himself out to the general public as engaged in transportation, regardless of how he is classified under any Federal or State statute. Any person who would be considered a common carrier under common law is included within the term.

A private or contract carrier is not included. (Issued May 20, 1943.)

INTERPRETATION 7

MANUFACTURE AND DISTRIBUTION OF FOOD PRODUCTS

(a) "Industrial food manufacturing, processing, packaging, preservation and storage" is included in Schedule I of CMP Regulation No. 5 and persons engaged in such occupation are entitled to use a rating of AA–1 and the MRO symbol in purchasing maintenance, repair and operating supplies needed in connection with the conduct of their business.

(b) Distribution of food products, as distinct from their production, does not constitute industrial food manufacturing or processing under Schedule I and is not included elsewhere in Schedule I or II of the regulation. Persons engaged in selling food products which they do not produce are only entitled to use the AA–5 rating to obtain maintenance, repair and operating supplies for their business.

(c) In those cases where a person is engaged in both producing and distributing food products he may, under paragraph (e) of the regulation, obtain his entire maintenance, repair and operating supply requirements at the rating assigned to the principal activity in which he is engaged where, and only where, it is impracticable to apportion requirements to his several activities. (Issued May 27, 1943.)

INTERPRETATION 8

CAPITALIZED REPAIRS

Products or materials needed for repairs or replacements which are capitalized cannot be obtained under CMP Regulation No. 5 [§ 3175.5] except to the extent permitted by paragraph (b) (3) of the regulation relating to minor capital additions costing less than $500. (Issued July 17, 1943.)

INTERPRETATION 9

RELATIONSHIP BETWEEN CMP REGULATION NO. 5 AND CONSERVATION ORDER L–41

(a) Order L–41 requires War Production Board authorization before beginning any construction work except in those cases where the order expressly states that authorization is not necessary.

(b) CMP Regulation No. 5 (§ 3175.5) may not be used to get materials or products for any construction work of the type which requires authorization under Order L–41, unless the authorization specifically says that CMP Regulation No. 5 may be used.

(c) In those cases where specific War Production Board authorization is not required before beginning construction, and where the materials needed for the construction cost no more than $500, CMP Regulation No. 5 may be used to buy materials and products needed for the construction. (Issued July 29, 1943.)

INTERPRETATION 10

CONCRETE AND AGGREGATES

The term "products for structural use not elsewhere listed" appearing under "Building Materials" on Schedule II of CMP Regulation No. 5 includes light-weight aggregates, ready-mixed concrete and pre-mixed bituminous concrete. (Issued Nov. 9, 1943.)

[F. R. Doc. 44–2770; Filed, February 26, 1944; 11:38 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 13, Revocation]

Direction 13 to CMP Regulation No. 5 is hereby revoked. The provisions of the direction are included in paragraph (f) of CMP Regulation No. 5 as amended February 26, 1944.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2771; Filed, February 26, 1944; 11:38 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, Direction 2]

USE OF MATERIAL TO INSTALL EQUIPMENT

The following direction is issued pursuant to CMP Regulation 9A.

(a) A repairman may use only up to $25 worth of material purchased under CMP Regulation 9A to install any unit of cooking, plumbing, heating, or used air-conditioning or refrigeration equipment.

(b) If a new air-conditioning or refrigeration system has been authorized under the provisions of Order L–38, and authorization to construct under L–41 has been granted if necessary, a repairman may use up to $250 worth of material purchased under CMP Regulation 9A to install the new system.

(c) This direction does not increase the amounts of material which a repairman can buy under CMP Regulation 9A.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2772; Filed, February 26, 1944; 11:38 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Limitation Order L–237, as Amended Feb. 26, 1944]

LIGHT POWER DRIVEN TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account, and for export, of light power driven tools and materials entering

into the production thereof; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.26 *General Limitation Order L–237*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the production, manufacture, or assembly of light power driven tools.

(3) "Supplier" means any person (other than a producer) whose business consists in whole or in part of the sale, distribution, or transfer from stock or inventory of light power driven tools; "supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(4) "Light power driven tool" means any new power driven tool, whether powered by electric motor, belt drive, or pneumatic or hydraulic means, listed on Schedule A hereof, as amended from time to time, irrespective of the use for which it is designed, or the use to which it may be put, whether for the working of metals, wood or any other substance, which power driven tool had a producer's list price on October 15, 1942, of $350 or less; exclusive, however, of floor finishing, floor maintenance and floor sanding machines as defined in General Limitation Order L–222 and exclusive of portable tools, and exclusive of automotive maintenance equipment as defined in Limitation Order L–270.

(5) "Portable tool" means any light power driven tool which in the course of normal use is lifted, held and operated by not more than two persons.

(6) "Producer's list price" means the sale price at which the producer's catalogue or other price publication listed the light power driven tool. If the producer manufactures a light power driven tool for a particular supplier and does not list the tool in his catalogue or other price publication, the producer's list price shall be the price listed by the supplier in his catalogue or price publication. In either case the price shall be exclusive of the motor, motor drive, or any attachments for the tool unless these are initially built into the basic tool itself as an integral part thereof, in which case the "producer's list price" shall mean the sale price at which the producer or supplier listed the light power driven tool as an assembled unit.

(b) *Restrictions.* (1) Beginning with March 1944 no producer shall fabricate or assemble during any calendar month more light power driven tools by dollar value (producer's list price less maximum published discount) than 50% of the quantity by invoiced dollar value shipped by him during the second and third preceding months. For example, the dollar value of production in March taken at the producer's list price less his maximum published discount cannot exceed 50% of the invoiced dollar value of shipments in December and January. However, a producer may exceed this limit to the extent necessary to permit him to fill specific purchase orders rated AA–5, or higher, actually received by him.

(2) No producer or supplier shall sell, transfer or deliver to any person any light power driven tool except on orders bearing a preference rating of AA–5 or higher: *Provided, however,* That the provisions of this paragraph (b) (2) shall not apply to the sale, transfer or delivery of any light power driven tool by one supplier to another supplier.

(3) [Revoked Feb. 26, 1944]

NOTE: For restriction on the use of blanket MRO ratings for certain types of light power driven tools see List B of Priorities Regulation No. 3.

(4) No supplier shall accept delivery of any light power driven tool which will increase his inventory of that size and type of tool (irrespective of manufacturing make) beyond five in number; and no producer or supplier shall deliver or cause to be delivered to any supplier any light power driven tool which the delivering producer or supplier knows or has reason to believe will increase the receiving supplier's inventory of that size and type of tool (irrespective of manufacturing make) beyond five in number. However eight units of each size and type shall be the limit of a supplier's inventory if the supplier is located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma or Texas.

(5) The prohibitions and restrictions imposed by this order on sales, transfers, and deliveries shall apply to sales, transfers, or deliveries from one branch, division or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control; and the delivery and inventory restrictions of paragraph (b) (4) hereof shall apply separately to each branch, division, or section of a single enterprise under common ownership or control.

(c) *Inapplicability of other orders.* Light power driven tools covered by this Order L–237 are specifically excluded from General Preference Order E–1–b as amended March 8, 1943. Producers who produce both light power driven tools under Limitation Order L–237 and machine tools under General Preference Order E–1–b must conform to the applicable provisions of each order, unless otherwise specifically directed by the War Production Board.

(d) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Tools Division, Washington 25, D. C., Ref: L–237.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Items "Arbor saws • • •," "Power arbor presses" deleted, Feb. 26, 1944.

LIGHT POWER DRIVEN TOOLS FOR WORKING OF METAL, WOOD, OR OTHER SUBSTANCES

Band saw machines (excluding woodworking only of 17" wheel diameter and larger).
Table saws (excluding woodworking only larger than 12" blade diameter or 2 H. P.)
Single spindle drill presses, including drill press heads—bench and floor types.
Multiple spindle drill presses, including drill press heads—bench and floor types.
Radial drills.
Tapping machines.
Shapers, ram type.
Shapers, vertical spindle (excluding woodworking only 3 H. P. or larger).
Milling machines—bench and floor types.
Grinders and buffers—bench and floor types as follows:
General purpose, including drill grinders, but excluding belt driven bench grinders.
Carbide tool.
Surface grinders, including tool, cutter and chip breaker types.
Cylindrical grinders.
Tool post grinders.
Disc (disk) grinding and finishing machines.
Saw grinders.
Tap grinders.
Abrasive belt finishing machines.
Cutoff machines, including radial (excluding woodworking only).
Hack saw machines.
Lathes, bench and floor types as follows:
Engine.
Metal spinning and woodworking, excluding those designed for woodworking only.
Polishing and buffing.
Flexible shaft machines.
Pipe and bolt threading machines.
Scroll and jig saws.
Jointers.
Routers (excluding woodworking only over 2 H. P.).
Filing machines.
Honing machines.
Lapping machines.
Polishing heads, excluding belt driven bench models.

[F. R. Doc. 44–2773; Filed, February 26, 1944; 11:38 a. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L–236, Schedule III, as Amended Feb. 26, 1944]

MARINE FITTINGS HARDWARE

§ 3284.64 *Schedule III to Limitation Order L–236*—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who forges, manufactures, fabricates, or assembles marine fittings hardware as defined in paragraph (a) (2) of this schedule.

(2) "Marine fittings hardware" means turnbuckles, shackles, thimbles, rope sockets, hooks, cleats, and chocks, as listed in Tables I through VII of this schedule.

(b) *Simplified practices.* After February 26, 1944, no producer shall manufacture, fabricate or assemble items of marine fittings hardware listed in Tables I through VII of this schedule which fail to conform with the sizes, types, grades and provisions set forth in those tables.

(c) *Exceptions.* The provisions of this schedule do not apply to:

(1) Parts manufactured for repair of marine fittings hardware.

(2) Marine fittings hardware manufactured, fabricated or assembled to fill a contract for the Army, Navy, Maritime Commission or War Shipping Administration, provided such contract for marine fittings hardware was executed prior to October 14, 1943.

(3) Marine fittings hardware manufactured, fabricated or assembled in establishments wholly owned and operated by the Navy.

(4) Marine fittings hardware specially designed and constructed for use on or operation of lifeboats, lifeboat equipment or lifelines.

(5) Marine fittings hardware specially designed and constructed for use on or operation of aircraft or underwater craft.

(6) Turnbuckles, rope sockets or rope thimbles less than ¼ inch in size.

(7) Turnbuckles specially designed and constructed for use on radio antenna.

(8) Hooks manufactured for attachment as an integral part of a chain hoist, electric hoist or tackle block.

(9) Hoist hooks larger than sizes 15 or 35 and grab or slip hooks larger than 1" size.

(10) Chocks larger than 18" length.

(d) *Permitted finishes.* Finish of marine fittings hardware may be galvanized, lead coated, painted or self-colored.

(e) *Restriction on marine fittings hardware for pleasure boats.* No producer shall manufacture any marine fittings hardware designed for use on pleasure boats.

Issued this 26th day of February, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE I—FORGED, FABRICATED AND PIPE TURNBUCKLES

Forged and pipe turnbuckle bodies may be made with either round or hexagon ends. Pipe turnbuckles shall not be made with hexagon body.

Turnbuckles up to and including ¾" diameter may be equipped only with eyes, jaws, open hooks, sister hooks and stubs or combinations thereof. Turnbuckles ⅞" diameter and larger may be equipped only with eyes, jaws and stubs or combinations thereof.

(1) *Open type turnbuckles (forged or fabricated).* The following sizes only may be manufactured. Sizes are the amount of take-up in inches and the diameter in inches of end fittings.

Takeup (inches):	Diameter (inches)
4	¼
4½	5/16
5	½
6	⅜, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼
9	½, ⅝, ¾
12	½, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1½, 1¾, 2
18	¾, ⅞, 1, 1⅛, 1¼, 1½, 1¾, 2, 2½, 3
24	1, 1¼, 1½, 1¾, 2, 2½, 3
36	2, 2½
48	2½, 3, 3½

(2) *Pipe turnbuckles.* The following sizes only may be manufactured. Sizes are the diameter in inches of the end fittings. ½, ⅝, ¾, ⅞, 1, 1¼, 1½, 1¾, 2, 2½, 3.

(3) *Turnbuckle bodies.* Turnbuckle bodies (without fittings) may only be manufactured in the sizes specified for open type turnbuckles and in addition the following sizes.

6 inch takeup—1⅜, 1½, 1⅝, 1¾, 1⅞, 2, 2⅛, 2¼, 2⅜, 2½, 2⅝, 2¾, 3, 3¼, 3½ and 4 inch diameters.

9 inch takeup—3¼, 3½, 4, 4½, 5 and 5½ inch diameters.

Exception. Special types and sizes of turnbuckles may be made for use by the Navy if approval is given by the Chief of the appropriate Navy Bureau, the Supervisor of Shipbuilding of the Navy or the Inspector of Naval Materials.

TABLE II—FORGED SHACKLES

Oval pin shackles may be made for Army, Navy and Maritime Commission use only. The following types and sizes only may be manufactured. Sizes are the diameter in inches of the body stock in the bow of the shackle.

Screw pin, round pin and oval pin anchor shackles. ¼, 5/16, ⅜, 7/16, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½, 3, 3¼, 3½.

Bolt anchor shackles. ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½.

Screw pin, round pin and oval pin chain shackles. ¼, 5/16, ⅜, 7/16, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½, 3, 3¼, 3½.

Bolt chain shackles. ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½, 3, 3¼, 3½.

Exception. Special types and sizes of shackles may be made for use by the Navy if approval is given by the Chief of the appropriate Navy Bureau, the Supervisor of Shipbuilding of the Navy or the Inspector of Naval Materials.

TABLE III—ROPE THIMBLES

The following sizes only may be manufactured. Sizes are the width of the rope channel in inches.

Thimbles for Manila rope. ¼, 5/16, ⅜, 7/16, ½, 9/16, ⅝, 11/16, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2¾, 3½, 4.

Thimbles for wire rope. ¼, 5/16, ⅜, 7/16, ½, 9/16, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1⅝, 1¾, 1⅞, 2, 2½, 3, 3½, 4.

Heavy towing thimbles. 2½, 3, 3½, 4.

TABLE IV—ROPE SOCKETS

The following sizes only may be manufactured. Sizes are for the accommodating rope diameter in inches. ¼, 5/16, ⅜, 7/16, ½, 9/16, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1⅝, 1¾, 1⅞, 2, 2⅛, 2¼, 2⅜, 2½, 2⅝, 2¾, 2⅞, 3.

TABLE V—FORGED HOIST, GRAB AND SLIP HOOKS

Eye hoist hooks may be equipped with thimbles of the sizes permitted in Table III. Shank hoist hooks may be equipped with swivel eye. All hoist hooks may be equipped with safety device. The following sizes only may be manufactured. Numbers are taken from the catalog of J. H. Williams & Company/and from catalog 130 of the Thomas Laughlin Company for use as a guide. Similar products of other manufacturers are permitted. Sizes of grab and slip hooks are for the accommodating size of chain in inches.

Shank hoist hook. Numbers 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

Regular eye hoist hook. Numbers 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

Reversed eye hoist hook. Numbers 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

Grab hooks. ¼, 5/16, ⅜, 7/16, ½, ⅝, ¾, ⅞, 1.

Slip hooks. ¼, 5/16, ⅜, 7/16, ½, ⅝, ¾, ⅞, 1.

TABLE VI—CLEATS

The following types and sizes may be manufactured. Sizes are length in inches.

Awning cleats. 3, 3½, 6, 8.

Boat cleats. 2, 4, 6, 8, 10, 12, 14.

Ship cleats. 10, 12, 15, 18, 24, 30, 36.

Barge cleats. 40, 42, 42½.

Dock cleats. 30, 36, 42, 42½.

NOTE: Jam cleats and shoulder cleats are excluded from the limitations of this schedule.

TABLE VII—CHOCKS

The following types and sizes may be manufactured. Sizes are length in inches.

Bow chocks. 4, 6, 8, 10, 12, 15, 18.

Straight or stern chocks. 4, 6, 8, 10, 12, 15, 18.

Closed chocks. 4, 6, 8, 10, 12, 15, 18.

Dock chocks. 14, 16, 18.

Double head chocks. 4½, 6, 7½, 9.

NOTE: Built up or fabricated chocks, roller chocks and collision chocks are excluded from the limitations of this schedule.

[F. R. Doc. 44–2775; Filed, February 26, 1944; 11:43 a. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L–327]

AIRCRAFT LIGHTING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used to produce aircraft lighting equipment for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3284.48 *Limitation Order L–327*—(a) *Definitions.* For the purposes of this order "aircraft lighting equipment" means any light or lamp assemblies (whether portable or not) specifically designed or constructed for use on aircraft, either for purposes of illumination or indication. The term includes all parts, equipment, and devices specifically designed or constructed for use in conjunction with such light or lamp assemblies. The following are examples of types of assemblies included in this definition:

(1) "Landing light," meaning a light or lamp assembly, including any retractable mechanism or adapter, designed to illuminate the ground or other area for

the purpose of facilitating the landing of aircraft;

(2) "Position light," meaning a light or lamp assembly used on aircraft to indicate its position and direction of motion;

(3) "Anchor or riding light," meaning a light or lamp assembly used on floating aircraft to indicate its position when anchored;

(4) "Formation light," meaning a light or lamp assembly used to facilitate formation flying;

(5) "Recognition light," meaning a light or lamp assembly used for the identification of friendly aircraft;

(6) "Instrument light," meaning a light or lamp assembly used to illuminate or irradiate aircraft instruments;

(7) "Cabin light," meaning a light or lamp assembly designed for the purpose of illuminating the interior of aircraft;

(8) "Signal light," meaning a light or lamp assembly designed to be operated manually for the purpose of signaling from aircraft;

(9) "Indicator light," meaning a light or lamp assembly which indicates a condition or the functioning of a device or indicates some action taken or to be taken;

(10) "Approach light," meaning a light or lamp assembly mounted on aircraft and designed for the purpose of facilitating the landing of aircraft on aircraft carriers.

The term "aircraft lighting equipment" does not include pyrotechnic devices, gunsights or bombsights, indicator lights incorporated as an integral part of radio and radar apparatus, or aviation ground lighting equipment as defined in Order L-235.

(b) *Restrictions on manufacture, sale, and delivery.* On and after April 10, 1944, no person may manufacture, assemble, sell or deliver any aircraft lighting equipment except:

(1) Aircraft lighting equipment certified by The Aeronautical Board of the United States, Washington, D. C., as conforming to specifications or drawings issued by such Board, or

(2) Aircraft lighting equipment certified by the Matériel Command of the Army Air Forces of the United States, Wright Field, Dayton, Ohio, as conforming to specifications or drawings issued by or acceptable to such Command, to the extent that Aeronautical Board specifications or drawings are not applicable, or

(3) Aircraft lighting equipment certified by the Bureau of Aeronautics of the Navy Department of the United States, Washington, D. C., as conforming to specifications or drawings issued by or acceptable to such Bureau, to the extent that Aeronautical Board specifications or drawings are not applicable, or

(4) Aircraft lighting equipment certified by the Civil Aeronautics Administration of the U. S. Department of Commerce, Washington, D. C., as conforming to the Civil Air Regulations, or

(5) Aircraft lighting equipment to be used only for purposes of experimentation, research and development, or test, or

(6) Aircraft lighting equipment specifically authorized in writing by the War Production Board. (Each person filing a request for authorization pursuant to this subparagraph shall provide information by letter in triplicate, including the following: Description of lighting equipment and/or accessories, giving type, specification, drawing numbers, and value; quantity; customer's name and location; purchase order number and date received; delivery schedule; prime contract number; and reasons why equipment certified under paragraphs (b) (1), (b) (2), (b) (3), or (b) (4) of this order cannot be used), or

(7) Parts required for the maintenance and repair of existing aircraft lighting equipment, and complete assemblies where required for replacement of aircraft lighting equipment damaged beyond repair, to the extent that equipment certified under paragraphs (b) (1), (b) (2), (b) (3), or (b) (4) of this order is impracticable for such replacement.

(c) *Restrictions on installation.* On and after April 10, 1944, no person may install any aircraft lighting equipment unless the manufacture, assembly, sale, and delivery of such equipment is permitted under the provisions of paragraph (b) of this order or unless specific authorization to install such equipment has been obtained from the War Production Board in the manner prescribed in paragraph (b) (6) of this order.

(d) *Table of acceptable aircraft lighting equipment.* The table supplementing this order lists certain types, drawings, and specifications of acceptable aircraft lighting equipment and manufacturers whose products have been certified under paragraphs (b) (1), (b) (2), (b) (3), and (b) (4) of this order. This table will be brought up to date from time to time.

(e) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(f) *Appeals.* Any appeal under the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(g) *Communications.* All communications and appeals concerning this order shall be addressed to War Production Board, Building Materials Division, Lighting and Fixtures Section, Washington 25, D. C., Ref: L-327.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2774; Filed, February 26, 1944; 11:39 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-260-a, as Amended Feb. 26, 1944]

FURNITURE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wood for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.66 *General Limitation Order L-260-a*—(a) *Restriction on use of wood.* Beginning with the first quarter of 1944, no person may use in any quarter in the manufacture and crating of furniture more than 21% of the amount of wood which he used for these purposes in 1943. Use of wood shall be measured in board feet, and wood shall be considered used in the quarter in which it is first changed from the form in which received or is first assembled in that form. In computing his use of wood bought otherwise than by board measurement, a manufacturer may convert it to board feet by any reasonable and consistent method, which he must explain in reporting under paragraph (d) below. This paragraph (a) does not apply to the use of plywood or veneer, and the use of these materials in 1943 must be excluded in determining the base on which the percentage is reckoned.

(b) *Restriction on receipts of wood.* After December 31, 1943 no furniture manufacturer may accept any delivery of wood which, added to all inventory on hand, will give him a supply, at the rate of operation permitted by this order, for more than six months from the date of receipt in the case of lumber (excluding dimension stock), or for more than three months from the date of receipt in the case of wood purchased in other forms (including dimension stock, plywood, and veneer). (For example, a manufacturer who is permitted under paragraph (a) to use 20,000 board feet a month and buys half of it in the form of lumber and half in other forms may not accept deliveries which will result in an inventory of more than 60,000 board feet of lumber and 30,000 board feet of wood in other forms.) The restrictions of this paragraph (b) do not apply to:

(1) Receipt, by a manufacturer whose inventory is within the above limits, of the minimum quantity in which he normally buys.

(2) Receipt of wood which was in the inventory of another furniture manufacturer before January 1, 1944.

(3) A delivery which is specifically permitted by the War Production Board upon application addressed to the Board, Washington 25, D. C. Ref: L-260-a.

(c) *Freezing of certain grades and species and report to Central Procurement Agency.* (1) Every furniture manufacturer must file a report with the Central Procurement Agency of the U. S. Army Engineers, Washington 25, D. C., not later than December 15, 1943, describing by species, grade, size and amount, all graded lumber which he has in inventory of grade #1 common or better of the following species: ash, beech, yellow birch, hickory, hard maple, oak, rock elm. Each species is to be listed on separate sheets approximately 8½ x 11 inches in size. This does not apply to manufacturers who have less than a carload of these woods in the aggregate. A copy of the letter must also be sent to the War Production Board, Washington 25, D. C., Ref: L-260-a.

(2) Beginning not later than April 15, 1944 and every 3 months afterwards (July 15, October 15, January 15, April 15) every furniture manufacturer must file with the Central Procurement Agency and the War Production Board a similar report listing all graded lumber of the same species, but covering only grades above #1 common, which he has received or has sorted out of ungraded lumber between the date of the previous report and the day of filing.

(3) A manufacturer may, if he prefers, file reports as often as he accumulates a carload or more of lumber of the specified grades to be reported.

(4) A furniture manufacturer who has or receives ungraded lumber of the above species may not use it until he has graded it so that the required grades can be reported.

(5) A furniture manufacturer may not use or dispose of any of the lumber required to be included in the above reports except that (i) during December 1943 he may use for furniture 30% of the amount of these species used for furniture in the third quarter of 1943; (ii) he may use it to make furniture to be delivered under contract or subcontract to or for the account of the United States Army or Navy, the Maritime Commission, or the War Shipping Administration, to the extent required by the applicable specifications; (iii) he may sell it to the Central Procurement Agency; (iv) he may use or dispose of it for other purposes if the Central Procurement Agency has told him that it does not wish to buy it; (v) any lumber reported and remaining in inventory 60 days after date of reporting may be used or disposed of. Any such use must be within the total limits permitted by paragraph (a) of this order.

(6) Physical segregation of inventories is not required in complying with this paragraph (c) as long as the restrictions are observed with respect to equivalent amounts of lumber of the same grade and species and size.

(d) *Other reports.* (1) On or before January 15, 1944, every furniture manufacturer and also every person who manufactured furniture during 1941 even if he no longer manufactures it, must file with the War Production Board, Ref.: L-260-a, a report by letter showing the total number of board feet of wood (excluding plywood and veneer) used in the manufacture and crating of furniture during 1941 and 1943.

(2) This paragraph (d) does not apply to a furniture manufacturer who makes only furniture parts for sale to other furniture manufacturers.

(e) [Deleted Feb. 26, 1944]

(f) *Equitable distribution to retailers.* It is the policy of the War Production Board that furniture not required to fill rated orders be distributed equitably to retailers giving due regard to established trade connections but also to the needs of dealers whose usual supplies have been cut off and diverted, and to the increased needs of certain areas caused by war conditions. If voluntary compliance with this policy is not found to be sufficient, the War Production Board may direct furniture manufacturers or wholesalers to sell to specified outlets or to outlets in specified areas.

(g) *Used and waste wood excluded.* This order does not apply to wood that has been previously used or to waste consisting of pieces of one board foot or less normally trimmed or edged in the course of production at a sawmill or elsewhere.

(h) *Small manufacturers excluded.* This order does not apply to any furniture manufacturer in any quarter in which his sales of furniture are less than $5,000 provided that his sales did not exceed $20,000 in any of the years 1941, 1942 or 1943.

(i) *Definitions.* (1) The term "furniture manufacturer" as used in this order includes any person who makes or assembles any furniture or wooden parts for furniture.

(2) "Furniture" includes all articles commonly known as furniture, but does not include refrigerators, lockers, shelving, factory and industrial equipment, and built in cabinets.

(j) *Budget Bureau approval.* All reporting requirements in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: Schedule A deleted Feb. 26, 1944.

[F. R. Doc. 44-2776; Filed, February 26, 1944; 11:38 a. m.]

PART 3294—IRON AND STEEL PRODUCTION, MAINTENANCE, REPAIR, AND SUPPLIES[1]

[Preference Rating Order P-68 as Amended Feb. 26, 1944]

§ 3294.31[1] *Preference Rating Order P-68*—(a) *Purpose and scope.* This order describes the procedure by which a producer (as defined herein) obtains material for maintenance, repair, operating supplies and extraordinary maintenance and repair (as defined herein). With respect to such producers, this order supersedes CMP Regulation No. 5, and none of the provisions of that regulation shall apply to any such producer, and no such producer shall obtain any material under that regulation, except as specified in this order. However, delivery may be made and accepted on any delivery order placed pursuant to CMP Regulation No. 5 prior to October 1, 1943. However, privileges under other orders and regulations of the War Production Board granted to persons on Schedules I and II of CMP Regulation No. 5 shall be considered as applicable to producers operating under this order. For example, Order E-5-a on gauges and precision measuring hand tools classifies a person on Schedules I and II of CMP Regulation No. 5 as an "approved user." Producers operating under Order P-68 are in the same position providing that certification clauses and all other provisions of such other orders are complied with. Construction for which priorities assistance is not given under this order is covered by Conservation Order L-41.

(b) *Definitions.* (1) "Producer" means any plant or group of plants physically situated within the limits of the United States, its territories, or its possessions, actually engaged in the production of any one or more of the materials or products listed in Schedule A, and to which a serial number has been issued as provided in paragraph (c).

(2) "Maintenance" means the minimum upkeep necessary to continue in sound working condition a facility used in the production of any one or more of the materials or products listed in Schedule A, and "repair" means the restoration of such a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided*, That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (b) (4).

(3) "Operating supplies" means any materials or products which are normally carried by a producer as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies. The term shall also include such items as hand tools, purchased by the producer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.

(4) Minor capital additions and replacements may be obtained under the procedures provided for in this order for obtaining ordinary maintenance, repair, and operating supplies where the cost does not exceed $500 (excluding the purchaser's cost of labor) for any one complete capital addition, or $2500 (excluding the purchaser's cost of labor for any one replacement. The terms "one complete capital addition" and "one replacement" include a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition or replacement shall be subdivided for the purpose of coming within this paragraph. The same procedure may be used for obtaining up to $500 worth of material needed to install any piece of processing machinery or

[1] Formerly Part 1002, § 1002.1.

equipment or to relocate any piece of machinery or equipment (whether used for processing or not).

(5) "Extraordinary maintenance and repair" means the relining of blast furnaces, the rebuilding of coke ovens, soaking pits, heating furnaces and other facilities where the purpose is to restore such facilities to their rated capacity and the cost of the controlled materials and the Class A and B products (excluding the purchaser's cost of labor) exceed $2,500, but does not include projects whose object is increase in rated capacity or expansion of facilities, nor projects involving redesign of facilities where such redesign would require structural alterations to the facility. The term covers major jobs that have to be done infrequently but which can be foreseen and for which authority to proceed may be obtained well in advance.

(6) "Replacement" is restricted to the replacement of equipment which is in such condition that it is unsuitable for further use, and such replacement may only be for the purpose of maintaining production of existing facilities at their rated capacity. In a case where, though equipment may still be usable, further repairs would involve an excessive loss of production or expenditure of material in view of the results to be obtained, the producer may apply for assistance under paragraph (j), or through filing an application on Form WPB-3196, where the value of the replacement is less than $2,500. The term does not include replacement of equipment which is not substantially in kind, or which would result in appreciable betterment or improvement, or which would increase production or be an addition to present facilities.

(c) *Issuance of serial numbers.* A serial number may be issued by the War Production Board under this order to a plant or group of plants physically situated within the limits of the United States, its territories, or its possessions, and actually engaged in the production of any one or more of the materials or products listed in Schedule A, and may be denied or cancelled by the War Production Board in appropriate cases. In taking such action and in granting priorities assistance, the War Production Board will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of critical material involved, and the importance to national defense of competing demands for such material.

Ordinary Maintenance, Repair, and Operating Supplies

(d) *Controlled materials.* (1) A producer may obtain steel, copper and aluminum in the form of controlled materials (as defined in CMP Regulation No. 1) for ordinary maintenance, repair, or operating supplies by endorsing or accompanying his delivery order with the certification prescribed in paragraph (f). An order bearing this certification constitutes an authorized controlled material order.

(2) [Revoked Feb. 28, 1944]

(e) *Other material.* A preference rating of AA-1 is hereby assigned to producers for the purchase of ordinary maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials). This rating may be applied by a producer by endorsing or accompanying his delivery order with the certification prescribed in paragraph (f).

(f) *Certification.* Delivery orders placed pursuant to paragraph (d) or (e) must be endorsed or accompanied by a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7.

CMP Allotment Symbol S-8

Preference Rating AA-1 S-8

Order authorized under Preference Rating Order P-68.

The use of the foregoing certification shall constitute a representation by the producer to the seller and to the War Production Board, subject to the penalties of section 35A of the United States Criminal Code, that to the best of the producer's knowledge and belief he is authorized under applicable War Production Board orders and regulations to place the delivery order, to receive the items ordered for the purpose for which ordered, and to use the above preference rating or allotment number or symbol for this purpose.

(g) *Restrictions on receipts and inventory.* (1) No producer who uses an allotment symbol or preference rating assigned under this order may receive during any calendar year an aggregate amount of ordinary maintenance, repair and operating supplies exceeding 120% of his aggregate expenditures for ordinary maintenance, repair and operating supplies during the calendar year 1942.

(2) Nothing in this regulation authorizes any person to receive any delivery of maintenance, repair, or operating supplies if it would increase his inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1 or would result in a violation of the inventory limitations of CMP Regulation No. 2. No inventory limitations of any other order or regulation of the War Production Board shall be applicable.

(h) *Restrictions on use.* Material obtained under paragraphs (d) and (e) may, when necessary to prevent delays, be used for construction projects, for replacements valued at over $2,500, or for extraordinary maintenance and repair, if the same material has been approved by the War Production Board for such use in the particular project or installation, but the only rating that may be used to replace such material in inventory is the rating assigned to the project on which it was used.

Replacements Over $2,500 and Extraordinary Maintenance and Repair

(i) *All materials.* To obtain priorities assistance for material needed for replacements valued at over $2,500 or for extraordinary maintenance and repair, a producer must apply on form WPB-3196, to the Maintenance and Repair Section, Steel Division, War Production Board, Washington 25, D. C. The priorities assistance granted generally by this order for maintenance, repair and operating supplies may not be used for replacements valued at over $2,500 or for extraordinary maintenance and repair. A producer may obtain materials for replacements valued at over $2,500 or for extraordinary maintenance and repair, as provided in paragraphs (d) and (e), through use of the S-8 symbol and the rating assigned, if, but only if, such use is specifically authorized. Orders placed for such materials must be certified in accordance with paragraph (f), and must show the serial number assigned by the War Production Board on the applicable Form WPB-3196.

General Provisions

(j) *Additional assistance in individual cases.* If the sound working condition of a producer is adversely affected by any provision of this order or by inability to obtain material essential for repair, maintenance or operating supplies, the producer may apply to the War Production Board for additional assistance by letter, in triplicate, giving the reasons why such assistance is essential. In case of breakdown, imminent breakdown, or other emergency, the application may be made by telegraph or telephone.

(k) *Communications.* All communications concerning this order should be addressed to War Production Board, Washington, D. C., Ref: P-68.

(l) *Effect on other orders.* Nothing in this order shall be construed to relieve any person from complying with any applicable regulation or order of the War Production Board or with any order of any other competent authority.

(m) *Records and reports.* Each person acquiring maintenance, repair, or operating supplies pursuant to this order shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board. The record-keeping and reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(n) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

1. Iron, pig iron, and ferroalloys.
2. The following iron and steel products, including alloys: Ingots, blooms (including forged), billets (including forged), slabs (including forged), tube rounds, sheet and tin bars, structural shapes, piling, plates (universal and sheared), rails, tie plates, track spikes, splice bars, rail joints, hot rolled bars (including hoops and bands and concrete reinforcing bars), cold finished bar, pipe and tubes (except conduit), wire rods, wire as drawn (not including further fabrications therefrom), black plate, tin and terne plate, sheets, strip, tool steel bars (including high speed), steel wheels and axles (for railroad use only), railroad locomotive tires, armor plate, ordnance forgings, drop and upset forgings, heavy forgings, iron and steel castings (rough as cast), skelp, rolling mill rolls, ingot molds and stools.
3. Coke for use in the production of pig iron and ferroalloys.

[F. R. Doc. 44-2777; Filed, February 26, 1944; 11:38 a. m.]

PART 3302—SERVICE EQUIPMENT

[General Limitation Order L-54-c, as Amended Feb. 26, 1944]

OFFICE MACHINERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials used in the production of office machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3302.11 *General Limitation Order L-54-c—(a) Definitions.* For the purposes of this order:

(1) "Office machinery" means machinery, including attachments thereto, of the classes included in Lists I, II and III attached to this order as they may be amended from time to time.

(2) "New" office machinery means office machinery which has not been delivered to any person acquiring it for use. The term shall not describe any machine which has been delivered for trial, loan, rental or demonstration at any time prior to March 14, 1942. "Used" office machinery means office machinery other than new office machinery.

(3) "Restricted office machinery" means:

(i) Any new office machinery included in List I.

(ii) Any used punched card tabulating machinery which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, regardless of its age.

(4) "Manufacturer" means any person manufacturing new office machinery or sets of parts, to the extent that he is engaged in such manufacture, and shall include majority-owned sales, distribution, and manufacturing subsidiaries. In some cases a person who owns the patents, patterns, jigs, fixtures, and other means for making a particular kind of office machinery, and who customarily markets that kind of machinery under his own brand name, does not fabricate and assemble the machinery himself but arranges for someone else to do part or all of the work of fabricating and assembling. In such cases the person who owns the equipment, patents, and brand name is the manufacturer for purposes of this order. However, to the extent that production is permitted by this order he may arrange with someone else to do the work for him, in accordance with his usual practice.

(5) "Dealer" means any wholesaler, retailer or other distributor of restricted office machinery other than a sales or distribution subsidiary of a manufacturer, and shall include any person, firm or corporation normally receiving restricted office machinery on consignment.

(6) "Delivery" means any physical transfer of restricted office machinery, and includes transfers for trial, loan, rental, demonstration or other use.

(7) "Army", "Navy" and "Maritime Commission" mean the War Department, the Navy Department, and the Maritime Commission, respectively, but shall not include any privately operated plant, shipyard, training school, or other enterprise controlled or financed by the Army, Navy, Maritime Commission, or any other agency of the United States Government, nor any plant or shipyard privately operated on a cost-plus-fixed-fee basis under the control or direction of the Army, Navy, Maritime Commission, or any other agency of the United States Government.

(8) "Lend-Lease purchaser" means any person requesting authorization to receive delivery of restricted office machinery for export to any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(9) "Sets of parts" means parts for office machinery produced at plants in the United States for shipment to foreign countries for assembly into new office machinery of the types included in List I.

(10) "Dollar value" means

(i) With respect to assembled new office machinery, the retail list price of such machinery to customers located in the United States;

(ii) With respect to sets of parts, the retail list price to customers located in the United States of the number of units of assembled machinery into which such sets of parts can be assembled.

(11) "Non-electric" machines are machines which are assembled without electric motors and which are not designed for the addition of electric motors at a future time.

(12) [Deleted Jan. 5, 1944]

(b) *Restrictions on production—(1) List I classes.* A manufacturer may produce any class of new office machinery included in List I, and sets of parts for export, only to fill orders approved by the War Production Board on Form WPB-1688 and Form WPB-2798 certificates, and also to maintain an inventory worth up to 20 percent of the dollar value of machinery of the same class billed to customers and sets of parts exported during the calendar year 1941. This means that unless a manufacturer's inventory is below the 20 per cent figure he may not produce for inventory, even to replace what he has delivered from inventory to filled approved orders. Dollar value figures must be used in calculating production for inventory, unless the manufacturer has customarily leased his product instead of selling it. In that case, the manufacturer may base his production for inventory on the number of machines assembled and the number of sets of parts exported during 1941. With respect to Classes 14 to 19 on List I, inclusive, production of office machinery for inventory under an authorization issued by the War Production Board before February 26, 1944, may take place only as part of the production allowed by this paragraph, and not in addition to it. Any inventory of those classes of office machinery held by a manufacturer on February 26, 1944, for delivery without restriction, or to fill orders approved by the War Production Board on Form WPB-1688 and Form 2798 certificates, is part of his inventory within the meaning of this paragraph. On the other hand, production of those classes of office machinery under an authorization issued before February 26, 1944, for delivery only to customers mentioned in the authorization is not affected by the restrictions of this paragraph (b) (1). Also, machinery produced under the authorization and being held for delivery to those customers is not part of the manufacturer's inventory.

(2) *List II classes.* No manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of any new office machinery included in List II and no manufacturer shall assemble any new office machinery included in List II.

(3) *List III classes.* During each calendar quarter a manufacturer may produce new office machinery of any class in List III up to a total dollar value of not more than 20 per cent of the dollar value of machinery of the same class billed to customers during the calendar year 1941. Any production during the quarter under an authorization issued by the War Production Board prior to February 26, 1944, is part of the production

allowed by this paragraph (b) (3) and not in addition to it.

(4) *Repair and service parts.* The restrictions upon the manufacturer of new office machinery contained in this paragraph (b) shall not apply to the manufacture of parts to be used to service or repair any kind of office machinery included in Lists I and II.

(5) *Discontinued new office machinery.* No manufacturer shall fabricate parts for any new office machinery or assemble any new office machinery of any kind which he has elected to deliver free of all restrictions pursuant to paragraph (g) of this order.

(6) *Special authorizations.* Notwithstanding the restrictions of paragraph (b) or paragraph (g) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers to fabricate, to cause to be fabricated, to contract to purchase, to assemble, or to manufacture in any manner, specified quantities of parts or machinery restricted by paragraph (b) or paragraph (g) or both.

(c) *Restrictions on delivery*—(1) *General restrictions.* Regardless of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, or any preference rating order, no manufacturer or dealer shall deliver any restricted office machinery or sets of parts therefor (other than machines which may be delivered free of restrictions pursuant to an election under paragraph (g) of this order) except upon receipt of and pursuant to the terms of Form WPB–2798 (respecting deliveries to the Army, Navy or Maritime Commission or sets of parts for export) or Form WPB–1688 (respecting deliveries to all other persons) approved by the War Production Board.

(2) *Sequence of deliveries.* Except when specifically directed otherwise in writing by the War Production Board, the sequence of deliveries of machines authorized on Forms WPB–2798 and WPB–1688 shall be determined by the delivery dates specified on such forms. If a form specifies a delivery date prior to the date on which it is received by the supplier named therein, the form shall be treated by the supplier as calling for delivery on the day when it was received by him. If a supplier receives two or more forms specifying the same delivery date for identical machines, he shall make delivery of the machines in the order in which the forms were received by him.

(3) *Intracompany deliveries.* Without further authorization, a manufacturer may for the purpose of redelivery, but not for use, deliver restricted office machinery from one branch, division or section of his enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, to another branch, division or section of the same enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, except that he may not deliver to a subsidiary, branch, or other outlet located outside the United States, its territories, and possessions.

(4) *Delivery to dealers and returns to manufacturers.* Without further authorization, dealers may return restricted office machinery to any manufacturer willing to accept the same and manufacturers may accept all such restricted office machinery from dealers. Without further authorization, manufacturers or dealers may deliver restricted office machinery to dealers in the following instances only:

(i) To fill an order approved by the War Production Board on Form WPB–2798 or WPB–1688 already received by such dealer or to replace restricted office machinery delivered by such dealer from his inventory to fill an order approved by the War Production Board on any such form, *Provided*, That such dealer has furnished to the manufacturer or to the other dealer a photostat, or other certified copy, of the approved Form WPB–2798 or WPB–1688, as provided in Priorities Regulation No. 5.

(ii) To store or display such restricted office machinery on the dealer's premises in the United States, its territories and possessions, provided that the restricted office machinery so stored or displayed is in the absolute control and ownership of the manufacturer or delivering dealer and may be removed, transferred or shipped by such manufacturer or delivering dealer at any time in his discretion.

(5) *Deliveries under Utilities Order U–5.* The issuance of an authorization on Form WPB–2798 or on Form WPB–1688 to deliver a time stamp machine, a time recording machine, or collateral equipment shall constitute a preference rating of AA–5 or higher within the meaning of § 4504.1, Utilities Order U–5, for the particular items authorized to be delivered.

(6) *Special authorizations.* Notwithstanding the restrictions of paragraph (c) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers or dealers, or both, to deliver specified quantities of restricted office machinery.

(7) *Deliveries of non-electric machines by manufacturers.* Manufacturers may deliver non-electric adding machines and non-electric duplicating machines to the extent permitted by paragraphs (c) (1) to (c) (6) of this order, inclusive (e. g., to fill an Army, Navy or Maritime Commission order pursuant to the terms of an approved Form WPB–2798, or to fill an order for export pursuant to an approved Form WPB–1688). In addition, in each calendar quarter and without further authorization, a manufacturer may deliver to purchasers within the United States, other than the Army, the Navy and the Maritime Commission, new assembled non-electric adding machines and new assembled non-electric duplicating machines worth not more than the applicable percentage of the dollar value of the same type of machines (both electric and non-electric) billed to his customers during the calendar year 1941. Any portion of this amount undelivered by the end of any quarter may be delivered free of restrictions during subsequent quarters to domestic purchasers, other than the agencies named, in addition to the percentage which the manufacturer is regularly entitled to deliver.

The percentage applicable to unrestricted deliveries of non-electric adding machines is in the first table. The percentages applicable to unrestricted deliveries of non-electric duplicating machines by manufacturers who make only non-electric duplicating machines are in the second table. The percentages applicable to unrestricted deliveries of non-electric duplicating machines by manufacturers who make both electric and non-electric duplicating machines are in the third table:

TABLE No. 1

Manufacturer's total 1941 adding machine billings:	*Applicable percentage per quarter (per cent)*
Any amount	4.5

TABLE No. 2

Manufacturer's total 1941 duplicating machine billings:	*Applicable percentage per quarter (per cent)*
Under $50,000	25
$50,000 to $100,000	18.75
$100,000 to $250,000	15
Over $250,000	6.25

TABLE No. 3

Manufacturer's total 1941 duplicating machine billings:	*Applicable percentage per quarter (per cent)*
Under $100,000	12.5
$100,000 to $500,000	10
$500,000 to $2,000,000	7.5
$2,000,000 to $4,000,000	2.5
Over $4,000,000	2

(8) *Deliveries of non-electric machines by dealers.* Dealers may deliver new non-electric adding machines and new non-electric duplicating machines to the extent permitted by paragraphs (c) (1) to (c) (6) of this order, inclusive (e. g., to fill an Army, Navy or Maritime Commission order pursuant to the terms of an approved Form WPB–2798, or to fill an order for export pursuant to an approved Form WPB–1688). In addition, without further authorization dealers may deliver new non-electric adding machines and new non-electric duplicating machines to purchasers within the United States, other than the Army, the Navy, and the Maritime Commission.

(d) *Special procedures and information.* (1) Private contractors engaged in construction work for the Army, Navy, Maritime Commission or Defense Plant Corporation, and private operators of any plant, shipyard, training school or other enterprise controlled or financed, on a cost-plus-fixed-fee basis or otherwise, by the Army, Navy, Maritime Commission or any other agency of the United States Government shall, when requesting restricted office machinery on Form WPB–1688, furnish a certification by the Government inspector assigned to the project (1) that no Government equipment is available for use in lieu of the equipment requested, (2) that the contractor or operator has no equipment available from any other source for use in lieu of the equipment requested, and (3) that the equipment requested is to be used exclusively by the contractor's or operator's private personnel for the duration of the project on work which the contractor is required to perform under the terms of his contract.

(2) [Deleted Jan. 5, 1944]

(3) [Deleted Jan. 5, 1944]

(4) [Deleted Jan. 5, 1944]

(e) *Sets of parts.* (1) No person shall deliver any sets of parts for export from the United States unless the War Production Board has authorized such delivery on Form WPB–2798. Application for authority to export sets of parts shall be made on Form WPB–2798 and shall indicate therein or by accompanying letter the number of units of new office machinery into which such sets of parts can be assembled, the model numbers of such machinery and the retail price of such machinery to customers located in the United States. Nothing in this order shall be construed to authorize any exportation without an export license.

(2) No manufacturer manufacturing and delivering sets of parts for export shall directly or indirectly import any new office machinery of the kind listed in List I, except by permission of the War Production Board in writing.

(f) *Reports.* Each manufacturer must send a monthly report to the War Production Board on Form WPB–1263. Separate reports must be made on this form with regard to non-electric adding machines and non-electric duplicating machines.

(g) *Election to cease manufacture and to deliver without restrictions.* Any manufacturer who prefers to cease manufacture of any particular kind, model or type of new office machinery and to obtain authorization to deliver his existing stock of such machinery free of the restrictions of this order, rather than to continue manufacture and delivery of such machinery subject to the terms of this order, may make application for authorization to make unrestricted delivery. Such application must set forth the kind, model or type of new office machinery to which the application relates, the model or style numbers of such machinery, the applicant's inventory of such machinery as of the date of the application and the total dollar value of such inventory. Such authorization shall extend to the manufacturer to whom it is addressed and to any dealer possessing stocks of such kind, model or type of machine; and such manufacturer shall notify his dealers of any authorization received under this paragraph.

Nothing in this paragraph (g) shall be construed to entitle any applicant to disregard any provisions of this order until specific authorization of the War Production Board in writing is received by such applicant and then only to the extent of, and subject to the conditions contained in, such authorization.

(h) *Bureau of the Budget approval, Form WPB–2798, Form WPB–1688, Form WPB–1263 and the form of application for authorization to make unrestricted delivery of new office machinery contained in paragraph (g) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.*

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref.: L–54–c.

Issued this 26th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

1. Accounting machines, bookkeeping machines, and billing machines (accounting principle). Also continuous forms handling machines typewriter principle, having carbon paper handling devices constructed as an integral part of the machine, and collateral equipment, except autographic registers.
2. Adding machines.
3. Addressing machines, including but not limited to embossing machines for plates, and stencil-cutting machines embodying typewriter principle.
4. Calculating and computing machines.
5. Duplicating machines, including but not limited to ink ribbon, gelatin, spirit, stencil and reproducing typewriter principle machines and Multilith and Davidson duplicators.
6. Machines and collateral equipment intended for use for dictating purposes.
7. Microfilm machines designed for office functions.
8. Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression).
9. Payroll denominating machines.
10. Punched card tabulating and accounting machines.
11. Time recording machines except watchmen's clocks.
12. Time stamp machines.
13. Combination dictating and telephone recording equipment.
14. Check handling machines (including cancelling, cutting, dating, endorsing, numbering, protecting, signing, sorting and writing machines).
15. Coin handling machines (including counting, sorting, and wrapping machines).
16. Currency counting machines.
17. Envelope handling machines (including contents folding, mailing, opening, sealing, stuffing, and mail room folding machines).
18. Postal permit mailing machines.
19. Post office cancelling machines.

LIST II

1. Cash (registering) machines.
2. Perforating machines (marking and cancelling).
3. Stamp affixing machines.

LIST III

1. Autographic registers.
2. Change making machines.
3. Shorthand writing machines.

INTERPRETATION 1

Interpretation 1 has been superseded by subsequent amendments. (Issued Jan. 5, 1944.)

INTERPRETATION 2

(1) An authorization to deliver restricted office machinery, issued on Form WPB–1688 or on Form WPB–2798, is not a preference rating certificate within the meaning of Interpretation No. 3. Accordingly, that interpretation is inapplicable to such authorizations.

(2) If permission to deliver office machinery is granted on Form WPB–2798 or on Form WPB–1688, the only person to whom the supplier may deliver the machinery is the applicant named in the form. Moreover, the supplier named in the form is the only manufacturer or dealer who is authorized to deliver the machinery to the applicant. However, other manufacturers and dealers may deliver the machinery described in the form to the supplier named in the form pursuant to paragraph (c) (4) (i) of Order L–54–c.

(3) Form WPB–1688 requires the applicant to state the "name of manufacturer" of the machinery to be delivered. This is an essential part of the description of the machinery which the War Production Board authorizes the supplier to deliver pursuant to paragraph (c) (1) of Order L–54–c. The supplier may not deliver to the applicant machinery produced by another manufacturer, even though his product is similar to the machinery produced by the manufacturer named in the form WPB–1688 approved by the War Production Board. (Issued Nov. 8, 1943.)

[F. R. Doc. 44–2778; Filed, February 26, 1944; 11:38 a. m.]

PART 1196—COMPRESSORS

[General Limitation Order L–100, Revocation]

Section 1196.1 *General Limitation Order L–100* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Orders L–123 and M–293.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2864; Filed, February 28, 1944; 11:35 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L–123, as Amended Feb. 28, 1944]

Section 1226.1 General Limitation Order L–123 is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials (including components) and facilities used in the manufacture of general industrial equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.1 *General Limitation Order L–123*—(a) *Equipment which may not be delivered without an AA–5 or better rating.* No person (including a manufacturer, distributor, or dealer) shall accept any order for or deliver, and no person shall accept delivery of, any new item of the following equipment (more fully described in the attached List A) except for an order bearing a preference rating of AA–5 or higher:

1. Air filters.
2. Air washers.
3. Arc welding machines.
4. Baling presses.
5. Compressors.
6. Ceramic machinery and equipment.
7. Concrete products machinery.
8. Dust collectors, industrial.
9. Dynamometers (electric type) and rotary converters.
10. Electric motors and generators (fractional horsepower).
11. Fans, blowers and exhausters.
12. Flexible metallic hose, tubing and fittings.
13. Heat exchangers.
14. High pressure blowers.
15. Lifting magnets.
16. Oil filtering and re-refining machines.
17. Ovens, industrial; drying, curing and finish-baking types.
18. Paper shredders.
19. Pressure vessels (including air receivers).
20. Pumps.
21. Stationary steam engines.
22. Wire working machinery.

Deliveries within a company. The above restriction applies to deliveries from one department (a branch, division, or section) of a single organization to another department of the same organization when the item is for incorporation into other machinery produced by that organization, or when it is for installation and operation for the organization's own use.

The restriction does not apply to deliveries from one department to another of the same organization, of items which it is to resell as such.

(b) *Certain transactions for which, no rating is required by this order.* The above restriction does not apply to the following transactions:

(1) *Repair parts.* Delivery of repair parts for any item (but no complete item may be considered as a repair part and delivered under this exemption, even though it could be used as a component part of another item or of machinery not covered by this order).

(2) *Farm supplies.* When items which are farm supplies under Priorities Regulation 19 are delivered in accordance with that regulation.

(3) *Petroleum industry item.* When items used in the petroleum industry and covered by Order P–98–c are delivered in accordance with that order.

(4) *Items no longer needed.* When an item is returned to the person from whom it was obtained, or when it can no longer be used for the purpose for which priorities assistance was given to help obtain it and the holder disposes of it in accordance with applicable provisions of Priorities Regulations 1 or 13.

(5) *Items ordered and put in transit before the restriction became applicable.* The completion of delivery of items which had been placed in the hands of a common or contract carrier for shipment to the customer prior to the date upon which the restriction in (a) became applicable.

(6) *Certain orders rated below AA–5 but unfilled when restriction became applicable.* Delivery to fill any rated order which was rated below AA–5 and could have been filled just before the date upon which the restriction in (a) became applicable without violating any WPB order, rule or regulation.

(7) *Deliveries of machinery not covered by this order.* The delivery of new machinery, not covered by this order, into which an item has been incorporated as a necessary component part (or which is delivered in unassembled condition with an item which is a necessary component part, for assembly at the site of installation).

(8) *Used items.* The delivery of any item which has been sold to a person acquiring it for use, and put into regular use by him.

(9) *Specific authorizations.* Deliveries specifically authorized or directed by the War Production Board.

(10) *The replacement of a fractional horsepower electric motor or generator which is traded-in when repair is needed.* When a fractional horsepower electric motor or generator is delivered to a householder or other user solely for replacement of a used one which needs repair and the seller, in accordance with his regular business practice, takes the broken down or defective motor or generator in trade and repairs it or delivers it to another person who will repair it (whenever repair is practicable) so that it will be resold under similar conditions (or scraps it promptly when repair is impracticable).

(It must be noted that no repairman or other person may deliver such an item unless he either complies with the foregoing conditions, or receives a AA–5 or higher rating for the delivery from his customer, even though he has obtained the items under a regulation or order which assigns a rating for repair or maintenance purposes, such as the following: CMP Regulations 5, 5A, or 9A; or Orders L–79, P–126, or P–148.)

This exemption permits a dealer not having repair facilities to deliver such a traded-in motor or generator, if it is repairable, to the manufacturer or some other supplier who will repair it or have it repaired within a reasonable time, and get one in exchange without a AA–5 or higher rating. The manufacturer or other supplier who is asked to deliver a new item to a dealer in exchange for a used one is responsible for determining if the traded-in item is repairable.

(11) *Portable air compressors owned and used in a rental business.* When portable air compressors owned by a person engaged in the business of renting them, are leased by the owner. This exemption does not apply to the sale of a new item by such owner, or to the original purchase of the items by him.

(c) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter should be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(4) *Communications.* All reports required to be filed hereunder, and all communications (except appeals) concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref. L–123.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Under paragraph (a) of the order, a rating of AA–5 or better is required for delivery of a new item of equipment in any class described below. Exceptions to this rule are listed in paragraph (b). "Item" means any new piece of equipment. Where a class description covers an item sometimes sold with a motor or other driving unit and sometimes without, in either case the item is subject to the restrictions of the order.

Component parts for the repair or manufacture of an item are not subject to the order as items in that class. However, if a particular part is itself within some other class as described below, then it is subject to the order.

1. *Air filters.* Any equipment or device designed to filter or strain air or other gaseous matter for the purpose of removing dust or other particles of material. Excluded are filters designed for filtering the air in domestic or other space heating plants, centrifugal types, electric precipitators, and carbon absorbers.

2. *Air washers.* Any equipment or device designed to wash air, including spray washers and scrubbers.

3. *Arc welding machines.* Any machine or device designed to use, transform, or generate electricity (either direct or alternating current) for the deposit of metal by the electric arc process. Excluded are: Welding cable, electrode holders and arc welding electrodes.

4. *Baling presses.* Any machine or device designed to compress bulky materials into compact bundles or bales. Included are types for handling ferrous and non-ferrous scrap, paper, rubber, textiles, or miscellaneous waste materials. Excluded are balers which are farm machinery and equipment covered by Orders L–257 or L–257–a.

5. *Compressors.* Any portable or stationary machine or apparatus of the reciprocating type, designed to compress or exhaust air or other gas. Excluded are (i) items for use in therapeutic machines; (ii) items especially designed and fabricated solely for incorporation into or repair of other machinery (not compressors) produced by the same manufacturer; (iii) items for use in a refrigerating or air conditioning system, as defined in Order L–38.

6. *Ceramic machinery and equipment.* Any machine or device designed to crush, mix, prepare, form, cut, fire, burn, or otherwise process raw ceramic materials into finished ceramic products. "Ceramic products" includes structural clay products such as brick, tile, terra cotta and flue block, sewer pipe and drain tile, conduit, sanitary pottery, paving brick, flower pots, decorative pottery, artware pottery, tableware pottery, stoneware, crockery, earthware, and porcelain.

7. *Concrete products machinery.* Any machine or apparatus designed to mix, prepare, form or otherwise process concrete or its components into block, brick, pipe or conduit. Included are block machines, pipe machines, mixers, skip hoists, off-bearing hoists, pallets, forms, and their accessories and attachments of any size or kind.

8. *Dust collectors, industrial.* Any equipment or device designed to collect or filter dust from air, flue gases, or other gas.

9. *Dynamometers.* Electric type; and rotary convertors.

10. *Electric motors and generators (fractional horsepower).* Any machine or device containing an armature or similar rotating part and designed to transform electric energy into mechanical energy, or mechanical energy into electric energy, or to transform or amplify electric energy of one type, voltage, or frequency into another, if built in a frame size smaller than frame size 203 (or frames smaller than those corresponding to one horsepower, 1800 RPM, 60 cycle, 2 or 3 phase). Excluded are starting motors, generators and magnetos designed for use in automotive vehicles covered by order L–158, or in internal combustion engines.

11. *Fans, blowers and exhausters.* Any device or machine which moves, compresses, or exhausts air or other gases by centrifugal, rotary or axial means. Excluded are: (i) ceiling, air circulator, desk, wall bracket, portable window, and portable pedestal type fans covered by Limitation Order L–176; (ii) items specially designed and fabricated solely for incorporation into or repair of other machinery (such as pulverizers, stokers, and boilers) produced by the same manufacturer; (iii) propeller type fans for use as a part of internal combustion engines; (iv) high pressure blowers included in Item 14 of this List A.

12. *Flexible metallic hose, tubing and fittings.* Any quantity of such hose, tubing or fittings, not electric conduit type.

13. *Heat exchangers.* Any equipment or apparatus consisting of an assembly, bundle, or nest of one or more bare or finned tubes (metallic or non-metallic) or metal plates, or any shell or pressure vessel for containing the same, designed for the transfer or exchange of heat between two or more fluids (liquids, gases or vapors). Excluded are the following: (i) Any item which is direct fired or installed within a flue gas passage; (ii) any item which permits direct contact involving physical mixing of the fluids (other than direct contact boiler feed water heaters); (iii) any steam surface condenser designed to condense exhaust steam from a prime mover to maintain a minimum exhaust pressure; (iv) any item for use on aircraft; (v) any radiator-type cooler; (vi) any unit heater, convector, unit ventilator, unit cooler or blast coil when any such item is for space heating or cooling or industrial space heating or drying; (vii) any indirect water heater, commonly referred to as a storage water heater and consisting of a heating element installed in a hot water storage tank for heating and storing hot water for any purpose; (viii) any indirect water heaters consisting of a coil or nest of tubes installed in a shell or pressure vessel with a diameter of 12 inches or less, or with an internal cross sectional area of 113 square inches or less when not circular in cross section, and used for supplying hot water for any purpose; (ix) any item of non-metallic construction for use in a chemical supplemental laboratory; (x) items specially designed and fabricated solely for incorporation into or repair of other machinery (not heat exchanger) produced by the same manufacturer; and (xi) items for use in a refrigerating or air conditioning system, as defined in Order L–38.

14. *High pressure blowers.* Any blower, compressor, exhauster, or vacuum pump of the rotative type, designed for pressure differential of 1½ pounds or more per square inch (including any diesel engine supercharger or scavenger, or any ballast unloading blower). Excluded are items for use in a refrigerating or air conditioning system, as defined in Order L–38.

15. *Lifting magnets (electric).* Circular types, 5 inches in diameter and larger.

16. *Oil filtering and re-refining machines.* Any equipment or device designed to filter, or to re-refine by heating or bleaching, lubricating or cutting oils which have been used. Excluded are centrifuges.

17. *Ovens, industrial, drying, curing and finish-baking types.* Any oven of the types used in industrial or commercial processes for drying, curing, or finish-baking ceramic, concrete, plastic or other products, except food or food products. Excluded are heat treating furnaces.

18. *Paper shredders.* Any machine or device designed to cut paper into narrow shreds, as used in the destruction of confidential papers or the preparation of packaging materials. Excluded are shredders for reprocessing waste into new paper.

19. *Pumps.* Any mechanically operated mechanism of the rotary, centrifugal or reciprocating type, designed for raising, circulating or otherwise moving any liquid. Included are pumps sold separately, or with a driving unit. Excluded are the following: (i) pumps specially designed and fabricated solely for incorporation into or repair of other machinery (not pumps) produced by the same manufacturer; (ii) pumps for use as parts of internal combustion engines, or parts of motor vehicles of the types covered by Order L–158; (iii) pumps for use as parts of fire fighting equipment of the types covered by Order L–43; (iv) pumps which are farm machinery and equipment as defined in Order L–257; (v) service station type measuring and dispensing pumps; (vi) the following pumps when designed and used solely for heating of building space; condensate return pumps and hot water circulating pumps; (vii) pumps of the sanitary type for milk or egg processing; (viii) pumps ordinarily used for construction contractors' purposes or by construction contractors for dewatering and supply, as defined in Order L–192.

20. *Pressure vessels (including air receivers of all sizes and types).* Any sealed carbon steel or alloy steel vessel or shell designed to withstand internal or external pressure for the purpose of retaining one or more fluids (liquids, gases, or vapors). Excluded are the following types: (i) direct fired vessels, such as boilers; (ii) vessels designed to contain water under pressure for domestic supply; (iii) vessels for transportation; (iv) vessels designed as heat exchangers or enclosures therefor (included in Item 13 of this List A); (v) vessels designed for cooking or preparing food stuffs; (vi) field assembled storage vessels such as spheres and spheroids; (vii) vessels, other than air receivers, with a liquid capacity of less than 30 cubic feet.

21. *Stationary steam engines.* Any steam engine not designed for use in locomotives or other equipment used for transportation purposes, not marine.

22. *Wire working machinery.* Any new machine or equipment having a value of more than $100 designed to cut, form, or fabricate any product from wire. Excluded are rubber covering machines, strainers and stoppers, vulcanizers of all types, and wire tying machines.

[F. R. Doc. 44–2858; Filed, February 28, 1944; 11:34 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L–123, Revocation of Interpretations 1, 2, and 3]

Interpretations 1, 2, and 3 to Limitation Order L–123 are hereby revoked.

Issued this 28th day of February 1944

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2857; Filed, February 28, 1944; 11:34 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L–172. Revocation]

HEAT EXCHANGERS

Section 1226.47 *General Limitation Order L–172* is revoked. This revoca-

tion does not affect any liabilities incurred under the order. The order is superseded by Orders L–123 and M–293.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2865; Filed, February 28, 1944; 11:35 a. m.]

PART 3165—PUMPS

[General Limitation Order L–246, Revocation]

Section 3165.1 *General Limitation Order L–246* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Orders L–123 and M–293.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2866; Filed, February 28, 1944; 11:36 a. m.]

PART 3168—FANS AND BLOWERS

[General Limitation Order L–280, Revocation]

Section 3168.1 *General Limitation Order L–280* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Orders L–123 and M–293.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2860; Filed, February 28, 1944; 11:34 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M–293, Direction 1, As Amended Feb. 28, 1944]

ACTIONS WITH RESPECT TO FREEZING OF SCHEDULES

The following direction is issued pursuant to General Scheduling Order M–293:

(a) All actions taken by the War Production Board under Order M–293 or under any of the provisions of other orders covering products which were or have become M–293 products, with respect to the freezing of schedules or the approval of individual transactions remain fully effective as provided in Priorities Regulation 18 and are not affected by any amendment of M–293 or of any table to that order. This means that, wherever the designation of an item under Order M–293 is changed by an amendment to a table, or an item is removed from a table, or wherever an item under a scheduling order becomes an M–293 product and is removed from such other scheduling order of the War Production Board, manufacturers of the item in question must continue to observe any frozen schedules or specific directions which they received under the earlier procedure, unless the schedule or direction is amended under Priorities Regulation 18.

(b) Where the placing of a purchase order was approved for a Class Y item, or for a product covered by similar procedure under any other War Production Board order which was or has become an M–293 product, the approval remains effective and the person with whom the purchase order is placed must accept and schedule the same accordingly, even if he receives it after the item is reclassified.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2862; Filed, February 28, 1944; 11:34 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M–293, Direction 2]

APPLICABILITY OF TABLES 3–15

The following direction is issued pursuant to General Scheduling Order M–293.

(a) Except as provided in this Direction, Tables 3–15, other than Table 7, issued pursuant to General Scheduling Order M–293 as amended September 17, 1943, remain effective under the provisions of General Scheduling Order M–293 as amended February 10, 1944 until those tables are amended.

(b) The classification of any product on any table as a Z product must be disregarded. Where a product is designated Z only, it is an undesignated product.

(c) Old orders which have been previously reported to the War Production Board on the form required by the appropriate table of M–293 at the time the report was filed need not be included on a new form specified for the product by an amendment to the table. The manufacturer may report old orders on the form he used before but must report all new orders on the form shown in the appropriate table.

This direction shall become effective March 1, 1944.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2859; Filed, February 28, 1944; 11:34 a. m.]

PART 3257—ALIPHATIC-HYDROXY-CARBOXYLIC ACIDS

[Allocation Order M–321, Revocation]

CITRIC ACID

Section 3257.1 *Allocation Order M–321* is hereby revoked. This revocation does not affect any liabilities incurred under the order. Citric acid is subject to allocation under General Allocation Order M–300 (Appendix C, Schedule 6), issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of citric acid prior to April 1, 1944, will be authorized on the basis of applications filed monthly in the form heretofore prescribed in Order M–321.

Until April 1, 1944, the small order exemption will continue to be 125 lbs. per person per month, and thereafter allocations and small order exemptions will be on a quarterly basis.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2867; Filed, February 28, 1944; 11:36 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M–361, Direction 4 [1]]

DELIVERIES OF SOUTHERN YELLOW PINE LUMBER TO MANUFACTURERS AND REPAIRERS OF RAILROAD ROLLING STOCK AND PASSENGER CARRIERS AND MANUFACTURERS OF NEW TRUCK AND TRAILER BODIES

The following direction is issued pursuant to Conservation Order M–361:

(a) This direction which is issued in accordance with Order M–361, paragraph (d), tells how manufacturers and repairers of railroad rolling stock and passenger carriers and manufacturers of new truck and trailer bodies may get the restricted southern yellow pine lumber they need without having to file on Form WPB 2720. The manufacturer or repairer may use either the procedure outlined in this direction or file on Form WPB 2720. It is not necessary for you to use one procedure to the exclusion of the other; that is, either procedure may be used from time to time as is most convenient to you.

(b) Any person who gets restricted southern yellow pine lumber under this direction for the production or repair of locomotives, cars, passenger carriers, or for the production of new truck or trailer bodies, must endorse the following certification on his purchase orders:

All restricted southern yellow pine lumber covered by this purchase order or contract is required in order to enable me to fulfill an authorized production schedule for the production of locomotives, cars and passenger carriers, or for their repair, or for the production of new truck or trailer bodies. Delivery may be made to me under Direction 4 to Order M–361, with the terms of which I am familiar.

Purchaser

By ---
Duly authorized official

(c) Any producer may sell, ship, or deliver restricted southern yellow pine lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate, just as if the order were certified in the way prescribed by paragraphs (b) (1) or (b) (2) of Order M–361. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M–361 with respect to certified orders, so far as applicable. No one may use the certificate to get more lumber than the minimum necessary to enable him to fulfill his authorized schedules for the production of locomotives, cars and passenger carriers, for repairs of locomotives, cars and passenger carriers, or for the production of new truck and trailer bodies. For example, no one may get lumber under this direction for such purposes as bridges, buildings, grain doors, and the like, or for the repair of truck bodies. This direction does not affect purchases from firms other than producers, and does not permit distribution yards to get lumber by certificate merely because they sell to railroads or car manufacturers.

(d) Manufacturers and repairers who get any part of their lumber through the use of the above certification shall report on Form WPB 3537 thirty days after the end of each calendar quarter, furnishing the information called for on the form. The companies furnishing this information will be relieved of the necessity of providing the information called for in column (c) and item (3) on the forms WPB 2720 filed by them for lumber not covered by this direction. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) For the purposes of this direction "locomotive", "car", "passenger carrier", and "truck and trailer body" mean the same thing they are defined as meaning in Orders L–97, L–97a, L–101, and L–253 respectively.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2863; Filed, February 28, 1944; 11:34 a. m.]

[1] No Direction 3 has been issued on M–361 and is not contemplated.

of the Budget in accordance with the Federal Reports Act of 1942.

(e) For the purposes of this direction "locomotive", "car", "passenger carrier", and "truck and trailer body" mean the same thing they are defined as meaning in Orders L–97, L–97a, L–101, and L–253 respectively.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2852; Filed, February 28, 1944; 11:34 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M–361, Direction 5]

DELIVERIES OF SOUTHERN YELLOW PINE TO PRODUCERS OF STEEL AND OTHER CONTROLLED MATERIALS

The following direction is issued pursuant to Conservation Order M–361:

(a) This direction, which is issued in accordance with Order M–361, paragraph (d), tells how a person producing controlled materials may get the restricted Southern yellow pine lumber he needs without having to file on Form WPB–2720. A producer of controlled materials may use either the procedure outlined in this direction or file Form WPB–2720. It is not necessary for you to use one procedure to the exclusion of the other; that is, either procedure may be used from time to time as is most convenient to you.

(b) Any person who gets restricted Southern yellow pine lumber for the production of controlled materials, including maintenance or repair of his plant and boxing or crating controlled materials which he produces, must endorse the following certificate on his purchase orders:

All restricted Southern yellow pine lumber covered by this purchase order or contract is required in order to enable me to produce and deliver controlled materials which I have been directed or authorized to produce. Delivery may be made to me under Direction 5 to Order M–361, with the terms of which I am familiar.

Producer.

By---
Duly authorized official.

(c) Any producer may sell, ship, or deliver restricted Southern yellow pine lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate, just as if the order were certified in the way prescribed by paragraphs (b) (1) or (b) (2) of Order M–361. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M–361 with respect to certified orders, so far as applicable. No one may use the certificate to get more lumber than the minimum necessary to enable him to produce and deliver controlled materials he is authorized or directed to produce, including maintenance and repair of his plants producing controlled materials and boxing and crating the controlled materials for shipment. No one may use the certificate to get boxes, and no maker of boxes to sell to others can use the certificate to get lumber. "Captive plants" as defined in PR–3, Direction 3 may use the certificate to obtain lumber to make boxes. Lumber obtained under this direction by any person for maintenance and repair may not exceed 10% of the total he gets under the direction.

(d) Manufacturers who get any part of their lumber through the use of the above certification shall report to the Lumber Division, War Production Board, by letter within thirty days after the end of each calendar quarter stating the entire amount of Southern yellow pine lumber delivered to them during the quarter, whether obtained under this direction or in some other way and stating the percent of all lumber used during the quarter for maintenance and repair of plant. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) For the purposes of this direction "controlled materials" means steel, copper, and aluminum, as specified in CMP Regulation 1, paragraph (b) (1) and in the forms and shapes indicated in CMP Regulation 1, Schedule 1.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2853; Filed, February 28, 1944; 11:35 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M–364, Direction 4]

DELIVERIES OF HARDWOOD LUMBER TO MANUFACTURERS AND REPAIRERS OF RAILROAD ROLLING STOCK AND PASSENGER CARRIERS, AND MANUFACTURERS OF NEW TRUCK AND TRAILER BODIES.

The following direction is issued pursuant to Conservation Order M–364:

(a) This direction which is issued in accordance with Order M–364, paragraph (d), tells how manufacturers and repairers of railroad rolling stock and passenger carriers and manufacturers of new truck and trailer bodies may get the restricted hardwood lumber they need without having to file on Form WPB 2720. The manufacturer or repairer may use either the procedure outlined in this direction or file on Form WPB 2720. It is not necessary for you to use one procedure to the exclusion of the other; that is, either procedure may be used from time to time as is most convenient to you.

(b) Any person who gets restricted hardwood lumber under this direction for the production or repair of locomotives, cars, passenger carriers, or for the production of new truck or trailer bodies, must endorse the following certification on his purchase orders:

All restricted hardwood lumber covered by this purchase order or contract is required in order to enable me to fulfill an authorized production schedule for the production of locomotives, cars and passenger carriers, or for their repair, or for the production of new truck or trailer bodies. Delivery may be made to me under Direction 4 to Order M–364, with the terms of which I am familiar.

Purchaser

By---
Duly authorized official

(c) Any producer may sell, ship, or deliver restricted hardwood lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate, just as if the order were certified in the way prescribed by paragraphs (b) (1) or (b) (2) of Order M–364. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M–364 with respect to certified orders, so far as applicable. No one may use the certificate to get more lumber than the minimum necessary to enable him to produce and deliver controlled bodies. For example, no one may get lumber under this direction for such purposes as bridges, buildings, grain doors, and the like, or for the repair of truck bodies. This direction does not affect purchases from firms other than producers, and does not permit distribution yards to get lumber by certificate merely because they sell to railroads or car manufacturers.

(d) Manufacturers and repairers who get any part of their lumber through the use of the above certification shall report on Form WPB 3537 thirty days after the end of each calendar quarter, furnishing the information called for on the form. The companies furnishing this information will be relieved of the necessity of providing the information called for in column (c) and item (3) on the forms WPB 2720 filed by them for lumber not covered by this direction. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) For the purposes of this direction "locomotive", "car", "passenger carrier", and "truck and trailer body" mean the same thing they are defined as meaning in Orders L–97, L–97–a, L–101, and L–253 respectively.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–2854; Filed, February 28, 1944; 11:35 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Conservation Order M–364, Direction 5]

DELIVERIES OF HARDWOOD LUMBER TO PRODUCERS OF STEEL AND OTHER CONTROLLED MATERIALS

The following direction is issued pursuant to Conservation Order M–364:

(a) This direction, which is issued in accordance with Order M–364, paragraph (d), tells how a person producing controlled materials may get the restricted hardwood lumber he needs without having to file on Form WPB 2720. A producer of controlled materials may use either the procedure outlined in this direction or file Form WPB 2720. It is not necessary for you to use one procedure to the exclusion of the other; that is, either procedure may be used from time to time as is most convenient to you.

(b) Any person who gets restricted hardwood lumber under this direction for the production of controlled materials, including maintenance or repair of his plant and boxing or crating controlled materials which he produces, must endorse the following certificate on his purchase orders:

All restricted hardwood lumber covered by this purchase order or contract is required in order to enable me to produce and deliver controlled materials which I have been directed or authorized to produce. Delivery may be made to me under Direction 5 to Order M–364, with the terms of which I am familiar.

Producer.

By ---
Duly authorized official.

(c) Any producer may sell, ship, or deliver restricted hardwood lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate, just as if the order were certified in the way prescribed by paragraphs (b) (1) or (b) (2) of Order M–364. The use of the above form of certificate by the buyer and delivery by the producer is subject to all the terms and conditions of M–364 with respect to certified orders, so far as applicable. No one may use the certificate to get more lumber than the minimum necessary to enable him to produce and deliver controlled

materials he is authorized or directed to produce, including maintenance and repair of his plants producing controlled materials and boxing and crating the controlled materials for shipment. No one may use the certificate to get boxes and no maker of boxes to sell to others can use the certificate to get lumber. "Captive plants" as defined in PR-3, Direction 3 may use the certificate to obtain lumber to make boxes. Lumber obtained under this direction by any person for maintenance and repair may not exceed 10% of the total he gets under this direction.

(d) Manufacturers who get any part of their lumber through the use of the above certification shall report to the Lumber Division, War Production Board, by letter within thirty days after the end of each calendar quarter stating the entire amount of hardwood lumber delivered to them during the quarter, whether obtained under this direction or in some other way and stating the percent of all lumber used during the quarter for maintenance and repair of plant. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) For the purposes of this direction "controlled materials" means steel, copper, and aluminum, as specified in CMP Regulation 1, paragraph (b) (1) and in the forms and shapes indicated in CMP Regulation 1, Schedule 1.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2855; Filed, February 28, 1944; 11:35 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-217, Interpretation 4]

FOOTWEAR

The following official interpretation is issued to Conservation Order M-217:

The definition of "price range" in paragraph (b) (11) of Conservation Order M-217 states that price range shall have the usual trade significance so long as the highest list price in the range does not exceed the lowest by more than 10% or 25¢ a pair, whichever is the greater. The January 12, 1944 amendment in paragraph (b) (10) (iii) of the order allows manufacturers of misses' and children's and youths' and boys' footwear to consider their production in each type up to a wholesale price of $1.75 a pair as one line. This does not, however, permit manufacturers to add 25¢ to the $1.75 and consider all misses' and children's and youths' and boys' footwear up to $2.00 as falling within the line. The exemption added by the amendment is one superimposed upon the existing treatment of price lines and cannot be construed to apply to any footwear having a net wholesale price of more than $1.75.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2861; Filed, February 28, 1944; 11:34 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300 as Amended Feb. 28, 1944]

CHEMICALS AND ALLIED PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of those chemicals and allied products subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.1000 *General Allocation Order M-300*—(a) *Purpose and effect.* The purpose of this general allocation order is to provide a central framework for allocation of chemicals and allied products. Materials subject to this order are listed in Appendices A, B and C attached.

Three general systems of allocation are provided for in this order, following the outline of allocations now in general use for chemicals. Appendix A materials are allocated on customers' Form WPB-2945 (formerly PD-600) and suppliers' Form WPB-2946 (formerly PD-601). Appendix B materials are allocated on suppliers' Form WPB-2947 (formerly PD-602), on the basis of certified statements of proposed use from each customer. Appendix C materials are allocated on suppliers' Form WPB-2947 (formerly PD-602), on the basis of applications on customers' Form WPB-2945 (formerly PD-600) for large orders and certified statements of end use to the supplier from customers ordering intermediate quantities.

A separate schedule under this general order is issued for each subject material. The schedule details the information required for applications, and may contain special exemptions or additional requirements modifying the terms of the general order.

The appendices in this order outline the requirements for applying for each material and show the governing schedule numbers.

The general order will be reissued from time to time with all changes to date. New or amended schedules will be issued at the same time, as far as possible. Schedules remain in effect until individually amended and will not be reissued each time the general order is reissued.

(b) *Definitions.* For the purpose of this order:

(1) "Material" means any chemical or allied product listed in Appendix A, B or C, as defined in the schedule governing that material.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(3) "Supplier" means any person who produces or imports a material or who purchases a material for resale as such.

(4) "Initial allocation date" means the date when a material first becomes subject to allocation under this order, or when it first became subject to allocation under another order prior to its transfer to this order, whichever date is earlier.

Appendix A Materials—General Requirements

(c) *Delivery, acceptance of delivery, and use.* On and after the initial allocation date, no supplier of an Appendix A material shall deliver it to any person, no person shall accept delivery of an Appendix A material from a supplier, and no person shall use an Appendix A material, except as specifically authorized in writing by the War Production Board upon application under this order.

Appendix B Materials—General Requirements

(d) *Delivery and use by suppliers.* On and after the initial allocation date, no supplier of an Appendix B material shall use or deliver it to any person, except as specifically authorized in writing by the War Production Board upon application under this order.

(e) *Certified purchase orders.* With respect to material ordered for delivery on and after the initial allocation date:

(1) Each person ordering an Appendix B material from a supplier shall furnish a certified statement of end use with his purchase order in accordance with Appendix D.

(2) Each person shall use material delivered on a certified purchase order only as certified, unless advised by his supplier that a particular specified use has been denied or limited by the War Production Board or unless otherwise specifically authorized in writing by the War Production Board. However, any person not a supplier may redeliver material to a supplier without restriction.

(3) Each supplier within a week after receipt of authorization to ship shall notify his customer of denial in whole or in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

Appendix C Materials—General Requirements

(f) *Delivery.* On and after the initial allocation date, no supplier of an Appendix C material shall deliver it to any person, except as specifically authorized in writing by the War Production Board upon application under this order.

(g) *Acceptance of delivery.* On and after the initial allocation date, no person shall accept delivery during any allocation period from all suppliers of an aggregate quantity of an Appendix C material in excess of the quantity specified in Column 3 of Appendix C, except as specifically authorized in writing by the War Production Board upon application under this order.

(h) *Use.* On and after the initial allocation date, no person shall use an Appendix C material except as follows:

(1) As specifically authorized in writing by the War Production Board upon application on Form WPB-2945 (formerly PD-600); or

(2) For the purpose and in the quantity stated in the use certificate furnished with the purchase order against which the material was delivered, unless advised by the supplier that a particular specified use has been denied or limited by the War Production Board.

(i) *Certified purchase orders.* (1) Each person ordering an aggregate quantity of an Appendix C material within the limits specified in Column 4 of Appendix C from all suppliers for delivery during any allocation period, shall furnish each supplier with a use certificate in accordance with Appendix D.

(2) Each supplier within a week after receipt of authorization to ship shall notify his customers of denial in whole or in part by the War Production Board of any item or items on their certified purchase orders.

Additional Reports and Certificates—Special Requirements

(j) *Past use and inventory report.* Periodic or one-time reports on Form WPB-3442 covering past use and inventory may be required by the applicable schedule.

(k) *Supplementary use certificates.* Persons required to file statements of use with respect to materials subject to this order may be required by the applicable schedule to obtain supplementary statements of use from their customers.

Existing Stocks on Initial Allocation Date

(l) *Suppliers' stocks.* The restrictions on delivery and use of Appendix A, B, and C materials shall apply to all stocks of each supplied on the initial allocation date. Stocks of suppliers who resell exclusively on small orders are exempted by paragraph (o) (4).

(m) *Exemption for stocks of suppliers who consume.* If a supplier customarily maintains inventories of an Appendix A, B or C material for his own consumption separately, both physically and on his books, from his inventory of the material for sale, his stocks on the initial allocation date for his own consumption shall be subject to the provisions of the following paragraph (n) regarding consumers' stocks and not to the restrictions of paragraph (l) above regarding suppliers' stocks. Prior to the initial allocation date, no supplier shall transfer any more material to his inventory as a consumer than his rated orders for derivatives of the material compared with his rated orders for the material itself would permit under Priorities Regulation No. 1.

(n) *Consumers' stocks.* Any person not a supplier may freely use, deliver or accept delivery of any Appendix A, B or C material which he had in stock on the initial allocation date or which was in transit consigned to him prior to that date, unless otherwise expressly provided in the applicable Schedule (indicated by asterisk in Column 7 of Appendix A).

Small Order Exemption

(o) *Small order deliveries by suppliers.* A supplier may fill small orders without application or specific authorization, if he delivers not more than the small order exemption quantity specified in Appendix A, B or C to any customer in any allocation period, if he has received small order certificates when so required, and if the total amount delivered does not exceed the sum of the following:

(1) The amount which he has been specifically authorized, upon application on the applicable supplier's form (WPB-2946 or 2947) to deliver on small orders;

(2) The amount which he has received pursuant to specific authorization or certification for redelivery on small orders;

(3) The amount which he himself acquired on small orders and has not used for other purposes;

(4) The amount which he had on hand on the initial allocation date, if he sells exclusively on small orders.

(p) *Acceptance of delivery and use of small order quantities.* Any person during each allocation period may use and accept delivery of the small order exemption quantity provided in Appendices A, B and C for each material, provided that:

(1) The total accepted from all suppliers during each allocation period shall not exceed in the aggregate one small order exemption quantity;

(2) Quantities received under the small order exemption shall be used only for experimental purposes if additional quantities of the material are received during the same allocation period on specific allocation;

(3) Use of the material is subject to any special limitations on use contained in the applicable schedule (noted with a "u" in the small order exemption columns of Appendices A, B and C);

(4) Acceptance is subject to the filing of a special small order cerificate when required by the applicable schedule (noted with a "c" in the small order columns of Appendices A and C).

Territorial and Import-Export Provisions

(q) *Territorial limitations.* This order shall apply only to acts occurring within the forty-eight States and the District of Columbia, unless otherwise provided in the applicable schedule.

(r) *Imports.* Application and authorization under this order shall not be required for importation of an Appendix A, B and C material into the United States, acceptance of delivery of the material by the consignee and delivery by such consignee to, and acceptance by, any person who purchased or contracted to purchase the material prior to its importation. No person who acquires an Appendix A, B or C material under this exemption shall use it after the initial allocation date except as specifically authorized in writing by the War Production Board upon application under this order. Nothing contained in this order limits the requirements of General Imports Order M-63.

(s) *Exports.* (1) No supplier shall export or deliver for export on Appendix A, B or C material after the initial allocation date except as specifically authorized in writing by the War Production Board upon application under this order, or except to fill exempt small orders. A producer who is also an exporter shall treat the export part of his operations as a separate entity for the purpose of this order. An exporter applying on Form WPB-2945 (formerly PD-600) for allocation and to the Foreign Economic Administration for an export license for the same material subject to this order, shall file both sets of applications together with the Foreign Economic Administration.

(2) Authorized deliveries for export must be made within the authorized period, unless the exporter notifies the supplier and the War Production Board in writing that delivery must be postponed to a later specific period, in which case the limitation of duration of authorization in paragraph (t) is automatically waived, subject to any special directions from the War Production Board. After an exporter has accepted an authorized delivery for export he may export the material at any time to the destination for which allocation was made without further application or authorization under this order.

Duration of Authorizations

(t) *Duration of authorization for delivery.* If it is not practicable for a supplier to make all deliveries in the allocation period for which authorized, he may complete them as early as practicable in the next month. However, authorization shall terminate if the purchaser fails to place his order before the end of the allocation period or if the purchaser requires postponement of delivery beyond 10 days after the allocation period.

(u) *Duration of authorization for acceptance of delivery.* A purchaser may accept delivery after the allocation period but shall notify the War Production Board and hold the material intact subject to direction from the War Production Board if he knows or has reason to believe that the shipment was made after the authorization for delivery had expired.

(v) *Duration of authorization for use.* Authorization for use on Form WPB-2945 (formerly PD-600) shall be valid during the allocation period for which the authorization was issued and the following month. Any unused portion remaining thereafter shall not be used for any purpose until further authorized or directed by the War Production Board.

Action by War Production Board

(w) *Individual actions.* In addition to regular allocations under this order, the War Production Board may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of an Appendix A, B or C material; or

(2) Production or processing of an Appendix A, B or C material; or

(3) Preparation and filing of forms and certificates required by this order or by its schedules, subject to approval by the Bureau of the Budget when required by Federal Reports Act of 1942.

Miscellaneous Provisions

(x) *Miscellaneous provisions*—(1) *Toll arrangements.* In the case of any toll arrangement where raw materials are converted into any Appendix A, B or C material by any person for the owner of the raw materials, the owner shall be considered the producer for the purpose of applications and authorizations under this order, and the Appendix A, B or C material may be delivered to him without restriction.

(2) *Laboratories.* This order is subject to the provisions of Supplementary Order P-135-a, which contains optional

provisions for filing of small order and end use certificates by laboratories ordering reagent chemicals, and for acceptance by laboratories of small order deliveries of reagent chemicals.

(3) *Equivalent quantities.* The provisions of this order relate to quantities of material and not to the identity of any particular lot of material.

(4) *Full container adjustments.* A specifically authorized delivery (not including an exempt small order delivery) may be increased to the extent necessary to avoid shipping partly filled containers, if a container in the nearest practicable size is used. The excess quantity shall be deducted from subsequent authorized shipments to the same customer. The person accepting overshipment shall hold the excess material as an advance shipment on subsequent allocations, and shall use it only for the purpose authorized for the subsequent allocation against which it is credited, or shall hold it in inventory subject to further directions from the War Production Board.

(5) *Allocated inventory.* Material which is allocated for inventory shall not be used or disposed of for any purpose, except as specifically directed by the War Production Board. Material which has not been used for the purpose for which it was allocated shall revert to inventory as if originally allocated for inventory. Pending receipt of material allocated for a particular purpose, stocks on hand may be used for that purpose. The quantity withdrawn from allocated inventory must be replaced upon receipt of the allocated material.

(6) *Applicability of regulations.* This order, its schedules, and all transactions affected thereby, are subject to all applicable War Production Board regulations, as amended from time to time.

(7) *Approval of reporting requirements.* Forms WPB–2945, 2946, 2947 and 3442, and the instructions in this order and in its Appendices and schedules for applications and reports regarding materials subject to this order, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(8) *Violations.* Any person who wilfully violates any provision of this order or of its schedules or who, in connection with such order or schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priority assistance.

(9) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemical Bureau, Washington 25, D. C.; Ref: M–300—(specify applicable schedule number).

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—ALLOCATION USING FORMS WPB–2945 AND WPB–2946 (FORMERLY PD–600 AND 601)

Material	Schedule	Customers' filing date (WPB–2945)	Suppliers' filing date (WPB–2946)	Small order exemption per allocation period ("u" indicates use restriction in schedule; "c" indicates small order certificate required by schedule).	Report on Form WPB–3442	Initial allocation date and allocation period ("indicates user's stocks frozen)
1	2	3	4	5	6	7
Nicotinic acid	1	15th	20th	1 kilogram	None	5–4–43 Month
Anhydrous hydrofluoric acid.	4	15th	20th	500 lbs	None	3–1–44 Month

APPENDIX B—ALLOCATION USING SUPPLIERS' FORM WPB–2947 (FORMERLY PD–602) WITH CUSTOMERS' USE CERTIFICATES

NOTE: "Peroxygen chemicals" through "Sodium perborate" added Feb. 28, 1944.

Material	Schedule	Suppliers' filing date (WPB–2947)	Small order exemption per allocation period—No certificate required ("u" indicates use restriction in schedule)	Report on Form WPB–3442	Initial allocation date and allocation period
1	2	3	4	5	6
Riboflavin	2	20th	100 grams	None	4–1–43 Month
Peroxygen chemicals: Hydrogen peroxide	5	20th	600 lbs	Yes	4–1–44 Month
Sodium peroxide			75 lbs		
Sodium perborate			25 lbs		

APPENDIX C—ALLOCATION USING FORM WPB–2947 (FORMERLY PD–602) FOR SUPPLIERS, AND CUSTOMERS' FORM WPB–2945 (FORMERLY PD–600) FOR LARGE ORDERS AND USE CERTIFICATES FOR INTERMEDIATE ORDERS

NOTE: "Citric acid" added Feb. 28, 1944.

Material	Schedule	Customer's applications: On Form WPB–2945 filing date and quantities per allocation period from all suppliers	Customer's applications: Use certificate quantities per allocation period from all suppliers	Small order exemption per allocation period ("u" indicates use restriction in schedule; "c" indicates small order certificate required by schedule)	Suppliers' filing date (WPB–2947)	Report on Form WPB–3442	Initial allocation date and allocation period
1	2	3	4	5	6	7	8
Thiamine hydrochloride.	3	15th—more than 2,000 grams. 1st—15,000 lbs. or more.	Between 100—2,000 grams. Between 440–15,000 lbs.	100 grams	20th	None	5–4–43 Month
Citric acid	6			440 lbs. per quarter.	10th	On Form WPB 2772 instead.	7–1–43 Quarterly

APPENDIX D—USE CERTIFICATE GENERAL INSTRUCTIONS

(1) Each person required to file a use certificate with a purchase order for material subject to this order shall furnish the supplier with a certified statement of proposed use of the material in substantially the following form, either placed on or attached to the purchase order:

(*Statement of quantity of listed material required for each specified product and end use—see instructions in the applicable schedule and the instructions in paragraphs (10) and (11) of Appendix E for description of proposed use.*)

USE CERTIFIED—REF. M–300

_____
Name of purchaser

By: _____
(Signature and title of duly authorized officer)

(2) In the event two or more end uses are involved in a single purchase order, the amount of the material required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the supplier to advise his customer by purchase order number and item number as to the action taken in the supplier's application for authorization to make delivery.

(3) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall constitute a use certificate for the purpose of this order, if the purchase order specifies the Lend-Lease contract or requisition number.

(4) A certified statement on Form WPB–2945 (formerly PD–600), or on any equivalent form, of quantities of material ordered for each intended product and end use, shall constitute a use certificate for the purpose of this order.

(5) The special certificate specified in Supplementary Order P–135–a may be used by laboratories when applicable instead of the above certificate.

APPENDIX E—FORMS WPB–2945, 2946 AND 2947—GENERAL INSTRUCTIONS

CUSTOMERS' FORMS

Customers' Form WPB–2945 (formerly PD–600). Each person requiring specific authorization to use or accept delivery of a material subject to this order shall file application on Form WPB–2945 in the manner prescribed therein, subject to the following general instructions:

(1) *Where to obtain copies.* Copies may be obtained at local field offices of the War Production Board.

(2) *Special instructions in schedules.* The applicable schedule may contain special instructions for applying for the particular material, supplementing or modifying the following general instructions.

(3) *When application is required.* Application for specific authorization is required for use or acceptance of delivery during any allocation period of a quantity exceeding the small order exemption in Column 5 of Appendix A, or of a quantity specified in Column 3 of Appendix C, or for use of an Appendix A, B or C material which has previously been allocated for a different purpose or for inventory.

(4) *Time of filing.* Application for regular allocation shall be filed or mailed in time to reach the War Production Board on or before the date specified in Column 3 of Appendix A or C.

(5) *Number of copies and where to file.* Prepare five copies, retain one, send one (reverse side blank) to the supplier, if any, and send three copies (original certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–300–_____ (specify schedule number). Exporters, however, when applying to the Foreign Economic Administration for an export license for material for which War Production Board allocation is requested, shall send both sets of applications to the Foreign Economic Administration.

(6) *Applications regarding suppliers and inventory.* When applying only for use from inventory, specify "Inventory" as supplier in the heading. When applying for material from other companies as suppliers, file separate sets of applications for each supplying company. A combined application may be made to accept delivery and use material from another company as supplier, and to use an additional quantity from inventory. It will be presumed that applications which name another company in the heading as supplier relate only to acceptance of delivery and use of material from that supplier, unless it is clearly indicated that part of the application relates to use of an additional quantity from inventory. This may be indicated by specifying the requested quantity from inventory separately in Column 2 (quantities requested) and by specifying in Column 10 (Remarks) "From Inventory").

(7) *Heading.* Fill in as indicated, specifying as WPB Order No., "M–300–_____" (specify Schedule number).

(8) *Table I.* Specify in the heading the allocation period for which authorization for acceptance of delivery or use is sought.

(9) *Columns 1 and 2.* Fill in as indicated, subject to the instructions in the applicable Schedule.

(10) *Column 3.* Specify the proposed primary use of the material sought in terms of the proposed primary product to be made from the material (as indicated in the applicable Schedule), or specify the use as for resale, export or inventory of the requested material in original form.

(11) *Column 4.* Fill in as follows:

Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (and Schedule number, if allocated under General Allocation Order M–300).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use accurately and briefly, giving Army or Navy specification or contract numbers, or Lend-Lease requisition and contract numbers, when practicable.

Opposite "resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for exempt small orders". Suppliers who resell in both large and small quantities should specify "upon further authorization" for the total quantity ordered, and should apply on their suppliers' Form WPB–2946 or 2947 for authorization to deliver an aggregate quantity for small orders.

Opposite "export" in Column 3 specify in Column 4 the name of the individual company or governmental agency to whom, or for whose account, the material will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract and requisition number.

Opposite "inventory" in Column 3, write into Column 4, "subject to further authorization".

(12) *Columns 9 and 10.* Leave blank, except for remarks, if any, in Column 10.

(13) *Tables II, III and IV.* Fill in as indicated except as otherwise provided in the applicable schedule. In Columns 15 and 16, report entire physical inventory, whether or not subject to valid authorization or exemption on the dates specified. Suppliers who both sell and consume the material shall keep separate accounts of their sales and consumption inventories, reporting only the latter on customers' Form WPB–2945.

(14) *Table V.* Fill in only when and as required by the applicable schedule.

SUPPLIERS' FORMS

Suppliers' Forms WPB–2946 and 2947 (formerly PD–601 and 602). Each supplier requiring specific authorization to make delivery shall file application on Form WPB–2946 for an Appendix A material and on Form WPB–2947 for an Appendix B or C material, in the manner prescribed in these forms, subject to the following general instructions:

(15) *Where to obtain copies.* Copies may be obtained at local field offices of the War Production Board.

(16) *Special instructions in schedule.* The applicable schedule may contain special instructions for applications to deliver the particular material, supplementing or modifying the following general instructions.

(17) *When application to deliver is required.* Application for specific authorization to deliver an Appendix A, B or C material is required for any delivery by a supplier after the initial allocation date which is not subject to small order exemption.

A supplier who wishes to divert to his own use any part of his own production shall list his own name on the applicable supplier's form as in the case of any other customer, in addition to applying on customer's Form WPB–2945 (formerly PD–600) when so required.

(18) *Time of filing.* Applications for regular allocation shall be filed or mailed in time to reach the War Production Board on or before the date specified in Column 4 of Appendix A or Column 3 of Appendix B or Column 6 of Appendix C.

(19) *Number of copies and where to file.* Prepare five copies, retain one, and send four copies (original certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–300 ——— (specify schedule number).

(20) *Number of sets.* File a separate set of forms for each separately located plant or distributing point, unless otherwise expressly provided in the applicable schedule.

(21) *Heading.* Fill in as indicated, specifying as WPB Order No. "M–300 ——". (specify schedule number).

(22) *Table I.* Fill in as indicated on Form WPB–2946 (formerly PD–601). List customers alphabetically, as far as practicable. On Form WPB–2947 (formerly PD–602) group customers according to end use and list alphabetically within each group, as far as practicable. If the applicant supplier wishes to use any part of his own production, he should list his own name as a customer on his supplier's form as in the case of any other customer. An aggregate quantity may be requested for exempt small orders without listing individual customers' names. In the case of Appendix C materials specify "WPB–2945" without further use description in Column 1–a of Form WPB–2947 opposite the names of customers who have filed copies of Form WPB–2945 with the applicant supplier.

(23) *Table II.* Fill in as indicated. In Column 10 and 13 report stocks on physical inventory basis regardless of whether any part of the stock is subject to valid authorization to deliver on the date specified. In Column 16, specify a quantity no greater than what is estimated will be available for allocation during the requested allocation period, taking into account undelivered balances on still valid prior authorizations.

[F. R. Doc. 44–2869; Filed, February 28, 1944; 11:36 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M–300, Schedule 5]

PEROXYGEN CHEMICALS

§ 3293.1005 *Schedule 5 to General Allocation Order M–300*—(a) *Definition.* "Peroxygen chemicals" mean any one or more of the following: hydrogen peroxide; sodium peroxide; sodium perborate.

(b) *General provisions.* Peroxygen chemicals are subject to allocation under General Allocation Order M–300 as Appendix B materials. The initial allocation date is April 1, 1944. The allocation period is the calendar month.

(c) *Small order exemption.* The small order exemption, per month, for each of the peroxygen chemicals (i. e., the amount which any person may receive from all suppliers) is as follows:

(1) Hydrogen peroxide (100 volume equivalent), 600 pounds.
(2) Sodium peroxide, 75 pounds.
(3) Sodium perborate, 25 pounds.

(d) *Supplier's application on Form WPB–2947.* (1) Each supplier requiring authorization to use or deliver the peroxygen chemicals shall file application on Form WPB–2947 (formerly PD–602) on or before the 20th day of the month preceding the month for which allocations are sought. A separate set of forms shall be prepared and filed for each of the peroxygen chemicals for which authorization to use or deliver is requested.

(2) Each supplier shall list, individually, the names of customers who have placed orders for more than the quantity permitted for small orders. No such individual order shall be listed or filled unless the customer has filed with the supplier the required end-use certificate. In addition, an item should be included for "small orders received" which shall show the aggregate quantity requested to fill small orders without listing the names of the individuals placing the small orders. A supplier may also request, as a separate item, an estimated quantity to cover "small orders anticipated."

(3) Normally the War Production Board will issue its authorizations and directions on Form WPB–2947 and, in addition to making individual allocations for listed customers, will allocate a lump sum for small orders.

(4) Form WPB–2947 should be completely filled in. The unit of measure for the peroxygen chemicals is pounds. No

grade need be specified except as to hydrogen peroxide in which case the volume of the material shall be stated. In Columns 5 and 5-a of Table I the supplier may, but need not, enter the quantity which he recommends for delivery. In Column 7 of Table I the supplier should enter a statement of the average monthly purchases made by each customer listed in Column 1 during the six months period of January to June, inclusive, 1943.

(e) *Customer's certificate of end use.* (1) Each person ordering for delivery in any month more than the quantities of any of the chemicals permitted by the small order exemption shall furnish to each supplier with whom an order is placed a certified statement of the proposed use of such chemicals. The certification shall be in the form and subject to the instructions set forth in Appendix D of General Allocation Order M-300.

(2) Customers' orders accompanied by such certifications should be in the hands of suppliers not later than the 14th day of the month preceding the period during which delivery is sought. This is necessary to enable suppliers to file on time their requests for allocations with the War Production Board.

(3) A certificate shall separately list each of the peroxygen chemicals ordered and shall also separately state the quantity of each of the peroxygen chemicals required for a particular primary product and end use.

(4) No supplier shall deliver any of the peroxygen chemicals to any person when he knows or has reason to believe such person's certificate to be false; but in the absence of such knowledge or reason to believe, the supplier may rely on the certificate.

(f) *Customer's one-time report.* (1) Each person (excluding government departments or agencies) who orders for delivery in any month more than the exempt quantity of any of the peroxygen chemicals shall file with the War Production Board—one time only with respect to any one of such chemicals—a report on Form WPB-3442. A separate report should be filed for each of the peroxygen chemicals so ordered. This report is required for the purpose of advising the War Production Board as to the quantity of each of the peroxygen chemicals consumed during the calendar year 1943. A report for each of the peroxygen chemicals shall be filed not later than the 20th day of the month preceding the month during which delivery of such chemical is sought, but in any case need not be filed before March 20, 1944.

(2) Copies of Form WPB-3442 may be obtained at local field offices of the War Production Board. One signed copy shall be forwarded to the War Production Board, Washington 25, D. C. In Section I, above Column (c) specify "calendar year, 1943"; Columns (d) to (g), inclusive, may be left blank. No grade need be specified except in the case of hydrogen peroxide, in which case the volume of the material should be specified in Column (b). In Section II, Column (b) the date to be specified is December 31, 1943; in Column (c) the date to be specified is the last day of the month preceding the month in which the report is filed. Column (2) may be left blank.

(g) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this schedule shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300.

NOTE: Forms WPB-2947 and 3442 and the instructions in this schedule and the appendices of order M-300 for applications for the peroxygen chemicals have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2868; Filed, February 28, 1944; 11:36 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 6]

CITRIC ACID

§ 3293.1006 *Schedule 6 to General Allocation Order M-300*—(a) *Definition.* "Citric Acid" means hydroxy tricarballylic acid from whatever source derived, in dry form only.

(b) *General provisions.* Citric acid is subject to the provisions of General Allocation Order M-300 as an Appendix C material. The initial allocation date is July 1, 1943, when citric acid was first put under allocation by Allocation Order M-321 (revoked). The allocation period is the calendar month through March, 1944, and is the calendar quarter commencing with the second quarter of 1944.

After April 1, 1944, a customer may purchase 440 lbs. or less per quarter from all suppliers without restriction, must furnish use certificates with each order when seeking delivery of between 440 and 15,000 lbs. per quarter from all suppliers, and must file on Form WPB-2945 for 15,000 lbs. or more per quarter from all suppliers.

(c) *Special provisions.* Use, delivery and acceptance of delivery prior to April 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in the citric acid Order M-321 (revoked). The small order exemption prior to April 1, 1944, is 125 lbs. per person per month.

(d) *Supplier's application on Form WPB-2947.* Each supplier seeking authorization to deliver shall file application on Form WPB-2947 (formerly PD-602). The filing date is the 10th of the month preceding the proposed delivery quarter. Send three copies (one certified) to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-6. The unit of measure is pounds. Specify grade as crude, technical, anhydrous, crystalline, granular, U. S. P., C. P., reagent, or other specified grade. File a separate set of forms for each different grade of citric acid. A consolidated set of forms may be filed for all plants. In Table I first list in Column 1 the names of customers who have filed WPB-2945 forms with the applicant and in Column 1a specify "WPB-2945"; second, list in Column 1 the names of customers who have filed use certificates with the applicant and in Column 1a transcribe the uses stated in such certificates; third, specify in Column 1 "aggregate small order deliveries" and leave Column 1a blank; fill in other columns as indicated. Leave columns blank relating to rolling stock requirements. Fill in Table II as indicated. Inventory of citric acid previously allocated for the supplier's own manufacturing use should not be reported on Form WPB-2947 (but should be reported in Table II of Form WPB-2945).

(e) *Customers' applications for authorization on WPB-2945.* Each person seeking delivery for 15,000 lbs. or more per quarter from all suppliers shall file application for authorization on Form WPB-2945 (formerly PD-600). The filing date is the first day of the month preceding the requested allocation quarter. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-6, one copy (reverse side blank) to the supplier and retain one copy. The unit of measure is pounds. Specify grade as crude, technical, anhydrous, crystalline, granular, U. S. P., C. P., reagent or other specified grade. In Column 3 specify primary products as liquid beverages, beverage powders, foods, sodium citrate, potassium citrate, ferric ammonium citrate, ammonium citrate, citrate of magnesia, effervescent salts, or as other specified products, or the primary use may be specified as resale, inventory, or export of citric acid as such. In Column 4 specify end use (see paragraph (11) of Appendix E) and indicate percent of product required for each of the following:

Direct Army or Navy contracts.
Post exchanges.
Ship service stores.
Commissaries.
Canteens.
Civilian.
Export.
Lend-Lease.

Fill in Tables II and III as indicated, specifying inventory in Table II on a physical basis regardless of authorizations or exemptions. However, a supplier who keeps separate inventories of citric acid, both physically and on his books, for the purpose of sale and for his own manufacturing use, shall report in Table II only his inventory for his own use. Leave Tables IV and V blank.

(f) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of between 440 and 15,000 lbs. per quarter in the aggregate from all suppliers shall furnish each supplier with a certified statement of proposed use in the form prescribed in Appendix D of General Allocation Order M-300. Describe proposed use as shown in paragraph (e) above.

(g) *One-time report.* Each person seeking authorization to use or accept delivery of citric acid in excess of 440 lbs. per calendar quarter shall mail to or file with the War Production Board a report of inventory and past use on Form WPB-2772 at least ten days prior to the initial filing of a use certificate or a WPB-2945 form pursuant to this order, whichever is filed first. Any person who has filed this form once in accordance with this schedule or Allocation Order M-321 (revoked) need not file it again.

(h) *Approval of reporting requirements.* Forms WPB-2947, 2945 and 2772 and the instructions in this schedule and the appendices of Order M-300 for applications and reports concerning citric acid have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Communications to War Production Board.* All reports filed hereunder and all communications concerning this schedule shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-6.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2863; Filed, February 28, 1944; 11:34 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-373]

VITAMIN A

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Vitamin A for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.601 *Allocation Order M-373*—(a) *Definitions.* (1) "Vitamin A" means vitamin A derived from or contained in fish liver oils or fish viscera oils, in crude or refined form. The term includes, but is not limited to Vitamin A concentrates and esters and Vitamin A in blended oils. The term does not include pro-vitamins A such as caretones, cryptoxanthin, etc.; nor Vitamin A contained in oils which have less than 1000 USP-XII units of Vitamin A per gram, or in oils in which the number of USP-XII units of Vitamin A per gram is less than five times the number of USP-XII units of Vitamin D per gram; nor Vitamin A in cod liver oil; nor Vitamin A in standard dosage form (tablets, capsules, ampuls, solutions, etc.) or in retail pharmaceutical packages; nor Vitamin A compounded or mixed in foods or feeds.

(2) "Concentrate" means any concentrate of Vitamin A derived from fish liver oils, fish viscera oils, other fish oils, or from fish livers or viscera if the concentration of Vitamin A in the product is increased beyond four times that in the original oil, or in the case of livers or viscera, beyond four times that of the oil which would have been obtained by ordinary extraction methods.

(3) "Supplier" means any producer, importer, concentrator, or blender, or any person who purchases Vitamin A for resale as such without further processing or admixture, but does not include an exporter.

A supplier who also exports Vitamin A shall treat his export operations as a separate entity from his other operations for the purpose of this order.

(4) "Use" means the incorporation of Vitamin A into pharmaceutical preparations, feeds, foods and the like, and includes blending and concentrating Vitamin A and the packaging of Vitamin A into retail pharmaceutical units. Authorization to use Vitamin A for any purpose carries with it authorization to perform all intermediate operations.

(5) "Unit of measure" is expressed in terms of USP-XII units of Vitamin A determined either on the basis of animal assay or spectrophotometric analysis.

Requirements for February and March 1944

(b) *Restrictions on acceptance of delivery.* During the period from February 28 to March 31, 1944, inclusive, no person shall accept delivery of more than 500,000,000 USP-XII units of Vitamin A in the aggregate from all suppliers, except Vitamin A in transit consigned to him on February 28, 1944, or except as specifically authorized in writing by the War Production Board upon application pursuant to Appendix B.

(c) *Restrictions on delivery.* No supplier shall deliver Vitamin A which he knows or has reason to believe would be accepted in violation of paragraph (b) above.

(d) *Restrictions on use.* During the period from February 28 to March 31, 1944, inclusive, no person shall use more Vitamin A than 12% of the quantity which he used during all of 1943, except as specifically authorized in writing by the War Production Board upon application pursuant to Appendix B. In computing quantities used currently and during the base period, exclude quantities used in fulfillment of U. S. Government contracts or subcontracts.

Requirements Beginning April 1, 1944

(e) *Restrictions on delivery, acceptance of delivery and use.* Beginning April 1, 1944, no supplier shall deliver Vitamin A to any person, no person shall accept delivery of Vitamin A from a supplier, and no person shall use Vitamin A, except as specifically authorized in writing by the War Production Board upon application pursuant to Appendices B and C.

(f) *User's one-time base period report.* Each person (including a supplier), at or before the time when he files his initial application in accordance with Appendix B for authorization to use or accept delivery of Vitamin A, shall file a one-time report on his past use and inventory in accordance with Appendix A.

(g) *Small order exemption.* Specific authorization is not required for:

(1) Acceptance of delivery and use by any person of 500,000,000 USP-XII units or less of Vitamin A in the aggregate during any calendar month from all suppliers.

(2) Delivery by any supplier to any customer in any calendar month of 500,000,000 USP-XII units or less if the total amount delivered on all such small orders does not exceed the sum of the following:

(i) The amount which he has been specifically authorized, upon application pursuant to Appendix C, to deliver on small orders;

(ii) The amount which he has been specifically authorized, upon application pursuant to Appendix B, to receive or use for the purpose of filling small orders;

(iii) The amount which he himself acquired on small orders and has not used for other purposes;

(iv) The amount which he had on hand on April 1, 1944, if he sells exclusively on small orders.

(h) *Allocated inventory.* Vitamin A allocated for inventory shall not be used or disposed of for any purpose, except as specifically directed by the War Production Board. Material which has not been used for the purpose for which it was allocated shall revert to inventory as if originally allocated to it. Applications for authorization to use Vitamin A allocated for inventory shall be filed pursuant to Appendix B. Pending receipt of Vitamin A allocated for a particular purpose stocks on hand may be used for that purpose, provided that the quantity withdrawn is replaced upon receipt of the allocated Vitamin A.

(i) *Toll arrangements.* In the case of any toll arrangement where vitamin A is produced, concentrated, blended or otherwise processed or used by another person for the owner of the vitamin A, the owner shall apply for any necessary authorizations and shall be subject to the limitations of this order as if he were performing the operation himself, but deliveries between the owner and the processor under the toll arrangement may be made without restriction.

(j) *Duration of authorization for delivery.* If it is not practicable for a supplier to make all deliveries in the month for which authorized, he may complete them as early as practicable in the next month, but the authorization shall terminate if the purchaser fails to place his order before the end of the authorized delivery month or if the purchaser requires postponement of delivery beyond ten days after the authorized month.

(k) *Duration of authorization for acceptance of delivery.* A purchaser may accept delivery after the authorized month, but shall notify the War Production Board and hold the vitamin A intact subject to direction from the War Production Board, if he knows or has reason to believe that the shipment was made after the authorization for delivery had expired.

(l) *Duration of authorization for use.* Authorization for use shall be valid during the authorized month and the following month. Any unused portion at the end of the period shall not be used for any purpose until further authorized or directed by the War Production Board, upon application for use from inventory pursuant to Appendix B.

(m) *Special directions.* The War Production Board at any time may at its

discretion, issue special directions to any person with respect to:

(1) Delivery or acceptance of delivery of vitamin A;

(2) Preparation of applications and reports under Appendices A, B or C, subject to approval of the Bureau of the Budget when required by Federal Reports Act of 1942.

(n) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(o) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Limitation Order L–40.* In addition to the restrictions of this order, the use of vitamin A is subject to the provisions of Limitation Order L–40 (§ 3293.6) as amended.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M–373.

Issued this 28th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR FILING USERS' ONE-TIME BASE PERIOD AND INVENTORY REPORT

Each person (including a supplier) seeking authorization to use or accept delivery of vitamin A shall file a one-time report on his stocks and past use of vitamin A on Form WPB–3442 in accordance with the following instructions:

Form WPB–3442. Copies may be obtained at local field offices of the War Production Board.

Time of filing. The report should be filed when application is first made on Form WPB–2945 (formerly PD–600) in accordance with Appendix B for authorization to use or accept delivery of Vitamin A.

Number of copies. Two copies should be prepared, of which one shall be retained by the person reporting and one certified copy shall be filed with the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M–373.

Heading. 1—Specify Vitamin A.
2—Specify Million USP–XII Units.
3—Specify M373.
Fill in other spaces as indicated.

Section I. In column (a) specify primary products as pharmaceuticals, foods, feeds, etc. In column (b) specify grades in terms of potency ranges in accordance with the instructions in Appendix B for column 1. Fill in the headings of columns (c) (d) (e) and (f) as follows:

Column (c)—1942—excluding Gov. orders.
Column (d)—1943—excluding Gov. orders.
Column (e)—1942—Gov. orders only.
Column (f)—1943—Gov. orders only.
Fill in these columns as indicated and leave column (g) blank.

Section II. Specify potency ranges in column (a) as in Section I, Column (b), above. Fill in the headings of columns (b) (c) and (d) as follows, and fill in the columns accordingly:

Column (b)—January 1, 1944.
Column [1] (c)—March 1, 1944.
Column (d)—January 1, 1944.

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION FOR SPECIFIC INSTRUCTION TO ACCEPT DELIVERY OF AND USE VITAMIN A

Each person seeking authorization to use or accept delivery of vitamin A (more than 500,000,000 USP–XII units per month) shall file application on Form WPB–2945 (formerly PD–600) in the manner prescribed therein, subject to the following instructions:

Form WPB–2945 (formerly PD–600). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Application shall be made in time to insure that copies will reach the supplier and the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or accept delivery is sought.

Number of copies. Prepare five copies, retain one, send one to the supplier and send three copies (original certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M–373. Omit supplier's copy if applying only for use from inventory.

Number of sets. Applications for acceptance of delivery shall be made on separate forms for each supplier. A single set of forms may be used for application to accept delivery and use a quantity from a supplier, and to use an additional quantity from inventory.

Exports. Exporters applying simultaneously for an export license and a WPB allocation for export shall send both sets of applications to the Foreign Economic Administration, which will transmit the WPB–2945 forms to the WPB with its recommendation.

Heading. Under the name of chemical, specify vitamin A; under WPB order number, specify M–373; under unit of measure specify "Million USP–XII units." If the application is exclusively for use from inventory specify "From Inventory" in space for supplier's name. Otherwise fill in as indicated.

Table I. Specify in the heading, the month and year for which authorization to use or accept delivery is sought.

Column 1. Specify "grade" in terms of potency range, in accordance with the following symbols:

20	1– 20 Thousand USP–XII Units per Gram
40	20– 40 Thousand USP–XII Units per Gram
60	40– 60 Thousand USP–XII Units per Gram
100	60–100 Thousand USP–XII Units per Gram
150	100–150 Thousand USP–XII Units per Gram
200	150–200 Thousand USP–XII Units per Gram
over 200	over 200 Thousand USP–XII Units per Gram

Column 2. Specify separately the quantity in millions USP–XII units sought for each different requirement indicated in columns 3 and 4.

Column 3. Fill in as follows:

Multivitamin tablets, capsules or liquids (specify separately)
Vitamin A and D tablets, capsules or liquids (specify separately)
Vitamin A tablets, capsules or liquids (specify separately)
Ampuls
Margarine
Feed
Feed Concentrates
Other—(specify)
For blending
For concentrating
For inventory (in original form)
For export (in original form)
For resale(in original form)

Column 4. Opposite any product in Column 3 (other than "for blending" or "for concentrating") specify in Column 4 whether the product is for Army, Navy, Lend-Lease, other specified Government agency, or commercial customer, and where practicable specify contract or specification numbers. Opposite "for blending", "for concentrating", "for inventory" or "for resale" in Column 3, write in Column 4, "subject to further authorization", except in the case of suppliers who resell exclusively on small orders, in which case "for small orders of 500,000,000 USP–XII Units or less per person per month" may be specified in Column 4.

Opposite "for export" in Column 3, specify in Column 4, the name of the individual, company, or Governmental agency to whom or for whose account the vitamin A will be exported, the country of destination and governing export license or contract numbers, unless Lend-Lease, in which case merely specify the Lend-Lease contract and requisition number.

Column 10. If the application is partly to accept delivery and use Vitamin A from a supplier and partly to use Vitamin A in inventory, specify in Column 10, "From Inventory" opposite quantities in Column 2, which relate to use from inventory.

Table II. Fill in as indicated. In Column II, specify "grade" in terms of potency range symbols as described in the Column 1 instructions above. In Columns 15 and 16 exclude from stocks, quantities authorized for use on the dates specified.

Table III. Fill in as indicated.

Table IV. Leave blank.

Table V. In Column 23, specify potency ranges in accordance with Column 1 instructions above; in Column 24, specify in the heading "Balance authorized for use ----------" (specify first day of current month) and fill in the column accordingly; and in Column 25 specify in the heading "Estimated balance authorized for use ----------" (specify first day of requested allocation month) and fill in the column accordingly.

APPENDIX C—INSTRUCTIONS FOR FILING APPLICATION FOR SPECIFIC AUTHORIZATION TO MAKE DELIVERIES OF VITAMIN A

Each producer or distributor seeking authorization to make delivery of Vitamin A during any month shall file application on Form WPB–2946 (formerly PD–601) in the manner prescribed therein and subject to the following instructions.

WPB–2946 (formerly PD–601). Copies may be obtained at the local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to insure that copies will reach the War Production Board on or before the 20th day of the month preceding the month for which authorizations to make delivery are requested.

Number of copies. Prepare four copies, retain one and send three (original certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C. Ref. M–373.

Heading. Under name of chemical, specify vitamin A; leave grade space blank; under WPB Order No., specify M–373; under unit of measure, specify Million USP–XII Units; and otherwise fill in as indicated.

Table I. Fill in as indicated, listing customers alphabetically and including all who have sent in copies of Form WPB–2945 listing the applicant as supplier. In Column 3, specify "grade" in terms of potency range symbols specified below for Table II, Column 8.

Each producer seeking authorization to use his own production of vitamin A shall list his own name as a customer in his supplier's Form WPB–2946 application, and shall file a separate application for use on consumer's Form WPB–2945 in accordance with Appendix C above.

An aggregate amount may be requested for "orders for less than 500,000,000 USP–XII Units per month" without specifying individual customers' names.

Table II. Fill in as indicated. In columns 10 and 13 exclude quantities authorized for use or delivery on the dates specified. Specify "grade" in Column 8 in terms of potency range, using the following symbols.

20	1– 20 Thousand USP–XII Units per Gram
40	20– 40 Thousand USP–XII Units per Gram
60	40– 60 Thousand USP–XII Units per Gram
100	60–100 Thousand USP–XII Units per Gram
150	100–150 Thousand USP–XII Units per Gram
200	150–200 Thousand USP–XII Units per Gram
over 200	over 200 Thousand USP–XII Units per Gram

NOTE: Forms WPB–2945, 2946 and 3442, and the instructions in Appendices A, B, and C, have been approved by the Bureau of the Budget in accordance with Federal Report Act of 1942.

[F. R. Doc. 44–2856; Filed, February 28, 1944; 11:35 a. m.]

[1] If filing after March, 1944, specify in Column (c) the first day of the next month.

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 48]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 17.1 (d) is amended by substituting the words "ten (10) points" in place of the words "eleven (11) points (as nearly as possible)", by substituting the words "ten (10) points" in place of the words "sixteen (16) points (as nearly as possible)" and by inserting after the second sentence the following:

However, for each two weeks during which that person lives in his establishment, the institutional user must remove thirty (30) points of stamps currently valid for foods covered by Ration Order 16. He may not accept any ration tokens.

This amendment shall become effective February 27, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2779; Filed, February 26, 1944; 12:01 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 17486; 9 F.R. 401, 455, 492.

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 5 to Supp. 1[2]]

FOOD RATIONING FOR INSTITUTIONAL USERS

Supplement No. 1 to General Ration Order 5 is amended in the following respects:

1. Section 1305.203 (b) is amended to read as follows:

(b) Allowance per person for Group II users.

RATIONED FOOD	*Allowance per person*
Processed foods	0.7 points
Sugar	.03 pounds

2. Section 1305.203 (c) is revoked.

This amendment shall become effective March 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2780; Filed, February 26, 1944; 12:02 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 1 to Supp. 2[3]]

FOOD RATIONING FOR INSTITUTIONAL USERS

Supplement No. 2 to General Ration Order No. 5 is amended in the following respect:

1. Section 1305.205 (c) is amended to read as follows:

(c) The allowance per person for Group II users for foods covered by Ration Order 16 shall be 1.0.

This amendment shall become effective March 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2794; Filed, February 26, 1944; 11:58 a. m.]

[2] 8 F.R. 2597, 4840, 5529, 7601, 14154.
[3] 8 F.R. 3851.

PART 1305—ADMINISTRATION

[Gen. RO 7,[4] Amdt. 7]

METHOD OF SURRENDER AND DEPOSIT OF RATION STAMPS AND COUPONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the division of the Federal Register.*

General Ration Order 7 is amended in the following respects:

1. Section 1.2 (a) (2) is redesignated subparagraph (3).

2. Section 1.2 (a) (2) is added to read as follows:

(2) He may enclose no more than 1,000 "aeroplane" stamps from War Ration Book No. 3 or 1,000 stamps from War Ration Book Four in OPA Form R–132 (the official envelope), or, if that form is unavailable, in any substantially similar sealed envelope; or

3. Section 1.2 (a) (3) is redesignated subparagraph (4).

4. Section 1.2 (a) (4) is redesignated subparagraph (5).

5. Section 1.2 (a) (5) is redesignated subparagraph (6).

6. Section 1.2 (a) (6) is redesignated subparagraph (8).

7. Section 1.2 (a) (7) is added to read as follows:

(7) He may enclose exactly 10,000 red or exactly 10,000 blue stamps from War Ration Book Four in any sealed envelope he supplies, if it is approximately nine (9) inches by twelve (12) inches in size.

This amendment shall become effective March 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2793; Filed, February 26, 1944; 12:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300,[5] Amdt. 15]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1772 is amended by changing the body of Table I to read as follows:

[4] 8 F.R. 2858, 2997, 4840, 6965, 11738.
[5] 8 F.R. 9203, 11251, 13173, 14984.

TABLE I—MAXIMUM MANUFACTURERS' PRICES FOR VICTORY LINE RUBBER DRUG SUNDRIES[1]

Item	Maximum prices for sales by manufacturers: To wholesalers[2]	To mass retail distributors[3]	To other retailers[4] and ultimate consumers
Hot water bottles:			
Hospital Grade (cloth inserted 2 quart)	$1.13		$1.51
Hospital Grade (molded)	.55	$0.61	.74
Consumer Grade I [5] (colored-molded)	.45	.50	.60
Consumer Grade II [6] (colored & black-molded)	.35	.39	.46
Fountain syringes (civilian-molded) equipped with 4' 8" regular flow tubing, stopper, shut-off, & screw socket:			
Consumer Grade I [7] (colored):			
Group I-2 slip pipes, adult rectal and vaginal	.47	.52	.62
Group II-2 screw pipes, adult rectal and vaginal plus screw pipe connections	.52	.58	.68
Group III-3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.71	.79	.94
Consumer Grade II [8] (colored and black):	.37	.41	.48
Group I-2 slip pipes, adult rectal and vaginal	.42	.46	.55
Group II-2 screw pipes, adult rectal and vaginal plus screw pipe connections	.61	.68	.80
Group III-3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories			
Combination syringes (molded) equipped with 4' 8" regular flow tubing, stopper, shut-off, and screw socket:			
Consumer Grade I [9] (colored):	.59	.66	.78
Group I-2 slip pipes, adult rectal and vaginal	.64	.72	.85
Group II-2 screw pipes, adult rectal and vaginal plus screw pipe connections	.83	.93	1.10
Group III-3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections, and rapid flow accessories	.49	.54	.65
Consumer Grade II [8] (colored & black):	.54	.59	.71
Group I-2 slip pipes, adult rectal and vaginal	.73	.80	.97
Group II-2 screw pipes, adult rectal and vaginal plus screw pipe connections			
Group III-3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.15	.17	.20
Combination syringe attachment sets—to include 4'8" regular flow tubing, stopper, shut-off, and screw sockets: [1]	.20	.22	.27
Group I-2 slip pipes, adult rectal and vaginal			
Group II-2 screw pipes, adult rectal and vaginal plus screw pipe connections	.40	.44	.54
Group III-3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories	.48	.53	.63
Ice caps (molded)	1.08	1.20	1.44
Invalid rings and cushions (molded—all rubber):	1.17	1.30	1.56
Size 12 inches	1.30	1.44	1.74
Size 14 inches	1.55	1.72	2.07
Size 16 inches			
Size 18 inches			
Invalid rings and cushions (cloth inserted):	1.26	1.40	1.68
Size 12 inches	1.32	1.47	1.76
Size 14 inches	1.45	1.61	1.94
Size 16 inches	1.71	1.90	2.28
Size 18 inches			

[1] 8 F.R. 9203, 11251, 13173, 14984.

This amendment shall become effective March 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2781; Filed, February 26, 1944; 12:02 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 301,[1] Amdt. 10]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1796 is amended by changing the body of Table I to read as follows:

TABLE I—MAXIMUM WHOLESALERS' AND RETAILERS' PRICES FOR VICTORY LINE RUBBER DRUG SUNDRIES[1]

Items	Maximum price for sales at wholesale	Maximum price for sales at retail
Hot water bottles:		
Hospital Grade (cloth inserted 2 quart)	$1.51	
Hospital Grade (molded)	.74	$1.80
Consumer Grade I colored—molded)	.60	1.03
Consumer Grade II (colored and black—molded)	.46	.78
Fountain syringes (civilian—molded) equipped with 4' 8" regular flow tubing, stopper, shut-off and screw socket:		
Consumer Grade I (colored):		
Group I—2 slip pipes, adult rectal and vaginal	.62	1.08
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.68	1.18
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections, and rapid flow accessories	.94	1.63
Consumer Grade II (colored and black):		
Group I—2 slip pipes, adult rectal and vaginal	.48	.83
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.55	.96
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	.80	1.38

TABLE I—MAXIMUM WHOLESALERS' AND RETAILERS' PRICES FOR VICTORY LINE RUBBER DRUG SUNDRIES—Continued

Items	Maximum price for sales at wholesale	Maximum price for sales at retail
Combination syringes (molded) equipped with 4' 8" regular flow tubing, stopper, shut-off, and screw socket:		
Group I—2 slip pipes, adult rectal and vaginal	$.93	$1.65
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	1.00	1.75
Group III—3 screw pipes, infant rectal, adult rectal and balloon vaginal plus screw pipe connection and rapid flow accessories	1.25	2.20
Consumer Grade I (colored):		
Group I—2 slip pipes, adult rectal and vaginal	.78	1.38
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.85	1.48
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	1.10	1.93
Consumer Grade II (colored & black):		
Group I—2 slip pipes, adult rectal and vaginal	.65	1.13
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.71	1.23
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	.97	1.68
Combination syringe attachment sets—to include 4' 5" regular flow tubing, stopper, shut-off, and screw sockets:		
Group I—2 slip pipes, adult rectal and vaginal	.20	.35
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections	.27	.50
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connections and rapid flow accessories	.54	.93
Ice caps (molded)	.63	1.08
Invalid rings and cushions (molded—all rubber):		
Size 12 inches	1.44	2.50
14 inches	1.56	2.70
16 inches	1.74	3.05
18 inches	2.07	3.60
Invalid rings and cushions (cloth inserted):		
Size 12 inches	1.68	2.95
14 inches	1.76	3.10
16 inches	1.94	3.40
18 inches	2.28	4.00

This amendment shall become effective March 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2791; Filed, February 26, 1944; 11:59 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 493,[1] Amdt. 5]

DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943, AND OTHER SPECIFIED CROPS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

The effective date provision of Maximum Price Regulation 493 is amended to read as follows:

Effective date. This regulation shall become effective November 16, 1943, except that with respect to sales and deliveries of dried apples to government procurement agencies it shall become effective as of September 15, 1943.

This amendment shall become effective as of November 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2790; Filed, February 26, 1944; 11:59 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 400,[1] Amdt. 2]

MERCHANTS' PRICES FOR FINE PAPERS AND CERTAIN PAPERBOARDS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 400 is amended in the following respects:

1. Section 1 (b) (3) and (b) (4) are added to read as follows:

(3) The provisions of this section shall not be applicable to sales or deliveries at the retail level, including sales to ultimate consumers, such as artists, illustrators, photographers and the like. Such sales are subject to the General Maximum Price Regulation.

(4) The provisions of this section shall not be applicable to sales or deliveries in cases where the total sales price computed under this regulation is less than $1.00. Such sales are subject to the General Maximum Price Regulation.

2. Section 2 is amended by adding at the end thereof the following paragraph:

The provisions of this section are not applicable to sales or deliveries of "specialty papers" as defined in section 18. Such sales are subject to the General Maximum Price Regulation.

3. Section 18 is amended by adding at the end thereof a new paragraph to read as follows:

A paper shall be considered a "specialty paper" when it fulfills all three of the following qualifications:

(a) When it is made by the manufacturer expressly and solely to fulfill an unusual requirement of a particular user or class of users.

(b) When it is neither comparable with, nor a variation of, a standard mill grade or a grade which is regularly offered for sale by the manufacturer.

(c) When it possesses one or more physical or chemical qualities not attainable in the manufacturer's standard grades.

This amendment shall become effective March 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2782; Filed, February 26, 1944; 12:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,[1] Amdt. 27]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 289 is amended in the following respects:

1. Section 1351.1522 (a) (1) is amended to read as follows:

(1) By manufacturers and wholesalers to United States Government or any agency thereof, f. o. b. manufacturer's plant, located:

For deliveries in—	Spray process (cents per lb.)				Roller process (cents per lb.)			
	Carload	Less carload: 25 bbls. or more	Less carload: 5 to 24 bbls. incl.	Less carload: 1 to 4 bbls. incl.	Carload	Less carload: 25 bbls. or more	Less carload: 5 to 24 bbls. incl.	Less carload: 1 to 4 bbls. incl.
Zone A	15½	16	16¼	16½	15	15½	15¾	16
Zone B	15¾	16¼	16½	16¾	15¼	15¾	16	16¼
Zone C	16	16½	16¾	17	15½	16	16¼	16½
Zone D	16¼	16¾	17	17¼	15¾	16¼	16½	16¾

This amendment shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2783; Filed, February 26, 1944; 12:01 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,[1] Amdt. 28]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 289 is amended in the following respects:

Section 1351.1519 (d) (1) (iii) is added to read as follows:

(iii) *Special provisions for sales to certain U. S. Government purchasers.* In addition to the maximum prices established in subdivisions (i) and (ii) of this subparagraph (1) a manufacturer or "authorized assembler" of Cheddar cheese, or a manufacturer of processed Cheddar cheese may charge 3.8 cents per pound on sales to the following agencies of the U. S. Government: War Food Administration and any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration); U. S. Army Quartermaster Market Centers (including Field Headquarters), and U. S. Army Quartermaster Depots; U. S. Navy Market Offices.

This amendment shall become effective March 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2789; Filed, February 26, 1944; 11:58 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing,[1] Amdt. 18]

LUBBOCK, TEXAS

Item 322a is added to Schedule A of the Rent Regulation for Housing to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9212, 11219, 13175.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7556, 11563.

[1] 8 F.R. 15697, 16664; 9 F.R. 99, 1121.

[1] 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3253, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 14312, 7593, 8276, 8751, 9380, 9229, 10667, 11245, 15428, 15327, 15455.

[1] 8 F.R. 14663, 14815, 15585, 16032, 16208, 16427, 17297; 9 F.R. 206, 972.

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(322a) Lubbock	Texas	Lubbock	Mar. 1, 1942	Mar. 1, 1944	Apr. 15, 1944.

This amendment shall become effective March 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2792; Filed, February 26, 1944; 11:59 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent. Reg. for Hotels and Rooming Houses,[1] Amdt. 15]

LUBBOCK, TEXAS

Item 322a is added to Schedule A of the Rent Regulation for Hotels and Rooming Houses to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(322a) Lubbock	Texas	Lubbock	Mar. 1, 1942	Mar. 1, 1944	Apr. 15, 1944.

This amendment shall become effective March 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2784; Filed, February 26, 1944; 12 m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[2] Amdt. 4 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (c) is amended in the following respects:

1. Subparagraph (4) is added to read as follows:

(4) For the reporting period beginning March 5, 1944 and ending April 1, 1944—4

2. Subparagraph (5) is added to read as follows:

(5) For the reporting period beginning April 1, 1944 and ending April 29, 1944—4

This amendment shall become effective March 2, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2785; Filed, February 26, 1944; 12:02 p. m.]

[1] 8 F.R. 14076, 14814, 15581, 16032, 16207, 16427, 16893, 17297; 9 F.R. 206, 847.

[2] 9 F.R. 173, 908, 1181.

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244,[1] Incl. Amdt. 7]

GRAY IRON CASTINGS

Sections 1421.164 (a) (2), (10), 1421.166 (a), (b), (c) (1), (e), (f) are amended, §§ 1421.164 (a) (16), 1421.166 (g) are added, § 1421.157 (f) is revoked by Amendment 7, effective March 1, 1944, so that Maximum Price Regulation 244 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of gray iron castings by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.[2] In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 244 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Procedural Regulation. No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 244 is hereby issued.

Sec.
1421.151 Maximum prices for gray iron castings.
1421.152 Applicability of the General Maximum Price Regulation.
1421.153 Less than maximum prices.
1421.154 Export sales.
1421.155 Federal and state taxes.
1421.156 Adjustable pricing and pricing during the pendency of an application for adjustment or petition for amendment.
1421.157 Petitions and applications for amendment, adjustment or exception.
1421.158 Evasion.
1421.159 Enforcement.
1421.159a Licensing.
1421.160 Records and reports.
1421.161 Filing of prices and pricing methods.
1421.162 Transfers of business or stock in trade.
1421.163 Maximum prices for new sellers other than transferees.
1421.164 Definitions.
1421.165 Effective date.
1421.165a Effective dates of amendments.
1421.166 Appendix A: Maximum prices for gray iron castings.
1421.167 [Revoked]
1421.168 [Revoked]
1421.169 Appendix D: Regional Offices and States and Territories covered.

AUTHORITY: §§ 1421.151 to 1421.169, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1421.151 *Maximum prices for gray iron castings.* (a) On and after October 26, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver gray iron castings, and no person shall buy or receive gray iron castings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1421.166; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That (1) if the purchaser shall receive from the seller a written affirmation that to the best of his knowledge, information and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 244 and that the seller has complied with all other provisions (including the filing requirements of § 1421.161) of this regulation, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall have complied with this section; and (2) where the contract of sale has been entered into on or before October 25, 1942, the parties thereto may make and accept deliveries of the castings required or specified in such contract and the seller may render bills or invoices for such castings to the purchaser at the contract price, subject to adjustment of said price in accordance with the maximum prices established by this Maximum Price Regulation No. 244 within a period not to exceed 30 days after the billing or invoicing.

(b) The provisions of paragraph (a) of this section prohibiting purchasers from paying in excess of the maximum prices shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any or every liability, civil or criminal, imposed by this Maximum

[1] 7 F.R. 8558.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

Price Regulation No. 244 or by the Emergency Price Control Act of 1942, as amended.

(c) The provisions of this section shall not be applicable to sales or deliveries of gray iron castings to a purchaser if prior to October 26, 1942, such castings have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

(d) Nothing in this Maximum Price Regulation 244 or in the General Maximum Price Regulation shall be applicable to any seller of gray iron castings, in his capacity as such seller, whose net sales of such castings totalled the sum of $40,000 or less for the calendar year of 1942: *Provided*, That each such seller (1) shall comply with the provisions of § 1421.160 (a) of this Maximum Price Regulation 244, (2) shall file with the appropriate regional office of the Office of Price Administration on or before January 15, 1943, a signed statement in duplicate of his total net sales of gray iron castings for the calendar year of 1942, and (3) shall file with such regional office on or before the 15th day of the month following each quarter-year beginning with the first calendar quarter of 1943, a signed statement in duplicate of his total net sales of gray iron castings for the previous quarter, and if such sales in any quarter exceed the sum of $12,500, such seller shall be subject to all the provisions of Maximum Price Regulation 244 from the 15th day of the month following such quarter until so long a time as Maximum Price Regulation 244 remains in effect, except as provided in the following paragraph (e). The term "net sales" as used in this paragraph (d) and the following paragraph (e) means total sales of gray iron castings, less returns and allowances, billed or invoiced to purchasers.

[Paragraph (d) added by Am. 2, 7 F.R. 10781, effective 12-26-42, and amended by Am. 5, 8 F.R. 4721, effective 4-14-43]

(e) Any seller of gray iron castings whose net sales thereof totalled the sum of $40,000 or less in any calendar year subsequent to the calendar year of 1942, may petition within 30 days following the close of such calendar year to the Regional Administrator of the appropriate Regional Office of the Office of Price Administration for, and the Regional Administrator may grant, an order excluding such seller, in his capacity as such seller, from the provisions of Maximum Price Regulation 244 and the General Maximum Price Regulation. Until such petition is granted, the seller shall be subject to all the provisions of Maximum Price Regulation 244. Such petition shall state the seller's total net sales of gray iron castings for the preceding calendar year and an estimate of his total net sales of such castings for the year in which an order of exclusion is sought. If an order of exclusion is granted to the seller, he shall be required to submit on or before the 15th day of the month following each quarter-year beginning with the quarter in which the order of exclusion falls, a signed statement in duplicate of his net sales of gray iron castings for the previous quarter, and if such sales in any quarter exceed the sum of $12,500, such seller shall be subject to all the provisions of Maximum Price Regulation 244 from the 15th day of the month following such quarter until so long a time as Maximum Price Regulation 244 remains in effect, except that he may again petition for an order of exclusion as provided in this paragraph (e) if his total net sales of gray iron castings do not exceed the sum of $40,000 in a calendar year.

[Paragraph (e) added by Am. 2, 7 F.R. 10781, effective 12-26-42]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of extra packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1421.152 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 244 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1421.153 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 244 may be charged, demanded, paid or offered.

§ 1421.154 *Export sales.* The maximum price at which a person may export any gray iron castings shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration.

§ 1421.155 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a gray iron casting, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such casting:

(a) *As to a tax in effect between August 1, 1941 and February 1, 1942, inclusive.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period from August 1, 1941 to February 1, 1942, inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 244.

(2) In all other cases if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 244.

(b) *As to a tax or increase in a tax which becomes effective after February 1, 1942.* If the staute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1421.156 *Adjustable pricing and pricing during the pendency of an application for adjustment or petition for amendment.* (a) It is permitted under this maximum price regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

(b) Where an application for adjustment has been filed pursuant to § 1421.157 (a) of this regulation and the applicant claims to meet the requirements of subparagraph (3) under paragraph (a) of said section, he may, pending the issuance of an order granting or denying the application and without securing the express permission of the Office of Price Administration, enter into or offer to enter into contracts and may make deliveries at the price requested in the application. In an appropriate situation, where a petition for amendment or application for adjustment requires extended consideration and the applicant or petitioner does not claim to meet the requirements of subparagraph (3) under § 1421.157 (a), the Administrator or, in a case properly before him, the regional administrator for the appropriate regional office of the Office of Price Administration may, upon application, grant permission to the applicant or petitioner to enter into or offer to enter into contracts and to make deliveries at the price requested in the application or petition. Whether or not the applicant or petitioner claims to meet the requirements of subparagraph (3) under § 1421.157 (a), if the order issued denies the application or petition in whole or in part, the contract price shall be revised downward to the maximum price ordered, and if any payment has been made at the

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

[1] Second Revision: 8 F.R. 4132, 5987, 7662, 9998, 15193.

requested price, the applicant or petitioner shall be required to refund the excess. If a request for review is filed by the applicant seeking an adjustment in accordance with § 1300.17 of Revised Procedural Regulation No. 1, the applicant, pending action by the Administrator, may enter into or offer to enter into contracts and may make deliveries at the price requested in the application. If the order issued by the Administrator denies the application in whole or in part, the contract price shall be revised downward to the maximum price ordered, and if any payment has been made at the requested price, the applicant shall be required to refund the excess.

[§ 1421.156 as amended by Am. 4, 8 F.R. 3629, effective 3-27-43]

§ 1421.157 *Petitions and applications for amendment, adjustment or exception.* (a) Any seller of gray iron castings may file an application for adjustment of his maximum prices for any or all such castings: *Provided*, That he is prepared to show:

(1) That his maximum prices for such castings are below his costs of producing them, or are inadequate to maintain continued production of such castings, and

(2) That such castings are necessary to the war effort, and either

(3) That he has entered into or proposes to enter into Government contracts or subcontracts under such contracts for the sale of such castings, or

(4) That unless adjustment is granted applicant will cease or will not undertake production of such castings, and as a result the purchaser will be materially handicapped in its operations for one or more of the following reasons:

(i) Applicant possesses special knowledge and experience in the production of such castings,

(ii) No other foundry properly equipped to produce such castings is located within a convenient distance of purchaser,

(iii) There is a general shortage in the type of facility possessed by applicant for the production of such castings,

(iv) The purchaser will be unable to procure such castings from another satisfactory source except at prices higher than those requested by applicant.

Such adjustments may be granted by the Administrator or by the Regional Administrator for the appropriate regional office of the Office of Price Administration, and shall be based upon a consideration of changes in applicant's costs of production, his over-all returns and such other circumstances as may be pertinent to the maintenance of an adequate supply of gray iron castings needed for the war effort.

Applications for adjustment under this paragraph (a) shall be filed in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration, except that they shall be filed with the appropriate regional office of the Office of Price Administration. Such applications shall be submitted on Form 344:3-A or on Forms 344:3-A and 344:3-B, whichever is applicable, in accordance with the instructions accompanying said forms. Copies of these forms may be obtained from the Office of Price Administration, Washington, D. C., or from any of its field offices.

[Paragraph (a) amended by Am. 1, 7 F.R. 8942, effective 11-4-42 and Am. 3, 8 F.R. 3002, effective 3-13-43]

(b) [Revoked]

[Paragraph (b) amended by Am. 1 and revoked by Am. 3]

(c) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 244 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[Paragraph (c) as amended by Am. 1, 7 F.R. 8942, effective 11-4-42]

(d) [Revoked]

[Paragraph (d) revoked by Am. 1]

(e) *Supplementary Order No. 9[6] and Procedural Regulation No. 6[7] not to apply.* Supplementary Order No. 9 issued by the Office of Price Administration dealing with applications for adjustment under Procedural Regulation No. 6 of maximum prices of sales pursuant to Government contracts or subcontracts shall not apply to applications for the adjustment of the maximum price of a gray iron casting.

[Paragraph (e) added by Am. 3, 8 F.R. 3002, effective 3-13-43]

[Note: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

(f) [Revoked.]

[Paragraph (f) added by Am. 6, 8 F.R. 13722, effective 10-11-43; revoked by Am. 7, effective 3-1-44]

§ 1421.158 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 244 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to gray iron castings, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement, or other trade understanding or otherwise: without limiting the generality of the foregoing, the price limitations set forth in Maximum Price Regulation No. 244 shall not be evaded by improper classification of any gray iron casting, improper application of extras, splitting of orders into small quantities or exchange of patterns in order to increase prices, or by decreasing or discontinuance of cash discounts.

§ 1421.159 *Enforcement* (a) Persons violating any provisions of this Maximum Price Regulation No. 244 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 244 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1421.159a *Licensing.* The provisions of Licensing Order No. 1,[8] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1421.159a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1421.160 *Records and reports.* (a) Each person selling gray iron castings shall preserve and keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942 as amended remains in effect, all available records of prices, costs, pricing methods, delivery charges, allowances and discounts, on all sales of gray iron castings made by such seller during the period from August 1, 1941 to February 1, 1942, inclusive.

(b) Each person making a sale of gray iron castings on or after October 26, 1942, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer and seller, (3) the list price or prices, if any, on the date of sale, (4) net price or prices after adjustment for discounts or other allowances, and (5) where the sale is made pursuant to a contract or agreement entered into on or after October 26, 1942, and the total selling price exceeds fifty dollars, records substantiating the maximum prices if the castings are priced under paragraph (a) or (e) of Appendix A (§ 1421.166) or summary of the calculations made in computing the maximum prices if the castings are priced under paragraph (b) of Appendix A. The data specified in (1), (2), (3) and (4) of this paragraph (b) shall be kept for inspection by the Office of Price Administration for the same period by each person making a purchase of gray iron castings in the course of trade or business.

[Paragraph (b) as amended by Am. 2, 7 F.R. 10781, effective 12-26-42]

(c) Each person making a purchase or sale of gray iron castings in the course of trade or business shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

[6] Revised: 8 F.R. 6175.

[7] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 13024.

[8] 8 F.R. 13240.

§ 1421.161 *Filing of prices and pricing methods.* (a) Each person selling gray iron castings shall file with the appropriate Regional Office of the Office of Price Administration within thirty days after the effective date of this Maximum Price Regulation No. 244, three copies, duly certified as being true and correct, of his published price lists in effect between August 1, 1941 and February 1, 1942, inclusive, and a statement, duly signed and sworn to, submitted in triplicate, of his customary extras, discounts and allowances in effect during such period; if such person had no such published price lists or no such customary extras, discounts and allowances, he shall file a sworn statement to that effect with the appropriate Regional Office. A list of the Regional Offices of the Office of Price Administration and the states and territories covered is set forth in Appendix D, incorporated herein as § 1421.169.

[Note: Revised Supplementary Order No. 23 (8 F.R. 6175) provides that no document filed pursuant to any price regulation or procedural regulation issued by the Office of Price Administration before May 17, 1943 need be sworn to or affirmed, except that protests and documents filed in support thereof shall continue to be sworn to or affirmed as provided in Revised Procedural Regulation No. 1.]

(b) Each person selling gray iron castings shall file with the appropriate Regional Office of the Office of Price Administration on or before January 15, 1943, three copies of Form 344:2 to be supplied by or obtained at any Regional Office of the Office of Price Administration, showing in the detail required by such form information as to wage rates, overhead rates, cost of materials, profit margins and pricing methods in effect for such seller at each of his foundries on February 1, 1942. If any seller who is excluded from the requirement of filing Form 344:2 by reason of the provisions of § 1421.151 (d) later is required to file said form, he shall file said form in accordance with this paragraph (b) within thirty days after he becomes subject to this Maximum Price Regulation as provided in § 1421.151 (d).

[Paragraph (b) as amended by Am. 2, 7 F.R. 10781, effective 12-26-42]

§ 1421.162 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any person producing gray iron castings are or have been sold or otherwise transferred after February 1, 1942, and the transferee carries on the business or continues to produce the same type of gray iron castings in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record and filing of price provisions of this regulation.

§ 1421.163 *Maximum prices for new sellers other than transferees.* Each person engaged in, or who proposes to engage in, the business of selling gray iron castings who was not in such business at his present foundry on February 1, 1942, and who is not a transferee as described in § 1421.162, shall file a proposed pricing method for computing maximum prices with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., for approval. Such proposed pricing method shall be submitted on Form 344:2 issued by the Office of Price Administration. The various pricing factors included in such pricing method shall be computed as follows:

(a) Direct labor costs shall be based upon the labor rates which were actually in effect for such seller in his gray iron operations on February 1, 1942 for each classification of direct labor, or, if labor rates for any classification of direct labor were not in effect for such seller on February 1, 1942, on labor rates no higher than the rates for such classification of direct labor prevailing for such seller's competitors in the same area on February 1, 1942. Overtime labor may be included in cost in accordance with the provisions of § 1421.166 (f) of this regulation.

(b) Direct material costs shall be based upon the costs to such seller on February 1, 1942 for such materials, or, if the seller had no such costs at that time, on his present costs for such materials, but in any case such costs may not exceed the applicable maximum prices for such materials established by the Office of Price Administration.

(c) In determining whether items of labor or material costs are direct or indirect, the seller shall employ the same classifications and criteria which he used on February 1, 1942, or, if he was not engaged in the production of gray iron castings at that time, the classifications and criteria which he would have then used.

(d) Overhead rates shall be the overhead rates in effect for such seller for a similar class of work on February 1, 1942, or, if no overhead rates were in effect for such seller for a similar class of work on February 1, 1942, the overhead rates shall be the rates such seller would have used on February 1, 1942 for a similar class of work. (Note: Two classes of work shall be considered not similar if the overhead rates on such classes would be materially different.)

(e) Mark up, margin, or profit shall be the mark up, margin, or profit which such seller would have used on February 1, 1942 if he had been in the business of selling gray iron castings at that time.

(f) Subcontracted machinery service costs may be computed at current levels as provided in § 1421.166 (b) (5) of this regulation.

The proposed pricing method shall be approved as filed or approved subject to such adjustments, conditions and limitations as the Office of Price Administration may provide, or shall be disapproved within twenty days from the time it is received by said Iron and Steel Branch, and in the event the Office of Price Administration does not send out in writing its approval or disapproval within twenty days as provided herein, the proposed pricing method shall be deemed approved. Pending approval or disapproval by the Office of Price Administration, the seller may sell, offer to sell and deliver gray iron castings at prices determined in accordance with the requested pricing method, but such prices shall be subject to adjustment, and the seller shall state in his contracts, offers and invoices that such prices are subject to adjustment, in accordance with the maximum prices resulting from the pricing method which is approved by the Office of Price Administration, and refunds shall be given of any payments made which are in excess of such maximum prices.

[§ 1421.163 as amended by Am. 4, 8 F.R. 3629, effective 3-27-63]

§ 1421.164 *Definitions.* (a) When used in this Maximum Price Regulation No. 244 the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties.

(2) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which the foundry of the seller is located: *Provided*, That if the seller owns and operates two or more gray iron foundries located in two or more Office of Price Administration regions, the term "appropriate regional office" shall mean the Regional Office of the Office of Price Administration for the region in which the central operating office of the seller is located.

[Subparagraph (2) as amended by Am. 7, effective 3-1-44]

(3) (i) "Gray iron castings" means all ferrous or ferrous base castings other than steel (including manganese steel), malleable or high alloy castings,[9] sold either with or without subsequent processing thereon, such as (without limitation), machining, galvanizing, plating, japanning, and treating, but does not include: (a) gray iron castings sold in an assembly with other materials (except bolts, nuts, screws, rivets or other industrial fastenings), (b) gray iron castings purchased from the seller on which the purchaser has performed subsequent

[9] The terms "steel castings", "manganese steel castings", "malleable iron castings" and "high alloy castings" are defined in Revised Price Schedule No. 41 (8 F.R. 12992, 13846) and Maximum Price Regulations 235 (7 F.R. 8218, 8948), 241 (7 F.R. 8427, 8941, 8948; 8 F.R. 325, 4733, 12016, 13737) and 214 (7 F.R. 7001, 8948, 10302), respectively; reference should be made to these definitions.

processing, (c) gray iron castings sold as another commodity by a regular manufacturer of such other commodity or by a purchaser from such manufacturer, and (*d*) gray iron castings for which maximum prices are established by Revised Maximum Price Regulation No. 236 [10] issued by the Office of Price Administration.

(ii) A seller of gray iron castings is considered a regular manufacturer of another commodity when (*a*) he represents himself in the trade as a manufacturer of such other commodity through the issuance of catalogues, price lists or other advertising matter, circulated generally to the trade, in which such commodity is designated by name, (*b*) he owns the patterns used for the production of such other commodity, and (*c*) he customarily produces such other commodity for, and sells such commodity from, stock. A seller of gray iron castings who believes that he is a regular manufacturer of another commodity, but who does not meet each of the requirements specified in the foregoing items (*a*), (*b*), and (*c*) may nevertheless be considered a regular manufacturer of another commodity if he is recognized in the trade as a source of supply of such other commodity and he applies to the Office of Price Administration for a determination, or the Office of Price Administration makes a determination without such application, that he is a regular manufacturer of such other commodity.

[Subparagraph (3) as amended by Am. 4, 8 F.R. 3629, effective 3-27-43]

(4) "Export" or "export sale" means any sale of a gray iron casting located within the Continental United States by a seller in the Continental United States to a purchaser outside thereof in which the casting sold is transported from the Continental United States to a point outside thereof and includes any sale of the exported casting by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the casting from the Continental United States: *Provided*, That it shall not include such a sale if the agent or subsidiary has processed, fabricated or otherwise substantially changed the form of the casting exported, or if the sale by the agent or subsidiary is through a regularly established retail outlet owned or operated by the agent or subsidiary.

(5) "Machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a gray iron casting owned by another or of a product owned by another, which, as a result of such operation, becomes a gray iron casting.

(6) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(7) "Pricing method" means the formula by which the seller computes a price for gray iron castings, whether such formula is described to the purchaser or is merely the seller's device for computing costs of labor and materials, other costs, and margin, mark-up or profit.

(8) "Published price list" means a list or schedule of prices for a number of gray iron castings, whether or not the prices contained therein are tentative or subject to change without notice, in which such castings are designated either by weight or quantity or both, or by name or pattern number, submitted by the seller to more than one purchaser or prospective purchaser of the types of castings represented in the schedule.

(9) [Revoked]

[Subparagraph (9) revoked by Am. 6, 8 F.R. 13722, effective 10-11-43]

(10) "Sold or offered for sale" means (i) sold or delivered, or (ii) if no sales or deliveries were made, contracted to be sold, or (iii) if no sales, deliveries or contracts to sell were made, included in a published price list.

[Subparagraph (10) as amended by Am. 7, effective 3-1-44]

(11) "Substantially the same" when used with reference to two or more gray iron castings, means that they are substantially the same in design, specifications and weight, and that they are produced by the same type of pattern equipment.

(12) "Government contract" means any contract with the United States or any agency thereof or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or with any agency of any such government.

[Subparagraph (12) added by Am. 3, 8 F.R. 3002, effective 3-13-43]

(13) "Seller" shall include sellers of gray iron castings who are producers and those who are not producers. For the purpose of determining maximum prices under paragraph (b) of § 1421.166 of this regulation, but for no other purpose, if a seller owns and operates a number of different foundries each such foundry shall be considered a separate seller.

(14) "Producer of gray iron castings" and "producer" mean a person who is engaged in the business of casting the gray iron and shall include such person whether or not he performs subsequent processing on such castings or causes subsequent processing to be performed on such castings by another, the producer retaining title to the castings.

(15) "Foundry" includes, in the case of a seller of gray iron castings who is not a producer, a plant, establishment or place of business.

[Subparagraphs (13), (14) and (15) added by Am. 4, 8 F.R. 3629, effective 3-27-43]

(16) "Subcontract" means any purchase order or agreement to perform all or any part of the work required under, or to make or furnish any commodity needed for the performance of, another Government contract or subcontract thereunder.

[Subparagraph (16) added by Am. 7, effective 3-1-44]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1421.165 *Effective date.* This Maximum Price Regulation No. 244 (§§ 1421.151 to 1421.169, inclusive) shall become effective October 26, 1942.

[Issued October 21, 1942]

§ 1421.165a *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected.]

§ 1421.166 *Appendix A: Maximum prices for gray iron castings*—(a) *Base period maximum prices.*[11] (1) Where the casting to be priced is identical with a casting which the seller sold or offered for sale in the period between August 1, 1941 and February 1, 1942, the maximum price for such casting is the highest net price at which the casting was sold or offered for sale by the seller during such period: *Provided*, That the maximum price for such casting to a purchaser to whom the casting was sold or offered for sale by the seller in the period between August 1, 1941 and February 1, 1942 shall be the highest net price at which the seller sold or offered for sale the casting to such purchaser during such period. As used in this paragraph (a), the term "net price" means the price at which the casting was sold or offered for sale, adjusted for the seller's applicable customary charges, discounts, quantity differentials and allowances in effect between August 1, 1941 and February 1, 1942.

(2) Where the casting to be priced is not identical with a casting which the seller sold or offered for sale in the period between August 1, 1941 and February 1, 1942, but is substantially the same as a casting which the seller sold or offered for sale during such period to the purchaser to whom the casting is being priced, the maximum price for such casting to such purchaser shall be the highest net price at which the casting which is substantially the same was sold or offered for sale by the seller to such purchaser during such period.

(3) Notwithstanding any provision to the contrary contained in subparagraphs (1) and (2) of this paragraph, the seller may, in computing his maximum price of a gray iron casting under these subparagraphs (1) and (2), add to the maximum price of such casting which would otherwise be arrived at, an amount to compensate for the cost of overtime labor, such amount to be separately invoiced and computed in the manner set forth in paragraph (*f*) of this section.

[Paragraph (a) amended by Am. 6, 8 F.R. 13722, effective 10-11-43, and Am. 7, effective 3-1-44. Heading of paragraph (b) as amended by Am. 7]

(b) *Formula maximum prices: castings which cannot be priced under paragraph (a) of this section because they do not fall within the classifications of paragraph (a).* The maximum price for each such casting shall be computed by the seller on the following basis:

(1) *Pricing method.* (i) The seller shall employ the applicable pricing method which was in use at the foundry on February 1, 1942, and which has been or will be filed with the Office of Price Administration in accordance with section 1421.161 herein, employing each of the pricing factors reflected in such method at the levels prevailing at such time, except as specified in subparagraph (5) hereinbelow, including: direct labor rates (applied in accordance with subparagraph (2) below); direct material costs (applied in accordance with subparagraph (3) below); overhead (burden) rates (applied in accordance with subparagraph (4) below); subcontracted machinery service costs (applied in accordance with subparagraph (5) below); and mark-up, margin or profit (applied in accordance with subparagraph (6) below): *Provided however*, That in the case of a seller of a gray iron casting who is not the producer thereof, such seller shall compute his maximum price for such casting by adding to the price at which he purchased such casting, not to exceed the maximum price of the casting under this Regulation for the producer thereof, a mark-up, margin or profit determined in accordance with subparagraph (6) of this paragraph (b), and by adjusting this sum in accordance with the following subdivision (ii): *And provided further*, That the seller may, in computing his maximum price of a gray iron casting under this paragraph, add to the maximum price of such casting which would otherwise be arrived at, an amount to compensate for the cost of overtime labor, such amount to be separately invoiced and computed in the manner set forth in paragraph (*f*) of this section.

[Subparagraph (i) amended by Am. 4, 8 F.R. 3629, effective 3-27-43 and Am. 6, 8 F.R. 13722, effective 10-11-43]

(ii) The price arrived at by use of the pricing method shall be adjusted for all applicable charges, discounts, quantity differentials or other allowances in use at the foundry on February 1, 1942.

[Subparagraph (ii) as amended by Am. 6]

(2) *Direct labor rates.* (i) Direct labor costs shall be based upon the labor rates prevailing in the foundry on February 1, 1942, for each classification of direct labor. If on February 1, 1942 average or piece rates were used, such average or piece rates must be applied, and, in computing such piece rates, the seller shall use the base hourly rates and method in effect for him on February 1, 1942. In determining whether items of labor cost are direct or indirect, the seller shall employ the same classifications and criteria which he used on February 1, 1942.

(ii) [Revoked]

[Subparagraph (ii) revoked by Am. 6]

(3) *Direct material costs.* The seller shall compute direct material costs on a basis no higher than the costs to him of such materials on February 1, 1942, not to exceed the applicable maximum prices thereof established by the Office of Price Administration and, in determining whether items of material costs are direct or indirect, the seller shall employ the same classifications and criteria which he used on February 1, 1942.

(4) *Overhead (burden) rates.* The seller shall employ overhead or burden rates not in excess of the overhead or burden rates used in his pricing method on February 1, 1942, and he shall compute and apply such rates by the identical method which he used on that date.

(5) *Subcontracted machinery service costs.* To the extent that the pricing method includes or is based on prices paid for subcontracted machinery services, the seller shall use the actual prices paid or to be paid for such services, not in excess of the maximum prices established for such services by the Office of Price Administration, together with such additional charge, if any, as was in effect for such seller on February 1, 1942 for such subcontracted machinery services: *Provided*, That no overhead, mark-up, margin or profit may be figured on such additional charge.

(6) *Mark-up, margin or profit.* The seller shall use the mark-up, margin or profit which he used at the foundry on February 1, 1942, for the same type or classification of castings and customers, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.161 herein.

(c) *Reports and recomputation of maximum prices of gray iron castings priced in accordance with paragraph (b) of this section.* (1) Except as hereinafter specified, the seller is required to make one recomputation of the maximum price for a gray iron casting priced under paragraph (b) of this section (but not under any other paragraph of this section) to determine whether his cost estimates are in accordance with his production experience (for example, the seller may have first estimated that five man-hours of molding time would be required in the production of the casting, whereas his production experience demonstrates that only four man-hours are necessary; in such a case the recomputed maximum price will be based on four man-hours of molding time rather than five). Overtime additions pursuant to paragraph (f) of this section shall not be deemed recomputations of maximum prices within the meaning of this paragraph. The recomputed maximum price shall be determined in accordance with the rates and pricing method set forth in paragraph (b) of this section and such price shall, subject to the provisions of § 1421.166 (b) (1) (ii) and § 1421.166 (f) of this regulation, thereafter, be the maximum price for the casting. Only one recomputation shall be made and it shall be made by the seller in pricing the first order received after completion of the order for which the original maximum price was computed, except that the seller shall make a second recomputation if the first recomputation was made or required to be made before the seller produced one hundred molds of the casting which is being priced. Where a second recomputation is required, it shall be made by the seller in pricing the first order received after completion of the order for which the first recomputation was made.

[Subparagraph (1) as amended by Am. 7, effective 3-1-44]

(2) In any case in which a seller, in accordance with the preceding subparagraph (1) of this paragraph (c), recomputes a maximum price which is higher than the maximum price earlier estimated, he shall file a report with the appropriate Regional Office of the Office of Price Administration containing:

[10] Revised Maximum Price Regulation No. 236 (7 F.R. 985; 8 F.R. 1681, 5170) establishes maximum prices in the Eastern part of the United States for heating boiler conversion parts; reference should be made to the definitions set forth in this Regulation No. 236.

[11] Examples of the method of computing base-period maximum prices are as follows: Assume that the seller sold or offered for sale in the period between August 1, 1941 and February 1, 1942 (hereinafter referred to as the "base-period") to purchasers A and B, but not to purchaser C, a casting which is identical to the casting to be priced and that the highest net prices to purchasers A and B in the base-period were 7¢ and 8¢ per pound, respectively. If the seller proposes to sell the casting to C, his maximum price is 8¢ per pound (subject to the provisions of § 1421.166 (a) (3) on overtime). The seller's maximum price to purchaser A would be 7¢ per pound and to purchaser B would be 8¢ per pound (subject to the provisions of § 1421.166 (a) (3) on overtime).

Assume that no casting which is identical to the casting to be priced was sold or offered for sale by the seller in the base period to any of his purchasers but that he sold or offered for sale in the base period to purchasers Y and Z a casting which is substantially the same as the casting to be priced at net prices of 7¢ and 8¢ per pound, respectively. Then, to all purchasers except Y and Z the seller would have to price the casting in question under the pricing formula method set forth in § 1421.166 (b). To purchasers Y and Z the seller's maximum price would be 7¢ and 8¢ per pound, respectively (subject to the provisions of § 1421.166 (a) (3) on overtime).

(i) Description of the gray iron casting;

(ii) The maximum price prior to the price increase;

(iii) The new maximum price.

(iv) An explanation of the higher price (in terms of the pricing method and of the appropriate cost factors reflected in such pricing method): *Provided*, That if the price of the gray iron casting previously has been reported pursuant to this subparagraph (2) without objection from the Office of Price Administration, the seller shall not be required to report subsequent sales or deliveries at the same or a lower price.

(d) *Exceptions.* Any person who, by order of the Office of price Administration, Washington, D. C., or any of its Regional Offices, has been granted an adjustment of, or exception from, the maximum prices established by the General Maximum Price Regulation on sales of gray iron castings (this does not include orders granting a method of pricing under § 1499.3 (b) of the General Maximum Price Regulation), may continue to sell and deliver gray iron castings at prices not to exceed the maximum prices specified in such order and in accordance with the terms of such order.

(e) *Maximum prices in lieu of those set forth in paragraph (b) for castings which cannot be priced under paragraph (a).* Notwithstanding the provisions of paragraph (b) of this section, where the seller delivered a casting at any time before August 1, 1941 which is identical with the casting for which a maximum price is sought, and if such casting cannot be priced under paragraph (a) of this section, he may, if he so chooses, in lieu of determining the maximum price of such casting under paragraph (b) of this section, use as his maximum price for such casting the price at which he last delivered the identical casting before August 1, 1941, after adjusting such price in accordance with the applicable customary charges, discounts, quantity differentials and allowances in effect for him between August 1, 1941 and February 1, 1942: *Provided*, That (1) the seller may, in computing his maximum price of a gray iron casting under this paragraph, add to the maximum price of such casting which would otherwise be arrived at, an amount to compensate for the cost of overtime labor, such amount to be separately invoiced and computed in the manner set forth in paragraph (f) of this section, and (2) where a casting is sold or offered for sale on or after March 31, 1944 and the maximum price therefor is determined under this paragraph, the seller may not thereafter determine the maximum price for such casting under paragraph (b) of this section.

[Paragraph (e) amended by Am. 6, 8 F.R. 13722, effective 10–11–43, and Am. 7, effective 3–1–44]

(f) *Method of computing overtime addition permitted under paragraphs (a), (b) and (e) of this section.* The addition which may be made to compensate for the cost of overtime labor (both direct and indirect shop and clerical labor) incurred in producing gray iron castings, as provided in paragraphs (a), (b) and (e) of this section, shall be computed [12] as follows: The seller shall (1) elect to compute overtime on a calendar monthly or a calendar quarterly basis, and such election shall be final, i. e., the seller may not shift from a monthly to a quarterly basis if he has chosen a monthly basis, and vice versa (the calendar month or calendar quarter, whichever is selected, shall be referred to in this paragraph as the "period"), (2) determine the overtime premium (as used in this paragraph, the term "overtime premium" means the excess of total payments to labor incurred in producing gray iron castings in a period above the payments which would have been made for the same period if no overtime were paid) per dollar of sales of gray iron castings for the period immediately preceding the period in which the casting in question is priced, by dividing the overtime premium during such preceding period by the total gross sales of gray iron castings invoiced during such period, except that if the casting in question is priced within 15 days after the close of the preceding period, the next preceding period shall be used, (3) reduce such overtime premium per dollar of sales to reflect the percentage by which average straight time hourly earnings during such applicable preceding period exceed the average straight time hourly earnings during the payroll-period (the time element in a "payroll-period" may not be the same as that in a "period") immediately preceding February 1, 1942, and (4) apply the resultant rate in (3) to the maximum price of the casting which would otherwise be arrived at under paragraph (a), (b) or (e) of this section: *Providing, however*, That before overtime labor cost as specified in the foregoing, may be applied and added to the maximum price of a casting which would otherwise be arrived at under paragraph (b) of this section, such maximum price must be reduced to the extent that it already reflects any overtime labor costs.

[Paragraph (f) added by Am. 6, 8 F.R. 13722, effective 10–11–43 and amended by Am. 7, effective 3–1–44]

(g) *Maximum prices for gray iron castings sold pursuant to short orders.* (1) Notwithstanding any provision to the contrary contained in paragraphs (a) to (f) of this section, inclusive, the maximum price of a gray iron casting sold pursuant to a "short order" as defined in the following subparagraph (2) shall be determined by multiplying the shipping weight of the casting by twice the seller's average price per pound for gray iron castings in the calendar year of 1942: *Provided*, That (i) the seller may add a set-up or starting charge for the short order of $8.00 for non-cored castings or $12.00 for cored castings, (ii) credit terms, discounts and allowances shall not be more onerous to the purchaser than those customarily used by the seller on February 1, 1942, (iii) transportation charges or allowances shall be made at rates prevailing at the time of delivery and shall be computed in accordance with the seller's customary practice on February 1, 1942, and (iv) the seller shall, not later than March 31, 1944, file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., a statement of his average price per pound for gray iron castings in the calendar year of 1942. As used in this subparagraph, the term "average price per pound" means the price computed by dividing the seller's total gross sales of gray iron castings, less returns and allowances, by the total weight of gray iron castings shipped.

(2) The term "short order" means an order for the purchase of a gray iron casting where the shipping weight of the casting multiplied by the quantity ordered does not exceed 200 pounds: *Provided*, That (i) if the casting is produced or is to be produced on a production run whereby the 200 pound limitation is exceeded or will be exceeded, the order shall not be deemed a short order, (ii) orders shall not be split into small quantities for the purpose of classification as short orders, and (iii) if an order is received for a number of different patterns of gray iron castings, the order shall be deemed a short order with respect to each pattern for which the requirements hereinbefore specified are met.

[Paragraph (g) added by Am. 7, effective 3–1–44]

§ 1421.167 [Revoked]

§ 1421.168 [Revoked]

[§§ 1421.167 and 1421.168 revoked by Am. 1, 7 F.R. 8942, effective 11–4–42]

§ 1421.169 *Appendix D.*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Regional Offices and States and Territories Covered

Region I. Boston Regional Office, 55 Tremont Street, Masachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut.

Region II. New York Regional Office, Empire State Building, New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia.

Region III. Cleveland Regional Office, 308 Union Commerce Building, Ohio, Michigan, Indiana, Kentucky, and West Virginia.

Region IV. Atlanta Regional Office, Candler Building, Peachtree Street, Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina, and Virginia.

Region V. Dallas Regional Office, Fidelity Union Building, Texas, Oklahoma., Louisiana, Missouri, Arkansas, and Kansas.

Region VI. Chicago Regional Office, 226 West Jackson Boulevard, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

Region VII. Denver Regional Office, 506 Kittredge Building, Colorado, New Mexico, Utah, Idaho, Montana, and Wyoming.

Region VIII. San Francisco Regional Office, 1355 Market Street, California, Nevada, Arizona, Oregon, and Washington.

Region IX. Territorial Office, Office of Price Administration, Washington, D. C., Alaska, Puerto Rico, Virgin Islands, Canal Zone, and Hawaii.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2788; Filed, February 26, 1944; 11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

TRANSPORTATION OF PETROLEUM PRODUCTS IN LOUISIANA

The statement of considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

[Rev. SR 14 to GMPR, Amdt. 97]

Section 7.18 is added to read as follows:

SEC. 7.18 *Transportation of petroleum products in bulk by tank truck within the State of Louisiana.* The maximum rates for the transportation of petroleum products by tank truck within the State of Louisiana by carriers other than common carriers, are the rates and charges published and contained in the Petroleum Transporters' Motor Freight Tariff No. 1 (L. P. S. C. No. 1), established by Order No. 3009 issued by the Louisiana Public Service Commission on November 8, 1943, and in amending L. P. S. C. authorities 11668–M to 11672–M, inclusive, issued on February 5, 1944, or the rates established by the General Maximum Price Regulation or any supplementary regulation or order issued by the Office of Price Administration, whichever rates are higher.

This amendment shall become effective March 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–2786; Filed, February 26, 1944; 12:01 p. m.]

PART 1389—APPAREL

[MPR 506,[1] Amdt. 2]

MANUFACTURERS' PRICES FOR STAPLE WORK GLOVES

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Maximum Price Regulation 506 is amended in the following respects:

1. Item (6) in section 1, paragraph (a) is amended to read as follows:

(6) Gloves with leather palm and canton flannel or jersey back. However, grain leather palm gloves are not covered by this regulation.

2. The word "upward" in the first sentence of section 6 (c) is deleted.

3. Instruction 1, which precedes the tables in Appendix A, is amended to read as follows:

Instructions. 1. Prices are stated per dozen pair of gloves. On shipments weighing 100 lbs. or more, the seller must prepay or allow transportation costs to the city of destination. However, where such shipments are made at transportation rates higher than freight rates, the seller must allow or prepay only that portion of the transportation cost which is equal to the freight cost on such shipments. On less than 100 lb. shipments, the seller need not allow or prepay any transportation costs.

4. The reference to footnote number 2 which follows item ten, "10 oz. Men's double gauntlet", in Table 1 of Appendix A, is deleted, and footnote number 5 is substituted.

5. Table 8 is added to Appendix A, after Table 7 and before Table 9, to read as follows:

TABLE 8—FULL LINED CANTON FLANNEL MITTENS

Men's 14½ oz., knit wrist [1]	$2.02½
Men's 16 oz., knit wrist [1]	2.17½
Men's 20 oz., knit wrist [1]	2.30
Men's 20 oz., open top ("smelter's mitten")	2.50

See footnotes at end of document.

6. Tables 10 and 11 are added to Appendix A, after Table 9 and before Table 12, to read as follows:

TABLE 10—FULL LINED JERSEY GLOVES, OPEN-WRIST ("SLIP ON")

Men's 13½–14 oz., plain shell	$2.30
Men's extra-large, 13½–14 oz., plain shell	2.40
Women's 13½–14 oz., fleece out plain shell	2.10
Men's 13½–14 oz., cut presser fancy shell	2.42½

TABLE 11—MISSES' AND CHILDREN'S SINGLE THICKNESS JERSEY GLOVES

Ages up to 5, 9 oz. plain, knit wrist	$1.30
Ages 5 to 10, 9 oz. plain, knit wrist	1.32½
Ages 10 to 15, 9 oz. plain, knit wrist	1.35
Ages up to 5, 9 oz. plain mitten, knit wrist	1.10
Ages 5 to 10, 9 oz. plain mitten, knit wrist	1.12½
Ages 10 to 15, 9 oz. plain mitten, knit wrist	1.15
Ages up to 5, 9 oz. plain, gauntlet	1.30
Ages 5 to 10, 9 oz. plain, gauntlet	1.32½
Ages 10 to 15, 9 oz. plain, gauntlet	1.35

7. Table 12 of Appendix A is amended to read as follows:

TABLE 12—LEATHER COMBINATION GLOVES (LEATHER PALM, 8 OZ. CANTON FLANNEL BACK, 6 OZ. OR HEAVIER FLANNEL LINING)

No. 12. Clute pattern—split palm, without leather finger tips:	
A. Men's knit wrist [1]	$3.10
B. Women's knit wrist [1]	3.00
C. Men's single safety 2½"	3.20
D. Men's single gauntlet 4½"	3.30
E. Women's single gauntlet 4½"	3.20
No. 13. Gunn pattern—knit wrist,[1] leather finger tips:	
A. Men's split palm, ¾ leather thumb	4.40
B. Men's side split (cow or horse) palm,[3] ¾ leather thumb	5.20
C. Men's heavy side split (cow or horse) palm [10] full leather thumb, forefinger and little finger, leather wrist pull	6.25
D. Men's side split (cow or horse) palm,[3] full leather thumb and forefinger	5.45
D/1. Men's heavy side split (cow or horse) palm,[3] full leather thumb and forefinger	5.65
E. Men's side split (cow or horse) palm,[3] ¾ leather thumb; 10½ oz. seal jersey back	5.15
No. 13/1. Gunn pattern—split palm, ¾ leather thumb, leather finger tips:	
A. Men's single safety 2½"	4.50
B. Men's double safety [3]	4.70
C. Men's single gauntlet 4½"	4.60
D. Men's double gauntlet 4½"	4.95
No. 14. Gunn pattern—safety cuff-let,[4] leather finger tips:	
A. Men's split palm, ¾ leather thumb	4.75
Women's split palm, ¾ leather thumb	4.65
B. Men's split palm, ¾ leather thumb, leather pull, leather knuckle strap	5.35

See footnotes at end of table.

[12] An example of the method of computing overtime labor costs in accordance with the requirements of § 1421.166 (f) is as follows: Assume that total overtime premium paid to labor involved in the production of gray iron castings for the period immediately preceding the period in which the casting in question is priced amounts to $1,000; that total gross sales of gray iron castings invoiced during such preceding period were $20,000; that the percentage increase of average straight time hourly earnings during such preceding period over average straight time hourly earnings during the payroll-period immediately preceding February 1, 1942, was 10%; and that the maximum price of the casting established under paragraph (b) of § 1421.166 is $200 without the inclusion of any overtime. Then:

(a) Total overtime premium per dollar of sales of gray iron casting

$$\frac{\$1,000.00}{\$20,000.00} = \$.05 \text{ per } \$1 \text{ of sales}$$

(b) Total overtime premium per dollar of sales of gray iron castings reduced to reflect average straight time hourly earnings in the payroll period immediately preceding February 1, 1942.

$$\frac{\$.05}{\$1.10} = \$.045 \text{ per } \$1 \text{ of sales}$$

(c) Permissible overtime labor charge = $200.00 × $.045 = $9.00

(d) New maximum price of casting $200.00 + $9.00 = $209.00

The $9.00 charge must be shown separately on the invoice.

If the original maximum price of $200.00 under paragraph (b) of § 1421.166 already included a charge of, say, $4 for overtime labor cost, then:

(c) In the above example would be $196 × $.045 = $8.82

(d) In the above example would be $196 + $8.82 = $204.82

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 684, 1456.

TABLE 12—continued

No. 14. Gunn pattern—safety cuffet, leather finger tips—Continued.

C. Men's side split (cow or horse) palm,[9] full leather thumb, leather pull, leather knuckle strap $6.20

Women's side split (cow or horse) palm,[9] full leather thumb, leather pull, leather knuckle strap 6.10

C/1. Men's heavy side split (cow or horse) palm,[10] full leather thumb, leather pull, leather knuckle strap 6.45

D. Men's side split (cow or horse) palm,[9] full leather thumb and forefinger, leather pull, leather knuckle strap 6.40

D/1. Men's heavy side split (cow or horse) palm,[10] full leather thumb and forefinger, leather pull, leather knuckle strap 6.65

E. Men's side split (cow or horse) palm,[9] full leather thumb and forefinger, leather pull, ⅞ length leather back 6.65

E/1. Men's heavy side split (cow or horse) palm,[10] full leather thumb and forefinger, leather pull, ⅞ length leather back 6.90

G. Men's side split (cow or horse) palm,[9] full leather thumb and forefinger, leather pull, ¾ length leather back 6.85

G/1. Men's heavy side split (cow or horse) palm,[10] full leather thumb and forefinger, leather pull, ¾ length leather back 7.10

H. Men's side split, (cow or horse) palm,[9] full leather thumb and finger backs, leather pull, leather knuckle strap 6.75

Clute pattern—Men's side split (cow or horse) palm,[9] full leather thumb and finger backs, leather pull, leather knuckle strap 6.60

No. 15. Gunn pattern—gauntlet cuffet, leather finger tips:

A. Men's split palm, ¾ leather thumb, gauntlet cuffet[8] 5.20

Women's split palm, ¾ leather thumb, gauntlet cuffet[8] 5.10

B. Men's split palm, ¾ leather thumb, leather pull, leather knuckle strap, gauntlet cuffet[8] 5.80

C. Men's side split (cow or horse) palm,[9] full leather thumb, leather pull, leather knuckle strap, gauntlet cuffet[8] 6.65

C/1. Men's heavy side split (cow or horse) palm,[10] full leather thumb, leather pull, leather knuckle strap, gauntlet cuffet[8] 6.90

D. Men's side split (cow or horse) palm,[9] full leather thumb and forefinger, leather pull, leather knuckle strap, gauntlet cuffet[8] 6.85

D/1. Men's heavy side split (cow or horse) palm,[10] full leather thumb and forefinger, leather pull, leather knuckle strap, gauntlet cuffet[8] 7.10

E. Men's side split (cow or horse) palm,[10] full leather thumb and forefinger, leather pull, ⅞ length leather back, gauntlet cuffet[8] 7.10

See footnotes at end of table.

TABLE 12—continued

No. 15. Gunn pattern—Continued.

E/1 Men's heavy side split (cow or horse) palm,[10] full leather thumb and forefinger, leather pull, ⅞ length leather back, gauntlet cuffet[8] $7.85

G. Men's side split (cow or horse) palm,[9] full leather thumb and forefinger, leather pull, ¾ length leather back, gauntlet cuffet[8] 7.80

G/1. Men's heavy side split (cow or horse) palm,[10] full leather thumb and forefinger, leather pull, ¾ length leather back, gauntlet cuffet[8] 7.55

H. Men's side split (cow or horse) palm,[9] full leather thumb and finger backs, leather pull, leather knuckle strap, gauntlet cuffet[8] 7.22½

Clute pattern—Men's side split (cow or horse) palm[9] full leather thumb and finger backs, leather pull, leather knuckle strap, gauntlet cuffet[8] 7.05

[1] Knit wrist—12 yard tubing (minimum), not less than 2½" finished.

[2] Band top—Same material as glove, not less than 1¾" finished.

[3] Safety cuff—Double (2 ply) thickness, not less than 2½" finished.

[4] Safety cuff—Cuffet (waterproofed), not less than 2½" finished, not less than 23 oz. per square yard.

[5] Gauntlet cuff—Double (2 ply) thickness, not less than 5" finished.

[6] Gauntlet cuff—Cuffet (waterproofed), not less than 5¼" finished, not less than 23 oz. per square yard.

[7] Gauntlet cuff—Double (2 ply) thickness, not less than 4½" finished.

[8] Gauntlet cuff—Cuffet (waterproofed), not less than 4½" finished, not less than 23 oz. per square yard.

[9] Minimum weight of palm leather 2¼ oz.

[10] Minimum weight of palm leather 3 oz.

This amendment shall become effective February 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-2809; Filed, February 26, 1944; 4:53 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[1] Amdt. 11]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

In section 9 (d), a paragraph is added to read as follows:

In the case of potatoes, however, the country shipper may not make this addition in sales to any person in quantities of more than 800 pounds.

This amendment shall become effective June 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 19, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-2871; Filed, February 28, 1944; 11:54 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RO 2B,[1] Amdt. 11]

PASSENGER AUTOMOBILES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 2B is amended in the following respects:

1. Section 1.4 is amended to read as follows:

SEC. 1.4 *Where and how to apply for a certificate for a 1942 car.* (a) Application for a certificate for a 1942 car shall be made either in person or by mail to the Board serving the area in which the person applying will ordinarily keep his car, or to the Plant Area Board or Plant Area Panel serving the establishment in which he works, if jurisdiction to act upon automobile applications has been conferred on the Plant Area Board or Panel by the District Director. Exceptions to this are the American National Red Cross, agencies of the Federal Government, persons who require cars for experimental purposes and body builders who propose to alter the cars obtained. These persons must file applications directly with the Office of Price Administration, Washington, D. C., as provided in section 3.1.

(b) A separate application shall be filed on Form R-213 for each 1942 car whether new or used. The applicant shall personally sign the application unless he is physically unable to do so. He shall supply all the information required by the application and any other information which the Board may need to verify statements on his application in regard to his need or eligibility for a 1942 car or to the serviceability of his present car.

(c) In the case of a used 1942 car only, an applicant must also submit a written statement with his application, giving the following information about the specific used 1942 car he wishes to acquire: make; body type; serial number; engine

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7017, 7494, 8075, 9160, 9995, 10731, 11672, 13938, 15587, 15663; 9 F.R. 1532.

[1] 8 F.R. 2483, 5317, 5531, 5678.

number; current or previous license plate number and state of last registration. In the case of a dealer-owned car which has not been operated on individual private plates, the applicant must also submit the clearance statement issued to the dealer for that specific car.

2. Section 1.5 is amended to read as follows:

SEC. 1.5 *When and how a certificate is issued and used.* (a) If the applicant is applying for a new 1942 car and the Board determines that he is eligible, it shall indicate its approval on the application and shall forward it to the appropriate District Director for his action. The District Director may, within the limits of the monthly quota set for his district by the Office of Price Administration, issue a certificate on Form R-214.

(b) If the applicant is applying for a used 1942 car and the Board determines that he is eligible, it shall issue a certificate to him on Form R-214.

(c) The person to whom a ration certificate has been issued shall use it within fifteen days from the date on the certificate, but not thereafter, unless additional time is allowed by the Board. The allowance of any additional time shall be noted on the face of the certificate.

(d) A certificate for a used 1942 car may be used only to acquire the specific car described.

(e) Any person may deliver a 1942 car to anyone permitted to acquire it under this Ration Order 2B.

(f) If the certificate is used to lease a car, the certificate holder shall sign the certificate and surrender all of its parts to the lessor. The lessor shall keep all parts of the certificate for his permanent files. In any other case the parts of the certificate shall be signed by the certificate holder and shall be disposed of according to the instructions on the certificate.

3. Section 1.6 (a) (1) is amended to read as follows:

(1) A member of the armed forces who is on active duty with any branch of the United States Army, Navy, Coast Guard or Marine Corps (including their component women's organizations such as the WAC, WAVES, SPARS and Marine Reserves) or anyone who has received a Certificate of Fitness, DSS Form 218, from a Selective Service Board.

4. Section 1.6 (a) (4) is hereby revoked.

5. Section 2.7 (b) is amended to read as follows:

(b) He may use a car for the purpose of demonstrating it to a person who is interested in purchasing the car.

6. Sections 2.7 (c) and 2.7 (d) are hereby revoked.

7. The third sentence of section 2.8 (a) is amended to read as follows:

This section shall not apply to a car registered for use by a dealer; to a car acquired and set aside before January 2, 1942 by the dealer for his use, even if a clearance statement has not been issued for this car under section 1.9a; to a demonstrator car set aside and used before January 2, 1942 by the dealer or his employee for the purpose of demonstrating it to prospective customers; or to a car which the dealer has sold or contracted to sell to a person who has delivered a Certificate or Government Exemption Permit to him.

8. A new paragraph (e) is added to section 4.3 to read as follows:

(e) No person shall deliver a new 1942 car on a certificate authorizing the acquisition of a used 1942 car.

9. The following definitions are added to section 4.10;

"New 1942 car" means any 1942 passenger automobile (regardless of mileage) which has not been transferred to any person for use.

"Used 1942 car" means any 1942 passenger automobile (regardless of mileage) which has been transferred for use at any time to a person other than a dealer, or which a dealer has registered for his use or for which he has obtained a clearance statement.

This amendment shall become effective March 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong., WPB Dir. 1, 7 F.R. 563, Supp. Dir. 1A, 7 F.R. 695, 1493, 2229, 2729, Supp. Dir. 1Q, 7 F.R. 9121, E.O. 9125, 7 F.R. 2719)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2872; Filed, February 28, 1944; 11:53 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 367,[1] Amdt. 4]

HORSEMEAT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 367 is amended in the following respects:

1. Section 1 (b) is amended to read as follows:

(b) On and after August 16, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any horsemeat item or product containing horsemeat, unless such item or product has been specifically designated in section 6 (b) and a maximum price established therefor, or unless a maximum selling price has been authorized for sale of such item pursuant to the provisions of section 10 of this regulation. However, this prohibition shall not apply to the sale of any product containing horsemeat if the seller has filed a maximum selling price for such product pursuant to the provisions of Order No. 49 under the General Maximum Price Regulation, relating to sales of pet food and has complied with the provisions of Food Production Order No. 7, issued by the War Production Board on January 19, 1943, providing a limitation on sales of products for animal consumption.

2. The undesignated headnote above the table contained in section 6 (b) is amended to read as follows:

[All prices are on a dollars-per-hundredweight basis except these prices specified for brains, cheekmeat, heart, livers, lungs, melts and tongues which are on a cents-per-pound basis: the price for any fraction of a hundredweight per pound shall be reduced accordingly.]

3. Subdivisions (ii) and (iii) of section 6 (c) are amended to read as follows:

(ii) *Independent wholesalers.* Where an independent wholesaler delivers horsemeat to the place of business of the buyer and the expense of such delivery is borne by the independent wholesaler, he may add 25 cents per cwt. to the price specified in paragraph (b) of this section 6.

(iii) *Slaughterer.* Where a slaughterer delivers horsemeat to the place of business of the buyer and the expense of such delivery is borne by the slaughterer, he may add 25 cents per cwt. to the price specified in paragraph (b) of this section 6.

4. Sections 10 through 13 are redesignated 11 through 14 respectively.

5. Section 10 is added to read as follows:

SEC. 10. *Maximum prices for products which cannot be priced under section 6.* If a maximum price for any pet food product containing horsemeat has not been established under section 6 of this regulation, any seller may apply to the Office of Price Administration at Washington, D. C., for a maximum price, setting forth in an application, (a) a description of the product for which the maximum selling price is sought, including, where appropriate a description of the nature and degree of processing to which the product has been subjected; the brand name to be used, if any; the weight and type of package; the number of packages to a shipping unit and the weight of the shipping unit. In addition to the foregoing, the seller shall indicate the price requested, and the method used in determining the requested price.

(b) An itemized breakdown of the current costs involved in the preparation of the product according to his own system of accounts or regularly prepared operating statements (that is, direct costs such as ingredients used, packaging materials and direct labor; and indirect costs, such as factory overhead, selling, and administrative costs, together with an explanation of the allocation of the indirect cost factors; and freight if the item is to be sold on a delivered basis).

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4918, 5341, 6048, 10660.

In each case the seller shall indicate whether the cost item is an actual or estimated cost.

(c) The method of distribution to be employed by the seller in marketing the commodity (i. e. whether it is to be sold to wholesalers, retailers, general stores or others).

(d) Where any item of expense set forth in the application is an estimated amount, the applicant shall file with the OPA, Washington, D. C., within 90 days but not earlier than 60 days after his maximum price has been authorized, a statement showing the actual amount of that item of expense based on records maintained since the date of the authorized price.

(e) The formula of the item being priced showing separately each ingredient, including moisture, the aggregate of which will account for at least 95% of the total weight.

This amendment shall become effective March 4, 1944.

NOTE: The record-keeping and reporting provisions of the amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2873; Filed, February 28, 1944; 11:53 a. m.]

PART 1373—PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 499,[1] Amdt. 1]

CERTAIN IMPORTED SWISS WATCHES

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 499 is amended in the following respect:

Section 4 is amended to read as set forth below:

SEC. 4. *Retail price tags.* On and after December 27, 1943, no importer or wholesaler shall deliver any pin-lever, cylinder, or Roskopf watch unless the retail price tag described below is attached to it, and on and after January 10, 1944, no retailer shall offer for sale, sell or deliver such a watch unless such a price tag is attached to it. If you are a retailer and do not know the ceiling price for any untagged watch, you should apply to the nearest OPA District Office to ascertain the ceiling price so that you may place a tag on each watch.

The tag must be durable and must be securely attached to each watch. It must contain in easily readable lettering a statement of the type of movement (i. e. whether a pin-lever, cylinder or Roskopf), the number of jewels, either the size of the movement expressed in lignes or a statement that the size of the movement is under 8¾ lignes or 8¾ lignes or over, and the retail ceiling price exclusive of tax. The ceiling price for the watches in "waterproof" or "gold" cases may not be charged unless the tag so indicates. The type of movement may be stated by using the symbols "P" for pin-lever, "C" for cylinder, and "R" for Roskopf. The words "jewel" and "ligne" may be abbreviated to "J" and "L". The word "waterproof" may be abbreviated to "W." If the case contains gold, the tag may contain the symbol commonly used in trade to designate that type of gold metal, for example, "RGP" may be used to designate a "rolled gold plate" and "GF" a "gold filled" case. The tag may not be removed until the watch has been sold to the retail purchaser.

A tag in the following form will be sufficient:

4J over 8¾ L, PL, W
Retail ceiling excl. tax—$17.00

This Amendment No. 1 shall become effective on the 4th day of March 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2874; Filed, February 28, 1944; 11:53 a. m.]

PART 1393—ICE

[MPR 154, as Amended, Amdt. 7]

ICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1393.3 is amended to read as follows:

§ 1393.3 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective March 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2875; Filed, February 28, 1944; 11:53 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[MPR 381,[1] Amdt. 2]

STOCK SCREEN GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 381 is amended in the following respects:

1. In section 3 (b) the introduction to subparagraph (1) is amended to read as follows:

(1) *Ponderosa pine screen products (except combination doors with screen and sash inserts)*: (Appendices: Tables 1, 2, 4, 5 [Patterns N and Q], 10, 11).

2. In section 3 (b) subparagraph (2) is renumbered (3) and a new subparagraph (2) is added to read as follows:

(2) *Ponderosa pine screen products:* (Appendix E: Table 9—Combination doors with screen and sash inserts.)

Kind of sale	*Maximum price*
Sales to jobbers and special dealers:	
All quantities	List price less 21 percent of list price.
Sales to regular dealers:	
Full carloads of screen goods.	List price less 21 percent of list price.
Distribution cars	List price less 12 percent of list price.
Less than carload quantities not shipped in distribution or pool cars.	List price less 3 percent of list price.
Direct factory sales to consumers:	
Full carloads of screen goods.	List price less 21 percent of list price.
Distribution cars	List price less 12 percent of list price.
Retail sales:	
Full bundles	List price plus 23 percent of list price.
Broken bundles	List price plus 32 percent of list price.

[1] 8 F.R. 6159, 7198.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16600.

Kind of sale	*Maximum price*
Mail-order sales:	
Full bundles	List price less 3 percent of list price.
Broken bundles	List price plus 6 percent of list price.

This amendment shall become effective March 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2876; Filed, February 28, 1944; 11:54 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 493,[1] Amdt. 6]

DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943, AND OTHER SPECIFIED CROPS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 9 (c) is added to read as follows:

(c) The processor's maximum price for any item covered by this section which is packed in glass containers of any of the sizes listed in the table below, and which the processor did not sell in those container types and sizes during the first 60 days after the beginning of the 1941 pack shall be 20 cents per dozen more than the maximum price for the same variety, style and grade packed in the equivalent can size.

CONTAINER EQUIVALENTS

Name	Dimension	Overflow capacity	
		Tin	Glass
		Ounces	*Ounces*
No. 1 picnic	211 x 400	10.94	11½
No. 300	300 x 407	15.22	15½
No. 1 tall	301 x 411	16.70	17
No. 303	303 x 406	16.88	17
No. 2	307 x 409	20.55	22.75
No. 2½	401 x 411	29.79	28.375
No. 3 Cyl	404 x 700	51.70	49

When a processor is able to establish maximum prices under the provisions of this paragraph, the procedure set forth in section 13 shall not be applicable.

This amendment shall become effective March 4, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2877; Filed, February 28, 1944; 11:55 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15697, 16664; 9 F.R. 99, 1121, 1597.

PART 1346—BUILDING MATERIALS

[MPR 272,[1] Amdt. 4]

CAST-IRON BOILERS AND CAST-IRON RADIATION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 272 is amended in the following respects:

1. Section 1356.268 (a) (3) is amended to read as follows:

(3) *Unlisted items.* The maximum price for any model or type of cast-iron boiler sold or offered for sale by a manufacturer prior to August 1, 1942, which is not listed in the sheet prices set forth or referred to in paragraph (e) of this section, shall be an amount not more than the net price which was charged or would have been charged by the manufacturer on a sale made on February 18, 1942, to the same purchaser or class of purchaser for like quantities, types, and sizes of cast-iron boilers plus 5 percent.

2. Section 1346.268 (b) (2) is amended to read as follows:

(2) *Unlisted items.* The maximum prices for sales by jobbers or purchasers from them of any model or type of cast-iron boiler, which is not set forth or referred to in paragraph (e) of this section, shall be the highest sheet price published by the jobber during February 1942, plus 5 percent or, if the jobber had no published sheet price for any model or type of cast-iron boiler which is not set forth or referred to in paragraph (e) of this section, the maximum price shall be the cost of such cast-iron boiler to the jobber plus a percentage mark-up on the cost not in excess of the percentage mark-up over such cost which the jobber received on the greatest portion of his sales of cast-iron boilers during February 1942, calculated upon the basis used by each jobber during February 1942.

3. Section 1346.268 (e) is amended to read as follows:

(e) *Sheet prices for cast-iron boilers.* (1) Sheet prices for cast-iron boilers for the following group of manufacturers shall be the prices set forth in the price sheet which bears the date of issuance designated below plus 5 percent.

Manufacturers and Date of Issuance

American Radiator & Standard Sanitary Corp., January 23, 1942.
Burnham Boiler Corporation, January 24, 1942.
Columbia Radiator Company, February 18, 1942.
Crane Company, January 26, 1942.
The Eastern Foundry Company, February 2, 1942.
International Heater Company, January 20, 1942.
Kohler Company, February 12, 1942.
The National Radiator Company, January 22, 1942.
Thatcher Furnace Company, January 27, 1942.
United States Radiator Corporation, January 15, 1942.
Utica Radiator Corporation, January 20, 1942.
Weil-McLain Company, January 24, 1942.

The sheet prices for certain other manufacturers are not included in this list but are set forth in the next paragraph.

(2) The provisions of paragraphs (a) (1) and (e) (1) of this Appendix A shall not be applicable to sales of cast-iron boilers by the manufacturers named below: *Provided, however,* That all other parts of this regulation shall be applied with equal force and effect to said companies.

Sheet prices for the following group of manufacturers shall be the prices set forth in the price sheet which bears the date of issuance designated plus 10 percent subject to the discounts indicated:

Hart & Crouse Corporation:

Date of issuance of applicable price sheet.	July 14, 1941.
Discounts:	
Carload shipments to jobbers.	20% and 5% off sheet prices.
Less than carload shipments to jobbers.	20% off sheet prices.
All other shipments	Sheet prices.

The Ideal Furnace Company:

Date of issuance of applicable price sheet.	January 1, 1942.
Discounts:	
Shipments to jobbers from foundry.	20% off sheet prices.
Shipments to jobber from warehouse.	17½% off sheet prices.
All other shipments	Sheet prices.

The H. B. Smith Company, Incorporated:

Date of issuance of applicable price sheet.	October 1, 1941.
Discounts:	
Shipments to jobbers	20% and 5% off sheet prices.
All other shipments	Sheet prices.

Pierce-Butler Radiator Company:

Date of issuance of applicable price sheet.	October 11, 1941.

Discounts:

	Shipments to jobbers	All other shipments
Pierce oil burning boilers—No. 01	Successive discounts of 5%, 35%, 20%, and 5% off sheet prices.	Successive discounts of 5% and 35% off sheet prices.
Pierce oil burning boilers—No. 02		
Pierce oil fifty boilers		
Pierce popular boiler-burner unit		
Pierce popular water boiler		
Pierce eastwood oil		
Pierce stoker boilers—No. A25		
Pierce eastwood		
Pierce American		
Pierce gold seal	Successive discounts of 5%, 32%, 20%, and 5% off sheet prices.	Successive discounts of 5% and 32% off sheet prices.
Pierce pebco		

[1] 7 F.R. 9486, 9972, 10618; 8 F.R. 6356, 13712.

Frank Prox Company, Incorporated:	
Date of issuance of applicable price sheet.	November 21, 1941.
Discounts:	
Carload shipment to jobbers.	20% and 5% off sheet prices.
Less than carload shipments to jobbers.	20% off sheet prices.
All other shipments..	Sheet prices.
The Putnam Company:	
Date of issuance of applicable price sheet for "General Boilers".	August 28, 1941.
Date of issuance of applicable price sheet for all other boilers.	May 1, 1938.
Discounts:	
Shipments to jobbers..	20% and 5% off sheet prices.
Shipments to heating trade.	5% off sheet prices.
All other shipments..	Sheet prices.
Spencer Heater Division of the Aviation Corporation:	
Date of issuance of applicable price sheet.	February 2, 1942.
Discounts:	
Carload shipments to jobbers.	15% and 5% off sheet prices.
Less than carload shipments to jobbers.	15% off sheet prices.
All other shipments..	Sheet prices.
Freed Heater and Manufacturing Company:	
Date of issuance of applicable price sheet.	June 6, 1941.
Discounts:	
Shipments to jobbers..	15% and 5% off sheet prices.
All other shipments..	Sheet prices plus 5%.

This amendment shall become effective February 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2878; Filed, February 28, 1944; 11:55 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 114,[1] Amdt. 10]

WOODPULP

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The text of Appendix A, paragraph (d) (1) preceding subdivision (i) is amended to read as follows:

(1) Producers of sulphite woodpulp of special chemical, high alpha, or glassine grades; producers of Mitscherlich woodpulps; producers of sulphate woodpulp of special chemical or condenser grades; producers shipping pursuant to allocation by the War Production Board woodpulp produced upon equipment not designed for the production of such pulp for sale on the open market; and producers of woodpulps produced in whole or in part from rags, paper stock or any fibre material other than wood, shall, before making any sale of woodpulp of any such grade, submit to the Administrator a sworn statement setting forth all the relevant facts, including:

This amendment shall become effective March 4, 1944.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2879; Filed, February 28, 1944; 11:55 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 108]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

Section 1394.7706 (y) is added to read as follows:

(y) By a person regularly engaged in the business of dealing in used automotive parts for the travel required in locating and accumulating such parts. No preferred mileage shall be allowed under this paragraph unless the applicant presents to the Board a certification by the Regional Automotive Representative of the War Production Board, or the Chief of the appropriate section of the Automotive Division of the War Production Board, that travel by the applicant for such purpose is essential to the war effort.

This amendment shall become effective March 3, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2880; Filed, February 28, 1944; 11:55 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6A,[2] Amdt. 8]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 6A is amended in the following respects:

1. Section 2.14 (d) is deleted.

2. Section 3.4 is amended by designating the text of the present section as paragraph (a); by adding a paragraph heading entitled "Exports"; and by deleting the last sentence of the section.

3. Section 3.4 (b) is added to read as follows:

(b) *Imports.* Any person may import rubber footwear into the United States if he first gives to the Collector of Customs at the point of entry certificates for the number of pairs of each type of rubber footwear which he wants to have released or delivered to him by the Collector of Customs. However, the Collector may release the rubber footwear without getting certificates if the rubber footwear (1) was imported by one of the exempt agencies referred to in section 3.5, (2) was imported as a part of the personal effects of a consumer who had not been in the continental United States during the previous 30 days, (3) was not made in the continental United States, is not imported for sale and not more than two pairs of rubber footwear are released to the same person in one transaction, or (4) was imported by representatives of foreign governments who are within the classes of persons specified in article 432 (a) and article 433 (c), Customs Regulations of 1937.

Certificates received by the Collector of Customs shall be sent, at least once each month, to the District Office for the area in which the certificates were received.

This amendment shall become effective March 3, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2881; Filed, February 28, 1944; 11:55 a. m.]

Chapter XIII—Petroleum Administration for War

[PDO 14, as Amended Feb. 26, 1944]

PART 1529—MARKETING PETROLEUM

The fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of motor fuel and fuel oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest to promote the national defense and to provide adequate supplies of motor fuel and fuel oil for military and other essential uses.

Petroleum Distribution Order No. 14 is hereby amended and reissued as follows:

§ 1529.2 *Petroleum Distribution Order No. 14*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, includes Grades Nos. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any liquid petroleum product used for the same purposes as the above designated grades.

(4) "Supplier" means any person who regularly receives or refines motor fuel or fuel oil for redelivery.

(b) *Deliveries for specified uses.* Each supplier shall, within the limits of his supply, make withdrawal or delivery of motor fuel or fuel oil when such withdrawal or delivery is requested to satisfy the requirements of;

(1) The Army and the Navy of the United States, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Foreign Economic Administration; and

(2) Any person using or supplying motor fuel for non-highway farm uses who presents valid E, R, or bulk coupons or ration checks, issued pursuant to Ration Order 5C of the Office of Price Administration, to the extent of such uses only.

(c) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and the reasons why he considers himself entitled to relief. All appeals shall be filed in triplicate.

(d) *Appeals and correspondence.* All correspondence and appeals filed under paragraph (c) shall, unless otherwise directed, be addressed to the District Director of Distribution and Marketing, Petroleum Administration for War at:

(1) 122 East 42nd Street, New York, New York, if the motor fuel or fuel oil is to be delivered or used in the State of Florida (west of the Apalachicola River).

(2) 1200 Blum Building, 624 South Michigan Avenue, Chicago, Illinois, if the motor fuel or fuel oil is to be delivered or used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(3) 245 Mellie Esperson Building, Houston, Texas, if the motor fuel or fuel oil is to be delivered or used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, or New Mexico.

(4) 320 First National Bank Building, Denver, Colorado, if the motor fuel or fuel oil is to be delivered or used in the States of Montana, Wyoming, Colorado, Utah, or Idaho.

(5) 855 Subway Terminal Building, Los Angeles, California, if the motor fuel or fuel oil is to be delivered or used in the States of Arizona, California, Nevada, Oregon, or Washington, or the Territories of Alaska or Hawaii.

(e) *Violations.* Any person who wilfully violates any provision of this order or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(f) *Area of applicability.* The provisions of this order shall be applicable to any person located in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida (west of the Apalachicola River), Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, and the Territories of Alaska and Hawaii.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of February 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-2762; Filed, February 26, 1944; 10:41 a. m.]

Chapter XV—Board of War Communications

[Order 19-B]

PART 1714—INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

Whereas, The Board of War Communications has determined that the national security and defense and the successful conduct of the war demand the termination of certain international radiotelephone communications;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964, dated December 10, 1941 (6 F.R. 6367) Order No. 19-A dated March 17, 1943 (8 F.R. 3535), is hereby amended to read as follows: *It is hereby ordered as follows:*

§ 1714.1 *Termination of certain international radiotelephone communications.* From and after the date hereof, (a) non-governmental business radiotelephone calls between the United States and Great Britain shall be permitted subject to the prior approval thereof from the Office of Censorship. No personal radiotelephone calls shall be permitted between the United States and Great Britain.

(b) No non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere other than Great Britain unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship: *Provided, however,* That this provision shall not apply to American press calls or radio broadcast programs, or to such other press calls and radio programs as may be specifically approved by the Office of Censorship.

(c) No calls of any nature, over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (b), shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey.

(d) Personal calls other than those prohibited in the foregoing paragraphs may be completed between two points in the Western Hemisphere.

Subject to such further order as the Board may deem appropriate.

Nothing herein shall apply to existing regulations governing the use of cable, telegraph, or radiotelegraph communications.

BOARD OF WAR COMMUNICATIONS,
JAMES LAWRENCE FLY,
Chairman.

Attest: February 19, 1944.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 44-2850; Filed, February 28, 1944; 11:17 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 5—SAFEGUARDING TECHNICAL INFORMATION

MILITARY INFORMATION

Sections 5.5 (b) and 5.10 are hereby amended to read as follows:

§ 5.5 *Requests for military information.* * * *

(b) (1) Exchanges of classified or unclassified military information, other than technical information, with foreign nationals will be made only through or with the express permission of the Assistant Chief of Staff, G-2, War Department General Staff.

(2) Exchanges of classified or unclassified technical information with foreign nationals will be made in accordance with existing War Department instructions issued on this subject to the Commanding Generals, Army Ground Forces, Army Air Forces, and Army Service Forces. (R.S. 161; 5 U.S.C. 22) [Par. 14, *b*, AR 380-5, 28 September 1942, as amended by C 17, 15 February 1944]

* * * * * * *

§ 5.10 *Dissemination of classified technical information.* Classified information concerning technical projects or developments may be imparted only to

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2843, 3576, 5059, 5564, 8997, 8948; 8 F.R. 321, 2334, 8877, 10558; 9 F.R. 1808.

[2] 8 F.R. 15037, 16250, 16420, 16845, 16846, 17327, 17484, 17297; 9 F.R. 104, 286, 90, 1181, 1180, 972, 1326, 1397, 1712.

[3] 8 F.R. 9468, 11688, 15704; 9 F.R. 604.

persons in the military and naval services of the United States, including civilian employees, who have legitimate interest therein, to American citizens of known loyalty and discretion who of necessity must be informed because of their cooperation in the work, project, or development, and to accredited representatives of foreign nations in accordance with the provisions of § 5.5 (b) of this chapter. (R.S. 161; 5 U.S.C. 22) [Par. 50, AR 380–5, 28 September 1942, as amended by C 17, 15 February 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44–2817; Filed, February 28, 1944; 10:30 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 49]

PART 30—FOREIGN TRADE STATISTICS

DATES OF IMPORTATION AND EXPORTATION

FEBRUARY 25, 1944.

Section 30.13 is amended to read as follows:

§ 30.13 *Dates of importation and exportation.* For statistical purposes the date of entry will be regarded as the date of importation; and the date of clearance, or the date of departure if later, will be regarded as the date of exportation.

(R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C., 22, 601)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 44–2802; Filed, February 26, 1944; 12:17 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 107–A]

FREIGHT CARS IN MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of February, A. D. 1944.

Upon further consideration of Service Order No. 107 (8 F.R. 1403) of January 30, 1943; as amended (9 F.R. 1065), and good cause appearing therefor:

It is ordered, That:

Service Order No. 107 (8 F.R. 1403) of January 30, 1943, as amended (9 F.R. 1065), 49 C.F.R. § 95.7, controlling the movement of railroad freight cars into Mexico, be, and it is hereby, suspended until further order of this Commission. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17)).

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44–2815; Filed, February 28, 1944; 10:20 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 9, Amdt. 2]

PART 503—ADMINISTRATION

MOTOR CARRIERS: RECORDS AND REPORTS

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, *It is hereby ordered,* That:

The use of Form CWN–OR, which is reproduced in Appendix 3 to Administrative Order ODT 9 (8 F.R. 14166 and 9 F.R. 948), shall be discontinued, and that the new Form CWN–OR (Rev.), a reproduction of which appears as an appendix to this Amendment 2 to Administrative Order ODT 9, designated as Appendix 3 (Revised),[1] shall replace said Form CWN–OR as the operating report form to be used pursuant to § 503.254 of Administrative Order ODT 9.

(Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 U.S. Code §§ 631 through 645a; E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5834)

Issued at Washington, D. C., this 26th day of February 1944.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 44–2822; Filed, February 28, 1944; 10:30 a. m.]

Notices

WAR DEPARTMENT.

[Cir. 79]

LAPEL BUTTON FOR HONORABLE SERVICE

RULES OF ELIGIBILITY AND DISTRIBUTION[2]

1. The following personnel are authorized to wear and are entitled to the issue of the lapel button for honorable service subsequent to 8 September 1939:

a. All military personnel who have served honorably in active Federal service in the Army of the United States since 8 September 1939, and who are, or have been, honorably discharged, retired, or transferred to an inactive status.

b. Officers and enrolled members of the Women's Army Auxiliary Corps, whose separation from the service was under honorable conditions.

2. One lapel button will be issued to the personnel named in paragraph 1*a* at the time of retirement, transfer to inactive reserve status, or honorable separation from the service. The discharging or transferring authority will arrange with a custodian of buttons for such issue.

3. All personnel who are eligible to receive and wear this lapel button under the provisions stated above and who have not previously been issued a button are authorized to make application therefor, either:

a. In person at any Army installation, other than ports of embarkation, or

b. In writing to any Army installation, other than ports of embarkation.

4. Personnel, other than officers, applying for this button will present a discharge certificate, certificate of service, or War Department special order announcing retirement. Officers applying for the button may, in lieu of either of the above-mentioned certificates, present one true copy of orders or other instrument relieving them from active duty.

5. Notation of the issue of a lapel button will be made on the reverse side of the discharge certificate or the certificate of service. No other record will be required.

6. Duplicate buttons may be sold by the officers detailed as custodians of stocks of lapel buttons to any applicant presenting documentary evidence of honorable discharge, relief, or retirement, and certificate that the button originally issued has been lost. The notation required by the foregoing paragraph will be modified to show such sale. Issuing officers will collect the cost of the button from each individual to whom a duplicate is sold and deposit such collections as of the last day of each month with the disbursing officer serving the installation. (R.S. 161; 5 U.S.C. 22) [Sec. V, W.D. Cir. 79, 22 February 1944]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 44–2818; Filed, February 28, 1944; 10:30 a. m.]

[1] Form filed as part of the original document.

[2] These rules supersede corresponding rules published 15 December 1943, 8 F.R. 16799.

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

PROSSER CREEK RESERVOIR SITE, CALIF.

PARTIAL REVOCATION OF FIRST FORM WITHDRAWAL

DECEMBER 31, 1943.

THE SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Prosser Creek Reservoir site, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the act of June 17, 1902 (32 Stat. 388) by Departmental order of October 18, 1940, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the land hereinafter listed be revoked, *Provided,* That such revocation shall not affect the withdrawal of any other land by said order or affect any other order withdrawing or reserving the land hereinafter listed.

PROSSER CREEK RESERVOIR SITE

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 N., R. 16 E.,
Sec. 2, SE¼.

Respectfully.

H. W. BASHORE,
Commissioner.

I concur: February 10, 1944.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The jurisdiction over and use of such lands by the Bureau of Reclamation shall cease upon the date of the signing of this order.

This order, however, shall not otherwise become effective to change the status of the lands until 10:00 o'clock a. m. of the sixty-third day from the date on which it is signed, whereupon the lands shall, subject to valid existing rights, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254) and 43 CFR part 296, to the extent that these regulations are applicable.

The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

FEBRUARY 14, 1944.

[F. R. Doc. 44–2761; Filed, February 26, 1944; 9:36 a. m.]

Coal Mines Administration.

[Order CMA–22]

BELLE VALLEY COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that the mining companies listed in Appendix A have entered into wage agreements with their employees in conformity with a basic wage agreement between the Progressive Mine Workers of America and certain Illinois producers, heretofore approved by the National War Labor Board, and that there no longer exist any work stoppages or threats of work stoppages because of labor disputes at said mines. Based upon such advice, and after consideration of all the circumstances, I find that possession by the Government of the mines of such mining companies is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, which is attached hereto and made a part hereof, including any and all real personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines, be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Instruments of agreement and certification having heretofore been executed and filed with the Coal Mines Administration by each of said companies, the appointments of the operating managers for their mines are terminated, as provided by section 25 (f), as amended, of the Regulations for the Operation of Coal Mines under Government Control.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 25, 1944.

APPENDIX A

Name of Mining Company and Address

1. Belle Valley Coal Co., R. R. #1, Belleville, Illinois.
2. Bunker Hill Coal & Mining Co., Collinsville, Illinois.
3. The Burnwell Coal Co., Collinsville, Illinois.
4. Collinsville Coal Corporation, 216 S. Seminary, Collinsville, Illinois.
5. Coulterville Coal Company, Coulterville, Illinois.
6. Denkert Coal Company, Riverton, Illinois.
7. Edinburg Coal Company, Edinburg, Illinois.
8. Edwardsville Coal Co., Inc., R. F. D. #3, Edwardsville, Illinois.
9. Groom Coal Co., 1906 West Main St., Belleville, Illinois.
10. Lakeside Coal Company, State Route #98, Peking, Illinois.
11. The Livingston-Mt. Olive Coal Company, Livingston, Illinois.
12. Mielke Bros., Coal Valley, Illinois.
13. Edward Mohn & Son, Smithville Road, Bartonville, Illinois.
14. New National Coal & Mining Co., 500 Union Ave., Belleville, Illinois.
15. Pana Mines Corporation, 5 N. State St., Pana, Illinois.
16. Pep Coal Company, New Athens, Illinois.
17. Prairietown Coal Company, Inc., R. F. D., Worden, Illinois.
18. Purity Coal Co., 118 S. Virginia Ave., Belleville, Illinois.
19. Rawalt Coal Company, 506 East Elm Street, Canton, Illinois.
20. Service Coal and Mining Company, N. Illinois St. & L. & N. Tracks, Belleville, Illinois.
21. Shiloh Valley Coal Company, R. R. #2, Belleville, Illinois.
22. South Mine Company, Carlinville, Illinois.
23. Sunset Hill Coal Company, Inc., R. R. #4, Edwardsville, Illinois.
24. Troy Domestic Mining Company, Troy, Illinois.
25. Truck Trade Coal Company, R. R. #1, Edwardsville, Illinois.
26. Victory Coal Mining Company, Pana, Illinois.
27. Virden Mining Corporation, Dye & Fortune Sts., Virden, Illinois.
28. Washed Coal Company of Belleville, Inc., 117 Carlyle Rd., Belleville, Illinois.
29. Wenneborg Coal Co., Sherman, Illinois.
30. White Ash Coal Co., City Mounted Route No. 105, Peoria, Illinois.

[F. R. Doc. 44–2803; Filed, February 26, 1944; 12:44 p. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VIII—TEXAS

TRINITY COUNTY

Locality I:	Consisting of precincts 1, 3, and 5	$1,873
Locality II:	Consisting of precinct 4	2,834
Locality III:	Consisting of precincts 2, and 7	2,094
Locality IV:	Consisting of precinct 6	1,463

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved February 25, 1944.

FRANK HANCOCK,
Administrator.

[F. R. Doc. 44–2806; Filed, February 26, 1944; 3:40 p. m.]

Rural Electrification Administration.

[Administrative Order 805]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 8, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 4–3013D2 Johnson	$50,000
Idaho 4–0011B4 Kootenai	15,000
Iowa 4–3003B2 Plymouth	80,000
Iowa 4–3062B3 Ida	70,000
Iowa 4–3069B2 Henry	50,000
Kentucky 4–3040C3 Jessamine	25,000
Kentucky 4–3052E2 Fleming	40,000
Louisiana 4–3017E1 Claiborne	65,000
Michigan 4–3026D2 Ingham	50,000

Project designation—Con.	*Amount*
Missouri 4–3032F1 Atchison	$100,000
Missouri 4–3041A2 Platte	25,000
Ohio 4–3001C2 Miami	40,000
Oklahoma 4–2029B1 Hughes	110,000
Texas 4–3102B3 Jackson	30,000
Vermont 4–3010B3 Windham	10,000
Virginia 4–3034B4 Lee	26,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44–2848; Filed, February 28, 1944; 11:15 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of the cancellation of one special certificate and the affirmation of another special certificate issued to General Webbings Corporation, Springfield, Massachusetts, for the employment of learners at wage rates less than the applicable minimum under section 6 of the Fair Labor Standards Act of 1938.

Notice is hereby given of a finding and determination dated February 23, 1944, ordering the cancellation as of November 24, 1941 of a special certificate issued to General Webbings Corporation, Springfield, Massachusetts, for the effective period from November 24, 1941 to November 24, 1942, authorizing the employment of three learners at less than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act of 1938, and the affirmation of a special certificate issued to the aforementioned company for the effective period from December 15, 1941, to March 30, 1942, authorizing the employment of eleven learners at less than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act of 1938.

Any person aggrieved by this action, may, within fifteen days after publication of this notice in the FEDERAL REGISTER, make application for reconsideration thereof by the Administrator or his authorized representative, or file a petition for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

The order of cancellation shall not take effect until the expiration of time allowed for the filing of a petition for review under § 522.151 of the regulations, Part 522, and if a petition for review is filed thereunder, the effective date of cancellation shall be postponed until final action is taken on such petition.

Signed at New York, New York, this 23d day of February 1944.

ISABEL FERGUSON,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 44–2764; Filed, February 26, 1944; 11:28 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Alperin Strauss Company, Inc., Division of Reliance Manufacturing Co., Loogootee, Indiana; white twill Navy middies; 10 percent (T); effective February 21, 1944, expiring February 20, 1945.

The Beacon Company, 519 Broadway, Kingston, New York; cotton dresses; 10 percent (T); effective February 26, 1944, expiring February 25, 1945.

Castro & Walsh, Inc., Belfast, Maine; infants' wear; 10 learners (T); effective February 21, 1944, expiring February 20, 1945.

Castro & Walsh, Inc., Camden, Maine; infants' wear; 10 learners (T); effective February 21, 1944, expiring February 20, 1945.

The C. B. Cones & Son Manufacturing Company, 18–24 N. Senate Ave., Indianapolis, Indiana; overalls, work shirts, work pants; 10 percent (T); effective February 21, 1944, expiring February 20, 1945.

Helene Dress Company, 165 Water Street, Catskill, New York; dresses; 10 percent (T); effective February 26, 1944, expiring February 25, 1945.

Lady Ester Lingerie Corporation, 10th & Walnut Street, Berwick, Pennsylvania; ladies' underwear, aprons; 10 learners (T); effective February 22, 1944, expiring February 21, 1945.

S. Liebovitz & Sons, Inc., Cedar Street, Kutztown, Pennsylvania; men's & boys' zelan coats; 10 learners (T); effective February 25, 1944, expiring February 24, 1945.

Liotta Sportwear; 128 N. White Street, Shenandoah, Pennsylvania; dresses; 10 learners (T); effective February 21, 1944, expiring February 20, 1945.

Pool Manufacturing Company, S. Montgomery Street, Sherman, Texas; Military shirts, wash shirts, dress shirts, single pants, Army pants, wash and semi-dress pants, overalls, one-piece suits and overall jackets; 10 percent (T); effective February 22, 1944, expiring February 21, 1945.

Rensello Company, Inc., Lewis & Delaware Avenue, Minersville, Pennsylvania; Army shirts, civilian pajamas; 10 percent (T); effective February 24, 1944, expiring February 23, 1945.

Rob Roy Shirt Company, Ridgely, Maryland; boys' shirts; 30 learners (E); effective February 21, 1944, expiring August 20, 1944.

Edward Shuwall & Company, Inc., Penn & Hanover Streets, Pottstown, Pennsylvania; children's dresses; 10 percent (T); effective February 26, 1944, expiring February 25, 1945.

Sunnyvale, 614 Wyoming Avenue, Scranton, Pennsylvania; wash dresses; 10 percent (T); effective February 26, 1944, expiring February 25, 1945.

Thurmond Manufacturing Company, Madison, Georgia; shirts, pants, jackets; 10 percent (T); effective February 21, 1944, expiring February 20, 1945.

HOSIERY INDUSTRY

Bloomsburg Hosiery Mills, Inc., 164 W. 9th Street, Bloomsburg, Pennsylvania; infants' and children's seamless hosiery; 5 percent (T); effective February 23, 1944, expiring February 22, 1945.

Claussner Hosiery Company, No. 1, 2nd & Tennessee Streets, Paducah, Kentucky; full-fashioned hosiery; 5 learners (T); effective February 21, 1944, expiring February 20, 1945.

Claussner Hosiery Company, No. 2, 28th & Adams Streets, Paducah, Kentucky; full-fashioned hosiery; 5 percent (T); effective February 21, 1944, expiring February 20, 1945.

Commonwealth Hosiery Mills, Ellerbe, North Carolina; seamless hosiery; 10 learners (AT); effective February 26, 1944, expiring August 25, 1944.

Cooksville Hosiery Mill, Route #3, Vale, North Carolina; seamless hosiery; 5 learners (T); effective February 26, 1944, expiring February 25, 1945.

Cumberland Manufacturing Company, Inc., Crossville, Tennessee; full-fashioned hosiery; 5 learners (T); effective February 24, 1944, expiring February 23, 1945.

Fisher Hosiery Company, Inc., 7th & Court Streets, Reading, Pennsylvania; ladies' seamless hosiery, girdle garters; 5 learners (T); effective February 26, 1944, expiring February 25, 1945.

Homestead Manufacturing Company, Inc., Bankhead Farmstead, Jasper, Alabama; full-fashioned hosiery; 5 learners (T); effective February 24, 1944, expiring February 23, 1945.

Penderlea Manufacturing Company, Inc., Penderlea Farms, Willard, North Carolina; full-fashioned; 5 learners (T); effective February 24, 1944, expiring February 23, 1945.

Red House Manufacturing Company, Inc., Red House Farmsteads, Eleanor, West Virginia; full-fashioned hosiery; 5 learners (T); effective February 24, 1944, expiring February 23, 1945.

Skyline Manufacturing Company, Inc., Skyline Farms, Scottsboro, Alabama; full-fashioned hosiery; 5 learners (T); effective February 24, 1944, expiring February 23, 1945.

Spalding Knitting Mills, South Pittsburg Plant, South Pittsburg, Tennessee; seamless hosiery; 5 learners (T); effective February 21, 1944, expiring February 20, 1945.

KNITTED WEAR INDUSTRY

H. L. Miller and Son, Coal Street, Port Carbon, Pennsylvania; men's, ladies' and children's cotton knit underwear; 5 percent (T); effective February 25, 1944, expiring February 24, 1945.

TELEPHONE INDUSTRY

Central Iowa Telephone Company, Toledo, Iowa; to employ learners as commercial switchboard operators at its Forest City exchange, located at K Street, Forest City, Iowa; effective February 23, 1944, expiring February 22, 1945.

Clarke County Telephone Company, Osceola, Iowa; to employ learners as commercial switchboard operators at its Osceola exchange, located at Osceola, Iowa; effective February 21, 1944, expiring February 20, 1945.

TEXTILE INDUSTRY

Pacific Mills—Olympia Plant, Columbia, South Carolina; cotton grey goods; 3 percent (T); effective February 21, 1944, expiring February 20, 1945.

Pacific Mills—Richland Plant, Columbia, South Carolina; cotton grey goods; 3 percent (T); effective February 21, 1944, expiring February 20, 1945.

Ware Shoals Manufacturing Company Ware Shoals, South Carolina; cotton grey goods; 3 per cent (T); effective February 21, 1944, expiring February 20, 1945.

Signed at New York, N. Y., this 26th day of February 1944.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 44–2846; Filed, February 28, 1944; 11:05 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date sepcified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Blount-Parker Corp., Lacona, New York; bathinettes; 3 learners (T); sewing machine operator for a learning period of 240 hours at 35 cents per hour; effective February 23, 1944, expiring June 22, 1944.

The John Mueller Licorice Company, 1515 Freeman Avenue, Cincinnati, Ohio; candy; 5 learners (T); assembling operations in the manufacture of licorice candy for a learning period of 160 hours at 35 cents per hour; effective February 29, 1944 expiring August 29, 1944.

Signed at New York, N. Y., this 26th day of February 1944.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 44–2847; Filed, February 28, 1944; 11:05 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6576]

CHESAPEAKE AND POTOMAC TELEPHONE CO.

ORDER SETTING HEARING DATE

In the matter of The Chesapeake and Potomac Telephone Company. Surcharges collected by hotels, apartment houses and clubs on interzone message telephone service.

At a session of the Federal Communications Commission held on the 14th day of February, 1944, at its offices in Washington, D. C.;

It appearing that The Chesapeake and Potomac Telephone Company filed with this Commission on January 22, 1944, a tariff schedule to be effective February 15, 1944, designated as follows: "The Chesapeake and Potomac Telephone Company, Tariff F. C. C. No. 15, First Revised Page 8;"

It further appearing that the above tariff schedule provides that a "service charge" not to exceed five cents may be made by hotels, apartment houses, and clubs in the District of Columbia on each interzone telephone message within the Washington Metropolitan Area from private branch exchange extension telephone in rooms or apartments occupied by transients;

It further appearing that the "service charge" for which provision is thus made is a "surcharge" of the kind which this Commission has decided in its report and order of December 10, 1943 (P–29), in Docket No. 6255, must be properly shown in effective tariff schedules filed with this Commission if they are to be collected;

It further appearing that the "service charge" provided for by the above tariff schedule may be unjust, unreasonable, unjustly or unreasonably discriminatory, or otherwise unlawful under the provisions of the Communications Act of 1934, as amended;

It further appearing that the above tariff provision may be so indefinite and ambiguous as to its application as to be violative of the provisions of § 61.55 of the Commission's Rules and Regulations requiring clear, definite, and explicit statements as to charges and related regulations;

It further appearing that the District of Columbia Public Utilities Commission has disapproved a like tariff provision filed with it with respect to the collection of a "service charge" on interzone telephone messages within the Washington Metropolitan Exchange Area;

It is ordered, That the Commission shall, on its own motion, and without formal pleading, enter upon a hearing concerning the lawfulness of the new provision contained in the above-cited tariff schedule with respect to "service charges" on interzone telephone messages;

It is further ordered, That the operation of the above-cited tariff schedule be, and it is hereby suspended until May 15, 1944, unless otherwise ordered by the Commission; and that during such period of suspension, no changes shall be made in the provisions of the above-cited tariff schedule, or in any provisions sought to be altered thereby, unless authorized by the Commission;

It is further ordered, That in the event a decision as to the lawfulness of the tariff provision herein suspended has not been made during the suspension period, and "service charges" as provided for therein become effective, The Chesapeake and Potomac Telephone Company shall, until further order of the Commission, keep, or cause to be kept, accurate account of all amounts collected from telephone users by reason of such "service charges", in which accounting there shall be specified by whom and in whose behalf such amounts are paid;

It is further ordered, That the hearing be, and it is hereby scheduled to be held beginning at 10:00 a. m., on the 15th day of March, 1944 at the offices of the Commission in Washington, D. C.;

It is further ordered, That a copy of this order shall be filed in the offices of the Federal Communications Commission with the tariff schedule herein suspended; that copies hereof shall be served upon the District of Columbia Public Utilities Commission; the Maryland Public Service Commission; the Virginia State Corporation Commission; the National Association of Railroad and Utilities Commissioners; The Chesapeake and Potomac Company; The Chesapeake and Potomac Telephone Company of Baltimore City; The Chesapeake and Potomac Telephone Company of Virginia; the Hotel Association of Washington, D. C., Inc.; and the Building Owners and Managers Association of Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44–2766; Filed, February 26, 1944; 11:35 a. m.]

[Docket No. 6577]

PENNSYLVANIA TELEPHONE CORP.

ORDER SETTING HEARING DATE

In the matter of Pennsylvania Telephone Corporation; accounting.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 16th day of February, 1944;

It appearing that beginning in the year 1940 and continuing to date, the Pennsylvania Telephone Corporation has made, and is continuing to make, charges to its operating expense Account 614, "Amortization of Telephone Plant Acquisition Adjustment" (§ 31.614 of the Commission's Rules and Regulations), for the purpose of amortizing or otherwise disposing of amounts included in its Account 100.4, "Telephone Plant Acquisition Adjustment" (§ 31.100:4 of the Commission's Rules and Regulations), without the prior direction, authorization or approval by this Commission, required by the provisions of paragraph (c) of account 100.4 by those of Account 614, and of Commission Order No. 60, adopted July 12, 1939; and that the Pennsylvania Telephone Corporation has continued to make such charges to its operating expense Account 614 despite the fact that in March, 1942, and repeatedly thereafter, the company's attention was directed to this violation of the Commission's Rules and Regulations and its Order No. 60;

It is ordered, That the Pennsylvania Telephone Corporation shall appear and show cause why the Commission should not refer to the Attorney General of the United States, for the institution and prosecution of appropriate proceedings, the matter of the violation by the Pennsylvania Telephone Corporation, its directors, and responsible officers, of the provisions of Account 100.4 (paragraph (c)) and Account 614 of the Commission's Uniform System of Accounts for Class A and Class B Telephone Companies; of Commission Order No. 60 adopted July 12, 1939; and of paragraphs (d) and (g) of section 220 of the Communications Act of 1934, as amended;

It is further ordered, That all charges to operating expense accounts which have been made by the Pennsylvania Telephone Corporation on and after January 1, 1943 for the purpose of, or in conjunction with, amortizing or otherwise disposing of amounts in its Account 100.4 be, and they are hereby suspended, pending determination by the Commission of the propriety and reasonableness of such charges; that the Pennsylvania Telephone Corporation shall cease and desist from making any such charges to operating expense accounts pending such determination, unless otherwise specifically directed by the Commission; and that the Pennsylvania Telephone Corporation shall make an appropriate annotation in its annual (Form M) report to this Commission for the years ended December 31, 1940, 1941, and 1942, which shall state that all charges to Account 614 in those years have been questioned, and are under investigation, by this Commission;

It is further ordered, That three certified copies of the suspending entries, and of the annotations, required by the immediately preceding ordering paragraph, shall be filed with the Commission on or before the 22nd day of March, 1944;

It is further ordered, That an investigation be, and the same is hereby, instituted into the account performed, and the accounts, records, and memoranda kept by the Pennsylvania Telephone Corporation with respect to all entries made to its Account 100.4, and related entries;

It is further ordered, That a hearing on the above matters shall be held beginning at 10:00 a. m. on the 22d day of March 1944 at the offices of the Commission in Washington, D. C.;

It is further ordered, That the hearing provided for by this order shall be conducted jointly with any hearings involving similar matters which may be ordered for the same time and place by the Pennsylvania Public Utility Commission;

It is further ordered, That copies of this order shall be served upon the Pennsylvania Telephone Corporation and upon each of its directors and officers for the period beginning January 1, 1940 to date, upon the Pennsylvania Public Utility Commission, and the National Association of Railroad and Utilities Commissioners.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-2767; Filed, February 26, 1944; 11:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5024]

BENNETTSVILLE MATTRESS FACTORY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1944.

In the matter of John P. Dowd, an individual doing business under the firm name and style of Bennettsville Mattress Factory.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 20, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Federal Courtroom, Post Office Building, Charlotte, North Carolina.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2763; Filed, February 26, 1944; 10:55 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 178, Special Permit 40]

REFRIGERATION OF LARD AT WATERLOO, IOWA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of five (5) refrigerator cars with lard by Rath Packing Company at Waterloo, Iowa, and the movement of the five refrigerator cars so loaded from that point not later than March 1, 1944, to Lake Charles, Louisiana, for export to Cuba. (CGW-MP)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1944.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 44-2813; Filed, February 28, 1944; 10:20 a. m.]

[S. O. 178, Special Permit 41]

REFRIGERATION OF CHEESE AT FREEPORT, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of four (4) refrigerator cars with cheese in packages and glass by Kraft Cheese Company at Freeport, Illinois and the movement of the four refrigerator cars so loaded from that point February 25 or 26, 1944, to Los Angeles, California; to Philadelphia, Pennsylvania; to Norfolk, Roanoke and Richmond, Virginia, pool car; and to Missoula, Miles City, Butte and Helena, Montana, pool car. (C. M. St. P. & P.)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of February 1944.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 44-2814; Filed, February 28, 1944; 10:20 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A-71]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN ROME, N. Y., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Rome, New York, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved with the exception of section 5 (i). The operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Utica, New York, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-71" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Utica, New York.

8. This order shall become effective March 4, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of February 1944.

C. D. YOUNG, *Deputy Director, Office of Defense Transportation.*

APPENDIX 1

A. B. C. Taxi, 403 Williams Street, Rome, New York.
Al's Taxi, 403 Williams Street, Rome, New York.
John Anania, 850 Armstrong Street, Rome, New York.
Billie's Taxi, 201 E. Bloomfield Street, Rome, New York.
Michael Costello, 729 S. James Street, Rome, New York.
Bud's Taxi, 621 Webster Street, Rome, New York.
Larry Carello, 735 S. James Street, Rome, New York.
Michael Consilio, 121 W. Thomas Street, Rome, New York.
Globe Taxi, 104 S. James Street, Rome, New York.
LeRoy's Taxi, 410 W. Whitesboro Street, Rome, New York.
Reilly's Taxi, 611 Floyd Avenue, Rome, New York.
Star Taxi, 410 W. Whitesboro Street, Rome, New York.
Francis Thaler, R. F. D. #4, Rome, New York.
George Thaler, 327 W. Court Street, Rome, New York.
Clayton Edy, 207 N. Washington Street, Rome, New York.

[1] Filed as part of the original document.

[F. R. Doc. 44-2820; Filed, February 28, 1944; 10:30 a. m.]

[Supp. Order ODT 20A-72]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN CORNING AND PAINTED POST, N. Y. AREAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Corning and Painted Post, New York, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at

all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–72" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Binghamton, New York.

8. This order shall become effective March 4, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of February 1944.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

APPENDIX 1

Milton Thomas, d/b/a Thomas Taxi, 117½ Pine Street, Corning, New York.
Ester Linderman and Richard J. LeBarron, d/b/a LeBarron & Linderman, 103 North Hamilton Street, Painted Post, New York.
Genevieve Edmister, d/b/a Ed's Cab, 80 Pine Street, Corning, New York.
Harry S. Sawdey, d/b/a Sawdey Taxi, 116 Pine Street, Corning, New York.

[F. R. Doc. 44–2821; Filed, February 28, 1944; 10:31 a. m.]

[Supp. Order ODT 20A–73]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN MUSKEGON, MICH., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Muskegon, Michigan, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Grand Rapids, Michigan, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–73" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Grand Rapids, Michigan.

8. This order shall become effective March 6, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of February 1944.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

APPENDIX 1

Larsen Storage Garage, Muskegon, Michigan.
Yellow Cab, Muskegon, Michigan.
Muskegon Cab Co., Muskegon, Michigan.

[F. R. Doc. 44–2811; Filed, February 28, 1944; 10:17 a. m.]

[Supp. Order ODT 20A–74]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN BAY CITY, MICH., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Bay City, Michigan., so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. No supervisor, checker or road boss employed by the operators shall use coercive methods in effectuating compliance with the plan, and each such supervisor, checker or road boss shall report to the Office of Defense Transportation all violations of orders issued by the Office of Defense Transportation applicable to taxicab operations and all failures to comply with the plan that may be observed by them. No operator participating in the plan shall be denied or refused further participating without the prior approval of the Office of Defense Transportation.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–74" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Saginaw, Michigan.

8. This order shall become effective March 6, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of February 1944.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

APPENDIX 1

Ben C. Richard, d/b/a Bay City Taxi Cab Co., 906 Saginaw Street, Bay City, Michigan.
Thomas C. Biller, d/b/a Yellow Cab Co., 623 Saginaw Street, Bay City, Michigan.

[F. R. Doc. 44–2812; Filed, February 28, 1944; 10:17 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 1298]

UPHOLSTERED FURNITURE

AUTHORIZATION OF MAXIMUM PRICES

Order No. 1298 under § 1499.159b of Maximum Price Regulation No. 188, Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, it is ordered:

(a) *Purpose of this order.* The purpose of this order is to provide suitable methods for setting maximum prices for articles of upholstered furniture whether or not they use metal spring construction. The techniques provided in the order are the same as the existing pricing methods contained in Maximum Price Regulation No. 188 with slight variations which are largely designed for the pricing of articles of upholstered furniture in which metal spring constructions are again being used because of the War Production Board's recent release of steel. As far as practicable, this order sets the maximum price of an article of upholstered furniture containing metal spring-filling on the basis of an article which the manufacturer previously made containing metal spring-filling for which a maximum price has already been established.

(b) *Relationship of this order to other provisions of Maximum Price Regulation No. 188.* This order modifies the pricing provisions of § 1499.153 through § 1499.158 of Maximum Price Regulation No. 188 and establishes maximum prices for the sale and delivery by manufacturers of articles of upholstered furniture after the effective date of this order. For these sales and deliveries, the reporting provisions of §§ 1499.153 through 1499.158 and all other provisions of Maximum Price Regulation No. 188, shall apply.

(c) *Maximum prices.* This paragraph outlines seven pricing situations likely to confront a manufacturer and contains four methods by which his maximum price for an article of upholstered furniture may be set. Each situation is described in a heading and a maximum price is to be computed under the applicable method which is named in the paragraph following it.

(1) *Reintroduction of an article previously priced.* The maximum price for an article of upholstered furniture containing metal spring-filling which is the same as any article for which a maximum price has already been established shall be the maximum price of the article already priced. This is true of any article of upholstered furniture of any type the production of which was suspended and is resumed. Any article of upholstered furniture containing metal springs is not considered, for the purposes of this order, to be the same as an article which does not contain metal springs.

(2) *Reintroduction of an article previously priced, with minor changes.* The maximum price for an article of upholstered furniture, whether or not containing metal spring-filling, which differs from any article for which a maximum price has already been established only by reason of minor changes in material, design or construction which do not reduce the cost of materials or prevent its offering fairly equivalent serviceability, shall be the maximum price of the article already priced. For the purposes of this order, any article of upholstered furniture containing metal spring-filling differs by more than minor changes from an article of upholstered furniture which does not contain metal spring-filling.

(3) *Introduction of an article previously priced, with substantial changes involving metal springs.* If a substantial change is made in an article of upholstered furniture for which a maximum price had previously been established in metal spring construction by varying the number, kind or placement of metal springs, the maximum price of the changed article shall be computed under the second pricing method of Maximum Price Regulation No. 188, as outlined in § 1499.156. If a substantial change is made by the introduction of metal springs in an article which has been manufactured with solid filling or substitutes for metal springs under the restrictions of War Production Board Order L–135 and which was previously made with metal spring-filling, the maximum price of the article being priced shall be computed under the second pricing method, as outlined in § 1499.156 of Maximum Price Regulation No. 188 using the original metal spring-filled article as a base.

(4) *Introduction of an article previously priced, with substantial changes, (other than those involving metal springs) due to shortage of materials or parts.* Where changes of materials or parts due solely to shortages are made in an article of upholstered furniture for which a maximum price had been previously established, whether or not it contained metal spring-filling, the maximum price of the changed article shall be computed under the second pricing method of Maximum Price Regulation No. 188, as outlined in § 1499.156.

(5) *Introduction of metal springs in an article never made with metal springs before.* The maximum price of an article for which a maximum price has been established without metal springs which is being produced for the first time containing metal springs shall be computed under the second pricing method of Maximum Price Regulation No. 188, as outlined in § 1499.156. Included here are articles which have always contained solid filling and articles containing solid filling or substitutes for metal springs produced for the first time since War Production Board Order L–135 was issued. Not included under this subparagraph are articles produced with springs prior to the issuance of War Production Board Order L–135, subsequently changed under this War Production Board order, and now again produced with springs. These last named articles are priced under subparagraph (3) above.

(6) *Introduction of a new article, or introduction of an article previously priced, with substantial changes, (other than those involving metal springs) not due to shortage of materials or parts—*
(i) *New articles.* The maximum price of an entirely new article of upholstered furniture, whether or not it contains metal springs, will be computed under the third pricing method of Maximum

[1] Filed as part of the original document.

Price Regulation No. 188, as outlined in § 1499.157.

(11) *Substantial changes other than those involving spring-filling or shortages.* If any substantial changes other than those specified in subparagraphs (3) and (4) above are made in an article of upholstered furniture, whether or not containing metal springs, for which a maximum price has already been established, the maximum price of the resulting new article shall be computed under the third pricing method of Maximum Price Regulation No. 188, as outlined in § 1499.157.

Articles chosen as comparable articles having unit direct costs nearest above and nearest below the unit direct cost of the articles being priced under this subparagraph need not be articles currently being sold but shall be selected from among articles the manufacturer has previously included in a report under § 1499.156 or § 1499.157 of Maximum Price Regulation No. 188, filed with the Office of Price Administration in Washington, D. C. He may have included the unit direct cost of the article either for the purpose of pricing it or for the purpose of using it as the old or comparable article upon which the maximum price of another article was based.

(7) *Introduction of articles which cannot be priced by any of the methods outlined in the paragraphs preceding.* The maximum price for any article or group of related articles of upholstered furniture which cannot be established under subparagraphs (1), (2), (3), (4), (5), or (6) above, shall be determined under the fourth pricing method of Maximum Price Regulation No. 188, as outlined in § 1499.158.

(d) *Adjustment charge provided by Order 1052 may not be used by manufacturers in computing maximum price of new or changed articles under this order.* In computing the maximum price of a new or changed article under this order, the maximum price of the old or comparable article without the adjustment charge must be used. After the maximum price of the article being priced has been properly computed under this order (using the existing maximum prices of the old or comparable articles without adjustment charge) the 5% adjustment charge provided by Order No. 1052 may be added.

(e) This Order No. 1298 shall become effective on the 28th day of February 1944.

Issued this 26th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-2810; Filed, February 26, 1944; 4:53 p. m.]

[Maximum Import Price Regulation,[1] Order 8]

SALES OF IMPORTED MANUFACTURED GOODS

Exception relating to sales of imported manufactured goods priced prior to issuance of Amendment No. 2.

An opinion accompanying this Order No. 8 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in that opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, *It is hereby ordered,* That:

(a) Notwithstanding the provisions of the Maximum Import Price Regulation, any importer, primary wholesaler, secondary wholesaler, or retailer, who has applied for or has obtained an approved maximum selling price for imported manufactured goods from the Export-Import Price Branch, Office of Price Administration, Washington, D. C., prior to March 2, 1944 under paragraph (d) of section 8 of the Maximum Import Price Regulation, may sell or deliver such goods at the approved price within sixty days after March 2, 1944.

(b) Notwithstanding the provisions of the Maximum Import Price Regulation, any importer, primary wholesaler, secondary wholesaler or retailer, who had properly established a maximum price for imported manufactured goods prior to March 2, 1944 under paragraph (a) or (c) of section 8 of the Maximum Import Price Regulation by applying to his permitted total landed costs either the same dollars-and-cents mark-up or 75 percent of the percentage mark-up included in the price for his first sale after March 31, 1942, may sell or deliver such goods at that maximum price within sixty days after March 2, 1944.

(c) This Supplementary Order No. 8 shall become effective March 2, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2870; Filed, February 28, 1944; 11:53 a. m.]

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[1] 8 F.R. 11681, 12237.

Regional and District Office Orders.

[Region III Order G-9 Under RMPR 122, Amdt. 1]

SOLID FUELS IN MARION COUNTY, IND.

Amendment No. 1 to Order No. G-9 under Revised Maximum Price Regulation No. 122. Maximum prices for specified solid fuels in Marion County, in the State of Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III, of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122: *It is hereby ordered,* That section (c), Part V, of Order No. G-9 under Revised Maximum Price Regulation No. 122, be amended to read as follows:

(c) *Schedules for sales of coal.* • • •

Column I	Column II	Column III
V. Pennsylvania anthracite: A. Egg, stove, chestnut	$16.85	------

For all sales of said anthracite coal for the periods February 7, 1944, to and including February 29, 1944, the sum of $.45 per ton may be added to the prices listed above.

This amendment to Order No. G-9 shall become effective February 7, 1944.

(56 Stat. 23, 765, Pub Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 7, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2797; Filed, February 26, 1944; 12:04 p. m.]

[Region III Order G-13 under RMPR 122, Amdt. 2]

SOLID FUELS IN TOLEDO, OHIO, AREA

Amendment No. 2 to Order No. G-13 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Toledo, Ohio, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That section (c), Part IV of Order No. G-13 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

(c) *Schedule for sales of coal* • • •

Column I	Column II	Column III
IV. Pennsylvania anthracite (excluding broken anthracite), egg, stove or chestnut	$15.00	$14.25

For all sales of said anthracite coal for the period from February 7, 1944 to and including February 29, 1944, the sum of 45¢ per ton may be added to the prices listed above.

This amendment to Order No. G-13 under Revised Maximum Price Regulation No. 122 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 7, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2798; Filed, February 26, 1944; 12:04 p. m.]

[Region III Order G-14 Under RMPR 122, Amdt. 3]

CERTAIN AREAS IN MICHIGAN

Amendment No. 3 to Order No. G-14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the cities of Saginaw, Carrollton and Zilwaukee and the townships of Kochville, Buena Vista and Saginaw, all in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered,* That section (c), Part IV of Order No. G-14 under Revised Maximum Price Regulation No. 122 be amended to read as follows:

(c) *Schedule for sales of coal.* • • •

Column I	Column II	Column III
IV. Anthracite—Pennsylvania: A. Rice	$10.25	$9.50
B. Egg, stove, chestnut	15.00	14.25

For all sales of said anthracite coal for the period from February 7, 1944 to and including February 29, 1944, the sum of 45¢ per ton may be added to the prices listed above.

This amendment to Order No. G-14 under Revised Maximum Price Regulation No. 122 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 17, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44-2795; Filed, February 26, 1944; 12:03 p. m.]

[Region IV Order G-1 under MPR 188]

BRICK IN COLUMBUS, MISS.

Order G-1 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188. Columbus Brick Company, Columbus, Mississippi.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator and by § 1499.161 (a) (2) of Maximum Price Regulation 188, *It is hereby ordered:*

(a) That on and after the effective date of this order the Columbus Brick Company of Columbus, Mississippi, hereinafter referred to as the applicant, may sell and deliver common brick at a price no higher than a price reflecting its properly established maximum price under Maximum Price Regulation 188, plus a sum not in excess of $2.00 per thousand.

(b) Any person purchasing common brick from the applicant for resale on and after the effective date of this order and paying therefor a price reflecting a permitted increase over the established maximum price of the applicant under Maximum Price Regulation 188 may add, in selling brick so purchased, the exact amount of such increase, not to exceed $2.00 per thousand, to his own properly established maximum price.

(c) That all freight allowances, other allowances, discounts, differentiations in classes of purchasers and other price differentials customarily made by applicant and all others affected by this order during March, 1942, shall be maintained.

(d) All other prayers of the applicant not granted are denied and to the extent that his application is denied, applicant may request a review in the manner provided in § 1300.17 of Revised Procedural Regulation 1.

(e) Except as otherwise provided herein, all transactions subject to this order remain subject to all appropriate regulations including the provisions of Maximum Price Regulation 188 and the General Maximum Price Regulation, where applicable, together with all the amendments that have been heretofore or which may be hereafter issued.

(f) This order may be revoked, corrected or amended by the Office of Price Administration at any time.

This order shall become effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 17, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44-2796; Filed, February 26, 1944; 12:03 p. m.]

[Region IV Order G-2 Under MPR 188]

BRICK IN CORINTH, MISS.

Order G-2 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188. Corinth Brick Company Corinth, Mississippi.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator and by § 1499.161 (a) (2) of Maximum Price Regulation 188, *It is hereby ordered:*

(a) That on and after the effective date of this order the Corinth Brick Company of Corinth, Mississippi, hereinafter referred to as the applicant, may sell and deliver common brick at a price no higher than a price reflecting its properly established maximum price under Maximum Price Regulation 188, plus a sum not in excess of $2.00 per thousand.

(b) Any person purchasing common brick from the applicant for resale on and after the effective date of this order and paying therefor a price reflecting a permitted increase over the established maximum price of the applicant under Maximum Price Regulation 188 may add, in selling brick so purchased, the exact amount of such increase, not to exceed $2.00 per thousand, to his own properly established maximum price.

(c) That all freight allowances, other allowances, discounts, differentiations in classes of purchasers and other price differentials customarily made by applicant and all others affected by this order during March, 1942, shall be maintained.

(d) All other prayers of the applicant not granted are denied and to the extent that his application is denied, applicant may request a review in the manner provided in § 1300.17 of Revised Procedural Regulation 1.

(e) Except as otherwise provided herein, all transactions subject to this order remain subject to all appropriate regulations including the provisions of Maximum Price Regulation 188 and the General Maximum Price Regulation, where applicable, together with all the amendments that have been heretofore or which may be hereafter issued.

(f) This order may be revoked, corrected or amended by the Office of Price Administration at any time.

This order shall become effective January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 17, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44-2796; Filed, February 26, 1944; 12:03 p. m.]

[Region VII Order G-24 Under RMPR 122, Amdt. 5]

SOLID FUELS IN DENVER REGION

Order No. G-24 under revised Maximum Price Regulation No. 122, Amendment No. 5. Adjustment of specific maximum prices of dealers in Region VII to compensate for increases in supplier's price under Amendment 74 to Maximum Price Regulation No. 120.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 5 is issued.

1. Subparagraph (14) of paragraph (d), Appendix A, is amended to read as follows:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
(14) Lion Coal Corporation: Star	19	2	24	Cents 30	1-24-44

2. Subparagraph (17) of paragraph (d), Appendix A, as added by Amendments No. 1 and No. 2, is amended to read as follows:

Mines operated by	District	Subdistrict	Index No.	Amount	Effective date
(17) The Victor American Fuel Co.:				Cents	
Pinnacle	17	4	62	40	1-24-44
Wadge	17	5	82	10	1-24-44

3. Paragraph (d), Appendix A, is amended by adding thereto a new subparagraph designated (20), to read as follows:

Mines operated by	District	Sub-district	Index No.	Amount	Effective Date
(30) Gunn Quealy Coal Co.:				*Cents*	
Gunn No. 2	19	2	9	6	1-24-44
Sweetwater No. 2	19	3	29	10	1-24-44

4. *Effective date.* This Amendment No. 5 shall become effective as of January 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-2800; Filed, February 26, 1944; 12:04 p. m.]

[Region VII 2d Rev. Order G-7 under SR 15 of GMPR, Amdt. 1]

MILK IN CERTAIN AREAS IN COLORADO

2d Revised Order No. G-7 Under Supplementary Regulation 15 of the General Maximum Price Regulation, Amendment No. 1. Adjusted maximum prices for fluid milk sold at wholesale and at retail in certain areas in the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as Amended, Supplementary Regulation 15 to the General Maximum Price Regulation as Amended, and for the reasons set forth in the accompanying opinion, 2d Revised Order No. G-7 under Supplementary Regulation 15 of the General Maximum Price Regulation is hereby amended as follows:

1. Paragraph (b) is amended by adding thereto specific maximum prices for the "Colorado Springs Area" and the "Pueblo Area" as follows:

Size of glass or paper container	Colorado Springs area: Wholesale	Colorado Springs area: Retail	Pueblo area: Wholesale	Pueblo area: Retail
	Cents	*Cents*	*Cents*	*Cents*
½ pint	3½	5	3½	5
Pint	6	7	6	7
Quart	11	13	11	13
½ Gallon	21	25	21	25
Gallon	41	48	41	48

2. Paragraph (c) (2) is amended by deleting therefrom the exception in parentheses immediately following the word "El Paso" and inserting in lieu thereof the following: "(except the Colorado Springs Area)", and by further deleting therefrom the exception in parentheses immediately following the word "Pueblo" and inserting in lieu thereof the following: "(except the Pueblo Area and the hamlet of Rye in Pueblo County and all that area lying within a radius of five miles thereof)", thereby making said paragraph (c) (2) read as follows:

(2) "Area 2" means all that area in the State of Colorado contained within the counties of Alamosa, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Dolores (except that portion contained in Area 1), Eagle (except that portion contained in Area 6), Elbert, El Paso (except the Colorado Springs Area), Garfield, Grand, Gunnison (except that portion contained in Area 1), Kit Carson, Kiowa, Jackson, Lincoln, Morgan, Park, Phillips, Pueblo (except the Pueblo Area and the hamlet of Rye in Pueblo County and all that area lying within a radius of five miles thereof), Rio Blanco, Rio Grande, Routt (except that portion contained in Area 1), Saguache, San Miguel (except that portion contained in Area 4), Washington, and Yuma.

3. Paragraph (c) (5) is amended to read as follows:

(5) "Area 5" means all that area in the State of Colorado contained within the County of Lake (except the mining town of Climax and that portion of Lake County contained within Area 6) and the hamlet of Rye in Pueblo County, and all that area lying within a radius of five miles thereof.

4. Paragraph (c) is further amended by redesignating subparagraph (7) thereof subparagraph (9) and adding two new subparagraphs designated (7) and (8) to follow immediately after subparagraph (6), and reading as follows:

(7) "Colorado Springs Area" means all that area in the State of Colorado lying east of a line drawn north and south through a point one mile west of the most westerly boundary of the municipality of Manitou, Colorado, and south of a line drawn east and west through a point four miles north of the most northerly boundary of the municipality of Colorado Springs, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly boundary of the municipality of Fountain, Colorado, and north of a line drawn east and west through a point one mile south of the most southerly boundary of Fountain, Colorado.

(8) "Pueblo Area" means all of that area in the State of Colorado lying east of a line drawn north and south through a point three miles west of the most westerly boundary of the municipality of Pueblo, Colorado, and south of a line drawn east and west through a point three miles north of the most northerly boundary of the municipality of Pueblo, Colorado, and west of a line drawn north and south through a point three miles east of the most easterly boundary of the municipality of Pueblo, Colorado, and north of a line drawn east and west through a point three miles south of the most southerly boundary of the municipality of Pueblo, Colorado.

Effective date. This Amendment No. 1 shall become effective as to the community of Rye, Colorado, on the 16th day of February 1944, and as to the Colorado Springs and Pueblo Areas the same shall become effective retroactively as of the 16th day of November, 1943, the date upon which the 2d Revised Order No. G-7 was issued by this regional office.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-2801; Filed, February 26, 1944; 12:05 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-75; 70-726]

THE COMMONWEALTH AND SOUTHERN CORP. (DELAWARE)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of February 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company.

Notice is further given that any interested person may, not later than March 8, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of $1.25 per share, an aggregate of $1,852,000, on the outstanding shares of its preferred stock. The dividend was declared on February 19, 1944 and is payable on the 28th day after approval by this Commission, to stockholders of record at the close of business on the 14th day after such approval. The pending application is similar in substance to three applications approved by the Commission in 1943 covering proposed distributions to preferred stockholders (see Holding Company Act Release Nos. 4383, June 24, 1943; 4560, September 13, 1943; and 4709, November 26, 1943).

Applicant considers sections 11 and 12 (c) of the Act and Rule U-46 as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2805; Filed, February 26, 1944; 3:17 p. m.]

[File No. 54-51]

NATIONAL POWER AND LIGHT CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of February, A. D., 1944.

In the matter of National Power & Light Company, Lehigh Valley Transit Company, Pennsylvania Power & Light Company, The Edison Illuminating Company of Easton, Applications No. 8 and 9.

Notice is hereby given that joint applications have been filed with this Commission by National Power & Light Company ("National"), a registered holding company, and its subsidiary companies Pennsylvania Power & Light Company ("Pennsylvania"), Lehigh Valley Transit Company ("Transit") and The Edison Illuminating Company of Easton ("Edison Illuminating"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations of this Commission promulgated thereunder. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

National states that the proposals contained in the applications are made as further steps in compliance with the order of the Commission dated August 23, 1941 directing the dissolution of National and in carrying out its "Plan Dated as of May 7, 1942 for compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935" as supplemented by Amendment No. 4 thereto dated February 15, 1943. The proposals are as follows:

(1) Transit will sell and Pennsylvania will acquire 15,469 shares of the $7 preferred stock of Pennsylvania now owned by Transit and pledged under its first, and refunding and improvement mortgages at a price of $97.50 per share or an aggregate consideration of $1,508,227.50 plus accumulated and unpaid dividends.

(2) Transit will sell and Pennsylvania will purchase a steam generating station and certain related electric equipment located at Allentown, Pennsylvania for a cash consideration of approximately $1,900,000.

(3) Transit will, out of the proceeds arising from the above transactions, retire all of its First Mortgage Bonds in the principal amount of $1,890,750, which bonds are redeemable at principal amount plus accrued interest.

(4) Transit will deposit with the Trustee under Transit's refunding and improvement mortgage the remainder of the proceeds, such proceeds to be used for the purchase and cancellation of bonds secured by said Refunding and Improvement Mortgage in accordance with the terms thereof.

(5) Edison Illuminating will surrender for redemption to Transit or, prior to such redemption, will sell to the public at market price $72,000 principal amount of the First Mortgage Bonds of Transit now owned by it and with the proceeds, together with other monies available will retire 4,317 shares of its capital stock now owned by National at par of $25 per share or an aggregate amount of $107,925.

(6) National will transfer to Pennsylvania, as a capital contribution, the remainder of the capital stock of Edison Illuminating consisting of 8000 shares and Pennsylvania will accept such contribution subject, however, to obtaining from this Commission an order issued pursuant to sections 3 (a) (1) and 3 (a) (2) of the act exempting Pennsylvania, as a holding company, from the provisions of the Act on the ground that Pennsylvania, after the acquisition, will be predominantly a public utility company.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to said matters and that said application shall not be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that evidence bearing on the matter recited above, and upon the questions to be determined, is contained in the record of proceedings before the Commission in *Pennsylvania Power & Light Company, et al.*, File No. 32-164 and File No. 59-29;

It is ordered, That a hearing on such matters under the applicable provisions of the said act and the rules promulgated thereunder be held on March 23, 1944 at 10:30 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such applications shall be granted. Notice is hereby given of said hearing to the above named applicants and to all interested parties, said notice to be given to said applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the rules of practice of the Commission.

It is further ordered, That any person desiring to be heard at said hearing or proposing to intervene therein shall file with the Secretary of the Commission on or before March 21, 1944, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by the said applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed transactions: (a) Constitute steps in compliance with the order of the Commission dated August 23, 1941 issued pursuant to section 11 (b) (2) of the act, directing the dissolution of National, (b) are fair and equitable to all persons affected thereby, and (c) are in conformity with the applicable provisions of the act and the rules, regulations and orders thereunder.

(2) Whether, in the event the transfer by National to Pennsylvania of the capital stock of Edison Illuminating is approved, Pennsylvania shall be granted exemption as a holding company from the provisions of the act.

(3) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and the rules promulgated thereunder.

(4) Whether, in the event the applications are granted, it is necessary to impose any terms or conditions to insure compliance with the standards of the act.

It is further ordered, That in the interest of expeditious procedure all evidence with respect to Pennsylvania Power & Light Company, Lehigh Valley Transit Company, Edison Illuminating Company of Easton, National Power & Light Company and Electric Bond and Share Company contained in the record of the proceedings in *Pennsylvania Power & Light Company*, File No. 59-29, and in *Pennsylvania Power & Light Company*, File No. 32-164, so far as relevant to the issues above stated, shall be incorporated in the record of the proceedings herein ordered, and shall be regarded as evidence duly adduced in the present proceedings, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2804; Filed, February 26, 1944; 3:17 p. m.]

[File No. 70-854]

THE NIAGARA FALLS POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of February 1944.

The Niagara Falls Power Company, a subsidiary of Buffalo, Niagara and Eastern Power Corporation, in turn a subsidiary of Niagara Hudson Power Cor-

poration, in turn a subsidiary of The United Corporation, a registered holding company, having filed a declaration under the Public Utility Holding Company Act of 1935 regarding the reduction of the stated value of its no par common stock from $35,575,565, as presently stated, to $21,077,796.89, for the purpose of creating Capital Surplus in the amount of $14,497,768.11 to be used for the write-down of its fixed assets in compliance with outstanding orders of the Federal Power Commission; and

A public hearing having been duly held and the Commission having considered the record in this matter and having made and filed its findings and opinion therein;

It is hereby ordered, That said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-2819; Filed, February 28, 1944; 10:30 a. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 26]

REGISTRANTS IN VIRGIN ISLANDS

ASSIGNMENT OF SERIAL AND ORDER NUMBERS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, *I hereby order:*

1. The provisions of the Selective Service Regulations, Second Edition, concerning the assignment of serial numbers and order numbers shall not apply to the assignment of serial numbers and order numbers of registrants under the jurisdiction of local boards in the Virgin Islands. The assignment of serial numbers and order numbers to such registrants shall be made in accordance with this operations order. As used in this order, the words "local board" mean a local board in the Virgin Islands of the United States and the word "registrant" means a registrant under the jurisdiction of a local board in the Virgin Islands of the United States.

2. Registrants under the jurisdiction of local boards in the Virgin Islands of the United States shall, for the purpose of assignment of serial numbers and order numbers, be considered as registrants of one registration group. Order numbers shall be assigned as hereinafter provided to such registrants from the National Master list—First Drawing, October 29–30, 1940 (Form 169).

3. The local board shall assign serial numbers and order numbers to registrants for whom it receives or completes a registration card on or before March 14, 1944, in the following manner:

(a) After the local board has transcribed from the registration card (Form 1–F) to a white registration card (Form 1) all of the information needed to complete the white registration card (Form 1) as provided in § 618.11 of the Selective Service Regulations, it shall place all of such registration cards (Form 1) together. On March 15, 1944, the local board shall thoroughly shuffle or mix such registration cards (Form 1) so that the location of any card in the pile—and the number it later receives—will be purely a matter of chance.

(b) (1) The local board shall then put on each registration card (Form 1) a serial number in the space marked serial number. The card that is first in the pile after the shuffle shall be numbered "1", the next card "2", and so on. Each card shall have one, and only one, whole serial number, such as 2691. No letters or fractions shall be used in the first serial numbering of cards. Whether pen or rubber stamp is used, the serial number shall be in black ink.

(2) If errors are made in serial numbering the cards or other irregularities occur, they shall be corrected in the manner prescribed in paragraphs (c), (d), (e), (f), and (g), whichever is applicable.

(c) A local board shall use a serial number only once. If a card is canceled because of duplication, transfer, or any other reason, the serial number on that card shall not be put on another card.

(d) If a check of the cards shows that a card was not given a serial number, the board shall, if any numbers were skipped, give the card one of the skipped numbers picked by lot; or, if no numbers were skipped, the board shall give the card the number following the largest serial number already used by the board.

(e) If two cards have the same serial number, the board shall pick one of the cards by lot to keep that number. It shall renumber the other card as prescribed in paragraph (d).

(f) If the local board has two registration cards (Form 1) for the same registrant, the cards should be treated just as if they were cards for two different registrants.

(g) If a card has on it two serial numbers, neither of which is also on another card, the board shall give it the smaller of the two numbers. If either of the numbers is on another card, the board shall give to the card having the two numbers the number not on another card. If both of the two serial numbers are on other cards, the board shall number the card as prescribed in paragraph (d).

(h) While, or after, serial numbering its registration cards, the local board shall make out a list of Registrants (Form 3–B) in quadruplicate. Registrants shall be listed in order of their serial numbers, with the registrant having Serial Number 1 at the top of the list. All numbers from "1" to the largest serial number used shall be listed, whether or not each number was given to a registrant.

(i) (1) When the local board has completed the actions provided for above, it shall on March 15, 1944, assign each registrant an order number by use of the National Master List—First Drawing, October 29–30, 1940 (Form 169). The greatest care must be used in the assignment of order numbers because the order numbers establish the order in which the registrants will be considered for selection for service. The registrant whose serial number appears at the top, or nearest the top of the National Master List shall get Order Number 1. The registrant whose serial number is next closest to the top of the National Master List shall get Order Number 2. The registrant whose serial number is third closest to the top of the list shall get Order Number 3, and so on until each registrant has an order number. Order numbers must be assigned in sequence; no order number shall be skipped. Serial numbers on the National Master List which are not held by any registrant of the particular local board are simply crossed off the National Master List and ignored. It is suggested that the local board shall as its first step in the assignment of order numbers mark the order numbers opposite the applicable serial numbers on the National Master List.

(2) Example: Suppose the National Master List begins:

258
7
8225
119
634

and that a certain local board's largest serial number is 2,104 and that for some reason it has no card serial numbered 119. Then:

Serial Number 258 gets Order Number 1.
Serial Number 7 gets Order Number 2.
Serial Number 3225 [should be cancelled].
Serial Number 119 [should be cancelled].
Serial Number 634 gets Order Number 3.

(3) Before the order numbers are placed on the registration cards (Form 1), the local board must be sure that its assignment of order numbers without exception agrees with the order in which the serial numbers on its cards appear on the National Master List. The oversight of one serial number will upset every order number below it, and if the order numbers have been placed on the cards before the mistake is found, blotched cards will be the result.

(4) When the local board is sure that its assignment of order numbers is correct, it shall enter them on the registration cards (Form 1) in red ink in the place designated.

(j) (1) If a local board has two cards for the same registrant, the card whose serial number comes earliest in the National Master List shall be given its proper order number. The other card shall be marked "Canceled. Duplicate."

(2) If a registrant is registered with two local boards, each board shall put an order number on the card it has, just as if he were registered with only one local board.

(k) As soon as order numbering is completed, the local board shall place the order numbers in the first column and will otherwise complete all four copies of the List of Registrants (Form 3–B). The local board shall then post one copy of such DSS Form 3–B in its office, file one copy, furnish one copy to the press, and forward one copy to its State Director of Selective Service.

4. The local board shall assign serial numbers and order numbers to registrants for whom it receives or completes a registration card on and after March 15, 1944, in the following manner:

(a) After the local board has transcribed from the registration card (Form 1–F) to a white registration card (Form 1) all of the information needed to complete the white registration card (Form 1) as provided in § 618.11 of the Selective Service Regulations, it shall then place the smallest unassigned serial number upon such registration card (Form 1).

(b) The local board shall then find from the National Master List—First Drawing, October 29–30, 1940 (Form 169) what the registrant's order number would have been if his registration card (Form 1) had been completed prior to March 15, 1944. The local board shall then assign such registrant the order number which precedes the order number which would have been assigned to him had his registration card (Form 1) been completed prior to March 15, 1944, and shall add a letter to it. For example: If his order number would have been 84 had his card been completed prior to March 15, 1944, the local board will assign him Order No. 83–A.

LEWIS B. HERSHEY,
Director.

FEBRUARY 25, 1944.

[F. R. Doc. 44-2760; Filed, February 25, 1944, 4:09 p. m.]

WAR PRODUCTION BOARD.

DENTALIUM LABORATORIES AND DENTALIUM PRODUCTS, AND PARA-CHROME RESEARCH LABORATORIES, INC.

CONSENT ORDER

Myrtle Dustoor, Herman Ampel, Leon Mogul and Sydney Metz, doing business as Dentalium Laboratories and Dentalium Products, and Para-Chrome Research Laboratories, Inc., all located at 333 West 39th Street, New York, New York, are engaged in the business of manufacturing and distributing dentures. By a letter dated December 13, 1943, from the War Production Board, they were charged with having violated Conservation Order M-199 of the War Production Board by having purchased approximately 7,000 ounces of silver and having processed approximately 12,500 silver rings during the period September 28, 1942, through October 4, 1943. Hearings before a Compliance Commissioner have been held during which the respondents conceded that they purchased and processed 1,000 ounces of silver in violation of Conservation Order M-199.

Wherefore, upon the agreement and consent of the Regional Compliance Chief, the Regional Attorney, and upon the approval of a Compliance Commissioner, *It is hereby ordered*, That:

(a) Deliveries of material to Myrtle Dustoor, Herman Ampel, Leon Mogul and Sydney Metz, individually, or doing business as Dentalium Laboratories or as Dentalium Products or otherwise, or to Para-Chrome Research Laboratories, Inc., their or any of their successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such delivery under any preference rating certificate, preference rating order, general preference order, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation to Myrtle Dustoor, Herman Ampel, Leon Mogul or Sydney Metz, individually, or doing business as Dentalium Laboratories or as Dentalium Products or otherwise, or to Para-Chrome Research Laboratories, Inc., their or any of their successors or assigns, shall be made of any material the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Myrtle Dustoor, Herman Ampel, Leon Mogul and Sydney Metz, individually, or doing business as Dentalium Laboratories or as Dentalium Products or otherwise, or to Para-Chrome Research Laboratories, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board.

(d) This order shall be in effect from February 24, 1944, to March 24, 1944, both inclusive.

Issued this 17th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2708; Filed, February 24, 1944; 4:36 p. m.]

M. GLOSSER & SONS

CONSENT ORDER

David Glosser and Solomon Glosser of Johnstown, Pennsylvania, are partners in the firm of M. Glosser & Sons, with offices at 630 Elder Street and a sales room at 80 Messenger Street, Johnstown, Pennsylvania, and are engaged in the business of dealing in electric motors, new and used machinery, scrap and used copper, steel warehouse products, plumbing and heating materials. An investigation conducted by representatives of the War Production Board on or about March 25, 1943, and July 12 to 14, 1943, disclosed that the aforementioned persons failed, in numerous instances, to conform to the provisions contained in Limitation Order No. L-79, General Preference Order P-84, General Preference Order M-9-a and Supplementary Conservation Order M-9-c-4, issued by the War Production Board. The aforementioned persons have admitted their failure to comply in all instances with the provisions of these regulations, and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of David Glosser and Solomon Glosser, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) David Glosser and Solomon Glosser of Johnstown, Pennsylvania, partners in the firm of M. Glosser & Sons, and doing business under that name or under their own names or any other names, their successors or assigns, are hereby prohibited from accepting deliveries of, receiving, delivering, selling, transferring or otherwise dealing in any new metal plumbing equipment or any new metal heating equipment which is now or during the term of this order may be controlled by Limitation Order L-79, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve David Glosser and Solomon Glosser of Johnstown, Pennsylvania, partners in the firm of M. Glosser & Sons, or under their own names or any other names, their successors or assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance, and shall expire ninety days from date thereof, at which time the restrictions contained in this order shall be of no further force or effect.

Issued this 27th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2808; Filed, February 26, 1944; 4:10 p. m.]

[Certificate 196]

TECHNICAL INFORMATION ON STYRENE

APPROVAL OF AGREEMENT ON EXCHANGE AND USE IN CANADA

The ATTORNEY GENERAL:

I submit herewith a proposed "Agreement on Exchange and Use in Canada of Technical Information Relating to Styrene" to be effective as of October 15, 1942, between His Majesty the King in Right of Canada acting through Polymer Corporation Limited; Rubber Reserve Company; Universal Oil Products Company; Standard Oil Development Company; Jasco, Incorporated; Koppers Company; Koppers United Company; Monsanto Chemical Company; Carbide and Carbon Chemicals Corporation; Phillips Petroleum Company; the Lummus Company; The Dow Chemical Company and Dow Chemical of Canada, Limited. The agreement is proposed by the Rubber Reserve Company and has been approved by the Rubber Director.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the agreement; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by the parties to the agreement in compliance with the terms thereof is requisite to the prosecution of the war.

Dated: February 23, 1944.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 44-2816; Filed, February 28, 1944; 10:42 a. m.]